



Department of Planning and Community Development

Our Ref: PCD002676/002568
File: PL-PL/02/0434

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne Victoria 3001
Australia
Telephone (03) 9208 3333
Facsimile (03) 9208 3680
ABN 30 485 673 497
www.dpcd.vic.gov.au

Mr Brian Walsh
President
Kew Cottages Coalition
PO Box 2317
KEW VIC 3101

28 MAY 2008

Dear Mr Walsh

KEW COTTAGES COALITION OBJECTION TO PLANNING PERMIT NO. 20070638

I refer to your emails to Genevieve Overell regarding the above and draw your attention to the Department's letter to you, dated 14 March 2008. The letter made reference to the provisions of Clause 43.04-2 of the Boroondara Planning Scheme that do not provide for third party involvement in the consideration of the subject application. The Planning Scheme provisions do not allow for third party objections to be considered.

However, the matters raised of relevance to the assessment of the subject application have been considered prior to the issue of the Planning Permit. In particular, your concerns regarding adequate protection for the heritage listed trees along Main Drive are addressed by the *Main Drive, Kew – Stage 2 Tree Identification Plan* and appropriate conditions in the Planning Permit issued on 11 April 2008.

In regard to the section 173 Agreement that you have referred to, I wish to advise that this agreement does not apply to the Kew Residential Services site. The Agreement covers properties in Wills Street and places restrictions on these properties to preserve the trees.

It is considered that the court proceeding regarding an alleged breach of the heritage permit in regard to the Stage 1 development is not a matter that was required to have been considered in the assessment of the Stage 2 subdivision and removal of vegetation application.

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the **Information Privacy Act 2000**. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Manager Privacy, Department of Sustainability & Environment, PO Box 500, East Melbourne, 3002.



I am aware that you have made a number of submissions in relation to this project. I have asked the Group Manager, Metropolitan Planning Services, Mr Jason Close to meet with you if you wish to discuss your concerns further. Mr Close can be contacted on 9637 9711 to make an appointment.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sue Wilkinson', with a stylized, cursive script.

SUE WILKINSON
Director
State Planning Services