



Department of Planning and Community Development

File Nos. PL-HE/03/0291 [1-9]
Permit Nos. P13872

Level 4
55 Collins Street
Melbourne Victoria 3000
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7 February 2009

Mr Brad Evans
Kew Development Corporation Pty Ltd
32 32 Pine Court
Kew VIC 3101

Dear Mr Evans

**RE: FORMER KEW COTTAGES (KEW RESIDENTIAL SERVICES), PRINCESS STREET
KEW, VICTORIAN HERITAGE REGISTER NUMBER H2073, PERMIT P13872**

Attached is a permit for the above place. Please read the conditions imposed on this permit carefully.

Due to the amendments required under conditions 2 and 3 the submitted plans have **not** been endorsed. Please arrange for three sets of amended plans, as required by these conditions, to be submitted for endorsement in due course.

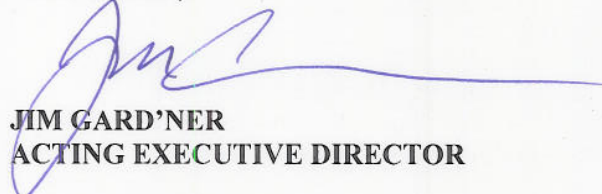
Please note, in relation to condition 4 and 7, while specific reference is made to the current lots numbers on AR-KG-101 issue A, the requirements shall apply to all relevant lots, irrespective of any subsequent re-numbering on the amended plans.

An appeal to the Heritage Council against any of the conditions must be lodged within 60 days of this permit. Appeal Forms can be obtained from the offices of Heritage Victoria (Level 4, 55 Collins Street Melbourne 3000) or by phoning (03) 8644 8800.

Notice of appeal should be addressed to the Chairperson, Heritage Council, Level 4, 55 Collins Street Melbourne 3000. If you have any queries about lodging an appeal please contact Renae Jarman, Hearings Officer, on 8644 8921.

Please contact Janet Sullivan Permits Co-ordinator Heritage Victoria on (03) 8644 8950 or write to Level 4, 55 Collins Street Melbourne 3000 about any other queries.

Yours sincerely



JIM GARD'NER
ACTING EXECUTIVE DIRECTOR

Copy

Lorenz Pereira, State Planning Services, DPCD [PO Box 500] EAST MELBOURNE VIC 3002
Fiona Beard, City of Boroondara

PERMIT

HERITAGE ACT 1995

PERMIT NO: P13872

OWNER/S: State of Victoria
ADDRESS: Major Projects Victoria
Level 8, 121 Exhibition Street
Melbourne VIC 3000



| | | | |
|---------------------------------|------------------------------------------------|----------|---------------|
| HERITAGE REGISTER NO: | H2073 | FILE NO: | PL-HE/03/0291 |
| REGISTRATION CATEGORY: | Heritage Place | [1-9] | |
| NAME OF PLACE /OBJECT (IF ANY): | FORMER KEW COTTAGES (KEW RESIDENTIAL SERVICES) | | |
| LOCATION: | PRINCESS STREET KEW | | |

Pursuant to Section 74 of the Heritage Act (1995) and in respect to the above-mentioned place / object, the Executive Director, Heritage Victoria hereby grants a PERMIT, subject to conditions as prescribed hereunder to carry out the following:

49 (forty-nine) Lot Subdivision of Stage 2 of the Kew Cottages Site, as set out on submitted plans Project No 1711301 AR-KG-002 issue A, dated Nov 2008 Subdivision Plan and Project No 1711301 AR-KG-010 issue A, dated Nov 2008, Stage 2 Tree Identification Plan, No 1711301 AR-KG-005, Staging Plan.

CONDITIONS:

1. This permit shall expire if the permitted works have not commenced within one (1) year of the date of issue of this permit, or are not completed within three (3) years of the date of issue of this permit unless otherwise agreed in writing by the Executive Director, Heritage Victoria.

Amended Plans

2. Unless otherwise agreed in writing by the Executive Director, prior to the commencement of any works within the Stage 2D area, an amended plan detailing the location of lots fronting Main Drive, [Lots 86-92 on AR-KG-010] including the location of existing and proposed replacement trees must be submitted and approved in writing by the Executive Director. These endorsed plans shall form part of the permit.

Reason: *To provide an appropriate interface between existing and proposed replacement species within the Main Drive Avenue of trees and to ensure this aspect of the development is appropriate and sympathetic to the existing and proposed landscape, and to ensure the existing and proposed trees and proposed landscaping for the site is maintained into the future.*

3. An amended set of plans, which shall include a revised detail of the junction between Park Avenue and Main Drive and the continuation of Main Drive, must be submitted for endorsement in writing by the Executive Director. These endorsed plans shall form part of the permit.

Reason: *To ensure the endorsed plans reflect the agreed change to the layout of this junction and the continuation of Main Drive.*

Further details

4. Unless otherwise agreed in writing with the Executive Director, works, [other than the demolition of the non-heritage registered buildings, and B5], shall not take place until the following additional drawings and details have been submitted and approved in writing.
- Full engineering drawings for all excavation and/or filling across the site, showing existing and proposed final contours and retaining wall(s).
 - Full construction details for the new roads, including the junction of the new roads off Main Drive and Lower Drive
 - Full design/layout details for the buildings on lots 76, 77, 80, 83 to 92 inclusive, 101, 104, and 115 to 124 inclusive on plan AR-KG-101 issue A; including any vehicular and or pedestrian access points.

Reason: *To enable a more detailed assessment of the potential impacts of any proposed engineering and/or construction within the vicinity of the heritage registered trees.*

Tree Protection

5. Unless otherwise agreed in writing by the Executive Director, the tree protection fencing installed in accordance with the Tree Protection Plan approved under condition 5 on Heritage Permit P 132788 shall remain in place during the entire construction phase of the development of Stage 2.

Reason: *To ensure maximum protection for the trees during the demolition of the buildings on the site, the re-engineering of the site, construction of the new roads, buildings and services.*

Landscape Plan

6. A Landscape Management Plan document for Stages 2, incorporating
- all the significant trees on the site and all other retained trees,
 - details of the propose demarcation of the boundaries between reserves 1 and 3 and the adjacent residential properties,
 - full details of the proposed landscape treatment of the Main Drive and Lower Drive including proposals for re-instatement plantings along Main Drive and Lower Drive,
 - full landscape details of the intersection of Lower Drive and Main Drive,
 - the planting of a replacement Bishops Pine tree
 - any proposed fencing treatment

is to be prepared and submitted for the approval of the Executive Director **before** the new development on the site commences. It should include clear recommendations for future management and maintenance of the significant trees within the Public Reserve, Highway Verges and Private Gardens (Tree Management Program). An endorsed copy of the **Landscape Management Plan** shall form part of this permit.

Reason: *To ensure and that the proposed landscape treatment of the public open space, re-instatement of trees, and fencing is appropriate and sympathetic to the existing landscape, and to ensure the existing trees and proposed landscaping for the site is maintained into the future.*

Section 173 Agreement

7. Prior to the lodgement of the certified plan of subdivision with the Office of Titles, the owner of the land must enter into an agreement with the responsible authority, pursuant to section 173 of the *Planning and Environment Act 1987*. This agreement must be registered by the responsible authority, pursuant to section 181 of the *Planning and Environment Act 1987*, on the certificate of title of lots abutting on the reserve on the northern side of Main Drive, currently lots 76, 77, 84, 85, 86, 87, 88, 89, 90, 91, 92 on plan AR-KG-101 issue A.

Continued

The cost of the preparation and registration of this agreement must be met by the owner of the land. This agreement must provide for the recognition and protection of the heritage registered trees in Reserves No 1 and No 3 abutting and overhanging adjacent residential lots. It should ensure any works undertaken to, or development in the vicinity of, the trees overhanging lots currently numbered 76, 77, 84, 85, 86, 87, 88, 89, 90, 91, 92, on plan AR-KG-101 issue A, does not adversely impact on the long term health of the trees.

Reason: *To ensure the long term protection of the heritage registered trees within the reserves, which form and integral part of the heritage registered Main Drive Avenue.*

A copy of the new titles, with confirmation of registration of the Covenant, is required to be provided to the Executive Director within 28 days of registration of the Plan of Subdivision.

Reason: *To ensure future owners of properties adjoining the public reserve are aware of the heritage register status of the trees within the public reserve abutting and overhanging their properties, and the legal implications in relation to works to these trees.*

8. Prior to lodgement of the certified plan of subdivision with the Office of Titles the owner shall provide a copy of the certified plan of subdivision to the Executive Director for endorsement. Once endorsed the certified plan becomes part of this permit.

NOTE THAT PERMISSION HAS BEEN GIVEN FOR INSPECTIONS OF THE PLACE OR OBJECT TO BE UNDERTAKEN DURING THE CARRYING OUT OF WORKS, AND WITHIN SIX (6) MONTHS OF NOTIFICATION OF THEIR COMPLETION.


TAKE NOTICE THAT ANY NATURAL PERSON WHO CARRIES OUT WORKS OR ACTIVITIES NOT IN ACCORDANCE WITH THE PERMIT OR CONDITIONS IS GUILTY OF AN OFFENCE AND LIABLE TO A PENALTY OF UP TO 2,400 PENALTY UNITS (\$272,208) OR 5 YEARS IMPRISONMENT OR BOTH, OR IN THE CASE OF A BODY CORPORATE 4800 PENALTY UNITS (\$544,416).

THE ATTENTION OF THE OWNER AND/OR APPLICANT IS DRAWN TO THE NEED TO OBTAIN ALL OTHER RELEVANT PERMITS PRIOR TO THE COMMENCEMENT OF WORKS.

Copies to:

- Lorenz Pereira, Senior Urban Planner, State Planning Services, DPCD, Level 9, 8 Nicholson Street [PO Box 500] EAST MELBOURNE VIC 3002
- Fiona Beard, City of Boroondara

HERITAGE VICTORIA
LEVEL 4, 55 COLLINS STREET, MELBOURNE 3000

Signed  Executive Director

Date 9 Feb 2009