

Mr Jim Gard'ner
Executive Director
Heritage Victoria
4. 55 Collins Street
Melbourne
Victoria 3000

Attn: heritage.permits@dpcd.vic.gov.au
Re: HERITAGE REGISTERED PLACE No. 2073

Dear Mr. Gard'ner,

In 2004 the Kew Cottages Coalition successfully nominated Kew Cottages for registration on the Victorian Heritage Register.

I now write to lodge our objection to Heritage Permit Application P15474 prepared by Walker Corporation Pty Ltd on behalf of the Kew Development Corporation Pty Ltd as advertised online and in The Age [17 February 2010](#)

In our respectful submission the Application as advertised is materially incomplete, and does not properly comply with your "[Instructions for Completing an Application for Permit to carry Out Works or Activities to a Heritage Place or object](#)" (HV September 2009).

Firstly, the Applicant has failed to comply with your instruction to provide "*full details of the proposed works, including a detailed project description...*" ([Instructions Part D.](#))

Instead the Applicant has chosen to provide summary information, with "**an outline of works**" (HLCD HIS p.12) accompanied by a suggestion that further information be made a condition of permit (ie: without being advertised.)

The latter approach is disappointing and totally unacceptable in our view. Kew Cottages remains one of the most contentious State Heritage Property developments being undertaken by the Brumby Government.

As you are aware:

1. In May 2008 the Applicant, Kew Development Corporation Pty Ltd, was fined in Heidelberg Magistrates Court for breaches of the Heritage Act at Kew Cottages, and
2. The probity of the Kew Development Corporation Pty Ltd contract is currently under investigation by the Victorian Ombudsman.

It is, therefore, important I believe that you take proper steps to ensure that the probity of the Kew Cottages State Heritage Permit Consultation process is above reproach.

The Advertising of the Application must be managed appropriately, and the Public Interest will, in our view, best be served by first ensuring **the advertising of full details of ALL proposed works at Heritage Registered Place No.2073, and not just some of the works as currently appears to be the case.**

Secondly, the Applicant has in our submission failed to comply with your instruction that:

It is the applicant's responsibility to ensure sufficient information is supplied so that the Executive Director and other parties are provided with a clear understanding of precisely what works are proposed and their scope. Where insufficient detail is provided the "clock will be stopped" and no permit will be granted until additional required information is provided. ([Part D.](#))

As well as the problem with a lack of information supplied in the application, conflicting information appears to have been advertised, and as well as conflicting information, there are references in the application to other documents which are claimed to have been supplied, but which have not in fact been advertised. As a consequence it is simply not possible for interested parties to have a clear understanding of precisely what works are proposed and their scope.

For example:

Lack of Information:

The Age Advertisement states " an application under Section 67 of the Heritage Act **to develop the stage 3 area...** has been lodged.." However, no information on the actual nature and scope of "**the stage 3 area**" has been advertised . Instead, there is information in the application on an area referred to as "Stage 3A and Heritage Core Development" (HIS P.2). **However, the Stage 3 Area itself is still not defined.**

Conflicting Information.

There appear to be **two** landscape Concept Plans submitted which show **a difference in alignment of proposed new road access** to the Heritage Core area.

Missing Documents

Interested parties are advised in the **Heritage Impact Statement (HIS p.2)** that the application should be read in conjunction with the "**Conservation Management Plan (CMP)**". The CMP is obviously critical to an understanding of the extent to which the proposal affects the cultural heritage significance of the registered place. Some small extracts from the CMP are provided (eg: HIS p.10) However, the CMP document itself appears to be missing from the application.

Interested parties are also referred (ibid) to a letter by Mr. Rob Galbraith regarding Heritage trees 407 and 409. The application proposes the removal of the latter trees, so it would appear Mr. Galbraith's expert opinion as expressed in his letter is a core component of the Application. However, **Mr. Galbraith's letter** also appears to be missing from the application. (N.B. We understand both Tree 407, and Tree 409 in fact have a worthiness of retention rating equal to or higher than that of many of the Historic Avenue of trees now protected in the Main Drive Public Reserve, so we strongly object to the proposed removal of both trees.)

The Elephant in the Room

In our submission, much of the information so far provided by the applicant in fact conceals more than it reveals about the full extent of ALL proposed works at the Heritage Place eg:

- The draft landscape plans provided with the Application show a large new building, that is clearly labelled as an Apartment building.

- The Proposed Apartment Building is located in the South West corner of the Stage 3A Landscape Plan.
- The Proposed Apartment Building is located between Heritage Tree 236 and Heritage Tree 207A, and clearly within the Registered Place.
- The Heritage Impact Statement (HIS) prepared by HLCD Pty Ltd, however, makes no mention of the latter Apartment building, or the extent to which the Proposed Apartments will affect the cultural heritage significance of the Heritage Place.

As a consequence of the latter omissions and errors in the Advertised Application for a permit "**to develop Stage 3 Area**" we request that you now take the following action:

- 'Stop the clock', as insufficient detail has been provided by the Applicant,
- Request the applicant to provide further and better particulars, including inter alia all of the "missing information" referred to above including:
 1. Full details and plans of the Stage 3 Area as Referred to in the Advertisement (ie: NOT just Stage 3A Area plans)
 2. Full details of all proposed works within the Stage 3 Area
 3. Full details on Significant Tree issues (eg: Rob Galbraith's assessment of Trees for Removal, as referred to in the Application)
 4. A Heritage Impact Statement that addresses the direct and indirect consequences of ALL of the proposed works within the Stage 3 Area AND adjoining Areas - including in particular those areas in the Registered Heritage Place adjoining the Heritage Registered Willsmere Property, and the Yarra Bend Park.

Please do not hesitate to contact me if you have an queries.

Yours sincerely,

Brian Walsh
President

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