

Attn: Mr. Jim Gard'ner
Executive Director
Heritage Victoria.
Department of Planning and Community Development (DPCD)
MELBOURNE

Dear Mr. Gard'ner,

Further to our Preliminary Submission (3/3) I note:

1. Your determination that Walker Corporation's Stage 3A Permit Application requires advertisement pursuant to Section 68(1)(a) and (b) of the Heritage Act; and that
2. The Walker Application as advertised is in our view still materially incomplete and unclear.

This goes to the question raised in our earlier submission, as to whether the Applicant has properly complied with your instructions ?

Moreover, I also note:

1. The Parliament's recent second vote of no confidence in your Minister, Mr. Justin Madden (10/3); and
2. The associated collapse of public confidence in the community consultation processes currently being undertaken by your Department (DPCD).

This goes to the question as to whether the public is now being invited to participate in a 'sham consultation' process regarding the development of Kew Cottages, similar perhaps in form if not intent to that apparently proposed recently for the Windsor Hotel ?

Firstly, therefore, we respectfully submit that you should request the Secretary of your Department, Mr. Yehudi Blacher, to appoint an appropriate Probity Auditor to oversight the Kew Cottages Permit Application and public consultation process.

Secondly, we request that pursuant to Section 73(2) of the Act you postpone processing of the current Application and ask the applicant to provide and advertise for public submissions the following additional information regarding their Application:

Conflicts of Interest Information.

1. Details of any State Government appointments, positions, or associations held by any of the authors of the Walker Application, and supporting documents, including the Principals of HCLD Pty Ltd ?
2. Details of any conflicts of interest identified with respect to the Application ?
3. Details of how conflicts of interest identified will be managed as part of the Application and public consultation process ?
4. Details of any material changes made to that part of the Kew Cottages Draft Conservation Management Plan (S.6.4.2,CMP 2008), as quoted in this Application, by Walker's Heritage Consultant, Ms. Helen Lardner, after her appointment to the Heritage Council of Victoria in July 2008 on the recommendation of your Minister, Mr. Justin Madden ?

Heritage Impact Information (Including Willsmere and Yarra Bend Park.)

5. Details of the overall Heritage impact of the new location now proposed for the 4 storey apartment blocks, that the Executive Director in 2005 accepted:
 - a) Were not only economically essential for the applicant (DHS); but also

- b) Must be located within Stage 3A of the Development Plan (ie on the footprints of Cottages B2 and B4 within the Heritage Core)
6. Details of of the overall Heritage impact of the radically new Transport access plan as now proposed by the new road layout shown in the Application ? (N.B. The proposal appears to be totally inconsistent not only with all current Heritage approvals to date, including endorsed plans in Permits P9639, P13278, P13872, but also the Walker Development Plan - Kew (WDP-K), as approved by the Minister for Planning.
 7. Details of all communications, both verbal and written, that the Applicant has had with DPCD officers regarding the possibility of the Applicant obtaining related approvals, including approvals for increases in the height of the proposed Stage 7 Apartment blocks adjacent to the State Heritage Registered former Willsmere Hospital ?
 8. Details of all communications, both verbal and written, that the Applicant has had with DPCD officers regarding the possibility of the Applicant obtaining approvals for additional buildings to be located within Stage 7, adjacent to the Heritage Registered Yarra Bend Park and Willsmere, including the possible reclassification of designated Public Open Space in order to accommodate additional private lots and buildings ?
 9. Details of all Drawing Corrections: Including, why the Applicant is apparently of the view that Stage 3A does not include the apartment building shown to the south of Cottage B1 and within the Stage 3A boundary that is clearly marked with double black dotted lines on both the Landscape and Tree Plans lodged with the Application (Eg; Is the latter "Extent of Application" boundary incorrectly drawn on both of the latter plans ? And if so, ask the Applicant to provide detailed corrected plans signed by a licensed surveyor,)

Yours sincerely,

Brian Walsh
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encs: Copy emails

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On 3 March 2010 17:47, <Ray.Osborne@dpcd.vic.gov.au> wrote:

Dear Mr Walsh

Thank you for your submission.

While the advertisement in the Age refers to Stage 3, the information in the public notice and the information provided with the application makes it clear what the scope of the application covers, which is the area 3A. the proposal is for:

the development of 12 dwellings and subdivision of each into a separate lot, restoration and use of Building B6 for use as a kiosk/café, restoration and use of building B1 for use as medical consulting rooms, restoration and use of building B3 as a community centre and construction of a new building for use as a gymnasium/pool, removal of heritage registered trees and associated works (including pathways/landscape works)

The documents submitted including the drawings, delineate the area 3A, within Stage 3, and make clear what the proposal covers.

The other buildings/works shown on the submitted plans (your reference to apartment building) lie outside the 3A area, are not included in the description and are not for consideration as part of this permit application..

If you wish to make a further submission to address the impacts of the advertised proposal I would be grateful if you could submit this within the next seven days.

Ray Osborne, Director Operations
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