



Department of Planning and Community Development

1 Spring Street
Melbourne, Victoria 3000
GPO Box 2392
Melbourne Victoria 3001
Australia
Telephone: (03) 9208 3333
Facsimile: (03) 9208 3680

File Nos. PL-HE/03/0291 [1-14] [Part 9 & 10 closed]
Permit Nos. P15955

31 August 2010

Mr Brad Evans
Walker Corporation
32 Pine Court
Kew VIC 3101

Boroondara City Council
Action Officer: PLA
Copies to:
17 SEP 2010
Doc No: 3247993 Loose
File No: 40/409/05146 On file PA 11



Dear Mr Evans

RE: FORMER KEW COTTAGES (KEW RESIDENTIAL SERVICES), PRINCESS STREET KEW, VICTORIAN HERITAGE REGISTER NUMBER H2073, PERMIT P15955

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

Condition 2 has been imposed as it is considered there is no compelling reason and thus insufficient justification for the removal of the heritage registered trees 397 and 398 for the construction of a house. Accordingly, it is recommended this part of the subdivision layout be reviewed to ensure the retention of these two trees.

I note the advice provided on site that this lot (143) has already been sold. It was clearly a commercial decision of Walkers to sell lots prior to any planning or heritage permit approvals. I do not, however, considered this is a compelling reason for accepting the loss of the trees.

I acknowledge the copies of pre-application documents, emails and discussions in relation to the trees, which informed your layout, but make the point that this pre-application advice is provided without prejudice to a formal determination of the heritage permit, a process which requires the Executive Director to take account of s.69 submissions, and comments from the Responsible Authority. As you are aware DPCD Planning, the City of Boroondara and the written submission received under s.69 all object to the removal of the trees, due to the impact on the heritage of the site, and lack of justification.

At a site meeting on 24 August 2010, the option of extending Road B to meet Main Drive, to address servicing issues, was discussed. Subject to detailed design and assessment of impacts on trees, support in principle is given to a single track road being constructed between tree 407 and 398 to allow improved access for waste collection.

Please note, in accordance with the conditions on P9639, no demolition to the rear of building B1 can take place until there is an approval for this part of the site.

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 (PO Box 2392 Melbourne, Vic 3001) or by phoning (03) 8644 8800.

Any personal information about you or a third party in your correspondence will be collected, held, managed, used, disclosed or transferred in accordance with the provisions of the Information Privacy Act 2000 (Vic) and applicable laws. Enquiries about access to information about you held by the Department should be directed to the Privacy Officer, Department of Planning and Community Development, PO Box 2392, Melbourne, VIC 3001.

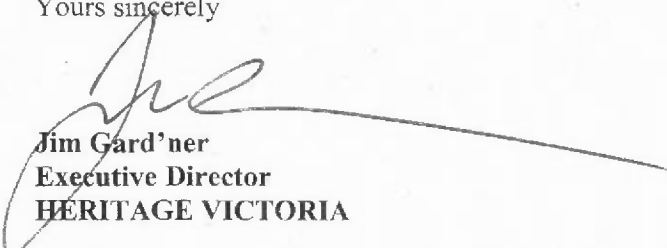
Notwithstanding the above, please note that information provided to enable the administration of the Heritage Act 1995 may be disclosed to persons with an interest in the heritage place or object particularly, and information provided as part of a permit application may be made available on-line where the application has been publicly advertised under section 68 of the Heritage Act 1995.



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 PO Box 2392 Melbourne, Vic 3001 about any other queries.

Yours sincerely

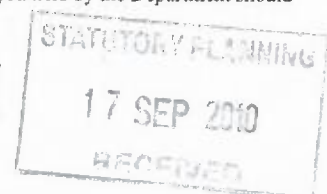


Jim Gardner
Executive Director
HERITAGE VICTORIA

Cc Statutory Planner, DPCD and City of Boroondara

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PERMIT

HERITAGE ACT 1995

PERMIT NO: P15955

OWNER/S: Secretary
ADDRESS: The Department of Innovation, Industry and Regional
Development
Level 8, 121 Exhibition Street
Melbourne
Victoria 3000



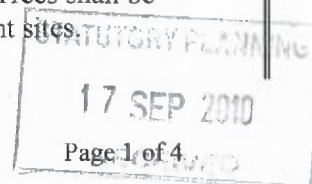
HERITAGE REGISTER NO: H2073 FILE NO: PL-HE/03/0291
REGISTRATION CATEGORY: Heritage Place [1-14] [Part 9 & 10 closed]
NAME OF PLACE /OBJECT (IF ANY): FORMER KEW COTTAGES (KEW RESIDENTIAL
SERVICES)
LOCATION: PRINCESS STREET KEW

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:

Develop the stage 3B area to include the development of 32 dwellings and subdivision of each into a separate lot, construction of roads, dwellings, and landscaping, and removal of four heritage registered trees and relocation of one heritage registered tree and associated works as set out the plans and drawings on the attached list, as part endorsed by the Executive Director and forming part of this permit.

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.
2. To prevent an adverse visual impact on the existing landscape of this part of the site, the **proposed removal of heritage registered trees numbered 398 and 397 is not approved**. Revisions to the layout of this part of the site, showing the retention of the trees, shall be submitted to the Executive Director, for approval in writing. The approved amended layout plans shall form part of the permit.
3. To ensure the retention of the landscape character of this part of the site, within 12 (twelve) months of the removal heritage tree 238, a replacement tree of the same species shall be replanted within the vicinity of the removed tree. A plan showing the proposed location of the replanted tree shall be submitted to the Executive Director for approval in writing.
4. To ensure the long-term health of heritage registered tree 388, details of the proposed new location and full details of the methodology for the proposed transplanting of the tree, including the ongoing management of the tree following transplanting, shall be submitted to the Executive Director for approval in writing prior to any construction works within the vicinity of the tree.
5. To ensure minimal adverse impact on heritage registered trees 451, 444, 452 1070, 1071, 1073, 248, 245A, 407, 386, 397 and 398 identified on submitted drawing **AR3B(A)-01-05 rev 0 –Master Plan Tree Identification Plan**, full engineering and construction details of the proposed roads and other infrastructure, benching of house sites and any other engineering works, together with a more detailed written assessment of the potential impacts of these works on the identified trees, shall be submitted to the Executive Director for review and approval in writing prior to work commencing.
6. Notwithstanding the approved Arboricultural Management Plan, to ensure the highest level of protection of trees on the site, **all works** within the vicinity of Heritage Registered Trees shall be carried out in accordance with the AS 4970-2009 Protection of trees on development sites.



7. To ensure maximum protection for the trees during the re-engineering of the site, construction of any new access roads, buildings and the installation of services, the existing tree protection fencing shall remain in place during the entire construction phase of the development of Stage 3B unless otherwise agreed in writing with the Executive Director. If changes are proposed to the tree protection fencing these shall be fully mapped and a copy provided to the Executive Director for approval in writing, prior to any relocation of the fencing and construction within the vicinity of the trees.
8. To ensure the protection of heritage registered trees within the Public Reserve, 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 trees 451 and 254A, shown on drawing **AR3B(A)-01-05 rev 05 - Master Plan Tree Identification Plan**, these being lots 153 and 158. 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 the Public Open Space 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 153 and 158 on plan **AR3B(A)-01-05 rev 05 - Master Plan Tree Identification Plan** do not adversely impact on the long term health of the trees.
9. 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, a copy of the new titles, with confirmation of registration of the s.173 agreement, is required to be provided to the Executive Director within 28 days of registration of the Plan of Subdivision.
10. 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.
11. Due to the schematic nature of the submitted plans, a full detailed set of the final Landscaping Plans, showing soft and hard landscaping, seating and lighting, for Stage 3B, including the treatment of boundary road, to be submitted to the Executive Director for review and approval in writing.
12. All works must cease and this office contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.
13. The development approved by this permit is to be carried out in accordance with the endorsed drawings, and any subsequently endorsed plans under the above conditions, unless otherwise agreed in writing by the Executive Director, Heritage Victoria.

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: Statutory Planner, Local Government Authority

HERITAGE VICTORIA
PO Box 2392 Melbourne, Vic 3001

Signed _____ Executive Director

Date 31 Aug 2010

