



Objection, and Application for Directions: Kew Cottages Permit Appeal - Lodgement of Amended Plans Application

Kew Cottages Coalition <admin@kew.org.au>
To: heritage.council@delwp.vic.gov.au

15 October 2015 at 20:49

Attn: Ms. Rhonda McLaren, Hearings Coordinator.

Dear Ms. McLaren,

I write to object to Walker Corporation's Application to amend plans in relation to their Kew Cottages Stage 8 Permit Application.

1. Unreasonable Delay

In our submission Walker Corporation have failed to comply with the relevant Heritage Council Protocol 4.1(a) by failing to lodge within the prescribed fourteen (14) days of being notified of the Hearing Date.

I note that the new plans are dated 13 July 2015, however, I understand that Walker Corporation failed to lodge the new plans with the Heritage Council until 1 Oct 2015.

It appears that Walker, therefore, despite having the plans in their possession delayed more than 9 weeks after being notified (on 22 July) of the first hearing date, and more than 5 weeks after being notified (on 24 Aug) of the revised Hearing Date (16 Nov).

We submit that this extremely long, and unexplained delay has disadvantage objectors to Walker's Appeal, and helped avoid scrutiny of Walker's new plans.

In our submission such a delay by the developer of a Government owned site of State Significance is totally unacceptable, and can only serve to bring Government ownership, management, and regulation of significant heritage places into disrepute.

2. Errors and Omissions.

In our submission Walker Corporation has failed to adequately and comprehensively comply with the Heritage Council Protocol 4.1 (c)(ii) which states that the permit applicant must provide **"a statement in writing describing the changes from the previous plans"**.

Despite the long delay in submitting their application to amend plans, Walker's documentation appears to be both inaccurate and incomplete.

Walker seeks the following amendment to the previously considered plans:

" 1. Retention of Tree No. 157 located to the south of the building...."

However, Walker have failed to provide an Arborist's Report describing their proposed Retention of Tree No. 157..

We submit that, in the absence of an Arborist's a report, it is not possible to assess the level of risk to Tree 157, or indeed whether the tree will even survive.

Secondly, all five height related drawings presented on 1 October appear to be inconsistent with not only the Statement of Changes provided with the latter drawings by the applicant, but also with the original drawings presented in Walker's Stage 8 Permit Application.

Changes from previous plans that are not adequately described appear to include:

a) Height Changes.

The height of the apartment blocks presented in the amended East Elevation drawing (RF 79.80m. AR08-24 Rev. D) is different to the height of the apartment blocks shown in the West Elevation drawing presented in the publicly advertised Permit Application Feb 2015. (RF 80m. AR06-24, 11 Rev B).

However, the applicant has failed to request a height change to either elevation in the 'Statement of Changes' in the Application.

All five height related drawings lodged by the Applicant on 1 October show the apartment blocks new height as "RF 79.80m Height Limit HV Permit 9639".

However, five other height related drawings in the advertised Permit Application, including the North elevation drawing (AR08-24,10 Rev B) and all four Shadow Diagrams appear to be based on the original height as listed in those cross sections and elevations as " RF 80.00m" , and "RF 80.00m Willsmere".

b) Tree Changes.

Walker have added a Tree numbered **Tree 158a** to the plans presented on 1 October, but have failed to seek an amendment for this addition, and failed to provide copies of the *Endorsed Tree Protection Plan* and *Endorsed Landscape Plan* for the site describing **Tree 158a**.

Walker have failed to include in their new plans the Heritage listed Kurrajong (**Tree 160**) as previously referred to in our submission to Heritage Victoria on Walker Corporation's Stage 8 Permit Application.

We submit that these are significant errors and omissions given that Kew Cottages is a Major Project of State Significance, and the Victorian Heritage in question is Government owned Heritage.

3. Failure to comply with Heritage Council Policy on Government owned Heritage.

We understand that Heritage Council Policy on Government owned Heritage is that: " The State Government should lead by example in public stewardship of assets owned by Government authorities."

However, the errors and omissions in the current Application to Amend Plans made by Walker Corporation, on behalf of the assets owner, Major Projects Victoria (MPV), raise serious questions as to what action, if any, MPV has taken to comply with Heritage Council policy.

If MPV had an effective heritage asset management strategy, it would be reasonable to expect that MPV would have appropriate practices and procedures in place to ensure Walker's Application to Amend Plans:

- a) Was lodged in a timely manner; and
- b) Demonstrated a high standard of compliance with Heritage Council requirements.

For example, it would be reasonable to expect that MPV would have checked that Walker's Application to Amend Plans at least demonstrated a high standard of consistency with the relevant Heritage Permit Conditions that Walker has previously undertaken to comply with, including the primary (2005) Heritage Permit Conditions regarding the Site Concept, Landscaping, and Conservation of trees during works.

In our submission, however, on the evidence available, Major Projects Victoria has failed to check Walker's Application to Amend Plans, does not have an effective management strategy, and has breached Victorian Government Policy on Government owned Heritage.

4. Application for Directions.

We respectfully request, therefore, that the Heritage Council make the following directions regarding this matter:

4.1 That the Applicant withdraw, redraw, and resubmit all Plans as listed in the Appeal 'Applicant architectural drawings, Planning Permit Drawing Index' *** so as to adequately and comprehensively show the amendments sought.

4.2 That the Applicant withdraw the Statement of Changes to Plans, and resubmit an adequately and comprehensively Statement of Changes to Plans. Appropriate documentation to help describe the buildings, trees, and landscape shall include but not be limited to certified copies of:

- The Site Concept Plan (2005) endorsed by Heritage Victoria (Permit P9639)

- The Comprehensive Landscape Management Plan (2005) that the Applicant undertook to prepare for the site (Excluding Stages I & II) before redevelopment on the site commenced. (Permit P9639, Condition 9)*
- The Arboricultural Management Plan (2005) prepared for the site in accordance with Permit P9639, Condition 10, (2005)*
- An Arborist's report on the changes now sought;

4.3 That Major Projects Victoria as the owner and manager of the Kew Cottages Heritage assets, and as the Government body responsible for Permit compliance, shall:

(a) Attend and give evidence at the Heritage Council Appeal Hearing; and

(b) Serve the following documents on the parties:

1. Certified copies of Major Projects Victoria Heritage Asset Management Strategy;
2. An inventory of the Heritage Assets potentially put at risk by the Application to Amend Plans;
3. Details of the heritage expertise employed to monitor and report on the Application to Amend Plans
4. Details of the practices and procedures adopted to ensure the Application to Amend Plans was consistent with existing Heritage Permits, Permit Conditions, and heritage undertakings by the Applicant.
5. Other steps taken to ensure 'best practice' has been followed in managing the heritage assets in question.

*** Condition 9, and Condition 10, Heritage Permit P9639, 9 September 2005**

Landscaping

9. A comprehensive Landscape Management Plan shall be prepared for the site, [Excluding Stages I & II] incorporating,

- all the significant trees on the site.
- the hard landscape elements of F4 Main Drive, F5 Boundary Drive, F6 Lower Drive and F7 Oak Walk, including the gutters and the lamp posts.
- all other retained trees
- proposals for re-instatement plantings along proposed F4 Main Drive, F5 Boundary Drive, F Lower Drive, and F7 Oak Walk
- any fencing treatments fronting F4 Main Drive, F5 Boundary Drive, F Lower Drive, and F7 Oak Walk and the Public Open Space areas
- full details of the proposed landscape treatment of the public open spaces, including the landscape treatment of the heritage core area., and any proposed play equipment, furniture, lighting

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

*

Conservation of trees during works

10. An Arboricultural Management Plan, prepared by an arborist to be submitted for approval by the Executive Director prior to the commencement of development. The plan must show or demonstrate:

- the steps necessary to protect trees during the construction of the development
- tree protection zones for all trees to be determined and shown on the plan
- that the roots will be rigorously protected from damage
- that the construction of any paved surface will not involve removal of or excessive additions to soil, within the root zones
- the precise position of the canopies to be documented to enable evaluation of the impact of works
- that the construction of or resurfacing of driveways should be rigorously reviewed to ensure that it will not result in a diminution to tree health
- the trees and plants that are required to be removed and/or relocated

An endorsed copy of the Arboricultural Management Plan shall form part of this permit.

Reason: *To ensure all existing trees are protected during the construction phase of the development.*

**Applicant architectural drawings
Planning Permit Drawing Index**

Drawing Number	Paper Size	Title
AR08-06.00	A1	Cover Page
AR08-01.01	A1	Masterplan Concept
AR08-01.02	A1	Existing Conditions & Demolition - Site Plan
AR08-01.03	A1	Tree Identification Plan
AR08-01.04	A1	Existing Site Conditions
AR08-01.05	A1	Existing Conditions TPZ Encroachment - Site Plan
AR08-01.06	A1	Proposed TPZ Encroachment - Site Plan
AR08-01.07	A1	Proposed Site Plan
AR08-01.08	A1	Proposed Site Section
AR08-23.01	A1	Shadow Diagram Sep 22 - 9am
AR08-23.02	A1	Shadow Diagram Sep 22 - 11am
AR08-23.03	A1	Shadow Diagram Sep 22 - 1pm
AR08-23.04	A1	Shadow Diagram Sep 22 - 3pm
AR08-24.01	A1	Basement Floor Plan - LB02
AR08-24.02	A1	Basement Floor Plan - LB01
AR08-24.03	A1	Ground Floor Plan - L00
AR08-24.04	A1	Level 01 - L01
AR08-24.05	A1	Level 02 - L02
AR08-24.06	A1	Level 03 - L03
AR08-24.07	A1	Level 04 - L04
AR08-24.08	A1	Roof Plan
AR08-24.09	A1	East Elevation
AR08-24.10	A1	North Elevation
AR08-24.11	A1	West Elevation
AR08-24.12	A1	South Elevation
AR08-24.13	A1	Typical Section
AR08-24.14	A1	Typical Section
AR08-25.01	A3	View of South Elevation
AR08-25.02	A3	View of Vans Bend Park
AR08-25.03	A3	View of North-West Corner
AR08-25.04	A3	View of North Elevation
AR08-25.05	A3	View of East Elevation

Drawing Numbering

AR (QUAL) - Consecutive Numbering
 - Drawing Series
 - Development Stage / Lot Number
 - Architectural Documentation

Drawing Series

01 - Masterplans
 21 - Shadow Diagrams
 22 - Section, Plans & Elevations
 23 - Section, Plans



PLANNING PERMIT DRAWING INDEX

DATE: _____

PROJECT: _____

CLIENT: _____

ARCHITECT: _____

ENGINEER: _____

LANDSCAPE ARCHITECT: _____

PLANNING PERMIT DRAWING INDEX