

**KCC**  
**Kew Cottages Coalition**  
**Annual General Meeting Minutes**  
**7pm Tuesday 26 February 2019**  
**Phyllis Hore Room Kew Civic Centre**  
**Cnr Cotham Road and Civic Drive**

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MC Rod Quantock declared the AGM open at 7.00pm. He introduced the President, Brian Walsh, and welcomed the guest speakers.

**Apologies were received from:**

Bruce Atkinson MLC, Ann Brewer, Elizabeth Bentley, Christine Couzens MP, David Davis MLC, Tien Kien MP, Jasmin Verginis, Frances Schultz. Tim Smith MP, Nick Stavrou

**Minutes of the November 2017 Annual General Meeting**

The minutes of the November 2017 Annual General Meeting were taken as read and accepted by the meeting. Proposed Lindsay Grayson      Seconded Brian Walsh      Motion carried unanimously

**Matters Arising.**

Brian Walsh reported that the motion passed unanimously by the November 2017 Public Meeting had been conveyed to the State Government as follows:

Motion: This Public Meeting welcomes the recent ruling by Heritage Victoria to reject Walker's recent building application and calls on MPV to now transfer the land to Boroondara Council to establish a **Kew Arboretum to fulfill the original von Mueller vision for this heritage site.**

Brian said he was disappointed to have to report that that no response had been received from the State Government.

**Treasurer's Report.**

Mr. David Pym presented the Treasurer's Report and thanked Brian for his unpaid work. The Report was duly received and considered in accordance with Rule 9 of the model rules.

Proposed Lindsay Grayson      Seconded Tony Michael      Motion carried

**President's Report.**

Brian Walsh acknowledges the work of the Committee and presented the President's Report.

He said there were basically two key issues during the year - Planning and Heritage protection

**Heritage Parkland**

Brian said that the bad news was that Walker Corporation's third attempt had finally succeeded, in overturning the heritage ban on building any apartments within the von Mueller Arboretum (Stage 8) next to Willsmere.

The KCC "Planning and Heritage on Trial" PowerPoint with details of the Heritage Council review of Walker's Application is available on the kew.org.au website.

He said, in summary that the Heritage Council found that:

1. The Grounds for Refusal were not correct

2. The original Heritage Permit P9639 (2005) may not be relied on
3. The Concept Plan (2005) may not be relied on
4. The Applicant's Proposal has merit

However, Brian said, serious questions remained about the heritage protection appeal process. Because Heritage Victoria had appeared to be forced to defend its refusal with one arm tied behind its back. Whereas Walker had been represented before the Tribunal by 2 Senior Counsel, Heritage Victoria had had no legal representation at all.

So 4 questions remained:

1. Why was Heritage Victoria denied legal representation to defend its refusal ?
2. Was it for the same reason that the heritage watch dog has been denied resources to proactively inspect and monitor compliance with permits ?
3. Has the Government acted reasonably?
4. Has the Government given residents a fair go ?

The good news, Brian said was that the Heritage Council had issued Walker with a complex Permit that included many safeguards, designed to protect the trees.

However, the challenge would be to ensure that the permit conditions were properly monitored and enforced.

To help ensure that that did happen Brian foreshadowed the following motion to be put to the Public Meeting.

*This Public Meeting calls on the Minister for Planning to explain when Heritage Victoria:*

- 1. Will be adequately resourced to proactively inspect and monitor compliance with heritage permits ?*
- 2. Will have access to adequate and comprehensive legal aid in order to defend its heritage permit decisions against powerful developers and government agencies ?*

Brian concluded by thanking the Committee and all the Coalition's supporters who had worked so hard during the year to hold the State Government publicly accountable for the Kew Cottages Walker Development.

### **Election of the Committee.**

Rod Quantock formerly thanked the Committee for their work during the year, and announced that as there were the same number of nominations as office bearers required, the new Committee was declared elected.

### **Committee Members 2018-19**

President, Brian Walsh  
Vice President, Lindsay Grayson  
Secretary Ann Brewer  
Treasurer, David Pym,  
Committee Member Max Jackson  
Committee Member Margaret Ryan

Moved. Margaret Ryan.      Seconded Frances Scholtz      Carried..

Questions and suggestions from the floor regarding the proposed motion included:

- Phillip Healey suggested adding a third request that government cease all further development at Kew Cottages. This was supported, especially because it is understood Walker have proposed a Stage 9 next to the Heritage Core.
- Clifford Hayes agreed to take a resolution from the Meeting to the Planning Minister, and pointed out that part of the problem was having Heritage in the same Ministry as Planning
- It was agreed that ‘adequate funding for legal defense’ was a better description than ‘legal aid’ for what Heritage Victoria required to defend its heritage decisions.
- It was agreed that:
  - the systemic failure of PPP’s around the world needed to be recognized, and more investigative journalism be encouraged to focus on the failure of the Walker/Andrews Government PPP eg: the hundreds of millions of dollars that have gone missing according to The Age.
  - A new investigation as called for by the Age was required

Motion: That the President’s Report be accepted.

Moved. Lindsay Grayson. Seconded Max Jackson.      Carried

AGM DECLARED CLOSED.

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PUBLIC MEETING OPENED.

### **Tonight’s Topic**

### **Planning and Heritage Protection on Trial**

### **Guest Speakers**

#### **1. Clifford Hayes MP, MLC Southern Metropolitan**

Clifford pointed out that the Kew Development was supposed to lead to the re-vitalisation of disability services in Victoria, but this had not happened.

He invited people to make submissions to the Royal Commission into disability services, and offered what help he could give from his office.

He said that there was basic conflict in public/private partnerships , and the Kew Cottages Development should still go to IBAC.

Compounding problems included:

- Too rapid population growth with Melbourne inc. 100,000+ /annum population increase;
- A lack of planning for how to cope with this growth;

Clifford's party is calling for a slow down in the population increase, and advocating that planning should take place at the local level, especially local councils.

He said that Walker appeared to have been able to flout regulations for too long, and that political donations corrupt our system of government and planning.

He emphasized that Planning Control for Kew Cottages should be returned to Boroondara Council.

## 2. Cr Phillip Healey, Studley Park Ward

Phillip said that the current planning system does not work for local residents eg:

- The Minister has far too much power.
- Mandatory height restrictions demanded by Boroondara for Kew Junction & Glenferrie Rd had been ignored;
- VCAT is a pseudo planning office eg:
- 5 storey "nursing homes" permitted in suburban streets
- Government has created 'partnership panels' to work directly with Ministers, which leads to the people who make the decisions are not local, not from our communities, not democratic.
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Phillip suggested people contact their local members to emphasise that local Government is the best place for local planning.

He noted that problems with the Kew Cottages Development had included:

- The developer insisting on Confidentiality agreements with residents when fixing building faults;
- The community swimming pool included in Walker's original contract had 'disappeared';
- Many properties were not occupied;
- The site was not meeting the public open space requirement, so the Government simply downgraded the requirement !
- The latest proposal reduces public open space even more.
- So the site is already 'full' – and will lose amenity if there is more development.

Phillip questioned:

- What value was ever derived for the intellectually disabled of Victoria ?
- How many of the original inhabitants are still on the Kew site ?
- Why has Walker Corp persisted ?

He recommended, 'Follow the money in the Kew Cottages development, because only money is driving this development...'

Rod Quantock thanked both speakers and invited questions

Questions and Comments inc

- First priority is to end the development and restore the von Mueller garden;
- Ask Boroondara Council to take responsibility for 2 years for the trees that are dead and dying – as the site has declined over 8 years because no one is taking responsibility
- The Fire Memorial is not being maintained
- Illegal excavations were reported starting in Stage 8 on Jan '19

- Yesterday (25/2/19) Heritage Victoria issued a warning letter reprimanding Walkers for undertaking the excavation and boring works without a permit – see kew.org.au
- Need to get the entire opposition in the Upper House of Parliament on side;
- Kew Hawthorn electorates are marginal;
- Call on the Government to return Planning Authority to Boroondara Council;
- Request local State MP's to raise the latter again in Parliament.

### **Resolutions Passed**

The following Motions were passed unanimously by the Meeting:

- 1. That the Victorian Government and Development Victoria must immediately cease all further development at the Kew Cottages Development site.**
- 2. That the Victorian Government must immediately reinstate Boroondara Council as the Planning Authority for the Kew Cottages site.**
- 3. That the Victorian Government must ensure that Heritage Victoria is provided with adequate funding to both:**
  - **Proactively inspect and monitor compliance with heritage permits; and to**
  - **Properly enforce and defend its decisions in the public interest.**

Proposed. Lindsay Grayson

Seconded. Brian Walsh

Passed. Unanimously

**8.35 pm Rod Quantock closed the Public Meeting**