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## "Core Promises ?" - Objection Kew Cottages (H2073) Heritage Permit Application P33849

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Kew Cottages Coalition <admin@kew.org.au>

21 September 2021 at 23:46

To: Avery Steven <steven.avery@delwp.vic.gov.au>, heritage.permits@delwp.vic.gov.au

To: Mr. Steven Avery, Executive Director, Heritage Victoria

Dear Steven,

I write on behalf of the Kew Cottages Coalition to lodge an objection to Permit Application P33849.

In our submission, if P33849 is approved it will result in a significant detrimental impact on the cultural heritage significance of the Kew Cottages Heritage Core, and thereby, by definition on the cultural heritage significance of the whole of Kew Cottages Registered Place H2073.

The grounds for our objection are as follows:

### 1. Heritage Core Location

It is clear from the submitted plans that P33849 is an application to build two double storey (attached) dwellings **within the Kew Cottages Heritage Core on the site of the former single storey State Heritage listed Cottage B4.**

**In our submission this is a critical issue.**

The Heritage Core location is critical for 5 reasons:

1. When the Victorian Heritage Council accepted Ms Louise Godwins's nomination of the remaining Heritage Core Buildings in 2004 it promised to provide legal protection for all six (6) Cottages in the Heritage Core (including Cottages B4). We understand that the Heritage Council specifically listed all 6 Cottages in the VHR because of their significance to the history and development of Victoria;
2. Heritage Victoria still has a duty to honour that 2004 'Core Promise';
3. DHS and Walker Corporation's subsequent (2008) 'legalised' destruction of 3 of the 6 listed Heritage Cottages on 'economic grounds' was unprecedented, and was recognised to have a detrimental impact on the cultural heritage significance of the Kew Cottages site;
4. However, the destruction of B4, B2, and B5 did not erase the Heritage Council's promise to protect the Heritage Core;
5. Similarly, the destruction of B4, B2, and B5 by the Department of Human Services and Walker Corporation did not erase the developers' promise to retain "... *the Heritage Core to retain and celebrate the heritage buildings in a publicly accessible space. It was to be a central hub..*" (See: HER/2001/001389 re DHS/HLCD Submission 27 July 2005, pp19-21)

However, Permit Application P33849 appears to turn a blind eye to the fact that it is proposing to build within the Heritage Core on the footprint of B4.

Instead of addressing the significance of this location within the Heritage Core, P33849 seeks to actively distance itself from the retained 'Central hub' (above) by suggesting the proposed P33849 location (48 Main Drive) is just

like one of a number of developed sites 'surrounding the heritage core'. For example the HIS claims in its final paragraph:

*There is no heritage reason under Section 101 (2) and (3) of the Heritage Act, 2017 to refuse a permit. Conversely if the application were to be refused, there would be a negative impact on reasonable or economic use of the registered place in that it would not be able to developed (sic) to that extent that every other site surrounding the heritage core has been.*

*As such the impacts on heritage fabric will be minimal and the proposed works should be approved.*

In our respectful submission the latter claim is nonsense. Firstly, "every other site surrounding the heritage core" is by definition not in the Heritage Core, and therefore the extent of development referred to is simply not relevant to sites within the Heritage Core. (ie: One cannot compare apples to oranges)

Secondly, whoever the owner is (and that is not disclosed in the Permit application) they would be well aware of the Heritage and other regulatory controls on the site, and may reasonably be expected to have made their commercial decisions accordingly.

We recommend, therefore, that P33849 be refused and the applicant be invited to reconsider their proposal with specific attention to issues arising from 48 Main Drive's location inside the Kew Cottages Heritage Core.

#### **For example:**

It appears that the location of the two proposed double storey dwellings on the site will block historical site lines:

1. Within the Heritage Core - between B1, B3, and B6; and to the significant trees east of B6; (HLCD 2005)
2. To and from the adjacent Willsmere Heritage Place (H0861)
3. Into the Heritage Core from the new Public Open Space vantage points created as part of the Walker Plan.

This presents a significant threat to the heritage status of Kew Cottages (refer to the recommendations of the Kew Cottages Conservation Management Plan (HLCD, 2008)

## **2. Building mass and form**

The nature and form of the two proposed double story (attached) dwellings on the one lot appears completely at odds with the historical building mass and form of the original single storey State Heritage listed Cottage B4 on the site.

## **3. Consistency in Heritage Protection.**

Consistency in Heritage Protection is a National Goal.

However. the history of Heritage Protection at Kew Cottages appears to have been significantly inconsistent with heritage protection at other sites in Victoria. For example, we are not aware of any other State Heritage site in Victoria where a listed single storey heritage dwelling (such as Cottage B4) has been allowed to be completely demolished and then replaced with two double storey attached dwellings.

We have also looked at other examples of heritage protection measures taken to protect similar scale Government sites of State and potentially Australian significance, of this era (circa 1870-1920) and can find no precedent for an outcome of the form that is now proposed in P33849.

On the contrary, there are examples where the complete opposite approach has been chosen - eg: where conservation appears to have been supported by re-construction rather than destruction.

In Alice Springs, for example, another 'first in Australia' historical site on the scale of Kew Cottages, the Old Overland Telegraph Station buildings (1872- ) had been allowed to fall into disrepair in the first half of the 20th Century, much as had happened at Kew Cottages. Extensive repairs were required to prevent further deterioration of the original stone buildings and it was decided to continue this work with the aim of restoring the historical site to its appearance and condition at the turn of the century.

## **4. Alternative Options.**

Alternative 'heritage safe' conservation options, therefore, clearly exist for 48 Main Drive Kew, and should be adequately and comprehensively explored in order to better achieve the State Government's Kew Cottages Core Promise to Heritage Victoria in July 2005 ie:

*"... the Heritage Core to retain and celebrate the heritage buildings in a publicly accessible space. It was to be a central hub.."*

## **5. Other Matters.**

*A Reasonable apprehension of bias ?*

The HIS's apparent ignorance of the cultural heritage significance of the site of Cottage B4 within the Heritage Core appears to be somewhat contrived. The author Mr. Brad Evans, as a former Walker Corporation, Kew Cottages Project Manager, may reasonably be expected to be well aware of the history of Cottage B4. It would appear he would probably be aware for example of Walker's involvement in the economic hardship argument that DHS used in 2005 to help get Heritage approval to completely demolish half of the remaining State Heritage listed Cottages in the Heritage Core.

The Executive Director may therefore wish to have regard to the possibility of a reasonable apprehension of bias arising with regard to the P33849 HIS, and whether there may appear to have been a conscious or unconscious bias on the part of its author ?

Yours sincerely,

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