

Kew Cottages Public Meeting Resolutions: Questions for the Minister with primary responsibility for Development Victoria.

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

21 March 2022 at 11:57

To: jacinta.allan@parliament.vic.gov.au

Cc: Clifford Hayes <Clifford.Hayes@parliament.vic.gov.au>, Nick Stavrou <nick.stavrou@q-riskstrat.com>, Kelvin Thomson <pleasant123@me.com>, David Davis <david.davis@parliament.vic.gov.au>, Tim Smith MP <Tim.smith@parliament.vic.gov.au>

The Hon. Jacinta Allan,
Minister for Transport Infrastructure.

Dear Minister,

Last year I wrote regarding the Kew Cottages Development to both the Minister for Planning, and to yourself in your capacity as the Minister responsible for Development Victoria and the Walker Kew Cottages Development project. (Copy letter 6.4.21 enclosed)

I received a response from the Minister for Planning, but not from yourself.

The lack of an acknowledgement or response from yourself, as the responsible Minister for this project, was most disappointing. As you are aware the State Government's Walker Kew Cottages Development is a matter of significant public interest, and the subject of inquiries by both the Legislative Council Select Committee on Public Land Development (2007), and the Ombudsman (2010).

I write now to advise you that a further Kew Cottages Public Meeting was held on 15 March 2022. The Meeting was addressed by the Mr. Clifford Hayes, MLC, Cr Nick Stavrou, Boroondara Council, and The Hon. Kelvin Thomson, Convenor, Planning Democracy.

The following Resolutions were passed unanimously by the meeting:

1. This Public Meeting calls on all parties contesting the 2022 Victorian State Election to commit to:

- i) Implement a ban on Developer Donations, as is already in place in both NSW and Queensland; and**
- ii) Establish a Parliamentary Inquiry to consider and report by December 2023 on the adequacy of the Heritage Act 2017, and the State heritage framework in relation to heritage protection in Victoria.**

2 . This Public Meeting calls on the State Government to explain without further delay:

- i. What is the current contract status of the Kew Cottages Walker Development ?**
- ii. What has been the financial return to the State ?**

Given the Ombudsman's Recommendations* 10 and 11 with regard to Major Projects Victoria, your acknowledgement and urgent response to Resolution 2 (above) would be most appreciated. Yours sincerely

Brian Walsh
President
Kew Cottages Coalition

* **Ombudsman investigation into the probity of the Kew Residential Services and St Kilda Triangle developments, June 2010**

Link: <https://www.parliament.vic.gov.au/papers/govpub/VPARL2006-10No321.pdf>

Ombudsman Recommendation 10

The Department of Human Services report on the financial return to the State Government from the Kew Residential Services project in its Annual Report.

Department of Human Services response

'Agree in Principle – The Department of Human Services will discuss options for the annual public release of revenue details of the Kew Residential Services Redevelopment with Major Projects Victoria'.

Ombudsman Recommendation 11

The Secretary of the Department of Innovation, Industry and Regional Development conduct a review of Major Projects Victoria's current projects to ensure that the State Government's obligation to disclose contracts on the Contracts Publishing System website is met.

Department of Innovation, Industry and Regional Development response

'The Department of Innovation Industry and Regional Development accepts the recommendations pertaining to it (and Major Projects Victoria) and provides the following comments ... A review will be conducted of Major Projects Victoria's current projects to ensure that the Government's commitment to disclose contracts on the Contracts Publishing System website is met'.

N.B. The Ombudsman's 2010 recommendations (above) are significant because the financial return to the State Government from this Public Private Partnership (PPP) project has apparently still not been disclosed over a decade later, and according to the Contracts Publishing System (CPS) website as at the time of writing (21.3.22) the Walker Kew Cottages Development MPV Contract 3669 actually **expired on 31 December 2020**. (see below)

The screenshot shows the 'Contracts' page on the 'BUYING FOR VICTORIA' website. The contract details for Contract 3669 are as follows:

| Contract Details | |
|------------------|---|
| Status | Expired |
| Public Body | DOI - Major Projects Victoria |
| Contract Number | 3669 |
| Title | Kew Residential Services Development Agreement |
| Type | Construction Contracts |
| Description | The parties to the agreement are both Kew Development Corporation (as Developer) and Walker Corp (as Guarantor). The start date is 27/10/06 and the end date is, subject to clause A5.2, the earliest to occur of: a) the date when all Sale lots forming part of the project are the subject of a dealing and the State has received the Guaranteed Land Payment and Revenue Share Land Payment in respect of all Dealings in accordance with Part D of the contract; b) an agreement between the parties to end the project term; and c) 31 December 2020. Total value is \$60m including GST. This contract valuation reflects the minimum return to the State. |
| Contract Type | Construction contracts |
| Supplier Details | Supplier: Walker Group Holdings Pty Ltd ABN: 81 001 215 069 ACN: 001215069 Address: Level 21, Governor Macquarie Tower, 1 Farrer Place, Sydney, NSW 2000 |

CPS Contract 3669 disclosure, accessed 21.3.22

Link: <https://www.tenders.vic.gov.au/contract/view?id=45557>

However, the current disclosure on the CPS appears to makes no sense at all, because work on Walker's Stage 8 Apartments continued **after the Contract expiry date, and throughout 2021** (see May 2021 photo below).



Kew Cottages Development, Stage 8 Apartments construction as at 23 May 2021

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Enc. Confirmation copy email 6.4.2021

----- Copy message -----

From: **Kew Cottages Coalition** <admin@kew.org.au>

Date: Tue, 6 Apr 2021 at 15:21

Subject: Kew Cottages Public Meeting Resolutions Re: Minister for Priority Precincts 31 March 2021 To: <jacinta.allan@parliament.vic.gov.au>

Cc: Tim Smith MP <Tim.smith@parliament.vic.gov.au>, David Davis <david.davis@parliament.vic.gov.au>, Clifford Hayes <Clifford.Hayes@parliament.vic.gov.au>, <Nina.Taylor@parliament.vic.gov.au>, <enver.erdogan@parliament.vic.gov.au>, <georgie.crozier@parliament.vic.gov.au>

The Hon. Jacinta Allan
Minister for Priority Precincts

Dear Minister,

I write to you in your capacity as the Minister responsible for Development Victoria and the Walker Kew Cottages Development project.

As you are aware a Kew Cottages online Public Meeting was held on 31 March to discuss serious concerns that have been raised regarding long standing problems with the Walker development and State Heritage protection of Kew Cottages (H2073).

The Meeting was addressed by the Hon Clifford Hayes, MLC, Southern Metropolitan, and Cr. Nick Stavrou, City of Boroondara.

The following Resolutions were passed unanimously by the Meeting:

1. We call on Jacinta Allan (Minister for Priority Precincts) to provide an assurance to the Parliament that she, her Departmental Secretary and the Head of Development Victoria will all appear before the Legislative Council Inquiry into Heritage Protection.

2. We call on the Minister for Planning to provide an assurance to the Parliament that he, his Departmental Secretary and Deputy Secretary will all appear and give evidence before the Legislative Council Inquiry into Heritage Protection.

3. This Public Meeting supports the plan for the Kew Cottages Coalition to make a submission to the National Disability Royal Commission highlighting the issues related to Kew Cottages as a clear case study of governmental exploitation of the disabled to sell a major public asset and service, with no substantive benefit for disabled Victorians.

As the convener of the Public Meeting I would, therefore, appreciate your acknowledgement and considered response to Resolution 1 (above).

Yours sincerely,

Brian Walsh

President

Kew Cottages Coalition

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