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**Kew Cottages
Coalition (KCC)**

16th August 2005

Mr. Ray Tonkin
Executive Director
Heritage Victoria
Level 22
Nauru House
80 Collins Street
MELBOURNE VIC 3000

Dear Mr. Tonkin,

Kew Cottages: DHS Permit Application(s) P9382 and P9639

Thank you for the further opportunity to comment on the DHS Application for a Heritage Demolition Permit at Kew Cottages.

As indicated earlier to Ms. Janet Sullivan and Ms. Joanne Boyd we have had a number of difficulties with reconciling the documentation presented by DHS in support of their Application, and also with the extent and nature of the Applicant's compliance with the Public Notice requirements of s68 of the Act.

We seek clarification, and appropriate action by yourself, therefore, with regard to the following apparent errors and omissions in both the public notification and presentation of the DHS Permit Application(s).

1. Notice of Permit Application P9639.

I understand from Ms. Boyd that the only Permit Application listed as being received by Heritage Victoria from DHS is Application P9639

However, according to our records DHS has never displayed a Public Notice for Permit Application P9639 at Kew Cottages, as required by the Act.

DHS did display a Notice of 'Permit Application P9382 at the Cottages on 8/6/5. (As shown in the photograph on our web site at <http://www.kew.org.au>)

The latter Heritage P9382 notice states: "You may look at the application and any documents that support the application at the office of Heritage Victoria."

However, the DHS Application documents so provided in response to our subsequent requests appear to in fact refer a different Application (ie: P9639) and also to be incomplete in a number of significant respects including inter alia:

2. DKO Plan and Schedule of Trees Dated 8/April/05.

The DHS Heritage Permit Application for alteration to Kew Cottages as copied to Boroondara Council on 6th June 2005 by Heritage Victoria (hereafter referred to as “The Application”), includes, and is supported by a tree report from Galbraiths and Associates dated 17th May 2005. The Tree Report states that it is based on “an accompanying plan by DKO Architecture, dated 8/April/05. ‘ (Galbraiths letter to MDG, p.1, 17/5/05)

However, we have been unable to locate the latter DKO plan in the DHS documentation provided. The 8/April/05 plan is considered significant because in its absence it is impossible to reconcile the limited schedule of trees dealt with in the Permit Application with the full schedule of the trees in the Cottages Heritage Registered grounds. The gap between the two schedules would appear to highly significant – in the order of several hundred ‘missing’ trees !

We request, therefore, that you direct DHS to make the above DKO plan and accompanying numbered tree schedule publicly available as a matter of urgency, and that Heritage Victoria defer consideration of the DHS Permit Application pending the availability of the plan in question.

3. Loss in Development Yield

The DHS Application claims its argument on the loss in development yield will be supported by figures “to be provided to Heritage Victoria by the end of June 2005.” (HLDC report, p28). However we have been unable to locate these figures in the DHS documentation made available since the end of June 2005..

We request, therefore, that you require DHS in accordance with S.68 of the Heritage Act (1995) to make the latter figures publicly available as part of the Application, and that Heritage Victoria defer consideration of the DHS Permit Application pending the availability of the figures in question

4. Errors and Omissions in the Applicant’s Planning Data

We are concerned that the apparent drawing errors in the DHS Site Concept Plan (HVS3) as referred to in our 23/6 Submission (p3) have not only been not corrected in the DHS revised plan HVS3B, but the latter errors have now been compounded with the addition of further errors in HVS6. The latter errors and omissions are explored in some detail in the discussion of this issue on our website (<http://www.kew.org.au/whatsnew/contents.htm>) . Together these errors now include:

- significant and misleading contour errors and omissions in the Oak Walk Boundary Rd area;
- missing contours in the neighbouring Willsmere Heritage site;
- false and misleading height data for the Willsmere Central Tower Landmark;

- misleading 'indicative' apartment building envelopes
- misleading historic Yarra Bend ridgeline landform data
- misleading 'indicative' trees and tree heights on the Yarra Bend – Willsmere & Kew Cottages ridgeline.

The fact that we drew attention to some of the latter problems in June 2005 and that now, rather than being corrected, the problems have been exacerbated, leads us to believe that the errors and omissions concerned are more than coincidental, indeed they appear to be deliberate. The errors appear to be deliberate to us because they all relate to the most 'economically sensitive' area of the site – the ridgeline overlooking Willsmere and Yarra Bend, and they all appear designed to falsely and mischievously understate the extent to which the application if approved, would affect the cultural heritage significance of both Kew Cottages and the Willsmere Towers landmark.

We believe DHS is under a lot of political pressure to maximise the commercial return from Kew Cottages, and in our opinion it now appears to us that DHS is simply trying to fudge the figures to achieve that end – namely the highest commercial sale price for the Cottages, without, it would seem to us, any regard to the either the truth or accuracy of the evidence DHS has put forward in support of its Application.

The latter approach cannot and should not be allowed to continue. It can only serve to bring the Victoria's State Heritage Register into disrepute.

The remedy simple the plans should be withdrawn and redrawn to accurately reflect the true nature of the sites in question.

In our submission Heritage Victoria should now respond by advising DHS that's its Permit Application is still not yet of a high enough standard for a Project of State Significance, and invite the Applicant to withdraw and redraw its plans accordingly.

Heritage Victoria may wish to also consider promoting a series of detailed heritage and planning benchmarks, and an associated educational campaign, designed to assist applicants in preparing better Permit applications for Landmark sites of State Significance, such as Kew Cottages.

Given the sensitivity and scale of this particular site for example, we would re-iterate the need for full 3D computer modelling of the whole site to be provided, together with a full data set of the associated assumptions and planning information used, in order to not only properly inform Heritage Victoria and the public of the full extent of the changes proposed – but also to offer the ability to properly explore alternative options and scenarios.

5. Omissions in DHS's Response to Submissions.

We understand that all of the submissions received objected to the DHS Permit Application.

DHS's response to submissions, however, appears to be incomplete in the breadth of its response, selective in its interpretation of facts submitted, and immature in the nature and form of new information provided.

For example, as convenors of the June 22nd Public Meeting at the Kew Civic Centre that passed a series of resolutions regarding the DHS Application we are appalled that the response from DHS has simply been a deafening silence in the body of their HDLC Report, and the misleading information (as referred to above), in the plans accompanying the HDLC Report.

The Public Meeting called for DHS to provide and publicly exhibit three-dimensional models of both the DHS and KCC proposals, together with comparative costs, and such other relevant information including the contractual arrangements between the Government and Walker Corporation, as Heritage Victoria determined appropriate in consultation with Boroondara Council.

DHS declined.

No 3D models have been provided. No economic assessment of the KCC Precinct Proposal has been provided. The submissions have been ignored, the Boroondara Council has been ignored, the resolutions of the duly constituted public meeting have been ignored.

In our submission DHS now stands condemned by its failure to provide a reasonable and appropriate response, and should, therefore, be directed by Heritage Victoria to provide the requested 3D models, analysis, and information if it still wishes to proceed with its Permit Application.

To assist in the latter we have, therefore, produced a number of alternative scenarios for the KCC Heritage Precincts proposal – all of which in our estimation if appropriately implemented would offer an equivalent commercial return to DHS, and a better heritage outcome for the State of Victoria.

Plans of the latter are now available online on our website at <http://www.kew.org.au>

Our additional, paragraph by paragraph comments on the DHS/HDLC Report on Submissions (July 2005) are enclosed for your consideration.

Please do not hesitate to contact me if you require additional information.

Yours sincerely,

Brian Walsh
President

Encs: KCC Comments on DHS/HDLC Report (July 2005)