

# **Round the Bend ?**

**“The Yarra River Corridor and Kew Cottages”**

**A Submission to**

**Department of Sustainability and Environment**

**Yarra River:  
Review of policies and planning controls.  
Punt Road to Burke Road**

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**3<sup>rd</sup> September 2004**

## 1. Key Issues and Recommendations.

This submission has been prepared in response to DSE's invitation 1<sup>st</sup> September 2004 seeking to identify key issues facing the Yarra River.

Our position is as follows:

The Kew Cottages Coalition believes that there is an urgent need to defend and extend local policies and planning controls in order to help ensure protection of the Yarra River valley..

However, in the case of significant public lands and crown land within the Yarra Valley our own experience with Kew Cottages is that there is a fundamental requirement to go beyond the issue of just local policies and planning controls.

Because, however well intentioned the Government of the day, and however experienced its bureaucracy, at the end of the day, the public perception of the Government trying to act as both the land owner, and the planning authority, and the real estate developer of the same land on the same day is a perception that the public is being asked to participate in a political farce of tragic proportions.

In our submission such a perception, can at best only serve to undermine the public good, and bring both the Government itself and its administrators into disrepute.

We submit, therefore, that there is a need to establish fair and equitable State legislation that deals effectively with the serious conflict of interest now faced by a State Government when it seeks to sell significant public land to private developers without the protection of an adequate and comprehensive independent review process.

Given the shortness of time, and limited resources of the current DSE Yarra River Review we propose that DSE recommend:

1. An Independent Inquiry into the Protection of Public Lands in Victoria be established with appropriate terms of reference to address the above issues on a State wide basis, including inter alia the future of Public sites such as Kew Cottages within the Punt Road to Bourke Road Yarra River Corridor.
2. A moratorium be imposed on the sale and/or private development of Kew Cottages, and other significant public sites, as identified , within the Yarra River Corridor pending the outcome of the proposed Independent Inquiry.

## 2. The Study Area

The KCC believes that the current Study Area should be more clearly defined geographically to be the same as that defined by the two original Yarra plans (1990) namely:

- a) The Lower Yarra River Concept Plan Area Punt Road to Dights Falls
- b) The Middle Yarra River Concept Plan Area Dights Falls to Burke Road.

N.B. Kew Cottages is a key area of the latter (b) see:  
<http://www.kew.org.au/images/yarra1.jpg>

## 3. Project Outputs.

We recommend that:

- 3.1 The statement of objectives for the river corridor include commitments to:
  1. Preserve the skyline from development when viewed from within a public open space in the Corridor.
  2. Protect and conserve the natural resources of the river valley including all green open spaces, wetlands, heritage landscapes, significant vegetation, and bio-diversity corridors.
  3. Extend connectivity between green open spaces in the valley through the construction of new forms of bio-diversity corridors, public footpaths, and pedestrian underpasses to help bypass artificial barriers.
- 3.2 The analysis of proposals, policies, and planning controls include inter alia a comparative analysis of BOTH of the current C38 and C53 Boroondara Planning Scheme Amendments.
- 3.3 Area based objectives should identify the original Kew Asylum precinct (1872) as a Significant Area within the Yarra Corridor, and the KRS Morphology Study, Woolley, Leigh, Boroondara Council, May 2002 should provide guidance in establishing guidelines to shape future development.
- 3.4 An Independent Inquiry into the Protection of Public Lands in Victoria be established by the Minister, and interim protection orders be applied to significant Public sites such as Kew, pending the outcome and recommendations of the latter Inquiry.

- 3.5 Visual representations of the environmental impact of C53 on Kew Cottages and showing potential changes to the river valley environment (utilising digital modelling or other methods) should be prepared and put on public exhibition as a matter of urgency.

#### 4. Threats to Achieving Objectives.

Boroondara Planning Scheme Amendment C53, KRS Urban Design Framework October 2003, and the current Government's secret Tender for the high density residential development of 27 hectares of the grounds of Kew Cottages, are all by their very nature serious threats to the future of the Yarra River corridor.

The latter planning controls apply specifically to Kew Cottages and were gazetted on 11<sup>th</sup> November 2003. Kew Cottages is the largest green open space in Boroondara now zoned for Residential development, yet there was no public exhibition, and no community consultation regarding C53 prior to its gazettal. Indeed the 'Responsible Planning Authority', Boroondara Council already had its own (Oct.2003) Planning Scheme Amendment C38, on public exhibition at the time.

To achieve this dismal state of affairs the Minister for Planning therefore, appears to have specifically acted in contravention of not only the public undertaking in C38 of her "Responsible Authority (Boroondara Council) to residents, but also the public undertaking given by her colleague, the Minister for Community Services, less than four weeks earlier on 18<sup>th</sup> October 2003. On that date DHS publicly released the Government's new plan re-iterating that the normal public exhibition, and community consultation planning processes were planned for, and would be adhered to by the Government with respect to the future of Kew Cottages.

So if such undertakings are subsequently shown to be not even worth the paper they are printed on, why should even the Premier himself now be believed when he promises, stronger planning controls to safeguard the Yarra...", and a particular commitment to, " *preservation of the skyline from development when viewed from within an open space corridor...*" (Yarra Review Project Information, DSE, July 2004 p.4)

At Kew Cottages the Brack's Government has specifically used C53, and the power of Ministerial "call in" to provide for significant future overdevelopment within the Yarra River Corridor. C53 not only provides for the loss of significant public green open space, but also the destruction of the Yarra Valley skyline when viewed from Alphington Park, Yarra Bend Park, and many other public open spaces within the valley.

So on the one hand the Premier commits to "preserving the skyline from development", whilst on the other hand his Government has already approved destroying the skyline by approval of building heights at Kew Cottages that are equal to or higher than the central Bell tower of the Willsmere Heritage landmark skyline (81 metres AHD) overlooking the Yarra Bend National Park.

We therefore recommend that appropriate interim orders overriding both C53 and the associated KRS UDF (October 2003) will need to be implemented as a matter of priority if the Government's current and future planning processes with respect to the Yarra River Review issues under Melbourne 2030 are to be perceived as having any credibility at all.

We note that a similar situation recently arose regarding the need for re-appraisal of C53, following public submissions by Kew Cottages Coalition and residents with respect to a review of the Heritage status of Kew Cottages. On 23<sup>rd</sup> August 2004 the Executive Director of Heritage Victoria gave notice of his recommendation that Kew Cottages should now be added to the Victorian Heritage Register. This matter which was never properly taken account of by the Minister, is one which the full Heritage Council will now be dealing with in a similar timeframe to the DSE Yarra River Review – namely between now and November 2004.

As a consequence we would recommend that DSE and its consultants, Planisphere should have close regard to Heritage Victoria's report and recommendations on Kew Cottages, particularly with respect to Kew Cottages environmental, social, and cultural significance in the history of the Yarra Valley.

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Attachment.

***The Kew Cottages Coalition Charter.***

1. Keep Kew Residential Services (Kew Cottages) site in public ownership. There should be no sale of Kew Cottages site for housing development.
2. Develop an Intellectual Disability Centre of Excellence (IDCE). This should include a variety of research and care initiatives such as housing, respite care and support services.
3. Land on the Kew Cottages site that is not directly required for the IDCE should be used to develop joint sporting and recreational facilities for use by the IDCE and all citizens of Boroondara.
4. All IDCE and sporting/recreational development of the Kew Cottages site should:
  - maintain and improve the site's important heritage value, environmental features and sense of space
  - further enhance the integration of Kew Cottages residents into the Kew and Boroondara community
  - be respectful of the site's important Aboriginal significance
  - be consistent with, and enhance, the environmental integrity of the Yarra Bend National Park.