



Department of Planning and Community Development

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Ref: HER/2001/001389, P13278

13 August 2008

Mr Brian Walsh
22A Fellows Street
KEW VIC 3102

Dear Mr Walsh

Re: Kew Residential Services Site – Stage II application P13278

I refer to your email dated 12 August in respect to the above matter.

Due to privacy concerns the permit application forms, which contain personal names addresses and contact details are not placed on the website.

I regret the application form was not available for you to inspect on your recent visit. A copy has been located and you are welcome to visit the office to inspect it. I can confirm that the applicant is the Kew Development Corporation, and the owner declaration has been signed by Major Project Victoria on behalf of the State. It is a valid heritage permit application.

The other issues you raise in relation to the dating of the application and HIS and any contractual arrangements are not relevant to the assessment of the heritage permit application, which is to address the matters under s.73 of the *Heritage Act 1995*.

It is acknowledged that the online version of the application does not contain nine pages included in the hardcopy heritage permit application held in the office. It is noted that the 9 pages are a copy of the approved subdivision for Stage 1 of the Kew Cottages Development. I have established that these plans were not supplied in an electronic form for uploading onto the web. A Pdf copy has now been loaded.

While this is unfortunate, as the documents do not relate to any proposals for Stage 2, and were included for information only, it is not considered this omission impedes an understanding of the proposal for Stage 2, nor reduces any ability to comment on heritage permit P13278.

The current heritage permit P13278 is not an amendment to heritage permit P12879, which was withdrawn, but a completely new application. It is not clear why you consider it is necessary to identify the differences between the two applications as a prerequisite to be able to comment on heritage permit P13278?

The only change between the heritage permit application submitted and advertised on 16 July 2008 and the current heritage permit application is the removal of the words 'Permit No: P12879 – subdivision of land into 39 allotments and removal of vegetation', from page 7 of the HIS, to correct a factual error.

There is no obligation under the *Heritage Act 1995* to advertise when a heritage permit has been withdrawn. I note, however, that the Kew Cottages Coalition, which made a submission in respect to heritage permit P12879, was advised by email of the withdrawal. In addition, another submitter was advised in writing of the withdrawal of the heritage permit.

It is not considered the removal of a single line from the HIS to correct a factual error constitutes a 'minor amendments to an application' for the purposes of s.67 (3) (b), requiring the approval of the Executive Director, nor re-advertising. As you are fully aware from emails the amendment was actually made at the request of the Executive Director in response to a submission made by the Kew Cottages Coalition.

For the above reason I do not intend to agree to your requests to extend the closing date for submissions, which closes at 5.00 pm today.

Accordingly, I would encourage the Kew Cottages Coalition to make its written submission under s.69 in respect to P13278 addressing the matters under s.73 of the Act which I must consider.

Yours sincerely



Ray Tonkin
Executive Director
HERITAGE VICTORIA