

PERMIT

HERITAGE ACT 1995

PERMIT NO: P13278

OWNER/S: State of Victoria
ADDRESS: Major Projects Victoria
Level 8, 121 Exhibition Street
Melbourne VIC 3000



HERITAGE REGISTER NO: H2073 FILE NO: HER/2001/001389
REGISTRATION CATEGORY: Heritage Place
NAME OF PLACE : FORMER KEW COTTAGES (KEW RESIDENTIAL SERVICES)
LOCATION: PRINCESS STREET KEW

Pursuant to Section 74 of the Heritage Act (1995) and in respect to the above-mentioned place / object, the Executive Director, Heritage Victoria hereby grants a PERMIT, subject to conditions as prescribed hereunder to carry out the following:

Subdivision and removal of six (6) heritage registered trees as set out on submitted drawings 04-6099-010-sk008 1/7/2008, 04-6099-00102-1000 T1 9/10/2007 and untitled plan showing proposed lots and reserves submitted with the application and drawings Kew Stage 2 Drawing MGA DATUM 24/06/08 and Plan of Subdivision Plan Number PS 603974 U, Sheets 1 to 5 version 4

CONDITIONS:

1. This permit shall expire if the permitted works have not commenced within one (1) year of the date of issue of this permit, or are not completed within three (3) years of the date of issue of this permit unless otherwise agreed in writing by the Executive Director, Heritage Victoria.
2. The removal of the English Oak reference number 292 is **not approved**.
Reason: *The English Oak is not dead or dangerous, and is part of the oak Avenue along Lower Drive*
3. The proposed building envelope to lot 83 shall be redesigned to reduce its impact on heritage registered tree 68, with details of the redesign submitted to the Executive Director for approval in writing.
Reason: *The current building envelope is too close to tree 68 and construction within this zone has the potential to adversely impact on this tree.*

Further details

4. Unless otherwise agreed in writing with the Executive Director, works, [other than the demolition of the non-heritage registered buildings and B5], shall not take place until the following additional drawings and details have been submitted and approved in writing.
 - i. Full engineering drawings for all excavation and/or filling across the site, showing existing and proposed final contours and retaining wall(s).
 - ii. Full construction details for the new roads, including the junction of the new road off Main Drive
 - iii. Full design/layout details for the buildings on lots 76, 77, 79, 80, 82, 83, 84, 85, 86, 87, 88, 89, 90, 96, 96, 106 to 113 inclusive, including any vehicular and or pedestrian access points.

Reason: *To enable a more detailed assessment of the potential impacts of any proposed engineering and/or construction within the vicinity of the heritage registered trees.*

Tree Protection

5. Unless otherwise agreed in writing by the Executive Director, prior to the commencement of any works within Stage 2, including the demolition of the non-heritage registered buildings and building B5, a **Tree Protection Plan** at a scale of 1:500 or less, showing tree protection zones for all trees included in the Victorian Heritage Register, and the proposed protection fencing, shall be submitted and approved in writing by the Executive Director. The location of the protection fencing on the plan shall be fully dimensioned either in relation to the back edge of the kerb to Main Drive for the trees in the proposed reserves 1 and 3 north of the Drive, and/or from the trunk of the tree/s themselves. Unless otherwise agreed in writing with the Executive Director, the tree fencing shall be located outside the canopies all trees, and appropriately signed. The endorsed **Tree Protection Plan** shall form part of this permit.

Reason: *To provide for the accurate installation and monitoring of the tree protection fencing prior to and during the process of the demolition of the buildings on the site, the re-engineering of the site, construction of the new roads, buildings and services, to ensure maximum protection for the trees.*

Arboricultural Management Plan

6. Unless otherwise agreed in writing by the Executive Director, prior to the commencement of any works within Stage 2, an **Arboricultural Management Plan** prepared by an arborist is to be submitted for approval in writing by the Executive Director. The plan must include:
- a full management plan for the dealing with *Phytophthora cinnamomi*
 - the steps necessary to protect trees during the construction of the development including the procedures to be adopted for working within any root protection zones
 - Tree Management Plan for all heritage registered trees documenting works to be undertaken during and 2 years post construction; including dead wooding, mulching, watering, disease and pest control, and weed control
 - Full details on the protection and management of Heritage Trees No 330 (*Cupressus macrocarpa*) and No 68 (*Pinus radiata*) 301, 302 (*Quercus robur*), and 53, 61 (*Quercus canariensis*)

An endorsed copy of the **Arboricultural Management Plan** shall form part of this permit.

Reason: *To ensure retained heritage registered trees, trees subject to a Vegetation Protection Order, and other retained trees are protected during the construction phase of the development.*

Landscape Plan

7. A Landscape Management Plan document for Stages 2, incorporating
- all the significant trees on the site and all other retained trees,
 - details of the propose demarcation of the boundaries between reserves 1 and 3 and the adjacent residential properties,
 - full details of the proposed landscape treatment of the Main Drive and Lower Drive including proposals for re-instatement plantings along Main Drive and Lower Drive,
 - full landscape details of the intersection of Lower Drive and Main Drive,
 - the planting of a replacement Bishop's Pine tree
 - any proposed fencing treatment

is to be prepared and submitted for the approval of the Executive Director **before** the new development on the site commences. It should include clear recommendations for future management and maintenance of the significant trees within the Public Reserve, Highway Verges and Private Gardens (Tree Management Program). An endorsed copy of the **Landscape Management Plan** shall form part of this permit.

Reason: *To ensure and that the proposed landscape treatment of the public open space, re-instatement of trees, and fencing is appropriate and sympathetic to the existing landscape, and to ensure the existing trees and proposed landscaping for the site is maintained into the future.*

Section 173 Agreement

8. Prior to the lodgement of the certified plan of subdivision with the Office of Titles, the owner of the land must enter into an agreement with the responsible authority, pursuant to section 173 of the *Planning and Environment Act 1987*. This agreement must be registered by the responsible authority, pursuant to section 181 of the *Planning and Environment Act 1987*, on the certificate of title of lots 76, 77, 83, 84, 85, 86, 87, 88, 89, 90. The cost of the preparation and registration of this agreement must be met by the owner of the land. This agreement must provide for the recognition and protection of the heritage registered trees in Reserves No 1 and No 3 abutting and overhanging adjacent residential lots. It should ensure any works undertaken to, or development in the vicinity of, the trees overhanging lots 76, 77, 83, 84, 85, 86, 87, 88, 89, 90, does not adversely impact on the long term health of the trees.
Reason: *To ensure the long term protection of the heritage registered trees within the reserves, which form and integral part of the heritage registered Main Drive Avenue.*
9. A copy of the new titles, with confirmation of registration of the Covenant, is required to be provided to the Executive Director within 28 days of registration of the Plan of Subdivision.
Reason: *To ensure future owners of properties adjoining the public reserve are aware of the heritage register status of the trees within the public reserve abutting and overhanging their properties, and the legal implications in relation to works to these trees.*
10. Prior to lodgement of the certified plan of subdivision with the Office of Titles the owner shall provide a copy of the certified plan of subdivision to the Executive Director for endorsement. Once endorsed the certified plan becomes part of this permit.
11. The development approved by this permit is to be carried out generally in accordance with the endorsed drawings, unless otherwise agreed in writing by the Executive Director, Heritage Victoria.

NOTE THAT PERMISSION HAS BEEN GIVEN FOR INSPECTIONS OF THE PLACE OR OBJECT TO BE UNDERTAKEN DURING THE CARRYING OUT OF WORKS, AND WITHIN SIX (6) MONTHS OF NOTIFICATION OF THEIR COMPLETION.

TAKE NOTICE THAT ANY NATURAL PERSON WHO CARRIES OUT WORKS OR ACTIVITIES NOT IN ACCORDANCE WITH THE PERMIT OR CONDITIONS IS GUILTY OF AN OFFENCE AND LIABLE TO A PENALTY OF UP TO 2,400 PENALTY UNITS (\$272,208) OR 5 YEARS IMPRISONMENT OR BOTH, OR IN THE CASE OF A BODY CORPORATE 4800 PENALTY UNITS (\$544,416).

THE ATTENTION OF THE OWNER AND/OR APPLICANT IS DRAWN TO THE NEED TO OBTAIN ALL OTHER RELEVANT PERMITS PRIOR TO THE COMMENCEMENT OF WORKS.

Copies to: Statutory Planner, City of Boroondara
Planning, DPCD

HERITAGE VICTORIA
LEVEL 7, 8 NICHOLSON STREET, EAST MELBOURNE 3002

Signed Executive Director

Date 19/9/00