

**HERITAGE ACT 1995**

**REPORT AND RECOMMENDATION  
TO EXECUTIVE DIRECTOR ON  
APPLICATION FOR A PERMIT**

**FEE RECEIVED:** Yes **AMOUNT:** \$4410.00

**REFUND REQUIRED:** No **SENT:** N/A

**OWNER/S:** Department of Human Services

**ADDRESS:** Kew Residential Services  
Locked Bag 15  
Kew 3101

**APPLICANT/S:** Mr Arthur Rogers

**ADDRESS:** DEPARTMENT OF HUMAN SERVICES DISABILITY  
DIRECTORATE  
GPO BOX 4057  
MELBOURNE 3001

**HERITAGE REGISTER NO:** H2073

**FILE NO:** HER/2001/001389

**NAME OF PLACE/OBJECT:** FORMER KEW COTTAGES (KEW RESIDENTIAL SERVICES)

**ADDRESS / LOCATION:** PRINCESS STREET KEW

**APPLICATION RECEIVED:** 6 June 2005 **60 DAYS EXPIRES:** 5 August 2005

**CLOCK STOPPED:** 6/6/05 for Advert **RESTART:** 8/7/05 **EXPIRES:** 7/8/2005

**CLOCK STOPPED:** 27/6/05 additional information. **RESTART:** 27/7/05 **EXPIRES:** 4/09/2005

**ADVERTISING REQUIRED:** Yes

**WHERE ADVERTISED:** *The Age*, 8 June 2005 and three notices on site

**ADVERT PERIOD ENDS:** 22 June 2005

**OFFICER REPORTING:** Ray Osborne

**DESCRIPTION OF APPLICATION:**

- 1. Proposed demolition of three Heritage Registered places, known as B2, B4 and B5, relocation of three memorials, removal of specified vegetation, and approval of the layout for the site, as set out on drawings HVS\_1B 2005, HVS\_3B, HVS\_4, HVS\_5 and HVS\_6 dated July 2005, and in the 'submission in support of an application for a Heritage permit, pursuant to s.67 (1) of the Heritage Act 1995, Former Kew Cottages Site, prepared by Disability Services, DHS and SJB Planning Pty Ltd, May 2005' and 'Heritage Impact Statement, prepared for DHS by HLCD Pty Ltd, May 2005' and 'Proposed Development, Report on Submissions, HLCD Pty Ltd, July 2005'*
- 2. Proposed development of Stages I and II for residential development including community houses as set out on drawing HVS\_2B dated July 2005, and in the 'submission in support*

*of an application for a Heritage permit, pursuant to s.67 (1) of the Heritage Act 1995, Former Kew Cottages Site, prepared by Disability Services, DHS and SJB Planning Pty Ltd, May 2005' and 'Heritage Impact Statement, prepared for DHS by HLCD Pty Ltd, May 2005' and 'Proposed Development, Report on Submissions, HLCD Pty Ltd, July 2005'.*

**SITE INSPECTION:** Yes on 28 June 2005, 1 July 2005, 27 July 2005 and 1 September 2005.

**DISCUSSION WITH APPLICANT:** Yes, on a number of occasions.  
Date: 1 July 2005, and 27 July 2005 and via emails.

**RECORD OF CURRENT CONDITIONS:**  
Slides/photographs in Heritage Victoria collection

## **BACKGROUND**

On 12 September 2001, Sinclair Knight Merz, acting on behalf of the Department of Human Services, wrote to Heritage Victoria, enclosing a copy of *Kew Cottages Cultural Heritage Survey, prepared by Biosis Research, August 2001*, requesting an indication as to whether it regards any elements of the site as having cultural heritage significance? In particular it requested Heritage Victoria to advise under what circumstances the site would be assessed under s.32 of the *Heritage Act 1995*?

In relation to historic cultural heritage values, the *Kew Cottages Cultural Heritage Survey, prepared by Biosis Research, August 2001*, recommended that a "Conservation Management Plan for the site should be prepared, which addresses the condition, significance and conservation requirements of the buildings and landscape elements. This should specifically include the central historic core, the Perkins Art Centre and Old Gym, and any other architecturally designed buildings, and the cultural value of the historic trees and landscape".

The study carried out a preliminary assessment of the surviving historical buildings, but noted that more detailed architectural research was required to determine the cultural heritage significance of each structure. Also more detailed assessment was required of the landscape. Page 31 of the Report provided a preliminary assessment of buildings and other elements. See Table 1

On 1 October 2001, Heritage Victoria responded advising that the site had not been nominated to the Heritage Register. It further advised that

"after a preliminary inspection by officers of Heritage Victoria and after consulting the Gary Vines report it would seem to me that a nomination would struggle to make a case for State significance and the registration of Kew Cottages, The physical fabric is not impressive, nor particularly intact, nor amongst the best examples of the cottage approach to mental health. Notwithstanding, the landscape and plantings are very fine. So to my mind Kew cottages would most likely to be judged to be of local significance were it to be assessed formally under the Heritage Act. As such the most likely outcome would be a recommendation for inclusion in the heritage overlay to the Boroondara planning scheme."

<b>Site name/ building number</b>	<b>Contributory/ primary significance</b>	<b>Potential level of significance</b>
Unit 9	<b>primary</b>	Regional-state
Unit 10	<b>contributory</b>	local
Unit 11	<b>contributory</b>	local
House/Hostel	<b>contributory</b>	local
Parents Retreat/Chapel	<b>primary</b>	Regional-state
STAD	<b>primary</b>	Local-regional
South west garden plantation	<b>primary</b>	State
Main Drive	<b>primary</b>	State
Lower Drive	<b>primary</b>	Local-regional
Other Trees/landscape	<b>primary</b>	Local-regional
Sculpture	<b>contributory</b>	Local
Long term residents memorial	<b>contributory</b>	Local
1996 fire memorial	<b>primary</b>	Local
site of unit 32	<b>primary</b>	Local
Perkin Art Centre	<b>contributory</b>	Possible architectural significance
Old Gym	<b>contributory</b>	Possible architectural significance

Table 5: Preliminary Cultural Significance assessment of Historic Sites

*Social value component predominant*

Table 1

In 2002 a Conservation Management Plan for the site was commissioned, as recommended in the Biosis [Gary Vines] Report. Bryce Raworth, together with John Patrick prepared this study.

In relation to an assessment of the cultural heritage significance of the site, the Executive Summary in the Final Report, dated September 2002, made the following recommendations:-

<b>1.</b>	<b>Number</b>	<b>2.</b>	<b>Building Name/ 3. Landscape elements</b>	<b>4.</b>	<b>Significance 5. /Integrity</b>	<b>6.</b>	<b>Recommendation</b>
1.	7.	Unit 9	8.	High/low	9.	Retain and restore original fabric if possible	
2.	10.	Unit 10	11.	High/low	12.	Retain and restore original fabric if possible	
3.	13.	Unit 11	14.	Low/low	15.	Retain or demolish	
4.	16.	House/Hostel	17.	Low/low	18.	Retain or demolish	
5.	19.	Retreat/Chapel	20.	High/high	21.	Retain	
6.	22.	STAD Building	23.	High/high	24.	Retain	
7.	25.	Perkins Art Centre	26.	Low/high	27.	Retain or demolish	
8.	28.	Old Gymnasium	29.	Low/low	30.	Retain or demolish	
9.	31.	Age/Geiger Building	32.	Low/low	33.	Retain or demolish	
10.	34.	Lower Drive	35.	High/high	36.	Retain avenues (replant as required)	
11.	37.	Main Drive	38.	High/high	39.	Retain avenues (replant as required)	
12.	40.	Boundary Road	41.	High/high	42.	Retain avenues (replant as required)	
13.	43.	Central Garden	44.	High/high	45.	Retain specimen trees	
14.	46.	Sculpture	47.	Low/high	48.	Retain or relocate	
15.	49.	Residential memorial	50.	Low/high	51.	Retain or relocate	
16.	52.	1996 Memorial	53.	Low/high	54.	Retain or relocate	
17.	55.	Site of Units 30 & 31	56.	High/nil	57.	Retain or relocate	
18.	58.	Tennis Court	59.	Low/low	60.	May be retained or removed as required	
19.	61.	River Redgums	62.	High/high	63.	Retain	
20.	64.	Scarred Tree	65.	High/low	66.	Retain or relocate	

21.	67.	Bishops Pine	68.	High/high	69.	Retain
22.	70.	Holly leaf Cherry	71.	High/high	72.	Retain
23.	73.	Southwest garden	74.	Low/high	75.	Retain selected plants

**Table 2**

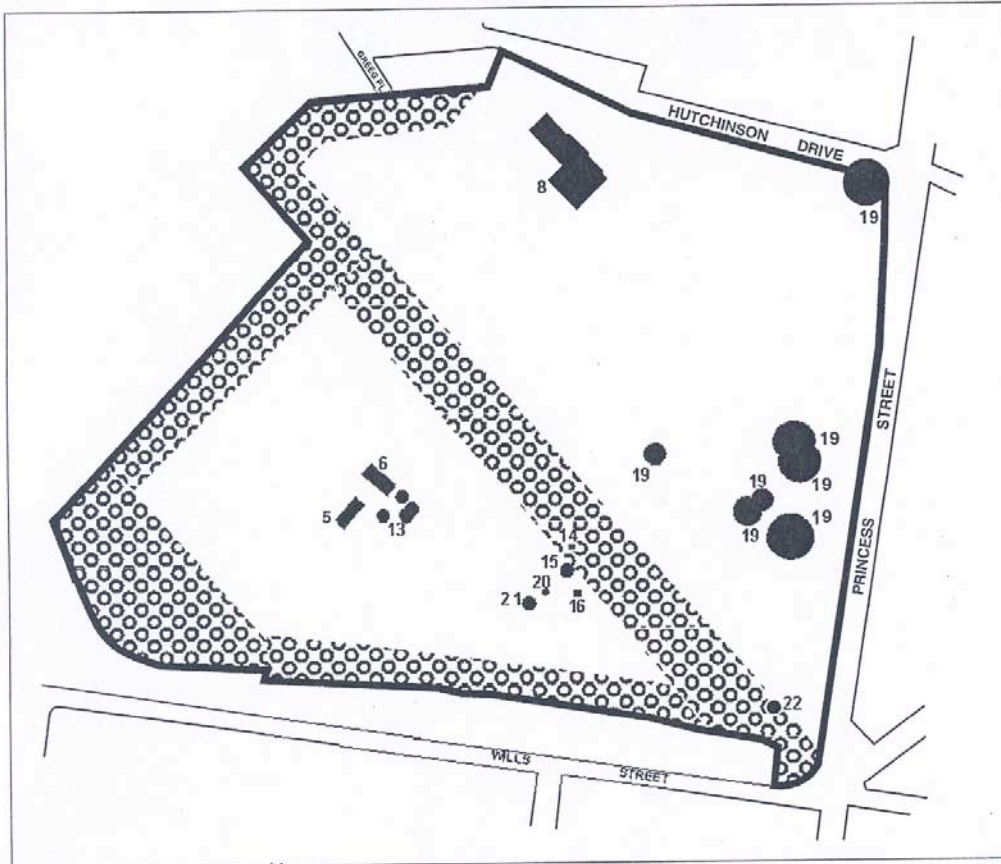
The CMP concludes that the site, buildings and landscape elements were of local cultural heritage significance.

In October 2003, Boroondara City Council wrote to Heritage Victoria advising it was preparing Amendment C38 for the Kew Cottages site by:

- Rezoning the land from Public Use Zone (PUZ3) to Residential Zone 1 (R1Z)
- Introduce a new schedule 7 to Clause 43.02 “Design and Development Overlay” (DDO) to specify design objectives and requirements to be met in the event of demolition of specified buildings, removal or lopping of specified trees and or future development of the site.

A plan accompanying the proposal identified items and landscaping within the site identified in the “*Kew Cottages: Conservation and Management Plan, Final Draft, April 2002*” for retention. This appears to be different to the recommendations made in the Executive Summary, September 2001, above in relation to elements to be retained, and shows only two buildings as requiring retention. See Plan below.

**Map 2: Conservation**



Numbers indicated on the above map accord to the numbering in the "Kew Cottages: Conservation and Management Plan, Final Draft, April 2002"

- 5 Parents retreat / chapel
- 6 Stad Building
- 8 Old Gymnasium
- 13 Central Garden Plantation
- 14 Sculpture
- 15 Long term residents memorial
- 16 1996 fire memorial
- 19 River Red Gum
- 20 Scarred Tree
- 21 Bishops Pine
- 22 Holly-leaved Cherry

 Tree Protection Area

**Plan 1**

Due to a number of difficulties, the Government subsequently developed its own Urban Design Framework. This revised UDF (dated October 2003) was adopted by the then Minister for Planning and incorporated into Amendment C53 to the Boroondara Planning Scheme, which came into effect on 13 November 2003.

In addition to changing the provisions of the Scheme in regard to the site, Amendment C53 also incorporated the Kew Residential Services (KRS) Urban Design Framework (UDF), October 2003 into the Boroondara Planning Scheme (BPS) and made the Minister for Planning the responsible authority for the administration and enforcement of the Planning Scheme for the site. This includes considering and issuing subdivision and development permits.

On 21 June 2004, a nomination was received for the main drive comprising an avenue of oaks, to the Heritage Register. On 25 November 2004, the Heritage Register nomination was amended following a second nomination to include 6 buildings and other features, and landscaping.

Following a detailed assessment of the nomination, the CMP and other documents, and an inspection of the site, it was recommended by the Executive Director, that the whole site be entered in the Heritage Register, but that only a number of specific buildings and structures, drives and landscaping be identified as being of cultural heritage significance. This proposal was given public notice and submissions for and against the registration were received. These were considered by the Heritage Registrations Committee of the Heritage Council, which resolved to support the Executive Directors recommendation.

The statement of cultural heritage significance, the extent of registration and the plan are set out below:

*What is significant?*

*The Former Kew Cottages (Kew Residential Services) initially consisted of three cottages, school house and kitchen constructed from 1887 to the east of the Kew Lunatic Asylum. The present buildings stand in extensive grounds with avenues of oaks lining the internal roads and mature plantings between the buildings.*

*The surviving buildings at the site include two of the three cottages built in 1887, now known as Unit 10 and House Hostel. The original School House (Parent's Retreat/Chapel) was built at the same time. A further cottage (Unit 11) was built in 1891 and has also been altered. The ward (Unit 9) built as the female ward dates from 1898-1900. A separate dining room (STAD building) was built in 1917. Units 9, 10, 11 and the House Hostel have been much altered and extended. The three cottages and the female ward were updated in the wave of reform initiated by Dr E. Cunningham Dax, the first Chairman of the Mental Health Authority, in the 1950s and many of the changes made to these buildings reflect this era. The School House and the Dining Room are relatively intact although used for various purposes over the years.*

*The Former Kew Cottages (Kew Residential Services) site deteriorated dramatically in the first half of the twentieth century, with severe overcrowding and lack of maintenance.*

*There were two waves of reform to the institution in the later twentieth century. The first was initiated by Dr Cunningham Dax with the support of a media campaign launched by journalist E.W. (Bill) Tipping in the Melbourne Herald brought the overcrowding and poor conditions of the Kew Cottages to the community's attention, with the establishment of the Kew Cottages Appeal in 1953 raising £47,798. The first £10,000 was spent on modern plumbing, new kitchens, refrigeration and renovations to the original cottages. Four H-shaped dormitory blocks based on Dutch models seen by Dr Dax were built in 1958. A new ward (Ward 13) was completed in 1960 as was the Geiger Playhouse.*

*In 1973 a further appeal was initiated by Graham Perkin, Editor of the Age newspaper. This became known as the Minus Children Appeal. There were over 500 children on the waiting list for places at Kew Cottages at that time. Four major buildings were constructed in this period to cater for daytime activities and education and named the Hamer Centre (day*

activity centre), the Smorgon Centre (medical and dental centre) and the Perkin Art Centre and the Age/Geiger Centre (theatre and kindergarten), which incorporated the Geiger Playhouse, were built as a result of this appeal.

### *Landscape*

*The Kew Lunatic Asylum (Willsmere) had been constructed between 1868 and 1872. The principal access to the complex was from a drive from Princess Street culminating in an elliptical carriageway in front of the main building. A gate lodge and large ornamental gates were designed in 1873 and erected at the entrance. These were later demolished (1940s?) for the straightening of Princess Street. The gates were relocated to the entrance of Victoria Park in High Street, Kew.*

*In the 1880s the grounds were planted with many conifers and large growing trees, oaks, elms and Moreton Bay Figs, and trees indigenous to the area, River Red Gum, Yellow Box and Lightwood were retained in the landscape. In 1913 the landscape gardener Hugh Linaker was employed to layout the grounds of Mont Park (est. 1910). As landscape gardener for the State Lunacy Department he commenced a program of landscape improvements and tree plantings at asylums in Victoria.*

*The conifer plantings and oak avenues were well established and a mature size by the 1940s. Conifers were widely planted from the 1860s along with Moreton Bay Figs and occasionally Oaks. Oaks and elms were more widely planted from the 1880s. It is not known if Linaker was responsible for the oak avenues, but it appears that many of the conifers, Monterey Pines, Canary Island Pines, Monterey Cypress, Hoop Pine, Bunya Bunya Pines and Himalayan Cedars, predate Linaker and the oaks and elms may have been planted soon after his appointment. The use of Bhutan Cypress in the landscape is almost certainly due to Linaker as he favoured upright trees. It is possible that the two remnant Monterey Cypress along Main Drive and a Monterey Pine along Lower Drive are trees from an earlier planting scheme.*

*In the late 1960s-70s a new layer of planting was established to the north and east of the site. Amongst the complex are many fine Spotted Gums (*Corymbia maculata*), Lemon-scented Gums, (*Corymbia citriodora*), Flowering Gum (*Corymbia ficifolia*) Blue Gums (*Eucalyptus globulus* subsp. *globulus*), Swamp Mallet (*Eucalyptus spathulata*), Argyle Apple (*E. cinerea*), Narrow-leaf Black Peppermint (*E. nicholii*) and a few unknown (rare/significant?) eucalypts. North of the Perkins Centre are two fine, and rare, gums, *Eucalyptus occidentalis*, and *E. macrandra*, and to the east 2 *E. camaldulensis* and a *E. spathulata*. On the Princess Street frontage (SE corner) is a young *Syncarpia glomifera*, an unknown *Eucalyptus* sp. and scattered throughout the site are a few *Callitris* trees, *C. rhomboidea*, *C. columinaris* and *C. glaucophylla*, and River Red Gums (*Eucalyptus camaldulensis*)*

*How is it significant?*

*The Former Kew Cottages (Kew Residential Services) site is of architectural, historical, aesthetic, scientific (horticultural) and social significance to the State of Victoria*

*Why is it significant?*

*The Former Kew Cottages (Kew Residential Services) site is historically significant as the first government institution to be established for intellectually handicapped children in Australia. Its design and construction in 1885-87 represented a new and progressive move for the care and accommodation of people with intellectual disabilities, in that it removed them from the general lunatic asylums and provided opportunities for education and training. The*



*six buildings constructed between 1887 and 1917 are of particular significance as the core of the site, demonstrating the form and function of the original institution.*

*The Former Kew Cottages (Kew Residential Services) site is historically and architecturally significant as the first example of the cottage system based on the European "Cottage System" applied in full to the intellectually handicapped. While the surviving original cottages have been extended and upgraded, their siting and, in part, their form and remaining fabric, point to the original arrangement of the institution. In addition, the changes made in the period 1958-1960 demonstrate the wave of reform initiated by the newly-appointed Chairman of the Mental Hygiene Authority in 1952, Dr Eric Cunningham Dax and the Tipping Appeal. It was the condition of the House Hostel and Unit 9 which demonstrated to the reading public in the 1950s the needs of the residents in the whole institution.*

*The Former Kew Cottages (Kew Residential Services) site is historically significant in demonstrating changing attitudes to the care of the intellectually disabled from 1887 to the present.*

*The Former Kew Cottages (Kew Residential Services) site is historically significant for its association with Dr Ernest Jones, first Inspector General for the Insane from 1905 and Dr Eric Cunningham Dax, first Chairman of the Mental Hygiene Authority from 1952, whose reforms are reflected in the development of the site and buildings. The cottage now known as Unit 10 is historically significant as one of the original cottages for boys opened in 1887, but considerably altered, especially in the years 1954 to 1960 but retaining the domestic scale of the original.*

*The House/Hostel (1887) is historically significant as one of the original 1887 cottages for girls. Although much altered by changes made mainly in the period 1954-60, the building ( and Unit 10 and 11 ) demonstrates in its siting and remaining fabric, the first stage of development of the institution. Additional facilities were added on the south side, replacing an existing verandah. The changes of the 1950s and 1960s demonstrate the wave of reform initiated by the newly-appointed Chairman of the Mental Hygiene Authority in 1952 and the Tipping Appeal and it was this cottage and Unit 9 whose condition demonstrated to the public in the 1950s the needs of the residents in the whole institution.*

*The building constructed as the School House (Parents Retreat/Chapel) (1887) is architecturally and historically significant as the first building constructed to provide education and training for the residents and demonstrates the innovative educational function of the institution from its earliest period. This school was the predecessor of special schools for the intellectually handicapped in Victoria.*

*The cottage now known as Unit 11 (1887) is historically significant as one of the original 1887 cottages. It has been considerably altered by changes made mainly in the period 1954-60.*

*The building now known as Unit 9 (1898-1900) is of historical significance as one of the early wards, which has been considerably altered by changes made mainly in the period 1954-60.*

*The former Dining Room (STAD Building) (1917) is of historical and architectural significance in demonstrating the development of the institution in the early twentieth century. The dining room was constructed to improve food hygiene as part of the reforms introduced by Dr Ernest Jones, Inspector General of Lunatic Asylums, in response to the outbreaks of the regular outbreaks of typhoid and scarlet fever and the increase in the institution's population to over 300.*

*The landscape at Kew Cottages is of historical and aesthetic significance at a state level. The planting is dominated by towering conifers from the nineteenth century, including Hoop Pines, Bunya Bunya Pines, Monterey Pines, Canary Island Pines, and Monterey Cypress. The landscape was further enhanced by avenue plantings of English Elms, English Oaks and Algerian Oaks along the Drives and in the landscape. The Main Drive comprises an unusual double avenue of trees; the outer rows are planted with Algerian Oaks, and the inner avenue with English Elms. Towards the western end the avenue changes to alternating Elms and Moreton Bay Figs. On the north side near the centre is a short row of Bhutan Cypress. The Boundary Drive is planted with an avenue of Algerian Oaks and the planting along Lower Drive mostly features pairs of alternating English Oaks and Algerian Oaks along the avenue. The grounds also feature an Oak Walk, asphalt path edged with uncommon glazed spoon drainage tiles and planted with Algerian Oaks, and a few English Oaks. Retained in the landscape are several old River Red Gums and a number of regenerating saplings, some now semi-mature and two Yellow Box and a fine Lightwood tree.*

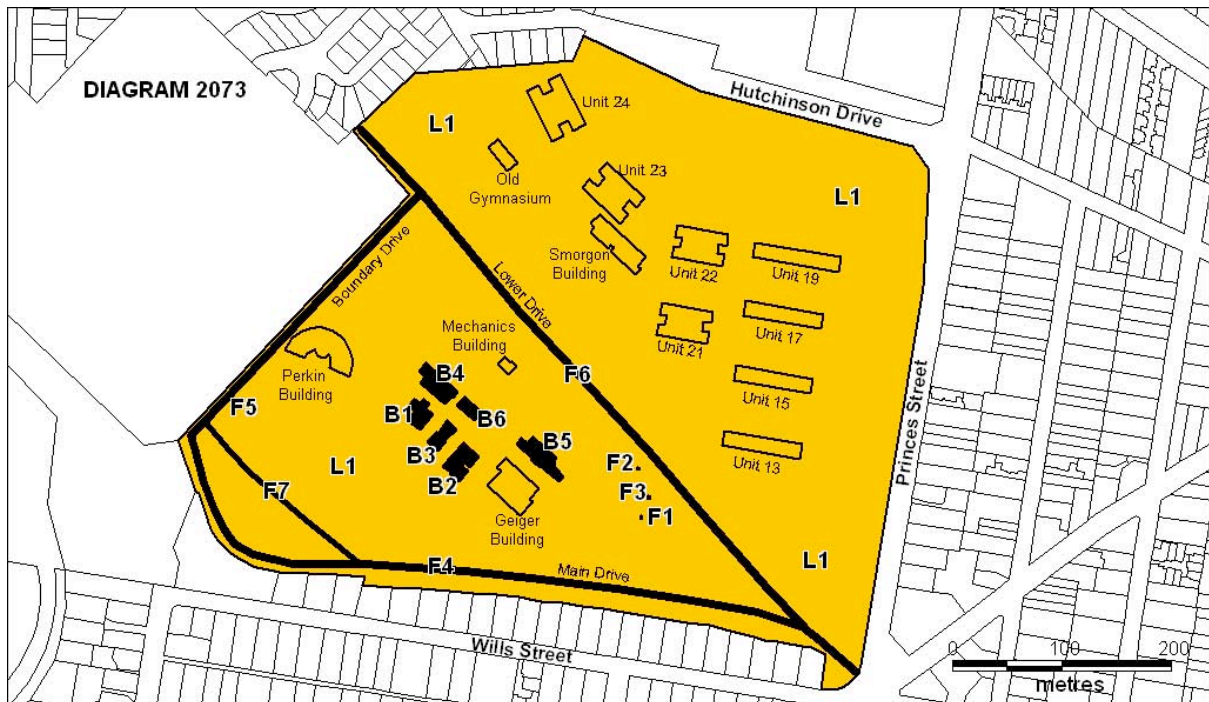
*The Main Drive is of historical significance for its association with the Kew Lunatic Asylum (Willsmere), the largest nineteenth century mental institution in Victoria and later its use by the Kew Cottages complex. The landscape is significant for its association with the prominent landscape gardener, Hugh Linaker who was appointed by the State Lunacy Department in 1913. He later became State Superintendent of Parks and Gardens from 1933, and prepared landscape plans for the Buchan Caves reserve in 1929 and the new Shrine of Remembrance in 1933. Linaker was one of the most significant landscape designers in Victoria in the early 20th century His landscape style included mixing exotics and native trees and contrasting forms especially narrow crowned and fastigate forms and palms. These were often planted in alternate arrangements in the landscape to give a striking and contrasting image.*

*The planting is of scientific (horticultural) significance for its collection of trees rarely cultivated in Victoria and trees of outstanding size and form. The grounds include three specimens of the rarely cultivated *Prunus ilicifolia*. The only other known trees are an old tree at Willsmere, now coppicing from a stump and a young sapling in the entry courtyard and a large tree in Caulfield Park. The planting also includes an uncommon *Pinus muricata*, *Brachychiton roseus* subsp. *roseus*, and three *Cupressus macrocarpa* 'Fastigiata'. Beside the workshop is a stand of the rarely grown *Wigandia caracasana* and north of the Chapel two young trees of *Arbutus canariensis*.*

*The Algerian Oaks (*Quercus canariensis*), (about 80 trees) at Kew Cottages are highly significant. For some unknown reason the trees have been grafted onto English Oak (*Quercus robur*) rootstock. The location of the graft union ranges from ground level to about two metres above ground level. Algerian Oaks are readily grown from acorns and this form of propagation is only known to occur in Rosalind Park Bendigo, where there are three grafted Algerian Oaks in an avenue.*

*The Former Kew Cottages (Kew Residential Services) site is of social significance in demonstrating the position of the intellectually disabled in society. Public awareness campaigns such as the very successful Tipping and Minus Children Appeals for improvements at the Cottages have been influential in changing public perceptions of the disabled. The Kew Parents Association founded in 1957 was the first such organisation in Australia, acting as an advocacy group for their children and for all intellectually disabled citizens.*

*The memorial structures at Kew Cottages commemorating the long term residents and the nine men who died in a fire in Unit 31 in 1996 are of social significance as a reminder of society's duty of care to the intellectually disabled.*



## Plan 2

### Extent of Registration

*General: The landscape, plantings, avenues, concrete lamp-posts.*

*1. All of the buildings and features marked as follows on Diagram 2073 held by the Executive Director:*

- B1 Cottage (Unit 10) (1887, 1954-60)*
- B2 Cottage (House Hostel) (1887, 1954-60)*
- B3 School House (Parents Retreat/Chapel. (1887, 1901-02)*
- B4 Cottage (Unit 11) (1891, 1954-60)*
- B5 Female Hospital Block (Unit 9) 1898-1900, 1954-60)*
- B6 Dining Room (STAD Building) (1917)*

- F1 Fire Memorial Column (1996)*
- F2 Longterm Residents' Memorial (1991)*
- F3 Residents' Sculpture (c. 1995)*
- F4 Main Drive*
- F5 Boundary Drive*
- F6 Lower Drive*
- F7 Oak Walk*

*2. All of the Land marked L1 on Diagram 2073 held by the Executive Director.*

During the above process DHS had sought tenders for the redevelopment of the whole site based on the Amendment 53, and the Urban Design Framework, and on the basis of the items to be conserved set out in the plan [page 12] above, which is retention of only 2 of the 6 buildings, the memorials and some of the landscape.

There were extensive discussions with the Department of Human Services during and following the heritage registration to discuss proposals for the re-development of the site which recognised and retained those elements identified as being of cultural heritage significance. The current permit application is the response.

**Summary of the conclusions and recommendations in the various reports on KRS compared to VHR**

76. Items in VHR	77. Biosis Report 2001	78. CMP 2002	79. UDF 2003
80. B1 Cottage (Unit 10) (1887, 1954-60)	84. Contributory Local	111. Retain and restore	137. Not included
B2 Cottage (House Hostel) (1887, 1954-60)	85. Contributory Local	112. Retain or demolish	138. Not included
B3 School House (Parents Retreat/Chapel. (1887, 1901-02)	86. Contributory Local	113. Retain	139. Included
B4 Cottage (Unit 11) (1891, 1954-60)	87. Primary Regional-State	114. Retain or demolish	140. Not included
B5 Female Hospital Block (Unit 9) 1898-1900, 1954-60)	88. Primary Regional-State	115. Retain	141. Included
B6 Dining Room (STAD Building) (1917)	89. Primary Regional-State	116. Retain or demolish	142. Not included
81. F1 Fire Memorial Column (1996)	90. Primary Regional-State	117. Retain or demolish	143. Not included
F2 Long term Residents' Memorial (1991)	91. Contributory Local	118. Retain or demolish	144. Not included
F3 Residents' Sculpture (c. 1995)	92. Contributory Local	119. Retain and restore	145. Not included
F4 Main Drive	93. Primary Regional-State	120. Retain and restore	146. Not included
82. F5 Boundary Drive	94. Primary Regional-State	121. Retain and restore	147. Not included
F6 Lower Drive	95. Primary Regional-State	122. Retain and restore	148. Not included
F7 Oak Walk	96. Primary Regional-State	123. Retain and restore	149. Not included
83.	97. Primary Regional-State	124. Retain	150. Included
	98. Primary Regional-State	125. Retain	151. Included
	99. Primary Regional-State	126. Retain or relocate	152. Included
	100. Primary Regional-State	127. Retain or relocate	153. Included
	101. Primary Regional-State	128. Retain or relocate	154. Included
	102. Contributory Local	129. Retain or relocate	155. Included
	103. Contributory Local	130. Retain or relocate	156. Included
	104. Contributory Local	131. Retain or relocate	157. Included
	105. Primary Regional-State	132. Retain replant as required	158. Included
	106. Primary Regional-State	133. Retain replant as required	159. Included
	107. Primary Regional-State	134. Retain replant as required	160. Included
	108. Primary Regional-State	135. Retain replant as required	161. Included
	109. Primary Regional-State	136. Retain replant as required	162. Included
	110. Primary Regional-State		163. Included

**Table 3**

**HOW CULTURAL HERITAGE SIGNIFICANCE OF REGISTERED PLACE OR OBJECT IS AFFECTED BY PROPOSAL:**

The proposal fall into two parts:-

1. Redevelopment of Stages I and II, for residential development including 20 community homes, and
2. Approval for the demolition of three of six heritage registered buildings, the relocation of three memorials, removal of some trees, and approval of a site concept plan for the residential development of the remained of the site not covered by Stages I and II.

The proposals in relation to the first part of the proposal will have no impact on any buildings and/or structures identified as being of cultural heritage significance, and a limited impact on a number of specific trees identified as being of significance.

The proposal in relation to the second part of the proposal will have a considerable impact on the cultural heritage significance of the Kew Cottages site.

### **Applicant's submission in support for the proposal**

In support of the application the applicants submitted the following document:-

- 'Submission in support of an application for a Heritage permit, pursuant to s.67 (1) of the Heritage Act 1995, Former Kew Cottages Site, prepared by Disability Services, DHS and SJB Planning Pty Ltd, May 2005' and
- 'Heritage Impact Statement, prepared for DHS by HLCD Pty Ltd, May 2005'.

In addition, in response to submissions made following the period of public notice under s.68 of the *Heritage Act 1995*, [see below] copies of which were supplied to the applicant and its agents, an additional document containing revised plans was submitted on 27 July 2005 in support of the proposal.

- Former Kew Cottages, Proposed Development, Report on Submissions, prepared for Department of Human Services, by HLCD Pty Ltd, July 2005

**These are attached as Appendices 1, 2 and 3 respectively**

### **ASSESSMENT**

#### **Redevelopment of Stages I and II, for residential development including 20 community homes**

The proposed redevelopment of the part of the site for Stages I and II will involve the removal of all existing buildings on this part of the site. These buildings, however, were not identified as being of cultural heritage significance, and subject to adequate archival photographic recording, could be demolished without the requirement for a heritage permit under s.67 of the *Heritage Act 1995*. This part of the site does contain a number of significant trees and other plantings included in the heritage registration. All but three are being retained as part of the proposed development. Through inspection and discussions on site, and consideration of the submission, it is accepted that their removal would be acceptable. The loss of a Red Gum is regretted, but it has been severely damaged and compromised by a lightning strike and its retention is not viable. It is considered that subject to conditioning regarding the trees, the impacts on the cultural heritage significance of the site are relatively minimal.

**Approval for the demolition of three of six heritage registered buildings, the relocation of three memorials, removal of some trees, and approval of a site concept plan for the residential development of the remained of the site not covered by Stages I and II.**

In terms of the specific items entered in the heritage register, the impacts of the above proposal are summarised below:

164. Registration	165. C53 Amendment	166. Proposal
167. B1 Cottage (Unit 10) (1887, 1954-60)	171. Demolish	190. Retain
B2 Cottage (House Hostel) (1887, 1954-60)	172. Demolish	191. Demolish
B3 School House (Parents Retreat/Chapel. (1887, 1901-02)	173.	192.
B4 Cottage (Unit 11) (1891, 1954-60)	174. Retain	193. Retain
B5 Female Hospital Block (Unit 9) 1898-1900, 1954-60)	175.	194.
B6 Dining Room (STAD Building) (1917)	176. Demolish	195. Demolish
168. F1 Fire Memorial Column (1996)	177. Demolish	196. Demolish
F2 Long term Residents' Memorial (1991)	178.	197.
F3 Residents' Sculpture (c. 1995)	179. Retain	198. Retain
F4 Main Drive	180.	199.
169. F5 Boundary Drive	181.	200.
F6 Lower Drive	182. Relocate	201. Relocate
F7 Oak Walk	183. Relocate	202. Relocate
170.	184.	203.
	185. Relocate	204. Relocate
	186. Retain but some modification to provide access	205. Retain but some modification to provide access
	187. Retain	206. Retain
	188. Retain	207. Retain with some modifications
	189. Retain	208. Retain

In addition to the proposal to demolish buildings and relocate memorials, some of the trees identified as being significant are proposed for removal or relocation. Furthermore much of the site is proposed for re-development, with a combination of single and attached houses, 4 storey apartment buildings, adjacent to the public open space spine and heritage buildings, and 5 storey apartment buildings, on the southern [highest] section of the site.

This proposal will clearly alter the current layout and character of the site, and have a range of physical and visual impacts. There is clearly going to be a detrimental impact on the cultural heritage significance of the place.

In considering an development proposal the Executive Director must consider a range of matters set out under s.73(1) of the *Heritage Act 1995*, as follows:-

- (a) The extent to which the application, if approved, would affect the cultural heritage significance of the registered place.
- (b) The extent to which the application, if refused, would affect the reasonable or economic use of the registered place, or cause undue financial hardship to the owner in relation to that place.

- (c) Any submissions received under s.69
- (e) If the applicant is a public authority, the extent to which the application, if refused, would unreasonably detrimentally affect the ability of the public authority to carry out statutory duty specified in the application.
- (f) Any matters relating to the protection and conservation of the place that the Executive Director considers relevant.

In addition the Executive Director may consider a range of matters set out under s.73(1A) of the *Heritage Act 1995*, as follows:-

- (a) The extent to which the application, if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is included in the heritage register.
- (b) Any other relevant matter

The submission made by the applicant addresses these matters, and are briefly summarised below.

**THE EXTENT TO WHICH THE APPLICATION, IF APPROVED, WOULD AFFECT THE CULTURAL HERITAGE SIGNIFICANCE OF THE REGISTERED PLACE.**

The DHS/SJB Submission May 2005 pages 9-12 include a Heritage Impact Statement. The HLCD May 2005 report forms part of this submission. In response to submissions received under s.69 which were provided to DHS, an additional report HLCD July 2005 was submitted.

Demolition of Buildings

The application acknowledged that the proposal will clearly have some impact on the cultural heritage significance of the place but argues that the retention of the three buildings proposed, two from 1887 and one from 1917, will be sufficient to represent and demonstrate the cultural heritage significance of the site. [HLCD May 2005 page 25]

It argues that of the two 1887 cottages remaining, B1 (Unit 10) is relatively more intact, less extended, and thus architecturally more legible than the other cottage, B2 (House Hostel) and has the ability, with its relationship to the school house (B3) which is being retained, to demonstrate the form, function and layout of the already much altered central core area of the site. It considers the retention of the much altered and compromised B2 is not critical. [HLCD May 2005 page 25 and 30, HLCD July 2005 page 7-12]

The argument for the retention of B6 (Dinning room – 1917) is that it is relatively intact and demonstrates a shift in the servicing of the cottage residents by provide improved food hygiene.

It further argues that B4 (Unit 11), is a later cottage (1891) and also greatly altered, and does not add greatly to the understanding of the cultural heritage significance of the site.

Similarly, retention of B5, (Unit 9) Female Ward – Hospital, (1898-1900) is not seen as critical.

It is proposed to relocate three memorials within the grounds [F1, F2 and F3] to site/sites adjoining the retained buildings, with final details to be resolved through consultation with interested parties.

The retained buildings will be conserved and adapted. At this stage it is likely B2 may retain its residential use, B3 a possible commercial/café use, and B6 the interpretation centre for the Kew Cottages site.

Relocation of monuments

It is proposed to relocate three existing memorials, F1 Fire Memorial Column (1996), F2 Longterm Resident's memorial (1991) and F3 Residents' Sculpture to an area of land, as yet unspecified, adjoining the heritage registered buildings B1, B3 and B6 and include in the interpretation of the sites history. It is also proposed to relocate the memorial garden which forms part of the Fire Memorial Column which has 9 rosemary bushes and roses. While this proposal will remove the memorials from their current locations, these locations in themselves are not believed to be significant. The proposal will have some impact on the cultural heritage significance of the site.

### New Development and Buildings

The proposal for the site includes a new road structure which will create what the applicant terms the 'heritage core area' where the three retained buildings will be located. Within this area three new buildings are proposed, each of four storeys. At this stage the buildings are schematic in design. [HLCD May 2005 page 16]

The application argues that while there will be a clear scale differential between the existing buildings and the new, their disposition on the sites of B2 and B4 retains the relationship to the retained buildings, and it will allow the relationship between B1 (1887 cottage) B3 (1887 school) and B6 (1917 dining room) to be read and understood. This will be aided by the retention of the footpath system which links the buildings, and by significant plantings and landscaping. [HLCD May 2005 page 25]

It is also argued that the removal of other existing buildings to the north and east, and the Public Open Space spine, to the north will improve the presentation of B2, B3 and B6 and permit a better understanding of the layout.

In addition to new building within the 'heritage core' three 5 storey buildings are proposed to the south west, located on the highest part of the site. A number of trees are proposed to be removed. While this aspect of the proposal will not directly impact on any significant buildings on the Kew Cottages site, impacts on the adjoining Willsmere site, also a State Heritage Registered place, have to be considered. This impact was not assessed in the original submission, but was addressed in the later submission [see below].

### Landscape

There are a number of tree lined drives included in the heritage registration and in addition other trees and plantings identified as being of heritage significance. The proposal will have some impacts on these elements. [HLCD May 2005 pages ]

F4 – Main Drive. The majority of the existing planting and all of the lamp posts [12] are being retained. It is proposed that a new access road will be created off Main Drive to create a major access route into the site. This will result in the removal of a number of trees. New residential development to the north of the drive is set outside the avenues of trees.

F5 – Boundary Drive. There is no impact on this drive or plantings with all development to the east set well away from the drive. This area will provide an open space buffer to the adjoining Willsmere site to the west.

F6 – Lower Drive. The line of the Drive is to be retained, but at about mid-point, it is proposed that the road be modified to form a footpath which would run through the Public Open Space spine. Residential development is proposed both north and south of the drive, but all trees are shown as retained.



F7 – Oak Walk. This is retained and new development is set to the north of this area. A number of isolated trees, adjacent to this Drive are proposed for removal to facilitate the three 5 storey buildings.

In addition, a number of significant trees are proposed for relocation within the site.

The application argues that overall, the impacts on the existing drives and heritage plantings is relatively minimal, and indeed many trees not identified as being significant are being retained.

A meeting on site on 1 July 2005 involved a very detailed assessment of the proposals in relation to the impacts on the landscape, and as a result additional information and plans were subsequently submitted on 27 July 2005, addressing these issues. See below

Continuing use of the site

Both the DHS/SJB and HLCD submissions make the point that the site has been in continuous use for the intellectually disabled since 1887 and has undergone major changes and developments to react and respond to changes in treatment, and that the current proposal will maintain this original use, and maintain the cultural heritage significance of the site.

**Conclusion**

It is clear that the proposals will have a detrimental impact on the cultural heritage significance of the site.

Accordingly, it is critical to examine the submissions made under s.73 (1) and s.73 (1A) of the *Heritage Act 1995*, set out below.

**EFFECT REFUSAL WOULD HAVE ON REASONABLE OR ECONOMIC USE OF THE PLACE OR OBJECT: and EXTENT OF UNDUE FINANCIAL HARDSHIP ON THE OWNER IF THE APPLICATION IS REFUSED:**

The applicants have made a reasonably substantial submission in relation to these related issues [DHS/SJB Submission May 2005 pages 4-7, HLCD May 2005 page 28]

In brief, the arguments are that to retain the six buildings would impose an unreasonable impact on the use of the site and also impose an unreasonable cost burden, which would affect the delivery of services.

Economic impacts

Following the heritage registration of the site, calculations were undertaken on the financial impacts of moving from the proposed scheme, based on the Development Plan of retaining two of the buildings [B3 and B6], to retaining 5 buildings, and also three buildings, as currently proposed.

<b>209.</b>	<b>Retain 2 buildings and some trees as per UDF</b>	<b>210.</b>	<b>Retain 5 buildings and all trees</b>	<b>211.</b>	<b>Retain 3 buildings and all trees</b>
212.		219.		229.	
213.	Apartments 326	220.	Apartments 230 -96	230.	Apartments 276 -50
214.	Houses 224	221.	Houses 200 -24	231.	Houses 213 -11
215.	Community Houses 20	222.	Community Houses 20	232.	Community Houses 20

216.		223.		233.	
217.	Total	224.	Total	234.	Total
	570		450 -120		509 -61
218.		225.		235.	
		226.	Loss at present value	236.	Loss at present value
			\$15.4m		\$7m
		227.			
		228.			

If the sixth building was retained this would involve a major replanning of the site and even greater losses over and above the current proposal, although no figure has been provided.

The loss of present value is based on the loss of units and does not factor in the costs of the restoration of the retained buildings, estimated at \$3000 per square metre.

It is stated that this loss of revenue to KRS and DHS will have a severe impact on the delivery of services for the KRS residents, as in addition to the 20 community homes to be provided on site, a further 73 are proposed to be built off-site, and the \$15.4 m short fall equates to 85 places [15 houses]. Alternatively the \$15.4 m would provide individualised support packages for 1,000 people for a year, or respite to an additional 2,800 families. [DHS/SJB Submission May 2005, page 7]

The current proposal result in a loss of \$7m, over the original scheme, but this is accepted as a balanced outcome for the site.

#### Alternatives?

An assessment was also made by the preferred developer of what alternatives might exist to make up the losses of 96 units and 24 houses under the 5 building option. It has advised DHS [DHS/SJB Submission May 2005 page 5] that a revised layout would negatively impact on the environmental, commercial and amenity considerations in the overall design philosophy.

The re-allocation of the apartment blocks would severely compromise the design intent that underpins the selected scheme, and require a major redesign of the public open space provision. Locating the 3 replacement apartment blocks into the lower density areas to the north would result in overshadowing and overlooking of the houses, and many of the KRS residential homes. It is argued a re-design of the layout to accommodate the 5 or 6 buildings would impact on the key features of the Development Plan, and result in a diminished and less optimal solution for the site. It would require a fundamental redesign.

#### Adaptive re-use?

A further issue raised in the submission [DHS/SJB Submission May 2005 page 6 and attachment C] is that the retained buildings, B1, B2, B4 and B5 [currently in residential use] cannot be appropriately used for the provision of modern services for people with disabilities now or in the future, so will impact on the reasonable use of the site into the future. This argument is not advanced for B3 and B6 which are not residential and have an option for incidental uses related to the interpretation of the site

In addition, the submission argues that the retention of the 5 or 6 buildings, as opposed to the 3, would have a negative impact on the KRS residents remaining on site, by reminding them of the outdated former care regime on the site.

**IF THE APPLICANT IS A PUBLIC AUTHORITY, THE EXTENT TO WHICH THEIR ABILITY TO CARRY OUT A STATUTORY DUTY WOULD BE AFFECTED BY REFUSAL OF THE APPLICATION:**

As the Minister for Community Services on behalf of the Government of Victoria and in conjunction with DHS has a statutory responsibility for services funded under the *Intellectually Disabled Persons' Service Act (1986)* "IDPSA" and the *Disability Services Act (1991)*, a submission has been made to address this issue [DHS/SJB Submission May 2005, pages 7-8].

It is clear that the move from institutional based care to community-based care, and to promote the integration of the intellectually disabled persons into the community is a primary aim of the *Intellectually Disabled Persons' Service Act (1986)*, and a statutory duty placed on DHS.

It is not argued that the refusal of the proposal would stop the provision of the proposed 20 community homes, but more that the retention of all 6 existing buildings from the current institution, reflecting outdated methods of service delivery, in particular the ex-dormitory accommodation, will impact on the Disability Services capacity to meet its statutory requirements under the *Intellectually Disabled Persons' Service Act (1986)* and the *Victorian State Disability Plan 2002-2012*.

The submission states 'such a concentration of buildings in what is to otherwise become a residential suburb will expose KRS residents to the likelihood of stigmatisation and isolation therefore mitigating the objective of community inclusion'. This concern is supported in a number of submissions by key stakeholders representing the rights of people with disabilities. [DHS/SJB Submission May 2005, Attachment C] namely:-

- The Office of the Public Advocate
- Disability Advisory Council of Victoria
- Victorian League for Individuals with Disability Inc

The Public Advocate makes the following statement in relation to this issue:-

The retention of too many buildings on the site has the potential to have an ongoing damaging psychological impact on the 100 people who will continue to live on the site and other former residents who will visit the site in the future. Community Visitors who have been visiting KRS since 1987 have reported a number of instances of former residents of KRS becoming anxious and agitated upon returning on visits to the site. The impact of the retention of too many buildings is to provide a visual reminder to these people who are unable, because of their disability, to appreciate the significance of the proposed retention and to appreciate that the institution they once knew no longer exists and it is not intended to return them to it.

The Victorian League for Individuals with Disability Inc, comment

As well as being attuned to the aspirations and apprehensions of KRS residents, VALID also has regular and ongoing involvement with many ex-KRS residents and their carers. We are frequently told of anxiety of ex-residents who are taken to visit old friends or who are driven through the grounds. People are reported as being made to feel not just uncomfortable but fearful and depressed at the sight of those 'haunted old buildings'.

We view their preservation [of the buildings] as serving no other purpose than to inhibit the successful redevelopment of the site – both in financial and social terms. If preserved, their presence will continue to undermine the changing of community attitudes, as well as inhibit the development of residents self esteem and the sense of security in their new homes and lives.

Submissions made under s.69 [see below] take a different view on this issue.

## **s.73 (1A) (b) ANY OTHER RELEVANT MATTER.**

### Government Policy considerations

In its submission [DHS/SJB Submission May 2005, page 8-9] attention is drawn to a range of policy objectives and announcements made by the Victorian Government in relation to the redevelopment of the KRS site, and makes the point that the KRS development is part of broader government policy and commitment.

### Other significant Intellectual Health Facilities

In the HCLD May 2005 submission, pages 9- 12, attention is drawn to the extent of other surviving intellectual health facilities across Victoria, but also Australia, with 13 places entered in the Victorian Heritage Register relating to the treatment of mental health issues. The places include:-

H0861- Willsmere Hospital, Kew  
H1223 - Aradale, Ararat  
H1091 - Bundoora Repatriation Hospital Day Centre  
H2062 - Former Royal Park Psychiatric Hospital  
H1872 - Former Mont Park Hospital  
H1552 - Fairlea Women's Prison – former Yarra bend site  
H1067 - J Ward (Ararat Asylum)  
H0937 - Caloola, Sunbury  
H1189 – Mayday Hills, Beechworth  
H1725 – North West Hospital, Parkville  
H1878 – Fairfield Hospital, Yarra Bend  
H2073 – Kew Cottages, Kew.

Of the above 12 sites, 2 also have cottage layouts [Aradale, Ararat, cottages constructed 1887, and Mayday Hills, Beechworth, cottages constructed 1880's] albeit not for intellectual children. Both these site represent the principal elements of the cottage system, and are more intact than Kew.

It is the case that as a class of building type, most former mental institutions across Australia are represented in State heritage registers.

### **ANY REPRESENTATIONS MADE FOLLOWING ADVERTISEMENT OF AN APPLICATION:**

10 submissions were received in response to the public notice process under s.68 of the Act. All object to one degree or another, to the proposed development. **Copies of these submissions are included in Appendices 5 to14 as follows:-**

National Trust of Australia (Victoria) [5]  
Kew Cottages Coalition\*\*, including letter of support from Kew Association of Boroondara Inc. [6]  
Boroondara Residents Action Group [7]  
Kew Cottages Parents' Association Inc. [8]  
Protectors of Public Lands (Victoria) Inc. [9]  
Louise Godwin\*\*. [10]  
Astrid Judge. [11]  
Christopher Game. [12]  
Margaret Ryan\*\*. [13]  
Fran van Brummelen. [14]

A number of these submissions\*\* are extensive.

All submissions object to the proposal to a greater or lesser degree. A brief summary of the main points and/or arguments advanced are set out below with references to page numbers of the various submissions, all of which are attached.

#### **National Trust of Australia (Victoria) [5]**

##### Demolition of three buildings

Objects to loss of the three of the six buildings. The entire group is significant as a demonstration of the institution from 1887-1917. This is supported in the Statement of Significance. Group more significant than the individual items. Nature and arrangement and layout of buildings important. Demolition of any one of the buildings would destroy the arrangement and limit the understanding of the place.

##### Concern with new development

The decision to accommodate one hundred of the KLRS residents is most desirable and reinforces the ongoing use of the site. Difficult, however, to see that on a site so large it is essential to demolish the heritage buildings to sustain a viable use. Consider many options available for siting new buildings. Difficult not to be sceptical of the \$5-7 million loss claimed. Consider a rearrangement of the blocks possible to avoid loss and reduce impact given extent of the site.

Does not consider the arrangement proposed for the 'historic core' is an appropriate setting. The height, bulk and massing would dominate the single storey cottages, the scale of which is an essential element of their significance.

#### **Kew Cottage Coalition [6]**

Totally oppose the grant of the proposed permit. On 20 June 2005 public meeting held which resolved:-

- Oppose the demolition of any heritage buildings, including B2, B4 and B5.
- Oppose the removal of any significant trees.
- Oppose the inappropriate and insensitive DHS Heritage Core Plan
- Opposes the adoption of any of the DHS/Walker Corporation Plans as submitted to Heritage Victoria and Boroondara Council.
  
- Supports the submission by Boroondara Council to Heritage Victoria
- Supports the KCC Concept of a heritage precinct that keeps the cottages and landscape intact
- Requests Heritage Victoria to undertake an analysis of the KCC Precinct proposal
- Calls on Heritage Victoria to request DHS to prepare and publicly exhibit the DHS and KCC proposals, together with costs, and the release of the contractual arrangements.

KCC considered alternative model was flexible and robust enough for the development of the site. Requested that the financial in confidence figures be released. Consider there should be an open and transparent scrutiny of any figures provided to Heritage Victoria. Requests a preliminary meeting with interested parties to request additional information.

##### Submission

##### Need for further information [page 2-4]

Claims serious errors in terms of the process claimed by DHS in relation to the UDF and C53 process. Disputes claims made by DHS

Claims errors in the site concept plans, contour lines, lines around VPO's. Requests the whole plan be withdrawn to be corrected. KCC considers there the 'Heritage Core Model' as proposed by DHS is inappropriate.

Need for alternative model [page 4-5]

Strongly object to the current proposal, and offer an alternative proposal which it considers is more in keeping with the cultural heritage significance of the site.

Strongly object to loss of B2 and B4, and B5 is worthy of retention. This can be achieved by a re-design. Consider that this unique opportunity to preserve this authentic intact group set in their original location and providing a valuable insight into some of the environmental conditions and health care practices of the time should be retained at all costs and not destroyed for purely financial gain.

Not impressed by the arguments advances that the retention of the buildings will reduce the funds available for services to the disabled as there is no guarantee that all the proceeds resulting from the sale of KRS will be used to improve services for the intellectually disabled.

Consider the funding required for the intellectually disabled should come from other sources, such as the sale of other vacant Crown Land.

Completely disagree with the claim made by the Government and “peak bodies” that Kew is a Dickensian Institution and should be closed. Point to the apparent failure of the ‘normalisation model’ elsewhere.

Challenge the assertion about the poor condition of B2, B3 and B5.

Consider the claim that re-allocating the lost apartment blocks to other locations will have a negative impact is overstated, and that there are alternatives available through a re-design.

Considers the assertion that buildings B1, B2, B4 and B5 cannot be appropriately used for the provision of modern services for people with disabilities now or in the future is open to question. Suggestions have previously been advanced for a range of possible uses related to the continued use of the site by KRS residents, and others.

No reliable evidence has been submitted that the present KRS residents will be psychologically affected by the present and future existence of these buildings, and consider the claim is spurious and based on surmise.

Impacts on cultural heritage significance of the place [page 6]

Statement that main drive is to be retained as a key landscape feature of the design is challenged as dko plan shows it being diverted. Proposal will negate a proposal for the relocation of the original Entrance Gates to Willsmere. Need to keep main drive and boundary road for emergency assess. [Note plan being referred to is of an earlier scheme, not the current scheme which keeps all the drives and roads identified as significant]

Disputes claim [s.41] that a refusal would affect the reasonable and economic use of the land. Consider the claim that the proposal will improve the site for the community as well as the residents is wrong. Proposal will provide much less amenity than the residents currently enjoy, and remove existing facilities.

HLCD Report [page 6-7]

Despite claims about the retention of landscape and trees point out 21 trees are listed for removal. Considers by some re-alignment more could be kept.

Claim about the retention of the landscape setting extravagant as 240 residential buildings and 14 multistorey blocks are planned for the site. Will result in loss of over 200 other trees not included on the layouts.

#### Suggested amendments to Development Proposal [page 7-8 & 9]

Plan submitted proposing an alternative layout which would retain all six buildings and also more trees.

Proposed circular road would have a positive effect by creating a discrete heritage area where buildings, artefacts and memorials could be preserved for the benefit of present and future generations, and creation of a mini-park, clear of intrusions, and improved traffic circulation

#### Other issues

Concerned about the potential impacts of the proposed 5 storey buildings which are to be built on the highest part of the site, on Willsmere. Should be reduced in height or moved downhill.

Many traffic issues not been adequately addressed.

#### General comments [page 8-9]

Briefing of contractor's staff and all personnel involved in the design and construction phase of the development should be undertaken by Heritage Victoria staff prior to commencement of works.

Appointment of a full time inspector for the site to ensure heritage assets not being damaged, with power to stop works.

Objections by DHS to retain more than three buildings on economic grounds should be disregarded as irrelevant. Possible economic loss if buildings are retained would be negligible as lost allotments were replaced.

Unproven assumptions about the impact of the continuing presence of the buildings on the intellectually disabled should be dismissed as mischievous nonsense.

#### Attachment.

The KCC submission included a number of attachments including a letter from the Kew Association of Boroondara, in full support of the KCC Submission. Concerned at the process, and consider the claim for commercial in confidence in relation to s.73 (b) should not stand. Heritage Victoria needs to conduct an independent analysis to establish the claim being made. In the absence of such an analysis it is not possible to quantify the actual extent of potential risk, profit and loss. Do not consider Government would suffer a financial loss if the permit is refused, as it would still retain the land and will have greater clarity the nature and extent of the cultural heritage significance of the site – something that should have been done 10 years ago, when plans first muted. If financial hardship being claimed figures should be released.

Letter setting out suggestions for uses for the six buildings, for ID and broader community.

#### **Boroondara Residents Action Group [7]**

Opposes the Heritage Permit, specifically:

- The demolition of Buildings B2, B4 and B5
- The removal of any significant trees
- The proposed relocation of monuments F1, F2, F3.

- The site concept plan, Heritage Core Concept Plan, and stages 1 & 2 Plans.

Consider DHS submission is totally inappropriate response, and the DHS Heritage Core Concept, if approved, would severely detract from the cultural heritage significance of the site.

Landscape critical, and consider the 27% public open space provided for in the DHS concept plan would not protect this. DHS concept plan [supplied to Boroondara under the Walker Development Plan] provides for over 1000 and up to 1100, new residential lots, a housing density of 56 dwellings per hectare. The impact of such development would totally negate the cultural and historical cultural heritage significance of the site.

DHS concept plan and stages 1 and 2 should be refused.

#### **Kew Cottages Parents' Association Inc. [8]**

Supports the Heritage Councils decision to include Kew Cottages in the Heritage Register.

The Parents Association defers assessment of the heritage merits of the application to Heritage Victoria, but having read the Boroondara and Louise Godwin submissions, the Association strongly believe the case for the retention of buildings B1, B2 and B3 is indeed strong.

It makes comments in relation to s.73.(1)(b) and (e)

In relation to s.73 (1)(b) it notes the governments claim that the retention of 3 buildings will reduce the states revenue by up to \$7 million, and the retention of all six \$15.4 million. Pointed out that when redevelopment announced in 2001, only 250 allotments low-density development proposed based on 50-100 KRS residents remaining. Development now based on 520 (potentially 800 stated in Walker Development Plan). Government has also enjoyed record budget surpluses. Accordingly, suggestion that there is an economic imperative for demolition needs to be carefully weighed by Heritage Victoria.

In relation to s.73 (1) (e) note that the government is arguing that the retention of six buildings will traumatises both residents remaining and those visiting. The Association strongly refutes this and the collective claim of the government funded and appointed advocates on this issue.

#### **Protectors of Public Lands (Victoria) Inc [9]**

Opposes the development proposal and supports Boroondara Council's submission.

Draws parallels to the Royal Park Psychiatric Hospital development. Heritage Victoria needs to give special care and attention to permit applications for demolition of Government owned icon heritage sites such as Kew.

Concerned about the process where the Government is the owner, developer and Responsible Planning Authority for the site.

Consider the process was flawed from the start because it began with a false assumption regarding the cultural heritage significance of the site. Application should be treated rigorously and any claim for privileged treatment because of the applicant's status should be strongly resisted, because of the nature of the commercial development interests involved.

#### **Louise Godwin [10]**



Louise is the nominator of the Kew Cottages site, and submission made in her own right, but with strong personal links to the site and its operation for many years. Strongly believes the importance of acknowledging all of the Kew Cottages history good and bad.

Submission is intended as an alternative proposal. Does not support the loss of the six buildings, and does not consider a single argument has been put forward to support demolition, but accept that should there be some demolition, careful consideration should be given to which buildings should rightly remain on the site.

Object to the proposal included in the DHS submission, and argue that should only three be retained, these should be the three dating from 1887, namely B1 (Unit 10), B2 (House Hostel) and B3 (School House), instead of B1, B3 and B6.

Argues that while each is important, collectively they are more important as the last fragment of the 1887 core. The removal of any of these three buildings effectively destroys the heritage core of Kew Cottages.

Detailed arguments are put forward to support the retention of the three 1887 buildings under the four following headings: [pages 4-9 of submission]

- The 1887 buildings are the last remaining record of the cottage system in Victoria.
- The buildings are the only example of the cottage system used for the accommodation of children with intellectual disability
- The three 1887 buildings demonstrate the original arrangement of the institution based on the cottage system
- The three 1887 buildings are a vital and a necessary adjunct to the former Willsmere Hospital (Kew Lunatic Asylum)

The submission strongly refutes the claim made in the HLCD report about the impacts, and strongly argues for the retention of the three surviving 1887 buildings, the relationship of which collectively represent the link to the sites original history, as opposed to the current proposal.

Does not agree keeping a footprint will mitigate against the loss, and considers a 4 storey apartment building would be a most inappropriate and insensitive manner in which to handle the heritage core of the site.

Consider the joint history, but also the contrast between the large institution of Willsmere and the low scale cottage system of Kew Cottages is highly significant and that their individual significance is enhanced by the presence of each other.

#### Response to HLCD Heritage Impact Statement

##### Continuing use as a Historic Intellectual Health Facility [page 9]

The loss of the three 1887 buildings would seriously impar the sites ability to achieve the goal of representing the continuation of an historic use and demonstrating the development of society's manner of caring for people with intellectual disability.

The three 19887 buildings and the proposed 20 community residential units would represent the bookends to the system. The 1887 buildings were revolutionary the current development has the potential for a progressive step forward.

Does not agree with the argument that the loss of built fabric must necessarily result from the continuation of the historic use of the site for a facility for people with disabilities. The retention of

B3 {House Hostel] will not effect the continuation of the historic use of the site for a facility for people with intellectual disability.

Do not consider the retention of all 1887 buildings, will compromise the psychological well-being of any residents remaining on the site.

#### Reasonable or economic use of the site [page 11]

Lack of public information on the economics of the KRS development makes it difficult to comment on this matter.

While it is claimed there is a potential \$15.4 million shortfall in retaining five of the six buildings, this is not strongly supported by actual figures so difficult to critique the assumptions.

Argue that if the only viable option is to retain three buildings on the Kew Cottages site, contends that the retention of B3, in conjunction with B1 and B2, will not delay or unduly compromise the completion of the 20 new community residential units.

#### Impact on DHS' Statutory Duties

Argue that the retention of the 1887 buildings will not 'stigmatise, isolate and mitigate against the objective of community inclusion', quite the reverse may occur.

#### Recommendation

That B1, B2 and B3 be retained and restored, and that efforts be made to sympathetically and appropriately recognise the original 1887 site allotment, including the sites of two 1887 cottages demolished, and the landscaping.

The 1950's and 60's extensions should be removed as obscure the understanding of the original cottages.

B6 could be demolished. As a dining room it is not unique and of little relevance. If all six buildings kept, stronger case as would demonstrate the evolution of the site from 1887-1917.

#### **Atrid Judge [11]**

Strong relationship to the site through father. Edited *Kew Cottages: The World of Dolly Stainer*, written by father and Fran van Brummelen, a social worker at Kew.

Support the Heritage Registration of the site and buildings B1-B6, significant vegetation and memorial.

Obliterating the history of this important facility would be an insult to the many staff and supporters who have dedicated themselves to providing the best care possible.

Disappointed at the loss of the Perkins and Dax H wards are to be demolished. Believe all the buildings on the site have social significance.

Does not support the contention about the remaining heritage buildings disturbing and stigmatising the intellectually disabled. Reject the arguments that the residents will be distressed at the retention of the heritage buildings. Consider the contrary will be the case, as residents will see buildings and familiar surrounding change. It will be some compensation to see some buildings retained and used.

Does not consider the arguments by DHS that the delay of the development will delay the provision of services is a heritage issue.

Object to the removal of the memorials, as no case put forward. Fire memorial, in particular should not be interfered with.

Alarmed at the removal of vegetation. Grounds are unique and trees should be protected.

Support the submissions made by Louise Godwin, Margaret Ryan and Kew Cottages Coalition.

### **Christopher Game [12]**

Opposes the demolition of buildings and removal of any significant trees and has serious concerns about the DHS Concept Plans for the site. Support Boroondara Councils objection to the proposal, and considers Government should revise the plan and focus on the retention of the cottages and landscaping.

### **Margaret Ryan [13]**

A very detailed submission including a paper *Rights – Rhetoric or Reality? A Disability Case Study* by Max Jackson.

In summary the submission addresses the economic hardship arguments advanced by DHS and in the context of disability funding and the unmet need considers the economic and other arguments insufficient to override heritage considerations. With \$180 million allocated by the government to improving the lives of the 480 residents, it is difficult to agree this is at risk because \$15.4 million costs of retaining Victoria's heritage over and above that originally considered. Submission also addresses the imperatives to meet policy obligations and to avoid psychological damage.

The detailed submission with budget figures and also figures about the delivery of disability services in Victoria, argues that the case advanced by DHS on economic, policy imperatives and psychological damage are not supportable.

### **Fran van Brummelen [14]**

Previously worked on the site and involvement in 1987 Oral History Project.

Fully support Louise Godwin's arguments for the retention of B1, B2 and B3, the 1887 buildings, and provides reasons relating to the history, design layout and historic uses of the site.

Does not support the demolition of any of the heritage buildings, however, if three are to be retained these should be the 1887 cottages and the school building for the reasons set out by Louise Godwin.

### **ANY COMMENTS FROM THE RESPONSIBLE AUTHORITY:**

A submission was made by Boroondara City Council which is included at Appendix 4.

It made a submission on the following points

#### **Demolition of buildings**

It objects to the demolition of the three buildings, B2, B4 and B5, but if Heritage Victoria does support the demolition conditions should be imposed requiring, photographic recording, footprints of demolished buildings being incorporated into the redevelopment of the site for interpretive purposes, and ways that fabric of the demolished buildings are included into the new development.

#### **Stages 1 & 2 of Redevelopment**

Notes four significant trees are proposed to be removed. Council objects to the removal of any significant vegetation. If Heritage Victoria supports the proposal, Council requests a number of conditions are included, including appropriate monitoring of any aboriginal archaeological sensitive areas, a landscape management plan detailing measures to protect existing landscape.

### Site Concept Plan

#### Relocation of significant memorials

Council objects to the relocation of memorials F1, F2 and F3, as would destroy their original context, and serve as a reminder that Kew Cottages occupied the entire site, not just the core.

Should Heritage Victoria approve the relocation, Council recommends that conditions be included as part of the permit requiring, new locations to be approved by Heritage Victoria, recording of the existing memorials taken prior to removal, and any conservation works being carried out.

#### Proposed 5-storey Apartment Buildings

These will be highly visible from within Boroondara and City of Yarra and beyond. They are proposed to be located immediately adjacent to the former Willsmere Hospital which is a landmark structure. It is considered the 5 –storey buildings in the identified locations will severely and negatively impact on the cultural heritage significance of the former hospital and should not be supported in the proposed locations.

#### Retention of Avenues

Council supports the retention of the significant Lower Drive, Main Drive and Boundary Drive for either vehicular or pedestrian/cycling access, but recommends a condition be included requiring that these significant avenues should be clearly distinguished from other roads and footpaths through signage, surfaces treatments.

#### Significant trees to be removed

Council considers no significant trees should be removed and that a further arborist investigation be undertaken to seek retention of trees, and that a condition be included regarding Tree Protection Zones and other security measures to protect trees.

### Heritage Core Concept Plan

Details submitted are vague and do not allow for a comprehensive assessment of the proposal. Council has concerns.

#### 4 storey buildings

The three proposed building are in breach of the decision guidelines for assessment the planning permit application in the Heritage Overlay. From the details provided it is considered the three buildings will adversely affect the cultural heritage significance of the heritage core by effectively closing the area off from the surrounding landscape. The bulk and form will severely restrict view lines out particularly to former Willsmere Hospital, and changes the context of the heritage core. The proposed apartment buildings are inappropriate in bulk, form and appearance, and dominate. Do not attempt to address or respect the existing buildings. Proposal unsympathetic design response in terms of height, mass, location and orientation.

Council recommends maximum height of 3 storeys with third storey recessed minimum 5m from heritage buildings. Apartment building to north west of B6 is relocated to open up views to

Willsmere. Apartment buildings should orientate both towards the heritage buildings and outward to the surrounding landscape.

#### **Letter 12 July 2005 [Appendix 4]**

Formally advising of Boroondara's Urban Planning Special Committee resolution to object to the proposal, based on the 20 June 2005 submission, but requested a meeting to discuss the possibility of retaining buildings B1, B2 and B3, instead of B4, B5 and B6 as an alternative.

Meeting took place on 30 June 2005 with officers of Boroondara where it was indicated that the Council supported the Louise Godwin proposal to retain the 1887 buildings, B1, B2 and B3.

#### **ADDITIONAL INFORMATION PROVIDED BY DHS AND HLCD 27 JULY 2005**

Copies of all the submissions received in response to the Public Notice under s.68, and the submission received from Boroondara Council were supplied to DHS and its consultants, for consideration, with a request that some of the principal issues raised, be addressed through the submission of additional information. This submission also addresses some issues raised on site on 1 July 2005 in relation to landscape matters. **This additional information is set out at Appendix 3**

#### **Responses to submissions**

The additional information re-states the case for the proposal and comments on issues raised in the submissions.

#### Significant fabric – buildings

In relation to the proposal to retain B1, B2 and B3, the surviving 1887 buildings, and permit B6 to go, HLCD Report [pages 7-12 and 18-28] argue against the proposal, in summary, on the basis:

- That it is not necessary to retain both cottages to understand and interpret the site
- B1 is far less altered and more legible than B2, and thus a better example. [submission includes a detailed comparative assessment of the two cottages with photographs] B1 retains clearer original form and detailing. B2 more subsumed by later extensions.
- Restoration back to 1887 cottages is not good conservation practice as important to leave the 1950-60's changes
- Restoration would not be based on good evidence as B1 and B2 have been altered and this would be conjecture
- Important to also retain later elements such as B6 dating from 1917
- Consider it would be impossible to reinstate the original 1887 allotment as too many elements missing, and also significant changes in landform to the south.
- Restoration would be based on conjecture
- Documents and proposed interpretation a better option to understanding the site

#### Significant fabric – trees

Page 13 details the amendments to retaining and/or relocating significant trees made following on site discussions.

#### Significant views

From within and from the site

A plan and photographs are included [HVS 5], showing views to/from, the proposed heritage core buildings, including existing views to the former Willsmere Hospital site to the west. Submission [pages 15-17] makes the point that existing views to this core area are currently limited by existing buildings to the south east, south and north-west, and that existing views from within the core to Willsmere are limited.

It further argues that the new proposed layout will retain the existing relationships of the buildings and spaces between and improve views into the heritage core particularly from the north east. As the new building proposed to replace B4 will be on the same footprint, it will not result in a diminishing of this view.

Report identified significant view on the site and within the heritage core [page 16] and argues that these will be retained.

Acknowledged that some views to Willsmere will be affected, but other views will be improved [page 17] particularly from the north.

Significant views to the site

This section [page 17 and Drawings HV6 and photographs on HV7], address the issue raised about the impact of the 5 storey apartments on the setting of the adjacent Willsmere Hospital site, in particular its land mark qualities. The cross-section drawing HV6 shows the relative heights of the apartments to Willsmere Hospital, and shows them to be lower. The submission states the top of the 5 story building will be 8.5 m lower than the top of the Willsmere Towers, and also a considerable distance from the Towers.

### Design Considerations

Masterplan for the site [pages 18-19]

The layout has been determined in strict accordance with the principles of the UDF (October 2003) and the Planning Scheme Development Plan Overlay. The rationale for the layout and placing of apartments is re-stated.

The alternative KCC proposal, which proposes to enclose the heritage core by a road and to relocate the three 4 storey apartments to the northern end of the site, is addressed [page 19]. It is not supported for the following reasons:

- The circular drive around the core will cut off and isolate it from the rest of the development, and with the lack of integration and only the provision of car parking, it is considered this will affect viable uses for the buildings.
- The relocation of the three apartment buildings in the public open space to the north would impact on the adjacent low density development, including community housing through over shadowing and over looking, and is contrary to the UDF.
- Considers proposal does not take account of the existing conditions, topography and effects on trees. Will result in steep roads, impacts on trees etc.

Design of Heritage Core [pages 19-21]

The central design concept of the KRS site was to provide an open space linking the wider community through the site to the Yarra Bend Park. Central to this was the establishment of the Heritage core to retain and celebrate the heritage buildings in a publicly accessible space. It was to be a central hub. The submission re-iterates the reasoning for the proposed development, including the buildings to be retained, the placement of the new development, the opening up of views, the retention of trees, provision of car parking for viable uses to building B6, and considers the scale and placement of the

new apartments will not adversely or unduly impact on the cultural heritage significance of the heritage core.

It reviews [page 21] suggestions to retain B2 and relocate the apartment building to the north, either in the area of car parking, or further north into the public open space. These suggestions are not supported as it is considered they result in negative impacts:-

The movement of the apartment north results in further separation of the central open spine from the surrounding neighbourhood. [by increasing the level of built form along the edge of the POS] The permeability of the open space requires open edges along the eastern boundary. Will also impact on views to the heritage core from the north.

The location of the existing car parking allows the retention of the VPO trees will allowing sufficient parking for viable uses for B6. Building in this area will cut off open space area adjacent to B6.

Also [page 20] considers the retention of B2 would detract from the presentation of the site when approached from the main drive.

### **REPRESENTATIONS RECEIVED IN RESPONSE TO ADDITIONAL INFORMATION**

This additional information was submitted on 27 July 2005, and all parties which made a submission under s.69 were advised, and provided with the opportunity to view the additional information at 80 Collins Street, Camberwell and Kew.

Additional Comments have been received from:

National Trust of Australia (Victoria) [5]

Kew Cottages Coalition [6]

Boroondara Residents Action Group [7]

Protectors of Public Lands (Victoria) Inc. [9]

Louise Godwin. [10]

Christopher Game. [12]

Boroondara Council [4]

Copies of these additional submissions are included in the appendices indicated in the brackets.

They strongly disagree and take issue with the arguments advanced in the additional submission document, and re-state their cases in opposition to the proposals. The National Trust includes a proposed listing for the site, with a boundary encompassing the 6 buildings already included in the heritage register.

Louise Godwin provides a detailed critique of the HLCD submission to re-state her case for the retention of all the buildings, but in particular the 1887 buildings B1, B2 and B3.

The letters from KCC claims that there are errors and omissions in the original and additional submission, and requests that Heritage Victoria ask for the permit application to be withdrawn. It draws attention to its website which has alternative layouts for the site. Requests that the financial details be released.

The Protectors of Public Lands raises concern about the impact on Willsmere Towers, and considers the information submitted is not accurate.

### **Additional submissions**

In addition, comments have also been received from people/organisations that had not previously comments. These generally object in principle to the development of the site, and rehearse comments

previously made in submissions. Strictly, these are not submissions made under s.69, but have been included in **Appendix 15**.

One submission, from the Willsmere Body Corporate, makes detailed comments on the impact of the proposed 5 storey development on the setting and appreciation of the former Willsmere Hospital site, including a photomontage. It suggests amending the bulk of the proposed apartment building closest to Willsmere so that it steps down from 5 to 4 to 3 storeys at the boundary.

### **IMPACTS ON ANY ADJOINING HERITAGE REGISTERED PLACE:**

The former Willsmere Hospital which lies to the west of the KRS site, it entered in the Victorian Heritage Register. The statement of heritage significance is set out below:-

*What is significant?*

*The former Willsmere Hospital, previously known as the Kew Lunatic Asylum, was commenced in 1856 and opened in 1872. The design of the complex was based on contemporary English models of asylum planning. The E-shaped complex of buildings was designed in the Italianate style by various architects employed by the Victorian Public Works Department. The central administration block comprises a three-storeyed building with attic Mansard roof and cupola, with two double-storeyed wings extending to each side which include a four-storey Mansard roofed tower, and courtyards lined with iron columned verandahs. The complex was set in a garden and surrounded by a walled fence. Fever Tents were erected in 1907 in response to a major typhoid epidemic.*

*How is it significant?*

*The former Willsmere Hospital is of historic and architectural significance to the State of Victoria*

*Why is it significant?*

*The former Willsmere Hospital is unique as the largest and most notable example of an institution erected by the Victorian Public Works Department in the nineteenth century. It is of historic importance because of its association with and ability to illustrate the evolution of mental health in Victoria over a century. It is also historically important in demonstrating rarity as one of the most intact nineteenth century lunatic asylums in the world. The former hospital is architecturally important in exhibiting the principle characteristics of the Italianate style, and of the work of the Victorian Public Works Department in the nineteenth century. It is also important in illustrating the mid-nineteenth century move to a grander style of institutional design. The former Willsmere Hospital is also architecturally important in exhibiting aesthetic characteristics of good design in the towers and mansard roofs and the central administration block. The Fever Tents are important in demonstrating the Department of Health's response to epidemics, as well as the prevailing belief in isolation and fresh air as a curative measure.*

A number of submissions have been made in relation to the impact of the proposed two 5 storey apartment blocks on the prominent landmark setting of the former Willsmere Hospital. [City of Boroondara, KCC, National Trust, Protectors of Public Land and BRAG in particular]

The Willsmere Body Corporate made a very specific submission on this matter under a couple of points. [**Appendix 15**].

- The submission states the 5 storey building will be located only 15 m from the common boundary and with a mansard roof design will be inappropriate and overbearing and will significantly reduce the character, facility and hence the heritage significance of the Willsmere forecourt area..
- The bulk of the proposed three 5 storey towers will compete with and degrade the prominence of the Willsmere towers. A photo montage is included illustrating the proposal.



- It is suggested in the submission that to minimise the impact the tower closest to Willsmere be reduced to 3 stories for 1/3 rd of its length, and the mansard roofs be omitted, chose a colour tone to blend the buildings, and reduce the hight of the eastern block, or reduce all blocks by one storey.

A copy of this late submission was forwarded to DHS and its consultants for comments. The response makes the following points:-

- The western block is not located only 15 m from the boundary, but a minimum of 26 m as required by the UDF as a buffer, almost twice the distance away from the boundary than claimed.
- The additional information provided clearly states the relative heights of the Willsmere Towers and the proposed 5 and 4 storey buildings on the KRS site. The use of Reduced Levels, giving the overall heights regardless of contours, photo positions etc, is the more accurate basis for making the judgement of impact.
- Mansard roofs are not proposed for any of the apartments.
- Only two of the apartments are 5 storey, the one at the eastern end is three storeys.
- As the apartment is further away from the boundary than claimed, the suggestion to reduce the western apartment is not supported.
- The photomontages are inaccurate as based on a misreading and/or misunderstanding of the plans

In relation to the additional information provided as part of HLCD July 2005 submission, Drawing HVS\_6, checking of drawings held by Heritage Victoria of the former Willsmere Hospital site which have RL's indicated that while the relationship between the proposed 5 storey apartment and the highest of the towers is correct, the relationship to the central tower, which is lower, is not accurately depicted. DHS have been advised and are checking this matter. A detailed inspection of the site and surrounding areas has been undertaken, and this reveals that from some vantage points the new development will be visible, although in many cases it would be read against and/or screened to some degree by existing trees on the site. The 5 storey building will be 100 metres from the closest tower, and while visible will not dramatically compete. Notwithstanding the various submission it is clear the proposal, if undertaken, will change the current reading of the former Willsmere Hospital site when viewed from across Melbourne.

### **COMMENTS FROM REPORTING OFFICER**

This is a very complex matter with a complex history leading to the current proposal. Views for and against the redevelopment of the site are strongly held by all parties as evidenced through the various submission. There is clearly an overlap, and to some degree of confusion, between the issues the *Heritage Act 1995* can address, and the matters that fall to be determined under the Planning Scheme Provisions under the *Planning and Environment Act 1987*.

#### Cultural Heritage Significance of the site

It is clear that while the KRS site had been identified back in 2000/01 as having some level of cultural heritage significance, the full extent and level of this cultural heritage significance was not formalised until the entry of the whole site, and the identification of a specific number of buildings, monuments, drives, avenues and landscape elements in the Victorian Heritage Register in November 2004.

Prior to this date the reports commissioned for the site [*Kew Cottages Cultural Heritage Survey, prepared by Biosis Research, August 2001 and Kew Cottages: Conservation and Management Plan, Final Draft, April 2002*] pointed towards the site having local – possibly state heritage significance, but Heritage Victoria provided a view in October 2001 that the site was unlikely to be of State Heritage Significance.

The two reports identify all the elements eventually picked up in the State registration, and the CMP made recommendations about their future conservation. [Table 3 page 20] These items and recommendations were, however, only partly picked up in the Urban Design Framework 2003, which was the document which formed the basis for the DHS tenders for the redevelopment of the site.

Accordingly, all the development proposals and assumptions in relation to addressing the cultural heritage issues on the site were based on UDF 2003. [Plan 1 page 14], including the original proposal by the preferred developer, drawn up in October 2004 [KRS2BLDG] which is included in DHS/SBJ May Submission Attachment D.

The current heritage permit has to some degree moved away from the October 2004 scheme, and falls into two parts:

### **REDEVELOPMENT OF STAGES I AND II, FOR RESIDENTIAL DEVELOPMENT INCLUDING 20 COMMUNITY HOMES**

An assessment of the impact of this part of the proposal is set out above. [Page 21] While there were a number of objections to this part of the proposal, these concentrate on the loss of a number of significant trees identified in the VHR and also the VPO. A detailed assessment of the case for the removal of the trees was discussed and agreed on site, and it is clear many trees not identified as significant, are to be retained. Overall, subject to conditions relating to a landscape and full tree management plan, it is considered the development of Stage I and II will have an acceptable level of impact on the cultural heritage significance of the registered place

### **APPROVAL FOR THE DEMOLITION OF THREE OF SIX HERITAGE REGISTERED BUILDINGS, THE RELOCATION OF THREE MEMORIALS, REMOVAL OF SOME TREES, AND APPROVAL OF A SITE CONCEPT PLAN FOR THE RESIDENTIAL DEVELOPMENT OF THE REMAINED OF THE SITE NOT COVERED BY STAGES I AND II.**

This proposal is more complex and is dealt with under a number of considerations

#### Impact on Heritage Registered Buildings

In relation to the balance of the site, having considered the arguments about the impacts of the proposal on the cultural heritage significance of the site, **it is difficult not to conclude that the proposed loss of three of the six buildings, and the proposed new development adjacent will have a substantial impact, and inevitable will be detrimental to the cultural heritage significance of the site.**

It is acknowledged that the revised proposal has moved away from the early scheme which only retained two of the six buildings.

<b>237. Bid Scheme Oct 2004</b>	<b>238. Submitted June 2005</b>	<b>239. Revised Scheme July 2005</b>
240. Only B3, and B6 retained	246. Building B1 (1887 cottage) as well as B3 and B6 retained	256. Building B1 (1887 cottage) as well as B3 and B6 retained
241.	247.	257.
242.	248. Three 4 storey buildings set in landscape unrelated to original	258. Three 4 storey buildings, but two of three buildings located

244.	layout of the complex	on footprint of B2 and B4 to reflect original layout and relationship.	on footprint of B2 and B4 to reflect original layout and relationship.
245.		Floor plate reduced by 33%	Floor plate reduced by 33%
	249.		259.
	250.	Car parking adjacent to B6 adjacent to significant trees	260. Designs revised to provide set backs to 4 <sup>th</sup> storey on two of the three buildings.
	251.		
	252.	Conservation works	261.
	253.		262. Car park moved away from significant trees. Improve setting to B3 and B6.
	254.	Interpretation	
	255.		
			263.
			264. Significant trees proposed to be relocated
			265.
			266. Design of access road off main Drive revised to retain more trees.
			267.
			268. Conservation works
			269.
			270. Interpretation
			271.

Retaining more buildings

It is acknowledged that the retention of 4, 5 or 6 of the buildings entered in the State heritage register will have a range of impacts over and above the preferred scheme negotiated by DHS with the preferred developer which retained only 2 buildings, and that one of these impacts is increased costs due to loss of residential units, and the cost of the restoration of the retained buildings.

These have been quantified by DHS, and these figures have been verified by KPMG, at \$7m for the current scheme, \$15.4 for the retention of 5 buildings, and an unspecified increased cost for retaining the 6 buildings.

During the consideration of the proposal, the issue of retaining B2 the other 1887 cottage, in addition to B1, B3 and B6 was raised and explored in some detail. The case on historical grounds is considered strong, as it would provide a better understanding of the original layout, relationship and domestic scale of the cottages.

Submissions by HLCD July 2005 argue that B2 is much altered and denuded, provides little additional information to that contained by B1, and that the layout of the new development, located on the footprint of B2, and retention of footpaths, reflect and provide an understanding of the original layout. These points while well made are not considered compelling in themselves. Accordingly, a more detailed examination was made of the economic impacts that would result from the retention of

this building under **s.73 (1)(b) - reasonable or economic use of the site**, and also the other issues to be considered under s.73(1).

In relation to the current proposal, additional information was sought, as the claimed loss of 50 units appeared excessive, given that 3 x 4 storey apartment units are still proposed within the heritage core area. DHS have advised that while 3 apartment blocks are still proposed the retention of B1, and a change in their layout within the site, has reduced the footprint of the three blocks. This has required the buildings to be redesign, with a consequent loss in the proposed numbers of apartments.

From the figures supplied by DHS on the loss of apartments, it appear to indicate an over 50 % reduction in the floor area available for apartments between the original 'bid' scheme and the current proposal. On checking this with DHS, advice was received on 30th August 2005 that it is estimated that the floor plates of the apartments in the original 'bid' scheme was 960m<sup>2</sup> each and those of the current scheme 640m<sup>2</sup>, giving an overall reduction of 33% not 50%. While this would indicate an overstatement of the loss, discussions with DHS have clarified that while there has been a reduction in the floor plates of less than 50%, the service areas required, stairs, lifts and corridors have not changed, so the proportionate loss of the areas available for living accommodation is higher than 33%.

The cost impact of retaining B2, and losing Apartment 1, are set out below.

Units proposed within the heritage zone

272.	Location	273.	Levels	274.	275.	Original	277.	Submitted	279.	Rev
					276.	Bid	278.	June 2005		w/
										setl
										s
282.	Apartment 1 – south east zone where B2 is located	283.	4	284.	288.	7	292.	4	296.	3
					289.	8	293.	5	297.	4
				285.	290.	8	294.	5	298.	4
				286.	291.	8	295.	5	299.	4
				287.						
301.		302.		303.	304.	31	305.	19	306.	1
308.	Apartment 2 – south west of zone	309.	4	310.	314.	7	318.	3	322.	1
				311.	315.	8	319.	4	323.	1
				312.	316.	8	320.	4	324.	1
				313.	317.	8	321.	4	325.	1
330.		331.		332.	333.	31	334.	15	335.	1
337.	Apartment 3 – northern zone where B4 is located	338.	4	339.	343.	7	347.	3	351.	1
				340.	344.	8	348.	4	352.	1
				341.	345.	8	349.	4	353.	3
					346.	8	350.	4	354.	3

		342.	Third floor						
359.	360.	361.		362.	31	363.	15	364.	1
366.	367.	368.	Total nos.	369.	93	370.	49	371.	4
373.	374.	375.	Loss	376.		377.	-44	378.	-4
380.	381.	382.	Estimated costs impacts	383.		384.	\$5-6 m	385.	\$7

\*\* Figure provided at meeting with applicant 7/9/2005

It will be seen from the above table that the cost implications of the currently proposed scheme, over and above that of the original bid scheme, have increased from \$5-6 million to \$7 million. With the retention of B1, DHS state, with support from KPMG, that the additional cost implications of retaining B2 would be \$4 million, comprising the loss of apartments, and costs of retaining and adapting B2, although some of this cost may be able to be off-set in due course.

DHS state that while it accepts the \$7 million loss over and above the original scheme, as a balanced heritage outcome, the additional \$4 million cost impost would seriously impact on its ability to deliver the redevelopment of the KRS site.

In the case of also retaining B4 and B5, also a desirable heritage outcome, the cost implications are even greater, **stated as being \$15.4 million**, if B4 was included with B2 and the other 3 buildings, and an even greater amount if B5 was retained, as would also involve the loss of house lots and require a major redesign.

These figures are based on there being no alternative development solutions to the layout originally proposed by the preferred developer, so as to take up the shortfall of apartments. Evidence has been submitted to indicate that there are very limited opportunities to re-configure and/or re-work the current scheme under the Urban Design Framework to re-distribute the apartment units lost. This matter has been taken up with DHS and through them, the preferred developer, and this is their stated position.

It is acknowledged that these economic impacts are a material and compelling consideration in balancing the redevelopment and heritage conservation outcome for the overall site, and need to be carefully weighed up, together with the other matters presented by the applicants.

**s.73 (1)(b) - reasonable use of the site.**

In relation to the continued reasonable use of the site, DHS to argue that the retention of more than 3 buildings would unacceptably impact on the future continued use of the site. Submissions made under s.69 from the parents of existing residents, and others involved in the site, consider the assessment by DHS and others in the submission on this point is over stated. It is noted that the retained buildings are not proposed to be used for the treatment of KRS residents, and with adaptive re-uses, a changed context and with a different future role for this part of the site as an integral part of the broader residential development, it is considered any impacts would, be relatively short lived. While there are strongly held contrary views on this matter, it is not considered to be such a critical issue in its own right to support the demolition of three of the six buildings.

**s.73(1)(e) - detrimentally affect the ability of the statutory authority to carry out duties**

It is clear that under the provisions of the *Intellectually Disabled Persons' Service Act (1986)* and the *Disability Services Act (1991)* the overriding statutory duty of DHS is to provide for people with intellectual disabilities. The views expressed in the DHS submission and supported by the Public

Advocate, Disability Advisory Council of Victoria and Victorian League for Individuals with Disability Inc, about the adverse and negative impact on KRS residents of retaining more than 3 heritage buildings are strongly held and stated. Equally, however, these views are strongly contested in submissions made under s.69 from the parents of existing residents, and others involved in the site. This is an emotive issue, and again it is not considered to be critical in its own right to support the demolition of three of the six buildings.

### **s.73 (1A)(b) – Any other relevant matters**

The DHS/SJB Submission May 2005 makes the point that the delivery of the KRS redevelopment is a major objective of a number of Victorian Government Policies, and this is acknowledged. If the proposal was refused this is likely to result in a very significant delay in the delivery of the KRS redevelopment, with economic implications, and also social implications for existing residents, and others with intellectual disabilities.

In addition, the HLCD submission May 2005 makes the following points:

- That the use of the site for the treatment of the intellectually disabled, begun on the site in 1885, will continue, albeit in a dramatically different way which reflects current approaches to their treatment, and could be seen as part of the continued evolution of the site.
- That there are many sites in Victoria representing the treatment of people with intellectual disabilities, including two sites with 19<sup>th</sup> century cottage layouts, albeit not for the treatment of intellectually disabled children. So while the current proposal will have an impact on the cultural heritage significance of the site, there will be sufficient fabric remaining at Kew and on other sites across Victoria to provide a good understanding of the C19th and C20th treatment of those with mental disabilities.

### **Conclusion**

There is no doubt that the removal of B2, B4 and B5 will have a detrimental impact on the cultural heritage significance of the Kew Residential Services (Kew Cottages) site. S.73 of the *Heritage Act 1995*, however, requires that a range of other considerations need to be weighed up in reaching a decision. While a number of the matters put forward by the applicants under s.73, are not in themselves compelling, in combination with the economic arguments presented relating to the loss of apartments and the cost impacts, and the stated lack of opportunity within the UDF October 2003, to further adapt the scheme to address this shortfall, it is considered that a reasonable case has been presented to support the proposal for the loss of the three buildings.

Approval for the demolition of B2, B4 and B5 would be subject to a range of conditions relating to timing, recording, requiring conservation works to the retained buildings and interpretation works.

### **Other issues relating to the development**

#### Future uses

Reuse of the buildings is proposed although details are currently non-specific. Buildings B3 and B6 will have public/commercial uses, with a potential café in B3, and a community hall use in B6 with interpretation. Car parking is being provided adjacent to B6 to service these two buildings. Uses for B1 has not been formulated, but given it is, and has always been in residential use, a continued residential use, albeit with some adaptation, would be an acceptable outcome. Issues of car parking, privacy, would need to be addressed.

Maintaining continuing uses in these buildings pending the redevelopment of this part of the site and/or security is also important to ensure their on going protection and maintenance before and during the development of the site. This will be covered by a condition.

#### Conservation works

A program of catch up maintenance, repairs and conservation works is proposed. The details of these works and their timing will be the subject of a condition.

#### Interpretation

Interpretation is proposed for the site, but proposals are currently unformulated. A condition requiring the development of this plan, and the timing of its interpretation, will be subject to conditions.

#### New Buildings in Heritage Core

Three new buildings are proposed within the vicinity of original core of the site. All are at 4 storey, although a revised design has been submitted providing some set backs to 2 of the 3 buildings. The proposed building to the north [Apartment 3] partly on the footprint of B4, is set back and provides a view between B6 and B1, but is not of the same domestic scale. Similarly the new building on the site of B2 [Apartment 1] while maintaining the original layout and relationships to B3 [School] is not of the same domestic scale. The building to the south [Apartment 2] will replace an existing, albeit lower building. With the change in levels to the south, while the land is included as part of the Heritage Core, it does not form part of the immediate setting of B1, B3 and B6, but rather is a backdrop to these buildings.

The proposed new buildings, even with the setbacks, will clearly have a visual impact on the setting of the retained buildings, it is considered they will not so impact on the layout, relationship and domestic scale of buildings B1, B3 and B6 as to warrant refusal in principle. Detailed designs will be required to be submitted for approval.

#### Landscape

The principal drives, avenues, walks and associated landscape elements, and other significant plantings on the site, are being retained and incorporated within the proposed development. In addition, replanting of the avenues is being proposed. A number of significant trees are proposed to be removed, but through on-site discussions, and subsequent amendments, these have been kept to a minimum, with some now being retained and others transplanted. It is considered the impacts of the proposals on the drives, avenues and walk and significant trees and plantings is acceptable, although it is accepted that the overall landscape character of the site will dramatically change with the redevelopment of the site.

Detailed plans will be required to be submitted for all future stages of the development of the site, and conditions imposed requiring tree management plans and protection, and supplementary and/or replacement plantings for missing elements in the avenues, drives and walk.

#### Memorials and sculptures

Given the redevelopment proposals for the site, it is considered that the careful relocation and conservation of the three memorials and sculptures identified as being of cultural heritage significance within public open space close to the buildings being retained is acceptable in principle.

#### Impact on former Willsmere Hospital site

Under s.73.(1)(a) the Executive Director may consider the effect of a proposed development on an adjoining heritage registered place, in this case the former Willsmere Hospital site. Submissions have been made in respect to the impact of the two 5 storey buildings at the southern (highest) part of the site on the setting and landmark qualities of the former Willsmere Hospital Towers, which currently dominate the local and broader townscape. Drawings have been submitted as part of the additional information submitted by DHS to address this is issue, and submissions have been made providing photomontages. These submissions are discussed in some detail on pages 37-38.

It is clear from the information submitted that the two 5 storey buildings, and to a lesser degree the 3 storey building, will change the current skyline in relation to the former Willsmere Hospital, with the visual impacts varying depending on where the site is viewed from various vantage points around Melbourne. It is acknowledged, however, that screening will be provided from trees within the KRS site, mitigating these impacts and that the distance between the existing towers at Willsmere and new buildings is a minimum of 100 m. A condition defining the height and location of the closest building, and the need for a careful design, is recommended

### **Conclusion**

It is clear the proposal will significantly change the current KRS site, and have a detrimental impact on some aspects of the cultural heritage significance of the site. These impacts, however, have been weighed against a range of broader economic and social issues relating to the proposed continued use of the site provided unders.73 of the *Heritage Act 1995*. The comprehensive submissions made under s.69 of the *Heritage Act 1995*, raising concerns about all or some aspects of the proposals, have also been considered.

On balance, it is considered that the proposal, while not an ideal heritage conservation outcome, will continue the historical use of the site, retain sufficient physical evidence of the 1887 buildings, their layout and relationships, to provide, with interpretation, an understanding of the original cottage treatment principles, and also retain the drives and avenues and significant landscape elements of the site. Thus while some aspects of the architectural, historical, aesthetic, scientific (horticultural) and social significance of the site will inevitably be diminished, the site will still provide an important continuing link and understanding of the treatment of the intellectually disabled.

The proposal for will also change the physical relationship of the site to the adjoining state heritage registered Willsmere Hospital site, and whilst much of the development will be relatively low-rise and have minimal visual impact, the proposals for two 5 storey buildings at the southern end of the site, on the highest part of the KRS site, will to some degree compete with the landmark qualities of Willsmere when viewed from some vantage points across Melbourne, but not such as to detract from this aspect of the cultural heritage significance of the site.

### **RECOMMENDATIONS:**

That a permit be issued with the conditions set out in the permit:

**OFFICER:** \_\_\_\_\_

**DATED:** \_\_\_\_\_

R J Osborne  
Assistant Director, Operations

**PERMIT:** P9639



## **APPENDICIES**

1. 'Submission in support of an application for a Heritage permit, pursuant to s.67 (1) of the Heritage Act 1995, Former Kew Cottages Site, prepared by Disability Services, DHS and SJB Planning Pty Ltd, May 2005'
2. 'Heritage Impact Statement, prepared for DHS by HLCD Pty Ltd, May 2005'.
3. Former Kew Cottages, Proposed Development, Report on Submissions, prepared for Department of Human Services, by HLCD Pty Ltd, July 2005
4. Submission received from the City of Boroondara.

### **Submissions under s.69 of the Act**

- 5 National Trust of Australia (Victoria)
- 6 Kew Cottages Coalition\*\*, including letter of support from Kew Association of Boroondara Inc.
- 7 Boroondara Residents Action Group
- 8 Kew Cottages Parents' Association Inc.
- 9 Protectors of Public Lands (Victoria) Inc.
- 10 Louise Godwin
- 11 Astrid Judge.
- 12 Christopher Game.
- 13 Margaret Ryan
- 14 Fran van Brummelen.
- 15 Additional submissions