

Mr. Jim Gard'ner
Executive Director
Heritage Victoria.
Department of Planning and Community Development (DPCD)
MELBOURNE

Dear Mr. Gard'ner,

I write to request that you immediately cancel the informal advice prepared by your predecessor, Mr. Ray Tonkin, that is currently being used by Walker Corporation in their application to the Minister to change the Kew Cottages Master Plan (WDP-K 2008)

It has come to our attention that the advice in a letter written by Mr. Tonkin to Mr. Brad Evans Walker Corporation on 30 June 2008 not only appears to contravene both Permit P9639 and the approved Master Plan for the site, but was also prepared and presented to the developer without appropriate public consultation by Mr. Tonkin.

Walkers were apparently seeking Heritage Victoria's approval for substantial change to Main Drive west of Park Avenue, including changing the designated 'Heritage Walk' ([P9639 HVS-3B](#)) that overlooks Yarra Bend Park and Willsmere, into the Walker housing estate main feeder road and bus route.

As a consequence the advice Mr. Tonkin provided regarding Walkers proposal appears not to have been in the public interest, and to have been provided 'informally' and in breach of existing heritage controls and s.68 of the Act.

This 'historic' problem now appears to have been further compounded by Walkers submitting Mr. Tonkin's letter in support of their current application (3/6) to the Minister seeking changes to the approved Kew Cottages Master Plan for the site (WDP-K 2008).

As you are aware the [Ombudsman's recent report on the Kew Cottages Development](#) drew attention to an earlier informal and 'imprudent' view prepared by Mr. Tonkin in 2001 regarding Kew Cottages, and the unfortunate consequences that followed.

Firstly, therefore, may I respectfully draw your attention once more to the Ombudsman's recommendation on such advice from Heritage Victoria which states:

"I recommend that the Secretary of the Department of Planning and Community Development review the policies of Heritage Victoria to ensure that officers do not express opinions on the heritage significance of a place." (Recommendation 13, p.76)

And secondly, may I request that further to the Ombudsman's recommendation:

- All such advice previously provided by Heritage Victoria officers regarding the Kew Cottages Development, including Mr. Ray Tonkin's letter of 30 June 2008 to Mr. Brad Evans, Walker Corporation, be immediately withdrawn;
- Walkers be invited to seek your formal advice by making an appropriate and public Application for a Permit as required by the Heritage Act;
- As the Executive Director, you will consult the public before forming a view on the proposed works;
- As the Executive Director, you will now show cause why a complaint should not be made to the Ombudsman regarding this matter.

Yours sincerely,

Brian Walsh
President
Kew Cottages Coalition
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