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4 June  
2018

TO

*The Applicant's Tale*



# Main Drive 1878





# Main Drive 1890





# Main Drive 2018



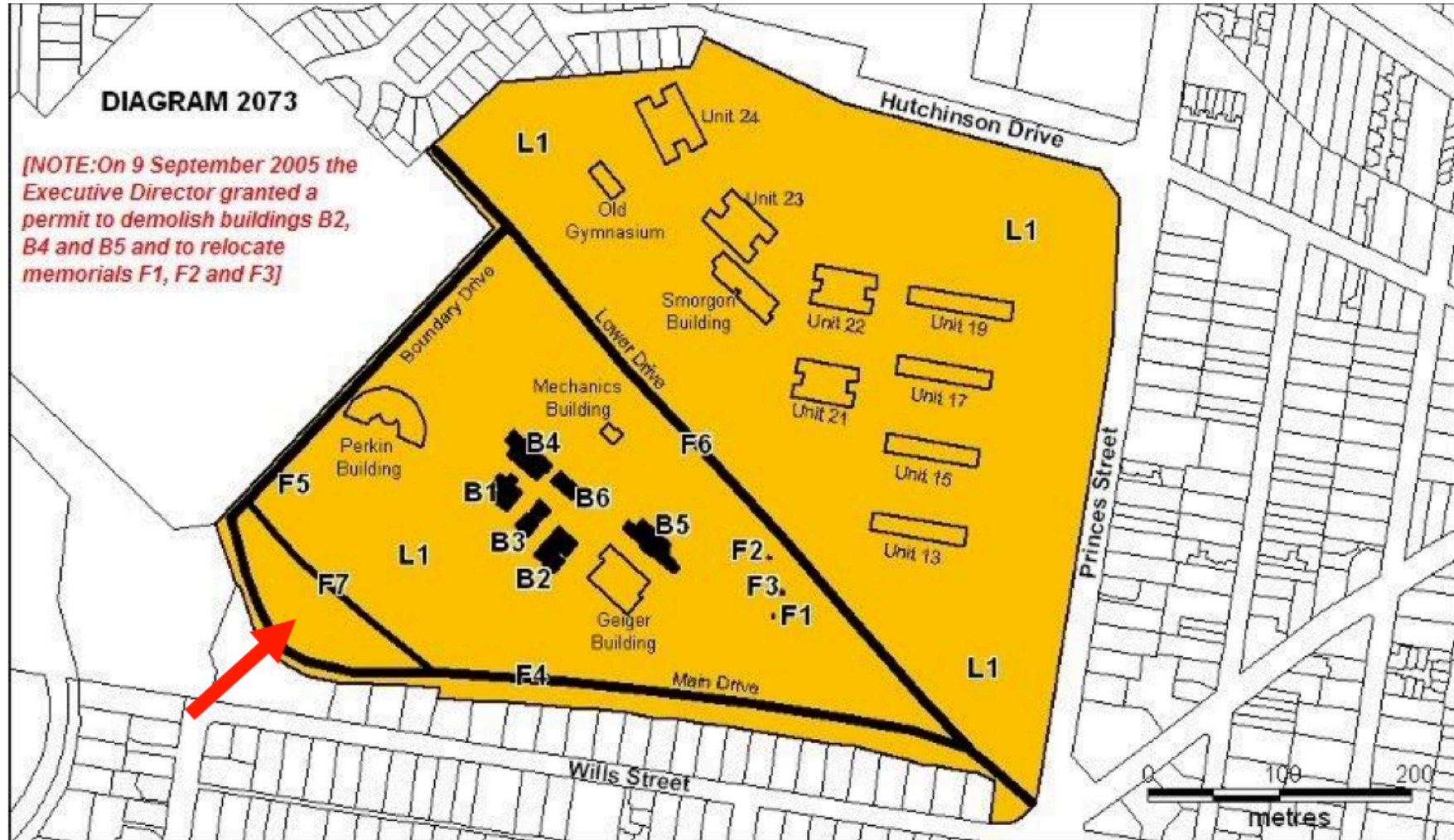






We understand that:

# 1. The Applicant Acknowledges




**The Updated Statement of Significance 2005**



We understand that:

## 2. The Applicant Claims

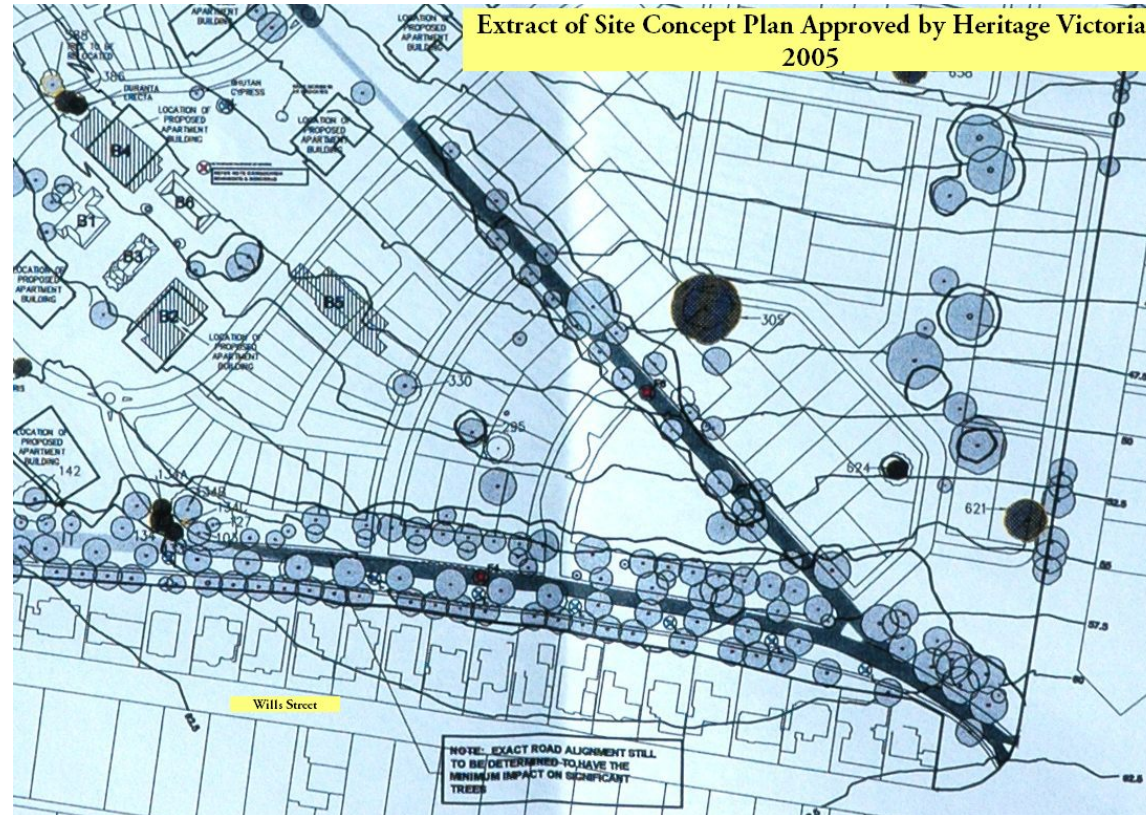
PERMIT		
HERITAGE ACT 1995		
PERMIT NO:	P9639	
OWNER/S:	Department of Human Services	
ADDRESS:	<b>Kew Residential Services</b> <b>Locked Bag 15</b> <b>Kew 3101</b>	
HERITAGE REGISTER NO:	H2073	FILE NO:
REGISTRATION CATEGORY:	Heritage Place	HER/2001/001389
NAME OF PLACE /OBJECT (IF ANY):	FORMER KEW COTTAGES (KEW RESIDENTIAL SERVICES)	
LOCATION:	PRINCESS STREET KEW	
Pursuant to Section 74 of the Heritage Act (1995) and in respect to the above-mentioned place / object, the Executive Director, Heritage Victoria hereby grants a PERMIT, subject to conditions as prescribed hereunder to carry out the following:		

**Reliance on P9639 is wrong  
(Expired)**



We understand that

### 3.The Applicant's Claims



**Reliance on the Concept Plan  
is wrong (Out of date)**



We understand that

## 4. The Applicant Claims

HS

HERITAGE ACT 1995

REPORT AND RECOMMENDATION TO EXECUTIVE DIRECTOR ON APPLICATION FOR A PERMIT

**Fee Received:** Yes **Amount:** \$1812.20

**Owner/s:** Mr Charles Spanjer – Secretary, DEDJT&R on behalf of the State Government of Victoria  
(The land title for the subject site is currently in the name of the 'Department of State Development, Business and Innovation', since renamed the 'Department of Economic Development, Jobs, Transport and Resources' but transfer to Development Victoria is imminent)

**Reliance on the Officer's Report  
is wrong**

**(Unsupported by the Applicant's 'Experts')**



We understand that

## 5. The Applicant Claims



**Their amended plan is a compromise<sup>10</sup>**



We understand that

## **6. The Applicant Claims**



**Their amended plan has merit...**



# 7. The Applicant Claims

## The new plan is supported by:

COMPARISON OF 2005 ENDORSED CONCEPT PLAN AND 2017 PROJECT



**Changes made between 2005 and 2017**



# 7a. And by its own 'expert witnesses'



Lardner



Lovell



Patrick



**Scharp.**



## **In Reply**

We submit that:

- 1 The Grounds for Refusal are correct**
- 2 Permit P9639 may be relied on**
- 3 The Concept Plan may be relied on**
- 4 The Applicant's Proposal has no merit**



**However,  
If we are wrong  
and the Concept Plan is not to be  
relied on.**

**Then we submit that:**

**The Applicant's claim to  
'compromise' is also no longer  
relevant.**



**However,  
If we are wrong  
and Permit P9639 is not to be  
relied on.**

**Then we submit that:**

**The Applicant's reference to  
'building heights' approved in 2005  
is also no longer relevant.**



**However,  
If we are wrong  
and Permit P9639 is not to be  
relied on.**

**Then we submit that:**

**The Applicant's reference to changes  
between 2005 and 2017 is also no  
longer relevant.**



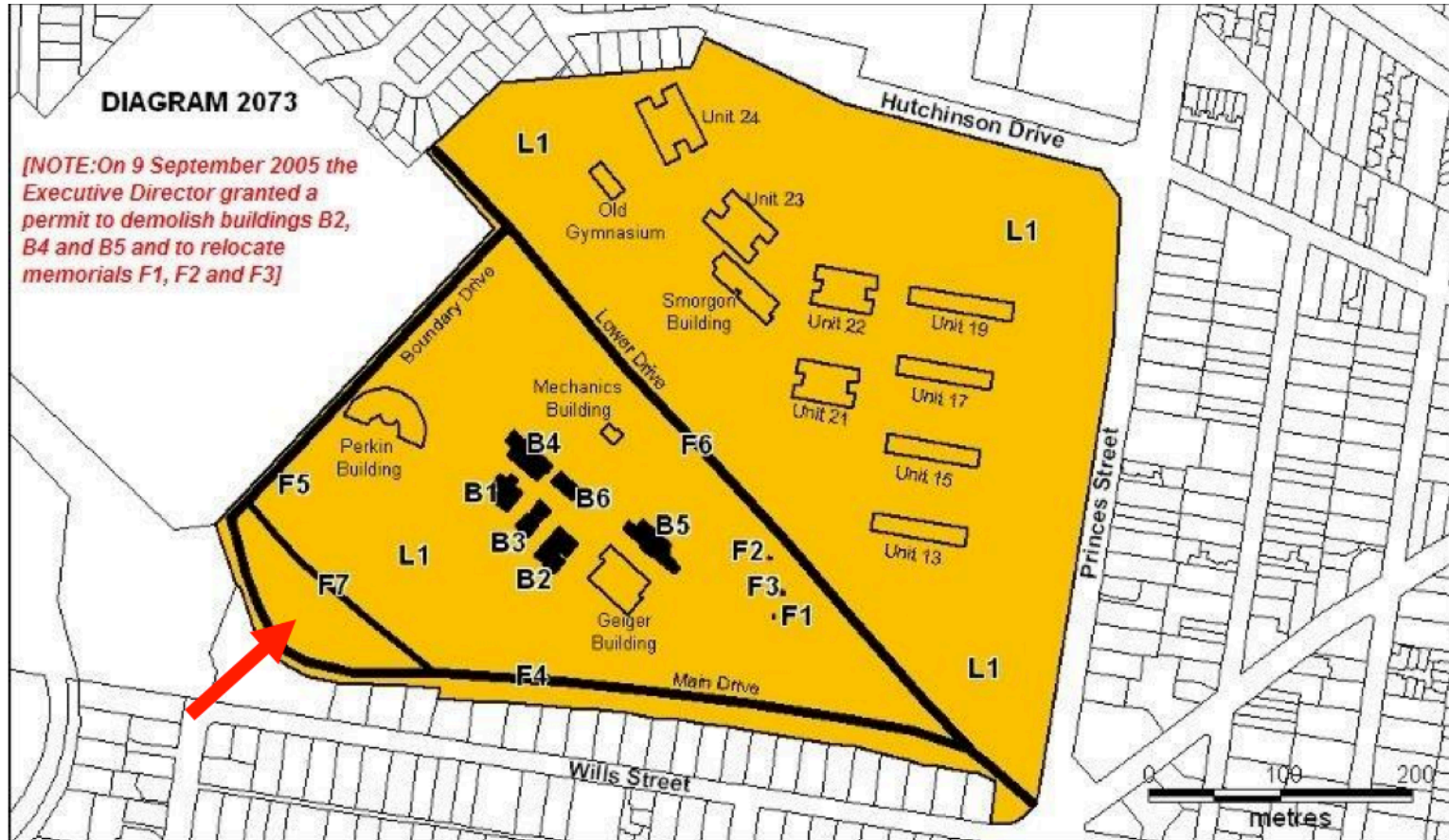
**However,  
If we are wrong  
and the Concept Plan (2005)  
is not to be relied on.**

**Then we submit that:**

**The reference plan to be relied on is  
VHD Diagram 2073**

VHD Diagram 2073 is significant because

## 1. The Building that never was

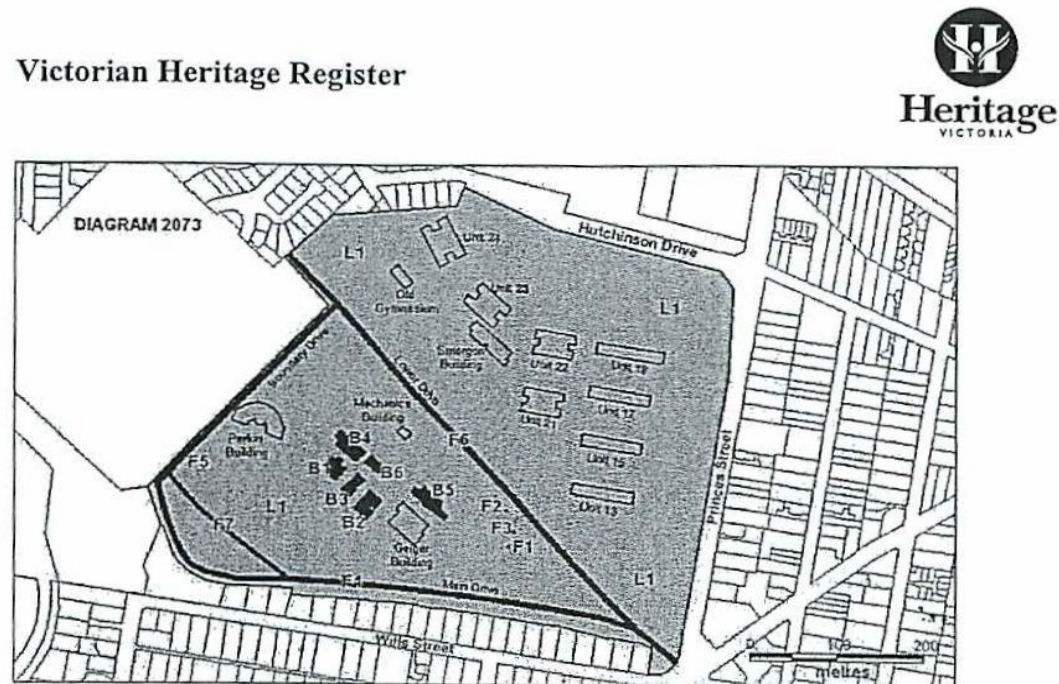


**The Building referred to by the Applicant is not shown on VHD Diagram 2073 (Sep 2005)** 19



VHD Diagram 2073 is significant because

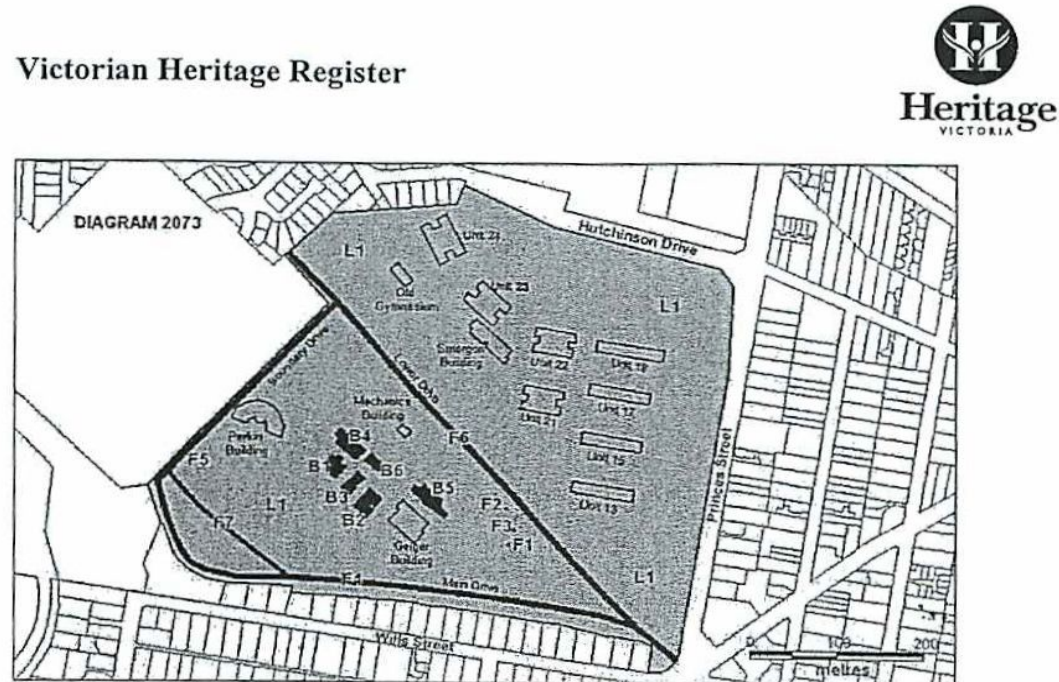
## **2.The Building that never was**



**The Building referred to by the Applicant is not shown on VHD Diagram 2073 in 2004**

VHD Diagram 2073 is significant because

### 3. Listed Features F4, F5, and F7

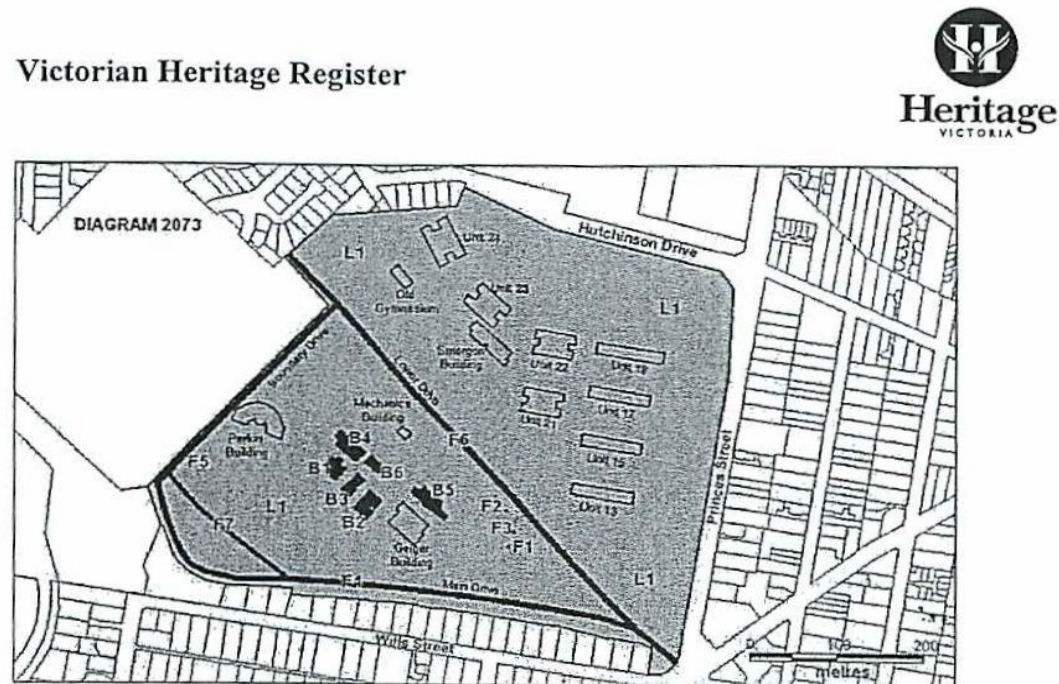


Are clearly shown on VHD Diagram 2073 in  
2004



VHD Diagram 2073 is significant because

**4. The changes to F4, F5, & F7**

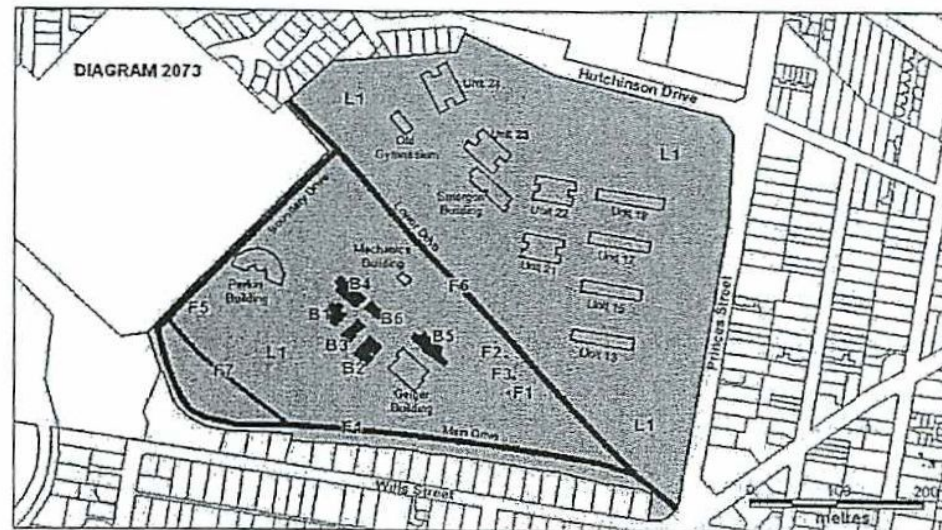


**between 2004 and 2017 do not support the Applicant's Plan.**

# The F4 Jigsaw

## Changes to Main Drive (F4)

Victorian Heritage Register



between 2004 and 2017 undermine the  
Applicant's Plan.



# The F4 JIGSAW

## The Applicant has tried before to change the Main Drive Reserve (F4)

*“... In March (2008) a heritage permit application P12879 was submitted for Stage 2. ... however, it failed to take into account the reserve shown along Main Drive on the original approved drawings for the development of the overall site...”*

Officer's Report Permit P13278.

**Walker subsequently withdrew Application P12879**

## The F4 JIGSAW

**The Applicant has failed before to change the Main Drive Reserve (F4)**

*“... Following correspondence and discussions with the applicant this heritage permit application was withdrawn and the current stripped back application submitted. **This clearly shows the creation of a public reserve...***

Officer's Report Permit P13278. (1 Sep 2008)



## The F4 Jigsaw

**In 2009 Heritage Victoria again emphasised the importance of the public reserve as shown in the Concept Plan**

*“.. (The concept plan) set some basic parameters, particularly in relation to the need for a public reserve along Main Drive to ensure the Avenue was in public ownership and/or management...”*

Officer's Report Permit P13872. 2009

# The F4 Jigsaw

**The Applicant acknowledged that continuing the public reserves is ‘*..necessary in preserving the significance of the site.*’**

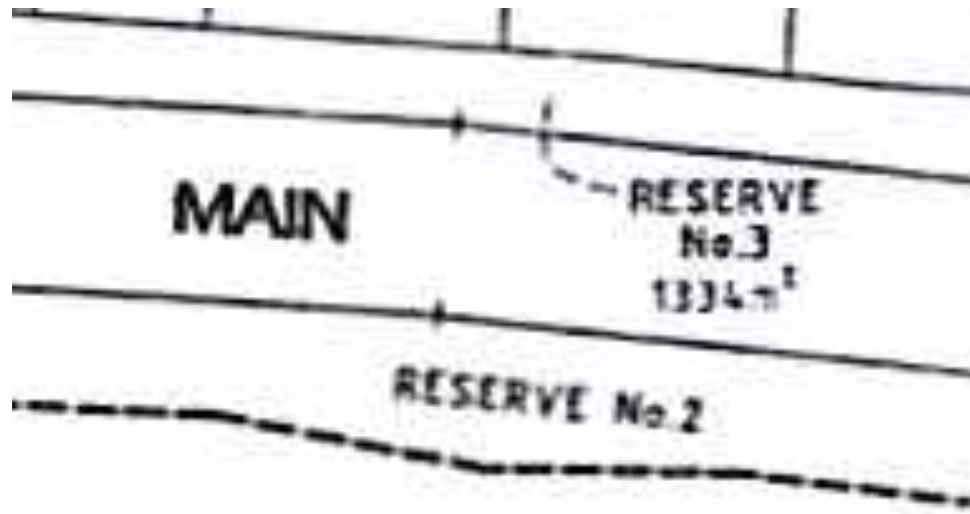
The application continues the reserves along Main Drive and Lower Drive as approved as part of the previous application with their importance necessary in preserving the significance of the site.

Permit Application Stage 2 HIS P13872. Nov 2008



# The F4 Jigsaw

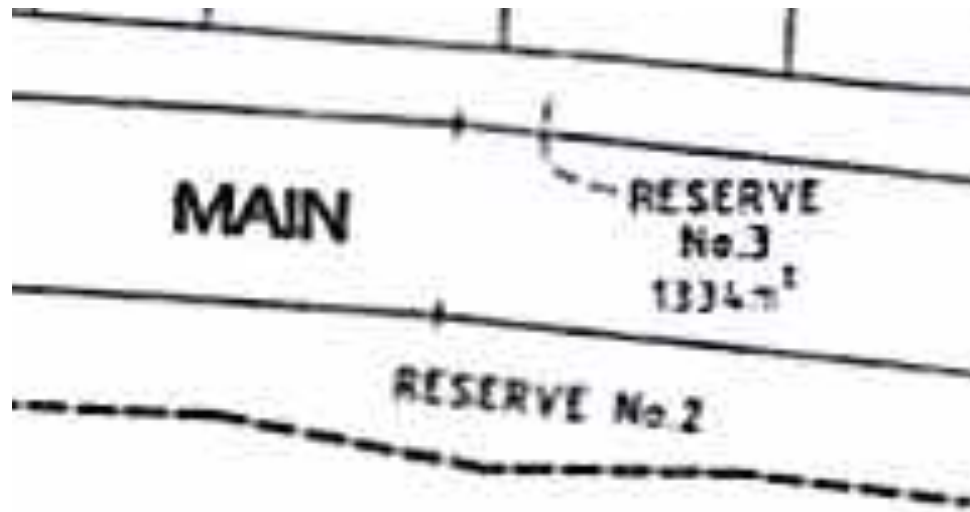
**BUT, instead of making all of F4 *a single well defined public reserve. The Applicant cut up the East End into 3 pieces.***



Permit Application Stage 2 HIS P13872. Nov 2008

# The F4 JIGSAW

**Leaving the West End of the F4 public reserve still undefined.**

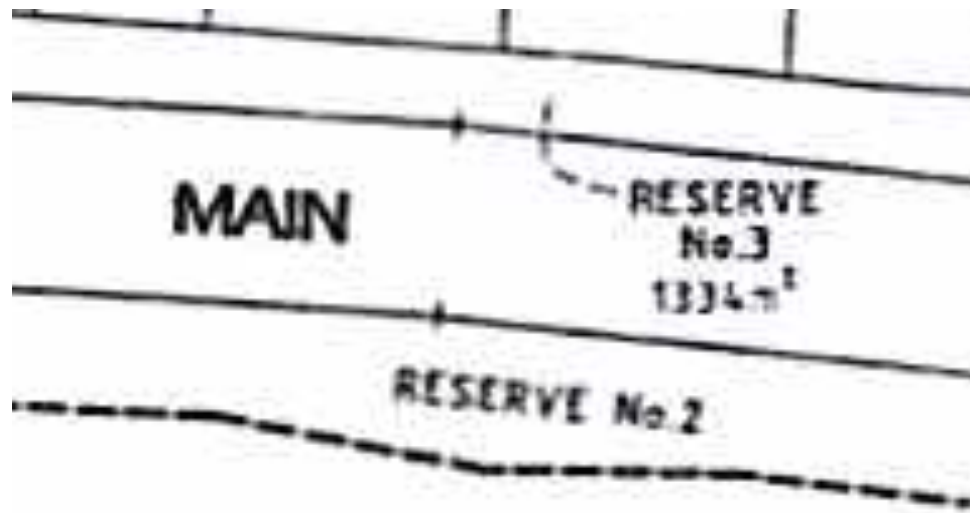


Permit Application Stage 2 HIS P13872. Nov 2008



# The F4 JIGSAW

**The Applicant continued this 'slice and dice' approach to F4 in Stages 3-7.**



Permit Application Stage 2 HIS P13872. Nov 2008

# The F4 JIGSAW

**In 2011 the Executive Director granted conditional approval for landscaping including the West End of Main Drive but stated clearly that:**

***‘Existing landscape plans and tree reports are incomplete and inaccurate..’***

Permit P16912. 14 June 2011

# The F4 Jigsaw

**Over a year later in Aug 2012 the Applicant finally emailed some amended plans for the West End of Main Drive.**

**MAIN DRIVE KEW**

**HERITAGE CORE PARKLANDS (PARKS 014 & 016 to 018)**

**MAIN DRIVE WEST (PARK 011)**

**INFORMATION CENTRE + OAKWALK (PARK 012)**

LA924-00.00

Title Sheet

LA924-00.04

Construction Staging Plan

LA924-01.01

Landscape Plan - Set-Out and Grading

LA924-01.02

Landscape Plan - Set-Out and Grading

LA924-01.03

Landscape Plan - Set-Out and Grading

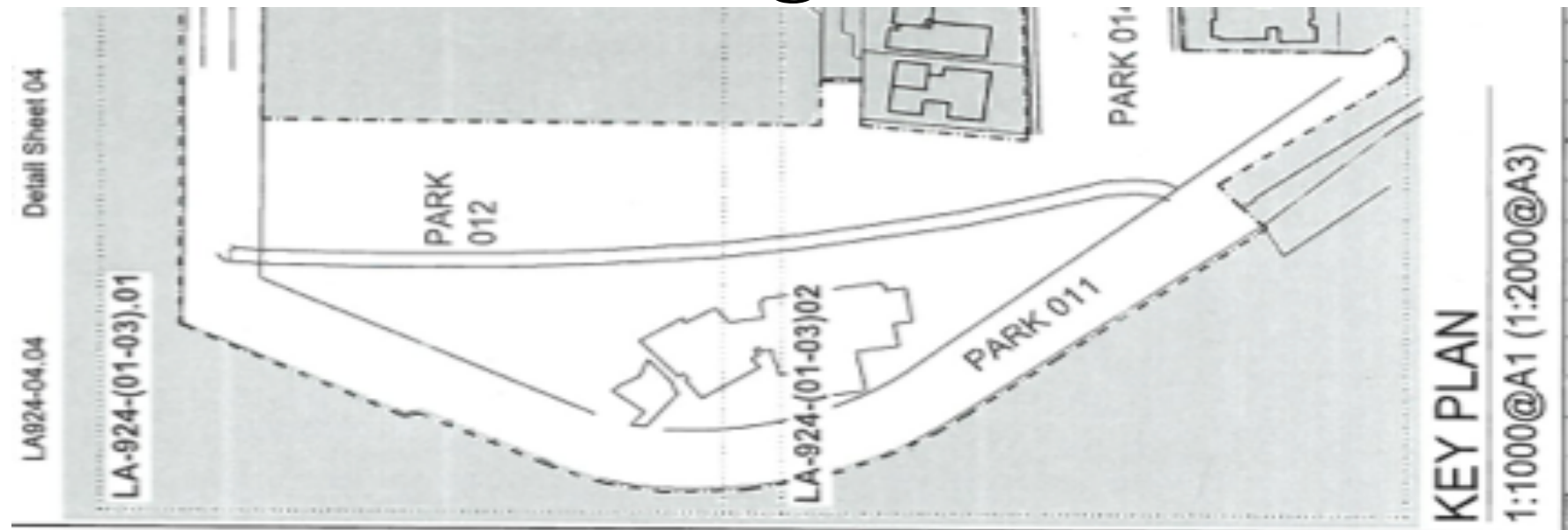
Symbol	Botanic Name	Common Name	Qty	Stakes	Installation Size
	Trees				
AI	Acacia implex	Lightwood Wattle	1	2	45Lp
AP	Acacia prominens	Golden Rain Wattle	1	2	45Lp
AK	Agathis robusta	Kauri Pine	1	2	75Lp
EF	Eucalyptus icthya	Flowering Gum	1	2	75Lp

Permit P16912. 14 June 2011



# The F4 Jigsaw

**But the Applicant's P16912 Landscape plans submitted 15 Aug 2012 still showed the Applicant's temporary site office abutting Main Drive.**



## The F4 Jigsaw

**And the Applicant's P16912 Landscape plans submitted 15 Aug 2012 still failed to provide the**

***“the future plans required for the existing office building which is to be demolished..”***

***Executive Director, Letter to the Applicant 8 Oct 2012***

# **The F4 Jigsaw**

**The Applicant failed to comply with the  
P16912 Permit Conditions.**

**Instead, between 2014-2017 the  
Applicant sought approval for a range of  
apartment plans, none of which  
correctly identified the  
Main Drive public reserve (F4)**





## **The F4 Jigsaw**

**The Applicant, therefore, has in our submission repeated the same error that they made in their March 2008 P12879 Stage 2 Application **by failing to create an appropriate contiguous public reserve along the north side of Main Drive (F4)****



# Conclusion

**We conclude, therefore, that the Applicant's proposal will prevent the completion of the required contiguous public reserve for the full length of Listed Feature F4 as shown in VHD Diagram 2073**

**The Executive Director's Refusal should, therefore , be endorsed.**

## Conclusion

**We conclude, therefore, that the Applicant's apartment proposal will prevent the completion of the required contiguous public reserve for the full length of Listed Feature F4 as shown in VHD Diagram 2073**

**The Executive Director's Refusal should, therefore , be endorsed.**



# How to put F4 Back Together Again

## **Condition 1**

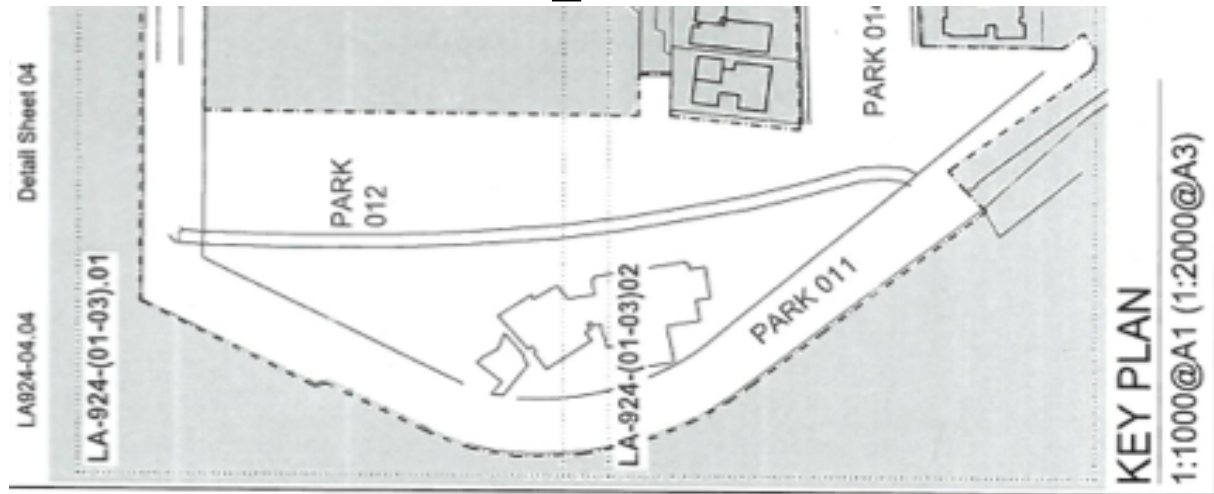
**A contiguous public reserve must be created on both the north and south sides of Main Drive between Princess Street and Willsmere  
(F4 as shown on VHD Diagram 2073)**

*To ensure all the VHR trees will be retained in public ownership and management (Consistent with Stage 2 Permit P13872)*

# How to put F4 Back Together Again

## Condition 2

**The public reserve must include all established and replacement VHD trees.**



*To ensure all the VHR trees will be retained in public ownership and management (Consistent with Stage 2 Permit P13872)*

# How to put F4 Back Together Again

## Condition 3

**There shall be no vehicular access to Main Drive from lots facing onto Main Drive.**

*To eliminate any need for vehicular access crossovers from Main Drive. (Consistent with existing heritage conditions on all lots both north and south of Main Drive.)*



# How to put F4 Back Together Again

## **Condition 4**

**A comprehensive landscape plan, including conditions for the management and replacement of all VHD trees in Park 011 and Park 012 shall be completed as directed by Heritage Victoria.**

*To overcome the high number of dead and dying replacement VHD trees in Park 011 and Park 012 (Permit P16912)*



# Main Drive 2018

