

**KCC
Kew Cottages Coalition
Annual General Meeting Minutes
7pm Wednesday 31 March 2021
Online via Zoom**

Rod Quantock, declared the AGM open at 7.00pm. He introduced Brian Walsh, President, KCC, and welcomed the guest speakers, The Hon. Clifford Hayes MLC Southern Region; and Cr. Nick Stavrou, Studley Ward, Boroondara Council.

Apologies were received from:

Gerri Hopper, Lindsay West.

Minutes of the 26 Feb 2020 Annual General Meeting

The minutes of the February 2020 Annual General Meeting were taken as read and accepted by the meeting. (Download the audio from <https://bit.ly/3m2CF0r>)

Proposed Lindsay Grayson Seconded Brian Walsh Motion carried unanimously

Matters Arising.

Brian Walsh reported that the resolutions passed unanimously by the February 2020 Kew Public Meeting had been conveyed to the State Government as follows:

1. Given Heritage Victoria's difficulty in enforcing the mandated Phytophthora control regulations, we call on Gavin Jennings, Minister for Priority Precincts to immediately halt all further development on the Kew Cottages site until the level of Phytophthora contamination can be accurately defined.
2. This Public Meeting calls on the Legislative Council of the Victorian Parliament to establish an inquiry into Heritage Protection in Victoria.
3. This Public Meeting calls on the Minister for Planning to commit to returning Kew Cottages Planning Authority to Boroondara Council when the Walker Development Contract expires on 31 Dec 2020
4. This Public Meeting calls on the Minister for Priority Precincts, Gavin Jennings, and Development Victoria, not to renew the Walker Kew Cottages Contract when the current contract expires on 31 Dec 2020.

He said the most positive outcome during the year following these resolutions was that Clifford Hayes had convinced the Legislative Council to establish an inquiry into Heritage Protection in Victoria, and that 'Heritage Protection' would be the focus of tonight's meeting.

Brian said that Clifford Hayes had also raised the other matters in Parliament. However, the Government's response was disappointing because:

1. The Minister for Planning, Richard Wynne, had declined to return Planning Authority for the Kew Cottages development to Boroondara; and
2. The new Minister for Priority Precincts, Jacinta Allan, had said that it would be up to the Government to decide what happened at the end of that contract, and that Development Victoria might decide to extend the contract.

Treasurer's Report.

Brian presented the Treasurer's Report on behalf of David Pym. The Report was duly accepted and considered in accordance with Rule 9 of the model rules.

Proposed Lindsay Grayson Seconded Tony Michael

Motion carried

President's Report.

Heritage Protection Inquiry.

Brian expanded on some of the serious problems with heritage protection controls at Kew Cottages, and why a Parliamentary Inquiry was necessary to help solve the problems. He said the problems had started as soon as the Walker development works began in 2006, when the deadly plant disease *phytophthora cinnamomi* (pc) was discovered close to the works.

A significant heritage listed tree located adjacent to the new earthworks, a Bishop's Pine, (the first National Trust Listed Tree on the site), was found to be infected with *phytophthora*, and subsequently cut down and removed by Major Projects Victoria. The tree had still not been replaced by the developer over a decade later, despite a Heritage Permit Condition requiring the developer plant another Bishop's Pine in its place in 2008. To make matters worse, once pc infects a site it is there forever, it cannot be removed. It can only be quarantined. However, the boundaries of the infection at Kew Cottages had apparently still not been determined. Boroondara Council commissioned an independent expert report in 2006, and Heritage Victoria eventually imposed a Pc Management Plan as a Heritage Permit Condition.

Brian summarized KCC's concerns about the ongoing threats to the significant heritage listed trees in the unique collection of trees in the current (Stage 8) development area, known as the 'Von Mueller Arboretum'. He said that when one of the latter trees, a Canary Island Pine had recently died, it appeared that Major Projects Victoria 2006 promise to continue testing the site every year for pc had not been kept, and the heritage permit conditions imposed to protect these trees appeared to "have just faded away." Heritage Victoria appeared to lack the resources to commission independent tests to help determine the cause of the trees death, and was reliant on the developer, Walker Corporation to determine the cause of the heritage tree's death.

It subsequently transpired, after independent tests commissioned by Boroondara Council, that lack of protection for Heritage Tree 191 from drainage works in 2011 had been the catalyst for its subsequent death. In other words the Heritage Tree Protection measures had not only clearly failed to protect the Canary Island Pine, but there had been no requirement for that failure or "mistake" to be recorded, and/or reported by the developer to Heritage Victoria.

Indeed, in 2018 when Walker re-applied for a Heritage permit to build the Stage 8 apartments it claimed Tree 191 and all the other listed trees were fine, and had a life expectancy of another 20 years. That was their expert advice.

"So that was the bad news," Brian said. But the Good News was that Clifford had successfully pursued the matter as far as he could in the Parliament, and we will hear more tonight from Clifford about the Parliamentary Heritage Protection Inquiry that has now been established.

[The Government Contract Website](#)

Brian reported that according to the Government Contract Website the Walker Contract had expired on 31 December 2020, and not been extended by Development Victoria. However, works on the apartments had still continued in 2021.

Clifford Hayes indicated he would be happy to investigate the Walker Contract issue.

Foreshadowed Motions.

Brian Walsh foreshadowed the following motions for the Public Meeting.

1. We call on Jacinta Allan (Minister for Priority Precincts) to provide an assurance to the Parliament that she, her Departmental Secretary and the Head of Development Victoria will all appear before the Legislative Council Inquiry into Heritage Protection.
2. We call on the Minister for Planning to provide an assurance to the Parliament that he, his Departmental Secretary and Deputy Secretary will all appear and give evidence before the Legislative Council Inquiry into Heritage Protection.
3. This Public Meeting supports the plan for the Kew Cottages Coalition to make a submission to the National Disability Royal Commission highlighting the issues related to Kew Cottages as a clear case study of governmental exploitation of the disabled to sell a major public asset and service, with no substantive benefit for disabled Victorians.

Brian concluded by thanking the Committee and all the Coalition's supporters who had worked so hard to hold the State Government publicly accountable for the Kew Cottages Walker Development.

Election of the Committee.

Brian announced that as there were the same number of nominations as office bearers required, the new Committee was declared elected.

Committee Members 2020-2021

President, Brian Walsh
Vice President, Lindsay Grayson
Secretary Margaret Ryan
Treasurer, David Pym,
Committee Member Mary Drost
Committee Member Ann Brewer

Moved. Brian Walsh Seconded Lindsay Grayson

Carried..

AGM DECLARED CLOSED.

Rod Quantock declared the PUBLIC MEETING OPEN.

Tonight's Topic
Victoria's Heritage Protection on Trial

Rod introduced the Guest Speakers:

Clifford Hayes MP, MLC Southern Metropolitan

Cr Nick Stavrou, Studley Park Ward, Boroondara Council.

Resolutions Passed

The following Motions were passed unanimously by the Meeting:

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Proposed. Lindsay Grayson

Seconded. Brian Walsh

Passed. Unanimously

8.25 pm Rod Quantock closed the Public Meeting

Listen to the Guest Speakers online [here](#)

Links:

https://www.kew.org.au/archive/20210331KCC_AGM2021_Mar_2021_Audio_online.mp3