

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

***DRAFT VARIATION TO THE TERRITORY PLAN FOR KALEEN SECTION 117,
PART BLOCK 20 (BOCCE CLUB)***

**REPORT NO.22 OF THE STANDING COMMITTEE ON PLANNING,
DEVELOPMENT AND INFRASTRUCTURE**

MARCH 1994

STANDING COMMITTEE ON PLANNING, DEVELOPMENT AND INFRASTRUCTURE

On 27 March 1992 (at the commencement of the Second Assembly) the Legislative Assembly established a Standing Committee on Planning, Development and Infrastructure to inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community relating to planning, land management, transport, economic development, commercial development, industrial and residential development, infrastructure and capital works, science and technology.

The Assembly also authorised the Committee to send its report to the Speaker, or in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation, if the Assembly is not sitting when the Committee completes consideration of a report on draft Plan variations referred pursuant to Section 25 of the *Land (Planning and Environment) Act 1991* or draft Plans of Management referred pursuant to Section 204 of the *Land (Planning and Environment) Act 1991*.

Committee Membership

Mr David Lamont (Chairman)

Mr Tony De Domenico (Deputy Chairman)

Mr Greg Cornwell

Ms Annette Ellis

Ms Helen Szuty

Secretary: Mr Rod Power

*DRAFT VARIATION TO THE TERRITORY PLAN FOR KALEEN SECTION 117,
PART BLOCK 20 (BOCCE CLUB)*

Background

Sections 25 and 26 of the *Land (Planning and Environment) Act 1991* require the Executive to refer draft Variations to the Territory Plan to an appropriate committee of the Legislative Assembly for report, and for the Executive to then have regard to the committee's recommendations before approving any Variation. The Standing Committee on Planning, Development and Infrastructure is the appropriate committee to consider such draft Variations.

On 11 February 1994 the Minister for the Environment, Land and Planning, Mr Bill Wood MLA, referred the draft Variation and background papers relating to the draft Variation for Kaleen Section 117, Part Block 20 (Bocce Club) to the Committee. The Variation proposes to vary the existing land use policy to include an Area Specific Policy allowing 'Residential' development on that Part Block.

The draft Variation and background papers note that the southern portion of the site was leased to the Bocce Club in 1986 and was developed for eight Bocce courts and a club house. The site was extended in 1988 to include the area to the north for a new club house, additional courts and car parking. These have not been constructed to date, and the northern end of the site is proposed to be developed for medium density housing.

Consideration by the Committee

The Committee considered the draft Variation at its meeting on Friday 18 February 1994. The Committee was briefed on the draft Variation by staff of the ACT Planning Authority.

The Committee resolved to write to the persons who contacted the ACT Planning Authority about the draft Variation for Kaleen Section 117, Part Block 20 to invite them to address the Committee at a suitable time. The Committee also decided to arrange for a Hansard transcript of such addresses in order to assist the Committee's later deliberation.

The Committee subsequently took evidence on Friday 11 March 1994 from the following persons:

- Messrs Spagnolo (President and Treasurer of the Bocce Club), Dowling (Architect) and Potts (developer);
- Messrs Niemann (local resident), Griffin-Warwicke (President, Belconnen Community Council) and Handley (member of the Planning Committee of the Belconnen Community Council);
- Messrs Johnston (ACT Planning Authority), Snell and Pearson (Department of the Environment, Land and Planning).

Arising out of the meeting, the Committee requested the Planning Authority provide further information on aspects of the draft Variation. This information was provided on the same day and included comment on the proposal's compliance with provisions of the Residential Code, comment by the Department of Urban Services on the proposal in relation to the 100 year flood level together with advice on traffic matters including noise assessments.

The Committee further considered the draft Variation at its meeting on Friday 18 March 1994.

Recommendation

The Committee endorses the Variation to the Territory Plan for Kaleen Section 117, Part Block 20 (Bocce Club) with the following changes:

- that the maximum number of residential units be 62;
- that a full landscape master plan and subdivision plan be developed for the site, and that this plan be made publicly available to local residents and community organisations, with a copy to be provided to the Standing Committee on Planning, Development and Infrastructure for information;
- that the planting of mature trees be a feature of the landscaping of the site.

The Committee notes that additional plantings may be required in the area adjacent to the stormwater channel including the associated retaining wall (to be constructed). Also, the Committee notes that additional work will be required for traffic and storm management matters as indicated in the draft Variation and background papers. This work includes:

- the developer is required to consult with Department of Urban Services Stormwater Section regarding any proposed works to protect from floodwaters, and all such works are to be designed by a practicing chartered civil engineer;
- the maximum building height is two residential stories with under-croft parking;
- dwelling units are to be designed so as to maximise privacy and minimise overlooking (either from another building or public place) and dwelling units are to be designed to receive adequate daylight and sunlight;
- dwelling units are to be designed to provide acceptable interior noise levels in relation to surrounding land use and to Baldwin Drive;
- all car parking generated by the development is to be provided on-site to the satisfaction of the Territory;

- access to the site is to be through the existing driveway entrance to the club into Baldwin Drive, which is to be upgraded to meet the Territory's requirements;
- all areas not occupied by buildings are to be landscaped to the satisfaction of the Territory; the existing screen along Baldwin Drive is to be extended into the minimum setback zone; a landscaped buffer between the proposed residential development and the club facilities is to be provided; existing on-site mature trees are to be retained where practicable; all street trees are to be retained and protected to the satisfaction of the Territory during construction;
- adequate provision is to be made within the lease boundaries for service areas and for the storage and collection of garbage; all service and garbage storage and collection areas are to be screened from public view to the satisfaction of the Territory;
- floor levels for habitable accommodation, undercroft parking and external car parking are to be set a minimum 300mm above the 100 year flood level;
- a pedestrian bridge across the stormwater channel linking the proposed residential development to the Kaleen Group Centre is to be constructed at the lessee's expense at least 600mm above the 100 year flood level;
- the lessee is to provide a full report from an acoustic consultant assessing the ability of the design, materials and location of the proposed club house on the adjacent Bocce Club site to attenuate noise to an acceptable level.

The Committee notes that the present land use of the site proposed for development is shown as 'Restricted Access Recreation' in the Territory Plan. While noting the concern of some local residents that the area should remain as green space, the Committee was advised by the Department of the Environment, Land and Planning that the area is not suitable for active recreational uses such as those associated with an oval, due to its small size and gradient.

In considering the draft Variation the Committee has been assisted by advice from the Department of the Environment, Land and Planning that the financial return to the Canberra community associated with the betterment charge on this change of land use is considerably greater than would be the case if the lease was to be returned to the Government and subsequently auctioned. The Committee was advised that the possible betterment figure is about \$974,000, based on a betterment charge of 100 per cent. This reflects the fact that the lease was granted at a concessional rate before the introduction of a sliding scale of betterment charges set by regulation.

By comparison to the betterment figure, the Department of the Environment, Land and Planning estimated that the site if auctioned as raw residential land might be expected to raise revenue of about \$500,000. The Committee notes that in this instance the ACT community benefits more from the imposition of a betterment charge than from the sale of the land at auction. While not the dominant issue in the Committee reaching its decision on this draft Variation, the Committee is concerned that the betterment issue be addressed up-front in this report.

The Committee is conscious of the run-down state of the existing Club area and does not wish this situation to continue. Accordingly, the Committee recommends that the Government require the present lease holder to show a commitment to the maintenance and upkeep of the area to an appropriate standard to occur in a timely fashion. To the same end, the Committee recommends that the Government ensure the Bocce Club develops its site for the proposed additional sporting facilities in the way it has outlined.

Finally, the Committee indicates it would be unlikely to recommend that the Government approve any further land use variation for this site given the extensive residential development about to take place.

Postscript

The *Land (Planning and Environment) Act 1991* requires the ACT Executive to have regard to the recommendations of the Standing Committee on Planning, Development and Infrastructure before approving any draft Variation to the Territory Plan.

A Variation, together with the background papers and other documents, must be tabled in the Legislative Assembly within five sitting days of approval by the Executive. A further five sitting days is then provided for any Member of the Assembly to move that the Variation be rejected in whole or in part. Any such motion must be dealt with by the Assembly within five sitting days.

If a Variation is not rejected by the Assembly, the ACT Planning Authority will publish a notice in the *Gazette* specifying the date of commencement of the Variation.

David Lamont MLA
Chairman
18 March 1994