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7 May 2007

P&E Committee Secretary
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Dear Committee

Draft Variation to the Territory Plan No. 263 – Block 23 Section 117 Kaleen

I own Unit 2 at The Huntington, next to Block 23 in Kaleen. I purchased it off the plan and have resided here since its completion in November 1995.

I am aware that the Standing Committee has received my objections to Draft Variation to the Territory Plan No. 263 which were lodged with ACTPLA in August and September 2006. I wish to add to those submissions as well as report on events that have occurred since.

1. I will get this out of the way at the outset. It is inappropriate that I was pressured on 3rd May to get my submission in by today due to plans to discuss the matter on the 8th prior to close of public submissions. This is an abuse of process.
2. I specifically asked to be kept informed as to the progress of the Draft Variation in letters to ACTPLA. ACTPLA have not done so. I found out about this by accident.
3. I note from allhomes that the sale of the land under discussion was completed on 19 December 2006 to the developers. The timing of this during the draft variation process is interesting to say the least. By contrast, the record for the Huntington sale shows a contract date coinciding with the sale of the units off the plan to the public and settlement 18 months later during the construction period.
4. Shortly after the sale Development Application 220700092 to remove the building on the site was released for public comment. ACTPLA

accepted our objections and approval was denied. The owners then asked for a reconsideration, the submission period closing on 30 April. However, on 26 April I witnessed work being carried out to remove the building and reported it to ACTPLA who stopped it. I believe that my submissions to this process will not be sent to the Committee. I therefore attach them to this letter, as that will enable me to not repeat the contents here.

5. The sale of the land and the submission of a development application during the draft variation process potentially compromises the process.
6. Some specific comments on the Report on Consultation dated February 2007:
 - (a) The traffic issue is very serious for Huntington residents. It is not only the potential consequences after a proposed development is completed that have to be considered but also during any construction period. Huntington residents are in a unique situation of having to share a narrow access road that passes directly in front of the entrance to the site. We, and our visitors and services, must have full and uninterrupted access to our homes at all times. Under these circumstances it is imperative that traffic management is addressed at the outset in all processes regarding Block 23 Section 117 Kaleen not left till later. It is not Huntington residents' fault that Huntington was built without a dedicated entrance off Baldwin Drive.
 - (b) Page 10 mentions an arrangement with CISAC re new developments. The new Bocce Club is currently being built on Block 4 Section 20 Belconnen, corner of Rae and Bayles Streets approximately 1.3 kilometres from CISAC. CISAC now only provides pool and gym facilities having recently replaced their indoor courts for soccer, cricket, volleyball and netball with their gym expansion. The Kaleen pool and gym are approximately 400 metres from the site so another would not have been considered. At least one new gym has opened in Belconnen within 2 kilometres of CISAC since CISAC opened. Restoration of the current building due to illegal removal of part of it could not be considered new development.
 - (c) I am sure that the Kaleen High School will comment on the admission that the principal was not consulted during the preparation of the planning study. I do not recall receiving an invitation to a community information session during that time.

(d) No additions to other items.

7. I have viewed the financial records of the Canberra and District Bocce Club Inc and the Canberra and District Petanque Club Inc at the Registrar-General's office. I make the following observations:
- (a) Canberra and District Bocce Club Inc, Association No. A01182, was incorporated on 28 June 1985 and the Canberra and District Petanque Club Inc, Association No. A01908, was incorporated on 12 August 1991. The registered address of both clubs is 110 Baldwin Drive Kaleen and the financial year for both is 1 December to 30 November.
 - (b) The same people have been on the committee of both clubs since inception. One person has been the President, Treasurer and Public Officer.
 - (c) There were 320 members in the Bocce Club and 270 in the Petanque Club as at 30 November 2004. The Cox-Purdon study states that only an estimated 50 people participate in bocce across Canberra.
 - (d) The principal activity was included from 1991. From 1991 to 1994 the principal activity of the Bocce Club was "the operation of a Bocce court and a licensed social club". Since 1995 it has been "the operation of a licensed social club". The principal activity of the Petanque Club is "the operation of a petanque court". The liquor and gaming licence was granted to the Bocce Club on 10 June 1988. The Petanque Club does not appear to have ever held a licence.
 - (e) There have been loan transactions of up to hundreds of thousands of dollars between each of the two clubs and the President/Treasurer and another committee member every year since the clubs' inceptions except the year following the sale of the land now Huntington in 1995.
 - (f) The Bocce Club had losses every year since inception except 1995. The building was erected in 1987. By 30 November 1988 the operating loss was \$59,089 and net current liabilities were \$133,838. On 6 January 1989 the auditor issued the warning "If the club continues to trade at a loss, I consider it will not be able to continue as a going concern". After repeating this warning for two more years the auditor raised it to "If the club cannot dispose of its assets in the near future

and to come to some arrangement with its creditors, I consider it should not continue in its present form" on 25 February 1992 after the losses reached \$113,009 and net current liabilities \$369,876 for the year ended 30 November 1991. The current liabilities escalated and the stronger warning continued for 3 more years.

- (g) The ACT auditor's report "Public Interest Disclosure - Lease Variation Charges" in 1997 states that the original lease was granted on 25 November 1986 and additional land was sought in 1989 and granted on 28 August 1989. The financial accounts for 1989 shows that following the acquisition of the additional land, which increased the holding by around 65%, the value of the lease and buildings increased by only 11.5% (from \$253,377 to \$282,533).
- (h) Less than 13 months later on 13 September 1990 the Bocce Club first approached ACTPLA (PALM) about a retirement village on the club's land. It was rejected on 15 November 1990.
- (i) The report says that "It is apparent from the file at this time the Club was experiencing financial difficulties and was unable to meet its commitments under the lease." On 8 October 1991, only 11 months after the first proposal was rejected, the Club approached ACTPLA (PALM) again, this time, it appears, citing financial difficulties. The eventual result was that almost all of the land acquired in 1989 was sold for \$1.25 million for the Huntington residential development (allhomes). The original land, with some small adjustments, was sold for \$30,000 (allhomes) which, I understand, was the balance of the original lease which the Bocce Club was required to pay out as part of the deal.
- (j) The financial records show that the Petanque Club did not trade until after it paid out the lease for the Bocce Club, that the Bocce Club has been leasing it from the Petanque Club since then, and that the Bocce Club donated over \$150,000 to the Petanque Club after paying its creditors in 1995.
- (k) The Cox-Purdon report indicates that discussions to develop the rest of the land started sometime prior to June 2003 but doesn't mention how long those discussions had been occurring. The sale of the land was completed on 19 December 2006 for \$2 million (allhomes).

- (l) Commercial space leases were advertised last year outside the new Bocce Club, still under construction in Belconnen.
 - (m) The financial statements of both clubs and the chain of events raise many questions. It appears that land speculation may have occurred. An investigation into all aspects of the history of the land on both Sections 23 and 24 from prior to the granting of the original concessional CALA lease to today and beyond is now required. A detailed examination of the financial accounts of both clubs and the compliance or otherwise of all leases, licences and incorporation conditions should be included. It appears that the people of the ACT, and Kaleen in particular, have been ripped off.
8. Pages 23-24 of the Cox-Purdon report discuss the unsuitability of the block for a licensed club due to proximity of the school and the residential complex. Yet the Bocce Club had a liquor and gaming licence on the site from 1988 to 2006 including during the period when it was its only activity.
 9. Block 23 Section 117 Kaleen is unsuitable for any housing development. The land should be resumed by the ACT Government and either become the green corridor between Lawson and Kaleen Group Centre with suitable footpaths and cycle paths or offered to other community organisations for community use.
 10. In December 2006 the ACT Government closed several schools. Many of these, eg Cook Primary School, offer large parcels of flat land suitable for older persons close to shops.

I reiterate my statement that Draft Variation to the Territory Plan No. 263 should not be approved. If it is to be considered then it should be provisional pending a detailed traffic management study and plan which is presented for public comment.

Please acknowledge receipt of my letter.

Yours faithfully

Helen Mackerras