

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

*DRAFT VARIATION TO THE TERRITORY PLAN FOR KINGSTON
SECTION 25 BLOCKS 4, 5, 6*

**REPORT NO.18 OF THE STANDING COMMITTEE ON PLANNING,
DEVELOPMENT AND INFRASTRUCTURE**

DECEMBER 1993

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 Trevor Kaine (Deputy Chairman)

Mr Tony De Domenico

Ms Annette Ellis

Ms Helen Szuty

Secretary: Mr Rod Power

DRAFT VARIATION TO THE TERRITORY PLAN FOR KINGSTON
SECTION 25 BLOCKS 4, 5, 6

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 22 November 1993 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 Kingston Section 25 Blocks 4, 5, 6 to the Committee.

The draft Variation proposes to permit the construction of three and four storey buildings, with some basements, to accommodate 85 residential units, 1330m² commercial space, 85 publicly available parking spaces and 154 car parking spaces for the residential and commercial development.

Consideration by the Committee

The Committee considered the draft Variation at its meeting on 10 December 1993. The Committee heard from several persons objecting to the draft Variation: Dr P Muecke, Dr S Saunders, General R Hay and Sir J Overall; and Mr R Swift.

The Committee further considered the draft Variation at its meeting on 17 December 1993, when it was briefed by officials of the ACT Planning Authority. As well, the Committee heard from the proponent (Mr G Willemsen) and a representative of the Kingston Traders' Association (Ms J Tier). During these presentations, three representatives of those objecting to the draft Variation were present (at the invitation of the Chairman), namely, Professor R Rutland, Dr S Saunders and Sir J Overall.

The Committee then deliberated about its recommendation in private session.

Recommendation

Following its examination of the draft Variation for Kingston Section 25 Blocks 4, 5, 6, the Committee recommends that the draft Variation as proposed be endorsed with the following additions:

- that the non-retail commercial land use proposed for the ground floor fronting Giles Street be expanded to include retail and/or commercial land use; and
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- that the ACT Planning Authority undertake a review of the current land uses in the Kingston Group Centre Precinct to optimise the balance between commercial, retail and residential land uses.

Two Members of the Committee dissented from the above recommendation. Mr Kaine indicated that he would not present a dissenting report but would speak against the Committee's recommendation when the matter came before the Assembly. Ms Szuty advised the Chairman that she would prepare a dissenting report to be included in this report.

Postscript

The *Land (Planning and Environment) Act 1991* requires the ACT Executive to have regard to the recommendations of this Committee 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
17 December 1993

DISSENTING REPORT Helen Szuty MLA

I hereby dissent from the recommendation of the Standing Committee on Planning, Development and Infrastructure's Report No. 18, December 1993, Kingston (Section 25, Blocks 4,5, and 6), although I agree with part 2 of the recommendation which states:

"That the ACT Planning Authority undertake a review of the current land uses in the Kingston Group Centre Precinct to optimise the balance between commercial, retail and residential land uses."

The variation initially proposed that redevelopment in the form of a public car park, residential and commercial development occur on the site located at the corner of Tench, Giles and Jardine Streets, Kingston. In its majority report the PDI Committee has also recommended that in addition to the above mentioned uses retail activity be able to occur on the site. I dissent from this part of the recommendation.

The site has an interesting history which has created difficulties from a planning perspective because of certain anomalies. The site was leased in 1979 by Grace Bros, which did not develop it but instead allowed members of the public to park their vehicles there. The site is quite large and can accommodate 160 vehicles.

Because of these longstanding arrangements members of the public have become used to parking on the site and accessing the Kingston shops and other services and facilities in the area.

"In May 1992 the lease of blocks 4-6 was offered for sale by auction. In order to ensure the continued availability of sufficient publicly available car parking the Department of the Environment, Land and Planning entered into negotiations with the vendor's agent. It was agreed that prospective bidders would be advised that in any redevelopment of the site, a public car park of at least 70 spaces would be required, in addition to any parking provision generated by new development." (Page 7 of Draft Variation released for public comment August 1993).

The ramifications of this decision are borne out by the documentation of the draft variation released for public comment, August 1993, which states on page (ii):

"However for the proposed development to proceed it will be necessary to vary the Territory Plan as it applies to the site in respect of building height, public car parking, plot ratio, site coverage, building setbacks and open space provision."

25 written responses were received as a result of public consultation and representations were made, by a number of key individuals opposed to the draft variation, to the PDI Committee.

The question which begs to be addressed with regard to this draft variation is: "What is considered to be in the public interest?"

Is the public interest best served by providing a minimum number of publicly available car parking spaces and at the same time significantly exceeding current planning guidelines and the existing provisions of the Territory Plan? Or is the public interest best served by not proceeding with the proposed draft variation in its current form while seeking alternatives to resolve the shortage of publicly available car parking in the area, enabling development which does meet existing planning guidelines and the existing provisions of the Territory Plan.

In my judgement the public interest is best served by the second scenario. I therefore do not support the decision of the majority of members of the PDI Committee who have recommended that the draft variation be approved by the Executive.

Helen Szuty MLA
23 December 1993