

2006

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

TABLING STATEMENT

VARIATION NO. 256 TO THE TERRITORY PLAN –
KINGSTON GROUP CENTRE PART SECTION 22

AND

RESPONSE TO THE REPORT OF
STANDING COMMITTEE ON PLANNING AND ENVIRONMENT –
DRAFT VARIATION NO. 256 TO THE TERRITORY PLAN –
KINGSTON GROUP CENTRE PART SECTION 22

Circulated by authority of the
Minister for Planning
Mr Simon Corbell MLA

22/8/06

Mr Speaker, Draft Variation Number 256 was prepared in response to community concerns regarding the potential for the intensity of some businesses to have an adverse impact on the surrounding residential neighbourhood.

The Variation proposes to extend Precinct 'b' of the Kingston Group Centre to include part of Section 22 Kingston along the eastern side of Jardine Street. The effect of the Variation will be to incorporate additional land use restrictions and controls for certain activities into the Territory Plan.

The Variation was released for public comment in March 2005 and attracted 25 written comments.

The exhibited Draft Variation was revised in response to public submissions and discussions with ACT Government agencies. The main provisions included new precinct boundaries that do not allow clubs, drink establishments, service stations and indoor entertainment facilities in that part of the group centre adjoining the residential area.

Development applications for new restaurants will be required to prepare a noise management plan as a condition of approval. Noise management plans will need to demonstrate compliance with noise standards in the *Environment Protection Act 1997* and be endorsed by the appropriate regulating agency.

The Common Terminology for the definition of 'Restaurant' in the Territory Plan has also been deleted to avoid association with activities commonly related to alcohol consumption such as a brasserie or bistro.

The Standing Committee on Planning and Environment, in its report released in June, made eight recommendations in relation to the draft Variation, among which was a recommendation that the Government proceed with its implementation.

The Government has considered the issues raised and a Government Response that provides a detailed response to the Committee's recommendations has been prepared.

Mr Speaker, I will now provide a brief outline of the Government's response to the Committee's Report.

The Committee's first recommendation is that favorable consideration be given by the Minister for Disability and Community Services and myself to supporting a Canberra Central or Inner South Community Council, should such an organisation be incorporated in the short to medium term. This recommendation is supported.

The Committee's second recommendation is that I should consider inserting an area specific policy into the Territory Plan, varying the leases for Blocks 14 – 32 in Section 22, and/or reviewing and amending as agreed with industry, the ACT Commercial Waste Industry Code of Practice and the Waste Minimisation Regulation 2001, with a view to limiting commercial deliveries and waste collection to between the hours of 7.00 am – 7.00 pm in Section 22 Kingston.

This recommendation is not agreed as the Territory Plan is not the mechanism for addressing commercial waste management practices relating to hours of operation, and leases cannot be retrospectively varied. The Department of Territory and Municipal Services has been consulted on reviewing and amending the Code and Regulation relating

to waste management. The Government response provides more detail on the response from the agency on the matter.

The Committee recommended that the Minister for the Territory and Municipal Services consider the need for a broader review of waste collection law and policy in view of the increased residential density around commercial centers in the ACT under the A10 Residential Core Area Specific Policy.

This recommendation is not supported at this time as it is considered that the approach should rather be on planning and designing new developments in a way that specifically addresses these concerns. The planning and approval processes include controls on these issues which should be strictly complied with. Existing developments need to be addressed on a case-by-case basis to ameliorate the effects of servicing businesses where concerns exist. This matter is explained in more detail in the Government response.

The Committee's fourth recommendation is that the Minister for the Territory and Municipal Services consider whether signs warning of the potential hazard of reversing trucks for pedestrians and cyclists, and particularly the frail, the aged and children, should be installed in Block 33 Section 22 Kingston.

This recommendation was agreed to in-principle.

The Committee's fifth recommendation, that the influence of the *Human Rights Act 2004* be expressly addressed on the discharge of its statutory and non-statutory responsibilities, including when proposing variations to the Territory Plan, is agreed.

The Committee's sixth recommendation, that requests the bodies corporate in multi-unit residences in Section 22 to consider what investments might be necessary to ameliorate the perceived negative impacts of changing adjacent land uses, is noted.

The Committee's seventh recommendation that, subject to the recommendations above, the proposed Variation should proceed, is supported.

The Committee's final recommendation was to invite private stakeholders in dispute over residential amenity and commercial activities to consider the use of the services of organisations such as the Conflict Resolution Service to facilitate the reaching of compromises that may enable conflicting land uses to co-exist more equitably and harmoniously. This recommendation is noted.

Mr Speaker, I table the response to the Planning and Environment Committee report on Draft Variation No. 256 to the Territory Plan – Kingston Group Centre Part Section 22. I would like to take this opportunity to thank the Committee for its detailed examination of this Draft Variation and for its Report.

I also table the Variation to the Territory Plan No. 256.

2006

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON PLANNING AND ENVIRONMENT
REPORT NO 20**

**DRAFT VARIATION NO. 256 –
KINGSTON GROUP CENTRE PART SECTION 22**

**Circulated by the authority of
Minister for Planning
Mr Simon Corbell MLA**

22/8/06

Recommendation 1

The Committee recommends that the Ministers for Disability and Community Services, and Planning, give favourable consideration to supporting a Canberra Central or Inner South Community Council, should such an organisation be incorporated in the short to medium term.

Response: Agreed.

The Ministers for Disability and Community Services, and Planning, would give favourable consideration to supporting a Community Council for South Canberra, should such an organisation be incorporated in the short to medium term.

The Government provides annual funding for recognised Community Councils that meet the criteria for such funding (as determined by the Minister for Disability and Community Services). In terms of planning issues, as part of the ACT Planning and Land Authority's community engagement processes, a recognised Community Council for South Canberra would be eligible for the same level of support as the other Community Councils.

Recommendation 2

The Committee recommends that the Minister consider

- (a) inserting an area specific policy into the Territory Plan,
- (b) varying the leases for Blocks 14 – 32 in Section 22, and/or
- (c) reviewing and amending as agreed with industry, the ACT Commercial Waste Industry Code of Practice and the Waste Minimisation Regulation 2001, with a view to limiting commercial deliveries and waste collection to between the hours of 7.00am – 7.00pm in Section 22 Kingston.

Response: Not agreed.

The Territory Plan is not the mechanism for addressing commercial waste management practices relating to hours of operation, and leases cannot be retrospectively varied.

The Department of Territory and Municipal Services has been consulted on the matter of reviewing and amending the Code and Regulation relating to waste management. The Code was developed through industry and public consultation and agreement. Any changes to the Code would be required to undergo a similar process.

Recommendation 3

The Committee recommends that the Minister for the Territory and Municipal Services consider the need for a broader review of waste collection law and policy in view of the increased residential density around commercial centers in the ACT under the A10 (Residential Core) Area Specific Policy.

Response: Not Agreed.

The broader review of waste collection law and policy recommended by the Committee is not supported at this time by the Department of Territory and Municipal Services. The approach should rather be on planning and designing new developments in a way that specifically addresses these concerns. The planning and approval processes include controls on these issues, which should be strictly complied with. Existing developments need to be addressed on a case-by-case basis to ameliorate the effects of servicing businesses where concerns exist.

Any review leading to further restriction on the hours of collecting waste from commercial premises in the vicinity of residential units beyond that contained in the ACT Commercial Waste Industry Code of Practice or through legislative changes could disadvantage waste service providers who adhere to the current time restrictions. The current Code allows efficient collection in a safe manner and at times when they pose the least traffic risk to pedestrians and cause least traffic congestion. Limiting waste removal times may increase costs.

New developments (both of individual premises and entire complexes) can alleviate some of these issues through careful design and siting of waste storage areas and innovative waste management systems (for example, efficient sorting and compaction of waste should be able to reduce the number of collections needed). Equally, residential premises near commercial centres

need designs that take into account the siting of other businesses and work to minimise potential noise and other issues.

Requirements for effective soundproofing of businesses is another important element of planning. Investigating possibilities such as the lease holders brokering a common waste service provider for a group of businesses would also have the potential to reduce the number and frequency of trucks servicing new or existing commercial areas.

Recommendation 4

The Committee recommends that the Minister for the Territory and Municipal Services consider whether signs warning of the potential hazard of reversing trucks for pedestrians and cyclists, and particularly the frail, the aged and children, should be installed in Block 33 Section 22 Kingston.

Response: Agreed in-principle.

All options will be thoroughly considered at the time of preparing, and approving the development application. However the erection of signs has not been the best option in similar situations. It would be more appropriate to provide a turning area for trucks within the design of the development.

Recommendation 5

The Committee recommends that the ACT Planning and Land Authority expressly addresses the influence of the *Human Rights Act 2004* (ACT) on the discharge of its statutory and non-statutory responsibilities, including when proposing variations to the Territory Plan.

Response: Agreed.

Recommendation 6

The Committee requests that the bodies corporate in multi-unit residences in Section 22 consider what investments might be necessary to ameliorate the perceived negative impacts of changing adjacent land uses such as window treatments, landscaping and screen planting, solid rear fencing, closure of pathways used as public thoroughfares through private property etc.

Response: Noted.

Recommendation 7

Subject to the recommendations above, the Committee is of the view that the proposed variation should proceed.

Response: Agreed.

Recommendation 8

The Committee invites private stakeholders in dispute over residential amenity and commercial activities to consider the use of the services of organisations such as the Conflict Resolution Service to facilitate the reaching of compromises that may enable conflicting land uses to co-exist more equitably and harmoniously.

Response: Noted.