

SUBMISSION TO
THE STANDING COMMITTEE ON PLANNING AND
ENVIRONMENT OF THE LEGISLATIVE ASSEMBLY FOR THE
ACT

RECOMMENDED FINAL VARIATION TO THE TERRITORY PLAN NO. 256
KINGSTON GROUP CENTRE

As members of the Kingston community, we are concerned at recent persistent efforts by ACTPLA, endorsed by the AAT, to alter planning guidelines for this area. We consider that these changes are to the detriment of both the viability of the Group Centre and the environmental amenities of residents.

Since December, 2003, we have tendered submissions, attended meetings with the Head of ACTPLA and the Minister for Planning, attended attempted, but fruitless, mediation with outside developers and appeared twice before the AAT.

During this seemingly endless process, we felt very much as though, as residents and community members, we were considered to have no rights in the process of planning and protecting our communal environment. "Community Consultation" appeared to be a process obfuscated as much as possible and then sidelined.

Draft Variation No. 256

This draft variation came about as a result of residents' continued concern over the lack of considered, long-term planning for the Kingston Group Centre. ACTPLA was instructed by the Minister for Planning to prepare a Draft Variation to the Territory Plan which would ensure that a Buffer Zone would be provided between residential and specific types of commercial land usage. In this way, the central Kingston block would continue to provide its present, popular facilities and the community could continue to enjoy a residential environment protected from the invasive, multi-faceted elements of environmental pollution caused by certain commercial activities, in particular those involving drinking establishments, clubs and restaurants.

However, in the final version of the Draft Variation, the recommendation by ACTPLA planners that restaurants be allowed in the area of the Buffer Zone has negated any possibility of protection for residential blocks immediately to the rear of Jardine Street commercial premises.

We therefore ask the Committee to reject the Recommended Draft Variation on the grounds of its following deficiencies:

- Failure to provide a Buffer Zone between commercial and residential land use;

- Failure to ensure the continued viability of the Kingston Group Centre as originally planned (i.e. as a vibrant but harmonious mix of commercial and residential activities) to enable it to continue to provide necessary services to the current, constantly increasing, population of Kingston and surrounding areas.

Provision of a Buffer Zone

In the original Territory Plan for Kingston, the central commercial block was, as now, bounded by Kennedy, Giles, Jardine and Eyre Streets. On the outer sides of these streets a “buffer” zone was created by Planning restrictions which permitted only the establishment of retail and commercial enterprises operating during normal business hours. In this way the residential areas immediately adjacent to these streets were protected by a quieter form of commerce which did not intrude on privacy, create internal and external noise at unsocial hours nor cause their patrons to be out on the streets adjacent to residences in the early (and not so early) hours of the morning.

The new Planning Guidelines, first brought into play at the end of 2003, created disparity between the Kennedy Street and Jardine Street sides of the centre square through the removal of the buffer zone on the Jardine Street side. No reason was ever offered for the creation of such a disparity. The resulting application to establish a Beer Café in the buffer zone on Jardine Street (subsequently allowed) caused real concern within the community.

The AAT, to whom ACTPLA abrogated its decision as to whether development of the Beer Café should be allowed, chose to believe that the imposition of specific restrictions on the activities, noise levels etc. of the Beer Café would solve all problems related to the possible destruction of residential amenities. But as was pointed out by several parties to the Hearing, these restrictions are simply not enforceable because:

- Limiting noise levels within an establishment has no bearing or effect whatsoever on the noise levels created by patrons leaving the premises at very unsocial hours nor on staff loudly arriving, departing, taking breaks, making loud phone calls etc. at the rear of the premises.
- There is no evidence that the Liquor Licensing Board is advised of ongoing restrictions placed on an organisation, or that it differentiates between licensed restaurants and drinking establishments in its granting of licences.
- No government or planning organisation appears to accept the responsibility to conduct ongoing monitoring to ensure that restrictions are adhered to.
- No restriction could be made to prevent the narrow carpark at the rear of Jardine Street (and adjacent to residential blocks) becoming a totally inadequate service lane for the new demands a drinking- establishment/restaurant development would impose.

Contrary to what AAT may wish to believe, the community is virtually powerless in this situation.

Viability of Kingston Group Centre

The Centre was planned to provide a mix of amenities to Kingston and surrounding suburbs. There was once a wide range of shops and businesses serving not only residents but also the very large (and constantly increasing) number of people who work in the Parliamentary sector, Kingston, Barton, Manuka, etc. The swamping of the area by restaurant/club/drinking establishment activities (some 36 at the last count made by one member of our Body Corporate) has led to a narrowing of the retail and commercial amenities which, as a Group Centre, Kingston should be providing.

That ACTPLA should consider it desirable to allow restaurant development to encroach even further into areas previously protected from this type of commercial activity, can only reinforce the perception that planning and long-term vision are largely absent from its deliberations.

Summary

Many other reasons, such as e.g. inadequate monitoring of traffic and parking trends, could be put forward to illustrate why we believe that Draft Variation 256 is inadequate to ensure appropriate development and protection of Kingston.

We trust that your Committee, as representatives of the Canberra community, will understand that we have no wish to see Kingston, or any other area of the city, being allowed to degenerate through lack of balanced, consultative planning.

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18th April, 2006