

2020

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO THE STANDING COMMITTEE ON PLANNING
AND URBAN RENEWAL REPORT 13 –
DRAFT VARIATION NO. 363 – CURTIN GROUP CENTRE AND ADJACENT
RESIDENTIAL AREAS: ZONE CHANGES AND AMENDMENTS TO THE
CURTIN PRECINCT MAP AND CODE**

**Presented by
Mick Gentleman MLA
Minister for Planning and Land Management**

Introduction

The ACT Government thanks the Standing Committee on Planning and Urban Renewal of the Ninth Assembly for the recommendations put forward in Report No. 13 regarding Draft Variation No. 363 Curtin group centre and adjacent residential areas: Zone changes and amendments to the Curtin precinct map and code (DV363).

DV363 was prepared by the ACT Government to incorporate the recommendations of the Curtin Group Centre Master Plan (2018) into the Territory Plan to provide guidance on the desired built form and character of the Curtin group centre as it develops into the future.

In summary, DV363 proposes to amend the Curtin precinct map and code by:

- introducing a mandatory one to two storey maximum building height around the central courtyard of the centre;
- permitting developments from two to six storeys on selected sites to the south, west and east edges of the group centre;
- specifying setbacks for ground level and upper floor levels;
- providing planning and design guidance for the redevelopment of specific sites in the centre, including the Statesman Hotel and section 15 block 1 Curtin;
- requiring development along main pedestrian areas to provide display windows, publicly accessible entry points and awnings to retain and enhance the pedestrian character within the centre; and
- protecting existing trees along Theodore Street.

DV363 proposes to rezone section 63 block 7 Curtin from Commercial CZ3 Services zone and Residential RZ4 Medium Density zone to Parks and Recreation PRZ1 Urban Open Space zone to retain an important pedestrian route and form part of the wider open space network (refer Figures 2 & 3).

DV363 also proposes to rezone section 62 block 27 Curtin, which is the southern part of the centre, from the current Commercial CZ1 Core zone to CZ2 Business zone to focus the retail and community activity close to the central courtyard (refer Figures 2 & 3).

Figure 1 indicates the location of the Curtin group centre and the area subject to DV363.

Figure 2 shows the current Territory Plan zones for the area subject to DV363.

Figure 3 shows the zone changes proposed for the area subject to DV363.

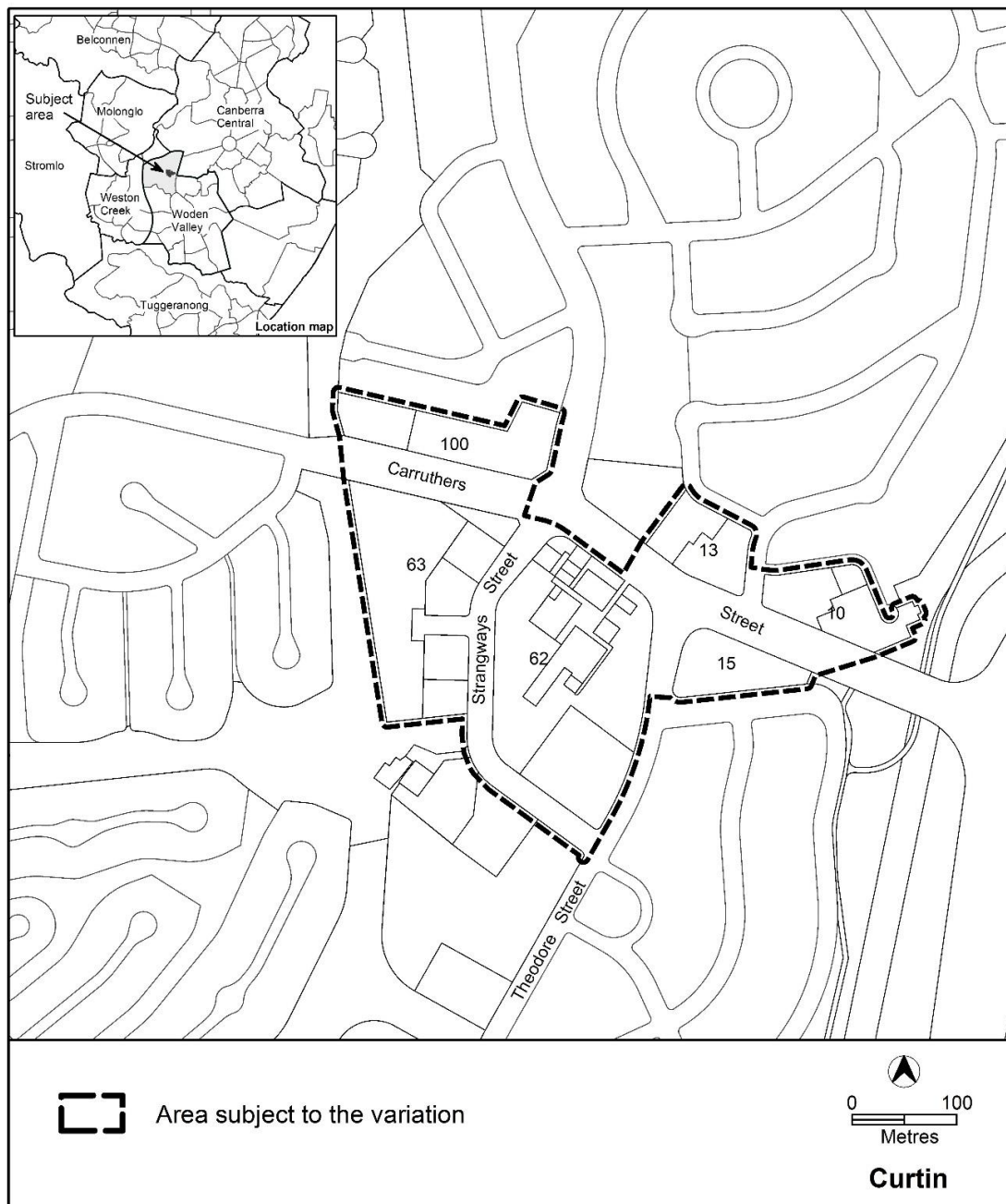


Figure 1 Location map

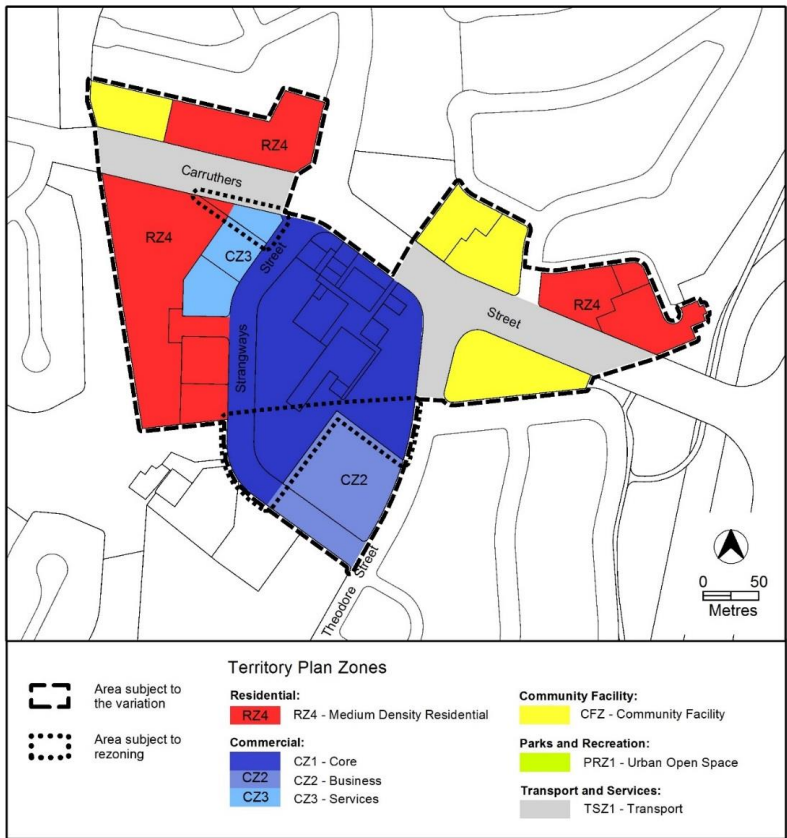


Figure 2 Current Territory Plan Zones Map

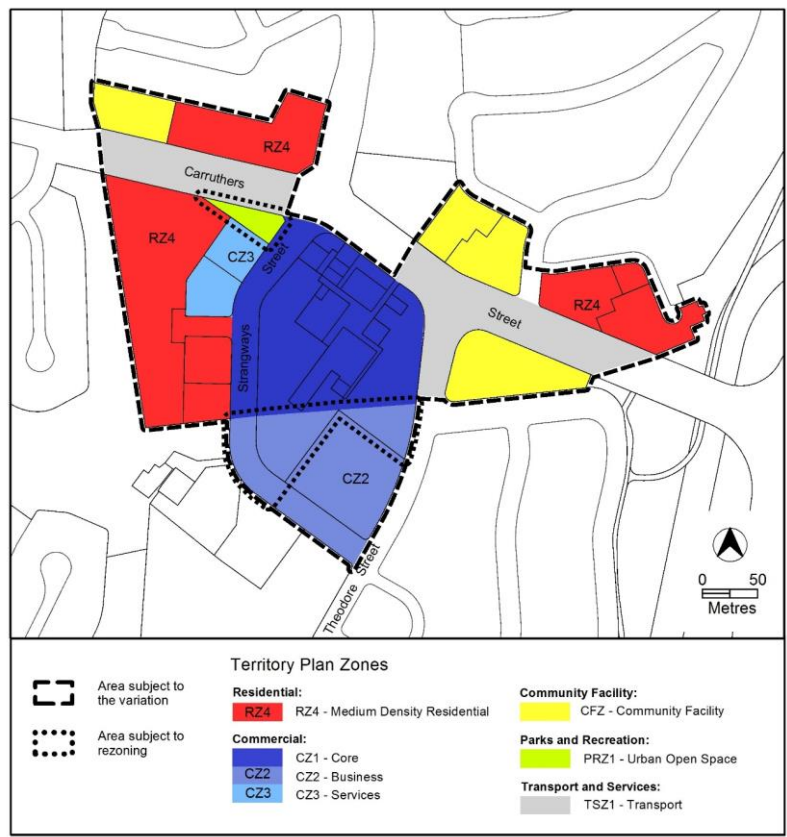


Figure 3 Proposed zone changes

Recommendations

No.	Recommendations
Recommendation 1	The Committee recommends that, subject to the following recommendations, Draft Variation 363: <i>Curtin group centre and adjacent residential areas: Zone changes and amendments to the Curtin precinct map and code</i> be approved.
Recommendation 2	The Committee recommends that the Directorate expand the proposed <i>desired character</i> statement in the Curtin Precinct Code to include human scale, sunlight to the central courtyard and the provision of attractive and busy public places more generally.
Recommendation 3	The Committee recommends the Directorate consider whether it is necessary to include plot ratio controls for development sites likely to exceed a 100 per cent plot ratio.
Recommendation 4	The Committee recommends that the Directorate change the proposed parking controls currently proposed in Rule 3 to rules and criteria similar to that contained in Rule 4 – Criteria 4 of the Mawson Precinct Code.
Recommendation 5	The Committee recommends that the Directorate consider, as part of the Territory Plan Review, options for protecting sunlight for public spaces that address the times of day and year when sunlight is most valued by the community, and introduces protections that will apply in all group and town centres across Canberra rather than in selective centres.
Recommendation 6	The Committee recommends that the Directorate amend the Draft Variation so as to ensure the central courtyard receives full sunlight between 9:00am and 3:30pm on the spring equinox.
Recommendation 7	The Committee recommends that the Directorate adjust Rule 14 and Figure 3 in the proposed Curtin Precinct Code to leave space for full-sized street trees on Strangways Street in front of both residential and commercial development, while also creating functional commercial space that is able to attract customers.

Government Response to the Standing Committee on Planning and Urban Renewal Report No. 13 – Draft Variation to the Territory Plan No. 363 Curtin group centre and adjacent residential areas: Zone changes and amendments to the Curtin precinct map and code

Recommendation 1

The Committee recommends that, subject to the following recommendations, Draft Variation 363: *Curtin group centre and adjacent residential areas: Zone changes and amendments to the Curtin precinct map and code* be approved.

Response

NOTED

While it is agreed that the Draft Variation 363 should be approved, this is noted as it is subject to the following responses to further recommendations.

Recommendation 2

The Committee recommends that the Directorate expand the proposed *desired character* statement in the Curtin Precinct Code to include human scale, sunlight to the central courtyard and the provision of attractive and busy public places more generally.

Response

AGREED

The 'desired character' in the proposed Curtin Precinct Code will be expanded to reflect the Curtin Group Centre Master Plan intentions and include references to human scale, sunlight to the central courtyard and attractive and busy public places.

Recommendation 3

The Committee recommends the Directorate consider whether it is necessary to include plot ratio controls for development sites likely to exceed a 100 per cent plot ratio.

Response

AGREED IN PRINCIPLE

The potential size and scale of development in the Curtin Group Centre was carefully considered during the master planning process when determining what would be appropriate for the centre. This included allocating a height limit of between three and six storeys on selected sites in the group centre and introducing specific setbacks to limit the bulk and scale of developments on these sites.

DV363 proposes to add these requirements to the Curtin Precinct Code so that future redevelopment proposals must comply with them.

In addition to the Curtin Precinct Code provisions, the relevant provisions in the Commercial Zones Development Code will apply to any development proposal in the commercial centre. This means that the plot ratio provision at Rule 46 of the Commercial Zones Development Code will apply to developments in the Curtin group centre. Where Rule 46 is not met, development is assessed against its corresponding Criteria 46. This criterion requires development to be assessed against the desired character of the proposed Curtin Precinct Code, the scale and function of the proposed use and any detrimental impacts including overshadowing and excessive scale. These codes are considered adequate to guide future development at the centre so that developments are compatible with the character of the centre. Therefore, it is considered that plot ratio and the size and scale of development are sufficiently covered by the changes proposed with DV363 and the current Commercial Zones Development Code.

Recommendation 4

The Committee recommends that the Directorate change the proposed parking controls currently proposed in Rule 3 to rules and criteria similar to that contained in Rule 4 – Criteria 4 of the Mawson Precinct Code.

Response

NOT AGREED

Rule and Criterion 4 of the Mawson Precinct Code permits redevelopment of surface car parking only if the original number of car parking spaces are maintained plus any additional spaces required as a result of any new development. Curtin Group Centre Master Plan recommends the retention of all existing surface car parking within the Commercial CZ1 Core zone with no redevelopment in the short and medium term. Concern was raised during the master planning consultation process that existing surface car parking could be lost to redevelopment. The community places importance on surface car parking at the Curtin group centre, which provides increased accessibility to the centre, especially for the elderly. Thus, the retention of all existing surface car parking was recognised as a key recommendation in the master plan. Rule 3 proposed in the Curtin precinct code implements this key recommendation and prevents the existing surface car parking areas that were identified in the master plan from any future redevelopment.

Recommendation 5

The Committee recommends that the Directorate consider, as part of the Territory Plan Review, options for protecting sunlight for public spaces that address the times of day and year when sunlight is most valued by the community, and introduces protections that will apply in all group and town centres across Canberra rather than in selective centres.

Response

AGREED IN PRINCIPLE

Access to sunlight in public places and residential areas in Canberra is considered extremely important, especially during the winter months when the days are much shorter. The winter solstice is day commonly used to assess access to sunlight as it is the day with the shortest period of daylight and longest night of the year, when the sun is at its lowest elevation in the sky. At the winter solstice shadows cast are at their longest and create the greatest impact on solar access. This is a common methodology applied in planning and design practice.

Changes to provisions for group and town centres are generally implemented as a part of area specific planning investigations because the places and spaces that a community value and times of use may differ across the centres and through time as communities change. It is, therefore, considered that tailored site-specific solutions provide the best outcomes. Within the work being undertaken for the ACT Planning System Review and Reform Project, development controls such as this will be considered.

Recommendation 6

The Committee recommends that the Directorate amend the Draft Variation so as to ensure the central courtyard receives full sunlight between 9:00am and 3:30pm on the spring equinox.

Response

AGREED IN PART

As noted under recommendation 5 above, the winter solstice rather than the spring equinox is considered the most appropriate time of the year to measure solar access due to the shorter daytime and longer shadows cast. Conversely, the equinox is the day that has an equal amount of daylight and darkness and occurs both in spring and autumn. It is also recognised that the effective amount of shade cast on a spring or autumn equinox is difficult to determine given deciduous vegetation which may cause partial shade.

It is agreed that it is appropriate to amend Rule 10 of the Curtin Precinct Code which protects solar access in the central courtyard and to increase the hours mentioned from

9:00am and 2:30pm to 9:00am and 3:30pm in recognition of times of greatest community use, but that the winter solstice remains the time of year when solar access is considered.

Recommendation 7

The Committee recommends that the Directorate adjust Rule 14 and Figure 3 in the proposed Curtin Precinct Code to leave space for full-sized street trees on Strangways Street in front of both residential and commercial development, while also creating functional commercial space that is able to attract customers.

Response

NOTED

Work undertaken during the Curtin Group Centre master planning process demonstrated that a zero and 3 metre building setback for development along Strangways Street will provide sufficient space for tree planting. As such, building setbacks of zero and 3 metres respectively for commercial and residential developments facing Strangways Street were recommended in the master plan and are being implemented through the draft variation. Strangways Street has a verge of approximately 6 metres in width; between the property boundary and the road. This space is considered adequate for public infrastructure and planting, such as full-sized street trees and public footpaths at the time of redevelopment. For these reasons, no change is proposed to Rule 14 and Figure 3 of the proposed Curtin precinct code which identify the required setbacks from the property boundary.