

Draft Variation No 189 to the Territory Plan

**Commercial B2A Civic Centre Land Use
Policy (Precinct B1), Community Facility
Sites and Other Minor Changes**

Report No 5

Standing Committee on Planning and Environment

August 2002



Committee membership

Mrs Vicki Dunne, MLA (Chair)
Ms Katy Gallagher, MLA (Deputy Chair)
Ms Roslyn Dundas, MLA

Secretary: Derek Abbott
Administration: Judy Moutia

Resolution of appointment

- (1) The following general purpose standing committees be established and each committee 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:
 - (f) a Standing Committee on Planning and Environment to examine matters related to planning and land management, conservation and heritage, transport services and planning, environment and ecological sustainability.
 - ...
- (3) If the Assembly is not sitting when the Standing Committee on Planning and Environment has completed 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 Environment) Act 1991*, the Committee may 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, publication and circulation.

Minutes of Proceedings, No 2, Tuesday 11 December 2001, pp 11 to 13

Terms of reference

Section 25 of the *Land (Planning and Environment) Act 1991* states:

25 Consideration by a Legislative Assembly Committee

The Executive shall, within 28 days of receiving a draft plan variation under section 24, refer -

(a) the draft plan variation; and

(b) the documents referred to in subsection 24(1) that relate to the draft plan variation;

to an appropriate committee of the Legislative Assembly together with a request that the committee report on the draft plan to the Legislative Assembly.

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Summary of recommendations

Recommendation 1

The committee recommends that the ACT government ensure that future developments follow the more desirable process of dealing with the detailed land use issues at an early stage in the development of a proposal.

Recommendation 2

The committee recommends that the permitted uses of the triangle of land immediately to the east of the proposed new Griffin Centre be amended to include community use.

Recommendation 3

The committee recommends that PALM put in place a framework to formalise the involvement of the community sector, particularly the current tenants of the Griffin Centre, the Youth Centre and users of the skateboard park, in the detailed development of the plans for the new community facilities on this site.

Recommendation 3

The committee recommends that DV 189 be endorsed by the Legislative Assembly.

Introduction

The *Land (Planning and Environment) Act 1991*

1. The *Land (Planning and Environment) Act 1991* (the Act) provides for a Territory Plan (the Plan) to “set out the planning principles and policies”¹ for the ACT. The objective of the plan is to ensure that the planning and development of the Australian Capital Territory provides an “ecologically sustainable, healthy, attractive, safe and efficient environment”² for the people of the Territory.
2. The Plan includes both a Written Statement, setting out general planning principals and more specific land use policies, and a map. The Act places conditions on development or land use within designated areas to meet the principles prescribed for that land on the Plan.
3. Land use requirements change over time and the Act sets in place a regime by which the stipulated land use can be altered or varied. Proposals to vary the Plan are prepared by the Territory planning authorities and are known as draft variations. Draft variations are required to be the subject of community consultation. There can be a number of versions of a draft variation depending on the consultation program.
4. After public consultation a draft variation, incorporating any amendments made as a result of public comment, and associated papers, is referred by the ACT government to the appropriate committee of the Legislative Assembly for the Australian Capital Territory. The Standing Committee on Planning and Environment is the committee established by the Fifth Assembly to do this.
5. The Act does not place any requirements on the committee’s consideration of the draft variation but does require the Government to consider any recommendation that the committee may make in relation to the “draft plan variation, background papers and reports submitted”³. The committee’s reports inform not only the Government but also all Members of the Assembly on the committee’s deliberations and provide a context for the Assembly to consider the Government’s approved variation.

¹ *Land (Planning and Environment) Act 1991*(the Land Act), section 7 (2).

² *ibid.*, section 7 (1).

³ *op.cit.*, the Land Act, section 26(2).

1. Draft Variation No 189

1.1. Draft Variation No 189 proposes:

to remove the Community Facility Land Use Policy on Block 2 Section 84 City and replace it with a Commercial B2A Civic Centre Land Use Policy. As a consequence, it is proposed to amend the extent of the precinct boundary delineating the extent of the Precinct B1-Business Area. ... It is further proposed to remove the existing Commercial B2A Civic Centre Land Use Policy from parts of Block 1 Section 84 and to replace it with a Community Facility Land Use Policy.⁴

1.2. In layman's terms this means that an area east of Civic, bounded by Cooyong, Ballumbir, Petrie and Bunda streets and Murulla Lane at the rear of the Griffin Centre, and currently occupied by the Griffin Centre, the Civic Youth Club, the Skateboard Park and public car parks, will become available for redevelopment. The proposed redevelopment will combine residential, commercial and community uses.

Public Consultation by Planning & Land Management (PALM)

1.3. Draft Variation 189 was released for public comment on 11 September 2001. Submissions were invited by 29 October 2001. PALM provided copies of the draft variation to the lessees and tenants of properties located immediately adjacent to the site, to occupants of the Griffin Centre and to the Civic Youth Centre. PALM received twelve written submissions. Draft Variation 189 was not revised as a result of the consultation process.

Conduct of the Committee's Inquiry

1.4. Draft Variation No 189 to the Territory Plan, Commercial B2A Civic Centre Land Use Policy (Precinct B1) Community Facilities and Minor Variations refers to the land east of Civic currently occupied by the Griffin Centre, Civic Youth Centre, the skateboard park and the adjacent public car park. The Minister for Planning referred it to this committee 27 March 2002. On 12 April 2002 the committee wrote to those who had made submissions to PALM during its public consultation program and to all the tenants of the Griffin Centre inviting submissions on Draft Variation No 189 by 22 May 2002.

2.5 The committee also wrote to the Queensland Investment Corporation, which has a development proposal over the area, seeking their participation in the committee's inquiry. The committee had before it the Consultation report prepared by PALM as part of its consultation program (see above). The committee received four submissions and held a public hearing on 21 June 2002. A list of those who made submissions is at Appendix I and the participants in the committee's hearing are listed in Appendix II

The Process

2.6. The committee has a general concern at the approach to the development of this proposal. Expressions of interest in the re-development were called for in 1998. The previous government entered into a contract with developers thus limiting the

⁴Department of Urban Services Brief, March 2002, p.1

options available and the ability to address community concerns when considering this variation. It was noted in evidence that a similar process was followed with regard to the redevelopment Deakin Oval.

2.7. The Queensland Investment Corporation (QIC), the developer, has invested a great deal of time and money in developing plans for the site. Occupants of the Griffin Centre and adjacent businesses have lived with uncertainty about the future use of the site and the likely impact of development on their interests for a number of years now. Yet it is only at a relatively late stage of the process that a draft variation allowing re-development to proceed is brought forward.⁵

2.8. The committee believes that the appropriate way to handle such developments is to complete the variation to the territory plan earlier rather than later in the process. This would enable the proposed variation to be considered on its merits without becoming confused with the detailed proposals of a specific developer. Issues such as alternative uses for the land, the areas to be preserved for community use, recreational space and the number of car parking spaces could be resolved in principle. It would also enable potential developers to have a clear idea of the requirements placed on the site throughout the process.

2.9. The approach adopted with this proposal has a particular disadvantage for this committee and the Assembly generally. By the time the draft variation comes to the committee a great deal of investment has already taken place and reasonable expectations that the development will proceed have been established. Thus the process of varying the plan is, to an extent, presented as a *fait accompli*. To reject a variation in these circumstances would inflict a loss on the developer and adjacent businesses which may have made contingent plans and damage the confidence of potential investors in Canberra.

2.10. The committee does not have any in-principle objection to this variation thus the issue of process is not critical in this case. However **the committee recommends that the ACT government ensure that future developments follow the more desirable process of dealing with the detailed land use issues at an early stage in the development of a proposal.**

Concerns expressed to the committee

2.11. Evidence presented to the committee included:

- opposition to any non-community use for the site;
- opposition to commercial development of the site at this time;
- concern over the size and limited scope for expansion of community facilities in the proposed redevelopment;
- concern over the lack of adequate ground floor access to the proposed community facilities; and
- questions with regard to the adequacy and cost of parking spaces.

⁵ This concern was shared by witness at the committee's hearing, e.g. North Canberra Community Council, transcript of evidence, 21 June 2002.

2.12. It was put to the committee that a more appropriate use for the site would be to combine increased community facilities, affordable housing and open space. These comments reflected a view that 'Civic should be primarily a civic and cultural centre not a business centre.'⁶ Civic is already a major business and commercial centre. The committee also recognises that the site under discussion represents the last significant parcel of land on the east side of Civic that is available for development and accepts that a mix of community and commercial uses is the most appropriate development for the site.

2.14. The North Canberra Community Council also questioned the viability of the development in view of occupancy rates of shops in Civic at present. The developer, QIC noted that it was already heavily involved in the ACT retail market, that retail development was only 12 per cent of the total site and that it would be phased in depending on the market conditions. It is envisaged that the development of the site will take place over a period of five to seven years.⁷

2.16. The area under consideration currently includes a large number of publicly managed car parking spaces. It was put to the committee that the number of spaces included in the proposed development was insufficient to meet both current demand and the increased use which the redevelopment itself would generate. There was also concern that when the management of the car parking moved from the public to the private sector current free parking at weekends would be lost.

2.17. Representatives of PALM advised the committee that the master plan for the area would include approximately 2 500 parking spaces. The current site has approximately 990 spaces divided between all day (425) and time limited (565) spaces. The proposal includes the retention of 875 spaces on the site. The reduction will come from long-stay spaces, which are currently under-utilised. Short stay spaces that are heavily utilised will be retained. With regard to the cost of parking the committee believes that free parking at weekends should be retained in the new development.

2.18. Additional parking will come from the expansion of existing structured parking (the Target car park) and parking included in the new development. The provision of further spaces will reflect the demand generated by the development and the commercial judgement of the developer as to the demand for further spaces.

2.19. PALM also indicated that provision of alternate temporary parking during construction had been identified as a problem.⁸ However the developer will be required to include interim parking and steps to minimise inconvenience during this phase in the construction plans for the site.

Community Facility Land Use

2.20. The extent and form of community facilities to be included in the re-development was a major issue in the committee's deliberations.⁹ The existing Griffin

⁶ North Canberra Community Council, transcript of evidence, 21 June 2002, p.6-9.

⁷ Queensland Investment Corporation, transcript of evidence, 21 June 2002, p.59-60.

⁸ Planning and Land Management, transcript of evidence, 21 June 2002, p.39-42.

⁹ See North Canberra Community Council; ACT Council of Cultural and Community Organisations Inc; Community Information and Referral Service of the ACT; transcript of evidence, 21 June 2002.

Centre and Civic Youth Centre are major community facilities on the site under consideration. The development proposal includes replacements for both.

2.21. The proposed new Griffin Centre will be on smaller ‘footprint’ – area of ground – than the existing building, but will be four storeys high compared with the current buildings two. In the consultation report prepared by PALM and provided to the committee it is stated that there be an increase of 23 percent in the area available for tenants. The new building will also conform to the appropriate Australian Standards with regard to construction, access and mobility. It will thus address many of the access and safety issues present in the current building. In the view of the developers and PALM the new building will be more than adequate for the needs of the community sector.

2.22. The consultation report acknowledged that the functional brief for the Griffin Centre had not taken into account unmet or future demand for space by groups not currently located in the Centre. PALM noted that other community facilities sites are available in Civic and questioned whether all community groups should be concentrated in the Centre. There is a range of issues with regard to the provision of community facilities that need further examination. Many of these questions will be illuminated by the *Community Facility Needs Assessment* report that is to be published by the end of the year.

2.23. The committee shares some of the concerns of community groups with regard to the adequacy of the new Griffin Centre in the longer term. However it believes that these could be addressed by including ‘community use’ as a possible use for the triangle of land immediately to the east of the new site to provide for a larger ‘footprint’ for the building and/or by ensuring that the new building was capable of expansion upwards should additional space be necessary. Flexibility exists within the planning of the site to accommodate such changes. **The committee recommends that the permitted uses of the triangle of land immediately to the east of the proposed new Griffin Centre be amended to include community use.**

2.24. Concerns were also expressed that the new Griffin Centre would not have a frontage on Bunda Street and as a result would not be as visible or accessible to potential users. The new facility will face on to the extension of Lonsdale Street that will run through to Bunda Street. The committee does not believe that a frontage on to Bunda Street is essential. The extension to Lonsdale Street will become a major thoroughfare and the Centre will be visible and easily accessible from Civic and the bus interchange.

2.25. The committee had concerns in relation to the information technology (IT) capacity of the new building and, responsibility for maintenance. With regard to the former, QIC reassured the committee that the building would be equipped to adopt the latest equipment and services.¹⁰ During its hearings the committee was advised by representatives of the Department of Education and Community Services that the ACT government would own the new Griffin Centre and would be responsible for its upkeep.¹¹

¹⁰ Queensland Investment Corporation, transcript of evidence, 21 June 2002, p.61

¹¹ Department of Education and Community Services, transcript of evidence, 21 June 2002, p.31.

2.26. Users of the existing building questioned the adequacy of car parking to be provided for tenants of the new Centre. Mr Starkis, the manager of the Community Information and Referral Service, noted that only five parking spaces would be provided for the building's occupants.¹² Clearly there should be adequate parking for vehicles essential to the functioning of services in the building. Some estimate of this need should be made and the plan adjusted accordingly. However, there is no obligation to provide reserved parking for employees' vehicles.

2.27. In general the committee believes that many of the issues with regard to the redevelopment of community facilities on this site could be resolved satisfactorily if the representatives of the community sector were more directly and systematically involved with government and QIC in the development of the site and its buildings. QIC has indicated that it will build what the government tells it to build.¹³ **The committee recommends that PALM put in place a framework to formalise the involvement of the community sector, particularly the current tenants of the Griffin Centre, the Youth Centre and users of the skateboard park, in the detailed development of the plans for the new community facilities on this site.**

¹² Community Information and Referral Service, transcript of evidence, 21 June 2002, p.46.

¹³ Queensland Investment Corporation, transcript of evidence, 21 June 2002, p.61

3. Conclusion

3.1. The committee is concerned, as indicated above, with the order in which this process has been carried out. It reiterates its concern that entering into contracts with developers prior to seeking approval for the necessary draft variation is undesirable.

3.2. The committee believes that most of the criticisms made to the committee have been satisfactorily answered. With regard to the future expansion of the new Griffin Centre the committee believes that the inclusion of the triangular block to the east of the new Griffin Centre site as land available for community use would provide for expansion of the facility in the future.

3.3. The committee recommends that DV 189 be endorsed by the Legislative Assembly.

Vicki Dunne
Chair
14 August 2002

Appendix I – List of Submissions received with regard to DV 189

Submission No	Individual or Organisation
1	Koundouris Group
2	McCann and Associates
3	North Canberra Community Council
4	Act Council of Cultural and Community Organisations
5	Queensland Investment Corporation

Appendix II – List of witnesses at the committee’s hearing, 21 June 2002

Mr P Conway	Canberra Property Owners’ Association
Dr J McG Dickens	North Canberra Community Council
Dr S Santmyers Mr G Heron Mr G Evans	Cultural and Community Organisations Inc
Mr J Lebang Mr A Clark	Department of Education and Community Services
Mr L Hawkins Mr G Calnan Ms G Williamson	Planning and Land Management
Mr E Starkis	Community Information and Referral Service ACT
Mr L Kreibig Mr S Millar	Queensland Investment Corporation
Ms A Seymour	ACT Shelter