

2025

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

ELEVENTH ASSEMBLY

**Richardson Shops Improvement
Assembly Resolution of 24 June 2025
Government Response**

**Presented by
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On 24 June 2025, the ACT Legislative Assembly passed a resolution regarding the Richardson shops. In particular, the Assembly Resolution calls on Government to review and take compliance action in relation to the operation of the site, investigate why the shops were empty, review compliance mechanisms and current planning controls and release surrounding unleased land to support the use and redevelopment of the site. This Government Response addresses each of the calls on the Government within the resolution. It is noted that some matters have already been addressed through a [previous Government Response](#) to petitions E-PET-002-24 and PET-016-24, and also other matters to be addressed by the lessee.

Negotiate with the owner to ensure the appropriate use of the site

The Assembly Resolution calls on the Government to negotiate with the owner of the Richardson Shops site to ensure appropriate use of Richardson Shops site aligned with community desires.

The ACT Government has previously and most recently made contact with the lessee about the use of the site, on multiple occasions. Access Canberra, within the City and Environment Directorate (CED), have previously investigated a non-compliance and is currently liaising with the lessee.

Access Canberra will progress discussions with the owner of the Richardson Shops to pursue potential compliance pathways.

The *Planning Act 2023* provides a range of options to the lessee and the regulator:

- i. Directions to require adherence to existing lease provisions;
- ii. Options to lodging a development application and/or Territory plan variation to allow alternative uses; or

- iii. Options to sell the lease to a person or business who can tenant or redevelop the shops; or
- iv. Options to sub-lease the block at a lower than market rate; or
- v. Options to surrendering the block to the Territory

Notwithstanding the potential of regulatory action by Access Canberra, as this site is privately leased, it is up to the proponent to determine which future uses they would like to pursue for the site.

The ACT Government's position remains that it is unacceptable that the lessee of Richardson has not tenanted the block or exercised the options otherwise available.

Investigate why it happened and how this could be avoided

The Assembly Resolution calls on Government to investigate why the shops were left empty for three years and how similar situations could be avoided.

The responsibility to answer this question rests on the lessee given that there are range of options available to the lessee to develop, sell, tenant or surrender the block. The Government believes that there has been no adequate response from the lessee as to why one or more of these options have not been exercised.

However, through Access Canberra's investigations it has become apparent that the owner has made attempts to lease the premises in line with the lease purpose but has been unsuccessful. The current purpose clause in the Crown lease only allows the subject block to be used for the purposes of a retail and/or personal services, which includes supermarket. Current market inquiries indicate that the site is commercially unviable for supermarket use due to competitive retail environment with major national chains (Woolworths and Coles) operating in close proximity.

The lease provisions do not provide flexibility for alternative uses beyond the current authorised purpose. The subject site is within the CZ4 Local Centre Zone which allows for a number of other assessable uses. These include uses such as community activity centre, drink establishment, early childhood education and care, health facility, multi-unit housing, office and restaurant or take-away food shop. The proponent has an option of making a development application to add the additional uses to the Crown lease. However, it is a commercial decision for the lessee to determine which future uses, redevelopment or improvements they would like to pursue for their site.

Review the process for issuing a Crown lease

The Assembly Resolution calls on Government to review the process for issuing and renewing Crown leases, including purpose and withdrawal clause requirements, to safeguard against properties left vacant for a year or more.

Crown leases are currently granted under various sections of the *Planning Act 2023* by the independent Territory Planning Authority (the Authority). The main purpose for a Crown lease is to specify the purpose for which the lease was granted. In some cases, a lease will specify other provisions including that the lessor can terminate the lease if the land is not used for a period of one year for the purpose for which the lease was granted. The nature of the provisions in a lease greatly depends on the terms under which the land was acquired and the legislative requirements at the time the lease was issued.

Once a lease is issued, options for a person changing the provisions, other than the lessee, are limited. The Territory Planning Authority will consider provisions in future leases, including restrictions on the vacancy of a site, if one does not already exist, in granting new and further leases.

Investigate tougher measures

The Assembly Resolution calls on Government to investigate stronger enforcement mechanisms.

Currently, Item 10, Schedule 4 of the *Planning Act 2023* provides a compliance mechanism when a lessee fails to use land for a continuous period of at least 1 year for the purpose for which the lease over the land is granted. Some Crown leases also include provisions that limit breaks in continue use of the site. Lessees may utilise these provisions during times, such as, where closure is required due to maintenance or redevelopment or they are unable to secure tenants. Whilst is accepted that some closures occur for longer than expected periods which are outside the control of the lessee, such as, change in contractors, financial hardship or change in market forces, the ACT Government believes that the long period of time in which the lessee has failed to tenant Richardson shops or otherwise exercise options available is unacceptable.

The Minister for Planning and Sustainable Development has released the *Statement of Planning Priorities 205-2028*. This includes an action to ‘enforce existing lease conditions at vacant and unused shopping centres and recreational facilities, and ‘investigating tougher measures for property owners who leave their shop spaces vacant or unused.’ This is consistent with Labor’s 2024 election commitments.

Access Canberra is the independent regulator delegated authority by the Chief Planner for enforcing the Planning Act 2023. Access Canberra is considering the use of Schedule 4(10) of the *Planning Act 2023* as the legislative basis for future compliance actions. This will guide the directions to be issued during the engagement with the owner to achieve the best outcome.

City and Environment Directorate (CED) will undertake investigations into further tougher measures for vacant properties is still being considered together with,

legislative, policy or administrative processes around the issuing and compliance of Crown leases. Noting the multi-disciplinary nature of this issue, the investigation and actioning of any recommendations will be undertaken in due course.

Review planning controls

The Assembly Resolution calls on Government to review planning controls around the Richardson local centre including opportunities to encourage mixed-use development such as shop-top housing.

The Richardson shops is on land zoned by the Territory Plan as Commercial Zone 4 – Local Centre. The Territory Plan identifies a number of assessable uses for this zone under the Land Use Table in the E02 – Commercial Zones Policy (<https://www.legislation.act.gov.au/ni/2023-540/Current>).

Residential uses are permitted in the local centre zone providing Territory Plan requirements and the Planning (Commercial Zones) Technical Specifications are met. The Minister for Planning and Sustainable Development has released the *Statement of Planning Priorities 2025-2028* with a commitment to “Review commercial zones and district policies in the Territory Plan to improve economic activity and the viability of commercial centres including Richardson Shops.’

The ACT Government understands that the lessee is open to pursuing another use or the redevelopment of the subject site.

Release the undeveloped, unleased sites

The Assembly Resolution calls on Government to release the undeveloped, unleased sites, to the north of the Richardson Shops site to support the broader redevelopment of the local centre.

Preliminary investigations have been undertaken regarding the feasibility of the release of unleased Territory land zoned Commercial Zone 4 (local centre) adjacent to the existing building. Section 272 of the *Planning Act 2023* mandates that leases cannot be granted unless there is road access. The preliminary investigations indicate that there is significant difficulty in achieving access from Clift Crescent and further technical investigations will be required. As a result, and at this initial stage, it is unlikely that release of these blocks could be achieved independently. The consideration of these further technical investigations has been paused in response to a meeting with the local centre lessee.

On 4 September 2025, CED Officials met with the lessee of the Richardson shops and were advised of their commitment to revitalising the existing shops, possibly incorporating a request for direct sale of the adjoining unleased Territory land zoned Commercial Zone 4 (local centre). Development of a proposal by the lessee is underway and will be provided to CED for initial consideration prior to any direct sale application.

Report back to the Assembly

The Assembly Resolution calls on Government to report back to the Assembly by the last sitting week of 2025, and every six months thereafter until a tenant can be found, on the above measures.

The Government remains of the view that the lengthy period of time in which the Richardson shops has remained untenanted, and the failure by the lessee to exercise options available to it on the block, remains unacceptable.

Nonetheless the lessee is currently in discussions with multiple areas within ACT Government about the future use of the site.

The ACT Government will provide the Legislative Assembly with updates on the matter including any progress regarding the changes to leasing arrangements, a variation application lodged by the owner, or a surrender of the lease to the Territory.

Updates will be provided to the Assembly as progress occurs, in accordance with the terms of the resolution.