



Legislative Assembly for the Australian Capital Territory

Draft Variation to the Territory Plan No.111 relating to the Canberra Centre consolidation

Report No.26 of the Standing Committee on Urban Services

June 1999

On 28 April 1998 the Legislative Assembly for the Australian Capital Territory resolved to establish a general purpose standing committee, called the Standing Committee on Urban Services, to inquire into and report on:

planning and lease management, road and transport services, housing and housing assistance, government purchasing and public utilities purchasing, electricity industry and regulation, construction industry policy, parks and forests, private sector employment inspectorate, building services, environment, heritage and municipal services and any other matter under the responsibility of the portfolio minister.

Also on the same day, the Legislative Assembly resolved:

If the Assembly is not sitting when the Standing Committee on Urban Services 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 203 of the *Land (Planning and 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, circulation and publication.

Minutes of Proceedings (Fourth Assembly) No.2, 28 April 1998

Committee Membership

Mr Harold Hird MLA (Chair)

Mr Dave Rugendyke MLA (Deputy Chair)

Mr Simon Corbell MLA (appointed on 25 June 1998, replacing

Mr Wayne Berry MLA)

Secretary: Mr Rod Power

Background

1. Section 25 of the *Land (Planning and Environment) Act 1991* requires the government to refer each 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.

2. Section 26 of the Land Act states that ‘the Executive shall have regard to any recommendations’ of the appropriate Assembly committee. The Standing Committee on Urban Services is the ‘appropriate’ committee in the Fourth Assembly.

3. On 30 March 1999 the Minister for Urban Services, Mr Smyth MLA, referred to this committee the draft Variation and background papers relating to draft Variation No.111: *Canberra Centre consolidation, Ainslie Avenue, Civic*.

The draft Variation

4. The draft Variation proposes to vary the land use policy on the Territory Plan Map for part of Ainslie Avenue, Civic, from ‘Designated Area’ to ‘Civic Centre (Commercial A)’ and ‘Major Road’. It would amend the Civic Centre policy in Part B2A of the Territory Plan Written Statement to include part of Ainslie Avenue from Bunda Street to the west side of Ballumbir Street in the Precinct ‘d’ car parking area and would adjust the boundary of the Precinct ‘a1’ Retail core area. Further, it would add controls for development over Ainslie Avenue.

5. The Variation contains significant changes to the draft Variation previously prepared by PALM, reflecting public input during the public consultation phase. In particular, the controls relating to development over the Ainslie Avenue Alignment have been amended to address urban design, landscaping and access issues in several ways:

- the setback requirement from Ballumbir Street has been increased to 60 metres
- the controls relating to development over Bunda Street have been amended to specify a maximum building width of 48 metres and a requirement for at least 80% of the width of both facades to Bunda Street to be visually connected to

street level through the generous provision of openings, glazed walling, verandahs, terraces and/or balconies

- the controls relating to access have been amended. Ainslie Avenue between Ballumbir Street and Bunda Street is to remain permanently opened to the public for pedestrian access at ground floor level; and the Territory is to retain the right (through relevant provisions in any lease) to utilise this section of Ainslie Avenue as a public transport corridor.

5. In addition, the revised draft Variation deletes the proposed cinemas, following public concern about their impact on existing cinemas in the city. This is a significant change, especially given that cinemas are already a permissible use on the Canberra Centre site and so would not require a draft Variation to the Territory Plan.

Consideration by the committee

6. The committee placed advertisements in the local media inviting public comment on the draft Variation. The advertisements made plain that the committee had copies of, and would take into account, the 2387 submissions lodged with PALM in July and August 1998. The advertisements also stated that a public hearing on the draft Variation would take place on 14 May 1999.

7. The committee subsequently received correspondence from the following organisations:

—*Queensland Investment Corporation* (the owner of the Canberra Centre), which pointed out that the project ‘has been the subject of substantial public consultation and negotiation with both the ACT and Commonwealth governments for over two years. The original scheme presented to the ACT government in December 1996 has been substantially modified to meet the concerns outlined in this consultation process... [including the following changes:] reduced retail space, no cinemas, 24-hour public access along the new section of Ainslie Avenue [and] improved linkage with the rest of Civic’¹

¹ Correspondence dated 11/5/99

—*Master Builders Association of the ACT*, which stated its support for the proposal ‘as we can see considerable benefits to the re-vitalisation of the Civic precinct and the building construction industry’²

—*Ronin Cinemas* (Mr Pike, the proprietor of Electric Shadows cinemas), which stated that it is ‘pleased that cinemas have been dropped from the proposed development...[and further,] as a small businessman in the City Heart, and as a private citizen, I can add that I am very pleased with QIC’s new plans... [which] have been re-conceived in a creative and positive way, and I think will contribute greatly towards a strong and exciting city environment’³

—*Mr Manderson* (a member of the public), who expressed concern about ‘the alienation of Ainslie Avenue, the nature of the relationship between the shopping mall and local residences, Arts Centre access and visibility, relationship of this development to Our City urban design strategy and principles, and more general misgivings as to the consolidation of retail and recreation space under private control’.⁴

8. At the public hearing on 14 May 1999, the following persons and organisations addressed the committee:

—*PALM*: Mr Calnan (manager of Territory Plan coordination), Mr Collett (manager of urban projects) and Ms Brock

—*Queensland Investment Corporation*: Mr Harvey (manager of property investment, QIC), Mr Purdon (director of Purdon Associates, planning consultants), Mr Szydluk (director of Daryl Jackson Alistair Swayn, architects) and Mr McGrath (ARUPS, transport consultants)

—*Master Builders Association of the ACT*: Mr Dawes (executive director)

—Mr Manderson

² Correspondence dated 12/5/99

³ Correspondence dated 11/5/99

⁴ Correspondence dated 12/5/99

—*Conservation Council of the ACT and South-east Region*: Mr Odgers (vice-president).

9. The committee appreciates the long gestation of the proposal that is the subject of the draft Variation. It has taken over two and a half years to come to the committee and been substantially modified on at least three occasions.⁵ The result is ‘a remarkable transformation of an idea’.⁶

10. The committee accepts that, in relation to issues about closing Ainslie Avenue to vehicle traffic, the key decisions were made some years ago—when the National Capital Authority and a previous Legislative Assembly approved the enclosure of the avenue to build the existing Canberra Centre. What remains important is to ensure that the additions to the Centre retain the openness and lightness of the existing roof; and the committee received assurances from both QIC and PALM that this would occur.

11. The committee appreciates the efforts being made in the proposal to encourage a diverse range of activities in the open-air space planned for Ainslie Avenue. These activities include some that are not permitted in conventional enclosed malls (such as activities involving cyclists and people walking dogs). The use of air curtains will facilitate the retention of a pleasant shopping amenity while ensuring 24-hour pedestrian access to the area. Again, the committee was assured by PALM and QIC that appropriate design controls will be applied at the Development Application stage to make the area an attractive and viable public space. Given the Centre’s history of encouraging promotional activities with a strong ‘Civic’ theme, *the committee encourages the Centre management to promote a suitable program of cultural activities in the new urban space.*

12. The committee also appreciates the efforts being made to encourage, rather than to limit, pedestrian movement from the expanded Centre to other parts of Civic. This includes a major change to the David Jones entrance on Petrie Plaza and City Walk. The committee agrees with PALM that the Centre should not act as a closed

⁵ In 1997 following the community forum chaired by Assoc Professor Birtles; in early 1998 following the preparation of a preliminary assessment; and in late 1998 following public comment on the draft Variation (released in July 1998).

mall that entraps expenditure and trade inside its walls to the detriment of the rest of Civic.

13. The committee was told that PALM is making every effort to anticipate two further planning changes affecting Civic: the re-development of section 56 (the Bunda Street car parks), and the better integration of Glebe Park into the city. The committee was pleased to learn of this effort by PALM.

14. One further matter was raised by the committee. It concerns the efforts by management of the Canberra Centre to relieve anxiety over the future operation of small businesses in the Centre. QIC informed the committee that about half of the existing tenants were small business operators and that it was very much in QIC's interest to nurture their activity. The committee appreciates this point and was pleased to note some follow-up activity in relation to discussions between the Centre's management and tenants.

Recommendation

15. The committee endorses draft Variation to the Territory Plan No.111: *Canberra Centre consolidation*.

16. The committee considers public understanding of the proposal would be facilitated by displaying some of the plans and pictures used at the public hearing on 14 May 1999 in the Canberra Centre itself. This is particularly important given that the revised proposal now before the committee is significantly different to that which was put out to public comment in 1998. The committee encourages PALM and the QIC to do all that they can to inform the public about the nature and detail of the proposal.

Postscript

17. The *Land (Planning and Environment) Act 1991* requires the ACT Executive to have regard to any recommendation contained in a report of an appropriate committee of the Legislative Assembly before approving a draft Variation to the

⁶ Mr Manderson on 14/5/99

Territory Plan. If it does approve a draft Variation following the committee's report, the Executive must table its decision within five sitting days of approval.

18. A further five sitting days is then provided for any member of the Assembly to move that the Variation be rejected in whole or in part. Any such motion must be dealt with by the Assembly within five sitting days.

19. If a Variation is not rejected by the Assembly, the ACT Planning Authority (now the Planning & Land Management Group of the Department of Urban Services) will publish a notice in the *Gazette* specifying the date of commencement of the Variation.

Harold Hird MLA

Chair

June 1999