

ACTPLA Commercial zones policy review

Discussion paper Phase 1 May 2011

Introduction

The Griffith/Narrabundah Community Association (GNCA) makes the following comments in response to the Discussion Paper regarding the review of Canberra's commercial zonings.

GNCA has considered the issues and questions in the paper primarily as they relate to Griffith and immediately nearby areas. We note, with some surprise, that decisions have already been made about the Kingston Group Centre in advance of this general review

Noting that areas and suburbs within Canberra vary and differ, GNCA considers it essential that the characteristics and requirements of areas such as Griffith are adequately taken into account in the review and in any decisions taken on changes to commercial zonings. We believe that any change should be in the direction of giving more, rather than less, weight to the need for recognising local requirements as determined in consultation with local residents and businesses through such vehicles as Neighbourhood Plans.

Griffith background

Griffith is one of the oldest suburbs in Canberra. Planned by Walter Burley Griffin in 1918, it is recognised as one of Canberra's original garden city suburbs. The nature and aspirations for the future of the area are well set out in the Griffith Neighbourhood Plan 2004. This Plan is used as a reference in our responses to the questions in the discussion paper (References in Attachment A).

The central vision of the Plan is that :

*The historical significance and 'garden suburb' character of its streetscapes, open spaces and single storey residential buildings will be valued. Griffith will offer lifestyles suitable for all age groups and well utilised, centrally located, mixed use community facilities. **It will have unique and vibrant commercial centres** (emphasis added) . Griffith will be recognised as an original garden city suburb and its unique character will be respected.*

Comment on the key questions set out in the discussion paper

The Objectives of commercial zone planning

Key questions

Key question 1

...what should be the objectives of the Territory Plan's commercial zones?

Comment

GNCA considers that the objectives of the Territory Plan's commercial zones as currently framed do not need significant amendment.

GNCA considers that the current Territory Plan policy framework is clear and generally works well. The hierarchy of City Centre, Town Centre, Group Centre and Local Centre should be maintained, with appropriate Planning Zones associated with these centres. Any amendments made to the objectives should aim to reinforce this hierarchy, rather than lessen it.

Larger commercial activities must be planned for, but not at the expense of local residents and of smaller retailers who shape local centres in the CZ4 Zone.

The Discussion Paper invites consideration of greater co-location of retail, employment, housing and social infrastructure in commercial zones generally. The paper claims that "co-location of commercial and other land uses such as community facilities that generate people movement, protects the amenity of surrounding residential areas" and that "street activity can be experienced positively, with the "buzz of people contributing to the attractiveness of a place". No real evidence is provided to support this assertion, but we acknowledge that there is a range of preferred life styles and residential environments, and that there is a demand for more housing in or close to Town and Group Centres.

However, we consider that a clear distinction needs to be drawn between town centres and local centres. While it may well be appropriate to encourage more housing development in the larger town centres and to provide for greater diversity of activity, as well as more "buzz" for those who seek it, we do not consider that housing should be incorporated into local centres which serve a quite different purpose as reflected in the current objectives. The bottom line is that many people (and probably the majority) seek a more tranquil environment for their place of residence. The experience of residents who live close to local centres suggests that nearby residential amenity would be seriously diminished by co-location of inappropriate activities. In

particular, night-time activities which generate noise and attract late-night clientele invariably invite increased crime, vandalism and littering.

The paper also raises the issue of a possibility of rezoning options and other planning policy revisions that “may lead to positive competition and consumer choice outcomes.” We do not believe that current arrangements are a significant constraint on competition and indeed, this is acknowledged in the paper. We do very strongly believe that local centres, whose main purpose is to provide convenience retail outlets, together with other business services, enhance rather than diminish consumer choice. Local centres are by their nature limited in size. We would be strongly opposed to changed arrangements that were designed to facilitate the take-over by larger supermarkets (or other large businesses) of retail space in local centres. We believe that there is ample space and opportunity in other commercial zones for this sort of activity.

To ensure the amenity of local residents and the viable commercial activity of local business and community groups within CZ4 Zones, the current policies which support them should be preserved.

Key question 2

Should the number of commercial zones/centre be revised? Could the names of the commercial zones/centres be improved?

Comment

We have not been able to identify any pressing need to revise the number of commercial zones. As indicated above, the current system seems to work well.

In our own area, we consider that the Manuka and Kingston Group Centres should be zoned differently to the Griffith and Narrabundah Local Centres.

Developmental tables and zonings

Key questions

Key question 3

What uses should be Merit-assessable within the various commercial zones?

Should the above uses be Merit assessable within all commercial zones?

Comment

The section, “Harmonisation of Merit-assessable uses” (p8) appears to argue for the removal of zoning protections. Paragraph 1 on page 8 states that “in some cases the rationale for such prohibitions is open to debate” and in paragraph 2 that “scope therefore exists to harmonise the range of Merit-assessable uses across the commercial zones.”

In the case of local centres (CZ4 Zone) the existing prohibitions offer protection from inappropriate development which would adversely affect residential amenity and existing commercial viability. Therefore, we would not support such an approach .

We do not support the suggestion that all of the uses listed on page 8 should be made merit assessable and allowed in all or most Zones. Generally speaking, we do not see a case for altering the list of prohibited developments in CZ4 including some of those listed on page 8 of the Discussion Paper, such as drink establishments, clubs, funeral parlours, scientific research establishment and certain types of commercial accommodation .

GNCA strongly favours the retention of existing uses for Local Centres (CZ4 Zone). The existing planning uses were developed with considered sensitivity to the needs of residents, community organisations and business. Local centres (CZ4 Zone) are intended to service local communities and to offer a trading venue for small businesses. There are many examples of well-functioning and flourishing local centres, including Griffith, that have developed within the context of the current planning rules and continue to thrive. We believe that changes to the nature of allowable uses are likely to jeopardise rather than enhance the valuable and distinctive services these centres offer.

We recognise, however, that circumstances can differ between areas and that it may be argued that some broadening of uses could be allowed to ensure the viability of certain local centres in some other parts of Canberra. If that view were to have some support, it would be absolutely essential that the broadening of use only be allowed in specified areas where it could be demonstrated that there was strong local support for such an approach.

Key question 4

Are the existing Territory Plan definitions for NTE venues adequate?

How could they be revised?

Comment

Key Questions 14, 15, 16, 17 and 18 relate to this Question. See further Comment there.

The current Territory Plan does not have adequate regulation regarding the noise associated with NTE's.

- Tighter controls are needed to ensure that night-time entertainment is located appropriately, in the larger commercial centres.
- Territory Plan definitions should be revised to ensure that Local Centres are protected from becoming "nitespots". The phenomenon of restaurants and cafes "transforming" into bars has caused problems at local centres (notably at O'Connor and Ainslie).

Further comment is made about noise in Attachment B.

Key question 5

Should more land be rezoned CZ 1 within town and group centres for the purpose of increasing land availability for development for new supermarkets and other larger retailing businesses?

Key question 6

Should commercial-zoned land elsewhere be rezoned? Where?

Should site specific policies be revised? Which ones?

Comment

‘Larger is not necessarily better’ might be a useful guideline. Large developments, including large supermarkets suck the lifeblood out of Group and particularly Local Centres. This diminishes the accessibility and diversity of facilities and services within neighbourhoods.

The land availability should be addressed on a case-by-case basis, taking into account local factors.

Such development is not suitable for Manuka, Kingston Group Centre and immediate surrounds, or Griffith and Narrabundah.

The group and local centre development codes

Key questions

Key question 7

Should a proportion of new housing in group or local centres meet adaptable or universal design standards?

Comment

All new housing should meet high standards for thermal stability and access to sunlight.

All new housing should be properly supervised so that construction is sound and the dwellings meet appropriate standards.

A proportion of any new housing in group and local centres should be designed as adaptable housing to cater for people with disabilities, as well as the range of needs of the ageing population.

In general, however, we do not favour areas zoned for local centres being used for housing, as they are already quite limited in extent. We would not favour the Griffith or Narrabundah local centres being used for new housing.

Key question 8

Should quantitative targets for the mixture of units by number of bedrooms be introduced for new housing within group and local centres?

Comment

We consider that there is merit in an approach that ensures some diversity in size of housing where it is introduced into Group Centres. Quantitative targets could be set to match the existing characteristics of the group centres. They could take into account demographic profiles and environmental sustainability.

As indicated above we do not favour housing in local centres and we have strong reservations about additional housing in Group Centres such as Manuka and Kingston as well (given that there is already intensive housing development close to these centres).

Key question 9

Should the policies regarding height limits within groups and local centres be revised? And if so how?

Should the standard height limit for development in group centres (or in certain group centres, or in certain parts of group centres be raised to four storeys/six storeys/eight storeys?

Should the standard height limit for development in local centres (or in certain local centres) be raised to three/four storeys?

Comment

In general, no. The present two-storey limit should remain in most existing group and local centres. It is important to preserve the characteristics and amenity of these centres. Parts of Manuka and Kingston have heritage values which should be preserved. Larger scale development would swamp the neighbourhood style and impact on accessibility and therefore the viability of the small local businesses. Raising height limits of Local Centres could also impact on nearby residential amenity. We are strongly opposed to raising the allowable height limit of the Griffith Local Centre.

There may be a case, however, for raising the height limits of some newer Group and possibly Local Centres. A Precinct Code approach could be adopted.

Key question 10

Should the policies regarding other aspects of built form or character within group and local centres be revised? If so, how?

Comment

Generally, built form and character within group and local centres should be maintained or improved upon.

In the Griffith area, there is a historic character to maintain. Any developments would need to be sympathetic to the surrounding environment.

Key question 11

Should arts and cultural plans of some form be required within development applications for larger commercial developments in the ACT?

Comment

This proposition is worth considering further. It could enhance architectural design. It could encourage commercial developments to support local artists and cultural activities.

Key question 12

Within group centres, should restrictions on the size of supermarkets and other shops within CZ 2 and CZ 3 zoned land be modified or removed?

Should a maximum gross floor area limit be specified for supermarkets within local centres? What should this limit be?

Comment

GNCA favours specifying a maximum gross floor area limit for supermarkets within local centres, but on the basis that this would be set for each individual centre with due regard for constraints set by the total size of the centre, and its existing nature and trading mix. We are strongly opposed to setting a maximum of 1500m² as suggested in the paper, since such a supermarket would take up a very large proportion of the current Griffith centre. The limit to be set would perhaps most appropriately be a proportion (eg 20%) of the total ground level space of the centre. Further consideration would need to be given to this issue by the Griffith traders and residents. A relevant consideration is that both Manuka and Kingston will in the future have large supermarkets operating which should satisfy demand for large supermarkets in the region.

Key question 13

Should Criterion 33 from the Local Centres Development Code be adapted for inclusion in the Groups Centres Development Code?

Should Criterion 33 be revised to include consideration of impacts on group centres?

Comment

We would not support (unless there are compelling reasons) proposals which limit competition in larger centres.

Criterion 33 should be retained in the Local Centres Development Code.

Key question 14

Should there be any changes to policies seeking to protect certain key forms of development with important social or cultural functions requiring specialised built forms?

Comment

Any changes to such policies need fuller community consultation.

Key question 15

Should precincts be identified where residential development should be required to meet a higher level of noise attenuation?

Comment

Yes, there is a case for augmented requirements for new residential development in or close to Group and Town Centres, and also on or close to major traffic routes such as Canberra Avenue. But in general, there should not be a need for such requirements for residential developments close to local centres. GNCA's strong view is that noise-generating activities should be kept out of local centres, especially where these abut RZ1 and RZ2 areas.

Key question 16

Should there be any location controls for new NTE venues (or alternatively, other forms of new development near existing NTE venues)?

If so, what sort of location controls should be considered?

Comment

Definitely, because NTE's, apart from straight restaurants are invariably large and noisy and therefore their location and operations must be controlled. Noisy NTE's, including bars and pubs, should only be permitted in Town, City and Group Centres.

It should be noted that residents have no means of objecting to the "people noise" generated by patrons who gather outside of nightspots. It should also be noted that most bars and pubs lease public pavement space, and that the noise from activities on this space cannot be attenuated.

New anti-smoking laws mean that more and more patrons gather outside of premises, and outside of the leased pavement space as there is nowhere else for them to go. As laws push them further away from the venue, they move closer to residential space.

At present "people noise" cannot be measured and is therefore beyond legislative control. Environment Australia has no jurisdiction over the noise made by people. Neither can it control the noise made by vehicles as patrons leave premises at night.

Certainly, NTEs are not suitable for local centres such as Griffith. Location controls should be maintained.

Key question 17

What information should DAs and noise management plans for new night-time economy venues include?

Should lease variation proposals to allow NTE venues be accompanied by specific proposals for construction?

Comment

The DA's for NTEs in group centres such as Manuka and Kingston should be accompanied by reports from acoustic experts who are independent of the applicants.

DA's for NTEs in larger centres, such as Manuka and Kingston should be accompanied by appropriate noise management and safety plans to protect the amenity and safety of patrons and other businesses which offer night-time entertainment or retail services.

See response to Question 16.

Key question 18

Should DAs for supermarkets and other large shops (e.g. with a gross floor area of greater than 1500 m²) be accompanied by a noise management plan?

Should DAs for any other land use types commonly found in Commercial A be accompanied by noise management plans?

Comment

Yes and Yes. Large operations like this should address all issues, including noise. This is especially relevant regarding truck activity, which commonly keeps residents awake at night.

Key question 19

Should the group or local centre development codes be revised in any way to better address social infrastructure planning issues?

Comment

Needs in newer areas are likely to be different to those in established areas. A case-by-case approach would be appropriate.

For the Griffith area, there is useful guidance in the existing Neighbourhood Plan.

Key question 20

What planning interventions might be considered to address social inclusion within group and local centres?

What planning interventions might be considered to facilitate the development of child- and age-friendly group and local centres?

How might planning for commercial centres and zones otherwise address the needs and values of other distinct social groups?

Comment

See comment for question 19.

In both group and local centres, safe and easy access from transport stops and parking areas should be of primary concern. Long distances from bus stops and parking areas inhibit people from using centres. This places a particular impost on people with disabilities, the elderly and people with young children. Paid parking is an added pressure.

Extract from Griffith Neighbourhood Plan 2004

Griffith Commercial Areas

The suburb benefits from the two vibrant shopping centres of Manuka Group Centre and Griffith Local Centre. Both centres offer a wide variety of shops, restaurants and services to the local community and the wider population of Canberra.

For both the Manuka Group Centre and the Griffith Local Centre, the commercial land-use of these centres aims to provide for convenience retailing and other accessible, convenient shopping and community and business services to meet the daily needs of the local population and the specialty needs of the wider population. This land-use allows for shops, businesses, offices, community facilities, light industry as well as residential, clubs, recreation facilities, entertainment facilities and park land.

Strategies for the future of Griffith's Commercial Areas

Key strategy:

Reinforce Griffith's and Manuka's ability to offer strong commercial and community centres in order to provide convenient local shopping and meeting places for the neighbourhood.

General strategies include:

Recognise the close relationship between the Griffith Local Centre and the Manuka and Kingston Group Centres and the Red Hill Local Centre.

Respect the heritage qualities of Manuka's architectural character.

Encourage Griffith to provide a unique local centre choice for its neighbourhood.

Maximise public exposure and accessibility to a commercial heart to promote community and commercial viability.

Encourage a diversity of community, commercial and residential opportunities.

Manuka Group Centre

Manuka Group Centre is popular amongst locals, Canberrans from other areas and tourists for its arcades, boutique stores including upmarket fashion shops, home-wares, alfresco cafes and restaurants, art galleries, antique shop, wine shops, book store, nightclubs and a cinema complex. There is also a 24 hour supermarket, garage/petrol station, jewellery stores, other specialty shops and food outlets, chemist, newsagency, real estate agents, banks, hairdressers, accountants, dentists, doctors – to mention a few. This vibrant and thriving centre provides a wide variety of goods and services that form a significant employment base – mainly around goods, services (including professional), entertainment and leisure.

The Manuka Group Centre is a precinct that extends over five sections:

- Section 96 comprises a three-storey building that is occupied by the cinema complex, a two storey building with restaurants, cafes and bars
- Section 40 comprises a garage/petrol station (single storey), and Endeavour House, a fourstorey building occupied by small businesses of both a commercial and retail nature.
- Section 41, Block 4 is occupied by the Manuka Plaza complex with underground parking. This building has three storeys and is of mixed retail and residential use. The southern part of Section 41 comprises Blocks 2 and 5 and is zoned Community Facility land. It contains a single storey building occupied by a childcare centre and associated car park
- Section 2 comprises two-storey detached buildings (one per block) and duplexes that are heritage listed and demonstrate typical early Canberra architecture. A mix of small businesses including accountants, lawyers, doctors, hairdressers, retailers and real-estate agents occupy these buildings.
- Section 1 comprises a number of buildings, two of which are significant complexes – Thetis Court (two storeys) and Manuka Village (single storey). There are a number of other buildings, most of which are two storeys in height, though there are some single storey buildings. Active retail shopfronts (including restaurants and outdoor cafes, clothes shops, record and book stores, antique shop, jewelers, chemist etc) dominate the ground floors whilst some restaurants, small businesses and professional services occupy the second storeys. Section 1 contains blocks that are included in the Heritage Places Register (see the Environment ACT website www.environment.act.gov.au). One of these blocks is an area known as “The Lawns”, which is a landscaped pedestrian access area between Bougainville Street and Palmerston Lane. It is a popular meeting place and boasts outdoor cafes, a florist, a couple of boutique clothes stores, shoe boutique, and a photographic shop.

Griffith Local Centre

The Griffith local shops have a regional reputation and again, like Manuka, serve not just locals but attract people from around the region. This is driven mainly by the fact that Griffith shops have a focus on wholesome, organic foods, and healthcare with a village atmosphere.

- Located on the border of Griffith and Narrabundah, the shops are a place for informal get-togethers and, as a focal point, generate community spirit. Within the shopping centre there is an organic butchery, an organic produce store, a wholefoods/health food store, several massage centres, supermarket, newsagency, pharmacy/Post Office, psychology clinic, a takeaway shop and a number of popular restaurants and cafes. The Griffith shops are two storey buildings with the upper floors occupied by a number of small business including a small conference centre, an alternative medicine store, and a massage and yoga centre.
- The shops are arranged in a linear manner along Barker Street, facing southwest towards Stuart Street over the small recently upgraded park (Section 76) zoned Urban Open Space Land and a block on the corner of Stuart Street and Throsby Crescent (Section 95) zoned Community Facility land which houses a health clinic.

Parking is available immediately outside the shops along Barker Street and to the rear of the shops on part of Block 34, zoned Community Facility land and part of Block 33, zoned Restricted Access Recreation land. The commercial area of the Griffith Local Centre also includes a two-storey apartment building with basement parking on Block 27, Section 78.

In 2011 the Griffith Neighbourhood Hall was built alongside the shops(added).

Future Character

Manuka Group Centre in the future will continue to be a vibrant and thriving centre providing a wide variety of goods and services, including professional services, entertainment and leisure. The existing architectural character of the Manuka shopping centre will be respected and investigations into heritage listings will have been undertaken.

Griffith's Local Centre will continue to be a vibrant focus in the heart of the community, incorporating retail facilities for the neighbourhood as well as cafés and restaurants, which attract people from the rest of Canberra. The centre will also continue to serve its niche market of organic foods and alternative medicines.

Strategies for the future of Griffith's Commercial Areas

Key strategy:

Reinforce Griffith's and Manuka's ability to offer strong commercial and community centres in order to provide convenient local shopping and meeting places for the neighbourhood.

General strategies:

- Recognise the close relationship between the Griffith Local Centre and the Manuka and Kingston Group Centres and the Red Hill Local Centre.
- Respect the heritage qualities of Manuka's architectural character.
- Encourage Griffith to provide a unique local centre choice for its neighbourhood.
- Maximise public exposure and accessibility to a commercial heart to promote community and commercial viability.
- Encourage a diversity of community, commercial and residential opportunities.
- Ensure any future developments have an acceptable Waste Management Plan and adhere to the Development Control Code for Best Practice Waste Management so that waste and recycling is stored correctly and separately within lease boundaries, and access is provided for both commercial and domestic collection vehicles.
- Local centre redevelopment will not encroach on adjacent Urban Open Space.
- Maintain and enhance physical facilities for community-based activities.
- Consideration will need to be given to the ACT Government's Graffiti Management Strategy in the provision of assets such as seats, lights, walls etc.
- Reference should also be made to the *ACT Crime Prevention and Urban Design Resource Manual (2000)*.
- Reinforce the physical relationship between the Griffith Local Centre, the Manuka Group Centre and the surrounding Residential Core Areas, particularly in terms of built form, tree planting and pedestrian movement.
- Prioritise the needs of people with special mobility needs.

Transport arrangements

Griffith in the future will continue to offer a diverse range of accessible transport options, including car-based travel, public transport, cycle routes, pedestrian footpaths and laneways. In general, roads will be free of through traffic originating from adjacent neighbourhoods.

Any traffic calming measures placed in the suburb will respect, rather than dominate, the existing streetscapes and vistas along the streets.

Residential redevelopment will take advantage of Griffith's bus routes and stops, particularly those closest to the Manuka Group Centre.

For commuting cyclists, Griffith will have connections to routes to Civic, Fyshwick, and Woden.

Griffith's footpaths and laneways will be well maintained, linking the suburban areas with Urban Open Spaces and the Griffith Local Centre, community facilities as well as the surrounding neighbourhoods.

People will be able to move through the suburb safely and easily, enjoying the benefits of mature street trees on verges as well as good lighting and pathways free from hazard.

Attachment B

NTEs and noise protection

Key Questions 4, 14, 15, 16, 17, 18 all relevant

Are the existing Territory Plan definitions for NTE venues adequate?

How could they be revised?

The paper describes “tensions” experienced by residents as:

“experiences of what might be termed ‘people noise’”.

‘People noise’ is not covered by any legislation. In other words, the noise made by people congregating on the street, particularly at night, is not within the ambit of the Environment Protection Authority. Neither is this form of noise able to be contained within a Risk Assessment Management Program (RAMP), which is required by restaurants and entertainment venues. It is unrealistic to expect businesses to be responsible for noise generated by patrons outside of their premises. It is also unrealistic to expect that people who are paying to have a fun night out would be remotely concerned about the amenity of nearby residents.

The ‘people noise’ complained of by residents is commonly the noise of loud conversation, shouting and screaming, car horns, ‘doof doof’ music and car noise outside of premises. This is not covered by any legislation. Residents subjected to this form of noise have no recourse under the law.

The generation of ‘people noise’ has increased since the introduction of new anti-smoking laws which prohibit people from smoking either inside or in the contained outside areas of premises. This means that smokers have gravitated to public spaces to enjoy their evening’s entertainment. In reality, this often means that they have moved closer to residential living spaces, appropriating the acoustic space and clean air of the people who live there. This has serious consequences in terms of the physical health and wellbeing of residents who are deprived of both quiet enjoyment and the ability to sleep. When smoking activities are close to the windows of residents, there is also a health concern. This has not been factored into any legislation.

As noted in Key Question 14 discussion, “planning....plays a role in addressing noise through zoning, leasing and the assessment of development proposals”. It also suggests that the Territory Plan may require DA’s to “demonstrate a higher degree of noise attenuation from NTE-related sources through design and construction.”

These sentiments are laudable. However, they do nothing to address the inevitable spill of patrons onto the public spaces adjacent to residents’ premises.

Certain regulations govern noise transmission between buildings, and the paper posits augmented noise control in “areas of higher levels of noise exposure, such as clusters of NTE venues”. Unfortunately, as outlined previously, there is no means by which either building codes or legislation are able to protect nearby residents from “people noise” and the anti-social behaviour and litter which invariably accompany it.

The paper lists four areas of “tensions” between residential uses and hospitality and entertainment. They amount to noise, criminality, anti-social behaviour and rubbish (p9).

The Liquor Licensing authority is well aware of the phenomenon by which restaurants and cafes, permitted under the existing CZ4 Zone, “morph” into drink establishments.

In suburbs where this has occurred (for example, O’Connor and Ainslie), there has been a substantial loss of residential amenity. In some cases, previously viable businesses have been driven away from local shopping centres. The complaints amount to noise, criminality, anti-social behaviour and rubbish.

There are documented complaints of residents who live close to drink establishments and have been unable to secure quiet enjoyment of their property. The Territory Plan should ensure that the venues which generate these factors are confined within appropriate areas.

The existing Territory Plan definitions for NTE venues are inadequate. Currently, local centres are vulnerable to the phenomenon of restaurants and cafes “transforming” into nightspots, with deleterious effects upon the amenity of local residents and the viability of local businesses.