



Australian Government
National Capital Authority

CONSULTATION REPORT

WORKS APPROVAL 20256

**BLOCK 13 SECTION 63 CITY, BLOCK 23 SECTION 19 CITY
WORKS TO THE MAGISTRATES COURT AND CANBERRA THEATRE CAR PARKS**

MARCH 2016

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INTRODUCTION

Under the *Australian Capital Territory (Planning and Land Management) Act 1988*, the National Capital Authority (NCA) prepares and administers the National Capital Plan (the Plan) to ensure Canberra and the Territory are planned and developed in accordance with their national significance.

The Plan sets out the broad planning framework for the Australian Capital Territory (ACT). Areas designated as having special characteristics of the National Capital are subject to detailed planning policies and guidelines.

Any buildings or structures, demolition, landscaping or excavation works in Designated Areas require the approval of the NCA. The NCA considers such proposals in the context of the relevant provisions of the Plan.

On 20 January 2016 the NCA received a Works Approval application from the Capital Metro Agency (CMA) for proposed work to the Magistrates Court and Canberra Theatre carparks. The work includes the reconfiguration of the existing car parking spaces within both car parks and the construction of a new car parking area to the south of the Canberra Theatre car park. The existing number of car parking spaces between the two car parks is 476. The total to be provided after the work is completed is 501. The work is required to facilitate the installation of a temporary construction compound required for the light rail project. The location of the subject sites and the Canberra Times Public Notice are at [Attachment A](#).

The Works Approval application (WA20256) was the subject of public consultation.

The following report details the public consultation process undertaken by the NCA relating to this application.

2. PUBLIC CONSULTATION REQUIREMENTS

2.1 National Capital Plan

Under the Plan, the requirements for public consultation apply, but are not limited to, certain residential developments, telecommunications facilities (that are not considered low impact) and amending or issuing an instrument under the Plan (including Development Control Plans).

2.2 Commitment to Community Engagement

The NCA's 'Commitment to Community Engagement' details how the NCA conducts consultation. The purpose is to achieve a greater level of consistency and transparency in the NCA's decision making process.

The Commitment to Community Engagement describes:

- the minimum requirements for consultation
- the timeframes for amendments to the Plan
- what is involved in preparing a new Development Control Plan
- the process for amending or issuing an instrument under the Plan
- the process by which WA applications, which are released for public consultation, will be assessed.

Part 2 - Consultation of the NCA's 'Commitment to Community Engagement' describes the consultation process for WA applications. The NCA will make an assessment of whether a proposal is consistent with the National Capital Plan and if it requires public consultation. An assessment is made in relation to adverse impacts on:

- public space and community amenity
- environment, heritage or landscape values
- amenity of the locality in terms of materials, finishes, scale, massing, design and quality
- consistency with an existing Heritage Management Plan.

When an application for works is lodged and consultation is required, consultation with the community and stakeholders will be undertaken by the applicant, the NCA or both. Where consultation is undertaken by the applicant, the NCA may choose to stipulate specific requirements that the applicant is required to implement.

The NCA may set aside the requirement to undertake full public consultation where:

- previous consultation has been undertaken on the proposal
- minor amendments to previously approved works are required
- proposals are given exemption, as outlined in Part 2.3 of the 'Commitment to Community Engagement'
- the NCA determines no stakeholders will be affected.

Public consultation was undertaken on the application as the proposal was considered to have a potential impact on the environment, public space and community amenity.

3. SUMMARY OF PUBLIC CONSULTATION

3.1 The public consultation process

Public consultation was undertaken by the NCA between 23 January and 15 February 2016 in the following manner:

- On Saturday 23 January 2016, publishing a public notice in *The Canberra Times* detailing the proposed works and inviting submissions to be made to the NCA in relation to the proposal (Attachment A).
- Between 23 January and 15 February 2016, publishing details of the proposal on the NCA's website.
- Between 23 January and 15 February 2016, placing six A1 size signs on the sites.
- The NCA writing to adjoining property owners/occupiers advising of the consultation process and inviting comments.
- Referring the application to ACT Government including; ACT Heritage Council, ACT Environment Protection Authority, and ACT Conservator of Flora and Fauna Liaison.

Four written submissions were received by the NCA. An assessment of the issues raised in the submissions and an NCA response is contained in the Consultation Report (Attachment B).

The NCA also received advice from the ACT Heritage Council and the ACT Environment Protection Agency (EPA). The ACT Heritage Council advised that there are no perceived heritage issues with the application and a detailed assessment is not required. The EPA provided advice on environmental considerations and further approvals that would be required. Subject to the

Authority's agreement, the Consultation Report will be published on the NCA's website for public access.

3.2 Submissions Received, Comments and Response

The NCA received a total of four submissions on the proposal. Each submission raised issues in relation to proposal. Emails of acknowledgment were sent to all submitters advising them that their submissions will be taken into consideration before a decision is made on the application.

Key issues raised in the submissions were:

- Loss of car parking spaces and the detrimental impact on surrounding businesses
- Consideration of other options for replacement of car parking spaces
- Consideration of other options for the location of the compound
- Maintenance of adequate access and lighting during construction and post construction
- Lack of adequate and proper consultation.

A summary of each submission and the NCA response is provided at [Attachment B](#).

4. CONCLUSION

The NCA's consultation process was carried out in accordance with the Plan and the NCA's 'Commitment to Community Engagement (February 2015)'.

The NCA has assessed issues raised by submitters and these matters have been taken into account as part of the assessment process.

The NCA considers that the proposal is not inconsistent with the provisions of the National Capital Plan, and the Delegate intends to approve the works with conditions covering the need for further applications for Works Approval for site establishment, construction management and temporary traffic management plans, and the installation of temporary signage.

Attachment A – Canberra Times Public Notice



Australian Government
National Capital Authority

WORKS APPROVAL

OPEN FOR PUBLIC CONSULTATION

Block 13 Section 63 City & Block 23 Section 19 City
– Corners of Northbourne Avenue and London Cct
Capital Metro Agency

WORKS TO THE MAGISTRATES COURT AND CANBERRA THEATRE CAR PARKS

The National Capital Authority (NCA) has received a Works Approval application from Capital Metro Agency, for works to the Magistrates Court and Canberra Theatre Car Parks which includes the reconfiguration of existing spaces and the construction of additional spaces.

The NCA welcomes community feedback on this application by close of business 15 February 2016. Submissions can be made on the NCA's website, via email to worksapproval@natcap.gov.au or sent to GPO Box 373, Canberra ACT 2601.

Please contact the NCA for further information.



www.nationalcapital.gov.au

Attachment B – Summary of submissions and NCA Response

The National Capital Authority (NCA) undertakes an open and transparent works approval application process. As part of this process the NCA prepares a Consultation Report for publication on the NCA website, which includes a summary of each submission, along with the name of each person making the submission. Names of submitters have been omitted where a submitter requested confidentiality.

Submission	Issue	NCA response
1.0 – Gary Rumble		
1.1	<p>The submitter’s business Kingsize Big and Tall is located directly opposite the Magistrates Court car park in the Melbourne Building. The submitter is concerned that business in the area will be affected by the partial closure of the car park and losing up to half the spaces will have dire financial consequences on business and many employees.</p> <p>The submitter further notes that simply adding some additional car spaces to the Sydney Building/Theatre car park is not a satisfactory solution and creates considerable access problems.</p>	<p>There are currently 271 spaces within the Magistrates Court car park (including 6 accessible spaces and 9 spaces reserved for medical practitioners). The proposed work within the Magistrates Court carpark will result a reduction of 68 car parking spaces. A total of 203 spaces will be available after the work. The number of accessible spaces and medical practitioner spaces will remain the same.</p> <p>Whilst the number of parking spaces within the Magistrates Court car park is proposed to be reduced, the Canberra Theatre car park capacity is being increased and it is located in an easy accessible and convenient location to both the Sydney and Melbourne Buildings. A total of 501 car parking spaces are proposed to be provided between the two car parks. The overall total number of car parking spaces is proposed to be increased by 25.</p> <p>Access to the Melbourne and Sydney Buildings and to other parts of the city from the adjacent car parks is via an established network of footpaths, traffic lights and lighting. The Canberra Theatre car park is approximately 150 metres walking distance across Northbourne Avenue and London Circuit. There is another car park located to the south of the police station on London Circuit which is within 400 metres of the Melbourne Building. 400 metres (a 5 min walk for the average person) is considered a ‘reasonable’ distance for people to walk to a destination.</p> <p>The NCA is satisfied that the loss of car parking issue has been adequately addressed by the reinstatement of the same number of spaces plus the</p>

Submission	Issue	NCA response
		construction of an additional 25 spaces within an accessible and convenient location.
1.2	The submitter questions why the location on the Magistrates Court car park is being proposed for the compound when there are other suitable options available.	An application for Works Approval has been made to the NCA for the works to the Magistrates Court and Canberra Theatre car parks, and this application is the subject of the NCA's assessment.
1.3	The submitter comments that the use of this site will give the ACT Government a billboard opportunity to sell the light rail with beautiful pictures of the tram on the hoardings.	The details of the compound will be assessed as part of the Works Approval application submitted to the NCA on 10 February 2016. The NCA recognises that the temporary compound is being proposed adjacent to Northbourne Avenue, the main approach to the city. Details of the hoarding and graphics will be subject to a separate Works Approval application. The type of hoarding and any ancillary signage will have to be sensitive to the location and whilst this works is temporary the NCA has an expectation that it will be durable and of a high quality.
2.0 – Name withheld		
2.1	As an owner of one of the restaurants in the Melbourne Building the submitter is very concerned that the closure will have a detrimental effect on his own business as well as other businesses surrounding the car park.	<p>As noted above the proposal will result in an increase in parking spaces within 400 metres of the Melbourne building. 400 metres (a 5 min walk for the average person) is considered a 'reasonable' distance for people to walk to a destination.</p> <p>In recognition of this concern and to assist the general public, the NCA will require the applicant to install signage at the entrance of the carpark to advise people of alternative car parking areas.</p> <p>This proposal guarantees that the same number of car parking spaces are provided for in the precinct.</p> <p>See also NCA Response 1.1.</p>
2.2	The car park is already at capacity most of the time throughout the day and night and restaurant	Noted. The ACT Government has provided 2014 parking data for the Magistrates Court carpark that indicates that the car park's average occupancy percentage is 77% on a weekday and 40% on the weekend with peak occupancy rising to 95% between 2.00pm - 3.00pm on a weekday. The proposal responds to the capacity issue by replacing the number of existing car parks and creating an additional 25 more spaces. A total of 501 car parks

Submission	Issue	NCA response
		are being proposed across the two car parks. Whilst the Magistrates Court car park numbers are being reduced, the Canberra Theatre car park capacity is being increased and it is located in an easy accessible and convenient location to both the Sydney and Melbourne Buildings.
2.3	There is a current undersupply of car parking within this area, and everyone including the NCA is aware of this.	The submitter has not provided any data to support this claim. The ACT Government 2014 data does indicate that there are certain periods of the day/night where occupancy is high, and to respond to capacity issues the applicant has proposed to construct an additional 25 parking spaces.
2.4	The submitter understands that the compound is proposed to be used as a consultant / foreman base which leads to the question of why this space is required for this purpose. The submitters questions are other options are not being explored.	See NCA Response 1.2.
2.5	The submitter feels that there has not been adequate and proper consultation with the people that would be affected by the changes to the car park. The submitter advises that Capital Metro Agency met with people last year and there was agreement on one course of action from options provided, and then two hours before the announcement of the preferred ACT Government option this, the submitter was advised that they were going with option that is the subject of the Works Approval Application.	<p>The NCA understands that the ACT Government has previously consulted with the owners and occupiers of the Melbourne and Sydney Building and two options were discussed with regarding to possible car parking arrangements. These included:</p> <ol style="list-style-type: none"> 1. Building a temporary two level parking structure on the Magistrates Court car park on the land not occupied by the compound; and 2. Works to the Magistrates and Canberra Theatre car parks including the reconfiguration of existing carparks and creation of an additional car parking area. <p>Capital Metro Agency has advised the NCA that the ACT Government chose Option 2 as it was more cost effective for taxpayers as the temporary parking structure is estimated to cost more than double the amount of the proposal the subject of the Works Approval application.</p> <p>Option 2 has been submitted to the NCA and this is the proposal that is the subject of the Works Approval application. The NCA has undertaken its public consultation process in relation to the application and the public has had the opportunity to provide comments on the proposal. The issues raised are now being responded to through this Consultation Report.</p>

Submission	Issue	NCA response
2.6	The submitter strongly disagrees with the proposal to remove the car parking spaces and requests that another site be proposed or what was agreed to last year (ie a structured car park within the Magistrates car park).	The ACT Government has made its decision to submit a Works Approval application for work to both the Magistrates Court and Canberra Theatre carparks including the creation of an additional area for 21 spaces.
3.Cultural Facilities Corporation		
3.1	<p>The Cultural Facilities Corporation (CFC) manages the Canberra Theatre Centre and the Canberra Museum and Gallery, both of which are adjacent to the Theatre car park.</p> <p>The CFC advises that its priorities in relation to this project are to ensure :</p> <ol style="list-style-type: none"> 1. sufficient car parking at all times, especially for theatre patrons, since this is critical for the viability of the Canberra Theatre Centre; 2. access at all times to Theatre Lane and to the section of Knowles Place to the west of North Building including for delivery vehicles, large trucks delivering theatre sets, emergency vehicles etc.; 3. appropriate signage, lighting and wayfinding, to assist car park users in navigating any temporary arrangements as well as the newly configured car parks; 4. safe movement of theatre patrons and other pedestrians around the area; and 5. scheduling of works to minimise disruption to people accessing our venues eg for theatre performances. 	<p>The applicant has confirmed that a portion of the Canberra Theatre car park will remain open at all times during the construction program. The applicant has also advised that they will liaise with key stakeholders such as the Canberra Theatre during the construction period.</p> <p>Comments about access, appropriate signage and schedule of work to minimise disruption have been noted by the NCA. Works associated with site establishment, construction management and temporary traffic management will be the subject of a separate Works Approval application, and these issues will be required to be addressed at this stage and be to the satisfaction of the NCA.</p>
3.2	CFC believe the project provides the opportunity to	Lighting within the car parks has been included as part of the proposal. The

Submission	Issue	NCA response
	improve lighting in the car parks including lighting over the ticket machines, to facilitate use of these at night.	plans note that it will be design and installed in accordance with the relevant Australian Standard for lighting within car parks.
3.3	As the new arrangements will increase pedestrian traffic in Theatre Lane (e.g. as a result of people accessing the new temporary parking area), we recommend that Theatre Lane be designated a shared use area in order to improve safety for pedestrians.	The applicant does not propose at this time to designate Theatre Lane as a shared use area however the applicant has advised that pedestrian movements and numbers will be monitored and changes will be made if warranted to ensure pedestrian safety.
3.4	It will be important to ensure that the creation of the temporary extension of the Theatre car park does not create an expectation that this temporary use will continue. For example, signage could be erected stating Temporary Car Park Only - This Site Reserved For Future Theatre Use or similar wording.	Noted however the current Magistrate Court and Canberra Theatre car parks are also development sites and may also be developed in the future. Signage is not considered necessary.
4.0 Cataldo's Salon		
4.1	The submitter opposes the construction of the compound in the Magistrates car park as the loss of car parks will be detrimental to their business and the area generally.	See NCA Response 2.1 & 2.2.
4.2	The submitter notes that the ACT Minister for Economic Development speaks of the Melbourne and Sydney buildings as ' <i>Canberra's most treasured icons. At the heart of our CBD they continue to be a vibrant hub of retail and hospitality.</i> ' Currently this area is lack vibrancy and the removal of part of the car park will be the demise for the area. The government must maintain the car parks for the Sydney and Melbourne Building as they form part of the core retain precinct of Civic. Strip shops require the same convenience as the Canberra Centre shops.	The applicant has responded to submissions on the Environmental Impact Statement in which it was proposed to use the entire Magistrates Court car park for a construction compound. The existing number of car parks will be maintained across the two car parks with an additional 25 spaces being provided. See also NCA Response 1.1.
4.3	In November 2014 the submitter conducted a	Noted.

Submission	Issue	NCA response
	survey of clients and found that 69% of clients rely on the car park for convenient access to the business.	
4.4	Clientele are predominantly women who are concerned about safety when walking unaccompanied to their cars. They currently use the car park on London Circuit because it is close by and well lit.	New lighting will be installed in both car parks, and it will comply with the relevant Australian Standard for lighting car parks. The Canberra Theatre car park is considered to be conveniently located and accessible to the Melbourne Building.
4.5	Many of clients are elderly and require convenient car parking in close proximity to the salon. Eliminating the Magistrates Court car park is discriminating against elderly and non-abled bodied people who will be unable to access businesses in the Melbourne Building. The City West and Canberra Centre parking are too far for these clients to walk and providing additional temporary parking located opposite the Sydney Building	The Magistrates Court car park is not being eliminated entirely. A balance of 203 car parking spaces will be retained. Both this car parking area and the Canberra Theatre car parks are considered to be conveniently located and accessible to the Melbourne Building. The number of existing accessible car parks within both car parks will remain unchanged taking into account the needs of people with limited mobility.
4.6	In the event that the light rail proceeds, the NCA must use its best endeavors to ensure the station stop for passengers is out between the Melbourne and Sydney Building to give these buildings purpose/life.	Noted. This is not a matter for consideration as part of this Works Approval application.
4.7	The government's tender must exclude the car park as a possible site for a works compound if it is committed to ensuring the prosperity for Sydney and Melbourne Buildings. The removal of part of the car park will be the final nail in the coffin for these so called iconic buildings.	The decision to use a part of the compound for a construction compound is a matter for the ACT Government. The NCA's role is to assess the proposal for consistency against the National Capital Plan. The proposed changes to the Magistrates Court car park are for a temporary period of approximately two and a half years. At the end of this period it is proposed to reinstate the area to car parking unless the site is to be redeveloped. If the site is to be redeveloped, the NCA would consider the issue of replacement car parking as part of a Works Approval application at that time.