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25/0163169

Dr Mary Clare Swete Kelly

A/g Secretary

ACT Heritage Council

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Dear Dr Swete Kelly

Thank you for providing me with the ACT Heritage Council report of April 2025 on public consultation for the Early Kingston Shops. I received your report on 15 April 2025.

I note the extensive public consultation that was undertaken as required under s37 of the *Heritage Act 2004* in supporting the Council's Report, which states the Council's view that Early Kingston Shops should proceed to registration on the ACT Heritage Register.

I am encouraged to hear that the Council will continue to engage with owners and managers on matters related to practical approaches for sympathetic management of heritage values and significance.

I note that a number of submissions refer to the effect of the potential registration on housing outcomes, including mixed use development, and future opportunities 'shop-top' housing.

The Planning Strategy 2018 Strategic Direction 1.1 is to 'support sustainable urban growth by working towards delivering up to 70% of new housing within our existing urban footprint, and by concentrating development in areas located close to the city centre, town and group centres and along key transit corridors'.

The relevant parts of Kingston Group Centre are zoned as Commercial Core Zone (CZ1). The Policy Outcomes for Commercial Zones in the existing Territory Plan, for the CZ1 zone, is to 'encourage a mix of uses that is appropriate to this level of the commercial hierarchy and enable centres to adapt to changing social and economic circumstances.'

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The Territory Plan, the Inner South District Policy notes, in relation to Kingston Group Centre, that ‘the number of storeys is compatible with adjacent development, is appropriate to the scale and function of the use, minimises detrimental impacts, including overshadowing and excessive scale, and is no higher than the established tree canopy along main avenues with primarily landscaped frontage. For development on Sections 20 and 21, and blocks in Section 22 addressing Jardine Street, the height of buildings is the lesser of 9m above datum ground level or 2 storeys, except for the following areas shown in Figure 7: a) Hatched area—the lesser of 15m above datum ground level or 4 storeys b) Area ‘A’—the lesser of 21m above datum ground level or 6 storeys’.

In its report the council has responded to community feedback received during the consultation, about the impact on housing outcomes of the proposed registration, with the following: ‘The registration supports ongoing retail and commercial use of the precinct, in line with the current CZ1 zoning, so that the place presents primarily as a shopping precinct from the public realm. This does not preclude other uses behind shopfronts or on upper floors, including housing, services or community use.’

Under s39 of the Heritage Act, I may require the council to further consider issues related to registration including any issue raised in, or arising from, the council's report I have received under s38.

I consider that the statement responding to the opportunity for housing on upper floors to be unclear as to whether the achievement of mixed-use development including shop-top housing, to the extent permitted in the Territory Plan, would be possible in Kingston Group Centre if the Early Kingston Shops is registered.

Under s39 of the Heritage Act, I am requiring the council to consider whether registration of the place would prevent the achievement of the full permitted height or storeys, in the hatched area or Area A under the Territory Plan, where housing may be proposed in the future as new upper floors above the shops.

Sincerely



Chris Steel MLA
Minister for Heritage
17 April 2025