



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES
Jo Clay MLA (Chair), Suzanne Orr MLA (Deputy), Mark Parton MLA

Submission No 23 -

Mr Sean Minney

Inquiry into Giralang Shops

Received - 1 April 2021

Authorised - 8 April 2021

From: [REDACTED]
To: [LA Committee - PTCS](#)
Subject: Giralang Shops - development update
Date: Thursday, 1 April 2021 4:21:50 PM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Committee members, thank you for providing the opportunity to make a submission on the ongoing concerns with the Giralang shops development,

As a current resident of Giralang I wish to make my views known to the committee.

I note the committee's press release states the following three points.

- “
- the development was first proposed in 2004;
 - four development applications lodged but not completed since then; and an
 - ongoing desire on the part of Giralang residents to enjoy the amenity of local shops and the site. ”

I wish to comment on each of these in turn.

The first development is no longer available on ACTPLA's site, and this highlights the additional problem that there appears to be no way to access previous development applications. Members of the community have at times provided copies of the original development applications, but these the providence of these documents can never be fully known.

From memory the first DA was to demolish the existing buildings on the site and construct some 13 townhouses, two of which could be converted to retail spaces if required. I understand this was inconsistent with the planning requirements at the time, and therefore refused.

There appears to be no ready way that a member of the community can determine a) what the previous DA entailed and b) what rules were properly in place at the time. This makes it difficult for members of the community to fully respond on what is now a 17 year old DA.

Secondly there have been four DAs for the site, some have been contested with legal action that was apparently resolved before the most recent 2018 DA that was called in for approval by the minister. Again none of these DAs are readily available to directly comment upon. From memory there was a proposal for a large supermarket with an underground carpark and a small number of other retail tenancies, and then two DAs with a combination of residential and retail. The approved one, again from memory had the 1000 square metre supermarket, around 50 residential apartments, and a number of retail tenancies.

This 4th and final DA is the one that required the lessee to complete the construction by March 2021, it is clearly apparent that this has not occurred.

Thirdly, as a resident of Giralang in 1992-93 and since 2006, I too have a desire for some kind of local shops and the site to be completed. It has been a long time - over a decade from memory since the shops were closed. In 2006 when we moved here there was a single restaurant still trading but it closed within months. The existing buildings were demolished after the 2nd or 3rd DA and some excavation and building work commenced, then there were further legal challenges before the currently approved DA was lodged and approved. Minimal work has happened on the site since then.

There seems to be several problems that have affected this re-development of this site. Some relate to the developer seeking approval for developments that would not comply with planning rules, some relate to other parties seeking to protect their business interests, some relate to commercial concerns of the developer and potential tenants.

There seems to be an impasse in the planning laws in regards to these kind of leases. If this site was a single residential site, and the lessee had either failed to gain an approved DA, or build the approved building, it would be expected that the lease could be revoked, and re-offered for sale.

What currently stops the ACT Government from undertaking a process of revoking the lease, assumedly paying the current UAV of the land to the current lessee, and re offering it to market?

Recommendations.

1. That the committee investigate a process to enable previously lodged development applications to be examined, especially in cases like this.
2. That the committee prepare a draft amendment to the relevant legislation to clarify when and how a lease is said to be breached, and the steps the government may take to enforce compliance or rescind a lease so that it can be newly offered to the market under existing planning rules, and
3. That the committee undertake a process to create or amend legislation to determine what are relevant, reasonable and just compensation processes that should be followed to ensure the needs of the community and the lessee are met.

In summary, the current situation has proven to be unacceptable to the community, and there appears to be limited action the government can take to improve the situation. In order to resolve the current impasse, and look at ensuring that such a situation doesn't arise in the future, amendments to the relevant legislation or new legislation created that clarifies the expectations of lessee's to meet and comply with planning requirements within stated timeframes, and suitable compensation paid for the revoking any lease.

In addition a relevant process for enabling the access to previous development applications should be found, as this would benefit the entire ACT community.

I think the best outcome for the community of the entire ACT is one that introduces certainty into similar planning situations, I am aware that such certainty will not resolve the current situation with the Giralang shops site in the near-term.

The committee should consider how the overall planning legislation and regime has

contributed to, and can be modified to resolve this and similar situations from occurring.

Finally, a bit of blue sky thinking, why not run a process to determine what an ideal suburban “rebirthed” shops could look like, seek input from environmental, architectural, community and other interested and professional groups. Maybe a community run produce markets and gardens, with a repair shop, community centre, cafe, and other such tenants could be a suitable replacement for what has become a blight on the planning system of the ACT. The success of the buy nothing groups in the ACT suggest such concepts are not unrealistic. It might even turn out to be an exemplar approach to building community and social value in established suburbs.

I would be happy to appear at any public hearing to discuss the above if required.

Kind Regards.

Sean Minney

