



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 14 -

Ms Anne Gibson

Inquiry into Giralang

Shops

Received - 24/03/21

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24 March 2021

Planning, Transport, and City Services Committee
ACT Legislative Assembly

By email: LCommitteePTCS@parliament.act.gov.au

Re: Inquiry into Giralang shops

Dear Committee,

I understand the terms of reference for the Inquiry are to: inquire into Petition No 4-21 concerning Giralang Shops, and seek on behalf of the Giralang Community an update from the developer on the progression of the Giralang Shops Development.

I welcome this Inquiry and am looking forward to an update from the developer – which is well overdue. I have been a resident of Giralang since 2014, and my children both attend Giralang Primary School. I remember when I first moved to the suburb, very heavily pregnant with my 2nd child, I was excited by the prospect of the shops, and could see how the site could become a wonderful addition to the heart of the suburb, provide amenity to the suburb and facilitate community connection. I have been disappointed since then in relation to the lack of action from the developer, and the failure of the ACT Government in holding the developer to account and ensuring an outcome that is in the interests of the local community.

I understand the terms of reference for the Inquiry are limited, however I would implore the Committee to consider the broad range of issues raised in my submission and which I am certain will be raised in other submissions from the community. It is clear, that after 17 years of inaction, the developer is not acting in good faith, has not fulfilled the conditions of multiple Development Approvals and will continue to do so if the ACT Government does not hold the developer to account. Further, the ACT Government is investing in local shops across Canberra – however we are not asking for a monetary investment by the ACT government, only for the Government to hold the developer to account in moving forward with this site or taking alternative action to end this on-going saga within the heart of our community.

I wish to raise the following issues.

1. Lack of accountability
2. The security and safety of the site
3. Breach of the Crown Lease
4. Delay in improved arrangements for Giralang Primary School parking and pick up/drop off
5. The disadvantaged in our community are suffering
6. There is a health and environmental benefit in having local shops
7. Suitability of the site for the proposed development

1. *Lack of accountability* – it is my understanding the ACT Government has failed several times to take action to hold the developer to account in relation to the conditions in various development approvals. This has enabled the developer to act in their own interest – ie to delay construction until an anchor tenant has been secured. This is not in the interests of the community. I urge the Committee to review the actions of the ACT Government in enforcing conditions of the DA and Crown Lease, and make recommendations that the Government take swift, concrete action to resolve the situation. Setting dates and hard milestones with serious consequences would be one such way of ending this saga. The residents of Giralang would like

to see the ACT Government work *with* the developer to find solutions, not to enable their continued inaction on this matter.

- 2. Safety of the site** – until a recent facebook post highlighted the site was not secure, a whole section of temporary fencing was able to be opened to allow access – even a truck could have entered the site. The scrape marks in the dirt indicate the site had been accessed. Inside the site, many perils await anyone that might gain access – including building rubble, heights, holes and metal rods sticking out of the ground. Outside of the site, building rubble and dumped rubbish are also a feature. Building materials such as metal rods, timber and cables are all present outside of the site – along Canopus Crescent – clearly unacceptable.

Since the facebook post, the developer has locked this section of fence. However – the site had clearly not been monitored by the developer for an extended period for its security and safety and this shows complete disregard on the developer’s behalf for the safety of the community – particularly the nearby Giralang Primary School Children. It should NOT have taken a facebook post (in which the developer was tagged) to alert the developer to the state of the site. This is clearly unacceptable to the community, not to mention a lack of good faith to the community that their interests are being respected and that the site would be kept in good condition until such time as development again commences.

- 3. Breach of the Crown Lease** – for over 16 years the site has remained an unfinished construction site and is now an overgrown, commercial-waste dumping ground – not to mention the accumulation of household items such as couches, mattresses, electronics etc., the fact that the site is dangerous and not secure and can be easily accessed through gaps in the fence just metres from the primary school – and is an outright eyesore and a serious safety concern for school children and the broader community.

A site that is kept in such disrepair must surely be in breach of Clause 3 (n) of the Crown Lease, that *“the Lessee shall **at all times** during the said term maintain repair and keep in repair the premises to the satisfaction of the Authority”*.

I suggest an immediate clean-up of the site to restore it to a good state of repair, either by the Lessee or the Government. You will no doubt be aware that if the lessee fails to or refuses to clean up the land, the Government is entitled to remedy such default at the expense of the Lessee.

- 4. Delay in improved arrangements for Giralang Primary School parking and pick up/drop off** – I am increasingly concerned around the carpark and pickup-drop off arrangements for Giralang Primary School. As part of the proposed development, the developer had proposed and committed to the Giralang community that the carpark and pickup/dropoff zone would be redesigned to make it safer and to accommodate the increased demand. The school has nearly doubled in size in the past 20 years, and quite frankly, the pickup/dropoff arrangements are an accident waiting to happen. Compounding this is the proposed development for the adjacent Jewish School (which sits between Giralang Primary School and the shops site), which would add extra complexity to the site. The ACT Government needs to take into account the needs of all 3 sites (Giralang Primary School, the Jewish School and the shops redevelopment) to ensure the access arrangements for the schools are not only adequate, but more importantly, safe, and given the close proximity of all 3 sites, that they are complimentary to one another.

5. ***The disadvantaged in our community are suffering*** – the disabled and disadvantaged members of our community are deprived by the current situation. Getting to the next closest shopping centre (Kaleen) is not easy – it would mean a taxi fare or a carer to take them – as for those disabled or physically disadvantaged, the distance is too far, and the terrain too hilly. Giralang shops is at the heart of our community – all paths in the suburb lead to the shops site. Having closer shops means less cost and time needed to access basic services and would enable these residents to feel part of a community again – as there is no communal meeting point in the suburb as it currently stands.
6. ***There is a health and environmental benefit in having local shops*** – shops within the suburb means residents are more likely to walk or ride their bikes to access services and amenities – I know I would – especially because the terrain makes a trip to the Kaleen shops prohibitively difficult (and I live on the Kaleen side of the suburb). This would have a health and wellbeing benefit for the community. In addition, less cars on the road has an environmental benefit – lower carbon emissions, and less hydrocarbons used.
7. ***Suitability of the site for the proposed development*** – perhaps contributing to the extended delays is the suitability of the site for the development proposed. Is it not an indication that the proposed development is perhaps over-developed or is not suitable for the site when there has been 17-year delay with multiple disputes and changes to the use of the site over this period? I urge the Committee to examine what is in the best interest of the community in terms of the location and size of the site, its proximity to the school and other community amenities. One suggestion is the ACT Government could consider supporting the development’s viability by siting health, educational, cultural, community or other facilities at the shops. This would help provide the stability the developer requires for the development to go ahead. Waiving the 1000m² size limit on the supermarket may be another avenue for resolving the situation – however I say this with some caution, noting the risk that the site isn’t viable even for a larger supermarket, and that the added car and truck traffic to the site may be hazardous to the school precinct if not managed appropriately. However – these measures *should not* be undertaken without a continuing dialogue between ACT Government and the developer, to work together to find solutions, and to hold the developer to account to progress a real, on-ground outcome for the site.

Finally, I wish to express my desire to attend the public hearing – and urge the committee to go ahead with the hearing regardless of whether the developer will attend. The community deserve a voice in this process, and although the ability to submit to the Inquiry is commended, the ability to discuss the issues with the Committee would be favourably looked upon.

I look forward to attending the hearing and seeing the results on this Inquiry. Thank you for your time and for receiving my submission.

With regards,

Anne Gibson

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