



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

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Submission No 64 -

Mr David Pollard

Inquiry into Giralang

Shops

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Dear Committee Chair,

Thank you for holding this inquiry into the progress of development of Giralang Shops. The situation is often and rightly referred to as a saga, and I look forward to seeing progress.

I note the terms of reference are to inquire into a recent petition concerning Giralang Shops, and to “seek on behalf of the Giralang Community an update from the developer on the progression of the Giralang Shops Development.” My submission relates more broadly to my understanding of the circumstances surrounding the shops, as in my personal experience, the lessee Nikias Diamond is readily available to give updates on progress, and this does not need a Committee Inquiry. The problem is the lack of progress.

Private vs Public

Firstly, I note that Giralang Shops is privately held via Crown Lease, and commercial realities are heavily involved in the problems to date and will be heavily involved in any solution. Having said that, I believe that the ACT Government both through action and inaction has contributed to the current situation and has a role to play in the solution.

Through action, the ACT Government has “moved the goalposts” while progress with approved Development Applications was stalled due to legal proceedings. The legal proceedings surrounding the site are well documented and not my area of expertise, so I will not go into those details. Essentially, the opponents to some of the approved Development Applications seemed to “win” even though their cases were not successful, but because they could delay until new planning guidelines were imposed on the site. This includes reducing the maximum footprint available to a supermarket.

Through inaction, the ACT Government has allowed this situation to carry on for as long as it has. My understanding is that there are avenues for the government to hold lessees to the terms of their lease. There are likely reasons why this has not happened, but the fact remains that it has not. By allowing the site to remain as-is for 15+ years, the Government is now partly to blame.

Solution 1 – start again

One common suggestion is to rescind the Crown Lease on the block presumably with due compensation to the lessee. From there, the Government might consider rezoning the block before attempting to sell it via tender. If this option were pursued, I am convinced that a similar outcome to what happened at the falsely advertised “Throsby Shops” site would recur – the block would be zoned and sold as CZ5 Commercial Zone: Mixed Use, and with no specific requirement for shops to be built. From here, it would be impossible for residents to successfully object to a residential-only Development Application, and the outcome for Giralang would be a residential tower with no shops.

My understanding is that Nikias Diamond has received commercial offers to buy the site and rejected them because it was felt that they would likely lead to this same outcome – a suburban residential tower in Giralang.

I do not think this path is in the best interest of Giralang.

Solution 2 – move forward

I believe the ACT Government can play a role in addressing the actual problem faced: securing an anchor supermarket tenant. This may include compromises against the planning guidelines – for example to allow a larger footprint – however I believe that isn't necessary.

I suggest the ACT Government invests in facilitating the creation of a community asset in the form of a co-operative supermarket. This would be something that the Giralang community could have a vested interest in, which would help the commercial viability. The ACT Government is not in the business of running or owning a supermarket, however the community needs help to achieve this outcome.

Note that my wording is very deliberate – “invest in facilitating the creation of a community asset”. “Invest” because it will cost money, but there will be a returned value to the community. “Facilitate” because the government can play a role in bringing this solution to the community, but they will likely not be a lasting partner in such a venture. “Creation of a community asset” because Giralang is owed at least this, and if delivered as a community asset, it will be something that the community can rally around and form meaningful and lasting connections.

This is not a solution that everyone will agree with, though I believe it is a commercially viable option that will give an excellent outcome to the Giralang community.

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This is a topic that I have explored in detail and followed closely for 6+ years. I am familiar with many of the stakeholders and circumstances and would be happy to discuss further.

**David Pollard**

