



STANDING COMMITTEE ON PLANNING, TRANSPORT, AND CITY SERVICES
JO CLAY MLA (CHAIR), SUZANNE ORR MLA (DEPUTY CHAIR), MARK PARTON MLA

Inquiry into Giralang shops
ANSWER TO QUESTION TAKEN ON NOTICE
Hearings of 17 June 2021

Asked by Mr Parton MLA:

MR PARTON: Can I make it a simpler question? Can I make it a simpler question? Do we at all—do you, as a government, at all, at any stage, have you made that major decision to step in and say, “No, too long. Time is up. We are taking it off you. We are removing it from you?”

Mr Ponton: I believe the government has pursued that on two occasions. And has not yet been successful.

MR PARTON: Right.

Mr Ponton: Because each time they have been appealed.

MR PARTON: Okay.

MS ORR: Can you take on notice and just provide us with an overview of what those two examples were?

Mr Ponton: Yes.

Minister Gentleman MLA: The answer to the Member’s question is as follows:–

There have been three attempts to terminate a lease under the *Planning and Development Act 2007*:-

Dunlop

- A notice of intention to terminate the lease was issued to the lessee on 22 March 2012.
- As per requirements under the *Planning and Development Act 2007*, the bank (as mortgagor) was also notified of the notice of intention to terminate the lease.
- The Notice of termination of the Crown lease was issued on 24 October 2012.
- The lessee lodged an application with the ACT Civil and Administrative Tribunal (ACAT) to appeal the notice of termination of the Crown lease.



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- An agreement was reached between the lessee, the bank and the Planning and Land Authority to discontinue proceedings, and to allow the land to be sold by the bank for market value.
- In December 2013, a Transfer by Mortgagee Under Power of Sale was lodged with the ACT Land Titles Office.
- The block was ultimately developed, and a Certificate of Occupancy and Use issued in March 2015.

McKellar

- A notice of intention to terminate the lease was issued to the lessees on 29 July 2013.
- The notice of termination of the Crown lease was issued on 20 December 2013 to the lessees.
- The lessees lodged an application with the ACAT to appeal the notice of termination of the Crown lease.
- Whilst the matter was being heard in the ACAT, the Planning and Land Authority negotiated with the lessees to impose a controlled activity order (CAO) in place of the termination. The negotiation also included an agreement that the proceedings in the ACAT be discontinued.
- The CAO required the lessees to pay extension of time fees and to complete the development on the block within a specified timeframe. Access Canberra has been engaging with the lessees for a number of years to achieve compliance with the CAO, as there have been ongoing civil disputes between the lessee and the builder.
- The lessee has since indicated that they wish to apply for an owner builder to complete works.
- Access Canberra's priority in regard to this block was site safety, cleanliness and ensuring that this property does not impact upon any other party's amenity whilst the lessees continue to finalise the construction work.

Waramanga

- A notice of intention to terminate the lease was issued to the lessees on 12 September 2013.
- The notice of termination of the Crown lease was issued to the lessees on 19 December 2013.
- As a result, the lessee lodged an application with the ACAT to appeal the notice of the termination of the Crown lease.
- The ACAT decided to set aside the Planning and Land Authority's decision to terminate the Crown lease and substituted the decision with directions made by the ACAT.
- The lessee has since passed away. The block was on-sold in November 2020, and a Building Approval issued in April 2021 to demolish the dwelling.



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

QTON No.6

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Approved for circulation to the Standing Committee on Planning, Transport, and City Services

Signature:

Date: 30/6/2021

By the Minister for Planning and Land Management, Mick Gentleman MLA