



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 16 -

Mr Shaun Masters

Inquiry into Giralang

Shops

Received - 24/03/21

Authorised - 01/04/21

From: [REDACTED]
To: [LA Committee - PTCS](#)
Cc: [REDACTED]
Subject: Fwd: Giralang Shops Inquiry - Terms of reference
Date: Wednesday, 24 March 2021 5:17:53 PM
Attachments: [DA response.docx](#)
[13 12 2019 Gentleman - Giralang Shops Update \(signed\).pdf](#)
[Letter to Mick Gentleman, SM.pdf](#)
[14 05 2019 Gentleman - Giralang Shops.pdf](#)

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> Thank you Brian,

>

> In relation to the Planning, Transport and City Services Committee Inquiry into petition No 4-21 concerning the Giralang Shops, any update from the developer on their reasons for delay and program for completion is welcomed. This inquiry into the delay to construction and lack of update from the developer of the Giralang shops, is well overdue. I have been an avid onlooker for the Shopping precinct's return, having been a resident of Giralang since 1998, at a time when there was local shops which were well utilised, even though they were run down and seemingly unsupported by the Building owner. My understanding from that time is that the increase to rent and the lack of upkeep and maintenance coupled with a decrease in patronage led to the majority of tenants finding their businesses sadly unsustainable.

> In response to this request for submissions to assist the inquiry, I would like to provide the following for its consideration;

>

> 1- I have grave concerns for both the safety of the community with such a derelict site in close proximity to the Giralang Primary School as well as any future business owners who find themselves in this overdevelopment. The current site is littered with building rubble and rubbish and the fencing surrounding is insecure and easily accessible. On the 4th of March 2021, I wrote formally to the ACT Planning Minister to raise a formal complaint regarding the Developer's requirement under the DA to keep the leasehold clean (attached).

>

> 2- Another concern with the delay to the development is the risk associated with the current carpark at the Giralang Primary School. Three of my children have attended this school over the last 12 years with one still attending. During that time, the School attendance rate has more than doubled, with no change to the drop off / pick up or parking area. In times when the Shopping precinct was open, this space had allowed pickup and drop off to be undertaken in the large carpark adjacent the school. Since it was closed nearly 16 years ago, it has been nothing short of a miracle that there hasn't been a safety incident in that time. The fact that the developer has linked an improvement to the School amenity to this DA, has effectively delayed a major deliverable of the ACT Govt in this location. It has delayed the much needed safety improvements required. A recent approval of a redevelopment to the buildings on Atalumba close between the proposed development and the Giralang Primary school has been approved but it's access requirements are pending improvements to the Shopping Precinct. I am unsure this has been taken into account.

>

> 3- The Government's response to what amasses to inaction by the developer, has not progressed in accordance with the provisions of the Development application and the Territory Planning Act. I would suggest that this inaction by Government has led to the Developer acting in their own best interest. I am not in any way suggesting the Developer is not entitled to profit, however, the Developer seems to be allowed to delay the project until an anchor Tenant is secured. Unfortunately, the marketability of the Development is not a condition of the Development application and as such, is not an acceptable reason for delay.

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> 4- I would like to provide the following in support of my assumptions that the ACT Govt has

not progressed this development in accordance with their remit.

> - 29th of April 2018, I wrote to the member for Yerrabi to firstly discuss the funding allocation to the Giralang Community space along with requesting an update on the Shops. On the 1st May 2018 I received a response detailing the suite of development we were to expect in Giralang.

>

> - 30th of March 2019, I again wrote to the Member of Yerrabi regarding the lack of progress on the Site. I followed up this email on the 9th December and received a response on the 9th January 2020. That correspondence stated that regulatory action could be taken of the developer had not completed the development by March 2021. Considering the impact of COVID, a reasonable extension should be accommodated. Even so, given a reasonable extension of 12 months, the development must be completed by March 2022. My experience in the construction industry would lead me to assume this construction could take up to 12 months to complete from commencement. I would like to formally request the Developer provide a high level program of works for community awareness.

>

> - 14th of May 2019, The ACT Planning Minister provided correspondence to James Milligan MLA regarding the approval of the DA and next steps. Following further inaction on site, MLA Milligan followed up with the Minister on the 13th December 2019. No response was provided to me from that correspondence and there is still no progress on the site.

>

> As the committee can see from the detail provided above, in my opinion the ACT Government has failed to communicate adequately with the community and to ensure this Development is progressed in the manner required under the Planning Act. To date, it seems the Developer has not been managed adequately or held to account for inaction.

>

> 5- I would request the Committee consider the current situation on the site and the confirmed inability for the Developer to attract an anchor tenant is consistent with my original DA submission which identified the site as not suitable for a shopping precinct of this size and the Planning directorate's approval of the DA was an agreement to a substantial overdevelopment of the site. Multiple sections of the endorsed DA is in contradiction to the Planning relations and legislation as detailed in the attached submission. I would ask the Committee to progress an urgent review of the process to which this DA was initially agreed, and reassess with all information currently at hand. The attached submission highlights multiple areas of concern, which seem to have been discarded by the Regulatory body in approving the change of lease in 2014 and the current DA in 2018.

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> I would welcome the opportunity to speak at the Inquiry if the Committee saw fit.

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> Best regards,

> Shaun Masters

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>> On 22 Mar 2021, at 8:10 am, LA Committee - PTCS

<LACommitteePTCS@parliament.act.gov.au> wrote:

>>

>> OFFICIAL: Sensitive

>>

>> Dear Mr Masters -

>>

>> The Terms of Reference are at the top of the webpage at <https://www.parliament.act.gov.au/parliamentary-business/in->

[committees/committees/ptcs/inquiry-into-giralang-shops](#)

>>

>> They are: 'to inquire into Petition No 4-21 concerning Giralang Shops, lodged in the Assembly 10 February 2021 and seek on behalf of the Giralang Community an update from the developer on the progression of the Giralang Shops Development'.

>>

>> Many thanks -

>>

>> - Brian

>>

>> Dr Brian Lloyd

>> Secretary

>> Standing Committee on Planning, Transport and City Services

>> 6205 0137

>> [REDACTED]

>>

>> -----Original Message-----

>> From: Shaun Masters [REDACTED]

>> Sent: Sunday, 21 March 2021 2:42 PM

>> To: LA Committee - PTCS <LACommitteePTCS@parliament.act.gov.au>

>> Cc: [REDACTED]

>>

>> Subject: Giralang Shops Inquiry - Terms of reference

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>>

>> Good afternoon,

>> I am preparing a submission for the inquiry into the Giralang Shops, but cannot find the Terms of Reference on your website.

>> Could you please provide the terms of reference for the upcoming inquiry to enable me to provide a relevant submission?

>>

>> Thank you.

>> Shaun Masters

>> Giralang ACT

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REPRESENTATION OF OBJECTION TO DA # – 201833501

Giralang Block 6 Section 79

In response to the Development application of Giralang Local area Centre, in order to communicate their apparent compliance of their Application, the Proposers have conflated many aspects of several legislated Codes and Guidelines to support their statement of criteria being met. The lease in question, being a CZ4 local centre lease is the starting point for this proposal. To allude to the possibility of amending the lease on this site to a CZ5 (Mixed use area providing high density residential uses in highly accessible locations) is in contradiction of the territory plan. Canopus Crescent in Giralang is classified as a minor collector street and as such, does not meet the requirement for a “highly accessible location”.

When reviewing this DA proposal in its entirety, the submission, does not provide adequate support and justification for this development. The ACT Planning and Land Authority must reject this DA given its size, positioning, safety around construction and deliveries, as well as the potential impact to neighbouring residents, amenities and schools.

The following 4 points of specific objection, related to the ACT planning codes, are supported by statements of either non-compliance with the code or guidelines, or a statement of fact.

- 1) The proposal is not in accordance with the [*Community and Recreation Facilities Location Guidelines general code*](#)
- 2) The proposal is not in accordance with the [*Local centres development code*](#)
- 3) The proposal is not in accordance with the [*Commercial Zones development code*](#)
- 4) The proposal is not in accordance with the [*Group centres development code*](#).

1) Requirement not met as part of the [*Community and Recreation Facilities Location Guidelines General code*](#)

1.1- Guidelines Part 3.7 - Parking

Page 4 – “Parking should be provided for all community and recreation facilities referred to in this Code in accordance with the Parking and Vehicular Access General Code (PVAGC). This code includes requirements for set down and pick up areas and parking for people with disabilities.”

1.1a - Objection response -parking allocated to the development and surrounding associated uses, does not comply with the requirements of the PVAGC. As such, spill over vehicles will ultimately occupy spaces not intended or planned for the safe and efficient use of roadways and proposed loading entry and exit points and docks.

1.1b - Supporting statement - The DA supplied [*TRAFFICREPORT-201833501-01*](#) confirms "The provision of parking on site does not accommodate the total cumulative car parking requirements set out in PVAGC".

2) Requirement not met as part of the Local centres development code

2.1 - Code - Item 3.10 Design and Siting in Residential areas

All community facilities located in Residential zones should comply with the Residential Zones Development Code where applicable, particularly in relation to:

2.1.1 Building height.

2.1.1 - Building height

2.1.1a - Objection response - Compliance with item 1 of part 3.10 particularly in relation to “building height” is not met with the proposal containing 4 storeys plus loft.

2.1.1b - Supporting statement - Element 16 of the Commercial Zones development code 16.1 Rule 52, maximum number of storeys is 2.

2.1.1c - Supporting statement - Element 3.16 number of storeys RZ4. In RZ4 the maximum number of storeys is 3. Rooftop plant that is set back and screened from the street is not included in the number of storeys. The design from Canopus Crescent street front as suggested in the DA is *plant room and 4 storey residential apartment development including 50 apartment units*.

2.1.1d - Supporting statement - Multiple “Statements against criteria” documents supplied in this DA make reference to *“this is not applicable as the relevant code is CZ4”*. The maximum height allowed in CZ4 zone is 2 storeys (refer similar supporting statement 2.1.1b). As these statements of criteria inform the design, indeed the design must be scrutinised for compliance of the applicable rules and codes.

Specific “Statement of criteria” documentation containing the statements pertaining to and then dismissing the requirements for compliance relevant to CZ4 Zoning, are as follows:

- Signage general code Element 1.1 R1
- Commercial zone development code Element 3.8 R12
- Commercial zone development code Element 16.1 R52
- Commercial zone development code Part D
- Commercial zone development code Part E
- Residential zone development code Element 12.1
- Residential zone development code Element 13.2
- Residential zone development code Element 13.3
- Residential zone development code Element 13.4
- Multi unit Housing development code Rules 1 through 29
- Multi unit Housing development code Rules 33, 36 and 38
- Multi unit Housing development code Rules 52 and 68
- Multi unit Housing development code Rules 84 and 95

2.1.1e - Supporting statement - The Developers assertion in their statement against criteria, relative to Element 16 specifically item 16.1 of the Commercial zones development code is incorrect in assuming the development complies with the requirements of the desired character of a local area centre. The allowable building bulk and scale applicable to this zone is 2 storeys.

2.1.1f - Supporting statement - In the Residential zones development code, Part G, General controls, 13.3 Number of storeys – redevelopment, in all residential zones RZ1,RZ2,RZ3,RZ4 and RZ5 states, “a new building or building up to the height of the existing building may be permitted”.

2.1.1g - Supporting statement - In the *Residential zones development code* Part G, General controls, 13.4 Height of buildings – redevelopment number of storeys in all residential zones RZ1, RZ2, RZ3, RZ4 and RZ5 states, “a new building or building up to the height of the existing building may be permitted”.

2.1.1h - Supporting statement - To accommodate the storeys contained in the proposal, in accordance with the *Multi unit housing development code*, classification of the development would require compliance with RZ5 contained in Part B, Element 10, building site design, R95. This Rule regarding setbacks in relation to minimum side or rear boundary confirms the design is not compliant.

2.2- Code – Item 4.5 Service access and Delivery

Rule 26 states – Onsite provision is made for the loading and unloading of vehicles, with adequate manoeuvring space so that vehicles can enter and leave the site travelling in a forward direction. Note: loading, unloading and associated manoeuvring area is in addition to minimum parking requirements.

2.2.1 - Objection response - Compliance with R26 of item 4.5, particularly in relation to “associated manoeuvring area is in addition to minimum parking requirements.” is not adequately accommodated with this proposal.

2.2.1a - Supporting statement - Turn template drawings C505 and C502, confirm the requirement for appropriate heavy articulated trucks to overrun guttering and parking allocation into their approach (along the opposite side of the roadway), into Menkar Close and then exiting Attalumba Close. Reference must be made to vehicular movements for similar zoned locations. A viable centre on the scale of Kaleen Plaza Coles where the 1600m² centre receives 16 semi-trailers per week (Confirmed by meeting with store owner Saturday 28th April) would by a pro rata conservative estimate, require this proposed shopping centre at 1000m² to receive between 8-10 semi-trailers of product per week. Approx. 2 per day. This amount of heavy vehicle movement will be detrimental to the residents of the proposed units above and those neighbouring.

2.2.1b - Supporting statement – The DA supplied [TRAFFICREPORT-201833501-01](#) confirms "The provision of parking on site does not accommodate the total cumulative car parking requirements set out in PVAGC". As such, the proposal does not meet the minimum parking requirements to comply with this Rule 26.

2.2.1c - Supporting statement – Criteria 26a) is not applicable as the vehicles must enter and leave in a forward direction.

2.2.1d - Supporting statement – Criteria 26b) is not met as the quantum of vehicles described in item 2.2.1a above is excessive in the school precinct location.

2.2.1e - Supporting statement – Criteria 26c) is not met as it is evident there is not adequate space for manoeuvring the vehicles as shown in the turn template drawings C505 and C502.

2.2.1f - Supporting statement – Criteria 26d) requires endorsement by the Territory and Municipal Services which would be given negligently when considering the previous supporting statements and evidence provided.

2.3 - Code – Item 2.1 Height - General

Rule 9 states Maximum building heights are 2 storeys.

Criteria C9 contained in the Applicable assessment criteria states, the:

Building heights comply with ALL of the following:

a) are compatible with existing, or future desired character of, adjacent development

2.3.1 Objection response - The adjacent building heights being single and double storey structures are not compatible with the proposed design of this 5-storey structure.

2.3.1a Objection response - The future character within the territory plan zoning of adjacent space in a CZ4 local centre zone, is not compatible with the proposed height of this development.

2.3.2 Supporting statement - To comply with this clause, the appropriate zoning of this lease, to be in accordance with the territory plan, would be RZ5. The DA supplied applicable assessment criteria is not submitted in accordance with the criteria specific to this RZ5 zoning. Refer to supporting statement 2.1.1d which highlights the DA submissions Applicable Assessment Criteria documents, dismissing the requirements for compliance by suggesting the Development is in a CZ4 zone.

b) are appropriate to the scale and function of the use

2.4.1 Objection response - The scale of the development is not in accordance with the requirements of the territory classification of Local centre zone, classified as CZ4. The appropriate scale of a development in this zone is a maximum of 2 storeys.

2.4.1a Supporting statement - Refer to ACT Legislation Effective 3 May 2018, Local centre zones objectives. In none of the Zone objectives does it mention the inclusion of residential use on the site. The only mention of residents is page 1, item (d), which requires appropriate and sustainable urban design.

2.4.2 Objection response - The scale of the development is an overdevelopment of this site.

2.4.2a Supporting statement - The supplied TRAFFICREPORT-201833501-01 refers to data collected in 2003 prior to the close of the supermarket and adjustments in 2011 and 2017. At 2003, 2/3 of the specialty shops were closed and the tavern was shut. Average Vehicle movements per hour in peak time at that point was 245. This number of vehicles was obviously not enough to sustain the remaining offering from the supermarket, although the service station survived. The current estimates put the peak time movements at 300-350 VPH but note a conservative estimate would be 250 to 265. This conservative estimate is similar to when the previous development was deemed unviable and shut down by the current proponents. For this reason, the Development is unsustainable and should be deemed an overdevelopment of a CZ4 zone.

c) minimise detrimental impacts, including overshadowing and excessive scale

2.5.1 Objection response - The detrimental impacts of overshadowing between 3pm and sunset of the adjacent roadway and block/section are not included in the DA.

2.5.1a Supporting statement - The supplied overshadowing drawings A900 and A901, both have data shown up until 3pm. At which time, a 40m shadow is cast across the main path of travel into and out of the school pickup zone. The time at which the majority of students are departing. Overshadowing of roadways due to excessive scale must be a determining factor in rejection of this development.

2.5.1b Supporting statement - The safety of pedestrians and vehicles exiting the school precinct from Attalumba Close, referred in TRAFFICREPORT-201833501-01 between pickup times of 2:45 and 3:15pm and subsequently modelled in the shadow drawings A900 and A901 submitted with the DA, do not adequately communicate the reduced visibility in Attalumba Close and the school crossing located to the rear of the service station north driveway.

2.5.2 Objection response - The detrimental impacts to adjacent residences cannot be ignored.

2.5.2b Supporting statement - The supplied DA references a requirement to modify the existing lease from a CZ2 local area centre at 2 storeys high, to a mixed-use development at 5 storeys high. The territory lease plan is such to protect adjacent lease holders from issues of overlooking. The height and orientation of this development will enable the occupants of this site to overlook their neighbouring properties. This fact has not been identified in the DA submitted.

3) Requirement not met as part of the Commercial Zones development code

4.1a Objection response - Element 8.1 Rule 33b) of the Commercial zones development code not met.

4.1b Supporting statement - The requirement to demonstrate the residual block can accommodate another assessable development designed with the relevant sections of this code is not evident. As the specific codes relevant to this CZ4 location have not been addressed, this mandatory requirement has not been met.

4.2a - Objection response -Element 16 of the Commercial Zones development code 16.1 Rule 52, maximum number of storeys is 2.

4.2b - Supporting statement - In this applicable residential zoning, the largest possible development would be deemed as RZ4, element 3.16 in the residential zones development code, the maximum number of storeys is 3. Rooftop plant that is set back and screened from the street is not included in the number of storeys. The design from Canopus Crescent street front as suggested in the DA is *plant room and 4 storey residential apartment development including 50 apartment units*. The design is not consistent with criteria C52a), being the desired character of the local area centre. The territory plan and structured zoning of local area centres is in place to maintain the character of the location.

4) Requirement not met as part of the Group centres development code

5.1a Objection response - The proposed development is an overdevelopment of the site and not in accordance with detail provided on page 4 of the *Group centres development code* specifies –

CZ4 Local Centre Zone

*This Zone is intended for local shops, non-retail commercial and community uses, service stations and restaurants to **service a local community**. Residential uses may also be permitted.*

5.1b Supporting statement - Local area centres are that in which the predominate users will be those in the suburb or travel from those neighbouring. The potential for secondary neighbouring suburbs and further to frequent the centre can be considered immaterial to the success of the proposed centre.

With Giralang's local area population of 3,316 (as at the *ABS Census 2016*), additional support of a local area centre by the bordering suburbs by drop-in opportunities, can be determined by the amount of those in neighbouring suburbs who use their own transport for travel to and from work, in conjunction with their trip taking them past the centre or the bypass being such that the items required were of such importance to necessitate a detour from their usual trip path.

Numbers of residents in neighbouring suburbs from the ABS census 2016

“People who travelled to work by car as driver or passenger”:

Crace (pop 4,459) – 2,052. Has own local area centre shopping precinct.

Kaleen (pop 7313) – 2,615. Currently has 2 shopping precincts on main loop road.

McKellar (pop 2746) – 1,054. Currently has no shopping precinct.

Evatt (pop 5,327) – 2,097. Has own Local area centre shopping precinct.

Giralang (pop 3316) – 1,240. Currently has no shopping precinct.

The probability that those residents of Kaleen, Evatt and Crace would use the Giralang Local centre must be reasonably allocated as providing no consequential effect on the success of the centre. It could be reasonably suggested that the McKellar residents may be the most likely to utilise the shopping precinct for their emergency shopping requirement on a routine trip to or from other needs, although that probability is very slim given the closer, more direct route options travelling home from the North / North West (Evatt, Florey, Melba, Spence), from the South (Belconnen, Kaleen) and from the East (Crace, Palmerston and Gungahlin).

5.1c Supporting statement - Allowing another 1000m² shopping centre in this local area precinct, in a time of growing online shopping, competition from larger stores and convenience shopping in service stations, will not be attractive to a supplier a lucrative business venture and as such, will not attract a proprietor, meaning it will remain derelict as it was in 2003 when faced with mounting competition from neighbouring centres. This is also evident from the fact the DA makes no mention of an interested vendor for the proposed 1000m².

5.1d Supporting statement – The traffic volumes measured in ACT TAMS document trunk road Infrastructure standard page 9 of 14 states “*Minor collector roads collect and distribute traffic from access streets, linking to the major collector roads within the neighbourhood. They can also provide secondary connections direct to the external arterial road network. Traffic volumes are compatible with direct property access*”. TRAFFICREPORT-201833501-01 page 12 states an incorrect assumption “*a daily volume of the order of 2,500 to 2,700 vpd*” This assumption casts doubt on the entire report, as just a small amount of associated research would show it is well above the quantum of traffic volumes linked to direct property access in Giralang, as detailed in 5.1b above.

With reference and due consideration to the afore mentioned objections and supporting statements, the errors contained in the Proposers Statements against criteria directly associated with the above Codes and Guidelines, must require the Planning agency to reject this DA.

This proposal is an unacceptable overdevelopment of the site which does not comply with the statement "Development MUST comply with the relevant codes" (page 4 of the Commercial zone development code). Its approval by this Department would be manifestly inconsistent with this mandatory requirement, along with being contradictory with Section 48 of the Planning and Development Act 2007 which states that

"...the planning and development of the ACT provides the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation".



Mick Gentleman MLA

Minister for the Environment and Heritage
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister assisting the Chief Minister on
Advanced Technology and Space Industries
Manager of Government Business

Member for Brindabella

19/11267

Mr James Milligan MLA
Member for Yerrabi
ACT Legislative Assembly
GPO Box 10201
CANBERRA ACT 2601

Dear Mr Milligan *James*

Thank you for your letter of 8 April 2019 requesting an update about the commencement of construction at the Giralang shops site.

I am advised by the Environment, Planning and Sustainable Development Directorate that the proponent has had building approval granted by a certifier and will now be able to commence construction.

I am also advised that the proponent is in the process of preparing a marketing strategy, including 3D renders and interior design concepts, to coincide with commencement of construction at the Giralang shops site.

Thank you for raising this matter with me. I trust this information is of assistance.

Yours sincerely

MG
Mick Gentleman MLA
Minister for Planning and Land Management

12/15/19



Mr Mick Gentleman MLA
Minister for Planning and Land Management
ACT Legislative Assembly

Dear Minister,

I am writing to you to seek a new update on the progress of the Giralang shops site.

I received an update from you on 14 April 2019 (ref 19/11267) stating that,

"I am advised by the Environment, Planning and Sustainable Development Directorate that the proponent has had building approval granted by a certifier and will now be able to commence construction.

I am also advised that the proponent is in the process of preparing a marketing strategy, including 3D renders and interior design concepts, to coincide with commencement of construction at the Giralang shops site."

Could you please advise the most recent information relating to this development?

I look forward to your timely response.

Kind regards,

A handwritten signature in black ink, appearing to read "James Milligan".

James Milligan MLA
Member for Yerrabi

13 Dec 2019

14 March 2021

Mr Mick Gentleman MLA
Minister for Planning and Land Management
ACT Legislative Assembly

Mr Gentleman,

Block 6, Section 79 GIRALANG

I am writing to raise your level of awareness to your department's failure to adhere to the requirements of legislation and regulation in regard to the stalled development at the Giralang Shops site.

It seems your department may not have followed due process in regard to this development since the Development Application was originally approved 6 years ago, in March 2015.

Under the planning and development act 2007 s234 it states under definitions,

building and development provision, in relation to a lease, means a provision of the lease that requires the lessee to carry out stated works on the land comprised in the lease or on unleased territory land.

It has been confirmed several times by both your office and the Developer in recent months that the lessee is unwilling to carry out the required works until an anchor tenant is secured. Unfortunately, delay due to marketability is not a condition of the DA and as such, is not a valid reason for delay. This situation requires the Government to place due pressure on the Developer by way of enforcing the penalty units stated in Schedule 2 of the Planning and Development act 2007.

I would also use this communication to formally notify the minister's department of a complaint under the Planning and development act 2007, Part 11.2, **a controlled activity complaint**.

Schedule 2, item 2 requires the leaseholder to keep the leasehold clean. This is not the case on the current site and I would expect any inspection carried out by the Planning agency would concur.

I am obviously not privy to all discussions between your department and the developer, but from a community member's perspective, it seems obvious that the lack of communication from the Developer to your Department along with the lack of progress at the site show, both show the developer had no intention to achieve their requirements under the DA to complete the Development by 12 March 2021.

It is also obvious the Department has not managed the Developer adequately or enforced penalty as is its remit under the requirements of the ACT.

I look forward to your early response and eagerly await the upcoming inquiry into this development.

Regards,

Shaun Masters

Giralang ACT 2617.