



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STANDING COMMITTEE ON PLANNING, PUBLIC WORKS  
AND TERRITORY AND MUNICIPAL SERVICES**

(Reference: [Draft variation 299: Lawson South](#))

**Members:**

**MS M PORTER (The Chair)**  
**MS C LE COUTEUR (The Deputy Chair)**  
**MR A COE**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**WEDNESDAY, 21 JULY 2010**

**Secretary to the committee:**  
**Mrs N Kosseck (Ph: 6205 0435)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

## **WITNESSES**

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## **Privilege statement**

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*Amended 21 January 2009*

**The committee met at 1.57 pm.**

**HUGHES, MS SHEILA**, ACT Chapter President, Australian Institute of Architects  
**WALKER, MR BEN**, ACT Planning Committee Member, Australian Institute of Architects

**THE CHAIR:** I declare open this public hearing into draft variation 299—Lawson South. I acknowledge that a member of our committee, Ms Caroline Le Couteur, is on leave at the moment, so she sends her apologies to the meeting. I welcome Ms Hughes and Mr Walker from the Australian Institute of Architects, ACT. Have you both read the privilege statement that is in front of you?

**Ms Hughes:** Yes.

**Mr Walker:** Yes.

**THE CHAIR:** Would you just acknowledge that you understand that document and its implications?

**Ms Hughes:** Yes.

**Mr Walker:** Yes.

**THE CHAIR:** Would you like to make some opening remarks which relate to your submission? Obviously, you have made a submission, so we do not want you to use up the entire 15 minutes, but it would be good to emphasise the key points that you want to get across to us. We will then ask you some questions.

**Ms Hughes:** The core elements in our submission are that fundamentally we support having an increased density of development in areas that are close to the town centre areas. In that respect, we support the variation which is looking at introducing areas of higher density development closer to the lake edge, which has really good walking access, good cycling access and, with the provision of good bus links, good transport access into the town centre.

We flagged a couple of issues in our submission. One was the overall density of the development. We would acknowledge that there is an open creek network through that area that is having an impact on that, and also the hills. The core thing from our point of view in this one is that, having established the idea that there should be a greater density of development there, there are a couple of things that we are flagging across the board, not just on this development, which we believe are important; namely, that the consideration of how the public open space is treated in relation to areas where there is higher density development needs to be very careful in terms of the quality of space that is provided, the capacity to maintain it and also to provide sufficient open space so that people are able to get good amenity in their immediate local area from the outdoor space, and a range of opportunities and different kinds of recreational opportunities from that outdoor space—so not just any particular kind of space but a variety within close distance.

As part of that, in our latest letter we have noted in the amended variation that the criteria that were in the variation relating to open space have been modified such that they have become a note about being approved by TAMS and then the criteria have been noted. So the criteria have basically been taken out of the body of work that ACTPLA would do, from our reading of that document.

The concern we have is that we regard the landscape in these denser developments as a fundamental urban design component. While we totally acknowledge that TAMS, as the end asset manager, has a very clear and definite role in final approval and acceptance of landscape, we believe that that should appropriately in these areas be moderated by also getting some input from ACTPLA on what the urban design objectives are around these particular developments.

I think those are the core items we raise. There are key things about linkages to other areas, but they are pretty much covered off by the proposed structure plan. Ben, do you want to add anything to that?

**Mr Walker:** No, I think Sheila has covered most of the primary aspects of our submission. At the core is the need to ensure that the on-ground outcomes are of the quality that is desired in the planning objectives. In regard to open space, we consider that it is important that ACTPLA, the urban design managers, have an integral role in the delivery of those open space areas as well.

**Ms Hughes:** As you will know, the residential codes are out for review at the moment. They are looking at the controls around each of those particular zones. One of the things that we would submit in response to that policy review is that there needs to be a “going back to basics” idea about what each zone’s purpose is. What is the differentiation between each of those zones and how are they intended to function in the future evolution of the city?

We note that this site has a fair amount of RZ1 sites on it. Part of that is about the topography, but there is a lot of discussion about the nature of RZ2 as a zone, what it is actually trying to achieve and how it is trying to achieve it. There may be some opportunities, if that zone definition is changed, to modify how that is managed. That might also be a zone that could appropriately go into some of these RZ1 areas. That is something for discussion.

**THE CHAIR:** Going back to the public space, which is of quite considerable concern for you, obviously water is one of the pressures that we have in maintaining that core quality that the public can utilise. With respect to achieving the appropriate open space and then also the amenity that that open space would provide in, as you were saying, variety, have you got a sense of how much of that would be needed to balance the high density?

**Ms Hughes:** One of the important things is that, if they have got water catchment ponds and they are doing water treatment on the site, some of those open spaces actually become spaces that are able to be used effectively to create open landscape that people can use within the development. If you go to the O’Connor wetlands, what you will see is that that is actually largely a water management open space within that environment but it fundamentally provides a level of differentiation in the

environment that allows people to just sit and look; it allows kids potentially to explore around that area; it has that sort of facility to it.

In terms of maintenance of open space, that is a very fundamental issue in Canberra. I think that where we go into these higher density developments, we need to think, at a precinct scale potentially, about how we manage that, so that we are capturing water to feed the urban landscape as well as to supply private gardens. It may be that there are opportunities associated with some of the more dense developments to create that opportunity.

For example, I was involved in the development that O'Connor wetlands was related to. One of the things that O'Connor wetlands did was to capture the water that came off that site and treat it. That whole benefit came from tying that sense of the public realm and public water treatment with the local development realm and water treatment, which means that you could be looking at water-sensitive urban design at a precinct scale in those higher density precincts to manage how you could get water, capture water, to deal with the open space areas. There is an inherent issue there, but a lot of our landscape management can be for drier landscapes. A lot of work has been done by Ian Lawrence out at the eWater group, and previously, on water-sensitive urban design, where you look at dryland landscapes. The issue about how they work in terms of more intense use is something that needs to be addressed because in actual fact you need to get some areas at least which are open enough for people to be moving around on quite freely rather than being constrained to limited areas. So there needs to be a balance across those different things, I believe.

**MS PORTER:** So that is why you are recommending that ACTPLA have a greater role in saying what that is going to look like rather than just referring to TAMS for some advice?

**Mr Walker:** Yes. I guess we feel that there needs to be a balance between maintenance issues and the coordination of maintenance issues into a whole of precinct; perhaps water strategy, sensible choice of landscaping, plants and the coordination of the design and maintenance aspects into the fact that linear spaces or open space networks in a subdivision like this hold great potential to become links from the lower density areas back to public transport areas to mixed use centres to higher density recreational spaces.

I guess we feel that ACTPLA have the skills and the understanding of those sorts of principles and the way to integrate them into an open space design and so their role becomes important at that stage, at the detailed stage—not just setting up the conceptual framework and some of the criteria but actually looking at the delivery in some detail.

**Ms Hughes:** And that is not to suggest that TAMS actually do not have a whole suite of expertise in that area as well, because they do. They are the ones that are involved in setting the open space guidelines and what is needed in suburban areas as a minimum provision and also what they can do to maintain things. I guess what we are saying is that in these areas where there is higher density TAMS are also the ones that sit with the maintenance pressures. So what we are saying is that, just to ensure there is a balance in the discussion about the two pressures and the two inputs to that issue,

the landscape should not just defer to TAMS; it should also have that urban design component as part of the design of the estate.

We are still looking through the estate development plans and we know that the basic principle that ACTPLA is applying is that where energy efficiency of buildings is covered by the BCA that is substantially where it is covered, and that is appropriate in terms of duplication. But one of the things that we also are concerned about is that, when we start to go to these higher density developments, we need to be conscious that, almost purely because they are higher density, they are going to be around for a lot longer than anything we build at a lower density is potentially going to be around—it is much less malleable, much less changeable—and it is really important that the quality of these developments is very high from the get-go in terms of their environmental sustainability and their performance.

When we talk about the open spaces, we are not just talking about green open space; we are also talking about the actual streetscapes. One of the things that for us is coming up through the residential codes but also will be applicable to any developments like this is what in Canberra we see as the future street characters that we want and how we propose to achieve them across the different zones and how they are going to be different across the zones, which goes back to the question about what is the purpose of the zones and how do the zone codes then reinforce what has been drawn here and what gets drawn as an estate development plan to produce a particular quality of environment.

**THE CHAIR:** Okay. Thank you.

**MR COE:** Mr Walker addressed a question with regard to expertise within ACTPLA. Are there other examples that you know of in the ACT where ACTPLA has actually developed a good urban open space, perhaps in conjunction with TAMS or independently?

**Mr Walker:** How were the O'Connor wetlands delivered?

**Ms Hughes:** I cannot remember the detail of how that was delivered. It certainly did span out into that space as being part of that delivery model. I think historically what ACTPLA have done is say what type of character they are looking for and aim to achieve that. The exact way that gets rolled out on the ground in any particular case is a different issue but they have historically made those sorts of points about the landscape character.

**Mr Walker:** And I guess on a development of this scale where there is a reasonably large proportion of green open space the maintenance pressures become even greater, so that is why we feel for this one particularly there is a need for us to keep looking at that issue.

**Ms Hughes:** It may be that it is more appropriate at the residential codes partly for things like the streetscape because it is as much about the interface and the way that those spaces relate to the development as particular control of particular elements within those spaces. Certainly one of the things we note is that in the estate development plan code that has come out there is still very much a very clear

differentiation between the responsibilities of different groups and it is more of a sense that TAMS may hold the expertise in the management and the type of space structure that is needed in those areas and the nature of the asset they are getting, but there is just a sense that from a planning perspective when people are looking at independent developments there needs to be some sense within the planning authority of an overall urban design outcome they are striving to achieve and using that as part of the criteria they are looking at with regard to developments. So it is more that they have that overview role and are able to talk to that than necessarily they are collaborating on the rollout of particular space. But they certainly have a planning role in a number of open space areas.

**Mr Walker:** The interface with these types of open spaces becomes really important as well. The interface from the development or the building itself to the open spaces is really important to get right to ensure the success of these types of spaces. And that is where it is important in the residential codes and other codes too to get that right.

**Ms Hughes:** I guess anecdotally one of the things I can say is that I have seen it not work.

**MR COE:** In Canberra?

**Ms Hughes:** Not as an on-the-ground thing, but what I can say to you is that I have seen it where the maintenance pressures push in a very particular direction and the design then potentially can lose some of the urban design objectives out of it because of the real maintenance issues that TAMS have. Sometimes those maintenance issues are going to have to take priority because we cannot just have large amounts of open space everywhere and be able to maintain it. It is simply not going to happen. It is not sustainable for the reasons we have discussed. But what I am saying is that we have seen the situation where there are pressures where someone is trying to pursue a particular urban design outcome and the pressures coming back the other way around the maintenance issues and the cost issues are such that that gets pushed.

What we are saying is, in the context of higher density development, the balance just needs to be slightly different. It is about a balance of authority around those issues in those contexts. It may be that TAMS themselves are going to push more into that kind of response in a higher density area anyway, but it is just about seeing that balance shift slightly towards maintaining open space in some places where you might, if you were simply looking at it as an asset management perspective, go “too hard”.

**THE CHAIR:** Ms Hunter, do you have a very quick question because we really need to move on to the next witness?

**MS HUNTER:** It is a quick one. Ms Hughes, you mentioned this idea of precinct planning. Could you give us a bit more information of what that means?

**Ms Hughes:** It is pretty much defined under the territory plan anyway in terms of an actual precinct code that you can develop and a concept plan that comes from it. But realistically what that means is that, in the end, if you are looking at the territory plan, you are looking to establish through a code some particular features about that precinct that you are trying to protect or to develop or to enhance. So you are looking

at a particular precinct's qualities, character, location, community, social structure, access to infrastructure—all those sorts of things; whether it has heritage values, whatever kinds of heritage values it has got. And what you are then doing is saying in this area that, in the context of the territory plan, in addition to other controls that you have, these additional controls are imposed in order to direct the outcome in a particular way. In terms of just general precinct planning, it is about having a vision for a precinct and being able to articulate that vision.

**MS HUNTER:** Okay, and in this particular development you have talked about a few issues to do with this going to be higher density, that we have got to look at that balance of open space and how it works and all the rest. What other advice would you be giving around this development, around what sort of weight you would give under that idea of precinct planning? Are there any other particular issues?

**Ms Hughes:** In the context of an estate development plan here, I think the issues would have to be around the sustainability inherently within the precinct. But the other issue, given its location, is also the connections into the overall city and the connections back to the town centre, the connections to the University of Canberra, which they have made their own submission about, and how it connects into the adjoining suburbs to provide linkages through the city for those adjoining suburbs. It is about the streetscape quality that you are trying to achieve. But, again, in our view, that should come back to some discussion around the residential codes and exactly what we are trying to achieve there. Ben, do you want to add to that?

**Mr Walker:** No.

**THE CHAIR:** I am very sorry that we need to finish there because we have a very tight schedule. But thank you very much, both of you, for coming this afternoon. It has been extremely useful. We will send out to you a copy of the transcript so that you can check it for accuracy.

**HARIDEMOS, MR CHRIS**, Director, Kaleen IGA Supermarket

**THE CHAIR:** Welcome to the public hearing on draft variation 299—Lawson south.

**Mr Haridemos:** Thank you for having me. Thank you for the invite, actually.

**THE CHAIR:** Ms Caroline Le Couteur, who is a member of this committee, is on leave at the moment. She sends her apologies. You have read the privileges card that is in front of you?

**Mr Haridemos:** Yes.

**THE CHAIR:** Do you understand it?

**Mr Haridemos:** I understand and agree, correct.

**THE CHAIR:** We thought you might like to give us some introductory remarks about the concerns you have put in your submission. Obviously, you will want to leave plenty of time for us to ask questions.

**Mr Haridemos:** I thank you for the invitation today. After I put in my submission, I was quite surprised—this is the first time I have done this—that I was invited to come and elaborate on my submission. I thank you for that. I think it is a good opportunity to be able to put faces to names. I would basically like to elaborate on my concerns as the owner of the store with regard to a potential problem that could arise if there was a large-scale supermarket able to be built at Lawson, in the proposed precinct.

Before I do start, I would like to give to you a piece of paper which is a correction to my original submission. I incorrectly calculated the total gross floor area of my store. It is quite a deal smaller than that. Is that okay?

**THE CHAIR:** Yes.

**Mr Haridemos:** I apologise for that. Maybe I should practise using my tape measure a little more often. I overestimated the total gross floor area of my store, which I think is a vital statistic, with regard to my argument why we are here today.

**THE CHAIR:** I will read this into the record:

I would like to go on the public record and state that the correct total floor area of the store is in actual fact a total of 734m<sup>2</sup>.

**Mr Haridemos:** That is correct. I stated that it was a total of 1,000 square metres. That is a very important statistic. When we are comparing supermarkets with supermarkets, we have got to make sure that we are talking about same-sized supermarkets. I am just a small convenience store. That is why it is quite important that we discuss my concerns today.

**THE CHAIR:** We have a copy of a letter from the minister to Mr Tony Adams, senior director, CB Richard Ellis, which corrects something that was in the draft variation. I thought you might want to know about that.

**Mr Haridemos:** Thank you, yes.

**MS PORTER:** It specifically says:

... the draft Variation will be amended to stipulate that the maximum supermarket size will be 700m<sup>2</sup> within a maximum commercial component of 1,500m<sup>2</sup>.

**Mr Haridemos:** That was a recent correction?

**THE CHAIR:** Yes. It also says:

These will be mandatory requirements. There will not be any applicable criteria to permit an increase in the maximum size of the supermarket or to the total commercial area.

I thought it was important for you to be aware of that. We have just received that.

**MR COE:** To clarify, the total complex will be 1,500 square metres but the supermarket cannot be more than 700 square metres.

**Mr Haridemos:** GFA, gross floor area? I think you may, from time to time, see the term “GFA”, gross floor area, in the definition in the territory plan. If you have a square box that is 700 square metres, realistically you cannot utilise every square metre of that box to provide an area for your clients—in this case, my customers. You need a loading dock. You need storage facilities et cetera. That is a very welcome development.

**THE CHAIR:** I thought I would mention that.

**Mr Haridemos:** Thank you.

**MS HUNTER:** In your submission, obviously that was the key issue. You did raise the fact that originally those restrictions had been put around 1,500 square metres and the 700 square metres for the supermarket. Your understanding was that that had been taken away and that there did not seem to be any restrictions. Does that clarification address your concerns?

**Mr Haridemos:** It does, but not all of the concerns.

**THE CHAIR:** Would you outline your concerns?

**Mr Haridemos:** That would be fantastic. Whether you are aware or not, I am currently under a bit of pressure with regard to what is happening at Giralang. Giralang was a shopping centre, local shops. It is now a disused and relic of an old supermarket local site. We are under fire there. I know that down the road we have the Supabarn people who are also very concerned about what is going on there.

Basically, I am concerned—I will speak for myself—that I have a retail space of about 600 square metres. Going back to the findings and recommendations of the Martin review—are you aware of the Martin review?

**THE CHAIR:** Yes.

**Mr Haridemos:** It has been bandied around a lot lately. The whole idea was to be able to give the independents in Canberra a fair go. There is a concern that the chains now have a stranglehold on the supermarket dollar in Canberra, upwards of around 80 per cent of the supermarket dollar. We worked with Mr Martin to basically voice our concerns that we have issues with the chains having too much of whatever they can do in Canberra. Everywhere there is a potential site, they seem to want to be able to try to grab that plot or an old site and plonk a big four-line supermarket on it. If you have got a 1,500 square metre supermarket next door to a small, local shop, it is not going to survive.

My concern with Lawson and, of course, the initial concern with Giralang was that Woolworths are trying very hard to get into that site, develop it and turn that site into a 2½ thousand square metre facility. If that was to happen, that would be the end of my business. There is no way of sugar-coating it. Lawson was a bit of a concern for me too. Being a CZ5 zoning, which is a commercial zoning law, the problem I have is that it can be developed further at a later stage and expanded upon and made a lot larger. If that was to happen, that would be an invitation for any chain or a cashed-up independent to come in and install a very large supermarket.

We are only 1.9 kilometres away from the centre of Lawson south. I am a bit concerned that, if that was allowed to happen, it would be the end of my business, because a large-scale supermarket will draw customers away from our suburb. We are entrenched in the middle of the suburb. We do not have the luxury of an arterial road that feeds into our suburb. You have got to get through a maze of small suburban streets to be able to get to us.

Having said that, we do a fantastic job. We have been there since 2001. We bought the supermarket from a lovely old gentleman who had been there from at least 1979. He grew old and tired, working in the old store. Back in those days he did not have any problems with Woolworths or Coles knocking on his door. He did okay. My business partner, who is also my brother, and I bought the store in 2001. I think I mentioned that in my submission. We have invested a lot of money to bring the store up to a satisfactory standard. It was a very run-down store.

Through the collaboration of my landlord, we were able to then do an extension and further expand the square metres of the shop. I would like to say that we have done a fantastic job. The locals are really happy with what we have done for them. We have brought that shop out of the ashes. It was run down. The customers were voting with their feet. They were not coming back to the store. To date, we have done two refurbishments and one extension. I have invested nearly a million dollars of borrowed finances to bring the store up to a satisfactory level.

Having said that, I have slowly started to regain the confidence of my customers.

They are starting to come back. It is a successful centre. I think every local suburban shop has a really good supermarket. That will be their anchor tenant. If you get rid of your anchor tenant, there will be no traffic coming to the centre. If you get rid of your supermarket, you are not going to go to a local shop because it has a bakery. After a while the bakery will start to lose clientele as well, because at the end of the day you want to go and buy your milk and bread.

That was our concern. We invested a lot of money. Basically, our livelihoods are riding on this business. We just want to make sure that the territory plan is adhered to and that the ACT retail hierarchy is adhered to so that we are protecting our business. At the end of the day, a de facto group centre sized supermarket does not belong in the suburbs.

**THE CHAIR:** I will go to questions, if that is all right with you.

**Mr Haridemos:** Sure. Of course it is, yes.

**THE CHAIR:** Just to let you know: regarding that letter I referred to before, we have approved it for publication today, so it will go up on the website and you will be able to refer to it.

**Mr Haridemos:** Fantastic.

**MR COE:** Could I call upon your experience in terms of the design of the Lawson commercial area and ask: what does Lawson need in its commercial centre to actually make it sustainable and viable but not actually a drawback to other centres?

**Mr Haridemos:** So you are asking me what I think Lawson needs?

**MR COE:** Yes.

**Mr Haridemos:** Okay. I could use the example of what happened at Giralang. Giralang has approximately 2,600 residences. A lot of them are now comprised of empty-nesters. There is a small group living in Giralang who believe that Woolworths is the knight in shining armour that is going to come along and appease their concerns at the loss of their local shops. That is fine. Every suburb deserves their local shops. I think it is a wonderful concept where here in Canberra you can just hop on your bike or go for a walk with the dog down there and grab your milk and bread. That is what I think Lawson also needs. It actually escapes me how many residences are proposed for Lawson south. I do not recall seeing that in the submission.

**THE CHAIR:** We cannot recall.

**Mr Haridemos:** That is okay. We can come back to that. I think a small suburb like Lawson will benefit from a small suburban shopping centre—a local shops. A shops that will be able to provide a good offer for the locals. I think when you start looking at trying to grab clientele or a supermarket dollar from outside your catchment area, it does not work. In my case my catchment area is Kaleen and Kaleen solely; I do not really get much from Bruce; from Giralang I may get a little bit of the dollar, but it is more to Supabarn. When we moved in 2001 into Kaleen Shops, we knew that there

was a large scale supermarket already there, but we took a punt on having a go and trying to resurrect the store, and we believe we have done so and done so very well.

But I think what has to happen is we need to protect the retail hierarchy, as I was explaining before. So, to answer your question, I think what needs to be reinforced here is that small shops belong in the small suburbs. Of course, that is exactly what I am and I provide a wonderful service to my customers. I think that is what needs to be maintained in Lawson. We do not need a huge supermarket.

That is another thing too: I do not want an independent moving into Lawson who is now going to start to compete with me, because he or she may be able to expand on the square metreage and offer a bigger supermarket. Because big supermarkets do attract more people.

**THE CHAIR:** I think the letter makes it clear.

**Mr Haridemos:** Yes, so the 700 square metres—

**THE CHAIR:** Yes.

**MR COE:** So do you think a seven hundred square metre GFA in Lawson in your understanding would be viable?

**Mr Haridemos:** I would like to know how many residents there will be. I apologise for not knowing that.

**THE CHAIR:** We apologise for not knowing it either.

**Mr Haridemos:** It was something that escaped me, and I do not know why. For example, I think in Kaleen we have 9,800 residents—or I should say homes. But there are two large supermarkets there—there is me, being the small convenience store, and then there is Supabarn down the road. But there was also another supermarket, in between the two centres, which has now become null and void. There is only a small takeaway there, which seems to struggle a little bit. That is obviously a throwback to what happened when Supabarn came along. I think that small supermarket tried—I am not having a go at Supabarn: that was a different centre; that is a group centre down there.

**THE CHAIR:** That is a group centre.

**Mr Haridemos:** Yes. To answer the question, if, for example, there was a sufficiently high population density in the suburb, I do not think it would affect me too greatly, but certainly if it was a large scale supermarket then I would be completely concerned, because it really would be catastrophic for my business.

**MR COE:** Given where the shop is actually proposed for Lawson—it is actually going to be down at the McKellar end of Lawson—is it even possible that the establishment of Lawson will actually bring quite a few people at the Baldwin Drive end closer to your store?

**Mr Haridemos:** I would hope so.

**MR COE:** So, hopefully, that immediate catchment area for you might in fact even increase?

**Mr Haridemos:** I discussed that earlier this morning with my brother when he knew that I was coming to this today. We discussed it at length. I do not think in the current draft it stipulates exactly where the centre will be. Does it actually stipulate exactly?

**MR COE:** CZ5 is the area, and that is down the other end, adjacent to the water down at—

**Mr Haridemos:** Okay. And it will have access from Ginninderra Drive?

**MR COE:** There will be a continuation of Aikman Drive. It is not quite on Ginninderra Drive. That is a bit further back.

**THE CHAIR:** So that is where it is located at the moment. But there is a provision to say that it could be moved when they start to do the actual estate planning. That is where it is located on the plan at the moment.

**Mr Haridemos:** The concern is, if it is more closely located to, for example, Ginninderra Drive, this will be a problem, because I know a lot of my customers, as everybody does, have jobs. If there was a supermarket that was of equal size to my supermarket and it was located on a major arterial road, I know they would be going to get all the trade, because it is easier to move into that centre, park and do your shopping. With Ginninderra Drive linking the city with Belconnen, I see that to be a potential problem, whereas, if it was entrenched or embedded in the middle of the suburb, you would have a different story. It is par for the course. We are comparing apples with apples.

**THE CHAIR:** Did you have a question, Ms Hunter?

**MS HUNTER:** Not at this stage.

**THE CHAIR:** So at the moment the plan anyway is to locate it on the lakeshore and to provide an opportunity for that interaction with the lakeshore and locate it near a collector road, having no detrimental effect on adjacent future residential areas. That is the plan at the moment.

**MR COE:** And part of the rationale for it being there is also that it will be near the high density part of Lawson. That is where all the units and flats will be—at that end. With regard to the Martin review, which you mentioned earlier, do you see any particular implications for that, with regard to Lawson specifically, as opposed to Giralang?

**Mr Haridemos:** So the question is do I think the Martin review works or—

**MR COE:** Is the Martin review going to support the desired outcomes, within a Lawson context?

**Mr Haridemos:** I would hope so. As I said in my opening statement, the Martin review identified the situation: where we have the chains, they have too much of a stranglehold on the dollar, as I explained before. I think being an independent it should not, but I also know that there are large chains now—supermarkets like Woolworths and Coles—that are also entertaining smaller scale supermarkets now. They are running out of large scale sites. If indeed they have not found small scale sites, they are now entertaining smaller supermarkets, so again that could be a concern, because the whole idea is to try to provide competitive tension. As a 600 square metre facility, I cannot provide competitive tension to Woolworths. That is one of the reasons the Martin review was also instigated—to identify these key issues.

**MR COE:** How many lines do you stock?

**Mr Haridemos:** About 18,000 lines.

**THE CHAIR:** We will obtain that information for you about the population.

**Mr Haridemos:** Thank you.

**THE CHAIR:** There is nothing else at the moment? That is your main concern, I think.

**Mr Haridemos:** Yes.

**THE CHAIR:** We will send you a copy of the transcript. Let us know whether there are any corrections needed. Thank you very much for appearing before the committee this afternoon and giving us the opportunity to ask you questions.

**Mr Haridemos:** Thank you for inviting me.

**ADAMS, MR ANTHONY TALBOT**, Senior Director, CB Richard Ellis  
**KOUNDOURIS, MR JAMES**, Development Manager, Koundouris Group

**THE CHAIR:** Welcome to this public hearing on draft variation 299 regarding Lawson south. You have a buff document in front of you, a privileges statement. Would you let us know if you understand that statement, please, and agree?

**Mr Adams:** Yes, I do.

**Mr Koundouris:** Yes.

**THE CHAIR:** Thank you very much. There is a member of this committee who is absent—she is on leave—and that is Caroline Le Couteur. I am the chair, Mr Coe is a member and Meredith Hunter is here as a visiting member of the ACT Legislative Assembly. Would you like to make some opening remarks in relation to your particular concerns? Mr Adams, we have got a copy of the letter that was sent to you from the minister, so we are aware of that correction that has been made.

**Mr Adams:** Thank you. I am a senior town planner with CB Richard Ellis in Canberra. We provide consulting services to the community and the development industry. By way of opening remarks, we have prepared a written submission to the committee and we had written a letter, or provided a submission, in similar terms to the minister. The minister, as you have just pointed out, has written to us. We received that letter on 19 July, which is only a couple of days ago, where he has taken on board our representations and agreed to recommend certain changes to the variation.

On the face of it, that means that our concerns are set aside because, other than that provision, we are all in favour of this variation. Rather than abandoning the opportunity to come and see you, we thought that we would take the opportunity, firstly, to make sure that you have received that and that you have acknowledged that and, secondly, to answer any questions on it.

**MS HUNTER:** Could I just pick up on your submission, Mr Adams. Obviously the issue of the lack of a mandatory limit on the size of the supermarket, as you have said, has been fixed up. The other issue you raised was that there was not a designated local centre location. Is that still of concern to you?

**Mr Adams:** That is not so much of a concern. The location of a very modestly sized centre is less of an issue. It may be more viable in a slightly different location. It is the size that is more of an issue. The possibility existed under the proposed final variation that it could have been a full size Woolworths or Coles and it could have been moved out on to Ginninderra Drive. That would be fairly catastrophic for a range of reasons. The planning authority's explanation as to why they had done that was that it was in accord with the supermarket competition policy. We do not believe that was the case.

It is quite a difficult situation in Canberra where my friend James and his company, being in business and being in the commercial world, are all in favour of competition. But what has happened over time in Canberra is that shopping centres—and Kaleen is a very good example—have been artificially placed in suboptimal locations

commercially. They are where they are. They are in the middle of the suburb, rather than out on the main road. In Sydney or Melbourne or somewhere, that shopping centre would be on Parramatta Road or on the main drag or on a main intersection so it could maximise its trade.

For all sorts of town planning reasons, shopping centres were placed centrally in the suburbs rather than out on the edge. There are good reasons for that. That is fine; they will still work and they will attract their trade. But if we all of a sudden change the rules and start putting a competitor out in a much better location, they will trade their head off; they will capture all the market. These days people go to the shops in cars. That is just the way it is. The internal centres—Kaleen being one, and lots of local centres are the same—will wither and die.

You might say, “So what?” The issue is the collateral damage to the other community activities that surround that group centre—at Kaleen there are churches and clubs—all of which share the car parking and so on. There are other community activities and there is potential for more. That little community focus becomes semi-derelict. It probably would not be so bad if the whole thing could be wiped out and turned into housing or something and you moved the whole centre out onto the main road, but that is obviously not possible.

We have a difficult situation where we like competition—and it sounds anti-competitive to not want a competitor—but we are stuck with the shopping centres that we have got. There are good reasons for them being where they are, and we need therefore to protect them in the way that they have been protected up to now. Have you anything to add to that, James?

**Mr Koundouris:** I am the development manager for Supabarn and the Koundouris Group. If I could go a step backwards, Tony, and give you a little bit more background as to why we have put our submission in. One of the things that concern us at the moment is that we have a retail hierarchy which is very clearly identified in the territory plan and we now have a supermarket competition policy. We see that the major supermarket chains are now looking at planning and at the supermarket competition policy. They are now identifying local centres which they are trying to disguise in terms of planning and the way they lodge their applications to ACTPLA, and what they really are are group centres.

I will give you the example of Giralang and the true size of the supermarket. On the latest DA, it is actually 2,600 square metres, not the 1,637 square metres that was tabled with ACTPLA and in the press. Even the reports that accompanied the DA—the traffic reports and the economic impact reports—were done on a gross floor area of 1,600 square metres. It is actually 2,600 square metres. My understanding is that ACTPLA are now aware of that.

That is a good example, I think, of what the ACT government can expect at Bonner. Woolworths have secured Bonner. Woolworths’s answer to the ACT supermarket competition policy, it would seem—looking at Giralang and Bonner—is to identify local centres where they will put a group centre size supermarket. That was our concern at Lawson—that Woolworths would come along and it would go to auction, as per the Bonner option. When a site goes to auction it is very hard to compete

against the major supermarket chains. They have a duopoly to protect. They have bigger wallets. They are able to buy the site. That was very apparent at Bonner. That was our concern at Lawson—that we did not have Bonner and Giralang repeated there. That was the background to our submission, I suppose.

**THE CHAIR:** So, Mr Koundouris, are you feeling somewhat comforted by the minister's letter?

**Mr Koundouris:** Yes, definitely. It shows a commitment to the supermarket policy. It shows that local centres under the territory plan are there to be convenient centres for the local suburb. That is what they were always designed for under the hierarchy. I think that shows an undertaking to implement exactly that. To go a step further about what the planning needs, when you look at the objectives in the territory plan for the different retail hierarchies, for group centres and town centres, it is very clear about plot ratios, sizes, maximum GFAs. Am I correct, Tony?

**Mr Adams:** Yes.

**Mr Koundouris:** For the local centres, it is a little vague. The objectives are very clear but they are vague when it comes to the size of the centre. I think, to implement the supermarket policy and to clarify the territory plan and implement the retail hierarchy, there really needs to be an amendment to the territory plan to say that there should be a limit on local centre sized supermarkets.

I keep referring to Giralang only because it is most probably the test case for all of Canberra. What became very clear at Giralang was that 3½ thousand people signed a petition that they did not want it. "We do not want group centres in our local centres. We do not want the traffic going through our suburbs to our local centres. They are there for a reason. They are there to service the daily needs."

To go a step further, all it is going to do is wipe out the IGA. The IGAs are typically there as convenience retailing. They have always occupied local centre locations. If Woolworths or Coles start turning local centres into group centres, the first thing that is going to get wiped out is the IGAs. I am getting off the track a little but, to answer your question, yes, I am very happy with the Lawson thing. To prevent local centres becoming the response from the major supermarket chains to the supermarket policy, we really need to go a step further.

**Mr Adams:** This graph in our submission shows supermarket sizes at all the Belconnen local centres. The biggest one is a tad over 800. The next one is 700. All the rest are less. So 700 is not a bad maximum, which is what we have suggested. All of those local centres in Belconnen—and the graph will be the same for the rest of Canberra—are naturally constrained to that sort of size because the physical land available that is zoned commercial is relatively small generally. If you have a supermarket and a few other shops and some car parking and so on, the supermarket can only be so big.

What has happened at Giralang is that they have taken that and pushed the envelope to the max. They have really tried to fill the whole thing with a supermarket. That natural limitation has not worked there and may not work when they go and cast their

beady eyes on one of these other centres. They will attempt to do that. For example, they have put that car parking can go under and things like that, in a basement level or whatever, so you can get more.

So that we do not continually have to fight this bushfire, there really should be a territory plan amendment, as James says, to essentially say, “This is the appropriate size for local centres. Let’s limit it to that size.” This is going to put a mandatory limit of 700 square metres of supermarket in Lawson. If it is right at Lawson, it really should be right everywhere else.

The particular problem at Lawson was twofold. Firstly, there was no actual limit on the GFA of the shop itself. Also, the portion of the site that could be zoned commercial was open ended as well. Because it was a future urban designation, whoever bought the package could have grown the commercial land as much as they wanted, in theory. The plan contemplated that might happen. Those two things working together made it particularly critical at Lawson. The same issue can arise everywhere else. If we are going to maintain, and we should, that definite hierarchy, we should take the next step and amend the plan across the board.

**THE CHAIR:** Do you have any questions?

**MR COE:** With regard to parking and what the territory plan and the code say about parking, do you think, particularly with the larger centres, more work needs to be done to stipulate that there is going to be adequate parking for the centres and for group centres, for that matter?

**Mr Adams:** Parking, on the face of it. If someone is building a shopping centre, you can rely on the operator to know how much parking they need to keep it viable and that will mesh with how much is reasonable and how much should be provided. So at one level you should not need rules to dictate parking supply in commercial centres. But, on the other hand—and this is particularly applicable to local centres—there could well be a temptation on the part of the shopping centre developer to say, “There are all of these residential streets around here that people can park in, so I don’t have to provide as much on site as I need to because they can use all that stuff.” So in a local centre, particularly a group centre to a lesser extent—but also, you do need to protect the residents in the surrounding area from overspill parking by ensuring that there is enough parking mandatorily required on site. So the shopping centre owner has to provide all the car parking likely to be needed.

If you are in Civic you are likely to say “who cares?”—and you would say “who cares?”—because there are no negative impacts of car parking; they would just go to another meter and pay more money, or ultimately someone builds a structure and charges them money, or, better still, they catch a bus. But at a local centre or a group centre people will drive there and if there is not enough parking it does become a legitimate problem for the local residents because the streets are full of cars that do not belong to them or cars that are outside the area. That is typical in other cities in Australia where in central areas you have residents’ parking permits and all sorts of schemes which we have not had to do here, but it might come to that eventually in the suburbs surrounding Civic; I suspect that will probably happen one day.

**Mr Koundouris:** If I could just add to that, I think there should be rules placed on parking. A lot of the more established local centres that were developed many years ago are obviously lacking enough car spots. I also think there should not be any basement parking in local centres. We have enough basements in Civic and eventually there will be basements in the group centre, but I think the territory plan should be very specific about not allowing basements in local centres. Convenience retailing should be: park outside, walk to the front door and there should be ample parking. That is what makes them successful. The moment they are turned into pseudo group centres with basement parking, they lose their appeal.

**MS HUNTER:** Could you explain further that argument you just put about no basement parking in a local centre. Why not?

**Mr Koundouris:** Two reasons: the first one is, as Tony explained, the developer comes along and says, “If I can put all my parking underground—

**MS HUNTER:** So this is about then being able to push out the commercial area that you are going to use?

**Mr Adams:** It limits the total development, yes.

**MS HUNTER:** Okay.

**Mr Koundouris:** And there are no GFAs again in the territory plan so all it is allowing is someone to really come up with a design which is not consistent with the objective of local centres under the territory plan. And the second reason is that generally for residents of Canberra local centres are designed for convenience retailing, which I believe includes parking on grade, walking in and grabbing your bread and milk and your top-up shopping. I think that is a good thing. We are one of a few cities that have that, and it should remain.

**THE CHAIR:** As there are no more questions, unless you have anything else that you would like to add, I would like to thank you both very much for coming in this afternoon. We will send you a copy of the transcript and, if there are corrections to be made, will you let the secretary know, please. Hopefully we will be reporting on this very shortly.

**Mr Koundouris:** Thank you for having us.

**Mr Adams:** Thank you.

**The committee adjourned at 3.01 pm.**