



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON PLANNING, TRANSPORT
AND CITY SERVICES**

(Reference: [Inquiry into Giralang shops](#))

Members:

**MS J CLAY (Chair)
MS S ORR (Deputy Chair)
MR M PARTON**

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 1 JULY 2021

**Secretary to the committee:
Dr B Lloyd (Ph: 620 50137)**

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.

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Amended 20 May 2013

The committee met at 9.35 am.

**CALVERT, MR ROSS
BURMESTER, MR BILL**

THE CHAIR: Welcome to the third public hearing for the committee's inquiry into the Giralang shops. Today we will hear from some community witnesses. Everybody has submitted to the inquiry, and thank you for that. It was really good to get that information in. We will start the hearing with a short session of around 10 minutes with Mr Ross Calvert and Mr Bill Burmester, who submitted on their own behalf, but they are also here as affiliated with the Giralang Residents Action Group. After we have heard from Mr Calvert and Mr Burmester, we will then hear from our other community witnesses. We will be doing this as a roundtable.

If you could just indicate that you have read and understood the privilege statement forwarded to you by the secretary, that would be great. Today's hearings will be recorded and transcribed and all our witnesses will receive a proof copy of the transcript for comment. If anyone takes questions on notice, it would be very helpful if you could provide us with the answers within five days of the secretary providing you with the uncorrected proof of transcript. We will begin with questions for Mr Calvert and Mr Burmester.

MS ORR: Chair, before we start, I wish to disclose a few potential things.

THE CHAIR: Ms Orr.

MS ORR: I just want to disclose that I went to school with Paul Calvert—Lake Ginninderra class of 1999—and I was also taught at university by Dr Chris Aulich and Bill Burmester. I just want to put that on the record so there is no problem.

THE CHAIR: Thanks, Ms Orr. Mr Calvert and Mr Burmester, can you tell me a little bit about the Giralang Residents Action Group and why you have formed?

Mr R Calvert: The group was formed following the announcement back in 2005 that the final shop, the supermarket, in the shopping complex would be closed and the lessees were proposing a development of townhouses. The residents of Giralang were rather incensed at this. This was reflected in the number of submissions against that DA, but an immediate consequence was the formation of our group. Our objective was established then, and has remained, to achieve the re-establishment of a shopping centre in Giralang. I have tabled some notes on the group, which I hope you have received.

THE CHAIR: Thank you.

MS ORR: Mr Calvert, can you just confirm for me what year GRAG was formed?

Mr R Calvert: 2005.

MS ORR: How many members does GRAG have?

Mr R Calvert: That is a difficult question. We have had a mailing list of around 200 in the past, but over that period of time, as you might expect, people have come and gone from the suburb and interest has waxed and waned, depending on whether there are any active development applications at the time and whether there have been any political machinations or whatever.

MS ORR: How does someone become a member of GRAG?

Mr R Calvert: By being a member of the community.

MS ORR: How often do you meet?

Mr R Calvert: It is on an ad hoc basis, so as circumstances demand.

MS ORR: When was the last time you had a meeting?

Mr R Calvert: It would be several years since we have met. Things like convening meetings are not made any easier, I might add, by the closure of community house.

MS ORR: When you say several years, is that for a public meeting as opposed to a—

Mr R Calvert: We have had both public meetings and committee meetings. We have had a committee that has varied between about half a dozen people and down to three at times. We have continued to exchange views at regular intervals, with more subtle changes in the situation, including some ongoing liaison with the developer, who has been quite diligent in keeping us across any developments.

MS ORR: When you say that the committee has met, when would be the last time the committee met, and would it be correct to say that it is meeting on an ad hoc basis? It sounds like there has not been a public meeting for a long time.

Mr R Calvert: That is correct. We have not had a public meeting for quite some time. We have had a number of information sessions, which could perhaps be construed as a public meeting. Generally, they have occurred when there have been new drawings made available by the developer for the public to examine and comment on or whatever.

MS ORR: When you have meetings, how are they notified so that people can attend?

Mr R Calvert: At times we have circulated newsletters, but that is quite time consuming for a small number of volunteers. With the Facebook page, it is easier to notify such things now.

MS ORR: Do you have a record of your meetings, so minutes and those sorts of things?

Mr R Calvert: We were incorporated at one stage, so those are on the public record. There would be some records of meetings, but typically it has been fairly informal.

MS ORR: When were you incorporated?

Mr R Calvert: I could not answer that without going back to the records, I am sorry.

MS ORR: That is fine. You are not incorporated now?

Mr R Calvert: No. The burden of having to provide financial details, particularly when there is no money going through the system, does not really justify the incorporation.

MS ORR: When GRAG is making a decision on something or forming an opinion or taking a position, how is that decision made?

Mr R Calvert: It depends on the circumstances. If it was something that would require a community opinion, we would endeavour to call a public meeting. But if it was a case of simply putting a position, the core committee, if you like, is familiar enough with the sentiment of the community over a long period and is usually able to do so without very wide reference. That may sound arrogant, but I do not think we have been called upon to come up with a view that has needed wider consultation for a while. With the benefit of the Facebook page, people are always able to put their tuppence worth in anyway.

MR PARTON: Mr Calvert, at the time that your group was formed, obviously, as you have explained, your objective was to reopen the shops in some form. Did you at that time have a vision of the time line, a target, as to when you would like the shops to reopen? Did you, in your wildest dreams, believe that we would still be here talking about it in 2021?

Mr R Calvert: I can honestly say that never in my wildest dreams would I have expected that there would be no shopping centre there after this length of time. We have generally been conscious that for a project of that nature—the conceptualisation, design and construction—a time frame of around two years would seem reasonable. Is there anything in that question that you feel is unanswered?

MR PARTON: No, I do not think so. When you look at that lengthy delay and when you, as an individual but also as a group, lay blame for that, where does most of it fall?

Mr R Calvert: Most of the blame, I believe, falls on the shoulders of the serial litigants who, for their own apparently commercial reasons, fought the plans of the Nikias companies to establish the shopping centre.

MR PARTON: How would you describe the relationship between your group and the developer?

Mr R Calvert: I am happy to say that, where the interests of the community and the developer have been aligned—and I firmly believe they have been, in the sense of a desire to have a viable shopping centre built—there have been excellent relations between the group and the developer.

Mr Burmester: I might add that in the initial period when the developer was

proposing purely townhouses and no retail facility, our relations were obviously quite adversarial.

MR PARTON: I can imagine.

Mr Burmester: That was then crystallised into one of the proposals that I think the minister at the time called in, the first proposal that was called in. In the development of that, there was a point at which the developer seemed to accept that he was not going to get very far without community support and the inclusion of retail outlets to win that support. Equally, I think there was a recognition in the community that, while we did not really want a block of apartments, if that was going to make the proposition viable then we would have to accept some level of residential facilities as well as retail facilities. Once that position got acknowledged on both sides, the developer has actually been very informative, or collaborative, in telling the GRAG committee what his plans are, where he is up to and so on, including showing us his proposals at various points. I think we have got a working relationship with him.

MR PARTON: So you, as a group and as individuals, have taken on good faith the developer's position to you with regard to his company's attempts to make this work. I have been following this for a long time as well, not quite as long as Ms Orr, and I recall us chatting on the radio a long time ago. I have sensed the change in the relationship between your group and the developer. That change has fascinated me. You have pretty much explained it to me, Mr Burmester, so I do not think I have an additional question.

MS ORR: I have just one final question. What would you like to see happen next?

Mr R Calvert: Obviously, we want a retail facility, with or without apartments, in the suburb as soon as is practicable. That means we would like to see all the relevant people pulling in the one direction, the government supporting and facilitating the approval of plans and the removal of other impediments. Then, hopefully, we can get some construction starting as quickly as possible. In that way, we were gratified that the minister seems to have announced that a restriction which we saw as one of the impediments against the development, the 1,000 square metres, was to be revoked or replaced with 1,500, I think. That is a positive step forward and should pave the way to getting construction underway.

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THE CHAIR: Thank you. We will now move to questions for our community representatives. Once again, thank you very much for coming in. This is the best way for us to hear directly from the community. It is incredibly valuable to get this input. We looked carefully at the submissions and tried to pick a selection of views. We will be asking questions of the general group. We will make sure, as we get further through our allotted time, that if we have not heard from somebody, we will stop and we will make sure that we give that person a chance to say whatever they would like to say. Some of us might also have questions for specific people as a result of specific issues that have come out of the submissions.

I want to start with a general question about how people feel Access Canberra and the ACT government have managed the facility and managed any complaints or reports as to whether the site was maintained in a good way and whether you felt heard during that process. That was one source of the unhappiness with this project. Would anyone like to comment on that?

Ms Gibson: Thank you. I did read and understand the privilege statement. I have two children at Giralang Primary School. They have been there for the past four years; I have been a resident for about seven. I have to say that over the period of time that I have been frequenting the school daily, I have been pretty appalled by the state of the site. Recently, I put in a formal complaint through Suzanne about the site. The fencing had been insecure to the point that it was openable and clearly had been opened a number of times. You could see the drag marks on the gravel where the fence had been opened right next to the entrance of the school which, to me, posed a huge risk to the school kids. In addition to that, a huge hole—I do not know how long it had been there—had developed right next to the footpath adjacent to the site and was just left open with a flimsy piece of plywood sitting on top. It was just a matter of time before someone was going to roll an ankle or break a leg or whatever in that hole.

I must say that, after making the complaint through Suzanne, I was very pleased to see that the site had been cleaned up. The other element of it was that there was debris inside the site, which is not such an issue if it is well secured. However, it was not. There was building material and things like long steel rods and other things sitting outside of the building site as well. Once I had made that complaint, it was dealt with very quickly. I was really pleased to see that the site was locked up securely, the building debris had been moved and the hole had been covered in a good way. But it had been sitting like that for a long time beforehand. I am not sure what other complaints had been made. I am sure some had but, as I said, I was pleased to see that, after I complained to Suzanne, it had been cleaned up.

THE CHAIR: That was a complaint you made to Ms Orr?

Ms Gibson: Yes.

THE CHAIR: You did not lodge it with Fix My Street or contact Access Canberra?

Ms Gibson: No. I have done that with other issues in the suburb in the past and had absolutely zero response, so I was not confident that it was going to lead to an outcome.

MS ORR: I am happy to clarify, for the record, that I get a lot of feedback and correspondence, as the local member, on the maintenance of the site. I would say that I write to the owner reasonably regularly and encourage him to take that feedback on board.

THE CHAIR: I have got Dr Thomson's submission here. I think there is a point that Dr Thomson raises that goes to a general sentiment, so I open the question up to everyone, but in the first instance to Dr Thomson. It seems to me that the government has done nothing or very little to date to hold the lessee to account. What would you like to see done and what would you consider better holding the lessee to account to be?

Dr Thomson: I think it is stuck in a holding pattern in that we are waiting for an anchor tenant, but we cannot get that, and we cannot proceed. One of the deal-breakers, if you like, from the developer's point of view has been that they were unable to attract a tenant when there was a 1,000 square metre limitation on the supermarket. The government has changed that policy to 1,500 square metres. It is more about what the government can do to facilitate, rather than hold them to account. One significant way is to allow the developer to submit an amendment to the DA, rather than having to go through another DA process.

It is a change of government policy that has facilitated, hopefully, some progress. Given that we have been waiting so many years and that one of the major impediments was that limitation, I think one significant way in which the ACT government could facilitate conclusion and successful completion of this project is by allowing the developer to submit an amendment to their current development application rather than having to go through the whole development application process again.

THE CHAIR: We heard some evidence from the government on whether an entirely new DA would be required or whether an amendment might be suitable. Of course, that is a decision that needs to be taken when looking at the specifics of it. The evidence certainly seemed to be that an amendment would be suitable, but I think that there was a circular to the suburb recently indicating that the developer is planning on an entirely new amendment. Is that correct, Ms Orr?

MS ORR: Yes, I believe so. I would like to thank my mum, who is a resident of Giralang, for providing me a copy. It is an indication by the developer that he will be undertaking a new DA process. I will certainly take on board your feedback, Dr Thomson, that you would like all options, and the fastest one, explored.

Dr Thomson: Yes.

MS ORR: It is an open question, so does anyone else want to add to that in terms of stronger enforcement or compliance? What would you like to see happen next?

Dr Aulich: I have read and agree to the conditions for the day. When we are talking about accountability, to me, there have been a couple of areas where the developer has made promises but has not delivered. There does not seem to be anybody overseeing that. In other words, there does not seem to be any enforcement. I am referring particularly to two aspects. One is traffic flow and the other is parking. These were matters that were raised with the developer at one of the earlier community meetings and he promised that he would, at the next meeting, return with a plan for both of those. That has not happened, as far as I know. There has not been anybody pressing the button to say, "This has to happen."

For those of you who know the site, and the locals all do, there is a funnel in the car park into the school. That is going to be exacerbated by however many apartments and cars will be in that area. Before any approvals are made, I would like to see the developer actually being asked to make sure that he complies with what he has promised. I am afraid that is a government job. It is the job of the principal to make sure that the agent complies.

Ms Gibson: In relation to the parking and congestion issues in that precinct, shops aside, there is a serious issue at the school at the moment with the car park and the pick-up and drop-off arrangements. It has been an ongoing issue the whole time that we have been associated with the school. As a citizen of the school community, I have been looking forward to the shops development and the proposed make-good arrangements that the developer has put forward in terms of enhancing or making changes to that parking and a road arrangement in that precinct.

At the moment I feel like we are in a bit of a holding pattern, if you like, with the arrangements down there. Nobody is going to do anything until that shops development comes through because why would you when the whole site is going to be changed so dramatically anyway? At the moment there are serious safety issues down there with the pick-up and drop-off arrangements in terms of the lack of space and the lack of parking. People are parking on the street. People were parking up on the verge and everything until they put some blockages there to get people off the grassed areas. It is just an accident waiting to happen.

Further to Chris's points, those issues are key to that site, given that it is such a bottleneck. There could be positive outcomes from this if the developer was held to account in relation to how that site is designed around the school. With the lack of shops at the moment, it is really the heart of our community. It is where most families in the community travel to every single day, twice a day. As I said, it is a current issue. We are all hoping that the shops development will help in moving that space into a much more amenable, useable and safe space for our children.

THE CHAIR: It sounds like there are two issues. It is the traffic, parking and school drop-off right now and it is also what happens on any new or amended DA.

Ms Gibson: Absolutely.

THE CHAIR: They are two separate issues and they both probably need attention. Is that what you are saying?

Ms Gibson: Yes. I think we are all looking very keenly at what happens as part of the DA and the subsequent development because we do not want to see the situation decline. We are aware that there will be more traffic in the area with shops and/or townhouses being built. We are very keen to see the plans and to have the developer held to account to ensure that the situation is not worsened and that there is an opportunity in that space as well to improve the situation.

MS ORR: I believe that, as part of the current DA, there was a commitment—and you alluded to this in your answer previously—that the developer made which would go to improvements to the traffic flow of that car park and parks and footpaths for the community park. In the hearing that we had with the developer, I pressed him and asked for a time commitment. He said that he would not provide one. Do you have anything to say or observe on the lack of a commitment to a time line?

Ms Gibson: I think that, in a way, it would show good faith to the community if the developer were to make a commitment to some of those works, because it is such a big issue. We are all aware that we are waiting on an outcome of this development for the site to be fixed, for want of a better term. A commitment from the developer would absolutely be a show of good faith to the community and demonstrate that they are looking to do the right thing by the residents and to actually bring a positive outcome for the local community.

Mr Burmester: Access to the school, with the additional traffic from the shops and apartments, was a key issue in any public forum that has ever been held. It is one issue that has always come to the fore. I think that the community has probably accepted what they see as inadequate provisions simply because they are so desperate to get the shops underway. Trying to get a bigger and better solution to the traffic seems just another problem that might hold the process up. That is certainly my view. It seems to me that, in fact, there is an opportunity for a more radical solution to be developed by people who know a lot more about traffic control. Creating a second entrance to the school and creating a one-way flow of traffic into that precinct seems, to me, worth pursuing.

At the time the last development was looking hopeful, the department proposed an additional refurbishment of cycleways around the school which, in themselves, would be great. When I tested that with the officials, they indicated that they were pretty constrained in where they could position the bikepath from Canopus Crescent down to the existing bikepath along the creek. They felt constrained because there were drainage problems. There were all these other constraints and it seemed to me that that was a cop-out. Rather than trying to find a proper solution, they were acting within some pretty fine constraints.

I think that the same mindset may have applied to the traffic. There is a traffic problem. Why not have a look at better solutions than the one that, alone, the

developer has come up with? They are great, they are helpful, but on their own they are probably inadequate. I think there is a chance that the government, which is responsible for road access, could have another look at a more substantial solution to the traffic problems at the school.

THE CHAIR: We might move on to a question from Mr Parton, but there will be plenty of time to circle back. I will pause at some point and make sure that everybody has had a chance to say something.

MR PARTON: I refer to a couple of the individual submissions. Mr Swanson, you have given a lot of thought over a long period as to how we have arrived at this position. Can I get you to reflect on some of those thoughts in regards to the call-in and the motivation from individual parties? I have read your submission a number of times.

Mr Swanson: I am probably a bit different from the Giralang Residents Action Group. I do not have a problem with the litigants objecting to those call-in powers. It is a bit of a moral issue for me as well. If they are going to be negatively impacted by a development, I think they do have a right to be heard, and they had to go to court to get heard. I do not have any kind of issue there. I think they were going to be negatively impacted by a supermarket because a supermarket is not going to be viable with 3,000 residents of Giralang alone; it is going to be drawing business from elsewhere. The Kaleen shops and the Evatt shops particularly were going to be impacted. I think they did have a right to have their concerns addressed.

Personally, I do not feel deprived by not having a supermarket in Giralang. We have one just up the road. That is not really a big issue for me. I just think, “Where is this business for the supermarket going to be coming from?” As I said, it is not going to be just the 3,000 residents of Giralang alone and then an additional 100 people in apartments above. Maybe it is going to be drawing business away from Kaleen or maybe it is going to be from all the traffic on Gundaroo Drive.

Those are the kinds of issues which I think need to be discussed, rather than have a minister use call-in powers to bypass those things. I think that, in many regards, the developer was trying to do a development that is beyond the capacity of Giralang to sustain. Again, I am more concerned that the government could use some techniques to make that development possible when it is beyond the capacity of Giralang to sustain it. The free market has sort of said that people do not really want to live in apartments in Giralang. I would be a bit more concerned if the government came in and tried to subsidise those apartments in some ways when the private market has already said that people do not necessarily want to live in apartments there.

MR PARTON: So your view is that you would have liked to have seen a development similar to the retail at Aranda, for argument’s sake?

Mr Swanson: Yes; Aranda would have been good. It is not that you need 1,500-square metre supermarkets to be viable; you do not. At Lawson someone is operating a coffee shop out of his garage. You do not actually need to have this really huge thing. There is not that much community built around supermarkets either. For me, a supermarket is almost like a McDonald’s. It is not really a community hub.

Coffee shops are more of a community hub.

As I said, I think that a supermarket will probably draw a lot of the traffic from Gundaroo Drive to be viable. That is the only way I can see a supermarket being viable. It is not necessarily satisfying the community at Giralang; it is more drawing upon outside markets. You do not necessarily need something huge to be viable; you can have something small that is viable. I think I saw a flyer this morning from the developer asking what we should see on the site. I think they had a picture of a coffee van or something. You can have something small that would be viable, which just does not return the profit that the developer wants.

MR PARTON: Ms Grant, based on your submission, you are a little more frustrated than Mr Swanson about the lack of shops in Giralang. I was fascinated to read your reflections on the time that the supermarket closed in Giralang and what you believe led to that.

Ms Grant: Firstly, I accept the conditions; (inaudible) privacy, I think. I moved to Giralang a long time ago, 20 years ago. I actually live in the complex across the road from the old supermarket. There were lots of older people living there then. They would walk to the shops and enjoyed shopping there when they needed to. They would eat at the little restaurant and the coffee shop and go to the newsagent and the hairdresser. Some of those people have passed away in the last 15 years, the last being old Sheila last year at 102, who bought there because of the proximity to the shops.

MR PARTON: And that was you too, Ms Grant? That was one of the reasons—

Ms Grant: No, it was not, 20 years ago. I am retired now, and it probably would be really good to have shops close to home. Like some of the other people here, I am a bit concerned about the amount of traffic that that development will create. I think it is an overdevelopment of the site. In some ways, any agreement to it is a resolution of the fact that there are no shops. The people that I am aware of who live around me would really like the return of the shops. By shops, they do not just mean a supermarket; they mean a coffee shop and a newsagent, and they mean the community that was there.

When you talk about an amendment to a DA and expanding it to 1,500 square metres, instead of 1,000, which really does not impact me, does it mean that the developer will reduce the other small tenancies so that all we have over there is a 1,500-square metre supermarket? I listened to Mr Nikias the other day in the hearing. He said that Kaleen was 1,700 square metres. So if we got Woolworths for 1,500 square metres, would it be competitive, or not? Would they need more car parking or would people just go around to Kaleen anyway, where it is convenient and there is car parking? The car parking situation there is going to be even more extreme, I think, for the school than it is at the moment—and it is bad at the moment.

If you have 50 units in there, all of which will have at least two cars, as our complex has, on average—not the 57 plus 17, including staff, or something that the proposal has—there will be inadequate parking. There will be insufficient car parking to warrant a 1,500-square metre supermarket. So people will still go to Kaleen because it is convenient and accessible. When I think about the 50 units, if they were to have one

or no cars each, what are they going to do in Giralang? There are very few buses or transport links to get them to Belconnen or the city or Gungahlin or to where they can find doctors and other shops, as well as entertainment. I just do not think it is realistic to think that they will not all have two cars. Those units that are rented, like in our complex, will have three and four cars in a two-bedroom unit.

We have a car parking problem where we are, with people needing more car parking than a two-bedroom unit with two car parks, already. We are putting on security gates so that people do not park, say, in Warring Place and Fornax Street and walk through our complex to get to the shops, if they were there. The market, in fact, has said that it is not viable; it is not buying it. I think it is an overdevelopment and it will create more problems with all those units. I really think that people want resolution and they want shops. By shops, they mean some sort of little supermarket and other convenience shops there, and for them to be accessible and a place for community people to meet.

That is probably where I am at. I think, mostly in our complex, that is what people want—shops, and a mix of shops, and resolution, as quickly as possible. If an amendment to the DA just increases that supermarket to 1,500 square metres and gets rid of all the little shops, I do not think that is going to be what people want in the long run.

THE CHAIR: Dr Thomson, you made some comments in your submission about carbon reduction measures that could go ahead, such as putting in electrical wiring or EV chargers. Have you got a couple of quick comments to make on that idea?

Dr Thomson: The ACT leads the way in Australia in terms of renewable energy and emissions reduction. I think there is an opportunity here to develop a shopping centre which leads the way in those sorts of areas. We have a sustainability strategy. I have indicated that there are a number of things, such as energy efficient air-conditioning, solar cells, battery storage and lower carbon concrete. If you are not going to put the sorts of things in a shopping centre that are generally very high in emissions generation and inefficient in their energy usage, the time to do that is when you are building the shopping centre.

So there is a real opportunity here, with support from the ACT government, to build a centre that I think could lead the way in terms of efficient use of energy, recycled water, emissions reduction and so on. I know that there are things like sustainable communities. There is government money also for refurbishing shopping centres. Maybe I am suggesting that the ACT government could help facilitate getting going on this and encourage the developer to really pay attention to it. If we are going to build a shopping centre, in whatever form it might take, let us do it in a sustainable, energy efficient, low emissions way. I indicated in my email a whole list of possible things that could be done, and they are just suggestions.

THE CHAIR: You did. Do any other community members have any views on that?

Ms Gibson: I would absolutely support that approach and add that having a local shops and community hub is also a method a reducing carbon emissions. I need to drive to Kaleen to get a bottle of milk, a loaf of bread and a couple of essentials for

my family these days; whereas I walk with the kids to school most days. I would be able to drop into the local shops and grab those few essentials without getting in my car and burning carbon and adding to the pollution problem.

MS ORR: We have noted the environmental aspects. There are quite a lot of heritage and design aspects of that particular area, given the school is a Taglietti building and whatnot. Did anyone have anything to add in relation to preserving that aesthetic and that design that has grown up around the school that they would like to see incorporated into that precinct?

Dr Aulich: I made a comment in my submission about the heritage issue because this is an architecturally award-winning area. I feel a bit like Bill, though. The problem is that, when we talk about traffic, it is a problem, but does that delay the process further? If we are talking about heritage and making sure that whatever is built there is highly consistent with that architectural precinct that we have, does that, again, also mean more delays for the final outcome? I agree that both of those things need to be done, but I am a little nervous in pushing them too far. We have waited so long and I think that further delays are quite a worry for people in that community.

MS ORR: I have Mr Turnbull's submission here. In your submission you say that although a set of local shops—a cafe, pub, takeaway, local businesses et cetera—would be nice, if it is not manageable to fill the site then create something that is manageable: say, a large playground, outdoor activity space or expand the school car park. There are quite a number of things noted there. Given we have heard from the community that they would like to see an amendment to the DA and to see the site progressed as quickly as possible, and given that the developer has indicated a different path that could take several years, what do you see as being reasonable management of the site in the interim?

Mr Turnbull: I have read the privilege statement and I understand it. Having heard everyone else's views around the shops or a large supermarket, I am more and more of the opinion that I cannot actually see it being required for Giralang. When we first moved into Giralang in 2014, one of the real estate sales pitches was, "Woolworths are going to be opening up really soon." We thought, "Excellent; that's great."

MS ORR: You are saying that a real estate agent perhaps embellished the truth?

Mr Turnbull: Yes. Some of the development looked like it was also underway. My parents used to live in Giralang, right across the road, in the townhouses. I recall, obviously, when the Giralang shops were running; then they left, and not long after it all fell to pieces. Like Anne, one of my children is at the primary school and another one will be there next year. With the traffic, I am in complete agreement. It is horrendous down there; it is a major safety issue.

With the actual site, nothing is happening there. I think that a supermarket would absolutely add to the congestion in that area. It is already extremely difficult. If they need retail, the Evatt shops have a great little cafe, a kind of restaurant and little bar, which is also kid friendly and so forth. Why do they need a supermarket to be able to make it a viable development? Is it really necessary? I cannot see why.

As a community, more families are moving into the area. If we cannot see any movement, why not develop something like what happens in these new suburbs which would bring the community to an open, planned space, if development can't take place? All of the newer suburbs, and even some of the older ones, are getting different developments so that families can come along, have a picnic and play in a really nice communal space.

MS ORR: Mr Turnbull, would I be right in taking from what you said that you would like to be able to use the site?

Mr Turnbull: Absolutely. It needs to be a usable site for the community and, if we can't see a development take place, in whatever format, why not make use of it and actually make it a usable, friendly community space?

MS ORR: Mr Paul Calvert, you note in your submission that residents just want to see something happen. What would you like to see happen?

Mr P Calvert: I have read the privilege statement. I would like to see something happen. It has been a long time. We could sit here all day and argue about what should happen, but none of us have really done the modelling on what is actually a viable business option there. We probably need to let the market decide that.

I find it hard to believe that smaller businesses would not be viable, but at this point whatever has the least resistance to getting something done is my preferred option. If that is a 1,500-square supermarket with other shops then so be it. If it is something smaller then that would probably be nice, too. You can see examples of some of the shops that are working really well around Canberra at the moment, such as Cook, Aranda and Ainslie. If you look at Giralang, you wonder why we do not have that.

I have a couple of other comments. In terms of the actual site area, there was also a smashed window in that site office for quite some time. I believe that bike paths are being built, for access. They have come in and marked out, down at the school, where they are going to go. At the end of the day, we just need something down there for the community. With the school, the garden and sporting fields, I find it very hard to believe that there are not viable business opportunities there.

MS ORR: We have noted the letter that the developer has recently sent around to the community, and he has made representations to my office as well. He has indicated that he is open to doing some sort of temporary use, but only in a portion of the development, and then fencing up the rest of it. I am interested to hear the community's view on that as a proposal, noting that it would be an interim measure while he sorts out a longer term path. What do you think about that?

Ms Gibson: My first comment is that he has had 17 years to figure out what the pathway is. Asking for an interim suggestion suggests to me that he actually does not have a plan, and that he needs to go back to his drawing board and figure out what he is going to do with that site. To me, and probably to every other resident in Giralang, it is disappointing, given the significant delays that we have already seen.

Having said that, perhaps it is a fait accompli that there will be many more years of us

staring at a security fence around a derelict, half-built site that is causing, obviously, major concern within the community. If there is no action that the government can take, I would absolutely implore the government to explore what avenues they could take to help to bring this development forward, whether it be fast-tracking a new DA or working closely with the developer to amend the existing DA and bringing things forward quickly, penalising with time frames—whatever that might look like.

If that does not eventuate and we are looking at a longer time period between now and when we actually see some action on the site, opening it up for community use is something that I think the community would go for. There have been various discussions around the place about the types of things that people might look to for that site. Having in mind all of the concerns that I have just raised, I think it is a good idea.

The coffee shop in Lawson was mentioned—a pop-up coffee shop. For heaven's sake, there is one on a bike path in O'Connor that is somehow viable. If you can have a coffee shop run off a generator on a bike path in O'Connor, you can have a coffee shop in Giralang that is viable. There should be some kind of space for the community to use. We do not have our community hall anymore; we do not have a space within the suburb where the community can gather. The school is the place for that, but it is not generally appropriate unless it is for school purposes. It is about having some sort of space there where people can gather. There could be a temporary market space; we could set up some kind of fresh food markets, or whatever it might be, on a Saturday morning. I am sure other people have plenty of ideas, too. They are just a few of the ones that I have heard thrown around.

MS ORR: Does anyone have anything that they would like to add to that?

Ms Grant: In order to set up anything temporary or interim it would mean that the developer would probably have to demolish a lot of the concrete and steelwork that is in there. After five years, it will all have deteriorated to such a stage that it would not be appropriate, anyway. A temporary solution would mean getting the developer on side, to actually do something, and in 17 years he has done very little. I do not know how much—

MS ORR: You do not have a lot of confidence in the developer?

Ms Grant: I do not have a lot of confidence that the developer will clean up that site enough to make it accessible for people, because at the moment it is simply not accessible.

MS ORR: Would your expectation be that the whole site is usable, not just a portion of it?

Ms Grant: If it is going to take five years, I believe that concrete and steel will not be adequate any longer; it needs to be removed, anyway, if there is a new DA in five years. At the meeting the developer said that he was not going to promise it in five years, anyway, because other circumstances may change. If he can't do it now, with interest rates at the rate they are, he will not do it if they go up substantially in five years.

THE CHAIR: Dr Thomson, do you have a comment on that?

Dr Thomson: In an ideal world, the government would build and maintain some sort of centralised community facility. In reality, that is not going to happen. The way it works is that the site is leased out to someone who develops it. I think it is a reality that the developer wants to be able to make some sort of profit, so we need to try and find a compromise whereby the developer is able to make a reasonable profit and provide a facility that the community is happy with, with the assistance and support of the government. As I have indicated, there are ways in which the ACT government can facilitate.

Going back to Ms Gibson's point, Giralang is actually a fairly active community. I have lived there for over 40 years. We have things like the community garden and we have a very active Buy Nothing group. We need something central where we can meet, gather, shop or do whatever. I am willing to accept that maybe the supermarket needs to be a bit bigger, and maybe the parking might be a bit of an issue. But we want that centralised facility to be able to do the sorts of community things that are happening in an ad hoc kind of way in Giralang. I think it is a matter of trying to reach a workable compromise.

MR PARTON: Mr Calvert, I am fascinated by the assessment that you have arrived at—whatever the path of least resistance is, that is the one you would like to be on, because you just want something built. You do not share the same traffic concerns that some people in the room have?

Mr P Calvert: Those things need to be taken into consideration, obviously, with whatever gets built. They are an issue, but they should not be an impediment. If you build some shops, build some car parks with the shops.

MR PARTON: In regard to the discussion about potential pop-up businesses, I would like some really brief feedback from the people that are on the ground. If there were a pop-up coffee shop there, are we of the belief that it would actually be well patronised and that it would become almost an interim hub?

MS ORR: Everyone is nodding.

Dr Thomson: As long as it is safe and accessible, I would say definitely, yes. Also, as long as it does not result in delays regarding whatever we end up with.

MR PARTON: Yes, which is the big cloud hanging over that, isn't it?

Dr Thomson: Yes.

MR PARTON: I sense that, as soon as people talk about it.

MS ORR: If I am reading the sentiment of the room correctly—and please correct me if I am not on the mark—you are saying that you would like an amendment, the fastest way possible to get building started and get it done. The developer has indicated to us that he will not be doing an amendment, that he will be going down the

route of a whole new DA process and that that will take potentially a number of years. If that is the case, what would you like to see happen in the interim? We have had a discussion about interim uses. There is another question, though: how much longer do you think that the developer should have before he needs to either deliver or give up? Is there a view?

Mr Burmester: It is quite clear from the discussion, as well as the mood at earlier meetings and community meetings, that the level of frustration in the suburb is quite considerable, and movement is required. If the developer is the impediment then he has to be leant on, just like if there were other impediments that could be removed or worked on. That is how you get the facility built.

If the parking and traffic are a concern, let us figure out a solution to them. If the developer proposes a delay—as Anne pointed out, he has been thinking about this thing for 17 years—then that is unacceptable. It should be clear to him, and made clear to him, that that is unacceptable to the community. The level of frustration is very high. We want something to happen. Most of us appear to want a retail facility; that is what we should be working towards, and as quickly as possible.

Ms Gibson: Can I ask you a question, Suzanne?

MS ORR: Okay.

Ms Gibson: I am making an assumption from the fact that the developer wants to put in a new DA that that means the development he is now thinking about is substantially different to the one that has been touted in the existing DA.

MS ORR: I do not know whether I can answer that; I think that is actually a question for the developer. I certainly note, in the communication that he has put out, that he has used language such as, “We’ll have to think about what happens and we will need to re-look at this.” There is certainly something going on there; I am not entirely sure what it is. If I have read the mood of this room correctly, it sounds like people would like to know what he has in mind.

Ms Gibson: Absolutely, yes. If he has not read the market correctly for the last 17 years, what is the chance that he will do that in the next two or three years and come up with a viable option that will work? The last thing we want is to have shops built there that are empty in two years time because they are not viable. That is probably the second-last thing that we want to see. The last thing that we want to see is for the site to continue the way it is. It would be absolutely devastating for the community if it was developed and, for whatever reason, it did not work.

Mr R Calvert: I was sitting in the committee room a few weeks ago and heard the developer say very clearly that any new DA would not be substantially different from the current one, which was approved in 2018, I think.

MS ORR: The end of 2017, I think.

Mr R Calvert: I found some comments earlier misleading in that regard. It is certainly my understanding, and his stated intention at that hearing, that any

amendments would be around the edges, dictated by any minor structural changes and so on. He demonstrated a clear willingness to move the project forward as quickly as possible. He welcomed, as indeed our group welcomes, the move by the government to expand the allowable floor area. In that regard, we believe it would facilitate obtaining an anchor tenant, if the government were to provide a letter indicating that it supports such a development and that any organisation committing to such a development would not be impeded by changes to government policy in the ensuing years.

THE CHAIR: That is, broadly speaking, accurate, Mr Calvert. We have had public hearings and evidence from the developer; we have had public hearings and evidence from Minister Gentleman and various directorate representatives. It is entirely appropriate to touch on some of those and get some feedback on that.

There is a circular that the developer has now sent around the suburb that seems to indicate strongly that he is considering an entirely new DA. We received public evidence from the directorate that minor amendments would not require a new DA, and that the existing one could be amended.

We heard very strong evidence from the government that they felt they had done quite a lot of things by using call-in powers, that they did not feel they had particularly good tools and that intervention in the past had led to litigation and may not lead to any better outcomes for the community. That is probably a fairly accurate summation. We also heard from Access Canberra, who are the branch of government that maintain sites, that they did not feel they had particularly good tools. They had inspected, after a number of complaints, and did not find that the site triggered their threshold for intervention. Again, they did not seem to have particularly good tools. They seemed to have the tool of asking someone nicely or terminating a lease. There were consequences laid out on lease termination.

It is actually quite difficult to put all of this information together. Does anybody who perhaps reviewed those transcripts have any views on what the next steps are? It circles back to Ms Orr's question regarding what the government is now required to do. It is entirely appropriate to say that the government should do certain things and that, if we do not have the right tools, maybe the requirement is that we need to get those tools.

Dr Thomson: Picking up on Mr Calvert's comments, certainly, my impression at that meeting, the public hearing that he referred to where the developer spoke, was that they are keen to proceed and they do not see that major changes are required to the DA. From my reading of the circular, it is not that they insist that they want to do a full new DA; they seem to think it is inevitable that they will be asked to do a full DA. I still think that the option of some sort of amendment is worth pursuing. I think that the developer would be happy with that. I wanted to echo what my colleague was saying.

MS ORR: This is becoming one of the central questions that the committee can consider: what is the fastest way? I have the circular in front of me. I note that it says that, under the current planning requirements, introducing a larger supermarket will require design changes and necessitate a further DA which will have to go through the

planning approval process from scratch, including community consultation. It says that this will also be subject to objections from competitors in nearby shopping centres, and history tells us this would not be a quick process. Dr Thomson, I take on board your point of view that the community would like the fastest possible resolution, and we certainly have put questions to the government as to what is possible with respect to an amendment as opposed to a new DA. We also have evidence before us that says there are other options that potentially could be considered. I think it is fair to say that we will keep scrutinising that as a committee.

Dr Thomson: That sentence begins with “under the current planning arrangements”; I think that was the wording. I guess that is the key, where perhaps the government can facilitate ways in which those can be varied, modified or whatever, given that the community has been without any kind of facility for so many years.

THE CHAIR: Perhaps we should run through and give each person a chance to make some final comments. I will start with Ms Grant. Do you have any final comments or observations—anything that you would like to put on the record?

Ms Grant: If it increases to 1,500, which I do not have a problem with, there still need to be the support shops there to give it a community feel. Car parking and traffic should be looked at again.

THE CHAIR: Ms Gibson?

Ms Gibson: I will reiterate the points that I have heard around the room. This has gone on for long enough, and now is a fantastic opportunity, with the inquiry and the conversation that has been happening more broadly within the community with both the government and the developer, to get some action and get it done. Let us get some results. Let us start getting some outcomes for the community. I think it is a great opportunity for the government to show good faith to the community of Giralang, because there is quite a lot of unrest in that space as well. We are all very keen to see some shops in our local precinct that we can utilise, to continue to grow our community.

THE CHAIR: Mr Calvert?

Mr P Calvert: I wonder sometimes if the developer has been a little too ambitious in terms of the size of everything on that site. With having apartments along with a 1,500-square shopping centre, it seems that he wants to do things on a grand scale, to turn out a large profit. Perhaps if there was a much smaller development there, we could have small businesses with smaller profit margins that are viable there.

There is also the amount of time that it will take to build something that is so ambitious. If there is a new DA and it is five years down the track, I find that unacceptable. I do not know whether you can put a time limit on it. I do not know what the conditions of the lease are. If something was not built within five years then I would be hoping that the government would say, “Okay, you’ve had a chance; we’ll buy it back from you and give it to someone else to build something smaller that is much easier to accomplish.” That is my thinking, from what I have heard in the room today.

THE CHAIR: Mr Turnbull?

Mr Turnbull: I second that. Like everyone, I want to see action. It does seem to be on a very grand scale. All I want to see is something that is safe, that is not an eyesore for the community, something that is going to bring us all together and enhance our community.

THE CHAIR: Dr Thomson?

Dr Thomson: I make the observation that the ACT has the highest percentage of green voters, if I can use that phrase, of any state in Australia. One way to significantly improve the viability and attractiveness of the Giralang centre, not just for the local residents of Giralang but for citizens in the wider area, would be to build a facility that adopts best practice with respect to low emissions and renewable energy technology.

THE CHAIR: Dr Aulich?

Dr Aulich: I think 17 years is long enough for the developer to have decided what he needs to do, what he wants to do or what he has to do. I would like to see the government intervene immediately, look at perhaps purchasing the site back, and go back to something which is a bit more modest and which focuses on getting the community together.

THE CHAIR: Mr Swanson?

Mr Swanson: Just out of curiosity, has the developer approached the government to buy some of the apartments for community housing?

MS ORR: Not to the best of our knowledge.

THE CHAIR: Not as far as I know.

MS ORR: It is not in the evidence that has come before the committee.

THE CHAIR: Do you have any comments on what you have heard or is there anything else that you would like to—

Mr Swanson: No.

THE CHAIR: Mr Burmester?

Mr Burmester: There is a broader issue here that I would like to finish on. In Canberra, with the way the suburbs are designed, access to commercial space is very limited. Each suburb has a designated, small commercial zone. That means that if they are lost, it is virtually impossible to get them back. It also means that there is an obligation on the city, or the government—not the current government but governments—to foster those retail areas, commercial areas, so that the facilities, whatever they are, can be developed in a community.

While we are focused, clearly, on Giralang, there are other suburbs going through the same thing. Giralang provides an opportunity for those with responsibility in government to address this: what can we do? What are our responsibilities, in regard to small, local commercial centres to do things and facilitate developments in those areas that are sustainable and deliver the services that the community in that area want?

There is a bit of reflection needed, because government still have a role in local shopping centres and, in this case, we should be trying to figure out those things that the government can do to facilitate ongoing provision of retail space in suburbs.

THE CHAIR: Mr Calvert?

Mr R Calvert: The sentiment of this room is overwhelming, with respect to the desire to see the re-establishment of shops in the Giralang centre as soon as practically possible. To that end I urge all parties to work together for the same objective. It is not fruitful to be seeking to deflect blame, blame others or demand a reinvention of the whole process. Over a period of 16 or so years, the developer has been able to conceptualise what he believes to be the best way forward. I think it is incumbent on the government now to facilitate that. If that is via an amended development application which is called in, let us get moving and do it.

THE CHAIR: Thank you very much for that. It is fantastic that you have given up your time both in writing a submission and in appearing before us today. This has been quite a detailed and difficult inquiry, and I think we have all learned quite a lot.

All of our transcripts and evidence are public. They will continue to be public. There will be a report that we will make, with recommendations, which will also be public. I would like to thank you all for coming in, particularly in such difficult times. Please look after yourselves and stay safe. That closes our public hearing.

The committee adjourned at 10.55 am.