

Annexure B – To recap and summarise the background and key milestones to date of rezoning the NSW Land and Additional Land in NSW (collectively known as ‘Parkwood’).

1. Background to JV.

Riverview (and associated companies) have a long history of farming in the ACT and district, dating from the 19th century. Continuing this tradition the Riverview NSW land totaling 330 hectares was acquired in 1984, the ACT 99 year rural lease totaling 670 ha was acquired in 2004 (Figure 1), the property has been managed for cattle farming and some cropping

From 2004 onwards a series of ACT Government Strategic Planning reports identified part of the ACT land as having possible urban development potential; Riverview recognised the potential for development of the entire cross-border parcel and approached the ACT Government with a proposal for a joint venture.

Riverview also recognised that the Territory had a sovereign interest in the ACT land, and that if it was to be developed then this would be to the benefit of the ACT, with the Riverview interest being limited to that of a rural lessee. This is an underlying principle of the ACT leasehold system.

Development of the ACT land, especially if this extended to the border, would facilitate the development of the Riverview NSW land, which would be a benefit to Riverview. Correspondingly, development of the NSW land would facilitate the development of the ACT border buffer land which was otherwise undevelopable due to a buffer requirement in the National Capital Plan. This was a benefit to the Territory.

2. Key dates of JV consideration and establishment of Ginninderry

During the period 2006 – 09 Riverview initiated discussions with a range of ACT and NSW Government agencies to explore the possibility of development and ultimately was referred to ACT Chief Minister Stanhope.

The then Chief Minister, John Stanhope, agreed that the joint venture that was then being proposed by Riverview had potential merit, he referred it to an inter-departmental committee (an IDC) for more detailed examination.

The IDC included all relevant ACT Government agencies, who examined the proposal between December 2010 and April 2011. This included a detailed assessment by ACT Treasury.

Following these deliberations, the IDC made a recommendation to the ACT Government in May 2011 and subsequently the Government decided to proceed, firstly on the basis of a Heads of Agreement and then, subject to the successful rezoning of the ACT land, by way of a joint venture.

In May 2016, with the Territory Plan rezoning in place, and the intent of the Heads of Agreement thereby fulfilled, the ACT Government and Riverview Joint Venture commenced, replacing the heads of Agreement. Key elements in the JV arrangements are:

- Riverview ACT lease has been surrendered to Territory at rural value (\$4.1m based on \$3.8m valuation in 2011+CPI).
- Costs of rezoning of ACT land and that part of the EPBC costs (60% of consultant services and project costs to achieve EPBC approval) would be met by the Territory.

- Rezoning of the NSW land and part of the EPBC costs (40% of consultant services and project costs to achieve EPBC approval) would be met by Riverview.
- JV for the development of the project at:
 - Territory – 60%.
 - Riverview – 40%.
- Riverview Projects (ACT) Pty Ltd appointed by the JV as development and sales and marketing manager at market rates with key performance indicators.
- The JV does not cost the ACT taxpayer any money, it is revenue positive.

The JV agreement was tabled in the ACT Legislative Assembly by Chief Minister Barr in August 2016.

The land subject to the JV includes the ACT land (held by the Territory as unleased land following the surrender of the Riverview rural lease) and the NSW land, being the NSW Riverview holdings.

3. Concept of additional land

The JV agreement also provided for the possibility that further land may be added to the JV project area. This was referred to in the JV Agreement as “additional land”. The four NSW neighbours land parcels were specifically identified in the JV agreement as “additional land”, part of the “developable area”. (JV Agreement Schedule 1 (map) Developable Area ACT and NSW Blocks).

This recognised the logic of including the NSW neighbours lands in the total project process, as discussed below.

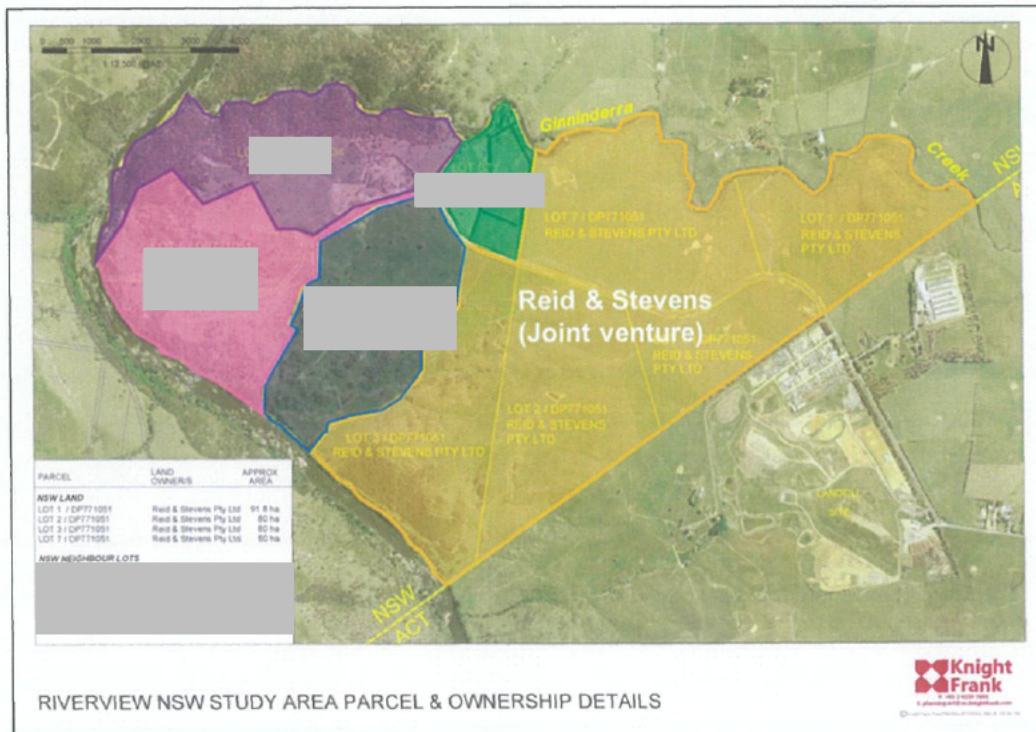


Figure 1: NSW ownerships

4. NSW neighbours land

Other than the JV, there are four owners (the NSW Neighbours) of land in the NSW part of the Ginninderry project. The NSW neighbours () are not parties in the Joint Venture. They have participated in the NSW rezoning process and Riverview has acted on their behalf in this regard.

With the rezoning now finalised it is up to them to decide if and when they wish to develop or sell their lands. Development of their land is constrained by the development of the JV land as services must come to the NSW neighbours lands via the JV ACT and NSW lands.

Ultimately provision of services is assured because, as a part of the rezoning process, an agreement¹ has been reached between the ACT and NSW Governments and Yass Council for necessary services to be provided (with agreed cost recovery arrangements) by the ACT to the “Parkwood Urban Release Area” which includes all the NSW lands, both JV and the other NSW owners.

5. Key dates of discussions with NSW neighbours and vision for JV

The “vision” for the Ginninderry project has always included development of the entire parcel, including the NSW neighbours lands. From a planning perspective sound practice dictates that planning for the development of the NSW land in the geographical space (the “peninsula”) created by the Murrumbidgee River and Ginninderra Creek as a single logical planning project should be done as a single cohesive process. Therefore, the rezoning proposal and underlying master planning has incorporated all of the land as a single unit, unconstrained by artificial ownership boundaries.

For these reasons the NSW neighbours have been included from the earliest phases of the project. This was given a formal basis with a letter from Riverview to each of the NSW neighbours on 15 October 2013 – the letter suggested options for participation, it set out the following:

- Identified proposed area of NSW developable land.
- Estimated % of developable land for each NSW landowner.
- Outlined several alternative structures available to each landowner to participate:
 - Self-funded
 - Riverview funds
 - Riverview funds with purchase option
 - Riverview funds with first right of refusal
- Provided budget forecasts, estimate of landowner cost shares.

Formal arrangements were not concluded, Riverview proceeded with the proposal and has borne all costs (as discussed below). All four neighbours agreed to participate in the rezoning with Riverview acting on their behalf. In this role Riverview hosted regular client/catch up meetings between

¹ Parkwood Urban Release Area Governance Framework, June 2020, Addendum to the ACT-NSW Memorandum of Understanding for Regional Collaboration

Riverview and the NSW neighbours from 2013 up to and following lodgement of the planning proposal², firstly in 2014, and resubmitted in 2017.

Throughout this period Riverview and its consultant team have been (and continue to be) afforded ready access to all the NSW neighbours properties by the owners in order to facilitate the rezoning process. These visits have included research and investigative studies and site inspections with Government officials and community and stakeholder individuals and representatives.

In NSW a “Planning Proposal” (i.e. a proposal for land to be rezoned) is normally submitted to Government with the consent of the landowners concerned. All four NSW landowners provided “letters of consent” to accompany both the 2014 and 2017 lodgements, confirming their agreement to participate in the rezoning process.

6. NSW Neighbours Land rezoning costs

Riverview approached the four NSW owners in October 2013 and suggested a cost-sharing arrangement to fund the rezoning process. The four owners declined to contribute to costs but all agreed to participate in the rezoning process.

Riverview has funded all of the NSW rezoning process³ and opted to cover the costs associated with the NSW neighbors’ lands.

The decision by Riverview to seek to include the NSW neighbors’ lands in the rezoning, and to fund this, was due to the following:

- It was a logical planning proposition to include all the land contained within the “peninsula” created by the Murrumbidgee River and Ginninderra creek. This logic was recognised by the Yass Valley Council and NSW Department of Planning. These and other Government agencies prefer a “holistic” rather than a “piecemeal” approach to planning proposals as this results in better planning outcomes and more efficient use of Government resources in the assessment process. Inclusion of the NSW neighbours lands would therefore enhance the chances of the Planning proposal being received positively by NSW approval agencies.
- Inclusion of the neighbours had the potential to ultimately provide public access to additional Murrumbidgee River frontage and to the Ginninderra Falls, the latter being a matter of significant public interest and therefore potentially of benefit to the project as a whole.
- All of the four owners expressed a willingness to participate.
- Should any or all of the owners be excluded from the rezoning then they would have the potential to become objectors to it and potentially delay or frustrate the process.
- On balance, the benefits to the JV of inclusion of the NSW neighbours lands were considered to outweigh the costs to Riverview.

² The planning proposal included all of the JV and NSW Neighbours lands, it was formally lodged as the “Parkwood Planning Proposal”, initially in 2014 and then, with certain amendments, re-lodged in 2017; it was finally approved by the NSW Minister for Planning in July 2020.

³ The JV arrangements required that the two parties (Riverview and the ACT) to bring their respective landholdings into the JV in a rezoned state. Therefore, the Territory funded the rezoning of the ACT land and Riverview funded the rezoning of the NSW land. Costs for each party were approximately \$8m. These costs were the responsibility of each party, outside the JV.

A successful rezoning would result in a benefit to the NSW owners as their land values would be uplifted. Riverview payment of the neighbours costs was done with the intention that, on completion of the rezoning process, Riverview would seek to recoup these costs from the owners. A cost recovery process was proposed by Riverview to the NSW owners in October 2013 which, whilst not formalised, is the basis on which Riverview has proceeded.

7. The valuations late last year and recap of the process followed on the briefs etc.

Consideration has been given to the possibility of the Joint venture purchasing the NW neighbours properties and incorporating them into the Ginninderry project. This would be a matter of good property management practice in circumstances such as this:

- It would increase the size and economies of scale of the project
- It would provide greater scope for flexibility of product offer
- It would remove the potential for possible disputation with neighbours in the future (though none is currently expected the project has a long timeframe and ownerships and attitudes will change over time)
- Given that the ACT Government has committed under the terms of the Parkwood Urban Release Area Governance Framework to provide services to the land there may be benefits in bringing it into ACT Government control.

It is also pertinent to note that Riverview has expended funds to facilitate the rezoning of this land and is reasonably seeking to recoup these funds. Riverview committed to this expenditure on its own recognisance but nevertheless it did so having regard to the overall benefits that would accrue to the JV and both its parties if a NSW rezoning could be successfully achieved. In the event that the NSW neighbours lands are held and developed by their current owners or sold to third parties then the opportunity for Riverview to recoup its investment will be lost.

The NSW rezoning costs expended by Riverview and apportioned to each of the NSW landowners in line with the development potential of their lands are set out in the table below; Riverview will be seeking to recoup these costs from the four neighbouring landowners :

Landowner	% Total land	Total to 28 Feb '21

Having regard to these factors the JV Board has authorised Riverview to approach the four owners and explore options for purchase, noting that any such purchase must be at an agreed market value.

Valuations of two of the NSW neighbours properties [REDACTED] were commissioned by Riverview and the LDA (with the agreement of the owners) in November 2016 in anticipation of commencement of negotiations for sale of the land to a nominee of the JV. The valuations were finalised in March 2017. [REDACTED]

[REDACTED]. This work was completed in anticipation of the finalisation of the NSW rezoning which at that time was imminently anticipated. In the event it did not occur until mid 2020.

Finalisation of the rezoning prompted the reopening of the sale negotiation process and in anticipation of this the valuations were updated in late 2020, and included a valuation for the [REDACTED] land as [REDACTED] was now interested in discussing a possible sale.

Flowing from an overall improvement in ACT and regional land values the 2019 valuations were higher than those in 2017, and this trend is expected to continue, suggesting that, if the purchase process is to proceed, an earlier rather than later purchase would be financially prudent.

Background to the West Belconnen Joint Venture and the Proposed Land Acquisitions

1. In May 2016, the Territory, Riverview Developments (ACT) Pty Ltd, Corkhill Bros Pty Ltd and Reid & Stevens Pty Ltd (Parties) entered into the West Belconnen Joint Venture (WBJV) Agreement.
2. The Agreement established an unincorporated “joint venture” to develop land jointly, over about 30 years, across the ACT-NSW border in accordance with the project objectives as detailed in the Agreement. The Agreement required Corkhill Bros to surrender its leases of land in ACT to the Territory and Reid & Stevens to commit its land in NSW to the project.
3. The “Participants” to the WBJV are the Territory and Riverview Developments, and does not include the other Parties to the Agreement. The Territory is the Party to the WBJV Agreement and a Participant in the WBJV, with the Suburban Land Agency (the Agency) acting as its agent under an agency instruction from the Director-General of EPSDD. Under that instruction, the Agency may *‘exercise all of the rights of the Territory as a participant in the joint venture’*.
4. The WBJV has a governing board, comprising three representatives each of the Territory and Riverview and one independent Chair, with the power and responsibility to safeguard that the Project in all its phases is conducted in a manner consistent with the Project Objectives and in compliance with all necessary approvals from the relevant regulatory authorities.
5. Under the WBJV Agreement, the Territory, via the Agency, is contributing Territory Land to the Project, which represents about 60 per cent of the land. Reid & Stevens owns and manages the NSW Land contributed to the Project, which represents Riverview’s 40 per cent contribution to the total land available to the WBJV as part of the Project. Each Party maintains legal title over its respective land until sold as part of the WBJV Project. The commercial return to the WBJV from the sale of land is distributed to the Participants in line with their approximate land contribution (60:40).
6. The WBJV Agreement permits either Participant of the WBJV (Territory or Riverview Developments), subject to the WBJV Board’s agreement, to acquire additional NSW land and to incorporate the additional NSW land into the WBJV. The WBJV Agreement provides that in such instances the acquisition of the additional NSW land will be funded by the WBJV if sufficient funds are available in the Joint Venture Account or, if there are insufficient funds available in the JV Account, by the Participants in proportion of their respective interest (60:40).
7. The Joint Venture Agreement also stipulates that rezoning of the land in the ACT is the responsibility of the Territory and rezoning of the land in NSW is the responsibility of Riverview. The ACT land was rezoned in 2016, and the NSW land has been recently successfully rezoned in 2020. The land within NSW includes four parcels in private ownership, not part of the WBJV. This land has also been rezoned.

8. The “vision” for the Ginninderry project has always included development of the entire parcel, including the NSW neighbours’ lands. From a planning perspective sound practice dictates that planning for the development of the NSW land in the geographical space (the “peninsula”) created by the Murrumbidgee River and Ginninderra Creek as a single logical planning project should be done as a single cohesive process. Therefore, the rezoning proposal and underlying master planning has incorporated all of the land as a single unit, unconstrained by artificial ownership boundaries. The four additional blocks in NSW are specifically identified in the Joint Venture Agreement as additional land and part of the developable area.
9. The four NSW landowners have been actively consulted on the project since 2013. All owners agreed to participate in the rezoning process, each agreeing for Riverview to act on their behalf in this regard. In this role Riverview hosted regular catch up meetings between Riverview and the NSW neighbours from 2013 up to and following lodgement of the planning proposal firstly in 2014, and resubmitted in 2017. These meetings are continuing.
10. Throughout this period Riverview and its consultant team were afforded ready access to all the NSW neighbours’ properties by the owners in order to facilitate the rezoning process. These visits have included research and investigative studies and site inspections with Government officials and community and stakeholder individuals and representatives. Early on Riverview attempted to establish exclusive options on the land however the owners were not receptive to this approach. Riverview has also made offers for an outright purchase of the land over the last eight years, all of which have been refused by the landowners on the basis of the impending rezoning.
11. In NSW, a “Planning Proposal” (i.e. a proposal for land to be rezoned) is normally submitted to Government with the consent of the landowners concerned. All four NSW landowners provided “letters of consent” to accompany both the 2014 and 2017 lodgements, confirming their agreement.
12. A sale negotiation process first occurred in 2013 between the landowners and Riverview, and again in 2017. On both occasions, the landowners were not ready to sell given potential uplift in the value of the land once rezoned. Finalisation of the rezoning has prompted the sale negotiation process to re-commence in 2020. Three owners have now indicated a willingness to entertain negotiations. [REDACTED]
[REDACTED]

From: [Forner, Julia](#)
To: ["Zeller, Sam"](#)
Cc: [Gilbert, SallyL](#)
Subject: RE: Bids for Spring 2021 Legislation Program
Date: Tuesday, 4 May 2021 10:47:00 AM
Attachments: [image001.jpg](#)
[image002.gif](#)
[image003.gif](#)
[image004.jpg](#)

OFFICIAL

Thanks Sam – that makes sense.

I'll let you know if we have any further questions.

Cheers
Julia

From: Zeller, Sam <Sam.Zeller@act.gov.au>
Sent: Tuesday, 4 May 2021 10:26 AM
To: Forner, Julia <Julia.Forner@act.gov.au>
Cc: Gilbert, SallyL <SallyL.Gilbert@act.gov.au>
Subject: RE: Bids for Spring 2021 Legislation Program

OFFICIAL

Hi Julia

It is a very interesting question – I am happy to advise.

A party to a contract needs to have the legal capacity to enter into that contract. A failure to have that capacity at the time of exchange could possibly have the effect of voiding the contract later on if the other part were to raise an objection for some reason.

I would advise that it would be prudent to amend the legislation before exchanging contracts.

Please let me know if you or John would like to discuss further.

Regards,
Sam Zeller | Director
Phone 02 6205 6132 (Internal prefer Teams)
Legal Services and Integrity | Governance, Compliance and Legal | Environment Planning and Sustainable Development Directorate | ACT Government | 480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 www.environment.act.gov.au

From: Forner, Julia <Julia.Forner@act.gov.au>
Sent: Monday, 3 May 2021 3:47 PM
To: Zeller, Sam <Sam.Zeller@act.gov.au>
Cc: Gilbert, SallyL <SallyL.Gilbert@act.gov.au>
Subject: FW: Bids for Spring 2021 Legislation Program

OFFICIAL

Hi Sam

Are you able to advise on this or do I need to go to the GSO?

Many thanks

Julia

From: Dietz, John <John.Dietz@act.gov.au>
Sent: Monday, 3 May 2021 3:42 PM
To: Forner, Julia <Julia.Forner@act.gov.au>
Cc: Gilbert, SallyL <SallyL.Gilbert@act.gov.au>; Gordon, Tom <Tom.Gordon@act.gov.au>
Subject: RE: Bids for Spring 2021 Legislation Program

OFFICIAL

Hi Julia,

Minister Rattenbury asked by when would we need the legislation changed if we got the ok to acquire? I had assumed prior to settlement. Could you please check if this is correct or if it would need to be completed prior to exchange?

Thanks



John Dietz

Chief Executive Officer

T: 02 6205 7346 | **M:** [REDACTED]

Suburban Land Agency | ACT Government

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From: Forner, Julia <Julia.Forner@act.gov.au>
Sent: Monday, 3 May 2021 12:50 PM
To: Zeller, Sam <Sam.Zeller@act.gov.au>
Cc: Gilbert, SallyL <SallyL.Gilbert@act.gov.au>; Dietz, John <John.Dietz@act.gov.au>; Gordon, Tom <Tom.Gordon@act.gov.au>
Subject: RE: Bids for Spring 2021 Legislation Program

OFFICIAL

Good afternoon Sam

As discussed, pending the outcome of the Cabinet decision in relation to the West Belconnen Joint Venture, it is possible that the Agency may require an amendment to the *City Renewal Authority and Suburban Land Agency Act 2017* to permit the Suburban Land Agency to exercise its functions (i.e. the purchase of land) outside the Territory and to deal with 'land' rather than 'leases of land'.

I understand your team are familiar with the context for this, but please let me know if you need any more detail at this time.

Many thanks
Julia

From: Zeller, Sam <Sam.Zeller@act.gov.au>
Sent: Wednesday, 21 April 2021 5:26 PM
To: Forner, Julia <Julia.Forner@act.gov.au>
Subject: FW: Bids for Spring 2021 Legislation Program
Importance: High

OFFICIAL

As per Teams discussion.

From: Zeller, Sam
Sent: Wednesday, 21 April 2021 11:29 AM
To: Cameron, Lesley <Lesley.Cameron@act.gov.au>; Walker, IanS <IanS.Walker@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>; McGlynn, Gene <Gene.McGlynn@act.gov.au>; Harding, Daniel <Daniel.Harding@act.gov.au>; Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Sendaba, Bethel <Bethel.Sendaba@act.gov.au>; Potter, Chantel <Chantel.Potter@act.gov.au>; Le, Thao <Thao.Le@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>; Durie, Lea <Lea.Durie@act.gov.au>; Wilden, Karen <Karen.Wilden@act.gov.au>; Iglesias, Daniel <Daniel.Iglesias@act.gov.au>; Simmons, Craig <Craig.Simmons@act.gov.au>; Magee, Alexandra <Alexandra.Magee@act.gov.au>; Brown, Jeffrey <Jeffrey.Brown@act.gov.au>; Elton, Jaime <Jaime.Elton@act.gov.au>; Gillman, Craig <Craig.Gillman@act.gov.au>; Gilbert, SallyL <SallyL.Gilbert@act.gov.au>
Cc: Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au>; Liston, Tegan <Tegan.Liston@act.gov.au>; Ledwidge, Greg <Greg.Ledwidge@act.gov.au>; Azzopardi, Adam <Adam.Azzopardi@act.gov.au>; Foley, Justin <Justin.Foley@act.gov.au>; Malouf, Ros <Ros.Malouf@act.gov.au>; Kaucz, Alix <Alix.Kaucz@act.gov.au>; Bennett, JamesP <JamesP.Bennett@act.gov.au>; Marsh, Lynette <Lynette.Marsh@act.gov.au>; Martin, Rory <Rory.Martin@act.gov.au>; Greenwood, Myfanwy

<Myfanwy.Greenwood@act.gov.au>; Sampson, Lisa <Lisa.Sampson@act.gov.au>; Jans, Edwina <Edwina.Jans@act.gov.au>; EPSDD DLO <EPSDDLO@act.gov.au>; EPSD Government Services <EPSDGovernmentServices@act.gov.au>; Kingham, Amy <Amy.Kingham@act.gov.au>; Edgar, Olivia <Olivia.Edgar@act.gov.au>; Roach, Adam <Adam.Roach@act.gov.au>

Subject: Bids for Spring 2021 Legislation Program

Importance: High

OFFICIAL

Dear colleagues

Request for proposed legislation bids for 2021 Spring legislation program

The Chief Minister has now requested draft legislation bids for the Spring 2021 legislation program. This is the final legislation program for 2021, with the next opportunity for bids being the Autumn 2022 sitting of the Legislative Assembly.

Due Dates

For this legislation program the due dates for all the Minister's Offices are the same. It is requested that completed legislation bid proformas (approved by the relevant Executive Group/Branch Manager) should be forwarded to EPSDD Legal Services and Integrity (epsdlegalservices@act.gov.au) **no later than COB 3 May 2021**. The proforma bid template is attached.

Priority Legislation

The Spring 2021 program will be the second opportunity to introduce and debate items that the Government has committed to deliver at the last election. Priority should be given to proposals which deliver Election and Parliamentary Agreement commitments; Assembly or stakeholder commitments.

Process for Development of the 2021 Legislation Program

Please make sure you have fully considered and developed your policy supporting any new legislative proposal.

In previous years the legislation proposal template has included proposed Cabinet and Assembly introduction dates. However, for the 2021 program the Chief Minister's Office has advised that once legislation proposals are received by the Chief Minister, his office will review proposals received and schedule legislation by priority to determine Cabinet and introduction dates.

Human Rights Compatibility Statements for Significant Bills

In preparing a legislation proposal, action officers must make an assessment as to whether or not the bill constitutes a 'significant bill'. The criteria which indicate a significant bill are set out in the attached proforma. Even where against the criteria a bill is not categorised as 'significant' at the legislation proposal stage, Cabinet may deem the bill significant at policy approval stage. Where a bill is identified as significant, a detailed human rights analysis will be required within the Explanatory Statement.

Should you require any assistance please feel free to call me or email the Legal Services and Integrity inbox at epsdlegalservices@act.gov.au.

Sam Zeller | Director

Phone 02 6205 6132 (Internal prefer Teams)

Legal Services and Integrity | Governance, Compliance and Legal | Environment Planning and Sustainable Development Directorate | ACT Government | 480 Northbourne Avenue Dickson | GPO

Box 158 Canberra ACT 2601 www.environment.act.gov.au

From: [Potter, Chantel](#)
To: [Rutledge, Geoffrey](#); [Simmons, Craig](#)
Cc: [EPSD Government Services](#); [Roach, Adam](#)
Subject: FW: Amendments to the City Renewal Authority and Suburban Land Agency Act 2017
Date: Tuesday, 5 October 2021 4:03:29 PM

OFFICIAL

Hi all,

For your reference below, as part of the package for the CRASLA Bill we had indicated that CMTEDD Regional team would alert NSW counterparts of the legislation prior to introduction. David Clapham has this afternoon done so in order to afford them notice before it is introduced tomorrow.

Gov Services, can this please be saved with the Bill and relevant Cab Sub packet for completeness of the file?

Thanks,
Chantel

From: Clapham, David <David.Clapham@act.gov.au>
Sent: Tuesday, 5 October 2021 2:43 PM
To: Chris Berry <chris.Berry@yass.nsw.gov.au>; Peter Bascomb <Peter.Bascomb@snowymonaro.nsw.gov.au>; Peter Tegart <Peter.Tegart@qprc.nsw.gov.au>; Hyde, Matthew <mhyde@svc.nsw.gov.au>; Emma Watts <emma.watts@regional.nsw.gov.au>; James McTavish <james.mctavish@regional.nsw.gov.au>; Megan Cleary (megan.cleary@regional.nsw.gov.au) <megan.cleary@regional.nsw.gov.au>; Kalina Koloff <kalina.koloff@crjo.nsw.gov.au>
Cc: Hassett, Glen <Glen.Hassett@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Potter, Chantel <Chantel.Potter@act.gov.au>
Subject: Amendments to the City Renewal Authority and Suburban Land Agency Act 2017

OFFICIAL

Good afternoon all

I am writing to inform you of the presentation of a bill this week to the ACT Legislative Assembly proposing amendments to the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act). If passed, these technical amendments will remove the word 'leases' from provisions in the Act which deal with purchase or sale of land. An effect of this technical amendment will be that the Act will allow the purchase or sale of land in NSW via the Suburban Land Agency, if the Government chooses to do so in the future. These amendments to the Act will give the Suburban Land Agency the option of identifying and purchasing land for a variety of uses as it responds to the continuing population and economic growth of Canberra as a major regional city.

In agreeing that the amendments be presented to the Assembly, the Government asked that local councils and the NSW Government be informed of the Bill's introduction. If you have any questions please don't hesitate to get in touch with me.

The ACT Government welcomes further discussions with the NSW government and regional Council representatives to collaborate and consult on development and cross-border issues. We look forward to continuing to work with you on such matters that will ensure a safe and prosperous community.

All the best

David

David Clapham | Executive Branch Manager

Better Regulation Taskforce | Economic and Regional Policy Branch | **Policy & Cabinet Division**

☎ 02 6205 7261 | **Chief Minister, Treasury & Economic Development Directorate** | ACT Government

Level 5, 220 London Circuit | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: [Potter, Chantel](#)
To: [Rutledge, Geoffrey](#); [Simmons, Craig](#)
Cc: [Hucker, Penelope](#)
Subject: FW: Attach 3 - Presentation Speech CRASLA Bill MO version.docx
Date: Wednesday, 6 October 2021 9:06:20 AM
Attachments: [Attach 3 - Presentation Speech CRASLA Bill MO version.docx](#)

OFFICIAL

FI – now resolved and received by the Assembly team.

From: Hucker, Penelope <Penelope.Hucker@act.gov.au>
Sent: Wednesday, 6 October 2021 9:00 AM
To: Potter, Chantel <Chantel.Potter@act.gov.au>
Subject: Attach 3 - Presentation Speech CRASLA Bill MO version.docx

OFFICIAL

Hi Chantel

FYI – version of the speech approved by the MO.

Pen

Pen Hucker | A/g Senior Director Government Services | Email: penelope.hucker@act.gov.au
Telephone [REDACTED] | Environment, Planning and Sustainable Development Directorate | ACT
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Level 4 (Snow Gum), 480 Northbourne Ave, DICKSON | GPO Box 158 Canberra ACT 2601

*(please note that due to current COVID-19 remote working requirements, I am not physically based in the office.
Please feel free to contact me in the first instance via email, telephone or MS Teams)*

2021

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**City Renewal Authority and Suburban Land Agency Amendment Bill
2021**

PRESENTATION SPEECH

**Yvette Berry MLA
Minister for Housing and Suburban Development**

Madam Speaker, I am pleased to present the City Renewal Authority and Suburban Land Agency Amendment Bill 2021. The amendments being introduced in this Bill today are administrative in nature; however, they have the important objective of providing future options for the government's response to ensuring housing choices for the continued growth of Canberra as a major regional city.

Land is one of the most important resources we manage as a Government. The Suburban Land Agency and the City Renewal Authority were established to ensure that land management meets the expectations of this city. The Government does not just buy and sell land— our aim is to ensure that all of our decisions about land result in fantastic new neighbourhoods, and more diverse housing choices for Canberrans. The SLA and the CRA exist to help build the infrastructure that makes our city a great place to live.

Supply is central to delivering on this community's expectations for housing. The ACT Government is committed to ensuring there is an adequate supply of land to meet the demand from Canberra's growing population and economy. Under the ACT Housing Strategy the Government has committed to an equitable, diverse and sustainable supply of housing for the ACT community. This goal focuses on a range of outcomes, including: how the ACT Government will provide land and opportunities for housing development for a growing population, provides housing choice, and enables high quality housing that meets the needs of ACT residents.

Madam Speaker, many objectives underpin this goal, including providing land and housing development opportunities to meet demand, maintaining a healthy land and housing development pipeline, and providing a diverse mix of housing types and choice. As published in the ACT Housing Strategy Year 2

Report Card, excellent progress has been made against this goal including: publishing the annual Indicative Land Release Program, publishing the ACT Land and Property Report, Territory Plan Variations and requests for proposals for Demonstration Housing projects, and studies of urban intensification areas.

Madam Speaker, as members will be aware, the Suburban Land Agency plays a critical role in providing continuity of land supply for development and release on behalf of the ACT Government, which includes land for residential, commercial, industrial and community purposes. The Agency is also pivotal to securing greater public and private sector investment and ensuring social inclusion and better neighbourhoods are reflected in development. In this sense, the Suburban Land Agency works to balance growth between a dynamic city centre and flourishing suburbs, maintaining the Canberra we love and making it better by preparing for the future.

Madam Speaker, the Suburban Land Agency envisages development projects which connect residents with their suburb and community. This involves land that supports a diverse mix of housing types to support the changing needs and preferences of the Canberra community. The Agency is also critical to ensuring a sustainable supply of land so that all individuals and families have an opportunity to live in a home which meets their needs. These needs are not limited to the block and section, but extend into the accessibility, available services and sense of community and connectedness.

Recent greenfield developments have provided land for purchase with an emphasis on open space, access to nature reserves, a network of recreational facilities, proximity to schools and central services and transport access. Aligned with the ACT Government Wellbeing framework, these single residential blocks provide an opportunity to join a growing neighbourhood and

participate in a vibrant, and connected neighbourhood community. This is critical to a sense of social connection.

Madam Speaker, as has been demonstrated in the work which informed the ACT Governments Wellbeing framework, having a secure, suitable, and affordable place to call home remains one of the essentials for a good life. At a fundamental level, housing offers physical shelter. But there is also a deeper relationship between an individual or family's housing conditions and their wellbeing outcomes. Our wellbeing indicators work demonstrates that a sense of home can offer feelings of constancy in people's material and social environments, and by extension furthers our degree of control over these aspects of our lives.

For some Canberrans that will be a centrally located apartment, but for others it will be a larger suburban block with a backyard for entertaining, or space for the kids to play outdoors. To support such choice in housing options, continual development and release of greenfield sites is a crucial part of delivering a supply of new and affordable housing choices for Canberrans. This renewed supply ensures that home ownership of suburban blocks, with access to open spaces, and community infrastructure is future-proofed.

Greenfield sites provide the opportunity of a clean canvass of possibilities for Canberran's looking to build a new home, design bespoke landscaping, to establish a garden for leisure, or to yield a seasonal home crop of fruit and vegetables. For some Canberran's this will be an opportunity to buy to build their first home, for others it might present the chance to downsize to a home of their own design, or to invest in the market for realise other future opportunities.

Critical to this sense of ownership and connection to place is the community, neighbourhood and concept of 'place,' a familiarity or surrounds, consistency, and shared experience derived from communal space, repeated contact and interactions over time.

The majority of future growth within our city will be within our existing urban footprint through a range of future developments. The Parliamentary Agreement sets a target of 70 percent of new housing development to be within the existing urban footprint. This development will span projects with a range of density options, from multi-unit high-rise buildings, to townhouses, and new suburbs. Critical to future-proofing greenfield development sites however is the consideration of possible extensions beyond the limits of the ACT's borders.

Madam Speaker, in noting this potential option I would note the extensive regional relationship the ACT has with our bordering NSW townships, for example with neighbouring Queanbeyan, Jerrabomberra, and Murrumbateman. There is a great flow of residents across the border each day for work, training, leisure, and commercial reasons. This relationship of interconnectedness between our communities has been highlighted quite recently with the pandemic response public health measures engaging border restrictions which have outlined all the essential reasons people move between the ACT and NSW each day.

Madam Speaker, the Canberra Region is a strong, growing economy within Australia's most geographically diverse natural environment. It encompasses the south-western slopes of NSW, southern tablelands, the nation's capital, south coast, Snowy Mountains, and NSW high country. Our vibrant regional economy is underpinned by transport connections to Canberra and Sydney,

offering diverse agricultural and tourism opportunities as well as collaborations between public and private sectors.

In this regional context the concept of 'place-making' in building neighbouring or cross-border communities holds new opportunities for the role of the Suburban Land Agency in establishing inclusive neighbourhoods, and communities with best practice urban design, which pays particular attention to the physical, cultural, and social identities that define that place and support its ongoing evolution.

This Bill provides for a renewed concept of community for future planning development. In this direction, 'place making' is defined by new concepts of participation, and design, with a focus on sustainability and civic participation and in meeting a variety of demands for housing suitability.

In considering this future possibility, it is relevant to consider that when the Suburban Land Agency was created in 2017, it was only empowered to purchase leases of land in the ACT. The primary amendment in this bill removes the word 'leases' from the provision that authorises the Suburban Land Agency to buy and sell land on behalf of the ACT Government.

Most land in New South Wales is held by its owners under freehold title. As members of the Assembly will no doubt be aware, this system of title ownership is different from the leasehold system we use here in the Territory.

This amendment will ensure that the Suburban Land Agency has the legal capacity to enter into contracts to purchase or sell land outside the ACT in New South Wales, if the government chooses to do so in the future and pending arrangements being made between the ACT Government and the New South Wales Government or local shire representatives.

A related second amendment introduced in this bill clarifies that the proceeds from the sale of 'land' and not just 'leases of land' made by the Suburban Land Agency will be the income of the Suburban Land Agency. Following the first amendment, this will ensure that income from any land sales outside of the ACT will be returned to the Suburban Land Agency.

Lastly, the bill amends the definition of 'land' in the dictionary of the City Renewal Authority and Suburban Land Agency Act, so that it is explicit throughout the Act that 'land' purchased by the Suburban Land Agency may include land located in New South Wales.

In summary, the amendments in this bill will provide the legal capacity for the Suburban Land Agency to purchase and sell land outside the ACT's borders, should the Government seek to explore this option in the future to provide more greenfield sites and housing choices for Canberrans. This will ensure choices for future housing stock includes greenfield residential blocks which are supported by integrated place-making infrastructure. We will keep looking to deliver land in a way that builds community social connection.

This Bill is another step towards ensuring that the Government's framework for managing land keeps on delivering new housing options for Canberrans. As a Government we are committed to doing more than just offering land for sale – we want the Suburban Land Agency to build great new neighbourhoods that are affordable, sustainable, and connected. This Government will keep working hard over this term to deliver on that commitment, and to deliver more housing options for Canberrans into the future.

Madam Speaker, I commend the bill to the Assembly.