

**Environment, Planning and Sustainable Development Directorate****To:** Minister for Housing and Suburban  
Development

Tracking No.: 21/460

**Date:** 5 November 2021**From:** Executive Branch Manager, Governance, Compliance and Legal Policy**Subject:** Debate package for City Renewal Authority and Suburban Land Agency  
Amendment Bill 2021**Critical Date:** **8 November 2021****Critical Reason:** This Bill is scheduled for debate on 11 November 2021

- DDG, Environment, Water and Emissions Reduction 5/11/21
- COO 5/11/21

**Recommendation**

That you **agree** to the debate package for the City Renewal Authority and Suburban Land Agency Amendment Bill 2021.

**Agreed / Not Agreed / Please Discuss**

Yvette Berry MLA .....

11/11/21

Minister's Office Feedback

## Background

1. On 6 October 2021, you presented the City Renewal Authority and Suburban Land Agency Amendment Bill 2021 (the Bill) to the ACT Legislative Assembly (Attachments C and D). This Bill makes minor policy and technical amendments to the City Renewal Authority and Suburban Land Agency Act 2017.

## Issues

2. This Bill is scheduled for debate in the Assembly on 9 November 2021. As requested by your office, one debate speech has been prepared (Attachment A). Clause-by-clause speaking notes are also provided at Attachment B.
3. The debate speech does note that Canberra's population growth has slowed down in recent times due to the COVID-19 pandemic. This is evidenced in the latest population projections in the 2020-21 ACT Budget (accessible at [https://apps.treasury.act.gov.au/data/assets/pdf\\_file/0009/1730961/2020-21-Budget-Outlook.pdf](https://apps.treasury.act.gov.au/data/assets/pdf_file/0009/1730961/2020-21-Budget-Outlook.pdf), page 10-11).
4. Additionally, the population estimate published in September 2021 by the Chief Minister, Treasury and Economic Development Directorate also shows lower population growth rates recently (accessible at [https://www.treasury.act.gov.au/data/assets/pdf\\_file/0008/644813/ERP.pdf/recache](https://www.treasury.act.gov.au/data/assets/pdf_file/0008/644813/ERP.pdf/recache)).
5. Given the long-term trends have seen consistent high growth in population in Canberra, this is still mentioned as a strong basis on the need to provide for more greenfield sites.

## Financial Implications

6. There are no financial implications associated with this brief.

## Consultation

Internal/Cross Directorate/External

7. Nil.

## Work Health and Safety

8. There are no work health and safety issues associated with this brief.

## Benefits/Sensitivities

9. Nil.

## Communications, media and engagement implications

10. None anticipated.

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## Attachments

Attachment	Title
Attachment A	Debate Speech – Minister Berry

**2021**

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

**CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY  
AMENDMENT BILL 2021**

**DEBATE SPEECH**

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

Madam Speaker, I am pleased to speak in support of the City Renewal Authority and Suburban Land Agency Amendment Bill 2021.

The amendments in this bill provide for important measures that will allow a broader range of options for the government to expand housing choices and support the growth of Canberra.

This bill will support the government's commitment to ensuring adequate supply of land, with the aim of facilitating high-quality new neighbourhoods that meet the expectations and demands of Canberra's diverse population and economy.

### **Canberra – a growing city**

Canberra continues to enjoy steady demand as a prosperous and liveable city. Over the years, Canberra has flourished to be a highly attractive place to live as a major regional city, which has fared resiliently in recent times through the pandemic. Our city is a thriving place for talented people to find meaningful and fulfilling work, for families as a great place to raise children, for students to study at world class education providers, and for businesses to innovate and contribute to the local economy.

To ensure Canberra continues to be a fantastic place to live, the Suburban Land Agency was established to develop and release land for housing in the ACT. The Suburban Land Agency balances social, economic, and environmental considerations to deliver sustainable urban environments for people and businesses to live and thrive. Its aims include supporting affordable living, a safe and healthy population, social inclusion, housing choice, and environmental sustainability.

The Suburban Land Agency achieves these aims through urban renewal projects and greenfield developments. Its development of land helps create vibrant, inclusive, and sustainable communities, that are people-focussed and that diversify the ACT's economy. This bill will add to the toolkit of options available for the ACT government to develop land in effective ways and support the objectives of the Suburban Land Agency.

Madam Speaker, Canberra has seen significant growth in the past decade. It is true that the COVID-19 pandemic caused slower population growth in recent times, particularly as Australian borders were closed. However, with the recent opening of the country's borders, and steadily easing restrictions on movement, the nation's capital is projected to grow. This means there is increasing pressure on land availability, infrastructure, and public spaces.

### **Housing Strategy**

Housing is a human need. A good secure home is fundamental to so many parts of life – school, work, good health, friendships, comfort, security, and happiness. Throughout consultation on the ACT Government Wellbeing Framework, the Canberra community identified their homes as the place where they felt safe and where relationships were able to grow and be nurtured. Apart from providing physical shelter, a home provides a sense of constancy in our material and social environments. These are important basic elements needed for individuals and families to be able to secure their wellbeing and to lead lives they value.

There is no one-size-fits-all model for the perfect home. So, as part of its mandate, the Suburban Land Agency is tasked with ensuring the supply of

housing in the ACT meets the varied needs and expectations of all sectors of the community. This means:

- providing for both public and private housing options in new suburbs;
- offering a mixture of property types ranging from low density detached dwellings on land, to high density apartments;
- meeting affordable, community, and public housing targets;
- supporting environmentally sustainable developments that contribute to emissions targets;
- increasing supply; and
- following and supporting whole-of-government strategies, such as the ACT's Housing Strategy.

Under the ACT's Housing Strategy, the government has committed to an equitable, diverse, and sustainable supply of housing for the ACT community. Under this goal, there are a range of objectives for which this bill will contribute to their achievement. The key objectives of the Housing Strategy include:

- providing land and housing development opportunities to meet demand;
- setting a 15 percent target for social and affordable housing;
- maintaining a healthy land and housing development pipeline;
- providing a diverse mix of housing types and choice;

- facilitating innovative design and delivery mechanisms; and
- encouraging well-designed, environmentally sustainable, and accessible housing.

The opportunities we must leverage to reach these objectives include the ACT Government's role in supplying new land to the market and enabling large urban renewal projects. Supplying new land in greenfield developments is a key part of the strategy, as Canberra continues to grow its economy and population.

Developing new suburbs with strong linkages to the community has been a focus of the Suburban Land Agency. New suburbs are built with key priorities in mind, including access to open space and nature reserves, a network of recreational facilities, close proximity to schools, central services, and transport. These are crucial elements to enlivening greenfield sites to become vibrant, liveable, connected neighbourhoods, that draw strongly on a sense of social connection.

However, the ACT's Housing Strategy notes that the limited availability of land in the ACT and the growth of its population mean there is a need for creative planning and design solutions. Ensuring a steady supply of land in areas with good linkages to jobs, education, services, and the community is essential to delivering housing options that meet the expectations of the people of the ACT.

The vast majority of future growth will be within our existing urban footprint through a range of future developments. This follows the commitment in the Parliamentary and Governing Agreement that at least 70 percent of new housing development be within Canberra's existing urban footprint.

However, it is critical to future-proof greenfield development sites by ensuring that the ACT Government has the option to extend such developments beyond the ACT's borders. While at this time the ACT government has not forecast any additional future specific cross-border developments, such as Ginninderry, the provisions of this bill will help future-proof our options for greenfield developments going forward. The bill aligns with the interests of the people of the ACT by facilitating a mechanism for a greater variety of housing options to be made available.

### **The Legislation in detail**

Madam Speaker, this bill contains three key amendments to the *City Renewal Authority and Suburban Land Agency Act 2017*. These three amendments work together to empower the Suburban Land Agency to acquire and sell land outside of the ACT, giving the ACT Government an additional mechanism to develop broader housing options for the people living in and around Canberra.

Under the Act, the Suburban Land Agency is currently only able to purchase land that is under leasehold in the ACT. As members would be aware, property in the ACT is owned and leased by the Commonwealth under the management of the ACT government. Land is held under long-term Crown leases, which are generally granted for 99 years.

Land in neighbouring NSW, however, is generally held and transferred under a system of freehold title. Land owned under the freehold system means the landholder owns that land for an indefinite period of time.

As the Suburban Land Agency's powers under its Act are currently limited to buying and selling 'leases' of land on behalf of the Territory, the Agency is currently unable to acquire land held under the freehold system in NSW.

As one of the bill's three key amendments, the bill will remove the word 'leases' from the provisions that empower the Agency to purchase and sell land. The effect will be to enable the Agency to buy and sell freehold land. The Agency may purchase freehold land, if the ACT government chooses in the future, to exercise this mechanism in developing future greenfield sites. Such decisions will be dependent on arrangements to be made between the ACT Government and the NSW Government, or local shire representatives.

Secondly, this bill will make a consequential amendment to clarify that the proceeds made from selling land, and not just selling leases of land, will form part of the Agency's income. Where the Agency buys and then sells land under the freehold tenure system, this amendment will ensure that the proceeds from that sale will be returned to the Agency.

Thirdly, the bill will insert a new definition of the term 'land' in the Act. Currently, the term 'land' is not defined in the Act. However, as the current Act does not empower the Agency to purchase land under the freehold system, in effect, the concept of land in the Act is currently limited to land within the ACT's borders. This bill will expand that concept by included land located in NSW as part of the definition of the term 'land'.

However, two things should be noted. Firstly, the bill will clarify that declarations of urban renewal precincts will still be limited to land that is within ACT borders. Secondly, the bill enables land development activities (for example, land remediation, carrying out works on land, and preparing land for development) to take place on land purchased by the Agency outside of the ACT.

## **Conclusion**

Madam Speaker, I thank the Assembly for their support.

The amendments in this bill mean that the ACT Government can offer a broader range of housing choices to Canberrans. The options availed by this bill will future-proof greenfield developments and contribute to the ensuring the supply of a variety of housing that meets the expectations and needs of our growing capital city.

**2021**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**CLAUSE BY CLAUSE  
SPEAKING NOTES**

**CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY AMENDMENT BILL 2021**

Yvette Berry MLA  
Minister for Housing and Suburban Development

## SPEAKING NOTES

### Clause 4 — Urban renewal precinct may be declared Section 35 (1)

#### Outline of provision:

This clause inserts the words 'in the ACT' after the word 'land' in section 35 (1) of the *City Renewal Authority and Suburban Land Agency Act 2017*.

#### Comment:

This amendment ensures that the Minister may only declare an 'urban renewal precinct' over land in the ACT, and not land purchased interstate.

### Clause 5 – Functions of agency Section 39 (1) (a)

#### Outline of provision:

This clause removes the words 'leases of' from section 39 (1) (a) of the *City Renewal Authority and Suburban Land Agency Act 2017*.

#### Comment:

The amendment in clause 5 empowers the Suburban Land Agency to buy and sell land freehold land (such as land in NSW), rather than solely leasehold land.

### Clause 6 – Section 53

#### Outline of provision:

This clause substitutes a new provision to clarify that all proceeds from the sale of land is income of the Suburban Land Agency and not just the proceeds from the sale of leases of land.

#### Comment:

The amendment in clause 6 ensures all proceeds made when the Suburban Land Agency sells freehold land, as well as selling leases over leasehold land, are returned to the Agency as its income.

**Clause 7 – Affordable, community and public housing targets**  
**Section 65 (5) (a)**

**Outline of provision:**

This clause substitutes the words ‘land identifiers’ in place of the words ‘block and section numbers’.

**Comment:**

The amendment in clause 7 is made to recognise that land in New South Wales is not identified by block and section numbers as it is in the ACT.

**Clause 8 – Section 65 (8)**

**Outline of provision:**

This clause omits section 65 (8) which links the definition of ‘dwelling’ to the *Planning and Development Regulation 2008*.

**Comment:**

The amendment in clause 8 means the term ‘dwelling’ takes on its natural and ordinary meaning.

**Clause 9 – Dictionary, definition of *development***

**Outline of provision:**

This clause omits the definition of ‘development’ which is linked to the *Planning and Development Act 2007* from the dictionary.

**Comment:**

The amendment in clause 9 means the term ‘development’ takes on its natural and ordinary meaning.

## Clause 10 – Dictionary, new definition of *land*

### Outline of provision:

This clause inserts a new definition of the word 'land' to clarify that land under the *City Renewal Authority and Suburban Land Agency Act 2017* also includes land in New South Wales.

### Comment:

The amendment in clause 10 expands the term 'land' in the *City Renewal Authority and Suburban Land Agency Act 2017* to include land in New South Wales, which is predominantly under a freehold tenure system.

## Clause 11 – Dictionary, definition of *land improvements*, paragraph (a)

### Outline of provision:

This clause removes the word 'territory' from the definition of 'land improvements'.

### Comment:

The amendment in clause 11 clarifies that the Suburban Land Agency may also carry out activity to improve the quality, amenity, or value, of any land that it purchases in New South Wales.