



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0039

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	Waived
6. Processing time (in working days)	20
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD.FOI](#)
Subject: Freedom of Information request
Date: Tuesday, 20 February 2018 11:30:32 AM

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title: [REDACTED]
First Name: [REDACTED]
Last Name: [REDACTED]
Business/Organisation: [REDACTED]
Address: [REDACTED]
Suburb: [REDACTED]
Postcode: [REDACTED]
State/Territory: [REDACTED]
Phone/mobile: [REDACTED]
Email address: [REDACTED]

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

I write to request under the Freedom of Information Act 2016 (FOI Act) documents relating to the development of the directions relating to the acquisition of land by the City Renewal Authority or Suburban Land Agency. These documents may include, but are not limited to, initial correspondence or proposals, internal notes, system logs, assessments or analysis of proposals or policies. I ask that any search undertaken also include any documents created prior to 1 July 2017. I ask that any fees and charges associated with this request be waived pursuant to section 107 of the Act. I do so on the basis that it is in the public interest that I be given access to these documents

[REDACTED]

I do not want to access the following documents in relation to my request:

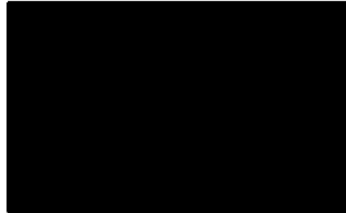
Thank you.
Freedom of Information Coordinator




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2018-0039



via email: 

Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 20 February 2018.

Specifically, you are seeking access to: "...documents relating to the development of the directions relating to the acquisition of land by the City Renewal Authority or Suburban Land Agency."

Authority

I am an authorised Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

The Act requires a decision and response within 20 working days of the access application being received. The deadline for responding to your access application is 21 March 2018.

Decision on access

A search of CMTEDD records was completed within business areas which may hold documents relevant to your request. The search resulted in a total of 76 documents being identified.

I have decided to fully exempt from release the legal advice received from the ACT Government Solicitor as it is contrary to the public interest to release under schedule 1 of the Act and fully release the remaining information relevant to the scope of your request. Information not relevant to your request has been redacted as out of scope material.

I have included as Attachment A to this letter the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and

the access decision for each of those documents. The documents to be released to you are provided as Attachment B to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to some identified documents are as follows:

Contrary to the public interest information under schedule 1 (section 1.2) of the Act

1.2 Information that would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege.

Pages 66-72 (document Ref No.28-30) contain comments from the ACT Government Solicitor on the draft Directions for the Suburban Land Agency and the City Renewal Authority. I consider that these documents are subject to legal professional privilege. For this reason I have decided to exempt from release all three documents.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure (Schedule 2 section 2.1)

- (a) disclosure of the information could reasonably be expected to do any of the following:
- (i) promote open discussion of public affairs and enhance the government's accountability;
 - (viii) reveal the reason for a government decision and any background or contextual information that informed the decision;

Factors favouring non-disclosure (Schedule 2 section 2.2)

- (a) disclosure of the information could reasonably be expected to do any of the following:
- (ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004;

The directions apply to the City Renewal Authority and Suburban Land Agency in exercising their functions of acquiring leases of land on behalf of the Territory from private lessees. The documents identified provide background or contextual information relating to the development of these Directions. This background information reveals what aspects were considered and discussed when making the Directions and identifies the relevant business areas involved in the process. As a result, the release of such information could enhance the government's accountability. Moreover, acquisition of land from private lessees is a public affair and I consider the public interest in accessing the background information could promote open discussion around this matter. I am satisfied that the public interest in increasing transparency and accountability of the Directorate carries significant weight.

When considering the documents and factors in favour of non-disclosure, I have considered the personal information of staff members contained in the email communications. Personal information is defined by the Act as "information or an opinion about an identified individual, or an individual who is reasonably identifiable (i) whether the information or opinion is true or not; and (ii) whether the information or opinion is recorded in a material form or not." This includes names and contact information. As the staff members were communicating in their official capacity and the emails were sent in exercising their work related functions, I do not consider the release of this personal information could prejudice the protection of their right to privacy. I am satisfied that this factor favouring non-disclosure does not apply to the documents identified.

Having applied the test outlined in section 17 of the Act, I have decided to fully release the remaining information that is relevant to your request.

Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that is not in the public interest to release will ensure the intent of the Act is met and will provide you with access to the majority of information held by CMTEDD within the scope of your request.

Additional Information

- Duplicates of emails have been removed from the document pack.
- Pages 66-72 (document Ref No.28-30) have been fully exempt from release and are therefore not included in the document pack.
- The letter on pages 125-126 (documents Ref No.57) is a draft letter that has not been approved by senior executives of CMTEDD or sent to the Chair of the City Renewal Authority.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107 (2)(e) of the Act.

Online publishing – Disclosure Log

In accordance with section 28 of the Act, CMTEDD maintains an online record of access applications in the form of a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 26 March 2018. Your personal contact details will not be published.

The CMTEDD disclosure log is at <http://www.cmd.act.gov.au/functions/foi/disclosure-log>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: ombudsman@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au

Yours sincerely,



Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

21 March 2018



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	Documents relating to the development of the directions relating to the acquisition of land by the City Renewal Authority or Suburban Land Agency.	CMTEDDFOI 2018-0039

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Email – RE: Directions relating to land acquisitions	27 Jun 2017	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
2	3	Email – Accepted: Land Acquisition – LDA/SLA and EPSDD	27 Jun 2017	Full	n/a	Yes
3	4	Email – Land Acquisition – LDA/SLA and EPSDD	27 Jun 2017	Full	n/a	Yes
4	5-6	Email – FW: land acquisition framework	28 Jun 2017	Full	n/a	Yes
5	7-9	Attachment to previous email: City Renewal Authority and Suburban Land Agency (Land Acquisition) Direction 2017	undated	Full	n/a	Yes
6	10-11	Email – FW: Directions to the CRA and SLA on land acquisitions	4 Jul 2017	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
7	12-13	Email – Fwd: land acquisition framework	7 Jul 2017	Full	n/a	Yes
8	14	Email - Strategic land acquisition thresholds	15 Aug 2017	Full	n/a	Yes
9	15-17	Email – FW: Follow up to our meeting	28 Aug 2017	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
10	18-25	Attachment 1 to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority) Statement of Expectations 2017 - signed	13 Jul 2017	Full	n/a	Yes
11	26-30	Attachment 2 to previous email: City Renewal Authority and Suburban Land Agency (Land Acquisition) Direction 2017	undated	Full	n/a	Yes

12	31-33	Attachment 3 to previous email – Email - Re: City Renewal Authority and Suburban Land Agency (Land Acquisition) Direction 2017- NI (A13476847)	8 Jul 2017	Full	n/a	Yes
13	34	Email – FW: Land Acquisition Instrument	4 Sep 2017	Full	n/a	Yes
14	35	Attachment to previous email: Email – land acquisition instrument	4 Sep 2017	Full	n/a	Yes
15	36-37	Attachment 1 to Ref No.14: Email RE: Follow up to our meeting	29 Aug 2017	Full	n/a	Yes
16	38-42	Attachment to Ref No.15: Land acquisition and development business case template	undated	Full	n/a	Yes
17	43	Attachment 2 to Ref No.14: Email RE: Follow up to our meeting	29 Aug 2017	Full	n/a	Yes
18	44-45	Email - FW: City Renewal Authority and Suburban Land Agency (Land Acquisition) Directions	7 Sep 2017	Full	n/a	Yes
19	46-47	Email - RE: Land Acquisition Determinations	11 Sep 2017	Full	n/a	Yes
20	48-49	Email - RE: City Renewal Authority and Suburban Land Agency (Land Acquisition) Directions	15 Sep 2017	Full	n/a	Yes
21	50-51	Email - FW: SLA and CRA Directions	19 Sep 2017	Full	n/a	Yes
22	52-54	Attachment 1 to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017	undated	Full	n/a	Yes
23	55-57	Attachment 2 to previous email: City Renewal Authority and Suburban Land Agency (Suburban Agency Land Acquisition) Direction 2017	undated	Full	n/a	Yes
24	58	Email - FW: SLA and CRA Directions	20 Sep 2017	Full	n/a	Yes
25	59-61	Attachment 1 to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017	undated	Full	n/a	Yes
26	62-64	Attachment 2 to previous email: City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017	undated	Full	n/a	Yes
27	65	Email - Land Acquisition - instrument	21 Sep 2017	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
28	66	Email – Directions relating to land acquisition	13 Oct 2017	Exempt	Sch 1 s 1.2	No

29	67-69	Attachment 1 to previous email: City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017	undated	Exempt	Sch 1 s 1.2	No
30	70-72	Attachment 2 to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017	undated	Exempt	Sch 1 s 1.2	No
31	73	Email - FW: Land Acquisition	16 Oct 2017	Full	n/a	Yes
32	74-76	Attachment to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017	undated	Full	n/a	Yes
33	77	Email - FW: Draft SLA land Acquisition Directions	16 Oct 2017	Full	n/a	Yes
34	78-80	Attachment to previous email: City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017	undated	Full	n/a	Yes
35	81-82	Email - RE: Draft SLA land Acquisition Directions	17 Oct 2017	Full	n/a	Yes
36	83	Email - FW: Draft SLA land Acquisition Directions Attachment: see Ref No. 34 (page 78-80)	17 Oct 2017	Full	n/a	Yes
37	84	Email - FW: Land Acquisition Attachment: see Ref No.32 (74-76)	17 Oct 2017	Full	n/a	Yes
38	85-86	Email - FW: Draft SLA land Acquisition Directions	18 Oct 2017	Full	n/a	Yes
39	87-89	Attachment to previous email: City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017	undated	Full	n/a	Yes
40	90	Email - RE: Land Acquisition	18 Oct 2017	Full	n/a	Yes
41	91	Email - RE: Land Acquisition	18 Oct 2017	Full	n/a	Yes
42	92-93	Email - RE: Draft SLA land Acquisition Directions	18 Oct 2017	Full	n/a	Yes
43	94	Email - RE: Land Acquisition	19 Oct 2017	Full	n/a	Yes
44	95-97	Attachment to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017	undated	Full	n/a	Yes
45	98	Email - FW: Draft SLA land Acquisition Directions	19 Oct 2017	Full	n/a	Yes

46	99-101	Attachment to previous email: City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017	undated	Full	n/a	Yes
47	102	Email - FW: Land Acquisition Attachment: see Ref No. 44 (page 95-97)	19 Oct 2017	Full	n/a	Yes
48	103-106	Email - FW: Media Enquiry - new land acquisition policy	19 Oct 2017	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
49	107-108	Email - RE: Draft SLA land Acquisition Directions	23 Oct 2017	Full	n/a	Yes
50	109-111	Attachment 1 to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017 Attachment 2 to previous email: see Ref No.34 (page 78-80)	undated	Full	n/a	Yes
51	112-113	Email - RE: Disallowable instrument and Explanatory Statement	23 Oct 2017	Full	n/a	Yes
52	114-116	Attachment 1 to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017	undated	Full	n/a	Yes
53	117-118	Attachment 2 to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017 - Explanatory Statement	undated	Full	n/a	Yes
54	119-120	Attachment 3 to previous email: City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017 - Explanatory Statement	undated	Full	n/a	Yes
55	121-123	Attachment 4 to previous email: City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017	undated	Full	n/a	Yes
56	124	Email - FW: Letter from the Treasurer to the Chairs SLA & CRA	24 Oct 2017	Full	n/a	Yes
57	125-126	Attachment to previous email: Letter from the Treasurer to the Chair of City Renewal Authority <i>Please note this is a draft letter that has not been approved or sent to the Chair of the City Renewal Authority</i>	undated	Full	n/a	Yes
58	127-128	Email - RE: City Renewal Authority (Land Acquisition) Direction 2017- DI2017	26 Oct 2017	Full	n/a	Yes
59	129	Email - DRAFT Brief, Land Acquisition Directions for CRA and SLA	26 Oct 2017	Full	n/a	Yes
60	130-132	Attachment 1 to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017	undated	Full	n/a	Yes

61	133-134	Attachment 2 to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017 - Explanatory Statement	undated	Full	n/a	Yes
62	135-136	Attachment 3 to previous email: City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017 - Explanatory Statement	undated	Full	n/a	Yes
63	137-139	Attachment 4 to previous email: City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017	undated	Full	n/a	Yes
64	140-143	Attachment 5 to previous email: Brief to Treasurer	30 Oct 2017	Full	n/a	Yes
65	144	Email - DRAFT Brief and CRA & SLA Land Acquisition Directions Attachments: see Ref No.60-64 (page 130-143)	26 Oct 2017	Full	n/a	Yes
66	145	Email - City Renewal Authority (Land Acquisition) Direction 2017- DI2017	27 Oct 2017	Full	n/a	Yes
67	146-148	Attachment to previous email: City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017	undated	Full	n/a	Yes
68	149	Email - Suburban Land Agency (Land Acquisition) Direction 2017- DI2017	27 Oct 2017	Full	n/a	Yes
69	150-152	Attachment to previous email: City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017	undated	Full	n/a	Yes
70	153	Email - RE: Brief Directions 2017	27 Oct 2017	Full	n/a	Yes
71	154	Email - RE: DRAFT Brief, Land Acquisition Directions for CRA and SLA Attachments 1-4: see Ref No. 67, 61, 62, 69 (page146-148, 133-134, 135-136, 150-152)	27 Oct 2017	Full	n/a	Yes
72	155-158	Attachment 5 to previous email: Brief to Treasurer	30 Oct 2017	Full	n/a	Yes
73	159-162	Brief to the Treasurer	30 Oct 2017	Full	n/a	Yes
74	163-166	Brief to the Treasurer - signed	31 Oct 2017	Full	n/a	Yes
75	167	Email - CMTEDD2017/4169 CRA and SLA Instruments	31 Oct 2017	Full	n/a	Yes
76	168-177	Attachment to the previous email: signed instruments	31 Oct 2017	Full	n/a	Yes

Total No
of Docs

76

From: [Paterson, Keaton](#)
To: [Nockels, Alexander](#)
Cc: [Blount, Wilhelmina](#); [Lowery, Deborah](#)
Subject: RE: Directions relating to land acquisitions [DLM=For-Official-Use-Only]
Date: Tuesday, 27 June 2017 12:14:07 PM

Alex,

An update on this.

<http://www.canberratimes.com.au/act-news/act-government-officials-called-to-explain-why-two-land-agencies-are-needed-instead-of-one-20170626-gwyhoy.html>

Mr Bulless said the Suburban Land Agency's role would be very different. It would not make decisions about buying land - a job that would be in the hands of the government and the directorate.

Unlike the Land Development Agency, which could make acquisition decisions below a particular price threshold, the SLA will only be able to buy land with the approval of the minister.

If a landowner came to the government to sell their property, the directorate would assess the proposal and advise the government, which would make the decision, he said.

"The SLA's only role will be the mechanism by which to acquire that property. It won't have a decision-making role and it won't be assessing," he said.

From: Paterson, Keaton
Sent: Tuesday, 27 June 2017 11:10 AM
To: Nockels, Alexander
Cc: Blount, Wilhelmina; Lowery, Deborah
Subject: Directions relating to land acquisitions [DLM=For-Official-Use-Only]

Alex,

I spoke to Kathy Goth about the directions relating to land acquisitions and she thinks it's something our team would be doing rather than theirs. The AA's state the Treasurer has responsibility for 'Directions relating to authorisation thresholds for land acquisition by the City Renewal Authority or Suburban Land Agency', so it should largely be an update of the previous ones with the LDA replaced by the two new agencies and we should think about how we can strengthen the wording to apply to all acquisitions, including project acquisitions. The previous directions are here: <http://www.legislation.act.gov.au/ni/2014-264/current/pdf/2014-264.pdf>

The important section is the thresholds for land acquisitions, which are:

1. below \$5 million requires agreement by the LDA Board with advice to the relevant Minister;
2. between \$5 million and \$20 million requires agreement by the Chief Minister and Treasurer with a business case provided to ACT Treasury; and
3. over \$20 million, agreement by Government.

The LDA interpreted these to apply to strategic acquisitions only and not project acquisitions, so they've been purchasing land

outside of this framework if they've classified it as part of a project. The **Out of Scope** is an example of this because they classified it as part of the **Out of Scope** as it was required for **Out of Scope**. There is no distinction between strategic and project acquisitions in the framework, however, it does state that the 'thresholds and decision makers apply to all LDA land acquisitions,' which should cover everything.

Here's also the work we've previously done on Strategic Acquisitions here: G:\financialmgmt\COMMON\Agency\Land Development Agency\Strategic Acquisitions

<<file:///act.gov.au/treasury/dt/financialmgmt/COMMON/Agency/Land%20Development%20Agency/Strategic%20Acquisitions>>

. For any purchases over the first \$5 million we assess a business case and brief the Treasurer on whether to agree to the purchase. I had been tracking purchases in a spreadsheet. This may need to be updated for the 2016-17 year.

Keaton.

Keaton Paterson | Analyst

Phone: 02 6207 9992 | Fax: 620 70298 | Email: keaton.paterson@act.gov.au

Development and Infrastructure Policy Branch | Finance and Budget Division | Chief Minister, Treasury and Economic Development Directorate | ACT Government


Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Please consider the environment before printing this email. If printing is necessary, please print double-sided.

Tue 27/06/2017 4:51 PM


Engele, Sam Page 3

Accepted: Land Acquisition - LDA/SLA and EPSDD

To  Nockels, Alexander

When Wednesday, 28 June 2017 3:30 PM-4:00 PM (UTC+10:00) Canberra, Melbourne, Sydney

Location ED Office

 We couldn't find this meeting in the calendar. It may have been moved or deleted.
Engele, Sam has accepted this meeting.



Tue 27/06/2017 5:25 PM

Page 4

Nockels, Alexander

Land Acquisition - LDA/SLA and EPSDD

Required Blount, Wilhelmina; Engele, Sam; Baker, Sue; Bourke, Natasha; Ryan, Shaun

i The meeting request has been sent to your delegate(s).
We couldn't find this meeting in the calendar. It may have been moved or deleted.

When: ~~Wednesday, 28 June 2017 2:00 PM-2:30 PM (UTC+10:00)~~ ~~Wednesday, 28 June 2017 2:00 PM-2:30 PM (UTC+10:00)~~

Location: ED Office

When: Wednesday, 28 June 2017 2:00 PM-2:30 PM (UTC+10:00) Canberra, Melbourne, Sydney.

Where: ED Office

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Hi All,

Wil and I met with LDA / EPSDD today to discuss a number of issues relating to land acquisition, such as funding for value add functions, transparency and efficiency.

We would like to share some of the discussion and brainstorm some potential solutions from a Treasury perspective.

Cheers

Alex

From: [Nockels, Alexander](#)
To: [Blount, Wilhelmina](#)
Subject: FW: land acquisition framework [SEC=UNCLASSIFIED, DLM=Sensitive]
Date: Wednesday, 28 June 2017 3:20:52 PM
Attachments: [City Renewal Authority and Suburban Land Agency \(Land Acquisition\) Direc....docx](#)

From: Dengate, Clinton
Sent: Tuesday, 27 June 2017 4:33 PM
To: O'Neill, Carolyn; Nockels, Alexander
Subject: RE: land acquisition framework [SEC=UNCLASSIFIED, DLM=Sensitive]

Hi Alex

As requested by Carolyn, I provide the attached draft Land Acquisition Direction notifiable instrument. I'm still working through the mechanics of the process and the level of ministerial approval required for acquisitions, as well as whether the Suburban Land Agency prepares the business case or whether it is the responsibility of the directorate.

The draft AAs identify the Treasurer as the minister responsible for making the Land Acquisition Direction. In addition, in September a provision will be included in the Statute Legislation Amendment Bill to move s63 from Part 3 (Minister for Housing and Suburban Development) to Part 4, so that there is less confusion about which minister is responsible for s63.

Cheers

Clinton

Clinton Dengate

Senior Manager - Land Governance Transition

Environment, Planning and Sustainable Development Directorate

Dame Patti Menzies House

Dickson ACT 2602

p: 02 625 5001

e: clinton.dengate@act.gov.au

From: O'Neill, Carolyn
Sent: Tuesday, 27 June 2017 3:26 PM
To: Dengate, Clinton
Cc: Nockels, Alexander
Subject: land acquisition framework

Clinton

We need to keep Alex in the loop on the work that we are doing on the acquisition framework, there was some confusion in a meeting we had today about whether the directions are the responsibility of the Treasurer or the Minister for Housing and Suburban Development.

Can you please send Alex an in confidence copy of our working draft?

Alex – we are working through internal clearances so appreciate you holding this just with you for now.

Thanks

Carolyn

Carolyn O'Neill | Senior Manager

Phone: +61 2 6207 6842 | Fax: +61 2 6207 6775 | Email: Carolyn.O'Neill@act.gov.au
<<mailto:kate.o'sullivan@act.gov.au>>

Land Agency Governance Project | Environment, Planning and Sustainable Development Directorate | ACT
Government
Level 3, Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 |
www.act.gov.au <<http://www.act.gov.au/>>

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Land Acquisition) Direction 2017

Notifiable instrument NI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences on 1 July 2017.

3 City Renewal Authority - Land Acquisition Direction

I direct the City Renewal Authority to undertake land acquisitions in accordance with Schedule 1.

4 Suburban Land Agency – Land Acquisition Direction

I direct the Suburban Land Agency to undertake land acquisitions in accordance with Schedule 2.

Andrew Barr MLA
Treasurer

Commented [cd1]: Update to specify Acting Treasurer

Schedule

(see section 3)

City Renewal Authority - Land Acquisition Direction

1. Application

1.1 This direction applies to the City Renewal Authority in exercising its functions of acquiring leased territory land from private lessees.

1.2 This direction does not apply to land transferred from other Territory entities or the Commonwealth to the City Renewal Authority.

1.3 This direction does not apply to the acquisition of rights, such as easements, over leased territory land by the City Renewal Authority.

2. Land Acquisition Business Cases

2.1 All proposed land acquisitions to which this direction applies are to be the subject of a business case approved by the City Renewal Authority Board.

2.2 Each business case for proposed land acquisitions to which this direction applies must include an analysis of the following issues:

- (a) the purpose for which the proposed land is to be acquired;
- (b) how the proposed land acquisition is consistent with relevant Government policies relating to land;
- (c) how the proposed land acquisition and future use of the land represents value for money;
- (d) risk assessment of the proposed acquisition of land; and
- (e) how the proposed land acquisition is consistent with the Statement of Expectations and Statement of Operational Intent.

3. Business Case Approval

3.1 Prior to any acquisition of land to which this direction applies, the City Renewal Authority Board must :

- (a) consult with relevant government agencies in the preparation of the business case, and include at least CMTEDD, EPSDD, TCCS and Treasury; and
- (b) obtain the approval from the Minister responsible for the City Renewal Authority for the acquisition.

4 Reporting Requirements

4.1 In accordance with section 13 *City Renewal Authority and Suburban Land Agency Act 2017* the City Renewal Authority must, not later than 10 working days after the end of a quarter, give the Minister a report that includes details of any land acquired by the City Renewal Authority during the quarter and a copy of all valuations considered by the City Renewal Authority Board in relation to the acquired land.

Schedule

(see section 4)

Suburban Land Agency - Land Acquisition Direction

1. Application

1.1 This direction applies to the Suburban Land Agency in exercising its functions of acquiring leased territory land from private lessees.

1.2 This direction does not apply to acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)*.

1.3 This direction does not apply to land transferred from other Territory entities or the Commonwealth to the Suburban Land Agency.

1.4 This direction does not apply to the acquisition of rights, such as easements, over leased territory land by the Suburban Land Agency.

2. Land Acquisition Business Cases

2.1 All proposed land acquisitions to which this direction applies are to be the subject of a business case prepared by the directorate with administrative responsibility for the Act in consultation with the Suburban Land Agency Board, CMTEDD, TCCS and Treasury.

2.2 Each business case for proposed land acquisitions to which this direction applies must include an analysis of the following issues:

- (a) the purpose for which the proposed land is to be acquired;
- (b) how the proposed land acquisition is consistent with relevant Government policies relating to land;
- (c) how the proposed land acquisition and future use of the land represents value for money; and
- (d) risk assessment of the proposed acquisition of land.

3. Land Acquisition Approval

3.1 The Suburban Land Agency may not acquire land without the approval of the Minister responsible for the Suburban Land Agency.

4 Reporting Requirements

4.1 In accordance with section 43 *City Renewal Authority and Suburban Land Agency Act 2017* the Suburban Land Agency must, not later than 10 working days after the end of a quarter, give the Minister a report that includes details of any land acquired by the Suburban Land Agency during the quarter and a copy of all valuations considered by the Suburban Land Agency Board in relation to the acquired land.

Out of Scope



From: Doran, Karen

Sent: Tuesday, 4 July 2017 8:39 AM

To: Hays, Tony <Tony.Hays@act.gov.au>; Liddicoat, Phil <Phil.Liddicoat@act.gov.au>

Cc: McAuliffe, Patrick <Patrick.McAuliffe@act.gov.au>

Subject: FW: Directions to the CRA and SLA on land acquisitions [SEC=UNCLASSIFIED]

Hello all

Please refer to the below email in relation to responsibilities under the new CRA and SLA Act. I have just read through the Act and also identified issues around

- Development of SOIs under the FMA for the SLA
- Development of SOE and SOOI (statement of operational intent) - as well as SOI for the CRA
- Establishment of housing targets for both

Although these responsibilities sit with CM, Minister for Suburban Development and/or Minister for Urban Renewal, Treasury would want to have some oversight I would have thought?

- Treasurer specific responsibilities
 - Directions under section 63 for acquiring land (as below)
 - Approval under 9(3) and 39(3) for participation in joint ventures etc
 - Establishment of dividend paying directions under sections 26 and 54

Tony/Phil

Would you have any time to take up some work on these issues – I would welcome your views on the appropriate Treasury role in ‘oversighting’ these new authorities.

In the meantime, I will contact other parties to clarify expectations around roles?

Karen

From: Engele, Sam

Sent: Thursday, 29 June 2017 6:06 PM

To: Doran, Karen

Cc: Blount, Wilhelmina

Subject: Directions to the CRA and SLA on land acquisitions [SEC=UNCLASSIFIED]

Karen,

As discussed yesterday, under the [new AAs](#) the Treasurer / Treasury must make a direction to the CRA and SLA in relation to land acquisitions. The previous incarnation of this direction (to the LDA) was the one referenced in the Auditor General's report and discussed in a past annual report hearing.

This comes under Section 63 of the [City Renewal Authority and Suburban Land Agency Act 2017](#) – which is assigned to the Treasurer in the AAs.

Section 63. Minister must make directions for land acquisition

(1) The Minister must make directions relating to the acquisition of land by the authority or agency.

(2) Without limiting subsection (1), a direction may be made in relation to the following:

(a) approval needed by the authority or agency to acquire land;

(b) requirements for acquiring land of a particular value.

(3) A direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

As discussed, if EFG has responsibility for oversight of CRA/SLA I will take it off the FABD to do list.

I understand that the analysts in Stephen's team have undertaken some preliminary work and been in discussions with EPSDD on accounting treatments for land transactions. I also understand that EPSDD have been working on this direction without realising that it was assigned to the Treasurer / Treasury. It would be worth pulling all parties together to ensure that this is coordinated.

Regards,

SAM ENGELE | A/g Executive Director | Finance and Budget Division

Phone 02 6205 0230 | Mobile [REDACTED]

Email Sam.Engele@ACT.gov.au

Treasury

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

Lv 4 Nara Centre, 1 Constitution Av, Canberra

GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: [Nockels, Alexander](#)
To: [Lowery, Deborah](#)
Cc: [Blount, Wilhelmina](#)
Subject: Fwd: land acquisition framework [DLM=For-Official-Use-Only]
Date: Friday, 7 July 2017 12:26:30 PM

Sent from my iPhone

Begin forwarded message:

From: "O'Neill, Carolyn" <Carolyn.O'Neill@act.gov.au>
Date: 7 July 2017 at 9:56:13 am AEST
To: "Nockels, Alexander" <Alexander.Nockels@act.gov.au>
Subject: RE: land acquisition framework [DLM=For-Official-Use-Only]

Morning

Further to my telephone message, I am finalising a further draft to put to Ben Ponton ASAP ahead of his impending leave and am working through the content that we would require be addressed by a mandatory business case to support any proposed acquisition of land.

To that end, I got thinking about what the templates for a treasury business case requires in seeking budget funding for initiatives etc. Are you able to provide some guidance?

I will give you a call this afternoon once I have had some discussions with Ben.

Thanks
Carolyn

From: Nockels, Alexander
Sent: Tuesday, 27 June 2017 4:23 PM
To: O'Neill, Carolyn
Cc: Blount, Wilhelmina; Paterson, Keaton; Lowery, Deborah; Dengate, Clinton
Subject: RE: land acquisition framework [DLM=For-Official-Use-Only]

Carolyn,

On page 10 of the AAs, it says it's the Treasurer's responsibility for "Directions relating to authorisation thresholds for land acquisition by the City Renewal Authority or Suburban Land Agency".

<http://www.legislation.act.gov.au/ni/2017-329/current/pdf/2017-329.pdf>

I am not trying to step on any toes and am thankful you have already been thinking about this to the extent of having a draft document.

I suspect all we need to do is work through how the Treasurer is briefed (assuming I have this correct) and who undertakes the briefing – it sounds like you have already done the lion's share of the work.

Cheers
Alex

From: O'Neill, Carolyn
Sent: Tuesday, 27 June 2017 3:26 PM
To: Dengate, Clinton
Cc: Nockels, Alexander
Subject: land acquisition framework

Clinton

We need to keep Alex in the loop on the work that we are doing on the acquisition framework, there was some confusion in a meeting we had today about whether the directions are the responsibility of the Treasurer or the Minister for Housing and Suburban Development.

Can you please send Alex an in confidence copy of our working draft?

Alex – we are working through internal clearances so appreciate you holding this just with you for now.

Thanks
Carolyn

Carolyn O'Neill | Senior Manager
Phone: +61 2 6207 6842 | **Fax:** +61 2 6207 6775 | **Email:** Carolyn.O'Neill@act.gov.au
Land Agency Governance Project | **Environment, Planning and Sustainable
Development Directorate** | **ACT Government**
Level 3, Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158
Canberra ACT 2601 | www.act.gov.au

From: [Goth, Kathy](#)
To: [Engele, Sam](#)
Cc: [Ryan, Shaun](#); [Blount, Wilhelmina](#)
Subject: Strategic land acquisition thresholds [SEC=UNCLASSIFIED]
Date: Tuesday, 15 August 2017 9:59:06 AM

Hi Sam

Wil is the contact for this request for meeting notes from Feb 2014 between Treasury and the LDA to discussion setting thresholds for strategic land acquisition.

Regards

Kathy Goth
Director
Economic Analysis
Chief Minister, Treasury and Economic Development Directorate
(02) 6205 0772

Please consider the environment before printing this email - or if printing is necessary, please print double-sided.

Out of Scope

Subject: FW: Follow up to our meeting

Out of Scope

Attachments: [20170713 Signed statement of expectations - Notifiable Instrument.pdf](#)
[Re City Renewal Authority and Suburban Land Agency \(Land Acquisition\) Direction 2017- NI \(A13476847\).msg](#)
[City Renewal Authority and Suburban Land Agency \(Land Acquisition\) Direction 2017- NI \(A13476847\).docx](#)

Out of Scope

From: Doran, Karen

Sent: Monday, 28 August 2017 5:25 PM

To: Hays, Tony <Tony.Hays@act.gov.au>; Liddicoat, Phil <Phil.Liddicoat@act.gov.au>

Subject: FW: Follow up to our meeting

Hello

As discussed, the drafts of Directions for the SLA and CRA are attached – I would appreciate if you could review, consult with budgets group (I understand Wilhemina Blount has been involved in the early process), and consider the process for making of these directions ideally in the September sittings.

These have been drafted in EPSD Governance team – Carolyn O’Neill. I am not sure to what extent they have consulted with the SLA/CRA entities and /or boards. I will call her tomorrow to discuss and come back to you.

Having re read the directions they are largely fine. Some typos and inconsistencies between schedule 1 and 2 that should be corrected.

One issue raised by Gary Rake in email (attached) is worth thinking about – is there a need for a ‘quick process’. The example I have seen in practice is where a block was advertised on the market and the LDA needed to participate in (or act before) an auction date.

Not sure this needs to be explicitly covered off in the Direction – provided there is sufficient flexibility to undertake all the steps in a ‘quicker’ manner.

Thanks

Karen

From: O'Neill, Carolyn
Sent: Monday, 31 July 2017 12:21 AM
To: Doran, Karen
Cc: Reynolds, Chris
Subject: RE: Follow up to our meeting

Evening Karen

My apologies for the delay in getting back to you.

As discussed, please find attached a copy of the statement of expectations that the Chief Minister has signed in relation to the CRA but not yet notified pending notification of the first declared precinct. Circulation has been locked down to my office so please ensure it remains for now, at your eyes only. I am waiting final QA from Dave Peffer on the "statement of expectations" from Minister Berry to the SLA but will provide them as an in-confidence draft ASAP also.

The draft acquisition direction is attached. Dave would like us to brief Minister Berry – as a matter of FYI courtesy – before the declaration is advanced by brief to the Treasurer. We will look to engage with her office this week but would be grateful if you could give me an indication of your timing for moving the framework forward to we can coordinate our briefing. I appreciate the necessity in having this finalised as a priority so will be moving our briefing forward on that basis also.

Recognising your personal experience in this area, I look forward to your critical review of the document and whether the information we have sought to balance across the business plan approach in the framework is robust enough to enable the fulsome briefing that Cabinet indicated that it was seeking in this space going forward. To assist in your review, I have enclosed an email from Gary Rake in his capacity as interim CEO in relation to the direction and how it may need to reflect the practicalities of the negotiation process.

I will contact your office to find us some time for a meeting perhaps later in the week or early next as part of a more regular discussion.

With thanks
Carolyn

Carolyn O'Neill | Director, Governance, Compliance and Legal
Phone: +61 2 6207 6842 | **Fax:** +61 2 6207 6775 | **Email:** Carolyn.O'Neill@act.gov.au
Environment, Planning and Sustainable Development Directorate | ACT Government
Level 3, Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Doran, Karen
Sent: Tuesday, 25 July 2017 5:11 PM
To: O'Neill, Carolyn
Subject: Follow up to our meeting

Hello Carolyn

Just following up on our useful starting discussion last week.

Were you going to send me through some material on the pieces of work you had been advancing?

In particular, the determinations under section 63 which are the responsibility of the Treasurer – I understood you had drafts which you were prepared to share.

Thanks

Karen

Karen Doran | Executive Director

Phone: 02 6207 0337 | mobile: [REDACTED]

Economic and Financial Group

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 1 221 London Circuit, Canberra | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority) Statement of Expectations 2017

Notifiable instrument NI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 17 (Ministerial statement of expectations)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (City Renewal Authority) Statement of Expectations 2017*.

2 Commencement

This instrument commences on the day after its notification day.

3 Statement of Expectations

I make the Statement of Expectations as provided in the schedule.



Andrew Barr MLA

Chief Minister

13 July 2017

Schedule
(see s3)

ACT Government

Statement of Expectations 2017

City Renewal Authority

This Statement of Expectations (the Statement) is made by the ACT Chief Minister in accordance with section 17 (1)(a) of the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act). In accordance with section 17(1)(b) of the Act the Statement will be given to the board of the City Renewal Authority (the Authority).

The purpose of this document is to set out the Government's requirements and priorities in relation to urban renewal in the City Renewal Precinct, which spans Dickson, Northbourne Avenue, Haig Park, the City and West Basin. The Statement includes the Government's expectations of the Authority in delivering the ACT Government's requirements and priorities.

Significantly, this statement forms part of the Government's ongoing commitment to good public sector governance, and ensures effective management of significant land resources under the stewardship of the Authority.

Vision and objectives

The challenge of providing sustainable, liveable and attractive cities for the future, while responsibly meeting growing demands for critical infrastructure and basic services is one faced by Government's across Australia and more broadly by the global community. Throughout history, city states have been centres of innovation and influence, prestige and power, economic dynamism and inventiveness, as well as of artistic and cultural endeavour.

The Government's *2050 Vision for Canberra to be recognised as one of the world's great innovation, creative and arts cities while remaining the world's most liveable city*¹ gives expression and focus to the themes that will drive and shape Canberra in the future.

The ACT Government has outlined its vision for Canberra this way²:

'the path to the Canberra of the future is marked out by transformational urban renewal and innovation, underpinned by the light rail network and the city to the lake vision, all founded on design excellence. This cannot be an exercise in the bland and boring building of "boxes"; it has to be about creating buildings that make statements about this city and excite interest in those living and working in them or just walking past them. They should be destinations as well as useful and modern spaces. They should be able to stand the test of time and have people still talking about them in 50 years.'

It is this vision that underpins the creation of the Authority as a statutory authority operating in conjunction with Government, established to:

- Encourage and promote:
 - a vital city through the delivery of design-led, people-focussed urban renewal;
 - social and environmental sustainability; and
- Operate effectively, in a way that delivers value for money, in accordance with sound risk management practices.

¹ ACT Government (2016) *Canberra's International Engagement Strategy* Canberra: ACT Government

² Barr (2016), p.317

The statutory functions given to the Authority are deliberately broad so as to enable it to lead, manage, facilitate and undertake urban renewal projects in declared urban renewal precincts, consistent with these overarching objectives.

The significance of these responsibilities is reflected in the breadth and depth of experience, skill and expertise demanded from – and provided by - the membership of the Authority's governing board.

The Government strongly believes in the fundamental role of the Authority in delivering the calibre and quality of urban renewal outcomes necessary to firmly embed Canberra's standing as a city of choice, a city of talent, a city of ambition that is open to all.

Urban Renewal requirements and priorities

Over a period of 12 months commencing from the date of the statement, the Government expects the Authority to deliver on the following priorities for urban renewal within the City Renewal Precinct.

Cohesive urban renewal

The Government acknowledges that different areas within the City Renewal Precinct have already been the subject of extensive community engagement and planning in relation to future use whether through ACT Government initiatives or those of the National Capital Authority.

Recognising the work that has occurred to date, an immediate priority for the Authority to address is the delivery of a cohesive, coordinated plan for the renewal of the areas comprising the City Renewal Precinct as a whole.

The Government expects that this work will:

- identify and recommend prioritisation and sequencing of major public infrastructure works within the City Renewal Precinct;
- be developed in consultation with key stakeholders; and
- promote Government, stakeholder and community understanding of, and confidence in, the total program of works to be developed and delivered within the boundaries of the City Renewal Precinct;
- enable, encourage and promote cohesive renewal and development;
- be supported by clear timeframes in which identified renewal works need to be delivered commencing with those of highest productivity value;
- be consistent with the Territory Plan and the strategic planning framework established under the *Planning and Development Act 2007*; and
- reflect and be consistent with the Government's publicly stated policy commitments.

Specific projects and initiatives

Specific projects and initiatives

The Government expects that the Authority will continue the following specific project works related to the City Renewal Precinct:

- Haig Park
 - Working in consultation with Transport Canberra and City Services to finalise and implement the draft Haig Park Masterplan;
- West Basin
 - Completion of Stage 1 and commencement of Stage 2 of the West Basin Precinct;
- City Bus Interchange
 - Planning of renewal works to enliven and renew the City Bus Interchange;
- Proactively engage with building owners in the City Precinct to ensure delivery of cohesive renewal and maintenance works;
 - Act as key liaison between ACT Government and owners of the iconic Sydney and Melbourne Buildings to encourage and support revitalisation of these significant heritage sites
- Engagement with Transport Canberra and City Services to ensure the continued delivery of open boulevard space along Northbourne Avenue to enable safe pedestrian movement and connection to services and facilities along the gateway;
- Continuation of planning and renewal works to establish Dickson as a key community and transport hub connecting the City to surrounding northern suburbs
- Progressing the sale of Asset Recycling Initiative sites within the precinct.

The Government expects the Authority to actively contribute to the liveability and vitality of the City Centre through:

- the planning and delivery of a diverse range of events, capital works upgrades, public realm and amenity improvements and stakeholder partnerships, including:
 - testing and trialling public space through events and interventions;
 - partnering with local event providers and businesses;
 - testing regulatory barriers to events and innovation;
 - leading the market by demonstrating event styles and locations;
 - Facilitating events and activities in public spaces, including laneways;
- identifying opportunities for large scale festivals or seasonal events to enliven the City Centre and support the development of the Territory's event sector.

Stakeholder relationships and community engagement

The Act enshrines the Government's expectations that the Authority will:

- Consult and establish productive working relationships with key stakeholders, including all levels of Government and other relevant bodies and organisations;
- engage openly and meaningfully with the local community to inform both the design and delivery of works within declared precincts;
- promote cooperation, collaboration and coherent urban renewal with other key entities including the National Capital Authority and the Suburban Land Agency.

To assist the Authority Board to implement this statement and discharge its legislative obligations, the Government draws the Authority's attention to:

- The Government's commitment to the principles of 'Open Government', reflected in the guide *Engaging Canberrans: A guide to community engagement* which requires:
 - Transparency in process and information;
 - Participation by citizens in the governing process;
 - Public collaboration in finding solutions to problems; and
 - Participation in the improved well-being of the community.

The Environment, Planning and Sustainable Development Directorate (the Directorate) has responsibility for providing administrative support and advice to the Chief Minister and the Executive on a wide range of matters including strategic planning, strategic policy regarding environmental sustainability, the built form and land development and management.

Significantly, through its Director-General, the Directorate is responsible for providing advice and support to the Chief Minister on the performance of the framework for delivery of urban renewal and suburban development works established by the Act.

The Government expects that the Directorate and the Authority will maintain a close, collaborative working relationship to enable the provision of timely advice and support to the Chief Minister. The Government expects that the Authority board will facilitate the sharing of information, where appropriate, on urban renewal priorities so that EPSDD can provide timely advice to the Government on urban renewal and suburban development funding decisions.

Expectations for implementation

The Government requires a high degree of accountability and transparency from the Authority in relation to the decision-making of its board and Chief Executive Officer (CEO) and its engagement with the public and Legislative Assembly in keeping with the principles of 'Open Government'.

The Government expects the Authority's governing board and CEO to ensure that the Authority acts in accordance with all relevant legislation and legal instruments, in particular the following:

- *Work Health and Safety Act 2011* (WHS Act);
- *Financial Management Act 1996* (FM Act);

- *Public Sector Management Act 1994*;
- *Territory Records Act 2002 (TR Act)*;
- *Planning and Development Act 2007*; and
- *Environment Protection Act 1997*.

In responding to this statement, and fulfilling its statutory responsibility to follow and support whole-of-government strategies, the Authority should observe and note the following policies, plans and strategies:

- *ACT Government Statement of Ambition*
- *Canberra's International Engagement Strategy*
- *ACT Government Infrastructure Plan 2011-2021*
- *ACT Planning Strategy 2012* and the outcomes from the review currently on underway
- *Transport Canberra: Public Transport Improvement Plan 2015*
- *Transport for Canberra: Transport for a sustainable city 2012-2031*
- *ACT Affordable Housing Action Plan (Phase III in particular)*
- *People, Place and Prosperity: A Policy for Sustainability in the ACT*
- *ACT Waste Management Strategy 2011-2025: Towards a Sustainable Canberra*
- *Weathering the Change – The ACT Climate Change Strategy 2007-2025*

Over the period of 12 months commencing from the date of the statement the Government expects that the profile of the Authority will be established as an open, responsive and engaged organisation that adopts a collaborative, people-focussed approach to the delivery of urban renewal outcomes characterised by design excellence.

To build this reputation, the Government expects that the Authority's governing board will implement a robust and transparent decision-making framework that is supported by information management practices that:

- Actively promote the timely publication of information consistent with the *ACT Government Digital Strategy*;
- Enable clear and timely reporting on performance across both financial and non-financial objectives and indicators;
- Satisfy the records management responsibilities enshrined in the TR Act, as reflected in the ACT Territory Records' Office *Standards and Guidelines for Records, Information and Data*.

The Government expects that the Authority will pro-actively manage risk through adoption and implementation of an active assurance, risk-based approach that satisfies *AS/NZS ISO 31000:2009* – which provides the internationally accepted basis for best practice risk management.

The Authority should provide the Chief Minister in his capacity as responsible Minister for the entity, with accurate and timely advice on significant issues in its core area of business. Significant issues might include but are not limited to:

- Matters for which the Government is likely to be accountable in the Legislative Assembly;
- Important operational or budgetary issues, including management of its responsibilities under the WHS Act;
- The Authority's achievement of set housing targets; and
- Matters related to its internal governance, including compliance with the Government's framework for management of risk.

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Land Acquisition) Direction 2017

Notifiable instrument NI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences on 1 July 2017.

3 City Renewal Authority - Land Acquisition Direction

I direct the City Renewal Authority to undertake land acquisitions in accordance with Schedule 1.

4 Suburban Land Agency – Land Acquisition Direction

I direct the Suburban Land Agency to undertake land acquisitions in accordance with Schedule 2.

5 Revocation

Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1) (NI2014-264) is revoked.

Andrew Barr MLA
Treasurer

Schedule 1
(see section 3)

City Renewal Authority - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the City Renewal Authority in exercising its functions of acquiring leased territory land from private lessees.
- 1.2. This direction does not apply to:
- a) land transferred from other Territory entities or the Commonwealth to the City Renewal Authority;
 - b) the acquisition of rights, such as easements, over leased territory land by the City Renewal Authority.

2. Land Acquisition – Mandatory Business Cases

- 2.1. The City Renewal Authority Board must provide to the minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2. Each business case must include an analysis of the following issues:
- a) The financial cost of the proposed acquisition, including provision of:
 - i. any valuation provided to the City Renewal Authority by the seller; and
 - ii. all valuations sought by the City Renewal Authority in accordance with its Valuations Policy;
 - b) The current and future status of the land under the Territory Plan, including any conditions on the head lease;
 - c) The purpose for which the proposed land is to be acquired, including:
 - a. how the proposed acquisition:
 - i. meets the objectives and functions of the City Renewal Authority set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan, including the Statement of Strategic Directions, the Statement of Planning Intent and any other the relevant Government policies relating to land;
 - iii. addresses the Statement of Expectations issued under s 17 of the Act and the Statement of Operational Intent issued in reply under s 18 of the Act;
 - d) How the proposed land acquisition, including the future use of the land:
 - a. represents value for money for the Territory;
 - b. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - c. supports development that is environmentally sustainable;

- e) a risk assessment of the proposed acquisition of land;
- f) the outcome of consultation with all relevant stakeholders, including the Directors-General of Treasury, Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- g) any other additional information relevant to responsible Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

3.1. Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:

- a) The City Renewal Authority Board must prepare a business case in accordance with part 2 above, which is provided to the Directors-General of Treasury, Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
- b) The City Renewal Authority Board must provide a final business case to the Minister, following completion of the exposure draft consultation required at paragraph 3.1(a).

3.2. The responsible Minister may approve or reject a final business case for the acquisition of land by the City Renewal Authority.

3.3. The City Renewal Authority may only acquire land under this direction following the responsible Minister's approval of the final business case.

4. Reporting Requirements

4.1. In accordance with section 13 *City Renewal Authority and Suburban Land Agency Act 2017* the City Renewal Authority must, not later than 10 working days after the end of a quarter, give the Minister a report that includes details of any land acquired by the City Renewal Authority during the quarter and a copy of all valuations considered by the City Renewal Authority Board in relation to the acquired land.

Schedule 2
(see section 4)

Suburban Land Agency - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the Suburban Land Agency in exercising its functions of acquiring leased territory land from private lessees.
- 1.2. This direction does not apply to:
- a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)*;
 - b) land transferred from other Territory entities or the Commonwealth to the Suburban Land Agency;
 - c) the acquisition of rights, such as easements, over leased territory land by the Suburban Land Agency.

2. Land Acquisition Business Cases

- 2.1 The Suburban Land Agency Board must provide to the Minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2 Each business case must include an analysis of the following issues:
- a) The financial cost of the proposed acquisition, including provision of:
 - i. any valuation provided to the Suburban Land Agency by the seller; and
 - ii. all valuations sought by the Suburban Land Agency in accordance with its Valuations Policy;
 - b) The current and future status of the land under the Territory Plan, including any conditions on the head lease;
 - c) The purpose for which the proposed land is to be acquired, including:
 - a. how the proposed acquisition:
 - i. meets the objectives and functions of the Suburban Land Agency set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan, including the Statement of Strategic Directions, the Statement of Planning Intent and any other the relevant Government policies relating to land;
 - iii. addresses the Government's expectations for the Suburban Land Agency and the Statement of Intent issued under the *Financial Management Act 1996*;
 - d) How the proposed land acquisition, including the future use of the land:
 - a. represents value for money for the Territory;

- b. will assist the Government to maximise the community benefits from land development and deliver residential or urban development that is in the public interest; and
- c. supports development that is environmentally sustainable;
- e) a risk assessment of the proposed acquisition of land; and
- f) any other additional information relevant to responsible Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

- 3.1 Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
- c) The Suburban Land Agency Board must prepare a business case in accordance with part 2 above, which is provided to the Directors-General of Treasury, Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
 - d) The Suburban Land Agency Board must provide a final business case to the Minister, following completion of the exposure draft consultation required at paragraph 3.1(a).
- 3.2 The responsible Minister may approve or reject a final business case for the acquisition of land by the Suburban Land Agency.
- 3.3 The City Renewal Authority may only acquire land under this direction following the responsible Minister's approval of the final business case.

4 Reporting Requirements

- 4.1 In accordance with section 43 *City Renewal Authority and Suburban Land Agency Act 2017* the Suburban Land Agency must, not later than 10 working days after the end of a quarter, give the Minister a report that includes details of any land acquired by the Suburban Land Agency during the quarter and a copy of all valuations considered by the Suburban Land Agency Board in relation to the acquired land.

From: [Rake, Gary](#)
To: [O'Neill, Carolyn](#)
Cc: [Bulless, Neil](#); [Ponton, Ben](#); [Dengate, Clinton](#); [Peffer, Dave](#)
Subject: Re: City Renewal Authority and Suburban Land Agency (Land Acquisition) Direction 2017- NI (A13476847)
Date: Saturday, 8 July 2017 2:38:13 PM
Attachments: [image001.jpg](#)
[image003.jpg](#)

Thanks Carolyn (and I've added Dave to the cc list as he'll be in the DG seat when we finalise this)

On first read, I am comfortable with the way the direction is drafted. There are a few minor typographic elements to refine but not material.

There might be a question about how 'spot purchases' could be dealt with or how 'negotiations' might be dealt with after the business case is approved. I have some thoughts.

On spot purchase...I struggle to find a reason why they would need to occur without still having a business case and Ministerial approval first. Surely we just need to be ready to do that faster? I do not think that urgency is an acceptable rationale to drop our proper governance process. That's asking for trouble.

We might be better to consider the most efficient form of business case to ensure it captures all of the relevant elements but without becoming an unnecessarily burdensome tome.

On negotiations...I'd suggest that each business case highlight an acquisition process and range of acceptable economic terms. There might also need to be a clause in the Direction that allows the agencies to negotiate terms that do not reduce the net merits of the business case but include a mechanism for reporting of the final transaction against the business case to put transparency over such matters. Might be worth thinking about the public disclosure of such reports. I'm inclined towards it (it's a good discipline to think about how we'd explain the transaction in public).

Regards
Gary

Gary Rake

Interim Chief Executive Officer

M: [REDACTED]

City Renewal Authority | ACT Government

TransACT House, [470 Northbourne Avenue, Dickson ACT 2602](#) | GPO [Box 158 Canberra ACT 2601](#)

www.cityrenewalcanberra.com.au   facebook.com/cityrenewalcanberra

[Introducing the City Renewal Authority](#)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Sent from my iPad. Please excuse brevity and any typos.

On 7 Jul 2017, at 5:12 pm, O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au> wrote:

Good afternoon

As you are both aware, under the *City Renewal Authority and Suburban Land Agency Act 2017* the Minister is required to issue directions relating to the acquisition of land by the City Renewal Authority and the Suburban Land Agency.

A draft instrument has been prepared and attached, incorporating our previous engagement with Project Directors and Executives from within the former Greenfields and Urban Renewal teams (principally via Tom Gordon, Nick Holt and Chris Wilson) and our direct discussions with you Neil.

The proposed policy position adopted has been purposefully developed for what may be described as acquisitions that are part of the core, planned business for each entity. That is, those potential purchases which may be considered over a reasonable period of time and with foresight.

Advice sought

I am seeking your respective views and advice on the framework proposed, in particular, how it may be customised to allow for responsiveness to commercial pressures while ensuring that appropriate standards of probity and accountable decision making are maintained.

The Minister is required to issue the determination as soon as practicable so I appreciate your advice and time in response as soon as you are able.

Please let me know if you wish to discuss.

Regards
Carolyn

<City Renewal Authority and Suburban Land Agency (Land Acquisition)>

Direction 2017- NI (A13476847).docx>

From: [Blount, Wilhelmina](#) on behalf of [Miners, Stephen](#)
To: [Chadwick, Graham](#); [Blount, Wilhelmina](#); [Hays, Tony](#); [Nockels, Alexander](#); [Paterson, Keaton](#)
Subject: FW: Land Acquisition Instrument
Attachments: [Land Acquisition Instrument SECUNCLASSIFIED.msg](#)

-----Original Appointment-----

From: Birkett, Joice On Behalf Of Miners, Stephen
Sent: Monday, 4 September 2017 2:03 PM
To: Miners, Stephen; Blount, Wilhelmina; Hays, Tony; Nockels, Alexander; Paterson, Keaton
Subject: Land Acquisition Instrument
When: Tuesday, 5 September 2017 3:00 PM-3:30 PM (UTC+10:00) Canberra, Melbourne, Sydney.
Where: UT's office

When: Tuesday, 5 September 2017 3:00 PM-3:30 PM (UTC+10:00) Canberra, Melbourne, Sydney.
Where: UT's office

Note: The GMT offset above does not reflect daylight saving time adjustments.

+~+~+~+~+~+~+~+~+~+

<<Land Acquisition Instrument [SEC=UNCLASSIFIED]>>

From: [Blount, Wilhelmina](#)
To: [Birkett, Joice](#)
Cc: [Miners, Stephen](#); [Hays, Tony](#); [Nockels, Alexander](#); [Paterson, Keaton](#)
Subject: Land Acquisition Instrument [SEC=UNCLASSIFIED]
Date: Monday, 4 September 2017 1:51:58 PM
Attachments: [RE Follow up to our meeting DLMSensitive.msg](#)
[RE Follow up to our meeting DLMSensitive.msg](#)

Hi Joice

Re my phone message:

Stephen has asked for a meeting to be set up to discuss the instruments relating to land acquisitions.

Attached are the documents/emails that should lead our discussion.

Sooner rather than later would be great. We probably only need half an hour.

With thanks

Wil

Wilhelmina Blount | Director | Development and Infrastructure Policy Branch

Phone 02 6207 0835 | Fax 6207 0298 | Email <<mailto:wilhelmina.blount@act.gov.au>>
wilhelmina.blount@act.gov.au

Finance and Budget Division | Chief Minister, Treasury and Economic Development Directorate

ACT Government | Level 1, Nara Centre Cnr Constitution Ave and London Cct Canberra ACT 2601

GPO Box 158 Canberra ACT 2601 | <<http://www.act.gov.au/>> www.act.gov.au

From: [Paterson, Keaton](#)
To: [Nockels, Alexander](#); [Blount, Wilhelmina](#); [Smith, Charlotte](#); [Caldwell, Jessica](#)
Cc: [Ryan, Shaun](#)
Subject: RE: Follow up to our meeting [DLM=Sensitive]
Date: Tuesday, 29 August 2017 5:03:08 PM
Attachments: [Land Acquisition and Development Business Case Template.docx](#)

All,

A little while ago we developed a business case template for land acquisitions. It would be good to provide this to CRA and SLA to update to be more suitable to their needs.

Keaton.

From: Nockels, Alexander
Sent: Tuesday, 29 August 2017 12:53 PM
To: Blount, Wilhelmina; Miles, Charlotte; Caldwell, Jessica
Cc: Ryan, Shaun
Subject: RE: Follow up to our meeting [DLM=Sensitive]

Hi All,

Not sure if this muddies more than clarifies but;

If we look at the AA's <http://www.legislation.act.gov.au/ni/2017-329/current/pdf/2017-329.pdf>

On page 6 the Treasurer looks after "Directions relating to authorisation thresholds for land acquisition by the City Renewal Authority or Suburban Land Agency".

On page 7 the Minister for Housing and Suburban Development looks after "Suburban Land Agency (with the exception of those matters assigned to the Minister for Urban Renewal).

In the land acquisitions directions attached to the email it states for both SLA (Schedule 2) and CRA (Schedule 1) "The City Renewal Authority may only acquire land under this direction following the responsible Minister's approval of the final business case." (one of the references should be SLA – hopefully someone will QA the document).

A couple of questions: for the CRA how can the Minister agree to a business case that seeks appropriation (to buy land they need a budget as they no longer have access to the land revenue bucket) without a Cabinet process? How does the Treasurer authorising thresholds for land acquisition fit within the model of the relevant Minister endorsing business cases? As the SLA has access to the land revenue bucket they do not need appropriation to purchase land and thus there is no need to go to Cabinet, but how will the thresholds (Treasurer) fit with the Minister endorsing business cases?

I think we need more clarity over the AA's intent before we can comment in detail – however, I would suggest we need to change the clause 3.3 in both schedules to refer to the Minister bringing a business case to Cabinet as part of the regular budget process – this would cover the CRA needing appropriation and also give the Treasurer more transparency over SLA land acquisitions (noting most rural land in the ACT has now been purchased). This way we don't

need to change the directions too much but we get the additional information in a budget business case (the Direction business case is a bit limited at first blush).

Cheers

Alex

From: Blount, Wilhelmina
Sent: Tuesday, 29 August 2017 11:52 AM
To: Miles, Charlotte; Caldwell, Jessica
Cc: Nockels, Alexander
Subject: FW: Follow up to our meeting [DLM=Sensitive]

Jess, as discussed

Can you have a look at these instruments to see (as much as we can see) that they are consistent with the intent of Govt (suggest check legislation for issues around land)?

Charlotte, we discussed these this morning with Shaun who wasn't sure that we should be checking them (given it seems they relate to the operation of SLA/CRA more than anything); however, it is worth us being aware of them and checking what we can.

Alex – is there any advice you can give to us on what we should look for?

Thanks

Wil

From: Hays, Tony
Sent: Tuesday, 29 August 2017 10:09 AM
To: Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>
Subject: FW: Follow up to our meeting [DLM=Sensitive]

Hullo Wilhelmina

As discussed see attached Direction Notifiable Instrument for your consideration. At first read I have only picked up some required edits but nothing of substance.

I have tried contacting Carolyn O'Neill and left a message for her to ring me back.

Happy to discuss

TONY HAYS | SENIOR MANAGER GOVERNMENT BUSINESS ENTERPRISES | CHIEF MINISTER,
TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE
Ph: 6207 5062

From: Doran, Karen
Sent: Monday, 28 August 2017 5:25 PM
To: Hays, Tony <Tony.Hays@act.gov.au>; Liddicoat, Phil <Phil.Liddicoat@act.gov.au>
Subject: FW: Follow up to our meeting

1. Executive Summary

This section is to give a succinct summary of the business case submission and should not include any information not in the body of the document.

1.1 Statement of Need

Summary of Section 5 (Needs Analysis)

1.2 Financial Impact Summary

Project Indicators	Financial Impact (\$m)	Attachment
Gross Revenue		A
Direct Cost		B
Gross Margin		C
Englobo Revenue		D
Trunk Infrastructure Allocation		E
Net Margin		F
Earnings Before Income Tax		G
Environmental Offsets		H
Gifted Assets		I
Net Present Value (NPV)		J
Internal Rate of Return (IRR)		K

2. Level of LDA involvement

Outline the level of LDA involvement with respect to each option:

- Land Development Agency;
- Englobo; and
- Joint Venture (ownership structure)

2.1 Development Options

Specify the options available to progress the development

3. Project Background

Outline the relevant history of the project

4. Project Outline

4.1 Description of the Project

Provide a brief introduction to the project. Outline how the project will operate including an explanation of:

1. Production inputs (including how inputs arrive at the site and from where), production processes and production outputs (including how outputs will be transported from the site and to where);
2. Potential issues from production processes (i.e. contamination, noise, emissions, dust waste products and disposal, risk profiles); and
3. Plant buildings and other infrastructure required for the project.

[Note: maps and diagrams will assist to better explain the processes]

Project Indicators	Number	Attachment
Number of Releases (Total)		L
Number of Dwellings		M
Number of Releases (per year)		N
Location (including map at Attachment)		O

4.2 Description of any related projects

Provide a description of any additional projects which will be necessary for the development of the primary project (i.e. Sewerage works, road works, utilities, street lights, community facilities etc.) and their expected costs.

5. Needs Analysis

Has an Investment Logic Workshop been undertaken?
Please attach the Investment Logic Map at **Appendix X**.

5.1 Problem

Address each of the following questions:

- What is the problem?
- What is the evidence to confirm there is a problem?
- Does the problem need to be addressed now?

5.2 Benefits

5.1.1. Benefits to be Delivered

Address each of the following questions:

- What are the benefits of addressing the problem?
- Are the benefits of high value to the ACT Government?
- Are there measurement mechanisms (KPIs) to provide evidence that the benefits have been delivered?

5.1.2. Importance of the benefits for Government

Address each of the following questions:

- How does this proposal align with strategic objectives and priorities of the ACT Government?
- How does the proposal enhance existing ACT Government policies or programs or delivery new ones?
- Is the proposal associated with/required by the Government (i.e. legislation, funding or election commitment)?

5.3 Issues

Outline any issues which may affect the development of the project e.g. planning issues, etc.

6. Purchase cost and description of financial returns

6.1 Purchase cost

Outline the purchase cost of the property and/or estimated costs derived from land valuations.

- Does the purchase price represent fair market value? If not, why?

6.2 Description of financial returns

Outline the expected financial return to the LDA

7. Project Timeframes

Outline key project timeframes including:

1. Statutory approvals timeframe;
2. Financial investment decisions;
3. Commencement of construction or lease;
4. Practical completion of construction;
5. Commencement of operations; and
6. Preferred length of term of lease and any options (note that justification for the required length of term should also be provided).

8. Hurdle Rate

Outline the rate of return expected for the project and the rate required to progress development of the project.

9. Benchmark Comparison

Provide a description of how this project will impact upon the development of other projects administered by the LDA.

- Benchmark headline financial KPI's

10. Purchases to date

2014-15:

Property	Purchase Price (\$'000)
TOTAL	

2015-16:

Property	Purchase Price (\$'000)
TOTAL	

From: [Blount, Wilhelmina](#)
To: [Nockels, Alexander](#); [Smith, Charlotte](#); [Caldwell, Jessica](#)
Cc: [Ryan, Shaun](#); [Hays, Tony](#)
Subject: RE: Follow up to our meeting [DLM=Sensitive]
Date: Tuesday, 29 August 2017 4:14:00 PM

Thanks Alex, this is helpful.

I'll discuss with Tony Hays.

Regards

Wil

From: Nockels, Alexander
Sent: Tuesday, 29 August 2017 12:53 PM
To: Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Miles, Charlotte <Charlotte.Miles@act.gov.au>; Caldwell, Jessica <Jessica.Caldwell@act.gov.au>
Cc: Ryan, Shaun <Shaun.Ryan@act.gov.au>
Subject: RE: Follow up to our meeting [DLM=Sensitive]

Hi All,

Not sure if this muddies more than clarifies but;

If we look at the AA's <http://www.legislation.act.gov.au/ni/2017-329/current/pdf/2017-329.pdf>

On page 6 the Treasurer looks after "Directions relating to authorisation thresholds for land acquisition by the City Renewal Authority or Suburban Land Agency".

On page 7 the Minister for Housing and Suburban Development looks after "Suburban Land Agency (with the exception of those matters assigned to the Minister for Urban Renewal).

In the land acquisitions directions attached to the email it states for both SLA (Schedule 2) and CRA (Schedule 1) "The City Renewal Authority may only acquire land under this direction following the responsible Minister's approval of the final business case." (one of the references should be SLA – hopefully someone will QA the document).

A couple of questions: for the CRA how can the Minister agree to a business case that seeks appropriation (to buy land they need a budget as they no longer have access to the land revenue bucket) without a Cabinet process? How does the Treasurer authorising thresholds for land acquisition fit within the model of the relevant Minister endorsing business cases? As the SLA has access to the land revenue bucket they do not need appropriation to purchase land and thus there is no need to go to Cabinet, but how will the thresholds (Treasurer) fit with the Minister endorsing business cases?

I think we need more clarity over the AA's intent before we can comment in detail – however, I would suggest we need to change the clause 3.3 in both schedules to refer to the Minister

From: [Nockels, Alexander](#)
To: [Blount, Wilhelmina](#)
Cc: [Paterson, Keaton](#); [Caldwell, Jessica](#); [Chadwick, Graham](#)
Subject: FW: City Renewal Authority and Suburban Land Agency (Land Acquisition) Directions [DLM=Sensitive]
Date: Thursday, 7 September 2017 9:55:56 AM

Wil,

Something in the back of my mind on this is if we assume the determinations are enacted as drafted – do we have an issue (mainly for the CRA I suspect) that the Minister may approve a land acquisition that does not have appropriation? My understanding is that Government cannot enter into a contract without appropriation – I assume land acquisitions would sit squarely within this.

Cheers

Alex

From: Hays, Tony
Sent: Wednesday, 6 September 2017 5:08 PM
To: Miners, Stephen; Masters, Nicole; Blount, Wilhelmina; Nockels, Alexander
Subject: City Renewal Authority and Suburban Land Agency (Land Acquisition) Directions [DLM=Sensitive]

Hullo Everyone

I was finally able to make contact with Carolyn O'Neill.

She has explained the draft Notifiable Instrument was prepared with input from Gary Rake and Neil Bulles to facilitate the process on Treasury's behalf. However, given the Treasurer is responsible for issuing the directions it is expected Treasury will take the running on finalising the Directions.

There have been no acquisitions since July but we should move quickly to finalise the directions.

The draft documents intentionally do not include any thresholds as it was considered the stewardship responsibilities remain regardless of the value of the acquisition.

It was intended the City Renewal Authority would submit each business case to the Chief Minister as the responsible Minister, and the Suburban Land Agency would submit their business cases to the Minister for Housing and Urban Development.

I indicated to Carolyn that I would arrange to firm up Treasury's position on the directions and would arrange confer with her and the two agencies if there were any substantive changes to be made.

Please let me know if there are any changes you would like to put forward so that I can include them in the mix.

As I will be preparing to move to level 1 on Friday and Monday of this week, I would appreciate your comments by cob Tuesday 12 September 2017.

Happy to discuss.

Regards

TONY HAYS | SENIOR MANAGER GOVERNMENT BUSINESS ENTERPRISES | CHIEF MINISTER,
TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE

Ph: 6207 5062

From: [Parkes, Antonia](#)
To: [Hays, Tony](#); [Nockels, Alexander](#)
Cc: [Blount, Wilhelmina](#); [Lowery, Deborah](#); [Chadwick, Graham](#)
Subject: RE: Land Acquisition Determinations [DLM=For-Official-Use-Only]
Date: Monday, 11 September 2017 2:05:48 PM

Hi Alex

Happy to meet or phone chat with you sometime this week.

Let me know when your available

Thanks
Antonia

From: Hays, Tony
Sent: Monday 11 September 2017 12:34
To: Nockels, Alexander; Parkes, Antonia
Cc: Blount, Wilhelmina; Lowery, Deborah; Chadwick, Graham
Subject: RE: Land Acquisition Determinations [DLM=For-Official-Use-Only]

Hullo Alex

There is no master document yet. The draft circulated a few weeks back is the document we will be working from (I have some hand written annotated edits which I will pass on to Antonia).

Antonia started with us today and will be responsible for over sight of the two land agencies. I have suggested she contact you at an early stage given your inside knowledge during the transition period.

Regards

TONY HAYS | SENIOR MANAGER GOVERNMENT BUSINESS ENTERPRISES | CHIEF MINISTER,
TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE
Ph: 6207 5062

From: Nockels, Alexander
Sent: Monday, 11 September 2017 12:15 PM
To: Hays, Tony <Tony.Hays@act.gov.au>
Cc: Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Lowery, Deborah <Deborah.Lowery@act.gov.au>; Chadwick, Graham <Graham.Chadwick@act.gov.au>
Subject: Land Acquisition Determinations [DLM=For-Official-Use-Only]

Tony,

Could you pass on the latest version of the documents you have with Treasury comments please?

I suspect I will need to make a couple of suggested adjustments also and it would be good to have a consolidated document to do this with.

Cheers

Alex

Alex Nockels

Senior Manager | Territory and Planning

Finance and Budget Division | Treasury

Chief Minister, Treasury and Economic Development Directorate

Mobile: [REDACTED]

Phone: (02) 6207 4876

Level 1 Nara Centre | GPO Box 158 Canberra ACT 2601

www.act.gov.au

From: [Parkes, Antonia](#)
To: [Blount, Wilhelmina](#); [Hays, Tony](#); [Nockels, Alexander](#)
Subject: RE: City Renewal Authority and Suburban Land Agency (Land Acquisition) Directions [DLM=Sensitive]
Date: Friday, 15 September 2017 8:47:42 AM

Good morning

We are still working on the instruments and they are currently with the PCO. Consultation is ongoing but we hope to have them with Assembly for the October sitting.

Thanks
Antonia

From: Blount, Wilhelmina
Sent: Thursday 14 September 2017 18:45
To: Parkes, Antonia; Hays, Tony; Nockels, Alexander
Subject: RE: City Renewal Authority and Suburban Land Agency (Land Acquisition) Directions [DLM=Sensitive]

Thanks – so are the instruments on hold until this work is done?

From: Parkes, Antonia
Sent: Wednesday, 13 September 2017 10:26 AM
To: Hays, Tony <Tony.Hays@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>
Subject: RE: City Renewal Authority and Suburban Land Agency (Land Acquisition) Directions [DLM=Sensitive]

Hi all

I spoke with Neil Bulless this morning and the data for land acquisition is:

14/15	8
15/16	3
16/17	2
17/18	0

So in terms of work load, not over whelming for the Treasurer to review. After to speaking to Neil however, I think that there is more consultation to occur with the two entities in finding out the details on their policy and framework of their processes for Land acquisition and building on the Directions from there.

I'll advise you on any further information.

Thanks
Antonia

From: Hays, Tony
Sent: Wednesday 13 September 2017 09:50
To: Nockels, Alexander; Blount, Wilhelmina
Cc: Parkes, Antonia
Subject: RE: City Renewal Authority and Suburban Land Agency (Land Acquisition) Directions [DLM=Sensitive]

I raised the question with Carolyn yesterday and the response was seldom and infrequent. No actual numbers given.

TONY HAYS | SENIOR MANAGER GOVERNMENT BUSINESS ENTERPRISES | CHIEF MINISTER,
TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE

Ph: 6207 5062

From: Nockels, Alexander
Sent: Tuesday, 12 September 2017 6:05 PM
To: Hays, Tony <Tony.Hays@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>
Cc: Parkes, Antonia <Antonia.Parkes@act.gov.au>
Subject: RE: City Renewal Authority and Suburban Land Agency (Land Acquisition) Directions [DLM=Sensitive]

Tony,

Have you managed to get a clearer picture on the number of land acquisitions that are likely / expected per annum? I have left a message for Chris Wilson on the matter but have not yet heard back.

In our meeting with Stephen, he was concerned that the Treasurer may be inundated with Business Cases if we sought to include the Minister and Treasurer for final agreement on any land purchase (paragraph 3.3 I think).

If we can confirm that a limited number of land acquisitions are likely to occur then I think the approach was to include the Treasurer in the approval process and not worry about the thresholds. If the number of acquisitions was high my reading was that we would leave the Minister to agree the acquisition and set thresholds for the Treasurer.

Cheers
Alex

From: Hays, Tony
Sent: Tuesday, 12 September 2017 4:57 PM
To: Blount, Wilhelmina; Nockels, Alexander
Cc: Parkes, Antonia
Subject: RE: City Renewal Authority and Suburban Land Agency (Land Acquisition) Directions [DLM=Sensitive]

Hullo Wil/Alex

Final call for comments on the directions. We have been asked to treat the submission as a priority.

Regards

TONY HAYS | SENIOR MANAGER GOVERNMENT BUSINESS ENTERPRISES | CHIEF MINISTER,
TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE
Ph: 6207 5062

From: Hays, Tony
Sent: Wednesday, 6 September 2017 5:08 PM
To: Miners, Stephen <Stephen.Miners@act.gov.au>; Masters, Nicole

From: [Nockels, Alexander](#)
To: [Paterson, Keaton](#); [Chadwick, Graham](#)
Cc: [Lowery, Deborah](#); [Kirkham, Elizabeth](#)
Subject: FW: SLA and CRA Directions [SEC=UNCLASSIFIED]
Date: Tuesday, 19 September 2017 11:19:18 AM
Attachments: [City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017.docx](#)
[Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017.docx](#)

Hi All,

Can you offer any comment asap please?

Cheers

Alex

From: Blount, Wilhelmina
Sent: Monday, 18 September 2017 12:05 PM
To: Parkes, Antonia
Cc: Masters, Nicole; Nockels, Alexander; Chadwick, Graham; Paterson, Keaton; Lowery, Deborah
Subject: FW: SLA and CRA Directions [SEC=UNCLASSIFIED]

Thanks Antonia

Alex et al – can you review with a view to providing a response on the budget business case aspect of the CRA Direction?

With thanks

Wil

From: Parkes, Antonia
Sent: Monday, 18 September 2017 11:58 AM
To: Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>
Cc: Masters, Nicole <Nicole.Masters@act.gov.au>
Subject: SLA and CRA Directions [SEC=UNCLASSIFIED]

Good morning Wil

Sorry I missed your call. Tony passed on the message that the Treasurer was happy for the directions to include the requirement for the business cases are to go to both the Treasurer and the responsible Minister. This has been included.

Other changes are the directions have been separated into two, one for each entity. Nicole has asked that you look at the business case criteria and if you wanted to add anything. One particular issue between the two is that the CRA is currently budget appropriated and the SLA isn't. This adds a question - should the CRA business case be going through the budget process first?

I'll see if I can catch up with you this afternoon to discuss. If you have any changes that you would like incorporated please let me know.

Kind regards

Antonia Parkes | Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

Government and Business Enterprises | Economic and Policy Group |

Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

Nara House, Level 1 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

www.tccs.act.gov.au

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017

Disallowable instrument DI2017– XXXX

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (City Renewal Land Acquisition) Direction 2017*.

2 Commencement

This instrument is taken to have commenced on 1 July 2017.

3 City Renewal Authority - Land Acquisition Direction

I make the directions set out in the schedule relation to the acquisition of land by the City Renewal Authority.

Andrew Barr MLA
Treasurer

SCHEDULE

City Renewal Authority - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the City Renewal Authority in exercising its functions of acquiring leased territory land from private lessees.
- 1.2. This direction does not apply to:
 - a) land transferred from other Territory entities or the Commonwealth to the City Renewal Authority;
 - b) the acquisition of rights, such as easements, over leased territory land by the City Renewal Authority.

2. Land Acquisition – Mandatory Business Cases

- 2.1. The City Renewal Authority Board must provide to the minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2. Each business case must include an analysis of the following issues:
 - a) The financial cost of the proposed acquisition, including provision of:
 - i. any valuation provided to the City Renewal Authority by the seller; and
 - ii. all valuations sought by the City Renewal Authority in accordance with its Valuations Policy;
 - b) The current and future status of the land under the Territory Plan, including any conditions on the head lease;
 - c) The purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objectives and functions of the City Renewal Authority set out in the City Renewal Authority and Suburban Land Agency Act 2017 (the Act);
 - ii. meets the requirements of the Territory Plan, including the Statement of Strategic Directions, the Statement of Planning Intent and any other the relevant Government policies relating to land;
 - iii. addresses the Statement of Expectations issued under s 17 of the Act and the Statement of Operational Intent issued in reply under s 18 of the Act; and
 - d) How the proposed land acquisition, including the future use of the land:
 - i. represents value for money for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
 - iv. a risk assessment of the proposed acquisition of land;

- v. the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-Generals of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- vi. any other additional information relevant to the responsible Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

3.1. Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:

- a) The City Renewal Authority Board must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and the Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
- b) The City Renewal Authority Board must provide a final business case to the Minister, following completion of the exposure draft consultation required at paragraph 3.1(a).

3.2. The responsible Minister may approve or reject a final business case for the acquisition of land by the City Renewal Authority.

3.3. The City Renewal Authority may only acquire land under this direction following the responsible Minister's approval of the final business case.

4. Reporting Requirements

4.1. In accordance with section 13 *City Renewal Authority and Suburban Land Agency Act 2017* the City Renewal Authority must, not later than 10 working days after the end of a quarter, give the Minister a report that includes details of any land acquired by the City Renewal Authority during the quarter and a copy of all valuations considered by the City Renewal Authority Board in relation to the acquired land.

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Suburban Agency Land Acquisition) Direction 2017

Disallowable instrument DI2017– XXX

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and the Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017*.

2 Commencement

This instrument is taken to commenced on 1 July 2017.

3 Suburban Land Agency – Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the Suburban Land Agency.

Andrew Barr MLA
Treasurer

SCHEDULE

Suburban Land Agency - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the Suburban Land Agency in exercising its functions of acquiring leased territory land from private lessees.
- 1.2. This direction does not apply to:
- a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)*;
 - b) land transferred from other Territory entities or the Commonwealth to the Suburban Land Agency;
 - c) the acquisition of rights, such as easements, over leased territory land by the Suburban Land Agency.

2. Land Acquisition Business Cases

- 2.1 The Suburban Land Agency Board must provide to the Minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2 Each business case must include an analysis of the following issues:
- a) The financial cost of the proposed acquisition, including provision of:
 - i. any valuation provided to the Suburban Land Agency by the seller; and
 - ii. all valuations sought by the Suburban Land Agency in accordance with its Valuations Policy;
 - b) The current and future status of the land under the Territory Plan, including any conditions on the head lease;
 - c) The purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objectives and functions of the Suburban Land Agency set out in the *City Renewal Authority and Suburban Land Agency Act 2017 (the Act)*;
 - ii. meets the requirements of the Territory Plan, including the Statement of Strategic Directions, the Statement of Planning Intent and any other the relevant Government policies relating to land;
 - iii. addresses the Government's expectations for the Suburban Land Agency and the Statement of Intent issued under the *Financial Management Act 1996*; and
 - d) How the proposed land acquisition, including the future use of the land:
 - i. represents value for money for the Territory;

- ii. will assist the Government to maximise the community benefits from land development and deliver residential or urban development that is in the public interest; and
- iii. supports development that is environmentally sustainable;
- e) a risk assessment of the proposed acquisition of land; and
- f) any other additional information relevant to the responsible Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

3.1 Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:

- a) The Suburban Land Agency Board must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
- b) The Suburban Land Agency Board must provide a final business case to the Treasurer and the responsible Minister, following completion of the exposure draft consultation required at paragraph 3.1(a).

3.2 The responsible Minister or the Treasurer may approve or reject a final business case for the acquisition of land by the Suburban Land Agency.

3.3 The Suburban Land Agency may only acquire land under this direction following the Treasurers and the responsible Minister's approval of the final business case.

4 Reporting Requirements

4.1 In accordance with section 43 *City Renewal Authority and Suburban Land Agency Act 2017* the Suburban Land Agency must, not later than 10 working days after the end of a quarter, give the Minister a report that includes details of any land acquired by the Suburban Land Agency during the quarter and a copy of all valuations considered by the Suburban Land Agency Board in relation to the acquired land.

From: [Nockels, Alexander](#)
To: [Parkes, Antonia](#)
Cc: [Paterson, Keaton](#); [Chadwick, Graham](#); [Lowery, Deborah](#); [Kirkham, Elizabeth](#); [Blount, Wilhelmina](#)
Subject: FW: SLA and CRA Directions [SEC=UNCLASSIFIED]
Date: Wednesday, 20 September 2017 10:52:53 AM
Attachments: [City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017 - Tracked Changes KP.docx](#)
[Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017 - Tracked Changes KP.docx](#)

Antonia,

As discussed, please see our comments below and also the suggested track changes – if you have any issues please let me know and we can work through.

Cheers
Alex

From: Paterson, Keaton
Sent: Tuesday, 19 September 2017 12:15 PM
To: Nockels, Alexander <Alexander.Nockels@act.gov.au>
Cc: Chadwick, Graham <Graham.Chadwick@act.gov.au>; Lowery, Deborah <Deborah.Lowery@act.gov.au>; Kirkham, Elizabeth <Elizabeth.Kirkham@act.gov.au>
Subject: RE: SLA and CRA Directions [SEC=UNCLASSIFIED]

Alex,

I have no major issues with it, although I thought it had been agreed that the Treasurer and the responsible Minister would have authority to approve or reject a land acquisition (paragraph 3.2) but the CRA directions don't include the Treasurer and the SLA ones say the Minister OR the Treasurer, when it should be both.

The CRA directions state that a business case should include the outcome of consultation with the other directorates, which the SLA directions doesn't have. While the SLA directions include the requirement of a risk assessment which the CRA doesn't. I think both sets of directions should include both these requirements.

I also have a few editorial comments. I have made these changes in tracked changes and they're attached.

Regards,

Keaton Paterson | Analyst

Phone: 02 6207 9992 | Fax: 620 70298 | Email: keaton.paterson@act.gov.au

Development and Infrastructure Policy Branch | Finance and Budget Division | **Chief Minister, Treasury and Economic Development Directorate** | ACT Government

Level 1 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Please consider the environment before printing this email. If printing is necessary, please print double-sided.

From: Nockels, Alexander
Sent: Tuesday, 19 September 2017 11:19 AM
To: Paterson, Keaton <Keaton.Paterson@act.gov.au>; Chadwick, Graham <Graham.Chadwick@act.gov.au>

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017

Disallowable instrument DI2017– XXXX

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (City Renewal Land Acquisition) Direction 2017*.

2 Commencement

This instrument is taken to have commenced on 1 July 2017.

3 City Renewal Authority - Land Acquisition Direction

I make the directions set out in the schedule [in](#) relation to the acquisition of land by the City Renewal Authority.

Andrew Barr MLA
Treasurer

SCHEDULE

City Renewal Authority - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the City Renewal Authority in exercising its functions of acquiring leased territory land from private lessees.
- 1.2. This direction does not apply to:
 - a) land transferred from other Territory entities or the Commonwealth to the City Renewal Authority;
 - b) the acquisition of rights, such as easements, over leased territory land by the City Renewal Authority.

2. Land Acquisition – Mandatory Business Cases

- 2.1. The City Renewal Authority Board must provide to the minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2. Each business case must include an analysis of the following issues:
 - a) ~~The~~ financial cost of the proposed acquisition, including provision of:
 - i. any valuation provided to the City Renewal Authority by the seller; and
 - ii. all valuations sought by the City Renewal Authority in accordance with its Valuations Policy;
 - b) ~~The~~ current and future status of the land under the Territory Plan, including any conditions on the head lease;
 - c) ~~The~~ purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objectives and functions of the City Renewal Authority set out in the City Renewal Authority and Suburban Land Agency Act 2017 (the Act);
 - ii. meets the requirements of the Territory Plan, including the Statement of Strategic Directions, the Statement of Planning Intent and any other the relevant Government policies relating to land;
 - iii. addresses the Statement of Expectations issued under s 17 of the Act and the Statement of Operational Intent issued in reply under s 18 of the Act; and
 - d) ~~How~~ the proposed land acquisition, including the future use of the land:
 - i. represents value for money for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
 - iv. a risk assessment of the proposed acquisition of land;

- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- ~~vi~~f) a risk assessment of the proposed acquisition of land; and
- ~~vi~~g) _____ any other additional information relevant to the responsible Minister's consideration of the proposed acquisition to which the business case relates.

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3. Business Case Approval

3.1. Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:

- a) The City Renewal Authority Board must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and the Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
- b) The City Renewal Authority Board must provide a final business case to the Minister, following completion of the exposure draft consultation required at paragraph 3.1(a).

3.2. The responsible Minister and the Treasurer may approve or reject a final business case for the acquisition of land by the City Renewal Authority.

3.3. The City Renewal Authority may only acquire land under this direction following the Treasurer's and the responsible Minister's approval of the final business case.

4. Reporting Requirements

4.1. In accordance with section 13 ~~City Renewal Authority and Suburban Land Agency Act 2017 of the Act~~, the City Renewal Authority must, not later than 10 working days after the end of a quarter, give the Minister a report that includes details of any land acquired by the City Renewal Authority during the quarter and a copy of all valuations considered by the City Renewal Authority Board in relation to the acquired land.

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Suburban [Land Agency Land Acquisition](#)) Direction 2017

Disallowable instrument DI2017– XXX

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and the Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017*.

2 Commencement

This instrument is taken to [have](#) commenced on 1 July 2017.

3 Suburban Land Agency – Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the Suburban Land Agency.

Andrew Barr MLA
Treasurer

SCHEDULE

Suburban Land Agency - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the Suburban Land Agency in exercising its functions of acquiring leased territory land from private lessees.
- 1.2. This direction does not apply to:
 - a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)*;
 - b) land transferred from other Territory entities or the Commonwealth to the Suburban Land Agency;
 - c) the acquisition of rights, such as easements, over leased territory land by the Suburban Land Agency.

2. Land Acquisition Business Cases

- 2.1 The Suburban Land Agency Board must provide to the Minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2 Each business case must include an analysis of the following issues:
 - a) ~~the~~ financial cost of the proposed acquisition, including provision of:
 - i. any valuation provided to the Suburban Land Agency by the seller; and
 - ii. all valuations sought by the Suburban Land Agency in accordance with its Valuations Policy;
 - b) ~~the~~ current and future status of the land under the Territory Plan, including any conditions on the head lease;
 - c) The purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objectives and functions of the Suburban Land Agency set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan, including the Statement of Strategic Directions, the Statement of Planning Intent and any other the relevant Government policies relating to land;
 - iii. addresses the Government's expectations for the Suburban Land Agency and the Statement of Intent issued under the *Financial Management Act 1996*; and
 - d) ~~h~~ow the proposed land acquisition, including the future use of the land:
 - i. represents value for money for the Territory;

- ii. will assist the Government to maximise the community benefits from land development and deliver residential or urban development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- iii.e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- e)f) a risk assessment of the proposed acquisition of land; and
 - f)g) any other additional information relevant to the responsible Minister's consideration of the proposed acquisition to which the business case relates.

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3. Business Case Approval

- 3.1 Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The Suburban Land Agency Board must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
 - b) The Suburban Land Agency Board must provide a final business case to the Treasurer and the responsible Minister, following completion of the exposure draft consultation required at paragraph 3.1(a).
- 3.2 The responsible Minister ~~and~~ the Treasurer may approve or reject a final business case for the acquisition of land by the Suburban Land Agency.
- 3.3 The Suburban Land Agency may only acquire land under this direction following the Treasurer's and the responsible Minister's approval of the final business case.

Commented [PK1]: Even if the Treasurer and the Minister are the same person, the Directions should separate these roles in case of futures Administrative Arrangements where the Minister could be someone else

4 Reporting Requirements

- 4.1 In accordance with section 43 ~~City Renewal Authority and Suburban Land Agency Act 2017 of the Act~~, the Suburban Land Agency must, not later than 10 working days after the end of a quarter, give the Minister a report that includes details of any land acquired by the Suburban Land Agency during the quarter and a copy of all valuations considered by the Suburban Land Agency Board in relation to the acquired land.

Out of Scope

From: Dengate, Clinton
Sent: Thursday, 21 September 2017 12:39 PM
To: Parkes, Antonia <Antonia.Parkes@act.gov.au>
Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>
Subject: Land Acquisition - instrument [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Antonia

As discussed, the CMO has requested additional briefing for his appearance before the Public Account Committee in relation to certain Land Development Agency land acquisitions.

One of the key issues which may be raised may be why the land acquisition direction under s63 of the City Renewal Authority and Suburban Land Agency Act has not yet been made.

If the instrument can be made by the Treasurer before the hearing on 27 September that question may not be asked.

As discussed, the land acquisition direction instrument made under s63 of the CRASLA is a disallowable instrument. As a disallowable instrument it would commence on the day after the day it is notified by PCO on the Legislation Register. PCO would need manage the process to have the instrument tabled in the Assembly within 6 sitting days. The instrument is a disallowable instrument. This does not mean that it doesn't have effect until after the disallowance period has ended. In fact, the instrument would commence on the day after notification and be in force until a successful disallowable motion was carried. Therefore, you do not have to wait until the Assembly is sitting for the Treasurer to make the instrument.

Happy to discuss.

Cheers
Clinton

Clinton Dengate | Senior Manager
Phone: 02 6205 5001
Email: clinton.dengate@act.gov.au

Assurance and Legal | Governance, Compliance and Legal
Environment, Planning and Sustainable Development Directorate | **ACT Government**
Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au | www.planning.act.gov.au

From: [Nockels, Alexander](#)
To: [Lowery, Deborah](#); [Chadwick, Graham](#)
Cc: [Kirkham, Elizabeth](#)
Subject: FW: Land Acquisition [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Monday, 16 October 2017 1:00:50 PM
Attachments: [City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017.docx](#)

From: Parkes, Antonia
Sent: Monday, 16 October 2017 12:33 PM
To: Ponton, Ben <Ben.Ponton@act.gov.au>; Snow, Malcolm <Malcolm.Snow@act.gov.au>; Holt, Nicholas <Nicholas.Holt@act.gov.au>
Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>; Dengate, Clinton <Clinton.Dengate@act.gov.au>; Masters, Nicole <Nicole.Masters@act.gov.au>; Hays, Tony <Tony.Hays@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>
Subject: Land Acquisition [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Good afternoon

The *City Renewal Authority and Suburban Land Agency Act 2017*, S 63 requires the Treasurer to make directions relating to the acquisition of land by the City Renewal Authority by way of a disallowable instrument.

I have attached for your review and comment the draft Directions for the CRA. These directions have been prepared in consultation with EPSDD, the Government Solicitor Office, Policy and Cabinet Division, Finance and Budget Division and the Economic and Financial Policy Group.

Our aim is to have the directions to the Treasurer by Friday at the latest, with the view that they are presented to the Assembly in the following sitting period. With this in mind could you please make comment to the attached directions back to me **by noon Wednesday**? I appreciate that this is a tight deadline however we would like to get this direction to the Treasurer as soon as possible.

Kind regards

Antonia Parkes | Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

Government and Business Enterprises | Economic and Policy Group |

Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

Nara House, Level 1 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

www.tccs.act.gov.au

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017

Disallowable instrument DI2017-

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after the instrument is signed.

3 City Renewal Authority - Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the City Renewal Authority.

Andrew Barr MLA
Treasurer

SCHEDULE

City Renewal Authority - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the City Renewal Authority in exercising its function of acquiring leases of land on behalf of the Territory from private lessees.
- 1.2. This direction does not apply to:
 - a) land transferred from the Territory, other Territory entities or the Commonwealth of Australia to the City Renewal Authority;
 - b) the acquisition of rights, such as easements, over leased territory land by the City Renewal Authority.

2. Land Acquisition – Mandatory Business Cases

- 2.1. The City Renewal Authority must provide to the Minister and the Treasurer for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2. Each business case must include an analysis of the following issues:
 - a) the financial expenditure required for the proposed acquisition, including provision of:
 - i. any valuation provided to the City Renewal Authority by the seller; and
 - ii. all valuations considered by the City Renewal Authority in accordance with the authorities policies regarding valuations; and
 - b) the current and future status of the land under the Territory Plan, including any conditions on the Crown lease;
 - c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objects and functions of the City Renewal Authority set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses the Statement of Expectations issued under s 17 of the Act and the Statement of Operational Intent issued in reply under s 18 of the Act;
 - iv. addresses, and is as far as practicable consistent with the Suburban Land Agencies Statement of Intent issued under the *Financial Management Act 1996* for the authority; and
 - d) how the proposed land acquisition, including the future use of the land:

- i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-Generals of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
 - f) a risk assessment of the proposed acquisition of land; and
 - g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

3.1. Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:

- a) The City Renewal Authority must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and the Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
- b) The City Renewal Authority must provide a final business case to the Minister and the Treasurer, following completion of the exposure draft consultation required at paragraph 3.1(a).

3.2. The Minister and the Treasurer may approve or reject a final business case for the acquisition of land by the City Renewal Authority.

3.3. The City Renewal Authority may only acquire land following the Treasurer's and the Minister's approval of the final business case in accordance with this Direction.

From: [Nockels, Alexander](#)
To: [Lowery, Deborah](#); [Chadwick, Graham](#)
Cc: [Kirkham, Elizabeth](#)
Subject: FW: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Monday, 16 October 2017 1:01:21 PM
Attachments: [Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017.docx](#)

From: Parkes, Antonia
Sent: Monday, 16 October 2017 12:35 PM
To: Ponton, Ben <Ben.Ponton@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>
Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>; Dengate, Clinton <Clinton.Dengate@act.gov.au>; Masters, Nicole <Nicole.Masters@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>; Hays, Tony <Tony.Hays@act.gov.au>
Subject: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Good afternoon

The *City Renewal Authority and Suburban Land Agency Act 2017*, S 63 requires the Treasurer to make directions relating to the acquisition of land by the Suburban Land Agency by way of a disallowable instrument.

I have attached for your review and comment the draft Directions for the SLA. These directions have been prepared in consultation with EPSDD, the Government Solicitor Office, Policy and Cabinet Division, Finance and Budget Division and the Economic and Financial Policy Group.

Our aim is to have the directions to the Treasurer by Friday at the latest, with the view that they are presented to the Assembly in the following sitting period. With this in mind could you please make comment to the attached directions back to me **by noon Wednesday**? I appreciate that this is a tight deadline however we would like to get this direction to the Treasurer as soon as possible.

Kind regards

Antonia Parkes |Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

Government and Business Enterprises | Economic and Policy Group |

Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

Nara House, Level 1 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

www.tccs.act.gov.au

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017

Disallowable instrument DI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after the instrument is signed.

3 Suburban Land Agency – Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the Suburban Land Agency.

Andrew Barr MLA
Treasurer

SCHEDULE

Suburban Land Agency - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the Suburban Land Agency in exercising its functions of acquiring leases of land on behalf of the Territory from private lessees.
- 1.2. This direction does not apply to:
- a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)* (repealed);
 - b) land transferred from the Territory, other Territory entities or the Commonwealth of Australia to the Suburban Land Agency;
 - c) the acquisition of rights, such as easements, over leased territory land by the Suburban Land Agency.

2. Land Acquisition – Mandatory Business Cases

- 2.1 The Suburban Land Agency must provide to the Minister and the Treasurer for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2 Each business case must include an analysis of the following issues:
- a) the financial expenditure required for the proposed acquisition, including provision of:
 - i. any valuation provided to the Suburban Land Agency by the seller; and
 - ii. all valuations considered by the Suburban Land Agency in accordance with the agencies policies regarding Valuations; and
 - b) the current and future status of the land under the Territory Plan, including any conditions on the Crown lease;
 - c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objects and functions of the Suburban Land Agency set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses, and is as far as practicable consistent with the Suburban Land Agencies Statement of Intent issued under the *Financial Management Act 1996* for the agency; and

- d) how the proposed land acquisition, including the future use of the land:
 - i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors- General of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- f) a risk assessment of the proposed acquisition of land; and
- g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

- 3.1 Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The Suburban Land Agency must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
 - b) The Suburban Land Agency must provide a final business case to the Treasurer and the Minister, following completion of the exposure draft consultation required at paragraph 3.1(a).
- 3.2 The Minister and the Treasurer may approve or reject a final business case for the acquisition of land by the Suburban Land Agency.
- 3.3 The Suburban Land Agency may only acquire land following the Treasurer's and the Minister's approval of the final business case in accordance with this Direction.

From: [Parkes, Antonia](#)
To: [Bailey, Anthony](#)
Subject: RE: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Tuesday, 17 October 2017 3:28:00 PM

That's great, thanks.

From: Bailey, Anthony
Sent: Tuesday, 17 October 2017 3:28 PM
To: Parkes, Antonia <Antonia.Parkes@act.gov.au>
Subject: RE: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Not a problem – will have comments back with you a little later this afternoon.

Thanks
Anthony

From: Parkes, Antonia
Sent: Tuesday, 17 October 2017 3:27 PM
To: Bailey, Anthony <Anthony.Bailey@act.gov.au>
Subject: RE: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Anthony

Good to hear from you.

Tracked changes and comments in the document is fine

Thank you!
Antonia

From: Bailey, Anthony
Sent: Tuesday, 17 October 2017 3:25 PM
To: Parkes, Antonia <Antonia.Parkes@act.gov.au>
Subject: FW: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Importance: High

Hi Antonia,

In what format would you like our comments – in a brief or a marked up version of the document you attached to this email? We won't have significant comments – they are more around clarifying a couple of things.

Cheers

Anthony

From: Bulless, Neil
Sent: Monday, 16 October 2017 12:51 PM
To: Bailey, Anthony <Anthony.Bailey@act.gov.au>; Lee, Joey <Joey.Lee@act.gov.au>; Marshall, Guenivere <Guenivere.Marshall@act.gov.au>
Cc: Gordon, Tom <Tom.Gordon@act.gov.au>; Peters, Clint <Clint.Peters@act.gov.au>
Subject: FW: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Importance: High

Can you pls review and then prepare a response to Tsy

ta

From: Parkes, Antonia
Sent: Monday, 16 October 2017 12:35 PM
To: Ponton, Ben <Ben.Ponton@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>
Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>; Dengate, Clinton <Clinton.Dengate@act.gov.au>; Masters, Nicole <Nicole.Masters@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>; Hays, Tony <Tony.Hays@act.gov.au>
Subject: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

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Our aim is to have the directions to the Treasurer by Friday at the latest, with the view that they are presented to the Assembly in the following sitting period. With this in mind could you please make comment to the attached directions back to me **by noon Wednesday**? I appreciate that this is a tight deadline however we would like to get this direction to the Treasurer as soon as possible.

Kind regards

Antonia Parkes | Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

Government and Business Enterprises | Economic and Policy Group |

Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

From: [Nockels, Alexander](#)
To: [Chadwick, Graham](#)
Cc: [Lowery, Deborah](#); [Kirkham, Elizabeth](#)
Subject: FW: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Tuesday, 17 October 2017 6:02:00 PM
Attachments: [Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017.docx](#)

Graham – sorry I missed forwarding this earlier.

Any thoughts or comments?

Cheers

Alex

From: Parkes, Antonia
Sent: Monday, 16 October 2017 12:35 PM
To: Ponton, Ben <Ben.Ponton@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>
Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>; Dengate, Clinton <Clinton.Dengate@act.gov.au>; Masters, Nicole <Nicole.Masters@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>; Hays, Tony <Tony.Hays@act.gov.au>
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www.tccs.act.gov.au

From: [Nockels, Alexander](#)
To: [Chadwick, Graham](#)
Cc: [Lowery, Deborah](#); [Kirkham, Elizabeth](#)
Subject: FW: Land Acquisition [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Tuesday, 17 October 2017 6:02:32 PM
Attachments: [City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017.docx](#)

Graham – more apologies, any comments?

Cheers
Alex

From: Parkes, Antonia
Sent: Monday, 16 October 2017 12:33 PM
To: Ponton, Ben <Ben.Ponton@act.gov.au>; Snow, Malcolm <Malcolm.Snow@act.gov.au>; Holt, Nicholas <Nicholas.Holt@act.gov.au>
Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>; Dengate, Clinton <Clinton.Dengate@act.gov.au>; Masters, Nicole <Nicole.Masters@act.gov.au>; Hays, Tony <Tony.Hays@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>
Subject: Land Acquisition [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

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www.tccs.act.gov.au

From: [Parkes, Antonia](#)
To: [Dengate, Clinton](#)
Subject: FW: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Wednesday, 18 October 2017 2:21:00 PM
Attachments: [Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017 \(003\).docx](#)
[image001.jpg](#)
[image002.gif](#)
[image003.gif](#)
[image004.jpg](#)

Hi Clinton

I'm interested in your thoughts on the SLA comments below. I was always on the understanding (misinterpretation) that each authority and agency would prepare their own business case and not EPSDD.

Thoughts?

Antonia

From: Marshall, Guenivere
Sent: Wednesday, 18 October 2017 2:05 PM
To: Parkes, Antonia <Antonia.Parkes@act.gov.au>
Cc: Peffer, Dave <Dave.Peffer@act.gov.au>; Ponton, Ben <Ben.Ponton@act.gov.au>; Bailey, Anthony <Anthony.Bailey@act.gov.au>
Subject: FW: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Good Afternoon Antonia

Please see attached our consolidated comments on the draft direction.

The Suburban Land Agency requests further clarity on Section 2.2 (a), in most cases the total value is not entirely known at the time of approval and there needs to be a mechanism for further negotiations/ consideration.

3.1 (a) appears to indicate that the Suburban Land Agency is responsible for preparing a business case, our understanding is that business case development rests with the Environment, Planning and Sustainable Development Directorate?

Thank you

Guen.



Guen Marshall

Executive Officer to Acting Chief Executive Officer Dave Peffer

T: 02 6207 0576 | **M:** [REDACTED]

Suburban Land Agency | ACT Government

TransACT House, 470 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601

www.suburbanland.act.gov.au  facebook.com/suburbanland 
twitter.com/suburbanland

ACT | Suburban Land Agency



From: Parkes, Antonia

Sent: Monday, 16 October 2017 12:35 PM

To: Ponton, Ben <Ben.Ponton@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>

Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>; Dengate, Clinton <Clinton.Dengate@act.gov.au>; Masters, Nicole <Nicole.Masters@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>; Hays, Tony <Tony.Hays@act.gov.au>

Subject: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Good afternoon

The *City Renewal Authority and Suburban Land Agency Act 2017*, S 63 requires the Treasurer to make directions relating to the acquisition of land by the Suburban Land Agency by way of a disallowable instrument.

I have attached for your review and comment the draft Directions for the SLA. These directions have been prepared in consultation with EPSDD, the Government Solicitor Office, Policy and Cabinet Division, Finance and Budget Division and the Economic and Financial Policy Group.

Our aim is to have the directions to the Treasurer by Friday at the latest, with the view that they are presented to the Assembly in the following sitting period. With this in mind could you please make comment to the attached directions back to **me by noon Wednesday**? I appreciate that this is a tight deadline however we would like to get this direction to the Treasurer as soon as possible.

Kind regards

Antonia Parkes | Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

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Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

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Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017

Disallowable instrument DI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after the instrument is signed.

3 Suburban Land Agency – Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the Suburban Land Agency.

Andrew Barr MLA
Treasurer

SCHEDULE

Suburban Land Agency - Land Acquisition Direction

1. Application

1.1. This direction applies to the Suburban Land Agency in exercising its functions of acquiring leases of land on behalf of the Territory from private lessees.

1.2. This direction does not apply to:

- a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1) (repealed)*;
- b) land transferred from the Territory, other Territory entities or the Commonwealth of Australia to the Suburban Land Agency;
- c) the acquisition of rights, such as easements, over leased territory land by the Suburban Land Agency.

Commented [GT1]: Is land purchased or transferred from the Commonwealth?

2. Land Acquisition – Mandatory Business Cases

2.1 The Suburban Land Agency must provide to the Minister and the Treasurer for endorsement a business case for all proposed land acquisitions to which this direction applies.

2.2 Each business case must include an analysis of the following issues:

- a) the ~~financial expenditure required~~ estimated purchase price for the proposed acquisition, including provision of:
 - i. any valuation provided to the Suburban Land Agency by the seller; and
 - ii. all valuations considered by the Suburban Land Agency in accordance with the agencies policies regarding Valuations; and
- b) the current and future status of the land under the Territory Plan, including any conditions on the Crown lease;
- c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objects and functions of the Suburban Land Agency set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses, and is as far as practicable consistent with the Suburban Land Agencies Statement of Intent issued under the *Financial Management Act 1996* for the agency; and

Commented [GT2]: The financial expenditure may not be fully know at the time of the business case
The business case would need to consider that a final value may not have been reached as there may be a need for negotiations post approval to proceed with a purchase

Commented [BA3]: Do we have authority to provide Valuations obtained and paid for by another entity?

Commented [GT4]: The SOI to note an intention to look at acquisitions

- d) how the proposed land acquisition, including the future use of the land:
 - i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- f) a risk assessment of the proposed acquisition of land; and
- g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

Commented [G15]: Assume that Community facilities land may also be included and that this sentence is not read that all uses need to be a consideration

3. Business Case Approval

- 3.1 Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The Suburban Land Agency must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
 - b) The Suburban Land Agency must provide a final business case to the Treasurer and the Minister, following completion of the exposure draft consultation required at paragraph 3.1(a).
- 3.2 The Minister and the Treasurer may approve or reject a final business case for the acquisition of land by the Suburban Land Agency.
- 3.3 The Suburban Land Agency may only acquire land following the Treasurer's and the Minister's approval of the final business case in accordance with this Direction.

From: [Chadwick, Graham](#)
To: [Nockels, Alexander](#)
Cc: [Lowery, Deborah](#); [Kirkham, Elizabeth](#)
Subject: RE: Land Acquisition [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Wednesday, 18 October 2017 2:24:00 PM

Hi Alex

I don't have any comments. It appears that our comments have been included. The CRA must provide a business case to the Minister and Treasurer for all proposed land acquisitions the direction applies to.

Regards

Graham

From: Nockels, Alexander
Sent: Tuesday, 17 October 2017 6:03 PM
To: Chadwick, Graham <Graham.Chadwick@act.gov.au>
Cc: Lowery, Deborah <Deborah.Lowery@act.gov.au>; Kirkham, Elizabeth <Elizabeth.Kirkham@act.gov.au>
Subject: FW: Land Acquisition [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Graham – more apologies, any comments?

Cheers
Alex

From: Parkes, Antonia
Sent: Monday, 16 October 2017 12:33 PM
To: Ponton, Ben <Ben.Ponton@act.gov.au>; Snow, Malcolm <Malcolm.Snow@act.gov.au>; Holt, Nicholas <Nicholas.Holt@act.gov.au>
Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>; Dengate, Clinton <Clinton.Dengate@act.gov.au>; Masters, Nicole <Nicole.Masters@act.gov.au>; Hays, Tony <Tony.Hays@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>
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From: [Nockels, Alexander](#)
To: [Parkes, Antonia](#)
Cc: [Lowery, Deborah](#); [Blount, Wilhelmina](#); [Chadwick, Graham](#); [Kirkham, Elizabeth](#)
Subject: RE: Land Acquisition [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Wednesday, 18 October 2017 5:20:11 PM

Antonia – nil comment from us.

Cheers
Alex

From: Parkes, Antonia
Sent: Monday, 16 October 2017 12:33 PM
To: Ponton, Ben <Ben.Ponton@act.gov.au>; Snow, Malcolm <Malcolm.Snow@act.gov.au>; Holt, Nicholas <Nicholas.Holt@act.gov.au>
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From: [Nockels, Alexander](#)
To: [Parkes, Antonia](#)
Cc: [Blount, Wilhelmina](#); [Chadwick, Graham](#); [Paterson, Keaton](#); [Kirkham, Elizabeth](#)
Subject: RE: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Wednesday, 18 October 2017 5:19:00 PM

Antonia – nil comment from us.

Cheers

Alex

From: Parkes, Antonia
Sent: Monday, 16 October 2017 12:35 PM
To: Ponton, Ben <Ben.Ponton@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>
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<<http://www.tccs.act.gov.au>> www.tccs.act.gov.au

From: [Dengate, Clinton](#)
To: [Parkes, Antonia](#); [Ponton, Ben](#); [Snow, Malcolm](#); [Holt, Nicholas](#)
Cc: [O'Neill, Carolyn](#); [Masters, Nicole](#); [Hays, Tony](#); [Blount, Wilhelmina](#); [Nockels, Alexander](#); [Reynolds, Chris](#)
Subject: RE: Land Acquisition [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Thursday, 19 October 2017 9:28:21 AM
Attachments: [City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017 EPSDD Comment.docx](#)

Hi Antonia

EPSDD's comments, cleared by Ben Ponton, are attached.

Cheers
Clinton

Clinton Dengate | Senior Manager
Phone: 02 6205 5001
Email: clinton.dengate@act.gov.au

Assurance and Legal | Governance, Compliance and Legal
Environment, Planning and Sustainable Development Directorate | **ACT Government**
Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au | www.planning.act.gov.au

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Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017

Disallowable instrument DI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after the instrument is signed.

Commented [DC1]: As this is a disallowable instrument, it commences on the day after the day it is notified on the Legislation Register

3 City Renewal Authority - Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the City Renewal Authority.

Andrew Barr MLA
Treasurer

SCHEDULE

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- a) the financial expenditure required for the proposed acquisition, including provision of:
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 - ii. all valuations considered by the City Renewal Authority in accordance with the authorities policies regarding valuations; and
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 - i. meets the objects and functions of the City Renewal Authority set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses the Statement of Expectations issued under s 17 of the Act and the Statement of Operational Intent issued in reply under s 18 of the Act;
 - iv. addresses, and is as far as practicable consistent with the Suburban Land Agencies Statement of Intent issued under the *Financial Management Act 1996* for the authority; and
- d) how the proposed land acquisition, including the future use of the land:

Commented [DC2]: This seems odd Why does the City Renewal Authority need to address and be consistent with the SLA's Statement of Intent?

- i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-Generals of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
 - f) a risk assessment of the proposed acquisition of land; and
 - g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

- 3.1. Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The City Renewal Authority must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and the Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
 - b) The City Renewal Authority must provide a final business case to the Minister and the Treasurer, following completion of the exposure draft consultation required at paragraph 3.1(a).
- 3.2. The Minister and the Treasurer may approve or reject a final business case for the acquisition of land by the City Renewal Authority.
- 3.3. The City Renewal Authority may only acquire land following the Treasurer's and the Minister's approval of the final business case in accordance with this Direction.

From: [Nockels, Alexander](#)
To: [Chadwick, Graham](#); [Lowery, Deborah](#)
Subject: FW: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Thursday, 19 October 2017 10:11:55 AM
Attachments: [Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017 \(002\) EPSDD.docx](#)

FYI

From: Dengate, Clinton
Sent: Thursday, 19 October 2017 9:30 AM
To: Parkes, Antonia <Antonina.Parkes@act.gov.au>; Ponton, Ben <Ben.Ponton@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>; Peffer, Dave <Dave.Peffer@act.gov.au>
Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>; Masters, Nicole <Nicole.Masters@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>; Hays, Tony <Tony.Hays@act.gov.au>
Subject: RE: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Antonia

EPSDD's comments, cleared by Ben Ponton, are attached.

Cheers
Clinton

Clinton Dengate | Senior Manager
Phone: 02 6205 5001
Email: clinton.dengate@act.gov.au

Assurance and Legal | Governance, Compliance and Legal
Environment, Planning and Sustainable Development Directorate | **ACT Government**
Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au | www.planning.act.gov.au

From: Parkes, Antonia
Sent: Monday, 16 October 2017 12:35 PM
To: Ponton, Ben <Ben.Ponton@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>
Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>; Dengate, Clinton <Clinton.Dengate@act.gov.au>; Masters, Nicole <Nicole.Masters@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>; Hays, Tony <Tony.Hays@act.gov.au>
Subject: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Good afternoon

The *City Renewal Authority and Suburban Land Agency Act 2017*, S 63 requires the Treasurer to make directions relating to the acquisition of land by the Suburban Land Agency by way of a disallowable instrument.

I have attached for your review and comment the draft Directions for the SLA. These directions

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017

Disallowable instrument DI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after the instrument is signed.

Commented [DC1]: As a disallowable instrument, it commences on the day after the day it is notified on the Legislation Register. The text we use is "This instrument commences on the day after it is notified."

3 Suburban Land Agency – Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the Suburban Land Agency.

Andrew Barr MLA
Treasurer

SCHEDULE

Suburban Land Agency - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the Suburban Land Agency in exercising its functions of acquiring leases of land on behalf of the Territory from private lessees.
- 1.2. This direction does not apply to:
 - a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)* (repealed);
 - b) land transferred from the Territory, other Territory entities or the Commonwealth of Australia to the Suburban Land Agency;
 - c) the acquisition of rights, such as easements, over leased territory land by the Suburban Land Agency.

Commented [DC2]: Should this also be in the CRA direction?

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2. Land Acquisition – Mandatory Business Cases

- 2.1 The Suburban Land Agency must provide to the Minister and the Treasurer for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2 Each business case must include an analysis of the following issues:
 - a) the financial expenditure required for the proposed acquisition, including provision of:
 - i. any valuation provided to the Suburban Land Agency by the seller; and
 - ii. all valuations considered by the Suburban Land Agency in accordance with the agencies policies regarding Valuations; and
 - b) the current and future status of the land under the Territory Plan, including any conditions on the Crown lease;
 - c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objects and functions of the Suburban Land Agency set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses, and is as far as practicable consistent with the Suburban Land Agencies Statement of Intent issued under the *Financial Management Act 1996* for the agency; and

- d) how the proposed land acquisition, including the future use of the land:
 - i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors- General of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- f) a risk assessment of the proposed acquisition of land; and
- g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

- 3.1 Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The Suburban Land Agency must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
 - b) The Suburban Land Agency must provide a final business case to the Treasurer and the Minister, following completion of the exposure draft consultation required at paragraph 3.1(a).
- 3.2 The Minister and the Treasurer may approve or reject a final business case for the acquisition of land by the Suburban Land Agency.
- 3.3 The Suburban Land Agency may only acquire land following the Treasurer's and the Minister's approval of the final business case in accordance with this Direction.

From: [Nockels, Alexander](#)
To: [Lowery, Deborah](#); [Chadwick, Graham](#)
Subject: FW: Land Acquisition [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Thursday, 19 October 2017 10:12:12 AM
Attachments: [City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017_EPSDD Comment.docx](#)

FYI

From: Dengate, Clinton
Sent: Thursday, 19 October 2017 9:28 AM
To: Parkes, Antonia <Antonina.Parkes@act.gov.au>; Ponton, Ben <Ben.Ponton@act.gov.au>; Snow, Malcolm <Malcolm.Snow@act.gov.au>; Holt, Nicholas <Nicholas.Holt@act.gov.au>
Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>; Masters, Nicole <Nicole.Masters@act.gov.au>; Hays, Tony <Tony.Hays@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>; Reynolds, Chris <Chris.Reynolds@act.gov.au>
Subject: RE: Land Acquisition [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Antonia

EPSDD's comments, cleared by Ben Ponton, are attached.

Cheers
Clinton

Clinton Dengate | Senior Manager
Phone: 02 6205 5001
Email: clinton.dengate@act.gov.au

Assurance and Legal | Governance, Compliance and Legal
Environment, Planning and Sustainable Development Directorate | **ACT Government**
Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au | www.planning.act.gov.au

From: Parkes, Antonia
Sent: Monday, 16 October 2017 12:33 PM
To: Ponton, Ben <Ben.Ponton@act.gov.au>; Snow, Malcolm <Malcolm.Snow@act.gov.au>; Holt, Nicholas <Nicholas.Holt@act.gov.au>
Cc: O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>; Dengate, Clinton <Clinton.Dengate@act.gov.au>; Masters, Nicole <Nicole.Masters@act.gov.au>; Hays, Tony <Tony.Hays@act.gov.au>; Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>
Subject: Land Acquisition [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Good afternoon

The *City Renewal Authority and Suburban Land Agency Act 2017*, S 63 requires the Treasurer to make directions relating to the acquisition of land by the City Renewal Authority by way of a

From: [Masters, Nicole](#)
To: [Mason, Andrea](#)
Cc: [Rayner, Jennifer](#); [Parkes, Antonia](#); [Miners, Stephen](#); [Nicol, David](#)
Subject: FW: Media Enquiry - new land acquisition policy [SEC=UNCLASSIFIED]
Date: Thursday, 19 October 2017 4:14:46 PM
Importance: High

Hi Andrea

I understand this media inquiry is urgent –

We are assuming they are asking about the land acquisition policies for the two new agencies, SLA and CRA, but I'm wondering if anyone has actually spoken to the journalist to find out. Assuming the focus is on the SLA and CRA, we can suggest the following words.

The City Renewal Authority and the Suburban Land Agency were created on 1 July 2017 and land acquisition procedures are being reviewed. Land acquisition Directions are currently being prepared in accordance with the *City Renewal Authority and Suburban Land Agency Act 2017*.

Let me know if you would like to discuss this

Regards

Nicole

Nicole Masters | Director, Infrastructure Reform

Phone: (02) 6207 8822

Infrastructure Finance and Advisory Division | Chief Minister, Treasury and Economic

Development Directorate | ACT Government

GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Mason, Andrea
Sent: Thursday, 19 October 2017 3:34 PM
To: Parkes, Antonia <Antonia.Parkes@act.gov.au>
Cc: Dolan, Fiona <Fiona.Dolan@act.gov.au>
Subject: FW: Media Enquiry - new land acquisition policy [SEC=UNCLASSIFIED]
Importance: High

Hi Antonia,

As discussed just now – please see the below question the CM's office are seeking info on.

Where is the new land acquisition policy up to?

Thanks,

Andrea

From: "Rogan, Nicole" <Nicole.Rogan@act.gov.au>
Date: 19 October 2017 at 2:27:42 pm AEDT
To: "Dolan, Fiona" <Fiona.Dolan@act.gov.au>
Cc: "McGirr, Hayden" <Hayden.McGirr@act.gov.au>
Subject: **FW: Media Enquiry [SEC=UNCLASSIFIED]**

Hi Fiona

Are you able to please follow up the below question – we think this now the responsibility of ACT Treasury.

Hayden: Where is the new land acquisition policy up to?

Let me know if we are incorrect and I will chase again on my end

Thanks

Nicole Rogan | Senior Communications Officer - Community Engagement
Phone 02 6207 0300
Communications | Engagement and Executive Support
Environment, Planning and Sustainable Development Directorate | **ACT Government**
Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au | www.planning.act.gov.au

For **EPSDD media enquiries** please call **0401 766 218**



[@EnvironPlan](https://twitter.com/EnvironPlan)



facebook.com/EnvironPlan

From: Tennent, Simon
Sent: Thursday, 19 October 2017 2:20 PM
To: Rogan, Nicole <Nicole.Rogan@act.gov.au>
Cc: Bear, Jacqui <Jacqui.Bear@act.gov.au>; O'Neill, Carolyn <Carolyn.O'Neill@act.gov.au>
Subject: RE: Media Enquiry [SEC=UNCLASSIFIED]

Hi Nicole

I understand that the Land Acquisition Policy is now the responsibility of ACT Treasury.

Carolyn O'Neill or Jacqui Bear may be able to confirm.

Cheers

Simon

From: Rogan, Nicole
Sent: Thursday, 19 October 2017 2:16 PM
To: Tennent, Simon
Subject: Media Enquiry [SEC=UNCLASSIFIED]
Importance: High

Hi Simon

Out of Scope

Where is the new land acquisition policy up to?

Thanks
Nicole

Nicole Rogan | Senior Communications Officer - Community Engagement
Phone 02 6207 0300
Communications | Engagement and Executive Support
Environment, Planning and Sustainable Development Directorate | **ACT Government**
Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au | www.planning.act.gov.au

For **EPSDD media enquiries** please call **0401 766 218**



@EnvironPlan



facebook.com/EnvironPlan

From: Smith, Mayumi
Sent: Thursday, 19 October 2017 2:11 PM
To: Rogan, Nicole <Nicole.Rogan@act.gov.au>
Subject: FW: One year of Government - follow ups

Are you able to action this one for Hayden?

From: McGirr, Hayden
Sent: Thursday, 19 October 2017 1:46 PM
To: Smith, Mayumi
Cc: Sendaba, Bethel
Subject: FW: One year of Government - follow ups

Hi Mayumi,

Do you happen to know, or have any information on where the land acquisition policy is up to?

Regards,

Hayden

From: Woods, Elliot

Sent: Thursday, 19 October 2017 9:29 AM


To: Paviour, Mark <Mark.Paviour@act.gov.au>; Sloane, Brenton <Brenton.Sloane@act.gov.au>; McGirr, Hayden <Hayden.McGirr@act.gov.au>

Cc: O'Daly, Edward <Edward.O'Daly@act.gov.au>

Subject: One year of Government - follow ups


Hey Mark, Brenton and Hayden,

Out of Scope

A large black rectangular redaction box covering several lines of text.

Hayden: Where is the new land acquisition policy up to?

Out of Scope

A large black rectangular redaction box covering several lines of text.

Thanks.

Elliot.

From: [Parkes, Antonia](#)
To: [Tennent, Simon](#)
Subject: RE: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Monday, 23 October 2017 10:01:00 AM
Attachments: [image001.jpg](#)
[image002.gif](#)
[image003.gif](#)
[image004.jpg](#)
[City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017.docx](#)
[Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017.docx](#)

See attached

From: Tennent, Simon
Sent: Monday, 23 October 2017 9:37 AM
To: Parkes, Antonia <Antonia.Parkes@act.gov.au>
Subject: RE: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Antonia

I'm in all morning until 12:30. Give me a buzz when you're free.

Cheers

Simon

From: Parkes, Antonia
Sent: Monday, 23 October 2017 8:54 AM
To: Tennent, Simon <Simon.Tennent@act.gov.au>
Subject: RE: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Simon

I'm sorry I was out on Friday. I'm here today. I have a meeting at 9-9:45 and then will be back.
Let me know when you are free and we can chat

Thanks
Antonia

From: Tennent, Simon
Sent: Friday, 20 October 2017 9:23 AM
To: Parkes, Antonia <Antonia.Parkes@act.gov.au>
Subject: RE: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Antonia

Happy to chat. I attach something that will help with our discussions.

I'll call you in 5 minutes.

Cheers

Simon

From: Parkes, Antonia
Sent: Thursday, 19 October 2017 5:24 PM
To: Tennent, Simon
Subject: FW: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Hi Simon

I'm not sure if you remember talking to me a few weeks back but I am the treasury contact for the SLA and the CRA. I am drafting the Land Acquisition directions on behalf on the Treasurer for both the CRA and the SLA.

There seems to be a bit of confusion and I would appreciate, given your experience, what your opinion in on this matter.

The SLA think that EPSDD is responsible for writing business cases for land they wish to purchase, we consider that the line area would be best placed to write the business case but I would like to know what your take on the 'right area' is.

Happy to chat on the phone any time

Kind regards
Antonia

Antonia Parkes | Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

Government and Business Enterprises | Economic and Policy Group |

Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

Nara House, Level 1 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

www.tccs.act.gov.au

From: Marshall, Guenivere
Sent: Wednesday, 18 October 2017 2:05 PM
To: Parkes, Antonia <Antonia.Parkes@act.gov.au>
Cc: Peffer, Dave <Dave.Peffer@act.gov.au>; Ponton, Ben <Ben.Ponton@act.gov.au>; Bailey, Anthony <Anthony.Bailey@act.gov.au>
Subject: FW: Draft SLA land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Good Afternoon Antonia

Please see attached our consolidated comments on the draft direction.

The Suburban Land Agency requests further clarity on Section 2.2 (a), in most cases the total value is not entirely known at the time of approval and there needs to be a mechanism for

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017

Disallowable instrument DI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after the instrument is signed.

3 City Renewal Authority - Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the City Renewal Authority.

Andrew Barr MLA
Treasurer

SCHEDULE

City Renewal Authority - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the City Renewal Authority in exercising its function of acquiring leases of land on behalf of the Territory from private lessees.
- 1.2. This direction does not apply to:
 - a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)* (repealed);
 - b) land transferred from the Territory, other Territory entities or the Commonwealth of Australia to the City Renewal Authority;
 - c) the acquisition of rights, such as easements, over leased territory land by the City Renewal Authority.

2. Land Acquisition – Mandatory Business Cases

- 2.1. The City Renewal Authority must provide to the Minister and the Treasurer for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2. Each business case must include an analysis of the following issues:
 - a) the financial expenditure required for the proposed acquisition, including provision of:
 - i. any valuation provided to the City Renewal Authority by the seller; and
 - ii. all valuations considered by the City Renewal Authority in accordance with the authorities policies regarding valuations; and
 - b) the current and future status of the land under the Territory Plan, including any conditions on the Crown lease;
 - c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objects and functions of the City Renewal Authority set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses the Statement of Expectations issued under s 17 of the Act and the Statement of Operational Intent issued in reply under s 18 of the Act;
 - iv. addresses, and is as far as practicable consistent with the City Renewal Authority's Statement of Intent issued under the *Financial Management Act 1996* for the authority; and

- d) how the proposed land acquisition, including the future use of the land:
 - i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-Generals of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- f) a risk assessment of the proposed acquisition of land; and
- g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

- 3.1. Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The City Renewal Authority must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and the Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
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- 3.2. The Minister and the Treasurer may approve or reject a final business case for the acquisition of land by the City Renewal Authority.
- 3.3. The City Renewal Authority may only acquire land following the Treasurer's and the Minister's approval of the final business case in accordance with this Direction.

From: [Stonham, Joshua](#)
To: [Parkes, Antonia](#)
Subject: RE: Disallowable instrument and Explanatory Statement [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Monday, 23 October 2017 10:36:48 AM
Attachments: [image001.gif](#)
[image002.jpg](#)
[City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017.docx](#)
[CRA Land Acquisition Explanatory statement.docx](#)
[SLA Land Acquisition explanatory statement 2017.docx](#)
[Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017.docx](#)

Hi Antonia,

I have made a few changes to this material, which I have attached here for you.

Please feel free to contact me if there are any other questions.

Regards,

Joshua Stonham | Legislation Officer

(02) 6205 7650

ACT Parliamentary Counsel's Office | Justice and Community Safety | ACT Government

Level 3, 12 Moore Street, Canberra City



Please note:

The information contained in this email is not legal advice and should not be relied on as legal advice. For formal legal advice for your particular circumstances please contact a legal practitioner.



Please consider the environment before printing this email.

From: Parkes, Antonia
Sent: Thursday, 19 October 2017 9:40 AM
To: Stonham, Joshua <Joshua.Stonham@act.gov.au>
Subject: Disallowable instrument and Explanatory Statement [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Good morning Joshua

Thank you for taking the time to talk to me this morning.

As discussed I have been drafting the City Renewal Authority and Suburban Land Agency (land acquisition) directions 2017 (the directions are a disallowable instrument).

The directions have been reviewed by the GSO and are currently being circulated for comments with EPSDD, the CRA and SLA. I was wondering if you could review the Explanatory statement for me to make sure I have drafted them correctly.

We are hoping to get the directions to the Treasurer for sign off next week, noting that the sitting period starts next week.

Please let me know if you need any more information

Regards

Antonia Parkes | Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

Government and Business Enterprises | Economic and Policy Group |

Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

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www.tccs.act.gov.au

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017

Disallowable instrument DI2017–

made under the

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2 Commencement

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3 City Renewal Authority - Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the City Renewal Authority.

Andrew Barr MLA
Treasurer

SCHEDULE

City Renewal Authority - Land Acquisition Direction

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1.2. This direction does not apply to:

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2. Land Acquisition – Mandatory Business Cases

2.1. The City Renewal Authority must provide to the Minister and the Treasurer for endorsement a business case for all proposed land acquisitions to which this direction applies.

2.2. Each business case must include an analysis of the following issues:

- a) the financial expenditure required for the proposed acquisition, including provision of:
 - i. any valuation provided to the City Renewal Authority by the seller; and
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 - iii. addresses the Statement of Expectations issued under s 17 of the Act and the Statement of Operational Intent issued in reply under s 18 of the Act;
 - iv. addresses, and is as far as practicable consistent with the Suburban Land Agencies Statement of Intent issued under the *Financial Management Act 1996* for the authority; and
- d) how the proposed land acquisition, including the future use of the land:

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- i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-Generals of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
 - f) a risk assessment of the proposed acquisition of land; and
 - g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

- 3.1. Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The City Renewal Authority must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and the Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
 - b) The City Renewal Authority must provide a final business case to the Minister and the Treasurer, following completion of the exposure draft consultation required at paragraph 3.1(a).
- 3.2. The Minister and the Treasurer may approve or reject a final business case for the acquisition of land by the City Renewal Authority.
- 3.3. The City Renewal Authority may only acquire land following the Treasurer's and the Minister's approval of the final business case in accordance with this Direction.

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017

Disallowable instrument DI2017-XXX

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made under the

City Renewal Authority and Suburban Land Agency Act 2017, s 63 (Minister must make directions for land acquisition)

EXPLANATORY STATEMENT

This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017* as made by the Treasurer and presented to the Legislative Assembly. It has been prepared in order to assist the reader of the instrument and to help inform debate on it. It does not form part of the instrument and has not been endorsed by the Legislative Assembly.

Section 63 of the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act) requires that the Minister must make directions relating to the acquisition of land by the authority or agency.

A direction is disallowable instrument.

Under the current Administration arrangements, the Treasurer is the responsible Minister to make directions relating to the acquisition on land.

The land acquisitions directions require the City Renewal Authority to provide to the responsible Minister and the Treasurer a detailed business case of all proposed land acquisition regardless of the value of the acquisition. The business case must include a detailed analysis of:

- a. Financial expenditure of the land;
- b. Land valuations provided to and obtained by the CRA;
- c. Current and future status of the land under the Territory Plan, including any conditions on the head lease;
- d. The purpose for which the land is being acquired, including how the proposed acquisition meets the requirements of:
 - i. The *City Renewal Authority and the Suburban Land Agency Act 2017*
 - ii. The Territory Plan;
 - iii. The Statement of Strategic Directions;

- iv. The Statement of Planning Intent;
- v. The Statement of Expectations;
- vi. The Statement of Operational Intent; and
- vii. Other relevant government policies relating to land

The Minister or the Treasurer may approve or reject the final business case for the acquisition of land by the City Renewal Authority.

The instrument is not likely to impose appreciable costs on the community, or part of the community and therefore a regulatory impact statement (RIS) is not required (Legislation Act, s34). Further, a RIS is unnecessary, in accordance with the Legislation Act (s36(1)(b)), as the disallowable instrument does not operate to the disadvantage of anyone by adversely affecting the person's rights, or imposing liabilities on the person.

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Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017

Disallowable instrument DI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after ~~the instrument is signed~~ it is notified.

3 Suburban Land Agency – Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the Suburban Land Agency.

Andrew Barr MLA
Treasurer

SCHEDULE

Suburban Land Agency - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the Suburban Land Agency in exercising its functions of acquiring leases of land on behalf of the Territory from private lessees.
- 1.2. This direction does not apply to:
- a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)* (repealed);
 - b) land transferred from the Territory, other Territory entities or the Commonwealth of Australia to the Suburban Land Agency;
 - c) the acquisition of rights, such as easements, over leased territory land by the Suburban Land Agency.

2. Land Acquisition – Mandatory Business Cases

- 2.1 The Suburban Land Agency must provide to the Minister and the Treasurer for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2 Each business case must include an analysis of the following issues:
- a) the financial expenditure required for the proposed acquisition, including provision of:
 - i. any valuation provided to the Suburban Land Agency by the seller; and
 - ii. all valuations considered by the Suburban Land Agency in accordance with the agencies policies regarding Valuations; and
 - b) the current and future status of the land under the Territory Plan, including any conditions on the Crown lease;
 - c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objects and functions of the Suburban Land Agency set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses, and is as far as practicable consistent with the Suburban Land Agencies Statement of Intent issued under the *Financial Management Act 1996* for the agency; and

- d) how the proposed land acquisition, including the future use of the land:
 - i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors- General of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- f) a risk assessment of the proposed acquisition of land; and
- g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

- 3.1 Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The Suburban Land Agency must prepare a business case in accordance with part 2 above, which is provided to the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
 - b) The Suburban Land Agency must provide a final business case to the Treasurer and the Minister, following completion of the exposure draft consultation required at paragraph 3.1(a).
- 3.2 The Minister and the Treasurer may approve or reject a final business case for the acquisition of land by the Suburban Land Agency.
- 3.3 The Suburban Land Agency may only acquire land following the Treasurer's and the Minister's approval of the final business case in accordance with this Direction.

From: [Nockels, Alexander](#)
To: [Lowery, Deborah](#); [Chadwick, Graham](#)
Cc: [Kirkham, Elizabeth](#)
Subject: FW: Letter from the Treasurer to the Chairs SLA & CRA [SEC=UNCLASSIFIED]
Date: Tuesday, 24 October 2017 2:49:09 PM
Attachments: [Barr Letter to Chair.docx](#)

FYI – any comments / thoughts?

Cheers

Alex

From: Parkes, Antonia
Sent: Tuesday, 24 October 2017 2:45 PM
To: Blount, Wilhelmina <Wilhelmina.Blount@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>
Cc: Masters, Nicole <Nicole.Masters@act.gov.au>
Subject: Letter from the Treasurer to the Chairs SLA & CRA [SEC=UNCLASSIFIED]

Hi Wil and Alex

Please see attached a draft letter to the CRA Chair from the treasurer to hopefully go with the Directions when signed. A similar version will go to the SLA Chair.

The aim of the letter is to remind the chairs of their reporting responsibility to keep Treasury informed and to request board agenda's and summaries etc.

Would you mind reviewing it and providing any comments back to me by tomorrow afternoon? Sorry for the tight turn around!

Thanks

Antonia Parkes |Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

Government and Business Enterprises | Economic and Policy Group |

Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

Nara House, Level 1 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

www.tccs.act.gov.au



Andrew Barr MLA

Chief Minister

Member for Kurrajong

Treasurer

Minister for Economic Development

Minister for Tourism and Major Events

Dr Michael Easson AM
Chair
City Renewal Authority
Level 1, Canberra Nara Centre
1 Constitution Avenue
Canberra City ACT 2601

CC: Malcolm.Snow@act.gov.au

Dear Dr Easson

I am pleased to advise you that the City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017 were tabled in the Legislative Assembly in October. These directions provide the board and the Authority with the procedures to be followed by the Authority in delivering the ACT Government's requirements and priorities when acquiring land on behalf of the Territory.

The 2017 Administrative Arrangements assign me, as the Treasurer to make the directions relating to the acquisition of land by the authority. As the Treasurer, it is also my duty to ensure the Authority meets the community's expectations in delivering the governments expectations of growing and diversifying the economy and ensuring financial integrity with good governance and communication.

With the introduction of the Directions I would like to take this opportunity to reinforce the government's expectations of good governance and the need to establish productive working relationships with key stakeholders such as the Chief Ministers, Treasury and Economic Development Directorate (CMTEDD) in particular, ACT Treasury. The land acquisition directions require that all business cases for land acquisition are reviewed and approved by the Treasurer. It is therefore important that the authority ensure the Minister and the Treasurer have regular and timely disclosure of any information that may require and influence a policy response from the Government. This includes the sharing of financial and operational performance indicators, Authority funded initiatives, and significant events likely to affect the Authority with the Treasury branch. CMTEDD provides independent advice to the Chief Minister and Treasurer on the application of government policies that may impact on City Renewal Authority (CRA) in relation to financial issues such dividends, budget management, borrowings, financial performance targets and general financial performance.

Treasury performs the role of financial adviser. Key financial policies and performance targets such as rates of return, dividend levels and capital structure are negotiated with CRA for consideration by the Government.

Treasury has shared responsibility with the Government Business Enterprise (GBE) Unit in Economic and Financial Policy Group together with the Finance and Budget division for providing advice on the financial health and performance of the CRA and on the achievement of the Government's budget policy objectives and fiscal strategies.

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
Phone +61 2 6205 0011 Fax +61 2 6205 0157 Email barr@act.gov.au



It will also be helpful to me, and for the productive working relationship with Treasury, if CRA could institute the following reporting mechanisms, building on the reporting requirements contained in the Statement of Expectations, the Act and the Land Acquisition Directions 2017:

- a. the Chief Executive Officer providing a short monthly summary of key matters for CRA, to be provided following Board meetings;
- b. Quarterly performance reports with respect to current and planned projects and any advice on matters of importance that might have occurred outside the reporting period;
- c. the Chief Executive Officer and the Chair to meet with me quarterly to discuss key matters;
- d. respond to information relating to requests made by the Legislative Assembly, either through questions without notice or questions on notice, or by Legislative Assembly committees; and
- e. provide current and timely information on the Land Release Program, in particular changes to the program.

Institute regular meetings with Treasury representatives which would also be constructive to discuss financial and budgetary matters.

Thank you for your support in this request and I look forward to continuing working with you and the City Renewal Authority.

Yours sincerely

Andrew Barr MLA
Treasurer

From: [Stonham, Joshua](#)
To: [Parkes, Antonia](#)
Subject: RE: City Renewal Authority (Land Acquisition) Direction 2017- DI2017 [SEC=UNCLASSIFIED]
Date: Thursday, 26 October 2017 3:53:12 PM
Attachments: [image001.gif](#)
[image002.jpg](#)

Hi Antonia,

“Executive” is defined in the Legislation Act 2001 as the Australian Capital Territory Executive, so you could remove “Territory” from the highlighted text below, but I do not think it could be confused with anything else the way it is, so that is up to you.

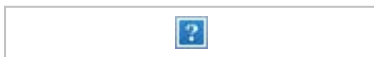
Regards,

Joshua Stonham | Legislation Officer

(02) 6205 7650

ACT Parliamentary Counsel's Office | Justice and Community Safety | ACT Government

Level 3, 12 Moore Street, Canberra City



Please note:

The information contained in this email is not legal advice and should not be relied on as legal advice. For formal legal advice for your particular circumstances please contact a legal practitioner.



Please consider the environment before printing this email.

From: Parkes, Antonia
Sent: Thursday, 26 October 2017 3:45 PM
To: Stonham, Joshua <Joshua.Stonham@act.gov.au>
Subject: City Renewal Authority (Land Acquisition) Direction 2017- DI2017 [SEC=UNCLASSIFIED]

Hi Joshua

As discussed, the Chief Minister would like the directions to state that all business cases for land acquisitions will need to be considered by Cabinet. We have worded the instrument as follows:

1. Business Case Approval

1.1. Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:

- a) The City Renewal Authority must present a business case in accordance with part 2 above, which is provided to the Under Treasurer and the Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services as an exposure draft for consultation; and
- b) Upon completion of the exposure draft consultation required at paragraph 3.1(a), the City Renewal Authority must provide a final business case to the Environment, Planning and Sustainable Development Directorate for the Minister to approve, **following consideration by the Territory Executive.**

I have attached the document for your reference. We would like to know if this wording is appropriate. The Chief would like this on his desk on Monday and the Under Treasurer by tonight.

Sorry for the tight deadline

Kind regards

Antonia

From: [Parkes, Antonia](#)
To: [Miners, Stephen](#); [Nicol, David](#)
Cc: [Masters, Nicole](#)
Subject: DRAFT Brief, Land Acquisition Directions for CRA and SLA [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Thursday, 26 October 2017 6:15:00 PM
Attachments: [City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017.docx](#)
[CRA Land Acquisition Explanatory statement.docx](#)
[SLA Land Acquisition explanatory statement 2017.docx](#)
[Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017.docx](#)
[Brief Directions 2017.doc](#)

Dear David and Steven

Please find attached for your consideration the draft Directions which have been prepared in consultation with GSO, PCO, CRA, SLA, EPSDD.

The Chief Minister is looking to sign the directions on Monday.

Kind regards

Antonia Parkes | Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

Government and Business Enterprises | Economic and Policy Group |

Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

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Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017

Disallowable instrument DI2017–

made under the

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This instrument is the *City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after the instrument is signed.

3 City Renewal Authority - Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the City Renewal Authority.

Andrew Barr MLA
Treasurer

SCHEDULE

City Renewal Authority - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the City Renewal Authority in exercising its function of acquiring leases of land on behalf of the Territory from private lessees.
- 1.2. This direction does not apply to:
 - a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)* (repealed);
 - b) land transferred from the Territory, other Territory entities or the Commonwealth of Australia to the City Renewal Authority;
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2. Land Acquisition – Mandatory Business Cases

- 2.1. The City Renewal Authority must provide to the Minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2. Each business case must include an analysis of the following issues:
 - a) the financial implications relating to the proposed acquisition, including provision of:
 - i. any valuation provided to the City Renewal Authority by the seller; and
 - ii. all valuations considered by the City Renewal Authority in accordance with the authorities policies regarding valuations; and
 - b) the current and future status of the land under the Territory Plan, including any conditions on the Crown lease;
 - c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objects and functions of the City Renewal Authority set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses the Statement of Expectations issued under s 17 of the Act and the Statement of Operational Intent issued in reply under s 18 of the Act;
 - iv. addresses, and is as far as practicable consistent with the City Renewal Authority's Statement of Intent issued under the *Financial Management Act 1996* for the authority; and

- d) how the proposed land acquisition, including the future use of the land:
 - i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-Generals of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
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- 3.1. Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
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Australian Capital Territory

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- v. The Statement of Expectations;
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Following consideration by the Executive, the Minister may approve or reject the final business case for the acquisition of land by the City Renewal Authority.

The instrument is not likely to impose appreciable costs on the community, or part of the community and therefore a regulatory impact statement (RIS) is not required (Legislation Act, s34). Further, a RIS is unnecessary, in accordance with the Legislation Act (s36(1)(b)), as the disallowable instrument does not operate to the disadvantage of anyone by adversely affecting the person's rights, or imposing liabilities on the person.

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- a. Financial implications of the land;
- b. Land valuations provided to and obtained by the SLA;
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- d. The purpose for which the land is being acquired, including how the proposed acquisition meets the requirements of:
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Andrew Barr MLA
Treasurer

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- 2.1 The Suburban Land Agency must provide to the Minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
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 - ii. all valuations considered by the Suburban Land Agency in accordance with the agencies policies regarding Valuations; and
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 - c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
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 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses, and is as far as practicable consistent with the Suburban Land Agencies Statement of Intent issued under the *Financial Management Act 1996* for the agency; and

- d) how the proposed land acquisition, including the future use of the land:
 - i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
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- 3.1 Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
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 - b) Upon completion of consultation required at 3.1(a), the Suburban Land Agency must provide a final business case to be submitted by the Environment, Planning and Sustainability Development Directorate for consideration by the Minister.
- 3.2 The Minister may approve or reject a final business case for the acquisition of land by the Suburban Land Agency, following consideration by the Executive.
- 3.3 The Suburban Land Agency may only acquire land following the Minister's approval of the final business case in accordance with this Direction.



**Chief Minister, Treasury and Economic
Development Directorate**

DRAFT

UNCLASSIFIED

To: Treasurer

Tracking No.: Click here to enter text.
--

Date: 30 October 2017

From: Acting Executive Director, Economic and Financial Group

Subject: City Renewal Authority and Suburban Land Agency (Land Acquisitions)
Directions 2017

Critical Date: 1 November 2017

Critical Reason: To enable notification of the Directions.

- UT .../.../...

Purpose

To request your agreement and endorsement of the proposed instruments to formally make the directions in relation to acquisition of land for the City Renewal Authority and the Suburban Land Agency.

Recommendations

That you:

1. Sign the disallowable instruments at Attachment A and Attachment B.

Agreed / Not Agreed / Please Discuss

2. Approve the attached Explanatory Statements at Attachment C and Attachment D

Approved / Not Approved / Please Discuss

Andrew Barr MLA/...../.....

Minister's Office Feedback

Background

1. Section 63 of the *City Renewal Authority and Suburban Land Agency Act 2017* requires the Treasurer to make directions relating to the acquisition of land by the City Renewal Authority (CRA) and the Suburban Land Agency (SLA). A direction is a disallowable instrument.
2. Under the current Administration Arrangements, the Chief Minister is the responsible Minister for the CRA, while the SLA falls under the portfolio of the Minister for Housing and Suburban Development and the Minister for Urban Renewal (the Minister for Urban Renewal is responsible for sites outside greenfield developments and declared urban renewal precincts). Environment Planning and Sustainable Development Directorate (EPSDD) provides policy advice and support to the portfolio Ministers, the CRA and SLA. In addition the SLA has agreed to provide support to CRA in relation to its sale of properties, and other cooperative arrangements maybe implemented as these agencies progress their activities.
3. EPSDD are currently preparing a brief to you as Chief Minister on the transfer of land to CRA and SLA and due diligence activities on the services provided from ESPDD to the two land entities.

Issues

4. The proposed directions require the CRA and SLA to present a business case for each proposed acquisition for the endorsement of the responsible Minister to approve following Cabinet consideration.
5. The proposed directions have been drafted without a threshold which, in effect, will require all proposed land acquisition business cases to be approved by the government. This is a departure from the land acquisition direction that applied to the discontinued Land Development Agency (LDA), which included a threshold for proposed land acquisitions between \$5 million and \$20 million to be agreed by the Chief Minister and Treasurer, with all business cases to go to Treasury. Any land acquisition above \$20 million required Cabinet approval.
6. As drafted, the directions for both the CRA and SLA requires that each business case must include:
 - a. Details of the land to be acquired and the financial implications relating to the acquisition;
 - b. Land valuations provided to and obtained by the CRA and/or SLA;
 - c. Current and future status of the land under the Territory Plan, including any conditions on the head lease;
 - d. The purpose for which the land is being acquired, including how the proposed acquisition meets the requirements of:
 - i. The *City Renewal Authority and the Suburban Land Agency Act 2017*
 - ii. The Territory Plan;
 - iii. The Statement of Strategic Directions;

- iv. The Statement of Planning Intent;
 - v. The Statement of Expectations (only legislatively required for CRA);
 - vi. The Statement of Operational Intent (only legislatively required by CRA);
 - vii. The Statement of Intent; and
 - viii. Other relevant government policies.
7. It is proposed that EPSDD will provide ongoing due diligence support to CRA and SLA and will prepare the business cases on behalf of each board.
 8. Under the *City Renewal Authority and Suburban Land Agency Act 2017*, CRA (s 13) and SLA (s 43) are required to provide a Land Acquisition Report, not later than 10 days after the end of each quarter. The report must include details of any land acquired during the quarter, a copy of all valuations of the acquired land that was considered in relation to the acquisition, and any other information prescribed by regulation for the report. The Minister must present the report to the Legislative Assembly not later than 5 sitting days after the day the Minister receives the report (s 13.2).
 9. Historically the number of land acquisitions by the LDA was quite low. The table below details the number of land acquisitions per financial year to show the approximate number of business cases that might be expected:

Financial Year	Total land acquisitions
2014/15	8
2015/16	3
2016/17	2
2017/18	0

10. Treasury understands neither entity has been actively seeking to acquire any land since they were established on 1 July 2017. However, SLA has recently finalised acquisitions previously commenced by LDA.

Financial Implications

11. Nil

Consultation

Internal

12. Finance and Budget Division have been consulted on the draft directions.

Cross Directorate

13. The directions have been prepared in consultation with the ESPDD, CRA, SLA, Government Solicitor's Office and the Parliamentary Counsel's Office.

External

14. Nil

Benefits/Sensitivities

15. A question from Alistair Coe MLA and media have recently been received requesting information on when the Directions will be provided.

Media Implications

16. There may be some media interest once the instruments have been presented to the Assembly. Particularly given that the proposed directions do not contain a threshold.

Signatory Name: Nicole Masters

Phone: 52895

Action Officer: Antonia Parkes

Phone: 55387

Attachments

Attachment	Title
Attachment A	City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017
Attachment B	City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017
Attachment C	City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017 Explanatory Statement
Attachment D	City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017 Explanatory Statement

From: [Parkes, Antonia](#)
To: [Fitzgerald, Bruce](#); [Tennent, Simon](#); [O'Neill, Carolyn](#); [Stonham, Joshua](#)
Cc: [Masters, Nicole](#); [Hays, Tony](#)
Subject: DRAFT Brief and CRA & SLA Land Acquisition Directions [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Thursday, 26 October 2017 6:16:00 PM
Attachments: [City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017.docx](#)
[CRA Land Acquisition Explanatory statement.docx](#)
[SLA Land Acquisition explanatory statement 2017.docx](#)
[Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017.docx](#)
[Brief Directions 2017.doc](#)
Importance: High

Dear all

Please see attached for your consideration the final drafts of the brief, directions and Explanatory statements that will be provided for the Treasurer's clearance on Monday. If you have any comments can you please provide them to me by noon tomorrow (Friday 27 October).

Kind regards

Antonia Parkes | Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

Government and Business Enterprises | Economic and Policy Group |

Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

Nara House, Level 1 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

www.tccs.act.gov.au

From: [Parkes, Antonia](#)
To: [Kettle, Derek](#)
Subject: City Renewal Authority (Land Acquisition) Direction 2017- DI2017 [SEC=UNCLASSIFIED]
Date: Friday, 27 October 2017 12:22:00 PM
Attachments: [City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017.docx](#)

AS discussed

Antonia Parkes | Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

Government and Business Enterprises | Economic and Policy Group |

Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

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www.tccs.act.gov.au

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017

Disallowable instrument DI2017-

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after it is notified.

3 City Renewal Authority - Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the City Renewal Authority.

Andrew Barr MLA
Treasurer

SCHEDULE

City Renewal Authority - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the City Renewal Authority in exercising its function of acquiring leases of land on behalf of the Territory from private lessees.
- 1.2. This direction does not apply to:
 - a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)* (repealed);
 - b) land transferred from the Territory, other Territory entities or the Commonwealth of Australia to the City Renewal Authority;
 - c) the acquisition of rights, such as easements, over leased territory land by the City Renewal Authority.

2. Land Acquisition – Mandatory Business Cases

- 2.1. The City Renewal Authority must provide to the Minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2. Each business case must include an analysis of the following issues:
 - a) the financial implications relating to the proposed acquisition, including provision of:
 - i. any valuation provided to the City Renewal Authority by the seller; and
 - ii. all valuations considered by the City Renewal Authority in accordance with the authorities policies regarding valuations; and
 - b) the current and future status of the land under the Territory Plan, including any conditions on the Crown lease;
 - c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objects and functions of the City Renewal Authority set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses the Statement of Expectations issued under s 17 of the Act and the Statement of Operational Intent issued in reply under s 18 of the Act;
 - iv. addresses, and is as far as practicable consistent with the City Renewal Authority's Statement of Intent issued under the *Financial Management Act 1996* for the authority; and

- d) how the proposed land acquisition, including the future use of the land:
 - i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-Generals of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- f) a risk assessment of the proposed acquisition of land; and
- g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

- 3.1. Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The City Renewal Authority must present a draft business case in accordance with part 2 above, which is provided to the Under Treasurer and the Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services for consultation; and
 - b) Upon completion of consultation required at paragraph 3.1(a), the City Renewal Authority must provide a final business case to be submitted by the Environment, Planning and Sustainable Development Directorate for consideration by the Minister.
- 3.2. The Minister may approve or reject a final business case for the acquisition of land by the City Renewal Authority, following consideration by the Executive.
- 3.3. The City Renewal Authority may only acquire land following the Minister's approval of the final business case in accordance with this Direction.

From: [Parkes, Antonia](#)
To: [Kettle, Derek](#)
Subject: Suburban Land Agency (Land Acquisition) Direction 2017- DI2017 [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Friday, 27 October 2017 12:23:00 PM
Attachments: [Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017.docx](#)

Part 2 SLA

Antonia Parkes | Senior Manager

Phone 02 6205 5384 | Email: Antonia.Parkes@act.gov.au

Government and Business Enterprises | Economic and Policy Group |

Chief Ministers, Treasury and Economic Development Directorate | **ACT Government**

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Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017

Disallowable instrument DI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after it is notified.

3 Suburban Land Agency – Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the Suburban Land Agency.

Andrew Barr MLA
Treasurer

SCHEDULE

Suburban Land Agency - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the Suburban Land Agency in exercising its functions of acquiring leases of land on behalf of the Territory from private lessees.
- 1.2. This direction does not apply to:
- a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)* (repealed);
 - b) land transferred from the Territory, other Territory entities or the Commonwealth of Australia to the Suburban Land Agency;
 - c) the acquisition of rights, such as easements, over leased territory land by the Suburban Land Agency.

2. Land Acquisition – Mandatory Business Cases

- 2.1 The Suburban Land Agency must provide to the Minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2 Each business case must include an analysis of the following issues:
- a) the financial implications relating to the proposed acquisition, including provision of:
 - i. any valuation provided to the Suburban Land Agency by the seller; and
 - ii. all valuations considered by the Suburban Land Agency in accordance with the agencies policies regarding Valuations; and
 - b) the current and future status of the land under the Territory Plan, including any conditions on the Crown lease;
 - c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objects and functions of the Suburban Land Agency set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses, and is as far as practicable consistent with the Suburban Land Agencies Statement of Intent issued under the *Financial Management Act 1996* for the agency; and

- d) how the proposed land acquisition, including the future use of the land:
 - i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- f) a risk assessment of the proposed acquisition of land; and
- g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

- 3.1 Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The Suburban Land Agency must present a draft business case in accordance with part 2 above, which is provided to the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services for consultation; and
 - b) Upon completion of consultation required at 3.1(a), the Suburban Land Agency must provide a final business case to be submitted by the Environment, Planning and Sustainability Development Directorate for consideration by the Minister.
- 3.2 The Minister may approve or reject a final business case for the acquisition of land by the Suburban Land Agency, following consideration by the Executive.
- 3.3 The Suburban Land Agency may only acquire land following the Minister's approval of the final business case in accordance with this Direction.

From: [O'Neill, Carolyn](#)
To: [Parkes, Antonia](#); [Reynolds, Chris](#)
Cc: [Masters, Nicole](#); [Hays, Tony](#)
Subject: RE: Brief Directions 2017 [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Friday, 27 October 2017 12:30:34 PM

Thank you all for your time. I am comfortable that this reflects our discussions and the issues associated with accountability and ownership of the actual business cases.

Carolyn

From: Parkes, Antonia
Sent: Friday, 27 October 2017 12:19 PM
To: Reynolds, Chris; O'Neill, Carolyn
Cc: Masters, Nicole; Hays, Tony
Subject: Brief Directions 2017 [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Good afternoon Chris and Carolyn,

Following discussions with both of you this morning we have amended the brief (attached) , paragraph 7 to read:

“It is proposed that EPSDD will provide ongoing due diligence support to CRA and SLA in relation to land acquisitions and will work in collaboration with CRA and SLA in preparation of draft business cases for consideration and endorsement of each board.”

Please let me know if you have any further changes, noting that this is going to the Under Treasurer this afternoon.

Kind regards
Antonina

From: [Parkes, Antonia](#)
To: [Miners, Stephen](#); [Nicol, David](#)
Cc: [Masters, Nicole](#)
Subject: RE: DRAFT Brief, Land Acquisition Directions for CRA and SLA [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]
Date: Friday, 27 October 2017 12:56:00 PM
Attachments: [City Renewal Authority \(Land Acquisition\) Direction 2017- DI2017.docx](#)
[CRA Land Acquisition Explanatory statement.docx](#)
[SLA Land Acquisition explanatory statement 2017.docx](#)
[Suburban Land Agency \(Land Acquisition\) Direction 2017- DI2017.docx](#)
[Brief Directions 2017.doc](#)

Good afternoon all

Following discussions with EPSDD (Carolyn O'Neill and Chris Reynolds) a small change has been made to the brief documents.

I have reattached the modified drafts for your consideration.

Kind regards
Antonia

From: Miners, Stephen
Sent: Thursday, 26 October 2017 6:28 PM
To: Parkes, Antonia <Antonia.Parkes@act.gov.au>; Nicol, David <David.Nicol@act.gov.au>
Cc: Masters, Nicole <Nicole.Masters@act.gov.au>
Subject: RE: DRAFT Brief, Land Acquisition Directions for CRA and SLA [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Thanks Antonia.

David – I will discuss with you in the margins of CFFR tomorrow.

Stephen

From: Parkes, Antonia
Sent: Thursday, 26 October 2017 6:16 PM
To: Miners, Stephen <Stephen.Miners@act.gov.au>; Nicol, David <David.Nicol@act.gov.au>
Cc: Masters, Nicole <Nicole.Masters@act.gov.au>
Subject: DRAFT Brief, Land Acquisition Directions for CRA and SLA [SEC=UNCLASSIFIED, DLM=Sensitive: Cabinet]

Dear David and Steven

Please find attached for your consideration the draft Directions which have been prepared in consultation with GSO, PCO, CRA, SLA, EPSDD.

The Chief Minister is looking to sign the directions on Monday.



Chief Minister, Treasury and Economic
Development Directorate

DRAFT

UNCLASSIFIED

To: Treasurer

Tracking No.: Click here to enter text.

Date: 30 October 2017

From: Acting Executive Director, Economic and Financial Group

Subject: City Renewal Authority and Suburban Land Agency (Land Acquisitions)
Directions 2017

Critical Date: 1 November 2017

Critical Reason: To enable notification of the Directions.

- UT .../.../...

Purpose

To request your agreement and endorsement of the proposed instruments to formally make the directions in relation to acquisition of land for the City Renewal Authority and the Suburban Land Agency.

Recommendations

That you:

1. Sign the disallowable instruments at Attachment A and Attachment B.

Agreed / Not Agreed / Please Discuss

2. Approve the attached Explanatory Statements at Attachment C and Attachment D

Approved / Not Approved / Please Discuss

Andrew Barr MLA/...../.....

Minister's Office Feedback

Background

1. Section 63 of the *City Renewal Authority and Suburban Land Agency Act 2017* requires the Treasurer to make directions relating to the acquisition of land by the City Renewal Authority (CRA) and the Suburban Land Agency (SLA). A direction is a disallowable instrument.
2. Under the current Administration Arrangements, the Chief Minister is the responsible Minister for the CRA, while the SLA falls under the portfolio of the Minister for Housing and Suburban Development and the Minister for Urban Renewal (the Minister for Urban Renewal is responsible for sites outside greenfield developments and declared urban renewal precincts). Environment Planning and Sustainable Development Directorate (EPSDD) provides policy advice and support to the portfolio Ministers, the CRA and SLA. In addition the SLA has agreed to provide support to CRA in relation to its sale of properties, and other cooperative arrangements maybe implemented as these agencies progress their activities.
3. EPSDD are currently preparing a brief to you as Chief Minister on the transfer of land to CRA and SLA and due diligence activities on the services provided from ESPDD to the two land entities.

Issues

4. The proposed directions require the CRA and SLA to present a business case for each proposed acquisition for the endorsement of the responsible Minister to approve following Cabinet consideration.
5. The proposed directions have been drafted without a threshold which, in effect, will require all proposed land acquisition business cases to be approved by the government. This is a departure from the land acquisition direction that applied to the discontinued Land Development Agency (LDA), which included a threshold for proposed land acquisitions between \$5 million and \$20 million to be agreed by the Chief Minister and Treasurer, with all business cases to go to Treasury. Any land acquisition above \$20 million required Cabinet approval.
6. As drafted, the directions for both the CRA and SLA requires that each business case must include:
 - a. Details of the land to be acquired and the financial implications relating to the acquisition;
 - b. Land valuations provided to and obtained by the CRA and/or SLA;
 - c. Current and future status of the land under the Territory Plan, including any conditions on the head lease;
 - d. The purpose for which the land is being acquired, including how the proposed acquisition meets the requirements of:
 - i. The *City Renewal Authority and the Suburban Land Agency Act 2017*
 - ii. The Territory Plan;
 - iii. The Statement of Strategic Directions;

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 - v. The Statement of Expectations (only legislatively required for CRA);
 - vi. The Statement of Operational Intent (only legislatively required by CRA);
 - vii. The Statement of Intent; and
 - viii. Other relevant government policies.
7. It is proposed that EPSDD will provide ongoing due diligence support to CRA and SLA in relation to land acquisitions and will work in collaboration with CRA and SLA in preparation of draft business cases for consideration and endorsement of each board.
 8. Under the *City Renewal Authority and Suburban Land Agency Act 2017*, CRA (s 13) and SLA (s 43) are required to provide a Land Acquisition Report, not later than 10 days after the end of each quarter. The report must include details of any land acquired during the quarter, a copy of all valuations of the acquired land that was considered in relation to the acquisition, and any other information prescribed by regulation for the report. The Minister must present the report to the Legislative Assembly not later than 5 sitting days after the day the Minister receives the report (s 13.2).
 9. Historically the number of land acquisitions by the LDA was quite low. The table below details the number of land acquisitions per financial year to show the approximate number of business cases that might be expected:

Financial Year	Total land acquisitions
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10. Treasury understands neither entity has been actively seeking to acquire any land since they were established on 1 July 2017. However, SLA has recently finalised acquisitions previously commenced by LDA.

Financial Implications

11. Nil

Consultation

Internal

12. Finance and Budget Division have been consulted on the draft directions.

Cross Directorate

13. The directions have been prepared in consultation with the ESPDD, CRA, SLA, Government Solicitor's Office and the Parliamentary Counsel's Office.

External

14. Nil

Benefits/Sensitivities

15. A question from Alistair Coe MLA and media have recently been received requesting information on when the Directions will be provided.

Media Implications

16. There may be some media interest once the instruments have been presented to the Assembly. Particularly given that the proposed directions do not contain a threshold.

Signatory Name: Nicole Masters

Phone: 52895

Action Officer: Antonia Parkes

Phone: 55387

Attachments

Attachment	Title
Attachment A	City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017
Attachment B	City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017
Attachment C	City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017 Explanatory Statement
Attachment D	City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017 Explanatory Statement



Chief Minister, Treasury and Economic Development Directorate

UNCLASSIFIED

To: Treasurer

Tracking No.: CMTEDD2017/4169

Date: 30 October 2017

From: Acting Executive Director, Economic and Financial Group

Subject: City Renewal Authority and Suburban Land Agency (Land Acquisitions) Directions 2017

Critical Date: 1 November 2017

Critical Reason: To enable notification of the Directions.

- UT .../.../...

Purpose

To request your agreement and endorsement of the proposed instruments to formally make the directions in relation to acquisition of land for the City Renewal Authority and the Suburban Land Agency.

Recommendations

That you:

1. Sign the disallowable instruments at Attachment A and Attachment B.

Agreed / Not Agreed / Please Discuss

2. Approve the attached Explanatory Statements at Attachment C and Attachment D

Approved / Not Approved / Please Discuss

Andrew Barr MLA/...../.....

Minister's Office Feedback

Background

1. Section 63 of the *City Renewal Authority and Suburban Land Agency Act 2017* requires the Treasurer to make directions relating to the acquisition of land by the City Renewal Authority (CRA) and the Suburban Land Agency (SLA). A direction is a disallowable instrument.
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3. EPSDD are currently preparing a brief to you as Chief Minister on the transfer of land to CRA and SLA and due diligence activities on the services provided from ESPDD to the two land entities.

Issues

4. The proposed directions require the CRA and SLA to present a business case for each proposed acquisition for the endorsement of the responsible Minister. As requested by your office, ministerial approval or rejection of business cases follows Cabinet consideration, and the instruments have been drafted accordingly.
5. The proposed directions have been drafted without a threshold which, in effect, will require all proposed land acquisition business cases to be approved by the government. This is a departure from the land acquisition direction that applied to the discontinued Land Development Agency (LDA), which included a threshold for proposed land acquisitions between \$5 million and \$20 million to be agreed by the Chief Minister and Treasurer, with all business cases to go to Treasury. Any land acquisition above \$20 million required Cabinet approval.
6. As drafted, the directions for both the CRA and SLA requires that each business case must include:
 - a. Details of the land to be acquired and the financial implications relating to the acquisition;
 - b. Land valuations provided to and obtained by the CRA and/or SLA;
 - c. Current and future status of the land under the Territory Plan, including any conditions on the head lease;
 - d. The purpose for which the land is being acquired, including how the proposed acquisition meets the requirements of:
 - i. The *City Renewal Authority and the Suburban Land Agency Act 2017*
 - ii. The Territory Plan;

- iii. The Statement of Strategic Directions;
 - iv. The Statement of Planning Intent;
 - v. The Statement of Expectations (only legislatively required for CRA);
 - vi. The Statement of Operational Intent (only legislatively required by CRA);
 - vii. The Statement of Intent; and
 - viii. Other relevant government policies.
7. As requested by your office, the directions set out a process for ministerial approval of business cases for land acquisition following consideration by Cabinet.
 8. We propose that EPSDD provide ongoing due diligence support to CRA and SLA in relation to land acquisitions and work in collaboration with CRA and SLA in preparation of draft business cases for consideration and endorsement of each board.
 9. Under the *City Renewal Authority and Suburban Land Agency Act 2017*, CRA (s 13) and SLA (s 43) are required to provide a Land Acquisition Report, not later than 10 days after the end of each quarter. The report must include details of any land acquired during the quarter, a copy of all valuations of the acquired land that was considered in relation to the acquisition, and any other information prescribed by regulation for the report. The Minister must present the report to the Legislative Assembly not later than 5 sitting days after the day the Minister receives the report (s 13.2).
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11. Treasury understands neither entity has been actively seeking to acquire any land since they were established on 1 July 2017. However, SLA has recently finalised acquisitions previously commenced by LDA.

Financial Implications

12. Nil

Consultation

Internal

13. Finance and Budget Division have been consulted on the draft directions.

Cross Directorate

14. The directions have been prepared in consultation with the ESPDD, CRA, SLA, Government Solicitor's Office and the Parliamentary Counsel's Office.

External

15. Nil

Benefits/Sensitivities

16. A question from Alistair Coe MLA and media have recently been received requesting information on when the Directions will be provided.

Media Implications

17. There may be some media interest once the instruments have been presented to the Assembly. Particularly given that the proposed directions do not contain a threshold.

Signatory Name: Nicole Masters

Phone: 52895

Action Officer: Antonia Parkes

Phone: 55387

Attachments

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Attachment A	City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017
Attachment B	City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017
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Chief Minister, Treasury and Economic Development Directorate

UNCLASSIFIED

To: Treasurer Tracking No.: CMTEDD2017/4169.

Date: 30 October 2017

From: Acting Executive Director, Economic and Financial Group

Subject: City Renewal Authority and Suburban Land Agency (Land Acquisitions) Directions 2017

Critical Date: 1 November 2017

Critical Reason: To enable notification of the Directions.

- UT .../.../...

Purpose

To request your agreement and endorsement of the proposed instruments to formally make the directions in relation to acquisition of land for the City Renewal Authority and the Suburban Land Agency.

Recommendations

That you:

1. Sign the disallowable instruments at Attachment A and Attachment B.

Agreed / Not Agreed / Please Discuss

2. Approve the attached Explanatory Statements at Attachment C and Attachment D

Approved / Not Approved / Please Discuss

Andrew Barr MLA  31/10/17

Minister's Office Feedback

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Background

1. Section 63 of the *City Renewal Authority and Suburban Land Agency Act 2017* requires the Treasurer to make directions relating to the acquisition of land by the City Renewal Authority (CRA) and the Suburban Land Agency (SLA). A direction is a disallowable instrument.
2. Under the current Administration Arrangements, the Chief Minister is the responsible Minister for the CRA, while the SLA falls under the portfolio of the Minister for Housing and Suburban Development and the Minister for Urban Renewal (the Minister for Urban Renewal is responsible for sites outside greenfield developments and declared urban renewal precincts). Environment Planning and Sustainable Development Directorate (EPSDD) provides policy advice and support to the portfolio Ministers, the CRA and SLA. In addition the SLA has agreed to provide support to CRA in relation to its sale of properties, and other cooperative arrangements maybe implemented as these agencies progress their activities.
3. EPSDD are currently preparing a brief to you as Chief Minister on the transfer of land to CRA and SLA and due diligence activities on the services provided from ESPDD to the two land entities.

Issues

4. The proposed directions require the CRA and SLA to present a business case for each proposed acquisition for the endorsement of the responsible Minister. As requested by your office, ministerial approval or rejection of business cases follows Cabinet consideration, and the instruments have been drafted accordingly.
5. The proposed directions have been drafted without a threshold which, in effect, will require all proposed land acquisition business cases to be approved by the government. This is a departure from the land acquisition direction that applied to the discontinued Land Development Agency (LDA), which included a threshold for proposed land acquisitions between \$5 million and \$20 million to be agreed by the Chief Minister and Treasurer, with all business cases to go to Treasury. Any land acquisition above \$20 million required Cabinet approval.
6. As drafted, the directions for both the CRA and SLA requires that each business case must include:
 - a. Details of the land to be acquired and the financial implications relating to the acquisition;
 - b. Land valuations provided to and obtained by the CRA and/or SLA;
 - c. Current and future status of the land under the Territory Plan, including any conditions on the head lease;
 - d. The purpose for which the land is being acquired, including how the proposed acquisition meets the requirements of:
 - i. The *City Renewal Authority and the Suburban Land Agency Act 2017*
 - ii. The Territory Plan;

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- iii. The Statement of Strategic Directions;
 - iv. The Statement of Planning Intent;
 - v. The Statement of Expectations (only legislatively required for CRA);
 - vi. The Statement of Operational Intent (only legislatively required by CRA);
 - vii. The Statement of Intent; and
 - viii. Other relevant government policies.
7. We propose that EPSDD provide ongoing due diligence support to CRA and SLA in relation to land acquisitions and work in collaboration with CRA and SLA in preparation of draft business cases for consideration and endorsement of each board.
8. Under the *City Renewal Authority and Suburban Land Agency Act 2017*, CRA (s 13) and SLA (s 43) are required to provide a Land Acquisition Report, not later than 10 days after the end of each quarter. The report must include details of any land acquired during the quarter, a copy of all valuations of the acquired land that was considered in relation to the acquisition, and any other information prescribed by regulation for the report. The Minister must present the report to the Legislative Assembly not later than 5 sitting days after the day the Minister receives the report (s 13.2).
9. Historically the number of land acquisitions by the LDA was quite low. The table below details the number of land acquisitions per financial year to show the approximate number of business cases that might be expected:

Financial Year	Total land acquisitions
2014/15	8
2015/16	3
2016/17	2
2017/18	0

10. Treasury understands neither entity has been actively seeking to acquire any land since they were established on 1 July 2017. However, SLA has recently finalised acquisitions previously commenced by LDA.

Financial Implications

11. Nil

Consultation

Internal

12. Finance and Budget Division have been consulted on the draft directions.

Cross Directorate

13. The directions have been prepared in consultation with the ESPDD, CRA, SLA,

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Government Solicitor's Office and the Parliamentary Counsel's Office.

External

14. Nil

Benefits/Sensitivities

15. A question from Alistair Coe MLA and media have recently been received requesting information on when the Directions will be provided.

Media Implications

16. There may be some media interest once the instruments have been presented to the Assembly. Particularly given that the proposed directions do not contain a threshold.

Signatory Name: Nicole Masters Phone: 52895
Action Officer: Antonia Parkes Phone: 55387

Attachments

Attachment	Title
Attachment A	City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017
Attachment B	City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017
Attachment C	City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017 Explanatory Statement
Attachment D	City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017 Explanatory Statement

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From: [Heath, Kylie](#)
To: [Masters, Nicole](#)
Cc: [Junakovic, Georgia](#); [Parkes, Antonia](#)
Subject: CMTEDD2017/4169 CRA and SLA Instruments [DLM=For-Official-Use-Only]
Date: Tuesday, 31 October 2017 2:49:21 PM
Attachments: [CMTEDD2017-4169 Signed instruments.pdf](#)
[image001.jpg](#)
[image002.jpg](#)
Importance: High

Hi Nicole

Just letting you know that these instruments have now been signed and scanned versions are in the TRIM container.

Please contact Georgia Junakovic to arrange for them to notified on the legislation register.

Thanks

Kylie

Kylie Heath | Treasury & WSIR Directorate Liaison Officer - Legislative Assembly
Chief Minister, Treasury and Economic Development Directorate | ACT Government
Phone: +61 2 6205 3033 |

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Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017

Disallowable instrument DI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after it is notified.

3 City Renewal Authority - Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the City Renewal Authority.



Andrew Barr MLA
Treasurer

13 OCT 2017

SCHEDULE

City Renewal Authority - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the City Renewal Authority in exercising its function of acquiring leases of land on behalf of the Territory from private lessees.
- 1.2. This direction does not apply to:
 - a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)* (repealed);
 - b) land transferred from the Territory, other Territory entities or the Commonwealth of Australia to the City Renewal Authority;
 - c) the acquisition of rights, such as easements, over leased territory land by the City Renewal Authority.

2. Land Acquisition – Mandatory Business Cases

- 2.1. The City Renewal Authority must provide to the Minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2. Each business case must include an analysis of the following issues:
 - a) the financial implications relating to the proposed acquisition, including provision of:
 - i. any valuation provided to the City Renewal Authority by the seller; and
 - ii. all valuations considered by the City Renewal Authority in accordance with the authorities policies regarding valuations; and
 - b) the current and future status of the land under the Territory Plan, including any conditions on the Crown lease;
 - c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objects and functions of the City Renewal Authority set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses the Statement of Expectations issued under s 17 of the Act and the Statement of Operational Intent issued in reply under s 18 of the Act;
 - iv. addresses, and is as far as practicable consistent with the City Renewal Authority's Statement of Intent issued under the *Financial Management Act 1996* for the authority; and

- d) how the proposed land acquisition, including the future use of the land:
 - i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-Generals of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- f) a risk assessment of the proposed acquisition of land; and
- g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

- 3.1. Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The City Renewal Authority must present a draft business case in accordance with part 2 above, which is provided to the Under Treasurer and the Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services for consultation; and
 - b) Upon completion of consultation required at paragraph 3.1(a), the City Renewal Authority must provide a final business case to be submitted by the Environment, Planning and Sustainable Development Directorate for consideration by the Minister.
- 3.2. The Minister may approve or reject a final business case for the acquisition of land by the City Renewal Authority, following consideration by the Executive.
- 3.3. The City Renewal Authority may only acquire land following the Minister's approval of the final business case in accordance with this Direction.

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017

Disallowable instrument DI2017–

made under the

City Renewal Authority and Suburban Land Agency Act 2017, section 63 (Minister must make directions for land acquisition)

1 Name of instrument

This instrument is the *City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017*.

2 Commencement

This instrument commences the day after it is notified.

3 Suburban Land Agency – Land Acquisition Direction

I make the directions set out in the schedule in relation to the acquisition of land by the Suburban Land Agency.



Andrew Barr MLA
Treasurer

13 1 OCT 2017

SCHEDULE

Suburban Land Agency - Land Acquisition Direction

1. Application

- 1.1. This direction applies to the Suburban Land Agency in exercising its functions of acquiring leases of land on behalf of the Territory from private lessees.
- 1.2. This direction does not apply to:
 - a) acquisitions of land previously approved under the *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)* (repealed);
 - b) land transferred from the Territory, other Territory entities or the Commonwealth of Australia to the Suburban Land Agency;
 - c) the acquisition of rights, such as easements, over leased territory land by the Suburban Land Agency.

2. Land Acquisition – Mandatory Business Cases

- 2.1 The Suburban Land Agency must provide to the Minister for endorsement a business case for all proposed land acquisitions to which this direction applies.
- 2.2 Each business case must include an analysis of the following issues:
 - a) the financial implications relating to the proposed acquisition, including provision of:
 - i. any valuation provided to the Suburban Land Agency by the seller; and
 - ii. all valuations considered by the Suburban Land Agency in accordance with the agencies policies regarding valuations; and
 - b) the current and future status of the land under the Territory Plan, including any conditions on the Crown lease;
 - c) the purpose for which the proposed land is to be acquired, including how the proposed acquisition:
 - i. meets the objects and functions of the Suburban Land Agency set out in the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act);
 - ii. meets the requirements of the Territory Plan including the Statement of Strategic Directions, the Statement of Planning Intent (given under s16 of the *Planning and Development Act 2007*) and any other the relevant Government policies relating to land;
 - iii. addresses, and is as far as practicable consistent with the Suburban Land Agencies Statement of Intent issued under the *Financial Management Act 1996* for the agency; and

- d) how the proposed land acquisition, including the future use of the land:
 - i. represents value for money (as defined in the *Government Procurement Act 2001*) for the Territory;
 - ii. will assist the Government to maximise the community benefits from land development and deliver residential, commercial or industrial development that is in the public interest; and
 - iii. supports development that is environmentally sustainable;
- e) the outcome of consultation with all relevant stakeholders, including the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services, on the proposed land acquisition;
- f) a risk assessment of the proposed acquisition of land; and
- g) any other additional information relevant to the Minister's consideration of the proposed acquisition to which the business case relates.

3. Business Case Approval

- 3.1 Prior to any acquisition of land to which this direction applies, the following approval steps must be satisfied:
 - a) The Suburban Land Agency must present a draft business case in accordance with part 2 above, which is provided to the Under Treasurer and Directors-General of Environment, Planning and Sustainable Development and Transport Canberra and City Services for consultation; and
 - b) Upon completion of consultation required at 3.1(a), the Suburban Land Agency must provide a final business case to be submitted by the Environment, Planning and Sustainability Development Directorate for consideration by the Minister.
- 3.2 The Minister may approve or reject a final business case for the acquisition of land by the Suburban Land Agency, following consideration by the Executive.
- 3.3 The Suburban Land Agency may only acquire land following the Minister's approval of the final business case in accordance with this Direction.

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017

Disallowable instrument DI2017-XXX

made under the

City Renewal Authority and Suburban Land Agency Act 2017, s 63 (Minister must make directions for land acquisition)

EXPLANATORY STATEMENT

This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (City Renewal Authority Land Acquisition) Direction 2017* as made by the Treasurer and presented to the Legislative Assembly. It has been prepared in order to assist the reader of the instrument and to help inform debate on it. It does not form part of the instrument and has not been endorsed by the Legislative Assembly.

Section 63 of the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act) requires that the Minister must make directions relating to the acquisition of land by the authority or agency.

A direction is a disallowable instrument.

Under the current Administration Arrangements, the Treasurer is the responsible Minister to make directions relating to the acquisition of land.

This direction requires the City Renewal Authority to provide to the responsible Minister a detailed business case of each proposed land acquisition. No value or threshold applies, therefore all proposed land acquisitions the subject of this direction, require a mandatory business case to be considered by the Executive and then approved or rejected by the responsible minister.

The business case must include a detailed analysis of:

- a. Financial implications of the land;
- b. Land valuations provided to and obtained by the City Renewal Authority;
- c. Current and future status of the land under the Territory Plan, including any conditions on the head lease;
- d. The purpose for which the land is being acquired, including how the proposed acquisition meets the requirements of:
 - i. The *City Renewal Authority and the Suburban Land Agency Act 2017*

- ii. The Territory Plan;
- iii. The Statement of Strategic Directions;
- iv. The Statement of Planning Intent;
- v. The Statement of Expectations;
- vi. The Statement of Operational Intent; and
- vii. Other relevant government policies relating to land.

Following consideration by the Executive, the Minister may approve or reject the final business case for the acquisition of land by the City Renewal Authority.

The instrument is not likely to impose appreciable costs on the community, or part of the community and therefore a regulatory impact statement (RIS) is not required (Legislation Act, s34). Further, a RIS is unnecessary, in accordance with the Legislation Act (s36(1)(b)), as the disallowable instrument does not operate to the disadvantage of anyone by adversely affecting the person's rights, or imposing liabilities on the person.

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017

Disallowable instrument DI2017-XXX

made under the

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This direction requires the Suburban Land Agency to provide to the responsible Minister a detailed business case of each proposed land acquisition. No value or threshold applies therefore, all proposed land acquisitions the subject of this direction, require a mandatory business case to be considered by the Executive and then approved or rejected by the responsible minister.

The business case must include a detailed analysis of:

- a. Financial implications of the land;
- b. Land valuations provided to and obtained by the Suburban Land Agency;
- c. Current and future status of the land under the Territory Plan, including any conditions on the head lease;
- d. The purpose for which the land is being acquired, including how the proposed acquisition meets the requirements of:
 - i. The *City Renewal Authority and the Suburban Land Agency Act 2017*
 - ii. The Territory Plan;
 - iii. The Statement of Strategic Directions;

- iv. The Statement of Planning Intent; and
- v. Other relevant government policies relating to land.

Following consideration by the Executive, the Minister may approve or reject the final business case for the acquisition of land by the Suburban Land Agency.

The instrument is not likely to impose appreciable costs on the community, or part of the community and therefore a regulatory impact statement (RIS) is not required (Legislation Act, s34). Further, a RIS is unnecessary, in accordance with the Legislation Act (s36(1)(b)), as the disallowable instrument does not operate to the disadvantage of anyone by adversely affecting the person's rights, or imposing liabilities on the person.