



ACT
Government

REGULATORY IMPACT STATEMENT

**City Renewal Authority and Suburban Land Agency
(Draft Revitalisation Plan) Approval 2025**

DI2025-27

Prepared in accordance with the *Legislation Act 2001*, section 35

Andrew Barr MLA

Chief Minister

Overview

This regulatory impact statement (*RIS*) relates to the *City Renewal Authority and Suburban Land Agency (Draft Revitalisation Plan) Approval 2025* (the *proposed law*). The proposed law will enable the City Renewal Authority (the *authority*) to provide a written direction to owners of leases within the Sydney and Melbourne Buildings (*SMB*), who do not undertake painting works as part of the SMB Façade Repainting Grant Program, to complete the required works. If an owner does not comply with a written direction, the authority can complete the painting works and pass on the costs to the owner.

Background

Over the last 5 years, the authority has engaged with SMB stakeholders (owners, businesses, government entities and the broader community) regarding the revitalisation of the buildings. In 2019, the authority undertook community engagement with targeted stakeholders about the maintenance of the buildings. Outcomes of the engagement included the development of the SMB Conservation Management Plan (the *CMP*), Draft Revitalisation Plan – Façade Painting (the *revitalisation plan*) and SMB Façade Repainting Grant Program (the *grant program*), to support owners to undertake activities to restore their buildings.

The grant program supports the revitalisation of the SMB through grant funding that is issued to owners who complete the painting works in accordance with the revitalisation plan. Owners are invited to participate in the grant program, which formally concludes on 31 March 2025, by signing a Deed of Grant (the *Deed*). Once the Deed is signed by an owner, painting works can commence on their buildings' façades. An independent heritage architect inspects the painting works to confirm they are in accordance with the revitalisation plan, after which the authority can issue the grant funding, as per the agreed milestones in the Deed. Painting can be completed within the timeframe for the program of works, until December 2025.

Information required by section 35 of the *Legislation Act 2001*

(a) The Authorising Law

The *City Renewal Authority and Suburban Land Agency Act 2017* (the *CRASLA Act*) is the authorising law for the proposed law. Under section 36C of the CRASLA Act, a final version of the revitalisation plan must be prepared following a statutory consultation period. To finalise the revitalisation plan, the authority must consider all written submissions received during the consultation period and make any revisions to the revitalisation plan that the authority considers appropriate.

A Disallowable Instrument (DI) is required for the Minister (in this case, the Chief Minister) to approve the final version of the revitalisation plan, in accordance with section 36D – Draft revitalisation plan – approval. The approval is the signed DI.

(b) Policy objectives of the proposed law

The grant program supports owners to repaint their buildings' façades in accordance with the revitalisation plan to achieve a consistent appearance that is aligned with the colour scheme in the

CMP and preserves the buildings' heritage and unique character. At the time of commencing the statutory process, eight Deeds were not yet signed (67% uptake). Should there have been a complete uptake of the grant program (100% of Deeds signed), this would have precluded the need to compel remaining building owners to complete the required works.

(c) Achieving the policy objectives

The ministerial approval of the revitalisation plan (in accordance with section 36D of the CRASLA Act), enables the authority to provide a written direction to owners who do not undertake painting of their buildings' façades as part of the grant program. If an owner does not comply with this direction, the authority can complete the painting works and pass on the costs to the owner. This will ensure all painting works are completed by December 2025, within the program timeframe to achieve a consistent appearance for the SMB. It will also enable the Territory to support future revitalisation activities for the SMB, and ensure they continue to be maintained at a high standard.

(d) Consistency of the proposed law with the authorising law

The proposed law is consistent with the CRASLA Act, as the Minister's approval of the revitalisation plan enables the following process:

- i. if an owner does not comply with the revitalisation plan for the SMB, the authority can give the owner a written direction to complete the façade repainting works in accordance with the approved revitalisation plan within a period of 6 months under section 36E – Direction to carry out revitalisation work.
- ii. If an owner does not comply with this written direction within the stated period, the authority may authorise a person (an **authorised person**) to carry out the façade repainting works in accordance with the revitalisation plan under sections 36G and 36H.
- iii. An owner who is required to comply with a direction must pay the Territory the reasonable cost of the façade repainting works carried out by an authorised person under section 36I – Liability for cost of revitalisation work.
- iv. In addition, the authority may carry out work on a leased public area of the SMB with the consent of the building owner under section 36K.

(e) Inconsistency with the policy objectives of another territory law

The proposed law is not inconsistent with the policy objectives of any other Territory law.

(f) Reasonable alternatives to the proposed law

The SMB are privately owned and comprise of four individual buildings with approximately 100 separate land titles, many owners, and no common management body. The large and diverse ownership structure presents significant challenges in achieving a uniform approach to the maintenance of the buildings, which has led to their deteriorating condition.

Feedback from the various consultations with stakeholders since 2019 has indicated a consensus on the need for revitalisation, with government coordination and financial assistance deemed necessary. As the buildings are privately owned, development of a revitalisation plan and grant program whereby the Territory provides grant funding to owners to paint their buildings' façades, was deemed the most appropriate approach.

The grant program was offered to owners as part of a collaborative approach to support revitalisation works, guided by the revitalisation plan and CMP. It was envisaged that this collaborative approach would appropriately provide an incentive to all owners of the buildings to undertake the specified works on a voluntary basis. If owners choose not to participate in the grant program, the authority could bring the proposed law into effect to achieve the policy objectives of revitalising the SMB.

(g) brief assessment of the benefits and costs of the proposed law

The SMB are included on the ACT Heritage Register, and are considered significant for their landmark qualities, Mediterranean style and site planning, as large and early forms of commercial development in Canberra. Benefits of the proposed law include:

- The revitalisation plan defines works required to revitalise the leased public areas of the buildings and provides guidelines for remedial works to allow for the attainment of a cohesive condition and appearance for the buildings, befitting their heritage significance.
- The leased public areas of the buildings have the greatest impact on the character of the city, which means the façade repainting works contribute to the authority's ongoing revitalisation of the city centre.
- The DI enables façade painting works to be carried out in accordance with the revitalisation plan across the entire SMB within the overall program timeframe, to achieve the desired outcomes of a consistent, high-quality appearance which preserves the historical value of the buildings for future generations.

Costs of the proposed law include:

- Expenses borne by the Territory through the issue of grant funding to owners who complete the required painting works and administering the grant program and associated façade painting works.
- Expenses borne by owners who choose not to participate in the grant program and are directed by the authority to pay for façade repainting works that are carried out by an authorised person.

(h) Consistency of the proposed law with Scrutiny of Bills Committee Principles

The Standing Committee on Legal Affairs (Legislative Scrutiny Role) Terms of Reference require the Committee to consider whether (among other things) any instrument of a legislative nature made under an Act which is subject to disallowance and/or disapproval by the Assembly:

- i. is in accord with the general objects of the Act under which it is made;
- ii. unduly trespasses on rights previously established by law;

- iii. makes rights, liberties and/or obligations unduly dependent upon non reviewable decisions; or
- iv. contains matters which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly.

An analysis of the proposed law against each of these items follows.

- i. Accordance with the general objects of the Act under which it is made

The proposed law is consistent with the authorising law. Subdivision 2.9.2 of the CRASLA Act recognises the importance of revitalising the leased public areas of the SMB for the Canberra community. The proposed law complies with the objects of the Act and defines the requirements and obligations of owners to maintain the condition of their buildings.

- ii. Unduly trespasses on rights previously established by law

The nature of the right affected

Section 12 of the *Human Rights Act 2004* provides that everyone has the right not to have their privacy, family, property or correspondence interfered with unlawfully or arbitrarily.

The importance of the purpose of the limitation

The proposed law will marginally limit the right of privacy for owners in relation to their properties and correspondence, as it requires the disclosure of documents, records and other forms of information about their properties.

The proposed law requires owners to maintain documentary evidence that demonstrates their compliance with the revitalisation plan and Deed terms and conditions.

The proposed law may also limit the rights of owners or tenants if painting works are carried out on the property during hours of business operation to meet the program objectives.

The nature and extent of the limitation

The purpose of these measures is to ensure that owners comply with the requirements of the CRASLA Act.

The measures in the proposed law requiring owners to disclose information about their properties and to hold documentary evidence will assist in confirming their eligibility to participate in the grant program and achieving compliance with the revitalisation plan and Deed terms and conditions.

Although an owner's or tenant's rights to privacy and property may be limited by the proposed law if painting works are undertaken while they occupy the premises, the works are not likely to take more than two to four weeks (depending on the size of façades being painted) and the authorised person carrying out the works is required to:

- obtain a Temporary Traffic Management Plan (TTMP) approval to ensure access to footpaths and roads are maintained; and
- maintain access to the premises during hours of business operation.

The Territory is obligated to give notice to owners and tenants about the expected timing and requirements for painting works. These protections for owner's and tenant's rights balance the limitation on owner's and tenant's right to privacy and property, ensuring proportionality.

Any less restricted means available to achieve the purpose the limitation seeks to achieve

No less restrictive means are available to achieve the purpose the limitation seeks to achieve.

The proposed law establishes a means by which the leased public areas of the SMB can reasonably be painted. The marginal limitation on the right of privacy for owners in relation to their properties and correspondence is required to ensure that the condition of their properties is well presented and maintained. The revitalisation of the buildings will in turn positively benefit their property's value, tenant's business and potential rental income.

The limitation on the rights of owners and tenants to privacy and property when painting works is undertaken during business hours, is to ensure that the appearance of the SMB complies with the CMP, and that current and future owners and tenants can benefit from the buildings' revitalisation works.

iii. Non-reviewable decisions

The proposed law does not create any non-reviewable decisions, noting that section 36F of the CRASLA Act provides for review of a decision to give a direction to comply with a revitalisation plan for the SMB.

iv. Matters properly dealt with in an Act of the Legislative Assembly

All the provisions within the proposed law are appropriate for subordinate legislation.

The proposed law will commence on the day after its notification day and will enable the authority to direct owners to paint their buildings' façades and to pay for the cost of painting their façades if they do not comply with this direction. The proposed law is consistent with the objects of the CRASLA Act.