

## EXPLANATORY STATEMENT

### ***AUSTRALIAN CAPITAL TERRITORY (PLANNING AND LAND MANAGEMENT) ACT 1988***

#### **APPROVAL OF AMENDMENT 66 OF THE NATIONAL CAPITAL PLAN DIPLOMATIC MISSION YARRALUMLA**

Section 6 of the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act) provides that the National Capital Authority (the NCA) is responsible, among other things, for preparing and administering the National Capital Plan, for keeping the Plan under constant review and for proposing amendments to it when necessary. Amendment 66 of the National Capital Plan – Diplomatic Mission Yarralumla has been prepared in accordance with sections 14 to 22 of the Act.

The Minister for Local Government, Territories and Roads, the Hon Jim Lloyd MP, approved Amendment 66 on 27 July 2007, in accordance with section 19 of the Act.

The Amendment is being laid before both Houses of Parliament as a disallowable instrument in accordance with the *Legislative Instruments Act 2003*. If either House, in pursuance of a motion of which notice has been given within fifteen (15) sitting days after the Amendment has been laid before that House, passes a resolution disallowing the Amendment, or part of the Amendment, the Amendment or part so disallowed ceases to have effect.

Amendment 66 changes the land use policies for Blocks 2 and 3 Section 44 Yarralumla to Diplomatic mission and part of Blocks 6 and 8 Section 128 Yarralumla to Open Space (the remainder of these blocks are currently Open Space).

Amendment 66 adds to the diplomatic estate within the established Yarralumla diplomatic precinct and ensures that an open space corridor (including bicycle path) is maintained between Parliament House and Lake Burley Griffin.

Draft Amendment 66 (DA66) was advertised for consultation in the *Commonwealth of Australia Gazette* on Friday 1 June 2007 and in *The Canberra Times* on Saturday 2 June 2007. The consultation period was open until 25 June 2007.

There was minimal community interest in DA66 with the NCA receiving a total of nine (9) submissions. Following a review of the submissions, the NCA made some minor alterations to DA66.

The DA66 document which was released for public comment, was formally referred to the ACT Planning and Land Authority (ACTPLA) on 1 June 2007. On 4 July ACTPLA responded with a number of issues regarding DA66. On 11 July 2007 the NCA provided

ACTPLA with a response to the issues raised, including a acceptance of a revision to DA66 as suggested by ACTPLA. On 13 July 2007 ACTPLA advised that the basis of the NCA's response it supports DA66.

The Office of Regulation Review (ORR) in the Productivity Commission advised a Regulation Impact Statement is not required.

On 7 June 2007 the Minister for Local Government, Territories and Roads (Lloyd) referred DA66 to the Joint Standing Committee on the National Capital and External Territories (JSC). On 13 July 2007 the Chairman of the Committee, Senator Ross Lightfoot, confirmed the Committee would not be conducting an inquiry into DA66.