

## EXPLANATORY STATEMENT

### *Australian Capital Territory (Planning and Land Management) Act 1988*

#### **APPROVAL OF AMENDMENT 93 OF THE NATIONAL CAPITAL PLAN - CITY AND GATEWAY URBAN DESIGN PROVISIONS TECHNICAL CHANGES**

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 (the Plan), for keeping the Plan under constant review and for proposing amendments to the Plan when necessary. Amendment 93 of the Plan – City and Gateway Urban Design Provisions Technical Changes (Amendment 93) has been prepared in accordance with sections 14 to 22 of the Act.

The Hon Nola Marino MP, Assistant Minister for Regional Development and Territories, approved Amendment 93 on 10 September 2019, 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 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 91 to the Plan came into effect on 4 April 2019 and introduced detailed conditions of planning and design for sites flanking the Federal Highway and Northbourne Avenue. The amendment was the outcome of the two year long ‘City and Gateway urban design’ joint project between the NCA and the ACT Government. Monitoring of actions since the finalisation of the amendment resulted in the need to either introduce or vary provisions to improve implementation of Amendment 91.

The purpose of Amendment 93 is to introduce transitional provisions to address development applications submitted to the Territory planning authority prior to the commencement of Amendment 91 to the Plan, and to clarify design provisions concerning permitted building lengths, and balconies and balustrades.

On 24 July 2019, Draft Amendment 93 was released for public comment. Notices were published in the Canberra Times and in the Government Notices Gazette on 24 July 2019.

In accordance with the NCA’s ‘Commitment to Community Engagement (February 2015)’ the period for public comment ran for 30 business days, concluding on 4 September 2019. Draft Amendment 93 was available to the public on the NCA website and hard copies were available on request.

The Office of Best Practice Regulation advised a Regulation Impact Statement is not required.

# **Statement of Compatibility with Human Rights**

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

## **National Capital Plan Amendment 93 – City and Gateway Urban Design Provisions Technical Changes**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### **Overview of the Legislative Instrument**

The Legislative Instrument amends the National Capital Plan by introducing transitional provisions to address development application submitted to the Territory planning authority prior to the commencement of Amendment 91 to the Plan, and clarifies design provisions concerning permitted building lengths, and balconies and balustrades.

The Legislative Instrument relates to planning and design policy only and is compatible with human rights in the seven core United Nations human rights treaties. The planning framework within the ACT makes appropriate provision for places of religious worship to be established.

### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.