EXPLANATORY STATEMENT

Australian Capital Territory (Planning and Land Management) Act 1988

APPROVAL OF AMENDMENT 74 OF THE NATIONAL CAPITAL PLAN
SECTION 5 CAMPBELL

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 74 of the Plan – Section 5 Campbell, has been prepared in accordance with sections 14 to 22 of the Act.

The Hon Simon Crean MP, Minister for Regional Australia, Regional Development and Local Government, approved Amendment 74 on 15 November 2012, 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 74 adjusts the land use boundaries within Section 5 Campbell. This adjustment does not result in an increase in the development area or a decrease in open space.

Parking requirements have been clarified and strengthened to reinforce the objective that Constitution Avenue becomes an urban boulevard with frequent public transport services. The NCA retains the discretion to require higher rates of parking where it cannot be adequately demonstrated that parking will not significantly adversely impact on the surrounding neighbourhood.

Detailed conditions of planning, design and development have been introduced for Section 5 Campbell in addition to the existing controls contained within Appendix T8 of the Plan.

Draft Amendment 74 (DA74) was advertised for consultation in The Canberra Times and the Commonwealth Notices Gazette on Wednesday 22 February 2012. The consultation period ended on 5 April 2012.

The NCA received 47 written submissions on DA74. Twenty changes were made to DA74 as publicly exhibited.

DA74 was formally referred to the ACT Government Environment and Sustainable Development Directorate (ESDD) on 22 February 2012. On 16 April 2012, ESDD responded with no objection raised to DA74 proceeding.

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

Explanatory Statement to F2012L02324
Statement of Compatibility with Human Rights

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

National Capital Plan - Amendment 74 - Section 5 Campbell
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 adjusts the land use boundaries within Section 5 Campbell. The adjustment of land use boundaries does not result in an increase in the development area or a decrease in open space.

Parking requirements have been clarified and strengthened to reinforce the objective that Constitution Avenue becomes an urban boulevard with frequent public transport services. The NCA retains the discretion to require higher rates of parking where it cannot be adequately demonstrated that parking will not significantly adversely impact on the surrounding neighbourhood.

Detailed conditions of planning, design and development have been introduced for Section 5 Campbell in addition to the existing controls contained within Appendix T8 of the National Capital Plan.

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.

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.