

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

**APPROVAL OF AMENDMENT 49
OF THE NATIONAL CAPITAL PLAN
CIVIC POLICIES AND PRINCIPLES**

TABLING STATEMENT

Section 6 of the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act), provides that the National Capital Authority (the Authority) 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 49 has been prepared in accordance with sections 14 to 23 of the Act.

Mr Jim Lloyd, Minister for Local Government, Territories and Roads, approved Amendment 49 – Civic – Principles and Policies on **24** February 2005, in accordance with section 19 of the Act.

The Amendment is being laid before both Houses of Parliament. If either House, in pursuance of a motion of which notice has been given within six 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 that part so disallowed ceases to have effect.

In May 2004, following a public consultation process, the ACT Planning and Land Authority (ACTPLA) published the City West Master Plan. That plan was prepared for the western part of Civic – approximately the area between London Circuit and the Australian National University. The Master Plan, which is designed to encourage revitalisation of City West, requires changes to the National Capital Plan and the Territory Plan. The Master Plan considered such issues as Griffin’s design for Canberra, the open space network, landscape character, community aspirations, economic prosperity, access, built form and heritage.

The National Capital Plan defines those areas of Civic which have the special characteristics of the National Capital as Designated Areas. Within these areas the National Capital Authority has planning and works approval responsibilities. The National Capital Plan also sets out Special Requirements for the development of other parts of Civic that are not Designated Areas. Special Requirements apply to the whole of Civic including most of the area covered by the City West Master Plan. One of the Special Requirements is that development must conform to a Development Control Plan (DCP) approved by the Authority. The DCP must consider land use, transport and a range of urban design matters including specific building height and colour provisions.

Following the completion of the City West Master Plan by the Territory planning authority, the Authority reviewed the Special Requirements for Civic in the National

Capital Plan and prepared Draft Amendment 49 (DA49). The principal effect of DA49 is to replace the Special Requirements with Principles and Policies and, in particular, to

- uplift the obligation for development in Civic to be the subject of a Development Control Plan approved by the Authority;
- relax the prescriptive controls on building height and building colours.

It is important to note that the Amendment does not apply to those parts of Civic in the Central National Area – a Designated Area in the National Capital Plan.

Draft Amendment 49 was placed on formal public exhibition during the period 17 July 2004 to 20 August 2004.

In accordance with section 18 of the Act, the Authority prepared a Report on Consultations which was provided to the Minister at the time of seeking his approval. The Authority's report stated that 4 public submissions were received during the exhibition period and that, in addition:

- On 11 February 2005, the Territory planning authority (the ACT Planning and Land Authority - ACTPLA) confirmed its earlier (undated) advice that ACTPLA has no objection to the Draft Amendment.
- The Office of Regulation Review's advice was sought on the need for a Regulation Impact Statement. The Office of Regulation Review wrote to the Authority on 8 February 2005 to confirm its advice that a Regulation Impact Statement was not required as the proposed amendment to the National Capital Plan does not have a direct or significant indirect impact on business and does not restrict competition.

During the public consultation period an inquiry was received requesting clarification of the areas of Civic affected by DA 49. Figure 21 of the Plan was altered to make clear the Authority's intention that the provisions of DA 49 were to apply throughout the areas of Civic under the Territory's planning control and subject to Special Requirements.

Prior to approval by the Minister, the Joint Standing Committee on the National Capital and External Territories considered DA 49. On 9 February 2005 the Committee was provided with a private briefing and advised the Minister (Lloyd) on 11 February 2005 that it had resolved not to inquire into DA 49.