

TABLING STATEMENT

AUSTRALIAN CAPITAL TERRITORY (PLANNING AND LAND MANAGEMENT) ACT 1988

APPROVAL OF AMENDMENT 42 OF THE NATIONAL CAPITAL PLAN York Park Master Plan

Section 6 of the *Australian Capital Territory (Planning and Land Management) Act 1988* (the *Act*) provides that the National Capital 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 42 of the National Capital Plan (York Park Master Plan) 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 42 on 29 August 2005, 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 42 replaces the York Park and Environs Master Plan which was introduced as Appendix T.2 of the National Capital Plan in 1993. York Park is the prestigious office area in Barton/Forrest bounded by State Circle, Canberra Avenue, National Circuit and Kings Avenue, adjacent to Parliament House. A significant amount of development, including the RG Casey Building, has occurred within the York Park Master Plan area since 1993. The character of development and the urban design standards expected in the area are now well established.

The revised Master Plan, proposed as part of Amendment 42, aims to give a greater emphasis to securing high quality urban design outcomes especially in the public domain and reinforce the role of Windsor Walk as a central landscaped open space serving the office precinct. It also aims to strengthen the strategy for providing public parking facilities, arising from the increase in development in the area.

Draft Amendment 42 was advertised for consultation in the *Commonwealth Gazette* on Wednesday 6 November 2002 and in *The Canberra Times* on Saturday, 9 November 2002. It was formally referred to the ACT planning authority on 11 November 2002. The consultation period was open until 20 December 2002.

A total of six (6) written submissions were received. The issues raised in those submissions included the definition of 'offices', the maintenance of Windsor Walk, the endangered moth site in the area, parking, urban design issues such as plot ratio and building height, the need for retail services in the area and the need to co-ordinate and programme the release of office sites on a metropolitan wide basis.

On 7 July 2003 the then Minister (Tuckey) referred the Draft Amendment to the Joint Standing Committee on the National Capital and External Territories (JSC). The JSC raised concerns about the effect the new Master Plan would have on future parking policies in the area and, in particular, on parking in the Parliamentary Zone. The finalisation of Draft Amendment 42 was deferred at the request of the Committee pending the completion of the Committee's inquiry into Pay Parking in the Parliamentary Zone.

In December 2003, the Department of Finance and Administration announced their development intentions for Block 2 Section 1 Barton. The announcement caused the heritage values of the York Park North Tree Plantation (commonly known as the Oak Plantation) to become a major public issue. The National Capital Authority, in conjunction with the Department of Finance and Administration, examined ways of protecting the whole Oak Plantation while retaining the development potential the site was expected to be able to yield before the retention of the whole Oak Plantation became an issue. This resulted in some changes being made to the Draft Amendment.

The Office of Regulation Review has advised the National Capital Authority that a Regulation Impact Statement is not required for Draft Amendment 42. The Territory planning authority has indicated (on 22 February 2005) that it does not oppose the Draft Amendment 42. The Department of Finance and Administration has expressed its support for the Draft Amendment (as revised in April 2005).

On 4 May 2005, Minister Lloyd referred the April 2005 version of Draft Amendment 42 to the Chairman of the JSC seeking his view on whether the Committee would want to inquire into the Draft Amendment. The Committee was advised that Draft Amendment 42 is not related to the question of pay parking in either York Park office precinct or the Parliamentary Zone. The Draft Amendment did not introduce new parking standards for York Park, although it does reinstate the controls that already exist in the National Capital Plan. The introduction of pay parking in Barton/Forrest office precinct is not dependent upon, nor related to, Draft Amendment 42.

The Chairman of the JSC wrote to Minister Lloyd on 13 July 2005 seeking clarification on one of the objectives of the policies in Draft Amendment 42 relating to retention of the Oak Plantation in its entirety. The National Capital Authority considered the matter and proposed some minor alterations to the Draft Amendment to remove any ambiguity that may have existed with regards to the protection of the Oak Plantation as a whole.