

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY (PLANNING AND LAND MANAGEMENT) ACT 1988

APPROVAL OF AMENDMENT 55 OF THE NATIONAL CAPITAL PLAN (OFFICE, RETAIL AND COMMUNITY FACILITY USES) BLOCK 16 SECTION 28 CITY

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 55 of the National Capital Plan, (Office, Retail and Community Facility uses) Block 16 Section 28 City has been prepared in accordance with sections 14 to 23 of the Act.

The Minister for Local Government, Territories and Roads, the Hon Jim Lloyd MP, approved Amendment 55 on 6 September 2006, 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 55 widens the range of uses permitted on Block 16 Section 28 City by enabling any part of the Block to be developed for a mix of Office, Retail and Community Facility uses, subject to a Community Facility (being an educational establishment for the Australian National University(ANU)) being part of any development.

In accordance with subsection 15(1) and section 24 of the Act, the NCA released Draft Amendment 55 (Office, Retail and Community Facility uses) Block 16 Section 28 City of the Plan (DA55) for consultation from Saturday 20 May 2006 to 9 June 2006. A public notice was placed in *The Canberra Times* on 20 May 2006 and in the *Commonwealth of Australia Gazette* on 24 May 2006.

The ANU made the only submission on DA55. The ANU fully supports the Amendment to provide for Office, Retail and Community Facility uses.

On 25 May 2006 the Minister for Local Government, Territories and Roads (Lloyd) referred DA55 to the Joint Standing Committee on the National Capital and External Territories (the Committee), and advised the Committee of the release of DA55.

On 31 May 2006 the NCA sought the advice of the Office of Regulation Review on the need for a Regulation Impact Statement (RIS). On 9 June 2006 the Office of Regulation Review advised that DA54 will not require a RIS as the amendment appears to be minor or machinery in nature and does not alter existing arrangements substantially.

On 31 May 2006 the NCA sought the views of the ACT Planning and Land Authority (ACTPLA) on the proposal. On 27 June 2006 ACTPLA wrote to the NCA advising that it considers that, provided permitting a wider range of uses does not detract from the primary purpose of the land being for university related activities, the Draft Amendment is not inconsistent with the intentions and recommendations of the ANU Exchange Master Plan.