

## EXPLANATORY STATEMENT

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

#### **APPROVAL OF AMENDMENT 90 OF THE NATIONAL CAPITAL PLAN – Block 5 Section 65 Deakin**

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 90 – Block 5 Section 65 Deakin has been prepared in accordance with sections 14 to 22 of the Act.

The Hon Dr John McVeigh MP, Minister Regional Development, Territories and Local Government, approved Amendment 90 on 24 August 2018, 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 *Legislation 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 90 varies the land use of Block 5 Section 65 from National Capital Use only, to a mixed use policy allowing for National Capital Use, Consulting Rooms (veterinary services restricted to small/domestic animals only), Health Centre and Office.

DA90 was advertised for consultation in *The Canberra Times* on Saturday 2 June 2018, and in the *Commonwealth Notices Gazette* on Monday 4 June 2018. The consultation period ended on Friday 16 July 2018. The NCA received three written submissions relating to DA90.

On 4 June 2018, DA90 was formally referred to the ACT Government's Environment, Planning and Sustainable Development Directorate (EPSDD). On 18 July 2018, EPSDD responded that there was no objection to DA90 proceeding.

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 90 – Block 5 Section 65 Deakin**

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 provides for a change in land use for Block 5 Section 65 Deakin, from National Capital Use only, to a mixed use policy allowing National Capital Use, Consulting Rooms (veterinary services restricted to small/domestic animals only), Health Centre and Office.

The Legislative Instrument relates to urban land use 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.