

EXPLANATORY STATEMENT

Australian Capital Territory (Planning and Land Management) Act 1988

APPROVAL OF AMENDMENT 91 OF THE NATIONAL CAPITAL PLAN - CITY AND GATEWAY URBAN DESIGN PROVISIONS

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 91 of the Plan – City and Gateway Urban Design Provisions (Amendment 91) has been prepared in accordance with sections 14 to 22 of the Act.

The Hon. Sussan Ley, Assistant Minister for Regional Development and Territories, approved Amendment 91 on 1 April 2019, 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.

The NCA and ACT Government have undertaken a joint project to establish the future planning and design framework for the northern entry to Canberra. The framework reflects the interests and expectations of both governments in a single urban design document. The Framework sets out the overarching principles for urban renewal and growth in the city centre and along the corridor to achieve well-designed and sustainable buildings, urban infrastructure, public places and streets that is appropriate for the gateway to the National Capital.

The purpose of Amendment 91 is to implement the NCA's interest in the Framework by establishing detailed planning and design criteria for development on land flanking the Federal Highway and Northbourne Avenue. Amendment 91 gives legal effect to key principles of the Framework.

On 21 January 2019, Draft Amendment 91 was released for public comment. Notices were published in the Canberra Times on 19 January 2019 and in the Government Notices Gazette on 21 January 2019.

In accordance with the NCA's 'Commitment to Community Engagement (February 2015)' the period for public comment ran for 30 business days, concluding on 4 March 2019. Draft Amendment 91 was available to the public on the NCA website and hard copies were available on request.

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 91 – City and Gateway Urban Design Provisions

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 amends the National Capital Plan by establishing detailed planning and design criteria for development on land flanking the Federal Highway and Northbourne Avenue.

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. The planning framework within the ACT makes appropriate provision for places of religious worship to be established.

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.