

EXPLANATORY STATEMENT

Australian Capital Territory (Planning and Land Management) Act 1988

APPROVAL OF AMENDMENT 92 OF THE NATIONAL CAPITAL PLAN - UNCOMMITTED LAND ADJACENT TO THE AUSTRALIAN NATIONAL UNIVERSITY

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 92 of the Plan – Uncommitted Land Adjacent to the Australian National University (Amendment 92) has been prepared in accordance with sections 14 to 22 of the Act.

The Hon Nola Marino MP, Assistant Minister for Regional Development and Territories, approved Amendment 92 on 24 November 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 Australian National University (ANU) is seeking to extend its area of student accommodation along the western edge of the ANU Campus. A proposed development is located across Block 1 Section 86 Acton. This site is zoned as ‘Uncommitted Land’ with no provision in the Plan to approve development. The ACT Government’s Emergency Services Agency has also been scoping this block as a potential site for an Emergency Services Facility.

The purpose of Amendment 92 is to change the land use policy of Block 1 Section 86 Acton from ‘Uncommitted Land to Community Facility’. A provision will also be inserted in the Plan to permit a Community Protection Facility on this site. Several figures in the Plan will be amended to set out permitted building heights and open space for this site.

On 27 July 2019, Draft Amendment 92 was released for public comment. Notices were published in the Canberra Times and in the Government Notices Gazette on this date.

In accordance with the NCA’s ‘Commitment to Community Engagement (February 2015)’ the period for public comment ran for 30 business days, concluding on 6 September 2019. Draft Amendment 92 was available to the public on the NCA website and hard copies were available on request. Three submissions were received in response of Draft Amendment 92

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 92 – Uncommitted Land Adjacent to the Australian National University

This Legislative Instrument is compatible with the human rights and freedoms recognized 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 changing the land use of Block 1 Section 86 Acton from Uncommitted Land to Community Facility. A provision will be inserted to the Plan to permit a Community Protections Facility on this site. Several figures in the Plan will be amended to display permitted building heights and open space for this site.

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.