

EXPLANATORY STATEMENT

Australian Capital Territory (Planning and Land Management) Act 1988

APPROVAL OF AMENDMENT 94 OF THE NATIONAL CAPITAL PLAN - NATIONAL ARBORETUM COMMERCIAL ACCOMMODATION

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 94 of the Plan – National Arboretum Commercial Accommodation (Amendment 94) 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 94 on 1 May 2020, 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.

Following the 2003 bushfires in Canberra, the ACT Government dedicated an area of burnt-out pine forest as the new site for an international arboretum. In 2004, a national design competition for the new arboretum was launched. Taylor Cullity Lethlean Landscape Architects and Tonkin Zulaika Greer Architects were announced winners of the design competition in 2005. Hotel accommodation was included on the NAC's original competition brief and master plan. Amendment 94 facilitates this proposal.

The purpose of Amendment 94 is to add 'Commercial Accommodation' and 'Personal Service Establishment' as permitted land uses for the National Arboretum Canberra (NAC), and to introduce detailed planning provisions to guide the design and siting of such facilities.

On 1 February 2020, Draft Amendment 94 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 16 March 2020. Draft Amendment 94 was available to the public on the NCA website and hard copies were available on request. Seven submissions were received in response of Draft Amendment 94.

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 94 – National Arboretum Commercial Accommodation

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 adding ‘Commercial Accommodation’ and ‘Personal Service Establishment’ as permitted land uses for the National Arboretum Canberra, and to introduce detailed planning provisions to guide the design and siting of such facilities.

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.