

EXPLANATORY STATEMENT

Australian Capital Territory (Planning and Land Management) Act 1988

APPROVAL OF AMENDMENT 97 OF THE NATIONAL CAPITAL PLAN - BLOCK 7 SECTION 4 YARRALUMLA (FORMER AUSTRALIAN FORESTRY SCHOOL)

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 97 of the Plan – Block 7 Section 4 (former Australian Forestry School) (Amendment 97) has been prepared in accordance with sections 14 to 22 of the Act.

The Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories, approved Amendment 97 on 18 March 2024, 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 97 changes the land use policy of Block 7 Section 4 Yarralumla from ‘Community Facility’ to a ‘mixed use’ zoning allowing for residential, social housing, aged care, commercial accommodation, community facility and ancillary commercial uses. DA97 also introduces detailed conditions of planning and design to guide future development of the site.

Amendment 97 will facilitate expansion of the suburb of Yarralumla ensuring efficient utilisation of existing infrastructure and providing for an increase of housing supply in a well-located area.

On 11 November 2023, Draft Amendment 97 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 (2023)’, the period for public comment ran for 30 business days, concluding on 22 December 2023. Draft Amendment 97 was available to the public on the NCA website and hard copies were available on request. Twenty submissions were received in response of Draft Amendment 97.

The Office of Impact Analysis advised an Impact Analysis 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 97 – Block 7 Section 4 Yarralumla (former Australian Forestry School)

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 policy of Block 7 Section 4 Yarralumla from ‘Community Facility’ to a ‘mixed use’ zoning allowing for residential, social housing, aged care, commercial accommodation, community facility and ancillary commercial development of the site. Redevelopment presents a logical opportunity for urban expansion aligned with key principles of the National Capital Plan.

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.