

2015

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Planning and Development (City West Precinct) Amendment
Regulation 2015 (No 1)**

Subordinate law SL2015-5

EXPLANATORY STATEMENT

Presented by
Mr Mick Gentleman MLA
Minister for Planning

EXPLANATORY STATEMENT

This explanatory statement relates to the *Planning and Development (City West Precinct) Amendment Regulation 2015 (No 1)* (the amending regulation) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the amending regulation and to help inform debate on it. It does not form part of the amending regulation and has not been endorsed by the Assembly.

The statement is to be read in conjunction with the amending regulation. It is not, and is not meant to be, a comprehensive description of the amending regulation. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Terms used

In this explanatory statement, the following terms are used:

“the Act” means the *Planning and Development Act 2007*

“the regulation” means the *Planning and Development Regulation 2008*

Overview

The amending regulation extends the date that the Australian National University (ANU) has to complete development on land under the ANU City West Integration Precinct Deed.

The ANU entered into a deed to develop the City West Precinct in December 2004. The Deed provided for completion of works by 5 April 2005.

However, the ANU had been impacted, in its development time-lines, by the global financial crisis which saw tighter financial lending criteria applied: thereby limiting the capacity of the ANU to commit to developments.

Further, future developments were delayed until a substantial review of the ANU's operational environment was completed. This ensured that development would be consistent with the new strategic plan for the university.

Significant planning work has been undertaken by the ANU on the three remaining sites. The ANU anticipates finishing these development works in the next five years.

The amending regulation extends the existing date of 5 April 2015 by five (5) years to 5 April 2020. This will ensure that the ANU has sufficient time to complete planned works.

Without the proposed extension the ANU would need to seek a direct sale of land for the three blocks. While the regulation contains provisions for the direct sale of land it would be unreasonable to use administrative resources for an application over these blocks. This is because the ANU has demonstrated a commitment to deliver on the Precinct Deed. It is reasonable to assume that if the ANU was made to seek a direct sale then it would be granted.

Therefore, the amending regulation is an effective use of resources and timely management of this issue.

The amending regulation also corrects an incorrect subsection reference at section 400 of the regulation.

Regulatory Impact Statement

Section 36(1) (b) of the *Legislation Act 2001* states that a regulatory impact statement is not required for matters that do not adversely affect people's rights or impose liabilities. This amending regulation is a regulation of this type and as such a regulatory impact statement has not been prepared.

The amending regulation extends an existing timeframe that is specific to a defined parcel of land and managed by a Precinct Deed.

Outline of Provisions

Clause 1 Name of the regulation

Clause 1 names the regulation as the *Planning and Development (City West Precinct) Amendment Regulation 2015 (No 1)*.

Clause 2 Commencement

Clause 2 states that the amending regulation commences on the day after it is notified.

Clause 3 Legislation amended

Clause 3 notes that the amending regulation amends the *Planning and Development Regulation 2008*.

Clause 4 Section 402

Clause 4 omits the existing date and substitutes it with the extended date: 5 April 2020.

Clause 5 Subsection 402 (g)

Clause 5 corrects an incorrect section reference. Existing section 402 (g) refers to section 400 (1) (a). There is no subsection (1) (a). Subordinate law 2010-8 s8 removed subsection (b) which was "the street furniture agreement". Consequently the section was renumbered because of this change.

Clause 5 omits the reference to subsection (1) (a) at section 400 (1). The reference will now read "section 400 (1) and (3);".