

Australian Capital Territory

# Planning and Development (Declared Funding Program) Declaration 2009 (No 1)

Notifiable instrument NI2009–357

made under the

Planning and Development Regulation 2008, section 406(1) (Declaring programs and developments)

## EXPLANATORY STATEMENT

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On 3 February 2009, the Commonwealth announced a \$14.7b *Building the Education Revolution* funding package which is a component of the \$42b *Nation Building and Jobs Plan* (the Commonwealth Plan), which is providing a stimulus to the national economy to mitigate the effects of the current global financial crisis and economic downturn. The funding for the Commonwealth Plan is the subject of the Commonwealth's *Appropriation (Nation Building and Jobs) Act (No. 2) 2008-2009*.

The ACT Government has also allocated significant additional stimulus funding in its Capital Works Program for various school projects to help counter the effects of the economic downturn on the ACT economy, and to deliver improved educational facilities to ACT schools. Among the projects to be funded are P-10 schools (i.e. schools catering for preschool to year 10 on the one campus) to be built at Harrison and Kambah. The Government previously announced these new schools as part of the *Towards 2020: Renewing our schools* program, which is bringing significant reform to the ACT's public education system, and will ensure access to a range of high quality public schools for Canberra students. The Government's '*Towards 2020*' initiative and the decision to build the Harrison and Kambah P-10 schools has been the subject of extensive community consultation.

Under the Government's Capital Works Program \$43.5 million has been allocated for Harrison High School (i.e. the year 7-10 component, which is the second stage of the P-10 school), and \$50 million to the Tuggeranong P-10 School at Kambah.<sup>1</sup>

Section 406 (1) of the *Planning and Development Regulation 2008* provides that the Chief Minister may declare a program administered by the Territory or

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<sup>1</sup> See *ACT Budget 2009-10, Paper No 4 Budget Estimates*, page 375

Commonwealth to be a declared funding program if satisfied that the program provides funding for development or other activities in schools. Such a declaration is a notifiable instrument.

Under subdivision 1.3.6A.2 (Exemptions –schools) part 1.3 of schedule 1 of the regulation, certain school developments and activities are exempt from DA.

However, some school developments will not be exempt and these will still require a development approval (DA). In these circumstances, where a declaration is made under s406(1), school developments that:

- are on an existing school campus;
- are funded in part or in full by a declared funding program; and
- are of a type listed in items 7 and 8 of schedule 2 of the regulation,

then the development is subject only to limited public notification (10 days notification to adjoining premises only). In addition, under item 1, part 3.2 of schedule 3 of the regulation a merit track DA decision listed in schedule 2 is exempt from third party merit review at ACAT.

The operation of these provisions minimizes the potential for delay in spending allocated Territory budget funding. This is critical for three reasons:

1. delivers the commitment to enhanced educational resources;
2. contributes to the Government's overall budgetary stimulus initiatives to benefit the local economy and maintains jobs; and
3. minimises any risk to Commonwealth stimulus funding resulting from the failing of the Territory to maintain its existing commitments to education funding.

The current notifiable instrument relates to the existing capital works program for the:

- Harrison High School (the Harrison P-10 school development); and
- Tuggeranong P-10 School (the redevelopment of the Kambah High School site)

and declares that program be a declared funding program under section 406(1) of the *Planning and Development Regulation 2008*.