

2013

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

ENVIRONMENT PROTECTION AMENDMENT REGULATION 2013 (No.1)

Subordinate law 2013-2

EXPLANATORY STATEMENT

Presented by

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EXPLANATORY STATEMENT

This explanatory statement relates to the *Environment Protection Amendment Regulation 2013* (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 regulation” means the *Environment Protection Regulation 2005*;
“the amending regulation” means the amending regulation that is the subject of this explanatory statement.

Background

Technical Amendment Number 2012-06 to the Territory Plan commenced on 14 December 2012. The amendment relocated provisions and reworded some provisions for clarity reasons but did not change the underlying policies of the Territory Plan.

The Technical Amendment consolidated seven development codes applying to commercial zones into a single Commercial Zones Development Code and restructured Precinct Codes. This means:

- there is now the potential for more than the traditional commercial CZ1, CZ2 and CZ3 zones to be located within the boundaries of the city centre, town centres and group centres;
- precinct codes are now for particular geographical, that is, suburban, areas rather than types of area – for example, instead of there being a single precinct code for all group centres there is a precinct code for each suburb and the group centre is identified in the precinct code for the relevant suburb.

Schedule 2 of the regulation divides the ACT into noise zones based on land use policies defined by the Territory Plan. It has been affected by the amendments to the Territory Plan made by Technical Amendment 2012-06 in that the definitions and table 2.1 in schedule 2 need to be updated to reflect the changes made to the Territory Plan. Noise standards apply to each zone and are set out in table 2.1 of schedule 2 of the regulation. Noise zones also apply to National Land which is defined by the National Capital Plan. Over time, the National Capital Plan has made changes to the names of areas identified under the National Capital Plan. Amendments to table 2.1 are therefore also needed to make the regulation consistent with the National Capital Plan.

Overview

The amending regulation makes amendments to the definitions and the noise zone table (table 2.1) in schedule 2 of the regulation and to definitions in the Dictionary that are purely technical and reflect changes made to the Territory Plan by Technical Amendment 2012-06 and changes made, over time, to the National Capital Plan.

The amending regulation:

- substitutes new definitions:
 - For consistency with the National Capital Plan; and
 - So that references to Territory Plan precinct codes are not a reference to a single precinct code; and
- updates the noise zones table to ensure that the terms used are consistent with the Territory Plan and National Capital Plan.

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 simply updates the regulation to reflect changes made to the Territory Plan and the National Capital Plan.

A regulatory impact statement is also not required as per section 36(1) (e) of the *Legislation Act* because the amending regulation does not fundamentally affect the regulation's operation.

Outline of Provisions

Clause 1 Name of the regulation

Clause 1 names the regulation as the *Environment Protection Amendment Regulation 2013 (No 1)*.

Clause 2 Commencement

Clause 2 states the regulation commences on the day after its notification.

Clause 3 Legislation amended

Clause 3 notes that the regulation amends the *Environment Protection Regulation 2005*.

Clause 4 Schedule 2, section 2.1, definition of *Central National Area (City)*

Clause 4 omits the definition of ***Central National Area (City)*** from schedule 2, section 2.1.

Clause 5 Schedule 2, section 2.1, new definition of *Central National Area (City Hill Precinct)*

Clause 5 inserts the definition of *Central National Area (City Hill Precinct)* in schedule 2, section 2.1 to replace the definition omitted by clause 4 above. The new definition is consistent with the current terminology of the National Capital Plan.

Clause 6 Schedule 2, section 2.1, definition of *Central National Area (Fairbairn)*

Clause 6 updates language in line with this regulation. It omits the word “designated” and substitutes the word “identified” in the definition of *Central National Area (Fairbairn)*.

Clause 7 Schedule 2, section 2.1, definition of *Central National Area (The Parliamentary Zone; Barton; sections 39,40 and 41 of Yarralumla; Acton; Anzac Parade and Constitution Avenue; Russell; Duntroon; ADFA and Campbell Park; Development Nodes and Clubs of Lake Burley Griffin and Foreshores)*

Clause 7 omits the definition of *Central National Area* from schedule 2, section 2.1.

Clause 8 Schedule 2, section 2.1, new definition of *Central National Area (Parliamentary Zone and Other Areas)*

Clause 8 inserts the definition of the *Central National Area (Parliamentary Zone and Other Areas)* in schedule 2, section 2.1. This new definition replaces the definition omitted by clause 7 and is consistent with the current terminology of the National Capital Plan. It also clarifies those areas which form part of the Central National Area (Parliamentary Zone and Other Areas).

Clause 9 Schedule 2, section 2.1, definition of *city centre*

Clause 9 substitutes a definition of *city centre* in schedule 2, section 2.1 which is consistent with the Territory Plan as amended by Technical Amendment 2012-06.

Clause 10 Schedule 2, section 2.1, new definition of *corridor site*

Clause 10 inserts a new definition of *corridor site* in schedule 2, section 2.1. Entry 1 of Column 3 in Row 3 (zone C) in Table 2.1 in Part 2.1 of schedule 2 refers to “land in group centres and office sites”. The intention is to extend this provision to include corridor sites. This is because corridor and office sites have the same noise standards and are subject to very similar general development controls.

Clause 11 Schedule 2, section 2.1, definition of *group centre*

Clause 11 substitutes a definition of *group centre* in schedule 2, section 2.1 which is consistent with the Territory Plan as amended by Technical Amendment 2012-06.

Clause 12 Schedule 2, section 2.1, definition of *office site*

Clause 12 substitutes a definition of ***office site*** in schedule 2, section 2.1 which is consistent with the Territory Plan as amended by Technical Amendment 2012-06.

Clause 13 Schedule 2, section 2.1, definition of *town centre*

Clause 13 substitutes a definition of ***town centre*** in schedule 2, section 2.1 which is consistent with the Territory Plan as amended by Technical Amendment 2012-06.

Clause 14 Schedule 2, table 2.1, except note

Clause 14 provides for the update of table 2.1, schedule 2. The updated table includes the **Central National Area (City Hill Precinct)** and **Central National Area (Parliamentary Zone and Other Areas)** and reflects the amendments to the Territory Plan under which a commercial CZ4 zone, a commercial CZ5 zone, a restricted access recreation zone, a TSZ2 services zone, a community facility zone and a leisure and accommodation zone may be found in a city centre, town centre or group centre.

Clause 15 Dictionary, definition of *Central National Area (City)*

Clause 15 omits the definition of ***Central National Area (City)*** from the Dictionary as a consequence of clause 4 above .

Clause 16 Dictionary, new definition of *Central National Area (City Hill Precinct)*

Clause 16 inserts a new definition of the ***Central National Area (City Hill Precinct)*** in the Dictionary as a consequence of clause 5 above and for consistency with the National Capital Plan.

Clause 17 Dictionary, definition of *Central National Area (The Parliamentary Zone; Barton; sections 39,40 and 41 of Yarralumla; Acton; Anzac Parade and Constitution Avenue; Russell; Duntroon; ADFA and Campbell Park; Development Nodes and Clubs of Lake Burley Griffin and Foreshores)*

Clause 17 omits the definition of ***Central National Area (The Parliamentary Zone; Barton; sections 39,40 and 41 of Yarralumla; Acton; Anzac Parade and Constitution Avenue; Russell; Duntroon; ADFA and Campbell Park; Development Nodes and Clubs of Lake Burley Griffin and Foreshores)*** from the Dictionary as a result of clause 7 above.

Clause 18 Dictionary, new definition of *Central National Area (Parliamentary Zone and Other Areas)*

Clause 18 inserts the new definition of ***Central National Area (Parliamentary Zone and Other Areas)*** in the Dictionary as a consequence of clause 8 above.

Clause 19 Dictionary, new definition of *corridor site*

Clause 19 inserts a new definition of *corridor site* in the Dictionary as a consequence of clause 10 above.