

Australian Capital Territory

# Planning and Development (Albert Hall) Land Management Plan 2016

## Disallowable instrument DI2016–78

made under the

**Planning and Development Act 2007, s 327 (Draft land management plan—Minister to approve, return or reject)**

## EXPLANATORY STATEMENT

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Division 10.4.2 of the *Planning and Development Act 2007* (the Act) requires the preparation of a draft land management plan for public land and approval by the Minister for Planning and Land Management.

Specifically, section 321 of the Act requires the custodian of an area of public land to prepare a draft land management plan (the plan) for the area. In preparing the draft plan, the custodian is required to consult with the Conservator of Flora and Fauna and the planning and land authority (see s 321(2) of the Act).

In accordance with s 323 of the Act, the draft plan was put out for public consultation from 26 May 2012 to 20 July 2012. Under s 324, the custodian prepared a report on public consultation which was published on the Territory and Municipal Services Directorate website. Submissions received during public consultation were considered and appropriate revisions made to the plan.

The draft plan was also provided to the Conservator of Flora and Fauna and the planning and land authority for comment in November 2013, as required by s 321 of the Act.

Under s 324(2), the draft plan was then provided to the Minister for approval. As required by s 325, the draft plan was referred to the Standing Committee on Planning, Environment and Territory and Municipal Services (the Committee) on 14 August 2014. The Committee invited submissions in October 2014 and held a public hearing on 1 April 2015. On 19 November 2015, the Committee tabled Report 11 in the Legislative Assembly.

The Minister tabled a response to the Committee's report on 10 March 2016 in accordance with s 327(3) of the Act.

The custodian updated the draft plan and resubmitted it for approval in accordance with the Minister direction issued on 16 May 2016 under section 329 of the Act.

This instrument was approved by the Minister under s 327(3). A draft land management plan approved by the Minister under s 327(3) is a land management plan (see s 328(1)). A land management plan is a disallowable instrument (see s 328(2)).

### **Objectives of this instrument**

The objectives of this instrument are to provide a land management plan for Albert Hall under Division 10.4.2 of the Act. As set out below, the land management plan meets the content requirements outlined in s 320 of the Act.

### **Land Management Plan for Albert Hall**

The Land Management Plan for Albert Hall identifies the area to which the plan applies and describes how the management objectives for the area are to be implemented or promoted.

Specifically, the Plan sets out the following management objectives:

1. To recognise, protect and communicate the heritage significance of the building and its site
2. To ensure the building is affordable and accessible for use by a wide variety of individuals and community groups
3. To provide a functional and comfortable performance space, particularly for use by local cultural groups
4. To respect and retain the high level of social and cultural attachment to the Hall
5. To attract a new generation of Canberrans to use and engage with the building
6. To ensure the management and maintenance of the building and surrounding site can be achieved in a financially sustainable way.

The management objectives are to be implemented or promoted by setting out the primary and ancillary uses envisaged for Albert Hall, the management strategy to be put in place and a list of actions designed to ensure that management objectives are met.

### **Regulatory Impact Statement**

A regulatory impact statement is not required as this instrument does not impose appreciable costs on the community or a part of the community (see s 34(1) *Legislation Act 2001*). Further, the Land Management Plan for Albert Hall does not operate to the disadvantage of anyone by adversely affecting their rights or imposing Liabilities on the person (see s 36(1) *Legislation Act*).

### **Human Rights**

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference requires consideration of human rights, among other matters. In this case, no human rights are impacted. It is worth noting that the measures to protect the Albert Hall will help promote the human right of participating in public life.

### **Outline of Provisions**

**Clause 1** names the instrument.

**Clause 2** states that the instrument commences on the day after its notification day.

**Clause 3** states that the Minister approves the draft land management plan for the Albert Hall under s 327(3) of the Act. A draft land management plan approved by the Minister is a land management plan (see s 328(1) of the Act).