



**Australian Government**  
**National Capital Authority**

# **REPORT ON CONSULTATION**

National Capital Plan

**Draft Amendment 66**

**Diplomatic Mission Yarralumla**

**July 2007**

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### Attachments

## Part 1.0 Introduction

### 1.1 Purpose and Background

The purpose of this Report is to summarise the main issues raised during the process of consultation, undertaken by the National Capital Authority (NCA) on the proposed Draft Amendment 66 – Diplomatic Mission Yarralumla to the National Capital Plan (the Plan). The report also summarises two proposed changes to DA66 arising from this consultation and subsequent review by the NCA.

The statutory background to the National Capital Plan Amendment Process, including procedures on public consultation is set out in the *Australian Capital Territory (Planning and Land Management) Act 1988* (**refer Attachment 8**).

### 1.2 Existing National Capital Plan Provisions

The object of the Plan is to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.

The Plan states, *Matters of national significance in the planning and development of Canberra and the Territory include:*

- *The pre-eminence of the role of Canberra and the Territory as the National Capital.*
- *Preservation and enhancement of the landscape features which give the National Capital its character and setting.*
- *Respect for the key elements of Walter Burley Griffin's formally adopted plan for Canberra.*
- *Creation, preservation and enhancement of fitting sites, approaches and backdrops for national institutions and ceremonies as well as National Capital Uses.*
- *The development of a city which both respects environmental values and reflects national concerns with the sustainability of Australia's urban areas.*

*In addition, within the framework of the statement of national significance as required by the Australian Capital Territory (Planning and Land Management) Act 1988, a key objective of the Plan is to:*

- *Further develop and enhance a Central National Area which includes the Parliamentary Zone and its setting and the main diplomatic sites and national institutions, as the heart of the National Capital.*

### 1.3 Effect of the Draft Amendment to the National Capital Plan

The purpose of Draft Amendment 66 to the Plan is to change the land use policies for Blocks 2 and 3 Section 44 Yarralumla to Diplomatic Mission and part of Blocks 6 and 8 Section 128 Yarralumla to Open Space (the remainder of these blocks are currently Open Space).

The draft amendment proposes to add to the diplomatic estate within the established Yarralumla diplomatic precinct and to ensure an open space corridor

(including bicycle path) is maintained between Parliament House and Lake Burley Griffin.

On coming into effect, following public consultation and Parliamentary procedures prescribed in the *Australian Capital Territory (Planning and Land Management) Act 1988*, Draft Amendment 66 would enable Blocks 2 and 3 Section 44 Yarralumla to be developed as a Diplomatic Mission and the change of land use to part of Blocks 6 and 8 Section 128 Yarralumla would ensure an open space corridor (including a bicycle path) is maintained between Parliament House and Lake Burley Griffin.

## Part 2.0 Consultation

Draft Amendment 66 – Diplomatic Mission Yarralumla was released for public comment on Friday 1 June 2007 in the *Commonwealth of Australia Gazette* (**refer Attachment 3**), and on Saturday 2 June 2007 in *The Canberra Times* (**refer Attachment 4**). Submissions on the Draft Amendment closed on Monday 25 June 2007, a period of 15 business days.

Other milestones in the consultation process undertaken by the NCA for DA66 include:

- On 10 April 2007 the Chinese Embassy was briefed on DA66 and in particular the change from Diplomatic Mission to Open Space on their eastern boundary.
- On 22 May 2007 a pre-consultation briefing on DA66 was held with representatives of Australian Capital Territory Planning and Land Authority (ACTPLA), the Chief Minister's Department, and Department of Territory and Municipal Services (TAMS).
- On 23 May 2007 the lessee of the neighbouring property (Casey House) was briefed on DA66.
- On 23 May 2007 an officer of the Department of Finance and Administration, (the administrators of the Casey House lease) was briefed on DA66.
- On 29 May 2007 the President of the Yarralumla Residents Association was briefed on DA66.
- On 1 June 2007 the NCA referred DA66 to ACTPLA for comment, in accordance with the requirements of the PALM Act.
- On 1 June 2007 a copy of DA66 was sent to all parties who had been involved in pre-release consultation as well as the following indigenous organisations:
  - a. Buru Ngunawal Aboriginal Corporation
  - b. Little Gudgenby River Tribal Council
  - c. Ngarigu Currawong Clan
  - d. Consultative Body Aboriginal Corporation on Indigenous Land and Artifacts in the Ngannawal Area
- DA66 was released for public comment on Saturday 2 June 2007.
- A request for regulatory impact statement exemption was sought from the Productivity Commission - Office of Regulation Review (ORR) on 8 June 2007.
- The first of two public information sessions was held at the NCA office on Tuesday 12 June 2007 between 5:30pm and 7:30pm (there were two attendees at the session).
- Additional advertising of the second public information session was placed in the Canberra Times on Wednesday 13 June 2007.
- The ORR advised on 13 June 2007 that "Based on the information you supplied, the NCA is not required to prepare a Business Cost Calculator report or Regulatory Impact Statement for the regulatory changes as they appear to have no/low compliance costs or competition impacts." (OBPR ID number for compliance reporting is 9198) (**Refer Attachment 5**).

- The second public information sessions was held at the National Exhibition Centre, Regatta Point on Saturday 16 June between 1pm and 4pm (there were four attendees at the session).
- On 20 June 2007 officers of the NCA provided a briefing to the South African Embassy on DA66.
- ACTPLA provided a response on 4 July 2007 which was inconclusive regarding its position on DA66. The submission identified potential issues for the NCA to consider. The NCA provided a written response to ACTPLA on 11 July 2007 to clarify and identify changes that would address the issues. On 13 July 2007 ACTPLA confirmed that they will support DA66 (***refer Attachment 6***).

## Part 3.0 Written Submissions

The NCA received nine (9) written submissions in response to DA66.

Eight of the nine submissions were either fully or generally supportive of DA66. One submission was opposed to DA66 in its present form.

All submissions were acknowledged by the NCA, together with an undertaking to inform the authors of how the NCA considered their submissions.

Although some submissions received on DA66 addressed the content, a number of submissions focused on issues which were not the subject of DA66 namely, adjoining areas within Section 128 Yarralumla and the protection of Casey House heritage values.

A summary of the key issues identified in the submissions and NCA comments and the recommended changes to DA66 are outlined below (***refer to Attachment 7***).

### 3.1 Pedestrian Amenity

#### ***Issues***

One submission registered concern regarding a reduction in pedestrian amenity if the existing pathway is removed.

#### ***NCA Consideration***

*The establishment of a Diplomatic Mission to Blocks 2 and 3 Section 44, as proposed in DA66, would retain the asphalt bicycle path and the State Circle pathways while removing access to the 'bush track' shortcut.*

*As a result of the existing pedestrian/bicycle underpass at State Circle, there is a considerable height differential between the pathway adjoining State Circle and the bicycle path (which runs roughly parallel to Flynn Drive). Blocks 2 and 3 Section 44 Yarralumla currently have a dirt 'bush track' (formed over some time) which creates a 'shortcut' from Rhodes Place to the bicycle path near Forster Crescent (which is also used intermittently by vehicles as a shortcut).*

*Access to the existing 'bush track' would be removed. There is no proposal to construct a new pathway to replace the 'bush track'. This would marginally lengthen the walking distance to connect to the bicycle path when approaching the site from the south.*

#### ***NCA Recommended change to legislation***

*No change.*

## 3.2 Views (Corridor from State Circle to Black Mountain)

### ***Issues***

One submission registered concern regarding a possible reduction in views from State Circle to Black Mountain. The submission recommended that consideration be given to a 'no-build' zone to the eastern area of the site.

### ***NCA Consideration***

*While the Open Space afforded by Blocks 2 and 3 Section 44 would be removed under DA66, the proposed change of Block 8 Section 128 will provide a continuous Open Space corridor adjacent to Flynn Drive (Block 25 section 44 and Block 8 Section 128). Block 2 Section 128 (which is not the subject to DA66) will also remain as Open Space.*

*It would be impractical to restrict the building zone for the site to the extent proposed in the submission however, the design and siting provisions of Appendix H of the National Capital Plan (including height controls) will apply. Additional requirements such as preservation of significant trees will also apply.*

*The topography of the site, which drops away from State Circle, is such that a two storey building would not significantly impact on the views from Parliament House to the lake (although the views from State Circle may be reduced). The proposed diplomatic site will not include Block 25 Section 44 which will remain as Open Space.*

### ***NCA Recommended change to legislation***

*No change.*

## 3.3 Underground Services

### ***Issues***

Two submissions raised concerns about the relocation of underground services within the proposed diplomatic site. Issues included costs and disruption to supply.

### ***NCA Consideration***

*The compensation payable to the ACT Government for Blocks 2, 3 and 25 Section 44, following the declaration of the blocks as National Land, would be negotiated in accordance with the Australian Capital Territory (Planning and Land Management) Act 1988 and the Lands Acquisition Act 1989. These negotiations would include consideration of the relocation of services and infrastructure which effect the value of the land as diplomatic land use.*

*Services requiring relocation will be carried out at nil cost to neighbours and will be coordinated to minimize disruption.*

### ***NCA Recommended change to legislation***

*No change.*



### 3.4 Traffic

#### ***Issues***

One submission raised concerns over current difficulty of access to Rhodes Place from State Circle during peak traffic (and the effect of extra traffic from the proposed new diplomatic site).

Request that the entry to the proposed diplomatic mission be from Forster Crescent.

#### ***NCA Consideration***

*The subject of DA66 is a land use change however, depending upon detailed design requirements for any proposed development (yet to be generated) access may be from Rhodes Place (off State Circle) or Forster Crescent or from both.*

*There will be no direct access to the site off State Circle.*

#### ***NCA Recommended change to legislation***

*No change.*

### 3.5 Historical Reference to Griffin Plan

#### ***Issues***

One submission raised the concerns that the proposal and supporting studies are devoid of reference to key elements of Walter Burley Griffin's formally adopted plan for Canberra. Cannot DA66 be construed as relevant to, consistent with or enhancing the Griffin Legacy?

One such key element is Griffin's geometry of State and Territory Capital radials from Capital Hill, namely Perth and Darwin. What options for the representation of those capitals by the radials are being foregone? The radials are essential to Griffin's geometry and the federal symbolism for Perth and Darwin are precious.

Griffin also had particular regard to Lotus Bay and the "beautiful Yarralumla lands" as natural settings for Capitol Hill.

Another element is the location, symbolism, zone, massing and relationships of National Capital and Seat of Government buildings and structures, present and future, in the landscape of Capital Hill, Parliament House, the Parliamentary Triangle and contiguous precincts. The future prospect of DA66 is an imbalance between the diplomatic estate and all of those other elements, the group of government buildings, Prime Ministerial and Ministerial official residences, National Capital cultural and memorial sites and Canberra heritage assets.

A third basic element is the specific landscape and bushland vista and corridor between Capital Hill and Lotus Bay, that constitutes a special native bush setting and vistas for Capital Hill and Parliament House. With the revelation of DA66 that the Chinese Embassy has been given a lease over a large block in Section 128, with possible access from both Alexandrina Drive and Forster Crescent, this high value bushland and tree

canopy landscape is very likely to be degraded, notwithstanding the sliver of "open space" and tree stands returned with Blocks 6 and 8 Section 128.

### **NCA Consideration**

*The propositions and strategic initiatives contained within the Griffin Legacy does not propose the construction of Darwin Avenue as per Griffin's 1918 plan. The construction of Darwin Avenue is no longer possible as the land (Block 5 Section 128) is currently leased to the Chinese Embassy.*

*The subject area of DA66 is contained within the Diplomatic Precinct of Yarralumla. The major concentration of embassies is to the west and south west of the site however, the following diplomatic areas are to the east or north of the site:*

- Papua New Guinea
- Canada
- New Zealand
- Britain
- China (and expansion site)

*The use of the site for Diplomatic Mission is appropriate in this location.*

*The former Block 1 Section 128 (now Blocks 5,6,7,8,9,& 10) has been zoned as Diplomatic Mission since the original Draft National Capital Plan was released in March 1990. Block 5 was leased to the Chinese government in December 2004. The adjacent area (Block 2 section 128) has been zoned as Open Space since that time.*

*DA66 does not propose any change to the Open Space land use of Block 2 Section 128 which lies between Forster Crescent and Alexandrina Drive and proposes to amend the land use of Blocks 6 & 8 Section 128 from Diplomatic Mission to Open Space. Block 25 Section 44 will be retained as Open Space while Blocks 2 and 3 Section 44 are proposed to change from Open Space to Diplomatic Mission. Block 25 Section 44 and Blocks 2, 6 & 8 Section 128 will form Open Space areas between Capital Hill and Lake Burley Griffin.*

*Regarding the 'high value bushland' statement, the Ecological Values report for Blocks 2, 3 & 25 Section 44 Yarralumla (Rowell 2007) found that the site comprised a small, significantly degraded area (about 0.5ha) of vegetation that meets the minimum criteria of a critically endangered ecological community (EEC) under the Environment Protection and Biodiversity Conservation Act 1999 and that it could be argued that the loss of this poor quality EEC is not significant compared with the larger and better quality areas on the neighbouring Stirling Ridge.*

### **NCA Recommended change to legislation**

*No change.*

### 3.6 Protection of Casey House Heritage Values

#### ***Issues***

Two submissions raised the issue of the protection of Casey House heritage values.

Casey House is a worthy listing on the National Estate Register replete with much heritage and locational value, yet it is right next to the subject Blocks 2 and 3 Section 44 with difficult leasehold purpose, boundary and access issues in the context of the National Capital Plan. No assessments or contingencies are provided in the documentation. The proposal is devoid of any urban design guidelines for addressing any of the above concerns.

#### ***NCA Consideration***

*DA66 is an amendment relating to land use and accordingly, does not contain development controls for the site.*

*The design and siting conditions set out in Appendix H of the National Capital Plan as well as the any additional controls established as part of lease conditions will apply to development of the site.*

*A Conservation Management Plan for Casey House and Gardens also applies. Development controls for the proposed diplomatic site (part of the leasing process) will consider and protect the heritage values of Casey House and Gardens through the use of height controls, building setback controls and trees to be protected.*

#### ***NCA Recommended change to legislation***

*No change.*

### 3.7 Use of the Site for Diplomatic Mission

#### ***Issues***

One submission raised the concerns that the use of the site as a diplomatic mission may not be the most appropriate use of the site.

The two supporting studies, respectively cultural heritage and ecology, are very restricted in scope, providing no analysis, values, valuations or options regarding national capital uses (other than diplomatic missions), Seat of Government, street layout, symbolic geometry, landscape, the wider open space system (especially Stirling Park and the Lake foreshore), tourism, the setting and vistas for Parliament House or indeed the Griffin Legacy (a quick review of The Griffin Legacy 2004 yields a dozen or so references to the area impacted by DA66).

The rationale or purpose of the proposal is not adequately explained. At the public information session on 12 June, NCA officers claimed that demand for diplomatic blocks exceeded supply, that there was no alternative to allocating Blocks 2 and 3, that diplomatic missions required bigger and bigger blocks to accommodate all their offices on one site, that central Canberra locations were preferred and that urgency for allocations and prospective future demands were picking up. These are all contestable points.

Assessment of any development proposal should be ready to discuss alternatives, as well as opportunities and options being foregone.

***NCA Consideration***

*DA66 proposes land use amendments to existing block subdivisions and does not seek to alter street layouts or symbolic geometry.*

*The demand for suitable sites within the national capital (and particularly within the Yarralumla diplomatic precinct) is real and ever increasing.*

*Matters relating to the supply of diplomatic sites are of national significance and must be undertaken with diplomacy. Disclosure of interests during periods of negotiation would be inappropriate.*

***NCA Recommended change to legislation***

*No change.*

### **3.8 Cultural Heritage**

***Issues***

One submission recommended a watching brief be conducted by qualified archaeologists and representatives of the Aboriginal community during initial earth moving works in blocks 2 & 3 section 44 Yarralumla. Particular focus to be placed on the areas of high shrubbery.

***NCA Consideration***

*This issue was a recommendation of the Navin Officer Cultural Heritage Report and was agreed to by the NCA.*

***NCA Recommended change to legislation***

*No change.*

### **3.9 Archaeological Investigation of Section 128**

***Issues***

One submission recommended that the archaeological features, remnant road/track corridor and stone arrangements on Section 128 Yarralumla be investigated further.

***NCA Consideration***

*Environmental and cultural heritage studies of the former Block 1 Section 128 were carried out in 2004 and resulted in the 2004 subdivision pattern (now Blocks 5, 6, 7, 8, 9 and 10 Section 128) which excluded some areas from development and allows the development of Block 5 Section 128 as a Diplomatic Mission and Block 7 Section 128 as the access road to that site.*

*DA66 removes development potential from Blocks 6 and 8 Section 128.*

***NCA Recommended change to legislation***

*No change.*

### **3.10 Access Road to Block 5 Section 128**

#### ***Issues***

One submission recommended that the sealed road way on Section 128 (Block 7) be removed.

#### ***NCA Consideration***

*Although this is not an issue for DA66, the road (Block 7 Section 128) forms the access to the Chinese Embassy expansion site on Block 5 Section 128 and will be retained (refer also to 3.9).*

#### ***NCA Recommended change to legislation***

*No change.*

### **3.11 Annotation on Figure 6 of the Plan**

#### ***Issues***

One submission noted that the annotation “Open space in its natural state accommodating a possible pedestrian route to Capital Hill” was not shown on the Illustration of Figure 6 (however, it occurs on the actual Figure 6).

The submission recommended that the amendment be modified to either remove the annotation or relocate the arrows.

#### ***NCA Consideration***

*The NCA considers that removal of the annotation from Figure 6 would be suitable.*

#### ***NCA Recommended change to legislation***

*Amend Figure 6 to delete the annotation and arrows “Open space in its natural state accommodating a possible pedestrian route to Capital Hill”.*

## Part 4.0 Recommended Change to DA66

Following a review of issues raised in submissions, the NCA has recommended two (2) changes to DA66 as released for public comment in June 2007. The changes are:

To Part 2: National Capital Plan Draft Amendment 66

Add a third point:

- c) Amend Figure 6 The Central National Area (Yarralumla) of 'Maps – Central National Area' to remove annotation and arrows (to Block 2 Section 128 and Block 3 Section 44) regarding *"Open space in its natural state accommodating possible pedestrian route to Capital Hill"*.

A typographical error was also noted in Part 2 Section 1 (b) which read Section 44 Yarralumla rather than Section 128 Yarralumla. This typographical error has been corrected in the Amendment as follows:

- b) Amend Figure 6 The Central National Area (Yarralumla) of 'Maps – Central National Area' for part of Blocks 6 and 8 Section 128 Yarralumla by deleting the Diplomatic Mission land use and substituting Open Space land use

The above changes have been included in a revised Amendment to DA66 at *Attachment 2*.

## Part 5.0 Conclusion

The consultation process initiated by the NCA for Draft Amendment 66 – Diplomatic Mission Yarralumla attracted a total of six (6) attendees at the two public information sessions and nine (9) written submissions.

Following a review of issues raised in the nine (9) submissions received, two changes to DA66 as outlined above has been recommended by the NCA.

The NCA recommends that Draft Amendment 66 – Diplomatic Mission Yarralumla be approved in its revised form.

The statutory processes for amending the National Capital Plan (*refer Attachment 8*) in respect of DA66 have been completed and satisfied.

Accordingly, DA66 will be submitted to the Commonwealth Parliament of Australia for approval in accordance with Section 18 of the *Australian Capital Territory (Planning and Land Management) Act 1988*.

## Attachments

- 1 Draft Amendment 66 – Diplomatic Mission Yarralumla (June 2007), as released for public comment on 2 June 2007.
- 2 Amendment 66 – Diplomatic Mission Yarralumla, as revised following formal public consultation.
- 3 Notice of release of Draft Amendment 66 for public comment published in the *Commonwealth of Australia Gazette* on Friday 1 June 2007.
- 4 Notice of release of Draft Amendment 66 for public comment published in *The Canberra Times* of Saturday 2 June 2007.
- 5 Advice of 13 June 2007 from Office of Regulation Review that the proposal did not require the preparation of a Business Cost Calculator report or Regulation Impact Statement.
- 6 Advice of 13 July 2007 from ACTPLA advising that it will support DA66.
- 7 Key Issues identified through the submissions.
- 8 Statutory Background to the National Capital Plan Amendment Process.





Australian Government  
National Capital Authority

*The Australian Capital Territory  
(Planning and Land Management) Act 1988*

National Capital Plan

# **Draft** Amendment 66 – Diplomatic Mission Yarralumla

June 2007



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# Introduction

The National Capital Authority (NCA) is established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act). The current National Capital Plan (the Plan) came into effect on 21 January 1990. In accordance with the Act, the NCA is required to keep the Plan under constant review and to propose amendments to it where necessary.

The object of the Plan is “to ensure Canberra and the Territory are planned and developed in accordance with their national significance.”

Matters of national significance in the planning and development of Canberra and the Territory include:

- The pre-eminence of the role of Canberra and the Territory as the National Capital.
- Preservation and enhancement of the landscape features which give the National Capital its character and setting.
- Respect for the key elements of Walter Burley Griffin’s formally adopted plan for Canberra.
- Creation, preservation and enhancement of fitting sites, approaches and backdrops for national institutions and ceremonies as well as National Capital Uses.
- The development of a city which both respects environmental values and reflects national concerns with the sustainability of Australia’s urban areas.

Within the framework of this legislative object or goal, a key objective of the Plan is to:

- Further develop and enhance a Central National Area which includes the Parliamentary Zone and its setting and the main diplomatic sites and national institutions, as the heart of the National Capital.

The purpose of National Capital Plan **Draft** Amendment 66 to the Plan is to change the land use policies for Blocks 2 and 3 Section 44 Yarralumla to Diplomatic Mission and part of Blocks 6 and 8 Section 128 Yarralumla to Open Space (the remainder of these blocks are currently Open Space).

The **draft** amendment proposes to add to the diplomatic estate within the established Yarralumla diplomatic precinct and to ensure an open space corridor (including bicycle path) is maintained between Parliament House and Lake Burley Griffin.

**Draft** Amendment 66 to the Plan (set out in *Part 2 – National Capital Plan - **Draft** Amendment 66 – Diplomatic Mission Yarralumla*) has been prepared in accordance with section 23 of the Act.



# Part 1 Context

## 1.1 Background

The Australian Government's interest in the planning and development of Canberra as the national capital is to ensure that it continues to serve its national purposes. This includes the provision of suitable sites for the diplomatic community, which should be located in Designated Areas and ideally located on National Land, with a land use policy of Diplomatic Mission.

The presence of the diplomatic corps continues to expand in Canberra, with new missions being established. This reflects Australia's increased presence and profile in world affairs. The Australian Government needs to be able to welcome their presence in the National Capital with appropriate opportunities to construct and establish their embassies.

The current Diplomatic Estate managed by the NCA contains a total of 99 blocks of which 71 blocks have been leased. Of the remaining 28 blocks, 10 blocks are currently under negotiation with foreign governments, and some are potentially limited due to physical and/or environmental constraints. Within this, the Yarralumla diplomatic estate contains 48 blocks of which 40 have been developed, 4 are leased but not yet developed, and the final 4 are unavailable.

The NCA has undertaken a review of the Designated Areas within the Yarralumla diplomatic precinct and has identified two adjacent blocks (Blocks 2 and 3 Section 44 Yarralumla) which could be amalgamated or subdivided to supply the ongoing diplomatic need. To allow such use, a change in land use policy for the blocks from Open Space to Diplomatic Mission is required.

Part of two irregular shaped blocks (Blocks 6 and 8 Section 128 Yarralumla) resulting from the recent subdivision of Section 128, will be amended from Diplomatic Mission land use to Open Space land use. This change will ensure an open space corridor (including a bicycle path) is maintained between Parliament House and Lake Burley Griffin.

Should the **draft** amendment be approved, it is the intention that Blocks 2 and 3 Section 44 Yarralumla be declared National Land and the ACT Government will be compensated in accordance with the *Planning and Land Management Act 1988* and the *Lands Acquisition Act 1989*.

### 1.1.1 Heritage

In December 2006 a Cultural Heritage Assessment of Blocks 2 and 3 Section 44 Yarralumla was carried out by Navin Officer Heritage Consultants. The assessment included literature and database review, field survey and indigenous consultation.

The report concluded that:

- there are no previously recorded Indigenous or European heritage sites on the blocks;
- no Indigenous heritage sites or objects were identified;
- no areas of potential archaeological deposit were identified; and
- there are no cultural heritage constraints to development of the site.

As the land use of Blocks 6 and 8 Section 128 Yarralumla will be amended to open space rather than allowing for development, the heritage values for these blocks have not been assessed.

The report is available on the NCA website on [www.nationalcapital.gov.au](http://www.nationalcapital.gov.au)

### 1.1.2 Environment

In February 2007 Alison Rowell, Biologist and Environmental Consultant provided a report on the ecological values in Blocks 2 and 3 Section 44 Yarralumla.

The report found that:

- the site comprises a small, significantly degraded area (about 0.5 hectare) of vegetation that meets the minimum criteria of a critically endangered ecological community (EEC) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- no threatened plant species were recorded apart from one planted Button Wrinklewort plant which is a species listed as endangered under the EPBC Act; and
- the small area of woodland is not large enough to provide significant habitat for reptiles or native mammals other than the more common local species of small skinks.

The report recommended that it could be argued that the loss of 0.5 ha of poor quality EEC is not significant, compared to the larger and better quality areas on the neighboring Stirling Ridge and that the loss of a single Button Wrinklewort plant previously translocated from the adjacent large population would likewise not be significant.

The proposed **draft** amendment is not an “action” under the EPBC Act, however any proposal for development on the site would be required to comply with the requirements of the EPBC Act.

As the land use of Blocks 6 and 8 Section 128 Yarralumla will be amended to open space rather than allowing for development, the ecological values for these blocks have not been assessed.

The report is available on the NCA website on [www.nationalcapital.gov.au](http://www.nationalcapital.gov.au)



## 1.2 Explanatory Statement

### 1.2.1 Purpose of the Draft Amendment

The National Capital Authority proposes National Capital Plan **Draft** Amendment 66 – Diplomatic Mission Yarralumla to change the land use policies for Blocks 2 and 3 Section 44 Yarralumla to Diplomatic Mission and part of Blocks 6 and 8 Section 128 Yarralumla to Open Space (the remainder of these blocks are currently Open Space).

The **draft** amendment proposes to add to the diplomatic estate within the established Yarralumla diplomatic precinct and to ensure an open space corridor (including bicycle path) is maintained between Parliament House and Lake Burley Griffin.

### 1.2.2 Site Description

The area of **Draft** Amendment 66 is shown in ***Illustration A***

Block 2 Section 44 Yarralumla is 6,805 square metres and has frontages to State Circle and Rhodes Place. It is adjacent to Block 3 and also the Casey House and Gardens which is a listed place on the Commonwealth Heritage List and a nominated place on the ACT Heritage Register. The site is vacant and slopes gently to the north east. The current land use is Open Space.

Block 3 Section 44 Yarralumla is 7,339 square metres and fronts Forster Crescent. It is adjacent to Block 2 and also Casey House and Gardens. The site is vacant and slopes gently to the north east. The current land use is Open Space.

The total area of the proposed new diplomatic site is 14,144 square metres.

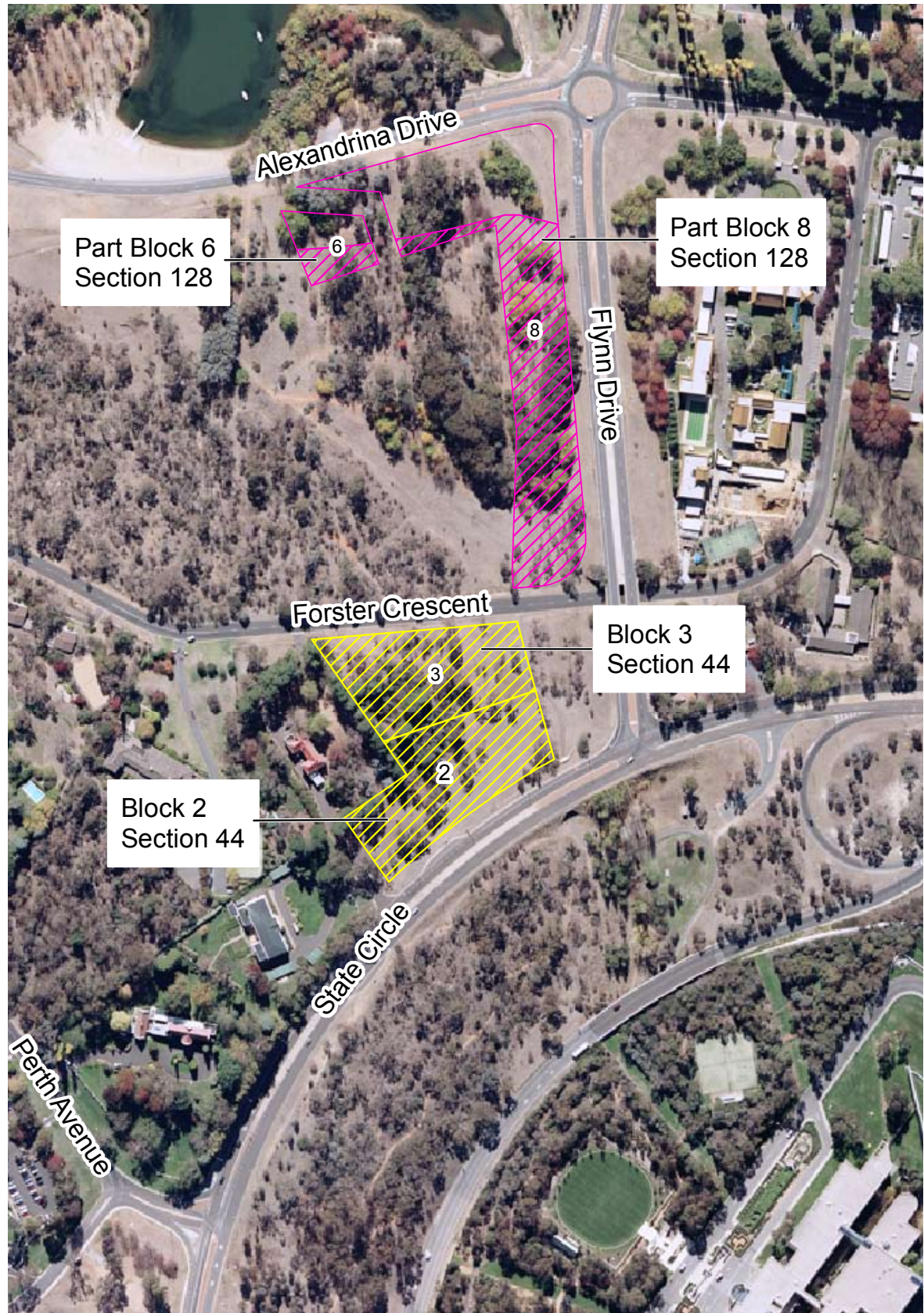
Block 6 Section 128 Yarralumla is 1,927 square metres and is a 'land-locked' site with no street frontage. Part of the block (1076.2 square metres) has a current land use of Open Space and part (850.8 square metres) currently has a land use of Diplomatic Mission. The block is currently vacant.

Block 8 Section 128 Yarralumla is an elongated 'L' shaped site with an area of 16,255 square metres. Part of the block (6395.3 square metres) has a current land use of Open Space and part (9859.7 square metres) currently has a land use of Diplomatic Mission. The block fronts Flynn Drive and is adjacent to the site for the Chinese Embassy expansion. Although large in area, the irregular shape of the block limits its development potential. The block is currently vacant.

The total area of the proposed new open space is 10,710.5 square metres.



Illustration A - Area of Draft Amendment 66





### 1.2.3 Existing National Capital Plan Provisions

The object of the National Capital Plan (the Plan) is “to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.”

The provisions of Section 10 (1) of the *Australian Capital Territory (Planning and Land Management) Act 1988* provides for the Plan to specify areas of land that have the “special characteristics of the National Capital” to be Designated Areas.

Factors which are considered in identifying lands that have the “special characteristics of the National Capital” include the requirements for National Capital functions which are – activities which occur in Canberra because it is the National Capital and which give Canberra a unique function within Australia. National Capital functions include, but are not limited to, embassies, legations and high commissions of foreign countries.

The blocks which are the subject of **Draft** Amendment 66 are located within the Central National Area (Yarralumla) shown in Figure 6 of the Plan. The Central National Area is specified as a Designated Area in the Plan. Planning and approval of development within the Designated Areas of the Plan is the responsibility of the NCA.

Figure 6 of the Plan identifies the land use policy for Blocks 2 and 3 Section 44 Yarralumla as Open Space and the land use policy for part of Blocks 6 and 8 Section 128 Yarralumla as Diplomatic Mission.

The part of Figure 6 - The Central National Area (Yarralumla) of the Plan which is the subject of **Draft** Amendment 66 is shown at **Illustration B**

Appendix A of the Plan provides definitions for land uses including Diplomatic Mission and Open Space. The land use definitions set out the nature of permitted uses for these land use categories.

Development and redevelopment of the blocks is to accord with the development conditions set out at Appendix H of the Plan.



Illustration B - National Capital Plan Maps – Central National Area  
**Existing** (part) Figure 6 (Yarralumla)

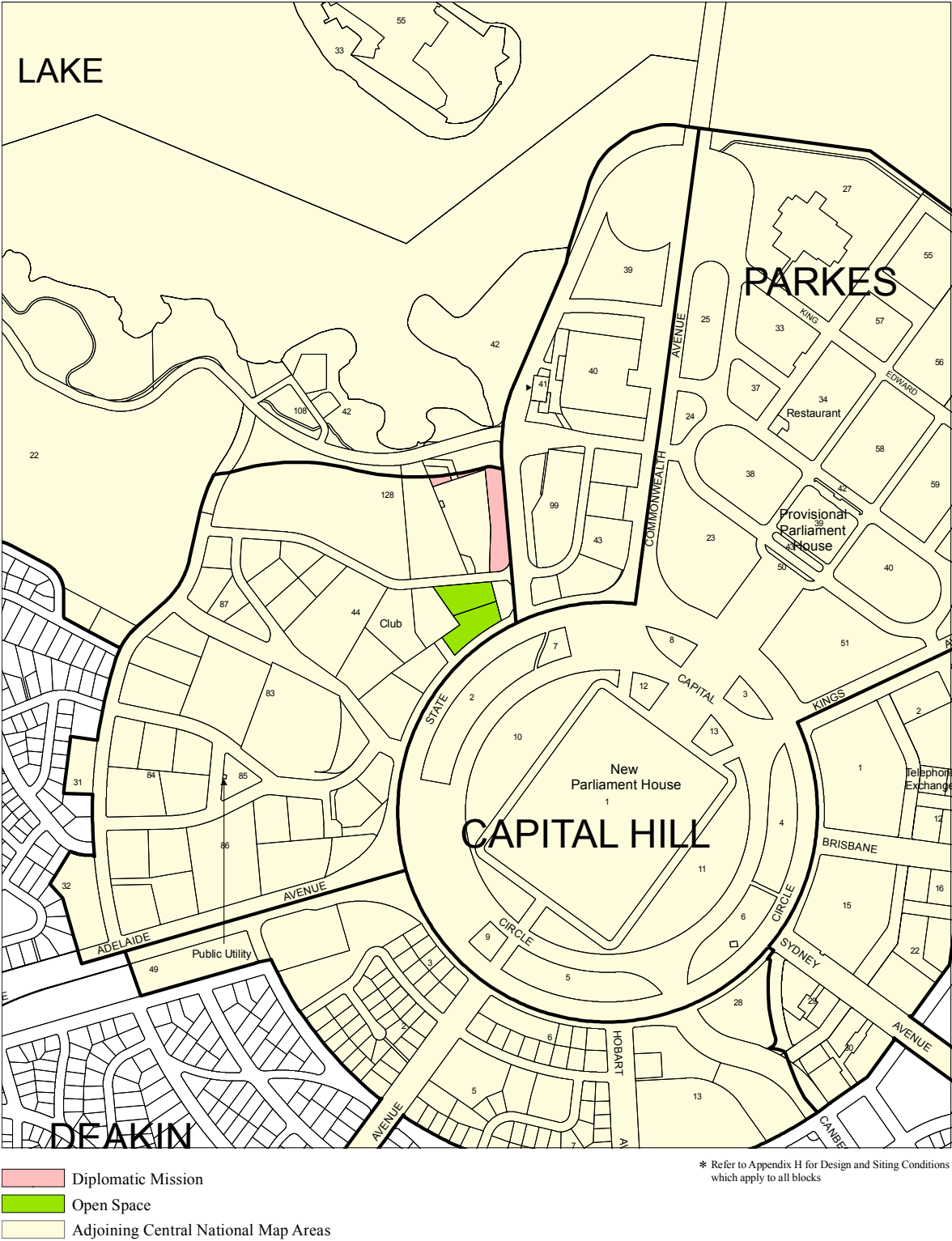


Figure 6  
**The Central National Area  
 (Yarralumla)**



### 1.2.4 Effect of the Draft Amendment

Should the land use policy as proposed in **Draft** Amendment 66 be approved (following public consultation and subsequent Parliamentary scrutiny) Blocks 2 and 3 Section 44 Yarralumla could be developed as a Diplomatic Mission and the change of land use to part of Blocks 6 and 8 Section 128 Yarralumla would ensure an open space corridor (including a bicycle path) is maintained between Parliament House and Lake Burley Griffin.

This would not be inconsistent with the principles and policies of the Plan.

**Draft** Amendment 66 amends the land use policy for Blocks 2 and 3 Section 44 Yarralumla to Diplomatic Mission and the land use policy for part of Blocks 6 and 8 Section 128 Yarralumla to Open Space.

**Illustration C** shows the effect on the blocks which are the subject of **Draft** Amendment 66.

**Draft** Amendment 66 does not alter page numbers, section titles or contents page in the Plan.

Illustration C – **Effect of Draft Amendment 66**

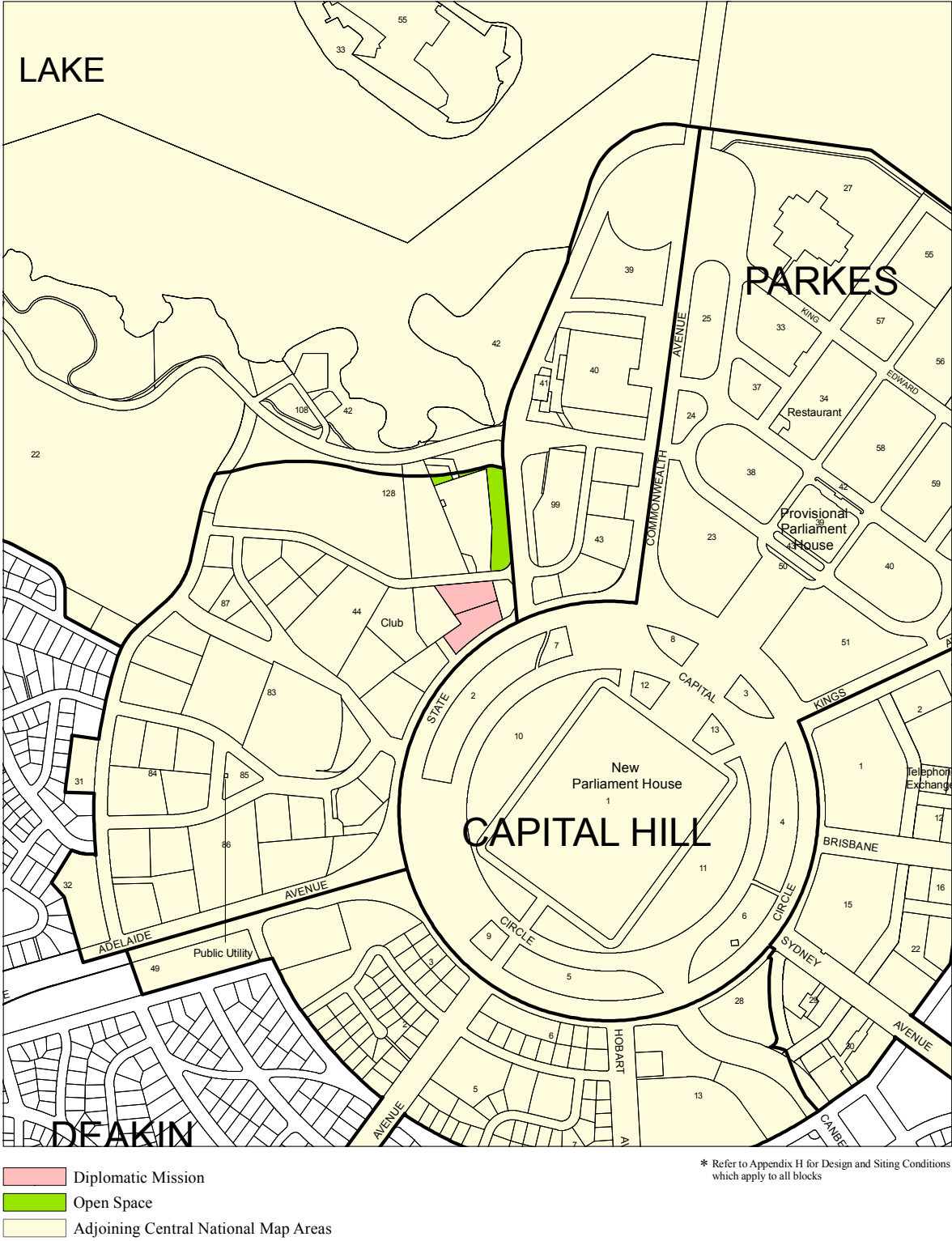
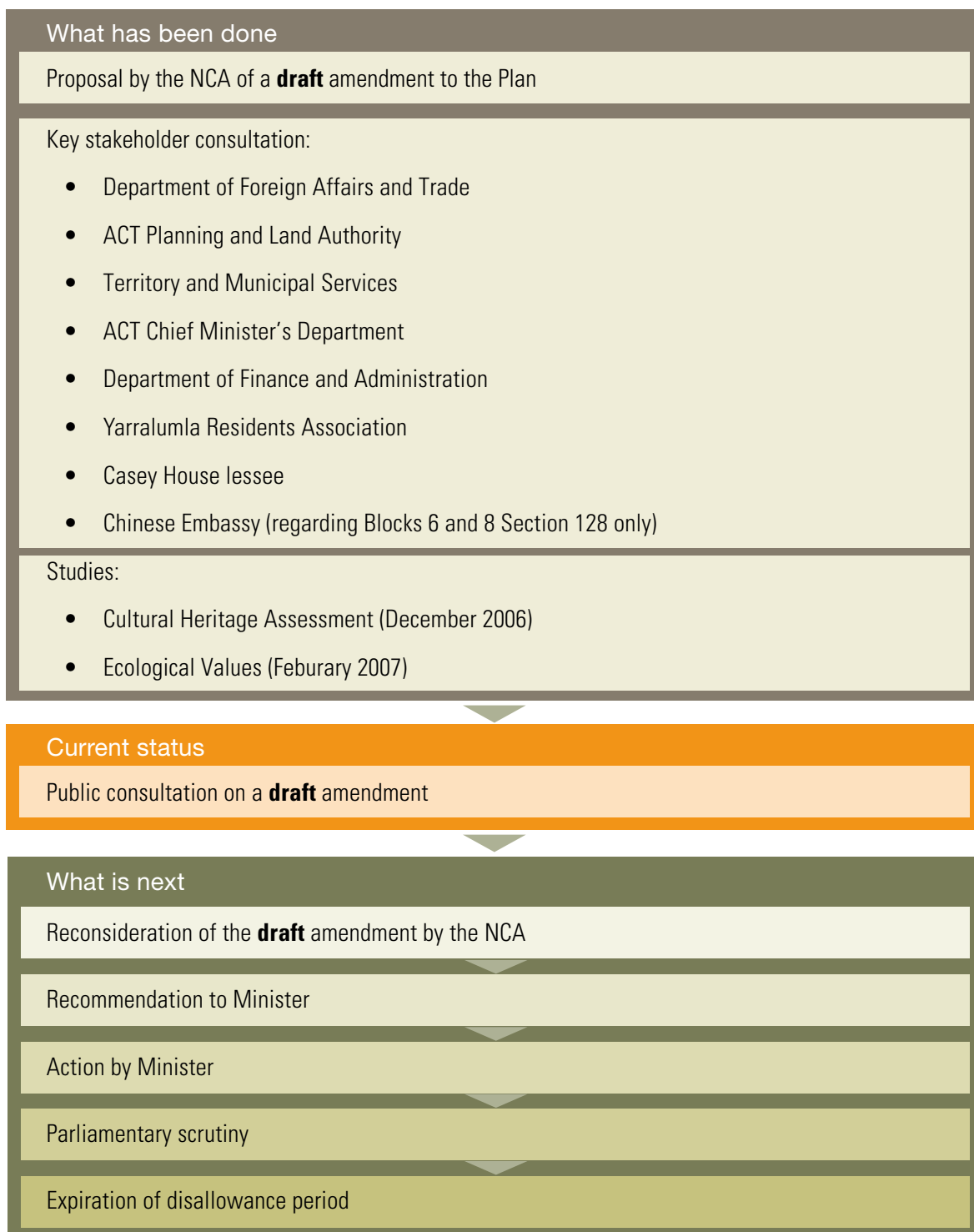


Figure 6  
**The Central National Area  
(Yarralumla)**

## 1.3 Draft Amendment Process

The process for making **Draft** Amendment to the National Capital Plan (the Plan) is outlined in **Illustration D**.

### Illustration D - Outline of the Draft Amendment 66 Process



## 1.4 Public Consultation

The NCA invites interested people and organisations to provide written submissions on **Draft** Amendment 66 to the Plan as part of the consultation process. All responses received will be assessed before **Draft** Amendment 66 is submitted to the Minister for Local Government, Territories and Roads in accordance with the provisions of the Act.

### Copies of **Draft** Amendment 66 are available from:

#### National Capital Authority

Ground Floor, Treasury Building

King Edward Terrace

PARKES ACT 2600

Between 9am and 5pm Monday to Friday

#### National Capital Exhibition

Regatta Point, Commonwealth Park

Between 9am and 5pm daily

#### The National Capital Authority Website

[www.nationalcapital.gov.au](http://www.nationalcapital.gov.au)

### Public information sessions on **Draft** Amendment 66 will be held on:

Tuesday 12 June 2007

from 5:30pm until 7:30pm at:

National Capital Authority, Griffin Room

Ground Floor, Treasury Building,

King Edward Terrace,

PARKES, ACT 2600

Saturday 16 June 2007

from 1:00pm until 4:00pm at:

National Capital Exhibition

Regatta Point, Commonwealth Park

### Comments on **Draft** Amendment 66:

Written submissions on **Draft** Amendment 66 are invited in accordance with the provisions of the Act until close of business *Monday 25 June 2007* and should be forwarded to:

Mr Todd Rohl

Managing Director, Planning and Urban Design

National Capital Authority

GPO Box 373

CANBERRA ACT 2601

Email [todd.rohl@natcap.gov.au](mailto:todd.rohl@natcap.gov.au)

*Or delivered by hand to the NCA office at:*

Ground Floor, Treasury Building

King Edward Terrace

PARKES ACT 2600

Further information on **Draft** Amendment 66 is available from Mr Craig Egle by phone (02) 6272 2965, fax 02 6273 4427 or email [craig.egle@natcap.gov.au](mailto:craig.egle@natcap.gov.au).



## Part 2: National Capital Plan

### Draft Amendment 66

National Capital Plan

## Draft Amendment 66 – Diplomatic Mission Yarralumla

The National Capital Plan is amended by the following:

### Introduction

Part One Principles and Policies, Designated Areas,  
Special Requirements

#### 1. The Central National Area

##### Maps – Central National Area Figure 6 (Yarralumla)

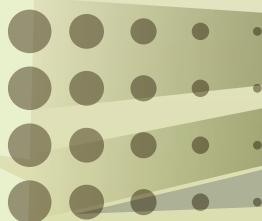
The area of Figure 6 The Central National Area (Yarralumla) subject to **Draft** Amendment 66 is amended as follows:

- a) Amend Figure 6 The Central National Area (Yarralumla) of 'Maps - Central National Area' for Blocks 2 and 3 Section 44 Yarralumla by deleting the Open Space land use and substituting Diplomatic Mission land use.
- b) Amend Figure 6 The Central National Area (Yarralumla) of 'Maps - Central National Area' for part of Blocks 6 and 8 Section 44 Yarralumla by deleting the Diplomatic Mission land use and substituting Open Space land use.





Australian Government  
National Capital Authority



The National Capital Authority was established under the  
*Australian Capital Territory (Planning and Land Management) Act 1988*

NATIONAL CAPITAL AUTHORITY  
GPO Box 373, Canberra ACT 2601

**Ph** 02 6271 2888 **Fax** 02 6273 4427  
[natcap@natcap.gov.au](mailto:natcap@natcap.gov.au)

[www.nationalcapital.gov.au](http://www.nationalcapital.gov.au)





Australian Government  
National Capital Authority

*The Australian Capital Territory  
(Planning and Land Management) Act 1988*

National Capital Plan

# Amendment 66 – Diplomatic Mission Yarralumla





# National Capital Plan Amendment 66

National Capital Plan

## Amendment 66 – Diplomatic Mission Yarralumla

The National Capital Plan is amended by the following:

### Introduction

Part One Principles and Policies, Designated Areas,  
Special Requirements

#### 1. The Central National Area

##### Maps – Central National Area Figure 6 (Yarralumla)

The area of Figure 6 The Central National Area (Yarralumla) subject to Amendment 66 is amended as follows:

- a) Amend Figure 6 The Central National Area (Yarralumla) of 'Maps - Central National Area' for Blocks 2 and 3 Section 44 Yarralumla by deleting the Open Space land use and substituting Diplomatic Mission land use.
- b) Amend Figure 6 The Central National Area (Yarralumla) of 'Maps - Central National Area' for part of Blocks 6 and 8 Section 128 Yarralumla by deleting the Diplomatic Mission land use and substituting Open Space land use.
- c) Amend Figure 6 The Central National Area (Yarralumla) of 'Maps – Central National Area' to remove annotation and arrows (to Block 2 Section 128 and Block 3 Section 44) regarding *Open space in its natural state accommodating possible pedestrian route to Capital Hill*.

## Effect of Amendment 66

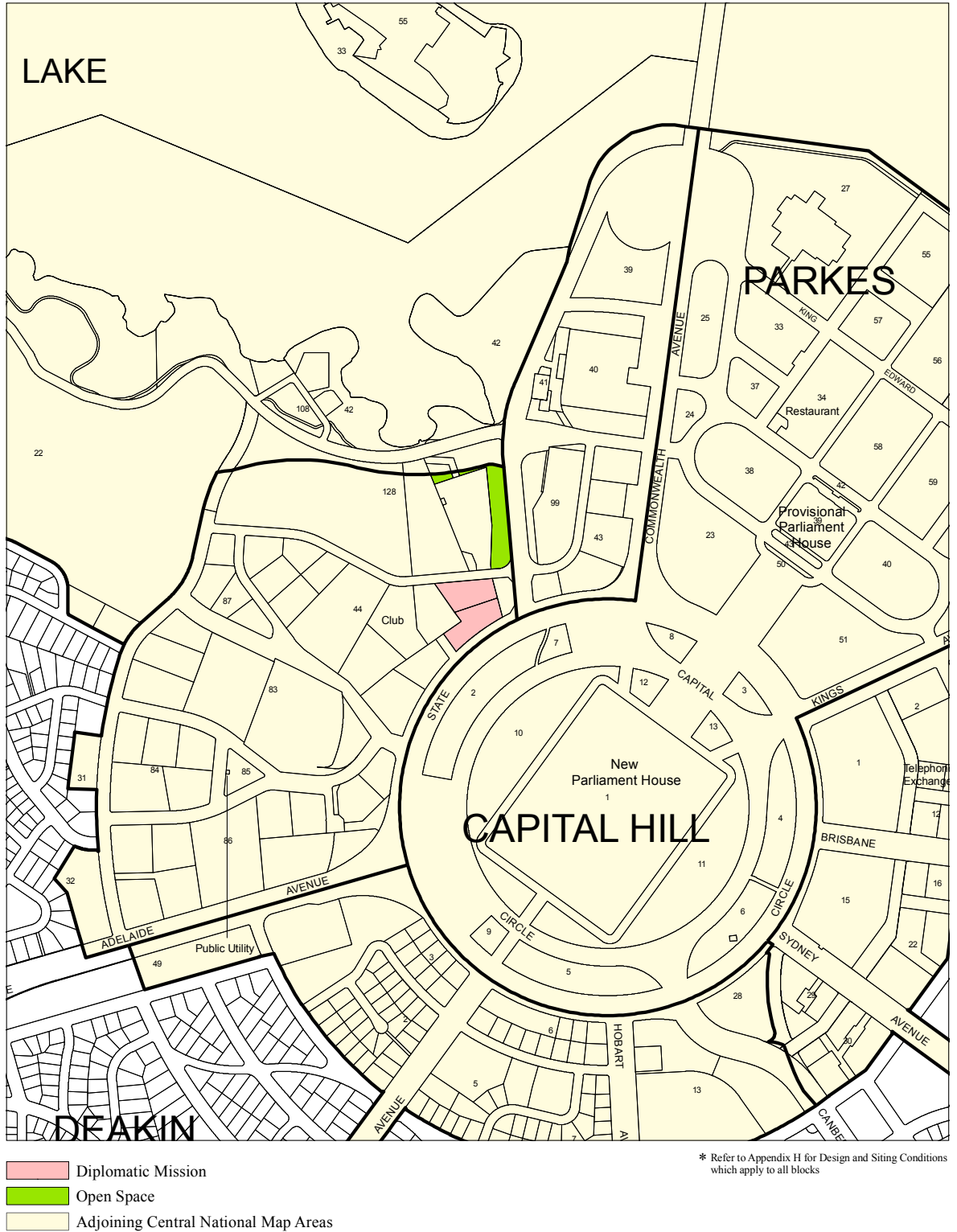
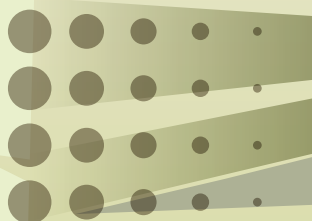


Figure 6

**The Central National Area  
(Yarralumla)**



Australian Government  
National Capital Authority



The National Capital Authority was established under the  
*Australian Capital Territory (Planning and Land Management) Act 1988*

NATIONAL CAPITAL AUTHORITY  
GPO Box 373, Canberra ACT 2601

**Ph** 02 6271 2888 **Fax** 02 6273 4427  
[natcap@natcap.gov.au](mailto:natcap@natcap.gov.au)

[www.nationalcapital.gov.au](http://www.nationalcapital.gov.au)

## Draft Amendment 66

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### Diplomatic Mission Yarralumla

The National Capital Authority proposes National Capital Plan **Draft Amendment 66 – Diplomatic Mission Yarralumla** to change the land use policies for Blocks 2 and 3 Section 44 Yarralumla to Diplomatic Mission and part of Blocks 6 and 8 Section 128 Yarralumla to Open Space (the remainder of these blocks are currently Open Space). The **draft** amendment proposes to add to the diplomatic estate within the established Yarralumla diplomatic precinct and will ensure an open space corridor (including bicycle path) is maintained between Parliament House and Lake Burley Griffin.

**Draft Amendment 66** has been prepared in accordance with sections 15(1) and 23 of the *Australian Capital Territory (Planning and Land Management) Act 1988* and is now available for public inspection and comment.

**The NCA invites interested people and organisations to provide written submissions on Draft Amendment 66 by close of business on Monday 25 June 2007 to:**

Mr Todd Rohl  
Managing Director Planning and Urban Design  
National Capital Authority  
GPO Box 373  
CANBERRA ACT 2601  
email: [todd.rohl@natcap.gov.au](mailto:todd.rohl@natcap.gov.au)

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Ground Floor, Treasury Building  
King Edward Terrace  
PARKES ACT 2600

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Ground Floor, Treasury Building  
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PARKES ACT 2600 and
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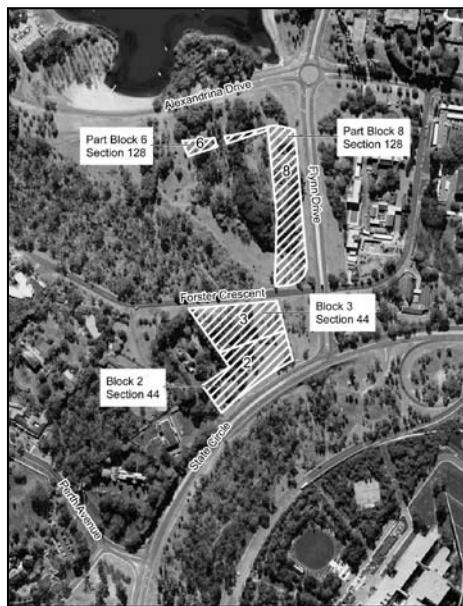


## Our Nation Your Capital

Proposed Amendment of the National Capital Plan

# Draft Amendment 66

## Diplomatic Mission Yarralumla



The National Capital Authority proposes National Capital Plan **Draft** Amendment 66 – Diplomatic Mission Yarralumla to change the land use policies for Blocks 2 and 3 Section 44 Yarralumla to Diplomatic Mission and part of Blocks 6 and 8 Section 128 Yarralumla to Open Space (the remainder of these blocks are currently Open Space). The **draft** amendment proposes to add to the diplomatic estate within the established Yarralumla diplomatic precinct and will ensure an open space corridor (including bicycle path) is maintained between Parliament House and Lake Burley Griffin.

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**The NCA invites interested people and organisations to provide written submissions on Draft Amendment 66 by close of business on Monday 25 June 2007 to:**

- **Mr Todd Rohl**  
Managing Director, Planning and Urban Design  
National Capital Authority  
GPO Box 373, CANBERRA ACT 2601  
email: [todd.rohl@natcap.gov.au](mailto:todd.rohl@natcap.gov.au)
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**Further information** is available from Craig Egle on (02) 6272 2965, Fax (02) 6273 4427 or email [craig.egle@natcap.gov.au](mailto:craig.egle@natcap.gov.au).

Good morning, Craig.

We have received Todd Rohl's letter requesting a RIS exception for draft amendment 66 to the National Capital Plan.

Based on the information you have supplied, the National Capital Authority is not required to prepare a Business Cost Calculator report or Regulation Impact Statement for the regulatory changes as they appear to have no/ low compliance costs or competition impacts.

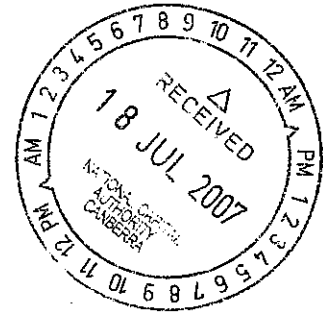
Thank you for consulting with the OPBR on this proposal. The OBPR ID number for compliance reporting purposes for this proposal is 9198. If you have questions concerning this process please do not hesitate to contact me on 02 6240 3369 or [pchantry@obpr.gov.au](mailto:pchantry@obpr.gov.au) .

Regards,

Phillipa Chantry  
Assistant Director  
Office of Best Practice



Mr Todd Rohl  
Managing Director Planning and Urban Design  
National Capital Authority  
GPO Box 373  
Canberra ACT 2601



*Todd*  
Dear Mr Rohl

**Draft Amendment 66**

Further to my letter of 4 July 2007 I wish to confirm that on the basis of the contents of Mr Craig Egle's email dated the 11 July 2007, the ACT Planning and Land Authority supports Draft Amendment 66 to the National Capital Plan.

Yours sincerely

  
Neil Savery  
Chief Planning Executive

13 July 2007



**National Capital Plan  
Draft Amendment 66 – Diplomatic Mission Yarralumla.**

## **Submissions**

The following nine (9) submissions were received:

- 1 Yarralumla Residents Association**
- 2 Mr Peter Jansen**
- 3 Ms Ann Gugler**
- 4 Mr Keith Storey (on behalf of ACT for Trees)**
- 5 Not for publication (name provided)**
- 6 Mr Brett Odgers (on behalf of the Secretary, Walter Burley Griffin Society)**
- 7 Dr Peter Dowling (on behalf of the National Trust of Australia (ACT))**
- 8 Not for publication (name provided)**
- 9 ACT Planning and Land Authority**

No	Date	Issues	Comments
1	7/6/07	<p>Welcome and appreciate the accessibility of information.</p> <p>Pleased to note Cultural Heritage and Ecological Values reports.</p> <p>Welcome the sensible proposal for open space corridor from Parliament House to Lake Burley Griffin.</p> <p>Congratulate NCA on detail contained on website.</p> <p>The committee is in agreement that the current plans for DA66 present no major concerns to the YRA.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p><b>Action:</b> No action required</p>
2	8/6/07	<p>Frequently walk through the areas effected by DA66 (also notice many others doing a similar walk).</p> <p>Would appreciate advice regarding any changes to the location of paths due to DA66. Would like to register concern if the amenity of the existing paths is reduced. If the paths are to be removed they would be very concerned (and believe many others would also).</p>	<p>Noted</p> <p>The establishment of a Diplomatic Mission to Blocks 2 and 3 Section 44, as proposed in DA66, would retain the asphalt bicycle path and the State Circle pathways while removing access to the 'bush track' shortcut.</p> <p>As a result of the existing pedestrian/bicycle underpass at State Circle, there is a considerable height differential between the pathway adjoining State Circle and the bicycle path (which runs roughly parallel to Flynn Drive). Blocks 2 and 3 Section 44 Yarralumla currently have a dirt 'bush track' (formed over some time) which creates a 'shortcut' from Rhodes Place to the bicycle path near Forster Crescent (which is also used intermittently by vehicles as a shortcut).</p> <p>Access to the existing 'bush track' would be removed. There is no proposal to construct a new pathway to replace the 'bush track'. This would marginally lengthen the walking distance to connect to the bicycle path when approaching the site from the south.</p> <p><b>Action:</b> No action required</p>

3	13/6/07	<p>No objections to the current proposal to remove Blocks 6 and 8 section 128 from Diplomatic Mission land use to Open Space.</p> <p>DA66 did not provide reference to the areas of the two stone arrangements that were to be removed from the development area and fenced off to protect them (one of the arrangements is in danger of damage).</p>	<p>Noted</p> <p>DA66 proposes to remove development potential from Blocks 6 and 8 Section 128 and therefore remove the threat of development to the cultural heritage values and ecological values of these areas.</p> <p>The issue of protection of sites is a land management issues rather than a land use policy issue and is outside the scope of DA66 however, the NCA's Estate Unit has been advised of the concerns raised in this submission.</p> <p><b>Action:</b> The NCA's Estate Unit has been advised of the issues raised in this submission.</p>
4	20/6/07	<p>Welcomes the proposal to change Blocks 6 &amp; 8 Section 128 from Diplomatic Mission to Open Space.</p> <p>Considers the route of the existing recreational cycle way to be well located for its use and purpose and its inclusion within the Open Space corridor between Parliament House and Lake Burley Griffin is appropriate.</p> <p>Noted that the National Capital Plan designated an open space corridor through Blocks 2 and 3 Section 44 and through Section 128 to Alexandrina Drive and that part of this area is open or cleared land which provides views from State Circle to Black Mountain and views to Parliament House from the lake and Forster Crescent.</p> <p>Discussed the visual importance of an open view corridor in this area and recommended that consideration be given to a 'no-build' zone to the eastern area of the site (suggesting that the woodland area of the blocks might be a suitable eastern boundary).</p>	<p>Noted</p> <p>Noted</p> <p>While the Open Space afforded by Blocks 2 and 3 Section 44 would be removed under DA66, the proposed change of Block 8 Section 128 will provide a continuous Open Space corridor adjacent to Flynn Drive (Block 25 section 44 and Block 8 Section 128). Block 2 Section 128 (which is not the subject to DA66) will also remain as Open Space.</p> <p>It would be impractical to restrict the building zone for the site to the extent proposed in the submission however, the design and siting provisions of Appendix H of the National Capital Plan (including height controls) will apply. Additional requirements such as preservation of significant trees will also apply.</p>

			<p>The topography of the site, which drops away from State Circle, is such that a two storey building would not significantly impact on the views from Parliament House to the lake (although the views from State Circle may be reduced). The proposed diplomatic site will not include Block 25 Section 44 which will remain as Open Space.</p> <p>Action: No action proposed.</p>
5	21/6/07	<p>Support some of the Draft Amendment</p> <p>Concerned about relocation of services which may effect neighboring property (particularly disruption of supply and costs of relocation).</p> <p>Concerned over current difficulty of access to Rhodes Place from State Circle during peak traffic (and effect of extra traffic from new diplomatic site).</p> <p>Request that the entry to the proposed diplomatic mission be from Forster Crescent.</p>	<p>Noted</p> <p>Services requiring relocation will be carried out at NCA cost and will be coordinated to minimize disruption.</p> <p>The subject of DA66 is a land use change however, depending upon detailed design requirements for any proposed development (yet to be generated) access may be from Rhodes Place (off State Circle) or Forster Crescent or from both.</p> <p>There will be no direct access to the site off State Circle.</p> <p>Noted</p> <p>Action: No action required</p>
6	25/6/07	<p>The proposal and supporting studies are devoid of reference to key elements of Walter Burley Griffin's formally adopted plan for Canberra. Cannot DA66 be construed as relevant to, consistent with or enhancing the Griffin Legacy?</p> <p>One such key element is Griffin's geometry of State and Territory Capital radials from Capital Hill, namely Perth and Darwin. What options for the representation of those capitals by the radials are being foregone? The radials are essential to Griffin's geometry and the federal symbolism for Perth and Darwin are precious.</p> <p>Griffin also had particular regard to Lotus Bay and the</p>	<p>The use of the site as a Diplomatic Mission is not inconsistent with the propositions and strategic initiatives included in the 2004 Griffin Legacy publication or National Capital Plan Amendment 56 (Griffin Legacy Principles and Policies).</p> <p>The propositions and strategic initiatives contained within the Griffin Legacy does not propose the construction of Darwin Avenue as per Griffin's 1918 plan (deleted in the 1925 gazetted plan). The construction of Darwin Avenue is no longer possible as the land (Block 5 Section 128) is currently leased to the Chinese Embassy.</p> <p>The present day relevance of Griffin's plan in this area is the</p>

	<p>"beautiful Yarralumla lands" as natural settings for Capitol Hill.</p> <p>Another element is the location, symbolism, zone, massing and relationships of National Capital and Seat of Government buildings and structures, present and future, in the landscape of Capital Hill, Parliament House, the Parliamentary Triangle and contiguous precincts. The future prospect of DA66 is an imbalance between the diplomatic estate and all of those other elements, the group of government buildings, Prime Ministerial and Ministerial official residences, National Capital cultural and memorial sites and Canberra heritage assets.</p> <p>A third basic element is the specific landscape and bushland vista and corridor between Capital Hill and Lotus Bay, that constitutes a special native bush setting and vistas for Capital Hill and Parliament House. With the revelation of DA66 that the Chinese Embassy has been given a lease over a large block in Section 128, with possible access from both Alexandrina Drive and Forster Crescent, this high value bushland and tree canopy landscape is very likely to be degraded, notwithstanding the sliver of "open space" and tree stands returned with Blocks 6 and 8 Section 128.</p>	<p>visual and landscape connection between Parliament House and Lake Burley Griffin. These values can be maintained while still accommodating development of Diplomatic Missions by retaining significant trees and setting building height controls.</p> <p>The subject area of DA66 is contained within the Diplomatic precinct of Yarralumla. The major concentration of embassies is to the west and south west of the site however, the following diplomatic areas are to the east or north of the site:</p> <ul style="list-style-type: none"> <li>- Papua New Guinea</li> <li>- Canada</li> <li>- New Zealand</li> <li>- Britain</li> <li>- China (and expansion site)</li> </ul> <p>The use of the site for Diplomatic Mission is appropriate in this location.</p> <p>The former Block 1 Section 128 (now Blocks 5,6,7,8,9,&amp; 10) has been zoned as Diplomatic Mission since the original Draft National Capital Plan was released in March 1990. Block 5 was leased to the Chinese Government in December 2004. The adjacent area (Block 2 section 128) has been zoned as Open Space since that time.</p> <p>DA66 does not propose any change to the Open Space land use of Block 2 Section 128 which lies between Forster Crescent and Alexandrina Drive and proposes to amend the land use of Blocks 6 &amp; 8 Section 128 from Diplomatic Mission to Open Space. Block 25 Section 44 will be retained as Open Space while Blocks 2 and 3 Section 44 are proposed to change from Open Space to Diplomatic Mission. Block 25 Section 44 and Blocks 2, 6 &amp; 8 Section 128 will form Open Space areas between Capital Hill and Lake Burley Griffin.</p> <p>Regarding the 'high value bushland' statement, the Ecological Values report for Blocks 2, 3 &amp; 25 Section 44 Yarralumla (Rowell 2007) found that the site comprised a small, significantly degraded area (about 0.5ha) of vegetation that meets the</p>
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		<p>Casey House is a worthy listing on the National Estate Register replete with much heritage and locational value, yet it is right next to the subject Blocks 2 and 3 Section 44 with difficult leasehold purpose, boundary and access issues in the context of the National Capital Plan. No assessments or contingencies are provided in the documentation. The proposal is devoid of any urban design guidelines for addressing any of the above concerns.</p> <p>The two supporting studies, respectively cultural heritage and ecology, are very restricted in scope, providing no analysis, values, valuations or options regarding national capital uses (other than diplomatic missions), Seat of Government, street layout, symbolic geometry, landscape, the wider open space system (especially Stirling Park and the Lake foreshore), tourism, the setting and vistas for Parliament House or indeed the Griffin Legacy (a quick review of The Griffin Legacy 2004 yields a dozen or so references to the area impacted by DA66).</p> <p>The rationale or purpose of the proposal is not adequately explained. At the public information session on 12 June, NCA officers claimed that demand for diplomatic blocks exceeded supply, that there was no alternative to allocating Blocks 2 and 3, that diplomatic missions required bigger and bigger blocks to accommodate all their offices on one site, that central Canberra locations were preferred and that urgency for allocations and prospective future demands were picking up. These are all contestable points.</p> <p>Assessment of any development proposal should be ready to discuss alternatives, as well as opportunities and options</p>	<p>minimum criteria of a critically endangered ecological community under the EPBC Act and that it could be argued that the loss of this poor quality EEC is not significant compared with the larger and better quality areas on the neighboring Stirling Ridge.</p> <p>DA66 is an amendment relating to land use and does not have an adverse impact on the heritage values of Casey House. The development controls for the site (part of the leasing process) will consider and protect the heritage values of Casey House and Gardens.</p> <p>DA66 proposes land use amendments to existing block subdivisions and does not seek to alter street layouts or symbolic geometry.</p> <p>The demand for suitable sites within the national capital (and particularly within the Yarralumla diplomatic precinct) is real and ever increasing. Matters relating to the supply of diplomatic sites are of national significance and must be undertaken with diplomacy. Disclosure of interests during periods of negotiation would be inappropriate.</p> <p>Noted</p>
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		<p>being foregone.</p> <p>Our conclusion is that the proposal DA66 should not proceed in its present form. The Walter Burley Griffin Society cannot support the proposal as it stands. DA66 needs to be revised comprehensively to take into account the history and planning context of existing, alternative and prospective land uses in the wider, adjacent areas of Capital Hill, Parliamentary Triangle, Lake, Park, landscape, avenues, vistas, Casey House and Canberra heritage.</p> <p>Impacts on the Griffin Legacy should of course be included.</p>	<p>DA66 has been prepared with full knowledge of the historical and environmental context and the use of the site for Diplomatic Mission is appropriate (refer to responses above).</p> <p>The use of the site as a Diplomatic Mission is not inconsistent with the 2004 Griffin Legacy publication plan.</p> <p><b>Action:</b> No action required.</p>
7	22/6/07	<p>The National Trust of Australia (ACT) agrees with conclusions and recommendations of the Navin Officer (2006) Cultural Heritage Assessment (however, the Trust's own survey of the sites did not access the impenetrable shrubbery of Blocks 2 and 3 section 44 close to Casey House and was not able to comment on this area).</p> <p>DA66 states that Blocks 6 and 8 section 128 are to be redesignated as open woodland. The Trust is appreciative of this move as it will preserve Section 128 as contiguous woodland.</p> <p>Raised concerns regarding the recently laid sealed road from Alexandrina Drive (Block 7 Section 128). Observed that the road may be being misused by members of the public. The Trust requested information regarding the purpose of the road and with the designation of Blocks 6 and 8 as Open Space, what is the future of this road?</p> <p>Section 128, which under DA 66 will now be entirely open</p>	<p>Noted</p> <p>Noted however, it appears that the Trust are unaware of the current zoning under the National Capital Plan to Block 5 Section 128 as Diplomatic Mission (leased to the Chinese Embassy) and Block 3 Section 128 as National Capital Use. (This issue is unrelated to DA66).</p> <p>Block 7 Section 128 is a permanent access road to Block 5 Section 128 - Chinese Embassy expansion site. (This issue is unrelated to DA66).</p> <p>It appears that the Trust are unaware of the current zoning</p>

	<p>woodland, contains two archaeological features which will in the future require further investigation.</p> <p>A remnant road/track corridor remains visible. This track once led from the builder's settlement on Stirling Ridge to the Hyatt Hotel (formerly Hostel 1), Albert Hall and into the Parliamentary Triangle. It was one of the main thoroughfares from the builders' settlement to the building sites in the early decades of the 1900s when the capital was being constructed.</p> <p>In the mid areas of blocks 2 &amp; 5 there are a series of stone arrangements. Some of these arrangements are circular surrounding Eucalypts; others are more irregular in shape. The origin of these arrangements is unclear. Aboriginal groups claim that they date to pre-contact and/or early contact times and were formed for ceremonial reasons. Archaeologists have suggested that they are remnant borders of European gardens associated with the Stirling Ridge workers camps.</p> <p>The Trust recommends a watching brief be conducted by qualified archaeologists and representatives of the Aboriginal community during initial earth moving works in blocks 2 &amp; 3 section 44 Yarralumla. Particular focus to be placed on the areas of high shrubbery.</p> <p>The Trust recommends that the archaeological features, remnant road/track corridor and stone arrangements on section 128 Yarralumla be investigated further.</p>	<p>under the National Capital Plan to blocks within Section 128. (This issue is unrelated to DA66).</p> <p>This track is largely outside the area covered by DA66.</p> <p>Blocks 2 and 5 Section 128 are not the subject of DA66. Block 2 Section 128 is Open Space (and has been since the original Draft National Capital Plan was released in March 1990). Block 5 Section 128 (part of the former Block 1) is Diplomatic Mission (and has been since the original Draft National Capital Plan was released in March 1990). The block is leased to the Chinese Embassy for expansion of their diplomatic mission. During the subdivision of the former Block 1 section 128, cultural heritage and ecological values studies were undertaken and they informed the subdivision pattern.</p> <p>This issue was a recommendation of the Navin Officer Cultural Heritage Report and was agreed to by the NCA.</p> <p>Environmental and cultural heritage studies of the former Block 1 Section 128 were carried out in 2004 and resulted in the 2004 subdivision pattern (now Blocks 5, 6, 7, 8, 9 and 10 Section 128) which excluded some areas from development and allows the development of Block 5 Section 128 as a Diplomatic Mission and Block 7 Section 128 as the access road to that site.</p> <p>DA66 removes development potential from Blocks 6 and 8</p>
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		<p>The Trust recommends that the sealed road way on section 128 (block 7) be removed.</p>	<p>Section 128.</p> <p>This road forms the access to the Chinese Embassy expansion site on Block 5 Section 128 and will be retained.</p> <p>Action: No action required</p>
8	02/07/07	<p>No fundamental objection.</p> <p>Noted a change to the original site boundary between Casey House and the Commonwealth Club in 1977.</p> <p>Requested that works on the site be carried out at reasonable times.</p> <p>That the use of bore water be limited to Casey House (noted an unlicensed bore already in use).</p> <p>Protection of the vista of Casey House including plantings and vegetation as a screen to the proposed chancery.</p> <p>Delineation of the open land to be preserved next to the Chinese leasehold to preserve the vista of Casey House to Black Mountain.</p> <p>Would be happy to provide NCA with high resolution copy of</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>DA66 is an amendment relating to land use and accordingly, does not contain development controls for the site.</p> <p>The design and siting conditions set out in Appendix H of the National Capital Plan as well as the any additional controls established as part of lease conditions will apply to development of the site.</p> <p>A Conservation Management Plan for Casey House and Gardens also applies. Development controls for the proposed diplomatic site (part of the leasing process) will consider and protect the heritage values of Casey House and Gardens through the use of height controls, building setback controls and trees to be protected.</p> <p>It is assumed this is referring to Block 2 Section 128 which is zoned as Open Space. DA66 does not propose to alter this land use policy.</p> <p>Noted.</p>

		<p>Casey House CMP and tree audit.</p> <p>The extension of the current lease to extend to the inclusion of Casey House land use 'to be a potential site for diplomatic residence or ambassadors' beyond the current use of a business and to coincide with the vision of the NCA for the potential future use. We note the intended uses of Casey House was clearly defined in the CMP (1994) made these inclusions. This would serve to overcome any potential inhibition to the sale or assignment of the lease to a diplomatic mission. That we would consent to the notification of interested parties and that we may re-consider our long term position.</p>	<p>A change to the land use of Casey House (Block 1 Section 44 Yarralumla) would require a separate amendment to the National Capital Plan (the Plan). The NCA does not propose to amend the Plan in regard to Block 1 Section 44 however, this would not restrict Casey House being used for diplomatic offices under the current land use policy of Offices.</p> <p>Action: No action required.</p>
9	04/07/07	<p>Notes that there are services and infrastructure that would require relocation. ACTPLA stated that costs of relocating or providing new infrastructure would not be accepted by the Territory Government.</p> <p>The document can be misinterpreted because it does not include the actual Figure 6 from the Plan (but rather shows an illustration based on Figure 6).</p> <p>The actual Figure 6 shows an arrow going to Block 2 section 128 and Block 3 Section 44 with the annotation "Open spaces in natural state accommodating a possible pedestrian route to Capital Hill". DA66 does not indicate that the annotation is to be removed but it is assumed that the effect of rezoning Blocks 2 and 3 section 44 will be to remove this possible pedestrian route. The proposal also</p>	<p>The compensation payable to the ACT Government for Blocks 2, 3 and 25 Section 44, following the declaration of the blocks as National Land, would be negotiated in accordance with the <i>Australian Capital Territory (Planning and Land Management) Act 1988</i> and the <i>Lands Acquisition Act 1989</i>. These negotiations would include consideration of the relocation of services and infrastructure which effect the value of the land as diplomatic land use.</p> <p>The simplified illustrations of Figure 6 in DA66 were used to reduce confusion. Representatives of the ACT Government were given a pre release briefing on DA66 to avoid any confusion.</p> <p>Noted.</p> <p>Block 2 Section 128 (which is not the subject of DA66) will remain as Open Space.</p> <p>At ACTPLA's suggestion, the amendment will be modified to remove the annotation.</p>

	<p>compromises the use of Block 2 Section 128 as an open space corridor. The amendment needs to be modified to either remove the annotation or relocate the arrows to Block 8 Section 128 and Block 25 Section 44.</p> <p>It would also be of assistance if the background documentation clarifies existing and proposed National land and Territory land.</p> <p>Is it proposed that Block 25 Section 44 become national land?</p> <p>The proposal to rezone part of Blocks 6 and 8 Section 128 to Open Space should not be regarded as compensation for the proposed loss of open space on Blocks 2 and 3 section 44. Block 6 is already part open space and has no road frontage so making the remaining part of the block open space is the only logical possibility in terms of land use. Similarly all of Block 8 section 128 should have been as Open Space when the plan was first drafted. The strip along Flynn Drive could not have been developed for diplomatic mission because of its shape and relationship to the land shown as open space in the northern part of the block and to Block 25 Section 44 to the south.</p> <p>Blocks 6 and 8 are already National land.</p> <p>Generally the ACT Government has adopted a policy of not removing existing open space. As this land is Territory land the views of Parks, Conservation and Land (TAMS) should be sought on the role that these blocks play in the National Capital Open Space network.</p>	<p>Noted.</p> <p>DA66 relates to a proposed change of land use for specific blocks. It does not propose to alter the current Open Space land use for Block 25 Section 44 however, subject to negotiations under the <i>Australian Capital Territory (Planning and Land Management) Act 1988</i> and the <i>Lands Acquisition Act 1989</i>. Block 25 may be declared as National Land.</p> <p>The block pattern in this area of Section 128 (the former Block 1 Section 128) was the result of a subdivision in 2004/05. Figure 6 in the original Plan showed Block 1 Section 128 as Diplomatic Mission land use.</p> <p>Noted.</p> <p>TAMS (e-mail from Max Hunter to Janine Risdale 27 June 2007) has advised that it has no issues with this proposal.</p>
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			<b>Action:</b> Revise amendment to remove annotation and arrows regarding “Open space in its natural state accommodating possible pedestrian route to Capital Hill”
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### Summary of Issues

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| a) Pedestrian amenity                          | (1 submission)  |
| b) Views                                       | (1 submission)  |
| c) Underground services                        | (2 submissions) |
| d) Traffic                                     | (1 submission)  |
| e) Historical reference to Griffin Plan        | (1 submission)  |
| f) Protection of Casey house Heritage Values   | (2 submissions) |
| g) Use of the site for Diplomatic Mission      | (1 submission)  |
| h) Cultural Heritage                           | (1 submission)  |
| i) Archaeological Investigation of Section 128 | (1 submission)  |
| j) Access Road to Block 5 Section 128          | (1 submission)  |
| k) Annotation on Figure 6 of the Plan          | (1 submission)  |

**STATUTORY BACKGROUND TO THE NATIONAL CAPITAL PLAN AMENDMENT  
PROCESS**

***Australian Capital Territory (Planning and Land Management) Act 1988***

Section 6(b) of the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act) requires the National Capital Authority to keep the National Capital Plan (the Plan) under constant review and to propose amendments to it when necessary.

Subsection 14 of the Act provides that the National Capital Authority shall prepare Draft Amendments to the Plan in accordance with provisions in the Act.

Subsection 15(1) of the Act provides that the Authority shall submit a copy of the Draft Amendment to the Territory planning authority; publish a notice in the Commonwealth Gazette and in the principal daily newspaper circulating in the Territory that the Draft Amendment has been prepared and released for public consultation.

Subsection 15(2) provides that the Authority shall consult with the Territory planning authority about the Draft Amendment and have regard to any views expressed by it and by the public. The Authority may alter the Draft Amendment accordingly. When the Authority fulfils the requirements of section 15 it shall, according to section 18 of the Act, submit the Draft Amendment to the Minister for approval, together with a report on its consultation under section 15.

Subsection 19(1) of the Act outlines the Minister's powers with respect to Draft Amendments to the National Capital Plan.

Subsection 19(1) provides that the Minister may approve the Draft Amendment without alteration; may refer the Draft Amendment to the Authority with directions to either conduct further consultations or provide the Authority with suggested alterations.

Subsection 19(2) provides that if the Territory planning authority objects to any aspect of the Draft Amendment the Minister shall not act under subsection 19(1) except after consultation with the Executive (Executive is defined in the *Australian Capital Territory (Self-Government) Act 1988* as the Australian Capital Territory Executive established by section 36 of that Act).

Under subsection 20 of the Act, if the Minister chooses to refer the Draft Amendment to the Authority, the Authority shall reconsider the Draft Amendment; have any further consultations directed by the Minister and such other consultations as the Authority thinks necessary; consider any suggestions made by the Minister; alter the Draft Amendment if it thinks fit; and re-submit the Draft Amendment to the Minister for approval.

Subsection 21(1) provides that where the Minister approves the Draft Amendment a notice of approval will be published in the Commonwealth Gazette, which specifies where copies of the Amendment may be bought or inspected.

Under subsection 21(2) the Amendment takes effect upon publication of the Notice of Approval.

Subsection 22 provides that the Amendment must be laid before each House of Parliament within six (6) sitting days after Gazettal. The document is tabled as a disallowable instrument. Under The provisions of the *Legislative Instruments Act 2003* each House has fifteen (15) sitting days in which it may move a motion for disallowing all or part of the Amendment. If a resolution disallowing all or part of the Amendment is passed then that whole or part of the Amendment ceases to have effect.