



Australian Government
National Capital Authority

Australian Capital Territory (Planning and Land Management) Act 1988

Draft Amendment 95

North Curtin Diplomatic Estate and Urban Area

May 2020

Introduction

The National Capital Authority (NCA) is established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act). The 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 that Canberra and the Territory are planned and developed in accordance with their national significance’*.

The Plan identifies matters of national significance in the planning and development of Canberra and the Territory. These are:

- The pre-eminence of the role of Canberra and the Territory as the centre of National Capital functions, and as the symbol of Australian national life and values.
- Conservation and enhancement of the landscape features which give the National Capital its character and setting, and which contribute to the integration of natural and urban environments.
- Respect for the key elements of the Griffins’ formally adopted plan for Canberra.
- Creation, conservation 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, key objectives of the Plan are to:

- Recognise the pre-eminence of the role of Canberra and the Territory as Australia’s National Capital.
- Further develop and enhance the 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.
- Emphasise the national significance of the main avenues and approach routes.
- Respect the geometry and intent of the Griffins’ formally adopted plan for Canberra.
- Maintain and enhance the landscape character of Canberra and the Territory as the setting for the National Capital.
- Protect the undeveloped hill tops and the open spaces which divide and give form to Canberra’s urban area.
- Provide a plan offering flexibility and choice to enable the Territory government properly to fulfil its functions.
- Support and promote environmentally responsible urban development practices.

The purpose of Draft Amendment 95 – North Curtin Diplomatic Estate and Urban Areas (DA95) is to change the land use policy of Block 4 Section 106 and part Block 5 Section 121 Curtin to facilitate the development of a new diplomatic estate, and to create a new urban area adjacent to this estate.

DA95 to the Plan (set out in Part 2: National Capital Plan Draft Amendment 95 – North Curtin Diplomatic Estate and Urban Area) has been prepared in accordance with section 23 of the Act.

Part 1: Context

1.1 Introduction

1.1.1 Canberra's role as the National Capital

Canberra is nationally significant as a major outcome and symbol of the Federation of Australia and home of Australia's democracy. The city was conceived as an ideal city, a National Capital worthy of the aspirations, passions, values and patriotism of the Federation movement for the fledgling Australian nation. It is a city which embodies the Australian spirit, and symbolises Australian life and achievement.

Canberra's function as the Seat of Government and as the nation's capital have been the basis for the establishment of Australia's principle government, judicial, cultural, scientific, educational, and military institutions. It has resulted in foreign governments establishing diplomatic missions and residences, and in an increasing number of national organisations and institutions seeking a presence in the capital.

Canberra's role and functioning as the National Capital remains a responsibility of the Australian Government. The Australian Government has a direct responsibility for locations and functions that reflect Canberra as the National Capital.

The National Capital Plan (the Plan), administered by the National Capital Authority (NCA), provides the strategy and blueprint giving effect to the Commonwealth's interest and intentions for planning, design and developing Canberra and the Territory, and ensures that these interests and intentions are protected.

The Plan identifies a series of 'matters of national significance', being those matters critical to advancing aspects of Canberra and the Territory which are special to the character of the city and to its National Capital role. One such matter of national significance is the '*creation, conservation and enhancement of fitting sites, approaches and backdrops for national institutions and ceremonies as well as National Capital Uses*'.

National Capital Uses include chanceries and diplomatic missions of foreign countries. The NCA therefore has an responsibility to ensure that suitable land is available to enable the establishment of foreign missions.

1.1.2 Obligations concerning diplomatic missions

Australia's obligations with respect to diplomatic missions are defined under the Vienna Convention on Diplomatic Relations. Under this convention, Australia has an obligation to facilitate the acquisition of, or assist in obtaining, accommodation for diplomatic missions.

The NCA manages Canberra's diplomatic estate on behalf of the Australian Government under the *Leases (Special Purposes) Ordinance 1925*. This includes the sale and issue of Crown leases for diplomatic purposes, rent collection, lease variations, and lease compliance.

The diplomatic estate currently consists of 95 blocks. The majority of these blocks (91) are located within three estates in the suburbs of Yarralumla, Deakin and O'Malley. The remaining four blocks are separately located within the Central National Area (CNA) in the suburbs of Forrest and Red Hill. Figure 1 shows the location of current diplomatic sites.

Of the 95 blocks in the diplomatic estate, only two suitable blocks in the diplomatic estate remain suitable and vacant for new missions. 75 are either developed or reserved for development. Eighteen blocks have been deemed unsuitable for diplomatic use due to easements and / or environmental matters.

Policies of the Plan encourage diplomatic activities to be established in places which are prestigious, have good access to Parliament House and other designated diplomatic precincts, and meet security requirements. The Curtin horse paddocks and nearby land has been identified by the NCA as suitable for diplomatic use.

DA95 proposes to change the land use of Block 4 Section 106 and part Block 5 Section 121 Curtin to facilitate the development of a new diplomatic estate.

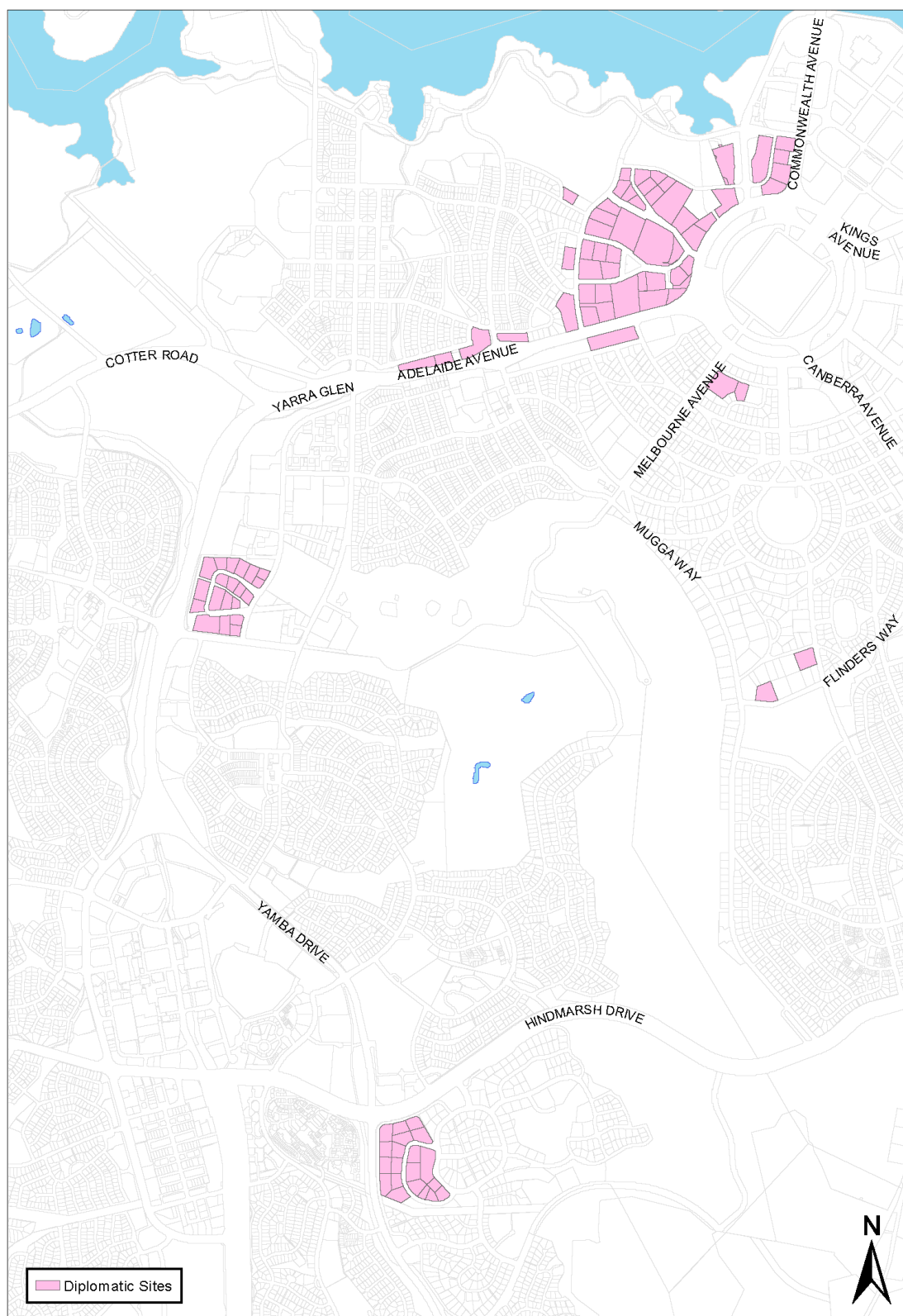


Figure 1: Map of current diplomatic sites

1.1.3 New urban area

During discussions concerning the recent land exchange between the Australian and ACT Governments (refer section 1.3), the ACT Government requested that land in Curtin, not included in the land exchange, be zoned residential.

DA95 therefore proposes that land adjacent to the diplomatic estate be identified for urban residential use. This land is located adjacent to Adelaide Avenue, a major transport route and close to employment areas in west Deakin, the Parliamentary Zone, and Woden Town Centre. The ACT Government's Planning Strategy (2018) aims to create a more compact and efficient city. Additional residential development in the proposed location can assist in meeting key directions of the Planning Strategy.

DA95 proposes that the NCA has detailed planning responsibility for this area to enable the interface between diplomatic and other uses to be managed effectively. It is intended that the Plan identifies several broad parameters concerning future development of the new urban area, such as identifying land use, restricting access from Adelaide Avenue, and requiring a soft landscape buffer between the road and any development.

More detailed planning controls can be developed in the future in the context of strategic planning investigations for the City to Woden corridor. This process would determine matters such as building heights, density, subdivision layout, design quality, landscape structure and open space, etc.

1.2 The site

DA95 focusses on Block 4 Section 106 Curtin and Block 5 Section 121 Curtin. A number of smaller parcels of land are also subject to DA95 in order to regularise planning arrangements. These include:

- Blocks 5, 6, 7, 8, 10 and 11 Section 106 Curtin
- Blocks 3, 6, 7, 8, 9 and 10 Section 121 Curtin
- Block 1 Section 77 Curtin
- Block 1 Section 114 Curtin
- Block 1 Section 113 Yarralumla
- Block 1 Section 123 Yarralumla
- Part Block 2 Section 103 Yarralumla
- Part Block 1 Section 127 Yarralumla
- Part Block 1176 Weston Creek
- Part of the road reservations of Cotter Road, McCulloch Street, Dunrossil Drive, Adelaide Avenue and Yarra Glen.

The area subject to DA95 is located on the northern edge of the suburb of Curtin, immediately south of the suburb of Yarralumla. The site is generally bound by Cotter Road and Dudley Street to the north, Yarra Glen/Adelaide Avenue to the east, existing residential areas of Curtin to the south and Curtin playing fields to the west. The area subject to the draft amendment is illustrated in Figure 2.

The site is located at the junction of two major roads, Cotter Road and Yarra Glen, and is in close proximity to Parliament House, and existing diplomatic estates in Yarralumla and Deakin.

The proposed area for the new diplomatic estate comprises Block 4 Section 106 Curtin (bound by Cotter Road, Yarralumla Creek and McCulloch Street) and the western portion of Block 5 Section 121 Curtin, a combined site area of approximately 31.8 hectares. The land is currently open space, with Block 5 Section 121 Curtin providing agistment for a number of horses. The horse complex includes multiple paddocks, holding yards, a washbay and a designated riding area.

The new residential area is proposed to the south-east of the diplomatic estate.

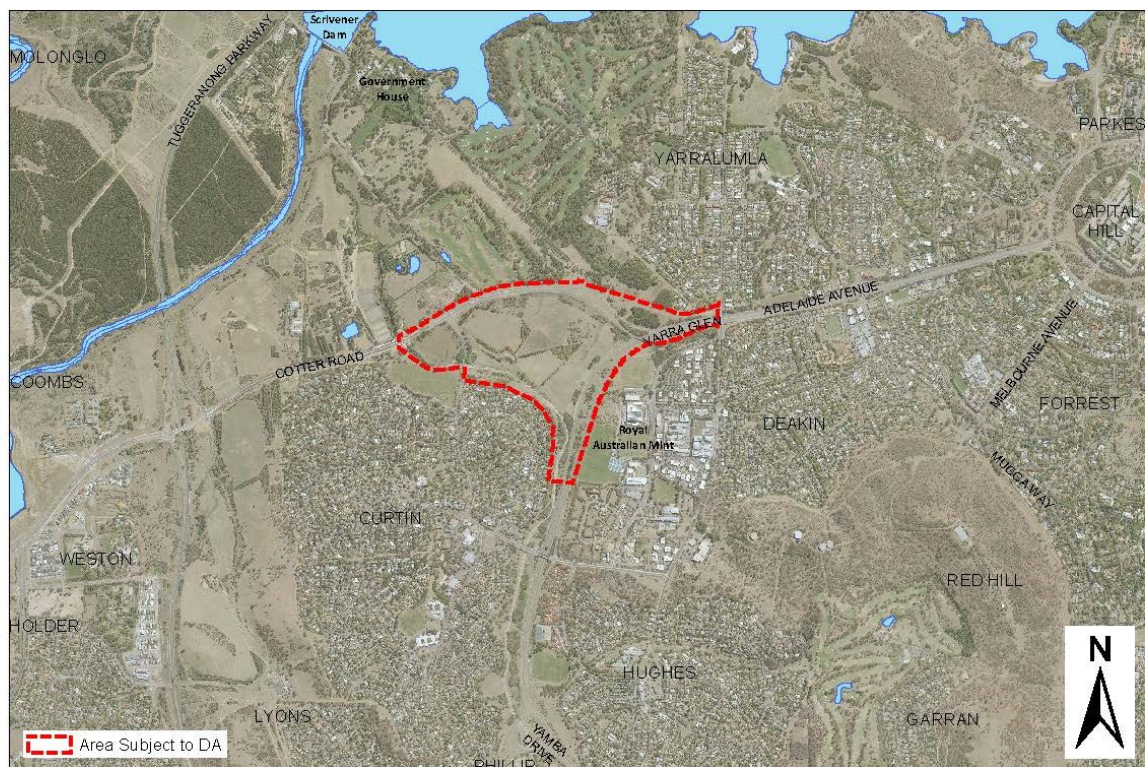


Figure 2: Area subject to DA95

1.3 Planning and management of the diplomatic estate

The diplomatic estate is of special significance to the National Capital and a symbol of Australia's international cooperation. Diplomatic matters are a component of foreign affairs and therefore a Commonwealth, rather than a Territory function. The majority of foreign missions in Canberra are within the diplomatic estate managed by the NCA (although a number of missions are located within commercial office premises). The NCA is also responsible for setting planning and design policy concerning development of the diplomatic estate, and for approving works.

It is the Australian Government's intention that the North Curtin diplomatic estate is subject to the same planning and land management arrangements as existing estates in Yarralumla, Deakin and O'Malley. The required land management arrangements are in place, having been achieved through a land transfer between the Australian and ACT Governments.

In February 2020, the Australian and ACT Governments agreed to a land transfer to facilitate the development of the new diplomatic estate. The agreement resulted in:

1. The transfer of Block 4 Section 106 and part Block 5 Section 121 Curtin from being land managed by the ACT Government, to land managed by the NCA for the special purposes of the National Capital (and new diplomatic estate).
2. The transfer of a portion of the bed of Lake Burley Griffin from land being managed by the NCA for the special purposes of the National Capital, to land managed by the ACT Government.

The transfer also facilitates further development forming part of the ACT Government's Acton Waterfront Project. Stage 1 of the Acton Waterfront project was the creation of Henry Rolland Park and construction of the first 150 metres of boardwalk. Stage 2 of the project includes the reclamation of part of Lake Burley Griffin to provide a public urban waterfront, completion of the final 500 metres of boardwalk and lake wall, and construction of two public jetties. Stage 2 works are subject to NCA approval.

The land transfer agreement was given effect by the publication of gazettals on the Federal Register of Legislation on 23 March 2020.

If approved, DA95 will put in place the required planning arrangements.

1.6 Next steps

Subject to the draft amendment process being completed successfully, the NCA will undertake detailed site investigations and estate development planning for the diplomatic estate. This process will determine subdivision layout, infrastructure requirements, access arrangements, the location of open space, block sizes and the like.

Detailed planning for the new urban area will occur in the context of broader strategic planning investigations for the City to Woden corridor. Detailed conditions of planning, design and development for the new urban area will be subject to public consultation.

1.7 Explanatory statement

A number of changes to the Plan are required in order to facilitate a new diplomatic estate and new urban area at North Curtin, as described below and set out in Part 2: National Capital Plan Draft Amendment 95 – North Curtin Diplomatic Estate and Urban Area.

1.7.1 Designated Areas

The Plan identifies areas that have the special characteristics of the National Capital as 'Designated Areas'. Within Designated Areas, the NCA has sole responsibility for determining detailed planning controls and for approving works.

A number of factors are relevant in determining whether a place or area has the special characteristics of the National Capital:

1. Canberra hosts a wide range of national functions – activities which occur in Canberra because it is the National Capital and which give Canberra a unique function within Australia.

2. The Griffins' strong symbolic design for Canberra Central has given the National Capital a unique and memorable character.
3. Canberra's landscape setting and layout within the Territory have given the Capital a garden city image of national and international significance.

National functions include Parliamentary uses, key Australian Government policy departments, official residences of the Prime Minister and the Governor-General, diplomatic missions of foreign countries, major national institutions (for example, the High Court, National Library of Australia, and National Gallery of Australia), and major national associations. These functions and the buildings which house them are all within Designated Areas under the Plan.

The existing diplomatic estates in Yarralumla, Deakin and O'Malley (and several individual blocks used for diplomatic purposes in Red Hill) are within Designated Areas and subject to detailed planning control by the NCA.

DA95 proposes to expand this arrangement to include the new diplomatic estate in North Curtin. DA95 also proposes to include the new urban area adjacent to the diplomatic estate within Designated Areas to ensure that the interface between the diplomatic estate and other development is managed by the Commonwealth. Figure 3 illustrates the area of land to be included within Designated Areas.

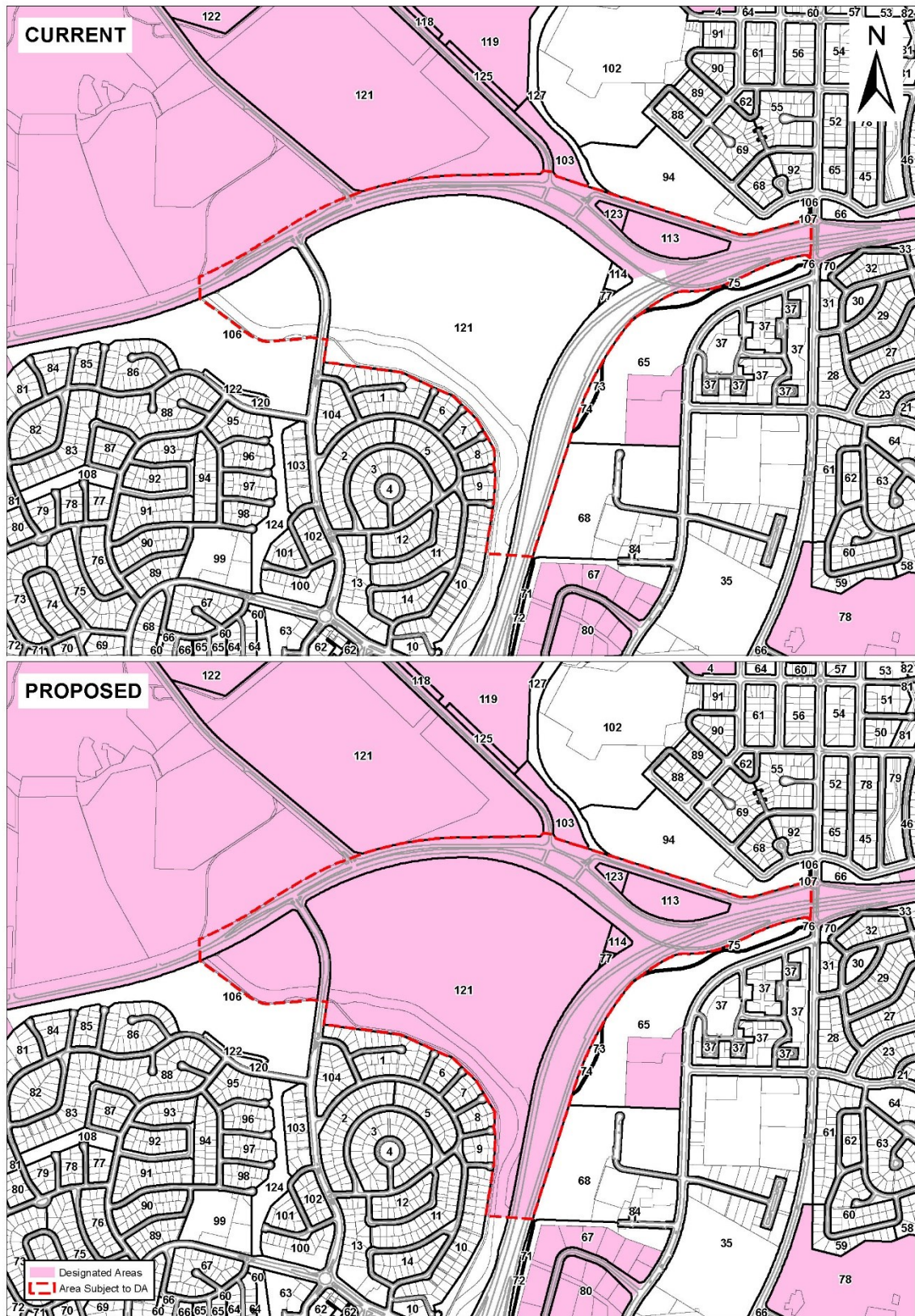


Figure 3: Proposed changes to Designated Areas

1.7.2 General Policy Plan – Metropolitan Canberra

The General Policy Plans of the Plan set the broad framework for land use in the ACT. They identify which areas are planned for urban development and which areas are not to be developed for urban use. Non-urban land is made up of several land categories including Rural Areas, Broadacre Areas, and the National Capital Open Space System (River Corridors; Mountains and Bushland; Hills, Ridges and Buffers; Lake Burley Griffin).

The area subject to DA95 is currently within Broadacre Areas under the General Policy Plan – Metropolitan Canberra. Broadacre Areas have a number of functions, such as acting as buffers between towns, providing sites for uses which require large land areas or may benefit from or be best located within a non-urban setting, or providing a land bank for future urban uses.

The existing diplomatic estates in Yarralumla, Deakin and O'Malley are within suburban areas and are themselves urban in nature. Each of the existing diplomatic estates is within Urban Areas under the Plan. The intent is for the new North Curtin estate to be subject to the same broad land use provisions.

Residential development is not permitted within Broadacre Areas. To enable residential development to occur on the land adjacent to the diplomatic estate also requires changes to the broad land use category of that part of the site.

DA95 proposes to change the land use category of the area retained by ACT Government subject to DA95 from Broadacre Areas to Urban Areas (Figure 4).

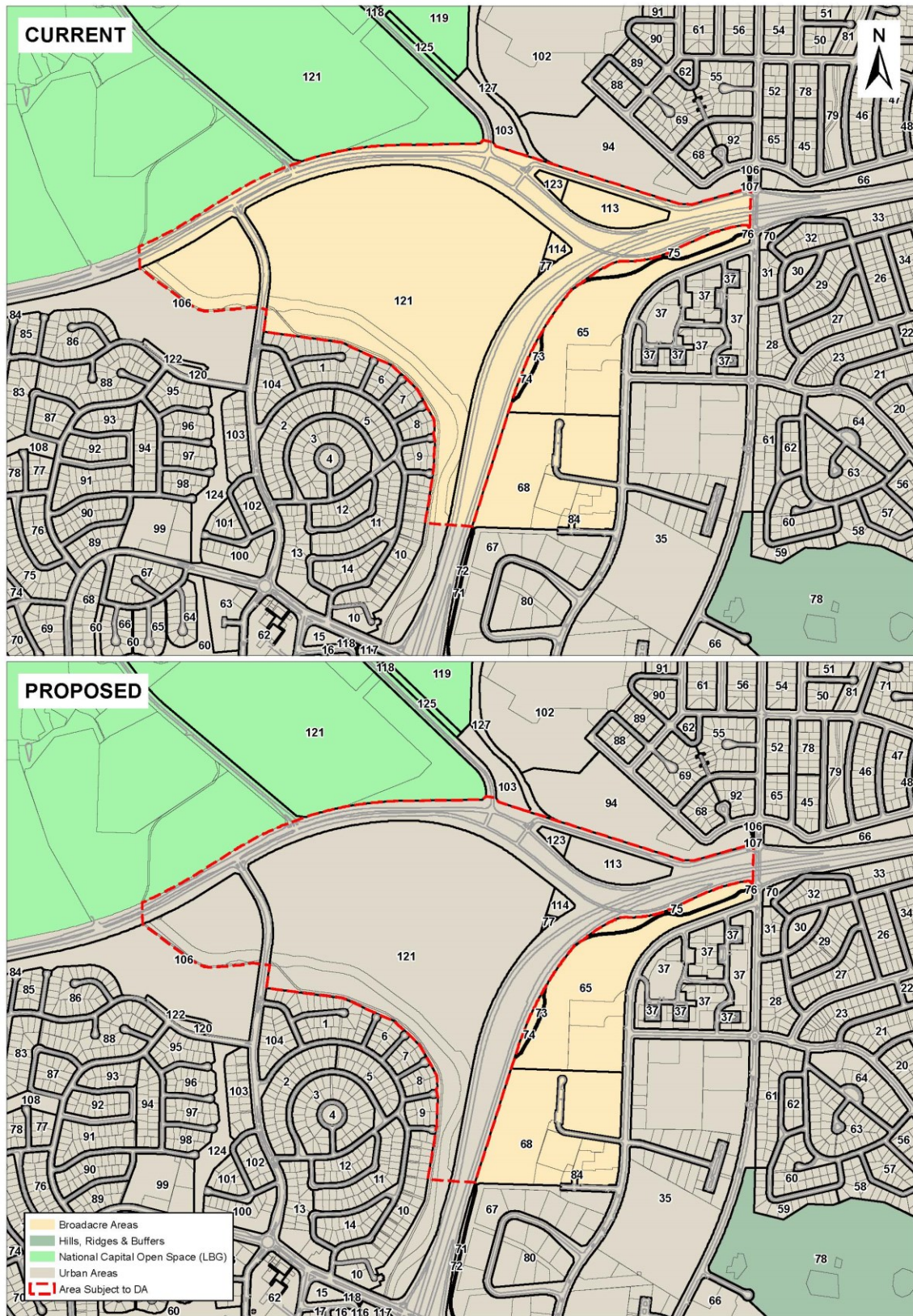


Figure 4: Proposed land use category change from Broadacre Areas to Urban Areas

1.7.3 Diplomatic Estate Precinct Code

Development within the existing diplomatic estates in Yarralumla, Deakin and O'Malley (as well as scattered diplomatic sites within Red Hill) is subject to the 'Diplomatic Precinct (Yarralumla, Deakin and O'Malley) Code' of the Plan. The Precinct Code identifies the location of current diplomatic sites, and sets out objectives, land use, and detailed conditions of planning, design and development.

DA95 proposes that the new diplomatic estate at North Curtin also be subject to the Precinct Code. This can be achieved through the following changes to the Plan:

1. Amending current precinct location drawings to include the North Curtin diplomatic estate (Figure 5).
2. Applying a detailed land use of Diplomatic Mission to Block 4 Section 106 and part Block 5 Section 121 Curtin, consistent with the way other diplomatic sites are recognised in the Plan (Figure 6).

The detailed land use arrangement proposed can be described as follows:

- Application of a 'Diplomatic Mission' land use policy for that part of the site intended for the diplomatic estate. 'Diplomatic Mission' is defined under the Plan as *'any building, parts of buildings and the land ancillary thereto leased specifically for use for the purpose of an embassy, a high commission, a legation, or a consulate. This includes chanceries or diplomatic mission, and combined chanceries and residences'*.
- Application of a 'Residential' land use policy for that part of the site between the diplomatic estate and Adelaide Avenue. 'Residential' is defined under the Plan as *'the use of land for the primary purpose of providing shelter for human habitation together with such outbuildings as are incidental to and ordinarily associated with the residential use of the land'*.
- Application of an 'Open Space' land use policy for Yarralumla Creek and land immediately either side. 'Open Space' is defined in the Plan as *'land intended for use primarily for public recreation, conservation or amenity purposes and which may include facilities for the enjoyment or convenience of the public'*.
- Application of a 'Road' land use policy for Adelaide Avenue. 'Road' is defined in the Plan as *'any way or street, whether in existence or under reserve, open to the public which is provided and maintained for the passage of vehicles, persons and animals and which may include footpaths, community paths, bus lay-bys, turning areas or traffic controls'*. Roads will also be permitted within the diplomatic estate and residential area.

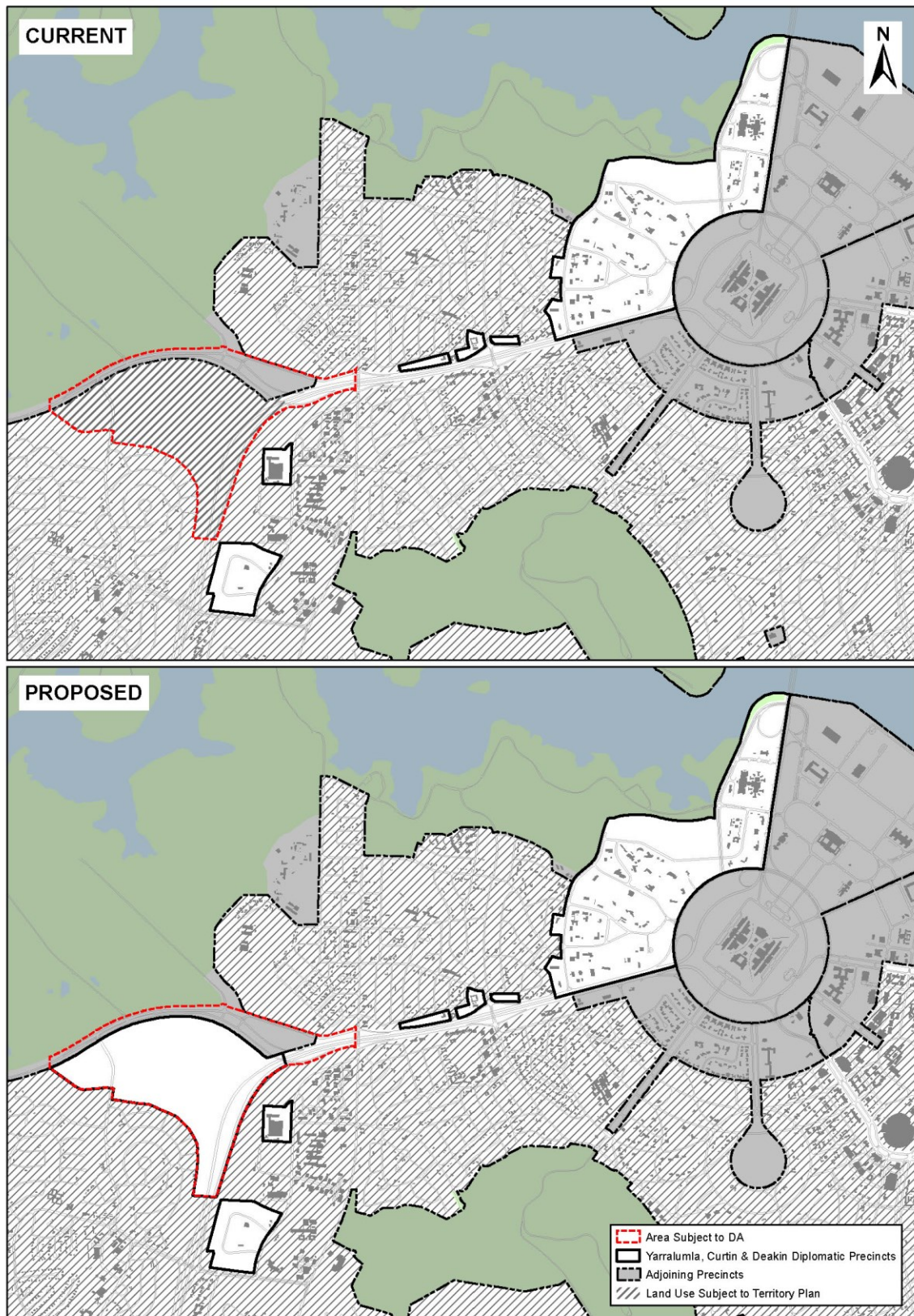


Figure 5: Proposed change to precinct location drawings

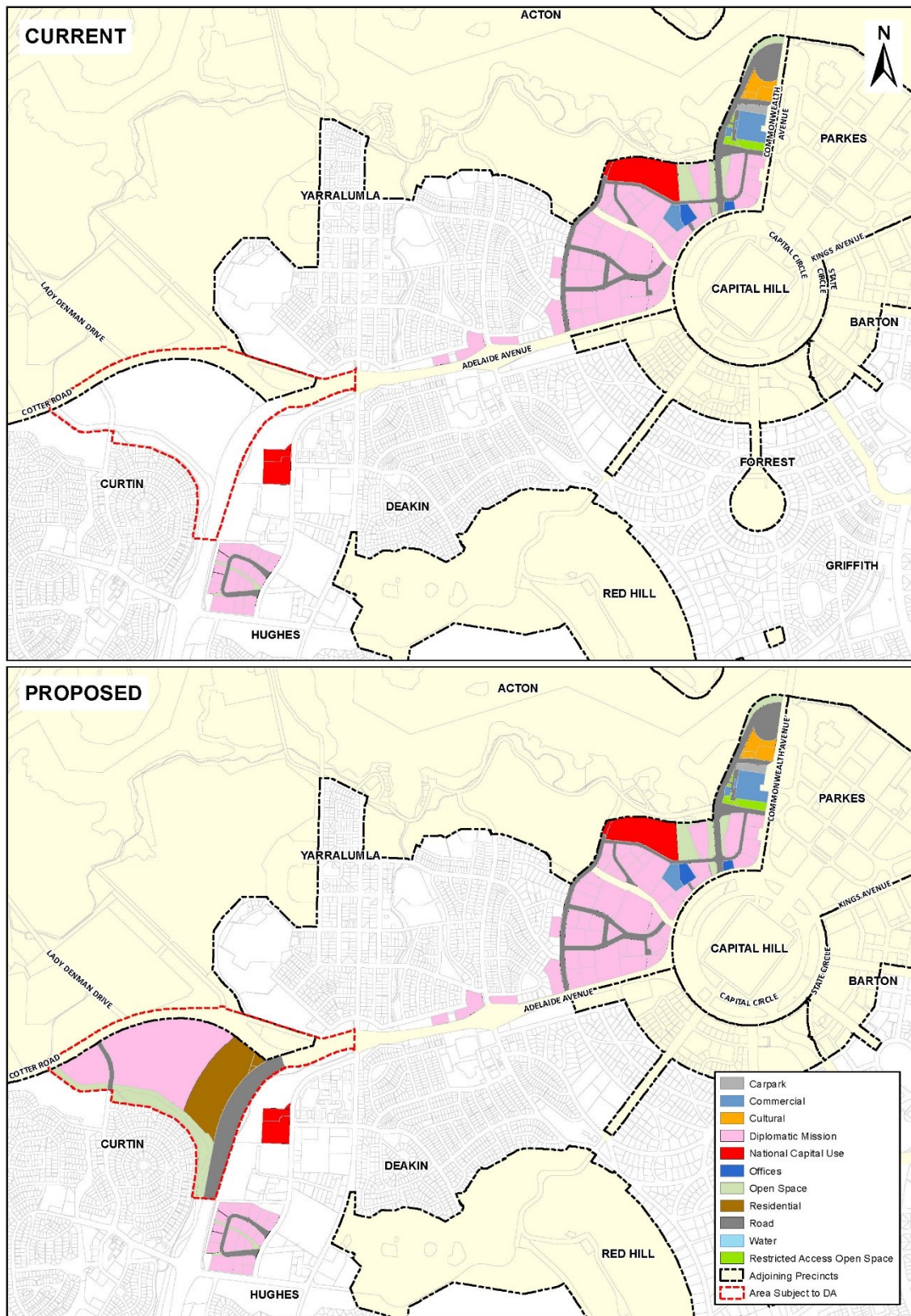


Figure 6: Proposed change to detailed land use

1.7.4 Other changes

A series of other, consequential changes are required as a result of the above-described changes to Designated Areas, the General Policy Plan – Metropolitan Canberra, and the diplomatic Precinct Code. These include:

1. Changes to section titles and other references within the Plan to recognise land at North Curtin as being part of the diplomatic estate. For example, it is proposed to amend the name of the relevant Precinct Code from 'Diplomatic Precinct (Yarralumla, Deakin and O'Malley) Code' to 'Diplomatic Precinct (Yarralumla, Deakin, O'Malley and Curtin) Code'
2. Changes to other drawings to ensure that the addition of land at North Curtin as part of the diplomatic estate is reflected where relevant. For example, the location and land use drawings within the Lake Burley Griffin and Foreshores Precinct Code require updating to recognise the subject site as part of adjoining precincts.

1.8 Draft amendment process

The process for making an amendment to the Plan is outlined in Figure 7.

Figure 7: Outline of the National Capital Plan draft amendment process

WHAT HAS BEEN DONE
Proposal by the NCA of a Draft Amendment to the Plan
▼
CURRENT STATUS
Public consultation on a Draft Amendment
▼
WHAT IS NEXT
Submission to Minister
Action by Minister
Parliamentary scrutiny
Expiration of disallowance period

1.9 Public consultation

The NCA welcomes written comments on DA95 from interested parties as part of the consultation process. All responses received will be considered before DA95 is submitted to the Assistant Minister for Regional Development and Territories in accordance with the provisions of the Act.

Hard copies of DA95 are available on request by contacting:

National Capital Authority
Ground Floor, Treasury Building
King Edward Terrace
PARKES ACT 2600

02 6271 2888

Between 9am and 5pm Monday to Friday

Get involved

The NCA is undertaking public consultation with regard to current Public Health Emergency Directions resulting from COVID-19.

Where possible, public consultation activities will be conducted in accordance with the NCA's 'Commitment to Community Engagement (August 2015)', however some activities such as public information sessions are not possible due to current restrictions on the size of public gatherings.

Options to get involved or obtain further information include:

- Watch the video on the NCA's obligations in regard to diplomatic missions and what's proposed by DA95.
- Send your questions to draft.amendment@nca.gov.au. NCA officers will provide a written response, alternatively please indicate if you would like an NCA officer to call you to discuss your questions.
- Check the website and the NCA's social media channels regularly for further updates and responses to key questions and comments being received.
- If you belong to a community organisation, please email draft.amendment@nca.gov.au to organise a video or teleconference with NCA officers.

Submissions

Submissions to DA95 can be:

- emailed to draft.amendment@nca.gov.au
- mailed to Chief Planner, National Capital Authority, GPO Box 373, Canberra ACT 2601
- delivered to the National Capital Authority, Ground Floor Treasury Building, King Edward Terrace, Parkes ACT 2600.

Submissions are invited until close of business on 7 July 2020.

Permission to disclose name and address

The NCA seeks an open and transparent draft amendment process. Following public consultation on the draft amendment, the NCA will prepare a Consultation Report which will be published on the NCA website. This report will include a summary of each submission. The NCA intends to publish the name of each person making the submission, but will not publish contact details (such as physical address, email or phone number).

If you have a concern about having your name published on the internet or wish to make a confidential submission, you must make this clear when submitting your comments. Say why you want your submission to be kept confidential.

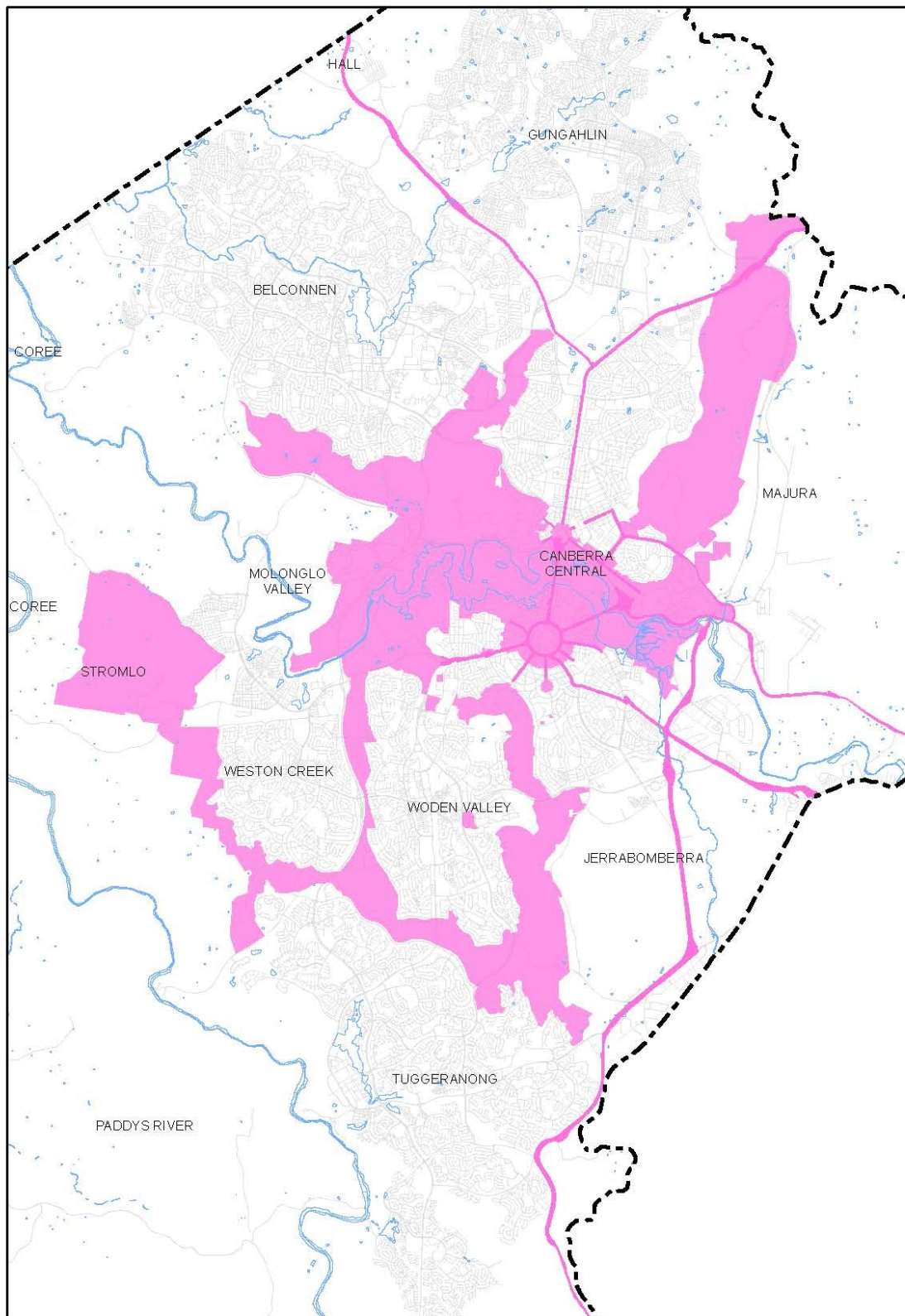
The NCA will consider requests for confidentiality, but cannot make promises in advance. If you have concerns about confidentiality, please contact the NCA to discuss before making a submission.

Part 2: National Capital Plan Amendment 95 – North Curtin Diplomatic Estate and Urban Area

The National Capital Plan is amended by the following:

Part One – The National Significance of Canberra and the Territory

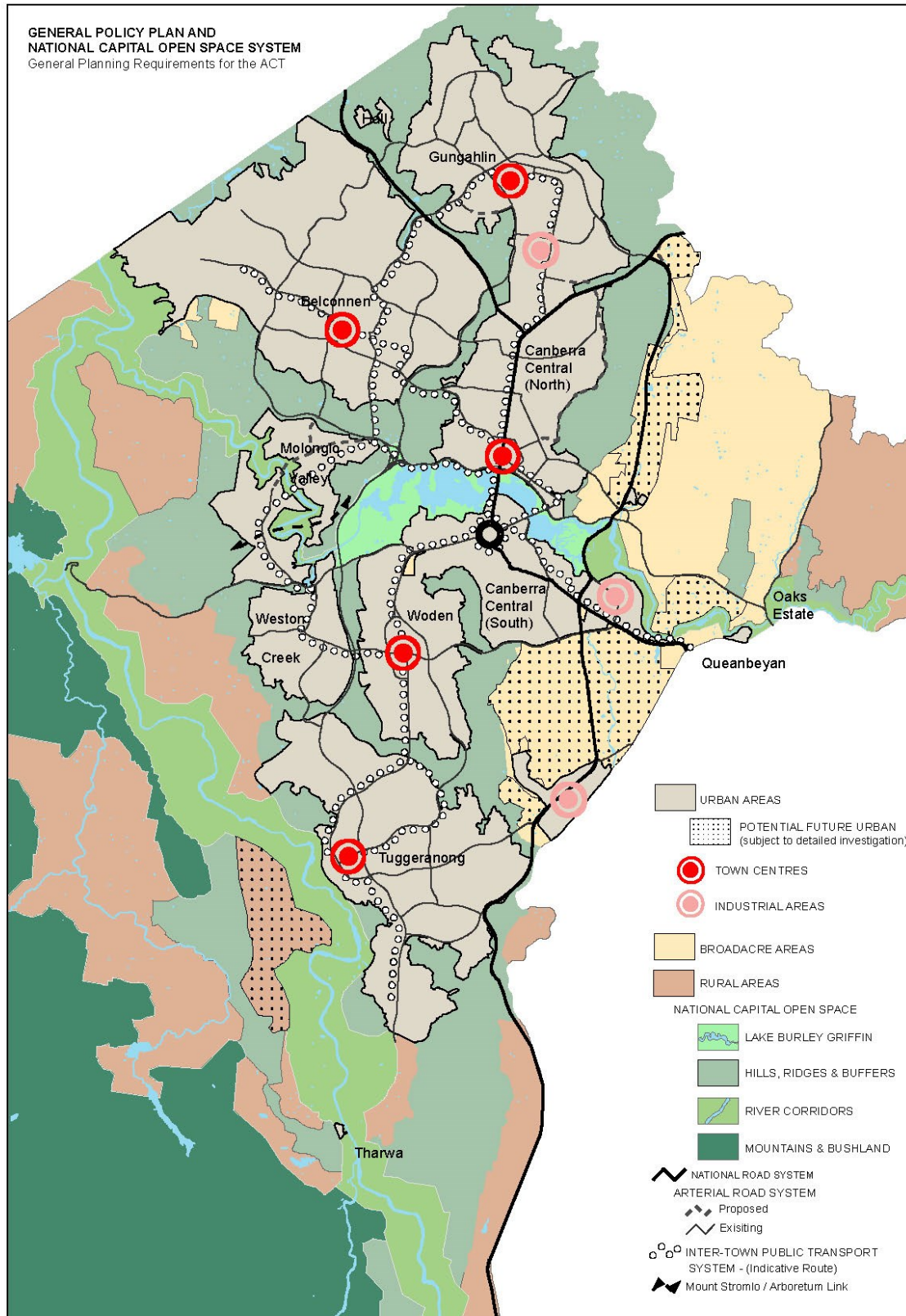
1. Delete Figure 1: Designated Areas and replace with the following:



Part Three – Land Use Plans and General Land Use Controls

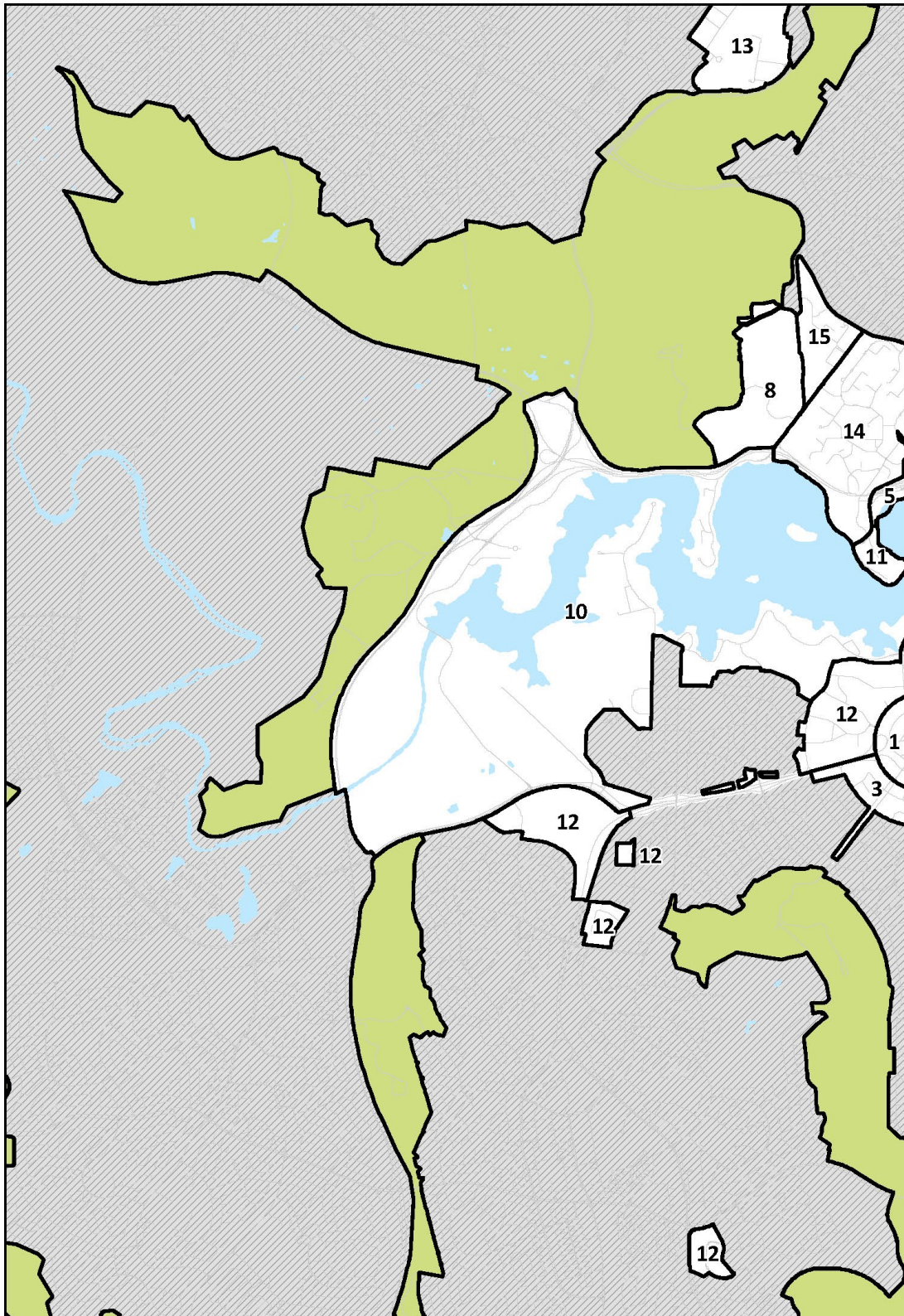
2. Delete Figure 2: General Policy Plan – Metropolitan Canberra and replace with the following:

**GENERAL POLICY PLAN AND
NATIONAL CAPITAL OPEN SPACE SYSTEM**
General Planning Requirements for the ACT



Part Four(A) – Principles and Policies for Designated Areas and Special Requirements for National Land outside Designated Areas

3. Delete Figure 12: Designated Areas precincts and replace with the following:

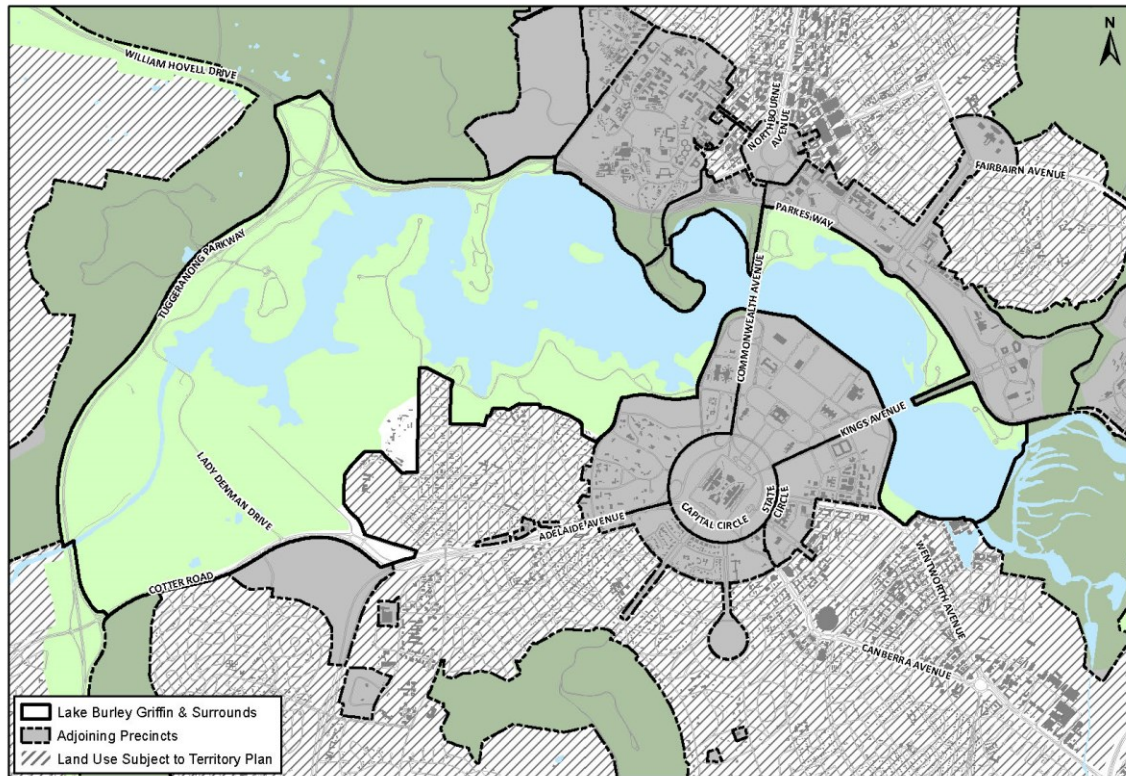


Section 4.1 The Central National Area

4. Amend point 12 under paragraph one to read 'Diplomatic Precinct (Yarralumla, Deakin, O'Malley and Curtin'.

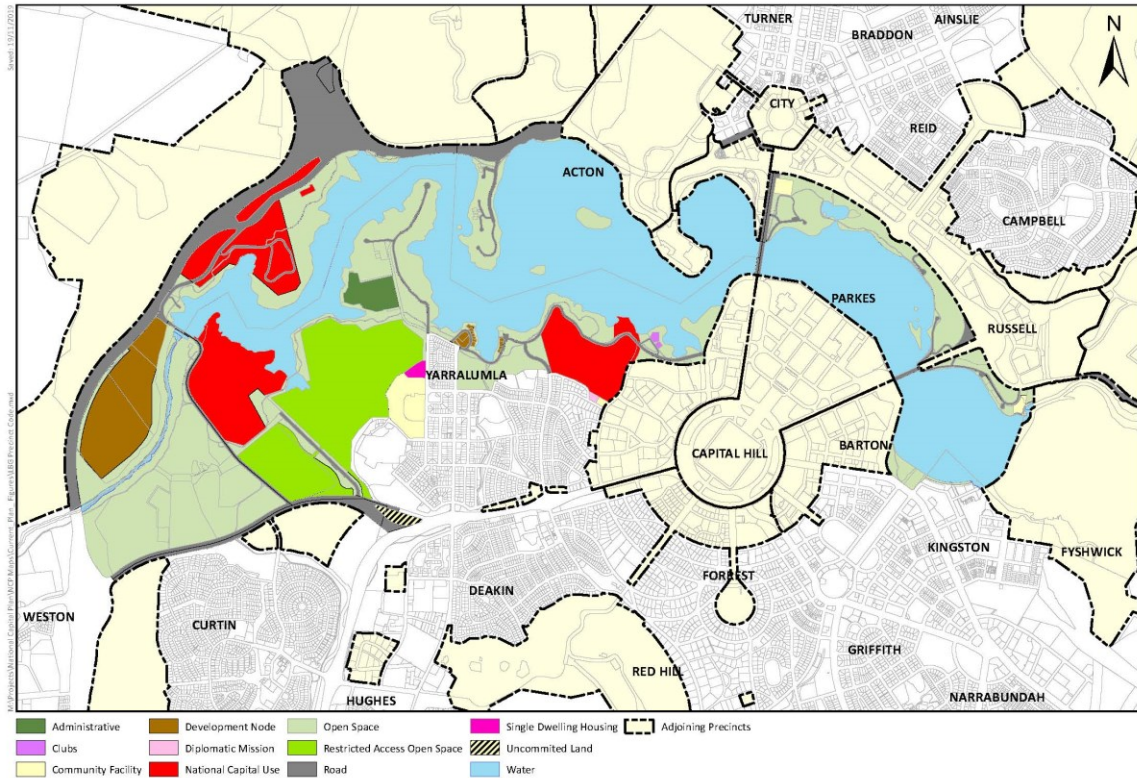
Section 4.12.1 Lake Burley Griffin and Foreshores Precinct Code – Precinct location

5. Delete Figure 113: Lake Burley Griffin and Foreshores Precinct location and replace with the following:



Section 4.12.4 Lake Burley Griffin and Foreshores Precinct Code – Land use for Lake Burley Griffin and Foreshores

6. Delete Figure 114: Land use for the Lake Burley Griffin and Foreshores Precinct and replace with the following:

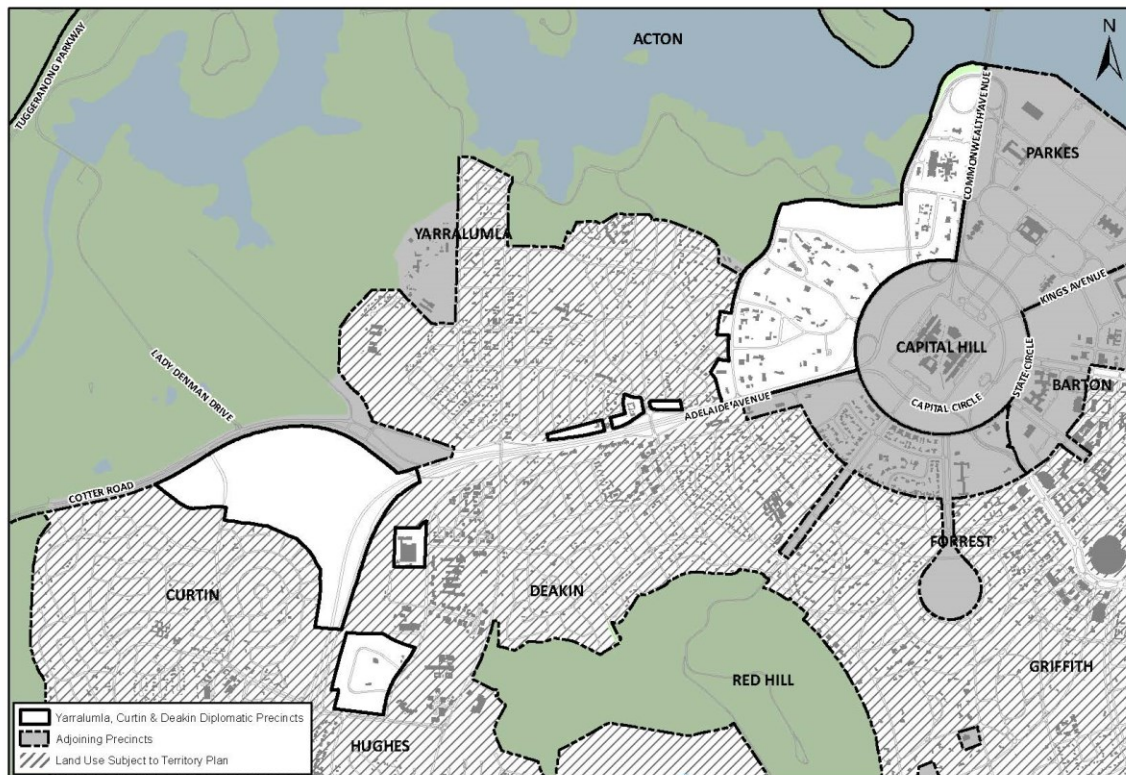


Section 4.14 Diplomatic Precinct (Yarralumla, Deakin and O'Malley) Code

7. Amend the title of section 4.14 to read 'Diplomatic Precinct (Yarralumla, Deakin, O'Malley and Curtin) Code'.

Section 4.14.1 Diplomatic Precinct (Yarralumla, Deakin and O'Malley) Code – Precinct location

8. Delete Figure 122 'Yarralumla and Deakin Diplomatic Precinct location' and replace with the following:



9. Amend the title of Figure 122 to read 'Yarralumla, Deakin and Curtin Diplomatic Precinct location'.
10. Delete paragraph one and replace with:

The Diplomatic Precinct is comprised of four separate areas:

- Yarralumla
- Deakin
- O'Malley
- Curtin.

Section 4.14.3 Objectives for the Diplomatic Precinct (Yarralumla, Deakin, O'Malley and Curtin)

11. Amend the title of section 4.14.3 to read 'Objectives for the Diplomatic Precinct (Yarralumla, Deakin, O'Malley and Curtin)'.

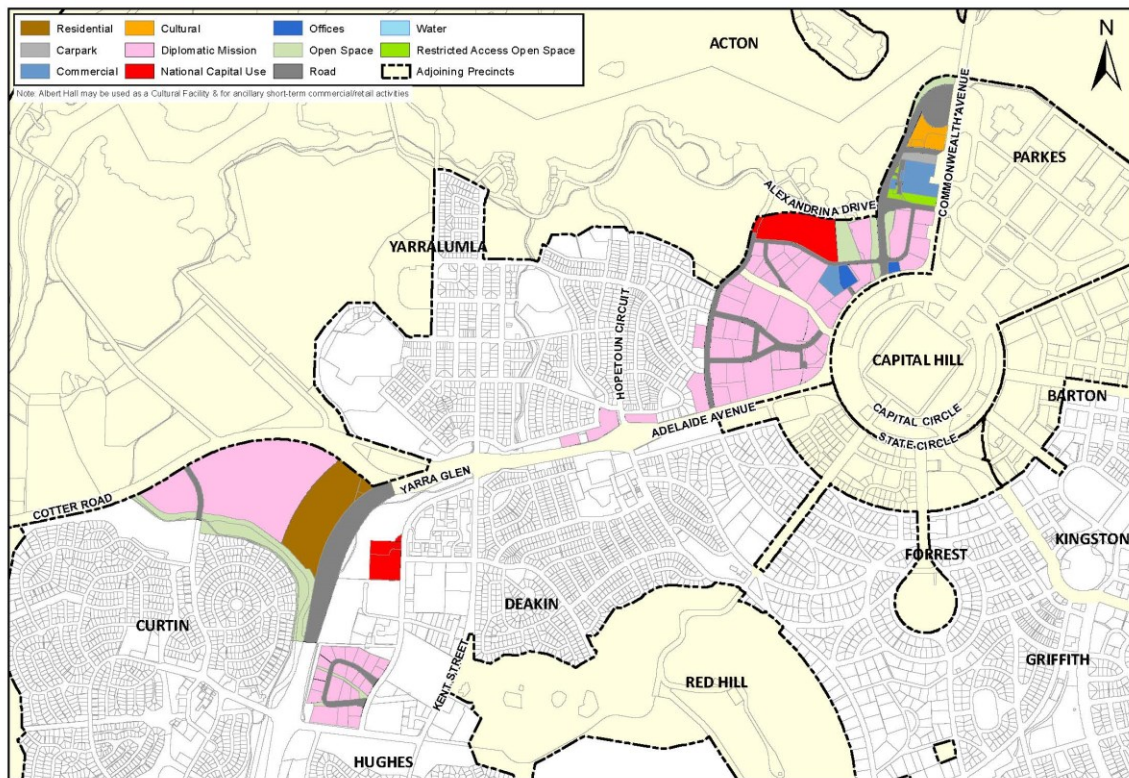
Section 4.14.4 Land use for the Diplomatic Precinct (Yarralumla, Deakin, O'Malley and Curtin)

12. Amend the title of section 4.14.4 to read 'Land use for the Diplomatic Precinct (Yarralumla, Deakin, O'Malley and Curtin)'.
13. Delete paragraph one and replace with:

Land use for the Diplomatic Precinct (Yarralumla, Deakin, O'Malley and Curtin) should be in accordance with Figure 125, Figure 126 and Figure 127.

'Road' is a permitted use within the Curtin diplomatic estate, the location of which is to be determined at the time of estate development planning.

14. Delete Figure 124 'Land use for the Yarralumla and Deakin Diplomatic Precinct' and replace with the following:



15. Amend the title of Figure 124 to read 'Land use of the Yarralumla, Deakin and Curtin Diplomatic Precinct'.

Section 4.14.5 Detailed conditions of planning, design and development for the Diplomatic Precinct (Yarralumla, Deakin, O'Malley and Curtin)

16. Delete paragraph two and replace with:

Within the Yarralumla, Deakin and O'Malley the Curtin diplomatic estates, the height of any building should not exceed three storeys above natural ground level.

17. Add a new section titled 'Site specific' and follows:

Buildings and major structures on land identified for Residential use must be set back a minimum of 15 metres from Yarra Glen road reserve boundary.

No access to Residential land is permitted from Yarra Glen.

For Residential land, detailed conditions of planning, design and development must be approved by the National Capital Authority prior to development. Detailed conditions of planning, design and development must address (at a minimum):

- refined land uses
- building heights and setbacks to roads and boundaries other than those already identified in the National Capital Plan
- impact on, and interface with, the diplomatic estate
- subdivision
- access, road layout and car parking
- building form
- landscape structure and open space
- streetscape
- lighting
- design quality.

Detailed conditions of planning, design and development must be prepared in the context of a strategic planning exercise for the Adelaide Avenue/Yarra Glen corridor, and are subject to public consultation.

Section 4.19.1 Design and Siting General Code – Application

18. Amend the last dot point, paragraph one to read ‘Yarralumla, Deakin, Red Hill, O’Malley and Curtin Diplomatic Precincts’.

Consequential changes

The Draft Amendment will recognise consequential changes to page numbers, figure numbers and text references, and contents page.