



Deakin Residents Association

A garden Community for the Future

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NATIONAL CAPITAL AUTHORITY (NCA) DRAFT AMENDMENT PLAN 95 - NORTH CURTIN DIPLOMATIC ESTATE AND URBAN AREA – the Curtin horse paddocks

The Deakin Residents' Association (DRA) welcomes the opportunity to provide comments on the NCA Draft Amendment Plan 95 (DAP 95).

The objectives of the DRA are to

- enhance the residential, suburban and environmental qualities of Deakin, consistent with garden city principles, and
- stimulate discussion on community plan land management as it impacts on Deakin residents.

It does this through advocacy to the Commonwealth and ACT Governments and advocacy to, and representation before, internal tribunals and courts.

Key points in DRA submission

- The consultation with interested parties such as ACT Equestrian Association has been inadequate
- The demand for new diplomatic missions has not been demonstrated
- There is a need for a long-term comprehensive plan to guide diplomatic development
- The paddocks and surrounding open space are home to significant species of flora and fauna. They are also a corridor and buffer zone providing shelter.
- The increased residential densification which will result from DAP 95 appears to be a plank to justify light rail expenditure, without adequate consideration of costs and benefits
- Bushfire risks need further consideration.

Background

Under the ACT's dual planning regime, the Australian Government and ACT Government share planning responsibility in the ACT. The NCA administers the National Capital Plan and it manages Canberra's diplomatic estate on behalf of the Australian Government, including the sale and issue of Crown leases for diplomatic purposes, rent collection, lease variations, and lease compliance.

DAP 95 comes on the back of an agreed land swap between the Commonwealth and ACT Governments, involving transfer of Block 4 Section 106 Curtin and approximately 70 per cent of Block 5 Section 121 Curtin (totalling approximately 31.5 hectares in all) from the ACT Government to the Commonwealth, with a commensurate transfer of parts of Block 1 Section 89 Acton, which constitute a portion of the bed of Lake Burley Griffin, from the Commonwealth to the ACT Government.

The primary purpose of DAP 95 is to seek approval to change the land use policy of the Curtin holdings to become a new Diplomatic Estate to accommodate new offices and residences for foreign diplomatic missions and for the establishment of a new residential area adjacent to Yarra Glen. These areas are currently designated as Broadacre Acres which do not permit residential development and will need to be changed to Urban areas to accommodate the

proposed land use changes. A number of smaller parcels of land in Curtin, Yarralumla and Weston Creek also appear to be included, but it is unclear where they fit in with DAP 95.

The North Curtin Horse Paddocks have been in operation for over 50 years. They are part of a much larger system of equestrian trails linked to Equestrian Park and the Bicentennial National Trail. The Paddocks have been a feature of the Canberra landscape during that time. The original intent of the Horse Paddocks was to provide equestrian facilities close to the suburbs in which the owners live and integrate them into the life of the city.

Public consultation Process

DRA notes that the exchange of land appears to have been conducted on a Government to Government basis without any reference to affected parties or the wider community. This seems inconsistent with the charters of both Governments and their agencies. For example, DRA understands that the ACT Equestrian Society, one of the bodies most affected by the land swap, was not consulted, despite the existence of a Memorandum of Understanding and assurances that the horse paddocks were safe from development.

While the NCA has undertaken to find alternative accommodation for the horses post 2022, given the rapid development and expansion of Canberra in the intervening years it is difficult to imagine how the original intent can continue to be realised.

Need for the establishment of a New Diplomatic Estate

DRA recognises the obligations of the Commonwealth Government, under Article 21 of the Vienna Convention, to “*either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way*” — in practice, to assist foreign missions with the establishment of appropriate chanceries and residences. The NCA claims that the availability of land in its three existing Diplomatic Estates (Yarralumla, Deakin and O’Malley) has been largely exhausted and is insufficient to meet future demands for this purpose. However the NCA has not provided evidence of demand from diplomatic missions for new or ‘greenfields’ sites, nor has it provided information on the number of missions seeking such sites.

In 2013, the NCA put forward a proposal to establish seven new diplomatic missions in Stirling Ridge, Yarralumla, a move that was strongly opposed by local residents and the Commonwealth Joint Standing Committee on the National Capital and External Territories (SCNCET). In its response, SCNCET noted that several blocks in the existing Estates of Deakin and O’Malley remained unallocated. It recommended that the NCA develop a long-term comprehensive plan to guide diplomatic development. This should include better use of existing resources, more rigorous application of lease conditions, medium and high density options, subdivision of existing sites within the diplomatic estate(s), more extensive use of residential and commercial properties to house chanceries and residences and a steady evolution towards a more commercial approach. The Committee expressed support for a free market method of land allocation favoured in Washington DC. It also proposed that foreign countries be required to commence development of new premises, within 36 months of land allocation. The DRA supports these views.

As far as the DRA is aware, the NCA has not developed a strategy along the lines recommended by SCNCET. The DRA has seen no evidence that alternative options have been examined by the NCA before proposing to establish a new diplomatic Estate. Rather, the NCA appears to have taken the easy option of simply appropriating a large track of open green space. In our view the NCA should now produce and publish the strategy recommended by the SCNCET. There should be public consultation on it before any decision is taken about the use of the Curtin site.

In light of the ongoing effects of the COVID 19 pandemic, the associated long term gloomy global economic outlook, the rise of on-line meetings, and travel restrictions, DRA also questions whether the establishment of new diplomatic missions in Australia will be a priority for any of the few countries not already present here.

In the above circumstances, DRA questions whether the development of such a large Diplomatic Estate is either necessary or warranted.

Ecologically Sustainable Development

In recent years, Canberra has been subject to sustained and continuous development much of which appears to the DRA to have been opportunistic rather than Strategic. This is particularly evident in the older and more established areas and is likely to continue in future years. Examples include random changes to lease purpose clauses, the opening up of the Molonglo Valley and further development in existing suburbs on the other side of the Cotter Road

following the 2003 fires. The development of the Yarralumla Brickworks site has all hall marks of a lack of integrated planning and will add further pressure to the area.

The Curtin Horse Paddocks and surrounding open space form an important part of the Canberra ecological landscape and are home to significant species of flora and fauna. Importantly, they act as corridor and buffer zone providing shelter and movement of birds and other species leading to Molonglo in the west and Red Hill to the east. Ornithological groups have expressed concern about the further loss of tree canopies in the area and the detrimental effect this will have on some species.

The area is also home to the golden sun moth which has been classified as critically endangered under the Environment Protection and Biodiversity Conservation Act 1999, and an endangered species under the ACT Nature Conservation Act 1980 since April 1996.

Proposed Residential Development

The second part of DAP 95 provides for the establishment of a new residential development in the area generally bordered by Yarra Glen and the Cotter Road. This is consistent with the ACT Government's policy for infill and densification, as outlined most recently in the 2018 Canberra Spatial Plan. This proposed residential development will also add to the population growth which is apparently necessary to justify the extension of Light Rail from Civic to Woden. DRA supports the development of cost-effective public transport to service such residential development. However DRA maintains profound reservations about the cost of this mode of transport compared to alternatives, its impact on the aesthetics of the heart of the nation and the claimed benefits to residents.

While the ACT Government will be responsible for managing the area, development will be subject to NCA regulations covering such requirements as building heights, density, sub-division layout, design quality, landscape structure, and open space etc. The NCA states that any residential development would not occur until these strategic planning issues are completed. The DRA expects that these details would be the subject of community consultation.

DRA's earlier comments about the negative impacts of large-scale residential development, including loss of green space and ecological degradation, are relevant. If it is to proceed, DRA considers that a whole of suburb approach must be taken, incorporating a mix of innovative and environmentally sustainable housing and landscape design, consistent with garden city principles. It will be imperative to avoid piecemeal and uncoordinated development that has occurred in many other parts of Canberra.

DRA members consistently draw attention to the wish for older residents to downsize to smaller accommodation. Most wish to stay in the immediate area and are reluctant to move to outer areas of Canberra which are unfamiliar to them and where they know no-one. The development of a new residential precinct as proposed in DAP 95 could provide the opportunity to cater for such needs.

Bushfire Concerns

It is not evident to the DRA that bushfire concerns have been considered as part of the future land use. These will presumably be addressed in Development Applications. However, the DRA notes that the recent Draft Integrated Plan for Nature Red Hill Nature Reserve and Surrounds produced by the ACT Government's Environment, Planning and Sustainable Directorate, identified related areas of bushfire concern. These include an area either overlapping with, or adjacent to, the Block(s) referred to in DAP 95 as being bushfire prone (page 38 of the Draft Report refers). This raises concerns about such areas being suitable for residential development.

Currently the horses perform a useful function in bushfire prevention by grazing on the grass and keeping it under control. The DRA is concerned that the bushfire risk to Deakin will increase if the horses are removed pending establishment of buildings on the new Diplomatic Estate.

Yours faithfully,

A handwritten signature in blue ink that reads "John D Bell". The signature is written in a cursive style with a long horizontal line extending to the right.

John D Bell
Vice President