

National Capital Plan

REPORT ON CONSULTATION

DRAFT AMENDMENT

73

**BLOCK 6
SECTION 4
YARRALUMLA**
WESTRIDGE HOUSE

June 2011



Australian Government
National Capital Authority

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National Capital Authority
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1 INTRODUCTION

1.1 Purpose and Background

This report summarises the issues raised during the public consultation process undertaken by the National Capital Authority (NCA) on Draft Amendment 73 (DA73) - Block 6 Section 4 Yarralumla, (Westridge House) to the National Capital Plan (the Plan).

The purpose of the draft amendment is to change the land use policy of Block 6 Section 4 Yarralumla (Westridge House) from 'Community Facility' to 'Single Dwelling Housing'. This will enable the property to be utilised as a private residence.

The statutory requirements of the Plan amendment process are described in the Australian Capital Territory (Planning and Land Management) Act 1988 (PALM Act).

Westridge House was originally designed as the principal's residence for the Australian Forestry School (AFS) and construction was officially completed in December 1927. Until recently, Westridge House was leased by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and was managed by the Department of Finance and Deregulation (Finance).

The property has been vacant since early 2009. CSIRO identified that the property was no longer required for their operations, and Finance subsequently identified Westridge House as surplus Commonwealth property.

In July 2009, Finance requested that the NCA prepare an amendment to the Plan to change the land use policy of the site from 'Community Facility' to 'Residential'. The NCA agreed to prepare an amendment to permit single residential only.

In December 2010, Westridge House was purchased by a private investor. Solicitors acting on behalf of the investor advised the NCA that the purchaser has the sole intention of occupying the property as their residence. The solicitors on behalf of the new owner of the property requested that the NCA proceed with the necessary amendment to the Plan to allow Westridge House to be utilised as a private residence.

1.2 Existing National Capital Plan Provisions

Block 6 Section 4 Yarralumla currently has a land use policy of 'Community Facility' as identified in Figure 17 The Central National Area (Lake Burley Griffin and Foreshores) of the Plan. 'Community Facility' encompasses a range of uses including educational establishment, church use, scientific research establishment and social/community facility. Each of these uses is further defined within the Plan.

The current provisions of the Plan do not allow for the site to be used as a private residence. An amendment to the Plan is required to enable Westridge House to be used for this purpose.

1.3 Effect of the Draft Amendment to the National Capital Plan

A change in land use policy from 'Community Facility' to 'Single Dwelling Housing' will allow for Westridge House to be used as a private residence.

The Plan does not currently have a land use definition relating to single residential use. The existing definition of 'Residential' permits all forms of residential, including (but not limited to) multiple dwelling units. It is proposed that a new land use definition of 'Single Dwelling Housing' be adopted into the Plan as follows:

Single dwelling housing – means the use of land for residential purpose for a single dwelling only.

The proposed land use definition is consistent with the Territory Government's planning definition.

2 CONSULTATION

The NCA released DA73 for public comment on Saturday 12 March 2011. A notice was published in The Canberra Times (Attachment 1) and The Australian (Attachment 2) on the same day and in the Commonwealth of Australia Gazette on Wednesday 16 March 2011 (Attachment 3).

In accordance with the NCA's Commitment to Community Engagement 2010 the period for public comment ran for 30 business days and concluded on 27 April 2011. Hard copies of DA73 were made available to the public at the National Capital Exhibition, as well as the NCA offices. The consultation process made use of online technology, through the NCA's Have Your Say website, where the public could submit comments related to the draft amendment and engage in online discussion.

Key activities during the consultation period of DA73 included:

- » On 4 March 2011, a request for an exemption to undertake a Regulation Impact Statement (RIS) was sought from the Office of Best Practice Regulation (OBPR).
- » On 15 March 2011, the NCA referred DA73 to the following stakeholders:
 - ACT Planning and Land Authority (ACTPLA);
 - ACT Territory and Municipal Services (TaMS);
 - Department of Sustainability, Environment, Water, Population & Communities (SEWPaC);
 - National Trust of Australia (ACT);
 - ACT Chief Minister's Department;
 - Walter Burley Griffin Society;
 - ACT Heritage Council;
 - CSIRO;
 - Yarralumla Residents' Association; and
 - Eakin McCaffery Cox, on behalf of the owner.
- » On 23 March 2011, the OBPR advised no RIS would be required for DA73.
- » On 22 March 2011, the NCA held a public information session between 5:30pm and 7:00pm at the NCA offices. Two NCA members were in attendance as well as three members of the public.
- » On 28 April 2011, the ACT Planning and Land Authority agreed to the proposed amendment as required under the PALM Act.

3 WRITTEN SUBMISSIONS

The NCA received seven written submissions in response to DA73. All submissions were acknowledged by the NCA, together with an undertaking to inform the submitters of how the NCA considered their submissions.

Of the seven written submissions received, three directly supported the draft amendment and its desired outcomes whilst four raised concern over certain issues.

A summary of the key issues raised during the public consultation process and the NCA's response is outlined below. A summary of each submission is included in Attachment 4, together with a detailed NCA response. Four written comments were also received via the Have Your Say website.

The key issues raised in the period of public consultation included:

3.1 Sale of the Property

Submissions received expressed concern with, and requested clarification regarding, the proceedings of the sale of Westridge House. In particular, concern was raised that the NCA perspective of future land use for the site was not made clear at the point of sale.

NCA RESPONSE

The view of the NCA in relation to future use of Westridge House was disclosed to all potential bidders before the auction occurred. This occurred by way of an official statement from the NCA which was included in all pre-sale documentation.

The board of the NCA considered its position on the future use of Westridge House as soon as the NCA was advised that the Australian Government was likely to dispose of it. This occurred in October 2009.

3.2 Heritage

Submissions were received expressing concern over the potential impact on the heritage significance of the site.

NCA RESPONSE

The NCA formed the view that the most important thing was to maximise the heritage protection offered for Westridge House. In the NCA's opinion, the greatest level of heritage protection would result from the block retaining National Land status as this invokes full Environment Protection and Biodiversity Conservation Act 1999 protection.

3.3 Public Access

A number of submissions suggested that Westridge House should be open to the public to allow appreciation of its historic significance. These submissions suggested that once or twice annually the house and gardens could be made publicly accessible to the community to encourage appreciation of Canberra's early architecture and design.

NCA RESPONSE

Opening the property for public viewing is at the discretion of the new owners.

3.4 Public Notice

A number of submissions suggested permanent signage should be erected on the property boundary detailing the history of the site and outlining the heritage significance of the home.

NCA RESPONSE

The erection of interpretive signage is at the discretion of the new owners. Approvals for signage structures would need to be sought where necessary.

3.5 Fencing

Concern was raised about the possibility of fencing being constructed around the property boundary. Submissions cited that many local residents presently use a section of the block as a passage-way that links walking tracks within the area. Fencing may restrict this current access.

NCA RESPONSE

The construction of a new fence is at the discretion of the new owner. Approval for fencing would need to be sought from the relevant authority.

3.6 Future Rezoning

One submission was received concerning the possibility that the land use policy for the site may be amended again in future years to allow the site to be subdivided into multiple residential blocks. It was considered that the use of the site for multiple dwellings would diminish the heritage significance of the site, and would allow for opportunistic development of the site.

NCA RESPONSE

The NCA agreed that it was willing to propose an amendment to the Plan to allow single residential only as a permitted land use.

3.7 Notion of Support

Several submissions supported the draft amendment. The proposed land use policy change was perceived as a desirable outcome in terms of maintaining the physical appearance of Westridge House, and protecting the cultural and heritage importance of the site.

NCA RESPONSE

Noted.

4 RECOMMENDED CHANGES

Following a review of the submissions received, the NCA recommends no changes to DA73 as released for public consultation on 12 March 2011.

5 CONCLUSION

The consultation process initiated by the NCA for DA73 attracted three members of the public to the public information session, seven written submissions, and four online comments.

No changes have been recommended to DA73 as released for public consultation.

The NCA recommends the Minister for Regional Australia, Regional Development and Local Government, the Hon. Simon Crean MP, approve DA73 in full


(Attachment 5).

6 ATTACHMENTS


1. Notice of release of Draft Amendment 73 for public comment published in The Canberra Times on Saturday 12 March 2011.
2. Notice of release of Draft Amendment 73 for public comment published in The Australian on Saturday 12 March 2011.
3. Notice of release of Draft Amendment 73 for public comment published in the Commonwealth of Australia Gazette on Wednesday 16 March 2011.
4. Summary of submissions and detailed NCA response.
5. Draft Amendment 73 as to be recommended to the Minister for approval.

ATTACHMENT 1

Notice of release of Draft Amendment 73 for public comment published in the Canberra Times on Saturday 12 March 2011.

 Australian Government
National Capital Authority

AMENDMENT OF THE NATIONAL CAPITAL PLAN
DRAFT AMENDMENT 73
BLOCK 6 SECTION 4 YARRALUMLA (WESTRIDGE HOUSE)



National Capital Plan Draft Amendment 73 – Block 6 Section 4 Yarralumla (Westridge House) proposes to amend the land use policy of Block 6 Section 4 Yarralumla (Westridge House) from 'Community Facility' to 'Single Dwelling Housing' to allow the property to be utilised as a private residence.

Draft Amendment 73 of the National Capital Plan 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. Background information on the proposal is included with the Draft Amendment and is available on the Authority's website www.nationalcapital.gov.au.

A public information session on Draft Amendment 73 will be held on:
Tuesday 22 March 2011 from 5:30pm to 7:00pm at the National Capital Authority, Ground Floor Treasury Building, King Edward Terrace, PARKES ACT 2600

The National Capital Authority invites interested people and organisations to provide written comments on Draft Amendment 73 by close of business on Wednesday 27 April 2011 to:

Andrew Smith, Chief Planner
National Capital Authority
GPO Box 373, CANBERRA ACT 2601
email: draft.amendment@natcap.gov.au

Copies of Draft Amendment 73 are available from www.nationalcapital.gov.au

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 Monday to Friday and 10am and 4pm weekends
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Further information is available by telephone on (02) 6271 2888
email draft.amendment@natcap.gov.au

WWW.NATIONALCAPITAL.GOV.AU

PN120311_DA

ATTACHMENT 2

Notice of release of Draft Amendment 73 for public comment published in The Australian on Saturday 12 March 2011.



ATTACHMENT 3

Notice of release of Draft Amendment 73 for public comment published in the Commonwealth of Australia Gazette on Wednesday 16 March 2011.

<small>638 Government Departments</small>	<small>Commonwealth of Australia Gazette No. GN 10, 16 March 2011</small>
Infrastructure and Transport	
Amendment of the National Capital Plan Draft Amendment 73 Block 6 Section 4 Yarralumla (Westridge House)	
National Capital Plan Draft Amendment 73 – Block 6 Section 4 Yarralumla (Westridge House) proposes to amend the land use policy of Block 6 Section 4 Yarralumla (Westridge House) from ‘Community Facility’ to ‘Single Dwelling Housing’ to allow the property to be utilised as a private residence.	
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The National Capital Authority invites interested people and organisations to provide written comments on Draft Amendment 73 by close of business on Wednesday 27 April 2011 to:	
Andrew Smith Chief Planner National Capital Authority GPO Box 373 CANBERRA ACT 2601 email: draft.amendment@natcap.gov.au	
Copies of Draft Amendment 57 are available from: www.nationalcapital.gov.au	
National Capital Authority Treasury Building Ground floor King Edward Terrace PARKES ACT 2600 between 9am and 5pm Monday to Friday	
National Capital Exhibition Regatta Point Commonwealth Park between 9am and 5pm weekdays and 10am to 4pm weekends	
Further information is available by telephone on (02) 6271 2888 Fax or email draft.amendment@natcap.gov.au	

Attachment 4 - Summary of Submissions

Note: Details of each submitter have only been reproduced in this table where a submitter has granted permission for their name and/ or address to be used by the National Capital Authority for the purposes of the Report on Consultation for Draft Amendment 73.

SUBMISSION NO.	DETAILS OF SUBMITTER	KEY POINTS RAISED IN SUBMISSION	NCA CONSIDERATION
1	David Lowe	Supports Draft Amendment 73. Perceives this as a way of maintaining a variety of old and new development features within the suburb of Yarralumla. This provides diversity and character.	Noted.
2	National Trust of Australia (ACT) P O Box 1144 Civic Square ACT 2608	Supports the proposed land use policy change from 'Community Facility' to 'Single Dwelling Housing.' This will assist in keeping the heritage features (including the house, garden, garage and landscape) intact. Notes the residence is listed on both the Commonwealth Heritage List and the Register of the National Estate for its heritage significance.	Noted.
3	Yarralumla Residents Association PO Box 7123 Yarralumla ACT 2600	<p>Considers that it is important to provide limited public access if possible to the site.</p> <p>Wants to ensure the ongoing protection of Westridge House is maintained and EPBC Act provisions keep its current state maintained.</p> <p>Perceive that the wording "Single Dwelling Housing" shows no ambiguity, opening the potential for it to be interpreted as several single dwellings. Want the term "Single Dwelling" and delete "Housing" which could imply the plural.</p> <p>Concerned with possibility of future land use policy being altered to accommodate multi-unit development.</p> <p>Requests that no changes are made to the current envelope of the site. Contends that the erection of a perimeter fence would alter the route taken by residents through Bank Street via Westridge House's green slip.</p>	<p>Allowing public access will be up to the discretion of the new owner.</p> <p>The Westridge House Heritage Management Plan was established by the CSIRO before the auction to ensure the amenity is kept and maintained with its future uses.</p> <p>The definition of 'Single Dwelling Housing' states 'the use of the land for residential purposes for a single dwelling only' which implies no plural to the interpretation of the word 'housing'.</p> <p>The NCA agreed that it was willing to propose an amendment to the Plan to allow single residential only as a permitted land use.</p> <p>The construction of a new fence is at the discretion of the new owner. Approval for fencing would need to be sought from the relevant authority.</p>

SUBMISSION NO.	DETAILS OF SUBMITTER	KEY POINTS RAISED IN SUBMISSION	NCA CONSIDERATION
4	<p>Anne Forrest</p>	<p>Recognises the historic importance of Westridge House. Wants signage or a once a year public open day to be enforced as part of the agreement.</p> <p>Queried the terms of sale. Questioned if the heritage values of the site identified in the Conservation Management Plan were legally binding in the condition of sale. Questions if measures have been taken at a local level to ensure heritage protection should the property no longer be covered by the Environmental Protection and Biodiversity Conservation Act (EPBC).</p>	<p>The erection of interpretive signage is at the discretion of the new owners. Approvals for signage structures would need to be sought where necessary. Opening the property for public viewing is at the discretion of the new owners.</p> <p>The view of the NCA in relation to future use of Westridge House was disclosed to all potential bidders before the auction occurred. This occurred by way of an official statement from the NCA which was included in all pre-sale documentation.</p> <p>The board of the NCA considered its position on the future use of Westridge House as soon as the NCA was advised that the Australian Government was likely to dispose of it. This occurred in October 2009.</p> <p>The NCA formed the view that the most important thing was to maximise the heritage protection offered for Westridge House. In the NCA's opinion, the greatest level of heritage protection would result from the block retaining National Land status as this invokes full EPBC Act protection.</p>
5	<p>ACT Planning and Land Authority</p> <p>GPO Box 373 Canberra ACT 2601</p>	<p>The ACT Planning and Land Authority has no objection to the proposed amendment and notes that the block has been nominated for provisional registration on the ACT Heritage Register under the name 'Tudor House'.</p>	<p>Noted.</p>
6	<p>SEWPAC</p>	<p>Supports the proposed change of land use. Considers it consistent with the original intent of the building as a private residence and is compliant with Commonwealth heritage values.</p>	<p>Noted.</p>

SUBMISSION NO.	DETAILS OF SUBMITTER	KEY POINTS RAISED IN SUBMISSION	NCA CONSIDERATION
7		<p>Concern was expressed that in future years the block might have the potential to be rezoned into multi-occupancy, affecting the heritage values of the site.</p> <p>Submission perceived Westridge House as an important example of early 20th century residential architecture and considered this important aspect warrants public access to the block at least once or twice a year, similar to that of The Lodge and Government House.</p> <p>Submission considers it important that an information board be established outside the grounds of Westridge House to inform the public of the site's history and points of interest.</p> <p>Submission raised concern over part of the block which is used as a walking track by Yarralumla residents. Wants a clause in the amendment so owner can't place fence and ruin the recreation of the area from other Yarralumla residents.</p> <p>Submission displays angst in the form of the agreed terms of sale. Submitter perceives that the site was sold by the real estate as advertised as a community facility and not single dwelling housing. Submission also considers the auction price was not value for money for its location and size in Yarralumla and that the Commonwealth undervalued its real asset worth.</p>	<p>The NCA agreed that it was willing to propose an amendment to the Plan to allow single residential only as a permitted land use.</p> <p>Opening the property for public viewing is at the discretion of the new owners.</p> <p>The erection of interpretive signage is at the discretion of the new owners. Approvals for signage structures would need to be sought where necessary.</p> <p>The construction of a new fence is at the discretion of the new owner. Approval for fencing would need to be sought from the relevant authority.</p> <p>The view of the NCA in relation to future use of Westridge House was disclosed to all potential bidders before the auction occurred. This occurred by way of an official statement from the NCA which was included in all pre-sale documentation.</p> <p>The board of the NCA considered its position on the future use of Westridge House as soon as the NCA was advised that the Australian Government was likely to dispose of it. This occurred in October 2009.</p>

ATTACHMENT 5

DRAFT AMENDMENT 73 AS TO BE RECOMMENDED TO THE MINISTER FOR APPROVAL.

NATIONAL CAPITAL PLAN

AMENDMENT 73 – BLOCK 6 SECTION 4 YARRALUMLA – WESTRIDGE HOUSE

Australian Capital Territory (Planning and Land Management) Act 1988

I, SIMON CREAN, Minister for Regional Australia, Regional Development and Local Government, approve this amendment of the National Capital Plan under section 19(1)(a) of the Australian Capital Territory (Planning and Land Management) Act 1988.

Dated 2011

SIMON CREAN

Minister for Regional Australia, Regional Development and Local Government

1. Name of Instrument

This instrument is the National Capital Plan – Amendment 73 – Block 6 Section 4 Yarralumla – Westridge House

2. Commencement

This instrument commences on the date of its registration.

3. Amendment of National Capital Plan

Schedule 1 amends the National Capital Plan.

SCHEDULE 1: AMENDMENT

The National Capital Plan is amended by the following:

INTRODUCTION

1.1 PART ONE PRINCIPLES AND POLICIES

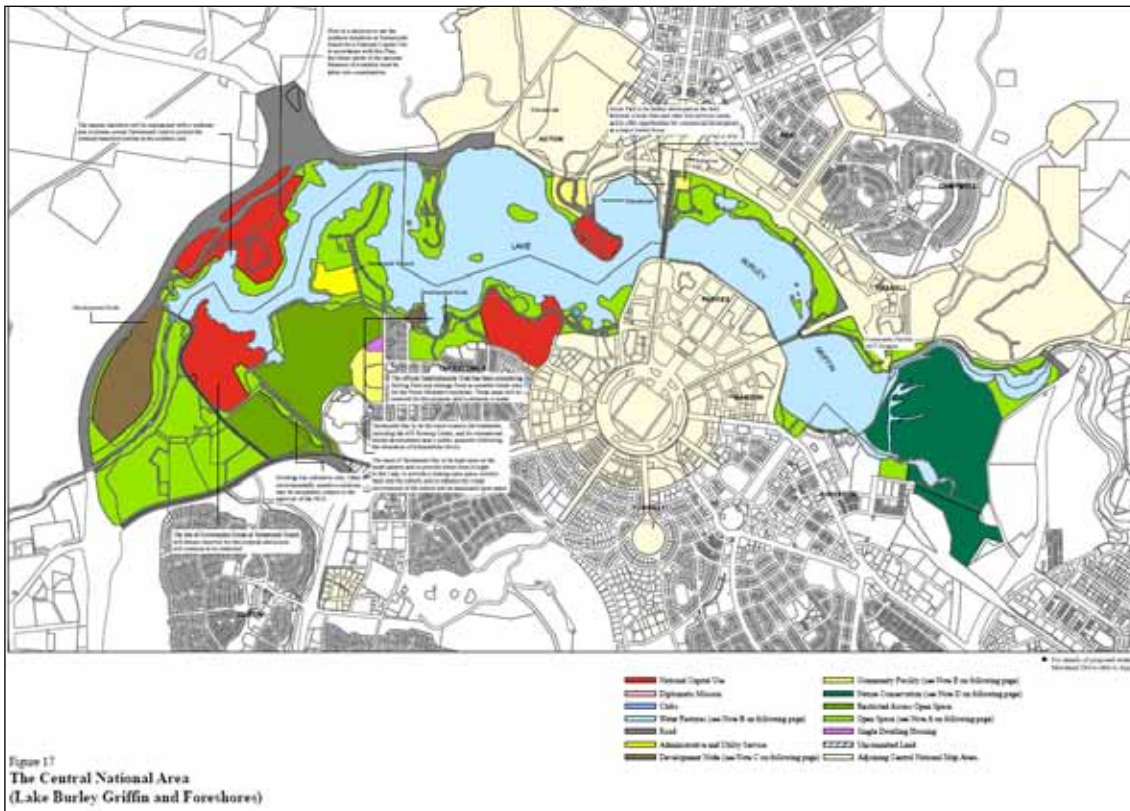
1 GENERAL POLICY PLAN – CHAPTER 1 THE CENTRAL NATIONAL AREA

- a. Add to section 1.2.3(e) a new permitted use in Lake Burley Griffin and Foreshores:
 - Single Dwelling Housing (Block 6 Section 4 Yarralumla only)
- b. Delete the existing Figure 17 The Central National Area (Lake Burley Griffin and Foreshores) and replace with the diagram opposite (below).
- c. Add to Appendix A Land Use Definitions a new definition as follows:

SINGLE DWELLING HOUSING

Means the use of the land for residential purposes for a single dwelling only.

- d. Amend the Plan to recognise consequential changes of Draft Amendment 73 to page numbers, section titles and contents page.



1.2 PART TWO ADMINISTRATION AND IMPLEMENTATION

- e. Amend the Plan to recognise consequential changes of Draft Amendment 73 to page numbers, section titles and contents page.

NOTE

All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003.

See <http://www.frli.gov.au>

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

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