



Australian Government
National Capital Authority

CONSULTATION REPORT

**Works Approval 19336 – Block 3 Section
123 Yarralumla - Construction of Proposed Pavilion
Addition to Hobday’s Cottage (Yarralumla Gallery and
The Oaks Brasserie), Yarralumla Nursery**

September 2014

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Part 1 - Introduction

Under the *Australian Capital Territory (Planning and Land Management) Act 1988*, the National Capital Authority (NCA) prepares and administers the National Capital Plan (the Plan) to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.

The Plan sets out the broad planning framework for the Australian Capital Territory (ACT). Areas designated as having special characteristics of the National Capital are subject to detailed planning policies and guidelines.

Any buildings or structures, demolition, landscaping or excavation works in Designated Areas require the approval of the NCA. The NCA considers such proposals in the context of the relevant provisions of the Plan.

The NCA received a Works Approval (WA) application from Boris Nedic (Architect) on behalf of the owner Mira Bogojevic for the construction of a proposed pavilion addition to Hobday's Cottage (the Cottage). The owner currently operates a restaurant under the name of the 'Yarralumla Gallery and The Oaks Brasserie' from the Cottage.

The Cottage is located on Territory Land located within a Designated Area of the Plan and is within the grounds of the Yarralumla Nursery. The land use is Administrative and Utility Service which allows a restaurant as a permitted use.

The application for works is to remove the existing temporary marquee and replace it with a similar size glazed pavilion. The pavilion will be connected to the Cottage with a low roof linked area. This roof will sit below the eaves of the Cottage and its indented glazed walls will lightly touch the existing fabric of the Cottage. This transparency will allow the integrity of the Cottage to be maintained.

It is proposed to have timber framed glazed bi-fold doors on the eastern elevation of the pavilion and floor to ceiling timber framed glazed windows on the western and northern elevations. The pavilion will be constructed on a floating timber floor and the footings will be hydro excavated to minimise impact on the nearby trees.

The pavilion will continue to be used as a restaurant and for events. It will have a seating capacity of approximately sixty. No other work is proposed to the Cottage as part of this application.

A map detailing the location of the proposal is at [Attachment A](#).

Part 2 - Public Consultation Requirements

2.1 National Capital Plan

Under the Plan, the requirements for public consultation apply, but are not limited to, certain residential developments, telecommunications facilities (that are not considered low impact) and amending or issuing an instrument under the Plan (including Development Control Plans).

2.2 Commitment to Community Engagement

The NCA's 'Commitment to Community Engagement (August 2011)' details how the NCA conducts consultation. The purpose is to achieve a greater level of consistency and transparency in the NCA's decision making process.

The 'Commitment to Community Engagement' describes:

- the minimum requirements for consultation
- the timeframes for amendments to the Plan
- what is involved in preparing a new Development Control Plan
- the process for amending or issuing an instrument under the Plan
- the process by which WA applications, which are released for public consultation, will be assessed.

Part 2 (Consultation Protocol) of the NCA's 'Commitment to Community Engagement' describes the consultation process for WA applications. The consultation protocol includes criteria for which an application will be assessed, in order to determine whether the application should be released for public notification or full public consultation.

For development applications, the NCA undertakes a risk assessment of each proposal against the assessment criteria set out in the Consultation Protocol. The public notification process directly relates to the information about the NCA's risk assessment of the proposal against the assessment criteria below.

1. What is the likelihood that the proposal will adversely affect existing public space and / or community amenity?
2. What is the likelihood that the proposal will adversely affect existing environmental, heritage or landscape values?
3. What is the likelihood that the proposal is discordant with the general development and amenity of the locality in terms of materials, finishes, scale, massing, design and quality?
4. What is the likelihood that the proposal is inconsistent with an existing Heritage Management Plan (HMP)? (If there is no HMP, this question is not applicable).

The combination of the likelihood and consequence from the criteria described in the above categorises facilitates for an overall perceived risk into five ratings being 'negligible', 'low', 'significant', 'high' or 'extreme'. Works assessed as having an 'extreme' risk will be rejected.

Full public consultation for WAs will be required where the NCA's perceived risk rating is 'significant' or 'high' and also for any development where consultation is a mandatory requirement under the Plan.

When a WA application is lodged and consultation is required, the applicant is required to consult with the community and stakeholders. The NCA may stipulate specific requirements for consultation and, for higher perceived risk proposals, may undertake the consultation process itself.

The NCA may set aside the requirement to undertake full public consultation where:

- (a) previous consultation has been undertaken
- (b) for minor amendments to previously approved works
- (c) proposals are exempt, as demonstrated in the 'Commitment to Community Engagement'

(d) the NCA determines it unnecessary and no stakeholders will be affected.

The Plan has specific requirements in relation to consultation for telecommunications facilities, in relation to any new towers, masts or monopoles.

As the application for the construction of the proposed pavilion addition to the Cottage at Block 3 Section 123 Yarralumla was assessed as having a level of risk greater than 'low', the application was subject to full public consultation.

Part 3 – Summary of Public Consultation

3.1 The public consultation process

Public consultation on the application was undertaken between 2 and 22 August 2014.

The consultation took the form of:

- On Saturday 2 August 2014, publishing a notice in *The Canberra Times* detailing the proposed works and inviting submissions to be made to the NCA in relation to the proposal ([Attachment B](#)).
- Between 4 and 22 August 2014, publishing details of the proposal, including the applicant's plans and planning report on the NCA's website.
- Between 4 August and 22 August 2014, two signs were installed at the entrances to the Cottage.
- On 4 August 2014, the NCA emailed the following key stakeholders; Yarralumla Residents Association and the Yarralumla Nursery.
- The NCA referred the proposal to the ACT Heritage Unit and ACT Conservator Liaison.

3.2 Submissions received, comments and responses

The NCA received no submissions from the general public on the proposal. The NCA received referral responses from the ACT Government agencies detailed above. See [Attachment C](#) for a summary of responses.

3.3 Conclusion

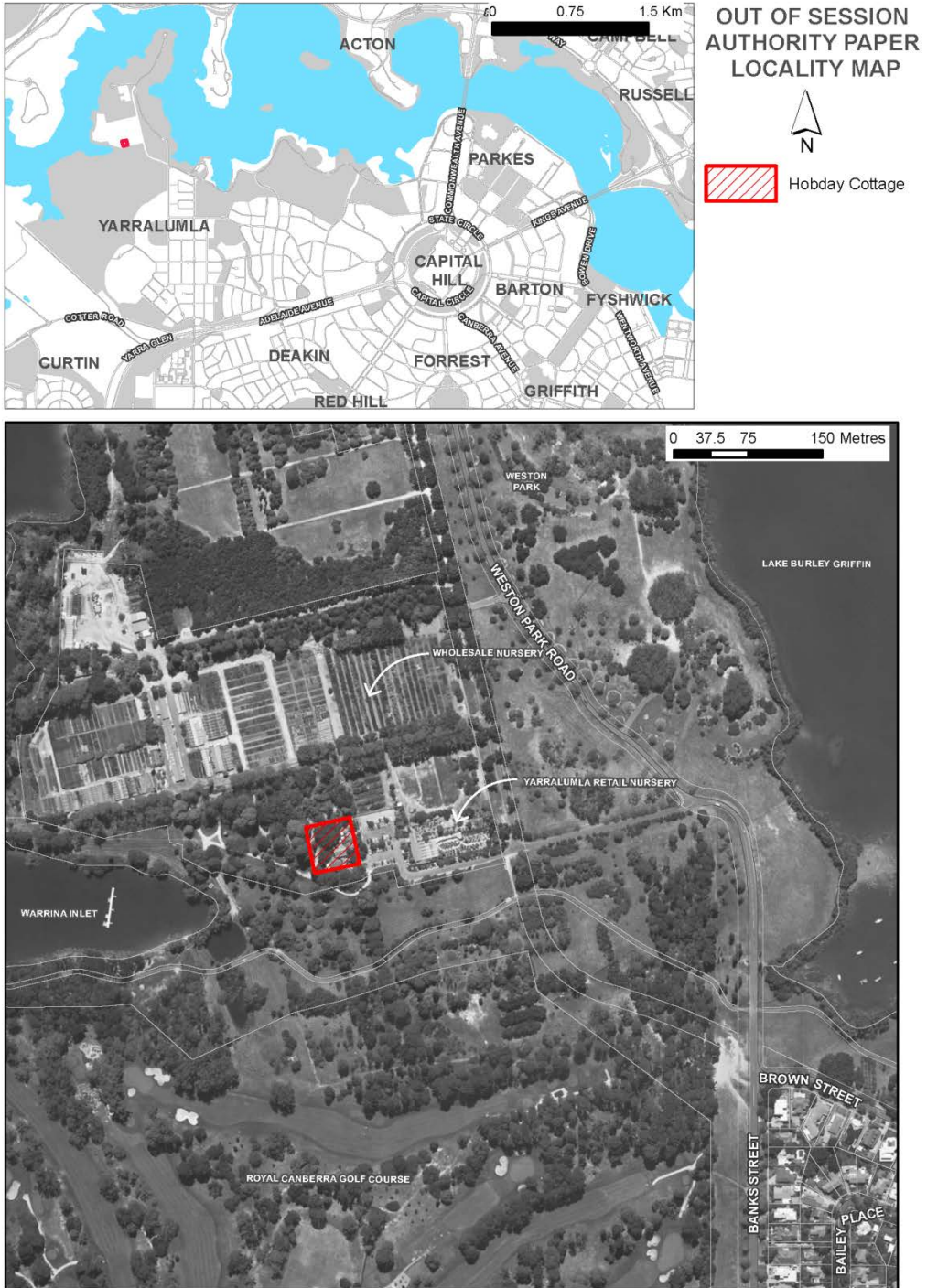
The NCA's consultation process was carried out in accordance with the Plan and the NCA's 'Commitment to Community Engagement'.

Matters raised by the ACT Government agencies during consultation have been addressed consistent with the provisions of the Plan and to the satisfaction of the NCA.

Attachments


- A. Map detailing the location
- B. Copy of the public notice in *The Canberra Times*
- C. Summary of matters raised by ACT Government agencies

Attachment A: Location plan




Attachment B: Canberra Times – Public Notice

Saturday, 2 August 2014

 **Australian Government**
National Capital Authority

Block 3 Section 123 Yarralumla
Proposed pavilion addition to Hobday Cottage (Yarralumla Gallery and Brasserie)
at Yarralumla Nursery



The National Capital Authority has received a works approval application from Boris Nedic for a proposed pavilion addition to Hobday Cottage (Yarralumla Gallery and Brasserie) at Yarralumla Nursery (Block 3 Section 123 Yarralumla).

For comments and more information, visit the NCA's website or contact Sarah Treble on (02) 6271 2888. Write to us at GPO Box 373 Canberra ACT 2601.

Comments close COB Friday 22 August 2014.

ALL SUBMISSIONS, INCLUDING NAMES AND ADDRESSES WILL BE MADE PUBLICLY AVAILABLE AT THE NCA OFFICE AND ON THE WEBSITE, SUBJECT TO APPROVAL IN WRITING BY THE SUBMITTER, IN ACCORDANCE WITH THE NCA'S COMMITMENT TO COMMUNITY ENGAGEMENT.

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Attachment C: Summary of submissions

Note: The National Capital Authority (NCA) undertakes an open and transparent works application process. Works Approval documentation advised that the NCA would prepare a Consultation Report for publication on the NCA website, and that this Consultation Report would include a summary of each submission, along with the name of each person making the submission. Names of submitters have been omitted where a submitter requested confidentiality.

Issue	NCA response
<p>ACT Conservator Liaison</p>	
<p>Provided that no more than 10% of the roots are damaged, the proposal is supported.</p> <p>Although stated in the Canopy Tree Report that the annex has been restricting access to water for a number of years, this is not necessarily the case. Run-off from irrigation and rain plus the access to ground water from the proximity of the nurseries and lake are likely to have raised the water table level throughout this area.</p> <p>During a recent dig last month to access the toilet blocks pipes; the ground was wet to the level of excavation that appeared to be over a metre deep.</p> <p>If dieback appears in the tree due to water stress, provision should be made to allow irrigation into the entire root zone.</p> <p>Please note: This is a registrable quality tree, surrounded by registrable quality trees. Some of the most important trees within Canberra are nearby. All tree works and the access points chosen must be carried out by the Level 5 or equivalent Arborist in such a way that trees are not lifted and the soil remains porous.</p>	<p>Noted. The applicant will be advised of the requirement for all tree works and the access points chosen must be carried out by the Level 5 or equivalent Arborist in such a way that trees are not lifted and the soil remains porous.</p>
<p>ACT Heritage</p>	
<p>The proposed development is unlikely to detrimentally impact upon the heritage values of the place on the basis of the notes below.</p> <p>Notes: Previous advice from the Council requested confirmation that the applicant provides an arborist report to confirm the proposed new pavilion would not compromise the health of the existing <i>Quercus robur</i> in the vicinity of the new pavilion. This has now been provided and the Council has no further objection to the proposed work.</p>	<p>Noted.</p>