# National Capital Plan Draft Amendment 73 – Block 6 Section 4 Yarralumla (Westridge House)

Report on Consultation (September 2011)Table of Contents

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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.

## 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.

# 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 Consultation

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 to draft Amendment 73

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.**

## 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.**

## 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.  Considers that it is important to provide limited public access if possible to the site. | Noted.  Allowing public access will be up to the discretion of the new owner. |
| 3 | Yarralumla Residents Association  PO Box 7123  Yarralumla ACT 2600 | Wants to ensure the ongoing protection of Westridge House is maintained and EPBC Act provisions keep its current state maintained.  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.  Concerned with possibility of future land use policy being altered to accommodate multi-unit development.  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.  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. | 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.  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’.  The NCA agreed that it was willing to propose an amendment to the Plan to allow single residential only as a permitted land use.    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.  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. |
| 4 | Anne Forrest | 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). | 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.  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. |
| 5 | ACT Planning and Land Authority  GPO Box 373  Canberra ACT 2601 | 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’. | Noted. |
| 6 | SEWPAC | 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. | Noted. |
| 7 |  | 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.  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.  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.  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.  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. | The NCA agreed that it was willing to propose an amendment to the Plan to allow single residential only as a permitted land use.  Opening the property for public viewing is at the discretion of the new owners.  The erection of interpretive signage is at the discretion of the new owners. Approvals for signage structures would need to be sought where necessary.  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.  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. |

## Attachment 5

# SCHEDULE 1 AMENDMENT

The National Capital Plan is amended by the following:

## INTRODUCTION

### PART ONE PRINCIPLES AND POLICIES

1 General Policy Plan – Chapter 1 The Central National Area

1. 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)

1. Amend the existing figure 17 The Central National Area (Lake Burley Griffin and Foreshores) with the following:

(new image of Figure 17, image can be found at: <http://www.nationalcapital.gov.au/downloads/planning_and_urban_design/NCP/ncp_images_maps_PDF/Fig17_A3.pdf>)

1. 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.

### PART TWO ADMINISTRATION AND IMPLEMENTATION

1. 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>