



**ACT**  
Government

Environment, Planning and  
Sustainable Development

DEVELOPMENT APPLICATION NUMBER: 202443505		
UNIT/S:	BLOCK/S: 22	SECTION/S: 56
SUBURB: YARRALUMLA		DISTRICT: CANBERRA CENTRAL

**REPRESENTOR 1:**

I have comment regarding this development application and would like a response to following points in terms of how they will be dealt with prior to any approval for the development.

1. What remediation is being supplied to Block 19, Section 56 in the winter months when their solar panel is overshadowed by the planned building in the mornings? The house directly south of the proposed development will also be quite dark and this will impact their 'sun area' on the north-side of the building.
2. The height (five stories) is out of keeping with the rest of the precinct. Two stories (three with a roof, according to the planning document but I am not sure that is accurate) seem to be the normal height in this area – how does ACT Planning determine when height increases are suddenly “ok” but still in keeping with the neighbourhood? Suddenly having a high-rise residential building like this in the middle of Yarralumla does not seem to be practical – the bus route and it's timing would need to be improved.
3. It is VERY difficult finding a park at the precinct when attending our doctors during the day (or a restaurant in the early evening). The planning document **DEVOUTCOMEREP-202443505-02** specifically calls out that no additional parking spaces will be created (or existing spaces demolished). The commercial users of the building (owners and staff) will require all day parking and if the residential occupiers own more than one car, they will naturally seek to park on Bentham Street, which will add to the current parking burden. Public transport to the area will not remediate this.

**REPRESENTOR 2:**

This will need more parking, there will be 3 commercial units approx. 400m2. Let's say they are restaurants/bars 400 people, assume they all drive there 2 in each car. 200 cars. All the parking for current commercial will be removed from the rear of the building. Where will they park? It's difficult there now to park. You will need to remove the restrictions on Hutchins St - allow parking both sides for all hours of the day same for Bentham st up the hill and on the school side. Also same for Hooker

St - it is quite wide and could accommodate more cars. The best idea would be to make the site on the corner of Loftus St and Mueller St which is vacant gov land not used for anything into extra car parking this would help around the school, tennis courts and overflow for the shops. Also demolish the old hall which is one bite from a termite away from collapse it could be rebuilt or be a car park.

### **REPRESENTOR 3:**

The carparking outside the proposed development and within 200m of the shopping centre is usually full of 8am to 6pm at least 5 days a week. I usually cannot get a carpark.

I therefore conclude that currently there is insufficient carparking outside the proposed development and that this will get worse with the proposed development of the Brickworks & CSIRO sites.

The proposed development does not fully provide sufficient carparking for each resident and office worker. This means the development will increase the parking requirements on the street.

I recommend that the development have extra carparking provided on site.

### **REPRESENTOR 4:**

I am the Vice President of the Yarralumla Residents Association (YRA) and one of three members of the YRA that attended two briefing sessions with Stewart Architects regarding the proposed development. These briefing sessions we understood related to a work in progress and we advised the practice principal Marcus Graham that we believed a presentation to the full YRA Committee should be provided once the proposal was fully developed. Whilst this did not occur the we remain committed to working with the property owner and Stewart Architects to achieve a high quality outcome appropriate for the site. I have reviewed the documentation provided with the DA and have participated in the development of a submission which will be provided by the YRA. I fully support the YRA submission. I am supportive of redevelopment of the site provided the development is well considered, of a high quality, in accordance with approved building codes and regulations and is of a scale and style appropriate to the residential setting of the suburb in which the shopping/commercial complex is situated. Scale of the building do not believe a five storey building with potential additions for roof mounted plant installations is appropriate for the site. I understand that the current two storey building will likely be replaced with a larger building but I do not believe a building of five storeys is appropriate for that particular site. The shops/commercial area of Yarralumla is surrounded by single or two storey residential dwellings and a five storey building would stick out and not be well integrated into the suburb and would set a bad precedent for other redevelopments in the complex. Tree removal note the development proposes the removal of eight mature trees. Yarralumla is noted for its tree lined streets and while I expect trees would be planted to replace those removed as the project progressed it will take many years for the amenity provided by the existing mature tress to be restored. Waste collection number of aspects associated the collection and removal of waste are of concern in the DA. General and recycled bins from residential tenants of the property are expected to be lined across the verge of neighbouring property39 Novar Street which is totally unacceptable. The owner of that property can speak for themselves but the use of a verge of an adjoining property for waste removal is inappropriate and must be rejected. Some other solution must be found for removal of general and recycled waste of tenants of the property. The calculations for waste collection and removal for the three commercial spaces do not seem to be based on one or more cafe/restaurant tenants but documentation suggests that such tenants might be sought. Waste associated with cafe/restaurant tenants is much greater than the calculations made in the DA based

on office tenants. The scale of waste to be collected and removed is expected to be greater than the calculations included in the DA which presents numerous adverse consequences. Deliveries and loading facilities for commercial tenants The DA provides for three tenants of north facing commercial spaces but the facilities for handling deliveries and loading do not appear to have been adequately addressed in the proposal which may mean that such activities are expected to be undertaken at the front of the property on Bentham Street blocking traffic or taking car parking spaces which already are inadequate. Car parking The calculations for carparking requirements generated by the development seem to be understated. As it is there is not sufficient car parking spaces provided to meet the needs of the development. The shortage of four car parking spaces it is claimed could be met by parking within 100 metres of the site. Should as expected one or more of the tenants be a cafe/restaurant business the car parking demand would be greater than the provision in the DA. Again calculations in the DA seem to be based on office commercial tenants and not cafe/restaurant commercial tenants. Construction The level of chaos generated during the extended period of disruption for demolition and building seems to have been substantially understated in the DA. Whilst it is claimed the existing car parking area at the southern end of the site is expected to be available for purposes associated with demolition and building, most of the site (approximately 85%) is to be excavated to provide construction of the basements. Therefore the area at the southern end of the site able to be used for the claimed purposes is very limited and expected to be inadequate for this purpose. It would seem inevitable that much of the verge and many car parking spaces along the southern side of Bentham Street along the alignment of the property would be claimed for demolition and construction purposes for a very long time, perhaps up to two years. The parking generated by construction workers would be substantial which would further exacerbate the serious parking problem already experienced at Yarralumla shops with insufficient parking spaces to meet existing demand. The level of disruption in this busy and most crowded area of the suburb will have adverse implications for existing businesses and visiting patrons and residents.

**REPRESENTOR 5:**

I support the YRA submission. This Application is not suitable for this size block of land. The impact on services, businesses and locals is too extreme.

**REPRESENTOR: 6**

I support the YRA submission. A development of this scale is manifestly unsuitable for the site proposed. It should not proceed as proposed. If it is to proceed, it should be reduced in scale through discussions with the YRA, acting on behalf of Yarralumla residents.

**REPRESENTOR: 7**

Once again, a developer's self-interest (greed) takes precedence over the well-being of the unique Canberra community of Yarralumla. Their development application highlights their total disregard of government development guidelines and blatantly ignores any social responsibility in their pursuit of profit. I fully support the submission of the Yarralumla Residents Association in its opposition to this development.

**REPRESENTOR: 8**

I wish you to know that I emphatically support the YRA submission on the above DA.

I am especially alarmed at the height of the proposed development, not only of itself - it would be inconsistent with the current visual amenity of the suburb - but also because it would become a bench mark for future developments in the suburb.

The amenity of this suburb is valued by residents and visitors alike, and this development, if approved, would represent an appalling future for the suburb.

**REPRESENTOR: 9**

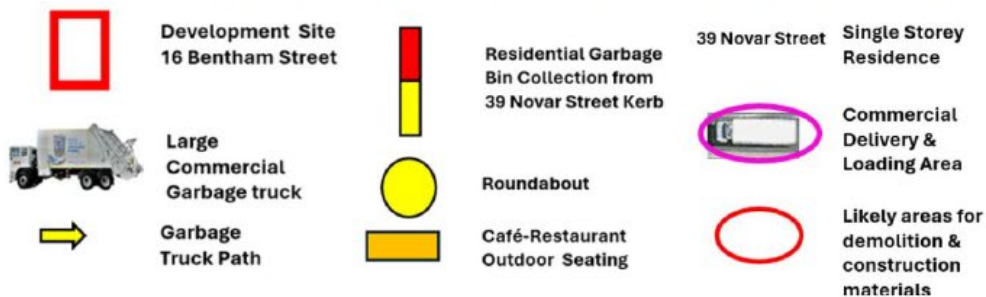
I support the Yarralumla Resident's Association submission to the Environment, Planning and Sustainable Development-Planning regarding DA 202443505.

**REPRESENTOR: 10**

**Yarralumla Residents Association Submission DA 202443505**



**Site Location & Constraints - Section 56 Block 22 Yarralumla 16 Bentham Street**



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[info@YarralumlaResidents.org.au](mailto:info@YarralumlaResidents.org.au)

## **DA 202443505-Section 56 Block 22 Yarralumla**

**(16 Bentham Street)**

### ***Yarralumla Residents Association***

*The Yarralumla Residents Association (YRA) Inc. is a non-profit association incorporated in the Australian Capital Territory. Its aims are:*

*To provide a focus and co-ordination point for representing the views of the Yarralumla community.*

*To work towards maintaining and improving the quality of life of the Yarralumla community; and*

*To keep the Yarralumla community informed about policy, environmental and social issues affecting or likely to affect Yarralumla.*

### **SUMMARY**

The scale of the proposed Development of 5 storeys, in effect 6 storeys owing to Lift Towers and Mechanical Venting on the roof, is not appropriate to the site or zone CZ4. The Commercial Zones Policy for CZ4 Local Centre Zone has a maximum building height of 2 storeys (Figure 1).

A 5 to 6 storey Development in a very small commercial area is excessive. It is in the centre of a residential suburb where no dwelling or commercial building exceeds 2 storeys and, rather than blending in with the landscape, will form a pinnacle visible from outside the suburb.

The scale of the Development cannot fit within the existing site and the site's constraints and comply with the Commercial Technical Specifications. The effects of this non-compliance spills into adjoining public space and adjacent private residences outside the site with major impacts on safety and amenity as outlined below.

### **Waste Management – noncompliant**

Kerbside waste collection of 14 of the multi residential unit bins is NOT located on the Site's kerbside BUT on the adjacent property at 39 Novar Street impacting on the property's amenity and responsibility to maintain the nature strip (Figure 2 and Figure 3).

Commercial waste volumes are NOT based on the site's identified Restaurant/Retail uses but on Office space (Figure 4). Waste generation for an Office is 20L/100m<sup>2</sup> GFA/Day whereas a Restaurant/Café is 660L/100m<sup>2</sup> GFA/Day. Overall, the commercial waste generated is underestimated by a factor of 29.

This underestimate of waste generation has consequences (Figure 5, Figure 6 and Figure 7):

- many more bins upscaled to Hoppers and emptied on a daily basis;
- a much larger commercial waste storage compound;
- manhandling of Hoppers to a flat collection point;
- a front loading, forward entry, 12.5 metre Garbage Truck that will reverse out of the site into the Bus Stop Bay next to the roundabout on Novar Street.

If the garbage compound is not enlarged then the only place for the Hoppers to be stored and emptied is on the neighbour's nature strip alongside the site's residential units garbage bins (Figure 2).

The situation on the generation, storage and collection for recyclables is equivalent and makes the problem even more serious. An Office generates 25L/100m<sup>2</sup> GFA/Day of recyclables, a Shop is 50L/100m<sup>2</sup> GFA/Day and Restaurant/Café 135L/100m<sup>2</sup> GFA/Day. The current provision in the proposed Development is 3 X 240L Recycling bins emptied once a week. Hence whereas the proposal has recycling volumes at 101L/day and 606L/week, based on the proposed usage the recycling required is 432L/day and 2,592L/week.

#### **Loading Docks – noncompliant**

No provision has been made within the site for Loading Docks for Goods deliveries for the commercial units. No Loading Zones exist in the carparking area at the front of the Development in Bentham Street and the eastern site boundary is a Bus Stop Bay.

#### **Resident, Commercial and Visitor Parking – noncompliant**

The assessment of commercial parking spaces is NOT based on the site's identified Restaurant/Retail uses but on Office space. It is stated that 38-40 spaces are required, with 36 basement car parking spaces to be provided, and 4 on-street parking.

The requirement for the Development is 61 spaces when the correct commercial use figures are applied, that is 5 spaces/100m<sup>2</sup> GFA for Shops and 10 spaces/100m<sup>2</sup> GFA for Café/Restaurant, not 2 parking places per 100m<sup>2</sup> GFA for Office.

#### **Privacy – non-compliant**

The setback for the fully enclosed ground floor swimming pool is 6m from the boundary of the adjoining residential property at 39 Novar Street, however the requirement is for a further 9m for privacy – that is a total of 15m.

#### **Noise - noncompliant**

An assessment of external onsite activity noise that may impact adjacent dwellings has not been undertaken.

External noise will emanate from the basement car parks, lifts, garage doors, pool plant, 3 commercial air conditioners and 14 residential air conditioners located on the rear balconies, water heaters, mechanical exhaust venting of the basement car park, commercial tenancies plant including mechanical venting from one of more restaurants/cafes.

#### **Demolition and Construction – noncompliant**

It is not possible for demolition and construction activities and materials to be managed on site. It is not possible, as proposed, to retain the existing carpark area and use it for access to stockpile materials, site sheds and construction waste, whilst at the same time excavating the area for basement carparks (Figure 8).

The only available areas for such use are the Bentham Street on-street car park spaces and the nature strips on the north and east of the development. This would result in the loss of 13 car parks, impact on access to and the safety of the Bus Stop (Figure 9).

Demolition and Construction is likely to take at least 2 years. There will be dust and noise, heavy traffic servicing demolition waste and construction materials, constant beeping as these trucks manoeuvre, and competition for parking from site workers and trades.

There is likely to be considerable impact on access, amenity and passing trade for the local businesses. There needs to be support for these businesses during demolition and construction works so that their viability is not affected.

#### **FIGURES – Pages 18 to 26**

Figure 1 – Location of proposed Development within Yarralumla and Zoning (Page 18)

Figure 2 - PLAN shows 14 of 16 Garbage Bins for 14 Multi Use Residential Development Units collected on nature strip of 39 Novar Street a Single Storey Residence taking up more two thirds of the area (Page 19)

Figure 3 – Development's Residential Waste Collection (Page 20)

Figure 4 – Development's Commercial Waste Calculation is Based on Office Use (Page 21)

Figure 5 - PLAN - Commercial Garbage Trucks turn in Bus Stop Bay and block Basement carpark access (Page 22)

Figure 6-Street View - Commercial Garbage Trucks turn in Bus Stop Bay and block Basement carpark access (Page 23)

Figure 7 – Development's Waste Storage Area (Page 24)

Figure 8 - Demolition (from Sediment Control Plan) (Page 25)

Figure 9 – Demolition/Construction Materials- Areas Outside Development Site that may be appropriated (Page 26)



## PROFILE OF DEVELOPMENT

Existing development	Lease permits
CZ4 Local Centre 2 Storey Building	Medium density residential (including aged persons units).
Currently used for office	Office/professional suites
GFA 875m <sup>2</sup>	Consulting rooms
21 parking spaces	Car parking
Block size 1667m <sup>2</sup>	

Proposed development*(see Development Application p)3	Lease variation amendments
14 Multi Unit Dwellings & communal facilities	Remove car parking as a use
3 Commercial Units – ground floor**	Amend gross floor area restrictions**
5 Storeys Mixed Use 16.1m to 19m	Add restaurant as a use
GFA 3338m <sup>2</sup>	Delete gross floor area and car parking clauses
36 Car parking spaces (2 Basement car parks)	
8 Trees to be removed	
Total Cost \$11,861,950	
**Territory Plan - E2 Commercial Zones Policy - Residential use – CZ4 Where residential development is proposed, the total GFA for commercial and/or retail purposes on the site cannot be reduced by more than 50% unless it is demonstrated to the satisfaction of the Territory Planning Authority: a) the whole centre is currently not commercially viable; or b) the centre will remain commercially viable after the proposed development	

## MAJOR ISSUES

### Scale and Impact of Development

The Proposed Development does not meet the requirement of *Commercial Zones Policy EO2 – CZ4 Local Centre Zone* nor the requirement of *ZS2 – Commercial Zones Specifications - Assessment Outcome 14 on Built Form and Design*

#### *Commercial Zones Policy EO2 – CZ4 Local Centre Zone*

##### *Assessment outcomes – Commercial Zones Site and Land Use (Nos. 5 and 6)*

5. *The proposed use and scale of development are appropriate to the site and zone. This includes consideration of appropriate shop sizes in different commercial centres.*
6. *Adverse impacts of development on surrounding uses (both within a site and on adjoining sites) is minimised and residential amenity protected. This includes between residential uses and between non-residential and residential uses.*

#### *ZS2 – Commercial Zones Specifications - Assessment Outcome 14 Built Form and Design*

*The height, bulk and scale of the development is appropriate, noting the desired zone policy outcomes and the streetscape. This includes building envelope and setbacks.*

*14.1 Building heights are a maximum of: (b) in CZ4 Zone 2 storeys*

The scale of the proposed Development of 5 storeys is not appropriate to the site or zone - CZ4 Local Centre which sets a maximum building height of 2 storeys (Figure 1).

The development is in effect 6 storeys, not 5 storeys, owing to the lift motor rooms on top of the roof. The roof top also needs to accommodate building structures for mechanical venting for the proposed restaurants and for the basement car parks – these have been omitted from the proposal.

There are just two street blocks that comprise the CZ4 Local centre of Yarralumla Shops. This small commercial area is in the middle of a residential suburb where no dwelling or commercial building

exceeds 2 storeys. The proposed Development is thus excessive in terms of height and density and rather than blending in with the landscape will form a pinnacle visible from outside the suburb.

The proposed Development has adverse impacts on the adjoining residential area which is RZ1 and RZ2.

The proposed development exceeds the capacity of the site to comply with the Commercial and Residential Technical Specifications in regard to: Waste Management; Loading Dock requirements; site services, including mechanical venting for the basement carparks and restaurants; and provision of commercial carparking.

There are also major impacts on the adjacent single storey residence at 39 Novar Street in regard to: Waste Management as the kerbside designated bin collection area for 16 bins is not on the Development's kerb frontage but on that of the adjacent property, 39 Novar Street.

Ground floor setbacks required to ensure privacy of the ground floor enclosed swimming pool which forms part of the main complex building are not met (15m required, only 6m allowed).

Winter Solstice Solar (21 June) access requirements between 9am and 3pm for the adjacent residential dwelling at 39 Novar Street are not met owing to overshadowing by the proposed Development.

#### Waste Management

The Proposed Development does not meet the requirement of ZS2 – *Commercial Zones Specifications Assessment Outcome 27 Waste Management* nor the mandatory requirements of *Development Control Code for Best Practice Waste Management in the ACT 2019* in particular PART 7.4 (see 1, 2, 8 and 9 below).

#### *ZS2 – Commercial Zones Specifications Assessment Outcome 27*

*Waste is appropriately managed on site without having a detrimental impact on residents and surrounding areas.*

#### *Development Control Code for Best Practice Waste Management in the ACT 2019 PART 7.4*

##### *7.4 Designated collection points*

*Designated collection points must not be located:*

1. near intersections
2. near roundabouts or slow points
3. along busy arterial roads
4. in narrow lanes
5. near possible obstructions, including trees, overhanging buildings, and overhead powerlines
6. where they pose a traffic hazard
7. adjacent to steeply sloping ground that has no barriers
8. across pedestrian pathways
9. external to the grounds of the facility (except for kerbside collection) or

10. where collections may impede vehicle or pedestrian access or egress to underground or surface car parks.

The commercial waste collection for the Multi Storey Development is proposed to occur on the main accessway (driveway), with the rear loading 8.8m MRV (Medium Rigid Vehicle) Garbage Truck reversing into the site driveway from the Novar Street Bus Stop Bay, collecting waste and exiting in a forwards direction. The garbage trucks will thus block the Bus Stop Bay set back whilst manoeuvring, and also block vehicle access to the basement carpark ramp by residents (Figure 5 and Figure 6). The driveway access is also adjacent to the Novar and Bentham Street roundabout. It is of note that in the ACT the Commercial Garbage trucks are all 11m rear loaders that require more loading space and more manoeuvring room than the proposed 8.8m Garbage Truck which is not available in the ACT.

Commercial waste volumes are NOT based on the site's Restaurant/Retail uses but on "Office space" (DA Response -*Commercial Zones Specifications Assessment Outcome 5*) (Figure 4). Waste generation for an Office is 20L/100m<sup>2</sup> GFA/Day whereas a Restaurant/Café is 660L/100m<sup>2</sup> GFA/Day and a Shop is 50L/100m<sup>2</sup> GFA/Day. That is the waste generated will be a total of 1,849L/day and 11,097L/week, not 81L/Day and 486L/week. The waste generated is thus underestimated by a factor of 29. Currently only three 240L waste bins are provided with emptying once per week. This has consequences requiring upsizing to 3 large hoppers with daily emptying, a much larger commercial waste storage compound, a 12.5 metre forward entry Heavy Rigid Vehicle Garbage truck, and a flat collection point. The current proposal has 3x 240L bins emptied once per week (Figure 4 and Figure 7).

A consequence of the use of Hoppers, is the need for the much larger 12.5 metre Garbage Truck with front loading which will have to enter the ramp in a forwards direction and reverse out into the Bus Stop Bay next to the roundabout on Novar Street (Figure 9). In addition the large Hoppers will need to be manhandled into place and be on flat ground. The current size of the commercial garbage bin compound is too small to accommodate the required number of bins and the large hoppers will not fit through the entry (Figure 7). If the garbage compound is not enlarged then the only place for the Hoppers is on the neighbour's nature strip alongside the site's residential units garbage bins. This is not an acceptable outcome.

The above covers only commercial waste to landfill. The situation on the generation, storage and collection for recyclables is equivalent and makes the problem even more serious. An Office generates 25L/100m<sup>2</sup> GFA/Day of recyclables, that for a Shop is 50L/100m<sup>2</sup> GFA/Day and Restaurant/Café 135L/100m<sup>2</sup> GFA/Day. Hence whereas the proposal has recycling volumes at 101L/day and 606L/week, recycling required based on the proposed usage is 432L/day and 2,592L/week. The current provision in the proposed Development is three 240L Recycling bins.

Thus the commercial waste collection proposed is non-compliant with the mandatory requirements of the *Development Control Code for Best Practice Waste Management in the ACT 2019*.

For the residential waste from the Development's 14 Units, the proposed designated kerbside collection point is not on the kerb frontage for the development as this is an exclusion zone because of the Bus Stop Bay (Figure 5). Instead the Development proposes to use most of the nature strip of the adjoining property 39 Novar Street for kerbside collection of 14 of the 16 garbage bins (Figure 2). This does not meet the requirements R2.4 of the *Development Control Code for Best Practice Waste Management in the ACT 2019*, which is "the location of the designated collection point, dimensions of the available kerb frontage for the development, clearances to street trees and other obstructions and the indicative MGB presentation layout to ensure sufficient space".

The proposed kerbside waste collection is non-compliant with the *Development Control Code for Best Practice Waste Management in the ACT 2019* and has an unacceptable impact on the residence at 39 Novar Street and its nature strip frontage (Figure 2). Noting also that the owners of this property have the responsibility for the maintenance of their nature strip.

There is a legal requirement to provide grease traps for cafes and restaurants so that Liquid Trade Waste from commercial businesses is permitted to be discharged into the sewerage system (*Clause 16.2 of the Water Supply and Sewerage Service Standards Code (2000)*) This is the responsibility of ICON Water in the ACT.

Grease Traps need to be installed close to the kitchen and require venting and usually drain by gravity. The commercial premises require grease traps in the basement carpark that can be accessed for regular maintenance and inspection. There is no provision in the proposed Development for accessible grease traps in the basement carpark. To make such a provision will reduce the number of parking bays.

#### Loading Docks

The Proposed Development does not meet the requirement of *ZS2 – Commercial Zones Specifications Assessment Outcome 28, specification 28.4* on provision of *Loading Docks and Goods Vehicles*

#### *ZS2 – Commercial Zones Specifications*

*Assessment Outcome 28 - The site is appropriately serviced in terms of infrastructure and utility services and any associated amenity impacts are minimised.*

#### *28.4 Loading Docks and Goods Vehicles*

#### *28.4 the development complies with the following*

*(a) Goods loading and unloading facilities are located within the site and allow for service vehicles to enter and leave the site in a forward direction.*

The proposed Development has 3 Ground Floor Commercial Units for Retail and Restaurant totalling 405m<sup>2</sup>. No provision has been made within the site for Loading Docks for Goods deliveries for the commercial units. No Loading Zones exist in the carparking area at the front of the Development in Bentham Street and the eastern site boundary is a Bus Stop Bay. The existing right angle carparking does not meet current standards as the road is far too narrow. Hence it is not possible to provide Loading Zones in this area because of the narrow road and existing parking constraints. Thus under the proposed Development Application all deliveries for commercial and retail will need to be at the front of the Development resulting in double parking whilst they are in progress which will block the road and the public car parks. This is re-enforced by the plans showing that the three commercial premises do not have any rear door access.

## Resident, Commercial and Visitor Parking

The Proposed Development generally meets the requirement of ZS2 – Commercial Zones Specifications Assessment Outcome 5 but does not meet the requirement of: ZS2 – Commercial Zones Specifications Assessment Outcome 26 in regard to provision of Vehicle parking.

*ZS2 – Commercial Zones Specifications Assessment Outcome 5 Specification 5.3 - the permitted Ground floor uses in CZ4 includes Shop and Restaurant.*

### *ZS2 – Commercial Zones Specifications Assessment Outcome 26*

*Vehicle and bicycle parking sufficiently caters for the development while minimising visual impacts from the street or public place. This includes consideration of parking location, dimensions and number of spaces provided.*

*26.1 The development complies with the following:*

*a) Parking spaces are provided on site at the rate and location in Table 5*

Table 5 Parking provision rates (extract)	
Development in CZ4 Zone	Spaces
Business Agency	3 spaces/100m <sup>2</sup> GFA
Cafe	10 spaces/100m <sup>2</sup> GFA
Office	2 spaces/100m <sup>2</sup> GFA
Restaurant	10 spaces/100m <sup>2</sup> GFA
Shop	5 spaces/100m <sup>2</sup> GFA

The Development Application (DEVOUTREP-202443505-02) response to Assessment Outcome 5 re-enforces the change in use from office space to retail/restaurant.

*“The proposed redevelopment has a commercial GFA of around 405sqm which is a reduction of greater than 50% (noting only slightly greater than 50%).*

*Whilst commercial GFA is reduced, the use change of use from office to retail/restaurant will likely facilitate a higher occupancy than the existing office usage, and provide Yarralumla with much needed northern active frontage within the local centre, contributing to increased daytime usage”.*

The Proposed Development, Traffic Analysis (TRAFFICREPORT-202443505-01), has totally miscalculated the number of commercial parking spaces required as 38-40 spaces. The Development will provide 36 basement car parking spaces, including one accessible commercial space. The remaining 4 to be on-street parking within 100m of the site.

The proposed commercial use of the Development is Retail (shop) and Restaurant NOT Office. However the requirements for commercial parking have been calculated on the lower figures for Office of 2 parking places per 100m<sup>2</sup> GFA not the correct figures of 5 spaces per 100m<sup>2</sup> GFA for Shops and 10 spaces per 100m<sup>2</sup> GFA for Café/Restaurant.

The Development Application calculation for 40 spaces is as follows:

Residential 2 spaces per 3 Bedroom unit = 28 spaces

Visitor 1 space/4 dwellings =4 spaces

Office 404m<sup>2</sup> GFA 2 spaces/100m<sup>2</sup> GFA=8 spaces

Total spaces provided on site=36

Total spaces required =40

The correct calculation for the proposed Development as per *ZS2 – Commercial Zones Specifications Table 5 – Parking rates and location requirements* is:

Residential 2 spaces per 3 Bedroom unit = 28 spaces

Visitor 1 space/4 dwellings =4 spaces

Motorcycle parking 1 space

Shop/ Restaurant 404m2 GFA 2.5 to 10 spaces/100m2 GFA

1 Shop, 1 Café and 1 Restaurant = 28 spaces

Total spaces provided on site =36

Total spaces required = 61

Thus as the Development is to provide only 36 spaces on site, and there is a requirement for 61, thus there is shortfall in residential and commercial of 25 spaces. If not provided on site there will be a significant daily impost on street parking as the carpark at the Yarralumla Shops is constantly oversubscribed. This will be exacerbated by the fact that commercial deliveries (multiples per day) have not been provided for as there is no Loading/ Delivery Dock.

There is no estimate of new requirements for on street parking requirements to cater for the additional customers and clients of the three commercial units which will place further pressure on existing parking at the Shops which is already fully utilized.

The current parking at the Yarralumla Shops at Bentham Street of 46 bays is oversubscribed and causes many accidents, including by former Prime Minister Scott Morrison in 2021. This on road parking area does not meet Australian Standard 2890.5. This is due to the 90 degree parking on both sides is on a road that is only 7m wide. To exit a parking space cars must reverse across the other side of the road causing many accidents. Further parking pressure cannot be sustained.

The Development Application has estimated the availability of on-street parking based on a Cardno study of 127-147 Beach Street, Beacon Cove, Melbourne, Victoria that has no relevance to Yarralumla. There are recent analyses for Yarralumla by Cardno, AECOM and others for CSIRO Forestry Site, Banks Street and the Canberra Brickworks, Denman Street.

#### Privacy

The Proposed Development does not meet the requirement of *ZS2 – Commercial Zones Specifications Assessment Outcome 6* on adverse impacts within and adjoining sites; *Assessment Outcome 16* on privacy of adjoining blocks; and *Assessment Outcome 27 on Waste management*.

#### *ZS2 – Commercial Zones Specifications*

##### *Assessment Outcome 6*

*Adverse impacts on surrounding uses both within a site and on adjoining sites is minimised and residential amenity protected.*

##### *Assessment Outcome 16*

*Reasonable levels of privacy to dwellings and private open space within a block and on adjoining residential blocks is achieved.*

*16.1 Minimum separation between buildings is provided in the table below*

*5-8 storeys Unscreened element to unscreened element 9m. Note this specification is in addition to setback provisions.*

*Assessment Outcome 27 Waste is appropriately managed on site without having a detrimental impact on residents and surrounding areas.*

There is a fully enclosed ground floor swimming pool that forms part of the rear of the building and is offset from the boundary of the adjoining residential property at 39 Novar Street by 6m. The rear offset requirement is 9m for privacy in addition to the setback requirement of 6m. This is a major shortfall of 9m on the requirement and has a significant impact on noise and the privacy of 39 Novar Street.

#### Noise

The Proposed Development does not meet the requirement of ZS2 – Commercial Zones Specifications Assessment Outcome 23 - Environmental risks, including noise, are appropriately considered for the development of the site and compliance with Compliance with Environment Protection Regulation 2005 and Noise Standards ACT cannot be demonstrated.

#### ZS2 – Commercial Zones Specifications

##### Assessment Outcome 23

Environmental risks, including noise, bushfire, flood, contamination, air quality or hazardous materials are appropriately considered for the development of the site

23.1 Where any of the following uses are proposed or permitted in the same or an adjacent development: e) Indoor recreation facility, h) outdoor recreation facility i) restaurant -Noise and vibration are to be mitigated to reduce impacts

Compliance with Environment Protection Regulation 2005 and Noise Standards ACT - Noise standards - Access Canberra is required

The Development Application document (NOISE -202443505-01) advises that because plant and equipment has not been selected an assessment of external onsite activity noise that may impact adjacent dwellings has not been undertaken. The criteria to be met in all directions is 45 dB(A) during the daytime period and 35 dB(A) during the nighttime period.

External noise will emanate from the basement car parks, lifts, garage doors, pool plant, air conditioners, water heaters, mechanical exhaust venting of the car park located on the roof, and the plant associated with the commercial tenancies including mechanical venting from one of more restaurants and cafes. The design of the Development does not currently provide for venting of the basement car parks or the proposed restaurant/café. Each of the 14 residential units has an air conditioning condenser located on the balcony at the rear of the Development facing the adjacent 39 Novar Street dwelling. The noise generated by these individually and together is likely to be considerable with each being a 20kw to 30kw unit.

An assessment of the level of external noise emissions likely to be generated from plant and equipment and the impact on areas adjacent to the Development must be undertaken before the

Development Application is approved, as modifications to the design and scale of the Development are likely to be necessary. This is particularly the case to avoid major impacts on the adjacent 39 Novar Street single storey residential dwelling.

#### Demolition and Construction

The Proposed Development does not address the requirements of ZS2 – Commercial Zones Specifications Assessment Outcome 28 on amenity impacts of services and utility endorsement of demolition; nor for minimising the impact of demolition and construction as set out in the *Environment Protection Guidelines for Construction and Land Development in the ACT*.

*Environment Protection Guidelines for Construction and Land Development in the ACT (Environment Protection Authority) August 2022 on addressing the impacts of noise, air emissions, waste management and land contamination - Environment Protection Guidelines for Construction and Land Development in the ACT.*

Other regulatory requirements that apply to demolition and construction including Australian Standard AS 2601-2001.

#### ZS2 – Commercial Zones Specifications

##### Assessment Outcome 28

The site is appropriately serviced in terms of infrastructure and utility services and any associated amenity impacts are minimised.

##### 28.3 Demolition – utility endorsement

For demolition works endorsement is achieved from relevant utility providers

There has been no specification or assessment of the approach to demolition and construction and how the impacts of noise and dust can be mitigated on the adjacent area.

The Plan SEDIMENT- 202443505-1 identifies that the existing carpark area is to be retained during construction, and the construction materials stockpile, construction waste bins and site sheds and amenities are located against the boundary of the 39 Novar Street residence with their associated dust noise and constant activity (Figure 8).

The proposed Development requires not only the demolition of the two storey office building and carpark but also the excavation of 85% of the site for the construction of the two levels of basement carparks and access ramps. Thus it is not possible to retain the existing carpark area and use for access to stockpile materials, site sheds and construction waste whilst at the same time excavating it for basement carparks (Figure 8).

Thus demolition and construction activities and materials cannot be managed on site. The only available areas are the Bentham Street car park spaces at the site frontage and the nature strips on the north and east of the development. This would result in the loss of at least 13 car parks, and impact on access to and the safety of the Bus Stop. These areas should not be utilized for these purposes as this would have major impact on access to the Yarralumla shopping centre and its amenity (Figure 9).

Demolition and Construction is likely to take at least 2 years. There will be impacts from the heavy traffic taking away demolition and waste, delivering construction materials, and there will be constant beeping as these trucks manoeuvre. In addition there needs to be parking available for the



multiple construction workers and trades. The Development Application documents advise that a crane will be used to remove construction waste from each floor.

Of major concern is the likely impact on the businesses and shops on the northern side of Bentham Street opposite the Development Site. Given the noise, dust construction traffic, cranes, and loss of parking there is likely to be considerable impact on access, amenity and passing trade. The Local Businesses including the Supermarket, Pharmacy and Yarralumla Surgery will be affected. In particular the Sushi Ten, Café Farmers Daughter, Cork and Glass, and the Dress Shop “Nunie” which have outdoor seating and displays on the footpath, are likely to experience a loss of patronage. These businesses experienced a downturn in trade affecting their viability when the Kent Street Bridge was closed for 4 weeks in 2023 during the construction of traffic lights. Hence a longer term loss of amenity and passing trade during construction could have a major impact.

Support for the existing businesses in the Yarralumla Commercial Centre during demolition and construction works on Section 56 Block 22 must be addressed to ensure the viability of the commercial enterprises located there.

#### Planning References for Major Issues

##### 1. Scale and Impact of Development

###### Commercial Zones Policy EO2

CZ4 Local Centre Zone -Assessment outcomes – Commercial Zones Site and Land Use (Nos. 5& 6).  
Proposed use and scale and adverse impacts on adjoining sites and amenity.

###### ZS2 – Commercial Zones Specifications

Assessment Outcome 14 - Height, bulk and scale of the development is appropriate.

##### 1. Waste Management

###### ZS2 – Commercial Zones Specifications

Assessment Outcome 27 - Waste managed on site without impact on residents and surrounding areas.

##### 1. Loading Docks

###### ZS2 – Commercial Zones Specifications

Assessment Outcome 28 - Site infrastructure and utility services minimise amenity impacts. Loading Facilities on site.

##### 1. Residents, Commercial and Visitor Parking

###### ZS2 – Commercial Zones Specifications

Assessment Outcome 26 - Vehicle parking for the development is on site at specified parking rates.

##### 1. Privacy

## ZS2 – Commercial Zones Specifications

Assessment Outcome 6 -Impacts on adjoining sites and amenity.

Assessment Outcome 16 – Privacy in block and adjoining residential blocks.

### 1. Noise

## ZS2 – Commercial Zones Specifications

Assessment Outcome 23 Environmental risks, including noise and air quality considered in development of site.

### 1. Demolition and Construction

## ZS2 – Commercial Zones Specifications

Assessment Outcome 28 - Site infrastructure and utility services minimise amenity impacts.

**Figure 1 – Location of proposed Development within Yarralumla and Zoning**

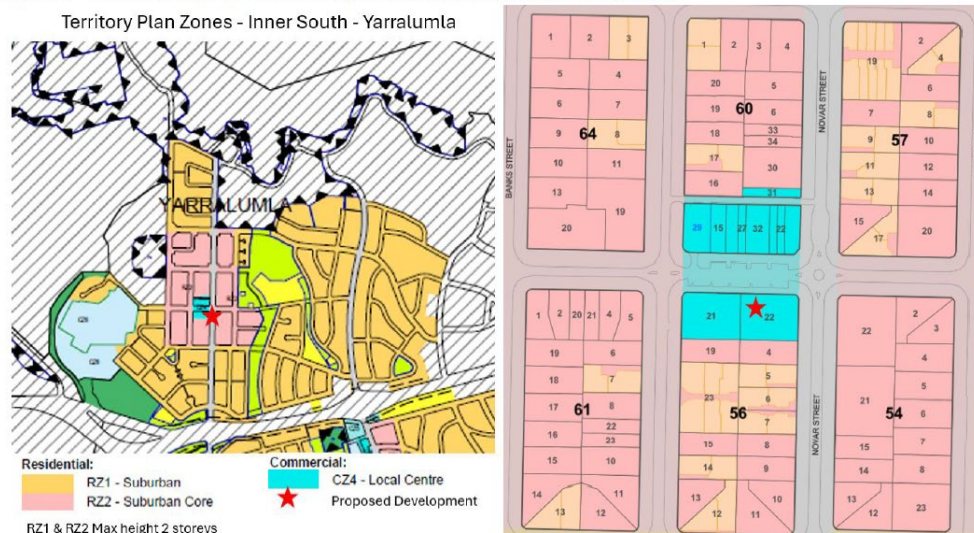


Figure 2- PLAN shows 14 of 16 Garbage Bins for 14 Multi Use Residential Development Units collected on nature strip of 39 Novar Street a Single Storey Residence taking up more two thirds of the area

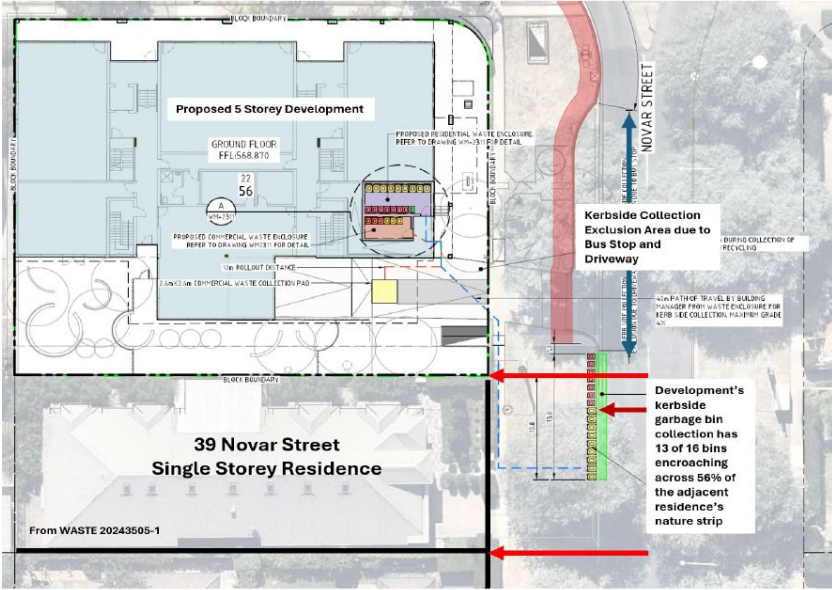


Figure 3 – Development's Residential Waste Collection



Figure 4 – Development's Commercial Waste Calculation is Based on Office Use



Figure 5 - PLAN - Commercial Garbage Trucks turn in Bus Stop Bay and block Basement carpark access

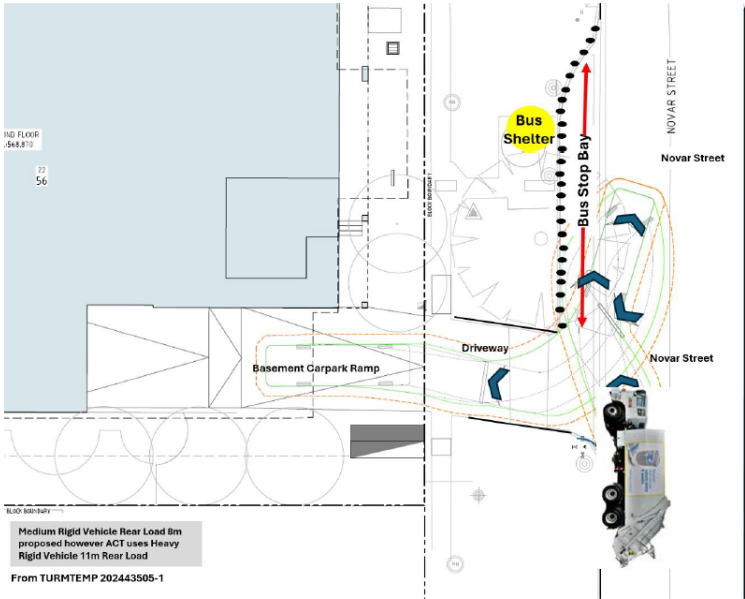




Figure 6-Street View - Commercial Garbage Trucks turn in Bus Stop Bay and block Basement carpark access



Figure 7 – Development's Waste Storage Area

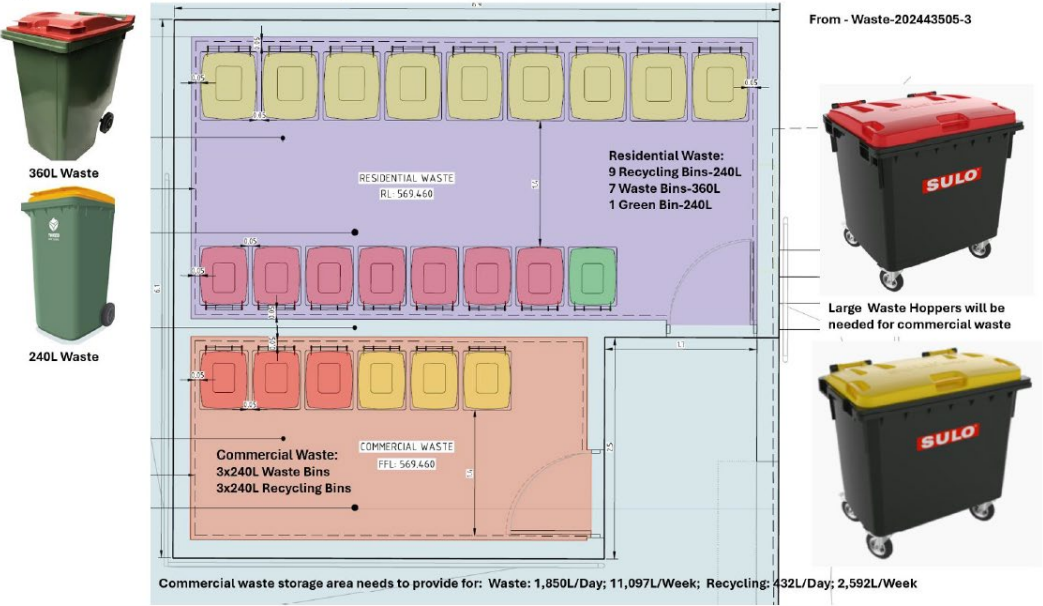


Figure 8 - Demolition (from Sediment Control Plan)

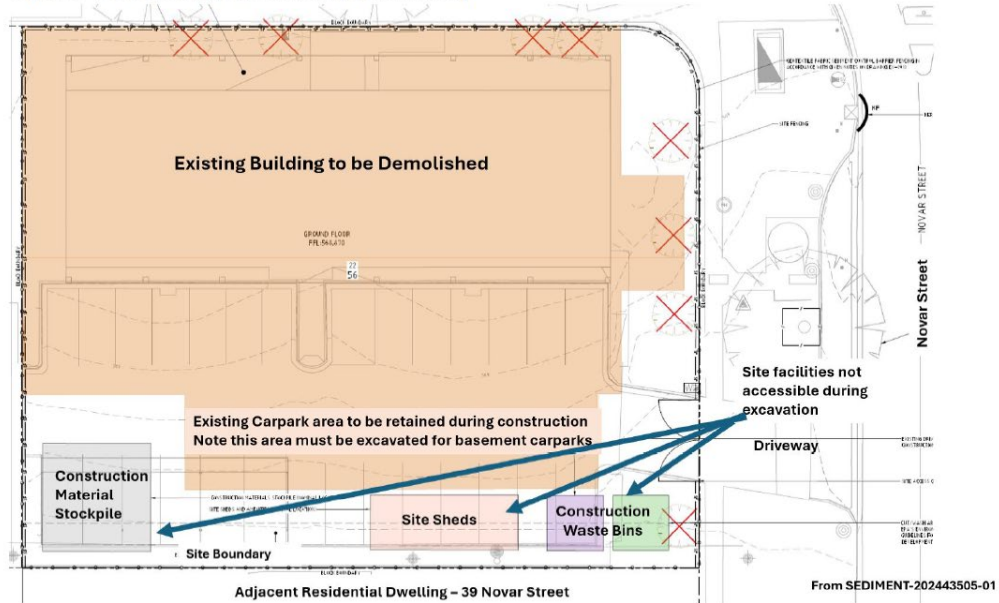


Figure 9 – Demolition/Construction Materials- Areas Outside Development Site that may be appropriated



REPRESENTOR: 11

I support the YRA Submission

**REPRESENTOR: 12**

I support YRA Submission DA 202443505

**REPRESENTOR: 13**

I SUPPORT THE YRA SUBMISSION

I strongly object to this proposed development. The area is too small to incorporate a 5-storey building and will destroy the village atmosphere of the small shopping centre. The scale of disruption to local business, the traffic hazards and the already insufficient parking all make this proposed development an unimaginable disaster.

**REPRESENTOR: 14**

I support the objections of the Yarralumla Residents association regarding the development at the Yarralumla Shops

**REPRESENTOR: 15**

I wish to notify you that I fully support the YRA Submission regarding this redevelopment.

As a local resident for approximately 14 years, increasingly I am wary about driving to the Yarralumla shopping precinct because of the difficulty of safely accessing parking space & the lack of safe pedestrian allowance. I am extremely concerned that this redevelopment has inadequate facilities for the increased parking and vehicular access it will engender, hence there will be an even greater risk of car accidents & personal injury to drivers and pedestrians, should it be built as proposed.

The issue of garbage disposal & collection for a building of this size & proposed commercial use on Novar Street will, I believe, endanger bus commuters as well as occupants accessing the adjoining private property by the size, noise, frequency, & limited manoeuvrability of the necessary collection vehicles. This should be a primary consideration for any new building construction.

Being one of the oldest suburbs in the ACT, with a significant Heritage-listed building nearby on Banks Street, I believe it is important to retain the unique, village-style ethos of this suburb for future generations. The (apparently understated) height & substance of this proposed redevelopment flagrantly destroys any chance of doing this.

I strongly object to the removal of 8 established trees in order for this construction to occur. Any construction must be able to be built without damage to this aspect of our Environment.

**REPRESENTOR: 16**

I wish to comment on the above proposed development at 16 Bentham Street, Yarralumla.

The Yarralumla Residents Association has undertaken a detailed and extensive evaluation of the proposal and have identified significant areas of noncompliance. I support this evaluation and confirm that I strongly oppose the proposed development in its current form.

In addition, I consider it entirely inappropriate that the Planning Authority should publish for public and community comment, a proposal which is so clearly non-compliant. The Planning Authority needs to act as more than a mere post box and expect that volunteer members of the community take on the significant workload involved in evaluating a DA of this complexity and extent. Before requesting community feedback, the Planning Authority should ensure that a DA is substantially compliant.

**REPRESENTOR: 17**

I agree with the submission of the Yarralumla Residents Association for the same reasons that they have stated.

**REPRESENTOR: 18**

I support the Yarralumla Residents Association (YRA) submission to the above Development Application at 18 Bentham Street Yarralumla or at the Yarralumla shops.

**REPRESENTOR: 19**

We support the YRA's submission

**REPRESENTOR: 20**

<https://yarralumlaresidents.org.au/assets/738988ecb4/BLOC-Submission-10-03-2025-V12-Final.pdf>

Parking at the Yarralumla shops is already totally inadequate. With the separate approvals of major additional developments at the nearby Brickworks and CSIRO sites, the infrastructure of Yarralumla is being overwhelmed to the detriment of residents.

This application for a 5-6 storey development on the busy corner of Novar and Bentham Streets will worsen existing and future parking problems from an influx of additional traffic. An assessment of the impact of traffic from this development cannot be done in isolation to the impact of total traffic in the suburb from other planned developments. This corner and the small local shopping centre, which is the hub of the Yarralumla community, simply does not have the capacity for further traffic and parking demand. Waste storage and removal will also be problematic.

The development is excessive for the area and will create unwanted issues for residents and visiting users of the shopping centre, as comprehensively articulated in the YRA submission.

The YRA informs residents that contrary to statements in the DA the YRA has not advised the developer that it supports the development.

**REPRESENTOR: 21**

I support the YRA Submission.

**REPRESENTOR: 22**

I am writing to formally oppose Development Application No. 202443505 due to its significant negative impact on the local environment, suburban character, and community amenity. The scale and density of the proposed development are incompatible with the existing neighbourhood and will create substantial concerns for residents and businesses.

**Environmental Impact**

The proposed removal of eight mature trees is highly concerning, as it will reduce green cover, impact local biodiversity, and contribute to the urban heat effect. The increase in hard surfaces and loss of vegetation will degrade air quality and natural drainage patterns, affecting sustainability and liveability in the area.

**Local Presence and Suburb Aesthetics**

This high-density, five-storey development is out of character with the surrounding streetscape, which predominantly consist of lower-density housing and small-scale commercial establishments. It



will create visual bulk, overshadow adjacent residences, and negatively alter the suburb's aesthetic charm.

#### Traffic, Parking, and Waste Management Issues

With only 36 parking spaces for 14 residential units and 3 commercial premises, the development will significantly increase street congestion, affecting residents and local businesses. The added pressure from waste collection, deliveries, and loading zones will further strain existing infrastructure, leading to potential safety hazards for pedestrians and drivers.

#### Construction Disruptions and Long-Term Community Impact

The limited site footprint and surrounding road constraints will cause extensive disruption during construction, with heavy vehicle access, materials storage, and parking for tradespeople impacting local amenity. Noise, dust, and traffic congestion will negatively affect residents, customers, and workers in nearby shops.

Given these concerns, I strongly urge the Environment, Planning, and Sustainable Development Directorate to reject Development Application No. 202443505 or require substantial modifications to mitigate these adverse effects.

I request that my objection be formally recorded, and I look forward to being informed about the progress of this application.

#### **REPRESENTOR: 23**

As a Yarralumla resident I am concerned by this proposed development. Please reconsider the size and scope of this development.

I support the YRA submission.

#### **REPRESENTOR 24:**

I would like to give my **strongest support to the YRA Submission**. 5 stories high! This is utterly madness.

This part of Bentham street is already today impossible to drive through and to squeeze in such a large building on a small piece of land is not very nice at all.

It's out of character and why must Canberra be so developed and in an ugly way. Where is the love of aesthetics?

It would look like a big ugly pillar and it will remove any kind of privacy for people living around that corner.

SO FOR ME ITS a BIG NO!

#### **REPRESENTOR 25:**

1. Proposed demolition of a relatively new building is wasteful of resources. (It is the much older buildings (and the derelict block) on Bentham Street which need renewal.) 2. Provision for parking of vehicles appears inadequate. This will inevitably lead to more parking problems in an already congested area. 3. One bicycle rail for two visiting bicycles is not enough. 4. At 5+ storeys the proposed development is too tall and out of keeping with the surrounding area. 5. Street trees may reduce the visual impact of the multistorey development, but the plan is to remove all the

surrounding trees. 6. Given that there is already empty restaurant space in the same street, is there a need to build another one?

**REPRESENTOR 26:**

I support the YRA submission, with specific reference to: the number of stories/levels proposed (5 to 6) which far exceed the established height levels (two) for residential and commercial buildings in Yarralumla. No obvious consideration/explanation as to how such a development will be consistent with existing Yarralumla residential/commercial situation; the extended period of disruption (estimated at two years) to the amenity of existing shopping and professional office spaces during the proposed construction phase, with special reference to already severely pressured parking availability; apart from expected daily heavy construction related vehicle traffic, no consideration apparent for parking for construction workforce? Insufficient attention has been given to the potential for these aspects to incur major, ongoing inconvenience for Yarralumla shops and professional offices.

**REPRESENTOR 27:**

Thank you for the opportunity to comment on the proposed development of this significant site within our suburb. Overall, it is exciting to see continued interest in building and living in one of Canberra's original suburbs. However, proposals need to sit comfortably within the environment.

As a resident, I am a beneficiary of planning decisions made decades ago. It is no accident that Yarralumla, along with other suburbs around our Parliament House, has its wide, tree-lined streets and parklands. Residents have repeatedly affirmed the value of our open spaces and environment. I am concerned that this development will only be the first of many that will fundamentally change the nature of our garden suburb and reduce public amenity.

While the architect's brief is to provide larger apartments which are not readily available in the market, which are adaptable and allow ageing in place, that task should be completed within the existing planning rules and with all due consideration to the people and place in which the building will sit. The rendered impression on the cover of the outcomes report shows a building out of place in this location.

The Yarralumla Residents Association has circulated its submission to the application. I am a member of the YRA and support the submission. As a resident, I am particularly concerned that the developer has glossed over issues relating to the constrained site, including parking, overshadowing, waste management, retained water usage and fire safety.

**Providing sufficient on-site parking**

The lack of sufficient on-site parking and reliance on public car spaces to achieve minimum standards is a significant fault in this proposal. While it may seem innocuous at this stage, future developers may seek to apply the same rules to their proposals. Parking at Yarralumla shops is already significantly constrained, to the detriment of residents, businesses, and visitors.

Parking is an issue around most apartment blocks, and I am not aware of any in Canberra of this type that adequately meets this need. At least, in this case, two car parks are provided for each residential unit.

The traffic report showed that sufficient public parking was available at the shops, or within short walking distance at the time surveyed. More extensive surveys should be conducted at Yarralumla shops as residents know that parking is often not readily available. I noted that only one spot was vacant at 9:15 on Saturday 1 March.

The development application relies on arguments for commercial office use yet requests a variation to include restaurants. If realised, this will add further pressure to parking. Developments that rely on counting public facilities to meet appropriate standards must be rejected.

### **Overshadowing neighbours**

The applicant claims that care has been taken to avoid detrimental impacts including overlooking and overshadowing. While this is an admirable statement, it does not appear to be deliverable given that all apartments have south facing balconies that are likely to overlook the neighbouring property. The applicant claims there will be no overshadowing of the residential development to the south. Statements of no overshadowing are contradicted in the development submission.

As the first of what may become many similar developments within the suburb, more work and care needs to be undertaken by applicants, architects, and regulators to ensure that residents are not adversely impacted by buildings of this scale.

### **Waste management within the development footprint**

I agree with the YRA analysis of the proposed provisions for waste management. I have owned an apartment in a mixed-use development and am aware of the amount of waste generated and the impacts of poorly designed and implemented infrastructure.

The developer should provide more information on how café or restaurant waste will be managed within the building footprint without impacting neighbours and others.

### **Water collection and usage**

I support initiatives to collect and use stormwater for in-building use. In this case, water will be collected for use in all toilets and garden irrigation.

The development is proposing the installation of the following water harvesting measures:

- 4 Star showerheads
- 4 Star toilets
- 1 x 5,000 litre rainwater reuse tank will be located around the development for use on irrigation and 100% of toilets and urinals.

I have a 10,000-litre tank connected to my house for garden irrigation and had 140 kilolitres of water storage at my previous property. This development will include around 30 toilets, assuming two per unit, that is likely to use all the collected water every week to 10 days. The inclusion of a 5,000-litre tank for 14 apartments and three commercial units (that may be cafes and/or restaurants) is insufficient to achieve anything like a 40% reduction in mains water consumption compared to an equivalent development constructed in 2003.

I am interested to know of any audit of past developers building efficiency claims and ask that statements about water efficiency be rejected as insufficient for a development of this type.

### **Fire safety and electric vehicle charging**

The development application includes the provision of 16 EV-ready charging points, one in each of the residential garages located in both underground basements. While EV fires are uncommon, a fire in either basement could be catastrophic. Firefighters will have limited access to the basement levels and it is not clear from the DA documents if each garage will be fire-separated and measures such as sprinklers and separated ventilation included. The building needs to be constructed in a way that ensures structural integrity and protects residents, visitors, and neighbours from toxic emissions from thermal runaway events.

I hope that the Special Hazard Report that will be submitted to ACTF&R as part of the Building Approval process will be available as well as the response.

### **REPRESENTOR 28:**

I fully support the representation made by the YRA. Additionally, the parking planned is totally inadequate. There is no provision for visitors of residents to park or clients of the commercial units. This is a blatant attempt to piggyback on the existing shopping centre parking which is manifestly inadequate.

### **REPRESENTOR 29:**

I support the YRA's submission on DA 202443505.

The worst aspect of this development is that it will destroy the shopping centre that we all use and rely on (probably for years based on this government's previous authorised developments).

I also do not see why it has been put out for submissions at this stage, when it is clearly not satisfying many of the requirements for development in this suburb. What have the people who are supposed to be checking Development Applications been doing? Perhaps you should consider changing whoever is responsible for this department. It is apparent that the YRA is doing all the work that your Department should have done.

### **REPRESENTOR 30:**

The proposed development is completely unsuitable for the proposed location in a shopping precinct. It's

construction would cause unacceptable disruption to the activities of the shopping centre. I support the points made in the Yarralumla Residents Association submission.

**REPRESENTOR 31:**

I endorse the comments of the Yarralumla Residents Association regarding the development proposal.

**REPRESENTOR 32:**

I support the Yarralumla residents Association Submission on the above Development application and their conclusion that the proposed development is not appropriate to the site or the zone.

While the scale of the development is obviously out of proportion to the surrounding area and the suburb, it is significantly compromised by the non-compliances, particularly those relating to demolition and construction, parking, loading docks and waste management, that will destroy the amenity of a currently thriving local shopping centre and food precinct, both during and after construction.

Parking is already very constrained in the shopping centre and there is simply no capacity to absorb the loss of parking spaces and delivery vehicle movements during construction and after without a massive impact on the businesses and the amenity of the centre for locals and others.

The application should be rejected in its entirety and the applicants encouraged to submit a fully compliant application in lieu. It would be of serious concern if the application were to be approved after partial attempt to address the non-compliances. Given the sensitivity and nature of the Yarralumla Shopping Centre, nothing less than full compliance will suffice.

**REPRESENTOR 33:**

I support the YRA submission.

**REPRESENTOR 34:**

I support 100% YRA submission.

**REPRESENTOR 35:**

We are against the level of development proposed at the Yarralumla shops on Bentham Street and fully support the Yarralumla Residents Association submission on this. It is already difficult to find parking at the Yarralumla shops and loss of spots during construction and the increase in parking needs for commercial developments would further exacerbate this. Removing existing healthy established trees to facilitate building storage will be unsightly and goes against the ACT government policies of maintaining, revegetating and increasing tree cover.

A private residence is expected to maintain the nature strip outside the residence and having multiple garbage bins from other residences here on a weekly basis will make this extremely difficult and is not acceptable.

**REPRESENTOR 36:**

I fully support the YRA submission.

**REPRESENTOR 37:**

We fully support the Yarralumla Residents Association Submission on the above Development Application (DA 202443505- 16 Bentham Street Yarralumla) and their conclusion that the proposed development is inappropriate to the site and the zone.

The scale of the development is obviously out of all proportion to the surrounding area, the local shops, and the suburb.

This development is further significantly compromised by multiple non-compliances. These non-compliances relate to inter alia, the demolition and construction, parking, and (a Victorian! based concept for) traffic assessment, loading docks and waste management. The non-compliant traffic assessment alone will endanger bus users from the adjoining bus stop in front of the building on the Novar Street entrance. These non-compliances will destroy the amenity of a currently thriving Yarralumla local shopping centre and food precinct, both during and after construction. Why was such a non-compliant DA even progressed through the ACT Government Planning Framework?

Parking at the Yarralumla shops is already highly constrained with only 47 car parks in the total shopping centre. There is simply no capacity to absorb the further loss of parking spaces and delivery vehicle movements during construction and after without a massive impact on the other local businesses and the amenity of the centre for locals and others.

We also strongly object to the removal of 8 well established trees. So much for maintaining mature tree cover.

This application should be rejected in its entirety and the applicant (the BLOC building owner) encouraged to submit a fully compliant application in lieu, along with genuine consultation. It would be of serious concern if the application were to be approved after a partial attempt to address the non-compliances. Given the sensitivity and nature of the Yarralumla Shopping Centre, nothing less than full compliance is required.

#### **REPRESENTOR 38:**

I am concerned that the height and scale of the proposed development is too great for the site given its location and constraints and it will have significant impacts on the local area, shops and the amenity of Yarralumla.

#### **SUMMARY**

The proposed development is very large being for a 5-storey building with 14 apartments and 3 ground floor commercial units for restaurant/cafe and retail use, with some onsite basement parking for residents.

The development at 5 storeys will tower a further 3 storeys above the local area. It will sit at the centre of the 2-storey residential suburb, at a very small local shopping centre of 2 storey buildings, in an area zoned CZ4 2 storey local centre.

The National Capital Design Review Panel advised

*"The proponent is encouraged by the Panel to provide further justification to the overall building height"*

*"Has concerns about the limited space allocated for waste"*

*"has concerns about... increased car parking pressures for the local centre and the accessibility of visitor/commercial parking spaces being exclusively located in the basement level "*

*“Ensure the proposed vehicular access does not obstruct traffic flow, weaken pedestrian safety, reduce accessibility nor impinge on the active travel network.”*

*“Prepare a traffic impact report .....considering assumptions related to other developments in the vicinity (i.e., Brickworks and CSIRO projects)”.*

The proponent has applied “office use” in the design features and as the basis for all the Assessment Reports (traffic, parking, waste and noise) this is not valid as restaurant/café and retail are the proposed uses and thus the assessments are significant underestimates of requirements.

The proposed development site is severely constrained as

the west boundary is an office block

the south boundary is a single storey residence

the northern boundary proposed as the main frontage has no vehicular access as it provides 13 right angle parking bays for the local centre

the east boundary is a “exclusion zone” because the Bus Stop Bay forms the kerbside frontage, the nature strip has protected Registered Trees and there are powerlines that run to the site across Novar Street, and the Novar-Bentham Street Roundabout is on the northeast corner of the site

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The height and scale of the proposed development cannot be fitted within the site given the above constraints

without the consequences of the compromises in the design flowing out into the adjacent public and private realm

without significant impacts on the local area, shops and the amenity of Yarralumla

without compromising the health and safety of both residents, businesses and the public given the proposed waste management which is underspecified being based on “office use” not the proposed use, the absence of a loading dock for deliveries, and limited site access for commercial operators, making the proposed design inadequate, unworkable and unsafe

without significant impacts on traffic and local parking at the Yarralumla Shops given the limited and underspecified onsite parking being based on “office Use” not the proposed use

without detrimental effects on the adjacent single storey residence at 39 Novar Street, in particular the impact of the kerbside collection of all the developments residential garbage bins being on the nature strip of 39 Novar Street instead of that of the development

without all construction site facilities, materials, deliveries and waste management being on public land outside the site

without limiting pedestrian access to the north side of Bentham Street and its closure to vehicular access with major impacts on existing businesses during the 2 year construction period

and be compliant with mandatory requirements on residential and commercial waste management in the *Development Control Code for Best Practice Waste Management in the ACT 2019*

## **The proposed 5 storey Yarralumla development will not blend into the surrounds, but dominate the whole area**

The Development does not meet the Commercial Zones Policy EO2 – CZ4 Local Centre Zone - Assessment outcomes – Commercial Zones Site and Land Use nor ZS2 – Commercial Zones Specifications - Assessment Outcome 14 Built Form and Design

In the National Capital Design Review Panel – The Panel’s Advice Report the proponent refers to the following 4 to 5 storey buildings as the justification for the proposed development; they are Mica Building in Campbell and The Ambassador Apartments in Deakin. These examples are not relevant as they are set in different surroundings and topology and have different uses.

The topology of Campbell is hilly and when approaching the Mica Building from the east, it presents as a 2-storey building. The Mica Building blends into the slopes of the hills.

The Ambassador is a development of 4 blocks of apartments between Adelaide Ave (a major arterial road) and a petrol station. The 2 blocks on Hopetoun Circuit are only 4 storeys with the taller buildings behind. Due the topology and sloping ground, the taller building blends into the surrounds and cannot be seen from Hopetoun Circuit. The site is at the very edge of the suburb bordered by an arterial road and separated from the Deakin shops and the main residential areas of Deakin.

The area around the proposed Yarralumla development is generally flat and the building will be an isolated 5 storey building in the middle of area of 2 storey buildings (RZ2 and RZ1). The CZ4 Local Centre requirement is for 2 storey buildings - the existing building is 2 storey offices.

The National Capital Design Review Panel stated *“the proponent is encouraged by the Panel to provide further justification to the overall building height”*.

National Capital Design Review Panel raised numerous concerns in particular

*“The Panel however has concerns about the limited space allocated for waste enclosure, increased car parking pressures for the local centre and the accessibility of visitor/commercial parking spaces being exclusively located in the basement level”*

*“Prepare a traffic impact report from a suitably qualified traffic engineer to substantiate vehicular access throughout the site, considering assumptions related to other developments in the vicinity (i.e., Brickworks and CSIRO projects). Ensure the proposed vehicular access does not obstruct traffic flow, weaken pedestrian safety, reduce accessibility nor impinge on the active travel network.”*

These concerns have not been adequately addressed. The reports on traffic, parking and waste management in DA documents are based on the commercial space being office space rather than proposed usage of restaurants/cafes with outdoor seating, and retail. This change in proposed use is clearly stated in the Development Outcomes Report with a lease variation required from office to *“ground floor commercial (including restaurant)”*. Page 4 of 15



The change in use from office space to retail/restaurant restated in the Assessment Outcomes Report *“The proposed redevelopment has a commercial GFA of around 405sqm which is a reduction of greater than 50% (noting only slightly greater than 50%). Whilst commercial GFA is reduced, the use change of use from office to retail/restaurant will likely facilitate a higher occupancy than the existing office usage ...”*

It is not valid to apply office use in the design features and as the basis for all the Assessment Reports (traffic, parking, waste and noise) when restaurant/café and retail are the proposed uses.

## **Traffic and parking based on offices not proposed usage as Restaurants and Retail**

The Traffic Impact Assessment Report for traffic and parking is based on the commercial office space (2 spaces / 100m2 GFA), not the proposed usage of restaurants/cafes (10 spaces / 100m2 GFA). Visitor parking demands analysis is based on *“surveys have been conducted by Cardno in suburban Melbourne (127-147 Beach Street, Beacon Cove)”* which is of highly questionable relevance to a Local centre in Yarralumla ACT.

Novar Street is an extremely busy street with vehicle movements up to 10,000/day.

The busiest times for Novar Street are not the typical AM and PM peaks, but on weekend afternoons as people are visiting or returning from the Lake and Weston Park. The traffic modelling in the DA is based on “typical” AM/PM peak, not of the real-world data which is available from numerous recent surveys used for the modelling of Brickworks and CSIRO projects.

The National Capital Design Review Panel advised the proponent to

*“Prepare a traffic impact report from a suitably qualified traffic engineer to substantiate vehicular access throughout the site, considering assumptions related to other developments in the vicinity (i.e., Brickworks and CSIRO projects). Ensure the proposed vehicular access does not obstruct traffic flow, weaken pedestrian safety, reduce accessibility nor impinge on the active travel network.”*

The traffic analysis presented for the development however is not valid as it gives no consideration to the two already approved major developments adjoining Bentham Street – the Brickworks development of 380 dwellings and commercial and the adjacent CSIRO site development of 300 dwellings plus commercial.

## **No Loading Dock for Commercial Units**

The proposed development provides no loading dock located within site as required by Assessment Outcome 28 from the ZS2 – Commercial Zones Specifications Assessment. The commercial units only have front doors and no rear doors at the back of the units. In the absence of a loading dock all commercial and residential deliveries will need to come through  
Page 5 of 15

the one door at the front of the unit on Bentham Street. This will require delivery vehicles to double park in Bentham Street in front of the unit, blocking the parking bays and traffic movement in Bentham Street. The drivers will then need to attempt the delivery by squeezing between parked vehicles and walk across the grass nature strip as there is no pavement from the parking bays to the front of the development

Aerial view of where delivery vehicles are likely to double park in Bentham Street



Street view of where delivery vehicles are likely to double park at the front of the development in Bentham Street



Commercial Waste Management is based on 405m<sup>2</sup> of office space not the proposed use of restaurants/cafes

The *Development Control Code for Best Practice Waste Management in the ACT 2019 (DCC)* restaurants/cafes waste and recycling generation rates are 660L/100m<sup>2</sup> floor area/day for waste and 135L/100m<sup>2</sup> floor area/day for recycling. This means that waste and recycling generation rates in the DA documentation (WASTE-202443505-3) grossly underestimate the waste generation as they are based on office generation rates and not the proposed use of commercial units. When calculated using the correct metric the commercial waste enclosure is not large enough to house numerous hoppers that will be required by the 3 commercial units. The National Capital Design Review Panel raised this concern "*The Panel however has concerns about the limited space allocated for waste enclosure...*".

Commercial waste contractors generally use 1,500l or 2,000l hoppers for restaurants/cafes. The *DCC for Best Practice Waste Management* requires a 2.4m wide roller door to allow these hoppers to be manoeuvred the hopper pad for collection. The current commercial waste enclosure only shows a single 0.85m door. The current door is also not wide enough for a 660l hoppers used for the recycling.

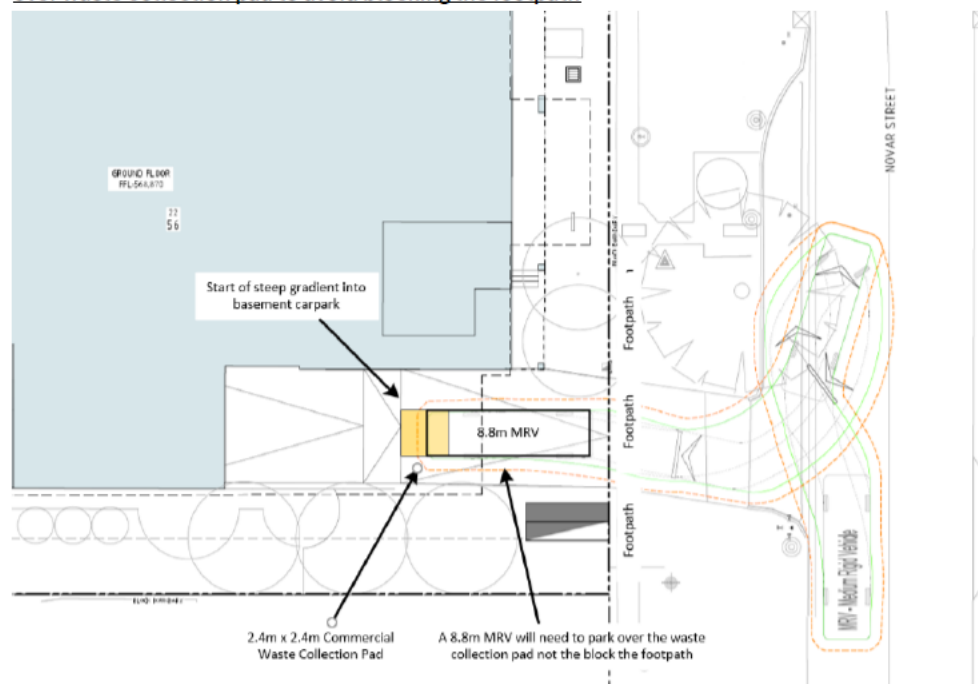
The development proposal has the commercial waste/recycling collected by an 8.8m truck. The document WASTE-202443505-02P shows the 2.4m x 2.4m hopper pad with an estimate of where the 8.8m truck will park during the collection. The document **TURNTEMPLATE-**

202443505-01 shows that the 8.8m truck will need to park on the hopper pad so is does not overhang the foot path which is a mandatory requirement of the DCC.

The *DCC for Best Practice Waste Management* it states that 1500l and above hoppers are collected by a 12.5m front-lift trucks, and small hoppers are collected by 10.4m rear-load truck. This means that the garbage trucks will be larger than the proposed 8.8m truck and will block the footpath when emptying the commercial waste hopper. The garbage trucks will block access to the basement carpark when emptying the hoppers.

Thus the proposed development does not meet the mandatory requirements for commercial waste of the *DCC for Best Practice Waste Management*. The proposed design is inadequate, unworkable and unsafe. This is further evidenced by the diagrams below.

**From TURNTEMPLATE-202443505-01 – Shows 8.8m MRV Garbage Truck needing to park over waste collection pad to avoid blocking the footpath**



Street view of the existing verge crossing on Novar Street which will be retained. It will be difficult for a large commercial garbage truck to reverse in, or a front-lift truck which needs to reverse out the site, without blocking both lanes of Novar Street and the Bus Stop



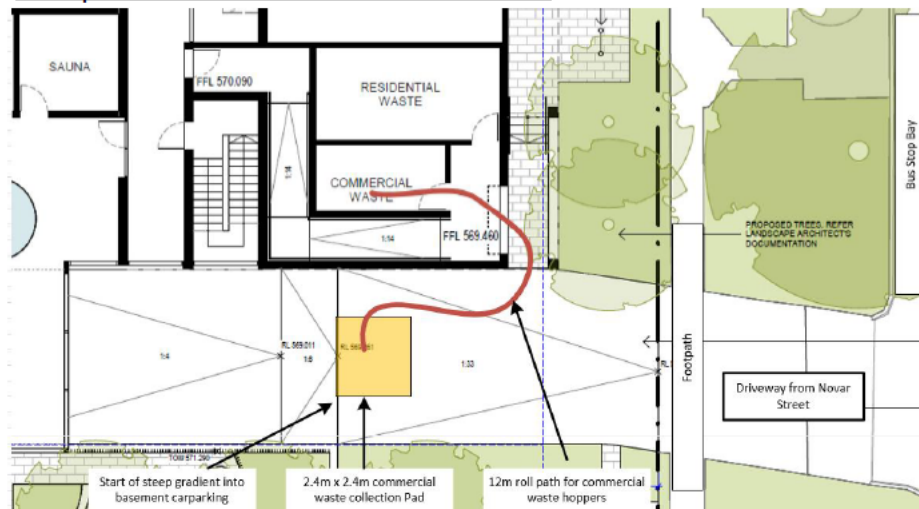
The path to manoeuvre the commercial waste hoppers to the hopper pad is narrow and indirect and will be difficult to get through the doors and then do 2 right angle turns to the pad. Thus to avoid the difficulties and hazards in the manhandling of hoppers in the current design, commercial waste contractor drivers will park across the footpath and in the Bus Stop bay.

The size and location of the hopper pad is a WHS issue as it is at the edge of the steep slope into the basement carpark. If the hopper is misplaced or mishandled on the hopper pad, it would roll down the slope into the basement carpark.

The DCC for Best Practice Waste Management states "*maximum hopper roll-out distance from the roller door entrance to the designated collection point must not exceed 4m*", the DA document WASTE-202443505-01, show the roll-out distance as 12m. Thus the proposed development does not comply with this mandatory requirement.

The developments design and approach to commercial waste management is non-compliant with mandatory requirements, is seriously under specified for the volume of commercial waste to be collected and poses WHS and safety hazards both on site and to pedestrians, bus commuters and road users.

**From FLOORREG-202443505-GROUND-03 Shows 12 metre roll out path for waste hoppers but requirement is that it should not exceed 4 metres**



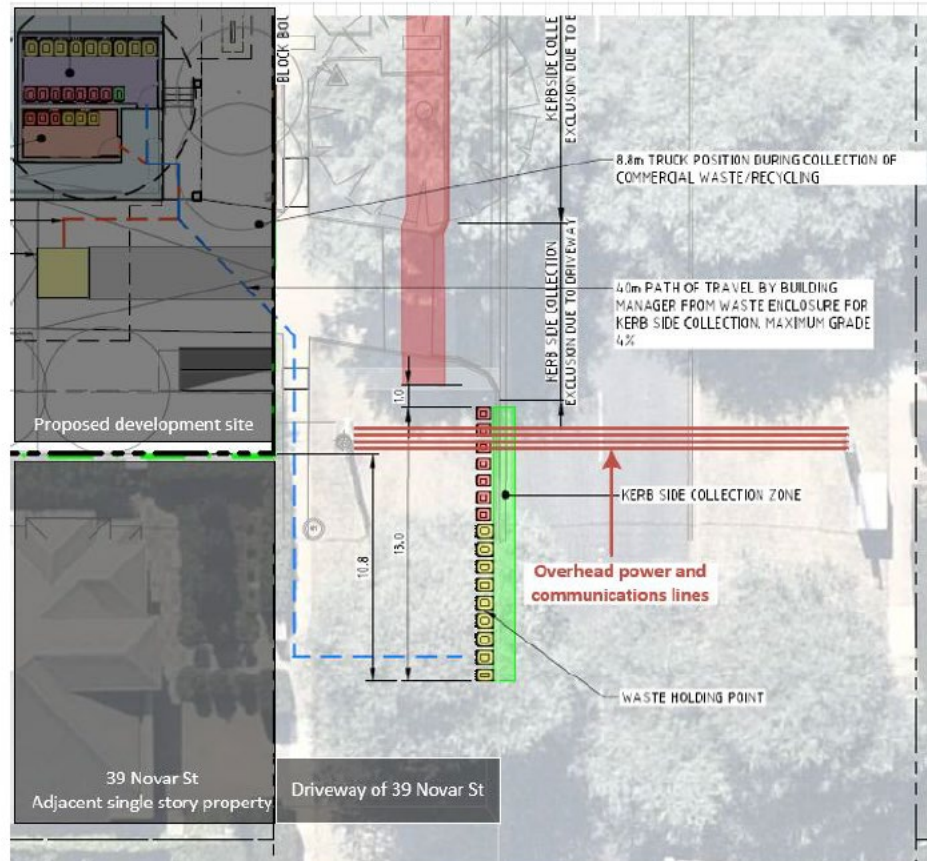
#### Residential Waste Management – Kerbside Collection

The proposed residential kerbside waste collection is non-compliant with the DCC for Best Practice Waste Management and has an unacceptable impact on the residence at 39 Novar Street and its nature strip frontage.

Development site frontage for kerbside collection of residential waste is not possible. The northern frontage of the development on Bentham Street has exclusions because of the on-street parking, and the eastern street frontage on Novar Street is fully excluded because of the bus stop bay, driveway and powerlines lines. Thus the development proposes to have the kerbside collection point for the 16 garbage bins on the nature strip of the adjoining residential property 39 Novar Street in contravention of the mandatory requirements of the DCC for Best Practice Waste Management.



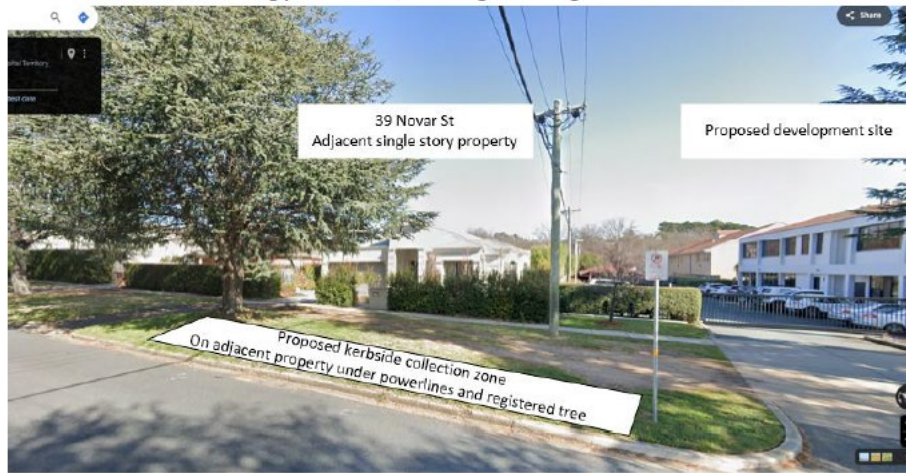
**From WASTE-202443505-1 – Proposed kerbside collection zone on neighbouring property showing location of overhead power lines**



Furthermore the proposed kerbside collection zone in front of 39 Novar Street is under power and communications lines, is obstructed by road signage and the Heritage listed Street Tree which is a Registered Trees (Tree Number PTR090-Group). Kerbside collection is not allowed under power lines. The ACT tree register identifies and protects trees of exceptional value on private and public land. Registered trees must be protected in accordance with the *Urban Forest Act 2023*. The registered tree thus reduces the area for kerb side collection, there is not sufficient space on the 39 Novar Street's nature strip for the 16 residential bins from the proposed development.

The developments approach to residential waste collection is non-compliant with mandatory requirements and has an unacceptable impact on the single residence at 39 Novar Street.

**Street View of proposed kerb side collection zone for residential waste on the nature strip of 39 Novar Street showing powerlines, road sign and registered trees**



**Residential Waste Management – On-site Collection**

A requirement of The DCC for Best Practice Waste Management is that Multi-unit developments with 4 residential floors or more require waste chutes. This development is a 5-storey development with 4 residential floors. Waste chutes are not provided for in the design of this proposed development. The development is therefore non-compliant on this matter.

**From Table 3.7 on page 20 of DCC for Best Practice Waste Management**

<p><b>C14</b> Multi-unit residential developments with 4 residential floors or more must have convenient access to waste and recycling services for all residents.</p>	<p>a. Dual waste and recycling <i>chutes</i> are required and must be located on each floor in a <i>waste service compartment</i> to provide an efficient and safe transfer method to the centralised <i>waste and recycling storage facility</i>.</p> <p>b. Access to plant and equipment in the <i>waste and recycling storage facility</i> must be restricted to authorised personnel, such as a building manager, caretaker or <i>waste transporter</i>. Where residents have access to bins, these <i>bins</i> must be placed so that restricted access to plant and equipment is maintained.</p> <p>Refer to <a href="#">Part 7.3</a> for the design of <i>waste service compartments</i> and <i>chutes</i>.</p>
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Noise management Plan is not based on proposed uses

A noise management plan is required by Assessment Outcome 20 of the ZS2 – Commercial Zone Specification. Outcome 20. The Noise Management Plan is required to be based on the proposed uses.

The Noise Assessment Report by Paradigm 42 is based on the current buildings use as offices not the proposed uses of restaurant/café and retail as proposed in the lease variation. The provided noise management assessment is invalid as it not based on the proposed uses – see extract below.

**From NOISE0202443505-01 – Noise management is based on current lease use but does not address the changes in use the lease purpose clause variation**

Paradigm 42 has been engaged by BLOC to prepare a noise management plan for the site Block 22 Section 56 Yarralumla on Bentham Street. This site is located on the southern side of Bentham Street in Yarralumla opposite the shops. The Crown Lesae does not have any noisy uses on it nor are any proposed. These include:

- i. medium density residential (including aged persons units);
- ii. office/professional suites;
- iii. consulting rooms;
- iv. carparking.

**Built Form and Building Design**

The proposed development does not comply with Assessment Outcome 14 of the ZS2 – Commercial Zone Specification - Outcome 14.1 & 14.3.

Outcome 14.1 states the maximum height in CZ4 zones is 2 storeys and the proposed development is 5 storeys. The National Capital Design Review Panel stated *“the proponent is encouraged by the Panel to provide further justification to the overall building height”*.

Specification	
Building height and plot ratios	14.1. Buildings are a maximum of: <ul style="list-style-type: none"> <li>a) In a group centre:               <ul style="list-style-type: none"> <li>i) 2 storeys.</li> <li>ii) 100% plot ratio.</li> </ul> </li> <li>b) In CZ4 zone – 2 storeys.</li> <li>c) In CZ6 zone – 2 storeys.</li> </ul>

Outcome 14.3, Table 1 requires a front set back of 6m for Multi-unit housing in commercial zones.

Boundary setbacks	14.3. Development is to comply with: <ul style="list-style-type: none"> <li>a) For multi-unit housing in commercial zones:               <ul style="list-style-type: none"> <li>i) Front setbacks comply with minimum dimensions in <a href="#">tables 1-3</a>.</li> <li>ii) Side and rear setbacks comply with minimum dimensions in Schedule 1.</li> </ul> </li> <li>b) For all development in the CZ6 zone, minimum setback to all boundaries is 6m.</li> </ul> <p>Note: Public open space refers to unleased land that is accessible by the public.</p>
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The FLOORREG and ELEVATION documents show that in the proposed development the building is constructed right to the block boundary on the northern front and western side of the site. That is the north and west sides of the building have zero offsets and the requirement is not met.

The offset required for side setbacks is 1m for lower floor and 6m for upper floors. The provision for a “Nil setback” does not apply to that part of a wall with a window of any sort”. The FLOORREG and ELEVATION documents show windows in the western wall, and these windows are installed on the block boundary. Thus the side offset requirements are not met. The 5 storey height of the building together with zero offsets on the northern and western boundaries deliver a building of excessive height, bulk and scale that does not comply with Outcome 14. *“The height, bulk and scale of the development is appropriate”*.

#### Site access and Construction

It is not possible to contain the construction of the proposed development within the site. The construction will spill over into the public land and the Yarralumla Shops on-street parking. This will impact on pedestrian and vehicular access to the Yarralumla Shops and the Yarralumla Surgery, the amenity of the area, and most likely impact on finances of the existing local businesses.

#### Site Access

Site access for construction vehicles and deliveries is limited to narrow driveway on Novar Street next to the bus stop bay.

There is no access from the northern boundary of the block on Bentham Street as it is an area of right angle parking for the Yarralumla Shops.

This limited street access and the scale and location of the area to be excavated for the two levels of basement car parks presents huge physical and logistical problems for managing all the demolition and construction works on-site.



**Street View of driveway on Novar Street with adjacent bus bay and Registered Tree**



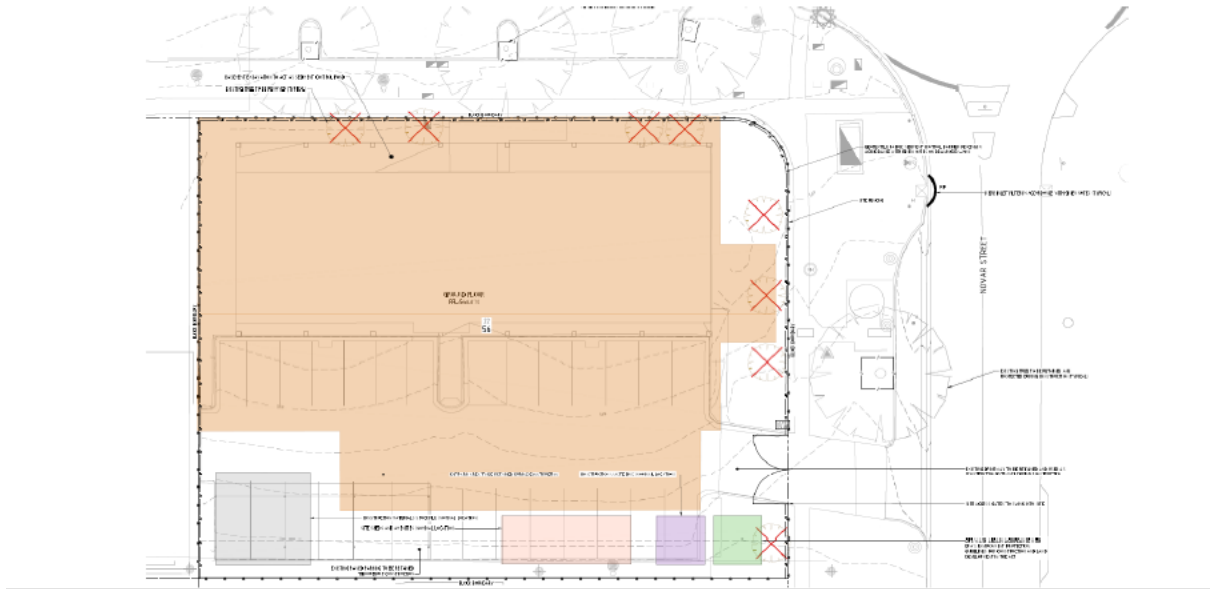
**Street View of Bentham Street showing parallel on-street parking on the main (northern) site frontage**



### **Excavation**

The proposed approach to excavation of the site and construction of the 5 storey building with two levels of basement parking is not viable. The DA document SEDIMENT-202343505-01 and the Floor Plans of the basement levels show that the around 85% of the site will be excavated for the two basement levels. The proposed location of the site sheds and amenities will be on the edge of a 6 metre deep excavation and will be difficult to safely access. Vehicle access to the proposed "Construction Material Stockpile" will not be possible once the excavation of the basement is started. The SEDIMENT-202343505-01 document states "*Carpark area to be retained during construction*", this is not possible as the area will be excavated for the basement levels.

**From SEDIMENT-202343505-01 – The area to excavated is shaded brown, around 85% of site**



#### Boundary Offsets

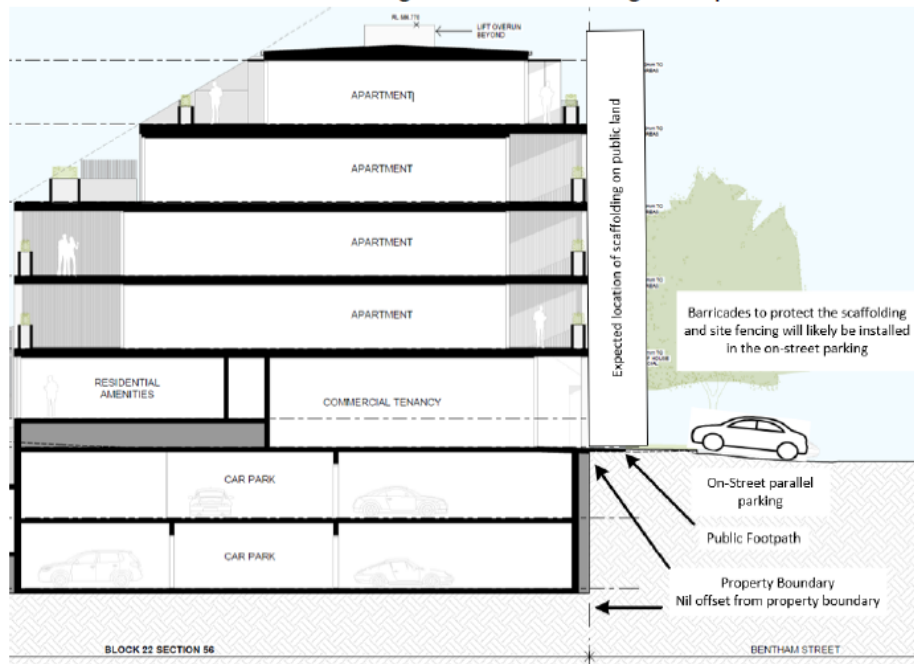
The Document SECTION-202343505-01 shows that the basement and building construction goes right up to the northern site boundary of the block on Bentham Street and will be excavated to a depth of 6 meters. This means that the site fencing will to be on public land and require the closure of the footpath for safety.

The exaction and construction basement carpark will use heavy machinery, including piling rigs (as the building is 5 storeys, this equipment requires clearances to operate). Thus, in addition to the closure of the footpath, the right-angle parking in Betham Street for the Yarralumla Shops will need to be blocked off to allow the safe operation of the heavy machinery on site.

Once the construction is above ground level, scaffolding will be required, and this will need to use the public land in front of the building. Barricades and site fencing will need to be installed and the right-angle parking in Betham Street will continue to need to be block off for safety.

The western side of the building has a zero offset, so scaffolding will need placed on adjacent property, 18 Bentham Street in an Electricity Easement.

**From SECTION-202343505-01 – Showing location of scaffolding on footpath**



**REPRESENTOR 39:**

I am a resident/owner of 1 Newman St, Yarralumla.

I support the submission made by the Yarralumla Residents Association objecting the Development Application.

The proposed development at 16 Bentahm St, Yarralumla is of concern to me as it is located at the local centre which I, and our community, frequently use.

I am not opposed to a mixed redevelopment of the site.

However, I am opposed to the scale of the proposed development, believing it represents a significant overdevelopment of what is essentially two standard residential lots.

The proposed development seeks to burden its neighbours and the community with part of obligations it generates (car parking and waste in particular) that it fails to cater for on within its boundaries or immediate road frontage.

I outline the details of my concerns in the attached document.

**GENRAL COMMENT**

The development proposed represents an overdevelopment for the 1667m2 block (essentially two standard house blocks).

The height and density are inappropriate in this village community, with little precedent for such a proposal in a comparable environment.

The proposed development is of a size that it generates demands for car parking, waste management and loading facilities that are unable to be met within the property. The result is a significant shedding of the burden onto public space. It is a generally accepted rule that all such demands should be met within the development.

*General Recommendation: The scale of the development should be reduced so that:*

- *The height of the development is in more in keeping with the village scale of the surrounding buildings*
- *The development can accommodate the car parking and services it generates within its boundaries*

## **SPECIFIC MATTERS**

### **Building Height**

The proposal seeks to minimise the perception of the change in height by making the false comparison of the existing premises as a “three level” structure (by including the pitched roof as an extra level to the two occupiable levels and the proposed structure as a “four level” structure (ignoring the fifth occupiable level, claiming it is set back). In reality they are replacing a two-level structure with a five-level structure.

The elevations do not include the likely lift overrun/motor rooms that will extend above the top level. Yarralumla is a Local Centre. There is nothing currently in the surrounding buildings that is higher than 2 storeys. A 5-storey building would be a significant outlier in its surrounds. A development of this height and density would more likely be appropriate in a Group Centre or larger. The proponent’s comparison to developments at Campbell and Deakin are not credible. The development at Campbell is 4 storeys. The development at Deakin (Embassy) is 5 storeys but has very little standard residential in close proximity (its immediate neighbours are mainly Adelaide Avenue, a sports field and a service station).

The current Commercial Zones Policy for CZ4 limits heights to 2 storeys. Even under the Draft Inner South District Strategy Nov 2022 (not yet adopted), there are no allowances for buildings of this height in any proximity to the Yarralumla local centre.

A building of much lower height is more appropriate to the block. In the NCDPR advice it is claimed that the development “aims to sit within the canopy height of established street trees”. This is misleading. In fact, the development will sit well above the tree canopy height (see attached photographs of street trees on north and east sides). The elevations clearly demonstrate this point.

The perspectives rather deceptively suggest that the tree heights are comparable to that of the development.

***Recommendation: The building height be reduced***

### **Proposed Use**

The proponents proposed use submitted for the development is:

- i) ground floor commercial (including restaurant)
- ii) medium density residential (including common spaces)

However, in the calculations of requirements for car parking and waste management,

the analyses are based on the commercial tenancies being office use. The implications of this assumed base are significant.

The car parking requirements under the 2024 Technical Specifications are five times higher for restaurant/cafe than for office use (10 spaces /100m<sup>2</sup> vs 2 spaces/100 m<sup>2</sup>) Depending on how many of the tenancies are used as restaurant/ cafes, the shortfall in car parking provision ranges between 10 and 24 spaces. The comparison shortfall for medical practice and retail is between 2 and 8 and between 4 and 12 spaces respectively Similarly, the waste generation is very seriously underestimated, which would result in significant problems for waste management should any restaurant/ café use be permitted. According to the Commercial Technical Specifications, office use generates 20L/100/ m<sup>2</sup> /day, whereas Restaurant/Café use generates 660L/100 m<sup>2</sup> /day. Depending on how many of the tenancies are used as restaurant/ cafes, the additional waste produced and to be managed would range between 794L/day and 2,920L/day *Recommendation: That unless the design can be modified to include the additional car parking and waste management requirements within the property boundary, that commercial use be restricted to office use only and that restaurant/café, retail and medical practice be specifically excluded as permitted uses. OR*

*Additional parking is provided on site and/or there is a reduction in other development uses (commercial and/or residential to allow the necessary parking and waste management requirements to be accommodated on site.*

#### Car Parking

The commercial car parking generation matter and the inability of the site to accommodate those requirements has been dealt with above in Proposed Use. The proponent's traffic study proposes that there is sufficient public street parking within 100m (and 200m) of the site to meet the parking demand generated by the development. Clearly this is not the case for if commercial use is other than office. It is noted that all visitor car parking is expected to be accommodated in public on street parking. Regular observation would demonstrate that street parking, within 100m, is regularly at full capacity in surrounding streets (Novar, Bentham/Loftus, Mueller and Hitchins).

The traffic study makes its claim of sufficiency and a single day's observation. This is not credible evidence. In addition, on the date of their observation there were two vacancies in the shops. It should be noted that the mix of occupants at the Yarralumla local centre have changed substantially over time. There are now more restaurants and cafes than when the centre was developed and even in the last 10 years. This has substantially increased the demand for car parking. No new parking has been developed to accommodate this demand.

In summary, there is little capacity in proximate public on street parking to carry a burden unfairly passed on by the development.

*Recommendation: All car parking demand required to be accommodated on site, under the Technical Specifications, be strictly required to be accommodated on site.*

#### Waste Management



The commercial waste management matter and the inability of the site to accommodate those requirements has been dealt with above in Proposed Use. The proponent's proposal indicates that domestic response to waste management, with domestic bins used and stored in separate commercial and residential bin storage areas. It is proposed that the bins be placed on the roadside verge for collection in front of the adjoining neighbour's property. This proposal for bin emptying appears to be driven by the lack available verge frontage to the development. This is an unacceptable proposition and an inequitable shedding of the development's burden onto the adjoining neighbour.

*Recommendation: The development not be allowed to use the verge in front of the neighbour for its bin collection. If a domestic solution cannot be achieved, then a commercial arrangement with hoppers be employed with storage and pick up on site.*





**REPRESENTOR 40:**

I oppose this development as it totally alters the Streetscape of our Village Centre, the Yarralumla Shopping Precinct. It is far too high and large for this area. The current building has only recently been refurbished and painted and is in sympathy with the adjacent commercial building.

My other major concern is the basement carpark which is a two level structure making this essentially a seven storey building. With up to 36 cars, anyone parked there will need to exit at some speed to get up the driveway and onto a frequently used footpath. Even with a clear line-of-sight this would pose a safety risk.

Of equal concern is the loss of amenity associated with such a project which would take, I suspect, up to two years. Apart from the noise affecting the Doctor's Surgery and other occupants next door, the destructive nature of the heavy equipment required could impact on footpaths, nature strips and roads as well as adjacent properties. A recent experience with the single level basement carpark at 22 Rodway Street showed how destructive excavation can be with excavators and heavy duty trucks taking three weeks, the task made more difficult when rock was encountered and after heavy rain swamped the pit and threatened ground subsidence to our neighbor's property. These observations would apply even more so to this proposed development because of its size. The heavily laden trucks would be exiting onto a busy Novar Street with a speed limit of 60kms per hour and adjacent to the roundabout as would those removing the demolition rubble of the current two storey building.

Overall, this application which includes Lease Variation does not seem to be a reasonable one and should be rejected.

**REPRESENTOR 41:**

I support the Yarralumla Residents Association Submission on the above Development Application DA 202443505 - 16 Bentham Street Yarralumla

The development has grossly underestimated its parking and waste management requirements.

These problems will flow on to the ongoing operations of the existing shops and nearby bus stop.

I think our local shops are a risk of closing one by one. There are currently not enough car parks for residents to park in. (Thanks to the reallocation of our carpark for alternative community use years ago.) Current businesses don't have the opportunity to grow their business because residents can't park their car to support the businesses. Every week I am forced to go out of suburb to do my shopping.

This out of proportion development is a grab for converting commercial land for residential use, for lease financial gain. If allowed, this will encourage nearby commercial spaces to be also converted to more residential spaces.

Yarralumla already has two new residential developments in progress.

We need to preserve our heritage shopping area.

**REPRESENTOR 42:**

As longtime residents of Yarralumla, ACT, please note that we support the views of the 'YRA Submission' about this proposed development.

**REPRESENTOR 43:**

5 storeys is not acceptable. Yarralumla has 2 major developments coming up at Brickworks and the CSIRO site and these are huge by comparison, multiple the size of this one yet they are both not going above 4 storeys. Similarly, all the new commercial buildings at Deakin are all just 3 storeys and they sit so nicely in the street and tree scape.

I am not a NIMBY at all, I support the 2 major developments mentioned above because they are sensible but this one at 5 storeys has no place in this quiet small village, no building in Yarralumla needs to be higher than the trees it's just too high. It should not go above 3 storeys.

What contribution is this development making to the parking issues at Yarralumla village? If the government is even remotely going to consider the relatively huge 5 storeys, then the payback must be relatively huge to our community by paying in full for improving the parking, toilets, playgrounds and access for the whole village and other community facilities and they should be completed in advance of any building works starting in their site.

I'd be very happy with this building stopping at 3 storeys, or even 3 plus basement and loft like similar restrictions in Brickworks and CSIRO sites but how this application even went through at 5 stories is just incomprehensible.



#### **REPRESENTOR 44:**

I object to the proposal for three significant reasons as set out below.

##### **1. The impact of a five storey development on the village atmosphere of the Yarralumla shops**

The Yarralumla shops have long been known for their unique 'village' atmosphere. No building in the shopping strip in Bentham Street, between Novar Street and Hutchins Street, exceeds two storeys. The proposed building of five storeys would completely dominate the shopping centre and totally change the nature of the village atmosphere.

Across the entire suburb, practically every building is either one or two storeys in height. At the Brickworks development, where there is significantly more space, the proposed apartment blocks do not exceed three storeys. The building height at the Forestry Place development has a height limit of three storeys.

Why would five storeys be acceptable on a narrow suburban shopping strip? The height limit at the shops should be two storeys.

It is also worth noting that the proposed development replaces a perfectly functional and recently refurbished two storey commercial building.

##### **2. The impact on parking at the Yarralumla shops**

The proposed building caters for the proposed apartments with 28 spaces but has only eight spaces for commercial tenants, and none for the clients of those commercial spaces (noting that the proposal adds restaurant as a use).

The Quantum Traffic Impact Assessment Report dated 20 August 2024 states "the proposed development has a shortfall of 2-4 car spaces compared to the likely peak parking demands, associated with short term spaces for residential visitors". This report also notes that there are currently 21 parking spaces behind the existing building. However, there are in fact 26 spaces currently – as shown on the Demolition Plan (and as counted by me).

The report does not assess the likely parking requirements for tenants or clients/customers of the ground floor commercial spaces.

Clearly there are insufficient parking spaces for the planned commercial needs/uses of this proposal; eight parking spaces is not enough.

The Quantum Report also states, "Car parking surveys identified high utilisation of the car parking resources within 100m walking distance on a typical weekday (7 spaces available)" and that "parking demands within 200m walking distance were moderate, with 47 spaces available." This assessment is not consistent with other recent traffic surveys. The Traffic Impact and Parking Report Yarralumla Brickworks prepared for Doma Group by Calibre Professional Services, dated 19 July 2023, states at paragraph 2.2.1.3 that "the parking utilisation of the shops onsite supply was at 95% or greater for all spot counts conducted, for both weekdays and weekends".

The Calibre Report also stated, "the overflow parking associated with the shops is located primarily along Hutchins Street and Bentham Street, west of the shop complex".

This needs to be reassessed as the parking on weekdays is now all the way along Hutchins Street, along Novar Street, in Bentham Street (from Banks to Mueller) and in Banks Street. Local business say they lose business because people cannot park near the shops.

### **3. Lack of coordinated assessment by the developers and the ACT Government of the multiple high-density developments that are currently being considered/built in Yarralumla**

There has been no consideration of the impact of the multiple high-density proposals/developments that are currently occurring in Yarralumla, particularly the combined impact on parking, traffic and amenities. The Yarralumla population at the 2021 Census was 3,120, and the average number of people per household was 2.4 (see 2021 Yarralumla, Census All persons QuickStats | Australian Bureau of Statistics). The table below shows the current approved/proposed high density developments in Yarralumla, the number of dwellings in each and the likely impact on the population. Note that this table does not take account of many dual occupancies which are also being built in the suburb.

<b>Proposed Development</b>	<b>Approved</b>	<b>Number of dwelling</b>	<b>Likely population based on 2021 Census data of 2.4 people per dwelling</b>
The Yarralumla Brickworks	Yes	380	912
ACT Government Housing on the corner of Banks and Schlich Streets	Yes	30	72
The Forestry Place redevelopment	Partly	250 to 300 residential and independent living units envisaged	600 to 720
16 Bentham Street	Not yet	14	33
<b>TOTAL IMPACT</b>		<b>674 to 724 dwellings</b>	<b>Likely population increase of 1,617 to 1,737 on the existing 3,120 (i.e. 51.8 percent)</b>

These combined developments are likely to increase the population of Yarralumla by over 50 percent and there has been absolutely no consideration of the combined impact of these developments on the suburb or its amenities.

How will this increased population impact on other amenities in the suburb and how will this be addressed?

How can developers be allowed to continue to propose high density developments without taking account of other developments that are occurring in Yarralumla?

What increased parking will be provided at the shops?

It is time to do a serious assessment of the impact on parking and traffic of the multiple developments that are being proposed/approved in Yarralumla — and to provide car parking for the customers of the many small business owners at the shops.

I note that the ACT Government built a new asphalt carpark with 56 car spaces so dogs could be taken to frolic at the Yarralumla dog park. In contrast, the small business owners at the Yarralumla shops who contribute to the ACT by paying taxes and providing employment and services have not had the parking needs addressed for them, their workers or their clients/customers.

The current parking at the shops cannot accommodate the proposed 50 plus percent population increase in the suburb. The proposed development will just exacerbate the problem.

**REPRESENTOR 45:**

We fully support the Yarralumla Residents Association Submission on the above Development Application (DA 202443505- 16 Bentham Street Yarralumla) and their conclusion that the proposed development is inappropriate to the site and the zone.

The scale of the development is obviously out of all proportion to the surrounding area, the local shops, and the suburb.

This development is further significantly compromised by multiple non-compliances. These non-compliances relate to inter alia, the demolition and construction, parking, and (a Victorian! based concept for) traffic assessment, loading docks and waste management. The non-compliant traffic assessment alone will endanger bus users from the adjoining bus stop in front of the building on the Novar Street entrance. These non-compliances will destroy the amenity of a currently thriving Yarralumla local shopping centre and food precinct, both during and after construction. Why was such a non-compliant DA even progressed through the ACT Government Planning Framework?

Parking at the Yarralumla shops is already highly constrained with only 47 car parks in the total shopping centre. There is simply no capacity to absorb the further loss of parking spaces and delivery vehicle movements during construction and after without a massive impact on the other local businesses and the amenity of the centre for locals and others.

We also strongly object to the removal of 8 well established trees. So much for maintaining mature tree cover.

This application should be rejected in its entirety and the applicant (the BLOC building owner) encouraged to submit a fully compliant application in lieu, along with genuine consultation. It would be of serious concern if the application were to be approved after a partial attempt to address the non-compliances.

Given the sensitivity and nature of the Yarralumla Shopping Centre, nothing less than full compliance is required.

**REPRESENTOR 46:**

I have significant concerns regarding the current DA 202443505 proposed for the small commercial space located in the middle of a low-rise residential area within Yarralumla. My points being:  
Demolition & Construction: It will take several years for this development to be undertaken. Of particular concern is the safety of the elderly and school children that transit on foot through the intersection of Novar and Bentham on a daily basis on foot and via the local bus network. The location of the access to this development for large trucks and construction equipment so close to the bus stop, footpath and intersection causes a significant safety risk to pedestrians and the potential for vehicle collision. Proposed Height: 5 stories high, plus additional infrastructure on the roof (effectively making it 6 stories high) is NOT appropriate for an area zoned CZ4 Local Centre. The building will be an eyesore in a low-density residential area that will be potentially visible from as far

as Black Mountain and the National Arboretum. It will also cause unnecessary overshadowing to adjoining residential properties. Road Use & Carparking: The DA proposal would see a quarter of the already INSUFFICIENT carparking spaces being used for parking of heavy vehicles, trades vehicles and storage. In the longer term, the carparks will be used by the development's residents, visitors and customers. Anyone that frequents the Yarralumla Shops will attest to the lack of adequate parking and constant chaotic traffic congestion. This large development will only continue to exacerbate this issue. In addition, as there is not adequate delivery/loading area for proposed cafes/restaurants within the development, the expectation is that trucks and larger vehicles will use Bentham St for this purpose. This would be extremely dangerous for foot traffic and cause lengthy delaying's to local traffic transiting this area. The proximity to the roundabout would also see traffic backed up onto Novar St. This already occurs as a result of driver's either exiting a carpark or waiting for one to become available. Another dangerous scenario. Damage to existing retail outlets: The potential impact to the existing retailers and cafes cannot be understated. I expect most would be already struggling in this current economic climate. Two years of noise, dust and fewer carparks would likely see quite a few go out of business. There are already several long term vacant shops in this small community shopping strip - we don't need more. I would hope that the issues raised by me are seriously considered in the review of this DA application and that the development in its current form be rejected. Yarralumla is seen as a "destination suburb" for Canberrans and tourists alike to visit on a regular basis, be it to the lake, the dog park, significant heritage properties and embassies, a scenic drive or a visit to the local shops to grab a coffee or a meal. It is important that the long-term planning for this suburb is well considered to ensure its special place within the ongoing Canberra landscape.

**REPRESENTOR 47:**

I support the representation from the Yarralumla Residents Association, with particular reference to: The proposed methods of dealing with waste disposal and the delivery of supplies (truck access to the loading dock). The YRA submission has assessed these as "non-compliant" - they may not be in a technical sense, but they are certainly impractical. They are not grounds for refusing the DA but need to be corrected with design modifications before approval is granted. A more critical matter is the overall size and bulk of the development. In this outcome-oriented world it is apparently possible to propose the replacement of a 2-storey building that occupies around half of the site with a 5-storey building that covers almost all of the site. Whether it generates an acceptable outcome in this location is a matter of subjective judgment. I submit that, overwhelmingly, this proposal is grossly out of scale in its environment. I can appreciate the design efforts to present an open friendly outlook to the Bentham Street shops opposite but observe that if this development is approved unaltered then it will legitimise and encourage a development of similar scale at its neighbour No 14 Bentham Street. The result would be a 5-storey wall along the whole length of the block.

**REPRESENTOR 48:**

I would like to submit an objection to this proposal for a 5-storey mixed business and residential development in Bentham St. A 5-storey development in Yarralumla is totally out of place for all other buildings in the area. It will also cause a major disruption to the already busy shopping precinct area.

**REPRESENTOR 49:**

I do not support the above development application for the reasons outlined in the submission from the Yarralumla Residents Association.

The height of the proposed development at 5 stories is not in keeping with the general height of buildings in Yarralumla which are generally limited to 2 to 3 stories. I also note that the proposed Brickworks and Forestry Place developments have been limited to 3 stories for this reason. The approval of 5 stories would also set an undesirable precedent and be contrary to the garden suburb characteristic of Yarralumla. A development limited to 3 stories would be acceptable.

The proposed development should not be approved until the issues identified by YRA including disruption during construction, garbage disposal, privacy and overshadowing have been addressed.

**REPRESENTOR 50:**

I support the Yarralumla Residents Association submission on DA 202443505, 16 Bentham Street Yarralumla, (Block 22 Section 56).

The proposed development is excessive and will cause considerable disruption to the Yarralumla community during construction as well as the longer term intrusion and compromise of this central restricted site.

As a Canberra resident for 75 years and a Yarralumla resident for 35 years I value the amenity and human scale of our established, village style suburb. My concern is for the health and cohesiveness of the community. This development intrudes and dominates the heart of our community, the Yarralumla shopping precinct. Already the traffic, parking and pedestrian access is hazardous. This overdevelopment will severely magnify these risks.

**REPRESENTOR 51:**

I fully support the Yarralumla Residents Association Submission on the above Development Application, and the conclusion that the proposed development is inappropriate to the site and the zone. The scale of the development is out of all proportion to the surrounding area, the local shops, and the suburb.

**This DA for a proposed 5-storey redevelopment in Bentham Street, cannot be allowed.....**

- If the people who live, work, visit, shop, relax in Yarralumla are any part of your consideration,
- if the commercial interests of Yarralumla businesses are a consideration,
- if increased traffic and parking issues at Yarralumla are worth considering,
- if overshadowing of adjacent residence is to be avoided,
- if the amenity and safety of Yarralumla children, residents and shoppers are a consideration,
- if the safety of users at the adjoining bus stop in front of the building on Novar Street is a consideration.
- if the local, Canberra, and national environment is a consideration,

- if the ACT Government's own tree canopy and tree protection laws are a consideration,
- unless the predatory over-reach of this proposal has priority against any of the above public amenity and safety issues.

The proposal comprises: several multi-unit dwellings; 3 commercial units (ground floor); in a 5-storey building.

Gross floor area of 3,338m<sup>2</sup> on a block that is half that area (1,667 m<sup>2</sup>) tells of TOTAL land INFILL – suggesting no awareness of or care for suburban amenity.

This is a large development. It is predicated on the destruction of a perfectly sound 2-storey building, which was renovated only several years ago. It is outrageous that all 8 nearby mature trees are to be removed under this DA. The carbon footprint imposed by unnecessary destruction of a fine existing building and surrounding trees is huge. This is a public waste and public cost to satisfy someone's desire to occupy a penthouse (or two) high above surrounding citizenry and village shops. Is such planning consistent with local or national aspirations of the Labor government(s) to eliminate environmental vandalism, reduce global warming, and move in the direction of thoughtful and sustainable development across the ACT?

DA 202443505 plays down the effects of **overshadowing** from a 5-storey development that occupies the whole block. In particular, glazed north-facing areas of the adjacent property (39 Novar Street) will effectively be robbed of ALL sunshine, all winter long. This cannot be allowed to happen.

Given the site size and the constraints of its location, this development will forever have a major detrimental impact on nearby residences, roads, traffic, and shops. As it stands, parking is extremely hazardous; vehicle collisions are almost daily outcomes. This DA will exponentially increase those dangers. Additionally, bus users from the adjoining bus stop in front of the building on the Novar Street side will be endangered.

The impacts of waste collection, parking and deliveries / loading are of particular concern. It will destroy the village feel that attracts so many Canberran's to this precinct. The drawings appear to show that waste and recycling bins will need to be placed out on the nature strip of the adjacent property, 39 Novar Street. Totally inconsiderate and unacceptable – further demonstration of an unworthy DA.

The proposed construction itself will hugely impact local amenity, due to constraints for site services and materials storage, parking for tradesmen's vehicles and access by delivery trucks.

This application contains multiple non-compliances detailed in the Yarralumla Residents Association Submission. It should be rejected in its entirety.

#### **REPRESENTOR 52:**

I object to the development – reason:

**Parking** (or lack of parking) has not been addressed – with an extra 14 apartments (and only 28 car parking spaces) it is not enough parking - parking 100 m away on the street is not a solution. It is already difficult to park in the mornings and at lunchtime in Yarralumla and even 100m away. So this development will destroy in its current state the amenity of Yarralumla.

### **Lack of parking is the major issue.**

The proposed 14 apartments may have not only 2 cars but may include teenage children with an extra car or older downsizing people who may have support staff such a cleaning person or maintenance workers visiting. And most occupants of the apartments will receive visitors - there is currently not enough parking on the streets to accommodate the parking needs of the visitors to the shops, restaurants and doctors.

So, for such large apartments there should be at least 28 plus 10 parking spaces a total of 38 for the parking spaces for these apartments alone and at least for each person in the commercial premises 1 parking space – at least another 12 – so a total of at least 50 parking spaces are required. As parking is already very difficult – for the restaurant there needs to be another 10 parking spaces. **So, 3 level underground with a parking space of 60 car parking spaces are required.** If this is achieved – I have no objection to the development.

This is not a nimby response – I am for a development if at least 60 parking spaces are provided - which should not be a problem with 3 levels of underground parking. (Yes- more costly - but otherwise the cost of this development is carried by the residents and the shops at Yarralumla - which is not acceptable). **In its current form, the proposal will destroy the lively shopping area as it will be impossible to park at the shops or even 100 m away** to have a meal, a coffee, or shop at the shops. Parking is already a big problem at the shopping centre. This proposal will in its current form destroy the shopping centre. However, with an extra 60 parking spaces - this development would enhance the shopping centre.

Most people arrive at the shops – “active walking” is not an alternative to providing enough parking – especially for an aging population

So, I am for development, infill - but only if enough parking is provided - which the current proposal clearly does not do. I hope the ACT government planning authority uses its powers to enforce not only the minimum parking requirement, (current proposal is even 4 car park short of that even, but presents a new proposal that could be used as a great example for infill by provided ample parking for the apartment residents and their visitors, as well enough parking (without on street parking - which is already scarce) for the commercial units. 3 levels of car parking would address this problem.

### **REPRESENTOR 53:**

I am very aware of the submission about this DA, from our community group, the Yarralumla Residents Association Inc (YRA).

YRA have thoroughly investigated this proposal, and amongst several matters concerning the DA's non-compliance, the overwhelming conclusion of the YRA is:

*"The scale of the Development cannot fit within the existing site and the site's constraints, and comply with the Commercial Technical Specifications. The effects of this non-compliance spills into adjoining public space and adjacent private residences outside the site with major impacts on safety and amenity ....."*

I totally support the work and conclusion of the YRA submission, and thus I wish to register my strong opposition to DA 202443505.

When you are considering the one commercial applicant's DA 202443505, please consider the potential destruction of amenities that would impact many Canberra people.

**REPRESENTOR 54:**

I support a mixed-use development at 16 Bentham Street, Yarralumla. The north-facing site provides an opportunity for good solar access to living areas of apartments, as well as to cafes/restaurants on the ground floor.

I do believe, however, that the proponent's expectations about building height need to be tempered. A 5-storey building on that site, rising higher if equipment on the roof is taken into account, will be out of proportion to the surrounding area and does not comply with the ACT Government's Technical Specifications for Commercial Zone CZ4 for local centres. The shadow diagrams also indicate that solar access to the adjacent one-storey residence on its southern side will be affected adversely.

I understand from the Yarralumla Residents Association submission on DA202443505 that the proposed development does not comply with a range of ACT Government requirements. It also does not appear to have fully addressed the National Capital Design Review Panel's recommendations with regard to building height and other matters.

I look forward to seeing a new mixed-use development at 16 Bentham Street. It could be a real asset to the local centre and Yarralumla, but only if it is done well, including by addressing the issues raised.

**REPRESENTOR 55:**

Dear Madan/Sir,

Re: Proposed BLOC Development for Yarralumla

I have been an owner and resident in Yarralumla for almost 20 years. I am totally opposed to increasing the BLOC development to five storeys and I object to the process used to gather responses.

More businesses and shops = more people = the need for more (inadequate) parking = more congestion = residents find living in Yarralumla increasingly difficult. And the shops are their local shops.

I will not address the significant environmental concerns that are being canvassed by others. They alone are adequate to negate an suggestion that more commercial development is needed.

Yarralumla used to have a vibrant and cohesive community where residents could shop, visit a doctor or lawyer, attend the chemist, get a haircut, and have a coffee or a meal. We even had a newsagent, separate and thriving post office, and a bakery. Parking was adequate. The local shops catered specifically for the needs of the local community.

Today the small shopping precinct caters more for business and restaurant/safe owners whose premises attract customers from all over Canberra. Yarralumla has cafes and restaurants that bring too many visitors to the detriment of the needs of local residents (Beess, Morks, Bentham Street Pizza, Sushi, Lambshed, Cork & Glass, The Farmer's Daughter, and an exceptionally popular kebab



shop that, I understand, is now expanding. Moreover, we have a very popular clothing shop, Nunie's, which attracts shoppers from far and wide.

If the former Chinese restaurant's lease is signed by another, we will have yet another restaurant. These businesses thrive at the expense of all residents, particular at the expense of disabled and elderly residents who actually live and shop in Yarralumla. It would be instructive were you to investigate how many commercial owners actually live in Yarralumla. They want the profits, but residents experience the painful consequences.

In short, accessing what one needs is nigh impossible now, especially on weekends, mornings, and after schools hours. The number of near crashes and actual crashes is considerable and will increase if more businesses are expanded.

I do not know of any other set of local shops the size of Yarralumla's in the ACT that has so many customers in cafes and restaurants who stay for hours at a time. In the years that I have lived in Yarralumla, I have only seen two parking inspectors. My neighbour who has lived here much longer has never seen one. I know that parking is an issue for the pharmacy -one black Mercedes routinely parks for hours in front of the chemist but the driver is nowhere in sight. Today I had difficulty parking because numerous people were dashing in and out to get their caffeine fix. Again, contributing to traffic congestion and causing accidents.

More parking is NOT the answer: it will just encourage more people to visit. At the very least a system which limits parking by non-residents or offers specific parking to residents such as used in parts of Sydney should be considered, as well as angle parking. And visits by inspectors should be daily-a good revenue raiser for the ACT.

The proposed height is completely inappropriate. The old cinema development in Manuka is five storeys and it is bearable because of its actual location (on one side apposite a dual carriageway). Five storeys in Yarralumla will overshadow houses, shops, etc. Moreover a higeldy-piggeldy development is unsuitable. All owners should cooperate to establish a shared vision and cohesive architectural approach if they want any further development.

Yarralumla is designated for even more business development – the Brickworks and Banks Street. Have these proposals been considered? There appears to be no overall integrated development plan for Yarralumla. That's not surprising; it is happening all over the ACT.

### **Process**

I object to the process used. I read on the notice that is placed *behind* the parking spaces that are almost always engaged (thus blocking the notice) that responses can be submitted via electronic means or *by hand* to a shop front in *Mitchell*. Yarralumla's closest shop front is Woden. Were actual responses genuinely sought there would not be such impediments to providing feedback. As with all projects, this consultation is a sham, another tick-the-box operation.

I moved into a *community* not a fave foodie-heaven destination for non-residents. They can go elsewhere. The CBD and Manuka are less than 10 minutes away; Kingston less than 15. There is absolutely no reason for residents of Yarralumla to support this proposal.

Thank you for this opportunity to respond. The italics indicate just how enraged I am about this entire suggestion and process.

**REPRESENTOR 56:**

I am submitting an objection as a neighbour and person whose property is directly impacted by the development, please see attached letter for my full objection.

The proposed development appears to directly overlook to my property. Despite a 12m setback, this is highly concerning, as it will compromise the sense of comfort that we currently enjoy. The privacy of my north facing windows for two bedrooms, dining room and lounge room facing the proposed development, we feel, that it will be compromised.

The height of the proposed development will cause views impact from my property and will create a less desirable living environment and again have a significant negative impact on my privacy.

There also seems to be a lack of consideration taken into the parking situation and the impact it will have on the surrounding area, especially as there will be parking disruption to the shops and the overflow will impact Novar St as well as the other surrounding streets.

I have strong concerns about the proposed location for waste bins kerb side collection zone, as it appears that the proposed majority of waste bins location are at my property verge strip, which I strongly object to as the proposed location, and request the developer to find different location which does not impact or impinge my property.

The impact of the proposed development on privacy, and obstructed views will result in a significant decline in property value for my property.

**REPRESENTOR 57:**

DA 202443505 - 16 Bentham Street Yarralumla (Block 22 Section 56)

Dear Territory Planning Authority

We support densification in Yarralumla and believe it is needed, but the proposed development is excessive for the area. We support the analysis made by the Yarralumla Residents Association (YRA).

**Parking**

As per the calculations made by the Yarralumla Residents Association (YRA), the development has a shortfall of 25 car parking spaces. Based on feedback from our customers and locals, there is already difficulty in finding a park at the Yarralumla shops and this development would worsen the situation.

**Precedence**

We are concerned about the potential precedence set if this development were to be approved.

Stewart Architecture cited two developments—MICA in Campbell and The Ambassador in Deakin—as precedents for larger buildings, yet neither of these developments backs directly onto single-home residences.

- The four-storey MICA development in Campbell is bordered by a shopping precinct, a car park, and two roads.
- The seven-storey Ambassador development in Deakin is surrounded entirely by

roads. While it does have a two-storey townhouse to the northwest, that dwelling has unimpeded northern sun exposure.

This proposed development, however, backs directly onto single-storey residential homes, creating a vastly different impact in terms of privacy and overshadowing.

If the commercial building of Hutchins street were to propose a development, allowing a 5-story development would set precedence for them to build 5 storeys or more, again impacting local business, resident privacy, access to sunlight, and parking in the area.

### **Requests for Consideration**

To ensure the proposed development respects the surrounding area and meets planning objectives, we request:

- A reduction in height to two or three storeys, which would still exceed CZ4 specifications while improving sunlight access and privacy for neighboring properties, and more access to car parks for visitors and users of the Yarralumla shops.
- Full compliance with solar access requirements for neighboring properties, ensuring the project does not create excessive overshadowing.
- Stronger privacy protections, such as larger setbacks for upper floors, privacy screens, or limiting south-facing balconies.

We appreciate the opportunity to provide feedback on this proposal and urge the planning authority to consider these concerns in its assessment.

### **REPRESENTOR 58:**

We are writing to provide feedback on the proposed development at 16 Bentham St, Yarralumla, as it affects our parents' residential property. While we acknowledge the need for increased housing in the inner south, we have concerns regarding the scale of the development, its impact on solar access and privacy, and whether it aligns with broader planning objectives.

### **Scale and Impact on Surrounding Properties**

The need for increased density in inner south suburbs is clear, and thoughtful development is welcomed. However, the scale of this proposal is excessive within the existing context. The transition from standard residential blocks to the commercial precinct has not been adequately established through zoning specifications. The Commercial Zone Specification 14.1 outlines a maximum building height of two storeys for CZ4; however, this development proposes five storeys. A height more closely aligned with existing guidelines would result in a building that is more appropriate for the site, surrounding properties, and broader planning objectives.

A key concern is the impact on solar access for the neighbouring residential properties to the south. Assessment Outcome 15 states that "reasonable solar access to dwellings and private open space within a block and on adjoining residential blocks is achieved." The shadow diagrams submitted with the proposal indicate that this development would block a significant amount of morning sunlight. As this is a single-storey dwelling, this overshadowing will have an unfair impact on their quality of sunlight access.

While the proposed apartments exceed minimum solar access requirements for their own residents, this comes at the expense of neighboring homes, which will experience worsened

light conditions. This is not only an amenity concern but also has implications for energy efficiency, counteracting sustainability objectives outlined in the Territory Plan 2023 and Planning (Residential Zones) Technical Specifications 2024 (No. 3). These policies emphasise the importance of solar access for both indoor and outdoor spaces, and a development of this scale should not override these considerations for existing homes.

Additionally, privacy remains a concern. Assessment Outcome 16 states “reasonable levels of privacy to dwellings and private open space within a block and on adjoining residential blocks is achieved”. While the plans incorporate some setbacks and tree plantings, balconies and bedrooms on the southern side will have direct views into neighboring properties. Tree coverage, while beneficial in the long term, will take years to mature and will never fully provide privacy from upper levels.

Recognising the need for additional housing, we do not object to an increase beyond the two-storey specification. However, a three-storey development would still contribute to housing supply while better respecting surrounding properties, improving solar access and privacy impacts for nearby residences.

### **Precedent and Future Implications**

The applicant has cited two developments—MICA in Campbell and The Ambassador in Deakin—as precedents for buildings of this scale. However, neither of these directly adjoins single-storey residential homes:

- The four-storey MICA development in Campbell is bordered by a shopping precinct, a car park, and two roads.
- The seven-storey Ambassador development in Deakin is surrounded entirely by roads. The only adjacent residential property is a two-storey townhouse with unimpeded northern sun exposure.

This proposal differs significantly as it directly borders single-storey homes, creating a much greater impact on privacy and overshadowing than the cited developments. Additionally, approving this five-storey building risks setting a precedent for any future development of Bentham St, the northern commercial block neighbor. The shadow diagrams already demonstrate the significant impact this development will have. If similar projects follow, southern-facing residential properties will be left with virtually no direct sunlight, failing to meet the reasonable habitability standards outlined in planning policies.

### **Housing Needs and the Missing Middle**

We strongly support the ACT Government’s vision for increased housing in the inner south, and developments such as this and the Brickworks project will introduce new residents to Yarralumla. However, this proposal does not adequately contribute to meeting the region’s most pressing housing needs.

The 14 apartments proposed across five storeys are exclusively three- and four-bedroom residences, seemingly targeted toward downsizers in a high-end market. While this may provide housing for a particular demographic, it does little to address the broader housing shortage. The ACT Government has recognised the need to support the “missing middle” that provides diverse, low-density housing options. A more balanced approach would include a mix of townhouses or two-bedroom apartments, ensuring a greater variety of housing options that align with long-term planning goals.

### **Requests for Consideration**

To ensure this development is more in line with existing planning policies and its surrounding environment, we request that the following be considered:

- A reduction in height to three storeys, which would still exceed CZ4 specifications while minimising impacts on solar access and privacy for neighboring properties.
- Adherence to solar access guidelines for adjacent properties, ensuring the project does not significantly overshadow existing homes.
- Stronger privacy protections, such as increased upper-floor setbacks, privacy screens, or limiting south-facing balconies.

We appreciate the opportunity to provide feedback on this proposal and urge the planning authority to consider these concerns in its assessment.

### **REPRESENTOR 59:**

We oppose the development because it does not meet a number of the assessment outcomes of the ACT's commercial zone policy and accompanying technical standards for mixed use developments. As a consequence, the development creates significant impacts on neighbouring residential properties and the existing businesses at the Yarralumla shops (See below).

The development, if approved, will also set a precedent for similar mixed- use proposals at the Yarralumla shops, effectively increasing the scale, height and density of the local centre in the absence of any comprehensive planning for the area. The development application foreshadows a second similar development proposal for the commercial premises next to 16 Bentham Street.

The Inner South District Strategy does not identify the Yarralumla shops as an area of particular focus for higher residential densities. Rather the Inner South District Strategy indicates that a review of the ACT's local centres should be undertaken to identify group and local centres for appropriate planning and non-planning initiatives to facilitate regeneration of such centres. Only two local centres, Deakin and Narrabundah, are immediately identified for further planning and non- planning initiatives to facilitate the development, and potential densification, of those areas.

### **Size bulk and scale of development in a CZ4 zone.**

The development is located in a CZ4 zone comprised of shops and 2 storey commercial buildings. The CZ4 zone is surrounded by homes in either an RZ1(Suburban) or RZ2 (Suburban Core) zone where residential development is 2 storeys and the maximum height of those storeys is 8.5 m (Residential Zones Policy and Residential Zone Specifications).

According to the ACT's Commercial Zones policy outcomes, commercial zones in general are primarily for commercial developments providing a strong economic focus for the zone and land for the supply of commercial services. While complementary uses are permitted, they should not detract from the primary commercial nature of the zone.

Further, commercial zone assessment outcomes specify that adverse impacts of development on surrounding uses (both within a site and on adjoining sites) are minimised and residential amenity protected. This includes between residential uses and between non-residential and residential uses.

Specific policy outcomes for the CZ4 zone focus on maintaining commercial retail, community and business services to meet residents' daily needs and to encourage investment and local employment. While these policy outcomes envisage a mix of uses to reflect changing circumstances, **any new development must maintain and enhance local residential and environmental amenity through appropriate and sustainable urban design.**

The Commercial Zone Specification Assessment Outcome 14.1.b provides that buildings in CZ4 zones should be 2 storeys as a way of ensuring that the height bulk and scale of a development is appropriate to CZ4 policy outcomes. This height limitation also helps ensure that the surrounding residential character and amenity of the local area is maintained.

The development is to be 16-19 metres in height (about two to three times the height of neighbouring properties) or 5 to 6 storeys including the roof and various associated infrastructure. If the development is approved, a low impact commercial building will be transformed into a predominantly residential building with space for 3 commercial uses. The building will tower over nearby residences, as well as the rest of the buildings and shops in the local centre. It will be visible from many other neighbourhoods in Yarralumla. The development is completely out of character with the surrounding area and will dominate the shops and surrounding homes because of its height bulk and scale.

The proponent indicates that it has designed the development so as to minimise the impacts of the development on the neighbouring properties. However, there are a number of issues which, in our view, have not been satisfactorily addressed (see below).

### **Reduction in GFA Zone C**

The Commercial Zones Technical Specifications provides that where residential development is proposed in a CZ4 zone, the total GFA for commercial and/or retail purposes on the site cannot be reduced by more than 50% unless the Territory Planning Authority is satisfied of certain matters relating to the ongoing commercial viability of the local centre. A report prepared by a suitably qualified expert must be provided. According to the development application and accompany documents, GFA for commercial uses will be reduced by just over 50%. However, no required expert analysis has been provided.

### **Overshadowing**

The height of the proposed building creates overshadowing for the adjoining property, and it is not clear that technical specifications for winter solar access are met for that property. Moreover, the residential building at Novar Street, the neighbouring Bentham Street commercial property, and the residential property at Hutchins Street may also experience some overshadowing depending on the time of year.

### **Privacy**

The proposed development will adversely impact the privacy of the residents living at Novar Street. At ground level, an enclosed swimming pool will be located adjacent to the boundary of Novar Street with a setback of 6m. However, Commercial Zone Specifications Assessment Outcomes 6 and 16 require a 9m offset for privacy in addition to a 6m general setback.

The development may also impact on the privacy of other homes along Novar Street. The development will have five storeys, with 14 residential units, all of which will overlook neighbouring properties at the back of the development, to a greater or less extent. While there is an immediate impact on Novar Street, other homes along Novar Street may also be impacted, given the height difference between the development and any other building in the area surrounding the Yarralumla shops.

### **Traffic impacts and parking**

There is insufficient parking underground parking to accommodate the proposed mix of residential, office and commercial uses within the development. The proponent identifies that the development will require 38-40 car parking spaces. Thirty- six of these spaces will be provided in two levels of

basement parking, leaving an additional 2-4 visitor parking spaces to be provided by existing parking spaces at street level.

It should also be noted that, on calculations submitted by the YRA, up to 61 parking spaces will need to be provided to service residential, office and commercial uses (including the proposed café/restaurant) in the development, leaving a shortfall of about 20 parking spaces to be provided by existing spaces at street level.

There are also no dedicated loading docks for delivery vehicles. These vehicles will have to use existing public parking spaces, which does not meet the technical specifications for commercial zones. There is only 1 dedicated accessible parking space for people with disabilities.

The impact of construction related traffic, machinery and vehicles on traffic flows and parking in and around the shops has also not been addressed.

The proponent suggests that parking around the shops will adequately deal with any overflow from the development, relying on a study that examines parking demand in a different part of Australia, with a different set of circumstances. The proponent does not consider the cumulative impact of increased demand for parking around the shops created by this development, the Brickworks development and any redevelopment of the former CSIRO site. Should a redevelopment of the adjoining commercial property occur, there will be further demand placed on limited spaces at and near the Yarralumla shops.

#### **Entering and exiting the basement carpark**

The development may create a dangerous situation for road and pedestrian traffic as vehicles enter and exit the single lane basement parking near a bus stop, large tree and a round-about. Large commercial vehicles, e.g. waste management vehicles, cannot safely use the basement parking and will have to back into the vehicle exit and entrance way to collect waste. This will block traffic on Novar Street near the bus stop and also traffic entering and exiting the development.

The same situation may occur with delivery vehicles, as there are no loading docks, contrary to requirements under Assessment Outcome 28 of the Commercial Zone Specifications.

The proposed single lane traffic scheme for the basement carparking may also create risks for drivers, which may not be mitigated by installing mirrors at key points.

#### **Waste Management-construction**

The waste management plan for demolition and construction indicates that construction waste and building materials will be managed on site. This may prove to be difficult as 85% of the site will be excavated for basement parking and building foundations. It therefore may not be possible to manage all waste on site while simultaneously constructing two levels of carparking plus the foundations of a 5-storey building.

One consequence of this is that waste and materials may have to be located in areas adjacent to the site, spilling over to affect neighbouring properties and obstructing access to the shops for a 2-to-3-year period while construction takes place. There appear to be no plans which identify how off-site construction and other waste will be managed. There also do not appear to be any plans to manage the impact of sizeable earthworks on the foundations of neighbouring properties.

There may also be the need for an assessment of the type of waste to be removed from the site, The technical specifications for commercial zones requires buildings with occupancy certificates

predating 2005 to have a hazardous waste survey undertaken, signed off by a suitably qualified person and endorsed by the EPA, prior to demolition of such buildings.

#### **Waste Management -ongoing**

The submission from the Yarralumla Resident's Association suggests that the proponent has significantly underestimated the ongoing volumes of waste that will be generated from the development, particularly from the proposed café/restaurant use. Dealing with larger volumes of waste may have a range of impacts as noted in the YRA's submission, most notably requiring waste to be deposited in about 14 bins located on the neighbouring property of Novar Street.

#### **Other matters**

Depending on the final height of the proposed building (DA identifies 16-19 metres) there may be a need for a wind assessment in order to comply with Technical Specification 21.11.

#### **REPRESENTOR 60:**

I strongly support the YRA submission. In addition I find the following issues of special concern:

**Height of building:** The building is completely "out of scale" with others in this part of Yarralumla. 5 stories (with life extension and services on the roof, it is effectively 6 stories). The building height should be limited to the height of the tree canopy in Novar St and reduced to be a 3-4 story building. Such a high building will considerably reduce the amenity of the "village" shopping centre.

**Garbage bins on street:** there is insufficient space for regular household bins to be put out for collection on the Novar St side of the development. With 14 residential units there will be up to 28 bins lined-up in front of neighbours houses for 1-2 days per week. Also because Novar street is relatively narrow and the space is adjacent to a bus stop and a few metres from traffic circle it is highly likely that the rubbish removal vehicles will cause significant congestion at collection time (currently around 8:00am Mondays). Each bin takes approximately 30 seconds for truck to move, stop, empty bin, replace bin, move. With 28 bins the truck(s) will be stopped for 7 minutes twice on Monday morning causing very serious and dangerous congestion. I recommend that commercial style hopper, stored on site in the building would be most appropriate for this development. I believe commercial bins are so provided in the DA plans and should be extended to include the residential bins.

**Car parking and traffic:** Yarralumla already has serious parking issues and the inclusion of additional commercial space - including restaurant/cafe will exacerbate traffic flows and car parking shortage. Yarralumla shops are going through an expansion in the existing shopping areas with the already in -plan 200 restaurant /cafe seats due to be trading this year. The Kabab T/A shop to include new 75 seat restaurant with additional 25 seats outside, the new Bakery estimated to have a total of 50 seats inside and out, the news owner of the Chinese restaurant site will also be restaurant of 50 or so seats. 200 additional diners will bring more than 100 additional cars at any one time. The addition of approximately 80 additional seats in the proposed development (not to mention other commercial tenant(s)) will cause grid lock, frustration at our little suburban shops. The proposed development must include parking for the additional visitors to Yarralumla (the patrons at the DA's new cafe/restaurant and employees of same plus employees and customers of other commercial units). The developer should reduce the size of the development and add further underground parking.



**REPRESENTOR 61:**

I oppose the redevelopment of this site as proposed in DA202443505. The scale of the proposed development is excessive for its small site; and its height of 5-6 storeys is not appropriate in a small local shopping centre of 2 storey buildings, in an area zoned CZ4 2 storey local centre.

My concerns are addressed in detail in these two submissions. They address the areas of noncompliance of this development and highlight all the likely resulting negative impacts on our existing businesses and residents and others wanting to support those businesses.

The proposed development is non-compliant in multiple areas including:

- Waste management – has been assessed against 405m<sup>2</sup> of office space rather than the stated use of restaurants/retail. Overall waste is underestimated by a factor of 29 with significant consequences as to how the waste is managed and collected Grease traps are a legal requirement for cafes and restaurants. Commercial premises require grease traps in the basement carpark that can be accessed for regular maintenance and inspection. There is no provision in the proposed Development for accessible grease traps in the basement carpark. To make such a provision will reduce the number of parking bays.
- Loading docks – no provision made for goods deliveries to commercial units.
- Resident, Commercial and Visitor Parking – as with waste management commercial parking requirements have been assessed against office use rather than the stated use of restaurants/retail. The DA states 38-40 spaces are required with 36 basement carparks being provided and 4 on road parks to be used and claims that there is plenty of parking within 100m of the centre. In fact, 61 spaces are required when calculations use the correct commercial figures. Parking is already oversubscribed at the shopping centre and residents regularly report driving to an alternate centre when they cannot get a carpark. At 10.30am on Friday 21st March – all angle parking was full, and all the following legal street parking was full: Bentham Street between Hutchins and Banks Street, Hutchings Street, and in Bentham Street between Novar and Mueller.
- Privacy for adjoining site – a 15m setback is required from the boundary. Only 6m has been allowed.
- Noise – no assessment of onsite noise has been done.

The negative impacts of this development will be both short and long-term. The impacts of the construction period are often considered short-term and the effect on existing businesses are overlooked. The 2-year construction period is likely to result in significant impacts on access, amenity and passing trade for our local businesses. There needs to be support for these businesses during demolition and construction works so that their viability is not affected.

Likely issues during construction include:

- all construction site facilities, materials, deliveries and waste management will be on public land outside the site.
- pedestrian access to the north side of Bentham Street will be limited by construction storage and facilities.
- closure of Bentham Street to vehicular access for periods during construction with major impacts on existing businesses.
- dust and noise, heavy traffic servicing demolition waste and construction materials, constant beeping as these trucks manoeuvre, and competition for parking from site workers and trades.
- tradesmen parking in the short-term public parking spaces, exacerbating the existing shortage of parking. Likely many of these will be the oversized RAM style Utes now favoured by tradesmen further impacting parking and safety as these vehicles are too long for the angled parks in Bentham St. (We've had up to 15 tradesmen's vehicles in our suburban street for a house rebuild –

many of them oversized utilities often making a narrow suburban street impassable. Similar likely to happen at this site.)

- safety of visitors to shopping centre severely compromised by a construction site encroaching on an already narrow road, next to a roundabout and bus stop.

The developers describe it as 'smart densification'. It is in fact anything but as it requires: demolishing rather than repurposing an existing functional building; the removal of a significant number of mature trees; with the scale of the proposed development is excessive for its small site; and its height of 5-6 storeys is not appropriate in a small local shopping centre of 2 storey buildings, in an area zoned CZ4 2 storey local centre.

It is unfortunate that the rules require ACTPLA to release a DA for Public Comment as soon as they have all the documentation and there is no checking by the Assessing Officer until the DA until the Public Consultation is finished. This places an unfair burden on a community regarding having resources and expertise to effectively assess and respond to a DA comprising 65 documents, and to cross-reference it to the relevant planning legislation.

I feel sure that better and more cost-effective outcomes could be achieved for both public and government if there was a requirement for some preliminary checking by ACTPLA for non-compliance. The non-compliance in this DA is extreme and I'm staggered that the professionals who prepared it are prepared to compromise their professional integrity to the extent they have done by using figures that suit them not the figures prescribed by the legislation.

#### **REPRESENTOR 62:**

I oppose the redevelopment of this site as proposed in DA202443505. The scale of the proposed development is excessive for its small site; and its height of 5-6 storeys is not appropriate in a small local shopping centre of 2 storey buildings, in an area zoned CZ4 2 storey local centre.

I am not opposed to a mixed redevelopment of the site that complies with CZ4 2 storey local centre. However, I am opposed to the scale of the proposed development.

#### **REPRESENTOR 63:**

We are writing to provide feedback on the proposed development at 16 Bentham St Yarralumla. While we welcome densification in the inner south, this development presents several concerns regarding its scale, impact on privacy and sunlight access, and its alignment with broader housing needs.

##### **Scale & Impact on Surrounding Properties**

Densification in the inner south is much needed and very welcome, but the proposed development is excessive for the area. The transition from standard residential blocks to the commercial precinct has not been properly established through zoning specifications. If the Commercial Zone Specification assessment outcome of a maximum height of two storeys (14.1) was more closely adhered to, rather than the proposed five storeys, it would ensure the development is more respectful of its surroundings, neighbouring sites, and planning legislation.

The scale of the proposed development significantly impacts solar access for neighbouring RZ2 properties. Assessment Outcome 15 states that "reasonable solar access to dwellings and private open space within a block and on adjoining residential blocks is achieved." The shadow diagrams demonstrate that this development would still block a significant amount of morning sunlight for 14 Hutchins St and afternoon sun for 39 Novar St, both of which are single-storey dwellings. While the proposed development far exceeds the minimum solar access requirements for its own residents, this is at the cost of existing homes, negatively affecting both health and amenity.

Health and amenity concerns are critical national construction considerations. The shadowing impact of this development will counteract energy efficiency goals outlined in local and national legislation. Policy outcomes for residential zones in the *Territory Plan 2023* and the *Planning (Residential Zones)*

*Technical Specifications 2024 (No. 3)* specify solar access not only for internal living areas but for outdoor spaces as well. A commercial development such as this should not be able to disregard these considerations.

If the orientation of the development were flipped—placing it on the southern side of the neighbouring residential blocks—any future development on those residential blocks would not be allowed to propose a building even half the size due to overshadowing restrictions. The current design imposes a building of excessive height onto existing homes in a way that contradicts established planning principles.

Privacy is another concern with the development's scale. Assessment Outcome 16 for both CZ4 and RZ2 states that "reasonable levels of privacy to dwellings and private open space within a block and on adjoining residential blocks is achieved." While we appreciate that the development's living areas are oriented north, balconies and bedrooms on the southern side will have clear views into neighbouring properties. Although tree coverage is included in the plans, these trees will take years to mature and will never provide adequate privacy from the upper levels.

We recognise that the building height specification in Assessment Outcome 14 is two storeys for CZ4. We do not wish to restrict the development to two stories, as we welcome increased housing and commercial opportunities in Yarralumla. However, a three-storey building would still provide much-needed housing while being more proportional to the surrounding area, improving privacy and sunlight access for neighbouring properties.

### **Precedent & Future Impact**

Stewart Architecture cited two developments—MICA in Campbell and The Ambassador in Deakin—as precedents for larger buildings, yet neither of these developments backs directly onto single-home residences.

- The four-storey MICA development in Campbell is bordered by a shopping precinct, a car park, and two roads.
- The seven-storey Ambassador development in Deakin is surrounded entirely by roads. While it does have a two-storey townhouse to the northwest, that dwelling has unimpeded northern sun exposure.

This proposed development, however, backs directly onto single-storey residential homes, creating a vastly different impact in terms of privacy and overshadowing.

Furthermore, approving this five-storey building sets a precedent for any future development of 13 Bentham St, the northern commercial block neighbour of 14 Hutchins St. If a second development of this scale (or larger) were approved, access to sunlight and privacy for the neighbouring residential blocks would be further eroded. The shadow diagrams already show the significant impact this development has on neighbouring properties. If similar developments follow, meeting the required minimum three hours of sunlight access for neighbouring homes will become virtually impossible, resulting in unreasonable habitability conditions for existing residents.

### **Housing & the Missing Middle**

We support the ACT's long-term vision for densification in the inner suburbs. The proposed development, along with the Brickworks project, will bring a welcome increase in residents to Yarralumla.

However, while Canberra urgently needs more housing, this development does not address the critical gap in the market: the "missing middle". The proposed three and four-bedroom apartments total just 14 homes across five stories. The development is clearly intended as high-end housing in a blue-chip suburb, yet it does not provide alternative housing options for the vast majority of ACT residents.

A development that better aligns with the ACT's goals for inner-south densification and affordability would focus on low-density townhouses or two-bedroom units, neither of which this project

provides. As a result, the proposed development fails to contribute meaningfully to the ACT's broader housing needs.

### **Requests for Consideration**

To ensure the proposed development respects the surrounding area and meets planning objectives, we request:

- A reduction in height to three storeys, which would still exceed CZ4 specifications while improving sunlight access and privacy for neighbouring properties.
- Full compliance with solar access requirements for neighbouring properties, ensuring the project does not create excessive overshadowing.
- Stronger privacy protections, such as larger setbacks for upper floors, privacy screens, or limiting south-facing balconies.

We appreciate the opportunity to provide feedback and hope that these concerns can be considered in the approval process.

### **REPRESENTOR 64:**

I have only recently become aware of the proposed five-storey mixed-use development opposite the Yarralumla shops and, until now, have not had the opportunity to prepare a considered response. I am writing to express my deep concern about the lasting changes this development would bring to Yarralumla and the precedent it risks setting for future construction in the suburb. Yarralumla is a cherished garden suburb with a well-established character. The community atmosphere of the local shops plays a central role in this character, and the proposed five-storey building stands in stark contrast to the current aesthetic and feel of the surrounding area. There are no other buildings of this height in Yarralumla, with previous developments being limited to three storeys following significant community consultation and advocacy. This proposal represents a dramatic departure from precedent, and it is both inappropriate and insensitive to the established character of the suburb. A development of this size will dominate the streetscape, overshadow the shops, and severely impact the open aspect and views that currently define the precinct. The Yarralumla shops are not just a place to buy groceries and a coffee; they are a hub where residents meet, linger, and connect. That atmosphere will be fundamentally compromised by a looming five-storey structure across the road. I strongly urge that this proposal be reconsidered and either significantly revised to reflect the existing height limits in the area or withdrawn entirely in favour of a more appropriate and context-sensitive plan.

### **REPRESENTOR 65:**

I strongly support the submission of the Yarralumla Residents Association. This proposed development is of a size and scale that will have lasting negative impacts on our community, both during construction and after completion, and serious negative impacts on the amenity of our suburb. The proposed building height is out of all keeping with the surrounding shopping and commercial centre and will impact negatively on the surrounding suburban residential zone. The development in its current form will contribute significantly to parking congestion both in Bentham Street and in nearby streets as vehicles compete for places to park. This development should be scaled back significantly and the major issues raised by the YRA addressed.