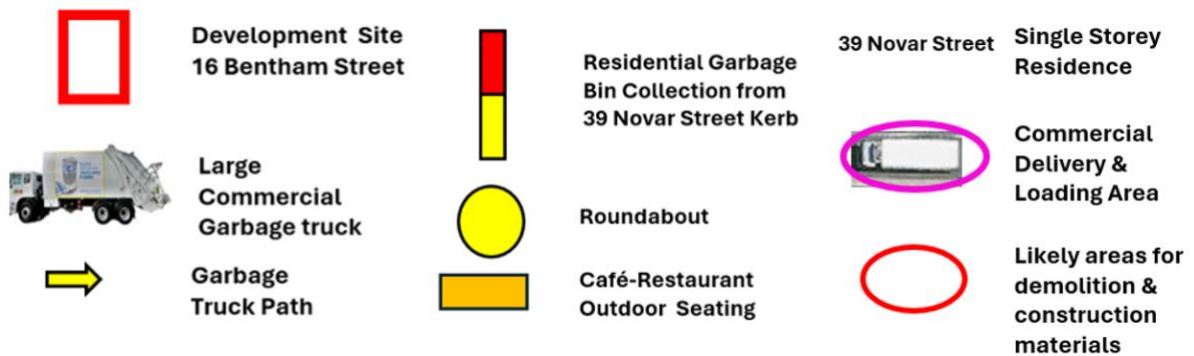


Yarralumla Residents Association Submission DA 202443505



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



Yarralumla Residents Association Submission

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 – non compliant

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/100m² GFA/Day whereas a Restaurant/Café is 660L/100m² 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/100m² GFA/Day of recyclables, a Shop is 50L/100m² GFA/Day and Restaurant/Café 135L/100m² 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 – non compliant

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 – non compliant

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/100m² GFA for Shops and 10 spaces/100m² GFA for Café/Restaurant, not 2 parking places per 100m² 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 - non compliant

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 – non compliant

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)

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[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 ²	Consulting rooms
21 parking spaces	Car parking
Block size 1667m ²	

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 ²	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 carparks – 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 carparks.*

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/100m² GFA/Day whereas a Restaurant/Café is 660L/100m² GFA/Day and a Shop is 50L/100m² 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/100m² GFA/Day of recyclables, that for a Shop is 50L/100m² GFA/Day and Restaurant/Café 135L/100m² 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 405m². 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

<i>Table 5 Parking provision rates (extract)</i>	
<i>Development in CZ4 Zone</i>	<i>Spaces</i>
<i>Business Agency</i>	<i>3 spaces/100m² GFA</i>
<i>Cafe</i>	<i>10 spaces/100m² GFA</i>
<i>Office</i>	<i>2 spaces/100m² GFA</i>
<i>Restaurant</i>	<i>10 spaces/100m² GFA</i>
<i>Shop</i>	<i>5 spaces/100m² GFA</i>

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 100m² GFA not the correct figures of 5 spaces per 100m² GFA for Shops and 10 spaces per 100m² 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 404m² GFA 2 spaces/100m² 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 GFA² 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° angle 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.

2. Waste Management

ZS2 – Commercial Zones Specifications

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

3. Loading Docks

ZS2 – Commercial Zones Specifications

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

4. Residents, Commercial and Visitor Parking

ZS2 – Commercial Zones Specifications

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

5. Privacy

ZS2 – Commercial Zones Specifications

Assessment Outcome 6 -Impacts on adjoining sites and amenity.

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

6. Noise

ZS2 – Commercial Zones Specifications

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

7. 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

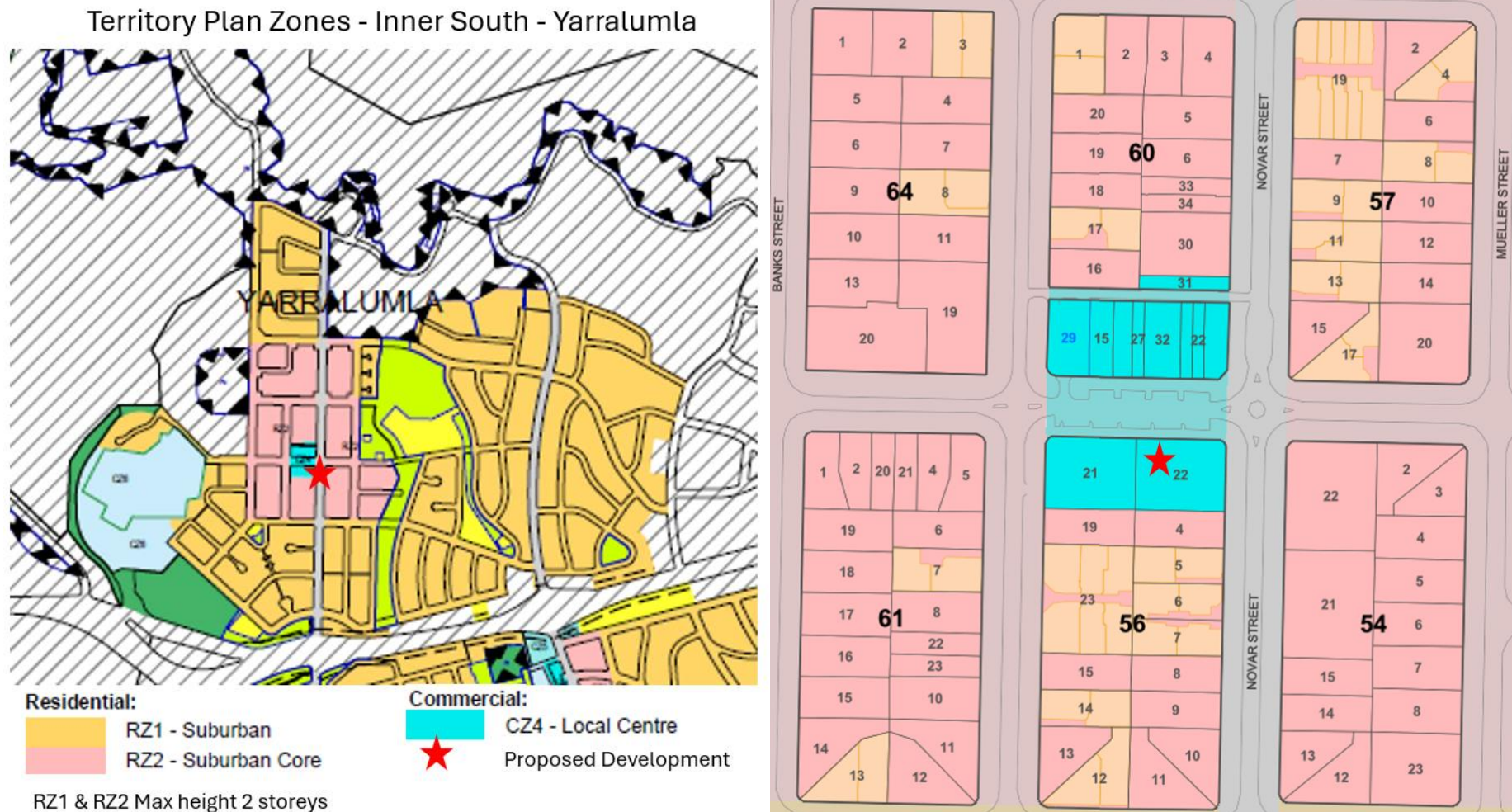


Figure 2- PLAN shows 14 of 16 Garbage Bins for 14 Multi Use Residential Development Units collected on nature strip of 39 Novar Street a Single Storey Residence taking up more two thirds of the area

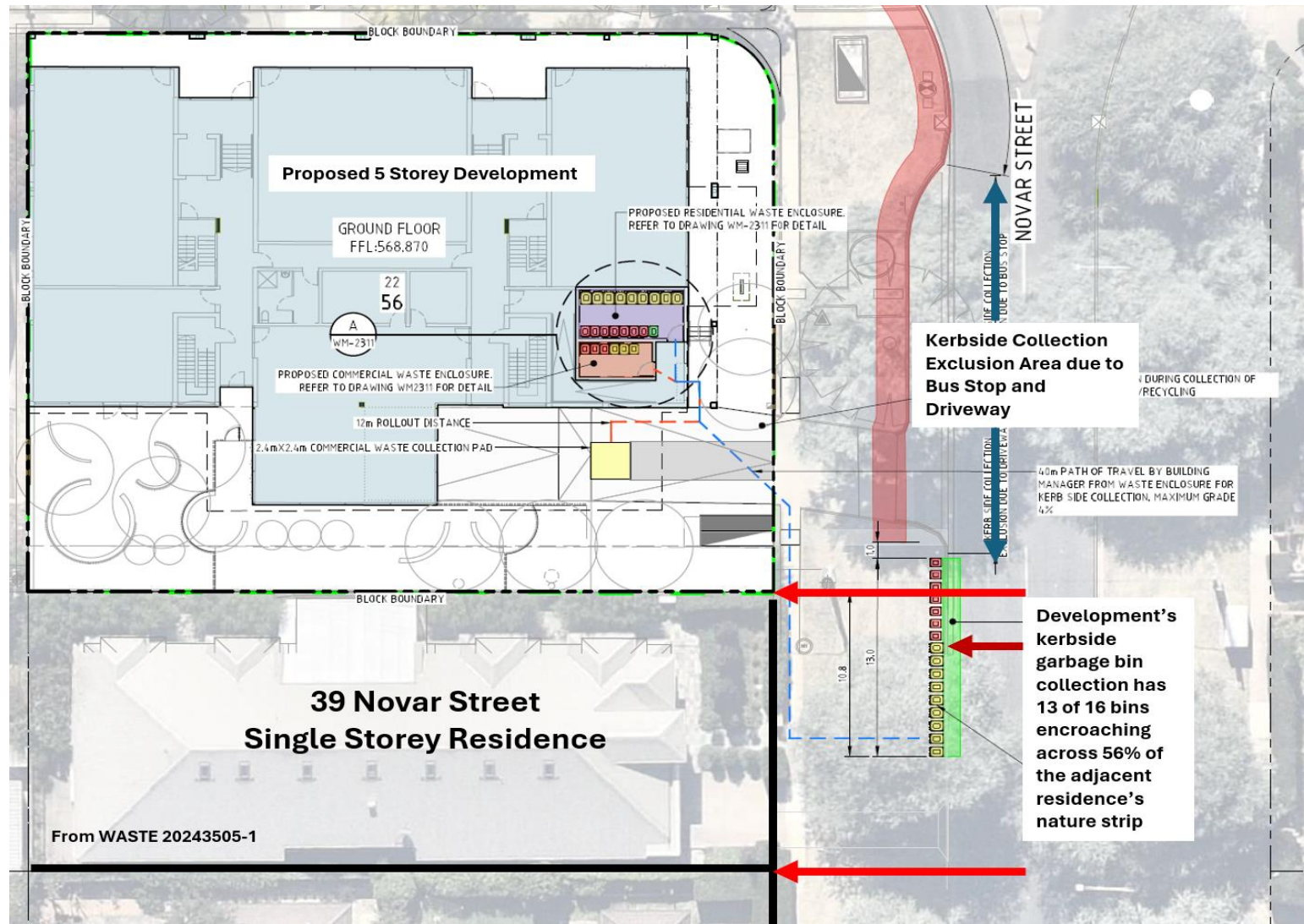


Figure 3 – Development's Residential Waste Collection



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

WASTE REQUIREMENTS								
COMMERCIAL								
USAGE	AREA m ²	DAYS OF OPERATION	WASTE/100m ² /DAY (LITRES)	TOTAL WASTE/ WEEK (m ³)	BIN SIZE	NO. OF COLLECTIONS PER WEEK	COMPACTION	WEEKLY CAPACITY (m ³)
OFFICE	405	6	20	0.486	3 x 240L	1	1	0.72
TOTAL	405			0.486				



**16 large commercial waste
hoppers line pavement at
Curtin Shops**

RECYCLING REQUIREMENTS								
COMMERCIAL								
USAGE	AREA m ²	DAYS OF OPERATION	RECYCLING/100m ² /DAY (LITRES)	TOTAL RECYCLING/ WEEK (m ³)	BIN SIZE	NO. OF COLLECTIONS PER WEEK	COMPACTION	WEEKLY CAPACITY (m ³)
OFFICE	405	6	25	0.608	3 x 240L	1	1	0.72
TOTAL	405			0.608				

Total Commercial requirements for 405m² - 1xShop, 1x Restaurant, 1x Cafe:

Waste: 1,850L/Day; 11,097L/Week

Recycling: 432L/Day; 2,592L/Week

From - Waste-202443505-3

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

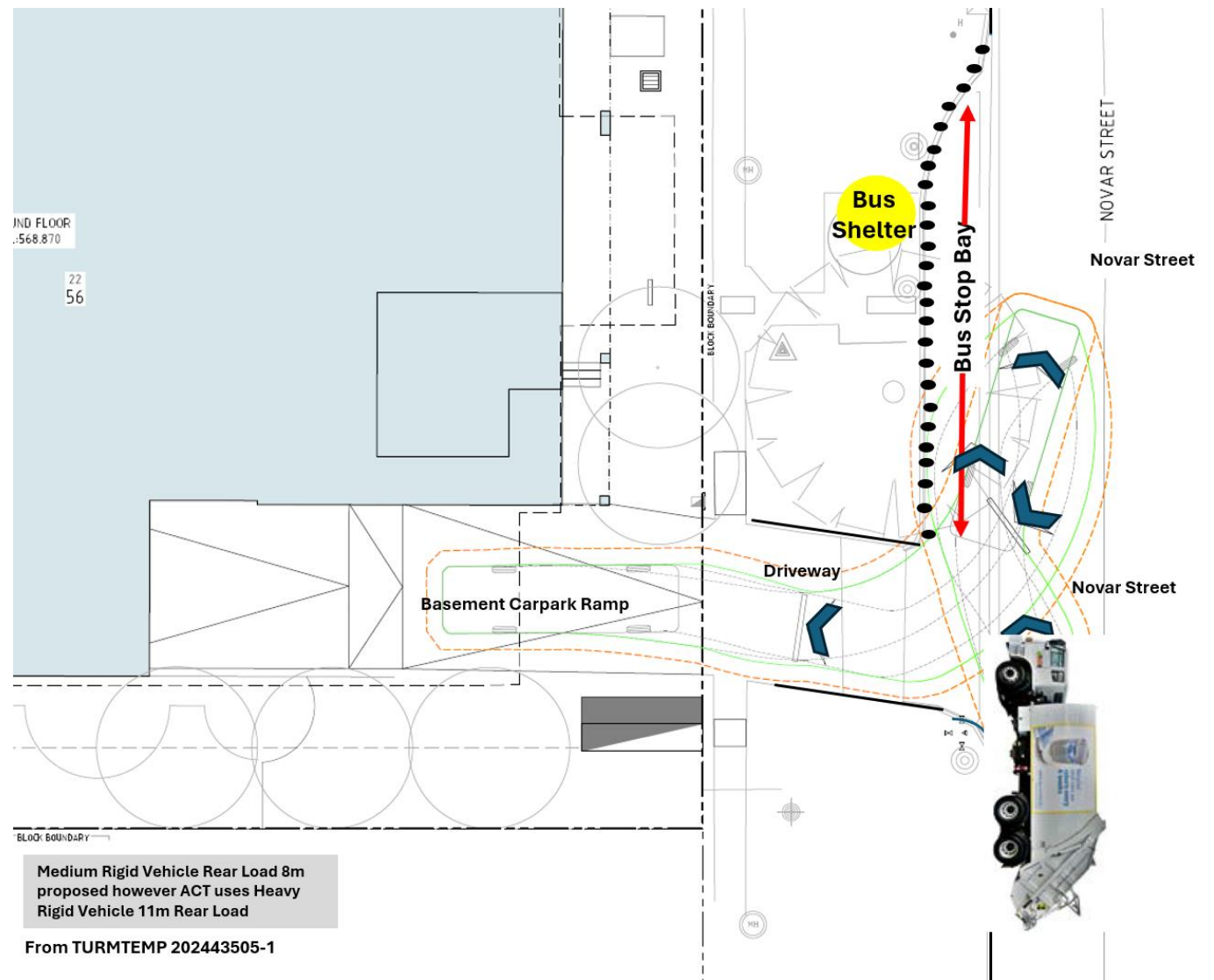
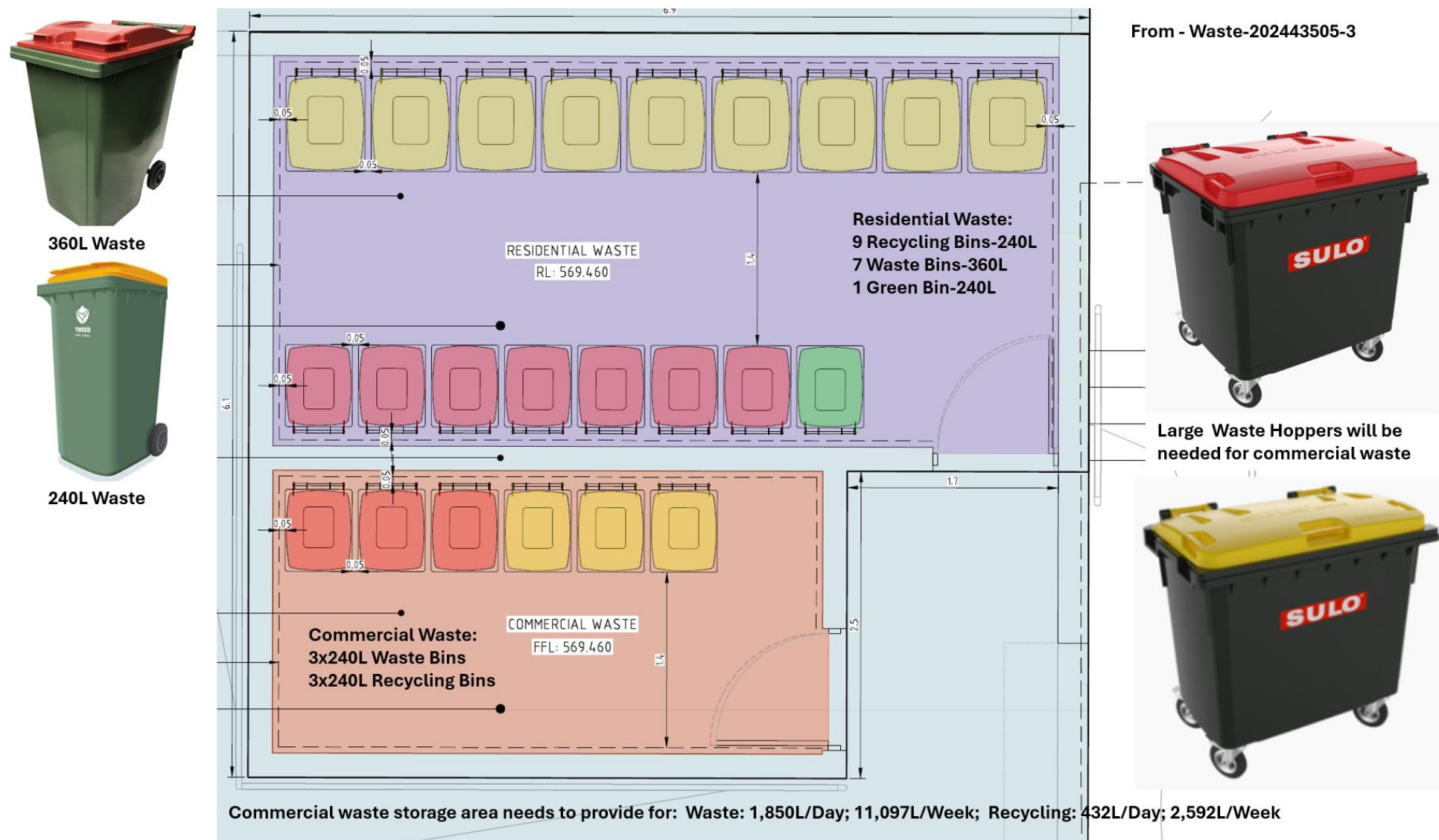


Figure 6-Street View - Commercial Garbage Trucks turn in Bus Stop Bay and block Basement carpark access



Figure 7 – Development's Waste Storage Area



Existing Building to be Demolished

GROUND FLOOR
FFL 568.870

22
56

Existing Carpark area to be retained during construction
Note this area must be excavated for basement carpark

Construction Material Stockpile

Site Sheds

Construction Waste Bins

Site facilities not accessible during excavation

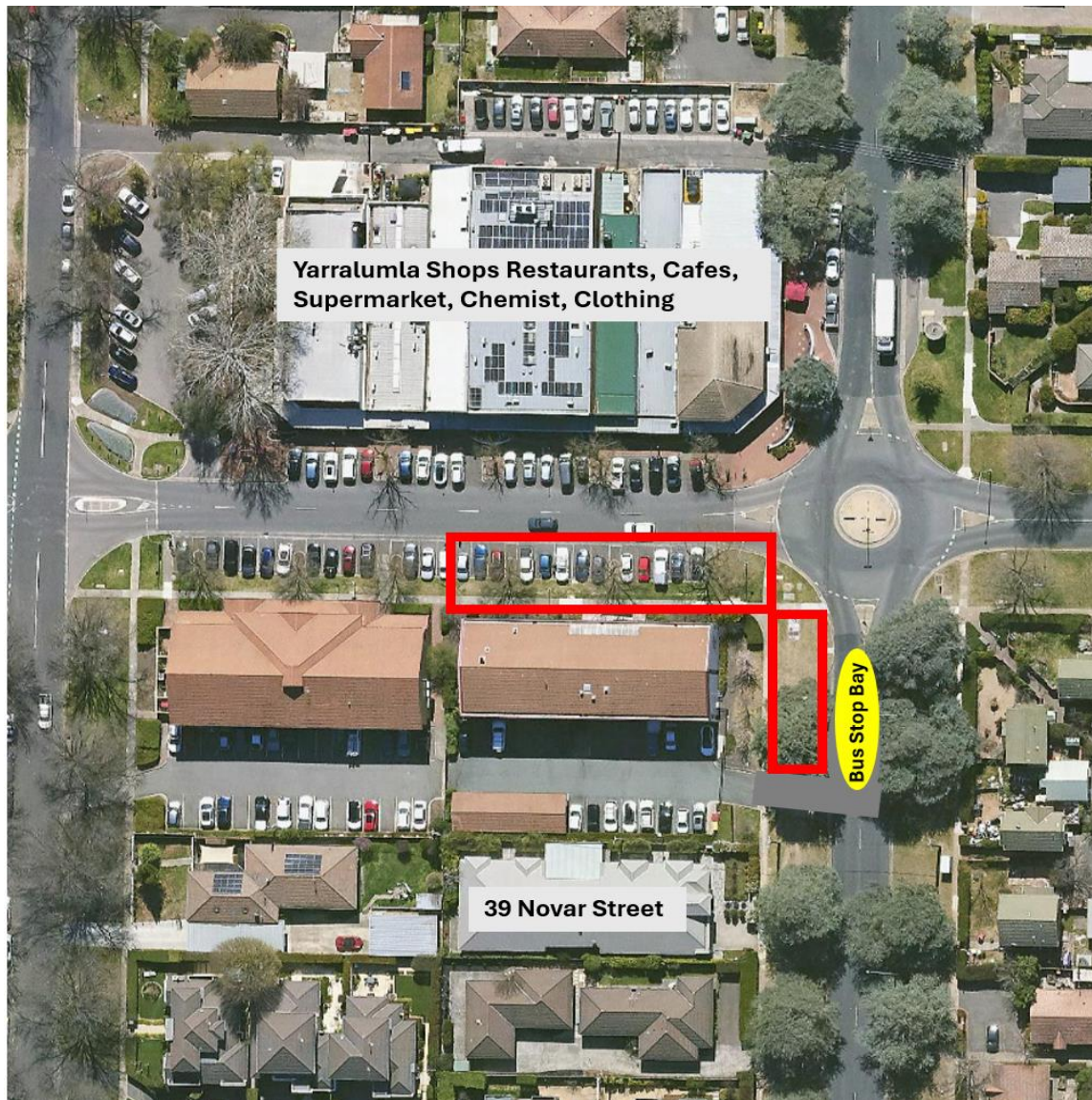
Driveway


Novar Street

Adjacent Residential Dwelling - 39 Novar Street

From SEDIMENT-202443505-01

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



 Areas outside site that are likely to be appropriated for storage of demolition and construction materials, and location of site offices