

Reference Number: DA21/0675 File No: D/2021/0675
[REDACTED]

19 December 2021

The General Manager
Wagga Wagga City Council
PO Box 20
Wagga Wagga NSW 2650

ATTN: Emma Molloy/Jessica Facey

Dear Emma,

RE: Submission for Objection to proposed alterations and additions to 67 Coleman St, Wagga Wagga NSW 2650 – DA21/0675 – Lot 1 DP743340

Further to previous correspondence with Wagga Wagga City Council dated 3rd December 2021 requesting an extension for submissions, [REDACTED] wish to object to the proposed development at 67 Coleman Street.

[REDACTED] objection is based on the proposed development at 67 Coleman Street, DA21/0675 and works involving extensions and carparking variations. The proposed alterations and additions at 67 Coleman Street are non-compliant in several sections of the Wagga Wagga Development Control Plan (DCP) 2010 and the Wagga Wagga Local Environmental Plan (LEP) 2010 which [REDACTED] wish to raise to the Council planner and assessing team.

[REDACTED]
[REDACTED] concerns with alterations to 67 Coleman Street, as attached with this submission. These are dated 2006, 2013 and 2020 were in reference to previous applications (DA01/1018; ADA13/0034 and DA20/0584) [REDACTED] concerns have not been adequately addressed and are relevant [REDACTED] to this proposal. [REDACTED] seek clarification on these previous issues [REDACTED] have raised in regard to 67 Coleman Street and to provide context about [REDACTED] concerns for the proposed development and future impacts it will have [REDACTED]
[REDACTED]

Firstly, there is a large population of patrons forecast with the proposed development, more than previously forecast in previous DA20/0584. The Statement of Environmental Effects for DA20/0584 only counted for the front existing building and footpath, and it did not mention the backyard area in terms of increased volume, and the current Statement of Environmental Effects for DA21/0675 noted only minimal impact which is insufficient. A new Statement of Environmental Effects should be submitted and provide further exploring the impacts the alfresco dining will have, and how the backyard area will accommodate an influx of patrons as this is not adequately addressed. Please see below discussion of further areas to consider:

Carparking

[REDACTED]
concerns about on-site carparking which the planning officer noted as non-compliant. These were the following planning conditions:

Planning Condition 2: Four(4) carparking spaces are to be provided on site in accordance with council's standards. The location of carparking spaces are to be shown on a plan to be submitted prior to the release of the Construction Certificate.

Planning Condition 3: *The availability of carparking at the rear being suitably signposted at the front of the building so as to be readily apparent to customers.*

Planning Condition 4: The carparking layout is to be physically indicated on site (by means of line marking/physical barriers etc.) in accordance with Council's adopted carparking standards.

Planning Condition 5: The proposed car parking spaces are to be provided on site in accordance with Council's standards in a manner so as to allow the vehicles to enter and leave the site in a forward direction.

Subsequently, the letter stated, *'in order to regularise the use of premises and to address the above-mentioned non-compliance with conditions of consent, the owners of the premises have been requested to submit a Development Application to Council,'* which there is no record of occurring.

NGH's Statement of Environmental Effects submitted for DA21/0675 notes they wish to submit a variation to Wagga Wagga's DCP (2010) to resolve the car-parking issues. ■■■■■ believe this is not adequate as the 2 parking spaces proposed are for staff only and do not incorporate patron parking which is currently limited to off-site, creating traffic congestion in the neighbourhood and prompting hazards.

The Wagga Wagga DCP (2010) states the following in regards to variations to the DCP:

Whether there will be any detrimental impact on the amenity of the existing and future residents/occupants, as well as its surrounds, the nature and magnitude of the departure, the degree of the compliance with other relevant controls, objectives and principles and any compensatory measures proposed to offset the departure. The circumstances of the case, including whether the particular controls(s) is unreasonable and or/ unnecessary, the priorities identified in a site analysis being no greater importance than what is being departed from and if non-compliance will prejudice the objectives of the zone and the aims of the DCP of the Environmental Planning and Assessment Act 1979 are also factors to be considered.

The proposed development does not adhere to certain clauses in the current Wagga Wagga DCP 2010, as discussed below:

Wagga Wagga DCP 2010 Section 10 Clause 10.3: Local Centres (as noted in Statement of Environmental Effects for DA21/0675)	
Control	Comment
C2 Setbacks, building design and location – locate building bulk to ensure acceptable setbacks to any adjoining residential land. A landscaped buffer may be required.	The current setbacks are unacceptable [REDACTED]
C4 The location of vehicle entrance and exit points is to minimise disturbance to the functioning of adjoining roads and avoid	The current vehicle access is not acceptable under the current DCP for car parking, as mentioned in the SEE for DA21/0675.

directing additional traffic through residential precincts.	<p>Even though a variation is proposed, this is not adequate as off-site parking is currently impeding on residential access. The existing local centre at 69 Coleman St, and across the road at the BEC Centre mean there is already increased foot traffic in the residential area as is. [REDACTED] unable to park [REDACTED] due to the current parking situation which will only increase as more people travel to 67 Coleman Street. The development will not promote pedestrian or cycling access as there is limited availability, and parking has already started occurring in the rear accessway of the site, further impeding traffic in Kildare Lane, during peak hours of school drop off and pick up.</p>
C5 Design and location of loading and unloading facilities away from residential properties close to the site and provide adequate screening.	<p>The loading/unloading and bin location is not adequately spaced on the plans provided. There are currently nine bins on site. The area allocated for the bins on the plan doesn't provide enough ground floor area to cover the space of all bins. Two of the bins on site are larger than certified green waste bins. [REDACTED] are satisfied with the proposed position of the waste site, but do not think it will be large enough to house all bins required for the development and will impede on the proposed carparking plan at the rear of the area. A Waste Management Plan should also be provided to show how the applicants will utilise the space of the waste area to not impede on surrounding neighbouring properties nor disturb patron comfort.</p>
C7 Locate services and any mechanical vents or equipment away from residential development.	<p>The toilets proposed on the plan set provided by Glen Sewell designs shows the amenity facilities [REDACTED] are concerned vents attached to the facility will impact [REDACTED] quality of life due to noise and smell. [REDACTED] request these be amended on the plan to be farther away [REDACTED]</p>

[REDACTED] suggest a Traffic Impact Assessment required for the area due to the increase and the impact this will have on adjoining properties. The last noted Traffic Impact Assessment provided was with ADA03. Backyard dining can incur 60 seating. Alfresco dining has never been approved for this development and in previous correspondence Council has been unable to account for why this has not been addressed. [REDACTED] seek further clarification in this matter and a final answer from Council confirming the permission of alfresco seating and diner numbers in the backyard area.

also request signage for no parking or for residential parking only. This is a busy intersection and the current parking means that there is little room to see past the patrons or their vehicles when exiting from Norman St onto Coleman St. NSW Government: Parking Rules (2021) states of intersections: *'You must not park within 10m of an intersection without traffic lights, unless: a sign says you can or it's a T-intersection and you park along the continuous side of the continuing road.'*

Patrons are currently parking along Coleman Street (which has limited capacity to accommodate all patron vehicles) and are parking in Norman Street, creating a hazard when pulling up to exit the T-Intersection. Signage should be placed for parking along Norman Street if it is allowed, or no-parking zones put in place within 10m of the intersection.

Further to the above, the proposal does not comply with the following Wagga Wagga DCP 2010 controls:

Wagga Wagga DCP 2010 Section 10 Clause 2.1: Vehicle Access and Movements	
Control	Comment
C1 Access should be from an alternative secondary frontage or other non-arterial road where possible.	No access is currently available, and patrons are required to utilise off-site parking creating traffic impacts to the neighbouring residential properties.
C2 A Traffic Impact Study may be required where adverse local traffic impacts may result from the development. The traffic impact study is to include the suitability of the proposal in terms of the design and location of the proposed access, and the likely nature, volume or frequency of traffic to be generated by the development.	request a Traffic Impact Study be undertaken by the applicant of DA21/0675 to formally account for the variation to the DCP parking controls, as believe adverse impacts (which are already high) will increase due to the expansion of the premises. Volume and frequency of the proposed development will only increase and without complying to the relevant parking controls, this will interfere with parking for the residential neighbouring properties.

Wagga Wagga DCP 2010 Section 10 Clause 2.2: Off-site Parking	
Control	Comment
Objectives O1 Ensure adequate provision is made for safe and efficient movement of vehicles and pedestrians.	Adequate provision is not provided in this proposal.
O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.	Parking does not meet anticipated demands, it encroaches onto parking spaces available for the residential properties along Coleman Street, Norman Street and Kildare Avenue.
O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.	Insufficient parking provided and the proposal to justify that off-site parking is available is not sufficient, disruptions to residential properties will ensue due to the level of off-site parking.
C1 Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.	As stated in SEE, parking does not adhere to current parking requirements.
C3 Parking spaces are to be provided for disabled persons. Accessible parking spaces to	The parking spaces provided at the rear of the property do not incorporate accessible spaces,

comply with the relevant Australian Standard at the time of lodgement of an application.	nor are accessible spaces readily available in the area.
C4 For mixed use developments, the parking required is the total of requirements for each use. Variations can be considered where it can be demonstrated that the peak demand for each land use component is staggered or that development as a whole generates less parking than separable parts.	The proposal will increase the level of parking available currently, which is already scarce and hard to use for residential neighbouring property owners. The extension proposed will cause too much interference in the neighbouring properties as the development is proposed to increase number of patrons.

Noise

The proposal for DA21/0675 does not mention the current noise conditions in place as approved in DA01/1018 and ADA13/0034. These conditions are noted below for consideration:

- 1. The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 7:00am and 10:00pm at the boundary of any affected property. The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Frequency (31.5Hz-8kHz inclusive) between 10:00pm and 7:00am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any adjoining residential premises.**

██████████ hear the patrons of 67 Coleman St ██████████
 ██████████ request that if this condition cannot be met, it be reduced further by having a noise impact assessment done by 67 Coleman St to determine the full impact the development will have on neighbouring properties as ██████████ believe the development will increase noise. The noise level should be reassessed to determine current and proposed levels.

- 2. The café operator must implement the following measures:**
 - **Staff are to monitor the behaviour of patrons within the outdoor dining areas to ensure noise emission of patrons is not excessive**
 - **No speakers are to be installed in the outside dining areas**
 - **Signs are to be placed within the outdoor dining areas requiring patrons to limit their noise whilst in the areas.**

The above-mentioned condition is currently not being adhered to, nor were they amended in consent for DA20/0584, determining they are still in place. Monitoring of behaviour has not been met, and noise is not limited in respective areas.

- 3. The use of the café dining areas shall not give rise to 'offensive noise' as defined in the Protection of Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000**

The above conditions were put in place as per *Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979*, as amended. This condition is not being adhered to.

Privacy concerns

Wagga Wagga DCP 2010 Section 9 Clause 9.1.5.10: Privacy	
Control	Comment
O1 Ensure privacy within new developments, and avoid potential impacts to existing properties.	
O2 Ensure adequate acoustic privacy within dwellings.	Acoustic privacy, as noted in Section 'Noise' below, is currently not adhered to.
Extract from Table: 9.1.5.4 <i>With a lot width of 12m (67 Coleman Street has 13.9m) or more First storey: Minimum 900mm Second storey: Minimum 1500mm.</i>	67 Coleman Street currently has no proposed side boundary setback.

Boundary concerns

The proposed development goes right up to the site boundary, [REDACTED]
[REDACTED] This raises privacy issues which directly vary from the controls of Wagga Wagga's DCP which states:

Wagga Wagga DCP 2010 Section 9 Clause 9.3.7	
Control	Comment
Objectives O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.	Currently not adhered to. The proposed development [REDACTED] [REDACTED] [REDACTED] will also impact [REDACTED] [REDACTED]
O3 Provide access for maintenance.	Unsure how proposed development will adhere to maintenance along side boundary.
O4 Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners.	Currently not adhered to.

Shadow Diagrams

The proposal seeks to place a long blank wall along the boundary of the western side [REDACTED]
[REDACTED], limiting solar access. The shadow diagrams provided did not account for the awnings currently in place on the windows on the western wall [REDACTED], [REDACTED] meant to remove these awnings so as to be able to access sunlight at [REDACTED] own cost? [REDACTED]

[REDACTED] Amended plans should be submitted by Sewell Designs which incorporate [REDACTED] awnings and show the shadow diagrams correctly incorporating this. [REDACTED]

[REDACTED]. We also wish to note that drawings submitted in the plan set propose night dining at 67 Coleman Street which currently isn't approved. Please see photos below:

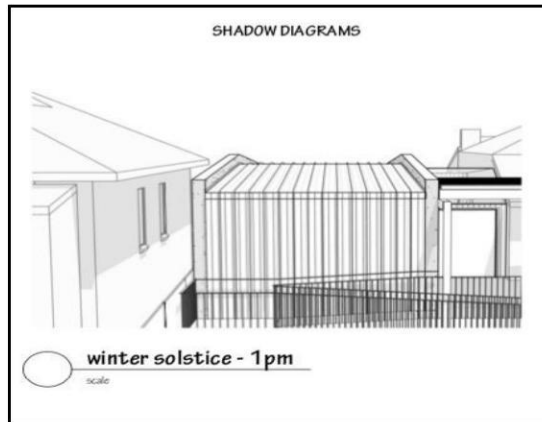


Figure 1: Extract from Shadow Diagram
(Source: Sewell Designs)



Figure 2: Extract from Shadow Diagram (Source: Sewell Designs)



Figure 3: Extract from Shadow Diagrams

Conclusion

[REDACTED] note the premises of 67 Coleman St are currently zoned as B1 Neighbourhood Centre and this is situated in a residential area. Whilst portions of the DA21/0675 are for commercial premises, [REDACTED] ask that the assessing team review the environment as it is a residential community. [REDACTED] note that the owners of 67 Coleman St are endeavouring to be a community inclusive commercial enterprise however consideration of existing community, community safety and environment conservation need to be balanced with this.

The proposed development will impact [REDACTED], including the environment [REDACTED] because of the parking, noise, proposed solar access and boundary setbacks.

As suggested in correspondence from Council, [REDACTED] will continue to make submissions in regards to this matter until we are satisfied with the outcome. [REDACTED]

[REDACTED] thank Council for the opportunity to present a submission to the proposed development at 67 Coleman Street and look forward to feedback.