
From:
Sent: Sunday, 1 August 2021 3:13 PM
To: Council Email
Cc: Greg McCarthy
Subject: DA2021/0466 – carport 43 Alice St, Grafton (submission)

Dear Clarence Valley Council,

Further to my email of 29 July 2021 I wish to make a further submission to the above DA.

Summary

I **object** to DA2021/0466, as currently proposed, for the following reasons:

1. It does not comply with the 6 metres minimum front setback provided for in Part C16.2 of Council's Residential Zones DCP (the DCP)
2. It does not comply with policies F10.6 Setbacks and F10.7 Garages and Carports in Part F10 Policies for New Development Alterations and Additions of the DCP
3. It does not comply with the general objectives of the heritage in policies in Part F2 Objectives of the DCP
4. It does not comply with DCP Part F8.1 Objectives – objective (a)
5. It is a structure that is unsympathetic to much of the surrounding development in the immediate locality and is out of place and out of character in this street and locality; in this regard it does not respect the heritage management controls contained in Council's DCP.

However, objection is not held if the application is amended to relocate the carport to at least the 6 metre minimum front setback. However even at the 6m front setback the entire carport will still be wholly forward of the existing house on 43 Alice Street whilst most of the carport will protrude forward of my house (No. 45) which is setback at least 6m.

Background

As I mentioned in my earlier email I live at 45 Alice Street, Grafton as the owner occupier and have lived there for nearly 5 years. Therefore, I am the neighbouring property on the northern site of 43 Alice St. I bought into this part of Grafton and Alice Street for the following reasons:

1. I consider it has significant street appeal, streetscape value and character by virtue of the predominantly older style (including some "heritage") homes, street trees and grassed verges (table drains) in the road reserve; there are 4 heritage items in this very small section of Alice Street; and
2. It is situated within a Heritage Conservation Area (HCA) which recognises the important attributes in 1. Above.

I have now had an opportunity to learn more about this proposal. Although the dimensions of this metal and colorbond carport do not appear significant (3.6m wide, 6.5m long with a max ridge height of 2.885m) I note alarmingly that it is proposed to be setback 1m off the front boundary which is well within the usual 6m front setback. This is a major breach of the 6m minimum front setback control contained in Part C16.2 of the DCP.

I also find that the proposal to locate the structure within the front setback violates the following parts of the DCP:

- Part F8.1 Objectives – objective (a)
- Controls 1, 2 (a), (b), (d), (f), (h) and (3) of Part F8.2 Controls
- Part F10.6 Setbacks in F10 Policies for New Development Alterations and Additions
- Part F10.7 Garages and Carports in F10 Policies for New Development Alterations and Additions
- general objectives of the heritage in policies in Part F2 Objectives of the DCP

I consider that there is ample opportunity to locate a carport of this scale at the 6m minimum front setback or further back. I would not oppose the application if the DA was amended to set the carport back to at least the 6m front setback.

Relevant planning controls and policies that Council must consider

Clarence Valley LEP 2011 (the LEP)

Clause 5.10 Heritage conservation provides for objectives and sets out what Council must consider before granting consent to a DA in a HCA.

The objectives of clause 5.10 relevant to this proposal include:

- (a) to conserve the environmental heritage of Clarence Valley,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

Clause 5.10 (4) requires Council before granting consent to a DA in a HCA to consider the effect of the proposed development on the heritage significance of the item or area concerned.

Council's Residential Zones Development Control Plan (DCP)

Part F of Council's Residential Zones DCP relates to Heritage Conservation which contains:

- General objectives (Part F2, page 61), DA information requirements and matters for consideration (Part F4, page 62)
- Objectives and controls for development in the vicinity of a Heritage Item or within a Heritage Conservation Area (Part F8, pages 64/65)
- Policies for New Development Alterations and Additions (Part F10, pages 65 - 67)
- Statement of significance for the Grafton and South Grafton Heritage Conservation Area (Schedule F1, page 70)
- Part C16.2 Setbacks (R1, R2 & R3 zones) of Council's DCP.

Council has a duty as a consent authority to fully consider the requirements of both the LEP and its relevant DCP.

Evidence of Council caring for heritage matters

Council appears to be a supporter of heritage generally by way of statements made in some of its public documents. Examples are provided below:

Document/source	Comment
My Clarence Valley website	Welcome to Grafton part. See link provided - https://www.myclarencevalley.com/grafton Here Council appears to be "talking up" Grafton based in on part on some on its historic, heritage and old world charm. There are statements like:

	<ul style="list-style-type: none"> · <i>"..A place of beauty, heritage and soul. It's home...."</i> · <i>"Grafton is blessed with broad avenues and pretty architecture. There is an abundance of beautiful trees, parks and fine old homes. Walking or cycling along the streets and pathways gives you the opportunity to absorb and 'feel' Grafton's retro "country town" style in an appropriately quiet and reflective manner".</i>
<p>Delivery Program 2017 – 2022 (also The Clarence 2027)</p>	<p>Under the Society theme: Objectives 1.1 We will have proud and inviting communities; in particular Strategies: 1.1.1 – Encourage vibrant and welcoming towns and villages, and 1.1.2 – Respect the heritage of the region by highlighting and enhancing our unique characteristics</p>

Conclusion

I have objected to the proposal as lodged; that is as proposed to be located 1 metre off the front property boundary near the southern boundary of 43 Alice Street. I can see no reasonable planning justification for the variation of the 6 metre minimum front setback in Part C16.2 of Council's DCP.

I would not object to a carport of the scale proposed provided it was moved back to at least the 6 metre minimum front setback. I consider that there is ample opportunity to locate a carport of this scale at the 6m minimum building setback or further back.

If Council decides to support the DA as proposed at the 1m front setback I would expect that it would provide reasons for such decision as per Principle 7 (p.10) of its Community Participation Plan (CPP) which states:

"7. Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account)".

I am hoping that Council will "walk the talk" with respect to the heritage conservation related issues when it comes to making a well-considered decision and not approve a carport that is located at a 1m front setback as is currently proposed in DA2021/0466.

Regards,

Terry Dwyer



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From:
Sent: Wednesday, 25 August 2021 8:26 PM
To: Greg McCarthy
Subject: DA2021/0466

Hi Greg,

I have just received your letter dated 13th August 2021 not supporting the build of a carport. Obviously I do not agree with your findings and will be pursuing approval through council on the grounds that a precedence has already been set in the street with the construction of two other carports on boundaries in the street, three other new dwellings have been constructed in the area that are not “aesthetic significance and setting of the Grafton Heritage Conservation Area” and there are other historical buildings in the area that are built on boundaries.

Within your letter you also state “An alternative location exists behind the setback for an appropriately designed carport in accordance with the DCP policies” but you offer no alternative location. The house is exactly 3.3m to the side boundary not allowing for a 900mm to the boundary with a construction. The council approved a sub-division of the heritage item taking away the alternative location which historically would be at the rear of the house but due to the council’s approval of a subdivision there is no rear yard. All houses within the street sit on the traditional 1200m² to 2000m² housing blocks but due to the council approval of the subdivision this block has been reduced to just under 600m².

My understanding is that approval has also been granted for villas to be built on the council approved subdivision behind my property and an apartment complex to be built across the road which is in breach heritage area policy.

With this, what are my next steps and when is the next council meeting where I can pursue my case?

Thankyou

Alexandra Vasilieff



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