

Patricia Burgess
173 Alice Street,
Grafton NSW 2460
02 September 2021

Clarence Valley Council,

I have a development application no 2021-0060 currently submitted to Council to add a carport off the side of my garage.

The original application for this site, to replace the previous garage back in 2003, included a carport in the plans. As a result of council to-ing and fro-ing and a full council meeting headed by former Mayor Shirley Adams in my backyard, the garage was approved and it was suggested that I can always re-apply for the carport later. At the time, the garage was the immediate priority, and the purpose of the carport was to protect my boat from weather.

Today, I still wish to add the carport to the side of the garage. My reasons being are;

1. Safe stowage of 2nd vehicle
2. Better division of, and utility, of lawn areas for lifestyle and future plans.
3. I am a sole carer for a disabled pensioner with restricted mobility, locating said carport in line with the front of the existing approved garage will allow easy accessible access to the rear entry of the house.

I have owned this property since July 20, 2000 and at no time have I ever added or constructed anything without Council approval. I would appreciate reconsidering approval of this carport, as it will allow me to integrate my physical and lifestyle needs as I transition into my retirement years.

Sincerely,

Patricia Burgess

MINUTES OF THE ON-SITE INSPECTION MEETING OF THE COUNCIL OF THE CITY OF GRAFTON HELD AT 7.30 AM ON THURSDAY, 26 JUNE 2003 AT 173 POWELL STREET, GRAFTON:

205 PRESENT Her Worship the Mayor, Councillor Shirley Adams, (in the Chair), Councillors Peter McKenna, Max Murray, Leo Ellis, Jim Ellem and Marie Mathew. Also present was Mr. Bob Pavitt (Director, Planning & Environmental Services)

206 APOLOGIES Councillor Paul Covington

207 1098AU – DEVELOPMENT APPLICATION 10.2003.142.1 – COLOURBOND GARAGE, 173 ALICE STREET, GRAFTON

Council inspected the subject property and observed the area in which ponding occurred. This ponding area would be reduced and have an affect on adjoining properties if filled. The carport proposed adjacent to the proposed garage would require filling also.

Council considered the garage being located on the existing pad, subject to design, was acceptable, but the carport requiring fill was not.

RESOLVED

That Development Application 10.2003.142.1 be approved subject to normal conditions and the following two conditions:

1. The façade of the garage is re-designed to incorporate a Dutch gable.
2. The carport is deleted from the proposal.

*Finalised
See Email 4/2/43.*

END
DPES

THIS CONCLUDED THE BUSINESS and the Meeting terminated at 8.00am.


R J PAVITT
MINUTE SECRETARY

MINUTES OF ORDINARY MEETING OF COUNCIL – 23 JUNE 2003REPORT OF THE PLANNING & ENVIRONMENTAL COMMITTEE MEETING HELD ON 16 JUNE 2003

- 187 RESOLVED (Mathew/Ellis)
That the Minutes of the Planning & Environmental Committee meeting held on 16 June, 2003 being Minute Nos. 40 to 49 inclusive, be and are hereby adopted, with the exception of Minute Nos. 43 and 44:-

- 188 P/E Min 43: 36581AU – FENCING – PROPOSED RESIDENTIAL FLAT DEVELOPMENT – 22 McHUGH STREET, GRAFTON

Cr Murray declared an interest in the above matter and refrained from taking part in any discussion or voting on the matter as he is a Contractor to the Applicant:

- RESOLVED (Mathew/Ellem)
That a paling fence from A to B on the plan be 1800mm high and 1200mm high from there to the flood levee wall with lattice screening between E & F on the plan for privacy purposes.

END
DPES

- 189 P/E Min 44: 1098AU – DEVELOPMENT APPLICATION 10.2003.142.1 – COLOURBOND GARAGE – 173 ALICE STREET, GRAFTON

- RESOLVED (Adams/Ellem)
That a Council Inspection of the proposed garage at 173 Alice Street, Grafton take place at 7.30 am on Thursday, 26 June 2003.

END
DPES

190

REPORT OF THE GRAFTON CITY COUNCIL COMMUNITY ADVISORY HERITAGE COMMITTEE MEETING HELD ON 10 JUNE 2003

- 191 RESOLVED (McKenna/Mathew)
That the Minutes of the Grafton City Council Community Advisory Heritage Committee meeting held on 10 June 2003 being Minute Nos. 14 to 20 inclusive, be and are hereby adopted.

END

MINUTES OF THE PLANNING & ENVIRONMENTAL COMMITTEE MEETING – 16
JUNE 2003

DIRECTOR, PLANNING & ENVIRONMENTAL SERVICES REPORT NO. 17/03

44 ITEM 3

Management Plan - Principal Activity No.	4.4.1
Budget Item Reference - Ledger No.	N/A

1098AU – DEVELOPMENT APPLICATION 10.2003.142.1 – COLOURBOND GARAGE –
173 ALICE STREET, GRAFTON

RECOMMENDATION (McKenna/Ellis)

That the applicant be advised that Council will not agree to a variation of its Building Line Policy and that Council will approve the proposed garage, subject to the following conditions:

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia. (Reason: To comply with Part 7 EP&A Act)
2. The garage is not to be used for human habitation, industrial or commercial purposes. (Reason: The proposed building classification does not permit these uses)
3. All roofwater drains shall be connected to the road table drain. (Reason: To ensure the adequate disposal of stormwater)
4. No part of the proposed garage, including roof gutters and downpipes, shall protrude over the property boundary. (Reason: To comply with BCA requirements)
5. The front of the proposed garage shall be set back from the Hoof Street boundary equal to the side setback of the existing dwelling on the subject land. (Reason: To comply with Council Policy)
6. The applicant/owner is advised that the installation of a rainwater tank with the overflow connected to the stormwater drainage system assists in the conservation of water and may assist in the reduction of domestic water consumption. You are required to contact Council for further information prior to any rainwater tank being installed. (Reason: To assist in reducing the impact on the water supply system.)
7. Appropriate measures are to be taken to prevent erosion of the site during construction works with approved sediment control devices being installed to ensure that all sediments are contained within the allotment boundaries. Details of approved devices are available from Council's Planning and Environmental Services Department, and such devices shall be installed immediately after any site works have been carried out and prior to any construction work commencing. (Reason: To ensure that soil erosion is reduced)

CONTINUED

MINUTES OF THE PLANNING & ENVIRONMENTAL COMMITTEE MEETING – 16
JUNE 2003

DIRECTOR, PLANNING & ENVIRONMENTAL SERVICES REPORT NO. 17/03

ITEM 3

1098AU – DEVELOPMENT APPLICATION 10.2003.142.1 – COLOURBOND GARAGE –
173 ALICE STREET, GRAFTON

8. Any filling of the site shall be restricted to immediately under the building footprint and associated driveway. (Reason: To minimise impact on local ponding)

END
DPES

45 ITEM 4

Management Plan - Principal Activity No.	4.2.2
Budget Item Reference - Ledger No.	N/A

236 – PROGRESS ON AGREED DEVELOPMENT CONTROL TARGETS – COUNCIL'S
2002/2003 MANAGEMENT PLAN

RECOMMENDATION (McKenna/Ellis)
That the report be received and noted.

END
DPES

46 ITEM 5

Management Plan - Principal Activity No.	4.2.2
Budget Item Reference - Ledger No.	01.3080.001

55102AU – IMPENDING LAPSE OF DEVELOPMENT CONSENT FOR BROTHEL
DEVELOPMENT – 26 SWALLOW ROAD (CNR ALEXA CLOSE), SOUTH GRAFTON

RECOMMENDATION (Ellis/McKenna)
That Council confirm that should an application to modify Development Consent No 10.2002.117.1 be received on or prior to 1 July 2003 to extend the period of currency then it will consider that application.

END
DPES

REPORT TO PLANNING & ENVIRONMENTAL COMMITTEE MEETING –
16 JUNE 2003

DIRECTOR, PLANNING & ENVIRONMENTAL SERVICES REPORT NO. 17/03

ITEM 3

Management Plan - Principal Activity No.	4.4.1
Budget Item Reference - Ledger No.	N/A

1098AU – DEVELOPMENT APPLICATION 10.2003.142.1 – COLOURBOND GARAGE –
173 ALICE STREET, GRAFTON

Introduction

Council is in receipt of Development Application 10.2003.142.1 seeking consent to construct a colourbond garage at 173 Alice Street (corner Alice and Hoof), Grafton without regard for the building line.

The application proposes a single car garage 5 metres wide x 6 metres long and an attached open carport 3 metres wide x 6 metres long that has a zero building line on the property boundary shared with 220 Hoof Street and the subject land's Hoof Street boundary.

Background

The application does not comply with Council's Building Line Policy with regard to the Hoof Street setback.

The proponent, M/s Patricia Burgess, was advised that Council would approve the application if the garage was set back from the Hoof Street boundary so that the front of the garage was in line with the side of her dwelling and the front of the cottage at 220 Hoof Street. This was unacceptable to M/s Burgess. Site plan attached (Annexure 'A')

M/s Burgess has made a submission to Council outlining why she feels her proposal should be allowed to proceed. A copy of the submission is attached (Annexure 'B').

Adjoining landholders were notified that the application had been received, however, no submissions or comments were received.

Assessment

A site inspection has been carried out by Council's Health & Building Surveyor and the following was noted:

- The site is subject to localised ponding.
- A level building pad exists in that portion of the site where the garage is proposed.
- This pad housed a building at some time in the past.
- The pad is approximately 500mm above the low part of the site and is probably above local ponding levels.
- There are no significant improvements on the site except the existing dwelling.

CONTINUED

REPORT TO PLANNING & ENVIRONMENTAL COMMITTEE MEETING –
16 JUNE 2003

DIRECTOR, PLANNING & ENVIRONMENTAL SERVICES REPORT NO. 17/03

ITEM 3 (CONTINUED)

1098AU – DEVELOPMENT APPLICATION 10.2003.142.1 – COLOURBOND GARAGE –
173 ALICE STREET, GRAFTON (CONTINUED)

- The building line in the area is generally 4-5 metres. Two exceptions are garages at 198 Alice Street and 216 Hoof Street. The former is a recent approval (18/12/2002), while the latter is probably in excess of 35-40 years old.
- The garage at zero building line will be substantially forward of the adjoining Hoof Street dwelling and will intrude into the sight lines from that property's front verandah.

The proposed garage will have a mid-green roof with beige walls about 3.0 metres high. It will present a metal clad wall with a central roller door to Hoof Street and a metal clad wall 6 metres long to 220 Hoof Street.

Financial Implications

Nil

Conclusion

The garage as proposed has a bland utilitarian appearance and if constructed with a zero building line to Hoof Street will have a significant impact on the streetscape and will diminish the level of amenity enjoyed by the residents of 220 Hoof Street.

There is sufficient area at the site to accommodate the garage setback from Hoof Street. This will entail filling to raise the garage floor above the local ponding level, however, the impact on ponding will be minimised if filling is restricted to immediately under the building footprint and associated driveway.

RECOMMENDATION

That the applicant be advised that Council will not agree to a variation of its Building Line Policy and that Council will approve the proposed garage, subject to the following conditions:

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia. (Reason: To comply with Part 7 EP&A Act)
2. The garage is not to be used for human habitation, industrial or commercial purposes. (Reason: The proposed building classification does not permit these uses)
3. All roofwater drains shall be connected to the road table drain. (Reason: To ensure the adequate disposal of stormwater)
4. No part of the proposed garage, including roof gutters and downpipes, shall protrude over the property boundary. (Reason: To comply with BCA requirements)

CONTINUED

REPORT TO PLANNING & ENVIRONMENTAL COMMITTEE MEETING –
16 JUNE 2003

DIRECTOR, PLANNING & ENVIRONMENTAL SERVICES REPORT NO. 17/03

ITEM 3 (CONTINUED)

1098AU – DEVELOPMENT APPLICATION 10.2003.142.1 – COLOURBOND GARAGE –
173 ALICE STREET, GRAFTON (CONTINUED)

5. The front of the proposed garage shall be set back from the Hoof Street boundary equal to the side setback of the existing dwelling on the subject land. (Reason: To comply with Council Policy)
6. The applicant/owner is advised that the installation of a rainwater tank with the overflow connected to the stormwater drainage system assists in the conservation of water and may assist in the reduction of domestic water consumption. You are required to contact Council for further information prior to any rainwater tank being installed. (Reason: To assist in reducing the impact on the water supply system.)
7. Appropriate measures are to be taken to prevent erosion of the site during construction works with approved sediment control devices being installed to ensure that all sediments are contained within the allotment boundaries. Details of approved devices are available from Council's Planning and Environmental Services Department, and such devices shall be installed immediately after any site works have been carried out and prior to any construction work commencing. (Reason: To ensure that soil erosion is reduced)
8. Any filling of the site shall be restricted to immediately under the building footprint and associated driveway. (Reason: To minimise impact on local ponding)

END

ANNEXURES ONLY



Selected Property

NORTH
Not To Scale

Owners Name: P M Burgess
 Owners Address: 173 Alice Street
GRAFTON NSW 2460
 Property Address: 173 Alice ST, GRAFTON
 Deposited Plan: LOT: 1 DP: 784287
 Assessment No: 1098

Grafton City Council Property Map

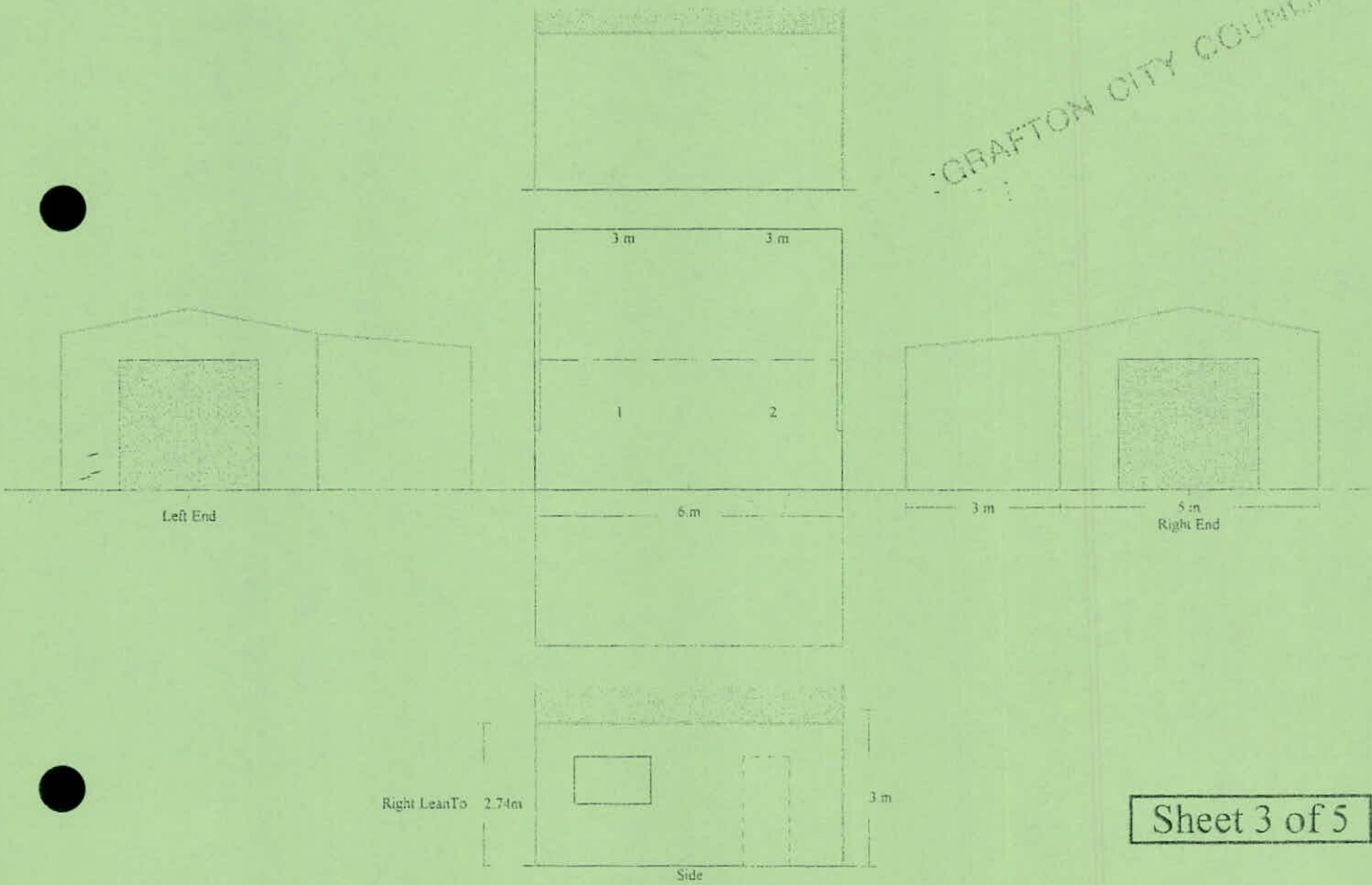


The information displayed is not survey accurate and should be used as a guide only

Printed 11/8/2003

Building For:
TRISH BURGESS
173 ALICE ST GRAFTON
Produced by:
Clarence Valley Sheds

GRAFTON CITY COUNCIL



Sheet 3 of 5

Patricia Burgess
173 Alice Street,
Grafton NSW 2460

Mr. Ray Smith
General Manager
Grafton City Council

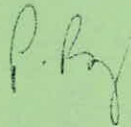
Dear Sir,

I am hereby appealing against Council's decision to disallow my building application for a garage on the existing site of the previous garage, as specified in the plans submitted. I have been informed by Mr. Tony Dodd, District Building Surveyor, that my application is outside Council's Building Line Policy and that alternate locations are available on site. I disagree with this decision and outline below my reasons;

1. The property of 173 Alice Street is subject to ponding and since purchasing the property in July 2000 the yard has twice had substantial flooding. On both occasions the existing elevated site has remained above the water line and, to move the garage back by a minimum of 5 metres as proposed by Council will incur prohibitive costs to elevate any new areas imposed.
2. Furthermore, as a result of increasing the amount of elevated areas in the yard (to ensure the garage being flood free) this will further aggravate the natural flow of water, ponding and drainage onto neighbours' properties. Especially as I receive run-off from the property behind mine (from Hoof St). This nuisance will adversely affect 175 Alice Street.
3. I have been advised by my plumber Mr. Gary Gillespie (see attached) as to the best location to situate the proposed garage, that being the original existing elevated site.
4. By moving the garage back a minimum of 5 metres to accommodate the building alignment for Hoof St., will cause a substantial loss of open space and yard usage, as the garage will then be placed in the middle of a modest sized yard. Thus completely eroding any functionality of the yard, as well as providing a safe play area for children and future plans for extension to the house.
5. My proposal is not dissimilar to a very attractive construction recently erected to the side and, forward of, 198 Alice Street. And I would ask Council to assess my proposal in similar fashion.
6. I have provided Statutory Declarations from 2 neighbours;
 - a) Mrs. Emma Strickland, who observed the construction of my dwelling in approx. 1946 from her residence across the street, and can attest to the existence of the previous garage on the location outlined in my building application.
 - b) Mr. And Mrs Athol and Audrey Marriott who have lived at 171 Alice Street since 1987 and can also confirm the existence of the previous garage located, as specified, in my building application.
7. By having the garage rebuilt on the original site, or close to, will give a great degree of privacy to the yard.

In summing up, I would like a garage on the boundary, Council wants it placed at least 5 metres set back from the Hoof St., boundary. In a spirit of compromise I wonder if Council would permit me to have a 500 mm set back from the boundary. I respectfully ask Council to consider these matters under its delegated authority.

Sincerely,



Patricia Burgess
04 June 2003.