

To: Brisbane City Council  
Via email: [dalodgement@brisbane.qld.gov.au](mailto:dalodgement@brisbane.qld.gov.au)  
Attn: Justin Sellars, Assessment Manager

**Submission on DA A005563407 for Lots 60 on RP20187, 1 & 2 on RP4116, 62 on RP20187 56-60  
Chiswick Road, Bardon QLD 4065**

By: Rosemarie Ercole and David Tanswell

**Strongly oppose**

As owners of the neighbouring property at 68 Chiswick and as local residents in Bardon we strongly oppose the proposed development of a childcare centre at 56 to 60 Chiswick Road Bardon on the following grounds. Our objection is based on both the proposal's complete disregard for its **Negative effect on the amenity of the adjacent property** and also for its **Negative effect on the amenity of the local community**.

**NEGATIVE EFFECT ON THE AMENITY OF THE ADJACENT PROPERTY 68 CHISWICK RD BARDON**

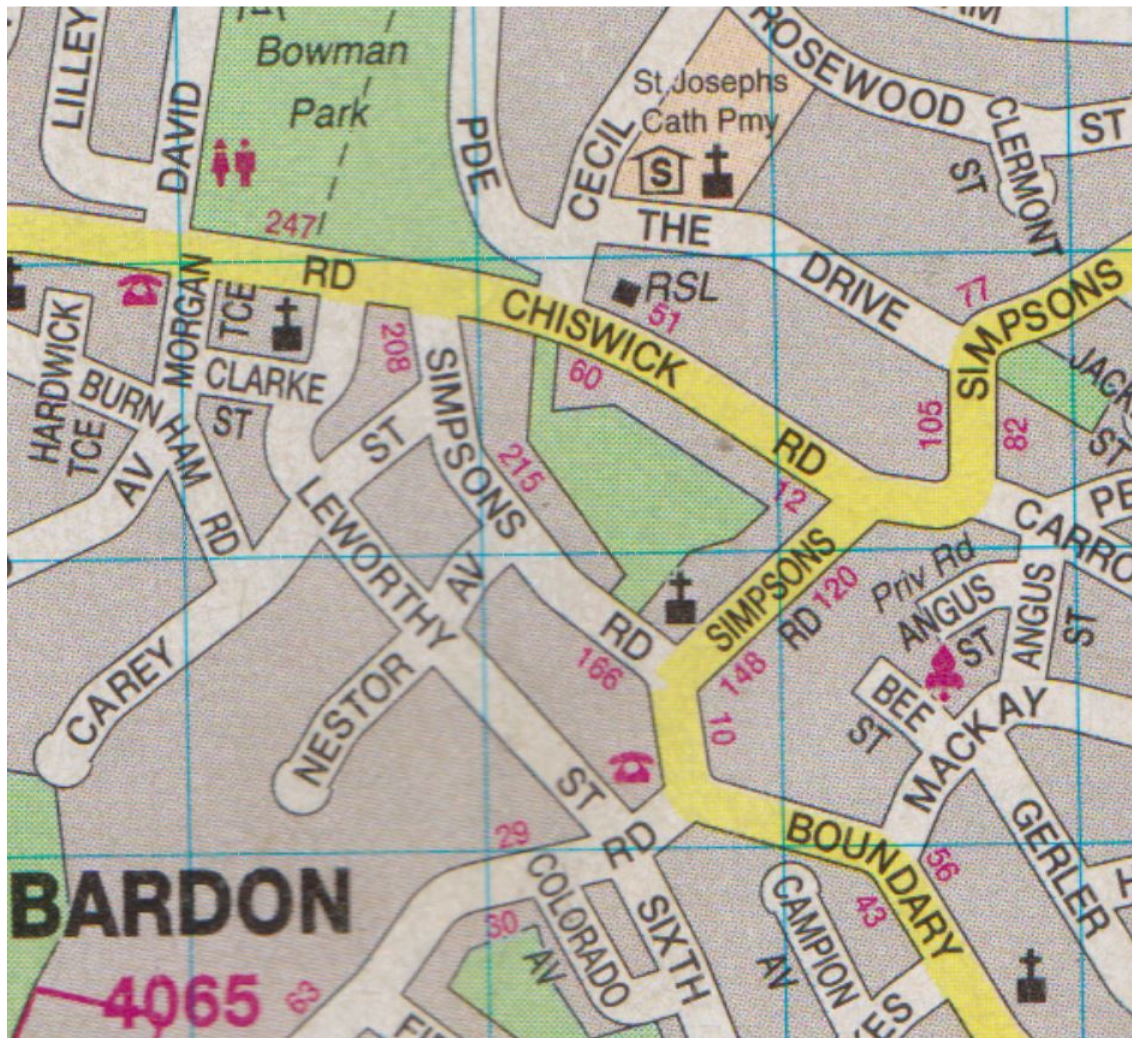
***Obstruction to Overland flow***

The initial (now superseded) submission to the BCC included a masonry cut off wall to the western side on the common boundary with 68 Chiswick Rd for the full length of the property totally obstructing the natural overland flow. This showed a complete lack of understanding of the hydrology of the area and a complete disregard for the effect of the cut off on the neighbouring property as this blocked overland flow not only from the neighbour's property but the upstream properties which discharge through the neighbour. BCC has identified this overland flow as an issue in their response to that initial submission. BCC explicitly identified amendments will be required to the stormwater management report. To date this report (and other amendments requested by Council) have not been provided. The applicant's response in the current submission is that:

"An amended Civil Engineering Report and Flood Report will be provided to Council under separate cover which will provide a detailed response to Council's concerns regarding stormwater and flooding"

The lack of availability of this report in time for review by interested and affected parties prior to the closing of submissions Monday 1<sup>st</sup> February is a clear breach and failure of this process as formal consultation is not possible until this report is provided. We request that the community consultation period be extended to allow the applicant to submit, and interested parties to review the requested report.

We have not at this stage engaged consultants to address this issue as we believe that this is the responsibility of the BCC and the applicant. The formed stormwater channel which runs the length of the common boundary to 68 was constructed to direct stormwater from the surrounding catchment contained by Simpsons and Chiswick Roads to the piped stormwater system which continues across Chiswick Rd and through into Bowman Park. This was either constructed by the BCC or was a requirement of development for previous subdivision of this area. Historically this clearly replaced the alignment of a natural intermittent watercourse/creek depression. In past Brisbane maps and Street Directories this strip of land containing this open stormwater channel is identified as BCC parkland continuous with the major BCC parkland area running up towards the top of Simpson's road.



At some time in the past this parcel of land was added to the adjacent property. The divesting of this property does not relieve the BCC from management of this catchment's stormwater which includes the maintaining of overland flows and the maintaining of a system that provides the same protection from flooding of the adjacent property as is provided by the current open stormwater channel.

Removal of the channel and change to capacity is not acceptable

#### ***What happens to Piped and roof water drainage?***

As well as overland flow, piped stormwater and roof water from 68 has historically been discharged to the open stormwater channel. We hold a letter signed by the current owners of 60 Chiswick Rd (the applicant) agreeing that the our property has traditionally drained to the open stormwater channel and giving approval for the roof water of the new house constructed at 68 in 2016 to discharge roof water via below ground pipes across our common boundary into the existing open stormwater channel. We note that this discharge point will be below the new ground level if the applicant is permitted to infill the existing open stormwater channel. Removal of the open stormwater channel is clearly not an acceptable solution.

### ***What happens to Existing easement across 68?***

The property adjacent to 68 Chiswick at 217 Simpsons Road holds an easement across the front of 68 Chiswick Rd for the purpose of piped water discharge into the open stormwater channel within 60 Chiswick Rd. What becomes of this when the channel is infilled? In our opinion the open stormwater channel should be retained, appropriately lined and provided with service and maintenance access and unimpeded flow provided for overland and piped water from the 68 side. Removal of the open stormwater channel is clearly not an acceptable solution.

### ***Hydrological survey is required***

In our opinion the BCC requested amended Stormwater Management Report must include a hydrological survey of the entire catchment to ascertain the effect on 68 Chiswick of removing this open stormwater channel and also the effect of construction of an acoustic fence which we suspect will impede the natural flows and piped flows from 68 and be subject to debris obstruction to natural flows. We request that this survey addresses not just peak flows but a range of flows from low to high. We have been connected to the 68 Chiswick Rd property for over 25+ years. We are aware that in that time the ground floor of the house at 60 has flooded at least once and that ponding within 60 beyond the open stormwater channel has occurred a number of times. At no time in that period are we aware of ANY pooling/ponding of water on our property even at extreme weather events which have partially flooded the street. If this project proceeds whatever stormwater solution is adopted requires a study addressing not just peak flows, but analyses the intensities and durations of rain events that the current channel handles WITHOUT inundation to 68 and proves that the proposal adopted by the development achieves the same or better result. We strongly suspect that the study will show once the channel is removed flow into 68 will occur at lower intensities and durations, as 68 will become part of a broader shallow catchment. This will not be acceptable.

### ***Acoustic isolation from noise generated by the development***

BCC require the development to provide an acoustic fence to the western side of the development clearly aware of the higher noise levels generated by the considerable traffic movements including drop offs, pickups, deliveries and garbage removal. This traffic movement noise will be considerably above that expected in a normal residential environment. The traffic movements are within a volume with reflective concrete surfaces to floor and concrete ceiling at 4 metres above ground level which will amplify the noise generated through the open end directed at 68. We question how a maximum 2 metre high boundary fence will be successful in isolating noise transfer particularly to the upper level and open deck of the house at 68. In our opinion an acoustic fence will not be sufficient to protect the occupants of 68 from higher than normal noise levels and further physical isolation and acoustic absorption is required. Similarly the structure above will also require acoustic isolation to stop the noise transfer from the expected continuous high intensity children's play.

### ***A Dividing boundary fence is not a project specific acoustic fence***

We do not agree that our dividing boundary fence on the 60/68 boundary can be the vehicle to satisfy the project specific requirement of a timber acoustic fence. To construct and then maintain this fence will require access to our property. Our garden adjacent this boundary is heavily landscaped and planted, access to construct a new fence will substantially destroy this landscaping. The submission notes this fence as painted. A painted acoustic timber fence will require on going

maintenance to paint and repair. We do not agree to provide this access for what is not a traditional dividing fence but is a specific requirement of this commercial development. In our opinion our existing unpainted timber dividing fence is serviceable for many years into the future and should remain in place. In our opinion the existing open stormwater channel should remain in place. In our opinion the timber acoustic fence should be constructed such that the construction and inevitable future maintenance can be carried out completely within the development property. This would be achieved by locating it on the development side of the open stormwater channel. Moving this fence back from the property boundary also has the effect of reducing the visual impact of the continual vehicle movement within the property, and especially the impact of car lights within the property at night. We note that typical residential car accommodation is at the front of each property and typical vehicle movements are between the building and the road. In the case of the proposed development the exiting vehicle lights will be directed towards the bulk of our house, a situation which does not normally occur in a residential area.

### ***Impact of Bulk of building***

The submission attempts to address the issue of streetscape, however it ignores the impact of the bulk of the proposed building on its neighbours from within their properties. The BCC is clearly aware of the visual impact of the bulk of a building in a residential area on its neighbours. An example of this is the Small Lot Code which absolutely restricts the length of a house to 25 metres. In this proposal the residents of 68 are confronted with a continuous wall of the building at the upper level of over 40 metres length, over one and half times the length that the BCC considers is acceptable to avoid the impact of the bulk of a building on its neighbours. This is not acceptable.

### ***Degraded Outlook from 68***

From the upper level deck of 68 the current outlook is into a landscaped and grassed backyard as would be expected and is normal in a residential area. The proposed development reduces this to a view into a concreted undercroft of 22 unscreened carpark spaces and access roadway. The BCC town plan makes a big issue of visibility of cars and garages dominating streetscapes in residential areas (ie refer to small lot code) the outlook from the upper level balcony of 68 is of a commercial carpark below and the wall of a 40+ metre long commercial building suspended at 4 metres above the ground. There is no way this can be considered compatible with a residential neighbourhood and no way would a property owner have any expectation of this as a possible outcome of a neighbour's development. This is not acceptable.

## **NEGATIVE EFFECTS ON THE AMENITY OF THE LOCAL COMMUNITY**

### ***Negative Impact on traffic and safety of intersection –***

The centre is proposed directly opposite the already busy and often dangerous T intersection of Chiswick and Cecil Roads which is despite attempts at traffic calming heavily used as a "rat Run" between the Gap and the city or western freeway. Chiswick Road is identified as a council marked cycle route with often heavy cycle traffic along Chiswick Road travelling to or from the popular Mt Coot-tha Road and mountain biking routes. The centre would increase the volume of current traffic congestion at this intersection which is at the bottom of a hill with poor visibility where there is already a tendency for vehicles to increase speed. There will be poor visibility for pedestrian, cyclists & vehicles particularly at peak times of morning and afternoon drop off and pick up times, when vehicles will inevitably back up to enter and then depart from the centre's driveway on Chiswick

Road. This will conflict with the peak traffic, peak bicycle and peak pedestrian movement already generated by the existing facilities such as St Joseph's School, the Bardon Kindy, the Bardon State School, the back-up with vehicles entering and leaving Cecil road, vehicles entering and leaving Bowman Park for children's sports and recreation, and also buses in both directions stopping and re-entering traffic at the nearby bus stops. This increase in traffic congestion and conflicting movements will increase the probability of both injury & accidents for vehicle, pedestrians and cyclists including parents & children that use the roads to travel to and from the existing schools: St Joseph's Primary School, Bardon Kindergarten, and Bardon State School.

### ***Onsite and On street parking***

The current proposed access to, and number of on-site parking spaces is clearly insufficient to avoid parking congestion in the immediate neighbourhood. At the most only 8 parking spaces are available for drop offs/pickups. It is questionable whether clients will even attempt to use these spaces considering that they can be expected to be full at pickup/drop-off times and therefore a good chance of entering to find none available. Also the need for two three point turns within a potentially congested driveway will deter use for many. The end result will be peak time on street parking radiating in all directions from the centre with cars disrupting traffic flow when reverse parking, and again when re-entering traffic, coupled with the subsequent additional pedestrian movement conflicting with traffic by crossing at or worse, a short distance away from the Cecil and Chiswick intersection. A recipe for disaster without a complete rework of the intersection and additional lanes, even requiring traffic lights, and road widening which would impact on Bowman Park and houses up Chiswick road hill. A consequential negative effect on the local community will be centre clients who take advantage of the unmetered, unrestricted on street parking and catch a bus to city or elsewhere for work or shopping after dropping of the children, further limiting the availability of on street parking for both local residents and centre clients.

### ***Question need for additional childcare –***

To build a childcare centre in a residential area requires that a community need for the centre be established. The applicant's claim that "Families requiring childcare are unable to have their needs met locally" is disputed. Multiple existing local childcare centres have been identified by multiple respondents, with ample existing availability and a range of additional facilities under construction in more appropriate locations. The following childcare centres are viable options for the local community:

- The Woods Early Education Centre and Preschool, Ashgrove (1.5km from the facility)
- Little Ducks Childcare Bardon (1.25km from the facility)
- Community Childcare, Bardon (800m from the facility)
- Green Leaves EL, Ashgrove (1.3km from the facility)
- The Nest, Bardon (1km from the facility)
- Eden Academy, Bardon (1.2 km from the facility)
- Avenues Learning Centre, Paddington (1.75 km from the facility)
- Kindy Patch, Paddington (2.3 km from the facility)
- Chatterbox Early Learning & Child Care, Paddington (2.6 km from the facility)
- Goodstart Early Learning, Ashgrove (2 km from the facility) Play and Learn,
- The Gap childcare (2.5 km from the facility),
- The Gap Early Childhood Centre, The Gap (3 km from the facility).

This centre in this location is not consistent with the rezoning requirements for non-residential use in a residential area being for 'a local community need only, and is of an appropriate bulk and scale'. The community need for the proposed commercial childcare activity is disputed and the proposed bulk and scale of the building presents as a large single building of commercial scale, not compatible with nor integrated with the built form intent of the Character Residential Zone Code.

***Negative impact on local community and environment***

The proposed development is not cohesive with the existing Chiswick Road and surrounding neighbourhood in bulk or scale, and the retaining of only the facades of existing pre-war character housing as shells sitting 4.9 metres above the footpath on a concrete slab over the top of a concrete carpark is little more than a token. This proposal is within a Low-Density Character area with demolition control, the purpose of this zoning is 'ensuring the character of a residential area is protected or enhanced'. Yet this proposal presents the built form of a large scale commercial building approximately 40 metres wide and 40 metres deep, raised 4.9 metres off the ground exposing to the street a nineteen space carpark, 30 metres wide and setback only 1.5 metre from footpath. This in no way 'integrates with the built form intent of the Character Residential Zone'

The proposal includes removal of significant vegetation currently under protection order (BCC Case Number 12859837 for T13, T14, T15 and T16 in the Existing Vegetation Plan). This vegetation forms a corridor between the BCC parkland to the south, a known koala habitat, and Bowman Park to the north. The proposed removal of the currently protected significant vegetation will reduce the effectiveness of this corridor and will be detrimental to the survival of local fauna.

The proposal is based on footpath collection of approximately 8 wheelie bins 2 or 3 times a week from the development. The visual impact of this on the neighbourhood far exceeds the 2 bin once a week collection regime normally expected in a residential neighbourhood. This will be a footpath obstruction of approximately 8 metres which will mask pedestrian movements, particularly children at a critical intersection where all drivers need to be aware of all potential pedestrian movements for safety. It will also be a visual barrier to vehicles entering or leaving the site. Many commercial and multi residential developments are required to provide refuse pick up and screened refuse storage facilities within the boundary of the development. This would be an appropriate approach here where visibility is already compromised at a busy intersection.

In summary the proposed development presents major safety issues for its users and the local community, and would represent poor planning, community, and development outcomes with significant negative long-term impacts on the community, local area and particularly the immediate neighbours. There is no need in the community for another childcare centre while creating a significant traffic safety risk, loss of local amenity, loss of privacy and amenity for neighbouring properties, all of which should be a critical consideration.

Rosemarie Ercole and David Tanswell

For 68 Chiswick Road Bardonia