

In the planning and Environment Court

No: 268/09.

Held at Brisbane

Between: Neil Graham Crisp Appellant  
Carol Anne Crisp Appellant  
Julie Maree Ritchie Appellant  
Paul John Ritchie Appellant  
Ross William St John Wood Appellant  
Beryl Dorothy Evans Appellant  
Tatiana Grabson Appellant  
Roman Grabson Appellant  
Michelle Dian Spencer Appellant

And: Brisbane City Council Respondent

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NOTICE OF APPEAL  
Filed on behalf of  
Form PEC-21

Name: Paul John Ritchie  
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NORTHGATE QLD 4013  
Phone No: 0439 539 272  
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e-mail: Paul.J.Ritchie@nab.com.

BD.

(Form PEC-2 - 04/ 2005)

**NOTICE OF APPEAL**

Filed on 2<sup>nd</sup> of February 2009

Filed by:

Neil Graham Crisp	8 Elson Road Northgate	3266 5617
Carol Anne Crisp	8 Elson Road Northgate	3266 5617
Julie Maree Ritchie	52 Parker Avenue Northgate	3256 8862
Paul John Ritchie	52 Parker Avenue Northgate	3256 8862
Ross William St John Wood	7 Mann Avenue Northgate	3266 9534
Beryl Dorothy Evans	2 Mann Avenue Northgate	3256 6464
Tatiana Grasbon	20 Mann Avenue Northgate	3266 4553
Roman Grasbon	20 Mann Avenue Northgate	3266 4553
Michelle Dian Spencer	25 Mann Avenue Northgate	3256 9750

The above named of Northgate East appeals to the Planning and Environment Court at Brisbane against the approval of a 10 unit Development located at 14 Elson Road and 31 Mann Avenue, Northgate (being Lot 3 on Registered Plan 76215 and Lot 39 on Registered Plan 34599 and seeks the following order or judgement : to have the approval of this development reviewed and conditions placed upon the development as described in detail below.

The grounds of appeal are:

**RE: General Planning Requirements, Site Coverage**

It is understood and accepted by this community that the area of the property in question (being 3950m<sup>2</sup>) exceeds the minimum required 3000m<sup>2</sup> area for multi-unit dwellings in terms of the *City Plan 2000* and allows for the development of 10 units covering 19.9% of the site. However, due to the location of a Regulation Line (representing the Q100 defined flood level) which passes midway through the site, it is apparent that the proposed development requires it to be squeezed into the front half of the property, thus presenting a crowded aspect to the street. We believe that this contravenes the true intention of the Low Density Residential building code and the Brisbane City Council's (BCC) City Plan, despite technically complying with each. We are prepared to support our claim by commissioning a report from Mark Keirpal from DTS Planning (if this is required, please advise the appellants who will arrange for same immediately).

We therefore request that the number of allowable units be reviewed and the number reduced relative to the proportion of the site which can be built on.

**RE: General Planning Requirements, Engineering (Item 39) Flood Advice**

It is noted that the Approval Package of the proposed development refers to the private courtyards for units 5, 6, 7 and 8 being below the defined Q100 Brisbane River flood level and within the waterway corridor. While the BCC maintains that mitigating works conducted along Cannery Creek has reduced the impact of stormwater flooding to the properties in this area, substantial anecdotal evidence by long term local residents suggests otherwise. At worst, for the developer to make this application with the full knowledge that four properties will be affected by flood waters is negligence in the extreme. Further, for the BCC to specifically allow this **and** absolve itself of all responsibility is reprehensible.

We therefore request that Units 5, 6, 7 and 8 be deleted from the proposal in the interest of potential investors and tenants.

**RE: General Planning Requirements, Item 10b Vehicular Spaces and on-street car parking impacts**

The location of the proposed development is on the outside corner of two streets with an extremely narrow frontage (see attached photo – Exhibit A). There is no room for on-street parking to occur directly outside of the proposed development site or indeed, either side of it (See Exhibit A). Any on-street parking for the proposed units would have to be in front of other residential properties on both sides of these narrow roads.

Although the BCC has approved this development in consideration of its traffic and parking codes, the evidence (see exhibits B and C) proves that this is impractical. Further, the residents are extremely concerned that the accessibility of emergency service vehicles and essential service vehicles will be seriously and dangerously impeded and result in significant safety issues and loss of amenity. Obviously, this will also mean refuse collection will be hampered for residents neighbouring the proposed development.

As each proposed unit has 3 bedrooms and is located in close proximity to the Australian Catholic University, the community is fearful that each proposed unit will have more than one car allocated to it. In this event, the abovementioned streets will see a significant increase in on-street parking. Given that at any time of the day or night there are already around 4 or 5 motor vehicles parked in the vicinity (See Exhibits D, E and F) of the proposed development, it is foreseeable that this would increase to a total of around 15 (allowing for additional motor vehicles belonging to residents and their visitors). The area is already exposed to greater traffic impacts than was intended by the subdivision of larger properties, increasing the incidence of permanent on street parking. This development will exacerbate this trend.

Additionally, it is obvious that there will be a major impact on traffic flow on the streets of Parker Avenue, Mann Avenue and Elson Road as a result of overflow car parking from the residents (and their visitors) of the proposed unit development site. As shown in Exhibit B this will impede the safety of oncoming traffic and present dangerous traffic

hazards in otherwise low traffic volume streets. These streets were not designed to cope with the increased amount traffic this proposed development will bring.

While the number of proposed vehicular spaces accords with the building code, as a result of the unique positioning of this property we do not believe that it accords with the intention of the code and it is therefore inadequate in this case.

We therefore request that the proposed development be amended to include an additional ten carparking spaces. These could either be built above the flood line where Units 5, 6, 7 and 8 would have been, or on any of the land beyond the Regulation Line with warning signage similar to that displayed in the Toombul Shoppingtown lower carparks and on the banks of Schulz Canal.

### **IN SUMMARY**

In summary, this development is inappropriately occurring in a previously strictly residential "A" community without any of the social infrastructure which exists in traditional high density communities. We represent a large community vehemently opposed to this development which will have an extremely negative impact on our lifestyles into the future.

We understand that while this proposed development complies with the letter of the appropriate codes it compromises the aesthetics and amenity of our community. We are asking for conditions to be imposed to bring the proposed development in line with the intention of those codes.

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#### Exhibits:

A – View from middle of Elson Road, facing proposed development site, proving there is no provision for off-street parking directly outside the property or neighbouring properties.

B – View from footpath of proposed development site towards Elson Road proving that Elson Road is so narrow that it is unable to support passing traffic when overflow parking spills onto this street. This situation would be further exacerbated when large trucks are negotiating this street.

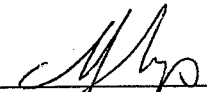
C – View from the proposed development site towards Elson Road showing that due to increased on street parking, larger vehicles obscure the view of oncoming traffic for vehicles following behind.

D – View from Parker Avenue end of Elson Road displaying the number of vehicles which ususally are parked in the vicinity of the proposed development site.


E – View of Elson Road showing presumed example of what on-street parking impacts would be should the proposed development proceed.

F – View of Mann Avenue showing presumed example of what on-street parking impacts would be should the proposed development proceed.

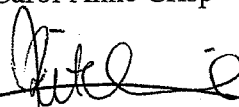
Signed by appellants:

  
\_\_\_\_\_  
Neil Graham Crisp


02 Feb 2009  
Date

  
\_\_\_\_\_  
Carol Anne Crisp

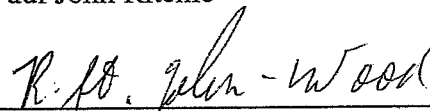
02/02/2009  
Date

  
\_\_\_\_\_  
Julie Maree Ritchie

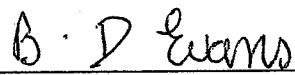
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Paul John Ritchie

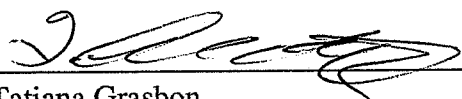
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Ross William St John Wood

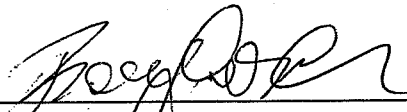
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Beryl Dorothy Evans

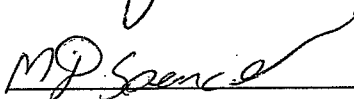
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Tatiana Grasbon

02/02/09  
Date

  
\_\_\_\_\_  
Roman Grasbon

02/02/09  
Date

  
\_\_\_\_\_  
Michelle Dian Spencer

02/02/09  
Date

**NB. If you wish to be heard in this appeal you must within 10 days of receipt of this Notice of Appeal:**

**(a) file an Entry of Appearance in the Registry at the place where the application is to be heard; and**

**(b) serve a copy of the Entry of Appearance on each other party.**

**The Entry of Appearance should be in the form set out in Form PEC - 6 for the Planning and Environment Court.**



Exhibit A



EXHIBIT B



Exhibit C



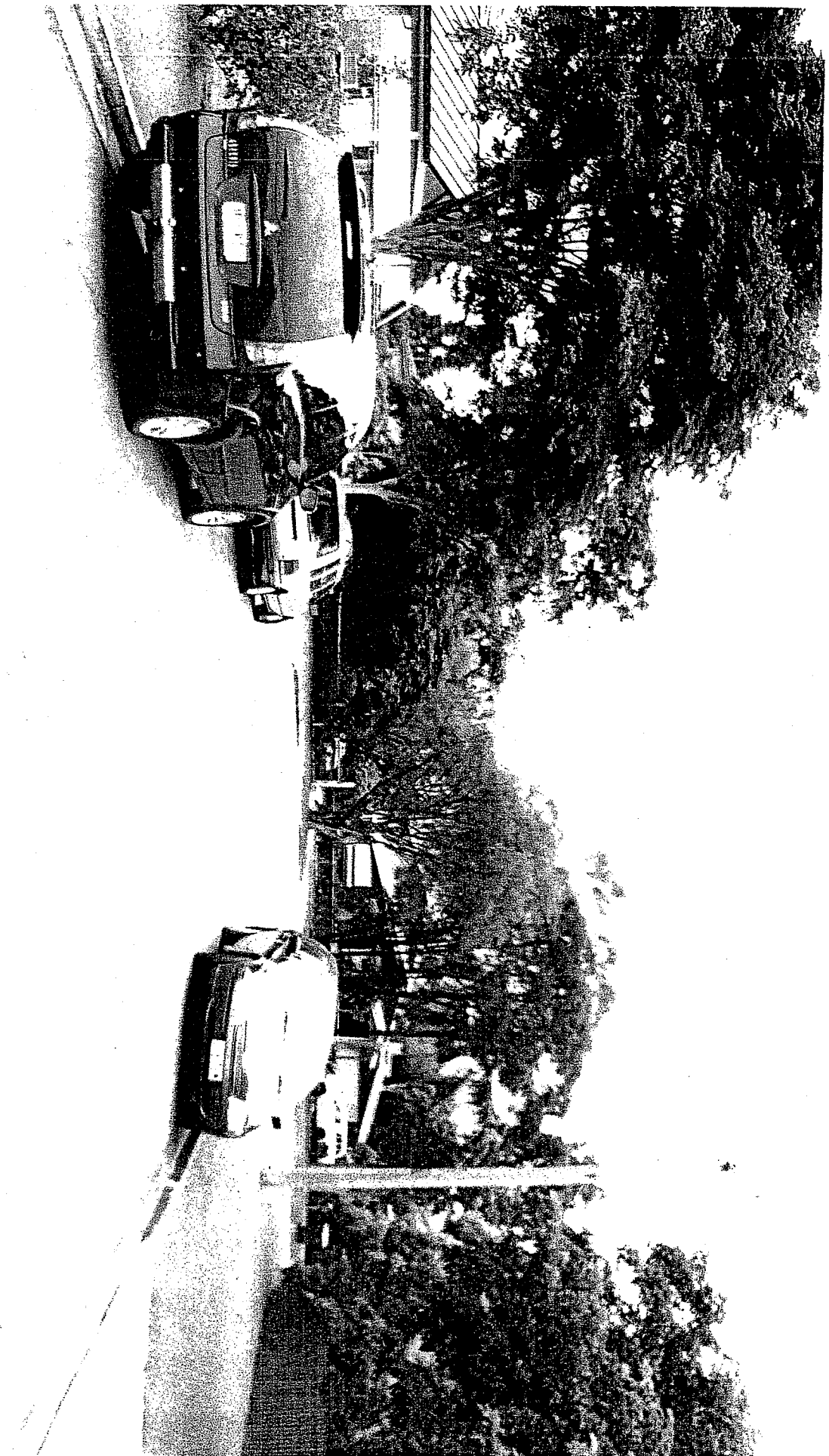


Exhibit D



Exhibit E

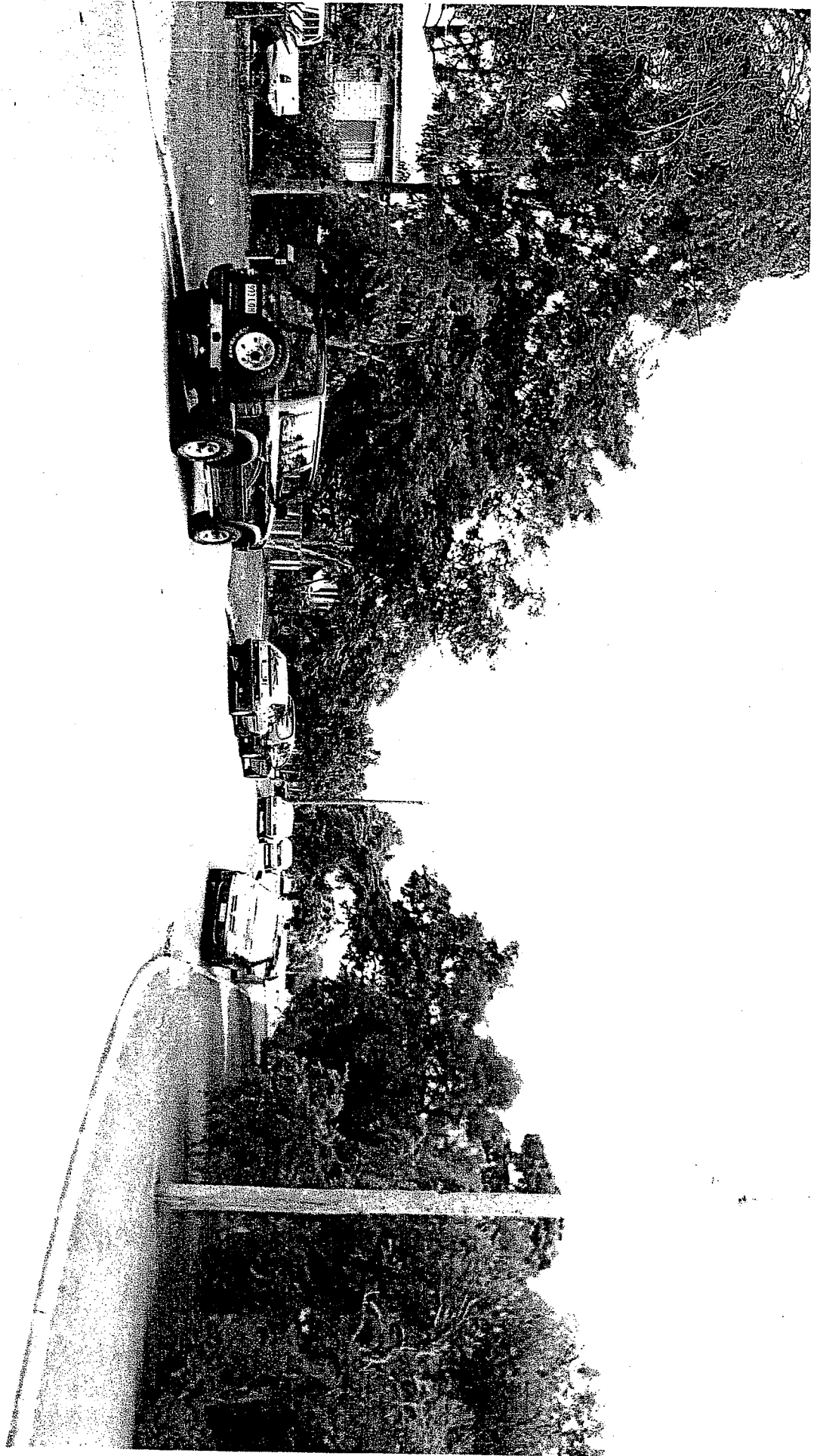


EXHIBIT F