

My Street

Launceston

15 December 2019

To the Launceston City Council General Manager

Reference DA0594/2019

7 My Street Launceston. Proposal construction of two retaining walls.

Dear Sir,

I wish to record our objection for consideration by council. The proposed two retaining walls means that the soil that has already been raised at the back of the house building site will now be raised again, with further disturbance of the drainage. The stability of the soil and the conveyance of ground water on this hillside was always a matter of concern, and pointed out in earlier objections in relation to no 7.

It appears that the plans in the diagram provided, indicate the initial height to be retrospective in application. The clay base with its heaped-up soil already evidences ground water overflow which was not there before.

You would understand that as \_\_\_\_\_ which has the new no 7 My Street building right up against our house wall, we are increasingly anxious about ground water disturbance and diversion of soil and the unintended impacts on our property.

We are already concerned that drainage may not have been put into the space between our building and number 7 as agreed and we are following up with the surveyors as advised by Catherine Mainsbridge. You would also be aware that we are already unhappy with the plumbing and sewerage utilising the Taswater pipes which cross our land. These are old pipes that will be under further pressure. I know that this is not under consideration with this recent

development proposal but it adds to our increasing concern about the way this latest development will be managed.

The building and balcony extend beyond the original footprint and imposes on the privacy of our yard and shadows the downstairs living area of our property. The height of the proposed back lawn area will add to our already compromised privacy and overshadowing of our back yard. Having appropriate distance of building and new wall and lawn construction is something that will concern us.

With the additional construction of retaining walls to accommodate the raising of the original profile of the land, the stability of the ground being raised is questionable. It threatens neighbouring properties, as does the drainage which slopes in our direction.

Additional screening and vegetation screening for all three neighbours adjoining the property is going to be necessary as well as assurances that the significantly changed profile will not create a ground water problem for all concerned.

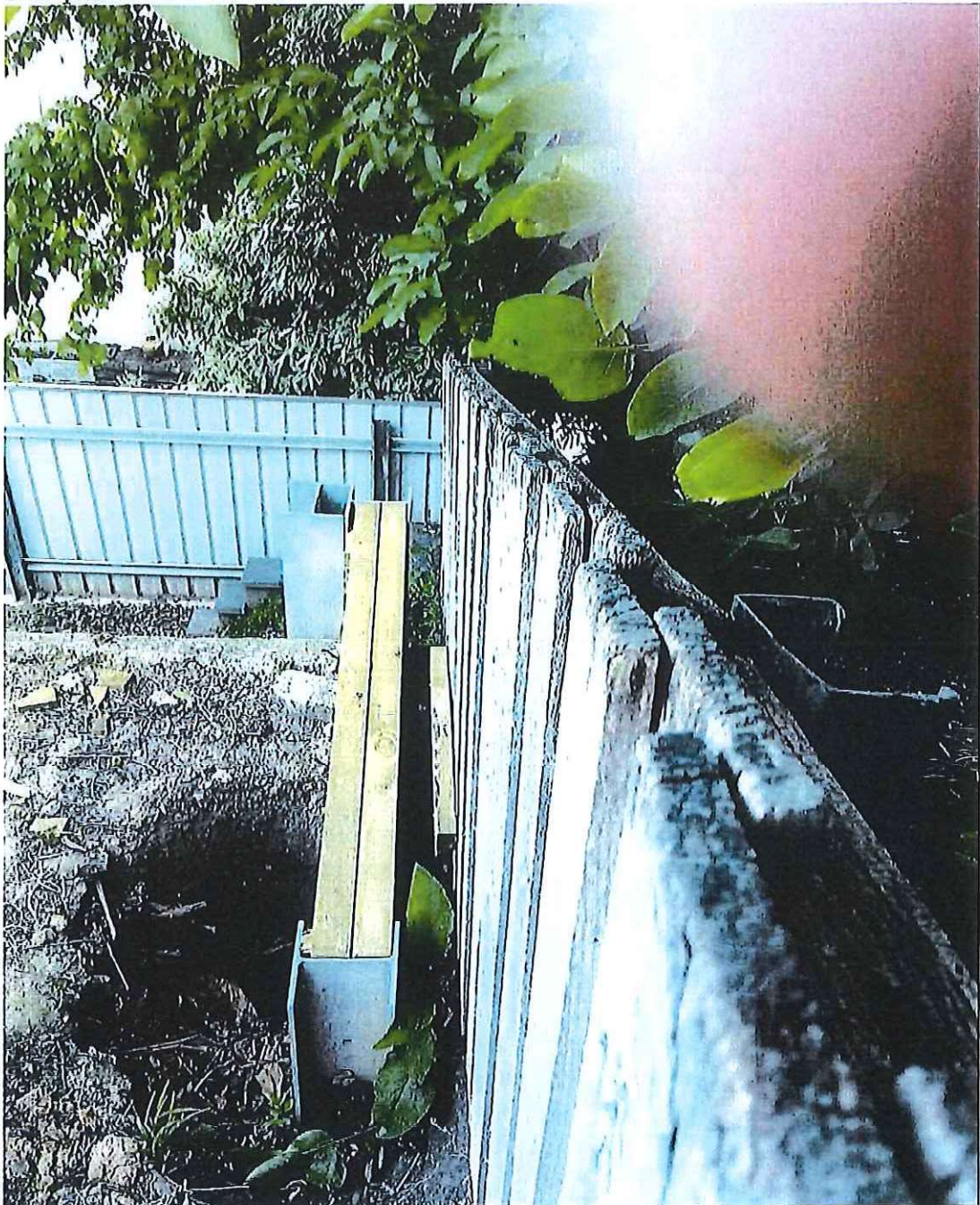
Yours sincerely,

Edwina and Michael Powell

## 7 My St Dec DA Retaining walls

I am writing in regards to the latest DA for 7 My Street Launceston. From the very outset I have voiced my concerns regarding the wellbeing of my walnut tree as the roots were cut when the first set of holes were being dug for the metal posts. This was denied until photos were supplied. The hole was covered up – out of sight out of mind, but since then I have become aware that the roots of my walnut tree have been cut several times, again to place more posts in the ground for the retaining walls.

See photo below:



I also have a query regarding the land size because when the property was advertised by Peter Lees Real Estate the property was stated as being 448sq metres and on the plans it is given as 473sq metres. Apparently council has provided a member of the public and even smaller area. Although this does not greatly impact on the percentage of land under the build it makes me query the measurements that are on the submitted plans.

On the latest plans, the rooms shown for downstairs are different to the amended plans and they also show that the retaining wall, which he wishes to raise is the new one and that the raised level is the existing one. This is incorrect.

According to the latest DA the landowner wants to build a new wall so that he may plant vegetables and that young people eg grandchildren?, have a level walking/playing area.

The retaining wall, which is being built behind the concrete retaining wall, is being raised by 400 mm. When I first asked the landowner about the metal posts he told me not to worry because they would be cut to the height of the existing concrete retaining wall. As the ground is apparently to be raised to the top of the metal posts it will mean that the ground level will be fairly close to the full height of the fence! Now he is asking to construct a further level of 900 mm, which will take the land to above the fence line.

See attached photo:



This is of great concern to me as not only is my privacy invaded but the security of my property is severely compromised. If someone from his land enters my property via the raised levels and hurts themselves would he be liable? I would imagine that a safety guard would also be placed on the top level to prevent anyone from falling down the steep slope that has been created when the bottom fence was altered and the concrete wall at the fence line between no. 7 was removed as was much of the soil at that level.



Another concern is that there is only 100mm between the retaining wall and the raised surface, which could be dangerous for anyone trying to walk along it but not wide enough for plants to be placed in the area. If the landowner wants a level area then perhaps stairs from the lower porch to the existing ground level would be more logical, as it would also give them the extra 100 mms.

Mr. Scrim brought to my attention that there has been water pooling near his house, and in the holes for the metal posts, which he thought may have been caused by some water leak from my property, but we have been informed that that is not the case and that the most likely cause is ground water. If it is ground water, then will agricultural/drainage pipes be laid down to the bottom drain on 7 My St. to stop the continued accumulation of water?

Regards

Anna

**From:** agdarby  
**Sent:** 10 Dec 2019 09:35:58 +1100  
**To:** Contact Us  
**Cc:** Catherine Mainsbridge  
**Subject:** DA 0594/2019 - Proposed retaining walls at 7 My Street  
**Attachments:**

**Importance:** Normal

Attention Catherine Mainsbridge

I have grave concerns as to the **impact and loss of amenities and privacy** on my property at

In 2010 when P .Lees applied for the demolition of the house DA 0275/2010 it went to the Council for the alderman to vote on.

Ald Rob Soward pointed out that \_\_\_\_\_ was an important heritage building (at that stage it was on the list to be heritage listed) ' and because of the terrain of Launceston has to be aware of the soil structure.

This is evident in High St where the community swimming pool had to be rebuilt because of cracking and movement of the land.

The boundary fence between Welman St and My St originally consisted of a blue stone wall 1800 high , on top of the there was a reinforced concrete wall 900 H and on top of that there was a paling fence 1500 h **Totalling 4200 privacy screen between the two properties.** There is now the blue stone wall 1800 H and a metal fence 1800 H totalling 3600 a reduction of 600

The **concrete wall was leaning dangerously** into my property because the previous owner had built up the soil more than half way up the wall to created level land which caused pressure on the wall from slip and weight.

I spent 2018 corresponding with G Scrim in regard to rectification, removal of his soil, insisting on **adequate drainage, which he thought was not necessary!** I paid for half of the engineer's report, removal of his soil, drainage, weep holes, rectification , new fence etc etc at **great expense** -- I paid far more than I needed to, in order that the work carried out was done properly and so there would be no further issues!

Gordon Scrim is **incorrect** in his letter to you of 6/11/19 Sec part A -- lower wall - 'this work was carried out at the same time as repairs to the blue stone wall were performed.....' (referring to the steel posts) . Firstly the blue stone wall was not repaired, the 900mm concrete wall above it had to be removed, because of the build up soil, from his side, causing it to lean dangerously into my property. The engineer was Chris Luck from JMG and I was still paying bills mid December 2018, when the builder finished his work. Rodney Gowland had nothing to do with the work of the dividing fence, and was obviously employed at a later date.

Gordon says the reason to put those steel posts in ,before approval ,was to prevent debris falling down hill. I have it on good authority that clay soil is already falling into the drain - for which I paid half - clogging up the drain, built for draining his groundwater and storm water. Gordon has not bothered to cover the drain with mesh or anything else to prevent the drain from filling up with rubbish whilst building works is going on. It is another example of him not understanding the consequences of bad management of his land, (one would have thought after the concrete wall failing because of the pressure of his built up soil, he would) or any respect for those who share a boundary with him.

At that time Chris Luck drew up plans for a new wall at the original height of the said retaining wall, to hold back the soil. When I refused to pay for half of that wall for his new terrace, Gordon went for the cheaper option of a batter of 45 degrees, towards the existing terrace, for which I paid half!

Gordon's reasoning for putting in 1400 high steel posts was to support the failing concrete wall that is supporting his terrace. He emphasises that he will be replacing that with treated pine sleepers. Wooden sleepers will break down quicker than concrete, and sometime in the future I will have the same problem that I have spent 12 months at great expense to rectify!

There is no need to increase the height of his soil, to create level land to the detriment of his neighbours! The height of the existing or previous concrete terraces gave the block level land on terraces. He can cut and fill and there is such a thing as steps . He should have thought of his back garden when he had a house designed that came right down the block, taking up most of his green space.

The posts at 1400 height is just below the boundary fence of 1800.

**Topography of the site** – The Scrim bought an elevated, steep terraced block. He mentions that one of his terraces was removed because of the changes to the western boundary wall, and because of that 'this application simply changes the heights of the remaining terraces and their location somewhat'. He fails to mention that the build up of soil half to three quarters up against the concrete fence was both illegal and dangerous. **That terrace that was against the boundary wall – should not be counted as a terrace.**

#### UPPER WALL - C

Gordon Scrim address overshadowing but ignores the issue of overlooking and privacy which has a huge impact on my property

When I bought my property in December 2009 the house at 7 My St was two rooms deep, three quarters further up the block, with a lovely old walnut tree, a lemon tree and other vegetation offering privacy from that block – see attached photos – all vegetation has now been removed, the house has taken up a huge ratio/ proportion of the 435 sq metre block (information from you in June 2010) . The original house was all contained on the first terrace!

His living room is 900 from my back boundary, and the deck is 600 from the now exposed back boundary fence. I would suggest that on his higher, elevated block he would have a direct view into my upstairs bedrooms, the courtyard, and my side garden. At night with his lights on they would shine directly into my property. So both day and night we will constantly be aware of the house and its overbearing presence! That is all before he builds up his soil levels!



### Plans ,elevation and cross section

I do not accept that the reason the' heights are not shown in relation to the adjoining properties as we do not have details of their sites' as the boundary fences would be built on their ground level, it would be easy to use the height of those fences as a guide.

To create a level patch of land he can cut and fill at the original ground level and have steps from his house to get to the level area – he does not need to increase the soil levels to the degree he proposes, which in turn can cause problems of soil slip in the future , as well as giving him a bird's eye view into my property.

### Rear Boundary Fence

Its important to note that they 'lost a large section of flat land ' because it caused a 'nuisance' making the concrete wall to fail and should not have been there in the first place. **Not because the wall was decreased in height but because the soil was illegally built up against the fence, which had to be removed.**

If I could have a higher dividing fence, I would.

For him to say that if that flat land had been retained , then the steel posts used to hold up the next wall would not be needed. That is nonsense, the concrete wall of the next terrace was separate to where the soil had been built up against our boundary fence The engineers that Peter Lees employed said all the terraces were failing, and would need to be closely monitored, as they could fail at any time.

### In the plan – Section through both walls

On the northern side the proposed soil level increase is 2300 above the existing surface. **On the southern side** – I share that boundary with 7 My St for 3.3 metres – it is raised 1300 above the existing surface! Gordon says that the increase height may effect the northern boundary, it will obviously effect the southern boundary as well.

So he is **impacting on** my quiet enjoyment and I am being overlooked from him both on my southern and western boundaries! Not to mention the illumination from his property ,the conversations heard from his deck – 600 mm from my rear boundary.

### Management of groundwater and stormwater

Gordon Scrim says the ground water and storm water is to go in a pit on the western boundary – my boundary – the pit he refers to is a drain behind the blue stone wall that has a pipe protruding out of it on my side and the g/water and s/water will flow directly onto my land (there is no drain , at that point for that water).

That pit is already being compromised as clay and debris is already falling into it and clogging it up, as a result of the works being carried out on his property. He has done nothing to prevent that from happening.

The blocking up of the drain will potentially cause pressure on the blue stone wall, which could cause it to fail, as it did with the reinforced concrete wall.

In Catherine Mainsbridge report for the demolition of a dwelling at 7 My St – DA 0275/2010

Sec 9 OVERLAND STORMWATER RUNOFF & SOIL EROSION you state that **Water and soil should not be carried off site to adjoining properties or the road.**

The land size of 435 sq mtrs of 7 My St ( Council Information) his house takes up three quarters or two thirds of the block, leaving very little open space or the planting of trees and shrubs.

His living room - 900 from my back boundary and deck 600 from my back boundary gives him a good birds eye view into my upstairs bedrooms, my courtyard and my southern grassed area.

At night, when the light is on in his living room and deck it will **illuminate** my bedrooms and my back yard.

To allow such a large footprint of a house on a land size of 435 sq mtrs, his destruction of a large walnut tree, a lemon tree and other vegetation, has exposed me and my property to a **lack of privacy , quiet enjoyment of my amenities and facilities.**

The impact on \_\_\_\_\_ has made the property like living in a fish bowl. Because of being so exposed and overlooked it will have de valued my property when it comes to sell and makes it harder to rent because of the exposure, being **overlooked and lack of privacy.** When it became available to rent recently, good prospects changed their minds when they saw the 1400 high post coming out of the ground and how close it was to the rear boundary.

To allow the level of the land to be increased to the degree he proposes on an already elevated block at my expense and to an c1880 house would show a total dis-regard and respect to the heritage value of the precinct.

#### **In summary**

. 7 My St is already an elevated block -- to increase the land height according to Scrim by 1400 and 900 where according to the cross

Section it appears to be 2300 on the northern side and 1300 on the southern side -- will elevated his land even higher

. There is no reason why the soil levels have to be **increased** to create a level section, it can be decreased and put in steps for access

. It is a well known fact that the terrain and soil structure of Launceston is unstable ( High St , Bennell Way) and there has already been slip on the land at 7 My St

Without further exacerbation. I have already have had an issue with his soil causing a very serious and expensive problem to mv

- . Some of Scrim's comments are either incorrect or misleading and careful examination of the documents and comments should be  
Given careful consideration.
- . His overland water and storm water will run directly onto my land and according to your report in 2010 you state 'water and soil  
Should not be carried off site to adjoining properties or the road'.
- . The treated pine sleepers will eventually break down and rot (as has his concrete ones) which will cause his soil and debris to fall  
Towards my property, causing potential damage.
- . Gordon had the opportunity to replace the failed concrete terrace at the time the works were being done in 2018, he chose not to  
Because I refused to pay half that cost. He chose the 45 degree batter, which was the cheaper option, for which I paid half. So to  
Suggest that he has to have 1400 high steel posts to rectify and fix that wall is nonsense. The drawings that Chris Luck did at the  
Time was for the wall to be at its original height.
- . the house that is being built on his 435 sq mtr block takes up to three quarters or two thirds of his block and is already over  
**Bearing**
- . I am **overlooked** on two boundaries – the southern and the western
- . You will see from the photo I sent you of the steel posts ( about 6 weeks ago) a person sitting at my back door – that was before the elevation of the  
proposed  
Height increase, and his living room and deck, looking directly into my bedrooms and back garden.
- . You will see from the attached photos how much the occupiers of 7 My St could see of my property and the privacy their trees  
Afforded me at the time of my purchase and how exposed and overlooked I am now, which will also affect my lifestyle.
- . The increase of the height of his land will leave me more exposed, the illumination from his living room and deck the noise of  
conversation from his deck, 600 from my rear boundary and proposed elevation of land will have further **impact on my property**
- . The proposed elevation heightens my lack of privacy, the quiet enjoyment of my property and amenities and lifestyle, and his development of  
His block has exposed me, my occupiers and house to my detriment and to his advantage.
- . The impact of his proposed development has devalued my property, and will make it harder to sell in the future and to rent . It is

Now like living in a fish bowl. So to allow elevation of his block will further contribute to the lack of quiet enjoyment of my . property

. I am already impacted by his development and overlooked, without further exacerbating the problem by raising the levels of his Land to an already elevated block.

. he shows trees in his drawing – they would not be able to grow in such a narrow section.

. I believe a dilapidation report was done on before his house DA was approved. Since I am him why was Not one down at I think one should be done before any more building work is done, and if you approve the Increase height of his land. I will have the most to loose, if his house or soil comes tumbling down the hill.I

. Should you allow this proposed DA to go through I would ask that a condition of that agreement he has to plant a row of trees on The western boundary and the southern boundary, that we share (that will grow high enough) to afford me the privacy I have lost and am entitled to, please.

. Twice I have not been notified of the development of 7 My St – the 1<sup>st</sup> when P.Lees was going to demolish and again when Scrim put in his DA to build his house.

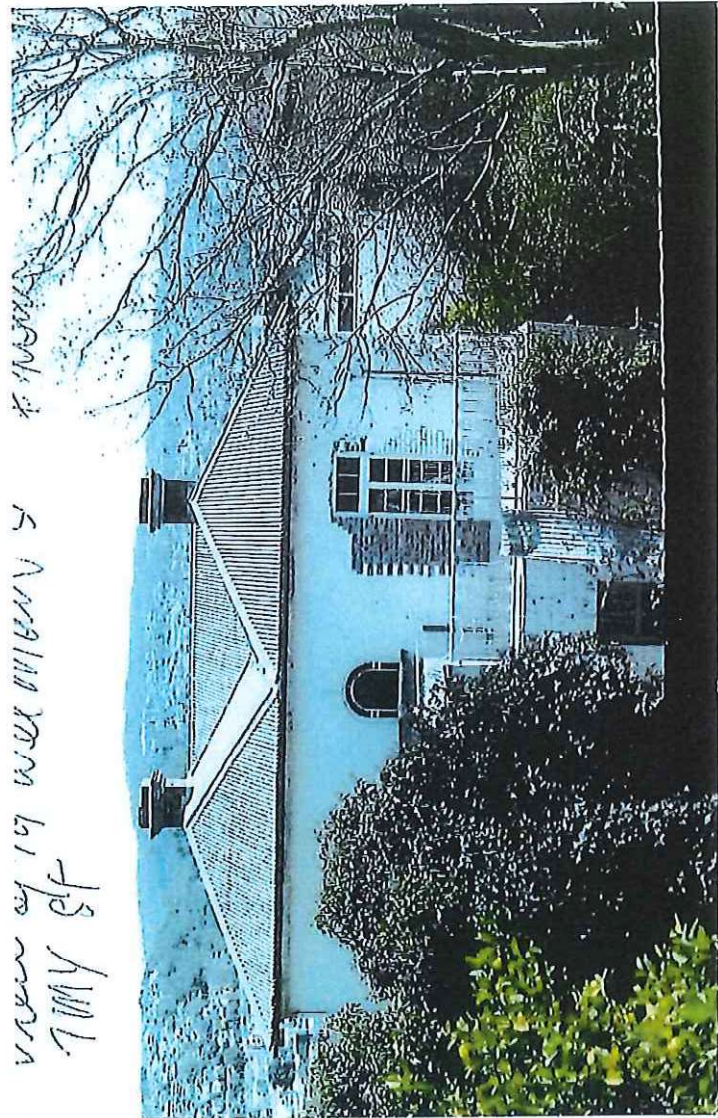
. In the report Catherine did on the same property In 2010 under the Intent to Zone – No 2 It states that the intent is to

**To protect and enhance the inner city residential areas to recognise their major contribution to the City's character and tourist Potential**

I do not believe this has been done in the development and the proposed DA

Regards,

Gail Darbyag



From behind the original house of 7MY St.  
looking towards the west of Belman St  
Lancaster



7MY St Lancaster

Top Blue stone wall, 1800 mm from ground  
Reinforced concrete wall on top 900 mm  
timber (?) fence on top of concrete wall 1500,  
Total 4200 mm privacy screen between  
7 M St & Welman St + vegetation on 7 M St



Boundary Fence Between 7MY St  
& Welman St  
in state of neglect & disrepair







Concrete wall  
leaning into [redacted] Welman Gf