

IN THE PLANNING + ENVIRONMENT COURT  
REGISTRY BRISBANE

FILE NO: BD 361  
of 2008

PIERRE JAMES DELAUNEY      Appellant  
Filed on 1/12/08 KELLIE HILTON BCC      Respondent

Filed by...PIERRE DE LAUNAY  
Service Address...4 CARAVEL COURT CLEVELAND.  
Phone...0418752152.....  
Fax...07 38210029.....

PIERRE DE LAUNAY applies to the Planning and Environment Court at...BRISBANE....., for  
THE DECISION OF KELLIE HILTON BRISBANE CITY COUNCIL BEING  
REFUSAL OF APPLICATION A002148075 BEING THE DEMOLITION OF  
HOUSE 9 GILMORE ST TARRAGINDI BE REVERSED AND DEMOLITION OF  
THE ABOVE HOUSE IN TARRAGINDI BE GRANTED.  
COMPENSATION FOR ECONOMIC LOSS.

The grounds relied on are:

1. THAT THE INFORMATION AND FACTS CONTAINED IN ENGINEERING REPORTS BE:ST:086978 AND BE'SR'6978A CARRIED OUT ON 21 FEBRUARY, 2008 AND 4 AUGUST 2008 RESPECTIVELY DEMONSTRATE THAT THE BUILDING IS STRUCTUALLY UNSOUND, DANGEROUS AND NOT REASONABLE CAPABLE OF BEING MADE STRUCTUALLY SOUND, WHICH IS A CONDITION BY WHICH THE COUNCIL WILL APPROVE THE DEMOLITION OF SUCH A BUILDING.
2. REPORT I MAX CONTAINED IN AFFIDAVIT OF PIERRE DELAUNEY
3. ANCILLARY MATERIAL TO ORIGINAL BOOTH ENGINEERING REPORT.
4. COMPENSATION FOR ECONOMIC LOSS FOR THE EXTENDED PERIOD COUNCIL HAS TAKEN TO DELIBERATE OVER THE APPLICATION AND MY PERSONAL MONETARY LOSS OF SALE PRICE DUE TO THE ECONOMIC DOWNTURN IN THE HOUSING INDUSTRY, AS WELL AS EXTENDED RENTAL COSTS.



*Pierre de launay*  
(Appellant)

This application is to be heard by the Court at ..... on the ..... day of .....  
2001..... at ..... am/pm.



If you wish to oppose the application or to argue that any different order should be made, you must appear before the court in person or by your lawyer or agent and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.



In the Planning and Environment Court

No

Held at Brisbane

Between: Pierre James de Launey

Appellant

And: Kellie Hilton, Brisbane City Council

Respondent

**AFFIDAVIT**

I Pierre James de Launey of 4 Caravel Ct. Cleveland, Demolition Contractor solemnly and sincerely affirm and declare:

That exhibit A attached to this Affidavit, being a report by Booth Engineers, is a report clarifying the previously submitted Booth Reports, in more clear and precise terms, advocating for the demolition of the property 9 Gilmore St. Tarragindi. I declare this to be a true and genuine report from an independent Engineering Group, highly respected and known throughout Brisbane.

That exhibit B attached to this Affidavit, being a report from Imax Constructions, a residential and renovation specialists Construction Group, declaring in their opinion that the items that they list should be substantiate reason not to carry out any renovation or repairs to 9 Gilmore St. Tarragindi. I declare this to be a true and genuine report from an independent Construction Group, highly respected and known throughout Brisbane.

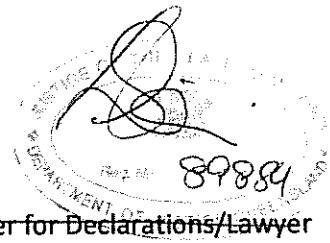
*Pierre de Launey*

Signed

Deponent

Taken by

Commissioner for Declarations/Lawyer



JP Qual  
S. LAUROVICK

AFFIDAVIT Filed on behalf of

Pierre James de Launey, 4 Caravel Court, Cleveland

0418752152, Fax 07 38210029

BE:SR:08/6978B

4 February 2009

Mr P De Launey  
9 Gilmore Street  
TARRAGINDI Q 4121

Dear Sir,

**RE: Existing dwelling – 9 Gilmore Street, Tarragindi**

Further to our latest report for the abovementioned residence please note the following additional information:

Our report (ref: BE:SR:08/6978A) uses the term 'renovations' as a general term only. In this particular case any rectification carried out on the dwelling will require the replacement of inadequate structural elements which would include most of the floor, wall and roof framing as well as restumping and the provision of suitable bracing and tie down.

Should you require any additional information or clarification, please do not hesitate to contact the undersigned.



**Stephane Rebibou**  
B Eng MIEAust RPEQ 6842  
For and on behalf of  
Booth Engineers & Associates Pty Ltd



February 9, 2009

To : Pierre De Launey

Re: 9 Gilmore Street, Tarragindi Q 4121

To Whom It May Concern:

The following list in my consideration should be substantiate reason not to carry out any renovation or repairs to 9 Gilmore Street, Tarragindi:-

- 1 The roof members and main framing are constructed out of second hand timbers in various sizes and of sub standard strength all of which would require replacing.
- 2 In order to replace the above timbers the roof tiles, being heavy terracotta, would need to be removed first
- 3 In order to remove roof tiles trades persons would need to access the roof. As mentioned in the Engineers report the roof is in danger of collapse and a risk of personal injury or even worse to anyone on said roof or below it. Possible supports and bracing may be a solution but with the framing in such a sub standard state a high safety risk is still present.
- 4 In the possibility of removing the roof tiles safely the next step would be removing the external asbestos wall cladding. This will no doubt further weaken the already failing framing and again possible bracing may help but not without that high risk already mentioned.
- 5 Next comes the removal of roof members and main framing both of which need replacing due to the sub standard timbers.
- 6 At this point we are simply left with a floor. The joists and bearers have termite damage in various parts and bora activity in the floor board. All stumps would possibly have to be removed in order to replace bearers.

In short the existing dwelling is incapable of being either renovated or repaired.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Skillicorn'.

Darren Skillicorn

(Form PEC-1)

**HEADING TO DOCUMENTS**

In the Planning and Environment

Court No. *BD*

Held at: BRISBANE *3612* of 2008

Between: PIERRE JAMES DE LAUNAY

And : KELLIE HILTON

PARATECHNICAL URBAN PLANNER, DEVELOPMENT  
ASSESSMENT

DEVELOPMENT ASSESSMENT SOUTH  
DEVELOPMENT ASSESSMENT BRANCH  
BRISBANE CITY COUNCIL

Filed on / /200 .

Filed by Pierre James De Launay

Service Address...4 Caravel St. Cleveland 4163.....

Phone.....0418752152...

Fax.....07 38210029...

**PIERRE JAMES DELAUNEY** of 4 Caravel St Cleveland appeals to the Planning and Environment Court at Brisbane against the decision of 28 November, 2008 of Kellie Hilton, PARATECHNICAL URBAN PLANNER, DEVELOPMENT ASSESSMENT, DEVELOPMENT ASSESSMENT SOUTH, DEVELOPMENT ASSESSMENT BRANCH, BRISBANE CITY COUNCIL application reference number A002148075. The Decision Notice was under Section 3.5.15 of the Intergrated Planning Act 1997 The original application being for the demolition of house

9 Gilmore Street Tarragindi ; and seeks the following orders or judgment

1. The Decision to be reversed and demolition approval of the above house in Tarragindi be granted .
2. Compensation for economic loss

**The grounds of appeal are**

1. That the information and facts contained in Engineering Report numbers BE:ST:086978 carried out on 21 February, 2008 and BE:SR:08/6978A carried out on 4 August, 2008 demonstrate that the building is structurally unsound, dangerous and not reasonably capable of being made structurally sound, which is a condition by which the council will approve the demolition of such a building.
- 2 Compensation for economic loss for the extended period Council has taken to deliberate over the application and my personal monetary loss of sale price due to the economic downturn in the housing industry.

**(Form PEC-1)**

**HEADING TO DOCUMENTS**

In the Planning and Environment  
Court No.

of 200

Held at: BRISBANE

Between: PIERRE JAMES DE LAUNAY

And : KELLIE HILTON  
PARATECHNICAL URBAN PLANNER, DEVELOPMENT  
ASSESSMENT  
DEVELOPMENT ASSESSMENT SOUTH  
DEVELOPMENT ASSESSMENT BRANCH  
BRISBANE CITY COUNCIL

*Pauline de Lannay*  
(Appellant/Solicitor/Agent)  
(as the case may be)

**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.**

BE:SR:08/6978

27 February 2008

Mr P De Launey  
9 Gilmore Street  
TARRAGINDI Q 4121

Dear Sir,

**RE: Existing dwelling – 9 Gilmore Street, Tarragindi**



#### **1.0 INTRODUCTION**

At your request an engineer from this office carried out an inspection of the abovementioned residence on the 21 February 2008. The reason for the inspection was to enable us to comment on the current condition of the residence with respect to future renovations being considered by the owners.

We have undertaken a visual inspection based upon our experience in the field of design, construction and damage rectification. All efforts were made to note any existing problems with the building and to bring to your attention potential problems that may arise in the future.

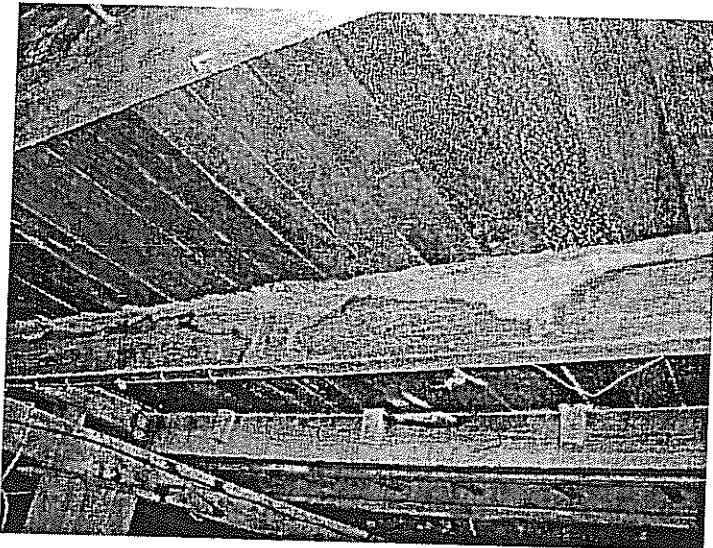
#### **2.0 BACKGROUND INFORMATION**

The residence is a high set federation style dwelling constructed on stumps with rendered cement sheeting. The building is basically rectangular in shape.

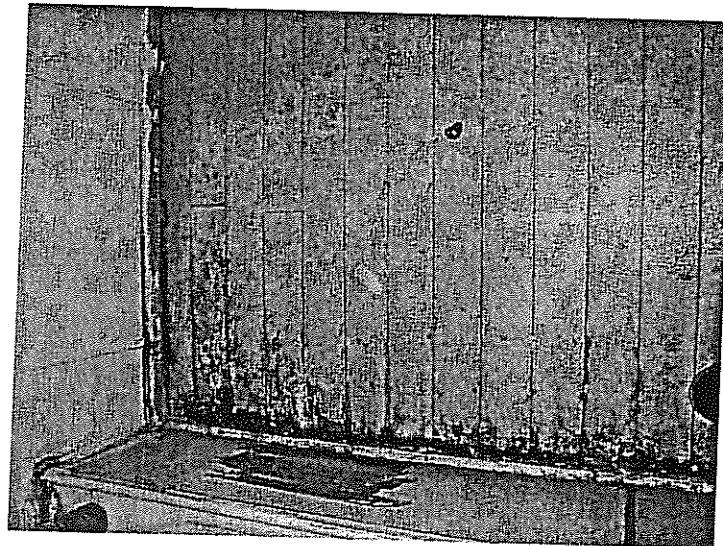
During the course of our inspection the following information and observations were considered relevant to our investigations-

- Cracking was noted around the external walls of the building with cracks ranging from hairline to 5mm in width.
- The sub floor is in need of some repair and adjustment to stumps in particular. Underpinning of the footings or a complete re-stumping would need to be considered.

- As is typical for this type of dwelling, upgrades to bracing and tie down conditions are likely to be required around the building as renovations are carried out.
- Signs of previous pest (termite) activity was noted to the floor framing.

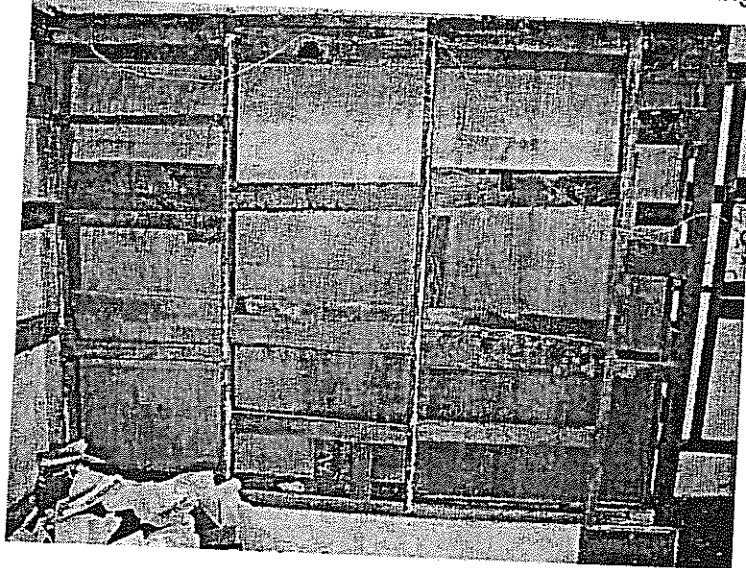


- Timber rot was also noted to floor framing around the building and to staircases.



- We have been advised the rendered external walls are constructed from asbestos cement sheeting and will need to be removed by a licensed contractor before any renovations are to take place.
- All window shade structures are in disrepair and unstable. These will also need to be removed and replaced.
- Sub floor timber elements were visibly warped and buckled and will need to be replaced.
- Downpipes were rusted throughout around the building and will need to be replaced.
- The tiled roof appeared warped in parts and while no roof framing inspection was carried out it is likely the roof framing elements have been affected by footing system movement and hence affecting the roof tiles.

- There is a small masonry retaining wall (approx 500 high) to the left hand side of the dwelling. The wall is built within the zone of influence of the stumps to the rear left hand corner of the property and is out of plumb. This wall has failed and will need to be replaced.
- At the time of our inspection, parts of the internal wall and ceiling linings had been removed to expose the internal stud wall framing. The wall framing appears to be constructed in an ad hoc fashion with uneven stud spacing and the use of odd timbers as nogging. Tie down and bracing was not in accordance with good building practice and will need to be completely upgraded around the building.

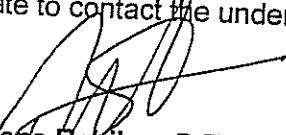


### 3.0 CONCLUSION

Based on the information obtained during our site inspection we believe some significant structural modifications and rectifications would be required to allow for adequate renovations to the property. Major structural items will require consideration include but will not be limited to stumps (either via re stumping or underpinning), structural framing elements related to the original cladding (including asbestos removal), sub floor framing, wall framing, roof trusses and staircase framing.

Please note that as is common in these type of projects we would expect that as renovations begin and further structural components are exposed, it is likely that numerous other items will be uncovered that will require replacement to ensure the overall structural integrity of the dwelling is maintained. In this instance, we believe that renovations required to restore the dwelling to appropriate building standards will require the replacement of much of the existing structural components around the dwelling. With this in mind we strongly recommend that consideration be given to the demolition of the building if possible in consideration of the extent of rectifications that will be required.

Should you require any additional information or clarification of this report please do not hesitate to contact the undersigned.

  
Stephane Rebibou B Eng MIEAust RPEQ 6842  
For and on behalf of  
Booth Engineers & Associates Pty Ltd

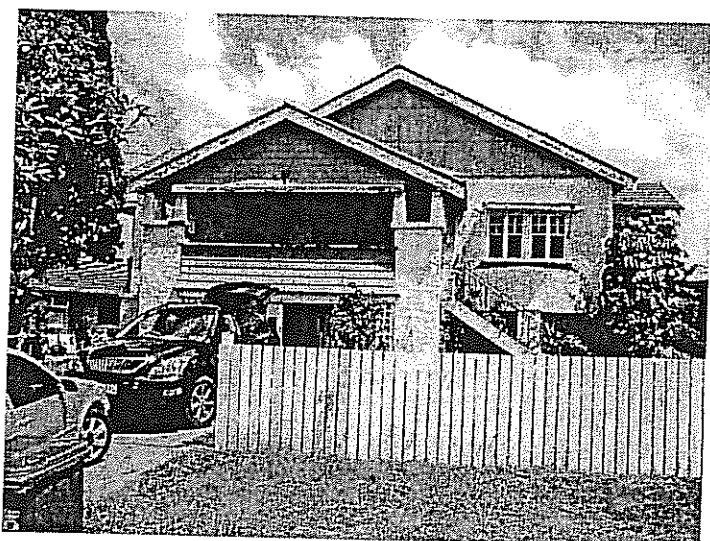
BE:SR:08/6978A

27 February 2008

Mr P De Launey  
9 Gilmore Street  
TARRAGINDI Q 4121

Dear Sir,

**RE: Existing dwelling – 9 Gilmore Street, Tarragindi**



## **1.0 INTRODUCTION**

Following our original inspection of the abovementioned residence on the 21 February 2008 an engineer from this office was requested to re inspect the dwelling on the 4 August 2008. The reason for the inspection was to enable us to provide additional comments on the current condition of the residence since the owner had recently removed all internal wall and roof linings.

We have undertaken a visual inspection based upon our experience in the field of design, construction and damage rectification. All efforts were made to note any existing problems with the building and to bring to your attention potential problems that may arise in the future.

## **2.0 BACKGROUND INFORMATION**

The residence is a high set federation style dwelling constructed on stumps with rendered cement sheeting. The building is basically rectangular in shape.

During the course of our inspection the following information and observations were considered relevant to our investigations-

- This report should be read in conjunction with our original report dated 27 February 2008.
- At the time of our inspection (4 August 2008) the owner had removed all internal wall and ceiling linings to reveal the internal timber framing of the dwelling.

- Construction standards were very poor throughout and ad hoc, with numerous mixed timber element used as studs and noggings (seconds?).
- Most walls were visually out of plumb with a lack of tie downs.
- No internal wall bracing was noted and only minimal external wall braces were noted which would be inadequate for the size of the dwelling, especially since connections and fixings appeared to be very poor and not professionally built. **The bracing to walls is inadequate and represents a potential collapse mechanism.**
- Pest damage was also noted to major framing elements with some walls eaten through and just hanging from the roof framing.
- Significant bowing and warping of roof and wall framing elements was noted throughout, with significant overstress in the timber framing elements from the tiled roof. **We believe the condition of the wall and roof framing is inadequate and that catastrophic collapse may occur and as such access to the dwelling should be blocked off as instructed on site to prevent a major incident.**

Other comments from our earlier report are noted below for your convenience:

1. Cracking was noted around the external walls of the building with cracks ranging from hairline to 5mm in width.
2. The sub floor is in need of some repair and adjustment to stumps in particular. Underpinning of the footings or a complete re-stumping would need to be considered.
3. As is typical for this type of dwelling, upgrades to bracing and tie down conditions are likely to be required around the building as renovations are carried out.
4. Signs of previous pest (termite) activity was noted to the floor framing.
5. Timber rot was also noted to floor framing around the building and to staircases.
6. We have been advised the rendered external walls are constructed from asbestos cement sheeting and will need to be removed by a licensed contractor before any renovations are to take place.
7. All window shade structures are in disrepair and unstable. These will also need to be removed and replaced.
8. Sub floor timber elements were visibly warped and buckled and will need to be replaced.
9. Downpipes were rusted throughout around the building and will need to be replaced.
10. The tiled roof appeared warped in parts and while no roof framing inspection was carried out it is likely the roof framing elements have been affected by footing system movement and hence affecting the roof tiles.
11. There is a small masonry retaining wall (approx 500 high) to the left hand side of the dwelling. The wall is built within the zone of influence of the stumps to the rear left hand corner of the property and is out of plumb. This wall has failed and will need to be replaced.

### 3.0 CONCLUSION

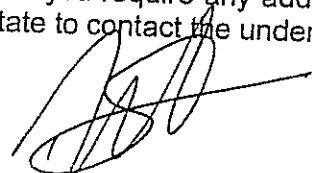
Based on the information obtained during our site inspection we believe the overall structural integrity of the building has been severely compromised by ongoing pest damage, poor construction details (owner builder) used throughout the dwelling, a lack of bracing and tie down and overstressing and warping of major timber framing elements. Since the internal wall and roof framing was readily visible during our inspection we believe that the noted defects combined with the mass of the tiled roof present clear failure mechanisms and as such, catastrophic collapse of the building may occur at any time and as such access to the dwelling should be blocked off as instructed on site to prevent a major accident.

In the short term, the roof framing and wall framing should be propped and supported so as to prevent collapse, and this office can be contacted to provide additional details if required.

Furthermore, as noted in our original report, significant structural modifications and rectifications would be required to allow for adequate renovations to the property. Major structural items will require reconstruction such as re stumping, (either via re stumping or underpinning), structural framing elements related to the original cladding (including asbestos removal), sub floor framing, wall framing, roof trusses and staircase framing.

With the findings from our recent inspection, we strongly recommend that consideration be given to the demolition of the building in consideration of the extent of rectifications and possible danger of carrying out such renovations.

Should you require any additional information or clarification of this report please do not hesitate to contact the undersigned.



**Stephane Rebibou**  
B Eng MIEAust RPEQ 6842  
For and on behalf of  
**Booth Engineers & Associates Pty Ltd**