

**Written Submission from Mr A Meshkin, via email 30/11/2022  
13 December 2022 – Ordinary Meeting of Council**

Dear Councillors and Governance Team

Please see below our written submission for the upcoming Agenda Briefing Forum to be held on Tuesday 6 November. Attached is our remote survey of the 18 Tweeddale Rd properties.

Kind regards

Amir V Meshkin

On behalf of the effected neighbours of 18 A and B Tweeddale Rd, Applecross

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**Our request to the Council**

We still have **an unexecuted Council motion from August 2021** to have an independent contour level survey produced the site.

There is a high degree of suspicion in the community that **unauthorised work and planning and building non-compliance is continuing** on site as it has done over the last 15 years.

The community has **not seen any definitive evidence** to clarify the situation.

There is **still controversy & anxiety in the community** regarding issues that a certified independent survey will clarify.

The effected neighbours are asking you to please vote to enforce your original direction to the CEO last year to have the independent survey produced for the site, which was enforcing an original direction to the CEO from November 2020 to remove any unauthorised fill from the site.

**We request that**, in line with the Council's proposed values of "Excellence, Participation, Integrity, and Caring", **the site survey is completed & shared with the effected neighbours** as in the Council direction from August 2021, **within 3 weeks**.

If the CEO is unable to find an independent surveyor, we can supply one to the City.

**Please note:** by "**a certified site contour level survey**" we mean one which shows the existing site levels, the fences & retaining walls and confirms the accuracy of the datum reference points proposed by the developer on his original 2008 survey.

By "**independent surveyor**" we mean one that has not previously worked for the neighbours, the developer & his associates or the City, to ensure no conflicts of interest.

**Officer recommendation**

The officers' recommendation on Item C22/5940 is that the Council vote that **a site survey is postponed even further to an unknown time in the future when a building permit is applied for the developer**.

The prospect of waiting for building to start is a source of anxiety for the neighbours, as **the basement level cannot be checked against the historic natural ground levels:**

1. The historic natural ground levels were already significantly raised in 2008. Despite protests & complaints by all of the effected neighbours, a 4m height fluctuation from the South-west

corner to the North-east corner was raised to be almost horizontal in 2008, then retrospective approvals were issued to the developer.

2. There has been around 8 large truckloads added in March 2020 & at least 2 large truckloads of sand added to the verge in April this year, all as far as we know without Planning Approvals or Building Licenses.

3. The approved "Ground Floor" finished floor levels of the apartments are in areas more than 3 m above the historic natural floor level and will sit in line with the height of the top of the northern neighbour's 3 m high fence. We don't want them to be raised any more, as they will further denigrate the effected properties.

4. The new Planning Approval application which has been submitted is requesting that the Finished Floor Levels be raised once again. This is the second time the developer is officially requesting that the Planning Officers raise the approved finished floor levels.

5. Given the track record on this site, we have no faith that the sand will actually be removed from this site, and that the developer will build up from the current level.

**Once the sand has been dug out for the basement, it will be extremely difficult to prove where the actual natural ground level was, as there will be no tangible point of reference.** Retrospective approvals can be then sought by the developer based upon these false ground levels as was done at Stirling.

**In any case, the neighbours will have no means of accessing the site to check whether the basement slab is poured according to the previously existing natural ground levels.**

#### **Other explanations for the unexecuted Council direction**

Other reasons we have received for the unexecuted survey is **that the CEO is unable to facilitate access to the site due to the developer's refusal.** According to **Local Government Act Section 79 of the Building Act**, the CEO may delegate an authorised officer to enter the site, as he did on 25 October, when 3 Council planning officers entered the site, inspecting the pad levels and the sand mounting up against the 2 neighbouring walls. Similarly, one block away at 23 Carron Rd, Applecross, we understand that unauthorised fill was investigated & ordered to be removed.

#### **Our uncertified survey**

Due to the long delay of the Administration's site survey, and the absence of the City's use of Local Government Act Section 79 of the Building Act in the case of 18 Tweeddale Rd, **we have taken the initiative of producing our own attached survey using Nearmap**, a satellite imagery programme aerial imagery technology and location data programme to produce an uncertified survey of the site levels. Our survey, whilst not as perfectly accurate as one produced by a certified surveyor, confirms that there is significant fill on the site and against the boundary fences.

**Please vote to complete the direction and have the survey produced.**