

## Request

Council replace/amend the City officer recommendations to the effect of:

Defer Item M23/5964 to Council's May ordinary meeting to allow time for the following:

1. Council to seek and consider further clarifications and investigations, such as the recommended additional structural engineering report if Council deems the previous DMIRS Building and Energy and Scott & Associates structural engineering advice it already has is inadequate.
2. Council directs that a revised City Officer report be prepared based on any further clarifications and investigations.
3. The CEO to invite the parties to an EMES within the next month to present and make any submissions on the existing or revised reports, for no less that 30 minutes each, before any reports are put to Council for a decision.

At September 2021 meeting between CEO Marten Tieleman et al and Ms Bronwyn Weir : comments were

Tieleman - "If it's not required to be retaining, we've still got this sediment that MM has shown me on site" [July 2020 visit with Mayor Gear]

Weir - "My issue is that they don't match, it's a retrospective permit and it should match, there's no reason it shouldn't."

"As-is" photos from April 2016, much the same

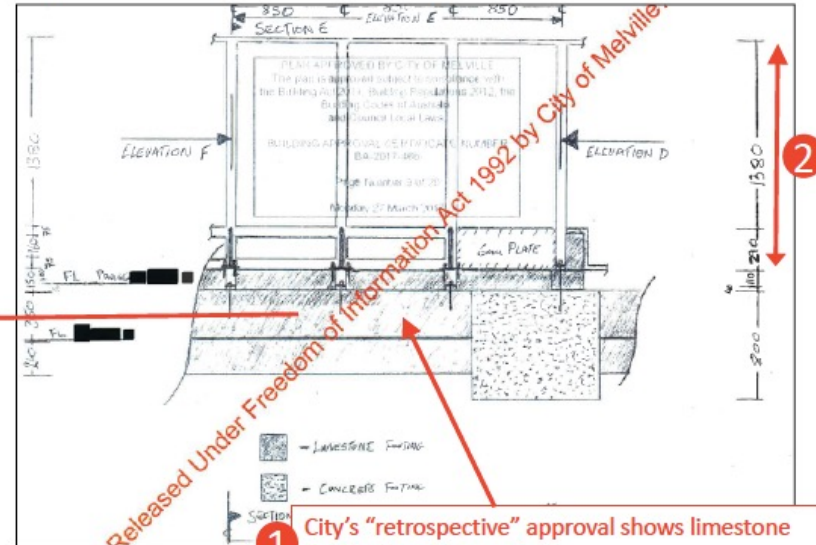
July 2017 BAC, BA-2017-466 plans



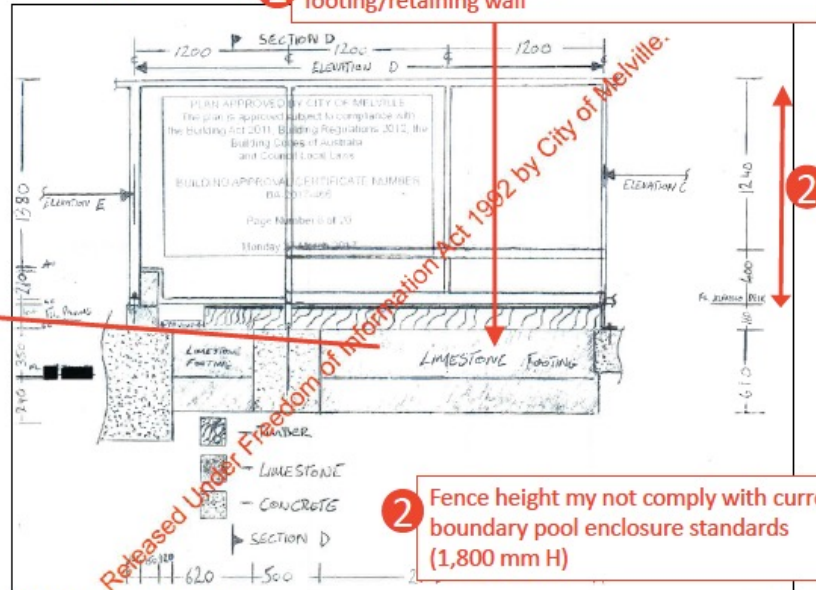
1 Compacted sand not adequate retaining of ground level build up on 14 Beach St side immediately adjacent to boundary. Definitely no limestone footings per "retrospective" approval



2 Fence height may not comply with current boundary pool enclosure standards (1,800 mm H)



1 City's "retrospective" approval shows limestone footing/retaining wall



## Reasons

- a) **Inviting the affected parties to present submissions to a Council EMES** in response any reports prior to a Council decision is in line with the **principles of procedural fairness and natural justice** as outlined in the City’s Complaints Management Policy; given these matters are central to longstanding complaints about the City’s execution of it’s statutory building functions and the performance of the City officers involved.
- b) **There is an apprehension of bias with any investigations the City’s administration directs** its own officers, or third parties, to undertakes. That is:

A fair-minded lay observer might reasonably apprehend that the history of dealings between the City and affected parties had caused the City to become determined to ensure that I do not succeed in being properly heard and the City’s failings brought to light, not because of a desire to properly enforce the State’s building laws and standards, but out of a desire to defend its conduct and decisions; including that of City’s Building Surveyor that was found incompetent or negligent by the Building Services Board in 2021 over the issuance of the subject retrospective approval, BA-2017-466, issued by the City in July 2017.

- a) **It is unreasonable for Council to expect** that I could present, and Elected Members could adequately comprehend any facts, issues and contentions with the Officers and the TESH report in 10 minutes prior to Council making a decision. Giving these matters short shrift will lead to an unsound decision.
- b) **It is unreasonable for Council to expect** that I could properly respond to the Officer and TESH reports having only received them late Friday; at the last minute.

- e) **Elected Members were provided preliminary feedback on the City officer report over the weekend; it is incorporated into this in these handouts. KEY amongst the issues raised is that retaining walls, by the City's own local laws on Fences, are not dividing fences** as the City officer suggested.
- f) **It is evident from the a/CEO's advice and the TESG report that the City did not give TESG all relevant documents.** It appears City officers provided a limited brief to, and engaged with TESG on the draft reports. It appears TESG ignored material I provided; they didn't seek any clarifications from me.
- g) **TESG have made incorrect or unsubstantiated statements** that adversely impact the integrity of thier report.
- h) For example, the **BA-2002-2166 XBR plans do not indicate any retaining was approved to be installed along the boundary where there are now issues**, rather the wall with a concrete footing to a maximum height of 1.8 m as detailed on page 9 of the TESG report.

**The City did not provide the following drawing** associated with modifications made to the wall in May 2013 post the City's issuance of BA-2013-01. The City allowed the building work to proceed without the requirement for a building permit application or BA20/BA20A consents from 12 Beach St owners.

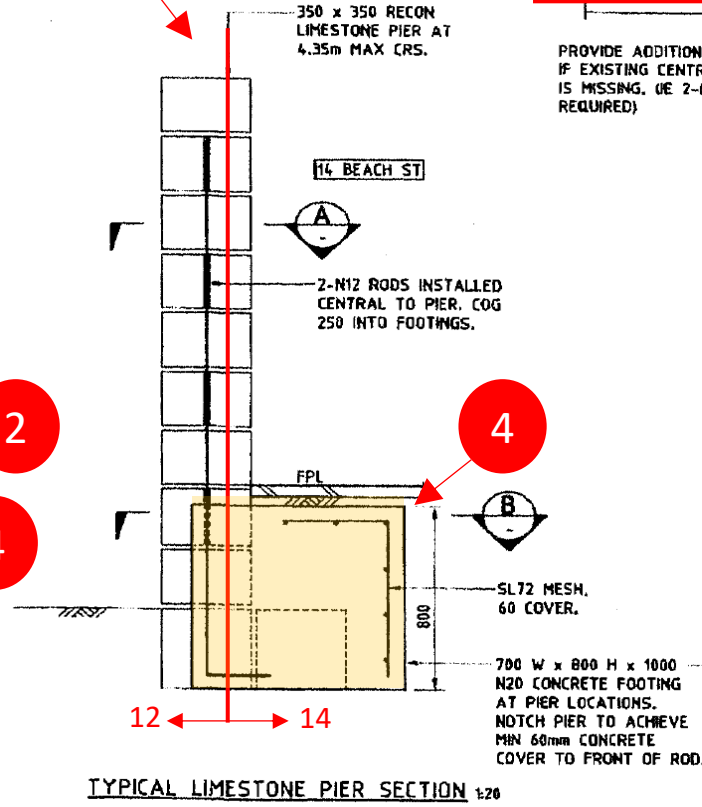
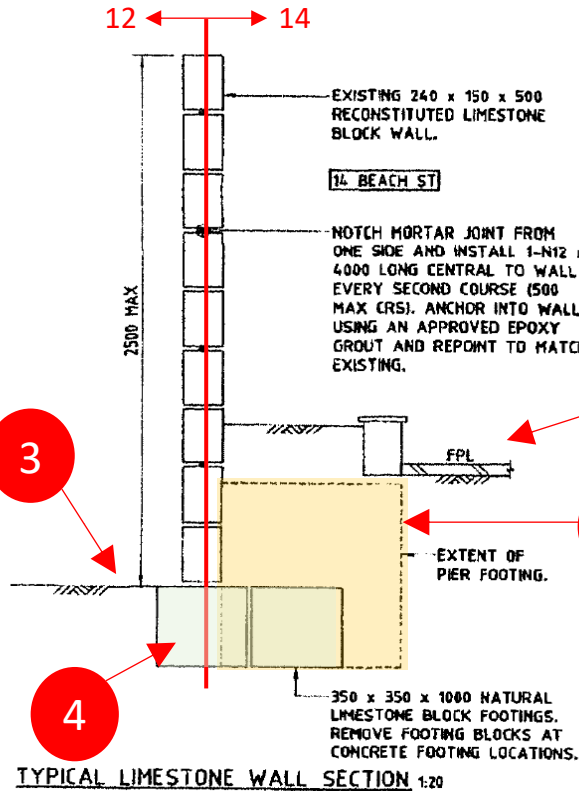
**The following 2013 drawing shows that the old limestone wall**, that was demolished as a result of BA-2014-01 (also not provided), was the only thing retaining the 14 Beach St unauthorised ground build up above the 12 Beach St ground level. I doubt the 14 Beach St owner would have spent circa \$20,000 on the additional counterpoise footings to deal with the old illegally encroaching and structurally inadequate limestone wall they built as the owner builder in 2002/2005.

**Old wall modifications as a result of BA-2013-01 Building Order issued by the City**  
 (the City has this drawing, as the accepted it)

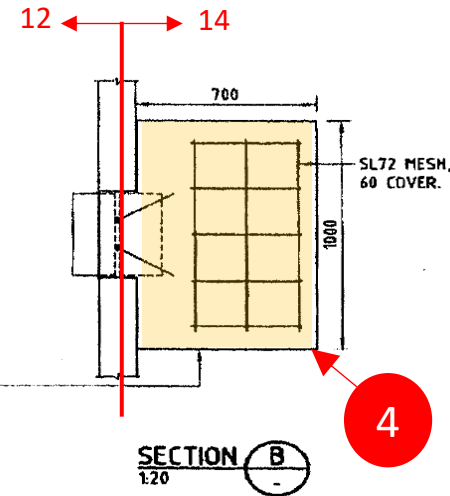
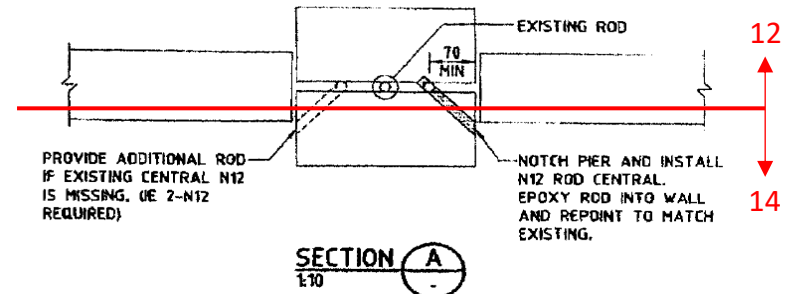
ERPPOS ENGINEERING PTY LTD  
 OPIED WITHOUT PERMISSION.

**DESIGN CRITERIA -**

1. DEAD, LIVE AND WIND LOADS IN 1170.1:2002 AND AS/NZS 1170.2:20
2. WIND REGION 'A', TERRAIN CATEGORY 3.
3. IMPORTANCE LEVEL 2, DESIGN LIFE 50 YEARS, ANNUAL PROBABILITY OF EXCEEDANCE 1/500  
 ULTIMATE WIND VELOCITY (V<sub>ult</sub>) = 45 m/s,  
 SHIELDING FACTOR (M<sub>s</sub>) = 0.9
4. LIMESTONE DENSITY = 1800kg/m<sup>3</sup>



WHERE FOOTING LOCATED ADJACENT POOL PUMP WALL PROVIDE N12-250 GALV DOWELS TOP & BOTTOM ANCHORED 150 INTO CONCRETE WALL USING MILTI HIT HY-150 OR SIMILAR APPROVED. FOOTING DEPTH TO BE 250mm x FULL WIDTH OF GAP x 1000 LONG.



[Click here for more detail](#)

REV No.	DATE	DESCRIPTION	BY	APPR.
0	09.05.13	ISSUED FOR CONSTRUCTION	L.P.	E.M.

CLIENT:	[REDACTED]
PROJECT:	BOUNDARY SCREEN WALL #14 BEACH STREET, BICTON
TITLE:	REMEDIAL DETAILS

<b>TERPKOS ENGINEERING Pty Ltd</b> Civil & Structural Consultants		<small>101 Stirling Highway                  MELBOURNE, VIC, 3000                  Telephone: (03) 9389 7220                  Facsimile: (03) 9389 7224</small>	
DESIGNED: E.M.	DATE: MAY 2013	PROJECT No:	10600
DRAWN: L.P.	SCALE: 1:20, 1:10	DRAWING No:	SE1
CHECKED: E.M.	CAD REF: L.P. 10/05/2013	REVISION No:	0
APPROVED: E. McARTHUR	THIS DRAWING SHALL BE CONSIDERED FOR REFERENCE PURPOSES ONLY AND NOT FOR CONSTRUCTION UNLESS APPROVED.		

# Feedback on City officer report, sent to Elected Members with some facts, issues and contentions

(initial draft provided Sunday 19 March)

The following is key feedback on some of the material issues and concerns with the report [tabled to Council by the City's Mr Patrick Hughes', Manager Building and Environmental Health Services, \(City Officer Report\)](#) for decision at its Tuesday 21 March 2023 ordinary meeting. A separate package with key feedback on the referenced report by [TESG's Mr Helmut Schwanke's in relation to the inspection of the 14 Beach Street Bicton structures \(TESG Report\)](#) is pending. The feedback on the reports is non-exhaustive and a more comprehensive responses from the relevant parties should be sought and considered by Council prior to making any decisions on this item.

### City Officer's Report M23/5964 by Patrick Hughes

1. **Page 1:** Authority / Discretion: Executive - The substantial direction setting and oversight role of the Council.

#### Facts / issues / contentions

- a) Arguably item relates to Council's exercise of a Quasi-Judicial function, ie when the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
- b) The August 2022 Council motion directed the CEO to exercise Building Act 2011 (**Act**) powers and duties, as vested to Council by the State Government and delegated to the CEO, to undertake compliance inspections of the subject structure so that Council could then make decisions pursuant to Part 8 of the Act in relation to the subject structures.

2. **Page 6** Officer Recommendation: "Recommendation 10 of the Weir Report and legal advice received, that the owners of 12 and 14 Beach Street, Bicton now be **advised to avail themselves to processes under the Dividing Fences Act or other Legal Processes** to reach agreement on the way that the screen fence is finished and resolve any retaining wall and fence matters." (Page 6)

#### Facts / issues / contentions

- a) Council is the relevant legal/statutory authority that deals with building approvals, compliance, and enforcement for structures within its district.
- b) The Dividing Fences Act 1961 (**DFA**) "*provides a mechanism for seeking a contribution to the cost of building or maintaining a dividing fence, but does not specify construction standards or processes*".<sup>1</sup>
- c) DFA s 5 defines: "**sufficient fence**, in relation to a dividing fence or a boundary fence referred to in section 16, means — (a) any fence prescribed by a local law as a sufficient fence for the part of the local government district in which the dividing fence or boundary fence is, or is to be, erected;" and "**dividing fence** means a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary".

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<sup>1</sup> [WA Parliament Hansard extract, Hon. Simon O'Brien Second Reading of the Building Bill \(Building Act 2011\) 14 April 2011](#)

- d) DFA s 7 “*Subject to this Act the owners of adjoining lands not divided by a sufficient fence are liable to join in or contribute in equal proportions to the construction of a dividing fence between those lands.*”
  - e) That is the DFA jurisdiction is limited to **sufficient fences**, how the costs for construction and repair are shared, and on-what line it is built, subject to compliances with Local Government’s local laws.
  - f) [City of Melville’s local law relating to Fences 1960 as last amended in 2011 \(Local Law\)](#) prescribes what is a **sufficient fence**,
  - g) Local Law s 1 defines “**Dividing Fence** is any wall, fence or similar such structure, irrespective of material content, located on or near a common boundary of adjoining land or on a line other than the common boundary, and includes a front fence to a property, **but does not include any retaining wall structure.**”
  - h) Local Law First Schedule (d) states: “A sufficient fence for an area zoned “Residential” under the Town Planning Scheme of the district for the time being shall be defined as **a 1800mm only high** closed fence of wooden pickets, corrugated fibre cement sheeting, colourbond metal framed or similar material.”
  - i) That is, boundary retaining walls and fences lower than 1800 mm high do not fall within the jurisdiction of the DFA.
  - j) [Citizens Advice Bureau](#) and [DMIRS Building and Energy’s Dividing Fences guide](#) also advises that “A dividing fence does not include a retaining wall”.
  - k) The substantial portion of the 14 Beach St Bicton screen wall that was approved to sit on top of “the retaining wall” is lower 1800 mm high, as the City’s records show and Mr Schwanke specifically measured during the site inspection, thus not a sufficient fence of the purposes of the DFA.
  - l) The City can, and has acted in the past, in relation to non-compliance with the Local Law in relation to dividing/substantial fences.
  - m) The matters in question do not fall within the jurisdiction of the DFA; rather the powers and duties to ensure the subject structures comply with the National Construction Codes (NCC)/Building Codes of Australia (BCA), local laws and any approvals the City issued, falls to the City of Melville’s Council.
  - n) Ms Weir does not hold a WA practicing certificate from the Legal Practice Board of WA and is unlikely to have had any practical experience with WA’s DFA.
3. **Page 4:** The inspector is also of the view that the City cannot issue the owner of the screen wall (14 Beach Street) a Building Order requiring **the outward facing side of the screen wall to be finished** in a particular way, pursuant to s.88, Building Act 2011.

#### Facts / issues / contentions

- a) The City of Melville CEO, Marten Tieleman, and other officers have long conceded that the outward facing side finish of the screen wall, as shown in 1.3/page 8 of the TESH Report, does not comply with the Retrospective Development Approval DA-2017-417<sup>2</sup> issued by the City on 3 July 2017 in relation to the unauthorised height of the front wall and the boundary screen structure (circa 400 mm higher than previously approved). Specifically condition 2 states: “*The surface finish of the front fence within the primary street setback area shall be finished to the satisfaction of the*

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<sup>2</sup> [City of Melville “retrospective” Development Approval DA-2017-417 for illegal over height front and boundary walls issued 3 July 2017](#)

- City.*” The City has the power under the Planning and Development Act to direct the neighbours to comply, which would likely require a Building Permit to be obtained prior to undertaking any remedial work.
- b) Building Regulations 36 in relation to the issuance of a Certificate of Building Compliance (CBC) states: *”For the purposes of section 57(2)(c) [of the Act], the following authorities under written laws, as relevant to the building or incidental structure, are prescribed — .... (b) an approval required under the Planning and Development Act 2005;”* [ie DA-2017-417].
  - c) That is, Development Approval non-compliance can flow through to a Building Approval non-compliance.
  - d) The City’s Building Surveyor, Modesto Giancaspro<sup>3</sup>, issued the Building Approval Certificate BA-2017-466, that relying relied on the CBC he issued, on 7 July 2017; even though, amongst other things, the outward facing side face finish did not comply with DA-2017-417 as the Act requires.
  - e) The TEGS Report makes no mention of DA-2017-417 conditions, despite DA-2017-417 being provided to TEGS on 4 December 2022 and this matter being discussed with Mr Schwanke during the site inspection. It is noted that the City did not provide TEGS a copy of DA-2017-417, despite is clear relevance to BA-2017-466.
  - f) Notwithstanding the above the green metal framed screen wall was illegally built in 2015/2016 and thus the City could have enforced the requirements of s 88 of the Act prior to issuing BA-2017-466.
  - g) The 14 Beach St owner has only once approached 12 Beach St owners, on 19 June 2021 via a BA20A (a consent form approved by the Building Commissioner per the Act), to gain access to the land to undertake remedial work to the outward facing side finish; a response was provided on 20 August 2021, that amongst other things, sought specific detail on proposed remedial building work. The 14 Beach St Owner has never pursued the matter further.
- 4. Page 4:** Building Surveyor’s view, although the remains of the limestone retaining wall is not in compliance with the approved structural details for BA-2002-2166, issued in 2002, the limestone retaining wall is not displaying any signs of imminent danger of collapse. As a result, the independent Building Surveyor’s view is that the retaining wall is not in a dangerous state and therefore there is no basis, pursuant to the Building Act 2011, for the City to pursue any building compliance enforcement action against the owner (14 Beach Street) of the retaining wall to direct them to carry out any repair work.

#### **Facts / issues / contentions**

- a) The ‘retaining wall’ that is the subject of the review, and that is shown as the foundation to the green screen wall in BA-2017-466<sup>4</sup>, was not approved under BA-2002-2166 as TEGS asserts. No retaining was shown on the plans the City accepted in response to BA-2013-01. In any event, if there was some retaining as part of the previous wall, then the unsatisfactory and inadequate remnants should have been removed per Building

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<sup>3</sup> [Modesto Giancaspro was found to be negligent or incompetent by the Building Services Board in March 2021 relation to his certification of BA-2017-466 CBC](#)

<sup>4</sup> [City of Melville Building Approval Certificate BA-2017-466 for 14 Beach St Bicton Boundary Structures issued by Modesto Giancaspro on 7 July 2017](#)

Order BA-2014-01, and demolition permit issued, BA-2014-1972; all relevant records not provided to TESH by the City. See the separate feedback on the TESH Report for more detail.

- b) TESH, and the City, are wrong to assert “is that the retaining wall is not in a dangerous state and therefore there is no basis, pursuant to the Building Act 2011, for the City to pursue any building compliance enforcement action”.
- c) The City has previously issued building orders to enforce compliance when the structure was found not to be in a dangerous state, rather non-compliant.
- d) On 14 November 2020 DMIRS Building and Energy Executive Director, Mr Saj Abdoolakhan, confirmed by email “*Section 112 of the Building Act provides that a building order may require a person to whom the order is directed to do any one or more of the things mentioned in that section. Matters mentioned in section 112 are not restricted to ‘safety issues’ only and cover a range of issues.*” All elected members received Mr Kahn’s advice on 14 November 2022 by email from the City of Melville Residents and Ratepayers Association.
- e) For example, s112 (2) of the Act allows Council to issues building orders for: “(c) to do specified building or demolition work, or alter a building or incidental structure in a specified way, so as to prevent or stop a suspected contravention of this Act;.. (e) to take or not take specified action so as to prevent or stop a suspected contravention of this Act; (f) to finish the outward facing side of a close wall in a way specified under section 88(3);”. These matters are in addition to Council’s issuing other building orders if a building or incidental structure is reasonably believed to be in a dangerous state or unfit for human occupation.
- f) For example, on 2 June 2014 the City issued Building Order BA-2014-01 per s 112 (2)(c ) to the 14 Beach St owner requiring modifications to the boundary wall as it stood at the time “*so that the Wall: (a) complies with the plans and specifications for Building Licence BA-2002-2166 XBR [issued 2002] and Building Licence BA-2005-606 [issued 2005]*”. There was no suggestion at that time the illegally encroaching wall was in a dangerous state as the City had only the year before signed-off on a significant amount of unauthorised remedial work to the boundary wall to make it structurally adequate post the issuance of BA-2013-01 on 12 February 2013.
- g) That is, the City can issue Building Orders in relation to non-compliant structures, or other contraventions of the Act, without a dangerous state being present as DMIRS Building and Energy’s Mr Abdoolakhahn has previously advised.

5. **Page 4:** The report has confirmed that the screen wall, the subject of this ongoing dispute, appears to be constructed in accordance with Building Approval Certificate BA-2017-466.

#### **Facts / issues / contentions**

- a) TESH Report has several errors of fact and appear not given due consideration to material provided to them on in December 2022 and January 2023. See separate feedback on the TESH Report. For example, TESH has ignored DA-2017-417 and its relevance, TESH have wrongly asserted the subject “retaining wall” was approved under BA-2002-2166 XBR and ignored evidence of water ingress (non-compliance with BCA).
- b) Ms Bronwyn Weir was firmly of the view that the subject structures did not comply with BA-2017-466. Ms Weir expressed this view to CEO Marten Tieleman, Alan Ferris, Steve Cope and Louis Hitchcock on 3 September 2021; selected extracts of the meeting minutes are at Attachment 1 below.

- c) Building and Energy senior leaders engaged with the City CEO Marten Tieleman and other on a few building matters between April and July 2020, including the 14 Beach Street boundary structures. Amongst other things Building and Energy's principal structural Engineer found that the 14 Beach Street owner's structural engineer's report (Terpkos) to be inadequate, raising concerns with the integrity of the structure and favoured the 12 Beach St owners' structural engineer's report (Phil Scott)<sup>5</sup> report over the Terpkos report. Building and Energy presented their findings to the City on 21 Jul 2020<sup>6 7 8</sup>. Building and Energy suggested the City consider revoking BA-2017-466 and issue orders to remedy. This information was provided to TESH in December 2022, but was seemingly ignored in the TESH Report<sup>9</sup>.
- d) TESH's Mr Helmut Schwanke was provided background, with a timeline of events and referenced documents, by email on 4 December 2022 prior to the site inspection, as was subsequently provided to TESH's senior management for acknowledgement of receipt of the information.<sup>10</sup> Additional information obtained on 24 December 2022 regarding the water ingress was sent 5 January 2023<sup>11</sup>.

6. **Page 4:** Legal advice indicates that in relation to the circumstances above, if the City were to issue a building order (which appears doubtful), it would be invalid and unenforceable.

#### **Facts / issues / contentions**

- a) It is far from clear which aspects of this matter the City obtained legal advice; some indication should be provided as it relates to Council's roles and powers under the Building Act which will be of significant interest to many in the community.
- b) As outlined above it is hard to see how a lawyer could advise the City that it can only issue Building Order if the structure is dangerous or not habitable; or that building order can only be issued for Building Permits issued post the introduction of the Building Act in 2012 given they have issued Building Orders for structures built under Building Licences or that were not considered dangerous.
- c) It is possible the advice may relate to the s 113 (2)(a) limitation on the City's ability issue building orders where they have already issued a Building Approval Certificate. It is recognised that BA-2017-466 is defective, as summarised above. Building and Energy have advised the City that it may be possible to use s 55 of the Interpretations Act to revoke BA-2017-466; and have subsequently repeated that advice. There is no evidence publicly available to suggest that the City has properly considered Building and Energy and has sought legal advice based on all the facts relevant to this case. If the City's Administration has received legal advice on this matter Council should be asking for a copy of the brief for that legal advice to ensure that any legal advice was based on the all the actual relevant fact, vs the City Administrations often narrow and biased views.

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<sup>5</sup> [Scott & Associates 3 November 2016 structural engineers report on the 14 Beach St Bicton structures](#)

<sup>6</sup> [Building and Energy 21 July 2020 presentation to City of Melville CEO and others](#)

<sup>7</sup> [Building and Energy 12 June 2020 email exchange with City regarding concerns regarding structural integrity](#)

<sup>8</sup> [Building and Energy 17 June 2020 email to the City expressing the view that Terpkos report falls short post Structural engineer's assessment](#)

<sup>9</sup> [All information provided to TESH and Mr Helmut Schwanke from December 2022 prior to draft report being produced in February 2023](#)

<sup>10</sup> [4 December 2020 Background, timeline and referenced documents sent to TESH](#)

<sup>11</sup> 24 December 2020 video of water ingress into 12 Beach St Bicton land (videos [IMG 1975](#), and [IMG 1980](#))

**Attachment 1: 3 September 2021 Bronwyn Weir, Marten Tieleman, Alan Ferris, Steve Cope, Louis Hitchcock meeting – selected extracts re BA-2017-466**

**Hitchcock** -What the City has now got, we shouldn't have done a CBC. We've now got a CBC with an unfinished fence. Is that technically where you're coming from?

**Weir** -I haven't seen the documents you've recently accepted. But I understand from your submissions and our discussions that there's been no changes to the fence. The drawings I have seen do not match the fence. So how do you accept the drawings and mark them as approved when they don't match. The fence has big gaps under it when the drawings show retaining right along the boundary up to the bottom of the fence. There are gaps with rubble and others things, I can show you the photographs. It's not what's in the drawings, so how do you sign off on drawings when that's not what's on site [ BW shared photos – see sample below]

**Hitchcock** - that is the view from [12 Beach] side.

**Weir** - Yes but even if was viewed from 14, the plans do not match what is on site. Its shows steel lateral support, but there are gaps with rubble and rubbish. I come back to, it doesn't look like this. How can you approve the drawings?

**Hitchcock** - I'll make a note of the document

**Weir** - this photo is from the presentation from B&E. There are lots of photos in there that show what it looks like.

**Tieleman** - this is the central issue to the whole thing that I still haven't come to an understanding on. If it's not required to be retaining, we've still got this sediment that MM has shown me on site, but on the other hand, the photo labelled trespass, how can that be rectified.

**Weir** - we can get to that. But it's about the photos not matching what the drawings say it is.

This photo is November 2015, these retaining structures are here inside the fence line. That's my beef, how do you stamp the plan when it's not what's on site?

**Tieleman** - when is the plan from?

**Weir** - It's got an FOI mark on it, I understand it's from the original approval. As far as I can tell you've relied on the original documents. You might say there doesn't need to be retaining etc, but that's not what's shown on these plans.

.....

**Weir** -but it's still showing a fence on top of a wall. It's showing a fence out from the wall and below it.

My issue is that they don't match, it's a retrospective permit and it should match, there's no reason it shouldn't. Also as it's a retrospective permit surely you wouldn't approve this, it has to be finished in some way. There's a specific power to issue a building order to require the finish of the outward facing side of a wall. Have you done that?

**All** -Not sure.

**Weir** -You do seem to have this power. There is also the condition in the 2017 planning permit. It does relate to the front fence but these drawings are attached to that permit and I believe it is supposed to cover the screen wall as wall, and it does have a condition to finish the wall in the planning approval.

Figure 5.1 – 14 Beach non-complaint boundary structures (much the same today)

**14 Beach St**  
Front fence pier removed

**12 Beach St McLerie**

1  
14 Beach pool deck level

3  
Actually 0.9 m, but only approved for 0.5 m\* (DA-2005-550)

4

2  
Retrospective Planning Approval

Development:	Front Fence
Application Number:	DA-2017-417
Property Details:	[Redacted]
Owner Details:	[Redacted]
Applicant:	[Redacted]
Date of Decision:	3 July 2017

**Issues include;**

1. Fence built fr Nov 2015 without approvals, photo taken April 2016, still mostly the same. In 2016 two engineers confirmed it was not structurally adequate.
2. City issued 'retrospective' planning approval long after built in 2015, even though outer face not finished, thus not compliant
3. Front pool deck level 400 mm higher than expressly approved in DA-2005-550 planning approval, still not not addressed.
4. Gap in fence a material pool safety non-compliance that enabled access to swimming pool. Not fixed until 15 Dec 2016 after much ado.
5. Defective building approval certificate BAC, BA-2017-466 issued in July 2017, see next page.

**Conditions**

1. All stormwater generated on site is to be retained on site.
2. The surface finish of the front fence within the primary street setback area shall be finished to the satisfaction of the City.

**Advice Notes**

Best printed in A3

### Figure 5.2 – 14 Beach inadequate limestone boundary retaining vs 2017 BAC

“As-is” photos from April 2016, much the same

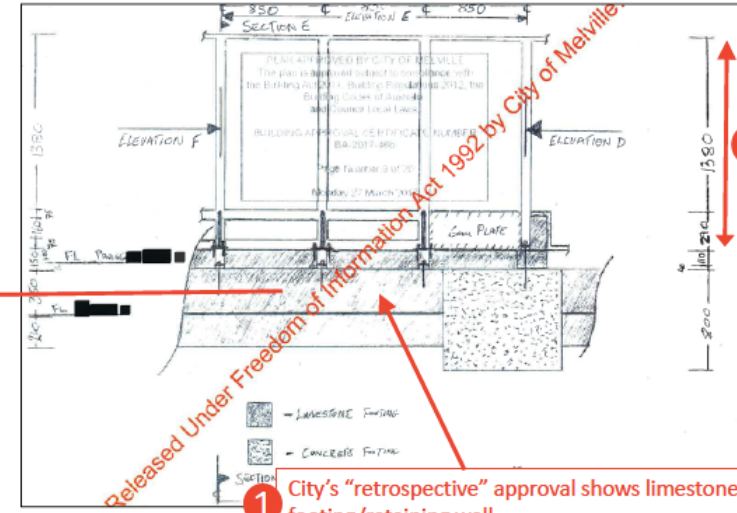
July 2017 BAC, BA-2017-466 plans



**1** Compacted sand not adequate retaining of ground level build up on 14 Beach St side immediately adjacent to boundary. Definitely no limestone footings per “retrospective” approval

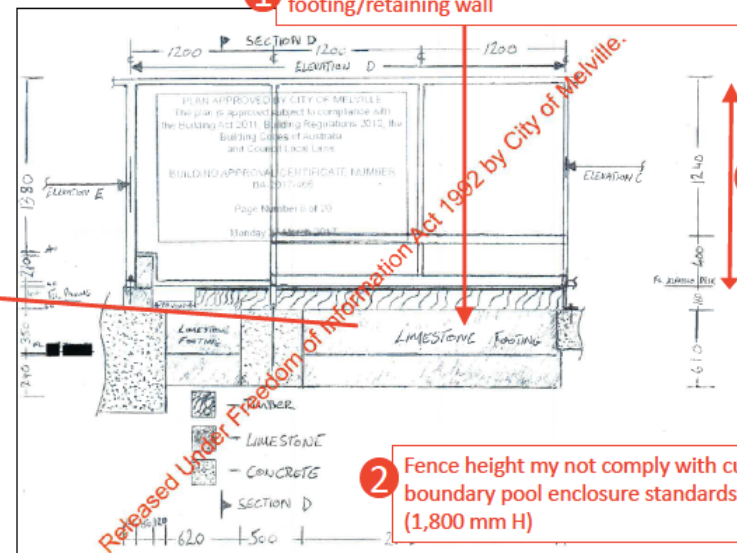


2 January 2021



Released Under Freedom of Information Act 1992 by City of Melville

**1** City’s “retrospective” approval shows limestone footing/retaining wall



Released Under Freedom of Information Act 1992 by City of Melville

**2** Fence height may not comply with current boundary pool enclosure standards (1,800 mm H)

Independent Review - Issue 2 - 14 Beach St Bicton boundary walls

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Figure 5.3 – 14 Beach inadequate limestone boundary retaining

