

Council Deputation_Amir Meshkin_10 August 2021

On behalf of the affected neighbours of the 18 A & B Tweeddale Rd Applecross property, who are John & Leonie Young, Sam & Charlie Chillemi, Dr Paul & Debby Yuen, Sandra Bonomelli, Marilyn Collins & Wayne Hoobin, I'd like to thank you all for your time tonight- Mr Mayor, Mr CEO, Planning Officers & Councillors- thank you.

- As many of you know, unauthorised fill deposited onto the 18 Tweeddale Rd site is not a new issue. Neighbours have been writing complaint letters & appearing before council about this issue for the past **15 years**.
- The affected neighbours are disappointed that after all of this, they are still having to take up the Council's time with concerns about this property, and continue to feel ignored, sidelined & disadvantaged in relation to issues related to 18 Tweeddale Rd which are negatively impacting their properties.
- Several ratepayers have sold & left at a loss because of this issue over the years.
- You have evidence before you which shows that there was 6-7 large mounds of sand, as well as considerable sand from the site, which were used to artificially raise to the level of the site, without a building license or neighbour approval.
- We are humbly requesting that our Councillors consider whether this situation is fair, and that the Council requests an independent site survey to be produced of the site by a licensed independent site surveyor, whereby the current levels of the site can be conclusively determined.
- This will help calm neighbour concerns about the ongoing unauthorised fill which has been deposited onto the site since 2007.

In this deputised presentation, we'd like to respond to the report (featured on p.s 20-33 of the Agenda) which was produced in response to our petition, unanimously approved by the Council during the 15 June 2021 Council Meeting. The petition request was the following:

We, the undersigned, all being electors of the City of Melville, respectfully request that the Council conduct an independent review of the lack of adequate compliance and enforcement actions in response to numerous complaints about the 18 A & B Tweeddale Rd Applecross unauthorised soil build up, associated unauthorised building work, possibly adversely affecting adjoining property owners.

We were disappointed with the report which has now been produced since the June meeting, for the following reasons:

- 1) Firstly, the Council unanimously voted for the petition to be actioned. The petition requested an independent review of the site.**
 - An independent report would be one that is not produced by the Planning Department, or the developer's team, or the affected neighbours.
 - **The report is not independently produced** (it was produced by a member of the Planning Department).
 - The last time the Council voted for an independent review of the levels of this site was in 2015. The report then was produced by a company with 2 out of 4 directors sharing the same last name of the property developer, so since then the affected neighbours have been raising concerns about the independence of the reviews of this site.
- 2) Secondly the report doesn't address our written concerns**, summarised in the Written Statement included in my 25 May 2021 email forwarded to all councillors, our Mayor & our CEO.
 - This email included 8 pieces of photo & video evidence outlining the times & dates in March 2020 where a total of 6-7 large mounds of sand were deposited on the site.

These are the photos, video stills & the witness statement that you have in front of you now.

- This sitework was undertaken without a Building License, which means it was unauthorised & unlawful.

- On p. 32 the report says that *there is no evidence to suggest that the levels on the site are raised above those approved.*

The report simply reiterates an "opinion" that there visually appeared to be only 1 unauthorised mound of sand deposited onto the site, which has since been removed & that further investigation is unnecessary. On p.27 of the report it says that: *It can be seen from a site inspection, and is shown in Photographs 5 & 6 below, that the levels on the lot do not breach the top of the associated retaining walls, and are in fact generally consistent with the approved levels.*

- To the affected neighbours, there appears to be a lot more sand than the 1 sand mound which was added onto the site, as the ground level dips towards the property throughout the Carron Rd verge, then jumps back up within the 18 A property.

3) **Thirdly, the report doesn't address the Building Non-compliance** of the soil which still appears to be left stacked up higher than the retaining wall on the Northern property boundary of 18 Tweeddale Rd. This is a structural hazard that may cause damage to the property fence & the Young's property.

4) **Fourthly, the affected neighbours are concerned that the report is proposing to postpone a proper investigation of the added sand levels till the time that construction commences.**

- p. 32 of the report says: *In order to accommodate the proposed development at the levels that are approved, there will be extensive excavation across the whole site, and the existing natural ground levels will essentially be masked by the new development for the bulk of the site area.*

- So the report is basically saying that it's not necessary to check the sand levels now because there will be plenty of sand added to the site once construction starts & the floor level of the basement will be checked to ascertain the natural ground levels at that time.

- This begs the question why the developer thought it was a good idea to pay for the 6-7 large truckloads of sand shown in our photos & videos to be freighted, unloaded & levelled across the site, when they should be removing sand to cut for their basement, not adding it?

- It appears like they are raising ground levels to the detriment of surrounding properties, so they can build a higher building, with more apartment city & river views, which they can sell for more money.

5) From a different point of view, **the unauthorised fill deposited onto 18 Tweeddale Rd Applecross in March 2020 satisfies 8 of the 9 items listed** on the City of Melville website page entitled "Planning & Building Issues We Can Investigate" which outlines situations which warrant investigation:

<https://www.melvillecity.com.au/planning-and-building/planning-and-building-compliance>

These issues are:

- *Failure to obtain a building permit*
- *Non-compliance with an approved building or occupancy permit*
- *Building work affecting neighbouring land*
- *Unauthorised building work*
- *Dangerous, dilapidated or neglected buildings and structures*
- *Non-compliant pool and spa safety barriers*
- *Unauthorised development*
- *Unauthorised use of land*
- *Non-compliance with approved plans or planning approval conditions*

g) So in summary, we first presented photo & video evidence of the 6-7 large truckloads of sand to the **Council Administration during our 2 hour Zoom Meeting on 6 April 2020**. During this meeting it was pledged that this matter would be properly investigated.

When this investigation wasn't undertaken, **the Council then unanimously voted that compliance action be taken in response to the unauthorised siteworks during the 20 November, 2020 Meeting**. The direction read:

That in the event that the Metro Inner-South Joint Development Assessment Panel refuses the application by the applicant for an extension of time for a proposed four storey building at 18A and 18B Tweeddale Road, Applecross, the Council directs the Chief Executive Officer to take compliance action, as soon as is reasonably practicable, to have the unauthorised fill placed on the site removed, to ensure the land is returned to its natural ground level, and to keep the neighbours informed as to progress.

- To conclude, we are not trying to criticise the report which has been produced, or the approach of the Planning Officers.
- We are humbly requesting that our Councillors consider whether this situation is fair, and that the Council requests an independent site survey to be produced of the site by a licensed independent site surveyor, whereby the current levels of the site can be conclusively determined.
- This will help calm neighbour concerns about the ongoing unauthorised fill which has been deposited onto the site since 2007.

THANK YOU ALL FOR YOUR TIME.

STATEMENT- MR AMIR MESHKIN

UNAUTHORISED FILL DEPOSITED ONTO 18 A & B TWEEDDALE RD APPLECROSS IN MARCH 2020

- 1) On the morning of 13 March 2020 at about 11.45 am I was standing on my balcony at 19 Tweeddale Rd, Applecross when I noticed a large mound of sand had been added onto the 18 A Tweeddale Rd lot which had not been there the day before. I then watched as a front end loader manipulating the sand levels on both of the vacant lots at 18 a & B Tweeddale Rd (please see photo "A").
 - I watched this frontend loader and took photos & videos (please see the videos labelled "B" & "C") as it proceeded to use the sand to bolster the level of the 18 B property.
 - On the next day which was 14 March, at about 8 am I saw that the sand level on the 18 B lot had been significantly raised in several areas, and that the remainder of the site showed tyre marks of the front end loader, indicating that it had spread & levelled sand all over both lots (see photo "D").
- 2) On 16 March 2020, at 10.50 am, I noticed that another mound of sand had been added to the 18 B site since I took photo "D" on 14 March. I photographed the front end loader continue it's work of bolstering sand levels on the properties (see the photo "E").
 - At 10.55 am, a large two-part truck pulled up on Carron Rd adjacent to the 18 B Tweeddale Rd block (please see photo "F"). The truck deposited a load of sand onto the site. After the sand was deposited, the front end loader which was still on the site, spread the sand out, and the truck left. The truck was there for about 15 minutes.
 - By 12.30 pm, 2 or 3 more trucks had entered & exited the site from the Carron Rd opening in the temporary construction fence, each depositing a full load of sand onto the site (please see photo "G" & "H"). Please note the other mound of sand in Photo "H", which shows a large truck emptying sand onto the site. Behind the truck we can see another large mound of sand on the 18 B lot, which means that there was more sand deposited onto the site, other than the first mound of sand we saw on the 18 A lot & the mound of sand we can see on the 18 B block on 13 March.
 - Altogether, I counted 3 or 4 large truck loads of sand being deposited onto the site on 16 March. In addition to this, sand that was cut from the eastern boundary of the site, which is marked as a ramp in the developer's design proposal, and used to bolster the sand levels on the 18 B lot. I estimated this sand to be equivalent to another large truck load of sand.
 - So in total I believe there have been 5 or 6 large truckloads of sand deposited onto the site between 13- 16 March 2020, not including the additional cut & fill.
 - By the afternoon of 16 March, at about 3.15 pm, I saw that the ground levels of 18 A & B Tweeddale Rd lots seemed significantly higher than before, and a large mound (approximately 4m in height) had been left standing nearing the northern boundary of the 18 B lot (see photos "I" & "J").
 - I know that all of these dates & times are correct because they are dated & timed in the image properties on my phone, which I recorded them with.
- 3) On 17 November, I appeared before the City of Melville as a deputised presenter and told the Council about the sand that had been deposited onto the site in March 2020. The Council passed the following resolution:

That in the event that the Metro Inner-South Joint Development Assessment Panel refuses the application by the applicant for an extension of time for a proposed four storey building at 18A and 18B Tweeddale Road, Applecross, the Council directs the Chief Executive Officer to take compliance action, as soon as is reasonably practicable, to have

the unauthorised fill placed on the site removed, to ensure the land is returned to its natural ground level, and to keep the neighbours informed as to progress.

- 4) I have seen a copy of the letter that the City of Melville Planning Department sent to Mr and Mrs Farac, the owners of 18B Tweeddale Rd, on 24 November 2020 in relation to the Council's resolution. That letter directs Mr and Mrs Farac to remove a "mound of earth" on the site, not, as directed by the Council's resolution, the "unauthorised fill placed on the site." The unauthorised fill, as communicated to the Council on 17 November, comprised 5 or 6 truckloads of sand in addition to the sand that was shifted from 18 A to B, all of which, as described above, was spread over the 18 A & B Tweeddale Rd sites except for the mound left standing at the time of the Council Meeting; to clarify, the 18 B site has a separate owner. The "mound" referred to in the Planning Department letter comprised maybe 1 truckload, which was the first truckload deposited on the morning of 16 March.
- From my own observations, the "unauthorised fill" added in March 2020 raised the level of the site, when measured along its western boundary, by at least 1.5 m. All of this sand is still on the site. Only the mound has been removed.
 - We kindly request that the Council enforces its November 2020 resolution by directing the CEO to take compliance action to ensure the removal of all of the unauthorised fill, not just the mound.

Signature



Name: Amir Meshkin

Date: 17 May 2021

18 TWEEDDALE RD, APPLECROSS - UNAUTHORISED FILL – 6-7 LARGE SAND MOUNDS DEPOSITED & ADDED TO THE GROUND LEVEL OF THE SITE, MARCH 2020



A) Photo_Unauthorised Fill_13 March 2020_11.45 AM_1rst sand mound added
1rst sand mound added



B) Video Still_Unauthorised Fill_13 March 2020
1rst sand mound levelled



C) Video Still_Unauthorised Fill_13 March 2020
1rst sand mound levelled



D) Photo_Unauthorised Fill_14 March 2020_8 AM
Raised levels & tyre marks



E) Photo_Unauthorised Fill_16 March 2020_10.50 AM
2nd sand mound added & levelled



F) Photo_Unauthorised Fill_16 March 2020_10.55 AM
3rd sand mound added & levelled



G) Photo_Unauthorised Fill_16 March 2020_12.30 PM
2-3 more (4th, 5th & 6th) mounds of sand added & levelled



H) Photo_Unauthorised Fill_16 March 2020
2-3 more mounds of sand added & levelled



I) Photo_Unauthorised Fill_16 March 2020_3.15 PM
1 sand mound left standing



J) Photo_Unauthorised Fill_16 March 2020_3.15 PM
1 sand mound left standing