



# Amendment to DA-2019-1200/A

10D Birdwood Circus West,  
Bicton WA 6157

# Objective

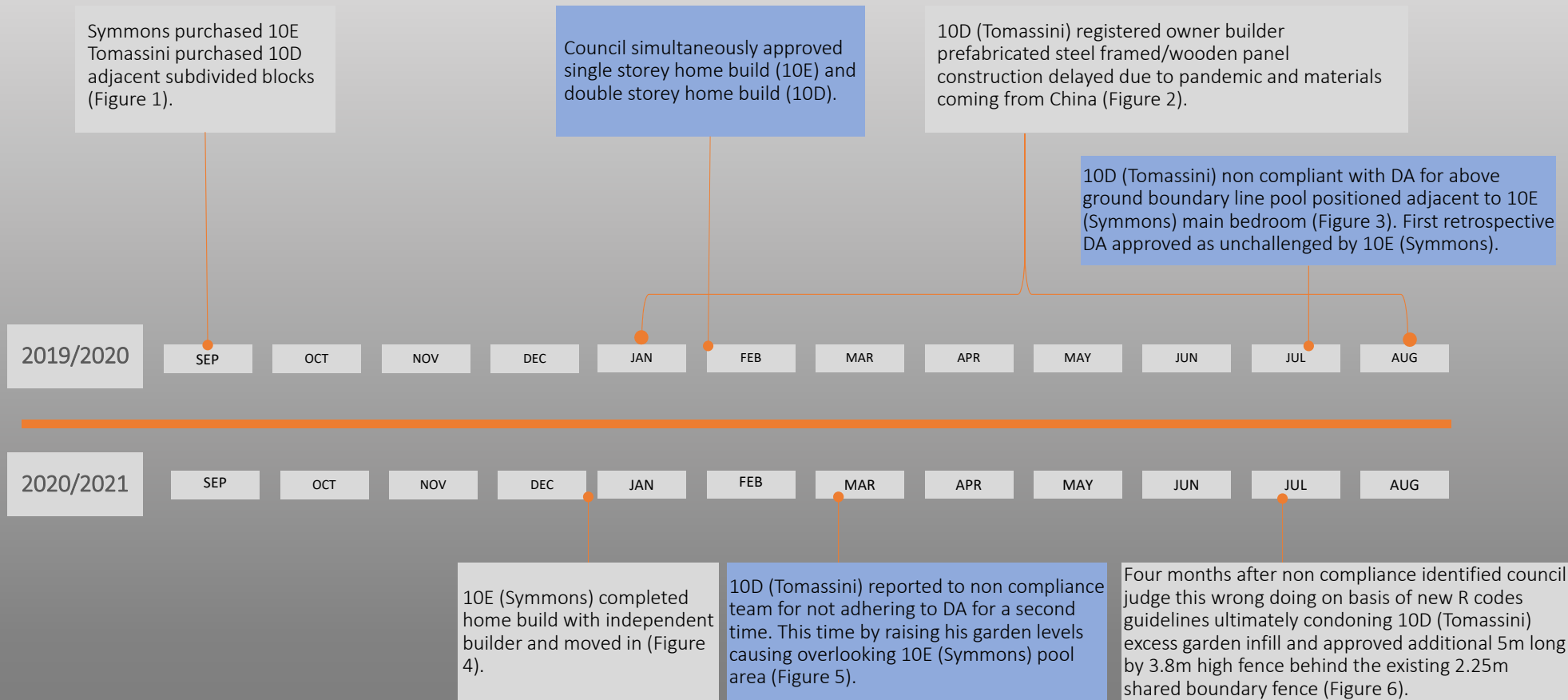
10E (Symmons) Birdwood Circus West Objection to DAU Council planning meeting outcome 13<sup>th</sup> July 2021.

- We believed that Melville council planning has an advocacy role to be fair and just to its local residents.
- Following the recommendation of the DAU meeting on the 13<sup>th</sup> July we now feel that they have condoned an offending home owners actions that have negatively impacted their immediate neighbour.
- We suggest that they have allowed 10D (Tomassini) a Registered Owner Builder to delay in submitting an amended retrospective development application so that it would be inline with the new R codes. This has resulted in 10E (Symmons) being further negatively impacted by allowing an unsightly fortress fence as a solution to his wrong doing.
- We request that this Full Council Meeting review that decision, using a fair and transparent system. This will also act as a precedent case to deter this owner builder and others to flagrantly misuse council legislation via the Retrospective DA process.



# Timeline

Background timeline of why DAU is being challenged:



# Points for consideration

- Why has council planning initially approved a two storey unorthodox construction to be built, substantially overlooking 10E (Symmons) and three other homes 10A, 10B, 10C (Figure 6)?
- Why has council delayed on 10D's (Tomassini) excessive ground infill decision, so that this illegal act is then judged based on **new** R code Legislation? Effectively supporting an owner builder who has demonstrated a pattern of using retrospective DA's to justify multiple non-compliances to council legislation.
- Why has council agreed to allow 10D (Tomassini) to construct a higher and longer fence that impacts 10E (Symmons) in an overbearing manner and will be clearly visible from main bedroom window (Figure 7)?
- Why has council not imposed their own compromise suggestion to the back garden overlooking dispute that 10E (Symmons) would have compromised on as a fair resolution to privacy issues raised (Figure 8) ?
- Why has council approved 10D (Tomassini) to currently build an "inaccessible rooftop garden" which further causes 10E (Symmons) overlooking and privacy issues, considering 10D (Tomassini) misuse of retrospective DA's whereupon this area can easily be converted into a balcony (Figure 8).



# Supporting Media



10E & 10D blocks

Figure 1



10D steel fabricated frame

Figure 2



10D pool position moved

Figure 3



10E build completion

Figure 4



10D non-compliant ground levels

Figure 5



10A, 10B, 10C shaded by 10D

Figure 6



Proposed 10D fence extension

Figure 7



10D "Inaccessible rooftop garden"

Figure 8