



**Attachment 2: 15 October 2020 MRRA to Mr Tieleman - Building non-compliance complaint**

**Unauthorised building work? - 18 Tweeddale Road Applecross**

City of Melville Residents and Ratepayers Assoc. <melville.residents@outlook.com>

Thu 15/10/2020 4:29 PM

To: Marten Tieleman <Marten.Tieleman@melvillewa.gov.au>

Cc: Steve Cope <Steve.Cope@melvillewa.gov.au>; Cr Steve Kepert <steve.kepert@melvillewa.gov.au>; Cr Nicholas Pazolli <nicholas.pazolli@melvillewa.gov.au>

Dear Mr Tieleman,

We refer to the building work clearly underway and the temporary fencing around the verge as the attached photo shows.



The Building Act 2011 defines building work as:

- (a) the construction, erection, assembly or placement of a building or an incidental structure; or
- (b) the renovation, alteration, extension, improvement or repair of a building or an incidental structure;
- or
- (c) the assembly, reassembly or securing of a relocated building or a relocated incidental structure; or
- (d) the changing of ground levels of land for the purposes of work of a kind mentioned in paragraph (a), (b) or (c) to an extent that could adversely affect land beyond its boundaries; or
- (e) site work on any land for the purposes of, or required because of, work of a kind mentioned in —
- (i) paragraph (a), (b), (c) or (d); or
- (ii) paragraph (a) or (b) of the definition of demolition work; or

We have checked the City's [on-line planning and building registers](#) and can't find any current development, building or verge approvals for this site; recognising a building permit is most likely required for the building work depicted. We have observed that in similar circumstances the City

**Attachment 2 continued**

has issued building permits for early site works only, such as BA-2019-1781 for forward work - earthworks only to create building foundations

Presumably any building permits will include conditions for HSE requirements such as dust control that may become a bigger issue as summer approaches.

We note that the City's planning and building registers on the City's website, whilst improved are not as easy to locate as they were and the pre 2018 registers appear to have been removed.

Could you please confirm:

- Is the City aware of the building work underway at 18 Tweeddale Road, and if so since when.
- Has the City issued approvals for the development, building work and the verge use, if so when.
- What will the City do if the building work and verge use have not been approved; recognising a) undertaking building work without approvals, particularly by a registered builder, is a serious breach of the Building Act, and b) the City is accountable for building compliance and enforcement as the permit authority.
- When the City will restore the historical planning and building registers to its web-site.

Yours sincerely

Committee

City of Melville Residents and Ratepayers Association (Inc.)

[www.facebook.com/MelvilleResidentsRatepayersAssoc](http://www.facebook.com/MelvilleResidentsRatepayersAssoc)

<https://au.linkedin.com/in/melvilleresidentsratepayers>

<https://twitter.com/MRatepayers>

*We respect your privacy. If you no longer wish to be on this mailing list please send an email to [melville.residents@outlook.com](mailto:melville.residents@outlook.com) and let us know. Sorry for any inconvenience.*

**Attachment 3: 29 July 2021 email from City's Mr Hitchcock post report of building non-compliance.**

**Subject:** [REDACTED]  
**Date:** Thursday, 29 July 2021 at 4:12:20 pm Australian Western Standard Time  
**From:** CEO-Office <CEO-Office@melville.wa.gov.au>  
**To:** [REDACTED]  
**Attachments:** image001.png, image002.png, image003.png, image004.png, image005.jpg

Dear [REDACTED]

Your email dated 17 July 2021 7:03:31 pm, sent to CIs. Sandford and Mair, refers.

Some difficulty has been experienced in responding to your email address from my City of Melville email address as well as the Governance (Melville) email address. In order to overcome the technical barrier this email is sent to you from the CEO email address, with the required permission.

Your email has been tasked to me to respond to. The observations have been discussed with the relevant officers and we respond as follows:

First of all the City thanks you for your interest and observations in this matter. The City has no information that causes any concerns with regards to the demolition and works that occurred at [REDACTED]. Should you, or [REDACTED] provide the City with any expert evidence and advice, other than your superficial observations and assumptions, that demonstrates the need for any remedial and safety action, the City will promptly address the matter further.

Yours faithfully,

**Louis Hitchcock**  
**As Tasked by the CEO**  
**Executive Manager Governance & Legal Services**  
[Louis.Hitchcock@melville.wa.gov.au](mailto:Louis.Hitchcock@melville.wa.gov.au)  
Phone: (08) 9364 0625  
[www.melvillecity.com.au](http://www.melvillecity.com.au)

City of Melville, 10 Almondbury Road, Booragoon, Western Australia 6154

City of Melville Council Agenda Briefing Forum – 10 August 2021 - Item P21/3936 :  
**Review of Compliance and Enforcement Actions – 18A and 18B Tweeddale Road, Applecross**

**Attachment 4: Recent issues - City not taking enforcement against builder for non-compliance**

City of Melville building compliance failures costs ratepayers [REDACTED]

City of Melville Residents and Ratepayers Assoc. <melville.residents@outlook.com>  
Wed 7/07/2021 8:21 AM

To: Cr Clive Robartson <clive.robartson@melville.wa.gov.au>; Cr Duncan Macphail <duncan.macphail@melville.wa.gov.au>; Cr Glynis Barber <glynis.barber@melville.wa.gov.au>; Cr June Barton <june.barton@melville.wa.gov.au>; Cr Karen Wheatland <karen.wheatland@melville.wa.gov.au>; Cr Katy Mair <Katy.Mair@melville.wa.gov.au>; Cr Margaret Sandford <margaret.sandford@melville.wa.gov.au>; Cr Matthew Woodall <matthew.woodall@melville.wa.gov.au>; Cr Nicholas Pazolli <nicholas.pazolli@melville.wa.gov.au>; Cr Nicole Robins <nicole.robins@melville.wa.gov.au>; Cr Steve Kepert <steve.kepert@melville.wa.gov.au>; Cr Tomas Fitzgerald <tomas.fitzgerald@melville.wa.gov.au>; Mayor George Gear <george.gear@melville.wa.gov.au>

Dear Council,

Please find attached information that demonstrates that the City of Melville continues to fail in its building compliance functions; causing much trouble and potential liability for its residents and ratepayers.

These honest and hardworking [REDACTED] have had their lives turned upside down, and may end up substantially out of pocket as a result of taking delivery of a non-compliant property.

This is not the first time the Building Commissioner / DMIRS Building and Energy has had to step in at the City of Melville.

You should recall that recently a [City of Melville building Surveyor was found to be negligent and/or incompetent by DMIRS](#) that was [also reported in the press](#).

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City of Melville Residents and Ratepayers Assoc. Inc.  
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RANLAK Pty Ltd, t/a KRE8 CONSTRUCTIONS WA, have been issued Building Remedy Orders by the WA Building Commissioner (BRO) to fix a substantial number of defects in a property they 'completed' in January this year ...see more

Government of Western Australia  
Department of Mines, Industry Regulation and Safety

Building Energy  
Western Australia

Your Ref: [REDACTED]  
Our Ref: BC2021-[REDACTED]

Complaint Number: BC2021-[REDACTED]  
Date accepted: 20 April 2021

**RANLAK Pty Ltd  
t/a KRE8 Construction WA**

[REDACTED] Rantlak Pty Ltd  
(Complainant) (Respondent)

**BUILDING REMEDY ORDER**

I, [REDACTED] an authorised delegate, have considered Complaint BC2021-[REDACTED] and make the following order/s in accordance with the provisions of sections 11(1)(c) and 37 of the *Building Services (Complaint Resolution and Administration) Act 2011* (the Act):

Rantlak Pty Ltd is to rectify the building service not being carried out in a proper and proficient manner or being faulty or unsatisfactory [REDACTED] listed below:

1. Complaint

... 16 pages with 58 complaint items, including failure to comply with development approval and building permit issued by the City of Melville....

This order is to be complied with within 28 days of the date of this order.

To facilitate this order, the complainant is to provide the respondent and/or its representatives with reasonable access to the premises [REDACTED] upon reasonable notice being given by the respondent to undertake the required remedial work.

Failure to comply with an order of the Building Commissioner may result in penalties of up to \$50,000 for an individual or \$250,000 for a company.

Complaint BC2021-[REDACTED] is now closed. Please refer to the attached "Important Notice" for further information in relation to this order.

[REDACTED]  
COMPLAINTS MANAGER

Date of order: 5 July 2021

**Attachment 5: 22 March 2021 DMIRS Building and Energy media release – City building surveyor cautioned – found negligent or incompetent**



Government of Western Australia  
Department of Mines, Industry Regulation and Safety



## **Media Statement**

**Building and Energy**

Email: [BEmedia@dmirs.wa.gov.au](mailto:BEmedia@dmirs.wa.gov.au)  
[www.dmirs.wa.gov.au](http://www.dmirs.wa.gov.au) [www.wa.gov.au](http://www.wa.gov.au)

22 March 2021

### **Building surveyor cautioned over deficient documents – Modesto Giancaspro**

The Building Services Board has cautioned a local government building surveyor for failing to ensure that adequate information was included in the certification of work at a Bicton property.

The Board found that **Modesto Giancaspro** (BSP190) was negligent or incompetent while carrying out building surveying work when he signed a certificate of building compliance (CBC) issued by the City of Melville.

The CBC was part of a retrospective building approval application for unauthorised work carried out by the Bicton home owners on a timber deck and a swimming pool barrier.

An investigation by Building and Energy found that Mr Giancaspro's documentation contained insufficient information and failed to show how the building work substantially complied with each applicable building standard.

The investigation noted that the CBC referenced ambiguous plans and technical specifications, and did not record the inspections Mr Giancaspro had relied upon.

Building and Energy Executive Director Saj Abdoolakhan said registered building surveyors should not lose sight of their important public safety role when certifying that building work demonstrates compliance with the Building Code of Australia.

“Of particular concern in this case is that the CBC failed to demonstrate compliance of the swimming pool barrier, which is an essential component of water safety for children,” he said.

“Building surveyors employed by permit authorities have the same technical and professional responsibilities as those in the private sector. They must work with diligence and ensure that the information they rely on to inform their decisions is comprehensive and current.”

<ENDS>

**Media contact:** Sarah Roberts – 0466 409 828 – [BEmedia@dmirs.wa.gov.au](mailto:BEmedia@dmirs.wa.gov.au)

**Note:** BSP refers to registration as a building surveying practitioner. The register is available at [www.commerce.wa.gov.au/building-and-energy/find-registered-building-surveyor](http://www.commerce.wa.gov.au/building-and-energy/find-registered-building-surveyor)