

MAGISTRATES COURT of WESTERN AUSTRALIA
(CIVIL JURISDICTION)
GENERAL FORM OF AFFIDAVIT
FORM 2

Registry: 3 Stephen street Bunbury, WA, 6230

Case number:
BUN/GCLM/316/2015

Phone:

Fax:

Claimant

Andrew Laughton

Defendant

Sharyl Marsh and James Marsh

I Andrew Laughton of 11b Keble Heights, College Grove, Bunbury

(full name and address) Electrician (occupation)

(* Delete as applicable)

having been duly affirmed say on affirm the following:

1. I am the Claimant (*description of party*) in this case.
2. This Affidavit is to define documents I would like a copy of from the defence.
3. On 20/11/2012 Greg Hamilton from Structerre stated that the extra loading on the boundry retaining wall needs to be removed to reduce the liklyhood of the boundry retaining wall from collapsing. This email is attached as "AL 2012.11.20". Page 4, paragraph 4.
4. On 27/11/2015 I have received from the defence a copy of the defences building permit for their new retaining wall and a statement from the builder certifying that the new retaining wall complies with building regulations. Referance "SM11, page 31"
5. On page 34, form BA3, certificate of design compliance, section 2 (Declaration), bullet point 6 it states "The building work associated with this building or incidental structure, **is not** reasonably likely to adversely affect other land, under s77 of the Building Act 2011; and...", signed by Gary Bruhn from the city of Bunbury on 8 May, 2012.
6. On page 36, form BA3, certificate of design compliance, section 5 (Work affecting other land), "Details about any work that adversely affects land beyond the boundaries of the works land" This has "N/A" listed.
7. On page 38, form BA3, standard building requirement list – class 10 retaining, bullet point 10. Page 38 has been shuffled and should follow page 35. "A balustrade shall be provided if any level is more than 1m above the surface level below, with a min height above finished floor level (FFL) of 1m or 865mm above nosing line on stair, the max 'gap' shall not permit a 125mm sphere to pass through balustrades or open stair treads; in accordance with the BCA Part 3.9.2
8. These new retaining walls are both higher than 1m, but no balustrades exist.
9. I would like document explaining how these documents in bullet points 3,4,5,6,7 and 8 can all be true.
10. I would also like to know why the builders saw fit to have the foundations on the new retaining wall 550mm higher than the foundations of the abutting retaining wall.



Andrew Laughton

G. Bell
Registrar, Magistrates Court
Bunbury

11. The defence appear to consider that the tree that was tied to the retaining wall is a significant burden on that retaining wall. In order to put this into perspective I would like to know what model bobcat was used in the construction of this new retaining wall, and what the loaded weight of that bobcat would be carrying both a building block and a driver.
12. If the defence have any photos of this tree I would like a copy so that I can submit them towards the independent report.
13. I would also like a copy of Structerre's inspection report invoice 931300 dated 22.04.2014, and all other emails on this date. It appears they billed me one amount, and told the defendants a different amount.
14. A copy of the invoice for the default judgement costs.
15. A copy of the legal bill to date for the defence.



A.L. 9 ~~SWORN~~ AFFIRMED

At Bunbury this 22nd day

of January 2016 in the presence of

G. Gell

 Registrar/Justice of the Peace/other authorised witness

[Signature]

 Deponent

Each page is to be dated and signed by the person making the affidavit and the witness.

Tick [✓] appropriate box

Lodged by	<input checked="" type="checkbox"/> Claimant or claimant's lawyer <input type="checkbox"/> Defendant or defendant's lawyer <input type="checkbox"/> Other			
Address for service	11b Keble heights, College Grove, Bunbury. 6230			
Contact details	Telephone: 0409 931 559	Lawyer's ref:	Fax:	E mail: laughton.andrew@gmail.com