

11 August 2016

Mr Andrew Laughton
PO Box 1796
Port Lincoln SA 5606

By email Lawton.Andrew@Gmail.com

Dear Andrew

LAUGHTON v MARSH BUN/GCLM/316/2015 Magistrates Court at Bunbury

I respond to your affidavit of 8 August 2016 which raises issues of discovery and inspection of documents. I confirm you came into my office at least once and inspected the defendants' discovered documents and spent a reasonable amount of time doing so, and I provided a copy of the documents that you requested.

I respond referring to the numbering in your affidavit:

4.1 (a)

I attach a plan apparently prepared by the City of Bunbury dated 3 April 2012 which bears the City's Design of Certificate of Design Compliance issued 8 May 2012 no 30022. It appears to show soil contours. The original document is A3 and I do not have the facilities to reduce A3 to A4 so the plan has been copied over two pages. These are the first two pages in the attachment.

4.1 (b)

I contend that building permit is not relevant.

4.2

This is not a request for discovery.

4.2 (a)

I am instructed that the Marsh's do not have any photographs of the tree.

4.3

This is not a relevant document.

4.4

This is not a relevant document

4.5

I am instructed there is no such document.

4.6

The Marshes have discovered the building permit for their retaining wall. I contend the building permit for their residence is not relevant. As to your request for drawings containing contour lines, I refer to the City of Bunbury A3 plan mentioned above and I attach another two pages which appear to be different versions of the same plan. The plan appears to have been prepared by Harley Hedderwick & Webber for Frank Cavoli and is numbered 8967.1. The other page is similar in that it is also drawing 8967.1, but it has hand written changes and words on it. Both drawings appear to bear the stamp of the City of Bunbury and separately the Water Authority, although the stamps are difficult to decipher in the second page.

4.7

Presumably this is not referring to the building permit for the defendants' retaining wall and I contend that the building permit for their residence is irrelevant to this case.

5.1

The unsigned letter from Papas to James Marsh dated 7 May 2015 is a discovered document, it is numbered 64 and I attach a copy.

6.1

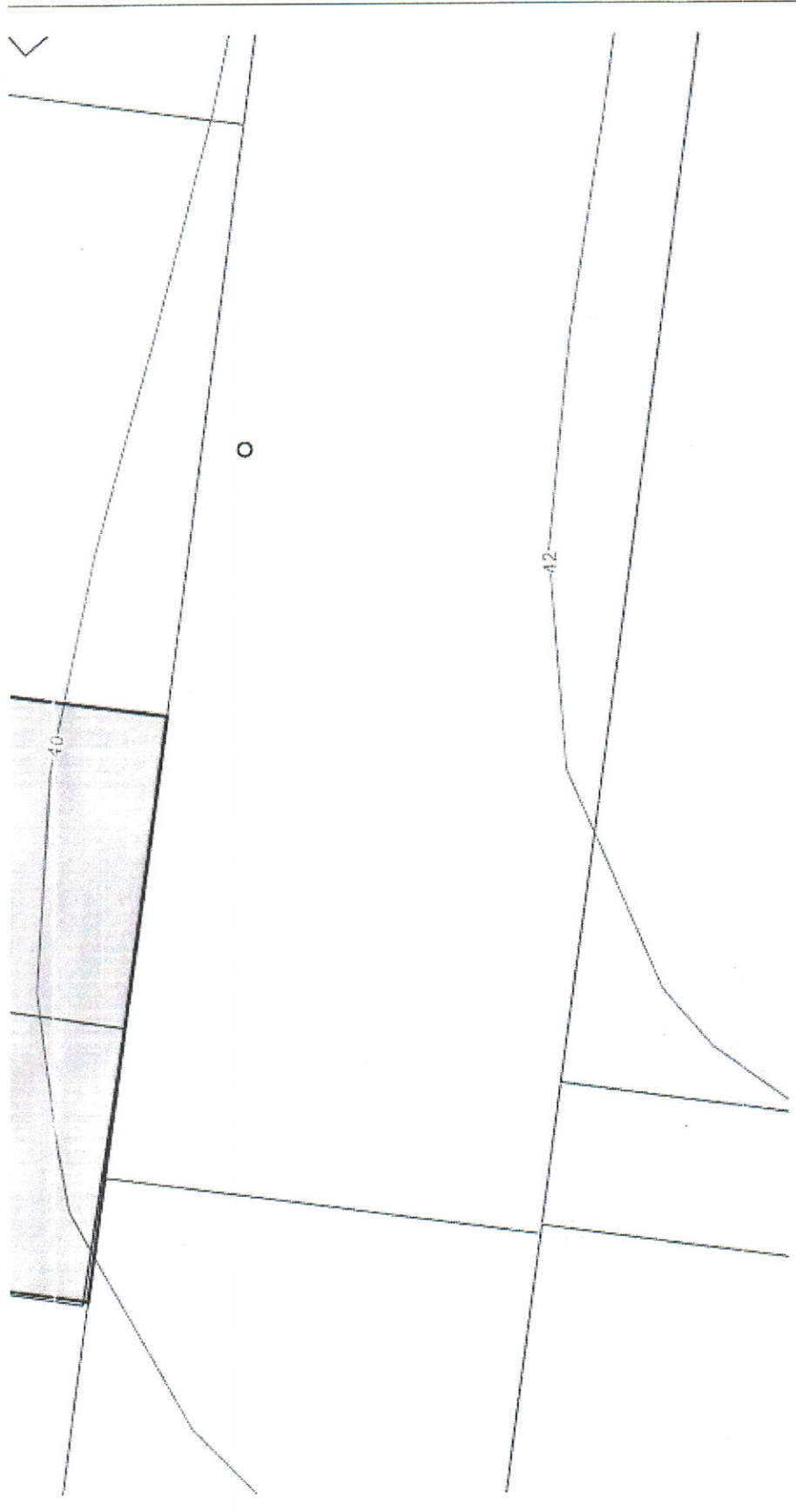
I am instructed that no section of the driveway into the Marshes property has been raised recently or otherwise.

6.2

North of the Marshes driveway is the road.

Yours faithfully


IAN MORISON Encl.



General

PIN 1050870
 Lot Types FHOLD
 Area(m²) 1175.206
 PIPARCEL P018152 26
 Suburb Name College Grove

Property

Parcel Number 63766
 Assessment Number 11553
 Valuation Number 836161
 Address 14 Trinity RISE
 Locality COLLEGE GROVE 6230
 Title LOT: 26
 Volume 1912
 Folio 374

Building Application Detail

Document 006.1994.00011149.001
 Date Lodged 11/02/1994
 Structure DWELLING
 Date Approved 10/06/1994

Pool Details Yes (1)

CERTIFICATE OF DESIGN COMPLIANCE
 Building Act 2011 Building Regulations 2012

ISSUED: 08 MAY 2012 No. 30022

Registered Building Surveyor Level 1
 GARY BRUHN No. 046

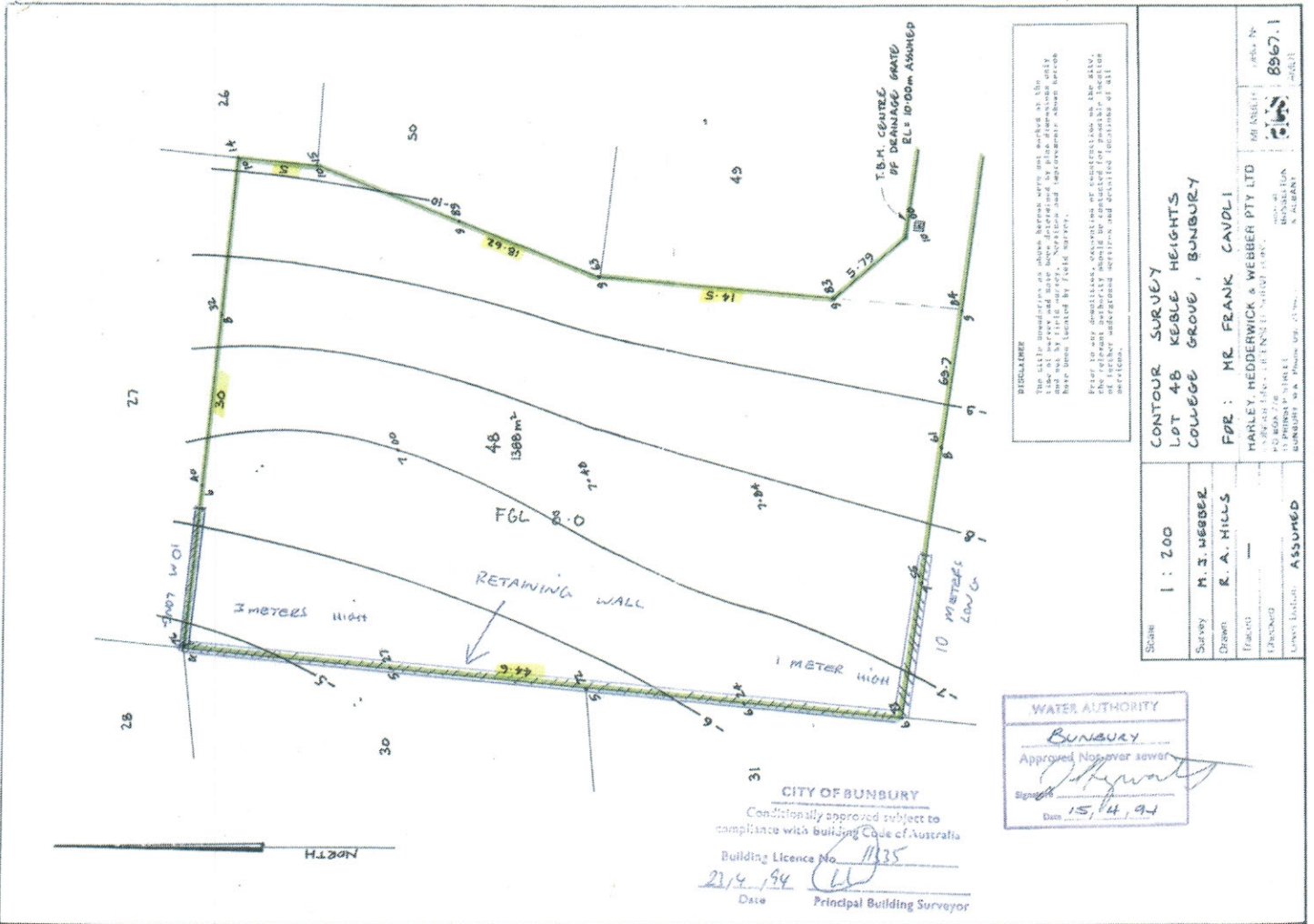
any person using or relying upon such information does so on the basis that COB shall not be liable for the information.

Tuesday, 3 April 2012

1:299







DISCLAIMER
 THE UTILITIES SHOWN HEREON ARE NOT SHOWN TO BE
 ACCURATE AND ARE SHOWN FOR INFORMATION ONLY
 AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE
 WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
 THE SURVEYOR ACCEPTS NO LIABILITY FOR ANY
 LOSS OR DAMAGE CAUSED BY THE USE OF THIS
 SURVEY.

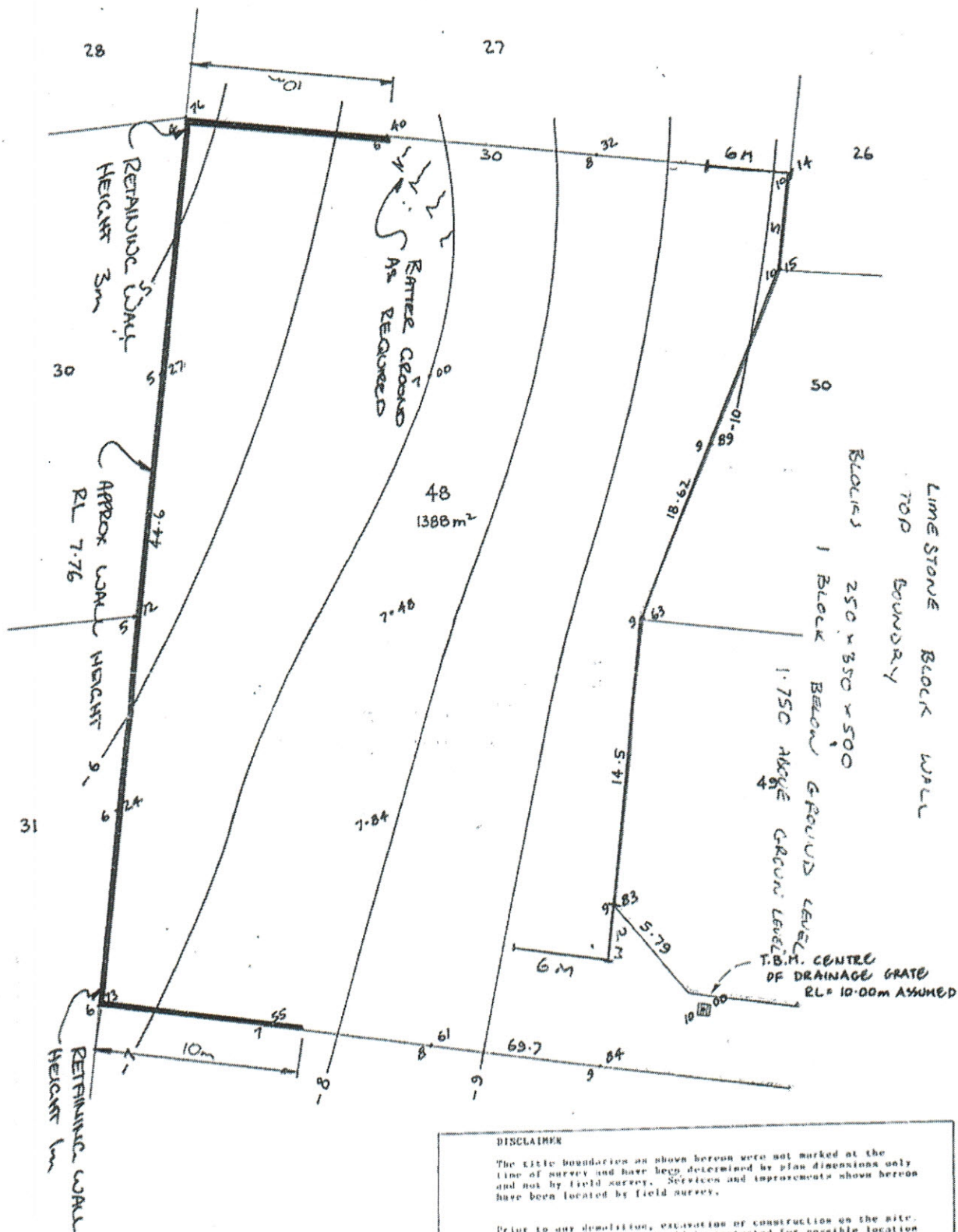
CONTOUR SURVEY
 LOT 48
 KETTLE HEIGHTS
 COLLEGE GROVE, BUNBURY
 FOR: MR FRANK CAVDLI
 HARVEY HEDDERICK & WEBBER PTY LTD
 15 BRIDGE STREET
 BUNBURY, WA, 6230, AUSTRALIA
 Scale: 1:200
 Survey: M. J. WEBBER
 Drawn: R. A. HILLS
 Checked: —
 Lower Edition: ASSUMED

WATER AUTHORITY
 Bunbury
 Approved Non-over sewer
 Signed: *[Signature]*
 Date: 15/4/94

CITY OF BUNBURY
 Conditionally approved subject to
 compliance with Building Code of Australia
 Building Licence No. 11835
 22/4/94
 Date: _____
 Principal Building Surveyor



NORTH



DISCLAIMER

The title boundaries as shown herein were not marked at the time of survey and have been determined by plan dimensions only and not by field survey. Services and improvements shown herein have been located by field survey.

Prior to any demolition, excavation or construction on the site, the relevant authorities should be contacted for possible location of further underground services and detailed locations of all services.

7 7 94
 M. J. Webber
 11489

[Handwritten signature]

Scale	1 : 200
Survey	M. J. WEBBER
Drawn	R. A. HILLS
Traced	
Checked	

CONTOUR SURVEY
 LOT 48 KEBLE HEIGHTS
 COLLEGE GROVE, BUNBURY

FOR : MR FRANK CAVALI

HARLEY, HEDDERWICK & WEBBER PTY LTD
 100 BOX 770
 W DRINKER STREET
 ALBANY

MEMBER	1985 NO.
	8967.1
	ALBANY

7 May 2015

James Marsh
14 Trinity Rise
College Grove, Bunbury

**RE: 14 Trinity Rise, College Grove.
Retaining Construction - Limestone Block Retaining Wall**

This letter is to certify that the above described retaining wall was adequately designed and subsequently constructed in accordance with the design requirements.

This is to certify that the above retaining wall has been constructed in accordance to the wall designed as per structural engineers and with all the applicable standards and regulations.

Prior to and upon completion there was no requirements to replace, fill or remove soil from the neighbouring ground level area to the boundary retaining. Also no increased loads were imposed upon the neighbouring area to the boundary retaining wall structure of opposing property.

Should you have any further questions or requirements, please call.

Sincerely,

M&A Papas Stone Constructions

**Argiris Papas - Director
0418931621**