



Andrew Laughton <laughton.andrew@gmail.com>

Boundry retaining wall between 11b Keble Heights & 14 Trinity rise.

4 messages

Andrew Laughton <laughton.andrew@gmail.com>

9 November 2015 at 17:07

To: Murray Borthwick <mborthwick@bunbury.wa.gov.au>

Cc: records@bunbury.wa.gov.au, David Brightwell <dbrightwell@bunbury.wa.gov.au>

Hi Murray.

Regarding the boundary retaining wall between 11b Keble Heights & 14 Trinity Rise College Grove. The court date to determine the the amount of damages the Marshes need to pay is on December 16th, 2015.

I would like to present to the court the reasons why the Bunbury city council wanted the court to decide this outcome rather than the Bunbury city council.

As I understand it, the Bunbury council have not acted because there is no indication that there has been a build up of sand against the fence, and no indication that there is extra loading on the retaining wall, as well as doubts about the retaining wall having a valid building permit.

As you are aware, the Marshes new retaining wall at 14 Trinity Rise abuts onto the retaining wall on our common neighbor's property at 15 Keble Heights.

Can you please explain why the 550mm difference in the height of the foundations between these two retaining walls is not considered evidence that there has been a build up of sand.

As you are also aware, the boundary retaining wall that is common to 14 Trinity Rise and 11b Keble Heights also continues on to be a boundary retaining wall between 14 Trinity Rise and 12 Trinity Rise. Can you please explain why a post and rail retaining wall has been allowed to be built on a sewerage easement very close to the boundary retaining wall, and why the very existence of this newer retaining wall is not considered evidence of sand build up.

Regarding the Marshes driveway.

The bitumen on the bottom part of the driveway has apparently been laid before the sewer was installed, leaving a distinctive mark from when the sewer was installed.

The bitumen on the top part of their driveway has a distinctive dip at the overlap where the original drive leveled out.

If this second section abutted the first section this distinctive overlap dip would not exist.

The two different parts of the driveway are easy to tell apart as not only does the lower part of the driveway have the sewerage install marks, but it is also an entirely different colour.

Can you please explain why this evidence of sand build up has been ignored.

As you may be aware, the same engineers that designed the Marshes new retaining wall have also made a structural report stating that not only has there been 700mm of sand stacked against the fence, but this sand overburden on the boundary retaining wall could cause the boundary retaining wall to collapse.

Most of this sand is still in place as this is written in November 2015, continuing to overburden the original damaged boundary retaining wall.

Can you please explain why this structural engineering report has been ignored as evidence of sand build up.

Given that the engineering report, the overlap in the driveway, the difference in hight of the foundations and the extra post and rail retaining wall is not considered evidence of sand build up, can you please explain what would be considered evidence in the opinion of the council.

As you are aware, the building permit for the lower Western retaining wall for 11b Keble Heights does not include the details of the upper, Eastern boundary retaining wall building permit.

Can you please explain why the council feels that the Eastern retaining wall building permit is not valid ? If for some reason the council consider that this second building permit refers to the Western boundary retaining wall, can you please explain why the Western boundary retaining wall has needed two permits, and how common this is.

Can you also please comment on the validity of the building permit for the extension of this retaining wall on the Eastern side of 12 Trinity Rise.

For example, are both building permits invalid or is only one of the permits valid, and the reasons why this is so.

Can you also please explain when you feel that the Eastern retaining wall on 11b Keble Heights was built, given that the building permit for the house states that the retaining walls must be completed before the house can be started.

If my understanding of the situation is wrong, can you please explain why no action has been taken.

I am suspicious that the Marshes, or their lawyer, have already or intend to object to my building only the urgent part of reinforcing the retaining wall, building permit number 6.2014.32124.1

Please be aware that I am unable to do the entire length due to lack of funds, and so I am focusing only on the urgent section that the Marshes have damaged, and that the Marshes engineer has warned is in danger of collapse.

Can you please let me know if there will be any problems getting final approval for just this urgent section, without doing the entire length, or let me know what I might need to do to get final approval.

This building work has started, the foundations have been poured for the urgent 5.6 meter section, but I need more money before it can be finished.

Regards, Andrew Laughton from 11b Keble heights, College Grove.

David Brightwell <dbrightwell@bunbury.wa.gov.au>

12 November 2015 at 14:59

To: "Andrew Laughton (laughton.andrew@gmail.com)" <laughton.andrew@gmail.com>

Cc: Stephanie Addison-Brown <saddisonbrown@bunbury.wa.gov.au>, Murray Borthwick <mborthwick@bunbury.wa.gov.au>

Andrew

Further to the attached statement regarding your ongoing boundary issue with your neighbours Mr and Mrs Marsh which is currently awaiting a decision from the Magistrates Court . I have looked into the extensive file which has been collated over a period of time relating to the issues regarding the retaining wall and alleged level changes to the easement area. It is clear that on numerous occasions City staff has been on site and had meetings in the Shire offices with both yourself and your neighbours with a view to assisting in resolving the disputed retaining wall. The City has provided assistance where possible but ultimately the disputed works has become a case for the Magistrate Court to make a ruling in which you are awaiting. It is the City's procedure not become involved in boundary disputes between neighbours and advises all parties to seek independent legal advice in resolving the dispute. No doubt the points you have raised below were part of your case in which the current pending decision is awaiting. Please note as the City has no involvement with the current legal

proceedings we are not aware of any particular details regarding the legal case other than the file notes and photo's collected by City staff.

The current Building Permit issued for the retaining wall has a two year currency from the date of issue . This was issued on the 1 December 2014 .

If all the works are unable to be completed on the permit within the two years of the permit being issued ,prior to expiring an application can be made to extend the building permit by submitting a BA22 Form Application to extend a building permit (\$95 fee).

Regards

David Brightwell

Building Certification

Team Leader

Building Surveyor Level 1

City of Bunbury



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From: Andrew Laughton [mailto:laughton.andrew@gmail.com]
Sent: Monday, 9 November 2015 5:07 PM
To: Murray Borthwick
Cc: Records Dept; David Brightwell
Subject: Boundry retaining wall between 11b Keble Heights & 14 Trinity rise.

[Quoted text hidden]

Andrew Laughton <laughton.andrew@gmail.com> 12 November 2015 at 17:46
To: David Brightwell <dbrightwell@bunbury.wa.gov.au>
Cc: Stephanie Addison-Brown <saddisonbrown@bunbury.wa.gov.au>, Murray Borthwick <mborthwick@bunbury.wa.gov.au>

Hi David

Can I just do the urgent section of retaining wall reinforcing, and get a certificate of completion for that section only, or do I need to get a new permit for just the 5.6 meter section that is urgent. ?
I do not have the money to do the entire length.

Andrew.

[Quoted text hidden]

David Brightwell <dbrightwell@bunbury.wa.gov.au> 13 November 2015 at 10:11
To: Andrew Laughton <laughton.andrew@gmail.com>
Cc: Stephanie Addison-Brown <saddisonbrown@bunbury.wa.gov.au>, Murray Borthwick <mborthwick@bunbury.wa.gov.au>

Andrew

Any of the works proposed that has been included on the issued Building Permit can be undertaken.

If you proposed to undertake the works in stages it would pay to consult your engineer who designed the wall to advise if they would have any additional requirements.

In WA we don't have or require Certificates of Completion just a requirement for the nominated builder to submit a BA7 Notice of Completion .This is a signed statement by the builder confirming works are in accordance with the approved issued plans. Until all the works are completed or you declare a portion is not going ahead this cannot be lodged with the Shire as all the works on the approval would not be completed.

Regards

David Brightwell

Building Certification

Team Leader

Building Surveyor Level 1

City of Bunbury



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From: Andrew Laughton [<mailto:laughton.andrew@gmail.com>]

Sent: Thursday, 12 November 2015 5:46 PM

To: David Brightwell

Cc: Stephanie Addison-Brown; Murray Borthwick

Subject: Re: Boundry retaining wall between 11b Keble Heights & 14 Trinity rise.

[Quoted text hidden]