



Andrew Laughton &lt;laughton.andrew@gmail.com&gt;

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## Complaint Submission

1 message

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mail@ombudsman.wa.gov.au <mail@ombudsman.wa.gov.au>  
To: laughton.andrew@gmail.com

24 March 2016 at 09:00

Agency: Bunbury City Council

### ABOUT THE COMPLAINT

Complaint Details: Telling me bullshit and breach of privacy.

Gary Bruhn from the city of Bunbury told me that there was only one retaining wall building permit for my property, and that it included both retaining walls.

Unfortunately this was verbal and I cannot find proof of this at the moment.

It was only after I paid for a full set of building permits for the house that I discovered they had told me bullshit.

The Western retaining wall building permit was issued on 15/04/1994 as building approval 11335.

The Eastern retaining wall building permit was issued on 7/7/1994 as building approval 11489.

On 28/5/2015 David Brightwell from the City of Bunbury sent an email to the Marsh's stating that the original retaining walls had no building permits at all.

Not only was this a breach of privacy, it was also wrong.

I was not notified in any way that this information was sent to the Marsh's, and it would have been very easy to CC my email address as I has been emailing them about this issue a number of times before.

When I tried to get information about the Marsh's new retaining wall, specifically about who the structural engineers were that designed or approved it, I was told that was a privacy issue and that they would not tell me.

When I tried to get information about an abutting retaining wall, with written permission from the Marshes, I was again told that it was a privacy issue and I could not see them.

In the case of the abutting retaining wall I also found out it would cost a lot of money, and as the Marsh's had dropped the retaining wall permit as part of their defense I did not chase this up.

Why were the Marsh's not told the same thing that I was told, that it was a privacy issue, in exactly the same circumstances ?

Why were the Marsh's not told the same thing that I was told, that it was a privacy issue, in exactly the same circumstances ?

Permitting the Marshes new retaining wall to affect existing structures.

On the Marsh's building permit, form BA3, section 2.6 it states that "The Building work associated with this building or structure, is not reasonably likely to adversely affect other land, under section s77 of the Building act 2011."... This has been signed off on by Gary Bruhn from the city of Bunbury on 8th May 2012.

Link to S77 of building act.

[http://www.austlii.edu.au/au/legis/wa/consol\\_act/ba201191/s77.html](http://www.austlii.edu.au/au/legis/wa/consol_act/ba201191/s77.html)

The reason given why the Marsh's have not removed the additional overburden from the original boundary retaining wall is because of fears that it will cause the new retaining walls to be undermined.

Therefore the Marsh's new retaining walls do affect other land, as reducing the ground level to where it was when the original boundary retaining wall was built may cause their new retaining wall to fail.

Other irregularity's include the wall and steps having no Balustrades, despite both of them being over the maximum 1m in height. Their new retaining walls are 1.2 meters high, and have no balustrades at all.

Link to relevant law...

<http://www.abis.com.au/balustrades-handrails-stairs>

The Marsh's have installed an additional 700mm high retaining wall, with no building permit.

Measured from the top of the boundary retaining wall 200mm from the offending retaining wall, to the top of a new post and rail retaining wall.

This retaining wall starts off low near the street, but is approx 700mm high for most of its length.

Permitting this additional retaining wall, built without a building permit, 700mm high, to be built, and to remain in place, and to be built on a sewerage easement, and to be built in such a position that it adds additional loading

to existing structures, in this case an existing boundary retaining wall.

To tell the Marshes that the building permit that I have, to reinforce the retaining wall that the Marshes have damaged, will not be accepted when completed.

Refer to the statement of defense, form 32, "Listing conference Memorandum dated 22/02/2016, bullet point 39. Gary Bruhn from the city of Bunbury has stated that they will not allow only a section of the retaining wall to be completed.

The original building permit to reinforce the retaining wall covered a much longer section of retaining wall than I am getting fixed.

I contacted the council to see what the story was, and I was told that the council do not confirm if the building has been finished to the appropriate standard or not, the builder needs to fill in form "BA3" and then it is considered complete. I was also told that providing I have a structural engineers approval I do not need to do the entire length, I just need to note on the permit that only a section has been done.

Who pays the costs because the Marshes damaged the boundary retaining wall and boundary fence is the subject of ongoing legal action, the details of which can be found at this link.

<http://aquasate.com.au/Wall/>

however this does not address the extra 700mm retaining wall that has been built on the sewerage easement, nor the extra loading the new retaining walls have created on the original boundary retaining wall, or other irregularity's of the Marsh's new retaining wall, nor the bias against me as detailed above.

The above link / URL is not index-able by search engines and is considered private.

Given that people within the City of Bunbury appear to be biased against me, and that they have already breached my privacy, I request that the above URL be deleted if the bulk of this complaint is sent to them to ask for an explanation.

I have no objection to specific relevant files from this URL to be sent to them as a reference.

Complained direct to agency: Yes

Agency Response: The Bunbury city council claim that it is my responsibility to take the matter to court, which I am doing.

However this complaint deals with matters that are separate from the court case, and they refuse to take any action at all.

Resolution Suggestion: Gary Bruhn in particular, and to a lesser extent David Brightwell, both from the City of Bunbury appear to be extremely biased against me, possibly due to the actions of Structerre.

It is possible that David Brightwell has simply trusted Gary Bruhn more than he should have.

I believe Gary Bruhn has since left the City of Bunbury Council, and that David Brightwell remains there.

Structerre designed and approved the new retaining walls for the Marsh's, and also authored two of the three structural reports, before I found out they were part of the problem.

I would like an independent building inspector or engineer to look at the issues I have raised above, and to take any action seen as appropriate.

I would also like David Brightwell to be excluded from dealing with any building approvals relating to 11b Keble Heights or 14 Trinity Rise, both of College Grove.

I would like something in writing that I can show both the court and defence, regarding the council rejecting or approving the reinforcement of only the damaged section of retaining wall as opposed to reinforcing the entire length of retaining wall that the building permit allows for.

I would like something in writing regarding why the post and rail retaining wall built on the sewerage easement has been allowed to remain in place.

This problem has cost me tens of thousands of dollars, as detailed in the web page above, I do not know if I am eligible for any compensation, but I would like to apply for it if I am.

Document attached?

Posting Documents?

## COMPLAINANT'S CONTACT DETAILS

Surname: Laughton

First names(s): Andrew

Title: Mr

Address: 11b Keble Heights, College Grove

Suburb: Bunbury

State: WA

Postcode: 6230

Daytime phone:

Mobile phone: [0409 931 559](tel:0409931559)

email address: [laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)

## COMPLAINANT'S REPRESENTATIVE

Representative Family Name:

Representative First Name:

Representative Title: blank

Representative email address:

Representative Address:

Representative Suburb:

Representative State: blank

Representative Postcode:

Representative Home phone:

Representative Mobile phone:

## HELP TO ACCESS OUR SERVICES

Disability: No

Assistance required to access our services:

Translator required: No

Language required:

## HOW COMPLAINANT FOUND OUT ABOUT OMBUDSMAN

How did you find out about the Ombudsman: Friend/relative

## OTHER INFORMATION ABOUT COMPLAINANT

Date of birth: 7/7/1963

Gender: Male

Aboriginal or Torres Strait Islander: No

Country of birth: Australia

Primary language spoken at home: English

Language spoken other than English or Indigenous Australian:

Highest level of education completed: Tech/trade certificate or diploma

Ongoing disability: No

Type of ongoing disability:

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 **complaintG2VVFH**  
OK