



Andrew Laughton <laughton.andrew@gmail.com>

**Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.**

20 messages

**Andrew Laughton** <laughton.andrew@gmail.com> 14 May 2014 at 14:15

To: Sharyl.Marsh@stjohnambulance.com.au  
Cc: Gary Bruhn <gbruhn@bunbury.wa.gov.au>, info@buildingcommission.wa.gov.au, Greg Hamilton <ghamilton@structerre.com.au>

To Sharyl Marsh of 14 Trinity Rise.

This email is to notify you of a notice of complaint to the Department of Commerce, Western Australia. The Department of Commerce require two weeks notice from receiving this complaint for you to make any comments.

To Gary Bruhn from Bunbury council and Greg Hamilton from Structerre  
You do not need to act on this, I am including sending you a carbon copy just to let you know what is happening.

To the WA Building Commission  
You do not need to act on this yet, I am including you in this email as a proof of delivery of this notice.

The following is a copy of the email I intend to send;

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To the Department of commerce, Western Australia.

I / We require the services of an Adjudicator for determining who pays the costs of repairing / replacing or supplementing a boundary retaining wall that is failing, and possibly determine the best way to do it.

The original boundary retaining wall is 1.665 meters high, measured from the current surface, with about 200 mm below the surface, and appears to be sitting on a concrete foundation.

The bricks measure 360 mm - 370 mm high including mortar.

If an extra row of bricks was added the retaining wall would of been just over 2 meters high.

Approval had originally been given for a retaining wall 1.750 meters high in 1994, and it was built that same year.

The original approval drawings show a reference point at 10.00 meters, I am guessing this is above sea level and I have not been corrected by anybody yet. The original contour survey shows 10.14 meters and 10.15 meters at points near the retaining wall failure.

The top of the original retaining wall appears to be approx 400 mm lower than the original contour survey at this point.

The ground around this original retaining wall would have been removed while the wall was built.

It is unknown how much ground was back-filled, but it is hard to imagine the original inspector approving it if it was higher than the top of the retaining wall. There is also a sewerage pipe running in an easement approx 1.8 meters from the face of the original retaining wall. The size and depth of the sewer is unknown at the moment, but the bottom of it is about 500 mm above the bottom of the original retaining wall.

There is a sewer access point and an inspection point close to the damaged retaining wall.

Sitting on top of this retaining wall has been a super six, corrugated cement sheeting fence.

Over a period of years sand has built up behind this fence along the length of the fence.

How high and when is unknown.

Recently my neighbors at 14 Trinity Rise have recently had two additional retaining walls added, with the face of the closest one being about 2.93 meters from the face of the original retaining wall.

The base of this new retaining wall is about 700 mm higher than the top of the original retaining wall.

During the first decent storm we had since the new retaining wall was built, 3rd September 2012, the super six fence broke and fell down into 11 Keble heights, along with a large quantity of sand.

Spare roofing tiles that were sitting on top of the retaining wall were also pushed down and smashed.

My neighbor originally suggested that we go halves in replacing this fence, along with a new retaining wall to sit on top of the original retaining wall to hold the extra sand.

I was a bit dubious about paying for damage apparently caused by stacking 700 mm of sand against the fence, and about the concept of sticking an additional retaining wall on top of the existing retaining wall. I was also concerned about a slight bulge in the original retaining wall.

My neighbors assured me it was as strait as a die, and I was imagining things. To ease my concerns I commissioned Structerre to do a report on the retaining wall, which is attached.

It is not known why the height of the retaining wall in the report is stated as 1.800 meters, when it is 1.67 meters high. I do not think the embedded measurement for the new walls is accurate either.

Between the fence breaking and Structerre doing their report I removed enough sand from the edge to stop it from falling into my own property.

The 700 mm is accurate, the 1.5 meters in the report is simply where the sand ended up after I moved it back from the edge.

The date on this report is 6 November 2012. A copy of this report had been given to my neighbors to highlight why the sand adding extra load to the failing retaining wall needed to be removed.

Since this date both myself and the Bunbury council have requested that this over-burden sand be removed on different occasions.

Sand that I dug away from the fence line has been removed, but sand to a depth of 700 mm is still adding burden to the original retaining wall at the time of writing this.

As it turns out, removing the overburden from the original retaining wall would also undermine the new retaining wall due to the 700 mm height difference. After much time it was agreed to commission Structerre as a neutral party with the task of coming up with a way to stop the original retaining wall collapsing, and to preferably do it in a way to stop the new retaining wall on my neighbor's property from being undermined.

An appointment was made and kept for Structerre to visit the site on 3 pm on Friday 11th of April, 2014.

Daniel from Structerre at the meeting had ideas of putting posts down beyond the depth of the base of the original retaining wall, and high enough to support the extra 700 mm of sand.

Barriers were going to be installed between the height of the original retaining wall and the new level 700 mm higher.

I believed that progress had finally started to happen and Structerre were making drawings so that this could be done.

On the 8th of May Gary Bruhn from the Bunbury council emailed Greg

Hamilton from Structerre to see how progress was going.

Greg's response was that the Marsh's had no further issues and you were going to require the services of an engineer to work with you to come up with a suitable design to overcome your problem.

I emailed Greg from Structerre and today I had a phone call from him.

Apparently Greg was under the impression that the inspection was to check the foundation of the new retaining wall, and decided that it was OK. Greg was also under the impression that the extra overburden had already been removed.

There is obviously a very large misunderstanding between Daniel from Structerre and Greg from Structerre.

Gary from the Bunbury city council also had a totally different impression.

After much hair pulling and gnashing of teeth I have come to realize that the details of who needs to pay what need to be formalized before anything more can happen.

After a bit of research I found these web pages;

<http://www.buildingcommission.wa.gov.au/licensing/adjudicators>

<http://www.buildingcommission.wa.gov.au/dispute-resolution>

and realized that an adjudicator is exactly what is needed.

I do not know where to find one but a dispute-resolution procedure sounds like the best way forward at this point in time.

I am not including photos or emails at this point as I do not think they are needed, and also it might prevent the delivery of this email because of its size.

Contact details of people involved are;

Andrew Laughton [laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com) 0409 931 559 11b Keble heights, College Grove, Bunbury.

James & Sharyl Marsh [Sharyl.Marsh@stjohnambulance.com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au) 0417 994 943 14 Trinity Rise.

Gary Bruhn <[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)> Bunbury Council.

Greg Hamilton <[ghamilton@structerre.com.au](mailto:ghamilton@structerre.com.au)> Structerre 9721 1733

[info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au) email to here as proof of delivery.

Regards Andrew Laughton.

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### 3 attachments



**NoticeOfComplaint2014\_05\_14.jpeg**  
153K

 **2012\_11\_06\_StructerreReportOnWall.pdf**  
572K

 **1994\_RetainingWallPlans.pdf**  
365K

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**sharyl** <marshiez@bigpond.com>

14 May 2014 at 16:37

To: laughton.andrew@gmail.com

Cc: garyb@bunbury.wa.gov.au, info@buildingcommission.wa.gov.au

Good afternoon Andrew

I think you have been some what untruthful in your facts.

All required approval was sought and approved for the erecting of our retaining wall.

When erected your retaining wall(the portion between our properties) we have been lead to believe, does not meet the standard building requirements for when a hill has been dug into and the lay of the land is changed.

We did not change the lay of the land in erecting our walls as our builder will confirm.

You have not removed any soil between the two properties. We after several attempts to source a contractor to do the work, finding one who agreed to do the work but failed to appear, organized and removed ourselves a substantial amount of soil as per instructions from Structerre.

We at no time offered to pay you half the cost of fixing your retaining wall, we did discuss suggestions. I initially sourced a quote for replacement of the fence which I still have and I placed a copy in your letter box. We had no contact until after you sourced your report from Structure.

You never ever said there was a bulge in the fence, your only concern has been that there is a crack in the bricks(mortar) as all fences get after a period of time.

We have said that the fence is not quite straight but it is no different to the rest of your fence.

As I advised in my recent email I have sent a letter to the Water Corp and have not yet heard back.

We take exception to you changing some of the facts to suit yourself.

James and Sharyl marsh

-----Original Message-----

**From:** Andrew Laughton [mailto:[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)]

**Sent:** Wednesday, 14 May 2014 2:15 PM

**To:** Sharyl Marsh

Cc: Gary Bruhn; [info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au); Greg Hamilton

Subject: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

[Quoted text hidden]

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**sharyl** <[marshiez@bigpond.com](mailto:marshiez@bigpond.com)>

15 May 2014 at 06:02

To: [laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com), [garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au),  
[info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au)

To Whom it may Concern

We will respond to Andrews complaint in due course

Regards

James and Sharyl marsh

[Quoted text hidden]

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**4 attachments**



**NoticeOfComplaint2014\_05\_14.jpeg**  
153K

 **\_Certification\_.htm**  
1K

 **2012\_11\_06\_StructerreReportOnWall.pdf**  
572K

 **1994\_ RetainingWallPlans.pdf**  
365K

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**Andrew Laughton** <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)>

15 May 2014 at 08:24

To: [sharylmarsh@bigpond.com](mailto:sharylmarsh@bigpond.com)

Cc: [garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au), [info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au)

Good day to you Sharyl.

What I have written is purely factual to the best of my knowledge, and I in turn take exception to being accused of changing any facts.

> All required approval was sought and approved for the erecting of our retaining wall.

I believe all required approval was sought and approved for the erecting of your new retaining walls, although I have never seen a copy of these permits. I will add this to the letter to make it clearer. If you email me a copy of the building permits I will attach it to the formal letter as well.

> When erected your retaining wall(the portion between our properties) we have been lead to believe, does not meet the standard building

> requirements for when a hill has been dug into and the lay of the land is changed.

The original retaining wall was approved by the council before the footings were allowed to be poured for the house. It is possible this original retaining wall did not meet the standards when it was built, and it may not meet currant standards either.

With hindsight I should of included this in the original, and I will modify the intended letter to reflect this.

> You have not removed any soil between the two properties. We after several attempts to source a contractor to do the work, finding

> one who agreed to do the work but failed to appear, organized and removed ourselves a substantial amount of soil as per instructions

> from Structerre.

I did move a little bit from the site, but access from my side is very difficult.

When the fence originally broke I removed sand from the edge and put it back against the new retaining wall, purely to stop it falling over the original retaining wall. If you read this again it should be clearer.

I even state that this was the sand that the Structerre report referred to.

At this point in time I do not think this needs to be made even clearer as it is besides the point.

I was not aware that Structerre had also asked you to remove sand, I will update the letter to reflect this.

> We at no time offered to pay you half the cost of fixing your retaining wall, we did discuss suggestions. I initially sourced a quote for

> replacement of the fence which I still have and I placed a copy in your letter box. We had no contact until after you sourced your

> report from Structurre.

I believe you have misread my letter.

In any case offering to help pay for anything does not imply guilt, it just shows that that person was willing to try to resolve the problem.

I was worried that any replacement fence put on top of the broken retaining wall



would have made it very difficult to fix the retaining wall, and should wait instead until the wall was dealt with.

Who offered to pay what is a distraction to the problem at hand, so I will delete this part from the letter.

> You never ever said there was a bulge in the fence, your only concern has been that there is a crack in the bricks(mortar) as all

> fences get after a period of time.

This is possible, to me a bulge and a crack are the same thing.

> As I advised in my recent email I have sent a letter to the Water Corp and have not yet heard back.

I will add this to the letter. If you email me any response I will attach it to the formal letter.

> We did not change the lay of the land in erecting our walls as our builder will confirm.

It may not have been deliberate, but the fact remains that it has been built 700 mm above the hight of the original retaining wall, and this is the original cause of all our problems.

The following is a copy of the letter I intend to send, modified in response to your email. Parts added in are in red, parts to be deleted have an orange background ;

=====

To the Department of commerce, Western Australia.

I / We require the services of an Adjudicator for determining who pays the costs of repairing / replacing or supplementing a boundary retaining wall that is failing, and possibly determine the best way to do it.

The original boundary retaining wall is 1.665 meters high, measured from the current surface, with about 200 mm below the surface, and appears to be sitting on a concrete foundation.

The bricks measure 360 mm - 370 mm high including mortar.

If an extra row of bricks was added the retaining wall would of been just over 2 meters high.

Approval had originally been given for a retaining wall 1.750 meters high in 1994, and it was built that same year.

**It is possible / probable this original retaining wall did not meet building standards when it was built, and it may not meet currant standards either as a one meter probe failed to find any backing blocks. This point is unclear as the retaining wall also has posts which are not shown on the plans, and backing blocks may of interfered with the sewer pipe.**

The original approval drawings show a reference point at 10.00 meters, I am guessing this is above sea level and I have not been corrected by anybody yet.

The original contour survey shows 10.14 meters and 10.15 meters at points near the retaining wall failure.

The top of the original retaining wall appears to be approx 400 mm lower than the original contour survey at this point.

The ground around this original retaining wall would have been removed while the wall was built.

It is unknown how much ground was back-filled, but it is hard to imagine the original inspector approving it if it was higher than the top of the retaining wall.

There is also a sewerage pipe running in an easement approx 1.8 meters from the face of the original retaining wall. The size and depth of the sewer is unknown at the moment, but the bottom of it is about 500 mm above the bottom of the original retaining wall.

There is a sewer access point and an inspection point close to the damaged retaining wall.

Sharyl has recently requested more information from the Water Corp but have yet to get a response.

Sitting on top of this retaining wall has been a super six, corrugated cement sheeting fence.

Over a period of years sand has built up behind this fence along the length of the fence.

How high and when is unknown, but at the time the fence broke it was 700 mm high.

Recently my neighbours at 14 Trinity Rise have recently had two additional retaining walls added, with the face of the closest one being about 2.93 meters from the face of the original retaining wall.

The base of this new retaining wall is about 700 mm higher than the top of the original retaining wall.

All required approval was sought and approved for the erecting of these new retaining walls.

During the first decent storm we had since the new retaining wall was built, 3rd September 2012, the super six fence broke and fell down into 11 Keble heights, along with a large quantity of sand.

Spare roofing tiles that were sitting on top of the retaining wall were also pushed down and smashed.

My neighbour originally suggested that we go halves in replacing this fence, along with a new retaining wall to sit on top of the original retaining wall to hold the extra sand.

I was a bit dubious about paying for damage apparently caused by stacking 700 mm of sand against the fence, and about the concept of sticking an additional retaining wall on top of the existing retaining wall.

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To ease my concerns I commissioned Structerre to do a report on the retaining wall, which is attached.

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Between the fence breaking and Structerre doing their report I removed enough sand from the edge to stop it from falling into my own property.

The 700 mm is accurate, the 1.5 meters in the report is simply where the sand ended up after I moved it back from the edge.

The date on this report is 6 November 2012. A copy of this report had been given to my neighbours to highlight why the sand adding extra load to the failing retaining wall needed to be removed.

Since this date myself, Bunbury council and Structerre have requested that this over-burden sand be removed on different occasions.

Sand that I dug away from the fence line has been removed, but sand to a depth of 700 mm is still adding burden to the original retaining wall at the time of writing this.

As it turns out, removing the overburden from the original retaining wall would also undermine the new retaining wall due to the 700 mm height difference.

After much time it was agreed to commission Structerre as a neutral party with the task of coming up with a way to stop the original retaining wall collapsing, and to preferably do it in a way to stop the new retaining wall on my neighbours property from being undermined.

An appointment was made and kept for Structerre to visit the site on 3 pm on Friday 11th of April, 2014.

Daniel from Structerre at the meeting had ideas of putting posts down beyond the depth of the base of the original retaining wall, and high enough to support the extra 700 mm of sand.

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This would remove the bulk of the loading from the original retaining wall and also support the new retaining wall.

I believed that progress had finally started to happen and Structerre were making drawings so that this could be done.

On the 8th of May Gary Bruhn from the Bunbury council emailed Greg Hamilton from Structerre to see how progress was going.

Greg's response was that the Marsh's had no further issues and you were going to require the services of an engineer to work with you to come up with a suitable design to over come your problem.

I emailed Greg from Stucterre and today I had a phone call from him. Apparently Greg was under the impression that the inspection was to check the foundation of the new retaining wall, and decided that it was

OK. Greg was also under the impression that the extra overburden had already been removed. There is obviously a very large misunderstanding between Daniel from Structerre and Greg from Structerre. Gary from the Bunbury city council also had a totally different impression from Greg.

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[info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au) email to here as proof of delivery.

Regards Andrew Laughton.

[Quoted text hidden]

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**Andrew Laughton** <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)> 28 May 2014 at 12:13  
To: [info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au)  
Cc: [garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au), [sharyl@marshiez@bigpond.com](mailto:sharyl@marshiez@bigpond.com)>

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Gary Bruhn [gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au) Bunbury Council.

Greg Hamilton [ghamilton@structerre.com.au](mailto:ghamilton@structerre.com.au) Structerre 9721 1733

[info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au) email was sent here as proof of delivery on May 14, 2014, and Sharyl responded that same day.

The required two week period expires today, and the above letter has been modified to suit Sharyl.

I am unsure about how to pay any arbitration request fees at this point in time.

Regards Andrew Laughton.

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**BC Info** <bcinfo@commerce.wa.gov.au>  
To: Andrew Laughton <laughton.andrew@gmail.com>

29 May 2014 at 09:31

Good morning,

The Dividing Fences Act 1961 states that a dividing fence is joint property of the owners of the adjoining properties and that an existing dividing fence should not be altered, removed or replaced without the consent of both parties or so ordered by a Magistrate.

If a situation arises where a fence needs to be replaced and an agreement cannot be reached between you and your neighbour a Magistrate is the only body capable of making a ruling on the fence.

In regards to the retaining wall please see the link and exert below with all the information the Building Commission has as it pertains to retaining walls.

<http://www.legalaid.wa.gov.au/InformationAboutTheLaw/Homes/neighbours/Pages/Dividingfences.aspx>

### **I need some help with my rights concerning retaining walls. What should I do?**

The law about retaining walls is complex. You should get legal advice. Legal Aid WA does not give advice in this area.

The party who changes the lie of the land either by excavation or building up is responsible for building a retaining wall. The wall is built to make sure there is no risk of earth movement. If both neighbours alter the lie of the land each neighbour will be responsible for the construction and maintenance of the retaining wall to the extent of their own alteration.

Always check with the local government about building requirements before constructing a retaining wall.

There are local government laws that require an owner and occupier to maintain the wall.

In some cases your local government will send out a building inspector who may be able to resolve the matter.

Regards

BC Info

**From:** Andrew Laughton [mailto:[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)]  
**Sent:** Wednesday, 28 May 2014 12:13 PM  
**To:** BC Info  
**Cc:** [garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au); sharyl  
**Subject:** Re: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

[Quoted text hidden]

This email is from the Department of Commerce and any information or attachments to it may be confidential.  
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---

**Andrew Laughton** <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)> 29 May 2014 at 10:32  
To: BC Info <[bcinfo@commerce.wa.gov.au](mailto:bcinfo@commerce.wa.gov.au)>

Hi BC Info

Thank you for your timely response, even if it is very confusing.

Can you please confirm for me that you are unable to determine the lay of the land after the original boundary retaining wall was built, even when provided with contour drawings ?

This is a pivotal issue, a new retaining wall has been built in such a way that excessive load has been placed on the original boundary retaining wall, loading that has still not been removed.

The local council has also been involved, and has asked them to remove that excessive load, which they have yet to do.

Am I to understand that the Building Commission has no authority in this issue, and that ultimate authority, and therefore responsibility lies with the local

Bunbury City council ?

Regards Andrew Laughton.

[Quoted text hidden]

---

**BC Info** <bcinfo@commerce.wa.gov.au>  
To: Andrew Laughton <laughton.andrew@gmail.com>

29 May 2014 at 13:51

Good afternoon,

In regards to determining the lay of the land you may wish to contact a Land Surveyor preferably one registered with the Land Surveyors Licensing Board as they would be best qualified to assess the situation.

The Building Commission cannot assist in matters in relating to Retaining wall issues, your Local Council can, however if they are unwilling or unable to assist you may need to address the matter civilly in a similar fashion to a dividing fence dispute.

Regards BC Info

**From:** Andrew Laughton [mailto:[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)]

**Sent:** Thursday, 29 May 2014 10:33 AM

**To:** BC Info

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

**Andrew Laughton** <laughton.andrew@gmail.com>  
To: Gary Bruhn <gbruhn@bunbury.wa.gov.au>

29 May 2014 at 15:04

Hi Gary

It appears that waiting for the Building commission people was a waste of time.



As it stands at the moment, I have notified you of the overburden on top of the original retaining wall, and I notified you that the retaining wall has a crack in it that is getting bigger.

I have also given you an engineer report stating that there is a problem.

You are aware that the overburden soil has still not been removed, in spite of the wall failing, and I believe you have taken a recent photo of this problem.

I believe I have made a reasonable effort to resolve this problem, and I am going to leave it at that.

If you, as the authority responsible for such things, do not intend to do any more about it please let me know so that I can start the ball rolling towards getting the damaged section of the super six fence replaced.

Or, if you are going to chase it further, the question becomes, "will the replacement fence get in the way of any work to the retaining walls ?"

It is reasonable to assume that the owner of 11b Keble heights is not liable for any lack of action of the part of Bunbury City council, either now or when the retaining wall was first built, and so I can sign any real-estate documents stating that there is no out-standing liability, which is a big worry I have been carrying now for well over a year.

Regards Andrew Laughton.

[Quoted text hidden]

---

**Gary Bruhn** <gbruhn@bunbury.wa.gov.au>  
To: Andrew Laughton <laughton.andrew@gmail.com>

29 May 2014 at 16:55

Hi Andrew

Sorry, I do not think you have an appropriate understanding of the situation. There is no responsibility what so ever on the part of the City of Bunbury. I am not sure but I think the only direction left for the City would be to serve you with a notice to rectify the situation but I feel that this would only complicate things for you. Where do we go from this point?

I am not at work tomorrow but should you have any questions I would be please to address them early next week.

Regards

**Gary Bruhn**  
BUILDING TEAM LEADER

4 Stephen Street, Bunbury WA 6230 – PO Box 21 Bunbury WA 6231

T: (08) 9792 7057 TTY: 133 677 F: (08) 9792 7184

E: [garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au) W: [www.bunbury.wa.gov.au](http://www.bunbury.wa.gov.au)

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

**Sent:** Thursday, 29 May 2014 3:04 PM

**To:** Gary Bruhn

**Subject:** Fwd: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

[Quoted text hidden]

---

**Andrew Laughton** <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)>

30 May 2014 at 19:58

To: Gary Bruhn <[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)>

Hi Gary

I feel I have exhausted all my options, if there is something else that I can do, please let me know.

I am in no position at all to even try to rectify the situation myself. If I was to remove the overburden there is a very real risk that the new retaining walls will move / collapse.

If that happened then there is a very real risk I would get the blame for it.

The bottom line is, 700 mm of overburden sand has been placed above the original retaining wall, the bulk of which is still there to this day.

My neighbors are refusing to move it, and they are refusing to take any other steps that might solve the problem.

You might be right in saying you have all the authority, but none of the responsibility. Common sense has let me down before so I will take your word for it.

Andrew.

[Quoted text hidden]

---

**Andrew Laughton** <laughton.andrew@gmail.com>  
To: Gary Bruhn <gbruhn@bunbury.wa.gov.au>

5 June 2014 at 11:43

Hi Gary

Re boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.  
Do you have any objections to getting the fence put up again ?  
I was putting it off before as it may have gotten in the way of retaining wall works,  
but I now think that any retaining wall works need to happen well inside the  
fence line, and the fence will not be in the way at all.

Andrew.

[Quoted text hidden]

---

**Gary Bruhn** <gbruhn@bunbury.wa.gov.au>  
To: Andrew Laughton <laughton.andrew@gmail.com>

5 June 2014 at 11:50

Hi Andrew

A dividing fence is generally not an issue associated with Local Government. It  
comes down to you and what you want to do.

**Regards**

**Gary Bruhn**

BUILDING TEAM LEADER

4 Stephen Street, Bunbury WA 6230 – PO Box 21 Bunbury WA 6231

T: (08) 9792 7057 TTY: 133 677 F: (08) 9792 7184

E: [garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au) W: [www.bunbury.wa.gov.au](http://www.bunbury.wa.gov.au)

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**From:** Andrew Laughton [mailto:[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)]

**Sent:** Thursday, 5 June 2014 11:43 AM

**To:** Gary Bruhn

[Quoted text hidden]

[Quoted text hidden]

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**Andrew Laughton** <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)> 14 July 2014 at 17:58  
To: Sharyl Marsh <[Sharyl.Marsh@stjohnambulance.com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au)>

----- Forwarded message -----

**From:** BC Info <[bcinfo@commerce.wa.gov.au](mailto:bcinfo@commerce.wa.gov.au)>

[Quoted text hidden]

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**Andrew Laughton** <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)> 14 July 2014 at 17:59  
To: Sharyl Marsh <[Sharyl.Marsh@stjohnambulance.com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au)>

[Quoted text hidden]

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**Andrew Laughton** <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)> 14 July 2014 at 18:03  
To: Sharyl Marsh <[Sharyl.Marsh@stjohnambulance.com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au)>

Hi Sharyl

I think I have forwarded all the relevant emails to you.  
It would appear at this point that nothing is going to be done about the retaining wall, and even if there is the fence would not be in the way.

Andrew.

[Quoted text hidden]

---

**Sharyl Marsh** <[Sharyl.Marsh@stjohnambulance.com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au)> 14 July 2014 at 19:17  
To: Andrew Laughton <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)>

Afternoon Andrew

This is what we have been saying all along. The developers of your property changed the lay of the land, so it was their responsibility to ensure the retaining wall was constructed [correctly.it](http://correctly.it)<<http://correctly.it>> was nothing to do with the then owners of our property.

We have never had an issue with replacing the 5 metres of fence that is on the boundary as you well know, our concern is your retaining wall.

Regards

Sharyl and James

Sent from my iPad

On 14 Jul 2014, at 5:58 pm, "Andrew Laughton" <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<<mailto:laughton.andrew@gmail.com>>> wrote:

----- Forwarded message -----

From: BC Info <[bcinfo@commerce.wa.gov.au](mailto:bcinfo@commerce.wa.gov.au)<<mailto:bcinfo@commerce.wa.gov.au>>>

Date: 29 May 2014 09:31

Subject: RE: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

To: Andrew Laughton <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<<mailto:laughton.andrew@gmail.com>>>

Good morning,

The Dividing Fences Act 1961 states that a dividing fence is joint property of the owners of the adjoining properties and that an existing dividing fence should not be altered, removed or replaced without the consent of both parties or so ordered by a Magistrate.

If a situation arises where a fence needs to be replaced and an agreement cannot be reached between you and your neighbour a Magistrate is the only body capable of making a ruling on the fence.

In regards to the retaining wall please see the link and exert below with all the information the Building Commission has as it pertains to retaining walls.

<http://www.legalaid.wa.gov.au/InformationAboutTheLaw/Homes/neighbours/Pages/Dividingfences.aspx>

I need some help with my rights concerning retaining walls. What should I do? The law about retaining walls is complex. You should get legal advice. Legal Aid WA does not give advice in this area.

The party who changes the lie of the land either by excavation or building up is responsible for building a retaining wall. The wall is built to make sure there is no risk of earth movement. If both neighbours alter the lie of the land each neighbour will be responsible for the construction and maintenance of the retaining wall to the extent of their own alteration.

Always check with the local government about building requirements before constructing a retaining wall.

There are local government laws that require an owner and occupier to maintain the wall.

In some cases your local government will send out a building inspector who may be able to resolve the matter.

Regards

BC Info

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

Sent: Wednesday, 28 May 2014 12:13 PM

To: BC Info

Cc: [garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au)<mailto:[garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au)>; sharyl

[Quoted text hidden]

[<https://mail.google.com/mail/images/cleardot.gif>]

=====  
=====

I am not including photos or emails at this point as I do not think they are needed, and also it might prevent the delivery of this email because of its size.

Contact details of people involved are;

Andrew Laughton [laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<mailto:[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)> 0409 931

[559](tel:0409%20931%20559)<tel:0409%20931%20559> 11b Keble heights, College Grove, Bunbury.

James & Sharyl Marsh [Sharyl.Marsh@stjohnambulance.com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au)<mailto:[Sharyl.Marsh@stjohnambulance.com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au)>

0417 994 943 14  
Trinity Rise.

Gary Bruhn <[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)<mailto:[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)>

au>> Bunbury Council.

Greg Hamilton <[gghamilton@strucsterre.com.au](mailto:gghamilton@strucsterre.com.au)<mailto:gghamilton@strucsterre.com.au>> Strucsterre 9721 1733

[info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au)<mailto:info@buildingcommission.wa.gov.au> email was sent here as proof of delivery on May 14, 2014, and Sharyl responded that same day.

[Quoted text hidden]

---

**Sharyl Marsh** <[Sharyl.Marsh@stjohnambulance.com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au)> 14 July 2014 at 19:21

To: Andrew Laughton <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)>

Cc: Gary Bruhn <[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)>

As we have always said no problem with us paying half for the 5 metres of fencing along the boundary, our concern is should you sell your property then the process starts again with the new owners who would be unaware of the problem with your retaining wall.

Regards Sharyl and James

Sent from my iPad

On 14 Jul 2014, at 6:03 pm, "Andrew Laughton" <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<mailto:laughton.andrew@gmail.com>> wrote:

Hi Sharyl

I think I have forwarded all the relevant emails to you.  
It would appear at this point that nothing is going to be done about the retaining wall, and even if there is the fence would not be in the way.

Andrew.

----- Forwarded message -----

From: Gary Bruhn <[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)<mailto:gbruhn@bunbury.wa.gov.au>>

Date: 5 June 2014 11:50

Subject: RE: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

To: Andrew Laughton <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<mailto:laughton.andrew@gmail.com>>

Hi Andrew

A dividing fence is generally not an issue associated with Local Government. It comes down to you and what you want to do.

Regards

Gary Bruhn

BUILDING TEAM LEADER

4 Stephen Street, Bunbury WA 6230 – PO Box 21 Bunbury WA 6231

T: (08) 9792 7057<tel:%2808%29%209792%207057> TTY: 133 677 F: (08) 9792 7184<tel:%2808%29%209792%207184>

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Sent: Thursday, 5 June 2014 11:43 AM

To: Gary Bruhn

Subject: Re: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

Hi Gary

Re boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.



Do you have any objections to getting the fence put up again ?

I was putting it off before as it may have gotten in the way of retaining wall works, but I now think that any retaining wall works need to happen well inside the fence line, and the fence will not be in the way at all.

Andrew.

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you. Where do we go from this point?

I am not at work tomorrow but should you have any questions I would be please to address them early next week.

Regards

Gary Bruhn

**BUILDING TEAM LEADER**

4 Stephen Street, Bunbury WA 6230 – PO Box 21 Bunbury WA 6231

T: (08) 9792 7057<tel:%2808%29%209792%207057> TTY: 133

677<tel:133%20677> F: (08) 9792 7184<tel:%2808%29%209792%207184>

E: [garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au)<mailto:garyb@bunbury.wa.gov.au> W:

[www.bunbury.wa.gov.au](http://www.bunbury.wa.gov.au)<http://www.bunbury.wa.gov.au/>

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You are aware that the overburden soil has still not been removed, in spite of the wall failing, and I believe you have taken a recent photo of this problem.

I believe I have made a reasonable effort to resolve this problem, and I am going to leave it at that.

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Regards Andrew Laughton.

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<mailto:bcinfo@commerce.wa.gov.au>>>

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Good afternoon,

In regards to determining the lay of the land you may wish to contact a Land Surveyor preferably one registered with the Land Surveyors Licensing Board as they would be best qualified to assess the situation.

The Building Commission cannot assist in matters in relating to Retaining wall issues, your Local Council can, however if they are unwilling or unable to assist you may need to address the matter civilly in a similar fashion to a dividing fence dispute.

Regards BC Info

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Subject: Re: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

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This is a pivotal issue, a new retaining wall has been built in such a way that excessive load has been placed on the original boundary retaining wall, loading that has still not been removed.

The local council has also been involved, and has asked them to remove that

excessive load, which they have yet to do.

Am I to understand that the Building Commission has no authority in this issue, and that ultimate authority, and therefore responsibility lies with the local Bunbury City council ?

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Regards

BC Info

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

Sent: Wednesday, 28 May 2014 12:13 PM

To: BC Info

Cc: [garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au)<mailto:[garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au)>; sharyl

[Quoted text hidden]

[cid:]

=====

I am not including photos or emails at this point as I do not think they are needed, and also it might prevent the delivery of this email because of its size.

Contact details of people involved are;

Andrew Laughton [laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<mailto:[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)> 0409 931 559<tel:0409%20931%20559> 11b Keble heights, College Grove, Bunbury.

James & Sharyl Marsh [Sharyl.Marsh@stjohnambulance.com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au)<mailto:[Sharyl.Marsh@stjohnambulance.com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au)> 0417 994 943 14 Trinity Rise.

Gary Bruhn <[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)<mailto:[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)>> Bunbury Council.

Greg Hamilton <[ghamilton@strucsterre.com.au](mailto:ghamilton@strucsterre.com.au)<mailto:[ghamilton@strucsterre.com.au](mailto:ghamilton@strucsterre.com.au)>> Strucsterre 9721 1733

[info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au)<mailto:[info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au)> email was sent here as proof of delivery on May 14, 2014, and Sharyl responded that same day.

[Quoted text hidden]

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**Sharyl Marsh** <[Sharyl.Marsh@stjohnambulance.com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au)> 14 July 2014 at 19:28  
To: Andrew Laughton <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)>  
Cc: Gary Bruhn <[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)>

Also we are concerned as we got the original quote back in September 2012 to have the fence replaced and due to you delaying I am sure there has been a substantial increase in price. Please source a quote for the section that pertains

to our boundary line approximately five metres and we will see what the 50% cost to us will be in comparison to what it would have been back in 2012 and we will move forward from there.

Regards

Sharyl and james

Sent from my iPad

On 14 Jul 2014, at 6:03 pm, "Andrew Laughton" <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<<mailto:laughton.andrew@gmail.com>>> wrote:

Hi Sharyl

I think I have forwarded all the relevant emails to you.  
It would appear at this point that nothing is going to be done about the retaining wall, and even if there is the fence would not be in the way.

Andrew.

----- Forwarded message -----

From: Gary Bruhn <[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)<<mailto:gbruhn@bunbury.wa.gov.au>>>

Date: 5 June 2014 11:50

Subject: RE: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

To: Andrew Laughton <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<<mailto:laughton.andrew@gmail.com>>>

Hi Andrew

A dividing fence is generally not an issue associated with Local Government. It comes down to you and what you want to do.

Regards

Gary Bruhn  
BUILDING TEAM LEADER  
4 Stephen Street, Bunbury WA 6230 – PO Box 21 Bunbury WA 6231

T: (08) 9792 7057<tel:%2808%29%209792%207057> TTY: 133 677 F: (08) 9792 7184<tel:%2808%29%209792%207184>  
E: garyb@bunbury.wa.gov.au<mailto:garyb@bunbury.wa.gov.au> W: www.bunbury.wa.gov.au<http://www.bunbury.wa.gov.au/>

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From: Andrew Laughton [mailto:[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<mailto:[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)>]  
Sent: Thursday, 5 June 2014 11:43 AM  
To: Gary Bruhn

Subject: Re: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

Hi Gary

Re boundary retaining wall between 11 Keble Heights and 14 Trinity Rise. Do you have any objections to getting the fence put up again ? I was putting it off before as it may have gotten in the way of retaining wall works, but I now think that any retaining wall works need to happen well inside the fence line, and the fence will not be in the way at all.

Andrew.

On 30 May 2014 19:58, Andrew Laughton <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<



<mailto:laughton.andrew@gmail.com>>> wrote:

Hi Gary

I feel I have exhausted all my options, if there is something else that I can do, please let me know.

I am in no position at all to even try to rectify the situation myself. If I was to remove the overburden there is a very real risk that the new retaining walls will move / collapse.

If that happened then there is a very real risk I would get the blame for it.

The bottom line is, 700 mm of overburden sand has been placed above the original retaining wall, the bulk of which is still there to this day.

My neighbors are refusing to move it, and they are refusing to take any other steps that might solve the problem.

You might be right in saying you have all the authority, but none of the responsibility. Common sense has let me down before so I will take your word for it.

Andrew.

On 29 May 2014 16:55, Gary Bruhn <[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)<

<mailto:gbruhn@bunbury.wa.gov.au>>> wrote:

Hi Andrew

Sorry, I do not think you have an appropriate understanding of the situation. There is no responsibility what so ever on the part of the City of Bunbury. I am not sure but I think the only direction left for the City would be to serve you with a notice to rectify the situation but I feel that this would only complicate things for you. Where do we go from this point?

I am not at work tomorrow but should you have any questions I would be please to address them early next week.

Regards

Gary Bruhn

BUILDING TEAM LEADER

4 Stephen Street, Bunbury WA 6230 – PO Box 21 Bunbury WA 6231

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677<tel:133%20677> F: (08) 9792 7184<tel:%2808%29%209792%207184>  
E: garyb@bunbury.wa.gov.au<mailto:garyb@bunbury.wa.gov.au> W:  
www.bunbury.wa.gov.au<http://www.bunbury.wa.gov.au/>

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

Sent: Thursday, 29 May 2014 3:04 PM

To: Gary Bruhn

Subject: Fwd: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

Hi Gary

It appears that waiting for the Building commission people was a waste of time.

As it stands at the moment, I have notified you of the overburden on top of the original retaining wall, and I notified you that the retaining wall has a crack in it that is getting bigger.

I have also given you an engineer report stating that there is a problem.

You are aware that the overburden soil has still not been removed, in spite of the wall failing, and I believe you have taken a recent photo of this problem.

I believe I have made a reasonable effort to resolve this problem, and I am going to leave it at that.

If you, as the authority responsible for such things, do not intend to do any more about it please let me know so that I can start the ball rolling towards getting the damaged section of the super six fence replaced.

Or, if you are going to chase it further, the question becomes, "will the replacement fence get in the way of any work to the retaining walls ?"

It is reasonable to assume that the owner of 11b Keble heights is not liable for any lack of action of the part of Bunbury City council, either now or when the retaining wall was first built, and so I can sign any real-estate documents stating that there is no out-standing liability, which is a big worry I have been carrying now for well over a year.

Regards Andrew Laughton.

----- Forwarded message -----

From: BC Info <[bcinfo@commerce.wa.gov.au](mailto:bcinfo@commerce.wa.gov.au)<  
<mailto:bcinfo@commerce.wa.gov.au>>>

Date: 29 May 2014 13:51

Subject: RE: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

To: Andrew Laughton <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<  
<mailto:laughton.andrew@gmail.com>>>

Good afternoon,

In regards to determining the lay of the land you may wish to contact a Land Surveyor preferably one registered with the Land Surveyors Licensing Board as they would be best qualified to assess the situation.

The Building Commission cannot assist in matters in relating to Retaining wall issues, your Local Council can, however if they are unwilling or unable to assist you may need to address the matter civilly in a similar fashion to a dividing fence dispute.

Regards BC Info

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

Sent: Thursday, 29 May 2014 10:33 AM

To: BC Info

Subject: Re: Boundary retaining wall between 11 Keble Heights and 14 Trinity Rise.

Hi BC Info

Thank you for your timely response, even if it is very confusing.

Can you please confirm for me that you are unable to determine the lay of the land after the original boundary retaining wall was built, even when provided with contour drawings ?

This is a pivotal issue, a new retaining wall has been built in such a way that excessive load has been placed on the original boundary retaining wall, loading that has still not been removed.

The local council has also been involved, and has asked them to remove that excessive load, which they have yet to do.

Am I to understand that the Building Commission has no authority in this issue, and that ultimate authority, and therefore responsibility lies with the local Bunbury City council ?

Regards Andrew Laughton.

On 29 May 2014 09:31, BC Info <[bcinfo@commerce.wa.gov.au](mailto:bcinfo@commerce.wa.gov.au)<  
<mailto:bcinfo@commerce.wa.gov.au>>> wrote:

Good morning,

The Dividing Fences Act 1961 states that a dividing fence is joint property of the owners of the adjoining properties and that an existing dividing fence should not be altered, removed or replaced without the consent of both parties or so ordered by a Magistrate.

If a situation arises where a fence needs to be replaced and an agreement cannot be reached between you and your neighbour a Magistrate is the only body capable of making a ruling on the fence.

In regards to the retaining wall please see the link and exert below with all the information the Building Commission has as it pertains to retaining walls.

<http://www.legalaid.wa.gov.au/InformationAboutTheLaw/Homes/neighbours/Pages/Dividingfences.aspx>

I need some help with my rights concerning retaining walls. What should I do? The law about retaining walls is complex. You should get legal advice. Legal Aid WA does not give advice in this area.

The party who changes the lie of the land either by excavation or building up is responsible for building a retaining wall. The wall is built to make sure there is no risk of earth movement. If both neighbours alter the lie of the land each neighbour will be responsible for the construction and maintenance of the retaining wall to the extent of their own alteration.

Always check with the local government about building requirements before constructing a retaining wall.

There are local government laws that require an owner and occupier to maintain the wall.

In some cases your local government will send out a building inspector who may be able to resolve the matter.

Regards

BC Info

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

Sent: Wednesday, 28 May 2014 12:13 PM

To: BC Info

Cc: [garyb@bunbury.wa.gov.au](mailto:garyb@bunbury.wa.gov.au)<<mailto:garyb@bunbury.wa.gov.au>>; sharyl

[Quoted text hidden]

[cid:]

=====  
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I am not including photos or emails at this point as I do not think they are needed, and also it might prevent the delivery of this email because of its size.

Contact details of people involved are;

Andrew Laughton [laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)<  
<mailto:laughton.andrew@gmail.com>> 0409 931  
559<tel:0409%20931%20559> 11b Keble heights, College Grove, Bunbury.  
James & Sharyl Marsh [Sharyl.Marsh@stjohnambulance.  
com.au](mailto:Sharyl.Marsh@stjohnambulance.com.au)<<mailto:Sharyl.Marsh@stjohnambulance.com.au>> 0417 994 943 14  
Trinity Rise.  
Gary Bruhn <[gbruhn@bunbury.wa.gov.au](mailto:gbruhn@bunbury.wa.gov.au)<[mailto:gbruhn@bunbury.wa.gov.  
au](mailto:gbruhn@bunbury.wa.gov.au)>> Bunbury Council.  
Greg Hamilton <[ghamilton@strucsterre.  
com.au](mailto:ghamilton@strucsterre.com.au)>> Strucsterre 9721 1733

[info@buildingcommission.wa.gov.au](mailto:info@buildingcommission.wa.gov.au)<[mailto:info@  
buildingcommission.wa.gov.au](mailto:info@<br/>buildingcommission.wa.gov.au)> email was sent here as proof of delivery on  
May 14, 2014, and Sharyl responded that same day.

[Quoted text hidden]

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**Andrew Laughton** <[laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)> 17 July 2014 at 15:16  
To: Steve Woodhouse <[swoodhouse@wml.com.au](mailto:swoodhouse@wml.com.au)>

Hi Steve

After a bit of mucking about I think this is the best to send to you.

It has relevant documents attached and gives a reasonably good overview of the situation.

I got a prompt email back telling me they are not interested, and I would have included it but I am not sure the attachments would come with it.

I have just taken some photos, I will load others onto a USB stick and visit.

Andrew.

[Quoted text hidden]

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**3 attachments**

**Pro forma notice of proposed complaint**

Under the Freedom of Information Act, you have the right to request access to records held by the Government of Ontario.

**Name and title:**

**Organization:**

**Address:**

**City:**

**Province:**

**Postal Code:**

**Telephone:**

**Fax:**

**E-mail:**

**Subject:**

**Request for:**

**Access to Information Act / Loi sur l'accès à l'information:**

**Requester's signature:**

**Date:**

**Signature:**

**Date:**

**Comments:**

**NoticeOfComplaint2014\_05\_14.jpeg**  
153K

 **1994\_ RetainingWallPlans.pdf**  
365K

 **2012\_11\_06\_StructerreReportOnWall.pdf**  
572K