



Andrew Laughton <laughton.andrew@gmail.com>

RE: Retaining wall between 11b Keble heights and 14 Trinity rise, College Grove.

2 messages

sharyl <marshiez@bigpond.com>
To: laughton.andrew@gmail.com
Cc: garyb@bunbury.wa.gov.au

22 April 2014 at 12:04

Morning Andrew

Andrew I think you are losing sight of the issue at hand.

Best to stay focused on what are the best options to move forward to ensure strengthening of your retaining wall so you can move forward with the sale of your property.

Regards

Sharyl & James

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

From: Sharyl Marsh [mailto:Sharyl.Marsh@stjohnambulance.com.au]

Sent: Tuesday, 22 April 2014 10:26 AM

To: 'marshiez@bigpond.com'

Subject: FW: Retaining wall between 11b Keble heights and 14 Trinity rise, College Grove.



Sharyl Marsh
Regional Administration Coordinator

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South West Region,

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Sharyl.Marsh@stjohnambulance.com.au

www.stjohnambulance.com.au



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

Sent: Tuesday, 22 April 2014 9:11 AM

To: Sharyl Marsh

Cc: Gary Bruhn; Murray Borthwick

Subject: Re: Retaining wall between 11b Keble heights and 14 Trinity rise, College Grove.

Hi Sharyl

My apologies for assuming someone had recently placed extra sand against the fence, I did not mean to imply that you were stupid or cause you offence in any way.

Some things that are obvious to me other people do not seem to consider, and vice versa as well, some things that are obvious to others I am oblivious to. No offence was intended.

An example of this is my failure to understand why your new retaining wall does not have a fence or hand rail above it.

National health and safety regulations consider anything over 1 meter in height to be working at heights, where my Mum lives it is a council requirement to have a barrier of some sort for such heights, but for some reason not here.

I try to bumble my way through life as best I can without understanding a lot of things like this.

I do not know how long the sand has been there, I did not think the fence would of been strong enough to hold an extra 700 mm of sand for any length of time and so I assumed that it was put there shortly before it broke. Hopefully you can see that this was an easy mistake to make on my part.

Just so that we are on the same page, it is my understanding that once a retaining wall goes in, the ground behind it for the same height as the retaining wall cannot be raised, regardless of who's property

it is on, as this would place extra weight on it above what it was designed for.

So if a retaining wall is 1 meter high, the ground up to 1 meter from it must be kept level, or lower.

If the retaining wall is 10 meters high, the ground up to 10 meters from the retaining wall must be kept level or lower.

In our case the original retaining wall is 1.7 meters high, so the ground up to 1.7 meters from the fence must be kept level.

In this case, that did not happen, as can be shown by the height of the base of your lower retaining wall, which has its footing as if the ground was 700 mm higher than the level indicated by the top of the original retaining wall.

I feel it is safe to assume the original boundary retaining wall was built to suit the original contours and height of the land.

I feel it is safe to assume that the ground on my side has not been dug away, as this would have exposed the footing of the original retaining wall. It is possible that the height of the original retaining wall has been lowered, but I personally doubt it.

The reason I thought the supervisor or inspector would have looked over the fence would have been to check the original height of the ground level.

Hopefully you can understand how I made this apparent mistake and point out errors in my logic.

I have CC'ed Gary and Murray as hopefully they may be able to correct our apparent misunderstanding of what the original problem is.

Andrew.

On 21 April 2014 15:53, Sharyl Marsh <Sharyl.Marsh@stjohnambulance.com.au> wrote:

Afternoon all

Just so you are all aware we did not and are not that stupid and neither was the chap who erected our retaining wall, to leave any overflow sand where Andrew is claiming we did. In fact we had sand taken away before work could start and at the end there was concern that we would not have enough sand to

fill between the two levels of the walls that we had erected. The lay of the land was not changed as the depth of our lower wall indicates. We had no reason to look over the fence and I would assume neither did any inspector.

Kind regards

Sharyl

Sent from my iPad

> On 20 Apr 2014, at 9:24 pm, "Andrew Laughton" <laughton.andrew@gmail.com> wrote:

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> To the Bunbury council and Sharyl Marsh from 14 Trinity Rise, College Grove.

> I also CC'ed the owner of 11a Keble heights.

> I might print this off and deliver it to other people that share this wall, just to keep them in the picture.

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> As you may be aware, Structerre came to visit on Friday 11th of April 2014 at 3:00pm to try to work out the best way of fixing the retaining wall issue.

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> I believe they are doing the calculations to place an additional retaining wall uphill of the original retaining wall, with posts extending deeper than the base of the original retaining wall, and extending approx 700mm higher than the original retaining wall, to allow the new retaining walls on 14 Trinity rise to remain where they are.

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> Hopefully with enough clearance that work can be done on the sewer line if need be.

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> However working out the cost of this new retaining wall has not been considered, and is why I am writing this letter.

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> From my point of view, I have done nothing wrong with the possible slight exception of having a tree tied to the retaining wall. It happened before I bought the house however I believe it would be my responsibility. I claim no expertise in this field, however, based on a guesstimate of the breaking strain of the twine holding the tree to the wall, the fact that the tree is sheltered by the house and was sheltered by the fence it was tied to, and the close proximity of retaining walls uphill of the tree, I would expect the loading on the wall to be less than 100kg at the highest peak of any gust.

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> The crack in the wall is not near where the tree was tied to the wall.

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> Assuming sand weighs 1500 kg per m³, the weight of sand 1 meter long by 700mm deep by 1700mm wide would be 1.19 m³ x 1500 kg = 1,785 kg, assuming the sand is dry, during a rain storm it would be much heavier.

> I would guess that quarter of this weight would be additional weight on the wall, about 446 kg per meter over what the wall should of held.

- > This section of wall is about 5 meters long, for a total of 2,230 kg of extra weight placed on the wall by the extra sand.
- > Therefore, $100 \text{ kg} / 2,230 \text{ kg}$, or about 0.45% of the extra weight on the wall is my problem, and at my cost. These numbers are very rough, I am just guesstimating, but hopefully enough to show how much effect I believe the tree had.
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- > From what I think would be my neighbours point of view, it is conceivable that they believe they have done very little wrong. They did all the right things, got all the right permits, and employed professionals to do this work for them. The sewerage gatic cover has for some reason been placed approx 700mm higher than it should have been, and this has been taken as a reference point for the new retaining walls.
- > Why they would think that any existing retaining wall would not already be filled in to the height of the retaining wall is a bit of a mystery, but things tend to be a lot clearer in hindsight.
- > Expecting the fence to hold so much sand is a bit silly, but not everybody would realise that.
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- > From both my and I would expect my neighbours point of view, we would expect the original retaining wall to be designed and built to the appropriate standards. Structerre had a probe about a meter long, and placed it immediately behind the original retaining wall bricks, and I believe there was less resistance to the probe here than there was further back where the sand was 700mm deeper.
- >
- > This would indicate that there were no backing blocks behind the wall and that the wall was not built to standards.
- > There is evidence further along the original retaining wall that iron rods have been used to support the wall, and it also has bracing pillars, but not in this section.
- > Based on the assumption that this wall has not been built to standards, I would expect the council to be liable for at least some of the cost of works to fix the problem as they allowed it to be built like it is.
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- > From at least my point of view, the people that built the new retaining walls should have known better.
- > The fact that the gutter on the roof of my house and both neighbours houses was well below the level of the top of the fence line would of made it painfully obvious that a retaining wall existed between the properties.
- > The fact that a home made retaining wall on the adjoining property existed, by itself would have been reason to check the height of the original retaining wall.
- > I am unsure of what the landscaping was like before the new retaining walls went in, but because the damage to the original retaining wall and fence happened so shortly after the new retaining wall was built, it is reasonable to assume that the 700mm of extra sand was placed there during or shortly after this build.
- > If the builders thought the existing boundary retaining wall was higher, why did they not notice the lack of any exposed backing blocks before they added the extra sand.?
- > Why would they think the original retaining wall was not back filled when it was built ?
- > It would have been very simple to check the height of the original retaining wall by simply looking over the fence.
- > I personally believe that whoever supervised building the new retaining wall is

responsible for the vast majority of the cost of fixing up their stuff up.

> At this point in time I am not even aware of who that is.

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> While I am writing this I will try to explain what my concerns are;

> The original retaining wall has developed a crack. A crack in the top layer of bricks was first noticed when examining the wall after the fence collapsed.

> That crack has since extended to the bottom of the retaining wall..

> If this retaining wall should collapse, there is a danger that the sewer behind it will rupture.

> If that sewer ruptures I will have raw sewerage flowing into my property, and it would be reasonable to assume that any house connected up stream from that point would have their water supply cut off to prevent any toilet, shower, sink water going into the sewer until it is fixed.

> These people would have the inconvenience, and possibly the cost of living somewhere else while the sewer is fixed.

> If the sewer ruptures it would also destabilise any retaining walls built uphill of the sewer, and there would be a very real danger that they would fall, or at the very least, deform.

> The inconvenience to myself would be relatively minor compared to other house holds if it was not for the fact that I am trying to sell the house.

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> Also I should clear up a misconception on my part, and possibly others.

> The original report that I commissioned from Structerre stated that the entire length of the retaining wall had moved.

> This retaining wall extends from Trinity rise to the drive way of 11 Keble heights, part of which has already been replaced because of a collapse.

> It turns out they were only referring to a 5 meter section where the fence was broken.

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> At this point in time I feel that I need to pay up to 5% of the cost to get things fixed, because this would be cheaper than feeding lawyers.

> I also feel that my neighbours need to pay up to 5%, for being silly enough to put so much sand against the fence, and to avoid feeding lawyers.

> I feel that the council should pay between 5% and 10%, for apparently allowing the original retaining wall to be built below standard.

> I feel that the people that caused this problem, namely whoever built the new retaining wall base 700mm higher than it should have been, should be responsible for fixing the damage they have caused, and pay at least the bulk of the cost, if not the entire cost of getting work done to fix the retaining wall.

> I feel that whoever placed so much sand against the fence should pay for the replacement of that fence, probably the same people that built the retaining wall.

> I feel that whoever that is deserves to be notified so that they in turn can notify their public liability insurance people, who in turn would probably want to inspect the wall themselves before it is fixed.

> If they agree to pay for a reasonable amount, well and good, if not we may need to feed the lawyers.

> Either way it would be good to get the ball rolling.

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 > If everybody could email everybody else stating what their opinion is, and how much they think they should be expected to pay to fix this problem it would be a good start.
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 > If the Bunbury Council could also please let us know, who was it that authorised this wall, and who approved it when it was finished ?
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 > Regards Andrew Laughton from 11b Keble Heights.
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No virus found in this message.
 Checked by AVG - www.avg.com
 Version: 10.0.1432 / Virus Database: 3722/6871 - Release Date: 04/20/14

Andrew Laughton <laughton.andrew@gmail.com> 22 April 2014 at 12:15
 To: sharyl <marshiez@bigpond.com>
 Cc: garyb@bunbury.wa.gov.au

Hi Sharyl

The focus at the moment is reinforcing the retaining wall.
 I believe Struterre are working on this, and there is nothing more I can do at this point in time.
 Thank you for getting this started.

The next issue is who is going to pay for it, I am hoping to get something sorted out now rather than wait till it is holding up progress.

It may of been a bit long winded, sorry about that, but I am hoping to have it worked out before any more bills come in.

Andrew.

[Quoted text hidden]