

AFFIDAVIT

Planning and Environment Court

David Manteit V Brisbane City Council 2916/24

I, David Manteit of 82 Rowe Tce Darra, developer, under affirmation says:

1. Various statements on these pages 1-21 and Exhibit "A" on pages 1-49.

2. I received a Right to Information review from David Simons, Senior Information Policy Officer, on 17/2/24.

Signed:



Deponent:

DAVID MANTEIT

Affirmed by David Manteit on

Twenty Fourth
day of March



Taken by:



John James Stretch JP (Qual)

Justice of the Peace

In the presence of

Signed:



Deponent:

DAVID MANTEIT

AFFIDAVIT

David Manteit
82 Rowe Tce Darra 4076
Ph 0424739923
Email davidmanteit@hotmail.com

3 .The information provided from Right to Information indicates -

Unsatisfactory professional conduct for a registered engineer, both licenced and unlicenced, of at least eight Council employees.

There is clear evidence of complete incompetence by the following Council Brisbane City Council employees and unsatisfactory performance of engineering by a licenced and unlicenced engineer in relation to Council employees Unsatisfactory engineering design of Upstream and Onsite Drainage stormwater systems, by the following Development Services Team employees -

Joel Wake
Lucy Ting
Margaret Orr
Tom Gibbs
Scott Ruhland
Zarndra Piper

There is clear evidence of complete incompetence by the following Council Brisbane City Council staff members and unsatisfactory professional conduct for a licenced engineer in relation to Engineering design of Upstream and Onsite Drainage stormwater systems, by the following Council staff members.

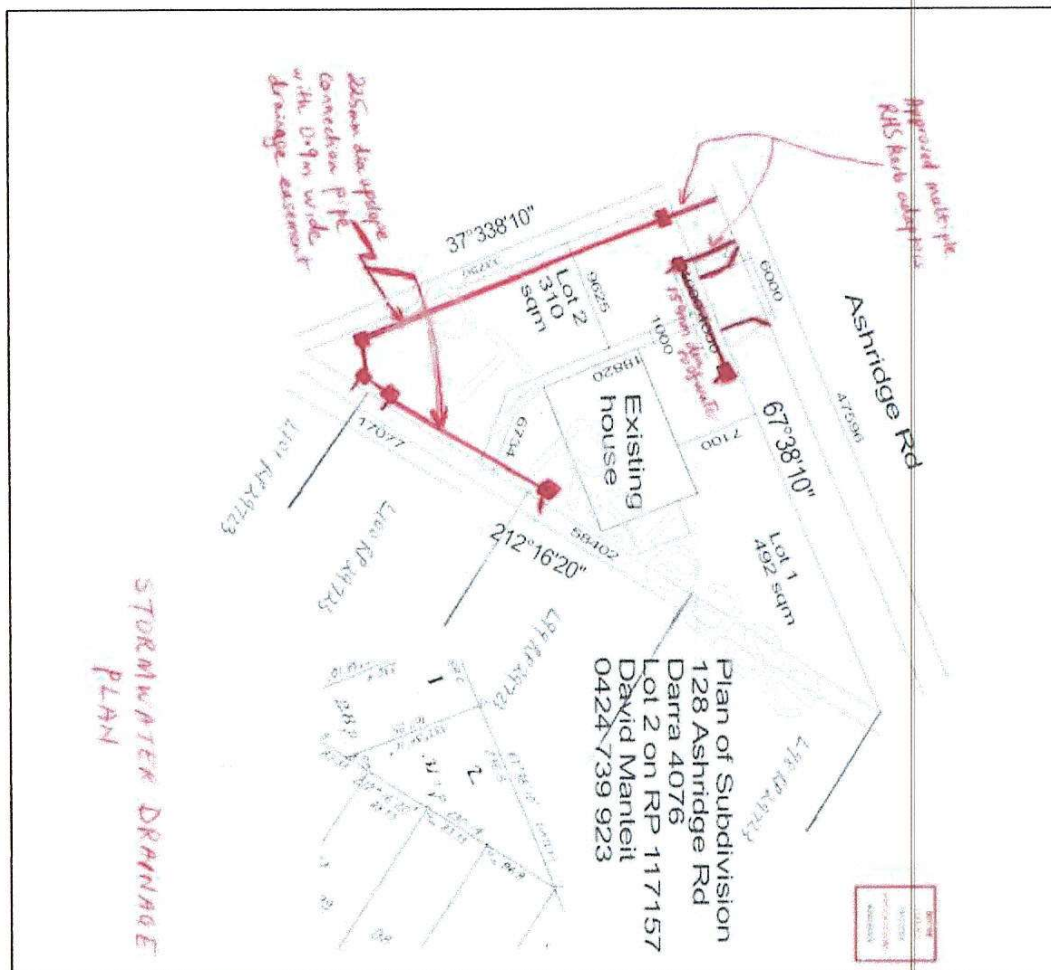
Andrew Blake
Roger Greenway

These employees will be required to attend the trial.

Roger Greenway apparently penned a handwritten system for 3 lots that is busted at over 150 l/s at the kerb, charged and undersized by specifying a busted undersized 225mm pipe.

Andrew Blake gave the orders for the busted pipe to be shown on the DA plan, according to Lucy Ting.

A handwritten signature in black ink, appearing to be a stylized 'h' or 'n'.



All the abovementioned persons will be required at the Trial to provide explanations of alleged sham engineering.

4. There is and has been withholding of Council employee engineering calculations in relation to Upstream and Onsite Drainage systems to the present day, by all of the

abovenamed Council employees. This engineering information that has been requested by David Manteit, to Council employees over 30 times since 1/10/24.

5. Survey Plan

There is evidence that the abovementioned Council employees have allegedly **knowingly not sighted the survey plan lodged with the Development Application, on 10/7/24, due to alleged laziness or incompetence**, and therefore is evidence of unsatisfactory professional conduct of an engineer of Council employees engineering of stormwater pipe systems,

6. There is evidence that the abovementioned Brisbane City Council employees have allegedly knowingly performed unsatisfactory engineering of Upstream and Onsite Drainage systems by –

Council employees performing unsatisfactory professional conduct, as per Schedule 2 of the Professional Engineers Act and S15 (1) of the Crime and Corruption Act.

7. Busted kerb velocity over 100 litres/second.

Upstream pipe velocity of Council engineered system is calculated to be **over 50 litres per second** for each of Lots 98, 99 and 100, each, making a total of **over 150 litres per second at the kerb.**

Level III QUDM Rational method calculations rule out the kerb as being a lawful discharge to the kerb. This has been Council policy for over 20 years, even in the last City plan.

The calculated velocity of over 100 l/s will cause flooding, on the land, bust the kerb apart and/or cause a blowout of nuisance water into 128 Ashridge Rd property. All built property will be waterlogged and have to be pulled down. \$1m damage for 128 Ashridge Rd and \$1m damage for downslope 134 Ashridge Rd.

Council employee's design will cause a flood both onto 128 Ashridge Rd land ,134 Ashridge Rd land, the footpath and the road.

Lanes will be closed by poicemen directing traffic around the water gushing after every morning's dew on a rear lot roof. Council have created a danger for humans, pedstrians and motorists.



(Assuming that Council have first worked out to get their charged pipe from one metre under the kerb to the kerb level)

Council and at least eight Council employees will be liable to pay damages in the millions to owners of 128 Ashridge Rd, 132 Ashridge Rd, pedestrians and motorists.

An engineer is responsible for their own engineering.

Council have proven that a S81 change application would not change any markups. The only way for any owner to change the red line markups is to appeal in the Planning Court.

“The red lines are markups only” The only process to change the red lines is to take Council to the Planning Court for S230 notice.

Council and the Respondent have provided no other method to remove red lines other than S230 Planning Court.



Council engineers are responsible for engineering. Council are responsible for their markups., causing over \$150,000 damages in other Courts.

Every engineer is responsible for their engineering and is liable at law for the damages caused by their engineering.

Board of Professional Engineers website has hundreds of examples of Engineers losing in court.



Example of Council busted stormwater pipe at the kerb.



RTI review demonstrates that Lucy Ting, Scott Ruhland, sleepy Joel Wake, Andrew Blake and Roger Greenway and othe Council employees have not performed obvious engineering calculations which take 5 minutes ?

Why are these employees being paid by Brisbane City Council ratepayers?

RTI review provides demonstration of alleged complete incompetence by Council employees and is evidence of unsatisfactory professional conduct, for a registered engineer.

Council employees refuse to supply the Council employee stormwater engineering calculations and information to David Manteit.

RTI review reveals that Council employees have already been caught out by dishonestly issuing fill conditions.

RTI review reveals that Scott Ruhland checked the fill conditions twice. Scott Ruhland checked the hydraulic calculations twice. Proven incompetence. Damages in other courts will follow as day follows night.

Joel Wake's engineering method – call someone on the last day.

RTI records show Wake woke up on 25/9/24. He thought Lot 100 might not be a good idea. Made a few phone calls to the ES manager and the delegate.

At 4.37pm 25/9/24 decision made and Lot 100 removed. Wake incompetency. ES manager incompetency. Delegate incompetency.

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line.

Margrate Orr stated in a letter on 3/10/24 to Manteit that the delegate had taken all assessment matters into account. Margaret Orr incompetency. Taken into account on the last day, Ms Orr ? Ms Orr dishonesty.

Created On	Created By	Description
25-SEP-2024	WAKE, Joel	<u>Discussed the upstream stormwater condition with Delegate and ES Manager and whether it was reasonable to have an upstream connection for Lot 100 (36 Killarney Avenue). This had been marked up on the plans from TST and TST had requested it remained when questioned. ES Manager agreed that it could be removed and advised on how the plan should be amended to reflect the changes.</u>

25/9/24 - This had been marked up on the plans from TST and TST had requested it remained. When questioned.

The ES Manager agreed it could be removed and and how the plan should be amended.



These two phone calls by Wake on 25/9/24 to the Engineering Services Manager and delegate to discuss the red lines marked up on the plans were made on the last day, 77 days after the application was lodged.

A handwritten signature in black ink, consisting of a stylized 'V' or 'W' shape with a horizontal line extending to the right.

**RTI review reveals
25/9/24 Joel Wake
memo provides proof
that Council
employees waited 77
days to investigate
engineering and make
a few phone calls.
These are the clowns
that your ratepayers
money is going to.**

A handwritten signature in black ink, appearing to be a stylized 'J' or 'K' followed by a horizontal stroke.

Wake, the ES manager and the delegate had to think for 60 seconds in a phone call – do we want 150 l/s flood or 100 l/s flood ? Ok, let's go for the 100 l/s flood.

Wake must have thought - Lot 100 is a little too far to the west. Same concussion as Jack Woolston.

A handwritten mark, possibly a signature or initials, located at the bottom center of the page.

Council employees have demonstrated incompetence by including Lot 100 as an upslope tot right up to 25/9/24 according to Joel Wake file note 25/9/25. If Council employees are qualified engineers, why did Council think that another 50 litres per second would have been prudent to bust the kerb and make over 150 litres/s total ?

How did Council staff think that rainfall would suddenly climb from west to east, uphill? Alleged stupidity and clear evidence that Council employees have no idea whatsoever how to engineer anything.

Wake woke on 25/9/24 and decided to call the ES manager and the delegate to see if Lot 100 was required. On the same day, Wake managed to decide the application at 4.37 pm, without Lot 100. Ridiculous.

8. S7.2.2.3 (b) provides that QUDM Level III is to be applied as the appropriate stormwater engineering, being zoning of Low-medium Density, of rear lots.

S 7.6.3.1 (2) stipulates for a material change of use, there is a maxium of 30 l/s at kerb. Calulations show over 50 litres per second for each rear lot.

Therefore the kerb will never be a lawful point of discharge for the rear Lots 98,99,100.

RTI review reveals that Brisbane City Council employees have not applied any engineering calculations. Clear evidence of alleged stupidity, incompetence and unsatisfactory conduct by Council employees.

Level III QUDM cannot be utilised since the kerb will be busted at over 100 l/s.



The kerb cannot be used as lawful point of discharge for the rear lots if over 30 l/s. Council laws.

All Council employees allegedly knew this from 10/7/24 and are therefore liable to a damages claim in other courts against them. Simple.

9. Council response 31/1/25

In a response statement of 31/1/25, Sara McCabe for Council stated -

(c) the Upslope Lots are within the LMR3 Low-medium density residential (up to 3 storeys) zone in the City Plan and may be re-developed in the future with increased density;

(b) as indicated, they are "indicative" only and represent one way, but not the only way, that compliance can be achieved with the Disputed Conditions; and

Council staff have refused to supply stormwater engineering design details for the "one way" or "not the only way"

Busting the kerb by over 100 l/s causing flooding is not "one way" or not the only way" It is "no way" It is a flooding distaster.



Council employees are too embarrassed to provide the calculations for any way.

Council staff have refused to supply stormwater engineering design details to David Manteit or the Planning Court, for "not the only way". Apparently there are several ways, according to Sara McCabe and Council. No Council staff engineering has been supplied to David Manteit for "any way" whatsoever. Council employees know they have caused a flooding disaster at the kerb and onto the land at 128 Ashridge Rd.

It is alleged that Council employees, paid by Brisbane ratepayers are too embarrassed to advise David Manteit and the Planning Court that their stormwater calculations for the one way or any way, because they are a sham and they will lose their job.

The following alleged shameful Council engineering has been performed, as a minimum-

Flooding to be the result of Council employee engineering.

Council employees are hell bent at breaking Council laws just to see a flood.

Busted kerb at over 100 l/s at kerb.

Upstream drainage undersized pipe 225 mm. 300mm pipe required

Upstream drainage charged by around 1 metre below at kerb

Onsite drainage charged by around .4 -.5 metre at kerb

Onsite drainage not placed on lowest part of the kerb, as per BSD 8111 and causing damages to David Manteit of around \$172,000.

STA engineering requiring stormwater pipe to be 1.5, away from the retaining wall and therefore boundary.

Rear land falls to the West, not Ashridge Rd, as advised by 134 Ashridge Rd assessment manager.

Rear lots do not fall to Ashridge Rd at the rear boundary.

Forcement of appellant engineer to design unlawfully to adhere to red stormwater lines.



Alleged incompetence and stupidity already displayed by Council staff in relation to "Fill the site" conditions

No engineering analysis by Council of survey plan provided by the Applicant in the DA.

No engineering analysis by Council of S7.6.5 referred to by the applicant in the DA.

Sham Council rear right triangle not complying with BSD 8111.

Kerb adaptor 5.1m upslope from the lowest part of the kerb, Professional Certification Group advises that this location can only be changed by Council.

This is the only case in 412 approved Council subdivision cases last financial year where Council employees have engineered stormwater pipes. Including unlicence engineering. Council had one chance to do engineering and they have performed disastrous engineering for Council ratepayers.

There is no procedure at law by the DA applicant to change the Development Approval Council employee engineered plans without huge damages to the Respondent, causing damages to the DA applicnat and any future owner, "Markups" is a con. "Markups" is not for discussion. Council forcing an applicant engineer to lose his lengineering licence by designing unlawful engineering and pipes that are charged, undersized and usted at the kerb.

10. No evidence of any Council employee using a coefficient of .87 as per Table 7.2.2A, for low-medium density sites. No evidence of Rainfall intensity been applied by Council employees. This indicates alleged incompetence and unsatisfactory engineering.

11. The maximum 30 litres per second at the kerb as prescribed by S 7.6.3.1 (2) for material change of use for a low-medium density site means that there is no upslope pipe system that can be utilised using the kerb as Lawful point of discharge.



- (2) For development that is a material change of use (i.e. other than (1) above), Level III drainage (connection to kerb and channel) is only permitted if the total discharge from the development including any external catchment does not exceed 30L/s. Multiple hot dip galvanised rectangular hollow sections (RHS) 125/150/200mm wide x 75mm or 100mm high must be used (refer to [BSD-8113](#)).

Council employees knowingly were aware that the kerb will be busted by over 100 litres per second velocity, within 5 minutes after lodging the application. Council provided no information request to the applicant. No extension of time requested.

Council employees still demanding as of 31/1/25 that Council have designed the system as "one way" and there are many "other ways." Clearly a dishonest statement, If the statement is not dishonest, please write to me immediately with one way. Otherwise, please get ready for the Trial and the Magistrates Court Case.

Evidence of alleged stupidity, incompetence and performance of unsatisfactory professional conduct for a registered Professional Engineer (and unregistered as per S115 and per Schedule 2 of the Professional Engineers Act 2002.)

12. The highest fully developed roof systems as requirement per S7.6.5 for low-medium density is subdivision of 3 lots, which could be 6 duplexes which could then be 6 freehold lots. Coefficient .87 under the Rational method.

In the case of Lot rear lots 98 and 99, the lowest size is 180sqm, with 80% site cover (plus extras).

Examples at 85 and 101 Ducie St Darra 1012sqm low-medium density

Each lots were 1012 sqm, LMR2 .Same rear lot maximum size as LMR 3. Minimum front lot 250sqm.(70% plus extras). 3 lots. Sizes (Small lot) are 331 sqm at the front and rear of 350 sqm (Small lot) at the rear.

Small Lot Code provides for 60% site cover which is only wall, not roof, Allowing for



Roof calculation without the Rational Method.

Site cover	198
Eaves	36 (already lawful)
Patio	40
Carport	36
Garage	15 (already lawful to .5m or 1.0m from the boundary)
Total roof size	<u>325</u>

% roof cover 95%

Falls in line with Council coefficient .87

AO8

Development results in a maximum site cover of:

- a. 50% where the lot is 400m² or more; or
- b. 60% where the lot is 300m² or more and less than 400m²; or
- c. 70% where the lot is 200m² or more and less than 300m²; or
- d. 80% where the lot is less than 200m².

Editor's note—For the purposes of determining compliance with AO8 reference is to be made to section 1.7.6.

SITE COVER**ADMINISTRATIVE TERM**

Site cover, of development, means the portion of the site, expressed as a percentage, that will be covered by a building or structure, measured to its outermost projection, after the development is carried out, other than a building or structure, or part of a building or structure, that is—

- a. in a landscaped or open space area, including, for example, a gazebo or shade structure; or
- b. a basement that is completely below ground level and used for car parking; or
- c. the eaves of a building; or
- d. a sun shade.

Patio cover**Patio cover**

13. Even if the rear sites were low density zone, the kerb is still busted being over 30 l/s at kerb, based on coefficient of .85, and is estimated to be 95 litres per second for 2 rear lots, or 4 subdivided lots.

Roof area = site cover 50% = 1116 sqm plus eaves, carports ,patios etc., $4 \times 118 = 472$.
Total roof area = 1588 sqm.

Based on S 7.2.2.3 of 15 l/s per 250sqm of roof, without applying the Rational method –

$1588/250 \times 15 = 95$ litres/second for the two rear lots. 47.5 l/s for one rear lot. Busted,

14. The nominated pipe size of **225mm for Upstream drainage** is busted and a sham and is undersized and is estimated to require a minimum 300-375 mm pipe. Alleged stupidity, incompetence and unsatisfactory professional conduct for a registered professional engineer (and unregistered.)

15. It is alleged that Brisbane City Council employees have **not applied principles of Level III** of the Queensland Urban Drainage Manual, demonstrating alleged incompetence and unsatisfactory engineering.

16. It is alleged that Council employees have allegedly dishonestly tried to bluff their way by pretending to perform engineering, both licenced and unlicenced.

17. There is alleged clear evidence that employees have performed unlicenced engineering which is punishable as an offence under S 15(1) of the Crime and Construction Act 2001.

18. It is clear that Brisbane City Council employees have allegedly been incompetent and performed unsatisfactory professional conduct by an engineer, by not complying with Brisbane Planning Scheme Policies, including Chapter 7 Stormwater Drainage, in relation to Council employee engineered Upstream and Onsite Drainage.

19. Both the Council employee engineered Upstream and Onsite Drainage systems engineering are charged and end up below the kerb. Clear evidence of alleged unsatisfactory professional conduct of a Professional engineer.

20. There is no evidence of Council employees performing engineering in relation to S 7.4.7 Easement requirements nor the STA Engineers engineered retaining wall zone of influence requiring 1.5m setback for stormwater pipes, Clear evidence of unsatisfactory professional conduct of a registered engineer.

21. It is alleged that Council employees have caused the Appellant over \$150,000 in damages due to the unsatisfactory engineering, to be considered in other courts.

22. It is alleged that Council employees have failed to properly examine the fall of the rear land to the rear boundary, which was in fact examined in the case of 134 Ashridge Rd Darra DA application. (Land falls to the right).

128 Ashridge Rd clearly is upslope to the rear lots. Surveying information lodged on 10/7/24 indicates that the land falls from the Ashridge Rd front boundary to the rear lot boundary.

Surveyor information provided in the DA shows a slope of up to 1.85 m down to the rear lot. 128 Ashridge Rd is the Upslope lot. In addition, updated surveyor spot levels show that land of 128 Ashridge Rd Darra falls over the boundary. This negates any argument by Council as to land from the rear lot falls to the rear boundary.



Council have provided no proof the rear land falls to the rear boundary. Again, only 17 metres away, RTI review provides that the assessment manager was in the opinion that the land falls to the right.

23. It is alleged that Council employees are hiding their engineering fall calculations for both the Council engineered Upstream and Onsite Drainage systems.

Scott Ruhland "If there are any further engineering questions regarding this application, please see me." On many occasions.

Lucy Ting "Morning Joel I can confirm that the marked up stormwater requirement on the ROL Plan is accurate"

Scott Ruhland can answer all engineering questions but is unlicensed. Why is Ruhland not able to respond to any Engineering questions from David Manteit? Where are the accurate calculations of the stormwater requirement from Lucy Ting ?

24. All of the abovementioned Council employees are required to attend the trial on 28/4/25 to explain their engineering and alleged incompetent assessment blunders.

23. Further information to be supplied via the Office of the Information Commissioner. Council staff cannot hide their engineering calculations.

24. Full RTI audit to follow.

25. A sample of Council Tables and sections below –

Table 7.2.2.2.A—Rainfall intensity-frequency-duration (IFD) for Brisbane							
Duration (minutes)	Probability (AEP and ARI) and intensity (mm/h)						
	63%	39%	18%	10%	5%	2%	1%
	1 year	2 year	5 year	10 year	20 year	50 year	100 year
5	117	151	191	215	248	291	325
6	110	141	179	202	232	273	304
7	103	133	169	190	219	258	288
8	98	126	161	181	209	246	274
9	94	121	154	173	200	236	263
10	90	116	147	167	192	227	253
11	86	111	142	161	185	219	244
12	83	107	137	155	179	212	237
13	80	104	133	150	174	205	229
14	78	100	129	146	169	199	223
15	75	97	125	142	164	194	217

Table 7.2.2.3.B—Design standards for drainage systems			
Development category	Design parameter	Minimum design standard	
		AEP	ARI (years)
Rural areas (typically 2–5 dwellings per hectare)	Minor drainage system	39%	2
	Major drainage system	2%	50
Residential developments (Low density residential)	Minor drainage system	39%	2
	Major drainage system	2%	50
	Roof water drainage	Level II QUDM	
Residential developments (Low–medium density to High density)	Minor drainage system	10%	10
	Major drainage system	2%	50
	Roof water drainage	Level III and Level IV QUDM	
Industrial uses	Minor drainage system	39%	2
	Major drainage system	2%	50
	Roof water and lot drainage	Level IV QUDM	
Commercial land uses (centre zones)	Minor drainage system	10%	10
	Major drainage system	2%	50
	Roof water and lot drainage	Level IV and V QUDM	

7.6.3.1 Connection to kerb and channel

- (1) The maximum permissible discharge to the kerb and channel must be limited to 30L/s (i.e. maximum 2 single house lots per discharge point dependent on roof area), and twin 100mm diameter pipes (equivalent 150mm diameter) with approved kerb adaptors.
- (2) For development that is a material change of use (i.e. other than (1) above), Level III drainage (connection to kerb and channel) is only permitted if the total discharge from the development including any external catchment does not exceed 30L/s. Multiple hot dip galvanised rectangular hollow sections (RHS) 125/150/200mm wide x 75mm or 100mm high must be used (refer to [BSD-8113](#)).
- (3) Only approved full-height kerb adaptors, complying with [BSD-8114](#) are permitted. The kerb adaptors must be placed in a location where service pits on the footpath will not conflict with the future pipe location.
- (4) Discharge into the high side kerb of a one-way crossfall street is generally not permitted for any development other than a single-house dwelling.



Table 7.2.2.2.A—Rainfall intensity-frequency-duration (IFD) for Brisbane

Duration (minutes)	Probability (AEP and ARI) and intensity (mm/h)						
	63%	39%	18%	10%	5%	2%	1%
	1 year	2 year	5 year	10 year	20 year	50 year	100 year
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6	110	141	179	202	232	273	304
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11	86	111	142	161	185	219	244
12	83	107	137	155	179	212	237
13	80	104	133	150	174	205	229
14	78	100	129	146	169	199	223

AO8

Development results in a maximum **site cover** of:

- 50% where the lot is 400m² or more; or
- 60% where the lot is 300m² or more and less than 400m²; or
- 70% where the lot is 200m² or more and less than 300m²; or
- 80% where the lot is less than 200m².

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SITE COVER**ADMINISTRATIVE TERM**

Site cover, of development, means the portion of the site, expressed as a percentage, that will be covered by a building or structure, measured to its outermost projection, after the development is carried out, other than a building or structure, or part of a building or structure, that is—

- in a landscaped or open space area, including, for example, a gazebo or shade structure; or
- a basement that is completely below ground level and used for car parking; or
- the eaves of a building; or
- a sun shade.

Patio cover**Patio cover****AO6**

Development results in a minimum side boundary **setback** that is:

- 1m for habitable spaces; or
- 0.5m and a maximum height of 3.5m for non-habitable spaces only for a maximum length of:
 - 15m, where located in the Low-medium density residential zone, Medium density residential zone or High density residential zone; or
 - 9m, where in the Low density residential zone or the Character residential zone; or

END



EXHIBIT "A"

Planning and Environment Court

David Manteit V Brisbane City Council 2916/24

Right to information review

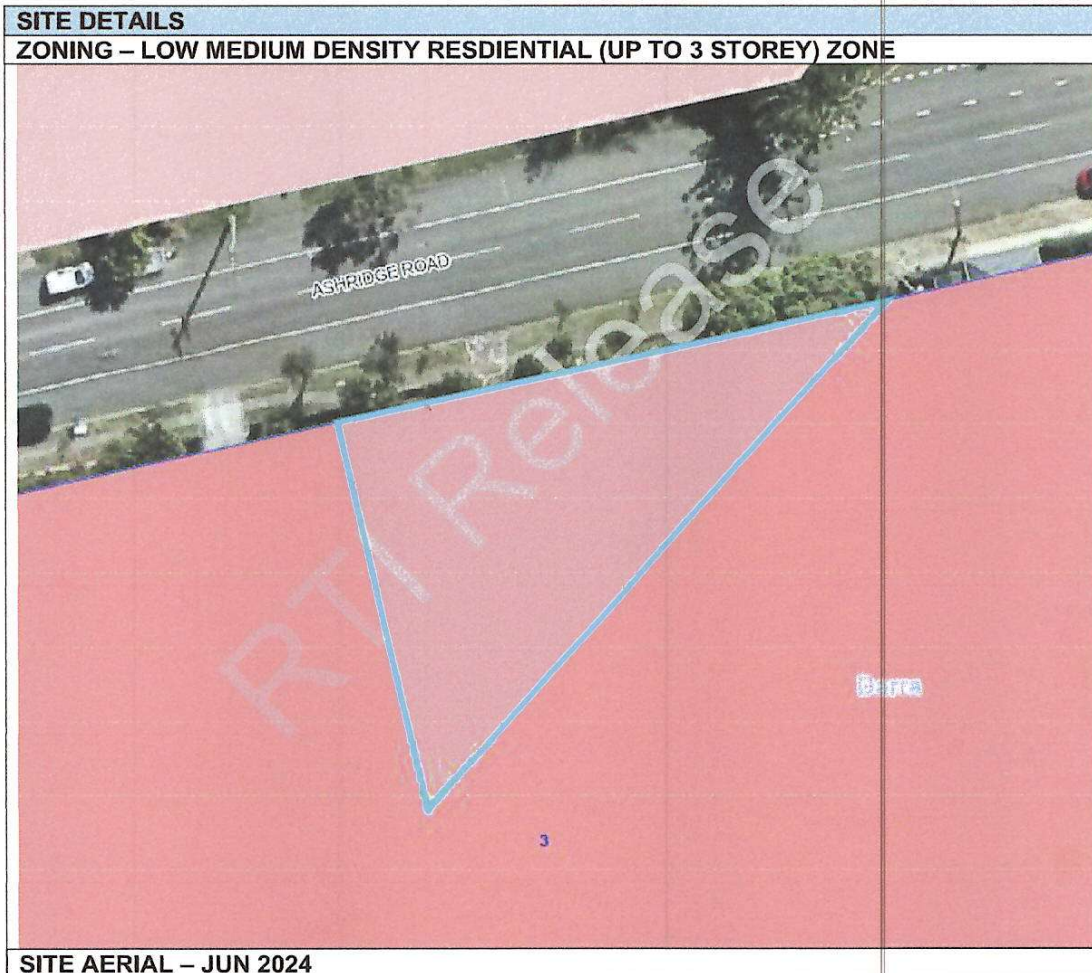
Pages 1-49

1

Assessment Workbook
A006565555 – 128 ASHRIDGE RD DARRA QLD 4076

The Council has received a development application under the *Planning Act 2016*. The following provides a summary of the application details and assessment undertaken.

APPLICATION STATUS (ACTIVE/INACTIVE)		
DA Rules Part	Due/Sent Dates	Comments
Properly made	23/07/2024	
Confirmation	6/08/2024	Not required
IR	21/08/2024	Not sent
Decision	25/09/2024	



a



STREET VIEW – FEB 2024



PROPOSAL

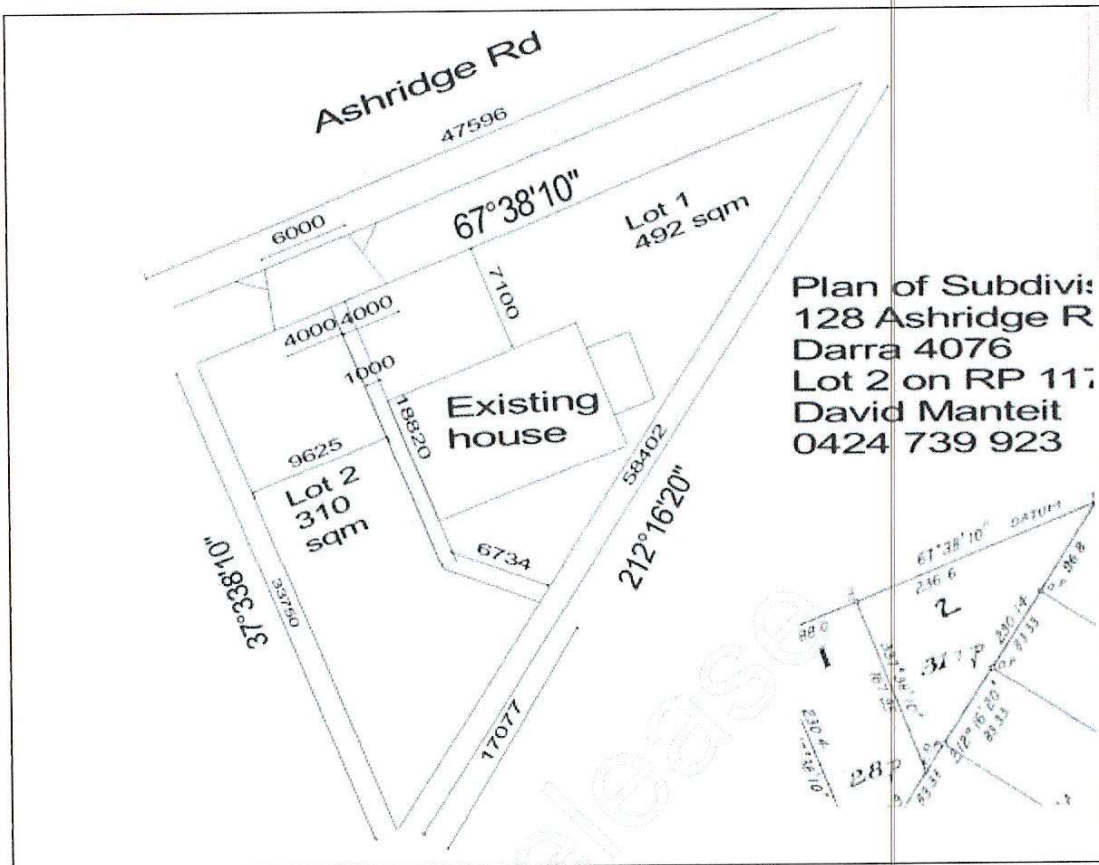
Reconfiguring a lot (1 into 2 lots)

- proposed Lot 1: 492m²
- proposed Lot 2: 310m²

Existing house to remain on Lot 1

Access via a shared crossover to Ashridge Road which is mapped as a District Road

SUBDIVISION PLAN



SITE HISTORY							
No relevant development history							
L 2/RP 117157 L 2 RP 117157 PAR OXLEY						No Child Properties	No Parent Properties
Official Location		128 ASHRIDGE RD DARRA QLD 4076					
DART APPLICATIONS							
Application Ref	Application Type	Shop/Unit Recd Date	Status Date	Status	All Works Finalised	Old Appln No	Purpose
A006565555	DA - PA - Reconfiguring a Lot	10-JUL-2024		Assessment	N/A	2241050	Reconfiguring a lot (1 into 2 lots)
DRAINAGE PLANS							
Drainage Plan No. Roll No/File No.		Microfilm Date					
202001		Roll no. 440 File no: 158881 06-NOV-1973					
BUILDING CARDS (MICROFILMED)							
M004-027-048							
PROPERTY NOTICES							
Created Date By	Closure Date Reason	Notify Date	Served On	Action Nature	Status	Reference	
15-MAY-2017 066823	15-MAY-2017 Compliance Achieved	15-MAY-2017	Owner	Vegetation	Closed - Complied	CA111463	
Comments	PEST PLANT ADVISORY LETTER -						
Dedicated to a better Brisbane				Properties on the Web (5.2.2)			
© Brisbane City Council				Page generated: Jul 29, 2024 2:50pm			

PRELODGEEMENT HISTORY	
A00	NO PRELODGEEMENT MEETING

PERMITS, CATEGORIES OF ASSESSMENT AND APPLICABLE CODES
The application has been assessed in accordance with the <i>Planning Act 2016</i> . The application is

Handwritten signature or mark.

subject to (Code / Impact) assessment according to the Tables of Assessment – Part 5 of the Brisbane City Plan 2014.			
Zone	Permit – COA	Applicable Codes	
LOW MEDIUM DENSITY RESIDENTIAL (UP TO 3 STOREYS) ZONE			
NP	Permit – COA	Applicable Codes	
DARRA-OXLEY DISTRICT NEIGHBOURHOOD PLAN			
DARRA-OXLEY DISTRICT NP - DARRA CENTRE PRECINCT			
DARRA-OXLEY DISTRICT NP - DARRA RESIDENTIAL 1B SUB-PRECINCT			
Overlay	Permit – COA	Applicable Codes	
AIRPORT ENVIRONS OVERLAY			
AIRPORT ENVIRONS OVERLAY - BIRD AND BAT STRIKE ZONE SUB-CATEGORIES			
AIRPORT ENVIRONS OVERLAY - WITHIN 6KM MAX INTENSITY OF LIGHT SOURCES 3 DEGREES ABOVE HORIZON SUB-CAT			
AIRPORT ENVIRONS OVERLAY - ZONE D - 450 CANDELA - 1500M WIDE 4500M FROM RUNWAY STRIP SUB-CATEGORY			
AIRPORT ENVIRONS OVERLAY - LIGHT INTENSITY SUB-CATEGORIES			
AIRPORT ENVIRONS OVERLAY - CONICAL LIMITATION SURFACE CONTOURS SUB-CATEGORY			
AIRPORT ENVIRONS OVERLAY - OBSTACLE LIMITATION SURFACES (OLS) SUB-CATEGORIES			
AIRPORT ENVIRONS OVERLAY - PROCEDURES AIR NAV SERVICES-AIRCRAFT OPS SURFACES SUB-CATEGORIES			

5

AIRPORT ENVIRONS OVERLAY - BBS SUB-CATEGORIES - DISTANCE FROM AIRPORT 3- 8KM SUB-CATEGORY			
BICYCLE NETWORK OVERLAY			
CRITICAL INFRASTRUCTURE AND MOVEMENT NETWORK (CIMN) OVERLAY			
CRITICAL INFRASTRUCTURE AND MOVEMENT NETWORK (CIMN) OVERLAY - CIMN PLANNING AREA SUB- CATEGORY			
COMMUNITY PURPOSES NETWORK OVERLAY			
DWELLING HOUSE CHARACTER OVERLAY	N/A		
ROAD HIERARCHY OVERLAY	Code		
STREETSCAPE HIERARCHY OVERLAY	Code		

REFERRAL REQUIREMENTS		
Agency	Trigger	Comments <small>(include initial & progress status: referred by applicant, advice provided, re-referred if changes made to the application)</small>
NO REFERRAL REQUIRED		

COUNCILLOR COMMENTS		
Ward	Councillor	Date referred
Jamboree	Cr Hutton	29-JUL-2024
Comments		
No comments provided		

DTM ISSUES	
Issue	Comments
SCOPING 26/7- Google street view shows a small street tree where the driveway for proposed lot 2 will be constructed	Street tree confirmed for removal. PPI agreed on outcome as part of Street tree scrub. Refer to SCRUM memo in merge docs



SCOPING 26/7- according to applicant the existing retaining wall along western boundary to be raised to obtain lawful point of discharge - streetview shows this retaining wall in disrepair and will need to be reconstructed - check with engineering and if a dilapidation report is required (described as an "Old Leaning Block Ret Wall")		
SCOPING 26/7- Lawful point of discharge		

NB: The Issues Summary should be an overview of the assessment of the application. The table below can be used or simply to provide a guide of the information that should be represented in the Issues Summary to 'tell the story' of the assessment and the recommendation for your delegate.

ISSUES SUMMARY		
Discipline	Issue / CP 2014 criteria (insert additional row/s to detail each individual issue)	Comments <i>Details regarding application history and progression of issues through the assessment process and how they are resolved.</i>
Planner		Initial assessment <i>(include outcome: PO supported; Raise in IR; No requirement)</i>
		Response to IR <i>(include outcome: Meets AO; PO supported; Raise in FI; Ground for refusal)</i>
		Further Issues <i>(include outcome: Meets AO; PO supported; Ground for refusal)</i>
Engineering		Initial assessment <i>(include outcome: PO supported; Raise in IR; No requirement)</i>
		Response to IR <i>(include outcome: Meets AO; PO supported; Raise in FI; Ground for refusal)</i>
		Further Issues <i>(include outcome: Meets AO; PO supported; Ground for refusal)</i>
Ecology		Initial assessment <i>(include outcome: PO supported; Raise in IR; No requirement)</i>
		Response to IR <i>(include outcome: Meets AO; PO supported; Raise in FI; Ground for refusal)</i>
		Further Issues <i>(include outcome: Meets AO; PO supported; Ground for refusal)</i>
Landscape Architecture		Initial assessment <i>(include outcome: PO supported; Raise in IR; No requirement)</i>
		Response to IR <i>(include outcome: Meets AO; PO supported; Raise in FI; Ground for refusal)</i>
		Further Issues <i>(include outcome: Meets AO; PO supported; Ground for refusal)</i>
Architect		Initial assessment <i>(include outcome: PO supported; Raise in IR; No requirement)</i>

EMO		Response to IR (include outcome: Meets AO; PO supported; Raise in FI; Ground for refusal)	
		Further Issues (include outcome: Meets AO; PO supported; Ground for refusal)	
		Initial assessment (include outcome: PO supported; Raise in IR; No requirement)	
		Response to IR (include outcome: Meets AO; PO supported; Raise in FI; Ground for refusal)	
		Further Issues (include outcome: Meets AO; PO supported; Ground for refusal)	

OTHER ASSESSMENT MATTERS (e.g. Human Rights, Regional Plan, State Planning Policy, concept plans, meeting with applicant)	
Assessment Matter	Comments
UPSTREAM DRAINAGE CONNECTION	Application at 134 Ashridge (A006534919) did not request / condition connection (refer below note from WB)
<p>Upstream drainage easement not required – AM confirmed with engineer on 21/6.</p>	
Discussion with SV team	Spoke to Jay Chambers about 1m setback for existing house. Jay confirmed that it is likely something that they would not object to through a SV process given limited openings on the existing house and the fact that someone that buys the property will be aware of the proximity of the adjoining house.
Confirmation from TST about plan mark ups	Carried mark ups over to plan of subdivision. Confirmation below that TST is happy with mark ups and final plan
<p>Lucy Ting 10:58 am</p>	

FILE REVIEW DISCUSSIONS/ACTIONS	
Date of file review	Performance Outcomes agreed, actions and advice provided. Please include the name of the Delegate
FILE REVIEW 01/0/2024	<p>Present: M. Orr, Z. Piper, T. Byrne, K. Kelly</p> <p>Lot sizes and layout look to be ok albeit a little oddly shaped. Check with SV team about siting variation for the retention of the existing house Review some of the engineering outcomes including stormwater and the retaining wall on the western boundary Send to LA and take to street tree scrub Consider not sending an IR if outcomes can be conditioned.</p>

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RTI Release

2

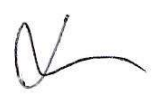
9

CHECKLIST FOR FILE REVIEWS					
	Completed	N/a	Date		Comments
Fee reduction, waiver, refund request					
Fee memo completed and sent to the Team Manager	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Early scoping work request assigned to AM					
All the relevant work requests have been sent to Engineering and Specialist Services, Design Brisbane and City Plan Operations team (Strategic advice)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Relevant planning history files have been requested	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Early scoping work request has been closed if the application is properly made and scoping has been completed	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Initial assessment (post properly made)					
Update 'Assessment Part' in DART and the Application Tracking spreadsheet	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
NAD and the Assessment Workbook have been generated and the Planners Portfolio has been uploaded to DART	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
'Call First' completed and the running sheet in DART has been updated	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Initial check of the application completed by Assessment Manager (AM) (Categories of development and assessment, permits and description of development, owner's consent, referrals, IR opt out etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Does the application need to be escalated to the Team Manager/Planning Services Manager?	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Has the Local Councillor been notified of the application?	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Prior to sending any Information request (IR)					
Discuss with Delegate/Team Manager if a site visit is required before issuing any Information request	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Review any applicable Prelodgement advice and contact Prelodgement Services if the draft IR is inconsistent with the advice provided in the Prelodgement Meeting Record/s	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Identify conflicting advice from the Assessment Team and call and/or organise a meeting with relevant Engineer/Specialist to clarify matters/confirm position	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

CHECKLIST FOR FILE REVIEWS				
	Completed	N/a	Date	Comments
Determine if there are any items to be included in an IR. If no IR, update 'Assessment Part' in DART and update Application Tracking spreadsheet	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
NAD and Assessment Workbook are completed as much as possible, assessment against the applicable assessment benchmarks completed and saved in the Planners Portfolio and draft conditions set	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Is advice required from Planning DRG/Infrastructure DRG?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Does the application need to be escalated to the Team Manager/Planning Services Manager?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Waiting for the Information Request (IR) response				
Update 'Assessment Part' in DART and the Application Tracking spreadsheet	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Check in with Applicant 2 weeks before IR response is due and determine if an extension to the IR response period is required	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
IR response received				
Update 'Assessment Part' in DART and the Application Tracking spreadsheet	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Work requests sent to Engineering and Specialist Services to review IR response	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Does the application need to be escalated to the Team Manager/Planning Services Manager?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Assessment of the Information Request response completed and recorded in the Planners Portfolio, NAD and Assessment Workbook	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Notice of compliance received (if applicable)				
Update 'Assessment Part' in DART and the Application Tracking spreadsheet	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Public notification has been undertaken correctly and the 'advertised correctly' box in the submission tab on DART has been ticked	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Issues raised in submissions reviewed and response documented in the NAD	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Send reminder email to the Local Councillor if the Local Councillor has not yet commented	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Decision stage for the Application				

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CHECKLIST FOR FILE REVIEWS					
	Completed	N/a	Date		Comments
Update 'Assessment Part' in DART and the Application Tracking spreadsheet	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Have Engineering and Specialist work requests and conditions have been finalised?	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Confirm if there are any outstanding issues or if application is 'decision ready' If issues, discuss the issues with the Delegate and determine if a Further issues letter is to be sent to the Applicant If no issues, place application on the Decision Ready List and team target list	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Send Further issues letter and record decision date in Application Tracking spreadsheet, DART and in diary/calendar to ensure the application does not become 'deemed approved'	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
If there are no outstanding issues and an ICN is required, fill in the ICN calculation form and send a work request to the TIC team	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Determine if the decision period for the application needs to be extended	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Does the application need to be escalated to the Team Manager/Planning Services Manager?	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Application has been placed on the DRL	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Proactive or reactive media template completed	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Amendments in red to approved documents discussed with the Applicant before deciding the application	<input type="checkbox"/>	<input checked="" type="checkbox"/>			





12

DART Work Request Details Report

Permit

Project Ref: 2241050

Permit Ref: DARL452133624

Permit Status: Suspended

Permit Type: DA - PA - Reconfiguring a Lot

Location/s: 128 ASHRIDGE RD DARRA QLD 4076

Client Name: Manteit, David John Leslie

Client Address: 128 Ashridge Road DARRA QLD 4076

Contact Numbers: (Ph)

(Fax)

(Mobile) 0424 739 923

(Email) davidmanteit@hotmail.com

Client Name: Manteit, David John Leslie

Client Address: 128 Ashridge Road DARRA QLD 4076

Contact Numbers: (Ph)

(Fax)

(Mobile) 0424 739 923

(Email) davidmanteit@hotmail.com

Work Request

Assigned To: RUHLAND, Scott

From Date: 20 August 2024

Due Date: 3 September 2024

Completed: Y

Actual Date: 3 September 2024

Request Type: Advice

Advice Type: Engineering

Key Issues: Hi Scott,

As discussed, sending this back for confirmation on the upstream connection and a review of the retaining wall / filling requirements.

Thanks,

Joel

Work Request Outcome: Completed

Action Taken: Hi Joel,

ENG Conditions entered in accordance with TST-Traffic and TST-Hydraulics advice where applicable. Stormwater Drainage Plan uploaded to EXT Docs for approval.

If there are any further Engineering questions regarding this application, please see me.

Cheers,

Scott

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DART Work Request Details Report

13

Permit

Project Ref: 2241050

Permit Ref: DARL452133624

Permit Status: Suspended

Permit Type: DA - PA - Reconfiguring a Lot

Location/s: 128 ASHRIDGE RD DARRA QLD 4076

Client Name: Manteit, David John Leslie

Client Address: 128 Ashridge Road DARRA QLD 4076

Contact Numbers: (Ph)

(Fax)

(Mobile) 0424 739 923

(Email) davidmanteit@hotmail.com

Client Name: Manteit, David John Leslie

Client Address: 128 Ashridge Road DARRA QLD 4076

Contact Numbers: (Ph)

(Fax)

(Mobile) 0424 739 923

(Email) davidmanteit@hotmail.com

Work Request

Assigned To: TING, Lucy

From Date: 20 August 2024

Due Date: 3 September 2024

Completed: Y

Actual Date: 2 September 2024

Request Type: Advice

Advice Type: Engineering

Key Issues: Hi TST Hydraulics,

Please review this application. Assessment Report in EXT Docs.

Proposal: ROL 1 into 2

Previous Applications/Site History: NIL

Flooding: NIL

LGIP: NIL

Comments: Seeking comments regarding Filling for LPD and most importantly provision of upstream connection. Refer comments in Assessment Report regarding absolute refusal to any request for providing an upstream connection. Please confirm if required and if so which lots. This will likely be conditioned.

Please provide comments to me.

Thanks, Scott.

Work Request Outcome: Completed

Action Taken: See Lucy Ting email advice 02/09/2024



DART Work Request Details Report

14

Permit

Project Ref: 2241050

Permit Ref: DARL452133624

Permit Status: Suspended

Permit Type: DA - PA - Reconfiguring a Lot

Location/s: 128 ASHRIDGE RD DARRA QLD 4076

Client Name: Manteit, David John Leslie

Client Address: 128 Ashridge Road DARRA QLD 4076

Contact Numbers: (Ph)
(Fax)
(Mobile) 0424 739 923
(Email) davidmanteit@hotmail.com

Client Name: Manteit, David John Leslie

Client Address: 128 Ashridge Road DARRA QLD 4076

Contact Numbers: (Ph)
(Fax)
(Mobile) 0424 739 923
(Email) davidmanteit@hotmail.com

RTI Release



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DART Work Request Details Report

Work Request

Assigned To: RUHLAND, Scott

From Date: 12 July 2024

Due Date: 26 July 2024

Completed: Y

Actual Date: 24 July 2024

Request Type: Code

Advice Type: Engineering

Key Issues: ROL - 1 into 2

Work Request Outcome: Completed

Action Taken: Initial ENG assessment complete, RFI required.

Upstream Connection

1. The proposed plans do not show provision for a lawful point of discharge for the future development of upstream lots as well as existing development.

Provide amended plans that show:

- i) An upstream connection to provide for the lawful point of discharge for the future development of upstream lots (Lots 97, 98 and 99 on RP 29723) and existing development in accordance with PO11 of the Stormwater Code and Chapter 7 of the ID PSP. These plans are to be RPEQ certified.
- ii) Easements are required over the above drainage in accordance with PO3 of the Stormwater Code and Section 7.1 of ID PSP

The proposed crossover may also clash with an existing street tree and may require street tree scrub advice.

If there are any Engineering questions regarding this application, please see me.

Cheers,
Scott.



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DART Work Request Details Report

Permit

Project Ref: 2241050

Permit Ref: DARL452133624

Permit Status: Suspended

Permit Type: DA - PA - Reconfiguring a Lot

Location/s: 128 ASHRIDGE RD DARRA QLD 4076

Client Name: Manteit, David John Leslie

Client Address: 128 Ashridge Road DARRA QLD 4076

Contact Numbers: (Ph)
(Fax)
(Mobile) 0424 739 923
(Email) davidmanteit@hotmail.com

Client Name: Manteit, David John Leslie

Client Address: 128 Ashridge Road DARRA QLD 4076

Contact Numbers: (Ph)
(Fax)
(Mobile) 0424 739 923
(Email) davidmanteit@hotmail.com

Work Request

Assigned To: GIBBS, Tom

From Date: 12 July 2024

Due Date: 26 July 2024

Completed: Y

Actual Date: 19 July 2024

Request Type: Advice

Advice Type: Engineering

Key Issues: Hi TST Traffic,
Please review this application.
Proposal: ROL 1 into 2
Previous Applications/Site History: NIL
Road Hierarchy: Ashridge Road = District Road
LGIP/RPN: NIL
Comments: Please assess and advise of any further requirements.
Please provide comments to me.
Thanks, Scott.

Work Request Outcome: Completed

Action Taken: TST traffic memo in merge docs



Dedicated to a better Brisbane

Brisbane City Council ABN 72 002 765 795

**City Planning & Sustainability
Development Services**

Brisbane Square, 266 George Street, Brisbane Qld 4000
GPO Box 1434 Brisbane QLD 4001
T 07 3403 8888
www.brisbane.qld.gov.au

21 August 2024

Mr David Manteit
C/- David Manteit
128 Ashridge Road
DARRA QLD 4076

Application Reference: A006565555
Address of Site: 128 ASHRIDGE RD DARRA QLD 4076

Dear David,

RE: Information request under the *Planning Act 2016*

Council has carried out an initial review of the above application and has identified that further information is required to fully assess the proposal.

Stormwater discharge

1. The development proposes to discharge a portion of the stormwater to the rear of proposed Lot 2 and further states that upslope connections for several lots fronting Killarney Avenue are not required. Limited information or plans have been provided to demonstrate that this will not worsen flood nuisance to the proposed lots and adjoining properties in accordance with the requirements of the Stormwater code.
 - a. Provide a Site Based Stormwater Management Plan prepared by a Registered professional Engineer of Queensland (RPEQ) demonstrating how all lots achieve a lawful point of discharge.
 - b. Provide a concept earthworks plan demonstrating why it is not possible to provide an upslope connection to Lots 97, 98 and 99 on RP 29723.

Street tree

2. The proposed shared access appears to impact an existing street tree, however this has not been shown on the proposed plans.
 - a. Provide amended plans showing the location of existing street trees in relation to the proposed crossover.

Urban Utilities (UU)

Council does not undertake water and sewer assessment of any planning applications. Contact UU on (07) 3432 2200 to discuss any water and sewer issues and whether you are required to submit an application to UU for assessment.

.../2

Responding to this request

Your response should include a summary table which outlines any changes to performance outcomes and plans that have resulted from addressing the issues outlined above. The table should also include details of any supporting documentation.

If a response is not provided within the prescribed response period of three (3) months assessment of the application will continue from the day after the day on which the response period would have otherwise ended.

Email your response to DSPlanningSupport@brisbane.qld.gov.au quoting the application reference number A006565555.

Please phone me on telephone number below during normal business hours if you have any queries regarding this matter.

Yours sincerely

Sch. 4(4)(6) / Sch. 4(3)(3)

Joel Wake
Senior Urban Planner
Planning Services South
Phone: (07) 3178 7467
Email: joel.wake@brisbane.qld.gov.au
Development Services
Brisbane City Council



NOTICE ABOUT DECISION ASSESSMENT REPORT (s63 Development Application)

6 November 2024

SITE:

Address of Site:	128 ASHRIDGE RD DARRA QLD 4076
Real Property Description:	L2 RP.117157
Area of Site:	802 m ²
Zone:	LOW MEDIUM DENSITY RESIDENTIAL (UP TO 3 STOREYS) ZONE
Name of Ward:	Jamboree

APPLICATION:

Aspects of Development:	DA - PA - Reconfiguring a Lot – Development Permit
Description of Proposal:	Reconfiguring a lot (1 into 2 lots)
Applicant:	David John Leslie Manteit C/- David John Leslie Manteit 128 Ashridge Road DARRA QLD 4076
Application Reference:	A006565555
Application Made Date:	23 July 2024

City Plan 2014

Zone:	LOW MEDIUM DENSITY RESIDENTIAL (UP TO 3 STOREYS) ZONE
Neighbourhood plan:	DARRA-OXLEY DISTRICT NEIGHBOURHOOD PLAN
Neighbourhood plan precinct:	DARRA-OXLEY DISTRICT NP - DARRA CENTRE PRECINCT
Neighbourhood plan sub-precinct	DARRA-OXLEY DISTRICT NP - DARRA RESIDENTIAL 1B SUB-PRECINCT
Overlays:	AIRPORT ENVIRONS OVERLAY
Overlays:	BICYCLE NETWORK OVERLAY
Overlays:	CRITICAL INFRASTRUCTURE AND MOVEMENT NETWORK (CIMN) OVERLAY
Overlays:	COMMUNITY PURPOSES NETWORK OVERLAY
Overlays:	DWELLING HOUSE CHARACTER OVERLAY
Overlays:	ROAD HIERARCHY OVERLAY
Overlays:	STREETSCAPE HIERARCHY OVERLAY
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - BIRD AND BAT STRIKE ZONE SUB-CATEGORIES
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - WITHIN 6KM MAX INTENSITY OF LIGHT SOURCES 3 DEGREES ABOVE HORIZON SUB-CAT
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - ZONE D - 450 CANDELA - 1500M WIDE 4500M FROM RUNWAY STRIP SUB-CATEGORY
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - LIGHT INTENSITY SUB-CATEGORIES
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - CONICAL LIMITATION SURFACE CONTOURS SUB-CATEGORY
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - OBSTACLE LIMITATION SURFACES

	(OLS) SUB-CATEGORIES
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - PROCEDURES AIR NAV SERVICES- AIRCRAFT OPS SURFACES SUB-CATEGORIES
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - BBS SUB-CATEGORIES - DISTANCE FROM AIRPORT 3-8KM SUB-CATEGORY
Overlay Categories:	CRITICAL INFRASTRUCTURE AND MOVEMENT NETWORK (CIMN) OVERLAY - CIMN PLANNING AREA SUB-CATEGORY

The Council received a development application under the *Planning Act 2016* as detailed above.

1. The Planning Act 2016

The application has been assessed in accordance with the Planning Act 2016.

2. THE PROPOSAL

The application seeks approval for the following aspects of development:

Development Permit – Reconfiguration of a lot (1 into 2 lots).

A notice under s75 of the Planning Act 2016 to make change representations to the decision granted on 18 October 2024, was submitted on 24 October 2024.

3. ASSESSMENT BENCHMARKS AND COMPLIANCE

- The proposal reflects the relevant aspects with the following assessment benchmarks of the *Brisbane City Plan 2014*.
- The proposal complies fully with the relevant assessment benchmarks of the State Planning Policies.
- There are no temporary local planning instruments relevant to the application.

4. PLANNING SCHEME AND PLANNING SCHEME POLICIES

The proposal complies with the following assessment benchmarks of the *Brisbane City Plan 2014*:

- Low medium density zone code
- Darra – Oxley district neighbourhood plan code
- Subdivision code
- Bicycle network overlay code
- Community purposes network overlay code
- Road hierarchy overlay code
- Streetscape hierarchy overlay code
- Prescribed secondary codes as per Table 5.3.5.1 of City Plan 2014

5. MATTERS RAISED IN SUBMISSIONS

Under the Planning Act 2016, public notification of the proposal was not required.

6. MATTERS PRESCRIBED BY REGULATION

There were no further matters prescribed by regulation.

7. CHANGE REPRESENTATIONS MADE DURING THE APPLICANT'S APPEAL PERIOD

The applicant made change representations about matters in the development approval during the applicant's appeal period. The following table details Council's consideration of the matters raised and how they were dealt with.

Applicant's change representation	How the matter was dealt with	
<p>24) Permanent Driveway Crossover</p> <ul style="list-style-type: none"> - Concerns raised that Council have removed the 8m flange at the proposed shared crossover. - The site has an existing driveway being 4m at the boundary. By reducing the boundary width, this will make the driveway off centre and less safe and cause reduced ability to reverse onto Ashridge Road because the existing garage/driveway and the Council proposed 6m wide boundary entrance do not line up. - Concerns raised the amendment reduces the overall safety of the entering and reversing on the blocks. - Lot 1 would benefit from a wider entry at the boundary of 8m to negotiate turning left. 	<p>The design of the proposed shared access crossover was not in accordance with Council's Infrastructure design planning scheme policy and Council's Brisbane Standard Drawings'. As such, the plan was amended in red and condition 24 – Permanent Driveway Crossover was imposed, which requires the provision of a 6m wide residential type shared permanent crossover to the Ashridge Road frontage.</p> <p>Given Ashridge Road is a low order, major road, the access design has been reviewed again by Council's Engineer's. The existing access crossover to the existing dwelling can be retained.</p> <p>When a future dwelling house is constructed on Lot 2, a crossover permit can be applied for at that stage.</p> <p>As such, Condition 24) has been removed and the amendment in red to the crossover removed.</p> <p>Condition 25) Redundant Driveway Crossover has also been removed, as it is no longer applicable.</p>	
<p>12) Filling and/or Excavation</p> <ul style="list-style-type: none"> - Concerns raised regarding conditions and amendments in red by Council requiring filling of the site to achieve a usable building pad for Lot 2 and any associated earthworks to enable a lawful point of discharge to Ashridge Road. 	<p>Compliance assessment required to ensure that Brisbane City Council has oversight over earthworks given the poor condition and unclear location of the existing old leaning block retaining wall along the western boundary that will require reconstruction and raising within the development site and may require neighbouring property permission. Filling will be required to ensure a useable building pad is created and to provide a lawful point of discharge to the street as per condition 17 – On-site Drainage – Minor.</p> <p>The upstream stormwater connection and associated infrastructure required under condition 18 will also be located within this fill.</p> <p>As such, condition 12 – Filling and/or Excavation is to remain.</p>	
<p>18) Up Stream Stormwater Drainage Connection - Minor</p> <ul style="list-style-type: none"> - Concerns raised regarding the provision of drainage for future upslope development of neighbouring properties. - Contention that no part of the rear properties drain through the development and they are not upslope. 	<p>Condition is required to ensure existing and new lots and dwellings are protected from nuisance stormwater discharge resulting from existing and ultimate future upstream development.</p> <p>Provision for upslope stormwater connection for two upslope properties fronting Killarney Avenue being (L98 RP29723 & L99 RP29723).</p> <p>This is required in accordance with AO2.2 / PO2 & AO11.1-AO11.2 / PO11 of the Stormwater code and Infrastructure design PSP - Section 7.6.5 (1-4).</p> <p>Plan amendment was added to ensure that it was clear that further detailed design of stormwater outcome was required and amendment on plan was considered concept only.</p> <p>Condition 18 – Up Stream Stormwater Drainage Connection – Minor is to remain.</p>	

<p>13) Retaining Walls</p> <ul style="list-style-type: none"> - Applicant has noted that there are no future walls proposed in excess of 1m in height on the site. The existing retaining walls on the right will be replaced and is not a part of the scope of works for this site. A Form 16 structural certificate will be provided. - STA Consulting have provided a Form 15 for the right side retaining wall. 	<p>Conditions imposed on the basis that the existing block wall and fence along western boundary of the site will need to be reconstructed in conjunction with this development. Filling will be required to ensure a useable lot is created and to provide a lawful point of discharge to the street as per condition 17 – On-site Drainage – Minor. The upstream stormwater connection and associated infrastructure required under condition 18 will also be located within this fill.</p> <p>Compliance assessment required to ensure that Brisbane City Council has oversight over retaining structures, given the location of existing and proposed infrastructure and the current condition and position of retaining structures on site. Walls need to be designed and constructed to be fit for purpose, in accordance with AO2.1 / PO2 of the Filling and excavation code.</p>
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8. STATEMENT OF REASONS FOR DECISION

Subject to the development conditions contained within the attached approval package, the development is able to comply with the applicable assessment benchmarks against which the application was required to be assessed.

9. RECOMMENDATION

After considering the applicant's change representations, the approved proposal, and the relevant provisions of the *Planning Act 2016*, I recommend that:

1. the application be amended in accordance with the attached development approval package and a negotiated decision notice be given.

Sch. 4(4)(6) / Sch. 4(3)(3)

Roger Greenway
Principal Urban Planner
Development Assurance & Outcomes
Phone: 34034392
Email: roger.greenway@brisbane.qld.gov.au
Development Services
Brisbane City Council



DECISION BY DELEGATE OF COUNCIL

SUBMISSION BY Roger Greenway

30 October 2024

SITE:

Address of Site:	128 ASHRIDGE RD DARRA QLD 4076
Real Property Description:	L2 RP.117157
Area of Site:	802 m ²
Zone:	LOW MEDIUM DENSITY RESIDENTIAL (UP TO 3 STOREYS) ZONE
Name of Ward:	Jamboree

APPLICATION:

Aspects of Development:	DA - PA - Reconfiguring a Lot – Development Permit
Description of Proposal:	Reconfiguring a lot (1 into 2 lots)
Applicant:	David John Leslie Manteit C/- David John Leslie Manteit 128 Ashridge Road DARRA QLD 4076
Application Reference:	A006565555
Application Made Date:	23 July 2024

DECISION on representations about a development approval

1. Having considered the applicant's change representations made during the applicant's appeal period I am satisfied that the application accords with the requirements of the *Planning Act 2016* where applicable and as such:

- (a) agree to amend the approval in accordance with the attached development approval package

OR

1. Having considered the applicant's change representations made during the applicant's appeal period I am not satisfied that the changes accord with the requirements of the *Planning Act 2016* where applicable and as such:

- (a) do not agree to amend the approval

And direct that:

2. the applicant be advised of the decision
3. the Central SEQ Distributor-Retailer Authority be advised of the decision
4. the local Ward Councillor be advised of the decision
5. the notice about the decision be published on the website.

Dated (insert Delegate decision date)

As DELEGATE of Council



AMENDED IN RED
20/09/2024

Drawing Title: Plan of Subdivision
Drawing Number: SK01

128 Ashridge Rd
Darra 4076
Lot 2 on RP 117157

PLANS AND DOCUMENTS
referred to in the
APPROVAL
Dated: 25/09/2024

THIS APPROVAL SHOULD NOT BE
TAKEN TO CONSTITUTE PERMISSION
TO ENTER NEIGHBOURING
PROPERTIES TO CONSTRUCT
(INCLUDING ASSOCIATED WORKS
SUCH AS DRAINAGE AND EXCAVATION)
ANY BUILT TO BOUNDARY WALL OR
FENCES. PERMISSION MUST BE
OBTAINED FROM RELEVANT
PROPERTY OWNERS.

Shared crossover in accordance with conditions of approval

Approved multiple
RHS kerb adaptors

STORMWATER MARK UPS
ARE INDICATIVE ONLY AND
SUBJECT TO FURTHER
DETAILED DESIGN

225mm diameter
upslope connection
pipe with 0.9m wide
drainage easement

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From: Lucy Ting
Sent: Monday, 2 September 2024 1:35 PM
To: Margaret Orr; Darren Evans; Beau Reichert
Cc: George Kaithakkottil; Joel Wake; Zarndra Piper; Scott Ruhland; Emma Mezzina; Brendan Gillham; Margaret Orr; Darren Evans; Beau Reichert
Subject: 128 ASHRIDGE RD DARRA (A006565555)
Attachments: [20240902131637717.pdf](#)

Hi Scott & Joel

Following on from my MS Teams conversation with you both last Thursday 29/08/2024, I also spoke with Andrew Blake today. The development proposal can be approved with the Site drainage minor condition and the Upslope property drainage connection referencing the attached Stormwater Drainage Plan as marked up by TST Hydraulics.

Regards
 Lucy Ting
 Senior Engineer | Development Services
 City Planning & Sustainability | BRISBANE CITY COUNCIL

Brisbane Square | 266 George Street BRISBANE QLD 4000
 Phone: 07 3403 5005 | Fax: 07 3403 4291
 Email: lucy.ting@brisbane.qld.gov.au

From: Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>
Sent: Wednesday, August 28, 2024 5:57 PM
To: Darren Evans <Darren.Evans@brisbane.qld.gov.au>; Beau Reichert <Beau.Reichert@brisbane.qld.gov.au>
Cc: George Kaithakkottil <George.Kaithakkottil@brisbane.qld.gov.au>; Joel Wake <Joel.Wake@brisbane.qld.gov.au>; Zarndra Piper <Zarndra.Piper@brisbane.qld.gov.au>; Scott Ruhland <Scott.Ruhland@brisbane.qld.gov.au>; Emma Mezzina <Emma.Mezzina@brisbane.qld.gov.au>; Lucy Ting <Lucy.Ting@brisbane.qld.gov.au>; Brendan Gillham <Brendan.Gillham@brisbane.qld.gov.au>
Subject: A006565555 - DEVELOPMENT ASSESSMENT/128 ASHRIDGE RD DARRA QLD 4076/Manteit -

Hi team

Just wanting to flag this application with you.

The applicant (David Mantiet) Sch. 4(4)(6) / Sch. 4(3)(3) has advised he won't be accepting a condition for upstream drainage for this ROL.

Just an FYI - We have sent through a Work request (due next week) to TST to clarify/determine what is required in terms of conditions.

The AM has spent some time communicating with the applicant so far about this issue also.

We will continue to require ES/TST assistance in responding to this matter.

Please reach out to the team for any q's or we are happy to set up a scrum if needed.

Thank you

Margaret Orr

Team Manager, Planning Services | Development Services
City Planning and Sustainability | **BRISBANE CITY COUNCIL**

Brisbane Square | 266 George Street, Brisbane, Qld 4000

Phone: 07-3407 0751

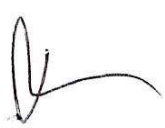
Email: margaret.orr@brisbane.qld.gov.au

Wednesday to Friday



SECURITY LABEL: OFFICIAL

RTI Release

A handwritten signature in black ink, appearing to be a stylized 'M' or 'J'.

Engineering Services Traffic - Specialist Assessment

A006565555 – 128 ASHRIDGE RD DARRA QLD 4076

Contents

Application summary	1
Site and application information	1
Initial assessment	2
Information request assessment	3
Further issues assessment – duplicate if required	4
End of TST Traffic assessment	4

Application summary

The Council has received a development application under the *Planning Act 2016*. The following provides a summary of the application details and assessment undertaken.

Assessment Stage:	Overall assessment status (final specialist recommendation):
Initial assessment	No significant issues from TST Traffic
Information Request assessment	Recommendation
Further Issues Request assessment	Recommendation

Site and application information

PROPOSAL
Reconfiguring a lot (1 into 2 lots)
- proposed Lot 1: 492m2
- proposed Lot 2: 310m2
SITE HISTORY
Existing house on the site to remain on Lot 1



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ASSESSMENT BENCHMARKS	
City Plan version reviewed: City Plan 2014 (V29.00/2023)	
This application has been assessed against the following City Plan 2014 codes:	
NEIGHBOURHOOD PLAN	
DARRA-OXLEY DISTRICT NEIGHBOURHOOD PLAN	
DARRA-OXLEY DISTRICT NP - DARRA CENTRE PRECINCT	
DARRA-OXLEY DISTRICT NP - DARRA RESIDENTIAL 1B SUB-PRECINCT	
ZONE	
LOW MEDIUM DENSITY RESIDENTIAL (UP TO 3 STOREYS) ZONE	
SITE AREA	
802m ²	
Other relevant assessment benchmarking:	

PRELODGE		
Was there a prelodgement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Prelodgement reference no:
Has the prelodgement advice been followed:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partial	Provide the information:

Initial assessment

The following documents have been reviewed:

Assessment Report
Proposed Plan

Complete:

Internal Assessment Comments (if required):

- Proposed ROL 1 into 2 Lots.
- Access is proposed via a 6m shared crossover at the proposed property boundary on Ashridge Road.
- Ashridge Road is a District Road. The crossover arrangement is supported, however it should be noted that any future development on Lot 2 must not limit the ability for vehicles

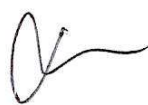


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to enter and exit in a forward gear.	
<ul style="list-style-type: none">Note that shared driveway may impact on recently planted street tree. As such early engagement with PPI is recommended.	
Formal Assessment Comments:	
Final Specialist Recommendation	No significant issues from TST Traffic
Name:	Tom Gibbs
Date:	19/07/2024

Information request assessment

The following documents have been reviewed: [list documents submitted as part of IR or Further Issues response]	
Has the applicant addressed the issues raised?	<input type="checkbox"/> Yes - No further action required <input type="checkbox"/> Partial <input type="checkbox"/> No
Complete:	
Internal Assessment Comments (if required):	
Formal Assessment Comments:	



Final Specialist Recommendation	
Name:	
Date:	

Further issues assessment – duplicate if required

The following documents have been reviewed: [list documents submitted as part of IR or Further Issues response]			
Has the applicant addressed the issues raised?	<input type="checkbox"/> Yes - No further action required	<input type="checkbox"/> Partial	<input type="checkbox"/> No
Complete:			
Internal Assessment Comments (if required):			
Formal Assessment Comments:			
Final Specialist Recommendation			
Name:			
Date:			

End of TST Traffic assessment



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NOTICE ABOUT DECISION ASSESSMENT REPORT (s63 Development Application)

SUBMISSION BY Joel Wake

25 September 2024

SITE:

Address of Site:	128 ASHRIDGE RD DARRA QLD 4076
Real Property Description:	L2 RP.117157
Area of Site:	802m ²
Zone:	LOW MEDIUM DENSITY RESIDENTIAL (UP TO 3 STOREYS) ZONE
Name of Ward:	Jamboree

APPLICATION:

Aspects of Development:	DA - PA - Reconfiguring a Lot – Development Permit
Description of Proposal:	Reconfiguring a lot (1 into 2 lots)
Applicant:	David John Leslie Manteit C/- David John Leslie Manteit 128 Ashridge Road DARRA QLD 4076
Application Reference:	A006565555
Application Made Date:	23 July 2024

City Plan 2014

Zone:	LOW MEDIUM DENSITY RESIDENTIAL (UP TO 3 STOREYS) ZONE
Neighbourhood plan:	DARRA-OXLEY DISTRICT NEIGHBOURHOOD PLAN
Neighbourhood plan precinct:	DARRA-OXLEY DISTRICT NP - DARRA CENTRE PRECINCT
Neighbourhood plan sub-precinct:	DARRA-OXLEY DISTRICT NP - DARRA RESIDENTIAL 1B SUB-PRECINCT
Overlays:	AIRPORT ENVIRONS OVERLAY
Overlays:	BICYCLE NETWORK OVERLAY
Overlays:	CRITICAL INFRASTRUCTURE AND MOVEMENT NETWORK (CIMN) OVERLAY
Overlays:	COMMUNITY PURPOSES NETWORK OVERLAY
Overlays:	DWELLING HOUSE CHARACTER OVERLAY
Overlays:	ROAD HIERARCHY OVERLAY
Overlays:	STREETSCAPE HIERARCHY OVERLAY
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - BIRD AND BAT STRIKE ZONE SUB-CATEGORIES
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - WITHIN 6KM MAX INTENSITY OF LIGHT SOURCES 3 DEGREES ABOVE HORIZON SUB-CAT
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - ZONE D - 450 CANDELA - 1500M WIDE 4500M FROM RUNWAY STRIP SUB-CATEGORY
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - LIGHT INTENSITY SUB-CATEGORIES
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - CONICAL LIMITATION SURFACE CONTOURS SUB-CATEGORY
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - OBSTACLE LIMITATION SURFACES (OLS) SUB-CATEGORIES
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - PROCEDURES AIR NAV SERVICES-



Overlay Categories:	AIRCRAFT OPS SURFACES SUB-CATEGORIES AIRPORT ENVIRONS OVERLAY - BBS SUB-CATEGORIES - DISTANCE FROM AIRPORT 3-8KM SUB-CATEGORY
Overlay Categories:	CRITICAL INFRASTRUCTURE AND MOVEMENT NETWORK (CIMN) OVERLAY - CIMN PLANNING AREA SUB-CATEGORY

The Council received a development application under the *Planning Act 2016* as detailed above.

1. The Planning Act 2016

The application has been assessed in accordance with the *Planning Act 2016*.

2. THE PROPOSAL

The application seeks approval for the following aspects of development:

Development Permit – Reconfiguration of a lot (1 into 2 lots)

3. ASSESSMENT BENCHMARKS AND COMPLIANCE

- ☐ The proposal reflects the relevant aspects with the following assessment benchmarks of the *Brisbane City Plan 2014*.
- ☐ The proposal complies fully with the relevant assessment benchmarks of the *State Planning Policies*.
- ☐ There are no temporary local planning instruments relevant to the application.

4. PLANNING SCHEME AND PLANNING SCHEME POLICIES

The proposal complies with the following assessment benchmarks of the *Brisbane City Plan 2014*:

- Low medium density zone code
- Darra – Oxley district neighbourhood plan code
- Subdivision code
- Bicycle network overlay code
- Community purposes network overlay code
- Road hierarchy overlay code
- Streetscape hierarchy overlay code
- Prescribed secondary codes as per Table 5.3.5.1 of City Plan 2014

5. MATTERS RAISED IN SUBMISSIONS

Under the *Planning Act 2016* public notification of the proposal was not required.

6. MATTERS PRESCRIBED BY REGULATION

There were no further matters prescribed by regulation.

7. STATEMENT OF REASONS FOR DECISION

Subject to the development conditions contained within the attached approval package, the development is able to comply with the applicable assessment benchmarks against which the application was required to be assessed.

8. RECOMMENDATION

After considering the proposal, the relevant provisions of the *Planning Act 2016*, the assessment benchmarks, I recommend that:

1. the application be approved in accordance with the attached development approval package
2. an Infrastructure Charges Notice for Community Purposes, Stormwater and Transport be given.

Sch. 4(4)(6) / Sch. 4(3)(3)

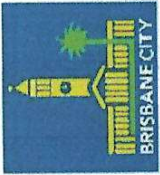
Joel Wake
Senior Urban Planner
Planning Services South
Phone: (07) 3178 7467
Email: joel.wake@brisbane.qld.gov.au
Development Services
Brisbane City Council

RTI Release



RTI Release

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Related Notes

Application Ref: A006565555 - DEVELOPMENT ASSESSMENT/128 ASHRIDGE RD DARRA QLD 4076/Manteit - 10-JUL-2024

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Note Ref	Note Subject	Severity	Created On	Created By	Description	Actioned
PLAN03	Discussion with ES Manager	Low	25-SEP-2024	WAKE, Joel	Discussed the upstream stormwater condition with Delegate and ES Manager and whether it was reasonable to have an upstream connection for Lot 100 (36 Killarney Avenue). This had been marked up on the plans from TST and TST had requested it remained when questioned. ES Manager agreed that it could be removed and advised on how the plan should be amended to reflect the changes.	N
PLAN02	Internal discussion	Low	18-SEP-2024	WAKE, Joel	Discussed with TLs and PS Manager given the amount of corro being received from David Manteit on this one. TL and PS Manager made aware that decision date he is calculating is from date of lodgement rather than properly made date. Decision date is 25/09/2024. TL to email David to clarify and application to be conditioned and decided by 25/09/2024.	N
PLAN01	Discussion with David Manteit	Low	28-AUG-2024	WAKE, Joel	Spoke to David Manteit who is the applicant and land owner. Had previously spoken to David earlier in the DA process advising him that we did not need to send a confirmation notice under PACT as their was no referral and it was not an impact DA. At that time I advised David that I would contact him if we needed any further information from him. When David called he said that we needed to send him an acknowledgement notice under the integrated Planning Act. I reiterated to David that this application was being assessed under PACT and that there was no requirement to send a confirmation notice. The following conversation lasted approximately 35 minutes and I explained that we did not require any further information from him at this point. David was adamant that he did not need to provide an upslope connection and that it was unreasonable to require him to do this and fill up his lot. I advised that our hydraulic specialists were reviewing this aspect to determine if it was required. I offered David the chance to provide his own RPEQ Stormwater report demonstrating that it was not required but he insisted that he had provided evidence in his planning report and that he had more knowledge on the matter than the Engineering consultants. We finished the conversation talking	N

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Related Notes

Note Ref	Note Subject	Severity	Created On	Created By	Description	Actioned
2					about the driveway and I advised David that the shared crossover was acceptable and that if we felt we needed more information about the stormwater or earthworks I would be in touch.	

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SCRUM Meeting Outcome

A006565555 – 128 ASHRIDGE RD DARRA QLD 4076

For information about SCRUM Meetings in Development Services, including criteria and triggers, roles and responsibilities and the process, refer to the [guideline](#) in Records Manager.

Organised by:

Joel Wake

Senior Urban Planner

Planning Services South

Stage of development:	Prior to IR		
Date of meeting:	22/08/2024		
Attendees:			
Name:	Position:	Team:	
Joel Wake	Assessment manager	PS South	
Dave Ballesteros	Arboriculture Planning Coordinator	PPI	

Meeting agenda (as sent in appointment):	Condition of removal and replacement for existing street tree to accommodate shared crossover
Discussion points:	Does PPI support PWO and replacement planting to facilitate shared crossover outcome
Outcome/ Next actions:	PPI supports removal. PWO and replacement to be conditioned.
Escalation required?	No

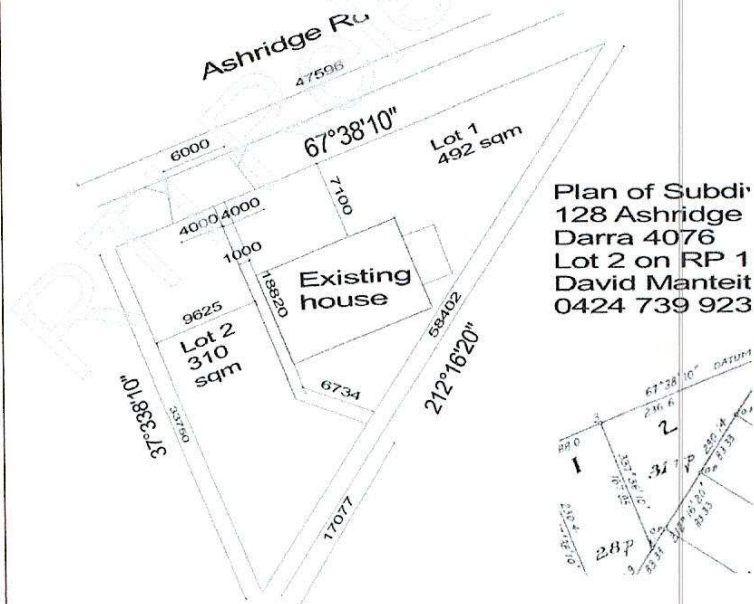
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Site Aerial



Proposal



SECURITY LABEL: OFFICIAL

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Street view

Feb 2024

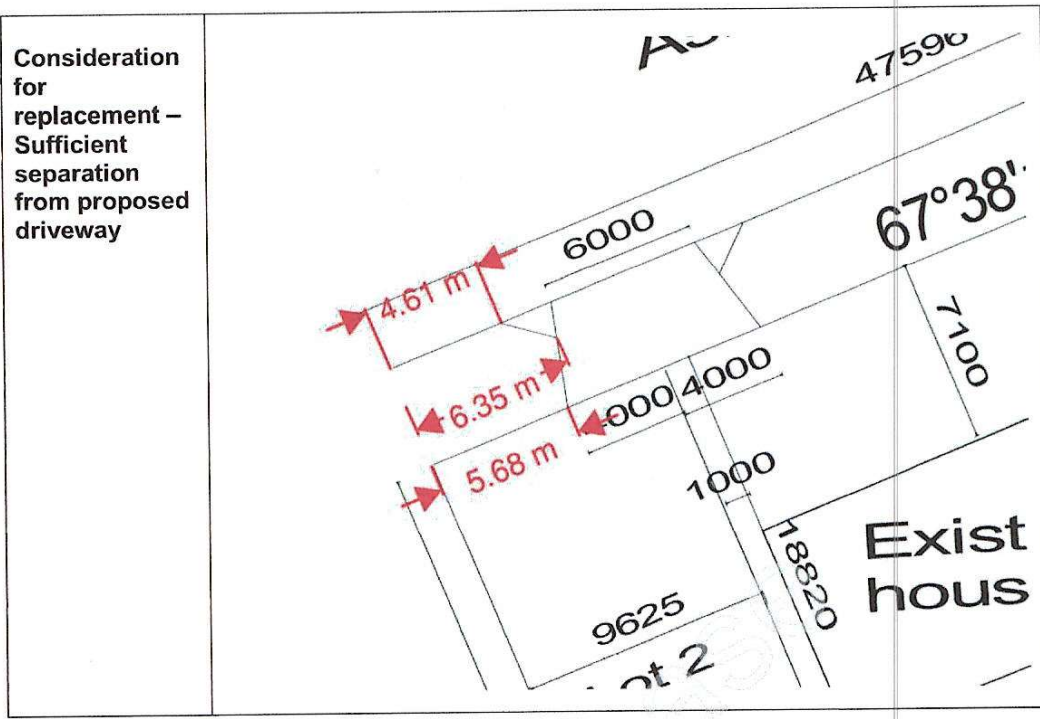


Street tree



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[Handwritten signature]

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Dedicated to a better Brisbane

Brisbane City Council ABN 72 002 765 795

Governance, Council and Committee Services
Brisbane Square
266 George Street Brisbane Qld 4000
GPO Box 1434 Brisbane Qld 4001
T 07 3403 6786
www.brisbane.qld.gov.au

Our Reference: RTI/IP Appl 2024/25-340
Your Reference:

11 February 2025

Mr David Manteit
82 Rowe Terrace
DARRA QLD 4076

Email to: davidmanteit@hotmail.com

Dear Mr Manteit

Decision: Right to Information application for access to documents

I refer to your Right to Information application 2024/25-340, received by Brisbane City Council (Council) on 5 January 2025, compliant on 6 January 2025, in which you sought access to the following documentation pursuant to Section 23 of the *Right to Information Act 2009* (the RTI Act):

Development Application A006565555 - 128 Ashridge Road, Darra

1. *Documents relating to the amendment in red (dated 20/09/2024) of the approved plan (SK01 - copy provided).*
2. *Surface levels and invert levels of 6 pits and 2 kerb crossings that a engineer or Council officer has amended in red on Plan SK01.*
3. *Any documents indicating the quantity and location of fill required by Council on the site, which resulted in Conditions 12, 17 and 18 of the approval.*
4. *Any other stormwater and fill engineering input documents that formed part of the assessment process.*

I confirm that I am a delegated officer under Section 30 of the RTI Act with the power to deal with your application. The purpose of this letter is to notify you of my decision on your application.

Decision

I have decided to give partial access as per the attached schedule (**Attachment B**).

The schedule lists the documents that are held by, or under control of the Council, which were found to be relevant to your application, and lists deletions and exemptions. I have decided to:

- allow full access to 36 pages; and

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- refuse access under Section 47(3)(b) of the RTI Act to 5 part pages on the basis that these parts are comprised of information, the disclosure of which is contrary to public interest under Section 49 of the RTI Act.

Reasons for Decision

Detailed reasons for my decision are set out in **Attachment A**.

Searches

Following receipt of your application, searches were conducted in the following location to identify documents that were relevant to your request:

- Development Services Branch, City Planning and Sustainability Division

These searches located 41 pages of documents relating to items 1 and 4 of the application scope. No documents were able to be located relating to items 2 and 3.

Accessing the Documents

In accordance with Section 68(3) of the RTI Act, if you have requested access to a document in a particular form (for example, by email), access must be given in that form unless giving access in the form requested would:

- interfere unreasonably with the operations of Council; or
- be detrimental to the preservation of the document or having regard to the physical nature of the document, would be inappropriate; or
- involve an infringement of the copyright of a person other than the State.

If one of the above reasons applies, I may refuse to give you access in the form you have requested and instead give access in another form.

I note that you requested access to the document by email/Sharefile link.

In accordance with your application, I will be providing you with a Sharefile link in the covering email to enable you to access the documents being released.

Processing and Access Charges

I note receipt of your non-refundable application fee of \$55.75.

I have formed the view that you are not liable to pay any processing charges for this application as described under Section 56 of the RTI Act. In addition, there are no access charges applicable as you have requested that the documents be given to you electronically.

Section 36(1)(b) of the RTI Act states that we must before the end of the processing period give you a notice of charges which are payable before access may be given, even when no processing charges apply.

Final Charges Notice

Items	Cost
Processing charges	\$0.00
Access Charges (Electronic no charge)	\$0.00
Total Cost	\$0.00

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Review rights

If you think this decision is incorrect, you have the right to require Council to formally review the decision by conducting an internal review.

Prior to lodging an application for internal review, you may wish to discuss the decision by contacting me on 3403 6786 or via reply email.

An internal review application must be made in writing within 20 business days after the date of the written notice of this decision. Applications for internal review should be forwarded to:

Right to Information & Information Privacy
Brisbane City Council
GPO BOX 1434
Brisbane QLD 4001
Or via email- Brisbane.RTI@brisbane.qld.gov.au

Your internal review application will be referred to another officer of this agency who is at least as senior as the original decision-maker and who will consider the matter afresh.

You will be notified of the decision within 20 business days after the agency receives your internal review application.

If you do not receive a decision within 20 business days, then an internal review decision affirming the original decision is deemed to have been made and you are entitled to apply to the Office of the Information Commissioner for external review. Applications for external review should be forwarded to:

Office of the Information Commission
PO Box 10143
Adelaide St
Brisbane QLD 4000
Telephone 07 3234 7373
Email administration@oic.qld.gov.au
Website www.oic.qld.gov.au

Alternatively, you may forgo the opportunity to seek internal review and apply directly to the Office of the Information Commissioner for an external review, in writing within 20 business days after the date of the written notice of the decision.

Should you have any questions concerning this matter, please contact David Simons on 3403 6786 or email Brisbane.RTI@brisbane.qld.gov.au quoting your application number as a reference.

Yours sincerely



David Simons
Senior Information and Policy Officer



REASONS FOR DECISION (Attachment A)

In making my decision, I considered the following:

- the provisions of the RTI Act, the IP Act and the *Human Rights Act 2019 (Qld)* (the **HR Act**)
- the nature of the information requested
- the results of the searches undertaken
- case law
- the pro-disclosure bias set out in the RTI Act
- the guidelines of the Office of the Information Commissioner (OIC)

The RTI Act gives the community a right of access to information held by government agencies, subject only to limited exceptions.

Where I have decided to refuse you access to information, I have done so in accordance with Section 47(3) of the RTI Act, which provides that access to documents, may be refused in certain circumstances, including to the extent they comprise of:

- exempt information under Section 48 of the RTI Act; and
- information the disclosure of which would, on balance, be contrary to the public interest under Section 49 of the RTI Act.

The reasons for my decision are grouped as follows:

- Deciding the Public Interest
 - Factors irrelevant
 - Factors favouring disclosure in the public interest
 - Factors favouring nondisclosure in the public interest
 - Factors favouring nondisclosure in the public interest because of public interest harm
- Summary

DECIDING THE PUBLIC INTEREST

The term 'public interest' refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of residents. The RTI Act identifies various factors for and against disclosure that may be relevant to deciding the balance of the public interest.

In deciding where the public interest lies, I must:

- (a) identify any irrelevant factors and discard them;
- (b) identify relevant public interest factors favouring disclosure and nondisclosure;
- (c) balance the relevant factors favouring disclosure and nondisclosure; and
- (d) decide whether disclosure of the information in issue would, on balance, be contrary to the public interest.



I am also required to have regard to the fact that, when a factor in Schedule 4, Part 4 of the RTI Act applies, disclosure could reasonably be expected to cause public interest harm.

Factors irrelevant to deciding the public interest

Schedule 4, Part 1 of the RTI Act identifies a number of factors that are irrelevant in deciding the public interest.

I have considered the irrelevant factors set out in Schedule 4, Part 1 and found that none applies. I have not identified any other irrelevant factor. Therefore, no irrelevant factor influenced my consideration of whether disclosure would, on balance, be contrary to the public interest.

Factors favouring disclosure in the public interest

In deciding whether the disclosure of this information is contrary to the public interest I have considered the factors identified in Schedule 4 Part 2 of the RTI Act favouring disclosure and any other factors that I consider could favour disclosure. I have found the following to apply:

Openness and accountability of government

Sch 4 Pt 2 Factors favouring disclosure in the public interest

(1) Disclosure of the information could reasonably be expected to enhance the Government's accountability.

The Brisbane City Council adopts a pro-disclosure position in matters that are of public interest with the aim of advancing transparency, openness and the fair treatment of the public in their dealings with the Council.

I have formed the opinion that it is in the public interest to consider release of the requested documents as disclosure could reasonably be expected to enhance the Council's accountability in relation to the performance of its functions.

I am satisfied that the public interest in enhancing accountability and increasing transparency carries significant weight in favour of disclosure.

Factors favouring nondisclosure in the public interest

Schedule 4, Part 3 and Part 4 of the RTI Act set out the factors favouring nondisclosure in the public interest. I have found that the following apply:



Individual's right to privacy and personal information

Sch. 4 Pt. 3 Factors favouring nondisclosure in the public interest

(3) Disclosure of the information could reasonably be expected to prejudice the protection of an individual's right to privacy.

Sch. 4 Pt. 4 Factors favouring nondisclosure in the public interest because of public interest harm in disclosure

(6) (1) Disclosure of the information could reasonably be expected to cause a public interest harm if disclosure would disclose personal information of a person, whether living or dead

Section 12 of the IP Act defines personal information as:

...information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

I have located personal information comprising of various individuals' personal details, as listed in the schedule (**Attachment B**).

I have not determined that the information was already known to you and have not obtained authorisation from the individuals concerned to release this personal information. I considered whether disclosure of the above information could reasonably be expected to:

- prejudice the protection of an individual's right to privacy; and
- cause a public interest harm as the information is personal information of another individual.

I have identified that disclosure of this information would constitute an unnecessary intrusion on the affairs of individuals. It is my opinion that nondisclosure of this information does not adversely affect your understanding of the documents being released to you. Therefore, I have given this factor significant weight and deleted the information.

Balancing the public interest

Following consideration of the above factors favouring disclosure and favouring non-disclosure, I am satisfied that, on balance, it would be contrary to the public interest to disclose the information identified in **Attachment B**.

SUMMARY

I have identified public interest factors which must be accorded weight in balancing the public interest, and where I have identified personal information, I have found that the release of this specific information is contrary to public interest and therefore, I have deleted this information accordingly.



I am satisfied that in the documents considered there is a general public interest in enhancing openness which is sufficient to address the public concern of accountability.

In making my decision I have had regard to Section 21 of the HR Act, which gives all individuals the right to seek and receive information. As a decision maker representing a public entity, I am satisfied that, as required under Section 58(1) of the HR Act, I have acted compatibly and given due consideration to relevant human rights when assessing and making my final decision on your RTI application.

Overall, in balancing the factors for and against disclosure, I am satisfied that the public interest is served in the disclosure of the documents being released. Therefore, I have made a decision to give partial access as per the Schedule in **Attachment B**.



SECURITY LABEL: OFFICIAL

ATTACHMENT B
RIGHT TO INFORMATION DOCUMENT SCHEDULE
2024/25-340

File Number or Name	Page Numbers	Document Description	Exemption: Entire or Partial	Reason for Exemption	Applicable Legislative Section
CPAS documents – combined (41 pages)	7, 18, 22, 26, 34		Partial	Personal information of an individual/s – face in photo, signature, opinion	CPI* Sch. 4(3)(3) Sch. 4(4)(6)(1)

*Contrary to the public interest

Documents considered: 41 pages
Full access: 36 pages
Partial access: 5 pages
Full exemption: 0 pages

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