

In the Planning and Environment Court

No 2916/24

Held at: Brisbane

Between: **David Manteit**

Appellant

And: **Brisbane City Council**

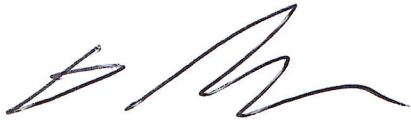
Respondent

AFFIDAVIT

David Manteit of 82 Rowe Tce Darra, developer, under oath/affirmation says –

1. I attach Exhibit "A" of correspondence. *paginated 1-36*

Signed:



Deponent

Taken by:



Justice of the Peace

~~Sworn and~~ affirmed by David Manteit on *4/12/24* at *Richlands* in the presence of:



Deponent



KENNETH GEOFFREY FINNEY

Justice of the Peace



AFFIDAVIT

David Manteit
82 Rowe Tce Darra 4076
0424 739 923
davidmanteit@hotmail.com

Planning and Environment Court


①


Manteit V Brisbane City Council

Exhibit "A"

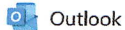
1. Email to Council 1/10/24
2. Email to Council 10/10/24
3. Email to Council 16/10/24
4. Email to Council 25/10/24



Deponent 

Justice of the Peace 

1/10/24 (2)



Outlook

128 AHRIDGE RD DARRA A 006565555

From: david manteit <davidmanteit@hotmail.com>

Date: Tue 1/10/2024 6:00 PM

To: sandra.piper@brisbane.qld.gov.au <sandra.piper@brisbane.qld.gov.au>

Cc: tom.gibbs@brisbane.qld.gov.au <tom.gibbs@brisbane.qld.gov.au>; scottruhland@brisbane.qld.au <scottruhland@brisbane.qld.au>; lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>

Dear Sirs

7) Grant Easements

Grant the following easement(s) as may be required:

(i) Easements, in favour of Brisbane City Council for:

- Underground drainage and access purposes (no less than 900mm wide) over the drainage infrastructure provided for the upstream lots to preserve the rights of upstream owners

Timing: As part of the plan of subdivision notated by Council, and then to be maintained.

7(a) Submit Plan of Subdivision and Documentation (Council Easement in Gross)

Submit to, and obtain approval from, Development Services a plan of subdivision showing the easement and a request for Council to prepare the necessary easement documentation to demonstrate compliance with the requirements of this condition.

Note: Easements in favour of the Brisbane City Council must have the necessary easement documentation prepared by the Brisbane City Council, free of cost to Council.

Timing: Prior to submission of the request pursuant to Schedule 18 of the Planning Regulation 2017 for Council's notation on the plan of subdivision necessary to comply with this condition or give effect to this approval.

7(b) Submit Plan of Subdivision and Documentation (other Easement)**What other easement ? BC incon**

Submit to, and obtain approval from, Development Services, a plan of subdivision showing the easement and the necessary easement documentation to demonstrate compliance with the requirements of this condition.

Note: Easements not in favour of the Brisbane City Council must have the necessary documentation prepared by the applicant's private solicitors.

I request that BCC respond to my request to the following in relation to S 7 of the approval dated 25-9-24 (not yet received by me from an assessment manager).

Council never gave myself, as applicant, an information request requiring myself as applicant to design a stormwater pipe. Council has taken it upon themselves

to provide a half baked red line on a plan of subdivision, without any details. You designed it. I did not.

Council did not provide this plan as prepared by them prior to final approval.

I contend that is laziness and incompetence by the Council.

This action has reduced and eliminated the time afforded by the applicant to respond with the timely analysis and response by private RPEQ consultants.

The Council has already defaulted in not providing the decision on or prior to 35 business days. You had all this time but still couldn't be bothered to provide an information request. A monetary compensation will be vigorously pursued by myself in the coming days.

The Planning Court will see BCC actions as lazy and incompetent.

My initial assessment of the BCC designed stormwater plan is that -

- Council stormwater plan does not work, for many reasons. This shall be revealed after you provide answers to the following questions.

- There are no "upstream lots" or "upstream owners" to the subject site. In addition, there is no terms in the City Plan 2014 of these descriptions.

Council have invented and designed the stormwater pipe and prepared the plan themselves, so the onus is on BCC to provide answers to the following questions.

I request BCC provide the answers by 12pm, tomorrow, 2-10-24

Time is of the essence, as per the Planning Act 2016, and the Planning and Environment Court.

Easement document.1) Please provide proposed **surface levels and invert levels** of the 225mm stormwater pipe.

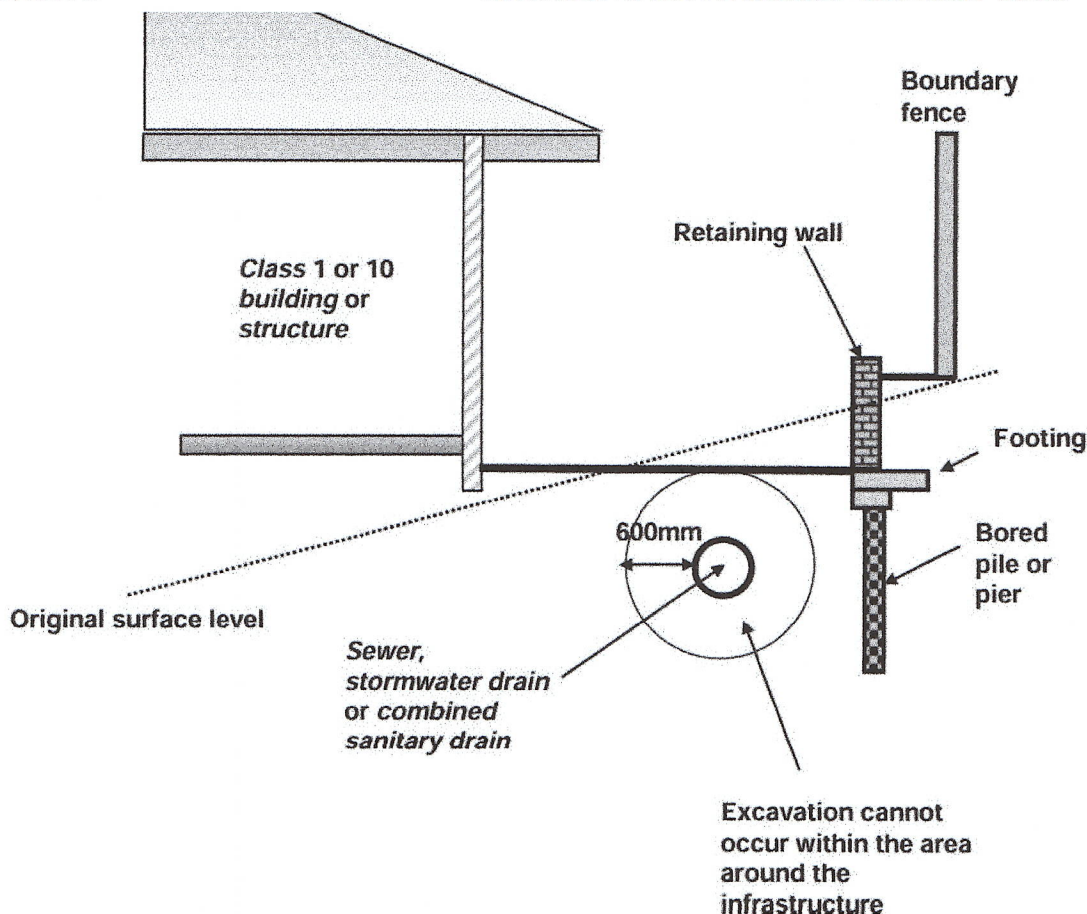
12/2/24, 9:00 PM

128 AHRIDGE RD DARRA A 006565555 - david manteit - Outlook

- 2) Please provide **cover distance above, below, left and right** of the 225 stormwater pipe. Note any requirements below that may affect this cover distance.
 - 3) Is there restriction for **other stormwater pipes**, besides the BCC pipe, such as house stormwater pipes. If there are no restrictions
 - 4) Is there restrictions in the easement document for **other services** such as NBN, power, water supply copper pipes.
 - 5) Is there restriction for **existing retaining wall above ground** as to the component inside the boundary.
 - 6) Is there restriction for **existing retaining retaining wall footings below ground** as to the component inside the boundary.
 - 7) Is there restriction for any **future retaining wall** above ground as to the component inside the boundary.
 - 8) Is there restriction for around 300mm **drainage gravel** required by retaining wall engineered design.
 - 9) Is there restriction for a **fence above retaining wall** in relation to that part inside the boundary
 - 10) Is there a restriction for **vegetation** to be planted in the easement.
 - 11) Is there a restriction for a **concrete slab pathway** in the easement. Note that the design for this may not be possible as it would be regarded as a floating slab for engineering purposes.
 - 12) Is there a requirement in the easement for good **maintenance** by BCC or the owner.
 - 13) What hours of the day can BCC **inspect** their easement.
 - 14) What is the proposed **type of surface** of the easement. This needs to be impermeous.
 - 15) Please provide **engineered drawings** for the top impermeous surface of the easement.
 - Please advise how **thick** this surface would be.
 - Please provide what **material** the surface is. If this is proposed to be concrete, please provide what MPA.
 - Please provide what size **mesh** to be used, if one or two layers, F62 or F72,
 - Design of **spoon drain** to carry water away from the impermeous surface and legal point of discharge for the impermeous surface.
 - 16) Please provide **depth of spoon drain**.
 - Please provide minimum **slope** of impermeous surface both in direction of travel and across.
- Please provide crosssection of the above, for clarity. This information affects surface levels and invert levels.
- 17) Please provide any **restrictions** of the easement in any way, shape or form.
 - 18) Please provide any other requirements of any restriction.
 - 19) Is there a **guarantee** that the Council will repair a broken stormwater pipe that could cause water under the house slab, cracking of the house slab, and perhaps an inhabitable house.
 - 20) Does the easement document provide for solutions under the **Queensland Development Code**.
 - 21) Can the easement be used by the occupant for **fire escape purposes** as part of a fire safety management plan.
 - 22) Is a fence required for the easement.
 - 23) Can a carport without footings in the easement be built over stormwater easement.
 - 24) Does the easement allow for a toe footing as per BCC standard footings design.
 - 25) Is a stormwater maintenance hole required. This will affect invert level heights.
 - 26) Does the easement restrict distances to retaining walls and houses. See Queensland Development Code example.

12/2/24, 9:00 PM

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27) Please respond as to what "other easement" means. Is this BCC incompetence ?

The above list is not an exhaustive list. There will be more questions.

If you refuse to respond to these questions on "YOUR DESIGNED RED LINE" then I encourage the court to consider this action and to take into account any costs of the case.

It is stated in the approval that Council will prepare the easement document. This is your responsibility, not mine.

Please provide by 5pm today responses to the above questions and the following -

- wording and
- all plan view and
- cross sections front, back, left, right that take onto account all of the above.

Assessment Manager

Please advise who the assessment manager for Planning Act definition , S60 purposes is for the application. There was a person today on the phone whi states his name as Joel wake who said he is the assessment manager but on the only correspondence provided by him on 26-9-24 it says he is a Senior Urban Planner.

On Development I it says he is a development officer. I have previously this question in writing many times who is the Planning Act assessment manager. No response from BCC so far. This may affect the interest charges to BCC coming shortly.

It is best you appoint another person for your phone calls, instead of someone who ducks and weaves, emotionally unstable in my opinion. He refuses to answer any questions whatsoever, harrases the applicant without myself calling him. An intelligent, experienced person does not act like this way.

Assessment

Is there any reason why the decision has or isn't decided by an assessment manager on the 35th business day after Properly Made date?

Your response will determine my final invoice.

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22 Decision period - generally

22.1 The assessment manager must—

- (a) assess and decide the application within 35 days (decision period) in accordance with section 60 and 61 of the Act¹², or a further period agreed between the assessment manager and the applicant, from the end of the last relevant part in section 21¹³; and
- (b) subject to section 22.2, give a decision notice in accordance with section 63 of the Act within 5 days of deciding the application.¹⁴

63 Notice of decision

- (1) The assessment manager must give a decision notice about the assessment manager's decision
 - (a) the applicant; and

Application Number:	A006565555
Full Description:	128 ASHRIDGE RD DARRA QLD 4076 - Reconfigure a Lot - Manteit, David John Leslie (Primary Applicant), Manteit, David John Leslie (Consultant)
Land Parcel Status:	Lodged over current land parcel
Progress:	Decided
Stage/Decision:	Approved
Application Type:	Reconfigure a Lot
Assessment Level:	Code
Use:	Subdivision of Land;
Assessment Officer:	Joel Wake
Date Submitted:	12/7/2024
Date Decided:	25/9/2024

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Yours sincerely



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

Today's phone call.

Today, I requested by telephone to the receptionist to talk to the City Legal Team.

I have not had a response by that legal team. Please get them to respond by 10am tomorrow, 2/10/24.

A person who identified himself as Joel Wake. I did not call him. He called me.

I asked him several questions -

Please provide the easement document wording proposed. He said "that's down the track"
I said "no, it's now. I need to assess BCC red line now"

What part of a retaining wall can be in the easement? Existing and future?
What part of a retaining wall footings can be in the easement? Existing and future?
Does he know the surface and invert levels proposed by BCC?
What type of surface is the easement proposed to be by the BCC?
Can services be placed in the easement?

Have you checked the easement pipe for falls?

Wake said he didn't know that answer to any of my questions.

I said "Surely, you state that you are the assessment manager. but you have no knowledge of these items?"

I asked Wake if he assessed the stormwater pipe. He said no. He said "You should contact them. They will tell you"

I asked "Who are they?"

He said "They are listed on the approval package"

I asked "what are their names, they are not called They"

Wake did not know their names.

I asked Wake "who is the assessment manager for Planning Act purposes?" He said "I am the assessment manager"

I said "there is no written document showing you as the assessment manager, or anyone else" Wake said "It's on the letter I sent you 26-9-124" Joel has lied here, yet again, since there is no reference to an Assessment Manager in that letter. See below.

Wake said "I am wasting his time in this phone call."

I said "You called me, I didn't call you. Whilst you are on the phone, can you please answer some questions?
It may be wasting your time, but it's important to me, and it's not wasting my time. Your time is being wasted"

I asked Wake again "Have you assessed the stormwater pipe if you are the assessment manager?"

He said "No, other people have assessed it, not me"

"I have no idea"

Regards



David Manteit

12/2/24, 9:00 PM

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CEO

0424 739 923

howtowineveryday.com.au



10 October 2024

The Manager

Brisbane City Council.

128 ASHRIDGE RD DARRA

for lodgement on Development I

LODGEMENT ON brisbanecitycouncilcomplaints.com.au

8
10/10/24
Emailed 11/10/24

RE: 128 ASHRIDGE RD DARRA

The purpose of this factsheet is to help customers navigate the process of complying with conditions associated with a development. It must be achieved to ensure lawful and successful development approval fulfillment.

Understanding your development approval conditions:

Conditions cover various aspects, including engagement requirements, construction activities, and timing for when specific activities must be completed.

Review and understand Conditions:	Thoroughly read and comprehend all conditions, <u>seek clarity by contacting the relevant specialist teams by emailing conditioncompliance@brisbane.qld.gov.au as early as possible if unclear.</u>
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Dear Sirs

I am seeking clarity as to the conditions of the approval , as per BCC advice attached with approval.

Please provide your answers to the following questions by Thursday 5pm 10/10/24.

Time is of the essence.

Please file this correspondence on Development I

P & E Court Material.- Hand this to City Legal

Cc brisbanecitycouncilcomplaints.com.au

I wish to advise that any refusal to provide truthful and transparent responses will be detrimental to any future P & E Court case.

Please be aware all and any of my correspondence in this case will or may be published on any of my websites or books, your websites, or any

public space as a matter of public interest.

Joel Wake has refused to provide answers to these questions

Maragert Orr has refused to provide answers to these questions

Lucy Ting has refused to provide answers to these questions.

S 12) Filling and/or Excavation

12) Filling and/or Excavation

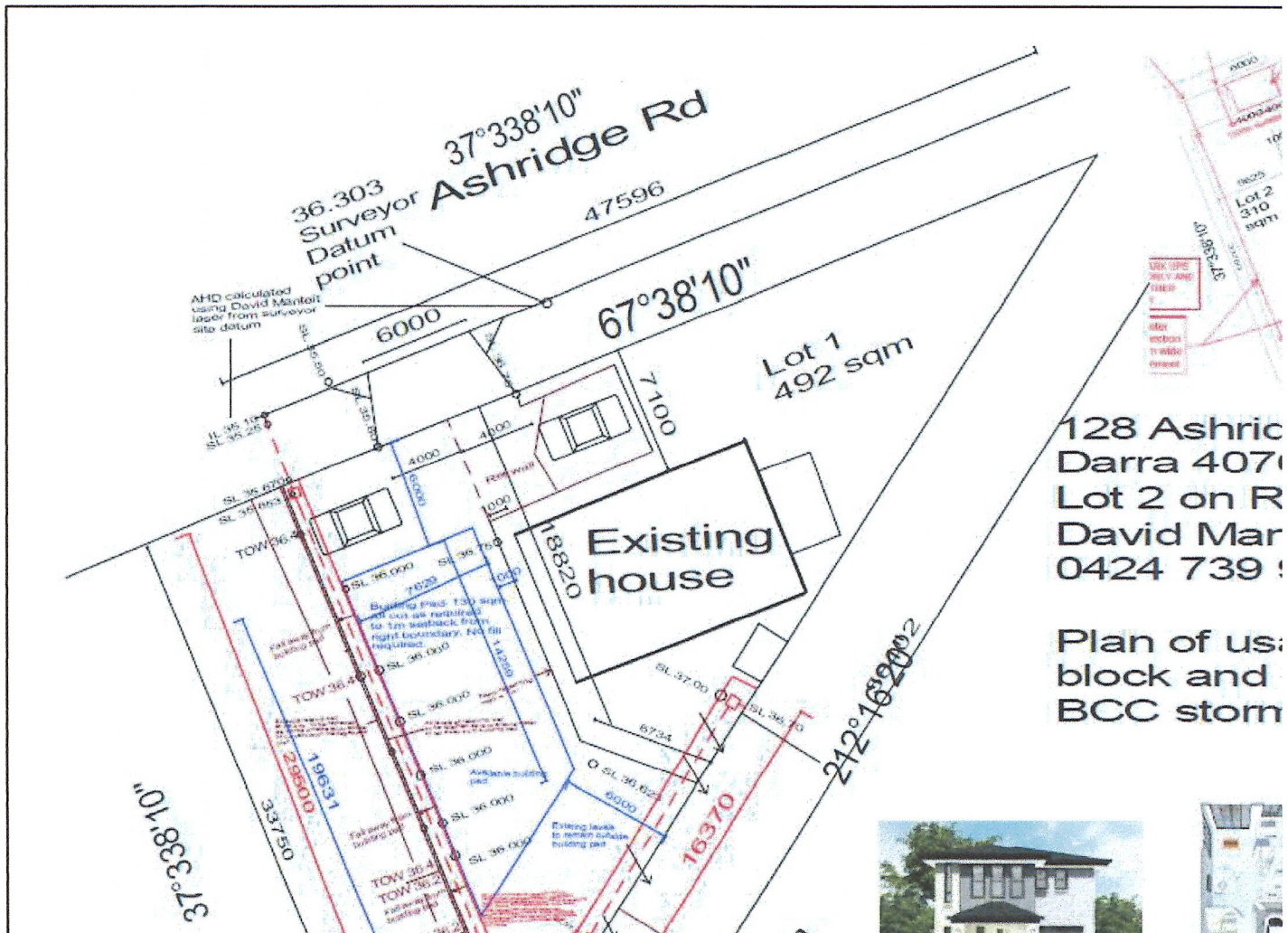
All earthworks must be carried out in accordance with the relevant Brisbane Planning Scheme Codes.

12(a) Submit Earthworks Drawings

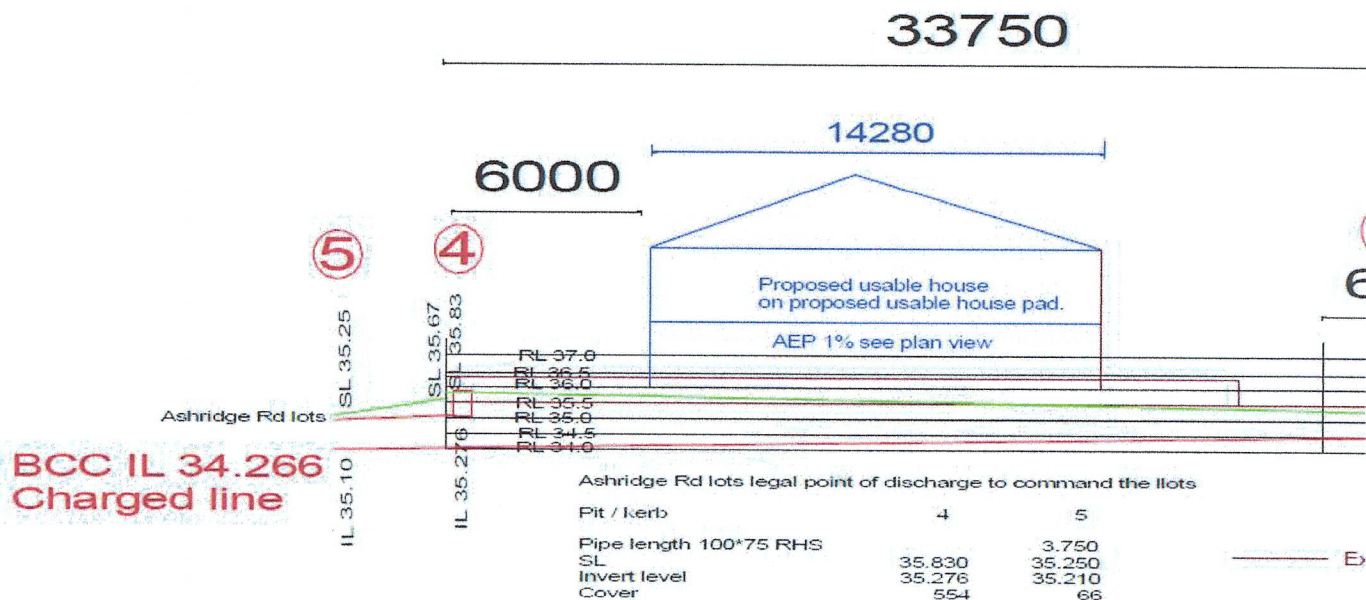
Submit to, and obtain approval from, Development Services earthworks drawings prepared and certified by a Registered Professional Engineer Queensland in accordance with the relevant Brisbane Planning Scheme Codes.

The Earthworks Drawings must include the following:

- The creation of a usable building pad for proposed Lot 2 and any associated earthworks to enable lawful point for the proposed lots to Ashridge Road kerb and channel and the provision of a stormwater drainage connection properties in accordance with the conditions of this approval.

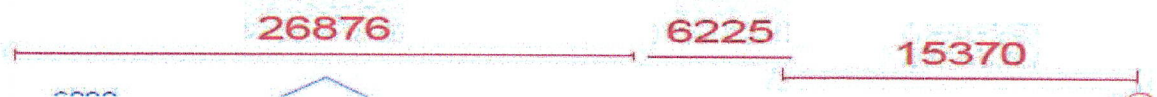


Side elevations of block BCC charged stormwater li Ashridge Rd lots legal poin discharge.



128 Ashridge Rd Darra

Stormwater side elevations



(11)

Scenario 1 - 450 cover and .5% fall as per BSD 8111 requirements
Calculations done against red line shown on BCC approved plan.

Pit	1	2	3	4	5
Pipe Length		16.370	6.060	29.500	3.750
SL at boundary	36.700	35.650			
Fall of natural ground - rear neighbour or Ashridge Rd	Rear neighbour	Rear neighbour			
(A) SL Pit	37.000	35.750	35.200	35.853	35.250
New start of line invert level brought forward		36.325	35.075	34.525	34.260
(B) Min depth - pipe 225 and and cover 450	0.675				
(C) Min Invert level depth	36.325				
Min .5% degree fall , 1% over verge		0.147	0.055	0.266	0.067
(D) Invert level end of line after fall		36.178	35.020	34.260	34.193
(E) Prima facie depth (needs to be + .675, + 250 (kerb)		-0.428	0.180	1.594	1.057
Pipe needs to be lowered by to make it work.		1.103	0.495		
Adopted Min invert level with 225 pipe and 450 cover carried forward		35.075	34.525	34.260	34.193
Invert level at kerb					35.100
BCC charged system malfunction in metres					-0.907

(12)

Scenario 3 - Service Lots 98, 99 BSD 8111 pipe 600mm from boundary at all time
Note pit 2 disappears but is included in calculations due to requirement of main cover at all times. 450 cover .5% fall,

Pit	1	2	3	4
Pipe Length		16.370	7.382	33.75
SL Pit	37.000	35.750		
Fall of natural ground - rear neighbour or Ashridge Rd	Rear neighbour	Rear neighbour	Rear neighbour	
(A) SL at neighbour boundary (1.2) or 600 in, 3,4,5	36.700	35.650	35.162	35.85
New start of line invert level brought forward		36.025	34.975	34.48
(B) Min depth - pipe 225 and and cover 450	0.675			
(C) Min Invert level depth	36.025			
Min .5% degree fall , 1% over verge		0.147	0.066	0.304
(D) Invert level end of line.with fall,		35.878	34.909	34.18
(E) Prima facie depth (needs to be + .675, + 250 (kerb)		-0.228	0.253	1.670
Pipe needs to be lowered by to make it work.		0.903	0.422	
Adopted Min invert level 225 pipe and cover 450		34.975	34.487	34.18
Invert level at kerb				
BCC charged system malfunction in metres		34.975		

Scenario 2 - More conservative 600 cover and 1.0% fall.
Calculations done against red line shown on BCC approved plan.

Pit	1	2	3	4
Pipe Length		16.370	6.060	29.500
SL at boundary	36.700	35.650		
Fall of natural ground - rear neighbour or Ashridge Rd	Rear neighbour	Rear neighbour		
(A) SL of pit	37.000	35.750	35.250	35.853
New start of line invert level brought forward		36.175	34.925	34.425
(B) Min depth - pipe 225 and and cover 600	0.825			
(C) Min Invert level depth	36.175			
Min one degree fall		0.291	0.108	0.524
(D) Invert level end of line without min cover		35.884	34.817	33.901
(E) Prima facie depth (needs to be + .825, + 250 (kerb)		-0.134	0.433	1.952
Pipe needs to be lowered by to make it work.		0.959	0.392	
Adopted Min invert level 225 pipe and cover 600		34.925	34.425	33.898
carried forward				
Invert level at kerb				
BCC charged system malfunction in metres				-1

“enable lawful point of discharge for the proposed lots to Ashridge Road kerb and channel”

The invert level at kerb as per the BCC approved plan is 35.100. Given required one degree fall, a minimum of 35.166 invert level is required at the boundary. The invert level at the boundary is proposed AHD 35.166. This level will command the the existing site levels for both Lot 1 and Lot 2 without the placement of any fill. There is no point on the block that is lower than AHD 35.166, except the right back corner of 35.162.

It is proposed for all remaining areas outside of the building pad to remain. This levels at the rear of the usable pad are already average 1:6.

There are hundreds of examples of approved plans where a pad level is provided to BCC and accepted as a usable pad.

This pad is what is assessed for feasibility of legal point of discharge.

A plan of usable pad has been provided by me for your perusal in this material.

I mention that the requirements for calculations of legal point of discharge for the building pad for Lot 2 should exclude the following -

- Area within one metre from the left boundary
- Area within one metre from the right boundary
- Area within 6 metres from the front boundary
- Area within 6 metres from the rear boundary

The areas mentioned above areas that cannot be built on under the Residential Design Small Lot Code, and will have no roofwater collected, therefore it is unnecessary to account for these areas to be serviced by a legal point of discharge pipe.

Therefore, 100% of the site that can be built on has provision for rainwater collection. It is mentioned that AEP 1% fall is to be

The abovementioned areas cannot be built on. I have demonstrated a suitable building pad.

This principle was adopted in the approved development plan at 16 Quirinal Cr Seven Hills, of which I was the applicant.

- 1. Please advise if you accept my building pad dimensions in the attached plans as a suitable building pad.**

2. Please advise what associated earthworks would be required to “enable” when it is painfully obvious the AHD 35.166 at front boundary commands the block and a legal point of discharge is already enabled and all existing and future levels are above 35.6 which is some 400 mm above the AHD 35.166 at the front boundary.
3. Please demonstrate why the site must be filled to enable lawful point of discharge for the Ashridge Rd lots.

“Provision of a stormwater drainage connection for upslope properties.”

I have attached plan view and crosssection to demonstrate that the red line shown of the approved plan is charged.

The red line is charged by .907 m using BSD 8111 requirements of 225mm pipe, 450 cover and .5% degree fall, but using illegal sham triangular line which is not within 600 mm of the boundary

The red line is charged by .984 m using BSD 8111 requirements of 225mm pipe, 450 cover and .5% degree by using legal method of keeping line within 600mm of the boundary.

The red line is charged by 1.269m by using conservative 225mm pipe, 450 cover and 1% degree fall.

4. Please advise if you disagree with the above statements highlighted in yellow..
5. Please provide BCC surface and invert levels of BCC proposed stormwater red line plan for supposed upslope rear lots used in the assessment of the red line.

There is no definition of “Upslope” or “Upslope Lots in BCC definitions”.

7.6.5 Provision of drainage for future upslope development of a neighbouring property

1. Provision must be made for the future orderly development of adjacent properties with respect to stormwater drainage where properties would drain through the development, or the most feasible location for stormwater drainage infrastructure to service development.
2. If a piped drainage connection is provided for up-slope development, the drainage infrastructure must fully extend to the boundary to ensure that the up-slope property owner does not have to undertake works in the down-slope property to connect to this stormwater infrastructure.
3. Where a pipe is used to facilitate an up-slope stormwater connection (now or in future) the minimum pipe size is 225mm nominal diameter. This stormwater pipe must be connected to a lawful point of discharge.
4. The development is to design any up-slope stormwater connection for fully developed catchment flows.

It is my contention that no part of the rear properties "would drain through the development".

The question of "drain through the development " needs to have the tests applied.

It is beyond doubt that the rear properties drain through the subject property at present.

6. Can Council please provide a list of what BCC tests was used to determine if they of the rear properties are an "Upslope" property.

In the absence of a definition of "Upslope", one must take into account or apply the following tests -

A Council BSD 8111 design drawings mentionings of upslope, arrows.

B Precedence from other BCC approvals.

C Fall at the rear boundary – is there a fall to the rear lot or a fall away from the rear lot **at the boundary ?**

D Whether a system can be designed and subsequently correctly installed to ensure that it works properly and will not be in danger of malfunction by using "minimums only" design.

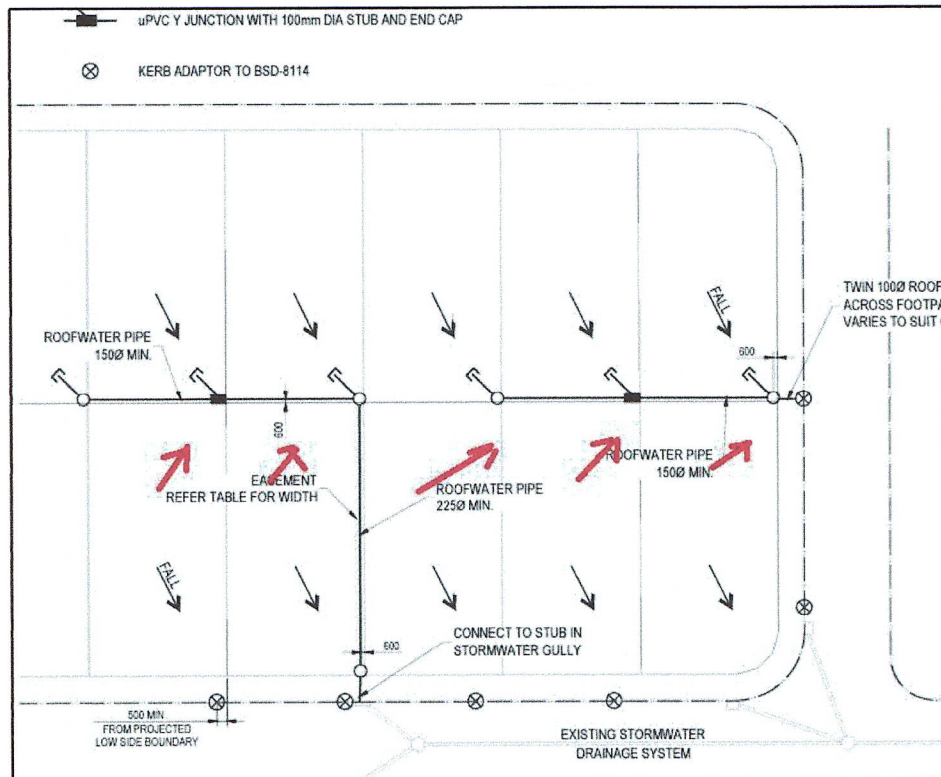
E Whether water would normally fall from the rear properties to the front property (in this case Ashridge Rd) in the ordinary course of rainfall.

F. If a stormwater legal point of discharge design requires fill for one reason only. I.e, to assist upslope properties that are really downslope, and no other, how on earth is a rear block "Upslope" ?

If one has to fill dirt on the subject block for no other reason than to assist with legal point of discharge, by the laws of nature, how can this rear property be upslope? Can you explain that to the normal man in the street?

There is certainly no fill required to service a building pad for Lot 2 or the existing Lot 1, for legal point of discharge purposes.

A

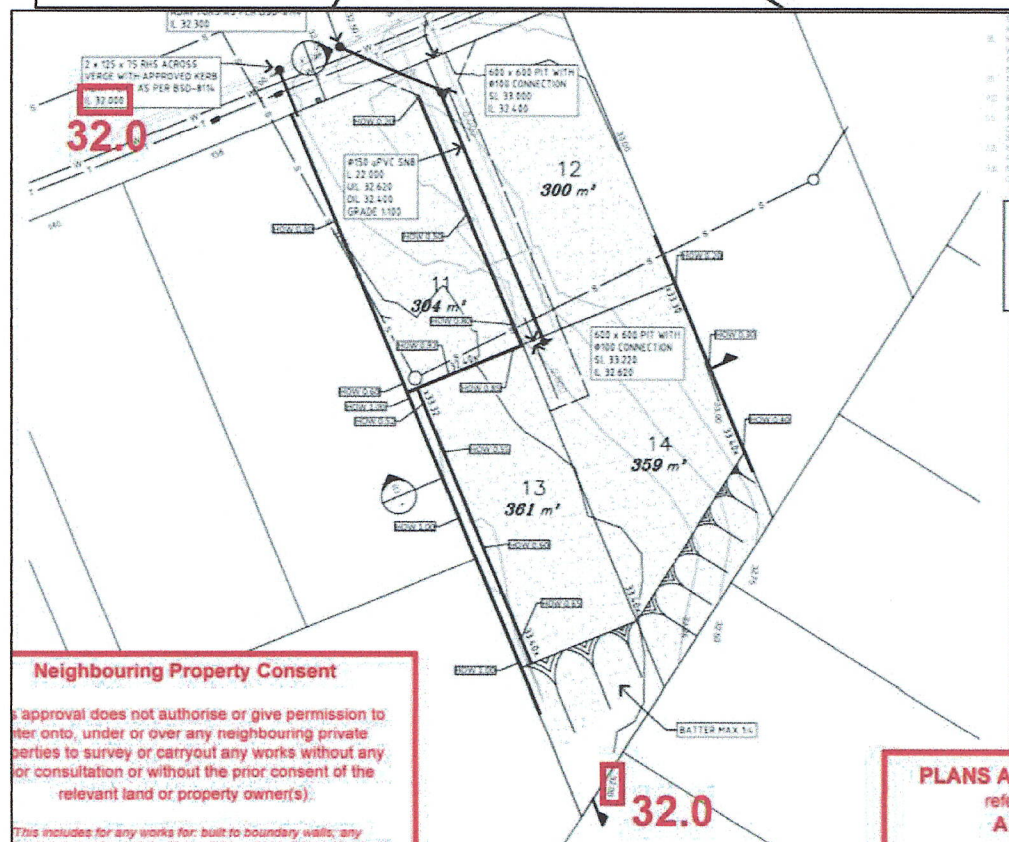
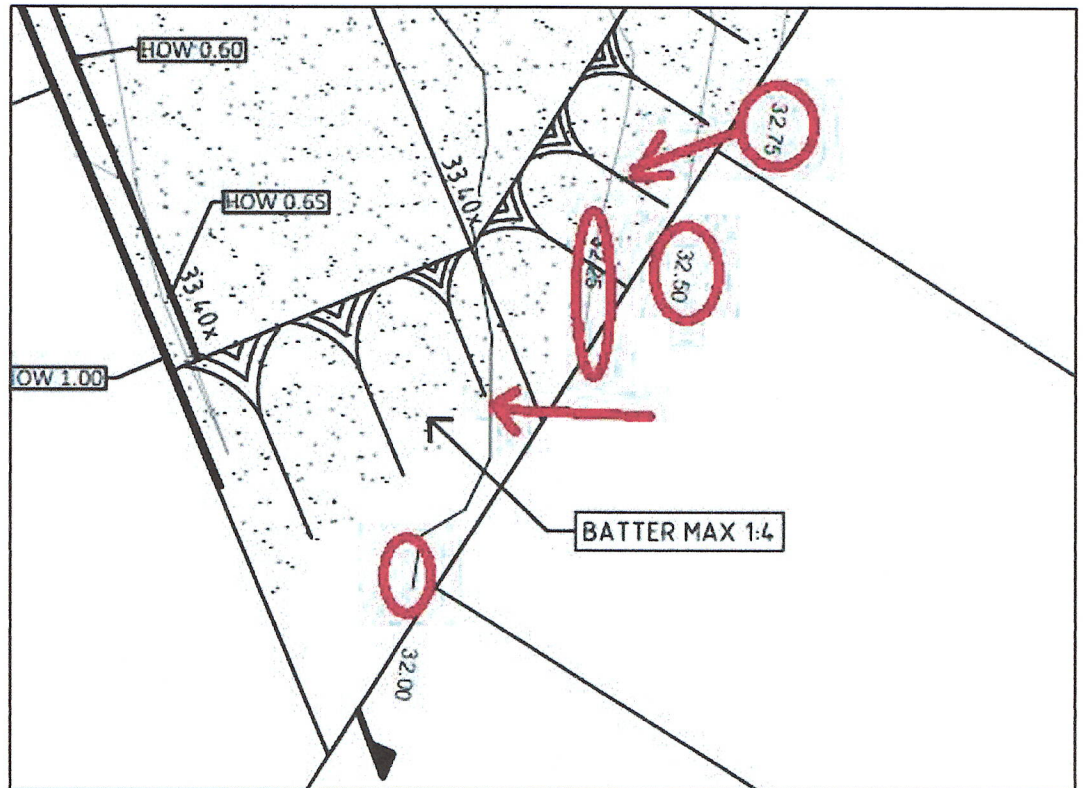


BSD 8111 does not provide detail for a valley situation at the rear. It assumes that the fall is one way only.

The subject site is a valley situation between the two neighbours.

B Re 134 Ashridge Rd Darra.

7. Please advise why 134 Ashridge Rd approval did not require a 225mm pipe to rear properties if the fall at rear is to the 134 Ashridge Rd property whereas the slope at the rear for the subject property 128 Ashridge Rd, is to the rear properties.



8

The above plan of approval for 134 Ashridge Rd Darra shows zero overall fall from rear to front of 32.0 to 32.0.

So obviously a design could not be invented for the overall slope purposes, even though at the rear

There is a valley, of which at first glance, the rear property falls to the approved property.

8. In relation to the 134 Ashridge Rd property decision not to provide a stormwater legal point of discharge to rear properties

Only on the basis that there was no overall slope? Noted again. The fall at the rear boundary was from the rear property to the approved property.

C The subject property falls to the rear properties. The site 134 Ashridge Rd Darra falls from the rear properties at the boundary, to the subject property but still didn't require rear property stormwater provision by BCC.

D The subject property cannot provide a stormwater design to the rear properties that is not charged. The property 134 Ashridge Rd cannot design a Stormwater design that is not charged. From this point of view, the sites are the same.

9. How is the applicant able to construct a BCC designed charged line? Can BCC show BCMT how this is done ? I called them today to ask Margaret Orr to explain how to construct the pipe.

10. Will BCMT be able to inspect a stormwater end of line at the kerb that is .907mm, .984 mm, 12.49 mm below the kerb?

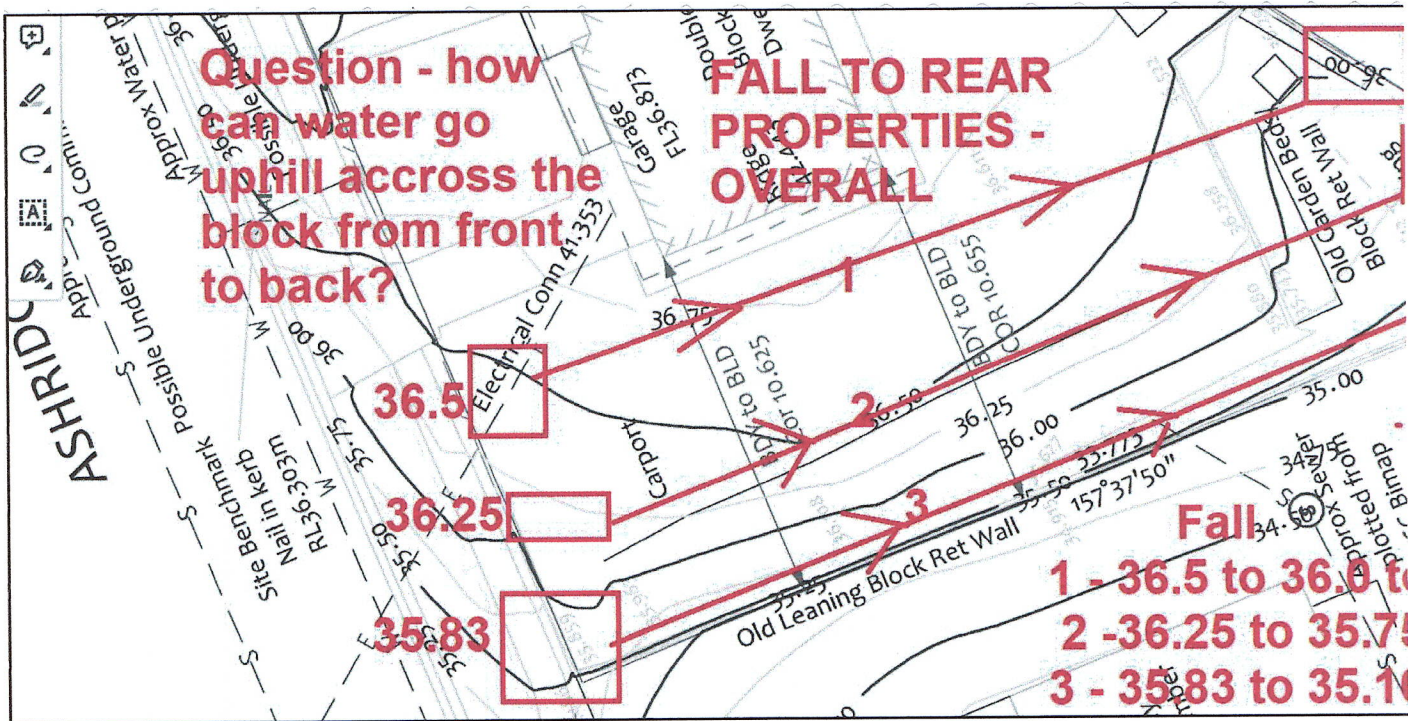
11. Will BCMT sign off on the inspection of the kerb at the construction phaset that is a sham design?

E Water would normally flow from left to right at the rear, and to the right and rear properties. It is impossible for water to fall to Ashridge Rd due to the slope to the right side and the slope to the rear.

It doesn't matter whether the rear valley is on the rear neighbour's property or the subject property (which it is not), there is no way water Would suddenly decide to go uphill once it hits the valley.

The Council is trying to "tunnel their way through my property because Council think the other side of the tunnel can meet the Gutter of AHD 35.1. The pipe is too low by at least 904 MM.

In addition, I provide as assessment below of the overall fall from front to rear.



As can be seen from this analysis, any fool can see that normal surface water cannot travel from any part of the rear to the front.

12. Can Council please explain how the rear proerties are "Upslope Properties" under this test ?

F. It does not make sense that a site should be filled if it is already supposedly downhill from the upslope site.

13. Can BCC advise why there is a need for fill if the subject site is downslope from the rear lots ?

Council fraud cutting corners with pipe not placed within 600 mm from boundary

Council has not complied with BSD Drawing BSD 8111 by providing the pipe 600mm from the boundary. This would appear to intentional deception and fraud by BCC as BCC has shortened the line on purpose. The result of this deception is -

- A shorter line, thereby attempting to pervert the fact that the proposed line is charged.
- Avoiding a lower pipe. The ground falls to the right side and the rear property, not the subject property.

Charged line cutting corners - 907 mm.

Charged line without cutting corners - 984 mm.

14. Is there any other way to describe the design of the line away from 600mm from the boundary to not be BCC fraud ?

There is a natural valley between the lots. The valley bottom invert is in the rear lots, not the subject lot. That is where the water wants to go.

The water doesn't want to go uphill by artificial means to Ashridge Rd. The invert level at the rear right is 35.196. The pipe is 225 mm. The cover is 450 mm.

15. For simplicity sake, why would BCC want to fill a site if the site is supposedly downhill of the rear lots? BCC is attempting to pervert the watercourse for some unknown reason.

Any layman can look at the site and see where the water goes during a rainfall event.

16. Can the Council please advise what tests Council did during their assessment which categorises the subject site as a "downslope site" ?

17. Is Council proposing a Roman Aquaduct system to be incorporated into their design?

S 17 On site drainage minor

“The development site must be filled to create a usable building pad for proposed Lot 2”

“A charged system does not achieve an acceptable point of discharge”

AHD of 35.166 at kerb will command the lot without a teaspoon of fill required.

Minimum existing AHD of proposed building pad is 35.6 .

See cross-sections and Calculations. It is proposed that the site is to have an AHD of 36.0 on the building pad, sloping away to existing levels for the rest of the site, without requiring filling.

18. Can the Council please advise why the Council believe the AHD of 35.166 at the boundary, minimum levels of 35.6 existing and 36.0 of the usable pad the Ashridge Rd lots will be charged.

S13 Retaining walls

17) On Site Drainage - Minor

Provide a stormwater connection to all new or existing allotments and provide drainage infrastructure to ensure stormwater run-off from all roof and developed surface areas will be collected internally and piped in accordance with the relevant Brisbane Planning Scheme Codes to the existing kerb and channel in Ashridge Road and generally as shown on the APPROVED Plan of Subdivision SK01 received 10 JUL 2024 and as amended in red. The development site must be filled to create a usable building pad for proposed Lot 2 and to achieve a lawful point of discharge via gravity to the kerb and channel. A charged system does not achieve an acceptable lawful point of discharge.

13) Retaining Walls

Design and construct all retaining walls and associated fences, in accordance with the relevant Brisbane Plan and the following:

- All retaining walls including the footings, must be located wholly within the property boundaries of the site where works are carried out
- Runoff from surface drains and subsoil drainage associated with the retaining walls must be collected and connected to a legal point of discharge (LPD) where possible. If no LPD is available the surface drains and sub-soil drainage must be designed, installed and maintained to ensure there is no ponding, nuisance or concentration of stormwater discharge to adjacent properties.
- Retaining walls to stabilise excavation must be set back from property boundaries to accommodate subsoil drainage and encroachment into the neighbouring property. This set back may vary depending on the height, structure and design of the retaining wall, surcharge loadings from neighbouring properties, and to provide a surface drain along the top of the excavation.
- For retaining walls in excess of 1.0m in height:
 - walls must be vertically and horizontally tiered by a ratio of 1:1 unless an alternative has been approved by Design Services
 - walls must be designed and certified by a Registered Professional Engineer Queensland
 - walls facing onto Council property (including the road reserve and parkland) must not be constructed from timber

NOTE: Refer to City Plan 2014; Infrastructure Design Planning Scheme Policy (IDPSP) for Council's definition of retaining wall.

19. Is BCC aware that no amount of fill, one inch or ten metres, can raise the supposed Upslope property stubs?

It is simply ludicrous that Council think that fill can magically change the height of the neighbours stub.

This stub needs the appropriate amount of cover.

There are no future walls in excess of 1.0m in height. The existing retaining wall 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.

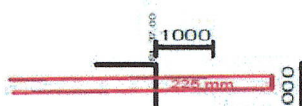
STA Consulting have provided a Form 15 for the right side retaining wall.

"Retaining wall and footings are to be wholly within property boundaries"

It appears that the BCC retaining wall needs to be set back over one metre. In the absence of a legal point of discharge for the retaining wall, there needs to be enough grass to soak up any multiple ag pipes protruding out of the wall.

20. Is the Council proposing a Roman aquaduct system to achieve legal point of discharge for Lot 99?

**Possible crosssection of council
225 mm pipe mid air Roman aquaduct
stage one. To be confirmed by BCC.**




Can BCC RPEQ please provide their crosssections used to determine legal point of discharge ?

This includes crosssection at the stub location of Lots 98 and 99 to demonstrate they are not proposing a Roman Aquaduct system as above.

“Stormwater mark ups are indicative only”

“Stormwater mark ups are indicative only and subject to further detailed design.”



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

21. Please advise why stormwater markups are indicative only when BCC has no excuses to be indicative only after 9 weeks since 23/7/24, the Properly Made date.

BCC had at least 9 weeks to assess all matters.

There has been no information request to the applicant.

(a) It is your (Council) plan not mine. You invented the red line, not me. The onus is on the author of the design to be transparent and truthful, not be mischevious and hiding.

(b) There has been no information request to the applicant regarding engineering requirements.

(c) There has been no request by BCC to the applicant for an extension of time for assessment.

22. Please advise why there has there been no information request by BCC to the applicant for engineering?

Q Please advise why there has been no BCC request for extension, thereby triggering a legal default of S60 of the Planning Act and penalty interest charged by the application

Joel Wake of no specific title said in a phone call to myself when he called me on 1/10/24 that he had not personally assessed the stormwater requirements for the site.

23. Please advise why Joel Wake of multiple titles refused to assess stormwater requirements in the assessment process.

**24. Please advise why Joel Wake of multiple titles refused to discuss stormwater matters other than in a telephone conversation
"have you got a hydraulic consultant ?**

Joel Wake with various BCC titles, except Assessment Manager under the Planning Act, was offered by myself in a phone call to myself on or around 15/8/24 a chance to inspect my site from the ground plus first floor view from the lounge room. I also offered him free use of my laser level. Wake refused this offer.

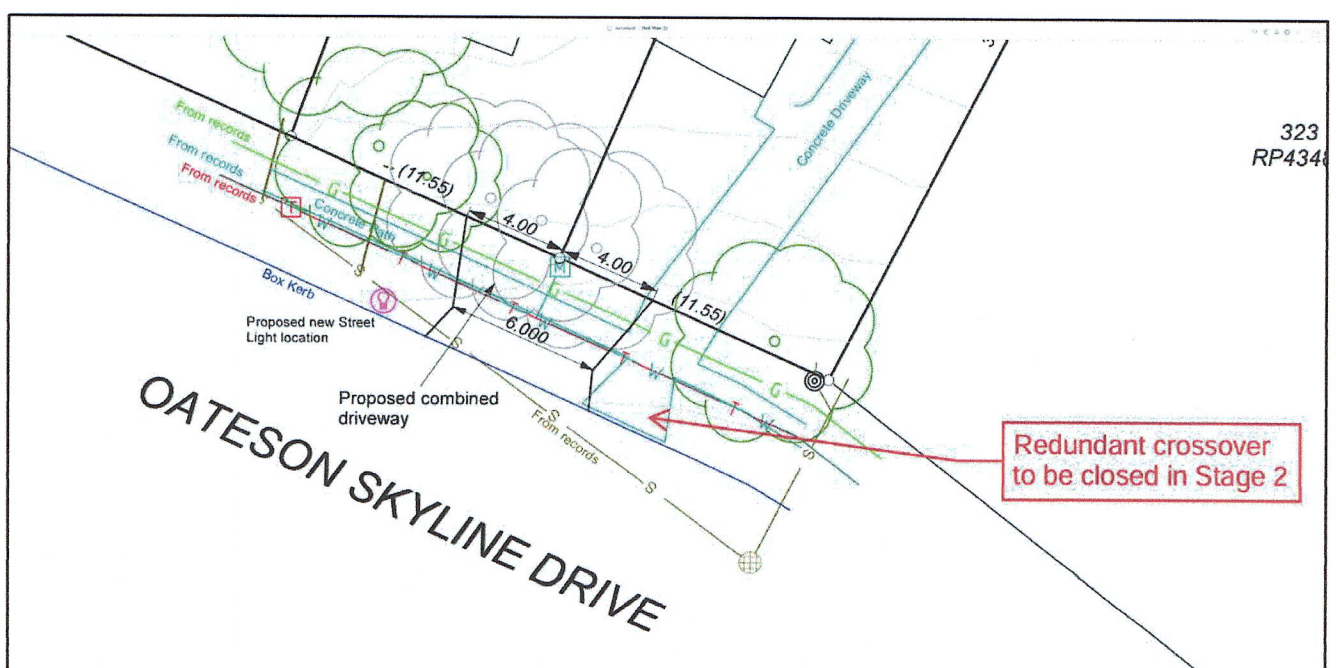
24. Please advise why Joel Wake of multiple titles did not accept my offer to inspect the subject site.

I require your responses by 5pm Thursday 10/10/24.

Yours Faithfully

DAVID MANTEIT - APPLICANT

Driveway



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1. Please remove red lines on approved plan. See previous BCC approved design by applicant at 63 Oateson Dve

Seven Hills.

16/10/24

16-10-24

The Manager
Brisbane City Council

City Legal
Margaret Orr
Joel Wake
Scott Ruhland
Tom Gibbs
Zarndra Piper
Lucy Ting
Emma Mezzina

128 ASHRIDGE RD DARRA DRIVEWAY A006565555

Dear Sirs

Council proposal to reduce safety of driveway entrance on District Road.

1. **Please explain why Council have taken away the 8 metre flange at the proposed shared driveway at the boundary? To date no explanation has been provided. This item will be added to the Court order directions for Council to explain prior to final submissions by the applicant of any S 75 Notice or S 230 appeal or both.**
 - (a) The site is a district road. The site at 63 Oateson Skyline Dve Seven Hills is also a district site. From that viewpoint they are the same. See below approved Council plan of 63 Oatseon Skyline Dve. David Manteit applicant. 8m wide at boundary. 6m wide at kerb.
 - (b) The site has an existing driveway for Lot 1 being 4 metres wide 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 Rd because the existing garage/driveway and the Council proposed 6 metre wide boundary entrance do not line up.
 - (c) In addition, the Council's changes in red reduce the overall safety of the entering and reversing on the blocks, being a district road.
 - (d) In addition, Lot 1 would benefit from a wider entry at the boundary of 8m to negotiate turning left, due to the sharper turning required, being on the higher side.
 - (e) The applicant is not seeking the kerb width to be more than the 6 metres as shown on the approved plan.

Council had 9 weeks to assess.

No information request by Council.

No extension of time requested by Council.

Then Council provides a red line for no reason. There is insufficient material on this information to lodge a proper S 75 Notice or S 230 appeal. Council will be ordered to supply that information.

Please provide your response by 12pm 16/10/24. This material will be filed in the Court Case.

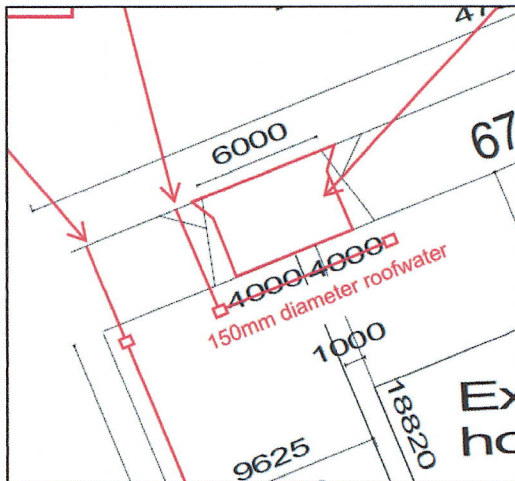
24) Permanent Driveway Crossover

Provide a 6.0 metre wide Residential Type shared permanent driveway crossover to the Ashridge Road frontage(s) of the site in accordance with the relevant Brisbane Planning Scheme Codes and located as shown on the approved DRAWINGS AND DOCUMENTS.

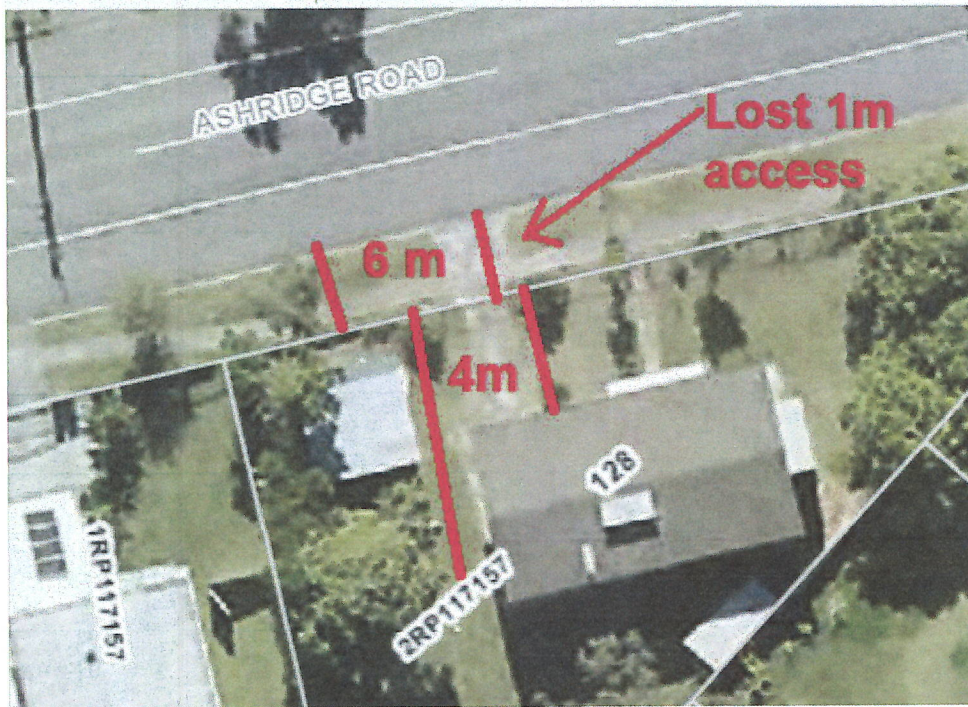
Written consent must be obtained from the Program, Planning and Integration Arboriculture (PPI Arb) prior to any works occurring that will either impact on or require removal of a street tree (this includes pruning, excavation or fill within the root zone/canopy of the tree)

At all times during construction of the crossover, safe pedestrian access along the site frontage must be maintained.

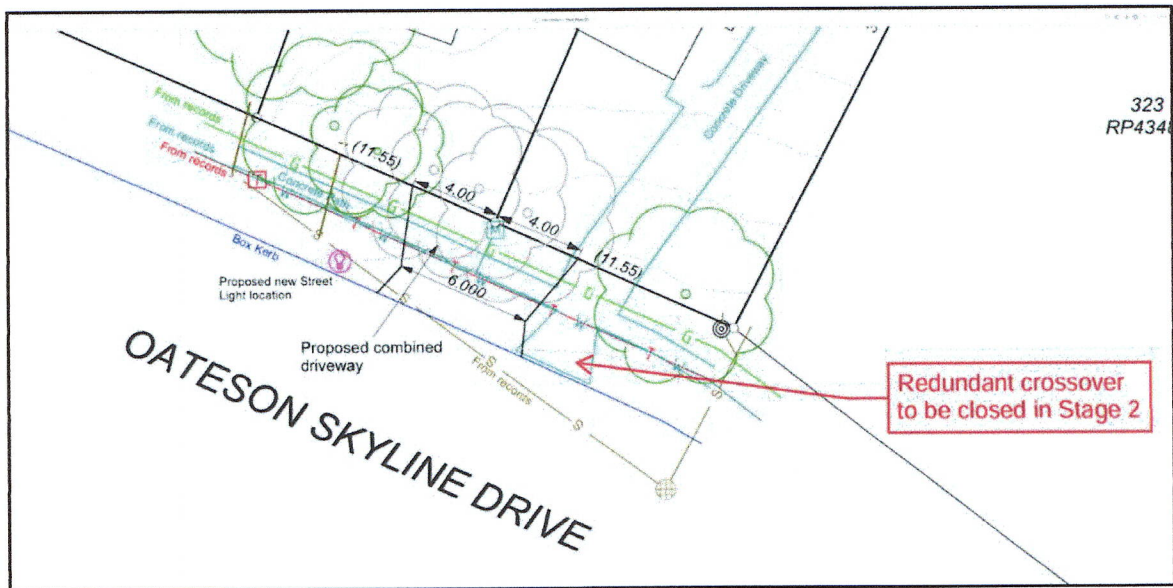
Note: No further driveway permit is required however additional footway permits or lane closure permits may be required for footpath/verge closures and/or lane closures. These permits must be obtained prior to construction of the crossover.



Above – Council approved plans and conditions



Above - City Plan 2014



Above – Council approved drawing 63 Oateson Skyline Dve Seven Hills David Manteit applicant

25/10/24

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David Manteit
82 Rowe Tce
Darra 4076

25/10/24

The Lord Mayor
The Manager
Brisbane City Council

cc.
Sara McCabe
City Legal
Margaret Orr
Tom Gibbs
Zarndra Piper
Joel Wake
Scott Ruhland
cc. brisbanecitycouncilcomplaints.com.au

cc. Planning and Environment Court Registry

128 ASHRIDGE RD DARRA DRAINAGE PLAN AFFIDAVIT REQUIRED

Attached and below is a copy of the Council supplied drainage plan.

128 ASHRIDGE RD DARRA A006565555

From Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>
Date Thu 3/10/2024 5:09 PM
To davidmanteit@hotmail.com <davidmanteit@hotmail.com>
Cc Emma Mezzina <Emma.Mezzina@brisbane.qld.gov.au>; Zarndra Piper <Zarndra.Piper@brisbane.qld.gov.au>; CPAS-DS-PlanningSupport <DSPlanningSupport@brisbane.qld.gov.au>

Good afternoon David

Thank you for your email of 1 October 2024 about your development application at 128 Ashridge Road, Darra (application reference: A006565555).

As you are aware, this application was approved by Council on 25 September 2024 after being assessed by Council's Development Services team against the requirements of the Brisbane City Plan 2014 (City Plan) and in accordance with the provisions of the Planning Act 2016 (the Act). Council's Delegate took all assessment matters into account, and concluded that the application was in accordance with the requirements of the City Plan, subject to the imposition of reasonable and relevant conditions and amendments in red.

I appreciate that you may not agree with the conditions and amendments to the plans, however, you have an option to suspend the appeal period to make change representations under s75 of the Planning Act 2016. Otherwise, you have the right to appeal the decision 20 business days after the notice of the decision is given, by lodging a notice of appeal in accordance with s230 of the Planning Act 2016.

I would like to also advise you to please treat all Council officers with respect, even if you are in disagreement with Council's position on a particular matter.

Thank you

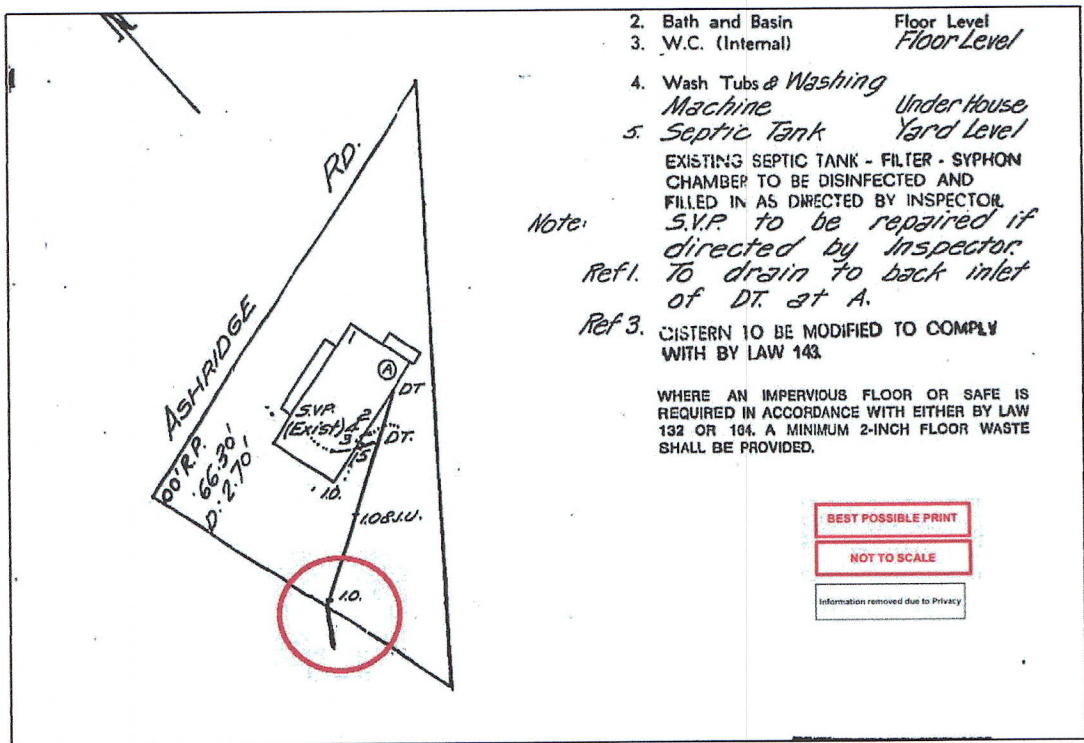
Kind regards

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

Above – Margaret Orr letter of 3/10/24.

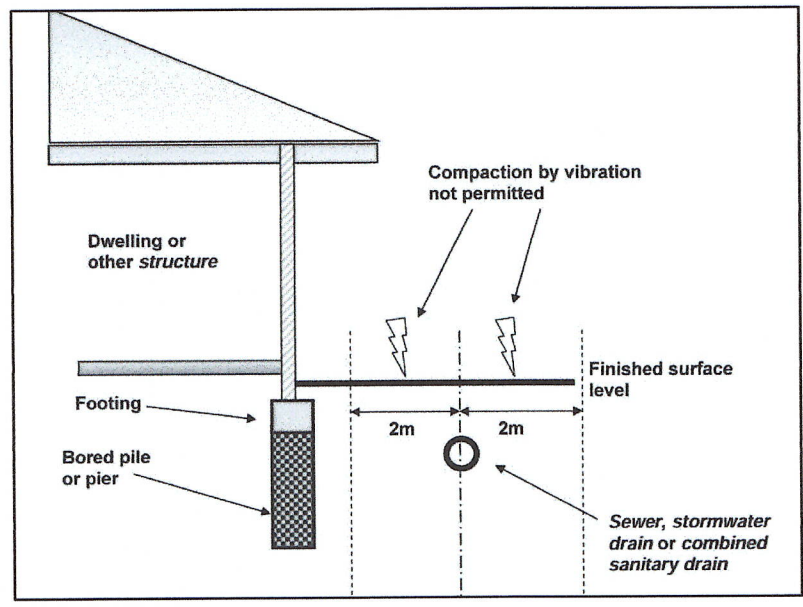
”Council’s delegate took all assessment matters into account”

“Assessed by Council’s Development Services Team”

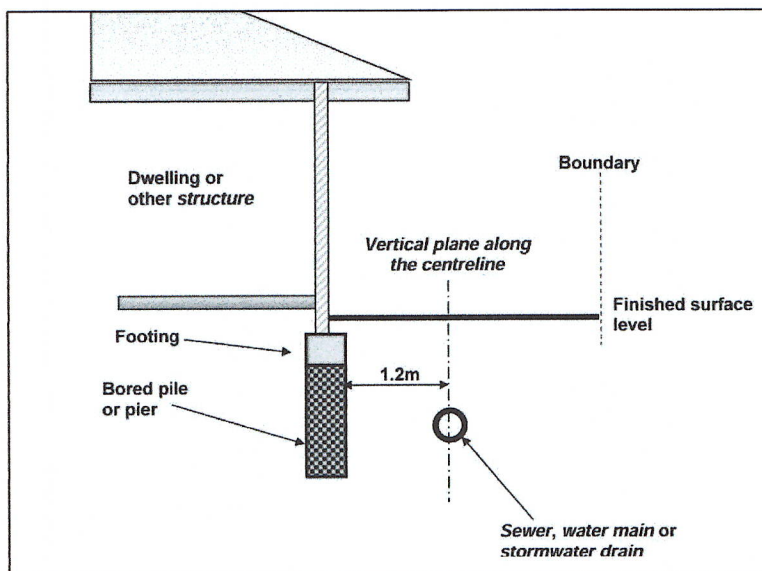


Above – extract of sewer/private drain I/O 128 Ashridge Rd Darra

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>Ensuring building work does not damage relevant infrastructure</p>	
<p>P1 <i>Building work for a building or structure on a lot that contains, or is adjacent to a lot that contains, relevant infrastructure does not—</i></p> <ul style="list-style-type: none"> (a) adversely affect the operation of the relevant infrastructure; or (b) place any load on the relevant infrastructure. 	<p>A1</p> <p>(1) The requirements set out in subsection (2) apply for building work for a building or structure on a lot that contains, or is adjacent to a lot that contains, relevant infrastructure that is—</p> <ul style="list-style-type: none"> (a) a sewer with a DN not more than 225mm that is not a pressure pipeline; or (b) a stormwater drain with a DN not more than 375mm that is not a pressure pipeline; or (c) a combined sanitary drain.



Above – Extract of Queensland Development Code.



Above – Extract of Queensland Development Code.

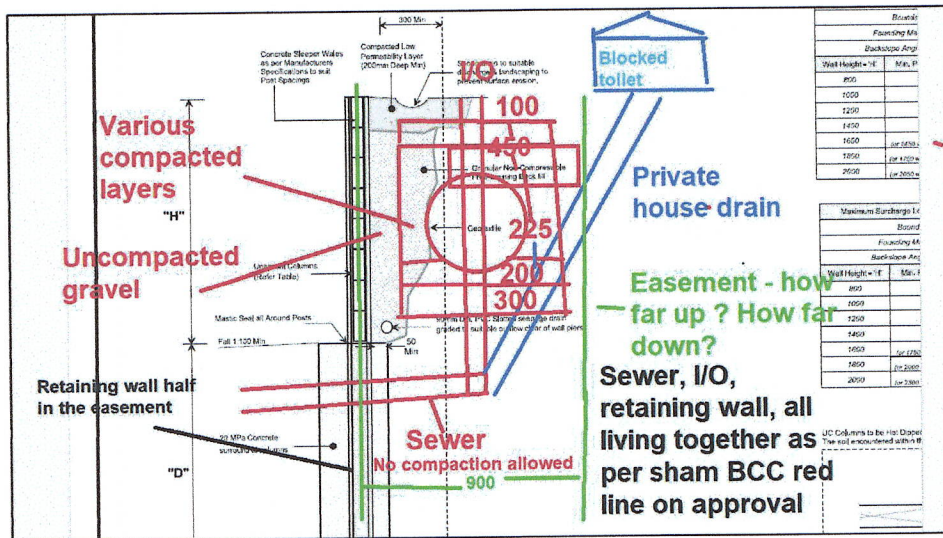
**“Took all assessment matters into account –
Margaret Orr , Brisbane City Council**

Margaret Orr

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

and in accordance with the provisions of the *Planning Act 2016* (the Act). Council's Delegate took all assessment matters into account, and concluded that the application was in accordance with the

Above - Extract of Margaret Orr letter 3/10/24



Above – Notes to STA Consulting retaining wall.

Building work

Building work is a term used to infer work that requires a QBCC licence and includes work:

- valued over \$3,300
- valued over \$1,100 where it involves hydraulic services design
- of any value where it involves:
 - drainage
 - plumbing and drainage
 - gas fitting
 - termite management—chemical
 - fire protection
 - completed residential building inspection

Above Building Work QDC including plumbing and drainage, ie Stormwater pipe

Just so the judge can be clear I require Margaret Orr and Joel Wake or other Council to provide an affidavit stating as follows:

1. The following were assessed as per your statement “the Delegate all assessment matters were taken into account”

The **sewerage pipe** and end cap, in the middle, and crossing at around 90 degrees of Council proposed stormwater easement.

The private drain pip in the middle, and crossing at 90 degrees of your proposed stormwater easement.

Yes/No, Explanation.

2. I have in my possession proposed crosssections and plan view of all services in and around the sewer pipe, private drain, I/O prepared by an RPEQ engineer, ready for construction. This matter was fully assessed by the Development Services team and taken into account by the delegate Joel Wake as one of "all matters" .

I have in my possession proposed engineering wording of all services in and around the sewer pipe, private drain, I/O prepared by an RPEQ engineer, ready for construction. This matter was fully assessed by the Development Services team and taken into account by the delegate as one of "all matters" in

Yes/No, Explanation.

3. I have in my possession proposed engineering for a concrete sleeper wall that requires a service to be a minimum of 1m to 1.5m away from the retaining wall .

The design has been completed using the following criteria, where conditions differ from those shown STA Consulting Engineers must be contacted immediately for review.	
Purpose of Retaining Wall:	Boundary Structural Wall
Type/s of Retaining Wall Proposed:	Concrete Sleeper with Steel Columns
Maximum Design Height:	=> 1.5m to 2.0m in Height
Wall Configuration:	Single Tier / Levels
Natural Surface Slope:	Less or Equal to 5 Degrees
Proximity of Structures (Including Retaining Walls):	Greater or Equal to 1.5m Clearance
Proximity of Existing Services:	Over 1.0m to 1.5m Clearance

Above – extract from STA Consulting minimum distance to services.

This matter was fully assessed by the Development Services team and taken into account by the delegate as one of "all matters"

Yes/No. Explanation.

4. I have assessed the requirements of the Queensland Development Code 1.4 and have determined that the stormwater pipe cannot be built since it is in conflict with the existing sewer pipe and private drain and I/O.

Yes/No/Explanation

This matter was fully assessed by the Development Services team and taken into account by the delegate as one of "all matters" .

Yes/No. Explanation.


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**Please provide you affidavit and/orr written advice by 5opm Friday
25/10/24.**

Time is of the essence to avoid Council further costs and damages.

Yours Faithfully



DAVID MANTEIT – APPLICANT