

In the Planning and Environment Court
Held at: Brisbane

No 2916/24

Between: **David Manteit**

Appellant

And: **Brisbane City Council**

Respondent

AFFIDAVIT

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

1. Various statements in pages 1-8.
2. Attachment "A" of various plans.

Signed:



Deponent

Taken by:



Justice of the Peace

~~Sworn and~~ affirmed by

on 19/11/24 at Brisbane in the presence of:



Deponent



Justice of the Peace

AFFIDAVIT

David Manteit
82 Rowe Tce Darra 4076
0424 739 923

1. I state that I am qualified to prepare plans for Council approval in Brisbane City Council, Ipswich City Council and Logan City Council.

Attachment "A" demonstrates stamped past approved subdivision plans all prepared by David Manteit for –

128 Ashridge Rd Darra	Brisbane City Council David Manteit applicant
82 Rowe Tce Darra	Brisbane City Council David Manteit applicant
161 Baskerville St Brighton	Brisbane City Council David Manteit applicant
291 Kianawah Rd Wynnum West	Brisbane City Council David Manteit applicant
16 Quirinal Cr Seven Hills	Brisbane City Council David Manteit applicant
3 Edward St One Mile	Ipswich City Council David Manteit applicant
45 Dudleigh St North Booval	Ipswich City Council David Manteit applicant
13 Ashgrove St North Booval	Ipswich City Council David Manteit applicant
63 Oateson Skyline Dve Seven Hills	driveway plan BCC David Manteit applicant

These plans include –

Plan view
Crossections of land and houses.
House plans.

No Council has ever had a problem with my plans. I am responsible for my plans.

2. Council is responsible for their own plans, in the same way. **Council is responsible for their own plans**, ie red line stormwater plan, "Markups Only" and "Further detailed design required"

2. I have completed on behalf of myself and many clients –

- Subdivisions to plan sealing
- Stormwater lawful point of discharge.

In particular of note recently –

161 Baskerville St Brighton – 80 metres of 225mm stormwater pipe and four pits, through two neighbour's yards to get to Sunwell St.

82 Rowe Tce Darra – 60 metres of 150mm stormwater pipe through to a saddle placed on top of a 1200mm Council stormwater pipe.

Sewerage manhole live sewer works.

60 metres of welded sewerage pipe with radius bends.

359 Stafford Rd Stafford – first development in Brisbane with a bent 11 degree sewerage pipe placed in the footpath.



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3. I have worked hands on in respect of constructing every single stormwater and sewerage pipe in all my own developments and have supervised client's installations. I have been in the trenches and worked with the licenced plumber as assistant. I audited each pipe for fall. Surveyors then audited and signed off.

I have completed around 60 projects for lawful point of discharge.

Every single BCC approval has a stormwater condition.

This includes using various shovels and tools –

Birdmouth shovel
Square nosed shovel
Plumbers trench shovel
Scissor shovel
Laser level
Wheelbarrow
Pipe laser
Drain Cam
Pipe welding machine
Vibrating compacting machine
One tonne excavator
Concreting tools
Carpentry tools

I have completed around 100 retaining walls in concrete sleepers, block wall, timber.

I have concreted many slabs and driveways.

I have converted 5 CBD buildings to apartments.

I have completed 20 subdivisions in my own name.

2. Both Brisbane City Council and Ipswich City Council trust and rely on my prepared plans. Both Councils have never given me an information request to change overall plan details.

3. The stormwater pipe cannot physically be constructed. I state that I physically cannot commence subdivision works nor complete the approved plan to plan sealing for 128 Ashridge Rd Darra due to Council withholding information necessary to complete.

4. Council impediment to completing works. I state that I have never had a case before in either Brisbane City Council, Ipswich City Council, or Logan City Council, where I have had an impediment to completing works for a subdivision to sealed plan due to to **Council** sham design and refusal to answer questions on their sham design and refusal to provide information regarding their sham design.

5. Further grounds of this Court case. Ordinary Course of business. For the sake of clarity, the grounds for answering the questions and providing the said information include the ordinary course of business of completing the subdivision requirements to enable follow through to plan sealing stage.



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6. Council is author of plans. In relation to all previous developments and construction I have always built to plans and engineering specifications. Council is the author of -

- requirement of fill in S12, S17, S18.
- requirement of stormwater red line
- requirement to change driveway flanges.

Council state that the stormwater line is a "markup only" and "requires further detail design". Council has a responsibility to provide engineering detail and answer questions

It is unfathomable why Council would clearly state that basically they have no engineering or proof of their red line.

If Council has proof of red line engineering, Council should supply it to me.

If Council has no engineering proof of red line, Council should remove red line and conditions.

7. Council refuse to supply easement documentation. I have completed scores of subdivisions requiring services easements. Including subdivisions that require Council to prepare the easement. In the past Council have supplied and prepared certain access easements. I cannot recall any problem with Council supplying the proposed easement documentation in the past.

I physically cannot commence subdivision requirements until all the aspects are known of the stormwater drainage easement document. Council refuse to supply. Hence my subdivision is at a full standstill.

In addition, to highlight the incompetence of the Council approval, Council refuse to supply me with the details of S 7b "Other easement". Where is the "other easement" supposed to be over?.

I physically cannot commence subdivision works until the details of the "other easement are supplied."

8. Normal past responses by Council regarding Stormwater.

I state that is is not normal for Council to hinder the supply of information on their own engineered plans.

Below is a copy of a letter from Andrew Blake advising the SL (surface level) of the Q 50. for 82 Rowe Tce Darra, during the assessment period,

It so happens that Council had previously prepared plans for the overland flow mitigation works in and around 82 Rowe Tce Darra.

Note in the 82 Rowe Tce example -

Council prepared plan.
Council supplies surface level (SL)



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I have requested amongst other items from Council in relation to the said stormwater red line , surface levels and invert levels.

Council refuse to supply information. Therefore I cannot proceed with completing development requirements for plan sealing unless Council supply information.

82 Rowe Tce Darra

From Andrew Blake <Andrew.Blake@brisbane.qld.gov.au>
Date Fri 23/10/2020 11:47 PM
To davidmanteit@hotmail.com <davidmanteit@hotmail.com>

Hi David,

As discussed in our recent phone conversation, Brisbane City Council has overland flow flood information for this property.

The Q50 overland flow flood level for 82 Rowe Terrace Darra is 25.7m AHD.

Regards

Andrew Blake

Principal Engineer (Stormwater & Flooding) | Development Services
City Planning & Sustainability | **BRISBANE CITY COUNCIL**

Brisbane Square | 266 George Street, Brisbane, Qld 4000
Email: andrew.blake@brisbane.qld.gov.au

Notes to S 3.

(a) No person including plumbers can physically build the red line stormwater plan as shown on the approval and for the pipe to be not charged.

(b) **No applicant engineer can design** the stormwater pipe due to -

Malfunction of slope

Existing surface levels to remain as is.

Conflict of engineering design due to proximity of retaining wall, sewer pipe.

Conflict of engineering design due to crossover/shared drainage gravel, compaction,etc.

Unknown Council easement requirements. Refusal by Council to supply.


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(c) **The ordinary course of business.** I am at a complete standstill on the site until Council supply information on the sham stormwater line, "Markups only" and "Further detailed design required" If there was no court action to obtain this information, then Council should supply this information on the ordinary course of business. Council refuses to supply.

(d) **I do not know where to place fill** requested by Council in S12, S17, S18 of the approval as the site has a lawful point of discharge of AHD 35.1 that is lower than all existing surface levels on the proposed blocks.

Based on a usable building pad of SL 36.0, or any level above IL 35.138 which is the required IL at the front boundary, there is no need for a teaspoon of fill.

(f) **Precedence** –

David Manteit V Telstra and NBN

Decision

BRISBANE CLAIM: 0000111/19

APPLICANT

DAVID MANTEIT

RESPONDENT

NBN

TELSTRA CORPORATION LIMITED ABN 33051775556

Claim Filed: 22 January 2019

Take notice that this application was heard before the Queensland Civil and Administrative Tribunal at BRISBANE on the 18 February 2021 and the following decision was made:

It is ordered that:

CLARIFICATION

I confirm that;

1. The payment of \$15000 satisfies the requirements of the order in respect of both Respondents;
2. The NBN is not required to separately pay the Applicant any further sum;
3. The terms "without admission of liability and terms to be kept wholly

id Administrative Tribunal

I successfully obtained orders from Queensland Civil and Administration Tribunal From Telstra and NBN for them to install a telecoms pit and pay damages of tens of thousands of dollars, around 2021, plus tens of thousands further from NBN in relation to them not complying with non-disclosure.



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Approval site 3 Edward St One Mile. Ipswich City Council.

This court case is a good comparison since I could not complete the subdivision to plan sealing without the pit. That is the same situation in this case of David Manteit V Brisbane City Council.

Brisbane City Council are currently holding me up from completing the subdivision in the **ordinary course of business of completing the subdivision**. This holding up of information is costing me around \$12,000 a month in holding charges. This excludes opportunity costs of loss of profit.

Brisbane City Council are also holding me up in the ordinary course of business of completing the subdivision.

(g) Brisbane City Council is the only organisation or person holding me up from obtaining a sealed subdivision plan. Nobody else. Nothing else.

For all of the above reasons, I require Council to answer all questions previously asked and in addition to provide the easement document as their obligation in the approval S 7.

134 Ashridge Rd Darra

This site was approved for 4 lots in June 2024. The rear RL is 32.0. The kerb RL is 32.0. Zero fall. **It is impossible to obtain "drain through the development" as per the Stormwater Code.**

The Ashridge Rd development has a rear RL of 35.162 and a kerb RL of 35.1. Fall of 52 millimetres. **It is impossible to obtain "drain through the development" as per the Stormwater Code.**

There was no condition placed on the applicant of 134 Ashridge Rd Darra, nor red line for stormwater.

9. I cannot physically construct the Council stormwater pipe until the information is supplied from Council. state that my calculations under various scenarios for the stormwater red line are as follows:

Scenario 1 - 300 pipe, 450 cover and .5 degree fall as per BSD 8111 requirements Calculations done against red line shown on BCC approved plan. Based on fully developed 4 houses = 60 litres/second, 300 pipe, 83 litres/second 100*75 RHS pipes across verge.							
Pit	1	2	3	4	5	Cross check	
Pipe Length		16.370	6.060	29.500	3.750	55.680	
SL at boundary	36.700	35.650	35.162	35.853			
Fall of natural ground - rear neighbour or Ashridge Rd	Rear neighbour	Rear neighbour					
(A) SL used for Pit	37.000	35.750	35.200	35.859	35.250		
New start of line invert level brought forward		36.250	35.000	34.450	34.303	36.250	
(B) Min depth - pipe 300 and and cover 450	0.750						
(C) Min Invert level depth	36.250						
Fall .5% on property, 1% at verge		0.082	0.030	0.148	0.038	-0.297	
(D) Invert level end of line after fall		36.168	34.970	34.303	34.266		
(E) Prima facie depth (needs to be + 675 or .25 at kerb)		-0.418	0.230	1.557	0.985		
Distance the pipe needs to be lowered by for min cover		1.168	0.520			-1.688	
Adopted Min invert level with 300 pipe and 450 cover carried forward		35.000	34.450	34.303	34.266	34.265	✓
Invert level at kerb					35.100		
BCC charged system malfunction in metres					-0.834		

Above – Council plan as approved with non-compliant BSD 8111.

Scenario 3 - 300 pipe, 450 cover and .5 % fall as per BSD 8111 requirements Calculations done against red line shown but taking out sham triangle Based on fully developed 4 houses = 60 litres/second 300 pipe. 83 litres/second 100*75 RHS pipes across verge.						
Pit	1	2	3	4	5	Cross check
Pipe Length		16.370	7.279	33.750	3.750	61.149
(A) SL used for Pit	37.000	35.750				
Fall of natural ground - rear beighbour or Ashridge Rd		Rear neighbour	Rear neighbour			
(A) SL at neighbour boundary (1,2) or 600 mm inside (3,4,5)	36.700	35.650	35.162	35.859	35.250	
New start of line invert level brought forward		36.025	34.900	34.412	34.243	
(B) Min depth - pipe 225 and and cover 450	0.675					
(C) Min Invert level depth	36.025					36.025
Fall 1. % on property, 1% at verge		0.082	0.036	0.169	0.038	-0.324
(D) Invert level end of line with fall,		35.943	34.864	34.243	34.206	
(E) Prima facie depth (needs to be +.75 or .25 at kerb)		-0.293	0.298	1.616	1.045	
Distance the pipe needs to be lowered by for min cover		1.043	0.452			-1.495
Adopted pit Min invert level 225 pipe and cover 450		34.900	34.412	34.243	34.206	34.206
Invert level at kerb					35.100	
BCC charged system malfunction in metres		34.900			-0.894	


Scenario 5 - Service Lots 98, 99 BSD 8111 pipe 600mm from boundary at all times. More conservative 1% fall, 300 cover, take out sham triangle, Note pit 2 disappears but is included in calculations. Calculations done taking out sham triangle. 300 pipe, 1% fall, 600 cover, Based on fully developed 4 houses = 60 litres/second 300 pipe. 83 litres/second 100*75 RHS pipes across verge.						
Pit	1	2	3	4	5	Cross check
Pipe Length		16.370	7.279	33.750	3.750	3.750
(A) SL used for Pit	37.000	35.750				
Fall of natural ground - rear beighbour or Ashridge Rd		Rear neighbour	Rear neighbour			
(A) SL at neighbour boundary (1,2) or 600 mm in, 3,4,5	36.700	35.650	35.162	35.859	35.250	
New start of line invert level brought forward		35.800	34.750	34.262	33.925	
(B) Min depth - pipe 300 and and cover 600	0.900					
(C) Min Invert level depth	35.800					35.800
Min .5% fall, 1% over verge		0.164	0.073	0.338	0.038	-0.611
(D) Invert level end of line with fall,		35.636	34.677	33.925	33.888	
(E) Prima facie depth (needs to be +.825, +.25 (kerb)		0.014	0.485	1.935	1.363	
Distance the pipe needs to be lowered by for min cover		0.886	0.415			-1.302
Adopted pit Min invert level 225 pipe and cover 600		34.750	34.262	33.925	33.888	33.887
Invert level at kerb					35.100	
BCC charged system malfunction in metres		34.750			-1.212	

Above – more conservative 1% fall and 600 cover.

I cannot construct a pipe that will be 1.212m under the kerb. I cannot construct this pipe I cannot start to commence works until Council provide information and responses to the said questions.

10.No requirement of fill. I state that the site may allow a usable building pad of between


Deponent


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AHD 35.138 to 36.4 without the requirement of fill .

Council refuse to advise where the fill in S12,S17,S18 are to be placed.

I state that the fill as requested by Council in S12, S 17, S 18 is totally unnecessary and unsubstantiated by Council. It is ridiculous to place fill on top of an existing mountain.

I cannot start or complete works until Council answer the said questions and provide information.

END



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David Manteit V Brisbane City Council 2916/24

Exhibit "A" Previous plans prepared by David Manteit all approved by Brisbane City Council and Ipswich City Council.

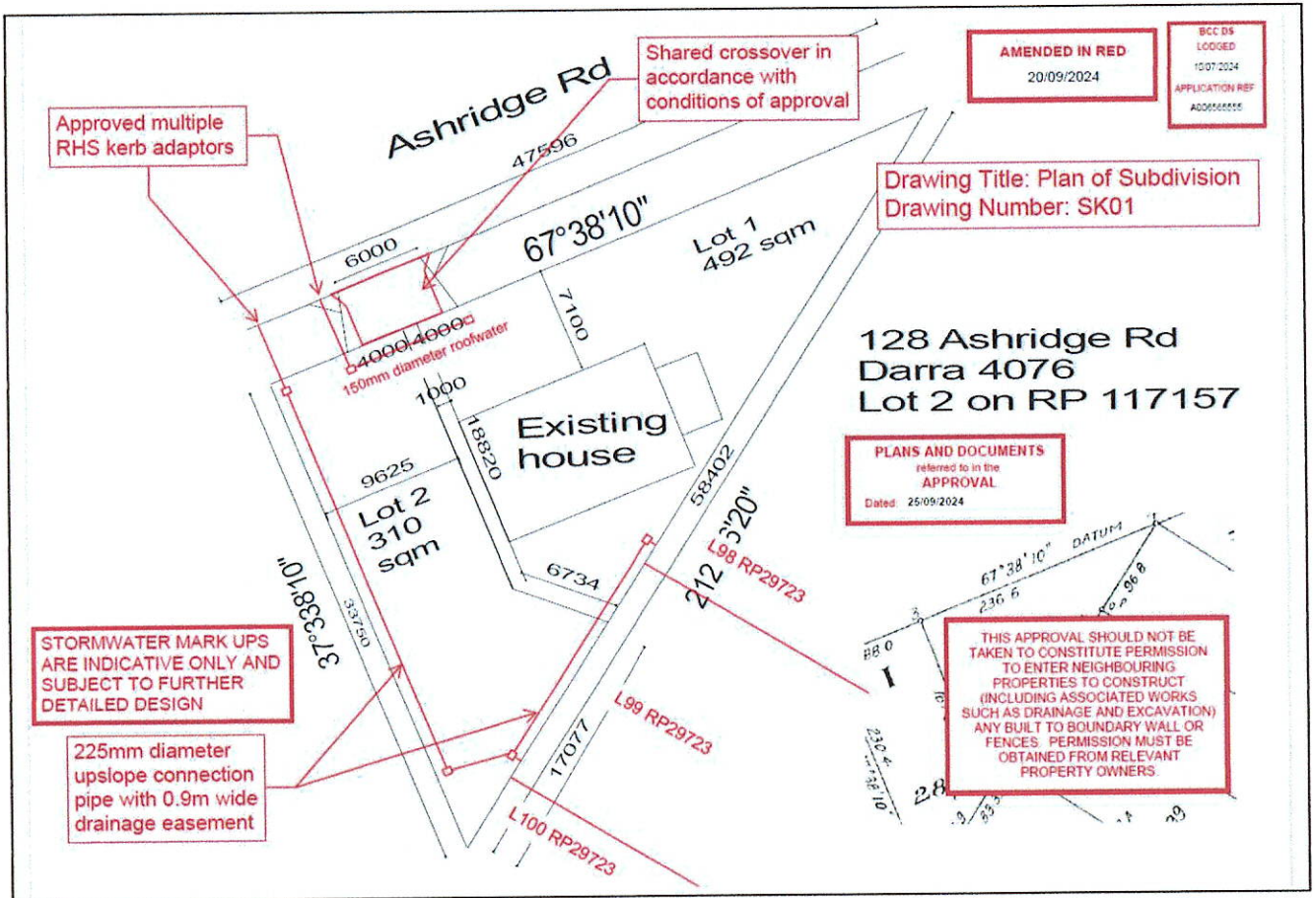


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128 Ashridge Rd Darra



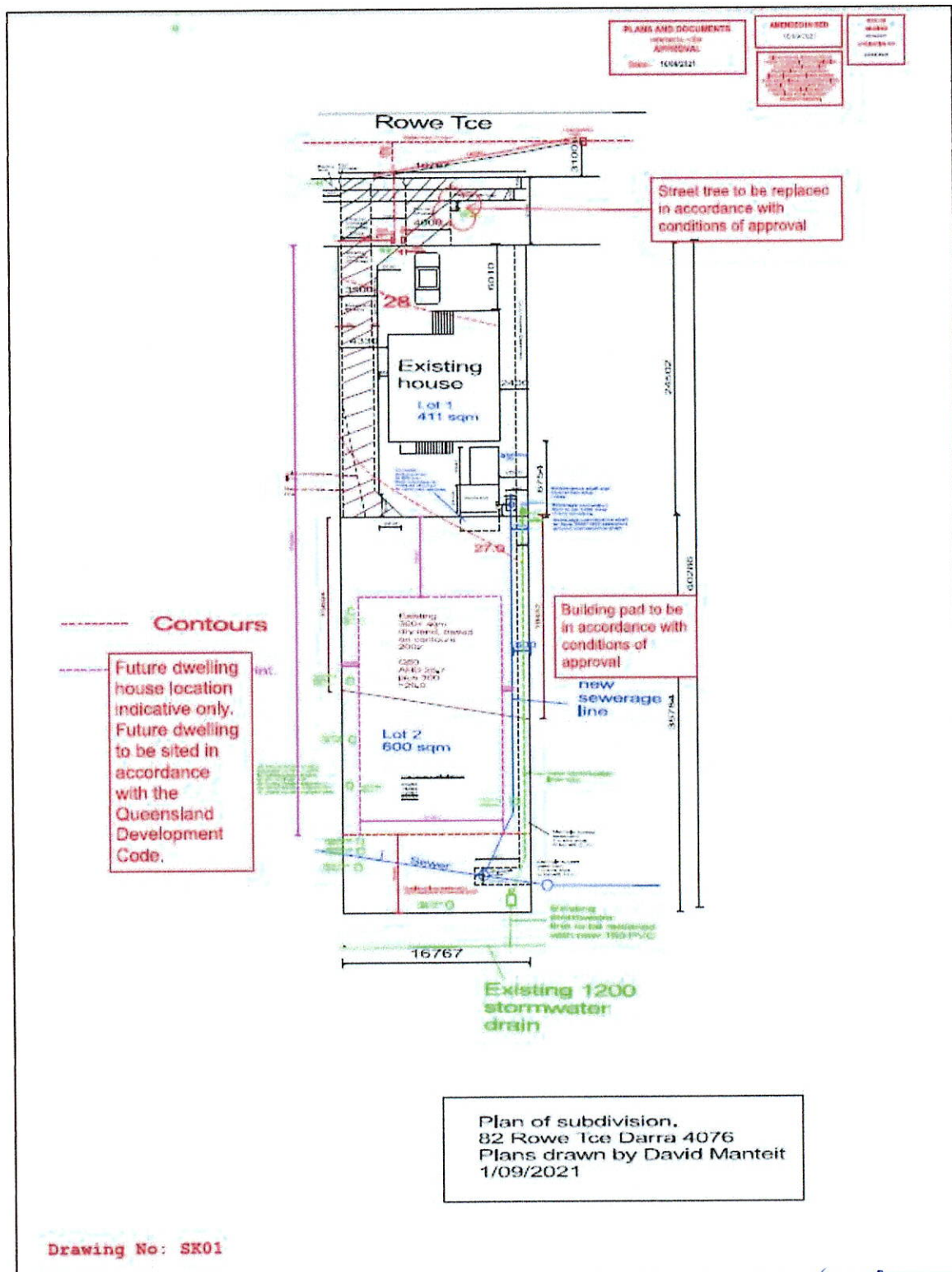
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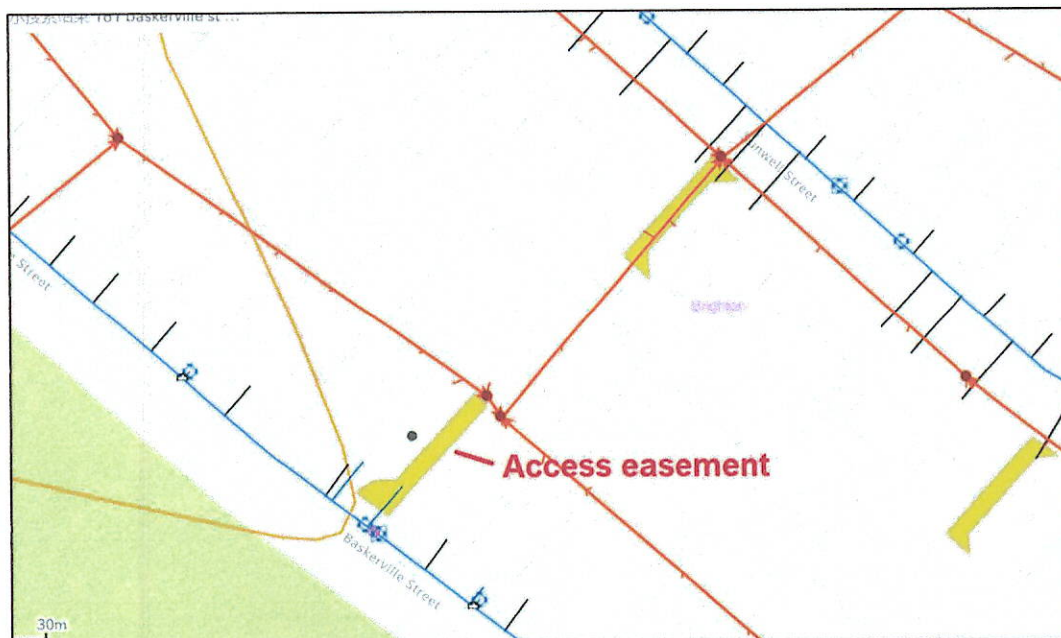
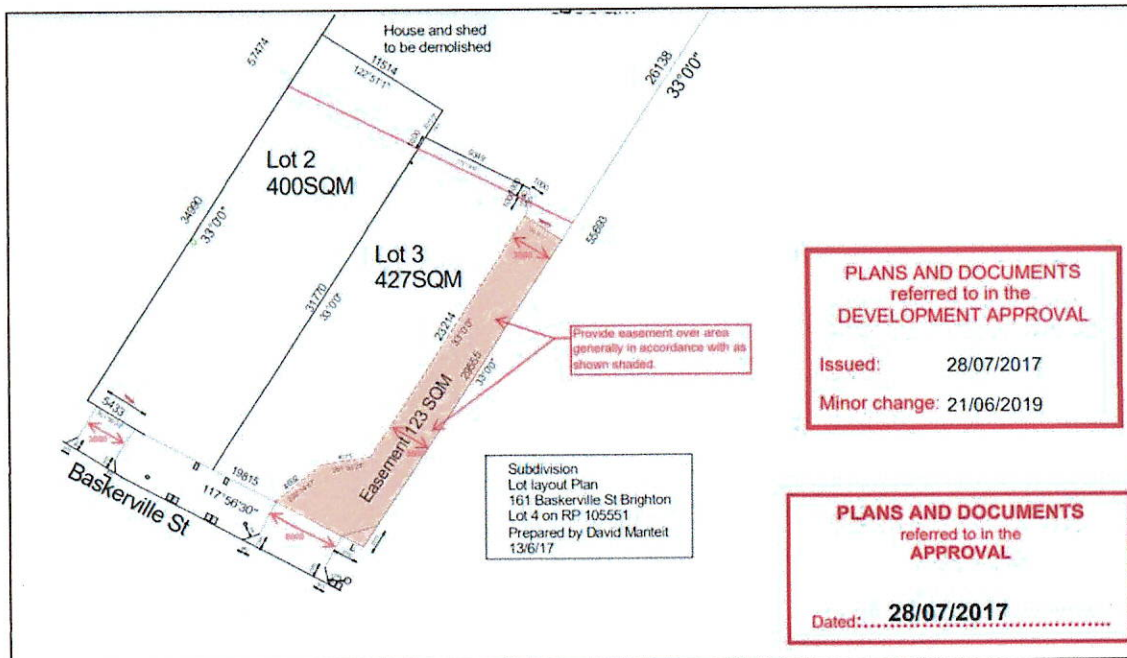
82 Rowe Tce Darra



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161 Baskerville St Brighton



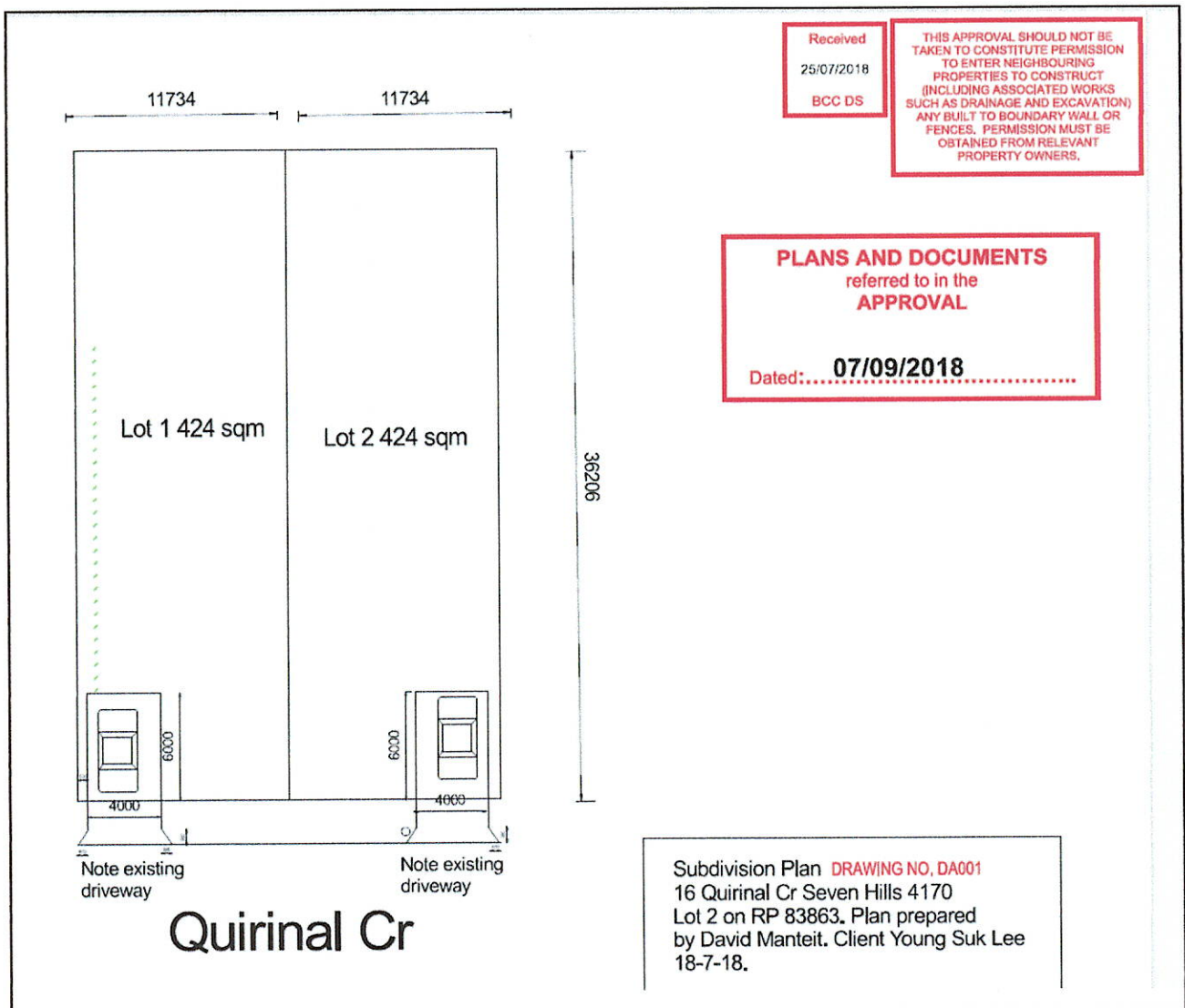
191 Baskerville St Brighton

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Deponent

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Justice of the Peace



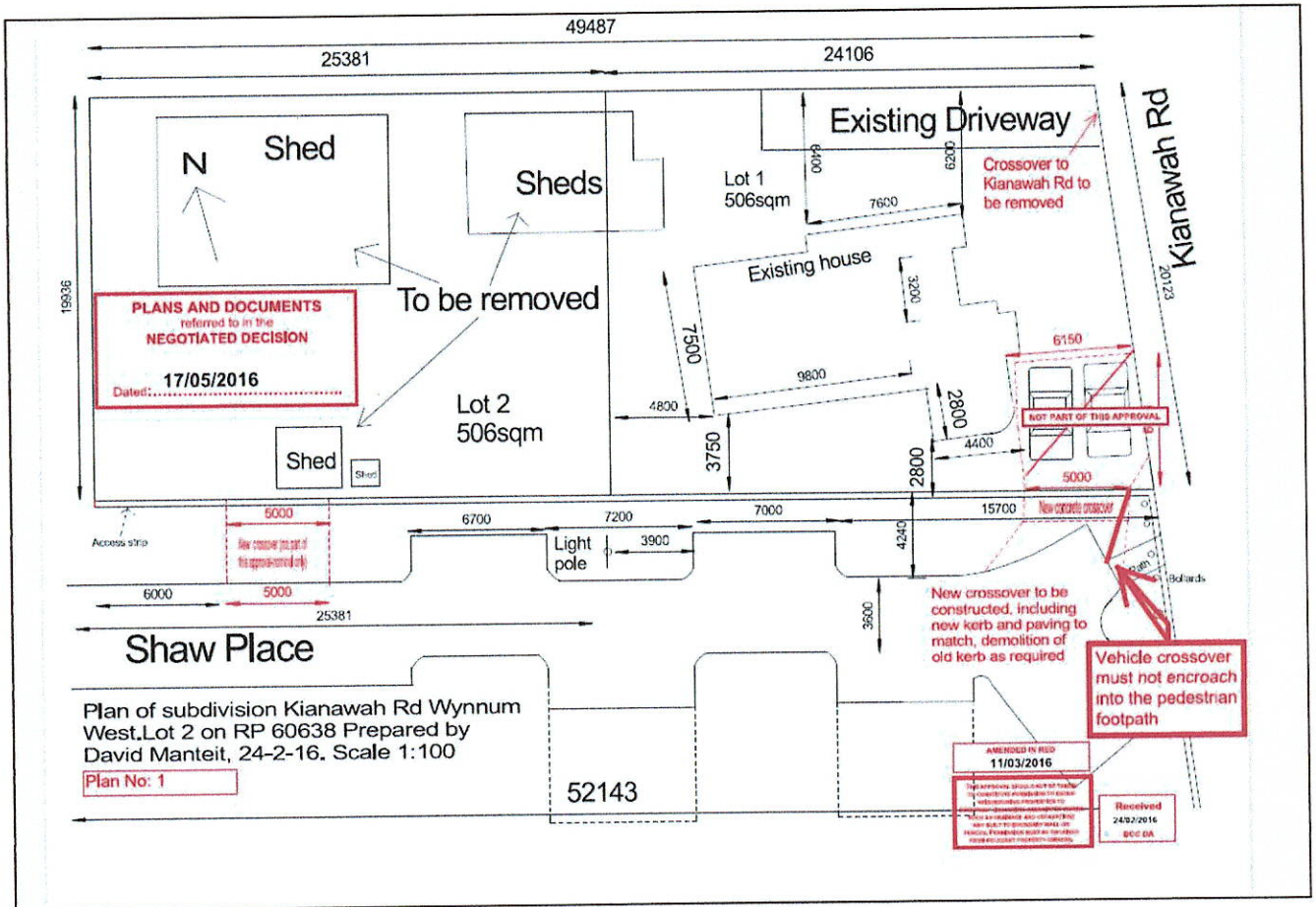
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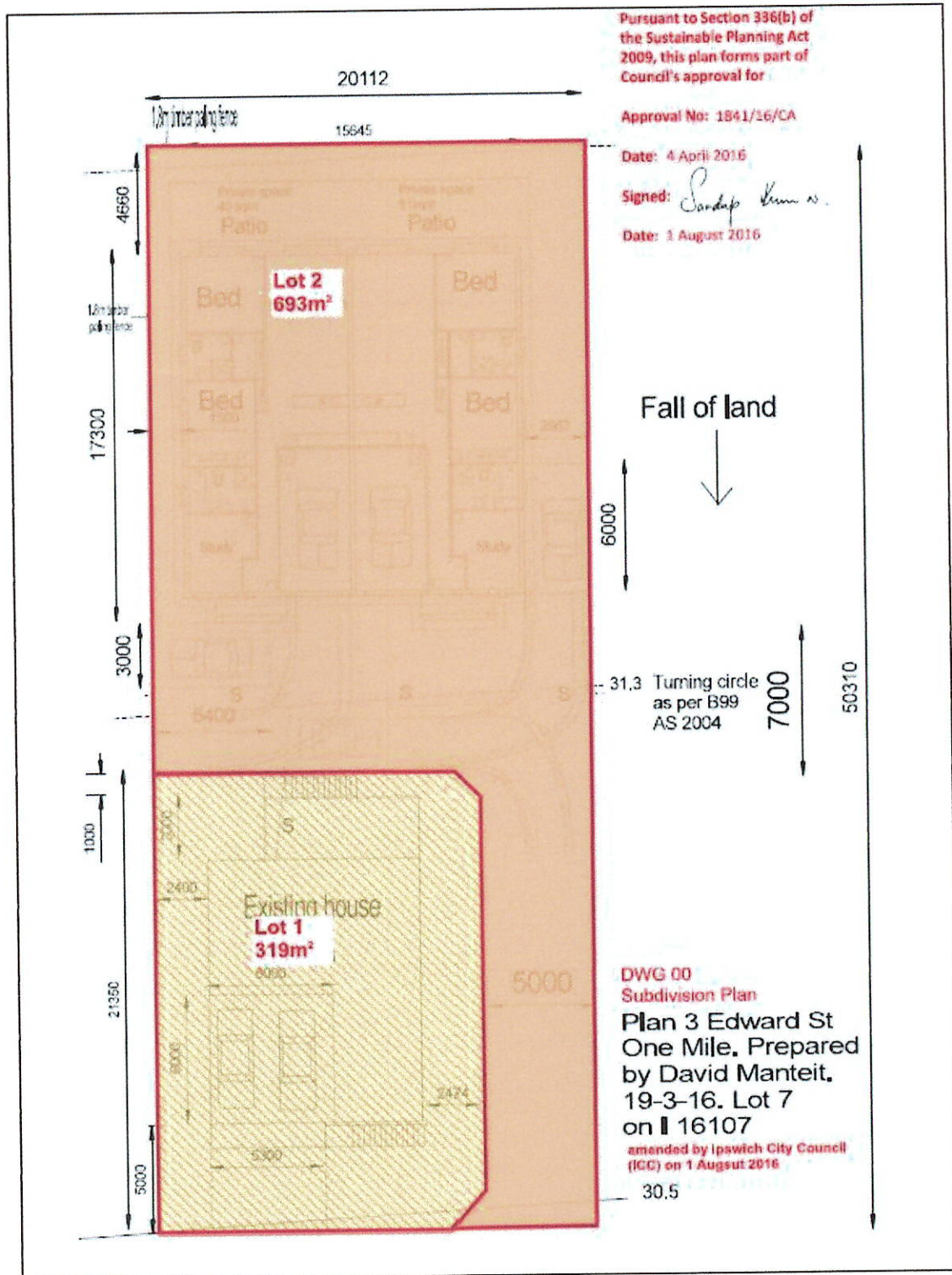
Justice of the Peace



291 Kianawah Rd Wynnum West


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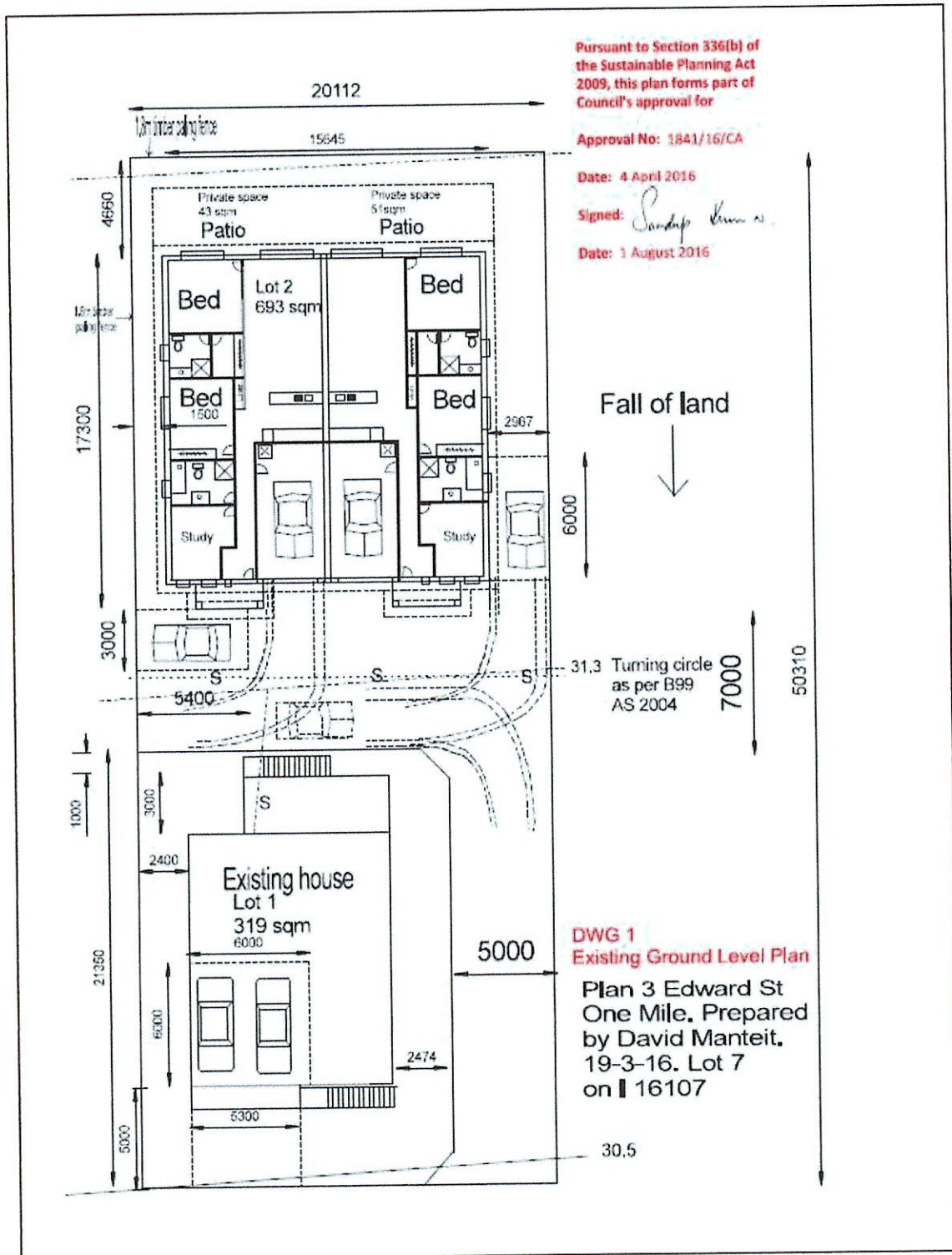

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3 Edward St One Mile – Ipswich City Council

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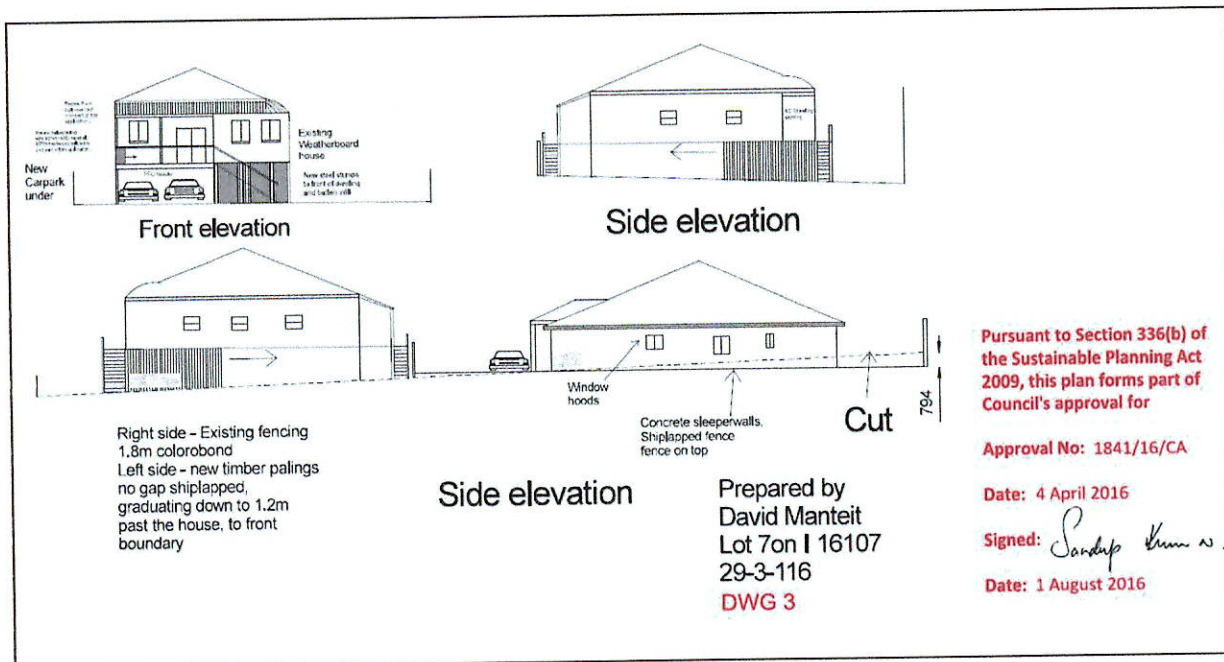
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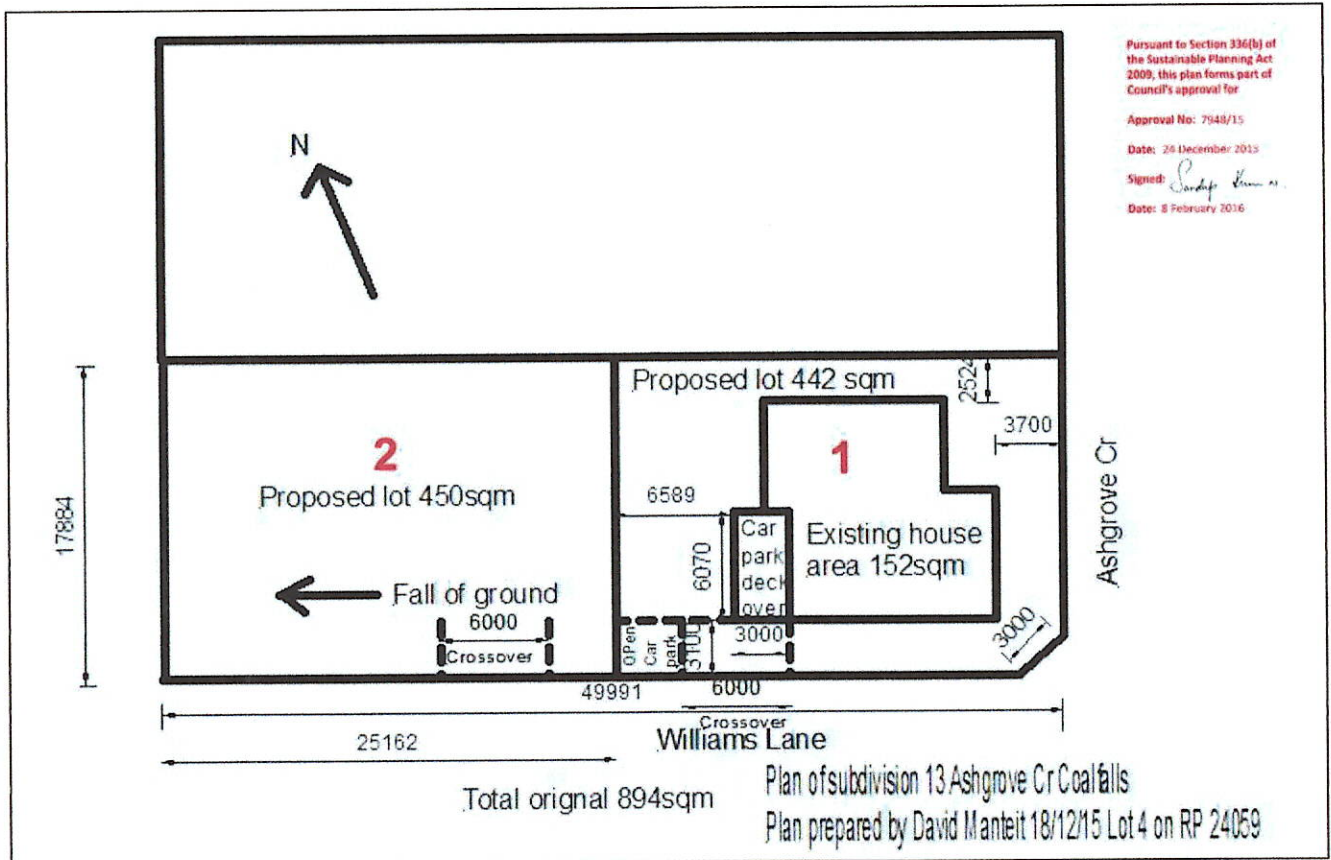
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3 Edward St One Mile


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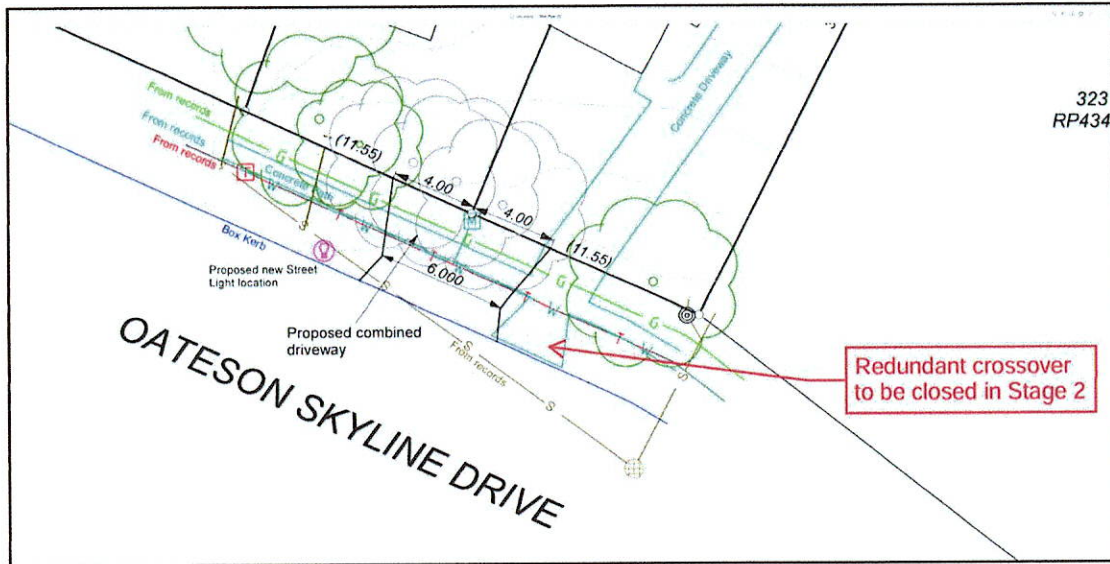
13 Ashgrove St Coalfalls

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63 Oateson Skyline Dve Seven Hills driveway


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