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 –

Various comments regarding expanded grounds for appeal. Pages 1-48.

JUSTICE OF THE PEACE (QUALIFIED) QUEENSLAND GOVERNMENT Reg.No.: 116197 DEPT. OF JUSTICE & ATTORNEY-GENERAL

Signed: Taken by:

Deponent

Justice of the Peace

Sworn and affirmed by David Manteit on 19/11/24 at Brisbane in the presence of:

JUSTICE OF THE PEACE (QUALIFIED) QUEENSLAND GOVERNMENT Reg.No.: 116197 DEPT. OF JUSTICE & ATTORNEY-GENERAL

Deponent

Justice of the Peace

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

Lawful point of discharge.

S 12,17,18 - "The site must be filled..... to enable lawful point of discharge for Ashridge Rd Lots

..... and.. upslope properties...."

The Ashridge Rd blocks will be serviced by the kerb and channel of IL 35.1 without a teaspoon of fill required, contrary to requests in Council conditions S12, S17, S18.

The invert level of the kerb, which should be 500mm from the right boundary as per BSD 8113 is proposed IL 35.1.(Note Council sham plan of 4.9m and 4m). The surface level of the kerb above the lawful point of discharge is ESL 35.250. This lawful point of discharge of IL 35.1 commands the Ashridge Rd lots .

There is sufficient fall on the blocks for stormwater collection from the usable pad to the to the lawful point of discharge at kerb of IL 35.1 without any fill required.

Areas serviced by the lawful point of discharge -

- The proposed usable building pad

- The Small Lot Code building area

BSD 8111 is grade three mathematics and Council Development Services team have failed to demonstrate in any way how their system as in red line on plsn achieves lawful point of discharge for the Ashridge Rd lots.

The appellant's calculations of usable building pad levels and lawful point of discharge are as follows -

Lawful point of discharge at kerb, 500mm from boundary	35.100	
Fall over verge 1:100 as per BSD 8111	.038	
Min IL at front boundary	35.138	
Pipe diameter as per BSD 8111	.150	
Minimum Cover as per BSD 8111	.450	
Min FSL required at front boundary		35.738
ESL at front boundary as per surveyor	35.859	
Fall pipe 150mm 1:100 over 6 metres from boundary,	.060	
Minimum FSL at 6 metre setback= start of usable pad		35.798

Adopted usable building pad FSL at front **35.798**

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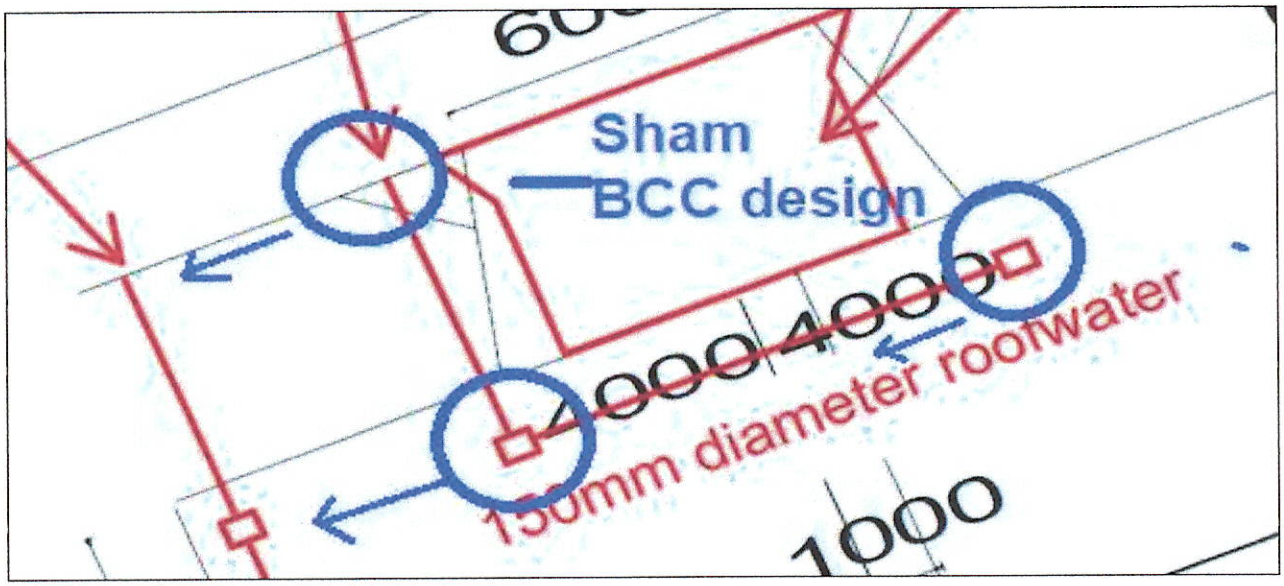
Fall pipe 150mm 1: 100 over 14.8 metres	.148	
Minimum usable buildingpad FSL at rear		35.946
Adopted usable building pad FSL at rear		**35.946**

Not a teaspoon of fill is required for lawful point of discharge, contrary to Council statements.

At proposed FSL's , around 46 cubic metres of cut is required.

Note that Council has placed the Ashridge Rd crossing at 4.9 metres from the right boundary and placed the pits for Lot two - 4.9m from the right boundary ofd Lot 2 and 4m from right boundary of Lot 1. A sham.

Council refuse to advise why this is the case.



BSD 8113 and BSD 8111 provide for the Upslope kerb adapor/s to be 600mm from the right boundary for an Upslope pipe and 500mm for a standard kerb connection.

BSD 8113 provides for there to be a space of 500mm from each kerb adaptor. This would make the Ashridge Rd lots kerb placement to be 1.1 metres from the right boundary, not 4.9 metres from the right boundary. This is assuming that the Upstream pipe stays.

If the upstream pipe is removed, then the LPD should be 500mm from the alignment with the right boundary.

Note that Council have placed the Ashridge Rd lot's lawful point of discharge red line for the Ashridge Rd lots unnecessarily further up the kerb to around 4.9m, therefore worsening the minimum Lawful point of discharge from 35.1 to 35.5. Counci's placement is non-compliant with their own standards.

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This tactic is in my opinion incompetent and mischievous by Council. This is treating the reader like a fool. There is no other way to describe this action. Council makes the comment "Multiple Kerb adaptors"

But Council is silent by not mentioning anywhere regarding "500mm from the right boundary as per BSD 8111" or "4.9Metres from the right boundary as per ??????????????????"

Council have unlawfully placed the Ashridge Rd lots lawful point of discharge in the middle of Lot 2. I have never seen such an obvious bungle like this before. Totally non - compliant with Council's standard drawings.

A licenced hydraulic designer or RPEQ would have had the courtesy to advise why the kerb adaptor was placed in the middle of Lot 2 instead of 500mm from the right boundary.

This tactic by Council would raise the levels required of the site by 4-500mm, therefore causing the applicant unnecessary costs -

- Additional fill required around 80 cubic metres. Cost around	$80,000.
- Additional height of retaining wall. Cost around	$20,000
- Redesign by Engineer Cost around	$2,000
- Deeper footings of retaining wall. Cost around	$10,000
- Deeper footings of house foundation. Cost around	$20,000
- Addiitonal steel and concrete required for additional footings Additional larger diameter of footings and number of footings	$20,000
- Additonal costs of bulking up front boundary stormwater pit on Lot 2 , including crane , 40 mpa after 28 days concrete and manhole cast iron formwork	$20,000
Potential cost of Council Sham design of intentional placement of kerb crossing up the kerb 4.9 metres and .4 - .5m higher than required.	**$172,000**

The appellant proposes that the pit for the two Ashridge Rd lots will be where the Council red line upslope pit is shown.

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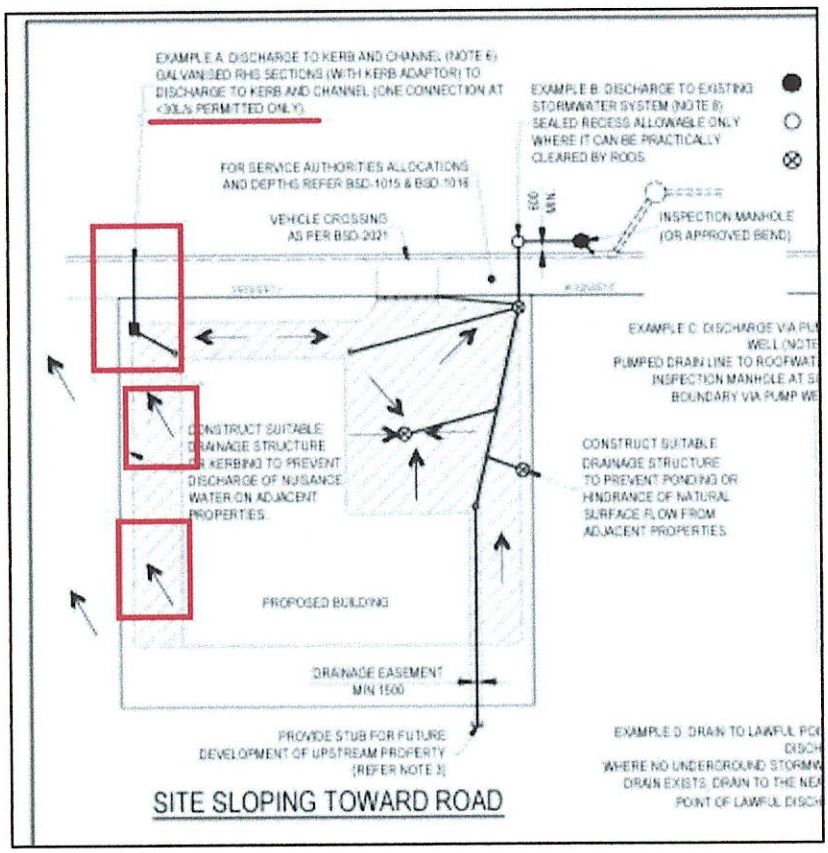
In addition, the pits behind the boundary are totally in the wrong place.

If ever there was proof for incompetence, this is it. A licenced designer would have internal pits close to the boundary. This is aside from the kerb crossing argument. Only a novice pen pusher would place the internal pits 4.9m and 4m from a boundary.

The placing of the internal pit for Lot 1 should be in the driveway. It is not proper to have the internal roof water for the house to suddenly take a dog leg uphill. In addition, this inteferes with the fall calculations and makes it more difficult to establish internal drainage fall. Thanks to Council for totally

Incompetent internal drainage system that only a non – licenced person would design that way.

The appellant has his applied his laser level from the ONF Surveyor's site height datum of 36.303 embedded in the angular part of the concrete kerb to arrive at AHD 35.1 for lawful point of discharge.



Above – BSD 8113 showing rough distance of 500mm from alignment with boundary at kerb for standard crossing.

This standard drawing advises that land is to fall away from the house/usable pad.
Further rainwater devices such as field gullies are used plus sewerage class SN8 pipes away from the house/usable pad.

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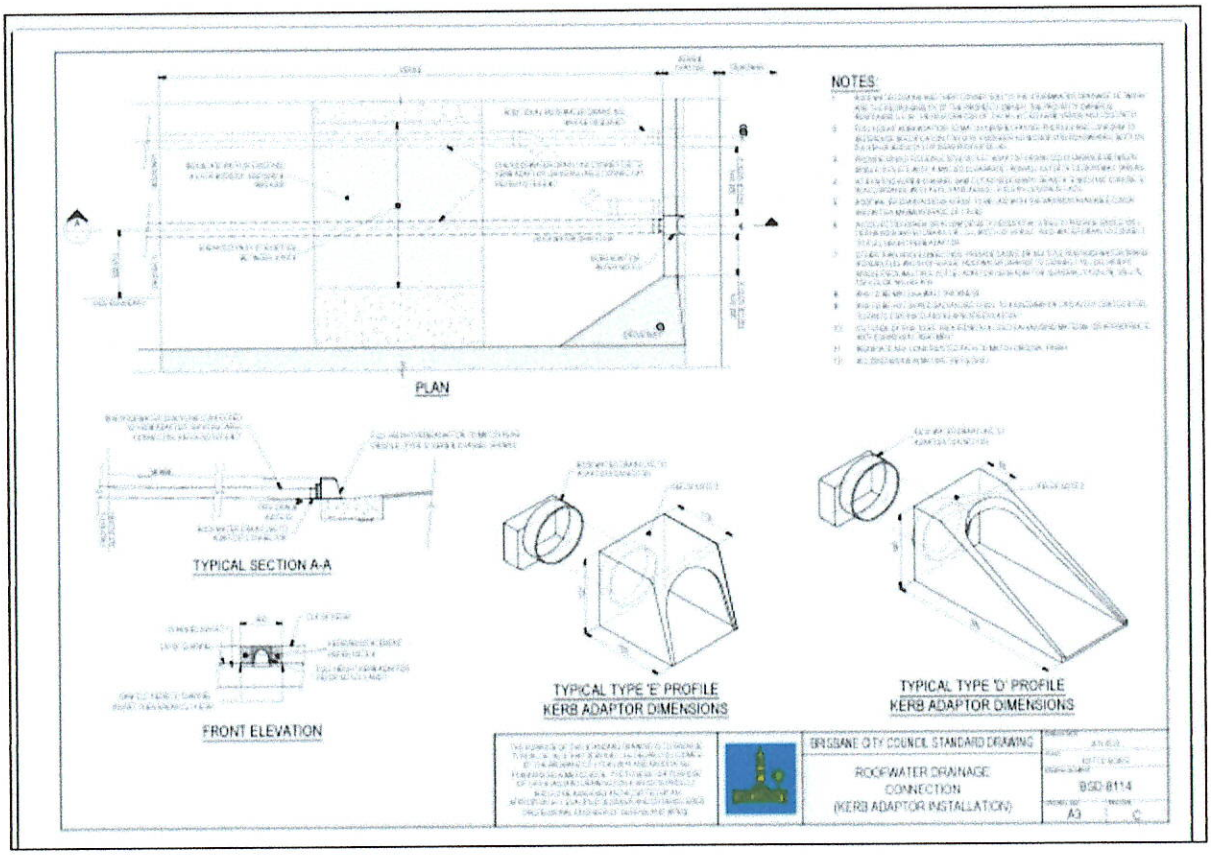
This demonstrates why the appellant does not need fill outside the usable pad areas and the ground will be lower.

It is noted that the maximum kerb adaptor velocity will be for 30 l/s, which will accommodate 2 lots.



BSD 8114 Kerb adaptor above

Fall away from usable building pad.

I wish to point out that the right side does not need to be filled. BSD 8113 desmonstrates That the land should fall away from the usable pad, and be lower than the usable pad level.

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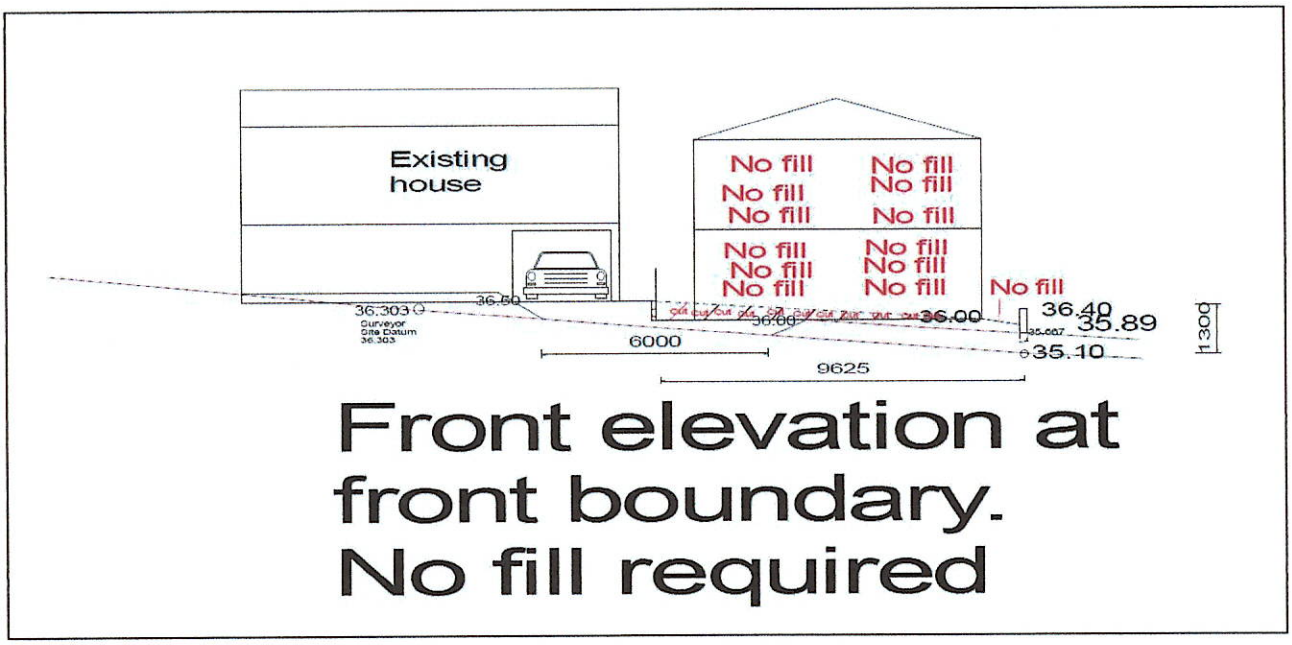
Above – demonstration of no need for fill on right side of Usable building pad.



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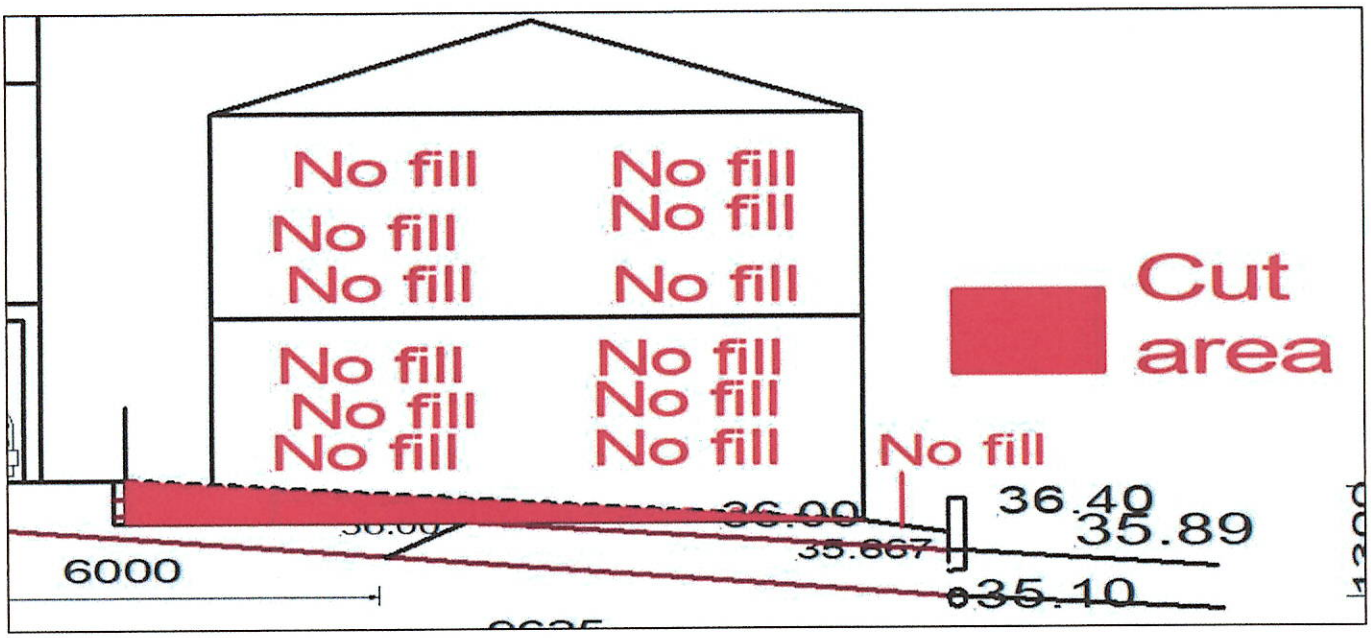

Proposed area of cut by applicant . Note no fill required

Connection to kerb and channel

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.

7.6.3.1 Connection to kerb and channel provides for 2 single house lots per discharge point.

Fill requirements in Conditions of approval.

S 17 On Site Drainage - Minor

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.

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"The development site must be filled to create a usable building pad for proposed Lot 2 and to achieve lawful point of discharge via gravity to the kerb and channel. " - Joel Wake, delegate. (The delegate as advised by Margaret Orr to David Manteit 3/10/24).

The Council statement by Joel Wake is totally incorrect and is baffling why Council would make that statement.

The Council requirement **"The site must be filled" is a form of design by Council.**

Council have designed the fill. Council have not requested the applicant to design the fill in the information request period. Nor have Council requested an extension of time.

Council refuse to supply the design for the fill to the applicant. Council did not make an information request for the applicant to provide details for fill at the assessment stage.

It is mentioned that certain parts of the site are not required to be filled, such as –

- areas outside the building pad. Such as the right side of the Usabe building pad.

- areas outside the building area of the Small Lot Code.

Action by Council – Condition 17 to be changed as per the Notice of appeal.

S12 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 of discharge for the proposed lots to Ashridge Road kerb and channel and the provision of a stormwater drainage connection for upslope properties in accordance with the conditions of this approval.
- Details of existing retaining walls including their current condition and if they require repair or replacement to remain

Note there are no earthworks required to **enable** lawful point of discharge for the proposed lots to Ashridge Rd kerb and channel. Not a teaspoon of dirt is required to enable lawful point of discharge of the Ashridge Rd lots.

Note that the word **"enable"** is used in S12 and the word **"achieve" in S18. Why? Are there two different Joel Wakes ?**

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Conditon 12 (a) to be replaced with -

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 of discharge for the proposed lots to Ashridge Road kerb and channel ~~and the provision of a stormwater drainage connection for upslope properties in accordance with the conditions of this approval.~~
- Details of existing retaining walls including their current condition and if they require repair or replacement to remain structurally sound and able to support the loading of earthworks and future dwelling construction. If existing walls require repair or replacement and are within neighbouring properties written permission must be sought from the affected property owner.
- The location of any cut and/or fill;
- The quantity of fill to be deposited and finished fill levels;
- Maintenance of access roads to and from the site such that they remain free of all fill material and are cleaned as necessary;
- The existing and future finished levels in reference to the Australian Height Datum (including cross-sections or long sections into the adjacent properties);
- Preservation of all drainage structures from the effects of structural loading generated by the earthworks;
- Protection of adjoining properties and roads from adverse impacts as a result of the works;
- That all vehicles exiting from the site will be cleaned and treated so as to prevent material being tracked or deposited on public roads.

~~**12(b) Fill Material, Placement, Compaction and Testing**~~

~~All fill material placed on the site must comprise only natural earth and clay and must be free of contaminants (as defined by Part 3, Division 2, Subdivision 2 Environmental contamination, Section 11 of the Environmental Protection Act 1994) and noxious, hazardous, deleterious and organic materials.~~

~~Fill material, placement, compaction and testing must comply with the requirements of Australian Standard - AS 3798, Guidelines on Earthworks for Commercial and Residential Developments.~~

~~Timing: While site operational work is occurring.~~

~~**12(c) Implement Approved Earthworks Drawings**~~

~~Construct and maintain the earthworks in accordance with the requirements of AS3798 and the approved earthworks drawings.~~

~~Timing: While site operational work is occurring and then to be maintained.~~

12(d) Submit As Constructed Drawings

Submit to Development Services As Constructed drawings prepared by a Registered Surveyor (Qld).

Timing: Prior to Council's notation on the plan of subdivision

12(e) Submit Certification

Submit to Development Services certification from a Registered Professional Engineer Queensland, confirming that the works have been completed in accordance with the approved earthworks drawings.

~~Submit to Development Services certification from a Registered Professional Engineer Queensland, confirming that the works have been completed in accordance with the requirements of this development approval and that placement, compaction and testing of fill material complies with AS3798.~~

~~Timing: Prior to Council's notation on the plan of subdivision~~

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Upstream Stormwater Drainage Connection, S 18.

18) Up Stream Stormwater Drainage Connection - Minor

Provide a stormwater drainage connection for Lot(s) 98 and 99 on RP29723 designed for ultimate developed catchment conditions and connected to the existing kerb and channel in Ashridge Road being the lawful point of discharge, 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.

Note:
- All upslope stormwater connections to existing private properties must extend to the property boundary of the relevant property being ultimately serviced by that connection.

PROOF OF FULFILMENT
Certification from a Registered Professional Engineer Queensland or a Queensland Building and Construction Commission licensed hydraulic consultant (where applicable), confirming that the works have been completed in accordance with the above stormwater drawings.

S 18 – "The development site must be filled to create a usable building pad for poposed Lot 2

and

to achieve a lawful point of discharge via gravity to the kerb and channel"

Why the # "and" ?

This is the third time that Council mentioned that the development site must be filled to create a usable building pad for Lot 2 to **achieve** lawful point of discharge. Three blunders."Why?" Council refuse to advise why.

Council is also trying to tie together two separate concepts – the requirement to fill up Lot 2 with the stormwater drainage connection for Lots 98 and 99.

All in the one sentence. Why one great big sentence ? The whole condition is one sentence.

The two concepts of lawful point of discharge and upslope stormwater are totally independent.

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Why does the applicant have to assist the rear neighbours somehow by filling for a Lawful point of discharge to Lot 2 ? Council refuse to explain.

Council have yet to understand that no amount of fill will assist to save the Council's red line from being charged. The rear neighbour's stub surface level and invert level at the boundary will never change no matter how much fill is placed on the site.

Action by Council – Changes - S18 to be removed. The red line and pits on approved plan must be removed.

Council Stormwater red line plan for "Upslope" properties lawful point of discharge and conditions

Claims by applicant

Applicant claim - Any one of the following claims will singularly negate the Council requirement for a stormwater pipe to Lots 98 and 99. This includes red lines on plan and related conditions.

1) Cannot be built. Fall calculations. Malfunctioning Council proposed stormwater pipe cannot physically be built by a plumber due to charged fall calculations. Council calculations (whatever they are, obody knows) are malfunctioning and also not BSD 8111 compliant.

2) Will fill fix the malfunction slope problem ?

3) Retaining walls

4) Small Lot Code

5) There are no Upslop properties

6) Conflict of engineering

7) Council sham triangle pipe design right rear corner non-compliant with BSD 8111.

8) Precedence including 134 Ashridge Rd Darra approval.

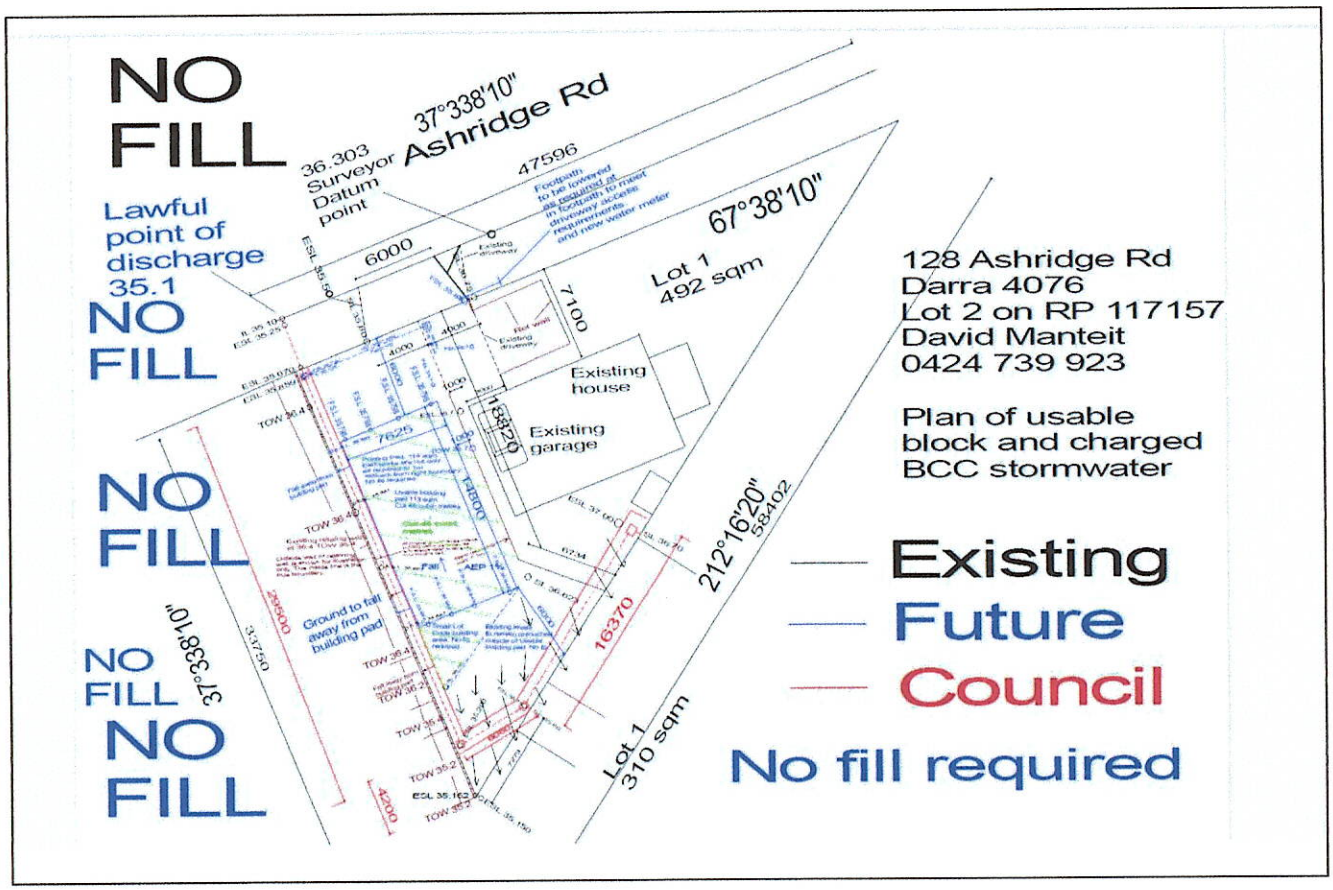
9) Council refuses to provide City Legal easement document.

10) Precedence in separate affidavit by David Manteit of 500 cases approved for Reconfiguration of a Lot 1/1/24 to 121124.

1) Cannot be built. Stormwater charged pipe calculations malfunction .

Plan view

Below is applicant's proposed plan view of approved plan along with applicant's anticipated existing and future levels.



Above – applicant plan view as at 17-11-24

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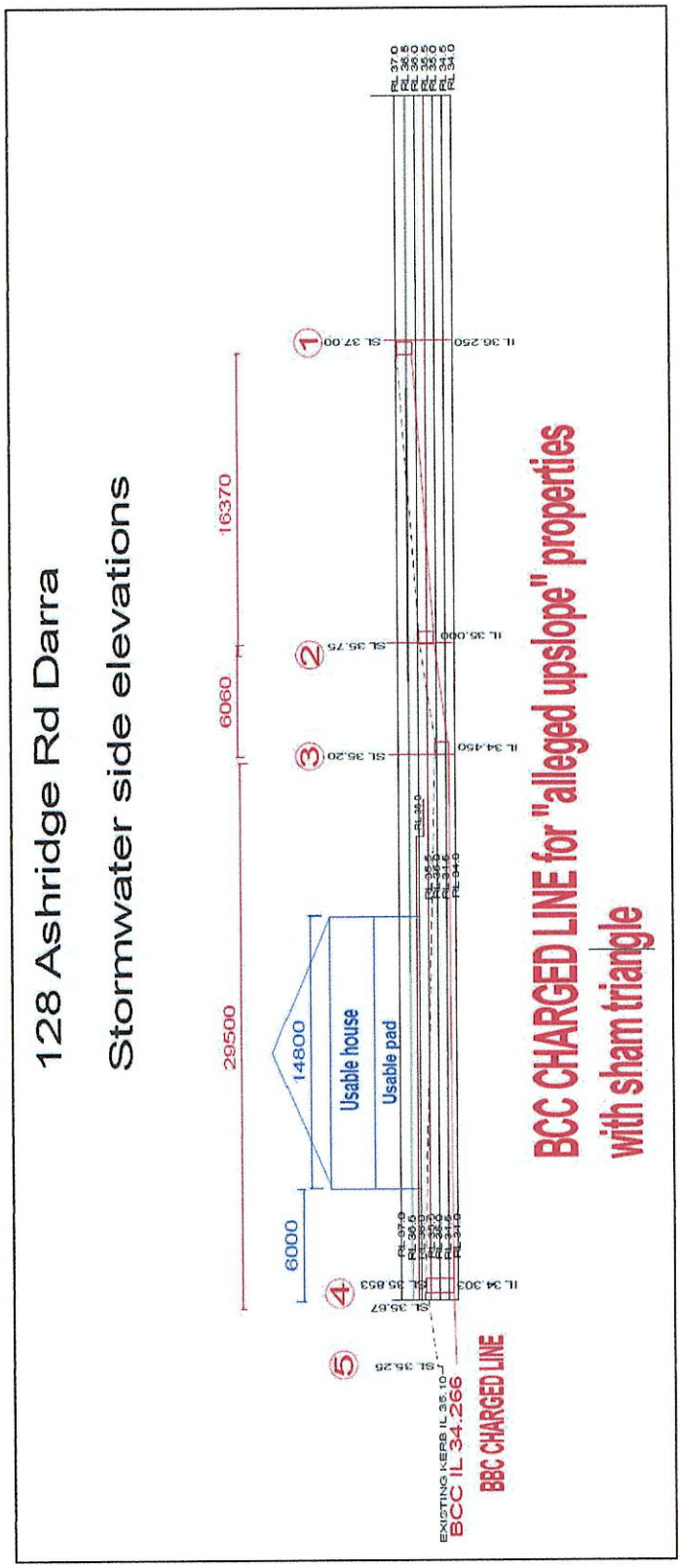

Above – appellant's crosssection Council red line with BSD non-compliant sham triangle

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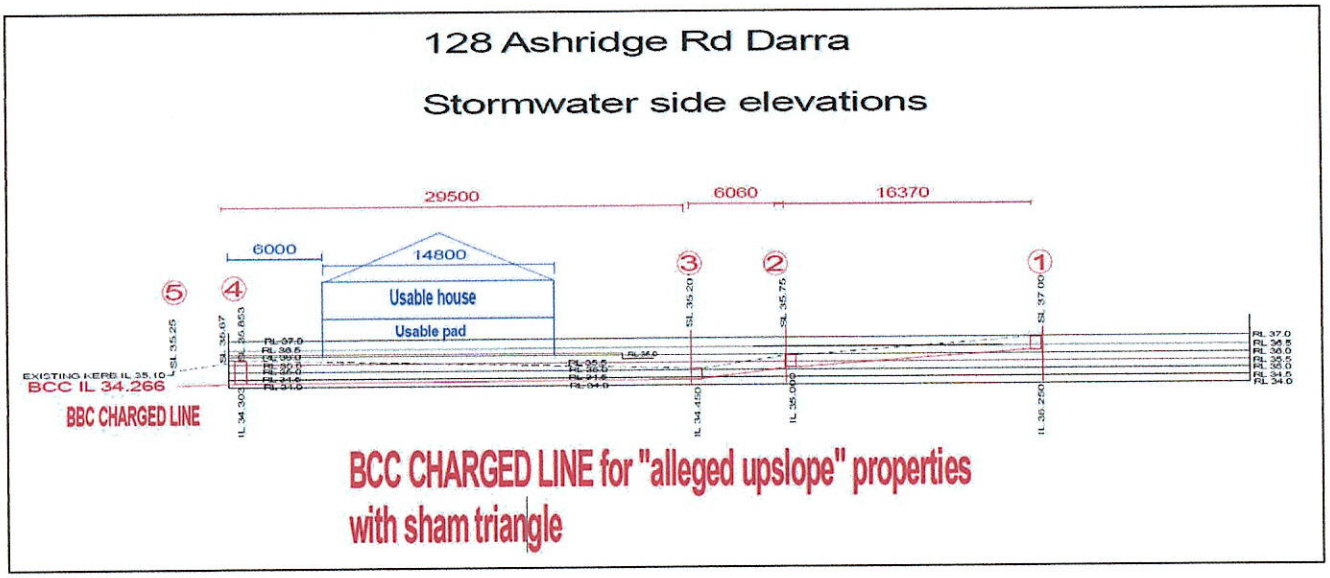
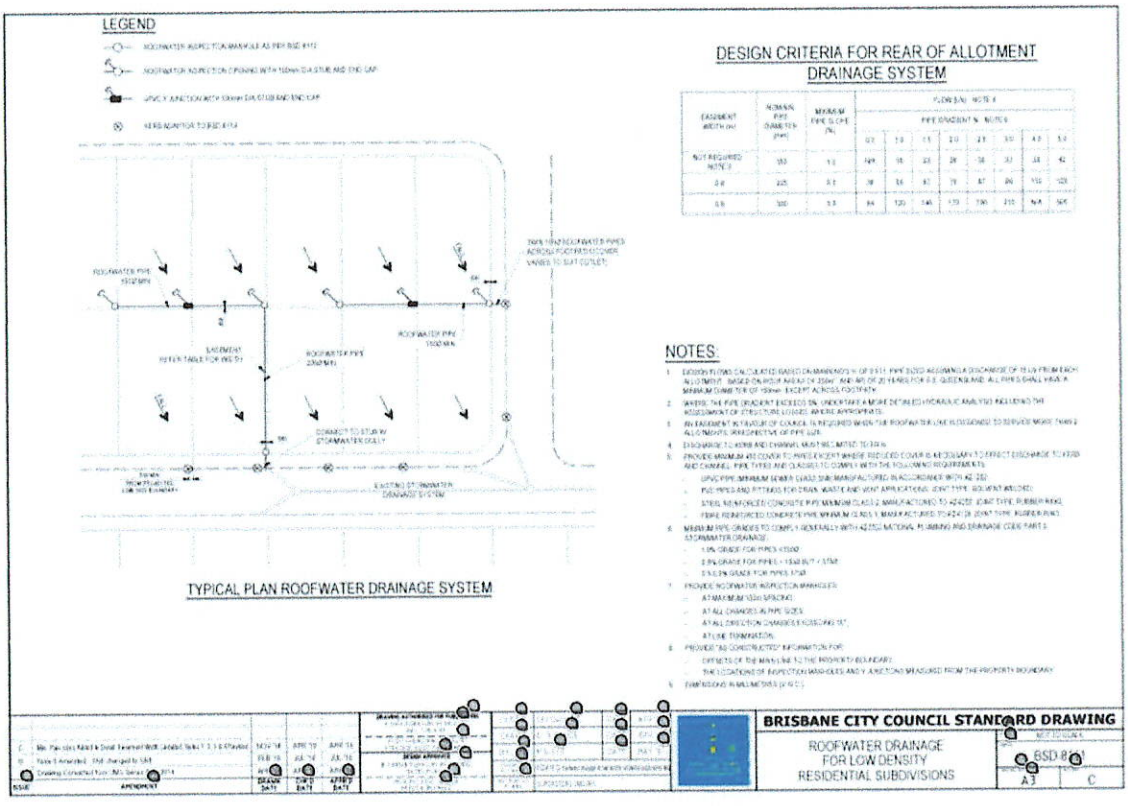


Above – appellant's crosssection Council red line with BSD non-compliant sham triangle. All pits view.



Above BSD 8111 full copy.

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NOTES:

1. DESIGN FLOWS CALCULATED BASED ON MANNING'S 'n' OF 0.011. PIPE SIZED ASSUMING A DISCHARGE OF 15 L/s FROM EACH ALLOTMENT - BASED ON ROOF AREAS OF 250m^2 AND ARI OF 20 YEARS FOR S.E. QUEENSLAND. ALL PIPES SHALL HAVE A MINIMUM DIAMETER OF 150mm, EXCEPT ACROSS FOOTPATH.
2. WHERE THE PIPE GRADIENT EXCEEDS 5%, UNDERTAKE A MORE DETAILED HYDRAULIC ANALYSIS INCLUDING THE ASSESSMENT OF STRUCTURE LOSSES, WHERE APPROPRIATE.
3. AN EASEMENT IN FAVOUR OF COUNCIL IS REQUIRED WHEN THE ROOFWATER LINE IS DESIGNED TO SERVICE MORE THAN 2 ALLOTMENTS, IRRESPECTIVE OF PIPE SIZE.
4. DISCHARGE TO KERB AND CHANNEL MUST BE LIMITED TO 30L/s.
5. PROVIDE MINIMUM 450 COVER TO PIPES EXCEPT WHERE REDUCED COVER IS NECESSARY TO EFFECT DISCHARGE TO KERB AND CHANNEL. PIPE TYPES AND CLASSES TO COMPLY WITH THE FOLLOWING REQUIREMENTS:
   - UPVC PIPE (MINIMUM SEWER CLASS SN8) MANUFACTURED IN ACCORDANCE WITH *AS1260*;

Above – Extract from BSD 8111, showing 450 cover.

DESIGN CRITERIA FOR REAR OF ALLOTMENT DRAINAGE SYSTEM

EASEMENT WIDTH (m)	NOMINAL PIPE DIAMETER (mm)	MINIMUM PIPE SLOPE (%)	FLOW (L/s) - NOTE 4							
			PIPE GRADIENT % - NOTE 6							
			0.5	1.0	1.5	2.0	2.5	3.0	4.0	5.0
NOT REQUIRED - NOTE 3	150	1.0	N/A	18	23	26	30	33	38	42
0.9	225	0.5	38	56	67	78	87	96	110	125
0.9	300	0.5	84	120	146	170	190	210	N/A	N/A

Above – Extract from BSD 8111 showing 300 pipe, .5% slope, 84 l/s.

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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	35.859			
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 +.750 or .15 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 - **BSD 8111 calculations below, including sham triangle.**
300 pipe, 450 cover, fall .5 % on property, fall 1% on verge.

Result - .834 m charged

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. 84 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 neighbour 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 300 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 .15 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 300 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**		

Above – BSD 8111 - build red line taking out the non-compliant triangle at rear, with BSD guidelines. 300 pipe, 450 cover, .5% fall.

Result .894m charged.

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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, + ,15 (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**	

BSD 8111 Build red line taking out triangle with 300 pipe, 600 cover, fall 1% on property, 1% on verge. To be more conservative.

Result – 1.212 m charged

Conclusion – Stormwater calculations are all charged. Stormwater pipe cannot be built.

Action required by Council –Remove S 18 conditions and red line

2) Will / can fill fix up the already malfunctioning BCC designed stormwater pipe ?

Topics –

Nominated bulding pad level
Usable building pad
Retaining walls
Small Lot Code
Building Envelope Plan
Where does the water want to go – Existing levels

Nominated building pad level

This report states that the Usable Building Pad Level is nominated in this report to be FSL 36.0 or thereabouts.

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Usable building pad

Council have made an assumption three times in the conditions S 12, S17, S18 that Lot 2 needs to be filled to achieve lawful point of discharge for the Ashridge Rd Lots and upslope properties. The reality is that the Ashridge Rd Lots do not actually require a teaspoon of fill to enable/achieve lawful point of discharge.

So Council probably thinks that you may as well fill the rear of the Ashridge Rd lots to help out the alleged "upslope lots". Who knows? Council haven't said a word.

In practice, there are hundreds of blocks every year approved that demonstrate that only the usable building pad will collect rainwater, because one is making the site no worse regarding rainwater if a house is built and the usable pad rainfall is taken to the lawful point of discharge.

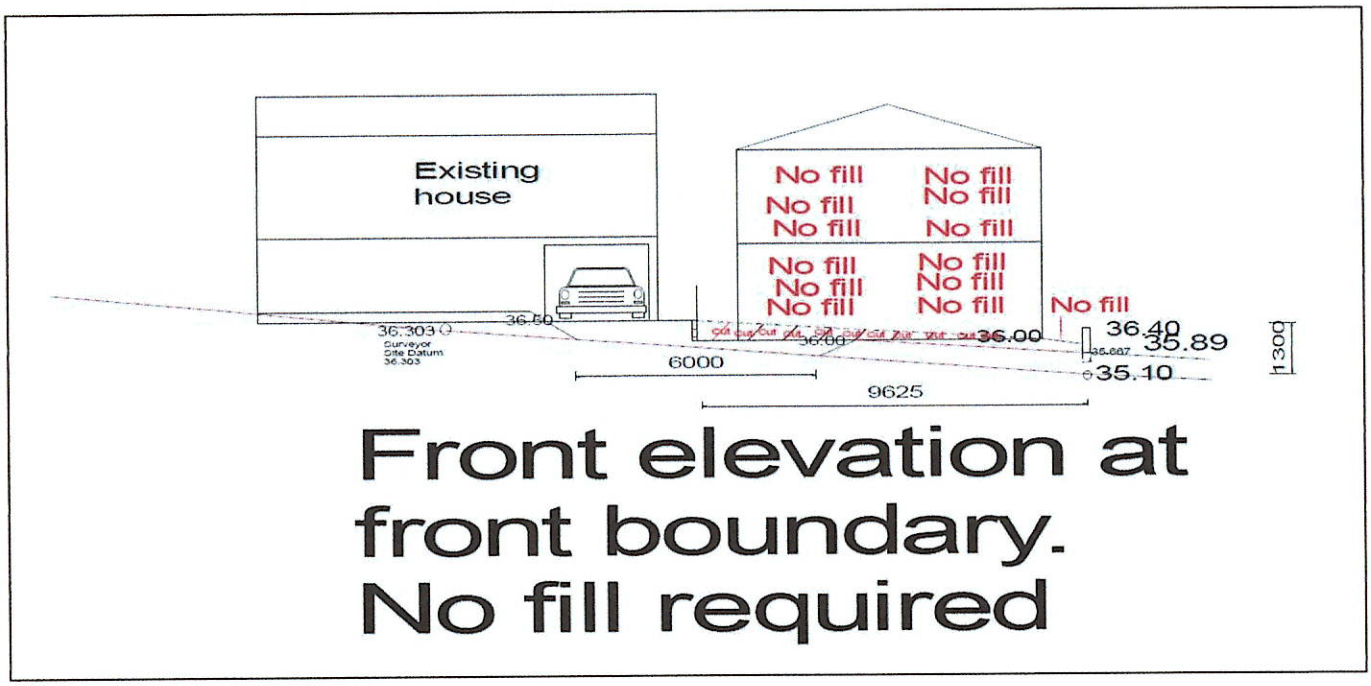
The arguments for the whole site **not being required to be filled** are:

Lot 1 already has a house.It is assumed that the house will not be extended.

Lot 2 proposed usable Pad is approximately 36.0. This lot does not require fill. There is only proposed cut.

Lot 2 is governed by the Small Lot Code. There are building setback restrictions which therefore reduce the stormwater coverage requirements.

Note that the right side of the Usable building pad is to remain untouched, for the purpose of water falling away from the house, as per Builder requirements post handover.



Above – showing area on the right side of the Proposed building pad not requiring fill.

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So no fill is required in this location.

The applicant may nominate a building envelope plan for Lot 2 thereby restricting the building envelope smaller than the whole lot and smaller than the Small Lot Code. It is not envisaged that it is necessary to nominate a building envelope plan for this site.

The areas that **cannot be built** on for the Small Lot Code are:

Setback at the front 6 metres
Setback at the rear 6 metres
Side setbacks 1 metre

Conclusion – if one builds totally within these areas inside the setbacks, then 100% of the area is serviced for stormwater for the Small Lot Code, without fill required. Other areas are irrelevant and do not need to be filled.

It is demonstrated in this case that 100% of the **usable pad area** of the site has stormwater coverage without fill..

It is demomstrated that 100% of the **Small Lot Code area** of the site is has 100% stormwater coverage without fill.

Deponent _____ Justice of the Peace _____

I have demonstrated this same argument in Council approval at 16 Quirinal Cr Seven Hills, myself being the applicant. In that case fill was placed to enable stormwater to fall to the street. It was accepted that only the Small Lot Code less setbacks area was sufficient for stormwater calculations.

All available building areas are serviced for stormwater without fill.

Point – why would Council want fill?

I assume Council is wishing to fudge their calculations to get their charged system to work. Nobody knows.

Note Council mentions regarding filling the Ashridge Rd lots in the same sentence as filling to assist the rear lots - S 18. Refer again – the word And.

Not one teaspoon nor 20,000 cubic metres of fill can raise the neighbours stub at the rear boundary.

Council have made a fatal error in their assumption of "fill up the back yard of Lot 2 will fix up the charged red line.

At pits must have minimum depth of 750 mm, being 300 pipe, 450 cover.

Council cannot force the applicant to fill, only for the reason of helping out the rear neighbours.

Conclusion – Usable building pad - Fill test fails. Fill will not assist the stormwater calculations.

3) Retaining walls

(a) No retaining wall at the rear will assist with improving the Council charged line.

Firstly, retaining walls must be set back from the boundary, in the absence of the neighbour's consent. This alone ruins any argument of "the site must be filled". However, even if a retaining wall is built to the boundary, this will not assist in any way to raise the surface level of Lots 98 and 99 at the rear.

A ***set back retaining wall*** **cannot assist** with joining up to the nighbour's boundary stub.

A ***built to boundary wall*** **cannot assist** with joining up to the neighbour's boundary stub.

(b) A retaining wall needs lawful point of dicharge. At the very least, the retaining wall needs to be set back 1000mm to allow multiple ag pipes to dispersewater into grass on the subject so as not to create a nuisance to the rear lot.

Deponent _____ Justice of the Peace _____

(c) No amount of **batter** will assist with raising the rear lots 98 and 99 surface levels and therefore invert stub levels.

(d) Council cannot force the applicant to build a retaining wall where it is not required for any reason.

The only retaining wall the applicant proposes is on the left side of Lot 1, which is less than 1 metre, and requires no engineering design.

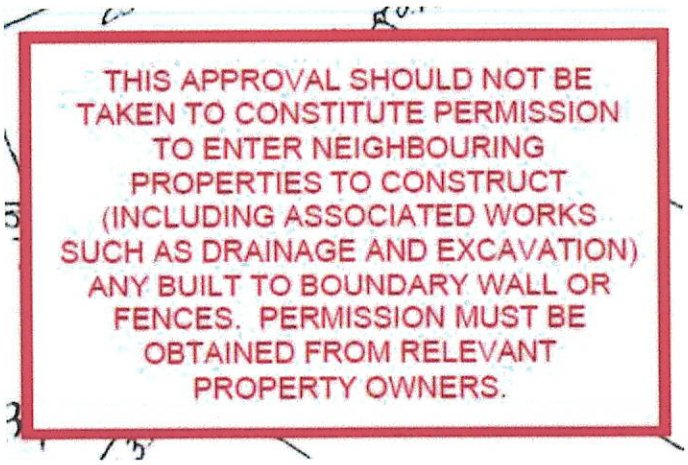
The exising retaining wall TOW 36.4 will be replaced to same height. This is not part of the development approval.

In relation to Pit 3. I have no reason to build a retaining wall higher than what it already is beside the pit. SL 35.2

If I did raise the existing retaining wall on the right side at my option, for the sake of keeping the neighbour happy, for example, that is my decision.

In any case, I cannot be forced to raise the surface level of Pit 3, of 35.162, even if I did build a new retaining wall to the height of other parts of the wall which are 36.4.

I have no reason to raise the level of Pit 3, since this pit is outside the Usable Bulding Pad area and the Small Lot Code buildable area.



Council specifically doesn't allow a retaining wall on the boundary, as per the big red stamp on the approval.

4) Small Lot Code

Deponent _____ Justice of the Peace _____

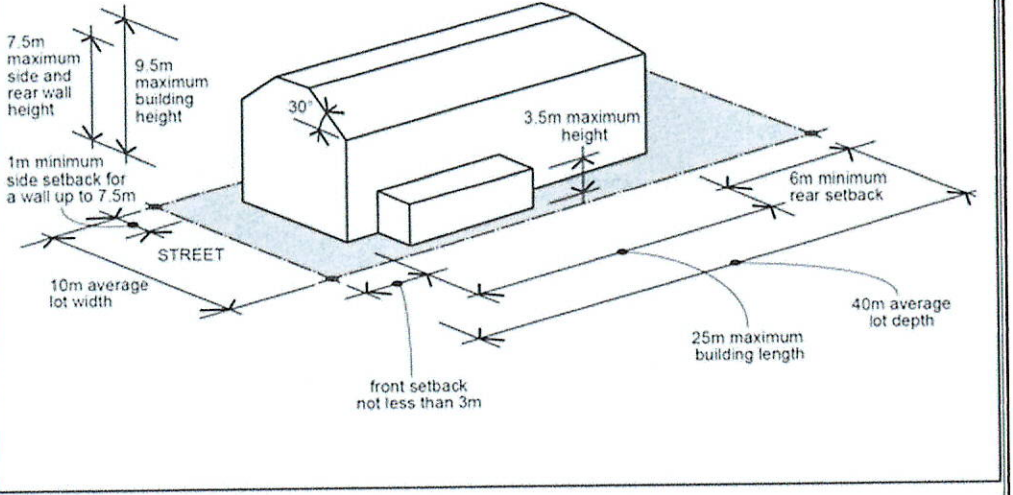


Figure a—Building envelope for a typical 405m² (16 perch) lot with one street frontage in the Low density residential zone

The Small Lot Code states that there are setbacks required for building puposes.

Rear 6m if site over average 25 metres length.
Front setback 6m
Sides setback 1m

As demonstrated on the plan, no fill is required in the setback areas.

As one cannot build in these setback areas, 100% of the buildable area is available for stormwater collection to the lawful point of discharge on Ahridge Rd.

This concept has been utilised on thousands of approved sites. This concept was demonstrated in BCC approval in my name for 16 Quirinal Cr Seven Hills.

In summary,

(a) **No fill is required for Small Lot Code building purposes.**
(b) No fill is required for Usable building pad.
(c) No fill is required for lawful point of discharge.

Action – Council to remove conditions -

S17 – Amend as previously outlined
S12 – Amend as previously outlined.
S18 - Remove

Deponent _____ Justice of the Peace _____

Building Envelope Plan

A Building envelope Plan is not requested nor envisaged to be nominated in this case. A Usable building pad has been demonstrated and shown on the above plan.

100% of the Small Lot Code building area can be built on.

5) There are no "Upslope properties"

In the absence of a Council definition of "Upslope property" the **grounds** for determining whether the rear lots are **"Upslope lots"** are possibly as follows:

Upslope Property Tests

City Plan – Stormwater Code and Stormwater Infrastructure Policy
Definition test
  Overall fall test
  Where does the water want to go? – Current contour and falls.
Fall over boundary test
Build with fill
Usable Pad
Building Envelope
Small Lot Code

City Plan Stormwater Infrastructure Policy Chapter 7 Building near or over underground stormwater infrastructure.

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7.4.6 Gully inlet capacities

Refer to BSD-8071 to BSD-8082 for the relevant hydraulic capture charts for gully inlets.

7.4.7 Building near or over underground stormwater infrastructure

1. For underground stormwater facilities with or without drainage easements and where pipes or conduits are greater than or equal to 225mm in diameter or width, building over/near stormwater requirements will be applicable if the site is subject to any 1 or more of the following conditions:
   a. any proposed works contravening the drainage easement terms;
   b. any earthworks (filling or excavation) proposed directly over or adjacent to the stormwater drainage or maintenance holes that will result in changes to surface levels or loading conditions over these stormwater facilities;
   c. any building work proposed over the stormwater drainage or maintenance holes;
   d. any proposed works that will affect the structural integrity of the drainage or its trench;
   e. proposed changes to the loading conditions on an existing maintenance hole cover, for example, changing the use of a non-vehicular trafficable area to a vehicular trafficable area;
   f. proposed use of rock bolts or ground anchors within 2m of the stormwater drainage;
   g. proposed property access width of less than 2m from the front entrance or access road to any maintenance hole or property connection located on site;
   h. proposed driveways or concrete pavements over maintenance holes or property connections;
   i. clashing of services or utilities (other than sewers) with the stormwater drain line that may affect the structural integrity of the stormwater drainline or its trench, or sewers larger than 150mm diameter crossing any stormwater drainline.
2. When building over stormwater an adequate buffer zone is required between the edge of foundation system and the edge of the stormwater infrastructure to minimise structural damage during excavation, boring or piling operations.
3. The following minimum horizontal clearances are required where undertaking such works near stormwater infrastructure and may need to be increased if it is anticipated that the pipe bedding will be affected:
   a. 1m clearance applies to an excavated footing system such as beams and pad footings excavated by backhoe or similar;
   b. 1m clearance applies to bored piers;
   c. 6m clearance applies to driven, vibrated or jacked piles.
4. Works shall be carried out in accordance with section 7.2.9 of AS/NZS 3500.3:2003 Plumbing and drainage - Stormwater drainage. Typically, where a drain is laid near to a footing, the trench shall be located beyond a 45° angle from the base of the footing, as shown by Figure 7.4.7.A.
5. When determining the minimum setback from existing stormwater infrastructure, allowance needs to be made for future upgrading of the pipeline to meet Council's design standards where this pipeline is undersized.

Above – S7.4.7 Building near or over underground stormwater infrastructure.

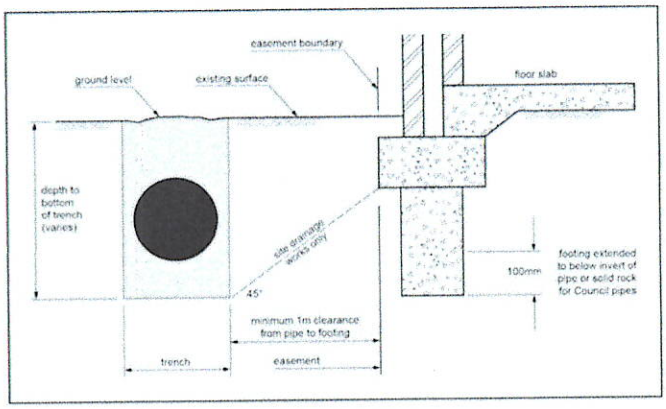


Figure 7.4.7a—Building near and over stormwater and subsoil drains

Above - Council Build over or near stormwater crossection.

Deponent _____ Justice of the Peace _____

Points to note –

Council requires at least one metre minimum away from outside of trench of any bored piers. Since the proposed retaining wall has bored piers, the Council stormwater pipe cannot be built within one metre from the retaining wall.

The Brisbane City Council requirements mean that the proposed stormwater pipe cannot be built in proximity of the This is Council's own requirements. Noone else's.

Action – Council to remove Condition S 18.

Contravening Council's easement terms.

On 1/10/24 the applicant sent Council a request for a copy of the easement as prepared by City Legal. Council refuse to provide same ?

Action – Council to remove Condition 18.

"Any proposed works that will affect the structural integrity of the drainage or it's trench".

This one requirement by Brisbane City Council **totally voids Council Stormwater pipe** due to the close proximity of the retaining wall drainage and the retaining wall.
The list of constraints in the Infrastructure policy could be the thousands. Council refuses to supply the easement.

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 at least part of those upslope properties would drain through the development, or the most feasible location for stormwater drainage infrastructure to service those properties is within the development.
2. If a piped drainage connection is provided for up-slope development, the drainage infrastructure must fully extend to the boundary of the up-slope site 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 for any development. 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.

Above – S 7.6.5 of the Infrastructure Policy. Provision of drainage for future upslope development of a neighbouring property.

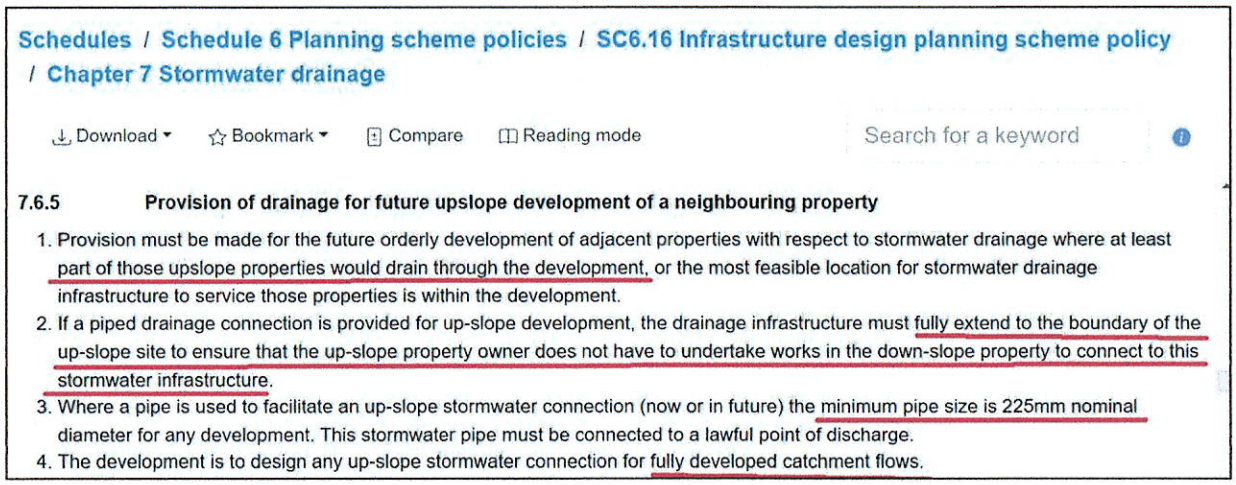
"Owner does not have to undertake works in the down-slope property to connection to the stormwater infrastructure"

Ignoring the fact that the applicant does not consider the subject lot as downslope, however, for the sake of the exercise, this is 100% evidence that the rear neighbour's stubs need to be 700mm invert level at the boundary. The Council refuse to advise their design of the stormwater pipe in detail.

In addition, the Council cannot design a roman aquaduct,

Deponent _____ Justice of the Peace _____

Definition test



Schedules / Schedule 6 Planning scheme policies / SC6.16 Infrastructure design planning scheme policy / Chapter 7 Stormwater drainage

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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 at least part of those upslope properties would drain through the development, or the most feasible location for stormwater drainage infrastructure to service those properties is within the development.
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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 for any development. 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.

"At least part of those upslope properties would drain through the development, or the most feasible location for stormwater drainage to service those properties is within the development."

It is the applican'ts view that there is no part of the rear properties that would drain through the development –

- Currently - Fall overall test
  - Fall at the boundary test

- After the subdivision completion
- Fall calculations

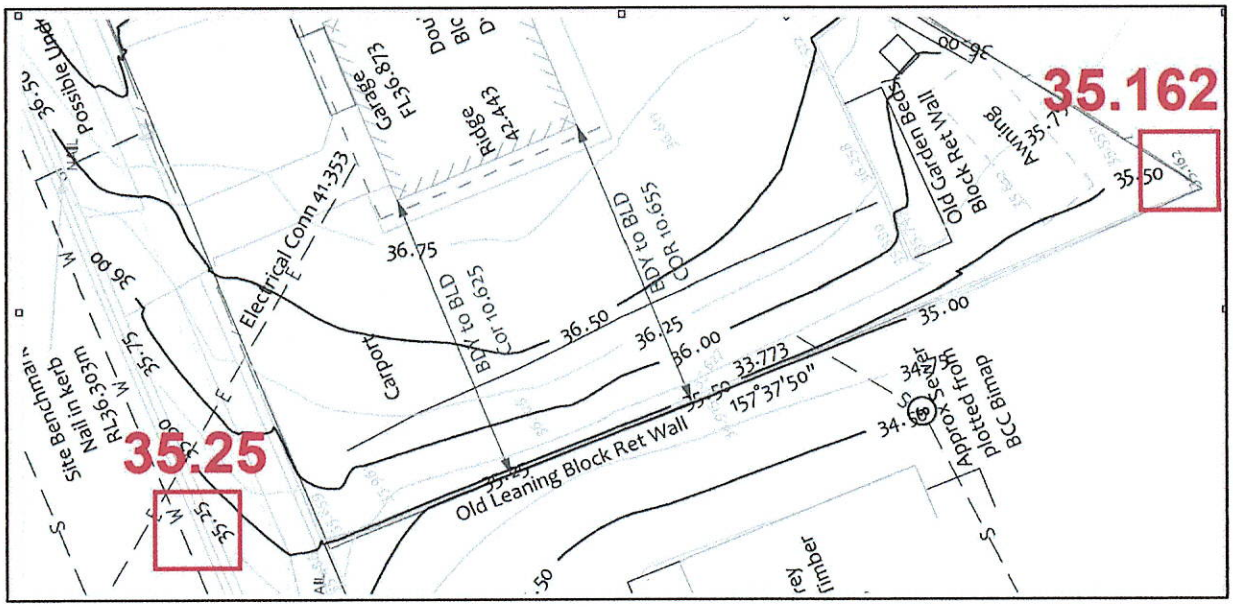
Definition test fails. Action – Remove S 18 and red line

Fall overall test ?

Lowest surface level point on rear lots at rear boundary to lowest point on subject lot at kerb.

128 Ashridge Rd Darra

Deponent _____ Justice of the Peace _____



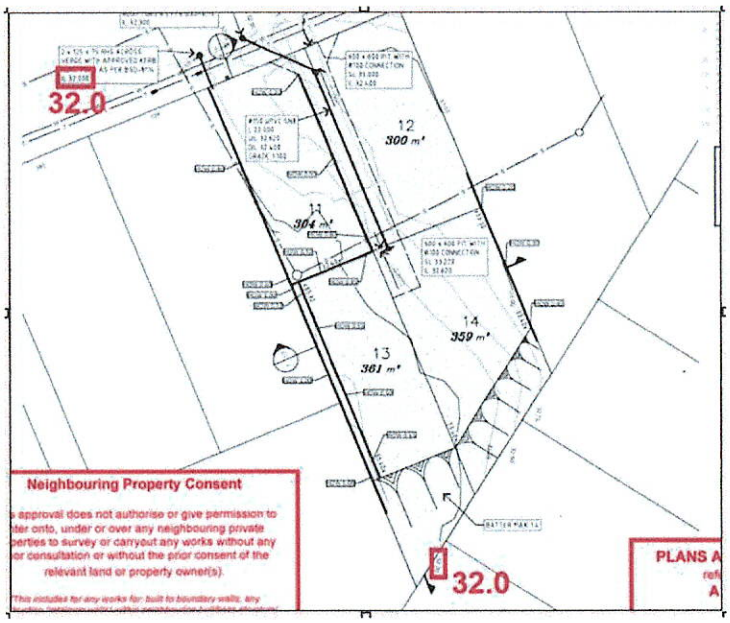
Lowest ESL on rear of all lots, surveyor	35.162
Lowest ESL on kerb, surveyor	35.250
Fall to rear lots overall	.088

Note – this test does not take into account pipe diameter 300, cover min 450, fall .5% to 1%.

Conclusion – Fall overall test fails. 128 Ashridge Rd Darra. Therefore rear lots are not upslope lots.

134 Ashridge Rd Darra

Note this test also fails for approved subdivision 134 Ashridge Rd Darra



Deponent _____ Justice of the Peace _____

Lowest SL on rear lot , surveyor	32.000
Lowest SL on kerb, surveyor	32.000
Fall of ground to rear lot overall	.000

Conclusion – neither overall fall either way 134 Ashridge Rd Darra. Overall test fails. Rear lots are not Upslope Lots and the subject property is not a "downslope" lot.

Fall over rear boundary test – fall from rear lots to Ashridge Rd lots?

Pit 1	SL on subject lot	37.0
	SL on rear lot	36.7
	Result – ground falls to rear lot, ground not falling to subject lot	
Pit 2	SL on subject lot	36.5
	SL on rear lot	36.3
	Result – ground falls to rear lot, not ground falls to subject lot.	

Conclusion – Fall at rear boundary test fails for 128 Ashridge Rd. Therefore rear lots are not upslope lots.

Note – Precedence 134 Ashridge Rd Darra - Council approved without upslope stormwater condition. Therefore Council did not use the fall at rear boundary test for 134 Ashridge Rd Darra.

So this test is irrelevant.

Where does the water fall or flow - Existing falls test.

Upon examining the direction of fall or flow over the contours it is obvious that water flows to ther rear and right. Water does not want to travel through Ashridge Rd.

" That part of the Upslope lots that would flow through the development"

Obviously water wants to fall to the rear lot. It does not want to climb a mountain to flow to Ashridge Rd. Council red line plan cannot force water to travel uphill.

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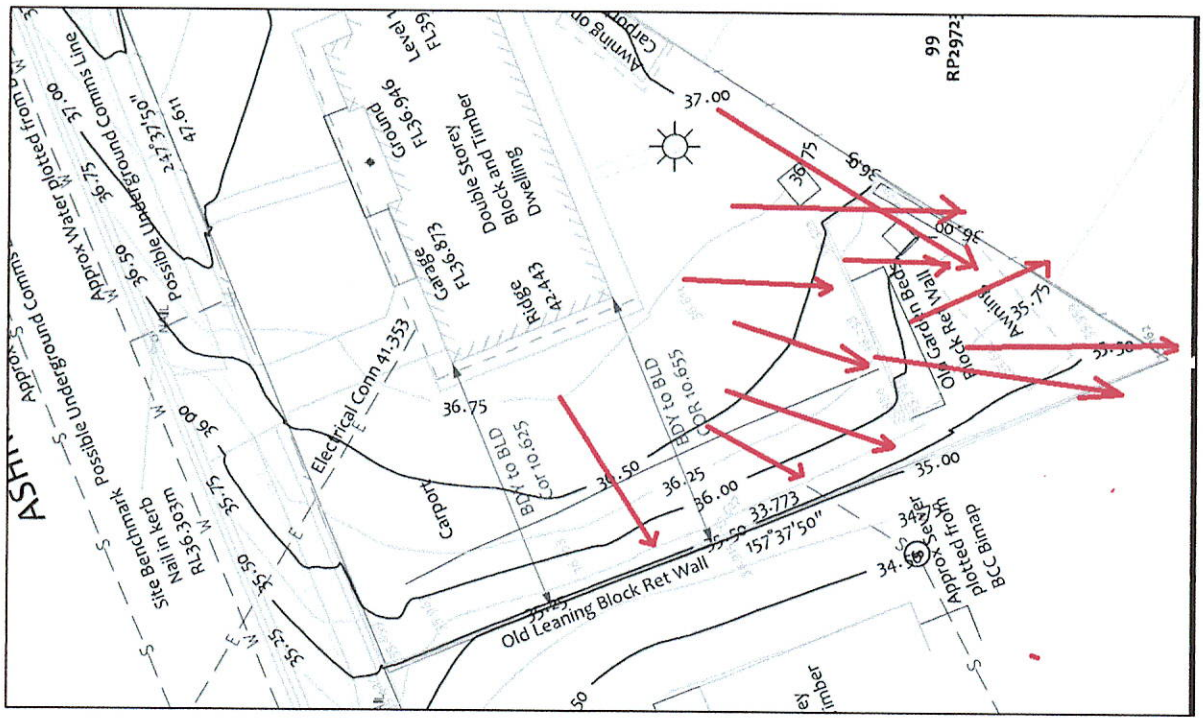

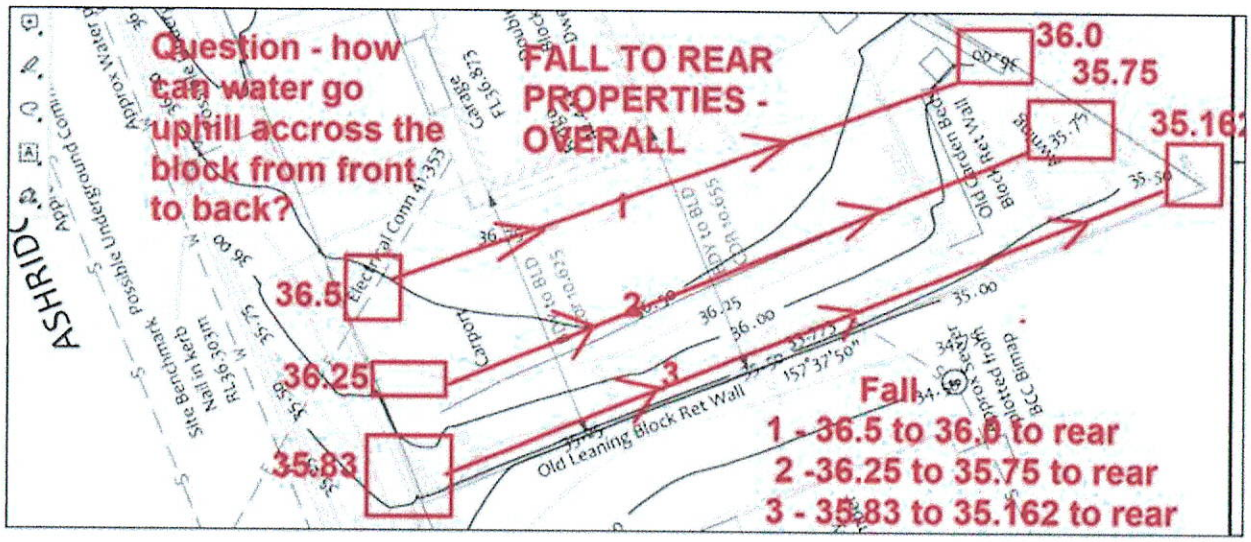

Above – existing falls and direction of water flow through the development.

Existing falls test – fails.

Action – Remove S18 and red line and pits on plan.

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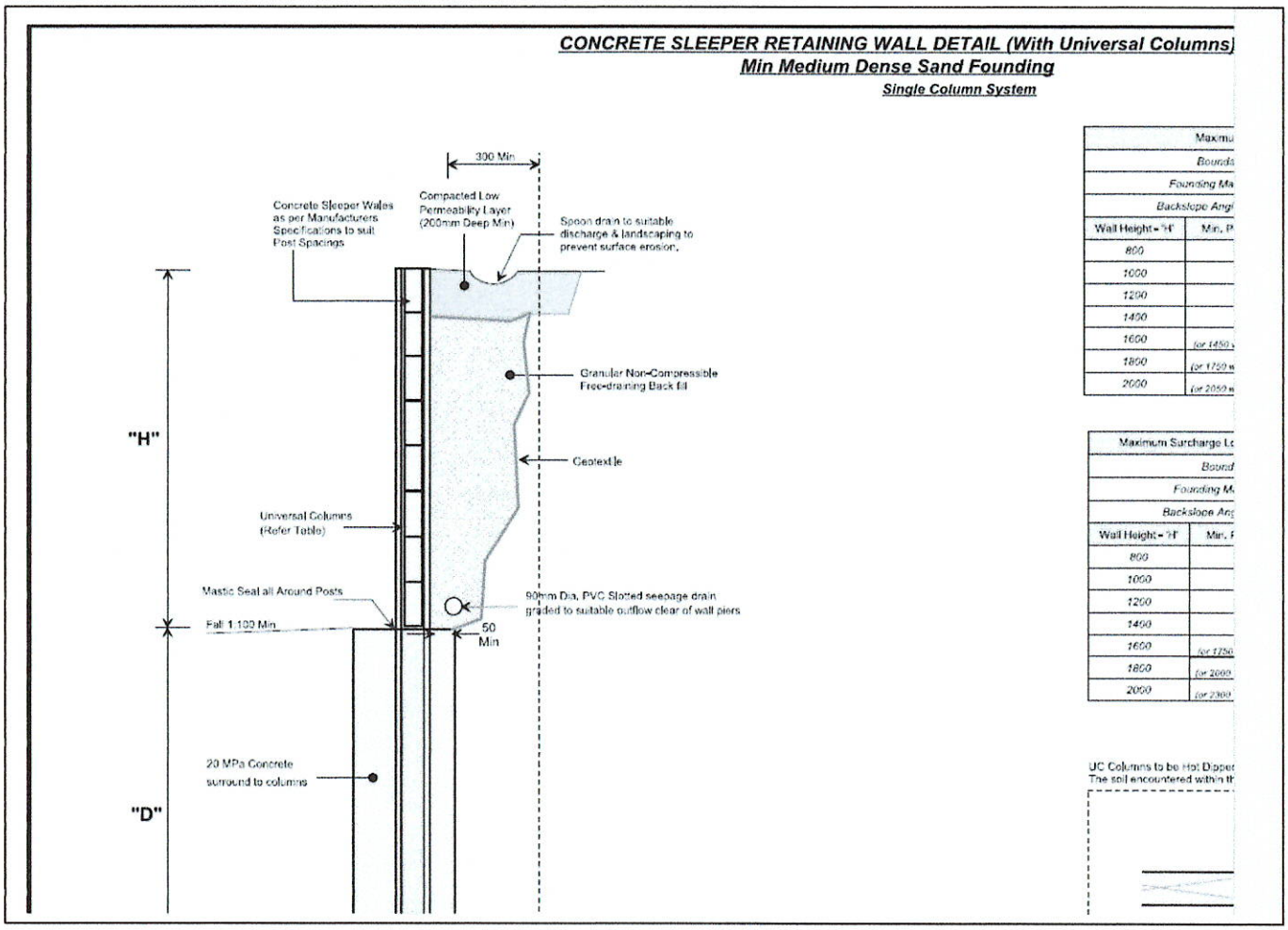
6) Conflict of engineering

Retaining wall
Sewer
Stormwater pipe
Crosssection

New replacement retaining wall

The applicant intends to replace the existing retaining wall and build to Form 15 STA Consulting, concrete sleeper wall.



Above – Form 15 STA retaining wall.

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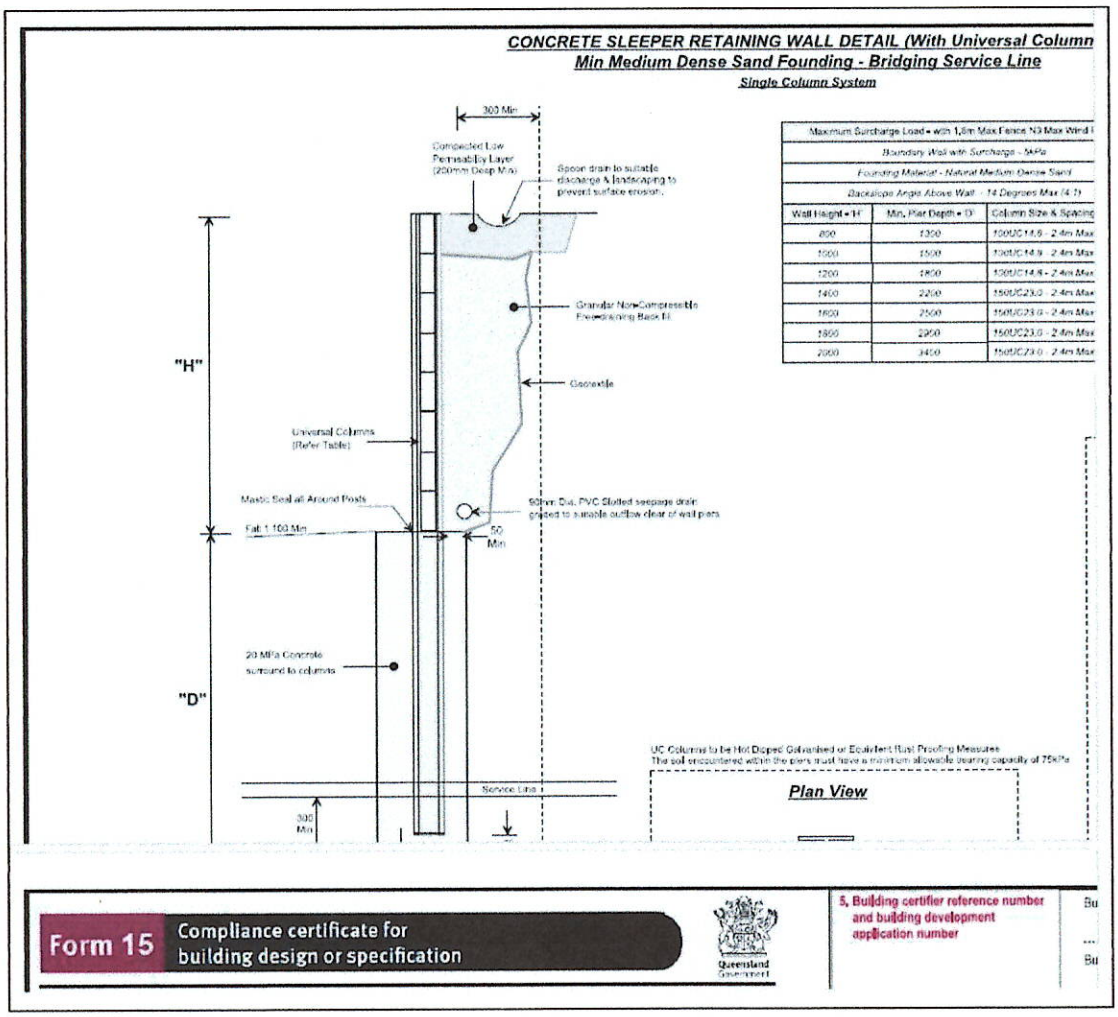

Note –

(a) The retaining wall design requires non-compacted drainage gravel so that water does not build up and blow out the wall.

(b) The retaining wall design will conflict with the **engineering required for the stormwater pipe**, which requires compaction of ground below the stormwater pipe, and some compaction of the drainage gravel below the stormwater pipe and around the stormwater pipe. The ground below the spoon drain requires some compaction to be non-permeable.

The retaining wall drainage gravel will be side by side and interactive. This will be disastrous for one or both.

The engineering required for the stormwater pipe will conflict with the engineering of the retaining wall. The conflict of engineering will cause

- the retaining wall integrity
- the stormwater pipe integrity

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- the increased chance of the retaining wall to fail, or the stormwater pipe to fail.

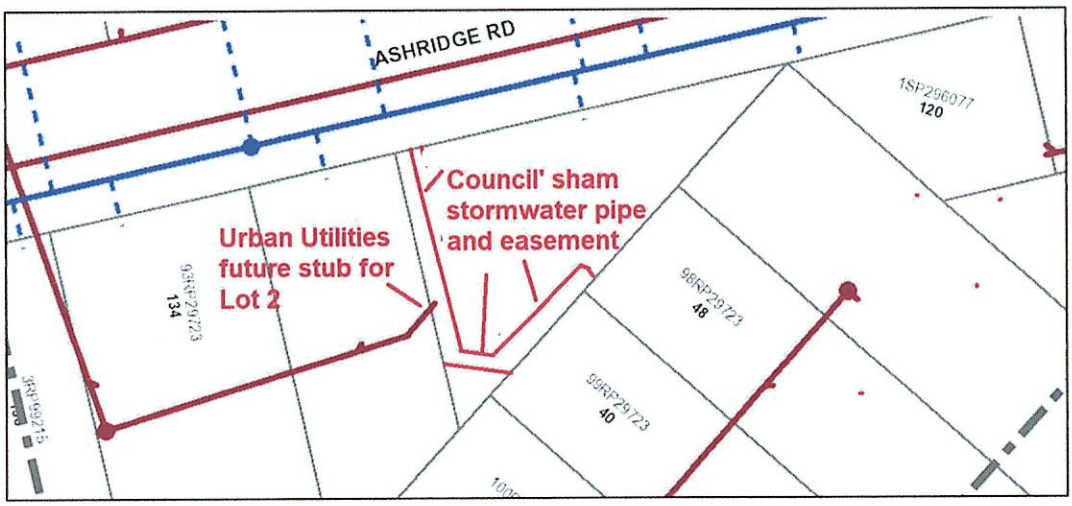
When the stormwater pipe fails, it will either be charged or burst. If it bursts, the new house will have water under the slab and the slab cracks.

When the stormwater pipe fails, the excess water will proceed to flow into the ag pipe of the retaining wall and cause excess water to appear in the neighbour's yard, possibly causing the neighbour's slab to crack.

Sewer Conflict

Conflict of the Urban Utilities sewerage pipe and stub connection to the private drain.

The Urban Utilities sewerage pipe is 100mm diameter. It travels at 90 degrees to the proposed stormwater pipe.



Note it is proposed that the existing sewerage connection will be used for Lot 2 new house.

Note the end of the line is in the middle of the Council proposed easement and the new inspection outlet (I/O) In a vertical direction will hit the proposed stormwater pipe.

Council refuse to advise how these conflicts can be rectified.

Note I have STA engineering to enable a lodgement a BOS. Council do not have a BOS approved for the stormwater pipe.

Council have not advised if they have obtained a BOS from Urban Utilities to build their "upslope" pipe.

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Stormwater design conflict

Note Queensland Development Code zone of influence requirements.

The Stormwater pipe is building work.

It is impossible to build and get anyone to sign off on a stormwater pipe built on or near existing sewerage pipe. The existing sewer pipe has existing rights since they were in first.

No engineer could possibly sign off on a system designed that will not adversely affect the operation of the sewerege structure.

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

2 Purpose

The purpose of this QDC part is to ensure *building work* for a *building* or *structure* on a *lot* that contains, or is adjacent to a *lot* that contains, *relevant infrastructure* is carried out so—

(a) the work does not—

(i) adversely affect the operation of the infrastructure; or

(ii) place a load on the infrastructure that could adversely affect its structure; and

(b) the integrity of the *building* or *structure* is unlikely to be affected as a result of the infrastructure—

(i) being maintained or replaced; or

(ii) failing to function properly; and

The stormwater pipe must not adversely affect the integrity of the sewerage pipe, as above, Queensland Development Code.

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Council guidelines 3 .2.9 - compact backfill in layers using specified compaction plant."
Therefore a stormwater pipe needs to be compacted onto the sewer pipe and the retaining wall drainage.

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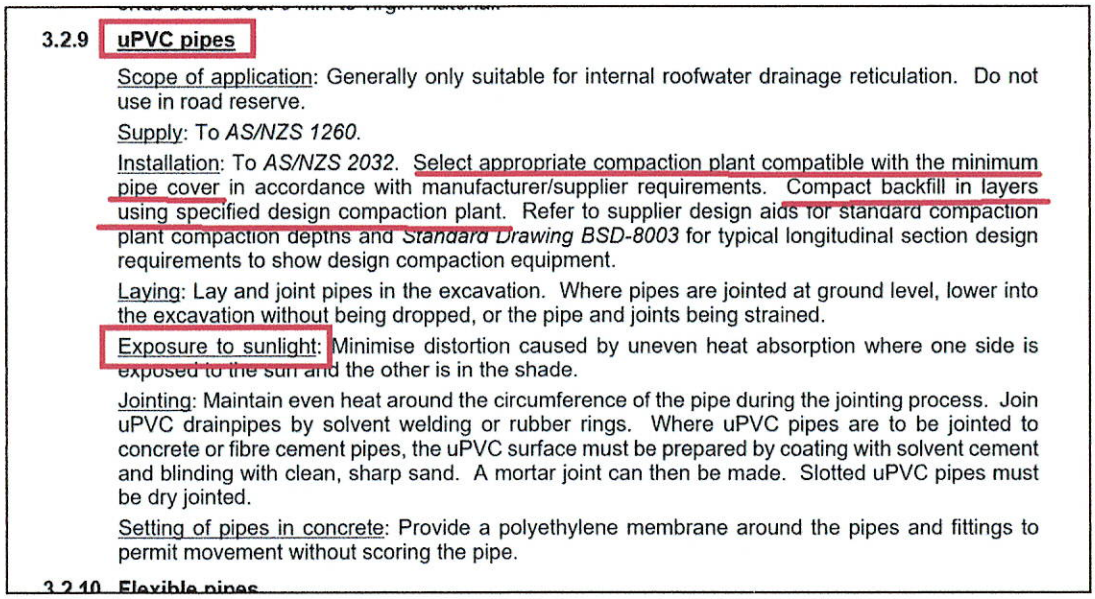
BRISBANE CITY COUNCIL

REFERENCE SPECIFICATIONS FOR ENGINEERING WORK

S160 DRAINAGE



3.2.9 **uPVC pipes**

Scope of application: Generally only suitable for internal roofwater drainage reticulation. Do not use in road reserve.

Supply: To *AS/NZS 1260.*

Installation: To *AS/NZS 2032.* Select appropriate compaction plant compatible with the minimum pipe cover in accordance with manufacturer/supplier requirements. Compact backfill in layers using specified design compaction plant. Refer to supplier design aids for standard compaction plant compaction depths and *Standard Drawing BSD-8003* for typical longitudinal section design requirements to show design compaction equipment.

Laying: Lay and joint pipes in the excavation. Where pipes are jointed at ground level, lower into the excavation without being dropped, or the pipe and joints being strained.

Exposure to sunlight: Minimise distortion caused by uneven heat absorption where one side is exposed to the sun and the other is in the shade.

Jointing: Maintain even heat around the circumference of the pipe during the jointing process. Join uPVC drainpipes by solvent welding or rubber rings. Where uPVC pipes are to be jointed to concrete or fibre cement pipes, the uPVC surface must be prepared by coating with solvent cement and blinding with clean, sharp sand. A mortar joint can then be made. Slotted uPVC pipes must be dry jointed.

Setting of pipes in concrete: Provide a polyethylene membrane around the pipes and fittings to permit movement without scoring the pipe.

3.2.10 **Flexible pipes**

Above S 3.2.29 "Compact backfill" of stormwater pipe. This would adversely affect the integrity of the sewerage pipe and the retaining wall.

Council Development Assessment team refuse to provide details of how S 3.2.9 would enable the stormwater pipe to work.

Council to change – remove condition S18 and red line.
STA Consulting

Deponent _____ Justice of the Peace _____

"No excavation is to be undertaken withing the zone of influemce unless it can be shown that that measures have been implemented to protect the stability of these structures during and after construction. The design engineer must be notified prior to excavation should these circumstances occur"

STA Consulting does not accept any responsibilities in the event that the wall integrity has been compromised as a result of such acts.

3.0 Construction Notes

- Prior to site works and construction, checks are to be made that any existing structures (including sewer and stormwater infrastructure) are not within the zone of influence of the proposed retaining wall. Should these structures exist, no excavation is to be undertaken within the zone of influence unless it can be shown that measures have been implemented to protect the stability of these structures during and after construction. The design engineer must be notified prior to excavation should such circumstances occur.
- Where site cuts are to be made, works should proceed in a timely and safe manner to minimise the chances of instability before construction is complete. Site works should not be undertaken if periods of wet weather are forecast. This remains the responsibility of the contractor.
- No additional surcharge (other than surcharges nominated in Section 3.2) shall be carried out or placed within the zone of influence of the retaining wall (s). STA Consulting does not accept any responsibilities in the event that the wall integrity has been compromised as a result of such acts.
- Ground surface in front of wall to have maximum slope of 1:4 (~14 ° degrees) for the first metre away from wall.

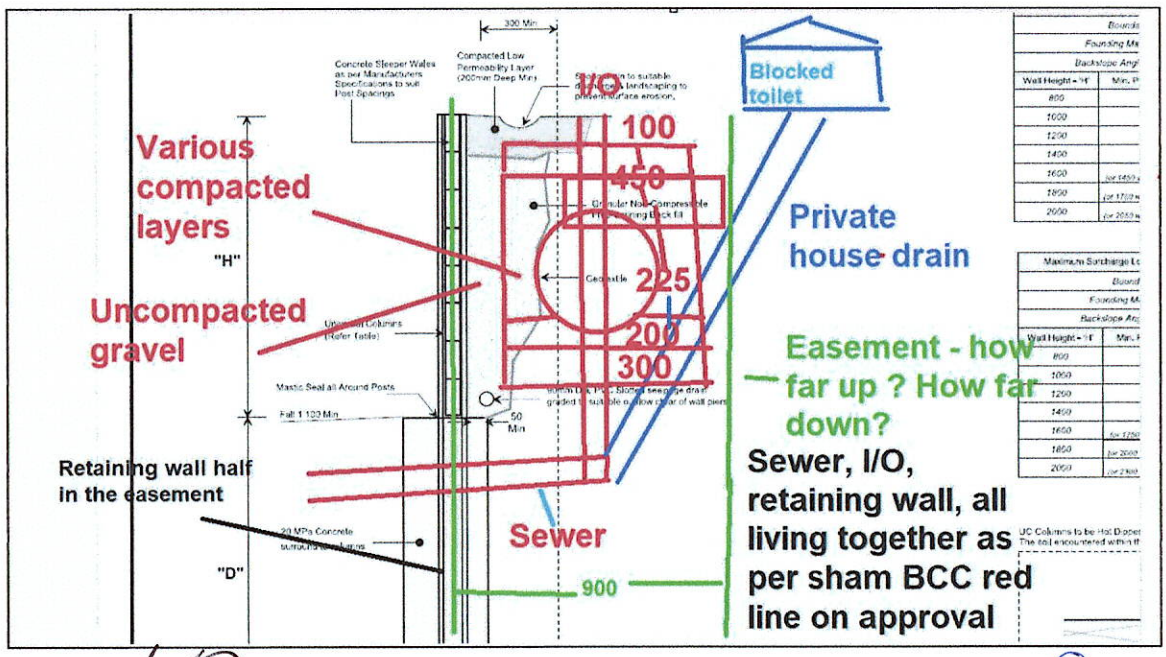
The stormwater line is in the zone of influence.

The Council stormwater plan is dead in the water based on this one argument alone. Simply a bad idea all round.

Action – Council to remove S18, stormwater red line.

Crosssection

Below is purely an attempt to draft a crossection. Council refuse to supply same. Private engineers say that there are many conflicts of engineering to the extent that the stormwater pipe cannot be built.



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Conclusion – Stormwater pipe is incompatible with proximity with retaining wall and sewer.

Action – Council to remove stormwater red line and S 18 condition.

Chapter 7 Stormwater drainage

Contents

7.4.7 Building near or over underground stormwater infrastructure

(1) For underground stormwater facilities with or without drainage easements and where pipes or conduits are greater than or equal to 225mm in diameter or width, building over/near stormwater requirements will be applicable if the site is subject to any 1 or more of the following conditions:

(a) any proposed works contravening the drainage easement terms;

(b) any earthworks (filling or excavation) proposed directly over or adjacent to the stormwater drainage or maintenance holes that will result in changes to surface levels or loading conditions over these stormwater facilities;

(c) any building work proposed over the stormwater drainage or maintenance holes;

(d) any proposed works that will affect the structural integrity of the drainage or its trench;

(e) proposed changes to the loading conditions on an existing maintenance hole cover, for example, changing the use of a non-vehicular trafficable area to a vehicular trafficable area;

(f) proposed use of rock bolts or ground anchors within 2m of the stormwater drainage;

(g) proposed property access width of less than 2m from the front entrance or access road to any maintenance hole or property connection located on site;

(h) proposed driveways or concrete pavements over maintenance holes or property connections;

Note Councils own S 7.4.7 conflicts with building near or ove underground stormwater infrastucture

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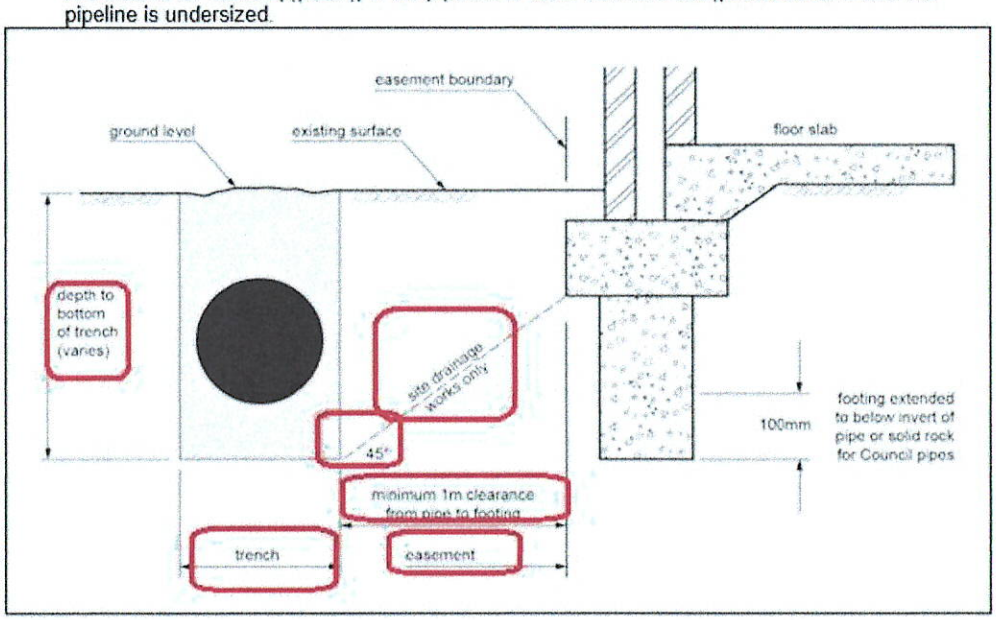
(i) clashing of services or utilities (other than sewers) with the stormwater drain line that may affect the structural integrity of the stormwater drainline or its trench, or sewers larger than 150mm diameter crossing any stormwater drainline.

(2) When building over stormwater an adequate buffer zone is required between the edge of foundation system and the edge of the stormwater infrastructure to minimise structural damage during excavation, boring or piling operations.

(3) The following minimum horizontal clearances are required where undertaking such works near stormwater infrastructure and may need to be increased if it is anticipated that the pipe bedding will be affected:
(a) 1m clearance applies to an excavated footing system such as beams and pad footings excavated by backhoe or similar;
(b) 1m clearance applies to bored piers;
(c) 6m clearance applies to driven, vibrated or jacked piles.

(4) Works shall be carried out in accordance with section 7.2.9 of AS/NZS 3500.3:2003 Plumbing and drainage - Stormwater drainage. Typically, where a drain is laid near to a footing, the trench shall be located beyond a 45° angle from the base of the footing, as shown by Figure 7.4.7.A.

(5) When determining the minimum setback from existing stormwater infrastructure, allowance needs to be made for future upgrading of the pipeline to meet Council's design standards where this pipeline is undersized.



7) Council triangle question

Council have provided no explantion for the triangle. The triangle is BSD 8111 non-compliant.

The only explanation is that they need the triangle to fudge their charged calculations.

This is strange firstly since Council requires the applicant to fill the site.

BSD 8111 requires that the stormwater pipe be 600mm from the boundary. Why has Council diverted against their own standard diagram ?

Council refuse to advise the applicant why the triangle is in the stormwater pipe design.

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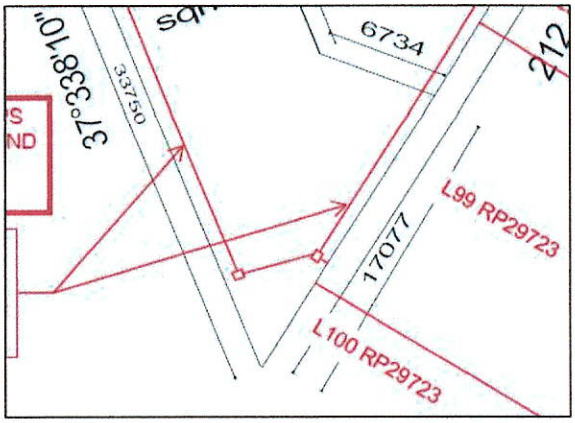
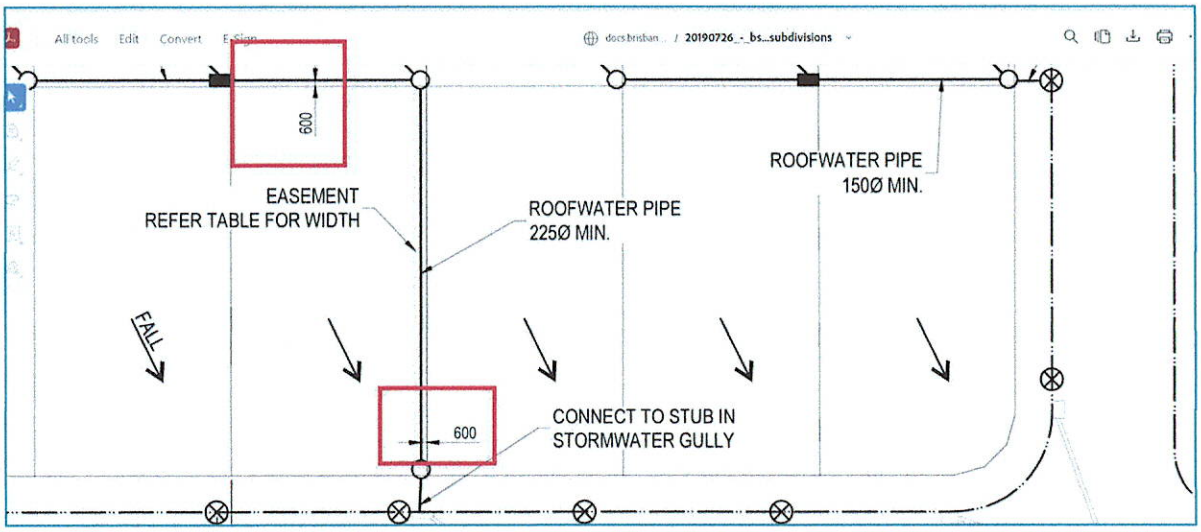
It appears that Council has attempted to fudge their figures. The line is reduced from 61 metres to 55 metres. A sham.





Above – BSD 8111 requiring 600mm from the boundary

Conclusion – Council have intentionally placed a triangle of pipe outside BSD 8111.

Action – S 18 to be removed. Stormwater red line on plan to be removed.

8) Precedence.

The site 134 Ashridge Rd Darra is 17 metres away from the subject site.

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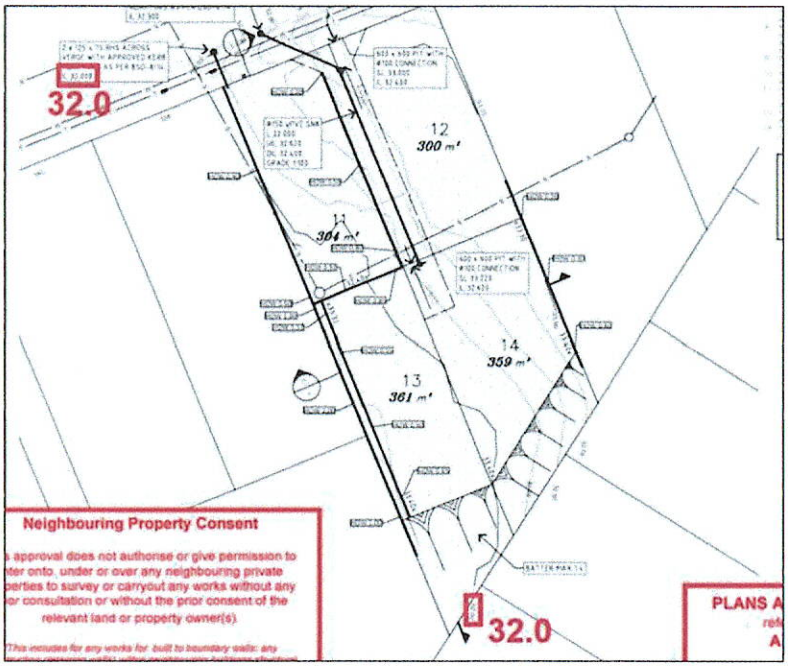

Approved in 23 days. No requirement for "Upslope stormwater pipe"

AHD at rear 32.0. AHD at Ashridge Rd 32.0.

That means it is impossible to supply a stormwater pipe to the rear neighbours. Same situation as 128 Ashridge Rd Darra.

134 Ashridge Rd Darra . No rear stormwater pipe required by Council.

128 Ashridge Rd 35.162 at rear, 35.250 at Ashridge Rd.

134 Ashridge Rd 32.0 at rear, 32.0 at Ashridge Rd

Council requires sham stormwater pipe for 128 Ashridge Rd but doesn't require for 134 Ashridge rd Darra. Calling all engineers all over the world wide web - work that out please.

143 Wakefield St Darra

On 4/4/18 Joel Wakefield wrote a letter to the applicant requesting they design the upslope pipe.

Joel Wake did not draw a red line on the approved plan.

In respect of the subject lot, Joel Wake drew a red line and did not request the applicant design the red line. Council took ownership of the red line.

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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

Dedicated to a better Brisbane

4 April 2018

Harland Property Group
c/- ASI Planning
326 Albany Creek Road
BRIDGEMAN DOWNS QLD 4035

Attention: Ben Silver
Application Reference: A004867708
Address of Site: 143 WAKEFIELD ST BALD HILLS QLD 4036

Dear Ben,

RE: Information request under the *Planning Act 2016*

Council has carried out an initial review of the above application. Additional information and amendments to the proposed details are required to achieve compliance with the *Brisbane City Plan 2014*.

In particular, it is recommended that changes are made to the proposed dwelling house setbacks and access arrangements. Further information is required with regard to on and off site vegetation as well as the proposed stormwater management associated with the development.

Provide amended drawings and additional information to address the following key items:

Stormwater – Lawful point of discharge

1. The proposed Reconfiguration of the lot requires a Lawful point of discharge through the adjoining property to the north into an existing gully pit. For this arrangement to be considered a Lawful point of discharge for the proposed development, additional information and a written consent from the adjoining land owner is required.

   a) Submit the following information to achieve compliance with PO3 / AO3.3 of the Stormwater code and Section 7.6.1 of the Infrastructure Design planning scheme policy:

      i) Obtain and submit written permission from down-slope adjoining owners – written consent is to be provided using Council's standard form CC10835 'Property Owner's Statement of Consent or Refusal to allow a LPD for a proposed development'.

      ii) Submit a conceptual plan / sketch identifying the proposed works sighted, signed and dated by the down-slope adjoining owner.

Stormwater – Upstream drainage connection

2. The properties at 141 Wakefield Street (Lot131 RP71330) and 130 Miles Street (Lot 141 RP29027) are situated within the up-slope stormwater catchment of the subject site and as such an up-slope drainage connection is required in accordance with the Stormwater code and the Infrastructure Design planning scheme policy.

   a) Provide a revised stormwater concept plan detailing a minimum 225mm diameter piped connection to the boundary of the up-slope sites (Lot131 RP71330 and Lot141

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

Yours sincerely

Joel Wake
Urban Planner

Joel Wake refuses to advise the applicant in the subject case why he did not provide an information request for the subject application but he did for 143 Wakefield St Bald Hills.

Note 6 years ago Joel Wake said to the applicant –

"Phone me".

In relation to the subject case Joel Wake has chosen not to make an information request. In addition he refuses to respond to hundreds of pages of queries from David Manteit.

9) Easement document terms unknown or sighted.

The terms of the Council proposed easement document are unknown due to Council refusing to supply a copy of since requested on 1/10/24 and the conditions will probably cause the stormwater pipe to conflict with engineering requirements from the sewerage pipe or retaining wall, or Small Lot Code.

Council are to prepare this easement.

Council refuse to provide or discuss the terms of the easement. This is plain dishonest.

The questions have been raised to Council in letter dated 1/10/24.

Action – Council to remove

Deponent _____ Justice of the Peace _____

Engineering

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.

Action – Council to remove S7 , S 7(a)

8) Other Easement

There is no other easement.

7(b) Submit Plan of Subdivision and Documentation (other Easement)

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.

Timing: As part of the 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.

Easements "not in favour of the Brisbane City Council".

Letter dated 1/10/24 from David Manteit to Brisbane City Council

Deponent _____ Justice of the Peace _____

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 fot 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 to provide answers to the following questions.

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

Easement document.

1) Please provide proposed **surface levels and invert levels** of the 225mm stormwater pipe.
2) Please provide **cover distance above, below, left and right** of the 225 stormwater pipe. Note any requirements below that may affect this cover d 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 resriction for around 300mm **drainage gravel** required by retaing 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.

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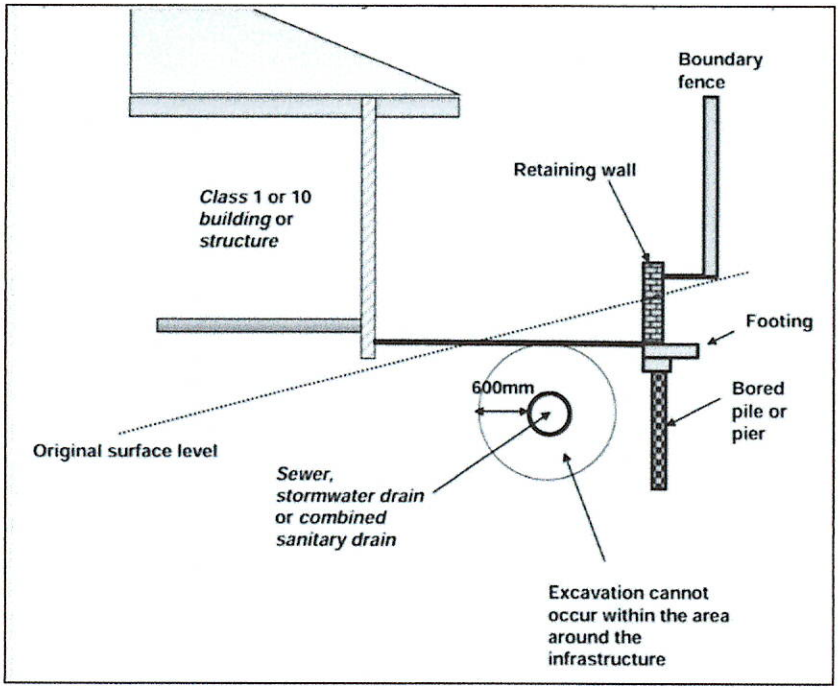


12) Is there a requirement in the easement for good **maintenance** by BCC or the owner.

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 imperveous.

15) Please provide **engineered drawings** for the top imperveous 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 imperveos surface and legal point of discharge for the imperveous surface.

16) Please provide **depth of spoon drain.**

- Please provide minimum **slope** of imperveous surface both in direction of travel and accross.

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.

Deponent _____ Justice of the Peace _____

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 occpupant 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.

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 consder 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.**

Above - extract of letter to Council 1/10/24

Council have erroneously included this condition in the approval.

Action – Council to remove S7 , S 7(a).

Action – Council to remove Condition 7 (c).

10) Precedence

See other affidavit re audit by David Manteit re 500 spproved subdivision cases of reconfiguration of a lot this Calendar year.

Driveway S 24

Note previous approval at 63 Oateson Skyline Dve David Manteit applicant.

Deponent _____ Justice of the Peace _____

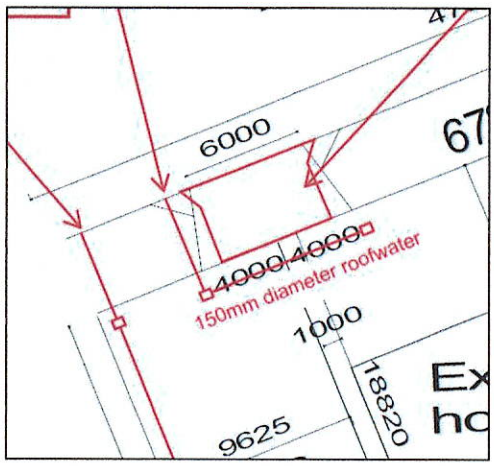
24) Permanent Driveway Crossover

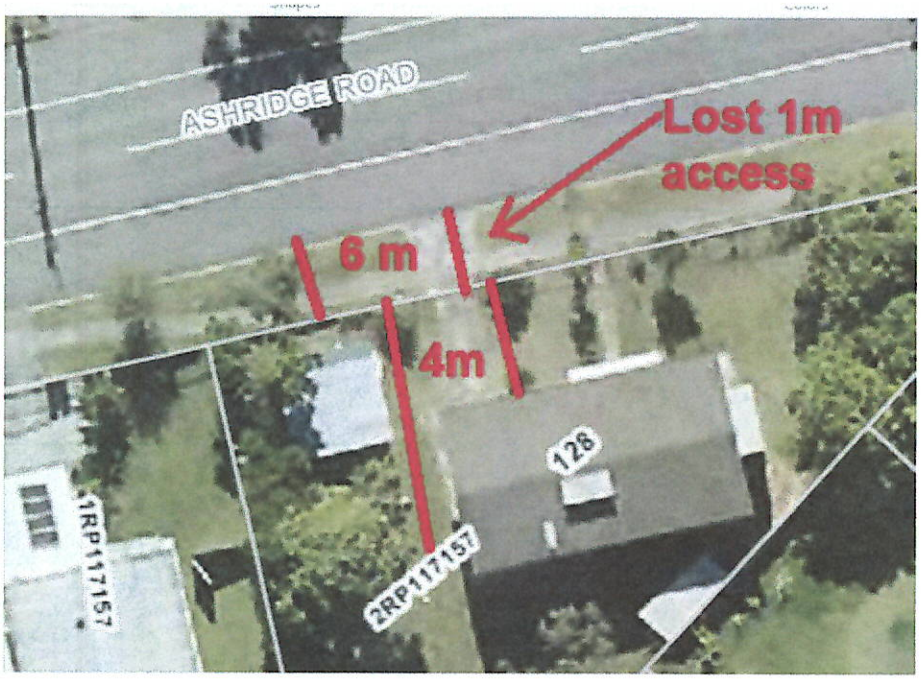
Provide a 6.0 metre wide Residential Type shared permanent driveway crossover to the Ashridge Road frontage(s) of the site in accordance with the relevant Brisbane Planning Scheme Codes and located as shown on the approved DRAWINGS AND DOCUMENTS.

Written consent must be obtained from ↟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)

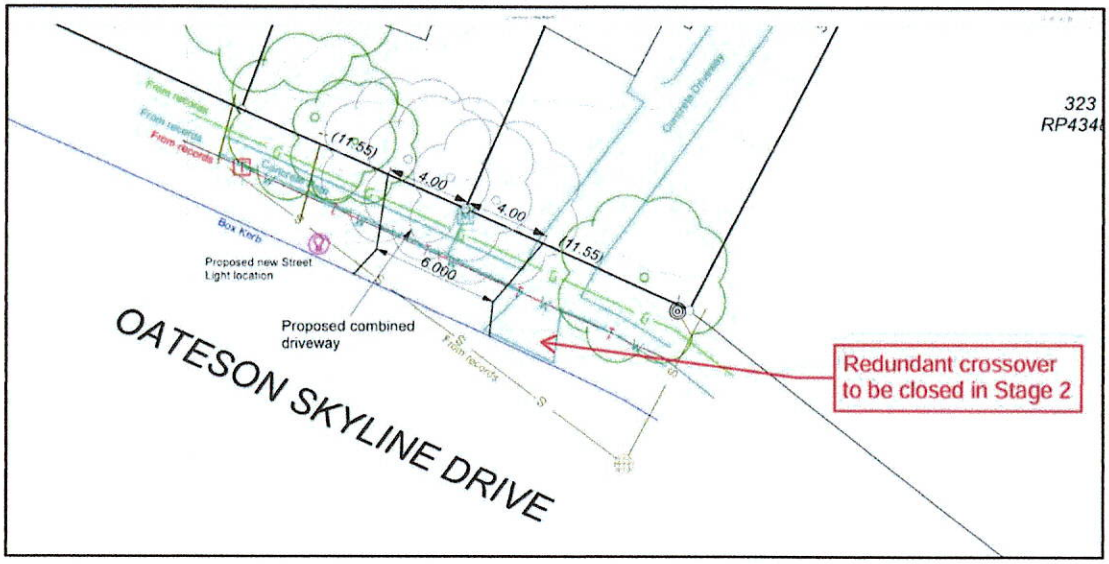
At all times during construction of the crossover, safe pedestrian access along the site frontage must be maintained.

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.





Deponent _____ Justice of the Peace _____



Above – Approved design of driveway on District Rd, 63 Oateson Skyline Dve Seven Hills.

(a) The site is a district road. The site at 63 Oateson Skyline Dve Seven Hills is also a district road. 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.

Action – Council to erase driveway lines and reamove/amend S 24.

END OF AFFIDAVIT

Deponent _____ Justice of the Peace _____