

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 –

See statement below numbering 1-10 re statement particulars.

DRAFT ONLY

Signed:

Taken by:

Deponent

Justice of the Peace

Sworn and affirmed by

on

at

in the presence of:

Deponent

Justice of the Peace

AFFIDAVIT

David Manteit
82 Rowe Tce Darra 4076
0424 739 923

Statement particulars –

“Applicant” - in the original Development application

“Appellant” – in the appeal

1. David Manteit has audited the Brisbane City Council public files of around 500 approved/decided Development cases on Brisbane City Council website Development I, based on certain parameters from around 1/1/24 to 12-11-24.

Parameters –

Decided 1/1/24 to 12/11/24.

Type - Reconfigure a Lot

Code Assessment

To the best of my knowlegde I have examined every approved plan and every pertinent condition of those 500 approvals.

Only one case in the 500 cases had Council imposed a condition **“the site must be filled..... to achieve/enable lawful point of discharge....”**

That case in mention is the subject case, being 124 Ashridge Rd Darra – three time mentioned and requested by Brisbane City Council. Nobody except Council knows why those statements and requests have been made by Council to the applicant, as Council refuse to supply information to the applicant.

There are obvious (in my view) and intentional (in my view) blunders in the fill assumptions by Council. Council should be held accountable. In addition this reflects the orders requested by the Appellant.

2. I also singled out cases with Upslope properties stormwater pipe conditions requested by Council. I found 18 cases. I am not aware of any other cases than the 18 cases, to the best of my knowledge. I attach copies of approved plans. below , of extracts of these plans.

These 18 cases all had the following parameters -

- Reconfigure a lot (Subdivision)

- Decided

- Code Assessment.

- Upslope stormwater condition to build a minimum 225mm pipe to rear neighbours.

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3. There are two other files I placed in the report, 22 Darra Ave Darra and 143 Wakefield St Bald Hills. These other files are also pertinent, since in these cases the applicant was also required to build an Upslope 225mm stormwater pipe, Code Assessable.

In addition, Joel Wale was the Development officer for 143 Wakefield St Bald Hills.

In the case of 143 Wake St Bald Hills, approved 4/4/18, I have lectured on the details of this case to my students of Subdivision Millions Meetup Group, of which I have around 600 members,

In the case of 22 Darra Ave Darra, the owner, Ms Pei Huang, I met with in relation to my normal business Subdivision Services. She asked me to examine the case, including Stormwater requirements. Council placed an Upslope stormwater condition on the site without an information request to Pei Huang. I subsequently had discussions with Civil Works who filed a representation to remove the condition, but was unsuccessful.

4. I am qualified to make plans and discuss stormwater matters. I have completed around 20 subdivisions and prepare my own subdivision plans in degrees, minutes, seconds, millimetres, converted from chains.

I have prepared another affidavit for this Court Case demonstrating 8 approved subdivision Council Plans, including 8 cases for my own business. All approved by Brisbane City Council and Ipswich City Council. I have completed around 60 lawful point of discharge situations with my own bare hands. I have assisted the licenced plumber and have installed every pipe on those cases including 225mm stormwater pipes through two houses in one case. I do this so nothing goes wrong.

I have installed live manholes with the plumber and 150mm stormwater pipes.

Every single Council case has a stormwater condition and requires As Constructed plans and RPEQ sign of for lawful point of discharge. Otherwise the case is not plan sealed.

4. There were 18 "Upslope stormwater" files examined. No case had a **red stormwater line and pits drawn by Council, except the subject case of 124 Ashridge Rd Darra.**

124 Ashridge Rd Darra case had drawn –

4 pits

Multiple kerb adaptors

150 pipe notation for Ashridge Rd lots

55 metres of 225mm pipe

900mm easement

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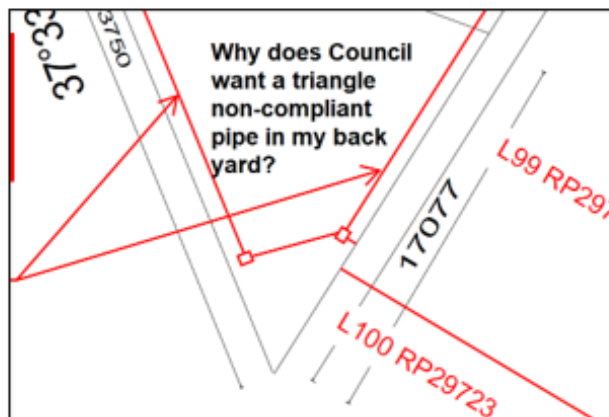
BSD 811 Non-compliant sham triangle, thereby mischievously reducing the line from 61 metres

Red stamp stating "Markups indicative only"

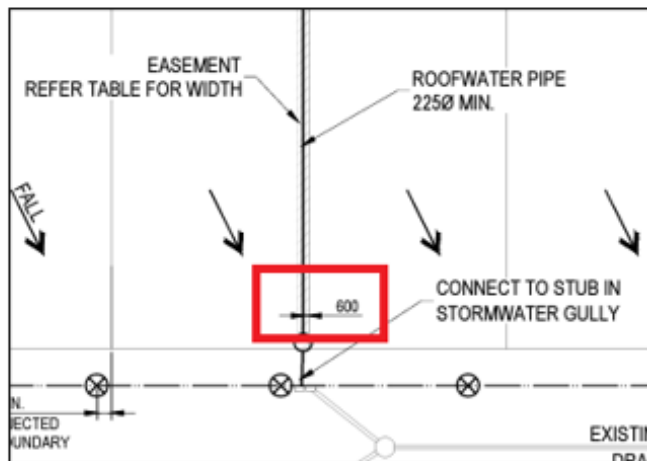
Pipe conflicting with the zone of influence of retaining wall, UU owned sewer pipe, Inspection outlet

Private house drain

Council approved drawing



Council BSD 8111 standard drawing says "keep 600mm from boundary."



5. Margaret Orr, Team Leader of Brisbane City Council, on 3/10/24 said in a letter to David Manteit, the applicant, in writing , "assessed by Council's Development Services Team againsta the requirements of the Brisbane City Plan 2014"

Deponent _____

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In my view these statements are totally incorrect.

128 ASHRIDGE RD DARRA A006565555

From Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>

Date Thu 3/10/2024 5:09 PM

To davidmanteit@hotmail.com <davidmanteit@hotmail.com>

Cc Emma Mezzina <Emma.Mezzina@brisbane.qld.gov.au>; Zarndra Piper <Zarndra.Piper@brisbane.qld.gov.au>; CPAS-DS-PlanningSupport <DSPlanningSupport@brisbane.qld.gov.au>

Good afternoon David

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

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

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

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

Thank you

Kind regards

Margaret Orr

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

.....
Brisbane Square | 266 George Street, Brisbane, Qld 4000

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

Wednesday to Friday

Letter to David Manteit on 3/10/24

Margaret Orr also said on 3/10/24 that the "The delegate (Joel Wake) had taken all assessment matters into account"

Development Service Team –

Margaret Orr – Team leader

Scott Ruhland

Joel Wake

Tom Gibbs

Zarndra Piper

Lucy Ting

The abovementioned persons are also listed on Council Development I as the Project Team for the subject case.

Deponent _____

Justice of the Peace _____

6. The abovementioned persons refuse to supply information to David Manteit regarding the red lines on the approval dated 25/9/24. This is despite many requests on writing.

7. I hold the above persons responsible for their refusal to supply information on the information on the red line and conditions, since I cannot build the red line and fill conditions.

8. The case of 124 Ashridge Rd Darra is the only case of 500 cases that Council has -

- designed stormwater pipes and placed a red line on the approved plan with pits and kerb adaptors.
- designed fill three times for the site for Lawful Point of Discharge and Upstream properties.

In my view, these persons are personally responsible for my holding costs and specific performance if their calculations are incorrect.

9. These persons had the chance to make an information request to David Manteit after the Properly made date of 23/7/24 to avoid any legal obligation or damages to David Manteit but they chose not to, Hence these persons are personally responsible for -

- specific performance
- holding costs
- damages
- loss of profits.

This is on the basis that the red line and the requirements of fill are subsequently proven to be incorrect, or not required.

This is the only case known where Council is the designer and author of a red line and fill design and conditions.

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Site	Date decided	Council drew red stormwater line	Council said "fill the site"
128 Ashridge Rd Darra		Yes	Yes
143 Wakefield St Bald Hills		No	No
22 Darra Ave Darra		No	No
19 Dorothea St Cannon Hill		No	No
696 Robinson Rd Geebung		No	No
17 Idriess St Oxley		No	No
28 Roderick St Wavell Heights		No	No
27 Lilac St Inala		No	No
22 Troutsbridge St Mount Gravatt East		No	No
125 Ness Rd Salisbury		No	No
22 Charlie St Zillmere		No	No
25 Highgate St Coopers Plains		No	No
28 Montrose St Taringa		No	No
84 Crowley St Zillmere		No	No
15 Orville St Geebung		No	No
3 Exley St Kedron		No	No
32 Tarm St Wavell Heights		No	No
37 Edith St Synnybank		No	No
111 Dixon St Sunnybank		No	No
24 Annear St Acacia Ridge		No	No
79 Rowe Tce Darra		No	No
Notes			
Around 500 subdivision approvals were examined upon which the above were found to have an Upslope stormwater drain connection conditon in the approval.			

Above – report by David Manteit on "Upslope" approvals decided 1/1/24 – 15/11/24.

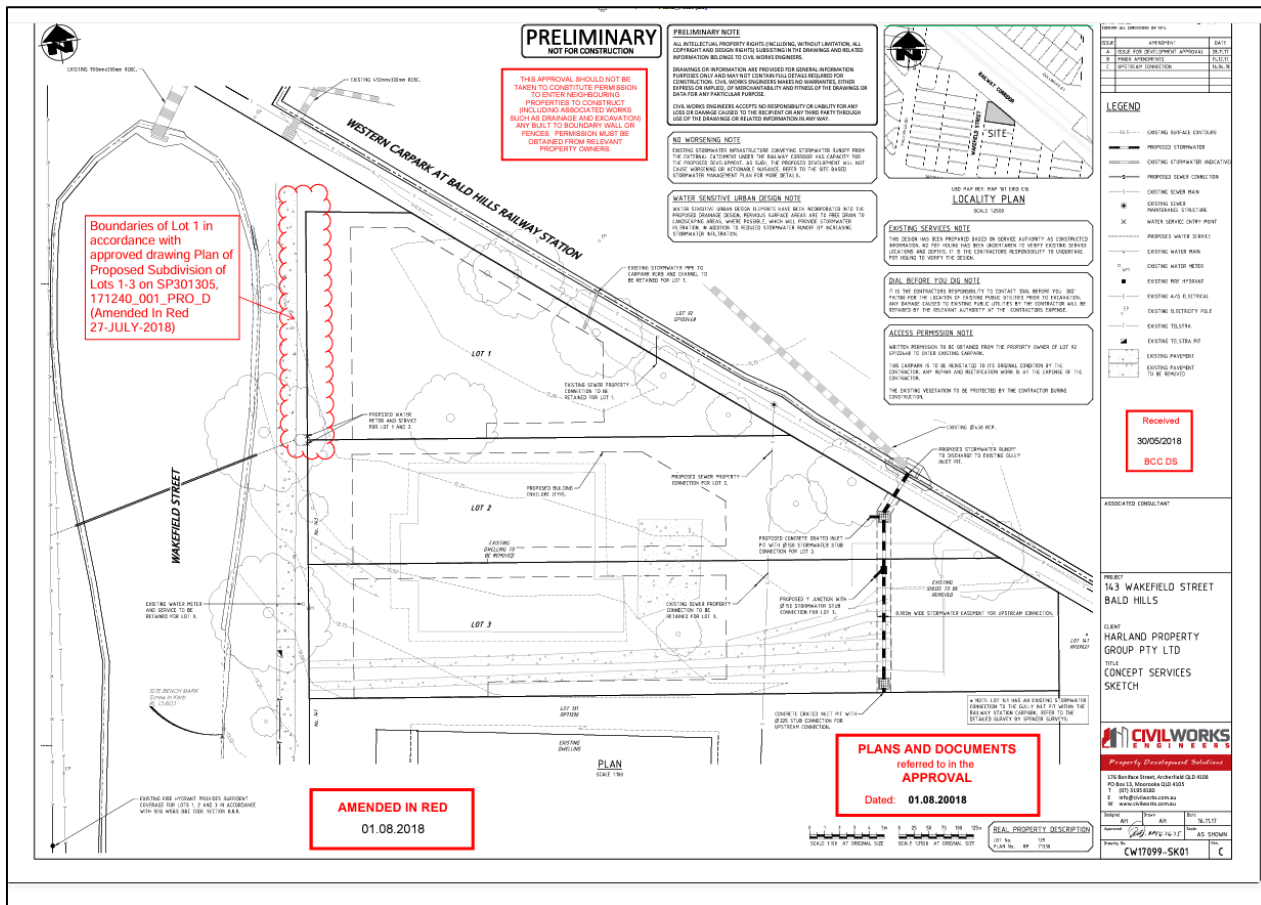
Deponent _____

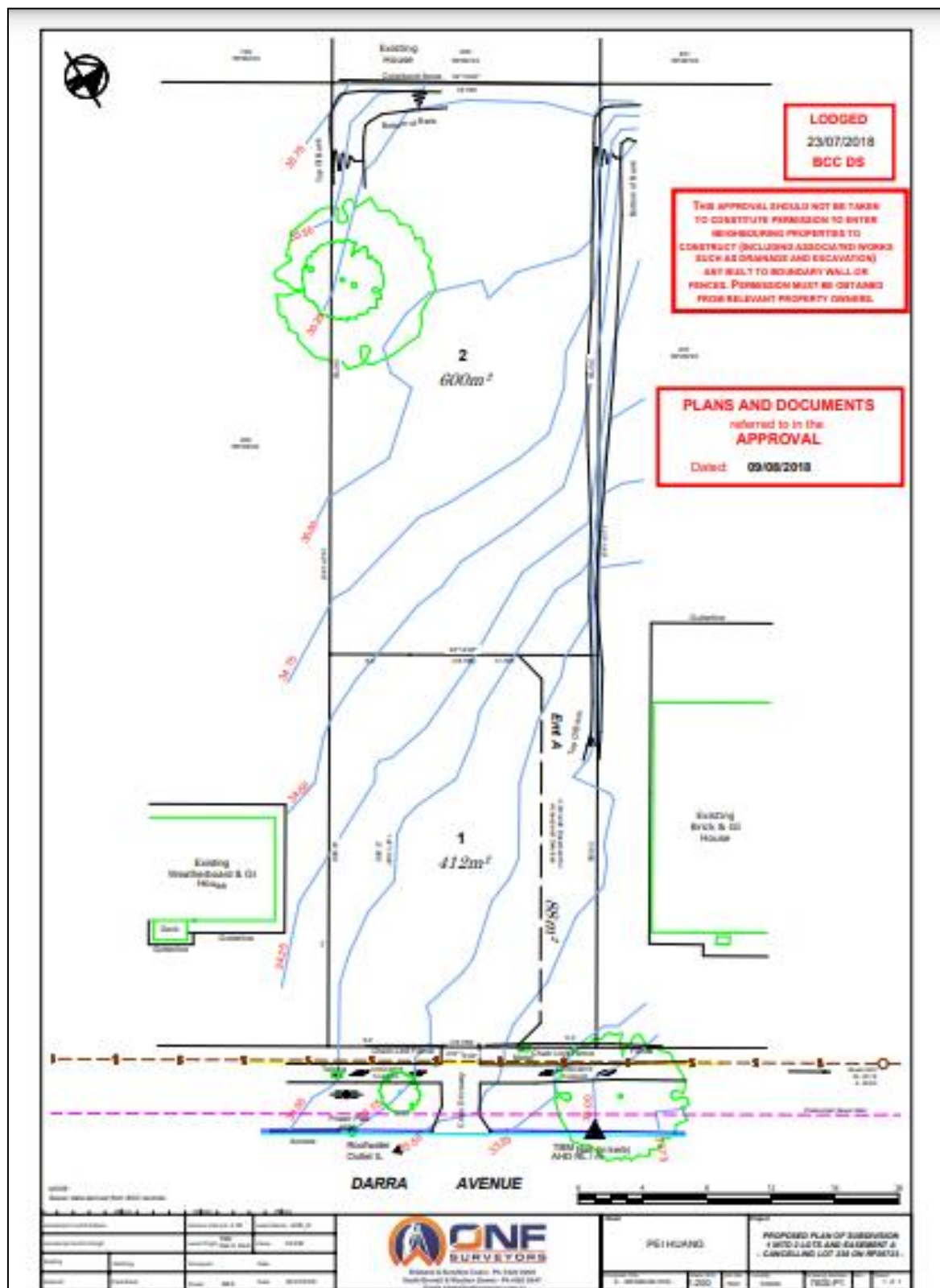
Justice of the Peace _____

Above – Approved plan of 124 Ashridge Rd Darra with red lines and fill designed by Council and the “Development Assessment Officers”

Deponent _____

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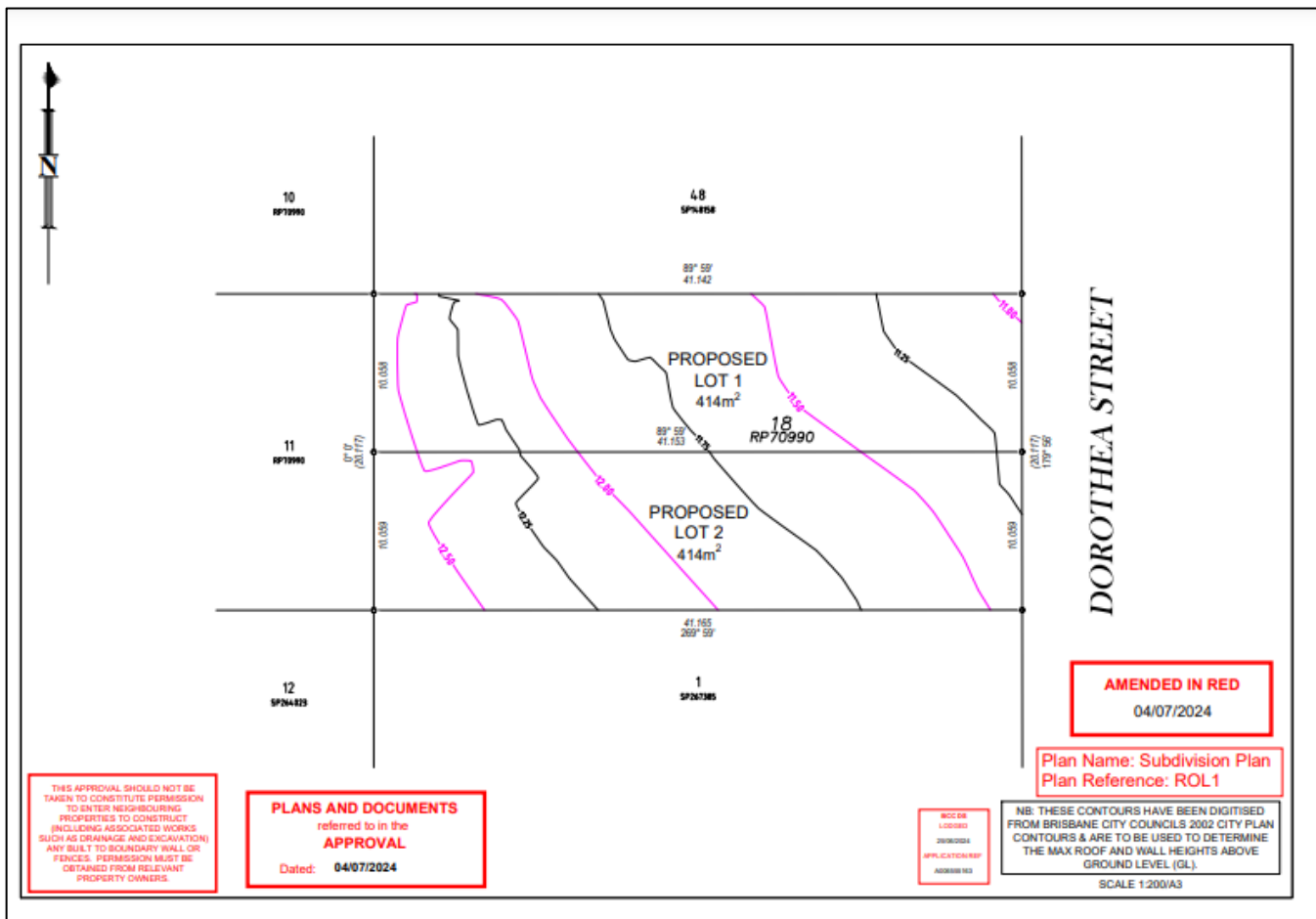




Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
22 Darra Ave Darra

Deponent _____

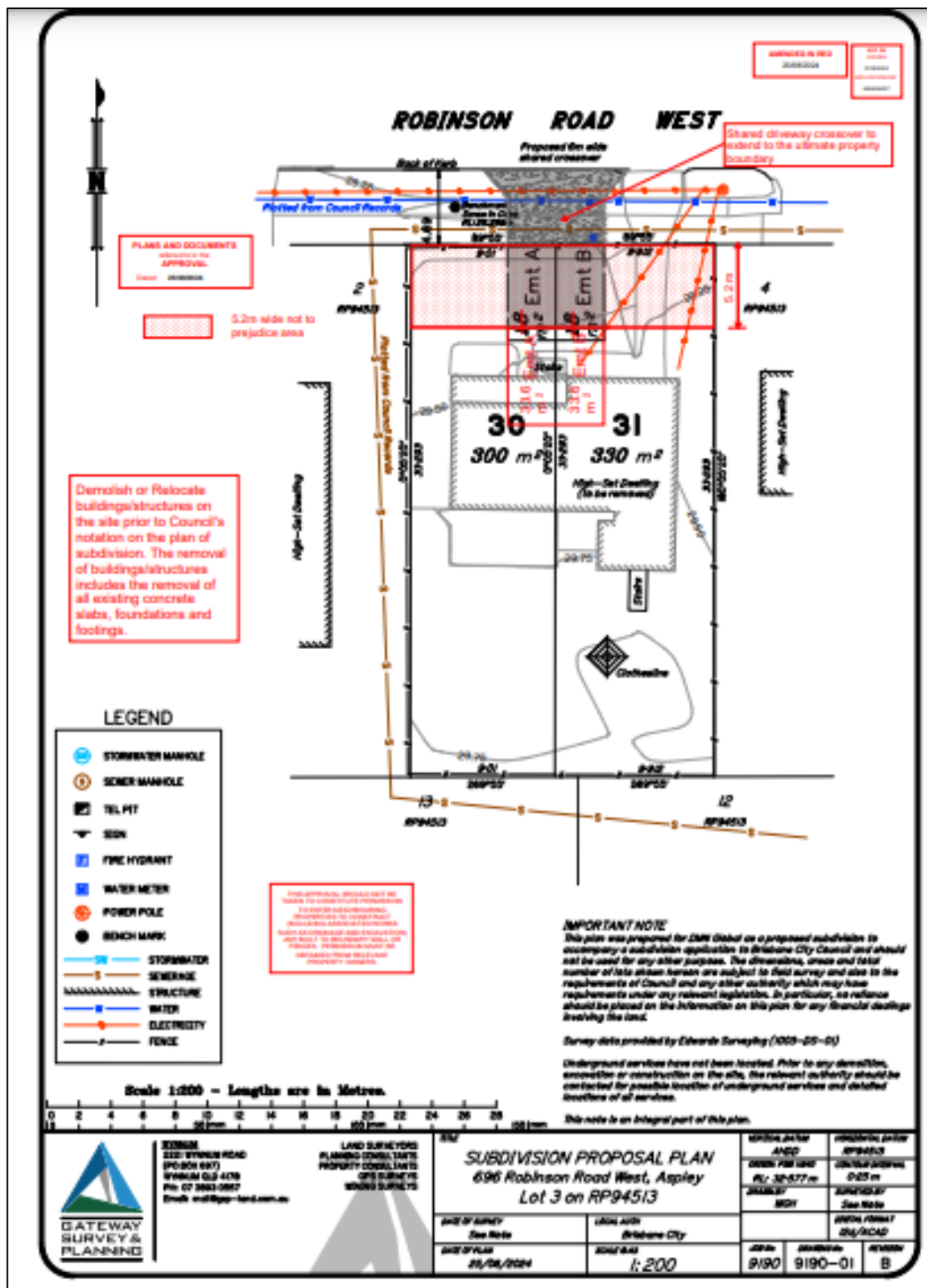
Justice of the Peace _____



Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
19 Dorothea St Camp Hill

Deponent _____

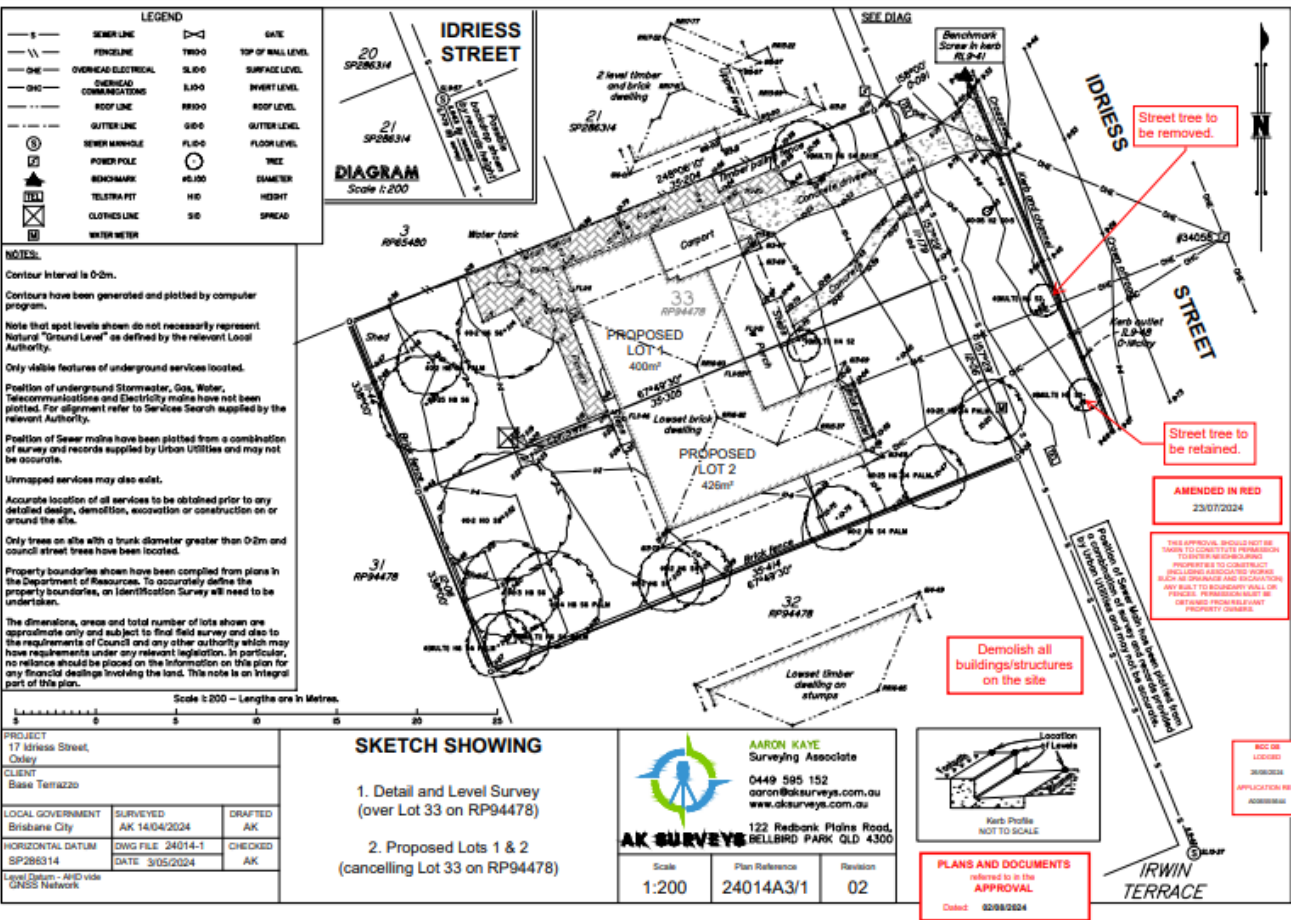
Justice of the Peace _____



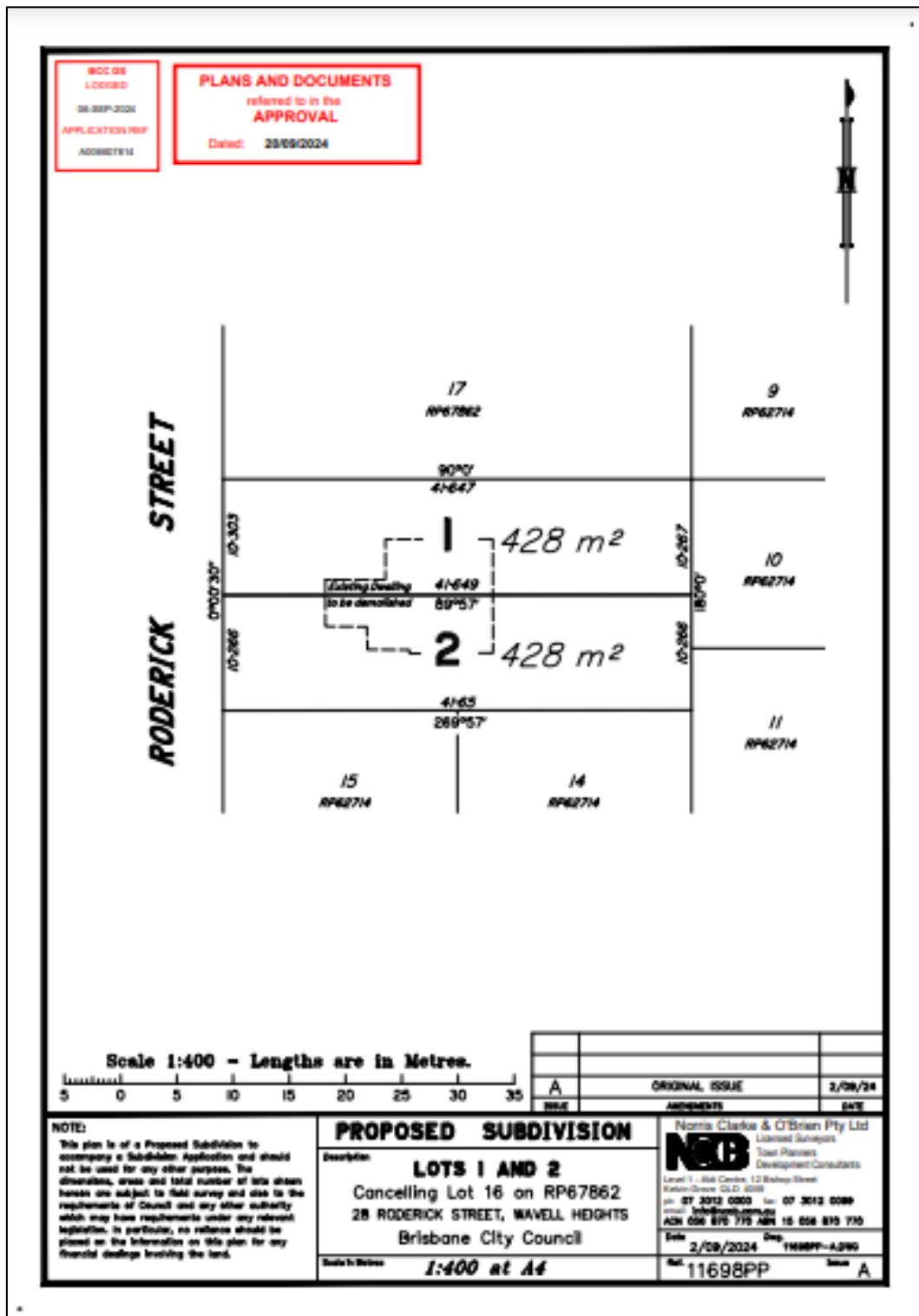
Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
696 Robinson Rd West Aspley

Deponent _____

Justice of the Peace _____



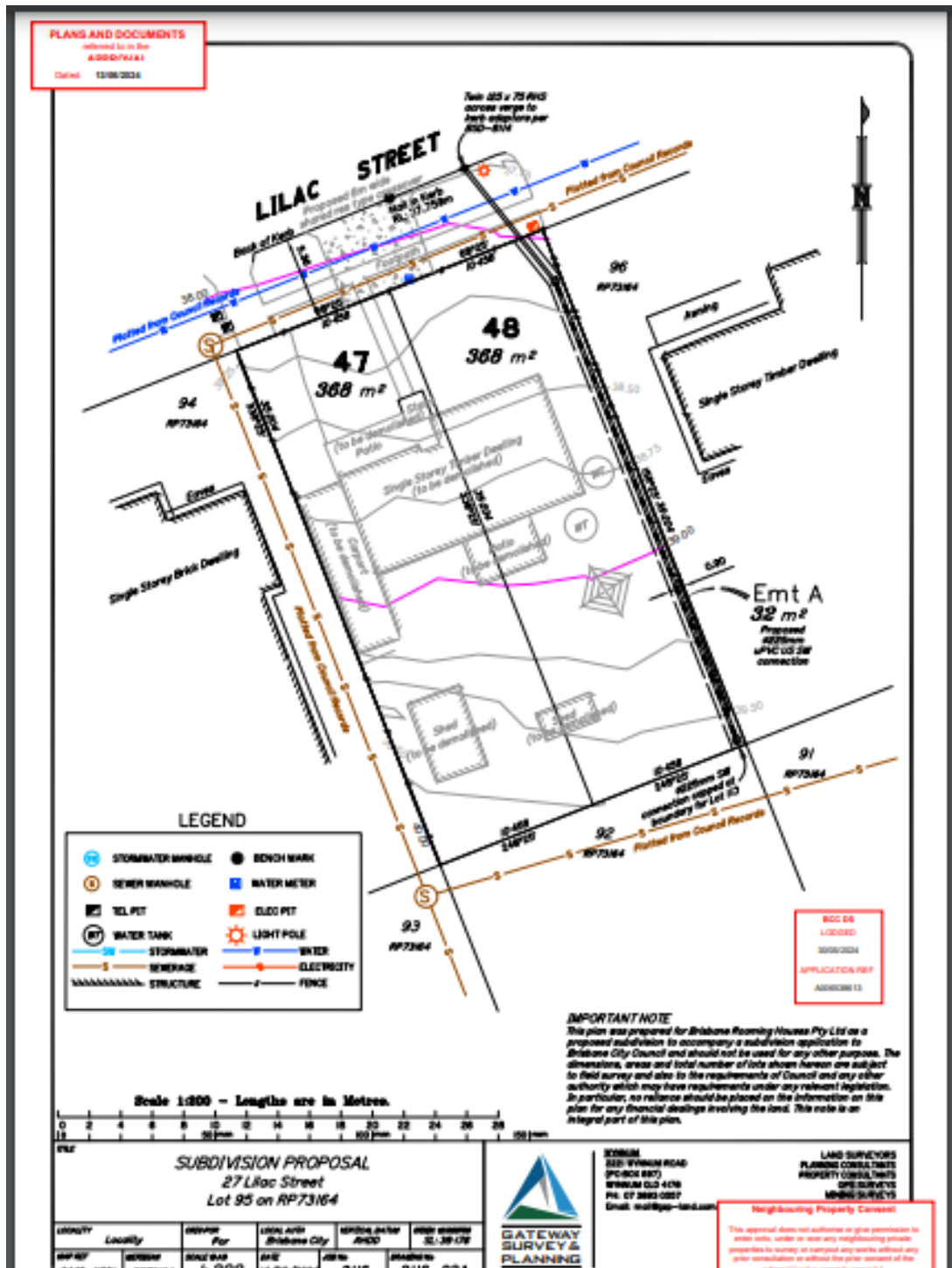
Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
19 Idriess St Oxley



Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
28 Roderick St Wavell Heights

Deponent _____

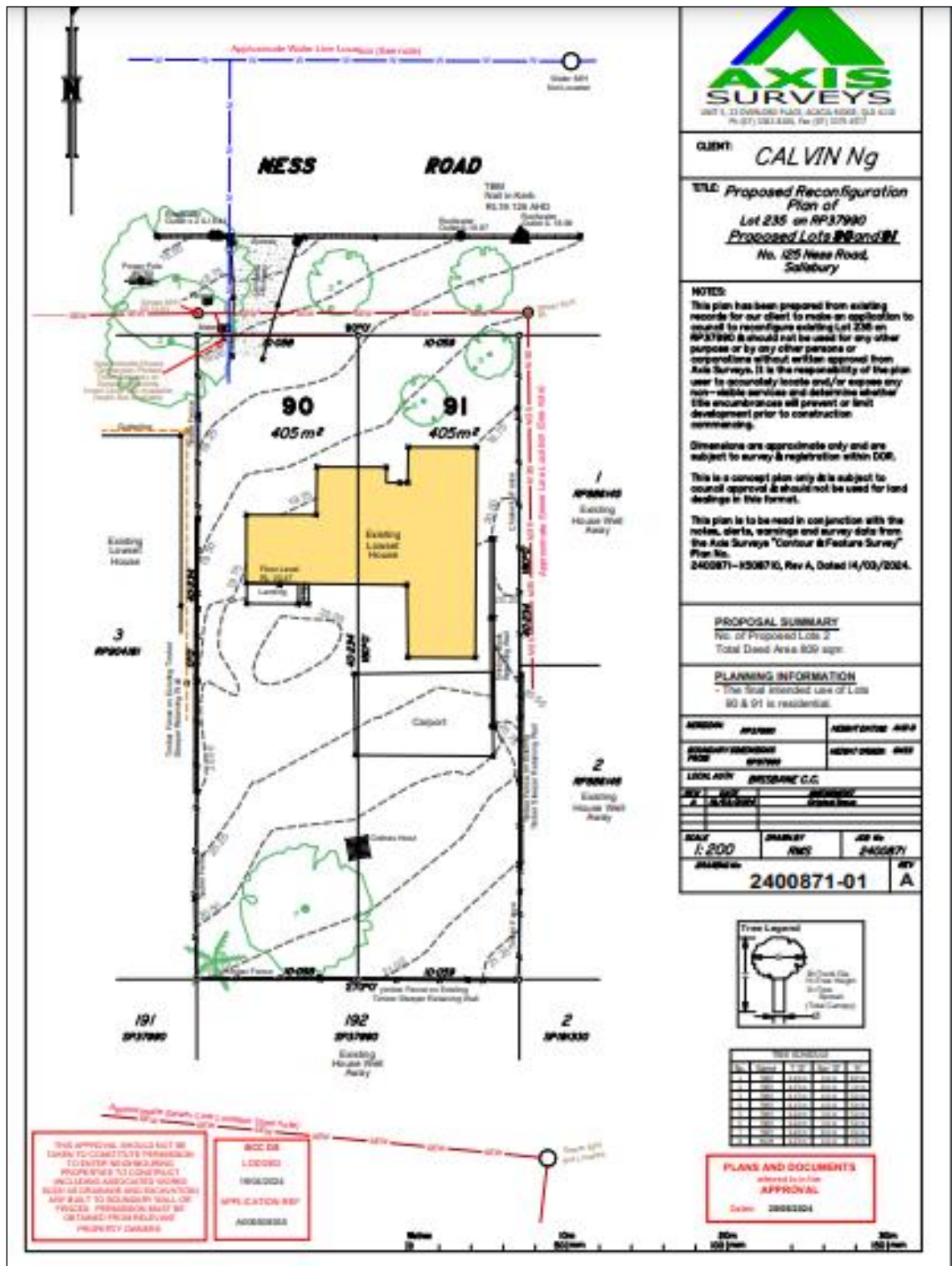
Justice of the Peace _____



**Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
27 Lilac St Inala.**

Deponent _____

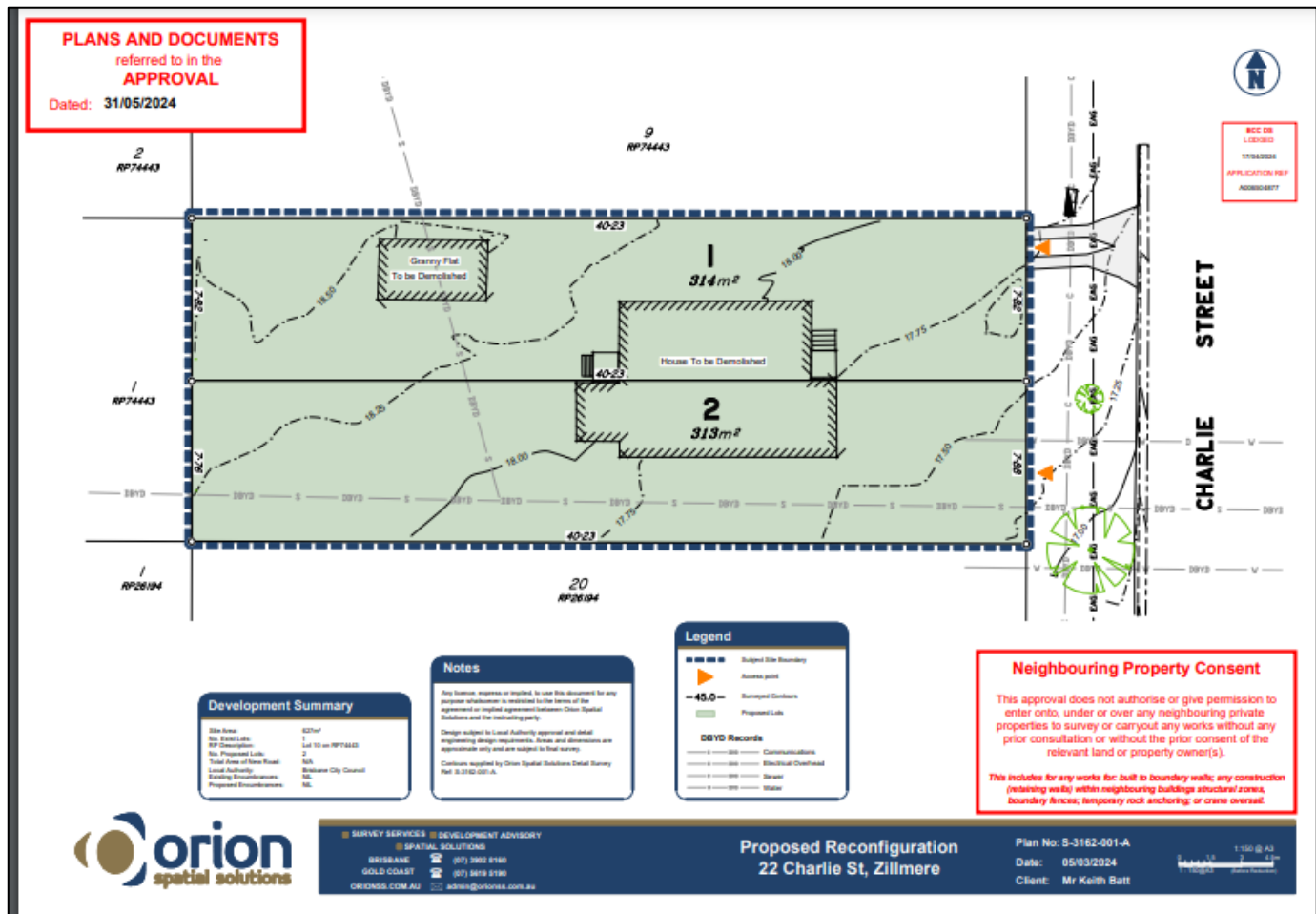
Justice of the Peace



Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
 125 Ness Rd Salisbury

Deponent _____

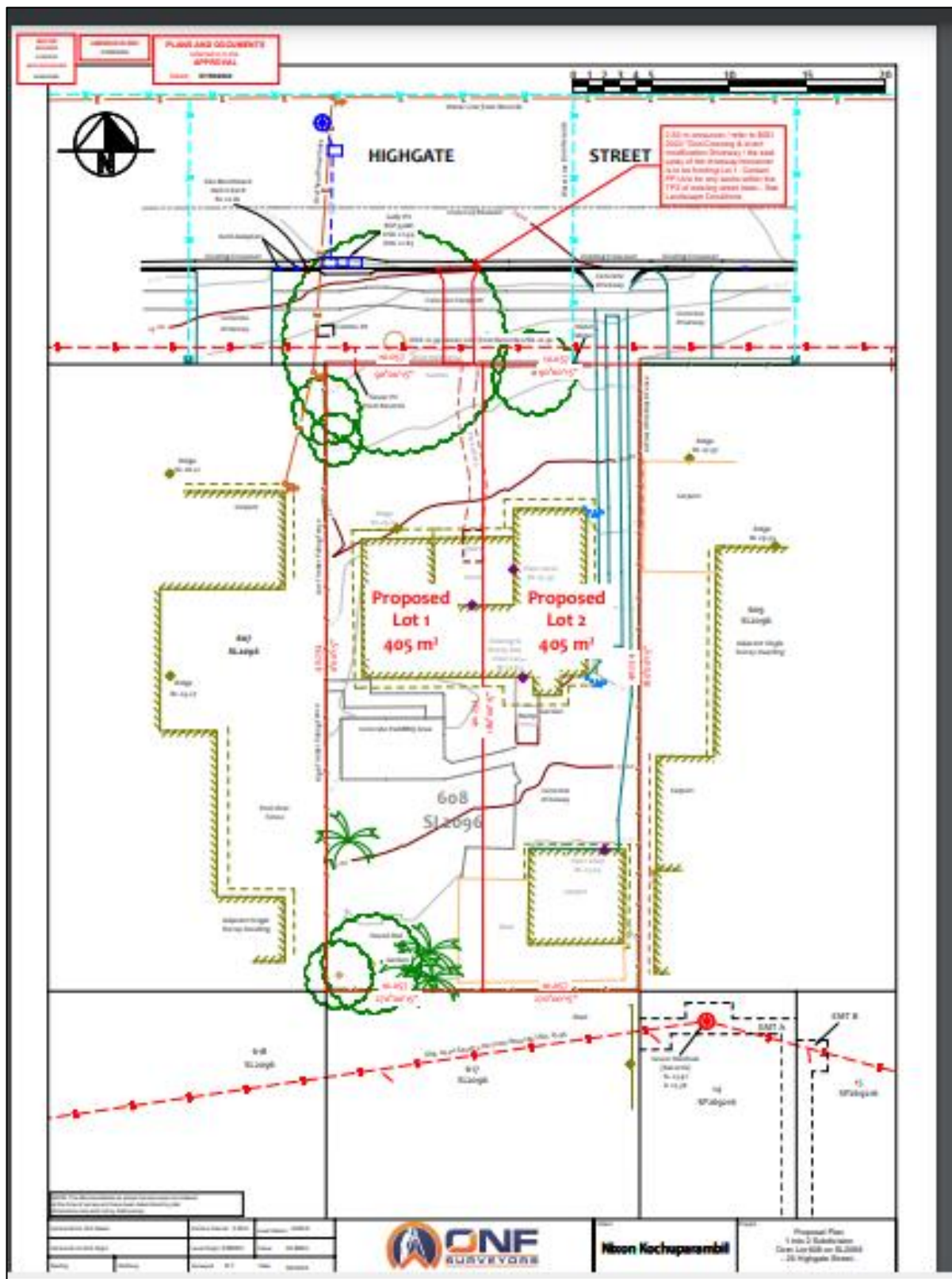
Justice of the Peace _____



Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
22 Charlie St Zillmere

Deponent _____

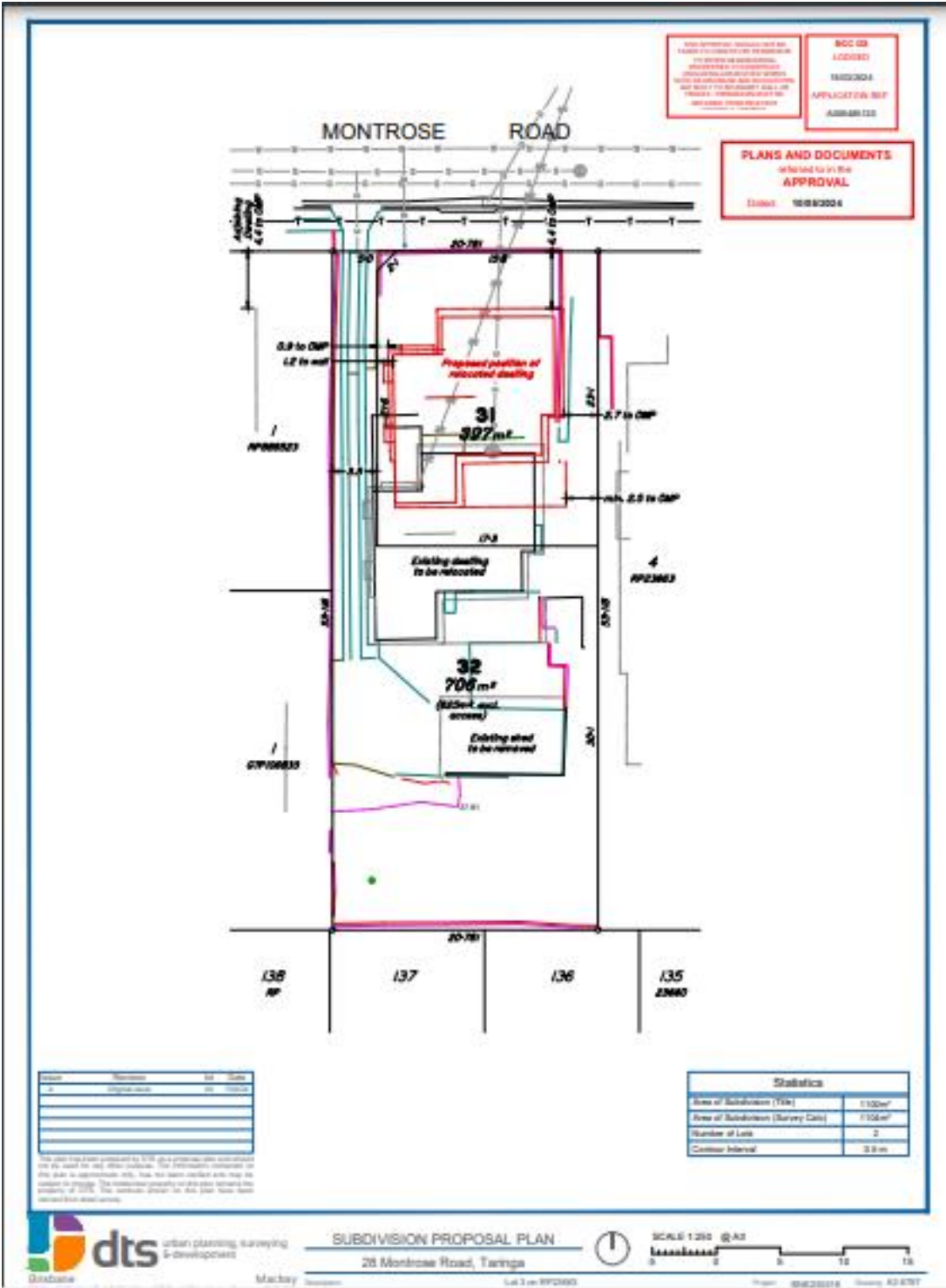
Justice of the Peace _____



Approved plan of Upslope condition property – No Council red line or “fill the site” condition
25 Hightgate St Coopers Plains.

Deponent _____

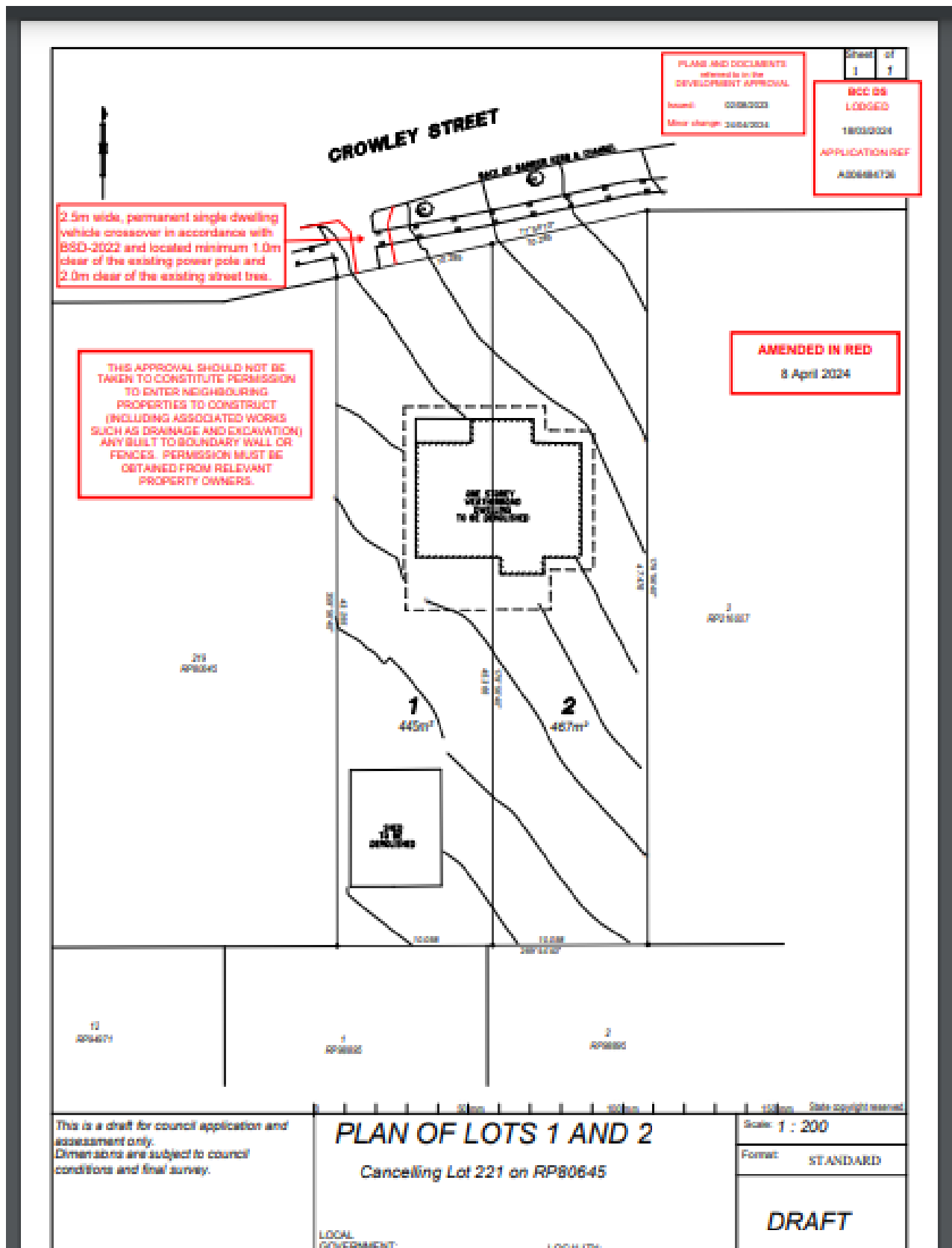
Justice of the Peace _____



Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
28 Montrose St Taringa

Deponent _____

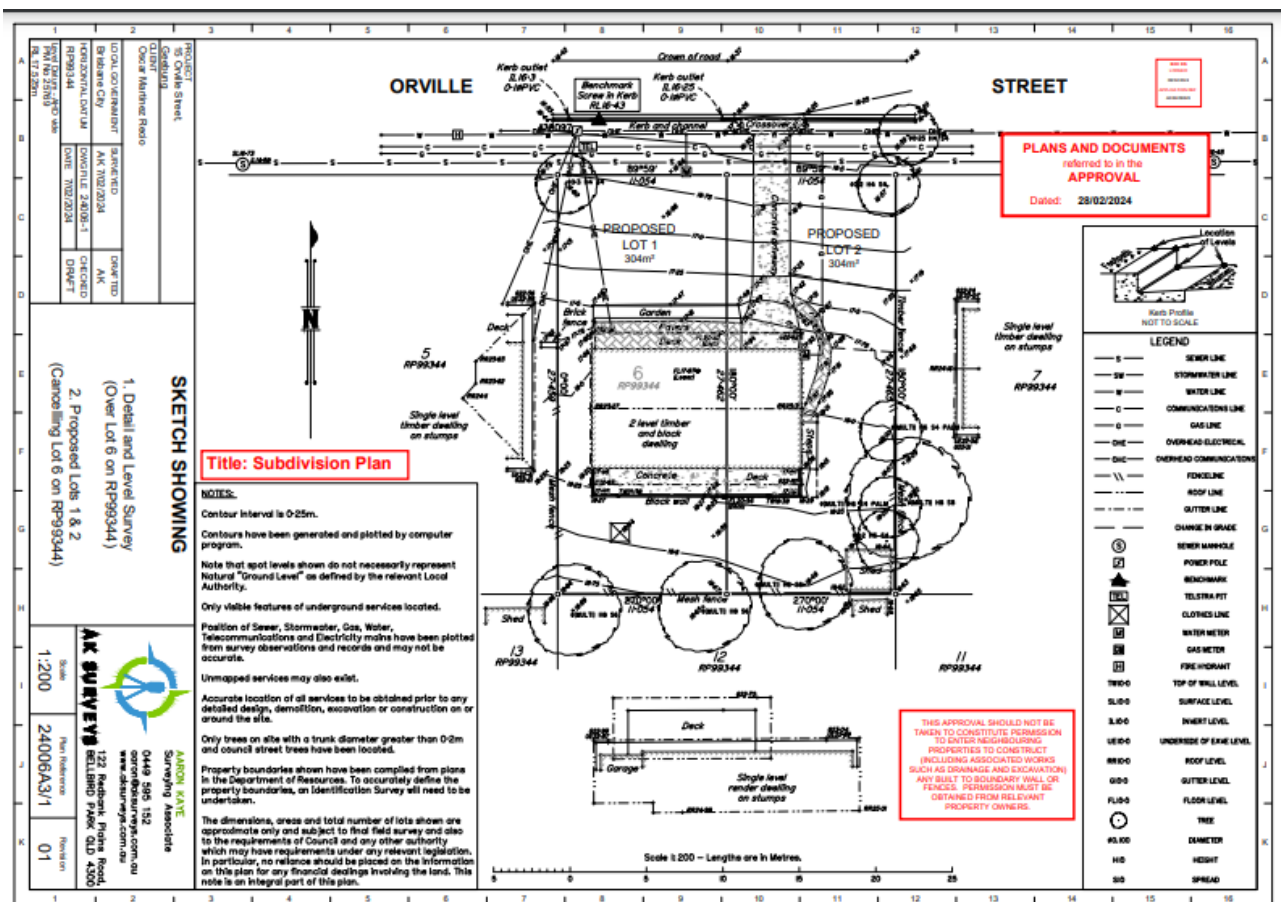
Justice of the Peace _____



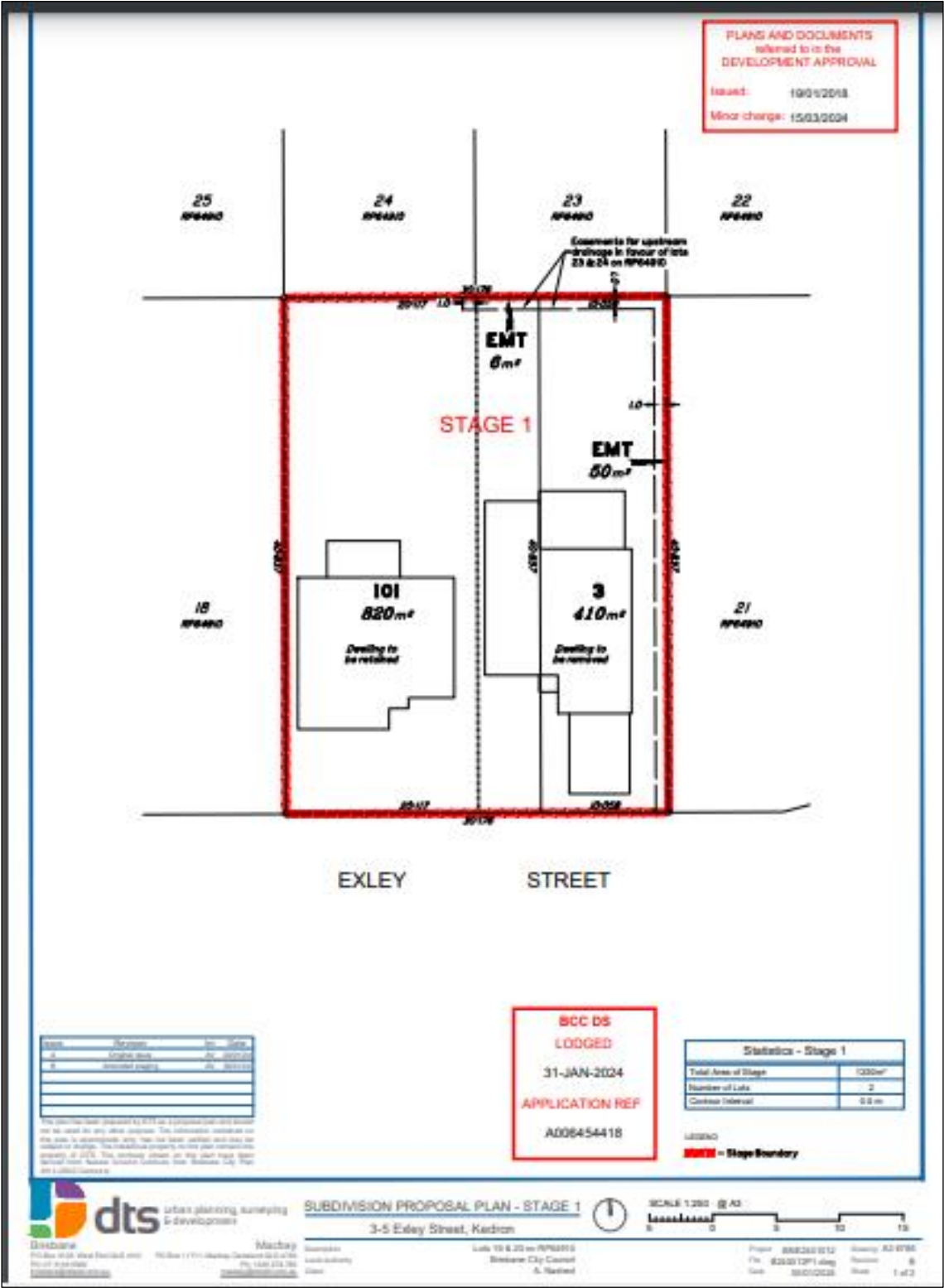
Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
84 Crowley St Zillmere

Deponent _____

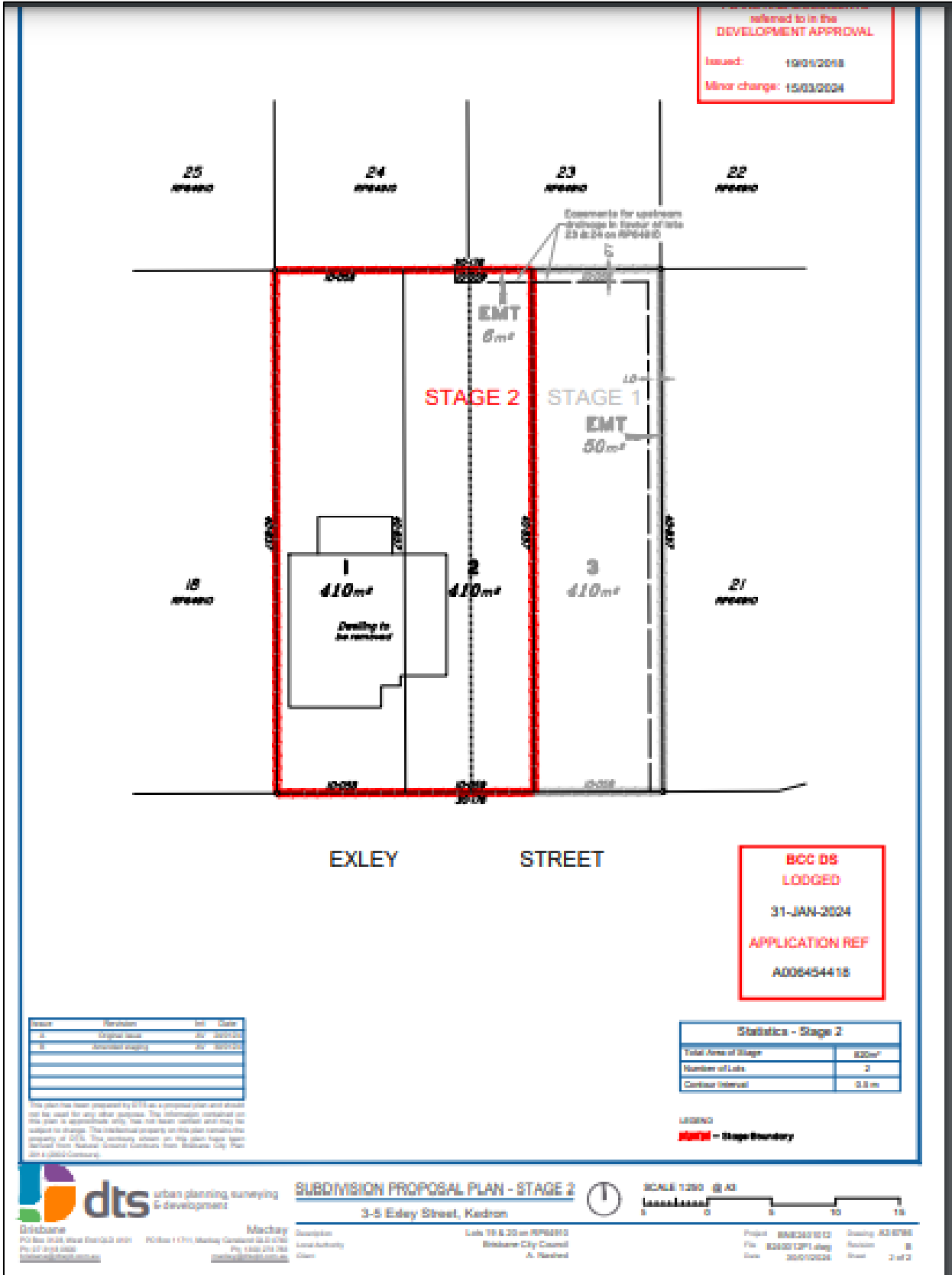
Justice of the Peace



Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
15 Orville St Geebung



Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
3 Exley St Kedron Stage 1



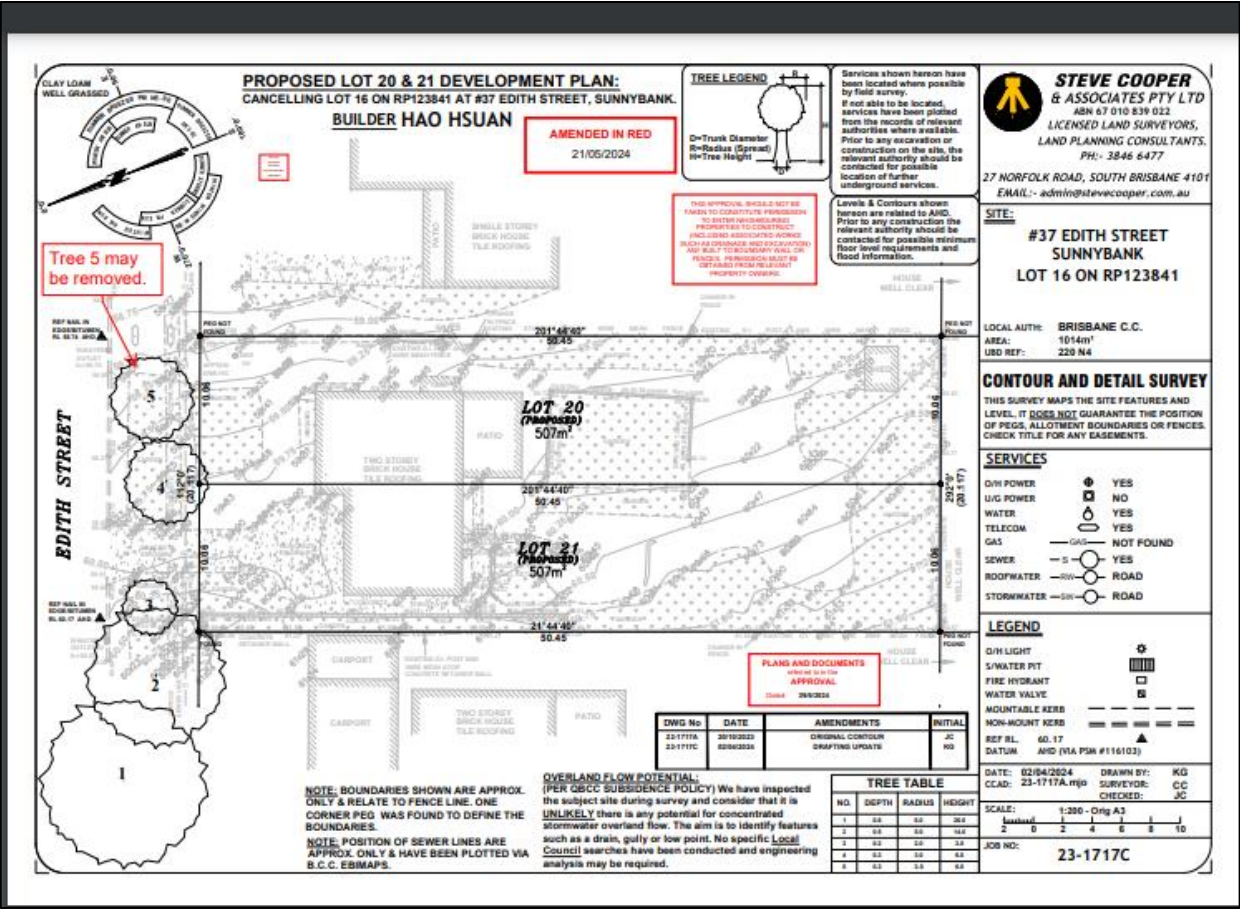
Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
3 Exley St Kedron Stage 2

Deponent _____

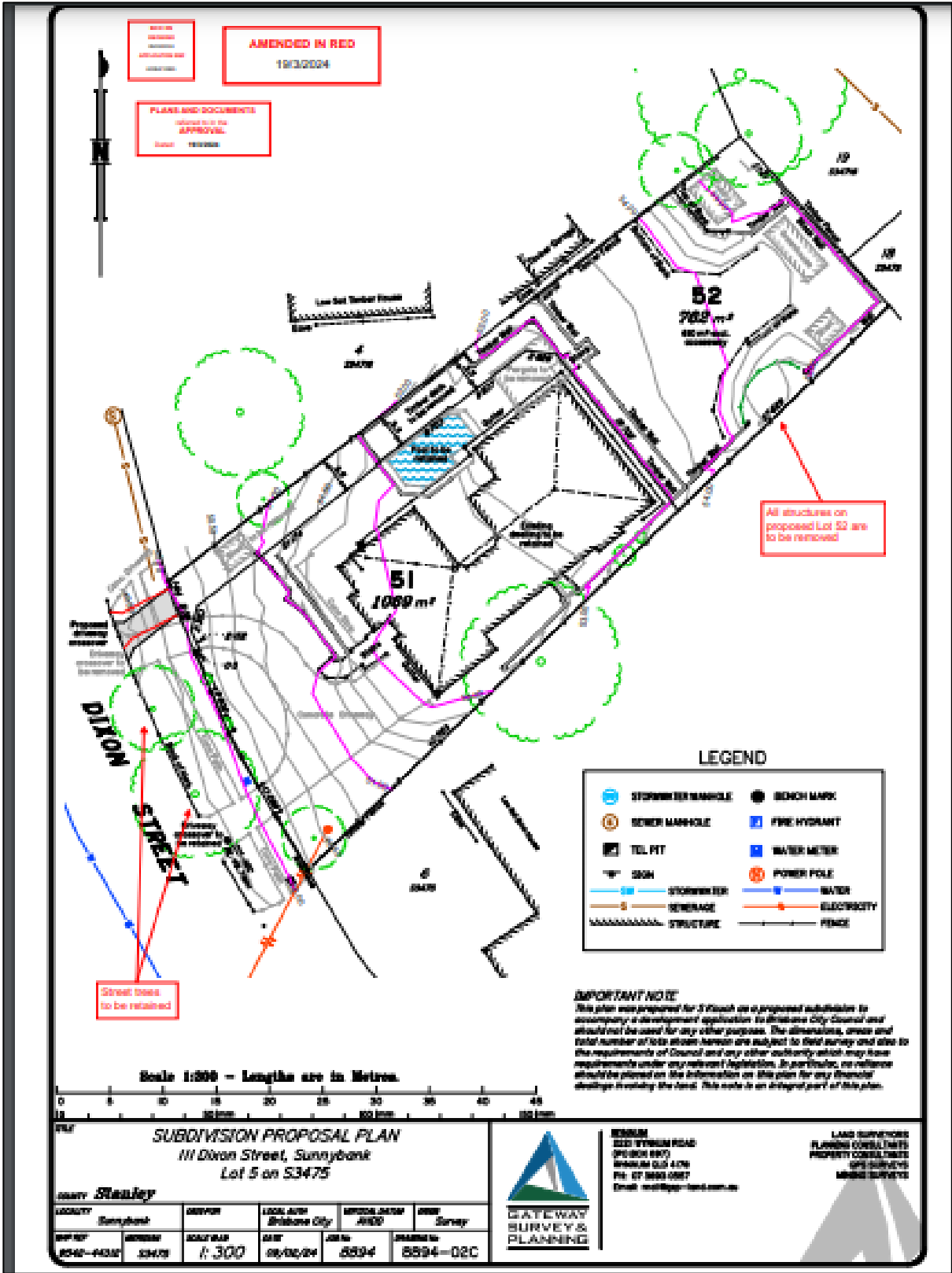
Justice of the Peace _____

Deponent _____

Justice of the Peace



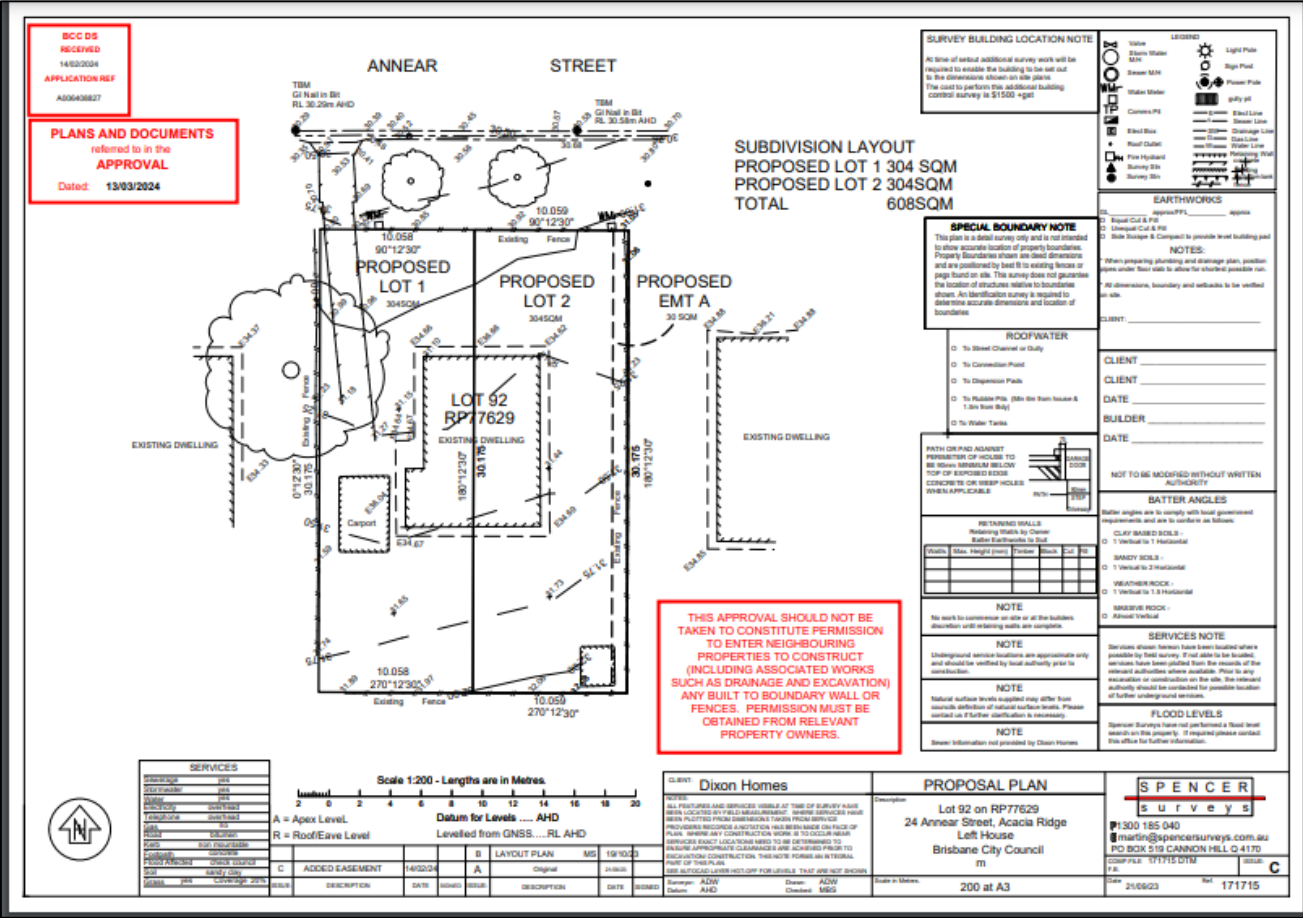
Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
37 Edith St Sunnybank



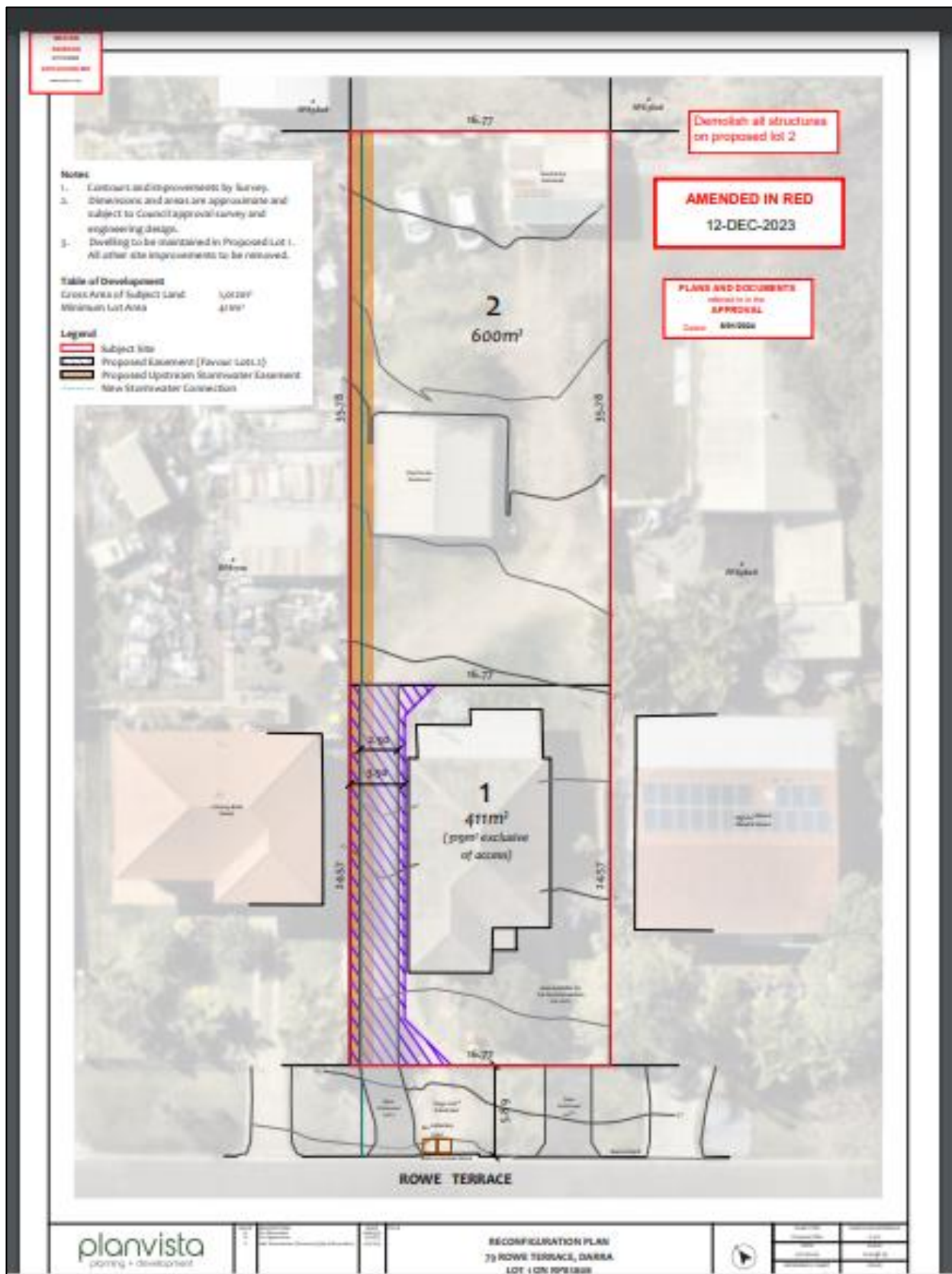
Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
111 Dixon St Sunnybank

Deponent _____

Justice of the Peace _____



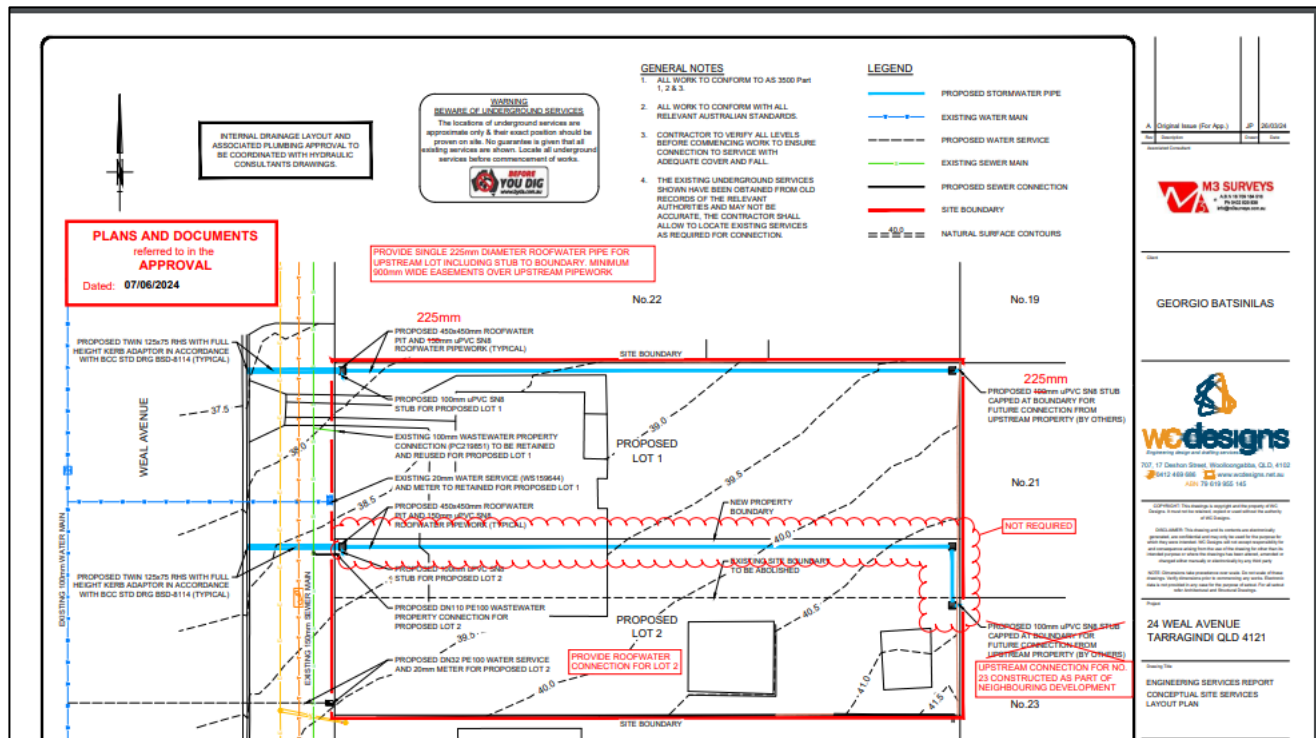
Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
24 Annear St Acacia Ridge



Approved plan of Upslope conditon property – No Council red line or “fill the site” condition
79 Rowe Tce Darra.

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Justice of the Peace _____



Approved plan of Upslope conditon property – Council red line but only fixing mistakes.
No “fill the site” requirement.

19 Idriess St Oxley

Note mistake by WC Designs initially designing 100mm stormwater pipes.

Council have provided a simple replacement notation on the consultant design.