

AFFIDAVIT


Planning and Environment Court

Application in Pending Proceedings – Contempt of Court

David Manteit V Brisbane City Council & Orrs 2916/24

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


I sent emails to City Legal, McCabe and Council employees without any response by them in return.

See attached exhibit "A" as paginated in pages 1-43 

Date	Correspondence	No. pages	Outcome
1/10/24	Letter to Piper, Gibbs, Ruhland, Ting.	5 pages	No response
4/10/24	Letter to Orr, Piper, Ruhland, Gibbs, Ting.	8 pages	No response
10/10/24 emailed 11/10/24	Letter to Paul, City Legal, Ting, Piper,	23 pages	No response
11/10/24	Letter to Paul, City Legal, Orr, Ting, Ruhland, Gibbs	6 pages	No response



Deponent



Justice of the Peace

Affirmed by the said deponent at Richlands, this 7th of January 2025. ⁶ *h*

Before me.

The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.

I understand that a person who makes an affidavit that the person who makes an affidavit that the persons knows is false in a material particular commits an offence.

h
Deponent

K G Finney
Justice of the Peace.
KENNETH GEOFFREY FINNEY



EXHIBIT "A"

Planning and Environment Court

Application in Proceedings Pending

David Manteit V Brisbane City Council & Orrs 2916/24

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This page and pages 1, 43 are the Particulars
marked "A" referred to in the affidavit of
David Manteit
Sworn/Affirmed before me at Richmond this 7th day
of January 2024
[Signature]
Deponent JP(Qual)/C.Dec



Fw: 128 AHRIDGE RD DARRA A 006565555

From david manteit <davidmanteit@hotmail.com>

Date Tue 1/10/24 6:03 PM

To zandra.piper@brisbane.qld.gov.au <zandra.piper@brisbane.qld.gov.au>

1/10/24

Letter to 4

Council employees.

No response.



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



From: david manteit <davidmanteit@hotmail.com>

Sent: Tuesday, 1 October 2024 6:00 PM

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

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

Subject: 128 AHRIDGE RD DARRA A 006565555

Dear Sirs

7) Grant Easements

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

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

- Underground drainage and access purposes (no less than 900mm wide) over the drainage infrastructure provided for the upstream lots 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 Council, free of cost to Council.

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

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

What other easement? BC inc

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

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

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

Council never gave myself, as applicant, an information request requiring myself as applicant to design a stormwater pipe. Council has taken it upon themselves to provide a half baked red line on a plan of subdivision, without any details. You designed it. I did not.

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

I contend that is laziness and incompetence by the Council.

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

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

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

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

- Council stormwater plan does not work, for many reasons. This shall be revealed after you provide answers to the following questions.
- There are no "upstream lots" or "upstream owners" to the subject site. In addition, there is no terms in the City Plan 2014 of these descriptions.

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

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

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

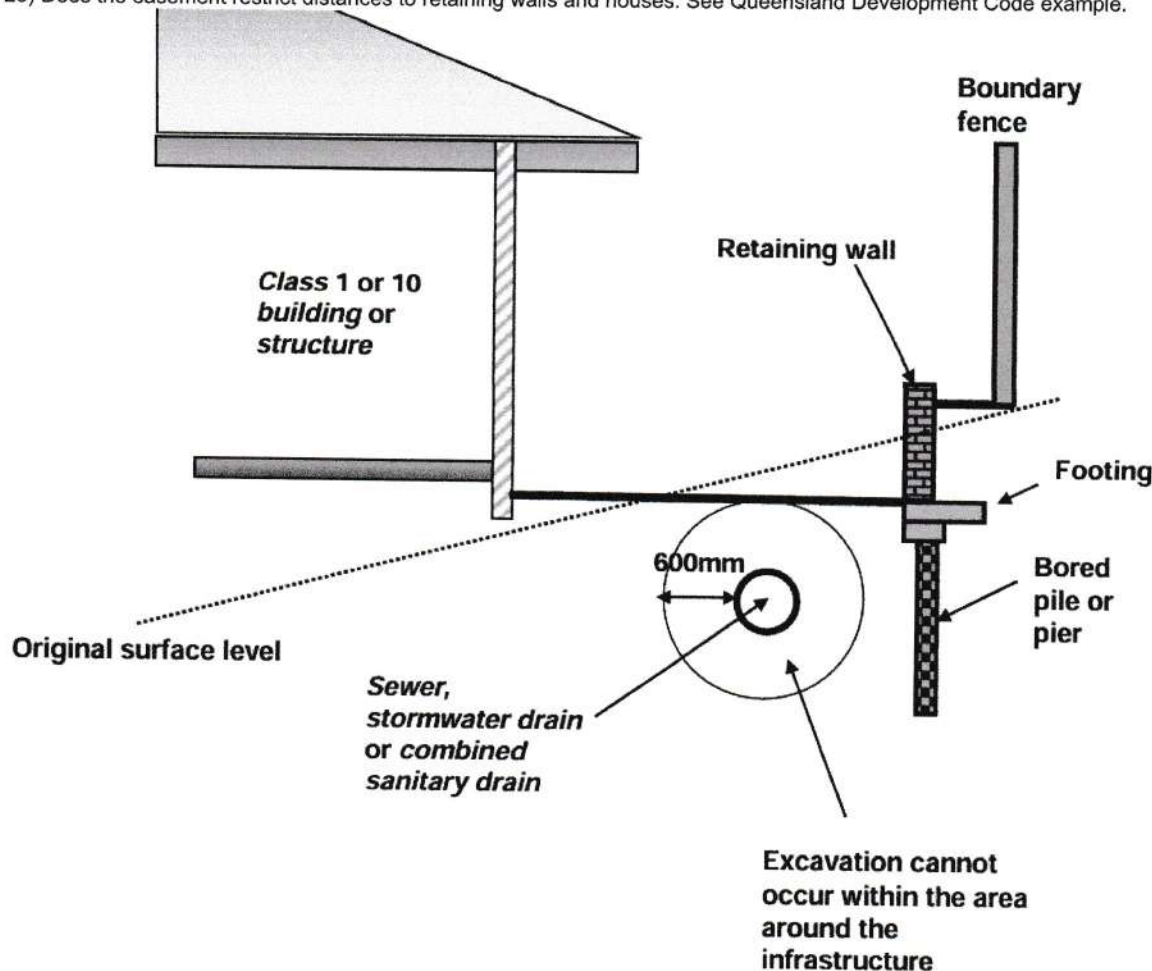
Easement document.

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

24) Does the easement allow for a toe footing as per BCC standard footings design.

25) Is a stormwater maintenance hole required. This will affect invert level heights.

26) Does the easement restrict distances to retaining walls and houses. See Queensland Development Code example.



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

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

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

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

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

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

Assessment Manager

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

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

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

Assessment

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

Your response will determine my final invoice.

22 **Decision period - generally**

22.1 The assessment manager must—

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

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63 **Notice of decision**

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

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

Yours sincerely



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

4

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

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

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

I asked him several questions -

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

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

Have you checked the easement pipe for falls?

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

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

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

I asked "Who are they?"

He said "They are listed on the approval package"

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

Wake did not know their names.

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

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

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

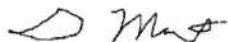
I said "You called me, I didn't call you. Whilst you are on the phone, can you please answer some questions?
It may be wasting your time, but it's important to me, and it's not wasting my time. Your time is being wasted"

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

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

"I have no idea"

Regards



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



5

5

7/10/24 Letter to 4 Council employee ①

Re: 128 ASHRIDGE RD DARRA A00656555

From david manteit <davidmanteit@hotmail.com>

Date Fri 4/10/24 5:12 PM

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

Cc zandra.piper@brisbane.qld.gov.au <zandra.piper@brisbane.qld.gov.au>; scott.ruhland@brisbane.qld.gov.au <scott.ruhland@brisbane.qld.gov.au>; tom.gibbs@brisbane.qld.gov.au <tom.gibbs@brisbane.qld.gov.au>; lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>

No response

Att Ms Orr

- 1) Please advise why BCC have **defaulted** under the Planning Act 2016 S22 rules, by not providing a decision notice within 35 business days of the Properly Made Date being 23/7/24. Please don't keep ducking and weaving. I and the P & E court must have your response specifically.

63 Notice of decision

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

22 Decision period - generally

22.1 The assessment manager must—

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

Note the words "assessment manager" and the word "give"

I have asked this question many times in writing. No response. Please don't get emotional in your letters or telephone conversations. I instruct you to just answer the questions. Simple as that. Don't ramble on how you have complied with the Planning Act. Specific questions. require a specific response.

- 2) There has been no decision notice "given" to myself from any BCC assessment manager to date. The five days has already lapsed.
4) Who is or was your assessment manager ? Please provide a notice given by the said "assessment manager"

- 5) Your penalty interest bill now stands at \$8834.57. I again request that you to pay into my account previously nominated.

Account to Brisbane City Council
Default interest 128 Ashridge Rd Darra 4076

2

	Opening balance	Interest @12.35%	Closing balance
10/09/2024	\$1,000,000.00		
11/09/2024	\$1,000,338.36	\$338.36	\$1,000,338.36
12/09/2024	\$1,000,676.83	\$338.47	\$1,000,676.83
13/09/2024	\$1,001,015.41	\$338.59	\$1,001,015.41
14/09/2024	\$1,001,354.11	\$338.70	\$1,001,354.11
15/09/2024	\$1,001,692.93	\$338.81	\$1,001,692.93
16/09/2024	\$1,002,031.86	\$338.93	\$1,002,031.86
17/09/2024	\$1,002,370.90	\$339.04	\$1,002,370.90
18/09/2024	\$1,002,710.06	\$339.16	\$1,002,710.06
19/09/2024	\$1,003,049.33	\$339.27	\$1,003,049.33
20/09/2024	\$1,003,388.72	\$339.39	\$1,003,388.72
21/09/2024	\$1,003,728.22	\$339.50	\$1,003,728.22
22/09/2024	\$1,004,067.84	\$339.62	\$1,004,067.84
23/09/2024	\$1,004,407.57	\$339.73	\$1,004,407.57
24/09/2024	\$1,004,747.42	\$339.85	\$1,004,747.42
25/09/2024	\$1,005,087.38	\$339.96	\$1,005,087.38
26/09/2024	\$1,005,427.46	\$340.08	\$1,005,427.46
27/09/2024	\$1,005,767.65	\$340.19	\$1,005,767.65
28/09/2024	\$1,006,107.96	\$340.31	\$1,006,107.96
29/09/2024	\$1,006,448.38	\$340.42	\$1,006,448.38
30/09/2024	\$1,006,788.92	\$340.54	\$1,006,788.92
1/10/2024	\$1,007,129.57	\$340.65	\$1,007,129.57
2/10/2024	\$1,007,470.34	\$340.77	\$1,007,470.34
3/10/2024	\$1,007,811.23	\$340.88	\$1,007,811.23
4/10/2024	\$1,008,152.22	\$341.00	\$1,008,152.22
5/10/2024	\$1,008,493.34	\$341.11	\$1,008,493.34
		\$341.23	\$1,008,834.57
		\$8,834.57	
Interest amount accumulated from 10-9-24 to 25-10-24			\$8,834.57

I request that this amount be paid by Monday 7/10/24 or I shall have no alternative but to recover this in the courts without further notice. The balance is accruing daily, same as the rates notice.

6) The **appeal period** has not commenced since I have not received a decision notice from the assessment manager to date. Bcc hasn't nominated an assessment manager. Please confirm.

7) I have asked that Joel Wake refrain from telephoning me and harassing me. I didn't call him. *He called me* on 1/10/24. Please control your staff. I asked reception for City Legal. Still no phone call back from City Legal. Only Joel Wake, person of at least two titles, none of which are assessment manager.

When is City Legal going to return my telephone call. I have a right to call them now. A no response is hindering any change representation or appeal I wish to make.

I asked Wake 10 questions. He said he never assessed the stormwater matters relating to the application. He didn't answer any of my questions. He said it's a waste of his time. Ratepayer's time.

Please advise in writing what questions I asked that you have a problem with.

I am transparent and polite and documented some of the telephone conversations in the letter to BCC of 1-10-24. I request you provide minutes of the meeting as you recall and what date you wrote the letter.

No days passed in myself writing my letter of minutes of the meeting.

Three days have gone by. You have no minutes of your meeting.

8) The problem with S63 is that you have not nominated **assessment manager** as per S60 so there is **currently no start of appeal period**.

9) It is noted that BCC has not responded to any of my questions from 1-10-24. This is unprofessional and hinders the chance to reduce scope of my change of representations or appeal.

The judge will ask why didn't I sort out these matters before coming to Court. The truth is that to date the Council is in default of the Planning Act and now refuses to answer specific questions asked.

The placement of a charged red stormwater line designed by BCC without any basis whatsoever and refusal to respond to questions from the applicant is a serious matter.

There are many obvious blunders in the BCC approval which could be eliminated now by BCC being honest and truthful, by you responding to the questions. There will be further questions early next week.

For example, why should I have to make a change representation regarding an obvious BCC blunder ?

Eg, BCC requesting for documentation on other easements when there is no other easements. You mentioned the delegate assessed but Joel Wake advised on 1/10/24 that he didn't assess anything.

Has the supposed delegate assessed this huge incompetent blunder? Is that correct ? May I suggest trying to explain that to the P & E Court that you couldn't remove that its "other easement" blunder immediately upon becoming aware of your big blunder and were wasting the time of Mr Mantel and the Court.

7

3

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.

In the past, Planning officers have removed conditions immediately upon my discovering their mistakes. Not on this occasion. Why is that ?
But Wake is not competent. Any competent person would have seen this blunder in the blink of an eye.

10) Approval provides for the City Legal Team to prepare the easement document. Please advise, as already requested verbally to the receptionist on 1-10-24 a contact name that I may clarify the issues as mentioned in my letter of 1/10/24.

Wake said "I dunno about that easement document. I will try..." Thanks for nothing
Wake. Still no response from Wake "trying" Zilch. Zippo.

Otherwise please specifically state for court purposes that BCC is not willing to discuss the easement matter This for the sake of clarity for court purposes. Refusal of same will provide clarity.

11) Please provide in writing the name of the engineer that is willing to discuss all engineering matters. There are names of engineers on the approval.
Is this your implied authorisation for myself to telephone them? Refusal of same will provide clarity for others,

Please note any email or letter from and to BCC should be published on Development I.

Please note that any email from and to BCC shall be published by me in a public arena such as my websites and your websites.

There is no confidentiality.

Regards



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



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

Sent: Thursday, 3 October 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>

Subject: 128 ASHRIDGE RD DARRA A006565555

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*.

8

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



SECURITY LABEL: OFFICIAL

SECURITY LABEL: OFFICIAL

From: david manteit <davidmanteit@hotmail.com>

Sent: Tuesday, October 1, 2024 6:00 PM

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

Cc: Tom Gibbs <Tom.Gibbs@brisbane.qld.gov.au>; scottruhland@brisbane.qld.gov.au; Lucy Ting <Lucy.Ting@brisbane.qld.gov.au>

Subject: 128 AHRIDGE RD DARRA A 006565555

This email originates from outside of Brisbane City Council.

Dear Sirs

7) Grant Easements

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

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

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

As indicated

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As indicated

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.

Prepared by
the Brisbane
City Council

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

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As indicated

What other easement ? BC incompetence?

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.

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

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

4

9

- 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.

5

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

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

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

Easement document.

- 1) Please provide proposed **surface levels and invert levels** of the 225mm stormwater pipe.
 - 2) Please provide **cover distance above, below, left and right** of the 225 stormwater pipe. Note any requirements below that may affect this cover distance.
 - 3) Is there restriction for **other stormwater pipes**, besides the BCC pipe, such as house stormwater pipes. If there are no restrictions
 - 4) Is there restrictions in the easement document for **other services** such as NBN, power, water supply copper pipes.
 - 5) Is there restriction for **existing retaining wall above ground** as to the component inside the boundary.
 - 6) Is there restriction for **existing retaining retaining wall footings below ground** as to the component inside the boundary.
 - 7) Is there restriction for any **future retaining wall** above ground as to the component inside the boundary.
 - 8) Is there restriction for around 300mm **drainage gravel** required by retaining wall engineered design.
 - 9) Is there restriction for a **fence above retaining wall** in relation to that part inside the boundary
 - 10) Is there a restriction for **vegetation** to be planted in the easement.
 - 11) Is there a restriction for a **concrete slab pathway** in the easement. Note that the design for this may not be possible as it would be regarded as a floating slab for engineering purposes.
 - 12) Is there a requirement in the easement for good **maintenance** by BCC or the owner.
 - 13) What hours of the day can BCC **inspect** their easement.
 - 14) What is the proposed **type of surface** of the easement. This needs to be impervious.
 - 15) Please provide **engineered drawings** for the top impervious 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 impervious surface and legal point of discharge for the impervious surface.
 - 16) Please provide **depth of spoon drain**.
 - Please provide minimum **slope** of impervious surface both in direction of travel and across.
- Please provide crosssection of the above, for clarity. This information affects surface levels and invert levels.
- 17) Please provide any **restrictions** of the easement in any way, shape or form.
 - 18) Please provide any other requirements of any restriction.
 - 19) Is there a **guarantee** that the Council will repair a broken stormwater pipe that could cause water under the house slab, cracking of the house slab, and perhaps an inhabitable house.
 - 20) Does the easement document provide for solutions under the **Queensland Development Code**.
 - 21) Can the easement be used by the occupant for **fire escape purposes** as part of a fire safety management plan.

13

22) Is a fence required for the easement.

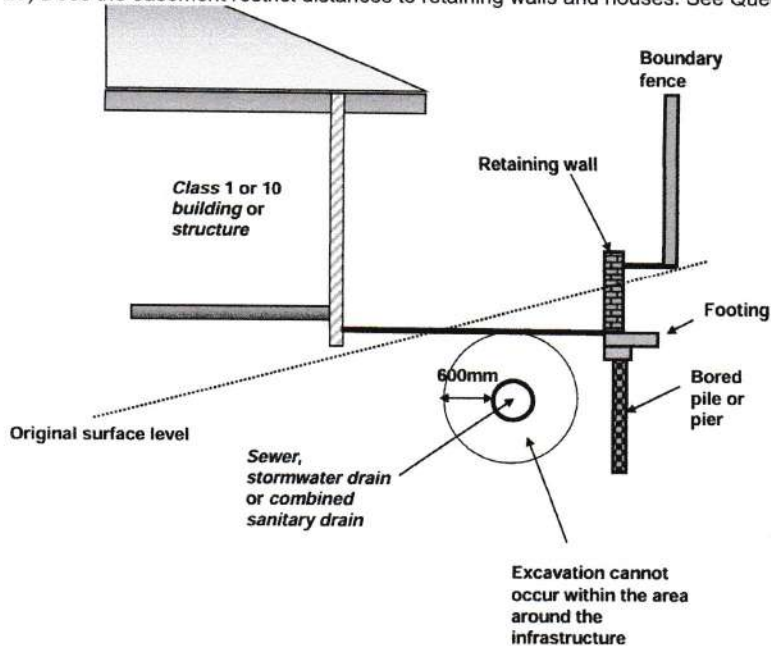
23) Can a carport without footings in the easement be built over stormwater easement.

24) Does the easement allow for a toe footing as per BCC standard footings design.

22)

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 consider this action and to take into account any costs of the case.

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

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

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

Assessment Manager

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

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

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

Assessment

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

Your response will determine my final invoice.

6

11

22 Decision period - generally

22.1 The assessment manager must—

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

7

63 Notice of decision

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

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

Yours sincerely



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

12

Today's phone call.

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

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

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

I asked him several questions -

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

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

Have you checked the easement pipe for falls ?

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

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

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

I asked "Who are they ?"

He said "They are listed on the approval package"

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

Wake did not know their names.

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

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

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

I said "You called me, I didn't call you. Whilst you are on the phone, can you please answer some questions?"

It may be wasting your time, but it's imprtant to me, and it's not wasting my time. Your time is being wasted"

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

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

"I have no idea"

Regards



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



Fw: QUESTIONS ATTACHED INCLUDING STORMWATER DAVID MANTEIT 128 ASHRIDGE RD DARRA

From david manteit <davidmanteit@hotmail.com>

Date Fri 11/10/24 4:26 PM

To city.legal@brisbane.qld.gov.au <city.legal@brisbane.qld.gov.au>

1 attachment (2 MB)

Letter 10-10-24.pdf;

Att Paul

FYI

Regards



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



Letter 10/10/24

Email 11/10/24

To City Legal

No response by
City Legal

From: david manteit <davidmanteit@hotmail.com>

Sent: Thursday, 10 October 2024 10:10 AM

To: Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>

Cc: lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>; zarndra.piper@brisbane.qld.gov.au <zarndra.piper@brisbane.qld.gov.au>

Subject: QUESTIONS ATTACHED INCLUDING STORMWATER DAVID MANTEIT 128 ASHRIDGE RD DARRA

10 October 2024

The Manager

Brisbane City Council.

For lodgement on Development I

For lodgement on brisbanecitycouncilcomplaints.com.au

128 ASHRIDGE RD DARRA APPROVAL QUESTIONS

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

Understanding your development approval conditions:

Conditions cover various aspects, including engagement requirements, construction activities, and timing for when specific activities are to occur.

Review and understand Conditions:

Thoroughly read and comprehend all conditions, seek clarity by contacting the relevant specialist teams by emailing conditioncompliance@brisbane.qld.gov.au as early as possible if unclear.

PROJECT TEAM

The assessment of this application has been undertaken by:

Joel WAKE Senior Urban Planner Planning Services South joel.wake@brisbane.qld.gov.au (07) 3178 7467	Zandra PIPER Principal Urban Planner Planning Services South Zandra.Piper@brisbane.qld.gov.au 0731780370	Scott RUHLAND Technical Officer Engineering Scoping scott.ruhland@brisbane.qld.gov.au (07) 3403 9459
Lucy TING Senior Engineer Engineering Services Hydraulics lucy.ting@brisbane.qld.gov.au (07) 3403 5005	Tom GIBBS Principal Engineer Engineering Services Traffic Tom.Gibbs@brisbane.qld.gov.au	

Dear Sirs above and Ms Orr

I am seeking clarity and responses to questions below as to some conditions of the approval, as per BCC advice attached with approval.

It is noted that there has been no response to my last letter re easements.

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

Time is of the essence.

Please file this correspondence on Development I

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

cc website brisbanecitycouncilcomplaints.com.au

(15)

I wish to advise that any refusal to provide truthful and transparent responses could be detrimental to any future P & E Court case for any or both parties.

Please be aware all and any of my correspondence in this case will or may be published on any of my websites or books, your websites, or any public space as a matter of public interest.

Joel Wake has refused to provide answers verbally or in writing to these questions.

Maragert Orr has refused to provide answers in writing to these questions

Lucy Ting on 9/10/24 by telephone has refused to provide answers to these questions.

Please do not use words in your responses such as "happy" or "unhappy", as Ms Orr has done,

S 12) Filling and/or Excavation

12) Filling and/or Excavation

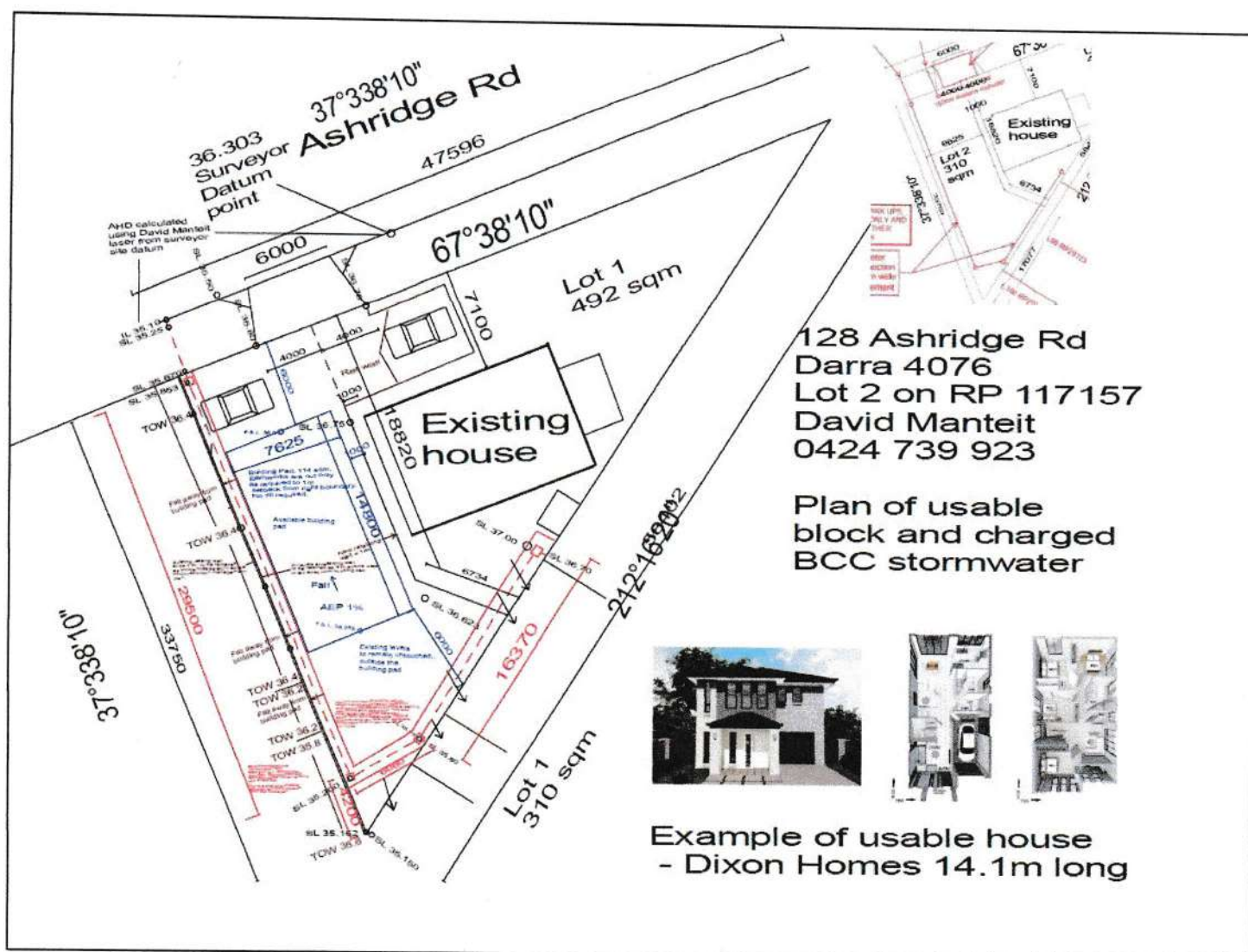
All earthworks must be carried out in accordance with the relevant Brisbane Planning Scheme Codes.

12(a) Submit Earthworks Drawings

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

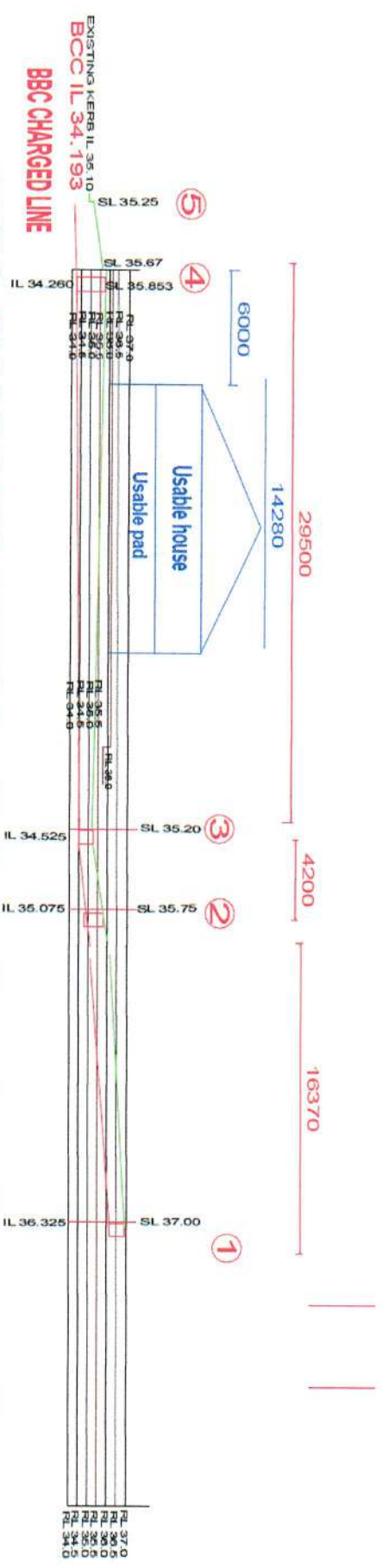
The Earthworks Drawings must include the following:

- The creation of a usable building pad for proposed Lot 2 and any associated earthworks to enable lawful point 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.



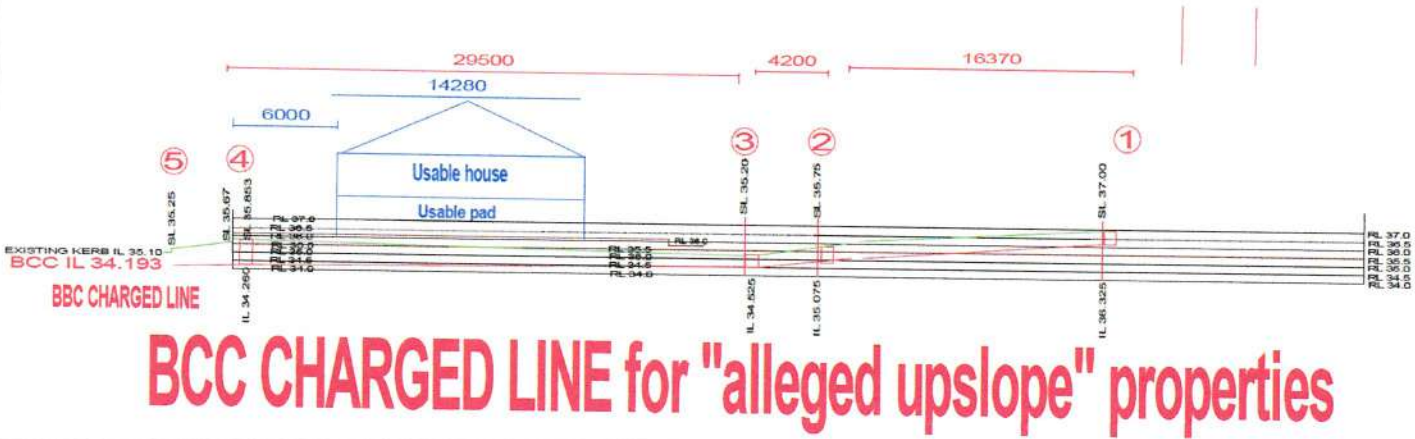
128 Ashridge Rd Darra

Stormwater side elevations



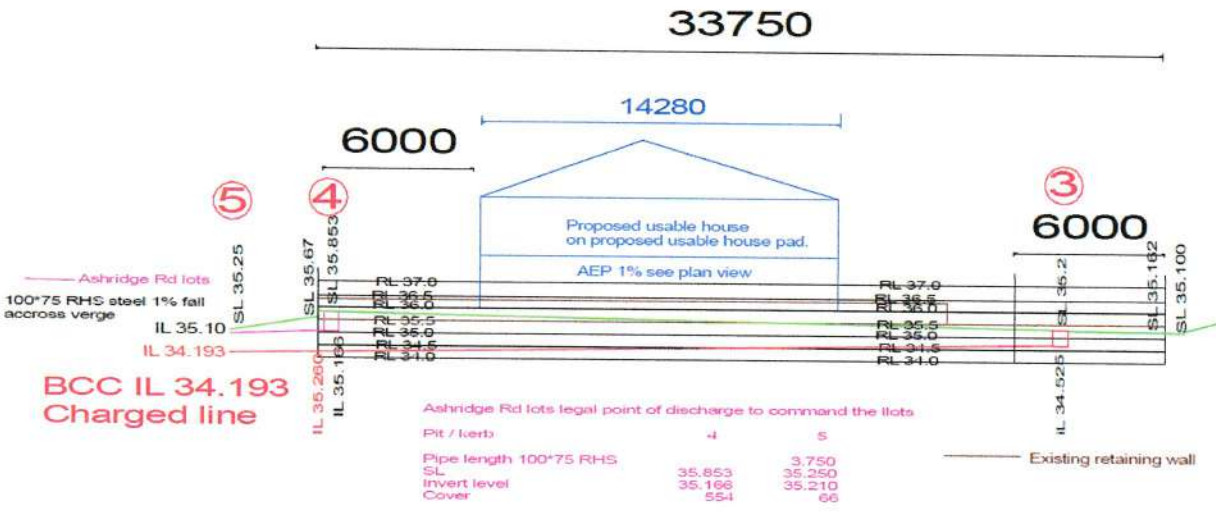
BCC CHARGED LINE for "alleged upslope" properties

128 Ashridge Rd Darra
Stormwater side elevations



BCC CHARGED LINE for "alleged upslope" properties

Side elevations of block
BCC charged stormwater line
Ashridge Rd lots legal point of
discharge.



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

Pit	1	2	3	4	5	Cross check
Pipe Length		16.370	6.060	29.500	3.750	
SL at boundary	36.700	35.650	35.162	35.853		
Fall of natural ground - rear neighbour or Ashridge Rd	Rear neighbour	Rear neighbour				
(A) SL used for Pit	37.000	35.750	35.200	35.853	35.250	
New start of line invert level brought forward		36.325	35.075	34.525	34.260	36.325
(B) Min depth - pipe 225 and and cover 450	0.675					
(C) Min Invert level depth	36.325					
Min .5% degree fall , 1% over verge		0.147	0.055	0.266	0.067	-0.534
(D) Invert level end of line after fall		36.178	35.020	34.260	34.193	
(E) Prima facie depth (needs to be + .675, + 250 (kerb)		-0.428	0.180	1.594	1.057	
Distance the pipe needs to be lowered by to be not charged.		1.103	0.495			-1.598
Adopted Min invert level with 225 pipe and 450 cover carried forward		35.075	34.525	34.260	34.193	34.193
Invert level at kerb					35.100	
BCC charged system malfunction in metres					-0.907	

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

Pit	1	2	3	4	5	Cross check
Pipe Length		16.370	7.382	33.750	3.750	
SL Pit	37.000	35.750				
Fall of natural ground - rear neighbour or Ashridge Rd	Rear neighbour	Rear neighbour	Rear neighbour			
(A) SL at neighbour boundary (1.2) or 600 in, 3,4,5	36.700	35.650	35.162	35.853	35.250	
New start of line invert level brought forward		36.025	34.975	34.487	34.183	
(B) Min depth - pipe 225 and and cover 450	0.675					
(C) Min Invert level depth	36.025					36.025
Min .5% degree fall , 1% over verge		0.147	0.066	0.304	0.067	-0.584
(D) Invert level end of line.with fall,		35.878	34.909	34.183	34.116	
(E) Prima facie depth (needs to be + .675, + 250 (kerb)		-0.228	0.253	1.670	1.134	
Pipe needs to be lowered by to make it work.		0.903	0.422			-1.324
Adopted Min invert level 225 pipe and cover 450		34.975	34.487	34.183	34.116	34.117
Invert level at kerb					35.100	
BCC charged system malfunction in metres		34.975			-0.984	

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

Pit	1	2	3	4	5	Cross check
Pipe Length		16.370	6.060	29.500	3.750	
SL at boundary	36.700	35.650				
Fall of natural ground - rear neighbour or Ashridge Rd	Rear neighbour	Rear neighbour				
(A) SL used for Pit	37.000	35.750	35.250	35.853	35.250	
New start of line invert level brought forward		36.175	34.925	34.425	33.898	
(B) Min depth - pipe 225 and cover 600	0.825					
(C) Min Invert level depth	36.175					36.175
Min one degree fall		0.291	0.108	0.524	0.067	-0.988
(D) Invert level end of line without min cover		35.884	34.817	33.901	33.831	
(E) Prima facie depth (needs to be + .825, + 250 (kerb)		-0.134	0.433	1.952	1.419	
Distance the pipe needs to be lowered by to be not charged.		0.959	0.392			-1.352
Adopted Min pit invert level 225 pipe and cover 600 carried forward		34.925	34.425	33.898	33.831	33.835
Invert level at kerb					35.100	
BCC charged system malfunction in metres					-1.269	

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

The invert level at kerb as per the BCC approved plan is 35.100. This was arrived at by the applicant using his laser level in conjunction with the surveyor kerb site datum of 36.303. This took me all of 60 seconds, as both marks are only some 10 metres away from each other and both on the kerb.

As of date of this letter, Council is invited to get their own kerb levels anytime. You own the land. I have already invited Joel Wake to inspect a free laser, but he refused. No wonder he said to myself on the phone on 1/10/24 he hadn't assessed the stormwater calculations, nor engineering, nor “easement document to be prepared by Council”

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

It is proposed to leave all remaining areas outside of the building pad to be untouched. This levels at the rear of the usable pad are already average 1:6. But that is irrelevant since they will be untouched.

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

what is assessed for feasibility of legal point of discharge. More examples will be provided to BCC in due course.

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

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

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

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

Therefore, **100% of the site that can be built on has provision for rainwater collection**. It is mentioned that the finished surface level will include AEP 1% from back to front of the usable pad. The pad will commence at 36.0 at the front of the pad.

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

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

A Dixon Homes house plan has been provided in this material for reasonableness sake. This does not limit the type of house though.

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

2. Please advise what associated earthworks would be required to “enable” when it is painfully obvious the AHD 35.166 at front boundary commands the block and a legal point of discharge is already enabled and all existing and future levels are above 35.66 on the right side and pad level is 36.0 which is some 334 mm above the AHD 35.166 at the front boundary.

3. Please demonstrate why the site must be filled to enable lawful point of discharge for the Ashridge Rd lots.

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

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

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

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

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

4. Please advise if you disagree with the above statements highlighted in yellow.

5. Please provide BCC surface and invert levels of BCC proposed stormwater red line plan for supposed upslope rear lots used in the assessment of the red line. This has been asked many times to BCC including Joel Wake verbally and letters in writing recently. Council refuses to supply same. Dishonest. It is your design, not mine. You take ownership of the red line.

Upslope definition

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

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

1. Provision must be made for the future orderly development of adjacent properties with respect to stormwater drainage where 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.

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

The question of “would drain through the development ” needs to have the tests applied.

It is beyond doubt that the rear properties do not drain through the subject property currently. One only has to place a hose 100mm behind the rear boundary and watch where the water goes. Video can be supplied,

6. Can Council please provide a list of what BCC tests were used to determine if the the rear properties are an “Upslope” property.

In the absense of a definition of “Upslope”, one must take into account or apply the following tests -

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

B Precedence from other BCC approvals.

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

D Whether a system can be designed and subsequently correctly installed to ensure that it works properly and will not be in danger of malfunction by using “**minimums only**” design at the very least.

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

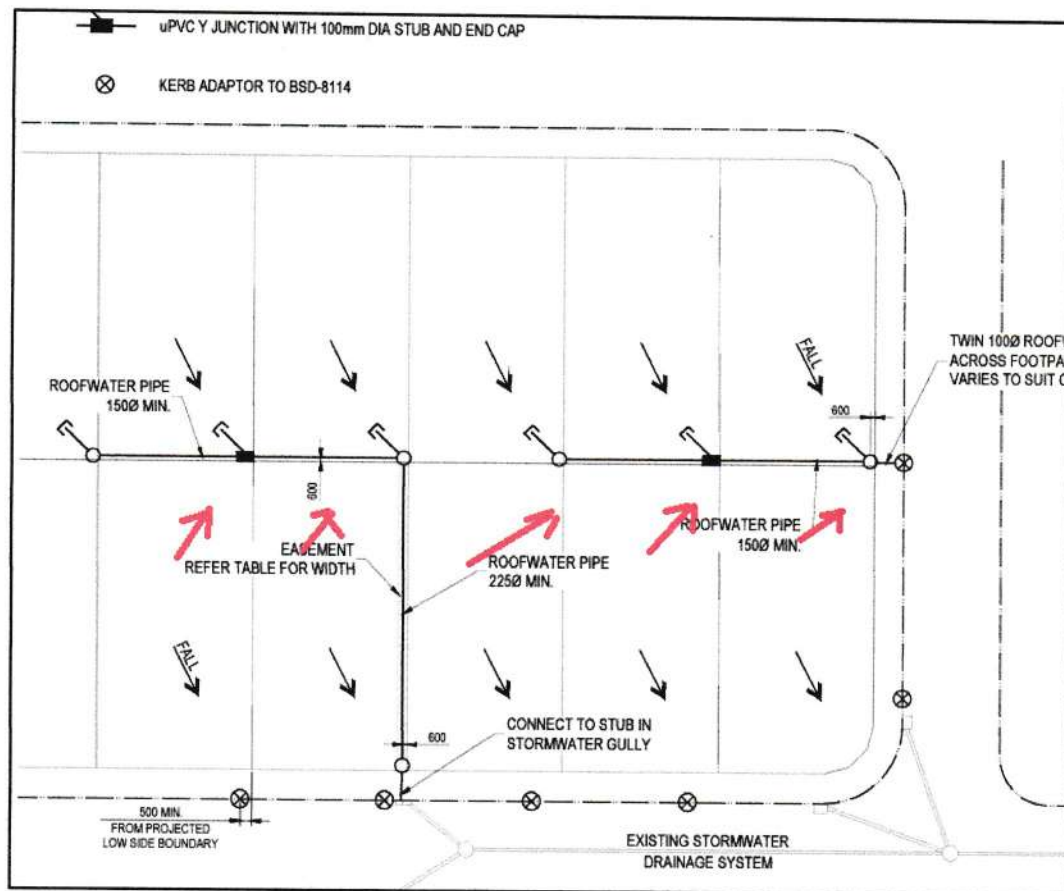
F. If a stormwater legal point of discharge design requires **fill** for one reason only. Ie, to assist upslope properties that are really downslope, and no other, how on earth is a rear block “Upslope” ? Any judge or reasonable man would think this is utterly stupid.

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

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

G If one puts a hose on any part of the rear lots will that water be seen trevelling onto the subject block? The answer is no. That is one of the tests. I am happy to provide a video with a witness proving same.

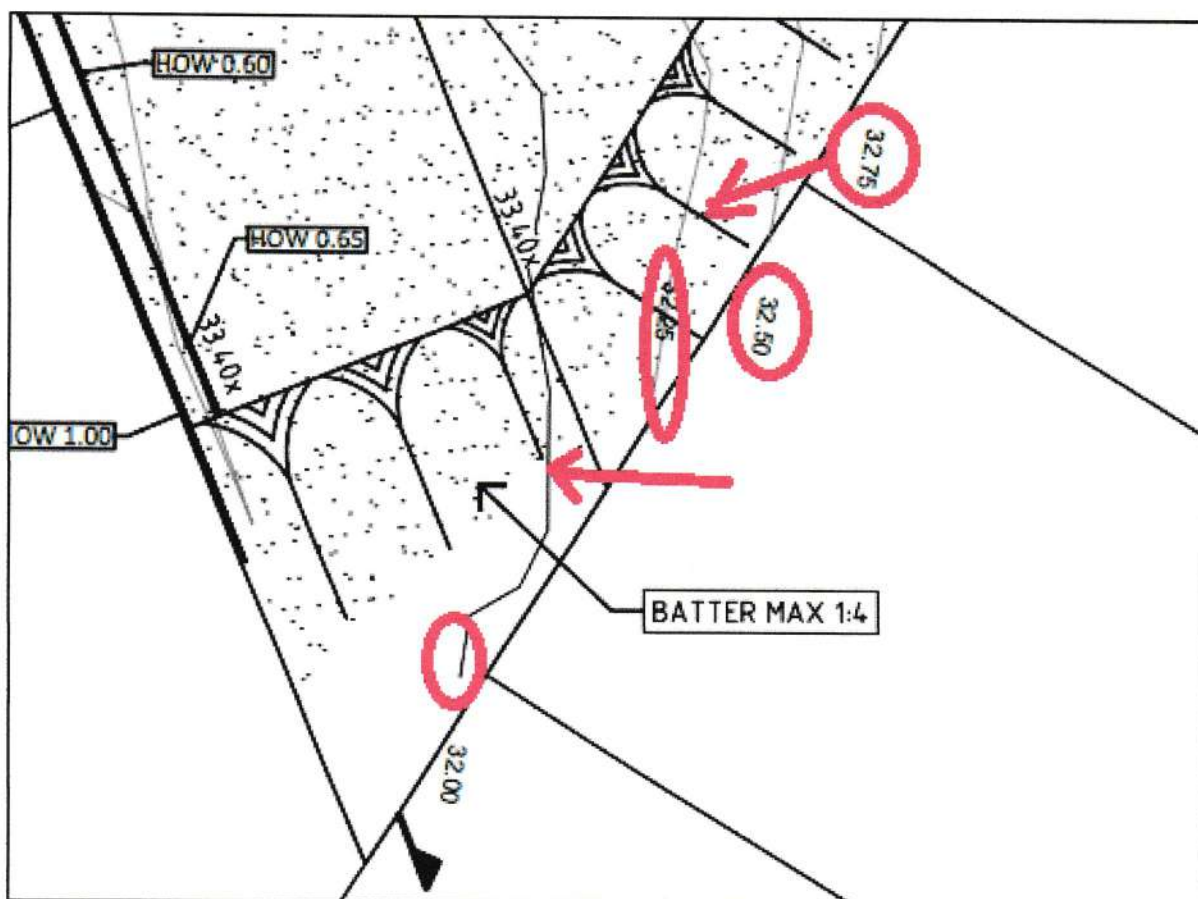
A BSD 8111 Council standard drawings.



BSD 8111 does not provide detail for a valley situation at the rear. It assumes that the fall is one way only. The subject site is a valley situation between the two neighbours. BSD 811 provides that all pipes are to be 600mm from the boundary. BCC design does not comply.

B Precedence from other BCC approvals..

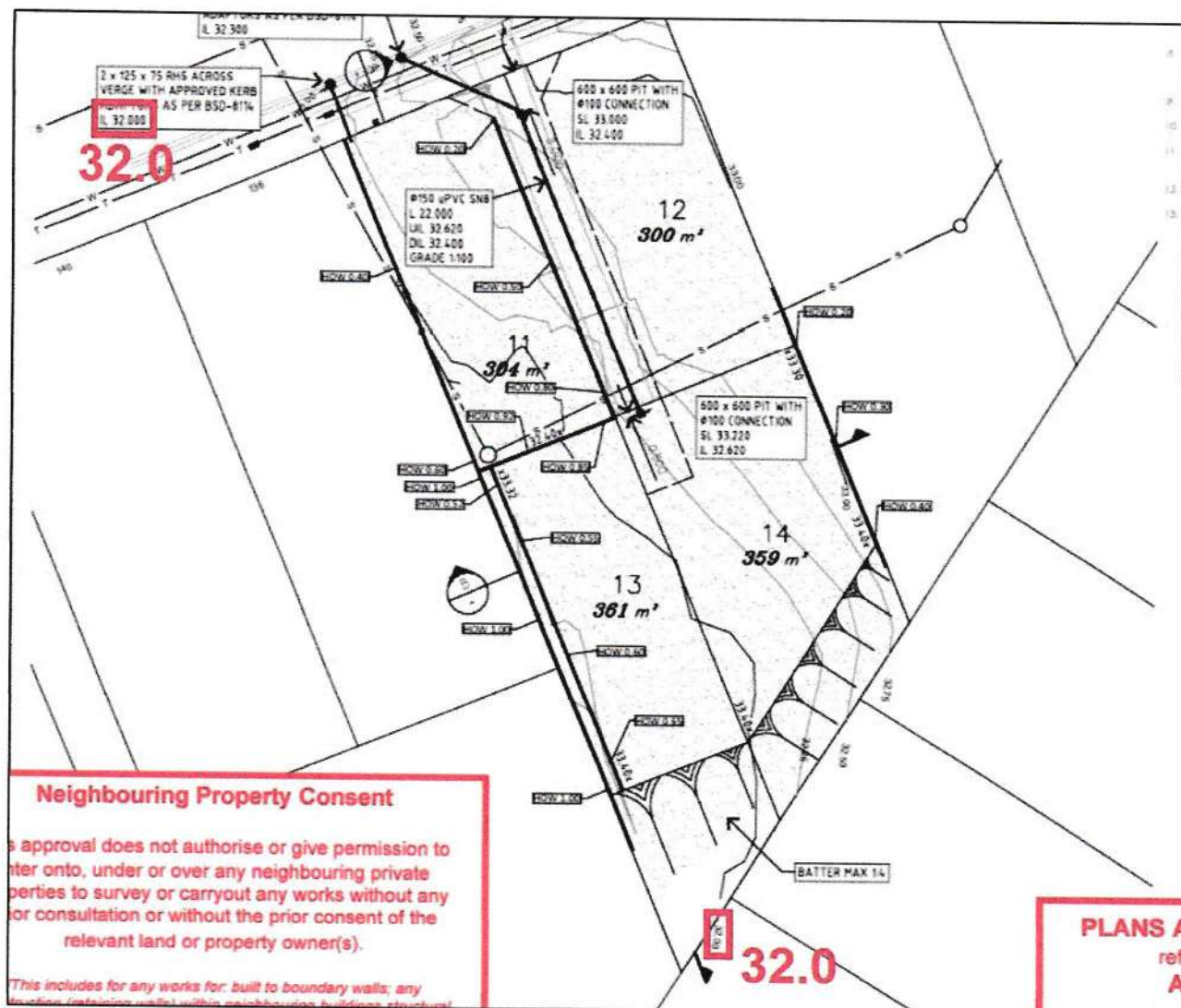
7. Please advise why 134 Ashridge Rd (17 metres away from the subject development) approval did not require a 225mm pipe to rear properties if the *fall at rear boundary is to the 134 Ashridge Rd property* whereas the slope at the rear for the subject property 128 Ashridge Rd, is to the rear properties.



Approved BCC plan showing fall at the rear boundary is to the subject property.

Overall slope test

Therefore, this is not one of the tests that BCC use to determine if a property is "Upslope"



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

So obviously a design could not be invented for the overall slope purposes, from rear to Ashridge Rd. There is a valley, of which at first glance, the rear property falls to the approved property. But overall, there is zero slope. So would the water “drain through the development”? No. So Council has used this principle. Hence it should use the same principle of overall fall to determine “drain through the development”

8. How was the decision in relation to stormwater made for 134 Ashridge Rd? What tests were applied? In relation to the 134 Ashridge Rd property the BCC decision was not to provide a stormwater legal point of discharge to rear properties.

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

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

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

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

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

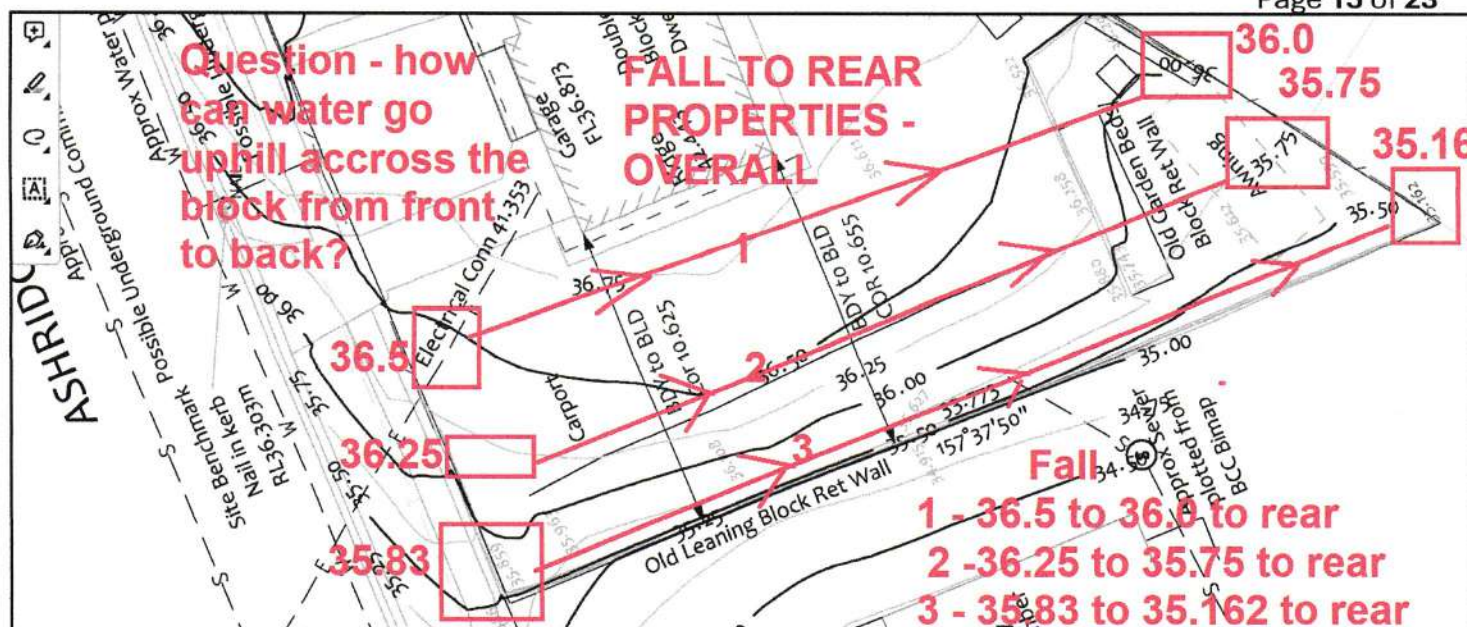
11. Will BCMT sign off on the inspection of the kerb at the construction phaset that is a sham design?

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

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

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

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



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

12. Can Council please explain how the rear properties of the subject property are "Upslope Properties" under this overall test ?

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

13. Can BCC advise why there is a need for fill if the subject site is downslope from the rear lots ? A very simple question I am sure the judge will ask.

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

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

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

- In contrast to Urban Utilities guidelines for a manhole easement to be against the boundary. This was covered in my letter of questions re easement, which is still unanswered.

Charged line BCC cutting corners - 907 mm lower than the 35.1 at the kerb

Charged line without BCC cutting corners 984 mm lower than the 35.1 at the kerb -

There is your proof.

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

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

The water doesn't want to go uphill by artificial means to Ashridge Rd. The surface level at the rear right is 35.162. The pipe is 225 mm. The cover is 450 mm.

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

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

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

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

S 17 On site drainage minor

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

"A charged system does not achieve an acceptable point of discharge"

AHD of 35.166 at boundary will command the lot without a teaspoon of fill required. Minimum existing AHD of proposed building pad is 36.0

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

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

BCC Stormwater Code.

The code provides for the ground to not be disturbed so as to cause nuisance.

The proposed BCC filling will cause the rear lot water to rush more quickly into my right neighbour property instead of soaking into the ground. I have seen many Coucil applications denied due to retaining wall backwash.

PO2

Development ensures that the stormwater management system and site work does not adversely impact flooding or drainage characteristics of premises which are up slope, down slope or adjacent to the site.

AO2.1

Development does not result in an increase in flood level or flood hazard on up slope, down slope or adjacent premises.

AO2.2

Development provides a stormwater management system which is designed in compliance with the standards in the [Infrastructure design planning scheme policy](#).

Q Can the Council please demonstrate compliance with PO2 of the Stormwater code

which specifically refers to **“upslope”**

S13 Retaining walls and S 17 – Onsite 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.

13) Retaining Walls

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

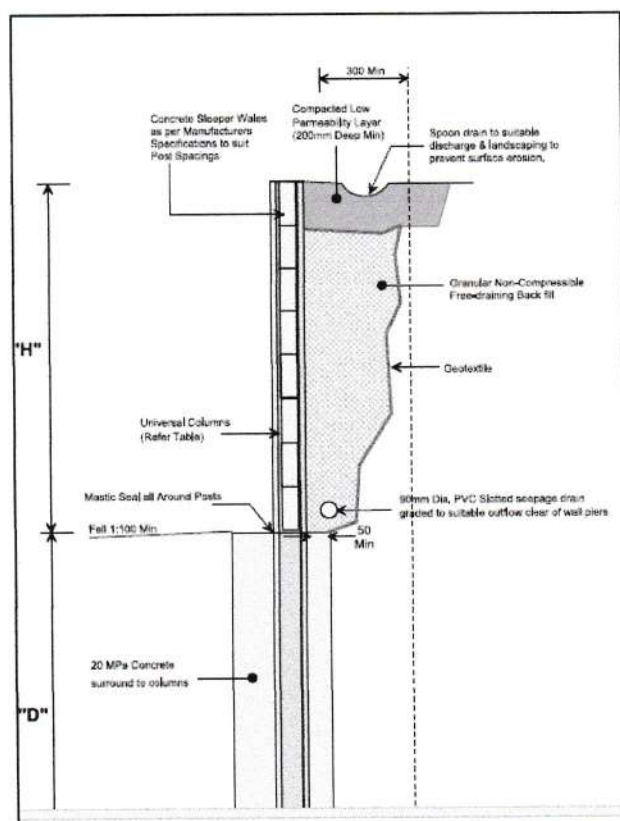
- All retaining walls including the footings, must be located wholly within the property boundaries of the site where works are occurring.
- Runoff from surface drains and subsoil drainage associated with the retaining walls must be collected and connected to a lawful point of discharge (LPD) where possible. If no LPD is available the surface drains and sub-soil drainage must be designed, installed and discharged to ensure there is no ponding, nuisance or concentration of stormwater discharge to adjacent properties.
- Retaining walls to stabilise excavation must be set back from property boundaries to accommodate subsoil drainage without encroachment into the neighbouring property. This set back may vary depending on the height, structure and design of the retaining wall, surcharge loadings from neighbouring properties, and to provide a surface drain along the top of the retaining wall.
- For retaining walls in excess of 1.0m in height:
 - walls must be vertically and horizontally tiered by a ratio of 1:1 unless an alternative has been approved by Development Services
 - walls must be designed and certified by a Registered Professional Engineer Queensland
 - walls facing onto Council property (including the road reserve and parkland) must not be constructed from timber.

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

Note your own approved conditions are warning you that you must provide a legal point of discharge. This requires some space at the front of the retaining wall.

19. Has the Council assessor taken not of his own conditions and therefore will need a setback from the neighbour's boundary.

Note that I do not intend to obtain permission to build a boundary wall and do not wish to be obliged to maintain the wall for the next 100 years.



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Above Form 15 RPEQ approved STA replacement retaining wall engineering.

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

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

This stub needs the appropriate amount of cover.

There no future walls proposed in excess of 1.0m in height on the site. The existing retaining wall on the right will be replaced and is not a part of the scope of works for this site. A form 16 structural certificate will be provided. A Form 15 is in my possession now.

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

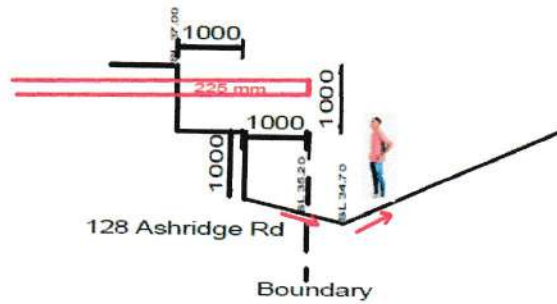
“Retaining wall and footings are to be wholly within property boundaries”

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

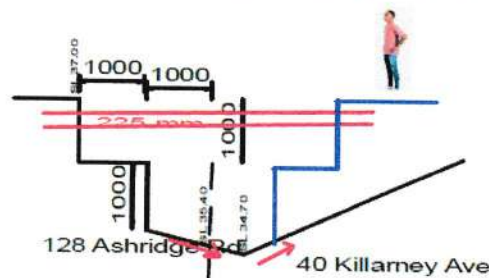
21. Once again, Is the Council proposing a Roman aquaduct system to achieve legal point of discharge for Lot 99?

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

23



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



22. Can BCC RPEQ please provide their crosssections and mathematical calculations used to determine legal point of discharge ? This includes crosssection at the stub location of Lots 98 and 99 to demonstrate they are/are not not proposing a Roman Aquaduct system as above.

I have provide my calculations. Please provide your calculations by 5pm Thursday 10/10/24.

“Stormwater mark ups are indicative only”

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

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

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

BCC had at least 9 weeks to assess all matters.

There has been no information request to the applicant.

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

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

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

24. Please advise why there has there been no information request by BCC to the applicant for stormwater engineering? The fact of BCC designing a red line is BCC responsibility to respond to applicant's questions re surface levels, invert levels and anything else required that was used to design the pipe.

25. Please advise why there has been no BCC request for extension of time.

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

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

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

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

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

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

Should you choose not to respond, this action or nonaction may be taken into account by an Planning Court Judge. I reserve my right to claim damages for your no responses which may cause extra costs.

I am entitled to responses to all questions since Council is the author and designer of the stormwater line. I am not the author. I would have responded to an information request should one have been sent. Once again, you have boxed myself into extra costs now.

If you are proven to be wrong it is BCC who will pay the costs. You had your chance.

I shall be fleshing the site brisbanecitycomplaints.com.au out soon with this case study and will publish your response or no response for the public to see any time anywhere in the world, 24 hours a day. It will be the team members chance to shine. Think of it as a positive.

Council No response.

29. Why is it that no members of the Margaret Orr team can respond to questions?

I give an example of BCC Principal Engineer below providing a response to a stormwater question within 24 hours of a question on a BCC designed stormwater system.



Outlook

82 Rowe Tce Darra

From Andrew Blake <Andrew.Blake@brisbane.qld.gov.au>

Date Fri 23/10/2020 11:47 PM

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

Hi David,

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

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

Regards

Andrew Blake

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

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

Email: andrew.blake@brisbane.qld.gov.au
.....



Yours Faithfully

DAVID MANTEIT - APPLICANT

①

Fw: 128 AHRIDGE RD DARRA A 006565555

From david manteit <davidmanteit@hotmail.com>
Date Fri 11/10/24 4:09 PM
To city.legal@brisbane.qld.gov.au <city.legal@brisbane.qld.gov.au>

11/10/24
Letter to city legal +
Council employees
No response

From: david manteit <davidmanteit@hotmail.com>
Sent: Friday, 11 October 2024 4:07 PM
To: city.legal@qld.gov.au <city.legal@qld.gov.au>
Cc: Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>; tom.gibbs@brisbane.qld.gov.au <tom.gibbs@brisbane.qld.gov.au>; lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>; Scott Ruhland <scott.ruhland@brisbane.qld.gov.au>
Subject: Fw: 128 AHRIDGE RD DARRA A 006565555

Att Paul, City Legal

This email is not confidential and may be published on brisbanecitycouncilcomplaints.com.au.

I spoke to a Paul of City Legal today.

I informed him that I need -

- 1) A copy of the easement document for stormwater which is council responsibility to prepare..
 - 2) Response to the questions in writing I emailed Council on 1/10/4 regarding the proposed stormwater easement.
- Council have failed to send a response after 10 days.

I put the Council on notice that I intend to lodge an seeking a court order for t BCC to respond to my questions of 1/10/24, 10/10/24 and 11/10/24.

The order I shall seek may be one of the following -

- Extension of time of 20 business days to lodge a S75 representations, after notice given.
- The time to lodge an appeal
- The temporary stoppage of an appeal

until the past responses are given by Council to the applicant, or any question after the court commencement but not after the court decision.

These responses must be attended to now, since it will be inevitable that Council will have tens of thousands of dollars in damages to the applicant since the trial will be delayed purely because Council haven't stated what in fact is in the Easement document and the subsequent effect on the development.

One cannot make S75 representations nor court material if Council is silent on what is in the approval.

One further question re easements -

Does the owner have the right to jump over the sham triangular part of the easement to access the right rear corner? Will the owner require a step ladder to mow the lawn in the sham triangle? Perhaps a Is the owner allowed to jump over the easement?
Perhaps there is no right to traverse this easement, then the triangle will be land locked.

As BCC is aware, the red line triangle is non-compliant with BSD 8111.

The sooner the Council attends to answers to these questions the sooner the matter can be resolved in respect of easements and save everyone's time and BCC costs.

Yesterday's email

I have proven that BCC stormwater plan **does not work by around .9-1.3m** and that the rear properties are not "Upslope"

I have proven that I do not need one teaspoon of fill for my development.

In respect of my email yesterday with another 28 questions, I also need the response to these questions immediately. 5pm yesterday has come and gone.

Other Easements

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In addition, I mention the matter of "Other Easements". There is no "other Easement".

Margaret Orr says -

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.

How on earth did the delegate not realise there is *no other easements* ? This is an indication of the lowest quality assessment possible (or no assessment at all) indicating either total incompetency right there. This clause should be deleted immediately.

The delegate should be sacked immediately.

I will be demonstrating this incompetence by Joel Wake on brisbanecitycouncilcomplaints.com.au

4. The Council refuses to lodge my correspondence on development I. Bcc leaves me no option but to post what matters are truthful on the site. The correspondence is also a matter of public interest.

Public interest

I will invite engineers from all around the world to see if there is any way to send water uphill. I am confident of my calculations. Is Joel Wake ? Joel Wake on 1/10/24 rang myself. I didn't ring him. The minutes of that meeting are documented.

I asked Wake around 10 questions regarding easements and surface and invert levels. he said he had not assessed the development. He said "you can talk to them" I asked "who are they?" He said they are listed on the approval package. I asked who is "they?". He said he couldn't remember any names.

Wake said he would try to get a contact for City Legal. 10 days pass by. Wake has intentionally chosen to not supply the

Yesterday Lucy Ting rang me. Sixty seconds phone call. I asked her why is it that I don't have legal point of discharge, starting from the kerb" She said "Where did you get 35.12 from? " and immediately hung up.

As per yesterday's letter. I advised that I compared it to the surveyor's datum some ten metres away on the same kerb. This is stated in all the documents lodged yesterday.

Serving

To date, nobody from BCC has supplied me with the name of the Assessment Manager for Planning Act Purposes.

Do you agree to accept service via this email address ? I need the name of the Assessment Manager upon whom it will be attention to.

I await your response by 5pm today as time is of the essence.

I need to lodge court action in the next 7 days.

I have given you full chance to provide the responses. The judge will take that into account when giving the costs orders for all your incorrect stormwater design and fill calculations.

Should there be no response I will publish "No response"

Publishing will occur this weekend.

Yours Faithfully



David Manteit

CEO

0424 739 923

howtowineveryday.com.au

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3

From: david manteit <davidmanteit@hotmail.com>
Sent: Tuesday, 1 October 2024 6:00 PM
To: sandra.piper@brisbane.qld.gov.au <sandra.piper@brisbane.qld.gov.au>
Cc: tom.gibbs@brisbane.qld.gov.au <tom.gibbs@brisbane.qld.gov.au>; scottruhland@brisbane.qld.au <scottruhland@brisbane.qld.au>; lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>
Subject: 128 AHRIDGE RD DARRA A 006565555

Dear Sirs

7) Grant Easements

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

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

- Underground drainage and access purposes (no less than 900mm wide) over the drainage infrastructure provided for the upstream lot 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 Council, free of cost to Council.

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

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

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

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

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

Council never gave myself, as applicant, an information request requiring myself as applicant to design a stormwater pipe. Council has taken it upon themselves to provide a half baked red line on a plan of subdivision, without any details. You designed it. I did not.

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

I contend that is laziness and incompetence by the Council.

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

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

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

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

- Council stormwater plan does not work, for many reasons. This shall be revealed after you provide answers to the following questions.
- There are no "upstream lots" or "upstream owners" to the subject site. In addition, there is no terms in the City Plan 2014 of these descriptions.

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

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

40

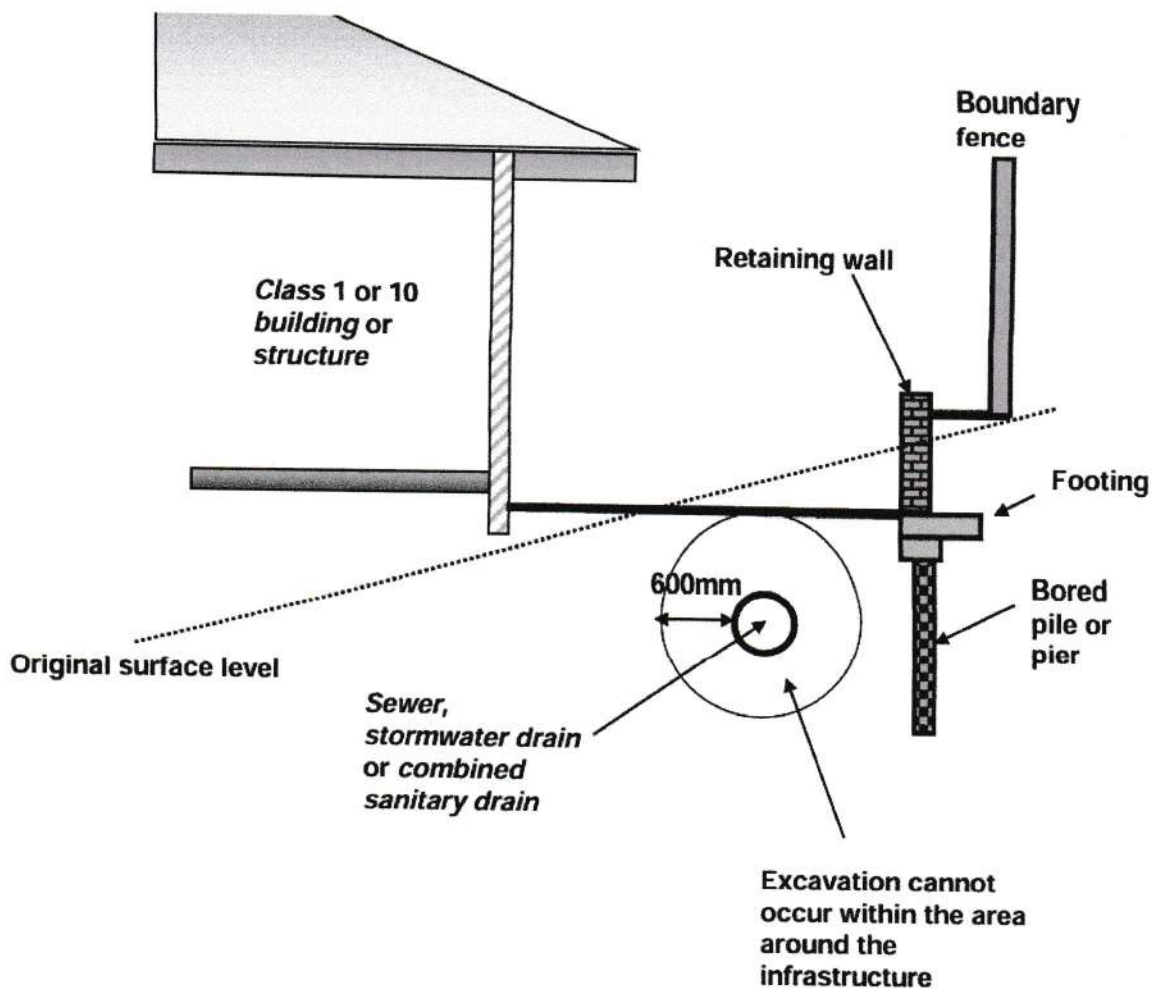
Time is of the essence, as per the Planning Act 2016, and the Planning and Environment Court.

4

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

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

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

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

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

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

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

Assessment Manager

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

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

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

Assessment

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

Your response will determine my final invoice.

5

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22 Decision period - generally

22.1 The assessment manager must—

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

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63 Notice of decision

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

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

Yours sincerely



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

Today's phone call.

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

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