

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 128 Ashridge Rd Darra, under affirmation says:

1. I sent emails to the **Lord Mayor**, City Legal, McCabe and various Council employees without any response by them in return.

See attached exhibit "A" *95 paginated in pages 1-68* 

Date	Correspondence	No. pages	Outcome
14/10/24	Letter to Orr, Piper, Ruhland, Wake, Ting, Gibs, City Legal	30 pages	No response
21/10/24	Letter to Lord Mayor , McCabe, City Legal, Wake, Gibbs, Ruhland, Orr	4 pages	No response
21/10/24	Letter to City Legal, Orr, Gibbs, Piper, Wake, Ruhland	5 pages	No response
22/10/24	Letter to Lord Mayor , Ting, Wake, Piper, Gibbs	5 pages	No response
24/10/24 Letter of 22/10/24	Letter to Lord Mayor , Ting, Wake, Piper, Gibbs	5 pages	No response
25/10/24	Stat dec to Lord Mayor , McCabe, Orr, Wake, Piper, Ruhland, Gibbs	4 pages	No response
25/10/24	Letter to Lord Mayor , McCabe, City legal, Orr, Wake, Piper, Ruhland, Ting, Gibbs	7 pages	No response
11/11/24	Letter to City Legal, Wake	3 pages	No response


Deponent


Justice of the Peace

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

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.

6 M

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.....to.....68.....are the Particulars
marked "A" referred to in the affidavit of
David Manteit
Sworn/Affirmed before me at **Ruhland** this **24** day
of **January** 20**25**
Deponent **[Signature]** JP(Qual) C. Dec **[Signature]**



14 October 2024

The Manager

Brisbane City Council.

For lodgement on Development I

For lodgement on brisbanecitycouncilcomplaints.com.au

128 Ashridge Rd Darra questions arising from the approval including request for release of Council engineering calculations prior to S75 notice or S230 application. A006565555.

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 fulfilment.

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 conditionscompliance@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	

Ms Margareret Orr – Brisbane City Council

Mr Zandra Piper – Brisbane City Council

Mr Scott Ruhland – Brisbane City Council

Mr Joel Wake – Brisbane City Council

Ms Lcy Ting – Brisbane City Council

Mr Tom Gibbs – Brisbane City Council

City Legal – Brisbane City Council

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

①

I am seeking responses to questions below as to some conditions of the approval, as per BCC advice attached with approval. I have not received responses to these questions as of Friday 11/10/24 I provide more information below and more questions,

It is also noted that there has been no response to my last letter re easement questions, on 1/10/24.

Please provide your answers to the following questions by Tuesday 12pm 14/10/24 or any action may be commenced forthwith requiring the proper responses before any decision notice by Council in relation to a S75 notice by the by applicant, or court order made from an appeal. Alternatively it will be ordered that certain clauses of the approval will be deleted and costs awarded to the applicant.

I wish to advise that any refusal to provide truthful and transparent responses could be cause legal and other costs to the applicant, as awarded in the Planning and Environment Court.

Time is of the essence.

Please file this correspondence on Development I

Applicant to file on website brisbanecitycouncilcomplaints.com.au

In a nutshell, Council is deliberately impacting and denying the ability of the applicant to provide a robust S75 notice representations and/or S230 appeal due to the withholding on the misleading detail of approvals conditions.

Council is making irresponsible, misleading and untruthful representations in both the approval conditions and in the Council notes on the approved plan.

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

Maragert Orr has refused to provide answers in writing to the following questions.

Lucy Ting on 9/10/24 by telephone has refused to provide answers to these questions and hung up after 60 seconds. Please desist in this sort of behaviour.

Please do not use words in your responses such as "happy" or "unhappy", as Ms Orr has done. Just be direct and specific.

The following are provided for your information –

(2)

Crossections and plan view of Council design.

Side elevations and plan view of Council engineered designed sham charged stormwater line ending between .904m, .984m and 1.269m below lawful point of discharge 35.100.

Applicant plan view and side elevations of applicant design.

Usable building pad areas, including finished ground levels.

Cut areas.

Fill areas (zero)

Remaing areas untouched

Lawful point of discharge on Ashridge Rd

Location of stormwater pits and lines for Lots 1 and 2

Legal point of discharge for Lots 1 and 2

Driveway location

Retaining walls

Calculations of falls of Council sham stormwater proposal red line.

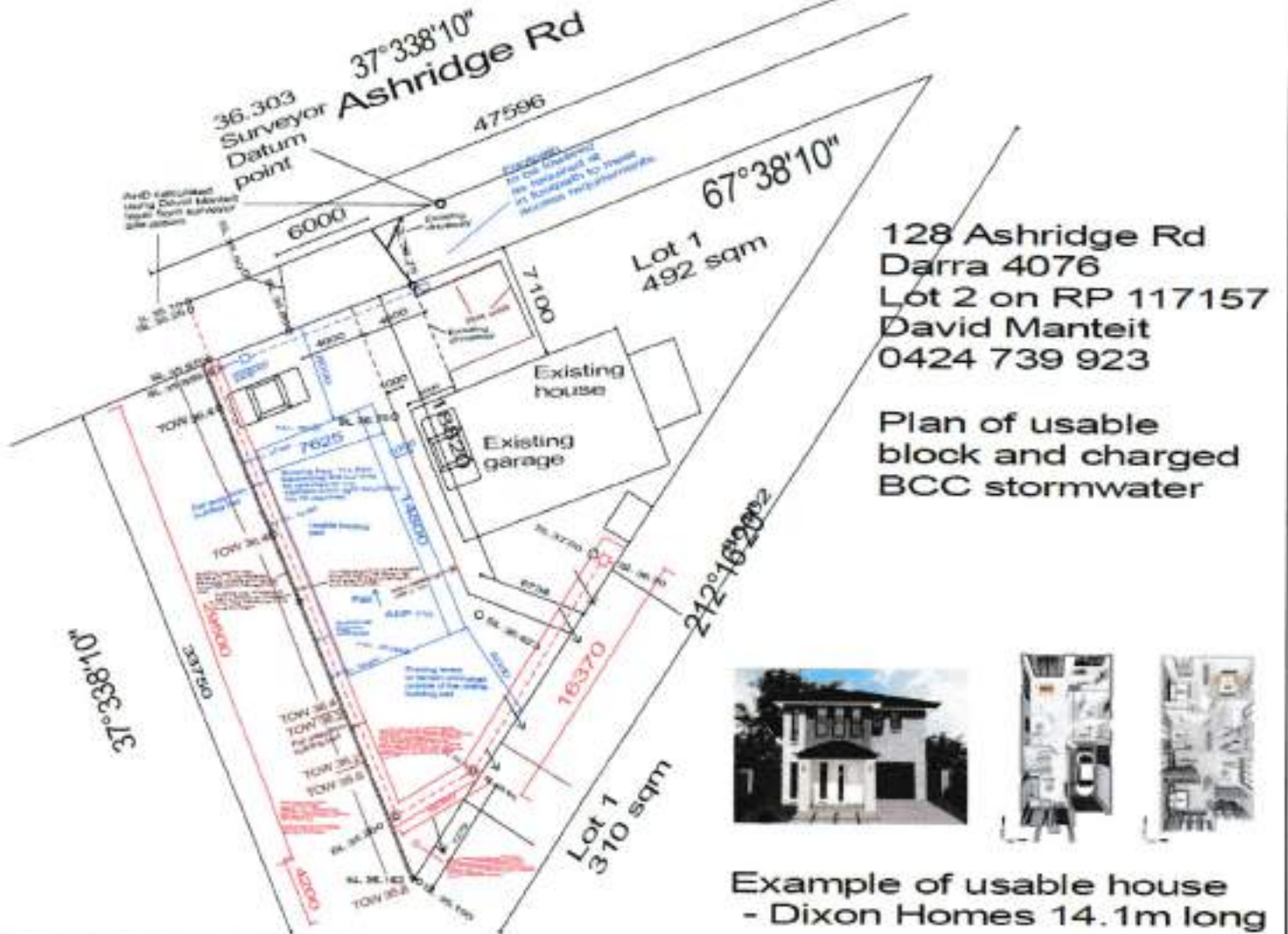
Scenario 1 – minimums as per BSD 8111. 225 pipe, 450 cover, .5 degree fall.

Includes BCC sham triangle not compliant with BSD 8111 required setback of 600mm.

Scenario 2 - minimums as pre BSD 8111. 225 pipe, 450 cover, .5 degree fall.

Includes compliance with BSD 8111.

Scenario 3 – conservative 225 pipe, 600 cover, 1 degree fall



128 Ashridge Rd Darra

Stormwater side elevations

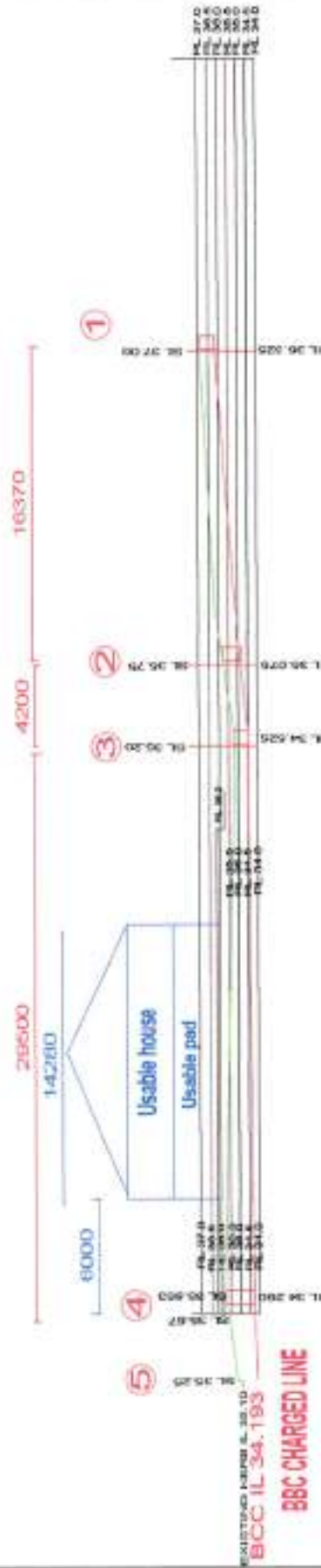


Side elevations of block BCC charged stormwater line including Ashridge Rd lots lawful point of discharge.



128 Ashridge Rd Darra

Stormwater side elevations



BCC CHARGED LINE for "alleged upslope" properties

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	35.859	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	1.600	1.057	
Distance the pipe needs to be lowered by for min cover		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	7.362	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	35.859	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	1.958	1.419	
Distance the pipe needs to be lowered by for min cover		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	

The crosssections and calculations for the Council sham rear block stormwater system design (or no design) is **charged** under all three scenarios.

The crosssections and calculations by the applicant for the Ashridge Rd lots show that the applicant has demonstrated legal point of discharge.(See further below).

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 uplope properties in accordance with the conditions of this approval.

The attached drawings show the usable building pad at AHD 36.00. The existing AHD and future AHD of the land on Lot 2 on the right side is 35.667. The area within one metre of the right side of the boundary will remain without land disturbance, requiring neither cut nor fill.

On this basis, not a teaspoon of fill is required for legal point of discharge, even if the usable building pad were lowered to 35.667.

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

The invert level at the 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 60 seconds, as both marks are only some 5 metres away from each other and both on the kerb. I have taken the bottom of the kerb and not the middle of the kerb as being the appropriate invert level.

Datum point nominated by surveyor at kerb 36.303

Lawful point of discharge as measured by David Manteit using laser comparison to surveyor datum point 35.078

Rounded up – 35.100





Above - David Manteit – Laser reference 36.303 ONF surveyors, Manteit mark 96.5



David Manteit – laser level 220 at lawful point of discharge.

Surveyor site datum level	36.303
David Manteit lawful point of discharge	220.0
David Manteit Surveyor datum	<u>96.5</u>
Difference/drop	<u>123.500</u>
Lawful point of discharge	<u>35.078</u>
<u>Rounded up</u>	<u>35.100</u>

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

Margaret Orr

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

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

Ms Orr – you have taken all matters into account. You will therefore have no problem in providing answers to all the questions in this letter.

- 1. Can the Council please advise what lawful point of discharge AHD they used as shown in the Council approved plans red line?**
- 2. How was the fall through the development calculated ? Please supply all BCC crosssections and fall calculations, surface levels , pit depths and invert levels.**

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

12

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

Council owns the land. I have already invited Joel Wake to inspect the property with 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"

3. Please provide all information Council used in the calculation of their note above. Who is lying – Margaret Orr, or the red line? Which one is it? You have either assessed in full or you haven't.

4. Why is there no "detailed design" ?

Why should an applicant be required to make a S75 or S230 on a sham Council red line that is subject to detailed design?

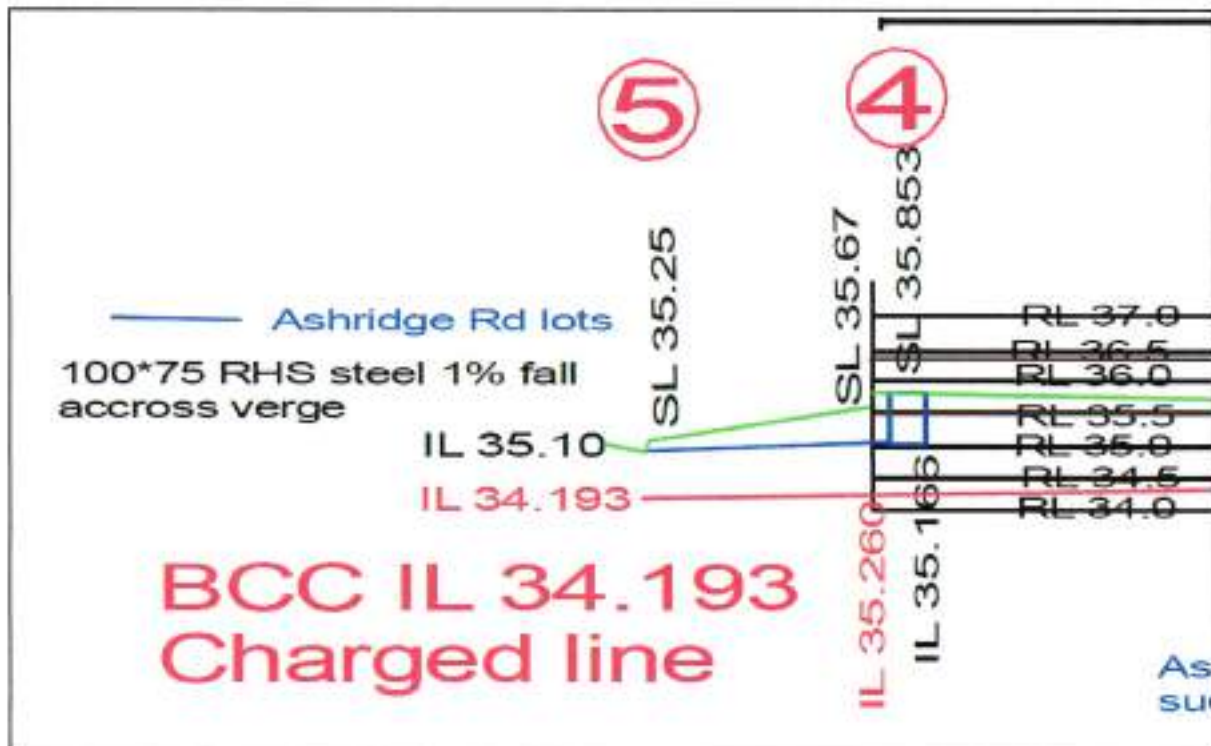
"Took all assessment matters into account – Margaret Orr , Brisbane City Council

Margaret Orr

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

and in accordance with the provisions of the *Planning Act 2016* (the Act), Council's Delegate took all assessment matters into account, and concluded that the application was in accordance with the requirements of the City Plan, subject to the imposition of reasonable and relevant conditions and

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 he right back corner of 35.162 (which is not part of the usable building pad).



5. Is Council prepared to defend their sham stormwater design using lazy markups and no detailed design against the applicant in a S75 notice or Planning Court appeal? Please advise.

It is proposed by the applicant to leave all remaining areas outside of the usable building pad to be untouched and not filled.

There are hundreds of examples of approved Council plans where a usable building pad level is provided to BCC and accepted as a usable pad for stormwater and building purposes. This usable building 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 a usable building pad has been provided by me for your perusal in this material.

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

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

The areas mentioned above are 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** as per the Small Lot Code. 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 F.G.L of 36.0 at the front of the pad.

The abovementioned areas cannot be built on. I have demonstrated a suitable building pad with not a teaspoon of fill required.

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 that can be placed on the usable building pad though.

6. Please advise if Council accepts the applicant's usable building pad dimensions in the attached applicant's plans as a suitable usable building pad.

7. 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 for all existing and future levels are above 35.66 on the right side and pad level is 36.0 which is some 834 mm above the AHD 35.166 at the front boundary.

8. Please demonstrate why the site must be filled to enable lawful point of discharge for the Ashridge Rd lots if all site levels are serviced by the

"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.

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

10. 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. The water does not drain through the subject property. Video can be supplied,

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

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

B Precedence from other BCC approvals.

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

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

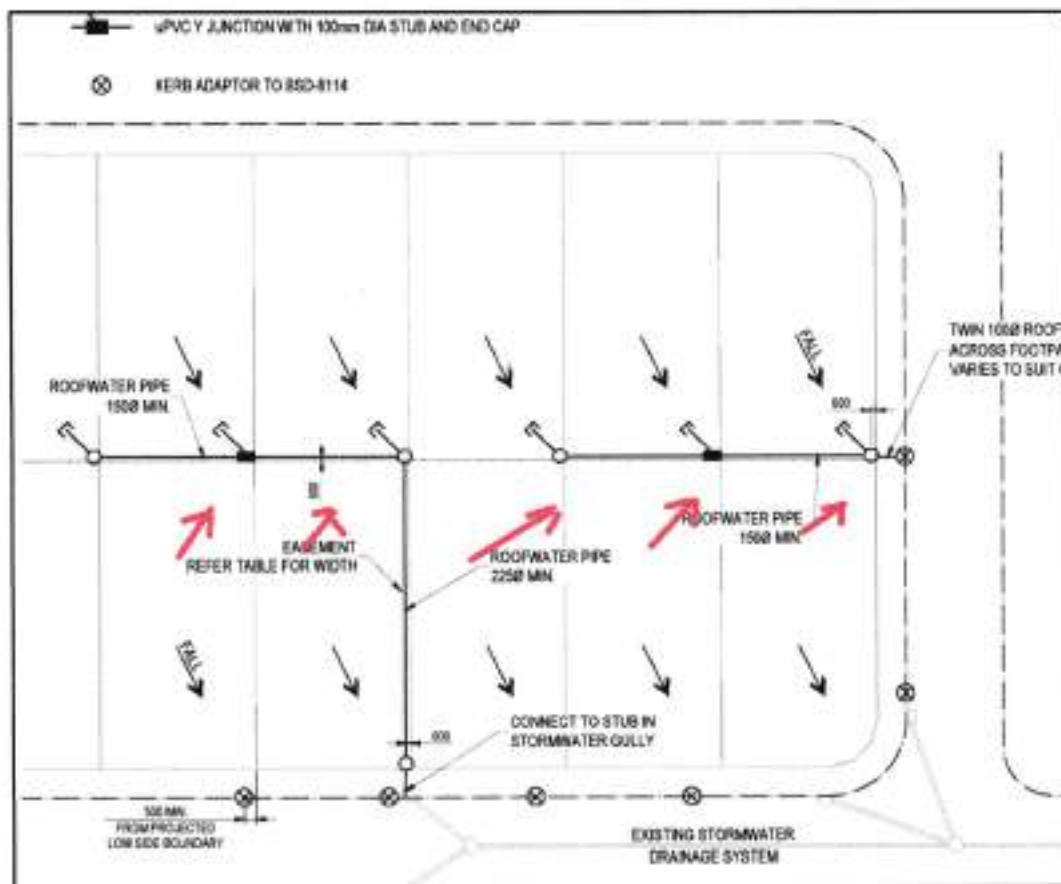
F. If a stormwater legal point of discharge design requires **fill** for one reason only. I.e, to assist upslope properties that are really downslope, and no other, how on earth is a rear block "Upslope" ? Any judge or reasonable man would think this is utterly stupid.

12. 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, or any purpose.

G If one puts a hose on any part of the rear lots will that water be seen travelling 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.

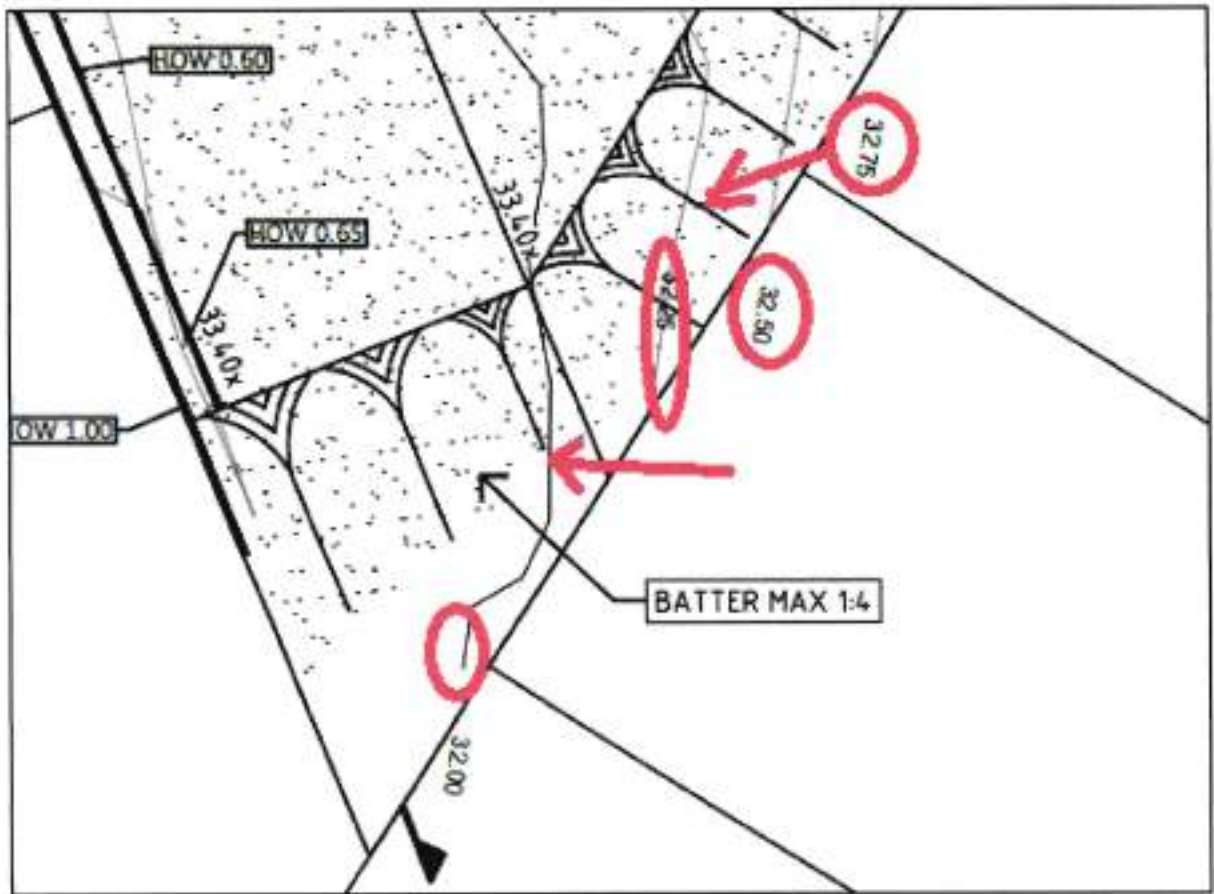
A BSD 8111 Council standard drawings.



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..

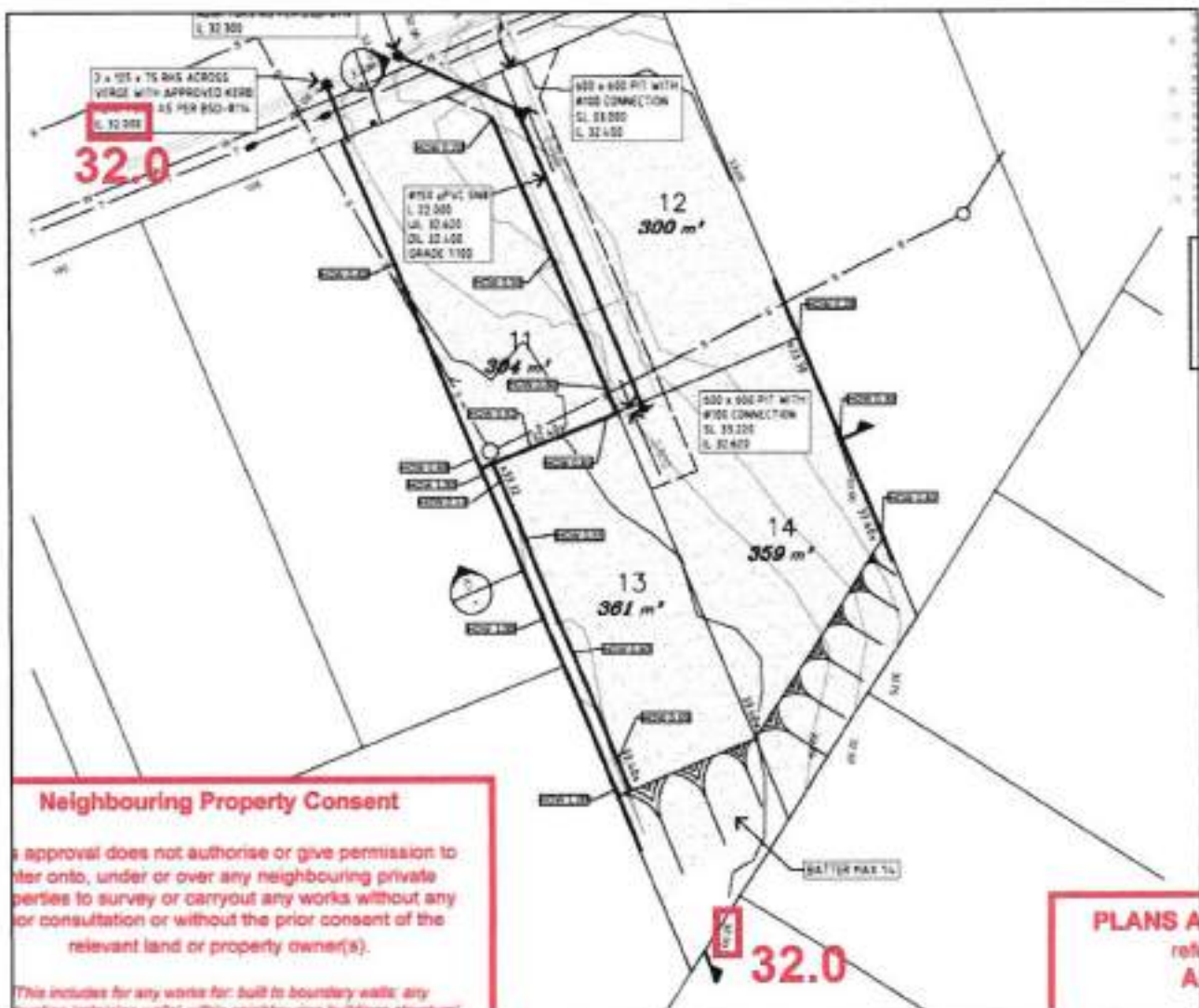
13. Please advise why 134 Ashridge Rd (17 metres away from the subject development) approval did not require a 225mm pipe to rear properties if the *fall at rear boundary is to the 134 Ashridge Rd property* whereas the slope at the rear for the subject property 128 Ashridge Rd, is *to the rear properties*.



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”

14. 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.

15 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.

16. Will BCMT be able to inspect a stormwater end of line at the kerb that is .907mm, .984 mm, 1.269 mm below the kerb?

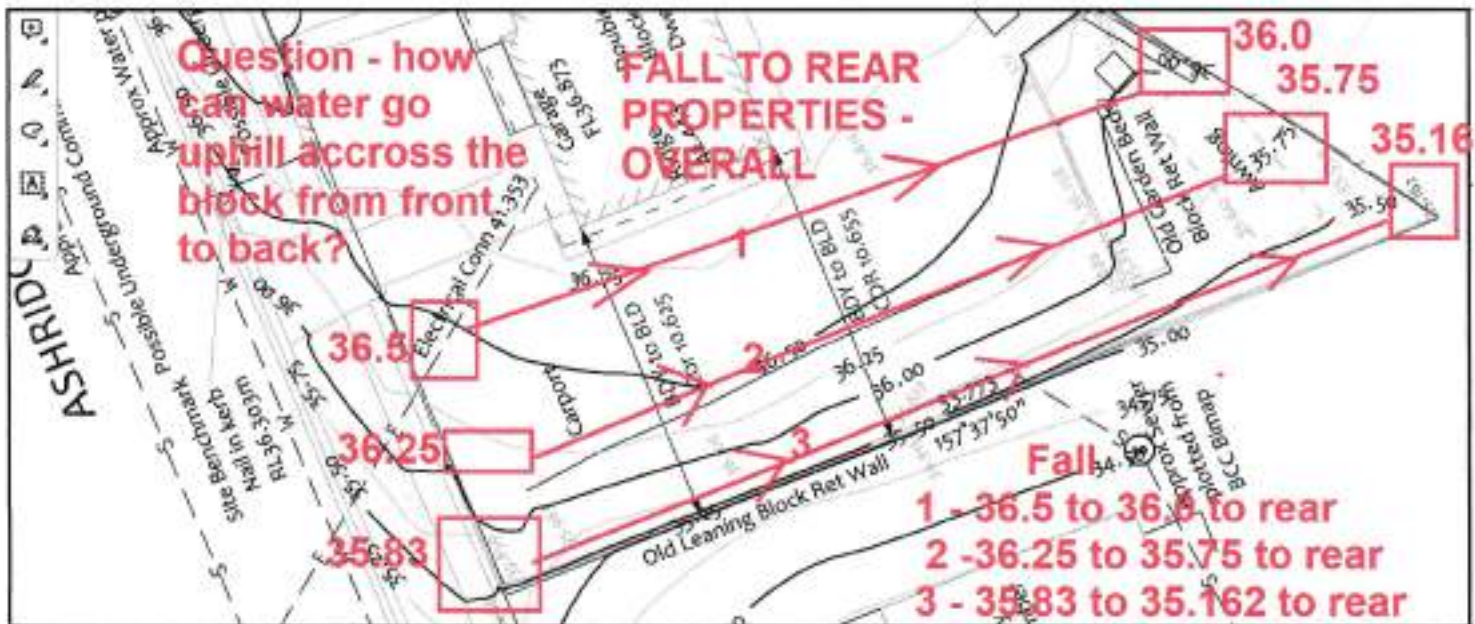
17. Will BCMT sign off on the inspection of the kerb at the construction phase that is a sham design?

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 .904m.

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.

18. 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.

19. 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.

20. 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.

21. 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.

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

23. 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 crossections 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.

24. 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.

<p>PO2 Development ensures that the stormwater management system and site work <u>does not adversely impact flooding or drainage characteristics of premises which are up slope, down slope or adjacent to the site.</u></p>	<p>AO2.1 Development does not result in an increase in flood level or flood hazard on up slope, down slope or adjacent premises.</p> <p>AO2.2 Development provides a stormwater management system which is designed in compliance with the standards in the <u>infrastructure design planning scheme policy</u></p>
---	---

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:

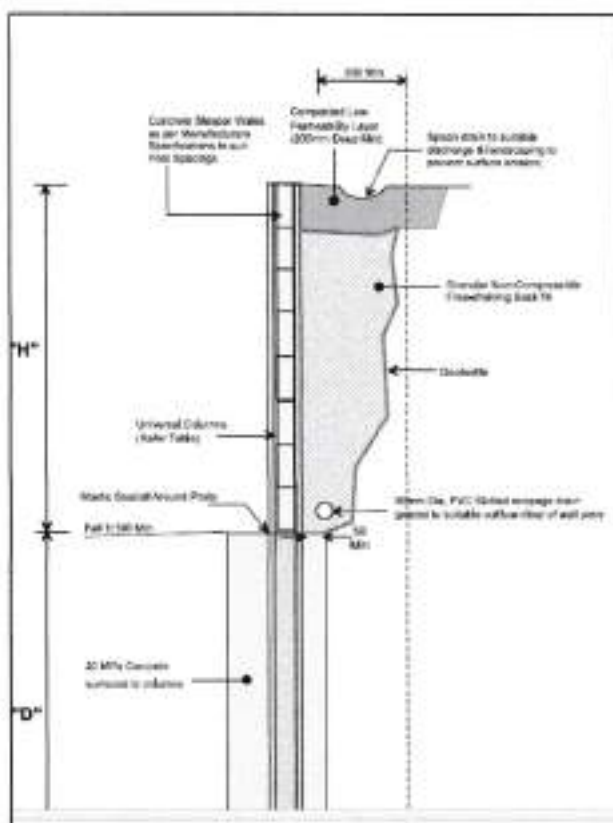
- All retaining walls including the footings, must be located wholly within the property boundaries of the site where works are occurring.
- Runoff from surface drains and subsoil drainage associated with the retaining walls must be collected and connected to a lawful point of discharge (LPD) where possible. 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.

25. 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.



25

Above Form 15 RPEQ approved STA replacement retaining wall engineering.

26. 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"

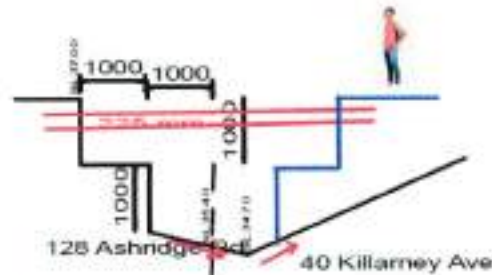
It appears that the BCC proposed retaining wall needs to be set back over one metre. In the asbence of a legal point of discharge for the retaining wall, there needs to be enough grass to soak up any multiple ag pipes protruding out of the wall.

27. 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.



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



28. 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**

29. 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.

30. 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.

31. 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.

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

33. 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.

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

I require your responses by 12pm Tuesday 15/10/24.

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 to Council.

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.

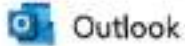
If you are proven to be wrong it is BCC who will pay the costs. You had your chance.

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.

35. 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.



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

REQUEST TO LORD MAYOR FOR SARA MCCABE TERMINATION

From david manteit <davidmanteit@hotmail.com>

Date Mon 21/10/24 10:16 PM

To lord.mayor@brisbane.qld.gov.au <lord.mayor@brisbane.qld.gov.au>

Cc sarah.mccabe2@brisbane.qld.gov.au <sarah.mccabe2@brisbane.qld.gov.au>;
city.legal@brisbane.qld.gov.au <city.legal@brisbane.qld.gov.au>; Margaret Orr
<Margaret.Orr@brisbane.qld.gov.au>; Joel Wake <joel.wake@brisbane.qld.gov.au>;
tom.gibbs@brisbane.qld.gov.au <tom.gibbs@brisbane.qld.gov.au>; Scott Ruhland
<scott.ruhland@brisbane.qld.gov.au>


1 attachment (261 KB)

letter to Council 21-2-24 (2).pdf;

Dear Lord Mayor

Letter attached.

Regards



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



Letter to Lord Mayor

21/10/24

No response

David Manteit
82 Rowe Tce
Darra 4076

21-10-24

The Lord Mayor
Brisbane City Council
266 George St
Brisbane 4000

By email Lord.Mayor@brisbane.qld.gov.au

cc. The Registrar Planning and Environment Court
Sara McCabe – City Legal (allegedly)
City Legal
Margaret Orr
Joel Wake
Lucy Ting
Scott Ruhland
Zarndra Piper
Tom Gibbs

Dear Lord Mayor

Request for Sara McCabe of City Legal to be terminated as representative of City Legal in the Case David Manteit V Brisbane City Council Planning and Environment Court 2916/24.

I served an action against seeking orders in the Planning and Environment Court last Friday, 21-10-24.

Ms McCabe position is untenable due to her dishonesty.

I spoke to Ms McCabe today on the telephone.

I asked her if she had sighted all the emails I sent City Legal re this case.

Ms McCabe of City Legal replied – "I don't have any emails except the papers you served on the Council last Friday. Ms McCabe of City Legal then stated " I do not have access to City Legal emails".

I said, as a matter of courtesy, "Would you like four hours to investigate these emails, then get back to me ? These emails gave warning to City Legal that Court action will proceed forthwith if City Legal did not respond. In addition, there would be cost orders sought"

Ms McCabe said "No I will not investigate City Legal emails. I do not have access to City Legal emails. "

She then hung up. This is straight out dishonesty and unprofessional behaviour of a Brisbane City Council employee and of any practising solicitor.

How can your City Legal team staff member in charge of a case pretend that I did not give notice of Court Action and cost orders ?

Six other members of your staff received those emails as cc. Their names are above. They are a party to this action.

By writing this letter I also request that Sara McCabe be removed from the case due to dishonesty.

Since your City Legal email does not respond to emails, I have no option but to write to The Lord Mayor and the registrar of the Planning and Environment Court to put it bluntly – get rid of her.

Otherwise the ratepayers will undoubtedly pay for Sara McCabe dishonest actions and cause delay and misunderstandings in the future by all parties. This could be some hundreds of thousands due to Ms McCabe actions.

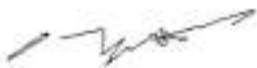
I will lodge this request of termination to the Planning and Environment Court in the next few days, for them to do same.

I have sent McCabe a copy of the other two emails today.

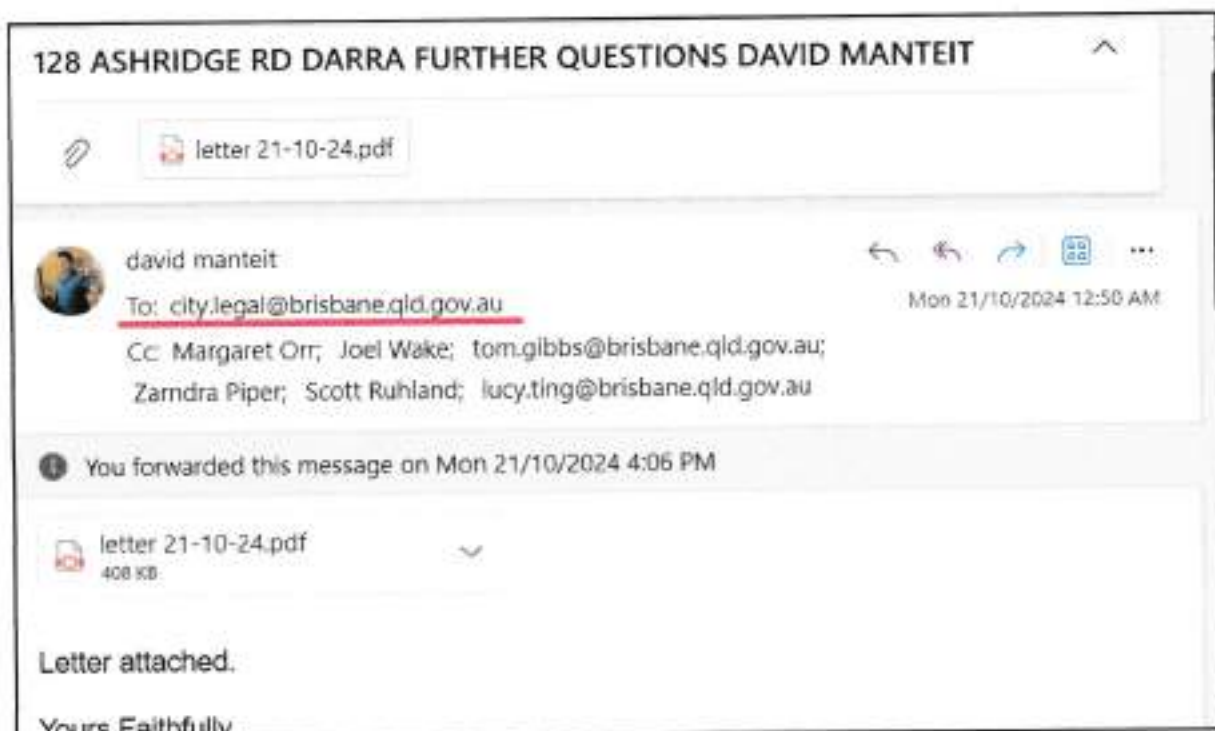
By the way, I have sent Paul of City Legal two emails. No response. Are all your City Legal team ghosts?.


I await your advices.


Regards





DAVID MANTEIT
0424 739 923









 Has attachments


 Unread

 To me

 Mentions me





 david manteit

To: city.legal@brisbane.qld.gov.au

Fri 11/10/2024 4:09 PM

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.

Fw: 128 ASHRIDGE RD DARRA FURTHER QUESTIONS DAVID MANTEIT

From david manteit <davidmanteit@hotmail.com>

Date Mon 21/10/24 4:06 PM

To sarah.mccabe2@brisbane.qld.gov.au <sarah.mccabe2@brisbane.qld.gov.au>

Cc Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>; Joel Wake <joel.wake@brisbane.qld.gov.au>; CPAS-DS-PlanningSupport <DSPlanningSupport@brisbane.qld.gov.au>; city.legal@brisbane.qld.gov.au <city.legal@brisbane.qld.gov.au>; lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>; tom.gibbs@brisbane.qld.gov.au <tom.gibbs@brisbane.qld.gov.au>; Scott Ruhland <scott.ruhland@brisbane.qld.gov.au>

 1 attachment (408 KB)

letter 21-10-24.pdf;

21/10/24
Letter to

- McCabe

- 7 Council employees

FYI

Att Sarah McCabe, City Legal

Cc. brisbanecitycouncilcomplaints.com.au - publishing department

Margaret Orr
Tom Gibbs
Scott Ruhland
Zarndra Piper
Lucy Ting
Joel Wake
Planning and Environment Court

Dear Ms Sarah McCabe

You have advised today by telephone that you personally act for Brisbane City Council and the matter of David Manteit V Brisbane City Council and others.

Today by telephone 3.15pm , 21-10-24, you advised myself you have no knowledge of any emails that have gone to City Legal re 128 Ashridge Rd Darra.

I asked, as a matter of courtesy, if you need time to check these emails to city.legal.com.au.

You advised that you refuse to check these past emails.

You said you only handle your own inbox, not City Legal email inbox.

Here is one such email, dated 21/20/24 with no response from City Legal.

You can't even check this morning's email ?????

Please advise why City Legal denies receiving this record.

Does City Legal not man/woman their email inbox at all ? Please clarify so the Planning Court and I and my readers may get a better understanding of the workings of City Legal and the method of no response.

Please advise by 12pm 22-10-24.

Yours Faithfully



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



From: david manteit <davidmanteit@hotmail.com>

Sent: Monday, 21 October 2024 12:50 AM

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

Cc: Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>; Joel Wake <joel.wake@brisbane.qld.gov.au>;

tom.gibbs@brisbane.qld.gov.au <tom.gibbs@brisbane.qld.gov.au>; Zarndra Piper

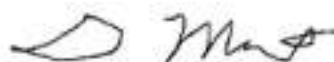
<zarndra.piper@brisbane.qld.gov.au>; Scott Ruhland <scott.ruhland@brisbane.qld.gov.au>;

lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>

Subject: 128 ASHRIDGE RD DARRA FURTHER QUESTIONS DAVID MANTEIT

Letter attached.

Yours Faithfully



David Manteit

CEO

0424 739 923

(32)

①
David Mantel
82 Rowe Tce
Darra 4076

21/10/24

The Manager
Brisbane City Council

Att

City Legal
Margaret Orr
Tom Gibbs
Zandra Piper
Joel Wake
Scott Ruhland

cc. brisbanecitycouncilcomplaints.com.au

123 ASHRIDGE RD DARRA STORMWATER PIPE CONFLICTING WITH
SEWERAGE PIPE

I have some questions below that are vital to the sham stormwater red line on the approval plan and conditions.

I request that you provide your answers to my email plus place in affidavit form for the Planning and Environment Court by Tuesday 22/10/24 as time is of the essence. The Court date is listed for 18/11/24.

It is intended by the applicant to utilise the existing sewerage stub for future Lot 2 .

The existing sewer and sewerage stub of 100mm is owned by Urban Utilities.

There is an existing private drainage connection. There will be a future private drainage connection to the existing Urban Utilities sewerage pipe for Lot 2.

Margaret Orr, 3/10/24 - "The delegate took all assessment matters into account". How is this possible when the approval conditions say sewerage is not assessed by Brisbane City Council? Can Margaret Orr please confirm or deny if this matter has been assessed.

Or simply did Margaret Orr just believe delegate Joel Wake (sometimes he just calls himself an assessment officer) ? There is no dispute that there is a conflict between Council statement " All matters were taken into account and Council statement " and the approval condition "Council does not assess sewerage."

f you don't assess sewerage, that's your problem, not the applicant.

But it is an untruth if you don't assess but you state in a letter 3/10/24 that all matters have been assessed.

The applicant has no obligation to provide information in a development application where the proposed sewerage line will go. You should have telephoned the applicant. You had 9 weeks to assess. Laziness reeks.

Note however, Council does require a final certificate from Urban Utilities.

It appears that the following Development Services Team members did not assess this matter because they didn't ring the applicant. They just placed a red line on the approved plan straight over an Urban Utilities sewerage line. This is laziness and demonstration of an untruth or a professional blunder. One or both.

Margaret Orr
Joel Wake
Lucy Ting
Scott Ruhland
Tom Gibbs
Zarndra Piper

This connection of private to Urban Utilities will have a new I/O (Inspection Outlet). This connection will be vertical, in the middle of the Brisbane City Council easement of 900mm wide. The I/O will have a cap on top with three screws for inspection when there is a problem.

If the problem is in the Urban Utilities pipe, they are responsible for the maintenance..

If the problem is in the private drainage pipe, the land owner is responsible.

Questions –

1. See below Queensland Development Code requirements and Building Work definition. The stormwater pipe is Building Work.

Please advise –

How the stormwater pipe "will not adversely affect the operation of the infrastructure (existing sewerage)"

How will the stormwater pipe not "Place a load on the infrastructure that could adversely affect the infrastructure."

2) Can Brisbane City Council forward me a copy of the **consent from Urban Utilities** to have a vertical I/O sticking up through the heart of the proposed Stormwater Pipe ?

3) Can Brisbane City Council provide a statutory declaration signed by Margaret Orr stating that the proposed stormwater pipe and easement are not in conflict of the Zone of Influence legislation under the Queensland Debevelopment Code of the sewerage pipe and stub proximity to the proposed stormwater pipe.

4) Can Brisbane City Council lodge with the Planning Court a statutory declaration signed by all Development Services team members a 3d design of -

- the vertical I/O
- the sewerage pipe
- the private drain connection.

5) Can Brisbane City Council lodge with the Planning Court an affidavit of the **consent from Urban Utilities for Brisbane City Council to have an easement over the same land** that Urban Utilities has a statutory easement over ?

6) Can Brisbane City Council lodge an affidavit with the Planning Court a copy of the proposed easement document showing the arrangements if there should be a future requirement for Urban Utilities to excavate the land to either replace their 100mm sewerage pipe, or repair.

7) I have ordered a Council drainage for further clarity. Note Melinda of Brisbane City Council Service centre , 11.57 am 19/10/24 said to me **"I warn you that Council cannot gurantee the accuracy of the Brisbane City drainage plan"**.

Please forward the applicant in affidavit form a guaranteed location of the sewerage stub and height in AHD, surface level, invert level, distance from all boundaries on Lot 2. Please put this in affidavit form, for Planning Court purposes. The judge needs this.

8) Margaret Orr, Team Leader, said in an email to David Manteit " been assessed by Council's Development Services Team" "All matters have been taken into account." Can Margaret Orr please provide an affidavit to state that this matter has been assessed, in accordance with her previous statement "all matters have been taken into account"

6) Could any of the Brisbane City Council Development Services Team advise which person assessed/addressed the design of the private drain to sewerage stub in the proposed easement plan and easement documentation.

Margaret Orr
Joel Wake
Lucy Ting
Tom Gibbs
Scott Ruhland
Zandra Piper

7) The approved Form 15 STA engineering requires a spoon drain of around 100mm. This means that the cover of the pipe is not BSD 8111. It is at least 550mm. Has Council taken the spoon drain depth into account.

8) The approved Form 15 requires loose drainage (not compacted) for 300mm from the retaining wall. Please advise what compaction your easement document or standard drawing is calling for in each layer of drainage gravel, ground below the invert level of the stormwater pipe (which will severely affect the integrity of the sewer pipe).

It appears that on this topic alone , your requirement for a stormwater pipe is doomed. Let alone sham fall calculations as previously provided plus your sham triangle plus your sham fill. The list is endless.

Please supply your responses and affidavits by Tuesday 5pm, as time is of the essence.

Yours Faithfully



DAVID MANTEIT – APPLICANT



Building work

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

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

2 Purpose

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

- (a) the work does not—
 - (i) adversely affect the operation of the infrastructure; or
 - (ii) place a load on the infrastructure that could adversely affect its structure; and
- (b) the integrity of the *building* or *structure* is unlikely to be affected as a result of the infrastructure—
 - (i) being maintained or replaced; or
 - (ii) failing to function properly; and

128 ASHRIDGE RD DARRA DAVID MANTEIT EASEMENT DOCUMENT AND OTHER

From david manteit <davidmanteit@hotmail.com>

Date Tue 22/10/24 11:34 PM

To LordMayor <lord.mayor@brisbane.qld.gov.au>

Cc Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>; tom.gibbs@brisbane.qld.gov.au
<tom.gibbs@brisbane.qld.gov.au>; Joel Wake <joel.wake@brisbane.qld.gov.au>;
lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>; Scott Ruhland
<scott.ruhland@brisbane.qld.gov.au>; Zarndra Piper <zarndra.piper@brisbane.qld.gov.au>;
sarah.mccabe2@brisbane.qld.gov.au <sarah.mccabe2@brisbane.qld.gov.au>;
city.legal@brisbane.qld.gov.au <city.legal@brisbane.qld.gov.au>

Letter attached.

Response required 10am Wednesday.

Yours Faithfully



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



Fw: 128 ASHRIDGE RD DARRA DAVID MANTEIT EASEMENT DOCUMENT AND OTHER

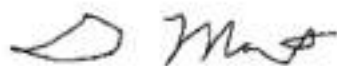
From david manteit <davidmanteit@hotmail.com>

Date Thu 24/10/24 3:21 PM

To LordMayor <lord.mayor@brisbane.qld.gov.au>; sarah.mccabe2@brisbane.qld.gov.au
<sarah.mccabe2@brisbane.qld.gov.au>; Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>;
lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>; Joel Wake
<joel.wake@brisbane.qld.gov.au>; Scott Ruhland <scott.ruhland@brisbane.qld.gov.au>; Zarndra Piper
<zarndra.piper@brisbane.qld.gov.au>; tom.gibbs@brisbane.qld.gov.au <tom.gibbs@brisbane.qld.gov.au>;
CPAS-DS-PlanningSupport <DSPlanningSupport@brisbane.qld.gov.au>

1 attachment (470 KB)

letter 22-10-24.pdf;



David Manteit

CEO

0424 739 923

howtowineveryday.com.au

24/10/24

Letter to Lord Mayor

Sarah McCabe +

6 Council employees



From: david manteit <davidmanteit@hotmail.com>

Sent: Tuesday, 22 October 2024 11:34 PM

To: LordMayor <lord.mayor@brisbane.qld.gov.au>

Cc: Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>; tom.gibbs@brisbane.qld.gov.au

<tom.gibbs@brisbane.qld.gov.au>; Joel Wake <joel.wake@brisbane.qld.gov.au>;

lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>; Scott Ruhland

<scott.ruhland@brisbane.qld.gov.au>; Zarndra Piper <zarndra.piper@brisbane.qld.gov.au>;

sarah.mccabe2@brisbane.qld.gov.au <sarah.mccabe2@brisbane.qld.gov.au>; city.legal@brisbane.qld.gov.au

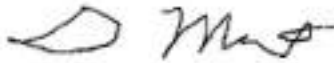
<city.legal@brisbane.qld.gov.au>

Subject: 128 ASHRIDGE RD DARRA DAVID MANTEIT EASEMENT DOCUMENT AND OTHER

Letter attached.

Response required 10am Wednesday.

Yours Faithfully



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



David Manteit
82 Rowe Tce
Darra 4076

22/10/24

The Lord Mayor
The Manager
Brisbane City Council

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

cc. Planning and Environment Court Registry

**128 ASHRIDGE RD DARRA EASEMENT DOCUMENT REQUIRED BY 10AM
WEDNESDAY 23-10-24 AND OTHER**

I have written to the Lord Mayor again because all the named parties refuse to respond, including City Legal.

City Legal have been sent six emails and no acknowledgement or response. It is incredible that the City of Brisbane has no working legal section or apparent legal representation.

I have served documents for a Planning and Environment Court case and no acknowledgement from Brisbane City Council in writing.

Brisbane City Council appears to have no ordinary nor legal representation. You leave me no option but to correspond with the Lord Mayor and filing with the Planning and Environment Court until the matters are resolved.

- 1) I require the document wording of the easement document, as per your duty of the approval. I need this -
 - In the ordinary course of business of progressing design.
 - Possible S75 representations
 - Possible S230 appeal, rolling over from the current matter.

- **The Planning Court judge will want this material filed now.** Time is of the essence. Your failure to provide may be seen as general contempt of the applicant, your ratepayers who will be footing the bill, and the Court Judge, since I have asked Council some 20 plus questions on the easement document many times including of 1/10/24. That is 21 days ago. Silence. Why ?
- Silence. Council is hindering my business. Damages have already been requested in orders for loss of busines.

Engineering

7) Grant Easements

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

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

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

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

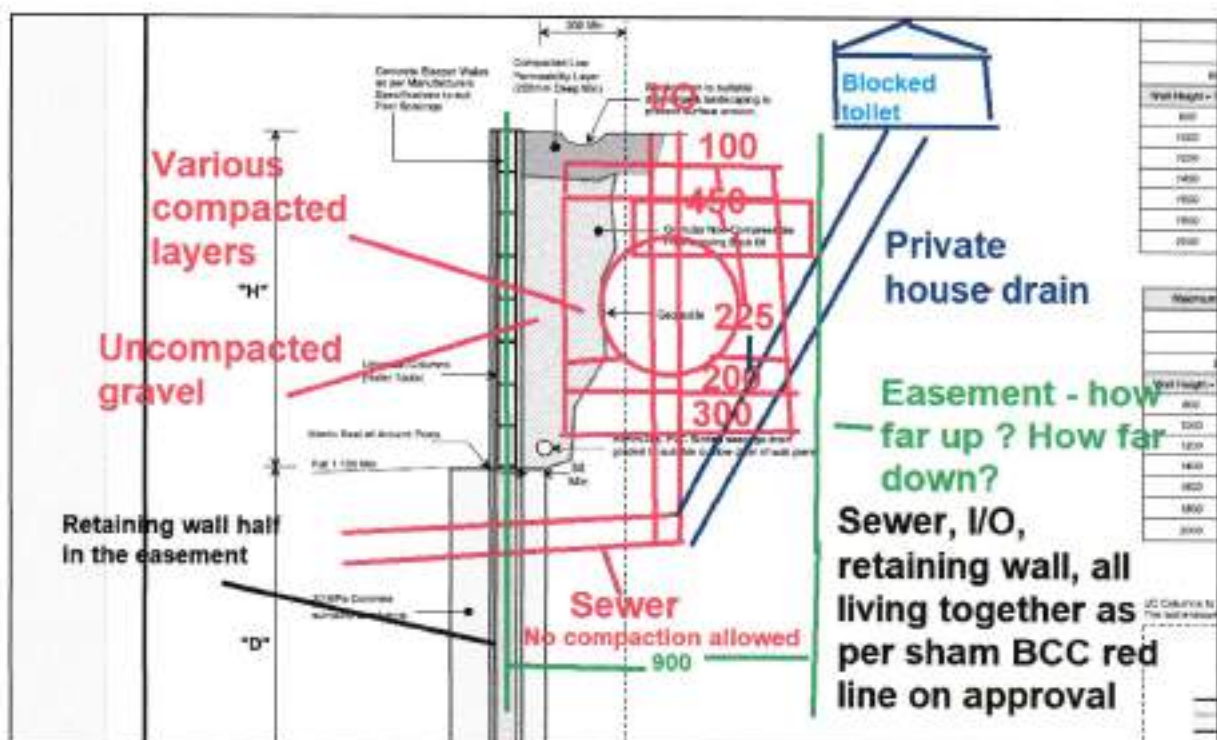
7(a) Submit Plan of Subdivision and Documentation (Council Easement in Gross)

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

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

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

I mention that the easement will affect many many items for construction.



Is Lucy Ting in possession of a crosssection of how sewerage,retaining wall and stormwater pipe would cooexist, or even get signed off for design and construction? Please supply.

Name of private certifier to sign off the building works, ie, that comply with the Queensland Development Code in that the stormwater pipe compaction during the construction will not adversely affect the sewerage assets in the zone of influence.

This is why I need to sight the specific wording of the easement. I must identify all easement constraints additional to the construction constraints.

We still don't know if one has to use a helicopter to jump over the sham triangle.

The stormwater pipe itself is already mutually incompatible with the retaining wall and the sewerage pipe. No engineering can successfully have all items of stormwater pipe engineering, sewer pipe engineering and retaining wall engineering to be constructed on top of each other. The retaining wall engineer will not sign off because of your stormwater pipe. Urban Utilities will not sign off with the presence of your stormwater pipe, which will be compacted down on top of their sewerage pipe.

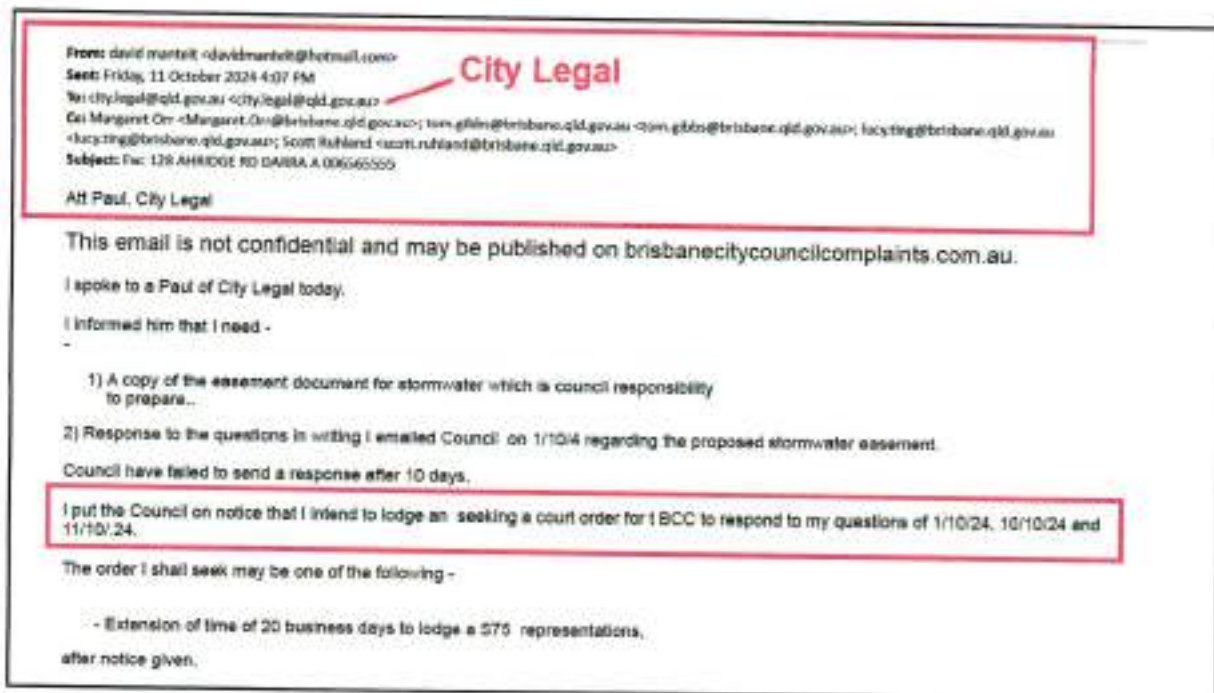
Council designed the red line. Council has a responsibility to advise how to construct the pipe such that any party can recover damages from the other party for failure of their system.

This is apart from the charged sham pipe calculations ending up 1-1.5m below the kerb.

This is apart from the sham requirement to fill the block, which will not raise the requirement for the neighbour's stub to be 450 cover.

I assume your employee solicitor has now been struck off, due to refusal to acknowledge the existence of applicant to Council Court warning emails, including email of 11/10/24. This is -

- A dishonest but very foolish and childish tactic for a solicitor since 6 other employees were cc. at the same time. I offered her fours to check and get back to me. She still refused.
- tampering with evidence
- reduces my attempt to obtain costs
- dilutes my argument.



This and another City Legal emails will be in affidavit with the Court in the next few days. You are already in possession of all of these emails with no response or confirmation to the applicant.

Does City Legal exist ? The receptionist on Level 16 last Friday there was nobody present in City Legal in the building.

The Council choice not to respond to a legal notice warning on 11/10/24 is your problem not mine. You now need to pay my damages.

I await your urgent advices.

Yours Faithfully

DAVID MANTEIT – APPLICANT

Building work

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

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

2 Purpose

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

- (a) the work does not—
 - (i) adversely affect the operation of the infrastructure; or
 - (ii) place a load on the infrastructure that could adversely affect its structure; and
- (b) the integrity of the *building or structure* is unlikely to be affected as a result of the infrastructure—
 - (i) being maintained or replaced; or
 - (ii) failing to function properly; and

2 Purpose

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

- (a) the work does not—
 - (i) adversely affect the operation of the infrastructure; or
 - (ii) place a load on the infrastructure that could adversely affect its structure; and

50

STAT DEC FAVID MANTEIT 128 ASHRIDGE RD DARRA 2916/24

From david manteit <davidmanteit@hotmail.com>

Date Fri 25/10/24 12:20 PM

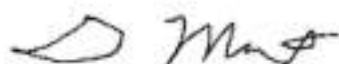
To Sarah McCabe <sarah.mccabe2@brisbane.qld.gov.au>; Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>; Joel Wake <joel.wake@brisbane.qld.gov.au>; lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>; Scott Ruhland <scott.ruhland@brisbane.qld.gov.au>; tom.gibbs@brisbane.qld.gov.au <tom.gibbs@brisbane.qld.gov.au>; Zamdra Piper <zamdra.piper@brisbane.qld.gov.au>; CPAS-DS-PlanningSupport <DSPlanningSupport@brisbane.qld.gov.au>; LordMayor <lord.mayor@brisbane.qld.gov.au>

1 attachment (9 MB)

Sat dec 25-10-24.PDF;

Sta dec attached.

Yours Faithfully



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



QUEENSLAND

Oaths Act 1867

25/10/24
Stat Dec
25/10/24

①

STATUTORY DECLARATION

I, David Manteit of 82 Rowe Tce Darra 4076 state under oath as follows:

1. I sent by email the following correspondence to City Legal and other Brisbane City Council employees
2. As of 25/10/24 I have received no response from City Legal and or other Brisbane City Council employees.
3. The alleged Brisbane City Council Solicitor Sara McCabe has repeatedly intentionally refused to acknowledge these documents.

Ms McCabe said to David Manteit in a telephone conversation on 21/10/24 that she refused to examine emails sent by David Manteit to City Legal. I offered her 4 hours to check. She said I don't have access to City Legal emails and I am not willing to access those emails.

This is a childish and foolish attempt to hoodwink the applicant and hinder the court process.

The actions by McCabe has caused the triggering of this Court Case by the applicant after two legal warnings on 11/10/24 and 14/10/24. McCabe has deliberately and categorically hidden the acknowledgement of those warnings.

The actions by McCabe have caused additional costs to the applicant and Brisbane City Council and ratepayers. McCabe has now caused a requirement for subpoenas to be issued to the Development Services Team.

Ms McCabe has refused to acknowledge legal warning notices sent to Brisbane City Council on 11/10/24 and 14/10/24.

Sara McCabe should be struck off the defence team of Brisbane City Council.

The alleged improper actions by Council employees are of public interest to ratepayers and Brisbaneites at large.

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2

I am seeking responses to questions below as to some conditions of the approval, as per BCC advice attached with approval. I have not received responses to these questions as of Friday 11/10/24 I provide more information below and more questions.

It is also noted that there has been no response to my last letter re easement questions, on 1/10/24.

Please provide your answers to the following questions by Tuesday 12pm 14/10/24 or any action may be commenced forthwith requiring the proper responses before any decision notice by Council in relation to a S75 notice by the by applicant, or court order made from an appeal. Alternatively it will be ordered that certain clauses of the approval will be deleted and costs awarded to the applicant.

I wish to advise that any refusal to provide truthful and transparent responses could be cause legal and other costs to the applicant, as awarded in the Planning and Environment Court.

Extract of court case warning by David Manteit 14/10/24.

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>; larry.fing@brisbane.qld.gov.au <larry.fing@brisbane.qld.gov.au>; Scott Rubland <scott.rubland@brisbane.qld.gov.au>
Subject: Re: 128 A/2016/2-30 (DAMBA A 00256555)

Alt 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 1/10/24 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 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.

Extract of court case warning by David Manteit 11/10/24.

4. These correspondences are part of the material of this Court Case.

5. The list of correspondences are as follows:

53

 128 Ashridge Rd Letter 10-10-24	10/10/2024 9:27 AM	Adobe Acrobat Docu...	1.575 KB
 Email court 11-10-24	22/10/2024 11:11 PM	Adobe Acrobat Docu...	810 KB
 Letter 14-10-24	14/10/2024 6:26 PM	Adobe Acrobat Docu...	2.886 KB
 letter 21-10-24	21/10/2024 12:45 AM	Adobe Acrobat Docu...	409 KB
 letter 22-10-24	22/10/2024 11:29 PM	Adobe Acrobat Docu...	470 KB
 letter council 16-10-24	16/10/2024 8:19 AM	Adobe Acrobat Docu...	314 KB
 letter to council 1-10-24	1/10/2024 9:33 PM	Adobe Acrobat Docu...	1.418 KB
 letter to Council 21-2-24 Sara McCabe	21/10/2024 10:11 PM	Adobe Acrobat Docu...	262 KB

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that:

This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*.⁴¹

DECLARED by

David Manteit.....

at Brisbane.....

Signed for and at the direction of the
declarant by*



signature of declarant

25/10/24

[date]



25/10/2024

In the presence of:

Charmaine Annette Thompson
[insert full name of witness]

Justice of the Peace Qualified
[insert type of witness]



25/10/2024

[date]

DRAINAGE PLAN AFFIDAVIT

From david manteit <davidmanteit@hotmail.com>

Date Fri 25/10/24 7:33 AM

To Sarah McCabe <sarah.mccabe2@brisbane.qld.gov.au>; Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>; Joel Wake <joel.wake@brisbane.qld.gov.au>; lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>; tom.gibbs@brisbane.qld.gov.au <tom.gibbs@brisbane.qld.gov.au>; Scott Ruhland <scott.ruhland@brisbane.qld.gov.au>; LordMayor <lord.mayor@brisbane.qld.gov.au>; Zamdra Piper <zamdra.piper@brisbane.qld.gov.au>; CPAS-DS-PlanningSupport <DSPlanningSupport@brisbane.qld.gov.au>; Emma Mezzina <emma.mezzina@brisbane.qld.gov.au>

 1 attachment (839 KB)

letter 25-10-24.pdf;

Hi

Please see affidavit required from Margaret Orr na Jpe; Wake.

If this affidavit is not provided by 5pm today I reserve the right to subpoena these persons forthwith.

Please acknowlege this correspondence of this date.

I still have no acknowledgement of specific correspondnce. I require a list of received documents and their dates.

The Lord Mayor will continue to be provided my correspondence until this proper list of correspondence is provided to me, as every other solicitor in Brisbane would,.

Yours Faithfully



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



David Manteit
82 Rowe Tce
Darra 4076

25/10/24

The Lord Mayor
The Manager
Brisbane City Council

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

cc. Planning and Environment Court Registry

128 ASHRIDGE RD DARRA DRAINAGE PLAN AFFIDAVIT REQUIRED

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

128 ASHRIDGE RD DARRA A006565555

From: Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>
Date: Thu 3/10/2024 5:09 PM
To: davidmanteit@hotmail.com <davidmanteit@hotmail.com>
Cc: Emma Mezzina <Emma.Mezzina@brisbane.qld.gov.au>; Zandra Piper <Zandra.Piper@brisbane.qld.gov.au>; CP&S-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

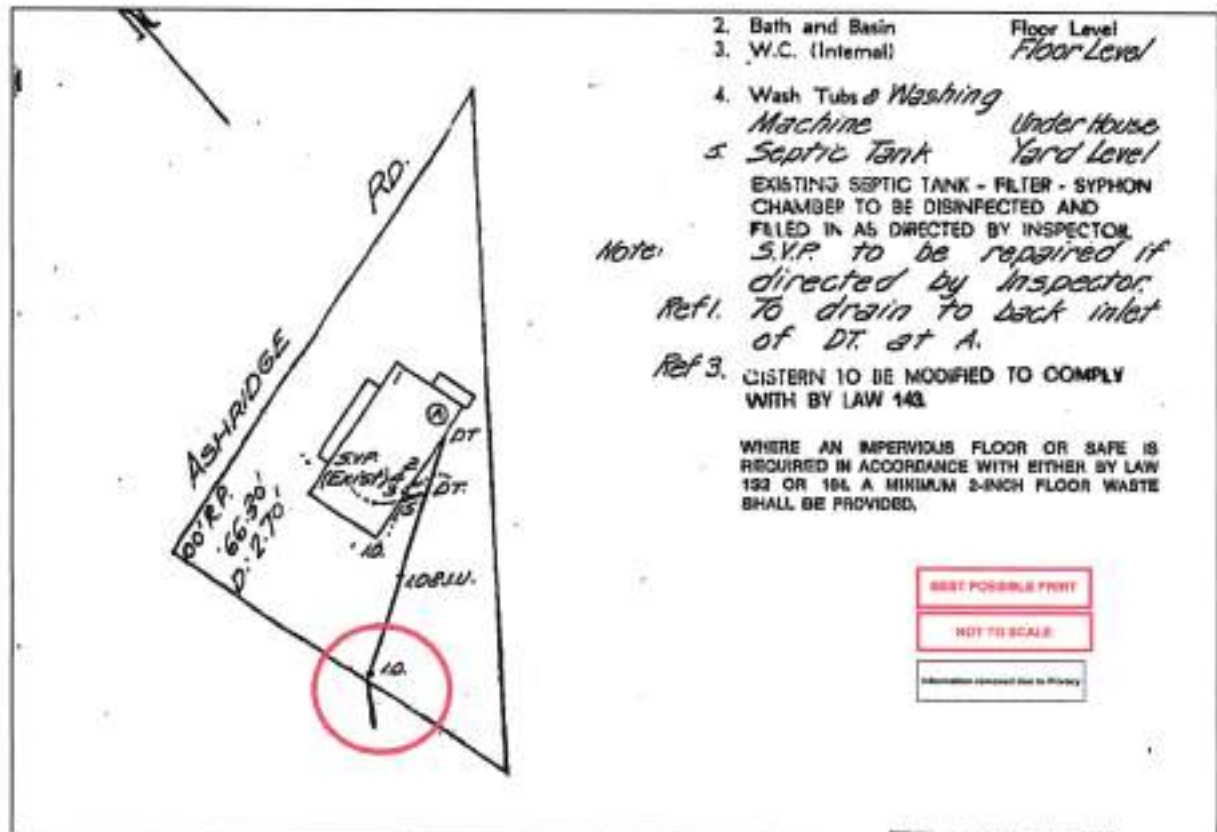
Margaret Orr
Team Manager, Planning Services | Development Services
City Planning and Sustainability | BRISBANE CITY COUNCIL

58

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

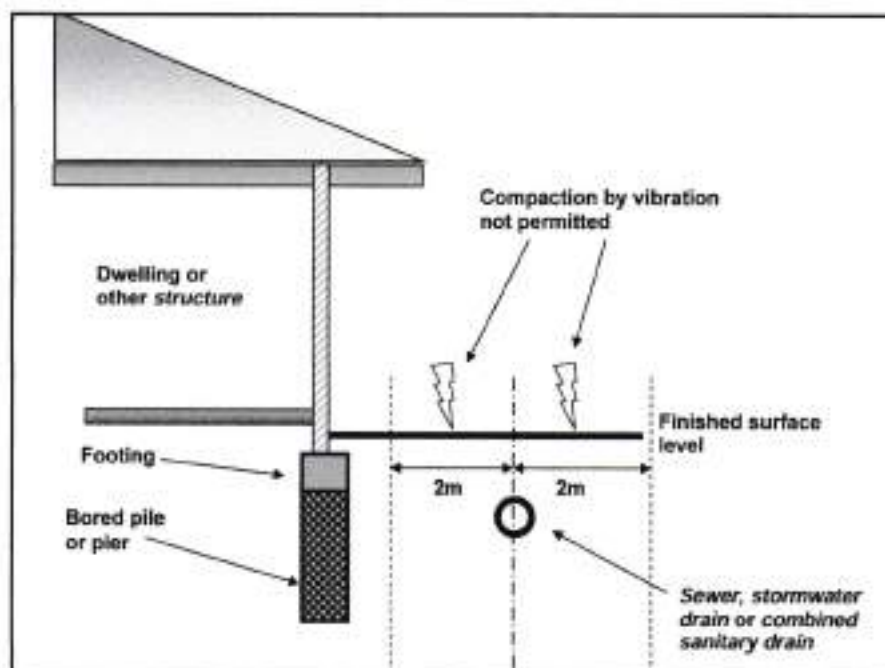
"Council's delegate took all assessment matters into account"

"Assessed by Council's Development Services Team"

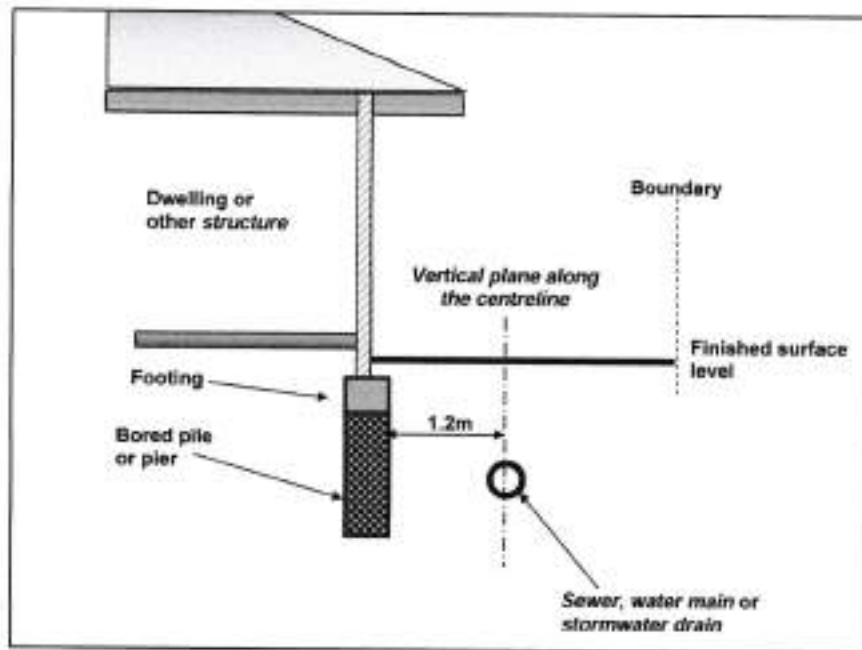


Above – extract of sewer/private drain I/O 128 Ashridge Rd Darra

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



Above – Extract of Queensland Development Code.



Above – Extract of Queensland Development Code.

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

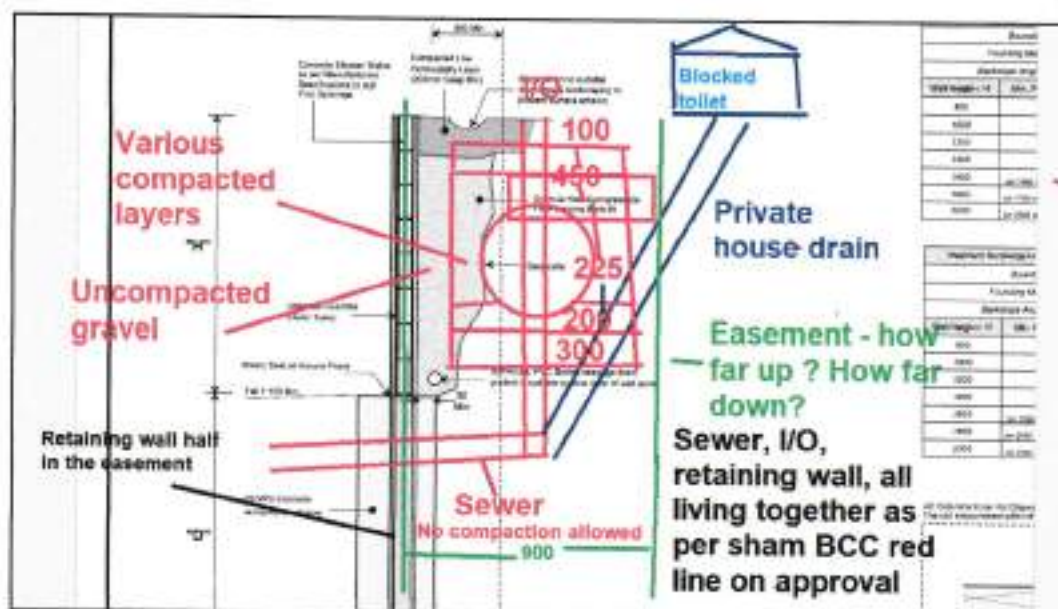
Margaret Orr

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

and in accordance with the provisions of the *Planning Act 2016* (the Act). Council's Delegate took all assessment matters into account, and concluded that the application was in accordance with the requirements of the City Plan subject to the knowledge of acceptable and relevant conditions and

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

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Above – Notes to STA Consulting retaining wall.

Building work

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

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

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

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

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

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

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

Yes/No, Explanation.

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

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

Yes/No, Explanation.

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

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

Above – extract from STA Consulting minimum distance to services.

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

Yes/No, Explanation.

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

Yes/No/Explanation

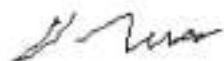
This matter was fully assessed by the Development Services team and taken into account by the delegate as one of "all matters".

Yes/No, Explanation.

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

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

Yours Faithfully



DAVID MANTEIT – APPLICANT

11/11/24

LEGAL WARNING ACTION re 128 ASHRIDGE RD DARRA - DAVID MANTEIT

From david manteit <davidmanteit@hotmail.com>

Date Mon 11/11/24 11:16 PM

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

Cc Joel Wake <joel.wake@brisbane.qld.gov.au>

1 attachment (312 KB)


12-11-24 letter re Council stormwater bill.pdf


letter to

City Legal

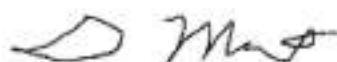
Joel Wake.

Please find letter of legal warning attached.

 [143 wakefield st bakld hills 2.pdf](#)

 [143 wakefield st bald hills.pdf](#)

Regards



David Manteit

CEO

0424 739 923

howtowineveryday.com.au



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

11-11-24

The Manager
Brisbane City Council
266 George St
Brisbane

cc. Joel Wake

Dear Sir and Joel Wake

**Schedule 6 Planning scheme policies S6.16 Infrastructure design planning scheme policy –
Chapter 7 Stormwater drainage.**

**Interest owing
Specific performance
Council explanation required.**

I require the Council to provide explanation of how the requirements of S 7.4.7 Building near or over underground stormwater infrastructure below can be satisfied in the Council drawn and designed red line of approval of 128 Ashridge Rd Darra by Wednesday 5pm 13-11-24.

The said line is approximately 55 metres long with 5 pits and multiple kerb adaptors.

This line has been designed by Council and not David Manteit. Therefore the Council has responsibility to provide this information to David Manteit forthwith.

This information has already been requested by David Manteit.

In addition, the following is required –

Surface levels and invert levels of the pits. Cover, pipe diameter.

Compliance of construction with Council's BSD 8111.

Easement document as per S7 of approval.

Crosssection of trench

Build over sewer consent.

Vibration and compactio details

Name of Council person who designed the red line and their licence number.

66

7.4.6 Gully inlet capacities

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

7.4.7 Building near or over underground stormwater infrastructure

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

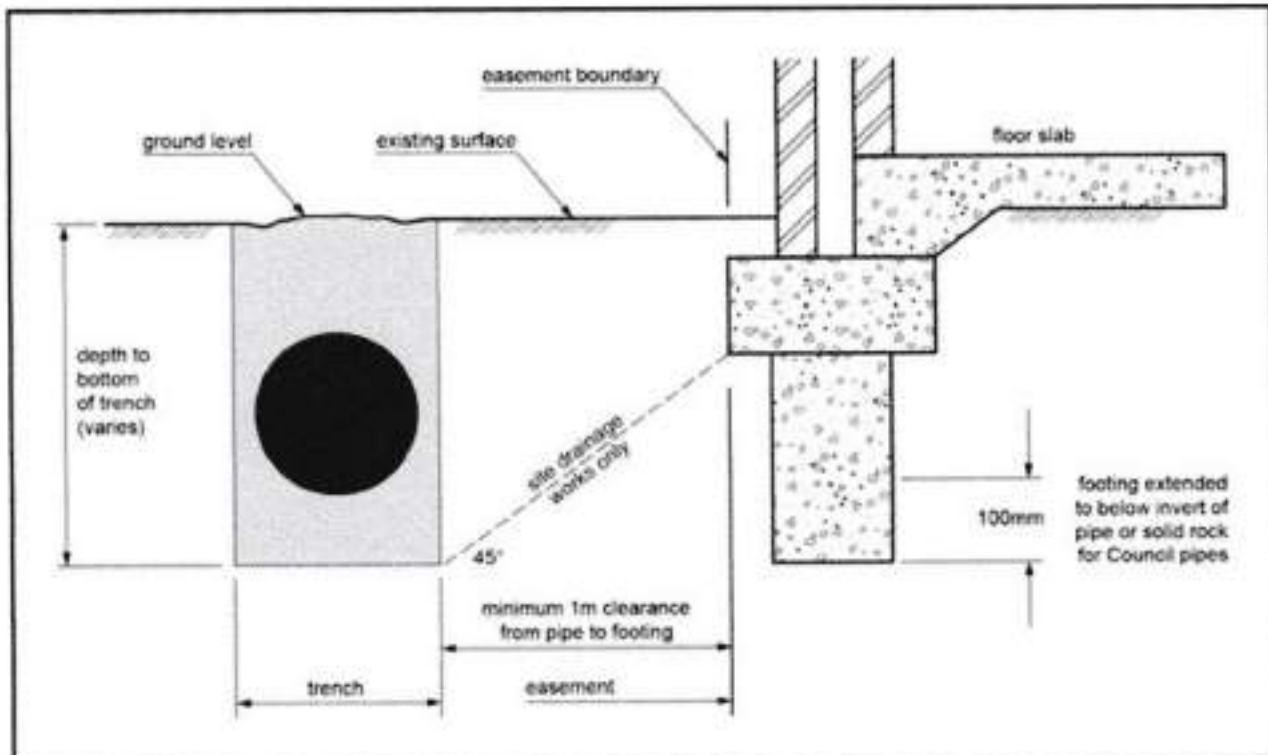


Figure 7.4.7a—Building near and over stormwater and subsoil drains

The delegate Mr Joel Wake did not make an information request to David Manteit to prepare a stormwater plan for 128 Ashridge Rd Darra, as he did on the case of 143 Wakefield St Bald Hills, on 4-4-18.

The Council designed the red line. The Council is therefore responsible for the damages of the applicant should the red line not being able to be constructed.

The Stormwater line cannot be built as per Council's own guidelines.

Council refuse to supply a copy of the **Easement document**, which is a requirement of 7.4.7.

Should the information not be provided by Wednesday 13-11-24, David Manteit shall lodge an application to Court for specific performance and damages.

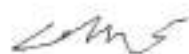
Specific performance to supply the said information which currently prevents David Manteit from construction of the red line.

Damages since the due date for the Delegate to provide an information request to David Manteit to provide a stormwater plan. The interest rate of 12.75% compounded daily of purchase price and stamp duty shall be applied. **Approx \$35,797.43 to 11-11-24.**

I await your advices by Wednesday 13-11-24 .

Court action shall be lodged to Council and Joel Wake personally, on or after 18-11-24.

Regards



DAVID MANTEIT