

Fw: 128 AHRIDGE RD DARRA A 006565555

From david manteit <davidmanteit@hotmail.com>

Date Fri 11/10/24 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>

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 -

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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

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 them?" 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



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; preserve the rights of upstream owners

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

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

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

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

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

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.

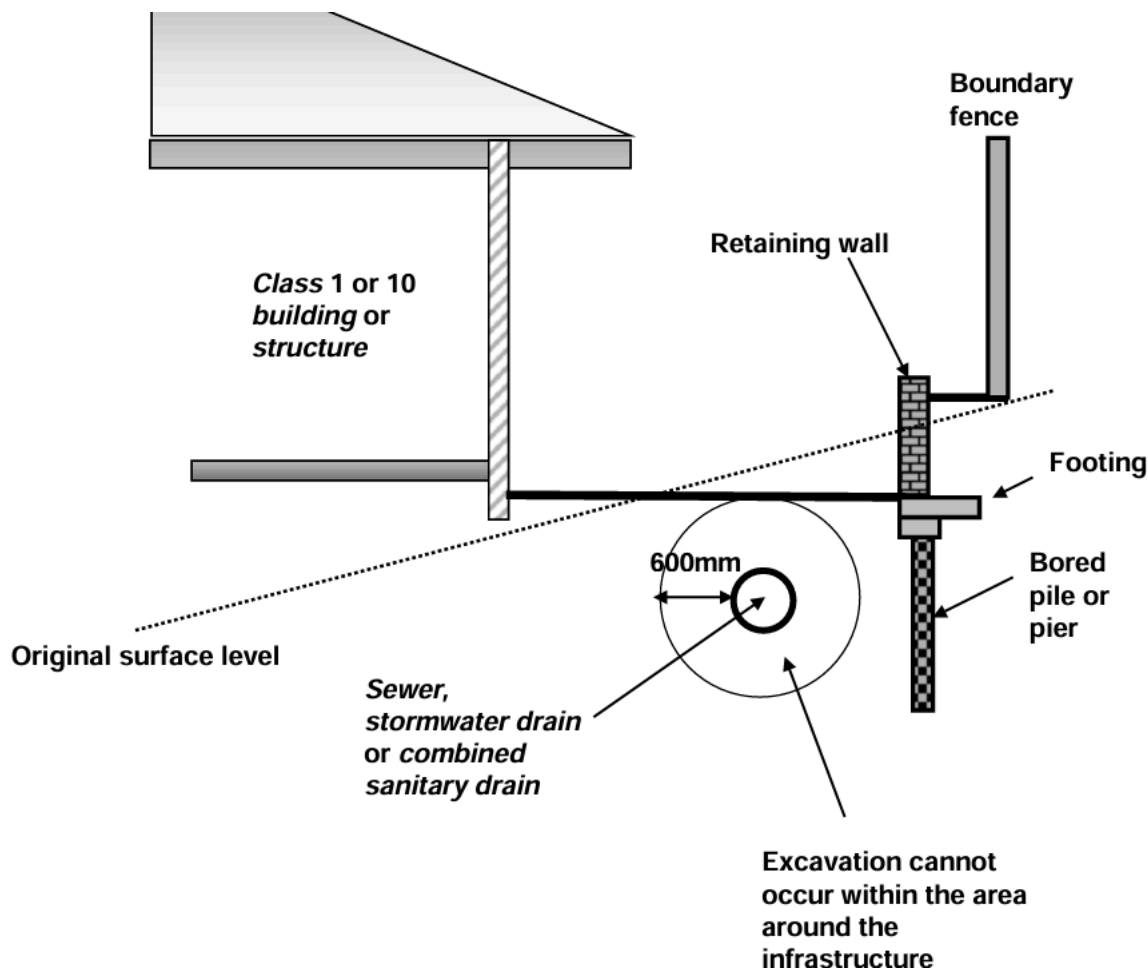
Council have invented and designed the stormwater pipe and prepared the plan themselves, so the onus is on BCC to provide answers to the following questions.

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

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.

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
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