

QUEENSLAND

Oaths Act 1867

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.

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 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>; lucy.ting@brisbane.qld.gov.au <lucy.ting@brisbane.qld.gov.au>; Scott Ruhland <scott.ruhland@brisbane.qld.gov.au>
Subject: Fw: 128 AHRIDGE RD DARRA A 006565555

Att Paul, City Legal

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

I spoke to a Paul of City Legal today.

I informed him that I need -

1) A copy of the easement document for stormwater which is council responsibility to prepare..

2) Response to the questions in writing I emailed Council on 1/10/4 regarding the proposed stormwater easement.

Council have failed to send a response after 10 days.

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

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

- Extension of time of 20 business days to lodge a S75 representations,

after notice given.

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:

 128 Ashridge Rd Letter 10-10-24	10/10/2024 9:37 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 10:13 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*.*

DECLARED by

David Manteit.....



signature of declarant

at Brisbane.....

25/10/24

[date]

Signed for and at the direction of the declarant by*



25/10/2024

In the presence of:

Charmaine Annette Thompson
[insert full name of witness]

Justice of the Peace Qualifd
[insert type of witness]



28/10/2024

[date]

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 Cabe 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

128 ASHRIDGE RD DARRA FURTHER QUESTIONS DAVID MANTEIT

letter 21-10-24.pdf

david manteit

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

Cc: Margaret Orr; Joel Wake; tom.gibbs@brisbane.qld.gov.au; Zarndra Piper; Scott Ruhland; lucy.ting@brisbane.qld.gov.au

Mon 21/10/2024 12:50 AM

You forwarded this message on Mon 21/10/2024 4:06 PM

letter 21-10-24.pdf
408 KB

Letter attached.

Yours Faithfully

128 ASHRIDGE RD DARRA A006565555 DRIVEWAY ^

 letter ...10-24.pdf

david manteit 

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

Cc: Joel Wake; Margaret Orr; tom.gibbs@brisbane.qld.gov.au; Scott Ruhland; lucy.ting@brisbane.qld.gov.au; Emma Mezzina; Margaret Orr; CPAS-DS-PlanningSupport

 letter council 16-10-24.pdf  314 KB

Letter attached.

Responce required by 12 pm today.

10/21/24, 9:39 PM Mail - david manteit - Outlook

 Outlook

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

From david manteit <davidmanteit@hotmail.com>
Date Fri 11/10/2024 4:26 PM
To city.legal@brisbane.qld.gov.au <city.legal@brisbane.qld.gov.au>

 1 attachments (2 MB)
Letter 10-10-24.pdf;

Att Paul

FYI

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.

David Manteit
82 Rowe Tce
Darra 4076

21/10/24

The Manager
Brisbane City Council

Att

City Legal
Margaret Orr
Tom Gibbs
Zarndra 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 assed.

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."

If 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 Development 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 guarantee 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
Zarndra 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).

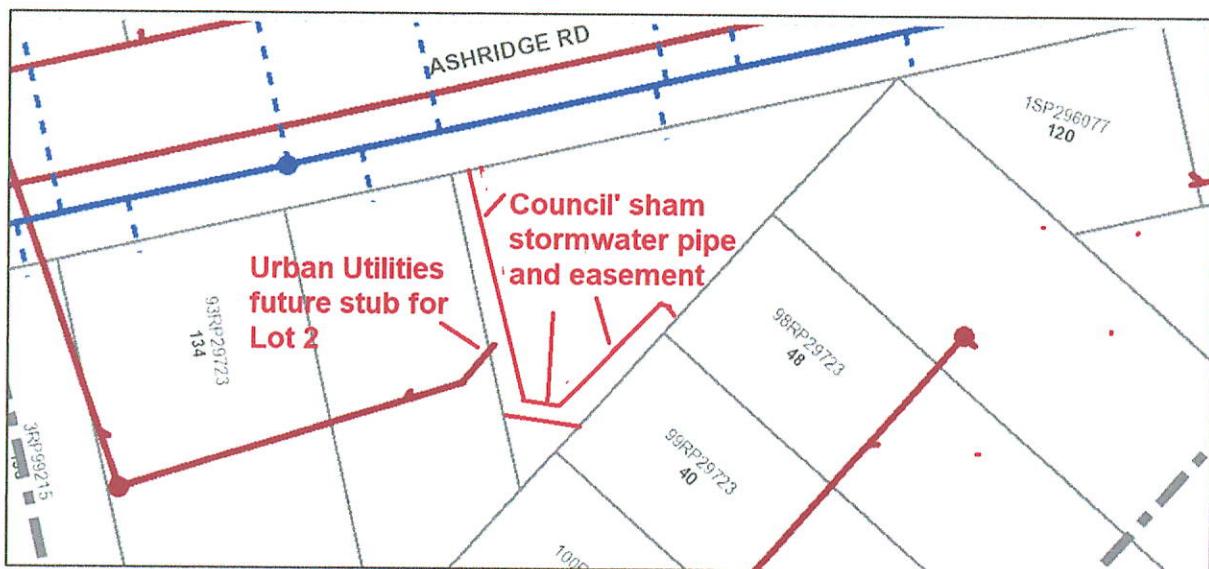
It appears that on this topic alone , your requirement for a stormwater pipe is doomed. Let alone sham fall calculations as previously provided plus your sham triangle plus your sham fill. The list is endless.

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

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
Zarndra 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 business.

Engineering

7) Grant Easements

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

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

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

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

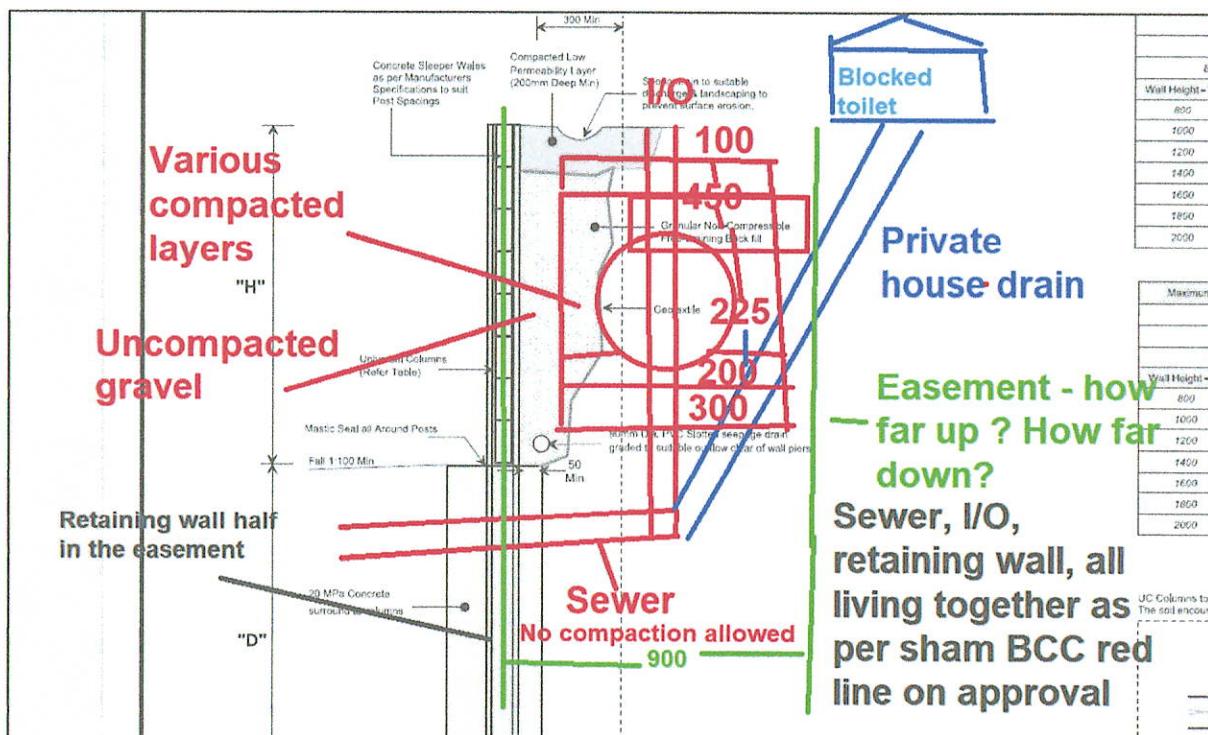
7(a) Submit Plan of Subdivision and Documentation (Council Easement in Gross)

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

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

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

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 coexist, 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.

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

City Legal

Att Paul, City Legal

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I informed him that I need -

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

Council have failed to send a response after 10 days.

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

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

- Extension of time of 20 business days to lodge a S75 representations, after notice given.

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
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 - (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—
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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
Zarndra 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>; Zarndra Piper <Zarndra.Piper@brisbane.qld.gov.au>; CPAS-DS-PlanningSupport <DSPlanningSupport@brisbane.qld.gov.au>

Good afternoon David

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

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

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

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

Thank you

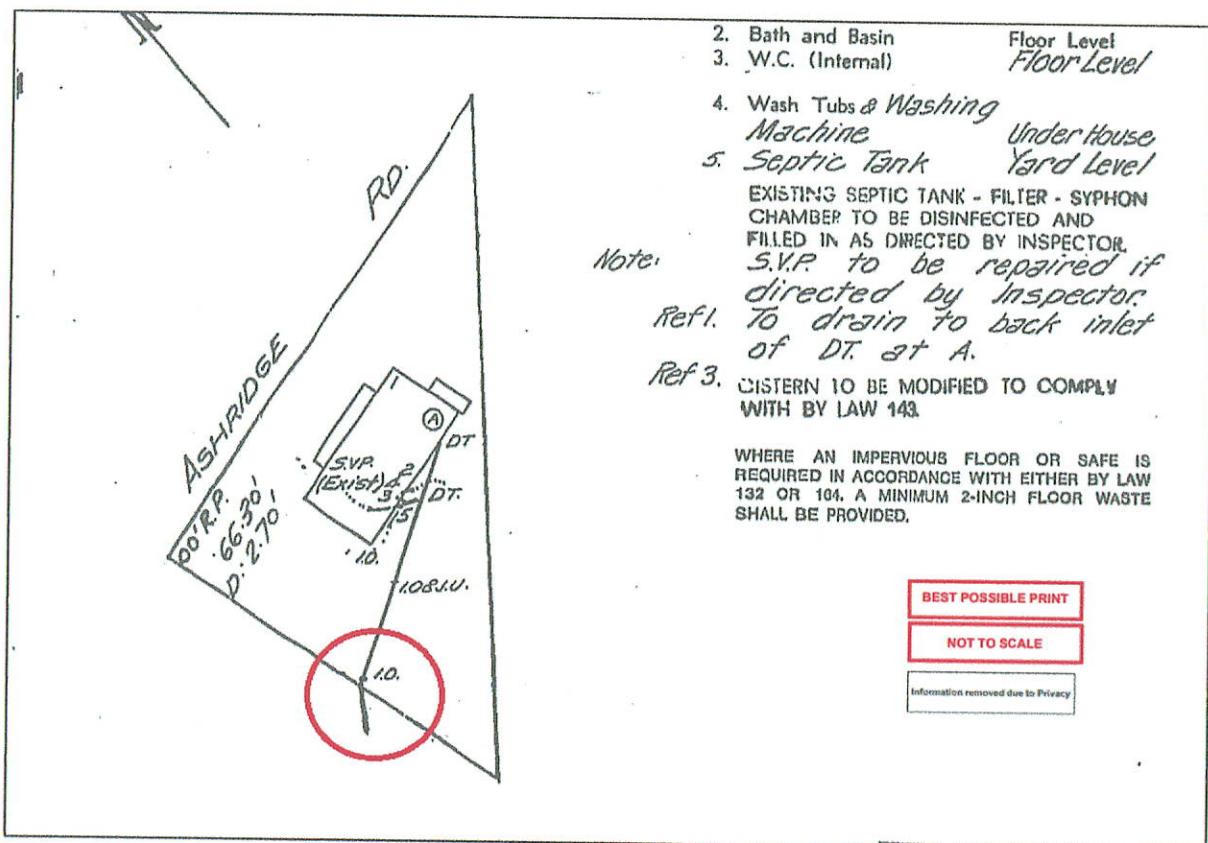
Kind regards

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

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

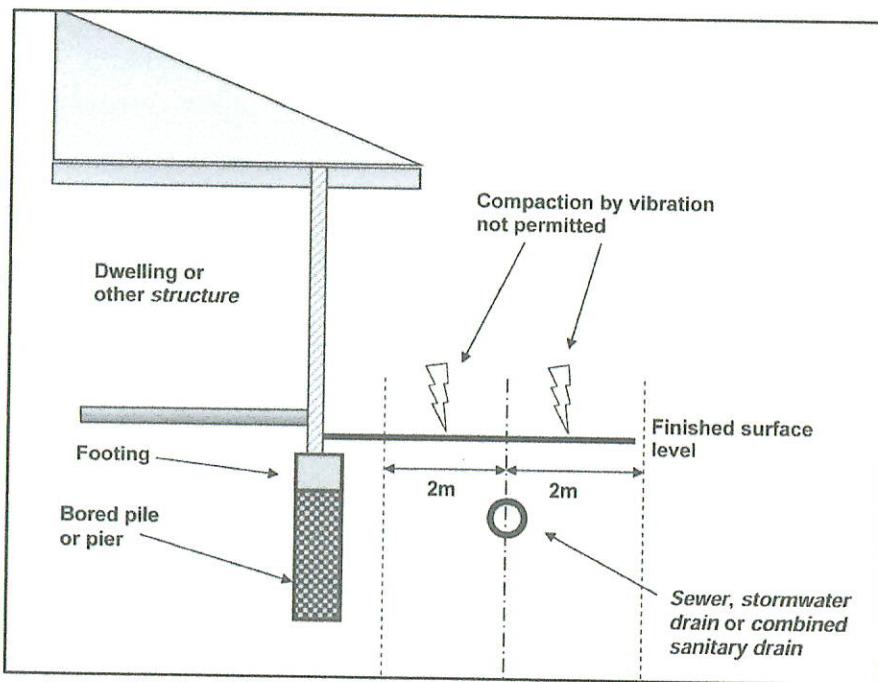
"Council's delegate took all assessment matters into account"

"Assessed by Council's Development Services Team"

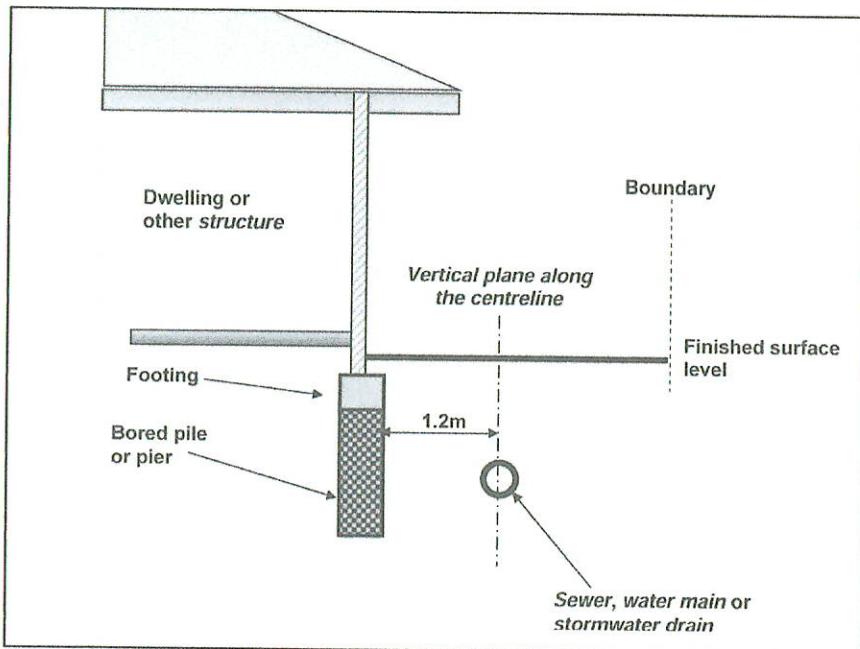


Above – extract of sewer/private drain I/O 128 Ashridge Rd Darra

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



Above – Extract of Queensland Development Code.



Above – Extract of Queensland Development Code.

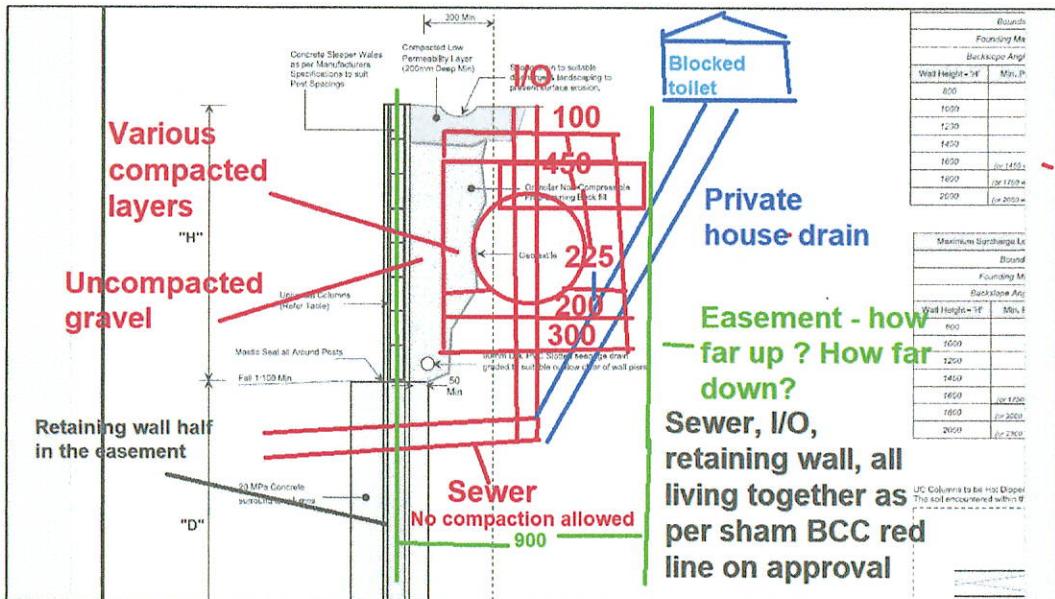
**“Took all assessment matters into account –
Margaret Orr , Brisbane City Council**

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

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



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.



S 75 Notice David Manteit 128 Ashridge Rd Darra

From david manteit <davidmanteit@hotmail.com>

Date Thu 24/10/2024 1:24 PM

To sarah.mccabe2@brisbane.qld.gov.au <sarah.mccabe2@brisbane.qld.gov.au>; Margaret Orr <Margaret.Orr@brisbane.qld.gov.au>; Joel Wake <joel.wake@brisbane.qld.gov.au>; city.legal@brisbane.qld.gov.au <city.legal@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>

1 attachments (100 KB)

S75 Notice David Manteit 24-10-24.pdf;

Dear Sirs

S75 Notice attached.

Please acknowledge like every other solicitor would, in Brisbane.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'D Manteit'.

David Manteit

CEO

0424 739 923

howtowineeveryday.com.au



PLANNING ACT 2016 - SECT 75

David Manteit V Brisbane City Council 266 George St Brisbane.

A006565555

I, David Manteit hereby give Notice under S75 of the Planning Act.

Council will note –

Any representation I make to Council may or may not be rescinded by myself or from orders made by the Court based on the Court's decision on 18/11/24 or extension of the decision or case.

Any Negotiated Decision Notice made by Brisbane City Council before the outcome of directions of the Court may be rescinded by the Court.

Any "Without Prejudice" discussions are welcome, for the sake of reducing the final costs and damages claim by David Manteit.

It is strongly encouraged for Council to start responding to questions previously asked and are asked in this period before the Court Case.

The longer Council refuses to respond to past questions and future questions will end up in major damages awarded to myself and cause the ratepayers an unnecessary bill. The bill is over \$20,000 currently. I have tried my best to cooperate. You have not cooperated in any way shape or form.

It has been 13 weeks since application Properly made on 23/7/24

No information request given.

No request for extension by either party.

23 days since questions have been asked re the approval and no response.

Aleged Council Solicitor Sara McCabe refuse to acknowlege the warning of Legal Action email of 11/10/24 which is worthy of strike off action as a solicitor to Brisbane City Council and this case and the Law Society. A letter to the Planning Court will be lodged, reflecting same.. Council does not respond to emails to city.legal@brisbane.qld.gov.au. These facts alone are all a matter of public interest to ratepayers and Brisbaneites and should be published.

This Notice will be published on any website or publication I may choose.

SIGNED:



DAVID MANTEIT 24/10/24

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

Good afternoon David

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

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

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

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

Thank you

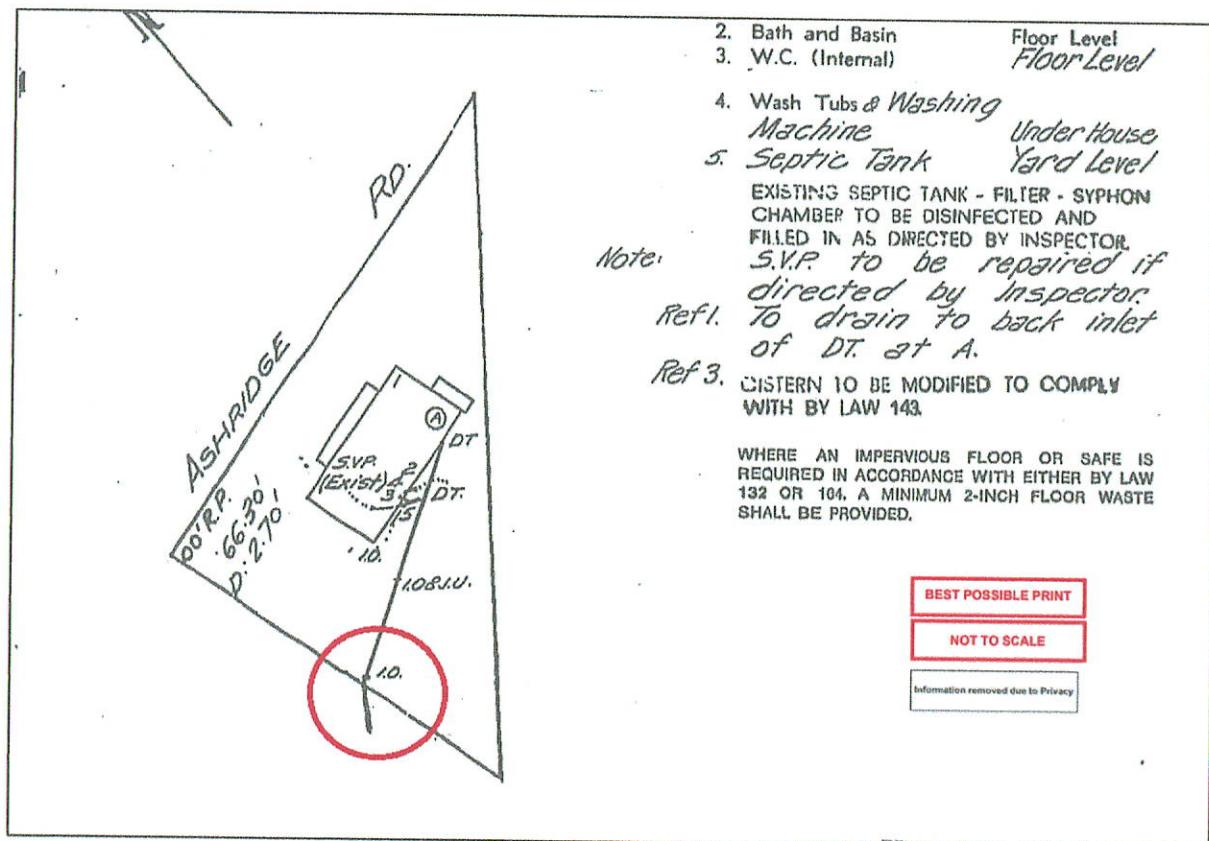
Kind regards

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

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

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

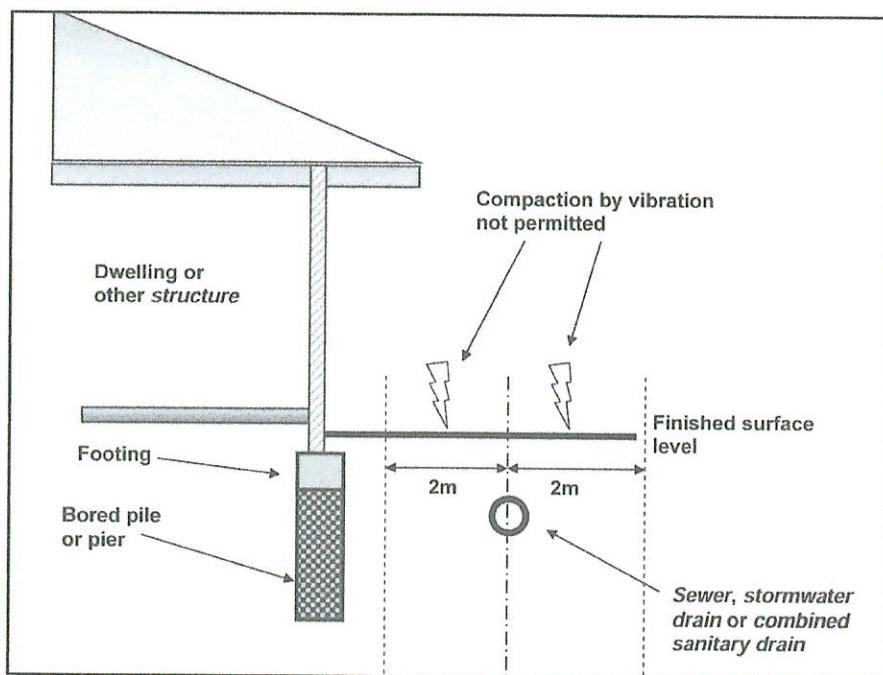
"Assessed by Council's Development Services Team"



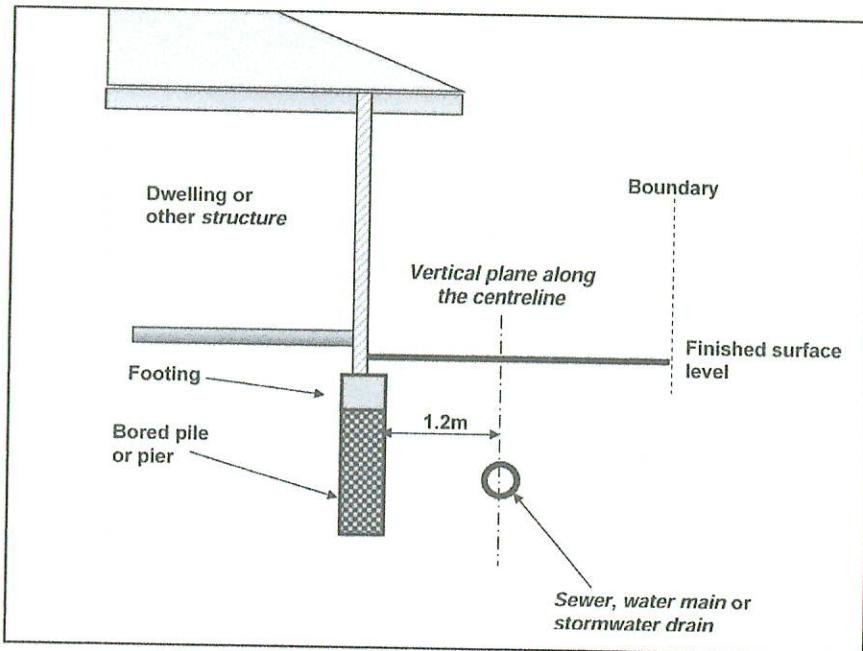
Above – extract of sewer/private drain I/O 128 Ashridge Rd Darra

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



Above – Extract of Queensland Development Code.



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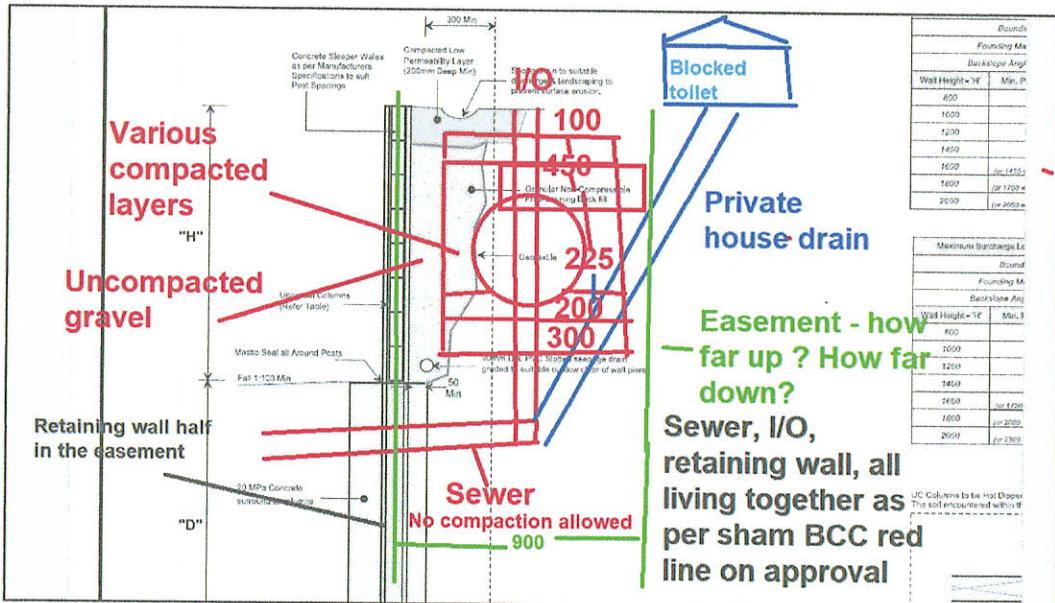
**“Took all assessment matters into account –
Margaret Orr , Brisbane City Council**

Margaret Orr

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

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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.

Please provide you affidavit and/or written advice by 5pm Friday 25/10/24.

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

Yours Faithfully



DAVID MANTEIT – APPLICANT