

AFFIDAVIT

Planning and Environment Court

David Manteit V Brisbane City Council 2916/24

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

Attachment "A" Correspondence to Council 27-1-25, pages 1-36.

Signed:



Deponent:

DAVID MANTEIT

Taken by:



Justice of the Peace 28/01/2025

Affirmed by David Manteit on

In the presence of

PETER SPENSER WILLIAMS
JP (Qual)

Signed:



Deponent:

DAVID MANTEIT



28/01/2025

C/- JP Branch
Lvl 6/154 Melbourne Street
South Brisbane QLD 4101
Ph: 1300 301 147
E: jp@justice.qld.gov.au

AFFIDAVIT

David Manteit
82 Rowe Tce Darra 4076
Ph 0424739923
Email davidmanteit@hotmail.com



Planning and Environment Court

David Manteit V Brisbane City Council 2916/24

Attachment "A" referred to in the
Affidavit of David Manteit

Correspondence to Council 27-1-24, Pages 1-36.



ASL Willy
28/01/2025

pa

ak

David Manteit
82 Rowe Tce
Darra 4076

27/1/25

The Chief Executive
Brisbane City Council
266 George St Brisbane 4000

Att Ms Sara McCabe

DAVID MANTEIT V BRISBANE CITY COUNCIL 2916/24

THE ORDER OF LAW PERTAINING TO DISPUTED CONDITIONS 7,12,17,18,24 AND OTHER

Position

This letter is a revision of letter sent 22/1/25 and reflects my current position prior to Council's requirement for responses to the order made 12/12/24 . This letter will be produced in affidavit form and lodged with the Planning Court.

Council's current expertise on the law of this case as demonstrated

To date, Council refuses/has not demonstrated to acknowledge or has any knowledge of the procedure of the law of assessment of the approved plans and conditions, in this matter, whatsoever, in my view.

I have tabled the **order of law of assessment**, for this matter, in this letter. There is no other method. Nobody can escape from following Council laws, of which Council staff, DST, and Counsel seem to have any knowledge of, or understand.

This is before taking into account any simple calculations, that are embedded in Brisbane Standard drawings, eg BSD 8111 (eg, gradient of pipe = depth / length of pipe).

The Development Services Team, licenced or unlicenced, are now the subject of a complaint to the the Board of Engineers Queensland, for infringements, and offences under Schedule 2 and S115 of the Professional Engineers Act 2002.

The Development Services Team, licenced or unlicenced, have been reported to the Crime and Conduct Commission for offences under S15 (1) of the Crime and Corruption Act 2001.

As for Sara McCabe. That person can't even spell a party's name, and forces Planning Court staff to sign orders with the wrong party name on the order. I shudder to think what the honourable judge and Deputy Registrar response will be. That is a matter for them. I have my own proposed remedies. The legal mistakes pile up, including affidavits and statements, by Ms McCabe and whether intentional or not, is another matter, indicate that they go beyond mere administrative type of errors on their own, but appear intentional, as a whole.

There are too many mistakes that are directly pitted against myself, the appellant, to be considered as simple typographical errors.



If you/Council don't have someone knowledgeable/expert in the law pertaining to the assessment of this matter, preparatio of honest affidavits, plus preparation of Court orders, get someone else and stop wasting all partie's time, and damages claims in other Courts, (currently on foot).

In the Planning and Environment Court Held at: Brisbane		Appeal No. 2916 of 2024
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> 12 Between: FILED And: </div>	DAVID MANETIT BRISBANE CITY COUNCIL	Appellant Respondent

ORDER

Before: His Honour Judge Williamson KC
 Date of Hearing: 12 December 2024
 Date of Order: 12 December 2024

UPON THE COURT BEING SATISFIED THAT there has been substantial compliance with the provisions of the *Planning Act 2016* with respect to service of the Notice of Appeal.

IT IS ORDERED THAT:

1. The disputed conditions are conditions 7, 12, 17, 18 and 24 of the Respondent's conditions package dated 25 September 2024 and associated notations in red on the Plan of Subdivision Drawing Number SK01 and amended in red by Council on 20 September 2024 (**Disputed Conditions**).
2. By 31 January 2025, the Respondent is to file and serve a particularised list of reasons why the Disputed Conditions ought to be imposed, or any alternative conditions proposed by the Respondent in place of the Disputed Conditions.
- ~~3. By 7 February 2025, each party shall deliver a list specifying the name, field of expertise and contact details for each expert that party proposes to call to give evidence at the hearing of the Appeal.~~

3. *✓* The appeal be listed for review on 12 February 2025, before Judge Williamson KC.

Filed on:	12 December 2024
Filed by:	City Legal – Brisbane City Council
Service address:	Level 20, 266 George Street

ORDER
 Filed on behalf of the Respondent
 Form PEC-07

CITY LEGAL
 Level 20, 266 George Street
 BRISBANE QLD 4000
 Telephone: (07) 3178 5581
 Facsimile: (07) 3334 0058
 Email: sarah.mccabe2@brisbane.qld.gov.au


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Phone: (07) 3178 5581
 Fax: (07) 3334 0058
 Email: sarah.mccabe2@brisbane.qld.gov.au

BRISBANE QLD 4000

 Registrar

Orders made by the Planning Court on 12/12/24. The orders were requested by Sara McCabe. The orders were not consent orders.

 PEA2916.24 – Affidavit of SJ McCabe – 01.11.2024.pdf

(d) no information request was made by Council;



(e) on 25 September 2024, Council made its decision to approve the Development Application subject to development conditions and a proposal plan which had been amended in red (Decision);

(f) on 26 September 2024, Council provided its decision notice to the Applicant (Decision Notice);

(g) on 24 October 2024, the Applicant provided a notice to Council titled 'PLANNING ACT 2016 – SECT 75'.

8. Documents 1 to 14 of SJM-01 to this affidavit is a paginated, indexed bundle of the Development Application documents that appear in Council's records.

9. To the best of my knowledge and belief, as at the date of swearing this affidavit, the Council has not yet decided the Development Application.

Deponent:  Solicitor: 

Affidavit of Sara McCabe 1/11/24' "At the date of swearing this affidavit, the Council has not yet decided the Development Application". Not true.

Application to Court Sara McCabe 1/11/24

AND: **BRISBANE CITY COUNCIL** Respondent

APPLICATION IN PENDING PROCEEDING


Filed on 1 November 2024

Filed by: City Legal – Brisbane City Council
Service address: Level 20, Brisbane Square
266 George Street, Brisbane QLD 4000
GPO Box 1434, Brisbane QLD 4001
Phone: (07) 3178 5551
Fax: (07) 3334 0058
Email: sarah.mccabe2@brisbane.qld.gov.au

BRISBANE CITY COUNCIL, of City Legal – Brisbane City Council, Level 20, Brisbane Square, 266 George Street, Brisbane applies to the Planning and Environment Court at Brisbane for:

6. On 26 September 2024, the Respondent provided its decision notice to the Applicant.

1/11/24 McCabe says provided 25/9/24

 APPLICATION IN PENDING PROCEEDING
Filed on behalf of the Respondent
FILED PEC-3

CITY LEGAL – BRISBANE CITY COUNCIL
Level 20, 266 George Street
BRISBANE QLD 4000
Tel: 07 3178 5551
Fax: 07 3334 0058
Email: sarah.mccabe2@brisbane.qld.gov.au

Above - Statement by Sara McCabe 1/11/24.

Affidavit by Sara McCabe 1/11/24

AFFIDAVIT

I, **SARAH JANE MCCABE** of 266 George Street, Brisbane, in the State of Queensland, being under oath say:

1. I am employed as a Legal Counsel for City Legal and I have conduct of this originating

1/11/24 Affidavit McCabe says provided 26/9/24

(f) on 26 September 2024, Council provided its decision notice to the Applicant (Decision Notice);

Sara McCabe of Brisbane City Council says different date, 25/9/24 and 26/9/24, on the same day.

Above - Affidavit by Sara McCabe 1/11/24.





I request a response to myself from City Legal why all these incorrect statements were made, and the reasons why these statements were made, being incorrect.

Please advise why Sara McCabe has not requested to anyone including the Planning Court to take corrective action to correct the Court Order 12/12/24 appellant name.

Please advise how long you insist on defaming my name and the good name of the Judge and the Registrar.

Sara McCabe was informed of this error by myself on 22/1/25, but still refuses to acknowledge the error, or request the court to take corrective action.

Sara McCabe is an officer of the Court and has a duty to inform the Court of errors as soon as possible.

Why has Sara McCabe refused to acknowledge this mistake, after 46 days?

Audit of Brisbane City Council reconfigure a lot cases 1/12/24 to 31/12/24.

I have carried out an audit, sent to you on 20-1-25. As described, I have studied the approved plans and conditions of 412 decided reconfigure a lot cases. The parameters of the report are listed in that report.

I can now be provided as a witness to a Court, for comment, on any of these 412 cases.

The findings, which are listed individually under each case and are methodically spelt out and discussed in detail where required, under each case heading.

Summary of the findings are (and also pertaining to 128 Ashridge Rd Darra) –

1) There is ample evidence of Development Services Team (DST), Council staff for A006565555 have performed engineering and committed offences under -

Schedule 2 and S115 of the Professional Engineers Act 2002.

S 15 (1) of the Crime and Conduct Act 2001.

The evidence of unsatisfactory professional conduct, of a registered professional engineer, (including unregistered and unsupervised) is not only littered throughout my report of 20-1-25 but in virtually every item of correspondence sent to Council staff (DST Team) prior to Court applications dates and in affidavits lodged with the Planning and Environment Court. (And the refusal of Council staff to provide engineering information.)

The CCC gave certain Councils a wake up call/warning in December 2020 to stop local government performing engineering, which is unlicensed, which is therefore classed as "corrupt conduct".

This information/factsheet by CCC is relevant for this Planning Court Case, and is basically a cookie cutter for assessment of this case.

This fact sheet is currently online on the CCC website for the world to see. "This factsheet explains when the work of engineers could be corrupt conduct"





Brisbane City Council have not heeded the 2020 warning by the CCC.

It is found in the report dated 20-1-25 –

Positive

Many Council staff members (DST) issued information requests to applicants (even twice) (As listed in the report).

Most conditions issued were standard conditions with reference to instructions for applicant's engineers to use Council Codes and Planning Scheme Policies in the applicant RPEQ engineering final design.

Other conditions issued were conditioned/embedded with Council approved Applicant's engineering plan.(not Council's engineering plan).

Some staff members gave the applicant an offer for Council to amend plans in red. (17 Leslie St Nundah).

Many Council staff members stated/referred to Brisbane Standard Drawings, which is the correct procedure, as in Henderson V Brisbane City Council, Planning and Environment Court 4139/18. ("BSD 8111, 8112").

None of these positive Council staff (DST) procedures on their own will cause damages actions to Council, in my view.

No complete engineering of Upstream Drainage and Onsite Drainage stormwater by any Council staff (DST) has been sighted in any cases other than 128 Ashridge Rd Darra.

Many DA approved examples of right angle dog leg Upstream pipe engineering rather than sham triangle (as in 128 Ashridge Rd Darra), have been found in the report including 68 Molonga Tce Graceville change applications (2) in the calendar year that used source document (approved plan) of Planning and Environment Court Henderson V Brisbane City Council 4319/18.

The mentioning of the word "Minimum" on occasions, instead of exact wording.(eg, minimum gradient). This practice is the Council's saving grace that helps Council to thwart a legal challenge by any DA applicant.

Negative

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Some staff members parroted off the already Council approved DA applicant engineer's drawings unnecessarily. A waste of time by Council staff, but no damages ramifications to Council and Council staff (DST) in my view, as long as the red lines are a mirror image of the applicant engineer plans.

Some staff members demonstrated lack of knowledge about minor fill across a verge, when a mention of BSD 8114 and BSD 8111 would have sufficed. Possible unnecessary damages ramifications in my view.

Many mentions of 225mm pipe (exact) on plan and sometimes in conditions, in contrast to "minimum 225 pipe" In the same condition of the approval plus BSD 8111, and Table 7.2.31, and S 7.6.5. Major damages ramifications of Council staff becoming engineers unnecessarily, and limiting of applicant RPEQ design drawings due to S84 of the Building Act and forcing by Council for the applicant to be non-complaint with Council's own laws.

The mentionings of exact pipe size is dangerous . This is an item of concern for the Crime and Corruption Commission. Plain old unsatisfactory professional conduct, of a registered professional engineer, schedule 2 and S115 of the Professional Engineers Act, 2002. Possible offence under S15 (1) of the Crime and Corruption Act 2001.

How can a Council staff, (DTS) licenced or unlicenced state "exact" 225mm pipe when this is limiting in design and against the approval condition of minimum 225mm in 3 other Council own laws? Mind boggling.

Some other minor design comments on plan. Unnecessary, mostly.

There is an overall concern that due to the massive number of DTS assessment officers, there does not seem to be any consistency of assessment whatsoever in the approvals. It appears that Council give no training to assessment officers whatsoever in regards to general assessment plus legal ramifications.

Disaster – 128 Ashridge Rd Darra

Abundance of evidence of alleged offences by Council Development Services Team staff member unsatisfactory professional conduct, from a registered professional engineer, and grounds for offences of unlicenced performance by Council staff of engineering of Stormwater, Fill, and driveway of 128 Ashridge Rd Darra, which has now caused damages actions in other Courts.

A summary of the unsatisfactory professional conduct -

128 Ashridge Rd Darra approval documents.

There is a complete engineering design by drawing of Upstream and Onsite Drainage, being 6 red stormwater lines (pipes), (70 metres), pits (6), and kerb crossings (2) , except the following -

- (a) missing engineering and
- (b) non-compliant/non- conforming/unlawful engineering design .

Missing

- No surface or invert levels of 6 pits and 6 pipes provided in the engineering, as amended on the plan.




Refer Stormwater Code P03, P11, Brisbane Planning scheme Policy S6.16, Chapter 7, Stormwater Drainage, S7.2.3, Table 7.2.3.A, S7.6.5, S7.6.3.1, Brisbane Standard Drawings BSD 8111, BSD 8112, BSD 8113, BSD 8114.

- No associated engineering provided for S 7 easement and zone of influence of retaining wall, sewer, etc. including Council build over or near Council infrastructure, easement, zone of influence, S 7.4.7 Build over or near Council infrastructure and QDC MP1.4.
- No quantity or location of DST Council staff engineered "fill the site" system. S7.2.3, Table 7.2.3.A, S7.6.5, S7.6.3.1, BSD 8111, BSD 8112, BSD 8113, BSD 8114 and the Filling and Excavation Code.

Non-compliant

- Drawing of sham triangle pipe for Upstream Drainage at right rear being non-compliant with Stormwater Code P11, Brisbane Planning Scheme Policies S 7.2.3, Table S7.2.3A, S7.6.5, S 7.4.7 and BSD 8111.

Evidence – DA cases of four right angle dog leg cases precedence as listed in the 20-1-25 CCC report, eg, 21 Gabwina St Fig Tree Pocket, plus Planning and Environment Court Henderson V Brisbane City Council 4139/18. No Upstream Drainage cases show a sham triangle, except 128 Ashridge Rd Darra.

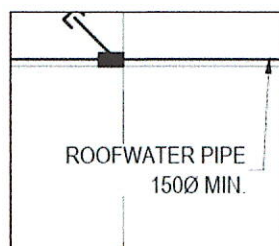
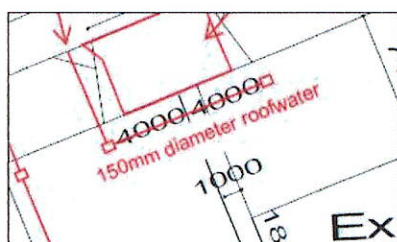
68 Molonga Tce Graceville -Stated by Council – BSD 8111, 8112.

Specifically Roger Greenway (typo of his name mentioned twice?, probably unsatisfactory professional conduct, of a registered professional engineer) was a stated Council engineer in that case, where Council drew/engineered/amended in red the right angle dog leg stormwater pipe. This case is similar to 128 Ashridge Rd Darra, except it was approved as a right angle, instead of a sham triangle). This Council engineered design was agreed with the applicant, by consent orders.

Council staff engineered and designed this right angled stormwater pipe. Planning and Enviroment Court case law 4139/2018. No sham triangle.

- **Upstream Drainage** - Council staff (DST) engineered system does not comply with "That part of the lot that would drain through the Development" required under Planning Scheme Policy S 7.6.5. Non-compliant. This Council staff (DST) engineered system is charged by around 1 metre at the kerb. Non-compliant with Planning Scheme Policy S 7.6.5 and BSD 8111, 8112, 8113, 8114. Unsatisfactory professional conduct of a registered engineer, Shedule 2 and S115 of the Profesional Engineers Act 2002.
- **Onsite Drainage** - Drawing of kerb adaptor to the Council staff (DST) engineered Onsite Drainage being 5.1 metres (instead of 500mm) further up from the lowest part of the kerb, being non-compliant with BSD 8111. Costing the applicant over \$172,000 in extra costs and damages. Unsatisfactory professional conduct of a registered engineer, Shedule 2 and S115 of the Profesional Engineers Act 2002.

- Drawing of Council staff (DST) engineered **Onsite Drainage** 2 pits, 4 metres away from lot boundaries being non-compliant with S7.2.3 and BSD 8111. Unsatisfactory professional conduct of a registered engineer, Schedule 2 and S115 of the Professional Engineers Act 2002.
- Drawing of “150” pipe for engineering of **Onsite Drainage** being exact and not “minimum 150”, being non-complaint with wording of S7.2.3, Table S7.2.3A, S7.6.3.1 and BSD 8111. Unsatisfactory professional conduct of a registered engineer, Shedule 2 and S115 of the Profesional Engineers Act 2002.



- Issuing of **Fill conditions in S12,17,18**, being a Council staff (DST) engineered fill system that are non-compliant with Stormwater Code, Brisbane Planning Scheme Policies S7.2.3, S7.6.5, S7.6.3.1, and BSD 8111, due to no detail provided and fill not being required for lawful point of discharge. Unsatisfactory professional conduct of a registered engineer, Shedule 2 and S115 of the Profesional Engineers Act 2002.
- Conflict between Conditions 12,17,18 “Fill the site” and note on plan “Retaining walls must be setback from the boundary. Unsatisfactory professional conduct of a registered engineer, Shedule 2 and S115 of the Profesional Engineers Act 2002.
- Fill the site condition is usually only specified when there is fall back from the front boundary, as per 116 Quirinal Cr Seven Hills, David Manteit, applicant. Council normally allow batter 1:4 after that. In the case of 128 Ashrdidge Rd Darra, David Manteit has demonstrated there is not a teaspoon of fill required for lawful point of discharge.

- **Bizarre Council requirements in S12,17,18 “Fill the site to achieve/enable lawful point of discharge”, when Council staff have already designed the Onsite drainage complete system themselves without fill !!!!!!!!!!!**

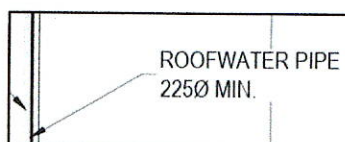
Council staff (DST) blunder. Unsatisfactory professional conduct of a registered engineer, Shedule 2 and S115 of the Profesional Engineers Act 2002.

- **Multiple bizarre typographical errors**, doubling up of exactly the same words with S12, S17, S18. Non-compliant with Stormwater Code P03, P11, BSD 8111, BSD 8113, BSD 8114, S7.2.3, Table 7.2.3A, S7.6.3.1 and Planning Scheme Policies S 7.6.5, S 7.2.3, Table A of S7.2.3, S7.4.7.

Council staff (DST) blunders. Unsatisfactory professional conduct of a registered engineer, Shedule 2 and S115 of the Profesional Engineers Act 2002.

- Council conflict of **225mm pipe (exact)** amendment in red on the plan, for Upstream Drainage, being in conflict with “minimum pipe size ” of condition stated in approval condition, BSD 8111 and Brisbane Planning Scheme Policy S 7.6.5, and table 7.3.2.A. Council staff blunder. Unsatisfactory professional conduct of a registered engineer, Shedule 2 and S115 of the Profesional Engineers Act 2002.

225mm diameter upslope connection pipe with 0.9m wide drainage easement



BSD 8111.

- (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.

S7.6.5

- Table 7.2.3.A calls for a minimum 225mm pipe, not “exact 225mm pipe.

Table 7.2.3.A— Minimum size of roof-water lines for low density residential development

No. of lots (nominal 250m ² roof area at each lot)	Minimum pipe diameter	Easement width	Minimum pipe slope
1–2	150mm	Not required	1%
3–4	225mm	1.5m	0.5%
5–6	300mm	1.5m	0.5%

Note—The design flow shown for sizing roof-water lines is greater than QUDM due to the fact that the majority of new housing products in Brisbane achieve roof areas consistently greater than 180m².

- Council staff (DST) conflict of **900 mm (exact)** easement amendment in red in conflict with “minimum 900 mm ” in condition wording. Council own blunder. Refer BSD 8111. Unsatisfactory professional conduct of a registered engineer, Shedule 2 and S115 of the Profesional Engineers Act 2002.

225mm diameter upslope connection pipe with 0.9m wide drainage easement

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) d

- Use of “Upstream” word when this word is not found in the Stormwater Code, Planning Scheme policies, or BSD drawings. “Upslope” is the correct word. Although both words are not in the dictionary section of City Plan 2014. Unsatisfactory professional conduct of a registered engineer, Shedule 2 and S115 of the Profesional Engineers Act 2002.

no

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68 Molonga Tce Graceville.

There are two minor change applications in the report dated that were S81 minor change applications which referred to previous Planning and Environment Court 4319/18. Consent orders were made. Council in that Court order drew a red Upstream right angled stormwater line to the rear neighbour.

It is assumed in the report that in respect of 68 Molonga Tce Graceville there was **agreement between the applicant and Council**, due to being **consent orders**.

It is one of the questions in the report as to whether Council and applicant had **agreement that Council would amend the final approved plan in red, instead of the applicant**. This sometimes happens. An agreement was offered by Council to amend in red in 17 Leslie St Nundah.

This **evidence of agreement** by the applicant on file for a future owner to search, of Development I is not always available. Future owners therefore assume there was no agreement and this simply exposes Council to damages claims by future owners.

The sham triangle of 128 Ashridge Rd Darra is cheating by Council staff to reduce the height of the charged line charged of line and non-complaint with S 7.2.3 and BSD 8111.

Additional proof is provided in Planning and Environment Court case Henderson V Brisbane City Council 4139/18 where there was a right angle dog leg, and Council stated in red, **"BSD 8111."**

The above evidence is concrete proof that in the case of 128 Ashridge Rd Darra, the sham triangle pipe is non-compliant with BSD 8111, if there was any doubt.

If an engineering design is non-compliant with BSD 8111, that is unsatisfactory professional conduct, from a registered Professional engineer.

All Council needed to state, as proven in Henderson V Brisbane City Council 4139/18, is as per **"BSD 8111."** Simple. All RPEQ's are stuck with the Council engineered 225mm exactly pipe. Or are they stuck with the minimum 255mm pipe.? Who knows. There are hefty fines by Council if one carries out building work that does not have a Development Permit.

Note conduct of Joel Wake, in 128 Ashridge Rd Darra. Margaret Orr stated on 3/10/24. "The delegate took all assessment matters into account. Joel Wake approved the case on 25/9/24 but was too lazy to inspect approval of the first 68 Molonga Tce case on 13/9/24. Joel Wake was too incompetent to research 4139/18. I am not lazy. I do my research. That is all part of my business.

S84 Building Act 1975.

It is mentioned here that should Council staff decide to performing engineering by themselves, totally of their free will, or being forced, instead of issuing an information request, the following happens -



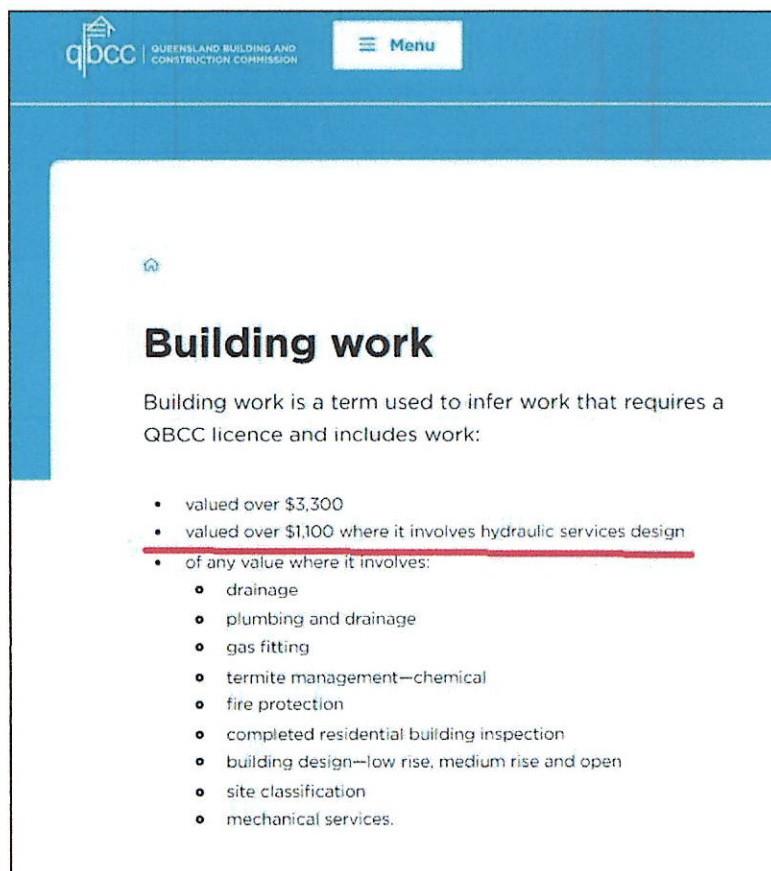
- A Private Cerifier is unable to approve a Bulding Development Permit (BA) that is inconsistent with an earlier approval. (Town Planning Development Approval/Development Permit)
- Council and Council staff run the risk of damages cases from all current and future owners of the approved site of Council staff unsatisfactory professional or unclear engineering or missing engineering information.
- There are huge fines from Council for any person performing building work (including RPEQ engineering design) that is outside the approved Development approval.

Therefore the owner or owner RPEQ cannot design or build anything that is not strictly in accordance with the DA approval.

In the case of 128 Ashridge Rd Darra, the owner or owner RPEQ cannot design anything that is one millimetre different from the approved red lines and conditions.

Council staff refuse to advise the owner, David Manteit as to what are the surface levels and invert levels of pipes and pits. This is unsatisfactory professional conduct.

Building Work licence requirements, QBCC.



The screenshot shows the QBCC (Queensland Building and Construction Commission) website. The header includes the QBCC logo and the text 'QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION'. A 'Menu' button is visible. The main content area is titled 'Building work' and explains that building work is a term used to infer work that requires a QBCC licence. It lists the following criteria for building 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
 - building design—low rise, medium rise and open
 - site classification
 - mechanical services.

QBCC require that a person must have a QBCC licence to perform Hydraulic Services Design valued over \$1100.00.

Since Council state in conditions 17,18 that a person with a QBCC licence may design.

PD

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The problem is –

The Council approval is forcing the applicant RPEQ or QBCC licensee to finalise an unlawful/illegal Council engineering design.

It's like the Council planned the robbery and now they want some lackey to do the actual robbery, while they hide back at home.

The hydraulic designer/engineer is stuck with the Council sham triangle, the red line in plan view, 225mm pipe exactly, and no surface levels or invert levels for Upstream drainage, as a minimum.

The designer is stuck with the 5.1 m away from the right boundary kerb adaptor as a minimum. Plus the 150 exact pipe for Onsite Drainage, as a minimum.

Council cannot force the applicant RPEQ to commit an unlawful act. This is an offence by Council. This is the type of thing that the Crime and Corruption Commission look for.

Council is encouraging further offences.

Several of my panel RPEQ's have said they won't design any hydraulic system for this site, as per the Council approval because they will lose their licence.

Any expert engineering witness will ask – "Is this plan lawful? Do you want me to comment if the engineering is lawful or not?"

BSD 8111 calculations can be done in 5 minutes, after the matter of Council's compliance with Council laws.

Restriction of applicant RPEQ design by Council staff engineering, of 128 Ashridge Rd Darra "Generally as Shown"

"As shown"

How can Manteit RPEQ finalise RPEQ design, since the applicant RPEQ is obliged to design exactly "**as shown** on the Approved Plan." "**As shown**" is Council illegal design. The approved Council plan is illegal

Hence, damages flow, in other courts, because nobody (RPEQ) can be in accordance or finish design of Council's engineered design.



Note in the approval of 128 Ashridge Rd Darra, S17 and S18 it is stated that the design by the owner must

engineer and supply drawings “generally **as shown** on the amended plan in red”. Not left, not right, of the red line.

The specific requirement is to design and construct “as shown”. Not drawn nilly willy, all over the place, anywhere you like.

Therefore this condition is **not the same as a standard Upstream condition**, where an RPEQ has more freedom to design, (but notwithstanding he has to design within Council Laws.)

Council staff for this case have forced/are forcing owners, RPEQ's and contractors to commit an offence by finalising designing a non-compliant Council staff DST engineering design.

There are unlawful engineering designs in Council engineering of 128 Ashridge Rd Darra, Example, sham triangle design of Upstream pipes.

The Council staff engineering design is non-compliant with BSD 8111.

If the sham triangle is utilised in the design by the owner RPEQ, any number of future owners can sue the current owner for not designing as per Council law, as proven in Henderson V Brisbane City Council 4319/24.

Correct order of assessment of the law of this case.

Step 1 – Examine/check for any Council staff (DST) performed/authored engineering, licenced or unlicenced. If so, -

- (a) Determine if this Council staff (DST) engineering is unsatisfactory professional conduct by a registered professional engineer. If so, there is grounds for that condition to be deleted. Proceed to (b) Advise Council.
- (b) Write to Council staff (DST) for their response as to why they performed engineering. Ask which person performed the engineering. Was that engineering licenced or unlicenced ? Was it supervised ? If no response, proceed to (c).
- (c) Report to the Board of Professional Engineers Qld and the Crime and Corruption Commission.
- (d) Commence claim in other court for damages.
- (e) Determine if this Council staff (DST) engineering is non-compliant with Council laws. If so, there is grounds for that condition to be deleted.

If there is no Council staff (DST) engineering, proceed to Step 2.



Step 2 – Examine the Stormwater Code

P03 Onsite Drainage

<p>P03 Development ensures that the stormwater management system does not direct stormwater run-off through existing or proposed lots and property where it is likely to adversely affect the safety of, or cause nuisance to properties.</p>	<p>A03.1 Development ensures that the location of the stormwater drainage system is contained within a road reserve, drainage reserve, public pathway, park or waterway corridor.</p> <p>A03.2 Development provides a stormwater management system which is designed in compliance with the standards in the Infrastructure design planning scheme policy.</p> <p>A03.3 Development obtains a lawful point of discharge in compliance with the standards in the Infrastructure design planning scheme policy.</p> <p>A03.4 Where on private land, all underground stormwater infrastructure is secured by a drainage easement.</p>
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Above – Extract of Stormwater Code, P03

A0 3.3 – “obtains lawful point of discharge in compliance with the standards in the Infrastructure Design Planning Scheme Policy.”

The correct Planning Scheme Policy is S 6.16 Infrastructure design planning scheme policy - Chapter 7 Stormwater Drainage.

P11 – Upstream Drainage

<p>P011 Development provides for the orderly development of stormwater infrastructure within a catchment, having regard to the: a. existing capacity of stormwater infrastructure within and external to the site, and any planned stormwater infrastructure upgrades; b. safe management of stormwater discharge from existing and future up-slope development; c. implication for adjacent and down-slope development</p>	<p>A011.1 Development with up-slope external catchment areas provides a drainage connection sized for ultimate catchment conditions that is directed to a lawful point of discharge</p> <p>A011.2 Development ensures that existing stormwater infrastructure that is undersized is upgraded in compliance with the Infrastructure design planning scheme policy.</p>
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Above - Extract of Stormwater Code, P011

“Development with up-slope ...drainage connection sized for...is directed to a lawful point of discharge”

“Development ensures that existing stormwater infrastructure that is undersized is upgraded in compliance with the Infrastructure design planning scheme policy”

The appropriate Planning Scheme Policy section is S 6.16 Infrastructure design planning scheme policy - Chapter 7 Stormwater Drainage.

Step 3 – Examine Brisbane Planning Scheme Policies

Infrastructure Design Policy, Brisbane Planning Scheme Policy S6.16 – Chapter 7 Stormwater Drainage.

S7.2.3 Collection of roof water run-off

Note - “In accordance with BSD 8111”

The instructions in this Planning Scheme Policy states that “roof-wateris to be in accordance with BSD 8111.”. Minimum pipe sizes”Table 7.2.3.A”

7.2.3 Collection of roof water run-off

- (1) Refer to [QUDM 7.13](#) and [AS/NZS 3500.3:2003 Plumbing and drainage Stormwater drainage](#).
- (2) Gutters and downpipes are to be designed to ensure no overflows for up to the 5% AEP storm of 5-minute duration.
- (3) Roof-water collection for low density residential subdivisions is to be in accordance with [BSD-8111](#).
- (4) Pipes must be located clear of any driveways and must not cross footpaths in front of adjoining properties.
- (5) Minimum pipe sizes for roof-water lines applicable to low density residential development are shown in [Table 7.2.3.A](#).

Note Table 7.2.3.A calls for a minimum 225mm pipe, not “exact 225mm pipe.

Table 7.2.3.A— Minimum size of roof-water lines for low density residential development			
No. of lots (nominal 250m ² roof area at each lot)	Minimum pipe diameter	Easement width	Minimum pipe slope
1–2	150mm	Not required	1%
3–4	225mm	1.5m	0.5%
5–6	300mm	1.5m	0.5%

Note—The design flow shown for sizing roof-water lines is greater than QUDM due to the fact that the majority of new housing products in Brisbane achieve roof areas consistently greater than 180m²

S7.6.3.1 Connection to kerb and channel

Refers to BSD 8113, 8114.

7.6.3.1 Connection to kerb and channel

- (1) The maximum permissible discharge to the kerb and channel must be limited to 30L/s (i.e. maximum 2 single house lots per discharge point dependent on roof area), and twin 100mm diameter pipes (equivalent 150mm diameter) with approved kerb adaptors.
- (2) For development that is a material change of use (i.e. other than (1) above), Level III drainage (connection to kerb and channel) is only permitted if the total discharge from the development including any external catchment does not exceed 30L/s. Multiple hot dip galvanised rectangular hollow sections (RHS) 125/150/200mm wide x 75mm or 100mm high must be used (refer to [BSD-8113](#)).
- (3) Only approved full-height kerb adaptors, complying with [BSD-8114](#) are permitted. The kerb adaptors must be placed in a location where service pits on the footpath will not conflict with the future pipe location.
- (4) Discharge into the high side kerb of a one-way crossfall street is generally not permitted for any development other than a single-house dwelling.

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.

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

“Where at least part of those upslope properties would drain through the development”

Whilst not stated, BSD 8111 is the applicable BSD for pipe size, gradient, cover.

S 7.4.6 Building near or over underground stormwater infrastructure

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/near 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;

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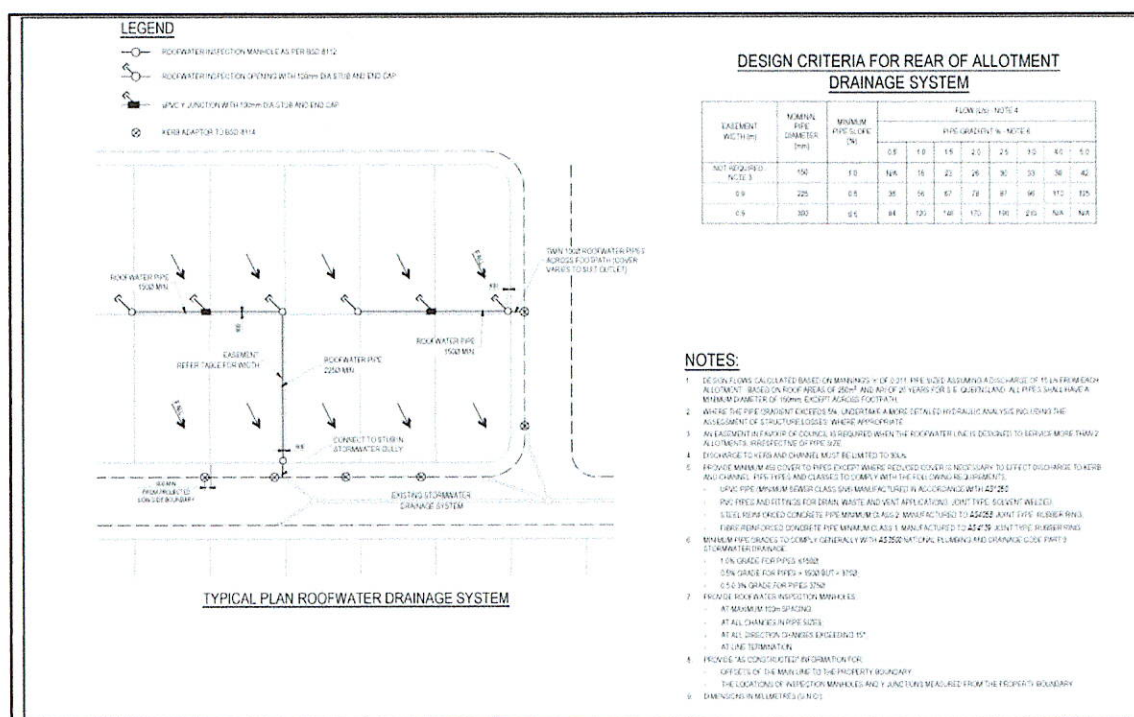
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- (i) clashing of services or utilities (other than sewers) with the stormwater drain line that may affect the structural integrity of the stormwater drainline or its trench, or sewers larger than 150mm diameter crossing any stormwater drainline.
- (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, boring 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.

"1m clearance applies to bored piers (eg, retaining wall).

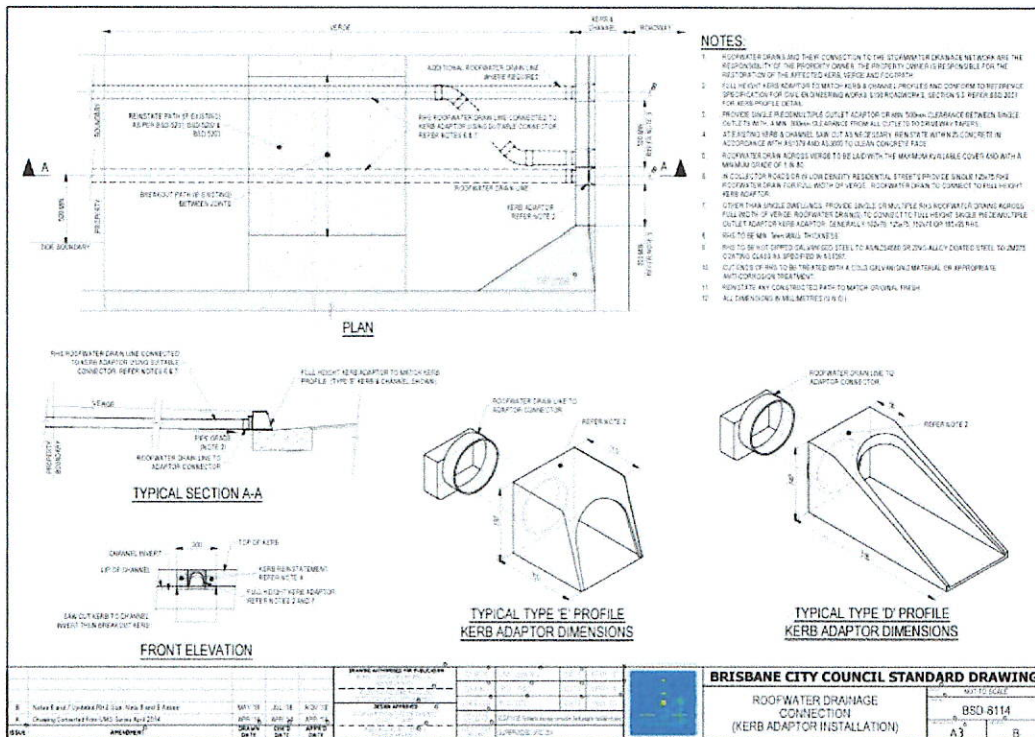
"An proposed works contravening the drainage easement terms"

Step 4 – Examine Brisbane Standard Drawings.

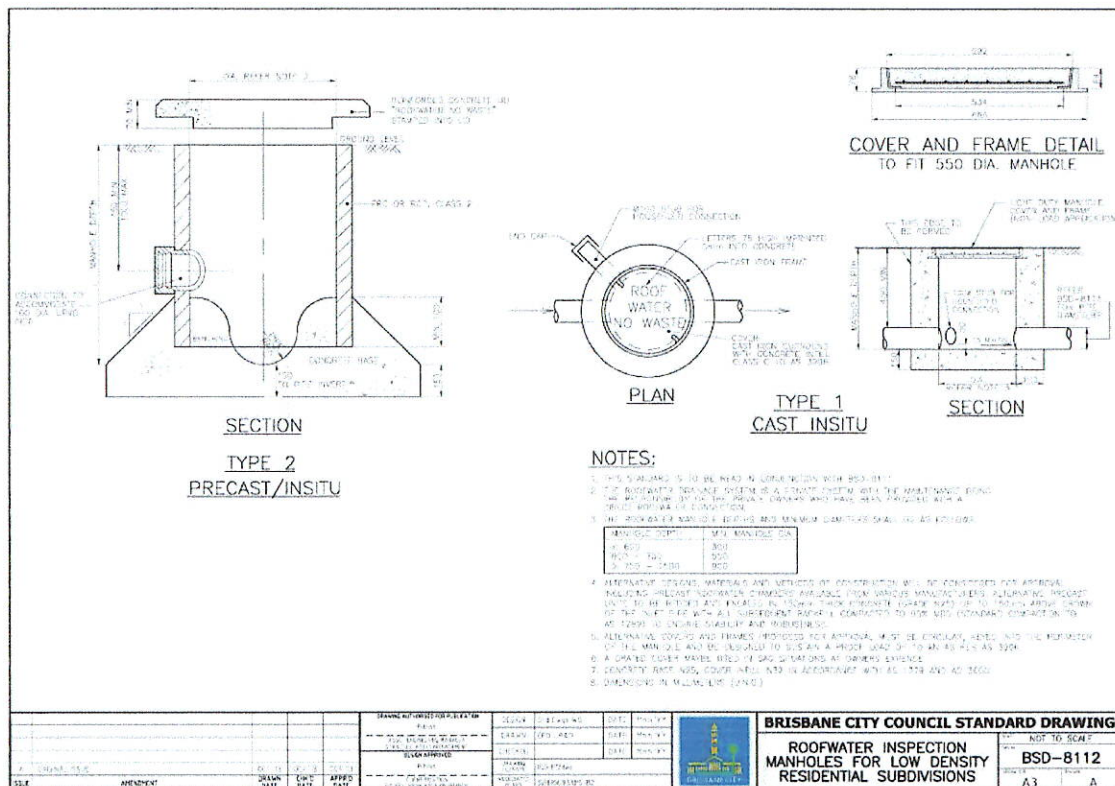


BSD 8111

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BSD 8114



BSD 8112

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Step 5 – Examine Brisbane City Council conditions.

NOTE:

- Queensland Building and Construction Commission licensed hydraulic consultants may design the stormwater system for sites less than 2000m² with an upstream catchment servicing no more than 4 residential lots.

- Where external works are required and infrastructure will be handed over to Council (e.g. Stormwater pipes 375mm or greater and/or manholes within the road reserve, etc), the applicant will be required to request a Pre-Start with Council and ensure all future owned Council assets follow the On/Off Maintenance process in accordance with Councils Infrastructure Installation & Construction Requirements Manual.

- Guidance for requesting a pre-start and co-ordinating the On/Off Maintenance process can be found on Council's website (<https://www.brisbane.qld.gov.au/planning-and-building/applying-and-post-approval/on-and-off-maintenance-approvals>)

19(a) Submit As Constructed Drawings

Submit to Development Services As Constructed drawings prepared and certified by a Registered Professional Engineer Queensland or a Queensland Building and Construction Commission licensed hydraulic consultant (where applicable).

Timing: Prior to Council's notation on the plan of subdivision.

Above – Example of a Standard condition for Onsite Drainage

18) Up Stream Stormwater Drainage Connection

Provide a stormwater drainage connection for the future development of adjoining upstream property 6 Sector Street, Coorparoo, formally described as Lot 237 on RP13240, designed for ultimate developed catchment conditions and connected to the kerb/channel in Arc Street.

Note:

- All upslope stormwater connections to existing private properties must extend to the property boundary of the relevant property being ultimately serviced by that connection.

18(a) Submit Stormwater Drawings

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

NOTE:

- Queensland Building and Construction Commission licensed hydraulic consultants may design the stormwater system for sites less than 2000m² with an upstream catchment servicing no more than 4 residential lots. This excludes stormwater drainage design (including subsoil drainage) of basements in flood planning areas and the design of any onsite stormwater detention system

- Guidance for the preparation of drawings and/or documents to comply with this condition is provided in the Brisbane Planning Scheme Policies

- A 225mm diameter pipe is the minimum size required to service an upstream development of any kind.

Above is an example of a standard condition for Upstream Drainage.

Note - "Guidance for the preparation of drawings and/or documents to comply with this condition is provided in the Brisbane Planning Scheme Policies"

A 225mm diameter pipe is the minimum size required to service an upstream development of any kind.

11) Filling and/or Excavation (Minor)

Filling and/or excavation works on the site must be in accordance with the relevant Brisbane Planning Scheme Codes.

11(a) Prepare Earthworks Drawings

Earthworks drawings must be prepared and certified by a Registered Professional Engineer Queensland in accordance with the relevant Brisbane Planning Scheme Codes.

The drawings must include the following:

- The location of any cut and/or fill;
- The quantity of fill to be deposited and finished levels;
- The existing and future finished levels in reference to the Australian Height Datum (including cross-sections or long sections into the adjacent properties);
- maintenance of access roads to and from the site such that they remain free of all fill material and are cleaned as necessary
- preservation of all drainage structures from the effects of structural loading generated by the earthworks
- protection of adjoining properties and roads from adverse impacts as a result of proposed works.
- That all vehicles exiting the site will be cleaned and treated so as to prevent material being tracked or deposited on public roads.

Note: The Earthworks drawings are not required to be submitted for Council approval.

Timing: Prior to site/operational work commencing.

Above – Example of a standard Fill condition.

Note - "Guidance for the preparation of drawingsto comply with this condition is provided in the Brisbane Planning Scheme Policies"

Check to see if conditions are unreasonable and should be deleted or modified.

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Step 6 – Check for typographical errors.

Self explanatory – see a mountain of typographical errors in this approval of is so incoherent no man on earth can make sense of. Seek where obvious double ups have occurred. Report to the Board of Professional Engineers and Crime and Conduct Commission.

Step 7 – Check for comparison DA approved cases precedence.

See CCC report 20-1-25 by David Manteit.

Step 8 – Check for Planning Court precedence

The case of Planning and Environment Court Case Henderson V Brisbane City Council 4139/18.

This case has resurfaced in two minor change applications in the report. The site address is 68 Molonga Tce Graceville. The original approved plan has been used as a source document in those two applications.

There are multiple addresses within the one application including 68 Molonga Tce Graceville 4075.

The first point is that Council engineered the red Upstream stormwater line. This was not an issue for the appeal case, since there was consent orders, and therefore consent for the red stormwater line at the end of the day.

The height difference was around 4-5 metres, between the upslope property and the kerb. There was no valley at the rear, so this clearly no argument re overall charged pipe possibility.

The fact that there was consent orders means that at some stage, the owner consented to the red line, before the updated approval by way of Court order. So the matter of consent to the red line can be left aside.

The stormwater was a dog leg design, exactly same same as 128 Ashridge Rd Darra. Council drew the red stormwater dog leg line. They engineered the red line. The red line has a 90 degree bend, not a sham triangle, as in the case of 128 Ashridge Rd Darra.

BSD 8111 standard drawing provides that the pipe is to be 600mm from the boundary, not drawn as a sham triangle.

The design was not in dispute, since both parties consented to the order,

Let me make it clear.

This case is an undeniable Planning and Environment Court precedence for the current Planning Court case, 2916/24, Manteit V Brisbane City Council, and for the Board of Professional



Engineers Queensland auditor and the CCC auditor. Joel Wake refused to follow this design.

This case is evidence that Council staff need to be in compliant with BSD 8111 in their engineering design, or be in contempt with being classed as unsatisfactory Professional Conduct, of a Registered Professional Engineer.

Council staff (DST) shall not engineer sham triangles , as in the case of 128 Ashridge Rd Darra.

Case of 128 Ashridge Rd Darra A006565555 – other matters

Material has already been lodged in originating application and affidavits in the Planning Court, 2916/24.

The Development Services Team members were -

Margaret Orr - Team leader
 Joel Wake – Delegate
 Lucy Ting RPEQ
 Zarndra Piper
 Tom Gibbs
 Scott Ruhlan

In a letter to David Manteit on 3/10/24, Margaret Orr stated -

“The delegate took all assessment matters into account.”

“The Development Assessment team assessed.”

S115 – unsatisfactory professional conduct, for a registererd professional engineer.

Professional Engineers Act 2002
Schedule 2
<p><i>subject engineer</i>, for part 2A, see section 35D.</p> <p><i>suitable for approval</i>, for part 6A, see section 112A.</p> <p><i>tribunal</i> means QCAT.</p> <p><u><i>unsatisfactory professional conduct</i></u>, for a registered professional engineer, includes the following—</p> <ul style="list-style-type: none"> (a) <u>conduct that is of a lesser standard than that which might reasonably be expected of the registered professional engineer by the public or the engineer's professional peers;</u> (b) <u>conduct that demonstrates incompetence, or a lack of adequate knowledge, skill, judgement or care, in the practice of engineering;</u> (c) <u>misconduct in a professional respect;</u> (d) <u>fraudulent or dishonest behaviour in the practice of engineering;</u> (e) <u>other improper or unethical conduct.</u>

In summary –

Upstream Drainage

1. Council Development Services Team (staff) have **engineered the Upstream drainage**. The only case in the last calendar year that has been completely engineered by Council staff.
2. Council staff have **engineered a complete hydraulic system**, except for this **missing** information -
 - surface level of pits and pipes,
 - zone of influence engineering,
 - site specific easement
3. The Council staff (DST) engineered system is charged under the kerb by around 1 metre, being non-compliant with Stormwater Code P11, Planning Scheme Policies S7.2.3, Table 7.2.3A, S7.6.3.1 which states that BSD 8111 must be complied with.

The Council staff engineered system has engineered a sham triangle design, in the rear right corner, which is non-compliant with BSD 8111.

Conflict between 225mm pipe (exact) and minimum 225mm pipe in the approval condition, S7.6.5, S7.2.3, Table S7.2.3A

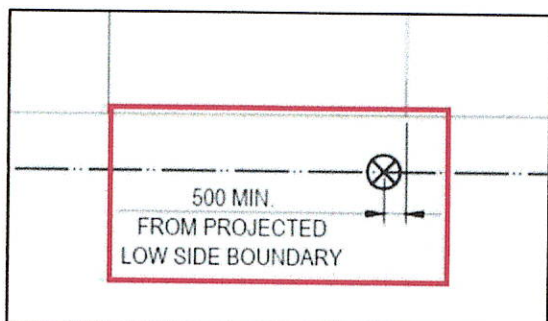
Conflict between 900mm (exactly) easement (in red) and minimum 900mm easement (condition)

The Council staff engineered system does not conform with the Council engineering design of Planning and Environment Court Henderson V Brisbane City Council 4319/18. A similar case in which there was no sham triangle. There were two Roger Greenways, as engineer. (This typo in itself could be unsatisfactory unprofessional conduct).

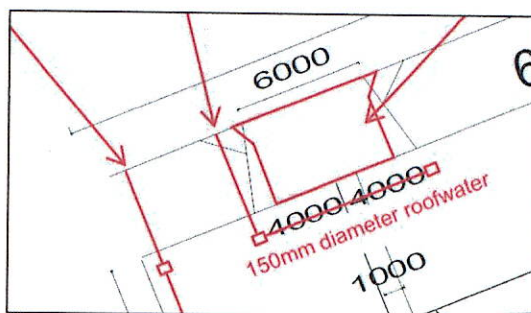
Onsite drainage

1. Council have engineered a complete system, but have not supplied surface and invert levels

Kerb crossing non-compliant with BSD 8111. Not placed 500 from low side boundary.



BSD 8111



DST staff incompetent sham kerb crossing.

Handwritten signature/initials in blue ink.

Handwritten signature in black ink.

2 pits placed 4 metres away from the boundary of the blocks. Not compliant with BSD 8111.

There has been no engineering information supplied regarding the clash of Council easement terms affecting construction, access and maintenance of the pipes.

Pits are 4m away from the lot boundary.

150 pipe instead of min 150 pipe.

Fill

Council requires fictitious fill

Other items as per list on pages 4-7.

Engineering and Easement information.

No information supplied by Council staff for clashes with Zone of influence and retaining wall, sewer pipe, I/O. QDC MP 1.4 Zone of influence legislation

Refusal by Council staff to provide details of clashes with Council's own easement requirements, under

S 7.4.7. Building near or over underground stormwater infrastructure.

7.4.7 Building near or over underground stormwater infrastructure

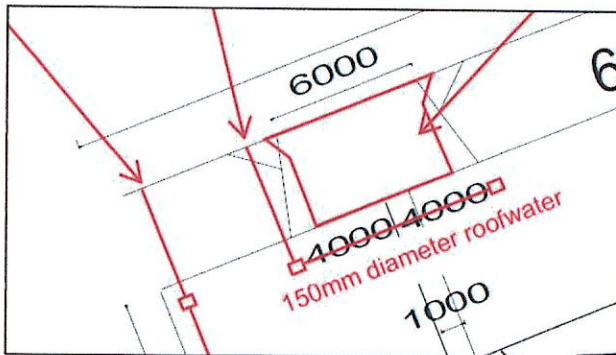
- (1) For underground stormwater facilities with or without drainage easements and where pipes or conduits are greater than or equal to 225mm in diameter or width, building over/near stormwater requirements will be applicable if the site is subject to any 1 or more of the following conditions:
 - (a) 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;

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- (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, boring 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:
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 - (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.

Driveway



unsatisfactory professional conduct, for a registered professional engineer, includes the following—

- (a) conduct that is of a lesser standard than that which might reasonably be expected of the registered professional engineer by the public or the engineer's professional peers;
- (b) conduct that demonstrates incompetence, or a lack of adequate knowledge, skill, judgement or care, in the practice of engineering;
- (c) misconduct in a professional respect;
- (d) fraudulent or dishonest behaviour in the practice of engineering;
- (e) other improper or unethical conduct.

vehicle—

$4000 + 4000 = 8000$, as per applicant design. The red Council DTS staff lines of 6000 wide are mutually exclusive with total 8000, which is untouched. Incompetent engineering of a lesser standard

Red lines drawn by Council DST staff for driveway are inconsistent with applicant's design of $4000 + 4000 = 8000$ at boundary. Typographical error.

Typographical errors littered all over the approval, in S 7,12,17,18,24.

These intentional typographical errors demonstrate complete and utter unsatisfactory professional conduct, by a registered engineer, under Schedule 2 and S 115 of the Professional Engineers Act 2002.

Conduct of Council licenced or unlicenced engineers

Council refuse to supply engineering information of Council staff (DST) engineering to the owner, David Manteit.

City Legal refuse to supply site specific easement engineering information of their easement design to the owner, David Manteit

The CCC, as advised in the 2020 brochure, look firstly to see whether there has been an offence.

Handwritten signature/initials.

Handwritten signature/initials.

To date, Council refuses to provide engineering information to David Manteit. The communication aspect or lack thereof, is in my opinion, misconduct, and penalties should apply. The same thing will happen in the future to each and every owner of this property.

A problem is, that when Council perform engineering design that is incomplete, wrong, or does not comply with Council's own engineering laws, an owner is forced to make a S81 minor change.

A major problem is that nobody know what the surface levels and invert levels are. So what exactly needs to be changed ? Nobody knows. Council staff are hiding, and this is therefore engineering misconduct under S115 of the Professional Engineers Act.

Because of the massive blunders by the Assessment Team this may not be considered a minor change, and may be a major change, and then a Court Case ensues, costing the owner hundreds of thousands of dollars. All because of Council's unsatisfactory professional conduct, of a Professional Engineer as per Schedule 2 and S115 of RPEQ Act 2002.

The above aspects of misconduct may carry through to a S 15 (1) of the CCC for corruption.

Planning and Environment Court conduct.

His Honour Judge Williamson, KC, in the Planning and Environemt Court in November issued a verbal request to Council's Counsel for the author of the red stormwater lines to be present at an ADR conference between the parties, in December 2024. Council's Counsel disobeyed that request.

On the face of it, this conduct would add up to further unsatisfactory professional conduct, and possible S 15 (1) of the Crime and Corruption Act 2001, being misconduct by Council attempting to yet again hide engineering information.

There has been alleged by David Manteit, on many occasions of alleged misconduct of Sara McCabe, who has made contradictory statements in affidavits and statements. On 1/11/24, Sara McCabe filed an affidavit stating that the Council had not yet decided the Development Application, when it in fact was decided on 25/9/24.

In another statement by Ms MCCabe, she stated that the Development Approval was given to Manteit on 25/9/24, when Council's own staff and my own proof state that the DA was given to Manteit on 26/9/24.

In addition, Sara McCabe refused to spell my name correctly in the Planning Court order on 12/12/24, signed by the honourable judge and filed by the Deputy Registrar.

Sara McCabe blunder may have affected the reputation and good name of the honourable Judge, the Deputy Registrar, and the Planning Court itself. That is entirely up to those parties affected by her actions, on how they wish to deal that matter. I do not for one moment speak for any other parties other than myself and do not intend to influence what further orders may or may not be ordered on this matter, for their purposes.

The blunder has certainly affected my reputation, as this is a public document, and I certainly intend to seek disciplinary orders, independent of any possible order which may or may not be the same as any other or no order by the Court for their own purposes. Either way, action must be taken. Sara McCabe is an officer of the Court and needs to comply with the Law Society rules of Conduct. She has had 46 days to act on this intentional or not intentional mistake.



That matter may be of interest to the Crime and Corruption Commission as terms of reference.

This matter is a matter of public interest.

A right to information application has been lodged by David Manteit with Council.

Engineering information such as surface levels, invert levels, etc, have been requested.

No response provided by Council so far.

Refusal by Council staff to provide engineering detail

Despite numerous questions to Council and Development Assessment Team members, they refuse to provide engineering information and the names of the licenced and unlicenced engineers who performed the engineering.

I believe this is unsatisfactory conduct, by a Registered Professional Engineer, as per Schedule 2 and S 115 of the Professional Engineers Act 2002.

Anyone who performs Engineering has an obligation to provide reasons for unlawful and incomplete engineering. There is no other case in 412 cases in that Council has comprehensively performed engineering services.

Board of Registered Engineers Queensland Engineering Code of Practice

It is alleged that Council DST staff have contravened the Engineers Code of Practice.

This Code of Practice provides guidance to registered professional engineers as to appropriate professional conduct and practice.



PRINCIPLE 1.2

Registered professional engineers work within the limits of their professional expertise

A registered professional engineer must:

- undertake professional engineering services only within their area of registration and competence
- only undertake direct supervision within their area of registration and competence
- in the course of their professional practice, be honest and accurate regarding qualifications and experience and not make any statements or publish any material that may, or does, mislead a client or prospective client as to their professional competence
- recognise where other professional advice is required and either seek it or recommend to an employer and/or client to seek such expert advice in appropriate areas
- act with an appropriate level of due diligence in the provision of professional engineering services.

PRINCIPLE 1.3

Registered professional engineers treat all their stakeholders with courtesy and dignity

A registered professional engineer in the conduct of their professional practice must:

- promote confidence in, and respect for, the engineering profession and not act in a way that brings the profession into disrepute
- act in a way that maintains the standards and integrity of the engineering profession
- in all their professional dealings enhance the reputation of the engineering profession.



PRINCIPLE 2.1

Registered professional engineers are positive role models within the profession and in the community in general

A registered professional engineer must:

- demonstrate integrity and act appropriately in all circumstances
- by their conduct, endeavour to improve the diversity, equity and inclusion of the engineering profession
- by their conduct, endeavour to engender confidence in, and respect for the engineering profession and not act in a way that brings either them or the profession into disrepute
- by their conduct, exemplify high standards and integrity of the engineering profession
- take responsibility, whenever and wherever possible, to contribute to the quality and sustainability of the natural and built environment.

In the provision of services, a registered professional engineer must take into account:

- the public interest
- the natural environment whilst striving to improve the built environment
- the conservation of Australia's heritage
- the conservation of natural resources.

PRINCIPLE 3.2

Registered professional engineers are aware of the legal requirements that pertain to their profession

A registered professional engineer must:

- practice in the field of engineering in which they are registered in accordance with all the legal, statutory and regulatory requirements
- take all reasonable steps to procure and maintain professional indemnity insurance during each year that is appropriate for the services being provided by the registered professional engineer
- be cognisant of their legal, statutory or regulatory responsibilities particularly related, but not limited, to:
 - discrimination, harassment and vilification
 - contracts
 - negligence
 - privacy and confidentiality
 - work health and safety

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Council staff (DST) have not complied with Council laws in their engineering, such as Stormwater Code, Planning scheme policies and Brisbane Standard Drawings.

Crime and Corruption factsheet 2020.

The question of whether someone as an employee of a Local Government is guilty of an offence under S 15 (1) of the CCC Act is fully explained in the Crime and Corruption Commission 2020 brochure. It was recommended back then that Council do an audit to check to see if there has been any unlicensed, unsupervised engineering.

Council appears to not have heeded that warning by the CCC, since there is evidence that unlicensed persons have performed engineering.

I have done the audit for the calendar year for all Brisbane City Council subdivisions, decided. (Reconfigure a Lot)

In my opinion, Brisbane City Council should not perform engineering, just simply provide information requests plus notes referring to Stormwater Code, Brisbane Planning Scheme Policies and standard drawings, on the amended plans and conditions. Council should issue information requests for applicant to engineer, or reengineer. In that way Council never be exposed to damages cases, by writing information requests only.

Council should get a solicitor to vet every approval before issuing a Development Approval, to ensure there is no unnecessary Council engineering. If Council does in fact engineer, they must ensure that this does not restrict design under S84 of Building Act Qld which would cause possibility of damage claims.

Planning Court rule S45 (2).

It is acknowledged by Manteit (Appellant) that the Appellant needs to prove his case.

That is true, but I believe that my case is proven firstly in that all disputed conditions are unlawful conditions. If they are unlawful conditions, in the first instance, remove them. If they are lawful conditions, then the process is back to the normal assessment.

We are in the Planning and Environment Court due to the law. Councils have made unlawful plans and conditions

When Council become engineers, unlike in 411 other cases in a calendar year where Council are generally not engineers, then Council have an obligation to prove their compliance with Council laws, Professional Engineers Act 2002 and the Crime and Corruption Act 2001, before the appellant provides the other normal proof to have conditions deleted or modified, accordingly.

It is my view that unsatisfactory professional conduct of an engineer, in the Case where Council has performed engineering in a major capacity, is sufficient reason for the Planning and Environment Court to remove an approval condition.



It is my view that the Planning and Environment Court cannot leave in place a condition that got to the approved condition only because it is unlawful condition, being non-compliant with Council laws.

All disputed conditions have massive typographical errors. This point on its own makes the condition unlawful with Council Codes, Planning Scheme Policies and Brisbane Standard Drawings.

Nobody forced Council staff to become an engineer.

Allegedly/Colloquial for ease of understanding - Council delegate Joel Wake made an information request to the applicant engineer (Civil Works, also my engineer in many developments) to perform engineering design for Upstream Drainage, in the case of 143 Wakefield St Bald Hills, 4/4/18.

The same year that Joel Wake became aware and knowledgeable about 4319/18, Planning Court Case Henderson V Brisbane City Council.

A further six years down the track, Joel Wake suddenly decides not to issue an information request to the applicant (Manteit) to perform Engineering for Upslope and Onsite drainage. Just make up his own red lines and conditions that are littered with typos, contradictions, charged lines, and other things.

And non-compliant with Council law. Nobody forced Joel Wake to do all that, and in addition, become an engineer. Why did Joel Wake (or other Council staff) become an engineer, and cause sound reason for damages against him, them and Council?

Not only did Joel Wake allegedly engineer the Upstream Drainage but lo and behold, Joel Wake decides for him and Council staff to perform engineering Onsite Drainage. This turns out to be the only onsite drainage engineering performed by Council in 412 cases for the calendar year. Then Joel Wake wacks in a mythical easement. Then Joel Wake doesn't see the numbers 4000 and 4000 which are struck through by his onsite drainage engineering red line.

Then Joel Wake didn't realise that the 225mm pipe is conflicting with 3 other Council laws. Then Joel Wake didn't see that the 150 pipe for onsite drainage isn't what BSD 8111 calls for, being a minimum 150 pipe.

Then Joel wake doesn't realise Joel Wake is inviting applicant engineers to finish off an unlawful design of his. Then Joel wake realises that nobody can finish off his design because they can't design one millimetre different from his design. Nobody in the world knows exactly what that is.

Then Joel Wake couldn't be bothered about a sham triangle, even though he knew about 4319/18. Wake has no interest in complying with the Stormwater Code, Design Infrastructure Planning Scheme Policies or Brisbane Standard Drawings. That is why his name is mentioned in the Board of Professional Engineers complaint and the CCC complaint.

Why would Joel Wake make an information request in relation to upstream drainage for 143 Wakefield St Bald Hills around 4/4/18, but not make an information request for 128 Ashridge Rd Darra. Obviously he has had no Council training in assessment or legal ramifications. Margaret Orr stated to David Manteit on 3/10/24 that the Delegate (Wake) had took all assessment matters into account" Joel Wake has overseen the biggest Brisbane City Council Town Planning disaster in history and couldn't be bothered to check the mountain of blunders in the approval. Plan and conditions.



In 4 Killarney Ave Darra subdivision Joel Wake made an information request, but 500 metres around the corner refuse to make an information request ? Conduct to be investigated by Professional Board of engineers and the CCC.

Then David Manteit rings up Council about the easement document. Wake calls me back. I ask him 10 questions and he says he didn't assess – he said call the engineers. I said "who are they". He said "I don't know, their names are on the approval."

More evidence of alleged unsatisfactory professional conduct.

The Professional Engineers Act 2002 provides for satisfactory conduct. It is my view that satisfactory conduct by a registered professional engineer did not occur in this case of 128 Ashridge Rd Darra.

Further- information request

Accordingly I request immediately, the following information to be sent to myself, for myself and the auditors of the Board of Professional Engineers, and the Crime and Conduct Commission -

Surface levels and invert levels of Council staff engineered stormwater 6 pipes, 6 pits and kerb crossings, as per BSD 8111.

Calculations of fall of pipes, as per BSD 8111.

Council staff Engineering under S7.4.7, build over or near Council assets.

Reason for the sham rear triangle, DA cases for comparison, Planning Court cases for comparison.

Reason for incorrect location of Onsite Drainage pits and kerb and chanel.

Council Engineering for the site specific easement.

Declaration by Council in writing of all typographical errors and the reasons for those errors.

Declaration by each Council Development Assessment Team member as to who were the person/persons who performed the engineering in red and in the conditions.

If you cannot provide this information, I need to report this to the Board of Professional Engineers and the Crime and Corruption Commission.

Further – BSD 8111 table



BSD 8111 calculator

To match Council approved plans and conditions.

A00 6565555, 128 Ashridge Rd Darra.

Upstream Drainage

	Pit 1	Pit 2	Pit 3	Pit 4	Kerb crossing
Surface Level					
Invert level					
Drop of pipe					
Length of pipe					
Pipe size					
Cover					
Gradient					

Onsite Drainage

	Pit 1	Pit 2			Kerb crossing
Surface Level					
Invert level					
Drop of pipe					
Length of pipe					
Pipe size					
Cover					
Gradient					

Signed RPEQ or QBCC licence: _____

Warning to signatory - approval plan and conditions are unlawful and it may be unlawful to sign this document.

Handwritten signature

Handwritten signature

1. Please get your engineer to fill out the table above. Forward to me the signed document. It should only take them around 10 minutes to calculate. Council staff (DST) designed the two hydraulic designs. You fill out the table. It is your responsibility. You just need BSD 8111 and a 1973 \$5 calculator.

I will then provide this document to -

The Planning and Environment Court
Board of Professional Engineers
Crime and Corruption Commission.
Any other court, as David Manteit chooses.

Should you not provide this signed table, I will inform -

The Planning and Environment Court
Board of Professional Engineers
Crime and Corruption Commission.
Any other court, as David Manteit chooses.

I will inform them that Council staff do not have the engineering ability to perform engineering.

Please state in writing that you do not have the ability to perform stormwater calculations, using a \$5 calculator if that is the case.

2. I state that there is no applicant RPEQ that will fill this form out since they do not wish to be causing offences by providing expert opinion on unlawful Council engineering.
3. I have already supplied my BSD 8111 calculations in the Originating application.
4. Will an expert RPEQ hydraulic witness receive a declaration and indemnity from Council and the Court that before they discuss the matter of the engineering it is declared that the engineering they are discussing is lawful?
5. Can Council and the Planning Court give an undertaking or financial indemnity to the RPEQ expert witness that he will not be taken to Court by anyone for damages for providing engineering design information on an illegal design?
6. Why should an expert witness be forced to provide an expert opinion to the Court on unlawful Council design and conditions ?
7. Council attempted to get an order on 12/12/24 for the appellant to state witnesses. Witnesses in what ?

All I see is that Council are so incompetent as so far demonstrated, that they think they can simply put the burden on some poor other person.

Please state in writing that you do not have the ability to perform stormwater calculations, using a \$5 calculator if that is the case. If that is the only reason you need an expert witness, to use a \$5 calculator, please advise.



Please advise if Council used a \$5 calculator or no calculator for their engineering of stormwater calculations. I need that information for myself and any auditor from the respective Board of Engineers and the CCC.

8. The complexity of the case is working out all the Council blunders, not the table for BSD 8111, which can be worked out in 10 minutes.

9. You have been supplied an expert survey plan by ONF Surveying in the originating application and in many other documents.

10. You have been supplied an expert engineered plan and Form 15 for the right retaining wall, by STA engineering.

My position on the disputed conditions.

In light of the findings of my audit, 20-1-25, I now order -

- S7 deleted
- S12 deleted
- S 17 Replaced with a standard Onsite drainage condition as per example in this letter.
- S 18 deleted
- S 24 There is no objection to the wording. Red lines to be deleted. 4000 and 4000 to remain.

All items amended in red to be deleted on plan to be deleted. (note that the note regarding retaining walls is unnecessary, since this is all covered in the Filling and Excavation Code. Unnecessary note).

Damages in other courts to be limited to the date of the above requirements are met.

As mentioned in this letter, the current condition regarding Upstream Drainage is specific "as shown on plan amended in red". This condition is not a standard condition, so the Appellant has no obligation to design Upstream drainage nilly willy anywhere on the lot, such as in a standard condition. This plan is what Joel Wake decided, on 25/9/24. The reason we are in the Planning Court is because Joel Wake didn't provide an information request. There would be no court actions if Joel Wake and other Council staff didn't decide to become an engineer, like a bolt out of the blue, one in 412 cases, unlike 143 Wakefield St Bald Hills. Unlike 4 Killarney St Darra.

It is mentioned that should this current condition be replaced with a standard condition, if lawful, I shall be ready to provide proof as to why there is no design that will not be charged, for lawful point of discharge of Lots 98,99 that would drain through the development. Water doesn't even drain over the rear boundary, let alone drain through the development. It is a valley at the rear, not a ski slope. The valley falls to the rear neighbours at the boundary. There are other factors. Council are confused about what is upslope. Forget about upslope. Some parts of my block are two metres above the rear blocks. They can therefore be downslope. In S 7.6.5, despite mentioning Upslope, the requirement is actually "That part would drain through the development" The development is the downslope development, not the Upstream development. There are other factors which I am not obliged to or required to elaborate here. Council is supposed to be good at designing these pipes. (Facetious). Make sure you have your BSD 8111 table if a condition is replaced or modified. If you cannot show a BSD 8111 table, within 7 days of modifying a condition, you will be required to show that to all the parties above, including myself.



For interest sake, but relevant.

On another note, Clem Jones, previous Lord Mayor, built the sewerage in the back yard, in 1973. Why didn't Clem Jones put the sewerage in Ashridge Rd ? Because the land slopes uphill to Ashridge Rd, that's why. As demonstrated in the originating application. You should listen to your past Lord Mayor. FYI I sold a 3 lot subdivison to Clem Jones around 1995, in Camp Hill, for \$140,000. I made \$20,000 profit. That is how far I go back in experience in subdivisions.

Again, please provide the information requested in this letter, or be prepared to answer questions from many parties, including orders requested by myself to this Court, on 12/2/24.

Yours Faithfully



DAVID MANTEIT

