

David Manteit V Brisbane City Council 2916/24

Submissions for Trial

“Council employees” means

Roger Greenway
Margaret Orr
Joel Wake

Andrew Blake
Zarndra Piper
Scott Ruhland

Lucy Ting
Tom Gibbs
TST Hydraulics

Council employees have intentionally engineered an illegal flooded Upstream drainage stormwater system that could cause damage and loss of life.

The unlicenced Council engineer Roger Greenway designed an illegal stormwater system that would cause -

Major Flooding of 183 swimming pools of floodwater each day in Darra in a Q20

Council employees ignored all the warning signs¹ of the future flood caused by them and possible loss of life.

¹in Planning scheme policy S7.6.1.

Work Request

Assigned To: TING, Lucy

From Date: 20 August 2024

Due Date: 3 September 2024

Completed: Y

Actual Date: 2 September 2024

Request Type: Advice

Advice Type: Engineering

Key Issues: Hi TST Hydraulics,
Please review this application. Assessment Report in EXT Docs.

Proposal: ROL 1 into 2

Previous Applications/Site History: NIL

Flooding: NIL

LGIP: NIL

Comments: Seeking comments regarding Filling for LPD and most importantly provision of upstream connection. Refer comments in Assessment Report regarding absolute refusal to any request for providing an upstream connection. Please confirm if required and if so which lots. This will likely be conditioned.

Please provide comments to me.

Thanks, Scott.

Above – Intentional disaster

20/8/24 Wake asks Ting if Upstream connection is required. and to which lots.

After 41 days since application Wake woke and suddenly decides to ask Ting if an Upstream stormwater connection is required and what lots.

Wake hasn't got a clue. Ting hasn't got a clue. Greenway hasn't got a clue. Blake and Wake haven't got a clue. Piper and Orr don't have a clue.

It was not disputed in the Notice of reasons for dispute that the clowns have caused David Manteit up to \$650,000 in damages and half of the residents in Darra maybe \$20million when the Q20 or Q1 flood occurs.

Work RequestAssigned To: **RUHLAND, Scott**From Date: 12 July 2024

Due Date: 26 July 2024

Completed: Y

Actual Date: 24 July 2024

Request Type: Code

Advice Type: Engineering

Key Issues: ROL - 1 into 2

Work Request Outcome: Completed

Action Taken: Initial ENG assessment complete, RFI required.**Upstream Connection**

1. The proposed plans do not show provision for a lawful point of discharge for the future development of upstream lots as well as existing development.

Provide amended plans that show:

- i) An upstream connection to provide for the lawful point of discharge for the future development of upstream lots (Lots 97, 98 and 99 on RP 29723) and existing development in accordance with PO11 of the Stormwater Code and Chapter 7 of the ID PSP. These plans are to be RPEQ certified.
- ii) Easements are required over the above drainage in accordance with PO3 of the Stormwater Code and Section 7.1 of ID PSP

The proposed crossover may also clash with an existing street tree and may require street tree scrub advice.

If there are any Engineering questions regarding this application, please see me.

Cheers,
Scott.

Ruhland wants a 3 rear lot 1,284 swimming pools a week Q20 kind of flood causing damages and possible loss of life.



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Brisbane City Council ABN 72 002 765 795

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21 August 2024

Mr David Mantel
C/- David Mantel
128 Ashridge Road
DARRA QLD 4076

Application Reference: A006565555
Address of Site: 128 ASHRIDGE RD DARRA QLD 4076

Dear David,

RE: Information request under the *Planning Act 2016*

Council has carried out an initial review of the above application and has identified that further information is required to fully assess the proposal.

Stormwater discharge

1. The development proposes to discharge a portion of the stormwater to the rear of proposed Lot 2 and further states that upslope connections for several lots fronting Killarney Avenue are not required. Limited information or plans have been provided to demonstrate that this will not worsen flood nuisance to the proposed lots and adjoining properties in accordance with the requirements of the Stormwater code.
 - a. Provide a Site Based Stormwater Management Plan prepared by a Registered professional Engineer of Queensland (RPEQ) demonstrating how all lots achieve a lawful point of discharge.
 - b. Provide a concept earthworks plan demonstrating why it is not possible to provide an upslope connection to Lots 97, 98 and 99 on RP 29723,

Street tree

2. The proposed shared access appears to impact an existing street tree, however this has not been shown on the proposed plans,
 - a. Provide amended plans showing the location of existing street trees in relation to the proposed crossover.

Urban Utilities (UU)

Council does not undertake water and sewer assessment of any planning applications, Contact UU on (07) 3432 2200 to discuss any water and sewer issues and whether you are required to submit an application to UU for assessment.

As of 21/8/24 Wake still wants a flood of 1,284 swimming pools a week caused by him and the other Council employees who caused the engineering of illegal flooded plans that would cause \$20 million in property damage and possible loss of life. Wake has never read A7.6.1.



Phone: 07 3403 5005 | Fax: 07 3403 4291

Email: lucy.ting@brisbane.qld.gov.au

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

Sent: Wednesday, August 28, 2024 5:57 PM

To: Darren Evans <Darren.Evans@brisbane.qld.gov.au>; Beau Reichert <Beau.Reichert@brisbane.qld.gov.au>

Cc: George Kaithakkottil <George.Kaithakkottil@brisbane.qld.gov.au>; Joel Wake <Joel.Wake@brisbane.qld.gov.au>; Zarndra Piper <Zarndra.Piper@brisbane.qld.gov.au>; Scott Ruhland <Scott.Ruhland@brisbane.qld.gov.au>; Emma Mezzina <Emma.Mezzina@brisbane.qld.gov.au>; Lucy Ting <Lucy.Ting@brisbane.qld.gov.au>; Brendan Gillham <Brendan.Gillham@brisbane.qld.gov.au>

Subject: A006565555 - DEVELOPMENT ASSESSMENT/128 ASHRIDGE RD DARRA QLD 4076/Manteit -

Hi team

Just wanting to flag this application with you.

The applicant (David Manteit) Sch. 4(4)(6) / Sch. 4(3)(3) has advised he won't be accepting a condition for upstream drainage for this ROL.

Another Flood Warning

Orr and Ting acknowledge another flood warning from David Manteit. Orr and Ting still chose to engineer an illegal Flooded stormwater system that could cause loss of life.

Severity	Created On	Created By	Description
Low	25-SEP-2024	WAKE, Joel	<u>Discussed the upstream stormwater condition with Delegate and ES Manager and whether it was reasonable to have an upstream connection for Lot 100 (36 Killarney Avenue). This had been marked up on the plans from TST and TST had requested it remained when questioned. ES Manager agreed that it could be removed and advised on how the plan should be amended to reflect the changes.</u>

Wake woke on 25/9/24 and asked Piper, Ting and PSP if there was a need for Lot 100.

Wake didn't know

Ting said just keep the 122 swimming pools a day flood

Piper said just keep the 122 swimming pools a week flood

TST said go for broke with the 181 swimming pools/wk flood.

2 hours later Wake went for the 122 swimming pools a day flood, 2 hours later in his decision, 25/9/24.

There is enough evidence even in the above to demonstrate the Intentional engineering of approved plans by Council employees that caused Brisbane's next flooding disaster, which would cause damage and possible loss of life

It is not disputed in the Reasons for disputed conditions that the above individuals have caused David Manteit damages.

Intentional engineering of approved plans by Council employees causing a flood disaster

1. Council and Council employees have intentionally, willingly and recklessly set out to cause the engineering of a major flood disaster by performing the act of engineering an Upstream illegal and flooded stormwater system and drawing of approved stormwater red line markups on the approved plans amended in red and by the issuing of an illegal Upstream approval conditions 7 and 18.

Not disputed - No regard for potential loss of life

2. Council employees continue to have no regard for the **potential damage and loss of life** that could occur in Darra from their illegal flooded engineering approved plans. Notice of disputed reasons provides no dispute that potential loss of life could occur from the Council engineered plans.

3. **RTI review reveals** that Roger Greenway, unlicenced engineer, designed an illegal 3 rear lot Upstream stormwater plan that would cause 183 swimming pools of floodwater per day in a Q20 flood event. (Extrapolated by Manteit of 900sqm roof per lot).

Demonstration of unsatisfactory professional conduct for a registered engineer, unlicenced engineering and possible Crime and Corruption Commission offences

4. RTI documents reveal that The **Roger Greenway unlicenced engineer illegal flooded 3 rear lot plan** was on the table until 25/9/24, when Joel Wake made a few phone calls to Piper and Ting (ES manager). They agreed the Lot 3 should be removed, on the last day. This demonstrates the incompetence of these three Council employees. It demonstrates that there was no engineering calculations performed whatsoever to determine if their Council employees plans would cause Q1 - Q20 flood and loss of life, or not.

5. Council employees have engineered and designed and approved an Illegal and flooded 2 rear lot Upstream stormwater system that would cause flooding of 122 swimming pools of floodwater per day in a Q20 event. (Extrapolated by Manteit of 900sqm roof per lot).

6. Council employees have engineered and designed an Onsite Drainage stormwater system that is charged by .4m by illegally placing a kerb adaptor 5.1m away from the low side of the kerb.

No dispute of alleged fraud

7 Council and Council employees have demonstrated alleged fraud in many documents revealed by RTI review including when they had a meeting on 1/10/24 to determine if any Upstream Drainage connection should be issued, some 6 days after the decision notice. This was not disputed in Reasons for disputed conditions 31/1/25

No dispute of no engineering calculations done by the employees for the major flood and potential loss of life.

8. RTI documents reveal Council employees have done **no engineering calculations** whatsoever for Upstream and Onsite Drainage drainage. This has never been disputed by any Council, the Respondent, nor Council employees.

No dispute by Council of a potential major flood disaster caused by Council employees engineering

9. It has not been disputed by the Respondent that Council engineers have knowingly engineered and designed a major flood disaster in the Reasons of disputed conditions dated 31/1/25.

10. Council employees have performed engineering that would cause an expected Q20 flood disaster by the design of their illegal and flooded approved plans emended in red.

No dispute of failure to inform Darra residents of impending flood

11. Council employees never did any flood calculations, and they know that Darra residents will be flooded.

12. Council employees have been reckless in engineering of their Council employee illegal and flooded stormwater system that will flood each and every year, extrapolated Q1 calculations.

13 Engineer estimates for conservative 600 sqm roof for one lot only -

Q1 – 14 litres per second for one rear lot. 2 rear lots = 28 litres per second for 600sqm of roof.

Manteit Town Planning estimate $900/600 * 28 = 42$ litres a second which is 12 l.s greater than permitted by S7.6.3.1 (2).

No dispute of a Q1 flood every year 1 million litres a day.

14. It is estimated by Manteit that 900 sqm of roof per lot means in a Q1 - $28 \times 900 / 600 = 42$ litres per second which is greater than the permitted 30 litres per second permitted at the kerb. Flood of Q1 - 12 litres per second over 30 litres per second every year predicted. That's a flow of one million litres a day of a Q1 flood.

1 million litres flow per day every year caused by the Council employees and their engineered approved plans, for a Q1 flood event.

15. There was no dispute of these major flood calculations by Council in the Notice of Reaons for disputed conditions, 31/1/25.

16. Council employee engineered illegal and flooded stormwater plans.

Plans that nobody asked the Council employees to engineer.

Plans that nobody forced the Council employees to engineer.

Plans that will cause nuisance and property damage and potential loss of life every year from the Council employees illegal and flooded plans

Plans that must be complied with by every person oherwise offences are committed.

Free Council legal advice S7.6.1 says that legal action will be made by proprietors of the land for illegal flooding nuisance plans.

17. It is projected every year that there will be an illegal flood at the kerb caused by the Council employees illegal and flooded engineered plans of 122 swimming pools a day from 1800 sqm of roof in a Q20 flood. (Roof size estimates extrapolated by David Manteit.)

Council employees have no regard for the potential of nuisance flooding serious damage and loss of life.

No dispute by Council that no calculations were performed by Council employees for potential loss of life.

18. RTI documents reveals that there is no evidence of any Council employee ever using a **coefficient of .87** as per Table 7.2.2.3B, for low-medium density sites. No evidence of Rainfall intensity been applied by Council employees. No evidence of Q1-Q20 calculations. This indicates alleged incompetence and unsatisfactory professional conduct, for a registered engineer.

If Council employees had used a **calculator for 5 minutes** they would have worked this out.

There was no dispute listed in the Notice of disputed conditions 31/1/25 that Council staff never performed any calculations for potential loss of life.

19. **Lucy Ting** told David Manteit on 11/10/24 that she gave the calculations to someone but then hung up.

No dispute of flood calculations of Roger Greenway 171 l/s flood

20. Council employees have, until the last day, of 25/9/24, intentionally engineered a major flood flood of **171 l/s for the Roger Greenway** unlicenced engineer Council employee engineered 3 rear lot plan.(Based on 900sqm roof per lot.

21. Council employees have intentionally engineered an **illegal flow of 114 l/s at kerb** for the approved 2 rear lots Upstream Drainage plan, causing a major flood.

22. Council employees have intentionally engineered an approved Upstream drainage plan with an **undersized pipe 225 mm**. 300 - 375 mm pipe is the required pipe. It is intentional because 225mm is what is shown on the approved plan, drawn by them.

23. Council employees have designed an illegal engineered flooded Upstream drainage system by being **charged 1.2 metres below at kerb**. Alternatively a charged pipe sits on the land. Either way it is illegal in respect as it does not meet 7.6.1 requiring of a lawful point of discharge.

Development Approval

No dispute by Council that Manteit agreed to an information request

24. Manteit specifically stated on the Form 1 that he required that information requests were to be sent to him.

PART 6 – INFORMATION REQUEST	
19) Information request under Part 3 of the DA Rules	
<input checked="" type="checkbox"/>	I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/>	I do not agree to accept an information request for this development application
<p>Note: By not agreeing to accept an information request I, the applicant, acknowledge:</p> <ul style="list-style-type: none"> that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. <p>Further advice about information requests is contained in the DA Forms Guide.</p>	

Extract of Form 1 above

It was not disputed in the Notice of disputed conditions that Manteit agreed to an information request.

Council employees did not assess the words of David Manteit in the DA.

25. S7.6.5 was referred to by Manteit he applicant in the DA. The whole S7.6.5 section was provided

26. RTI review reveals that Council employees never examined S 7.6.5 from 10/7/24 to 25/9/24, and have subsequently never examind until the present day.

27. Manteit warned of “nuisance water”. Nuisance water is floodwater.

28. RTI review reveals that Council (Joel Wake) did not follow standard protocols of advising applicant of any proposed amendments in red, prior to approval.

29. There was no engineering analysis done by Council of survey plan provided by the Applicant in the DA.

10/7/24 Manteit “There is no feasible location for stormwater drainage to service these lots through the development”.

Manteit basically stated that it is not feasible to use the kerb and channel as Lawful point of discharge and any pipe would be charged and cause a flood.

Any pipe would not drain through the development. “Drain through the development” means it gets to the kerb.

“Would not drain” means water will not find a lawful point of discharge.

There would be a Council caused flood.

Manteit warned of a Council caused flood long before Council even assessed the application for flood. He was transparent and honest.

30. Council and Council employees still **insisted on engineering a major flood** of Q1-Q20 proportions.

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.

Chapter 7 Stormwater Drainage extract above.

- 1) There is no adjacent properties that “would drain through the development.” All rear properties drain left to right of each other, not to 128 Ashridge Rd Darra.
- 2) There is no feasible location for stormwater drainage to service these properties through the development. I am not building a 2m retaining wall for anybody.

Above - extract of Manteit’s comment in DA application warning that there was no place for the water to go, through the Development.

Zoning of rear lot land.

31. RTI review records indicate that Council and Council employees are not aware that the rear lots are zoning of low - medium density.

Fall of land

32. This topic has been extensively covered in the affidavit.

Rear land falls to the West, not Ashridge Rd, as advised by 134 Ashridge Rd assessment manager Jack Woolston.

Rear lots do not fall to 128 Ashridge Rd at the rear boundary.

33. There is no part of any rear lot that would **drain through the development.**

This statement was even made by Manteit in the DA application. In addition S7.6.5 was referred to in the DA application.

Manteit therefore gave an advance flood warning to Council employees, without even knowing their future names, and that any attempt for Council to issue a condition for

Upstream Drainage would not be accepted, due to the pipe being charged, which is called a flood.

Manteit specifically required that information requests were to be sent to him.

34. RTI documents provides that Woolston, Assessment manager for 134 Ashridge Rd stated the reason for no Upstream Drainage was that the land fell to the west. Same as engineer statement.

35. Manteit warned of a Council flood.

A charged pipe causes flooding either by way of the water emerging out of the charged pipe, or alternatively the pipe will crack due to always being charged, and therefore not doing what is was designed to do.

Upslope Lots

36. Fall of land is to the rear and right. There is a natural valley between the rear lots and the subject lot. The bottom of the Valley is in the rear lot.

37. There are no upslope lots to the subject land. 128 Ashridge Rd is upslope to the rear lots by 1.85m.

S7.6.5

38. S7.6.5 calls for design for fully a developed catchment.

39. The highest fully developed catchment is a subdivision of 3 lots. Example 85 and 101 Ducie St Darra.

40. S7.6.5 provides for “that part of the upslope lot lot that would drain through the development.

Engineering calculations of rear lot Upstream Connection

41. Council and Council employees have refused to apply stormwater flow calculations for Upstream Drainage by using QUDM Level III for low - medium sites.

Council employees were warned that their plans were charged and causing a flood ever since 1/10/24 letter to Margaret Orr, filed.

42. Notice of Appeal and Expanded Grounds of Appeal. All information has been filed and provided extensively on 19/11/24. Warning of Council engineered stormater

systems were charged and therefore Council employees engineering was causing a flood.

43. Council and Council employees have refused to apply QUDM peak flow calculations using Average rainfall, Coefficients, and Q20 assumptions for the rear lots. **They have been warned that they were causing a flood many times.**

44. Council have refused to apply roof coverage calculations including indicating 900 sqm of roof per rear lot. (As per Manteit extrapolation).

45. Civil Works plans 27/3/25 demonstrate that the Council Upstream Stormwater pipe is charged by 1.18 m. Council employees have therefore engineered a major flood of 122 swimming pools a day during a Q20.

46. Council and Council employees have illegally attempted to use the kerb as Lawful Point of discharge when S6.3.3.1(2) prescribes that Level III QUDM is not permitted if flow exceeds 30 l/s.

No dispute by Council of major flood calculations.

47. Council and Council employees have intentionally and recklessly engineered and designed a stormwater system to cause a major flood, Q20 levels.

48. Council has not disputed in the Reasons for disputed conditions 31/1/25 that Council employees have engineered and designed an illegal major flood.

Onsite Drainage

49. Council kerb adaptor is placed at 5.1m up from the lawful point of discharge. This is around .4m above the proper lawful location and will not command the lot. A house could not be built on Lot without raising the lot level if using Council kerb adaptor location. The private engineer has designed lawful Onsite Drainage system.

50. Council have forced the engineer to deviate from the approved plans.

51. Council employees have engineered Onsite drainage charged by around .4 metre at kerb.

52. The kerb adaptor has not been placed in a lawful location.

53. Council location of kerb adaptor will cost the owner around \$172,000 to modify the site to allow structures to be built on the proposed usable pad.

54. The audit by David Manteit of 412 approved subdivision cases as filed with the Court found that there are no other cases in which Council have engineered and designed Onsite Drainage.

Upstream drainage

55. Council employees are insistent that their approved red lines are one way, but in reality the red lines will cause a Q20 major flood.

56. Council employees refuse to let anyone else engineer the Upstream flooded stormwater system. Council and the Respondent says no need for any other engineer. They say their plans are one way. Their plans are not flooded.

Council says – “Our plans are dry.”

The reality – major flood, possible loss of life.

57. Council have had the chance every day for the last eight months to modify the S18 condition to a standard condition in which case the DA applicant designs the Upstream Drainage system. Council employees refuse to allow a private engineer to enable the design a system that would avoid potential loss of life.

58. Council employees take full responsibility for their Q20 illegal flood stormwater plans and potential loss of life.

Council have taken ownership of their Upstream Drainage system engineered plans lock stock and barrel and prefer the potential of loss of life to a private engineer saving loss of life.

59. Council have said their engineered system is in fact “one way”. Council are steadfastly claiming that their red lines will work, legal and not flooded. They are “one way,” and the one way is not the only way.

There is no other way to interpret the advice by the Appellant in the Notice of reasons 31/1/25.

Council is adamant that Council's red lines are lawful and will not cause a flood. Council stand by their red stormwater lines 100% and nobody is allowed to change the red lines under any circumstances.

Time and time again, Council employees have had their chance to offer for someone else to have a crack at engineering the Upstream Drainage and Onsite Drainage.

Council and Council employees have had their chances to change conditions 17 and 18 to a standard condition but they think their engineering is perfect.

Council have had their chance to remove their red line engineering for 180 days now.

60. RTI review indicates that Council have known their plans would cause flooding, ever since 10/7/24.

61. Council have had the chance to remove the illegal red lines and conditions accordingly.

S75 application

S230 appeal

Notice of Disputed Conditions statement 31/1/25.

The Council employee Onsite Drainage engineering is illegal since it does not comply with –

BSD 8111

BSD 8113

S 6.4.2

Council employees have caused damages to the owner Manteit for their refusal to comply with Council laws and engineering methodologies.

Professional Certification Group has advised they would only sign off on the Council kerb adaptor location, which is the unlawful place.

Survey Plan

62. The RTI review finds that Council employees never examined the DA supplied survey plan.

Audit Report

63. An audit of 412 approved subdivision cases last year by David Manteit, filed, dated 20/1/25 discovered that in all cases a subdivision survey plan was provided in the application.

This demonstrated that there were no other cases in which a Council employee engineered and designed engineered plans in the 412 cases, except this case.

This was Council's first crack at engineering and RTI review reveals that Roger Greenway used a biro instead of a computer.

Professional RPEQ engineers use a computer. Greenway is unlicensed.

Roger Greenway 3 lot subdivision plan

64. It is the Appellant's view that Council employees have engineered a major flood with estimated Q20 peak flow of 171 l/s for a Roger Greenway 3 rear lot plan.

65. RTI review reveals that Roger Greenway, an unlicensed engineer drew an Onsite Drainage plan and an Upslope Drainage plan on one piece of paper with a red biro.

66. The stubs to the rear lots have been placed unlawfully by Greenway around 600mm inside the rear lots. This does not comply with S7.6.5 which requires they butt up to the boundary, not placed in the lot itself.

67. RTI review reveals that the Council employees like Greenway do not have the ability to use a computer, only a biro, for stormwater engineering.

68. RTI reviews reveals that Council employees simply relied on Greenway's hand drawn sketch which is a major flood, until the very last day, 25/9/24 when Wake woke and called Piper and Ting (ES manager) to discuss Lot 100.

Prior to Decision Notice

69. **Joel Wake** was offered by **David Manteit** on the telephone around 15/8/24, to use his laser level for checking onsite levels and viewing from the first floor lounge too. **Wake** refused the offer.

Free Brisbane City Council flooding Legal advice from Council PSP S7.6.1.

70. Council employees have caused a future nuisance to the proprietor of the subject land, and downstream neighbours. Council S 7.6.1 advises that a flood nuisance will cause actions against Council.

7.6.1 Lawful point of discharge

- (1) The objective of achieving a lawful point of discharge is to ensure that any stormwater discharge will not cause an actionable nuisance (i.e. a nuisance for which the current or some future neighbouring proprietor may bring an action or claim for damages arising out of the nuisance). The [QUDM](#) generally describes how it may be determined whether or not a lawful point of discharge exists.

Extract of Council free legal advice S7.6.1 “The objective of achieving a lawful point of discharge is to endure that any stormwater discharge will not cause an actionable nuisance. ... for which the current proprietor may bring an action or claim for damages arising out of the nuisance”

Council and Council employees have caused the nuisance flooding by voluntarily Engineering a Q20 flood. Brisbane City Council free legal advice planted in PSP Chapter 7 indicates that Brisbane City Council and employees fully expect that they will receive a claim for damages from the proprietor for their causing of the nuisance.

71. QUDM legal advice

1.3 Objectives of stormwater management

The primary aim of an urban stormwater management system is to ensure stormwater generated from developed catchments causes minimal nuisance, danger and damage to people, property and the environment. This requires the adoption of a multiple objective approach, considering issues such as (ARMCANZ and ANZECC, 2000):

72. QUDM states that the primary aim of an **urban stormwater management system**..... **causes minimal nuisance, danger and damage to people, property and the environment.**

73. Council and Council employees have designed the Q1-Q20 urban stormwater management system that will cause nuisance, danger and damages to people property and the environment.

Council and Council employees fit exactly within this definition. Council staff have allegedly intentionally attempted to cause a nuisance of major flooding, danger and damage to people, property and the environment by Engineering a 2 rear lot system that generates 846 swimming pools a week in a Q20.

There is no doubt that Council employees fit within any of these definitions.

S7.6.1 is a Council Law. I didn't write the Council laws.

Small Lot Code

74. The Residential Design Small Lot Code identifies that a maximum 60% site cover applies for roof cover for lots 300-350sqm. Site cover is not roof cover.

Manteit has extrapolated the engineer's roof due to the effect of Town Planning requirements.

900 sqm of roof should be allowed for in respect of any rear lots that are 1012sqm

Private engineer has allowed 600sqm but that simply demonstrates (my words) that even if the lowest engineering bar is used, there is still a Q20 flood of 44 million litres a week.

S75. **Site cover is not roof cover** and the Small Lot code allows roof area above for items such as sun shade devices and eaves. Carports are traditionally allowed if built behind the front boundary.

Margaret Orr

76. David Manteit wrote to Margaret Orr on 1/10/24 requesting Council surface levels, amongst 30 other items.

Easement document.

- 1) Please provide proposed surface levels and invert levels of the 225mm stormwater pipe.
- 2) Please provide cover distance above, below, left and right of the 225 stormwater pipe. Note any requirements below that may affect this cover distance.

Extract of Manteit letter to Orr on 1/10/24.

77. 180 days later, Margaret Orr still refuses to supply surface levels and invert levels of Council employee engineered pipes and pits of the Council employee engineered illegal and flooded approved plans.

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**

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

Email: margaret.orr@brisbane.qld.gov.au

Wednesday to Friday

Above – extract of letter from Orr to Manteit 1/10/24.

78. Margaret Orr, on 3/10/24 in the letter below, stated there were only two options to get rid of the red stormwater lines – S75 or S230. Therefore there is no other procedure to remove or modify the red lines.

This letter was sent by Orr in response to my request for calculations to Orr, on 1/10/24.

79. Therefore there is no procedure for the DA applicant to change the Indicative Only plans to be changed other than S75 or S230.

There is no option for the DA applicant to contest the “indicative only” plans.

Council condition 18 (c).

18(c) 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).

Note: To be submitted via DA-ComplianceEngineering@brisbane.qld.gov.au and include the site address, A00 reference and Condition number in the subject line.

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

PROOF OF FULFILMENT

Certification from a Registered Professional Engineer Queensland or a Queensland Building and Construction Commission licensed hydraulic consultant (where applicable), confirming that completed in accordance with the above stormwater drawings.

Extract of S18 (c). As constructed plans to be submitted prior to the notation on the plan of subdivision.

idge Road to create a	Prior to Council's notation on the plan of subdivision
completed in	
Codes.	
cing no more	Prior to Council's notation on the plan of subdivision
	Prior to Council's notation on the plan of subdivision
nmission	
	Prior to Council's notation on the plan of subdivision

80. There is no process other than a S75 or S230 Planning Court application to change the red lines. Council have steadfastly provided resistance to any change to their flood disaster plan for 8 months.

There was no information request provided to the DA applicant.

There was no extension of time requested to the DA applicant.

81. Council response 31/1/25 – Upslope lots and increased density.

(a) the condition seeks to, inter alia, impose a requirement for a stormwater drainage connection to be provided to the Upslope Lots;

(b) the Upslope Lots are upslope to the Land and stormwater will drain down slope towards the Land;

(c) the Upslope Lots are within the LMR3 Low-medium density residential (up to 3 storeys) zone in the City Plan and may be re-developed in the future with increased density;

Above – Response to disputed conditons 31/1/25

Upslope lots

82. In respect to the response above –

(b) The Appellant disagrees with the Respondent, The Appellant has proven that the alleged “Upslope” lots 98 and 99 and 100 are not upslope to the land. Affidavit regarding fall of land has been filed.

83. (c) The Appellant agrees. So due to the increased density due to low-medium zoning,

Increased Density

84. Council solicitor is finally aware that there is increased density.

Can Council solicitor arrange a special urgent meeting on Level 20, to inform Andrew Blake, Roger Greenway, Lucy Ting, Scott Ruhland, Zarndra Piper, Joel Wake. These poor souls didn’t realise the zoning of the rear lots.

So Council employees have just become aware of the requirement to provide calculations for higher density to avoid a flood, as advised by Council solicitor.

The kerb is flooded with a Q20 flow of 114 l/s (as extrapolated by Manteit 900 sqm roof) and therefore the kerb is not a lawful point of discharge for the rear lots as per S6.3.3.1.

85. The Respondent 31/1/25 - “and may be redeveloped with increased density”. Correct. Increased density causes increased roof area. Correct. Table 7.2.3.B says Level III QUDM must be applied for Low-medium sites. However Level III is not permitted.

If flow > 30 l/s at kerb.

Notations in red.

Notations in red on approved plan

14. The notations identified in red on the Approved Plan:

- (a) are administrative in nature (for example, the identification of the plan and drawing number ; or
- (b) as indicated, they are “indicative” only and represent one way, but not the only way, that compliance can be achieved with the Disputed Conditions; and
- (c) ought to be included on the Approval Plan in any approval of the Development Application.

Stormwater lines are not administrative

86. Council is not referring to stormwater red lines being administrative in nature. Administrative are things like the words like SK01. That is why the word “or” has been inserted by Council, to make it clear of their meaning of “Indicative Only”

Council’s explanation of the implications of ‘Indicative only’

87. To be clear, Council have stated the only implications of the words “Indicative only ” is that they are steadfast that -

- their existing plan is lawful and not flooded
- there are other plans available that are lawful and not flooded.

88. To be clear, and cover all bases, should a claim arise, as recommended by S7.6.1 of the PSP, then the following are already agreed by the

Respondent -

Council has no dispute re the fact that there is no alternative process to remove red lines and markups other than S75 or S230.

89. Council is not disputing that there is not another process whereby the red lines are removed is available other than a S75 or S230.

Council has no dispute that fines still apply for non-compliance with the Development Approval – The red lines must be adhered to or offences will occur.

90. Nobody can design nor build anything that is contrary to the Development Permit. Fines apply if anyone designs or build anything that is different to the indicative only markups.

91. Council has no dispute that Council employees are still responsible at law for the damages they have caused David Manteit in holding costs and lost profits and future loss by residents of Darra, of nuisance flooding cause by Council employees illegal and flooded plans.

92. Council has no dispute that Council employees are culpable for a damages action under S7.6.1.

There is no dispute by Council that Council employees are responsible for the causing of a flood as a result of their illegal and flooded engineering.

Council are mistaken if they think that indicative only relieves them from a damages claim in another Court, or any excuse for their illegal flooded engineering standard, to the Police fraud Department, or the BOM or the Crime and Corruption Commission or the Board of Professional Engineers,
Or the disaster Management section, or Chanel 7.

93. To be clear, Council “Indicative only” means that Council employees are certain that their existing illegal and flooded plans are legal and dry. And also there are other legal and dry plans available.

94. There is no process to amend the red lines and “markups”, other than a S75 or S230 appeal. That’s what Margaret Orr stated on 3/10/24 to David Manteit

In the Appellant Notice of **reasons of dispute 31/1/25**, The Respondent did not deny that the “markups” were things that if one contravened the markups would not attract a fine of monetary value, or prison sentence.

95. **“The stating of “markups”** do not relieve the owner from any penalties and offence provisions of the Planning Act and lawful responsibility for them to comply with the Planning Act in full and offence provisions of the Planning Act.

96. The stating of “Markups” has no process to get rid of red lines for any owner of the property without a S75 or S230 appeal, as proven above.

Not a legal defence for a Council employee

97. “Indicative only” will not protect a Council employee to be used as a defence for a S7.6.1 legal action for damages. No person may engineer without a licence. That is a punishable offence. Hydraulic engineering requires an engineering licence. One has to comply with the Professional Engineers Act, in order to engineer a stormwater system.

98. If the Planning Court or Council is legally able to impose or apply a fine to a person or corporation for contravening an indicative red line, then Council and Council employees are equally responsible for the engineering conditions they made as engineers.

If there was no approval suspension and I went and constructed a stormwater pipe that was one metre long, is placed in the middle of the lot and is not connected to the kerb, can I tell the Council BCMT team to tear up the \$30,000 fine they gave me because I said to BCMT that the red lines are only indicative?

99. Council’s red lines and pits are forcing the owner to lose his licence.

“Indicative only” is not a known industry practice

100. The using of the words “indicative only” is not an accepted practice by Council.

101. It was found in my study of 412 subdivision cases, there are no other cases in which Council used a phrase “indicative only”. I am confident that Council cannot provide any other example of Council engineering of 61m of stormwater pipes and simply said “Indicative only”

The large scale of Council Engineering cannot simply be “indicative only”

102. The Council engineered design of 61 metres of pipes, 6 stormwater pits, 2 kerb adaptors and be on such a scale and be indicative only?

We could be put in jail for not complying with the “Indicative Only” plans. – Planning Court offences.

103. The fact is nobody can modify the indicative plans only except through the Planning Court. The Appellant has proven that.

There is no judge that will allow me to argue that I can do whatever construction I wish because the red lines are “INDICATIVE ONLY”.

What is good for the goose is good for the gander.

If you live by the sword you die by the sword.

Council employees culpability for a damages claim as per S7.6.1.

104. Council employees have taken fully responsibility for the cause of the proposed flooding disaster by their decision to be the only Council employees to engineer an Upstream stormwater system in the calendar year and probably, ever.

Nobody forced Council to engineer the stormwater system plans.

Council employees are mistaken if they believe that writing the words “markups” or “indicative only” reduce liability from a S7.6.1 damages claim in another Court, they are mistaken.

The phrase “Indicative Only” is not stated anywhere in City Plan or QUDM

105. Every RPEQ engineered plan in the world is indicative, prior to construction. But they are not indicative only.

Just imagine at the Wivenhoe Dam 2011 flood enquiry someone said in their defence that the Flood manual was “Indicative only”.

There is no phrase in City Plan definitions called “Indicative Only”

There is no reference to the term or use of the words “Indicative only” either in –

The QUDM manual

PSP Chapter 7

City Plan

The Registered Professional Engineers Act 2002.

The Crime and Corruption Act 2001

My private engineers prepare prior to construction plans that can be relied upon.

There is no procedure at law by the DA applicant to change the Development Approval Council employee engineered plans without huge Court preparation costs damages incurred to the Respondent

Represent “one way” or “another way”

106. To be clear, Council advises that the only reason for stating “Indicative Only” on the plans in red is because they have lawfully designed “one way” and there are lawfully possible “other “ways”.

107. Council is so certain that it’s “one way” can be held out for all the world to audit and nobody will declare that the Council employees engineered plans are illegal and cause flood.

108. Council says there are other ways but refuses to modify the condition to allow an private engineer to provide any way or another way.

109. Council does not provide surface levels and invert levels. If a designer designs or constructs contrary to the approved plan, there are stiff fines and the site will be closed down.

18) Up Stream Stormwater Drainage Connection - Minor

Provide a stormwater drainage connection for Lot(s) 98 and 99 on RP29723 designed for ultimate developed catchment conditions and connected to being the lawful point of discharge, generally as shown on the APPROVED Plan of Subdivision SK01 received 10 JUL 2024 and as amended in red. To usable building pad for proposed Lot 2 and to achieve a lawful point of discharge via gravity to the kerb and channel.

110. "As shown" means you must design and build as shown or you could end up in jail.

By refusing to modify the condition to a standard condition means that Council exposes themselves to damages actions, the same as any engineer in Queensland. Refer S 7.6.1.

111. Council - "we won't let any other engineer design. You have to comply with our engineered design. Our design is legal. It won't flood. Trust us. We know how to engineer. We refuse to allow any other engineer design."

The above is a layman's interpretation.

"Represent One way but not the only way."

112. The Appellant has stated on 10/7/24 and in the Notice of Appeal that there is no way, that water would drain through the development. And that there is no lawful discharge location.

113. The Appellant warned Council of a flood, if there was a condition to provide an Upstream Connection.

114. If the pipe won't drain through to the kerb, it's a flood. That was the flood warning to Council.

RTI review provides that Council states there are many ways. In fact, Council considered only two ways –

115. RTI review reveals that Council only had two ways.

Council's "one way" 2 rear lots -

Major flood of 122 swimming pools of flood every day in a Q20 event, which can cause damages and possible death according to QUDM manual.

Council's "other" way. Roger Greenway unlicensed engineer, authored, **3 rear lots** –

Major major flood of 183 swimming pools of flood a day Q20 event, causing property damages and possible death, according to QUDM manual.

RTI review evidence reveals that these are the only Council employee's ways.

116. The Notice of disputed conditions 31/1/25 implies that Council is allegedly steadfastly hell bent on one of these "ways"

Council employees refuse to supply their gold standard engineering calculations that prove there will be no deaths caused from the Council engineered stormwater plans.

117. All the evidence from the DA Applicant and private engineer investigations is that there is no way at all.

118. Council employees, as evidenced in my review of RTI review 17/2/25 documents has revealed that Council employees never did any engineering assessment whatsoever of –

QUDM Q20 flood investigations to determine if the red lines will cause flooding of-

Flooding of 856 swimming pools per week of a Q20 flood for Lots 98 and 99.

Flooding of 1,284 swimming pools per week of a Q20 for Lots 98,99,100.

Indicative Only – Planning Act penalties

There are stiff fines for anyone that contravenes the Development Approval

119. If an RPEQ hydraulic engineer does prepares plans that are different to the approved plan, the RPEQ will incur a \$2,699 fine as per S164 of the Planning Act and may lose his licence.

Can the hydraulic engineer save a his licence and a fine by saying to the judge “Council plans were only indicative your Honour. I can build anywhere I want.” Please let me off” The judge would refuse the argument and laugh at the engineer.

120. If the owner builds anything that is contrary to the Development Approval, the owner will incur a fine of \$2,699 as per S164 of the Planning Act.

Council is forcing applicant engineer to lose his licence.

121. Council forcing an applicant engineer to lose his engineering licence by designing unlawful engineering and pipes that are charged, undersized and busted at the kerb.

Due to the red lines, an engineer is not allowed to do anything that contravenes the Development permit.

122. As per Condition 18, the applicant is only obliged to provide RPEQ plans only “As constructed” to Council at Plan Sealing.

123. Council employees are insistent on their flooded red stormwater lines to remain.

31/1/25 – “Will protect the Land from stormwater runoff if the Upslope Lots are developed in the future and ensure a lawful point of discharge.”

- (e) the provision of the stormwater drainage connection to the Upslope Lots is an appropriate response to the introduction of a new residential lot and will protect the Land from stormwater run-off if the Upslope Lots are developed in the future and ensure that a lawful point of discharge for those lots is achieved;

This statement is a an alleged fraudulent statement by the Appellant.

Table 2 – Peak Flow Rates Using Rational Method (Post Development- Roof Areas Only)

Catchment	Q ₁ (m ³ /s)	Q ₂ (m ³ /s)	Q ₅ (m ³ /s)	Q ₁₀ (m ³ /s)	Q ₂₀ (m ³ /s)	Q ₅₀ (m ³ /s)	Q ₁₀₀ (m ³ /s)
Existing Site	0.014	0.019	0.026	0.031	0.038	0.049	0.054

Based on the above considering the lots are fully developed, it can be determined that the stormwater runoff will increase significantly, and the proposed upstream stormwater infrastructure will not be able support the additional flows based on QUDM Level III drainage.

Furthermore, Council’s Planning Scheme Policy states that proposed kerb outlets should have a capacity which is limited to 30L/s for the 5% AEP event. However, runoff volume will exceed this capacity even with the conservative assumption of 600m² roof areas for each lot. Understanding Council’s 30L/s limitation, even if stormwater infrastructure were to be modified, the proposed connection would still fail to meet compliance standards.

Engineer extract

124. Council cannot make that alleged fraudulent statement because they have not provided any evidence for that statement provided by an RPEQ. Engineering statements need to be backed up by evidence,

125. If Council has no evidence they are “protecting” anyone then that statement is fraudulent.

Council is misleading readers into thinking that they will be protected by Council statement that there will be no flood.

The truth is quite the opposite. Council employee engineered plans will cause future flood, nuisance, damages and potential loss of life.

126. The statement that Council is protecting someone is allegedly fraudulent and misleading.

The only protection Council can do is to issue a correction letter to residents of Brisbane withdrawing the statement advising them of a future flood they have caused.

Until the Council RPEQ calculations are provided, that statement is alleged to fraudulent.

The statement is an illegal statement due to Council and is simply a “last chance stab by Council and Council employees to bluff their way through.

127. The statement is an attempt to fool the people of Brisbane that the Council employee stormwater system will not be flooded and cause no loss of life. The statement is untrue and is alleged to be fraudulent.

128. It is proven there is no lawful point of discharge for the Council employee engineered flooded hydraulic lines since the Council engineered flood will be greater than flow of 30 litres per second at the kerb.

129. It is alleged Council and Council employees know that they have willingly engineered a major flood disaster capable of damages and potential loss of life.

130. There will be no “protecting the land”. It will be quite the opposite. The land will be flooded, as shown in the private engineer drawings. There will be a flood coming out of the charged pipes in the middle of the land.

131. The Council employee engineered charged pipe will create stormwater runoff that is greater than the peak Q20 flood event.

Council employees have designed a stormwater system that will flood 122 swimming pools every day, being the excess of Q20, 114 l/s less 30 l/s = flood of 84 l/s.

(Based on Manteit Town Planning extrapolation of 900sqm of roof per lot)

The fact that Council have repeatedly stated that their red lines are to remain on the plans.

132, Time and time again Council employees have been warned about the impending flooding disaster caused by them.

(d) development of the Upslope Lots will create additional stormwater run-off to the
Land;

There you have it. The Council intentional flooding statement.

Council -“development of the Upslope Lots will create additional stormwater run-off to the land.”

And the exact calculations are

Nothing

133. Council have apparently done their calculations and state that there will be additional stormwater runoff.

The runoff in this case is a Council and Council employee caused additional runoff flood of 122 swimming pools a day of illegal excess stormwater runoff to cause of flooded water.

(Manteit calculation based on 900sqm per lot)

Council are adamant their markups are indicative only.

They are also adamant there is many ways.

Indicative only – done every hour of every single day by RPEQ hydraulic engineers, and other engineers all over the world. That is what engineers do.

Every RPEQ hydraulic engineer in the world prepares in indicative designs every day.

All engineers are responsible and legally culpable for their indicative plans. It is an engineer's livelihood to prepare indicative plans every day for his whole life.

As constructed plans

134. When the designs are constructed, the engineer provides "As constructed designs" The "As Constructed plans" are required in condition 18 (c).

The only Council assessment process of RPEQ plans is at the As Constructed phase – as per Condition 18 (c)

135. The only process for Council to assess prior to construction plans is if these private RPEQ plans are provided in the DA lodgement or alternatively from an information request.

At DA lodgement

136. There were no RPEQ plans provided up front because David Manteit told Council that in writing that there is no way for water to travel through the development.

Manteit in DA submission –

“refer S7.6.5.” Full section provided. Words provided – No part of the lot would drain through the development.”

Manteit warned of a flood on 10/7/24.

But Council employees have caused a design that will be Q20 flood, which is unacceptable

137. Council employees have intentionally engineered plans that intentionally restrict the owner Manteit to build a stormwater system that will cause an unacceptable Q20 flood.

138. RTI review findings

3/9/24 - Blake gave the go ahead on 3/9/24 for the major flood red lines – 1,284 swimming pools of flood per week in a Q20.

Ruhland, unlicensed engineer, performed unlicensed engineering and called for 3 lots to require an Upstream Connection.

It has been calculated that the **Ruhland** Upstream connection for 3 rear lots will cause a flood of 1284 swimming pools as per Q20 calculations.

Wake asks Ruhland again – The unlicensed engineer **Ruhland** says still ok. That would be 1284 swimming pools per week of flood in a Q20 is ok according to the unlicensed engineer doing engineering calculations.

Joel Wake woke up on 20/8/24 and asks **Ting** on 20/8/24 if an Upstream connection is required, one day before the last day an information request can be sent.

Joel Wake woke up on 25/9/24, the day of the decision notice and rang the ES manager Ting) and delegate Piper to see if Lot 100 should be included.

The plan for 3 lots was on the table until the last day.

1,284 swimming pools of flood per week were on the table until the decision day. Then it became 856 swimming pools a week,

Lucy Ting said on an unknown date that calculations were accurate refuses to supply the accurate calculations. Lucy Ting appeared to have doctored the date of the document.

Piper meets Orr on 1/10/24 to decide whether lot 100 should be included. An alleged fraudulent statement as the decision was made 25/9/24.

Orr said on 3/10/24 to **Manteit** that **Piper** (The delegate) took all assessment matters into account. Another allegedly fraudulent statement. There is no record of outcome of the **Piper and Orr** meeting on 1/10/24, after 1/10/24.

Orr said on 3/10/24 to Manteit that the Development Services Team assessed everything.

Wake did not call **Manteit** to advise about red lines to be in the approval. before making the decision (as protocol requires)

68 Molonga Tce Graceville

139. There were three S81 application approvals on this site last year. The original application was decided in 2018. Brisbane City Council V Henderson. 4139/18

All three S81 applications have used the original subdivision plan of 4139/18.

This case identifies a red line drawn by Council for Upstream drainage, The red line was consented to by the applicant as there was agreed orders.

The rear lot is Low density.

Council plan shows no rear sham triangle.

Council states the requirement BSD 8111. At least Council appeared to have some knowledge of engineering calculations.

In the case of 128 Ashridge Rd Darra, Council have drawn a sham triangle which is non-compliant with BSD 8111, being over 600mm away from the boundary with no

consent. No engineering method has been stated. Council refuse to state any any levels.

140. BSD 8111 also requires the Onsite Drainage kerb adaptor to be placed to the lowest part of the kerb.

Driveway

141. The Respondent accepts the S75 decision by Roger Greenway.

142. My position for this case as of the date of this statement is that Conditions 24 and 25 are to be removed.

143. BSD 2024 states that the maximum height difference between above kerb is 238mm.

Engineer Report

144. Disclaimer

The report provided by Civil Works includes a review of Condition 7 and 18. and in no way whatsoever expresses the opinions of viewpoints of the Appellant, David Manteit.

The report is their independent findings.

An filed audit by the Appellant of every one of the 412 subdivision cases approved demonstrates the quality of Civil Works work is at the highest level.

Readers of the report can form their own opinions. Any mentioning of Engineering calculations in this submission is the opinion of David Manteit only, on a Town Planning basis and extensive construction of assisting plumbers with installation of stormwater pipes experience.

Civil Works Engineers have not provided extrapolations beyond what is in their report, including roof size per rear lot of 600 sqm.

This figure has been stated as the conservative figure and in their opinion the Council stormwater sytem is not viable, even on low flows with 600sqm roof.

Any findings by Civil Works are limited to their exact report.

Any cut and paste done by Manteit in this submissions or Town Planning report is not modified. The full report is available for the public. So there is no possibility of tampering.

I request that any queries on the report are sent to myself and not Civil Works. Civil Works will not respond to any queries by any party. Their advices are limited to the report only.

Town Planning

145. It is my submission that 900sqm of roof area per lot should be applied for Town Planning purposes. This is the opinion of the Appellant. This is still a conservative roof size in my opinion. The conservative figures provided are in my opinion quite alarming for the culpability of Council employees.

The Town Planning estimate indicate there are disastrous consequences for the residents of Darra and alarming flood flows and the public should be made aware of potential flooding, property damage and possible loss of life, for normal estimations.

The Bureau of Meteorology does not provide minimums. They provide the expected, and sometimes the worst. So residents can plan for the worst event.

Figures may have been extrapolated by Manteit due to City Plan requirements and to state what is expected to be the fully developed roof size according to Town Planning. The public must be made aware of the implications of flooding in the immediate area downstream.

I feel I have a duty to inform the Brisbane public on an impending flood.

Other

146. The report and other design information has been provided on an independent basis. The Appellant states that the engineer provide site drawings, draft kerb design, sewerage design, site management plans, in the ordinary course of business. Plus a review of condition 7 and 18.

Also provided is an independent review of Council employee engineered Upstream Drainage stormwater system.

Private engineer

147. The engineer provided a plan of Councils plan and plotted against existing ground levels. It was found by Civil Works that the Council engineered system was charged by 1.18m.

The engineer also provided a plan of Council's plan and plotted a pipe had the appropriate lawful pipe falls, except most of the pits and pipes were found to be in mid air.

Notably the engineer found it appears that he could place a new fifth pit without the connection for Lot 99 being in the air at SL 36.604.

However, in the Appellant's opinion, this surface level of 36.604 does not command the whole lot and is not a lawful point of discharge.

Allowing for 1% pipe fall and therefore ground fall, the pit would required to support Lot 99 to be 36.804 to command the lot and would mean that the rear neighbour would have to fill his lot up to 20 metres back to obtain lawful point of discharge for the entire lot.

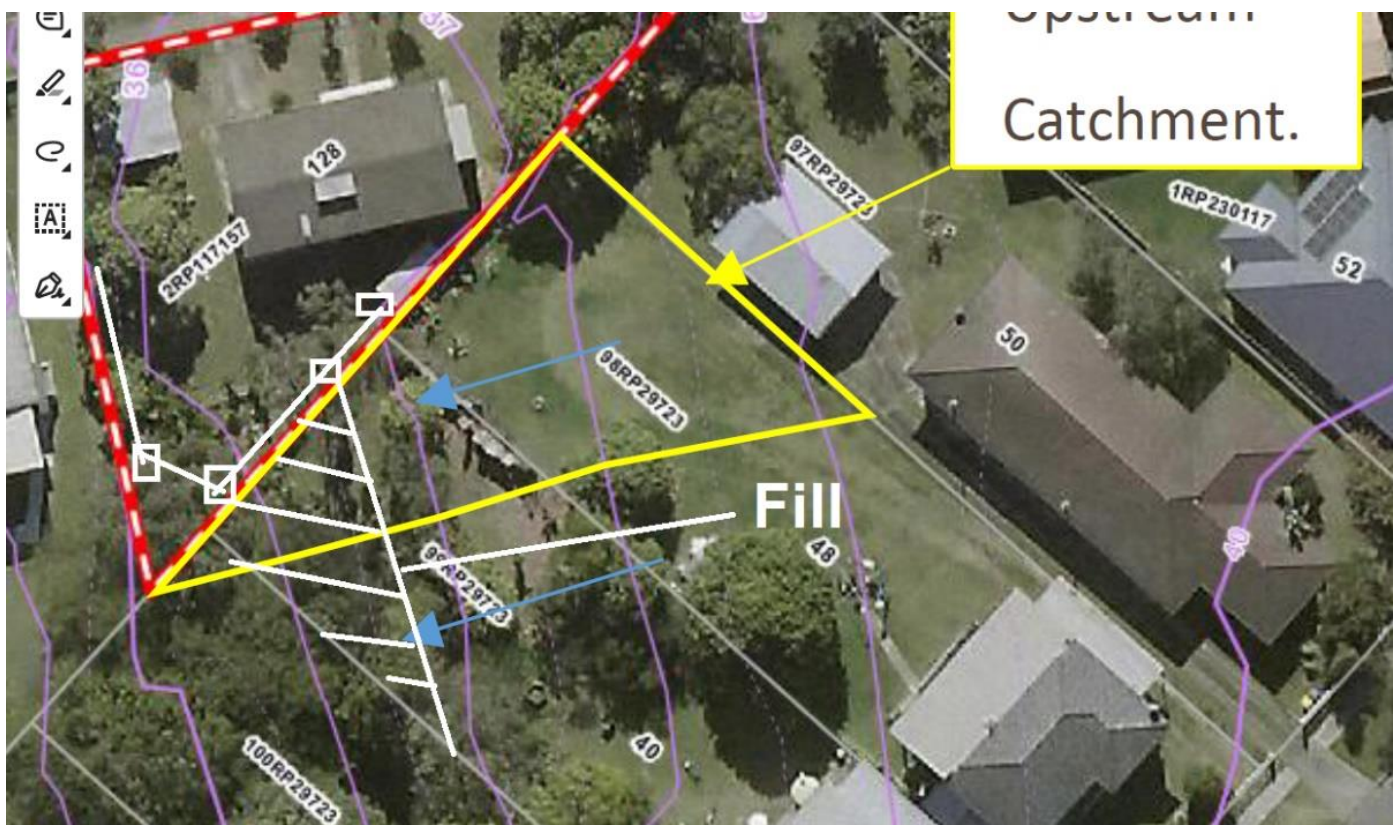
(b) The rear neighbour would need to obtain consent from 128 Ashridge Rd owner to build a built to boundary wall. I do not provide that consent.

(c) The owner of Lot 99 can fill or cut to one metre at any time, according to the Filling and Excavation Code. There is no guarantee that this fill, if filled, will become a lawful ground level. An approval for Bulk Earthworks would be required to obtain a new lawful ground level to override Contours 2002 lawful levels.

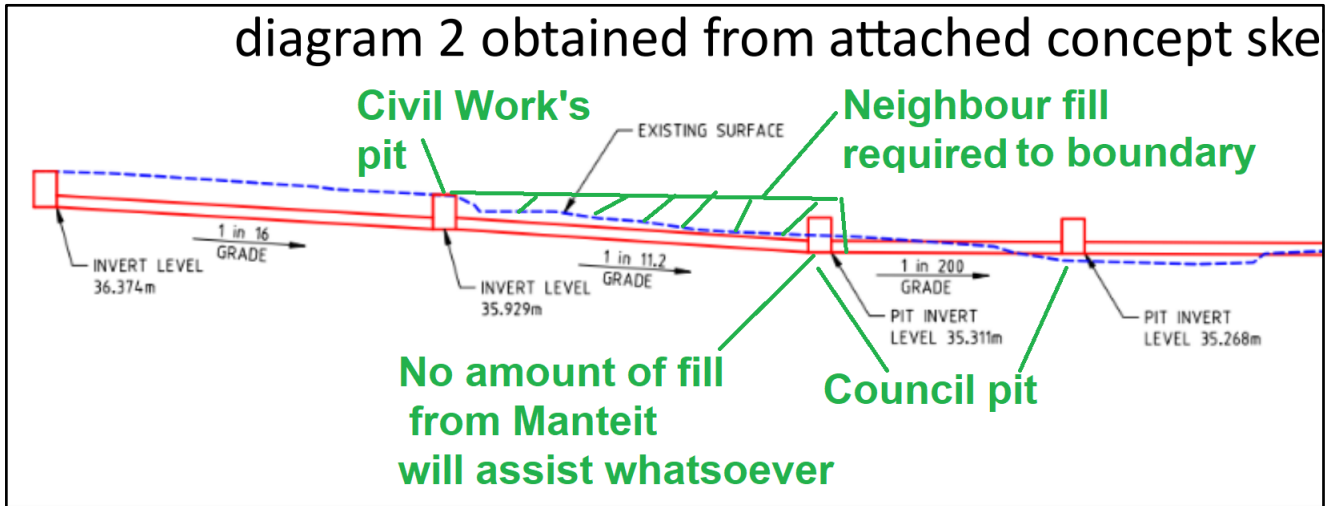
(d) Any new neighbour may change the levels. Only statutory covenant would ensure lawful point of discharge.

(e) There is no amount of fill from 128 Ashridge Rd Darra that would assist the stub required for Lot 99. Even if a boundary wall was built (I give no consent) , this would still not change the fact that the stub is placed at an invert level at 750mm below ground.

(f) Any Roman aquaduct system of mid air pipes is not lawful.



Above – sketch prepared by Manteit demonstrating that fill required by owner for Civil Works concept plan to work to obtain lawful point of discharge to command the lot.



Sketch above prepared by David Manteit showing that neighbour fill is required for Option 1 from Civil Works to be lawful.

In addition, there is the exposed pipe directly to the right of pit 2 and the pit number 3 on Civil Works plan and number 2 on Council plan that is exposed, and the owner and Appellant has no legal obligation to obtain consent from neighbours to build a retaining wall built to the boundary.


No amount of fill from Manteit will assist with the stub of Council pit 2.

It is not lawful to include and/or rely on a neighbour to fill works and/or a retaining wall and the placing of that requirement in any Development approval.

There is no guarantee the rear neighbour would maintain the same ground.

This plan demonstrates that Civil Works have looked at every option for rear lots connection. It is evidence of their professionalism and independence of myself or anyone else.

Sara McCabe refusal to change the name of the Appellant despite many requests from the Appellant.

In the Planning and Environment Court		Appeal No. 2916 of 2024
Held at: Brisbane		
13 FEB 2025 FILED BRISBANE	DAVID MANTEIT	Appellant
And:	BRISBANE CITY COUNCIL	Respondent
ORDER		
Before:	His Honour Judge Williamson KC	
Date of Hearing:	12 February 2025	
Date of Order:	13 February 2025 (<i>on the papers</i>)	
IT IS ORDERED THAT:		
1. The appeal be case managed by Judge Williamson KC.		
2. The <u>spelling of the Appellant's name in the header of the Order of His Honour Judge Williamson KC dated 12 December 2024, being Court Document No. 17 on the Court file, be corrected to 'Manteit'.</u>		
3. On 24 March 2025 the Appellant is to file and serve all material it intends to rely upon		
Filed on:	February 2025	
Filed by:	City Legal – Brisbane City Council	
Service address:	Level 20, 266 George Street BRISBANE QLD 4000	
Phone:	(07) 3178 5581	
Fax:	(07) 3334 0058	
Email:	<u>sarah.mccabe2@brisbane.qld.gov.au</u>	
 <p>ORDER Filed on behalf of the Respondent Form PEC-07</p>	CITY LEGAL	
	Level 20, 266 George Street	
	BRISBANE QLD 4000	
	Telephone: (07) 3178 5581	
	Facsimile: (07) 3334 0058	
	Email: <u>sarah.mccabe2@brisbane.qld.gov.au</u>	

148. Sara McCabe caused His Honour to make an order to change the name of the Appellant, after David Manteit requested His Honour to change the name.

Sara McCabe of City Legal prepared the Town Planning Court order 12/12/24. McCabe intentionally spelt the name of the Appellant incorrectly.

McCabe intentionally refused Manteit's many requests for McCabe to change the name to the correct name.

I allege that Ms McCabe has intentionally changed the name to avoid media searching of Brisbane City Council unlicensed engineering of flooding disasters.

No dispute by Council that Sara McCabe cannot spell the word correspondence.

150. It is noted that in the Notice of Disputed conditions 31/1/25 that Sara McCabe refused to spell the word corresponding, by replacing it with the word "correspondence".

It is noted that Manteit requested the correspondence from McCabe but the correspondence was not forthcoming from McCabe.

It was not disputed by Sara McCabe that she could not spell the word correspondence.

There is no dispute that the word Note has been struck out.

There is no dispute that Sara McCabe enjoys striking out words at any time of the day and incapability of responding to letters with big words.

To be published.

'18) Up Stream Stormwater Drainage Connection – Minor

Provide a stormwater drainage connection for Lot(s) 98 and 99 on RP29723 designed for ultimate developed catchment conditions and connected to the existing kerb and channel in Ashridge Road being the lawful point of discharge, as generally shown on the APPROVED Plan of Subdivision SK01 received 10 JUL 2024 and as amended in red. ~~The development site must be filled to create a useable pad for proposed Lot 2 and to achieve a lawful point of discharge via gravity to the kerb and channel.~~

Note:

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

Sara McCabe strike out of the word Note.

⁷ The Respondent also alleges non-compliance with the correspondence AO1.

⁸ The Respondent also alleges non-compliance with the correspondence AO2.2.

⁹ The Respondent also alleges non-compliance with the corresponding AO3.2.

¹⁰ The Respondent also alleges non-compliance with the corresponding AO4.1.

Sara McCabe refuses to spell the word corresponding (twice).

Crime and Corruption Commission

149. In light of the engineering by unlicensed engineers, this could be considered offences under S15(1) of the Crime and Corruption Act 2001

Board of Professional Engineers

151. In light of the flooded and illegal engineering carried out by Council employees, licenced and unlicenced, for a engineering a an illegal Q20 flood event this could be considered offences under the Professional Engineers Act 2002.

Trial Witnesses

150. These nine Council employees are nominated to be present in Court.

Andrew Blake
Roger Greenway
Margaret Orr
Joel Wake
Scott Ruhland
Tom Gibbs
Zarndra Piper
Lucy Ting
Representative person from TST Hydraulics.

Orders sought

Condition 7 to be removed

Condition 17 to be modified to a standard condition taking out the requirement to prepare plans.

Condition 18 to be removed

Condition 24 and 25 to be removed

All red lines and engineering comments to be removed from the approved plan

Order for the court file and employees to be referred by His Honour to the Board of Professional Engineers Queensland

Order for the file to be referred by His Honour to the Crime and Corruption Commission.

His Honour to make written findings of -

- Council engineer calculations

- The assessment procedures of Council and Council employees

Documents to be relied upon at the trial

DA approved plan

DA approval conditions

All filed affidavits and statements

City Plan

The Crime and Corruption Act 2001

The Professional Engineers Act 2002

The Respondents

It is ordered that the Respondent file and serve the following documents in the material to be filed and served, on 21/4/25 –

Surface levels and invert levels of 6 pipes, pits and kerb adaptors.

Rational method calculations of flow litres per second

Falls of pipes used

Roof areas used

Coefficients used

Rear lot zoning used lot used.

Report on the lay of the land and why Council employees thought that water would drain to Ashridge Rd.

Reasons why no information request was not issued

Reasons why no extension of time was not requested

Reason why Wake did not telephone Manteit to advise that plans would be amended in red.

Reasons why Council employer Upstream and Onsite drainage plans are flooded plans

Reasons why Council employees chose a 225mm pipe

Reasons why Council employees decided to take full legal responsibility for their engineering and cause damages to the Appellant of holding costs
And loss of profit of over \$150,000

Reasons why an action as recommended under S7.6.1 would not apply.

Reasons why Council employees decided to engineer an illegal flooded Engineered Upstream Drainage system and in 411 approved other cases last calendar year no other person did.

Reason why Roger Greenway drew a 3 lot plan instead of a two lot plan and why he used a biro instead of a computer to calculate stormwater engineering.

Please advise if Roger Greenway has an engineering licence to draw and engineer 61 metres of stormwater pipes pits and kerb adaptors. A search reveals that Roger Greenway has no engineering licence. Please advise if this is incorrect.

Reason why Roger Greenway's 3 lot plan was deemed illegal by other Council employees.

Reason why Andrew Blake ordered on 29/8/24 the red stormwater lines be marked up.

Reason why Roger Greenway 3 rear lot plan was on the table until 25/9/24.

Reason why Roger Greenway prepared a 3 rear lot illegal flooded stormwater plan when he is not a Registered Engineer.

Reason why Scott Ruhland provided engineering services if he is an unlicensed engineer.

Name of any other unlicensed engineers in the Development assessment team,