

AFFIDAVIT

Planning and Environment Court

David Manteit V Brisbane City Council 2916/24

All pages numbered 1-41.

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

1. The Appellant alleges the following findings of the actions of Andrew Blake occurred in the assessment of A006565555, 128 Ashridge Rd Darra –

Andrew Blake has performed unsatisfactory professional conduct as per Schedule 2 of the Professional Engineers Act 2002.

Andrew Blake has been grossly negligent in the assessment of A006565555.

2. This affidavit is provided in support of the Appellant's request that the same findings in 1. above are made in His Honour's judgement of this case, as per orders sought in point 10 of the Notice of Appeal.

3. In addition, for clarification, the Appellant seeks orders in the judgement, or orders aside from the judgement as the case may be, to

(a) make the same findings set out in 1. and

(b) make a referral by His Honour to the appropriate third parties –

The Board of Professional Engineers for unsatisfactory professional conduct (may be criminal)

The Crime and Conduct Commission (may be criminal licenced activities)

The Department of Prosecutions (S289,290 of the Criminal Code)

In the presence of **-Terrence Hedley Leister JP (Qual)**

Signed:



Deponent:

DAVID MANTEIT

Signed:



Justice of the Peace:

AFFIDAVIT

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The referrals by the Court are to provide a mention of why the referrals to each institution are made.

(c) Any other disciplinary orders that result from His Honour's findings.

4. In addition, the Appellant provides this affidavit in support of a Request for Subpoena Form 42 lodged with the Court 7/4/25 and requests that His Honour sign that request for Blake to attend as a witness in the trial on 28/4/25, as soon as possible.

5. Of particular concern is that Blake has demonstrated a reckless approach with no care as to future flooding, damages and the loss of life, caused by his actions in the assessment, which have led to his issuing his illegal engineered approved Upstream and Onsite drainage stormwater plans in red.

6. Blake and the Respondent maintain steadfast their intention to cause nuisance flooding, damages and loss of life to the site and 2000 properties and 5000 persons downstream of the subject site.

7. Where used –

“Unsatisfactory professional conduct ” refers to Schedule 2 of the Professional Engineers Act 2002

“Gross negligence” is a heightened degree of negligence, representing a reckless disregard or extreme indifference for the safety or lives of others, exceeding ordinary carelessness and implying a conscious violation of safety rights, including S289,290 of the Criminal Code.

“Council employees” –

Andrew Blake
Roger Greenway
Lucy Blake
Margaret Blake
Joel Wake
Zarndra Piper
Scott Ruhland

(Extract of public DA conditions)



The information below is provided to demonstrate that Blake and Council actions in the assessment of A00656555 have been grossly negligent from 10/7/24 to 25/9/24 and all the way during that period.

8. David Manteit DA report, lodged 10/7/24.

“Stormwater Code, lawful point of discharge” (Stormwater report)

Blake, licenced engineer, did not assess any part of David Manteit's DA report, nor did any of the other Council employees (with minor exceptions)

In particular, the *stormwater report* was not assessed by Blake or any of the Council employees.(with minor exceptions)

In any case if there was assessment done by Blake or Council employees, this has been found to be a grossly negligent assessment.

The independent engineer made a finding that it appeared there was no assessment of the existing terrain.

9. All Manteit's arguments in the stormwater report have been upheld by the independant engineer.

The Da applicant, David Manteit provided extensive arguments and drainage pattern information in his assessment report in the stormwater report. The Appellant gave 11 flood warnings if there was an upslope condition issued by Blake and Council.

There was around 412 approved cases in the report filed by Manteit and around 57 cases where there were upslope pipe connections. In no cases were there any plans prepared by Council, except A006565555.

All Manteit's arguments in the DA application in relation to the reasons why there should not be an upslope stormwater connection, that David Manteit provided in the assessment report on 10/7/24 have been substantiated by the comparison to the the Independent Engineer report, as filed.

Manteit provided sufficient arguments in the Stormwater report on 10/7/24 that provision of a stormwater connection to any of the rear lots for an upslope connection is unnecessary and would cause flooding, if an upslope condition was issued.

Manteit provided enough information without the need for an RPEQ. The pipe was charged, for one reason.

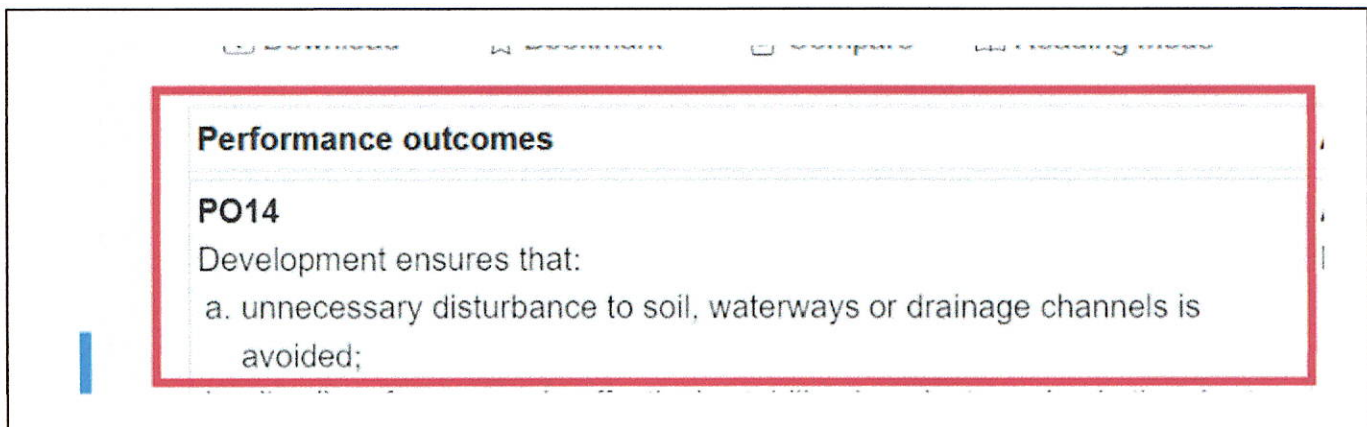



In any case there was no information request issued. Council have had their chance to allow another engineer Onsite and Upstream drainage. Council remain steadfast as to their illegal approved plans.

It is inconceivable that any normal person of average intelligence can see where water can fall down to Ashridge Rd, from any rear lot. The only result is a charged pipe. But 8 Council employees were offered the chance at every opportunity to assess the levels.

All necessary information including an ONF survey plan was lodged with the DA application.

Three extracts of Council stormwater codes and planning scheme policies were provided to assist with the assessment. None of these Council's laws were referred to in the Notice of reasons 31/1/25. It is not disputed by Council. That fact alone is complete evidence that Blake and Council employees refused to follow and comply with Council laws.



Extract above of stormwater report

Manteit

"unnecessary disturbance to soil, waterways or drainage channels is avoided"

Manteit stated that no disturbance was required (no fill required).

This was a flood warning to Council, should they condition an upslope connection (1)

Blake

It has been proven by the removal of all fill requirements as per Notice of Disputed Reasons 31/1/25 the incompetency of Blake and Council to have placed "Fill the site" requirements three times in the original approval conditions.

A handwritten signature in black ink, appearing to be a stylized 'M' or 'N'.

A handwritten signature in black ink, appearing to be 'J. Z. B.'.

Gross negligence by Blake is already proven by the removal of the fill conditions.

There is no evidence that Blake and Council ever assessed PO14.

Blake has demonstrated gross negligence
Blake has demonstrated unsatisfactory conduct

Independent Engineer

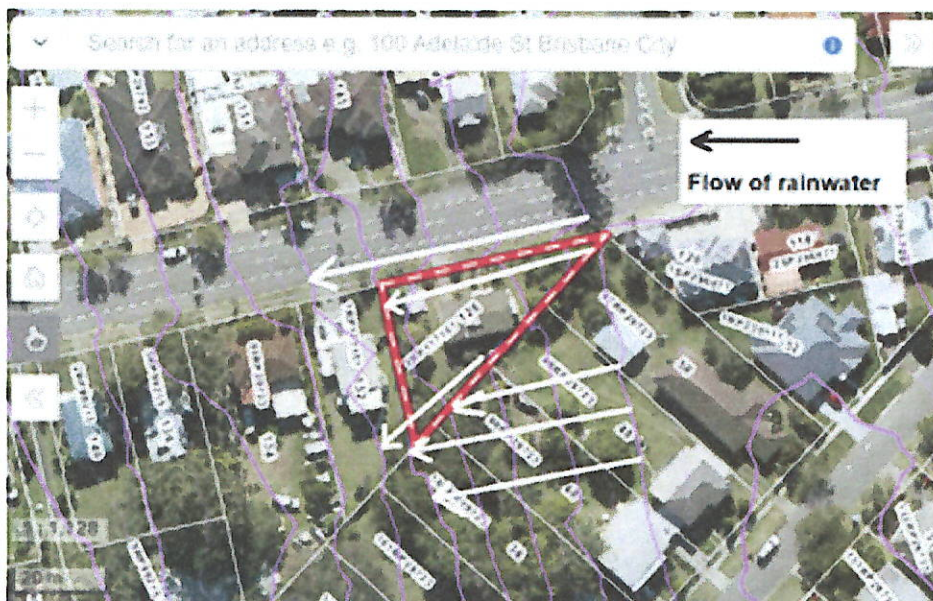
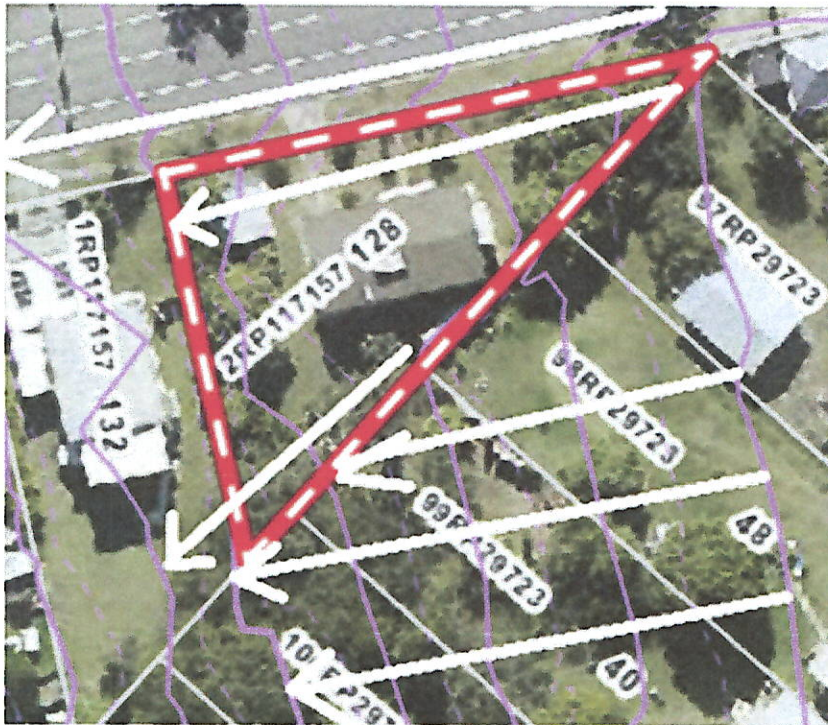
The independent engineer has upheld all David Manteit's argument.

- Natural drainage patterns already direct runoff downstream.
- The site's terrain prevents effective upstream drainage.
- A compliant connection would result in an exposed pipe, which is not feasible.
- A compliant connection based on providing minimum cover would result in an inefficient charged system.
- Forcing an upstream connection would lead to downstream nuisance flooding, violating the "No Worsening" principle.
- If the upstream properties are developed, they will generate flows exceeding the allowable kerb discharge limits.
- There is no viable OSD option to mitigate excess runoff, per Council's guidelines.



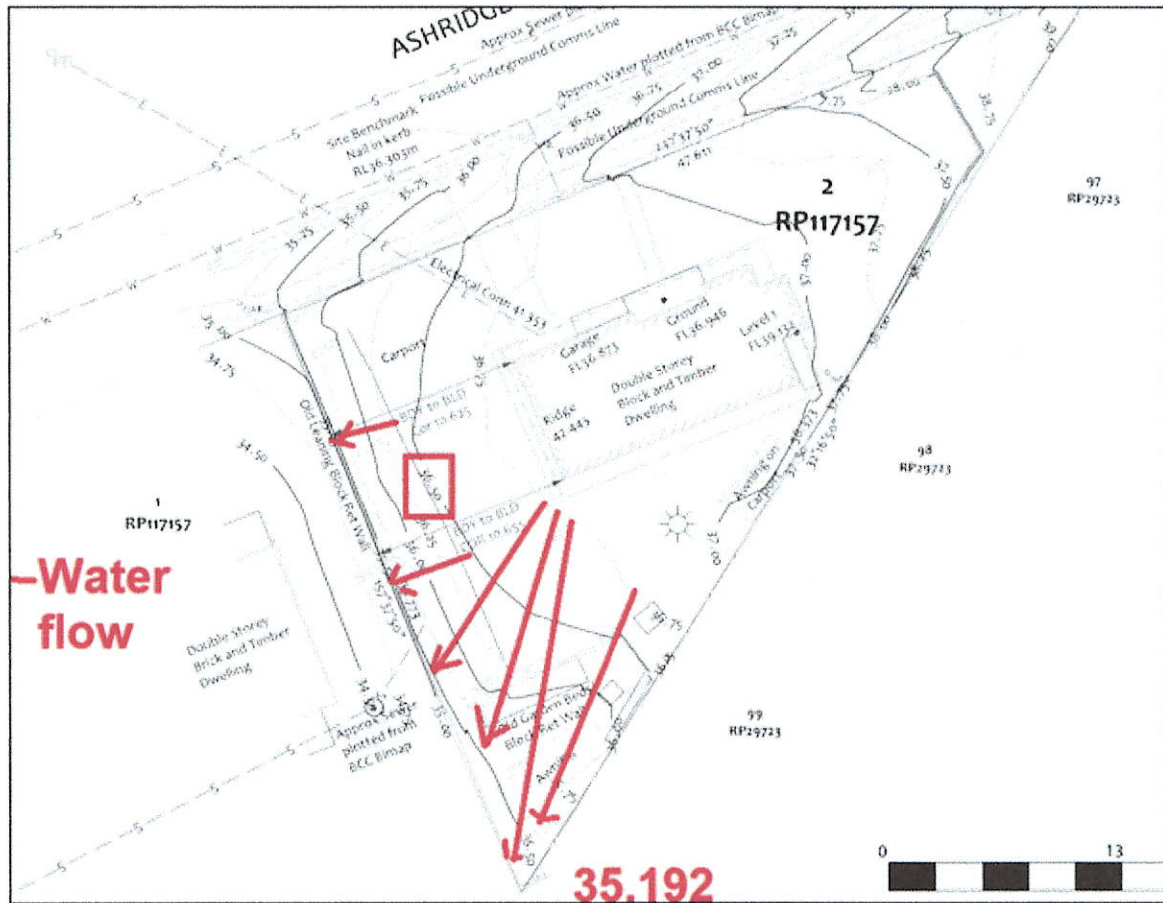
Brisbane City Council Contours 2002.

1) Contours 2002 show flow of rainwater in rear neighbours land falling downstream from one rear neighbour to the other rear neighbour, left of each other, rather than to the subject property. Therefore there are no "Upstream" neighbours to the subject development.



Above - extract of Manteit DA application showing that land falls to the west. (and rear)

2) Surveyor's contours.



A recent survey by ONF Surveyors shows that the natural flow of rainwater is from the middle of the subject property to right and rear of the subject property.

Extract of stormwater report demonstrating that land falls to the rear and west. The peg of 35.192 is highlighted in 20 times magnitude for assessment officers.

Manteit

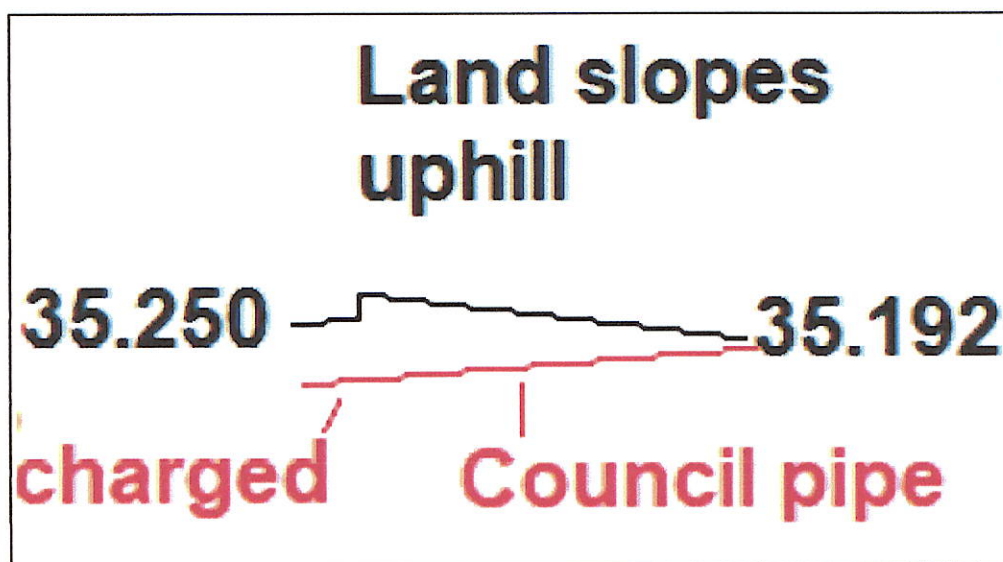
"A recent survey by ONF Surveyors shows that the natural flow of rainwater is from the middle of the subject property to right and rear of the subject property".

This was a flood warning to Council, should they condition an upslope connection (2)

Manteit yet again provided proof that the land falls to the right and rear, and not to Ashridge Rd. All contours and spot marks can be seen.

Manteit provided six directional arrows to demonstrate fall of water.

Manteit stated a bold AHD **35.192** for the rear right corner survey peg.



The surface level of 35.250 is surface level at kerb for identifying lawful point of discharge. The survey plan proves that the subject land slopes upward to Ashridge Rd. Allowing for cover, pipe and fall, the Council pipe would have been 1.29m underground at the kerb, as suggested in the Notice of Appeal, 19/11/24.

This was a flood warning to Council, should they condition an upslope connection (3)

Manteit lodged an audit report of 412 approved cases last year. In every single case, a survey plan was provided by the applicant upon application. David Manteit supplied a survey plan in this case.

FILLING AND EXCAVATION CODE

9.4.3.2 Purpose

1. The purpose of the Filling and excavation code is to assess the suitability of development for filling or excavation.
2. The purpose of the code will be achieved through the following overall outcomes:
 - a. filling or excavation does not adversely affect the visual character and amenity of the site or the surrounding area and provides access for maintenance to any structure as a result of filling or excavation.
 - b. filling or excavation does not adversely impact significant vegetation, water quality or drainage of upstream, downstream and adjoining land.
 - c. filling or excavation effectively manages the impacts associated with the activity.
 - d. filling or excavation and any retaining structure is designed and constructed to be fit for purpose and to protect services and utilities.

The Filling and Excavation Code requires that filling does not adversely impact significant vegetation..... drainage of upstream, downstream and adjoining land.

It has already been mentioned in the Stormwater Code that the applicant strongly rejects any requirement by Council to construct any stormwater assets for other properties. It was outlined that there are in fact no upstream properties to the subject site. In fact some of the rear properties are in fact downstream properties.

Any proposal to provide a stormwater pipe to rear neighbours would require up to 2.1m of filling. The filling could be required to extend up to sixty metres into the rear neighbours yard. It would also mean that the filling of the natural waterway at the rear would cause flooding on my site.

Above – Extract of Filling and Excavation Code in the stormwater report.

Manteit

“Are in fact no upstream properties to the subject site”

This was a flood warning to Council, should they condition an upslope connection (4)

“In fact some of the rear properties are in fact downstream properties”

This was a flood warning to Council, should they condition an upslope connection (5)

“Filling required to extend up to sixty metres into the rear neighbour’s yard”

This was a flood warning to Council, should they condition an upslope connection (6)




“Would cause flooding on my site”

This was a flood warning by Manteit to Council, should they condition an upslope connection (7)

Independent Engineer

While it is understood that some portions of Lots 98 and 99 do drain towards the subject site, it is critical to note that all of Lot 2 naturally drains towards the downstream neighbouring property (Lot 1 RP117157). In addition to the above, over half of Lot 1 also drains towards the rear of the lot.

As such, any runoff from Lots 98 and 99 that does enter the subject site immediately continues to the downstream neighbouring properties rather than accumulating on site. This will imply that an upstream stormwater connection would serve no practical function as stormwater runoff already naturally drains downstream away from Ashridge Road.

With the above, it can be deduced that Council's request for upstream connections for Lots 98 and 99 are based on an assumed need rather than an assessment of the actual drainage patterns on site.

Independent engineer 28/3/25.

Independent engineer

“Council's request for upstream connections for Lots 98 and 99 are based on an assumed need rather than an assessment of the actual drainage patterns on site.”

These are the independent engineer's words, not my words, provided without any consultation from Manteit to the engineer, in order to maintain independence.

Blake

Blake and Council never did any assessment of where water wants to fall, the actual drainage patterns, during the assessment process.

Blake did not assess the survey plan before engineering the illegal flooded, Blake and Council approved stormwater plan amended in red.



Blake and Council never assessed the survey plan provided by Manteit.

In other words, Blake never made an assessment of existing drainage patterns.

It is therefore obvious that Blake nor any Council employees have never assessed the actual drainage patterns. Blake has been allegedly negligent in not assessing existing drainage patterns.

Drainage patterns include the patterns of contours spaced 250 mm apart, as per ONF survey plan.

What other evidence does one need of drainage patterns?

Blake Senior engineer, Flooding. Blake had a chance to make an assessment, of the existing drainage conditions.

Blake has demonstrated unsatisfactory professional conduct

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 David Manteit DA assessment report.



Manteit

"S.7.6.5"

To be clear, the meaning of the word "development" in that Council phrase of S7.6.5 is the subject site development, not the rear site development. This is not to be confused with the other mentions of the word "development".

The purpose of Manteit specifically underlining words was to draw attention to the fact that the subject site is not the most feasible location to service the orderly development of the Council alleged upslope properties. In fact it is impossible to service stormwater from Lots 98 and 99 and 100 to the kerb and channel.

These alleged upslope properties will cause a flooding disaster flow of 171 l/s = 14.7 million litres per day of floodwater through the subject site, Q20.

David Manteit gave Council a full cutout of Council law, in Chapter 7 PSP. No sections are left out.

Manteit provided Council law to the Council. (S7.6.5). Manteit could not be any more transparent.

This was a flood warning to Council, should they condition an upslope connection. (8)

"There is no adjacent properties that would drain through the development"

This was a flood warning to Council, should they condition an upslope connection. (9)

"All rear properties drain left to right of each other, not to Ashridge Rd Darra."

This was a flood warning to Council, should they condition an upslope connection. (10)

"There is no feasible location for stormwater drainage to service these properties through the development."

Manteit advises that there is no lawful point of discharge for the alleged upslope lots.

This was a flood warning to Council, should they condition an upslope connection. (11)



“**Drain**” means water **falling downhill**. “**Through**” means from point A to point B.

If water does not drain to one point, it will naturally choose to pick some other area to drain to. This is flood nuisance.

Independent engineer

The David Manteit stormwater report advice is upheld by the findings by the Independent engineer. The independent engineer has not discussed those findings with David Manteit. The matter of being upheld is the opinion of David Manteit. Any person who reviews can find the same results.

- Forcing an upstream connection would lead to downstream nuisance flooding, violating the "No Worsening" principle.

- The site's terrain prevents effective upstream drainage.

- If the upstream properties are developed, they will generate flows exceeding the allowable kerb discharge limits.

- Natural drainage patterns already direct runoff downstream.

- The site's terrain prevents effective upstream drainage.

With the above, it can be deduced that Council's request for upstream connections for Lots 98 and 99 are based on an assumed need rather than an assessment of the actual drainage patterns on site.

“Based on an assumed need rather than an assessment”

In addition to the above. If the proposed infrastructure was design solely based on providing minimum cover over the entirety of the proposed pipe network illustrated in diagram 3 obtained from attached concept sketch CW24091-SK01-REVA:

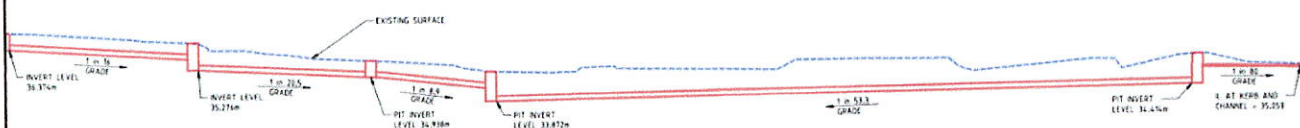


Diagram 3: Stormwater schematic based on Council's approved sketch with minimum cover

It will result in a charged system with an approximate drop of 1.181m between the internal network and the kerb outlet resulting in a charged system that would be inefficient.

Independent engineer

The independent engineer shows a charged pipe of 1.181m below ground. The engineer report was based on 225mm pipes. The correct pipe is 375mm. So it is my view that the pipe will be charged by 1.331m.

Blake

“Based on need rather than an assessment” – independent engineer

Blake and Council did no assessment whatsoever

It would seem that Blake wished to force an upstream connection that would cause downstream nuisance flooding, violating the “no worsening” principle.

Blake engineered design will generate flows exceeding the allowable kerb discharge limits.

Blake has not assessed site terrain or whether falls to Ashridge Rd or if the subject land is in fact upslope to the rear lots.

Blake has not assessed to see whether the surface levels can support his illegal flooded and approved upslope drainage plan in red.

Blake has demonstrated gross negligence
Blake has demonstrated unsatisfactory professional conduct

Neither Blake nor any Council employees have ever assessed S7.6.5.

Blake is Senior flood consultant. Blake had a chance to make an assessment of the existing drainage conditions, for the whole 77 days of the assessment period

Blake refused to assess her own Council's laws or engineering methodologies.

That is gross negligence by Blake. It may be a criminal offence.

S289 provides the Queensland law in relation to Duty of persons in charge of dangerous things.



The Appellant considers that Blake and Council are in charge of causing damages and possible loss of life by demanding their stormwater plan gets built.

Chapter 27	Duties relating to the preservation of human life	
285	Duty to provide necessities	201
286	Duty of person who has care of child	202
288	Duty of persons doing dangerous acts	202
289	Duty of persons in charge of dangerous things	203

Above - extract of the Criminal Code.

93.2 Commentary

[Last reviewed: January 2025]

Section 289 imposes a duty to use reasonable care and take reasonable precautions on any person who has control or charge of anything of such a nature that, in the absence of care or precaution in its use or management, the life, safety, or health of any person may be endangered. A person under this duty is held to have caused any consequences to the life or health of others by reason of any failure to perform the duty.

As to what constitutes a dangerous thing for s 289, see *Stott & Van Embden* [2002] 2 Qd R 313, 321-322 [23]. A thing that is not objectively dangerous, or dangerous in 'normal' use, may be considered dangerous due to what is, or is not, done with it. For instance, a sharpened pencil was held to be a 'dangerous thing' in *R v Dabelstein* [1966] Qd R 411. As to whether the Defendant was in charge or in control of the thing, this is an issue for the jury to determine on the facts. In *R v Thomas* [2002] QCA 23, Williams JA noted at [26] that '[a] person may be in charge of or have control of a motor vehicle (or other thing) though the person does not have actual physical possession of it at all material times'.

In cases where serious harm is alleged, it is not necessary that the precise result be foreseen or foreseeable, but that the Defendant could not be found criminally negligent unless at least some serious harm was reasonably foreseeable by him or her (*R v Hodgetts and Jackson* [1990] 1 Qd R 456, 463, 464).

In *R v BBD* [2007] 1 Qd R 478, 490-491, McMurdo J stated that '[w]hat is essential is that a jury understands that the prosecution must prove that the defendant's default was so serious that it should be regarded as a crime and deserving of punishment'. In making the distinction between a civil claim and conduct warranting criminal punishment, 'it is apt to tell juries that the defendant's conduct must be deserving of moral condemnation'. In *R v BBD*, at 481, Jerrard J was of the opinion that criminal negligence can be described to a jury as negligence showing 'such disregard for the life and safety of others as to amount to a crime against the State and conduct deserving punishment' (with reference to *R v Bateman* (1925) 19 Cr App R 8).

Extract of commentary by Queensland Courts, reviewed January 2025.

I believe that there are indications that Blake's actions might fall into the above category.

It is a matter for His/ Honour to determine if a referral should be made to the Department of Prosecutions is warranted.

The extrapolated 14,774,600 litres a day flood Q20 and 3,628.800 litres a day every year in a Q1 may qualify as **"such disregard to the life and safety of others"**

The Blake and Council stormwater plan in red is charged, flooded and there is no lawful point of discharge. It does not comply with Council laws.

All PSP Chapter 7 laws refer to specific engineering methodologies within each and every section of those Council Laws.

Blake was negligent by refusing to assess David Manteit DA stormwater report, but had time to assess, from 10/7/24 to 25/9/24.

Blake refused to assess any part of S7.6.5, let alone any part of Chapter 7.

Blake has been grossly negligent by not assessing this crucial Council law, S7.6.5.

Blake has demonstrated gross negligence. Blake has demonstrated unsatisfactory professional conduct, for a registered engineer.

"Stream" being the operative word. The only "Stream" is that when it rains , the water on the subject site falls to the rear and right of Proposed Lot 2. The rear and right boundary peg is AHD 35.192.
The proposed Lot 2 AHD will be 36.75

Proposed AHD Lot 2	36.750
Rear right	<u>35.195</u>
Rise from lowest point on Proposed Lot 2	1.560 metres.

Above – extract of David Manteit DA assessment report.

"The rear and right boundary peg is AHD 35.192."

Blake never assessed the boundary peg.

When it rains, the water on the subject site falls to the rear and right of Proposed Lot 2"




This was a flood warning to Council, should they condition an upslope connection. (11)

Independent engineer

- Forcing an upstream connection would lead to downstream nuisance flooding, violating the "No Worsening" principle.

- The site's terrain prevents effective upstream drainage.

- If the upstream properties are developed, they will generate flows exceeding the allowable kerb discharge limits.

- Natural drainage patterns already direct runoff downstream.

- The site's terrain prevents effective upstream drainage.

With the above, it can be deduced that Council's request for upstream connections for Lots 98 and 99 are based on an assumed need rather than an assessment of the actual drainage patterns on site.

Blake

There is no evidence that Blake ever assessed the rear and right boundary peg or the land sloping away from Ashridge Rd.

Blake has demonstrated gross negligence

Blake has demonstrated unsatisfactory professional conduct

Blake and Council non - compliance with Council laws

10. Rainfall calculations

7.2.2.2 Design average recurrence intervals

- (1) The rainfall intensities used for flow estimation in Brisbane for the 1 year ARI to 100 year ARI (63% to 1% AEP) events are shown in [Table 7.2.2.2.A](#).

Table 7.2.2.2.A—Rainfall intensity-frequency-duration (IFD) for Brisbane

Duration (minutes)	Probability (AEP and ARI) and intensity (mm/h)						
	63%	39%	18%	10%	5%	2%	1%
	1 year	2 year	5 year	10 year	20 year	50 year	100 year
5	117	151	191	215	248	291	325

Above extract of S7.2.2.2 and Table 7.2.2.2 A




Manteit

S7.2.2.2 Rainfall is used for flow estimation under the **Rational Method**. 20 year means every 20 years, or AEP 5%.

1 year means this is the rainfall for a 5 minute duration, across a site, on average once a year. Many examples are provided free by Quilty.

Quilty – Rational method

(link)

Rational Method Peak Discharge

$$Q_y = \frac{C_y^t I_y A}{360}$$

Peak discharge $Q = CIA/360$ (m^3/s)

$$Q_2 = (C_2^6 I_2 A)/360$$

$$Q_2 = (0.68 * 138 * 0.1870)/360$$

$$Q_2 = 0.049 m^3/s$$

The Rational Method Equation

$$Q_y = \frac{C_y^t I_y A}{360}$$

- Q_y Peak flow rate (m^3/s) for AEP of 1 in 'y' years
- C_y Coefficient of runoff (discharge) for AEP of 1 in 'y' years
- A Catchment area (ha)
- I_y Average rainfall intensity (mm/h) for a design duration of 't' hours and AEP of 1 in 'y' years
- t Nominal design storm duration defined by time of concentration, t (min)

Quilty
ENGINEERING PLS

Independent Engineer

- **Rainfall Intensity (mm/hr) – Data obtained from BCC Infrastructure Design PSP – Chapter 7 Table 7.2.2.2.A.**

Blake

Blake and Council never used their own Council laws for rainfall calculations.

Blake did not assess 7.2.2.2 and Table 7.2.2.A.




Blake has not used Chapter 7 PSP. This is a Council law. Blake and Council have demonstrated they do not follow Council Laws. This demonstrates negligence by Blake and Council.

These are annual rainfalls for a 5 minute duration. These numbers are used in the Rational Method calculation of amount of flow.

Blake has been grossly negligent by not using these Council laws.

Blake has designed an illegal flooded approved urban drainage plan without doing any engineering calculations.

Blake and Council 2 rear lot design will cause 3,628,800 litres of floodwater per day, every year (Q1) onsite and to the 2000 downstream properties causing damage and possible loss of life.

It will cause 5,443,200 litres a day, if Lot 100 is included. This is unsatisfactory engineering.

Blake has demonstrated gross negligence.

Blake has demonstrated unsatisfactory professional conduct.

11. Drainage

7.2.2.3 Drainage

- (1) Council's design standards for stormwater infrastructure vary for different types of land uses. The design standards for roof water, drainage in private roads/driveways and for drainage in roads fronting those types of development are set out in [Table 7.2.2.3.B](#).
- (2) Pipe drainage of on-site roof water and surface water from paved and unpaved areas must comply with [AS/NZS 3500.3:2003 Plumbing and drainage - Stormwater drainage, QUDM for Level III, IV and V drainage standards](#).
- (3) The design of the major system must ensure flows can be conveyed safely. Where the major system is part of a road, this may require increasing the capacity of the minor system above that shown in this table to ensure flow depths and hazard are acceptable (refer to [QUDM](#)).

Table 7.2.2.3.B—Design standards for drainage systems

Development category	Design parameter	Minimum design standard	
		AEP	ARI (years)
Rural areas (typically 2–5 dwellings per hectare)	Minor drainage system	39%	2
	Major drainage system	2%	50
Residential developments (Low density residential)	Minor drainage system	39%	2
	Major drainage system	2%	50
	Roof water drainage	Level II QUDM	
Residential developments (Low–medium density to High density)	Minor drainage system	10%	10
	Major drainage system	2%	50
	Roof water drainage	Level III and Level IV QUDM	

Manteit

Council law 7.2.2.3




Council law 7.2.2.3 specifically requires Blake and Council to follow minimum design standard Level III QUDM.

S7.2.2.3 and Table S7.2.2.3 B states that for residential developments zoned low-medium density that for a roof drainage system, Level III QUDM must be used.

Independent engineer

Independent engineer *"in accordance with QUDM and Infrastructure Design PSP – Chapter 7"* (below)

Independent engineer has been conservative using 600sqm of roof when 900sqm of roof is what David Manteit found to be conservative from a Town Planning review filed 24/3/25.

6. Future Development Considerations

An assessment of post-development discharge for the upstream fully developed site conditions for Lots 98 and 99 have been undertaken using the Rational Method taking into consideration of the site in its entirety as well as a conservative potential total roof area of 600m², in accordance with QUDM and BCC Infrastructure Design PSP – Chapter 7. The below calculations are only for 1 lot considering the lot sizes are the same.

Blake

Neither Blake nor Council have used S7.2.2.3A Council table. Blake and Council have been grossly negligent.

If Blake and Council had used this Council law, they would have not caused a flood that would cause nuisance flooding, property damage and possible loss of life.

Blake has demonstrated gross negligence

Blake has demonstrated unsatisfactory professional conduct

12. Coefficient



7.3.3.1 Fraction impervious

- (1) Designers are to refer to [QUDM](#) section 4.5 for methodology in determining the run-off coefficients.
- (2) The C10 coefficients of discharge shown in [Table 7.3.3.1.A](#) are to be used for rational method calculations.

Table 7.3.3.1.A – Coefficient of discharge C10 for development

Development category	C10
Central business areas (including in the Principal centre zone and Major centre zone)	0.90
Industrial uses and other commercial uses (including in the District centre zone and Neighbourhood centre zone)	0.88
Significant paved areas (e.g. roads and car parks)	0.88
Medium density and high density residential land uses	0.88
Low-medium density residential land uses	0.87

S 7.3.3.1 Fraction coefficient

Manteit

The fraction coefficient is used to input into the Rational method.

The correct coefficient is .87, as per Council laws.

Independent engineer

- Runoff Coefficient (C₁₀) – 0.870 (According to QUDM Section 4.5). This is based on the future lot being fully developed (LMR3).

Blake

Blake and Council never used a coefficient. They preferred to flood Darra residents with 3,628,800 litres of rain every day, once a year Q1.

Blake has demonstrated gross negligence
 Blake has demonstrated unsatisfactory professional conduct

13. Roof area




Manteit

A roof area must be nominated for the upslope catchment so one can determine the flow.

Site cover is not roof area but it is a place to start. Site cover for the rear lot catchment areas can be up to 80% if some lots are less than 200 sqm
The smallest lot for these sites is 180 sqm.

Two comparative sites, 85 and 101 Ducie St Darra, are LMR2. The minimum lot size there is 250sqm for a front lot. In both zonings the rear lot is minimum 350sqm.

It is estimated that each rear lot 98, 99, 100 can be up to 95% roof cover, but conservatively 90%.

Manteit has used 900sqm for roof size for Town Planning calculations.

AO8
Development results in a maximum site cover of:

- a. 50% where the lot is 400m² or more; or
- b. 60% where the lot is 300m² or more and less than 400m²; or
- c. 70% where the lot is 200m² or more and less than 300m²; or
- d. 80% where the lot is less than 200m².

Editor's note—For the purposes of determining compliance with AO8 reference is to be made to [section 1.7.6](#).

City Plan

SITE COVER
ADMINISTRATIVE TERM

Site cover, of development, means the portion of the site, expressed as a percentage, that will be covered by a building or structure, measured to its outermost projection, after the development is carried out, other than a building or structure, or part of a building or structure, that is—

- a. in a landscaped or open space area, including, for example, a gazebo or shade structure; or
- b. a basement that is completely below ground level and used for car parking; or
- c. the eaves of a building; or
- d. a sun shade.

Patio cover
Patio cover

City Plan

The definition of site cover excludes eaves and sunshade devices, like patio covers and carports.

A roof area must be nominated for the upslope catchment so one can determine the flow.

The flow can be determined from a layman's Council low density estimate, which is available in S7.2.2.2, or using the proper Rational Method as per Level III of the QUDM.

Even if Blake had used the 15 l/s for 250sqm roof, it would have been determined that there would be a flood of massive proportions.

54*3 = 162 l/s = 13,996,800 litres a day flood flow

Blake

Blake has demonstrated gross negligence by not using flow in Council S7.2.2.2 (6)

Blake has demonstrated gross negligence

Blake has demonstrated unsatisfactory professional conduct

14. Flow calculations for idiots

Even if Blake or Council did not assess using the Rational method (takes 30 seconds), the low density check is a good rough guide.

This shows 54 l/s for a Q20. Blake and Council could have done a quick layman's check on Council law for roof size low density. This is staring at one's face every day. Council law, without referring to the QUDM.

The flow can be determined as a rough guide, by a layman's estimate as if the site was low density, QUDM level 2, from Councils 15 litres a second for 150 sqm of roof, or QUDM 10 litres a second from 180sqm of roof.

Layman's rough estimate as if low density – QUDM level 2.

- (6) The pipes at each property must be sized in accordance with [QUDM Level II](#) drainage system, assuming a minimum of 15L/s for each 250m² of roof. For larger roof areas, the flow rate may need to be determined and an appropriately sized pipe provided accordingly.

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 S 7.2.2.3A. $900/250 \times 15 = 54$ litres / second. This figure is higher than the independent engineer, who has provided a conservative estimate of 600 sqm and a

Q20 flow of 38 litres, second per rear lot.

Blake and Council have been grossly negligent by not using either method to determine flow, which must be less than 30 l/s at the kerb.

15. The Rational method.

7.3.2 Flow estimation methods

For guidance to the design of urban drainage systems Council refers the designer to QUDM and Australian Rainfall and Run-off. Council will accept flow estimations using the rational method, calibrated run-off routing models, calibrated time-area routing models and calibrated direct rainfall hydraulic models. For complex drainage situations (particularly as part of a flood study for setting building development levels) or for sizing stormwater detention systems, a run-off storage routing model must be used to estimate flows and/or analyse the hydraulics of an urban drainage system.

7.3.3 Rational method assumptions

Where the rational method is suitable for flow estimation, the design is to be in accordance with QUDM and the following sections.

As stated above, Council will accept flow estimations using the Rational Method.

The design is to be in accordance with QUDM and the following sections.

Independent engineer

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	<u>0.014</u>	0.019	0.026	0.031	<u>0.038</u>	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.

Independent engineer assessment under the Rational method.

Blake

Blake and Council have refused to follow Council laws S7.3.2 and S7.3.3 in order to calculate the Rational Method flows.

There would be Q20 171 l/s extrapolated from l/s for 3 rear lot, as per Roger Greenway plan. Blake never did any assessment of the Rational method. This calculation takes 30 seconds.

Blake has demonstrated negligence in not calculating flow of the Upstream catchment.

If Blake or Council did the flow calculations it would have been determined –

After 25/9/24. As per approved amended plan in red.

2 rear lots = flow of 114 l/s Q20 = 9,849,600 litres a day flood, potential loss of life.

2 rear lots = flow of 42 l/s Q1 = 3,628,800 litres a day flood, potential loss of life.

Before decision on 25/9/24

3 rear lots = flow of 171 l/s = 14,774,600 litres a day flood, potential loss of life

3 rear lots = flow of 63 l/s Q20 = Q1 – 5,443,200 litres a day flood, potential loss of life

These calculations indicate that the Blake approved plan has intentionally caused future major nuisance flooding of the subject site and 2000 downstream properties.

Blake has demonstrated gross negligence by not performing a 30 second Rational method calculation. If Blake had done the calculation, then there would be no Council flood disaster.

This is demonstration of gross negligence by Blake and Council
This is demonstration of unsatisfactory professional conduct by Blake and Council

16. 31/1/25 – Notice of disputed reasons.

- (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 - Council Notice of reasons for dispute 31/1/25

"Increased density" = Q20 flood of 9,849,600 litres a day flood on owners land and 2000 houses downstream




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

Above - Council Notice of reasons for dispute 31/1/25

"development of the Upslope Lots will create additional stormwater run - off to the land" = Q20 flood of 9,849,600 litres a day on owners land and 2000 properties downstream"

Council state on 31/1/25 that they knew that the development of the alleged upslope lots will create additional stormwater to the land (128 Ashridge Rd).

"additional stormwater run-off"
"increased density"

This Council statement demonstrates that Blake and Council knew of the increased rainfall. But they have refused to advise the BOM as yet.

Blake and Council knew that their plans would create increased rainfall, nuisance flooding, property damage and potential loss of life, yet they still produced an approved stormwater plan would cause 3,628,800 litres of nuisance floodwater flow every year to the site and which will cause a flood flow to 2,000 downstream neighbours.

Engineer

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.

Independent engineer



Independent Engineer

“the stormwater runoff will increase significantly”

“the proposed upstream stormwater infrastructure will not be able support the additional flows based on QUDM Level III drainage.”

Blake and Council knew they have caused a future massive flood.

Engineer - *“The proposed stormwater infrastructure (225mm and pits) will not be able to support the additional flows based on QUDM Level III drainage”.*

Blake

Blake and Council have stated that their engineered and designed plan will cause additional stormwater run-off and there is increased density.

How did Council know that there would be increased stormwater?

Surely therefore Council would have done calculations.

No, there was no calculations done by Blake for Council to make the 31/1/25 statement.

Council have therefore intentionally and knowingly designed an illegal flooded stormwater system. There is no other conclusion.

This is demonstration of gross negligence by Blake and Council
This is demonstration of unsatisfactory professional conduct by Blake and Council

Council response 31/1/25 – “represent one way, but not the only way”

(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

Council staff have refused to supply stormwater engineering design details for the “one way” or “not the only way”



Busting the kerb by 171 l/s Q20, causing major nuisance flooding is not “one way” or “not the only way”

There is actually “no way”. It is a flooding disaster.

Blake and Council have maintained their upslope stormwater system is high and dry and mighty.

Council have attempted to hoodwink everyone in Brisbane, hoping they wouldn't get caught out. But they have been caught ever since Manteit wrote questions to Council, on 1/10/24.

17. Pipe size (stormwater infrastructure)

Blake and Council have insisted on their 225mm pipe and no other pipe, for 200 days, despite questions from Manteit from 1/0/24 and the Notice of appeal.

The correct pipe is 375mm pipe. Council's 225mm pipe will be blown apart by their illegal flooded stormwater plan, causing nuisance floodwater to 2,000 properties and 5000 residents downstream every year.



NOMINAL PIPE DIAMETER (mm)	MINIMUM PIPE SLOPE (%)	FLOW (L/s) - NOTE 4							
		PIPE GRADIENT % - NOTE 6							
		0.5	1.0	1.5	2.0	2.5	3.0	4.0	5.0
150	1.0	N/A	18	23	26	30	33	38	42
225	0.5	38	56	67	78	87	96	110	125
300	0.5	84	120	146	170	190	210	N/A	N/A

Above – extract of BSD 8111

Manteit

Blake and Council have demanded that their stated 225mm pipe works, for the last 200 days.

This is just utter gross negligence, causing Manteit holding costs and lost profit plus damage to people and property (says QUDM) in the extreme.

The 225mm pipe would be blown apart by their engineered disastrous flooded stormwater system. In a Q20, 14,575,000 litres a day would bust open the Blake and Council 225mm pipe.

A 225mm pipe can only handle 38 l/s at .5% gradient

The standard is AEP 5% or Q20 – a storm event every 20 years.

The independant engineer has stated 38 l/s for one rear lot, Q20.


If 2 rear lots, 76 l/s

If 3 rear lots, Roger Greenway plan, 114 l/s for one rear lot.

Manteit has allowed for 900sqm roof. The independent engineer 600sqm roof.
So that would calculate –

One rear lot 57 l/s, 2 rear lots 114 l/s, 3 rear lots 171 l/s = 14,774,400 litres per day.

A further note is that the independent engineer has identified parts of the fall are greater than .5%.

So this increases the flow substantially. As shown in red, above. For a 5% fall, the flow would be 125 litres per second.

How did Blake calculate that a 225mm pipe was correct ? Who knows. All we know is that Blake engineered an illegal flooded approved upslope stormwater drainage system that will cause peak /14.7 million litres a day in a Q10 flood.

Where is Blake's calculations done for the Blake engineered flood? 5000 residents in Darra want to know.

Blake and Council have done no calculations of pipe size whatsoever.

How shameful their actions or no actions are. This is just plain reckless behaviour, to intentionally wish to cause property damage and loss of life.

Instead Blake and Council want to flood Manteit's site and 2000 and downstream properties with 14,774,400 litres a day flood.

This is demonstration of gross negligence by Blake and Council

This is demonstration of unsatisfactory professional conduct by Blake and Council

18. Lawful point of discharge

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.
- (2) When land is developed, the roof and surface-water run-off from that land and any external catchment (through the development site) must be discharged to a lawful point of discharge, being:
 - (a) where the location of the discharge is under the lawful control of Council, being:
 - (i) a Council-owned open space asset such as a park or drainage reserve provided the concentration of stormwater does not adversely affect the drainage capacity of the asset and/or impact on adjoining properties; or
 - (ii) a road reserve, including the kerb and channel and compliance with the permissible flow width, flow depth and hazard.
 - (b) where the location of the discharge is to stormwater drainage infrastructure designed for such

Above – S 7.6.1 Lawful point of discharge




Blake has been grossly negligent by not achieving a lawful point of discharge for both Upstream Drainage and Onsite Drainage.

Blake has intentionally engineered a stormwater plan that that create an actionable nuisance which will bring an action claim for damages arising out of the nuisance.

(1) provides that the objective of achieving a lawful point of discharge is to ensure that any stormwater discharge will not cause an actionable nuisance, that may cause an actionable claim by the proprietor from the damages arising out of the nuisance.

Blake is fully aware of this free legal advice from Council, to Council officers.

Blake will cause an action claim by his engineered designed approved stormwater plan, amended in red.

(2) It is stated that when land is developed .. and any external catchment though the development /must be discharged to a lawful point of discharge.

Due to the requirement in S 7.6.3.1 (2), discharge to kerb and channel is not permitted for Level III drainage if flow is greater than 30 l/s.

Blake knew that the kerb is not a lawful point of discharge for any rear lot.
Blake has demonstrated gross negligence, which might lead to Criminal offences.

Gross negligence is the lack of slight diligence or "care" or "a conscious, voluntary act or omission in reckless disregard of a legal duty and of the consequences to another party."

Blake and Council have intentionally proposed a stormwater discharge that will create an actionable nuisance which will bring an action claim for damages arising out of the flood nuisance.

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.

S 7.6.3.1

Manteit

Part (2) "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 30 l/s."

Engineer

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.

Blake

Blake has refused to follow Council laws by placing an upstream pipe connection on the approved plan amended in red, to the kerb and channel. This is illegal. Blake has demonstrated gross negligence, yet again.

Blake has demonstrated gross negligence

Blake has demonstrated unsatisfactory professional conduct

19. Right to information

Below are just some of the findings in the RTI report 17/2/25, filed.

Blake, Senior engineer, would have been responsible for all hydraulic engineering matters, from start to finish. If not, at the very least, by directing illegal flooded stormwater plans to be approved, is taking full responsibility.



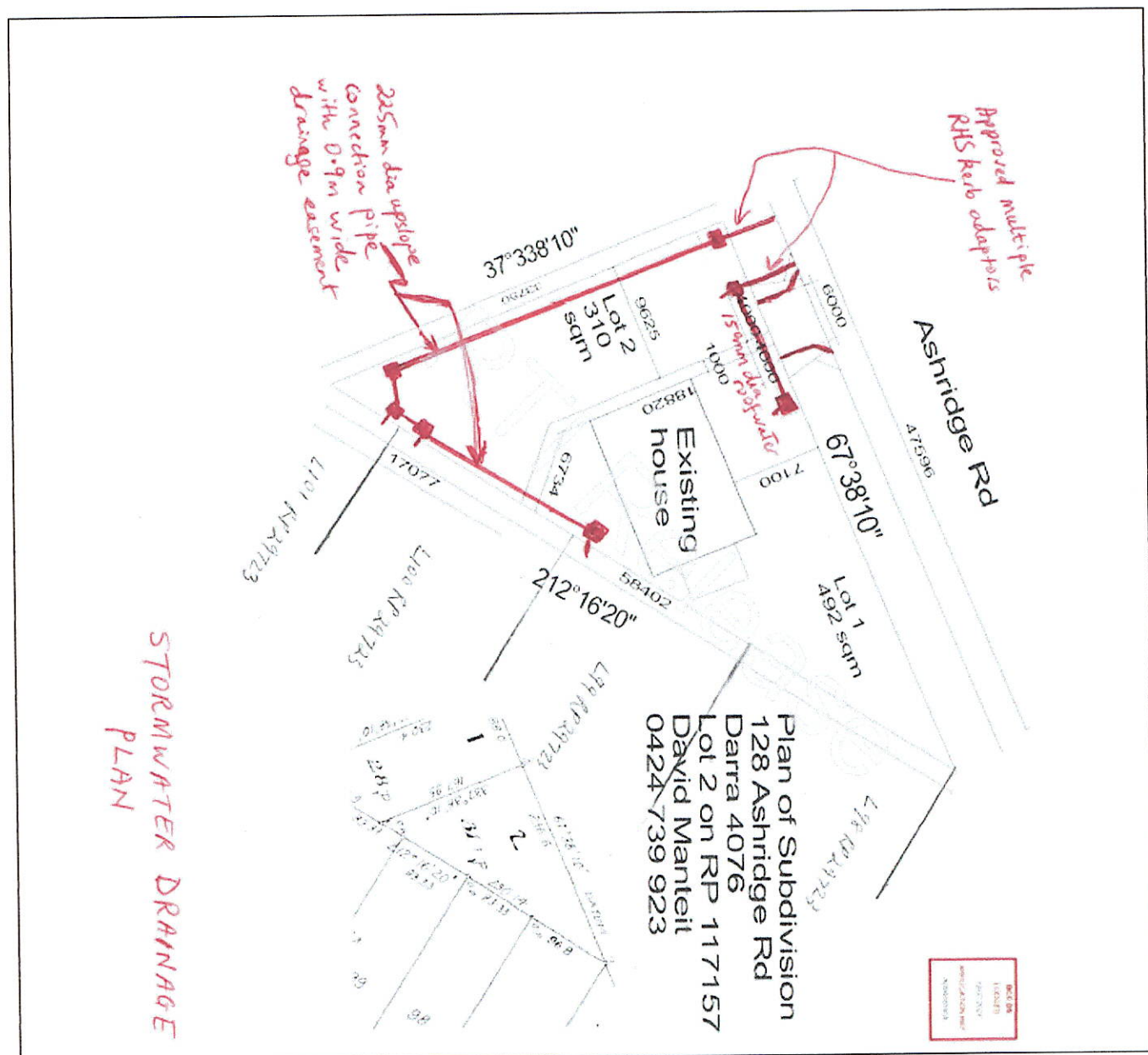
Lucy Ting 10:58 am

Sch.
4(4)

Morning Joel. In relation to 128 Ashridge Rd Darra, I can confirm that the marked up stormwater requirement on the ROL Plan is accurate. Regards Lucy Ting

RTI

It is assumed that Andrew Blake saw this email.



This plan of 3 rear lots was allegedly prepared by Roger Greenway

1. 1. 1.

The plan shows -

- Upstream drainage 3 lots. Lot 98, 99 and 100.
- Stubs entering rear properties of around 600mm which is illegal as per S 7.6.5 and demonstrates incompetence.

Non - compliant with BSD 8111, as sham triangle has been placed greater than 600mm from the boundary without consent from the owner.

Blake appears to have supported this Roger Greenway 3 lot external catchment plan on 3/9/24, until the decision notice day, 25/9/24. This plan will cause flooding of 5.4 million litres a day, every year, dumped on my site and then the right neighbour, then an estimated 2000 downstream neighbours.

From: Lucy Ting
Sent: Monday, 2 September 2024 1:35 PM
To: Margaret Orr; Darren Evans; Beau Reichert
Cc: George Kaithakkottil; Joel Wake; Zarndra Piper; Scott Ruhland; Emma Mezzina; Brendan Gillham; Margaret Orr; Darren Evans; Beau Reichert
Subject: 128 ASHRIDGE RD DARRA (A006565555)
Attachments: [20240902131637717.pdf](#)

Hi Scott & Joel

Following on from my MS Teams conversation with you both last Thursday 29/08/2024, I also spoke with Andrew Blake today. The development proposal can be approved with the Site drainage minor condition and the Upslope property drainage connection referencing the attached Stormwater Drainage Plan as marked up by TST Hydraulics.

Regards

Lucy Ting

Senior Engineer | Development Services
 City Planning & Sustainability | BRISBANE CITY COUNCIL

Brisbane Square | 266 George Street BRISBANE QLD 4000
 Phone: 07 3403 5005 | Fax: 07 3403 4291
 Email: lucy.ting@brisbane.qld.gov.au

Lucy Ting – “I spoke with Andrew Blake today. The development can be approved and the Upslope Drainage connection referencing the attached Stormwater Drainage Plan.....”




According to Lucy Ting, Andrew Blake approved the Uplope Stormwater Drainage Plan.

There is no evidence of any flooding calculations by Andrew Blake.

Created On	Created By	Description
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>

RTI 25/9/24

RTI documents provide that on 25/9/24 3-4 unlicensed engineers assessed whether upstream lot 100 should be included.

RTI review reveals 25/9/24 Joel Wake memo provides proof that Council employees waited 77 days to investigate engineering and perform engineering.

25/9/24 - This had been marked up on the plans from TST and TST had requested it remained. TST request it (Lot 100) remained.

Every engineer or unlicensed engineer is responsible for their engineering plans and are liable at law for the damages caused by their engineering.

Blake has made engineering decisions on whatever engineering calculations he did.

20. Summary of conduct of Blake, but not limited to the following.

The following alleged shameful Council engineering has been performed by Blake and Council as a minimum-

Engineering and preparation of illegal flooded stormwater plans that will cause 3,628,800 litres a day flood every day once a year, or 5.443.200 litres a day flood, if Lot 100 included.

Council employees are hell bent at breaking Council laws just to flood 2000 properties in Darra.

Busted kerb at over 171 l/s at kerb, 3 lots.

Upstream drainage undersized pipe 225 mm. 375 mm pipe required




Upstream drainage charged by around 1.3 m metre below at kerb

Onsite drainage charged by around .4 -.5 metre at kerb

Onsite drainage not placed on lowest part of the kerb, as per BSD 8111 and causing damages to David Manteit of around \$172,000.

STA engineering requiring stormwater pipe to be 1.5, away from the retaining wall and therefore boundary.

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

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

Forcing of any appellant engineer to design unlawfully to adhere to the red stormwater lines. No RPEQ engineer in the world could present As Constructed drawings to Council that would be charged.

Gross negligence already displayed by Council staff in relation to "Fill the site" conditions

No engineering analysis by Council of survey plan provided by the Applicant in the DA.

No regard for S7.1

No regard for S 7.6.1

No regard for S 7.4.7

No engineering analysis by Council of S7.6.5 referred to by the applicant in the DA.

No assessment of S7.2.2.2

No assessment of S7.2.2.3

No assessment of S7.6.3.3.1

Sham Council rear right triangle not complying with BSD 8111.

Kerb adaptor 5.1m upslope from the lowest part of the kerb, Professional Certification Group advises that this location can only be changed by Council.



This is the only case in 412 approved Council subdivision cases last financial year where Council employees have engineered stormwater pipes.

Blake and Council had one chance to do engineering and they have performed disastrous unlicensed, unsatisfactory engineering for Council ratepayers.

There is no procedure at law by the DA applicant to change the Development Approved Council employee engineered plans without huge damages to the Respondent, causing damages to the DA applicant and any future owner,

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.

No evidence of any Council employee using a coefficient of .87 as per Table 7.2.2A, for low-medium density sites. No evidence of Rainfall intensity been applied by Council employees. This indicates alleged incompetence and unsatisfactory engineering.

Council employees knowingly were aware that the kerb will be busted by over 171 litres per second flow, within 5 minutes after Manteit lodging the application.

Council provided no information request to the applicant. No extension of time requested.

Council employees still demanding as of 31/1/25 that Council have designed the system correctly as "one way" and there are many "other ways."

Evidence of alleged stupidity, incompetence and performance of unsatisfactory professional conduct for a registered Professional Engineer.

Even if the rear sites were low density zone, the kerb is still busted being over 30 l/s at kerb, based on coefficient of .85, and is estimated to be 95 litres per second for 2 rear

lots, or 4 subdivided lots. Based on S 7.2.2.3 of 15 l/s per 250sqm of roof, without applying the Rational method – 54 l/s.

The nominated pipe size of **225mm for Upstream drainage** is busted and a sham and is undersized and is estimated to require a minimum 375 mm pipe. Alleged stupidity, incompetence and unsatisfactory professional conduct for a registered professional engineer (and unregistered.)

Council employees have **not applied principles** of Level III drainage of the Queensland Urban Drainage Manual, demonstrating incompetence and unsatisfactory engineering.



There is alleged clear evidence that employees have performed unlicensed engineering which is punishable as an offence under S 15(1) of the Crime and Construction Act 2001.

It is clear that Brisbane City Council employees have been incompetent and performed unsatisfactory professional conduct by an engineer, by not complying with Brisbane Planning Scheme Policies, including Chapter 7 Stormwater Drainage, in relation to Council employee engineered Upstream and Onsite Drainage.

Both the Council employee engineered Upstream and Onsite Drainage systems engineering are charged and end up below the kerb. Clear evidence of alleged unsatisfactory professional conduct of a Professional engineer.

There is no evidence of Council employees performing engineering in relation to

S 7.4.7 Easement requirements nor the STA Engineers engineered retaining wall zone of influence requiring 1.5m setback for stormwater pipes, Clear evidence of unsatisfactory professional conduct of a registered engineer.

It is alleged that Blake and Council employees have failed to properly examine the fall in all of the rear land to the rear boundary, which was in fact examined in the case of 134 Ashridge Rd Darra DA application. (Land falls to the right).

128 Ashridge Rd clearly is upslope to the rear lots. Surveying information lodged on 10/7/24 indicates that the land falls from the Ashridge Rd front boundary to the rear lot boundary.

Surveyor information provided in the DA shows a slope of up to 1.85 m down to the rear lots. 128 Ashridge Rd is the Upslope lot. In addition, updated surveyor spot levels show that land of 128 Ashridge Rd Darra falls over the boundary. This negates any argument by Council as to land from the rear lot falls to the rear boundary.

Council have provided no proof the rear land falls to the rear boundary. Again, only 17 metres away, RTI review provides that the assessment manager was in the opinion that the land falls to the right.

It is alleged that Council employees are hiding their engineering fall calculations for both the Council engineered Upstream and Onsite Drainage systems.



21. Legislation

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.

Above - Schedule 2 of the Professional Engineers Act

A breach of these requirements may be a criminal offence.

115 Who may carry out professional engineering services

- (1) A person who is not a practising professional engineer must not carry out professional engineering services.

Maximum penalty—1000 penalty units.

- (2) However, a person does not commit an offence under subsection (1) if the person carries out the professional engineering services under the direct supervision of a practising professional engineer who is responsible for the services.

- (3) A person who is a practising professional engineer must not carry out professional engineering services in an area of engineering other than an area of engineering for which the person is registered under this Act.

Maximum penalty—1000 penalty units.

Current as at 1 July 2024

Page 103

Authorised by the Parliamentary Counsel

Professional Engineers Act.

Contravention of S15 (1) is a criminal offence.

Application of the definition of corrupt conduct to engineers' work

The definition of corrupt conduct could apply to you if:

- You work for an agency that is within the CCC's jurisdiction, and
- Your conduct is in breach of a law (e.g. the Professional Engineers Act 2002), and thus a criminal offence.

For example, you could be meeting the three criteria for Type A corrupt conduct:

- If you carry out your work – the function or activity you perform as part of your employment – in a manner that is contrary to the law, as the conduct **could adversely affect** that function. (*Effect of the conduct*)
- If the manner in which you work results in the performance of the function in a way that is a **breach of the trust** placed in a person holding the appointment. (*Result of the conduct*)
- Because a contravention of section 115(1) of the Professional Engineers Act is a criminal offence, so, if proved, it would be a **criminal offence**. (*Seriousness of the conduct*)

Above - Crime and Conduct Commission

A contravention of Section 115(1) of the Professional Engineers Act is a criminal offence.




93.2 Commentary

[Last reviewed: January 2025]

Section 289 imposes a duty to use reasonable care and take reasonable precautions on any person who has control or charge of anything of such a nature that, in the absence of care or precaution in its use or management, the life, safety, or health of any person may be endangered. A person under this duty is held to have caused any consequences to the life or health of others by reason of any failure to perform the duty.

As to what constitutes a dangerous thing for s 289, see *Stott & Van Embden* [2002] 2 Qd R 313, 321-322 [23]. A thing that is not objectively dangerous, or dangerous in 'normal' use, may be considered dangerous due to what is, or is not, done with it. For instance, a sharpened pencil was held to be a 'dangerous thing' in *R v Dabelstein* [1966] Qd R 411. As to whether the Defendant was in charge or in control of the thing, this is an issue for the jury to determine on the facts. In *R v Thomas* [2002] QCA 23, Williams JA noted at [26] that '[a] person may be in charge of or have control of a motor vehicle (or other thing) though the person does not have actual physical possession of it at all material times'.

In cases where serious harm is alleged, it is not necessary that the precise result be foreseen or foreseeable, but that the Defendant could not be found criminally negligent unless at least some serious harm was reasonably foreseeable by him or her (*R v Hodgetts and Jackson* [1990] 1 Qd R 456, 463, 464).

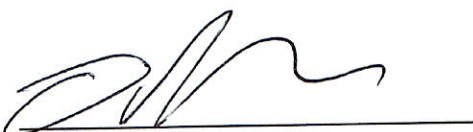
In *R v BBD* [2007] 1 Qd R 478, 490-491, McMurdo J stated that '[w]hat is essential is that a jury understands that the prosecution must prove that the defendant's default was so serious that it should be regarded as a crime and deserving of punishment'. In making the distinction between a civil claim and conduct warranting criminal punishment, 'it is apt to tell juries that the defendant's conduct must be deserving of moral condemnation'. In *R v BBD*, at 481, Jerrard J was of the opinion that criminal negligence can be described to a jury as negligence showing 'such disregard for the life and safety of others as to amount to a crime against the State and conduct deserving punishment' (with reference to *R v Bateman* (1925) 19 Cr App R 8).

Extract of commentary by Queensland Courts, reviewed January 2025.

Affirmed by the said deponent at *Richlands*, this 10th day of April 2025

BEFORE ME:

Terrence Hedley Leister JP (Qual)



Deponent



Justice of the Peace

