

In the Planning and Environment Court

Appeal No. 2916 of 2024

Held at: Brisbane

Between: **DAVID MANTEIT** Appellant

And: **BRISBANE CITY COUNCIL** Respondent

RESPONDENT'S SUBMISSIONS REGARDING SCANDALOUS MATERIAL

Material relied upon

1. The Respondent relies on the following material:

| Court Doc. No | Document | Date filed |
|---------------|-----------------------------------|------------|
| | Application in pending proceeding | 15.05.2025 |
| | Written submissions | 15.05.2025 |

Orders sought

2. The Respondent seeks orders that:

A. Pursuant to section 47(2) of the *Planning and Environment Court Act 2016* (Qld) and rule 440 of the *Uniform Civil Procedure Rules 1999* (Qld), that Court Document No. 11-15, 19-22, 24, 26-28, 30-42 as well as this Application and any material and submissions filed in relation to it be:

(i) Removed from the eCourts file; and

(ii) Removed from the file and be sealed in an envelope marked "not to be opened except by order of the Court or Judge".



**RESPONDENT'S SUBMISSIONS
REGARDING SCANDALOUS
MATERIAL**

Filed on behalf of the Respondent

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Overview

3. Mr Manteit (**Appellant**) appealed against conditions imposed by the Brisbane City Council (**Respondent**) in relation to a development application for reconfiguration of a lot (1 into 2 lots) in relation to land at Darra.
4. The appeal came on for hearing before Judge Williamson KC from 28 to 30 April 2025. On the last day of the hearing, during the closing addresses, a position was reached to which both parties agreed.
5. Orders were made about the substantive appeal by consent on 6 May 2025.
6. The Respondent seeks consequential orders under section 47(2) of the *Planning and Environment Court Act 2016* (Qld) to deal with scandalous material filed by Mr Manteit.
7. A draft order was proposed on 6 May 2025. The Court directed that submissions and material in support of that order be filed by 15 May 2025. The Respondent now seeks an expanded order, by way of the Application in Pending Proceeding.
8. This outline and the schedule of scandalous material **attached** is relied on in relation to the Respondent's Application in Pending Proceeding, or if that application is not heard, the draft order proposed on 6 May 2025 be amended so as to include Court Document No. 11-15, 19-22, 24, 26-28, 30-42.

The removal of scandalous material from filed affidavits

9. Rule 440 of the *Uniform Civil Procedure Rules 1999* (Qld) states:

440 Scandal and oppression

If there is scandalous or oppressive matter in an affidavit, the court may order that—

- (a) the affidavit be removed from the file; or
- (b) the affidavit be removed from the file and destroyed; or
- (c) the scandalous or oppressive matter in the affidavit be struck out.

10. There being no rule providing for dealing with scandalous material in the *Planning and Environment Court Rules 2018* (Qld) (***P&E Court Rules***), the *Uniform Civil Procedure Rules 1999* (Qld) apply with necessary changes pursuant to s4(2) of the *P&E Court Rules*.
11. There is no definition of what is scandalous in the rules.
12. There are a number of examples in the case law.
13. In *Bell v Bay-Jespersen* [2004] QCA 68, McPherson JA, with whom McMurdo P and White J agreed said:

[22] When one turns to the husband's affidavit filed in support of the application, it is found to consist almost entirely of irrelevant material, comment, self-serving statements, and opinions about the mental condition of the wife which the husband in this case is not professionally qualified to give. He asserts that the application for security for costs is "an abuse of process", and he accuses the solicitors acting for her of engaging in professional misconduct, which he says includes trying to unduly influence witnesses not to testify in the Magistrates Court. About these and other matters, the husband has complained to the Law Society, which he says has "point blank" refused to investigate his complaint. This and other parts of the affidavit are scandalous within the meaning of UCPR 440, and the balance of it is inadmissible and irrelevant. Acting under that Rule, I would order that the affidavit be removed from the file and placed in a sealed envelope marked "not to be opened except by order of the Court or Judge". Section 11 of the *Defamation Act 1889* accords absolute privilege to defamatory matter published in the course of a proceeding before the courts; but the price of that privilege is that the material relied on in court must conform to the requirements of the Rules and the rules of evidence, and not be turned into a vehicle for wanton attacks on the reputation of other parties and their solicitors.

14. Other examples of material that has been held to be scandalous include:
 - (a) allegations of misconduct and fraud: *McBride v Ask Funding Ltd* [2013] QCA 130, [30] (Jackson J, with whom Muir and Gotterson JJA agreed);

- (b) accusations of lying and deceit and preparing false evidence: *Muir v McGowan* [2010] QCA 154 (Muir JA);
 - (c) expressions of scandalous conspiracy theories as though they were facts: *Yahya Khattabi v ZZ* [2025] QCA 7 (Bond JA, with whom Brown JA and Williams J agreed);
 - (d) material calling into question a person's psychological state: *Grant v Hall* [2014] QDC 168, [26].
15. For obvious reasons, the cases do not repeat the material that was found to be scandalous.

Appropriate action in this case

16. The Respondent submits that Mr Manteit's filed affidavit material contains significant amounts of scandalous material. The material includes the following broad categories:
- (a) Allegations about Council officers and employees committing offences;
 - (b) Allegations about Council officers and employees being dishonest or fraudulent;
 - (c) Allegations about Council officers and employees being negligent, incompetent or causing harm;
 - (d) Allegations about Council actions or drawings being a "sham" (the word sham being defined as "noun (1) something that is not what it purports to be; a spurious imitation, Adjective (2) Obsolete a hoax. (3) pretended; counterfeit: sham attacks."¹)
17. The schedule attached to this outline identifies particular parts of the material that the Respondent submits is scandalous.

¹ Macquarie Dictionary (online), accessed 15/5/25.

18. The affidavits were marked as exhibits during the trial by reference to the Court Document Number.
19. In those circumstances, the Respondent submits the most appropriate order to make in relation to the material is to:
 - (a) Remove the electronic copy of the affidavits from the eCourts file, so that it is not easily accessible on the internet;
 - (b) Remove the affidavits from the file and place them in a sealed envelope marked “not to be opened except by order of the Court or Judge”.
20. Those orders will ensure that the material will not be able to be viewed by the public unless there is an order of the Court or the Judge that such viewing is necessary for some other purpose.
21. The proposed order in relation to the sealing of the material in an envelope was made in *Bell v Bay-Jespersen* [2004] QCA 68 and was approved on appeal in *Yahya Khattabi v ZZ* [2025] QCA 7 under rule 440.

Susan Hedge

Counsel for the Respondent

15 May 2025

RESPONDENT'S SCHEDULE OF SCANDALOUS MATERIAL

| # | Document | Scandalous material | Reference |
|----|---|---|-------------|
| 1. | Court Document no. 11 Affidavit of D Manteit Filed 19 November 2024 | “The invert level of the kerb, which should be 500mm from the right boundary as per BSW8113 is proposed IL 35.1. (Notice Council sham plan of 4.9m and 4m).” | p. 1 of 48 |
| 2. | | “Note that Council has placed the Ashridge Rd crossing as 4.9 metres from the right boundary and placed the pits for Lot two – 4.9m from the right boundary of Lot 2 and 4m from right boundary of Lot 1. A sham. | p. 2 of 48 |
| 3. | | The textbox image on page 2 of 48 containing the words “Sham BCC design” | p. 2 of 48 |
| 4. | | “This tactic is in my opinion incompetent and mischievous by Council. This is treating the reader like a fool. There is no other way to describe this action. Council makes the comment "Multiple Kerb adaptors"” “Potential cost of Council Sham design of intentional placement of kerb crossing up the kerb 4.9 metre and .4-.5m higher than required.” | p. 3 of 48 |
| 5. | | “The Council statement by Joel Wake is totally incorrect and is baffling why Council would make that statement” | p. 8 of 48 |
| 6. | | “7) Council sham triangle pipe design right near corner non-compliant with BSD 8111.” | p. 11 of 48 |
| 7. | | “BCC CHARGED LINE for “alleged upslope” properties with sham triangle” | p. 13 of 28 |
| 8. | | “BCC CHARGED LINE for “alleged upslope” properties with sham triangle Above – appellant’s crosssection Council re line with BSD non-compliant sham triangle. All pits view.” | p. 14 of 48 |
| 9. | | “Above - BSD 8111 calculations below, including sham triangle. Calculations done against red line shown but taking out sham triangle” | p. 16 of 48 |

SCHEDULE OF SCANDALOUS MATERIAL

Filed on behalf of the Respondent

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| 10. | | “More conservative 1% fall, 300 cover, take out sham triangle, Note pit 2 disappears but is included in calculations. Calculations done taking out sham triangle” | p. 17 of 48 |
| 11. | | “Sewer, I/O, retaining wall, all living together as per sham BCC red line on approval” | p. 18 of 48 |
| 12. | | “It appears that Council has attempted to fudge their figures. The line is reduced from 61 metres to 55 metres. A sham.” | p. 38 of 48 |
| 13. | | “Council requires sham stormwater pipe for 128 Ashridge Rd but doesn’t require for 134 Ashridge rd Darra” | p. 39 of 48 |
| 14. | | “Joel Wake refuses to advise the applicant in the subject case why he did not provide an information request for the subject application but he did for the 143 Wakefield St Bald Hills. Note 6 years ago Joel Wake said to the applicant – “Phone me”. In relation to the subject case Joel Wake has chosen not to make an information request. In addition he refuses to respond to hundreds of pages of queries from David Manteit.?” | p. 41 of 48 |
| 15. | | “Council refuse to provide or discuss the terms of the easement. This is plain dishonest.” | p. 41 of 48 |
| 16. | | “The Planning Court will see BCC actions as lazy and incompetent.” | p. 43 of 48 |
| 17. | Court Document no. 12 Affidavit of D Manteit Filed 19 November 2024 | 4. Council impediment to completing works. I state that I have never had a case before in either Brisbane City Council, Ipswich City Council, or Logan City Council, where I have had an impediment to completing works for a subdivision to sealed plan due to to (sic) Council sham design and refusal to answer questions on their sham design and refusal to provide information regarding their sham design. | p. 2 of 20 |
| 18. | | “I am at a complete standstill on the site until Council supply information on the sham stormwater line, "Markups only" and "Further detailed design required"” | p. 2 of 20 |
| 19. | | In addition, to highlight the incompetence of the Council approval, Council refuse to supply me with the details of S 7b “other easement” supposed to be over? | p. 3 of 20 |

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| 20. | | (c) The ordinary course of business. I am a complete standstill on the site until Council supply information on the sham stormwater line, “Markups only” and “Further detailed design required” If there was no court action to obtain this information, then Council should supply this information on the ordinary course of business. Council refuses to supply. | p. 5 of 20 |
| 21. | | Textboxes for Scenario 3 and 5 containing “Calculations done against red line shown but taking out sham triangle” “More conservative 1% fall, 300 cover, take out sham triangle, Note pit 2 disappears but is included in calculations.” | p. 7 of 20 |
| 22. | Court Document no. 13 Affidavit of D Manteit Filed 20 November 2024 | “Letter to David Manteit from Maragert Orr of Council on 3/10/24 Margaret Orr also said on 3/10/24 that the “The delegate (Joel Wake) had taken all assessment matters into account” I believe this statement to be totally incorrect. Development Services Team – Margaret Orr – Team leader Scott Ruhland Joel Wake Tom Gibbs - engineer Zarndra Piper Lucy Ting – engineer” “In my view, these persons are personally responsible for my holding costs and specific performance If (sic) their calculations are incorrect.” | p. 4-5 of 30 |
| 23. | | “11. These persons had the chance to make an information request to David Manteit after the Properly (sic) made date of 23/7/24 to avoid any legal obligation or damages to David Manteit but they chose not to, Hence (sic) these persons are personally response for – - specific performance - holding costs - damages - loss of profits...” | p. 5 of 30 |

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| 24. | Court Document no. 14 Affidavit of D Manteit | 2) Why, specifically is this the only time in 500 subdivision cases this year that Council decided to design a sham red line system when there is no other red line Council system this calendar year? | p. 7 |
| 25. | Filed 4 December 2024 | 4) Is Council and the author aware that they are responsible individually or the losses incurred as a result of bad design and not in compliance with Professional Board of Engineers standards? And Council (sic) standards? And AUDM standards? And plan preparing standards ? Does Council hold professional indemnity insurance? | p. 7 |
| 26. | | “6) Does the person who draw the red lines,etc have a licence to draw plans and a plan preparer, with QBCC? Is it Lucy Ting? Does Tom Gibbs hold an RPEQ membership?” | p. 8 |
| 27. | | “Or do you kill two birds with one stone – design a sham stormwater system and wipe out driveway flanges in one foul swoop ? Congratulations if you chieved (sic) two things at once. Commiseration if the Professional Board of Queensland disapproves of the shonky design and disregard of others work, so as to confuse the applicant and Court upon opening up to the approval.” | p. 8 |
| 28. | | “Dear Ms McCabe, Further to my letter yesterday it appears that Council and Development Services Team employees have committed an offence by providing unregistered engineering services, since you refuse to provide any licencing details. This carries Potential Criminal Responsibility for Council plus those employees (Including whole email through to page 10) | p. 9 - 10 |
| 29. | | 6. I advise that a complaint was made to the Board of Professional Engineers of Queensland yesterday as promised. ...“But not in this case. Joel Wake, not information request and silent. In this case – Shoddy Council licenced or unlicenced engineering design.” (Including the whole email through to page 14) | p. 13 - 14 |

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| 30. | Court Document no. 15 | “The Planning Court will see BCC actions as lazy and incompetent.” | p. 2 |
| 31. | Affidavit of D Manteit Filed 4 December 2024 | “...It is best you appoint another person for your phone calls, instead of someone who ducks and weaves, emotionally unstable in my opinion. He refuses to answer any questions whatsoever, harasses the applicant without myself calling him. An intelligent, experienced person does not act like this way.” | p. 4 |
| 32. | | Today’s phone call. (All text under this heading) | p. 6 |
| 33. | | “The red line is charged by .907 m using BSD 8111 requirements of 225mm pipe, 450 cover and .5% degree fall, but using illegal sham triangular line which is not within 600 mm of the boundary” | p. 14 |
| 34. | | “Council fraud cutting corners with pipe not placed within 600 mm from boundary Council has not complied with BSD Drawing BSD 8111 by providing the pipe 600mm from the boundary. This would appear to intentional deception and fraud by BCC as BCC has shortened the line on purpose.” “14. Is there any other way to describe the design of the line away from 600mm from the boundary to not be BCC fraud ?” | p. 20 |
| 35. | Court Document no. 19 | “1) Is Ms Lucy ting the person who authored the red line, 2 pits and kerb crossing for 124 Ashridge Rod Darra approved plan?” | p. 8 |
| 36. | Affidavit of D Manteit Filed 28 January 2025 | “Dear Ms McCabe, Further to my letter yesterday it appears that Council and Development Services Team employees have committed an offence by providing unregistered engineering services, since you refuse to provide any licencing details. This carries Potential Criminal Responsibility for Council plus those employees.” | p. 9 |
| 37. | | “But not in this case. Joel Wake, not information request and silent. In this case – Shoddy Council licenced or unlicenced engineering design.” | p. 14 |
| 38. | Court Document no. 20 | “The Development Services Team, licenced or unlicenced, are now the subject of a complaint to the the (sic) Board of Engineers Queensland, for | p. 1-2 of 36 |

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| | <p>Affidavit of D Manteit</p> <p>Filed 28 January 2025</p> | <p>infringements, and offences under Schedule 2 and S115 of the Professional Engineers Act 2002.</p> <p>The Development Services Team, licenced or unlicenced, has been reported to the Crime and Conduct Commission for offences under S15(1) of the Crime and Corruption Act 2001.</p> <p>As for Sara McCabe. That person can't even spell a party's name, and forces Planning Court staff to sign orders with the wrong party name on the order. I shudder to think what the honourable judge and Deputy Registrar response will be. That is a matter for them. I have my own proposed remedies. The legal mistakes pile up, including affidavits and statements, by Ms McCabe and whether intentional or not, is another matter, indicate that they go beyond mere administrative type of errors on their own, but appear intentional, as a whole.</p> <p>There are simply too many mistakes that are directly pitted against myself, the appellant, to be considered as simple typographical errors.</p> <p>If you/Council don't have someone knowledgeable/expert in the law pertaining to the assessment of this matter, preparatio (sic) of honest affidavits, plus preparation of Court orders, get someone else and stop wasting all partie's (sic) time, and damages claims in other Court's, (currently on foot).</p> | |
| 39. | | <p>"I request a response to myself from City Legal why all these incorrect statements were made, and the reasons why these statements were made, being incorrect.</p> <p>Please advise why Sara McCabe has not requested to anyone including the Planning Court to take corrective action to correct the Court Order 12/12/24 appellant name.</p> <p>Please advise how long insist on defaming my name and the good name of the Judge and the Registrar.</p> <p>Sara McCabe was informed of this by myself on 22/1/25, but still refuses to acknowledge the error, or request the court to take corrective action.</p> <p>Sara McCabe is an officer of the court and has a duty to inform the Court of errors as soon as possible.</p> <p>Why has Sara McCabe refused to acknowledge this mistake, after 46 days?</p> | p. 4 of 36 |

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| 40. | | <p>“Summary of the findings are (and also pertaining to 128 Ashridge Rd Darra) –</p> <p>1) There is ample evidence of Development Services Team (DST), Council staff for A006565555 have performed engineering and committed offences under –</p> <p>Schedule 2 and S115 of the Professional Engineers Act 2002</p> <p>S 15 (1) of the Crime and Conduct 2001.</p> <p>The evidence of unsatisfactory professional conduct, of a registered professional engineer, (including unregistered and unsupervised) is not only littered throughout my report of 20-1-25 but in virtually ever item of correspondence sent to Council staff (DST Team) prior to Court applications dares and in affidavits lodged with the Planning and Environment Court. (And (sic) the refusal of Council staff to provide engineering information.)</p> <p>The CCC gave certain Councils a wake up call/warning in December 2020 to stop local government performing engineering, which is unlicensed, which is therefore classed as “corrupt conduct”.</p> <p>This information/factsheet by CCC is relevant for this Planning Court Case, and is basically a cookie cutter for assessment of this case.</p> <p>This fact sheet is currently online on the CCC website for the word to see. “This factsheet explains when the work of engineers could be corrupt conduct.</p> <p>Brisbane City Council have not heeded the 2020 warning by the CCC.”</p> | p. 4-5 of 36 |
| 41. | | <p>“The mentionings (sic) of exact pipe sizes is dangerous. This is an item of concern for the Crime and Corruption Commission. Plain old unsatisfactorily professional conduct, of a registered professional engineer, schedule 2 and S115 of the Professional Engineers Act, 2022. Possible offence under S15 (1) of the Crime and Corruption Act 2001.</p> <p>How can a Council staff, (DTS) licenced of unlicensed state “exact” 225mm pipes when it is limiting in design and against the approval condition of minimum 225mm in 3 other Council own laws? Mind boggling.</p> | p. 6 of 36 |

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| | | <p>Some other minor design comments on the plan. Unnecessary, mostly.</p> <p>There is an overall concern that due to the massive number of DTS assessment officers, there does not seem to be any consistency of assessment whatsoever in the approvals. It appears that Council give no training to assessment officers whatsoever in regards to general assessment plus legal ramifications.</p> | |
| 42. | | <p>“Disaster – 128 Ashridge Rd Darra</p> <p>Abundance of evidence of alleged offences by Council Development Services Team staff member unsatisfactorily professional conduct, from a registered professional engineer, and grounds for offences of unlicensed performance by Council staff of engineering of Stormwater, Fill, and driveway of 128 Ashridge Rd Darra, which has now caused damages actions in other Courts.</p> <p>A summary of the unsatisfactorily professional conduct –</p> <p>(All text from the above passage on page 6 through to the below passage on page 13)</p> <p>...If the sham triangle is utilised in the design by the owner REPQ, any number of future owners can sue the current owner for not designing as per Council law, as proven in Henderson V Brisbane City Council 4319/24”.</p> | p. 6-13 of 36 |
| 43. | | <p>“This case is an undeniable Planning and Environment Court precedence for the current Planning Court case, 2916/24, Manteit V Brisbane City Council, and for the Board of Professional Engineers Queensland and the CCC Auditor. Joel Wake refused to follow this design...</p> <p>(All text from the above passage through to the below passage on page 22)</p> <p>The Development Services Team members were –</p> <p>Margaret Orr – Team Leader Joel Wake – Delegate Lucy Ting RPEQ Zarndra Piper Tom Gibbs Scott Ruhlan</p> <p>In a letter to David Manteit on 3/10/24, Margaret Orr stated...”</p> | p. 22 of 36 |

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| 44. | | The Council staff engineered system does not conform with the Council engineering design of Planning and Environment Court Henderson V Brisbane City Council 4319/18. A similar case in which there was no sham triangle. There were two Roger Greenways, as engineer. (This typo in itself could be unsatisfactory unprofessional conduct). | p. 23 of 36 |
| 45. | | <p>“These intentional typographical errors demonstrate complete and utter unsatisfactory professional conduct, by a registered engineer, under Schedule 2 and S 115 of the Professional Engineers Act 2002...</p> <p>Conduct of Council licenced or unlicenced engineers</p> <p>(All text under this heading)</p> <p>Planning and Environment Court conduct.</p> <p>(All text under this heading)</p> <p>Refusal by Council staff to provide engineering detail</p> <p>(All text under this heading)</p> <p>Board of Registered Engineers Queensland Engineering Code of Practice</p> <p>(All text under this heading)</p> <p>Crime and Corruption factsheet 2020</p> <p>(All text under this heading)</p> <p>Planning Curt rule S45(2)</p> <p>(All text under this heading)</p> <p>Further information request</p> <p>(All text under this heading)</p> <p>...If you cannot provide this information, I need to report this to the Board of Professional Engineers and the Crime and Corruption Commission.”</p> | p. 25-32 of 36 |
| 46. | Court Document no. 21 Affidavit of D Manteit | Entire affidavit, including Attachment A entitled “Audit report prepared by David Manteit For the Crime and Corruption Commission and the Board of Professional Engineers Queensland and Brisbane City Council Development Services Team members A006565555 Reconfigure a Lot cases decided 1-1-24 | p. 1 - 259 |

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| | Filed 29 January 2025 | to 31-12-24 Approved, Code Assessment, No withdrawals dated 20-1-25 Purposes of report – 1. The CCC, and/or their agents, Board of Professional Engineers of Queensland is to determine if Brisbane City Council and the Development Assessment Team members for the Development Application A06565555 and any other case that the CCC determines, in this report, have committed offences under Schedule 2 and S115 of the Professional Engineers Act.” | |
| 47. | Court Document no. 22 Affidavit of D Manteit Filed 30 January 2025 | Entire affidavit, including Attachment A containing “Letter 30/1/25 Crime and Corruption Commission, Crime and Corruption factsheet, Code of Practice – RPEQ.” | p. 1 - 17 |
| 48. | Court Document no. 24 “Reply” Submissions (Response by | The textbook located on the bottom of page 4 which includes content, for example, “...Council has taken it upon themselves to provide a half baked red line on a plan of subdivision, without any details. You designed it I did not” etc. | p. 4 of 25 |
| 49. | Appellant to Respondent’s List of Reasons Why Disputed Conditions | “This response by the Respondent demonstrates (sic) that the solicitor who wrote these reasons spent maximum 60 seconds on the reviewing of the Notice of Appeal.” | p. 6 of 25 |
| 50. | Should be Imposed and Notice of Any Alternative Conditions) Filed 10 February 2025 | “Council and/or DTS members allegedly (sic) have performed “ Unsatisfactory professional conduct ” under schedule 2 of the professional engineers Act 2002, as follows – “Conduct that is of a lesser standard than which might reasonably be expected of the registered professional engineer by the public or the engineer’s professional peers” Engineers should make specific requirements in their engineering, Council have not been specific, but contradictory. “ Conduct that demonstrates, or a lack of adequate knowledge, skill, judgment or care, in the practice of engineering. ” | p. 8 of 25 |

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| 51. | | “The Appellant requested that the sham unlawful design by Council DST staff be removed” | p. 14 of 25 |
| 52. | | <p>“The above Council plan is 100% evidence that the Appellant has absolutely no knowledge whatsoever of Council Lawful Point of Discharge requirements and is just plucking at straws. Pure demonstration of incompetence.</p> <p>The respondent solicitor demonstrates incompetence and total lack of knowledge of the process of approval and construction of the Lawful Point of Discharge for Onsite Drainage.</p> | p. 15 of 25 |
| 53. | | <p>“Possible damages actions from future owners for unlawful engineering design.</p> <p>Possible claim against RPEQ professional indemnity insurance.”</p> | p. 18 of 25 |
| 54. | | “Then it needs to be honest and provide engineering calculations as required in Condition 17 and 18.” | p. 20 of 25 |
| 55. | | <p>“Council has a responsibility to be –</p> <ul style="list-style-type: none"> - transparent with their engineering - not provide drawings and perform engineering that is unsatisfactory conduct, of a Registered Professional Engineer as per Schedule 2 of the Professional Engineers Act. - not produce or provide drawings that may be an offence under S115 of the Professional Engineers Act 2002 and The Crime and Corruption Act 2001, being engineering performed by unlicensed or unsupervised persons. “ | p. 20 of 25 |
| 56. | | <p>“Council’s Plan is unlawful and unsatisfactory professional conduct, of a registered professional engineer.</p> <p>The engineering standard is a lesser standard than that is expected, of a Professional engineer.”</p> | p. 21 of 25 |
| 57. | | “The Respondent is forcing of Applicant RPEQ to design unlawfully” | p. 23 of 25 |
| 58. | | “The reasons and statements by the Respondent are meaningless and a diversion tactic.” | p. 24 of 25 |
| 59. | | “Sham triangle, non-compliant with BSD 8111, being further away than 600mm from the boundary.” | p. 24 of 25 |

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| 60. | | “More alleged evidence of Council unsatisfactory conduct, of a Registered Professional Engineer.” | p. 25 of 25 |
| 61. | <p>Court Document no. 26</p> <p>Affidavit of D Manteit</p> <p>Filed 24 March 2025</p> | <p>“Lucy Ting stated to Joel wake by memo that “the plans are accurate on the ROL” but refuses to supply her “accurate” (As per RTI) calculations to David Manteit and Brisbane ratepayers.</p> <p>Lucy Ting (RTI) advised that Andrew Blake approved to write up the plans with her sham engineered plans.</p> <p>RTI review demonstrates alleged dishonesty by Council employees to pretend that DA application survey plan does not exist and that that (sic) land falls to rear and right.</p> <p>...</p> <p>The evidence from the RTI review is that Council employees have never assessed the ONF survey plan nor the notations about a right and rear peg of AHD 35.192.</p> <p>Incompetence by licenced and unlicenced Brisbane City Council engineers.</p> <p>There were 412 Council approved reconfigure a lot cases in the calendar year 2024. In all cases, a survey plan was provided in the submission. Can Council employees be that incompetent to not have assessed the lodged applicant’s survey plan? Surely not. Right ? Are they that dumb? The facts are that they are that plain old lazy and incompetent. As proved in the RTI review.</p> <p>If a Council hydraulic engineer intentionally does not assess a survey plan this is alleged dishonesty and unsatisfactory professional conduct for a registered engineer.”</p> | p. 2-3 of 29 |
| 62. | | <p>“...Joel Wake was offered in a telephone call response by him around 15/8/24 to come out to site to inspect levels. He refused. David Manteit offered Wake the use of my laser level, viewing from the top lounge room and on the ground. Wake refused to come to site because he is allegedly dishonest and lazy.</p> <p>Council knowingly and dishonestly engineered a stormwater pipe that was shifted away from the boundary by Council employees by more than 600mm to reduce fall calculations of the knowingly charged pipe. Why else would Council employees design a sham triangle?</p> <p>...</p> | p. 4-5 of 29 |

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| | | <p>There are only two possibilities –</p> <p>(All text under this heading)</p> <p>...The trial on 28/4/25 cannot come soon enough. The following eight Council employees will need to attend the trial to explain their incompetent and dishonest engineering.</p> <p>Andrew Blake Roger Greenway Joel Wake Andrew Blake Margaret Orr Tom Gibbs Scott Ruhland Zarndra Pipe</p> <p>There is clear evidence of alleged complete incompetence and dishonesty by the abovementioned employees, Brisbane City Council staff members and unsatisfactorily professional conduct for a licenced engineer in relation to Engineering design of Upstream and Onsite Drainage stormwater systems, by those employees.”</p> | |
| 63. | | <p>“RTI review demonstrates unsatisfactory professional conduct for a Registered engineer, as per Schedule 2 of the Professional Engineers Act 2002 and also demonstrates possible offences under S15(1) of the Crime and Corruption Act.</p> <p>RTI review information indicates that Council employees have not examined Contours 2002 to determined any evidence of which land is upslope.”</p> | p. 10 of 29 |
| 64. | | <p>“The admission of the statement in (3) by the solicitor is worth \$150,000 for a damages action against Council employees in the Magistrates Court.</p> <p>It might be 8 Council employees V Council plus Manteit V Council and 8 employees. Possibly a joint hearing. Fantastic.</p> <p>A Council solicitor has proven in (3) that Council employees are incompetent and had never assessed the rear kits against 7.6.3.1(2).</p> <p>RTI review has demonstrated that Council employees never assessed the rear lots as low – medium density. So Council solicitor has intelligence which exceeds anyone (sic) mentioned in the RTI review.</p> | p. 16 of 29 |

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| | | <p>Increased density means increased engineering of the stormwater system required by Council employees.</p> <p>Council employees have not done engineering calculations on increased density. They are that incompetent.</p> | |
| 65. | | <p>“Lucy Ting</p> <p>(All text under this heading through to page 19)</p> <p>...Lucy Ting’s incompetence is never ending.</p> | p. 17-19 of 29 |
| 66. | | <p>“Scott Ruhland unlicenced engineer – “If there are any engineering questions regarding the application please see me.”</p> <p>(All text under this heading through to page 22)</p> <p>...The incompetence of Council employees attempting licenced and unlicenced engineering goes on forever.</p> | p. 20-22 of 29 |
| 67. | | <p>“Damages to DA applicant David Manteit</p> <p>It is alleged that Council employees have caused the Appellant over \$150,000 in damages due to the alleged dishonest unsatisfactory engineering, to be considered in other courts.</p> <p>It is alleged that Council employees have failed to properly examine the fall of the rear land to the rear boundary, which was in fact examined in the case of 134 Ashridge Rd Darra DA Application.</p> | p. 26 to 29 |
| 68. | | <p>“There is clear evidence that Council employees have performed unlicenced engineering. This evidence needs to be reported to the Crime and Corruption Commission, since penalties may apply.</p> <p>There is clear evidence that RTI documents have been doctored. This should be reported to the fraud squad.</p> | p. 27 to 29 |
| 69. | | <p>“The following alleged shameful Council engineer has been performed, as a minimum-</p> <p>(All text under this heading on page 28)</p> | p. 28 of 29 |
| 70. | <p>Court Document no. 27</p> <p>Affidavit of D Manteit</p> | <p>Entire affidavit, including Exhibit A containing “Right to information review”.</p> | <p>p. 1 – 21 and Exhibit A p. 1 – 49</p> |

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| | Filed 24 March 2025 | | |
| 71. | Court Document no. 28 Affidavit of D Manteit Filed 27 March 2025 | Entire affidavit, including Exhibit A containing “Audit of RTI review 17-2-25 and Council employees Intentional Flooding and damages caused by licenced and unlicenced engineers dated 27-3-25”. | p. 1 - 29 |
| 72. | Court Document no. 30 Submissions for Trial Filed 31 March 2025 | <p>“Council Employees” means Roger Greenway Andrew Blake Lucy Ting Margaret Orr Zarndra Piper Tom Gibbs Joel Wake Scott Ruhland TST Hydraulics</p> <p>Council employees have intentionally engineer an illegal flooded Upstream drainage stormwater system that could cause damage and loss of life.</p> <p>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</p> <p>Council employees ignored all the warning signs of the future flood caused by them and possible loss of life.</p> | p. 1 of 50 |
| 73. | | <p>“Above – Intentional Disaster</p> <p>(All text under this heading through to page 3)</p> <p>...Ruhland wants a 3 rear lot 1,284 swimming pools a week Q20 kind of flood causing damages and possible loss of life”</p> | p. 2-3 of 50 |
| 74. | | <p>“As of 21/8/24 Wake still wants a flood of 1,284 swimming pools a week caused by him and 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.”</p> | p. 4 of 50 |
| 75. | | <p>“Roger Greenway wants a flood of 1,284 swimming pools in a Q20 to cause damages and possible loss of life. He doctored the date.</p> <p>Greenway has never read S7.6.1.”</p> | p. 5 of 50 |
| 76. | | <p>“Another Flood Warning</p> <p>(All text under this heading through to page 7)</p> | p. 6-7 of 50 |

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| | | It is not disputed in the Reasons for disputed conditions that the above individuals have caused David Manteit damages.” | |
| 77. | | Paragraphs 1-12, 16-17, 19-23, 28, 29, 41, 46-48, 50, 55-56, 58-60, 63-70, 73, 76-78, 84, 91-92, 103-104, 107-108, 115-116, 118-121, 124-127, 129, 131, 137-138, 148-151. | p. 8-48 of 50 |
| 78. | | “Sara McCabe refusal to change the name of the Appellant despite many requests from the Appellant.” | p. 45 of 50 |
| 79. | | <p>The Respondents</p> <p>“...Reason 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</p> <p>(All text through to end of page 50)</p> <p>...Name of any other unlicensed engineers in the Development assessment team.”</p> | p. 50 of 50 |
| 80. | <p>Court Document no. 31</p> <p>Town Planning Report</p> <p>Filed 31 March 2025</p> | <p>“The Council Employees</p> <p>Where mentioned “Council Employees”, this means</p> <p>Andrew Blake Roger Greenway Lucy Ting Joel Wake Scott Ruhland Zarndra Piper Margaret Orr Tom Gibbs TST Hydraulics”</p> | p. 1 of 37 |
| 81. | | <p>“Council employee engineers intentionally designed a flooded charged Upstream Drainage stormwater system</p> <p>...</p> <p>Council employees have intentionally caused the design of a furture (sic) flood.”</p> | p. 3 of 37 |
| 82. | | <p>It would have taken Andrew Blake and Roger Greenway and the Assessment Team 5 minutes to work out their connection to the kerb is not lawful and their flooding is illegal.</p> <p>(All text under this paragraph through to page 7)</p> | p. 6-7 of 37 |

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| | | ... The premier needs to formulate the Darra disaster management plan now, and meet with BOM. Property values to halve. Compensation to property owners in the tens of millions coming. | |
| 83. | | <p>“Even using low roof areas, Andrew Blake, Roger Greenway, Scott Ruhland Margaret Orr, Joell Wake never did any calculations whatsoever, even on a small roof size,</p> <p>Flooding on Roger Greenway 3 lots for 600 sqm roof, is still 84 l/s = 7,257,600 litres per day flood. But on 900sqm it’s 1,284 swimming pools a week.</p> <p>...</p> <p>Roger Greenway drew his plan. He used a red biro instead of a computer. Greenway has had five time times (sic) and 200 days to redact his illegal engineering for 3 rear lots.</p> <p>It is time to come clean Mr Greenway.</p> <p>Joel Wake woke called Zarndra Piper and Lucy Ting on the last day, 25/9/24 to question if lot 100 is required.</p> <p>It was only decided by Piper and Ting to remove Lot 100 on the last day. Their laziness demonstrates they were reckless in not checking for flooding.</p> <p>Piper and Ting preferred having their sleep and causing flooding to the residents of Darra and possible loss of life, instead of spending 5 minutes on a \$5 calculator.</p> | p. 9-10 of 37 |
| 84. | | <p>Roger Greenway illegal engineering plan</p> <p>(All text under this heading through to page 12)</p> <p>...Calculations for Roger Greenway’s illegal and flooded major major (sic) plan for 3 lots...</p> | p. 11-12 of 37 |
| 85. | | <p>MAJOR FLOODING CAUSED BY COUNCIL EMPLOYEES ILLEGAL FLOODED ENGINEERED PLAN QUDM Q20...</p> <p>(All text under this heading through to the bottom of the page)</p> <p>...Flooding for 3 lots = 1,284 swimming pools a week.</p> | p. 14 of 37 |
| 86. | | Roger Greenway and Council employees have installed a sham kerb adapter location of 5.1m up from the low side of the kerb. This is (sic) demonstrates the | p. 16 of 37 |

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| | <p>engineering incompetence of the author of the red lines, Roger Greenway, Greenway was the cause of the</p> <p>Greenway has 200 days to change condition 17 to a standard condition. But he hasn't.</p> <p>(All text under this paragraph through to the end of the page)</p> <p>...Council employee engineers have had 8 months to work out that the kerb adaptor is illegal and non-compliant with their own laws. Don't they read PSP Chapter 7, S 7.6.2 ?</p> | |
| 87. | <p>Roger Greenway and Andrew Blake would have known that the systems they designed would cause a major Q20 flood.</p> <p>Council employees have caused David Manteit enormous losses and holding costs and lost profit.</p> <p>Council employees have recklessly designed an Upstream Drainage system that will cause nuisance flooding, damage to property, and possible death.</p> | p. 19 of 37 |
| 88. | <p>Roger Greenway 3 lots –</p> <p>1284 swimming pools of flood a week Q20 event, damages and possible death.S7.6.1.</p> <p>RTI review evidence reveals that these are the only Council employees only ways.</p> <p>...</p> <p>Council employees, as evidenced in my review of RTI review 17/2/25, never did any engineering assessment whatsoever of – “</p> | p. 25 of 37 |
| 89. | <p>This was Roger Greenway first and last time he engineered a stormwater system in the calendar year 1/1/24 to 31/12/24.</p> <p>Roger Greenway couldn't find a computer for his stormwater engineering.</p> <p>He used his Mum's red biro, to draw the plan of 3 rear lots. That's the major major flood. No calculations, just a red biro.</p> | p. 27 of 37 |
| 90. | <p>Importantly</p> <p>(All text under this heading through to page 33)</p> | p. 27-33 of 37 |

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| | | ...That sums up the standard of Brisbane City Council engineers. What are they actually being paid for? | |
| 91. | | <p>Comments on Council engineering</p> <p>Council employees have engineered a major flood was estimated Q20 peak flow of 171 l/s for a Roger Greenway 3 rear lot plan.</p> <p>(All text under this heading through to page 35)</p> | p. 34-35 of 37 |
| 92. | | <p>Town Planning Conclusions</p> <p>Council employees have intentionally caused the design of a flooded Upstream stormwater system that will cause nuisance flooding to the residents of Darra.</p> <p>(All text under this paragraph through to page 35)</p> <p>...Council employees to be referred to the Crime and Corruption Commission. Council employees to be referred to the Fraud squad (sic) where appropriate.</p> | p. 36-37 of 37 |
| 93. | <p>Court Document no. 32</p> <p>Affidavit of D Manteit</p> <p>Filed 8 April 2025</p> | Entire affidavit relating to the "...findings of the actions of Margaret Orr occurred in the assessment of A006565555, 128 Ashridge Rd Darra" | p. 1 - 40 |
| 94. | <p>Court Document no. 33</p> <p>Affidavit of D Manteit</p> <p>Filed 9 April 2025</p> | Entire affidavit relating to the "...findings of the actions of Lucy Ting occurred in the assessment of A006565555, 128 Ashridge Rd Darra" | p. 1 - 43 |
| 95. | <p>Court Document no. 34</p> <p>Affidavit of D Manteit</p> <p>Filed 9 April 2025</p> | Entire affidavit relating to the "...findings of the actions of Roger Greenway occurred in the assessment of A006565555, 128 Ashridge Rd Darra" | p. 1 - 39 |

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| 96. | <p>Court Document no. 35</p> <p>Affidavit of D Manteit</p> <p>Filed 9 April 2025</p> | <p>Entire affidavit relating to the "...findings of the actions of Zarndra Piper occurred in the assessment of A006565555, 128 Ashridge Rd Darra"</p> | <p>p. 1 - 42</p> |
| 97. | <p>Court Document no. 36</p> <p>Clarification of submissions for Trial</p> <p>Filed 10 April 2025</p> | <p>3. The following are further lodged affidavits lodged after 31/1/25 –</p> <p>8/4/25 Affidavit re subpoena, Criminal charges Maragret Orr</p> <p>9/4/25 Affidavit re subpoena, Criminal charges Lucy Ting</p> <p>9/4/25 Affidavit re subpoena, Criminal charges Roger Greenway</p> <p>9/4/25 Affidavit re subpoena, Criminal charges Zarndra Piper</p> <p>10/4/25 Affidavit re subpoena, Criminal charges Scott Ruhland</p> <p>10/4/25 Affidavit re subpoena, Criminal charges Joel Wake</p> <p>10/4/25 Affidavit re subpoena, Criminal charges Andrew Blake</p> | <p>p. 2 of 3</p> |
| 98. | <p>Court Document no. 37</p> <p>Affidavit of D Manteit</p> <p>Filed 10 April 2025</p> | <p>Entire affidavit relating to the "...findings of the actions of Andrew Blake occurred in the assessment of A006565555, 128 Ashridge Rd Darra"</p> | <p>p. 1 - 41</p> |
| 99. | <p>Court Document no. 38</p> <p>Affidavit of D Manteit</p> <p>Filed 10 April 2025</p> | <p>Entire affidavit relating to the "...findings of the actions of Scott Wake occurred in the assessment of A006565555, 128 Ashridge Rd Darra"</p> | <p>p. 1 - 44</p> |
| 100. | <p>Court Document no. 39</p> <p>Affidavit of D Manteit</p> <p>Filed 10 April 2025</p> | <p>Entire affidavit relating to the "...findings of the actions of Scott Ruhland occurred in the assessment of A006565555, 128 Ashridge Rd Darra"</p> | <p>p. 1 - 42</p> |

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| 101. | <p>Court Document no. 40</p> <p>Affidavit of D Manteit</p> <p>Filed 16 April 2025</p> | <p>Entire affidavit and Exhibit A (Correspondence from the Crime and Corruption Commission dated 24/3/25) and Exhibit B (A letter of warning to the Respondent 16/4/25).</p> | <p>p. 1 - 9</p> |
| 102. | <p>Court Document no. 41</p> <p>Response to Objections</p> <p>Filed 22 April 2025</p> | <ul style="list-style-type: none"> The Council employee individuals caused themselves to be relevant, all by themselves. Their plans are not RPEQ certified and they have allegedly committed criminal offences from alleged corrupt engineering. The individuals were sent multiple emails by David Manteit requesting information and RPEQ licence. Lucy Ting refused to supply calculations in a phone calls (sic), after 30 seconds. | <p>p. 3 of 36</p> |
| 103. | | <p>30. David Manteit has given the 7 individual Council employees over 71 warnings of offences of unlicensed engineering since 1/10/24.</p> <p>These are the 7 individual Council employees referred to that might receive fines for committ/ing (sic) alleged offences:</p> <p>Andrew Blake Roger Greenway Lucy Ting Joel Wake Maragret Orr Scott Ruhland Zarndra Piper</p> | <p>p. 14 of 36</p> |
| 104. | | <p>34. It is not disputed that the Respondent has total disregard and contempt for all Council employees, including David Simons of Brisbane City Council, who supplied the RTI report.</p> <p>It is not disputed by the Respondent that the Respondent has total disregard and contempt for all Brisbane City Council assessment officers by regarding the RTI advice from Brisbane City Council as hearsay.</p> | <p>p. 16-17 of 36</p> |
| 105. | | <p>36. It is not disputed by the Respondent that Council employees have –</p> <ul style="list-style-type: none"> Committed a criminal offence by not certifying their unlicensed hydraulic plans by an RPEQ licenced person. | <p>p. 17-21 of 36</p> |

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| | | <ul style="list-style-type: none"> Committed offences under S 115 of the Professional Engineers Act by performing unlicensed engineering. Committed offences under S15 (1) of the Crime and Corruption Act. <p>(All text under this paragraph through to page 21)</p> <p>...It is undisputed by the Appellant that the 225mm pipe for the unlicensed Upstream drainage system is deliberately and dishonestly designed by the Council employees to be underseized, in order to disguise the nuisance flooding, damage to people and property.</p> | |
| 106. | | It is undisputed by the Respondent that the 7 individual Council employees never assessed the existing terrain due to alleged laziness and incompetence. | p. 23 of 36 |
| 107. | | <p>The Appellant alleges –</p> <p>Basically the Respondent allegedly says this Council employee Mr Christenson is not to be believed under any circumstances.</p> <p>(All text under this paragraph through to page 30)</p> <p>...It is alleged that the Respondent is trying to hoodwink the Court into believing that the conduct of the Council employees does not attract criminal offences.</p> <p>It is alleged that the Respondent wants to make the illegal and criminal actions of the Council employees swept under the carpet.</p> | p. 29-30 of 36 |
| 108. | Court Document no. 42 | Paragraphs 7, 20-23 and 27. | p. 1-12 of 57 |
| 109. | <p>Further submissions for Trial</p> <p>Filed 22 April 2025</p> | <p>Council employees have been given 71 warnings/chances by David Manteit to provide the RPEQ licence.</p> <p>Document 10 Notice of appeal</p> <p>(Including all documents identified by red numbering from page 13 to page 57)</p> | p. 13-57 of 57. |