

AFFIDAVIT

Planning and Environment Court

Amended Application in Pending Proceedings – Contempt of Court

David Manteit V Brisbane City Council & Orrs 2916/24

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

1. I have sent Ms McCabe, of City Legal, 3 letters with proposed sought orders, for hearings, which have all requested engineering information by Manteit to Council, of Council employee engineered source documents, of their flooded Upstream and Onsite Drainage plans and easement documentation.

Paginated pages 1-11

Exhibit "A" - letter sent to McCabe, City Legal, 11/12/24 for 12/12/24, 3 pages

Exhibit "B" - letter sent to McCabe, City Legal, 12/2/25 for 12/2/25, 3 pages

Exhibit "C" - letter sent McCabe, City Legal 13/4/25 for 14/4/25, 2 pages



Deponent



Justice of the Peace

Affidavit
Manteit V Brisbane City Council 2916/24
Filed by David Manteit


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

Affirmed by the said deponent at Richlands, this 13th January 2025.

Before me.

The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.

I understand that a person who makes an affidavit that the person who makes an affidavit that the persons knows is false in a material particular commits an offence.


Deponent


Justice of the Peace 13/01/2025



Planning and Environment Court

Amended Application in Pending Proceedings – Contempt of Court

David Manteit V Brisbane City Council & Orrs 2916/24

Exhibit “A”

Exhibit “A” - letter sent to McCabe, City Legal, 11/12/24 for 12/12/24, 3 pages

Final draft orders Manteit V Brisbane City Council 2916/24

From david manteit <davidmanteit@hotmail.com>

Date Wed 11/12/24 4:43 PM

To Sarah McCabe <sarah.mccabe2@brisbane.qld.gov.au>

 1 attachment (20 KB)

Orders 12-12-24 revised 11-12-24.docx;

Att Ms McCabe

This is my final list of orders to be requested by His Honour at Court tomorrow,
12-12-24

Yours Faithfully

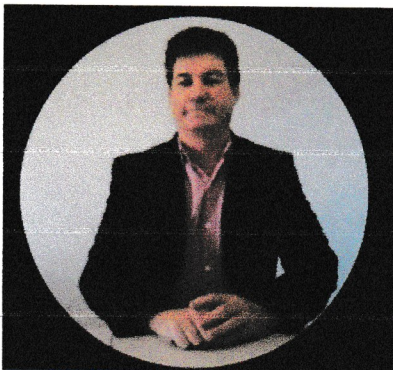


David Manteit

CEO

0424 739 923

howtowineveryday.com.au



In the Planning and Environment Court

Appeal No. 2916/24

Manteit V Brisbane City Council

Date for review 12/12/24

ORDER

Before: His Honour Judge Williamson KC

Date of hearing: 12 December 2024

Date of order: 12 December 2024

1. There were no agreements made by the parties for deletion or changes to plans or conditions, at the ADR conference held on 9-12-24.
2. It is declared by this Court/His Honour that any replacement of the leaning over retaining wall on the right side of the subject land, approx 33m long, by the owner, is not part of the conditions of the Approval A006565555, dated 25-9-24.
3. The Respondent shall, in the interest of saving time and cost for all parties, provide a response to the Applicant's letter of 11-12-24, and so called Appellant's claim of a list of the Respondent's typographical errors, (typos), to the Appellant, by 19-12-24.
3. The parties shall supply to each other by 19-12-24 the terms of reference for an Engineer witness in relation to the *order of assessment* for an Upslope property Stormwater connection and hydraulic system design by the Engineer, such as but not limited to –
 - Definition of Upslope property and downslope property and whether the definition would result
 - The following of Council SC6.16 Infrastructure design planning scheme policy, Chapter 7 Stormwater drainage and whether these policies would result
 - The following of Council standard design drawings including BSD 8111, 8113 and 8114 and resulting calculations an engineer would make in their report.
 - Any clashes of engineering with Council's red stormwater red lines with other items
 - Any reason why the so called Upslope property connections cannot be designed and built, including after examining the above order of assessment.
4. The Respondent is to provide all information regarding approved Council amended in red engineered and designed plans, plus locations of fill for where conditions have mentioned "The site must be filled" to the Appellant by 19-12-24, This includes surface levels and invert levels of 6 pits and kerb crossings, by 24-12-25.
5. The Respondent shall supply a detailed response to the Appellant's Notice to Appeal and Expanded Grounds of Appeal, by 31-12-24.
6. The parties shall provide their proposed terms of reference for an Engineer, for an expert witness report, to each other, by 10-1-25.

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7. The parties shall provide an agreed terms of reference for an Engineer's expert witness by 15-1-25.
8. The matter shall be adjourned for further review and directions by His Honour on 28/1/25.

Planning and Environment Court

Amended Application in Pending Proceedings – Contempt of Court

David Manteit V Brisbane City Council & Orrs 2916/24

Exhibit “B”


Exhibit “B” - letter sent to McCabe, City Legal, 12/2/25 for 12/2/25, 3 pages

REVISED ORDERS 12-2-25

From david manteit <davidmanteit@hotmail.com>

Date Wed 12/2/25 9:02 AM

To Sarah McCabe <sarah.mccabe2@brisbane.qld.gov.au>

 1 attachment (178 KB)
orders 12-2-25 (2).pdf;

Att Ms McCabe

I attach revised orders to remove some typographical errors and will hand to Counsel.

Yours Faithfully

In the Planning and Environment Court

Appeal No. 2916/24

Manteit V Brisbane City Council

Date for review 12/12/24

ORDER

Before: His Honour Judge Williamson KC

Date of hearing: 12 December 2024

Date of order: 12 December 2024

1. There were no agreements made by the parties for deletion or changes to plans or conditions, at the ADR conference held on 9-12-24.
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3. The Respondent shall, in the interest of saving time and cost for all parties, provide a response to the Applicant's letter of 11-12-24, and so called Appellant's claim of a list of the Respondent's typographical errors, (typos), to the Appellant, by 19-12-24.
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 - The following of Council SC6.16 Infrastructure design planning scheme policy, Chapter 7 Stormwater drainage and whether these policies would result
 - The following of Council standard design drawings including BSD 8111, 8113 and 8114 and resulting calculations an engineer would make in their report.
 - Any clashes of engineering with Council's red stormwater red lines with other items
 - Any reason why the so called Upslope property connections cannot be designed and built, including after examining the above order of assessment.
4. The Respondent is to provide all information regarding approved Council amended in red engineered and designed plans, plus locations of fill for where conditions have mentioned "The site must be filled" to the Appellant by 19-12-24, This includes surface levels and invert levels of 6 pits and kerb crossings, by 24-12-25.
5. The Respondent shall supply a detailed response to the Appellant's Notice to Appeal and Expanded Grounds of Appeal, by 31-12-24.
6. The parties shall provide their proposed terms of reference for an Engineer, for an expert witness report, to each other, by 10-1-25.

⑦

7. The parties shall provide an agreed terms of reference for an Engineer's expert witness by 15-1-25.
8. The matter shall be adjourned for further review and directions by His Honour on 28/1/25.

Planning and Environment Court

Amended Application in Pending Proceedings – Contempt of Court

David Manteit V Brisbane City Council & Orrs 2916/24

Exhibit “C”

Exhibit “C” – letter sent to McCabe, City Legal, 13/4/25 for 14/4/25, 2 pages.

FINAL ORDERS 14/4/25 MANTEIT V BRISBANE CITY COUNCIL

From david manteit <davidmanteit@hotmail.com>

Date Sun 13/4/25 10:56 PM

To Sarah McCabe <sarah.mccabe2@brisbane.qld.gov.au>

 1 attachment (20 KB)

orders 14-4-25.docx;

Dear Ms McCabe

Revised proposed orders to be provided to His Honour tomorrow.

Yours Faithfully

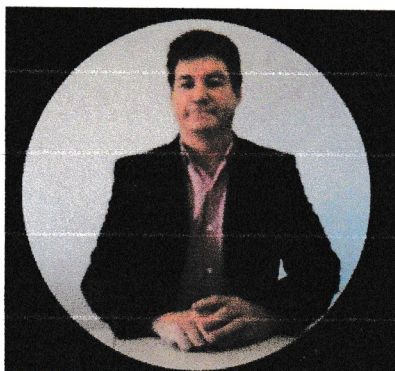


David Manteit

CEO

0424 739 923

howtowineveryday.com.au



Between : **DAVID MANTEIT** Applicant
And: **BRISBANE CITY COUNCIL** Respondent

ORDER

Before: His Honour Judge Williamson KC
Date of hearing: 14 April 2025
Date of order: 14 April 2025

IT IS ORDERED THAT:

1. The Court shall sign the seven Form 42 forms Subpoena to give Evidence and the seven Form 44 Request for Subpoena forms for each of the following persons to be required to be a witness in the Trial on 28/4/25, for questioning by David Manteit and His Honour only.

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

2. The Appellant shall be allocated a total of 2.5 hours for questioning the witnesses in 1, commencing 10am 28 April 2025.

3. The Respondent, is to include the following information in the material they rely on, to be filed and served by 21/4/25 –

Responses to the Appellants' list of matters to be repoded to as stated in S150 of the Appellant's Submissions for Trial.

The responses shall include what engineering calculations were performed by the Respondent that resulted in the approved Upstream and Onsite Drainage systems amended plan in red.

In addition the following proof is required:

The stormwater pipes would not be charged at any point.

The flow is less than 30 l/s at the kerb.

The engineering complies with all Council laws and QUDM

The engineering complies with the Rational Method.

The names of the person/s who engineered the stormwater systems

There were no unlicenced engineers who performed engineering

There would be no downstream flooding, causing damage to people and property. (QUDM).

Assessment of engineering was carried out with due diligence and not gross negligence.

4. The list of witnesses and their phone number that each party proposes to attend trial to be advised to the Court and the other party by 5pm 14/4/25.

5. His Honour and the Respondent shall acknowledge to the Appellant the existence of the correspondence to the Appellant from the Crime and Corruption Commission dated 24/3/25.

6. His Honour to make findings in his final judgement of any Unsatisfactory Professional Conduct
Unlicenced engineering, Gross negligence in respect of assessment, or any suspected offence of S289 of the Criminal Code.

ORDER

Filed by the Appellant : David Manteit
82 Rowe Tce Darra 4076.
Ph PH 0424 739 923
davidmanteit@hotmail.com

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