

Comment – John Tozer

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Attached is a timeline of the subdivision I completed at [REDACTED] Fig Tree Pocket.

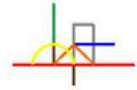
It was disgraceful the delays that were imposed on us by competing Brisbane City Council departments, that cost us many hundreds of thousands of dollars extra in increased construction and financing costs, not to mention the [REDACTED]

The state government departments I had to deal with by comparison were very good, like the Rural Fire Service and Energex for example.

I would like to make a verbal submission to the Inquiry to speak to the timeline of delays I have attached and to detail other ridiculous requirements I had to deal with. The system is a complete shambles in my opinion. Once a DA is approved by Council, Council staff should not be able to change it, multiple times once construction starts, on a whim.

The uncertainty means I would never do another development in Brisbane despite my extensive experience in the building industry over more than 40 years. I simply could not stomach dealing with a grossly incompetent Brisbane City Council ever again.

I have been told by at least half a dozen other Developers in Brisbane that they feel exactly the same.



TIMELINE OF BRISBANE CITY COUNCIL (BCC) APPROVAL PROCESS FOR VERGE OUTSIDE [REDACTED] FIG TREE POCKET SUBDIVISION – APRIL 2022 TO DEC 2024

April 2022	Subdivision commenced, with Development Application approval to remove trees from Lot to permit construction of future houses and from front verge to permit construction of new footpath for Council at street level. Lot is about 1.6m above road. Tree lopper says Council will require additional NALL application required for removal of trees, despite removal of trees already approved under DA. Council advise a NALL will indeed be required. NALL application submitted to remove trees from Lot and Council verge.
Sept 2022	NALL application to remove trees from Lot finally approved 5 months later. Owners then advised by BCC that removal of trees on verge would require another separate NALL application, which would be handled by another Council department in 'Specialist Services'. Application was made by Owners the following day. Council then advised application would take another 3 months. BCC did not advise additional application to remove trees from Council verge required when joint Nall application made in April.
Jan 2023	Three months later BCC staff member from PPI department finally agrees to visit site to discuss application. When on site, he advises he can overrule DA approval for removal of trees on verge for footpath and he wants to save as many trees as he can for Climate Change and koalas and proposes footpath on top of existing bank. He says he will take another 2 months to finalise his approval. [REDACTED] [REDACTED] [REDACTED]
Feb 2023	Owner's Civil Engineers advises that BCC proposed footpath on top of existing bank would be unsafe due to excessive slopes required and consequently refuse to design same. Owner asks Council staff member to get Council Engineers to try and design footpath on top of bank but no response. Owner's Civil Engineers make submission to BCC to retain original design and BCC Landscape Team write back agreeing original DA design with trees to verge removed should stand. Owner receives letter from Landscape Team a week or so later stating that they withdraw this advice and PPI advice that trees must remain, should be preferred.
Apr 2023	Council sends 2 other Council staff members from PPI to site to discuss options with Owner. One option being no footpath, to retain as many trees as possible. Council staff member advised this would be acceptable to Council as road was dead end, with low pedestrian and traffic numbers in a low density neighbourhood. Confirmed by neighbours who have lived next door for 40 years, that there has never been an accident on this street without footpath.
Aug 2023	After negotiation where BCC refuses to compensate Owner for delays in approval to date, which has held up subdivision proceeding, Owner agrees to the no footpath option and retaining maximum trees.
Sept 2023	Council's Senior Solicitor Leanne O'Brien advises in email to proceed with such revision to DA for same.
Oct 2023	Owner's Town Planner asks BCC for verification of minor revision to DA for this option. Council insists Owner pays Council \$8,300 to change the DA, to suit Council's decision to change the DA. Owner reluctantly pays Council fee on advice from Town Planner to avoid further delays. Council loses trace of payment for a few weeks and application is stalled while they find payment, despite having been paid to exact account advised by BCC.

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- Nov 2023** Council Planning staff now advise Owner's Town Planner that PPI staff have changed their mind again and want Owner to knock down all Council trees on verge (10 substantial gum trees, up to 550mm in diameter), excavate bank and build footpath at road level as per original DA approval.
- Owner explains that new subdivision services (electricity, water, NBN and stormwater) have all already been installed on verge based on the no footpath option previously agreed with Council and would all have to be dug up again to allow for full excavation of bank. A delay likely taking at least another 3 months due to difficulty in securing NBN contractors and others. As well as tens of thousands of dollars in cost.
- Feb 2024** After further protracted negotiation with BCC Town Planning staff, Owner has negotiation with Lot 1 and 2 buyers to reduce driveways to only 3.6m wide rather than 5m, to save 6 trees. So only 4 trees in total to be removed out of 10. Immediate neighbours advise they are very keen to keep as many trees on verge as possible to retain street amenity. Owner prepares plan demonstrating same. Owners' Town Planner forwards same to BCC Town Planning.
- Council Town Planning then advises it accepts not all trees should be removed (ie now only 4 out of 10 for new driveways) but that it wants a new footpath near top of bank.
- This is despite it being explained to Council staff about 12 months earlier that this is not safely possible.
- May 2024** Project is stalled even though weeks away from completion as Council now refuses to approve minor revision to DA for no footpath as they suggested. Buyers of land (some of whom have been waiting more than 12 months) and their Builders are very frustrated that the project cannot be completed due to Council constantly changing its mind and making impractical requests, despite previously agreeing to current construction configuration of no footpath and saving maximum number of Council trees.
- Council now indicating at meeting at BCC offices that it accepts trees are to remain as new services are all installed, but wants Arborist Report on tree where proposed driveway impacts 12% on Tree Protection Zone instead of Council's allowable 10%. Council's Engineer indicates that footpath on upper bank is not feasible when Civil Engineers design shows slopes up to 50% (1 in 1 = 45 degrees) required.
- July 2024** Council changes it mind yet again and now wants and approves all Council trees being removed from verge and insists on construction of footpath at road level. Which is essentially exactly the same as was approved when subdivision commenced in April 2022, which they refused to allow us to construct for more than two years. Possibly the first time in history a Developer has proposed to save some Council trees but Council has insisted the Developer knocks them all down. Unbelievable.
- Aug 2024** Council finally issues this 'revision' to DA, and NALL approval to remove all Council trees on verge and at the same time, requires payment of \$41,500 for 'Canopy Replacement', to remove their trees on their land for a new footpath, at Developers cost. A footpath near the end of a steep dead end road with no footpath beyond new footpath. Which will require the removal of more Council trees if one is ever constructed, which is highly unlikely.
- Dec 2024** BCC finally issues Plan Sealing. Delays have cost Owners hundreds of thousands of dollars in extra construction and financing costs as well as approximately an extra \$100,000 each in costs to 2 buyers of Lots, from Builders raising their quotes, by waiting up to 18 months extra for Council to make up it's mind about the verge and issue Plan Sealing. Buyers compensated by Developer for delays.