Victor G Feros Town Planning Consultants

195 Dornoch Terrace
corner Gladstone Road
Highgate Hill **Brisbane** 4101
Queensland Australia
Telephone 07 3844 2882
Facsimile 07 3846 1840
brisbane@ferosplanning.com.au

Level 1
127 Abbott Street
PO Box 1256 **Cairns** 4870
Queensland Australia
Telephone 07 4031 3663
Facsimile 07 4031 2238
cairns@ferosplanning.com.au

16 May 2014

Submission No. 12
11.1.19
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The Acting Chair
State Development, Infrastructure and Industry Committee
Parliament House
George Street
Brisbane Q 4000

Attention: Mr. Bruce Young MP

Per Email: SDIIC@parliament.qld.gov.au

RE: Submission with reference to the Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Bill 2014

We advise that we act as long-term Town Planning consultants and Agent for and on behalf of William H. Bowden and his associated companies.

We are in receipt of your invitation, by letter dated 09 May 2014, to make a submission to the present Inquiry of the State Development, Infrastructure and Industry Committee (the committee inquiring into the Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Bill 2014 (the Bill)).

You have advised that the Committee is to consider the policy to be given effect by the Bill and its application of fundamental legislative principles.

Accordingly, in response, we are instructed to re-submit, for the consideration of the Committee, the following, copies of which are **attached**:

(a) **Submission by W. H. Bowden to Infrastructure Planning Group c/- Department of State Development, Infrastructure and Planning**, discussion paper dated 1st July 2013.

This submission is the combination of facts, considerations and circumstances upon which Mr. Bowden relies, in his more than sixty (60) in his Land and Property Development career, during which he successfully developed "Little Aspley - that's Strathpine."

These activities focused upon the development of more than 6000 homesites and industrial lots throughout Strathpine, Brendale, Warner and Bray Park, in the former Pine Rivers Shire, now encompassed within the Moreton Bay Regional Council administrative area.

The insights contained in this submission are in our considered opinion most worthy of the Committee's close attention, and it is so commended

(b) **Letter of W. H. Bowden to the Treasurer, The Honourable Tim Nicholls MP**, letter dated 23 April 2014.

This letter addresses the specific topic of "**Unemployment due to the mis-handling of Town Plans**"

This brief submission focuses, by way of example, upon the extreme delays created by Local and State Government processes in Planning Scheme Reviews, with specific reference to Moreton Bay Regional Council as a case study.

Mr. Bowden submits that prohibitive costs are associated with projects which are forced into deferral or abandonment as a consequence of the lack of certainty occasioned by inordinate delays to the finalisation and implementation of the Moreton Bay Regional Planning Scheme.

A significant component of these prohibitive costs is the loss of employment, ultimately measured in the thousands, as a direct result.

Again, in our submission, the insights contained in this submission are in our considered view, most worthy of the Committee's close attentions and it is so commended.

To conclude, this opportunity to re-convey these submission are welcomed, and it is the earnest desire of Mr. Bowden that these matters are re-dressed, and so allow well-considered land use developments to proceed with far greater levels of certainty.

The contributions to be made to the betterment of communities would be a significant boost to local economies and the State economy at large, not the least being the creation of job opportunities for many thousands of workers.

In closing, we are instructed to advise and request that Mr. Bowden be given the opportunity, directly, to meet with the Committee in person, certain in his belief that his, views, succinctly put, would be of particular assistance, particularly given the short time available to the Committee to conclude its deliberations.

We advise that Mr. Bowden is available for attendance at Committee meeting at short notice.

We look forward to be given such an opportunity for Mr. Bowden to serve the interests of all Queenslanders, and we await your advices in response with a great deal of interest.

Yours faithfully,

VICTOR G FEROS GCSJ BA MUS FPIA CMILT LGTP(Q) CPP
PRINCIPAL
VICTOR G FEROS TOWN PLANNING CONSULTANTS

Adjunct Professor
School of Geography, Planning & Environment
The University of Queensland

WH BOWDEN
Postal Address
[redacted]

Tim Nicholls MP
PO Box 281
Clayfield QLD 4011
Phone: 07 3262 8819
Fax: 07 3262 3613
Email: clayfield@parliament.qld.gov.au

Re: Unemployment due to miss handing of Town Plans

Dear Mr Nicholls,

My companies have been developing in the Pine Rivers Shire (now known as the Moreton Bay Regional Council) for the past 60 years. All developments in this Shire have now stopped because the Town plan is with the State Government Planning Department awaiting their approval after corrections of zonings.

I have just been advised that the State Government requires more time before their approval is given. This means unemployment for Town planners, engineers, developers, road contractors, solicitors, surveyors, house builders and industrial builders because the plan is laying on someones table.

All of these people are not gainfully employed or are unemployed, amounting to thousands of people.

This would cost the Government nothing as we as Developers are waiting for actions because houses cannot be built until the land is subdivided.

I ask for you to email the Mayor Allan Sutherland of Moreton Bay Regional Council or phone and ask for him to instruct his Town Planning Department to request the State Government Planning Department to return the related Town plan immediately (they have already had the plan for six months) after corrections have been made.

PROBLEM 3 YEARS

Once the plan has been returned to the Council and is gazetted a three year problem is created whereby plans are lodged with Council to subdivide land and the average time for approval is three to four years. This time frame is inefficient with the result that no developer is buying in the Moreton Bay Regional Council area. Such approval of plans would take no longer than three months.

The Moreton Bay Council Planners have advised me that my own land (3 elevated hectares) zoned “Rural Residential” was mistakenly left off the plan submitted to State Government – **despite the fact that the Council made deputation to me twelve months ago to build a 10 story building on the site and that land opposite is being rezoned for Woolworths (Masters). I refused the 10 story building and I asked for the land to be zoned for better use to home sites, townhouses or aged home.**

At pre lodgment meetings with Council they advised that water and sewerage was available. A 200mm water main was laid at my expense several years ago. There already is a 600 mm water main on the western side. I must add that two water mains are not necessary for a property zoned Rural Residential, it is already set up for Townhouses!

At present the Council area is at a standstill. Instructionsfrom yourself would rectify the problems.

Could you reply without delay your response as this will affect the budget as there are many local authorities doing the same.

Yours sincerely

Bill Bowden

p.sPenalty rates can no longer exist they are unaffordable

WH BOWDEN
[redacted]

Infrastructure Planning Group C/o the Department of State Development Government, Infrastructure and Planning.

infrastructure.planning@dsdip.qld.gov.au

My submission regarding the Infrastructure Framework review- discussion paper dated July 1st 2013.

It is encouraging that the State Government is seeking Stake holders advice and views in relation to Infrastructure Framework review.

Over a period of 60 years I developed in the Pine Rivers Shire Council area (now known as the Moreton Bay Regional Council area) 6,000 homesites and industrial land in the suburbs of Strathpine, Brendale, Warner and Bray Park. The total development costs were bourne by my companies including Infrastructure (headworks) such as roads, water mains, sewerage mains and drainage. No concessions were given by council even though I and my companies paid all external Infrastructure (headworks) which was wrong and should not have happened.

The principal of subdividing land is wrong where the developer pays for all the costs council pay for nothing and collect all the rates at full charge. Rates are charged on a development the day the subdivision is registered in the titles office as home sites or industrial land until the land is sold individually. THE ENTIRE EXTERNAL WORKS SHOULD BE PAID BY COUNCILS.

Developers cannot pay Infrastructure (headworks) because land costs have become impossible for people to pay. For eg: A relatively low cost development produces a block of land at $300,000 and a low price home will cost $300,000 that has created an impossible sellable proposition, because nobody will pay that price for such a low price home. And it is not worth

$600,000. As a result all developments have stopped, especially builders who are encouraged by Governments to build, such as $25,000 from the State Government to build. The Sunshine Coast Council have given half the Infrastructure (headworks) to the developers and the NSW Government is giving $100,000 to each new home buyer. In other words if you want to slow the economy down the Government attacks the building and development industry and they have gone too far to ruination.

If there are too many uncertainties such as high council fees, delays by council, wrongfully and unexpected Infrastructure (headworks) charges (if the developer doesn't agree then there are further charges) development cannot proceed and the developer closes his business and the Government loses the chances of growing a "Sustainable and prosperous Queensland."

Special note: In my 60 years of development I have had no help from the State department of Infrastructure or Planning. All my developments were done by my registered companies of which I was Managing Director. All the expertise work was managed by myself for my companies with the aid of experts. Some of which were employed and others on an information expertise advice basis. For eg: I was responsible and gave instructions and advice to surveyors, town planners, civil engineering, purchasing staff, submission to council, instruction to solicitors and barristers and appeared in every court case relating to my companies developments in court – 86 cases of which I won 84. I must comment about one case I lost and that was relating to an approval to subdivide for a development on Stanley Street, Strathpine – around 200 allotments. No headworks charges in the approval but when the engineering plans were lodged with council they imposed headworks charges of $250,000 which was too late and illegal because you cannot add conditions to an approval. Council insisted that I pay; therefore advice from Barrister Bill Carter was to appeal to the full court (that is 3 judges) result judges maintained that the council made a mistake with the approval and the general public haven't got to pay for such mistakes; therefore I had to pay, even though I had given the council 10 acres of the subdivision for park but the town plan showed I only had to give 2.7 acres, which was not considered by council.

Councils will argue that they have not got any money and that is irrelevant, they borrow like developers have to and they can borrow at a cheaper rate than any one.

<u>Interesting comments</u>

Under 2.2.2 on Infrastructure Planning and charging framework review- discussion paper, the statement maximum charges framework sets a cap on the amount which local authorities can levy on development for trunk infrastructure but comment council will say they haven't got any money and regardless of what is written no approval unless you pay. In addition they will ask for more money and or park contribution.

It must be noted that when land is resumed for a dam the council lose the rates on that land which is submerged or in the catchment, whereby the council have to increase the remaining rateable areas.

The attitude of council is one of reverse they do not encourage development by their regulations and charges and delays. The later could be reduced by 90% and that is the councils biggest weapon – the longer the delay the more expensive the holding charges are for the developer.

It is a known fact that when a developer owns an area submitted for subdivision they are more dictatorial then when a developer has purchased an area subject to finance or other conditions for eg: my company purchased 16ha of industrial land on Southpine Road, Strathpine when the developers advised me the night before they were due that they could not settle. I was forced to pay cash the next day and when applying for subdivision, I was told by council that we "got ya" and refused my application. I then cultivated the whole area and purchased cattle on which to graze. After much discussion with council they approved the subdivision without alteration. At that stage there was no subdivision of industrial land taken place in the Pine shire – the market was unknown even though there were two factories already established employing 136 people. Today after many successful appeals in the local Government Environmental court, there are 16,000 people working in this district. The total promotion of which was done by my company without any contribution from council. That is the sewer external mains, the water external mains and external road works were all done by my company. It should be noted that at the junction of new streets we installed Telecom Infrastructure, even though it was not our responsibility. I must further add that the Federal Government is stating today that electrical charges are high because of the costs of poles and wire – that is incorrect because the developers pay the lot.

In recent years other developers have moved in to subdivide and the council have charged Infrastructure (headworks) to connect to the external headworks that my company constructed with no recompense for my companies contribution.

That is a short story on what happened to the entire development where the council charged headworks to tap into my development work.

Today the council has gone beyond freeloading on the Infrastructure (headworks) paid by developers and charge up to 5 Million dollars for roadworks and $500,000 for water supply outside a related development to be spent anywhere in the Shire.

That is why it is mentioned above that it is pleasing that the State Government is seeking advice and views from Stake holders relating to Infrastructure (headworks) to create a growing and sustainable and prosperous Queensland.

<u>Established Infrastructure headworks.</u>

In the year 2011, the State Government arranged with selected stake holders a fixed charged $28,000 for a 3 bedroom house and $20,000 for a 2 bedroom house; a) it is questionable that some of their selected bodies were allowed to make an opinion when they will never pay headworks charges and what developers were selected and why, when as mentioned above I am my companies have developed 6,000 blocks of land and was not asked for an opinion when I have been complaining Infrastructure (headworks) charges (and I must add penalty rates) over the last 30 years.

(In detail the last item must be eliminated immediately otherwise shopping centres will close. A check with all shop keepers will support this story, especially when the check is made on Saturday and Sunday or after 5pm weekdays.)

I must mention that the fixed Infrastructure (headworks) charge per house is unacceptable and cannot be bourne by developers. Banks have great difficulty in approving the loan when the purchases cannot obtain a guarantee of employment and no employer is prepared to give such a commitment because the economy is not brilliant as stated by the Federal and State Government. The unemployment numbers are massive because they are wrongfully calculated that is: if a person works for 3 hours per week he/she is classed as being employed and employers don't want to employ people on a fulltime basis because of dismissal laws.

Councils often cannot tell you what the total Infrastructure (headworks) charges will be when applying to subdivide and obviously a developer cannot fly blind.

<u>Three practical examples of councils attitude must be told.</u>

1. My company wanted to strata title 3 industrial buildings, council advised it would cost $66,000, when I build. When I advised the council that buildings were erected 20 years ago there were surprised but I advised that if they insisted such an Infrastructure (headworks) charge I would appeal. Council reconsidered and said it would cost $6,000 to go to court and therefore they reduced their fee to that figure.
2. My company won the tender to build the DSS building Gympie Road, Strathpine. Council were annoyed because they wanted the DSS to occupy a building they owned nearby and refused to approve our plans and would not give a permit. We were advised by the Canberra department to commence building immediately as the Minister was going to inspect the following day and to start work, which we did without Council approval. Council then approved.

3.Look what happened to Coca Cola. They wanted to tap into a water main which my company had installed council said that will cost you $100,000, Coca Cola cancelled further dealings with us. As they were preparing to buy further 20 acres for industrial land at Strathpine / Brendale.

<u>Legislation is required to rewrite the legislation dealing with koala protection at present legislation is illegal.</u>

The existing legislation carried out by the Bligh Labor Government prior to their 78/7 defeat encumbered freehold title by mistake.

<u>STATEMENT</u> – it is illegal to interfere with the freehold title of anybody's property but under the legislation a green coloured overlay was produced showing where the Labor party thought that there were koalas and that all properties below the green overlay suffered the consequences of protecting koalas ignoring real estate property values, sale ability, bank valuations, bank securities and personal property asset. Such an overlay shows boundaries in straight lines and right angles and alongside freeways and streets separated by a barbwire

fence under which koalas can walk and in some cases no fences. (obviously a fence doesn't matter) it should be noted that the green overlay covers massive numbers of freehold titles where there are no koalas at all. Special facts –In all of my 60 years in developing in Pine Rivers (especially in Strathpine, Brendale, Warner, Bray Park) I have never seen a koala. I have lived in Warner for 40 years.

The State Government has let the public in the Moreton Bay regional council area down. Action should be to repeal the current legislation and rewrite this to free up the titles and separately protect koalas wherever they may be (and if any).

I feel (I and my companies) have a responsibility to all the people who have purchased from us because they are not being looked after by a) their local council b) State Government.

MEDIATION

The ability to appeal to the local Government and Environmental court is almost eliminated because the related cases including Supreme Court insist that the appealing parties are told to conduct a mediation meeting. That means as follows: A QC as chairman - $7,000 a day, (extra day required to read documents $7,000 a day), Instructing Barrister $5,000 a day (at least 3 days), Junior Barrister $2,500 a day (at least 1 month) and the same for the opposing party. In recent times I have had 3 mediations total cost $168,000. Each settled in my companies favour at about 1/10th of the appeal figure. Tactics used at mediation discussions are deliberately strung out till 4.30pm and unless settlement is made a further mediation day has to be arranged and costs are repeated. Mediation should never be imposed on anybody.

FACTS

The situation today is people cannot sell their property, nobody can buy freehold title because it is not, banks cannot value and nor can the valuers general department.

RESULT

No land is being subdivided, council staff are unemployed as are road contractors, surveyors, builders, town planners, civil engineers, solicitors and all of their associates.

NEW TOWN PLAN

The Moreton Bay Regional Council are attempting to develop an updated town plan to be released in December but that is impossible because of the green overlay controlling the existing Town Plan. State Government invention is overdue.

SPECIAL NOTE

There were 264 objections to the proposed koala protection legislation plus the Moreton Bay Regional Council and my companies which were ignored, even though there were many mistakes in the small advertisement in the Courier Mail advising of the proposed legislation.

Under the existing koala protection legislation all dogs are required to be locked up between 6pm and 6am which defeats the purpose of a guard dog especially in industrial areas where the green overlay has been placed.

It means that this Infrastructure Planning and charging framework review- discussion paper is impossible to be carried out because of the illegal contamination of the mistaken illegal koala legislation.

If I and my companies were writing this report again we would be more aggressive because we have a catastrophe on our hands, which can't be rectified until the illegal koala legislation is repealed and rewritten to protect the freehold of thousands of rate payers. The gazettal of the Town plan can't proceed.

Conclusion I and my companies request a round table conference because of the impossibilities highlighted above and lack of the ability for conclusion. I await your call.

Yours sincerely

Bill Bowden

P.S In 1975 the Campbell enquiry into land development was conducted by the managing director of LJ Hooker on behalf of the Federal Government to enquire into the activities of all local authorities and councils in Australia. Mr Campbell after I gave evidence stated that the difficulties imposed on my companies developments were the worst in Australia. Shortly afterwards Mr Campbell died and no further action was taken by the Federal Government and all the important information that had been gained was filed away.