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Development Services  
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*Dedicated to a better Brisbane*

2 April 2020

Kirsty Chessher-Brown  
Chief Executive Officer  
Urban Development Institute of Australia (Qld)  
GPO Box 2279  
BRISBANE QLD 4001

Dear Ms Chessher-Brown

Thank you for your letter dated 26 February 2020 and your concerns about the removal of Building Format Plans (BFFP's) from Council's Seal Smart process.

I understand David Cunningham (Development Assurance and Outcomes Manager) has previously sent you a preliminary response via email which outlined some of the processes Council is currently adopting as an alternative to SealSMART. To confirm, the only changes to the SealSMART process relates to the removal of BFP's. SealSMART is otherwise operating as it has been. Please take this letter as Council's formal response.

### **Background**

One of the key issues identified in Brisbane's Future Blueprint (BFB) was the quality of built form product, particularly town house developments across the City. In response, Development Services have focused efforts in providing confidence in the development industry and reassure the Brisbane community that the quality of outcome matches the design, approval requirements and the BFB.

Over the past twelve months, Council has undertaken proactive audits of constructed developments associated with BFP applications lodged through the SealSMART process. These audits reveal a high percentage of developments constructed are not in accordance with the development approvals obtained and/or have not lodged the documentation with Council as required by the approval and the requirements of SealSMART. As a result, it was concluded that the SealSMART process for BFP's had become ineffective in providing the quality development outcomes which Council aims to provide to the Brisbane community.

Council has now implemented alternatives to SealSMART that provide a streamlined plan sealing process that will achieve quality outcomes across the City and deliver a timely and cost-effective process to the development industry and owners.

### **Plan Sealing Pre-lodgements**

Council introduced a Pre-lodgement service for Plan Sealing in July 2019. The pre-lodgement service recognises the tight timeframes customers experience during the final stages of their development and the importance of receiving a sealed plan as quickly as possible. Customers can request advice on matters such as compliance with conditions, condition clarification, documentation requirements and any questions in relation to the endorsement of a standard/building/volumetric Survey Plan, in an effort to streamline the formal plan sealing review process. Meetings are facilitated by Senior Plan Sealing officers with involvement from relevant Council specialists to ensure high quality advice is provided.

Despite the overall benefits, Council has seen minimal take up for the Plan Sealing pre-lodgements from industry. Those pre-lodgements we have had have generally resulted in more streamlined plan sealing assessments. This is because the issues have been identified well in advance and compliance with the Development Approval has largely been achieved. As a result, the assessment time in Plan Sealing is also compressed. Council appreciates the UDIA highlighting this service to your members in a recent email.

### **Development Assurance Auditing Program**

In 2018 Council introduced the Development Assurance Auditing (DAU) Program to partner the construction stage of developments occurring in Brisbane. This initiative includes working closely with the development industry to achieve acceptable development outcomes for the city.

As part of the Auditing program, Council is seeking to play a greater role in partnering with the development industry to ensure developments are built in accordance with approvals. This will ensure developments are built in the best practice design that fits surroundings and meets community standards. This will be achieved by Council attending development sites at various stages during the construction phase and working with builders and developers to ensure the development reflects the various approvals in place.

Council has found that most developments which have participated in the DAU Program have proceeded through the plan sealing process without unnecessary delays, resulting in a timely and cost-effective process for our customers. We have also received regular positive feedback from the development industry and have been complimentary of Council Auditors.

### **Pre-BFP checking**

In early 2019, the Suburban Construction Management Taskforce (SCMT) commenced site inspections for unit and townhouse developments following the submission of a BFP Plan Sealing request. Unfortunately, this revealed a high level of non-compliances with the approval and some potential breaches were assessed as offences against the Queensland Criminal Code. This trial highlighted to Council inspections are needed.

Council fully appreciates the UDIA's concerns about compliance activities that occur at a time when a project is at its most financially critical stage of development, as we have received similar feedback from individual developers. Nevertheless, Council is committed to ensuring that constructed outcomes achieve compliance with the development and building approvals and represent a product where outcomes and quality are assured. Not only has industry feedback from many developers and builders has been good, some firms have identified new business opportunity around ensuring a site's compliance with the development or building approval. Council sees this level of self-regulation as a positive.

Development Services are now seeking to engage with developers and owners earlier in the plan sealing process to ensure BFP's are constructed in accordance with Development Approvals and supporting documentation has been lodged as required by the conditions of development. The SCMT are working closely with industry to develop an early auditing process to provide confidence to our customers that their development can proceed through plan sealing process without delay.

In response to the UDIA concerns about the timing and impact of compliance activities, SCMT is about to invite developers and builders to organise pre-BFP plan sealing checks of constructed outcomes. While the conditions will be detailed in the impending invitation, it is proposed that the development industry can engage with SCMT up to 20+ days prior to their intended formal BFP plan sealing submission and request an inspection of the constructed outcomes. If no issues are noted the development can move into the formal Plan Sealing process with the assurance that the constructed outcomes have been assessed as compliant.

In the event that constructed outcomes include non-compliances, Council will have 2 options:

**Option 1-** If the issues are minor, the development can move into the formal BFP plan sealing process while rectifying the issues. Given legislative timeframes, a site may have up to 40 days to manage non-compliance issues.

**Option 2 -** Where there is a major non-compliance identified, Council will provide advice that plan sealing will not be supported. This will allow the site time to rectify issues and then enter the formal BFP plan sealing process with a heightened level of assurance.

Both options will allow a development site to demonstrate compliance with the development approval, even if all elements are not completed, prior to lodging the formal BFP plan sealing submission.

In summary we would encourage UDIA members to utilise the following Council services to ensure timely Plan Sealing approvals and quality development outcomes:

- Plan Sealing pre-lodgement services through the Plan Sealing Unit;
- Requesting development audits be carried out through DAU; or
- Requesting Pre-BFP compliance checking through SCMT.

Thank you for bringing your concerns to my attention. We look forward to working in collaboration with your members in the future.

Should you wish to discuss any of the matters raised above, please contact David Cunningham on 3178-7570.

Yours sincerely



**Marcus Mulholland**  
Manager Development Services  
City Planning and Sustainability

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