

Our Ref: BNE140106 – **Stage 1A**

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 APPLICATION REF
 A007012232

The Chief Executive Officer
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Attention: Planning Services East

Dear Sir/Madam,

Development Application No.:	Original Reference: A001621930 Current Reference: A006661121 (Extension of time)
Property Location:	274 Fleming Road & 527 Hemmant- Tingalpa Road, Tingalpa QLD 4173
Property Description:	Lot 6 and 9 RP32978. Lot 1 and 6 RP72122. Lot 1 RP132766. Lot 51 RP136252. Lot 4 SP118579. Lot 20 SP188588 and Lot 10 RP32978
Development:	Reconfiguration of Lot Development Permit – Stage 1A
Request Type:	Request to extend relevant period (PA s86)
Client:	Sunnygold International Pty Ltd

As prescribed under Section 86 of the *Planning Act 2016* (“PA”) we hereby make a formal extension application for the above Development Permit for Stage 1A, being part of the above mentioned approval. This request is made on behalf of the client who requires additional time to complete the development.

We request to align the currency period of Stage 1A Development Permit with the Currency Period of the Stage 1A Development Permit being **31 December 2028**.

Attached to this request include:

- Copy of Court Judgement P&E 2341 of 2024, attached as **Appendix A**;
- A copy of the combined Approved Stage 1A,1C and Stage 2 as **Appendix B**;
- A copy of the City Plan 2014 Zoning and Overlay Comparison Plans, attached as **Appendix C**

Figure 1 below identifies approved Stage 1A, Stage 1C and Stage 2.

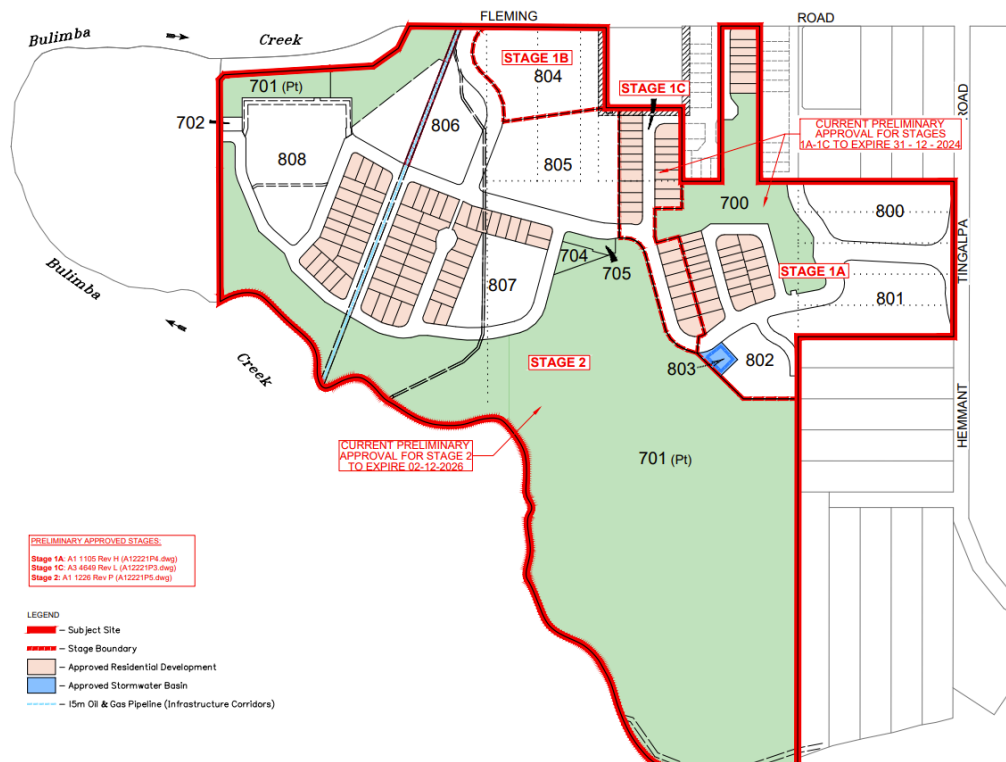


Figure 1 – Approved Stage 1A, 1C and Stage 2

The approval includes two parts, being preliminary approval and a development permit, of which this application refers to an extension for the Stage 1A development permit. The current relevant periods are detailed below:

- Reconfiguring a Lot Stage 1A Development Permit – current until 3 December 2026 (extension approval A006661121); and
- Preliminary Approval – current until 31 December 2027 (No. (2341 of 2024) and A006841500)

Section 87 of the PA relates to assessing and deciding extension applications. Subsection (1) states: *When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.* Matters that are considered relevant by the applicant include:

- The application and approval history and status of the site;
- Current planning considerations;

1.0 Relevant Matters

1.1 Approval History

The approved development has a significant development history, including approximately 21 current Operational Works approvals across the site, including approved Stage 1C, management subdivision approvals, operational works for marine plant disturbance associated with delivery of the sewer rising main, decontamination approvals and works and QUU Major works approvals. The below is the summary of the subject approval, since its lodgement to Council in 2005.

02 October 2013 – A Preliminary Approval for Material Change of Use to Override the Planning Scheme pursuant to *Section 3.1.6 Integrated Planning Act 1997 (IPA)* and Development Permit for Reconfiguring a Lot (Stage 1a) and Preliminary Approval for Operational Works was issued by the Court (Planning & Environment Court Order No 1759 of 2008) being BCC Ref: A001621930;

11 August 2017 - A Permissible Change approval was issued by the Court (Planning & Environment Court Order No 5122 of 2016) pertaining to:

- lot layout and road width changes;
- removal of stormwater treatment swales and provision of stormwater basins;
- access obligations including the amended roundabout location to Hemmant-Tingalpa Road adjacent the cemetery access.

17 September 2019 - A Minor Change approval issued by the Court (Planning & Environment Court Reference No 1615 of 2018) pertaining to:

- removing the requirement that the Wynnum Road and Hemmant-Tingalpa Road intersection be signalised prior to the completion of Stage 1A of the development;
- changes to Annexure B and inclusion of new plans to provide for three lot typologies for future dwelling houses;
- correction to lot depths within Stage 1A;
- amendment to the sewer rising main alignment;
- inclusion of conditions to deliver air quality amelioration requirements to the proposed sewer pump station;

14 November 2019 – an Extension of the relevant period was approved by Council for the Stage 1A development permit (A005257022), extending the relevant period to 4 September 2021.

1 September 2021 – an Extension of the relevant period was approved by Council for the Stage 1A development permit (A005776957), extending the relevant period to 4 September 2023.

10 December 2021 – Minor Change to Preliminary Approval issued by the Court (Planning & Environment Court Reference No 2767 of 2021), extending the relevant period to 31 December 2024.

18 February 2022 – Extension of the relevant period was approved by Council for Stage 1C Development Permit (A005938370), extending the relevant period until 31 December 2024.

2 September 2022 – Stage 2 Development Permit for a reconfiguration of a lot, approved by Council.

20 July 2023 – Extension of the relevant period was approved by Council for Stage 1A Development Permit (A006296125), extending the relevant period until 31 December 2024.

30 August 2024 – Originating application submitted with the Planning and Environment Court to Vary conditions of approval, approved plans and referral agency responses (2341 of 2024)

20 December 2014 – s86 Extension issued by Council for Stage 1A RoL approval, until 2 December 2026 (A006661121)

13 October 2025 – Minor Change to Preliminary Approval issued by the Court (2341 of 2024)

19 December 2025 – s86 Extension issued by Council for the preliminary approval component of the judgment until 31 December 2027 (A006841500)

It is noted that there are multiple operational works approvals and extension of time approval for operation works in conjunction with the preliminary approval and the relevant staging approvals (Stage 1A and Stage 1C).

1.2 Community Awareness

It is considered that the community highly aware of the mooted re-development on the site for an integrated urban residential development including residential land uses including subdivision and future in-fill multiple dwellings and non-residential land uses. Notwithstanding the numerous ongoing extension applications submitted to Council (publicly available on Development I) for the operational works components associated with the Stage 1A development, there has been numerous other subdivision applications which have attracted Impact Assessment, this has required public consultation, with an add within a local paper (electronic), sign notices to the road frontages and letters to the adjoining property owners. Notification has recently been undertaken recently on the site, with notification undertaken:

- 19 October 2023 to 10 November 2023 – A006311723 –Management Subdivision currently under assessment
- 25 February 2021 to 19 March 2021 – A005636171 – Management Subdivision approved by Council

Further justifying the fact that the community remains aware of the proposed development, the applicant has submitted a originating application to the Planning and Environment Court (2341 of 2024), of which the applicant has notified the original submitters to the original Judgement (1759 of 2008) including referral agencies.

1.3 Recent Development Progress

The applicant is committed to completing the development. Since the minor change to the Judgement was issued in October 2025, the following works have been undertaken:

- Pot holing of the existing and proposed sewer rising mains through the subject site to the discharge point on the southern side of Bulimba Creek;
- Re-survey of the sewer rising main alignment, vegetation and are around the discharge point and within Council's sport fields;
- Commencement of earthworks
- Three parties have been invited to tender on the trunk pump station. Tender is due to close next month;
- Tender prices for the external roundabout roadworks along Hemmant-Tingalpa Road have been received and are being evaluated. We anticipate to commence works shortly;
- Hembrow's have been appointed to undertake the external electrical works in conjunction with the roundabout works;
- The applicant has met with BCC's electrical team to finalise the necessary approvals for the external electrical works to allow works to commence;
- SMEC have formally lodged to QUU our RFI responses to the 60% milestone;
- SMEC have formally lodged to QUU our RFI response to the Stage 1C water application;
- SMEC will be lodging early next month our RFI response to the Stage 1A water application; and
- Amplfo have been instructed to liaise with the NBN regarding the external services.

1.4 Current Planning considerations:

The original application was assessed and decided under the Superseded City Plan 2000. Since the Original Judgment, the Stage 1A development permit has been subject to extension approvals by Council issued under the City Plan 2014, including changes to the conditions of the Stage 1A development permit through originating applications to the Planning and Environment Court.

A detailed assessment of the current treatment of the site under the City Plan 2014 v35 has been undertaken below, and a detailed mapping exercise undertaken to provide context to the approved application on the site, refer **Appendix C**.

Strategic Framework

- The subject site is noted as being within the Suburban Living Area per plan SFM-001;
- Contains Conservation and Environment Management Biodiversity mapping as identified on SFM-004, with these areas aligning to the development footprint on the site, allowing retention of these areas;

Zoning

- The site is zoned Emerging Community and Conservation. The development footprint aligns to the zone mapping, creating a development area and conservation area along the creek;
- The approved Stage 1A is consistent with the intent of the Emerging Community zone, and provides a density of less than 18 dwelling per hectare as per Overall Outcome 2(d)(i);
- Provides a range of lot sizes ranging from 300m² to 608m² (residential lots) with balance lots created for future residential and non-residential land uses;

Neighbourhood Plan

- The site is located within the Hemmant-Lytton neighbourhood plan, Hemmant Tingalpa Road Precinct NPP-001;
- AO2 of the neighbourhood plan code identifies a density of 15 dwelling/ha with the PO2 seeking that new community exhibit a low density character. The proposed lot sizes and density are consistent with the density and character of the area, including the recent approval at 196 Fleming Road (A006438863), which includes similar lot sizes and density and average lot size of 397m², which is less than the average residential lot size of 415m² of Stage 1A (excluding balance lots)

Subdivision Code

- The proposed subdivision is consistent with the current code, with all lots including minimum 10m frontages;
- The proposed subdivision also complies with the average lot size, exceeding 350m² (excluding balance lots);

Overlays

- A detailed mapping assessment of each overlay has been undertaken. The following comments are made per relevant overlay:
 - Bushfire Hazard – Lot 801 and 802 within Stage 1A is mapped as being medium bushfire and high and medium bushfire buffer hazard. These two lots are balance lots and subject to future approvals, in wish these overlays can be adequately addressed;
 - Brisbane River Flooding – the development footprint generally aligns to the flood mapping. It is noted that the current mapping shows flooding within the development footprint due to out of date contour information. The development footprint achieves a minimum ground level of 1.8m AHD which is consistent with the code;
 - Creek/Water Flooding– the development footprint generally aligns to the flood mapping. It is noted that the current mapping shows flooding within the development footprint due to out of date contour information. The development footprint achieves a minimum ground level of 2.9m AHD which is consistent with the code;
 - Biodiversity – the proposed development aligns to the biodiversity mapping generally, with the mapped HES mapping located within the conservation area on the southern development extent. It is noted that the mapping shows a MSES water corrido within the development footprint which is due to out dated contour information;
 - Coastal Hazards – the proposed development footprint aligns to the coastal hazard mapping generally. It is noted that the mapping shows hazard areas within the development footprint which is due to out dated contour information The development

footprint achieves a minimum ground level of 2.5m AHD which is consistent with the code;

- Regional Infrastructure Corridors – the proposed development footprints aligns new road over the existing gas pipeline, consistent with the Santos concurrence agency conditions;
- Waterway Corridors – The development footprint aligns to the waterway corridor mapping, with the corridors to be dedicated to Council as part of Stage 2. The corridors within the site are due to out-dated contour information;

State Mapping

- A detailed mapping assessment of each relevant state overlay has been undertaken. The following comments are made:
 - State Heritage – The site is mapped as a state-heritage place. The state heritage place (World War 2 ammunition, gun platforms and magazines) are retained within the proposed park provided in Stage 1A;
 - Coastal Hazards – the proposed development footprint aligns to the coastal hazard mapping generally. It is noted that the mapping shows hazard areas within the development footprint which is due to out dated contour information;
 - Core Koala Habitat – small patches of vegetation are mapped on the subject site, which generally align to the proposed parkin stage 1A and retained trees in Lot 801 and the conservation corridor dedicated in Stage 2;
 - Fish Habitat – the mapped fish habitat aligns to the conservation corridor dedicated as part of Stage 2. The mapped areas within the site are due to out dated contour information;
 - Native Vegetation – the development footprint aligns generally to the native vegetation mapping, which is predominantly located within the conservation zone within Stage 2.

1.5 Trunk Sewer

Most recently the applicant has made and received approval for an originating application (2431 of 2024) to seek a final change to the preliminary approval and finalise the location of a pump station and rising main which has been the subject of long held discussions with Queensland Urban Utilities (“QUU”) with the applicant having progressed to 30% design approvals to resolve an in principal agreement with QUU on the overall sewer strategy. The proposed development, as identified by the conditions of approval for the preliminary approval component, provides trunk sewer infrastructure.

Stage 1A is ultimately the trigger for the delivery of the sewer pump station and the sewer rising main, with this infrastructure required to be completed prior to sealing of Stage 1A (per condition #4 of the Preliminary approval). This SPS replaces an existing private SPS which services the upstream catchment (from 237 Fleming Road) 248 Fleming Road is also provided with a gravity connection with removal of existing septic trenches on the applicants property. The QUU works also include decommissioning of this SPS and provision of a new gravity connection to ensure discharge of this upstream catchment (from Stages 1C and Stage 2 also rely upon this sewer strategy, all gravity feeding to the proposed sewer pump station.

1.6 Other Relevant Matters

There are other relevant matters which are relevant as to why Council can grant the extension of the relevant period of Stage 1A by virtue of Condition 7 of the preliminary approval, which reads as follows:

- *Condition 7: Relevant Period – s 342 of the Sustainable Planning Act 2009 This condition is imposed pursuant to s 342 of the Sustainable Planning Act 2009 (SPA).*

7(a) Lodge Applications

All future applications for any aspects of development benefiting from this Preliminary Approval, are to be lodged with the Brisbane City Council (or other relevant entity) before the period ending midnight on 31 December 2027.

Timing: As indicated

7(b) Time for Completion of Development

All development approved by this preliminary approval and authorised by later development permits must be completed within 6 years of the last development permit taking effect.

Timing: As indicated.

Condition 7 of the preliminary approval identifies a date by which applications benefitting from the preliminary approval must be submitted and when those development permits must be completed issued pursuant to the preliminary approval.

In this case, were this extension application refused, the applicant could submit a new Stage 1A application pursuant to the preliminary approval, and be granted the standard relevant period under s85(2) of the PA of 4 years. Given this, the extension of the 1A development permit is sought to allow a reasonable period in which the applicant can complete the Stage 1 A development and submit the survey plan to Council. This date has been identified as being **31 December 2028**.

We trust that this application will be given the utmost attention and consideration. Should you require any further information, we would be pleased to assist.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Liam Donald', written in a cursive style.

Liam Donald – Principal Planner

DTS Group QLD Pty Ltd

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