BCC DS
RECEIVED
13-NOV-2026
APPLICATION REF
A007151056

13 November 2026

Chief Executive Officer
Brisbane City Council
GPO BOX 1434
BRISBANE QLD 4001

Submitted Online

Dear Sir/ Madam,

RE: REQUEST TO EXTEND CURRENCY PERIOD FOR DEVELOPMENT PERMIT FOR RECONFIGURING A LOT FOR SUBDIVISION OF LAND (3 LOTS INTO 33 LOTS & ACCESS EASEMENT OVER 2 STAGES) UPON LAND AT 33 & 47 MATFIELD STREET & 3593 MOGGILL ROAD, MOGGILL QLD 4070 (COUNCIL REF: A004021551 / P&E COURT REF: 3709 of 2015)

We write on behalf of the applicant, *Jonoju Pty Ltd ATF Jonoju Unit Trust*, requesting an Extension of Currency Period to the existing Development Permit (Council Ref: A004021551 / P&E Court Ref: 3709/15).

The existing approval was granted by the Planning & Environment Court on 13 October 2020 for a Development Permit for Reconfiguring a Lot to facilitate the Subdivision of Land (3 Lots into 56 Lots & New Road over 4 Stages).

In accordance with Section 86 of the *Planning Act 2016*, we hereby request that the currency period of the subject approval be extended by two (2) years, from 10 February 2027 to 10 February 2029, to allow sufficient time for the owner, having only recently acquired the site, to ensure the relevant operational works approvals are in place, enabling delivery of the approved lots within the statutory timeframes.

Enclosed are the details of the site and grounds for the proposed extension for your consideration.

To assist Council's assessment of the proposal, please find enclosed the following:

- Signed Owners Consent;
- Latest Decision Notice (Council Ref: A004021551 / P&E Court Ref: 3709/15);
- Written Information for Confirmation of Currency Period (Council Ref: ASR-20248-Y0L).

We trust that the information provided is to your satisfaction.

Should you wish to discuss the matter further, please do not hesitate to contact our office on (07) 3361 9999.

Yours faithfully
TOWN PLANNING ALLIANCE PTY LTD

Cheri Hill
DIRECTOR

Enc Extension of Currency Period Application

EXTENSION OF CURRENCY PERIOD APPLICATION

1. Site Details

Site Address	33 & 47 Matfield Street & 3593 Moggill Road, Moggill 4070
Real property description	Lot 7 on SP197867 Lots 1 & 5 on RP107557
Area of Site	123,792m^2
Zone	▪ Low density residential zone ▪ Environmental management zone
Neighbourhood Plan	Moggill-Bellbowrie district neighbourhood plan (Environmental protection precinct & Low density residential precinct)
Overlays	▪ Airport environs overlay ▪ Bicycle network overlay ▪ Biodiversity areas overlay ▪ Bushfire overlay ▪ Community purposes network overlay ▪ Critical infrastructure and movement network overlay ▪ Dwelling house character overlay ▪ Flood overlay ▪ Road hierarchy overlay ▪ Significant landscape tree overlay ▪ Streetscape hierarchy overlay ▪ Transport noise corridor overlay ▪ Waterway corridors overlay



Figure 1: *Aerial View of Subject Site (Landchecker, August 2026)*

The subject site comprises three allotments with a total area of approximately 12.4ha and presents frontages to Matfield Street and Moggill Road. Each allotment, as seen in Figure 1 above, contains a detached dwelling house, set amongst established vegetation. Site operational works have commenced towards the enacting the subject subdivision approval.

2. Approval History

There are a number of recent development approvals over the subject site. The key development approval is the Development Permit for Reconfiguring a Lot, which is the subject of this prelodgement request.

The original development application (Council Ref: A004021551), lodged under a superseded planning scheme, was for a Development Permit for Reconfiguring a Lot to facilitate the Subdivision of Land (3 Lots into 56 lots & New Road over 4 stages). Council failed to decide the application and therefore the application was.

The applicant subsequently lodged an appeal against a deemed refusal by Council to the Planning & Environment Court (P&E Court). On 21 June 2021, the P&E Court granted approval with conditions (P&E Court Ref: 3709/15). The approved development involved Reconfiguring a Lot (3 Lots into 33 lots & Access Easement over 2 Stages), which an extract of the approved plan is provided in Figure 2 below.

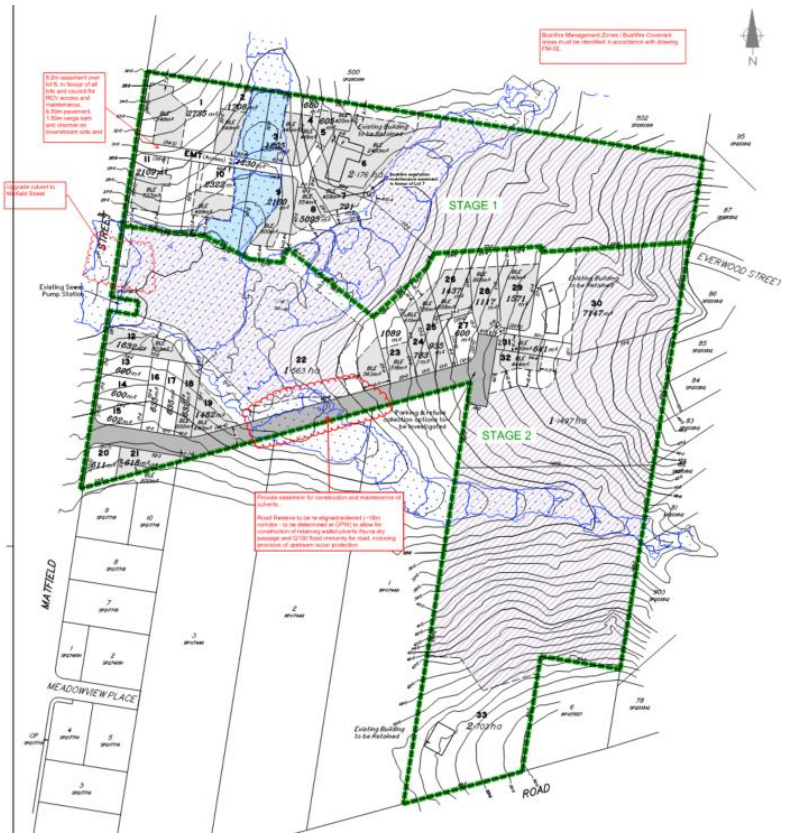


Figure 2: Approved Concept Plan (P&E Court Ref: 3709/15)

Since the issuing of the development approval by the P&E Court, a number of applications for Operational work / compliance assessment were lodged to Council, which are summarised below.

COUNCIL REF	DETAIL/SUMMARY	APPROVAL DATE
A006068960	OPW for Traffic Functional Layout for Minor Roads	10 February 2023
A006068764	OPW for Traffic Functional Layout for Minor Roads	10 February 2023
A006069174	OPW for Traffic Functional Layout for Minor Roads	10 February 2023

COUNCIL REF	DETAIL/SUMMARY	APPROVAL DATE
A006069140	OPW for Traffic Functional Layout for Minor Roads	10 February 2023
A006296357	OPW for Filling and/or Excavation	21 October 2024
A006301375	OPW for Signs and Line Marking for Minor Roads (Stage 2, external works)	21 October 2024
A006301329	OPW for Signs and Line Marking for Minor Roads (Stage 1, external works)	21 October 2024
A006301321	OPW for Signs and Line Marking for Minor Roads (Stage 1, internal works)	21 October 2024
A006301301	OPW for Stormwater Drainage (Stage 1, internal works)	21 October 2024
A006301270	OPW for Road Works and/or Stormwater Drainage (Stage1, internal works)	21 October 2024
A006301167	OPW for Road Works and/or Stormwater Drainage (Stage 1 & Stage 2, external works)	21 October 2024
A006296305	OPW for Vegetation Management Plan (Stage 1)	31 March 2025
A006632164	OPW for Signs and Line Marking for Minor Roads (Stage 2)	21 May 2025
A006632143	OPW for Road Works and/or Stormwater Drainage (Stage 2)	21 May 2025
A006632087	OPW for Filling and/or Excavation (Stage 2)	20 May 2025
A006632183	OPW for Vegetation Management Plan (Stage 2)	16 July 2025
A006620055	OPW for Rehabilitation Plan (Stage 1)	28 August 2025
A006620142	OPW for Rehabilitation Plan (Stage 2)	28 August 2025
A006781752	Koala Offsets (Stage 1)	5 September 2025
A006825575	Koala Offsets (Stage 2)	5 September 2025
A007129437	OPW for Rehabilitation Plan	TBC – assessment in progress **application lodged 13 October 2026*

3. Currency Period

Pursuant to Section 86 of the *Planning Act 2016*, "*a person may make an application (an extension application) to the assessment manager to extend a currency period of a development approval before the approval lapses*".

The subject development approval (Council Ref: A004021551 / P&E Court Ref: 3709/15) was given under the *Sustainable Planning Act 2009* (SPA) on 21 June 2021. Pursuant to section 341 of SPA, a development approval for Reconfiguring a Lot which requires Operational Work has a four year currency period.

As such, the development approval had an initial lapse date of 21 June 2025.

However, in accordance with section 275R of the Planning Act 2016, the then Treasurer and Minister for Infrastructure and Planning declared the COVID-19 Applicable Event. Under this provision, three automatic extensions were granted, with the following two extensions being applicable / beneficial to this approval as detailed below:

- On 1 September 2021, the Minister issued a notice under section 257R of the *Planning Act 2016* granting a 6 month extension. The automatic extension notice had effect from 1 September 2021 to 30 September 2021.

- On 28 April 2022, the Minister issued a notice under section 257R of the *Planning Act 2016* granting a 12 month extension. The automatic extension notice had effect from 28 April 2022 to 24 June 2022.

The subject approval was in effect when the abovementioned notices were given on 1 September 2021 and 28 April 2022. Thus, the currency period was extended by a period totalling 18 months.

As such, the development approvals remains in effect until 21 December 2026.

Furthermore, Section 341 of SPA allows for the rolling forward of an ROL approval if a related approval has been issued. The ROL approval is rolled forward so that the currency period recommences on the date that the related approval takes effect.

A related approval is a development approval for a development application made within two years of the start of the currency period. The start of the currency period was 21 June 2021. A development approval issuing from a development application made on or before 21 June 2023 will result in the application of the roll forward provisions.

Council has determined, as part of the enclosed written information for confirmation of currency period (Council Ref: ASR-20248-Y0L), the first related approval of on or before 21 June 2023 (within the 2 year period) was issued on 10 February 2023 (being a series of Development Permits for Operational works, as identified above). The effect of the roll forward provisions under section 341 of SPA restarts the currency period of the ROL (4 years) from the day that the latest related approval took effect (being 10 February 2023).

As such, the currency period of the Development Permit for Reconfiguring a Lot for Subdivision of Land (3 Lots into 33 lots & Access Easement over 2 Stages) given on the 21 June 2021 (Council Ref: A004021551 / P&E Court Ref: 3709/15) has been determined by Council to expire on the 10 February 2027 pursuant to the provisions of SPA, the roll forward provisions of SPA and the extension notices given by the Minister on 1 September 2021 and 28 April 2022.

In accordance with Section 86 of the *Planning Act 2016*, we hereby request that the currency period of the subject approval be extended by 2 years until 10 February 2029. A 2 year extension of the currency period is considered appropriate having regard to the circumstances affecting the progression of the development.

Given recent challenges in the construction industry, particularly rising building costs and contractor shortages, the development is yet to be completed. These issues likely prompted the original landowner/applicant to sell the site to the current landowner/applicant.

The applicant remains committed to delivering the development, as demonstrated by the most recent operational work/compliance assessment application lodged with Council on 13 October 2026 (Council Ref: A007129437) and the recent aerial imagery seen in Figure 1 above showing the commencement of works onsite.

Furthermore, a current Change Application has been submitted to the Court (P&E Court Ref: 3026/26) seeking to amend the approved plans to align with current building standards and contemporary residential requirements.

These change application proceedings before the Planning and Environment Court remain ongoing and have not yet been finally determined. Further, a submitter may be involved in the appeal, which has the potential to extend the duration of the Court process and delay the final resolution of the change application.

Given the current status of the proceedings and works underway onsite, a 2 year extension is considered a reasonable and appropriate period to allow sufficient time for the Court process to reach resolution and then to ensure the relevant operational works approvals are in place and complete the development within the statutory timeframes.

4. Relevant Matters

Section 87(1) of the *Planning Act 2016* states that in assessing and deciding a request for extension to currency period, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to the assessment of the development application. The following matters are considered relevant to the assessment:

- Consistency with Current Planning Scheme
  The approval was given under the Brisbane City Plan 2014, which remains the planning scheme currently in effect. The site is located within the Environmental management and Low density residential zones, with overall outcomes supporting the delivery of appropriately sized lots to facilitate housing of predominantly a one or two storeys, designed and sited to respect the environmental values and identity of the Environmental management zone.

- Community Awareness of Approval
  The development application was Impact Assessable and underwent public notification. It is considered that the community have reasonable awareness of the approval, given that site operational works have commenced onsite and the approved development is consistent with the reasonable community expectations for the land. The proposal remains consistent with the applicable assessment benchmarks under the current Planning Scheme and addresses any submissions that were received.

- Project Delays
  Subsequent to acquiring the site, the applicant has been committed to fulfilling all development conditions to deliver the new residential lots, contributing critical housing supply for the Moggill community. However, the expected completion date for works has been delayed due to various unprecedented circumstances impacting project delivery, as discussed below:

  - Construction Sector Shortages
    Extreme material supply shortages, labour shortages and contractor unavailability continues to cause substantial price increases for construction works. These circumstances have caused monetary pressures, resulting in the commencement of work to be continuously delayed.

  - Funding & Market Uncertainty
    The project's financing arrangements became materially affected by:
    - sharp increases in construction costs;
    - changed lender requirements for developments; and
    - market uncertainty impacting pre-commitment and feasibility stability.

    This created a temporary viability gap that required reassessment before responsibly commencing works.

  - Ongoing COVID-19 Pandemic Impacts
    The COVID-19 has had lasting impacts on construction markets, with the sector operating at reduced capacity. Thus, the previous owners and current applicant have had to navigate shifting market conditions, causing minimal progress in construction up to this point.

  - EPBC Act Referral Assessment
    The applicant has been required to refer the development for assessment through the EPBC Act process for determination as a controlled action, which has introduced its own delays and notwithstanding, the open-ended nature of the process.

  - Interpretation of Roll Forward Provisions of SPA
    This request for an extension to the currency period of the development is made in light of the advice given by Council that the first related approval granted on 10 February 2023 triggers the roll forward provisions of SPA (Council Ref: ASR-20248-Y0L). Notwithstanding, it is considered that the most recent related approvals granted on 21

October 2024 can trigger the roll forward provisions, on the basis that the development applications were made within the 2 year period required (being on or before 21 June 2023). As such, the existing currency period of the development approval would be until 21 October 2028. This difference in interpretation of the existing currency period, resulting from the ambiguity in section 341 of SPA, is considered to be appropriate support for granting an extension to the currency period, given the uncertainty in applying the relevant provisions of SPA.

An extension of the currency period for an additional 2 years is therefore requested to enable the applicant to obtain the relevant operational works approvals, complete the development within the statutory timeframes and contribute to the supply of land for future housing in Moggill.

5. Conclusion

In accordance with Section 86 of the *Planning Act 2016*, we hereby request that the currency period of the subject approval be extended by two (2) years until 10 February 2029.

As outlined above, the delay in progressing the approved development has not been a result of inaction by the applicant, but has arisen from a combination of external factors, including labour constraints, supply-chain limitations, funding pressures, delivery challenges and changing market conditions. More significantly, the change application remains the subject of ongoing proceedings in the Planning and Environment Court, with a submitter potentially involved in the appeal. The timing of the Court proceedings and their ultimate resolution are matters outside the reasonable control of the applicant and have a direct bearing on the ability to progress the approved development.

In these circumstances, a 2 year extension is considered to be a reasonable and appropriate period to allow the Court proceedings to be resolved, any consequential matters arising from the determination of the change application to be addressed and sufficient time for the approved development to subsequently progress to completion.

The applicant remains fully committed to delivering the approved development and seeks a reasonable extension of the currency period to enable the development to proceed in a considered, economically viable and orderly manner, having regard to the circumstances outlined above. Maintaining the currency of the existing approval will also avoid the unnecessary delay and uncertainty associated with requiring a new development approval process, thereby facilitating the timely delivery of additional residential housing supply to the local community.

Having regard to the circumstances of the development, the ongoing Court proceedings and the applicant's continued commitment to delivering the approved development, the requested two year extension is considered reasonable and appropriate. Accordingly, it is respectfully requested that Council approve the extension of the currency period to 10 February 2029.