

Our ref: STP5050
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Thursday, 30 April 2026

Chief Executive Officer
Brisbane City Council
GPO Box 1434,
Brisbane Qld 4001

Attention: Brisbane City Council
Via online lodgement.

Re: REQUEST UNDER S86 FOR EXTENSION TO EXISTING DEVELOPMENT APPROVAL

Extension Application to a Development Permit to Reconfigure a Lot

Council reference: A004563459

91 Benhiam Street, Calamvale QLD 4116

Lot 42 on RP94849

To whom it may concern,

This letter forms part of an extension application to extend the currency period of a development approval for a Reconfiguration of a Lot at 91 Benhiam Street, Calamvale QLD 4116 - Council approval number A004563459 (decision date 27 June 2019).

As per s86 of the *Planning Act 2016* we wish to extend the currency period of the development approval by four (4) additional years to expire at midnight on 27 June 2031. Please find the following letter and subsequent attachments that form part of this request:

- **Appendix A** – BCC Development History; and
- Landowners Consent.

Development History

June 2019 Approval:

The original application over the site involved a development application for a Development Permit for Reconfiguring a Lot to facilitate the subdivision of the land from one lot into 19 residential lots, including a new road, access easement and drainage basin. Council approved the application on 27 June 2019 under Application Reference A004563459, with a relevant period of 48 months. On this basis, the approval would ordinarily have lapsed on 27 June 2023. However, as the development permit was in effect as at 8 July 2020, it appears the approval qualified for the applicable COVID-19 extension to the currency period, resulting in an additional 2 years being afforded to the approval. Accordingly, and subject to no

formal extension application having been approved on or after 8 July 2020, the approval appears to have remained current until 27 June 2025.

November 2024 Extension: Following the original approval, an extension application was made to Council under section 86 of the Planning Act 2016 to extend the currency period of Development Approval A004563459. That extension application was properly made on 29 November 2024 and subsequently approved by Council on 10 December 2024 under Application Reference A006657276. Pursuant to that decision, the currency period of the development approval was extended to midnight on 27 June 2027.

Ultimately, the currency period for the development is due to lapse at midnight on 27 June 2027.

A copy of the previous approval documentation relating to the above history has been included within this application as **Appendix A**.

Assessment Under the Planning Scheme

As the original application was lodged on 17 January 2017 and properly made on 25 January 2017, the applicable planning scheme at that time was Brisbane City Plan 2014 Amendment v04.00/2016, being the version in effect from 18 November 2016. The subsequent amendment, v05.00/2017, did not commence until 24 March 2017. Accordingly, and with reference to the “*Impact Assessable Development Application Report*” lodged with Council in January 2017 by *DTS Group Qld Pty Ltd*, the table below identifies the planning matters relevant to the subject site at the time of the original application, together with the current planning matters applicable to the site.

	v4.00/2016	v35.00/2025
Zone	Emerging Community	Emerging Community
Neighbourhood Plan	NA	Calamvale district neighbourhood plan
Overlays	<ul style="list-style-type: none"> • Airport environs overlay • Bicycle network overlay • Biodiversity overlay • Bushfire overlay • Road hierarchy overlay • Streetscape hierarchy overlay • Significant landscape tree overlay 	<ul style="list-style-type: none"> • Airport environs overlay • Bicycle network overlay • Biodiversity overlay • Bushfire overlay • Critical infrastructure and movement network overlay • Community purposes network overlay • Road hierarchy overlay • Streetscape hierarchy overlay • Significant landscape tree overlay

Assessment of Request

The matters and circumstances in which the development was originally approved in 2019 under Brisbane City Plan 2014 v4.00/2016 remain materially consistent with those applying to the site under the current version of the planning scheme, being v35.00/2025. While the current planning framework now identifies the site as being within the Calamvale district neighbourhood plan and affected by the Community purposes network overlay and Critical infrastructure and movement network overlay, those controls do not give rise to any additional material planning constraint in the context of the approved development. Relevantly, those planning controls were already in effect at the time Council considered and approved the 2024 extension application under

v30.00/2024, and the currency period of the approval was extended notwithstanding their application to the site.

In this regard, the current planning scheme does not introduce any new matter of a nature or significance that would reasonably warrant a different planning outcome. The site remains within the Emerging community zone, the broader overlay framework remains substantially the same, and the relevant subdivision outcomes, including minimum lot size requirements and associated code provisions, remain consistent with those that applied at the time of the original approval. The table below provides a comparison of the planning matters affecting the site at the time of the original approval and those applying under the current planning scheme.

Summary

The request seeks a further four (4) year extension to the currency period of Development Approval A004563459, so that the approval remains current until midnight on 27 June 2031. The owners of the site are in the process of commencing details civil designs and the relevant applications to commence site works. The requested extension to provide confidence of the timeframes for them to complete the site works.

The approval originally related to a Development Permit for Reconfiguring a Lot to facilitate a 1 into 19 lot subdivision, including a new road, access easement and drainage basin. While the approval was first granted on 27 June 2019 with a 48 month relevant period, that period was later affected by the COVID-19 extension provisions and then formally extended by Council on 10 December 2024 to midnight on 27 June 2027.

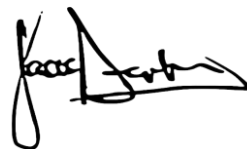
This letter also confirms that the planning circumstances affecting the site have remained materially consistent since the original approval. Although the site is now affected by the Calamvale district neighbourhood plan, together with the Community purposes network overlay and Critical infrastructure and movement network overlay under the current version of Brisbane City Plan 2014, those controls were already in effect when Council approved the previous extension in 2024 and did not prevent the approval being extended. On that basis, it is contended that the current planning framework does not introduce any new matter of sufficient significance to warrant a different planning outcome, and that a further extension of the currency period is appropriate.

Should Council have any concerns with the extension of the currency period, please contact our office via the contact details below.

Kind regards,



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