Our ref: TLX 454893

Date: 4 June 2026

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APPLICATION REF
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Brisbane City Council
GPO Box 1434
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Dear Sir/Madam,

Nazareth House – 272 Wynnum North Road, Wynnum
Minor Change and Extension of Currency Period for a Development Approval (pursuant to Section 81 & 86 of the *Planning Act 2016*)
Council Ref: A006125806

We act on behalf of Nazareth Care regarding the proposed redevelopment of Nazareth House Wynnum, at the above address. Development approval is in place for a master plan to inform the site's redevelopment (including preservation and enhancement of the existing heritage place) as well as development permits for the master plan precincts. The currency periods for several of the development approvals are nearing their end date. The development approval for the master plan also includes a condition for a prescribed period of 14 years from when the approval takes effect. The prescribed period is also nearing its conclusion.

Nazareth Care makes this application for the extension of these currency periods and a minor change to amend the prescribed period condition. We provide further details below.

1 BACKGROUND

Nazareth Care is a compassionate, not-for-profit charity which provides aged care services for those in need. They draw inspiration from a tradition of over 160 years of service by the Sisters of Nazareth. They have been providing care for elderly on the subject site, at Nazareth House Wynnum, since 1921.

Development approval is in place for a master plan for site redevelopment (including preservation and enhancement of the existing heritage place) on the subject site. Development approvals also include development permits for two of the stages of development.

Nazareth Care are committed to development of the in accordance with the master plan. Since August 2023 they have been attending to a land ownership transfer (between the Congregation of the Sisters of Nazareth and Nazareth Care). This process involved both civil and canon law (i.e. Vatican approval). This approval is now in place, enabling development to proceed.

The development approvals over the site include:

BCC ref: A006125806 – this extension application relates to this approval	Currency period
• **Preliminary approval** (under section 242 of the *Sustainable Planning Act*) for **material change of use** for Multi-Unit Dwelling (Aged Care Accommodation and Retirement Village) for a **site master plan** for Precincts 1 to 6	**13 June 2028**
• **Preliminary approval** (under section 241 of the *Sustainable Planning Act*) for **carrying out building work** on the site of a local and State heritage place	**13 June 2026**
• **Development permits** for **material change of use** for Retirement village (Multi-unit dwelling) for each of stages 4a, 4b and 4c in Precinct 4 under the master plan	**13 June 2026**
• **Preliminary approval** to carry out **building work** associated with stage 4 on the site of local and state heritage place	**13 June 2026**

BCC ref: A006125806 – provided for information purposes only	Currency period
• **Development permits** for **material change of use** for Residential Care Facility for each of stages 1a and 1b in Precinct 1 under the master plan	**22 January 2029**
• **Development permit** for **carrying out building work** associated with Precinct 1	**22 January 2029**

A006125806 includes condition 3 which states a prescribed period of 14 years from when the approval took effect. The approval took effect on 13 December 2012 and the prescribed period currently concludes on 13 December 2026.

This extension and minor change application relates to the development approval **A006125806** and is made to Brisbane City Council as the assessment manager. The application seeks to extend the currency periods for all components of development approval **A006125806** until **13 June 2030**. The minor change seeks amend Condition 3 as it relates to the Preliminary Approval for the site master plan to extend the prescribed period to **20 years**.

We provide details of this request below.

2 APPROVALS HISTORY AND CURRENCY PERIODS

The preliminary approval for the master plan, preliminary approval for building work on the site of the heritage place, and development permit for stages 4a to 4c was granted originally on 13 December 2012. The approval has been amended over time, and currency periods have been extended previously.

The approvals also benefit from ministerial extensions granted under section 275R of the *Planning Act 2016* in response to the Covid applicable event.

Evidence that the approvals remain current, including identification of the ministerial extensions that apply, is provided in the table below.

<table>
<tr><th>Approval component</th><th>Took effect</th><th>Currency period</th><th>Applicable COVID-19 ministerial extension</th><th>Currency period end date</th></tr>
<tr><td colspan="5">Masterplan – A006125806 (formerly A005490341 / A003214281)</td></tr>
<tr><td>Preliminary approval s242 for site master plan</td><td rowspan="2">13 Dec 2012
Minor change 1: 2 November 2020
Minor Change 2: 17 March 2023</td><td>13 December 2026 (as extended under A005490341 – granted 2 November 2020)</td><td rowspan="2">Extension 2 and 3:
6 months + 1 year = 1.5 years</td><td>13 June 2028</td></tr>
<tr><td>Preliminary Approval s241 (Carry out building work on a Heritage Place)</td><td>13 December 2024 (as extended under A005490341 – granted 2 November 2020)</td><td>13 June 2026</td></tr>
<tr><td colspan="5">Precinct 4 – A006125806 (formerly A005490341 / A003214281)</td></tr>
<tr><td>Development Permits MCU for Precinct 4</td><td>13 Dec 2012
Minor change 1: 2 Nov 2020
Minor Change 2: 17 March 2023</td><td>13 December 2024 (as extended under A005490341)</td><td>Extension 2 and 3:
6 months + 1 year = 1.5 years</td><td>13 June 2026</td></tr>
<tr><td>Preliminary Approval s241 (Carry out building works associated with MCU permits for Precinct 4</td><td>13 Dec 2012
Minor change 1: 2 Nov 2020
Minor Change 2: 17 March 2023</td><td>13 December 2024 (as extended under A005490341)</td><td>Extension 2 and 3:
6 months + 1 year = 1.5 years</td><td>13 June 2026</td></tr>
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2.1 Prescribed period

Condition 3 for the Preliminary Approval Master Plan of A006125806 specifies a prescribed period of 14 years from when the preliminary approval takes effect. The preliminary approval took effect on the 13 December 2012. This results in an end date of 12 December 2026. The purpose of this minor change is to amend this condition to state a prescribed period of 20 years. This is to allow time for completion of all development under the master plan.

3 MINOR CHANGE & EXTENSION APPLICATION DETAIL

3.1 Extension sought

This extension application relates to all components under A006125806. Extension is sought to extend the currency period for all components to 13 June 2030.

3.2 Minor change sought

The minor change relates to the condition 3 of the preliminary approval which states a prescribed period of 14 years from when it takes effect. The approval took effect 13 December 2012 and the prescribed period currently concludes 13 December 2026. The prescribed period is proposed to be extended by 6 years, resulting in a total prescribed period of **20** years.

The proposed change to condition 3 is as follows:

Condition	Amendments
3) Prescribed Period	The prescribed period for this preliminary approval is ~~14~~ **20** years (~~168~~ **240** months) from when the preliminary approval takes effect. Timing: **20** years (~~168~~ **240** months) from when the preliminary approval takes effect.

The minor change does not require amendments to the approved drawings and documents stated on the approval package.

The change is a minor change to a development approval for the purpose of the definition under Schedule 2 of the *Planning Act 2016*. The minor change does not result in substantially different development as it only relates to Condition 3 of the Preliminary Approval component.

3.3 Rationale

Nazareth Care continues to provide aged care on the subject site and remains committed to proceeding with development under the approval master plan and development permits.

Circumstances beyond their control have prevented development occurring to date, and extension of currency periods is sought to allow time for the master plan to be realised including the development of Precinct 4.

In accordance with Section 87(1) of the *Planning Act 2016*, when assessing an extension application Council may consider *“any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application”.*

The following matters are relevant in the context of the extension sought and explain the delay in delivering the Master Plan and Precinct 4:

- This land has historically been owned by the Congregation of the Sisters of Nazareth (CSON). In 2010 CSON created Nazareth Care, staffed by industry professionals, in response to a recognition that the number of religious Sisters was diminishing and they no longer had the requisite skills to manage a large Aged Care service. Nazareth Care became the operating company of the Congregation.
- Registered Aged Care Providers in Australia collect Refundable Accommodation Deposits (RADs), a significant lump sum from elderly residents, which can be used for the capital requirements of Aged Care facilities, such as major upgrades and new builds.
- Subsequent changes to the original *Commonwealth Aged Care Act 1997* have progressively and sensibly tightened the use of RADs by Approved Providers to protect the interests and funds of the vulnerable elderly. This has been achieved by way of limiting the permitted use of RADs via a number of mechanisms and also imposing heavy penalties on Directors if RADs are inappropriately used. RADs may be used to fund the capital projects of an Approved Provider, where the Provider owns the asset. Nazareth Care does not own the asset; it has historically been the operating arm only of the Congregation.
- In response CSON and Nazareth Care commenced a process of arranging for the transfer of assets from CSON to Nazareth Care in 2021 after the dilemma was identified. At no point did CSON or Nazareth Care realise it would be such a protracted process. This process has had to occur subject both to civil law (State legislation) and canon law (the laws of the Catholic church) as CSON is a Papal Congregation, it is answerable directly to the Vatican, unlike many Congregations which are answerable to the Australian Catholic Dioceses. The process has included identifying and the engagement of senior Canon lawyers in both Australia and the United Kingdom, culminating in a submission to the Vatican. The transfer of land was required prior to the approvals being acted upon, and development commencing on the land, as Nazareth Care, like all Approved Providers, will be using funds from the RAD pool.
- The civil and canon law requirements were very lengthy, particularly as Vatican approval was required, and COVID was present in the initial phases. This process was commenced in October 2021. This

approval was only recently received, and the land ownership transfer is now expected to be completed by August / September 2026.

- During this time there was a simultaneous Royal Commission into the Aged Care industry from which it was recommended that the elderly be more empowered to design their care and manage their own needs, including how their Aged Care is provided to them. In essence the strengthening of the Aged Care Standards enshrined a Statement of Rights and improved an Aged Care consumer's decision making as to the service they receive. Hence, the legislation for aged care residents, providers and employees changed with the adoption of the *C'wlth Aged Care Act 2024.* The purpose of this Act is to focus on the rights of older people by making care and accommodation tailored, safer, fairer and more respectful.
- Nazareth Care, and the broader industry, has had to respond to the changes and provide a more consumer focused environment. Nazareth Care has taken this as an opportunity to review the approved built form and product to ensure it will meet the new legislative requirements and the evolving Wynnum demographic. Wynnum has been experiencing a socio-economic shift, and it is anticipated that future residents will have a greater capacity and desire to tailor their personal care to their personal needs. Nazareth Care recognises that a one-size-fits-all approach will not meet a more consumer focused emerging elderly, nor the new legislation. A more flexible and diverse service offering and built form will be required to enable a more diverse community to access and enjoy aged care.
- Based on a program to deliver the approvals, Nazareth Care will now be providing for residents of 2030 and well beyond given the life of an Aged Care facility spans many decades. The demographic of these residents combined with legislative requirements and market expectations may require further changes to the existing development approvals.

Based on the above, Nazareth Care has prepared a program of works to facilitate necessary changes to the relevant approvals. This program demonstrates a timeline of works from a minor change inception to practical completion in October 2029. Key milestones from this program include:

- Minor change inception June 2026
- Tender process following minor change approval October 2026
- Commence construction February 2027
- Practical completion by October 2029

The complete program of works is provided at **Attachment B**.

Extension of the currency period of all components of the approval to 13 June 2030 is sought, plus a 6 year extension to the period identified in condition 3, to enable completion of the development.

The extensions sought will also bring the currency period for this approval closer into line with the other key approval for the site (A006125806) which has a currency period to 22 January 2029.

3.4 Consistency with City Plan 2014

The subject approval was originally granted under *City Plan 2000* in December 2012. The approval was subsequently modified by a minor change granted November 2020 and again in March 2023. Through these minor change applications, assessments have been carried out to demonstrate that the development continues to be consistent with *City Plan 2014*. For completeness, a comparison assessment of City Plan in effect at the time of the minor change application (v24) with the current v35 is provided at **Attachment C**.

This assessment confirms that the development, as approved in March 2023, remains compliant with the current *City Plan 2024 (v35)*.

4 SUPPORTING INFORMATION

In support of this application, please find attached the following information required under Section 81 and 86 of the *Planning Act 2016*:

- **Attachment A**: Landowner Consent
- **Attachment B**: Program of Works
- **Attachment A**: Statutory Comparison Assessment

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In accordance with Council's current fee schedule, the relevant application fee of $2,145 for the extension request and $3,432 for the minor change is to be paid upon receipt of Council's Action Notice.

We look forward to working with Brisbane City Council on this application to achieve a favourable outcome for Nazareth Care. In the meantime, if you have any queries, please contact the writer (contact details below) or Stephen Mason on 0407 968 115.

Yours sincerely,
for RPS AAP Consulting Pty Ltd

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