

10 September 2026

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

Sent via online Portal

Dear Sir/ Madam,

RE: REQUEST TO EXTEND CURRENCY PERIOD FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (DEVELOPMENT PERMIT) FOR A MULTIPLE DWELLING (36 UNITS) & HEALTH CARE SERVICES UPON LAND AT 121 PINELANDS ROAD, SUNNYBANK HILLS (LOT 35 ON SP159668).

We write on behalf of the applicant, *Unipo Enterprise Pty Ltd* requesting an Extension of Currency Period to the existing Material Change of Use (Development Permit) for a Multiple dwelling (36 Units) & Health care services (Council file ref: A004533662).

The existing approval was granted by Brisbane City Council on 23 October 2019 for a Material Change of Use (Development Permit) for a Multiple dwelling (36 Units) & Health care services. An extension to the currency period application was not made before the currency period and the Development Approval lapsed. The Court declared that the Development approval be re-enlivened to allow a request to extend the currency period of the Development Approval to be lodged with Brisbane City Council. This is being submitted within the court-ordered deadline of 28 September 2026 (No. 2231 of 2026).

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 **19 December 2027**.

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;
- Extension Application Form;
- Council Decision Notice (A004533662);
- Judgment between Unipo Enterprise Pty Ltd and Brisbane City Council (No. 2231 of 2026).

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



Vu Nguyen
DIRECTOR

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EXTENSION OF CURRENCY PERIOD APPLICATION

1. Site Details

Site Address	121 Pinelands Road, Sunnybank Hills QLD 4109
Real Property Description	Lot 35 on SP159668
Area of Site	11,060m ²
Zone	Emerging community zone
Neighbourhood Plan	Algerster-Parkinson-Stretton neighbourhood plan
Overlays	- Airport environs overlay - Community purposes network overlay - Critical infrastructure and movement network overlay - Regional infrastructure corridors and substations overlay - Road hierarchy overlay - Streetscape hierarchy overlay - Transport air quality corridor overlay - Transport noise corridor overlay



Figure 1: Aerial View of Subject Site (Nearmap, 2026).

The subject site is made up of a single square allotment that contains an area of 11,060m². The site has a dual frontage of 105m to Pinelands Road and 175m to Liz Place.

2. Approval History

We provide below a summary of the relevant development application history over the subject site:

- **A003441411 | February 2013**
On 12 February 2013, Brisbane City Council granted a Preliminary Approval for Carrying Out Building Work under s241 for an Aged Care Facility (65 Units, Ancillary Office and Restaurant) and a Development Permit for a Material Change of Use for Aged Care Facility (65 Units, Ancillary Office and Restaurant). The development was not enacted and lapsed.
- **A004533662 | October 2019**
On 23 October 2019 Brisbane City Council granted a Development Permit for a Material Change of Use for Multiple Dwellings (36 Units) and a Material Change of Use for Health Care Services. The development approval lapsed on 20 December 2025.
- **No. 2231 of 2026 | August 2026**
On 20 August 2026, the Court ordered that the lapsing of the development application be excused and an extension application be lodged with Brisbane City Council by 28 September 2026 pursuant to section 86 of the *Planning Act 2016* and be treated as compliant with section 86 (1) of the *Planning Act 2016*.

3. Currency Period

The subject development approval was given under the *Planning Act 2016* on 23 October 2019. Pursuant to section 85 of the Act, a development approval lapses:

- (1) *A part of a development approval lapses at the end of the following period (the **currency period**)—*
- (a) *for any part of the development approval relating to a material change of use—if the first change of use does not happen within—*
 - (i) *the period stated for that part of the approval; or*
 - (ii) *if no period is stated—6 years after the approval starts to have effect;*

The development approval had an initial lapse date of 23 October 2023.

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, 3 automatic extensions were granted, with the following being applicable / beneficial to this approval as detailed below:

- On 8 July 2020, 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 8 July 2020 to 31 October 2020.
- 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 8 July 2020, 1 September 2021 and 28 April 2022. Thus, the currency period was automatically extended by a period totalling 24-months. As such, the currency period of the Material Change of Use (Development Permit) for a Multiple dwelling (36 Units) & Health care services given on the 23 October 2019 (Council reference:

A004533662) expired on **19 December 2025** pursuant to the provisions of the *Planning Act 2016* and the extension notices given by the Minister on 8 July 2020, 1 September 2021 and 28 April 2022.

By operation of three (3) extensions given by the Minister pursuant to section 275R of the *Planning Act 2016* (with a combined period of 2 years), the currency period of the Development Approval was taken to be 19 December 2025.

The construction of the approved development under the Development Approval had substantially started before 19 December 2025 with the necessary operational works having been completed and the construction of many of the approved buildings started, however, the material change of use had not occurred. Consequently, the Development Approval lapsed on 20 December 2025.

Under section 37 of the *Planning and Environment Court Act 2016*, the Court has the power to excuse lapsing of the development application. An application was filed on 23 July 2026 to the Court (No.2231 of 2026), and it was ordered that:

- The applicant's failure to make an extension application to extend the currency period of the development approval before it lapsed be excused.
- It be taken that the development approval has not lapsed and an extension application for the Development Approval with the respondent pursuant to section 86 of the Planning act 2016 by 28 September 2026 be treated as compliant with section 86(1) of the Planning Act 2016 as to time.

As such, the proposal seeks to lodge the extension application within the time specified as a now live application, to extend the 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".

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 **19 December 2027**.

4. Project Delays

Subsequent to issue of the development approval, the Applicant has been committed to fulfilling all development conditions to deliver the dwellings and health care services, contributing critical housing supply for Brisbane City.

However, a combination of external, industry-wide and location-specific constraints has affected the ability to proceed within the original timeframe. These issues include:

- **Construction Labour Shortages**
The Brisbane region has experienced sustained shortages of qualified construction personnel, which have been exacerbated by the following factors:
 - competing demand from citywide growth and residential development;
 - reduced availability of subcontractors; and
 - labour cost escalations that exceeded pre-approval feasibility allowances.

Despite multiple procurement processes, securing a consistent workforce to enable commencement of works was not achievable within the required timeframe.

- **Supplier & Material Limitations**
Supply chain constraints have impacted the availability of core construction materials in recent years, including:
 - concrete supply;
 - steel framing and prefabricated components; and

- civil and drainage materials.

Lead times for these materials in Brisbane have extended significantly beyond standard schedules, thereby affecting the ability to establish a viable and reliable construction program.

- **Funding & Market Uncertainty**

The project's financing arrangements became materially affected by:

- sharp increases in construction costs through 2023-2024; and
- market uncertainty impacting pre-commitment and feasibility stability.

These factors have resulted in a temporary delivery gap, necessitating a reassessment of the project prior to commencement of works.

Therefore, in accordance with section 86 of the *Planning Act 2016*, we respectfully request a further extension of two (2) years to the Currency Period. This extension will provide the applicant with sufficient time to continue construction of the approved development within the applicable statutory timeframes. We trust that Council will give due consideration to the circumstances outlined above and we remain available to provide any further information as required.

5. 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 existing approval remains consistent with the provisions of the current Planning Scheme. At the time the development application was made, version 9 of *Brisbane City Plan 2014* ("City Plan") was in effect; version 36 is currently in effect. Under both versions, the site remains within the Emerging community zone category. The approved use supports the planning of housing supply within urban areas, helping maintain adequate housing availability and providing choice and diversity for Brisbane's residential community.

The applicable planning scheme provisions remain largely unchanged, albeit the land is no longer subject to the Bicycle network overlay and is now subject to the Community purposes network overlay. This change is not relevant to the assessment of the development application. The Emerging community zone code has not undergone any significant change between versions 9 & 36. The development is urban development providing community facilities, including healthcare services.

- **Community Awareness of Approval:** The existing approval underwent public notification, during which seven submissions were received objecting to the development application, four of which were properly made. None of the eligible submitters filed a notice of appeal against the Respondent's decision to approve the development application. The issues identified in the submissions were addressed by the material provided by the applicant in support of the development application and by the conditions of the development approval. There were no referral agencies for the development application. It is considered that the community had appropriate awareness of the approval and remains able to review the details of the proposed development via Council's online development application tool.
- **Relevance of Approval:** Under section 37 of the *Planning and Environment Court Act 2016*, the Court excused the lapsing of the Development Approval, and the development approval has been re-enlivened to allow the applicant to request an extension of the currency period (No. 2231 of 2026).
- **Commencement of Works:** Construction of the approved development was underway, with the necessary operational works having been completed and construction of many of the approved buildings commenced. However, the material change of use had not happened, resulting in the

lapsing of the development approval. There is clear intent from the developer that works were commencing.

- **Administrative Oversight in Lodging the Extension Application:** Failure to lodge an extension application prior to the lapsing of the Development Approval arose through the inadvertence of the applicant's former builder and superintendent, who held responsibility for monitoring the currency period and initiating the extension process. This oversight was not indicative of any intention to abandon the approved development, nor of inaction on the part of the applicant.

Given that the approved development has substantially commenced, and that the lapsing of the development approval occurred through the inadvertence of the former builder and superintendent, a new development application would be a costly and resource-intensive exercise for both the applicant and Council.

6. 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 **19 December 2027**.

In summary, this request for extension to Currency Period should be approved by Council considering the relevant matters raised above. The delay has not been due to inaction but rather a combination of labour constraints, supply-chain limitations, funding pressures all being external factors and outside the reasonable control of the Applicant.

The applicant remains fully committed to delivering the approved development and ensuring suitable residential housing supply, important for the protection of the local community from the adverse impacts of insufficient housing stock and the delays caused if new approvals are required. The Applicant seeks a reasonable extension of time to allow resolution of these constraints to ensure that construction proceeds safely, economically and in compliance with contemporary planning requirements and Australian Standards.

Based on the above, the request for an extension to the currency period should be approved by Council.