

Extension Application Town Planning Assessment



1. Introduction

This town planning assessment is prepared in respect of an Extension Application made to Brisbane City Council (the responsible entity) pursuant to section 86 of the *Planning Act 2016* (**the Planning Act**).

The Extension Application relates to land at 74 Settlement Road, The Gap, to which a current development approval applies, granted by the Planning and Environment Court via judgement dated 28 October 2015, for a Development Permit for a Material Change of Use for Multi-Unit Dwellings, a Preliminary Approval for Carrying Out Building Work and a Development Permit for Reconfiguring a lot (1 into 2 lots) (Council Reference: A002188360, P&E Court Appeal Reference BD1956 of 2012). The current development is included within **Attachment A**.

The Extension Application is made in accordance with the requirements for Extension Applications pursuant to section 86(1)-(3) of the Planning Act, as it is made in the approved form and accompanied by the written consent of the owner (**Attachment C**) and the required fee will be paid upon receipt of Council's fee quote to be issued following lodgement.

2. Background

2.1 Approval Background

2.1.1 Original Development Approval

On 23 April 2012 Brisbane City Council refused a development application (Council Reference: A002188360) over the site, which was later appealed (on 17 May 2012). The Planning and Environment Court ultimately approved the application for a Development Permit for a Material Change of Use for Multi-Unit Dwellings, a Preliminary Approval for Carrying Out Building Work and a Development Permit for Reconfiguring a lot (1 into 2 lots) on **28 October 2015** (Court reference: BD1956 of 2012). This approval was granted under the Brisbane City Plan 2000. The development approval comprised 51 Multi-Unit Dwellings, delivered over 3 stages.

The development application was subject to Impact Assessment and received 34 properly made submissions throughout the public notification period.

There was no referral jurisdiction for the original application.

The currency period for the development approval was **28 October 2021**.

A copy of the development approval is included within **Appendix A**.

2.1.2 Change Application (Current Development Approval)

On 21 December 2016 a Change Application was lodged to the Planning and Environment Court (Court Reference: 5038 of 2016). This change application related to a 'permissible change' and provided for revisions to the approved layout and dwelling designs. Specifically, the changes:

- Reduced the staging to two (2) stages;
- Reduced the Gross Floor Area of the multiple dwelling units to 5509m² (30.2% of the total area of land);

- Revised the dwelling placement;
- Revised the variety of building types;
- Revised the colour palette;
- Changed the bulk bin storage facilities;
- Changed Conditions 36 and 93 relating to refuse storage and collection;
- Redistributed the visitor car parking;
- Added car spaces for the multiple dwellings
- Amended the internal road layout;
- Reorientated buildings 42 and 43;
- Removed the bio retention basins and replaced by proprietary stormwater filter systems;
- Revised minor earthworks, stormwater quality outcomes and flooding report;
- Changed Conditions 18(c) and 77(c);
- Amended Conditions 61 and 62 relating to sewerage and water reticulation; and
- Provided consequential amendments to conditions arising from amended plans, reports and numbering to reflect the above changes.

The Planning and Environment Court approved the Change Application on 19 April 2017. The currency period for the development approval was taken to be the period set by the original development approval granting the development to occur.

2.1.3 First Extension Application

On 23 July 2020 approval was granted by Brisbane City Council by way of a Decision Notice for an extension application (Council Reference: A005483115). The extension application resulted in a new currency period of **30 June 2022**.

The extension to the currency period provided an indication of Council's view that the approval was consistent with the codes and outcomes of the City Plan at the time (being Brisbane City Plan 2014) of the extension application, and was in keeping with community expectations.

2.1.4 Second Extension Application

As a result of the Covid-19 pandemic (applicable event) automatic extensions granted by the Planning Minister, the development approval was automatically extended until **30 December 2022**.

A further extension approval was granted by Brisbane City Council on 8 July 2022, extending the currency period to **30 June 2024** (Council Reference: A006035364).

The extension to the currency period provided an indication of Council's view that the approval was consistent with the codes and outcomes of the City Plan at the time (being Brisbane City Plan 2014) of the extension application, and was in keeping with community expectations.

2.1.5 Third Extension Application

On 28 June 2024 approval was granted by Brisbane City Council by way of a Decision Notice for an extension application (Council Reference: A006515045). The extension application resulted in a new currency period of **30 June 2026**.

The extension to the currency period provided an indication of Council's view that the approval was consistent with the codes and outcomes of the City Plan at the time (being Brisbane City Plan 2014) of the extension application, and was in keeping with community expectations.

2.2 Comparison of Relevant Planning Designations

Table 1 provides a comparison of the town planning designations applicable to the site at the time the Original Development Application was made (City Plan 2000), the time that the Change Application was made (City Plan version 4.00/2016), the time that the first Extension Application was made (City Plan version 19.00/2020), at the time the second Extension Application was made (City Plan version 24.00/2022), at the time that the third Extension Application was made (City Plan version 29.00/2023), and at the time that this Extension Application (fourth) is made (version 36.00/2026).

The site is subject of the Brisbane City Plan 2014 (the City Plan), version 36.00/2026 at the time of lodgement of this Extension Application, pursuant to which the following key planning designations apply. A comparison of designations at the time of the prior extensions is included below.

Table 1 – Town Planning Designations						
	<i>Original Application</i>	<i>Change Application</i>	<i>Extension Application 1</i>	<i>Extension Application 2</i>	<i>Extension Application 3</i>	<i>Proposed Extension Application 4</i>
	City Plan 2000	City Plan v4.00/2016	City Plan v19.00/2020	City Plan v24.00/2022	City Plan v29.00/2023	City Plan v36.00/2026
Zone	Strategic Designation: Brisbane Green Space System Element Area Classification: Rural Area	Rural Zone	Low Density Residential Zone	Low Density Residential Zone	Low Density Residential Zone	Low Density Residential Zone
Neighbourhood Plan	N/A	N/A	The Gap Neighbourhood Plan	The Gap Neighbourhood Plan	The Gap Neighbourhood Plan	The Gap Neighbourhood Plan
Overlays	N/A *notwithstanding any changes should have been delt with as apart of first extension application.	<ul style="list-style-type: none"> • Airport Environs Overlay • Bicycle Network Overlay • Biodiversity Areas Overlay • Critical Infrastructure and Movement Network • Flood Overlay Road Hierarchy Overlay • Streetscape Hierarchy Overlay 	<ul style="list-style-type: none"> • Airport Environs Overlay • Bicycle Network Overlay • Biodiversity Areas Overlay • Community Purposes Network Overlay • Critical Infrastructure and Movement Network • Dwelling House Character 	<ul style="list-style-type: none"> • Airport Environs Overlay • Bicycle Network Overlay • Biodiversity Areas Overlay • Community Purposes Network Overlay • Critical Infrastructure and Movement Network • Dwelling House Character 	<ul style="list-style-type: none"> • Airport Environs Overlay • Bicycle Network Overlay • Biodiversity Areas Overlay • Community Purposes Network Overlay • Critical Infrastructure and Movement Network • Dwelling House Character 	<ul style="list-style-type: none"> • Airport Environs Overlay • Bicycle Network Overlay • Biodiversity Areas Overlay • Community Purposes Network Overlay • Critical Infrastructure and Movement Network • Dwelling House Character

Table 1 – Town Planning Designations						
		<ul style="list-style-type: none"> Waterways Corridor 	<ul style="list-style-type: none"> Flood Overlay Landslide Overlay Road Hierarchy Overlay Streetscape Hierarchy Overlay Waterway Corridors Overlay 	<ul style="list-style-type: none"> Flood Overlay Landslide Overlay Road Hierarchy Overlay Streetscape Hierarchy Overlay Waterway Corridors Overlay 	<ul style="list-style-type: none"> Flood Overlay Landslide Overlay Road Hierarchy Overlay Streetscape Hierarchy Overlay Waterway Corridors Overlay 	<ul style="list-style-type: none"> Flood Overlay Landslide Overlay Road Hierarchy Overlay Streetscape Hierarchy Overlay Waterway Corridors Overlay

As identified above (**Table 1**), current planning framework has undergone several amendments since the original approval was granted. The approval background for the site is provided in the subsequent section. Any changes to designations was addressed as a part of the previous extension applications. The designations applicable to the site from the latest extension application to the lodgement of this Extension Application remains unchanged.

3. Request to Extend the Currency Period

The purpose of this correspondence is to formally request an extension to the currency period prior to the end of the currency period for the development approval (i.e. 30 June 2026).

An extension of 3 years is requested to provide the Applicant with sufficient time to complete the development. All aspects of the development have been delivered aside from the final component of the multiple dwelling (being the remaining element in the south-east corner). Refer **Figure 1** below. It is logical to allow for the final aspect of the development to be completed in accordance with the approval, so that a complete and coherent outcome can be achieved for the site.

Consequently, the Applicant requests that the currency period for the development approval be extended to **30 June 2029**. This allows for progress of the final stage to occur, including sufficient time to mobilise, construct, deliver and seal the final component of the development.

3.1 Grounds for Request

The grounds for the request to extend the currency period include the following:

- The Applicant is committed to the development outcome, noting that delivery has substantially occurred on the balance of the site (as demonstrated within **Figure 1** below), with Townhouses 1-43 already being completed and completion of townhouses 44-51 anticipated in within the proposed extended currency period.



Figure 1 – Aerial Photo of Subject Site (dated June 2026) – demonstrating construction works onsite (Source: NearMap, 2026)

- The time remaining until the approval lapses does not allow sufficient time to resolve construction and deliver the remaining approved development. There are approximately less than 2 weeks remaining until the approval lapses. The Applicant is therefore seeking an extension to the currency period to reflect the time required to finalise construction of the remaining townhouses, with comfort regarding the statutory timing of the approval.
- If approved, the currency period will allow for the delivery of the development approval, being a medium density development outcome within an area, which intends to accommodate urban purposes. The proposed development supports the urban consolidation and intensification of development in proximity of two (2) major roads (including Settlement Road, and Waterworks Road) and will contribute to the creation of a vibrant and active streetscape environment.
- The development outcome will facilitate efficient use of the land and is in keeping with reasonable community awareness and expectations. There is full expectation that the final component of this development would occur so that a complete and coherent multiple dwelling outcome can be achieved for the site, and provide further housing choice locally.
- Approval of the Extension Application would advance the purpose of Planning Act, which is to establish an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning, development assessment and related matters.
- The proposal complies with the South East Queensland Regional Plan. Shaping SEQ 2023 recognises the significant housing supply issues faced in South East Queensland and specifies a target of 210,800 additional homes to be provided within the Brisbane Local Government Area (LGA) between 2021 – 2046. The proposed development for a Material Change of Use comprises a residential component thus contributing to the supply of housing, particularly with regard to the 'missing middle', within Brisbane and towards this goal, while also remaining responsive to the evolving Gap character.

- As outlined within **Table 1** above, the current planning framework has undergone several amendments since the original approval was granted. Changes to designations were addressed as a part of the previous extension applications, with those designations applicable to the site from the previous extension applications to the lodgement of this Extension Application remaining unchanged (and as such no variation in assessment matters arises).
- Brisbane City Council have released several land use intent strategies, to facilitate delivering sustainable growth outcomes through numerous key strategic planning documents and guidelines. The proposed development notably responds to “Brisbane’s Sustainable Growth Policy” which includes (amongst others) the following key housing priorities.
 - Housing supply for our growing and evolving city;
 - Housing diversity and affordability;
 - Right housing in the right locations; and
 - Sustainable, liveable and well-designed subtropical homes.
- Notably, the proposed development is for townhouses, which provides housing diversity and an alternative between low density detached dwelling houses and high-residential high-rises apartments.
- The Sustainable Growth Strategy importantly recognises that existing urbanised areas within Brisbane will need to adapt and develop to be able to accommodate increased densities. In response to the Growth Strategy, the proposal will provide key medium density housing opportunities to cater for population growth in a well-connected and serviced locality.

4. Assessment of Request

Under section 87(1) of Planning Act, the assessment manager, in considering an extension application, is to have regard to the following:

87 Assessing and deciding extension applications

(1) 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.

An assessment against section 87(1) of the Planning Act is provided as follows:

- As outlined within **Section 3** above, the extension request is required to allow sufficient time to facilitate construction of the final aspects of the development (noting that the majority of the townhouses have been constructed; this is the final phase).
- The original application was approved by the Planning and Environment Court (Reference: **BD1956 of 2012**) in 2012 and was assessed against the provisions of the Brisbane City Plan 2000. This extension application relates only to extending the currency period of the application. Proposed changes do not result in a change of use or built form, and as such is understood to achieve the intent of the provisions of the Brisbane City Plan 2000 pursuant to the previous assessments undertaken.
- The planning framework has undergone various changes since the original approval was granted. Changes to designations were addressed as a part of the previous extension applications, with those designations applicable to the site from the previous extension applications to the lodgement of this Extension Application remaining unchanged (and as such no variation in assessment matters arises). Nonetheless, the outcome achieves policy support in an overarching sense, and there are relevant matters that relate to the suitability of the development outcome.
- As demonstrated by **Table 1**, have been changes to the key designations application to the site between the City Plan 2000 and the current City Plan (Version 36.00/2026). Given the application for a multiple dwelling was approved in the Rural Zone, the approval recognises the changing nature of the Gap at the time from a rural area to a residential area of mixed density and tenure. The approval anticipated the increasing density of the area, evident from the change of zoning of the site from the City Plan 2000 to the City Plan 2014 (v.4.00/2016).
- The original development application did not require referral to the State Assessment and Referral Agency (SARA). If the development application was made under the current planning framework it would also not trigger referral to the State Assessment and Referral Agency.
- The extension application does not interfere with current State policies and interests. The approved development continues to comply with and advance the outcomes of the State Planning Policy and the South East Queensland Regional Plan (ShapingSEQ 2023). Please refer to **Section 3**.
- On the basis of the above points, it would be inappropriate to require the preparation, lodgement and assessment of a new application for the development of the site, with an outcome that completes the multiple dwelling delivery on the site remaining appropriate.

5. Summary

With regards to the above matters, we recommend that the requested extension to the currency period be approved in the specific circumstances.