



MURRAY BELL
PLANNING CO.

Date: 14 May 2026
Council Ref: A005319347

Brisbane City Council
GPO Box 1434
Brisbane QLD 4001

Via Electronic Lodgement

Dear Sir / Madam,

**RE: EXTENSION OF RELEVANT PERIOD AS PER SECTION 86 OF THE PLANNING ACT 2016
DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 INTO 2 LOTS)
16 HAWKDEN CLOSE, DOOLANDELLA QLD 4077**

On behalf of our clients, Nghia Van Vu and Duc Vu, this application seeks to extend the relevant period for the following development approval:

Ref:	Description:	Decision Notice Issued:
A005319347	Development Permit: Reconfiguring a Lot (1 into 2 lots)	14 February 2020

Background

- a. The development approval for Reconfiguring a Lot (1 into 2 lots) was issued under the Planning Act 2016;
- b. The approved development was Impact Assessable and the Decision Notice states that there were submitters (no list provided online);
- c. To our knowledge, the applicant (not the current owners) did not suspend the appeal period;
- d. A negotiated decision notice was not requested;
- e. The decision notice says there were submitters thus the submitter appeal period would have commenced on or around 15 February 2020;
- f. There is no record on the Planning and Environment Court of an appeal being lodged, therefore on or around 13 March 2020;
- g. For the approved Subdivision:
 - i. As per section 71 of the Planning Act 2016, the approval took effect on the date that nom appeal was lodged, being on or around the 13 March 2020
 - ii. As per section 85(c) of the Planning Act 2016, the approval would lapse if the development does not substantially start within the remaining period stated of the approval. The Decision Notice nominated that the currency period ends on the 14 May 2024.
- h. On 21 July 2020, The Queensland Government issued an extension notice to extend the currency period for development approvals for six months (First Extension Notice) under the *COVID-19 applicable event (2020)*. The extension notice extended the periods stated in the Decision Notice by 6 months i.e. 14 November 2024.
- i. On 1 September 2021, the Queensland Government issued a second extension notice to extend the currency period for development approvals for a further six months (Second Extension Notice) under the

COVID-19 applicable event 1/2021. The extension notice extended the periods stated in the Decision Notice by 6 months i.e. 14 May 2025.

- j. On 29 April 2022, the Queensland Government issued a third extension notice to extend the currency period for development approvals for twelve months (Third Extension Notice) under the *COVID-19 applicable event 1/2021*. The extension notice extended the periods stated in the Decision Notice by one year (12 months) i.e. 14 May 2026.

Assessment of Request

A demonstration of compliance with s86 of the *Planning Act 2016* is provided below.

Notice to Assessment Manager

It is considered that this request to extend the relevant period has been made in accordance with the requirements for the notice to the Assessment Manager, as:

- The application has been submitted in accordance with the local governments' online lodgement portal;
- The prescribed fee will be paid once a fee quote has been issued by the Council;
- The registered owner/s of the site is the "Applicant" and thus owner's consent is not required.

Assessment of Request

As outlined above, the development approval will lapse if the development does not substantially start by 14 May 2026.

Since the approval was granted, the overall construction costs and time required to address feasibility matters have increased exponentially. It is therefore not possible to complete the Lot Reconfiguration and its associated aspects of development on or before 14 May 2026. As such, our client seeks a 24-month extension to the currency period under s86 of the Planning Act 2016 to provide sufficient time for the Applicant to address feasibility matters, re-engage with relevant contractors, and obtain the finances necessary to initiate construction.

It is considered that Council can decide in favour of this request, as the original development application was lodged and was assessed against the relevant provisions of the *Brisbane City Plan 2014* (the **Planning Scheme**), which came into effect 29 November 2019 (V17.00/2019). Whilst the Planning Scheme has been updated, the current version (Version 35) does not incorporate any different assessment benchmarks that would apply to the assessment of the approved development application. The Version 17 citywide update - Major amendment package B - included key Biodiversity and associated consequential amendments to the balance of City Plan.

Furthermore, the underlying zoning and the applicable overlays mapped over the subject site remain unchanged. The development therefore remains compliant with all relevant assessment benchmarks of the Planning Scheme.

As per section 87(1) of the Planning Act, the Council has wide discretion to consider any matter that is considered relevant to the assessment of this request. It is determined reasonable to grant a 24-month extension of the approval period in circumstances where the applicant will be unable to complete the development within the approved timeframe and where the approved development remains consistent with the overall intent and provisions of the Planning Scheme.

Should you have any questions or require any additional clarification, please do not hesitate to contact the undersigned on 0458 745 229.

Yours faithfully,

AMcK

Andrew McKnight
M. Urb. Reg. Plan