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Council Reference: A005069964
Planning and Environment Court Proceeding No: 3699 of 2019

21 August 2025

Assessment Manager
Development Services Branch
Brisbane City Council

REQUEST TO EXTEND CURRENCY PERIOD (s86) – A005069964

Development Type:	Reconfiguring a lot – 1 into 13 lot subdivision
Site Address:	169 Benhiam Street, Calamvale QLD 4116
Real Property Description:	Lot 48 RP94849
Council Reference:	A005069964
Proceeding Number:	No. 3699 of 2019
Approval type:	Development Permit – Reconfiguring a lot – 1 into 13 lot subdivision

Dear Assessment Manager,

I write on behalf of the owners, EL AL Investment Group Pty Ltd, to apply under section 86 of the *Planning Act 2016* for an extension to the currency period of the above development approval.

The subject site is located at 169 Benhiam Street, Calamvale QLD 4116 and is the subject of a Development Permit for Reconfiguring a Lot (1 into 12 Lot Subdivision). The development approval was granted by the Planning and Environment Court on 13 October 2020 (Proceeding No. 3699 of 2019).

The following documentation is provided in support of this Extension to Currency Period application:

1. Planning and Environment Court Judgment and Consent Order in Proceeding No. 3699 of 2019.
2. Brisbane City Council Approval Package (ref: A005069964)

APPROVAL BACKGROUND

As mentioned, the development approval (ref: A005069964) was granted by the Planning and Environment Court on 13 October 2020 (Proceeding No. 3699 of 2019).

The Decision Notice issued pursuant to the Planning and Environment Court Consent Order was for Reconfiguring a lot (1 lot into 13 lots) subdivision, and the decision does not specify an alternative relevant period. Consequently, the approval is subject to the prescribed currency period under the *Planning Act 2016*.

Based on the Court approval date of 13 October 2020, the original lapse date for the development permit was 13 October 2024 (without accounting for applicable ministerial extensions).

Subsequent to the Court approval:

- On 16 June 2025, an Operational Works application (ref: A006794768) was lodged with Council. Council issued an Information Request on 15 July 2025, noting that the proposed rehabilitation works relate to Stage 2 of the development and recommending that the identified matters be addressed in conjunction with other Stage 2 Operational Works applications. This would enable concurrent assessment and avoid additional information requests and potentially conflicting plans.
- On 23 July 2025, Council approved Operational Works application (ref: A006794800) for Filling and/or Excavation Works, satisfying Condition 11(a) of the development approval.
- On 1 October 2025, Council approved Operational Works application (ref: A006794782) for Stormwater Drainage Works, satisfying Condition 22(a) of the development approval relating to Stage 1 site drainage.
- On 28 October 2025, Council approved Operational Works application (ref: A006794757) for the Vegetation Management Plan, satisfying Condition 7(a) of the development approval.

In addition to the above, on 3 December 2024 a Reconfiguring a Lot application was lodged with Council for the adjoining property at 149 Benhiam Street, Calamvale (ref: A006914564). The application seeks approval for a 2-lot into 11-lot subdivision, access easement, and new road in two stages.

Notably, the application has been lodged by the same registered owner as the subject site and remains active. The application is currently within the Information Request stage under the Development Assessment Rules, with the assessment clock stopped and scheduled to recommence on 30 July 2025.

Importantly, the development proposed at 149 Benhiam Street is intrinsically linked to the delivery of the subject approval, as the proposed new road will provide the sole access to the approved subdivision. Accordingly, progression of the adjoining development is a critical precursor to the efficient and orderly implementation of Development Approval (ref: A005069964).

Given this dependency, the subject approval cannot be practically implemented until the adjoining development has progressed sufficiently to facilitate access. The requested extension is therefore sought to provide a reasonable opportunity for the interconnected development outcomes to be realised and for the approved subdivision to be delivered in an orderly and coordinated manner.

Notwithstanding the above, there are no related development approvals, subsequent development permits, or previous extension applications associated with the subject site. Accordingly, the current lapse date arises solely from the applicable Ministerial extensions granted by the Queensland Government.

EXTENSION BACKGROUND

The currency period of the approved development (ref: A005069964) has not previously been extended through an Extension to Currency Period application. The development approval was granted by the Planning and Environment Court on 13 October 2020 pursuant to Proceeding No. 3699 of 2019.

The approval was in effect during the periods covered by the Queensland Government Ministerial Extension Notices and therefore benefited from all applicable automatic extensions.

For ease of reference, the history of the approval and the application of the Ministerial Extensions are outlined below to demonstrate the current lapse date of the development approval.

Event:	**Reference:**	**Lapse Date:**
13 October 2020 – Development Permit approved by the Planning and Environment Court (Original Approval)	Proceeding No. 3699 of 2019 / A005069964	13 October 2024
8 July 2020 Ministerial Extension Notice – 6-month extension for approvals in effect on 8 July 2020 or commencing between 8 July 2020 and 31 October 2020	Applicable. Approval commenced on 13 October 2020	13 April 2025
1 September 2021 Ministerial Extension Notice – 6-month extension for approvals in effect on 1 September 2021	Applicable. Approval remained in effect on 1 September 2021	13 October 2025
28 April 2022 Ministerial Extension Notice – 12-month extension for approvals in effect on 28 April 2022	Applicable. Approval remained in effect on 28 April 2022	13 October 2026

Based on the approval history and the operation of the Ministerial Extension Notices outlined above, the current currency period for Development Approval (ref: A005069964) is due to expire on 13 October 2026. Pursuant to section 86 of the Planning Act 2016, this application seeks an extension of the currency period for a further one (1) year, resulting in a revised lapse date of 13 October 2027. The requested extension will facilitate the coordinated delivery of the approved development and associated infrastructure, while ensuring sufficient time for the progression of the interconnected development at 149 Benhiam Street, upon which access to the subject site is dependent.

PROPOSED EXTENSION OF CURRENCY PERIOD

No works have commenced onsite and the approved development has not been substantially started. Accordingly, additional time is required to allow the development to progress and satisfy the conditions of approval.

Under section 86 of the *Planning Act 2016*, we request an extension to the currency period for an additional 12 months (1 year) until 13 October 2027 to provide sufficient time to commence and begin delivering the approved development. The requested extension will enable the development to proceed in an orderly manner and will not result in any change to the approved development or its planning outcomes.

CITY PLAN 2014 (V36) REVIEW

The applicant lodged the development application on 22 November 2018. At that time, the applicable planning scheme was *Brisbane City Plan 2014* (v12). Since then, the planning scheme has been amended numerous times, and an application lodged today would be assessed against the current version of *Brisbane City Plan 2014* (v36).

Notwithstanding these amendments, a review of the relevant provisions indicates that there would be minimal variation in the assessment outcome between the version of City Plan applicable at the

time of lodgement and the current version. It is therefore reasonably anticipated that the proposed development would remain supportable if it were lodged and assessed under the current *Brisbane City Plan 2014*.

The following table demonstrates the key assessment considerations and comparison between the applicable versions of the planning scheme:

Brisbane City Plan 2014 (v36) – Applicable Assessment Benchmarks

Tables of Assessment	Categories of development and assessment	Assessment benchmarks
Zone Code		
Emerging Community Zone	Assessable Development – Code Assessment	Assessment against the *Emerging Community Zone Code* is **required**. The proposed development complies with the current Emerging Community Zone Code (Version 36). There are several changes between the current version of the code and Version 12 that are relevant to the assessment of the development, including the introduction of more detailed structure planning requirements, specific residential density and built-form outcomes, stronger provisions relating to housing diversity and transit-oriented development, and expanded guidance regarding environmental constraints, infrastructure provision and integration with surrounding development. Notwithstanding the above changes, the approved development is considered supportable under the current version.
Neighbourhood Plan Code		
Calamvale District Neighbourhood Plan	Applicable	Assessment against the *Calamvale District Neighbourhood Plan Code* is **required**. The proposed development complies with the current Calamvale District Neighbourhood Plan Code (Version 36). There are minimal differences between Version 36 and Version 12 that are relevant to this assessment. The primary change is the introduction of a specific overall outcome linking the prescribed housing mix and density outcomes to development within identified potential development areas, together with an express provision that multiple dwellings are not accommodated within the Low Density Residential Zone, including where located in a potential development area. The remaining residential yield provisions, environmental outcomes, neighbourhood centre controls, and industrial development requirements remain substantially unchanged. Notwithstanding these changes, the approved development remains supportable under the current version of the code, as the amendments do not affect the subdivision approval or alter the assessment outcome.
Overlay Code		
Airport Environs Overlay	Applicable	Assessment against the *Airport Environs Overlay Code* is **required**. The proposed development complies with the current Airport Environs Overlay Code (Version 36). A review of Version 36 and Version 12 indicates that the purpose, overall outcomes, performance outcomes and acceptable outcomes relevant to the

Tables of Assessment	Categories of development and assessment	Assessment benchmarks
		development have remained substantially unchanged, with no material amendments that affect the assessment of the proposal. Notwithstanding these changes, the approved development remains supportable under the current version of the code, as the amendments do not affect the subdivision approval or alter the assessment outcome.
Bicycle Network Overlay	Applicable	Assessment against the *Bicycle Network Overlay Code* is **required**. The proposed development complies with the current Bicycle Network Overlay Code (Version 36). There are no substantive changes between Version 36 and Version 12 that are relevant to the assessment of the development. The purpose, overall outcomes and assessment requirements remain unchanged, with the only notable amendments being administrative renumbering of the performance and acceptable outcomes. The provisions relating to the protection and delivery of bicycle network infrastructure and Riverwalk connections remain substantially the same. Notwithstanding these changes, the approved development remains supportable under the current version of the code, as the amendments do not affect the subdivision approval or alter the assessment outcome.
Biodiversity Areas Overlay	Applicable	Assessment against the *Biodiversity Areas Overlay Code* is **required**. The proposed development complies with the current Biodiversity Areas Overlay Code (Version 36). There are limited changes between Version 36 and the version applicable at the time of approval that are relevant to the assessment of the development. The primary amendments relate to the introduction of additional overlay sub-categories and the more explicit recognition of matters of State environmental significance and strategic biodiversity values. Notwithstanding these changes, the purpose, overall outcomes and key assessment framework relating to biodiversity protection, development footprints, ecological assessments, koala habitat protection and environmental offsets remain substantially unchanged. In addition, biodiversity and vegetation management matters were separately addressed through Operational Works Approval (ref: A006794757) for the Vegetation Management Plan, approved on 28 October 2025 in satisfaction of Condition 7(a) of the development approval. As a result, detailed vegetation retention, rehabilitation and ecological management outcomes relevant to the Biodiversity Areas Overlay have already been subject to detailed assessment and approval through the operational works process. Accordingly, the approved development remains supportable under the current version of the code, as the amendments do not affect the subdivision approval or alter the assessment outcome.
Bushfire Overlay	Applicable	Assessment against the *Bushfire Overlay Code* is **required**. The proposed development complies with the current Bushfire Overlay Code (Version 36). The code's purpose, overall outcomes and key

Tables of Assessment	Categories of development and assessment	Assessment benchmarks
		assessment framework have remained substantially unchanged between Version 12 and Version 36. The primary changes relate to the introduction of more detailed provisions for bushfire management plans and development footprints, specific Bushfire Attack Level (BAL) requirements, and expanded guidance regarding future bushfire hazard and risk mitigation. The requirements for lot design, building protection zones, emergency access, evacuation and fire-fighting infrastructure remain largely consistent with the earlier version. Notwithstanding these changes, the approved development remains supportable under the current version of the code, as the amendments do not materially alter the assessment outcome.
Critical Infrastructure and Movement Network Overlay	Applicable	Assessment against the *Critical Infrastructure and Movement Network Overlay Code* is **required**. The proposed development complies with the current Critical Infrastructure and Movement Network Overlay Code (Version 36). There are no substantive changes between Version 36 and Version 12 relevant to the assessment of the development. The purpose, overall outcomes and assessment requirements remain unchanged, with the code continuing to focus on maintaining access to critical infrastructure, emergency services and evacuation routes during natural disaster events. Notwithstanding these changes, the approved development remains supportable under the current version of the code, as the amendments do not affect the subdivision approval or alter the assessment outcome.
Flood Overlay	Applicable	Assessment against the *Flood Overlay Code* is **required**. The proposed development complies with the current Flood Overlay Code (Version 36). There are limited changes between Version 36 and Version 12 that are relevant to the assessment of the development. The purpose, overall outcomes and key assessment framework relating to flood immunity, flood-compatible development, evacuation, flood storage, hydraulic impacts and infrastructure resilience remain substantially unchanged. The primary amendments relate to updates and refinements to flood planning terminology, flood planning levels and technical assessment provisions, including additional guidance regarding flood risk management and hazard assessment. The provisions relevant to subdivision design, flood-affected lots, access arrangements and protection of conveyance paths remain materially consistent with the earlier version. Notwithstanding these changes, the approved development remains supportable under the current version of the code, as the amendments do not affect the subdivision approval or alter the assessment outcome.
Road Hierarchy Overlay	Applicable	Assessment against the *Road Hierarchy Overlay Code* is **required**. The proposed development complies with the current Road Hierarchy Overlay Code (Version 36). A review of the current code against the earlier version applicable at the time of approval

Tables of Assessment	Categories of development and assessment	Assessment benchmarks
		confirms that there are no substantive changes relevant to the assessment of the development. The purpose, overall outcomes, performance outcomes and acceptable outcomes remain materially unchanged, with the code continuing to focus on protecting the safe and efficient operation of the road hierarchy, preserving road network function and capacity, and ensuring appropriate access arrangements for development. Notwithstanding amendments to the code between the earlier and current versions, the assessment framework and operative requirements remain substantially the same. The approved development continues to be supportable under the current version of the code, as the amendments do not alter the intent of the code, affect the approved subdivision layout or access arrangements, or result in a different assessment outcome.
Streetscape Hierarchy Overlay	Applicable	Assessment against the *Streetscape Hierarchy Overlay Code* is **required**. The proposed development complies with the current Streetscape Hierarchy Overlay Code (Version 36). A review of the current code against the earlier version applicable at the time of approval confirms that there are no substantive changes relevant to the assessment of the development. The purpose, overall outcomes and assessment requirements remain materially unchanged, with the code continuing to focus on providing high-quality subtropical streetscapes, retaining and enhancing street tree planting, improving pedestrian and cyclist amenity and connectivity, and ensuring appropriate verge widths and public realm outcomes. Notwithstanding amendments to the code between the earlier and current versions, the assessment framework and operative requirements remain substantially the same. While the current version refines certain streetscape sub-categories and verge width descriptions, these changes are administrative and descriptive in nature and do not alter the intent or operation of the code. The approved development therefore remains supportable under the current version of the code, as the amendments do not affect the subdivision approval, alter the approved streetscape outcomes, or result in a different assessment outcome.
Waterway Corridor Overlay	Applicable	Assessment against the *Waterway Corridors Overlay Code* is **required**. The proposed development complies with the current Waterway Corridors Overlay Code (Version 36). A comparison of the current code with the version applicable at the time of approval indicates that there have been no substantive changes to the planning intent or assessment framework relevant to the development. The code continues to focus on protecting waterway corridor functions and values, including water quality, flood conveyance, riparian vegetation, biodiversity, habitat connectivity and scenic amenity. Detailed matters relating to filling and excavation works and vegetation management were separately addressed through Operational Works Approval (ref: A006794800) for Filling and/or Excavation Works and Operational Works Approval A006794757 for the Vegetation Management Plan. These approvals satisfied

Tables of Assessment	Categories of development and assessment	Assessment benchmarks
		Conditions 11(a) and 7(a) of the development approval and involved detailed assessment of earthworks, vegetation retention and rehabilitation outcomes relevant to the overlay. Accordingly, aspects of the code relating to earthworks, flood storage, riparian vegetation and ecological management have already been subject to detailed assessment and approval through the operational works process. Accordingly, the approved development remains consistent with the current version of the code and continues to achieve the desired waterway corridor outcomes. The amendments do not affect the approved subdivision design or alter the assessment outcome, and the development remains supportable under the current version of the code.
Development Codes		
Subdivision Code	Assessment against the *Subdivision Code* is **required**. The proposed development complies with the current Subdivision Code (Version 36). There are no substantive changes between Version 36 and the version applicable at the time of approval that are relevant to the assessment of the development. The code's purpose and assessment framework remain substantially unchanged, and the approved subdivision continues to achieve compliant lot layout, access, connectivity and infrastructure outcomes. Accordingly, the development remains supportable under the current version of the code.	
Filling and Excavation Code	Assessment against the *Filling and Excavation Code* is **not required**. The proposed development complies with the current *Filling and Excavation Code* (Version 36), with no substantive changes to the code since the original approval that would materially affect the assessment outcomes. The code's purpose, intent and assessment framework remain substantially unchanged, continuing to address matters such as earthworks, retaining structures, drainage, amenity and environmental impacts. Notwithstanding the above, Council approved Operational Works application (ref: A006794800) for Filling and/or Excavation Works on 23 July 2025, satisfying Condition 11(a) of the development approval. As the relevant Operational Works approval has already been obtained, no further assessment against the *Filling and Excavation Code* is required as part of this extension application.	
Infrastructure Design Code	Assessment against the *Infrastructure Design Code* is **required**. The proposed development complies with the current Infrastructure Design Code (Version 36). There are no substantive changes between Version 36 and the version applicable at the time of approval that are relevant to the assessment of the development. The code's purpose and assessment framework remain substantially unchanged, continuing to address the design and delivery of transport, utility and public infrastructure to appropriate safety, functionality and service standards. Accordingly, the development remains supportable under the current version of the code.	
Landscape Work Code	Assessment against *the Landscape Work Code* is **required**. The proposed development complies with the current Landscape Work Code (Version 36). There are no substantive changes between Version 36 and the version applicable at the time of approval that are relevant to the assessment of the development. The code's purpose and assessment framework remain substantially unchanged, continuing to address vegetation retention, landscape design, planting, buffering, irrigation and long-term	

Tables of Assessment	Categories of development and assessment	Assessment benchmarks
		landscape performance. Accordingly, the development remains supportable under the current version of the code
Outdoor Lighting Code		Assessment against the *Outdoor Lighting Code* is **required**. The proposed development complies with the current Outdoor Lighting Code (Version 36). There are no substantive changes between Version 36 and the version applicable at the time of approval that are relevant to the assessment of the development. The code's purpose and assessment framework remain unchanged, continuing to ensure outdoor lighting minimises light spill impacts on adjoining uses and native fauna. Accordingly, the development remains supportable under the current version of the code.
Transport, Access, Parking and Servicing Code		Assessment against the *Transport, Access, Parking and Servicing Code* is **required**. The proposed development complies with the current Transport, Access, Parking and Servicing Code (Version 36). A comparison of Version 36 with the version applicable at the time of approval indicates that there are no substantive changes to the code's purpose, overall outcomes, performance outcomes or acceptable outcomes that are relevant to the assessment of the development. The code continues to assess the suitability of transport, access, parking and servicing arrangements, ensuring development provides safe and efficient access, circulation, parking, servicing and integration with the transport network while maintaining amenity and transport network performance. Accordingly, the development remains supportable under the current version of the code.

The assessment undertaken above demonstrates that, while the Brisbane City Plan 2014 has been amended since the development approval was issued, the relevant zone, neighbourhood plan, overlay and development code provisions have either remained substantially unchanged or have been amended in a manner that does not materially affect the approved development.

Consequently, were the application lodged and assessed under the current version of the planning scheme, the approved subdivision would remain supportable and is expected to achieve the same assessment outcome. Accordingly, there are no planning grounds arising from changes to the planning framework that would warrant refusal of the requested extension to the currency period.

CONCLUSION

The approved development has not substantially commenced and additional time is required to allow the applicant to satisfy the conditions of approval and progress the subdivision. Accordingly, the applicant requests that the currency period of the development approval be extended by **12 months** until 13 October 2027 to facilitate the orderly delivery of the approved development.

If you have any further queries or questions, please do not hesitate to contact the undersigned on 1300 275 266.

Regards,



Thomas Wellam
Town Planner
B Planned & Surveyed Pty Ltd