

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* (**Planning Act**).

The Extension Application relates to the current development approval granted by Brisbane City Council over land at 667 Miles Platting Road, Rochedale relating to a Development Permit for a Material Change of Use for a Multiple Dwelling (56 units); Caretakers Accommodation; Community Care Centre; Community Use; Dwelling Unit; Educational Establishment; Food and Drink Outlet; Health Care Services; Office; Parking Station (where for bicycle parking); Service Industry (where less than 100 square metres of gross floor area); Shop; Shopping Centre; Veterinary Services and Indoor Sport and Recreation (gymnasium)¹. The approval history is detailed below.

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 B**) and the required fee will be paid upon receipt of Council's fee quote to be issued following lodgement.

2. Background

2.1 Existing Development Approval

Original Approval

The original application over the site involved a material change of use for 'Multiple Dwelling (56 units); Caretakers Accommodation; Community Care Centre; Community Use; Dwelling Unit; Educational Establishment; Food and Drink Outlet; Health Care Services; Office; Parking Station (where for bicycle parking); Service Industry (where less than 100 square metres of gross floor area); Shop; Shopping Centre; Veterinary Services and Indoor Sport and Recreation (gymnasium)'. Council granted the development approval over the site on 29 January 2018, followed by a Negotiated Decision approved on 7 March 2018. The approval was appealed and ultimately resolved, with a Court Order (P&EA 1290/2018) dated **27 March 2019**.

April 2020 Change Application

Subsequent to the original approval, a Change (Minor) Application was made to the Planning and Environment Court, to capture changes to the functionality, design and details of the approved development. Approval for the Change (Minor) Application was approved by the Planning and Environment Court on 14 April 2020 [P&EA 4472/2019].

It is important to note that the currency period was not extended at the time.

May 2023 Extension

An extension application was lodged to Brisbane City Council on 5 April 2023. The extension to the currency period was granted by Brisbane City Council on 25 May 2023.

The Extension approval was granted by Brisbane City Council by way of a Decision Notice dated 25 May 2023 (Council Reference.: A006245656). This approval represents the current approval.

Therefore, the currency period is extended to **27 March 2026**.

A copy of the current development approval is included in **Attachment A**.

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 approval was granted, at the time the current application was granted (i.e. the extension application was approved May 2023) and at the time that this extension application was made.

Table 1 provides a comparison of the town planning designations applicable to the site at the time the original development approval was granted (27 March 2019 – City Plan version 09.00/2018), the time that the first extension application was applied for (14 April 2020 – City Plan version 16.00/2019, at the time the current Extension Application was granted (version 26.00/2023), and at the time that this Extension Application was made (version 35.00/2025)

Table 1 – Town Planning Designations				
	Brisbane City Plan 2014 (v09.00/2018)	Brisbane City Plan 2014 (v16.00/2019)	Brisbane City Plan 2014 (26.00/2023)¹	City Plan (v35.00/2025)²
Zone	Emerging Community Zone	Emerging Community Zone	Emerging Community Zone	Emerging Community Zone
Neighbourhood Plan	<ul style="list-style-type: none"> • Rochedale Urban Community Neighbourhood Plan • Neighbourhood Centre and Business Service Centre Precinct • Potential Development Area Precinct • Low-medium Density Residential Sub-precinct • Mixed Use Sub-precinct • Community Uses Sub-precinct 	<ul style="list-style-type: none"> • Rochedale Urban Community Neighbourhood Plan • Neighbourhood Centre and Business Service Centre Precinct • Potential Development Area Precinct • Low-medium Density Residential Sub-precinct • Mixed Use Sub-precinct • Community Uses Sub-precinct 	Rochedale Urban Community Neighbourhood Plan <ul style="list-style-type: none"> • Neighbourhood Centre and Business Service Centre Precinct • Potential Development Area Precinct • Low-medium Density Residential Sub-precinct • Mixed Use Sub-precinct • Community Uses Sub-precinct 	Rochedale Urban Community Neighbourhood Plan <ul style="list-style-type: none"> • Neighbourhood Centre and Business Service Centre Precinct • Potential Development Area Precinct • Low-medium Density Residential Sub-precinct • Mixed Use Sub-precinct • Community Uses Sub-precinct
Overlays	<ul style="list-style-type: none"> • Airport Environs Overlay • Bicycle Network Overlay • Bushfire Overlay • Critical Infrastructure and Movement Network Overlay 	<ul style="list-style-type: none"> • Airport Environs Overlay • Bicycle Network Overlay • Bushfire Overlay • Community Purposes Network Overlay • Critical Infrastructure 	<ul style="list-style-type: none"> • Airport environs overlay • Bicycle network overlay • Biodiversity areas overlay • Bushfire overlay • Community purposes network overlay 	<ul style="list-style-type: none"> • Airport environs overlay • Bicycle network overlay • Biodiversity areas overlay • Bushfire overlay • Community purposes network overlay

¹ Planning framework applicable to the current development approval

² Planning framework applicable at the time of this extension application

	<ul style="list-style-type: none"> • Industrial Amenity Overlay • Road Hierarchy Overlay • Streetscape Hierarchy Overlay 	<ul style="list-style-type: none"> and Movement Network Overlay • Industrial Amenity Overlay • Road Hierarchy Overlay • Streetscape Hierarchy Overlay 	<ul style="list-style-type: none"> • Critical infrastructure and movement network overlay • Road hierarchy overlay • Streetscape hierarchy overlay 	<ul style="list-style-type: none"> • Critical infrastructure and movement network overlay • Industrial amenity overlay • Road hierarchy overlay • Streetscape hierarchy overlay
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Having regard to the above comparison, there has been no relevant change to the designations applicable to the site between the planning framework applicable at the time of the current latest Extension Approval and the time of lodgement of this Extension Application.

Designation changes between previous applications have been assessed in previous applications.

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 development approval lapsing.

An extension of three (3) years, or 36 months, is requested to provide the Applicant with sufficient time to complete the approved development. Consequently, we request that the currency period for the development approval be extended to **27 March 2029**.

3.1 Grounds for Request

The grounds for the request are:

- There have been commercial reasons for the delay in progressing the development.
- The time remaining until the approval lapses is not sufficient time to construct and commence the use of a development of the scale that has been approved. The Applicant is therefore seeking an extension to the currency period to reflect the time required to resolve the detailed design and construct a development of this scale. It is acknowledged that a previous extension was applied, but to give certainty to the project’s marketing, construction and commencement, this extension provides for additional currency to the approval.
- If approved, the extended currency period will allow for the timely delivery of the development approval, being mixed-use development, comprising a 3 – 4 storey mixed-use retail and residential neighbourhood centre in the heart of Rochedale. The ground level includes a supermarket and medical centre, with a number of specialty retail and food and drink outlet tenancies with the upper two and three storeys comprising Multiple Dwelling units.
- The approved development application is consistent with the current Emerging Community Zone and Rochedale Urban Community Neighbourhood Plan, as demonstrated in **Section 4** of this assessment below.
- The current approval, whilst assessed and approved under v26.00/2023 of the City Plan, is consistent with the current City Plan (v35.00/2025), as demonstrated by **Section 4** below.

- 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 within Brisbane and towards this goal, while also remaining responsive to the changing Rochedale character and providing a range of uses beneficial to future residents and existing residents in the surrounding locality.
- Approval of the Extension Application would advance the purpose of the 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 Development Approval is keeping within reasonable community awareness and expectations.
- The Applicant remains committed to completing the development.
- The preparation, lodgement and assessment of a new application for the development of the site, based on the above discussion, would represent an onerous and time consuming repetition of an assessment process that has already been completed, with no material difference in outcome.

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:

- This assessment criteria is broad in scope. The consistency with the original and current planning scheme may be relevant, but is not determinative. The relevant reasons for the extension application as discussed in **Section 3** of this assessment are also relevant to Council's assessment.
- The current approval was lodged and assessed under Brisbane City Plan 2014 v26.00/2023 and more specifically, the applicable provisions of the Emerging Community Zone, Rochedale Urban Community Neighbourhood Plan Code, Multiple Dwelling Code, and other use, secondary and overlay codes.

As demonstrated by **Table 1** there are no changes to the key designations applicable to the site between v26.00/2023 of the City Plan and the current City Plan (v35.00/2025). Therefore, an assessment under the current City Plan would be consistent with that of the development approval.

- If the development application was to be remade under the current City Plan the application would be assessable against the applicable provisions of the Emerging Community Zone, Rochedale Urban Community Neighbourhood Plan Code, Multiple Dwelling Code, and other use, secondary and overlay codes, consistent with the development approval.
- A review of the applicable codes under both v26.00/2023 of the City Plan and the current City Plan has revealed that there have not been substantial changes to the provisions applicable to the assessment of the development from a land use and built form parameter perspective.

Any applicable changes made prior the assessment of the current approval have already been assessed and were determined to not alter the approved outcome.

The planning framework continues to anticipate a mix of uses including community, residential, commercial and educational uses, and continues to anticipate range of density in the area. The development will continue to comply with the relevant Performance Outcomes and Acceptable Outcomes under the applicable assessment benchmarks.

- The bushfire extents of the Bushfire Overlay have not increased since the previous approval.
- The original application proposed alternative outcomes to the height, density, gross floor area, communal open space and private open space which were assessed and ultimately approved by Council in the original approval, as they complied with the Performance Outcome and Overall Outcomes of the City Plan, and suitably balanced. It is important to note that the site is contained within multiple precincts, meaning the proposed outcomes are appropriate in some precincts while an alternative outcome in others.

The Overall Outcomes, Performance Outcomes and Acceptable Outcomes for these provisions remain consistent under the current planning framework, and therefore the development approval will comply with the current planning framework.

- The original development application did not require referral to the State Assessment and Development Agency. 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 2023 (refer to **Section 3**).
- On the basis of the above points, the preparation, lodgement and assessment of a new application for the development of the site would represent an onerous and time-consuming repetition of an assessment process that has already been completed, with no material difference in outcome.

5. Summary

On the basis of the above assessment, a decision to extend the currency period for the development approval would not, in our opinion, allow development to be carried out of a type, form or scale that is not reasonably contemplated by the current planning scheme.

With regards to the above matters, the requested extension to the currency period ought to be approved given that:

- There have been genuine reasons for delay in progressing delivery of the development;
- The planning framework applicable at the time the current approval is consistent with the planning framework applicable at the time this request was made, and the development complies with the relevant aspects of the planning framework applicable at the time this request was made;
- It continues to progress the South East Queensland Regional Plan 2023;
- The extension request does not interfere with current State policies or interests; and
- If the application was remade it would not trigger assessment to the State Assessment and Referral Agency, consistent with the original application.