13 October 2026

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APPLICATION REF
A007130206

City Planning and Economic Development Services
Development Services
Brisbane Square, 266 George Street, Brisbane Qld 4000
GPO Box 1434
Brisbane QLD 4001

Via DA Lodgement

REQUEST TO EXTEND THE CURRENCY PERIOD
MATERIAL CHANGE OF USE (DEVELOPMENT PERMIT) FOR COMMUNITY FACILITIES (PLACE OF WORSHIP) AND RECONFIGURING A LOT (2 LOTS INTO 3 LOTS) (DEVELOPMENT PERMIT)
(BCC REF: A003247857; P&E REF: 4635 OF 2019)
161 UNDERWOOD ROAD, EIGHT MILE PLAINS
(LOT 700 SP338014)

On behalf of our Client, *Brisbane Islamic Centre Ltd*, we submit a request to extend the Currency Period of the abovementioned Development Approval in accordance with Section 86 of the *Planning Act 2016* ('The Act'). The supporting documents attached are as follows:

- Attachment A: Planning and Environment Court Order No 2406/26, dated 2 October 2026; and
- Attachment B: Planning and Environment Court Order No BD4635 of 2019, dated 26 June 2020.

1.0 Site & Application Details

Table 1: Site & Application Details

Address	161 Underwood Street, Eight Mile Plains QLD 4113
Real Property Description	Lot 700 on SP338014
Site Area	39,020m^2
Land Owner & Applicant	Brisbane Islamic Centre Ltd
Applicant Contact Details	Kassim Mahomed Town Planner 0436 619 190 | kassim@kmsm.net.au
Local Government	Brisbane City Council
SEQ Regional Plan Designation	Urban Footprint
Planning Scheme Zone	Emerging Community Zone Rural Zone
Neighbourhood Plan	Kuraby

2.0 Background

On 16 May 2014, Brisbane City Council as assessment manager, refused a development application seeking a development permit for a Material Change of Use for Community Facilities (Place of Worship) and Reconfiguration of a Lot (Subdivision of land for two lots into three lots).

On 13 June 2014, the Applicant appealed the original decision to refuse the application to the Planning & Environment Court (the Court) (ref: 2249 of 2014). Subject to changes to the proposals, the appeal was ultimately allowed with the Court making its judgement on 16 December 2016, effecting a development permit over the site. The application was assessed and decided under the *Sustainable Planning Act 2009* (SPA) (now repealed).

On 26 June 2020, the Court approved a Minor Change to the development approval (ref: 4635 of 2019) which provided for changes to a number of conditions and approved plans to the development approval, broadly relating to earthworks and building levels, and modifications to the building design to improve the experience for visitors to the place of worship. Unless explicitly requested, change applications do not automatically extend an approval's currency period. The aforementioned Minor Change application did not include any request to extend the currency period of the approval.

The SPA specifies a currency period (formerly referred to as relevant period) of 4 years for MCU approvals and 4 years for ROL approvals where requiring operational works. Both the MCU and ROL approvals were originally valid until 16 December 2020.

Subsequently, prior to the expiry of the aforementioned Currency Period, the Applicant made a request to Council seeking an extension to the Currency Period. On 17 December 2020, Council approved an extension to the Currency Period by a further 2 years until 16 December 2022. Notably, Council's Decision Notice to the last extension application included a note stating *"the currency period for this development approval may be affected by the declaration of an applicable event by the Minister under Part 4B, Chapter 7 of the Planning Act 2016."*

It is understood that the Minister made three separate declarations between July 2020 and September 2022 providing for the automatic extension of the Currency Period to valid approvals, cumulatively amounting 2 years. It is the Applicant's understanding that the subject approval benefitted from all of the Ministerial Declarations.

It is further noted as the original approval was decided under the *Sustainable Planning Act 2009*, to which the Relevant Period (now Currency Period) has been the subject of the Related Approval provisions under section 341 of the SPA. A number of Related Approvals were granted by Council between 2017 and 2023.

Most recently as August 2025, the Applicant had undertaken further and renewed steps to obtain the required downstream Operational Works/Compliance Assessment Permit associated with the delivery of the Reconfiguration of a Lot aspect of development under the subject approval. During the assessment of these operational works applications, on or about 10 March 2026 in the course of their decision making, Council identified that subject ROL and MCU approval had lapsed, asserting it had done so on 16 December 2024.

Since becoming aware of the lapsing of the subject approval, and in cooperation with Council, the Applicant has undertaken steps towards the re-enlivenment of the application as well as ongoing delivery of the project itself. Notably, key actions taken have included:

- Preparation of an application to the P&E Court seeking the re-enlivenment of the subject application with a view to subsequently make a further application to Council seeking an extension of the Currency Period (this application);
- Progression and approval of a separate Material Change of Use for Multiple Dwellings and Childcare Centre over part of the subject site (Approved Lot 1); and

- Linked to the above, subsequent approval of:
  - A006908597 – Development Permit for Operational Work (Vegetation Management Plan);
  - A007048531 – Development Permit for Operational Work (Filling and/or Excavation); and
  - A007048730 – Development Permit for Operational Work (Road Works and/or Stormwater Drainage).

These latter OPW approvals obtained are all for common elements of the broader developments over the site such as the road access works and driveway, subsequently allowing for practical steps to continue to be taken towards delivery of the development whilst the application via the Court is pursued. Such serves to demonstrate the Applicant's commitment to the project.

2.1 Changes subject site configuration since original approval

The originating approval involved an ROL aspect of development for the subdivision of 2 lots into 3 lots. The two lots at the time to be reconfigured comprised of Lot 15 RP889946 which was owned by the Department of Transport and Main Road and contained a frontage to Underwood Road, and Lot 44 RP889945 which is owned by the Applicant and over which the Place of Worship is to be developed.

Since then, Lot 15 RP889946 has been dedicated as road reserve and now forms part of Underwood Road with the balance subject site owned by the Applicant now having a frontage to Underwood Road.

The originating approval also contains a condition, imposed by DTMR as a referral agency, that a small linear portion of land immediately adjacent to the Gateway Motorway State controlled road be preserve as a "No Build Zone". This same land has subsequently been excised as its own freehold parcel through a Reconfiguration of a Lot approval (ref: A006110423) granted by Council on XXX 2024 and now owned by the Department of Transport and Main Roads.

These changes in property titles however have no material impact on the overall development of the subject site or the reconfiguration of the respective parcels under the originating ROL approval, and are to be retained by the Applicant for future development including the Place of Worship (ref: A003247857) over the rear lot and Multiple Dwelling and Childcare Centre (ref: A00671570) over the front lot.

3.0 Proposed Extension

Pursuant to Section 86 of the *Planning Act 2016* (the Act) this application seeks approval for:

- a further extension to the currency period for the Material Change of Use aspect of development until the 16 December 2030; and
- a further extension to the currency period for the Reconfiguration of a Lot aspect of development until 16 December 2030.

4.0 Assessment of proposed extension

Section 87(1) of The Act states that 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*". As such, this application is considered against the Brisbane City Plan 2014 and the relevant state assessment criteria.

4.1 State Development and Assessment Provisions

Assessment against the State Development Assessment Provisions (SDAP) are triggered by the SARA mapping tool which maps all the potential state interests in relation to each property for the state.

4.1.1 SARA Mapping

The SARA mapping (**Figure 3**) indicates that the state government has an interest for this site in relation to:

- The (SEQ) Regional Plan;
- Queensland waterways for waterway barrier works (Low);
- Water Resources;
- Regulated Vegetation (Category B); and
- Adjoining and within 25m of a State Transport Corridor.

It is noted that the site is now currently affected by Core Koala Habitat Mapping however this State interest did not exist at the time the application was first made and decided.

***Figure 3**: SARA Mapping*



Source: Qld DAMS

4.2 Brisbane City Plan 2014

The development approval was originally lodged and assessed against the Brisbane City Plan 2000 and subsequently decided at a time when the City Plan 2014 had been in effect for two years. It is also relevant to note that the prior 2020 Currency Period extension approval was also granted when (and had regard to) the City Plan 2014 (v19) was in effect. Notably, the current City Plan 2014 (v36) as it affects the subject site, remains largely consistent with the relevant parameters and constraints identified under the City Plan 2014 at the time of the original approval.

The current development approval, including prior minor changes and currency period extension, remains consistent with the original development approval, and therefore consistent with the intent of the Brisbane City Plan 2000 and City Plan 2014 as recognised via the P&E Court approval dated 16 December 2016, Minor Change approval granted 26 June 2020 and Currency Period Extension approval granted on 16 December 2020. Further detail is provided herein.

4.2.1 Zoning

The approved development is located partially within the Rural Zone and partially within the Emerging Community Zone (refer **Figure 4**).

Lot 15 on RP889946 is not identified as a zone within the Brisbane City Plan and therefore takes on the adjoining zoning, being Emerging Community in this instance. The site is also situated within the Kuraby Neighbourhood Plan area.

Notably, the Zoning over the site has not changed since the original application was first made.

***Figure 4**: Brisbane City Council Zone mapping*



Source: *Brisbane City Council*

(1) The purpose of the rural zone is to:

(a) provide for rural uses and activities; and

(b) provide for other uses and activities that are compatible with:

(i) existing and future rural uses and activities; and

(ii) the character and environmental features of the zone; and

(c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.

1) The purpose of the emerging community zone is to:

(a) identify land that is intended for an urban purpose in the future; and

(b) protect land that is identified for an urban purpose in the future from incompatible uses; and

(c) provide for the timely conversion of non-urban land to land for urban purposes.

The approved development is for a Development Permit for a Material change of Use for Community Facilities (Place of Worship) and a Reconfiguration of a Lot (two (2) lots into three (3) lots). The associated subdivision creates two development parcels (Proposed Lot 1 and 2) with the approved Community Facility (Place of Worship) wholly contained within the Proposed Lot 2, only with access gained via an easement traversing Proposed Lot 1.

4.2.2 Level of Assessment

If the development application was lodged under the current planning scheme, a combined material change of use and reconfiguring a lot application would be required, triggering **Impact Assessment**.

Table 4: Extract from table 5.5.4 – Material Change of Use – Rural Zone

Use	Categories of development and	Assessment benchmarks
Community Facilities	**Assessable development – Impact Assessment**	
	Any other use not listed in this table. Any use listed in this table and not meeting the description listed in the "Categories of development and assessment" column. Any other undefined use.	The planning scheme

Table 5: Extract from table 5.6.1 – Reconfiguring a Lot – Rural Zone

Zone	Categories of development and	Assessment benchmarks
Rural Zone	**Assessable development – Impact Assessment**	
	If a reconfigured lot is less than 10ha	The planning scheme including: Subdivision code Rural zone code Prescribed secondary code

Table 6: Extract from table 5.6.1 – Reconfiguring a Lot – Emerging Community Zone

Zone	Categories of development and	Assessment benchmarks
Emerging Community Zone	**Assessable development – Impact Assessment**	
	If a ROL is less than 10ha with no associated MCU	The planning scheme including: Subdivision code Emerging community zone code Prescribed secondary code

Table 7: Extract from table 5.9.35A – Kuraby neighbourhood plan: material change of use

Use	Categories of development and	Assessment benchmarks
MCU, if assessable development	No change	Kuraby neighbourhood plan code

Table 8: Extract from table 5.9.35B – Kuraby neighbourhood plan: reconfiguring a lot

Development	Categories of development and	Assessment benchmarks
ROL, if assessable development	No change	Kuraby neighbourhood plan code

4.2.3 Overlay Maps

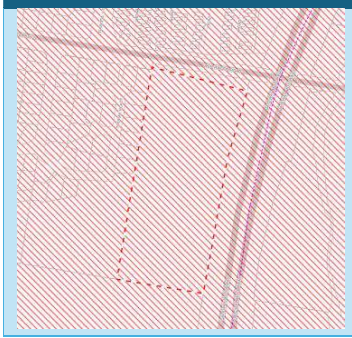
The Brisbane City Plan identifies the following overlays encumbering the subject site:

Bicycle Network Overlay	
	The subject site is identified as contained a future **bikeway** (Primary cycle route).

Biodiversity Areas Overlay	
	The subject site is identified as containing vegetation with **high ecological significance** and **high ecological significance strategic**.

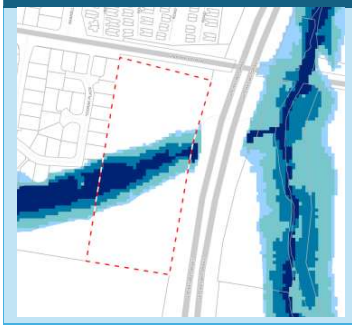
Bushfire Hazard Overlay	
	The subject site is identified as being affected by **medium bushfire hazard** and **medium to high hazard buffer areas**.

Critical Infrastructure and Movement Network Overlay



The subject is site identified within the Critical infrastructure and movement planning area.

Flood Hazard Overlay



The Flood Overlay identifies a **local waterway corridor** along the southern boundary of the site, which is subject to **Creek/waterway Flooding**. Additionally, the subject site is impacted by **Flooding Planning Areas 1 – 5**.

Road Hierarchy Overlay

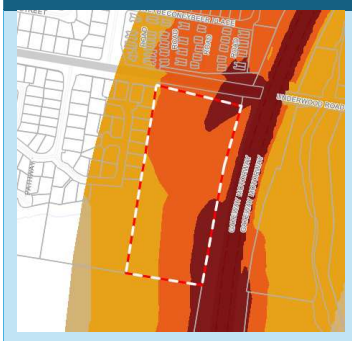


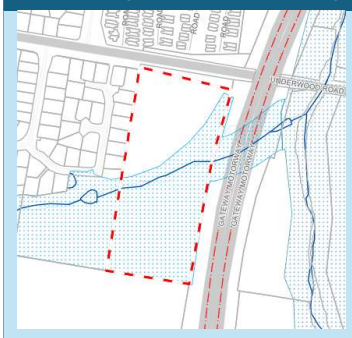
The subject site is adjacent to Underwood Road, identified as a **Suburban Road** on the Road Hierarchy Overlay**.**

Transport Air Quality Corridor



Council overlay mapping indicates that the site is impacted by **Transport Levels A and B**, due to the site's proximity to the Gateway Motorway.

State Designated Noise Corridor Overlay	
	Council's overlay mapping indicates that the subject site is subject to **Noise Level Categories 2 – 4**, where uses are impacted by noise levels from **63 dB (A) to > 73 dB (A).**

Waterway Corridors Overlay	
	The subject site is affected by a Local waterway corridor.

Overlay constraints (and their associated assessment benchmarks) identified over the site have not changed significantly or substantively since the Brisbane City Plan 2000 was superseded by the current Brisbane City Plan 2014 and subsequently versions of the City Plan 2014 to its current version (v36). As such, it is considered that Council and the Court has sufficiently assessed the development against the relevant overlays, and no further justification is required.

5.0 Justification for the further Extension

The following discussion is provided to support the request to extend the currency period.

5.1 2020 Minor Change Approval

On 16 December 2016 the Planning and Environment Court issued a Consent Order approving a Material Change of Use application for Community Facilities (Place of Worship) and a Reconfiguring a Lot application to subdivide 2 lots into 3. Following the approval, as part of the further design work in response to conditions of the approval, a number of issues where identified which required changes to approval conditions and approved plans. In response, Brisbane Islamic Centre Limited made a Minor Change application to the Court which was subsequently approved on 26 June 2020. The Minor Change approval has resulted in a revised suite of approved plans and amendments to some conditions of the approval.

Accordingly, revised Operational Works applications are required to be obtained. These have been progressed by the Applicant and discussed in Section 5.3 below.

5.2 Material Change of Use of Multiple Dwellings and Childcare Centre

On 14 September 2022, Council issued a Decision Notice (A005333870) which approved a Development Permit for a Material Change of Use for a Retirement Facility, Residential Care Facility, care co-located uses (Health Care Services & Childcare Centre) and Medium Impact Industry (Generator). A Minor Change

application was subsequently approved on 6 December 2024. However, due to ongoing construction cost escalations this development scheme was abandoned and a new development application lodged for a Development Permit for a Material Change of Use for Multiple Dwellings (36 units) and Childcare Centre (114 children). On 26 June 2026, Council issued a Decision Notice (A006791570) approved 36 Multiple Dwellings and a Child Care Centre (114 children).

Subsequently, the Applicant is now progressing with operational works applications and building approval to progress this development scheme. Delivery of this development scheme is critical to the financial support of delivery of the Place of Worship over the rear lot, and as such, has taken priority before construction can recommence on the Place of Worship.

5.3 Operational Works Approvals

Most recently as August 2025, prior to becoming aware of the lapsing of the underlying Reconfiguration of a Lot approval, the Applicant had undertaken steps to obtain the required downstream Operational Works/Compliance Assessment Permits associated with the delivery of the Reconfiguration of a Lot aspect of development under the subject approval.

During the assessment of these operational works applications, on or about 10 March 2026 in the course of their decision making, Council identified that subject ROL and MCU approval had lapsed on 16 December 2024. Since becoming aware of the lapsing of the subject approval, and in cooperation with Council, the Applicant has undertaken steps towards the re-enlivenment of the application as well as ongoing delivery of the project itself. Notably, key actions taken have included:

- Preparation of an application to the P&E Court seeking the re-enlivenment of the subject application with a view to subsequently make a further application to Council seeking an extension of the Currency Period (this application);
- Progression and approval of a Material Change of Use for Multiple Dwellings and Childcare Centre over part of the subject site (Approved Lot 1); and
- Linked to the above, subsequent approval of:
  - A006908597 – Development Permit for Operational Work (Vegetation Management Plan)
  - A007048531 – Development Permit for Operational Work (Filling and/or Excavation)
  - A007048730 – Development Permit for Operational Work (Road Works and/or Stormwater Drainage).

The latter OPW approvals obtained are all for common elements of the broader development over the site such as the access works and driveway, subsequently allowing for practical steps to continue to be taken towards delivery of the development whilst the application via the Court is pursued. Such serves to demonstrate the Applicant's commitment to the project. The Reconfiguration of a Lot to create the respective development parcels, being Lot 1 on which the Multiple Dwellings and Childcare Centre will be developed, and Lot 2 on which the Place of Worship will be development, is a critical step to facilitate and support the financial delivery of the project.

6.0 Conclusion

Based on the assessment contained herein, it is demonstrated that the approved development remains consistent with the original approval and is considered to advance the intent of the City Plan. This request made in support of an extension to the currency period for the approval of the MCU and ROL aspects of development will allow for the timely delivery of the approved development, noting significant detailed design works have occurred and required to facilitate recent changes to the suite of approved plans.

Additionally, the recent operational works permits obtained have allowed for the Applicant to tender a works package for the Underwood Road access works and internal driveway, a substantial package of works and expense. Works are due to commence in October 2026, further demonstrating the Applicant's commitment to deliver the approved development in the immediate future.

Accordingly, there is no apparent town planning reason to justify refusal of the extension. The assessment provided indicates that maintaining this approval will afford the Applicant procedural fairness in its ability to carry out the recent changed approval in a timely manner whilst complying with an extensive suite of conditions.

It is considered that Council should support an extension to the currency period to both the MCU and ROL aspects of development with a proposed expiry date of the **16 December 2030**.

Should you have any queries concerning the above, please do not hesitate to contact the undersigned on 0478 959 102.

Yours faithfully,



Kassim Mahomed

Town Planner *(BURP, Post Grad Dip URP, Dip PM)*