

Building and Plumbing Newsflash 603

COVID-19 emergency applicable event – 12-month extension to timeframes for undertaking approved development

Purpose

To advise industry about extended timeframes for undertaking approved development under the *Planning Act 2016* (Planning Act), which influence the timeframes for particular building development approvals.

Background

Under the Planning Act, the Minister for Planning can declare an event to be an ‘applicable event,’ if they are satisfied the event may affect a state interest. The declaration ensures the state government can make advanced preparations or respond to emerging circumstances related to events such as a public health pandemic or natural disaster. The Planning Act also enables the Minister for Planning to extend the ‘currency period’ timeframe requirements for undertaking approved development under the Planning Act.

As the Planning Act and *Building Act 1975* (Building Act) are to be read together, particularly for a development approval and a development application, an extension to the ‘currency period’ under the Planning Act needs to be considered by an assessment manager under the Building Act. Although the extension does not impact the timeframe for undertaking approved demolition/removal and/or rebuilding work under section 71 of the Building Act.

On 29 June 2021, the Minister for Planning declared the COVID-19 applicable event (1/2021) under the Planning Act. This declaration was in effect from 29 June 2021 until 30 September 2021 and was extended from 1 October 2021 until 30 April 2022.

On 1 September 2021, the Minister for Planning approved an extension notice which extended timeframes for undertaking approved development under the Planning Act by six months. This extension applied to building development approvals except approvals to undertake demolition, removal and rebuilding work under section 71 of the Building Act.

New arrangements

The Honourable Dr Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure further extended the COVID-19 applicable event, which will now be effective until 24 June 2022.

Under the applicable event, the timeframes for undertaking approved development under the Planning Act and the *Economic Development Act 2012* were extended by a further 12 months. The extension notice has effect from 29 April 2022 to 24 June 2022.

The extension notice applies to particular development approvals that were in effect on 29 April 2022, or that come into effect between 29 April 2022 and 24 June 2022.

The extension notice will, among other things, extend by a period of 12 months a development approval 'currency period' (referred to in section 85 of the Planning Act) and the period required under a 'development condition' for a development to be completed (referred to in section 88 of the Planning Act).

This extension will also extend the 'condition time' for the completion of a development under a building development approval (referred to in section 94 of the Building Act). However, it does not apply to timeframes for building development approvals relating to demolition/removal and/or rebuilding work under section 71 of the Building Act.

Where a building development approval was extended as a result of the six-month extension notices given by the Minister for Planning in July 2020 and/or September 2021, and was still in effect on 29 April 2022, this extension applies in addition to the previous extensions already provided.

For example:

- a building development approval that would ordinarily have lapsed on 29 April 2022 will not lapse until 29 April 2023
- a building development approval that was in effect on 29 April 2022 and would ordinarily have lapsed on 29 April 2023 will not lapse until 29 April 2024.

Examples of where the extension notice will not extend the condition time include:

- building development approvals that had lapsed before 29 April 2022
- building development approvals granted between 29 April 2022 and 24 June 2022 that only took effect after 24 June
- building development approvals for building works to undertake demolition, removal and rebuilding work under section 71 of the *Building Act 1975*.

For more information, please refer to [Newsflash 592](#).

When do the changes take effect?

The current extension notice came into effect on 29 April 2022.

More information

For more information regarding the extension, including a copy of the extension notice, please visit the Department of State Development, Infrastructure, Local Government and Planning's [Fact Sheet - An overview of how the Minister's extension notice under the Planning Act 2016 that took effect on 29 April applies to undertaking approved development](#).

For more building industry information please visit the [Business Queensland website](#).

Contact us

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