

Series | Dead or alive, extended or revived? Lapsing of development approvals

Development approval completion periods under the Planning Act 2016

19 March 2025

THIS SERIES

With the pressure to bring housing supply to market, achieve better infrastructure sequencing and stimulate economic development, there is a timely spotlight on “land banking” and sitting on development approvals without enacting them.

Queensland planning legislation has long contained a ‘use it or lose it’ regime that sees an approval lapse if the requisite action hasn’t happened within the currency period. Over the years this regime has become more complicated to navigate, with differences in default currency periods under different Acts, roll-forward-by-related-approvals provisions in previous legislation, the operation of completion periods and automatic Ministerial extensions for the COVID-19 applicable events.

Our team has been at the forefront in dealing with lapsing of development approvals. In this five-part series **Dead or alive, extended or revived? Lapsing of development approvals** we share our insight on—

- ▶ [Priority development area approval currency periods](#)
- ▶ [Development approval currency periods under the Planning Act 2016](#)
- ▶ [Development approval completion periods under the Planning Act 2016](#)
- ▶ [Pre-Integrated Planning Act 1997 approvals currency periods](#)
- ▶ [Options for approvals that are about to lapse or have lapsed](#)

COMPLETION PERIODS

In this third Insight in our series, we discuss development approval **completion periods**. We have seen many an occasion where misunderstanding of their effect and confusing them with currency periods has resulted in the unexpected lapsing of a development approval.

The concept of a completion period has been a common element of the *Integrated Planning Act 1997 (IPA)*, *Sustainable Planning Act 2009 (SPA)* and the current *Planning Act 2016*. Under each Act, an express example of a permitted development condition (subject to being relevant or reasonably required) is a condition requiring development, or part of development, to be completed within a stated period.

The Planning Act (as did SPA) and the *Building Act 1975* also have provisions that impose a completion period for particular types of development approvals, independent of a development condition. These are also discussed in this Insight.

Not to be confused with currency periods

As discussed in our [previous Insight](#), the currency period controls the timeframe within which development must *start* to avoid a development approval lapsing. In contrast, the completion period is the period within which development or a specified part of development must be *completed*.

Also not to be confused with ‘sunset date’ conditions

Sometimes development approvals may condition what is colloquially known as a ‘sunset date’. This is not the same as a completion period. In the context of material change of use and works, a completion period is the period within which all changes of use of the premises must happen or the carrying out of works must be completed. In contrast, a sunset date condition (then) limits *how long*—

- a lawful use may *continue*; or
- works may *remain in place*.



KEY PROPOSITIONS

- Completion periods are not to be confused with currency periods or sunset date conditions, as each have different effect.
- Generally, a development approval will only be subject to a completion period if a completion period condition has been imposed. Exceptions to this are if the development approval is a variation approval applied for under the Planning Act or SPA, or is a building development approval for demolition/removal/rebuild. For these approvals, the relevant Act contains default completion provisions.

The Planning Act (as did SPA and IPA) expressly contemplates a sunset condition may be imposed, subject to being relevant or reasonably required. A sunset date condition can control the limited duration of intended temporary or interim arrangements or assist in ensuring land is not alienated for other uses the planning scheme ultimately intends for the area in the longer term (eg. a non-industrial use in an industrial area).

The passing of the sunset date does not cause the approval to lapse, but continuing the use or keeping the works in place beyond that date would contravene the condition and give rise to a development offence. If a later sunset date is desired, a change application would need to be made to have the date changed.

How is a completion period set?

Generally, a development approval will only be subject to a completion period if the approval contains a condition requiring development, or part of development, to be completed within a stated period. There are two exceptions to this, where the legislation dictates the completion period—

- 1 For a building development approval for building work to demolish or remove a building or structure or rebuild, after removal, a building or structure.
- 2 For a variation approval applied for under the Planning Act or under repealed SPA section 242.

These exceptions are discussed below.

Building demolition/removal completion period

The *Building Act 1975* contains a default completion period for building development approvals for building work to—

- demolish or remove a building or structure; or
- rebuild, after removal, a building or structure.

The building work must be completed within **1 year** after the approval is given. If the building work is rebuilding, after removal, of a building or structure, any requisite final inspection must be carried out or certificate occupancy given. An application may be made *to the local government* (before the 1 year period ends) for an extension of up to 6 months.



KEY PROPOSITIONS

For variation approvals applied for under SPA or the Planning Act, if there is no conditioned completion period, the completion period will be the period nominated by the applicant in the development application and absent a nomination, the Act’s default period.

Variation approval completion periods

A variation approval lapses if development is not completed within the completion period, as set by—

The conditioned period

A condition can state a completion period.

This applies to all variation approvals, whether applied for under IPA, SPA or the Planning Act.

If there is no conditioned period – the nominated period

If there is no conditioned period, the completion period is the period/s (if any) the applicant nominated in the development application for this purpose.

This applies only to variation approvals applied for under SPA or the Planning Act.

If there is no conditioned period and no nominated period – the Act’s default period

If there is no conditioned period and no nominated period, the completion period is **5 years** after the approval starts to have effect (or for SPA s242 approvals, 5 years after the last related approval takes effect).

This applies only to variation approvals applied for under SPA or the Planning Act.

Given the ability for an applicant-nominated completion period to prevail over the “default” 5-year period in the absence of a conditioned period, local government assessment managers need to be vigilant in identifying whether the development application nominates a period.

Under SPA, the IDAS form (form 31—Application for preliminary approval varying the effect of a local planning instrument) contained the following field:

3. Please nominate the period after which the approval should lapse if the proposed development is started but not completed within the period. (Refer to s. 343 of the Sustainable Planning Act 2009 which sets out when a preliminary approval to which s. 242 of the Sustainable Planning Act 2009 applies lapses if development is started but not completed.)

Although a non-mandatory requirement, it was helpful in readily bringing the nomination to the attention of applicants (to address) and assessment managers (to consider the appropriateness of the nominated period or if a different period should be conditioned). There is no equivalent field in the approved DA forms for the Planning Act. The nomination can be made



KEY PROPOSITIONS

- Building development approvals given after 1 September 2006 with a completion period condition are subject to special process arrangements for their lapsing.

anywhere in the development application. So that it is specifically considered and not inadvertently overlooked, an information request as to the proposed completion period may be warranted.

Building development approvals (not for demolition/removal/rebuilding)

There are also some special process arrangements under the Building Act (which apply instead of the Planning Act) for the lapsing of building development approvals (that are not for demolition/removal/rebuilding) given after 1 September 2006 that contain a completion period **condition**.

The Building Act contemplates that the assessment manager (building certifier) is to give the owner a reminder notice that states a 'lapsing time'. The lapsing time is a time chosen by the assessment manager; it may be after but not before the condition time. The reminder notice must be given 3 - 6 months before the lapsing time. The building development approval will lapse if the lapsing time in the reminder notice has passed and the work has not been completed before the lapsing time.

Effect of the COVID-19 Ministerial extensions on completion periods

The Planning Act empowers the Minister to extend a period for the doing of a thing if the Minister is satisfied it is necessary to do so because of an 'applicable event'. This power was exercised for the COVID-19 public health emergency in 2020 – 2022.

Three Ministerial extension notices were issued which had the effect of automatically extending (for all of Queensland) a development approval's completion period for the following development approvals—

- development approvals for MCU, ROL, OPW or building work (other than for demolition/removal/rebuild) that contain a completion period condition (and whether given under the Planning Act, SPA or IPA), being a development permit or a preliminary approval (including variation approvals);
- the following development approvals that do **not** contain a completion period condition but are subject to a nominated or default completion period [as discussed on page 3 of this Insight]:
 - a SPA s242 preliminary approval;
 - a variation approval applied for under the Planning Act.



KEY PROPOSITIONS

- ▶ A development approval may potentially benefit from up to three Ministerial extension notices issued during the COVID-19 applicable event. These extension notices automatically extended the completion period of development approvals across Queensland.
- ▶ Depending on when the development approval was in effect or came into effect, it may be the beneficiary of an extra 24 months added to the completion period.

Provided the development approval was in effect or came into effect in the date range in the left column below, it benefits from the automatic extension on the right. It is therefore possible for a development approval to have up to 24 months automatically added to its completion period.

If the approval was in effect on 8 July 2020 or came into effect by 31 October 2020	A further 6 months was automatically added to the approval's completion period.
If the approval was in effect on 1 September 2021 or came into effect by 30 September 2021	A further 6 months was automatically added to the approval's completion period.
If the approval was in effect on 29 April 2022 or came into effect by 24 June 2022	A further 12 months was automatically added to the approval's completion period.

What are the options if more time is needed?

The final Insight in this series will discuss the available options if more time is needed to complete the development, both proactively ahead of the development approval lapsing, and also if it is discovered the approval has already lapsed. These have to be dealt with differently to currency periods, as the extension application provisions in the Planning Act are for currency periods only and not completion periods.

If you need assistance in managing the implications of lapsing of development approvals, contact our [Planning and Environment experts](#) who have been at the forefront in assisting public sector and private sector clients in this space over the last 20 years.



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