

9 October 2026

Brisbane City Council
C/- Bronwyn Willis,
Planning Application Review Service
(via email: bronwyn.willis@brisbane.qld.gov.au)

GPC Job Reference: 26.2546

Dear Bronwyn,

RE: RESPONSE TO ACTION NOTICE (APPLICATION REFERENCE: A007103144)

437 HELLAWELL ROAD, SUNNYBANK HILLS QLD 4109 (LOT 967 ON SL8038)

1. INTRODUCTION

This correspondence has been prepared by Gaskell Planning Consultants ('GPC') on behalf of Autism Queensland Limited, and responds to an Action Notice issued on 15 September 2026 by Brisbane City Council in relation to the development application for an access easement benefitting 437 Hellowell Road, Sunnybank Hills, described as Lot 967 on SL8083 ('subject land').

Council has identified that the development application is not 'properly made' in accordance with section 51 In accordance with section 51 of the *Planning Act 2016*. The notice requires the following actions to be made for the application to be considered properly made:

- (1) Clarification is required regarding the purpose of the additional Material change of use permit as a Reconfiguring a lot permit does not change the land use.
- (2) Payment of the application fee is to be made.

Responses to the required actions are set out below.

2. REQUIRED ACTIONS

Item 1 – Purpose of Material Change of Use

The development application comprises both Reconfiguring a lot ('ROL') and Material change of use ('MCU') components.

The ROL component is for the purpose of formally establishing an access easement over the existing driveway at 20 Commodore Street, Sunnybank Hills for the benefit of and to facilitate access to Autism Queensland's facility on the subject land. The ROL does not itself establish lawful use rights but rather formalises legal access rights.

The decision to also apply for an MCU has been deliberately made to ensure the use of the area to which the access easement extent applies – being the existing driveway within 20 Commodore Street – is secured for its intended purpose, which is to provide access solely to the established and approved community use over the subject land.

Establishing lawful use rights for a community use over the easement extent ensures a direct land use correlation between the access driveway and the subject land. The area subject of the MCU has been specifically limited to the easement extent – which is clearly illustrated on the proposed easement plans prepared by GPC (dated 18 August 2026) and provided as part of the application package. The MCU component does not affect the balance of 20 Commodore Street, ensuring the proposed use does not conflict with the existing dwelling.

This arrangement will establish a clear land use connection between the access driveway and the subject land, including the purpose (i.e., community use) as well as the anticipated intensity of the use (i.e., the frequency of traffic using the easement), which has been identified in the application material as having a negligible impact on the surrounding road network.

The intended purpose of the access easement as it relates to the use of the subject land as a community use. This includes the anticipated intensity of use (i.e., the frequency of traffic using the easement), which has been identified in the application material as having a negligible impact on the surrounding road network. It also ensures future land use conflict or issues arising from the use of the subject land changing are able to be appropriately mitigated.

Without a corresponding MCU, the ROL alone would formalise legal access rights but would not, in itself, adequately limit how the easement area may lawfully be used. In the absence of an approved use over the easement extent, there would be no statutory mechanism tying the driveway's function to the community use it is intended to serve. Should the use of the balance of 20 Commodore Street change in the future (via a separate development approval or accepted development pathway), the easement area could be relied upon to service a different, and potentially incompatible, use – without requiring assessment of its suitability. Securing an MCU over the easement extent specifically for the purpose of providing access to the approved community use provides a robust mechanism for managing this risk, ensuring the land use nexus between the driveway and the subject land is enforceable through the development approval.

As part of an approval package, the applicant recommends that Council imposes a condition which limits the use of the access easement for its intended purpose.

Accordingly, it is our view that the MCU component of the application should remain.

Item 2 – Application Fee

The application fee has been paid. The tax invoice is attached.

3. CONCLUSION

In accordance with section 3.2 of the Development Assessment ('DA') Rules, all actions under the Action Notice have been complied with, and the application is now considered to be properly made. We respectfully request Council to issue a Confirmation Notice at its earliest convenience, in accordance with section 3.4 of the DA Rules.

Yours sincerely,



Luke Butler
Principal Planner