

Ref: 24-0307P/01

11 August 2026

Attn: Beau Morris

Brisbane City Council

GPO Box 1434

Brisbane QLD 4001

Via email: [beau.morris@brisbane.qld.gov.au](mailto:beau.morris@brisbane.qld.gov.au)/ [DSPlanningSupport@brisbane.qld.gov.au](mailto:DSPlanningSupport@brisbane.qld.gov.au)

RE: Notice of Change to Development Application  
210 Learoyd Road, Willawong, QLD 4110 - A006739543

Dear Beau,

### Introduction

We write regarding the above-described development application and hereby provide written notice of a change to the development application in accordance with section 52(1) of the *Planning Act 2016* (**Planning Act**).

### Supporting Material

The following material is provided to assist in Brisbane City Council's (**Council**) assessment of the changes.

| Document Title                                           | Prepared By           | Date           |
|----------------------------------------------------------|-----------------------|----------------|
| Signed Owner's Consent                                   | Brisbane City Council | 6 August 2026  |
| Amended DA Form 1                                        | Therefor Group        | 11 August 2026 |
| Further Advice Response Letter and accompanying material | Therefor Group        | 21 May 2026    |
| Council Letter Supporting the Proposed Sewer Works       | Brisbane City Council | 10 March 2026  |
| Property Searches                                        | Therefor Group        | 11 August 2026 |

### Overview of Changes

On behalf of the applicant, Luzerong Pty Ltd, we are seeking to change the abovementioned development application to include a new land parcel, being 251 Paradise Road, Willawong (Lot 900 on SP315966).

The purpose of including this lot is to enable the infrastructure sought by Council's Asset Management team, being the fire trail over the proposed sewer infrastructure extension, to be appropriately conditioned for delivery through the development approval. The requirement for the delivery of this infrastructure is detailed in the attached 'Council Letter Supporting the Proposed Sewer Works'.

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Importantly, the applicant is not seeking to make any changes to the proposed development beyond what has already been assessed by Council. No changes are proposed to the nature, scale, intensity or operation of the development, or to the development outcomes previously presented as part of the application. The proposed change is limited to the inclusion of Lot 900 within the application so that the infrastructure sought by Council's Asset Management team can be appropriately incorporated into the development approval and conditioned for delivery by Council's Planning team.

The proposed change therefore provides a mechanism for the delivery of infrastructure that has already been considered through the assessment process, rather than introducing a new or materially different development outcome.

### Application History

The inclusion of Lot 900 on SP315966 within the development application has arisen from the ongoing discussions with Council regarding the delivery of sewer infrastructure and the associated fire trail.

Lot 900 was originally contemplated as part of the development application, with the applicant submitting a landowner consent request to Council on 1 August 2025. Following discussions with Council officers, the applicant was subsequently advised to remove Lot 900 from the amended DA Form 1 on the basis that the sewer connection approval would be addressed separately through Urban Utilities rather than through the development assessment process.

As the application progressed, Council's Asset Management team subsequently advised that consent for the construction of sewer infrastructure within Council land would be subject to, amongst other matters, the reinstatement of the land, reconstruction of the boundary fence and construction of a fire trail over the sewer infrastructure.

The requirement for the fire trail has consequently necessitated the inclusion of Lot 900 within the development application to enable the relevant works to be appropriately conditioned for delivery through the development approval.

The proposed change therefore arises from the evolution of Council's requirements during the assessment process and is not the result of any proposed change to the development itself. The development outcomes previously assessed by Council remain unchanged.

### Referral Requirements

With reference to Figure 1 below, which has been extracted from the Civil Engineering Response Letter and Plans, the proposed fire trail and sewer infrastructure will not interfere with more than 500m<sup>2</sup> of Core Koala Habitat within the Koala Priority Area and therefore constitutes exempted development as defined by the *Planning Regulation 2017*.

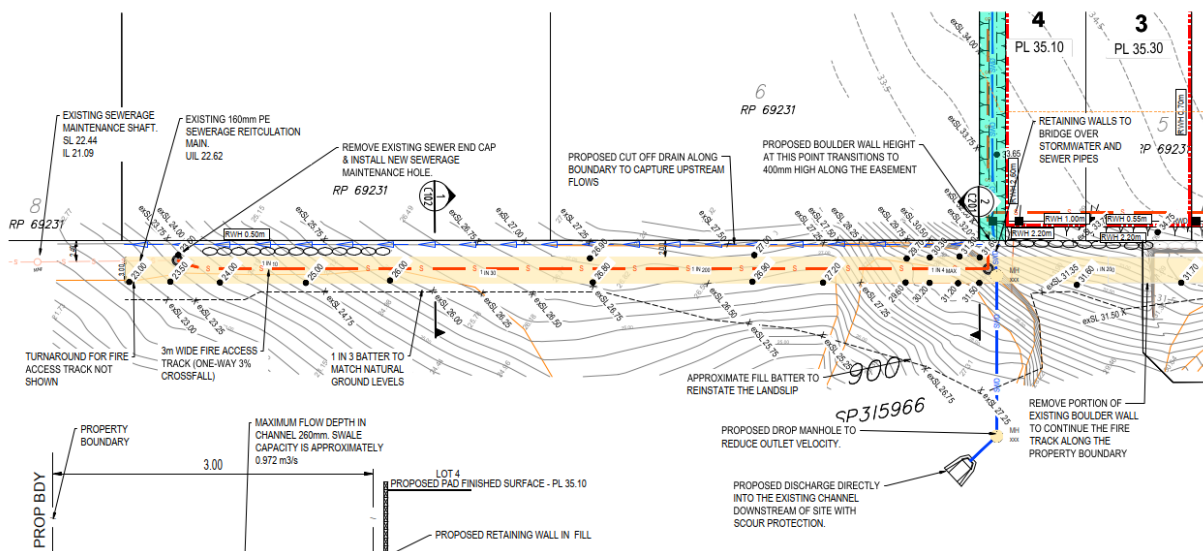


Figure 1 - The Fire Trail Proposed Over Sewer Infrastructure

The only other relevant referral matter associated with Lot 900 relates to the Powerlink infrastructure extending north-south along the eastern extent of the site. As demonstrated by the accompanying plans, the proposed works will not encroach upon or otherwise interfere with this infrastructure.

Notwithstanding the above, Powerlink is already a referral agency for the development application and is required to be notified by Council in accordance with section 25.1(a) of the Development Assessment Rules (**DA Rules**). Accordingly, the inclusion of Lot 900 does not introduce a new referral agency or require assessment of a new referral matter by Powerlink.

#### Effect on Development Assessment Process

In response to section 52(2) of the Planning Act, we advise that:

- there is no change to the applicant, which remains Luzerong Pty Ltd;
- new land is proposed to be in the development application, being Lot 900 on SP315966. Accordingly, signed landowner consent is provided in accordance with section 51(2) of the Planning Act; and
- the proposed changes does not involve the inclusion of prohibited development.

For the purposes of section 52(3) of the Planning Act, the applicant acknowledges that the proposed change constitutes substantially different development as set out in Schedule 1 of the DA Rules, on the basis that an additional parcel of land is proposed to be included in the development application.

The proposed change does not trigger referral to any additional referral agencies, nor does it require an existing referral agency to assess or have regard to any additional matters. Notwithstanding this, the applicant acknowledges that the inclusion of Lot 900 increases the number of adjoining owners relevant to the application and, accordingly, understands that public notification will need to be undertaken again to provide those adjoining owners with an opportunity to make a submission regarding the proposed development.

The applicant understands that, for a change that is not a minor change, section 26.1 of the DA Rules provides that the development assessment process does not stop where the assessment manager is satisfied that the change:

- (a) only deals with a matter raised in a properly made submission for the application; or
- (b) is in response to an information request for the application; or
- (c) is in response to further advice provided by an assessing authority about the application.

In this instance, the proposed change has arisen directly from further advice provided by Council during the assessment process. Specifically, Council's Asset Management team has identified requirements for infrastructure within Council-owned land, including the construction of the fire trail over the proposed sewer infrastructure. The inclusion of Lot 900 has subsequently been requested to enable these works to be appropriately incorporated into the development approval and conditioned for delivery by Council's Planning team.

Accordingly, the applicant considers that the proposed change aligns with the circumstances described in section 26.1(c) of the DA Rules, being a change made in response to further advice provided by an assessing authority about the application. On this basis, the applicant considers that the development assessment process should be able to continue from its current stage without recommencing.

Notwithstanding the above, the applicant acknowledges that public notification will need to be undertaken again as a consequence of the inclusion of Lot 900 and the resulting increase in the number of adjoining owners. Section 26.2(c) of the DA Rules provides a mechanism by which public notification may be undertaken without stopping the development assessment process.

Given the circumstances in which the proposed change has arisen, the applicant requests that Council consider applying this mechanism and confirm in writing within five business days of receiving this notice whether Council is satisfied that the change can be progressed in accordance with section 26.1 of the DA Rules and that public notification can be undertaken without stopping the development assessment process.

If Council is not satisfied that the proposed change falls within section 26.1, the applicant understands that section 27.1 of the DA Rules provides that the development assessment process will stop on the day the notice of change is received by the assessment manager and recommence at the beginning of the confirmation period.

In that circumstance, the applicant requests that Council confirm the applicable process and the resulting effect on the current assessment, including when public notification may commence.

The applicant therefore respectfully requests Council's written confirmation as to whether the proposed change can be processed pursuant to sections 26.1 and 26.2(c) of the DA Rules, allowing the existing development assessment process to continue, or whether Council considers that the application must proceed in accordance with section 27.1 of the DA Rules and the development assessment process recommence.

### Conclusion

We kindly ask that Council assess the amended material and proceed with their assessment of the development application accordingly.

Should you have any further queries regarding this application, please do not hesitate to contact the undersigned on (07) 3666 5200.

Yours sincerely,



Nicholas Hall

Senior Project Coordinator

**Therefor Group**