

From: Alanna Walker
Sent: Tuesday, 22 September 2026 4:03 PM
To: Development
Subject: FW: Change application 83 Kowitz Road

From: Julie Giguere <julie.giguere@fyfe.com.au>
Sent: Tuesday, 22 September 2026 4:00 PM
To: Alanna Walker <Alanna.Walker@tr.qld.gov.au>
Subject: RE: Change application 83 Kowitz Road

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Hi Alanna,

Thank you for your reply.

Could I kindly request that Council reconsider the requirement for Owner's Consent on the basis that the proposed minor change seeks only to amend components of the approved external road works and does not seek to change:

- the approved material change of use on the subject land;
- the approved development footprint;
- the intensity, scale or nature of the approved land use; or
- any aspect of the development occurring on the land subject to the MCU approval.

In this case, the land affected by the proposed changes is not the BESS site that is the subject of the approved material change of use, but rather the Council road corridor.

It is also noted that, as part of the original development application, Owner's Consent was not required from Council in relation to the road works within the road reserve, notwithstanding that those works formed part of the assessment material supporting the application. The current amendment relates solely to modifications to those previously approved road works and does not alter the approved use of the subject land.

Given the proposed changes are confined to works within the road corridor and do not affect the approved use of the premises, would Council consider waiving the requirement for Owner's Consent in this instance? I do note that the guidelines for minor change mention that Owners' consent, if relevant is to be submitted. ([factsheet-changing-cancelling-and-extending-das.pdf](#))

Kind regards,

Julie

Julie Giguere | Senior Consultant - Environmental Planner

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From: Alanna Walker <Alanna.Walker@tr.qld.gov.au>

Sent: Wednesday, 16 September 2026 2:52 PM

To: Julie Giguere <julie.giguere@fyfe.com.au>

Subject: Change application 83 Kowitz Road

Hi Julie,

I reviewed your change application MCUI/2023/3647/B, and found that no owners consent was submitted, but is required in the Planning Act 2016 (Section 79(2)). Additionally with DA form 1 please provide answers to part 8, 9, 10, 11, and 12, select yes for part 7, and select yes for part 2.

The responsible engineer for this application is currently away, so I'll check with them hopefully by the end of next week and let you know.

79 Requirements for change applications

- (1) A change application must be—
 - (a) made in the approved form; and
 - (b) accompanied by—
 - (i) the required fee; and
 - (ii) for an application for a minor change—a copy of any pre-request response notice for the application.
- (2) Also, a change application must be accompanied by the **written consent of the owner of the premises** the subject of the application to the extent—
 - (a) the applicant is not the owner; and
 - (b) the application is in relation to—
 - (i) a material change of use of premises or reconfiguring a lot; or
 - (ii) works on premises that are below high-water mark and outside a canal; and
 - (c) the premises are not excluded premises.

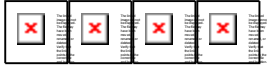
Kind Regards,

Alanna Walker
Assistant Planner
Planning

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