

16 July 2026

Our Reference: 449Z3

Toowoomba Regional Council

BY EMAIL TRANSMISSION

development@tr.qld.gov.au

RECEIVED
16/07/2026
TOOWOOMBA
REGIONAL COUNCIL

Dear Sir / Madam

RE: RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE – IMPACT – EXTENSION TO EXISTING RETIREMENT FACILITY (25 DWELLINGS) - 25 TALL OAK DRIVE, COTSWOLD HILLS QLD 4350, 1-11 TALLOWOOD BOULEVARD, COTSWOLD HILLS QLD 4350 - LOT 1 SP330786 AND LOT 3 SP338483

On behalf of our client Gemstone Lifestyle No.8 Pty Ltd (the Applicant), I submit herein a request to Toowoomba Regional Council (Council) for a proposed Material Change of Use development application for an Extension to an Existing Approved Retirement Facility, pursuant to Section 50 of the *Planning Act 2016* (Planning Act).

The following information has been provided to support the change request:

Attachment 1	Proposal Plans prepared by Virage Architects
Attachment 2	Stormwater Management Report prepared by Westera Partners
Attachment 3	Engineering Report prepared by Westera Partners
Attachment 4	Earthworks Plans prepared by Westera Partners
Attachment 5	Operational Waste Management Plan prepared by Range Environmental
Attachment 6	Amended Statement of Landscaping Intent prepared by Zone Landscape Architecture
Attachment 7	Traffic Impact Assessment prepared by PTT Traffic and Transport Engineering
Attachment 8	Toowoomba Council Planning Scheme Code Assessment
Attachment 9	SDAP Assessment
Attachment 10	Planning Act Form 1

1.0 Summary of proposal

The development proposed within this application seeks approval for a Retirement Facility comprising 25 dwellings including associated internal roadways and landscaping around the periphery. The proposal is intended to represent an extension to the existing approved facility over Lot 1 on SP330786 and seeks to utilise infrastructure, access, services, facilities and amenities associated with that approval (Council

Reference MCUI/2020/1802/C).

Table 1 compares the key elements associated with the proposal in the context of the existing approved Retirement Facility over Lot 1.

Material Change of Use – Retirement Facility		
	Existing Approved over Lot 1	Proposed Extension over Lot 3
Number of Dwellings and Configuration	205 retirement dwellings (2 bedroom - 143) (3 bedroom – 62)	25 retirement dwellings (2 bedroom + multi-purpose room)
	- 190 x (13.0m x 25.0m standard lots; - 11 x (12.0m x 25.0m small lots); - 4 x (13.0m x 21.0m small lots)	- 6 x (13.0m x 25.0m standard lots; - 7 x (13.0m x 21.0m small lots) - 11 x (12.0m x 25.0m small lots) - 1 x (14.0m x 23.0m small lots)
Building Height	No greater than 2 storeys or 8.5 metres above ground level.	No change
Setbacks	• Primary Frontage (Hermitage Road) – 5m • Secondary Frontage (Gowrie Junction Road) – Ranges between 4.5m and 12.7m to villa ‘lot’ areas and 6m to internal access driveway • Sides – 4.5m to villa ‘lot’ areas	• Secondary Frontage (Gowrie Junction Road) – Ranges between 4.5m and 12.7m to villa ‘lot’ areas and between 4.5m and 6m to internal access driveway • Secondary Frontage (Tallowwood Boulevard) – 4.5m + • Secondary Frontage (Tall Oak Drive) – 3.5m to 4.5m • Sides – 4.5m to villa ‘lot’ areas
Car Parking	Each dwelling accommodates a single or double garage and an additional 56 visitor spaces dispersed throughout the development.	Each dwelling accommodates a single or double garage and an additional 6 visitor spaces located adjacent to the Gowrie Junction Road frontage.
Site Access	Vehicular access to the development site is to be provided via a single all-movements crossover on Tall Oak Drive.	Vehicular access to the development site will rely on the existing approved access arrangement over Lot 1.
Proposed Servicing Arrangements	9.5m long RCV manoeuvring throughout the site has been demonstrated	9.5m long RCV manoeuvring throughout the site will be retained as per swept paths in the Traffic Impact Assessment Report included in Attachment 7 .

Figure 1 is the approved development layout on adjoining Lot 1. **Figure 2** depicts the proposed extension layout.

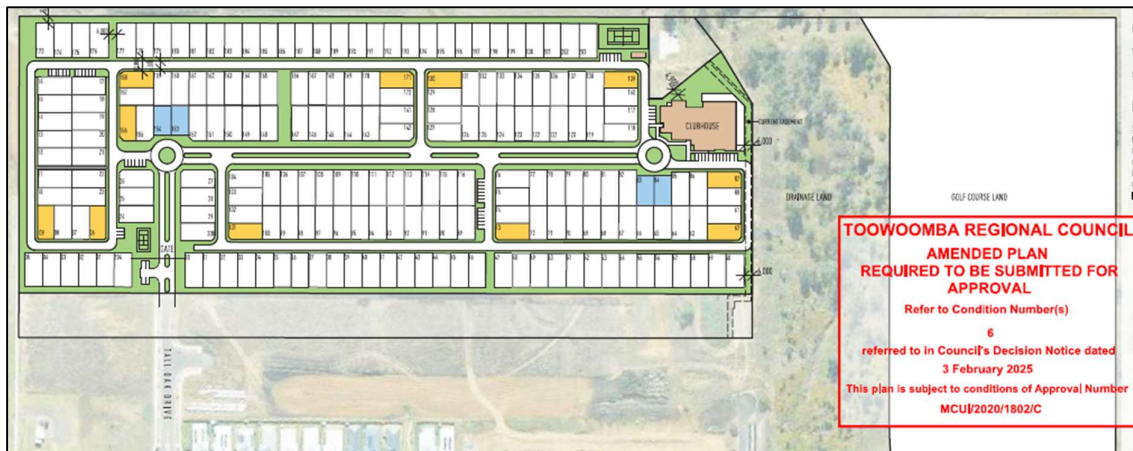


Figure 1 – existing approved development layout

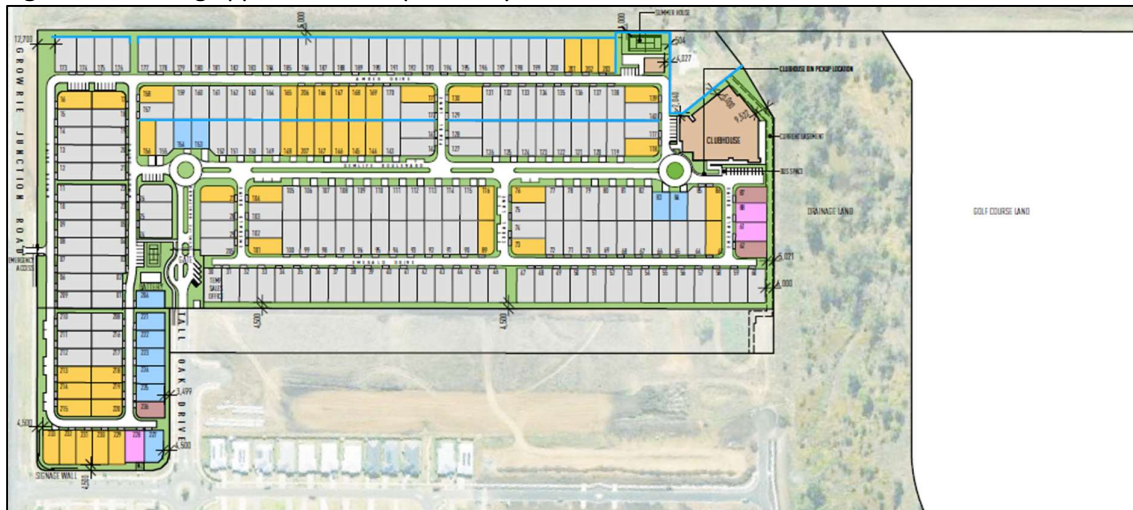


Figure 2 – proposed extension layout over Lot 3

Supporting Technical Reports:

In support of this development application, the following specialist reports listed in **Table 2** below have been commissioned and accompany this planning assessment report:

Table 2 – Supporting documentation

Report title	Prepared by	Date	Reference
Stormwater Management Report	Westera Partners	11 June 2026, Revision A	Ref B24-058-3
Engineering Report	Westera Partners	11 June 2026, Revision A	Ref B24-058-3
Earthworks Plans	Westera Partners	18 June 2026, Revision A	Sheets 1 – 7, B24-058-3-01 to B24-058-3-E07

Report title	Prepared by	Date	Reference
Waste Management Plan	Range	15 June 2026, Version 5	
Statement of Landscaping Intent	Zone Landscape Architecture	8 June 2026, Revision R	L24085
Traffic Impact Assessment	PTT Traffic and Transport Engineering	15 June 2026	26-601

2.0 Site Details

2.1 Site Description

The subject land is located at 25 Tall Oak Drive and 1 – 11 Tallowwood Boulevard, Cotswold Hills, Qld 4350 and legally described as Lot 1 and Lot 3 on SP338483 and has a combined area of 11.756ha. The site is irregular in shape and has a frontage to Hermitage Road (circa 463m), Gowrie Junction Road (circa 320m), Tallowwood Boulevard (circa 94m) and Tall Oak Drive (circa 113m).

The subject site falls from 530m AHD in its southwestern extents in a north and north easterly direction towards Hermitage Road towards low points ranging between 520m AHD in the western extent of Hermitage Road frontage and 516m AHD in the eastern corner adjacent to the Sewer Pump Station. An Aerial of the subject site and Cadastral Smart map provided below for reference within **Figure 3** and **Figure 4** respectively.



Figure 3: Aerial View and Site Identification, Source: NearMap, May 2026



The subject land is surrounded by a mix of rural, rural residential, emerging community and low density residential zoned land and land use development. **Table 3** below provides a summary of the land uses that directly adjoin the site:

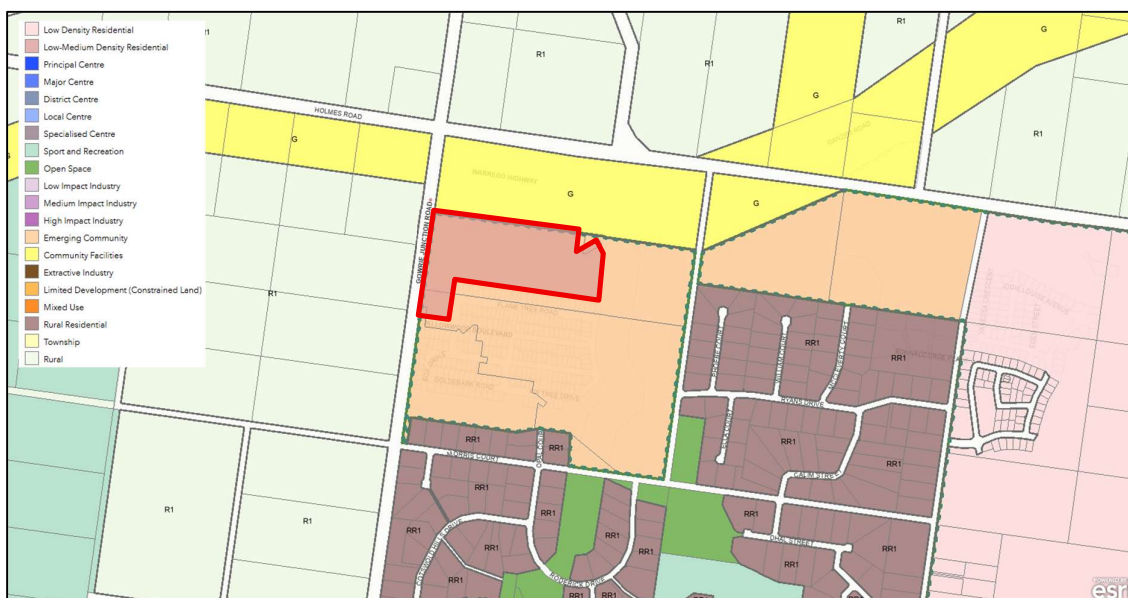


Figure 6: Subject site zone designation (Source: Toowoomba Online Smart Maps)

Table 3 – Surrounding land uses

Surrounding land uses	
North	Hermitage Road, Warrego Highway/Toowoomba Bypass and Rural Land Holdings and dwellings
South	Low density residential lots, comprising of detached dwellings, secondary dwellings and associated structures, generally incorporating lot sizes between 600m ² and 1,500m ²
East	Drainage Reserve and Land approved for a Retirement Facility (211 Units) under Council Reference - MCUC/2024/8091.
West	Rural Land Holdings and dwellings

2.3 Surrounding Services and Facilities

The subject land is positioned within proximity to a range of services and facilities located within the nearby township of Toowoomba. These services and facilities include, but are not limited to early learning centres, primary schools, healthcare and community services, public transport, retail shopping facilities and recreational opportunities. The site's approximate proximity to these available services is further detailed in **Table 4** below:

Table 4 – Proximate services and facilities

Proximate services and facilities		
i.	C&K Fairview Heights Community Kindergarten & Fairview Heights State School	Approx. 5.0km
ii.	The Doctors on Erin Street	Approx. 7km
iii.	Cobb+Co Museum & Queens Park Toowoomba	Approx. 10.8km

Proximate services and facilities

iv. Grand Central Shopping Centre

Approx. 10.4km

Relevant development applications or historical approvals

- RAL/2014/708/C- Reconfiguring a Lot - Three (3) Lots into 191 Residential Lots (4 7 Stages) plus One (1) Balance Lot, Park Lot and Drainage Lot in seven (7) stages

3.0 Assessment Framework

3.1 Level of Assessment

The proposed development application is made impact assessable pursuant to the development assessment Table 5.5.1 Emerging Community Zone of the Toowoomba Regional Planning Scheme. The level of assessment is unchanged by the development assessment Table 5.10 Overlays.

Table 5 – Current Planning Instrument Details

Regional Plan:	ShapingSEQ – South East Queensland Regional Plan 2017
Designation:	Urban Footprint
Planning Scheme:	Toowoomba Regional Planning Scheme (Version 28 – Commenced 28 Nov 2022)
Zone:	Emerging Community
Temporary Local Planning Instrument	Nil
Level of Assessment:	Impact Assessable
Applicable Overlays:	<i>Toowoomba Regional Planning Scheme</i> • Airport Environs – 8km Wildlife Hazard Buffer Zone & Lighting Area Buffer (6km). • Environmental Significance – Waterways and Wetlands Buffer. • Flood Risk Categories - Various. <i>Development Assessment Mapping System</i> • Water Resources – Water resource planning area boundaries and Great artesian water resource plan area. • Areas Within 25m of a State Transport Corridor
Applicable Codes:	• Emerging Community Zone Code • Low Density Residential Zone Code. • Medium Density Residential Code. • Environmental Standards Code. • Integrated Water Cycle Management Code.



- Landscaping Code.
- Transport, Access and Parking Code.
- Works and Services Code.
- State Planning Policy (July 2017) Appendix 2 – Stormwater management design objectives.

Strategic Framework

The Planning Scheme includes a Strategic Framework which sets the policy direction for the region and forms the basis for ensuring appropriate development outcomes occur. The Strategic Framework is premised on seven (7) themes that seek to achieve the strategic intent established by the Planning Scheme, comprising:

- i. Settlement Pattern;
- ii. Natural environment
- iii. Community identify and diversity
- iv. Natural resources and landscape
- v. Access and mobility
- vi. Infrastructure and services
- vii. Economic development.

The proposed development has been assessed against the relevant provisions of the Strategic Framework within the Planning Scheme.

Of relevance relates to the fact that the subject site is identified as a 'Greenfield Area'. With respect to key provisions of the Settlement Pattern Theme, the Planning Scheme notes that:

3.3.1 (6) "Residential development in greenfield areas will initially be dominated by detached housing on lots over 500m² in area; however, greater diversity will develop around centres, parkland and employment areas as they establish under the guidance of a local plan."

The proposed extension to the existing retirement facility will achieve a residential density of 21.8 dwellings per hectare over Lot 3, which suggests that the proposal is not materially significant to the target density of 15 dwellings per hectare anticipated for Greenfield Development Areas under the Planning Scheme and remains commensurate the existing approval over Lot 1 which achieves a density of 19.5 dwellings per hectare.

Additionally, residents of the proposed development will have full access to the greenspaces and recreational facilities and services provided within the previously approved retirement facility, which will be available by the time the dwellings that form part of this development are delivered.

Overall, the proposed development is consistent with the intent of the Strategic Framework and supports

the planned settlement pattern and housing diversity objectives for Greenfield Areas.

Table 6 – Assessment of Relevant Emerging Community Zone Overall Outcomes

Overall Outcome	Applicant Response
<i>(a) Development for new communities:</i> <i>(i) occurs after detailed land use master planning and infrastructure planning of areas within the zone has been undertaken;</i> <i>(ii) is guided by and achieves the outcomes of the relevant Local Plan;</i> <i>(iii) occurs in a logical pattern that facilitates the timely and cost-efficient provision of infrastructure and supports the staged release of land;</i> <i>(iv) dual occupancy development is dispersed throughout residential neighbourhoods and does not become the dominant housing form in the street;</i> <i>(v) a high level of integration with existing and future urban development is achieved having regard to movement networks, open space and recreational facilities, centres and community infrastructure;</i> <i>(vi) urban development in accordance with a master planning process provides for a variety and diversity of housing types and achieves a minimum dwelling yield of 15 dwellings per hectare net;</i> <i>(vii) movement networks are established to promote active transport (walking and cycling) and public transport;</i> <i>(viii) development retains and protects significant environmental, topographic, scenic and cultural features and values;</i> <i>(ix) development provides for sufficient buffering to existing or intended non urban or incompatible uses in surrounding areas;</i>	A development approval benefits Lot 1 SP330786 for a Retirement Facility (Council File Reference: MCUI/2020/1802 & RAL/2020/1808). The original application was subject to impact assessment and was ultimately approved by Council. The proposed extension to the existing Retirement Facility over Lot 3 SP338483 is located on land included in the Emerging Community Zone and represents impact assessable development. Despite this, Lot 3 SP338483 is taken to represent what can reasonably be considered infill development in the context of Overall Outcome (a) (i) when considering the circumstances of the individual site and relationship with adjoining Lot 1 SP330786. The proposed additional dwellings are taken to represent a logical extension to the existing approved development and will serve to reinforce the existing approved development. The proposed extension to the existing retirement facility will achieve a residential density of 21.8 dwellings per hectare over Lot 3, which is consistent with the target density of 15 dwellings (minimum) per hectare anticipated for Greenfield Development Areas under the Planning Scheme and remains commensurate the existing approval over Lot 1 which achieves a density of 19.5 dwellings per hectare. Additionally, the infrastructure required to service the subject site has been assessed within the previous application and will sufficiently accommodate the expected capacity generated

Overall Outcome	Applicant Response
	from the proposed extension to the existing approved retirement facility. The proposal will benefit from the movement networks, open space, recreational facilities and infrastructure associated with the retirement facility.
<i>b) Interim development:</i> <i>(i) which is, or has the potential to become, incompatible with future urban development of the area does not occur;</i> <i>(ii) consists of detached dwelling houses, caretakers accommodation and home based business on large lots</i> <i>(iii) is compatible with the existing semi-rural character and urban uses</i>	The proposal is not intended to represent 'interim development'.

3.4 Development Codes

Although the application is impact assessable, and therefore assessable against the entire Planning Scheme, the following codes are deemed most relevant to the assessment of the application. A general comment about how the development associated with the proposal complies with the key outcomes of each of these codes is set out below:

Emerging Community Zone Code and Low-Density Residential Zone Code:

The Emerging Community Zone Code is intended, among other things, to ensure that development occurs following detailed land use and infrastructure planning for areas within the zone.

Whilst Lot 3 is located within the Emerging Community Zone, the proposal serves to represent a logical extension of the approved residential development on the adjoining Lot 1. The site's position and its relationship to Lot 1 support its consideration as infill development, rather than a standalone development which may otherwise justify broader further land use and infrastructure planning considerations as envisaged generally by the Emerging Community Zone.

Accordingly, the attached code assessment (**Attachment 8**) demonstrates that the proposal appropriately addresses the relevant provisions of the Low-Density Residential Zone Code.

Medium Density Residential Zone:

The proposal is taken to respond suitably against the relevant provisions of the Medium Density

Residential Code to the extent that they relate to a Retirement Facility. See **Attachment 8** for the code assessment.

Environmental Standards Code:

The proposed development relates to an extension to an existing retirement facility in the form of additional dwellings which can be described as infill development in an existing urban residential area. It is submitted that the proposal will not offend or undermine the outcomes sought by the Environmental Standards Code.

Integrated Water Cycle Management Code:

It is noted that Council is accepting of a stormwater quality contribution for the adjoining development as it is encompassed by the existing Infrastructure Agreement (IA) for the original RAL approval.

As this proposal will ultimately form part of the overall layout, it is respectfully submitted that it is logical from Council to accept that adjoining previous accepted arrangement (IA contribution for stormwater quality) in lieu of stormwater quality measures to service a small portion of the development footprint.

Accordingly, this request is accompanied by the attached conceptual stormwater management plan prepared by Westera Engineering (**Attachment 3**) which has removed reference to stormwater quality devices.

Landscaping Code:

Landscaping will primarily be delivered under the outcomes approved by under the higher order Retirement Facility approval that exists on the site (Council Reference MCUI/2020/1802/C) and extended for the proposed additional dwellings, commensurate with the standard established under that approval.

The Gowrie Junction Road setbacks will allow for a minimum of 4.5m width to provide for landscaping whilst a minimum setback of 4.5m is also available to Tallowood Boulevard (exclusive of the pad mounted transformer). The setbacks between the villa lots and Tall Oak Drive are proposed to range between 3.5m and 4.5m respectfully. It is submitted that the interface to these road frontages will offer a vastly improved outcome when compared to a conventional standard format lot arrangement.

Further details regarding the landscaping treatment can be found via the attached Statement of Landscaping Intent prepared by Zone Landscape Architecture (**Attachment 6**). Also see **Attachment 8** for the code assessment.

Transport, Access and Parking Code:

In response to the requirements of the Transport, Access and Parking Code, a traffic impact assessment

has been prepared by PTT Traffic and Transport Engineering considering the proposed additional dwellings including revisions and amendments to the existing approved development in the context of the above code. That report provides the following key observations and recommendations as it relates to the proposal:

- The existing approved access point will be retained, located at the end of Tall Oak Drive - no additional access points are proposed or required.
- The design proposes to accommodate around 7 vehicle lengths (43m) between the security gate and the Tall Oak Drive site boundary, which is sufficient for its intended purposes in line with AS2890.1.
- A minimum of 30 spaces (including 25 residential spaces plus 5 visitor spaces) is required under the Toowoomba Regional Planning Scheme. The development will provide each dwelling with a double garage and an additional 6 visitor parking spaces, well more than the minimums required.
- The additional dwellings will be serviced by an internal layout, commensurate with the parameters established under the original approval, including catering for a side-lift refuse collection vehicle, being the largest vehicle expected to access the development. Additionally, that sufficient clearance will continue to be available to ensure that the side arm of RCV can access each wheelie bin without obstruction.
- The additional traffic generated by the additional dwellings will have a negligible impact on the Gowrie Junction Road/Tallowwood Boulevard intersection.
- No additional upgrades/changes to the existing turn treatments at the Gowrie Junction Road/Tallowwood Boulevard intersection or surrounding road network are necessary to support the additional development proposed because of this application.

Further comments have been provided via **Attachment 8** pertaining to the code assessment.

Works and Services Code:

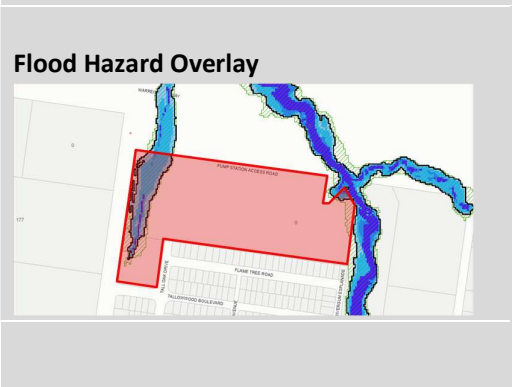
A full range of urban infrastructure and services will be provided to service the additional dwellings proposed through this application, broadly commensurate with the servicing strategy associated with the existing Retirement Facility approval issued over Lot 1 (Council Reference MCUI/2020/1802/C & RAL/2020/1808). See **Attachment 8** for the code assessment.

3.5 Overlays:

The subject site is mapped as being constrained by some planning scheme overlays, as shown in the overlay map extracts below. A general summation of how the proposal complies with the applicable overlay code is summarised in **Table 7** below:

Table 7: Assessment of relevant Overlay Code

Overlay	Applicant Response
Airport Environs	

Overlay	Applicant Response
	The subject site is identified as being within the Airport Environs Overlay 8km Wildlife Hazard Buffer Zone & Lighting Area Buffer (6km). The nature of the proposed extension relates to inclusion of additional (single storey) dwellings over Lot 3 which will be well below 8.5m in height. The proposal will not undermine the intent of the outcomes sought by the Airport Environs Code.
Environmental Significance 	There is mapped waterway buffer mapping that affects the western and northwestern extents of the site. By way of background, the associated application MCUI/2020/1802 established that this mapping did not accurately reflect the on-site conditions owing to the fact that the local flow paths had been redirected as part of the construction of the Essence Estate (Stage 1), the Hermitage Road/Gowrie Junction Road upgrade and the Toowoomba Second Range Crossing. That application was also referred to SARA (DAFF) who accepted this advice and consequently removed this waterway designation under their mapping. It is submitted that for the above reasons, further consideration to this matter is not warranted.
Flood Hazard Overlay 	The development site is impacted by Council's flood mapping within an existing gully in the east of the site and along the western edge of the site. Works have been undertaken along the stormwater gully to the east of the subject site to ensure the land is flood free and along Gowrie Junction Road to direct the west overland flow into a table drain. Accordingly, these matters have been resolved, and the proposal satisfies the intent of the Flood Hazard Overlay. .

3.2 West Toowoomba Land Use Investigation (WTLUI)

Reference is made to the Western Toowoomba Land Use Investigation, which forms part of the local planning investigations by Council to guide growth and development in the Toowoomba Region. It is recognized that this is a non-statutory document that was adopted by Council on 21 March 2017 that has been previously used to guide future growth.

In terms of its applicability in the circumstances, the following is noted:

- This 2016 report is *no* longer available as a public facing document on Council's website;
- Relevantly, Council's website notes that the WTLUI has been completed, but not commenced unlike the remainder of the completed projects on Council's website such as the Drayton Local Plan, Central Highfields Master Plan or the Highfields/Meringandan/Meringandan West local plan/land use investigation.
- This document has *not* been incorporated into Council's Planning Scheme, nor is there any indication that there is an intention for it to be incorporated into a future planning scheme.

In this regard, it is submitted this document should not be given any significant weight as a 'relevant matter' in the assessment of this development application.

3.3 Toowoomba Region Growth Plan 2023

In 2023 the *Toowoomba Region Growth Plan* was publicly advertised. The growth plan is one of the first steps towards preparation of a new planning scheme for the Toowoomba region. **Figure 7** below is an extract from the future growth areas map included in the growth plan. The map indicates the land's proposed inclusion in a residential zone. In addition to the emerging community zoning and the existing approval, this most recent strategic planning document affirms the site's continued intent to be developed for residential purposes.





Figure 4: Future Growth Areas within TUE excluding Cambooya and Wyreema (Source: PSA, 2022)

Figure 7 – extract from Toowoomba Region Growth Plan

3.4 Matters Requiring Referral

The proposal has been assessed against Schedule 10 of the *Planning Regulation 2017* and the relevant triggers which require referral to the State Assessment Referral Agency (and Ergon) are outlined in Table 8 below.

Table 8 – Referral Agencies

Referral Agency	Referral Type	Referral Agency Trigger	Trigger ID
SARA	Concurrence	Development near a state transport corridor	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
Ergon	Advice	Material change of use of premises near a substation site or subject to an easement	Schedule 10, Part 9, Division 2, Table 2 – Item 1

4.0 Conclusion

- i. This report has assessed the town planning matters related to a proposal to the Toowoomba Regional Council for a Material Change of Use of Premises to establish a Retirement Facility (Extension) on land at 1-11 Tallowood Boulevard, Cotswold Hills.
- ii. The development represents a logical extension to an existing approved Retirement Facility and builds on the outcomes secured by that approval.
- iii. The proposed development is consistent with all relevant State planning instruments including State Planning legislation, State Planning Policy and Southeast Queensland Regional Plan.
- iv. The proposed development is capable of connecting to all necessary urban infrastructure.
- v. The proposed development has demonstrated compliance with the planning scheme or could be conditioned to comply with the relevant, zoning, development and overlay codes through

relevant conditions of approval.

- vi. The mapped overlays and constraints identified within the site have been addressed through the implementation of sound design solutions to produce a development layout responsive to minimizing development within constrained areas and mitigating potential impacts on future built form.
- vii. For the above reasons it is considered the proposed development is approved subject to reasonable and relevant conditions.

Should you require anything further or wish to discuss any aspect of the above, please do not hesitate to contact our office on 07 5452 5207.

Yours sincerely,



James Brownsworth
DIRECTOR – INNOVATIVE PLANNING SOLUTIONS