

Our Reference: 3121
Your Reference: MCUI/2016/7117

7 March 2018

Toowoomba Regional Council
PO Box 3021 Toowoomba QLD 4350
Email: development@tr.qld.gov.au
Attn: Mark Westaway

RECEIVED
07.03.2018
TOOWOOMBA
REGIONAL COUNCIL

Dear Mark,

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR A SHOP LOCATED AT 71 – 73 HIGHFIELDS ROAD, HIGHFIELDS QLD 4352

I refer to our meeting of 19 February 2018 regarding the above.

Firstly, it is noted the application was made over land described as Lot 103 on SP225620. Whilst the property descriptions have change since lodgement it is considered the approval should reference all the land to which the application was originally made over.

I confirm that general agreement was reached in respect to the following:

- Condition 24 (BULK EARTHWORKS OVER 50M3 OR OVER 1M CUT OR FILL)

It was agreed that council would alter this condition to require a fill source to be nominated prior to works commencing.

- Condition 81 (EXTERNAL PEDESTRIAN & CYCLE PATHS)

It was agreed ALDI would only be liable for the footpath along the frontage of lot 2 SP296102. The remaining section of footpath would be creditable works and an offset would be applicable.

- Condition 59 (FENCING & WALLS (GENERAL)
As the approved plans comply with this condition it was agreed that no changes were necessary.

- Condition 88 (AIR QUALITY & AMENITY - AIR RELEASE LIMITS)

Council advised that there would be no restriction on delivery hours.

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After the meeting of 19 February, council officers advised that in relation to condition 22 that deals with stormwater that a voluntary contribution for stormwater will be accepted. It is requested that condition 22 be changed to allow for a monetary contribution in lieu of on-site stormwater treatment. There is no need to deal with stormwater quantity as this was addressed at the earlier subdivision stage.

There was no agreement with respect to conditions `71,72, 73 & 74. In this regard, we make the following further representations:

- Condition 71 & 72 (TRANSPORT, VEHICULAR ACCESS & PARKING)
- Condition 73 & 74 (TRANSPORT, VEHICULAR ACCESS & PARKING)
- Condition 94 (LANDSCAPING WORKS)

Condition 71 & 72 currently reads:

Condition 71	TRANSPORT, VEHICULAR ACCESS & PARKING
Existing roads must be constructed, as follows: Street: Highfields Road Classification: Sub-arterial (urban) Construction Standard: Single lane roundabout as defined in Condition 72 <i>Note: This condition is imposed pursuant to Section 665 of the Sustainable Planning Act 2009.</i>	
Condition 72	TRANSPORT, VEHICULAR ACCESS & PARKING
The design and construction of the intersection of Highfields road with the access road onto the site (access easement L) must comply with Planning Scheme Policy No. 2 – Engineering Standards - Roads and Drainage Infrastructure (PSP No.2) and must include in particular: 72.1 Design of a single lane roundabout in accordance with Austroads AGRD04B-15 Guide to Road Design part 4B: Roundabouts; 72.2 Design of a central island radius with entry geometry for a desired driver speed on the fastest leg prior to the roundabout of 50km/h, allowing for pedestrian cross road movement on all four legs and splitter islands for storage of pedestrians. The circulating carriageway must be sufficient to accommodate the turning movements of a 19.5m articulated vehicle (AV); 72.3 Consideration of safety for cyclists at the roundabout in accordance with the Department of Transport and Main Roads Technical Note 136 Providing for Cyclists at Roundabouts August 2015; 72.4 Provision of sufficient road reserve to accommodate the roundabout and verge; 72.5 Concrete kerbing and channeling; 72.6 Temporary asphalt kerbing to tapers; 72.7 Underground stormwater drainage; 72.8 Relocation of utility and Council services; and 72.9 Street lighting.	

Comment:

Firstly, it is important to point out to Council officers that council has been collecting infrastructure charges for the upgrade of Highfields Road.

Highfields Road and the section of road fronting the ALDI site was identified in the Toowoomba Regional Planning Scheme 2012 (version 4) PIP.

An extract of the PIP is provided below:

Toowoomba Regional Planning Scheme 2012 (ver 4) PIP

Toowoomba Regional Planning Scheme
 Schedule 3 – Priority infrastructure plan mapping and supporting material
 SC3.3 – Schedule of works

PIP ID	PROJECT NAME	PROJECT DESCRIPTION	CONSTRUCTION BEGIN YEAR	CONSTRUCTION END YEAR	LENGTH (M)	TOTAL COST (\$2010)
9	Railway St - From Murray St to Short St	Road Augmentation	2018	2020	362.1	\$996,500
13a	Highfields Rd - From Kratzke Rd to Rogers Dve	Road Augmentation	2012	2019	278.2	\$2,038,541
13b	Highfields Rd - From Kuhls Rd to Kratzke Rd	Road Augmentation	2011	2012	713.6	\$5,228,335
13c	Highfields Rd - From New England Highway to Kuhls Rd	Road Augmentation	2012	2019	802.9	\$5,883,124
13d	Highfields Rd - From Rogers Dve to Mather St	Road Augmentation	2013	2014	478.8	\$1,516,200

SC3.3.4 – Local Govern

Highfields Road upgrade was earmarked for completion by 2019. It is also clear that this was trunk infrastructure which included relocation of services.

Council is burdening ALDI with the full cost of constructing a single lane roundabout, including relocation of services.

Council has been collecting funds for the Highfields Road upgrade including relocation of services and is now requesting ALDI to construct part of this infrastructure. This is clearly unreasonable.

The intersection works clearly benefit the wider community, not only the ALDI Store. It is an unreasonable imposition for ALDI to meet the entire cost of development. All works associated with the roundabout should be considered trunk infrastructure and therefore, an offset is applicable.

It is also significant to note that in earlier meetings council officers verbally acknowledged the intersection upgrade clearly benefitted others and ALDI should not be responsible for the full cost of the works.

ALDI would like the option of a signalized intersection or a roundabout. Ultimately the same traffic management objective will be achieved. It is requested that Council revise condition 71 & 72 to allow for either a single lane roundabout or signalised intersection.

Conditions 71 to 72 should be amended to clearly state that the works associated with either a single lane roundabout or signalised intersection are trunk infrastructure and creditable.

In addition, it has become apparent that to facilitate the roundabout the disabled ramp currently proposed will need to be relocated to the other side of the access easement. This will necessitate a small increase in the width of the existing access easement. It is requested the requirement to increase the width of the access easement where necessary as required by shifting the disabled ramp be acknowledged within condition 72.

Condition 73 & 74 currently read:

Condition 73	TRANSPORT, VEHICULAR ACCESS & PARKING
Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in	

line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 to allow for the above.

Condition 74	TRANSPORT, VEHICULAR ACCESS & PARKING
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All street surfacing must be in accordance with the pavement construction standards in PSP No.2.

Comment:

Condition 73 and 74 are somewhat ambiguous. The limit of works need to be clearly stated within this condition. The current pavement condition of Highfields Road is unknown. ALDI Stores should not be held liable to upgrade any unsatisfactory pavement beyond the extend of works associated with the single lane roundabout alignment to Highfields Road.

As this will benefit the wider community, these works should also be creditable.

Condition 94 currently reads:

Condition 94	LANDSCAPING WORKS
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Prior to the commencement of any works on site or the issue of a Building Works approval (whichever occurs first) submit to Council for compliance assessment, a detailed Landscape Plan prepared by a qualified Landscape Architect prepared generally in accordance with the conditions of this Development Approval and Approved and Approved Amended Plans and generally in accordance with Landscape Concept Plan Issue E Date June 2017 7881 LC 02, that details in particular:

94.1 Additional canopy tree planting that attains a minimum height of 8m at maturity within the proposed landscape to achieve a high degree of shading by way of:

- i. **one additional tree** within the central carparking group (making a total of three) on the northern aspect of the development;
- ii. **one additional tree and garden bed (replacing an existing carpark)** within the carparking adjoining the northern landscape buffer;
- iii. **four additional trees** in the northern landscape buffer;
- iv. **one additional tree and garden bed replacing a carpark** on the western carparking adjoining the landscape buffer; and
- v. **an additional two trees and garden bed sited** within the concrete forecourt of the store entrance sequence to provide shading for pedestrians;

94.2 Designates variation in pavement colours and/or materials to define safe pedestrian movement areas;

94.3 Utilises plant species which are characteristic of the local area and provides seasonal variation, colour and texture;

94.4 Provides irrigation to all planted areas;

94.5 The species to be planted and their location;

94.6 The number and container size of plants;

94.7 The typical planting detail including preparation, backfill, staking and mulching;

94.8 Internal dimensions of all planting areas;

94.9 Location, height and finish of fencing fronting public land (including street frontages);

94.10 Where street tree(s) are proposed or required as a condition of this Development Approval, the Landscape Plan must include the following additional information:

- i. Location and species of the proposed or required street tree(s);
- ii. Typical cross section through each street typology indicating clearance of street trees from underground services, kerbs and footpaths in accordance with PSP2 Engineering Standards; and
- iii. A planting schedule indicating the number of each species type; and

Note: Street trees required to be supplied as a condition if this Development approval must be supplied in 45L containers or as otherwise specified. Proposed street trees, if approved, are expected to be supplied in 45L containers;

94.11 Landscaping associated with each stage where relevant;

94.12 North point, scale and drawing number; and
94.13 Vegetated screening of the acoustic barriers in accordance with the conditions of this Development Approval.

Note: The Landscape Work Information Sheet provides further detail on the level of information required. To reference this article visit Council website <http://www.tr.qld.gov.au>

Comment:

It is requested that the condition be revised to reference the landscape treatment supported on the approved plans. The current landscape plan provides sufficient landscaping. The requirements of condition 94 cannot practically be implemented as they will significantly interfere with the efficient operations of the ALDI store.

The landscape intent plan that has been prepared and submitted as part of the application provides a comprehensive landscape solution. The landscape plan as proposed when implemented will enhance the visual and built form of the ALDI store. Importantly in close proximity of the proposed ALDI store numerous other developments have been recently approved with scant landscaping provided. The landscaping that is proposed is of a high quality and condition 94 should be amended to approve the submitted landscape plan. The proposed high-quality landscape works are consistent with the local landscape character and contribute to the overall image of Highfields.

The justification and arguments presented within this response have provided a sufficient level of certainty to enable Council to support this request.

Should you have further queries regarding this matter, please contact the undersigned on telephone number (07) 5526 1500.

Yours sincerely



Bede Emmett
Director
Planit Consulting Pty Ltd