

21st November 2017

The Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350

RECEIVED
23.11.2017
**TOOWOOMBA
REGIONAL COUNCIL**

Attention: Mr Lachlan O'Sullivan

Dear Lachlan,

RESPONSE TO OUTSTANDING ISSUES – DEVELOPMENT APPLICATION – S242 PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE PLANNING SCHEME & DEVELOPMENT PERMIT FOR RECONFIGURING A LOT – STAGED SUBDIVISION (2 INTO 56 RESIDENTIAL LOTS & BALANCE LOT) – 87-145 EUSTON ROAD, GLENVALE – LOTS 11 & 20 ON D133639 (Council Ref: MCUI/2016/6252 & RAL/2016/6290)

I act for the applicants, Teedale Pty Ltd and Douglas Property Group Pty Ltd in the above matter.

I refer to Council's Outstanding Issues letter dated 11th July 2017 requesting further information to enable the proper consideration and determination of the Development Application – s242 Preliminary Approval to Vary the Effect of the Local Planning Scheme and Development Permit for Reconfiguring a Lot - 2 Lots into 56 Residential Lots and a Balanced Lot on land at 87-145 Euston Road, Glenvale, being that land described as Lots 11 and 20 on D133639.

The following advice provides a response to the matters raised in Council's request. For ease of comprehension, each item raised in the request has been reproduced below in bold print followed by the associated response.

ISSUES AND RESPONSES

1. Issue – Integration of the Glenvale Local Plan into the PAD

The following issue was raised in the information request:

“The PAD does not require a future development application to be assessed against the Glenvale Local Plan Code. It is considered appropriate that this code remains applicable within the Preliminary Approval Area or the relevant provision included in the PAD”.

In your response to the information request, you provided the following comments in relation to this issue:

“(iii) The application presently under consideration is assessable against the provisions of the Glenvale Local Plan Code. The master planning exercise and PAD that will guide the future development of the land has by necessity had to interpret and implement the

principles and provisions of that code in a local context to ensure compliance with that code is demonstrated as part of this application.

The master plan and assessment provisions of the PAD are consistent with the provisions of the Local Plan Code, and as such future development will be both explicitly and implicitly consistent with the achievement of the planning outcomes sought by the Local Plan Code which are necessarily broad in their application, and intended more purposefully to guide the localised master planning process, rather than be applied to the assessment of individual development applications.

In other words the provisions of the Local Plan Code have been interpreted and applied in the preparation of the master plan and the PAD. Presuming this is approved in its current or modified form, the Local Plan and the principles it embodies have been successfully interpreted and applied at the local level. There is accordingly no need to call up the provisions of that code as a valid criteria to be applied to the on-going assessment of individual development applications when its outcomes have been implemented under the master plan, and given practical regulatory effect through the PAD."

It is considered that the PAD does not sufficiently incorporate the outcomes of the Glenvale Local Plan Code nor does the proposed Masterplan or the proposed lot reconfiguration appropriately reflect the Local Plan.

The Glenvale Local Plan includes a distinct focus on the provision and establishment of a high quality open space network. The proposed Eustondale Masterplan identifies a considerable reduction in the extent of land to be provided as open space and is therefore considered to be in conflict with the Glenvale Local Plan.

Based on the information provided, it is considered that the PAD does not adequately interpret the Glenvale Local Plan Code and therefore any future development in the Preliminary Approval Area (PAA) would be assessed against a compromised product which would not achieve the intention of the Glenvale Local Plan.

The proposed reconfiguration for Precinct 1 identifies residential allotments over Open Space Zone areas and is therefore considered to be inconsistent with the Glenvale Local Plan Code and the Open Space Zone Code.

Further Information Required

1.1 *The applicant is requested to demonstrate that the Glenvale Local Plan Code is appropriately reflected, addressed and interpreted in the proposed development.*

Note: *It is recommended that the Glenvale Local Plan Code be identified as an applicable code for any future development and the proposed plan be amended to include all land zoned as Open Space to be retained as open space.*

RESPONSE

The Glenvale Local Plan is a strategic document which articulates in more detail the strategic planning intent applicable to the Glenvale Local Area.

We do not concur that the plan forming part of the Local Plan (LP) is intended to be read or interpreted in a strictly cadastral or prescriptive manner but rather contend that the plan is a visual representation of how the key outcomes of the LP could be achieved in a broad strategic manner across the Local Plan Area. Even in the circumstance that the LP map was intended to be interpreted rigidly in the manner you suggest (with which we do not concur), the present s242 Preliminary Approval provides a mechanism designed to purposefully vary the effect of those very same planning scheme provisions.

In this case the variations proposed involve meeting the open space objectives of the local plan in a different albeit equally acceptable manner, such that the overall and performance outcomes of the Local Plan are satisfied.

When one examines the Overall and Performance Outcomes of the Local Plan, it can be readily noted that the Local Plan seeks to achieve the following broad outcomes with respect to the open space system (outcomes have been paraphrased for simplicity):

Overall Outcomes

- Development contributes to an integrated open space network centred on Spring Creek and which recognises other landscape features, and provides for shared pathways through the linear open space network (Overall Outcome (c) and (f))

Performance Outcomes

- Additional open space is provided commensurate with growth needs (PO₁);
- Open space areas are activated, provide a high level of amenity and opportunities for casual surveillance (PO₂);
- Ecological values within the open space network are protected (PO₃);
- Character and amenity is enhanced through the establishment of an open space network characterised by landscape and feature (PO₄);
- A high level of connectivity is provided throughout the LP area (PO₅); and
- Road location does not fragment or sever open space corridors (PO₇).

Initially we would contend that the open space response proposed through the development concept does not compromise or “cut across” the stated objectives and outcomes of the Local Plan. An integrated linear system is proposed. Open space areas are activated and facilitate ample casual surveillance from publicly accessible areas. Ecological values, character and amenity elements are protected and connectivity is achieved. Roads are not proposed which would fragment or sever open space corridors.

The quantum and quality of public open space provided is more properly a function of compliance with Council's Desired Standards of Service (DSS), with the location of that open space being broadly guided by the stated outcomes of the Local Plan. A representation of compliance with the applicable DSS for open space is illustrated on Plan C-SK0200 Issue B prepared by RMA Engineers and attached as **Appendix A**. Taking account of the proposed park in stage 1 (having an area of 864m²) the total area of park across all nodes is 10,005m².

Table 1 summarises compliance in respect of subdivision Stages 1 and 2 with respect to direct road frontage.

Table 1: Open Space Areas Table – Stages 1 & 2

Stages 1 & 2 combined		Stage 1 only		Stage 2 only	
	Length (m)		Length (m)		Length (m)
Road Frontage onto park	344.2	Road Frontage onto park	103.2	Road Frontage onto park	241.0
Lot frontage onto park	82.9	Lot frontage onto park	28.0	Lot frontage onto park	54.9
Total Park Frontage	427.0	Total Park Frontage	131.2	Total Park Frontage	295.8
Road frontage	81%	Road frontage	79%	Road frontage	81%
Lot Frontage	19%	Lot Frontage	21%	Lot Frontage	19%

Compliance is achieved with the desired standards of service with respect to road frontage and area allocation.

To collectively address the matters raised by Council in the outstanding issues letter, we have sought to balance what are in many respects competing demands to maximise the level of compliance achievable while giving appropriate attention to all issues raised. In other words we have not sought to overtly comply with some requirements by totally discounting others. Where that approach is employed, and we believe it is a reasonable approach, full compliance with all criteria is generally not possible. In this instance, we believe a balanced outcome has been derived which in particular achieves the following:

- The four way intersection has been removed at Council's request;
- The waste collection and parking issues previously highlighted by Council in the vicinity of lots (previously numbered) 16-18 have been resolved;
- The total number of lots has been reduced to fifty –two (52) allowing more spacious subdivision configuration conducive to the better integration of small lots;
- Nominated built to boundary identification on small lots has been provided;
- Provision of a new local park node comprising 864m² in the southern area of Stage 1. This provides for parkland to be provided in the initial stage, and in a location that is readily accessible from Stage 2. This park meets the DSS for slope and allows direct access to the future District Park;
- Removal of former Lot 26 in response to Council's request and conversion of this area to parkland. Provision of additional parkland in this area permits a bicycle/ pedestrian

path link from Boundary Street to the local park and then ultimately to the District Park; and

- Provision has been made for a future road connection to the north ensure enhanced connectivity and accessibility for this and adjoining developments.

2. Issue – Open Space Land

The information request raised the issue of the inconsistency of the extent of the 'Open Space Precinct' (Precinct 6) with the land included in the Open Space Zone.

The Open Space Zone Code intends, as stated in the purpose of the code, for the Open Space Zone to "...provide for local, district and regional scale parks that serve the recreational needs of a wide range of residents and visitors". The proposed PAD intends for parts of this zone to be developed for residential purposes, which is inconsistent with the intent for the zone. It is acknowledged that the s242 Preliminary Approval component of the subject application seeks to override this zoning and therefore circumvent the conflict, however it is considered that it has not been demonstrated that the proposed development achieves an equal or better outcome for the area in terms of provision or potential provision of open space.

PO1 of the Glenvale Local Plan Code identifies that new open space is to be provided in order to meet the expanding demand for new recreation parks and sport parks generated by new residents.

In your response to the information request, you provided the following comments in relation to this issue:

"A fully linked and integrated open space and drainage system is proposed for the site based on collocated active and passive recreation and drainage areas. Local parkland has been proposed at rates consistent with Council's open space strategy desired standards of service. DSS require the provision of 0.7 hectare per 1000 persons, which equates to overall provision of approximately one (1) hectare of Local Park.

Open Space Plans prepared by Place Design Group are enclosed as Appendix H. The local park provision is proposed to be split into three (3) nodes, albeit the useability of those nodes is enhanced through their integration with adjoining drainage corridors thereby providing an integrated design outcome. A lower kick and throw area in a relatively cleared part of the corridor has been provided with linking pathway. There is potential for some creek crossings to enhance cross creek connectivity. Due to the nature of the site the three park nodes are of varying slope, with the steepest being park node 1 at approximately 1:4 increasing in slope with proximity to the bottom of the waterway. All balance areas of the corridor would be left in a predominantly natural state with minor stabilisation works to banks (rocks etc) and cleaned up (weed removal etc)."

This response does not adequately address the inconsistencies between the open space zoning and the proposed open space. Insufficient information has been provided to satisfy the requirements for achieving the mix of linear corridor functions (e.g. recreation, drainage and active transport) and deliver the space as per the DSS in the LGIP and Toowoomba Region Open Space Strategy (OSS).

The Glenvale planning catchment is currently undersupplied for District Recreation Parks. The Spring Creek Corridor has been identified as a District level Recreation Park intended to reduce the gap between supply and demand for the growing population in this catchment (1km catchment). As such this application needs to respond to the role this land will play to deliver on the minimum district park (and local park activity node) standards by providing an adequate quantity of accessible and useable land to meet district park requirements.

The following specific issues relate to the information request response:

- The application continues to propose providing approximately 60% of the extent of the open space zone. The proposed open space extent is likely to create narrow sections that do not achieve the mix of linear corridor functions required due to the lack of space and extent of open space outside of the Q100 level and have the potential to create maintenance issues (particularly where it is proposed that road reserve has a direct interface with open space with steep gradients);
- The application only considers the local park need for the development and does not address the requirement of this space to also meet district park needs for the 1km district catchment. The quantity of activity nodes should be sized collectively to meet the district park needs of the 1km catchment;
- The DSS for road frontage has not been met. The proposed road frontage is approximately 56%, not the required 75%;
- The gradient of the land proposed as open space has not been identified except for one proposed park node which is far too steep to meet the DSS for gradient. Council would accept a maximum of 1:10 batters for a maximum of 80% of these areas with the remaining 20% as flat for the park nodes; and
- The DSS for flood immunity of the proposed open space and for the proposed nodes (i.e. 30% above Q100) has not been demonstrated.

Further Information Required

- 2.1 The applicant is requested to demonstrate that the proposed open space areas meet the standards discussed in Table 9.4.5:3 of the Reconfiguring a Lot Code and Council's desired standards of service adopted in the TRC Open Space Strategy 2016. These standards relate to a number of matters including grade, accessibility, quantity and flood immunity. It is recommended that the extent of the Open Space Precinct be amended to be consistent with the current extent of the Open Space Zone.
- 2.2 The applicant is requested to provide plans which clearly identify areas of open space which are constrained by features including (but not limited to) corridor width, land area, slope, flooding and stormwater flows. Where appropriate, cross sections should be provided to show ultimate topography and grades within open space areas.

Note: Should the issue regarding the provision of open space be resolved by amending the plan to retain all open space zone land as open space, this information is likely to no longer be required.

RESPONSE

In response to this Item please refer to the summary of compliance with the applicable DSS for open space illustrated on Plan C-SK0200 Issue B prepared by RMA Engineers and attached as **Appendix A** and illustrated in **Table 2**.

Table 2 – Overall Compliance – Open Space DSS

Eustondale Estate – Open Space Areas Table						
	Provision Rate	% District / Linear Park	Flood Immunity	Park Nodes above Q100	Linear Corridor Min Width	Road Frontage (Stages 1 & 2)
Council DSS	1 hct per 1000 people		30% above Q100	Flat - 20% 0 to 10% - 80%	10m	Between 50 – 75% (District – Linear)
Area /Width Required	3.25 hct	7.7%	0.975 hct	0.975 hct	10m	213.5 metres – 320 metres
Eustondale Area Provided	8.23 hct	18%	3.16 hct	1.00 hct	10-300m	Total Frontage: 427 metres Direct Park frontage: 344.2 metres Direct Park frontage (%): 81%

Under information request item 12, Council have requested that all allotment and road layouts be removed for precincts 2-5. We have agreed to that request and suggested (in the response to that outstanding issues item) that Council impose a reasonable and relevant condition requiring Figure 3 of the PAD to be amended accordingly.

Compliance with DSS for open space is therefore a matter that will be addressed individually in respect of subsequent subdivision stages beyond Stages 1 and 2.

3. Issue – Precinct 1 Transport Network layout

The layout of Precinct 1 is not preferred for the following reasons;

- **Precinct 1 is shown as having a single four way intersection with a roundabout. The subdivision consists of local access roads. As such, it should be designed without four way intersections and the subsequent need for a roundabout;**
- **A driveway link is proposed from the cul-de-sac head to service proposed lots 16, 17 and 18. This restricts parking opportunities as well as requiring waste collection from somewhere other than the individual lot frontage; and**

- *No opportunity has been provided to extend the road network along the park and drainage area.*

Further Information Required

- 3.1** *The applicant is requested to provide an amended Precinct 1 layout which removes the four way intersection, provides for parking and waste collection in front of each lot and maximises the length of road immediately adjacent to the park.*

RESPONSE

In response to Item 3 issue – Precinct 1 Transport Network Layout; refer to revised layout drawing CSK112 Rev I Road Functional Layout Stage 1 and 2 prepared by RMA Engineers and attached as **Appendix B**. The lot layout has been updated to address the four-way intersection and the cul-de-sac.

4. Issue – Natural Topography and drainage lines

The information provided has not demonstrated that flows currently discharging into the natural drainage lines will be safely conveyed over the site as per QUDM at the developer's expense in accordance with PSP2 SC6.2.4.4.4.

Further Information Required

- 4.1** *The applicant is requested to provide a Concept Stormwater Management Plan to demonstrate that no-actionable nuisance/non-worsening occurs from the alteration of existing natural flow paths. It is recommended that consideration be given to removing the proposed site filling to ensure natural drainage lines are retained.*

Note: *Should the issue regarding the provision of open space be resolved by amending the plan to retain all open space zone land as open space, this issue is likely to no longer be applicable.*

RESPONSE

Refer to drawing CSK113 Rev F Concept Bulk Earthworks, CSK115 Rev D Typical Concept Bulk Earthworks Sections prepared by RMA Engineers and attached as **Appendix C** and CSK112 Rev I Road Functional Layout Stage 1 and 2 prepared by RMA Engineers and attached as **Appendix B**.

Stage 1 and 2 generally fall from the north-west corner of Stage 1 to the south-east corner in Stage 2 discharging into the creek along the southern and eastern boundaries of the both stages. The proposed road network in both stages have been developed considering the natural drainage lines and are consistent with the natural overland flow paths. The proposed Road 1 future connect point caters for the upstream catchments. Road 1 allows the upstream overland flow paths to discharge into the drainage corridor at the eastern edge of stage 2. Boundary Street will convey any upstream flows and discharge them into the creek. Only local

flows will then be conveyed along road 2 which discharges to the south.

5. Issue – Stormwater Quantity

The information provided has not demonstrated how upstream catchments will be safely conveyed over the site as per QUDM at the developers expense as per PSP2 SC6.2.4.4.4. It is noted that regional detention is not proposed on this site.

Further Information Required

5.1 The applicant is requested to provide a Concept Stormwater Management Plan to demonstrate that development does not encroach on flood conveyance/storage areas.

Note: Should the issue regarding the provision of open space be resolved by amending the plan to retain all open space zone land as open space, this issue is likely to no longer be applicable.

RESPONSE

At a meeting with Council representatives on the 31 August 2017, Council outlined the following information would satisfy stormwater quantity requirements:

(a) No detention required for Stage 1 and Stage 2

(b) A development based solution for the total site (Council may condition a regional solution in future RALs)

Hydrologic analyses of the existing and unmitigated post-development (Stage 1 and Stage 2) scenarios have been undertaken using RORB.

The RORB analysis included both the site as well as large upstream catchments flowing onto and through the site.

A fraction impervious of 0.60 was adopted for Stage 1 and Stage 2 of the development.

Refer to proposed preliminary bulk earthworks plan CSK113 outlining the local design flow intent for Stage 1 and Stage 2 attached as **Appendix C**.

Table 3 compares peak flow rates, calculated by RORB, for the existing and unmitigated post-development scenarios.

Table 3 – RORB peak flow rate comparison

EY/AEP	Peak discharge rates (m ³ /s)			Percent Difference (%)
	Existing	Unmitigated post-development (Stage 1 and Stage 2)	Difference	
1EY	24.362	24.487	+0.126	+0.52
0.5EY	39.785	39.704	-0.080	-0.20
0.2EY	56.094	55.901	-0.193	-0.34
10%	66.981	66.816	-0.164	-0.24
5%	82.152	82.092	-0.060	-0.07
2%	99.274	99.371	+0.097	+0.10
1%	114.097	114.285	+0.188	+0.16

The table above shows the unmitigated post-development 1EY, 1% AEP and 2% AEP are slightly increased when compared to the existing scenario. The slight increase in peak flows, as outlined above, is considered insignificant given the magnitude of the flow within Spring Creek.

In this situation, on-site detention (to mitigate peak flow rates) might actually create a problem by delaying the peak discharge from the site to coincide with the larger upstream catchment peak flows.

Accordingly, no mitigation of off-site flow rates for Stage 1 and Stage 2 is the best solution.

In relation to the s242 application, detailed stormwater modelling can be provided as part of subsequent RAL applications. The attached plan, DSK101 Rev B Proof of Concept Stormwater Design, illustrates a possible location for a development based solution for the total site. Refer **Appendix D**.

6. Issue – Stormwater Quality

The information provided has not demonstrated that the water quality targets in the State Planning Policy are to be met on site. Please note that a voluntary contribution in lieu of providing stormwater quality works is not applicable for this development.

Further Information Required

- 6.1** ***The applicant is requested to provide a Concept Stormwater Management Plan demonstrating how compliance with the water quality targets in the State Planning Policy will be achieved (allowance for suitable areas of adequate size for water quality treatment).***

RESPONSE

At a meeting with Council representatives on the 31 August 2017, Council outlined the following information would satisfy stormwater quantity requirements:

- (a) A 'proof of concept' for locations and required areas for stormwater quality
- (b) Conceptual locations of stormwater quality devices schematically illustrated on the 'proof of concept' plan

Bioretention basins have been conceptually sized and located to treat development runoff for compliance with the water quality targets in the State Planning Policy. Please refer to Plan - DSK10 Rev B - Proof of Concept Stormwater Design 1 prepared by RMA Engineers and attached as **Appendix D**.

Council have previously indicated that consideration could be given (as it has in other similar situations) to a monetary contribution in lieu of the construction of stormwater quality works for Stages 1 and 2. The proof of concept plan shows that suitable provision of land treatment areas and devices can be accommodated to appropriately address stormwater quality if required. Alternatively the applicant may want to avail themselves of the opportunity to make a monetary contribution in lieu of undertaking such works subject to Council's agreement. We suggest that a reasonable or relevant condition is imposed on the approval which allows the applicant to provide the physical works indicated, or in the alternative, negotiate a monetary contribution in lieu of works.

7. Issue – Proposed Lot 26

It is noted that CSK112 Issue E nominates that additional earthworks investigations will need to occur for proposed Lot 26. Due to the location of this lot adjacent to Boundary Street and the parkland area, additional detail is required at this stage to ensure the outcome does not compromise the amenity of the area.

Further Information Required

7.1 *The applicant is required to provide further details regarding the extent of earthworks and retaining structures which would be required for proposed Lot 26.*

Note: *Should the issue regarding the provision of open space be resolved by amending the plan to retain all open space zone land as open space, this issue is likely to no longer be applicable.*

RESPONSE

The subdivision layout has been revised to remove former Lot 26. The removal of this lot and conversion of this area to parkland permits a bicycle/ pedestrian path link from Boundary Street to the local park and then ultimately to the District Park.

Refer to drawing CSK113 Rev F Concept Bulk Earthworks, CSK115 Rev D Typical Concept Bulk Earthworks Sections prepared by RMA Engineers and attached as **Appendix C** and CSK112 Rev F Road Functional Layout Stage 1 and 2 prepared by RMA Engineers and attached as **Appendix B**.

8. Issue – Wastewater Demand

The catchment of the sewer pump station identified in the Glenvale Sewerage Catchment Study (as referenced in the Engineering Assessment Report, Project No. 9829, prepared by RMA Engineering and dated 31 May 2016) extends to the north, east and south of the proposed development area. To cater for this catchment, a larger ultimate sewer pump station is required.

As Stage 1 of the proposed development consists of only 29 lots, it must be demonstrated how adequate sewer demands can be achieved to the proposed pump station to meet Council service standards.

Further Information Required

8.1 *The applicant is requested to demonstrate how adequate sewer demands will be achieved to the proposed pump station to meet Council's service standards.*

RESPONSE

It is proposed that a dual rising main be installed from the proposed sewer pump station located at Boundary Street to the existing pump station located on the corner of South and McDougall Street.

The dual mains would be sized collectively to cater for the ultimate sewer demand. With one rising main to be side to cater for the immediate flows. This would allow the sewer network to hand the lower sewer demands as the sewer catchment grows.

It is proposed that the ultimate Boundary Street sewer pump station be design. We propose

that the ultimate pump station structure would be constructed (wet well) and an intermediate pump sets installed to cater for the immediate flows. As the sewer catchment grows the ultimate pump set would then be installed.

We propose using a modular system for the emergency storage which allows additional storage to be added onto as demand reaches the ultimate. Further investigation would be undertaken during detailed design.

9. Issue – Lot Diversity

The response to the information request regarding lot diversity identifies that the types of lots to be provided are traditional, multi-family, courtyard and terrace allotments as described by PO9. The definition of a multi-family allotment is a lot that allows for small multiple dwellings (typically four (4) to six (6) dwellings). Taking into consideration the terrain of the subject land, none of the proposed lots are sized adequately to deliver a minimum of four (4) dwellings.

A review of the proposed allotments indicates that approximately 14% are 'Traditional' allotments, 62% are 'Courtyard' allotments and 24% can generally be considered as 'Villa' or 'Terrace' allotments.

It is noted that PO9 describes 'Villa' or 'Terrace' lots as typically having at least one built to boundary wall. A PAD provides the opportunity to identify a mandatory built to boundary wall for future developments on these lots which will ensure they are developed in a manner consistent with the intent of the lot type.

Further Information Required

- 9.1** *The applicant is requested to demonstrate how it will be ensured that the proposed 'Villa' or 'Terrace' lots will be developed in a manner appropriate for the lot type. It is recommended that a mandatory built to boundary wall be nominated for the 'Villa' or 'Terrace' type allotments.*

RESPONSE

As per Council's request the subdivision layout has been amended to nominate built to boundary wall location on Villa/Terrace allotments. Please refer to revised layout drawing CSK112 Rev I Road Functional Layout Stage 1 and 2 prepared by RMA Engineers and attached as **Appendix B**. These are referenced on the plan as "proposed building potential".

10. Issue – Service Easements

It has not been demonstrated how service easements for smaller lots (lot area ≤ 450m²) will be provided in accordance with Council Waste Water Infrastructure Policy 2.04.

Further Information Required

10.1 The applicant is requested to demonstrate how service easements for smaller lots (lot area $\leq 450\text{m}^2$) will be provided in accordance with Council's Waste Water Infrastructure Policy 2.04.

RESPONSE

Please refer to drawing CSK106 Rev 6 Sewer layout plan prepared by RMA Engineers and attached as **Appendix E**. This plan has been updated with easements for smaller lots (lot area $\leq 450\text{m}^2$).

11. Issue – Acoustic Requirements for Precinct 4 and 5

The information request raised issues regarding the proximity of a KRA and the associated acoustic impacts such operations would have on residential developments. The information request recommended the inclusion of specific acoustic amelioration measures as self-assessable criteria within the Eustondale Development Code.

In your response to the information request, you disagreed with the above recommendation on the grounds that the factors which would dictate the necessary acoustic amelioration measures cannot be accurately determined until the form of future development within Precinct 4 and 5 is known.

It is agreed that without detailed plans of lot configuration for Precinct 4 or 5 it is too uncertain to apply specific acoustic treatment requirements for buildings. While it is acknowledged that a condition of approval can be applied to any approval of the s242, it is recommended that the Eustondale Development Code be amended to include provisions for Precinct 4 and 5 generally as follows:

AO & PO: *Should the operation of the KRA No. 4 still be ongoing at the time development is proposed, the development must comply with an acoustic impact assessment endorsed by Council and/or the Australian Standard AS3671-1989 Acoustics – Road traffic noise intrusion – Building siting and construction.*

As the extractive resources overlay from the planning scheme is also applicable to Precinct 5 in addition to the KRA designation under the SPP, it is also recommended that the outcomes of the Eustondale Development Code specific to Precinct 5 be updated to include reference to any extractive resource overlay identified in a planning scheme. This ensures development which may be inconsistent with an extractive resources operation does not occur should the KRA be dissolved yet an extractive resources use establish in accordance with the planning scheme.

Further Information Required

11.1 The applicant is requested to amend the Eustonvale Development Code to address the issues identified above.

RESPONSE

To address this item the following amendments to the Eustondale Development Code area proposed. Assuming Council agree with the revised provisions, we would request that the approval is conditioned to require the PAD to be amended to update the Eustondale Development Code accordingly. Proposed amendment to the code are shown in red as follows:

Table 3: Eustondale Development Code

EUSTONDALE DEVELOPMENT CODE	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
Low Medium Density Residential Precinct (Map Precinct 4 only)	
PO ₁ The development of land within the Low Medium Density Residential Area (Map Precinct 4) affected by the KRA No.4 Transport Route Separation Area (land within 100 metres of Euston Road) is located, configured and designed to appropriately mitigate any acoustic impacts associated with the use of the Transport Route.	AO ₁ The use and development of land for residential or other sensitive uses within a distance of 100 metres of Euston Road only occurs in accordance with the recommendations of an Environmental Noise Impact Assessment approved by Council. Note: Development within the referenced area is deemed to comply with this requirement where land is used or developed in accordance with the recommendations of the Environmental Noise Impact Assessment prepared by CRG Acoustics (CRG Ref 13043 Report rev.1) dated 25 September 2015 and attached as Volume 2 – PAD – Appendix D.
PO ₂ The design and siting of any building for residential or other sensitive uses within a distance of 100 metres of Euston Road only occurs in accordance with an Acoustic Impact Assessment approved by Council and which	No Acceptable Solution nominated.

EUSTONDALE DEVELOPMENT CODE	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
complies with <i>Australian Standard AS3671-1989 Acoustics – Road traffic noise intrusion – Building siting and construction</i> (as amended and applicable at the time a building application is made).	
Future Residential Precinct (Map Precinct 5)	
PO ₃ Land is not developed or used for residential or other uses that are sensitive or incompatible with resource extraction or processing activities within the KRA, or that would significantly impede the resource extraction or processing activities within the KRA.	AO₃ Land within the precinct is not subdivided or used for residential purposes, other sensitive uses or uses incompatible with the resource extraction and processing activities within KRA No.4 – Glenvale until extraction and processing within the KRA has permanently ceased, and the KRA is removed from the State Planning Policy. Note: Consistent with the provisions of the State Planning Policy (Mining and Extractive Resources State Interest) the provisions of this code do not preclude the use and development of land within the KRA Separation Area for non-residential uses, non-sensitive uses, and/or uses which are compatible with resource extraction and processing activities.
PO ₄ Subject to compliance PO ₃ , the use and development of land within the Future Residential Precinct complies with the Extractive Resource Overlay Code of the Toowoomba Regional Planning Scheme 2012.	No Acceptable Solution nominated.

EUSTONDALE DEVELOPMENT CODE	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
PO ₅ The design and siting of any building for residential or other sensitive uses within a distance of 100 metres of Euston Road only occurs in accordance with an Acoustic Impact Assessment approved by Council and which complies with <i>Australian Standard AS3671-1989 Acoustics – Road traffic noise intrusion – Building siting and construction</i> (as amended and applicable at the time a building application is made).	No Acceptable Solution nominated.

12. Issue – Eustondale Masterplan

The Eustondale Area Plan generally identifies lot and road layouts for Precincts 2 to 5. The layout of these Precincts will be dependent on future development application. While it is acknowledged that it is likely these layouts are indicative only, it presents information too specific for a PAD.

Further Information Required

12.1 *The applicant is requested to provide an amended masterplan which does not identify any lot or road layout for Precincts 2 to 5 other than the completion of McDougall Street to the south to provide a connection to Euston Road.*

RESPONSE

The applicant appreciates and accepts Council's position with respect to showing an allotment layout within the PAD, and in that regard is agreeable to amending Figure 3 of the PAD to remove the allotment and road layout. We suggest that Council impose a reasonable and relevant condition requiring Figure 3 of the PAD to be amended accordingly.

13. Issue – Eustondale PAD

Appendix A – Table 2 of the PAD identifies that Dwelling Houses are only exempt where not located in the Low Medium Density Residential Map Precinct 4 however Dual Occupancies are exempt where attached regardless of which Precinct they are proposed within.

Further Information Required

13.1 The applicant is requested to amend the PAD to identify Dual Occupancies as only being exempt where attached and not within Precinct 4. Alternatively, provide justification for why Dual Occupancies should be exempt and Dwelling Houses not exempt where located in Precinct 4.

RESPONSE

The applicant is agreeable to amending the PAD to make Dual Occupancies exempt only where they are attached and not in Precinct 4.

In a similar manner to the preceding items requiring amendments to the PAD, we would request that the required changes are sought via the imposition of reasonable and relevant conditions. Assuming Council agree the amendments we have proposed address the issues raised, this will enable all approved amendments to be made at one time a final version of the PAD issued for Council's endorsement following approval.

Should you require any additional information or clarification please do not hesitate to contact the undersigned on (07) 46322535.

Yours sincerely

A handwritten signature in blue ink, appearing to read "A. Bullen", with a long horizontal stroke extending to the right.

Andrew Bullen
Precinct Urban Planning

APPENDIX A – OPEN SPACE AREAS PLAN
RMA ENGINEERS

APPENDIX B – FUNCTIONAL ROAD LAYOUT PLAN

RMA ENGINEERS

APPENDIX C – BULK EARTHWORKS PLANS

RMA ENGINEERS

**APPENDIX D – PROOF OF CONCEPT STORMWATER DESIGN
PLAN**
RMA ENGINEERS

APPENDIX E – SEWER LAYOUT PLAN
RMA ENGINEERS