TOOWOOMBA REGION

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Our Reference: MCUI/2018/2882
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OUTSTANDING ISSUES

Witmack Industrial Pty Ltd
C/- Property Projects Australia Pty Ltd
PO Box 3686
TOOWOOMBA QLD 4350

Email: james@propertyprojectsaustralia.com.au

21 February 2019

Dear Sir/Madam,

Application for:	**Material Change of Use - Impact - Preliminary Approval for a Variation Request**
Location:	**Vision Street and Pipe Street, WELLCAMP QLD 4350**
Property Description:	**Lots 1, 4 and 14 SP296139**
Relevant Planning Scheme:	***Toowoomba Regional Planning Scheme 2012***

The further information provided by you in response to Council's Information Request dated 12 July 2018 was received on 12 October 2018.

It is understood that the proposed development is seeking appoval for a framework to estabish a Technology Park including ancillary office and that the development is adjacent an approved and partly constructed Data Centre. Whilst Council is very supportive "in principal" of establishing this new industry in our region, following review of the response to the information request that was received on 12 October 2018, it has been identified that there is need for further information to enable the proper consideration and determination of the application.

The following issue requires resolution prior Council's determination of the application.

1. NEED – OFFICE

	Issue:
1.1	The proposed Preliminary Approval Document (PAD) seeks to vary the *Toowoomba Regional Planning Scheme 2012* (*TRPS*) to allow Office as Accepted Development and reduce the levels of assessment for multiple Centre Activities within the Preliminary Approval Area (PAA). The Charlton Wellcamp Enterprise Area is a regionally significant employment hub, accommodating a mix of business and industry activities that capitalises on the area's strategic location and competitive strengths. The Local Plan Area is divided into a number of precincts with corresponding development intents. The proposed development is situated within the General Industry Precinct, which is intended to accommodate the following type of development: (i) food product manufacturing; (ii) metal and metallic product manufacturing;

(iii) building & construction material manufacturing;
(iv) machinery & equipment manufacturing;
(v) other chemical product manufacturing; and
(vi) leather and leather product manufacturing (e.g. specialised saddle and harness manufacture).

It is anticipated that industrial development over the PAA will involve office that is incidential to and necessarily associated with the principal use, or ancillary or subordinate to the principal use. However, the proposed PAD does not include any commentary, specifically within the Toowoomba Technonolgy Park (TTP) Code or the definition for "TTP Office", limiting the extent of allowable office in terms of overall floor area and also defined scope ("TTP Office" or the TRPS defintion for "Office") within the PAA. The submitted development application material indicates that Office will comprise approximately 40% of the overall development area. This substantial Office area is not considered ancillary or subordinate or incidential to and necessarily associated with the principal use based on the information submitted to date, and represents a significant departure from the intended land use envisaged within the General Industry Precinct.

It is acknowledged that the approved Data Centre is an anchor for a wide range of uses including Office but Office should only be established where it can be demonstrated that it is incidential to and necessarily associated with the principal use, or ancillary or subordinate to the principal use. The rationale that a wide range of Office uses would significantly benefit from co-location within the PAA is not sufficient to justify such a significant departure from the TRPS. Further information is required in support of, and to provide further clarification, of the limited and specialised Office uses anticipated to occur within the PAA.

Furthermore, the current PAD seeks to facilitate the establishment of a range of Centre Activities as defined in Schedule 1 of the *Toowoomba Regional Planning Scheme* (i.e. Child Care Centre, Food and Drink Outlet, Community Use, Function Facility and Office) within the PAA. However, the application documentation does not address the impact that the establishment of aforementioned Centre Activites within the PAA will have on the function and heirarchy of existing centres designated under the TRPS. Specifically, it has not been demonstrated that the proposal can achieve compliance with Overall Outcome (g) of the Centre Activities Code and/or relevant complementary elements of the Strategic Framework.

Information Required:

The applicant is requested to provide additional documentation and/or amend the Preliminary Approval Document to resolve the above issue.

<u>Option 1 – Submit Further Information</u>
The applicant is requested to provide further information and justification in support of the proposed Office uses (in accordance with the definition included in Table 5.1 of the PAD), and other justification regarding the proposed Centre Activities (i.e. Child Care Centre, Food and Drink Outlet, Community Use, Function Facility) within the proposed PAA.

The submission of an updated Economic Needs Assessment, prepared by a suitably qualified and experienced person, in support of the establishment of the proposed Office and Centre Activity uses within the PAA may assist in providing the required justification.

The Economic Needs Assessment should include, but not be limited to, demonstration/investigation of the following:

- Impacts of proposed Centre Activities on existing centres (particularly the Toowoomba CBD;
- Consistency with the TRPS;
- Functional need for non-ancillary/subordinate Office uses to be located within the PAA.

The PAD should be amended to reflect the outcome of the Economic Needs Assessment. The amendments to the PAD should also incorporate the following changes:

- Amend the definition of TTP Office to limit the types of office and to more precisely reflect the allowable operational parameters (i.e. types of office where there is a demonstrated need for the use to establish within the PAA); and

	- Amend the PAD, where relevant, to limit the extent (GFA) of TTP Office / Office within the PAA (particular note is made to Precinct B); <u>Option 2 – Amend Proposed PAD</u> Amend the Table of Assessment for the TTP Zone to make Office / TTP Office subject to Impact Assessment. If this option is pursued, Office will not be identified as an appropriate use within the PAA. Any reference to TTP Office will be removed from the PAD and any future development application for Office will be subject to detailed impact assessment which may include assessment of economic need.

It is considered that the following issues can be resolved through conditioning as part of Council's Decision Notice. However, the applicant is invited to respond to any (or all) of this issues prior to Council's determination of the application.

2. LEVELS OF ASSESSMENT

	Issue:
2.1	It is considered that insufficient information has been provided to justify the reduced levels of assessment for a number of uses listed within the PAD. Furthermore, the assessment benchmarks provided within the amended PAD do not appropriately reflect the baseline requirements of the TRPS, particularly in relation to urban design, landscaping, access, lot layout and infrastructure provision. The following uses are identified as Accepted Development subject to Requirements: • **Child Care Centre** - This use is inconsistent with the intent of the Medium Impact Industry Zone and the General Industry Precinct of the Charlton Wellcamp Enterprise Area Local Plan Code. Given the sensitive nature of this use and the reverse amenity risks for surrounding industrial land uses, further justification is required to support the proposed reduction in the level of assessment. Subject to the provision of additional supporting information, including the provision of a detailed masterplan, the lowest level of assessment to be considered for this use is Code Assessable. • **Food and Drink Outlet** – This use is inconsistent with the intent of the Medium Impact Industry Zone and the General Industry Precinct of the Charlton Wellcamp Enterprise Area Local Plan Code. The extent of this use will need to be limited to ensure that it does not detract from the viability of existing centres. Insufficient information has been provided in support of the reduced level of assessment. Subject to the provision of additional supporting information, including the provision of a detailed masterplan, the lowest level of assessment to be considered for this use is Code Assessable. • **Community Use** – This use is inconsistent with the intent of the Medium Impact Industry Zone and the General Industry Precinct of the Charlton Wellcamp Enterprise Area Local Plan Code. Insufficient justification has been provided in support of the reduced Level of Assessment for this use. Given the potentially sensitive nature of this use and the potential for reverse amenity risks, further justification is required to support the proposed reduction in the level of assessment. • **Function Facility** – This use is inconsistent with the intent of the Medium Impact Industry Zone and the General Industry Precinct of the Charlton Wellcamp Enterprise Area Local Plan Code. In the absence of supporting masterplanning justification, the proposed use is considered inappropriate and a reduced level of assessment is not supported. • **Research and Technology Industry** – This is a broadly defined use with the potential to involve impacts and risks which may unsuitable for the PAA. The applicant is requested to incorporate limits and assessment benchmarks to ensure this use is development appropriately. Subject to the provision of additional supporting information, the lowest level of assessment to be considered for this use is Code Assessable.

	• **TTP Office** – the definition for "TTP Office" included in the amended PAD does not set sufficient parameters to limit the extent of the use in terms of scale and function. Overall Outcome (e) of the Medium Impact Industry Zone Code of the *Toowoomba Regional Planning Scheme 2012* stipulates that "*offices… are only provided as part of industry activities where ancillary and subordinate to industry activities occurring on the site*". Futhermore, Overall Outcome (b) of the General Industry Precinct of the CWEA Local Plan states that the Precinct "*provides land for medium and large scale general industry enterprises*" and does not mention a desire for the Precinct to accommodate "Office" uses. The applicant is requested to provide justification in support of the proposed reduced Level of Assessment. Subject to the provision of additional supporting information, including the provision of a detailed masterplan and the demonstration of economic and planning need, the lowest level of assessment to be considered for this use is Code Assessable. • **Reconfigure a Lot** – The amended PAD proposes Community Title Scheme (CTS) subdivision (CTS within the PAA as "Accepted Development Subject to Requirements". The proposed PAD includes development codes "TTP Reconfiguring a Lot Code" and "TTP Works and Services Code". Following a detailed assessment of the proposed Development Codes, it is considered that the PAD does not achieve minimum standards sought by the Reconfiguring a Lot Code (CTS subdivision) as contained within the *TRPS*. Further justification and strengthening of the Assessment Benchmarks will be required in support of a reduced Level of Assessment.
	Information Required:
	The applicant is requested to provide further justification for the reduced levels of assessment as detailed above. The applicant is advised that any development involving building works is required to be assessed at a minimum of Code Assessment.

3. PRELIMINARY APPROVAL DOCUMENT

3.1	***Issue:***
	The proposed Development Codes within the PAD do not appropriately reflect the requirements of the *TRPS.* The proposed variations represent a substantial departure from the standard requirements of the TRPS and are not supported in their current form. The proposed PAD does not include reference to the relevant assessment benchmarks of the *TRPS* (e.g. Environmental Standards Code, Works and Services Code, Transport Access Parking and Servicing Code, Integrated Stormwater Management Code, Local Plan Code) as relevant to each aspect of development listed in the proposed varied Tables of Assessment within the PAD.
	Information Required:
	The applicant is requested to provide an amended PAD that nominates the relevant *TRPS* assessment benchmarks (i.e. *TRPS* Development Codes) for each aspect of development as assessment benchmarks within the Tables of Assessment of the PAD.
3.2	***Issue:***
	The application documentation does not specify where there is variance between *TRPS* assessment benchmarks and the TTP Codes included within the proposed PAD. The PAD should clearly identify where a variation to the standard requirements is sought through the Development Codes.
	Information Required:
	The applicant is requested to clearly identify within the proposed PAD any changes to the relevant *TRPS* assessment benchmarks. It should be clearly articulated within the PAD Development Codes where the applicant proposes to vary Acceptable Outcome(s) / Performance Outcome(s) / Overall Outcome(s) / Purpose(s) of the

	assessment benchmarks of the *TRPS*.
3.3	***Issue:***
	The proposed PAD includes Purpose statements and Overall Outcomes for the TTP Zone that represent a substantial departure from the relevant assessment benchmarks of the *TRPS* and have the potential to undermine the intent for development within the PAA as envisaged by the *TRPS*. These alternate Purpose statements and Overall Outcomes are not likely to be supported unless appropriate justification is provided.
	Information Required:
	The applicant is requested to submit an amended PAD which responds to the above issue by ensuring that the Purpose statements, Overall Outcomes, Performance Outcomes and relevant Acceptable Outcomes for the TTP Zone appropriately reflect the type of development that is supported within the PAA. *Note: Amendment of the PAD to appropriately respond to Item 3.3 will be dependent on the overall changes to the PAD that result from response to this Outstanding Issues letter.*

4. DEFINITIONS

4.1	***Issue:***
	The definitions for "Primary Road Frontage" and "Secondary Road Frontage" included as part of the amended PAD do not specify if the terms relate to a 'driveway'.
	Information Required:
	The applicant is requested to amend the definitions for "Primary Road Frontage" and "Secondary Road Frontage" included as part of the amended PAD to clearly specify that the terms may relate to a 'driveway', should the development be undertaken as part of a Community Titles Scheme. It is further requested that a road layout plan be provided which clearly articulates the relevant road heirarchy over the proposed PAA. *Note: Where the TTP Codes require that development is appropriately setback from lot boundaries and/or frontage/s it will be necessary for the Code/s to be amended to ensure that development is appropriately setback from internal circulation driveways, particularly driveways created as part of Community Title Subdivision.*
4.2	***Issue:***
	Table 5.1 of the amended PAD includes "Development Lot" as a defined term. This proposed definition is not consistent with the defintion of "Lot" included in the *Planning Act 2016*. It is unclear why this alter definition for 'Development Lot' is required and the applicant has not provided justification for why an alternate definition should be considered.
	Information Required:
	The applicant is requested to provide justification as to why the "Development Lot" should be supported as a defined term in the PAD in context of the conflict with the defintion of "Lot" included in the *Planning Act 2016*.

5. CONSISTENCY OF LANGUAGE

5.1	***Issue:***
	The amended PAD appears to include inconsistent references to defined terms. • The amended PAD includes definitions for "Primary Road Frontage" and "Secondary Road Frontage" and the Typical Building Layout Plans provided in Appendix C of the amended PAD include references to Principal and Secondary Streets/Roads. However, the Typical Road Cross Section plans (Appendix E) and the Structure Plan (Appendix B) refer to "Driveway" typlogies. • The PAD references the term "Lot" whereas it is unclear whether this is a reference to the seperately defined term "Development Lot".
	Information Required:
	The applicant is requested to amend the PAD to ensure that there is consistency of language, with particular consideration to the above listed issues.

	Where ‘roads’ are proposed these should be consistently referred to as either a ‘Principal Road’ or ‘Secondary Road’ and where ‘driveways’ are proposed these should be consistently referenced. *Note: Where Principal Roads, Secondary Road and Driveways are proposed as part of the PAD, definitions and Typical Cross Section plans should be provided for each.*

6. STORMWATER MANAGEMENT

	Issue:
	Publication of the Dry Creek Stormwater Management Plan (SMP) was prior to the introduction of the Queensland Government State Planning Policy (SPP), a policy that includes water quality objectives. The Dry Creek SMP includes stormwater quality treatments but there was no assessment of the effectiveness of these treatments against any measurable objectives (such as the objectives in the SPP). The Dry Creek SMP proposes a treatment train that includes rainwater tanks, bio-retention basin at Wirth Road, and neighbourhood treatments including stormwater harvesting, buffer strips, sedimentation basins and gross pollutant traps (GPTs). The Wirth Road bio-retention basin forms part of the stormwater component of the Infrastructure Agreement (Amended) between Toowoomba Regional Council and Witmack Pty Ltd dated 31 March 2016. Therefore, an allowance for stormwater quality treatment is included in this Infrastructure Agreement but the allowance does not satisfy the water quality objectives of the SPP. Development within the PAA will need to meet the water quality objectives of the State Planning Policy. To account for the bio-retention basin allowed for in the aforementioned Infrastructure Agreement the development must include a bio-retention basin in the treatment train, and allow for a filter area of $2.2m^2/1,000m^2$ of land. The bio-retention basin is not required on site, but is used to achieve the water quality objectives.
6.1	The filter area of $2.2m^2/1,000m^2$ of land is based on the $7,500m^2$ filter area (1m depth) of the bio-retention basin divided by the area of the Charlton Industrial Area, all as documented in the Dry Creek SMP. Other parameters relevant to the analysis include: a) Use rainfall station 41467 with the modelling period 1/1/1961 to 31/12/1970; b) Rainwater tank requirements in accordance with the Queensland Development Code; c) TN content of the filter media = 400mg/kg (Water by Design advice note July 2013); d) Orthophosphate content of the filter media = 50mg/kg (Water by Design advice note July 2013); e) Filter depth = 1m; f) Exfiltration rate is zero; and g) All other assumptions as per Music Modelling Guidelines 2010. The stormwater plan presented with the application has not been prepared in recognition of the stormwater quality outcomes outlined above. Acceptable Outcome $AO_{5.1}$ references *PSP No 3 Engineering Standards Water and Waste Water Infrastructure*, a document that has no relevance to stormwater management.
	Information Required:
	The applicant is required to amend the Stormwater Management Plan to reflect the above stormwater quality requirements. Remove the reference to PSP No 3 within Acceptable Outcome $AO_{5.1}$ and reference *PSP No 2 Engineering Standards Roads and Drainage Infrastructure*, and the State Planning Policy water quality objectives.

<u>Responding to the Outstanding Issues</u>

Please advise within seven (7) business days of the date of this letter whether you intend to respond to the outstanding issues.

Should you not agree to respond to the outstanding issues contained in this letter, Council will proceed to determine the application in accordance with the original decision making period on the basis of the information supplied.

If you require clarification of any of the above and in particular specific details of the requested information, please contact Council's Planner, Geoff Broadbent on the above number.

Yours faithfully

Lachlan O'Sullivan
Senior Planner, Development Services