

18 September 2025

The Assessment Manager  
Toowoomba Regional Council  
PO Box 3021  
TOOWOOMBA QLD 4350

**RECEIVED**  
02/10/2025  
**TOOWOOMBA**  
**REGIONAL COUNCIL**

**Attention:** Ms Emily Hinchliffe  
**By Email:** [Emily.Hinchliffe@tr.qld.gov.au](mailto:Emily.Hinchliffe@tr.qld.gov.au)

Dear Emily

**RESPONSE TO INFORMATION REQUEST – SECTION 68, PLANNING ACT 2016 & CHAPTER 1, PART 3, SECTION 13, DEVELOPMENT ASSESSMENT RULES – DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE INCLUDING A PRELIMINARY APPROVAL FOR A VARIATION REQUEST - MORT ST, HARLAXTON – LOT 1 SP116255, LEASE F SP183756, EMT D SP297263, EMT B RP810589, EMT E RP 856489, EMT A SP116255, LOT 2 RP17546, LOT 3 RP17547, & LOT 2 RP17536** (Council Ref: MCUI/2019/5122)(Our Ref: 2024-616)

I act on behalf of the applicant, George Weston Foods Limited, in respect of the above matter.

I refer to Toowoomba Regional Council's (**Council**) Information Request, dated 21 October 2024, in respect of a Development Application for a Preliminary Approval for a Material Change of Use including a Preliminary Approval for a Variation Request on land at Mort Street Harlaxton, being that land described as Lot 1 SP116255, Lease F SP183756, Easement D SP297263, Easement B RP810589, Easement E RP856489, Easement A SP116255, Lot 2 RP17546, Lot 3 RP17547, and Lot 2 RP17536.

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

## ISSUES AND RESPONSES

### PART A – CRITICAL DEVELOPMENT ISSUES

- **Economic Need and Economic Impacts;**
- **Traffic Impact Assessment; and**
- **Relationship between proposed multiple approvals over the subject site.**

## 1. ECONOMIC NEED AND ECONOMIC IMPACT

### 1.1. Issue:

*The proposed development seeks 'a mix of service industrial, commercial, medical, professional office and retail uses' on land which is in the High Impact Industry zone, and which is not identified as a higher level centre on the Strategic Framework Map. To this end, the applicant is asked to provide an economic needs assessment.*

### Information Required:

*The economic needs analysis is to address, as a minimum, the following information:*

- Provide more detailed information on the mix of uses, and limitations and / or parameters for specific uses (i.e. maximum gross floor areas etc). The information should detail the role of these commercial activities their likely catchment/s and economic drivers, within the context of the locality and the Strategic Framework. The response should consider Section 3.3.6.2 (1) of the Strategic Framework which states 'higher level centres, including Major and Specialist Retail Centres are located only where shown on a Strategic Framework Map'.*
- It is acknowledged the site may be unsuitable for High Impact Industry development, given the passage of time and events. Provide a statement that provides suitable justification for the departure from high impact industrial uses, in terms of the Strategic Framework of the Planning Scheme.*
- Section 3.9.3.1(5) of the Strategic Framework does not support centre activity uses where they would detrimentally impact on the function and viability of existing centres. Address the impacts a service/specialist centre at this location might have on the viability of existing activity centres and demonstrate how the proposed centre meets the intent of the Centres hierarchy of the Toowoomba Regional Planning Scheme.*
- Provide further details on how the proposal will be consistent with and complimentary to the Toowoomba Hospital Redevelopment Project. Specifically, further information on the commercial services / uses approved for the hospital MID vs those proposed on the subject site should be provided.*

*Note: In accordance with Council's Fees and Charges Schedule, the fees associated with of any external specialist consultant are required to be paid by the applicant (Council will need to engage an economic consultant to peer review the Economic Needs Assessment). In this case, Council will obtain a fee estimate from the relevant consultant and provide this information to the Applicant prior to work commencing on the peer review. We seek your written undertaking to agree to the payment of such fees.*

### Response

- The revised information request issued on the 21 October 2024, to which we are responding on behalf of our client is derived largely from that issued originally on 27<sup>th</sup> February 2020 and has in many respects been overtaken by events.*
- The information request raises several matters relating to "planning need" both for the mix of uses proposed under the Willows Crossing Variation Scheme Document (VSD) and the associated Willows Crossing Masterplan.*

- The purported basis at the time to demonstrate planning need for the mix of medical, professional, retail and low impact industrial uses proposed on the site emanated from the incorrect assumption (even at that time) that the plans to establish a new Base Hospital were conceptual only and had not been endorsed or committed to by the State Government. This perception was inaccurate given the State Government had previously announced on 25<sup>th</sup> September 2018 that Ballie Henderson was the preferred site for the new Toowoomba Base Hospital.
- This decision marked a significant step in the development of healthcare infrastructure in the region. The new hospital is part of a broader vision to transform the Baillie Henderson campus into a modern healthcare hub, catering to the growing needs of the Darling Downs community. With a budget of \$1.3 billion, the project is expected to be completed by the second half of 2027, providing state-of-the-art facilities and a substantial boost to the local economy through job creation during its construction.
- The project, expected to be completed in 2027, will provide 118 additional overnight beds and a range of expanded services to meet the needs of the growing population. The proposed features of the new hospital include medical, surgical, maternity, coronary, and intensive care units, alongside emergency department treatment spaces, outpatient consultation rooms, and diagnostic rooms. Furthermore, the hospital will integrate medical imaging, pharmacy, pathology services, and a dedicated cancer care centre, setting a new standard for healthcare facilities in the area. This development not only aims to deliver enhanced local access to services but also promises to boost the local economy by creating approximately 3,127 construction jobs.
- It is important to note that while the site is not fully completed and operational until 2027, initial stages of the redevelopment are either completed or underway. The day surgery and northern secondary access road from Mort Street have both been completed and are operational. Further the site works are presently underway for the construction of the hospital building.
- The development of the new hospital will expand the range of specialist medical services available and was originally planned to be delivered through a "twin campus" model involving the continued operation of the current Toowoomba Base Hospital.
- Following the election of the LNP State Government, and as recently as April 2025, It has been announced that the proposal to operate on a "two campus" model with some services retained at the existing base hospital site and others being relocated to the Ballie Henderson site has been dispensed with. The LNP Government has decided to fully relocate all hospital services to the Ballie Henderson campus and establish a new fully integrated single campus base hospital. This will now include:
  - A total of at least 538 overnight beds (including at least 118 additional beds);
  - Additional services being provided on-site including a cardiac lab, increased dialysis and a larger emergency department;
  - Improved implementation of electronic medical record keeping;

- Increased utilisation of existing heritage buildings on the Ballie Henderson site; and
  - A multi-storey car park.
- The mix of uses proposed on the subject land are in the main specifically tailored to respond to the need for medical, paramedical, and commercial support services essential to but not specifically catered for on the hospital site and under the associated Ministerial Infrastructure Designation (MID). These services not only include those having a direct nexus with the provision of medical care at the hospital including specialist rooms and paramedical services (e.g. physiotherapy, occupational therapy, medical imaging, podiatry etc) but also services required to service hospital staff and visitors. Such services could include retail, hospitality and short-term accommodation. The notable exception on the site is the proposal to use the southern section of Precinct 5 for large format retail services. This was indicative of the limited utility of this area for other activities, and the corresponding undersupply of land for such services, a fact acknowledged in preparatory investigations in the preparation of Toowoomba Planning Scheme 2012 but not addressed in the instrument in any substantive way. <sup>1</sup> The southern sections of the subject land are suitable for many uses from a physical, access and visibility perspective and will assist in redressing the established undersupply of suitably zoned and located land for large format retailing.
  - In response to the above item, an Economic Impact Assessment has been prepared by Location IQ and is attached as **Appendix A**. The Economic Impact Assessment identifies the proposed range and mix of uses envisaged within the Willows Crossing Mixed Use Area and assesses the planning and economic need for them considering significant changes in land use and strategic land use policy since the adoption of the 2012 Planning Scheme. Most notably these have included the decision to establish a new Base Hospital on the site of the existing Ballie Henderson Hospital which historically was a mental health facility only.
  - In respect to Section 3.3.6.2 (1) of the Strategic Framework, the centres map forming part of the planning scheme significantly pre-dates the decision to establish the new base hospital on the Ballie Henderson Hospital site and to that extent is both out-of-date and has been overtaken by events. The decision to establish a new fully integrated base hospital at Ballie Henderson coupled with the proposal to establish the Willows Crossing Mixed Use area to provide both necessary and complementary uses required in proximity to the hospital campus, but which cannot be located on the Ballie Henderson site.
  - The Economic Impact Assessment has been prepared by Location IQ and is attached as **Appendix A** purposefully assesses the need and impact of the uses proposed within the Willows Crossing area having regard (among other things) to any potential impact on the viability of existing centres. This includes identifying a series of land use based GLA floorspace thresholds that are applied to the uses concerned under the revised Willows Crossing Variation Scheme Document (VSD) attached as **Appendix B**. This assessment purposefully responds to Section 3.9.3.1(5) of the Strategic Framework, by identifying a range of suitable uses and regulating their

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<sup>1</sup> Notwithstanding background studies for the 2012 Planning Scheme highlighting a significant deficiency in the identification of land suitable for large format retail showrooms, only two additional limited areas of land were specifically identified within the Specialised Centre Zone at Anzac Avenue and Boundary Street.

scale and intensity at a level which avoids or mitigates to an appropriate level any adverse impacts on other centres.

- We note that the Willows Crossing Variation Scheme application purposefully seeks to “down-zone” and repurpose a site historically zoned and used for High Impact Industry purposes. The patent unsuitability of the continued zoning and use of this land for high impact industrial purposes relates to three primary considerations:
  1. The location of the subject land in relative proximity to the site of the new Toowoomba Base Hospital (west) and proposed residential development (east) and the amenity and reverse amenity related impacts likely to arise from the inherent association of incompatible uses should the land not be transitioned to compatible uses having limited or benign amenity impacts;
  2. The prominent location of the subject land on the only northern ‘gateway’ access linking the Toowoomba Second Range Crossing and the Toowoomba CBD (Mort Street). This makes the site strategically significant from a visual amenity and character perspective;
  3. The inherent attributes and juxtaposition of the subject land and its corresponding suitability to accommodate a variety of medical, paramedical, commercial and accommodation uses having a nexus with and essential to hospital operations, but which cannot be located on the hospital site. The subject land comprises the only expanse of vacant and largely unconstrained land in direct proximity to the hospital site capable of accommodating the nature and mix of uses allied to hospital operations, and essential to meet the related needs of hospital patients, staff and visitors.

The context and strategic significance of the site is readily apparent, as is its highest and best use being for the mix activities proposed under the Variation Scheme.

## 2. TRAFFIC IMPACT ASSESSMENT

### 2.1. Issue:

***A Traffic Impact Assessment (TIA) prepared by RMA Engineers dated 10 September 2019 was submitted as part of the development application. The TIA outlines that the intended development, as described in the proposed VSD, will result in a significant increase in the daily generated traffic from the subject site.***

***Given the submitted TIA appears to rely on incorrect assumptions, Council will not be able to adequately appreciate and understand that traffic related impacts that will result for the future development of the subject site until this amended TIA is provided.***

***The following advice is provided in response to the originally submitted TIA prepared by RMA Engineers dated 10 September 2019 (note: this advice may not reflect the true extent of issues and may be subject to change depending on the impact of the required revisions to the TIA).***

***Based on the level of increase in traffic generation associated with the intended ultimate development of the site, as outlined in the submitted TIA, the following aspects of the development appear to be inconsistent with the relevant assessment benchmarks (Performance Outcomes PO<sub>1</sub>, PO<sub>2</sub>, PO<sub>3</sub>, PO<sub>4</sub>, PO<sub>7</sub>***

and PO<sub>8</sub>) Transport Access and Parking Code of the Toowoomba Regional Planning Scheme 2012 (Version 22):

- **The TIA has not been prepared in accordance with the latest Department of Transport and Main Roads Guideline “Guide to Traffic Impact Assessment (December 2018)”. The extent of the assessment of intersections included is not clear and the analysis of delays applicable to each intersection has not been considered;**
- **The adopted street names referenced within the TIA are outdated due to the changes resulting from the development of the Toowoomba Second Range Crossing making interpretation of the report difficult;**
- **Section 6.1 of the TIA references future upgrade works to Mort Street and Griffiths Street however Toowoomba Regional Council have no plans in place for further upgrades of Mort Street or Griffiths Street at this stage. As such the TIA will need to consider how impacts on the existing transport infrastructure resulting from the intended development will be mitigated;**
- **The TIA has not considered the impact that the ultimate intended development will have on the existing intersections within the assessment area. At a minimum, the following intersections are required to be assessed:**
  - **Mort and Griffiths Street;**
  - **Roundabout connecting Mort Street, Burnview Avenue and Hermitage Road East;**
  - **Roundabout connecting Griffiths Street and Goombungee Road;**
  - **Ruthven Street (New England Highway) and Griffiths Street;**
  - **Mort and North Street; and**
  - **Any additional intersections as required to meet the Department of Transport and Main Roads Guideline “Guide to Traffic Impact Assessment (December 2018)”;**
- **The TIA has based the background traffic on pre Toowoomba Second Range Crossing counts that are no longer considered relevant and has not clearly defined the adopted growth rate of the background traffic;**
- **The application as proposed is not supported by appropriate road infrastructure. As such, the Applicant is requested to investigate alternate vehicular connections between the subject site and local road network, and the potential for access between the subject site and anticipated residential development over the land immediately to the east of the subject site. It is suggested that the establishment of a vehicular connection across Gowrie Creek and through the land to the east to Goombungee Road/Bacon Street and/or Griffiths Street may be an appropriate means of providing connection to the local road network which accommodates the demand that will be generated by the ultimate development of the site;**
- **reet and/or Griffiths Street may be an appropriate means of providing connection to the local road network which accommodates the demand that will be generated by the ultimate development of the site;**
- **The TIA and submitted plans have not adequately demonstrated how the development integrates with the following:**
  - **Public transport to and from the development; and**
  - **Active transport considerations for connectivity of pedestrians and cyclists into and out of the development site and how the development will safely connect to existing active transport links;**

- **The proposed access to Griffiths Street, as detailed on the submitted plans, poses significant traffic safety concerns due to its proximity to the intersection of Mort and Griffiths Streets and railway infrastructure. As such, based on the information provided, Council is unlikely to support an access to Griffiths Street along the development frontage;**
- **The TIA identifies a development access from Hermitage Road East. The following issue is of concern:**
  - **The Safe Intersection Sight Distance (SISD) of the proposed access location has not been considered;**
- **The TIA identifies a development access from Mort Street. The following issues are of concern:**
  - **The required queuing lengths for the development access exceed the available space between Mort Street and the railway. Accordingly such, the TIA needs to be amended to conceptually demonstrate the feasibility of the Mort Street access;**
  - **The Safe Intersection Sight Distance (SISD) of the proposed access location has not been considered; and**
  - **It is unclear how the railway boom gate has been modelled in SIDRA;**
- **The TIA has adopted site specific traffic generation assumptions that appear to be based on a detailed overall Master Plan (including the development layout and density assumptions) for ultimate development over the site. However, Council has not been provided with a copy of this documentation, therefore Council has not been able to gain a clear understanding of estimated GFA to rationalise and interpret the estimated GFA figures provided in the TIA;**
- **Council does not support the traffic distribution assumption provided with section 5.3 of the TIA. Based on current population figures and development occurring, or anticipated to occur, to the south, east and west of the development site Council believes a higher percentage of trips would likely occur along Mort Street as a result of the development intended to be facilitated by the proposal; and**
- **Figure 2-3 of the TIA illustrates vehicle access to Lot 972 AG3561, which does not form part of the submitted application. The illustrated vehicle access to Lot 972 AG3561 has not been approved by Council and therefore should not be shown on application documentation unless it is indicated that the access is “unapproved” or “indicative”.**

**Information Required:**

**The Applicant is requested to provide an updated Traffic Impact Assessment that:**

- **Appropriately considers and responds to the impacts that the change to the access arrangements will have on the ability of the existing road network to effectively accommodate and service the proposed development;**
- **Is prepared in accordance with the methodology outlined in the Department of Transport and Main Roads Guideline “Guide to Traffic Impact Assessment (December 2018)”;**
- **References the correct street/road names for the surrounding road network in accordance with Councils online mapping;**
- **Removes any assumptions associated with the future upgrade plans that are not in place;**
- **Includes an analysis of the existing intersections that will be impacted by the proposed development in line with recommendations outlined in the Department of Transport and Main Roads Guideline “Guide to Traffic Impact Assessment (December 2018)”;**

- *Adopts post Toowoomba Second Range Crossing background traffic counts that has been verified through a traffic count undertaken on all intersections within the assessment area. The appropriate level of traffic survey to be conducted and the applied growth rate to background traffic is to be agreed between both the Applicant and Toowoomba Regional Council;*
- *Investigates and considers alternate vehicular connections to mitigate traffic impacts on the capacity and operation function of Griffith Street and Mort Street and provides access between the subject site and anticipated residential development over the land immediately to the east of the subject site. If alternate arrangements are not feasible the Applicant will be required to demonstrate this to Council's satisfaction;*
- *Considers the connectivity of the development site and existing active transport linkages/infrastructure to the east, south and west;*
- *Is amended to remove the proposed Griffiths Street access as Council advises that the proposed access is not supported due to safety and functionality concerns. In response the updated TIA must provide for the appropriate redistribution of traffic to an alternative access point and demonstrate that this alternative access point has the physical and operational capacity to accommodate this traffic;*
- *Includes assessment of the Safe Intersection Sight Distance (SISD) for the proposed access to Hermitage Road East;*
- *Further investigates traffic queuing lengths resulting from the at-grade railway crossing and its impacts on the proposed Mort Street access. As part of the updated TIA please provide recommendations (including a conceptual layout plan) that clearly demonstrates how the proposed Mort Street access arrangement can be constructed while also managing the required traffic queuing lengths without adversely impacting Mort Street;*
- *Includes assessment of the SISD for the proposed Mort Street Access;*
- *Clarification as to how the railway boom gate has been modelled in SIDRA. Council also requests that Queensland Rail be contacted for further clarification on the boom gate closure times to ensure accurate timing has been adopted for the queuing length assessment;*
- *Provides further clarification and explanation of the adopted GFA figures for the ultimate development of the site included within the TIA. Where the adopted GFA figures are related to the proposal to establish multi storey buildings please provide detail of such;*
- *Includes revised traffic distribution assumptions that correctly reflect the proposed development, current population figures as well as current and future development in the area surrounding the subject site. Alternatively provide further justification for the adopted traffic distribution; and*
- *Removes any reference (including imagery) to vehicle access into Lot 972 AG3561 that has not been approved by Council.*

**Note:** *Due to the Road Hierarchy of Mort Street, Council may consider allowing an access point if the access is designed as a left in and left out only configuration.*

### **Response**

In response to the above item, RMA Engineers have provided a Technical Note which responds specifically to this item which is attached as **Appendix C**. A revised TIA has also been prepared, and this is attached as **Appendix D**. These documents should be referenced directly and in conjunction with each other as the response to this item.

### 3. RELATIONSHIP BETWEEN PROPOSAL AND SURROUNDINGS LAND

#### 3.1. Issue:

***It is acknowledged that the previous development application (MCUI/2016/6473), and subsequent court proceedings over the adjoining site to the east have been discontinued.***

***However, Council considers that the future development of the adjoining site to the east should be considered as part of the subject application to ensure that the proposal is compatible with the Emerging Community zoning of the adjoining site.***

#### **Information Required:**

***The Applicant is requested to provide a response to the above issue.***

#### **Response**

In response to the above item, we acknowledge that you correctly note that the previous application over land to the east of Gowrie Creek (Council Reference MCUI/2016/6473) was the subject of a "deemed refusal" appeal in the Planning and Environment Court that was ultimately withdrawn. The appeal was lodged at that time as the application had been under assessment for some five (5) years, and in both our and our clients' view, the prospect of obtaining a timely decision on the application appeared remote. The withdrawal of the appeal at the applicant's instigation concluded that application process.

Following structural, procedural, management and personnel changes within Council town planning and development assessment areas, my client was encouraged by Council to reapply for a master planned residential development over the land due to its evident consistency with the purpose and intent of the Emerging Community Zone which had applied to the land since 2012. A subsequent development application was made for "The Willows" master planned residential development (Council Reference: MCUI/2025/338). This application was on public notification until 9<sup>th</sup> September 2025, and is now in the Decision Stage.

The Willows Residential Preliminary Approval (including a variation request) seeks to put in place a regulatory and assessment framework for a master planned residential community. The current Willows Crossing application over land to the west of Gowrie Creek (to which this response relates) will facilitate the development of the subject land for a range of compatible non-industrial activities including medical, paramedical, commercial and accommodation uses having a nexus with and essential to hospital operations, but which cannot be located on the hospital site. Being commercial and residential in nature, these do not give rise to substantive amenity concerns and can be designed and regulated to ensure they remain compatible with what will be adjacent residential development.

In a spatial sense, I also note that significant linear open space precincts are proposed on both sides of Gowrie Creek under the corresponding Variation Scheme Documents for both developments. Collectively these assist in increasing the physical separation and buffering between adjacent mixed and residential use precincts.

The ultimate approval of the Willows Crossing Variation Scheme will have the practical implication of "down-zoning" the site from "High Impact Industry" to a mix of medical, paramedical, commercial and accommodation uses that do not give rise to amenity or reverse amenity concerns.

## **PART B – KEY DEVELOPMENT ISSUES**

*The Applicant is recommended not to proceed with the following items prior to resolving the issues listed in Part A of this Information Request.*

*Part B is structured into the following key issues:*

- *Master Planning;*
- *Pedestrian Links;*
- *Integration of Sewer Infrastructure Upgrades;*
- *Stormwater Drainage;*
- *Open Space (Quality) and Vegetation Retention;*
- *Acoustic Impacts; and*
- *Contaminated Land (Residential).*

### **4. MASTER PLANNING**

#### **4.1. Issue:**

*It is acknowledged that the Applicant has provided Council with an amended Masterplan – Precinct Plan prepared by Aspect Architects and Project Managers (dated 1 August 2024).*

*The Master Plan does not appear to be informed by an assessment of either a site analysis, context analysis or economic analysis. Planning Scheme Policy PSP No. 4 – Master Planning provides a set of requirements for the preparation of Master Plans to demonstrate compliance with relevant assessment benchmarks.*

*PSP No. 4 (SC6.4.2) outlines that the role of a Master Plan is to ensure that future development:*

- a) contributes to a logical pattern and sequence of development;*
- b) facilitates efficient use of land and infrastructure;*
- c) facilitates integration with existing and future urban development, having regard to:
  - i. movement networks;*
  - ii. open space networks; and*
  - iii. access to community infrastructure; and**
- d) responds to constraints, natural and cultural values on the site and mitigates any impacts on areas of environmental and cultural significance.*

*PSP No. 4 provides a list of assessment requirements to guide preparation of an appropriately constituted Master Plan. The assessment requirements (SC6.4.3.1-SC6.4.3.3) should be considered the base requirements and the Master Plan will require a contextually relevant assessment. In accordance with the assessment requirements the Master Plan/s should, at a minimum, clearly demonstrate the proximity of the Toowoomba Second Range Crossing (TSRC), the rail corridor and the Gowrie Creek linear corridor which are elements unique to this site that should be analysed and inform development of a Master Plan.*

*Comprehensive demonstration of site and context analysis is required. The size, location, visibility and importance of the site requires the analysis to explore Toowoomba City and surrounding elements such as the second range crossing, the existing and future rail corridors, existing and future road corridors and anticipated future development in proximity to the subject site. The elements listed are not exhaustive and should be considered in greater detail by the Applicant. The site should not be considered in isolation of its context.*

*Assessment of the site and context analysis should lead to development of a vision statement that addresses the physical attributes of the site and surrounding features and provides a rationale for how these are to be considered by proposals for development of the subject site. To demonstrate consistency with the Toowoomba Regional Planning Scheme 2012 (Version 28) the vision statement should also have consideration of the themes in the Strategic Framework.*

*In addition, it will be necessary to develop a design intent and a series of key design principles to guide future development of the site. It is this design intent and key design principles that will enable development of the Precinct intents and the relationships between the Precincts to inform the urban design and structure plan mapping.*

*The development of a vision, design intent, and key design principles for the overarching site and for each Precinct will ensure that future development remains consistent with intent for the Variation Scheme Area (VSA) and achieves compliance with the Strategic Framework of the Toowoomba Regional Planning Scheme 2012 (Version 28).*

#### **Information Required:**

*The Applicant is requested to provide further information and justification to support the proposed Master Plan/s, including the economic needs assessment discussed in Item 1. This further information must be in the form of a detailed Master Plan and Structure Plan prepared in accordance with Planning Scheme Policy PSP No. 4 – Master Planning, including but not limited to the details outlined above.*

*The Master Plan and Structure Plan are required to be supported by and prepared in accordance with a vision statement, design intent and key design principles for the overall development of the site and for proposed each Precinct, as outlined above. The vision statement, design intent and key design principles must be incorporated into the amended VSD.*

#### **Response**

The Willows Crossing Master Plan is included as **Appendix E** and is illustrated on three (3) plans:

- (a) A precinct-based **land use master plan** which divides the subject land into six (6) precincts of varying land use intent.
- (b) A **landscape plan** illustrating the overall landscape strategy over the subject land including areas of open space, landscape buffers and overland flow paths; and
- (c) An **access plan** illustrates key access and circulation recommendations for the Willows Crossing area including external access points, the internal access network, bike and pedestrian paths and cross creek access points.

The underlying philosophy of the Willows Crossing Variation Scheme and master plan is to purposefully “down-zone” and repurpose a site historically zoned and used for High Impact Industry purposes. The patent unsuitability of the continued zoning and use of this land for high impact industrial purposes relates to three primary considerations:

1. The location of the subject land in relative proximity to the site of the new Toowoomba Base Hospital (west) and proposed residential development (east) and the amenity and reverse amenity related impacts likely to arise from the inherent association of incompatible uses should the land not be transitioned to compatible uses having limited or benign amenity impacts;

2. The prominent location of the subject land on the only northern 'gateway' access linking the Toowoomba Second Range Crossing and the Toowoomba CBD (Mort Street). This makes the site strategically significant from a visual amenity and character perspective;
3. The inherent attributes and juxtaposition of the subject land and its corresponding suitability to accommodate a variety of medical, paramedical, commercial and accommodation uses having a nexus with and essential to hospital operations, but which cannot be located on the hospital site. The subject land comprises the only expanse of vacant and largely unconstrained land in direct proximity to the hospital site capable of accommodating the nature and mix of uses allied to hospital operations, and essential to meet the related needs of hospital patients, staff and visitors.

The context and strategic significance of the site is readily apparent, as is its highest and best use being for the mix activities proposed under the Variation Scheme.

We note that The Economic Impact Assessment has been prepared by Location IQ and is attached as **Appendix A** purposefully assesses the need and impact of the uses proposed within the Willows Crossing area having regard (among other things) to any potential impact on the viability of existing centres. This includes identifying a series of land use based GLA floorspace thresholds that are applied to the uses concerned under the revised Willows Crossing Variation Scheme Document (VSD) attached as **Appendix B**. This assessment purposefully responds to Section 3.9.3.1(5) of the Strategic Framework, by identifying a range of suitable uses and regulating their scale and intensity at a level which avoids or mitigates to an appropriate level any adverse impacts on other centres.

Since the original information request was formulated upon which this amended information request was based, VSD documents based on an identical structure, format and content to that submitted in this instance have been accepted, assessed and approved by Council. The most notable example is that prepared and approved for the Habitat Mt Kynoch development. Importantly, Council have since accepted that a high level purpose or vision statement is not required, and if it was it would be of no practical effect. The VSD does not seek to vary the strategic vision for the planning scheme area that is for all intents and purposes contained in the Strategic Framework of the Planning Scheme. A planning intent is identified for each precinct under the master plan and VSD supported by a range of overall outcomes.

## 5. PEDESTRIAN LINKS

### 5.1. Issue:

***It is acknowledged that the Applicant has provided Council with an amended Masterplan – Precinct Plan prepared by Aspect Architects and Project Managers (dated 1 August 2024).***

***It is noted that this amended plan does not include a pedestrian link. In the applicant's previous response (dated 10 June 2024) it is noted that a minimum of 1 and a maximum of 2 pedestrian links were being investigated.***

***Council considers that insufficient information has been provided detailing the mechanisms, process and costs associated with establishing these pedestrian links.***

### **Information Required:**

- a) *The Applicant is requested to provide preliminary concepts of the pedestrian links (footpaths and bridge);*
- b) *The Applicant is requested to undertake preliminary investigations to identify costing of proposed bridge structures, and to identify an appropriate cost recovery strategy; and*
- c) *The Applicant is requested to address any relevant development requirements associated with these pedestrian links as part of the proposed VSD.*

### **Response**

Part of the conceptual design of the subject land and that to the east (which is under common ownership) includes the investigation of cross creek pedestrian linkages. The location and design specifications of these links are yet to be determined but are nonetheless best resolved as part of the detailed design for such links as part of a future development application(s) authorising physical development of both or either site. A minimum of one (1) link and maximum of two (2) links are being investigated. The applicant has previously agreed to meet the cost of providing a connection between the linear open space corridor along Gowrie Creek, across the creek to land to the west of Gowrie Creek. The Willows Crossing Master Plan is included as **Appendix E** and shows the location of potential creek crossing points,

## **6. INTEGRATION OF SEWER INFRASTRUCTURE UPGRADES**

### **6.1. Issue:**

*Council notes that the land owner, George Weston Foods Ltd, is currently in negotiations with Council's Water Project Services branch regarding the alignment of a future 900mm trunk sewer main required to traverse through the subject site. The new trunk sewer main will replace the existing 650mm sewer main currently traversing through the length of the subject site in proximity to the Gowrie Creek (eastern) boundary. The proposed new trunk sewer main is intended to be constructed within the next twelve (12) months.*

*It will be necessary for the Master Plan/s, and Precinct configuration, for the proposed Willows Crossing development to reflect and make allowance for the final alignment of the new 900mm trunk sewer main.*

### **Information Required:**

*The Applicant is requested to demonstrate that the proposed development will integrate with the proposed trunk sewer alignment through provision of an amended Master Plan that illustrates the proposed trunk sewer alignment and ensures that future development areas (i.e. Precincts) and infrastructure (e.g. transport networks) are appropriately configured to provide separation from the new trunk sewer main to ensure the provision necessary buffers.*

### **Response**

In response to the above item, we note that the new DN900 sewer works are constructed, and the sewer is live. There is an agreement between Council and GWF for an easement to be registered over the sewer alignment. The sewer alignment and easement are shown on the RMA drawing no. C-SK0009 attached as **Appendix F**.

The sewer alignment corresponds with the north-south boulevard road defining the western extent of the linear riparian parkland corridor.

The terms of the sewer easement preclude building over it and provides for suitable separation from development areas. Any subsequent development on the site will make allowance for the sewer and easement.

## **7. STORMWATER DRAINAGE**

### **7.1. Issue:**

*The stormwater management solutions for the proposed development, as outlined in the Stormwater Management Report (Quantity and Quality), prepared by RMA Engineers dated 18 January 2018, do not satisfy the requirements of Schedule 6 Planning Scheme Policies (PSP), SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure of the Toowoomba Regional Planning Scheme 2012 (Version 22).*

*In particular, the following issues are of concern:*

- *Consideration of the conveyance of upstream catchments safely through the subject site; and*
- *Discharge arrangements into Gowrie Creek.*

*Section 6.6 of the abovementioned Stormwater Management Report requests that Council accept a voluntary contribution in lieu of treatment onsite. However, due to the nature of the development Council require that the stormwater quality be managed onsite and a voluntary contribution in lieu of treatment is not acceptable to Council.*

*Figure 2 in the Stormwater Management Report (Quantity and Quality), prepared by RMA Engineers dated 18 January 2018, identifies the 4x2100mm RCP's which run under the new Mort Street. These pipes discharge into 2x600mm RCP under the old Mort Street. There is a 900mm gravity sewer main running over these 600mm RCP's. This drainage path is then conveyed under the QR railway line via 2x2130x1680mm RCBC's. The current drainage infrastructure arrangement will likely result in overland flows from the Baillie Henderson channel impacting a significant portion of the proposed development site.*

### **Information Required:**

*The Applicant is requested to provide an amended Stormwater Management Report that includes the following:*

- *Additional information demonstrating/advising how the upstream catchment flows will be safely conveyed over the site;*
- *Conceptually demonstrates how the substantial flows within the Baillie Henderson channel will be discharged into Gowrie Creek and what measures will be provided to prevent localised scouring; and*
- *Addresses the stormwater quality treatment requirements of the development onsite.*

*Note: Council advises investigations into on-site reuse from rainwater tanks for both landscape watering and water supply should be carried out. Additionally, consideration towards paved areas sheet flowing into landscaping areas should be undertaken as part of future development over the site.*

## **Response**

In response to the above item, we advise as follows:

### Upstream Catchment Flows

Flow in Gowrie Creek from the upstream catchment is contained within the creek, easement and open space corridor as shown on the RMA drawing no. C-SK0009 attached as **Appendix F**.

Flow from the Baillie Henderson Channel will be managed through the site by containing it within a channel. As part of the Mort Street upgrade works Council identified a conceptual solution for the appropriate management of the flows within an open channel between the QR culvert and Gowrie Creek. A copy of that solution is provided in **Appendix G**.

RMA Engineers have marked up that concept design with an alternative that achieves a similar outcome. A copy of our markup is also provided in **Appendix G**.

Both options provide conceptual solutions for the site, which can be further refined as part of future applications for development permits on the land.

### Stormwater Quality Treatment

The stormwater report submitted with the original application provided model results to demonstrate the conceptual bioretention basin area required to achieve the stormwater pollutant reduction target of the State Planning Policy and proposed a cash in lieu contribution.

RMA Engineers subsequent letter of 16 May 2024 stated

*"We acknowledge Council's requirement for stormwater quality treatment to be managed on site rather than a cash in lieu contribution. A stormwater management plan will be provided with each subsequent application for a development permit that demonstrates how the pollutant reduction targets are achieved for that application."*

We confirm that the required stormwater quality treatment will be incorporated as part of future development of the site.

Council can impose a condition on the Variation Approval that requires any future development of the site demonstrate the following:

- *The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and State Planning Policy (July 2017).*

(Note: the wording in italics is as per Council's standard conditions)

## **8. OPEN SPACE (QUALITY) & VEGETATION RETENTION**

### **8.1. Issue:**

***Insufficient information was provided with the submitted application demonstrating compliance with the requirements of the Open Space Zone Code of the Toowoomba Regional Planning Scheme 2012 (Version***

22) and Council's Desired Standards of Service (DSS) for the Parks network. The submitted information does not demonstrate that the relevant requirements can be satisfied within the proposed 'Open Space Precinct'. The required information must demonstrate that the proposed 'Open Space Precinct' is accessible and functional for the purposes of stormwater drainage, recreational usage and active transport while not compromising the environmental values (biodiversity) of the Gowrie Creek waterway and riparian zone.

**Information Required:**

The Applicant is requested to provide the following additional information to provide rationale for the landscaping and open space features detailed the 'Willows Crossing Open Space Concept' prepared by Aspect Architects and Project Managers dated 9 July 2019:

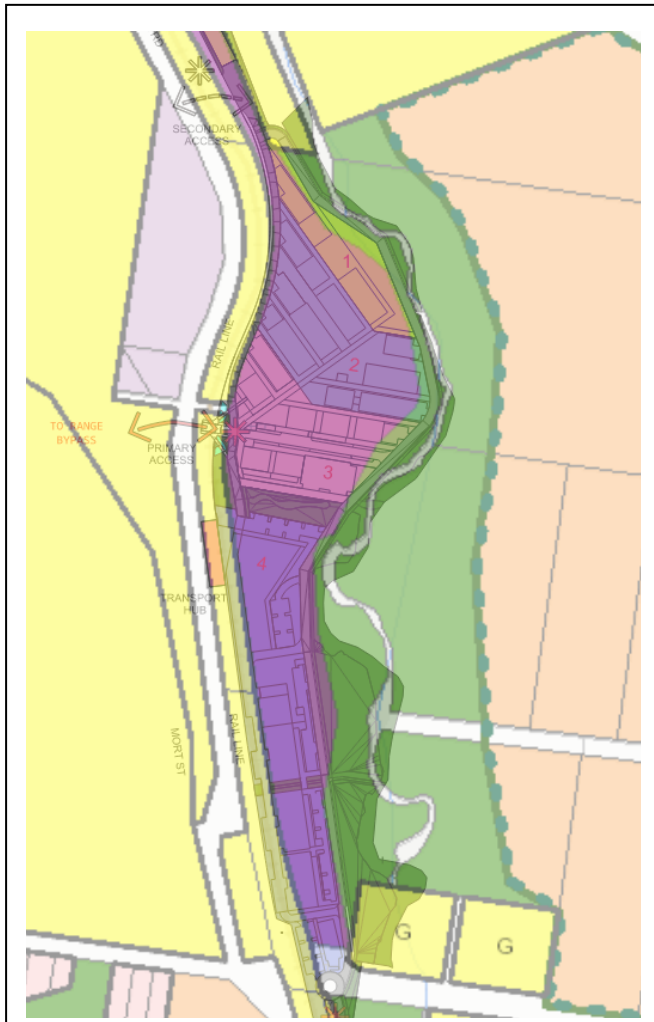
- A plan showing the proposed 'Open Space Precinct' overlayed with the Open Space Zone from the Toowoomba Regional Planning Scheme 2012 to demonstrate that the proposed "Open Space Precinct" aligns with the mapped Open Space Zone;
- A plan showing the proposed 'Open Space Precinct' overlayed with mapping of the Q100 flooding extent for Gowrie Creek for the entire length of the development site to demonstrate that any active transport areas proposed are free from flooding and safe for public use. It will be necessary to demonstrate that the 'Open Space Precinct' provides appropriate land above the Q100 flooding event to accommodate relevant infrastructure and services;
- Undertake an ecological assessment of existing vegetation within the proposed 'Open Space Precinct' and produce documentation to describe and qualify the vegetation values of the entire development site and vegetation within the Gowrie Creek corridor (including in-stream and riparian vegetation). The ecological assessment and resulting documentation is to be undertaken and prepared by a suitably qualified professional. Areas of in-stream and riparian vegetation that are proposed to be cleared should be clearly represented in appropriately scaled plans;
- West/east cross sections (including distance) along the length of the development site's interface with Gowrie Creek and the internal road proposed along the western boundary of the 'Open Space Precinct' to demonstrate that the Precinct area is maintainable and safe for public access, particularly in proximity to steep banks and in the narrow portions of the creek; and
- An updated Variation Scheme Document (VSD) that clearly demonstrates adoption of or consistency with Council's Desired Standards of Service (DSS) as detailed in the Toowoomba Regional Planning Scheme 2012 (Version 22).

**Note:** It is considered that the Precinct layout, detailed on the submitted Masterplan – Precinct Plan prepared by Aspect Architects and Project Managers dated 20 August 2019, should be amended to provide for additional vegetation retention between the eastern boundaries of proposed Precincts 1 & 2 and Open Space Precinct/Gowrie Creek.

**Response**

- In response to the above item, we note that the mapped open space precinct is intended to all but replicate the area included in the Open Space Zone under the Toowoomba Regional Planning Scheme 2012. Notwithstanding that where localised variations exist; these relate to the location of a trunk sewer which traverses the site and corresponds with the eastern open space boulevard that demarcates the open space precinct from those intended to accommodate urban uses. The existing masterplan overlayed with the zoning plan under the Toowoomba Regional Planning Scheme is illustrated in **Figure 1**.

Figure 1 – Zoning and Masterplan Overlay



- As with any Master Plan such as that included in the VSD, it is indicative of broad planning intent and land use structure across and within different areas of the site. Such plans are necessarily diagrammatic in nature and are intentionally not based on cadastral boundaries.
- Since this information request was issued, agreement has been reached between Council and George Weston Foods Limited (GWF) on the alignment of the trunk sewerage easement traversing the GWF site. This purposefully corresponds with the boulevard access road forming the western perimeter of the open space precinct.
- The other elements of this item have either been overtaken by events or are not relevant as the masterplan and variation scheme document effectively provide for the land zoned for open space to be used in a manner consistent with the provisions of the Open Space Zone. In that regard the status quo is maintained.

- Other aspects seeking detailed cross sections and details on the interface between parkland and developed areas cannot be provided at this stage as the ultimate development form will be the subject of future development applications authorising the physical development of the land. The present application for a variation scheme seeks only to establish an alternative land use intent and regulatory framework over the land as it applies to its future use or development.
- The linear open space area is not identified as being subject to any regulatory environmental values of significance and is not identified as containing regulated vegetation, essential ecosystem or Koala habitat. Further, apart from a minor incursion of the Waterways and wetlands buffer at the southern end of the linear corridor adjacent to Griffiths Street, no part of the corridor is included under Council's Environmental Significance Overlay. On that basis, we contend that there is no justifiable technical basis or utility in undertaking an Ecological Assessment over the linear corridor, and my client has elected not to prepare such an assessment.
- Previous comments have noted the fact that detailed open space and landscape planning can and is best undertaken as part of detailed design. The requirement to undertake such design as part of detailed design and in accordance with Council's Desired Standards of Service (DSS) can be secured by the imposition of a reasonable or relevant condition. The DSS are also now included in the revised Willows Crossing Variation Scheme Document (VSD) attached as **Appendix B**. Cross sections would reasonably be provided at that time as part of detailed design.
- The VSD outlines those elements of the planning scheme insofar as it applies to the site which are varied. The DSS do not have to be included in the VSD as they are not technically part of the planning scheme. Notwithstanding this, the DSS have been included in and called up under the the revised Willows Crossing Variation Scheme Document (VSD) attached as **Appendix B**. Further, a suitable condition can be imposed that mandates such standards are complied with as part of the detailed design of open space areas.
- Flow in Gowrie Creek from the upstream catchment (Q100) is contained within the creek, easement and open space corridor as shown on the RMA drawing no. C-SK0009 attached as **Appendix F**.
- Finally, we draw Council's attention to the overall landscape plan and access plans which support the overall masterplan for the site. These plans also form part of the Variation Scheme Document prepared for the subject land.

## 9. ACOUSTIC IMPACTS

### 9.1. Issue:

*The proposed development site is located adjacent to a state rail corridor and a Council arterial road. The land to the west is being developed for a new Hospital. Noise from these developments will likely have an impact on any proposed new sensitive land uses, including accommodation and also medical services (refer to Schedule 1 of the EPP (Noise) 2019 for land uses that require specific acoustic quality objectives).*

*Noise from new land uses within the development itself may also impact on the proposed sensitive land uses. These noise sources are to be included in any future impact assessment.*

**Information Required:**

***An Acoustic Impact Assessment will be required that determines the cumulative impacts on sensitive receptors from a range of possible site uses commensurate with the Precincts proposed. This assessment should include modelling with clearly defined attenuation measures, as needed.***

**Response**

In response to the above item, an Acoustic Impact Assessment prepared by CRG Acoustics is attached as **Appendix H**.

**10. ENVIRONMENTAL SIGNIFICANCE OVERLAY**

**10.1. Issue:**

***The development is only partially included under the Waterway Buffer Overlay. There have been some historic attempts to rehabilitate Gowrie Creek and the riparian vegetation in the vicinity of the development site. The Masterplan – Precinct Plan (dwg MP.000, Rev G) includes areas of Open Space providing a buffer to the adjacent waterway, Gowrie Creek. The riparian zone vegetation is to be conserved to the maximum extent possible, if not extended and rehabilitated such that creek health and stability are returned to a more natural state. Future stormwater management infrastructure into Gowrie Creek will require earthworks, leading to removal of riparian vegetation and disturbance of contaminated land.***

***PO<sub>7</sub> of the Environment Overlay Code required development provides a buffer which protects the ecological, hydrological and water quality values of the wetland or the waterway. Any future development application will be required to show how these impacts are to be managed.***

**Information Required:**

***The use of Precinct 6 as Open Space will require an assessment of contaminated land, as well as the riparian vegetation, bank stability, flooding and water quality, as part of any design for open space use. Precinct 6 appears to be located within an area that is commensurate with the high banks of Gowrie Creek and appears more suited for stormwater management than parkland activities.***

***Discussions with Council's Parks and Rec team and Council's Water Infrastructure Services team will likely be required to ensure design outcomes are consistent for the space provided and existing land use constraints listed previously.***

**Response**

In response to the above item, we note that a Preliminary Site Investigation for the subject land has been previously undertaken by Golders and Associates in 2015 and provided to Council on numerous occasions. This assessment may be accessed directly via the [following link](#):

**[190402 Golders Preliminary Site Investigation.pdf](#)**

In accordance with the statutory procedures for the identification and management of land under the Contaminated Land Register (CLR) or Environmental Management Register (EMR) subject to contamination, an independent third-party auditor will be appointed to review the assessment and validate any findings. Should additional investigations or remedial actions be required, these will be identified by the third-party auditor. This will include any requirements for remediation and on-going

management of identified contamination. All actions outlined are required to be undertaken and authorised prior to the physical development of affected land being authorised to proceed.

The present application seeks only a Preliminary Approval for a Variation Request and accordingly does not authorise any specific use or the physical development of the land in the absence of subsequent development approvals being obtained. The applicant is agreeable to the requirement to obtain required approvals and certifications requiring the land to be suitably remediated for the proposed approved use in advance of physical development occurring in accordance with normal statutory and environmental management practices.

## **PART C – VARIATION SCHEME DOCUMENT**

***The Applicant is advised that the VSD will be informed by the findings and outcomes of the preceding items of this Information Request. The VSD will be subject to continuous review until such time that the issues outlined in this Information Request, and any future Further Issues Letters, are finalised to Council's satisfaction.***

***Part C is structured into the following key issues:***

- ***Structure;***
- ***Content;***
- ***Format and Referencing;***
- ***Tables of Assessment; and***
- ***Development Code.***

### **11. STRUCTURE**

#### **11.1. Issue:**

***The Variation Scheme Document (VSD) submitted with the development application is a local categorising instrument that proposes to override the provisions of the Toowoomba Regional Planning Scheme 2012. The structure of the VSD is not consistent with that of the Toowoomba Regional Planning Scheme 2012. The below preferred structure is provided as a guide only and the individual elements are suggested to be incorporated in any amended VSD in some order (i.e. meaning the order can differ to that provided below). It is acknowledged that the submitted VSD incorporates a number of the elements of the preferred structure:***

#### **1. Preliminary**

- ***Should provide an overarching summary of the proposal including 'Short Title', application details (including mapped extent of Variation Scheme Area and list of affected land parcels) and high level VSD 'purpose' statement.***

#### **2. Interpretation**

- ***Should include list of rules that apply to interpretation of the VSD and a list of definitions for key terms within the VSD.***

#### **3. Relationship to Relevant Instruments**

- ***Should detail the VSD's relationship with the Planning Act 2016 and the Toowoomba Regional Planning Scheme 2012 (Version 28)***

#### **4. Approved Development**

- States the development that is approved by the Preliminary Approval for VSA.

#### 5. Tables of Assessment

- Provides Tables of Assessment for each aspect of development proposed within the VSA, where varying the level of assessment, assessment criteria and/or assessment benchmarks from those prescribed in the Toowoomba Regional Planning Scheme 2012 (Version 28); and
- It will be necessary for the Tables of Assessment to reference any applicable Temporary Local Planning Instrument/s or relevant State-wide Code/s.

#### 6. Applicable Codes

- This part of the VSD should identify the codes that are applicable to assessable development within the VSA and state how the proposed codes relate to all forms of assessable development.

#### 7. Development Code/s

- Includes a vision/purpose statement or overall intent for the VSA. The vision statement should seek to ensure that future development remains consistent with the overall intent for the VSA, as a whole, and achieves compliance with the Strategic Framework of the Planning Scheme. Consideration of the themes in the Strategic Framework would be appropriate in preparing a vision statement;
- Provides site specific Overall Outcomes to guide development over the entirety of the VSD;
- Provides Precinct specific Purpose Statement and Overall Outcomes to ensure that there is a clear intent and overarching framework for future development within each of the proposed Precincts; and
- The VSD should include a new Development Code/s which responds to the site-specific opportunities and constraints. The Development Code/s should be structured to provide site wide outcomes and Precinct specific outcomes. The site wide outcomes should ensure that overall development within the VSD is contextually appropriate. The Precinct specific outcomes should provide for finer grained detail to ensure that development is appropriately established within each proposed precinct and is compatible with the other proposed Precincts and current/anticipated surrounding development.

#### 8. Supporting Maps / Strategies

- Include any supporting mapping/strategies which support and inform the provisions of the VSD and associated Development Code/s (e.g. active transport plan, precinct plan, master plan, finer grained precinct plans (if required), road network strategy plan, public transport and pedestrian strategy plan, infrastructure plan, open space (parks and drainage) and landscape strategy plan(s), context plan etc.)

#### **Information Required:**

The Applicant is requested to provide an amended VSD that is generally consistent with the structure detailed above.

#### **Response**

I note that an amended Variation Scheme Document (VSD) has been prepared and is included as **Appendix B**.

Notwithstanding that, we note that this item has been overtaken by events. At the outset we note that there are no mandatory requirements prescribing the content, format and approach of a Variation Request or an associated Variation Scheme Document (VSD). Schedule 2 of the Planning Act 2016 simply notes that a Variation Request forms part of a preliminary approval that seeks to vary a local planning

instrument in effect for the premises. Typically, a variation request will seek to vary one or a combination of the following:

- The planning intent (purpose and overall outcomes) of zone(s) or precinct controls applying to premises;
- The assessment provisions (assessment tables) applicable to uses and development over all or part of premises; and
- The assessment benchmarks (applicable codes) relevant to the assessment of development over all or part of premises.

Since this information request was formulated, VSD documents based on an identical structure, format and content to that submitted in this instance have been accepted, assessed and approved by Council.

The most notable example is that prepared and approved for the Habitat Mt Kynoch development. This demonstrates that none of the matters originally requested under this item are mandatory or even necessary and were reflective of the assessing planner's personal preference at the time of issuing the original information request upon which this latest version was based.

Having noted that, many of the items requested are already addressed in the submitted or revised VSD and have not been correctly identified or noted by the planner assessing the application at the time the original information request upon which this latest version was based. In the interests of completeness I have responded to the various points outlined as follows:

#### 1. Preliminary

- *Should provide an overarching summary of the proposal including 'Short Title', application details (including mapped extent of Variation Scheme Area and list of affected land parcels) and high level VSD 'purpose' statement.*

**Comment:** Council have since accepted that a high level purpose or vision statement is not required, and if it was it would be of no practical effect. The VSD does not seek to vary the strategic vision for the area that is for all intents and purposes contained in the Strategic Framework of the Planning Scheme. Further to seek to change the Strategic Framework of the planning scheme through a variation request, is outside of the scope of Section 43 of the Planning Act 2016 and therefore unlawful.

Section 1.0 of the submitted VSD states clearly "The following document comprises the "Willows Crossing – Variation Scheme". One would reasonably conclude that this is the "Short Title".

Section 2.0 of the submitted VSD includes a map of the "Variation Scheme Area (VSA)" and clearly indicates it applies to Lot 1 SP116255.

#### 2. Interpretation

- *Should include list of rules that apply to interpretation of the VSD and a list of definitions for key terms within the VSD.*

**Comment:** Section 2 of the VSD are the administrative provisions governing the intended application of the VSD and the way it seeks to vary the provisions of the Toowoomba Regional Planning Scheme 2012. Section 6 – Definitions of the VSD calls up the use and administrative definitions of the Toowoomba Regional Planning Scheme 2012. The only exception to this is that in the revised version of the VSD included in **Appendix B**, we have included a definition of "Gross Lettable Area", as the use thresholds

identified under the Economic Impact Assessment and included in the revised VSD are expressed as Gross Lettable Area. Terms not otherwise defined take their normal and common meaning pursuant to the rules outlined under the *Statutory Instruments Act 1992*.

#### 4. *Approved Development*

- *States the development that is approved by the Preliminary Approval for VSA.*

**Comment:** Refer sections 1.0, 2.0 and 3.0 of the Variation Scheme Document (VSD). These sections make it clear that should Council approval the application for Preliminary Approval including a Variation Scheme, that the relevant provisions of the Toowoomba Regional Planning Scheme 2012, are varied in accordance with the Willows Crossing Variation Scheme Document (VSD)

#### 5. *Tables of Assessment*

- *Provides Tables of Assessment for each aspect of development proposed within the VSA, where varying the level of assessment, assessment criteria and/or assessment benchmarks from those prescribed in the Toowoomba Regional Planning Scheme 2012 (Version 22); and*
- *It will be necessary for the Tables of Assessment to reference any applicable Temporary Local Planning Instrument/s or relevant State-wide Code/s.*

**Comment:** Refer sections 4.0 and 5.0 of the VSD and Tables of Assessment for Material Change of Use, Other Development and Overlays in Appendices A, B & C. There are no TLPI's applicable to the land.

#### 7. *Development Code/s*

- *Includes a vision/purpose statement or overall intent for the VSA. The vision statement should seek to ensure that future development remains consistent with the overall intent for the VSA, as a whole, and achieves compliance with the Strategic Framework of the Planning Scheme. Consideration of the themes in the Strategic Framework would be appropriate in preparing a vision statement.*
- *Provides site specific Overall Outcomes to guide development over the entirety of the VSD;*
- *Provides Precinct specific Purpose Statement and Overall Outcomes to ensure that there is a clear intent and overarching framework for future development within each of the proposed Precincts; and*
- *The VSD should include a new Development Code/s which responds to the site-specific opportunities and constraints. The Development Code/s should be structured to provide site wide outcomes and Precinct specific outcomes. The site wide outcomes should ensure that overall development within the VSD is contextually appropriate. The Precinct specific outcomes should provide for finer grained detail to ensure that development is appropriately established within each proposed precinct and is compatible with the other proposed Precincts and current/anticipated surrounding development.*

**Comment:** Council have since accepted that a high level purpose or vision statement is not required, and if it was it would be of no practical effect. The VSD does not seek to vary the strategic vision for the area that is for all intents and purposes contained in the Strategic Framework of the Planning Scheme.

Further to seek to change the Strategic Framework of the planning scheme through a variation request, is outside of the scope of Section 43 of the Planning Act 2016 and therefore unlawful.

The VSD included overall outcomes for each precinct – refer to section 3.0.

#### 8. Supporting Maps / Strategies

- *Include any supporting mapping/strategies which support and inform the provisions of the VSD and associated Development Code/s (e.g. active transport plan, precinct plan, master plan, finer grained precinct plans (if required), road network strategy plan, public transport and pedestrian strategy plan, infrastructure plan, open space (parks and drainage) and landscape strategy plan(s), context plan etc.)*

**Comment:** Plans included encapsulate the variations sought to be made to the subject premises. Effectively these are limited to replacing the use and assessment provisions currently applying under the High Impact Industry Zone and replacing them with a precinct-based masterplan encouraging the re-purposing of the site for a mix of accommodation, medical, paramedical, professional, commercial, retail and service industry uses. It is Council's role to assess the application before them, rather than mandate what variations should be made by the applicant. None of the listed strategies and plans are either necessary or required as part of the VSD, or at the very least deal with matters of detailed design better addressed as part later development approvals required over the site.

I note that the master plan forming part of the VSD includes three elements:

- A precinct-based **land use masterplan** dividing the site into a series of precincts;
- A **landscape masterplan**; and
- An **access** masterplan.

These plans are included in **Appendix E**.

## 12. CONTENT

### 12.1. Issue:

***The VSD submitted with the development application outlines the provisions of the Toowoomba Regional Planning Scheme 2012 which are proposed to be varied by the VSD and the proposed variations. Further justification of these variations is required to ensure they are appropriate and consistent with the remaining provisions of the Toowoomba Regional Planning Scheme 2012 (where applicable). The following specific variations and provisions within the VSD require further consideration, amendments and/or justification:***

- ***The content of the VSD should adopt outcomes of the master planning exercise required by this Information Request and any relevant recommendations for site management (e.g. acoustic attenuation measures, access limitation etc.) as detailed within submitted technical reports;***
- ***The VSD proposes to establish a Major/Specialist Centre (in terms of size, scale and composition) comprising 'a mix of service industrial, commercial, medical, professional office and retail uses'. The relevant assessment benchmarks for future development are derived from the Toowoomba Regional Planning Scheme 2012. No variations are proposed to these assessment benchmarks. Justification for the suitability and rationale of this approach in this specific circumstance should be provided. The justification should consider (but not be limited to) potential land use conflicts, the vision statement for the VSA (when derived) and the suitability and applicability of the proposed assessment benchmarks;***

**Note:** The response to this item will be, in part, guided by the Economic Need and Economic Impact Assessment requested in this Information Request.

**Note:** Particular attention should be given to the suitability and applicability of the Specialised Centre Zone Code, the District Centre Zone Code and the Advertising Devices Code as these codes contain provisions which align with the intent for particular Precincts and Zones within the Toowoomba Regional Planning Scheme 2012 that are not part of the subject site.

- Section 3.2 of the VSD establishes five (5) Precincts within the VSA, each with their own specific intent (established through a Purpose Statement and Overall Outcomes). Insufficient information has been provided within the submitted material regarding the site's strategic and locational attributes or the natural features that have contributed towards the location and intent of each Precinct. Furthermore, the intent for each proposed Precinct should address the relationship between the development to be facilitated by the VSD, anticipated surrounding development (proposed residential community to the east of the subject land and the potential Toowoomba Hospital Redevelopment), surrounding land uses, the surrounding road network and the subject land's interface with Gowrie Creek;
- Section 3.8 of the VSD states that "the Precinct Plan also provides a Transport Hub designation, which adjoins the railway corridor along the western boundary of the site". The VSD does not provide any additional information in relation to the proposed Transport Hub. In the response to Council's Action Notice provided on 4 February 2020, the Applicant advised that the Transport Hub has been removed from the proposed Master Plan. If the Transport Hub no longer forms part of the proposed development the Applicant is requested to amend the VSD to remove any references to the Transport Hub; and
- A detailed site analysis should be provided demonstrating that the proposed Willows Crossing Precinct Masterplan is informed by and consistent with the core issues and outcomes detailed in the Strategic Vision of the Toowoomba Regional Planning Scheme 2012 (Version 28).

**Information Required:**

The Applicant is requested to provide further information and justification to support the proposed VSD provisions and variations discussed above and amend the VSD as appropriate.

**Response**

I note that an amended Variation Scheme Document (VSD) has been prepared and is included as **Appendix B**.

The VSD purposefully reflects the master plan prepared for the site in respect of purpose, outcomes and assessment provisions relevant to each of the six land use precincts applying to different parts of the subject land. This is equally the case in respect to the landscape and access masterplans for the site.

The provisions of the VSD have also had regard to the specialist assessment completed for the site which most notably include a:

- Economic Impact Assessment has been prepared by Location IQ and is attached as **Appendix A**.
- Traffic Technical Note prepared by RMA Engineers which is attached as **Appendix C**.
- Traffic Impact Assessment (TIA) prepared by RMA Engineers which is attached as **Appendix D**; and
- Acoustic Impact Assessment prepared by CRG Acoustics is attached as **Appendix H**.

Notably assessment provisions have been revised to incorporate use based Gross Lettable Area (GLA) thresholds for applicable uses as recommended under the Economic Impact Assessment.

In respect to the notes forming part of this item we note as follows:

- **Note Section 3.2** – The revised VSD includes six (6) precincts illustrated on the Willows Crossing Masterplan included as **Appendix E**. The overall justification supporting the proposed changes in use facilitated by the masterplan and VSD relate to the purposeful intention to “down-zone” and repurpose a site historically zoned and used for High Impact Industry purposes. The patent unsuitability of the continued zoning and use of this land for high impact industrial purposes relates to three primary considerations:
  1. The location of the subject land in relative proximity to the site of the new Toowoomba Base Hospital (west) and proposed residential development (east) and the amenity and reverse amenity related impacts likely to arise from the inherent association of incompatible uses should the land not be transitioned to compatible uses having limited or benign amenity impacts;
  2. The prominent location of the subject land on the only northern ‘gateway’ access linking the Toowoomba Second Range Crossing and the Toowoomba CBD (Mort Street). This makes the site strategically significant from a visual amenity and character perspective;
  3. The inherent attributes and juxtaposition of the subject land and its corresponding suitability to accommodate a variety of medical, paramedical, commercial and accommodation uses having a nexus with and essential to hospital operations, but which cannot be located on the hospital site. The subject land comprises the only expanse of vacant and largely unconstrained land in direct proximity to the hospital site capable of accommodating the nature and mix of uses allied to hospital operations, and essential to meet the related needs of hospital patients, staff and visitors.

The context and strategic significance of the site is readily apparent, as is its highest and best use being for the mix activities proposed under the Variation Scheme.

In respect to individual precincts nominated across the site we note the following:

- **Precinct 1 – Service Industry** makes provision for a range of service and low impact industries predominantly allied with the adjacent Toowoomba Base Hospital or medical, professional or other services located on the subject land. Such uses could potentially include commercial laundries, medical and diagnostic equipment maintenance, repair and supply and the like. It is located at the northern end of the site to remain proximate to the Hospital while also being suitably separated from adjacent residential uses. Industrial uses in this precinct are intended to be of lower scale and intensity, such that they do not give rise to amenity or reverse amenity impacts.
- **Precinct 2 – Accommodation** makes provision for a range of predominantly short-term accommodation for use by hospital patients, visitors and part-time or visiting staff including medical personnel. It is also intended that specialised serviced medical accommodation for use by recently discharged patients, those undertaking respite, recovery and rehabilitation programs. This precinct is located direct adjacent to:
  - related medical and paramedical services in Precinct 3.

- the high amenity values of the riparian open space and parkland corridor (Precinct 6); and
  - the central retail, commercial and entertainment services in Precinct 4 – Crossing Central
- **Precinct 3 - Medical/Professional** makes provision for a range of medical, para-medical and commercial and health care support services. These uses are predominantly those related to the core health services offered by the hospital, but which cannot locate on the hospital site. They could include specialist and consulting rooms, allied health services, X-ray and imaging, pathology services and the like. This precinct is centrally located and readily accessible from the hospital site and has a high level of accessibility to the accommodation, retail and commercial services intended within Precinct 2 – Accommodation and Precinct 4 – Crossing Central.
- **Precinct 4 – Crossing Central** is intended to be the central focus or heart of the Willows Crossing Mixed Use Precinct and is intended to include a vibrant mix of convenience retail, commercial offices, food and drink outlets, community facilities and small scale entertainment and recreational facilities. The uses contained in this precinct will be used by patients, staff and visitors to the hospital but will also service the adjacent Willows Master Planned Residential Development.
- **Precinct 5 – Commercial Retail Services** occupies the southern half of the Willows Crossing site and is constrained in width and access terms by adjacent road and rail corridors and the riparian open space corridor. Precinct 5 provides an opportunity for a mix of uses less sensitive to transport related acoustic constraints and which provide a physical buffer between those corridors and the adjacent residential precincts to the east of Gowrie Creek (“The Willows” residential development). This precinct purposefully provides for the establishment of large format retail uses recognising the limited utility of this area for other activities, and the corresponding undersupply of land for such services, a fact acknowledged in background investigations in the preparation of Toowoomba Planning Scheme 2012 but not addressed in that instrument in any substantive way.<sup>2</sup> The southern sections of the subject land are suitable for such uses from a physical, access and visibility perspective and will assist in redressing the established undersupply of suitably zoned and located land for large format retailing.
- **Precinct 6 – Open Space** encapsulates the riparian open space and parkland corridor, the western perimeter of which is bounded by a north-south boulevard largely corresponding with the alignment of the relocated Trunk Sewer which traverses the site. This precinct will be developed for open space and recreations purposes and will provide a sizeable linear open space corridor corresponding with that to the east of Gowrie Creek proposed as part of “The Willows” residential project.

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<sup>2</sup> Notwithstanding background studies for the 2012 Planning Scheme highlighting a significant deficiency in the identification of land suitable for large format retail showrooms, only two additional limited areas of land were specifically identified within the Specialised Centre Zone at Anzac Avenue and Boundary Street.

- **Note Section 3.8** – The master plan and VSD has been revised to remove the “transport hub”.
- **Note – Consistency with Strategic Vision of the Planning Scheme** – The strategic vision of the planning scheme is in the Citation and Commencement section of the planning scheme. It is an introductory statement that has no role or status as part of the statutory assessment provisions of the planning scheme and does not form part of the Strategic Framework. Equally there is no statutory obligation to assess the current application against it. Even if there were, it relates almost entirely to residential development and is of little if any relevance to the assessment of the current application.

### 13. FORMAT & REFERENCING

#### 13.1. Issue:

*The proposed VSD will form the basis of the future planning framework over the subject site. Accordingly the legibility of this document is important. Council has provided comments below to assist in the revision of the submitted VSD:*

1. *Improve the quality/resolution of Figures and imagery*
2. *Consistency of referencing to Planning Scheme version (i.e. s2.2, 2.4, 3.4, footnote p.5, 3.6 (A)-(E) & 6.0);*
3. *Reference to “any planning instrument” in s2.4 to be removed;*
4. *Remove references to Volume 3 & Volume 4 from the VSD (i.e. s3.2, 3.5, 4.1, 4.2 & 4.3). The inclusion of such references suggests material not forming part of the VSD is to be relied upon. It is noted that the use of the reference to ‘Volume’ is consistent throughout the VSD when referencing Appendices of the VSD;*
5. *Footnotes 3-6 are superfluous and should be removed;*
6. *Figures 2-4 are to be updated to reflect any changes made to Masterplan/s;*
7. *All figures in the VSD appear to reference a ‘Secondary Access’ to the north, providing vehicular access to Old Mort Street. The Applicant has advised that this access is no longer proposed. All references to this access must be removed from the VSD;*
8. *The Applicant is requested to resolve inconsistent section numbering throughout the VSD. Examples include:*
  - a) *heading s3.2 – Precincts, subheading s3.2.1 – Precinct Structures, content text s3.4;*
  - b) *subheading s3.2.2 – Planning Intent, sub-sub Heading s3.2.2.1 – Service Industry, content text s3.9;*
9. *References to “Higher Order Centres” should be removed from the VSD or alternatively define the term within the VSD;*
10. *Section 3.11 – references to “nearby residential development” should be amended to state “nearby existing and future residential development”;*
11. *Section 3.12 should be reviewed for grammar; and*
12. *References to the Precincts in the Specialised Centre Zone from the Toowoomba Regional Planning Scheme 2012 should be removed.*

**Information Required:**

***The Applicant is requested to provide an amended VSD that includes all changes outlined above. Alternatively, the Applicant is required to provide further information and justification to support the proposed VSD provisions.***

**Response**

In response to the above item, I note that an amended Variation Scheme Document (VSD) has been prepared and is included as **Appendix B**.

The above matters have been addressed in the revised VSD to the extent they are current and relevant.

**14. TABLES OF ASSESSMENT**

**14.1. Issue:**

***The Applicant is advised that the proposed Tables of Assessment included as part of the submitted VSD allow for a broad range of uses not envisaged within the High Impact Industry Zone. Prior to Council providing commentary on the submitted Tables of Assessment contained in the VSD, the Applicant must provide relevant justification demonstrating the suitability of a Major/Specialist Centre type development at this location. It is expected that relevant reporting will provide an outline of the limits/caps/planning need for each use type at this location.***

***Furthermore, the Applicant must consider the consistency of the proposed land uses permitted under the proposed Tables of Assessment with the proposed land use intent under the Low Impact Industry designation under the s242 Preliminary Approval to Affect the Planning Scheme.***

***Subject to the findings and recommendations of the Economic Need and Impact Assessments the Applicant is requested to review the Precinct Intent Statements to ensure consistency with the uses described as Code Assessable within the proposed Tables of Assessment.***

**Information Required:**

***The Applicant is requested to provide written justification and rationale for the aspects of development (including proposed land uses) where the submitted Tables of Assessment in the VSD nominate a reduced level of assessment.***

***The written justification must reflect the findings of the Economic Impact Assessment, Economic Needs Assessment, master planning investigations, and any other relevant technical investigations undertaken in response to this Information Request.***

**Response**

In response to the above item, I note that an amended Variation Scheme Document (VSD) has been prepared and is included as **Appendix B**.

Section 3.2.1 of the VSD identifies the originating zone upon which the assessment levels for alternative uses and other development in the various precincts under the VSD have been derived. The levels of assessment proposed for every use in every precinct under the VSD are also compared against those applicable under the land's current High Impact Industry zoning under the *Toowoomba Regional Planning Scheme 2012* under the Use Assessment Level Comparison Table included as **Appendix I**.

To assist Council in its assessment pursuant to section 61, the Use Assessment Level Comparison Table highlighting the variations sought and identifies where use based Gross Lettable Floor Area (GLA) derived from the Economic Impact Assessment have been applied.

Where reduced levels of assessment are proposed in a particular land use precinct, this is typically because of the originating zoning on which the assessment provisions for that precinct have been based. As previously noted the originating zone upon which each precinct is based is detailed in section 3.2.1 of the VSD.

A spreadsheet has been included in **Appendix I** which summarises

## 15. DEVELOPMENT CODE

### 15.1. Issue:

*The proposal seeks to facilitate a framework for a diverse range of uses (including service industrial, commercial, medical, professional office and retail) over the subject site. Council considers that the wide range of uses envisaged over the subject site reflect a land use which is reasonably described as a Major/Specialist Centre.*

*The Applicant proposes a VSD which utilises existing Development Codes from the Toowoomba Regional Planning Scheme 2012.*

*Whilst Council supports the use of existing Planning Scheme provisions, it does not consider that solely using the existing Codes to guide development on the master planned development site as a sufficient response to the site-specific constraints and opportunities. This is particularly relevant given that the development application does not apply to, or affect the planning, of the land in the surrounding area. The Applicant is advised that a site-specific development code is required in support of the proposed Variation Request.*

*The site-specific development code/s must be drafted to appropriately inform assessment of future land uses and related built form, consistent with the proposed Master Plan/s over the subject site.*

*Any proposed development code/s should be structured logically and include assessment benchmarks which reflect the following constraints and opportunities (in addition to relevant matters identified as part of the site and context analysis) and provide appropriate methods/mechanisms (Purpose, Overall Outcomes, Performance Outcomes and Acceptable Outcome) to demonstrate compliance:*

- *The proposed development is bordered by Gowrie Creek, a high volume transport corridor (TSRC), and a rail corridor that has current freight and future public transport functions. The visibility and interaction of the site in relation to each of these features requires a design response in terms of the site use (as to be detailed on Master, Structure and/or Precinct Plans) and the building design and orientation. It is considered that the design response should ensure that development does not result in 'back of house' features presenting to external viewpoints, including Mort Street and the Second Range Crossing, and should manage amenity impacts on the Gowrie Creek linear corridor and the anticipated residential development to the east;*
- *The submitted documentation does not provide details of how the subject site will be accessed from external transport networks i.e. via the linear corridor (active transport), public transport (current routes and how they could be altered to connect with new site), existing road network, rail corridor (what are the timeframes around inland rail and the potential for the rail corridor to*

form a passenger function – and where will the station be and how will it interface with the development site etc.);

- Ensures that residential development is appropriately located to minimise the potential for conflicts with incompatible land uses (e.g. Industry uses);
- Provides for the achievement of site specific built form outcomes that respond to the subject site's context and role as a gateway in relation to traffic entering Toowoomba City from the TSRC (Note: The Charlton Wellcamp Enterprise Area Local Plan Code includes provision relating to 'Gateway' features. Whilst these provisions are not specifically relevant to development over the subject land, they should be used as a guide in the drafting of a new development code);
- Development is required to consider and mitigate visual impacts on the adjacent and surrounding rail and road corridors, including the Toowoomba Second Range Crossing;
- Provides design provisions that achieve appropriate built form outcomes and are consistent with relevant requirements of the current Toowoomba Regional Planning Scheme 2012 whilst responding to site specific features (opportunities and constraints) and facilitating an appropriate mix of land uses whilst avoiding/mitigating potential land use conflicts.
- Provides design provisions that provide for the creation of a strong relationship between the proposed development and the existing Open Space Corridor (Gowrie Creek Corridor); and
- Details of requirements for circulation, car parking, pedestrian movement, linkages to neighbouring sites etc. must be clearly demonstrated and reflect the overarching design objectives including relevant provisions within the existing Toowoomba Regional Planning Scheme 2012.

#### **Information Required:**

**The Applicant is requested to submit to Council an amended VSD which includes a development code/s to be used for assessment of development applications for future land uses and related built form.**

**The Applicant is advised that any development code/s is to provide assessment benchmarks that relate specifically to the intended future development over the subject site and the locational context of the subject site and address (at a minimum) the requirements detailed above.**

**Note: Where a new development code/s is prepared in response to this Information Request the Applicant should undertake a review of all relevant provisions within the existing Zone and Development Codes of the Toowoomba Regional Planning Scheme 2012 (Version 28) and, where appropriate, replicate the existing code provisions in a manner that allows for the achievement of development that is appropriate for the specific opportunities and constraints of the subject site.**

#### **Response**

In response to the above item, we note that Variation Scheme Document (VSD) is given practical effect through a precinct-based masterplan that divides the site into six (6) precincts with varying land use and development intents. As previously noted, each precinct is based (at least initially) on the provisions of that Zone and are then varied if and only to extent necessary.

While a variation request can vary assessment benchmarks by:

- Calling up different assessment benchmarks under the planning scheme; and/or
- Including additional benchmarks in the form of a site specific code

Neither is mandatory.

We are aware of recent case law in the assessment of variation scheme preferring an approach where changes of a detailed nature to assessment benchmarks, including the addition of site specific or new assessment benchmarks should only be pursued where necessary.

We have reviewed the relevant provisions of the originating zone, use and development codes called up to regulate development within specific VSD precincts. The controls included in those assessment benchmarks are largely adequate to regulate development in the precincts concerned. Notwithstanding that, we have reflected on Council's request and have decided to include the Willows Crossing Development Code within the revised VSD. This is an additional assessment benchmark within which there are varied assessment benchmarks dealing with items including:

- Building Height
- Use-based Floorspace Thresholds
- Minimum Allotment Sizes (Reconfiguring a Lot)
- Open space provision and design (DSS)
- Open Space - CPTED

By basing precincts on an originating zone, there is an apparent familiarity and workability advantage in our view by applying those provisions with minimal variation if possible. For example, the Low Impact Industry Zone has been used as the basis for the assessment provisions and benchmarks applicable to Precinct 1 – Service Industry. Outside of the specific additional benchmarks detailed in the Willows Crossing Development Code there is no need to vary or otherwise augment assessment benchmarks that would apply to land in that zone elsewhere in the Planning Scheme area. The land can be used and developed with relative confidence as though it is zoned Low Impact Industry, at least in terms of the assessment benchmarks applied.

## SUMMARY

Pursuant to Section 68(1) of the *Planning Act 2016* and Chapter 1, Part 3, Section 13 of the *Development Assessment Rules*, we hereby confirm that this response provides a response to all of the items included in the Information Request. Having regard to the information provided, we request that Council proceed with the assessment of the application.

Should you require any additional information or clarification please do not hesitate to contact the undersigned on phone 07 4632 2535, mobile 0427 737 526 or by email at [andrew@precinctplan.com.au](mailto:andrew@precinctplan.com.au).

Yours sincerely

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

**Andrew Bullen**  
**Precinct Urban Planning**