

15th March 2020

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

RECEIVED
16.03.2020
TOOWOOMBA
REGIONAL COUNCIL

Attention: Lachlan O'Sullivan

Dear Lachlan,

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

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

I refer to Council's Outstanding Issues letter dated 27th March 2018 requesting further information to enable the proper consideration and determination of the Development Application – s242 Preliminary Approval to Vary the Effect of the Local Planning Scheme and Development Permit for Reconfiguring a Lot - 2 Lots into 56 Residential Lots and a Balance Lot on land at 87-145 Euston Road, Glenvale, being that land described as Lots 11 and 20 on D133639.

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

ISSUES AND RESPONSES

PLANNING

1. Issue – Subdivision Layout Plan

The applicant has not supplied a formal subdivision plan. This plan is required as it will form the basis of any approval of the proposed subdivision aspect of this proposal.

Further Information Required

1.1. The applicant is requested to provide a subdivision plan which takes into consideration the outstanding issues were relevant.

RESPONSE

Please refer to Eustondale Estate Lot Layout Stage 1 & 2 Plan No. CSK123 Issue B prepared by RMA Engineers and attached as **Appendix A**. The final layout plan illustrates:

- lot areas and dimensions;

- allotment mix (colour coded);
- proposed staging; and
- road and road reserve widths.

The detailed proposal plan is suitable for development approval purposes, and we anticipate will be accompanied by a reasonable or relevant condition requiring submission of a formal survey plan as part of the plan endorsement (sealing) process.

2. Issue – Location of Bikeway

The Spring Creek Corridor is identified by the Department of Transport and Main Roads as part of a Principle Cycle Network. This is not adequately reflected in the planning, nor is it expected that there will be enough space to accommodate this functionality within the proposed open space.

Further Information Required

2.1. The applicant is requested to provide an amended PAD which identifies the alignment of the spring creek corridor bikeway as per the mapping adopted by the Department of Transport and Main Roads.

Note: The DTMR Principle Cycle Network Plan (Downs South West) indicates that the Principle Bike Path is anticipated on the southern side of the development and would not form part of proposed Stages 1 and 2 subdivision.

RESPONSE

An Open Space Masterplan, DWG No. 201817 – MP04 Revision C has been prepared by Rounsefell Design and it is attached as **Appendix B**. Among other things, this shows the indicative alignment of the proposed bikeway through the site on the southern side of central open space corridor and outside of Stages 1 and 2. This alignment is consistent with that proposed under the DTMR Principle Cycle Network Plan.

ENGINEERING

3. Issue – Road Hierarchy and Road Widths

The proposed PAD does not appropriately reflect the road standards and requirements of the Toowoomba Regional Planning Scheme 2012.

It is also noted that the proposed PAD incorrectly states that only distributor and sub-arterial roads surround the subject site. Boundary Street is a regional arterial road in the Toowoomba Regional Planning Scheme 2012 road hierarchy.

Further Information Required

- 3.1 The applicant is requested to amend the proposed PAD to clearly reflect the road types surrounding the subject site (i.e. PAD to note that Boundary Street is a regional arterial road);**
- 3.2. The applicant is requested to amend the proposed development plans to show a 4.5m widening in lieu of the proposed 2m widening to the Boundary Street frontage;**
- 3.3 The applicant is requested to amend the proposed PAD to clearly state the requirement that development must not have direct access to Boundary Street or Euston Road where the lot has frontage to either road;**

- 3.4 The applicant is requested to amend the proposed PAD to clearly state the requirement that any future subdivision along Boundary Street is to provide the road widening consistent with the road design requirements for a regional arterial road;**
- 3.5 The applicant is requested to amend the proposed PAD to clearly state the requirement that any future subdivision along Euston Road is to provide the road widening consistent with the road design requirements for a regional arterial road; and**
- 3.6 The applicant is requested to amend the proposed PAD to clearly identify McDougall Street as a distributor street and specifically identify the requirement that McDougall Street is to achieve a road reserve width of 25m.**

RESPONSE

With respect to **item 3.1**, we note that the purpose of the PAD document is to detail the circumstances where the applicant proposes to vary the provisions of planning scheme. The PAD does not seek to vary the road hierarchy for roads surrounding the site. I also note that the administrative provisions of the PAD note at clause 2.3 that the provisions of the Toowoomba Regional Planning Scheme 2012 prevail in the absence of and equivalent provision in the PAD.

As the PAD does not include any provisions that seek to amend the road hierarchy, the Council road hierarchy would apply. The change to the PAD foreshadowed under item 3.1 is therefore not necessary and even if it was made, it would simply reflect that situation that currently applies (i.e. the road hierarchy remains unchanged).

With respect to **item 3.2** a response to this item has been prepared by RMA Engineers and is attached as **Appendix C**. Drawing CSK117 also forms part of **Appendix C**.

The RMA response details the reason a further road reserve / verge widening is neither possible or required having regard to existing verge widths and the location of significant power infrastructure. The response and plan should be referenced directly for detailed justification.

We would respectfully request that **items 3.3 – 3.6** could be best dealt with by the imposition of reasonable and relevant conditions on any development approval subsequently issued. In respect of item 3.6 however, I do reiterate my comments in respect of item 3.1. That is that the PAD does not seek to vary the road hierarchy around the site. Consequently, the administrative provisions of clause 2.3 of the PAD result in the provisions of the planning scheme prevailing in the absence of an equivalent provision in the PAD. As the PAD does not include an equivalent provision, the planning scheme road hierarchy would currently apply. The change to the PAD foreshadowed under item 3.6 is therefore not necessary and even if it was made, it would simply reflect that situation that currently applies (i.e. the road hierarchy remains unchanged).

4. Issue - Service Easements

The proposed service easements on Lots 51, 52, 37 and 38, are not continuous to a street frontage. One of the purposes of the easements is to facilitate access to the proposed sewer infrastructure.

Further Information Required

- 4.1 The applicant is requested to demonstrate how the proposed rear easements will functionally provide access through neighbouring property.**

Note: *The applicant may extend the proposed easement through adjoining allotments to provide the necessary continuous access to the proposed Road 2 and Road 3.*

RESPONSE

A response to this item has been prepared by RMA Engineers and is attached as **Appendix C**. Drawing CSK106 also forms part of **Appendix C**.

The RMA response confirms that the sewerage layout has been reconfigured to relocate the sewer from the rear of the small lots, removing the requirement for any easements within the allotments. Further the response notes that Council can still apply a standard condition to the approval requiring easements for sewers in small lots in accordance with Planning Scheme Policy No. 3, if the situation arises at operational works phase that a sewer in the rear or side of a small lot is required.

PARKS

5. Open Space Land / Integration of the Glenvale Local Plan into the PAD

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

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

The following specific issues relate to the Information Request Response and Outstanding Issues Response:

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

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

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

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

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

There are still inconsistencies between the Open Space Zone and the extent and quality of the open space proposed by the development to the extent to which there is a risk that future development densities and the multi-function nature of the space may impact on the ability of this space to play the proposed role as a District Recreation Park.

It is not been adequately demonstrated that the mix of linear corridor functions (i.e. recreation, drainage, stormwater management, active transport and ecological) can be achieved within the space nor that the Desired Standards of Service (DSS) for a District Linear Corridor park has been achieved, both within the proposed Stage 1 and 2 subdivision and the broader Preliminary Approval Area.

The Glenvale Local Plan Code is not interpreted in the proposed PAD. The Glenvale Local Plan Code, particularly the Local Plan requirements relating to the area designated as Open Space, remains applicable for assessing future development applications over the subject site.

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

The Open Space Zone Code intends, as stated in the purpose of the code, for the Open Space Zone to "...provide for local, district and regional scale parks that serve the recreational needs of a wide range of residents and visitors".

The proposed PAD intends for parts of this zone to be developed for residential purposes, which is inconsistent with the intent for the zone. It is acknowledged that the s242 Preliminary Approval component of the subject application seeks to override this zoning and therefore circumvent the conflict, however it is considered that it has not been demonstrated that the proposed development achieves an equal or better outcome for the area in terms of provision or potential provision of open space.

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

Further Information Required

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

- ***The proposed encroachment on the land identified as Open Space Zone, as proposed in the Stage 1 and 2 subdivision, may be supported provided that an additional 10 metres of flat open space (outside of the road reserve) is provided along the full extent of the current proposed open space boundary of proposed Stages 1 and 2. This additional land is necessary to address issues with maintainability of the edge of the open space and to ensure an appropriate interface between the proposed development and the district linear open space corridor.***
- ***It is recommended that the Glenvale Local Plan Code be identified as an applicable code for any future development and the proposed plan be amended to include all land zoned as Open Space to be retained as open space, except where otherwise supported above.***

Note: ***Should the applicant provide further detailed information, Council may be amendable to a variation of configuration of the land required to be provided where zoned as Open Space Zone under the Toowoomba Regional Planning Scheme 2012, provided the extent of open space land is not reduced. The current proposed Open Space is not considered an appropriate outcome. Where an appropriate district linear open space corridor outcome is not demonstrated, the applicant is advised that a requirement to provide the full extent of land identified as Open Space Zone (outside of negotiations associated with proposed Stages 1 and 2) will be applied/enforced as a condition of any approval.***

RESPONSE

An Open Space Masterplan, DWG No. 201817 – MP04 Revision C has been prepared by Rounsefell Design and it is attached as **Appendix B**. This plan provides a conceptual open space concept for the subject land addressing, as far as is practicable at this time, many of the specific design related issues raised by Council including:

- the location of key District Park Activity Nodes;
- the proposed extent of direct road frontage to open space areas;
- the location and alignment of the proposed principal cycle network;
- the indicative location of bioretention basins and associated stormwater quality treatment devices;
- the indicative location of existing trees;
- the location of steep creek banks (slope ranging from 1:1 to 1:3);
- future pedestrian connections; and
- the indicative trunk sewer alignment.

Collectively this plan addresses many of the matters outlined by Parks Services insofar as they relate to the broader open space network on the balance of the site.

The applicant's resistance to nominating the Glenvale Local Plan Code (GLPC) as an applicable code has been canvassed at length previously. This resistance is based around the proposed development of Stages 1 and 2 within which open space areas previously forming a drainage function have been reverted to urban use on the basis that the proposed earthworks and road system within these stages makes the previous drainage function of those areas redundant. By retaining the GLPC as an applicable code under the PAD, a conflict is established under the assessment framework imposed, as the open space system (at least in stages 1 and 2) has sought to be purposefully changed.

On that basis that Council are now recognising that this would establish a conflict in Stages 1 and 2, the applicant is agreeable to the imposition of a reasonable or relevant condition requiring the PAD to be

amended to include the GLPC as an applicable code, provided that the changes sought in respect of stages 1 and 2 are accommodated. It is noted that Council agreed to changes to the open space network on the development to the immediate north of the subject land, where the development of the site and the reconfiguration of central open space system rendered a mapped drainage path traversing the site in a NW – SE alignment redundant. The change sought in Stages 1 and 2 in this case is sought for identical reasons.

A series of plans have been prepared RMA engineers being Plan Nos: CSK120-A, CSK121-A and CSK122-A attached as **Appendix D**. These show the conceptual earthworks proposals for Stages 1 and 2 and include provision for a local parkland node of 864m² at suitable gradient and width. The plans show the extent of earthworks and the locations where perimeter areas of open space of suitable grade can be provided for maintainability.

Advice Notes

Stormwater Quality

The submitted plan "Proof of Concept Stormwater Design DSK101 Revision B dated September 2017" demonstrates a proof of concept as requested.

However, Council has concerns that the large number of bio-retention basins proposed in the plans may be a future maintenance burden. Council is supportive of a consolidated stormwater bio-retention basin concept to reduce the ongoing maintenance costs associated with the infrastructure. It is noted that any subsequent development application over the subject site will be required to address this issue in more detail.

RESPONSE

We note Council's advice.

Should you require any additional information or clarification please do not hesitate to contact the undersigned on (07) 4632 2535 or mobile 0427 737 526.

Yours sincerely

A handwritten signature in blue ink, appearing to read "A Bullen", with a long, sweeping underline.

Andrew Bullen
Precinct Urban Planning