

Date: 8 – 9 -25

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



Attention: Emily Hinchliffe

Dear Emily,

Submission - Letter of Objection against Development Application

I write to formally object to the proposed development application MCUI/2025/338, which seeks a Preliminary Approval (Variation Request) under **Section 50 of the Planning Act 2016** to override the Toowoomba Regional Planning Scheme 2012 (Version 28).

For ease of reference, officers may refer to each section of this submission using [Ref: S#] and the corresponding requested outcomes using [RO-S#], as summarised in *Attachment A*.

This proposal would significantly alter existing zoning, introduce conflicting land uses, and impose unreasonable impacts on surrounding residents, businesses, and infrastructure. My concerns are outlined below.

Development Application	
Council Reference	MCUI/2025/338
Development Application	Preliminary Approval for a Material Change of Use including Variation Request
Level of Assessment	Impact Assessable
Location	213 & 369 Goombungee Road, 65-103 Griffiths Street and 6-14 Bacon Street, Harlaxton
Property Description	Lot 12SP199160, Lot 409D1020, Lots 1-7, 10 & 12-16 RP17530 and Lot 411RP810590
Relevant Planning Scheme	Toowoomba Regional Planning Scheme 2012 (as amended)
Applicant	George Weston Foods Pty Ltd C/- Precinct Urban Planning

1. Inconsistency with the Strategic Intent of the Planning Scheme [Ref: S1]

- The proposed development is inconsistent with the intent, strategic outcomes, and performance benchmarks of the Toowoomba Regional Planning Scheme 2012 (Version 28).
- The applicant has not adequately demonstrated “other relevant matters” sufficient to justify overriding the planning scheme, as required by Section 45(5) of the Planning Act 2016.
- Sufficient land already exists within the Toowoomba region to accommodate future medium-density residential and commercial growth, without the need to rezone or intensify development on this site.
- The proposed Precincts (notably Precincts 2 and 3) propose concentrated medium-density housing that fails to meet the broader outcomes expected of an Urban Consolidation Precinct:
 - The density is not appropriately varied or dispersed across the site.
 - The development lacks integration with existing or proposed public transport infrastructure.
 - The proposed local centre is disconnected from major activity centres and transport nodes.
- There is no demonstrated unmet planning need for new medium-density housing at this location, particularly given its proximity to industrial uses and absence of supporting infrastructure.

Requested outcome [RO-S1]: Council should refuse the variation request on grounds of strategic inconsistency and absence of demonstrated need.

2. Statutory Context / Overlapping Approvals [Ref: S2]

This site is also subject to the unresolved MCUI/2016/6473 (s 242 variation approval under the former Sustainable Planning Act 2009), which remains under appeal. Approving a new variation while the earlier one is unresolved creates uncertainty, duplication, and undermines community confidence in Council’s strategic planning framework. Council should not endorse multiple overlapping “mini-planning schemes” for the same land.

Requested outcome [RO-S2]: Council should defer or refuse the current Application until the status of MCUI/2016/6473 is fully resolved.

3. Incompatible Land Uses [Ref: S3]

- Precincts 2 and 3 (notably Lot 411 RP810590, Lot10 RP17530, Lot12 RP17530 and Lot 3 RP17530) residential development immediately adjacent to active industrial businesses (workshops, waste management, heavy vehicle operations, construction and demolition).

- The proposed built form, including small-lot housing with minimal setbacks, introduces sensitive uses that will compromise:
 - Existing businesses' amenity and lawful operational rights;
 - Safety and security, through reverse amenity pressure;
 - Long-term industrial expansion or redevelopment potential.
- No sufficient buffering, screening, or acoustic mitigation is proposed.
- To protect the function and viability of existing industrial land uses, the abovementioned Lots within Precinct 2 and 3 should either be:
 - Re-zoned for light industrial use; or
 - Subject to strict buffering ($\geq 10\text{m}$), solid 2m security fencing, and adequate lighting along all shared industrial boundaries.
- Industrial activities in this location lawfully operate seven days per week, generating noise, dust, odour, traffic, and security risks that are fundamentally incompatible with the sensitive residential uses proposed.

Requested outcome [RO-S3]: Council should refuse residential development in Precincts 2 and 3 (notably Lot 411 RP810590, Lot10 RP17530, Lot12 RP17530 and Lot 3 RP17530) unless industrial-compatible zoning or strict buffering conditions are imposed.

4. Commercial and Economic Impacts [Ref: S4]

- The proposed Local Centre (Precinct 4) is located within 600m of an existing local centre and duplicates retail/commercial uses already supplied in the area.
- The applicant has not demonstrated economic need for a new centre in accordance with Section 3.9.3.1 of the Strategic Framework.
- The proposal risks undermining the viability of existing centres and dispersing commercial activity without strategic justification.
- Council should restrict commercial uses within Precinct 4 to complement—not compete with—existing centres.

Requested outcome [RO-S4]: Council should restrict or refuse the Local Centre component to prevent duplication and protect the viability of existing centres.

5. Stormwater and Overland Flow Impacts [Ref: S5]

The proposed development will fundamentally alter the natural hydrology of the site, replacing open pervious land with extensive impervious surfaces, including rooftops, driveways, and roadways. This transformation from dispersed overland sheet flow to concentrated gutter and stormwater discharge poses a severe risk to Lot 11 RP17530, which is not part of the development but already experiences frequent flooding under current conditions.

Key concerns include:

- **Existing flood risk:** Lot 11 RP17530 is already flood-affected during minor to moderate storm events. Any increase in upstream catchment discharge will exacerbate these issues, threatening onsite infrastructure, habitable structures, and operational areas.
- **Increased impervious cover:** The development proposes over 65% impervious surface, significantly increasing runoff volume and velocity, which will be directed toward Lot 11 RP17530.
- **Loss of natural sheet flow:** The current site disperses runoff naturally across grassed areas. The proposed design concentrates flows via roof gutters, driveways, and open channels, funnelling discharge into an already vulnerable property.
- **Inadequate Stormwater Management Plan (SMP):** The SMP by RMA Consultants relies on open channels but fails to provide a detailed hydraulic analysis or effective mitigation strategy. No detention basins, bio-retention systems, or lawful point-of-discharge solutions are proposed.
- **Non-compliance with Planning Scheme policy:** The proposal directly conflicts with SC6.2 PSP No. 2 – Roads and Drainage Infrastructure, which requires post-development stormwater impacts to be mitigated on-site and prohibits the worsening of flood conditions on adjoining properties.

Without a lawful discharge solution and robust mitigation measures, this development will worsen flood risks for Lot 11 RP17530 and potentially other adjoining landowners. Such an outcome is unacceptable, both legally and ethically.

Requested Outcome [RO-S5]: Council should refuse the application unless a fully revised Stormwater Management Plan is provided, supported by independent hydraulic modelling, which:

- Ensures post-development flows do not exceed pre-development conditions,
- Incorporates detention basins, bio-retention systems, or equivalent best-practice measures, and
- Lawfully manages all stormwater discharges (from Lot 411 RP810590 and Lot10 RP17530) so as not to increase flood risk to Lot 11 RP17530 or any other adjoining properties.

6. Infrastructure Capacity – Traffic and Transport [Ref: S6]

- The Traffic Impact Assessment fails to consider:
 - Cumulative growth along Goombungee Road from Highfields, Gowrie, and Meringandan;
 - Additional traffic flows from the Toowoomba Second Range Crossing;
 - Impacts on key intersections, including Griffith Street/Goombungee Road and Griffith Street/New England Highway.

- No analysis of active transport connectivity or integration with public transport has been provided. This is inconsistent with both Council's Planning Scheme Policies and accepted transport planning principles.
- As such, the development does not demonstrate compliance with SC6.2 PSP No. 2 for traffic and transport engineering.

Requested outcome [RO-S6]: Council should require a revised Traffic Impact Assessment that includes regional cumulative growth, active transport, and public transport integration.

7. Sewerage Network Constraints [Ref: S7]

- The existing sewerage network servicing this site is already known to experience overflow incidents.
- No network modelling, capacity analysis, or infrastructure upgrade commitments have been supplied to demonstrate compliance with SC6.3 PSP No. 3 – Water and Waste Water Infrastructure.
- Approval without addressing these constraints risks worsening system failures.

Requested outcome [RO-S7]: Council should require detailed sewerage network modelling and firm infrastructure upgrade commitments prior to approval.

8. Contaminated Land and Site History [Ref: S8]

- This site has a well-documented history of illegal dumping and waste disposal practices, including:
 - Kill floor effluent irrigation,
 - Asbestos and chemical dumping,
 - Burial of slaughterhouse waste and building materials.
- Despite this, the applicant has not submitted a Preliminary Site Investigation or addressed PO5 of both the Emerging Community Zone Code and the Reconfiguring a Lot Code.
- Failure to properly investigate and remediate contaminated land before any development occurs would pose long-term health and safety risks for future residents.

Requested outcome [RO-S8]: Council should require a full contaminated land investigation and remediation plan before any development approval is considered.

9. Community and Social Impacts [Ref: S9]

The Harlaxton community is a small, tight-knit residential and industrial neighbourhood. The proposed development will:

- Significantly increase traffic through local streets,

- Introduce high-density housing without sufficient services or transport, and
- Risk social and amenity disruption to an established community.

Cumulatively, these impacts will reduce liveability for existing residents and erode the economic base of long-standing industrial operators.

Requested outcome [RO-S9]: Council should refuse the application unless the social and amenity impacts are fully assessed and mitigated, including provision of appropriate services and infrastructure prior to occupation.

10. Unresolved Overlapping Approvals [Ref: S10]

- The site is also subject to the unresolved approval MCUI/2016/6473 (a Section 242 variation approval under the former *Sustainable Planning Act 2009*), which remains under appeal.
- Approving a new variation request while the earlier one is unresolved creates uncertainty, duplication, and confusion for the community, Council, and investors.
- Council should not endorse multiple overlapping “mini planning schemes” for the same land.

Requested outcome [RO-S10]: Council should resolve the existing MCUI/2016/6473 approval before considering any new variation request.

11. Expected Outcomes and Relief Sought [Ref: S11]

In light of the above concerns, I respectfully request that Toowoomba Regional Council:

1. **[RO-S11-1]** - Precincts 2 and 3 (notably Lot 411 RP810590, Lot10 RP17530, Lot12 RP17530 and Lot 3 RP17530) to light industrial use rather than mixed and medium density residential, or impose mandatory buffers ($\geq 10\text{m}$), solid 2m fencing, and adequate security lighting where adjoining industrial land.
2. **[RO-S11-2]** - Reduce lot densities and yields within Precincts 2 and 3 to better align with urban consolidation principles
3. **[RO-S11-3]** - Restrict commercial uses in Precinct 4 to avoid duplication and competition with existing local centres.
4. **[RO-S11-4]** - Require a fully revised Stormwater Management Plan with detailed hydraulic modelling and effective mitigation measures to prevent increased flooding on Lot 11 RP17530 and all adjoining properties;
5. **[RO-S11-5]** - Require full traffic, and sewerage network modelling, with mitigation measures for all downstream and off-site impacts.
6. **[RO-S11-6]** - Undertake a comprehensive contaminated land assessment and remediation plan before any further approvals are granted.


7. **[RO-S11-7]** - Resolve MCUI/2016/6473 prior to consideration of any new variation request, to avoid conflicting or duplicative planning outcomes.
8. **[RO-S11-8]** - Ensure no new variation approval is granted until the status of MCUI/2016/6473 is resolved, to avoid regulatory duplication and community uncertainty.

12. Conclusion [Ref: S12]

The proposed variation approval is in direct conflict with the strategic intent and assessment benchmarks of the Toowoomba Regional Planning Scheme 2012. It raises unacceptable risks to health, safety, infrastructure, and planning integrity. In particular, the **stormwater and flooding impacts on Lot 11 RP17530** represent a serious deficiency that must be addressed before any form of approval could be considered.

Furthermore, approving this development while MCUI/2016/6473 remains unresolved risks regulatory duplication, confusion for stakeholders, and undermines confidence in Council's strategic planning framework.

For these reasons, I urge Council to refuse the application unless all matters raised in this submission are comprehensively resolved.

Name	Karrie Arnell.
Address	38-72 Griffiths St Toowoomba 4350
Signature	
Date	8/9/2025.

Attachment A – Referenceable Summary of Objection

Development Application MCUI/2025/338

For ease of reference, officers may refer to each section of this submission using [Ref: S#] and the corresponding requested outcomes using [RO-S#].

Section	Ref	Key Issue / Heading	Requested Outcome
1	S1	Inconsistency with the Strategic Intent of the Planning Scheme	RO-S1: Council should refuse the variation request on grounds of strategic inconsistency and absence of demonstrated need.
2	S2	Statutory Context / Overlapping Approvals	RO-S2: Council should defer or refuse the current Application until the status of MCUI/2016/6473 is fully resolved.
3	S3	Incompatible Land Uses	RO-S3: Council should refuse residential development in Precincts 2 and 3 (notably Lot 411 RP810590, Lot10 RP17530, Lot12 RP17530 and Lot 3 RP17530) unless industrial-compatible zoning or strict buffering conditions are imposed.
4	S4	Commercial and Economic Impacts	RO-S4: Council should restrict or refuse the Local Centre component to prevent duplication and protect the viability of existing centres.
5	S5	Stormwater and Overland Flow Impacts	RO-S5: Council should refuse the application unless a fully revised Stormwater Management Plan is provided, supported by independent hydraulic modelling, which ensures post-development flows do not exceed pre-development conditions, incorporates detention basins, bio-retention systems or equivalent, and lawfully manages all stormwater discharges so as not to increase flood risk to Lot 11 RP17530 or any other adjoining properties.
6	S6	Infrastructure Capacity – Traffic and Transport	RO-S6: Council should require a revised Traffic Impact Assessment that includes regional cumulative growth, active transport, and public transport integration.
7	S7	Sewerage Network Constraints	RO-S7: Council should require detailed sewerage network modelling and firm infrastructure

			upgrade commitments prior to approval.
8	S8	Contaminated Land and Site History	RO-S8: Council should require a full contaminated land investigation and remediation plan before any development approval is considered.
9	S9	Community and Social Impacts	RO-S9: Council should refuse the application unless the social and amenity impacts are fully assessed and mitigated, including provision of appropriate services and infrastructure prior to occupation.
10	S10	Unresolved Overlapping Approvals	RO-S10: Council should resolve the existing MCUI/2016/6473 approval before considering any new variation request.
11	S11	Expected Outcomes and Relief Sought	<p>RO-S11-1: Precincts 2 and 3 (notably Lot 411 RP810590, Lot10 RP17530, Lot12 RP17530 and Lot 3 RP17530) to light industrial use, or impose mandatory buffers ($\geq 10\text{m}$), solid 2m fencing, and adequate security lighting where adjoining industrial land.</p> <p>RO-S11-2: Reduce lot densities and yields within Precincts 2 and 3 to better align with urban consolidation principles.</p> <p>RO-S11-3: Restrict commercial uses in Precinct 4 to avoid duplication and competition with existing local centres.</p> <p>RO-S11-4: Require a fully revised Stormwater Management Plan with detailed hydraulic modelling and effective mitigation measures to prevent increased flooding on Lot 11 RP17530 and all adjoining properties.</p> <p>RO-S11-5: Require full traffic, and sewerage network modelling, with mitigation measures for all downstream and off-site impacts.</p> <p>RO-S11-6: Undertake a comprehensive contaminated land assessment and remediation plan before any further approvals are granted.</p> <p>RO-S11-7: Resolve MCUI/2016/6473 prior to</p>

			<p>consideration of any new variation request, to avoid conflicting or duplicative planning outcomes.</p> <p>RO-S11-8: Ensure no new variation approval is granted until the status of MCUI/2016/6473 is resolved, to avoid regulatory duplication and community uncertainty</p>
12	S12	Conclusion	<p>No separate RO; summarizes that Council should refuse the application unless all matters, including a revised and compliant Stormwater Management Plan and resolution of MCUI/2016/6473, are fully addressed.</p>