



**TOOWOOMBA
REGION**

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**Amendment No. 1 to the Toowoomba
Railway Parklands Priority Development
Area**

Submissions Report

February 2020



**Queensland
Government**

The Department of State Development, Tourism and Innovation improves productivity and quality of life in Queensland by leading economic strategy, industry development, infrastructure and planning, for the benefit of all.

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1. Introduction

The Toowoomba Railway Parklands Priority Development Area (PDA) was declared on 12 December 2014. The Minister for Economic Development Queensland (MEDQ) has delegated administration of the Toowoomba Railway Parklands Priority PDA to Toowoomba Regional Council (TRC).

The public notification and submission period for Proposed Amendment No. 1 (the Amendment) to the Toowoomba Railway Parklands PDA Development Scheme (the PDA Development Scheme) was from 8 November 2019 to 29 November 2019. Three (3) submissions were received during the public notification period.

Following the end of the public notification, submissions received were considered by Toowoomba Regional Council and minor changes to the Amendment were made in response to issues raised. This report has been prepared to summarise the submissions received by the TRC and provide information on the merits of the submissions.

2. Overview of public notification process

2.1 Community engagement

The public notification and submission period for the Amendment to the PDA Development Scheme was from 8 November 2019 to 29 November 2019. During the public notification period the TRC, undertook the following community engagement initiatives:

- A dedicated TRC 'Have Your Say' webpage was established for the Amendment. The webpage provided details about the Amendment, a link to a copy of the Amendment and information on how to make a submission about the Amendment;
- Letters were sent to all land owners within the Toowoomba Railway Parklands PDA advising them of the opportunity to view and comment on the Amendment; and
- An advertisement was published in the Chronicle on 8 November 2019.

During the public notification period:

- The 'Have your Say' website was visited 25 times; and
- Three (3) submissions were received.

2.2 Submission registration and review process

Submissions were received by email and at Council's Customer Service Centre. Once a submission was received, submissions were registered and reviewed. This process was established to:

- consider all submissions in an objective, equitable and fair manner;
- assist in the preparation of the submissions report;
- provide guidance and advice to TRC in respect to preparing the Amendment; and
- enable TRC to comply with the requirements of the Act.

Table 1 below provides an overview of the submission registration and review process.

Table 1: Submission registration and review process

Steps	Action/detail
1. Registration and acknowledgement of submissions	Submissions were registered as they were received. A letter of acknowledgement was sent to submitters at the close of the public notification period.
2. Summarising submission issues	Submissions were reviewed on receipt to identify the issues that were being raised.
3. Evaluation and responses to issues	The issues raised in all submissions were evaluated at the completion of the public notification period.
4. Submissions Report	Once responses had been formed on each issue raised in submissions they were documented in this submissions report.
5. Council approval	The Toowoomba Regional Council considered all submissions at its Ordinary Council meeting of 18 February 2020.
6. MEDQ approval	The final versions of the Submissions Report and the Amendment were submitted to the MEDQ for review and approval.
7. Adoption of the Amendment and notice to submitters	Upon receipt of written approval by the MEDQ, the actions required under Section 63 (3) of the Act were carried out.

3. Overview of submissions

3.1 Submitter type

A total of three (3) submissions were received during the submission period. All submissions were made by private individuals. No submissions were received after the submission period had closed.

Refer to Table 2 for a breakdown of submissions received during the submission period, from different submitter types.

Table 2: Breakdown of submissions by submitter type

Type of submitter	Number of submissions received
Private individual	3
Total submissions	3

3.2 Submitter location

The origin of submitters is shown in Table 3. Two (2) submissions originated from landowners within the PDA, one (1) submission originated from a member of the community outside of the PDA.

Table 3: Breakdown of submissions by submitter location

Location	Number of submissions received
Within PDA	2
Outside PDA	1
Total submissions	3

3.3 Submission type

There were 2 different types of submissions received - one (1) email and two (2) hard copy submissions.

Table 4 below provides a breakdown of submissions by submission type.

Table 4: Breakdown of submissions by submission type

Type of submission	Number of submissions received
Letter or hard copy submission form	2
Email	1
Total submissions	3

3.4 Overarching areas of support

Submissions raised a variety of different opinions on different matters. Some elements of the submissions supported the Amendment. In particular, support was offered for the addition of particular uses to the Accepted Development category.


3.5 Overarching areas of concern

Submissions raised a variety of different opinions on different matters. Some submissions had concern for some aspects of the Amendment. Below is a summary of the overarching areas of concern identified in submissions:

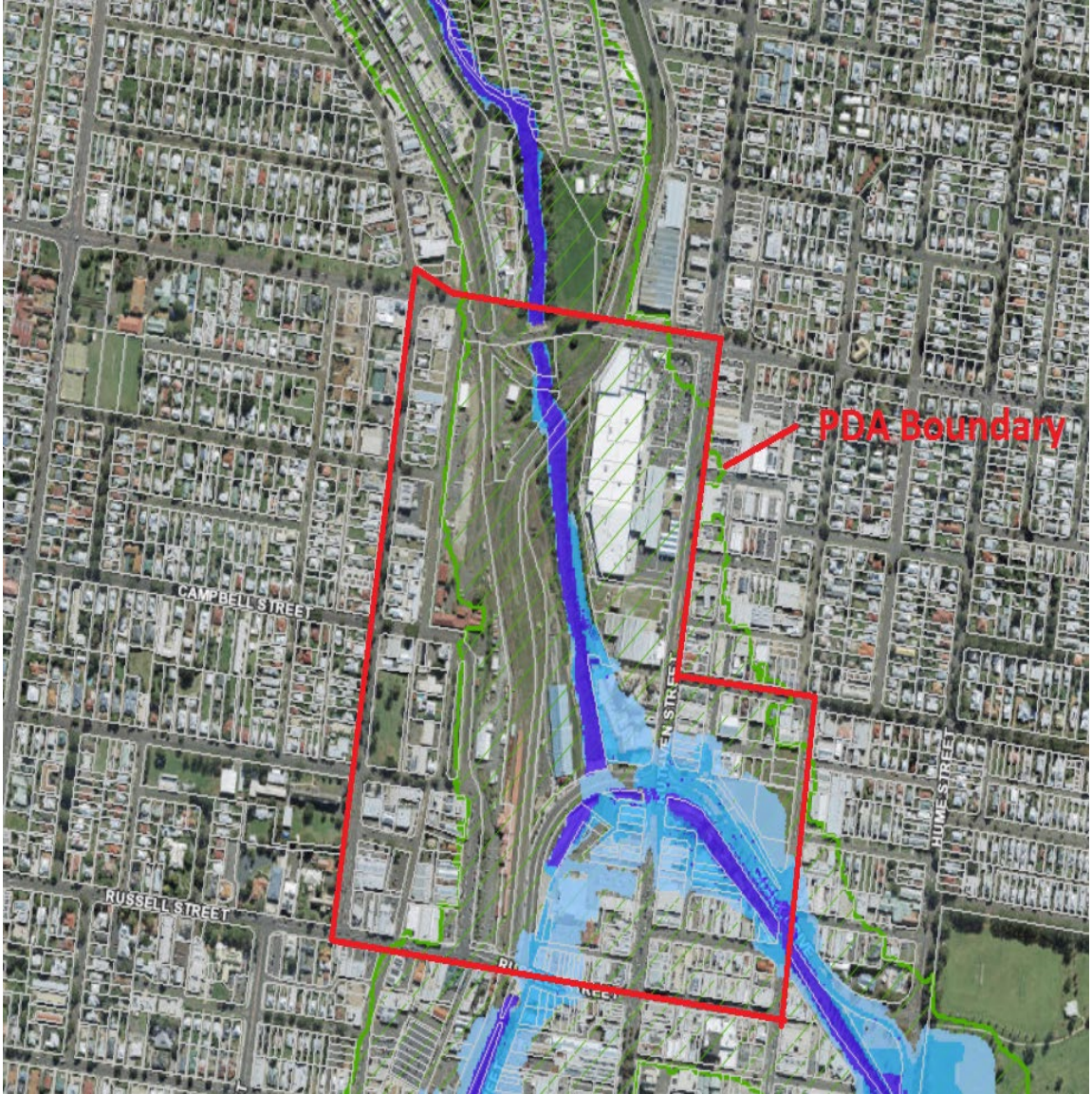
- flooding within the PDA;
- the provision and use of open space;
- the levels of assessment for particular land uses;
- infrastructure charges;
- PDA car parking rates; and
- the cycling and pedestrian network.

;

4. Summary and merits of submissions relating to the Amendment content

No.	Summary of issue/comment	Response	Recommendation
1.	<p>The submission relates to Olcott Lane in Precinct 2 and states:</p> <p><i>‘Whilst you are making amendments, could you be so kind as to reconsider the old (1956/7) directive to truncate all buildings on the southern side of Olcott Lane. I am not a historian but I suspect the lanes were placed to allow the “night soil” contractors access to the toilets at the rear of the buildings.</i></p> <p><i>This was not successful, as were similar actions to widen Russell St west of Ruthven St and the widening of Bridge Street west of Mort. The chance of the Heritage listed buildings being truncated is extremely remote in my opinion’.</i></p> <p>(Note: This is the full text contained in the submission)</p>	<p>The submission is specifically related to the upgrading and widening of Olcott Lane. Olcott Lane is situated between Russell Street and Bowen Street connecting with Newlands Lane to the West and Becker Street to the east. The laneway is located within Precinct 2 – City Link Precinct of the PDA Development Scheme area.</p> <p>It is noted, the process of widening Olcott Lane commenced in the late 1960s, prior to the commencement of the PDA Development Scheme. The properties at 21 Russell Street and 9 Russell Street have previously dedicated land as road along the southern side of Olcott Lane. All properties along the northern side of Olcott Lane (with the exception of 4 Bowen Street) have also previously dedicated land as road (see Figure 1 below).</p>  <p>Figure 1 – Olcott Lane, Toowoomba City (Intramaps, 2020)</p>	That no change be made to the amendment in response to this submission.

No.	Summary of issue/comment	Response	Recommendation
		<p>The PDA Development Scheme includes various provisions related to laneways with the activation and use of laneways encouraged within the PDA area. For example, Section 3.5.1 (c) of the PDA – wide assessment criteria states development will be supported ‘where it incorporates land uses that activate existing laneways and promote engaging laneway environments’. With regard to Precinct 2 and Olcott Lane the PDA Development Scheme includes the following provisions:</p> <ul style="list-style-type: none"> • Section 3.6.2 Precinct 2 – City Link Precinct – Precinct Intent - ‘the precinct will provide for street activating commercial uses located at ground level along key access roads and mixed use laneways’; and • Section 3.6.2 Precinct 2 – City Link Precinct - Preferred Outcome (f) - ‘upgrade the existing laneways of Olcott and Woodward Lanes to provide opportunities for business activities (such as food and drink outlets; dining; studios and workshops; or for temporary events) whilst also providing necessary service access’. <p>More broadly the PDA Development Scheme contains various provisions relating to laneways including provisions regarding pedestrian friendly environments, connectivity and active frontage frontages at ground level.</p> <p>It is considered the upgrading and widening of Olcott Lane aligns with the vision for the PDA and in particular the intent of Precinct 2. The relevant provisions noted above are performance requirements only and do not specifically require that where development occurs adjacent Olcott Lane, land be dedicated as road. Further, any decision to impose a requirement to dedicate land as road along Olcott Lane through a condition of a PDA development approval would be considered by Council on a case-by-case basis. The nature of the relevant development application and any site specific conditions would be relevant to this consideration.</p>	
2.	<p>The submission relates to flooding, provision of parkland and cycle and pedestrian networks within the PDA and may be summarised as follows:</p> <p><u>Provision of Parkland</u> <i>‘Brisbane South Bank was indicated by the community as an example for the PDA, and was most likely referenced as it is an accessible example. However, there are numerous recent studies describing how it has failed to deliver on adequate green space for Brisbane which is at a premium. An interesting lesson we can take from this is that in the rush to accommodate new residents, decisions have been made that may now threaten urban greenspace in the entire SEQ region. Indeed, robust discussion about green urban infrastructure (e.g. parks and open space) in the PDA is noticeably generalised and limited. Australia prescribes a conservative national standard of 3ha per 1000 residents. In SEQ there is a generally accepted standard of 4 – 5 ha per 1,000 residents, although in Brisbane the standard ranges between 2 and 4 ha per 1,000 residents. The PDA projects an upper limit of 2270 dwellings. If we put 1 person in each</i></p>	<p><u>Provision of Parkland</u> Toowoomba Regional Council's Open Space Strategy 2016 identifies that Council has sufficient existing or planned open space to meet the desired standards of service for open space and parkland within the Toowoomba CBD until 2031. This does not include any parkland developed as part of the PDA Railway Parklands. The Toowoomba Railway Parklands PDA is projected to provide an additional 5.1 hectares of new open space and parkland as a Regional Recreation Park within the Toowoomba CBD. The majority of this new parkland is within Precinct 1 – Central Precinct in the form of the Central Parklands. The delivery of the Central Parklands over time will mean the desired standards of service for parkland and open space for residents are exceeded within the CBD catchment area.</p> <p><u>Flooding</u> Council Flood Risk mapping identifies the part of the site affected by flood risk is limited to the Gowrie Creek channel in Precinct 1 and the East and West Creek channels and</p>	<p>That no change be made to the amendment in response to this submission.</p>

No.	Summary of issue/comment	Response	Recommendation
	<p><i>dwelling only (2700 people) who are living on the site against a conservative 3ha per 1000 people we need at almost 7ha of parkland just to meet the residents needs within the PDA, almost 2ha short of the recommended standard’.</i></p> <p><u>Flooding</u> <i>‘Toowoomba is historically billed as the ‘Garden City’. Unfortunately this term has become somewhat of a misnomer in recent years – evidenced in the last National Cities Performance report, finding that the city has the lowest area of and access to green space in all of Australia’s cities. A considerable degree of the city is already consumed by non-permeable surfaces. Even after the infamous 2011 floods, the city has continued with installing concrete flumes as a means of directing high flows, as opposed to considering open space/parkland as a means to increase permeability to the several aquifers in Toowoomba and to slow velocity.</i></p> <p><i>The PDA area is not immune, yet TRC’s own flood mapping considers only the creek itself (Fig 1) - not the wider floodplain area (Fig 2) which has been shown to flood the entire PDA.</i></p> <p><i>Thus I suggest that the area is far more suitable to parkland rather than more infrastructure for commercial and residential outcomes, of which are moving rather well in other precincts now. The use of parkland as a mitigation strategy to prevent cyclic flooding events would provide numerous other benefits to the residents of Toowoomba, including buffering of the heat island effect (Fig 3) which is only going to continue to rise’.</i></p> <p><u>Cycle and Pedestrian Network</u> <i>‘Toowoomba’s grid road system has reasonably well defined routes towards all aspects. The PDA is central to these. The pedestrian/semi-cycle route that utilises pedestrian strips, rail service strips and open space (i.e. golf course, creek system) running north-south is marginally ‘broken’ in some sections, but would make a great ‘trunk’ for extension further north and east -west. This route also intersects the PDA, which is well positioned to popular community spaces/hubs. The PDA is an obvious landmark feature of the CBD. Most long term residents of the Darling Downs will know at least one person who has a connection to one of the several industries that once thrived on-site. Given its long and colourful history, its contribution to founding the city of Toowoomba, it deserves to be transformed into something special that retains what’s left of the heritage structures, for ALL the community, not a select cohort who would afford to live there. There are plenty of post-industrial examples to choose from for guidance. I suggest linking post-industrial transformation with a reintroduction/rehabilitation of the natural waterway, so that it can be enjoyed by all. A recreation/parkland area will then link nature back into the urban fabric, which is at a desperate paucity in our city. I suggest that the TRC rethink its position on the current allocations of residential & commercial space vs. the amount of parkland at the PDA’.</i></p>	<p>low-lying areas surrounding them within Precinct 2 (see Figure 2 below). Approximately, 75% of the site is located within a Vulnerable Use Restriction Area (VURA). The VURA only applies to development for vulnerable uses such as Retirement Facility, Educational Establishment and other uses where large numbers of vulnerable persons may be present on the site.</p>  <p>Figure 2 – Flood Risk Mapping (FRAPESA, 2020)</p> <p>Notwithstanding the fact that the great majority of land within the Toowoomba Railway Parklands PDA has already been developed for urban purposes, stormwater</p>	

No.	Summary of issue/comment	Response	Recommendation
		<p>management and potential flood hazard are issues that the PDA Development Scheme requires all new PDA assessable development to address. For example, Section 3.5.5 (d) – (g) of the PDA – wide assessment criteria state respectively that development will be supported where it:</p> <ul style="list-style-type: none"> • is sited, designed and constructed to avoid, minimise or withstand the impacts of site constraints; • ensures people and property are at minimal risk from potential hazards including flooding and contaminated land; • ensures finished floor levels are above the defined flood event; and • does not change the flood characteristics of the area, taking into account the cumulative impacts of surrounding development. <p>Further, Section 4 of the PDA Development Scheme – Infrastructure Plan identifies trunk stormwater infrastructure to be provided within the PDA area. This includes a stormwater pipe on the corner of Ruthven Street and Campbell Street to Gowrie Creek. The provision of this infrastructure will improve stormwater management within the PDA area.</p> <p><u>Cycle and Pedestrian Network</u> The PDA Development Scheme has been informed by the South West Principal Cycle Network Plan 2016 developed by the Department of Transport and Main Roads. The plan identifies those elements of the principal cycle network proposed to run through the PDA. The proposed network includes cycle paths along Ruthven St, Bridge St, Campell Street, East/West Creek, Gowrie Creek and the railway line.</p> <p>The PDA Development Scheme requires development within the PDA to integrate with existing and proposed active transport networks. The PDA Development Scheme is therefore considered to appropriately recognise and integrate with the broader cycle network planning being undertaken for the region.</p>	
3.	<p>The submission generally relates to the category of development for particular land uses within Precinct 3, infrastructure charges and other general matters as follows:</p> <p><u>General</u> <i>'1. Align terminology within the development scheme with the Economic Development Act 2012</i> <i>a. We welcome this alignment</i> <i>b. We welcome the inclusion of GFA terminology</i> <i>c. We believe that TRC needs to clarify PDA accepted development further, and should include words to the effect of 'not subject to requirements' in the footer</i> <i>2. Alter the level of assessment for particular land uses</i> <i>a. We believe that in 6.1 Schedule 1 PDA – wide that RAL should also include provision for boundary realignment</i></p>	<p><u>General</u> The supporting comments offered by this submitter are noted.</p> <p>It is acknowledged that formatting within Column 1 of Tables 2 – 6 of the PDA Development Scheme was inadvertently changed during drafting of the amendment (listed uses were incorrectly designated a number). The original formatting within Column 1 of Tables 2 – 6 should be restored. Uses which are accepted development subject to requirements have their requirements specifically noted in Column 1 of Tables 2 – 6. This format is consistent with the current development scheme and the drafting directions provided by Economic Development Queensland during drafting of the amendment.</p> <p>Section 6.1, Schedule 1 of the PDA Development Scheme lists PDA – wide Accepted Development. The list includes all development listed in Schedule 6 of the <i>Planning Regulation 2017</i>, including particular development that is reconfiguring a lot but excluding 'Dwelling House' (under particular circumstances) and 'Development that is PDA related development'. The list of PDA – wide Accepted Development also includes</p>	<p>The original formatting within Column 1 of Tables 2 – 6 of the PDA Development Scheme be restored.</p> <p>Reconfiguring a Lot that is a boundary realignment to remain PDA Assessable Development.</p> <p>Section 3.5.3, Table 1 be amended to clarify the car parking requirements for other uses.</p>

No.	Summary of issue/comment	Response	Recommendation
	<p><i>b. We welcome the inclusion of Shop, Showroom and Theatre to Precinct 3 PDA accepted development</i></p> <p><i>c. We believe that carparking rates are too specific and should refer to the Toowoomba Regional Planning scheme</i></p> <p><i>i. Alternatively, renaming the categories Residential and Non-residential and the deletion of 'services, community and other uses'</i></p> <p><i>d. We believe that the inclusion of advertising devices in the PDA is an unnecessary inclusion and should refer to the Toowoomba Regional Planning scheme'.</i></p> <p><u>Infrastructure Charges</u> <i>'In addition to these amendments, the Council has failed to address infrastructure charges that developers will incur throughout this process. No incentives are offered to those in the PDA when it comes to infrastructure charges, and often these charges are a determining factor when we choose to commence a project. These charges, on top of our general rates, risk the financial feasibility of any work undertaken at the Precinct'.</i></p> <p><u>Particular Land Uses</u> <i>'We recommend a further review of accepted development to include the following:</i></p> <ul style="list-style-type: none"> • Car wash • Childcare centre; and • Function facility <p><i>The provision of these services to the community, in close proximity to the CBD are essential, and up until 2016 were allowed to be established with relative ease in our Precinct'.</i></p>	<p>reconfiguring a lot that is <i>'Subdivision involving road widening and truncations required as a condition of a PDA development approval'.</i></p> <p>Reconfiguring a lot for boundary realignment is PDA Assessable development in all precincts. <i>The Reconfiguring a Lot Code</i> in the Toowoomba Regional Planning Scheme (TRPS) is the applicable assessment benchmark. In this respect it is noted that the PDA area is comprised of highly fragmented landholdings. Any unplanned further fragmentation of the area may inhibit future development and compromise the delivery of the intent of the PDA Development Scheme. As such, reconfiguring a lot that is a boundary realignment should remain PDA Assessable Development.</p> <p>It is considered the on-site car parking stated in Section 3.5.3, Table 1 of the PDA Development Scheme takes a more flexible approach to on-site car parking provision than the rates specified in the Toowoomba Regional Planning Scheme. Despite this, it is considered the phrase 'services, community and other uses' is confusing as 'service uses' and 'other uses' are not defined terms within the PDA Development Scheme currently or as amended.</p> <p><u>Infrastructure Charges</u> Section 4.4 Infrastructure Charges of the PDA Development Scheme details that infrastructure charges for PDA development will be levied in accordance with Economic Development Queensland's Infrastructure Funding Framework. That is, infrastructure charges will be levied in accordance with Council's applicable charging document as at the date of the relevant PDA development approval. This framework does not preclude Council from offering infrastructure charges discounts through the application of a relevant Council Policy.</p> <p><u>Particular Land Uses</u> The submission proposes that Council consider designating three (3) land uses as Accepted Development within Precinct 3 – Ruthven Street Precinct. Precinct 3 predominantly comprises of three former large industrial sites including the former Defiance Mill, the former Toowoomba Foundry and the former gasworks site on the corner of Neil Street and Chalk Drive which is now vacant. The remainder of Precinct 3 comprises of low impact industrial development and dwelling houses. The locality and developed area within Precinct 3 is characterised by its post-industrial nature and the average quality of its on-site pedestrian and transport infrastructure.</p> <p>The intent of Precinct 3 is to <i>'provide a mix of uses, predominantly comprised of medium density dwellings with supporting retail, commercial and business activities that provide activity along Ruthven Street'.</i> Commercial and business activities west of Ruthven Street should include a mix of activities that <i>'service the needs of the residents of the precinct and the broader PDA'</i> and <i>'small businesses of a retail and service industrial nature offering employment opportunities within the PDA'.</i></p>	<p>No changes are to be made to the way in which infrastructure charges are levied within the PDA.</p> <p>The land uses 'Car wash', 'Child Care Centre' and 'Function facility' are to remain PDA Assessable Development within Precinct 3.</p>

No.	Summary of issue/comment	Response	Recommendation
		<p>The three (3) land uses requested to be considered for designation as Accepted Development are 'Car wash', 'Child Care Centre' and 'Function Facility'. All of these uses require good on-site transport infrastructure and may generate large numbers of vehicle movements during peak periods. Moreover, all of these uses will have a catchment area extending beyond the boundary of the PDA and will not only service residents within the PDA (residential development within the PDA is currently limited). As such, with consideration of the nature of these uses and existing on-ground conditions within Precinct 3, it is recommended that all three (3) uses remain as PDA Assessable Development within Precinct 3.</p> <p>It is noted a Function Facility is currently Accepted Development within Precincts 1 and 2 where within an existing building and no more than an additional 25m² GFA is proposed. This amendment proposed to make a Function Facility Accepted Development in Precincts 1 and 5.</p>	

5. List of all amendments to the Amendment

Amendment #	Section details	Provision to be Omitted	Provision to be inserted	Reason for amendment
Part 3 Land use Plan				
1.	3.5 PDA-wide criteria 3.5.3 Access, movement and car parking Table 1: PDA car parking rates	Column 1, Row 4, before “other uses” omit: “Services, community and”	Column 1, Row 4, before “other uses” insert: “All”	Services and others uses are not defined terms in the current PDA Development Scheme or the development scheme as amended. The amendment clarifies that the requirements in Column 2, Row 4 apply to all other uses that are not business activities or accommodation activities.