

Statement of Reasons

SITE DETAILS	
Site Address	1A-3 Neil Street, TOOWOOMBA CITY QLD 4350
Real Property Description	Lot 3 AG208 Lots 1-3 RP16672 Lots 26-28 RP16674 Lot 2 RP129701 Lot 1 RP151665 Lot 5 RP1667
Site Area	10,569m ²
Owner	Gasworks Rejuvenation Pty Ltd

PROPOSED DEVELOPMENT	
Name of Applicant	Gasworks Rejuvenation Pty Ltd
Type of Application	Material Change of Use
Proposed Development	Shopping Centre and 56 Multiple Dwelling Units
Level of Assessment	PDA assessable development - Column 2a Permissible Development
Gross Floor Area	<ul style="list-style-type: none"> A Shop (supermarket) having a maximum GFA of 4,293m² GFA; Shops (retail tenancies) having a combined maximum GFA of 1,746m² GFA; and Multiple Dwelling having a combined maximum GFA of 6,723m². Apartments will range in size from 60.8m² (one bedroom unit) to 166m² (four bedroom unit).
Impervious Area	Approx. 9,750 m ²
Site Cover	Approx. 8,458 m ² (80%)
Car Parking Spaces	217 proposed (208 required)
Service Vehicle Provision	Articulated Vehicle (AV) (20m) service vehicle
Submissions Received	Objection: Three
	Support: None
Decision	Approval
Decision Date	5 September 2024

ASSESSMENT MATTERS		
Assessment benchmarks	The proposed development was assessed against the following: <ul style="list-style-type: none"> the purpose of the <i>Economic Development Act 2012</i> (the Act) <i>Toowoomba Railway Parklands Priority Development Area Development Scheme</i> 	
Matters raised in submissions	Issue	How matter was dealt with
	The proposal grossly exceeds the Floor Area Limits of the PDA Development Scheme for supermarket and shopping centre, and is inconsistent with Vision of the PDA Development Scheme and without sufficient grounds	Two of the submissions outlined the proposed development exceeds the thresholds of 1,500m ² GFA for a supermarket and 2,000m ² GFA for shopping centre including supermarket under Precinct 3 Criteria 3.6.3(a). This assessment considers the non-compliance with the PDA Development and the assessment then required under s.3.2.5 of the PDA Development Scheme in relation to the PDA vision and sufficient grounds. As outlined in detail in this report, this assessment concludes that the development is consistent with the PDA vision and there are sufficient grounds to justify

		approving the development despite the non-compliance. As such, there is no restriction on Council to grant an approval under the <i>Economic Development Act 2012</i> .
	Economic Impact	<p>As noted above, the proposed development exceeds the GFA thresholds of the PDA Development Scheme. In particular Precinct 3 Criteria 3.6.3(a) outlines the purpose of the thresholds to ensure development <i>"provide[s] local convenience commercial and retail activities that do not compete with the CBD"</i>. An Economic Impact Assessment was submitted, and as such Council appointed an expert to carry out a third party review.</p> <p>Council's appointed expert advises that:</p> <p><i>"Based on our review and further analysis, we conclude that:</i></p> <ul style="list-style-type: none"> <i>• There is an economic and community need for the proposed development.</i> <i>• The proposed development would not undermine the role, function, or viability of designated centres nor the CBD.</i> <i>• The proposal would contribute to the vitality and economic activity in the PDA and there is economic justification for a supermarket of the proposed scale in this location despite the PDA GFA limit (1,500sqm supermarket).</i> <i>• No further economic analysis / information is required from the applicant."</i> <p>It is considered this matter has been considered in the assessment, and is resolved.</p>
	Building Height	<p>While the proposed 10 storey residential tower exceeds the six storey limit of part (i) of PDA Wide Criteria 3.5.2(c), part (iii) of the same criteria provides for up to 10 storeys in height where there is exceptional design outcome.</p> <p>The proposal includes:</p> <ul style="list-style-type: none"> • High quality building design (including materials, finishes, awnings, private open space and communal open space); • semi-public plaza (including finishes, public activity spaces); • activation to the street and semi-public plaza; • on-site landscaping (including quality of hardscaping and softscaping); • maximising street trees; • reflecting the historic Gasworks use and chimney reconstruction; • active transport link from Laundry Street to Neil Street; and • The proposed 10 storey building will not impact other premises through overbearing development or overshadowing. <p>As detailed in this report, this assessment considers the overall development achieves an exceptional and superior design outcome. A number of conditions are</p>

		recommended to ensure this exception design outcome is met.
	Land Contamination	<p>Part of the site (Lot 3 AG208, Lots 26 - 28 RP16674, Lot 2 RP129701, Lot 1 RP151665) is listed on the Contaminated Land Register. Site Management Plans have been approved by the State for the relevant lots.</p> <p>PDA Wide Criteria 3.5.5(e) requires that development <i>“ensures people and property are at minimal risk from potential hazards including flooding and contaminated land”</i></p> <p>The Applicant submitted a contaminated land assessment (titled 'Review of Legacy Contamination Toowoomba Gasworks Development') including recommendations. Conditions are proposed that require a Construction Environmental Management Plan incorporate the controls identified in the submitted Review of Legacy Contamination Toowoomba Gasworks Development.</p> <p>The applicant is also required to carry out development in accordance with the State approved Site Management Plans (SMPs) under the Contaminated Land Register, otherwise seek further approval from the State.</p> <p>It is noted that the Site Management Plans outlines that the land is suitable for open space, high-density residential (with minimum opportunity for soil access) or commercial / industrial uses (such as shops and offices as well as factories and industrial sites), provided it is managed in accordance with the SMP. The development is consistent with the suitable land uses.</p> <p>Having regard to the above, the potential release of any contaminated land and any potential risk to the community and environment is addressed.</p>
	Stormwater	<p>Council's Drainage Planning has advised the modelling provided by the applicant indicates the development does not cause actionable nuisance to private properties provided the proposed pipe systems are installed.</p> <p>Council's Drainage Planning has advised the Approved Document Stormwater Management Plan includes initial and continuing loss values for undeveloped areas that are inconsistent with the ARR data hub and previous modelling for this catchment undertaken by Council. The loss values used would imply higher runoff from the undeveloped case and there are concerns about whether the on-site detention basin is correctly sized. This issue must be addressed when the operational works application is lodged.</p> <p>Council's Engineering Consultant has recommended conditions of approval relating to stormwater management to ensure impacts on receiving waters are mitigated in a future operational works application.</p>
	Car Parking	The Traffic Impact Assessment has assumed a 40%

		<p>reduction in trip generation due to cross utilisation and availability of active transport modes and public transport. Council's Development Infrastructure and Growth have accepted these assumptions, and included conditions requiring active transport infrastructure greater than the minimum requirements.</p> <p>The proposed development proposes a total of 213 spaces, exceeding the minimum 208 car parking spaces required under Table 1: PDA Car Parking Spaces. External works associated with the development is likely to remove some on-street and Council carparks.</p> <p>Despite the impact on on-street and Council carparks, it is considered the development provides sufficient vehicle parking having regard to the following:</p> <ul style="list-style-type: none"> • The redevelopment of a long-standing brownfield site would result in frontages works including the loss of some on-street parking; • The development will result in benefits for the community and surrounds, particularly the likely catalytic effect for further development in the PDA and the improved streetscapes on Neil Street and Chalk Lane; and • Excess on-site carparking partly substitutes for the removed carparking spaces.
	Active Transport	<p>The suggestions to improve active transport have been considered by Council's Development Infrastructure and Growth, and been incorporated where reasonable and relevant.</p> <p>It is agreed that the new works should reinstate the bicycle lane at the Ruthven Street left-turn lane into Chalk Drive. This must be addressed at detailed design stage during an operational works application / road works permit.</p> <p>It is noted, a raised zebra crossing at the Neil Street end of Chalk Lane would likely interfere with overland flow, and as such has not been incorporated into Council's conditions.</p> <p>It is agreed that a pedestrian crossing on the western leg of the Chalk Drive / Neil Street intersection is a more direct and convenient route for pedestrians. Council Officers are advised that necessary infrastructure such as pram ramps on the western leg cannot fit within the existing road reserve. Road widening is not possible given the existing drainage corridor. Chalk Drive is a State controlled road. As such. Council has included an advice statement of its preference for a crossing over the western leg.</p>
Reasons for decision	The development was assessed against all of the requirements listed above and complies with all of these.	

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website at: <http://www.tr.qld.gov.au/payments-self-service-laws/web-apps/pdonline/8892-planning-and-development-online>. When accessing Council's website please use the following Application Number: PDA/2023/5733.