

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	SH Coolum Pty Ltd C/- Project Urban Pty Ltd
<b>Proposal</b>	<p>Preliminary Approval (in accordance with Section 242 of the <i>Sustainable Planning Act 2009</i>) for Material Change of Use of Premises to establish Yaroomba Beach Master Plan</p> <p>Development Permit for Material Change of Use for Resort Complex, Multiple Dwellings, Short Term Accommodation, Shopping Centre, Educational Establishment, Community Use and Utility Installation</p> <p>Development Permit for Reconfiguration of a Lot (10 lots into 13 lots – including 2 commercial lots, 3 park/car park lots, 2 buffer lots, 1 transfer station lot, 1 principal body corporate lot, 2 access lots and 2 balance management lots and access easements)</p>
<b>Properly Made Date:</b>	5 May 2017
<b>Information Request Date:</b>	19 June 2017
<b>Information Response Received Date:</b>	20 October 2017
<b>Public Notification Period</b>	17 November 2017 to 16 January 2018 (30 business days)
<b>Number of Submissions</b>	TOTAL of 12,306 submissions <ul style="list-style-type: none"> <li>• 11,666 properly made               <ul style="list-style-type: none"> <li>○ 2,998 support</li> <li>○ 9,288 against</li> <li>○ 20 neutral</li> </ul> </li> </ul>
<b>Decision Due Date</b>	29 June 2018
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	8
<b>Property Address:</b>	David Low Way, Yaroomba
<b>RP Description:</b>	Lots 12, 15 & 16 SP238214 Lots 20, 336-340 SP219217 Lot 25 SP269561
<b>Land Area:</b>	Approximately 18.5ha
<b>Existing Use of Land:</b>	Predominantly Vacant Land
<b>STATUTORY DETAILS</b>	
<b>Planning Scheme:</b>	Sunshine Coast Planning Scheme 2014 <i>Note that a Preliminary Approval (Coolum Hyatt Resort Master Plan) varying the effect of the Planning Scheme exists over the site – see report for further detail</i>
<b>SEQRP Designation:</b>	Urban Footprint
<b>Strategic Plan Designation:</b>	Urban

<b>Planning Area / Locality:</b>	Coolum Local Plan Area
<b>Planning Precinct / Zone:</b>	Emerging Community Zone (Precinct COL LPP-1, Palmer Coolum Resort and The Coolum Residences)
<b>Assessment Type:</b>	Impact Assessable

## PROPOSAL

The application seeks approval for:

- Preliminary Approval (in accordance with Section 242 of the *Sustainable Planning Act 2009*) to vary the effect of the planning scheme to allow for Material Change of Use of Premises to establish the Yaroomba Beach Master Plan.
- Development Permit for Material Change of Use for Stage 1 - Resort Complex, Multiple Dwellings, Short Term Accommodation, Shopping Centre, Educational Establishment, Community Use and Utility Installation.
- Development Permit for Reconfiguration of a Lot for Stage 1 – 10 lots into 13 lots (Creating 2 commercial lots, 3 park/car park lots, 2 buffer lots, 1 transfer station lot, 1 principal body corporate lot, 2 access lots and 2 balance management lots and access easements).

Each aspect is explored in more detail below.

### Preliminary Approval for Material Change of Use

A section 242 Preliminary Approval to vary the effect of the planning scheme for Material Change of Use to establish the Yaroomba Beach Master Plan is proposed over the whole of the subject site over 5 stages. The Preliminary Approval component of the application seeks to secure approval for the overall development concept for the Yaroomba Beach Master Plan area and guide the assessment and level of assessment of subsequent applications for development permits lodged over the site.

The Preliminary Approval seeks to vary the effect of the Sunshine Coast Planning Scheme, where specified in the Preliminary Approval Document for the Preliminary Approval Area, to establish revised levels of assessment and general development parameters for the development of the site. Despite this, many of the design parameters of the Sunshine Coast Planning Scheme will remain applicable to future development, including setbacks, site cover, landscaping, parking and communal / private open space requirements as per the existing applicable planning scheme codes for the proposed development type.

The Preliminary Approval component of the application will comprise of the following elements and will vary the effect of the Sunshine Planning Scheme 2014 where specified in the Preliminary Approval Document:

- Establish 5 development precincts, access networks and open spaces.
- Specify levels of assessment for the following types of development:
  - Dwelling houses, dual occupancy, multiple dwellings, resort complex, rooming accommodation, short-term accommodation, residential care and retirement facility, shopping complex, food & drink outlet, shop, office, community use and park.
  - Reconfiguration of a Lot.
- Specify a maximum density of 740 equivalent dwellings and a 220 room hotel.
- Specify a maximum retail and commercial gross floor area of 2,800m<sup>2</sup>.
- Specify maximum building heights for each precinct. Stage 1 (up to 7 storeys) while stages 2-5 will accommodate up to four (4) storeys.

- Specify relevant assessment criteria from the Sunshine Coast Planning Scheme which will apply to the assessment of subsequent applications for a development permit.
- Nominate a Site Development Code – which identifies specific divergence from the Sunshine Coast Planning Scheme codes throughout the Preliminary Approval Area.
- The site development code articulates the built form intention within each of the precinct/sub-precincts and identifies building form, siting, articulation and separation benchmarks.

#### Development Permit for Material Change of Use for Stage 1

This application also seeks a Development Permit for Material Change of Use of Premises for the first stage of the development which comprises the following:

- Resort Complex – 220 room Westin Resort and Spa with conference facilities.
- Multiple Dwellings and Short Term Accommodation – Serviced Apartments (for permanent and temporary accommodation):
  - 70 standard 1 & 2 bedroom units
  - 70 dual key 1+1 and 2+1 bedroom configurations
- Shopping Centre – 2,770m<sup>2</sup> GFA (comprising shops, food & drink outlets and offices)
- Educational Establishment - 239m<sup>2</sup> Beach Ecology and Indigenous Education Centre.
- Community Use – 49m<sup>2</sup> surf life saving amenities.
- Civic and Linear Parklands – 1.47 ha.
- Utility Installation – Services and maintenance facility incorporating Automated Waste Collection System, fire hydrant booster system and gas storage.

The following is a more detailed description of the various components of the proposal.

#### *Resort Complex*

Stage 1 of the proposal a 220 room Hotel including retail uses, restaurants, conference facilities and day spa. The restaurants, lobby bar and roof top bar will be publicly accessible. The applicant proposes for the Hotel development to operate as a luxury 5 star resort and spa which will be operated by The Westin.

The proposed development includes the following components:

- A built form between 5-7 storeys (with a maximum 24.5 metres above finished surface level or RL29.6).
- 4 meeting rooms including a lake chapel, conference space – with over 1000m<sup>2</sup> of conference and meeting space, the venue can hold up to 800 delegates.

#### *Multiple Dwellings and Short Term Accommodation - Serviced Apartments*

The 140 serviced apartments have a range of product type from 1 and 2-bedroom apartments, 1 and 2-bedroom dual key apartments.

The applicant has advised that the serviced apartments may be permanently occupied or placed into resort inventory and managed by resort operation. Serviced apartments placed into the resort inventory will be managed under a lease arrangement as short-term accommodation and have access to basic resort services. Permanent occupiers of serviced apartments can be offered resort services such as room service, laundry/valet, housekeeping, etc.

#### *Shopping Centre, Educational Establishment and Community Use*

Within the Village Centre is a 2,770m<sup>2</sup> shopping centre comprising:

- Shops, offices, cafes and restaurants.
- Beach Ecology and Indigenous Education Centre (located on the second storey).
- Beach showers are provided at the northern beach access point with passive surveillance being provided by adjacent retail, main street and overlooking from the Hotel.
- Public toilet amenities are integrated within the retail buildings surrounding the Village Park.

#### *Other Uses*

A single storey waste transfer station (Utility installation) will be constructed on the land adjacent David Low Way near the new entry roundabout. Civic and Linear Parklands of 1.47 hectares are also to be provided.

#### *Access*

The site will be accessed via two new access points along David Low Way (a major north-south arterial road) which is under the control of the Department of Main Roads:

- A central east-west spinal access road is proposed connecting the beach, resort, Village Heart, public park, to the David Low Way.
- An additional access from David Low Way has been incorporated into the development south of the Community Centre, providing a 'left-in-left out-right in' arrangement. The proposed access provides improved access to the car park for the Community Centre with increased separation to the David Low Way underpass.

It is proposed that the vehicular network within the Yaroomba Beach development will comprise roads under either Council or body corporate ownership. The body corporate owned roads will remain publicly accessible.

It is proposed that the main entry road to the resort hotel and northern beach access will be contained within a lot to be transferred to Council and maintained by the principal body corporate. The balance of the roads will be private access ways under the control of the appropriate body corporate.

#### *Parking*

The application proposes a minimum of 110 public parking spaces with 80 parking spaces adjoining the existing community centre site, 20 at-grade beach/park spaces will be provided in Stage 1, with the additional 10 at-grade beach/park spaces provided in Stage 3, adjacent to the southern beach access. Additional on street parking bays can be provided.

Additional undercover parking spaces will be provided in the basement areas for the resort, residential, commercial and educational uses. Access to the basement is via three ramps one located adjacent the hotel lobby, the other opposite the beachside park and the third on the southern side of the serviced apartments.

A total of 429 private car parks are proposed within the basement which comprises of:

- 62 secure spaces for the Resort Complex.
- 166 secure spaces and 46 unsecure spaces for the Serviced Apartments.
- 128 unsecure spaces for the Shopping Centre.
- 27 spaces for the Beach Ecology and Indigenous Educational Centre.

### *Open Space, Coastal Pathway & Lake*

The open space network includes a number of parcels being transferred to Council including:

- A village Park with an area of 7,197m<sup>2</sup>.
- A beachside park with coastal pathway with an area 7,504m<sup>2</sup>.
- A waterfront walkway lot (volumetric).
- Vegetation buffer lots fronting David Low way (2 lots with a combined area of 8,401m<sup>2</sup>).

The Coastal Pathway Plan illustrates the desired alignment of a coastal pathway running north-south along the eastern boundary of the subject development site.

The lake shape will be formed within the first stage of the development, including the lake edge treatments adjoining the main access road, hotel, serviced apartments and the public park. The finalised lake edge treatments adjoining the remainder of the lake will be constructed with each subsequent stage of development.

It is proposed that the lake will form part of the principal body corporate's land, with maintenance being a long-term responsibility of the principal body corporate.

The maximum standing water level for the lake (weir level) will be 3.88m AHD.

#### Development Permit for Reconfiguration of a Lot for Stage 1

The proposal seeks to subdivide the existing 10 lots into 13 lots comprising of:

- 2 commercial lots (Lots 101 and 200 (in 3 parts)).
- 3 park/car park lots – Lots (Council ownership).
- 2 buffer lots adjacent David Low Way (Council ownership).
- 1 transfer station lot.
- 1 principal body corporate lot.
- 1 Beach club pedestrian access lot.
- 1 waterfront walkway lot (Council ownership).
- 2 balance management lots.
- The Proposal also provides public access easements over sections of the site to allow for the public to utilise the land such as the lake and beach accesses.

The proposed roads under the Council ownership are to be dedicated so that the ground level is road reserve with the land below remaining in private ownership to allow for basement car parking and other private infrastructure.

## **SITE DETAILS**

### **Background/Site History**

#### Existing Use Rights of Current Preliminary Approval (Coolum Hyatt Resort Master Plan)

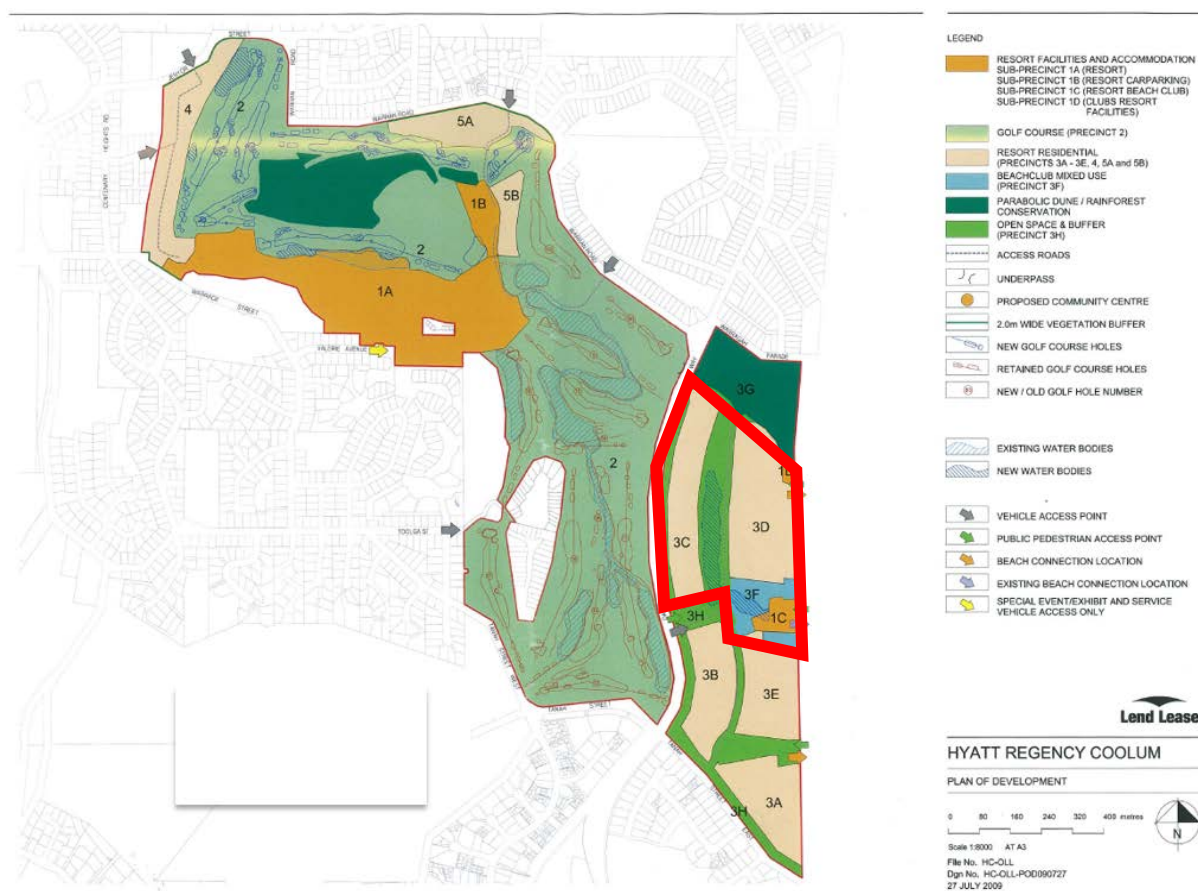
The site has a history of development approvals dating back to the 1980's, including a 300 room, 4 storey hotel.

On 28 February 2007, Council issued the current Preliminary Approval for a Material Change of Use (MCU05/0245) to vary the effect the planning scheme to establish the Coolum Hyatt Integrated Resort and Residential Community, which includes the subject site as part of the 'Beachside' precinct. Development within the Preliminary Approval Area is controlled by a Master Plan. A range of approvals have been enacted under the Master Plan.

The existing 2007 preliminary approval (Coolum Hyatt Resort Master Plan) remains current and enables the following over the subject site being considered in this development application:

- Up to a maximum of 329 dwellings across the site in a range of configurations including multiple dwelling units, dual occupancies and detached houses.
- A mix of resort, residential and commercial/retail uses up to 500m<sup>2</sup>.
- Maximum building heights throughout the precinct range from 8.5 metres/2 storeys to 16 metres/4 storeys.
- Vegetation clearing and filling of the development footprints and excavation of a lake for stormwater management.

Refer to below for a precinct map of the preliminary approval.



**Figure 1: Existing Coolum Hyatt Master Plan Approval with the area subject to proposal in red**

During the public notification process for the application for the 2007 preliminary approval, 3,837 public submissions were received by Council. There were 3,657 submissions that objected to the proposal and 80 that supported the development. Of the submissions received, 3,452 were proforma objections to the proposal. Points of objection related to height, density, increased traffic and non-compliance with the planning scheme.

Visual impact was a key issue in the assessment of the Coolum Hyatt Resort Master Plan application. The Master Plan application initially proposed a maximum building height of 6 storeys (approximately 21 metre building height elevation) for the central beach club precinct. This proposal was inconsistent with the intent of the (then) Maroochy Plan 2000. Following consideration and peer review of the applicant's scenic quality and visual impact assessment report, it was recommended to Council and determined that the upper building height on the

site remain at four storeys, plus options for a roof top terrace (maximum 16 metre building height elevation).

Under the existing 2007 preliminary approval, public access is available to the site, primarily via a 20 space car park adjacent to a private beach club facility (discussed further below) and public access to the beach via pedestrian access easements. All vehicular access to the approved development was required to be from the existing roundabout on David Low Way (now constructed).

Parts of the Preliminary Approval (Coolum Hyatt Resort Master Plan) have been acted upon, with the currently proposed application (MCU17/0095) and Precinct 5A and 5B being undeveloped.

#### Existing Infrastructure Agreement

The existing 2007 preliminary approval (Coolum Hyatt Resort Master Plan) is supported by an Infrastructure Agreement and a Resort Refurbishment Agreement that remains attached to the land and binding on the owner of the land and their successors in title.

The Infrastructure Agreement supports the existing approval conditions and contains a range of obligations for the owner of the site, including the upgrade of infrastructure external to the site, provision of vegetation buffers, monetary contributions, the dedication of the existing sales centre site as a future community centre and the provision of public pedestrian beach access, amongst other requirements. Many of these obligations in the Infrastructure Agreement have already been fulfilled.

A separate Resort Refurbishment Agreement and the development approval secured the future construction of a \$3 million beach club facility east of the David Low Way (on Lot 12 SP238214), which includes public access to the beach and a 20 space car park. The beach club facility is to incorporate a lagoon pool, shop and restaurant/café facilities up to 500m<sup>2</sup> gross floor area for the use of Palmer Coolum Resort guests and residents of the community title estates associated with the Master Plan approval.

In respect of the 2007 preliminary approval which has only been partially completed, the obligations under that 2007 preliminary approval must be delivered as part of any new or different approval to ensure that the development obligations under the 2007 preliminary approval remain correlated with the development which has been contemplated under the Preliminary Approval and ensure consistency between the conditions of the preliminary approvals.

The development obligations under the existing Hyatt Infrastructure Agreement which have yet to be completed and fulfilled are the following:

- Payment of a \$500,000 dollar monetary contribution for upgrade and or construction of proposed shire roads in the Mt Coolum area. Half of the \$1 million has been paid previously as part of earlier stages of the 2007 approval. The \$1 million was based on approval for a total of 660 dwelling units within the entire preliminary approval area.
- Completion of 1 additional beach access (dune crossover) – central in the middle of the Beachside precinct.
- Construction of pathways and registration of public access easements through the site from David Low Way at several points to the central and northern beach access points (access easements to the southern beach access are in place).
- Constructing 20 car parks within the Community Centre Land (now required under lease agreement with the applicant).

Since the approval of the Coolum Hyatt Resort Master Plan Preliminary Approval, Sekisui House purchased the remaining development rights for the sites east of David Low Way and Precincts 5A and 5B.

### Planning Scheme Amendment Background

During the exhibition of the draft Sunshine Coast Planning Scheme in 2012, the landowner Sekisui House made a submission seeking an amendment to the planning scheme to permit an international hotel and high density residential development on the subject site. This proposal was significantly different to the provisions contained in the draft planning scheme for the subject site. Therefore, Council determined that further investigations were required before it could consider commencing a planning scheme amendment process.

Initial investigations and strategic review of the subject site commenced in early 2014. In July 2014, Sekisui House submitted revised concept plans. Between July and September 2014, Council considered the revised concept plans and the findings of the initial investigations including input from independent specialists on key issues such as economics and visual amenity. Council resolved to defer consideration of any planning scheme amendment to a meeting in December 2014 as further information was required.

Sekisui House undertook its own consultation on a further revised concept plan between October and mid-November 2014, including community information sessions, information stands at shopping centres and a telephone survey.

On 31 March 2015, Council received further information from Sekisui House. While significant revisions to the initial concept plan were made by Sekisui House since the draft planning scheme submission, the changes between the concept plan of October 2014 and the 31 March 2015 concept plan were less extensive.

The rezoning report considered a number of potential development options as a basis for further assessment. The three options considered were:

- Option 1 - Sekisui House Development Concept (10 storey hotel (38.5 metres) and 4-10 storeys (14 metres - 32.05 metres respectively) elsewhere).
- Option 2 - Moderated Development Concept (generally 6 storeys (21 metres) maximum with potential for up to 8 storeys (27 metres) maximum in the centre of the site with 4 storeys (14 metres) adjacent to David Low Way and adjacent to residential areas to the south).
- Option 3 - Existing Approval / Status Quo (generally 1-2 storeys (8.5 metres) with some 3-4 storey (12 metres – 16 metres) apartment buildings).

On balance, officers considered that the potential economic benefits of Option 1 did not outweigh the potential social and environmental impacts related to this proposal. Similarly, Option 2 provided improved social and environmental benefits compared to Option 1, but it was unknown whether this option would be suitable to hotel operators or whether there would be community support for such an option.

The matter was considered at a Council meeting on 27 April 2015, where Council resolved:

*That Council:*

- (a) *receive and note the report titled "Consideration of Proposed Planning Scheme Amendments" and*



- (b) *not propose to amend the Sunshine Coast Planning Scheme 2014 in respect to the Yaroomba Beachside site.*

### Application Process

Upon lodgement in May 2017, the application proposed:

- Preliminary Approval (in accordance with section 242 of the Sustainable Planning Act 2009) for a Material Change of Use to establish the Yaroomba Beach Master Plan (in accordance with the Preliminary Approval Document).
- Development Permit for Material Change of Use for Resort Complex, Multiple Dwellings, Short Term Accommodation, Shopping Centre, Educational Establishment, Community Use and Utility Installation.
- Development Permit for Reconfiguration of a Lot 1 into 26 lots (Creating 16 Dwelling House Lots, 2 commercial lots, 1 park lot, 1 access lot, 2 buffer lots, 1 transfer station lot, 1 principal body corporate lot & 2 balance management lots and access easement)

Following the statutory process, the applicant lodged a change to the application in April 2018 in response to properly made submissions.

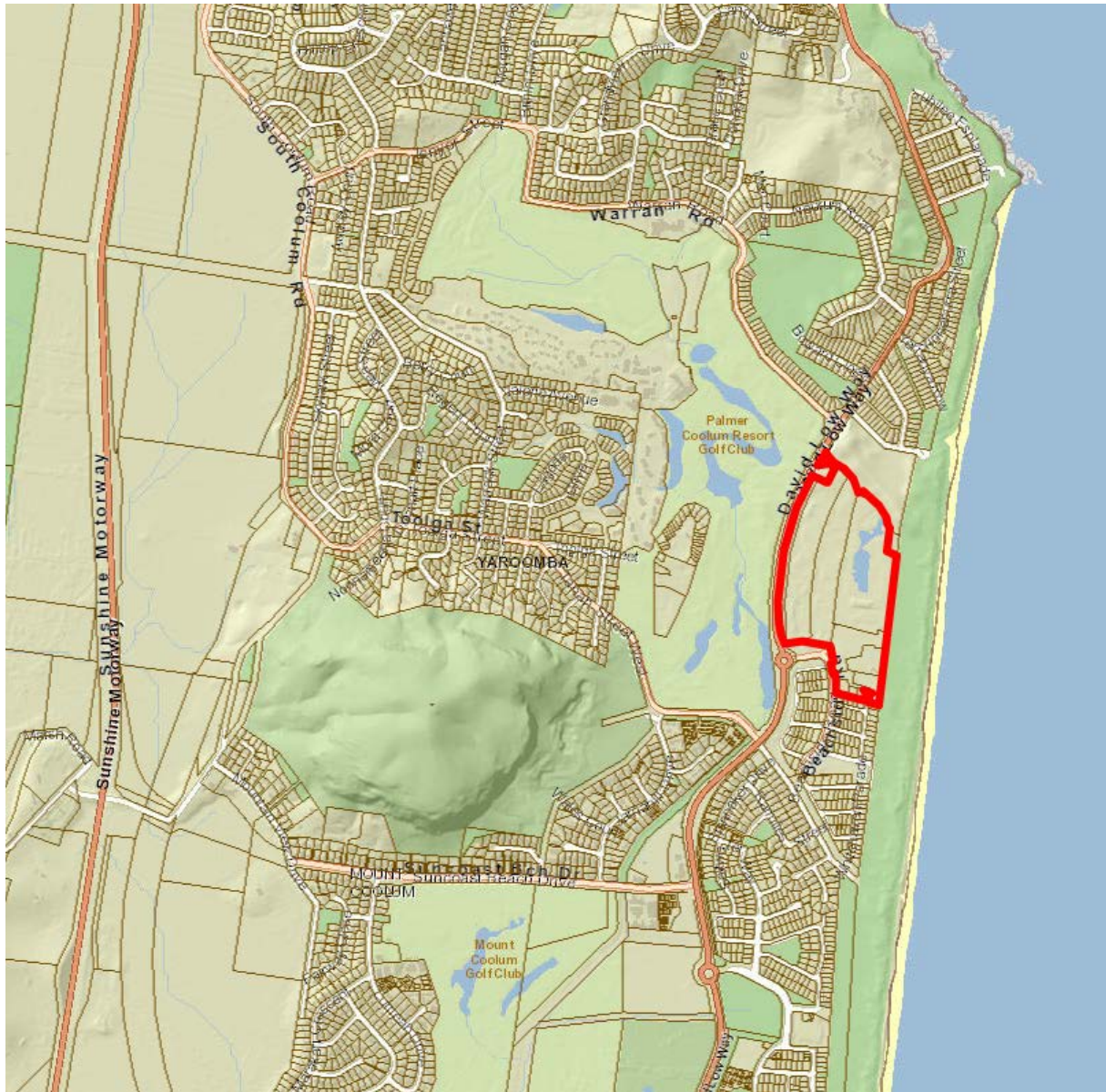
This changed application resulted in the following changes to the application:

- Amending the Preliminary Approval Document to better align with the Sunshine Coast Planning Scheme including revising the following:
  - Tables of assessment.
  - Precinct and sub precinct designations.
  - Overlay being applicable except where inconsistent with the proposed building heights.
  - Sunshine Coast Planning Scheme codes are applicable except where the Preliminary Approval Document prevails to the extent of any inconsistency.
  - A requirement has been added for the provision of a 5 star Resort Complex.
- Incorporate the Coastal pathway into the development with the dedication of a 10m wide reserve along the eastern boundary of the site.
- Removal of 16 dwelling house lots to create a new Beachside Public Park (incorporating the Coastal Pathway).
- Moving the access ramp to the basement car park from the east of the commercial/retail buildings to the eastern boundary of the hotel site. Corresponding changes were made to the basement car park layout to accommodate this new ramp location.
- Removal of 8 serviced apartments to provide an improved connection between the Hotel, the northern beach access and Beachside Park.
- Reduction in the proposed residential density of the development from a 220 room hotel and 1,086 dwellings to a 220 room hotel and 740 dwellings.
- Dedication of additional public roads on top of the central main road, including:
  - A secondary access road along the northern boundary of the site, extending from the proposed northern David Low Way intersection along the northern boundary of the Village Park to the eastern end of Main Street; and,
  - the access loop road.
- Road cross sections have been revised to better reflect Council's standards.
- Dedication of an additional 80 public car parking spaces located adjacent to the future Community Centre and a corresponding reduction in the 4 storey multiple dwelling precinct area.
- Dedication of public pedestrian/cycle paths along the eastern edge of the lake to Council (previously public access easement).

As these changes were in response to properly made submissions, the application process did not restart as per sections 351 and 354 of the *Sustainable Planning Act 2009*.

## Site Description

The location of the subject site in relation to its surrounds is shown on the image below:



**Figure 2: Location Plan**

An aerial photo of the site is shown in the image below.





**Figure 3: Aerial photo**

The site is located at Yaroomba with frontage to the David Low Way, esplanade dune and beach. It is approximately 18.54 hectares in area.

The site is located adjacent to the Yaroomba Parabolic Dune to the north (a site of ecological significance protected by conservation covenant), the dune esplanade to the east, (the Marcoola Yaroomba Conservation Reserve, which has very high ecological significance), the golf course of Palmer Coolum Resort to the west of the David Low Way and low density community title residential development to the immediate south.

The site has previously been used as a golf course as part of the former Hyatt Coolum Resort. It is now a residential development site with recently demolished private resort facilities located in the south-eastern corner. Adjoining the northern boundary of the site is a Council owned community centre, which is currently used as a sales office by the applicant. It is noted that the lease over this facility is due to expire in November 2018.

The site has generally flat topography, with the lower points around 4m AHD and the highest points at 9m AHD. Significant earthworks have taken place on the site to accommodate the

golf course and subsequently for residential development. There are two water bodies on the site (with the eastern water body already approved for removal as part of existing approvals). There are approximately 6 hectares of remnant and non-remnant vegetation on the site, protected by covenant in the case of the David Low Way landscape buffers, with the remaining vegetation not deemed to be of high value, having been identified for vegetation offsetting in the existing 2007 preliminary approval.

Entree for the site to the existing David Low Way roundabout is currently gained over the Principal Body Corporate common property which is associated with the adjoining gated body corporate residential estate. There is also a minor northern access to the David Low Way near the existing community/sales centre site. There are access easements on the site in favour of the Palmer Coolum Resort and associated community title residential communities to the south and east, for the purposes of providing access to the northern beach access.

The site is located approximately 2.5km south of the township of Coolum. It is situated approximately 700m to the north-east of Mount Coolum.

## **ASSESSMENT**

The application requests 3 separate approvals. These are:

- Preliminary Approval (in accordance with Section 242 of the *Sustainable Planning Act 2009*) for Material Change of Use of Premises to establish Yaroomba Beach Master Plan.
- Development Permit for Material Change of Use for Resort Complex, Multiple Dwellings, Short Term Accommodation, Shopping Centre, Educational Establishment, Community Use and Utility Installation.
- Development Permit for Reconfiguration of a Lot – 10 lots into 13 lots (Creating 2 commercial lots, 3 park/car park lots, 2 buffer lots, 1 transfer station lot, 1 principal body corporate lot, 2 access lots and 2 balance management lots and access easements).

The assessment of these applications is undertaken in the same order as that listed above. This is because the second and third applications are reflective of the development proposed by the Yaroomba Beach Master Plan.

### **Framework for Assessment**

Under the *Sustainable Planning Act 2009*, the application must be assessed against each of the following to the extent relevant to the development:

- State Planning Policies;
- the South East Queensland Regional Plan;
- State Planning Regulatory Provisions;
- any Preliminary Approval to which section 242 applies;
- the Planning Scheme for the local government area.

The Preliminary Approval component of the application is also to be assessed having regard to the matters stated in section 316 of the *Sustainable Planning Act 2009*.

An assessment against the key provisions of the above matters or things is set out below.

## **Statutory Instruments – State and Other**

### State Planning Policies

The State Planning Policy in effect at the time of lodgement of the application has been identified by the Minister for State Development, Infrastructure and Planning as being appropriately reflected in the Council's planning scheme and therefore the State Planning Policy is not a matter against which the application is to be assessed.

A new State Planning Policy was adopted in July 2017 as part of the introduction of the Planning Act 2016. The State Planning Policy does not apply retrospectively and therefore, the application has not been assessed against the new State Planning Policy.

However, it is noted that the new State Planning Policy identifies a specific State interest in respect of tourism which relevantly provides that all of the following state interest policies must be appropriately integrated in planning and development outcomes where relevant:

- The findings of state endorsed tourism studies and plans are considered and reflected where relevant.
- Existing and potential opportunities, localities or areas appropriate for tourism development are identified and protected.
- The delivery of sustainable tourism development is facilitated where it:
  - is complementary to compatible with other land use, including sensitive land uses;
  - promotes the protection or enhancement of the character, landscape and visual amenity, and the economic, social cultural and environmental values of the natural and built assets associated with the tourism development.
- Appropriate infrastructure to support an enable tourism development is planned for.

### South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposed development is consistent with the regional land use intent, regional policies and desired regional outcomes for the Urban Footprint.

The South East Queensland Regional Plan provides a regional framework for growth management, and sets planning direction for sustainable growth, global economic competitiveness and high-quality living by:

- identifying a long-term sustainable pattern of development which focuses more growth in existing urban areas;
- harnessing regional economic strengths and clusters to compete globally.
- ensuring land use and infrastructure planning are integrated;
- valuing and protecting the natural environment, productive land, resources, landscapes and cultural heritage;
- promoting more choice of housing and lifestyle options;
- locating people and jobs closer together, and moving people and goods more efficiently and reliably;
- promoting vibrant, fair, healthy and affordable living and housing to meet all of the community's needs;
- valuing design and embracing the climate to create high-quality living environments.

- maximising the use of existing infrastructure and planning for smarter solutions for new infrastructure; and
- supporting strong rural communities and economic diversification.

The above components of the South East Queensland Regional Plan are discussed, where relevant, within the body of this report.

### State Planning Regulatory Provisions

The following State Planning Regulatory Provisions are applicable to this application:

- State Planning Regulatory Provision (Adopted Charges); and
- South East Queensland Koala Conservation State Planning Regulatory Provisions.

In the event of approval, the development will be required to provide infrastructure charges based on the State Planning Regulatory Provisions and Council's Adopted Charges Resolution.

The area is mapped within a Koala Assessable Development Area under the South East Queensland Koala Conservation State Planning Regulatory Provisions. Although mapped as low value bushland, with the remainder mapped as low value rehabilitation, ground truthing identified that the site was dominated by *Melaleuca quinquenervia*, an unsuitable habitat foraging tree. In addition, only a very small number of individual *Eucalyptus* trees were recorded within the study area.

Results from the ecological survey conducted in September and November concluded that the development site held low to moderate habitat values due to the extensive clearing and changes to hydrologic regime from the previous development activities. It also concluded that the State Koala Habitat Mapping is inaccurate and that the study area does not support vegetation that meets the definition of Koala bushland.

### **Statutory Instruments – Planning Scheme**

The existing 2007 preliminary approval (Coolum Hyatt Resort Master Plan) which applies in respect of the site calls up the superseded planning scheme, Maroochy Plan 2000 and as such to the extent that the 2007 preliminary approval is different to the current Sunshine Coast Planning Scheme the preliminary approval prevails.

It is noted that where a further preliminary approval is granted, both the existing preliminary approval and the further preliminary approval continue to apply. There is no restriction on the number of preliminary approvals to which section 242 of the SPA applies (or indeed development permits), which may be applied for and which may co-exist for the same land. Whilst a site can hold many development approvals, an applicant can only utilise one approval such that an applicant cannot choose aspects of both development approvals.

The Sustainable Planning Act 2009 requires applications to be assessed having regard to existing development approvals, which would include the existing 2007 preliminary approval. While the current application has been assessed against on the current Sunshine Coast Planning Scheme, regard has also been given to the existing 2007 preliminary approval (especially in terms of building height, land use and density).

The following sections relate to the provisions of the current Sunshine Coast Planning Scheme 2014.

## Strategic Framework

The Strategic Framework considers the following matters:

- Settlement Pattern.
- Economic Development.
- Transport.
- Infrastructure and Services.
- Natural Environment.
- Community Identity, Character and Social Inclusion.
- Natural Resources.
- Natural Hazards

The Strategic Framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the life of the planning scheme.

The application has been assessed against each of the matters above. The pertinent issues arising out of the assessment against the Strategic Framework are discussed below.

The site is identified as a Tourism focus area (alongside Palmer Coolum Resort) in the Strategic Framework of the *Sunshine Coast Planning Scheme 2014* and is intended to accommodate a concentration of visitor accommodation and related tourism services.

The Strategic Framework contains several policy directions that are of direct relevance to the consideration of this application, as follows:-

- Theme 1 – Settlement pattern, Element 1 – Character, lifestyle and environment attributes (Specific outcomes) s. 3.3.2.1(a) (iii)

*“The character, lifestyle and environment attributes of the Sunshine Coast are recognised as essential contributors to the region’s natural (competitive) advantage by:-  
(iii) maintaining distinct, identifiable towns and neighbourhoods that sensitively respond to their setting and support strong, diverse communities with a sense of belonging;”*

- Theme 1 – Settlement pattern, Element 8 – Local settings and local planning responses (Specific outcomes) s. 3.3.9.1(a)

*“The Sunshine Coast is maintained as a community of communities where the character and identity of each community is recognised and protected in accordance with a local plan.”*

- Theme 6 – Community identity, character and social inclusion (Key concepts) s. 3.8(4)

*“Urban environments that are generally less intensive when compared with other metropolitan areas in South East Queensland with a further reduction in intensity evident in those areas outside of the Sunshine Coast Enterprise Corridor.*

- Theme 6 – Community identity, character and social inclusion, (Strategic outcomes) s.3.8.1 (f)



*“Although parts of the coastal urban area within the Sunshine Coast Enterprise Corridor display the characteristics of a complex and reasonably intense urban environment, other parts of the region are generally characterised by a less intensive scale and form of development.”*

- Theme 6 – Community identity, character and social inclusion, Element 1 – Landscape elements and features (Specific outcomes) s.3.8.2.1 (g)

*“Other views and vistas, including those identified in local plans or which are important in a local context are also protected, particularly from development which exceeds specified building heights.”*

Broadly, the site is identified as a Tourism Focus Area in Part 3 (Strategic Framework) of the *Sunshine Coast Planning Scheme 2014* (along with Palmer Coolum Resort). On this basis, the site has been identified to accommodate major tourism facilities. Importantly, under the *Sunshine Coast Planning Scheme 2014*, this does not by itself correspond to an allowance for additional building height, as this designation occurs across the region with a range of different land use and building height parameters that reflect local contexts and settings.

The Strategic Framework intentionally seeks to restrict more intensive forms of development to within Activity Centres and within the Enterprise Corridor and recognises the importance of the retention of the character and identity of individual places within the Sunshine Coast, as well as the protection of public view lines. These provisions are reflected in increasing levels of detail in the Height of buildings and structures overlay and local area plan provisions.

Where applicable, the above statements are considered as part of the assessment below against the relevant codes.

## **PRELIMINARY APPROVAL TO WHICH SECTION 242 APPLIES**

Under section 242 of the *Sustainable Planning Act 2009*, a preliminary approval may vary the effect of the Sunshine Coast Planning Scheme 2014. This type of Preliminary Approval may establish specific assessment provisions that will then apply in assessing any future development applications relating to the land. A preliminary approval may seek to:

- vary or add the provisions of a relevant code; or
- vary the level of assessment for future applications.

The applicant has submitted a preliminary approval to which section 242 applies, which seeks to establish the *Yaroomba Beach Village and International Resort* Preliminary Approval Document that varies the effect of the current Sunshine Coast Planning Scheme 2014 in the following relevant respects:

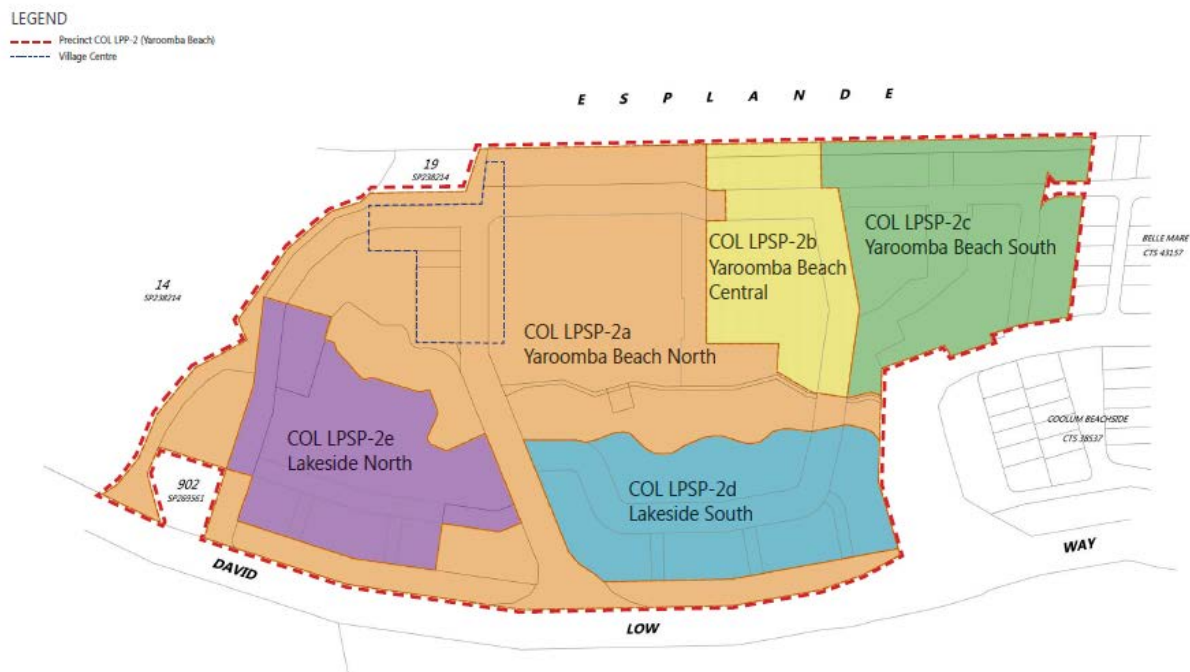
- Varies the provisions in the Height of buildings and structure overlay code by including new development control maps relating to sub-precincts, staging and building height.
- Varies the provisions in the Coolum local plan code by:
  - including a new purpose and overall outcome for the Coolum local plan code;
  - including new performance outcomes and acceptable outcomes for the site into the Coolum local plan code including:
    - Tourism standards (e.g. 5-star standard);
    - Density controls;



- Design and Architectural requirements including building separation and façade treatments/articulation;
- Retail and commercial controls (e.g. maximum quantities);
- Reconfiguration provisions (lot sizes); and
- Landscaping.
- Includes alternative tables of assessment for future development applications which change the levels of assessment for future material change of use and reconfiguring a lot applications.

All other provisions of the current Sunshine Coast Planning Scheme 2014 are unchanged and will apply to future development, where nominated in the tables of assessment submitted with the preliminary approval. The document generally follows the structure of the current Sunshine Coast Planning Scheme 2014 and relies on many of the codes and definitions of the current planning scheme.

The preliminary approval document includes 5 precincts as follows:

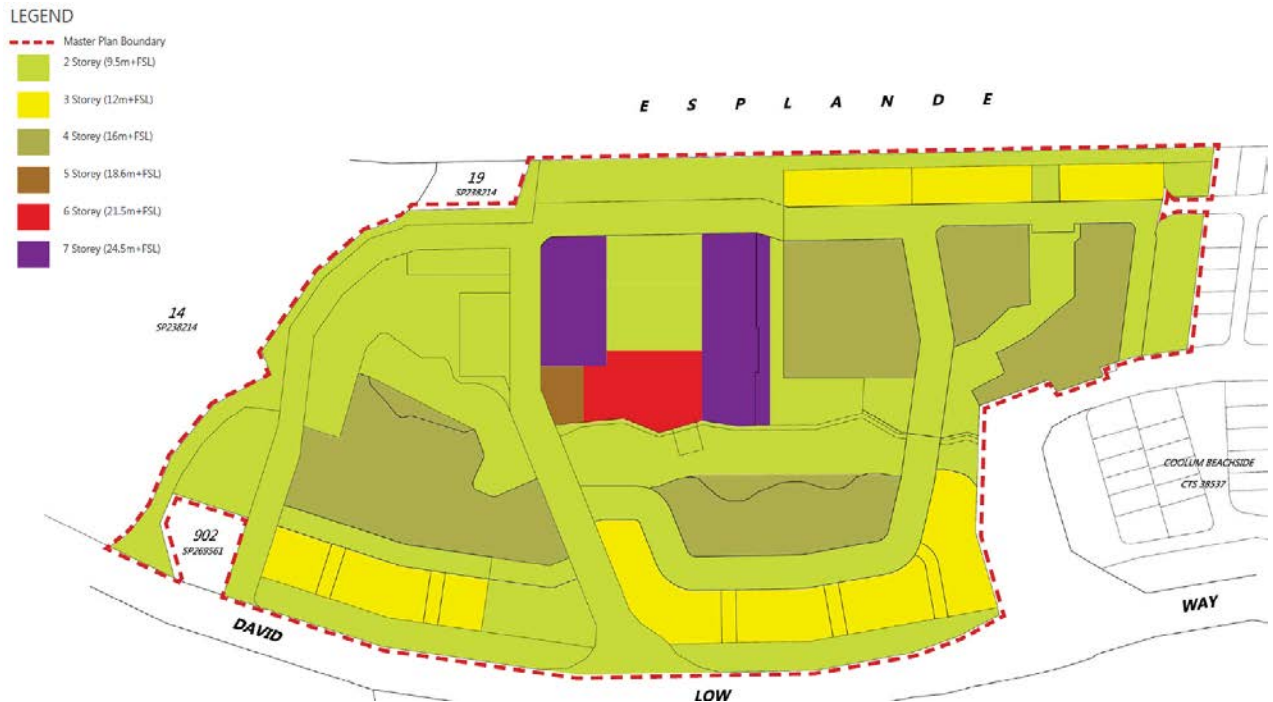


**Figure 4: Proposed Precincts**

The proposed variations to the current Sunshine Coast Planning Scheme 2014 are considered in the assessment below.

### Building Height

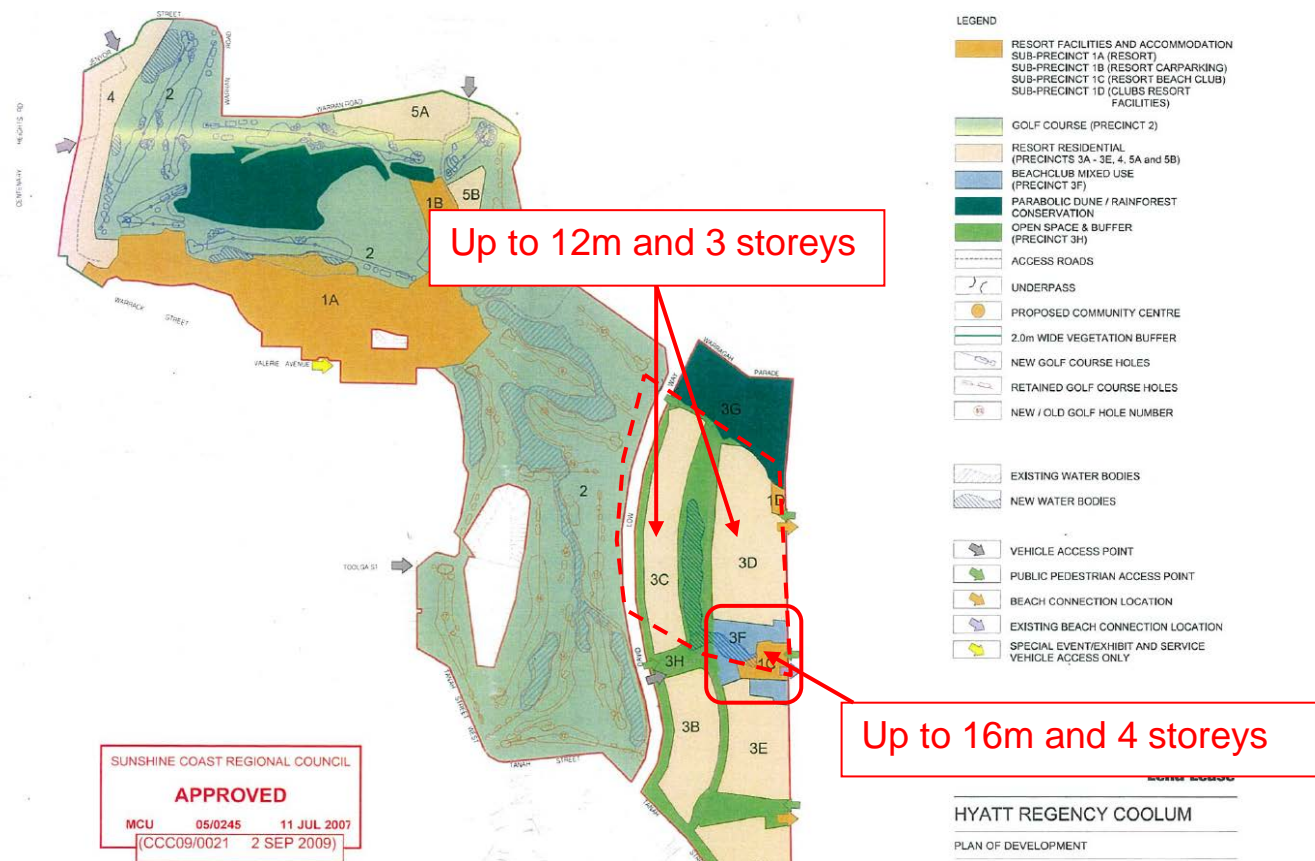
The proposed height of buildings for the development vary on the site from 2 storeys and 9.5m up to 7 storeys and 24.5m. It is noted that the highest height limits are located central to the site with the lower height limits located on the outskirts of the site as seen in the below map from the master plan.



**Figure 5: Proposed Height Limits**

Whilst the Sunshine Coast Planning Scheme 2014 identifies a building height of 8.5 metres, the development can proceed under the existing 2007 preliminary approval which allows development up to 4 storeys or 16m in height from the approved finished fill level in certain locations. The assessment below is based upon the heights established under the existing 2007 preliminary approval.

The assessment of the proposed height limits under the preliminary approval needs to have regard to the existing approved height limits under the existing 2007 preliminary approval. When compared to the current proposed height limits, the significant variation is in respect of the proposed hotel height limits, while the other parts of the site have similar or lower height limits from the existing 2007 preliminary approval.



**Figure 6: Existing Height Limits**

The proposed Stage 1 development includes built form up to seven storeys and RL29.6 which is a maximum height of 24.2m above the finished ground surface level. The proposal conflicts with the current Sunshine Coast Planning Scheme 2014 and the existing 2007 preliminary approval with respect to building height.

As the development does not comply with the performance outcome of the Height of buildings and structures overlay code, an assessment must be made against the purpose and overall outcomes of this code. The purpose of the code is to:

*"protect the distinctive character and amenity of the Sunshine Coast as a place with a predominantly low to medium-rise built form"*

This purpose is supported by the following relevant overall outcomes:

"

- a) ...
- b) *development contributes to the retention of the preferred built form character for the Sunshine Coast, and the local plan area in which it occurs;*
- c) *the height of buildings and structures is consistent with the reasonable expectations of the local community;*
- d) ...
- e) *development does not result in a significant loss of amenity for surrounding development, having regard to:-*
  - (i) *the extent and duration of any overshadowing;*
  - (ii) *privacy and overlooking impacts;*
  - (iii) *impacts upon views;*
  - (iv) *building character and appearance; and*

(iv) *building massing and scale relative to its surroundings."*

Generally, this requires consideration against the Coolum local plan code, consideration of the reasonable expectations of the local community and whether there is a significant loss of amenity for surrounding development.

Coolum local plan code

The site is located in the Coolum Local Plan Area and within the Emerging Community Zone (Precinct COL LPP-1, Palmer Coolum Resort and The Coolum Residences).

The local plan code identifies Coolum as "*a low key coastal urban community, with a strong focus on tourism*" and includes standards to protect the overall landscape quality of the area. The site is within the Palmer Coolum Resort and Coolum Residences local plan precinct. The provisions of this local plan precinct seek to achieve an integrated resort and residential development that is subordinate in scale to the natural environment of the local area.

The assessment of the applications against the Coolum local plan code has determined that the development complies with, or can be conditioned to comply for the following reasons:

- The master plan provides a focus on tourism anchored by the hotel, serviced apartments and retail village.
- The small to medium scale businesses in the proposed retail village and in the neighbouring area will be supported by the development.
- Community services, including the surf life saving facility and education centre, are integrated into the master plan.
- Recreation activities, incorporated into a network of open spaces including the Lakeside and Beachside Parks and pedestrian paths, are integrated into the master plan.
- The architecture shall present with a coastal (beachside) village character, as detailed below.
- The master plan defers to the adjoining significant environmental areas with a public interface (parks, paths and access roads) offering separation (and protection of) between development and the parabolic dune and frontal dune scapes.
- Landscape, including the introduction of green corridors, are integrated into the master plan. Pedestrian and cycle paths are planned within these spaces offering safe and convenient connections within the master plan.
- Existing vegetation along David Low Way is intended to be retained and expanded on as a screen to the proposed development within the master plan.
- The form, composition and use of materials incorporated into the architecture shall offer a contemporary beachside character appropriate to the scale and building typology.

Notwithstanding this, the development is required to demonstrate a low key coastal urban community. Commentary on this aspect can be found under the Design and Architectural Merits section of this report.

Reasonable expectations of the local community

The reasonable expectations of the local community are to be judged by reference to the current Sunshine Coast Planning Scheme 2014 and in particular the Coolum local plan code as well as the existing 2007 preliminary approval (Coolum Hyatt Resort Master Plan) which by operation of the Planning Act 2016 prevails over the current Sunshine Coast Planning Scheme 2014 to the extent that existing 2007 preliminary approval is different to the current Sunshine Coast Planning Scheme 2014.

The existing 2007 preliminary approval provides for development up to 4 storeys or 16m in height from the approved finished fill levels in certain locations, whereas the proposed development for Stage 1 provides for a built form of 7 storeys or 24.2m above the finished ground surface levels.

However whilst the proposed Stage 1 development is in excess of the height limits provided for in the existing 2007 preliminary approval, the assessment of the application above has determined that the development complies with the Coolum local plan code or can be conditioned to comply with the Coolum local plan code.

Furthermore the maximum building height is located central to the site and a visual assessment has been provided to demonstrate that the proposed height will not have an adverse impact on the existing surrounding residential area as outlined below.

It is also relevant to have regard to the submissions received as part of the public notification stage. As discussed in greater detail below a total of 12,332 submissions were received with 9,306 (or 75%) objecting to the proposal with most of these submissions including a concern regarding the proposed height of the development.

However in considering these submissions, it is relevant to note that whilst the number of submissions is a relevant fact, the more important fact is the substance of the submissions and the basis upon which such submissions are founded. In this context, it is relevant to note the distance of the submitters from the site and that there are unlikely to be effects from the building height of the development on the residential amenity of those submitters.

However considering the reasonable expectations of the community in the context of the current Sunshine Coast Planning Scheme 2014 and in relation to the Coolum local area plan code, the existing 2007 preliminary approval and the substance and to a lesser extent the number of the submissions, it is determined that the proposed development is not consistent with the reasonable expectations of the local community and that there is therefore conflict with the overall outcomes of the Height of buildings and structures overlay code.

### Amenity Impacts

The development is required to be assessed to determine whether it will result in a significant loss of amenity for surrounding development having regard to the following:

- The extent and duration of any overshadowing;
- privacy and overlooking impacts;
- impacts upon views;
- building character and appearance; and
- building massing and scale relative to its surroundings.

Any impacts regarding overshadowing, overlooking, privacy and impacts on views from adjoining developments will be largely internalised given the size of the site.

The following sections provide an assessment regarding the

- building character and appearance, and
- visual impacts associated with the building massing and scale relative to its surroundings.

### *Building Character and Appearance*

The proposed development has been designed around five (5) main design principles:

- Expression of light and shade through overhangs and reveals.
- Balancing natural light and ventilation with protection from the coastal environment.
- Touching the ground lightly.
- Materiality which compliments the landscape.
- The transition between indoor and outdoor space.

Council's external architectural expert provided the following statements in regards to the building character and appearance (emphasis added):

*"There are elements of the proposed architectural treatment which, in my opinion, have merit and will offer a dynamic, visually interesting and climatically responsive design outcome."*

*As part of the proposal, Hassell have provided a suite of diagrams under the title Architectural Principles. Within this, Hassell have presented their design strategy for the Massing and Articulation of the built form(s).*

*In my opinion, the approach to massing and articulation of the built form is commendable and well considered."*

The external architect concludes that (emphasis added):

*"It remains my opinion that, whilst the design direction may not follow aesthetic or form cues which are often recognised as being part of the "sunshine coast style" and often associated with low scale or domestic buildings, the development has the potential to explore a regional response which is relevant to the use and the mid-rise scale of this development stage."*

#### *Visual Impacts – Building and Massing relative to its surroundings*

The local plan identifies a number of 'significant views' and new development is to protect and not intrude upon views to and from these features. These include:

- Mount Coolum National Park viewing north-east across the subject land to the ocean.
- Point Arkwright headland viewing south along the coastline towards the subject land.
- David Low Way viewing south from near the intersection of Warran Road (Yaroomba Parabolic Dune).

In addition, vantage points from Yaroomba Beach and David Low Way at the corners of the site are considered particularly important when assessing visual impacts.

The applicant submitted a Visual Impact Assessment and Photomontages in support of the development application.

Council officers and an independent visual impact expert have reviewed the information and found that the development cannot be viewed from the beach or Point Arkwright.

The below photomontages of the proposal when viewed from key vantage points from this assessment have been prepared by the Council and are provided below.





**Figure 7: David Low Way Existing Roundabout**

**Figure 8: View from Wunnunga Street**

**Figure 9: View from Eurungunder Lane**



**Figure 10: All stages when viewed from Mt Coolum First ledge**

It is noted that the buildings do not protrude above the vegetation on the foreshore dune and as such does not interrupt the waterline.



Council's independent visual amenity expert has reviewed this information and assessed the proposal against the key current Sunshine Coast Planning Scheme 2014 provisions relating to visual amenity. The visual expert found the proposal can be seen to satisfy the key provisions of the current Sunshine Coast Planning Scheme 2014 given that:

- The main features near the site are the beach, beach dunes, and parabolic dune which are maintained and their visual qualities and contributions to the visual environment will not be substantially eroded by the proposal.
- The view analysis demonstrates appropriate retention of important views and vistas throughout the local area, including views from Point Arkwright, views from the beach, views from David Low Way and views to and from Mt Coolum. Local views of importance have also been analysed and will be adequately maintained.
- The proposal seeks to realise views to Mt Coolum and to protect views from Mt Coolum and Point Arkwright. When viewed from beyond the site the scenic values of the site will be affected, but to an appropriate extent considering the existing 2007 preliminary approval and development entitlements in respect of the site.
- The design of the built form, landscaping, and open spaces have been strongly informed by local context and site constraints and opportunities. Creating access to and through the site contributes to a local sense of place, as does the creation of a community focus which is responsive to the setting and provides opportunities for engagement with the local landscape.
- Some proposed buildings are taller than low-medium rise, but they do not significantly affect the character and amenity of the Coast when viewed from beyond the site, at least to no greater extent than low-medium rise buildings would.
- The proposal will be separated by green corridors and will sit in a subtropical landscape. The majority of the dense buffers along David Low Way will be maintained.
- Some buildings do not reflect low key beachside character, but the scale and form of these buildings will not upset that character and will be integrated with the coastal landscape, at least to appropriate extent considering previous approval and development rights on the site.
- The built form in future stages can be conditioned to relate to particular local character as the Stage 1 built form design does.
- Landscape provision for Stage 1 and for the overall master plan is of a high quality and is well designed, and will provide visual relief for the built form.
- Site cover controls on future stages will ensure sufficient open space provision to provide visual relief to the built form.
- Building separation and setback provisions in the master plan will ensure sight lines between buildings, and key public spaces have been designed to enable views to the key landscape features.
- The height of buildings appears to have been substantially determined by efforts to limit the visibility of built form from outside of the site and, where built form is visible, to limit adverse visual impacts from the built form.

Council's independent visual expert has made a number recommendations to ensure the visual amenity outcomes discussed above are delivered and maintained for current and future stages including the following:

- Increase buffer widths to David Low Way to the corners of the site to mitigate the visual impacts of future stages.
- Include controls for protection zones around the existing mature vegetation identified to be retained.
- Include requirements for tree planting surrounding the built form of future Stages 2-5 (within the sites).
- Require roofs to be kept tidy, void of clutter, supplementary structures or reflective materials.

- Require the design of future built form to have subdued colours, diversity of materials and be highly articulated (similar to Stage 1).

### *Summary*

While the development is of significant scale, which is located outside of the Enterprise Corridor, it has been designed to be responsive to its local setting as a result of the following:

- Ensuring the development will not be visible above the tree line from key vantage points outside the site including Yaroomba Beach and Point Arkwright. Further, the development will not interrupt the view of Yaroomba Beach and the Pacific Ocean when viewed from Mount Coolum.
- Retaining significant stands of vegetation on the site including substantial buffers adjacent David Low Way which will maintain the scenic amenity.
- The architectural and landscape design presents a contemporary coastal (beachside) village character.
- The master plan defers to the adjoining significant environmental areas with a public interface such as parks, paths and access roads separately and protecting the parabolic dune and frontal dune scapes from the development.

However, the proposed development conflicts with the current Sunshine Coast Planning Scheme 2014 given that the proposed development:

- Does not comply with the Height of buildings and structure overlay as the height of buildings:
  - exceeds the specified height limit for the area; and
  - is not consistent with the reasonable expectations of the local community.
- The Strategic Framework seeks to restrict more intensive forms of development to within Activity Centres and within the Enterprise Corridor and recognises the importance of the retention of the character and identity of individual places within the Sunshine Coast as well as the protection of public view lines.

Even considering the existing 2007 preliminary approval, there remains a substantive conflict with the planning scheme and there is a need to consider if there are sufficient grounds to approve the development despite the conflict.

The sufficient grounds test needs to be considered in the context of the entire assessment of the application. This will be addressed in a summary of this section of the report.

### **Tourism Standards – 5 star Resort**

The applicant has provided an economic impact assessment to support the proposed development. The applicant has identified the following economic benefits:

- 5-star tourist hotel (Westin owned by Marriott International).
- Total economic output into the local economy of \$228.6 million annually with 76% (\$175.3m) of the total derived from the hotel and related services.
- Gross value added into the local economy of \$120 million annually. Of this, \$91m is attributed to the hotel and related services.
- Creation of the following:
  - 3,900 construction jobs delivering wages of \$26 million per annum.
  - 354 Equivalent full time people, with 226 Equivalent full time jobs within The Westin Coolum Resort & Spa.
  - 1379 Equivalent full time direct and indirect new jobs delivering wages of \$44 million per annum across the region.

- Partnerships with TAFE QLD East Coast to promote industry sectors of Trade Construction, Retail, Hospitality, Administration, Health & Wellness and Landscaping and Maintenance Services to provide local jobs prospects to local trainees.
- Establishment of a Hospitality Traineeship Commitment and global professional career paths supported by high quality in-house training.
- Generation of 88,350 new visitor nights per annum to the Sunshine Coast.
- Attract conferences and events back to the Sunshine Coast with over 1,000m<sup>2</sup> of conference and meeting spaces, the venue can hold up to 800 delegates.
- Specialist jobs and businesses in areas such as ecotourism and indigenous tourism.

Council commissioned an independent peer review of the applicant's economic report to provide an expert opinion on the economic benefits put forward by the application.

In summary, Council's external economic consultant found the analysis to be generally sound, although it was considered that the benefits in parts were overstated. Macroplan have reviewed the methodology of the applicant's Economic Report and has provided a revised analysis as follows for the hotel component of the proposal (emphasis added):

- ***"estimated to have a total direct Gross Value Added (GVA) of between \$20.6M - \$30.9M per annum as a contribution to the regional economy."***
- *An additional \$7.7M to \$11.6M gross value added is expected per annum in indirect impacts (Type 1).*
- *Based on these assumptions, the tourism visitation will generate an average of between 453 – 680 direct jobs per annum on-going.*
- *An additional 78 – 117 EFT jobs will be generated as indirect type 1 jobs (supply chain)".*

Council's Economic Development Branch has provided the following statements regarding the offer of a proposed 5 star accommodation for the region's tourism offering (emphasis added).

- *The subject site is a unique strategic beach front asset which warrants highest and best use outcomes, with tourism uses being the most appropriate and identified focus of economic activity. It is assessed that a purely residential use would represent an underutilisation of the site in economic terms delivering limited ongoing regional benefit.*
- *The proposed 5-star hotel, for which an operator has already been secured, would deliver significantly improved choice in the availability and quality of luxury resort accommodation on the Sunshine Coast and in particular at the northern end of the Sunshine Coast LGA. The management and operation of the resort by Westin Hotels and Resorts, a subsidiary of the Marriott International, would provide significant access to and profile in global tourism and conference markets.*
- *The conference facility as proposed (accommodating up to 500 attendees) would represent a significant contribution to the regional hierarchy and 'offer' of such infrastructure, accentuated as previously mentioned by its access to international markets via its management under the Westin Group. This applies to both the existing hierarchy of infrastructure and that proposed such as the exhibition and convention centre in the Maroochydore CBD. Destinations with multiple event facility options typically have a stronger gravitational pull for business and trade events than locations with only one facility.*
- *The 5-star hotel component of the development would represent an opportunity for augmented utilisation of Sunshine Coast Airport in its new role as an international gateway following completion of the airport expansion project in 2020. The subject site is particularly well placed in terms of proximity to the airport to take advantage of this key piece of complementary infrastructure.*

- *The combination of development and implementation by globally significant players in the form of Sekisui House and Westin/Marriott International would deliver significant regional profile benefits in international markets of a directly equivalent form not attained to date. This property would complement its sister property in Brisbane with the Westin Brisbane opening on 5 November 2018 and benefit from other Starwood/Marriott Group property linkages in Brisbane (W Hotel, Four Points by Sheraton and Marriott) and the world (5500 hotels in more than 100 countries) to connect a range of new tourists to Yaroomba Beach and the Sunshine Coast markets.*
- *The development would deliver a significant injection of employment and local economic activity in the Yaroomba/Coolumb Beach locality, an area significantly impacted upon in a tourism sense by the closure of the former Palmer Coolumb Resort. Almost 10% of the employed population living in the areas surrounding the proposed development work within the Accommodation and Food Services industry, as such this development is of significant relevance to the neighbouring population.*
- *The development delivers notable community benefit outcomes in terms of access to assets such as a new activity centre, public open place and beach access provisions.*
- *Growing the tourism economy through attracting high-yield visitors, rather than through increasing the number of lower yield visitors is the preferred strategy for the region due to the environmental and social impacts of large volumes of tourists. Many destination development and marketing bodies in Australia have a strategic focus on attracting high-yield visitors because this maximises the flow on economic benefits of visitors to a destination.*
- *Currently just 1% of Australian hotels achieve a five-star rating or higher. As such, the Yaroomba Beach project could give the Sunshine Coast a point of difference to other major regional areas.*
- *The 5-star and above accommodation market typically has its own marketing and loyalty programs, which as a result raise the profile of a destination with target high-yield visitors. Marriott Group has a loyalty program with more than 100 million participants, providing a significant marketing and profiling benefit to the region solely within this group, never mind the wider global market seeking quality 5-star accommodation and associated facilities.*
- *High yield travels staying in 5-star and above venues in major cities are known to gravitate to other areas with comparable accommodation. With the establishment of direct international routes through the airport expansion, the Sekisui proposal (along with other mooted 5+ star developments) could prove to be a key asset to establishing the Sunshine Coast as the starting or ending destination of international travellers to major city destinations.*
- *The Regional Economic Development Strategy 2013-2033 and the 2014-2018 Tourism, Sport and Leisure Industry and Investment Plan all point to the need to grow high value industries and attract capital investment into the region which create new and value-added jobs. This project will provide a significant boost to one of the high value industries, create a range of new jobs, improve workforce development and training (not currently available), and position the Sunshine Coast on a national and global scale for luxury tourism.*

It is clear that the development of a 5 star resort in this location will provide economic benefits for the Sunshine Coast. Further, a 5 star resort meets the broader objectives of the Regional Economic Development Strategy and the Coolumb local plan code regarding the site being used for tourism purposes.

## Density

The proposed residential density for the ultimate development (all stages) is 740 equivalent dwellings plus the 220 room hotel. An equivalent dwelling is defined in the Sunshine Coast Planning Scheme 2014 as follows:

*“The equivalence factor used to calculate residential density where:-*

- (a) a rooming unit equals 0.35 equivalent dwellings;*
- (b) a one bedroom dwelling equals 0.7 equivalent dwellings;*
- (c) a two bedroom dwelling equals 1 equivalent dwelling;*
- (d) a three bedroom dwelling equals 1.35 equivalent dwellings; and*
- (e) a dwelling with four or more bedrooms equals 1.7 equivalent dwellings.”*

As a “Rooming Unit” is 0.35 equivalent dwellings, this would mean the 220 room hotel equates to 77 equivalent dwellings, meaning the total proposed equivalent dwellings for the site is 817. This results in an overall gross density of up to approximately 44 dwellings per ha (based on the 18.5ha site).

The proposed densities for the overall site are considered appropriate given the following:

- Future developments will be required to comply with all setback and site cover requirements of the current Sunshine Coast Planning Scheme 2014 (i.e. maximum densities may not be achieved if the built form controls cannot be achieved).
- Council officers have modelled the proposed densities for each precinct which shows these densities can be achieved in the developable areas whilst complying with the planning scheme requirements.
- Future developments will be required to meet the height limit requirements outlined in the preliminary approval.
- The visual impacts of the future stages have been assessed and can be appropriately mitigated with additional buffering being provided to David Low Way and side boundaries of the site (see below comments under building heights).
- It has been demonstrated that basement car parks can be accommodated within future stages.
- Design controls have been included in the master plan to ensure appropriate building separation within development sites.
- Traffic impacts have been considered and addressed in relation to this density.

The density of the proposed Stage 1 development is outlined in the below table, which includes a conversion to equivalent dwellings in accordance with the definition within the Sunshine Coast Planning Scheme 2014.

Use Type	Quantity (rooms/units)	Equivalent Dwellings
<b>Stage 1 of development</b>		Total of 161
Hotel	220	77
Serviced Apartments		
• 1 bed Multiple Dwelling	35	24.5
• 2 bed Multiple Dwelling	35	35
• Dual Key Rooming Unit (short term accommodation)	70	24.5
<b>Future stages</b>		656
<b>TOTAL</b>	<b>360</b>	<b>817</b>

While the master plan document does give an overall development density for the entire development, it has not included controls for each precinct within the master plan. As such, the master plan should be modified to include controls, which provides an appropriate distribution of densities/housing type across all future stages. This would ensure that the net density (exclusive of roads and parks) for the 4 storey precincts would be approximately 150 equivalent dwellings per hectare and the 3 storey precincts would be approximately 50 equivalent dwellings per hectare.

## **Design and Architectural Merits**

The applicant states that the proposed development has been designed around five main design principles:

1. In Tune with Nature – A place that touches the ground lightly, avoiding undue visual impact, and protecting the core qualities of Yaroomba and Coolum. The key ideas in this principle is the notion of building heights stepping downs towards the edges of the site to reduce potential view shed impacts to the beach and David Low Way
2. Community Access – A permeable and connected development that is woven into the existing Sunshine Coast area. Creating a publically accessible place with routes into and through the site to a variety of destinations and facilities including beach access points, education centre, beach club, parkland and lake
3. A New Coastal Village – A place that resonates with the lifestyle and tradition of local centres on the Sunshine Coast. A place that attracts people to visit, or pass through on the way to the beach, A new coastal village that does not compete with other centres, but supports a more diverse community and lifestyle offer for the local area.
4. A Green Mesh – The natural environment is a critical characteristic of the local area and helps define its distinctive “sense of place”. A Green Mesh builds on this and the idea of community access, recognising the opportunity to retain more of the remnant vegetation and connect it through the site with new planting outcomes along major movement routes. The Green Mesh will create a web of dynamic subtropical places and routes that celebrate this unique local environment.
5. Beach Axis – A high quality, publicly accessible linkage to the patrolled beach for the wider community. The direct connection is reinforced with new beach side parking, village heart and a lakeside park which invites the community into the site.

The Urban Design Advisory Panel considered the merits of the application against these criteria and provided the following commentary:

- The development achieves the ‘In tune with nature’ provided the visual impact assessment and heights are not visible from key locations and sustainable building design guidelines are provided for all Stage 2 development.
- The design has included adequate community access to the site through the provision of an integrated coastal pathway, parks, beach access points and access to the eastern edge of the lake.
- The development generally reflects the concepts behind a new coastal village.
- The green mesh has been met through the design but could be enhanced through greater street integration. The street plays a major role in the green mesh, dense street tree planting would aid in the green mesh.
- The main entry into the site has a focus to the hotel and retail buildings. A more natural view line into the site would reflect a beach axis. It is suggested that views to the parabolic dune be celebrated.

These principles are intended to be translated into performance outcomes within the addendum to the Coolum local plan code as follows:

*Development in the Emerging community zone in Precinct COL LPP-2 (Yaroomba Beach) identified on Map 2:-*

- (a) recognises the tourism focus designation of the site with the provision of a 5-star resort complex;*
- (b) provides for a range of residential accommodation types set in discrete beachside precincts and separated by greenspace;*
- (c) touches the ground lightly, avoiding undue visual impact, and protecting the core qualities of Yaroomba and Coolum, by stepping building heights down towards the edges of the site to reduce potential view shed impacts to the beach and David Low Way;*
- (d) development is permeable and connected, woven into the existing locality by creating a publicly accessible place with routes into and through the site to a variety of destinations and facilities including beach access points, adjacent community centre, parkland and the lake;*
- (e) provides for the building of a Green Mesh by retaining remnant vegetation and providing connection through the site with new planting outcomes along major movement routes, whilst protecting and reinforcing the natural vegetated character of the coastal foreshore and foredunes;*
- (f) provides a high quality, publicly accessible linkage to a patrolled beach for the wider community, with a direct connection reinforced with new beach side parking, the village heart and a lakeside park which invites the community into the site;*
- (g) provides for retail and commercial development consistent with supporting resort facilities and local convenience needs which does not compete with other, but instead supports a more diverse community and lifestyle offer for the local area and does not exceed 2,800m<sup>2</sup> GFA;*
- (h) provides for the maintenance and enhancement of public access to the beach and foreshore through the provision of the coastal pathway, dedication of public roads and public open space parklands in a manner that respects the natural foredune and beach character and environmental values;*
- (i) protects the visual amenity of the road network through the maintenance and enhancement of dense vegetated buffers to David Low Way; and*
- (j) provides for the maintenance and enhancement of the environmental and landscape values of the area including, but not limited to, the Yaroomba Parabolic Dune, and views to and from Mount Coolum and Point Arkwright*

The design of future buildings should align with these parameters. To provide certainty, a palette of materials should be included in any master plan to ensure this is carried through in future applications.

While the design provisions of the development codes will remain applicable to future applications (for example the setback and site cover provisions of the Multi-unit residential use code will apply), the document provides additional design criteria, which seeks to ensure a higher standard of architectural design for future development (i.e. similar to the standard shown for Stage 1). The additional design criteria include requirements relating to the following:

- 15% deep planting.
- Separation between buildings which exceeds 3 storeys.
- Building façade articulation.
- Ensuring the built form achieve appropriate visual outcomes (materials, colours, roof form, integrated landscaping).

These criteria are appropriate and will ensure the future stages will maintain a high standard of architectural and landscape design.

### **Sustainability Principles**

The applicant is targeting a 6 Star Green Star community rating and 5 Star Green Star Design & As-Built for the Hotel building including the use of sustainable technology in:

- WELL Building standards for residential dwellings.
- Water reuse and management.
- Efficient and environmental sensitive lighting technology.
- Vacuum waste management system.
- Water wise landscaping.
- Public space planning.
- Use of sustainable materials.

The Sustainable design code relevantly states that:

*“development that achieves a minimum 4 star score using the Greenstar rating system is deemed to have complied with the Sustainable design code.”*

Given this, the application complies with the Sustainable design code.

Council's external sustainability expert advised as follows:

*“The project team [applicant] has offered a wide range of sustainability initiatives that would be considered Best Practice, and in the case of the Precinct 6 Star Green Star rating would be considered World Leading, however there remain a number of significant gaps in the proposal. Environmental Targets have been set for the precinct (6 Star Green Star Community), and the hotel (5 Green Star Design & As-Built), but sustainability targets have not been set for the remainder of the development. Sekisui House have identified aspirational environmental targets for the development, however these are only referred to as ‘targets’.”*

Whilst many sustainable development programs exist such as the NatHERS program and other sustainability initiatives (such as \$750 for each dwelling as proposed by the applicant), the applicant has only committed to meet the 6 Star Green Star community rating for the development and 5 Star Green Star Design & As-Built for the Hotel building.

This commitment complies with the Sustainable design code.

### **Commercial Uses**

Within the Village Centre is a 2,770m<sup>2</sup> shopping centre comprising the following:

- Shops, offices, cafes and restaurants.
- Beach Ecology and Indigenous Education Centre (located on the second storey).
- Beach showers are provided at the northern beach access point with passive surveillance being provided by adjacent retail, main street and overlooking from the Hotel.
- Public toilet amenities are integrated within the retail buildings surrounding the Village Park.



This aspect of the development is not akin to a traditional shopping centre, but is defined as a shopping centre as the use includes two or more tenancies comprising primarily of shops and functions as an integrated centre.

The applicant provided an economic impact assessment in accordance with the current Sunshine Coast Planning Scheme 2014 to determine the impact of the shopping centre impact on existing commercial centres within the locality.

Council's external economic expert is of the opinion that it is unlikely that the proposed shopping centre would adversely impact upon the centre network given the following:

- The Shopping centre uses (Shop, Food and Drink Outlet and Office) are to be limited to a maximum of 2,770m<sup>2</sup> GFA.
- The lettable areas (the usual measurement adopted by economists) of commercial tenancies are less than the GFA.
- Shop tenancies are limited to a maximum of 300m<sup>2</sup>.
- The commercial/retail tenancies are set back from David Low Way and not likely to be visible from it.
- The experience of other tourist-oriented retail centres (Sanctuary Cove, Sheraton Grand Mirage Resort Port Douglas, Peppers Salt Resort and Spa) in not undermining traditional retail centres.

## **Lot Size**

The master plan seeks to allow for dwelling house lot sizes down to 200m<sup>2</sup>. While this outcome would be consistent with the density outcomes proposed by the application, which is discussed in detail in the below section, additional design criteria should be included in the master plan to allow for an appropriate design for these relatively small lots:

- Any lots with a frontage of less than 10m should be a minimum of 2 storeys in height.
- A maximum of 6 dwellings up to a maximum of 50m in length can be attached (built to both boundary walls) prior to incorporating a minimum side boundary setback of 3m (or other means of achieving built form breaks).
- All dwellings must have windows and/or balconies addressing any street frontage.

## **Levels of Assessment**

The Preliminary Approval Document includes new Levels of Assessment for the site. This is broken down into the two main areas:

- The commercial precinct including the resort complex and shopping centre being Sub-Precinct Col LPSP-2a (Yaroomba Beach North)
- The residential precincts being:
  - Sub-Precinct COL LPSP-2b (Yaroomba Beach Central).
  - Sub-Precinct COL LPSP-2c (Yaroomba Beach South).
  - Sub-Precinct COL LPSP-2d (Lakeside South).
  - Sub-Precinct COL LPSP-2e (Lakeside North).

The commercial tables generally reflect the Local Centre zone provisions. The residential tables are generally reflective of the Medium Density Residential zone. Both are broadly accepted.

There are some modifications that will be required in the *Sub-Precinct Col LPSP-2a (Yaroomba Beach North)* including the following:

- Delete the accepted development requirements for “Bar”. Council’s policy position preference is for Bars to be Code or Impact Assessable.
- Insert a new requirement in the Code assessment requirements for shop and shopping centre allowing a higher level of assessment where the total GFA exceeds 2,770 m<sup>2</sup>.
- Delete the Service Industry land use from the table.
- The table should have an “Editor’s note” that reiterates that an overlay may change the level of assessment as per section 1.6.

The residential precincts are generally consistent and no modification is required other than noting that an overlay may change the level of assessment, particularly the Height of buildings and structures overlay code.

## **Other matters**

### Open space

The applicant intends to dedicate a total of 20,334 m<sup>2</sup> (or 2 hectares and 10.9% of the site) of public open space consisting of the following:

- Village Park - 7,197m<sup>2</sup>.
- Beachside Park - 7,504m<sup>2</sup> (includes the coastal pathway)
- Southern Beach Access - 465m<sup>2</sup>.
- Southern Green Link - 4,149m<sup>2</sup>.
- Waterfront walkway - 1,019m<sup>2</sup> (for the purposes of pedestrian/cycle path along the eastern edge of the lake).

There is no requirement under the current Sunshine Coast Planning Scheme or existing 2007 preliminary approval to dedicate any open space to the Council. The parks are proposed to be dedicated to Council in freehold (with necessary service easements, and volumetric lots to cater for the basement where applicable) exclusive of the body corporate to allow for unobstructed public access to the park.

The application includes a public road along the northern boundary of the site fronting the Village Park road frontage and better aligns with Council’s desired standards of service for public open space. Council’s external architect expert has commented that the introduction of the secondary access road is a positive addition to the master plan providing greater public activation and interface and has also commented that the new beachside park is a significant benefit over the previous proposal.

### Coastal Pathway

The proposal includes the dedication to Council of a 10m wide reserve along the eastern boundary, the Beachside Park and the northern park road from the David Low Way to the northern beach access. The changed application weaves the Coastal Pathway along this alignment from the south of the site to the existing Community Centre on David Low Way. The coastal pathway has been provided in accordance with the Coastal Pathway Master Plan (December 2017).

## Traffic

### *Road Access Points*

The applicant advised that access from the existing roundabout on the David Low Way cannot be feasibly used for the proposed development for legal reasons.

Two access intersections are proposed for the development, both of which connect directly to the state-controlled David Low Way. A roundabout is the primary access point, with the main entry road continuing over the proposed lake and through the hotel / retail precinct. A secondary access point is provided at the northern end of the site, with the secondary entry road extending generally along the northern site perimeter and adjacent to the proposed car park lot and park. Road access and layout is consistent with the requirements of the Transport and parking code and the Department of Transport and Main Roads have approved the two additional intersections with David Low Way.

The development generally has good connectivity and integration with anticipated future development. It also provides pedestrian/cycle connections to the adjoining development to the south.

### *Road Upgrades*

The major routes between the site and the Sunshine Motorway are via the state-controlled road network, including David Low Way to the south and David Low Way – Beach Road – Yandina Coolum Road to the north. The State concurrence agency response (Attachment 5) includes conditions of approval requiring that the applicant, in addition to access intersection works direct to David Low Way, provide traffic signals at the Suncoast Beach Drive / David Low Way intersection and additional traffic lanes at the Beach Road / David Low Way intersection

While it is acknowledged that the development (following completion of all stages) will result in an increase in traffic impacts external to the site (up to 44% in the PM peak hour traffic volumes), this has been considered by the Department of Transport and Main Roads which has assessed the carrying capacity of the roads and required a number of intersection upgrades to achieve compliance with their standards.

It is outside of Council's jurisdiction to require any further conditions beyond that of the State government in respect of the State controlled road network.

## Lake

The proposal plans show the constructed water body remaining as a private lot and conditions are recommended requiring the applicant to maintain the lake in accordance with a lake management plan. There is no objection to the proposal for the lake to remain in private ownership. This ensures that all future maintenance responsibilities associated with the lake remain with the future body corporate. It is noted that the lake is necessary for the development to meet stormwater and flooding requirements and conditions will require the construction of the lake in Stage 1.

A detailed water body design report is yet to be provided, but this can be conditioned. One of the key parameters is the depth of the lake so that persistent stratification and water quality issues associated with stratification are avoided. A condition would be recommended requiring the bottom of the lake to be no deeper than 0.5m AHD thereby limiting the depth of the lake to 3.1m based on a standing water level of 3.6m AHD.

Council would also require that a public access easement be granted over the lake to allow for the public to use the lake for recreational activities.

### Flooding

There is a long and complex history to flooding on this site. The site was the subject to a 1988 rezoning application and subsequent to this development application in 2005 a bulk earthworks approval to fill most of the site to 5.5m was granted. It is fair to say that the flooding situation at the site was not as well understood in the past and flood modelling techniques were much less sophisticated.

Associated with the existing 2007 preliminary approval (Coolum Hyatt Resort Master Plan) over the site (MCU05/0245) a flood study was prepared by Cardno and this study was updated as development progressed with the latest revision being issued in 2010. The flood study did not report any offsite impacts under the fully developed scenario when compared to the existing scenario. This was understood to have primarily been achieved through the inclusion of detention storage within the Golf Course which is now in the Palmer Coolum report and detention in the lake within the beachside precinct.

The mitigation case which the applicant's hydraulic assessment prepared by SMEC has developed does not attempt to detain additional flow onsite to mitigate the predicted impacts. Rather the development proposes culvert upgrades downstream of the site to get the floodwaters away from the area quicker, essentially removing current restrictions in the flowpath. This strategy typically does not work because it results in increased flood levels and flow rates downstream of the development. However, in this case at the outlet of the channel, the regional flood levels from the Maroochy River is dominant, producing significantly higher flood levels. The increased flood levels resulting from the mitigation case are well below the regional flood levels. The strategy of getting the floodwaters away quicker, therefore works and is a suitable solution to mitigate the existing flooding issues.

The upgrades required to the culverts at Suncoast Beach Drive and Tanah Street West are required to be undertaken as part of the proposed Stage 1 development primarily because no staged flood study has been provided. Conditions would be imposed for these works to occur at Stage 1.

### Acid Sulfate Soils & Groundwater

The site is mapped within the Acid sulfate soils overlay as being partially land below 5m AHD and partially above 5m AHD and below 20m AHD. An assessment against the Acid sulfate soils overlay code is required given the likelihood of any works on site to encounter acid sulfate soils.

In accordance with Acceptable Outcome AO1.1 of the Acid sulfate soils overlay code, the applicant has submitted an Acid sulfate soils Investigation and Management Plan.

The investigation included sampling of soils from 11 boreholes with samples taken at 250mm intervals for Acid sulfate soils testing. The results identified that the soils on the site contain actual acid sulfate soils, potential acid sulfate soils and naturally (organic origin) acid soils at varying levels across the site and therefore an Acid sulfate soils management plan is required to comply with AO1.1. The results of the investigation were also compared with the Geotechnical and Acid sulfate soil investigation under the previous approvals over the site to validate the findings.

The submitted report includes an Acid sulfate soils management plan which provides specific details for the management of Acid sulfate soils where excavated from the site for basements, lake excavation and underground infrastructure. The management plan also details the water quality and groundwater monitoring and management measures required to be implemented throughout the construction phase to limit any drawdown of groundwater and prevent the release of acidic waters to the environment.

The proposal therefore complies with the Acid sulfate soils overlay code and provides management measures to ensure ongoing compliance. Conditions have been included in relation to Stage 1 and the preliminary approval accordingly and as follows.

With regard to the preliminary approval as it applies to the remainder of the site, a site specific Acid sulfate soils investigation and management plan will be required to be lodged with subsequent applications which involve deep excavations for infrastructure and basements. Conditions have been included to ensure that all future applications comply with the above.

The management of groundwater changes is important in relation to Acid sulfate soils as any substantial changes to groundwater levels in Acid sulfate soils has the potential to expose subsurface soils to oxidation and then the release of acidic waters to the environment. The applicant has provided a groundwater model which predicts the likely short and long-term drawdown effects of the development, particularly with regard to the construction of basements.

Short-term drawdown of groundwater occurs during the dewatering phase of construction to allow for dry excavation for basement construction. Provided that the proposed measures to minimise groundwater drawdown are employed, such as recharge trenches outside the excavation, it is unlikely that the short term drawdown of groundwater will expose Acid sulfate soils to oxidation. To ensure this occurs a condition has been included which requires all works to be carried out in accordance with a Dewatering Management Plan. A component of the Dewatering Management Plan requires the ongoing monitoring of groundwater levels to confirm any changes in the level and quality of groundwater.

Long-term drawdown of groundwater as a result of basement construction has been predicted to be relatively low in relation to the proposed works. To ensure that long-term drawdown is minimised, a condition has been included requiring all basements to be 'fully tanked' meaning that ongoing seepage of groundwater into basements does not occur. This has the dual benefit of preventing the ongoing release of poor quality groundwater to stormwater and reduces the long-term drawdown of groundwater.

## Flora and Fauna

### *Flora*

The site is mapped as containing 5 different "least of concern" regional ecosystems.

The site has a long history of development and modification, and this earlier land use needs to be taken into consideration when assessing the application. The development site previously supported a golf course and now supports mown/slashed areas, constructed waterbodies, and pedestrian and vehicle tracks.

Vegetation on the site meets the requirements of an "ecologically important area" under the current Sunshine Coast Planning Scheme 2014, and as such is required to address the requirements of the Biodiversity waterways and wetlands overlay code. The applicant has

provided a Terrestrial ecological assessment which has partially addressed the flora on the site.

The Stage 1 footprint incorporates approximately 1.02ha of native vegetation consisting of Least Concern regional ecosystem 12.2.5a (0.54ha) and Least Concern 12.2.7 (0.48 ha). Approximately 0.27ha of this vegetation will be retained on the site. Based on the above figure, vegetation clearing on the site for Stage 1 will include approximately 0.75ha of native vegetation. This area of vegetation has been identified by the applicant for vegetation offsets in accordance with Planning Scheme Policy for biodiversity offsets.

Under the current Hyatt Cooloom Master Plan approval, 100% (outside of current covenants and easements) of the vegetation on site is able to be cleared for the approved development footprint.

Although the latest development foot print indicates 90% of the vegetation on the site is to be removed, the applicant has indicated that it will be providing Biodiversity offsets in accordance with the Biodiversity waterways and wetlands overlay code. When compared to the original Hyatt Cooloom Master Plan development, this is a better environmental outcome for the following reasons:

- Vegetation offsets can be gained for vegetation that would have been cleared under the Hyatt Cooloom Master Plan approval.
- A net gain of vegetation will be required because of the application of the offset ratio in the Sunshine Coast Planning Scheme 2014 provisions to the area of vegetation clearing. This will result in a minimum of 1.5 times the vegetation cleared and up to 2 times for areas of wetland.
- Rehabilitation of existing retained habitat and within adjacent environmental reserves.
- Preservation of 10% of the native vegetation on the site.

The Biodiversity offset will provide a net gain of native vegetation to be provided back to the community through either on ground offsets provided by the applicant, or monetary offsets provided to the Council to provide the offsets on nearby Council land.

The application for Stage 1 has provided suitable setbacks to existing vegetation, through the removal of the residential allotments adjacent to the Yaroomba-Marcoola Bushland Conservation Reserve (Coastal Sand Dune).

### *Fauna*

#### *Frogs*

The applicant has provided a terrestrial ecological assessment conducted by BAAM Ecological Consultants. The ecological report indicates that fauna habitat values range from low in areas that were previously cleared of all vegetation for golf course purposes, to moderate in retained native vegetation areas. Limited numbers of old growth trees were present on the site, and no hollow-bearing trees were observed. All mapped remnant vegetation within the site is mapped as essential habitat for Wallum Froglet (*Crinia tinnula*) and Frycinet's Frog (*Litoria frycineti*).

A targeted frog survey was undertaken by BAAM during the month of September 2016. September is not generally regarded as optimal for the three threatened frog species *Crinia tinnula*, *Litoria olongurensis* and *Litoria freycineti*. Seasonal conditions leading up to September 2016 were not favourable for frog fauna generally, and in particular the threatened 'acid' frogs. Hot, humid, summer conditions (following heavy rain) would have provided significantly better conditions and prospects to assess the presence of summer breeding frogs, and particularly the three threatened species.

Further targeted frog surveys undertaken from the 14<sup>th</sup> to 18<sup>th</sup> November 2016 were required to target summer breeding acid frog species and as a result concluded that due to the lack of suitable habitat within the site (in particular acid swamps and associated habitat), the water bodies currently on the site hold limited values for acid frogs, frogs, and other reptiles and birds. Additional water quality testing of the wetland and the two waterbodies concluded a pH range of 7.05 to 7.86. Each of the three acid frog species that occur within the area require highly acidic water between pH 3.0 and 6.0. None of the target frog species were encountered during the detailed fauna survey from 14 to 18 November 2016, which occurred after rain and under conditions where if acid frogs were present on the site, they would have been found or heard.

#### Black-breasted Button quail

The applicant's ecological assessment acknowledges that there is potential for Black-breasted Button quail to occur on the site, and that suitable habitat occurs on and adjoining the site. The applicant has undertaken a detailed fauna search for the Black-breasted Button quails. Across the four days of survey, all potential habitat was surveyed and no Black-breasted button quails were recorded, and no evidence of activity was observed. Similarly, the call playback did not receive any responses. Although suitable habitat does exist on the site, the lack of dense and complex understorey may preclude the site being used by this species. This is supported by the lack of recent and historical records for this species in the area of the site.

#### Kangaroos

As part of the fauna management plan, a detailed kangaroo management plan can be conditioned for the management of kangaroos during the construction of the development. The applicant proposes to provide a flora and fauna management plan as part of the developments construction environmental management plan to minimise and manage construction impacts to this species. This management plan proposes to minimise potential kangaroo – human interactions through perimeter fencing, translocation of the kangaroos to Palmer Cooloom Resort Golf Course and prevent re-entry into the site during construction.

#### Marine Turtles

The applicant has provided a detailed turtle impact assessment and lighting concept plan. Both of these documents have been reviewed by Council's independent consultant, who is currently conducting a baseline regional lighting conditions report which will include the Yaroomba area.

This information will guide the development on non-worsening for lighting and its effects on nesting turtles in the area. Mitigation through lighting design/ building design will form a large part of this development application.

A turtle management plan / lighting plan could be conditioned to be undertaken by a qualified Sea Turtle expert (tertiary qualified marine turtle biologist and member of IUCN Marine turtle specialist group) which addresses the lighting conditions of this approval. Extensive collaboration with internal Council stakeholders has been undertaken to provide the most up-to-date and stringent turtle management conditions for any development on the Sunshine Coast. It is suggested that the applicant work closely with internal Council turtle experts to develop these management and lighting plans and incorporate the advice provided as part of any approval.

## Active Transport

Council's Active Transport Plan sets out a comprehensive framework for walking and cycling on the Sunshine Coast. The plan sets out the importance of providing end of trip facilities and safe and continuous walking and cycling networks.

Pedestrian and cyclist paths are provided into and throughout the Yaroomba Beach Village. The main pedestrian axis, which comprises a 3m wide boardwalk, provides direct and clear public access from David Low Way to the beach access point passing by the lake, the Community Park and Village Heart. Direct cycle access is also provided on this route, which comprises a 3m wide shared footpath, that links cyclists onto the main street shared zone creating a clear connection from and to the external on-road David Low Way cycle network.

Pathways along the Entry Road and Main Street will be publicly owned and will connect David Low Way to the Village Heart and the main beach access point within Stage 1. All other streetscape pathways will be publicly accessible, under body corporate ownership.

The main street will include nominated crossing points to prioritise pedestrian movement, while allowing vehicle access. Homogenous paving and no kerbs are proposed to unify the street and prioritise walking.

It is noted that the central east-west spinal access road which is proposed to connect the beach, resort, Village Heart and public park to the David Low Way, will not include on-street cycle lanes.

A publicly accessible (privately owned) pathway offering views to Mt Coolum is proposed on the eastern side of the lake only, connecting the Village Heart to the southern beach access point.

Bicycle parking has been provided adjacent to the retail, community park and beach access path.

For safety reasons, the on road cycle lanes on David Low Way are proposed to terminate both north and south of the roundabout, with links to off pavement shared paths. The proposal is to maintain the off pavement shared path within the site up to the bridge. From the bridge to the east end of the main street, it is proposed for a low speed (10-20km/h) environment for the safe interaction of cyclists with vehicles and the increased pedestrian numbers.

The development proposes to include on road cycle lanes, wider pathways to allow for pedestrians and cyclists, and end of trip facilities for beach users and the hotel and commercial operations. These are connected to the wider pathway and cycle networks. By the inclusion of these aspects, the development complies with the intent of the Active Transport Plan.

## Cultural Heritage

A recent cultural heritage search, undertaken on 29 March 2018 through the Department of Aboriginal and Torres Strait Islander Partnerships, revealed that there are no current sites listed. However, the previous approval for the Hyatt Coolum Master Plan included a Cultural Heritage Assessment and this concluded that the study area would have contained numerous places of archaeological and cultural heritage potential. Accordingly, a specific Cultural Heritage Management Plan is recommended for the development as the most effective way of managing cultural heritage.



The applicant has provided the following in support of their engagement with the Kabi Kabi First Nations People:

- The Beach Ecology & Indigenous Activation (Coastal Discovery) Trail including the Coastal Discovery Centre was created in a collaboration with the applicant's appointed indigenous advisor and the University of the Sunshine Coast. The vision was to promote the surrounding beach ecology and indigenous history of the local area to provide visitors to the coastal village with an authentic experience. This is in synergy with delivering a 5 star international The Westin Coolum Resort and Spa, in being able to provide local and unique experiences for guests, particularly for international visitors, which research (Tourism Australia) show demand authentic experiences.
- Both amenities will also be important in achieving the highest accreditation achievable for both Advanced Ecotourism Certification and Respecting Our Culture from Ecotourism Australia. Providing awareness of the surrounding beach ecology and indigenous history and delivering in a high quality manner is therefore important.
- The applicant's discussions with stakeholders to date has highlighted the need to provide these services as a joint venture arrangement so proper coordination can be achieved and to highlight the level of experience delivered to visitors of Yaroomba Beach.
- The applicant's appointed indigenous advisor has since been nominated as one of the Kabi Kabi Applicants representatives, and although this has raised a conflict of interest issue, they have had some communication with Kabi Kabi representatives and identified issues that will need to be addressed once plans are finalised. It was prudent that until Yaroomba Beach was approved and the amenities that would be provided have been confirmed, that further discussions would be pending the application process.
- The applicant has also stated that they have a long standing relationship with DASSI, and Sekisui House has engaged an associated company, Gondwana Contracting over a number of years, for ecological maintenance over the site. South Sea Islanders together with Aboriginals have a strong history in the area.
- In order to deliver a world class experience it is imperative all of the joint venture partners have the knowledge, enthusiasm and service delivery and standards in order to achieve the vision. It is acknowledged that this will require some assistance and training with joint venture partners to achieve.
- On receipt of an acceptable approval from Council and confirmation of the amenities approved to deliver, the applicant will progress to the next stage of formalising arrangements with joint venture partners, which will include the obligations and timing for all parties.

In the event of approval, the applicant will be reminded of their obligations under the *Aboriginal Cultural Heritage Act 2003*, and will be strongly encouraged to engage further with the representatives of the First Nations People.

## **Conclusion and recommendations**

The proposed development for the Yaroomba Beach site is in conflict with the *Sunshine Coast Planning Scheme 2014*. That conflict relates primarily to the height of the buildings proposed to be established as part of the proposed development and the consequential effects this has in terms of the overall scale and intensity of the proposed development.

It is necessary to examine the nature and extent of the conflict, the existence of any grounds which are relevant to the conflict and if the conflict can be justified on those grounds and finally if those grounds are sufficient to justify approving the development despite the conflict.

The conflict with the Sunshine Coast Planning Scheme 2014 is considered to be substantive. This is to be weighed against the grounds which may be relied upon to justify the conflict.

In respect to those grounds, the proposal is considered to present an opportunity to secure a much needed form of tourism development that would increase the diversity of accommodation in the region and lead to significant flow-on opportunities. Allied with this would be the provision of an additional beach node to service the Yaroomba area, with the associated access trails, extension of the coastal path, open space, car parking, surf lifesaving facilities and amenities. The site's large size (at approximately 20 hectares), adjacency to the waterfront and proximity to the Sunshine Coast Airport together with the very limited opportunities to establish comparable facilities in other locations are also significant relevant considerations.

In addition, it is considered that the proposed development does not result in an adverse visual impact in that it protects views to the site from key public viewing points. The proposed development is based on a site responsive building height envelope that allows for reasonable ocean views from the upper levels of the 5 star resort complex (and some apartment buildings), but which does not compromise key public regional view lines across the site from locations such as Mount Coolum and the Point Arkwright Lookout. The size of the site enables the impacts of taller buildings to be managed or contained largely within the site. The extent to which the Sunshine Coast Planning Scheme 2014 intent is offended by buildings that are significantly higher than the limits specified in the Height of buildings and structures overlay is mitigated to a large degree by the size and characteristics of the site and the design response proposed.

However, it is also relevant to note that there have been a large number of submissions received in opposition to the proposed development but of greater consequence is the substance of those submissions.

The most recent amendments to the proposed development seek to respond to the majority of the concerns raised in the submissions. Significantly, the overall density of the development has been reduced and the area of public open space increased as part of the amended plan received after the close of the submissions period. Whilst there have been no changes made to the proposed height of the buildings, the other changes have the effect of mitigating the impacts associated with allowing higher buildings on part of the site whilst reducing the overall density over the site.

The matters in favour of and opposed to the proposed development are finely balanced given the degree of conflict identified with the Sunshine Coast Planning Scheme 2014 and the large number of submissions received which have expressed concerns about the form of the proposed development and the implications of a substantive departure from the Sunshine Coast Planning Scheme 2014.

Given that there is considered to be a conflict with the Sunshine Coast Planning Scheme 2014 regarding building height, it must be established that there are sufficient grounds to justify any decision to approve the development despite the conflict.

### Sufficient Grounds

The Sustainable Planning Act 2009 states that an assessment manager's decision must not conflict with the Sunshine Coast Planning Scheme 2014 unless there are sufficient grounds to justify the decision, despite the conflict.

Section 326 of Sustainable Planning Act 2009 provides that a development application may be decided in a way that conflicts with a relevant instrument only in certain circumstances:

- (a) *the conflict is necessary to ensure the decision complies with a State planning regulatory provision; or*
- (b) *there are sufficient grounds to justify the decision, despite the conflict; or*
- (c) *the conflict arises because of a conflict between—*
  - (i) *2 or more relevant instruments of the same type, and the decision best achieves the purposes of the instruments; or*  
*Example of a conflict between relevant instruments— a conflict between 2 State planning policies*
  - (ii) *2 or more aspects of any 1 relevant instrument, and the decision best achieves the purposes of the instrument.*  
*Example of a conflict between aspects of a relevant instrument— a conflict between 2 codes in a planning scheme*

Paragraphs (a) and (c) do not apply, leaving the consideration of paragraph (b), being sufficient grounds to justify the decision despite the conflict with the current Sunshine Coast Planning Scheme 2014.

The sufficient grounds test has been extensively examined by the Courts, and the process for considering whether there are sufficient grounds can be summarised as follows as per the decision of the Queensland Court of Appeal in *Weightman v Gold Coast City Council* [2003]:

*In order to determine whether or not there are sufficient planning grounds to justify approving the application despite the conflict, the decision maker should:*

1. *Examine the nature and extent of the conflict;*
2. *Determine whether there are any planning grounds which are relevant to the part of the application which is in conflict with the planning scheme and if the conflict can be justified on those planning grounds;*
3. *Determine whether the planning grounds in favour of the application as a whole are, on balance, sufficient to justify approving the application notwithstanding the conflict."*

The test now applies with the term "grounds" as defined above being substituted for the former term "planning grounds.

The term grounds is defined in the Sustainable Planning Act 2009 to mean matters of public interest. It does not include considerations such as the personal circumstances of the applicant, the owner of the land or another interested party.

The State Government statutory guidelines provides examples regarding what is considered to be sufficient grounds such as:

- Relevant instrument is out of date - due to its age or changing circumstances in the area and the proposal reflects or responds to these changed circumstances
- Relevant instrument is incorrect - in terms of its substance or underlying assumptions for the circumstances of the particular proposal
- Relevant instrument inadequately addresses development - type of development proposed is not adequately addressed by the relevant instrument

- Relevant instrument does not anticipate specific or particular development - type of development proposed may be of international, national, state or regional significance and may not have been anticipated by the relevant instrument
- There is an urgent need for the proposal - an exceptional and urgent need for the proposal to occur.

It is acknowledged that the Sunshine Coast Planning Scheme 2014 does not reflect the current approval over the site, and is therefore incorrect. However, it is only incorrect to the extent that the preliminary approval is not reflected in the planning scheme.

At the time Sunshine Coast Planning Scheme 2014 was drafted, the Sunshine Coast Airport expansion was mooted and has progressed, but not finalised. Since this time, Council has made significant investigations and financial commitment to the delivery of an international airport within 15 kilometres of the site. This gives great consideration regarding where the location of a 5 star hotel may be.

The site is a unique strategic beach front asset which warrants highest and best use outcomes, with tourism uses being the most appropriate and identified focus of economic activity. It is assessed that a purely residential use would represent an underutilisation of the site in economic terms delivering limited ongoing regional benefit. This is supported by the Sunshine Coast Planning Scheme 2014 clearly identifying the site as a designated tourism node.

The proposed 5-star hotel, for which an operator has already been secured, would deliver significantly improved choice in the availability and quality of luxury resort accommodation on the Sunshine Coast and in particular at the northern end of the Sunshine Coast. The management and operation of the resort by Westin Hotels and Resorts, a subsidiary of the Marriott International, would provide significant access to and profile in global tourism and conference markets.

The 5-star hotel component of the development would represent an opportunity for augmented utilisation of Sunshine Coast Airport in its new role as an international gateway following completion of the airport expansion project in 2020. The site is particularly well placed in terms of proximity to the airport to take advantage of this key piece of complementary infrastructure.

The Regional Economic Development Strategy 2013-2033 and the 2014-2018 Tourism, Sport and Leisure Industry and Investment Plan all point to the need to grow high value industries and attract capital investment into the region. These create new and value-added jobs by reinforcing our region Game Changer projects (particularly the Airport and the new CBD) as well as contributing towards our existing high value tourism industry by providing an international 5 star hotel with associated conference facilities. This project will provide a significant boost to one of the high value industries, create a range of new jobs, improve workforce development and training (not currently available), and position the Sunshine Coast on a national and global scale for luxury tourism.

The research compendium associated with the Regional Economic Development Strategy outlines that our local tourism is overly reliant on the domestic tourist market and that we need to encourage future investment in new accommodation stock which opens the international tourist market. This compendium states (emphasis added):

*As outlined previously, for the Sunshine Coast as both a tourism and investment destination, the expansion of the Sunshine Coast Airport and the upgrading of the Bruce Highway are critical to opening up new tourism, trade and business opportunities and improving accessibility for the region for visitation and export*

purposes. In addition, the upgrade or future development of 'Destination Infrastructure' for the Sunshine Coast, such as a convention centre, five-star hotel accommodation, visitor facilities or national parks, will attract and facilitate new tourism visitation to the region and help to generate a wider mix of economic, social and environmental returns.

The proposed development will provide a demonstrable public benefit whilst the most significant potential adverse impacts of the proposed development appear to have been appropriately mitigated and there are likely to be substantial lost opportunity impacts for the locality and the region if the tourism oriented component of the proposed development does not proceed.

On this basis, there is sufficient grounds to approve the development noting the urgent economic and community need for the proposed development and that the previous assumptions in respect of the development of the site have changed.

The views expressed above are predicated on the basis that the public benefit as described will be delivered and that there is an infrastructure arrangement in place to ensure such an outcome.

#### Infrastructure Agreement

The applicant has also supplied a signed infrastructure agreement with the following offered:

<b>Infrastructure Provision –</b>	<b>Details</b>
Provision of 5 Star Resort Clause 5	<ul style="list-style-type: none"> <li>• Clause 5 in the Infrastructure Agreement includes specific provisions for the proposed 5 star Hotel to ensure that this use is delivery for the site and therefore achieves the nominated economic benefits. These provisions include details on the operator, 5 star Hotel standard requirements, design and certification requirements</li> <li>• Operated by Starwood (as a Westin brand) at the commencement of use</li> <li>• Design and certification standards for ongoing use of resort as 5 star</li> </ul>
Sustainability Clause 5 Schedule 3 – 1.2.1	<ul style="list-style-type: none"> <li>• Clause 5 specified that the Hotel achieves “5 star” green star rating and “Advanced” ECO Rating under Ecotourism Australia</li> <li>• Ecology Trail achieves “Respecting our culture” rating from Ecotourism Australia</li> </ul>
Coastal Discovery Centre Schedule 3 - 1.1.1 and 1.1.2	<ul style="list-style-type: none"> <li>• Construction of a facility for interpretative centre (indigenous specifically)</li> <li>• Provision of land containing the interpretive centre to Council – minimum 320m<sup>2</sup></li> <li>• Developer or Body Corporate maintenance period of 20 years</li> </ul>
Coastal Discovery Trail Schedule 3 - 1.2.1	<ul style="list-style-type: none"> <li>• Construction of trails within the site</li> <li>• Public art along the route of the trail - \$100,000</li> </ul>
Civic Park and Beachside Park Schedule 3 - 2.1.1 and 2.1.2	<ul style="list-style-type: none"> <li>• Dedication to Council</li> <li>• Minimum 7,000 m<sup>2</sup> for Civic Park</li> <li>• Minimum 4,600 m<sup>2</sup> for Beachside Park</li> </ul>

	<ul style="list-style-type: none"> <li>• Construction of parks and play facilities</li> </ul>
Public Amenities Schedule 3 - 3.1.1	<ul style="list-style-type: none"> <li>• Public toilets</li> <li>• Beach showers</li> <li>• End of trip facilities</li> <li>• Located in accordance with the approved plans</li> </ul>
Pedestrian and Cycle Access Schedule 3 - 4.1.1 and 4.1.2	<ul style="list-style-type: none"> <li>• Minimum 1,019m<sup>2</sup> land and works for construction of pathway on eastern side of lake</li> <li>• 3 metre wide continuous pedestrian and cycle access</li> </ul>
Coastal Pathway Schedule 3 - 4.2.1, 4.2.2 and 4.2.3	<ul style="list-style-type: none"> <li>• Minimum 2,900 m<sup>2</sup> land and works for construction of coastal pathway within the site</li> <li>• 3 metre wide continuous coastal pathway in accordance with Council's Coastal Pathways Master Plan</li> <li>• \$1,000,000 contribution to connection of southern boundary pathway to Tanah Street East</li> </ul>
Vehicle Access Schedule 3 – 4.3.1 and 4.3.2	<ul style="list-style-type: none"> <li>• Land contribution of roads</li> <li>• Dedication and construction of public roads</li> </ul>
Beach Access Schedule 3 – 4.4.1	<ul style="list-style-type: none"> <li>• Two refurbished beach access ways with viewing platforms and Disability Discrimination Act compliance</li> <li>• Works toward the existing beach access path from the existing community centre to beach access</li> </ul>
Linear Park Schedule 3 – 4.5.1	<ul style="list-style-type: none"> <li>• Minimum 4,880m<sup>2</sup> land and works for construction of Linear Park</li> </ul>
Surf Life Saving Tower Schedule 3 – 5.1.1, 5.1.2 and 5.1.3	<ul style="list-style-type: none"> <li>• Design and construction of surf lifesaving tower</li> <li>• Storage and first aid room for surf lifesaving activities</li> <li>• 25 years of patrols at appropriate tier rating by Surf Life Saving Queensland</li> </ul>
Southern Green Link Schedule 3 – 6.1.1 and 6.1.2	<ul style="list-style-type: none"> <li>• Minimum 4,500m<sup>2</sup> land contribution</li> <li>• Retention and management of vegetation within green link</li> </ul>
Public Car Parking Schedule 3 – 7.1.1 and 7.1.2	<ul style="list-style-type: none"> <li>• Land contribution and construction of 80 parking bays to the east of the existing community centre</li> </ul>
External Road Contributions Schedule 3 – 8.1.1	<ul style="list-style-type: none"> <li>• \$1,200,000 contribution for external roadwork improvements in the Coolum and Yaroomba area such as South Coolum Road</li> </ul>
External Community Facilities Contribution Schedule 3 – 9.1.1	<ul style="list-style-type: none"> <li>• \$500,000 contribution for an external local community facility improvement work - design, approval and construction work to upgrade the Mt Coolum toilet facility and car park area or other recreational facilities in the Coolum and Yaroomba area</li> </ul>
Arts programs Schedule 3 – 10.1.1	<ul style="list-style-type: none"> <li>• \$500,000 over 10 years for local indigenous art program</li> </ul>
Maintenance Works and/or Contributions Clause 7 Schedule 3 – 11.1.1	<ul style="list-style-type: none"> <li>• Clause 7 outlines On Maintenance and Off Maintenance requirements, in particular a maintenance security of \$2,000,000 or 10% of the RPEQ certified value of the maintenance costs</li> <li>• Works and/or contribution to Council maintenance for public assets in the Master Plan area for 100 years</li> </ul>

Existing Community Centre improvement works Schedule 12.1.1	<ul style="list-style-type: none"> <li>Upgrade works to the existing Community Centre to meet Building Code of Australia requirements, in particular Disability Discrimination Act compliance</li> </ul>
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### Changes required to Preliminary Approval Document

Given that it has been determined that there are sufficient grounds to approve the development despite the conflict with the Sunshine Coast Planning Scheme 2014, Council's external planning expert and Council officers have provided comments that the Preliminary Approval Document could be supported subject to amendments, conditions and entering into an Infrastructure Agreement to secure the key aspects of the proposal (e.g. 5 star standard).

In order to provide a robust document that closely aligns with the Sunshine Coast Planning Scheme 2014 amendments are required to address the following key issues:

- Inclusion of a master plan and green space plan (inclusive of regular green breaks and vegetation to be protected).
- Inclusion of a table and plan of residential density which nominates densities for each precinct to ensure that the proposed distribution of density across the site is delivered.
- Inclusion of an access and mobility plan (cycle/pedestrian).
- Amend the tables of assessment as below:
  - The term "exempt development must be replaced with "accepted development" with "No requirements".
  - Remove Accepted Development for Bar.
  - For business uses in the Yaroomba Beach North precinct for Bar, Food and Drink Outlet, Office, Shop and Shopping Complex to require "*impact assessment if not otherwise stated or where the aggregate gross floor area of shops in the sub-precinct exceeds 2,770m<sup>2</sup>*".
  - Remove reference to Health care services and Service Industry.
  - Insert Parking Station as accepted development where associated with the resort complex use (impact assessment otherwise).
- Include additional Purpose and Overall Outcomes statements to reflect the required architectural merits of future applications and the densities of the commercial and residential precincts.

### **MATERIAL CHANGE OF USE (STAGE 1)**

This application also seeks a Development Permit for Material Change of Use of Premises for the first stage of the development as outlined in the proposal section of this report.

The key assessment matters associated with this Stage 1 proposal are:

- Building Height
- Car parking
- Architectural Merit
- Coastal Protection
- Bushfire
- Waste Management

These matters are discussed in detail as follows:

## Building Height

The proposed building height of the Resort complex and Multiple dwellings (serviced apartments) of up to 24.2m (above finished ground surface level) and 7 storeys conflicts with the planning scheme and existing preliminary approval. This conflict has been discussed in detail at a broader level above under the Preliminary Approval section of the report.

## Car Parking

### *Public Car Parking*

With the latest amended design the public parking offer has substantially increased and includes over 100 public car parking spaces by way of:

- Dedication of 80 public spaces within a 3,000m<sup>2</sup> Council owned lot adjacent the existing community centre (proposed Lot 3).
- The new northern entry road allows for on street parking (approximately 28 spaces).
- Additional on street parking has been accommodated along the eastern side of the north-south eastern road (approximately 27 spaces).

It is considered that the proposed new public parking numbers are sufficient and are comparable (or exceed) other beach access sites in the region such as Town of Seaside, Marcoola, Mudjimba and Peregrine Beach.

It is noted that there is no planning scheme requirement to provide public spaces (as it regulates private parking only) and that the existing preliminary approval only requires 20 public car parking bays be provided for beach access. As such, the proposed public car parking offer is considered to be a public benefit as it can assist in delivering a new public beach access destination.

### *Private Car Parking*

It is important to ensure that there is sufficient private car parking (within the basement) to ensure that there is minimal overspill into the publicly available parking. The following table compares parking spaces proposed for the various uses against the required parking rates under the planning scheme.

<b>Proposed Use and Quantity</b>	<b>Proposed Parking Numbers</b>	<b>Required Parking</b>
Resort Complex - 220 rooms	62 secure spaces	No nominated rate (sufficient spaces to meet demand)
Multiple Dwellings/Short Term Accommodation - 140	166 secure 46 unsecure	140 spaces for residents and 35 spaces for visitors. This assumes dual key units are not separately let as suggested by the applicant's parking study (i.e. 1 bay per dual key unit).
Shopping Complex – 2,770m <sup>2</sup>	128 spaces (unsecure)	139 spaces



Educational Centre – 248m <sup>2</sup>	27 spaces (unsecure)	12 spaces (applying a community use rate of 1 space per 20m <sup>2</sup> )
<b>TOTAL</b>	<b>429 spaces</b>	<b>326 spaces (excluding spaces required for hotel)</b>

The proposed parking numbers for the serviced apartments, commercial/ retail uses and educational centre satisfy the Transport and parking code provisions. It is accepted that there will be some “sharing” of car parking between the various uses meaning a slight reduction could apply to the unsecured spaces (up to 10%).

It has not been demonstrated as to whether the proposed 62 secure parking spaces for the resort complex will be sufficient when considering maximum numbers of staff, peak capacity of the conference facility (up to 800 delegates) and 100% occupation of the Hotel during peak periods (220 rooms). To address this, there is an opportunity to provide an overflow parking area while other areas of the site are undeveloped for the hotel use. Conditions of any approval would require:

- Provision of an overspill car park for a minimum of 100 spaces within the balance area.
- The applicant undertake regular parking studies following the commencement of use of the site to determine whether there is any shortfall of parking based on current demand.
- If these studies identifies a shortfall, then the additional car parking bays will be required to be maintained and if not then the overspill car park can be removed.

#### *Service Vehicles*

For the resort/hotel component of the development, the Sunshine Coast Planning Scheme 2014 requirement is only stated as “sufficient to meet demands”. Van parking bays have been provided in the basement parking areas, near service entrances. Larger vehicles, particularly for events and conferences can be accommodated at the main entry with a screened turntable (allowing for coach and semi-trailer access), which will ensure entry and exit in a forward direction.

The shopping centre component will be serviced in the main street parking (a 3 bay section on the north side of the road allocated for load zone for a limited specific time and controlled by the Body Corporate). The Sunshine Coast Planning Scheme 2014 also requires the provision for larger MRVs for the shopping complex use, which has not be provided for. A condition of any approval can recommend the provision of an MRV either on-street or off-street in the vicinity of the village park.

#### Architectural merit

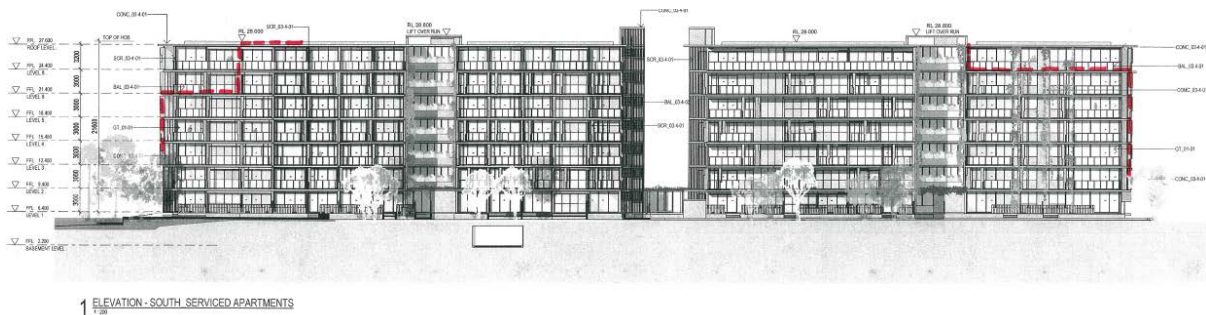
Council's independent architect is generally satisfied with the architectural design of the buildings, noting the following:

- The elevation and façade treatments have been further developed with the latest architectural details submitted as part of the applicant's change to the application.
- The approach to massing and articulation of the built form is commendable and well considered.
- The proposed architectural treatment which, has merit and will offer a dynamic, visually interesting and climatically responsive design outcome.
- Whilst the design direction may not follow aesthetic or form cues which are often recognised as being part of the *Sunshine Coast style* and often associated with low scale

or domestic buildings, the development has the potential to explore a regional response which is relevant to the use and the mid-rise scale of this development stage.

However, the independent architect has recommended a stepping down of the height of the edges (similar to the hotel building) of the serviced apartment buildings given that they are “a consistent seven storeys in height and offer no height transition stepping down to the building edges to the east and west. In my opinion, it would be desirable for the built form to incorporate a reduction in height at the east and west elevation, allowing the building to defer to the adjoining landscape environment.”

Plan amendments would be required (in the event of approval) which reduces the height of the serviced apartment building eastern and western corners (stepping down the edges) as shown in red in the below image.



**Figure 11: Proposed Plan Amendments**

## Turtles

The applicant has provided a detailed turtle impact assessment and lighting concept plan. Both of these documents have been peer reviewed by Council's external expert consultant. This expert has concluded that the development can be designed, constructed and operated in a manner which will mitigate detrimental impacts on turtle nesting. The expert has provided a range of mitigation measures that are required to be taken into account when formulating a turtle management / lighting plan. The expert has provided a maximum sky glow value that the development could be required to comply with during the months of October to May to ensure a non-worsening for lighting and its effects on nesting turtles in the area.

Specific conditions would include requirements relating to the following:

- A turtle management plan / Lighting plan to be undertaken by a qualified Sea Turtle expert (tertiary qualified marine turtle biologist and member of IUCN Marine turtle specialist group) which addresses the lighting conditions of this approval.
- No light directly visible from the beach both opposite the development and along the beach to the north and south.
- All lighting must be managed to reduce sky glow; reduced intensity, long wavelength lights, shielded, low to the ground, directed onto area of interest, low reflectance building surfaces and paints, tinting of glass, compulsory use of window coverings at night during the nesting season.
- Reduce the time lights are operating through timers, dimmers, motion sensors and curfew hours.
- Restrict human use and domestic animal access to the beach at night during the turtle nesting and hatching season to reduce disturbance.
- Develop an education program to raise awareness of marine turtles and the impacts of light, human disturbance and predators (domestic animals and feral animals).

- Implement a systematic monitoring program between Point Arkwright and Marcoola to document adult turtle nesting behaviour emergent hatchling sea finding behaviour.
- Implement a light pollution monitoring program to quantify radiometric light.
- Integrate the biological and light pollution data to assess ongoing compliance with the conditions.

Extensive collaboration with internal Council stakeholders has also been undertaken to provide the most stringent turtle management conditions for any development on the Sunshine Coast. With the implementation of the above strategies, Council officers believe the development can comply with the provisions of the Biodiversity, waterways and wetlands overlay code.

It is noted that outside of the assessment of this application, the provisions of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) are relevant to listed threatened species (Loggerhead Turtle and Green Turtle). A person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance must refer their proposal for assessment and approval under the EPBC Act. It is noted that it is the applicant's responsibility to ensure compliance with the EPBC Act and if necessary make separate application to the Federal Department of the Environment and Energy.

This department has provided the following advice to the applicant in relation to the application:

*"I note that the environmental assessment documentation available on the Sunshine Coast Regional Council's website indicates that your proposal is unlikely to result in significant impacts. The EPBC Act establishes a strong framework for protection of the environment and the conservation of biodiversity. It includes a broad range of enforcement mechanisms for managing suspected or identified instances of non-compliance and for reviewing the compliance of referred projects."*

### Coastal Protection

The eastern edge of the site is within the State government mapped erosion prone area and is covered by the Coastal Protection Overlay but is located outside of the Coastal Management District.

The State government erosion prone area mapping is broad scale mapping and the State government has released guidelines which enable site specific calculation of the erosion prone area width to be undertaken. The applicant has engaged a consultant to undertake these calculations. The calculations have been reviewed and the assumptions used in the calculations are consistent with what Council has previously accepted when completing work to inform shoreline erosion management plans.

The re-calculated 2100 Erosion Prone Area has been calculated to be outside the site in the state coastal land (approximately 10 metres of the eastern boundary of the site). The proposed development therefore achieves the acceptable outcome A01 of the Coastal protection overlay code by locating the development wholly outside the erosion prone area.

The coastline retreating to within 10 metres of the site will however trigger the need for hard protection works. The development layout provides a 10 m wide strip of public land along the frontage of the site with the state coastal land (Coastal Pathway). This width of land is considered sufficient to construct any hard coastal protection works if / when they are required without needing to utilise any of the existing state coastal land. The form and who pays for the coastal protection works would be the subject to Council's coastal hazard adaption strategy of

the day. The dedication of the 10 meter width of land does not include any commitment from Council that Council will protect the development from coastal erosion. The dedication of this land is considered sufficient to fully comply with the Coastal Protection overlay code.

### Bushfire

The applicant has provided a bushfire hazard assessment and management plan. With the introduction of the new beachside park and coastal pathway which extends along the entire eastern boundary of the site, an adequate buffer between the development and the dunal vegetation, which is the source of the fire risk, has now been provided

It is recommended that the conditions require that each subsequent stage produces a site specific bushfire management plan and master evacuation plan in accordance with the Bushfire hazard overlay code. This is due to the unknown layout and designs of the future developments. Buildings in Stages 2-4 have the potential for lots or units to be adjacent to the Yaroomba-Marcoola Environmental Reserve with the minimum 10 metre buffer requirement of the Bushfire hazard overlay code. This will need to be reviewed at the time subsequent development applications are made to ensure that a safe buffer distance has been achieved between any vegetation and proposed dwellings.

Given the above, the application can be conditioned to comply with the provisions of the Bushfire hazard overlay code.

### Waste Management

The purpose of the Waste management code is *'to ensure development provides for the sustainable management of waste in a manner which is environmentally acceptable, safe and efficient.'*

The applicant is proposing an Automated Waste Collection System (AWCS) which will use a proprietary vacuum waste system similar to that installed at the Maroochydhore City Centre.

The system includes inlet points for each site which sorts and transfer waste to a centralised Waste Transfer Station (WTS) via an underground pipe network. Council's waste contractor will collect the waste and recycle in compactors from the WTS.

The use of the AWCS reduces the space required for storage or waste at each of the lots and also reduces the nuisance and safety impacts of waste collection vehicles traversing the site. It is also more efficient for Council's waste contractor to service from a single dedicated service point.

It is considered that the installation of an AWCS is an efficient method of achieving the purpose and overall outcomes of the Waste management code and readily achieves the performance and acceptable outcomes of the code. Accordingly, conditions have been included requiring the installation and commissioning of the system prior to any uses commencing on the site. A condition has also been included requiring the final design and operation of the system to be in accordance with an Automated Waste Collection System Management Plan which will need to be lodged with Council for endorsement.

### **RECONFIGURATION OF A LOT**

The proposal seeks to subdivide the existing 10 lots into 13 lots as outlined in the proposal section of this report.

There are generally no issues with the reconfiguration given the proposed lots are only management lots to facilitate the development of Stage 1, however further consideration is required in relation to the proposed road tenure.

## **Road Tenure**

The proposed roads are to be dedicated so that the ground level is road reserve with the land below remaining in private ownership to allow for basement car parking and other private infrastructure.

Limited detail has been provided on the proposed volumetric lots (such as proposed boundaries of the road reserve and where they sit in relation to infrastructure). There is concern that this could result in complications where infrastructure traverses both road reserve and private land (such as stormwater (bio basins), lake, electrical, vacuum waste, power, lighting, water, sewer, and telecommunications). As such, in all other circumstances other than where the basement car park is proposed to go beneath the main street, it is recommended that the road reserves are to be provided as regular road reserves and not in strata. Where private infrastructure passes within the road reserve, volumetric easements are to be placed over this to allow for access to maintain this infrastructure. It is further noted that the applicant is proposing to maintain all road reserves at no cost to Council.

## **CONSULTATION**

### **IDAS Referral Agencies**

The application was referred to the following IDAS referral agencies:

#### Concurrence

*Department of State Development, Infrastructure and Planning (SARA)*

The department is a concurrence agency for:

- State-controlled roads;
- Development impacting State transport infrastructure;
- Vegetation clearing.

The department initially responded by letter dated 21 December 2017. Given the change to the application made by the applicant in April 2018, the department provided an amended response on 1 June 2018 (Ref. SDA-0517-039422) which included conditions relating to the following matters:

- Pedestrian circulation.
- Noise attenuation measures to accommodation activities to achieve noise criteria to state-controlled road.
- No worsening or actionable nuisance of stormwater or flooding impacts to state-controlled road.
- Access locations and road access works.
- Closure and removal of existing vehicular access points.
- Signalisation of David Low Way and Suncoast Beach Drive.
- Increased turning lanes and lane reconfigurations for David Low Way and Beach Road intersection.

- Preparation of a Construction Management Plan.
- Relocation and establishment of bus stop infrastructure.
- requiring drop off areas for People with Disabilities for the Hotel and serviced apartments.
- No worsening or actionable nuisance of stormwater or flooding impacts to state-controlled road.

### Advice

No advice agencies are relevant for this application

### Third Party

#### *Department of Environment and Heritage Protection*

The application was referred to the Department for comment about marine turtles. The Department responded by letter stating that:

- Concerns were raised with the proposed lighting concept due to inadequate research and the proposed actions not being sufficient to reduce light spill to a minimal level.
- Concerns were raised with the submitted turtle impact assessment provided by the applicant (noting errors in methodology, calculations, population sizes and lack of reference to specific turtle species).

The Department's advice was referred to Council's independent turtle expert who agreed with many of the comments made but remained of the opinion that the proposal could be conditioned to ensure lighting impacts could be designed, constructed and operated in a manner which will mitigate detrimental impacts on turtle nesting.

### **External Agencies**

#### Unitywater

Unitywater has issued a Service Advice Notice confirming that there appears to be no reason why a Connection Approval, subject to conditions, could not be issued for the development. The final external infrastructure upgrades will be negotiated with Unitywater as part of the Connection Approval Process for each stage as it is proposed.

#### Sunshine Coast Airport

Sunshine Coast Airport provided advice regarding any temporary cranes for the development being below the Obstacle Limitation Surfaces (48.5 metres height).

### **Other Referrals**

The application was forwarded to the following internal Council specialists:

- Development Engineer, Engineering and Environment Assessment Unit
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Unit
- Landscape Officer, Engineering and Environment Assessment Unit
- Environment Officer, Engineering and Environment Assessment Unit
- Ecology Specialist, Engineering and Environment Assessment Unit
- Urban Designer, Planning Assessment Unit
- Traffic Engineering, Engineering and Environment Assessment Unit

In addition the following internal branches/departments have been consulted in

- Economic Development, Economic and Community Development Group
- Community Planning and Development, Economic and Community Development Group
- Office of Strategic Property, Business Performance Group
- Property Management, Business Performance Group
- Parks and Gardens, Built Environment Group
- Transport and Infrastructure Policy, Built Environment Group
- Strategic Planning, Customer Engagement and Planning Services Group
- Waste and Resource Management, Customer Engagement and Planning Services Group
- Environment and Sustainability Policy, Liveability and Natural Assets Group
- Environmental Operations, Liveability and Natural Assets Group
- Open Space and Social Policy, Liveability and Natural Assets Group
- Project Delivery, Liveability and Natural Assets Group
- Legal Services, Office of Mayor and CEO

Their assessment forms part of this report.

### **Independent Peer Reviews**

Independent peer reviews were obtained from the following specialist fields.

- Planning
- Economic (resort impacts)
- Economic (retail impacts)
- Architecture
- Bushfire
- Vegetation
- Fauna
- Turtles
- Visual Impacts
- Sustainability.

Their advice informs this report.

### **Public Notification**

The applicant initially commenced public notification on 23 October 2017. However, this public notification period was invalid due to process related matters in that the applicant had not provided Council with a copy of the information response to the State Government.

During this initial period, a total of 422 submissions were received. While these submissions are considered not properly made, the comments are included in the summary of the submissions below.

Upon recognising the error, the application was then formally publicly notified for 30 days in accordance with the requirements of the *Sustainable Planning Act 2009* from 17 November 2017 to 16 January 2018.

A total of 12,332 submissions were received in relation to the application. Of these, 11,692 were properly made submissions and 634 were not properly made submissions.

Following acknowledgement of submissions, 26 were withdrawn. As a result 12,306 submissions were received

9,288 submissions were received opposing the development, 2,998 submissions were received in support of the development and 20 submissions did not provide a position.

The following table provides a summary and assessment of the issues raised by submitters.

## SUBMISSIONS INDICATING OPPOSITION OF THE DEVELOPMENT

Issues raised	Officer Comments
<p><b>Density</b></p> <ul style="list-style-type: none"> <li>• The proposed density represents a significant over-development of the site and cannot be justified.</li> <li>• The application cannot be considered to be a tourism-focused development in line with expectations under the planning scheme. The hotel's setting within a high-density residential estate is not the style of resort desirable for Yaroomba, and would likely compromise its function and role in the local tourism sector and viability.</li> <li>• Yaroomba was never identified as a major new growth/development area or as a priority investment area.</li> <li>• Construction of approximately 1,000 dwellings will have a detrimental impact on the amenity of the surrounding area.</li> <li>• The scale of the development and density far exceeds the town plan and does not sensitively respond to the physical (low rise) characteristics of the area and does not connect to the urban fabric of the area.</li> </ul>	<p>For a detailed assessment of density refer to the above assessment. In response to submissions, the applicant has reduced the proposed density from 1,086 to 740 equivalent dwellings. In summary, the assessment of the changed application found that the proposed densities are appropriate given that:</p> <ul style="list-style-type: none"> <li>• Future developments will be required to comply design requirements of the Sunshine Coast Planning Scheme 2014 (i.e. maximum densities may not be achieved if the built form controls cannot be achieved).</li> <li>• Council officers have modelled the proposed densities for each precinct which shows these densities can be achieved in the developable areas whilst complying with the planning scheme requirements.</li> <li>• Future developments will be required to meet height limit requirements outlined in the preliminary approval.</li> <li>• The visual impacts of the future stages have been assessed and can be appropriately mitigated with additional buffering being provided to David Low Way and side boundaries of the site.</li> <li>• It has been demonstrated that basement car parks can be accommodated within future stages.</li> <li>• Design controls have been included in the master plan to ensure appropriate building separation within development sites.</li> </ul>
<p><b>Building Height</b></p> <ul style="list-style-type: none"> <li>• The development exceeds the planning schemes 2 storey/8.5m height limit.</li> <li>• The proposed high-rise and intensive development conflicts with the Coolool local plan code and the Height of Buildings and structure overlay code as:</li> </ul>	<p>As detailed throughout the report, it is acknowledged that that the proposed development exceeds and conflicts with the designated building height limit for the site as set by the preliminary approval. It is noted that the 8.5 metre height limit is overridden by the existing 2007 preliminary approval.</p> <p>The following are considered grounds to justify the conflict arising from the proposed building heights:</p>



<ul style="list-style-type: none"> <li>○ The scale and density of this development is directly and comprehensively in conflict with the expectations outlined as low key and sitting lightly on the landscape;</li> <li>○ The development will detract rather than enhance the beachside character of the area.</li> <li>○ The heights proposed do not meet the reasonable expectations of the community for a low level, low key development.</li> <li>• The proposed building heights should only be supportable in primary centres identified under the Sunshine Coast Planning Scheme 2014, such as Mooloolaba and Maroochydore.</li> <li>• Concern that future applications will request additional 7 storey buildings on other parts of the site if approved.</li> </ul>	<ul style="list-style-type: none"> <li>• The Proposed Development will enable the provision and long-term operation of a 5-star international standard hotel on the site.</li> <li>• The proposed development represents a superior development outcome for the Sunshine Coast community compared to the extent and type of development facilitated by the existing 2007 preliminary approval.</li> <li>• The proposed development appropriately conditioned will avoid significant adverse social, environmental or economic impacts.</li> <li>• The independent visual expert has made a number of recommendations to ensure appropriate visual amenity outcomes can be delivered and maintained.</li> <li>• These grounds are considered sufficient to justify the approval despite the conflict with the Sunshine Coast Planning Scheme 20014 arising from the proposed building heights.</li> </ul>
<p><b>Impacts on Scenic Amenity/Character of the Area</b></p> <ul style="list-style-type: none"> <li>• Views from Mount Coolum, beaches, parabolic high dunes, coastal headlands (Point Arkwright/Lows Lookout) and the ocean, and vistas from Mount Ninderry and the Buderim Escarpment are all regionally significant landscape features and should be protected.</li> <li>• The development will be highly visible from other key viewpoints including Buderim, Mt Ninderry and the hinterland.</li> <li>• The proposed development impacts on scenic amenity and conflicts with the coastal corridors character.</li> <li>• The development is not consistent with the established low-key coastal residential area and identity of the community or area</li> </ul>	<p>An independent visual assessment expert has concluded that screening of the 5-7 storey buildings is achievable and won't be visible from key vantage points and has made a number of recommendations to ensure appropriate visual amenity outcomes can be delivered and maintained including the following:</p> <ul style="list-style-type: none"> <li>• Increase buffer widths to David Low Way to corners of the site to mitigate the visual impacts of future stages.</li> <li>• Include controls for the protection zones around the existing mature vegetation which is identified to be retained.</li> <li>• Include requirements for tree planting surrounding the built form of future Stages 2-5 (within the sites).</li> <li>• Require roofs to be kept tidy, void of clutter, supplementary structures or reflective materials.</li> <li>• Require the design of future built form to have subdued colours, diversity of materials and be highly articulated.</li> </ul> <p>A more detailed assessment of the proposal regarding visual impacts is discussed in the body of the report.</p>
<p><b>Preliminary Approval Document</b></p>	<ul style="list-style-type: none"> <li>• The document generally aligns with the Sunshine Coast Planning Scheme 2014 as it</li> </ul>

<ul style="list-style-type: none"> <li>The proposed development is essentially seeking a wholesale re-write of the applicable codes to create the 'Yaroomba Beach Site Development Code' in an effort to demonstrate 'acceptable solutions', which is unacceptable and demonstrates the extent of the departures from the Sunshine Coast Planning Scheme 2014.</li> </ul>	<p>acts as an addendum to the planning scheme and relies on many of the codes and definitions of the planning scheme.</p> <ul style="list-style-type: none"> <li>While the design provisions of the development codes will remain applicable to future applications (for example the setback and site cover provisions of the Multi-unit residential uses code will apply), the document provides additional design criteria which seeks to ensure a higher standard of architectural design for future development.</li> <li>A number of amendments are recommended for the Preliminary Approval Master Plan Document before it can be endorsed. A number of conditions are also recommended as well as execution of an Infrastructure Agreement, in order to support the Preliminary Approval Master Plan Document.</li> </ul> <p>A more detailed assessment of the preliminary approval document is discussed in the body of the report.</p>
<p><b>Open Space</b></p> <ul style="list-style-type: none"> <li>The park proposed in the development is only 0.6ha and is not in a balanced ratio with the expected very busy and high density buildings and 7 storey apartments and hotel that would share this space and would not meet the needs for shared public use.</li> <li>The serviced apartments do not provide sufficient private open space.</li> </ul>	<p>In response to submissions, the applicant changed the application to increase the amount of open space being transferred to Council including:</p> <ul style="list-style-type: none"> <li>A village Park with an area of 7,197m<sup>2</sup>.</li> <li>A beachside park with coastal pathway with an area 7,504m<sup>2</sup>.</li> <li>A waterfront walkway lot (volumetric).</li> <li>A new northern public entry road.</li> </ul> <p>The proposed open space offering is sufficient considering:</p> <ul style="list-style-type: none"> <li>There is no requirement under the Sunshine Coast Planning Scheme 2014 or existing 2007 preliminary approval to dedicate any open space to Council and this could be considered part of a public benefits package.</li> <li>The parks are proposed to be dedicated to Council in freehold (with necessary service easements, and volumetric lots to cater for the basement where applicable).</li> <li>The applicant has offered, through an Infrastructure Agreement, to provide a financial contribution to Council to maintain the open space for 100 years.</li> <li>The inclusion of the additional public road along the northern boundary of the site improves the Village Park road frontage and better aligns with Council's desired standards of service for public open space.</li> </ul>

	<ul style="list-style-type: none"> <li>The external architect expert has commented that the new beachside park is a significant benefit over the previous proposal.</li> <li>Allowance has been made for the Coastal Pathway in accordance with the Coastal Pathway Master plan.</li> </ul> <p>A more detailed assessment of the open space aspects of the proposal are discussed in the body of the report.</p>
<b>Flora/Fauna</b> <ul style="list-style-type: none"> <li>Development of this size and density will significantly impact on resident and migratory fauna inhabiting the publicly owned bushland and foreshore reserves to the north and south of the site.</li> <li>Groundwater dependant ecosystems, both flora and fauna, will be significantly impacted.</li> <li>There has been inadequate assessment of groundwater matters as part of this proposal e.g. no direct assessment of groundwater recharge rates and no direct assessment of aquifer hydraulic conductivity undertaken as part of the recent investigations and consideration of climate variability. There are likely impacts on fauna and habitat values of foreshore reserve and inadequate setbacks to this environmental reserve.</li> <li>Inadequate flora and fauna surveys have been undertaken for the site during the most appropriate weather conditions for the targeted species.</li> </ul>	<p>The site has a long history of development and modification, and this earlier land use needs to be taken into consideration when assessing the application. The development site previously supported a golf course and now supports mown/slashed areas, constructed waterbodies, and pedestrian and vehicle tracks.</p> <p>The applicant has addressed the vegetation requirements of the Sunshine Coast Planning Scheme 2014 given the following :</p> <ul style="list-style-type: none"> <li>Under the existing preliminary approval the majority of the vegetation on site is able to be cleared for the approved development footprint. The proposal is a better environmental outcome in comparison.</li> <li>Vegetation offsets can be gained for vegetation that would have been cleared under the Hyatt Coolum Master Plan approval.</li> <li>A net gain of vegetation will be required because of the application of the offset ratio in the Sunshine Coast Planning Scheme 2014 provisions to the area of vegetation clearing.</li> <li>Conditions will require the rehabilitation of existing retained habitat and within adjacent environmental reserves.</li> <li>Suitable buffers have been provided to significant vegetation within the Yaroomba-Marcoola Bushland Conservation Reserve (Coastal Sand Dune).</li> </ul> <p>A detailed assessment of the potential impacts of the proposal on frogs, koalas, quail, kangaroos and turtles (and surveys which were undertaken) is contained within the body of the report.</p> <p>Provided the proposed measures to minimise groundwater drawdown are employed, it is unlikely that the short term drawdown of groundwater will expose ASS to oxidation. To ensure this occurs a condition can be included which requires all works</p>

	<p>to be carried out in accordance with a Dewatering Management Plan</p> <p>Long-term drawdown of groundwater as a result of basement construction has been predicted to be relatively low in relation to the proposed works. To ensure that long-term drawdown is minimised, a condition has been included requiring all basements to be 'fully tanked' ensuring that ongoing seepage of groundwater into basements does not occur.</p>
<p><b>Acid Sulphate Soils</b></p> <ul style="list-style-type: none"> <li>Proposed excavation for basement car-parking, trunk infrastructure and associated works heightens the risk of mobilising acid sulphate soils and a drawdown/ dewatering of the groundwater aquifer on and potentially adjacent to the site</li> </ul>	<p>The submitted report includes an ASS management plan which provides specific details for the management of ASS soils where excavated from the site for basements, lake excavation and underground infrastructure. The management plan also details water quality and groundwater monitoring and management measures required to be implemented throughout the construction phase to limit any drawdown of groundwater and prevent the release of acidic waters to the environment.</p> <p>The proposal therefore complies with the Acid sulfate soils overlay code and provides management measures to ensure ongoing compliance. Conditions have been included in relation to Stage 1 and the preliminary approval accordingly.</p>
<p><b>Turtles</b></p> <ul style="list-style-type: none"> <li>This proposed development would significantly disrupt breeding and hatchling behaviour of the area's endangered Loggerhead and vulnerable Green Turtles, regardless of the proposed 'safeguards' in lighting etc, through the sheer density of use of what is currently a low-key, unspoiled and dark beach.</li> <li>It is the applicant's responsibility to refer the application to the Federal Government under the Environment Protection and Biodiversity Conservation Act 1999, as a result of threat to endangered species.</li> <li>Request to consult with Dr Col Limpus, Chief Scientist from Department of Environment and Heritage Protection (State Government) as he is world</li> </ul>	<p>A turtle management plan / Lighting plan has been conditioned to be undertaken by a qualified Sea Turtle expert (which addresses the lighting conditions of this approval).</p> <p>A more detailed assessment of the proposal regarding potential impacts on turtles is discussed in the body of the report.</p>

<p>renowned for his studies in marine turtles.</p> <ul style="list-style-type: none"> <li>There is no ability to restrict residents and guests gaining access to beach at night with own lighting devices</li> </ul>	
<p><b>Traffic and Access</b></p> <ul style="list-style-type: none"> <li>Impacts of the development on local traffic have been underestimated.</li> <li>The development will result in significant traffic congestion at key intersections in the area including: <ul style="list-style-type: none"> <li>David Low Way;</li> <li>David Low Way and Beach Road Intersection;</li> <li>Suncoast Drive and David Low Way;</li> <li>David Low Way and Tanah Street;</li> <li>School Road and South Coolum Road Intersection.</li> </ul> </li> <li>The proposed upgrades suggested are not feasible and would not address the traffic impacts and some upgrades will impact on existing visitor parking.</li> <li>The local road network will not be able to adequately accommodate the traffic anticipated by 2027.</li> </ul>	<p>The applicant submitted Traffic Impact Assessment Reports supporting the proposed development.</p> <p>The Department of Transport and Main Roads (SARA) is a concurrence agency for State-controlled road matters. Their assessment and conditions form part of this report.</p> <p>Conditions and an Infrastructure Agreement will require a number of upgrades to the external road network.</p> <p>A more detailed assessment of the proposal regarding potential impacts on traffic and access is discussed in the body of the report.</p>
<p><b>Car Parking</b></p> <ul style="list-style-type: none"> <li>Inadequate parking is provided for the residential and commercial development.</li> <li>There is no provision for event parking (other than temporary arrangement).</li> <li>The development will worsen existing parking problems in and around Coolum.</li> </ul>	<p>As part of the applicant's change to the application, it is now proposed to dedicate a lot to Council for the purposes of providing 80 public car parks.</p> <p>Officers believe the proposed parking numbers for the serviced apartments, commercial/retail uses and educational centre satisfy the parking code provisions.</p> <p>It has not been demonstrated that the proposed 62 secure parking spaces for the resort complex will be sufficient when considering maximum numbers of staff, peak capacity of the conference facility (800 delegates) and 100% occupation of the Hotel during peak periods (220 rooms). To address this, there is an opportunity to provide an overflow parking area while other areas of the site are undeveloped for the hotel use. Conditions of any approval could require the delivery of this area.</p>

	A more detailed assessment of the proposal regarding car parking is discussed in the body of the report.
<b>Coastal Protection</b> <ul style="list-style-type: none"> <li>The proposal would degrade the frontal and parabolic dunal systems.</li> <li>There is not enough room for population and additional people on the beaches created by the development, forcing them into the dunal system.</li> </ul>	<p>The proposed development achieves the acceptable outcomes of the Coastal protection overlay code by locating the development wholly outside the erosion prone area.</p> <p>In addition, as the application has been amended to dedicate a 10 metre wide strip of land along the eastern boundary it is considered sufficient to fully comply with the Coastal Protection overlay code.</p>
<b>Flooding</b> <ul style="list-style-type: none"> <li>The vulnerability of this site to climate change impacts has not been addressed in the application material.</li> <li>The proposal does not address climate change and rising sea levels and creates potential liability for Sunshine Coast Council due to property damage.</li> <li>The development will have flooding impacts on properties external to the site.</li> </ul>	<p>There is a long and complex history to flooding on this site. Associated with the current preliminary approval over the site (MCU05/0245) a flood study was prepared by Cardno and this study was updated as development progressed with the latest revision being issued in 2010. The flood study did not report any offsite impacts under the fully developed scenario when compared to the existing scenario. This was understood to have primarily being achieved through inclusion of detention storage within the Golf Course which is now in the Palmer Coolum report and detention in the lake within the beachside precinct.</p> <p>The mitigation case which the applicant has developed does not attempt to detain additional flow onsite to mitigate the impacts predicted but proposes culvert upgrades downstream of the site to get the floodwaters away from the area quicker, essentially removing current restricts in the flowpath.</p> <p>The increased flood levels resulting from the mitigation case are well below the regional flood levels. The strategy of getting the floodwaters away quicker therefore works and is a suitable solution to mitigate the existing flooding issues</p> <p>The upgrades required to the culverts at Suncoast Beach Drive and Tanah Street West are required to be undertaken as part of Stage 1.</p>
<b>Bushfire</b> <ul style="list-style-type: none"> <li>There is inadequate separation between the development and the coastal foreshore reserve to protect the development from bushfire threat.</li> </ul>	<p>With the provision of a foreshore park for the site's entire eastern boundary this has largely address the Bushfire hazard overlay code. It has been conditioned that each subsequent stage is required to produce a site specific bushfire management plan in accordance with the Bushfire hazard overlay code.</p>

	A more detailed assessment of the proposal regarding potential impacts on traffic and access is discussed in the body of the report
<b>Coastal Pathway</b> <ul style="list-style-type: none"> <li>The proposed development does not show the coastal pathway in accordance with the Coastal Pathway Master Plan adopted by Council in December 2017.</li> </ul>	The applicant's change to the application now includes the dedication to Council of a 10 metre wide reserve along the eastern boundary, the Beachside Park and the northern park road from the David Low Way to the northern beach access. The coastal pathway has been provided in accordance with the Coastal Pathway Master Plan (December 2017).
<b>Cultural Heritage Matters</b> <ul style="list-style-type: none"> <li>Lack of assessment and consultation with Kabi Kabi First Nation Peoples regarding Aboriginal or historic cultural heritage.</li> <li>The application has not provided an updated extensive cultural heritage management plan under the guidelines of the <i>Aboriginal Cultural Heritage Act 2003</i>.</li> </ul>	The applicant has obligations under the <i>Aboriginal and Cultural Heritage Act 2003</i> which they are required to follow.
<b>Economic Impacts</b> <ul style="list-style-type: none"> <li>The economics should not be used as a main reason to decide to change the Planning Scheme.</li> <li>The economic assessments to determine the benefit to the community are likely to have overestimated the value by at least 17% due to inclusion of Noosa Shire and possible other errors.</li> <li>The economic value of the residential development is also likely to be overvalued and generally not relevant to contribute extra to the economy because there is a limit to new arrivals / demand.</li> <li>The application does not note other existing 5 star rated hotels, or a possible resurgence of the Palmer Cooloom Resort. The application also does not note the 'transfer of opportunity' from existing or proposed developments in areas already zoned appropriately, rather only the additional</li> </ul>	<p>The economic benefits and impacts have been discussed in the body of the report, but it is noted the proposal would represent a significant new offering with associated benefits given the following:</p> <ul style="list-style-type: none"> <li>The hotel component of the Yaroomba Beach project is estimated to deliver a total direct Gross Value Added (GVA) of between \$20.6M - \$30.9M per annum to the regional economy. An additional \$7.7M to \$11.6M gross value added is expected per annum in indirect impacts. Furthermore, the tourism visitation will generate an estimated average of between 453 – 680 direct jobs per annum on-going plus an additional 78 – 117 FTE as indirect jobs (supply chain).</li> <li>The proposed 5-star hotel, for which an operator has already been secured, would deliver significantly improved choice in the availability and quality of luxury resort accommodation on the Sunshine Coast and in particular at the northern end of the Sunshine Coast.</li> <li>The conference would represent a significant contribution to the regional hierarchy and 'offer' of such infrastructure.</li> <li>The 5-star hotel component of the development would represent an opportunity for augmented utilisation of the Sunshine</li> </ul>

<p>economic benefits that the proposal may have.</p> <ul style="list-style-type: none"> <li>• The application has provided a flawed analysis of economic benefits i.e. overestimate of benefits and lack of assessment of economic impacts.</li> <li>• The development will have a detrimental impact on local businesses.</li> <li>• The development will adversely affect tourism in the area (by changing character of area).</li> <li>• The development will degrade the Coast's competitive advantage.</li> <li>• The development does not meet need for a high-quality resort in coastal setting.</li> <li>• The proposed hotel would be compromised by existing high-density residential estate.</li> <li>• No certainty that the hotel component will be delivered or maintained.</li> <li>• Viability of the 5 star resort is questionable.</li> </ul>	<p>Coast Airport in its new role as an international gateway following completion of the airport expansion project in 2020.</p> <ul style="list-style-type: none"> <li>• The combination of development and implementation by globally significant players in the form of Sekisui House and Westin/Marriott International would deliver significant regional profile benefits in international markets of a directly equivalent form not attained to date.</li> <li>• The development would deliver a significant injection of employment and local economic activity in the Yaroomba/Coolum Beach locality, an area significantly impacted upon in a tourism sense by the closure of the former Palmer Coolum Resort.</li> <li>• The Regional Economic Development Strategy 2013-2033 and the 2014-2018 Tourism, Sport and Leisure Industry and Investment Plan all point to the need to grow high value industries and attract capital investment into the region which create new and value-added jobs</li> </ul>
<p><b>Inconsistency with Sunshine Coast Council Policies</b></p> <ul style="list-style-type: none"> <li>• The proposal does not align with any of the Sunshine Coast's statutory, policy or strategic instruments (e.g. 3.8.1 (d) (f) of Strategic Framework).</li> <li>• The proposed development does not align with tourism-focused expectations under the Scheme and other guidelines.</li> <li>• Approval of the development sets a 'dangerous' precedent for future proposals that conflict with Sunshine Coast Planning Scheme 2014 under s.329 of SPA.</li> </ul>	<p>The proposed development has been assessed against the entire Sunshine Coast Planning Scheme 2014, including the Strategic Framework, Local Plans Code, Overlay Codes and Development Codes which is discussed in the body of the report.</p> <p>The Sustainable Planning Act 2009 requires applications to be assessed having regard to existing development approvals, which would include the existing Coolum Hyatt Resort preliminary approval.</p> <p>The site and proposal is unique and any future proposals which seek similar non compliances will be assessed on their own merits.</p>
<p><b>Community Benefit</b></p>	<p>An assessment of the proposal regarding community and economic benefits is discussed in the body of the report.</p>



<ul style="list-style-type: none"> <li>• This proposal is not focused on tourism, but is substantially a residential development with a very small tourism component.</li> <li>• Tourism employment is not a sufficient reason to agree to significant non compliances.</li> <li>• There does not appear to be an urgent need to attract a 5 star resort to the Sunshine Coast because others already exist, including potentially the adjacent Palmer Coolum Resort.</li> <li>• The Maroochydore City Centre has been identified for a premium hotel.</li> <li>• The development should occur on the Palmer Resort site.</li> </ul>	<p>The development is focused around a five star resort and as identified above the site is acknowledged as a key tourism node. There is evidence with the Regional Economic Development Strategy 2013-2033 that more than one five star resort is required for the Sunshine Coast. The assessment above indicates that there is an urgent need for this development.</p>
<p><b>Other matters</b></p> <ul style="list-style-type: none"> <li>• A sustainable and considerate low-rise eco resort across the entire 19ha site would be much more appropriate, and in line with the environmental amenity and character of Yaroomba.</li> <li>• The application community engagement process was flawed and the advertising of the development is misleading to the community.</li> <li>• The development will detrimentally impact on surrounding property values.</li> <li>• The development will impact on local property prices due to the oversupply of cheap low quality units.</li> <li>• The development will increase noise impacts to adjoining and nearby residential areas given intent to hold events at the resort.</li> <li>• Properties were purchased on the basis of existing town plan. Compensation would be sought if the development is approved.</li> <li>• The development is not able to accommodate the development in the context of the local infrastructure and</li> </ul>	<ul style="list-style-type: none"> <li>• An assessment of the proposal regarding sustainability credentials, character impacts, amenity impacts, infrastructure requirements is discussed in the body of the report.</li> <li>• The applicant has complied with the public notification requirements under the Sustainable Planning Act 2009. Council has no control over advertising and marketing of the proposed development.</li> <li>• The impact the proposed development will have on property prices (and compensation claims) is not a planning matter and cannot be substantiated.</li> <li>• The site is relatively isolated and any events held on the site will need to comply with environmental noise regulations.</li> <li>• The site can be serviced by all necessary urban infrastructure facilities and conditions can require the applicant to undertake necessary external upgrades.</li> <li>• The proposal includes a new Surf Life Saving Tower and associated amenities storage near one of the beach access locations to provide a life guard service. The claim that the beach is dangerous, not suitable to overseas visitors and that there will be more drownings cannot be substantiated. The potential increase in number of dogs on the beach is not a planning matter.</li> <li>• The proposed development is on part of the land subject to the existing Coolum Hyatt Integrated Resort and Residential Community Preliminary Approval. The subject site was a</li> </ul>

<p>services such as water, sewer, power and schools.</p> <ul style="list-style-type: none"> <li>• There is a need to keep the beaches natural for future generations.</li> <li>• Yaroomba Beach is dangerous and not suitable for overseas visitors and therefore a resort. There will be more drownings despite lifesavers.</li> <li>• There will be many more dogs on the beach as a result of the increase in population.</li> <li>• The Hyatt Resort was approved on the condition that the land east of David Low Way would remain as open space.</li> <li>• Request for the Coolum area to join Noosa Council.</li> </ul>	<p>part of the 'Beachside' precinct under this Preliminary Approval. This land was not intended to remain as open space only.</p> <ul style="list-style-type: none"> <li>• The request that the Coolum area join Noosa Council is not relevant to the assessment of the development application.</li> </ul>
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## SUBMISSIONS INDICATING SUPPORT OF THE DEVELOPMENT

Issues raised	Officer Comments
<p><b>Economic investment benefits</b></p> <ul style="list-style-type: none"> <li>• The development will provide a \$120 million boost to the local economy every year.</li> <li>• The development will provide 5 Star Ecotourism opportunities.</li> <li>• The development will provide the first 5 star hotel in 30 years with entertainment and leisure facilities that will bring events and conferences back to the Coast.</li> <li>• The 5 Star Westin Coolum Resort &amp; Spa will provide a standard of accommodation and conference facilities that has been missing in the region for some time since Hyatt (Palmer) Coolum closed.</li> <li>• The development will deliver a competitive advantage in tourism while providing the local community with improved amenity, including green and open public space and access to lifestyle facilities.</li> <li>• The development will accommodate 90,000 new visitor nights per year.</li> </ul>	<p>An assessment of the proposal regarding economic impacts is discussed in the body of the report.</p>

<ul style="list-style-type: none"> <li>• The development will provide flow on effects for small business that will supply services on year on year basis.</li> <li>• The development will increase residential and commercial property value growth.</li> <li>• The development will assist in attracting other private sector investment to the region.</li> <li>• The development will support the infrastructure decisions of Sunshine Coast Council and demonstrates the investment readiness of the region.</li> <li>• The International resort chain will put Sunshine Coast on the map internationally.</li> <li>• Given the ageing list of hotels, accommodation units and tourist attractions the development will provide more modern luxury accommodation.</li> <li>• The development will provide tourist accommodation in proximity to the Sunshine Coast Airport to coincide with increase in visitors due to expansion.</li> <li>• Council will spend millions on the new airport but without world class attractions and accommodation, overseas tourists may visit other destinations.</li> <li>• The proposal sits within a 'Tourism Focus Areas' (tourism precinct). The proposal is consistent with this intent.</li> </ul>	
<p><b>Environmental Benefits</b></p> <ul style="list-style-type: none"> <li>• The development will achieve a superior sustainable and ecological outcome with more preservation of vegetation compared to the current approval.</li> <li>• The environmental credentials displayed within this application are global best practice and worthy of international recognition.</li> <li>• Other far more significant beachfront parcels have been (and are being) developed with significantly less focus on environmental sustainability.</li> </ul>	<p>An assessment of the proposal regarding environmental impacts and benefits is discussed in the body of the report.</p>

<ul style="list-style-type: none"> <li>• The development will provide large amounts of green space and should fit into the natural surrounds once completed.</li> <li>• The development respects the hydrology, vegetation and natural character of the site while protecting views and vistas from surrounding areas.</li> <li>• Due to long expanse of beach, the proposal is unlikely to significantly impact on turtles coming to lay their eggs. Turtle nesting is impacted across the whole Sunshine Coast and turtle nests at Yaroomba Beach directly in front of this project are less numerous than other places where development has occurred.</li> <li>• There will be zero overshadowing of the beach caused by the buildings.</li> <li>• The building tops will not be seen from the waterline at the beach.</li> <li>• The key view lines are not adversely effected by the proposal.</li> </ul>	
<p><b>Community benefits provided by the development</b></p> <ul style="list-style-type: none"> <li>• Landmark resort and facilities.</li> <li>• Venue for arts and cultural events.</li> <li>• New village hub for everyone in the region to share, enjoy and visit.</li> <li>• Public access to beach and other natural areas is maintained for locals and visitors.</li> <li>• 6,000m<sup>2</sup> of public park space for the community.</li> <li>• 3.3 ha park, lake and pathways to be transferred to Council for public use.</li> <li>• Restoration of Surf Life Saving Patrols to Yaroomba Beach.</li> <li>• Increase provision of community amenities and services.</li> <li>• Coastal Discovery Centre for the promotion of the region's beach ecology and indigenous history.</li> </ul>	<p>An assessment of the proposal regarding community and economic benefits is discussed in the body of the report.</p>

<ul style="list-style-type: none"> <li>• Inclusive and accessible for visitors, employees and residents with a range of disabilities.</li> </ul>	
<b>Employment</b> <ul style="list-style-type: none"> <li>• The development will provide 360 new and ongoing jobs on site, backed by training partnerships with TAFE.</li> <li>• The development will provide 1400 ongoing jobs across the Sunshine Coast.</li> <li>• The development will provide over 400 construction jobs per year across a 9 year construction period with procurement plan to maximise involvement of local trades and suppliers equating to \$26 million in wages for construction workers over the 9 year staged development.</li> <li>• The development will provide diversification of the Sunshine Coast workforce.</li> <li>• The development will provide immediate and long term jobs, particularly for youth in hospitality.</li> <li>• The development will provide jobs for a high unemployment area.</li> </ul>	<p>An assessment of the proposal regarding community and economic benefits (including employment) is discussed in the body of the report.</p>
<b>Housing diversity</b> <ul style="list-style-type: none"> <li>• The development will provide a diversity of housing near existing amenities and services that meets the current and future needs of the community.</li> </ul>	<p>An assessment of the proposal regarding community benefits (including housing diversity) is discussed in the body of the report.</p>
<b>Transport</b> <ul style="list-style-type: none"> <li>• The development is in a suitable location on a main road, close to the Sunshine Coast Airport and Yaroomba Beach.</li> <li>• Traffic conditions will be improved due to infrastructure gains as a result of the project.</li> <li>• Less peak hour traffic from a resort compared to a large residential community.</li> <li>• Basement parking provided, but also a focus on self-transport including bicycles.</li> </ul>	<p>An assessment of the proposal regarding traffic and access improvements/benefits are discussed in the body of the report.</p>

<p><b>Other matters</b></p> <ul style="list-style-type: none"> <li>• Further development of gated communities (as what exists further south of the site) will prevent the general public from being able to access the long stretch of unpatrolled beach.</li> <li>• The development is in line with the Sunshine Coast vision to be Sustainable, Green and Diverse, growing in line with the airport expansion, Maroochydore CBD and Health Hub.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal provides two (2) public access locations to the beach.</li> <li>• Council's vision, the airport expansion, Maroochydore CBD and Health Hub have been taken into consideration during the assessment of the development application.</li> </ul>
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