

Agenda

Special Meeting

Thursday, 21 June 2018

commencing at 2:00pm

Council Chambers, Corner Currie and Bury Streets, Nambour

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1 DECLARATION OF OPENING

On establishing there is a quorum, the Chair will declare the meeting open.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**3 OBLIGATIONS OF COUNCILLORS****3.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 175C of the *Local Government Act 2009*, a councillor who has a material personal interest in a matter to be discussed at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the councillor's material personal interest in the matter, including the following particulars about the interest –
 - (i) the name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting;
 - (ii) how the person or other entity stands to gain the benefit or suffer the loss;
 - (iii) if the person or other entity who stands to gain the benefit or suffer the loss is not the councillor – the nature of the councillor's relationship to the person or entity; and
- (b) leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on.

3.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 175E of the *Local Government Act 2009*, a councillor who has a real or perceived conflict of interest in a matter to be discussed at a meeting of the local government, or any of its committees must inform the meeting about the councillor's personal interests in the matter, including the following particulars about the interests –

- (a) the nature of the interests;
- (b) if the councillor's personal interests arise because of the councillor's relationship with, or receipt of a gift from, another person –
 - (i) the name of the other person; and
 - (ii) the nature of the relationship or value and date of receipt of the gift; and
 - (iii) the nature of the other person's interests in the matter

If the Councillor who has the personal interest does not voluntarily leave the place at which the meeting is being held while the matter is discussed and voted on, the other councillors must decide whether the councillor has a real or perceived conflict of interest in the matter and whether the councillor with the interest must leave the meeting, or may participate in the meeting in relation to the matter, including by voting on the matter.

4 REPORTS DIRECT TO COUNCIL**4.1 CUSTOMER ENGAGEMENT AND PLANNING SERVICES****4.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (PRELIMINARY APPROVAL), MATERIAL CHANGE OF USE (DEVELOPMENT PERMIT) AND RECONFIGURATION OF A LOT (DEVELOPMENT PERMIT) - DAVID LOW WAY, YAROOMBA**

File No: MCU17/0095, MCU17/0096 and REC17/0056

Author: Manager Development Services
Customer Engagement & Planning Services GroupAppendices: App A - Conditions of Approval 23
App B - Infrastructure Agreement 87Attachments: Att 1 - Officer's Detailed Assessment Report 5/332
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Att 3 - Proposal Plans - Stage 1 93/332
Att 4 - Proposed Reconfiguration of a Lot Plan 131/332
Att 5 - State Government Concurrence Agency Response) 133/332
..... 133/332
Att 6 - Development History - Coolum Hyatt Resort Master Plan) 138/332
..... 138/332**Link to PD Online:**<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1910016>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	SH Coolum Pty Ltd C/- Project Urban Pty Ltd
Proposal	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. 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 – including 2 commercial lots, 3 park/carpark lots, 2 buffer lots, 1 transfer station lot, 1 principal body corporate lot, 2 access lots & 2 balance management lots and access easements).
Properly Made Date:	5 May 2017
Information Request Date:	19 June 2017
Information Response Received Date:	20 October 2017

Public Notification Period	17 November 2017 to 16 January 2018 (30 business days)
Number of Submissions	TOTAL of 12,306 submissions <ul style="list-style-type: none"> • 11,666 properly made <ul style="list-style-type: none"> ○ 2,998 support ○ 9,288 against ○ 20 neutral
Decision Due Date	29 June 2018
PROPERTY DETAILS	
Division:	8
Property Address:	David Low Way, Yaroomba
RP Description:	Lots 12, 15 & 16 SP238214 Lots 20, 336-340 SP219217 Lot 25 SP269561
Land Area:	Approximately 18.5ha
Existing Use of Land:	Predominantly Vacant Land
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme 2014 <i>Note that the Coolum Hyatt Resort Master Plan Preliminary Approval overriding the Planning Scheme exists over the site – see report for further detail</i>
SEQRP Designation:	Urban Footprint
Strategic Plan Designation:	Urban
Planning Area / Locality:	Coolum Local Plan Area
Planning Precinct / Zone:	Emerging Community Zone (Precinct COL LPP-1, Palmer Coolum Resort and The Coolum Residences)
Assessment Type:	Impact Assessable

PURPOSE

The purpose of this report is to seek Council's determination of an application at David Low Way, Yaroomba for:

- 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/carpark lots, 2 buffer lots, 1 transfer station lot, 1 principal body corporate lot, 2 access lots & 2 balance management lots and access easements.

The application is before Council due to the significant community interest surrounding the proposed development and the value of the development.

The application is assessed against the Sunshine Coast Planning Scheme 2014 and the existing preliminary approval (Attachment 6 – Development History - Coolum Hyatt Resort Master Plan).

EXECUTIVE SUMMARY

The application proposes to gain approval to:

- establish the Yaroomba Beach Master Plan (overriding the Sunshine Coast Planning Scheme 2014),
- commence Stage 1 of the development including a 5 star resort operated by Westin and
- create master lots to facilitate Stage 1.

The resort application proposes positive benefits to the Sunshine Coast economy and a diversification to the Sunshine Coast tourism market, but would also be in conflict with the planning scheme with respect to matters of building height. The application proposes a combination of demonstrated merit and “sufficient grounds” under the *Sustainable Planning Act 2009*, being matters in the public interest, to legally enable an approval despite the conflicts with the sunshine Coast Planning Scheme 2014.

The application seeks to overcome the planning conflicts by means of a community benefits package that includes but is not limited to:

- delivery of a high-end 5 star resort complex (Hotel) and conference facilities that would satisfy current and future tourism demand for luxury accommodation product on the Sunshine Coast
- transfer of approximately 1 ha of park land available to the public
- delivery of an environmentally sustainable development outcome with buildings that are to be certified as achieving a 5 Star Green Star rating
- contribution toward road upgrades and recreational facilities within the Coolum and Yaroomba area
- provision of surf life saving facilities
- provision of public beach access points
- construction and dedication of land for public coastal pathways.

The applicant has also agreed to enter into an Infrastructure Agreement with Council to provide sufficient security with respect to delivery of the proposed community benefits.

In respect to the conflict with the Planning Scheme regarding building height, it is considered that the proposal does not result in an adverse visual impact as views to the site from key public viewing points would be protected. 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 impacts of taller buildings to be managed or contained largely within the site. The extent to which the planning scheme 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.

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. 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.

The proposed development will provide a demonstrable public benefit, the most significant potential adverse impacts appear to have been successfully mitigated in the proposal. Furthermore, 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 urgent need and the underlying assumptions surrounding the development of the site have changed.

The application is therefore recommended for approval subject to conditions.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Development Application for Material Change of Use (Preliminary Approval), Material Change of Use (Development Permit) and Reconfiguration of a Lot (Development Permit) - David Low Way, Yaroomba” and
- (b) delegate authority to the Chief Executive Officer to APPROVE Application No. MCU17/0095, MCU17/0096 and REC17/0056, situated at David Low Way, Yaroomba and grant a
 - (i) 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
 - (ii) Development Permit for Material Change of Use for Resort Complex, Multiple Dwellings, Short Term Accommodation, Shopping Centre, Educational Establishment, Community Use and Utility Installation
 - (iii) Development Permit for Reconfiguration of a Lot – 10 lots into 13 lots (Creating 2 commercial lots, 3 park/carpark lots, 2 buffer lots, 1 transfer station lot, 1 principal body corporate lot, 2 access lots & 2 balance management lots and access easementssubject to:
 - (iv) imposition of the conditions of approval identified in Appendix A, and
 - (v) execution of the Infrastructure Agreement included as Appendix B by both parties
- (c) delegate authority to the Chief Executive Officer to execute the Infrastructure Agreement included as Appendix B, and
- (d) delegate authority to the Chief Executive Officer to negotiate and determine all future requested changes to the Infrastructure Agreement, with the exception of changes that would materially alter the terms of the Agreement.

FINANCE AND RESOURCING

If Council were to approve this development, the applicant would be required to pay infrastructure charges. Council's Transport and Infrastructure Policy Branch has provided an estimate of the infrastructure charges required by this development as follows:

- Stage 1 - the total charge is approx. \$4.72million with Unitywater's proportion \$1.8M and Council's \$2.92million.
- Balance of the development - based on an equivalent 663 x 2 bedroom units, is \$13.4million, with Unitywater's proportion \$6.1million and Council's \$7.3million.

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

- Provision of 5 Star Resort
 - Operated by Starwood (as a Westin brand) at commencement of use
 - Design and certification standards for ongoing use of resort as 5 star
- Sustainability

- Hotel achieves “5 star” green star rating
 - Hotel achieves “Advanced” ECO Rating under Ecotourism Australia
 - Ecology Trail achieves “Respecting our culture” rating from Ecotourism Australia
- Vacuum Waste Facility and Collection
 - Connection for all Council allotments
- Coastal Discovery Centre
 - Construction of facility for interpretative centre (indigenous specifically)
 - Provision of land containing the interpretive centre to Council
- Coastal Discovery Trail
 - Construction of trails within the site
 - Public art along the route of the trail - \$100,000
- Open Space and Parks
 - 6,000 m² for civic park
 - 4,000 m² for beachside park
 - Construction of parks and play facilities
- Public Amenities
 - Public toilets
 - Beach showers
 - End of trip facilities
- Beach Access
 - Two refurbished beach access ways with viewing platforms and Disability Discrimination Act compliance
 - Land on northern side of community centre down to beach access
- Pedestrian and Cycle Access
 - Land (1,000 m²) and works for construction of pathway on eastern side of lake
- Coastal Pathway
 - Land for coastal pathway – 2,900 m²
 - Construction of coastal pathway within the site
 - \$1,000,000 contribution to connection of southern boundary pathway to Tanah Street East
- Vehicle Access
 - Land contribution of roads
 - Construction of roads
- Surf Life Saving Tower
 - Design and construction of surf lifesaving tower
 - Storage and first aid room for surf lifesaving activities
 - 25 years of patrols at appropriate tier rating by Surf Life Saving Queensland
- Southern Green Link
 - Land contribution of 4,500 m²
 - Retention and management of vegetation within green link
- Public Car Parking
 - Land contribution and construction of 80 parking bays
- External Road Contributions
 - \$1,200,000 contribution for external roadwork improvements such as South Coolum Road
- External Community Facilities Contribution

- \$500,000 contribution for an external local community facility improvement work such as the design, approval and construction work to upgrade the Mt Coolum toilet facility and carpark area
- Arts programs
 - \$500,000 over 10 years for local indigenous art program
- Maintenance Works and/or Contributions
 - Works and/or contribution to Council maintenance for public assets in the Masterplan area for 100 years

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: 4.3 - Service quality assessed by performance and value to customers

Operational Activity: 4.3.4 - Position Development Services to effectively meet business requirements into the future with a focus on statutory compliance, ensuring timely decision making, positive customer experiences and strong industry engagement.

CONSULTATION

Internal Consultation

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 Council:

- 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.

Councillors have been briefed throughout the process.

External ConsultationState Government (SARA)

The State Government Department of State Development, Manufacturing, Infrastructure and Planning is a concurrence agency for this application with regard to:

- 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 (Attachment 5) which includes 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.

Department of Environment and Heritage Protection

The application was referred to the Department of Environment and Heritage Protection 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.

Unitywater

Unitywater have 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).

Public Notification

The applicant initially commenced public notification on 23 October 2017. However, this public notification period was invalid due to process related matters (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 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.

PROPOSAL**Application Details**

The application seeks three separate approvals:

- 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/carpark lots, 2 buffer lots, 1 transfer station lot, 1 principal body corporate lot, 2 access lots & 2 balance management lots and access easements).

Preliminary Approval for Material Change of Use

A section 242 Preliminary Approval to override 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 (refer Attachment 2). 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 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 220 room hotel.
- Specify a maximum retail and commercial gross floor area of 2,770m².

- 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 development permits.
- 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 built form intention within each of the precinct/sub-precincts and identifies building form, siting, articulation and separation.

Stage 1 Development Permit for Material Change of Use

This application also seeks a Development Permit for Material Change of Use of Premises for the first stage of the development (refer Attachment 3) which comprises the following:

- Resort Complex – 220 room Westin Resort and Spa with conference facilities
- Multiple dwelling – 140 Serviced Apartments (for permanent & temporary accommodation) including:
 - 70 standard 1 & 2 bedroom units
 - 70 dual key 1+1 and 2+1 bedroom configurations
- Shopping complex – 2,770m² GFA (comprising shops, food & drink outlets and offices)
- Educational establishment - 239m² Beach Ecology and Indigenous Education Centre
- Community use – 49m² 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.

Stage 1 Development Permit for Reconfiguration of a Lot

The proposal seeks to subdivide the existing 10 lots into 13 lots (refer Attachment 4) comprising of:

- 2 commercial lots (Lots 101 and 200 (in 3 parts)),
- 3 park/carpark 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, and
- Public access easements over sections of the site to allow for the public to utilise the land such as the lake and beach accesses.

Proposed Economic Benefits

The applicant has provided an economic impact assessment to support the proposed development. The applicant has advocated 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% (\$175.3million) of the total derived from the hotel and related services.
- Gross value added into the local economy of \$120 million annually. Of this, \$91million is attributed to the hotel and related services.
- Creation of:
 - 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 Coolangub Resort & Spa

- 1,379 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 1,000m² 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.

ASSESSMENT

PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME

Under section 242 of the *Sustainable Planning Act 2009*, a preliminary approval may affect how the Sunshine Coast Planning Scheme 2014 is applied. 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 the relevant codes, or
- vary the level of assessment for future applications.

The applicant has submitted a preliminary approval document, which seeks to establish the *Yaroomba Beach Village and International Resort* Preliminary Approval Document which:

- Varies the provisions in the Height of buildings and structure overlay code;
- Varies the provisions in the Coolool local plan code;
- Include alternative tables of assessment for future applications (changing the levels of assessment for future material change of use and reconfiguring a lot applications).

The proposed variations to the planning scheme 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 buildings are located central to the site with the lower buildings located on the outskirts of the site as seen in the below map from the masterplan.

Whilst the Sunshine Coast Planning Scheme 2014 identifies a building height of 8.5 metres, the development can proceed under the current Coolool Hyatt Resort Preliminary Approval which allows development up to 4 storeys or 16m in height from the approved finished fill level in certain locations.

The proposed development includes built form to seven storeys (to RL29.6 which is a maximum height of 24.2m above finished ground surface level). The proposal conflicts with the planning scheme and previous preliminary approval with respect to building height.

The applicable overall outcomes state:

- a) *development contributes to the retention of the preferred built form character for the Sunshine Coast, and the local plan area in which it occurs*
- b) *the height of buildings and structures is consistent with the reasonable expectations of the local community*
- c) *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.*

The application has been assessed against the Coolool local plan code and found compliance with, or can be conditioned to comply.

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 Coolool 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.

Council's independent visual amenity expert has reviewed the proposed development noting these vantage points and found the proposal can satisfy the key provisions of the planning scheme.

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.

Tourism Standards – 5 star Resort

The applicant has provided an economic impact assessment to support the proposed development.

Council's external economic consultant reviewed the methodology of the applicant's Economic Report and has provided a revised analysis as follows for the hotel component of the proposal:

- *"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)".*

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 Coolool 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.

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

- Future developments will be required to comply with all setback and site cover requirements of the Sunshine Coast Planning Scheme (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 height limit requirements outlined in the preliminary approval.

- 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.

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.

The Sustainable design code 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.

Commercial Uses

The applicant provided an economic impact assessment in accordance with the planning scheme to determine the shopping centres impact on existing commercial centres within the locality.

Council's external economic expert believes it is unlikely that the proposed shopping centre would adversely impact upon the centre network.

Lot Size

The master plan seeks to allow for dwelling house lot sizes down to 200m². While this outcome would be consistent with the density outcomes proposed by the application, additional design criteria should be included in the master plan to allow for an appropriate design for these relatively small lots.

MATERIAL CHANGE OF USE (STAGE 1)

Building Height

This conflict has been discussed in detail at a broader level above under the Preliminary Approval section of the report.

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.

Car Parking

The proposal plans include

- 80 dedicated public parking spaces adjoining Council's existing community centre, which is sufficient and are comparable (or exceed) other beach access sites in the region such as Town of Seaside, Marcoola, Mudjimba and Peregian Beach.
- 326 private parking spaces are proposed for Stage 1 of the development. The proposed parking numbers for the serviced apartments, commercial/ retail uses and educational centre satisfy the Transport and parking code provisions. Further parking spaces are required for the resort complex 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). Conditions can be applied to provide an overspill car park area.

Architectural merit

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

- 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 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.

Council's independent architect has recommended a stepping down of height of the edges (similar to the hotel building) of the serviced apartment buildings. Plan amendments would be required.

RECONFIGURATION OF A LOT

The reconfiguration of a lot application generally complies with the planning scheme given the proposed lots are only management lots to facilitate the development of Stage 1.

Limited detail has been provided on the proposed volumetric roads to be dedicated so that the ground level is road reserve with the land below remaining in private ownership to allow for basement carparking and other private infrastructure. 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.

CONCLUSION

The proposed development for the Yaroomba Beach site is in conflict with the *Sunshine Coast Planning Scheme 2014* (SCP2014) relating primarily to the height of buildings proposed to be established as part of the proposed development and the consequential affects this has in terms of the overall scale and intensity of the proposed development.

It is acknowledged that the Sunshine Coast Planning Scheme 2014 does not reflect the current Coolum Hyatt Resort Preliminary Approval over the site. In addition, when the 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 subject site.

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 resort complex 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 proposed development will provide a demonstrable public benefit, the most significant potential adverse impacts of the proposed development appear to have been successfully 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 urgent need and the underlying assumptions surrounding the development of the site have changed.

Legal

Council's Legal Services Team have provided advice regarding this report and the development of the infrastructure agreement.

Policy

The application has been assessed against the Sunshine Coast Planning Scheme 2014, the Coolum Hyatt Resort Preliminary Approval and all relevant Council policies.

Risk

This matter can be appealed to the Planning and Environment Court by either the applicant or a third party submitter. Council will proceed with any required actions resulting from any legal action.

Previous Council Resolution

A proposed scheme amendment was considered at a Council meeting on 27 April 2015, where Council resolved:

Special Meeting 27 April 2015 (SM15/9)

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.*

Related Documentation

A copy of the officers' full and detailed assessment report is included as Attachment 1 to this report. The detailed assessment report contains all the specific assessment details under the planning scheme considered in Council's assessment of this application.

Critical Dates

Council's decision for the application is due on 29 June 2018. If no decision is made by this date, the applicant may elect to take a deemed refusal. This results in the decision being taken to the Planning and Environment Court to consider the matter.

Implementation

Council officers will communicate the outcome of Council's resolution to the applicant and submitters as appropriate.

5 CONFIDENTIAL SESSION

Nil

6 NEXT MEETING

Nil

7 MEETING CLOSURE