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Mail: PO Box 105  
Coolum Beach QLD 4573

Email: [mail@oscar.org.au](mailto:mail@oscar.org.au)

**Assessment Manager Sunshine Coast Council,**

**mail@sunshinecoast.qld.gov.au**

**Application No:** *MCU17/0095, MCU17/0096 & REC17/0056*

**Applicant:** *SH COOLUM PTY LTD*

- Proposal:**
- 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 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 easements)

**Address:** David Low Way YAROOMBA

<b>2. Submitter details</b>		
Full name/s Organisation Sunshine Coast Association of Residents Inc. (OSCAR Inc.)		
Postal address PO Box 105		
Suburb COOLUM BEACH	State Qld	Postcode 4573
Submitted by Secretary OSCAR Inc.		
Date of submission 16 January 2018		

OSCAR Inc. is a non-partisan and non-profit peak organisation for resident and community organisations on the Sunshine Coast.

OSCAR Inc. currently has 44 member groups, ranging in distribution from Caloundra to Noosa and the Coast to the hinterland. The objectives of OSCAR are to have Sunshine Coast Regional Council and Noosa Council achieve and maintain:

- Transparent and accountable governance, including community consultation that is respected and acted upon;
- A culture in which planning schemes are subject to amendment only in the public interest after a rigorous process of public consultation and never to expedite the approval of a development application;
- A rate of population growth consistent with a balance between the natural and built environments that permits a comfortable lifestyle and preserves biodiversity;
- Retention of the existing character of towns and villages, with future urban development low-rise and supported by environmentally responsible transport options;
- Developers being fully responsible for project infrastructure costs; and
- Rates set as low as possible consistent with efficient and effective delivery of local government services.

## Summary

Oscar Inc. makes this submission on behalf of its member groups. OSCAR Inc. believes that the applicant is this development has understated the planning conflicts with the Sunshine Coast Planning Scheme 2014 (SCPS 2014). The applicant suggests that the conflict with the SCPC 2014 is limited only to building heights. OSCAR believes, based on SCRC's planning documents that there are substantial conflicts with SCPS 2014 Strategic Framework, building heights, densities, character, scenic value, traffic and environmental concerns.

The following outlines the key conflicts with the SCPS 2014 and associated Sunshine Coast Council documents and policies.

### Primary conflicts with the SCPS 2014

#### HEIGHT

OSCAR does not agree with an increase in building height over and above that allowed under the 2014 Planning Scheme, which is 8.5 metres. The developer is seeking approval of up to 24.5 metres or above and if there is any fill applied that height could be an additional 5 metres. The proposed heights are grossly out of character with Yaroomba and the Coolum area and should only be supported in primary centres, such as Mooloolaba and Maroochydore.

#### DENSITY

This proposal fundamentally conflicts with the density of development planned for the site under the Sunshine Coast Planning Scheme 2014 (SCPS). This proposal is primarily a high-density residential estate in a location clearly planned for low-density development consistent with the established low-key coastal character of Coolum and Yaroomba.

The proposed density of around 1000 dwellings, including dwelling lots of 220sq.m., and including a 220 room hotel, grossly exceeds the density of the site's existing approved master plan, which allows only 315 dwellings, and the density allowed under the SCPS 2014. The SCPS 2014 seeks development in line with the density of existing Coolum Residences on the adjacent land and the developed character of Yaroomba more broadly. The proposed density represents a significant over-development of the site and cannot be justified.

The approval of DA MCU 17/0096 St 1 depends on preliminary approval of Yaroomba Beach Master Plan (MCU 17/0095 as per the S242 application.

This proposed Master Plan for Yaroomba Beach seeks to change the existing SCPS 2014 from low-density residential to very high density residential, the equivalent of 1,163 2x bedroom development.

This is totally inconsistent with the SCPS 2014 and as a consequence unacceptable to the community.

#### STRATEGIC FRAMEWORK

The proposal seeks to override planning scheme provisions for the site and broadly sets aside both the outcomes sought by the planning scheme codes and the intensity of development allowed under the site's existing development approval. It must therefore meet the planning scheme's Part 3 – Strategic Framework for development but fundamentally fails to do so.

The development is totally at odds with outcomes sought under Theme 6 – Community identity, character and social inclusion of the planning scheme, including the following Key concepts identified in Section 3.8 of the scheme:

(2) Maintenance of the Sunshine Coast as a place that is distinct from and separate to other parts of metropolitan South East Queensland.

(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.

The proposal does not otherwise find support under the planning scheme's other strategic themes. The applicant strongly suggests the hotel component aligns with Council's economic development goals but there is almost no

explicit support for development of this nature under both the planning scheme's Theme 2 – Economic Development or Council's Economic Development Strategy 2013-2033.

Whilst the application purports to deliver mixed-use development with a tourism focus, the development yield figures clearly show the hotel is only a minor component of a high-density residential development. The 220 room hotel represents just 6.6% or a 1/15th of the proposed residential yield. The minor tourism component is proposed to justify the gross overdevelopment of the site but the application cannot be considered to be a tourism focused development in line with expectations under the planning scheme.

In terms of “new growth areas” under 3.2.1, there is no specific reference to Yaroomba as a major new growth/development area or priority investment area.

If this proposal is approved the 2031 goal of 3.2.1 “*the Sunshine Coast is renowned for its vibrant economy, ecological values, unique character and strong sense of community*” will certainly not be achieved in Yaroomba.

## **TOURISM FOCUS**

Even though this site is within a *Tourism Focus Area* this proposal is not focussed on tourism but high density residential development with a very small tourism component.

Whilst the application purports to deliver a mixed-use development with a tourism focus, the development yield figures clearly show the hotel is only a minor component of a high-density residential development. The 220 room hotel represents just approx. 6.6% or a 1/15th of the proposed residential yield. The minor tourism component is proposed to justify the gross overdevelopment of the site but 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 sought for Yaroomba and would likely compromise its function and role in the local tourism sector and viability.

The community also questions the proponents claim that the hotel is an eco-resort and asks the following questions:

1. Does the proposal have eco-tourism accreditation?
2. If it is accredited, on what grounds was accreditation given?
3. If it is not accredited is the developer attempting to mislead the community?

This proposal does not meet the applicable SPP/SPP Guidelines for Tourism. Extracts from the Guidelines indicates that the State Interest when “Making or amending a planning scheme”, the planning scheme is to appropriately integrate the state interest by:

1. considering the findings of tourism studies and plans prepared by the state for the local and/or regional area,
2. identifying and protecting opportunities and localities or areas appropriate for tourism development both existing and potential and,
3. facilitating and streamlining the delivery of sustainable tourism development that:
  - a) is complementary to and compatible with other land uses, and
  - b) 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, and
4. planning for appropriate infrastructure and services to support and enable tourism development.

OSCAR questions whether, given the scale of the tourism development of this proposal compared with the residential development proposed, does this proposal protect the locality for potential tourism. Surely a tourism facility such as a low-key, high-end eco-resort development over the whole site, integrated with the adjacent Palmer Coolum Resort (revitalised) would better meet the SPP Guidelines and the “tourism focus” designation of the site.

## **TRAFFIC**

The ongoing traffic impacts will be significant and has no basis for support.

Sunshine Coast Council’s draft Parking Management Plan indicated some key problem areas around Coolum where there is insufficient parking. This needs to be addressed before any development drawing this number of people is even considered.

The proposed over-development of the site will introduce thousands of daily unplanned vehicle trips in the local area. It will place an additional 2000 to 3000 vehicles in the area and will significantly impact not only Yaroomba but also areas north and south. There is insufficient parking indicated in the proposal to cater for an additional 2000 to 3000 vehicles.

Traffic impacts south of the proposed development site become more significant when the airport expansion and recent approvals in David Low Way (DLW) Marcoola are taken into account. Even with the recent roadworks undertaken on David Low Way Marcoola, access from Petrie, Lorraine, Tamarindus, Seaside and Boardwalk Boulevards onto DLW is not easy and at peak times dangerous. Similar conditions apply to the streets east and west of DLW heading north from the proposed development at Yaroomba Beach.

Access to the MT Coolum local Shopping Centre via DLW is often difficult now and drivers often have to wait for signal changes (recently installed traffic signals) at the intersection of DLW and Tanah St. The current construction of apartments at the intersection of Suncoast Drive and DLW will increase traffic into already difficult access to both the shopping Centre and the Mt Coolum Childcare Centre, where each facility has a single access point for entry and exit. Increased traffic from the proposed SH development will only massively exacerbate this issue, creating safety issues and potential "rat-running" via Jarnahill Drive, a residential street.

Similarly to the north of the proposed development, traffic is already an issue. The intersection of DLW and Beach Rd often sees traffic banking north, south and west with no opportunity of road widening without expensive land acquisitions. Similarly traffic at the intersection of School, Yandina and South Coolum roads is grid-locked at school times, peak hours and through holiday periods. Additional traffic generated by this proposal will only exacerbate these already existing problems. In all instances duplication of roadways will require land acquisitions and destruction of existing residential, tourism and/or commercial buildings or the loss of foreshore land at Coolum, all of which are unacceptable.

## **TURTLES**

The visual space, and the irreversible environmental impact caused by light pollution (light spill) from 24.5m /7 storey building heights and the glow from an extremely dense development, would impact on the nesting habitat of endangered nesting loggerhead turtles and threatened green turtles. Turtle friendly lighting is not applicable to Australian stocks of turtles. The irreversible effect of light pollution from high-rise development and/or high density development is forever in place and has in-turn destroyed endangered and threatened sea turtle nesting habitat in the section of beach from the intersection of Coolum- Yandina Rd and David Low Way south to Point Perry, and then in areas including Mooloolaba and Maroochydore. The continual destruction of protected animal habitat in Queensland whether it be an endangered species or not is unacceptable.

## **NEED / GROUNDS**

Need is a critical issue for this application because it fundamentally conflicts with the planning scheme. There is no demonstrable need for the development because:

- It proposes an intensive high-rise residential estate outside of centres planned for this type of development. The residential density is not needed because the site is not required or planned to meet residential dwelling targets on the Sunshine Coast beyond densities consistent with the surrounding area. Dwelling density targets for the Sunshine Coast are to be met under the scheme in appropriate planned locations;
- The proposal does not align with any of the Sunshine Coast's statutory, policy or strategic instruments. There is no need for the development that justifies its approval;
- There are insufficient grounds to support the proposal in accordance with Section 329 of the Sustainable Planning Act 2009. The grounds listed by the applicant are largely erroneous and focus on the minor hotel component and economic benefits that would also flow from appropriate development in suitable planned areas. The applicant's grounds are deficient and there is no basis for approval of the application; and
- It does not meet any need for a high-quality resort in a low-key coastal setting. The hotel provided is compromised because it sits within a high-density residential estate more akin to an inner-urban setting of a capital city and it will be surrounded by a construction site for 6 to 8 years.

## **PRECEDENT**

The application threatens the integrity of the planning process on the Sunshine Coast.

Approval of the development would set a dangerous precedent because it would:

- Fundamentally conflict with the provisions of the Sunshine Coast Planning Scheme 2014;
- Be without sufficient reasons to overcome the conflicts with the planning scheme or the impacts the development would introduce;
- Encourage further applications for development at odds with the Sunshine Coast's planning scheme and policies; This is also evidenced by the fact that the developer has referred to the two existing high-rise buildings in Coolum as part of their argument to gain an increase in height;
- Cause future inconsistent proposals to become harder to resist due to compromised planning decisions and the resultant unplanned development outcomes. Notably the site is adjacent the Palmer Coolum resort, which now sits idle. It would be reasonable to expect the intensity of development approved on the subject site would also be sought on that land. If Council finds reasons to support the current development it would be difficult to oppose a similar style of intensive development on the Palmer Coolum site or other out-of-centre areas of the Sunshine Coast.

## COMMUNITY ENGAGEMENT FLAWS

The Mayor of the Sunshine Coast Council and the Minister for Tourism said Sekisui needed to gain the support of the local community. It has not gained their support and yet it has gone ahead with a Development Application regardless.

The developer conducted 3 forms of Community Engagement:

1. A series of workshops for invited representatives, where the restrictions that were applied were difficult for community groups to comply, eg short notice and response time (4 days for response), and the **same member** had to attend all the sessions, ie no proxies.
2. A listening post at Mt Coolum Shopping centre complex.
3. A survey that could be completed on line

On the surface these processes appear to be a reasonable attempt at Community Engagement. However, the implementation of these activities left much to be desired and certainly were NOT best practice community engagement.

Community groups find it extremely difficult to arrange at short notice a single nominee, for a series of workshops. Some community groups, based on their Constitution or Rules of Operation must have such a nomination endorsed by members, not something that can be achieved in 4 days.

The listening post focussed on the supposed benefits of the proposal and only referred to heights of buildings, densities and the conflict with the SCPS2014 when staff were asked directly. They did not voluntarily tell participants about the issues that they were well aware was the primary concern of the local residents and tourists who visit the area ie. Do you agree to an increase in height & density on this site? Anecdotal reports of the process included; "Sekisui's community engagement was just marketing to try and sell their development. They only ever talked about the small component for the resort and never once mentioned the 1000 odd dwellings. This was very deceptive and I believe any representations to the Council that they conducted community engagement should be totally ignored". (Participant in the listening post.)

In relation to the survey many participants felt it was dishonest and made the following comments about the survey:

- The developer's community consultation was dishonest. They worded their survey in order to get the answers they wanted rather than asking the questions they knew were the major issues for the local community and tourists who visit the area
- Sekisui did not conduct best practice community engagement and I can only assume that is because they knew they wouldn't get the result they wanted. Their survey was deceptive in that it worded the questions in order for them to get the answers they wanted.
- They have only advertised their hotel and park (which is not to scale) and people think they are supporting something totally different to what is in the Development Application.

To be frank the survey would be an embarrassment to a professional survey developer and any results from it should be discounted in consideration of the applications. In fact a year 12 geography student would have constructed a survey that was more discriminating in its questions and seeking people's understanding and responses and with greater validity and reliability than the Sekisui survey.

## CONCLUSION

The proposal breaches the Planning Scheme and is counter to the values the community wants observed. The Sekisui House proposal does not meet its intent to create a world class 5 Star Eco - tourism destination and creates a high density and high rise residential unit precinct at Yaroomba which is inappropriate.

“The Mayor of the Sunshine Coast Council said the Planning Scheme was there to provide certainty for the community. If this application were approved, there will be no certainty for the entire Sunshine Coast community.” (Member of the public reporting on comments made by the Mayor).

The Planning Scheme is intended to provide certainty to both developers and the community and to reflect the values and aspirations of the community in relation to development. The current SCPS was only completed in 2014 and was widely accepted by the community.

By seeking to override the SCPS 2014 Sekisui is not respecting the wishes of the broader community and as a consequence the applications should be refused.

Should SCRC approve the applications they will have lost the opportunity to create something special on this site. Yaroomba beach is one of the last remaining large beachfront Tourism Focus sites on the Sunshine Coast, with the natural and cultural attributes and visual amenity, such as:

- Proximity to and view to and from Mt Coolum, across the coast, with predominantly low-rise buildings
- Natural coastal features – beach, dunes, ocean access
- Incredible views along the coastline from Pt Arkwright, uninterrupted by high rise buildings
- Endangered turtles nesting within a few minutes' walk from the site
- Very diverse native wildlife including the swamp wallaby, kangaroos, bandicoots, and many species of birds
- Dunal formations eg the parabolic dune, recognised as iconic and also a defence to future sea-level rise
- A village atmosphere in Yaroomba, without large busy shopping complexes
- A 15 minute walk to the Local Centre shops at Mt Coolum and,
- A 4km drive, walk or bus to the Coolum Shopping Centre.

Should SCRC approve these applications by Sekisui to cover this Tourism Focus site with high-density residential and heights and densities three times greater than that identified in the SCPS 2014 for the sake of ONE 220 room hotel, it will be an abrogation of responsibility on behalf of the Council.

OSCAR recommends that SCRC encourages development on this site that really values the attributes of the site and demands building design, heights and densities that are in sync with the site, not ones that could be found in any major city across the world or along railway lines into Brisbane. This site demands something unique.