

Development Watch Inc

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The Chief Executive Officer
Sunshine Coast Council
PO Box 76
NAMBOUR QLD 4560
(By email)

Dear Sir,

SUBMISSION
MCU12/0190 – MATERIAL CHANGE OF USE
ADDITIONAL TOURIST FACILITIES, PALMER COOLUM RESORT
157 WARRAN RD YAROOMBA

Palmer Coolum Resort Pty Ltd has submitted a revised application for a material change of use to add new tourist attractions to the existing Resort. The proposed attractions are:

1. A staged vintage car museum/gallery/exhibition space within 4 marquees of 500m² each and a theatre/gallery marquee of 75m²;

and

2. Mini dinosaur exhibit of 160 “statues” (originally only “up to 50 small animated statues”).

The development of the Resort is governed by the Maroochy Plan 2000 (MP2000) and the Resort Master Plan¹.

The subject land is within Planning Area 10 (Mt Coolum) and Precinct 8 (Coolum Hyatt Resort) as defined in MP2000.

Development Watch supports the ongoing development of the Resort to enhance the Resort’s five-star status and to act as a magnet for visitors to the Sunshine Coast. However, we have significant objections to the Development Application

¹ Coolum Hyatt Resort – Master Plan Document, January 2010, Final Approved Document, Version 200110 (Resort Master Plan)

including that the proposed development does not comply with Maroochy Plan 2000 (MP 2000) and the Resort Master Plan.

CONFLICT WITH PLANNING SCHEME

Development Watch accepts that, under certain circumstances, Council may approve an application that conflicts with MP2000. Any departure from the plan must of course be justified by the applicant demonstrating to Council that there are sufficient grounds for that departure. The Sustainable Planning Act (SPA) requires that Council's decision on an impact assessable application must not "*conflict with [the planning scheme], unless ... there are sufficient grounds to justify the decision, despite the conflict.*"² "Grounds" are defined as "*matters of public interest*" but do not include "*the personal circumstances of an applicant, owner or interested party.*"³ If Council does resolve to approve the application despite the conflict with MP2000, then it must publish in its Decision Notice "*the reasons for the decision, including a statement of the sufficient grounds ...*"⁴

MP 2000 outlines the vision for Planning Area 10 (Mt Coolum) as:

"(1) It is intended that:

The Planning Area continue to accommodate a mix of master planned residential communities and tourist facilities set beside the beach and against the visually dominant Mt Coolum. Mt Coolum is a landmark of enormous cultural, ecological visual and social significance and will continue to be highly valued by the community for these reasons. The area will be characterised as a grouping of residential villages set amongst green open spaces that provide for nature conservation and recreational activities.

(2) This means that:

(a) the Coolum resort's existing and potential future activities are to be recognised and protected where in keeping with the environmental and community values of the area;"⁵

Further, MP 2000 identifies Precinct 8 as the Resort and as a Master Planned Community with the following intent:

² Sustainable Planning Act 2009 (SPA), s326 (1) (b).

³ SPA Schedule 3, Dictionary.

⁴ See SPA s335(1)(n).

⁵ MP2000, Vol 3, 3.10.2

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“This Precinct comprises the site of the Hyatt Regency resort. The resort’s continued use is intended in accordance with past development approvals. Future approvals may provide for further development. Such development is intended to be carried out to be sustainable by respecting the environmental and landscape values of the area.....”⁶

The proposed two new “attractions”, vintage motor museum and dinosaur park, do **not** respect the environmental and landscape values of the area. In fact these man-made attractions detract from these values. These proposed developments are totally outside the scope of what MP2000 anticipated for the resort precinct.

The resort is enhanced by the towering backdrop of Mt Coolum. If these man-made attractions are approved, the natural features which are currently enjoyed by resort visitors and guests will be dwarfed by the awkward placement of 160 dinosaurs and the oversized tents which are to house the cars.

CONFLICT WITH RESORT MASTER PLAN

Further development of the Resort is subject to the latest Resort Master Plan⁷ finalised in January 2010.

The Applicant, in its response to Council’s Request for Information, submitted a revised proposal which largely limits development to Precinct 1 (Resort) and in particular Sub Precincts 1A and 1B. These Sub Precincts include the resort central facilities, associated accommodation and car parking facility.

The Resort Master Plan⁸ outlines the Intent and Preferred Uses for each of the Resort Precincts and Sub-Precincts. The Intent for the Resort Sub Precinct 1A indicates:

“The resort central facilities and associated accommodation will generally remain unchanged. Some consolidation and refurbishment of the central resort facilities may occur together with the provision of additional resort facilities ancillary to the resorts ongoing operation.”⁹

The Preferred Uses for Sub Precinct 1A are outlined in the Supplementary Table of Development Assessment for Precinct 1 – Material Change of Use. The preferred uses for Sub Precinct 1A are:

⁶ M 2000, Vol 3, 3.10.4 (8)

⁷ Coolum Hyatt Resort – Master Plan Document, January 2010, Final Approved Document, Version 200110 (Resort Master Plan)

⁸ Resort Master Plan Document; 7.1 p7-8

⁹ Resort Master Plan Document; 7.1, p7

- a. *Child Care Centre*
- b. *Indoor Recreation Centre where*
 - *Amusement Parlour*
 - *Gym*
- c. *Indoor Recreation Centre where*
 - *Theatre*
 - *Cinema*
 - *Nightclub*
 - *Indoor Sports Centre*
- d. *Restaurant*

The Applicant's proposed Motor Museum and Dinosaur Park are not envisaged and differ very significantly from the preferred uses outlined in the Resort Master Plan. The dinosaur exhibits will potentially dominate the natural setting and 'feel' of the resort. Creating a 'theme park' will not support the resort experience (and one that had achieved five-star international resort status). Rather, the resort proper will be sacrificed for a questionable venture not in keeping with the preferred uses. The Applicant has not provided sufficient grounds that would permit a significant departure from the Resort Master Plan.

The proposed developments are unlikely to make a meaningful contribution to the local economy. The Applicant has indicated that 6-10 new jobs could be created for the Motor Museum. This hardly represents significant new employment for the region, particularly as, according to local anecdotal evidence, since Mr Palmer's ownership of the resort there has been a loss of over 200 jobs. There is no evidence that visitors to the proposed attractions are likely to visit nearby centres such as Coolum Village meaning there is no net benefit to the broader community.

We also strongly object to the proposed dinosaur park encroaching on areas outside Sub-Precinct 1A. The encroachment is onto Sub-Precinct 2, the golf course, which is protected by a covenant prohibiting any such development. The Resort Master Plan also makes clear that, other than the Community Nursery, the remainder of Sub-Precinct 2 is for the golf course and park¹⁰ – not for part of a fenced dinosaur park. No justification for this encroachment is provided.

We reiterate there are not sufficient grounds for the proposed departure from the Resort Master Plan.

¹⁰ Resort Master Plan Document, p11.

GROSS FLOOR AREA

The Resort Master Plan also outlines the expectation that “...all Indoor Recreation, Restaurant and other Commercial uses with the Precinct do not exceed a maximum total combined gross floor area of 1250m² in the precinct...”¹¹

The Applicant has proposed the motor museum will include four large marquees and one smaller one with a total gross floor area of 2,075m². This is, at a minimum, 66% larger than anticipated.

Further the applicant has sought approval for a permanent structure with a GFA of 5000m², at least 400% greater than anticipated.

The Applicant has not provided any grounds that might justify approval of the proposed excessive gross floor area.

CONFLICT WITH DRAFT SUNSHINE COAST PLANING SCHEME 2012

The Draft Sunshine Coast Planning Scheme 2012 does not envisage man-made attractions for the Resort. The draft plan includes a table outlining the tourism focus areas in the region. The Palmer Coolum Resort is placed in the coastal tourism area and not included in the section for man-made attractions¹².

The attractions proposed by the applicant do not, in our view, achieve the specific outcomes for tourism and tourism focus areas outlined in the draft plan, in particular:

“(d) A tourism activity is undertaken on a sustainable basis that protects and capitalises upon the natural values and key lifestyle attributes of the Sunshine Coast.”¹³

Motor museums and dinosaur parks do not capitalise on the natural values of the Sunshine Coast. It is our view that these two man-made attractions detract from the natural values of the Resort and the Coast.

As item (d) cited above outlines, the draft plan envisages that “.. *tourism activity is undertaken on a sustainable basis*”. The reported significant loss of jobs at the resort, the reported low occupancy at the resort and the loss of the major event,

¹¹ Resort Master Plan Document, 7.1, p8

¹² Draft Sunshine Coast Planning Scheme 2012, Part 3, 3.4.6.1, Table 3.4D

¹³ Draft Sunshine Coast Planning Scheme 2012, Part 3, 3.4.6.1

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the PGA,¹⁴ must raise questions about the sustainability of these proposed projects.

The Resort is included within the boundary of the Coolum Planning Area. The local plan code for Coolum, describes the purpose and overall outcomes for the area. It states:

“(j) The Palmer Coolum Resort continues to be developed as an integrated tourist and residential development focussed around an 18 hole championship golf course and large areas of open space. Development is configured in a series of beachside villages and other precincts that sit lightly in the landscape and that are separated by green corridors and lush subtropical landscaping. Development respects the scale and character of surrounding areas.”¹⁵

Clearly, the proposed attractions are not consistent with the stated purpose and overall outcome. Four large marquees and 160 dinosaur statues do not “sit lightly” on the landscape. These proposed attractions are also inconsistent with the requirement that development continues to be focused around the golf course and large areas of open space.

Coolum Local Plan Code (7.2.9) also states, in the Acceptable Outcomes against Performance Outcome PO15, that

“Development in the Emerging community zone at Palmer Coolum Resort is currently regulated in accordance with an approved Master Plan and Plan of Development.”¹⁶

The proposed development, as outlined earlier, does not comply with the Resort Master Plan.

CONFLICT WITH DRAFT ECONOMIC STRATEGY

The *Draft Sunshine Coast Economic Development Strategy 2013 to 2033* recently released for public comment outlines the strategy intended to make the economy of the Sunshine Coast more sustainable and

“supports our enviable and authentic lifestyle and natural assets.”¹⁷

“...is intended to strengthen and extend our traditional construction, retail and tourism industries.....”¹⁸

¹⁴ The Weekend Australian (15-16 June, 2013),

¹⁵ Draft Sunshine Coast Planning Scheme 2012, Part 7, 7.2.9.3

¹⁶ Draft Sunshine Coast Planning Scheme 2012, Part 7, Table 7.2.9.4.1

¹⁷ Draft Sunshine Coast Economic Development Strategy 2013 to 2033, p4

¹⁸ Ibid

The strategy places considerable focus on “.....*higher-paying, enduring employment*”¹⁹

It appears highly unlikely that the proposed motor museum and dinosaur park will contribute to sustainable and enduring employment as envisaged in this strategy. Nor do the proposed “attractions” support our natural assets. In fact, in our view, they would degrade them.

OTHER ISSUES

DINOSAUR PARK

The Applicant has revised the number of dinosaur “statues” from “up to 50” as indicated in the original application to 160 as advised in their response to Council’s Request for Information.

Size and Density

The Applicant has provided an attachment that outlines the height and length of 148 of the proposed 160 dinosaur exhibits²⁰. This attachment shows that one of the dinosaur exhibits proposed exceeds 8.5m in height.

Height limits on all buildings in Precinct 1A are 8.5m. Whilst the dinosaur exhibits are not buildings it seems inappropriate to allow exhibits to exceed the maximum building height.

We note that the applicant proposes that a number of the exhibits will be “flying” and there are 25 dinosaurs identified with wing spans of 3-4metres.

Many of the proposed dinosaur exhibits will be very large with 14 of the exhibits between 12 and 22 metres long, 77 between 4 and 10metres long. If all the exhibits, excluding those proposed to be “flying”, were to be put end to end they would be over 700m in length.

The density of dinosaur exhibits in the relatively narrow strip proposed for the dinosaur park would be high. The applicant advised the area proposed for the dinosaur park is approximately 1 hectare and that no existing trees will be removed. Depending on the width of the area between the villas and the edge of the Resort sub-precinct 1A, placing 160 exhibits could mean 3 rows of large dinosaur exhibits along that strip.

¹⁹ Draft Sunshine Coast Economic Development Strategy 2013 to 2033, p4, 7,9,16,18

²⁰ Applicant’s Response to RFI Part 1, Attachment 1

Amenity Issues

Noise

The applicant advises the dinosaur exhibits will be animatronic and will “roar”. Most, although not all, of the 160 exhibits are expected to roar. The likely level of noise from the “roaring” exhibits will be, consistent with that purpose, very noticeable. As the dinosaur park is expected to be open from 10am to 9pm daily the noise will also be constant. The Applicant should be required to submit a Noise Report from an appropriate expert to identify the noise level and the radius in which the “roaring” will be heard.

The noise from “roaring” dinosaur statues will result in a loss of an amenity for the guests occupying the villas alongside the proposed dinosaur park. It may also be an amenity issue for nearby residents outside the resort boundaries and golfers playing alongside the dinosaur park.

Visitors to the dinosaur park will also generate noise. Weekend visitor numbers are expected to be around 150 per day with 30% of visitors being children. Noise from visitors to the dinosaur park will also represent a loss of amenity for guests in the nearby villas.

Visual amenity

The erection of a fence around the dinosaur park substantially reduces the visual amenity of the guests residing in the villas nearby.

Their vista will now be a fence and densely placed roaring dinosaurs.

The applicant has not outlined whether visual barriers (eg hessian) will be placed around the fence surrounding the dinosaur park (to ensure visitors and guests pay for their dinosaur experience) but if this is proposed this would represent a very significant loss of visual amenity for the nearby villa guests, replacing a relaxing view of tall trees, green space and the lake with a covered fence. Such action would also result in significant loss of visual amenity for all visitors to the resort including resort golfers.

Access to the lake and the grounds

Establishment of the dinosaur park and the erection of the park fence results in guests losing their access to the lake and to the green space immediately in front of their villas.

Quiet Enjoyment

The applicant proposes the dinosaur park will be open from 10am to 9pm daily. This leaves very little time for the nearby guests to enjoy any peace and quiet.

Light

The applicant has not outlined how the dinosaur park lighting will function from sunset until the park closes at 9pm every day. Assuming that the park will be lit during the evening hours this will further reduce the amenity for guests in the nearby villas. It may also impact on nearby residents outside the resort precinct.

SAFETY

Marquees

The motor museum marquees do not appear to be cyclone proof. The work already done preparing the site in anticipation of approval of the development application suggests that the marquees will not meet building regulations for cyclone resistance.

CAR PARKING AND TRAFFIC

The traffic report submitted by the applicant concludes that there are currently sufficient car parking spaces to accommodate the expected visitors to the two attractions. However, this is because "... the current car park usage is relatively low..."²¹ If occupancy at the resort was to increase to previous levels then car parking would be a significant issue.

The Traffic Report does not adequately address the car parking issues that result from events run at the resort. There are a large number of these, such as the food and wine weekend. The applicant proposes to run more of these associated with the motor museum (eg "new vehicle releases"²²). It is unclear whether these types of events are categorised as "special events" and therefore trigger the use of the driving range for overflow parking. If not, the current car park will be inadequate. If it does trigger the use of the driving range this would be inappropriate as the frequency of events would deprive golfers of this resource. Also as the driving range is protected by covenant it should not be regularly used for this purpose.

²¹ Applicant's Response to RFI Attachment 3 Traffic Report, p29, 5.7

²² Development Application, Report, p3

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The traffic report concludes that there will be no significant impact on traffic flows on either Warren Rd or David Low Way. The report indicates that on a peak visitor day (weekends) there will be an additional 213 car trips²³ representing an additional traffic volume of 10%. This is a significant increase and will impact on local residents.

CONCLUSION

Council should reject the development application MCU12/0190 because:

1. It conflicts with MP2000, the Resort Master Plan, the Draft Sunshine Coast Planning Scheme 2012 and the Draft Economic Strategy;
2. The proposed dinosaur park encroaches on Precinct 2 – the golf course;
3. The applicant has not provided sufficient grounds to justify approval of the proposed development despite these conflicts;
4. The nature of the proposed developments, dinosaur park and motor museum are out of keeping with the landscape and environmental values; of the area and, rather than enhancing these values as required by MP2000, will detract from them;
5. The gross floor area for the motor museum exceeds the maximum envisaged by at least 66% and the proposed permanent structure is at least 400% greater than the maximum envisaged;
6. There will be a very significant loss of amenity for guests in the nearby villas and possibly for nearby residents;
7. The car parking arrangements are inadequate for the increased volume of visitors and it is not acceptable to use the driving range as an overflow car park.

Yours sincerely



Marian Kroon
President

²³ Response to RFI Attachment 3 Traffic Report, p26, 5.3.2