

**19<sup>th</sup> October 2017**

Mr Dale Dickson  
Chief Executive Officer  
City Of Gold Coast Council  
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**Dear Mr Dickson,**

**Re: City of Gold Coast Planning Scheme (City Plan) approvals**

In 2016, the City Plan was adopted by Gold Coast City with the intention of accommodating the growing population with infill development within the urban footprint. Gecko Environment Council (Gecko) supports this approach in principle to protect and conserve the biodiversity and rural lifestyle of the hinterland. However, since the City Plan's inception it has become apparent that the interpretation of the planning instruments by city planning staff and some Councillors, in assessing and approving development applications is extremely broad and is leading to what we consider excessive relaxation of conditions. This causes great community distrust of the planning assessment process and fear that they will wake up one morning to find a monolith has been code assessed and approved next door to their premises.

**MERIT BASED ASSESSMENT**

While some flexibility in planning is considered desirable if it leads to better quality developments and improved social amenity, such flexibility in a merit -based assessment process can be abused to the detriment of the city and its residents. It is our contention that this process is indeed being abused in Gold Coast City.

Most leading community groups are greatly concerned about this trend, considering that it leads to undesirable social outcomes as well as negatively impacting on the physical fabric and sustainability of the city.

Throughout the city developments are being approved with few mitigating conditions to address non-compliance with the Strategic Intent and detail of the City Plan. These include:

- Greatly increased densities e.g. mapped residential densities are being relaxed to the density of Surfers Paradise and density increases of 2 or 3 times that allowed apparently with no community benefit. One example is ONYX on GC Highway at Palm Beach where the density has been increased from 64 units to 150. Another example is a duplex construction where the building is allowed to the boundary. This impacts on both neighbours of the property as they will not be permitted to reduce their set-backs at all.
- Greatly increased heights,
- Greatly decreased setbacks from site boundaries,
- Inadequate parking requirements and
- Greatly reduced communal space in mid and high rise buildings.

While increases (or decreases) in these applications under current assessment criteria can be expected to some extent, we understand that they should not be approved without a corresponding community benefit (See attachment A). To quote from the Community Benefit policy relaxations of the order that we are seeing *"must have met the overall outcomes of the zone and any other relevant code.*

*In addition, the community benefits envisaged need to:*

*(a) be demonstrably in excess of those that would normally be expected of the development under the relevant provisions of this planning scheme or building regulations; and*

*(b) meet both the purpose of the element and the prerequisites identified in the table in SC6.5.4.”*

This is not happening and indeed the quantitative listing of community benefits in the City Plan are not being applied conscientiously to development assessments. The excessive yields in density and/or height do not tally with the “allowable” development contributions in SC 6.5.4.

An example is the Komune application for Coolangatta south, where the justification for the increase in height by more than double and site coverage of 90% from 50%, is that ‘ it is good for the area, a 6 star hotel is needed, and that it is not a precedent’. The building relaxations could not have been approved under SC 6.5.4 criteria of ESD/green buildings, there are no community facilities or improvements, no public art or artistic exterior lighting benefits, and the amalgamation bonus is well over the maximum of 6%.

Community concern also surrounds the lack of attention to the cumulative effect on the neighbourhoods and collectively across the city. There is little recognition by Council planners and Councillors that this can lead to a loss of social cohesion as neighbourhoods change rapidly beyond recognition to current residents. Further the broader public interest is not sufficiently considered and the benefits to the individual developer dominate. An example of this is in Palm Beach where a series of relaxations have been approved without community benefits and no recognition of the cumulative strain on existing community facilities.

Applications are not being assessed on their own merit because previous approvals with considerable relaxations are acting as a precedent thus making it difficult, if not impossible, to refuse subsequent applications. These relaxations in turn are not subject to scrutiny by the affected residents/community.

#### **CODE ASSESSMENT**

Assessment of code assessable developments, (which nowadays accounts for most applications) are approved by delegation to officers. This practice would suggest that acceptable solutions should be scrutinised more and who determines what is acceptable should be clearly defined as well as well-defined criteria. Officers need to be able to demonstrate that their planning decisions result in better outcomes for the area and its residents, not only for the benefit of the applicant/developer.

At times, the code assessable decisions are made by a committee consisting of the Mayor, Planning Committee chair and divisional councillor, resulting again in a lack of transparency and accountability. This leaves Councillors open to accusations of favourable treatment to certain developers or to a conflict of interest. Gecko has noted that while Councillors may declare a conflict of interest on occasion they invariably decide that it is not an impediment to them discussing and voting on the matter before their Committee or Council. Delegated decisions do not proceed to the Planning committee so there is no oversight of procedure and outcome and often at the exclusion of the Divisional councillor.

#### **INFRASTRUCTURE**

Further we are concerned that the approvals are being granted without knowing whether the current infrastructure of water, sewage, power, recreational spaces / facilities and traffic is able cope with the extra population. Arguments such as the open space being provided at the beaches does not consider the fluctuations of the beach as a usable space, or the fact that not everyone wants to use the beach as open space or the obligation of the developer to contribute to open space. This argument also neglects the impact of sea level rise on the availability of the beach as open space.

Arguments of profitability of the development unless relaxations are achieved should suggest that the proposed development is not an appropriate solution and should not proceed. At the very least Council should demand proof that compliance with the City Plan creates a non-viable development.

Retrofitting of community infrastructure to cope is an expensive and difficult option. Gold Coast City now has a current Local Government Infrastructure Plan, out for public consultation, but this is based on the

assumption that the 2016 City Plan will be adhered to and this is definitely not the case. The result will be an unplanned and overcrowded urban area that is no longer a pleasant place to live and a reduction in community amenity that the current population enjoys and has a reasonable right to expect to continue into the foreseeable future.

The defining character of suburbs is being changed without the knowledge or consideration of existing residents who reasonably assumed they had their say on the City Plan during the consultation period and now find consistent overriding of the intent of the City Plan.

The character of the streets, enclosure and scale impacts with restriction of streetscape, shade trees and landscape in the public realm along with increased use of street parking due to lack of parking in the buildings is now of critical community concern that we tender this submission to enable your office to investigate and intervene.

We list several instances below to substantiate the community concerns.

**Examples – Please refer to table on the following pages.**

Yours sincerely



Lois Levy. OAM

Campaign Coordinator

On behalf of the Community Alliance Groups listed below



**SAVE OUR BROADWATER**  
Speak out. It's not for sale.



Wildlife Preservation Society Qld.



**The Main Beach Association**  
Sharing a vision for Main Beach and The Spit



PROJECT	CONFLICTS WITH CITY PLAN 2016 and/or PLANNING SCHEME 2003	SCALE OF CONFLICT	LOCAL GOVERNMENT JUSTIFICATION	STATUS AND NOTES
<p>Café 228 Pacific Pde Bilinga IMPACT</p> 	<p>Not in a designated urban centre Residential area Car parking Waste management</p>	<p>*Dangerous vehicle access *Detached and multi residential area</p>	<p>None</p>	<p>Council Officers recommended approval. Planning Committee voted no on 24<sup>th</sup> April. Application withdrawn before full council meeting.</p>
<p>Komune Apartments, Hotel Café and Shop at 140 / 144 Marine Pde Coolangatta IMPACT</p> 	<p>Coolangatta LAP Height Density Site cover Scale and bulk Landscaping shortfall Carparking</p>	<p>*Excessive scale and bulk and podium height * impact on scenic amenity/contrary to city form (which called for low rise between CBD core and Greenmount Hill) *27 storeys Vs 10 storeys (85m Vs 47m) * three times density *no boundary clearances *99%site cover Vs 50% *significant carparking shortfall</p>	<p>Good for the area. Not a precedent Area needs a 6-star hotel (although the approval cannot be conditioned to ensure delivery of a 6-star hotel)</p>	<p>Planning Committee 24<sup>th</sup> April 17 Council officers recommending approval</p>
<p>Escape, 106 Pacific Pde Bilinga IMPACT</p> 	<p>Height Density Communal open space</p>	<p>*Prescribed 5 storeys- approved 8 storeys; *Prescribed 1 bedroom/33m21 – approved bedroom/20m2; *Prescribed Site coverage 49% -approved Site coverage 69%; *Prescribed Communal open space 1050m2- approved 191m2</p>	<p>Not known</p>	<p>Applicant appealed a deemed refusal. GCCVC and residents undertook mediation proceedings. GCCC discounted residents' issues and negotiated an approval with minor changes (one floor less) to the</p>

				original submitted design.
PROJECT	CONFLICTS WITH CITY PLAN 2016 and/or PLANNING SCHEME 2003	SCALE OF CONFLICT	LOCAL GOVERNMENT JUSTIFICATION	STATUS AND NOTES
<p>3-5 Lang St, Bilinga MCU201400572 IMPACT</p> 	<p>Height Density Communal open space Building Bulk</p> <p>30 objections; no submissions of support</p>		None	APPROVED (16/12/2016) - DELEGATED AUTHORITY DECISION
<p>1,3,5 Parnoo St, Chevron Island, Surfers Paradise and 258 Stanhill Drive, Surfers Paradise MCU 201501410 (9 Oct 2015) IMPACT Code assessable application MCU 201501410</p> 	<p>Density Building height, Site cover and communal space. Potential negative impact with respect to traffic, amenity, noise, use of community facilities, water, sewerage etc. infrastructure.</p> <p>Over 200 objections; few letters of support</p>	<p>*A plot ratio of 6.57:1 is proposed against allowed plot ratio of 2.057:1 *The site falls well below the required 3,000m2 area for a development over 8 storeys as required under the current Chevron Island LAP *Prescribed RD8 High Density of 1 bedroom per 13m2 , proposed Density of 1 bedroom per 9.27m2 *Prescribed maximum site coverage of 30%; proposed 39% at ground level *Reduced communal space and communal space on level 17 *Subject site lies outside the 800m walking distance to the GCRT Route. *Building is 3 times larger than permitted on the site.</p>	Not known No apparent community benefit	Impact assessable application withdrawn 13 Oct 2016 <b>Code assessable application is still active.</b>
<p>ONYX-1013 Gold Coast Highway Palm Beach MCU201700670 IMPACT</p> 	<p>Density Communal space Set backs Parking Shadow Amenity Height</p> <p>14 objections plus petition with 35 signatures; no</p>	<p>Approved 154 bedroom (additional 90) *Prescribed density-1 bedroom per 33m2 Approved density- 1 bedroom per 13.64m2 *Communal open space Required 2470m2 Proposed 348m2 - shortfall 2084m2</p>	No community benefit	Approved Planning Officer delegated authority 9 August 2016

	submissions in support			
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PROJECT	CONFLICTS WITH CITY PLAN 2016 and/or PLANNING SCHEME 2003	SCALE OF CONFLICT	LOCAL GOVERNMENT JUSTIFICATION	STATUS AND NOTES
58-60 Jefferson Lane Palm Beach MCU 201601429 CODE 	Density Setback reductions Communal open space parking	Prescribed 66 bedroom - Approved 99 bedrooms; *Prescribed density 25m2 - Approved density 16.7m2; *Communal open space Required 1656m2- Proposed 306m2 - shortfall 1350m2	No community benefit	Approved Planning Officer delegated authority
1488-1496 Gold Coast Highway Palm Beach (Nyrang Ave) MCU201601131 CODE 	Density Communal open space Access from Nyrang St	*Prescribed 71 bedrooms - Approved 169 bedroom (additional 98); *Prescribed density 1 bed/ 50m2 - Approved density 1bed/21.13m2; *Communal open space Required 3178m2 - Proposed 341m2 - shortfall 2837m2	No community benefit	Approved Planning Officer delegated authority
140 Ridgeway Avenue Southport MCU201700033 IMPACT 	Density Car parking Property line Road widening requirement  57 OBJECTIONS	*Prescribed 21 units with 28 bedrooms – approved 29 units with a total of 49 bedrooms; *Prescribed 34 parking spaces – approved 29 underground car parks plus 6 for visitors.	No community benefit	APPROVED (02/02/2017) - DELEGATED AUTHORITY DECISION
Orient Central Development Corporation Carrara flood plain	Flood plain development flooded during Cyclone Debbie	*Prescribed 970 units – approved 1,500 units  Three boats and three days' food	No community benefit	Planning committee approval

				
PROJECT	CONFLICTS WITH CITY PLAN 2016 and/or PLANNING SCHEME 2003	SCALE OF CONFLICT	LOCAL GOVERNMENT JUSTIFICATION	STATUS AND NOTES
<p>Sunland Developments No7 Pty Ltd Mariners Cove, L524 WD6023 64 Seaworld Drive, Main Beach L99 WD 839540 60 Seaworld Drive, Main Beach IMPACT</p> 	<p>Height Density Residential development Glass exterior Infill of Broadwater</p>	<p>*Prescribed (15m) 3 storey height limit – applied for 2 towers Height – 44 storeys *Residential development is not permitted –applied for 370 residential apartments *Site coverage over 100% requiring infill of Broadwater. *Glass permitted 66% - applied 100%</p>	<p>Some road works upgrades Perceived open space Perceived cultural contribution</p>	<p>Rejected by Planning Officers. Withdrew application for 12 months. Waiting on changes to Planning Scheme.</p>
<p>Orion Development 2 towers 103 and 76 storeys CODE ASSESSABLE</p> 	<p>Scale</p>	<p>*22m high podium containing carparking. The highest podium in the city at 7 storeys high. *Building height dwarfs surrounding high rise and shifts the epicentre of the city significantly southwards</p>	<p>Perceived “architectural addition” to the city</p>	<p>Approved by planning Committee 24 May 2017 Approved by full council 30 May 2017</p>

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PROJECT	CONFLICTS WITH CITY PLAN 2016 and/or PLANNING SCHEME 2003	SCALE OF CONFLICT	LOCAL GOVERNMENT JUSTIFICATION	STATUS AND NOTES
<p>Hapsberg Apartments 3547 -3549 Main Beach Parade Main Beach</p> 	<p>Land zoned Medium Density Residential</p>	<p>Zoned: Medium density residential 363 beds on land zoned for 38 bedrooms Rejected by GCCC Planning Dept and Council for 10 reasons.</p>	<p>None</p>	<p>Decision being appealed by developer on the basis that it is erroneous, unreasonable and unlawful</p>
<p>Songcheng Development company, Gold Coast cane lands</p>	<p>Inter-urban break Agricultural land</p>	<p>Entire city on 66,000 ha</p>	<p>Not known</p>	<p>Not yet applied for</p>