

Dear Councillor

I write regarding the decision dated 21st April 2023 of the Planning Committee of the Gold Coast City Council to approve changes to the proposed Kirra Hotel development.

I ask that when you, as part of the full council, vote on the proposal that you reject the proposed approval to the Kirra Beach Hotel development.

Background to Gold Coast City Council Planning Officers recommendation

In addressing the Planning Committee Officers recognised that the proposed increases to height for the project were the key consideration for Councillors as the proposal did not comply with the relevant town plan.

In a nutshell the proposed increases are:

- Building 2 which is a residential building, was 10 storeys; now proposed for 13 storeys which is an additional 11.2m.
- Building 3 (opposite Kirra SLSC Pavilion) which is a resort hotel, was 4 storeys; now proposed for 7 storeys which is an additional 5.1m.
- The City Plan overlay map is 3 storeys, 15m.

In recommending the new approvals Council officers recognised that the application was non-compliance with the City Plan, however in their view other matters which were relevant supported the proposal.

Those relevant matters in approving the changes were that:

- Previous planning decisions for the site have approved heights well in excess of the building height overlay map; and this sets a reasonable expectation for taller buildings on the subject site.
- The proposal represents an appropriate character outcome which blends with the established character to the west and does not offend the natural landscape character of Kirra Hill.
- The proposal represents a high-quality architectural outcome.
- there are negligible hard impacts in terms of visual impacts and amenity impacts and shadowing.
- There are economic benefits associated with the amended proposal. The development provides for an increase to tourism amenities within the coastal tourism strip and in proximity to the Gold Coast Airport. The proposal is a significant scale development which will be a key destination for the southern Gold Coast locality promoting tourism and the Gold Coast image.

Accordingly, officers recommended that these matters, when considered collectively, warranted a favourable decision for the application, despite the identified non-compliance with Gold Coast City Council building heights as set out in the Town Plan, .

Primary Issue for consideration – Public Interest

The primary issue that you need to address when a full council meets to decide the issue is whether there are sufficient grounds in the public interest to justify the approval of the Development Application despite the conflict with the relevant planning instrument.

I would strongly argue that the overriding Public Interest requires that you vote against the Town Planning Committees majority decision. You of course would be aware how that vote was carried on the Chairs vote and that the Chair had initially voted against the approval.

Why you should vote against the approval:

1. The approval and the degree of conflict with the Town Plan is significant;
2. The approval is in conflict with Councils own planning schemes upon which citizens who choose to reside in the area are entitled to rely upon;
3. The proposed development lacks appropriate regard to its setting because, despite Council Officers views, the development is located outside of the Coolangatta Centre and is more intense and bulkier than the buildings in that centre and would be of an inappropriate height, bulk, scale, and plot ratio.
4. Comparison with previous planning decisions and developments well in excess to sites in the east (Coolangatta Township area) is a fallacious proposition as historically the township of Coolangatta and the Kirra beach pavilion area and its surrounds have been historically separate, not only geographically, but structurally. Nearby approved developments have no correlation in size or bulk, (particularly bulk), to that proposed. The Kommune decision and the reasoning in that decision is a case in point.
See [Body Corporate for Lindor Community Title Scheme 29204 and Planit Consulting Pty Ltd v Gold Coast City Council & Anor \[2018\] QPEC 054](#)
5. Similarly, one can argue the same considerations apply with developments well west of the proposed site which are even further away than the proximity of the Coolangatta Griffith Street precinct and have their own geographical identity e.g. Gold Coast airport and the nearby university.
6. There has been scant regard for and clear conflict with Desired Environmental Outcomes (DEO) impacting adversely on surrounding residential locations and buildings.
7. The proposed height increase of building 3 in particular from 4 storeys to 7 storeys (directly opposite the Kirra Surf Pavilion) would detrimentally impact on adjoining residential amenity (in particular Kirra Gardens and Wavebreak apartments) by its height and increased bulk;
8. The proposed development would be taller and bulkier than existing developments in the Kirra area.
9. Whilst it is accepted that the increased size and bulk would have economic benefits, it would, in my submission, be insufficient to overcome the nature and extent of the conflicts that exist. See the Courts view in the Komune case.

Conclusion

I would submit it is not in the Public Interest to approve the application.

In the event that the Council approve the application, it would be my recommendation that the local resident organisation, which has been set up to oppose the application, seek legal advice on appealing any such decision.