



**SUNSHINE COAST SURVEY & PLANNING  
PTY LTD**

4/55 Bulcock Street, Caloundra Qld 4551 or PO Box 1014, Caloundra Qld 4551  
Telephone: (07) 5491 6333 Facsimile: (07) 5491 8057 Email: scsp@scsp.com.au

## CHANGE TO INFRASTRUCTURE AGREEMENT

Town Planning Report - Request for Change to *Pelican Waters Southern  
Lake Infrastructure Agreement 2011*



**Pelican Waters Heart Pty Ltd**

**September 2019**

Sunshine Coast Survey and Planning

Table of Contents

<b>1.0 OVERVIEW .....</b>	<b>4</b>
1.1 Introduction	4
<b>2.0 SITE DETAILS AND BACKGROUND .....</b>	<b>6</b>
<b>3.0 CURRENT AND PROPOSED INFRASTRUCTURE AGREEMENT PROVISIONS .....</b>	<b>9</b>
3.1 Introduction and Overview	9
3.2 Village Park and Northern Pedestrian/Cycle Bridge	11
3.3 External Intersections	14
3.4 District Community Facilities	16
<b>4.0 PROPOSED OPEN SPACE CONFIGURATION AND QUANTUM .....</b>	<b>17</b>
4.1 Open Space - Overview	17
4.2 Village Park - Overview	19
4.3 Village Park (trunk open space) Infrastructure Proposed.	19
4.4 Other Trunk Open Space Infrastructure proposed.	20
4.5 Local Open Space Infrastructure proposed.	22
4.6 Open Space Conclusions	22
<b>5.0 ASSESSMENT OF PROPOSED OPEN SPACE .....</b>	<b>24</b>
5.1 Urban Design Rationale for Village Park Configuration	24
5.2 Infrastructure Agreement as the Principal Determinant of Open Space Requirements	29
5.3 Legal advice regarding the proposed Village Park (Central Park) configuration	30
5.4 Open Space intent in Preliminary Approval Application and Information request	32
5.5 Total quantum of Trunk Open Space	37
<b>6.0 NORTHERN PEDESTRIAN/CYCLE BRIDGE .....</b>	<b>39</b>
6.1 Background	39
<b>7.0 EXTERNAL INTERSECTIONS .....</b>	<b>44</b>
7.1 Background	44
7.2 Plans	44
<b>8.0 DISTRICT COMMUNITY FACILITIES SITE .....</b>	<b>45</b>
8.1 Background	45
8.2 Existing Community Facilities Land	45
8.3 Alternative District Community Facility Site Requirements	46
8.4 Conceptual Design for Facility on 3000m <sup>2</sup> site	49
<b>9.0 PLANNING ASSESSMENT – PRELIMINARY APPROVAL .....</b>	<b>51</b>
9.1 Preliminary Approval	51
<b>10.0 PLANNING ASSESSMENT – THE SOUTHERN LAKES PELICAN WATERS PLANNING AREA CODE .....</b>	<b>55</b>
10.1 Background	55
10.2 Nature of Proposed changes to Planning Area Code to accommodate Infrastructure Agreement changes	55
<b>11.0 INFRASTRUCTURE OFFSETS AND CONTRIBUTIONS .....</b>	<b>58</b>
11.1 Introduction	58
11.2 Reduction in Projected Population of Pelican Waters Heart	59
11.3 Change in Offset rate on a per-lot basis.	61

	3
11.4 Reduced Village Park Offset For Waterfront Park Component	63
11.5 Offset for Excess Parkland against Sporting Field Contribution	64
11.6 Contribution and Offset Quantification	68
11.7 Developer Offer to Amend Offsets	69
<b>12.0 CONCLUSION</b> .....	<b>71</b>
12.1 Summary	71
<b>APPENDIX A PROPOSED (DRAFT) VARIATION DEED (NO.2) FOR INFRASTRUCTURE AGREEMENT</b> .....	<b>I</b>
<b>APPENDIX B SCRC WITHOUT PREJUDICE ADVICE 22/11/2010 RE: INFRASTRUCTURE ARRANGEMENTS PROPOSAL</b> ...	<b>I</b>
<b>APPENDIX C PELICAN WATERS HEART PROPOSED OPEN SPACE NETWORK</b> .....	<b>I</b>
<b>APPENDIX D LEGAL OPINION REGARDING TRUNK OPEN SPACE</b> .....	<b>I</b>
<b>APPENDIX E PSA TRAFFIC AND TRANSPORT REPORT (NORTHERN PEDESTRIAN/CYCLE BRIDGE)</b> .....	<b>I</b>
<b>APPENDIX F EXTERNAL INTERSECTION PLANS (PRELIMINARY)</b> .....	<b>I</b>
<b>APPENDIX G CONCEPT FOR PELICAN WATERS COMMUNITY CENTRE</b> .....	<b>I</b>
<b>APPENDIX H PELICAN WATERS – SOUTHERN LAKES – OPEN SPACE CONTRIBUTIONS</b> .....	<b>I</b>

Sunshine Coast Survey and Planning

## 1.0 OVERVIEW

### 1.1 INTRODUCTION

- 1.1.1 Sunshine Coast Survey & Planning Pty Ltd has prepared this report on behalf of Pelican Water Heart Pty Ltd in support of a request for changes to the *Pelican Waters Southern Lake Infrastructure Agreement 2011* (the 'Infrastructure Agreement'). These changes will need to be undertaken by way of a variation deed.
- 1.1.2 The five key aspects of the *Infrastructure Agreement* that now require review comprise the following:
- Village Park configuration;
  - The Northern Pedestrian/Cycle Bridge;
  - Aligning approved External Intersection Treatments with the IA document;
  - Building flexibility onto District Community Facilities requirements; and
  - Changes to the *Infrastructure Agreement's* monetary contribution and offset provisions.
- 1.1.3 There have been many discussions to date between the developers and Council regarding the provision of trunk open space infrastructure within the Pelican Waters Heart area relative to the provisions of the *Infrastructure Agreement*, the *Preliminary Approval* and the *Planning Area Code*. These discussions, including the project team's meeting with Council's executive staff on 6 June 2017, have centred around whether the Village Park needs to be provided as a single contiguous land parcel or whether it can be provided as 2 parcels (i.e. a central part and a waterfront part). Those discussions also explored whether such a configuration can still perform the function anticipated and be classified as Trunk Infrastructure under the provisions of the *Infrastructure Agreement* (and whether the proposed infrastructure offsets can still be applied).
- 1.1.4 It is our position that a Village Park configuration comprising a central park component and a waterfront park component simply makes good planning sense as it will achieve greatly enhanced urban design, recreation and community outcomes. It is hence proposed that the Infrastructure Agreement be amended to replace Drawing 7's current designation of a 3ha Central Park (and 2 waterfront nodes of unspecified size or purpose) with:
- A 2.0 hectare park (Village Park- Central);
  - A 2.6 hectare recreational precinct (Village Park – Waterfront) comprising approximately 1.4 hectares of parkland and 1.2 hectares of recreational lake; and
  - A 'Civic link' joining the central and waterfront components of the Village Park.
- 1.1.5 This report provides supporting arguments and information in relation to the above.
- 1.1.6 It also remains our position that the proposed redistribution of the Village Park area into central and waterfront components complies with the requirements of the current *Infrastructure Agreement*. This report provides supporting information to this effect, but (in order to move beyond the current impasse in this regard) outlines the applicant's proposed position. The report also provides additional information in support of this position which demonstrates that a satisfactory outcome can be achieved.
- 1.1.7 This report also examines the basis upon which the requirement for a 3 hectare Village Park emerged at the time of the *Preliminary Approval* and in the formulation of the *Planning Area Code*. It is concluded that there was no functional, facility-specific or regulatory basis for the creation of a contiguous 3 hectare parcel (only embellishment parameters), nor is there any open space shortfall within Pelican Waters Heart or the wider community which requires redress. These conclusions are further supported by the *Infrastructure Agreement's* deferment of on-site sporting field provision by way



of monetary contribution in lieu, and by reductions to the project's dwelling yield and population which in turn impact on the extent of facilities reasonably required to service the community.

- 1.1.8 The relocation of the core Pelican Waters Heart town centre area from the island to the northern/landward side of the canal, as well as the current master plan's alignment of the higher order recreational, commercial and community uses along a defined pedestrian/cycle movement corridor and improvements to the development's movement network, have removed the need for the northern pedestrian/cycle bridge specified in the *Infrastructure Agreement*. This report demonstrates that the northern pedestrian/cycle bridge does not serve any function for the broader catchment, at that at a local level pedestrian and cycle demand for this bridge falls well below recognised warrant levels and does not increase travel times to Village Park space. It is therefore submitted that the requirement for the bridge should be deleted.
- 1.1.9 It is proposed that changes be made to the *Infrastructure Agreement* to reflect discussions to date and conditions contained within the Stage 1 and Stage 4 approvals for the configuration of external intersections in the Diamond Head (Michael Street/Anning Avenue) area.
- 1.1.10 This report also provides information supporting an alternative configuration and site area for the defined *District Community Facilities*. It is proposed that flexibility be built into the land dedication requirements in order to afford the opportunity for accelerated outcomes to be achieved, specifically a reduced site area in exchange for a building works contribution (or monetary contribution to Council for building works) by the developer.
- 1.1.11 Amendment is also being sought to the Infrastructure Offset arrangements based upon factors including:
- a reduction in Pelican Waters Heart's projected site population from that assumed at the time of the Preliminary Approval;
  - the higher total quantum of open space to be provided on site;
  - changes to accounting methods and Council's per-lot open space offset values applied since adoption of the *Infrastructure Charges Resolution*; and
  - a net balance of Infrastructure Offsets that, on current projections, will remain unused at project-end.
- 1.1.12 This report collates and expands upon the information provided to date in relation to all the above matters, with a view towards seeking Council agreement to variation of the *Infrastructure Agreement*.
- 1.1.13 Legal advice received confirms that the *Infrastructure Agreement* prevails to the extent of any inconsistency with the provisions of the Preliminary Approval and the Planning Area Code. Because of this, and as the IA was entered into in accordance with the conditions of the Preliminary Approval, an application to formally amend those documents is not required for Council to assess the proposed *Infrastructure Agreement* changes.

## 2.0 SITE DETAILS AND BACKGROUND

2.1.1 The area subject to the *Pelican Waters Southern Lake Infrastructure Agreement* (executed August 2011) corresponds with the Preliminary Approval, as shown on **Figures 1 and 2** below. At the time of the Preliminary Approval, the site comprised Lot 807 SP162718 and Lot 811 SP212859.

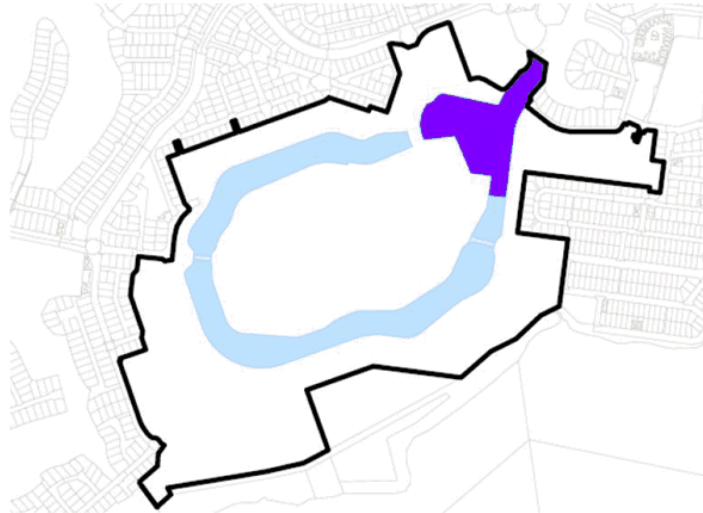


Figure 1 – Locality Plan

(Base image source: *Drawing 1 Development Land*, Pelican Waters Southern Lake Infrastructure Agreement)



Figure 2 – Locality Plan (Base image source: NearMap)

Sunshine Coast Survey and Planning

2.1.2 Most of Stages 1-3 of the Pelican Waters Heart development have been approved and constructed since the Preliminary Approval's issue. The area's current lot boundaries are shown below (Figure 3).

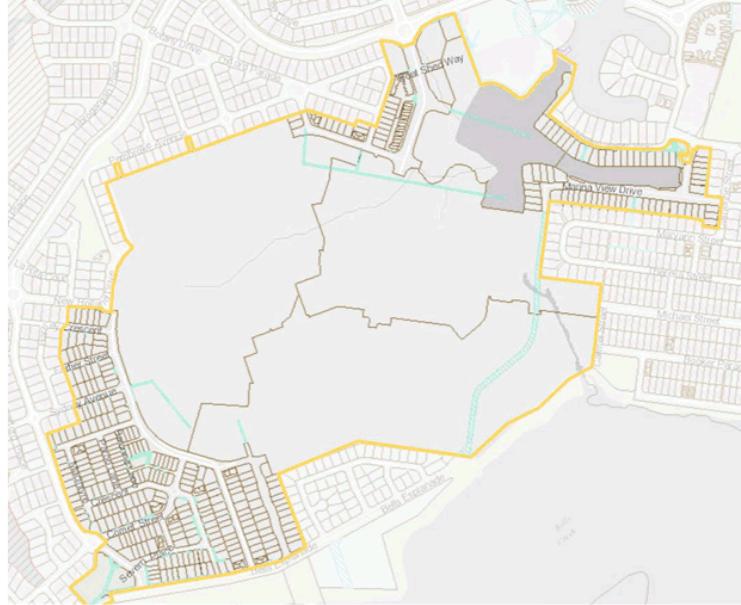


Figure 3 – Current pattern of land titling within PA area. (Image source: SCRC MyMaps)

2.1.3 Reconfiguration of a Lot approval has also been granted for Stage 4 of the Preliminary Approval area, as shown on Figure 4 below. Council file RAL18/0009 refers. Construction is now under way.

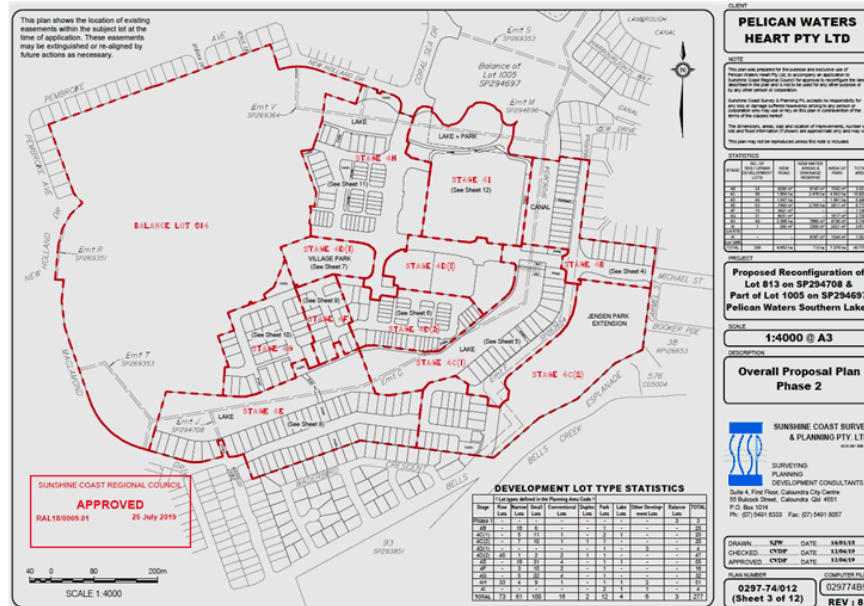


Figure 4 – Approved Stage 4 development (Extract from SCSP plan 0297-74 Sheet 3 of 12 Rev 8)

Sunshine Coast Survey and Planning

- 2.1.4 The Preliminary Approval (per Section 3.1.6 of the *Integrated Planning Act*) was issued over the site subsequent to the execution of the initial version of the *Infrastructure Agreement*, by way of Council's correspondence dated 8 September 2011 (Council file 2009/510022 refers) and by Planning and Environment Court Judgment (Appeal No. BD3933 of 2011) dated 1 February 2012. This approval was for the following:

*Preliminary Approval (Section 3.1.6 of the Integrated Planning Act) Overriding the Planning Scheme for a Material Change of Use for a mixed use master planned residential community including a range of Residential Uses, Business and Commercial Uses, Community Uses, Sport and Recreation Uses, Service Station, Car Wash, Industry – Local Services, Marina and integrated open spaces incorporating a canal extension and artificial waterway.*

- 2.1.5 The Preliminary Approval was amended by way of the Change to an Existing Approval dated 30 November 2012 (Council file 2009/510022.01 refers), and further by way of Council's Decision Notice dated 16 December 2016 (2009/510022.03 refers).
- 2.1.6 *Variation Deed No. 1 – Pelican Waters Southern Lake Infrastructure Agreement 2011* was executed on 9 November 2018. This variation deed facilitated changes related to waterway and canal infrastructure, including the quantum, timing and indexation of associated financial contributions.



### 3.0 CURRENT AND PROPOSED INFRASTRUCTURE AGREEMENT PROVISIONS

#### 3.1 INTRODUCTION AND OVERVIEW

- 3.1.1 The *Infrastructure Agreement*, executed in August 2011, sets out the rights and responsibilities of the respective parties (Council and the developers) in relation to the development and funding of the southern lake precinct and its respective trunk infrastructure components.
- 3.1.2 Schedule 2 of the *Infrastructure Agreement* establishes the specific nature and timing of development works and financial contributions to be delivered.
- 3.1.3 The *Infrastructure Agreement* and the *Planning Area Code* were originally formulated as a flexible framework for the progressive refinement and development of the Pelican Waters Heart area. Over time, these documents have been interpreted in a prescriptive rather than performance-based manner. This approach has proven unable to accommodate the inevitable design refinements and improvements resulting for this major project's detailed design and engineering, even where opportunities for improved civic and recreational outcomes have emerged.
- 3.1.4 The *Infrastructure Agreement* and its mapping reflect a project master plan prepared in 2009, as shown in **Figure 5** below.



**Figure 5 – Initial Master Plan** (Source: pp32-33, *Urban Design Report*, ML Design 2009)

- 3.1.5 The 2009 Master Plan presented in Figure 5 differs from the current version shown in **Figure 6**, with the latter demonstrating the context and progression of overall layout and open space planning since the time of the original approval, in response to the site's environmental and engineering conditions, construction practices and local and national market trends as they have been identified, explored and assessed.

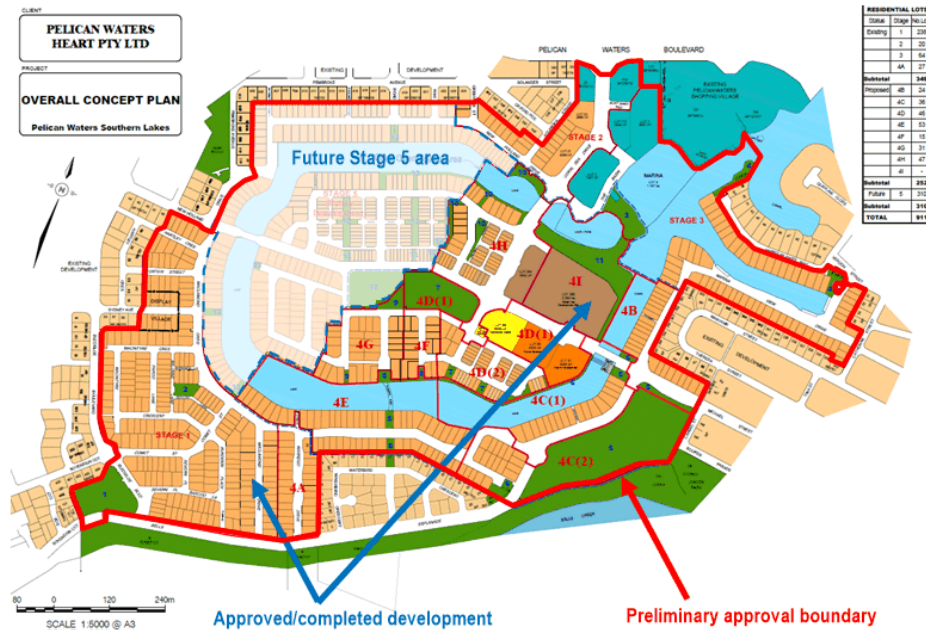


Figure 6 – Current Master Plan (including Stage 4B-I approved lot layout)

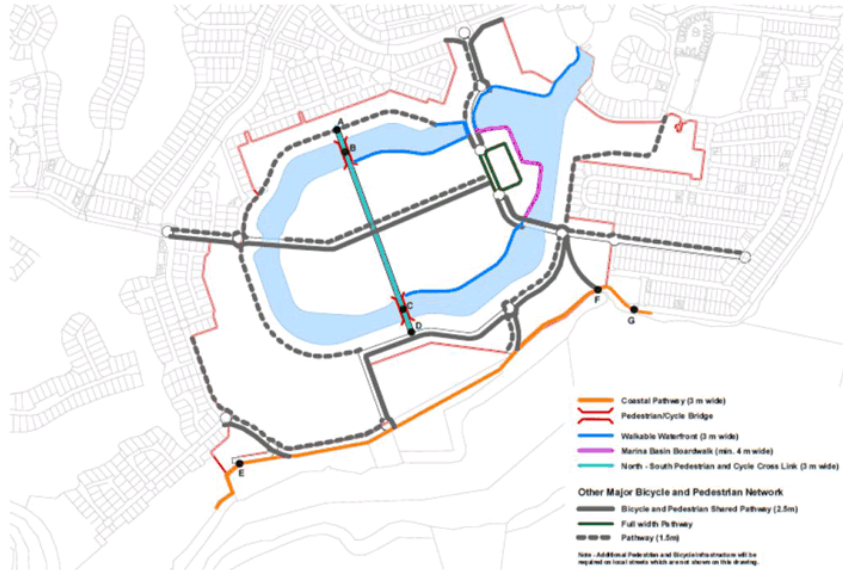
- 3.1.6 There have been many discussions to date between the developers and Council regarding specific aspects of the *Infrastructure Agreement* and the *Planning Area Code*, perhaps none more detailed and protracted than in relation to the configuration of the Village Park (Central Park) area. These discussions, including those with Council's executive staff on 6 June 2017, have centred around whether the Village Park needs to be provided as a single contiguous parcel or whether it can be provided as central and waterfront parts, and whether this would still constitute Trunk Infrastructure against which infrastructure offsets would apply under the *Infrastructure Agreement*.
- 3.1.7 We believe that a Village Park configuration comprising central and waterfront components simply makes good planning sense, achieving greatly enhanced urban design, recreation and community outcomes. This is explored in detail later in this report. We reiterate our position that such a Village Park configuration complies with the requirements of the *Infrastructure Agreement*. This report provides supporting information to this effect but outlines *Infrastructure Agreement* provisions (and supporting information) which explicitly facilitate this outcome, as well as the applicant's position regarding associated infrastructure charges offsets.
- 3.1.8 In addition to the Village Park configuration and open space offset matters, the three other aspects of the *Infrastructure Agreement* that need to be attended to at this time include:
- The Northern Pedestrian/Cycle Bridge;
  - External Intersection Treatments; and
  - District Community Facilities.
- 3.1.9 As part of this application, it is proposed that the *Infrastructure Agreement* mapping be brought into alignment with the current master plan layout, which differs from the original mainly in the shape and configuration of the town centre and waterfront/island configuration.
- 3.1.10 The following pages provide an outline of the nature of the proposed changes to the *Infrastructure Agreement* in these regards. Supporting arguments and documentation are then provided in the following sections of this report.



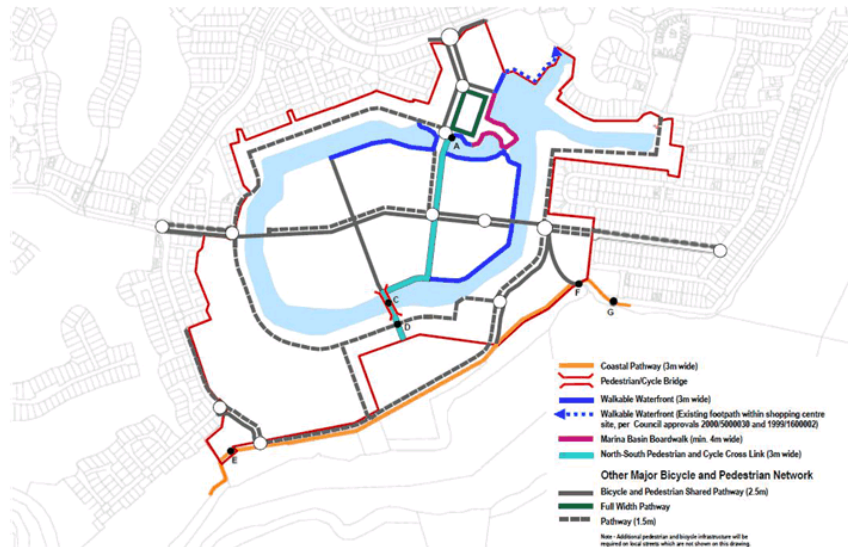
**3.2 VILLAGE PARK AND NORTHERN PEDESTRIAN/CYCLE BRIDGE**

3.2.1 To clarify compliance with the *Infrastructure Agreement's* Village Park and Pedestrian/Cycle Bridge requirements, **Figures 7-10** below provide a comparison of the current and proposed (alternative) mapping which aligns with the master plan shown in **Figure 6**.

3.2.2 **Figures 7 and 8** below show the current and proposed alternative versions of the *Infrastructure Agreement's* Drawing 5 (*Bicycle and Pedestrian Infrastructure Network Sequencing*). **Figure 8** accommodates the revised town centre core location and a rationalised and improved bicycle and pedestrian circulation network which facilitate removal of the northern pedestrian/cycle bridge.



**Figure 7 – Infrastructure Agreement Drawing 5 (Bicycle and Pedestrian Infrastructure Network Sequencing).**



**Figure 8 – Alternative Drawing 5 (Bicycle and Pedestrian Infrastructure Network Sequencing).**

Sunshine Coast Survey and Planning

3.2.3 Figures 9 and 10 below show the current (3ha) and proposed alternative Village Park (Central Park) configuration, with central (2.0ha) and waterfront (1.428ha) components integrated (along the amended North-South Pedestrian and Cycle Cross Link) with the waterfront, district community facilities, park link and mixed use precinct, the Central Park recreational lake and the relocated town centre core.



Figure 9 – Infrastructure Agreement Drawing 7  
 (Urban Open Space and District Community Facilities Infrastructure Network Sequencing).

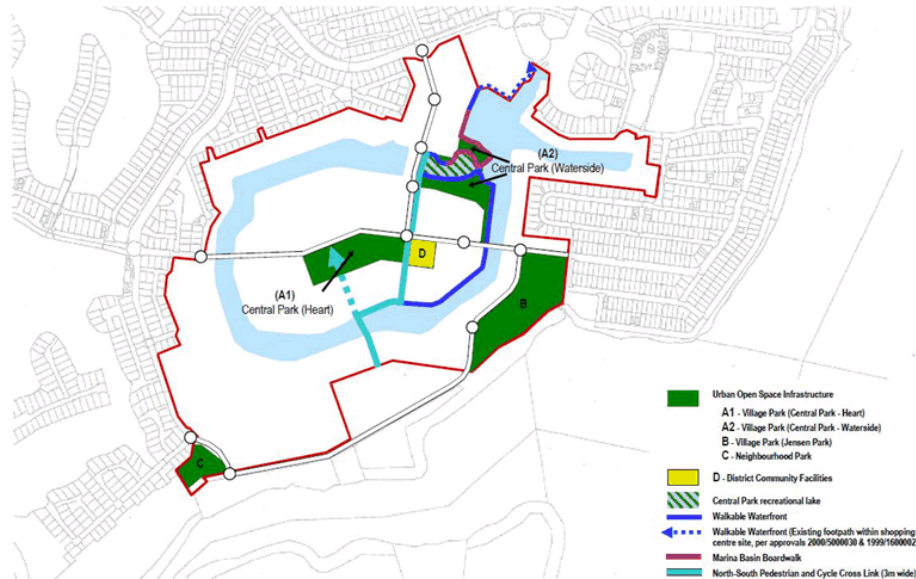


Figure 10 – Proposed Alternative Drawing 7  
 (Urban Open Space and District Community Facilities Infrastructure Network Sequencing).

Sunshine Coast Survey and Planning

- 3.2.4 A copy of the draft Variation Deed (No.2) for the *Infrastructure Agreement* text and drawings is attached as **Appendix A** to this report<sup>1</sup>. As outlined therein, and in addition to amended Drawings 5, 6 and 7, the following text changes are proposed:

Item 5.1.3 (Column 2 – Infrastructure Contribution)

*Work Contribution for bicycle and pedestrian infrastructure from Point A to Point D and bridges at Point ~~B~~ and C as indicatively identified on Drawing 5.*

Item 5.1.3 (Column 3 – Specification of the Infrastructure Contribution)

*The Work Contribution is to comprise the provision of work for:*

*(a) a 3 metre wide shared bicycle and pedestrian pathway from Point A to Point D as indicatively identified on Drawing 5; and*

*(b) bicycle and pedestrian bridges across the waterway at ~~Point B~~ and Point C, as indicatively identified on Drawing 6.*

Item 6.1.1 (Column 2 – Infrastructure Contribution)

*Land Contribution and Work Contribution for urban open space infrastructure being a Village Park at points ~~A1~~ and ~~A2~~ as indicatively identified on Drawing 7.*

Item 6.1.1 (Column 3 – Specification of the Infrastructure Contribution)

*The Infrastructure Contribution is to comprise the provision of the following for urban open space infrastructure being a Village Park:*

*(a) a minimum of 3 hectares of land **in total** for a Village Park at Points ~~A1~~ and ~~A2~~ as indicatively indicated on Drawing 7;*

*(b) embellishments are provided in accordance with the minimum requirements for a District Recreation Park as identified in column 2 (Public park - development setting) of Table 2.2F (Typical embellishments for public parks) of the Caloundra City Plan 2004 Planning Scheme Policy No. 11.24 (Infrastructure Contributions for Open Space Network).*

- 3.2.5 We believe that the amended Village Park configuration can remain entirely offset relative to Schedule 2's *Planned Estimate of an Infrastructure Contribution stated in the Infrastructure Contribution Schedule for which an Infrastructure Offset applies* (p65 of the IA). However, in the interests of moving forward, the applicant is prepared to accept the position outlined in Council's 'without prejudice' correspondence dated 22 November 2010 (refer **Appendix B**), specifically that the waterfront component of the Village Park will not generate infrastructure offsets (as otherwise set out on page 65 of the *Infrastructure Agreement*). That is, only the central 2.0ha (and any Village Park land provided in excess of 3 hectares) will be creditable. This is discussed in detail in Section 11 of this report.

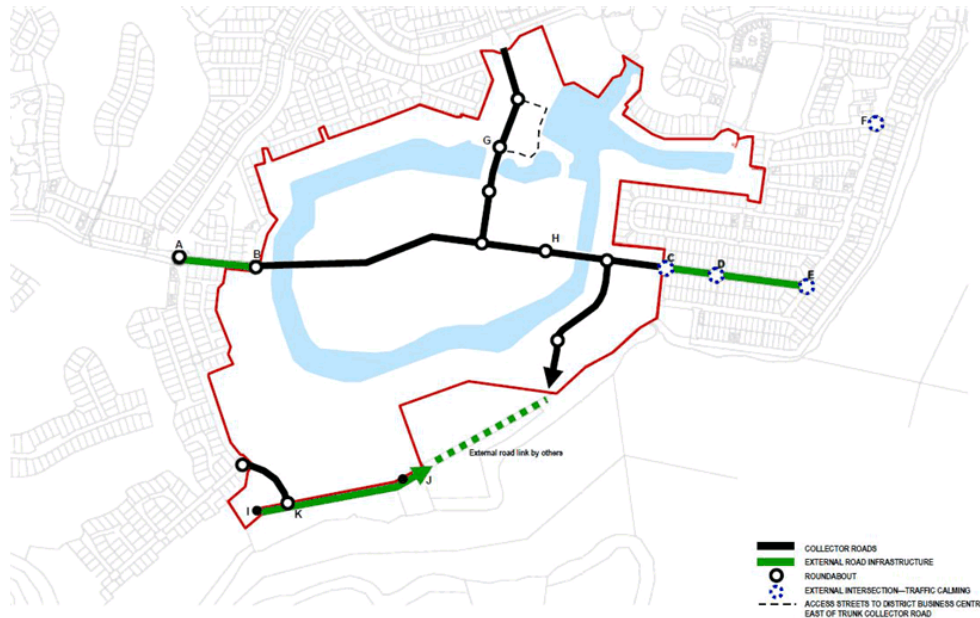
- 3.2.6 We note that the northern section of Village Park (waterfront) within the town centre area has already been constructed and exceeds the developer's obligations under the *Infrastructure Agreement* and other planning instruments. As well as ensuring that the future community is well serviced by waterfront recreational facilities, this park serves as a demonstration of the developer's placemaking ambitions. The advanced delivery of this park is a demonstration the developer's good will and forms a solid basis for these negotiations with Council regarding proposed *Infrastructure Agreement* amendments including the redistribution of the 3 hectare Village Park space within the 'island' area and offsets for trunk open space provision.

<sup>1</sup> Please note that this is a draft mark-up of a McCullough Robertson *Variation Deed* document by Sunshine Coast Survey and Planning. It is provided for discussion purposes only. Subject to the outcome of deliberations associated with the infrastructure contributions and offsets, as presented in this and other sections of this report, a formal update of the *Variation Deed* will be undertaken by the developer's legal representatives.



3.3 EXTERNAL INTERSECTIONS

Drawing 3 of the *Infrastructure Agreement* identifies external roadworks Points C-F, as shown on **Figure 11** below.



**Figure 11 – Drawing 3 (Pelican Waters Southern Lake Transport Infrastructure Network Sequencing).**

3.3.1 Staging plans for the development and delivery of trunk infrastructure were approved as part of Pelican Waters Heart's Stage 1 development application (Council file REC13/0121 refers), and progressively updated as development planning progressed. Council approved the most recent iteration of the infrastructure staging plan by way of a 'generally in accordance' endorsement (REC13/0121.14) on 12 April 2019 (refer **Figures 12A and 12B** below). The endorsed plan includes designations pertaining to the external intersection works specified on Drawing 3 (refer to **Figure 11** above) of the *Infrastructure Agreement*.

3.3.2 Council's 'generally in accordance' endorsement was consistent with Council's approval of the Stage 4B-I reconfiguration application (Council file RAL18/0009 refers), Condition 15 of which stated:

*Prior to the release of the survey plan for proposed Stage 4C(1), the applicant must construct roundabouts external to the site at the Michael Street / Beryl Street, Michael Street / Anning Avenue and Anning Avenue / Verdon Street intersections, except that, in lieu of a roundabout at the Michael Street / Anning Avenue intersection, a changed priority T-intersection with raised median islands may be constructed (with the southern Anning Avenue approach being the terminating leg) and, in lieu of a roundabout at the Anning Avenue / Verdon Street intersection, a roundabout may be constructed at the Anning Avenue / Roy Street intersection. The works must be undertaken in accordance with an operational works approval and designed to accommodate an Austroads single unit truck/bus.*

3.3.3 It can thus be interpreted that Condition 15 of the Stage 4B-I approval, when read in conjunction with the April 12 GIA endorsement, establishes external intersection configurations and works requirements that Council considers to be generally in accordance with the requirements of the *Infrastructure Agreement*. The developer is agreeable to implementing these changes, and to this end the draft

variation deed (refer **Appendix A**) incorporates the required changes to the *Infrastructure Agreement* Schedule 2 items 3.1.6. and 3.1.7. Further information in this regard is provided in Section 7 herein.

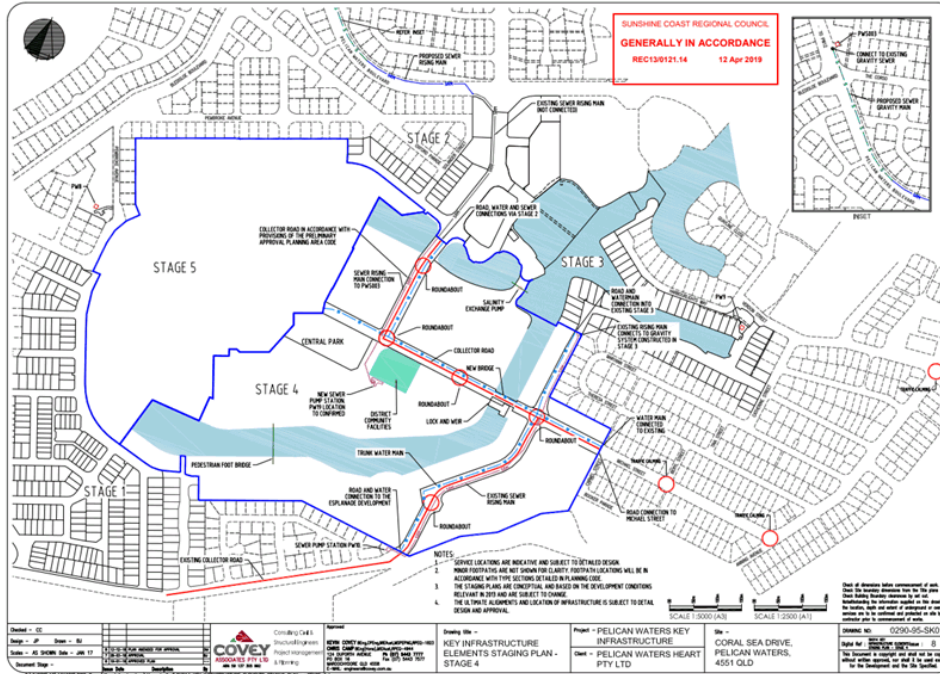


Figure 12A – Pelican Waters Key Infrastructure Plan (endorsed by Council 12/4/19).

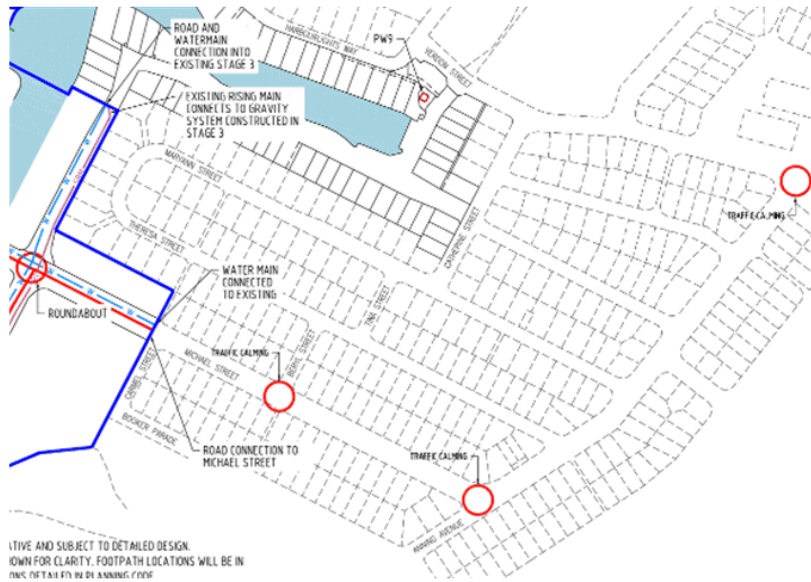


Figure 12B – Pelican Waters Key Infrastructure Plan (inset)

Sunshine Coast Survey and Planning

### 3.4 DISTRICT COMMUNITY FACILITIES

- 3.4.1 Per Drawing 7 of the *Infrastructure Agreement* (refer **Figure 9** of this report - *Urban Open Space and District Community Facilities Infrastructure Network Sequencing*) and Schedule 2 Item 7.1.1 of the *Infrastructure Agreement*, a requirement exists for land and services work contributions for district community facilities infrastructure.
- 3.4.2 Based on the conceptual site planning, changing project population estimates, and a desire to accelerate the delivery of this important piece of community infrastructure, it is submitted that the required site area of 6,000m<sup>2</sup> could be amended to 3,000m<sup>2</sup> plus a building works or monetary contribution requirement. Supporting information in this regard is provided in Section 8 of this report.
- 3.4.3 The developers therefore wish to re-explore the provision of a building works contribution, specifically the construction or partial construction of the community facility building and site, rather than simply a land contribution. Alternatively, a monetary contribution can be provided to Council (in addition to the 3,000m<sup>2</sup> site area) as seed capital for building works.
- 3.4.4 It is therefore proposed that Schedule 2 Item 7.1.1 be amended as follows:

Item 7.1.1 (Column 2 – Infrastructure Contribution)

- ~~Land Contribution and Work Contribution;~~
- **Land Contribution, Work Contribution and Building and Site Works; or**
- **Land Contribution and Monetary Contribution**

for district community facilities infrastructure within the District Business Centre at point D as indicatively identified on Drawing 7.

Item 7.1.1 (Column 3 – Specification of the Infrastructure Contribution)

The Infrastructure Contribution is to comprise the provision of **one of the following (at the proponent's discretion)** for district community facilities infrastructure:

**Either:**

- (a) land of a minimum area of 6,000m<sup>2</sup> at point D as indicatively indicated on Drawing 7; **and**  
(b) work as necessary to provide services consistent with adjoining Developed Lots.  
(a) land of a minimum of 3,000m<sup>2</sup> at point D as indicatively indicated on Drawing 7; **and**  
(b) work as necessary to provide services consistent with adjoining Developed Lots; **and**  
(c) building works and site works to a maximum commercial value of \$1,000,000 including GST (or higher at the proponent's discretion);

**OR**

- (d) land of a minimum of 3,000m<sup>2</sup> at point D as indicatively indicated on Drawing 7; **and**  
(e) work as necessary to provide services consistent with adjoining Developed Lots; **and**  
(f) a monetary contribution to Council of \$1,000,000 (including GST if applicable).

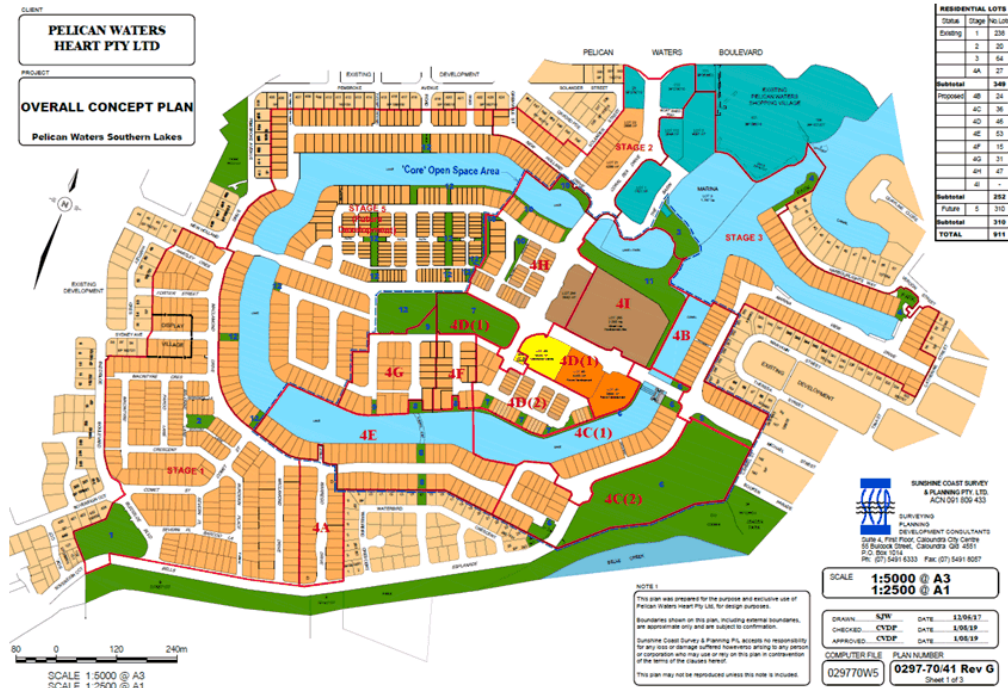
**The building works referred to in (c) and the monetary contribution referred to in (f) are for the construction of a community facility with a GFA of 600-700m<sup>2</sup>, constructed to a relevant community development standard, and capable of extension by Council in the future.**



**4.0 PROPOSED OPEN SPACE CONFIGURATION AND QUANTUM**

**4.1 OPEN SPACE - OVERVIEW**

- 4.1.1 The overall open space configuration proposed for the Pelican Waters Heart area is shown in **Figure 13** below (for clarity, an A3 sized version of the plan is included as **Appendix C** to this report). The respective open space areas are identified numerically on the plans (e.g. **11**), with those numerical identifies used throughout this section's plans and tables.
- 4.1.2 A total open space area of 11.66 hectares is proposed within the Preliminary Approval area.
- 4.1.3 A stage-by stage breakdown of the proposed open space areas depicted in Figure 13 (and **Appendix C**) is then provided in **Table 1** overleaf.
- 4.1.4 Most of Pelican Waters Heart's trunk open space is to be located within the 'Core' area identified on **Figure 13**, comprising the Stage 4 area, the town centre (western) component of Stage 3, and the eastern end of future Stage 5 (to the extent it includes the balance of Central Park). As such, the following figures in this report (Figures 14-17) have been tailored to this 'core' area for clarity, and allowance made for additional open space that will be provided in the balance (Stage 5) area.



**Figure 13 – Pelican Waters Heart Proposed Open Space Network (refer also Appendix C)  
 (Including open space reference numbers for Table 1)**

- 4.1.5 The proposed overall open space arrangement comprises:
- Village Park, of which 7.315ha is required under the Infrastructure Agreement (3ha for 'central park' and 4.315ha for the Jensen Park extension);
  - Other trunk open space areas in which walkable waterfront and trunk pedestrian/cycle paths (per the IA requirements) are located;

- The Neighbourhood Park (1.0ha) provided in Stage 1B of the development; and
- 'Local Open Space', being other (non-trunk) park areas.

Stage	Figure 13 reference	Village Park (ha)	Other trunk (Neighbourhood) Park (ha)	Other Trunk Open Space (ha)	Local Park (ha)	Total Open Space (ha)	Town Centre Lake (ha)
Stage 1B	1	-	1.000	-	-	1.000	-
Stage 1D	2	-	-	-	0.132	0.132	-
Stage 3A	3	0.428	-	-	-	0.428	-
Stage 3B	4	-	-	-	0.340	0.340	-
Stage 4B	5	0.154	-	-	-	0.154	-
Stage 4C	6	4.215	-	0.328	-	4.543	-
Stage 4D	7	1.179	-	-	0.182	1.361	-
Stage 4E	8	-	-	0.122	0.032	0.154	-
Stage 4F/G	9	0.162	-	0.127	-	0.289	-
Stage 4H	10	-	-	0.293	0.203	0.496	-
Stage 4I	11	1.000	-	0.105	-	1.105	1.160
Stage 5	12	0.659	-	0.174	0.823	1.656	-
<b>TOTAL</b>		<b>7.797</b>	<b>1.000</b>	<b>1.149</b>	<b>1.712</b>	<b>11.658</b>	<b>1.160</b>

Table 1 – Proposed Pelican Waters Heart Open Space

4.1.6 The proposed open space configuration and pedestrian/cycle movement areas within the 'core' open space area, which forms an integrated and connected network, is depicted on Figure 14 below.

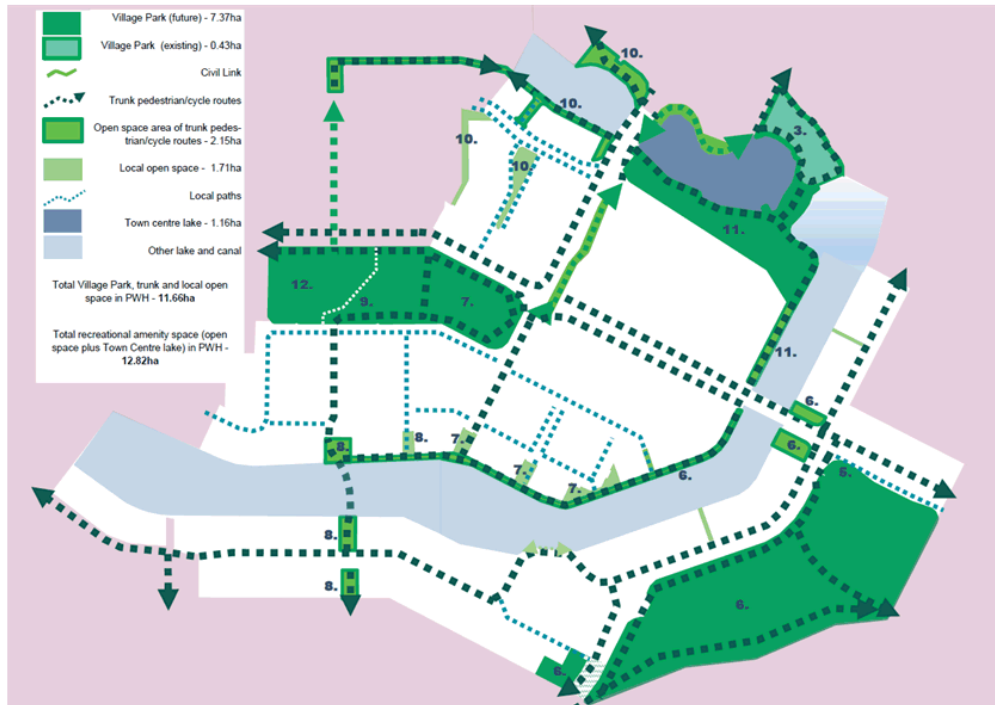


Figure 14 – Core area open space and connectivity

Sunshine Coast Survey and Planning

4.1.7 Having thus presented the proposed overall open space and connectivity network, we will now break down the trunk and local components and the respective quanta thereof.

#### 4.2 VILLAGE PARK - OVERVIEW

4.2.1 **Figures 13 and 14** above and the proposed (updated) *Infrastructure Agreement* Drawing 7 (*Urban Open Space and District Community Facilities Infrastructure Network Sequencing* - refer **Figure 10** earlier) show the Village Park as 2 parcels (remaining as 2 parts of one lot) rather than as one central (3ha) parcel per current IA Drawing 7.

4.2.2 This review of the *Infrastructure Agreement's* trunk open space requirements has been necessary to address the regulatory constraints to the delivery of better open space, recreational facility and placemaking outcomes associated with the proposed split Village Park configuration. It is not the project team's intent to minimise the quantum or quality of trunk open space to be provided or the levels of embellishment of those areas. The opposite is true. The creation of a waterfront village park component, fully integrated with the commercial, mixed use, higher density residential, marina and walkable waterfront development components, and more fully assimilated with the existing residential and commercial fabric, will be the defining feature of the project and its greatest community asset.

4.2.3 This section of the report identifies in detail the specific open space areas and network proposed for the Pelican Waters Heart area. This can then be used as the basis to clarify and resolve the interpretive and perceived regulatory roadblocks to achieving the improved planning and urban design outcomes afforded by the split village park.

4.2.4 Both parts of the Village Park will be embellished to District Recreation Park standard in accordance with the requirements of the *Infrastructure Agreement* (and associated PSP11.24 of the *2004 Caloundra City Plan*). The 2 park components will form parts of one lot, connected by a Civic Link integrated with the Major Transit Station on the extension of Coral Sea Drive.

#### 4.3 VILLAGE PARK (TRUNK OPEN SPACE) INFRASTRUCTURE PROPOSED.

4.3.1 The proposed Village Park areas total 7.797ha and are depicted on **Figure 15** below. This exceeds the 7.315ha of Village Park space required under the *Infrastructure Agreement*.

4.3.2 The proposed Village Park areas comprise:

- 3.428ha of 'Central Park' (plus recreational lake), as required by Item 6.1.1 of the *Infrastructure Agreement* (3.0ha), made up of one lot (in 2 parts) as follows:
  - A 2.0 hectare central location (Village Park – Central) comprising 1.179ha in Stage 4H, 0.162ha in Stage 4G, and (contiguous) 0.659ha in future Stage 5; and
  - A 2.588 hectare recreational precinct (Village Park – Waterfront) comprising 1.428ha of parkland (1ha in Stage 4 and 0.428ha in Stage 3A) and approximately 1.16 ha of recreational lake; and
- A 4.369ha Jensen Park extension in Stages 4B and 4C. This complies with the requirement for Village Park (4.315ha) set out as item 6.1.2 of the *Infrastructure Agreement*.

4.3.3 The two Village Park parts will form one lot connected by a 'civic link' along the western side of proposed Lot 284. This road reserve has been widened to accommodate this link, featuring a 3 metre wide combined pedestrian/cycle path, seating and feature elements and planting. The civic link will also tie into the Major Transit Station required by Item 4.1.1 of the *Infrastructure Agreement*, and continue south to the lake, servicing both the central and waterfront components of the Village Park.

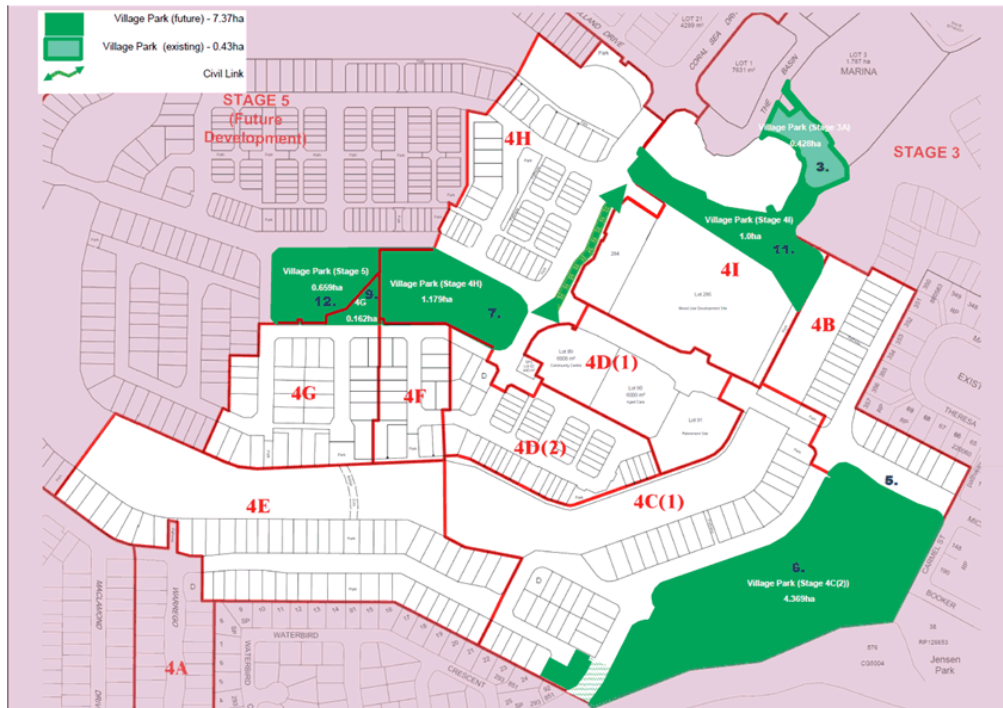


Figure 15 – Stage 3-5 Trunk Open Space (Village Park) infrastructure.

**4.4 OTHER TRUNK OPEN SPACE INFRASTRUCTURE PROPOSED.**

4.4.1 In addition to the Village Park space, it is proposed that 2.15ha of 'other' Trunk Urban Open Space Infrastructure be provided (or has been provided) within the Pelican Waters Heart area, as shown on **Figure 16** below (when read in conjunction with Figure 13 for areas outside Stage 4).

4.4.2 In addition to the Village Park area, the current *Infrastructure Agreement* Drawing 7 (refer **Figure 9** herein) also indicates three 'ancillary' areas of Urban Open Space Infrastructure. The *Infrastructure Agreement* does not set out any area, locational or functional requirements for these spaces, and therefore cannot be used to regulate or enforce the provision of these spaces. It is however submitted:

- The southern 'triangle' of park adjacent to the southern pedestrian/cycle bridge was redesigned as a series of local park nodes along the walkable waterfront, and approved as part of the Stage 4B-I reconfiguration approval;
- The easternmost triangle of parkland was intended to service the proposed lock and weir system (refer to **Figure 6** herein). This open space area has been relocated to within Stage 4C to service the revised lock and weir location (and a widened walkable waterfront open space area remains along the eastern shore of the island); and
- The north-facing park area now forms part of the significantly larger 'Village Park – Waterfront' trunk open space area.



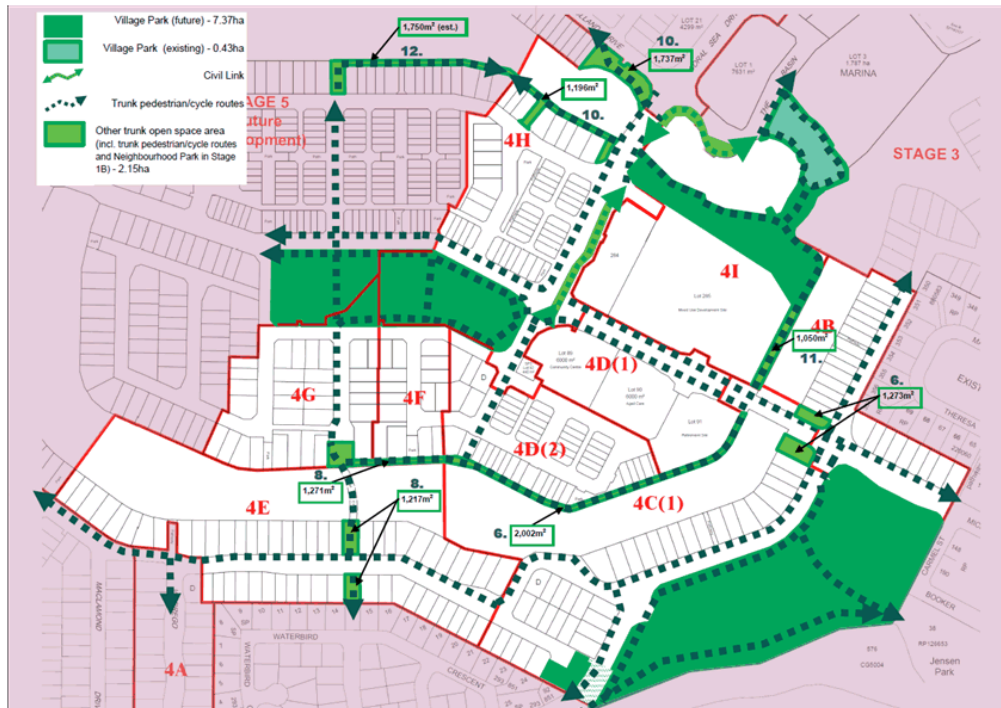


Figure 16 – Other Trunk Urban Open Space Infrastructure and Trunk Paths

4.4.3 Other trunk open space infrastructure provided, approved or to be provided within the precinct includes:

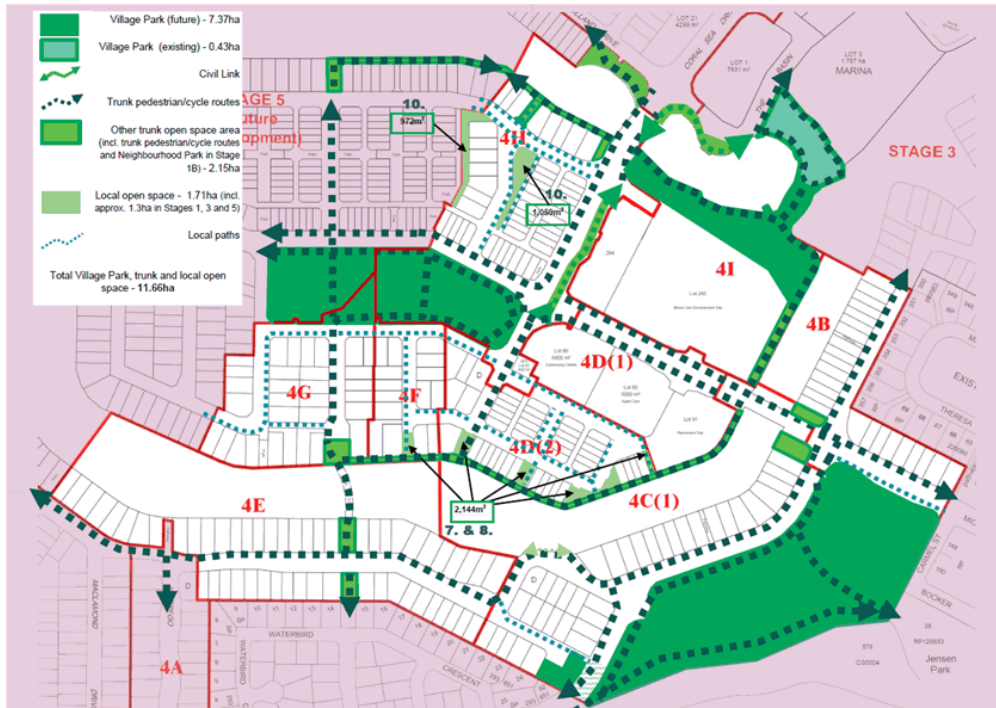
- 1.0 ha of Neighbourhood Park space (existing/provided) within Stage 1B;
- 0.105ha of walkable waterfront in Stage 4I (eastern side of Lot 285);
- 0.327ha of walkable waterfront and nodal local park space in Stages 4C, 4F and 4G;
- 0.174ha of walkable waterfront and associated open space at the northernmost end of Stage 4H (adjoining existing Stage 2B, and significantly larger than the 4.5m walkable waterfront required in this location). The design intent here is to expand the town centre open space and lake precinct (i.e. beyond the island's entry bridge), and to create an open space threshold to the island;
- 0.12ha of walkable waterfront area fronting lots 237-244 in Stage 4H;
- An estimated 0.175ha of walkable waterfront space within Stage 5 (area to be confirmed);
- 0.122ha of parkland associated with the pedestrian/cycle bridge approaches; and
- 0.127ha of parkland providing service and recreational access to the lock and weir.

Hence the above achieves a total 'other' trunk open space area of 2.149ha.

4.4.4 **Figure 16** also shows the other road-based trunk pedestrian/cycle routes required under the *Infrastructure Agreement*, which complement and enhance the site's connectivity and legibility (but do not contribute to the open space total).

**4.5 LOCAL OPEN SPACE INFRASTRUCTURE PROPOSED.**

4.5.1 **Figure 17** below depicts (in addition to the open space infrastructure shown in the preceding figures), the 0.42ha of local open space areas proposed to be provided within the 'core' area. **Figure 17** also depicts the local pathway system that supplements the trunk network to deliver a very fine grain of connectivity.



**Figure 17 – Total Open Space including Local Parks and Local Paths**

4.5.2 Additionally, and by reference to **Figure 13**, 1.295ha of local park is to be provided outside of the core area depicted in Figure 17, as follows:

- 0.132 ha of local park (existing) in Stage 1D;
- 0.340 ha of local park in Stage 3B (existing);
- 0.823ha of local park (estimated) in Stage 5.

4.5.3 Therefore, proposed total local park provision within the Pelican Waters Heart Precinct will be approximately 1.71ha.

**4.6 OPEN SPACE CONCLUSIONS**

4.6.1 A total of 11.658 (11.66) hectares of open space is proposed for the Pelican Waters Heart precinct, of which 9.946ha is trunk open space.

4.6.2 Additional to the 11.66ha of open space is the Infrastructure Agreement's specified \$4.3m contribution in lieu of 4ha of sporting field provision, which effectively raises trunk open space provision to the equivalent of 15.66ha. Hence the proposed development and contributions obligations exceed (by more than 50%) the total open space requirement of 10 hectares derived from PSP 11.24, the 2011



draft *Open Space Strategy* and the 2004 *Caloundra City Plan's* 'Caloundra South Planning Area Code' upon which the southern lakes precinct's open space requirements were derived. This is explored further in Sections 5 and 11 of this report.

- 4.6.3 The waterway areas (lake, canal) have not been included in the calculations for overall open space area, but undoubtedly provide an amenity and recreational asset/function to the community.
- 4.6.4 In the case of the non-tidal lake (1.16 ha) between Stages 3A and 4I, it is intended that it be provided as a recreational lake for secondary contact purposes. In this manner, the waterway supplements the visual and functional extents of the adjacent Village Park (waterfront) and other trunk open space to form a 2.6ha town centre recreational node that will become the key component of the development's integrated Village Park system. The current status of construction on site now allows for Council officers to see (from the Stage 3A park) the scale and emerging character of this overall visual and functional recreation node.
- 4.6.5 It is further submitted that waterway areas were, in earlier stages of Pelican Waters (and other Sunshine Coast projects), assessed and accounted for as part of the open space network or, at least, as reducing the required quantum of land-based open space area (e.g. reducing the quantum from 10% to 7.5% in the northern lake area). Had this rate been applied to the land areas of the Pelican Waters Heart development, the total open space requirement would have been approximately 5 hectares.
- 4.6.6 We draw to Council's attention the walkable waterfront within Stage 4I's Village Park (waterfront) area has been included in that park's land area (i.e. hence forming part of the 3.428ha total Village Park area). There is nothing within the *Infrastructure Agreement's* trunk open space and walkable waterfront area requirements stating that the park areas cannot be co-located. In fact, the *Infrastructure Agreement* can be interpreted, on balance, as inferring that such areas can be co-located, as demonstrated by the depiction of trunk bicycle and pedestrian infrastructure (per Drawings 5 and 7) within the Central Park, Jensen Park, and the 'other' Urban Open Space Infrastructure areas.
- 4.6.7 Moreover, it is submitted that the greatest community value, usability, safety and amenity (and reduced long-term maintenance costs to Council) will be derived from integrating the walkable waterfront within the Village Park and other open space areas. Such a configuration creates a genuine recreational experience, rather than simply accommodating movement between one place and another.
- 4.6.8 The most used existing open space areas within Golden Beach and the broader Caloundra region are waterfront linear parks. The proposed collocated Village Park waterfront provides a worthy addition to this network.

## 5.0 ASSESSMENT OF PROPOSED OPEN SPACE

### 5.1 URBAN DESIGN RATIONALE FOR VILLAGE PARK CONFIGURATION

- 5.1.1 The proposed open space configuration is part of a broader strategy to deliver Pelican Waters Heart's trunk open space infrastructure in accordance with the provisions of the *Infrastructure Agreement*.
- 5.1.2 The developer's intent is to deliver outstanding open space, recreational and amenity outcomes for the project and for the community. No reduction in the quantum or functionality of open space is being proposed, nor are the developers seeking to scale back the investment in open space assets as the Pelican Waters projects reaches its final phases.
- 5.1.3 The planning and design of the Pelican Waters Heart project has continued to evolve in response to emerging site constraints and opportunities as development has progressed, as well as the evolution of what constitutes 'best practice' community development models and approaches. This is particularly true in the context of the alternative detached housing configurations and options now being pursued, particularly rear lane lot and 'terrace housing' where the relationship of the dwellings and their occupants to public open space and civic recreational facilities becomes even more important.
- 5.1.4 There are five fundamental changes that have emerged on-site since the Preliminary Approval and the *Infrastructure Agreement* were formulated:
- Firstly, the principal town centre (mixed use) functions have moved from their original freestanding (island) location to one adjacent to the existing Pelican Waters Shopping Village and the proposed marina uses and functions. It makes economic, functional and placemaking sense to consolidate and build upon the existing community asset base rather than fragment and compete with it;
  - Secondly (and relatedly), the further identification of heavily constrained areas (notably the deep excavation areas within the historical waterway south of the existing shopping centre) have rendered parts of the initially envisaged development form uneconomical and unsustainable;
  - Thirdly, the proposed adoption of a pumped salinity interchange system associated with a perched lake configuration, in lieu of the previously proposed tide-actuated penstocks, has provided the opportunity for a strategic rethink of development form and the way the project and its open space relates to and embraces the waterfront setting;
  - Fourthly, the relocation of the proposed lock and weir from a 'town centre' location. The previous location had underpinned parts of the original open space configuration and distribution. The relocation of the lock and weir changes those relationships; and
  - Fifthly, and based upon the above factors and the careful examination of localised landform opportunities, the capacity has emerged to create an integrated waterfront recreational precinct at the core of the respective town centre (mixed use) and higher density residential precincts.
- 5.1.5 It is also worth noting that in the time since the Preliminary Approval and the execution of the *Infrastructure Agreement*, 96ha of environmental land in Pelican Waters west has been dedicated to Council. This represents an area almost equal to the entire Preliminary Approval area (104ha). Whilst this is not urban parkland, it demonstrates the enormous contribution being made by the broader Pelican Waters development to the amenity and environmental health of the region, and to the scale of available public recreation land.
- 5.1.6 The combined effect of the abovementioned Village Park changes, in an open space sense, is that an outstanding opportunity has been created to move away from a single internalised 'Village Park' to one which embraces and emphasises the site's waterfront location, delivers a greater sense of place and amenity, complements and enhances the marina facilities and creates a greater number of memorable and interconnected spaces than was considered possible at the time of the Preliminary Approval. Moreover, both the total quantum of the open space, the level of connectivity to the community it

services, and the overall spaciousness of the development's recreational settings (to which the proposed waterway areas manifestly contribute) will be increased, as will the capacity for the project to deliver an attractive and popular urban centre for Caloundra and the region.

- 5.1.7 The proposed waterfront village park will be fully integrated with the commercial, mixed use, higher density residential, marina and walkable waterfront development components and complement the existing residential and commercial fabric. The interrelationship between those recreational and mixed-use functions will serve to enhance the respective economic and social vitalities, in turn helping to create what will be the defining feature of the project, and its greatest community asset.
- 5.1.8 The waterfront park areas within Stage 4I will be serviced by significant on-street and structured parking spaces on the stub road off Coral Sea Drive. Additional on-street parking is provided adjacent to the Stage 3A peninsula park. This will service and enliven the waterfront park and lake areas.
- 5.1.9 An overview of the proposed Village Park (central and waterfront) form, as shown in the revised *Open Space Strategy* submitted with the Stage 4B-I reconfiguration application, is provided in **Figure 18A** below (although the width of the north facing waterfront park in Stage 4I has been increased since this document was prepared) with an artist's rendering included as **Figure 18B**.
- 5.1.10 By comparison, the extent of the waterfront park that would be delivered in accordance with the Stage 4B-I approval would be significantly diminished, as shown on **Figure 19**.

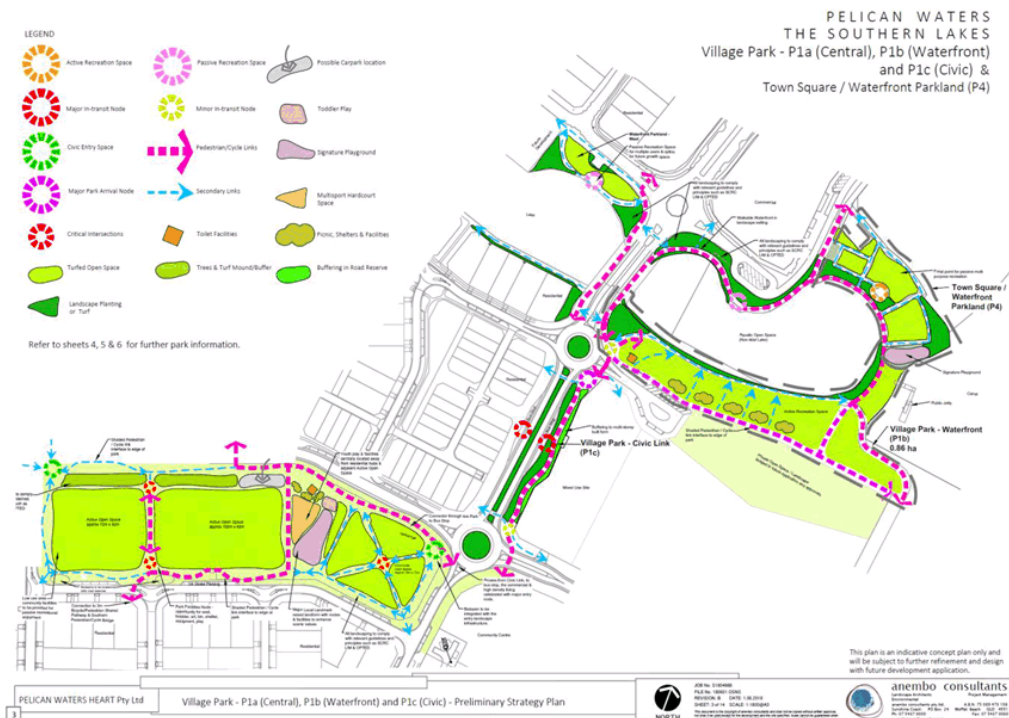


Figure 18A – Proposed Village Park configuration



Figure 18B – Proposed Village Park configuration and public connectivity network



Figure 19 – Waterfront park area per Stage 4B-I approval

Sunshine Coast Survey and Planning



- 5.1.11 The Village Park (central) area of 2.0 ha still forms a vital component of that open space facility, and the open space and circulation system more widely. It is itself of sufficient size (with a minimum dimension of 65 metres) and configuration to accommodate all the amenities (embellished to District Recreational Park standard) required for the Village Park under the *Infrastructure Agreement* (including opportunities for active recreation, such as kick and throw and numerous playground areas), is centrally located and highly accessible with public road frontage to all sides and services both the higher and lower density development areas. There is no recreational use type specified for the Village Park under the Preliminary Approval, *Planning Area Code*, *Infrastructure Agreement* or PSP11.24 (to the extent called up under the *Infrastructure Agreement*) that necessitates the provision of a single 3 hectare parcel.
- 5.1.12 The linking of the core (central) passive and active recreational area with its waterfront recreational counterpart by way of an integrated, high amenity civic link will create a highly amenable sequence of spaces, uses and experiences. The proposed community facilities site (Lot 89) and the Major Transit Station reinforce the role and prominence of this civic link.
- 5.1.13 Another advantage of the proposed central/waterfront Village Park configuration is that it democratises the distribution of recreational facilities, by providing Village Park facilities as close as possible to the highest density of dwellings and facilities (rather than being located entirely within the lower density central area). Also, the proposed central/waterfront Village Park components serve to enhance the range and diversity of recreational experiences and settings that will be provided. This is considered particularly important in the context of smaller and alternative housing products (e.g. multi-unit, rear lane and attached housing) where the limitation of available private open space area needs to be offset by improved and more diverse public open space and civic recreational facilities.
- 5.1.14 As is also evident from **Figures 17-18**, the proposed Village Park configuration forms part of a highly connected and legible open space and movement network that will deliver an immersive and engaging recreational experience for residents and the broader community.
- 5.1.15 Conversely, we submit that the range and diversity of recreational experience would be diminished by the provision of the Village Park as one contiguous, 3.0ha parcel. As the Village Park is not intended to serve a sporting field function (that being facilitated by way of the \$4.368m financial contribution called up by *Infrastructure Agreement* Item 6.1.3), no playing fields need to be provided within the Pelican Waters Heart development. Any space beyond the proposed 2ha central Village Park area would not provide a proportionate increase in the quality or range of experiences (certainly it would be less than that provided in the proposed waterfront setting). Any such additional space would simply be embellished to the required District Recreation Park standard, in the form of turf and planter areas. Council and the community therefore derive a recreational and amenity benefit from creation of a waterfront component to the Village Park.
- 5.1.16 It is also submitted that Council's current planning scheme recognises the importance of waterfront open space as district level recreational facilities. Specifically, *Priority Infrastructure Map PIPM46D* (refer **Figure 20**) allocates almost all Golden Beach/Pelican Waters' district recreational park as being located along the Pumicestone Passage waterfront. It therefore makes sense for Council to avail itself of the opportunity to link these waterfront areas (and the associated Coastal Walk) to a waterfront park within the Pelican Waters Heart area, in turn linking this to the core Central Park area by way of the trunk pedestrian, cycle and vehicular connections established in accordance with the requirements of the *Infrastructure Agreement* and the *Planning Area Code*.
- 5.1.17 The waterfront component of the Village Park will also provide much improved functionality/amenity for the commercial and marina precincts than that currently provided for by the IA document. The open space design, with public road access for approximately two thirds of the perimeter, provides excellent linkage between the island and the commercial/marina precincts, maximises pedestrian connectivity and permeability (and provides significant on-street parking capacity).

5.1.18 By taking *Priority Infrastructure Map PIM46D* (with water areas added to give context) and applying the proposed Village Park configuration and network connections outlined in **Figure 17** of this report, the extent of improvement to the area's recreational open space network afforded by the Pelican Waters Heart development becomes even more apparent (refer **Figure 21**).

5.1.19 Moreover, the inclusion of a waterfront open space area significantly improves the range and interconnectedness of the precinct's trunk open space areas compared to a single, centrally located park area. The waterfront component of the village park provides pedestrian connectivity and permeability on all sides with public road access available on around 65% of its perimeter (i.e. Stage 3A The Basin/Coral Sea Drive and Future Glover Place). It provides a trunk/district park for the commercial and marina precincts that were not provided in the current IA layout. This open space design also links the island to the commercial precinct and maximises pedestrian connectivity and permeability.

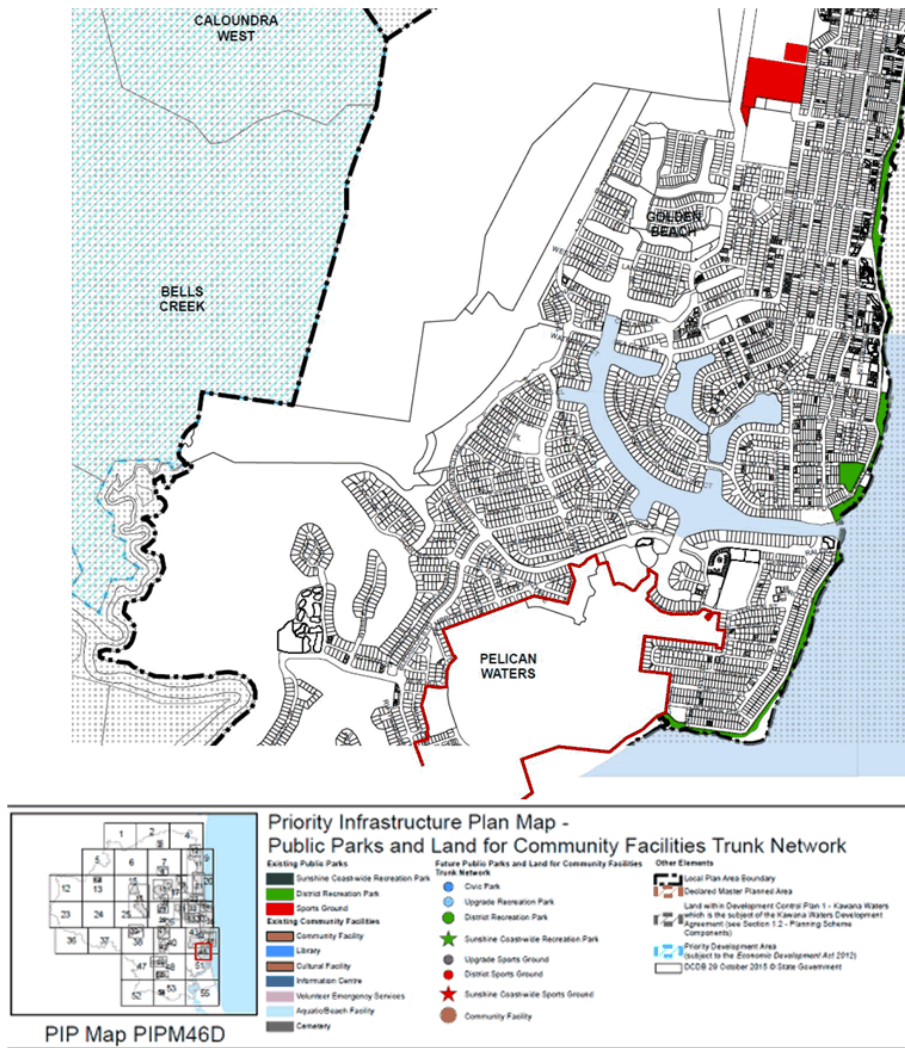


Figure 20 – 2014 Planning Scheme’s PIP mapping for existing district level recreational parks (extract)



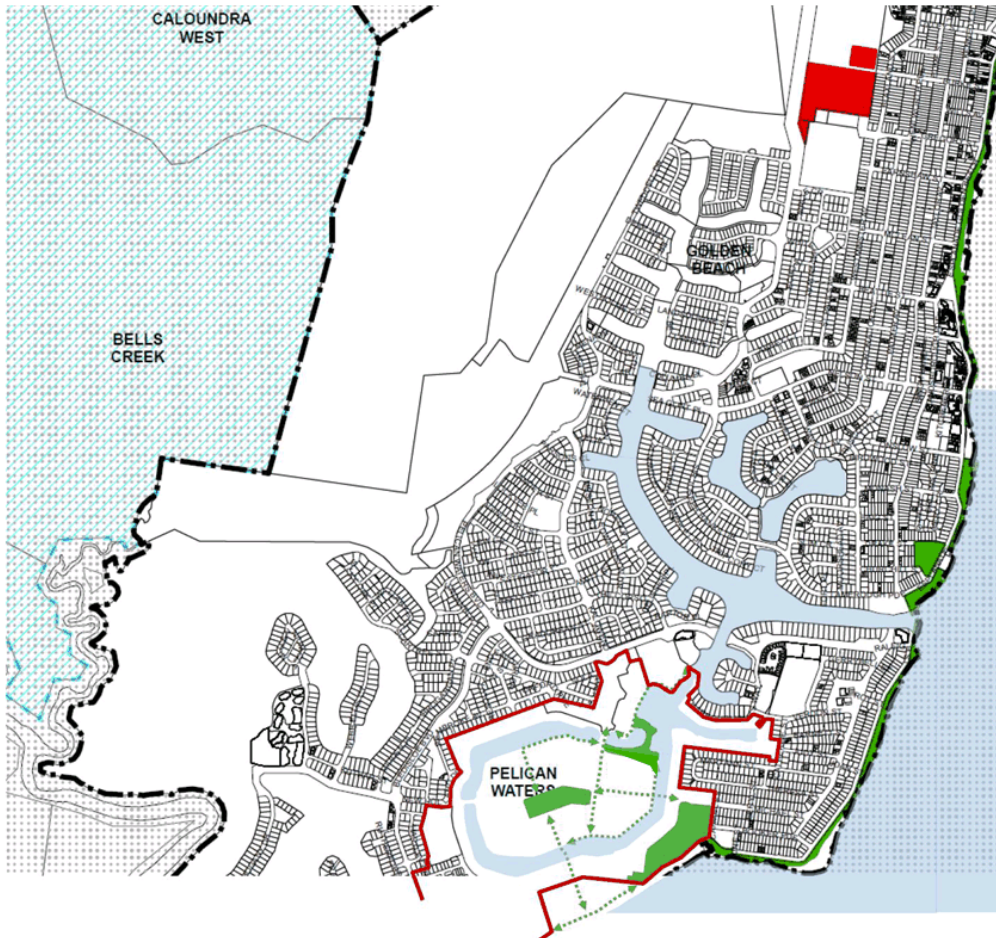


Figure 21 – Pelican Waters Heart open space (supplementing PIP mapping)

5.1.20 Having thus identified the open space quantum (trunk and local) proposed to be provided in the Pelican Waters Heart precinct and the urban design and placemaking merits thereof, the following sections of this report address the interpretive and perceived regulatory roadblocks to achieving the improved planning urban design outcome afforded by the split village park, including:

- Council's interpretation of the *Infrastructure Agreement's* trunk open space requirements;
- The planning intent for the Village Park at the time of the Preliminary Approval and in the formulation of the *Infrastructure Agreement*; and
- The total quantum of open space to be provided within the Pelican Waters Heart precinct relative to the 10ha requirement of the *Caloundra City Plan's* Planning Scheme Policy 11.24 and the *Caloundra South Planning Area Code*.

## 5.2 INFRASTRUCTURE AGREEMENT AS THE PRINCIPAL DETERMINANT OF OPEN SPACE REQUIREMENTS

5.2.1 Based on our discussions with Council officers at the time of the Stage 4B-I application regarding open space provision, it appears that some opinions regarding the adequacy of recreational open space within the Pelican Waters Heart project area (and specifically, whether it is acceptable to change the

configuration of the 3ha Village Park) have been informed by references to mapping or documentation that post-date the *Infrastructure Agreement* (e.g. 2016 open space mapping, the 2014 Planning Scheme's Priority Infrastructure Plan, the Environment and Liveability Strategy, the 2013 Open Space Strategy, and other 'desired standard of service' references), or a perception that earlier development within Pelican Waters carried forward an open space shortfall which needs to be rectified by the current development.

- 5.2.2 As the *Infrastructure Agreement* is a voluntary agreement entered into by the developers and Council, the requirements and obligations therein cannot be called into question or compared to other or more recent standards (especially in the case of the Pelican Waters Heart development where no reduction in the quantum of such trunk open space is being proposed and, as demonstrated earlier, the total quantum of open space is increasing). The provisions of the *Infrastructure Agreement* prevail as the only legitimate points of reference in this regard (except to the extent outlined in Section 5.3.4 below).
- 5.2.3 Furthermore, we refute any suggestion that there is any 'legacy' open space shortfall. Each stage and development area within the broader Pelican Waters development has been developed in accordance with the requirements of their respective development approvals. By way of example, the development phase preceding the Pelican Waters Heart development, being the Pumicestone Passage (northern lake) development, facilitated the delivery of PPD's 96ha western environmental land parcel and the 7.4ha northern environmental land parcel. Both parks were extensively rehabilitated and provided with boardwalks, paths, recreational facilities and signage, and now provide a district-level recreational asset. Further, there was an open space register which documented park credits at that time.
- 5.2.4 Pelican Waters Heart Pty Ltd cannot be held responsible if Council officers' perceive a lack of district park facilities, especially where Council has not conditioned such requirements in previous development approvals and given that some 30 hectares of land for sporting field exists in Reserve 1000 at the northern end of Pelican Waters Boulevard. The *Infrastructure Agreement* sets out the full extent of Pelican Waters Heart's open space obligations, including the provision of a monetary contribution of \$4.3 million in lieu of 4 hectares of on-site sporting field land. The *Infrastructure Agreement* is therefore the prevailing document upon which any requirement, including the assessment of proposed changes, must be assessed. Moreover, Council's endorsement of the *Infrastructure Agreement* confirms that it deemed acceptable and appropriate the agreed quantum and function of open space within the Pelican Waters Heart development (relative to the projected population) at that time, to the exclusion of any later Council open space related documentation.
- 5.2.5 It also bears saying that the *Infrastructure Agreement's* trunk open space requirements considerably exceed those contained within the 1996 rezoning agreement, despite that agreement continuing, by Council's own admission, to have effect (e.g. the rezoning agreement's environmental reserve dedication requirements were called up under Pelican Waters Heart's Stage 1 approval). Clearly the developers have acted (and continue to act) in a responsible manner and in good faith in the formulation (and delivery) of the precinct's open space requirements.

### 5.3 LEGAL ADVICE REGARDING THE PROPOSED VILLAGE PARK (CENTRAL PARK) CONFIGURATION

- 5.3.1 One of the central issues in discussions to date has been whether the proposed Village Park configuration meets the area, location(s) and configuration requirements of the *Infrastructure Agreement*, and the eligibility of that Village Park space for infrastructure offsets.
- 5.3.2 Whilst this report has clarified the intent of and background to the *Infrastructure Agreement's* Village Park open space requirements, we also reiterate the position that the current *Infrastructure Agreement* does not preclude the split Village Park configuration.
- 5.3.3 Legal advice in this regard was sought from McCullough Robertson, with that advice being provided in the context of the order of importance of the documents guiding the delivery of trunk open space within the Pelican Waters Heart project area, including the IA, Preliminary Approval, Planning Area Code,

and other documents which Council officers have given weight to (such as the 2014 Priority Infrastructure Plan). A copy of that legal opinion is included as **Appendix D** to this report.

- 5.3.4 The key conclusions reached by McCullough Robertson in relation to trunk open space provision, and hence to the compliance of the proposed layout with the provisions of the *Infrastructure Agreement*, are as follows:
- It is "the 2004 City Plan that regulates the interpretation of the provisions and the performance of the obligations contained within the IA, not the provisions of subsequent planning documents".
  - The IA "prevails over the 2004 City Plan and any related documents, as well as the Preliminary Approval, in the event of any inconsistency" (per clauses 3.6(2) and 3.8(2) of the IA), including the Preliminary Approval and the Planning Area Code.
  - The *Infrastructure Agreement* is clear in that it requires (per Item 6.1.1) a Village Park be provided, embellished to District Recreation Park standard (as defined in 2004 City Plan PSP11.24).
  - The term 'Village Park' as used in the Infrastructure Agreement does not mean the same thing as the term 'District Park' or 'District Recreational Park'. Although those terms existed in the planning scheme at the time the IA was formulated and executed, they were not used to define the type of park required to be provided under the IA. Per paragraph 5.2 of the legal opinion, "... the term Village Park needs to be given a meaning by reference to the only document that assists explaining the term, namely the DCP2 under the 1996 Planning Scheme".
  - That terminology distinction, together with other provisions within the IA, precludes Council from interpreting that any other provision, policy or plan (including the balance of PSP 11.24, the 2004 City Plan's PIP, the 2014 planning scheme's PIP or the *Planning Area Code*) has a controlling effect over the nature, size, location or configuration of the Village Park.
  - Per paragraph 7.10:
    - "It is therefore our opinion that:*
      - (a) there is no legal requirement to provide Central Park as one single 3 hectare parcel;*
      - (b) it is possible to split Central park into two or more parts with a combined area of 3 hectares of a single lot; and*
      - (c) this course of action would not contravene PWH's obligations under the IA nor result in Central Park being considered non-trunk infrastructure, so in our opinion the infrastructure offsets will still apply".*
  - The central and waterfront Village Park components can in any case be titled and dedicated to Council as one lot (in two parts), per the legal opinion's paragraph (d):
    - "it is our view that even if there was some warrant (which we do not consider there is) to Council's view that Central Park is to be a minimum of one single 3 hectare lot in order to be regarded as trunk infrastructure, if it were provided as two parts of one lot this would satisfy the requirements of the IA beyond doubt".*
  - Regarding the latter point, the 'Registrar of Titles: Directions for the preparation of plans' states:
    - "Part lots are permitted, but parts of the same lot must not immediately adjoin one to the other. Part lots may be separated by a road or a watercourse or a lot or a combination of these. The extent of the physical separation of the part lots should be limited to where the part lots can be effectively and efficiently used as a single lot."*
  - A copy of a plan depicting the Village Park as one lot (in two parts), was provided to DNRM's Senior Surveyor, Mr. Richard Statham, for comment relative to the Registrar of Titles' 'part lots' provisions. Mr. Statham confirmed (telecon 24 May 2018) to SCSP's Andrew Morcom that Pelican Waters Hearts' proposed Village Park would comply with the Registrar of Titles' directions for, and definition of, one lot provided in two parts.



- Based on the above legal and technical advices, the proposed Village Park configuration complies with the *Infrastructure Agreement* and remains eligible for infrastructure offsets. That being said, the applicant may be prepared to accept the position outlined in Council's 'without prejudice' correspondence dated 22 November 2010 (refer **Appendix B**), specifically that the waterfront component of the Village Park will generate infrastructure offsets (as otherwise set out on page 65 of the *Infrastructure Agreement*). That is, in that event only the central 2.0ha will be creditable. This is discussed further in Section 11 of this report.
- The project team reiterates that the proposed approach to the delivery of Central Park is being pursued because it facilitates the delivery of an improved, integrated overall open space network and a superior (and larger) recreational and amenity setting for the community. This position is supported by the legal advice, which also provided the following commentary:

*3.19 Section 14 of the DCP2 stated that "the recreational intent" for a Village Park was to "support the function and amenity of the commercial precinct in SDP4". Although not specifically within our instructions, it is worth noting your current master-planning intent to deliver a Waterfront Village Park component directly adjacent to PWH's commercial precinct appears more consistent with that intent than providing a single 3 hectare park in an isolated location, dislocated from the commercial precinct.*

#### 5.4 OPEN SPACE INTENT IN PRELIMINARY APPROVAL APPLICATION AND INFORMATION REQUEST

- 5.4.1 In discussions to date regarding trunk open space provision, some Council officers have expressed the view that the single and central area of 3 hectares for Central Park was established at the time of the Preliminary Approval application (and in the formulation of the *Planning Area Code*) as the minimum required to meet the district level recreational needs of the community.
- 5.4.2 Firstly, the Preliminary Approval did not foresee or aim to secure the delivery of sporting fields and, secondly, the 3 hectare park size was not determined by Council based upon specific function-related recreational area metrics. In relation to the former, the *Infrastructure Agreement* facilitates the delivery of sporting facilities off-site (by way of the \$4.3m contribution). In relation to the latter, no other area, dimension or recreational use/type parameters are specified for the Village Park other than the requirement for embellishment "... in accordance with the minimum requirements for a District Recreational Park as identified in in column 2 (Public park – development setting) of Table 2.2F (typical embellishments for public parks) of the Caloundra City Plan 2004 Planning Scheme Policy No 11.24 (*Infrastructure Contributions for Open Space network*)". The provisions of Table 2.2F simply require the following.
- "Landscaping and planting, signage, transport links, seating, fencing, play/teenage equipment, BBQ facilities, public art, onsite car parking, and water access.*
- 5.4.3 None of these functions or embellishments necessitate providing 3 hectares in one area, and it can be argued that "water access" can only reasonably be provided where part of the parkland fronts water.
- 5.4.4 Given the above and having in Section 5.2 established the primacy of the *Infrastructure Agreement* in determining the relevant open space requirements for the Pelican Waters Heart precinct, it is appropriate to review exactly how the 3 hectare requirement for the Village Park came about in the *Infrastructure Agreement* and the *Planning Area Code*. This can then serve as a logical basis against which the proposed alternative (central and waterfront) configuration of the Village Park can be assessed, independent of the confusion created by inferences of an open space shortfall or the provisions of later documents.
- 5.4.5 We submit that it is entirely appropriate for Council to apply the same 'goalposts' in assessing the revised (proposed) Village Park configuration as those in place at the time the Preliminary Approval was assessed, as it is these parameters that informed the *Infrastructure Agreement* and the *Planning Area Code*. In this context, the revised Village Park configuration does not afford Council the opportunity to undertake a fresh assessment or give weight to later instruments or policy, or to

maintain views that the 3 hectares Village Park is a function-based metric or a means to rectify a perceived open space shortfall.

- 5.4.6 As can be seen in the documentation submitted with the original Preliminary Approval application (Council file 2009/510022 refers), and as depicted on **Figure 6** of this report, a village park area of approximately 1.7 hectares was originally nominated on the indicative master plan. In response to this, and the proposed development's overall open space configuration, Council's (amended) information request correspondence dated 8 April 2010 stated the following:

2.3 OPEN SPACE AND COMMUNITY FACILITIES NETWORKS

35. Pursuant to Planning Scheme Policy No 11.24, there is a requirement for 10ha of Park to be provided in this location that provides a District function, whereby at least 5ha is provided in one location (refer to Table 2.2D). The Local Parks, two Village Parks of a minimum area of two hectares each and two Neighbourhood Parks of a minimum area of one hectare each, as required pursuant to the Caloundra South Planning Area Code are included in the 10ha. Council's preference in this instance is to acquire the ultimate land component that caters for a District function.

Accordingly, amend the layout to identify and make provision for all required Village Parks and Neighbourhood Parks in accordance with the Caloundra South Planning Area Code, and provide additional Park to satisfy the ultimate 10ha requirement in accordance with Planning Scheme Policy No 11.24.

...

37. All terminology should be at all times consistent with that of the Caloundra City Plan. Where Parks are provided in accordance with the Caloundra City Plan, those Parks are to be identified and referenced as Village Park and Neighbourhood Park.

...

41. The Caloundra South Planning Area Code Specific Outcome 033 details the requirement for the provision of Village Parks (V) to support the function and amenity of the community facilities and provide recreational opportunities adjacent to Jensen Park. Probable Solution S33.1 references the Village Parks (V) at the locations indicated on Caloundra South Planning Area Code Map CSP3 with an area of not less than 2 ha.

It is noted that the proposed SLPWPAC identifies a minimum area for the Village Park (that being the proposed Town Park) not less than 1.7ha. This outcome does not satisfy the minimum land area of 2ha for this type of Park, and is therefore not supported. Accordingly, amend the SLPWPAC to be consistent with the current minimum land areas for Village Park (2ha) and Neighbourhood Parks (1ha).

- 5.4.7 ML Design's response to these Information Request items was dated 16 August 2010. The key conclusions that can be drawn from the information request and the response are as follows:

- The precinct's overall open space requirements derive from *Caloundra City Plan's* Planning Scheme Policy 11.24 and the *Caloundra South Planning Area Code*;
- The village parks were required to be a minimum of 2 hectares in size, not 3 hectares;
- The total open space requirement for the precinct was 10 hectares (as demonstrated in Section 4.6 of this report, amply met);
- The purpose of the Village Park is outlined in Specific Outcome O33 of the *Caloundra South Planning Area Code*, specifically:
  - O33 Village parks are provided to:
    - (a) support the function and amenity of the community facilities node in Sub-precinct PW2; and
    - (b) provide multiple recreation opportunities adjacent to Jensen Park to service the broader community.



- Furthermore, Probable Solutions S33.1-S33.2 reference the Village Parks thus:
  - S33.1 At the reconfiguring a lot stage, village parks:
    - (a) are provided at the locations indicated on Map CSP3; and
    - (b) have an area of not less than 2 hectares.
  - S33.2 The village park in Sub-precinct PW2 demonstrates a direct relationship (physical as well as visual) with the District Business Centre Precinct and expresses a degree of ornamentation that can be viewed as an expression of community pride and identity.

5.4.8 The relevant extracts from Map CSP3 are provided in **Figure 22** below.

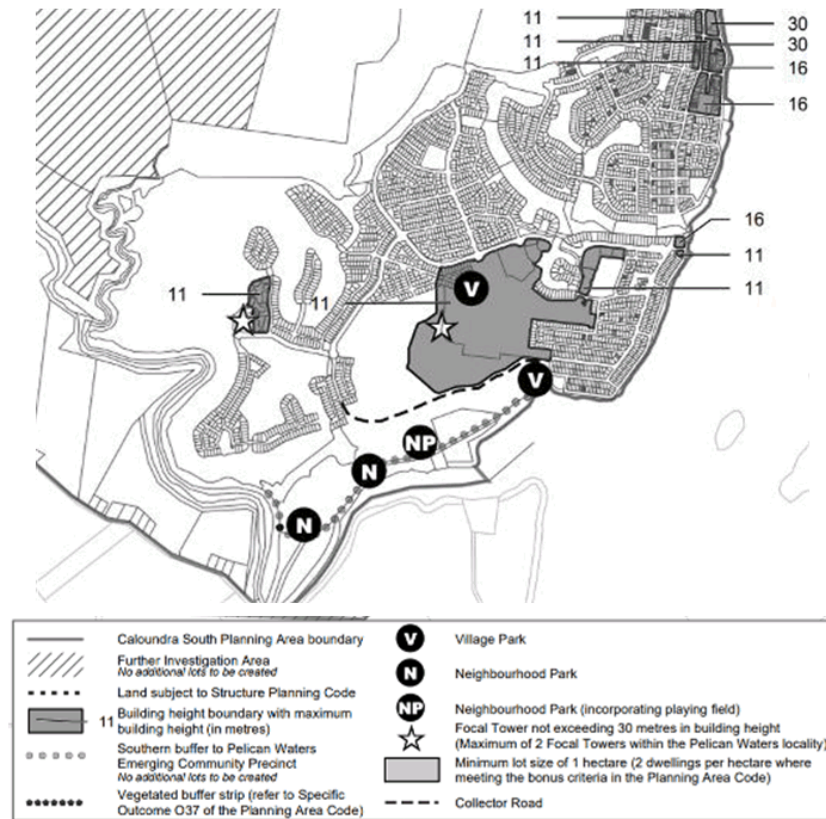


Figure 22 – Map CSP 3 (Extract) – Caloundra South Planning Area Code (Caloundra City Plan 2004)

5.4.9 Performance Outcome O34 and associated Probable Solutions S34.1-S34.9 provide further insights into Council's preferred open space outcomes at the time the Preliminary Approval application was being assessed, as set out below (emphasis mine):

- O34 The planning and design of public open space provides for the needs of residents and visitors.
- S34.1 The open space network is **integrated with the existing open space facilities in other parts of the Planning Area.**

S34.2 Open space is provided to **maximise its visibility to both the resident and visiting population**. In particular, **park areas are proximate to key focal points such as lakes, canals, golf course, and existing esplanades and parks**.

S34.3 **Open space is convenient to its intended user, both in terms of ease of access and in meeting the user's recreational and amenity needs.**

S34.4 **Open space is planned and designed for multifunctional usage, affording a range of recreational opportunities** and provides a standard of landscape amenity satisfactory to cater for a wider user population, and provide flexibility to meet changes in future usage.

S34.5 Open space is used as a protective buffer to environmental conservation areas and for specific environmental control of mosquitoes and biting midges, or as a buffer between incompatible development provided it satisfies its recreational function.

S34.6 **Recreational opportunities associated with manmade waterways are maximised through the provision of suitable areas and facilities to enable public access.**

S34.7 **Development provides for public waterfront open space areas** and links to natural vegetation areas where practicable.

S34.8 Development provides for **public pedestrian links between residential areas and public waterfront open space areas** including walkways, bike paths, jetties and boat ramps.

S34.9 Bikeways are designed to allow continuity of bike paths with adjoining proposed and existing residential areas.

5.4.10 Firstly, it can be concluded that the now-proposed Village Park configuration amply meets Performance Outcome O34 and associated Probable Solutions S34.1-S34.9 of the *Caloundra South Planning Area Code*. The proposed waterfront Village Park component maximises the accessibility and visibility of open space facilities, being strongly and functionally linked to other open space areas (e.g. the central Village Park area, the walkable waterfront, the civic link and the community centre), proximate to water and key focal points and affording a range of recreational opportunities.

5.4.11 Secondly, the critical question that arises from the above is how the 3 hectare Village Park (Central Park) requirement eventuated from a requirement at the time for Village Parks to be 2 hectares in size. The answer to this is simple. The 3 hectare park area derives from ML Design's Information Request response which sought to match *Caloundra South Planning Area Code* Map CSP3's open space configuration with that of the emergent master plan configuration. Specifically, that 3 hectare Village Park area derives from the consultant's proposed combination of Map CSP3's 2 ha Village Park and 1 ha Neighbourhood Park, as shown in **Figure 23** over page.

5.4.12 That is, the 3 hectare Village Park area derives from the consultant's initiative to demonstrate compliance with the required quantum of Village Park and Neighbourhood Park areas, not from a Council position that a 3 hectare village park size was required to fulfil a specific functional requirement or a strategy within other documents such as the *Draft Open Space Strategy 2011*. Just as the 1ha Neighbourhood Park was added to the 2ha Village Park Central Park, we submit that the park can now be split and reconfigured to better achieve the outcomes sought by S33 and S34.

5.4.13 Page 30 of ML Design's Information Request Response stated the following:

*The revised Town Centre concept has sought to significantly elevate the role of the open space with the incorporation of a multi-purpose 'Village Park' located within the central island. The inclusion of a single large open space area (approx 3ha), provides the opportunity for passive open space, some sports and recreation while greatly improving the amenity of the medium density development within the District Business Centre.*

*The activities provided within the Village Park located on the island are considered appropriate for the size and scale of the open space provision providing opportunities for a combination of some formal courts and sports within a passive open space setting. The Park links to the waterfront, the*

District Business Centre and its activities will support the concept of the park fulfilling a broader role within the community as a multi purpose park.

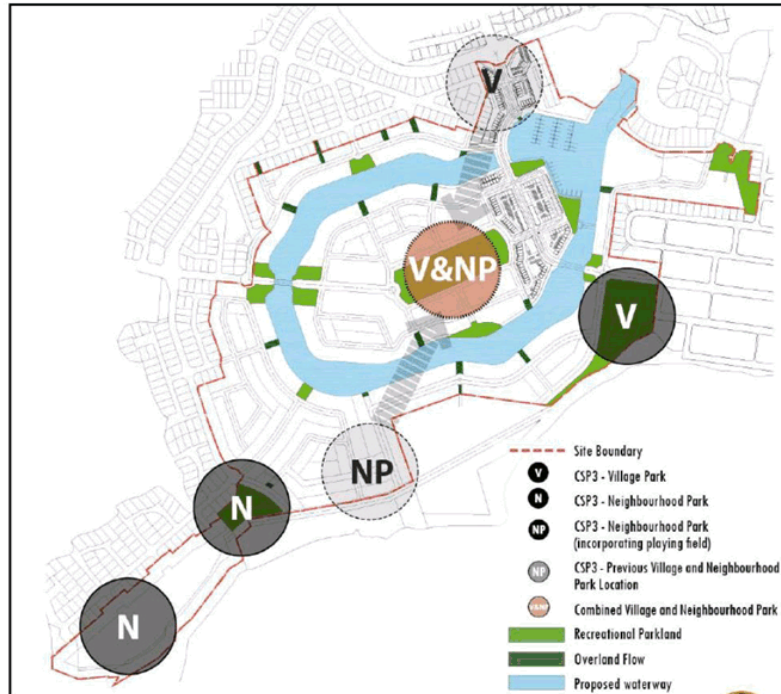


Figure 23 – Rationalised Village and Neighbourhood Park configuration (response to Map CSP3).

Source: Page 28 of 65, ML Design Information Request Response 16 August 2010

5.4.14 ML Design's Information Request response then outlined the intent, functions and area of the combined Village Park/Neighbourhood Park thus:

Intent	<ul style="list-style-type: none"> <li>Consolidated public open space. Approximately 3ha located directly to the west of the District Business Centre precinct.</li> <li>Public open space that provides an attraction and functions to attract residents from the broader district.</li> <li>Centrally located between the District Business Centre precinct and Residential precincts to provide maximum amenity to areas of higher density residential.</li> </ul>
Key functions	<ul style="list-style-type: none"> <li>Multi functional space which can be used for formal organized functions/ markets/ concerts/ festivals and night time activity;</li> <li>Detailed design to ensure a high level of accessibility and safety is provided for pedestrians cyclists and maintenance vehicles.</li> <li>Passive open space</li> <li>Recreational activities</li> </ul>
Designed Recreational Function	<ul style="list-style-type: none"> <li>Provides centrally located district parkland areas for active use within walking distance to the majority of higher density residential areas within the Residential and district business Centre precinct.</li> <li>Provides integrated and connected networks of open spaces and a hierarchy of public spaces to cater for a variety of uses and functions.</li> </ul>
Area	3ha (approx)

Table 2 – Intent, functions and area of the combined Central Park (Village Park/Neighbourhood Park) area.

Source: Pages 30-31 of 65, ML Design Information Request Response 16 August 2010

Once again, there were no specific roles or functions attributed to the combined Village Park/Neighbourhood Park area that specifically required a 3 hectare contiguous parcel or, to put it another way, that cannot be accommodated in the respective central (2.0ha) and waterfront (1.4ha) Village Park parcels. It can be further concluded from the above that a 3 hectare contiguous parcel is not required to meet the needs of the *Caloundra South Planning Area Code* or the *Draft Open Space Strategy 2011*, and that the intent was to create a more compact and embellished setting.

- 5.4.15 The 3 ha park is currently shown central to the medium and low density areas. This made sense when, under the original development scheme, Central Park bordered the town centre area on the island. However, as the core commercial and retail uses have now shifted over the water to the north (closer to the existing Pelican Waters Shopping Village) it does not. It makes more sense to provide a significant open space component in the significant, high-amenity waterfront space proximate to the highest density residential use areas.

## 5.5 TOTAL QUANTUM OF TRUNK OPEN SPACE

- 5.5.1 As outlined earlier, Council's (amended) Information Request of 8 April 2010 called up Planning Scheme Policy 11.24's requirement for 10 hectares of Village and Neighbourhood Parks to be provided across the extent of *Caloundra South Planning Area Code's Map CSP 3* (refer **Figure 21** herein).
- 5.5.2 Looking then at the total quantum of Village and Neighbourhood open space proposed to be provided across this area and including the monetary contributions to be provided in lieu of sporting fields, an effective trunk open space contribution of 13.797 hectares derives from the development, as articulated in **Table 3** below.

	Village Park (ha)	Neighbourhood Park area (ha)	Sporting fields	TOTAL Open Space (ha)
<b>Boronia Grove</b>	-	1.000	-	1.000
<b>Stage 1B</b>	-	1.000	-	1.000
<b>Stage 3A</b>	0.428			0.428
<b>Stage 4B</b>	0.154	-	-	0.154
<b>Stage 4C</b>	4.215	-	-	4.215
<b>Stage 4D</b>	1.179	-	-	1.179
<b>Stage 4G</b>	0.162	-	-	0.162
<b>Stage 4I</b>	1.000	-	-	1.000
<b>Stage 5</b>	0.659	-	-	0.659
<b>Sporting fields</b> (monetary contribution in lieu)	-	-	4.000	4.000
<b>TOTAL</b>	<b>7.797</b>	<b>2.000</b>	<b>4.000</b>	<b>13.797</b>

**Table 3 – Trunk Open Space Dedication and Monetary Contribution**

- 5.5.3 Based on the above, the quantum of open space to be provided or contributed (money in lieu) across the area covered by the *Caloundra South Planning Area Code's Map CSP 3* considerably exceeds the 10 hectares required under Planning Scheme Policy 11.24. Furthermore, that 13.797 hectares will be supplemented by 1.712 hectares of local park, 1.149ha of other trunk open space infrastructure (e.g. walkable waterfront areas), a 1.16ha recreational lake, any additional local park space provided within the Stage 5 area (yet to be planned in detail) and the district community facilities site. It also bears iteration that the Pelican Waters 1996 combined rezoning approval resulted in the dedication of a 30 metre wide esplanade alongside Bells Creek, with no open space credit recognised by Council.



- 5.5.4 It can hence be conclusively stated that there is a surplus, not a shortfall, of trunk open space relative to the requirements that were in place for the Pelican Waters Heart precinct at the time of the Preliminary Approval and relative to the parameters used in the formulation of the *Infrastructure Agreement*.
- 5.5.5 The only apparent open space 'shortfall' that existed at the time of the Preliminary Approval was a regulatory one, with the prevailing *Caloundra South Planning Area Code's Map CSP 3* specifying two village parks (min. 2ha each) and three Neighbourhood Parks (min. 1ha each), whereas *Planning Scheme Policy No 11.24* (in response to the draft Open Space Strategy) required 10ha of trunk park to be provided, with a 5ha park provided in one location. That regulatory shortfall was resolved by way of the *Infrastructure Agreement's* requirements for physical park space and contributions in lieu of the sporting fields.
- 5.5.6 It is also relevant to note that since the Infrastructure Agreement was executed, Pelican Waters' western environmental land (96 ha) has been dedicated to Council.

## 6.0 NORTHERN PEDESTRIAN/CYCLE BRIDGE

### 6.1 BACKGROUND

- 6.1.1 The proposed amendment seeks to remove the requirement for the northern pedestrian/cycle bridge based on a review of demand and travel distances, the redistribution of key open space elements, the proposed rationalisation of and improvements to the bicycle and pedestrian circulation networks and the creation of an integrated movement and facilities spine through the Pelican Waters Heart precinct.
- 6.1.2 PSA Consulting Australia was engaged by Pelican Waters Heart to undertake a review of the proposed master plan and its revised active transport and open space network to confirm whether the proposed northern and southern pedestrian/cycle bridge connections to the central island will be required. A copy of the PSA report is attached as **Appendix E** to this report.
- 6.1.3 The PSA report found the northern pedestrian bridge is unwarranted from both a pedestrian network perspective and a commercial viability perspective. Further, the removal of this northern pedestrian bridge from the active transport network will not negatively impact any residents or businesses. The southern pedestrian/cycle bridge is proposed to be retained (and constructed) as it will create a useful linkage to the Coastal Path and the Bells Esplanade (former 'Lambert' land) areas.
- 6.1.4 The results of the PSA report in relation to the northern pedestrian/cycle bridge confirm the position put forward by the developers in their meeting with Council executives in June 2017. We also submit that a northern pedestrian/cycle bridge would have very low user numbers, which would in turn give rise to safety (CPTED) issues, and represent a long-term maintenance burden for Council.
- 6.1.5 In examining the impacts of removing the northern pedestrian/cycle bridge, only the community areas north of the Preliminary Approval area need to be considered. This is because the proposed vehicle, cycle and pedestrian connections to the west (Boronia Grove and Waterside), south (Stages 4A, future Stage 4E and The Esplanade development) and east (Stages 4B, 4C and Diamond Head) remain as per the *Infrastructure Agreement* requirements.
- 6.1.6 Looking then at the area to the north, starting with the northern lake (Loch Lamerough) area, the shortest route to the Preliminary Approval's proposed Village Park (Central) area is south, then along Kalowendha Avenue. As demonstrated in **Figure 24** below, the travel distance from the corner of Pelican Waters Boulevard/Kalowendha Avenue to the corner of Pelican Waters Boulevard/Coral Sea Drive is 1.0km, whereas by travelling 1km along the (curved) Pelican Waters Boulevard alignment a road or path user will not have reached the Pelican Water Boulevard/Bledisloe Boulevard intersection. The Kalowendha Avenue route, in delivering road and path users to the Pelican Waters Boulevard/Coral Sea Drive intersection, then places those users just 600 metres from Village Park (Central), and they will have also had the opportunity to use Village Park (waterfront) en route. By comparison, a pedestrian or cyclist travelling along Pelican Waters Boulevard and then traversing Glasshouse Bay and a northern pedestrian/cycle bridge would have to travel an additional 900 metres to reach Village Park (Central).
- 6.1.7 Based on the above, the northern pedestrian/cycle bridge does not provide any travel time benefit to pedestrian or cyclists travelling to or from the Loch Lamerough (northern lakes) precinct and in no way reduces active transport and walking route options for the population of that area.
- 6.1.8 Similarly, the northern pedestrian bridge does not provide any benefit to pedestrians or cyclists travelling to or from Caloundra or Golden Beach to the north and east. Those users will once again travel either along Kalowendha Avenue or around the eastern side of Lamerough Canal via the Bevan Henzell Bridge (from which the Coral Sea Drive and Michael Street approaches to Central Park will remain the shortest) and/or the Coastal Path.

6.1.9 Kalowendha Drive also provides the shortest and most direct route for residents of the area bounded by Pelican Waters Boulevard (as it curved west and then south) and the Lamerough Canal, and offers the advantage of directing pedestrians and cyclists through the town centre area, with its associated commercial and recreational assets.

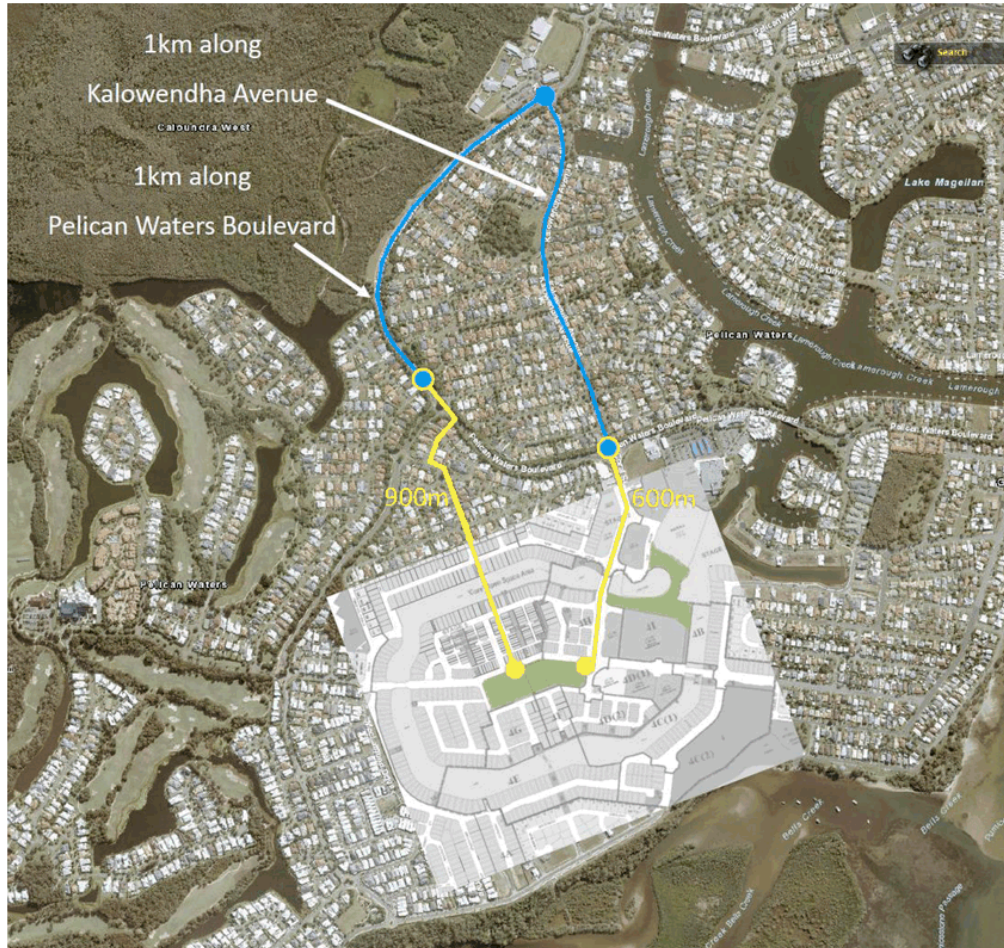


Figure 24 – Walking distances with northern pedestrian/cycle bridge.

6.1.10 We also note that, as part of the Stage 4B-I reconfiguration and operational works approvals, provision was made for increased width of shared paths from the new town centre precinct southwards to the Village Park (central) along the above route, and then further south (through Stage 4D) to the walkable waterfront, southern pedestrian bridge and the coastal pathway.

6.1.11 As depicted on the proposed Alternative Drawing 5 (refer Figure 8 herein), this then provides for an integrated bicycle and pedestrian network which sequentially services and activates the precinct's principal routes, uses and facilities. Refer Figure 25.



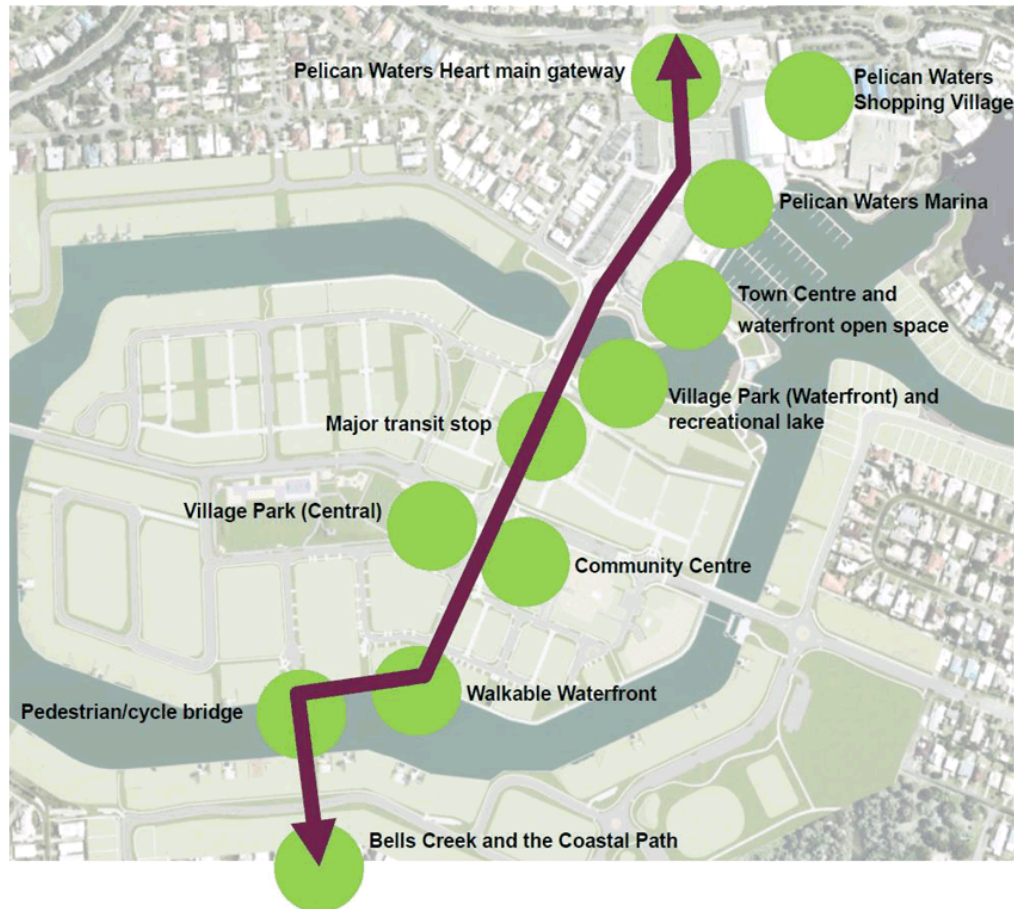


Figure 25 –North–South Pedestrian and Cycle Cross Link (activated facilities and pedestrian/cycle spine)

6.1.12 Looking then at the local level, **Figures 26A** and **26B** demonstrate that the removal of the northern pedestrian bridge, in combination with the relocation of the town centre and the provision of a waterfront village park node achieves a comparable walking distance to a village park component for the affected catchment area within Glasshouse Bay, whilst improving that catchment's proximity to a range of (town centre) community services and facilities via Oxford Parade and Grenville/Solander Streets (which was originally designed and constructed with the express purpose of providing a pedestrian connection to the town centre area). Hence those residents have alternative active transport opportunities available and are not disadvantaged.

6.1.13 A total of 3 hectares of open space is still to be provided on the island area, in a configuration whereby part of that open space has been relocated to better service the surrounding higher density development areas and enhance the project's waterfront amenity.

6.1.14 Furthermore, and as demonstrated in **Figure 27**, the proposed open space configuration (including the relocation of part of the village park space to the waterfront/town centre location) ensures that every lot within the Preliminary Approval area is located within a 400 metre radius of parkland. Similarly, and even without the northern pedestrian/cycle bridge, all parts of the Preliminary Approval area (as well as the Glasshouse Bay area) will be located within an 800m radius (10 min walk) of village park space.



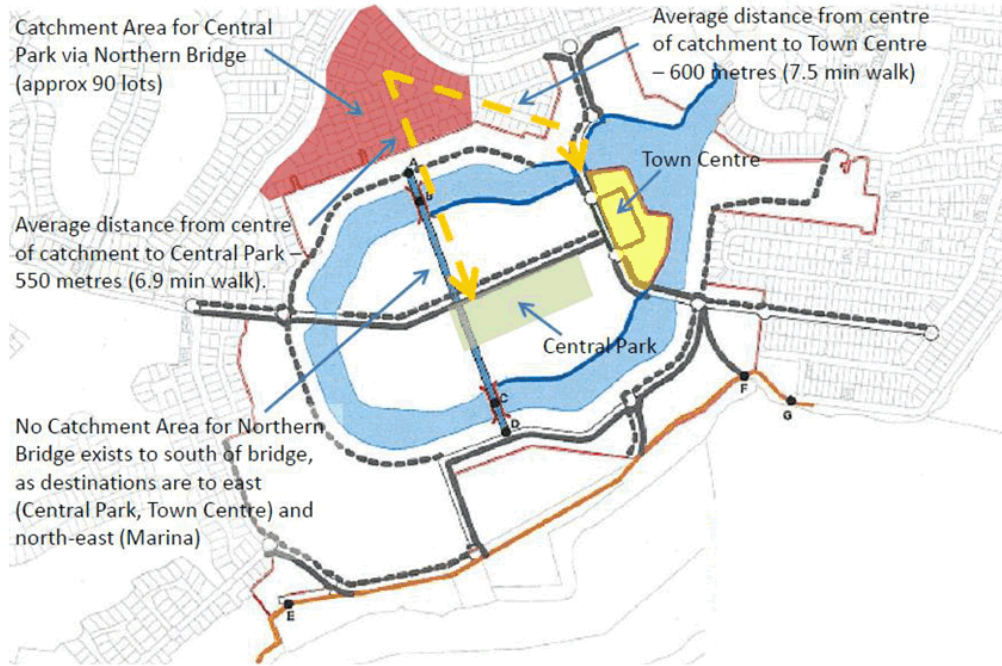


Figure 26A – Walking distances with northern pedestrian/cycle bridge (previous master plan).

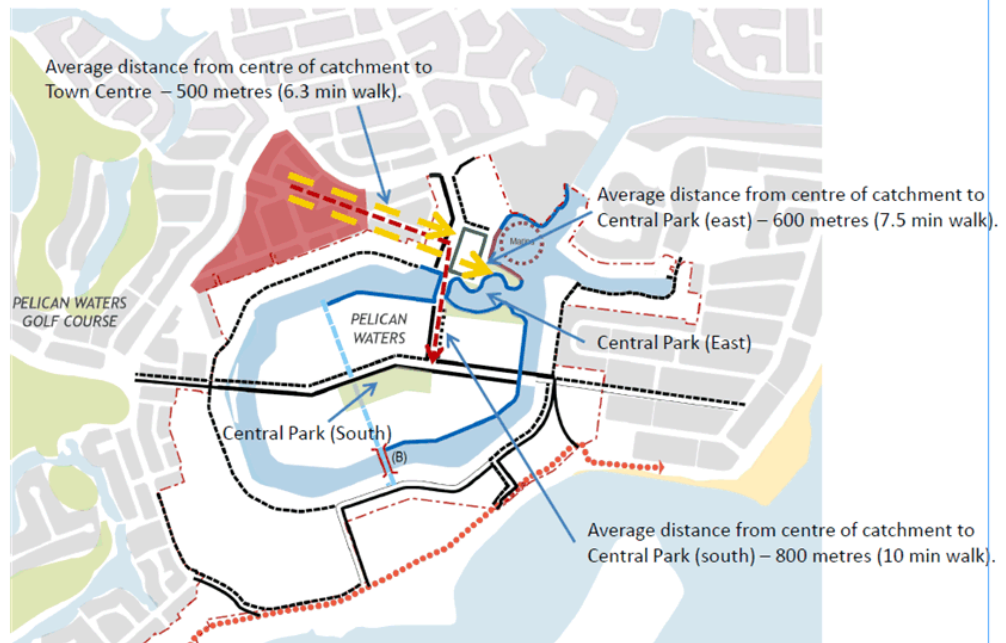


Figure 26B – Walking distances without northern pedestrian/cycle bridge (revised master plan).

Sunshine Coast Survey and Planning



Figure 27 – 400m radial distances from existing or proposed parkland

- 6.1.15 In summary, the net effect of the removal of the northern bridge on district-level pedestrian and cycle travel times and distances is nil. In all cases (as well as for the local catchment) the shortest routes are serviced by the Preliminary Approval area's other trunk pedestrian and cycle infrastructure. At a local level, the only area affected by removal of the northern pedestrian/cycle bridge is the northern extent of Glasshouse Bay, comprising some 90 dwellings. However, the relocation of part of the waterfront park to the town centre area will provide a Village Park facility for those residents at an equivalent travel distance.
- 6.1.16 The proposed pedestrian and cycle infrastructure (excluding the northern pedestrian bridge) hence services approximately 99% of the user catchment, with the balance 1% provided with an alternative Village Park space area of equal proximity. The provision of a northern pedestrian bridge is therefore unwarranted.

## 7.0 EXTERNAL INTERSECTIONS

### 7.1 BACKGROUND

- 7.1.1 As outlined in Section 3.3 of this report, condition 15 of Council's Stage 4B-I reconfiguration approval (Council file RAL18/0009 refers) stated the following:

*Prior to the release of the survey plan for proposed Stage 4C(1), the applicant must construct roundabouts external to the site at the Michael Street / Beryl Street, Michael Street / Anning Avenue and Anning Avenue / Verdon Street intersections, except that, in lieu of a roundabout at the Michael Street / Anning Avenue intersection, a changed priority T-intersection with raised median islands may be constructed (with the southern Anning Avenue approach being the terminating leg) and, in lieu of a roundabout at the Anning Avenue / Verdon Street intersection, a roundabout may be constructed at the Anning Avenue / Roy Street intersection. The works must be undertaken in accordance with an operational works approval and designed to accommodate an Austroads single unit truck/bus.*

- 7.1.2 This condition establishes the external intersection configuration and works requirements that Council considers to be generally in accordance with the requirement of the *Infrastructure Agreement*. However, for the sake of clarity, it is seen as appropriate to amend the wording and diagrams in the *Infrastructure Agreement* to align with this condition.

### 7.2 PLANS

- 7.2.1 The preliminary engineering plans for the external intersections, which accord with the aforementioned Stage 4 approval requirements, are attached as **Appendix F** to this report for Council's consideration.
- 7.2.2 A separate Operational Work application for the intersection works will be lodged in due course.

## 8.0 DISTRICT COMMUNITY FACILITIES SITE

### 8.1 BACKGROUND

- 8.1.1 The *Infrastructure Agreement* sets out the requirement for the dedication to Council of 6,000m<sup>2</sup> of land within the Pelican Waters Heart Precinct for the purpose of a District Community Facility.
- 8.1.2 Notwithstanding the 6,000m<sup>2</sup> site (Lot 89) approved in the Stage 4B-I reconfiguration of a lot approval (RAL18/0009), it is proposed that alternative wording be included in the *Infrastructure Agreement* to facilitate the contribution of land and works, or a reduced land area in conjunction with building and/or financial contribution/s.
- 8.1.3 In the decade since the Preliminary Approval was issued, no details have been forthcoming from Council as to the nature or timing of a community facility on the proposed site within Pelican Waters Heart. The developer recognises the opportunity to accelerate the provision of the community facilities by way of a works and building contribution (or equivalent financial contribution) in exchange for the dedication of a reduced site area.
- 8.1.4 It is also submitted that some latitude on Council's part in the required form of the district community facilities contribution is warranted by the reduction in the anticipated project yield from 2,100 dwellings to 1,700 dwellings.
- 8.1.5 Reducing the land area requirement to facilitate construction of the facility would create immediate activity and vitality within the town centre and help to accelerate the delivery of a placemaking element.
- 8.1.6 This approach is in fact consistent with Council's Without Prejudice Advice correspondence dated 22 November 2010 which stated the following:

A minimum land area of 3,000m<sup>2</sup>, located within the District Business Centre Precinct and adjacent to the central park, generally as shown on Map 1. The land is to be provided in a developed state and improved with a building consisting of a minimum gross floor area of 800m<sup>2</sup>, at a minimum rate of \$2,255 per m<sup>2</sup>, subject to CPI. 800m<sup>2</sup> is the minimum size of a District Community Facility in accordance with the Desired Standards of Service under Council's draft Social Infrastructure Strategy.

The building will need to be designed to Council's specifications and approved by Council prior to construction. Council supports the use of 50% of the building by the developer for a period of 5 years from completion of the building at no cost other than continued maintenance and operational costs. This period may be extended with the approval of Council, dependent on the immediate needs of the community.

Detailed specifications will be prepared by Council on acceptance of a negotiated outcome. This facility is to be constructed within 18 months of the completion of the first stage of the District Business Centre.

- 8.1.7 The developer is now proposing the provision of a 3,000m<sup>2</sup> site, plus a monetary contribution to Council of \$1,000,000 to accelerate the construction of the community facility building. Alternatively, the developers will undertake the construction of the initial stages of the community facility building, up to a commercial value of \$1,000,000.
- 8.1.8 The developers will no longer need to occupy the building, and so the facility will be available for community use at the outset.

### 8.2 EXISTING COMMUNITY FACILITIES LAND

- 8.2.1 There is already a potential community facilities site within the locality which remains unused, specifically the 2,428m<sup>2</sup> site on Landsborough Parade, Golden Beach, as shown on **Figure 28** below.





**Figure 28 – Potential community facilities site – Landsborough Parade, Golden Beach.**

- 8.2.2 This site is located central to the established Golden Beach and Pelican Waters population.
- 8.2.3 At this time, we are unaware whether development plans have been prepared for the site or whether any funding has been allocated to the development of a community facilities site on the property. Similarly, it is unclear whether Council funding for the construction of a community facilities building on the Pelican Waters Heart site will be forthcoming other available sites remain unutilised.
- 8.2.4 We understand that some forward estimate allowances have been made by Council for the development of the Pelican Waters Heart community centre, but even so it appears unlikely that development would progress in the short-to-medium term. It is therefore submitted that a better means to fast-track the delivery of a community facility is to allow for the dedication of a smaller site within the Pelican Waters Heart area in conjunction with a monetary contribution to assist Council with the building of community facilities building, or for the developers undertake building works for the first stage of the community facilities building (on the reduced site area).

### **8.3 ALTERNATIVE DISTRICT COMMUNITY FACILITY SITE REQUIREMENTS**

- 8.3.1 In support of our proposal for a reduced site area and monetary or building works contribution, it is submitted that a community facility building suitable to meet the needs of the (district) Pelican Waters and Diamond Head population can be developed on a site with an area less than 6,000m<sup>2</sup>. Other community facilities within the Sunshine Coast area operate successfully on considerably smaller land parcels include the following:
- Kawana Forest Community Centre – 1,001m<sup>2</sup>;
  - Caloundra Community Centre – 2,000m<sup>2</sup>;
  - Peregian Beach Community House - (1,208m<sup>2</sup> site + 1,810m<sup>2</sup> community car park = 3,018m<sup>2</sup>);
  - Bellvista Community Meeting Place – 2,811m<sup>2</sup>.
- 8.3.2 Comparative views of those centres relative to the 6,000m<sup>2</sup> land area currently required under the *Infrastructure Agreement* are provided in **Figures 29A-D** below.

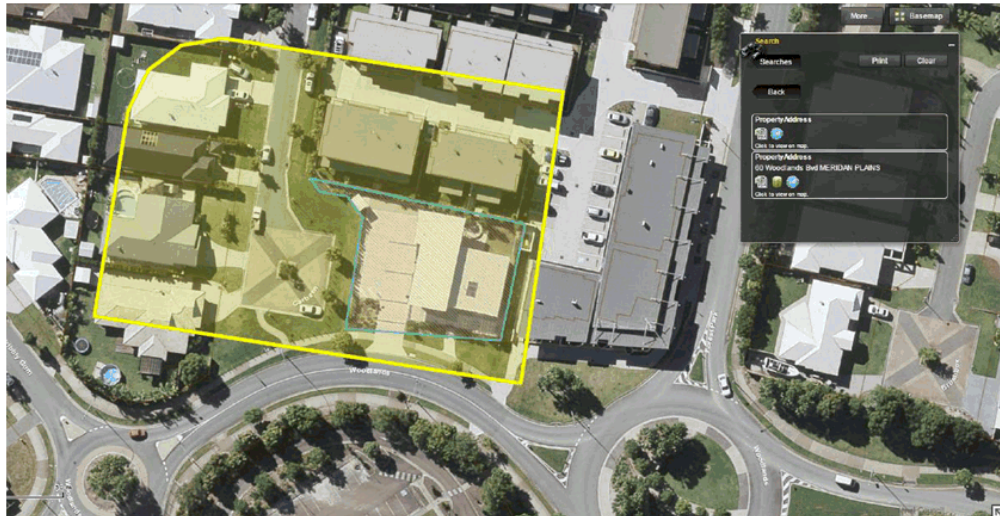


Figure 29A - Kawana Forest Community Centre (Image source: SCRC MyMap)



Figure 29B - Caloundra Community Centre (Image source: SCRC MyMap)

Sunshine Coast Survey and Planning



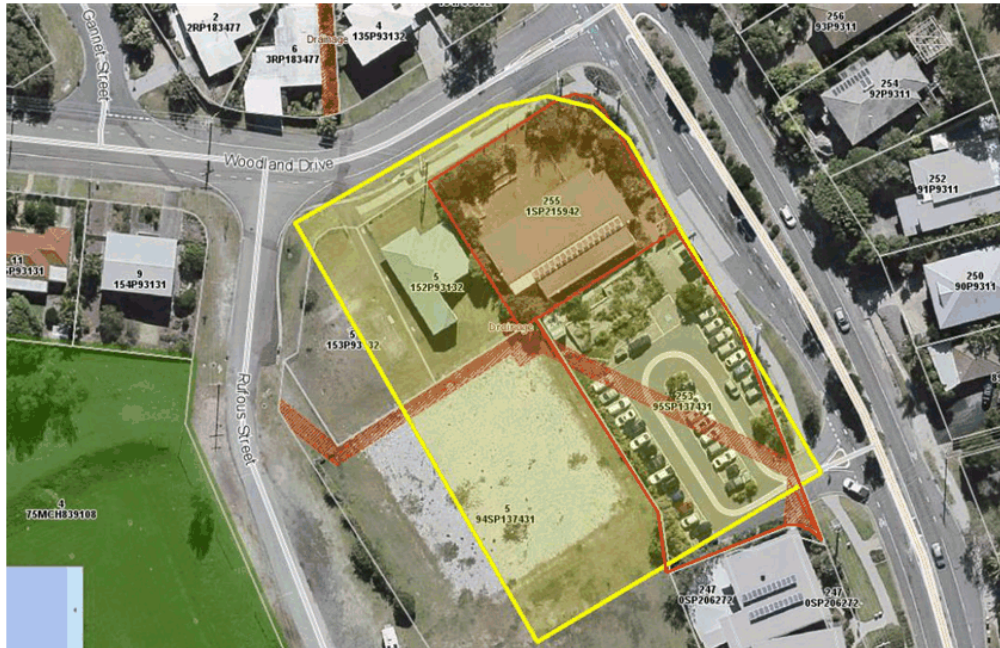


Figure 29C – Peregian Beach Community House (Image source: Noosa Shire Council)

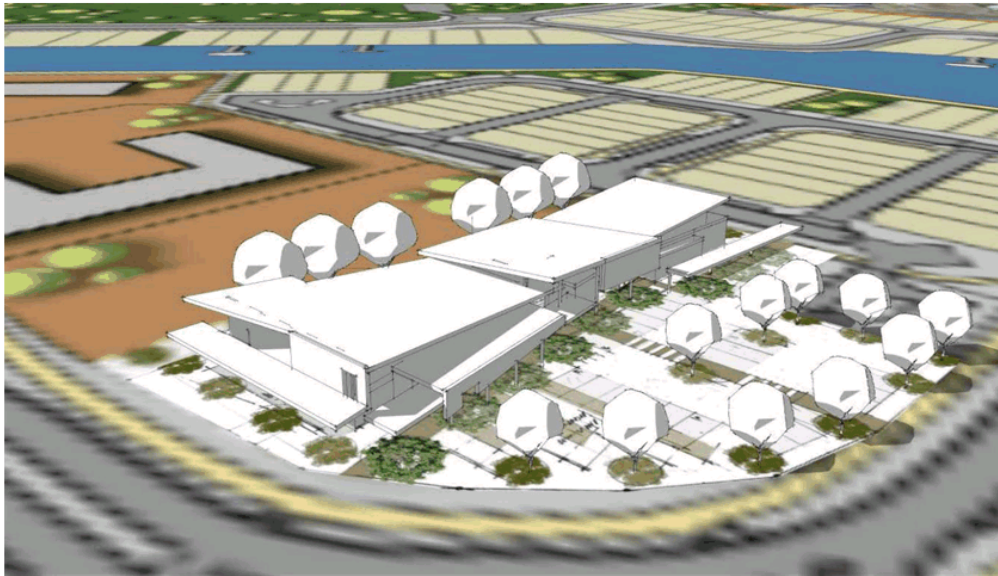


Figure 29D – Bellvista Community Meeting Place (Image source: SCRC MyMaps)

#### 8.4 CONCEPTUAL DESIGN FOR FACILITY ON 3000m<sup>2</sup> SITE

8.4.1 In support of our position that a District Community Facilities purpose can be adequately accommodated on a 3,000m<sup>2</sup> site, a concept plan for a facility on the western half of proposed Lot 89 has been prepared by Mode architects.

8.4.2 An initial image of the conceptual design for a District Community Facilities building and site layout is shown on **Figure 30** below. The full concept package is attached as **Appendix G** to this report.



**Figure 30 – Concept for Pelican Waters Community Centre** (Mode: Project number 19078 Sheet 13 Issue A 20/06/2019).

8.4.3 The preliminary design provides for a facility that can be built in 2 stages. Stage 1 GFA is shown as 695m<sup>2</sup>, with Stage 2 comprising 235m<sup>2</sup> for a total area of 930m<sup>2</sup>.

8.4.4 Provision is made for the parking of 23 vehicles on the site. Additional on-street parking is afforded on the site's street frontages.

8.4.5 Facilities and features of the concept community facilities design include:

- Core community hall area;
- Stage and backstage;
- Landscaped courtyard;
- Break-out space;
- Kitchen and amenities;
- Foyer;
- Café area;
- Administration/office area; and
- Meeting rooms.

8.4.6 The concept design can serve as the basis for further discussions and site planning with Council. We submit that it represents a significant advance in any site planning undertaken to date for the Pelican Waters Heart community centre, and amply demonstrates that a sizeable facility suited to its district



50

role (and directly connected with the wider network of trunk open space and dedicated pedestrian/cycle movement corridors, plus road-based movement networks) can be delivered for the site.

- 8.4.7 The proposed dedication of a site with an area of 3,000m<sup>2</sup> plus building works up to the value of \$1,000,000 (or an equivalent monetary contribution to Council), in place of the current requirement for the dedication of 6,000m<sup>2</sup> of land, delivers additional benefits to the community and to Council through the accelerated delivery of this important piece of community infrastructure.

Sunshine Coast Survey and Planning

## 9.0 PLANNING ASSESSMENT – PRELIMINARY APPROVAL

### 9.1 PRELIMINARY APPROVAL

- 9.1.1 This section of the report provides an assessment of the respective *Infrastructure Agreement* changes (i.e. the revised Village Park configuration, the removal of the requirement for the Northern Pedestrian/Cycle Bridge, the external intersection treatments and the District Community Facilities site) relative to the conditions of the Preliminary Approval. This assessment is provided in **Table 4** below.

**Table 4 – Assessment against Preliminary Approval conditions**

Condition Number	Response
1. Planning Area Code.	This condition, which required refinements to the Planning Area Code (as originally submitted), does not affect this application.  The PAC provisions do not restrict Council's capacity to assess the proposed changes to the Infrastructure Agreement. The Infrastructure Agreement is the higher order document and (per McCullough Robertson's advice) "prevails over the 2004 City Plan and any related documents, as well as the Preliminary Approval, in the event of any inconsistency" including the Preliminary Approval and the Planning Area Code.
2. Infrastructure Agreement.	Not applicable. This application seeks to amend certain requirements of the Infrastructure Agreement.
3. Earthworks.	The requirements of this condition are noted. All future development, including that associated with the IA changes proposed, will comply with the requirements of this condition.
4. SPP 2/02; 5. Acid Sulfate Soil investigation; 6. Acid Sulfate Soil Management Plan; 7. ASSMP	The requirements of these conditions are noted, although they are not directly relevant to the nature of the proposed changes to the IA.  All future development will comply with the requirements of this condition.
8. Fill quantities, sources and haulage routes.	The requirements of this condition are noted, although they are not directly relevant to the nature of the proposed changes to the IA.  All future development will comply with the requirements of this condition.
9. Road works.	All future development will comply with the requirements of this condition.
10. On-street parking.	Not applicable. The proposed IA changes will have no effect on the provision of on-street parking for residential lots.
11. Road flow depths.	Not applicable. The proposed IA changes will have no effect on flood-related road flow depths.
12. Access driveway locations adjacent to bio-retention basins.	Not applicable. The proposed IA changes will have no effect on the locations of driveways adjacent to bio-basins.
13. Street lighting.	Not applicable. The proposed IA changes will have no effect on the provision of street lighting.

14. Pathways.	All pathways will be designed and constructed in accordance with Council's "Development Design Planning Scheme Policy".
15. Direct vehicular access to trunk collector.	Not applicable. The proposed IA changes will have no effect on access points to trunk collector roads.
16. Direct vehicular access to trunk collector (points 'E' and 'N'); 17. Direct vehicular access (New Holland Drive); 18. Direct vehicular access (Bledisloe Boulevard).	Not applicable. The proposed IA changes do not affect these sections of the trunk road network.
19. Collector Road Network.	The provisions of the Planning Area Code do not restrict Council's capacity to assess the proposed changes to the Infrastructure Agreement, as the Infrastructure Agreement is the higher order document
20. Road reserve adjacent to pedestrian/ cycle bridge.	This condition applies to the southern pedestrian/cycle bridge and is therefore unaffected by the proposed changes to the Infrastructure Agreement.
21. Internal street network.	Not applicable. The proposed IA changes will have no effect on the internal road layout of the site or facilitate rat running.
22. Extension of Sydney Way.	Not applicable (addressed as part of the Stage 1 application and development works).
23. Pedestrian and cycle links.	The provisions of the Planning Area Code do not restrict Council's capacity to assess the proposed changes to the Infrastructure Agreement, as the Infrastructure Agreement is the higher order document and prevails to the extent of any inconsistency.
24. Bus stops; and 25. Bus Bay configurations.	Not applicable. The proposed IA changes will have no effect on the locations or configurations of bus stops within the Pelican Waters Heart precinct (most of which already been provided for by way of the Stage 4 reconfiguration of a lot and operational works approvals).
26. Lake Management Plan and Tidal Waterways Management Plan; 27. Update of Lake Management Plan and Tidal Waterways Management Plan	Conditions 26 and 27 required the preparation and submission of a Lake Management Plan and a Tidal Waterways Management Plan for the first stage of the subdivision that "... includes or adjoins any lake, canal or marina ...". These documents are currently being prepared and remain unaffected by the proposed changes to the <i>Infrastructure Agreement</i> .
28. Minimum development fill levels.	The proposed changes to the Infrastructure Agreement in no way impact upon or change the development's compliance with the minimum finished level requirement specified in Condition 28.
29. Grades on land in residential precincts.	Not applicable. The proposed IA changes are unrelated to (and have no effect upon) the required residential lot grades.
30. Stormwater Quantity Management Plan; 31.	Stormwater quantity and quality documentation has been provided in association with the Stage 1-4 reconfiguration of a lot and operational

Stormwater Quality Management Plan; 32. Site-specific Stormwater Quantity Management Plan; 33. Site-specific Stormwater Quality Management Plan; 34. Stormwater from business, commercial, industrial and residential uses.	works applications. The proposed IA changes are unrelated to (and have no effect upon) stormwater quantity and quality matters.
35. Design and construction of lake, marina and canal extension.	Not applicable. The proposed IA changes are unrelated to (and have no effect upon) the design and construction of the lake, canal or marina areas.
36. Water quality monitoring program.	Not applicable. The details of the proposed water quality monitoring program were contained in the <i>Lake and Tidal Waterway Management Plan</i> attached to the Stage 1 application (Council file REC13/0121 refers). The proposed IA changes are unrelated to (and have no effect upon) the required water quality management program.
37. Transfer of waterways and ongoing maintenance.	Not applicable. The proposed IA changes are unrelated to (and have no effect upon) the required transfer of waterways and ongoing maintenance.
38. Modification of waterways design and construction to achieve water quality outcomes.	As above.
39. Vegetation offsets.	Not applicable. The plan for offsetting the <i>Casuarina glauca</i> losses adjacent to Michael Street (by way of rehabilitating areas within the expanded Jensen Park) was addressed and endorsed previously by Council, through the <i>Open Space Strategy</i> prepared in response to Condition 50.
40. Maintenance of wetland water quality. 41. Wetlands water regime.	The proposed IA changes are unrelated to (and have no effect upon) wetland water quality.
42. Reticulated water and sewerage services.	The proposed IA changes are unrelated to (and have no effect upon) the provisions of water and sewerage services. Further and specific details in this regard will be provided at the times of the respective Operational Works applications.
46. Location of sewerage pumping station.	The proposed IA changes are unrelated to (and have no effect upon) the locations of sewerage pumping stations. Most of the required locations have been identified and approved to date, with further and specific details in this regard to be provided at the times of the respective Operational Works applications.
47. Connections to live water and sewer mains.	As above.
48. Earthworks filling operations.	Not applicable. The proposed IA changes are unrelated to (and have no effect upon) earthworks.



49. Fire-fighting water supply.	Not applicable. The proposed IA changes are unrelated to (and have no effect upon) fire-fighting water supply. Further and specific details in this regard will continue to be provided at the time of the applications for Operational Works approval.
50. Open Space Strategy.	<p>The <i>Open Space Strategy</i> for the Preliminary Approval area was submitted at the time of (and subsequently endorsed in association with) the Stage 1 reconfiguration application.</p> <p>An updated version of the <i>Open Space Strategy</i> was submitted with the Stage 4B-I reconfiguration of a lot application but was not endorsed or included as a referenced document in that development approval. The updated <i>Open Space Strategy</i> reflected the revised Village Park and pedestrian/cycle bridge configuration anticipated by this IA change, and may therefore need to be resubmitted for Council endorsement (although once again the IA provisions will prevail).</p>
51. Relocation of power transmission lines.	Not relevant to this application. Details in this regard were submitted previously to Council.
52. Open space biting insect buffer; 53. Biting insect mitigation measures; 54. Chemical treatments adjacent to Bells Creek/ wetlands.	Not applicable. The proposed IA changes are unrelated to (and have no effect upon) biting insect matters.
55. Waste Minimisation Strategy.	Not applicable. The Waste Minimisation Strategy has previously been submitted to (and endorsed by) Council. As such, there are no outstanding requirements in this regard.

9.1.2 Based on the above, the application demonstrates complete compliance with the current requirements of the *Preliminary Approval*. No consequential changes to the *Preliminary Approval* conditions will be triggered by the proposed changes to the *Infrastructure Agreement*.

## 10.0 PLANNING ASSESSMENT – THE SOUTHERN LAKES PELICAN WATERS PLANNING AREA CODE

### 10.1 BACKGROUND

10.1.1 The *Southern Lakes Pelican Waters Planning Area Code* ('Planning Area Code') was approved in conjunction with the Preliminary Approval (2009/510022) and forms part of that approval.

10.1.2 The *Planning Area Code* has been revised since the version originally endorsed as part of the Preliminary Approval. The current version is Version 1.11 – May 2019, endorsed 7 August 2019.

10.1.3 Per the legal advice received from McCullough Robertson (refer Appendix D) the IA "prevails over the 2004 City Plan and any related documents, as well as the Preliminary Approval, in the event of any inconsistency" (per clauses 3.6(2) and 3.8(2) of the IA), including the Preliminary Approval and the *Planning Area Code*. Therefore, an inconsistency with the *Planning Area Code* does not in itself require a formal change to the Preliminary Approval or the *Planning Area Code*.

10.1.4 However, it is acknowledged that, for clarity, updates to the *Planning Area Code* provisions will be useful in aligning that document with the proposed Infrastructure Agreement amendments. We are therefore proposing that this be undertaken by way of a working ('consolidated') document (with the current PAC remaining the formally endorsed version) for everyday use rather than by way of an application to change the Preliminary Approval.

### 10.2 NATURE OF CHANGES TO PLANNING AREA CODE (CONSOLIDATED DOCUMENT) TO ACCOMMODATE INFRASTRUCTURE AGREEMENT CHANGES

10.2.1 The nature of information that can be provided in a working (consolidated) version of the *Planning Area Code* are mainly mapping based and incremental. The current version of the code (Version 1.11) includes mapping which largely reflects the physical configuration of the land and water areas. Hence the proposed 'working' *Planning Area Code* document can reflect the key matters addressed in this IA change application, specifically the Village Park configuration, the northern pedestrian/cycle bridge, the external intersections and the District Community Facilities site. Some minor text changes will support these mapping updates; however, the core structure, content and regulatory parameters of the *Planning Area Code* can remain unchanged.

10.2.2 The overall nature of the 'working' version of the *Planning Area Code* is outlined in **Table 5** below.

**Table 5 – Principal Planning Area Code Changes**

Provision	Nature of Changes
Section 3.2.1 Overall Outcomes – District Business Centre.	<ul style="list-style-type: none"> <li>Additional references to the provision of part of Central Park as a waterfront park adjacent to the Lock Quarter sub-precinct.</li> <li>Include references to perched lake (adjacent to Central Park's waterfront component) as a recreational and placemaking asset.</li> </ul>
Section 3.2.2 Overall Outcomes – Multi Unit Precinct.	Additional references to the functional and spatial connection between the components of Central Park within the Multi Unit Precinct and the District Business Centre Precinct respectively.
Section 3.4.1 Specific Outcomes and Acceptable/Probable Solutions applicable to All Precincts ...	Amendments to: <ul style="list-style-type: none"> <li>S5.1 to refer to Central Park's 'central' and 'waterfront' components;</li> <li>S5.3 to refer to the Central Park's location within both the Multi Unit Residential Precinct and the</li> </ul>

	<p>District Business Centre Precinct; and</p> <ul style="list-style-type: none"> <li>• S5.6 to refer to the waterfront component of Central Park rather than just the 'town square and waterfront park'</li> </ul>
Section 3.4.2 Specific Outcomes for development in the District Business Centre Precinct.	<p>Amendments to:</p> <ul style="list-style-type: none"> <li>• O40 to refer to Central Park's 'waterfront' component, and the connection to the park area within the Multi Unit Residential Precinct;</li> <li>• Include references to perched lake (adjacent to Central Park's waterfront component) as a recreational and placemaking asset.</li> </ul>
Figure 3: Walkable Foreshore Building Setbacks	Refinement of diagram to reflect interface with waterfront park areas.
Map 1: Precinct Map	Minor refinements to precinct boundaries to reflect recent master plan updates and Stage 4B-I's approved road pattern.
Map 2: Sub-Precinct Map	<ul style="list-style-type: none"> <li>• Minor refinements to precinct boundaries to reflect recent master plan updates and Stage 4B-I's approved road pattern;</li> <li>• Reduce depicted size of Central Park within the Multi Unit Residential Precinct to align with a minimum 2ha space;</li> <li>• Link waterfront component of Central Park (north of Lock Quarter Sub-Precinct) to the parkland isthmus adjoining the Main Street Sub-Precinct.</li> </ul>
Map 3: Open Space Network	<p>Amendments to:</p> <ul style="list-style-type: none"> <li>• Reduce depicted size of Central Park within the Multi Unit Residential Precinct to align with a minimum 2ha space;</li> <li>• Include and label waterfront component of Central Park, including connection to the parkland peninsula to the north, to replace references to Town Square and Waterfront Parkland, and associated asterisks;</li> <li>• Align overall layout with recent master plan updates and approved Stage 4B-I road pattern;</li> <li>• Remove arrow crossing the northern section of lake (North-South Pedestrian and Cycle Cross Link);</li> <li>• Remove small park shown adjacent to southern section of lake;</li> <li>• Replace symbol of 'District Community Facilities' with a circle or asterisk to remove inference of facility size or shape; and</li> <li>• Confine use of 'Boulevard Street' symbol to areas within the site boundary.</li> </ul>
Map 4: Road Hierarchy and Sections.	<p>Amendments to:</p> <ul style="list-style-type: none"> <li>• Sheet 1 - Align overall layout with recent master plan updates and approved Stage 4B-I road pattern;</li> <li>• Sheet 1 - Remove mapping of Collector - Type D between points H-I-J and include Collector - Type E as solid line between points J and R. Remove 'potential alignment' annotation as road has now been built; and</li> <li>• Sheet 2 - Amend as required to ensure consistency with parallel Infrastructure Agreement mapping and</li> </ul>

	requirements.
Map 5: Proposed Distribution of Public Transport Facilities – 5 & 10 Minute walking distance.	<ul style="list-style-type: none"> <li>Minor refinements to precinct boundaries to reflect recent master plan updates and Stage 4B-I's approved road pattern.</li> </ul>
Map 6: Pedestrian and Cycle Network.	<ul style="list-style-type: none"> <li>Minor refinements to reflect recent master plan updates and Stage 4B-I's approved road pattern;</li> <li>Remove (A) <i>Pedestrian/Cycle Bridge (North)</i> and terminate Bicycle and Shared Pathway (3m) symbol at northern Walkable Waterfront;</li> <li>Confine bicycle and pedestrian network symbols to areas within the site boundary.</li> </ul>
Map 7A: District Business Centre Precinct – Development Intent Plan.	<ul style="list-style-type: none"> <li>Minor refinements to reflect recent master plan updates and Stage 4B-I's approved road pattern;</li> <li>Show Central Park (waterfront) area and connection to northern peninsula park and remove reference/asterisk for Town Square; and</li> <li>Annotate perched recreational lake.</li> </ul>
Map 7B: District Business Centre Precinct – Development Intent Plan.	<p>Prepare new plan which includes:</p> <ul style="list-style-type: none"> <li>Refinements to reflect recent master plan updates and Stage 4D and 4I's approved configuration and road pattern;</li> <li>Shows Central Park (waterfront) area and connection to northern peninsula park;</li> <li>Substitute Stage 4I area's street network, development 'blocking' and Parking Strategy annotation with more generalised development intent statement and annotations.</li> </ul>
Map 7C: District Business Centre Precinct – Indicative Parking strategy.	<p>Prepare new plan which:</p> <ul style="list-style-type: none"> <li>Refines plan in line with revised maps 7A and 7B;</li> <li>Reflects recent master plan updates and approved Stage 4 configuration and road pattern;</li> <li>Clarifies parallel and angle parking areas;</li> <li>Reflects Stage 4D and 4I's approved configuration and road pattern;</li> <li>Revises 'Indicative location of at grade, on-site parking' annotations;</li> <li>Replaces symbol of 'District Community Facilities' with a circle or asterisk to remove inference of facility size or shape; and</li> <li>Removes northern access point to District Community Facilities site.</li> </ul>
Map 8: Multi Unit Residential Precinct – Development Intent Plan.	<ul style="list-style-type: none"> <li>Minor refinements to reflect recent master plan updates and Stage 4B-I's approved road pattern; and</li> <li>Reduce depicted size of Central Park to align with a minimum 2ha space.</li> </ul>
Map 9: Low Density Residential Precinct – Development Intent Plan.	<ul style="list-style-type: none"> <li>Minor refinements to precinct boundaries to reflect recent master plan updates and Stage 4B-I's approved road pattern.</li> </ul>



## 11.0 INFRASTRUCTURE OFFSETS AND CONTRIBUTIONS

### 11.1 INTRODUCTION

- 11.1.1 Regarding the provision of trunk infrastructure required by this infrastructure agreement, clearly PWH is the primary trigger towards the provision, need and use of the infrastructure. During the remaining life of the project, there will be ebbs and flows in the provision versus need of the trunk infrastructure. Need will be triggered by various development applications, which amongst other conditions will require the payment of infrastructure contributions (ICs).
- 11.1.2 We believe that the initial intent of the *Infrastructure Agreement* was to create a fair, reasonable and balanced mechanism to secure the delivery of trunk infrastructure commensurate with project-related demands, by way of a financial contribution for external sporting fields and an assumed contribution value for urban open space and community values which could be offset upon delivery of the specified facilities by the developer. When viewing the *Infrastructure Agreement* as a form of 'security' documentation, we believe that the intent was to allow the full extent of offsets to be realised upon delivery of that specified open space and community facility infrastructure. That is, it was not the proponent's understanding, nor do we believe Council's intent, for Infrastructure Offsets to remain unused at the end of the project's development or for the development to have paid for or provided a greater extent of trunk infrastructure than reasonably generated by the project.
- 11.1.3 During the *Infrastructure Agreement's* formulation (2010-2011), the developers assessed the draft infrastructure contributions and offsets likely to be generated by the project, based on the prevailing master planning, development yield projections, market conditions, and the existing documents informing the content of the *Infrastructure Agreement*, including the *2004 Caloundra City Plan* and associated *PSP 11.24*. This initial assessment indicated that the full extent of Infrastructure Offsets could be utilised within the project's life, with no residual infrastructure contributions payable to Council at project completion. The developers executed the *Infrastructure Agreement* on this basis.
- 11.1.4 As background information, we also note that the proponents executed the *Infrastructure Agreement* as there were commercial and timing imperatives to do so. The approval process for the Preliminary Approval had been lengthy, an objector appeal navigated, and looming changes to the State's *Coastal Management Plan* threatened the ability of canals and artificial waterways projects to proceed unless final project approvals were in place. It was also a time when Council's infrastructure contributions mechanisms were in flux, and the proponents (and the wider development community) were not yet fully conversant with the implications of Council's (recently-adopted) initial version of the *Infrastructure Charges Resolution* on their project/s.
- 11.1.5 As development progressed in Pelican Waters Heart, the master plan evolved in response to the emerging physical, engineering and market conditions, as did the projected land use extents, housing types, open space configuration/distribution, and overall development yield and population. Additionally, the adoption of Council's *Infrastructure Charges Resolution* (in various versions since 2011) and initial approvals within the Pelican Waters Heart precinct (e.g. Stage 1 – Council file REC13/0121 refers) have changed the timing and quantum of infrastructure contributions. In turn, the projected end-of-project Infrastructure Offsets balance has changed, with the net effect being, on current projections, \$1.5m of Infrastructure Offsets will not be claimable by project-end.
- 11.1.6 We therefore seek Council's agreement to change the *Infrastructure Agreement* to achieve a more balanced outcome relative to the timing and quantum of contributions and offsets. We submit that the capacity for ongoing negotiations in good faith in relation to development entitlements and obligations is accommodated by Clause 5.4 of the *Infrastructure Agreement*.
- 11.1.7 This report section therefore provides information to assist Council's assessment in this regard. Following the presentation in the following pages of certain options for how the *Infrastructure*

*Agreement's* contributions could be restructured, an assessment is provided how these approaches could affect the available quantum of financial contributions and Infrastructure Offsets at project-end.

## 11.2 REDUCTION IN PROJECTED POPULATION OF PELICAN WATERS HEART

- 11.2.1 The Preliminary Approval area's projected dwelling yield (and hence population) has reduced significantly since the time of *Infrastructure Agreement* preparation, from 2,100 dwellings to 1,700 dwellings. We submit that as the required trunk open space quantum under the *Infrastructure Agreement* was a population-derived metric contained within the planning instruments of the time (e.g. the *2004 Caloundra City Plan* and *PSP11.24*), then to be fair and equitable (and maintain a usable quantum of offsets) the total quantum of district level parks and sporting fields contribution required under the IA should be reviewed accordingly.
- 11.2.2 Per 5.3.4 of this report, two of the key conclusions reached in McCullough Robertson's legal advice in relation to trunk open space provision (refer **Appendix D**) were that:
- "the *2004 City Plan* ... regulates the interpretation of the provisions and the performance of the obligations contained within the IA, not the provisions of subsequent planning documents"; and
  - The IA "prevails over the *2004 City Plan* and any related documents, as well as the Preliminary Approval, in the event of any inconsistency".
- 11.2.3 The *2004 Caloundra City Plan* and associated *Planning Scheme Policy 11.24* (Infrastructure Contributions for Open Space Network Infrastructure 2009) required 10 hectares of district open space within Pelican Waters Heart. This required quantum in turn informed the requirements of the *Infrastructure Agreement*, which prescribed the developer's obligation to deliver 10 hectares of urban open space and district community facilities thus:
- District Recreational Park (Central Park) – 3ha;
  - District Recreational Park (Jensen Park) – 2.315ha;
  - Sporting fields (by contribution) – 4ha; and
  - District community facilities site – 6,000m<sup>2</sup>.
- 11.2.4 As "the *2004 City Plan* ... regulates the interpretation of the provisions and the performance of the obligations contained within the IA", the IA's requirements for district level park and sporting fields, being consistent with the *2004 Caloundra City Plan* and *PSP11.24* requirements, can be assessed relative to the population assumptions that underpinned those documents.
- 11.2.5 Under the *2004 Caloundra City Plan* and its *Planning Scheme Policy 11.24*, the required quantum of district level park and sporting field provision derived from population-based metrics. In particular, *Caloundra South Planning Area Code* Section 6.4.2 (Planning Area Overall Outcomes) paragraph (c) established that development in the emerging community of Pelican Waters would accommodate an ultimate population of 11,000 residents.
- 11.2.6 Furthermore, Map CSP 3 (refer to extract in **Figure 31**) identified Precincts PW2 & PW3 (within which the Pelican Waters Heart Preliminary Approval area is entirely located), with Specific Outcomes (Section 6.4.3) S23.1 and S25.1 of the *Caloundra South Planning Area Code* identifying maximum populations of 3,000 persons and 3,350 persons respectively for these precincts.
- 11.2.7 The stipulated population figures, when read in conjunction with *PSP11.24's* population-based rates for provision of parkland and sports fields (e.g. Table 2.2B) and Map PFU12 (outlining the area and location of open space required) have thus clearly informed (and are consistent with) the content and obligations prescribed in the *Infrastructure Agreement*. There is also consistency between the *Infrastructure Agreement's* open space infrastructure obligations (quantum), the 2100 dwellings permitted for the Preliminary Approval area under *The Southern Lakes Pelican Waters Planning Area*

Code, and the 6,350 persons permitted under the 2004 Caloundra City Plan's Caloundra South Planning Area Code, Precincts PW2 and PW3<sup>2</sup>.



Figure 31 - Map CSP 3 (Caloundra South Planning Area Precinct Map), 2004 Caloundra City Plan (extract)

11.2.8 The current Preliminary Approval area yield estimate of up to 1700 dwellings (and even this is bullish) represents a 19% reduction from the previously assumed 2100 dwellings. To be fair and equitable, we believe that the total quantum of district level parks and sporting fields contribution required under the *Infrastructure Agreement* should be reviewed accordingly.

11.2.9 The projected population of the PW2/PW3 areas is presented in **Table 6** below.

	Detached dwellings	Detached dwelling population at 2.8 persons per dwelling	Multiple Dwellings	Detached dwelling population at 2.1 persons per dwelling	Total Population
<b>Pelican Waters Heart</b>	1,000 <sup>1</sup>	2,800	700 <sup>2</sup>	1,470	4,270
<b>Balance of PW2/PW3 area</b>	374	1,047	14	29	1,076
<b>TOTAL</b>	1,374	3,847	714	1,499	5,346

1. For conservatism, rounded up from 894 per Density Monitoring Plan submitted with Stage 4B-I application.

2. For conservatism, rounded up from 511 (including duplexes) per Density Monitoring Plan submitted with Stage 4B-I application.

**Table 6 – Population of Pelican Waters Heart area**

<sup>2</sup> PW2 and PW3 comprises the Pelican Waters Heart Preliminary approval area plus 347 detached dwellings and 29 other dwellings in other stages of the estate. Those 'other' area has an estimated population of 1076 persons based on occupancy rates of 2.8 persons per detached dwelling and 2.1 persons per other dwelling. This then establishes, on a pro-rata basis, a population of 5274 persons for the Preliminary Approval area, which in turn equates to the dwelling yield of 2100 dwellings set out in the PAC (when using the above occupancy rate and a 40% units/ 60% detached dwelling split).

- 11.2.10 Based on the above, the projected population of Pelican Waters Heart and the balance PW2/PW3 areas is 5,346, which is 1,004 persons less than the 6,350 persons upon which the *Infrastructure Agreement's* open space requirement was based.
- 11.2.11 Furthermore, and as the Pelican Waters Heart development will fully comply with (or exceed) the requirements for the provision, construction and dedication of Village Park facilities (i.e. the 6 hectares of trunk parkland and community facilities), only the outstanding 'balance' of contributions, being the area required for sporting fields (4ha, by way of monetary contribution), can be adjusted.
- 11.2.12 If the 10 hectare village park and sporting field is pro-rated from the original 11,000 persons on which the requirement was based, then a reduction of 1004 persons (9.13%) in the overall Pelican Waters population correspondingly reduces the sporting field requirement by 0.913ha, to 9.087 ha.
- 11.2.13 It is submitted that this adjustment in the required sporting field quantum is conservative (in Council's favour) as:
- The Preliminary Approval area's yield estimate of 1,700 dwellings remains bullish (a yield in the order of 1500 dwellings currently appears more likely);
  - Rather than reflecting the 19% reduction in yield (i.e. from 2,100 dwellings to 1,700 dwellings) we submit that it is the 2004 *Caloundra City Plan* and *PSP 11.24* that informs the interpretation of the *Infrastructure Agreement* and are therefore prepared to limit the population-based reduction in sporting field demand to the calculated 9.13%; and
  - Recent evidence suggests that the assumed occupancy rates for detached dwellings (2.8 persons per dwelling) and units (2.1 person per dwelling) are also high, with the trend being for further reductions in occupancy rates (and hence precinct population).
- 11.2.14 Applying the Infrastructure Agreement's financial contribution rate for sporting fields of \$1,091,966 per hectare to the 0.913ha area reduction, we could justify a reduction to the Sporting Fields contribution of \$996,965.

### 11.3 CHANGE IN OFFSET RATE ON A PER-LOT BASIS.

- 11.3.1 As outlined above, the *Infrastructure Agreement* established the requirement for the developers to pay a monetary contribution of \$4,367,864 in lieu of the provision of Sporting Fields within the Pelican Waters Heart area. That monetary contribution was required to be paid in stages prior to certain lot registration thresholds being reached.
- 11.3.2 Subsequent to the above, and to avoid the inconvenience and possible confusion in the handling of those monetary contributions (e.g. payment of an instalment and then refunds or offsets as lots were progressively endorsed by Council), Condition 29 of the Stage 1 reconfiguration of a lot and bulk earthworks approval (Council file REC13/0121 refers) was formulated:



**Infrastructure Agreement**

29. The applicant must comply with all relevant requirements of the Pelican Waters Southern Lake Infrastructure Agreement 2011.  
*In relation to the contribution required under the Infrastructure Agreement Schedule 2, Infrastructure Contributions, Item 6.1.3 for Sporting Fields (Sporting Fields Contribution), the timing for this contribution shall be as follows:*
- (a) *The Sporting Fields Contribution is to be paid progressively for each stage of the development until the amount specified in the Infrastructure Agreement for Item 6.1.3 (including indexation) has been paid in full.*
  - (b) *The amount of the Sporting Fields Contribution to be paid for each stage of the development shall be equivalent to the "Public parks and land for community facilities network" component of the contribution that is required under the Infrastructure Agreement Schedule 2, Infrastructure Contributions, Item 1.1.1, Financial Contribution under an applicable Planning Instrument (Planning Instrument Contribution).*
  - (c) *The Sporting Fields Contribution paid for each stage of the development shall be used to offset the "Public parks and land for community facilities network" component of the Planning Instrument Contribution for that stage."*
- 11.3.3 Council hence maintains a register of the monetary contributions balance (starting at \$4,367,864), from which the Sporting Fields component of the infrastructure charges paid by the developer at the time of plan endorsement (of the respective development stages) is deducted. This has effectively allowed for the Sporting Fields monetary contribution to be paid down over time rather than by way of lump sum payments.
- 11.3.4 At the time the *Infrastructure Agreement* was formulated, *Planning Scheme Policy 11.24* (Schedule 3, Table 3.1, included below as **Table 7**) set out a charge rate for public parks and land for community facilities of \$9,926 per dwelling.

**SCHEDULE 3  
 CHARGE RATES FOR OPEN SPACE NETWORK  
 INFRASTRUCTURE**

**Table 3.1 Charge rates for public parks and land for community facilities**

Column 1 Local catchment (refer to Map PFUI)	Column 2 Local catchment name	Column 3 Charge rate for public parks and land for community facilities (\$/SDU)
PCL	Caloundra South	9,926

**Table 7 – PSP11.24 Schedule 3 Table 3.1 (p3-1, extract)**

- 11.3.5 The developer's initial financial assessments of the draft *Infrastructure Agreement* provisions, in particular the required contributions for parks, and the offsets that were available, were undertaken in this context. At the time, and on this basis, there did indeed appear to be equity in the contributions and offsets afforded by the *Infrastructure Agreement*. However, the IA was formulated in a time of change, and by the time the document was executed, Council's initial version of the *Infrastructure Charges Resolution* (driven by a State-imposed imperative) changed the infrastructure charges landscape substantially. The per-lot rate of \$9,926 assumed under PSP11.24 soon made way to amended per-lot rates under the various versions of the *Infrastructure Charges Resolution* document (\$8,640 in 2011 and \$7,848 in 2019).
- 11.3.6 With regards to payments made for the Pelican Waters Heart area, Stages 1 and 2 were approved under AICR No.5 and hence all payments for these stages were based on \$8,640 per lot (indexed to

date of payment). Stage 3 was approved under AICR No.6 with the \$28,311 capped rate. Stage 4A was approved under AICR No.7.

- 11.3.7 The effect of this is that the total quantum of open space provision within the Preliminary Approval area, expressed as a monetary value, change significantly with every iteration of the *Infrastructure Charges Resolution*. This, combined with the changes to the timeframe over which the sporting field contributions are paid out, have shifted the point in time from which infrastructure offsets can be claimed for land and works contributions. The balance quantum of development against which infrastructure credits offsets can be used (i.e. the number of lots left to be developed once the sporting field contribution is paid out) will therefore be insufficient to allow for the developer to claim all the available offsets. Once again, we submit that this was not the intent of the *Infrastructure Agreement* when it was being formulated.
- 11.3.8 In some regards, it can therefore be considered that Council's *Adopted Infrastructure Charges Resolution* rendered the *Infrastructure Agreement* obsolete at its outset. It is submitted that the abovementioned inequity in the quantum and timing of infrastructure offsets warrant further consideration by Council and negotiations with the developer when considering options (including those presented herein) for refinement of the *Infrastructure Agreement*.

#### 11.4 REDUCED VILLAGE PARK OFFSET FOR WATERFRONT PARK COMPONENT

- 11.4.1 There has been a series of discussions between the project team and Council's officers about the replanning of the proposed Village Park (Central Park) space, the nature of which is explored fully in Section 5.1 of this report. In its current proposed form, Central Park is to be provided in two parts, comprising a 2.0 hectare central component and a 1.4 hectare waterfront component in compliance with the requirement for "3 hectares of land for a Village Park as indicatively indicated on Drawing 7" per Schedule 2 item 6.1.1.
- 11.4.2 The legal advice received from McCullough Robertson (**Appendix D**) supports the view that the proposed village park arrangement complies with the requirements of the *Infrastructure Agreement* and the *Planning Area Code*. These matters and supporting arguments are addressed in detail in 5.3.4 of this report, but it is worthwhile reiterating two key conclusions of that legal advice in relation to a split village park configuration:
- "... it is our view that even if there was some warrant (which we do not consider there is) to Council's view that Central Park is to be a minimum of one single 3 hectare lot in order to be regarded as trunk infrastructure, if it were provided as two parts of one lot this would satisfy the requirements of the IA beyond doubt".
- and
- "... this course of action would not contravene PWH's obligations under the IA nor result in Central Park being considered non-trunk infrastructure, so in our opinion the infrastructure offsets will still apply".
- 11.4.3 That being said, and in light of the previously mentioned surplus of infrastructure offsets that will remain at project completion (generated by a reduced development yield and an infrastructure contributions rate that has reduced the value of the Part A Adopted Charge ICs), it may be possible to reduce those surplus offsets by agreeing that infrastructure offsets will not apply to 1ha of the waterfront park component of the Village Park.
- 11.4.4 A reduction in that area of the Village Park to which an offset applies to 2 hectares and a pro-rated reduction in offset has the capacity to remove the unused offsets whilst also increasing the net financial contribution to Council. Hence this option possibly delivers benefit to both parties. This is discussed further in Section 11.6 below.

**11.5 OFFSET FOR EXCESS PARKLAND AGAINST SPORTING FIELD CONTRIBUTION**

- 11.5.1 It is suggested that some form of offset should apply to parkland delivered in excess of the requirements contained within the *Infrastructure Agreement*.
- 11.5.2 As the proposed total area of Village Park space (Central Park) embellished to District Recreation Park standard is to be 3.4ha (3.428ha to be precise), the onsite provision of trunk park space exceeds that required under the Infrastructure Agreement's Schedule 2 item 6.1.1.
- 11.5.3 Page 65 of the IA states that *Urban open space infrastructure* is an offset item, at the pre-indexation value of \$1,220,600 per hectare (\$122.06/m<sup>2</sup>).
- 11.5.4 Notwithstanding that Section 11.4 above discusses the prospect of discounting 1ha of Central Park's waterfront component as an offset, the fact is that the project will provide 3.428ha (i.e. an extra 4,280m<sup>2</sup>) of Village Park space embellished to District Recreation Park standard rather than just the 3 hectares required under the *Infrastructure Agreement*.
- 11.5.5 Moreover, that extra 4,280m<sup>2</sup> of waterfront parkland has already been committed to by the developers, with parkland construction within Stage 3A (the town centre area) approved (Council file OPW17/0361 refers), completed and now open to the public. Images of the parkland are included as **Figures 32A-G** below. The parkland includes a playground, seating, shelters, drinking fountains, feature lighting, bike racks and kick and throw space.
- 11.5.6 The level of embellishment within the Stage 3A park exceeds that required under the *Infrastructure Agreement* for Village Park space (i.e. District Recreational Park as defined under Table 2.2F of PSP11.24).
- 11.5.7 The 3 hectares of parkland required under Item 6.1.1 of the *Infrastructure Agreement* remains secured and will be provided in addition to the Stage 3A parkland.
- 11.5.8 It is therefore seen as fair and reasonable that the developers should be recognised for the provision and development of this additional community parkland asset, by way of either:
- an additional offset for 4,280m<sup>2</sup> at the District Recreational Park rate of \$1.22m per hectare (\$122.06/m<sup>2</sup>). i.e. \$522,416.80. However, as this would increase the quantum of unused offsets beyond the current \$1.546m, it is not considered viable or equitable; or
  - a reduction in the quantum of Sporting Fields contribution at the IA's rate of \$1.092m per hectare (\$109.20 per m<sup>2</sup>) for the 4,280m<sup>2</sup> of park space. i.e. \$467,361. This approach is seen as preferable as it would allow for the outstanding quantum of Sporting Fields contribution (currently approximately \$1.3m) to be written down sooner (without inflating the unused offset quantum), in turn allowing other offsets to take effect sooner.

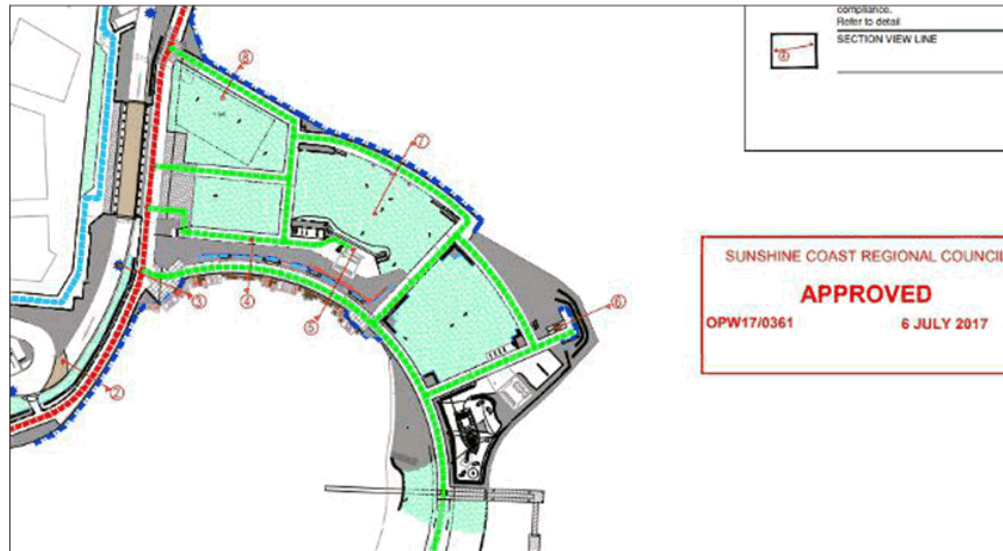


Figure 32A- Stage 3A Park (approved plan – Council file OPW17/0362 refers).



Figure 31B- Stage 3A Park (looking east).

Sunshine Coast Survey and Planning





Figure 32C- Stage 3A Park (looking south-west towards recreational lake).



Figure 32D- Stage 3A Park (looking east over recreational lake southern interface).

Sunshine Coast Survey and Planning



Figure 32E- Stage 3A Park (looking north-east over waterfront parkland).



Figure 32F- Stage 3A Park (looking west over kick and throw space).

Sunshine Coast Survey and Planning





Figure 32G- Stage 3A Park (park shelter)

#### 11.6 CONTRIBUTION AND OFFSET QUANTIFICATION

11.6.1 This section of the report explains the financial implications and outcomes of the options outlined above for modification of the *Infrastructure Agreement's* infrastructure offset entitlements and makes recommendations for the preferred approach.

11.6.2 The table "Pelican Waters – Southern Lakes – Open Space Contributions" is attached as **Appendix H** to this report. This table demonstrates that under current conditions (including indexation) \$1,515,621 of infrastructure offsets will remain unused at project-end.

11.6.3 The table clearly indicates the following:

- At the time of writing the *Infrastructure Agreement*, even factoring in a reduced yield of 921 detached dwellings, 500 multiple dwellings and retail/commercial/community floor space, there was \$2.788m in financial contributions that would remain payable to Council for Item 1.1.1 Trunk Infrastructure;
- This has been progressively reduced by \$4.30m to \$1.52m in unusable offsets due to the reduction in the open space component of the *Adopted Infrastructure Charge Resolution* (\$2.68m) and an increase in the value of the offsets due to indexation (\$1.63m); and
- Due to the reduced open space component of the IC, the number of lots required to write down the sporting fields contribution has increased from 440 to 625 lots.

11.6.4 Once again, we submit that the (undesirable) outcome of the above is that substantial unused trunk offsets would remain and that this was not the intent when formulating the IA – all projects should have net contributions that can be allocated to projects in the wider district and region.

11.6.5 As set out in Sections 11.2-11.5 above, this imbalance can be addressed by reviewing the following options (individually or in combination).

Reduced Central Park Offset

11.6.6 A reduction in the area of the Central Park that can be offset has been assessed by excluding 1 hectare of park (the waterfront component) from the offset table. The reduction in the Central Park offset by 1/3 removes the unused offsets and provides a net contribution to Council of \$48,216 for Item 1.1.1 *Financial contributions for Trunk Infrastructure*. (The waterfront park will, together with the central park area, still be embellished to District Recreation Park standard per Table 2.2F of PSP11.24).

11.6.7 The net contribution to Council for trunk infrastructure and sporting fields is higher than the current position, however the number of lots required to write down the sporting fields contributions remains at 625 lots.

Reduced Sporting Fields Financial Contribution

11.6.8 Based on reduced population, the sporting field contribution could be reduced by \$996,965.

11.6.9 Based on the provision of an additional 4,280m<sup>2</sup> of Village Park space in the form of waterfront parkland (over and above the required 3 hectares of Village Park), the sporting field contribution could be reduced by \$467,361.

11.6.10 The total reduction based on the above could therefore be \$1,464,326 (i.e. from \$4.37m to \$2.90m), but for the purpose of the "Pelican Waters – Southern Lakes – Open Space Contributions" table in **Appendix H** we have adopted just 50% of this figure (\$732,163) and hence reduced the base date contribution from \$4.37m to \$3.64m. With indexation and allowance for previous payments this results in a financial contribution of \$4.03m.

11.6.11 The reduced sporting field contribution lowers the unused offsets to \$646,754.

11.6.12 The number of lots required to be developed to write down the sporting field contribution has reduced by 18% (from 625 lots to 514 lots) due to this provision but is still 17% higher than the number of lots anticipated in 2011 to pay down the sporting field contribution (440).

Combination of Reduced Central Park Offset and Reduced Sporting Fields Financial Contribution

11.6.13 A reduction in both the central park offset and the sporting field contribution results in a net financial contribution to Council for trunk infrastructure of \$917,083.

11.6.14 The net contribution to Council for trunk infrastructure and sporting fields is higher than the current position.

11.6.15 Importantly, the reduction in both the central park offset and the sporting field contribution will ensure that there are no offsets remaining unused at project-end.

**11.7 DEVELOPER OFFER TO AMEND OFFSETS<sup>3</sup>**

11.7.1 Based on the above, and as presented in **Appendix H**, it is proposed (on a without prejudice basis) that the combination of a reduction in the central park offset and the sporting field contribution be applied.

11.7.2 The assessment indicates that the net financial contribution to Council of \$4,950,389 which is \$48,216 higher than the \$4,902,173 calculated under the current arrangements. We submit that whilst this proposed final contribution amount actually increases the benefit to Council and the community, it has been achieved by using a very conservative approach (i.e. 50%) to the write-down

<sup>3</sup> Please note that the financial contributions and offsets presented are intended to provide a comparative assessment of existing and proposed open space contributions and offsets, and therefore (for clarity) do not include the proposed changes to the contribution arrangements for District Community Facilities presented in Section 8 of this report. Subject to Council's agreement in principle to the respective IA amendment methodologies, updated, holistic contributions and offset assessments will be presented to Council.



of sporting field contributions based on the identified population metrics and excess open space provision. The table (Appendix H) also achieves this funding outcome for a lower development yield (1,421 dwellings) than that presented in Table 6 (1,700 dwellings).

- 11.7.3 The above approach demonstrates an equitable way to amend the *Infrastructure Agreement* to secure improved outcomes for the community, Council and the developers. Specifically, the community benefits directly from the provision of a range and extent of trunk infrastructure that meets or (in the case of quantum and embellishment of Village Park space) exceeds the requirements of the *Infrastructure Agreement*, and indirectly from the increased financial contributions that will be made to Council. Council will still achieve significant contribution funding, will benefit from the adoption of a clearer IA document that better accommodates the financial implications of the *Adopted Infrastructure Charges Resolution*, and be able to demonstrate to the community that the project's infrastructure contributions align with development-based demand. The developers will benefit from the ability to utilise the full extent of offsets, as was intended at the time they entered into the *Infrastructure Agreement*.

## 12.0 CONCLUSION

### 12.1 SUMMARY

12.1.1 The key aspects of this request, which in turn require reflection in the *Infrastructure Agreement*, are:

- Relocating 1 hectare of the Village Park to the waterfront (and supplementing it with an additional 4,280m<sup>2</sup> of waterfront parkland), leaving 2 hectares of Village Park in the central location;
- Reducing the Infrastructure Offset available for the Village Park by 1 hectare;
- Deleting the Northern Pedestrian/Cycle Bridge;
- Delivering the external road network works as per the conditions of the current reconfiguration approvals;
- Providing the District Community Facilities by contribution of \$1m plus a (reduced) land area of 3,000m<sup>2</sup>; and
- Reducing the Sporting Fields financial contribution from \$4.37m to \$3.64m to overcome an Infrastructure Offset imbalance and to reflect a reduced project population.

12.1.2 The assessment contained herein demonstrates a 3.4ha Village Park configuration comprising a core central park component and an iconic waterfront park component (as opposed to one consolidated central 3ha park), connected by a strong, functional and distinctive pedestrian and cycle network, has sound planning grounds and will deliver greatly enhanced urban design, social, recreational and placemaking outcomes for the community and visitors.

12.1.3 The fundamentals of the Pelican Waters Heart development (including its population and the location and configuration of the town centre and its open space elements) have evolved and changed since the Preliminary Approval was issued. Consequently, the need for the northern pedestrian bridge has also changed. Detailed assessment establishes that a northern pedestrian bridge/cycle bridge would provide no travel time or distance benefits to the broader Pelican Waters, Golden Beach or Caloundra communities, which are optimally serviced by existing routes and the Preliminary Approval area's other infrastructure (existing and proposed). At a local level, the only area affected by removal of the northern pedestrian/cycle bridge is the northern extent of Glasshouse Bay comprising some 90 dwellings. However, the relocation of part of the waterfront park to the town centre area will provide a Village Park facility for those residents at an equivalent travel distance, as well as improved public transport and services access.

12.1.4 Further to the above, the direction of pedestrian and cycle traffic to the town centre area and the waterfront parkland will advance commercial sustainability and community vibrancy of those settings.

12.1.5 The proposed changes to the external intersection configurations and works provisions of the *Infrastructure Agreement* are simply a reflection of the discussions with Council to date and conditions contained within the Stage 1 and Stage 4 approvals for the configuration of external intersections in the Diamond Head (Michael Street/Anning Avenue) area.

12.1.6 It is submitted that the alternative arrangement for the delivery of the District Community Facilities provides an opportunity to accelerate the delivery of this infrastructure. The viability of the option is supported by a preliminary site layout and facility design, and a review of the site areas of other community facilities in the Sunshine Coast region. It is also submitted that this site area is sufficient given that other available community facility land in Golden Beach remains unused at this time.

12.1.7 It is also recommended that changes be made to the *Infrastructure Agreement's* monetary contribution and offset requirements in relation to the provision of trunk open space and sporting fields, in order to ensure that contributions more closely align with project-based demands and to allow the proponent to fully utilise the available infrastructure offsets during the life of the project.

12.1.8 It is submitted that the planning principles that underpinned the *Infrastructure Agreement's* financial modelling have changed significantly since that document was executed, through Council's adoption

of the *Infrastructure Charges Resolutions*, a reduction in the development's projected yield and an increase in the quantum of Village Park space to be provided. This report recommends adjustment of the required financial contributions based on those parameters, and by removing the infrastructure offset eligibility for 1 hectare of the (relocated) Village park component (waterfront) as discussed previously with Council officers. In this manner, a fairer and more equitable arrangement is secured, whereby the quantum of financial contributions to Council increases relative to that associated with operation of the *Infrastructure Agreement* in its current form. Also, no infrastructure offsets will remain unused at project end and the community will benefit from improved asset standards and delivery timeframes.

- 12.1.9 Based on the above, Council's approval of the proposed changes to the *Infrastructure Agreement* is sought. A final Variation Deed can then be finalised to this effect.

- APPENDIX A PROPOSED (DRAFT) VARIATION DEED (NO.2) FOR INFRASTRUCTURE AGREEMENT
- APPENDIX B SCRC WITHOUT PREJUDICE ADVICE 22/11/2010 RE: INFRASTRUCTURE ARRANGEMENTS PROPOSAL
- APPENDIX C PELICAN WATERS HEART PROPOSED OPEN SPACE NETWORK
- APPENDIX D LEGAL OPINION REGARDING TRUNK OPEN SPACE
- APPENDIX E PSA TRAFFIC AND TRANSPORT REPORT (NORTHERN PEDESTRIAN/CYCLE BRIDGE)
- APPENDIX F EXTERNAL INTERSECTION PLANS (PRELIMINARY)
- APPENDIX G CONCEPT FOR PELICAN WATERS COMMUNITY CENTRE
- APPENDIX H PELICAN WATERS – SOUTHERN LAKES – OPEN SPACE CONTRIBUTIONS