

8 REPORTS DIRECT TO COUNCIL**8.3 PELICAN WATERS SOUTHERN LAKES CHANGES TO INFRASTRUCTURE AGREEMENT**

File No: 2009/510022.05

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APPLICATION DETAILS	
Applicant:	Pelican Waters Heart Pty Ltd
Owner:	Pelican Waters Heart Pty Ltd
Consultant:	Sunshine Coast Survey & Planning Pty Ltd
Proposal:	To amend the requirements of the existing Pelican Waters Southern Lakes Infrastructure Agreement 2011
Request Received	12/09/2019
Public Notification Period:	Not applicable
Number of Submissions:	Not applicable
State Referral Agencies:	Not applicable
PROPERTY DETAILS	
Division:	2
Property Address:	Bledisloe Bvd & Coral Sea Dr PELICAN WATERS QLD 4551
RP Description:	Lot 814 SP 263655 Lot 1005 SP 263655 Lot 1007 SP 263655 Lot 1008 SP 263655
Land Area:	104.4ha
Existing Use of Land:	Detached dwellings with some limited commercial and medium density development. A significant portion (approx. 60%) of the site remains undeveloped/vacant.
STATUTORY DETAILS	
Planning Scheme:	Caloundra City Plan 2004 (23 December 2009)
SEQRP Designation:	Urban Footprint

Strategic Framework Land Use Category:	Urban
Planning Area:	Caloundra South Planning Area
Planning Precinct:	Emerging Community Precinct and District Business Centre Precinct.
Assessment Type:	Not Applicable

PURPOSE

The purpose of this report is to seek Council's determination of a request to vary an Infrastructure Agreement for the Pelican Waters Southern Lakes Preliminary Approval.

The request is before Council as it involves changes to trunk infrastructure items.

EXECUTIVE SUMMARY

The existing development is a Preliminary Approval which overrides the Planning Scheme 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.

The approved Southern Lakes Pelican Waters Planning Area Code forms the statutory framework for the development of the subject land. Associated with the approval is a Pelican Waters Southern Lake Infrastructure Agreement (refer to **Attachment 1**), which ensures the delivery of key infrastructure items and determines the Infrastructure Offsets the applicant is entitled to for the delivery of certain trunk infrastructure.

The current Infrastructure Agreement includes the following key deliverables:

- Waterway and canal infrastructure and contributions (including sinking funds)
- Road transport infrastructure network (internal and external to the site)
- Pathway network (including the Coastal Pathway and pedestrian bridges over the future lake)
- Open space infrastructure network (including a 3ha Central District Park)
- District community facilities infrastructure (dedication of 6,000m² of land)
- Public transport infrastructure and external road upgrades

The applicant has provided a Draft Variation Deed (refer to **Attachment 2**) supported by a detailed report (refer to **Attachment 3**), which proposes the following changes to the current Infrastructure Agreement:

1. Removal of the northern pedestrian bridge but compensated with a wider southern pedestrian bridge.
2. A reconfiguration of the Central District Park from a single 3ha parcel to two parcels comprising of 2ha central parcel and a 1ha parcel waterside park located in the town centre and receive a financial offset for the 2ha parcel only.
3. Adjustments to the internal road design and external road works obligations.

This report addresses the proposed changes to the Infrastructure Agreement, its relationship to the Planning Scheme and other statutory documents, and the infrastructure considerations critical to determining the application. The subsequent Council resolution is proposed to be a directive for the Chief Executive Officer to proceed with negotiations within an agreed set of outcome based parameters set by the Council.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Pelican Waters Southern Lakes Changes to Infrastructure Agreement”
- (b) note the request and delegate to the Chief Executive Officer to negotiate with the applicant to execute the deed of variation and
- (c) delegate authority to the Chief Executive Officer to determine the associated Change to Development Approval and continue negotiations in relation to infrastructure charges offsets and make any necessary changes to the Infrastructure Agreement where consistent with the Infrastructure Charges Policy.

FINANCE AND RESOURCING

Under the Infrastructure Agreement, the applicant is entitled to offsets of **\$12,200,697** against their infrastructure charges for providing the coastal pathway, district recreational parks (Central Park and Jensen Park), community facilities, and financial contributions for sporting fields (refer to below extract for details of these offsets). As a result, and based on the expected density of the development, it is unlikely that the development will pay any open space contributions other than the Sporting Fields Financial Contribution (which is eligible for offsets).

Column 1 Item in the Infrastructure Contributions Schedule	Column 2 Description of the Infrastructure Contribution	Column 3 Planned Estimate of the Infrastructure Contribution				
		Financial Contribution	Land and Works Contribution - Unit Rate (\$ / hectare)	Works Contribution – Unit Rate (\$ / unit)	Land Contribution – Unit Rate (\$ / hectare)	Maximum Infrastructure Offset available (\$)
Bicycle and Pedestrian Infrastructure						
5.1.1	Coastal Pathway	-	-	673,000	-	673,000
Urban open space infrastructure						
6.1.1	District Recreational Park (Central Park) (3ha)	-	1,220,600/hectare	-	-	3,661,800
6.1.2	District Recreational Park (Jensen Park) (2.315ha)	-	1,220,600/hectare	-	-	2,825,689
6.1.3	Sporting Fields (4ha)	4,367,864	-	-	-	4,367,864
Land for local community facilities infrastructure						
7.1.1	District community facilities (6,000m ² land)	-	-	-	1,118,333/hectare	671,000

Figure 1 - Extract from Infrastructure Agreement – Eligible Offsets

If Council proceeded as per the request of the applicant to make changes to the current Infrastructure Agreement this would have the following financial implications:

- The applicant is proposing that by reducing the District Central Recreational Park to 2ha that there be a corresponding reduction in the value of the infrastructure offset. As such, the maximum offset is proposed to be reduced from \$3,661,800 to \$2,441,200. This amendment is shown in the below amended table (extract from Draft Deed of Variation), which would result in a new total offset amount of \$10,978,753, compared to the current \$12,200,697.
- The applicant is proposing to delete the requirement for the northern pedestrian bridge and make improvements to the southern pedestrian bridge. The applicant has provided a cost estimate of \$776,100 for the northern pedestrian bridge (3.74m clear width) and \$559,900 for the southern pedestrian bridge (2.5m clear width), which reflects costs of the current requirements. Under the proposed infrastructure agreement, the applicant is proposing a wider southern bridge (4.0m clear width), which has an estimated construction cost of \$822,100. Further, the applicant has provided another estimate for an embellished southern bridge (4.0m clear width) of \$1,149,100 (refer to **Attachment**

4). Embellishments would likely include architectural and thematic additions commensurate with those used to date in the development. As such, with the removal of the northern bridge and proposed improvements to the southern bridge, the saving for the applicant will be approximately \$186,900.

Planned Estimate of an Infrastructure Contribution stated in the Infrastructure Contribution Schedule for which an Infrastructure Offset applies

Column 1 Item in the Infrastructure Contributions Schedule	Column 2 Description of the Infrastructure Contribution	Column 3 Planned Estimate of the Infrastructure Contribution				
		Financial Contribution (\$)	Land and Works Contribution - Unit Rate (\$ / hectare)	Works Contribution – Unit Rate (\$ / unit)	Land Contribution – Unit Rate (\$ / hectare)	Maximum Infrastructure Offset available (\$)
Bicycle and Pedestrian Infrastructure						
5.1.1	Coastal Pathway	-	-	673,000	-	673,000
Urban open space infrastructure						
6.1.1	District Recreational Park (Central Park - Heart) (2ha)	-	1,220,600/hectare	-	-	2,441,200
6.1.2	District Recreational Park (Jensen Park) (2.315ha)	-	1,220,600/hectare	-	-	2,825,689
6.1.3	Sporting Fields (4ha)	4,367,864	-	-	-	4,367,864
Land for local community facilities infrastructure						
7.1.1	District community facilities	-	-	-	1,118,333/hectare	671,000

Figure 2 - Extract from Draft Deed of Variation – Eligible Offsets

Further detailed discussion including finance and risk is included in the following sections.

It is noted that the applicant initially requested changes to the Sporting Fields monetary contribution and how offsets were applied under the provisions of the Infrastructure Agreement. These changes were on the basis of the applicant's submission that there will be unused infrastructure offsets at the completion of the estate. They requested earlier access to the offsets and the potential to cross credit in order to reduce any unused credits at completion of the development. These changes are no longer proposed but the applicant has requested that the Council resolution allow for continued negotiations with Council regarding offset requirements.

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: 4.4 - Service quality assessed by our performance and value to customers

Operational Activity: 4.4.2 - Deliver Planning and Development Services to ensure statutory requirements are met to achieve positive customer experiences and maintain strong industry engagement.

CONSULTATION

Councillor Consultation

- Deputy Mayor and Divisional Councillor (Division 2) T Dwyer
- Planning Portfolio Councillor and Division 6 Councillor C Dickson

Internal Consultation

The following branches were consulted in the drafting of this report:

- Open Space and Social Policy
- Transport and Infrastructure Planning
- Legal Services

External Consultation

No external consultation was required as part of this report.

Community Engagement

No community engagement was required as part of this report.

It is noted that at the time the preliminary approval application was publicly notified in 2010, 161 properly made submissions and 6 not properly made submissions were received. The submitters were primarily concerned with matters relating to:

- Residential density
- Traffic impacts
- Impacts to Pumicestone Passage and Bells Creek
- Loss of vegetation and removal of mangroves
- Extent of Filling
- Flood impacts and
- Cumulative impacts on Pumicestone Passage (Caloundra South, Bellvista 2, Pelican Waters).

PROPOSAL

Background

The location of the subject site in relation to its surrounds is shown below:

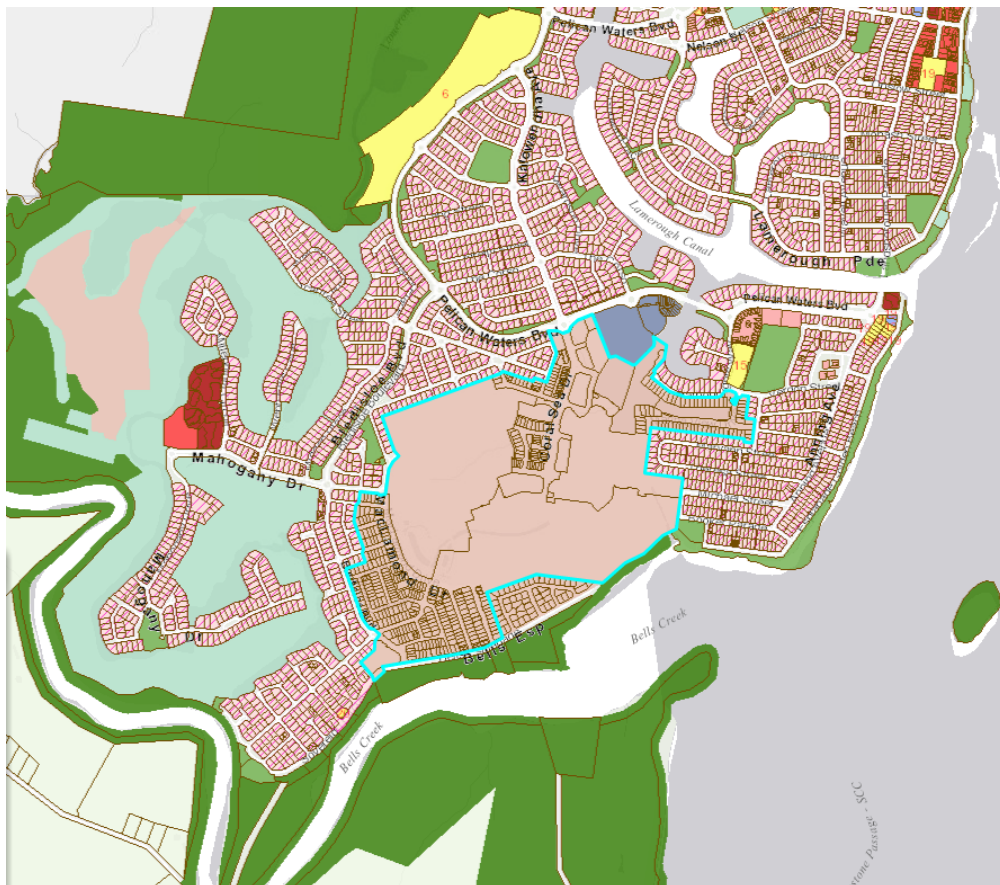


Figure 3 - Locality/zoning map



Figure 4 - Aerial Photo of Subject Site

The development is over 104.4 hectares of land which represents the final stages of the Pelican Waters community. The development involves the continued development of the District Business Centre, supported by a core of medium density residential development and lower density residential development integrating with the surrounding suburbs. The key geographic features of the development are an extension to Lamerough Canal involving the creation of a Marina basin and the creation of a lake.

The current preliminary approval allows for a mixed use town centre, residential development ranging from detached houses to terrace housing and mid-rise multi-unit dwellings based around a waterfront setting that incorporates a marina and newly created lake and canal. The development includes three precincts, those including:-

- District Business Centre
- Multi Unit Residential and
- Low Density Residential

The approved layout includes an extension of the tidal canal off the Lamerough Canal and the construction of an additional partial tidal waterway and island within the centre of the site.

Site History

Council amended DCP2, which then formed part of the 1996 Planning Scheme, to reflect the outcomes sought by the 1996 Rezoning approval. At this stage the DCP identified a District Shopping Centre, Community Facilities, two (2) Neighbourhood Parks one of which was to

contain Playing Fields, an extension to Jensen Park and a Village Park, over the land subject to this application.

In 2004, Caloundra City Plan was adopted. The Caloundra City Plan included the subject land within the Emerging Community Precinct and District Business Centre Precinct. This application is assessed against the Caloundra City Plan and further detail is provided below.

It is noteworthy that the expectations of the Planning Documents related to the area subject to this application have not changed considerably since Council approved the amendment to DCP2 in 1996. In that time, the developer has chosen to continue subdividing the balance of the estate, leaving the District Centre and associated infrastructure (including a community facility and major open space components) to last. During this time, the developer did not object to DCP2 nor the specific infrastructure obligations identified within the *Caloundra City Plan 2004*.

Background to Infrastructure Agreement

Prior to the finalisation of the preliminary approval, a confidential report was presented to Council at an Ordinary Meeting on 17 November 2010 in relation to executing the IA. This report undertook a comprehensive assessment of the masterplan against the *Caloundra City Plan 2004* and other relevant policy. The following are some relevant excerpts from this report relating to the aspects of the Infrastructure Agreement that are proposed to be changed (Open space network and pedestrian bridges).

In relation to the Open Space network, the report noted that:

“The Open Space Strategy has identified a shortfall of sports grounds in the Pelican Waters locality and requires the provision of a district sportsground. The current Planning Scheme Policy (PSP) requires an open space contribution of 10 hectares (approximately 5 ha for playing fields). In addition to this, the Caloundra South Planning Area Code requires 2 Village Parks, 1 Neighbourhood Park with playing fields, and 1 Neighbourhood Park for the subject land.

The Social Policy Branch has undertaken a number of assessment options. From these, it is recommended that Council undertake to secure a monetary contribution to offset the original intent of a land contribution of 5 ha for playing fields in the southern part of Pelican Waters.

Manager of Social Policy Branch has identified an alternative site which subject to a number of circumstances that the Manager is currently investigating and Council approval would provide an improved facility that would meet the Desired Standards of Service for a district sports ground to service the Pelican Waters community.”

In relation to Pedestrian Bridges the report stated:

With regard to the existing residential community, the established residential area to the north of the subject land, bounded by area to the north by Pelican Waters Blvd and Bledisloe Blvd to the west has no access to an open space recreational area within 500 metres because of the lake. The open space recreational park for this northern residential community was originally proposed generally adjacent to this area, but due to the applicant’s design, this park is now located on the island (Central Park).

The objectives of permeability will always be difficult to achieve in circumstances where large water bodies are designed into communities. There are, however, measures that the applicant can incorporate into the development that will considerably improve permeability and consequentially pedestrian, cyclist and public transport usage.

The construction of combined pedestrian and cyclist bridges at the general locations identified on Map 001 would provide pedestrians and cyclists with a safe and convenient access to the central park, community facilities, Town Centre and surrounding open space network.

The following actions/recommendations were made at this meeting:

The Council Resolution

That Council note the Chief Executive Officer will continue to negotiate an Infrastructure Agreement for the proposed Pelican Waters Southern Lake Material Change of Use Preliminary Approval (section 3.1.6 Integrated Planning Act 1997), as outlined at the confidential meeting.

Following the Council meeting, on 22 November 2010, a without prejudice letter was sent to the applicant which advised Council's position in terms of expected minimum infrastructure requirements that are to be contained within an infrastructure agreement prior to the application being decided. The relevant aspects of this letter has been summarised below:

- **Open Space & Playing Fields**

The Village (Central) Park is to be increased to 3 hectares in area and would be considered a District Recreational Park function, despite it being less than the 5 hectare minimum requirement.

- **Pedestrian/Cycle Bridges**

It was advised that two pedestrian and cycle bridges were required to be provided to redress the issues of poor connectivity between parts of the community, as a direct consequence of the lake system. In relation to the northern bridge, it was noted that the established residential area to the north of the subject land has no access to an open space recreational area within 500 metres because of the lake.

The preliminary approval development application was presented at the 23 February 2011 Ordinary Council Meeting. The report noted that negotiations with the developer established agreement on all of the items outlined at the 10 November Council Meeting, however negotiations relating to the provision of combined land and building facilities for a District Community Facility ended in the applicant agreeing to supply the full 6,000m² of land as required by the Policy. The Council resolution was that Council:

- (a) *approve Development Application for Preliminary Approval (Section 3.1.6 of the Integrated Planning Act 1997) Overriding the Planning Scheme for a Material Change of Use for a mixed use master planned residential community at Bledisloe Boulevard and Harbourside Way, Pelican Waters, described as Lots 812 and 813 SP212859 subject to:*
 - (i) *the signing of the Infrastructure Agreement in accordance with the report and*
 - (ii) *Conditions as contained within Appendix A; namely amend Condition 1 to insert:*

Additional Heading to be included and applicable to all Precincts:

"Sustainable Buildings"

Include a Specific Outcome that requires each commercial, retail, accommodation unit and Multiple Dwelling development to demonstrate the ability to achieve a minimum four star green star rating in accordance with the Green Building Council of Australia green star rating tool.

- (iii) *insert a property note on all affected properties with words to the effect that 'Council has established a sinking fund to cover the routine maintenance of the lock and weir facility for a period of 40 years from the date of approval' - to alert people that:*
 - (a) *they have made a contribution via their purchase price;*
 - (b) *but that also in time, the amount may be used up;*
 - (c) *Council, in future, may consider a levy on residents after that period for maintenance of the lake, waterway and associated infrastructure;*
 - (d) *delegate authority to the Chief Executive Officer to determine all minor requests for 2009/510022 for Negotiated Decision, Change to Development*

Approval, Change or Cancel Conditions and Extension of Relevant Period; and

- (e) *authorise the Chief Executive Officer to communicate to the relevant State (Environment and Natural Resource Management) and Federal (Environment) Ministers, that this application be referred to the Commonwealth for an assessment under the Environmental Protection and Biodiversity Act.*

The original Infrastructure Agreement was executed on 23 August 2011 and the Preliminary Approval Decision Notice was issued on 8 September 2011.

Current status of Development

Subdivision approvals have been issued for Stages 1-4 comprising approximately 601 lots. To date, 396 residential lots, 25 Multiple Dwellings, and 4 commercial lots (including a child care centre and service station) have been created within the estate.

In December 2016, Council issued a permissible change to the preliminary approval ‘Southern Lakes’ Pelican Waters Planning Area Code’, which included minor changes to the maps in the planning area code as follows:

- Shape/location of the canal and marina
- Shape/layout of the 3ha central park and
- Revised location/shape of parkland adjacent the marina/canal.

In November 2018 Council issued an approval for Stage 4, includes 252 residential lots, commercial lots, the non-tidal lake system (including lock and weir), part of 3ha central park, land for community facility, pedestrian bridges, coastal pathway, Jensen Park extension and external road upgrades. In conjunction with this approval, changes were made to the preliminary approval and Infrastructure Agreement to amend the lake circulation system from a tidal flush system to a pumped system and to increase the amount of the sinking fund to allow for the additional costs with operating a pumped circulation system. It is noted that in December 2019 Stage 4H has was created, which involves 47 residential lots and a larger mixed use lot.

Refer to below plan which shows the approved and or constructed Stages 1-4. It is noted that the lot layout for Stage 5 shown on this plan is indicative only and not approved.

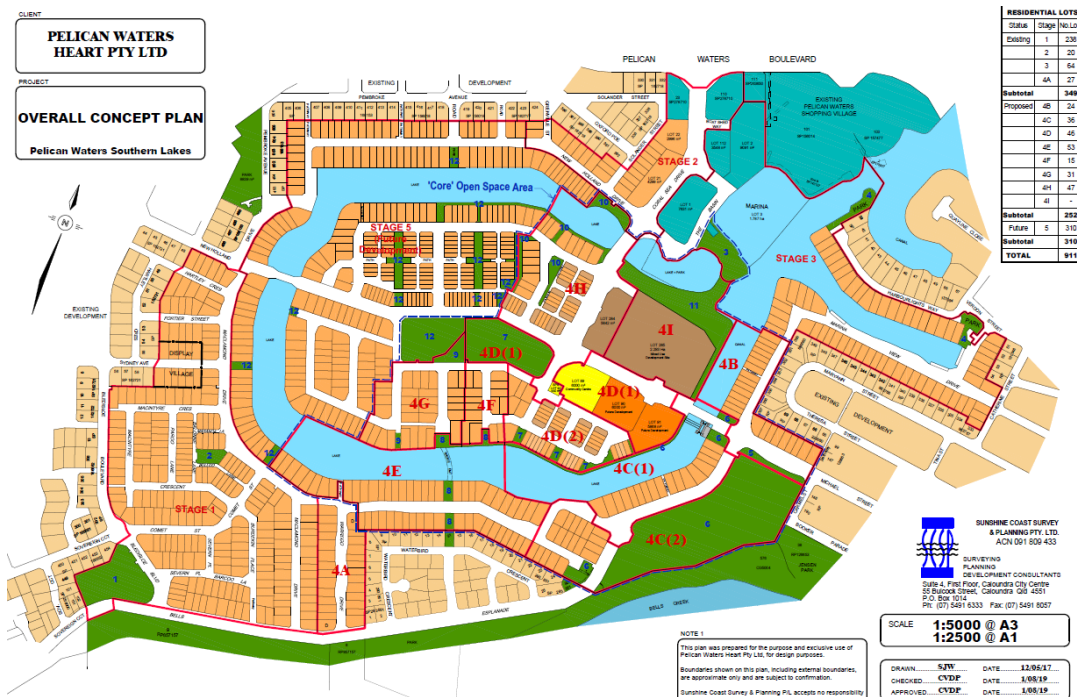


Figure 5 - Proposed Concept Plan (amended open space configuration and no northern bridge)

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.

REQUESTED CHANGES

The applicant lodged the request to change the Infrastructure Agreement on 12 September 2019. In summary and at this time, the changes involve the following requirements:

- Central park configuration
- Northern pedestrian bridge
- External road upgrades
- Associated drawings

ASSESSMENT

Each of the proposed amendments to the Infrastructure Agreement are assessed below having regard to the applicable *Caloundra City Plan 2004* requirements (the planning scheme in force at the time the Infrastructure Agreement was executed).

Central Park Configuration

Current Requirement

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 for a Village Park at Point A 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 Infrastructure) 2009.*



Figure 6 – Existing Drawing 7 of Infrastructure Agreement

Applicant’s Proposed Change and Representations

“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.”

“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.”

In addition, the applicant is proposing that by reducing the District Central Recreational Park to 2ha that there be a corresponding reduction in the value of the infrastructure offset. As such, the maximum offset is proposed to be reduced from \$3,661,800 to \$2,441,200 (i.e. offset only applies to the 2ha Central Park).

The applicant has provided the following plans depicting their proposed amended open space layout and how the two spaces would be connected.

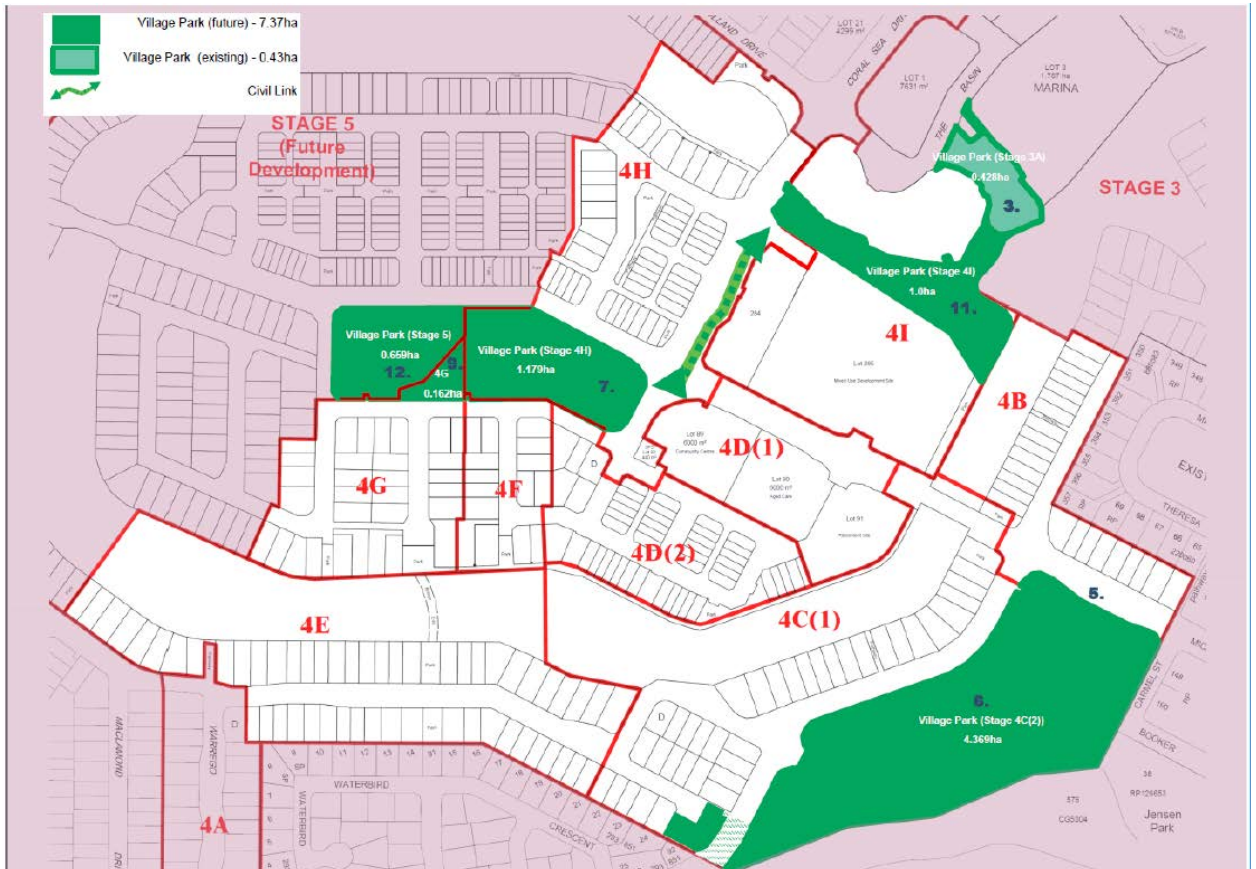


Figure 7 - Applicant’s proposed amended open space layout

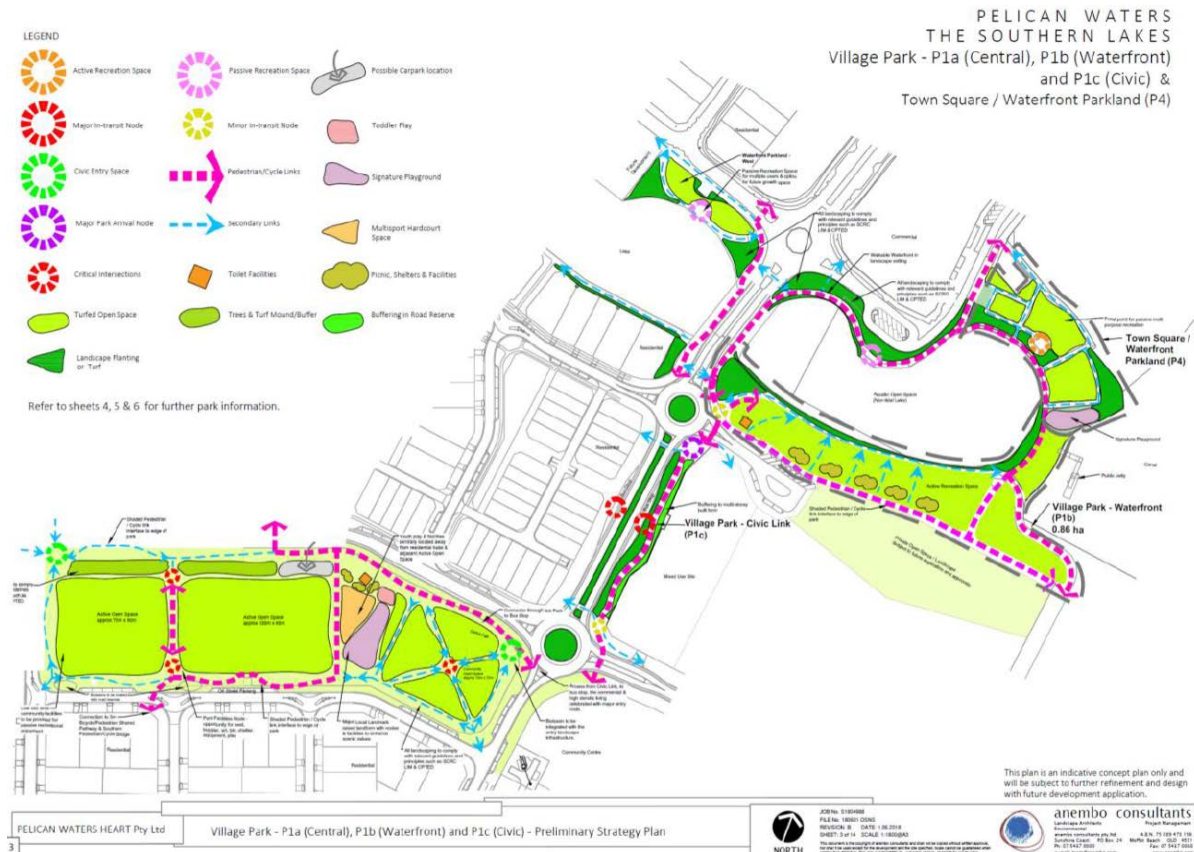


Figure 8 - Applicant's proposed detailed strategy plan of amended open space layout

Should this proposed amended open space arrangement not be accepted by Council, the applicant advises that the 1ha waterside park will not be provided, with only a 5m wide walkable waterfront provided at this location as shown by the below plan (noting that the 3ha Central Park would be maintained as per the current agreement).



Figure 9 - Current Stage 4 approval showing walkable waterfront only

The applicant's summary of the benefits associated with the proposed amended open spaces configuration is as follows:

- 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 greatest community value, usability, safety and amenity will be derived from integrating the walkable waterfront within the waterfront 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.
- The two open space parcels (Central Park and waterfront park) will be well connected by a 'Civic Link' comprising of a wider verge and a 3m wide pathway.
- The waterfront component of the Village Park 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.
- The waterfront component of the Village Park will provide much improved functionality/amenity for the commercial and marina precincts than that currently provided for by the Infrastructure Agreement.
- 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).
- 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.
- 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.
- 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).
- 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.
- Council's current planning scheme recognises the importance of waterfront open space as district level recreational facilities.
- 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 has a higher land value, being direct waterfront compared with land within a low density area removed from the waterfront.

Assessment of Proposed Change

Council policy requiring the provision of a 3 – 5 ha park to service a district level catchment has been in force in all relevant planning and policy documents since the *Caloundra City Open Space Plan 1994* and specifically the Policy in force at the time of the original Infrastructure Agreement, the *Caloundra City Plan 2004*.

The desired standards of service for a District Recreation Park in the Caloundra City Plan's Priority Infrastructure Plan (Table 10.5.10 and Table 10.5.13) requires the provision of a 5ha of land that is of a "size, quality and character that ensures they are appropriate for their purpose".

Advice provided by Environment and Sustainability Policy Branch – Open Space and Social Policy team, confirms a single 3ha District Park is required to meet the role and function of a district recreation park and any reduction will impact this functionality. The following comments have been provided by the Environment and Social Policy Branch, as the custodians of the open space policy, in relation to the rationale around the minimum 3-5ha size requirement within the policy:

"Provision of 3 – 5 ha for a District Recreation Park reflects best practice open space planning nationally and internationally. Provision of sufficient open space is an element of the International Human Rights Framework which states that equitable access to space to recreate and play is a basic human right. Based on this foundation, it is a widely accepted standard in the recreation planning industry that to enable equitable access, a park needs to be of sufficient size and suitable shape.

The current provision rate of 3 – 5 ha for a district recreation park is based on Council's open space target of 5 ha per 1000 people which is made up of 0.7 ha per 1000 people of Council-wide recreation park; 1.3 ha per 1000 people of district recreation park; 1 ha per 1000 people of local recreation park; 0.5 ha per 1000 people of Council-wide Sports Grounds; and 1.5 ha per 1000 people of district sports ground (adding up to a total provision of 5 ha per 1000 people). These standards are backed by sound research and evidence based policy and applied fairly consistently across Australia.

The role of a District Recreation Park (as stated in the Environment and Liveability Strategy 2017 (ELS) and in similarly defined Local Government Strategies across Australia) is:

District Recreation parks are primarily used for recreation, social, cultural and leisure activities. They connect people to the outdoors and may provide other complementary values such as landscape enrichment, biodiversity or cultural conservation. District recreation parks attract residents and visitors from the local community and surrounding suburbs and provide a variety of spaces, settings and facilities. They may host community events and celebrations.

A minimum size of 3 – 5ha in a regular shape is a requirement to achieve the role of District Recreation Parks, particularly offering a space large enough to attract residents and visitors from the local community and surrounding suburbs whilst providing a variety of spaces, settings and facilities, opportunities for community events and celebrations as well as landscape enrichment, biodiversity or cultural conservation. The minimum size of 3 – 5 ha is also a requirement to meet the desired provision of 5 ha of open space per 1000 people."

In the case of the suburb of Pelican Waters (which is within the Golden Beach, Pelican Waters and Caloundra District) 2016 ABS population figures would necessitate 33 ha of open space to meet the 5 ha per 1000 people requirement. Currently, there is only 7ha across all categories of open space (including categories not usually counted) leaving a shortfall of at least 26 ha."

In addition, the Environment and Sustainability Policy Branch – Open Space and Social Policy team has considered the proposed amendment to split the district open space (2ha plus 1ha) and has provided the following comments.

“The split arrangement does not meet the following policy requirements (adapted from the ELS):

- *District Recreation Park Desired Standard of service: A regular and compact shape that can accommodate the intended role and function – 2 ha in one part referred to as central park and 1.14 ha of a civic space (referred to as waterfront park) separated by a major road is not a compact shape and cannot accommodate space large enough to attract residents and visitors from the local community and surrounding suburbs whilst providing a variety of spaces, settings and facilities, opportunities for community events and celebrations as well as landscape enrichment, biodiversity or cultural conservation.*
- *Minimum width: A District Recreation Park must be 50 – 100 m wide and have 50% or 2 sides with road frontage. The waterfront park will not achieve this.*
- *Open Space Policy Positions 5.1 c Open space is flexible and adaptable to allow for diverse recreational, sporting and cultural experiences and 5.1 b Open space is protected for its appropriate function including openness – 2 ha of land in central park is not sufficient to allow such flexibility and retain large areas of openness. 1.14 ha of waterfront park will be largely a civic space with significant hardening and unable to be adapted to provide flexibility for future recreation uses.*
- *The embellishment requirements for a District Recreation Park specify that a district park can have a (singular) car park, toilet, event space, multi-purpose court. However if the proposal for 1.14 + 2 ha of waterfront and central park were to be approved, such embellishments may be duplicated resulting in significant maintenance costs for Council.”*

With regards to the applicant’s proposed ‘civic link’ (as described by the applicant), which connects the two Central park with the waterfront park, it is noted that this as it has all the typical features of a collector road (e.g. bus stops, pathways, and landscaping) and will function more as a road reserve rather than a recreational park. The Open Space and Social Policy team have recommended a minimum 10-15 metre wide linear park dedication along the road to provide a clear designated connection between the two proposed parks.

Despite the above, it is agreed that there are genuine benefits in the applicant’s proposal including:

- Increased waterfront amenity delivering a greater sense of place.
- The monetary value of a waterfront land will be greater than non-waterfront land (on a per square metre basis).
- A better interface with water provides additional recreational opportunities with the lake, which will be designed to allow secondary contact purposes and activities such as stand up paddle boarding.
- It would result in an overall net increase in the quantum of open space from that required under the current Infrastructure Agreement and original preliminary approval, albeit not in one central location.
- The location of the proposed additional open space is in close proximity to the future business centre and medium density housing precincts where there will be greater activity and densities.
- Preliminary designs for development directly adjacent the proposed waterfront park (within Stage 4I) have shown ample on street parking and active commercial uses (e.g. restaurants) addressing and activating the open space.
- The level of embellishment of the existing waterfront parkland is to a higher standard to that usually provided for in local parks (refer to the below photo) and this standard is likely to continue with the proposed new waterfront park.



Figure 10 - Photo of the Existing Peninsula Park ('The Basin')

It is important to note that should Council agree to accept the proposed amended open space configuration, that the value of the offset for the Central Park (as stated in the Infrastructure Agreement and in the Finance and Resourcing section of this report) should be reduced so that offsets are only eligible for the 2ha Central Park, not the waterfront park. The Draft Deed of Variation submitted by the applicant includes this change.

In summary, the officer's recommendation is to not support the proposed amended open space configuration changes given the inconsistency with the applicable open space policies as discussed above.

However, Council may elect to accept the applicant's proposal in relation to the open space configuration for the reasons put forward by the applicant above, noting the applicant is proposing to reduce the value of the infrastructure offsets so that only the delivery of the 2ha park would be eligible for receiving offsets.

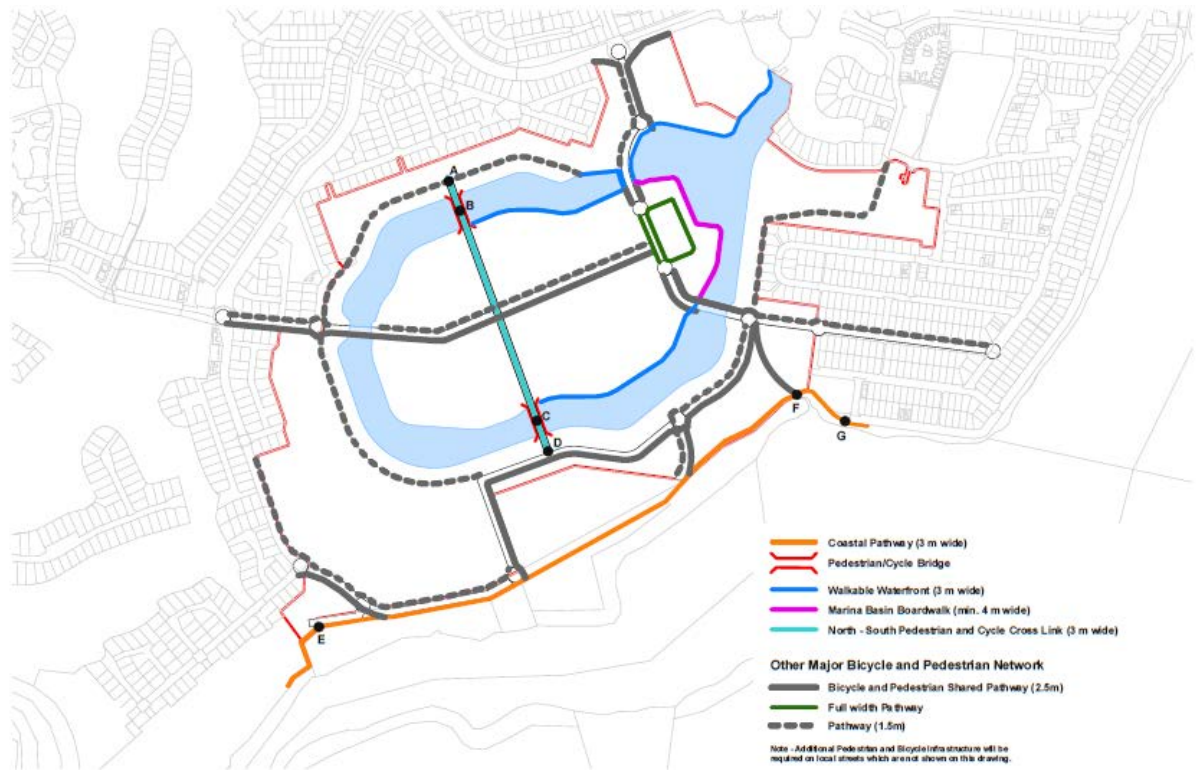
Northern Pedestrian Bridge

Current Requirement

Item 5.1.3 of Schedule 2 of the Infrastructure Agreement requires:

"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"*

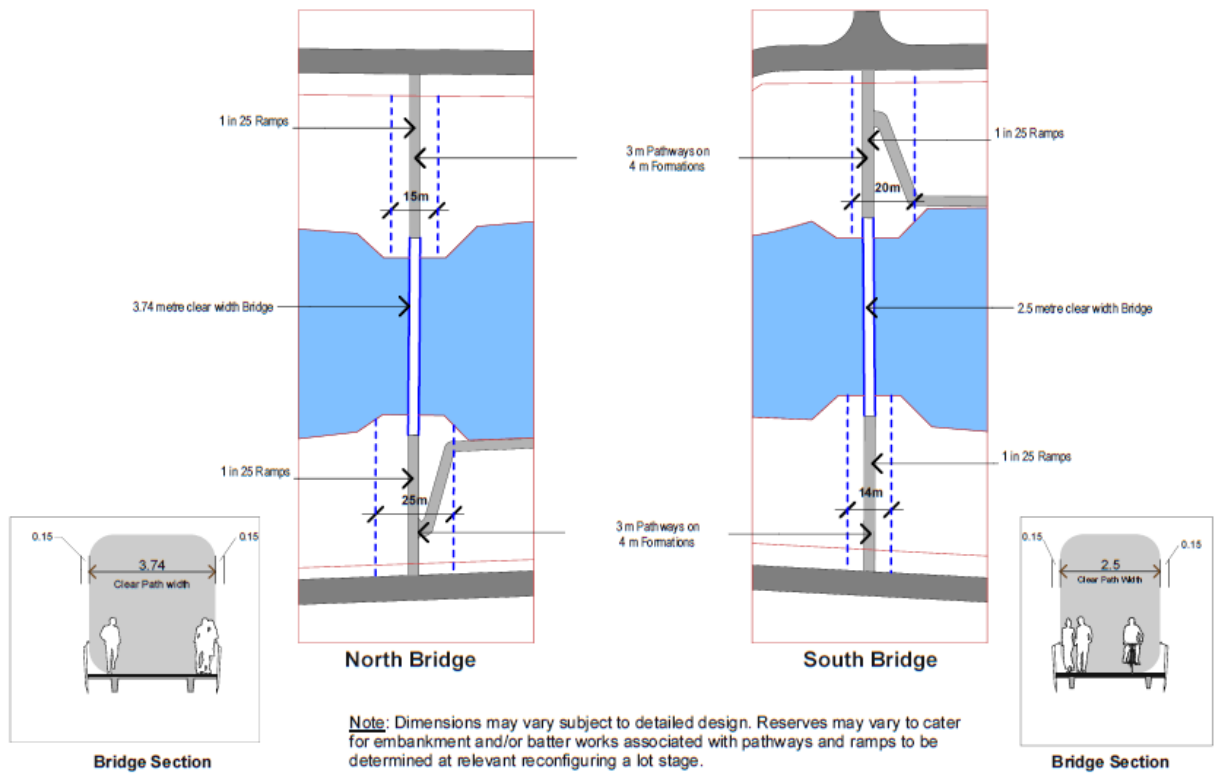


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Pelican Waters Southern Lake Bicycle and Pedestrian Infrastructure Network Sequencing

North Arrow | Drawing No.: PW-05 | Rev B | date:09/08/2011

Figure 11 - Existing Drawing 5 of Infrastructure Agreement



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Pelican Waters Southern Lake Bicycle and Pedestrian Bridge Design Specifications

North Arrow | Drawing No.: PW-06 | Rev B | date:09/08/2011

Figure 12 - Existing Drawing 6 of Infrastructure Agreement

Applicant’s Proposed Change and Representations

“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.”

“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.”

Below is the proposed amended Drawing 5 which depicts the proposed Bicycle and Pedestrian Network where the northern bridge is removed.

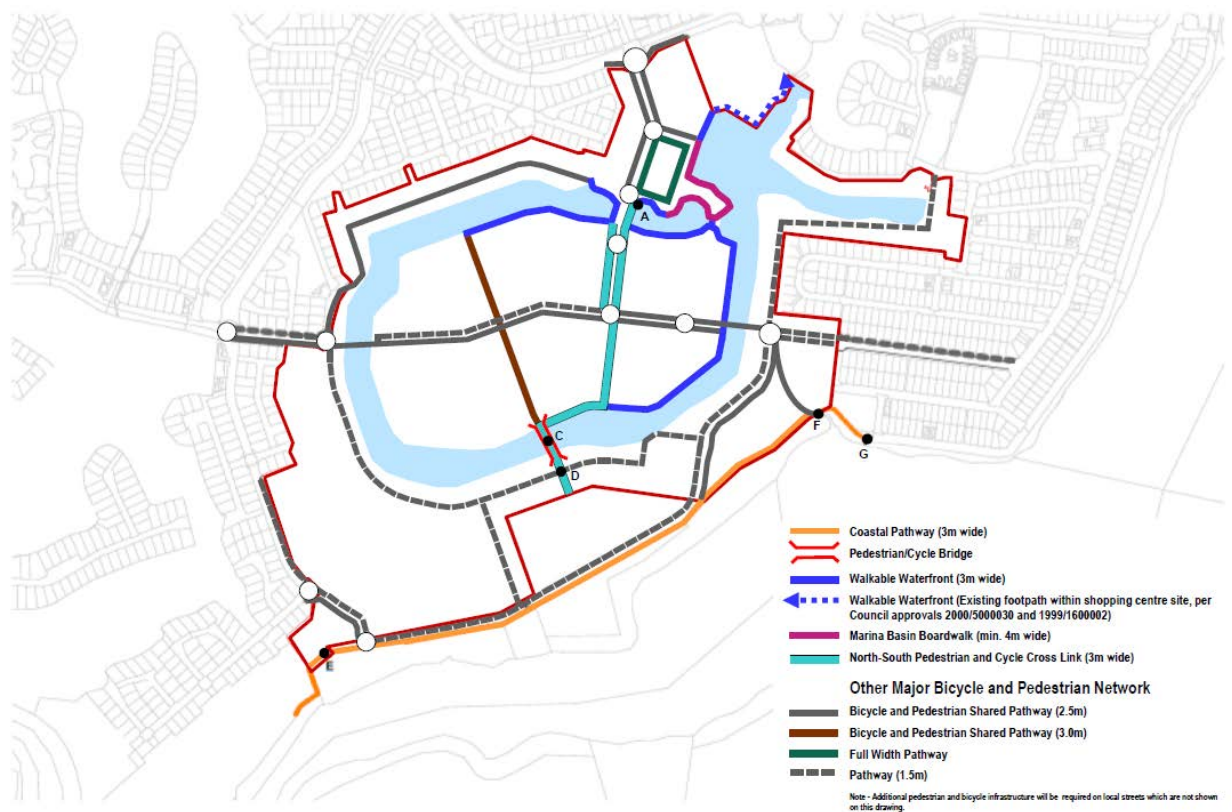


Figure 13 - Proposed Drawing 5– Pedestrian/Cycle Network

In lieu of the northern bridge the applicant is proposing a wider southern bridge (4.0m clear width) as shown in the below proposed amended Drawing 6:

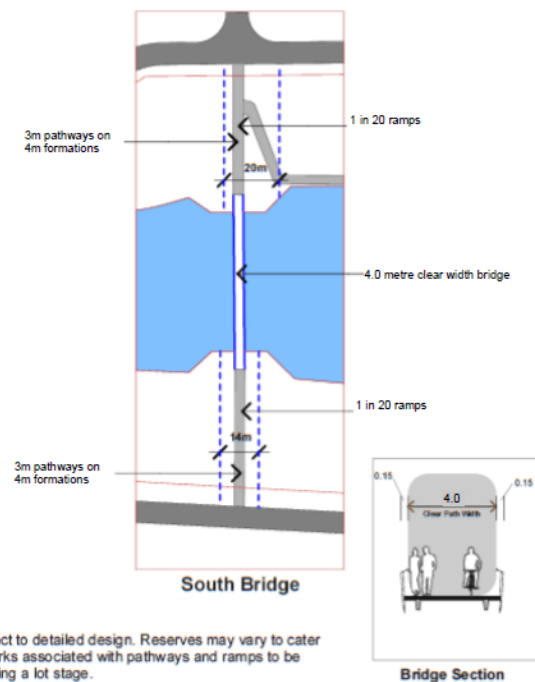


Figure 14 - Proposed Drawing 6 – Bridge Design Specifications

Assessment of Proposed Change

It is noted that as per the original Council report for the Infrastructure Agreement, the primary reason for the inclusion of the northern pedestrian bridge was to connect the existing community to the north of the development site to the new Central Park. This community is highlighted in the below plan and includes an area of approximately 90 dwellings.



Figure 15 - Existing Residential Community to the North

The below plan shows a comparison of walking distances from a central point within the existing northern community both with and without the northern pedestrian bridge. It demonstrates that it will be approximately 330m greater walking distance from this point if the bridge is not provided.

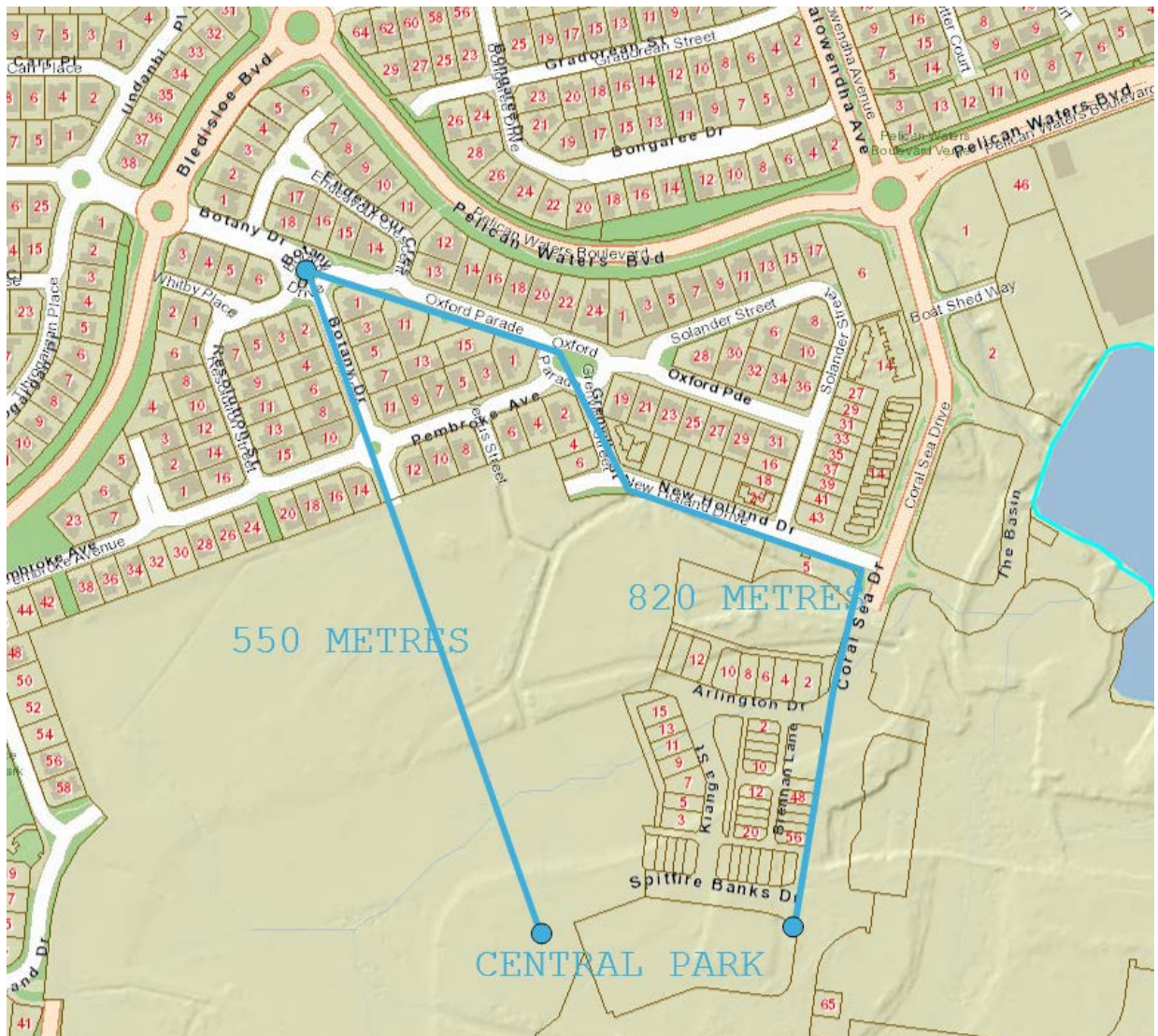


Figure 16 - Comparison of Walking Distances for Northern Community

While removing the bridge will result in greater walking distance for the northern community to the Central Park (approximately 330m), the following reasons are considered sufficient to warrant the proposed removal:

- The precise layout and locations of the internal street network and park locations have now been determined through subsequent subdivision approvals (when the Infrastructure Agreement was originally drafted the locations of these design elements were conceptual only).
- The north/south collector road, Coral Sea Drive, connecting with Pelican Waters Blvd with the Central Park, which includes significant bicycle and pedestrian paths, has moved west so as it provides a more direct connection to the Central Park for the northern community.
- A significant pedestrian pathway network comprising 3m wide bicycle and pedestrian shared pathways and on road cycle lanes (refer to above proposed Drawing 5), will link the northern community to the central park for the majority of the distance.
- The applicant is proposing to increase the width of the southern pedestrian bridge (4.0m clear width) in lieu of constructing the northern bridge (refer to above proposed Drawing 6). This will be beneficial as the southern bridge will be used more intensely given it will provide a direct connection to the coastal path with the Central Park/Town Centre. In addition, the applicant is proposing a wider pedestrian network (3.0m) linking

the existing northern residential community, the town centre and the southern pedestrian bridge (refer to above proposed Drawing 5).

- Greater open space has been provided within the town centre, which is closer to the northern residential community than was originally proposed (existing 'Peninsula Park'). This open space is located on the waterfront and will act as a significant attractor for the northern community, given its high amenity value and close proximity.
- By removing the northern bridge, it will encourage more pedestrians to walk through the town centre to get to the Central Park, providing greater activation and vibrancy for the business precinct.
- The existing catchment of approximately 90 dwellings and resulting pedestrian traffic is relatively small to warrant the construction of a \$776,100 piece of infrastructure, which will require ongoing maintenance by Council into the long term.

In summary, the officer's recommendation is to support the proposal to remove the requirement to construct the northern pedestrian bridge and amend the Infrastructure Agreement accordingly for the reasons discussed above.

External Road Upgrades

Current requirement

Item 3.1.6 of Schedule 2 of the current Infrastructure Agreement requires intersection upgrades external to the site. In particular a roundabout is required at Point E (Michael Street and Anning Avenue intersection). Existing Drawing 3 of the Infrastructure Agreement nominates locations of external road upgrades as per below:

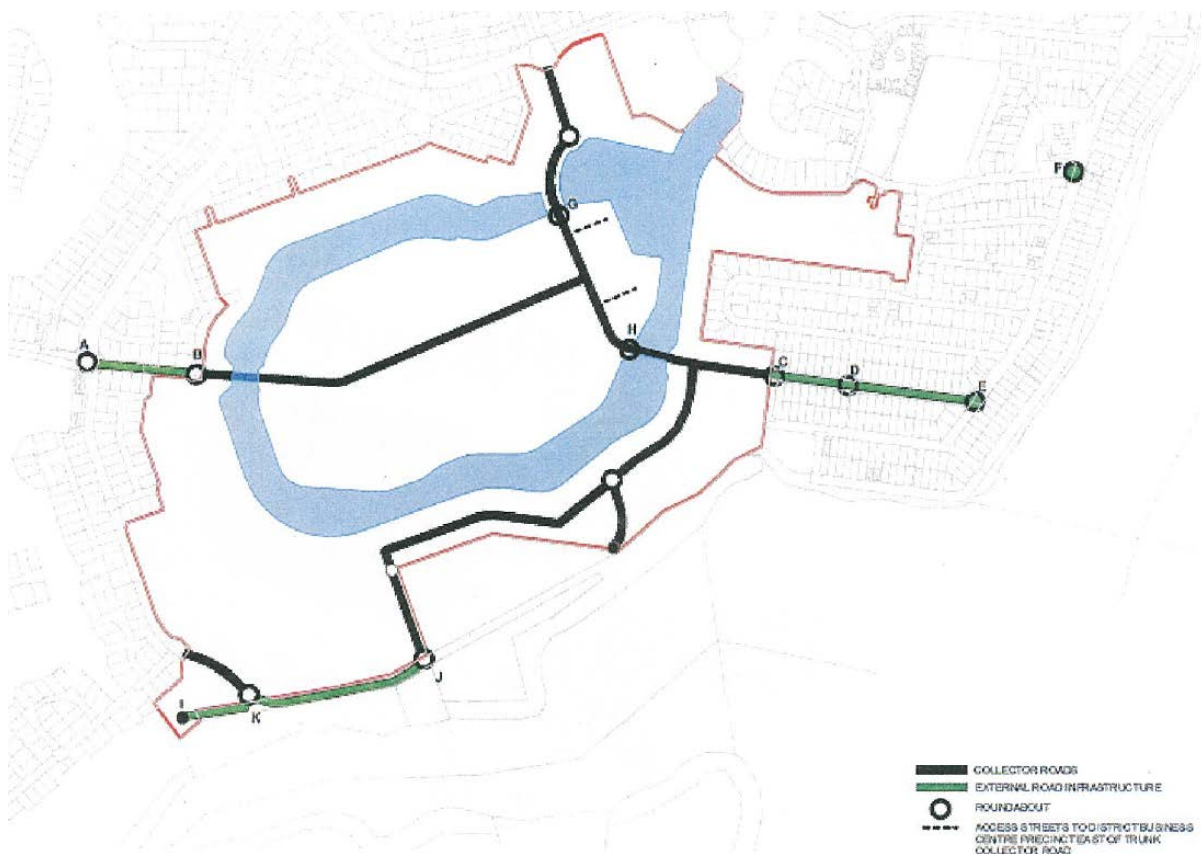


Figure 17 – Existing Drawing 3 in the Infrastructure Agreement

Applicant’s Proposed Change and Representations

The applicant has proposed changes to item 3.1.6 to require a priority T intersection be provided rather than a roundabout at point E as per the following track changes:

Column 1- Item	Column 2- Infrastructure Contribution	Column 3- Specification of the Infrastructure Contribution	Column 4- Timing of the Infrastructure Contribution	Column 5- Party responsible for the Infrastructure Contribution	Column 6- Other requirements
3.1.6	Work Contribution for modifications to road transport infrastructure from Point C to Point E (inclusive of Point D) and a roundabout at Point D and a changed priority T intersection at Point E with raised median islands may be constructed (with the southern Anning Avenue approach being the terminating leg) as indicatively identified on Drawing 3.	The Work Contribution is to comprise the provision of work for: (a) line marking of the existing road with a 6 metre central carriageway and on road bike lanes in each direction to function as a Trunk Collector Road; (b) a roundabout at Point D as indicatively identified on Drawing 3, of a minimum diameter of 20 metres with a mountable central island and raised splitter islands constructed on the eastern and western approaches; (c) a roundabout at Point E as indicatively identified on Drawing 3, of a minimum diameter of 26 metres with a landscaped central island and raised splitter islands on all approaches; a changed priority T intersection at Point E with raised median islands may be constructed (with the southern Anning Avenue approach being the terminating leg); and	Before the following: (a) the Approval of a Plan of Subdivision for Development of the Land; or (b) a later time specified by the Infrastructure Authority in an Approval.	Proponent.	This Infrastructure Contribution is not subject to an Infrastructure Offset.

In addition to the above changes, an updated Drawing 3 has been provided as per below. Notably point F has moved slightly north to the Anning Ave/ Roy Street intersection.

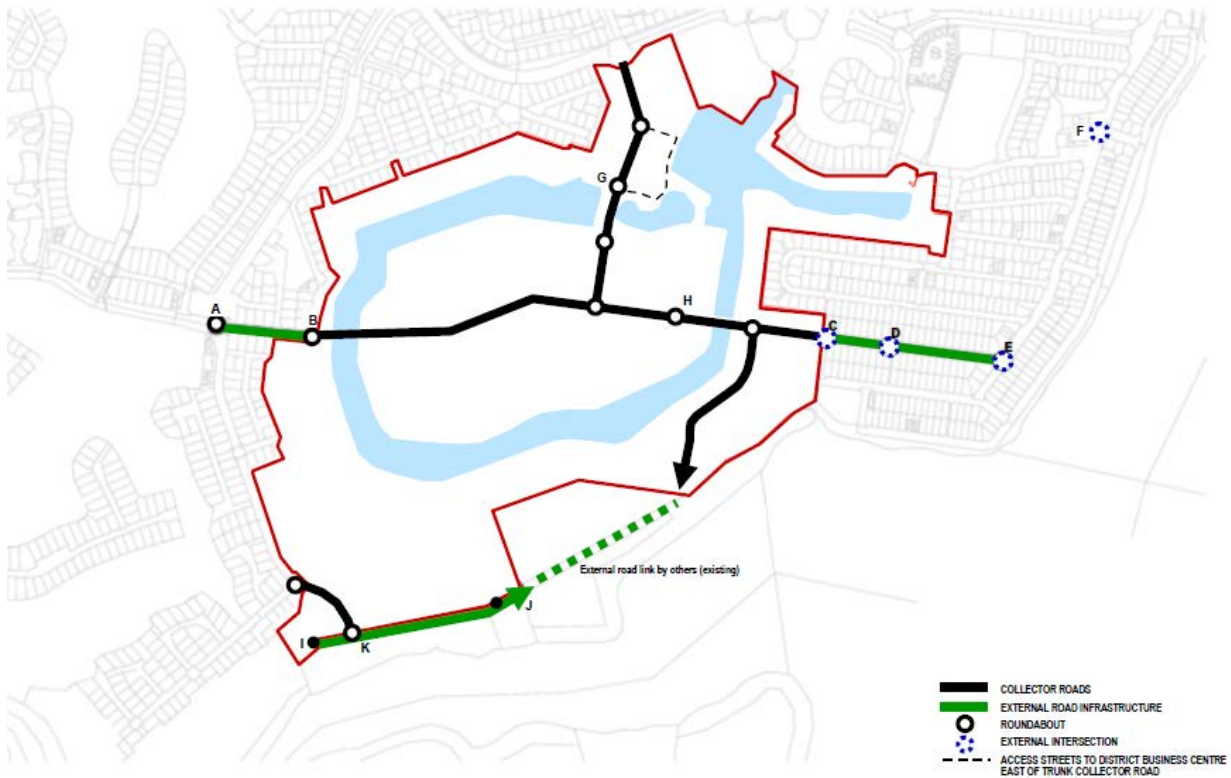


Figure 18 - Proposed Drawing 3 – Transport Network

Assessment of Proposed Changes

The Infrastructure Agreement requires works to be carried out at three external intersections on Michael Street and Anning Avenue. This is to make a contribution towards speed management on these external streets, since the development is connecting to the western end of Michael Street.

The following advice has been provided by Council's Principal Traffic engineer:

"The agreement identified roundabouts as the intersection treatment to be used. However, discussions with the applicant since have revealed difficulty in providing a roundabout at the Michael Street / Anning Avenue intersection (Item 3.1.6) and any treatment at the Verdon Street / Anning Avenue intersection (Item 3.1.7) due to potential complications with maintaining reasonable access to existing driveways. Consequently, other intersections treatment types and locations have been investigated with the applicant. This includes a changed priority T-intersection (with raised median islands) at the Michael Street intersection and potential use of a roundabout at the Roy Street intersection in lieu of the Verdon Street intersection.

The proposed modifications to Items 3.1.6 are considered acceptable."

In addition, Council's Traffic Engineer has no objection to approving the new roundabout location (point F on Drawing 7), moving it from the current Verdon Street / Anning Avenue intersection to the Roy Street / Anning Avenue intersection. This new map will have implications for item 3.1.7 of Schedule 2 of the Infrastructure Agreement, which refers to point F on Drawing 7 (but it is not necessary to make any changes to the wording of this item as it is only the location of the works that are changing).

In summary, the officer's recommendation is to support the amendment to item 3.1.6 as per the wording proposed by the applicant and changes to Drawing 7 as discussed above.

Amendments to Drawings 3, 5, 6 & 7**Current requirement**

The Infrastructure Agreement currently includes seven drawings supporting the requirements of the Infrastructure Agreement. Drawings 3, 5, 6 and 7 have the following titles respectively:

- Drawing 3 - Transport Infrastructure Network Sequencing
- Drawing 5 - Bicycle and Pedestrian Infrastructure Network Sequencing
- Drawing 6 - Pedestrian Bridge Design Specifications
- Drawing 7 - Urban Open Space and District Community Facilities Infrastructure Network Sequencing

Applicant's Proposed Change and Representations

The draft Deed of Variation includes updated drawings 3, 5, 6 & 7 to supersede the drawings in the current IA which generally reflect the changes discussed above. Below are the proposed new drawings:

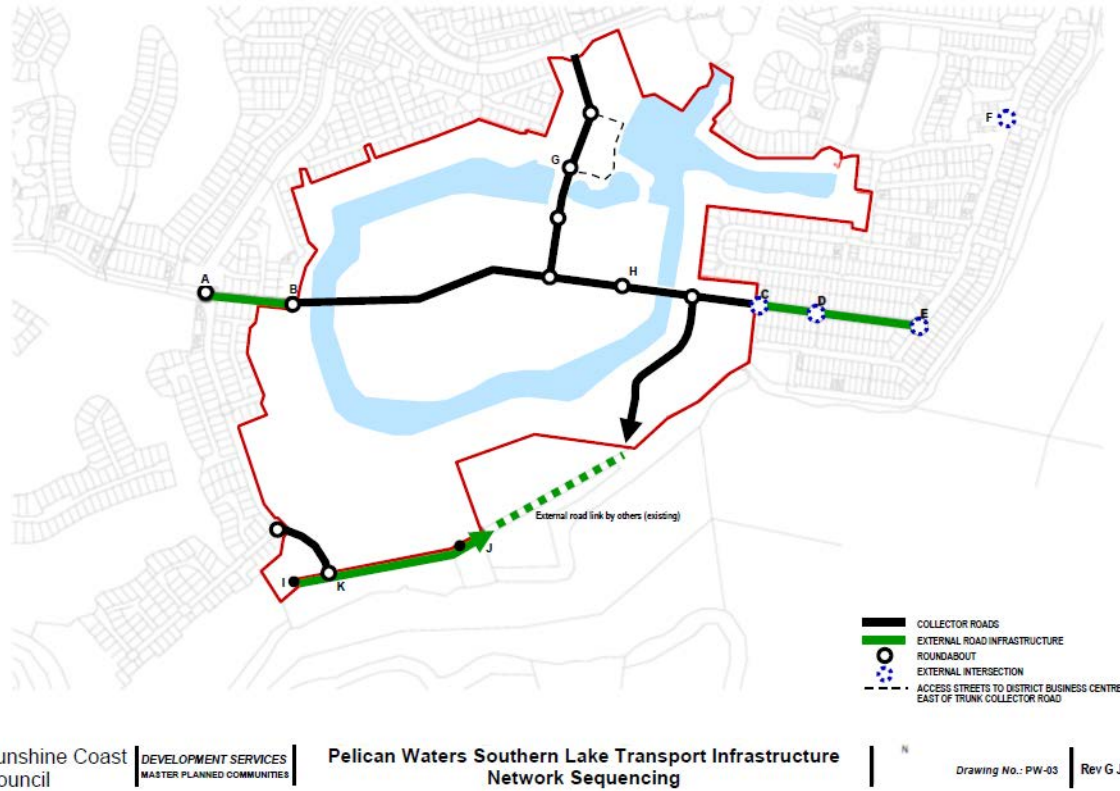


Figure 19 - Proposed Drawing 3

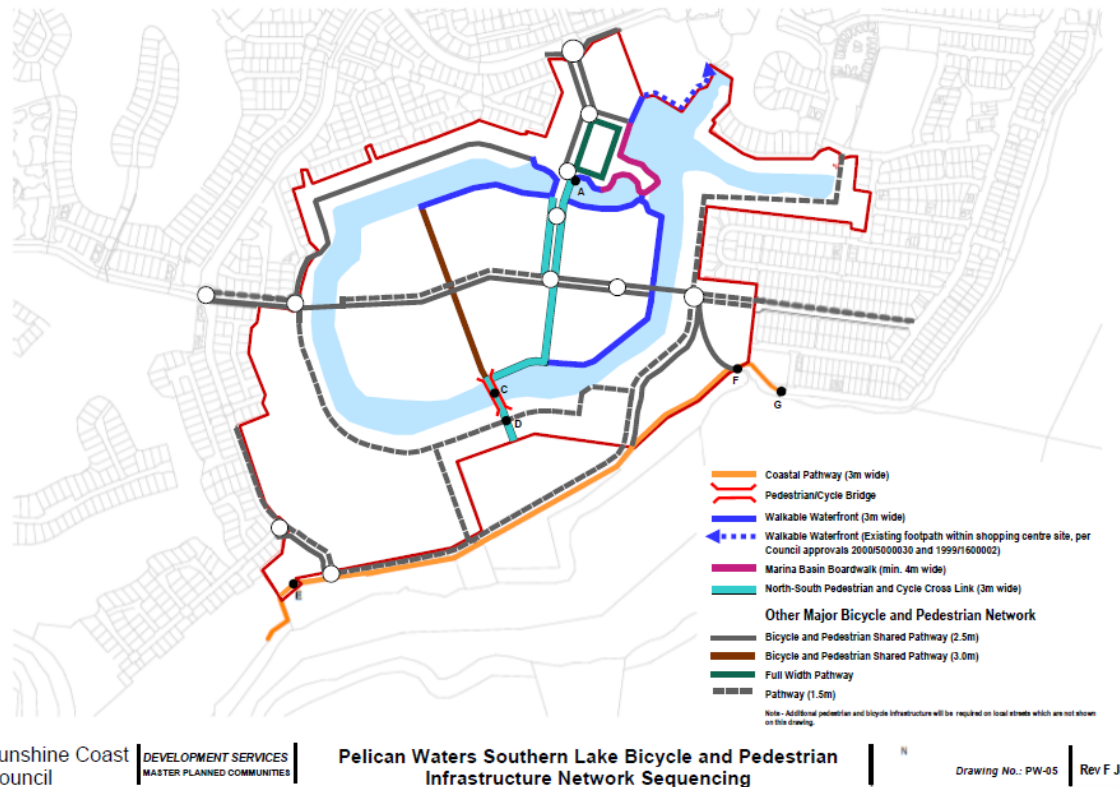
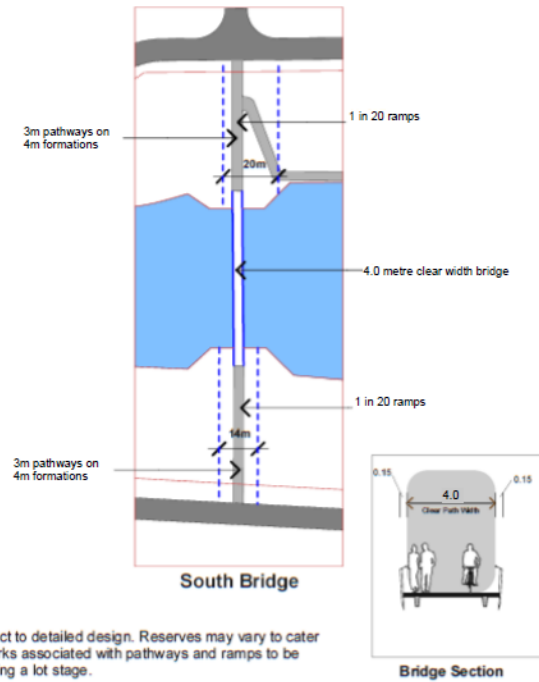
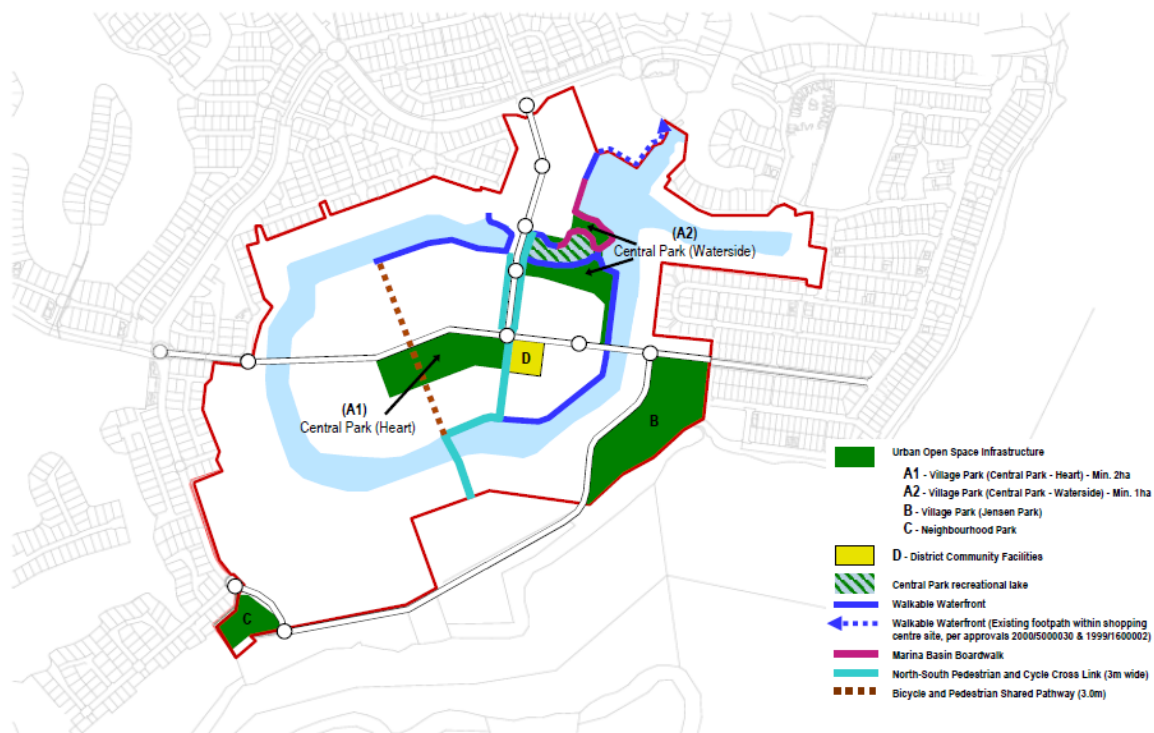


Figure 20 - Proposed Drawing 5



Sunshine Coast Council | DEVELOPMENT SERVICES | MASTER PLANNED COMMUNITIES | Pelican Waters Southern Lake Bicycle and Pedestrian Bridge Design Specifications | Drawing No.: PW-06 | Rev D Dec 2019

Figure 21 - Proposed Drawing 6



Sunshine Coast Council | DEVELOPMENT SERVICES | MASTER PLANNED COMMUNITIES | Pelican Waters Southern Lake Urban Open Space and District Community Facilities Infrastructure Network Sequencing | Drawing No.: PW-03 | Rev F January 2020

Figure 22 - Proposed Drawing 7

Assessment of Proposed Changes

The proposed amendments to the drawings are necessary to facilitate the other proposed changes discussed above with regards to the open space configuration, amended pathway network, removal of the northern bridge, widening of the southern bridge and external road

upgrades. With the exception of the changes to the Central Park on Drawing 7, there is no objection to Drawings 3, 5 and 6 superseding the corresponding drawings in the current Infrastructure Agreement.

In summary, the officer's recommendation is to support in part, agreeing to include updated Drawings 3, 5 and 6 in the Deed of Variation.

Should Council elect to approve the proposed amended open space configuration (as discussed above) Proposed Drawing 7 (Figure 22) should also be included in the Deed of Variation as proposed by the applicant.

Legal Advice – Implications on Preliminary Approval

The applicant has maintained that changes are not required to the preliminary approval as a result of the proposed changes to the Infrastructure Agreement. They have provided legal advice (refer to Confidential **Attachment 5**), which contends that the requirements of the Infrastructure Agreement prevail when there is any inconsistency with the preliminary approval.

Council engaged the legal firm Corrs Chambers Westgarth to peer review the applicant's legal advice (refer to the Confidential **Attachment 6**). In relation to the proposed changes to the infrastructure items they advised that given their significance for the ultimate form of the development, they considered it would be reasonable and prudent for Council to require that a change application for the preliminary approval be progressed concurrently with negotiations regarding any amendment to the Infrastructure Agreement.

Therefore, once a Council position is confirmed on the content of the proposed Deed of Variation, it is recommended a change application is submitted to update the Preliminary Approval Document to ensure consistency.

Policy

The relevant standards from *Caloundra City Plan 2004* and more recent open space policies have been discussed in detail above.

Risk

The external legal advice obtained confirmed a medium level of legal risk with progression all of the proposed changes via amendment to the Infrastructure Agreement, without changing the preliminary approval. Submitting a subsequent change application will ensure due process is followed in accordance with community expectations.

Previous Council Resolution

The preliminary approval development application was presented at the 23 February 2011 Ordinary Council Meeting. The Council resolution (OM11/44) was that Council:

- (a) *approve Development Application for Preliminary Approval (Section 3.1.6 of the Integrated Planning Act 1997) Overriding the Planning Scheme for a Material Change of Use for a mixed use master planned residential community at Bledisloe Boulevard and Harbourside Way, Pelican Waters, described as Lots 812 and 813 SP212859 subject to:*

- (i) *the signing of the Infrastructure Agreement in accordance with the report and*
(ii) *Conditions as contained within Appendix A; namely amend Condition 1 to insert:*

Additional Heading to be included and applicable to all Precincts:

“Sustainable Buildings”

Include a Specific Outcome that requires each commercial, retail, accommodation unit and Multiple Dwelling development to demonstrate the ability to achieve a minimum four star green star rating in accordance with the Green Building Council of Australia green star rating tool.

- (iii) *insert a property note on all affected properties with words to the effect that 'Council has established a sinking fund to cover the routine maintenance of the lock and weir facility for a period of 40 years from the date of approval' - to alert people that:*
- (a) *they have made a contribution via their purchase price;*
 - (b) *but that also in time, the amount may be used up;*
 - (c) *Council, in future, may consider a levy on residents after that period for maintenance of the lake, waterway and associated infrastructure;*
- (b) *delegate authority to the Chief Executive Officer to determine all minor requests for 2009/510022 for Negotiated Decision, Change to Development Approval, Change or Cancel Conditions and Extension of Relevant Period; and*
- (c) *authorise the Chief Executive Officer to communicate to the relevant State (Environment and Natural Resource Management) and Federal (Environment) Ministers, that this application be referred to the Commonwealth for an assessment under the Environmental Protection and Biodiversity Act.*

Related Documentation

The following relevant related documentation is attached:

- Current Pelican Waters Southern Lake Infrastructure Agreement 2011 (**Attachment 1**)
- Proposed Draft Deed of Variation and Drawings (**Attachment 2**)
- Copy of applicant's request report detailing proposed changes (**Attachment 3**)
- Bicycle and Pedestrian Bridge costings provided by the Applicant (**Attachment 4**)
- Applicant's legal advice from McCullough Robertson (**Confidential Attachment 5**)
- Legal peer review from Corrs Chambers Westgarth (**Confidential Attachment 6**)

Critical Dates

There are no statutory timeframes associated with this request however the applicant has requested that this request be determined as soon as possible in order to resolve these matters to allow the development to proceed.

Implementation

Council officers will communicate the outcome of Council's resolution to the applicant as appropriate.