



AGENDA

General Committee Meeting

Monday, 29 June 2015

commencing at 10am

Council Chambers, 9 Pelican Street, Tewantin

**Committee: Crs Frank Wilkie (Chair), Bob Abbot, Sandy Bolton,
Joe Jurisevic, Frank Pardon, Noel Playford, Tony Wellington**

"Engagement with our community to protect and enhance our lifestyle"

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1 REQUEST TO CHANGE CONDITIONS OF AN EXISTING MATERIAL CHANGE OF USE APPROVAL FOR A MIXED USE DEVELOPMENT AT 90 GOODCHAP STREET, NOOSAVILLE (07/0012) <i>(Previously distributed in the Planning & Organisation Committee Agenda, Page 14)</i> Reason for referral: Cr Wilkie does not agree with the recommendation and requested a further report to General Committee outlining existing uses on the site and further information on parking. <i>(Further report provided at Item 1, Page 3)</i>	
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REPORTS DIRECT TO GENERAL COMMITTEE**1 FURTHER REPORT - REQUEST TO CHANGE CONDITIONS OF AN EXISTING MATERIAL CHANGE OF USE APPROVAL FOR A MIXED USE DEVELOPMENT AT 90 GOODCHAP STREET, NOOSAVILLE (07/0012)**

Author Development Planner, Jack Lewis
Planning & Infrastructure Department

Index ECM / Application / 132007.12.6

Attachments Nil

ALTERNATIVE RECOMMENDATION

That Council note the report by the Development Planner to the General Committee Meeting dated 29 June 2015 regarding Application No. 132006.12.6 for a Change to an Existing Approval, situated at 90 Goodchap Street, Noosaville and:

- A. Change Condition 1, 7, 8, 10, 12, 36, 38, 64, 65 & 66 to read:
1. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are numbered Site Plan Overall Parking Layout 0427 DA01E, Site Plan Overall Podium Level 0427 DA02E, Site Plan Overall Upper Plan 9427 DA03E, Stage 2 Carpark Plan 0427 DA04E, Stage 2 Podium Plan 0427 DA05E, Stage 2 Upper Floor Plan 0427 DA06E, Roof Plan 0427 DA07D, Existing Approved Elevation & Sections 0427 DA08D, Proposed Elevations & Sections 0427 DA09D, Proposed Carpark Lower Level Plan 0427 DA10E, Proposed Carpark Mid Level Plan 0427 DA11E, Proposed Carpark Upper Level Plan DA12E and Proposed Carpark Elevations & Sections 0427 DA13E prepared by Middap Ditchfield Pty Ltd and dated May 2007 and Working Drawings Carpark Layout 0715 WD01.1 prepared by Middap Ditchfield Pty Ltd and dated April 2008 and Plan of Lots 4, 5 & Emt D (Restricted) in Lot 4 SP 196846 prepared by Jones Flint & Pike and as may be amended by these conditions.
 7. Secure bicycle racks shall be provided on site to accommodate a minimum of 35 bicycles. The proposed bicycle racks shall be identified on the plans submitted for Operational Works approval and shall be located to the reasonable satisfaction of the Council.
 8. End of trip facilities shall be provided within the approved buildings at a minimum rate of 18 lockers and 3 showers.
 10. The proposed development shall not exceed a maximum height of:-
 - 10.1 for buildings, 2 storeys and 10 metres above natural ground level, with the exception of building B, which may be 3 storeys in height in accordance with the approved plans.
 - 10.2 for the car park structure, 8 metres above natural ground level, with the exception of the rendered block work up stand (ie. lift overrun) adjacent to the driveway ramp which shall not exceed 10.5 metres above natural ground level.
 12. The development is permitted a total maximum use area of 6,054m² with each individual use permitted the following maximum use areas at any one time:-
 - 12.1 Commercial Business – Type 1 Office – 2420m²
 - 12.2 Commercial Business – Type 2 Medical – 3000m²

-
- 12.3 Education – Type 3 Adult – 2,723m²
- 12.4 Retail Business – Type 1 Local – 100m²
- 12.5 Retail Business Type 2 Shop or Entertainment and Dining Business Type 1 Food and Beverages – 236m² (includes 16m² of outdoor dining).
36. The development shall provide car parking spaces on the site at a minimum rate of 395 car parking spaces.
38. Vehicular access to the site shall be primarily from Goodchap Street and car parking shall be generally in accordance with the approved plans.
64. The required contributions shall be paid to Council and the associated car parking constructed.
65. Vehicular access arrangements can be varied to allow for an alternative access arrangement for northern vehicle access to the site from Goodchap Street. The alternative access arrangement shall be generally in accordance with Drawing No. P10C, Job No. 06679 prepared by TOD Noosa dated 29 May 2009. The works shall include but not be limited to:-
- i. The linemarking necessary to provide the right turn lane and associated medians,
 - ii. The direction linemarking within the existing access,
 - iii. The widening of the current vehicle crossover, and
 - iv. Any works associated with the existing Telstra pit to the satisfaction of Telstra. Suitable certification from Telstra shall be submitted to Council prior to the commencement of any works and at the completion of the works.
- Further, a schedule of works, specifications and plans detailing this work shall be prepared and submitted to Council for approval as part of an application for Operational Works.
66. Where vehicular access arrangements are varied in accordance with the alternative access arrangements identified by Condition 65, the applicant shall design and construct an indented bus bay in Goodchap Street to replace the existing kerb side bus stop located in the frontages of No 135-137 Goodchap Street. The works for the bus bay shall include but not be limited to the following:-
- i. Be located generally in accordance with Drawing No. P10C, Job No. 06679 prepared by TOD Noosa dated 29 May 2009,
 - ii. Be designed and constructed generally in accordance with Translink's "Regular Stop" as shown on Translink Drawing No. TL-R02 with the following modifications:
 - a. The kerb type in the tapers must provide unimpeded access to the two affected residential properties,
 - b. The minimum taper on the approach should be approximately 20m,
 - c. The new taper should be 1 in 7, and
 - d. The minimum length of the bus stop itself is 20m.
 - iii. The pad, seat, bin, signage and tactile indicators as shown on Translink's "Regular Stop" as shown on Translink Drawing No. TL-R02.

- iv. Any modifications to and realignment of the existing residential access driveways,
- v. A 2m wide concrete footpath connecting the bus stop to the existing footpath in Goodchap Street.

In this regard a schedule of works, specifications and plans detailing this work shall be prepared and submitted to Council as part of an application for Operational Works.

- B. Agree to delete condition 15;
- C. Give notice to the property owner to comply with the conditions of the approval and that the unapproved works within the Lake Doonella Reserve must be removed and reinstated back to its original condition to the reasonable satisfaction of Council within 6 months.

REPORT

A report on a request to change the conditions of an existing mixed use development approval at the 'Noosaville Medical & Professional Centre' situated at 90 Goodchap Street, Noosaville was considered by the Planning & Organisation Committee Meeting. During the course of discussions at the meeting, Councillors requested further information about the parking assessment associated with the *current* mix of uses on the site and whether there would be sufficient spaces for the current uses if the multi storey carpark was constructed.

The applicant indicates that the Adult Education Use is currently tenanting 2,723m² of floor space, and the total use area on site is 6,054m² (excludes corridors and foyer areas). As described in the previous report, Beard Traffic Engineering advises the current split of uses could be reasonably assessed as requiring 402 spaces (see **Table.1**).

Table.1 – On-site parking demand for the current use areas at the 'Noosaville Medical & Professional Centre' situated at 90 Goodchap Street, Noosaville.

	Parking Rates Previously Applied	Parking Spaces Required
Office – 1,141m ²	1:20	57 spaces
Medical – 1,869m ²	1:20	94 spaces
Education – 800m ²	1:20	40 spaces (prior approval)
Education – 1,923m ²	1:10	192 spaces
Retail – 321m ²	1:16.7	19 spaces
TOTAL	6,054m²	402 spaces

If the applicant were to construct the 142 bay multi-storey carpark, there would be 395 carparks available on the site (not including the 40 bays in the child care centre and/or the reserve area).

Beard Traffic Engineering advises that, if the applicant were to build the multi storey carpark with the current amount of Adult Education Use on the site, there would only be a shortfall of 7 onsite spaces described in Table.1. This would mean the design peak parking demand would be exceeded approximately 20hrs per year. While this does raise some concerns given the limited on street car parking in Goodchap Street, this parking would be within the acceptable range.

Notably, the report to the Planning & Organisation Committee indicated that 355 spaces would mean the design peak parking demand would be exceeded about 20 hours per year, this figure has been corrected by Beard Traffic Engineering to 30hrs per year.

An alternative recommendation is included which allows for the current adult education use to remain on the site subject to the multi storey carpark being constructed.

Consultation

The application was forwarded to Council’s consulting Traffic Engineer for comment.

Departments/Sections Consulted:

- Community Services**
 - Disaster Management & Public Order
 - Waste & Environmental Health
 - Community Facilities
 - Cultural Facilities

- Planning & Infrastructure**
 - Building & Plumbing Services
 - X DA Planning
 - Strategic Land Use Planning
 - Asset Design & Investigations
 - Asset Planning
 - Civil Operations
 - Environment

- Executive Office**
 - Community Engagement
 - Customer Service
 - Executive Support
 - Governance
 - Human Resources

- Corporate Services**
 - Finance
 - ICT
 - Procurement & Fleet
 - Property & Facilities
 - Revenue Services

2 STATE PLANNING REFORM

Author	Principal Strategic Planner, Rowena Skinner Planning & Infrastructure Department
Index	ECM/ Subject/ Planning Instruments/State Planning
Attachments	1. Timeline 2. Summary of Better Planning Directions Paper

EXECUTIVE SUMMARY

Not Applicable.

RECOMMENDATION

That Council note the report by the Principal Strategic Planner to the General Committee Meeting dated 29 June 2015 and authorise the Chief Executive Officer to:

- A. Make a submission to the Infrastructure, Planning and Natural Resources Parliamentary Committee on:
 1. the Planning and Development (Planning for Prosperity) Bill 2015;
 2. the Planning and Development (Planning for Prosperity - Consequential Amendments) and Other Legislation Amendment Bill 2015; and
 3. the Planning and Development (Planning Court) Bill 2015;with that submission to be based on Council's previous submission in January 2015 on the earlier versions of those Bills; and
 - B. Make a submission to the Department of Infrastructure, Local Government and Planning in response to the Better Planning for Queensland Directions Paper in accordance with the issues outlined in Attachment 2 of this report.
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REPORT

This report provides Council with an update on proposals for planning legislative reform by both the Queensland Government and the shadow cabinet. It recommends that Council make submissions to both proposals. A timeline is provided as **Attachment 1** which is designed to give a brief summary of events.

1. Planning and Development (Planning for Prosperity) Bill 2015

Council will recall that in November 2014, the former Deputy Premier introduced the following three Bills to Parliament:

- the Planning and Development Bill 2014;
- the Planning and Development (Consequential) and Other Legislation Amendment Bill 2014; and
- the Planning and Environment Court Bill 2014.

These Bills were still to be considered when the Parliament was disbanded after the calling of a State election.

On 4 June 2015, the Shadow Minister for Infrastructure, Planning, Small Business, Employment and Trade introduced three Private Member's Bills to the Queensland Parliament. Essentially the same as the Bills previously proposed last November, these are

- the Planning and Development (Planning for Prosperity) Bill 2015
- the Planning and Development (Planning for Prosperity – Consequential Amendments) and Other Legislation Amendment Bill 2015; and
- the Planning and Development (Planning Court) Bill 2015

The Infrastructure, Planning and Natural Resources Committee is required to consider these bills and report to the Legislative Assembly by 13 October 2015.

The private member Bills differ slightly from the previous planning reform package proposed by the former LNP government by removing provisions that allowed for development applications to be accepted by an assessment manager without the land owner's consent, and the removal of a clause which described when a fine was payable to a local government. The Bills could be further amended following consultation.

2. Better Planning For Queensland

On 25 May 2015 the Deputy Premier released a Better Planning for Queensland Directions Paper outlining the Government's directions for its planning reform process. It advised that a new planning Bill would be introduced to the Queensland Parliament by October 2015, based on the following principles:

- Enabling responsible development
- Stimulating economic growth and innovation
- Ensuring genuine public participation in the planning process
- Delivering clear and concise legislation that supports effective and efficient planning and development assessment

The Government's position is that the Sustainable Planning Act 2009 (SPA) is flawed and that the planning legislation needs fundamental review. The Government's Key Directions to delivering better planning for Queensland are to:

- Enable better strategic planning and high quality development outcomes
- Ensure effective public participation and engagement in the planning framework
- Create an open, transparent and accountable planning system that delivers investment and community confidence
- Create legislation that has a practical structure and clearly expresses how land use planning and development assessment will be done in Queensland
- Support local governments to adapt to and adopt the changes

The Directions Paper lists various priorities and these have been summarised in **Attachment 2**.

Similar to the Bills introduced by the shadow cabinet, the proposed legislation will consist of a Planning Act, a separate Court Act and a third Act to make consequential amendments required for the proposed enactment of the new legislation.

3. Key Differences

It is anticipated that the Bills introduced by the government will be more similar than dissimilar to those introduced by the shadow cabinet. The DILGP have expressed a desire to have consideration of the private members bills postponed until Parliament could consider both sets of proposed legislation at the same time, however there is no guarantee this will occur.

The key differences in philosophy and drafting instructions from the current government appear to be:

- Balancing the need to facilitate economic development along with other considerations
- Restoring previous Planning & Environment Court cost arrangements for submitters (so that costs cannot be awarded against them)
- Increasing penalties in line with other Acts
- Retaining existing community engagement and notification requirements
- Providing financial and in-kind support to Local Governments to adapt to and adopt the changes (although this will be prioritised to smaller regional councils who have less resources of their own).
- Extending the timeframe for making a Local Government Infrastructure Plan by a further two years, subject to an approved programme
- Engaging Local Government and industry about appropriate compensation arrangements for natural hazard risk management (flooding, bushfire, landslide or coastal erosion).

4. Input into the Process

In January 2015, Council made a submission to the State Government Department with responsibility for facilitating the planning reform on the Bills that had been proposed at that time. It is suggested that, with very minor modification, this could be resubmitted to the Infrastructure, Planning and Natural Resources Parliamentary Committee.

It is suggested a submission also be made to the government's planning reform process in response to the Better Planning Directions Paper, broadly in line with comments included in **Attachment 2**.

Officers have contributed to the LGAQ Planning Reform Position Paper, considered by the LGAQ Policy Executive on 25 June 2015, which forms the basis of the LGAQ's submission to the planning reform process. Council may wish to forward copies of their own submission to LGAQ in addition.

Previous Council Consideration

Council first considered the proposed Planning & Development Bill and Planning & Environment Court Bill 2014 in September 2014 (prior to them being introduced to parliament) and requested the Chief Executive Officer make a submission to the draft Bills.

Then, at its meeting of 15 January 2015 Council considered a report on Queensland planning reform including the Planning and Development Bill.

Ordinary Meeting 15 January, 2015, Item 1, Page 3

That Council note the report by the Principal Strategic Planner and the Manager, Planning & Environment to the General Committee dated 12 January 2015 and request the Chief Executive Officer to make a submission to the Dept of State Development, Infrastructure and Planning regarding the following points:

- A. *The Planning & Development Bill and Planning & Development Regulations are not clear in the decision rules, particularly for those applications which conflict with the planning scheme. It is considered that where an application conflicts with the planning scheme, the onus of proof should be on the applicant to prove the merits of the proposal and justify any inconsistencies;*
- B. *The Planning & Development Bill includes a clause that allows a regulation to prescribe the assessment manager for a development application as any person from a class of persons who have stated qualifications or characteristics. It is unclear whether this will result in an additional class of private entities (chosen by the Minister) being identified as assessment managers in place of councils for particular applications. This is of significant concern as experience has demonstrated that private building certification has not always been successful in implementing planning scheme requirements. This is particularly important for any operational works applications that include works which are to become a public asset and be maintained at ratepayers expense;*
- C. *The Planning & Environment Court Bill maintains the specific criteria for making a costs order introduced with the Sustainable Planning and other Legislation Amendment Bill 2012. These rules do not serve the public interest of enabling the community, submitters, local governments and developers to dispute planning decisions due to the risk and uncertainty of the Court awarding costs against them. The previous Court powers to award costs in circumstances where cases were frivolous or vexatious or instituted primarily to delay or obstruct are considered sufficient protections from abuse of the system;*
- D. *The definition of material change of use should not be limited to only increases in scale and density of the premises, as there are circumstances where reducing the scale of the development does materially change the site's use. This is particularly relevant for developments which include an important community use or the like. For example removing the nursing home component from a retirement village may have a significant social impact on an area;*
- E. *The Planning & Development Bill maintains and extends the time frame for applicants to be able to revive a development application where it lapses. This ability is not consistent with the principles for the DA Rules of being an applicant driven process, and is likely to create administrative problems for Councils and lead to significant confusion for the community, particularly submitters.*
- F. *As Noosa Council values community engagement in its planning and development decisions, we have concerns regarding changes that may serve to inhibit, obstruct or minimise resident input. Reductions in public notification periods and removal of existing requirements for notices to be placed in local newspapers are thus not supported and there should be a minimum notification period for applications of 20 business days. We also have concerns about the proposal that an applicant may choose to publicly notify a development application as early as 5 days after the development application is properly made. We believe submitters are better served under the current arrangement where public notification is able to occur following the information request period;*
- G. *Noosa Council has long enjoyed a locally popular planning scheme that is in part premised on studies and deliberations concerning the ideal carrying capacity for our shire. We have concerns that the Queensland Planning Reform Process may herald arbitrary enlargements of the Urban Footprints within the Noosa Shire area;*

- H. *Noosa Council does not support proposed changes relating to Community Infrastructure designation that will remove local government powers to designate infrastructure. Nor do we support the proposal for the State Planning Minister to be the sole designating Minister for Infrastructure Designation in Queensland and to thus choose what developments can proceed, be they public or private infrastructure, and have them exempt from planning scheme requirements and from infrastructure charges; and*
- I. *The maximum infrastructure charges prescribed by legislation remain unchanged since being introduced in 2011. Infrastructure charges have dropped in real terms due to indexation not being applied. This prohibits councils from making charges that reflect the actual current costs of building infrastructure. Thus the proportional costs of public infrastructure related to new development are being met by the community. Meanwhile the State Government adds 3.5% annual indexation to its own fees and charges. Noosa Council thus requests that annual automatic indexation of the current maximum capped charges be introduced to reflect increasing costs of providing infrastructure.*

Finance & Risk

Nil

Consultation

External Consultation - Community & Stakeholder

The Manager Environment & Planning and the Principal Strategic Planners have attended a Departmental workshop on the Better Planning Process and have liaised with LGAQ on their approach to this matter.

Internal Consultation

Nil

Departments/Sections Consulted:

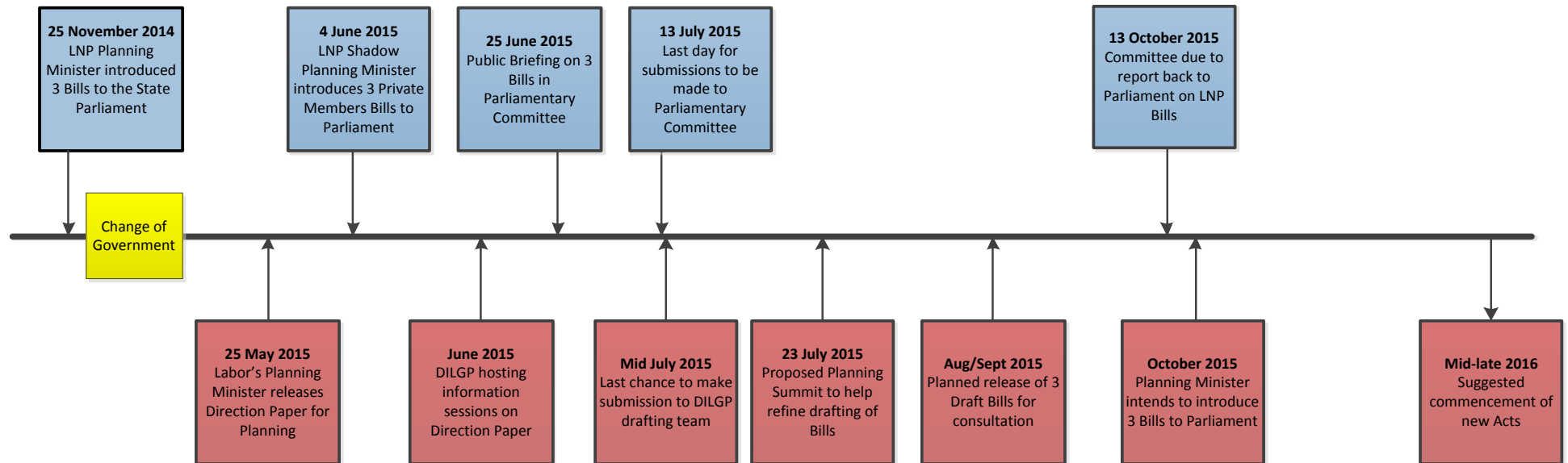
Community Services
 Disaster Management & Public Order
 Waste & Environmental Health
 Community Facilities
 Cultural Facilities

Planning & Infrastructure
 Building & Plumbing Services
 X DA Planning
 X Strategic Land Use Planning
 Asset Design & Investigations
 Asset Planning
 Civil Operations
 Environment

Executive Office
 Community Engagement
 Customer Service
 Executive Support
 Governance
 Human Resources

Corporate Services
 Finance
 ICT
 Procurement & Fleet
 Property & Facilities
 Revenue Services

**QUEENSLAND PLANNING REFORM
TIMELINE**



QUEENSLAND PLANNING REFORM

DETAILS OF BETTER PLANNING DIRECTION PAPER AND STAFF RESPONSE

Government Priority	Comment
Replacing SPA with a new sensibly structured and easy-to-follow Planning Act that retains a familiar framework whilst removing unhelpful, obsolete or repetitive detail	It is generally agreed that SPA is a cumbersome piece of legislation. Unlike many local governments Noosa Council does not have a new SPA-based planning scheme so it is probably in a better position for most should the legislation be replaced.
Strengthening the relationship between planning instruments to deliver an integrated planning system, including ensuring that planning instruments advance the purpose of the Act	Could be interpreted as increased pressure for local planning schemes to meet State planning objectives even if that is at odds with local priorities.
Retaining the State Assessment Referral Agency, the State Planning Policy and State Development Assessment Provisions	Both are useful and we would support their retention.

Government Priority	Comment
<p>Supporting planning schemes that are streamlined, understandable and practical to give greater certainty to the community and industry about development outcomes</p>	<p>Performance based planning has resulted in large cumbersome planning schemes where you are trying to predict all manner of conceivable impact in order to write a provision to counter that possibility.</p> <p>Technical or prescriptive assessment criteria are preferred for development where applicants do the assessment or for straightforward code assessment. Prescriptive assessment criteria also provide greater certainty to the community on outcomes and are desirable in planning scheme drafting for key issues. Performance based criteria is more useful for development which may not have been anticipated on that site or for which there may be various impacts.</p> <p>Writing in a positive language, generally avoiding negative language is supported however for brevity sometimes a few words about what will not occur can condense matters.</p> <p>Planning Schemes should be documents that can be read and understood by the community and not just by planners or lawyers. A plain English approach is necessary rather than jargon.</p> <p>Solutions must be quantifiable and qualitative outcomes must be clear and definite enough to leave no scope for misinterpretation</p> <p>Given schemes will most often be read on-line into the future there are means of immediately cross-referencing any technical or defined phrase as well bringing up illustrations to further explain a point or provide an example.</p>
<p>Continuing to require regular reviews of local government planning schemes and state planning instruments to ensure the planning framework remains contemporary and up-to-date</p>	<p>The review of a scheme every 10 or even 8 years is supported however at 5 year intervals the process is too resource intensive and even the community loses interest. In order to ensure planning schemes are contemporary, the process for amending planning schemes must be more expedient such as introducing the ability to amend schemes without two state sign offs necessary.</p>
<p>Exploring opportunities to support innovative and technological solutions that improve efficiency and effectiveness in plan making and development assessment</p>	<p>Various opportunities may be available to access relevant parts of the planning scheme online and to electronically prepare and lodge an application or do your own electronic self-assessment. Having development applications accessible online also reduces enquiry load. Currently individual Councils are choosing their own systems to support this process.</p>

Government Priority	Comment
<p>Refreshing the categories of development, to ensure they are a true standards-based assessment, and simplifying them to <i>accepted, assessable and prohibited</i> categories.</p>	<p>The notion is that exempt and self-assessment would merge to be <i>acceptable</i> development. This seems reasonable and we would support as much as appropriate being in that category.</p> <p><i>Assessable</i> development would either require “standard” or “merit” assessment and “merit” may be further divided as some would require public notification but some possibly would not.</p> <p>The re-introduction of a <i>prohibited</i> category would be highly desirable.</p>
<p>For the assessable development category, specific consultation will occur about retaining the current levels of assessment (compliance, code, impact) or whether further change is needed, although notifiable development will continue to provide for submitter appeal rights</p>	<p>Notionally, development that is currently code assessable, which is consistent with the intent of the zone and neighbourhood and should reasonably be expected to occur therefore should be subject to “standard” assessment in the new regime however Councils may decide some warrant “merit” assessment.</p> <p>Uses that are currently subject to impact assessment would require merit assessment in the new regime. Where the appropriateness of a proposed use is questionable or its potential impacts on others cannot be adequately assessed through nominated codes, notification should also be required.</p>
<p>Replacing SPA’s complex and complicated rules for making assessment decisions, with simplified rules that encourage a more holistic approach to considering development proposals.</p> <p>Under these rules, assessable development would either be approved (or conditioned) using established benchmarks or decided against policy and other relevant public interest matters</p>	<p>The rules for assessment in SPA are not considered complex and complicated for making a decision and it is highly desirable that for developments in conflict with the planning scheme, the same test for sufficient grounds to override the conflict continue to apply.</p> <p>The current legislation for performance based planning schemes has led to cumbersome planning schemes and a lengthy list of requirements that a development must meet. This has led to many planners taking a tick box approach and not taking a more holistic approach. The absence of strategic plans in planning schemes has also contributed to this narrow approach to assessment.</p>

Government Priority	Comment
<p>Replacing the Queensland Planning Provisions with more focussed standard requirements for planning schemes that improves consistency whilst removing requirements that add unnecessary complexity and length to local planning schemes</p>	<p>The DILGP suggestion is that the QPP will be split so that necessary or mandatory content will live in a regulation to the Act. They may still provide model codes or model template but this is less likely to be mandatory.</p> <p>There is benefit in a State-wide consistent approach to planning schemes such as having a template for consistent structure, consistency of technical/administrative definitions, use definitions and even the name and colour of zones. However agree to removal of any aspects not absolutely necessary – particularly for smaller regional Councils where this would seem particularly onerous.</p>
<p>Simplifying the hierarchy for State level planning documents with anything from the current instruments that still needs to be regulated (including retention of the Urban Footprint and koala protections) being moved to the regulation (or other instruments)</p>	<p>Sounds reasonable</p>
<p>Introducing better processes for plan making, with the step by step detail not set in the legislation, allowing local government more flexibility to innovate in process and engagement. This flexibility will include a default “minimum” path at the local government’s discretion.</p> <p>Preparing a new statutory guideline that introduces new community engagement standards for local government in the plan-making process, in consultation with councils and communities</p> <p>Retaining statutory minimum consultation periods of 60 business days on regional plans</p> <p>Retaining statutory timeframes for public notification of proposed local planning schemes</p> <p>Retaining statutory requirements for consideration of public submissions currently in SPA, including requirements for keeping proposed schemes on public display, rights to make submissions, consideration of submissions and reporting to the Minister</p>	<p>The removal of process from the Act would be appropriate.</p> <p>The current Statutory Guideline for Making and Amending Local Planning Instruments is very prescriptive, onerous and gives little flexibility for smaller amendments or amendments with a limited area of influence.</p> <p>Noosa Council typically does considerably more than the minimum prescribed consultation, however the engagement proposal should be fit for purpose.</p> <p>The community should be afforded the opportunity to comment on the preparation and amendment of local and state planning instruments. There is discontent when they can only comment on local planning instruments if Regional or State plans over rule these anyway.</p> <p>If the requirements for all new or amended plans (including local regional or state) were contained in the regulations and they allowed for flexibility so the consultation suited the scope and nature of the plan/amendment it would be an improvement</p>

Government Priority	Comment
Simplifying Community Infrastructure Designation, including introducing arrangements enabling the Planning Minister to assess against a single set of state assessment criteria, with development for a designated purpose exempt from state and local planning instruments	Proponents should pay for the infrastructure required for their development; this includes private schools, churches, private hospitals etc which should not be excluded from having to pay for their infrastructure demand through a Community Infrastructure designation.
Enshrining existing public notification requirements in legislation to ensure they are not at the discretion of the Minister	As long as there is distinction between potential plans or amendments with significant impact as opposed to ones with minor impact.
Working with local government to enhance public reporting on development assessment timeframes	Transparent assessment time frames are useful, providing the approach does not lead to comparison of Council time frames as delegations, resources, planning schemes, site constraints etc are not comparable for each council.
Ensuring that all publicly notified applications continue to attract third party appeal rights, as well as restoring the rights of resident and community group submitters to appeal decisions to the Planning and Environment Court without fear of having costs awarded against them	This is strongly supported as the current cost rules have meant the threat of appeal costs has excluded residents and community groups from appealing. Community groups and individuals should be confident they can express their concerns honestly and openly without fear of financial imposition.
Improving Temporary Local Planning Instruments by extending their life from 12 months to up to 2 years to account for scheme amendment timeframes, and introducing the ability for them to be amended	Twelve months certainly too short a period given how long it takes to amend a scheme – alternatively just make it possible to do scheme amendments more quickly.
Ensuring open access to planning and development information, including minimum access rules in the regulations	There is some inconsistency between Councils in what information is made available on line for the community in respect to development applications and it would be clearer if this was made consistent through the legislation.
Simplifying and making consistent Ministerial powers	Sounds reasonable
Increasing penalties to bring them in line with similar offences and ensuring director's liabilities align with the national benchmarks	Agreed
Ensuring that enforcement notices attach to the land and are notified on title to ensure prospective purchases are not caught unawares	Agreed

Government Priority	Comment
Improving the operations of the Building and Development Dispute Resolution Committee	Agreed it is preferable to have an ADR system and mediation to resolve matters before they reach the court. However, this Committee is currently operated on a very informal basis which raises concerns for good decision making. For some matters where the site or the development may be highly controversial, each party should have the option of referring it the Planning & Environment Court for determination.
Fixing the problems that are blocking better performance and better development outcomes	Flexibility and innovation at a design level is supported however sometimes the problem is with performance based planning giving hope to a development proposal which really should be prohibited. Prohibition provides clarity and certainty and should reduce wasted efforts on a development proposal that does not belong on that site.
Moving detail that is largely process or “planning 101” out of the Act, such as the prescriptive process for regional plans, operational specifics for Regional Planning Committees, and detailed planning scheme content including core matters and key elements	Sounds reasonable as long as there is consistency on imposition for State planning as for local planning.
Simplifying currency period arrangements	Agreed, existing currency period provisions are highly confusing and it is preferred that the currency period be for a maximum number of years with the ability to condition a lapsing date in the development approval. A lapsing date in the approval would provide greater clarity for all parties.
Simplifying the “properly made” requirements to reduce the risk of technical non-compliance at the point of lodgement	The mandatory requirements for lodgement have not significantly improved the quality of applications and have unnecessarily delayed assessment of applications in some instances.
Retaining owner’s consent to be provided before any development approval is granted, although further consultation on requirements for state-owned land, servient tenement or acquisition land will specifically occur	Owners consent should be provided up front. Having a system that would allow an application to be assessed prior to owner consent potentially wastes planning resources, raises community expectations and can place enormous pressure on land owners.
Removing processes like the development assessment process to a statutory instrument and improving them for more practical processing and better navigability	Assuming they still have the same legal weight processes could possibly be better expressed in a statutory instrument with more explanatory language and illustrations. This relies on these draft instruments being available in full for stakeholders to comment on before adoption or amendment.

Government Priority	Comment
Moving the establishment and jurisdiction of the court to specific courts legislation, along with procedural rules and fee regulation	Seems reasonable.
Introducing exemption certificates that, in certain limited circumstances, exempt inappropriately categorised development	Seems reasonable, provided there are clear rules for exemption certificates, and the decision able to be appealed by the applicant and residents
Engaging local government and industry about the best method to ensure an appropriate degree of safeguard for councils from claims for compensation regarding natural hazards risk management, where a scheme amendment is made to reduce the risk to persons or property from natural processes, including flooding, bushfires, landslides or coastal erosion	Planning schemes need to be able to show best possible hazard mapping without an obligation to compensate land owners for any resultant change of value or additional costs (e.g. insurance premiums).
Retaining the local government designation process using a planning scheme amendment under specific procedural arrangements included under the guideline for making or amending planning schemes	Agreed although we have not used it.
Extending the current statutory timeframe for the making of a local government infrastructure plan (LGIP) by a further two years, subject to an approved LGIP preparation program	Agreed, many Councils will not be in a position to have a LGIP in place by June 2016. The process for having a LGIP in place by June 2016 is highly onerous particularly in light of the fact we will be starting work on a new planning scheme in 2016 and potentially doing consultation on that in mid-late 2016.
Working with local government to identify the assistance required to implement the new planning reform legislation, including support such as tools, training and guidance	<p>Assistance would be appreciated in transitioning a planning scheme, adopting new forms and processes, training staff, Councillors and local development sector, and engaging resources to modify electronic development assessment systems.</p> <p>Many Councils utilise a development assessment system which is fully computer based and are totally reliant on it in assessing development applications. Modifying this system to make it consistent with the new planning reform legislation will require significant resources and time to prepare and implement.</p> <p>The suggestion from the DILGP is that State support would be prioritised to smaller Councils with fewer resources to set up their own systems or run their own training.</p>

3 ANNUAL PEST SURVEY PROGRAM 2015-2016

Author	Manager Waste and Environmental Health, Wayne Schafer Community Services
Index	ECM / Subject / Environmental Management / Pest Management / Noxious Weeds
Attachments	Nil

EXECUTIVE SUMMARY

Each year the Council considers and approves a Pest Survey Program by Resolution of Council. This ensures that Council complies with the *Land Protection (Pest and Stock Route Management) Act 2002*, by authorising the inspection program and providing staff with the relevant authority to enter properties to conduct inspections. This work is core business for Pest and Vector staff.

RECOMMENDATION

That Council note the report by the Manager Waste and Environmental Health to the General Committee Meeting dated 29 June 2015 and approve the following Pest Survey Programs for the Noosa Council region in accordance with section 241 of the *Land Protection (Pest and Stock Route Management) Act 2002*:

- A. Survey Program 1 - 03/07/15 to 30/09/15 for the localities of Cooroy, Cooroy Mountain, Timbeerwah, Cooroibah and that part of Doonan that is within the Noosa Council boundary;
 - B. Survey Program 2 - 01/10/15 to 31/12/15 for the localities of Black Mountain, Federal, and those parts of Ridgewood and Eerwah Vale that are within the Noosa Council boundary;
 - C. Survey Program 3 - 01/01/16 to 31/03/16 for the localities of Kin Kin, Pinbarren, Cooran and that part of Como that is within the Noosa Council boundary; and
 - D. Survey Program 4 - 01/04/16 to 30/06/16 for the localities of Pomona, Lake MacDonald, Ringtail Creek, Cootharaba and Boreen Point.
-

REPORT**Background Information**

Council's legal obligations under the *Land Protection (Pest and Stock Route Management) Act 2002* (the Act) includes ensuring that declared pests are controlled on private land in the Council area by monitoring and enforcing compliance where it is necessary. Due to the economic, environmental and social impacts of declared pests, the Act provides considerable powers to authorised persons to ensure compliance by entering property to undertake inspections. These inspections are usually undertaken through a Pest Survey Program of a defined part of the region. Surveys must be approved by Council and advertised.

Approved Pest Survey Program

A Council Resolution is required to approve the Pest Survey Programs for the period 1 July 2015 to 30 June 2016 to ensure that relevant officers act in accordance with legislation. This will facilitate a coordinated approach to the management of declared pest plants across the region, with a regional survey schedule commencing on 3 July 2015.

An approved Pest Survey Program enables Council's authorised officers to enter private property to facilitate the control of declared pests and monitor compliance under the Act. Section 241 (1) of the Act provides for the development of an approved Pest Survey Program as follows:

The chief executive of a pest operational board, or a local government by resolution, may approve a program (a 'pest survey program') under which authorised persons appointed by the chief executive, pest operational board or the chief executive officer of the local government may enter places to monitor compliance with the Act.

Section 241(4)(f) of the Act states a Pest Survey Program must be no longer than three (3) months' duration. The three monthly programs are proposed to occur on the following dates:

1. Survey Program 1 - 03/07/15 to 30/09/15 for the localities of Cooroy, Cooroy Mountain, Timbeerwah, Cooroibah and that part of Doonan that is within the Noosa Council boundary;
2. Survey Program 2 - 01/10/15 to 31/12/15 for the localities of Black Mountain, Federal, and those parts of Ridgewood and Eerwah Vale that are within the Noosa Council boundary;
3. Survey Program 3 - 01/01/16 to 31/03/16 for the localities of Kin Kin, Pinbarren, Cooran and that part of Como that is within the Noosa Council boundary; and
4. Survey Program 4 - 01/04/16 to 30/06/16 for the localities of Pomona, Lake MacDonald, Ringtail Creek, Cootharaba and Boreen Point.

Program Methodology and Delivery

A copy of the Pest Survey Program will be available at Council's Customer Service Centre and each program will be advertised in the Noosa News prior to its commencement.

Each survey will be implemented by Council's Pest and Vector Officers in conjunction with declared pest control activities on Council land. This ensures an efficient delivery for maximum benefit to both community and Council's assets.

Council's Pest and Vector Officers will seek voluntary compliance and collaborate with landholders wherever possible to facilitate the control of declared pests.

Where pests are located on a property and a pest control notice is required to be served, a fact sheet will be sent to the owner outlining the requirements of the legislation and advising of the option to develop a pest management plan for the property. A property owner/ occupier electing to develop such a plan will be provided with assistance to develop a suitable plan.

If the owner fails to comply with the requirements of the notice, the Act provides for the property to be entered by a Council contractor to undertake the required work. Costs can be recovered via Council rates if necessary under the authority of Section 142 of the *Local Government Act 2009*.

Previous Council Consideration

The Council previously passed a Resolution to approve the Pest Survey Programs conducted in the period from 1 July 2014 to 30 June 2015.

Finance & Risk

With an increasing number of residents moving to the region (particularly the hinterland areas) with sometimes limited understanding of rural lifestyles, declared pests can present a problem on large and small acreage as well as urban fringe areas.

Failure to deliver the nominated pest survey programs will:

- put at risk the control of declared pest plants throughout the region, causing environmental damage, loss of biodiversity, agricultural productivity and community amenity.
- result in Council failing to meet its obligations under the Act for the control of pests.

Property inspections will require approximately 1 day per week of each Pest and Vector Officer’s time, (i.e. 3 days total per week). This would also include time for administration function i.e. writing letters and notices.

Funds to conduct the Pest Survey Program are available in the 2015/16 budget. This work is core business for the relevant staff.

Estimated Cost for conducting the Pest Survey Program is: \$57,584 based on the salary of three staff members time to perform the inspections.

Consultation

External Consultation - Community & Stakeholder

Upon approval of the Pest Survey Program by Council the program will be advertised in the Noosa News with copies available through Council’s Customer Service Centre.

Internal Consultation

Consultation with the Environment Branch

Departments/Sections Consulted:

- Community Services**
- Disaster Management & Public Order
- X Waste & Environmental Health
- Community Facilities
- Cultural Facilities

- Planning & Infrastructure**
- Building & Plumbing Services
- DA Planning
- Strategic Land Use Planning
- Asset Design & Investigations
- Asset Planning
- Civil Operations
- Environment

X

- Executive Office**
- Community Engagement
- Customer Service
- Executive Support
- Governance
- Human Resources

- Corporate Services**
- Finance
- ICT
- Procurement & Fleet
- Property & Facilities
- Revenue Services

4 NOOSA DESIGN PRINCIPLES ADOPTION

Author	Coordinator Design and Traffic, Ross Sanderson Planning & Infrastructure Department
Index	ECM\ Subject\ Guidelines and Procedures\Manuals ECM\ Planning Instruments\ Supporting Information
Attachments	1. Noosa – Design Principles <i>(provided separately to this Agenda, 2 hard copies available for viewing in the Councillors' Room)</i>

EXECUTIVE SUMMARY

Not applicable.

RECOMMENDATION

That Council note the report by the Coordinator, Design and Special Projects to the General Committee Meeting dated 29 June 2015 and

- A. Adopt the Noosa – Design Principles document as per Attachment 1 to the report; and
 - B. Authorise the Chief Executive Officer to make any minor amendments to the document as required.
-

REPORT

The purpose of this report is to present the “Noosa – Design Principles” document for adoption by Council.

Over the last 30 years, Council and the Noosa design community have upheld values and ideals that have made Noosa unique. The emergence of a distinctive style, commonly termed the Noosa ‘look and feel’, has not come about by accident. It has evolved as a result of adhering to principles generally based on the protection of the environment and the objective to maintain a village feel.

The principles contained in the document have been drawn from old policies and guidelines and, additionally from the many people who have been interviewed and consulted throughout the process of developing the content. The principles are presented in a simple and evocative way to inspire and encourage everyone to share responsibility for protecting Noosa’s uniqueness.

Bringing these principles together in one place will allow decision makers to test proposals, large or small, against them to ensure that the unique character of Noosa is not eroded.

The principles contained in this document are factual data from the past and it will be important for the future protection of Noosa’s point of difference that these principles be incorporated into future planning schemes.

Previous Council Consideration***Ordinary Meeting, 7 May 2015, Item 3, Page 3***

That Council note the report by the Co-ordinator Design and Traffic to the Infrastructure & Services Committee Meeting dated 28 April 2015 detailing the progress on the development of the “Noosa – Design Principles” document.

Finance & Risk

Budget allocation - \$115,000

Expenditure to date - \$19,000 (including graphics, printing, photography - excluding staff time)

Consultation

External Consultation - Community & Stakeholder

- *Your Say – Noosa Design Principles* (Website with survey, forum, photos, document library);
- Participant's encouraged to provide comment on Noosa principles in particular landscaping, outdoor dining, signage and any other topics they would like to see covered in the Noosa Design Principles publication;
- 2 x press releases – Encouraging participation and contribution of ideas;
- Facebook posts encouraging participation in *Your Say – Noosa Design Principles*;
- Interviews with architects, designers, Tourism Noosa, and former Council staff;
- Feedback from Building Designers Association Qld, Qld Master Builders Association and the Australian Institute of Architects Association on the publication format.

Internal Consultation

Key areas of Council have been consulted to seek feedback on the topics and content for the document.

- Email was sent to all staff encouraging them to contribute to *Your Say – Noosa Design Principles*;
- 2 x internal staff newsletter articles – encouraged participation and contribution of ideas;
- Email (13/01/15) from Joanna Ferris encouraging Councillors to contribute to Your Say website;
- Email (16/04/15) from Ross Sanderson encouraging Councillors to visit Your Say site or meet to discuss project;
- Invitations to comment and meetings with Councillors - Councillor feedback has been incorporated into the document.

Departments/Sections Consulted:

Community Services
 Disaster Management & Public Order
 Waste & Environmental Health
 Community Facilities
 Cultural Facilities

Planning & Infrastructure
 Building & Plumbing Services
 DA Planning
 Strategic Land Use Planning
 Asset Design & Investigations
 Asset Planning
 Civil Operations
 Environment

Executive Office
 Community Engagement
 Customer Service
 Executive Support
 Governance
 Human Resources

Corporate Services
 Finance
 ICT
 Procurement & Fleet
 Property & Facilities
 Revenue Services

5 CONTRACT 1415T036 MUNNA POINT BRIDGE REHABILITATION (DESIGN AND CONSTRUCTION)

Author	Project Manager, Adam Britton Planning & Infrastructure Department
Index	ECM/Projects (T1)/Noosa Parade Munna Point Bridge ECM/Subject/Contracting/Tenders
Attachments	Nil

EXECUTIVE SUMMARY

Not Applicable.

RECOMMENDATION

That Council note the report by the Project Manager to the General Committee Meeting dated 29 June 2015 and

- A. Award Contract 1415T036 Munna Point Bridge Rehabilitation (Design and Construction) to Marine and Civil Maintenance Pty Ltd for the lump sum amount of \$2,490,380 subject to Marine and Civil Maintenance Pty Ltd satisfactorily responding to Council's request for information regarding their tender;
 - B. Allocate funding of \$1,627,005 from the renewal infrastructure emergent works allocation in the first quarter budget review of 2015/16; and
 - C. Delegate authority to the Chief Executive Officer to agree on any remaining items requiring clarification.
-

REPORT

Following a report to the Infrastructure and Services Committee dated 31 March 2015, Council staff prepared tender documentation for the Munna Point Bridge Rehabilitation (Design and Construction).

The public tender was issued on 18 April 2015 through LG Tender Box as a design and construction tender. The tender scope was based on a reference design prepared by local consulting engineers Tod Consulting with specific performance outcomes including the requirement for the rehabilitation to extend the bridge life by 50 years.

The tender documentation was downloaded over 100 times comprising a mixture of contractors, consultants and individuals. As the works are highly specialised it was expected that the number of submissions would be significantly lower.

Upon close of tenders on 12 June 2015, thirteen submissions were received including four firms offering a submission based on the Principal supplied reference design and their own alternative design.

The below table identifies the tenders received.

Contractor	Tendered Price
Marine and Civil Maintenance Pty Ltd – Alternative Solution	\$2,490,380
SMC Marine Pty Ltd	\$2,723,323
Epoxy Solutions – Alternative Solution	\$2,897,973
Freyssinet Australia Pty Ltd – Alternative Solution	\$3,157,847
Marine and Civil Maintenance Pty Ltd	\$3,162,980
Fitzgerald Constructions (NON CONFORMING)	\$3,231,593
Epoxy Solutions	\$3,495,360
Freyssinet Australia Pty Ltd	\$3,717,081
SRG Services (Australia) Pty Ltd	\$3,884,000
Ark Construction Group Pty Ltd – Alternative Solution	\$4,926,259
Ark Construction Group Pty Ltd	\$5,583,012
Moggill Constructions Pty Ltd	\$6,713,988
Shannon Construction (NON CONFORMING)	\$0 (No details)

Tender submissions were evaluated based on the following criteria;

- Track Record and Experience;
- Methodology and Capability to Deliver;
- Work Place Health and Safety;
- Environment; and
- Contribution to local economy.

Following a review of the tender submissions, the tender evaluation panel identified that the submission from Marine and Civil Maintenance Pty Ltd was best able to address the requirements set out in the tender submission. The submission received the highest non-price score and also submitted the lowest price based on their alternative design. Marine and Civil Maintenance are considered to be industry leaders for the rehabilitation of concrete structures in a marine environment within Australia, having undertaken rehabilitation on a large number of bridges for Councils, State Governments and Marine Structures for Port Authorities. Based on the above, Marine and Civil Maintenance Pty Ltd are considered to provide Council best value for money.

At the time of writing this report, Council is working with Marine and Civil Maintenance Pty Ltd in clarifying a number of matters relating to their tender. The details predominantly relate to their alternative design and contract administration processes. The areas being clarified do not impact on the panel recommending Marine and Civil Maintenance Pty Ltd as preferred contractor for the project. It is anticipated that by the date of the Council meeting the particulars will be provided to the satisfaction of the evaluation panel.

The duration of the project is estimated at 8 months which includes approximately 2 months of design and 6 months construction, pending unforeseen delays.

Previous Council Consideration

Ordinary Meeting, 9 April 2015, Page 4

That Council note the report by the Project Manager to the Infrastructure & Services Committee Meeting dated 31 March 2015, advising that the grant application with the Australian Government Department of Infrastructure and Regional Development under the Bridges Renewal Programme for 50/50 funding of the Munna Point bridge rehabilitation has been unsuccessful, and

- A. *Authorise the calling of tenders for the full scope of rehabilitation works (Full Scope Option C) as detailed in the consultant's level 3 bridge report and design; and*
- B. *Refer for consideration as part of the 2015/16 budget process, the required budget adjustments from the depreciation reserves to fund the full scope of works.*

Finance & Risk

The current 2014/15 budget for the project is \$1,401,000. Unspent funds will be carried over into the 2015/16 capital works budget.

A breakdown of the estimated contract and other costs compared with the current budget is shown below:

Marine and Civil Maintenance (Alternative design submission)

Item	Cost
Contract Price	\$2,490,380
Staff allocation estimate.	\$20,000
Design engineer attendance	\$36,940
Superintendent	\$66,048
Cost to date May 2015	\$22,632
Contingency (15%)	\$392,005
Total	\$3,028,005
Current Budget	\$1,401,000
Additional Amount required from 2015/16 Infrastructure Emergent Works Budget	\$1,627,005

The additional funds required for the project can be sourced from the renewal infrastructure emergent works allocation, with the 2015/16 draft budget including \$5,561,000 for infrastructure emergent works.

A reasonable level of contingency must be available for the project given the nature of managing concrete cancer. Whilst the contract is lump sum and all reasonable efforts have been made by all parties to determine the most cost effective solution, there remains inherent risks that the conditions may vary from that at the time of tender.

It should be noted that the project is for rehabilitation for those elements of the bridge that pose a risk to the structure. The works include rehabilitation to the piles, pilecaps, installation of cathodic protection and other preventative measures such as waterproof coatings to extend the bridge life by 50 years. The works however do not preclude the requirement for future maintenance, inspections, future evaluation and works over the next 50 years.

Consultation

External Consultation - Community & Stakeholder

Prior to the project commencing onsite, a communication plan will be prepared which will include a mixture of information placed on the webpage, letter box drops, contact with adjoining property owners and possible media releases.

Consideration has been given to holiday periods and major events such as the Noosa Triathlon. Pending the tasks occurring and assessment of any impacts, staff have sought quotes for provisional costs for standing the contractor down.

In particular, for the Triathlon, it is noted that the majority of works are focused below the deck level and Council will endeavour to proceed with works if the impacts are insignificant.

Marine vessels will be informed of changes to use of the waterway as works proceed. To date Marine Safety Queensland have been advised of the project and will be provided with specific details from the successful contractor. Periodic restrictions will include altering the through lane for small vessels and possible closure to larger vessels such as the ferry.

Internal Consultation

Council’s Procurement and Contracts Officer, Workplace Health & Safety Officer and Environmental Officer have been involved during the tender and evaluation process.

Council’s Asset Planning Coordinator has been consulted regarding the costs and timing of the works for budget allocation purposes.

Departments/Sections Consulted:

- Community Services**
- Disaster Management & Public Order
- Waste & Environmental Health
- Community Facilities
- Cultural Facilities

- Executive Office**
- Community Engagement
- Customer Service
- Executive Support
- Governance
- Human Resources

- Planning & Infrastructure**
- Building & Plumbing Services
- DA Planning
- Strategic Land Use Planning
- x Asset Design & Investigations
- x Asset Planning
- Civil Operations
- x Environment

- Corporate Services**
- x Finance
- ICT
- x Procurement & Fleet
- Property & Facilities
- Revenue Services