

TWEED SHIRE COUNCIL MEETING TASK SHEET

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Action Item - COUNCIL MEETING Tuesday, 16 February 2010

Action is required for Item **28** as per the Council Resolution outlined below.

TITLE: [CNR-CM] Sewerage Strategy for Future Pottsville Area Development

**Cr D Holdom
Cr P Youngblutt**

PROPOSED that Council continues with Council's adopted Urban Release Strategy of providing priority to the existing zoned areas and declines the request to commence development of a Sewerage Strategy for the combined lands identified in the Urban Release Strategy west of Pottsville.

AMENDMENT

**Cr B Longland
Cr J van Lieshout**

RESOLVED that notwithstanding Council's adopted Urban Release Strategy, Council proceeds with negotiations for the preparation of a Memorandum of Understanding (MOU) which would involve:

- (a) Landholder/proponent funded sewerage and reuse strategy to facilitate the development of Urban Land Release Strategy Areas 5, 6 and 7, and Employment Land Release Area 7;
- (b) Memorandum of Understanding (MOU) covering terms of reference, risk allocation, timings and scope for the strategy stages and to obtain agreements for the proposal to fund the various stages of the strategy; and
- (c) Preparation of a report to Council with MOU and funding agreements for Council approval before proceeding with engaging consultants for the preparation of the strategy.

The Amendment was **Carried**

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase

AGAINST VOTE - Cr D Holdom, Cr K Milne

The Amendment on becoming the Motion was **Carried** - (Minute No 90 refers)

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase

AGAINST VOTE - Cr D Holdom, Cr K Milne

[Agenda Report](#)

TITLE: [CNR-CM] Sewerage Strategy for Future Pottsville Area Development

ORIGIN:

Water

SUMMARY OF REPORT:

Council has received approaches from landholders and potential developers in relation to land identified in the Urban Land Release Strategy (ULRS)(Area 7) and the Employment Land Release Strategy (Area 7) regarding future development which is currently constrained by a lack of capacity to treat and dispose of wastewater. The ULRS also identified two smaller areas adjoining Seabreeze (Areas 5 & 6).

A number of these land holders presented to Council in a workshop forum on 27 October 2009 which staff provided a background presentation on Coastal Wastewater Treatment Plants and Catchment Capacity.

The existing catchment of the Hastings Point Wastewater Treatment Plant (WWTP) if fully developed to existing zonings and various approvals will fully consume the maximum 18000 EP capacity of the WWTP. Difficulties recently experienced with the dune effluent disposal system make it unlikely that it may be expanded without the development of an alternate effluent disposal system.

Following the Council Workshop, Planit Consulting (on behalf of Heritage Pacific), Ian Tagget Earthmoving and Pottsville Development Corporation have written to Council seeking assistance to carry out a "Strategic Demands and Site Selection Investigation with respect to the future Sewerage needs of Pottsville", and a commitment from Council to be a party to a Memorandum of Understanding (MOU) setting out terms and timing of the investigations in return for a commitment to funding these investigations

Council officers agree that an important step to the development of these areas is for such an investigation. It is considered reasonable to request that such investigations are funded from the landowners if it is placed ahead of various existing zoned development areas.

Options that should be considered will include but may not be limited to:

- (a) Upgrade of the Hastings Point WWTP and provision of a deep sea release
- (b) Construction of a new WWTP with a deep sea release
- (c) Construction of a new WWTP which maximises effluent re-use for the proposed development and with a new release location.

Council resources are currently fully committed to the development of strategies for existing zoned areas and upgrading of facilities for those areas. To proceed with such an investigation now would likely require an external project management resource acting on behalf of Council to manage the consultant studies required and interfaces with the landholder and developer proponents, the community and government agencies.

RECOMMENDATION:

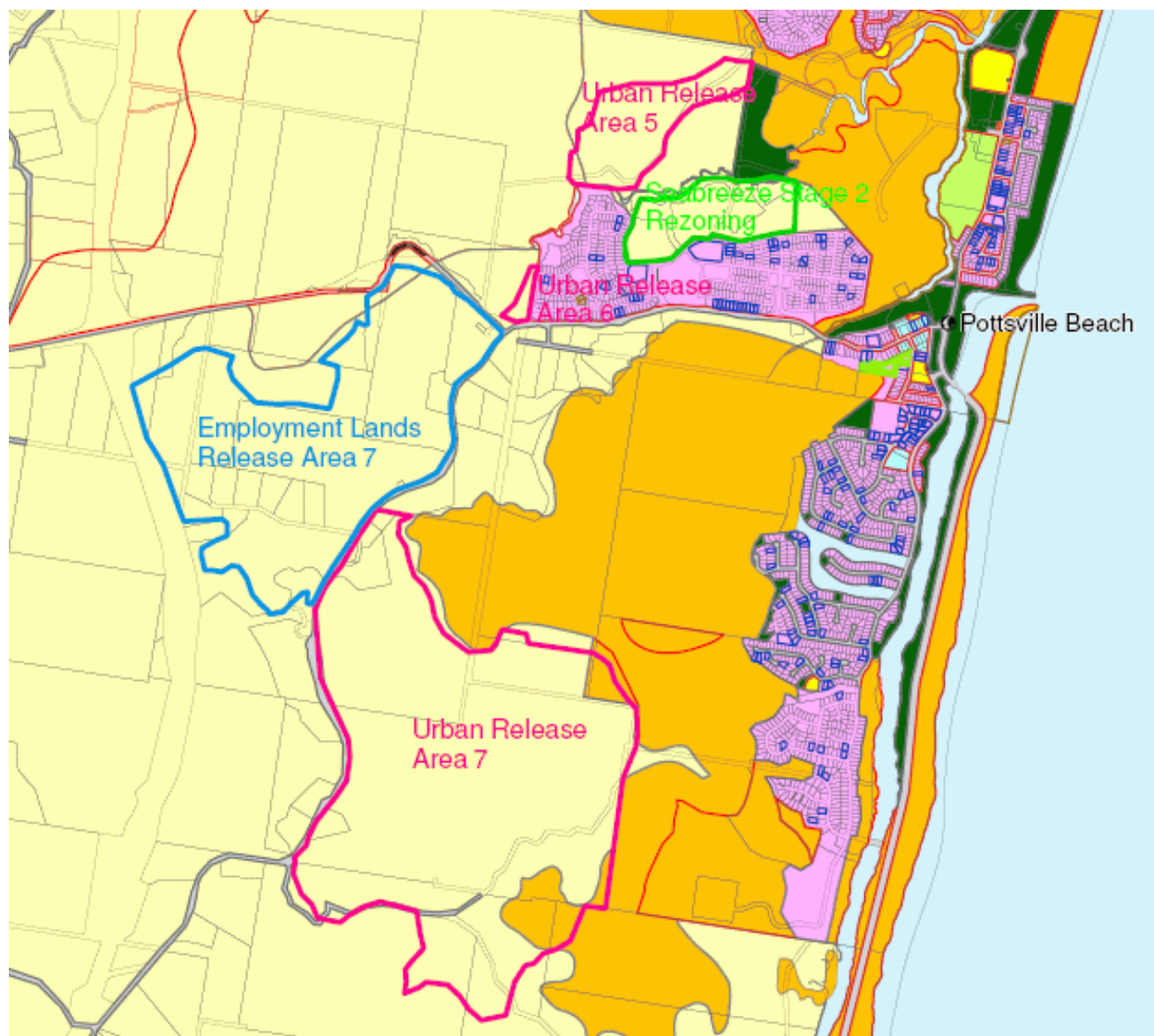
That Council continues with Council's adopted Urban Release Strategy of providing priority to the existing zoned areas and declines the request to commence development of a Sewerage Strategy for the combined lands identified in the Urban Release Strategy west of Pottsville.

REPORT:

Council has received approaches from various landholders in relation to the development of lands in the Pottsville Beach area identified in the Urban and Employment Lands Release Strategy adopted by Council in 2009.

The approaches relate to the Employment Lands Release Area 7 and parts of Urban Land Release Area 7 (known as Dunloe Park), in particular those areas held by Heritage Pacific, Ian and Rhonda Tagget, and Pottsville Development Corporation Pty Ltd. Heritage Pacific currently have a rezoning proposal with Council for employment lands included in the Department of Planning's Far North Coast Regional Strategy

There are two additional small urban release areas identified – Area 5 North Seabreeze and Area 6 West Seabreeze. In addition to this, there is a current rezoning proposal known as Seabreeze Stage 2 along the northern side of Seabreeze Boulevard. Area 7 is included within the Far North Coast Regional Strategy but Areas 5 and 6 are not. These areas are identified in the map below.



A number of these land holders presented to Council in a workshop forum on 27 October 2009 where staff provided a background presentation on Coastal Wastewater Treatment Plants and Catchment Capacity. A copy of this presentation is provided under a separate cover.

Council at its meeting 17 March 2009 resolved that

"Council:

1. *Receives and notes the amendments to the Draft Tweed Shire Urban and Employment Land Release Strategies resulting from exhibition review of public submissions;*
2. *Adopts the final Tweed Urban and Employment Land Release Strategy 2009, as amended and provided as an attachment to this report;*
3. *Adopts Land Release Option 11.3 of Tweed Urban Land Release Strategy as the major direction for land release within Tweed Shire as an interim approach, until the findings of Council's Flood Study and related Risk Management Strategy have been reviewed and determined by Council;*
4. *Endorses that a copy of the Strategy be forwarded to Regional Director - Department of Planning for inclusion in the review of the upcoming Far North Coast Regional Strategy"*

Option 11.3 of the strategy is reproduced below:

"11.3 Rely on Existing Zoned Areas and Increase the Density of Development in Key Urban Areas

This option would see Council maintain the existing residential zoned lands subject to a review of residential density in key urban areas such as Tweed Heads Town Centre, Murwillumbah and Kingscliff through a process of locality planning. This would likely involve increasing the height limits in these areas to accommodate the additional expected population. The advantages of this option would be that it could be used as a tool to revitalise these centres (especially Tweed Heads) and bring investment into these areas that can also contribute to public infrastructure. It would also increase the likelihood of these centres achieving higher order social and infrastructure services (eg health and education) commensurate with the larger population. Given the existing level of unit production in Tweed Shire is around 35% of new dwellings there is scope to increase this to the 40% target suggested by the State government in the Far North Coast Regional Strategy."

Therefore Council's position in relation to the urban release areas is for priority to be given to the existing zoned areas and to infill and densification of existing urban areas over areas to be rezoned.

Notwithstanding Council's position, the Urban Land Release Strategy identified Areas 5, 6 & 7 as being Short Term with commencement of rezoning within ten years.

The Employment Land Release Strategy Area 7 includes an area of land identified in the Far North Coast Regional Strategy but also includes land not yet incorporated into that Strategy.

Until recently, it had been expected that these areas could be serviced by sewerage by connection to the existing Hastings Point Wastewater Treatment Plant (WWTP) which would need to be upgraded progressively. However, since the last upgrade of the treatment plant from 8,000 equivalent person (ep) capacity to 16,000-18,000 ep (depending upon fine tuning of its operation), it has experienced considerable difficulty with its dune effluent disposal system. Whilst an interim solution to this issue has been achieved, it is doubtful whether it will be possible to obtain a license for discharge for a greater capacity than the existing license.

Results of a detailed loading assessment undertaken for Council by Consultants MWH confirmed the plant is currently operating with a load of approximately 10,000 ep and existing zonings and approvals exist that could result in a loading of approximately 18,250 ep including an allowance of about 430 ep in Seabreeze Stage 2 rezoning, and an allowance of approximately 2,200 ep for approved development at Tanglewood.

Consequently, no further additional zoning that would add load to Hastings Point WWTP should be countenanced by Council until a clear strategy for disposal of wastewater in the area has been adopted.

To this end, Planit Consulting (on behalf of Heritage Pacific), Ian Tagget Earth Moving and Pottsville Development Corporation are each seeking:

1. Council assistance in undertaking a Strategic Demands and Site Selection Investigation with respect to the future Sewerage needs of Pottsville
2. In return for a commitment to funding these investigations, a commitment by Council to be a party to a Memorandum of Understanding (MOU) setting out terms and timing of the investigations
3. To be a party to the brief prepared for any such investigations and scrutiny of any tenders for these investigations.

Council officers agree that an important next step toward the development of these areas is for such an investigation. It is considered reasonable to request that such investigations are funded from the landowners if it is placed ahead of various existing zoned development areas.

Council resources are currently fully committed to the development of strategies for existing zoned areas and upgrading of facilities for those areas. To proceed with such an investigation now would likely require an external project management resource acting on behalf of Council to manage the consultant studies required and interfaces with the landholder and developer proponents, the community and government agencies.

The scope of the investigations should be set by Council taking into consideration the desires of the proponents as well as the broader range of considerations. That is, it would proceed on a conventional basis as if Council was the initiator of the investigation, but because it is being brought forward (out of sequence), then it be funded by the proponents.

Broadly, the investigations would build on the recently completed study by MWH and would canvas a variety of potential solutions that could include amongst others:

- a. Upgrade of the Hastings Point WWTP and provision of a deep sea release
- b. Construction of a new WWTP with a deep sea release (not favoured)
- c. Construction of a new WWTP which maximises effluent re-use for the proposed development. (This would still require a release point for use during periods of high flow and or low reuse, usually associated with wet weather).

Discussion

It should be noted that Council has historically met with opposition to re-use projects and recently has been pursuing a re-use project of Hastings Point WWTP effluent and was again met with localised community opposition.

Full Re-use schemes still require an effluent disposal point due to various circumstances including extended wet weather and equipment breakdown, re-use of all effluent is very unlikely to be achieved in our climate.

The provision of a new WWTP servicing a Greenfield site gives the opportunity to manage water demand, and wastewater generation as well as providing reticulated effluent for non-potable usage, but does increase the infrastructure construction and maintenance costs which will result in a higher whole of life cost, affecting housing affordability and ongoing expense to ratepayers.

Community consultation involving the various stakeholders will be an important part of the development of the strategy for the future sewerage of the Pottsville area.

Any strategy is considered high risk due to the need to obtain an effluent release location. Therefore it is suggested that only a high level strategy be developed in the first instance (to minimise risk and cost) and then taking it to the community to obtain some substantial acceptance along with in principle acceptance of the relevant government agencies.

It is anticipated that re-use would need to be maximised in any such strategy before government agencies would provide serious consideration to a new effluent release location.

Options for consideration to determine this matter include:

1. Continue with Council's adopted Urban Release Strategy of providing priority to the existing zoned areas and declines the request to commence development of a Sewerage Strategy for the combined lands identified in the Urban Release Strategy west of Pottsville.
2. Notwithstanding Council's adopted Urban Release Strategy, Council proceeds with negotiations for the preparation of a Memorandum of Understanding (MOU) which would involve:

- (a) Landholder/proponent funded sewerage and reuse strategy to facilitate the development of Urban Land Release Strategy Areas 5, 6 and 7, and Employment Land Release Area 7:
- (b) Memorandum of Understanding (MOU) covering terms of reference, risk allocation, timings and scope for the strategy stages and to obtain agreements for the proposal to fund the various stages of the strategy and;
- (c) Preparation of a Report to Council with MOU and funding agreements for Council approval before proceeding with engaging consultants for the preparation of the strategy.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

If Council proceeds with Option 2 at this stage, it would only be authorising officers to negotiate a memorandum of understanding and fund agreements for Council to approve at a later date. There would be a financial commitment to undertake this process. Proceeding beyond this point would be contingent upon the landholders remaining willing to fund the strategy.

POLICY IMPLICATIONS:

Proceeding with this strategy is contrary to Council's adopted position on Urban Land Release Strategy.

UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Planit Consulting (on behalf of Heritage Pacific), Ian Tagget Earthmoving and Pottsville Development Corporation (ECM 8936495)
 2. Power Point - Hastings Point Sewerage Catchment Capacity Document Date 28-Oct-2009 (ECM 7954837)
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