

Late Addendum Report

REPORTS THROUGH THE GENERAL MANAGER

b26 [E-CM] Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0

SUBMITTED BY: Roads and Stormwater

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods
2.3.5	Ensure adequate stormwater drainage, flood management and evacuation systems are in place to protect people and property from flooding

SUMMARY OF REPORT:

At 20 November 2014 meeting Council considered the subject draft Guidelines relating to flood controls applicable to short term caravan park accommodation.

Council resolved to defer the draft Guidelines to the Floodplain Management Committee for advice. Advice from the Committee is detailed in this report.

The Guidelines have been drafted in response to ambiguities in development controls applying to flood prone caravan parks, which have become apparent through the course of assessing a development application by the Tweed Coast Holiday Parks Reserve Trust.

Council engaged flood risk management consultants Molino Stewart to conduct an independent review of the applicable policies and industry best practice for short term tourist accommodation, as occurs in Tweed Coast Holiday Parks.

The principles and recommendations from the consultant's report have been incorporated into a facilitative document. The intent is that the Guidelines will take precedence over the Development Control Plan (DCP) and other Policies until such time as they can be formally reviewed and updated.

RECOMMENDATION:

That Council adopts the Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0.

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REPORT:

Recent issues arising around the redevelopment of flood liable caravan parks have prompted a review of existing policies - namely *Development Control Plan Section A3 - Development of Flood Liable Land* (DCPA3) and the *Unregisterable Moveable Dwellings and Annexes on Flood Liable Land Policy* (the UMD policy).

On 22 April 2014 Consent No. DA13/0742 was granted to Tweed Coast Holiday Parks Reserve Trust for alterations to, and overall use of, the existing Boyds Bay Holiday Park. The redevelopment involves installation of new tourist cabins on short term sites. A consent condition requires that cabins comply with the prevailing residential habitable floor level for the Lower Tweed (100 year ARI flood level plus 0.5m freeboard in accordance with DCPA3).

The Reserves Trust has objected to this condition on feasibility and commercial grounds and intends to lodge a Section 96 application to reduce the minimum habitable floor level. DCPA3 does not specify minimum floor levels for this type of land use however legal advice sought by Council and provided by Maddocks confirmed that this floor level condition was "both valid and reasonable in the circumstances". However, the legal advice also recommended that in the event of a modification application, Council should "request that an independent flood engineer assess the modification application".

In order to resolve this matter independently and promptly, Council engaged flood risk management consultants Molino Stewart to review the current policies and industry best practice in other LGAs for short term tourist accommodation.

The outcome was a report from Molino Stewart, which recommended changes to DCPA3 and the UMD policy. As these changes would take time and resources to complete satisfactorily, and considering that such a review would likely involve a range of other more complicated policy decisions that would delay resolution of the Holiday Park matter, the proposed approach is to take the relevant recommendations from the report and draft a facilitative Guideline. This approach ensures consistency for developers and Council staff in considering redevelopment of flood liable caravan parks. The Guidelines, if adopted by Council, will take precedence over DCPA3 and the UMD Policy where inconsistencies arise.

Version 1.0 of the draft Guidelines was considered by Council at 20 November 2014 meeting, but was deferred to the Floodplain Management Committee (FMC) for advice. An earlier version of the Guidelines was considered by the FMC in October, with no concerns being raised, however this meeting failed to reach a quorum. As requested by Council, the draft Guidelines were considered formally by the FMC on 5 December 2014. The FMC resolved to recommend that the Guidelines be adopted by Council.

A copy of the draft Guidelines is attached to this report. It is the same as that tabled to the November 2014 meeting, except for the correction of some typographic errors.

OPTIONS:

That Council:

1. Adopts the Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0.

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2. Amends the Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0.
3. Does not endorse the Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0.

CONCLUSION:

The Guidelines aim to overcome ambiguities and inconsistencies in the Development Control Plan (DCP) and policies governing flood liable caravan parks. It provides clarification of applicable floor levels for short term tourist accommodation, in order to resolve objections raised by the Tweed Coast Holiday Parks Reserve Trust. A comprehensive review of DCPA3 and the UMDs Policy will follow as resources permit.

COUNCIL IMPLICATIONS:

a. Policy:

Unregisterable Moveable Dwellings and Annexes on Flood Liable Land v1.1
Tweed Development Control Plan Section A3 - Development of Flood Liable Land

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

The Guidelines advocate floodplain risk management principles in accordance with the NSW Floodplain Development Manual and is intended to ensure "good faith" indemnity for Council under S733 Local Government Act 1993 for decisions relating to floodplain management.

A previous version of the draft document was referred to Stacks the Law Firm to ensure it would not conflict with legal processes already underway concerning caravan parks. Their advice raised no significant concerns regarding the proposed changes to controls for short term accommodation.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0 (ECM 3528489).

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