



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes
C Cherry (Deputy Mayor)
R Cooper
J Owen
W Polglase

Agenda

Ordinary Council Meeting Thursday 7 February 2019

held at

**Harvard Room, Tweed Heads Administration Building,
Brett Street, Tweed Heads**

commencing at the conclusion of the Planning Committee meeting
which commences at 5.30pm.

Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

Items for Consideration of Council:

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CONFIRMATION OF PLANNING COMMITTEE MINUTES

1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 7 February 2019

SUBMITTED BY: Corporate Governance

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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

SUMMARY OF REPORT:

The recommendations of the Ordinary Planning Committee Meeting held Thursday 7 February 2019 require their adoption by Council for the resolutions to be acted upon.

RECOMMENDATION:

That the recommendations of the Ordinary Planning Committee Meeting held Thursday 7 February 2019 be adopted.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

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).*

Nil.

ORDERS OF THE DAY



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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.4	Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

2 [NOR] [PR-PC] Cobaki Concept Plan Mod 8 - Comments to the Department of Planning & Environment

NOTICE OF RESCISSION:

Councillor K Milne, R Cooper and C Cherry hereby give notice that at the next Ordinary meeting of Council we will move that the resolution from the meeting held on 12 December 2018 at Minute No 650 Item No 15 titled [PR-CM] Cobaki Concept Plan Mod 8 - Comments to the Department of Planning and Environment being:

"that:

1. *If any height increases are contemplated for this development by the State Government:*

 - i) *A comprehensive Shire wide consultation and strategic planning reform process should be undertaken to provide evidence of community support and justification for increased height limits for this development, if this proposal is not refused in the first instance. This would be consistent with the level of evidence required by the State Government in regard to much less significant height controls adjustments proposed by Council in the Draft Kingscliff Locality Plan,*
 - ii) *All buildings exceeding the current 3 storey height limit should be dedicated to social and affordable housing due to the significant housing stress in the Shire, and the lack of any affordable housing at all currently provided in the development,*
 - iii) *All buildings exceeding the current 3 storey height limit should have increased sustainability requirements including providing for greater long term affordability through reduced energy, waste and water consumption operating costs,*

- iv) *The visual impact of all buildings exceeding the current 3 storey height limit should be mitigated by comprehensive landscape design including maximum use of external 'living' plant walls and green living roofs.*

- 2. *The Council resolution and endorsed submission be forwarded to the Department of Planning and Environment with regard to all proposed modifications of the Concept Plan Approval (MP06_0316 MOD8) of the Cobaki residential subdivision development."*

be rescinded.

3 [NOM-Cr K Milne] Concept Plan Approval (Mod 8) for Cobaki Development

NOTICE OF MOTION:

Councillor K Milne moves that Council:

- 1. Council endorses the comments contained within this report and the draft submission in Attachment 1 of this report, excluding the parts that support a 8 and 10 storey height limit and that in addition to the providing the staff submission, Council formally advises the Department of Planning and Environment that Council does not support the proposed Cobaki Modification (Mod 8) due to the following additional concerns:**

- a) Council has a long held and widely supported planning regime that clearly articulates the communities' preference for 3 storey height controls over the entire Shire, with the exception of Tweed Heads where high rise and high density has been accepted.**

These Shirewide height controls have been through extensive and comprehensive approval processes and public exhibitions over many years that have consistently endorsed the current height limits and rejected any increases.

This vision has been recently evidenced in the 2014 Shirewide LEP, the Draft Kingscliff Locality Plan, the Hastings Point, Cabarita, Pottsville, and Fingal planning controls and consultations which reinforces the current height limits as the contemporary desired future character for the Shire.

The communities vision is to be more low key and low scale than the Gold Coast, and they have strongly and consistently opposed Gold Coast style over development which is largely expressed through high rise development such as this proposal.

To arbitrarily inflict a more than 300% increase in storeys for this development would change the community's vision of the Shire forever.

That this could even be contemplated in such a superficial manner and with such minimal consultation highlights the brokenness of the NSW Government planning system and would be an utter betrayal of the whole Tweed community.

It would be a shocking legacy for the Coalition Government to blow up Tweed's local planning controls, particularly so close to an election.

- b) The NSW Government must be confident that this high rise modification and the development generally is appropriate in light of the uncertain future with Climate Change and the potential for Sea Level Rise to be greater than anticipated.**

The greater subsurface disturbance from footings and infrastructure required with high rise development must be considered in regard to potential climate change implications for salt water inundation, corrosion and undermining of underground infrastructure particularly in an acid sulphate environment.

The potential for compression of the subsurface layers and interference in the groundwater systems from the increased weight of high rise buildings and the potential effects on the adjacent ecosystems, as well as land subsidence must be seriously considered in this low lying and erodible environment with its very high rainfall and intense run off catchment.

Council is concerned about the implications for future generations with climate change with the potential, especially in the longer term, for the development to become unviable due to Sea Level Rise and become a significant public and private liability, and source of pollution to a sensitive ecosystem.

Both Eurobodalla and Ballina Shires are experiencing saltwater inundation already. High rise buildings would only exacerbate the difficulties of dealing with these problems and are not appropriate in such locations.

An exit plan / planned retreat program for the development should be developed, and development funds should be set aside at the cost of the developer for the purpose of removing infrastructure if / when the time comes.

Council does not wish to be held responsible for the development or the intensification of the development under such circumstances.

- c) The potential for migratory and non-migratory bird, bat and other flying wildlife and insects striking the high rise buildings particularly with reflective surfaces must be considered, and in light of international China-Australia Migratory Bird Agreement and Japan-Australia Migratory Bird Agreement treaties to protect migratory birds that occur in this area.
- d) If any height increases are contemplated by the State Government (which is strongly opposed):
 - i) A comprehensive Shirewide consultation and strategic planning reform process should be undertaken to provide evidence of community support and justification for such increased height limits if this proposal is not refused in the first instance. This would be consistent with the level of evidence required by the State Government in regard to much less significant height controls adjustments proposed by Council in the Draft Kingscliff Locality Plan,
 - ii) Height increases should be of a more moderate scale in the range of 5-6 storeys at the very most to provide a less dramatic change.
 - iii) All buildings exceeding the current 3 storey height limit should be dedicated to social and affordable housing due to the significant

housing stress in the Shire, and the lack of any affordable housing at all currently provided in the development,

- iv) All buildings exceeding the current 3 storey height limit should have increased sustainability requirements including providing for greater long term affordability through reduced energy, waste and water consumption operating costs,
- v) The visual impact of all buildings exceeding the current 3 storey height limit should be mitigated by comprehensive landscape design including maximum use of external 'living' plant walls and green living roofs.

- 2. The Council resolution and endorsed submission be forwarded to the Department of Planning and Environment with regard to all proposed modifications of the Concept Plan Approval (MP06_0316 MOD8) of the Cobaki residential subdivision development.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.1 Built Environment
- 2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

ROLE: Provider

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

4 [NOM-Cr R Cooper] Smart, Small, Sustainable (SSS) Village Proposal, Wardrop Valley

NOTICE OF MOTION:

Councillor R Cooper moves that Council supports a funding commitment of \$20,000 for the first stage of an investigation into the concept for a social and affordable housing Smart, Small, Sustainable (SSS) village development proposal at Lot 1 in DP1069561, Wardrop Valley Road, South Murwillumbah for consideration by political aspirants at the upcoming State and Federal elections

Councillor's Background Notes

Recommended Priority:

The land identified for the proposed concept proposal is owned by Tweed Shire Council and is located off Wardrop Valley Road, adjacent to Employment Release Area 6 (land swap area) under the Tweed Urban and Employment Land Release Area 2009, which is currently being master-planned ahead of its rezoning.

The investigation and evaluation of the SSS village concept is a way of responding to local social housing and affordable housing needs in a non-traditional way, by drawing on the more recent concept and trend in SSS houses. As this is a new endeavour for the Council and acknowledging the potential challenges facing a project of this kind it is proposed that the concept be worked up and validated in a staged way. The first stage would require the assistance of an architect or urban designer to explore the capability of the land to accommodate a suitable layout and density that has regard to the needs of the end user and the environmental needs for an off-grid, environmentally and financially sustainable model of development.

It is envisaged the architect / designer would be directed by an appointed Councillor(s) and would engage with relevant advisers with expertise in sustainability and social and affordable housing design and governance, drawing on Council's support as needed.

Should the concept proposal be further supported by Council the second stage of evaluation would be proof of concept through more detailed assessment of the infrastructure needs and the cost estimation of the project. This would be to a sufficient level of detail to support a funding application for the project.

The table below details the key design principles for this project concept:

Target Groups	<ul style="list-style-type: none">- Social housing- Affordable rental accommodation
Governance	<ul style="list-style-type: none">- Managed by community housing provider (e.g., North Coast Community Housing)- Private property manager / agent

Tenure	<ul style="list-style-type: none"> - Comprising only of rental property - Single title - Council owned - Financially sustainable - At least 1/3rd of all dwellings to be used for social housing
Design	<ul style="list-style-type: none"> - Village concept - Space for horticultural use (communal) (desirable but not essential) - Space for a Mens' Shed or similar (desirable but not essential) - Requires sufficient turnaround / access for an electric shuttle bus - Off-grid sustainable design - 100 to 200 dwellings (200 to 450 persons) staged. - Green energy (solar, wind and battery support) - On-site waste water management incorporating natural water filtration systems and composting toilets - Water supply – (subterranean water sources if available) - Dwelling's should have capacity to expand (alts and adds) - A central meeting hall (community meeting space) suitable for monthly tenant meetings and small conferences
Planning Regulation	<ul style="list-style-type: none"> - Requires retail sale of produce at markets (desirable) - Roadside stall or similar (desirable) - Tourist accommodation(subject to governance and availability)

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.2 Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

ROLE: Collaborator Advocate

Overall Summary

In terms of background to this latest Motion, at the Council Meeting of 12 December 2018, Councillor Cooper submitted the following Notice of Motion:

“Councillor R Cooper moves that Council advertise a Shire Wide Expression of Interest from private landowners to put forward their properties for the purpose of the establishment of a tiny home estate or village.”

At that meeting, Council resolved the following in respect of this Motion:

“RESOLVED that:

- 1. Council officers consult with Cr R Cooper to scope a proposal to establish a tiny home estate or village of between 100 and 200 houses and brings back a report for Council to consider an Expression of Interest process from landowners.*
- 2. The General Manager follow up with the local State Members concerning Council’s resolution of 15 February 2018.”*

In response to that resolution, Council officers met with Cr Cooper in December to follow up on Point 1. As part of that consultation, Cr Cooper advised the officers that he had further refined his proposal to solely focus on a development concept for Council owned land, adjoining the Industry Central complex at Wardop Valley, as identified in the current, updated Motion.

C Cooper advised the officers that he had sought the assistance of some design experts on a pro bono basis to provide preliminary advice on the latest Smart, Small, Sustainable (SSS) village development proposal, and was seeking to engage external consultants to advance the preparation of an initial feasibility investigation report to be used as the basis to attract State and Federal Government funding, with an urgent timing imperative to take seek opportunities as part of the upcoming elections.

With only limited concept details to work with, Council officers provided Cr Cooper with a very preliminary investigation report of potential planning and infrastructure issues and analysis for the subject site.

A number of the Executive and Council officers also attended a site inspection on 17 January 2019 with Cr Cooper, and his invited pro bono advisors, Michael Mobbs and Caroline Pidcock. Both have highly respected professional backgrounds in promoting sustainable planning and design, predominately in and around Sydney metropolitan area, and are now interested in exploring further opportunities in regional areas.

Prior to the site inspection, Council’s Manager Corporate Governance, Acting General Manager and Director Planning and Regulation met with Cr Cooper, Ms. Pidock, and Mr. Mobbs to outline Council’s current Code of Conduct and Procurement Policies, to ensure that all parties understood Council’s probity and competitive tendering requirements that would be applied if Cr Cooper’s current Motion is supported by Council.

Following the site inspection, Mr. Mobbs submitted a report to Council on 21 January 2019, titled “*Options for small, smart, sustainable housing in the Tweed in 2019*”, authored by both Michael Mobbs and Caroline Pidcock. A copy of this report has been sent to all Councillors separately.

On review of this report, Cr Cooper submitted the current Notice of Motion for final determination.

Comments from Council officers on the latest Motion are provided in the sections below, and are consistent with earlier advice provided to Cr Cooper throughout various meetings and at the site inspection that has taken place since Council’s resolution at the December meeting.

In summary, it is considered that the current Motion concept raises a number of major concerns relating to not only the site location, planning and infrastructure constraints, limited financial/budget risk analysis and social housing and community services issues, but also the tendering and probity risks of the proposal to allow a councillor to direct an external consultant.

There is significant risk in undertaking a scoping study of this concept underpinning a development proposition where Council is the landowner and sole financial partner, but potentially also the consent authority.

It is therefore considered that Council should firstly seek to advance a strategic investigation and policy framework to provide a clearer understanding of Council’s role in the provision of new affordable and social housing, building up the policy investigations and draft policy position resolved by Council in August 2018.

Delivery Program:

This project has not been specifically identified in the 2018/19 Delivery Program.

The closest relationship of the project with the Program is:

- 3 People, places and moving around
- 3.1 People
- 3.1.2 Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

Projects 2018/19 – Advocacy for homeless services and social housing.

Budget/Long Term Financial Plan:

Council adopted the 2019/20 Budget and Long Term Financial Plan on 21 June 2018 followed by the September Quarterly Budget Review adopted 15 November 2018, with all available funds being allocated.

Should this Motion have the support, Council will need to identify what project/service will be reduced to fund the proposal.

Initially an appropriate budget would need to be assigned to cover costs associated with the various consultants to define and prepare a project scoping study. This may include but not be limited to architect/urban designer, town planner, social planner civil engineer,

geotechnical engineer, water/waste water engineer, quantity surveyor, ecological consultants and economist or financial analyst.

There would be more significant costs if Council, following the scoping study determined to pursue the development of the site as a SSS Village. These costs would need to be determined in detailed by a quantity surveyor based on an evaluation of the initial concept plan and scoping study.

Legal Implications:

In relation to the Motion's background notes:-

"It is envisaged the architect / designer would be directed by an appointed Councillor(s)"

This approach would not be consistent with Council's adopted Model Code of Conduct which states:-

"Part 6 - Relationship between Council officials

6.2 Councillors or administrators must not:

- ...
- d) *contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act."*

Council must comply with the requirements under the Local Government Act and applicable internal policies, protocols or procedures throughout the course of the project.

A key requirement that would need to be addressed is Council's Procurement Policy:

"Purchases from \$10,001 to \$49,999 (inclusive of GST)

Invite a minimum of three (3) written Offers including a price. Bidders selected by using market knowledge."

Policy Implications:

Development Assessment

The SSS proposal could be considered as a Caravan Park, defined in the Tweed Local Environmental Plan 2014 as: *"land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed"*.

Note: Caravan Parks can contain manufactured homes BUT must at least contain some caravans to be defined as a caravan park.

The subject site is zoned part RU2 Rural Landscape and Part IN1 Industrial under the Tweed Local Environmental Plan 2014.

A caravan park is permissible with consent on the RU2 portion of the site, subject to compliance with State Environmental Planning Policy No. 21 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

A caravan park is prohibited on the IN1 part of the site. This part of the site has been considered for a future Council Depot.

Other key LEP considerations include:

- Potential contamination due to mining and/or extractive industry. Contamination investigation report will be required.
- The proposed development is within 40 metres of a waterbody and would be identified as "integrated" development requiring approvals from the NSW Office of Water.
- Aboriginal Cultural Heritage Significance currently mapped as "Predictive".
- Acid sulfate soils (Class 3 & 5) Bushfire - the site is in a bushfire hazard area and any application would need to address this issue. The application will need to be referred to the Rural Fire Service for comment as Integrated development.
- Koala Habitat Protection – Koala Secondary B Habitat

Building and Environmental Health

A separate approvals process and ongoing management would be required under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Strategic Planning and Urban Design Comments

Central to the consideration of this Wardrop Valley site for a SSS housing village is to determine if this the right site for this specific housing typology and likely tenant.

Not only should the evaluation of the SSS Village concept investigate the physical and bio-geographical opportunities and constraints of the site through a detailed site analysis (ecology, landform and slope, hydrology, geotechnical, bushfire, visual, climate etc.) but also review infrastructure servicing capabilities (water, sewer, road, cycleway, stormwater, energy), social infrastructure considerations (access to transportation, access to health, education, community services and employment) and land use conformity. The recent site meeting which included Michael Mobbs and Caroline Piddock indicated the peri-rural location of the site, lack of access to key employment, retail services and social infrastructure where all significantly limiting factors.

Secondly, establishing a sound strategic evidence base to justify this specific form of housing over other land uses and housing types should also form a core consideration.

This would typically be established by understanding housing supply and demand in the form of a Council endorsed Housing and/or Affordable Housing Strategy which would establish the current housing trends and investigate housing need in the context of existing and future demographic need. In the context of small relocatable housing types a Housing / Affordable Housing Strategy would also typically seek to establish locational and design criteria. This is particularly pertinent in the context of this form of housing whose occupants are often seeking more affordable housing alternatives due to their fiscal capacity but may also require greater access to social and community services.

In this regard undertaking a study to determine the social impact of clustering potentially marginalised occupants on a peri-rural site with substantial travel distances to access core town centre land uses including social and community and infrastructure should also be a key determining consideration.

It is important to note that the master planning process already undertaken across the broader Wardrop Valley site (Area 6 in the Tweed Urban and Employment Release Strategy) has indicated larger lot residential including opportunity for artisan land uses as being more appropriate to act as transitional land use between the rural areas to the south and industrial area. Council is currently in receipt of a planning proposal to facilitate this land use amendment. Pursuing an alternate SSS village concept across this site would require a substantial amendment to the planning proposal and result in substantial costs and delays to its progress.

Notwithstanding the meritorious intent of the SSS Village as a concept, any identified site and development proposition would need to comply with the existing planning framework including but not limited to the Tweed Local Environmental Plan 2014 (TLEP) and Tweed Development Control Plan. Given the rural zoning of the site, this would necessitate a planning proposal to either change the land use zoning or facilitate this type of development through an additional permitted use clause in the TLEP. The timeframe for undertaking such a planning proposal would be in the order of 12-18 months with costs associated with required consultant specialist studies and the administration and processing of the planning proposal itself.

It is recommended that Council reallocate funds to advance the affordable housing strategy and/or housing supply and demand analysis as actioned with the draft Rural Land Strategy to establish a sound strategic evidence base for housing type demand and considered locational criteria.

Community and Cultural Development Comments

At its meeting of 16 August 2018, Council received an Affordable Housing Context and Options Paper and endorsed a Draft Tweed Shire Council Affordable, Attainable and Appropriate Housing Policy Statement for public exhibition. This Policy specifically addresses the terms for affordable and social housing models and it would guide the governance and design options for any social housing project. The public exhibition of these documents is scheduled for the second half of 2019.

The staging of concept development and the engagement of community housing providers would need to be addressed with due diligence regarding the probity and tendering for each stage as proposed in this Motion. If the intention is that community housing providers are partnered with the developer in the design, delivery and management of a social housing project it is recommended that they be a Community Housing provider registered in NSW under the National Regulatory System for Community Housing (NRSCH) and the NSW Local Scheme (NSWLS).

The Tweed Shire Council Homelessness Policy and the draft Affordable Attainable and Appropriate Housing Policy Statement define the role of "*Local Government as a facilitator and advocate with State and Federal Governments responsible for the delivery of social and affordable housing*". This Motion does not correlate with Council's current policy position.

The Target Groups identified in the Motion of Social Housing and Affordable Rental accommodation are services and programs delivered by the State Government. In order to ensure appropriate design and location it is important to define target groups by demographics or social need. The location of any social housing development needs to meet best practice standards in terms of location that is close to regular public transport, community services such as health and education facilities, and universally accessible.

Engineering Comments

Flooding Isolation

The site is affected by flooding. Although there is ample flood free land (above PMF) on site, any village here would be isolated from the services based in the Murwillumbah CBD (hospital, evacuation centres, emergency services support services etc.) during and after a flood event. Emergency call-outs to outlying villages/dwelling can be a significant burden on emergency services during an event. The incorporation of low cost and social housing in the village suggests future occupants may be some of the most vulnerable in the community and most reliant on the above services.

Access

Access to the proposed village is not defined. The site has frontage to Wardrop Valley Road and the "Industry Central" area. Wardrop Valley Road is generally a winding, sealed, rural road formation. If an access to Wardrop Valley Road is proposed, an assessment of Wardrop Valley Road to determine if it is appropriate for the increase in traffic associated with the proposed village would be required. Any access to the site via "Industry Central" would need to cross the gully between the sites high land and the industry area. This would need to include a culvert or bridge and associated raised embankment with suitable flood immunity.

Pedestrian/Cycle Facilities

Whilst there are some footpaths and road shoulders (for cyclists) in the "Industry Central" area and Tweed Valley Way, the older industrial areas around Quarry Road and Lundberg Drive are generally not equipped with facilities suitable for significant volumes of pedestrian and cycle traffic. Should the proposal proceed, the feasibility study should include an investigation of the available pedestrian and cycle connection and identify any upgrades necessary. DCP-A5 section A5.4.10 outlines Council's policy for the provision of pedestrian and cycle networks for new urban areas.

Public Transport

Currently, there are no designated bus routes servicing the area. The incorporation of low cost and social housing in the village suggests future occupants may be heavily reliant on public transport. Any future residential development in the area would need to incorporate suitable public transport facilities and liaise with local transport providers to secure regular services to the area. DCP-A5 section A5.4.10 outlines Council's policy for the provision of public transport for new urban areas.

Electricity Provider

The Motion suggests that Council will be the owner of the village and that the tiny homes there will be "off-grid" (not connected to the regional electricity network). In effect, this would make Council the electricity provider for all of the homes in the village. Electricity supply is a fundamental prerequisite for a number of processes that are essential for residents wellbeing (i.e. lighting, heating, washing). As the effective electricity provider for the village, Council would be taking on an obligation to maintain supply to each home. There is a significant financial risk associated with this commitment and assuming responsibility for 100 – 200 off-grid electricity systems. DCP-A5 section A5.4.13 outlines Council's policy for the provision of electricity supply for new urban areas.

On-Site Wastewater Management

The Motion notes that the village will include onsite wastewater management facilities. No investigations of the site's capability to absorb effluent from 100-200 dwellings has

been conducted. It is unclear if the sites underlying soils and/or aquifers and local waterways are suitable for large scale onsite wastewater management. Also, as the owner of the site/homes, Council would be taking on responsibility for the wastewater treatment facility. There is significant financial risk associated with a commitment to operating such a facility.

There may be opportunity to connect to the sewer network through "Industry Central". However, no assessment of available capacity or pumping requirements has been done at this time. Further investigation would be required to confirm adequate sewer capacity to cater for the proposed development. DCP-A5 section A5.4.13 outlines Council's policy for the provision of sewerage services for new urban areas.

Water Supply

The Motion notes that water supply would be from subterranean sources, if possible. No assessment of the sites underlying soils and aquifers has been performed at this stage. It is unclear if groundwater in sufficient volumes, flow rates and quality is available onsite. Firefighting supply would also need to be considered. If a groundwater source is adopted, Council (as the owner) would be responsible for operating the bore, pumping station, treatment and storage systems. There is a significant financial risk associated with a commitment to operating such a facility.

There may be opportunity to connect to the water supply network through "Industry Central". Council's Water and Wastewater Unit recently conducted a review of water and sewer infrastructure to the South Murwillumbah Industrial areas. Whilst the review focused on the Quarry Road and Buchanan Street areas (not Industry Central), no major upgrades to the capacity of the water mains servicing Industry Central were identified. Further investigation would be required to confirm adequate water supply capacity to cater for the proposed development.

Earthworks

The site generally consists of a series of gullies and ridges ranging from 1m Australian Height Datum (AHD) to 30m AHD. Depending on the area selected for the village, the proposal may require extensive earthworks to facilitate it. There may be significant cost associated with this and the extent of earthworks required may or may not be in line with Council's development land forming policies, which are outlined in DCP-A5 section A5.4.6 and Development Design Specification D6 – Site Regarding

Relevant Land and Environment Court Case at Dungay

It should be noted that Council is currently defending the refusal of a Development Application in the Land and Environment Court for a proposed Caravan Park on a site in Dungay which was refused due to similar constraints as those present on this site.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR ENGINEERING

5 [E-CM] 2018/19 Floodplain Management Program Grant Offers

SUBMITTED BY: Roads and Stormwater

nhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.2 Asset Protection
- 1.2.1 Floodplain Management - To manage the risk of flooding and its impacts for property owners and the community.

ROLE: **Provider**

SUMMARY OF REPORT:

Through the New South Wales (NSW) Government's Floodplain Management Program, Council has been offered funding for two Floodplain Risk Management Projects which are recommendations of Council's previously adopted Floodplain Risk Management Plans.

To support the ongoing management of flood risk and its impacts for property owners and the community, it is recommended that Council accepts all funding offers and progresses all of the projects identified.

RECOMMENDATION:

That Council accepts grant funding offers from the New South Wales Government's 2018/19 Floodplain Management Program being:

- 1. Coastal Creeks Flash Flood Warning System for the amount of \$80,000; and**
- 2. Community Flood Markers for the amount of \$16,000.**

REPORT:

Introduction

Council has been offered funding for two Floodplain Risk Management Projects under the New South Wales (NSW) Government's Floodplain Management Grants program.

The NSW Government's Floodplain Management Grants support local government to manage flood risk. The program is administered by NSW Office of Environment and Heritage (OEH).

An adopted Floodplain Risk Management Plan is a prerequisite for access to Floodplain Management Grants. Council has invested heavily in advancing the Tweed's Floodplain Management process, through the Floodplain Management Committee, to its current, eligible position.

2018 Floodplain Management Grant Applications

In March 2018 Council applied for two grants under the Floodplain Management Program:

1. Coastal Creeks Flash Flood Warning System
2. Community Flood Markers

Project Details

1. Coastal Creeks Flash Flood Warning System

Burringbar, Mooball and Crabbes Creek are subjected to flash flooding with little or no warning. Council, with assistance from OEH, is installing a series of rain and stream gauges in the subject area in early 2019 (project underway). This grant represents Stage 2 of that project.

This project aims to provide warning of approaching floods to the Burringbar, Mooball and Crabbes Creek communities allowing time for evacuation and subsequent reduction in risk to life. The project will produce a brief study including further modelling to establish the rainfall and gauge height triggers for the warning system. Additionally, a remotely activated warning system, connected to the rainfall and river gauges in the regions of Burringbar, Mooball and Crabbes Creek will be developed in this stage of the project. The system would be owned by Council, however the SES will be responsible for triggering the alarms. Installation of the system will be supported by an education campaign for residents within the region to advise residents what the warnings mean and what actions should follow them.

This project aligns with the Council adopted Tweed Coastal Creeks Floodplain Risk Management Plan, specifically with the below recommendations of the above-mentioned Plan:

- Recommendation 13 - Install Flash Flood Warning System (4.2.9)
- Recommendation 17 - Develop Gauge Triggers (4.2.13)

2. Community Flood Markers

Fabrication and installation of flood markers and signage to record the level of the record March 2017 flood event in various impacted suburbs. This includes updating of previous signage commemorating the 1954 flood, as well as additional markers on street poles. The signage project will be complemented by consultation activities and media to raise flood awareness in these communities.

This project aims to increase the ongoing community awareness of the potential for severe flooding in residential areas, including new residents. Project was a recommendation of Council's Floodplain Management Committee, and endorsed by Council, and aligns with various recommendations of adopted Floodplain Risk Management Plans around building community awareness and provision of personalised flood information.

Permanent flood markers will help ongoing community awareness in high flood risk locations, without the need for people to understand complex flood studies or maps. The project will result in increased community awareness of individual and collective flood risk. The markers also help to preserve records of historic flood events for future generations and new residents to reference. The output of this project will be the installation of informative and resilient flood markers around the various target suburbs, with accompanying media commentary, such that adjacent residents understand the project and accept the flood markers.

Grant Offers

Council has been offered funding for both projects 1 and 2 in December 2018. The deadline for acceptance of both offers by the General Manager is 28 February 2019.

Funding

Floodplain Management Grants are provided on a 2:1 (State 2: Council 1) cost share basis. Therefore, Council must provide 1/3rd of the funding required to complete these projects

Projects 1 and 2 are well defined and subject to funding limits, which are outlined below:

Project	Total Cost	State Contribution	Council Contribution
1. Coastal Creeks Flash Flood Warning System	\$120,000	\$80,000	\$40,000
2. Community Flood Markers	\$24,000	\$16,000	\$8,000
Total	\$144,000	\$96,000	\$48,000

The Long Term Financial Plan includes a recurring Floodplain Management allocation intended to meet Council's component of such projects. This budget allocation will be adequate to fund Council's share of these 2 projects.

Summary

Council has been offered grant funding for two Floodplain Risk Management Projects to continue to deliver recommendations from Council adopted Floodplain Risk Management Plans.

Floodplain Management Grants are provided on a 2:1 (State 2: Council 1) cost share basis.

The 2 projects that have been offered funding have matching Council budget allocations and therefore can progress to delivery phase.

OPTIONS:

That Council:

1. Accepts both Floodplain Management Program grant funding offers and progress both projects.
2. Accepts a selected Floodplain Management Program grant funding offer and reject the other.
- 3) Rejects both Floodplain Management Program grant funding offers and discontinue both projects.

Option 1 is the recommendation of this report.

CONCLUSION:

Council has been offered grant funding under the NSW Government's Floodplain Management Program for two projects, being:

1. Coastal Creeks Flash Flood Warning System
2. Community Flood Markers

Both projects are recommendations of Council's previously adopted Floodplain Risk Management Plans.

To support the ongoing management of flood risk and its impacts for property owners and the community, it is recommended that Council accepts both funding offers and progresses both the projects identified.

COUNCIL IMPLICATIONS:

a. Policy:

Flood Risk Management v1.0.

b. Budget/Long Term Financial Plan:

Floodplain Management Grants are provided on a 2:1 (State 2: Council 1) cost share basis. Therefore, Council must provide 1/3rd of the funding required to complete these projects

The Long Term Financial Plan and includes a recurring Floodplain Management allocation intended to meet Council's component of such projects. This budget allocation will be adequate to fund Council's share of these 2 projects, being \$48,000.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Both projects were identified in Council's adopted Floodplain Risk Management Studies and Plans, which included significant community consultation.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. NSW Office of Environment and Heritage Floodplain Management Program – Letter of Grant Funding Offer for *Coastal Creeks Flash Flooding Warning System* (ECM 5690782).

Attachment 2. NSW Office of Environment and Heritage Floodplain Management Program – Letter of Grant Funding Offer for *Community Flood Markers* (ECM 5690796)

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

6 [FRIT-CM] Loan to SALT Surf Life Saving Club

SUBMITTED BY: Financial Services

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.8 Lifeguard Services - To reduce the human risk to beach users on the Tweed Coast through surf lifeguard services and education.

ROLE: **Provider**

SUMMARY OF REPORT:

In September 2013 Council issued consent to the SALT Surf Life Saving Club for the partial demolition of an existing storage and first aid facility with public toilets, adjacent to SALT Central Park, and extensions for new facilities at Kingscliff.

Stage 1 of the building, consisting of the ground floor elements of mainly storage and a first aid room, was completed in 2016.

To fund the estimated total construction costs for completion of Stage 2B of the new facilities, the SALT Surf Life Saving Club has requested Council consideration for a loan of up to a maximum of \$200,000.

Council resolved at its meeting 17 November 2016:-

"That Council approves:

1. *Entering into a Deed with SALT Surf Life Saving Club Inc. for a \$200,000 interest free loan with a repayment term of ten years; and*
2. *The execution of all necessary documentation under the Common Seal of Council."*

The Club has submitted a request to defer the monthly loan payments for a period of twelve months and that the Deed of Grant be extended by twelve months so as to retain the same monthly repayment amounts.

It is recommended that Council approve the amendment/replacement of the Deed of Grant to formalise the twelve month repayment deferral and extension.

RECOMMENDATION:

That Council approves:

- 1. The amendment/replacement of the existing Deed of Grant with SALT Surf Life Saving Club Inc. in order to allow for a twelve month repayment deferral and an equivalent extension on the expiry of the Deed; and**
- 2. The execution of all necessary documentation under the Common Seal of Council.**

REPORT:

In September 2013 Council issued consent to the SALT Surf Life Saving Club for the partial demolition of an existing storage and first aid facility with public toilets, adjacent to SALT Central Park, and extensions for new facilities at Kingscliff.

Stage 1 of the building, consisting of the ground floor elements of mainly storage and a first aid room, was completed in 2016.

To fund the estimated total construction costs for completion of Stage 2B of the new facilities, the SALT Surf Life Saving Club has requested Council consideration for a loan of up to a maximum of \$200,000.

It was proposed that the loan would be repaid via monthly amounts over a period of ten years, and that the documentation provided that full repayment and interest would be required in certain circumstances. These circumstances included when the leased premises are no longer being used as a surf lifesaving facility, or where the Club conducts activities which are not usually or appropriately conducted by a surf lifesaving club, or if the Club is in breach of their lease and such breach results in the termination of the lease.

On 17 November 2016 Council resolved:

"That Council approves:

- 1. Entering into a Deed with SALT Surf Life Saving Club Inc. for a \$200,000 interest free loan with a repayment term of ten years; and*
- 2. The execution of all necessary documentation under the Common Seal of Council."*

In accordance with this resolution, a Deed of Grant was prepared in line with the terms identified above and executed by Council and SALT Surf Life Saving Club.

On 25 April 2018, the full amount of the loan (\$200,000) was drawn down by SALT Surf Life Saving Club and monthly invoicing for the loan repayments commenced.

On 14 November 2018, Council received a formal request from SALT Surf Life Saving Club for a temporary postponement of loan repayments due to the Club not yet being issued with an occupation certificate for the first floor extension. This has impacted the ability of the Club to generate income from the section of the facility for which the loan was granted.

The Club has also entered into negotiations with Stakeholders, including Council representatives, to develop a compromise approach to the current restrictions on the clubhouse development approval. During this preliminary negotiating period, the Club has placed its Liquor Licence application on hold which will further delay the Club's ability to generate income from the first floor extension.

Due to the currently unknown duration of these stakeholder meetings, and the negotiation process, the Club has sought some relief from the ongoing repayments to ensure that there is no impact on lifesaving operations.

The Club has advised that they believe that it may take at least 12 months for the Club to be in a position to realistically generate sufficient income to support the repayment obligations, without unduly impacting on the lifesaving services.

Accordingly, they have requested that the loan payments be deferred for a period of twelve months and that the Deed of Grant be extended by the same period so as to retain the same monthly repayment amounts.

OPTIONS:

1. To approve the amendment/replacement of the Deed of Grant to formalise the twelve month repayment deferral and extension; or
2. To not approve the amendment/replacement of the Deed of Grant and pursue the repayments in accordance with the existing deed.

CONCLUSION:

It is to the benefit of Council and the community to have strong, sustainable Surf Life Saving Club's operating within the Shire. Council's partnership with surf lifesaving clubs in the Tweed Shire has been to provide support to develop the clubs to a level where they are sustainable, and then coordinate the volunteer services with Council's contract lifeguard services to optimise the level of service provided to the community.

As the clubhouse extensions are located on leased Council "*Operational*" and "*Community*" land and have been funded utilising various external sources, it is considered that the overall risk associated with approving the Club's extension request is minimal.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Financial Plan:

The deferral of loan repayments will not impact the 2018/19 budget as the loan was funded from reserves.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] DA16/0031 - Business Investment Policy

REASON FOR CONFIDENTIALITY:

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.5 Economic Development - To support the local economy and attract new business and employment to the Tweed.

ROLE: **Leader**

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C2 [PR-CM] Illegal Land Use and Ongoing Barking Dog Complaints

REASON FOR CONFIDENTIALITY:

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors).

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.4 Compliance Services - To support a safe and healthy built and natural environment through the enforcement of local government rules and regulations.

ROLE: **Provider**

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Clarrie Hall Dam - Land Acquisition - Part 571 Doon Doon Road, Doon Doon

REASON FOR CONFIDENTIALITY:

This report relates to a commercial transaction, so it is not appropriate for the report to be available to the public.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: **Provider**

C4 [E-CM] Purchase of High Hazard Flood Land at 42 River Street, South Murwillumbah

REASON FOR CONFIDENTIALITY:

Matters concerning just terms compensation negotiations with a private landholder.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(b) the personal hardship of any resident or ratepayer.

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.2 Asset Protection
- 1.2.1 Floodplain Management - To manage the risk of flooding and its impacts for property owners and the community.

ROLE: **Leader**
