



Coast, Estuary & Floodplain Advisory Sub- Committee

Business Paper

date of meeting: Thursday 26 August 2021

location: Via Skype

time: 2:00pm

Coast, Estuary & Floodplain Sub-Committee

CHARTER

Adopted: OC 18/11/2020

1.0 OBJECTIVES

- Assist Council in undertaking coast, estuary and floodplain management and planning.
- Assist Council in reviewing coast, estuary and floodplain studies, plans and policies.
- Engage with and provide input to Council on other coast, estuary and floodplain matters and issues which are relevant to the Local Government Area.
- Provide and receive two-way feedback from the community.

2.0 KEY FUNCTIONS

- Advise Council on conditions and management issues for the coast, estuaries and floodplains of the Port Macquarie-Hastings Local Government Area.
- Advise Council on the development of coastal, estuary and floodplain management plans for the Port Macquarie-Hastings Local Government Area.
- Advise Council on the implementation of adopted coastal, estuary and floodplain management plans.
- Act as a Sub Committee for the purpose of relevant NSW guidelines as they relate to coastal, estuary and floodplain management.

3.0 MEMBERSHIP

Community Representatives*

Name	Title	Catchment	Focus Area	Role	Term Expires
* Alan MacIntyre	Community Representative	Camden Haven	Coast and Estuary	Voting rights	2025
* Kingsley Searle	Oyster Industry and Community Representative	Hastings Valley	Coast and Estuary	Voting rights	2025
* Tony Troup	Oyster Industry	Camden Haven	Coast and Estuary	Voting rights	2025
* Vacant	Fishing Industry	Hastings Valley, Camden Haven, Lake Cathie	Coast and Estuary	Voting rights	2025
* Garry Fajks	Community Representative	Camden Haven	Flood	Voting rights	2025
* Stephen Healy	Community Representative	Hastings Valley	Flood	Voting rights	2025

Name	Title	Catchment	Focus Area	Role	Term Expires
* Marisha Ewart	Community Representative	Camden Haven	Coast and Estuary	Voting rights	2025
* Peter Fitzroy	Community Representative	Lake Cathie	Coast and Estuary	Voting rights	2025
* Vern Warner	Community Representative	Lake Cathie	Coast and Estuary	Voting rights	2025
* Vacant	Development Industry	Hastings	Flood	Voting rights	2025
* Vacant	Development Industry	Camden Haven	Flood	Voting rights	2025

Staff Representatives

Name	Title	Roles and Responsibilities
Peter Alley (Chairperson)	Councillor	Voting rights
Lisa Intemann (Deputy Chairperson)	Deputy Mayor	Voting rights
Melissa Watkins	Director Development and Environment	Advisory
Deborah Archer	Group Manager Environment and Regulatory Services	Advisory
Blayne West	Natural Resources Manager	Advisory
Jesse Dick	Technical Environmental Officer - Flood	Advisory
Vacant	Coast, Estuary, Flood Coordinator	Advisory
Vacant	Coast and Estuary Officer	Advisory
Hayley Owen	Community Inclusion Team Leader	Advisory, Aboriginal Land Council Liaison

Agency Representatives

Organisation	Focus Area	Roles and Responsibilities
Department of Primary Industries - Lands	All	Advisory
Department of Primary Industries - Fisheries	Coast and Estuary	Advisory
Department of Planning Industry and Environment - National Parks and Wildlife Services	Coast and Estuary and Flood	Advisory
Department of Planning Industry and Environment - Biodiversity and Conservation Division	Coast and Estuary and Flood	Advisory
State Emergency Service	Flood	Advisory
Roads and Maritime Service	Coast and Estuary	Advisory

3.1 Obligations of Members

- Act honestly and in good faith.
- Act professionally and respectfully.
- Act impartially at all times.
- Participate actively in the work of the Sub Committee.

- Exercise care, diligence and skill that would be expected of a reasonable person in comparable circumstances.
- Comply with this Charter at all times.
- Facilitate and encourage community engagement with the Sub Committee and Council.
- As per Section 226 (C) of the NSW Local Government Act 1993, the Mayor is the principal spokesperson for the governing body, and Councillors that are members of a Sub Committee are required to obtain the Mayor's agreement to make media and other statements on behalf of Council. Further, only the Mayor or a Councillor with the Mayor's agreement and otherwise in accordance with Council policies and procedure may release Council information through media statements or otherwise, and the release of such information must be lawful under the Council adopted Code of Conduct.
- A Councillor as a member of a Sub Committee or the Sub Committee itself has no delegation or authority to make decisions on behalf of Council, nor to direct the business of Council. The only decision making power open to Councillors is through formal resolutions of Council.
- A Councillor as a member of a Sub Committee or the Sub Committee itself cannot direct staff and must abide by the decision of Council and the policies of Council.
- Councillors, Council staff and members of this Sub Committee must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

3.2 Member Tenure

Sub Committee members will serve for a period of five (5) years after which Council will call for expressions of interest for the next five (5) year period. Existing Sub Committee members will be eligible to re-apply for a position and serve additional terms. Any changes in the composition of the Sub Committee requires approval of Council.

3.3 Appointment of Members

- A formal Expression of Interest process will be undertaken across the Local Government Area as a way of determining the independent representatives on the Sub Committee.
- Applications from individuals and representatives from interest groups and who meet the selection criteria will be encouraged.
- Council, by resolution duly passed, will appoint members to the Sub Committee.

4.0 TIMETABLE OF MEETINGS

Meetings will be held quarterly as a minimum or more regularly if required.

5.0 MEETING PRACTICES

5.1 Decision Making

- Recommendations of the Sub Committee shall be by consensus or by a majority vote of the members present at each meeting and each voting member shall have one (1) vote.
- The Chairperson shall not have a casting vote.
- In the event of an equality of votes on any matter, the matter shall be referred directly to Council's Executive Group and then to Council.

- Recommendations from the Sub Committee are to be made through the relevant Director who will determine under delegation the process for implementation.
- The Sub Committee has no delegation to allocate funding on behalf of Council. The Sub Committee may make recommendations to Council about how funding should be spent in relation to the above-mentioned objectives, however those funds will only be applied and expended following formal resolution of Council.
- The Sub Committee may establish working groups to support actions and activities within the strategies or to assist in the delivery of projects and events as deemed appropriate.
- All projects are to be aligned with Council's suite of Integrated Planning and Reporting documents.

5.2 Quorum

The quorum for the Sub Committee will be half of the voting members plus one. A quorum must include a minimum of one (1) Councillor and one (1) Council staff member being present.

5.3 Chairperson and Deputy Chairperson

- The Chairperson shall be the Councillor, Chair Coast, Estuary and Floodplain Sub Committee as determined by the Council.
- At all meetings of the Sub Committee the Chairperson shall occupy the Chair and preside. In the absence of the Chairperson the Deputy Chairperson as determined by the Council shall act as Chairperson for that meeting. In the absence of both the Chairperson and Deputy Chairperson the Director will act as Chairperson for that meeting.

5.4 Secretariat

- The Director is responsible for ensuring the Sub Committee has adequate secretariat support.
- The secretariat will ensure that the business paper and supporting papers are circulated at least three (3) days prior to each meeting, or earlier if possible.
- Minutes shall be appropriately approved and circulated to each member within three (3) weeks of a meeting being held.
- Any late papers are distributed as soon as practicable.
- All Sub Committee agendas and minutes will be made available to the public via Council's website unless otherwise restricted by legislation.

5.5 Recording of decisions and explicit discussions on risks

The secretariat shall record all discussions that relate to risk.

6.0 CONVENING OF "OUTCOME SPECIFIC" WORKING GROUPS

- The Sub Committee can at times request a working group to be convened for a limited period of time for a specific action. These specifics will be minuted clearly. The working group will report back to the Sub Committee with outcomes.
- Any working groups established under this Sub Committee will be responsible for providing updates to the Sub Committee. The working groups will be an informal gathering with notes collected and managed by the senior staff member in attendance and will be tabled at the Sub Committee meetings.

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

- Any voting members of the Sub Committee or working group members will be required to complete a confidentiality agreement that will cover the period of their membership.
- Sub Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted.
- Where members or invitees at Sub Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate that they be excused from Sub Committee deliberations on the issue where the conflict of interest may exist.

Coast, Estuary & Floodplain Sub-Committee

ATTENDANCE REGISTER

Community Representatives	Representing	Catchment	Expertise Area	Role	29/04/21	27/05/21
Alan MacIntyre	Community	Camden Haven	Coast, Estuary	Voting Rights	no	✓
Kingsley Searle	Community & Oyster Industry	Hastings	Coast & Estuary	Voting Rights	quorum	✓
Tony Troup	Oyster Industry	Camden Haven	Coast & Estuary	Voting Rights		A
Garry Fajks	Community	Camden Haven	Flood	Voting Rights		✓
Stephen Healy	Community	Hastings	Flood	Voting Rights		A
Marisha Ewart	Community	Camden Haven	Coast & Estuary	Voting Rights		A
Peter Fitzroy	Community	Lake Cathie	Coast & Estuary	Voting Rights		✓
Vernon Warner	Community	Lake Cathie	Coast & Estuary	Voting Rights		✓
Vacant	Development Industry	Hastings	Flood	Voting Rights		-
Vacant	Development Industry	Camden Haven	Flood	Voting Rights		-
Vacant	Fishing Industry	Hastings, Camden Haven, Lake Cathie	Coast & Estuary	Voting Rights		-
Council Representatives		Title		Role		
Councillor Peter Alley (Chair)		Councillor		Voting Rights		A
Councillor Lisa Intemann (Deputy Chair)		Deputy Mayor		Voting Rights		✓
Melissa Watkins		Director Development & Environment		Advisory		✓
Debbie Archer		Group Manager Regulatory & Environment Services		Advisory		✓
Blayne West		Natural Resources Manager		Advisory		✓
Ben Foster		Coast, Estuary, Flood Co-ordinator		Advisory		X
Jack Grant		Environmental Projects Officer - Coast and Estuary		Advisory		X
Vacant		Environmental Projects Officer - Flooding		Advisory		-
Hayley Owen		Community Inclusion Team Leader		Advisory, Aboriginal Land Council Liaison		X
Agency Representatives	Title	Organisation	Expertise Area	Role		
Tina Clemens	Natural Resources Management Project Officer	DPIE Crown Lands	Coast, Estuary, Flood	Advisory		X
Michael Northam Scott Anderson (alt.) Craig McCormack (alt.)	Fisheries Officer	DPIE Fisheries	Coast, Estuary	Advisory		✓
Shane Robinson	Manager, Hastings Macleay Area North Coast Branch	DPIE - NPWS	Coast, Estuary	Advisory		A
Geoffrey James (alt.)	Ranger - Hastings Macleay Area					A
John Schmidt	Senior Coast and Estuary Officer	DPIE - Biodiversity & Conservation Division	Coast, Estuary	Advisory		✓
Nicholas Denshire Caroline Ortel (alt.)	Principal Floodplain Officer - Water, Floodplain & Coast	DPIE - Biodiversity & Conservation Division	Flood	Advisory		X
Paul Burg	Local Commander, Hastings Cluster	SES	Flood	Advisory		A
Anthony Day Maria Frazer (alt.)	Co-ordinator Planning - Regional Operations Deputy Zone Commander - Northern Zone	SES	Flood	Advisory		✓
Matt Dawson Andre Uljee (alt.)	Boating Safety Officer	TfNSW	Coast, Estuary	Advisory		X

Key: ✓ = Present
A = Absent With Apology
X = Absent Without Apology

Meeting Dates for 2021

25/02/2021	Via Skype	2:00pm
27/05/2021	Function Room	2:00pm
26/08/2021	Function Room	2:00pm
25/11/2021	Function Room	2:00pm

Coast, Estuary & Floodplain Advisory Sub-Committee Meeting

Thursday 26 August 2021

Items of Business

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Item: 01

Subject: ACKNOWLEDGEMENT OF COUNTRY

"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

Item: 02

Subject: APOLOGIES

RECOMMENDATION

That the apologies received be accepted.

Item: 03

Subject: CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the Coast, Estuary & Floodplain Advisory Sub-Committee Meeting held on 27 May 2021 be confirmed.

PRESENT

Council Representatives:

Mayor Peta Pinson
Councillor Lisa Intemann (Deputy Chair) - Assumed Chair
Director Development and Environment (Melissa Watkins)
Group Manager Regulatory and Environment Services (Debbie Archer)
Natural Resources Manager (Blayne West)

Community Representatives:

Alan MacIntyre (Community - Camden Haven - Coast, Estuary)
Kingsley Searle (Community and Oyster Industry - Hastings - Coast, Estuary)
Garry Fajks (Community - Camden Haven - Flood)
Peter Fitzroy (Community - Lake Cathie - Coast, Estuary)
Vern Warner (Community - Lake Cathie - Coast, Estuary)

Agency Representatives:

Maria Frazer (SES)
Michael Northam (DPIE - Fisheries)
John Schmitt (DPIE - Biodiversity & Conservation Division - Coast, Estuary)

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apologies received from Clr Alley (Chairman), Stephen Healy, Paul Burg, Tony Troupe, Geoffrey James, Shane Robinson and Marisha Ewart be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

1. That the Minutes of the Coast, Estuary & Floodplain Advisory Sub-Committee Meeting held on 25 February 2021 be confirmed.
 2. That the Minutes of the Extraordinary Coast, Estuary & Floodplain Advisory Sub-Committee Meeting held on 29 April 2021 be confirmed.
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04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

CONSENSUS:

That the Coast, Estuary and Floodplain Advisory Sub-Committee note the Business Arising From Previous Minutes schedule including the following additional information:

Item: 11.02 Date: 28/03/2019

Subject: FORESTRY OPERATIONS, LORNE STATE FOREST

Action Required: Tony Troup expressed his concern over the management of land under the control of NSW State Forests, particularly within the Lorne State Forest.

Current Status: That it be noted that Tony has not reached out to the Chair or Deputy Chair on this issue as yet.

Item: 10.0 Date: 25/2/2021

Subject: RECRUITMENT OF DEVELOPMENT AND FISHING INDUSTRY REPRESENTATIVES.

Action Required: That the Coast, Estuary and Floodplain Advisory Sub-Committee members encourage representatives from the development industry and the commercial and recreational fishing industry to nominate.

Current Status: Staff will approach the amateur and commercial fishing industry and clubs for their interest.

Item: 11.02 Date: 25/2/2021

Subject: THAT THE COAST ESTUARY AND FLOODPLAIN ADVISORY SUB-COMMITTEE REQUEST COUNCIL EXAMINE THE EFFICACY OF ITS TREE PRESERVATION ORDER AS IT APPLIES TO BOTH URBAN AND RURAL AREAS.

Action Required: Provide a report back to the Sub-Committee following Council's consideration.

Current Status: It was agreed that a summary of the different levels of legislation and Council' responsibilities in vegetation/tree management would be provided to the Sub-Committee.

Item: 11.05 Date: 25/2/2021

Subject: GOOGLEY'S LAGOON.

Action Required: Marisha Ewart enquired if Council is aware of siltation and disappearance of seagrass at Googley's Lagoon.

Current Status: This will be investigated through the CMP eco health monitoring that will be undertaken in 2022/2023. Action Complete.

Item: 11.06 Date: 25/2/2021

Subject: BOATING ON CAMDEN HAVEN RIVER

Action Required: Marisha Ewart referred to boats on the Camden Haven River causing pollution, erosion and safety issues specifically in the area between Dunbogan Bridge and Watson Taylor Lake.

Current Status: This is not in Council's remit and as such the report was referred to Maritime Services. When feedback is received staff will share this with the Sub-Committee.

06 COASTAL EROSION PROTECTION MEASURES FOR LAKE CATHIE - OPTIONS ANALYSIS

CONSENSUS:

That the Coast, Estuary and Floodplain Sub-Committee:

1. Note the Illaroo Road Revetment Wall Engagement Report which highlighted a lack of support for a revetment wall and beneficiary pays funding model and the Council resolution to consult further with the community on the way forward.
2. Note the hazard management options analysis flowchart presented at the Special Meeting of the Sub-Committee on 29 April 2021.
3. Give support for further engagement to first establish the community drivers and values, and subsequently engage further on the technical solutions/hazard management options available including at least one face to face community meeting.
4. Request confirmation on the legislative responsibilities of the Commonwealth and State Government and Council regarding this issue to identify the lead agency for future community engagement and available funding options.
5. Give consideration to holding an extra ordinary meeting of the Sub-Committee on this item as soon as possible.

Alan MacIntyre expressed a dissenting view on Point 3 above.

07 RIVERS ON FIRE AND FLOOD FORUM

CONSENSUS:

That the Coast Estuary and Floodplain Sub-Committee note the report presented to the 29 April 2021 Special Meeting.

08 FLOOD RECOVERY EFFORTS

CONSENSUS:

1. That staff be requested to provide a summary on flood impact data to the Sub-Committee and that agencies also be requested to provide their flood information for circulation to the Sub-Committee as appropriate.
 2. That Flood Recovery be included as a standing item on the agenda for the foreseeable future including update reports on the development of community emergency action plans.
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09 GENERAL BUSINESS

09.01 POST FLOOD STUDY

Maria Frazer enquired about Council undertaking a post flood study to validate flood impacts and current flood intelligence.

09.02 REVIEW OF 2013 FLOOD STUDY

Kinsley Searle recommended a review of the flood study/hypothetical that was developed in 2013 to compare it against actuals of the March 2021 flood emergency.

09.03 COASTAL MANAGEMENT PLAN SCOPING STUDY

John Schmitt recognised the recent approval of Council's Coastal Management Plan Scoping Study.

09.04 DRAFT DRIVING ON BEACHES AND DOGS IN PUBLIC PLACES POLICIES

Blayne West reminded members that the Draft Driving on Beaches and Dogs in Public Places policies are on public exhibition now.

09.05 COASTAL MANAGEMENT PLAN PROGRESS UPDATE

Peter Fitzroy requested that a Coastal Management Plan Progress Update be included on the agenda as a standing item for the foreseeable future.

09.06 BUSHFIRE COMMUNITY EMERGENCY PLANS

Vern Warner requested an update on the Bushfire Community Emergency Plans and that the minutes of the last meeting be provided to the community and to the Sub-Committee.

09.07 LOCAL MEMBERS OF PARLIAMENT

Alan MacIntyre requested consideration be given to how better to brief and engage Local Members of Parliament on the issues relevant to this Sub-Committee.

09.08 FLOOD PLAN REVIEWS

Garry Fajks sought clarification on the review periods for flood plans.

09.09 FLOOD EVENT RELATIVITIES

Garry Fajks requested advice on the similarities of the March 2021 flood event to previous floods including the 1963 flood event.

09.10 RIVERINE EROSION

Clr Intemann reminded Sub-Committee members to advise Blayne West of any known areas of riverine erosion related to the March 2021 flood so that this information can be provided to the EPA.

The meeting closed at 4:05pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:	
Meeting Date:	
Item Number:	
Subject:	
I, the undersigned, hereby declare the following interest:	
<input type="checkbox"/> Pecuniary: Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> Non-Pecuniary – Significant Interest: Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> Non-Pecuniary – Less than Significant Interest: May participate in consideration and voting.	
For the reason that:	
Name: Signed:	Date:
Please submit to the Governance Support Officer at the Council Meeting.	

(Refer to next page and the Code of Conduct)

Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
 - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

Non-Pecuniary

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

*This form must be completed using block letters or typed.
If there is insufficient space for all the information you are required to disclose,
you must attach an appendix which is to be properly identified and signed by you.*

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest]

Councillor's Signature: **Date:**

This form is to be retained by the council's Chief Executive Officer and included in full in the minutes of the meeting

Last Updated: 3 June 2019

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest

Item: 05

Subject: BUSINESS ARISING FROM PREVIOUS MINUTES

Item:	11.02	Date:	28/03/2019
Subject:	FORESTRY OPERATIONS, LORNE STATE FOREST		
Action Required:	Tony Troup expressed his concern over the management of land under the control of NSW State Forests, particularly within the Lorne State Forest. Tony Troup to contact Chair and Deputy Mayor regarding this issue. Both will review and respond.		
Current Status:	At the 27/5/21 meeting Deputy Chair advised Tony has not reached out to the Chair or Deputy Chair on this issue as yet.		

Item:	7.0	Date:	25/2/2021
Subject:	ILLAROO ROAD REVETMENT WALL ENGAGEMENT		
Action Required:	That the Sub Committee receive a report on the outcome of the community engagement and a briefing following Council's consideration.		
Current Status:	Verbal update to be provided at the meeting. Early results of the community values survey and intention to provide a report to the Sub-Committee in mid-2022 following the incoming elected Council's consideration of management options.		

Item:	10.0	Date:	25/2/2021
Subject:	RECRUITMENT OF DEVELOPMENT AND FISHING INDUSTRY REPRESENTATIVES		
Action Required:	That the Coast, Estuary and Floodplain Advisory Sub-Committee members encourage representatives from the development industry and the commercial and recreational fishing industry.		
Current Status:	Verbal update to be provided at meeting.		

Item:	11.02	Date:	25/2/2021
Subject:	THAT THE COAST ESTUARY AND FLOODPLAIN ADVISORY SUB COMMITTEE REQUEST COUNCIL EXAMINE THE EFFICACY OF ITS TREE PRESERVATION ORDER AS IT APPLIES TO BOTH URBAN AND RURAL AREAS		
Action Required:	Provide a report back to the Sub Committee following Council's consideration.		
Current Status:	Blayne to give a presentation on Council's role.		

Item:	11.06	Date:	25/2/2021
Subject:	BOATING ON CAMDEN HAVEN RIVER		
Action Required:	Marisha Ewart referred to boats on the Camden Haven River causing pollution, erosion and safety issues specifically in the area between Dunbogan Bridge and Watson Taylor Lake.		
Current Status:	This report and a separate report from a resident via the Deputy Chair regarding speeding boats in Stingray Creek were submitted to Transport for NSW (formerly RMS). No advice on their findings have been provided to the Secretariat at this time. Members are advised to report these matters immediately to TfNSW in the future.		

Item:	6.0	Date:	21/5/21
Subject:	COASTAL EROSION PROTECTION MEASURES FOR LAKE CATHIE - OPTIONS ANALYSIS		
Action Required:	<p>That the Coast, Estuary and Floodplain Sub-Committee:</p> <ol style="list-style-type: none"> 1. Note the Illaroo Road Revetment Wall Engagement Report which highlighted a lack of support for a revetment wall and beneficiary pays funding model and the Council resolution to consult further with the community on the way forward. 2. Note the hazard management options analysis flowchart presented at the Special Meeting of the Sub-Committee on 29 April 2021. 3. Give support for further engagement to first establish the community drivers and values, and subsequently engage further on the technical solutions/hazard management options available including at least one face to face community meeting. 4. Request confirmation on the legislative responsibilities of the Commonwealth and State Government and Council regarding this issue to identify the lead agency for future community engagement and available funding options. 5. Give consideration to holding an extra ordinary meeting of the Sub-Committee on this item as soon as possible. 		
Current Status:	Refer to update provided in ITEM 7.0.		

Item:	8.0	Date:	27/5/21
Subject:	FLOOD RECOVERY EFFORTS		
Action Required:	<ol style="list-style-type: none"> 6. That staff be requested to provide a summary on flood impact data to the Sub-Committee and that agencies also be requested to provide their flood information for circulation to the Sub-Committee as appropriate. 7. That Flood Recovery be included as a standing item on the agenda for the foreseeable future including update reports on the development of community emergency action plans. 		
Current Status:	Hayley Owen to provide an update on community recovery plans.		

Item:	9.01	Date:	27/5/21
Subject:	POST FLOOD STUDY		
Action Required:	Maria Frazer enquired about Council undertaking a post flood study to validate flood impacts and current flood intelligence.		
Current Status:	Ben to provide verbal update at meeting.		

Item:	9.02	Date:	27/5/21
Subject:	REVIEW OF 2013 FLOOD STUDY		
Action Required:	Kinsley Searle recommended a review of the flood study/hypothetical that was developed in 2013 to compare it against actuals of the March 2021 flood emergency.		
Current Status:	Refer to update provided in ITEM 9.01		

Item:	9.04	Date:	25/2/2021
Subject:	DRAFT DRIVING ON BEACHES AND DOGS IN PUBLIC SPACES POLICIES		
Action Required:	Blayne reminded members that the draft policies are on public exhibition now.		
Current Status:	Secretariat sent members a copy of the draft policies and engagement report on 9/5/21. Council resolved on 21/7/21 to adopt the Vehicles on Beaches policy and defer the Dogs in Public Spaces policy to enable staff to have further discussions with NPWS regarding dogs on Washhouse Beach for a further report back to Council.		

Item:	9.05	Date:	27/5/21
Subject:	COASTAL MANAGEMENT PROGRAM PROGRESS UPDATE		
Action Required:	Peter Fitzroy requested that a Coastal Management Program Progress update be included on the agenda as a standing item for the foreseeable future.		
Current Status:	Refer to Project Update report in agenda.		

Item:	9.08	Date:	27/5/21
Subject:	FLOOD PLAN REVIEWS		
Action Required:	Garry Fajks sought clarification on the review periods for flood plans.		
Current Status:	Refer to update provided in ITEM 9.01		

Item:	9.09	Date:	27/5/21
Subject:	FLOOD EVENT RELATIVES		
Action Required:	Garry Fajks requested advice on the similarities of the March 2021 flood event to previous floods including the 1963 flood event.		
Current Status:	Refer to update provided in ITEM 9.01 and the Secretariat circulated BOM report on relative flood comparisons.		

Item:	9.10	Date:	27/5/21
Subject:	RIVERINE EROSION		
Action Required:	Clr Intemann reminded Sub-Committee members to advise Blayne West of any known areas of riverine erosion related to the March 2021 flood so that this information can be provided to the DPIE.		
Current Status:	Debbie to provide a verbal update on clean up works.		

Item: 06

**Subject: ENGAGEMENT STRATEGIES 101 - PRESENTATION FROM PMHC
COMMUNITY ENGAGEMENT TEAM**

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Coast, Estuary & Floodplain Advisory Sub-Committee note the techniques presented and utilise them when representing their communities.

Discussion

There will be a 30 minute presentation on community engagement tools and techniques for our subcommittee community members when representing their community.

Presented by Hayley Owen, PMHC Acting Group Manager Community.

Attachments

Nil

Item: 07

**Subject: PRESENTATION - FUTURE DIRECTIONS FOR THE NSW COASTAL &
ESTUARY MANAGEMENT PROGRAM AND MARINE ESTATE
MANAGEMENT STRATEGY**

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Coast, Estuary & Floodplain Advisory Sub-Committee note:

- 1. The information provided on the future directions for the NSW Coastal and Estuary Management Program and its relationship to the Port Macquarie- Hastings Local Government Area.**
- 2. The Marine Estate Management Strategy and its relationship to the Port Macquarie- Hastings Local Government Area.**

Discussion

Presentation to be provided on the Future Directions for the NSW Coastal and Estuary Management Program and the Marine Estate Management Strategy by Jack Grant, Environmental Projects Manager - Coast and Estuary.

Attachments

Nil

Item: 08

Subject: COASTAL MANAGEMENT PROGRAM & FLOOD PROJECTS
UPDATE

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Coast, Estuary & Floodplain Advisory Sub-Committee note the Coastal Management Program and Flood projects underway and in planning phase for FY 2021/2022.

Discussion

PMHC has Floodplain Risk Management Plans for the Hastings River and the Camden Haven River and an adopted CMP Scoping Study.

This report provides an update on active and proposed PMHC Coast, Estuary and Floodplain projects which are derived from the above listed documents. Where applicable, each project has been listed with the current project cost and corresponding grant amount provided by DPIE.

FLOODPLAIN MANAGEMENT

1. North Brother Local Catchments Flood Study - **Current status - Ongoing**

Financial Breakdown:

Items	Cost
Estimated total project cost	\$153,820
DPIE grant funding component	\$102,546.67
Council funding spent (to date)	\$39,911
DPIE grant funding spent (to date)	\$79,822
Actual total project cost to date	\$119,733

Comments:

- Successful grant application under 2016-17 Floodplain Management funding round.
- Public exhibition of the Floodplain Risk Management Study is planned for 28 days commencing Monday 23 August 2021. This timeframe allows enough time to collate feedback and prepare a report summarising the outcomes for the last Council Meeting of the year, being November 2021. Achieving this timeframe will allow the grant to be finalised on time (mid- December milestone).
- Have your say link active at: pmhc.nsw.gov.au/north-brother-flood-study

2. Wright's Creek Flood Risk Management Study *Current status - Ongoing*

Financial Breakdown:

Items	Cost
Estimated total project cost	\$31,420
DPiE grant funding component	\$20,947
Council funding	\$10,473
Actual total project cost to date	\$960

Milestones completed to date:

- Grants expected to be announced in October with RFQ to undertake the Wright's Creek Flood Risk Management Study to be issued shortly after.
- Illegal bridge impeding floodwater flow removed.

3. Voluntary House Raising Scheme - *Current status - Ongoing*

Financial Breakdown:

N/A

Comments:

- Council resolved at Ordinary Council Meeting 21 July 2021 to request a report be prepared and presented at the October 2021 Ordinary Council Meeting on the Voluntary House Raising scheme, its history at PMHC and requirements to pursue VHR in the Camden and Hastings estuaries.
- A report to Council will be presented to the October 2021 Ordinary Council Meeting.

4. Flood Mapping - LEP and SEPP update- *Current status - Ongoing*

Financial Breakdown:

N/A

Comments:

- From July 14 2021 the PMHC LEP Flood provisions were repealed and replaced by new state-wide controls.
- As part of this the LEP amendment mapping was also proposed to be repealed, and additional flexibility provided to councils to provide mapping more aligned to current flood study data. Council's flooding team and GIS are working together to collate all flood model outputs in a publicly accessible online portal.
- Timing for the expiry of LEP maps is not set but expected to be Late 2021. Council's Strategic Planners are coordinating the amendments with DPiE.

5. Potential update to Hastings River Flood Study and Flood Risk Management Study - **Current status - Planning***Investigation*

Financial Breakdown:

N/A

Comments:

- While investigating the potential to restart the Hibbard Precinct Flood Risk Management Plan, Council's flood consultant Advisian presented new information arising from an expansion of the Hastings flood model and work done for insurance companies arising from the March 2021 flood.
- Advisian's recommendation is to delay the Hibbard Precinct FRMP and investigate a renewal of the Hastings Flood Study to incorporate the new information.
- Council has not yet made a decision on this option. Staff will present further information following a decision of Council.

6. Rural Flood Information **Current status - Planning**

Financial Breakdown:

To be determined

Comments:

- Council's Flood Officer is investigating potential methodologies and opportunities to provide flood information for our rural catchments.
- Advisian is preparing a quote to provide detailed RMA-2 modelling for select catchments.
- An RFQ is to be issued to explore the potential for Gridflow modelling of the remaining catchments.
- An example from Cessnock Council has been included for information and context. Flood maps for context and examples
[:https://maps.cessnock.nsw.gov.au/intramaps99/default.htm](https://maps.cessnock.nsw.gov.au/intramaps99/default.htm)

COASTAL MANAGEMENT

1. Illaroo Road Stormwater Redirection – Construction - Current Status - **Ongoing**

Financial Breakdown:

Items	Cost
Estimated total project cost	\$913,650.93

DPIE grant funding component	\$456,825.47
Council funded	\$456,825.46
Actual total project cost to date	\$56,247.00

Comments

- Successful grant application under 2017-18 Coastal Management funding round. Council applied for grant funding in early 2018 and were notified of successful grant application in late October for the construction stage of the project.
- All preliminary works including Aboriginal Heritage Survey and Asbestos Survey and Remediation Plan are now complete.
- Crown Lands license requirement waived (pending final confirmation in writing from Crown) as the asbestos removal and remediation portion of the project is a partnership.
- Construction to commence November 2021. Councils Infrastructure Project Delivery team will engage with directly impacted residents closer to commencement date.

2. Lake Cathie/Innes Hydrodynamic Model - **Current status - Planning**

Financial Breakdown:

Items	Cost
Estimated total project cost	\$450,000
DPIE grant funding component	\$300,000 (contingent on successful grant)
Council funded	\$150,000
Actual total project cost to date	\$0

Comments:

A Coastal and Estuary Grant has been applied for in August 2021. The grants approvals process is underway however it is reliant on a political announcement before proceeding to a public tender.

3. Illaroo Road Coastal Hazard Management Options and Co-Design - **Current status - Planning**

Financial Breakdown:

Items	Cost
Estimated total project cost	\$105,000
DPIE grant funding component	\$70,000 (contingent on successful grant)
Council funded	\$35,000
Actual total project cost to date	\$0

Comments:

- Changed timeline due to council elections to take place in December 2021

- A Coastal and Estuary Grant has been applied for in August 2021.
- Upon receipt of grant funding a RFQ will be issued.

4. Hastings Bank Condition Assessment - **Current status - Planning**

Financial Breakdown:

Items	Cost
Estimated total project cost	\$105,000
DPIE grant funding component	\$70,000 (contingent on successful grant)
Council funded	\$35,000
Actual total project cost to date	\$0

Comments:

- Building from MEMS data and existing projects to undertake a bank condition assessment and erosion ranking for the Hastings estuary.
- RFQ to be developed.
- Project slated to start in late 2021

5. PMHC LGA Coast and Estuary Recreational User Needs Analysis **Current status - Planning**

Financial Breakdown:

Items	Cost
Estimated total project cost	\$75,000
DPIE grant funding component	\$50,000 (contingent on successful grant)
Council funded	\$25,000
Actual total project cost to date	\$0

Comments:

- Undertake detailed inventory of recreational facilities across Coast and Estuary areas of LGA. This is a joint project between Council's NRM team and the Recreation, Property and Buildings Group.
- Will allow targeted and strategic assessment of new recreational facilities.
- Working closely with DPI Fisheries, NPWS, MEMS
- Will allow policies such as dogs on beaches, 4wds on beaches etc. to be better targeted.

6. Bushfire Local Economic Recovery Fund grants - Lake Innes / Lake Cathie Acid Sulphate Soil Management Options Study - **Current status - Ongoing**

Port Macquarie-Hastings Council (PMHC) received funding from the NSW Department of Planning, Industry and the Environment (DPIE) under the Bushfire Affected Coastal Waterways Program 2019-2020. Part of the works proposed by PMHC under this program is to determine the environmental impact the 2019 bushfire event had on the Lake Innes/Lake Cathie and Watson Taylor Lake catchment.

During the 2019 Bushfire Event, approximately 2950ha of land burnt in the Lake Innes catchment and 1215ha burnt in the Watson Taylor Lake area. One of the environmental impacts to be investigated as part of this project is the change in water quality within the Lake Innes/Lake Cathie / Cathie Creek waterway and Watson Taylor Lake.

Financial Breakdown:

Items	Cost
Estimated total project cost	\$295,000
Requested DPIE grant funding	\$265,000
Council funded	\$30,000
Actual total project cost to date	\$39,138.78

Comments:

- Saltmarsh and aquatic ecology surveys complete and progress on Acid Sulfate and Bushfire impact modelling on hold due to COVID impacts (see below)
- Drone LiDAR survey delayed due to COVID restrictions on drone operator availability
- An additional Acid Sulfate study in Cathie Creek is underway. This joint research project with Southern Cross University will help complete our understanding of the acid conditions in the whole system.

Aquatic Science and Management (ASM) has been engaged by PMHC to help determine the water quality impacts caused by the bushfire event, as well as develop a Water Quality Monitoring Plan (WQMP) for Lake Cathie/Lake Innes and Watson Taylor Lake.

Attachments

Nil