



PORT MACQUARIE-HASTINGS
COUNCIL



Coast, Estuary & Floodplain Advisory Sub- Committee

Business Paper

date of meeting: Thursday 27 August 2020

location: via Skype

time: 2:00pm

Note: Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.

Coast, Estuary & Floodplain Sub-Committee

CHARTER

Adopted: OC 21/08/19

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

3.1 Members

Community Representatives			
Name	Title	Catchment	Coast, estuary, flood
Alan MacIntyre	Community Representative	Camden Haven	Coast and estuary
Vacant	Community Representative	Hastings	Coast and estuary
Bob Jolly	Community Representative	Lake Cathie	Coast and estuary
Kingsley Searle	Oyster Industry	Hastings	Coast and estuary
Tony Troup	Oyster Industry	Camden Haven	Coast and estuary
Paul Hyde	Fishing Industry	Hastings	Coast and estuary
Vacant	Development Industry	Hastings	Flood
Vacant	Development Industry	Camden Haven	Flood
Vacant	Community Representative	Hastings	Flood
Vacant	Community Representative	Camden Haven	Flood
Vacant	Community Representative Revive Lake Cathie (RLC)	Lake Cathie	Flood

Council Representatives	
Name	Title
Michael Cusato (Chairperson)	Councillor
	Director, Development & Environment
	Manager, Environmental Services
	Natural Resources Manager
	Environmental Projects Officer

Agency Representatives			
Name	Title	Organisation	Coast, estuary, flood
Tina Clemens	NRM Project Officer	DPI - Lands	All
Mick Northam Scott Anderson (alternative)	Fisheries Officer	DPI - Fisheries	Coast and estuary
Shane Robinson Geoff James (alternative)	Manager, Hastings Macleay Area North Coast Branch	DPIE - NPWS	Coast and estuary
John Schmidt Toong Chin (alternative)	Natural Resource Officer - Water, Floodplains & Coast	DPIE - Biodiversity and Conservation Division	Coast and estuary
Nic Denshire Toong Chin (alternative)	Principal Floodplain Officer - Water, Floodplains & Coast	DPIE - Biodiversity and Conservation Division	Flood
Paul Burg Maria Frazer (alternative)	Local Commander, Hastings Cluster	SES	Flood
Matt Dawson Andre Uljee (alternative)	Boating Safety Officer	RMS	Coast and estuary

3.2 Obligations of Members

- Act honestly and in good faith.
- To act professionally and respectfully.
- Act impartially at all times.
- Participate actively in the work of the Sub-Committee.
- Exercise the 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 to obtain the Mayor's agreement to make media and other statements. Further, only the Mayor, or a Councillor with the Mayor's agreement and otherwise in accordance with Council policies and procedures, 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 decisions 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.

3.3 Member Tenure

Sub-Committee members will serve for a period of five (5) years after which Council will call 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 the approval of Council.

3.4 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. Meetings will generally be held at the main administration office of Port Macquarie-Hastings Council.

5.0 MEETING PRACTICES

5.1 Decision Making

- Recommendations of the Sub-Committee shall be by majority of the members present at each Meeting and each 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 a 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 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
- At all Meetings of the Sub-Committee, the Chairperson shall occupy the Chair and preside. In the absence of the 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.
- Minutes shall be appropriately approved and circulated to each member within three (3) weeks of a meeting being held.
- All Sub-Committee agendas and minutes will be made available to the public via Council's web site, unless otherwise restricted by legislation.

5.5 Recording of decisions and explicit discussions on risks

The Secretariat shall record all discussions that relate to risks.

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 independent members of the Sub-Committee will be required to complete a confidentiality agreement that will cover the period of their membership of the Sub-Committee.
- Sub-Committee members must declare any conflict of interests 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	30/01/20	20/02/20 Working group	28/05/20
Alan MacIntyre	Community	Camden Haven	Coast, Estuary	✓	✓	✓
Bob Jolly	Community	Lake Cathie	Coast, Estuary	✓	A	✓
Kingsley Searle	Community & Oyster Industry	Hastings	Coast & Estuary	✓	✓	✓
Tony Troup	Oyster Industry	Camden Haven	Coast & Estuary	✓	A	✓
Paul Hyde	Fishing Industry	Hastings	Coast & Estuary	✓	X	X
Vacant	Development Industry	Hastings	Flood	-	-	-
Vacant	Development Industry	Camden Haven	Flood	-	-	-
Vacant	Community	Hastings	Flood	-	-	-
Vacant	Community	Camden Haven	Flood	-	-	-
Vacant	Community - Revive Lake Cathie	Lake Cathie	Flood	-	-	-
Council Representatives						
Councillor Peter Alley (Chair)				✓	✓	✓
Councillor Lisa Intemann (Deputy Chair)				✓	✓	✓
Director Development & Environment - Melissa Watkins				✓	X	✓
Group Manager Regulatory & Environment Services - Debbie Archer					✓	✓
Natural Resources Manager - Blayne West				✓	✓	✓
Environmental Projects Officer - Jesse Dick				✓	✓	✓
Agency Representatives	Title	Organisation	Expertise Area			
Tina Clemens	Natural Resources Management Project Officer	DPIE Crown Lands	Coast, Estuary, Flood	✓	X	✓
Michael Northam Scott Anderson (alt.)	Fisheries Officer	DPIE Fisheries	Coast, Estuary	✓	A	A
Shane Robinson Geoffrey James (alt.)	Manager, Hastings Macleay Area North Coast Branch	DPIE - NPWS	Coast, Estuary	A A	X	✓
John Schmidt	Senior Coast and Estuary Officer	DPIE - Biodiversity & Conservation Division	Coast, Estuary	A	X	✓
Nicholas Denshire	Principal Floodplain Officer	DPIE - Biodiversity & Conservation Division	Flood	✓	✓	✓
Paul Burg	Local Commander, Hastings Cluster	SES	Flood	X	A	X
Maria Frazer (alt.) Anthony Day		SES	Flood	✓ A	A	✓
Matt Dawson Andre Uljee (alt.)	Boating Safety Officer	TfNSW	Coast, Estuary	✓	A A	A A

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

Meeting Dates for 2020

30/01/2020	Council Chambers	2:00pm
20/02/2020	Council Chambers	2:00pm
28w/05/2020	Council Chambers	2:00pm
26/08/2020	Council Chambers	2:00pm
26/11/2020	Council Chambers	2:00pm

Coast, Estuary & Floodplain Advisory Sub-Committee Meeting

Thursday 27 August 2020

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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 28 May 2020 be confirmed.

PRESENT

Community Representatives:

Alan MacIntyre (Community - Camden Haven - Coast, Estuary)
Bob Jolly (Community - Lake Cathie - Coast, Estuary)
Kingsley Searle (Oyster Industry - Hastings - Coast, Estuary)
Tony Troup (Oyster Industry - Camden Haven - Coast, Estuary) - **Left during Item 10**

Council Representatives:

Councillor Peter Alley (Chair)
Councillor Lisa Intemann (Deputy Chair)
Melissa Watkins - Director Development and Environment - **Left during Item 08**
Debbie Archer - Manager Environmental Services
Blayne West - Natural Resources Manager
Jesse Dick - Environmental Projects Officer
Mark Edenborough - Senior Stormwater Engineer - **Left after Item 09**
Samantha Johnsen Executive Assistant to Director Development & Environment

Agency Representatives:

Tina Clemens (DPIE - Crown Lands - Coast, Estuary, Flood) - **Left during Item 10**
Shane Robinson (DPIE - NPWS - Coast, Estuary) - **Left during Item 10**
John Schmidt (DPIE - Biodiversity & Conservation Division - Coast, Estuary)
Nic Denshire (DPIE - Biodiversity & Conservation Division - Flood)
Maria Frazer (SES - Flood) - **Left during Item 07**

Guests:

Lih Chong (Jacobs Pty Ltd) - **Left after Item 07**
David Curry (Revive Lake Cathie)
Stewart Cooper (Saving Lake Cathie)
Peta Pinson (Mayor)

Three additional unknown guests were observed on the Skype call. Their Identification could not be confirmed.

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the following apologies received be accepted:

- Andre Uljee (TfNSW - Coast, Estuary)
- Michael Northam / Scott Anderson (DPIE - Fisheries - Coast, Estuary)
- Matt Dawson (TfNSW - Coast, Estuary)

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Coast, Estuary & Floodplain Advisory Sub-Committee Meeting held on 20 February 2020 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

CONSENSUS:

That the Business Arising Schedule be noted with the following updates:

Item 11.02 - 30/01/20 - Forestry Operations, Lorne State Forest:

Cr Intemann and Alan MacIntyre requested that Council staff continue to attempt to contact NSW State Forests on this matter. Council staff will follow up again and will invite NSW State Forests to attend a future CE&F Committee meeting.

Tony Troup to contact the Chair and Deputy Chair directly with his concerns.

06 MEMBERSHIP OF THE COAST, ESTUARY & FLOODPLAIN ADVISORY SUB-COMMITTEE

There was general discussion on various aspects of the report and the Charter.

David Curry (guest) questioned whether past applicants needed to reapply when the new EOI period commenced. Council staff confirmed that past applicants will need to reapply and they are encouraged to apply for more than one position.

A revised EOI package was being finalised and will be released to the community within coming weeks.

CONSENSUS:

That the Committee:

1. Note the report.
2. Note that Council intends to commence re-advertisement to recruit new members.
The re-advertisement period will be open for a minimum of four weeks.

07 NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - DRAFT OPTIONS ASSESSMENT REPORT

Mark Edenborough and Lih Chong (Jacobs) provided the committee with a summary of the project and answered questions from committee members.

Alan MacIntyre noted that the reference list did not contain reference to the 2013 Worley Parsons Camden Haven Flood Study. Lih Chong confirmed that this document was used and the reference list will be updated to reflect this.

Alan MacIntyre queried whether properties that were identified for voluntary purchase had been contacted. Mark Edenborough confirmed that they had not, but will be specifically targeted for additional consultation through the exhibition period.

Bob Jolly queried what would happen if the properties identified as Option 4A and 4B were not willing to sell. Lih Chong confirmed that option 4C could be upsized with a larger capacity pipeline.

Alan MacIntyre queried the history of development in Camden Haven and noted that it was important to address as part of a consultation package.

Maria Frazer noted that SES is opposed to private Flood Evacuation Plans.

Tony Troup queried what impact the additional pipelines etc would have on downstream catchments in terms of water flows and quality, given that there are working oyster farms located within the Camden Haven River near the outlet of some of the urban streams.

Lih Chong and Mark Edenborough confirmed that water quality controls (Gross Pollutant Traps) could be installed on new trunk drainage lines. This would be investigated at detailed design stage.

Mark Edenborough confirmed that Council aims to approach DPIE to extend the grant to July 2021. The status of this application will not be known for some months.

Nic Denshire queried whether there will be further consultation after this stage of the project and queried whether consultation should be occurring now, given that Triple Bottom Line (TBL) and Multi Criteria Assessments (MCA) had not yet been undertaken. Mark Edenborough confirmed that there would be further consultation as part of the FRMS/P phase and that we will be completing TBL and MCA under the FRMS phase.

Tina Clemens noted that Crown Lands will need to be consulted where works are proposed on Crown lands.

CONSENSUS:

That the Committee:

1. Endorse the North Brother Local Catchments Flood Study - Draft Options Assessment Report.
2. Recommend to Council that the North Brother Local Catchments Flood Study - Draft Options Assessment Report be placed on public exhibition for a minimum of 28 days.
3. Request Committee feedback on the North Brother Local Catchments Flood Study - Draft Options Assessment Report.
4. Note that the committee members are not privy to grant funding arrangements between PMHC and DPIE.

08 COASTAL MANAGEMENT PROGRAM - STAGE 1 - DRAFT SCOPING STUDY

Blayne West provide the committee with a summary on the development of the Scoping Study.

The community representatives were concerned that there had been no consultation or request for input from them by Council. They would like to have been involved in the development of the Scoping Study and request that they are provided the opportunity to be involved in the development of future CMP stages, before documents are presented to Council and placed on public exhibition.

Melissa Watkins noted the committee members concerns but noted that under the Coastal Management Manual, a scoping study does not need to be developed in consultation with a committee, nor does it need to go on public exhibition. Melissa confirmed that Council has placed the Scoping Study on public exhibition for 28 days and committee members are encouraged to make a submission.

Alan MacIntyre wanted the Camden Haven wetlands and population growth to be specifically addressed in the Scoping Study and identified as key risks.

Lisa Intemann encouraged committee members to have offline discussions with Council staff about how to address these matters. Lisa also encouraged committee members to make a submission on the draft Scoping Study.

CONSENSUS:

That the Committee:

1. Note the report.
2. Note the Sub-Committee community members concerns around lack of input into the drafting and development of the draft Scoping Study.
3. Note the longstanding issues of wetlands protection in the Camden Haven and the need to address this matter.
4. Note the need to consider future population growth of the area and the carrying capacity of the region to sustain a larger population.

09 ACTIVE COAST, ESTUARY & FLOODPLAIN PROJECTS STATUS UPDATE

CONSENSUS:

That the Committee note the status of the active Coast, Estuary & Floodplain projects.

10 LAKE INNES / LAKE CATHIE ESTUARINE SYSTEM - UPDATE

Blayne West and Jesse Dick provided a presentation to committee members.

Bob Jolly noted that the REF for opening Lake Cathie was lacking an assessment on public health, specifically water quality, bushfire runoff, dead fish and mosquito plagues. Bob Jolly also noted that a berm scrape to 1.6 would not alleviate any of these concerns and that this recommendation from the State Government placed higher importance on the environment, rather than public health, but public health should be paramount.

Blayne West noted that stakeholders need to weigh all these issues up and it is a difficult balancing act with many competing interests.

John Schmidt and Shane Robinson noted that the Council resolution from 20 May 2020 was not a berm scrape and as such, resulted in a full opening of the lake. John Schmidt noted that the current Opening Strategy is at odds with best environmental practice and needs to be reviewed. Blayne West noted that the appropriate mechanism to do this was via the Stage 2 CMP for Lake Cathie.

Lisa Intemann noted that a berm scrape to 1.6m AHD would not assist in alleviating the impacts to public infrastructure that was already inundated (footpaths, parks etc). Lisa Intemann also noted that the 20 May 2020 Council resolution confirmed that the only responsibility for Council is now relating to flood management, everything else is the responsibility of the NSW State Government.

Kingsley Searle was concerned that the committee had not been included or involved in the discussions around the management of the lake and the opening.

Mayor Peta Pinson clarified her position on the lake opening and raised concerns that the

works that were undertaken were, in her opinion, were not consistent with Council's resolution from the May 2020 Council meeting (included below) to scrape the berm at a level of 1.2m AHD (Item 13.09) as a full opening was not intended by the resolution.

RESOLVED: *Alley/Intemann*

That Council:

- 1. Determines that the scraping of the berm at a level of 1.2m AHD provides best balance of the environmental, community and protection of infrastructure requirements.*
- 2. Request the General Manager to proceed to take the action as determined in 1. above.*
- 3. Request the General Manager prepare appropriate community information explaining the action as determined in 1. above to be taken and the possible impacts of the action.*
- 4. Request the General Manager to write to the Minister for Water, Property and Housing confirming that Council's ongoing physical responsibilities for management of the Crown owned Lake Cathie waterbody are strictly limited to the responsibilities of flood mitigation, stormwater drainage and community protection only and any actions outside of this scope (including public health issues and complaints about water quality, odour, colour, mosquitoes, fish kills, fish health, ecology of the waterway, salinity, acid sulphate soils, pollution, water safety and the like) will be directed to the NSW Department of Planning, Industry and Environment - Crown Lands as the owner of the waterbody.*

CARRIED: 6/2

FOR: *Alley, Dixon, Hawkins, Intemann, Levido and Turner*

AGAINST: *Griffiths and Pinson*

John Schmidt noted that the REF was for flood mitigation but that the critical flood level was 1.89m AHD to protect sewer infrastructure. John Schmidt suggested that the opening strategy be reviewed to discuss this discrepancy.

Blayne West noted that the opening strategy would be reviewed in due course as part of the CMP process.

CONSENSUS:

That the Committee note the report.

11 GENERAL BUSINESS

11.01 DRAFT REVISED CHARTER

Lisa Intemann requested that the community representatives meet with Melissa Watkins to discuss amendments to the committee charter. The draft revised charter should then be circulated to the committee for input and comment and be discussed at another committee meeting before being reported to Council.

11.02 BUSINESS PAPERS

Kingsley Searle requested that for future meeting the agenda be separated from the attachments.

The meeting closed at 5:12pm.

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 general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, 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 general manager, 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 general manager, 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 general manager 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.		
Current Status:	<p>Blayne West contacted NSW State Forests regarding this matter but no response was received.</p> <p>Cr Intemann requested that Council staff continue to attempt to contact NSW State Forests on this matter. Council staff will follow up again and will invite NSW State Forests to attend a future CE&F Committee meeting.</p> <p>28/05/2020 Meeting - Tony Troup to contact the Mayor and Deputy Mayor directly with his concerns.</p>		

Item:	11.01	Date:	28/05/2020
Subject:	Draft Revised Charter		
Action Required:	Lisa Intemann requested that the community representatives meet with Melissa Watkins to discuss amendments to the committee charter. The draft revised charter should then be circulated to the committee for input and comment and be discussed at another committee meeting before being reported to Council.		
Current Status:	Verbal update to be provided by Director Development & Environment at the meeting.		

Item: 06

**Subject: BOB JOLLY RESIGNATION FROM COAST, ESTUARY &
FLOODPLAIN ADVISORY SUB-COMMITTEE**

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

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

- 1. Acknowledge the important long term contribution of Mr Bob Jolly to the Coast, Estuary and Floodplain advisory sub-committee.**
- 2. Note that Council has written to Mr Jolly to express the appreciation of the sub-committee for his contribution.**
- 3. Note that the vacant position will be filled via the current Expression of Interest (EOI) recruitment process.**

Discussion

In July 2020 Mr Bob Jolly tendered his resignation as a member on the Coast, Estuary and Floodplain Advisory Sub-Committee, effective immediately. On behalf of Council, the Acting General Manager wrote to Mr Jolly to thank him for the valuable contribution over the past 11 years that he has made to the sub-committee and Council.

His experience, knowledge and professionalism were noted as being appreciated by staff and fellow committee members alike and it was acknowledged that this has helped to shape the development of Council's coastal programs and flood studies during this time. Mr Jolly's long standing involvement with this committee is a true testament to his passion for people, the environment and the community, particularly of Lake Cathie.

The sub-committee wishes to thank Mr Jolly for his efforts and wish him the very best for the future.

Bob's vacant position is intended to be filled via the current EOI campaign. Refer to the separate report titled '*Membership of the Coast, Estuary, Floodplain Advisory Sub-Committee*' for further information.

Attachments

Nil

Item: 07

**Subject: MEMBERSHIP OF THE COAST, ESTUARY & FLOODPLAIN
ADVISORY SUB-COMMITTEE - UPDATE ON THE EXPRESSION OF
INTEREST (EIO) MEMBERSHIP RECRUITMENT CAMPAIGN**

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

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

- 1. Note that Expressions of Interest for membership of the Coast, Estuary and Floodplain Sub-Committee was placed on exhibition for four weeks, commencing on 24 June 2020.**
- 2. Note that the Expression of Interest period has closed with 12 applications received.**
- 3. Note that a report is being prepared for the September Council meeting for consideration and endorsement.**
- 4. Note that a revised charter will be prepared for the November Council meeting for consideration.**
- 5. Note that an update on the EIO process will be provided to the sub-committee at the November meeting.**

Discussion

Over the last few years there have been a number of departures from the Coast, Estuary and Floodplain (CE&F) sub-committee resulting in an uneven spread of expertise and local area representation with remaining community sub-committee members. This has resulted in limited expertise or knowledge in flood, coast and estuary planning/management and uneven representation of community members across the coastal and estuarine areas of the LGA.

At the Ordinary Meeting of Council on the 21 August 2019, Council resolved to adopt a new CE&F Charter, a revised membership composition and proceed to seek formal Expressions of Interest (EOI) for recruitment of new members. Following the August 2019 Ordinary Council meeting staff initiated an EOI process in order to recruit suitable new members to the CE&F Sub-Committee.

Unfortunately, at the close of the initial 2019 EOI period there was an insufficient pool of applications to progress to appointments of representatives of both industry and general community members.

Advice was provided to Council at the Ordinary meeting held on 11 December 2019, that a new EOI recruitment phase would be needed as the first attempt had not been successful. At the 11 December 2019 meeting, Council resolved to (amongst other matters) recommence the recruitment process.

The resolutions from the August and December Council meetings were formally reported to the CE&F sub-committee which was held on 30 January 2020 where the following matters were raised.

- Existing sub-committee members wished to be consulted when drafting a further revised EOI material in order to maximise likelihood of the new EOI approach being successful.
- Sub-committee members agreed to recruit for the Fishing Industry Representative position due to the current member not attending meetings for some time and not being contactable.
- Agreed to extend an invitation to the Birpai LALC to join the Sub-Committee (This matter was identified at the Lake Cathie key community stakeholder and agency meetings held throughout 2019)
- Agreed that David Curry of Revive Lake Cathie be invited to attend sub-committee meetings as a guest until recruitment has been completed. (This matter was identified at the Lake Cathie key community stakeholder meetings held throughout 2019)

In addition to the above matters numerous other issues were discussed, primarily regarding the adopted sub-committee Charter. The suggested changes to the sub-committee Charter are still yet to be finalised.

At the 28 May 2020 CE&F sub-committee meeting a report was presented to advise of progress made since the January 2020 CE&F sub-committee. At this meeting existing members were provided with information on how staff had revised the EOI process, using their feedback and suggestions, and that the new EOI campaign to recruit new members would commence soon.

Consequently, the recently completed recruitment campaign aimed to attract applicants for the following 10 positions:

1. Development Industry Representatives - two (2) to represent the Hastings, Camden Haven and Lake Cathie/Bonny Hills catchments - Flood/Coast/Estuary.
2. Community Representatives - five (5) to represent the Hastings, Camden Haven and Lake Cathie/Bonny Hills catchments - Flood/Coast/Estuary
3. Fishing Industry Representative - one (1) to represent the Hastings, Camden Haven and Lake Cathie/Bonny Hills catchments - Coast/Estuary.
4. Birpai Local Aboriginal Land Council (LALC) Representative - one (1) to represent the Birpai LALC area within the PMH LGA.
5. Bunyah Local Aboriginal Land Council (LALC) Representative - one (1) represent the Bunyah LALC area within the PMH LGA.

June-July 2020 EOI Recruitment Campaign:

The revised EOI campaign commenced on 24 June 2020 and ran for 4 weeks. At the close of the EOI period, 12 applications were received. All applications were for the Community Representative positions. No applications were received from the Development or Fishing Industry. While interest was shown from the Birpai LALC, no official response has been provided. No correspondence has been received from the Bunyah LALC to date.

Scoring has been completed by Council staff and all vacant Community Representative positions (Including Mr Bob Jolly's vacancy) have applications against them. Accordingly, the Council report being prepared for September will recommend that all vacant Community Representative positions be filled by the applicants who have scored highest.

At the September meeting, direction to fill the Fishing Industry and Industry Representative positions will be sought from Council. The EOI process has failed to attract any interest from these stakeholder groups on two separate occasions, so a revised strategy targeting these groups will be required.

A report will be prepared for the November sub-committee meeting with an update from the September and November Council meetings.

Attachments

1.  17 June Ordinary Council Meeting - AGENDA
2.  17 June Ordinary Council Meeting - MINUTES

Item: 08

**Subject: COASTAL MANAGEMENT PROGRAM - STAGE 1 - DRAFT SCOPING
STUDY - PUBLIC EXHIBITION FEEDBACK AND STATUS UPDATE**

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

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

Discussion

As part of the NSW Government's new framework to manage the coastal environment Council has commenced Stage 1 of the Coastal Management Program (CMP), this being the Scoping Study stage.

The CMP will set the long-term strategy for the coordinated management of the coastal zone. The CMP will achieve the purpose and objectives of the Coastal Management Act (2016).

Council is at Stage 1 in the CMP process and has produced a draft Scoping Study in accordance with the prescriptive framework set by the Department of Planning, Industry & Environment (DPIE).

The draft Scoping Study was reported to the 20 May 2020 Council meeting where it was resolved to place the document on public exhibition for 28 days, commencing 21 May 2020. Although it is noted that public exhibition of the Scoping Study is not required by the CMP guidelines Council acknowledges the importance of public exhibition and incorporating community feedback into all stages of the CMP process.

Staff are now working on revising the Scoping Study to incorporate the feedback received during public exhibition before reporting to Council for endorsement.

Attachments

Nil

Item: 09

**Subject: ILLAROO ROAD REVETMENT WALL - COST BENEFIT ANALYSIS &
FUNDING MODEL - STATUS UPDATE**

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

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

Discussion

The Lake Cathie Coastal Zone Management Plan (CZMP) was originally adopted by Council in November 2013, where the following resolution was reached:

11.04 RECOMMENDED ITEM FROM HASTINGS LGA COAST & ESTUARIES SUB-COMMITTEE - LAKE CATHIE COASTAL ZONE MANAGEMENT PLAN

RESOLVED: Turner/Cusato

- 1. That Council adopt the Lake Cathie Coastal Zone Management Plan (2013).*
- 2. That Council seek funding for the total cost of a revetment wall construction from both the NSW and Commonwealth Governments.*

CARRIED: 9/0

*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner*

AGAINST: Nil

This plan was sent to the NSW Government for certification however this was not forthcoming and Council was requested by the Minister to undertake additional work before the plan could be certified.

The resolution confirmed that the Revetment Wall should be fully funded by the NSW and Commonwealth Governments as this reflected the sentiments of the feedback received during exhibition of the Stage 2 Management Plan phase.

This work was undertaken and a revised version of the Lake Cathie Coastal Zone Management Plan (CZMP) was adopted by Council in April 2016. The key action item from this plan was the construction of a 440m Rock Revetment Wall and Beach Nourishment (unchanged from the 2013 version). The 2016 CZMP is the culmination of the NSW Government's Coastal Zone Management process and is a summarising document containing important information gathered from all previous studies dating back to 2008.

The Lake Cathie Coastal Zone Management Plan (CZMP) was adopted by Council in April 2016. The key action item from this plan was the construction of a 440m Rock Revetment Wall and Beach Nourishment. The 2016 CZMP is the culmination of the NSW Government's Coastal Zone Management process and is a summarising document containing important information gathered from all previous studies dating back to 2008.

Ministerial certification of the CZMP was requested following Councils endorsement of the Plan.

Ministerial certification of the Lake Cathie CZMP 2016 was provided by the Minister for Planning - Rob Stokes in November 2016 and the CZMP was Gazetted in January 2017.

However, certification from the Minister came with a list of actions which were required in order to implement the plan. Among other matters, the letter advised that *“the next critical step was the development of a workable funding model based on a distributional analysis that accords with the provisions of the new Coastal Management Manual”*.

This information was reported to the Committee at the meeting held on 11 November 2016 (**Attachment 1**).

Accordingly, Marsden Jacob Associates (MJA) were engaged by Council in 2017 to complete a Funding Model for the Lake Cathie Revetment Wall.

Early in their engagement MJA advised that the Cost Benefit Analysis (CBA) produced by Balmoral Group on behalf of the Office of Environment and Heritage (OEH) in 2015 could not be used due to issues with the assumptions and analysis. Accordingly, MJA's engagement expanded to include completion of a CBA and Funding Model.

Delivery of the Funding Model was therefore delayed by the additional work required in completing the CBA. The project was also significantly delayed as a result of the involvement of DPIE in completing the CBA and Funding Model.

The MJA CBA and Funding Model achieves the following:

- synthesizes and accurately reports cost components based on the results of the Cost Benefit Analysis and associated engineering studies
- identifies and evaluates the strengths and limitations of alternative funding models. The assessment focused on current opportunities and alternative management options and strategies that would either result in a budget neutral outcome or long-term alternative sustainable funding options for Council
- describes the public and private beneficiaries and the extent of the benefits to each beneficiary associated with the preferred option
- identifies funding options and models that could support the development of the revetment and that are founded on the Council's statutory ability to levy fees and charges under relevant state government legislation
- recommends a preferred funding model, noting that the capacity of beneficiaries to pay apportioned costs must be considered

The results of the Funding Model now provide Council with critical information on important matters such as:

- a) How much the revetment wall will cost.
- b) Who is required to contribute.
- c) Options for how Council can fund the wall (special rate variations etc.). How the legislative requirements of the NSW Government legislation and guidelines, i.e. Coastal Management Act (2016) and Coastal Management Manual (2016) (amongst others) apply to the CZMP.

- d) A list of limited alternative grant funding opportunities for this project (outside the Coast and Estuary Grants Program), and;
- e) That the results of the funding model, each option, conflicts to some degree with the Council resolution from 2013.

From this work a report was provided to Council for their consideration at the 12 August 2020 meeting. The report provides Council with several options, however it noted that the next critical stage in the process is to initiate direct consultation with affected property owners first in order to discuss the findings of the report. The CBA and Funding Model are not able to be reported to the Committee owing to the sensitive nature of the report and the potential impacts on individuals.

At the 12 August 2020 Council Meeting the following resolution was reached:

**15.03 LAKE CATHIE - ILLAROO ROAD REVETMENT WALL COST BENEFIT
ANALYSIS & FUNDING MODEL**

RESOLVED: *Intemann/Hawkins*

That Council:

1. *Note the information provided in this report.*
2. *Incorporate the Lake Cathie Coastal Zone Management Plan (CZMP) actions into the new Lake Cathie Bonny Hills Coastal Management Program (CMP).*
3. *Undertake direct engagement and consultation with impacted properties to explain the Revetment Wall options and cost implications and to assess the capacity and their willingness to pay for a Revetment Wall.*
4. *Following completion of direct engagement and consultation with impacted properties, receive a further report from the Director, Development and Environment detailing the outcomes of this engagement and future recommended steps in this project including details of the proposed community consultation/engagement for the broader community.*

CARRIED: 7/0

FOR: *Alley, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner*

AGAINST: Nil

Council staff will now commence engagement with the directly affected residents through both written correspondence and one on one meetings. A fact sheet will be developed and provided to Councillors, Leslie Williams MP, the Lake Cathie Progress Association and the local media to assist them to respond to resident enquiries and general information will be included on Council's website as well.

Attachments

1.  Coast, Estuary & Floodplain Advisory Sub-Committee AGENDA, November 2016

Item: 10

Subject: KENWOOD DRIVE BRIDGE - UPDATE ON COUNCIL REPORTS

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

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

Discussion

At the Council meeting held on 3 June 2020, Mayor Pinson moved a Notice of Motion for Council to give consideration to commencement of development of concept designs for the Kenwood Drive bridge, Lake Cathie as part of the 2020-2021 Operational Plan (**Attachment 1**).

Council subsequently resolved as follows (**Attachment 2**):

13.05 NOTICE OF MOTION - KENWOOD DRIVE BRIDGE, LAKE CATHIE - CONCEPT DESIGNS

RESOLVED: Pinson/Turner

That Council:

1. *Acknowledge community sentiment following the opening of Lake Cathie.*
2. *Request that the General Manager give consideration to commencing the development of concept designs for the Kenwood Drive Bridge, Lake Cathie as part of the 2020-2021 Operational Plan.*
3. *In light of Recommendation No. 2 above, request that the General Manager table a report at the Ordinary Council Meeting on 15 July 2020 detailing any impacts undertaking the concept designs for the Kenwood Drive Bridge will have on*
 - a) *existing priorities listed in the draft 2020-2021 Operational Plan,*
 - b) *priorities that arise from the COVID-19 Working Group's proposed infrastructure prioritisation matrix, as well as identifying a potential funding source for the concept design work to be undertaken during 2020-2021.*
4. *Request that the General Manager write to the Hon. Leslie Williams MP (Member for Port Macquarie) and Dr David Gillespie MP (Federal Member for Lyne), advising of these actions being taken by Council.*

CARRIED: 8/0

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

A further report was prepared and reported to the 15 July 2020 Council meeting (**Attachment 3**). The report outlined that Kenwood Drive Bridge currently ranks 86th of the 140 bridges in the Port Macquarie-Hastings LGA in regards to asset condition. The bridge is not currently identified within Council's future works programs for renewal or rehabilitation based on its current condition and risk from an asset management/renewal perspective.

The advice provided was that in order to include concept designs on Kenwood Drive Bridge, one of the priority bridge projects would need to be deferred, impacting other parts of the community and delaying high priority asset renewal projects.

The report also indicated that the average costs associated with a concept design for a bridge is approximately \$100,000, when geotechnical investigations and a detailed site survey are included. The report highlighted that this project could not be included in the adopted 2020-2021 Operational Plan unless another similar project was deferred.

The report also acknowledged that the widening of Kenwood Drive Bridge was reported to the July 2011 Port Macquarie-Hastings LGA Coast and Estuaries Management Sub-Committee, where it was resolved as follows:

**31 RECOMMENDED ITEM TO COUNCIL FROM PMH LGA COAST & ESTUARIES
MANAGEMENT SUB-COMMITTEE - LAKE CATHIE / LAKE INNES
HYDRODYNAMIC MODEL & INVESTIGATION REPORT**

ADOPTED:

1. *That the Lake Cathie/Lake Innes Estuary Hydrodynamic Model Development and Investigation report (2011) be noted.*
2. *That the following management responses be adopted for each of the scenario options;*
 - a. *Kenwood Drive bridge:
That Kenwood Drive bridge be widened as part of any future asset upgrade or replacement works.*
 - b. *Lake opening strategy:
That the current opening level of 1.6m AHD remain unchanged.*
 - c. *Isolation of Lake Innes from Lake Cathie:
That the hydrodynamic model be made available to the NSW Office of the Environment & Heritage (or others) for use in any further investigation of the reversion of Lake Innes to freshwater.*
 - d. *Dredging of tidal flushing channels:
That no dredging works be undertaken between the Ocean Drive Bridge and the Kenwood Drive Bridge. That dredging works be limited to removal of sediment from the entrance downstream of the Ocean Drive bridge.*

Given the low ranking priority of Kenwood Drive Bridge as an asset which requires replacement (it ranks 86th out of 140 bridges), and the above resolution of Council from 2011, the request to commence concept designs in the 2020-2021 financial year Operational Plan was not supported by Council staff.

However, in addition to the above it was recognised that Council is presently working on the development of a Coastal Management Program (CMP), which aims to provide a long term, coordinated strategy for managing the coastal zone in accordance with the Coastal Management Act 2016 (CM Act) and the local objectives.

Following completion of the Stage 1 scoping study which is currently underway, Council will commence implementation of Stage 2 for the Lake Cathie/Lake Innes and Bonny Hills Estuary and Coastline chapter. The focus of this stage involves undertaking detailed studies that will assist Council to identify, analyse and evaluate risks, vulnerabilities and opportunities. The aim is to gather enough information to

start providing clarity on what the priority management objectives should be for the system. For example, this may include recreation and flooding as the top priorities or perhaps managing for ecology.

With clarity around the issues, opportunities and associated risks, Council will move to Stage 3 of the CMP, which will undertake an analysis of the potential solutions for performance feasibility and cost/benefit. This will provide a list of solutions that are feasible and cost effective to reach the determined priority management objectives. As such, it is considered premature to commit to planning for widening Kenwood Drive Bridge as a management strategy for the system until at least Stages 2 and possibly 3 of the CMP have been completed.

Completing the CMP will also ensure State Government grant funding can be applied to the highest priority management solutions. A 2/3 to 1/3 funding split between the State Government and Council is available for the investigation, design and construction of the management solutions identified through the CMP process.

Accordingly, the report acknowledged that there may be future financial implications should the design work be completed ahead of the CMP and therefore State Government Grant funding opportunities may not be available. Given the high costs involved in planning for and ultimately replacing such an asset, not being eligible for potential grant funding would result in a significantly higher portion of funding being required from ratepayers (i.e. they would fund 100% of the costs).

Ultimately, at the 15 July 2020 Council Meeting Council resolved as follows::

13.01 KENWOOD DRIVE BRIDGE LAKE CATHIE

The Mayor displayed photos of Kenwood Drive Bridge, Lake Cathie.

RESOLVED: Pinson/Intemann

That Council:

1. *Note this information provided in this report.*
2. *Request the General Manager provide a further report to the September 2020 Ordinary Council meeting outlining the process and costs involved in reviewing the findings of the 2011 Lake Cathie/Lake Innes Estuary Hydrodynamic Model Development and Investigation Report and developing a program for the replacement or augmentation of Kenwood Drive Bridge to improve water levels and sediment transport within areas between Lake Cathie and the entrance.*





CARRIED: 7/0

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

Council staff are now working on actioning the above resolution. A report is anticipated to be prepared for the September 2020 Council meeting.

Attachments

1.  Ordinary Council Meeting AGENDA - 3 June 2020
2.  Ordinary Council Meeting MINUTES - 3 June 2020
3.  Ordinary Council Meeting AGENDA - 15 July 2020
4.  Ordinary Council Meeting MINUTES - 15 July 2020