



# Coast, Estuary & Floodplain Advisory Sub- Committee

## Business Paper

date of meeting: Thursday 8 October 2020

location: via Skype

time: 2:00pm

## 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	20/02/20 Working group	28/05/20	27/08/20
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	-	-	
<b>Council Representatives</b>						
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 Michael Barberry (alt.)	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	X	✓	✓
John Schmidt	Senior Coast and Estuary Officer	DPIE - Biodiversity & Conservation Division	Coast, Estuary	X	✓	✓
Nicholas Denshire	Principal Floodplain Officer	DPIE - Biodiversity & Conservation Division	Flood	✓	✓	
Paul Burg	Local Commander, Hastings Cluster	SES	Flood	A	X	
Maria Frazer (alt.) Anthony Day		SES	Flood	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 8 October 2020

## Items of Business

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06	Membership of the Coast, Estuary and Floodplain Advisory Sub-Committee - Induction of New Community Representatives .....	<u>19</u>
07	Revised Charter - Coast, Estuary and Floodplain Sub-Committee .....	<u>20</u>
08	General Business	

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**Item: 01**

**Subject: ACKNOWLEDGEMENT OF COUNTRY**

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"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."

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**Item: 02**

**Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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**Item: 03**

**Subject: CONFIRMATION OF PREVIOUS MINUTES**

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**RECOMMENDATION**

That the Minutes of the Coast, Estuary & Floodplain Advisory Sub-Committee Meeting held on 27 August 2020 be confirmed.



## **PRESENT**

### ***Council Representatives:***

Councillor Peter Alley (Chair)  
Councillor Lisa Intemann (Deputy Chair)  
Director Development and Environment (Melissa Watkins)  
Manager Environmental Services (Debbie Archer)  
Natural Resources Manager (Blayne West)  
Environmental Projects Officer (Jesse Dick)  
Invasive Weeds Officer (Jack Hiscock)  
Acting Executive Assistant to Director Development & Environment (Rosane Gossner)

### ***Community Representatives:***

Kingsley Searle (Oyster Industry - Hastings - Coast, Estuary)  
Tony Troup (Oyster Industry - Camden Haven - Coast, Estuary)

### ***Agency Representatives:***

Michael Barberry (DPIE - Crown Lands - Coast, Estuary, Flood) - joined during item 06  
John Schmidt (DPIE - Biodiversity & Conservation Division - Coast, Estuary)  
Geoffrey James (DPIE - NPWS - Coast, Estuary)  
Michael Northam (DPIE - Fisheries - Coast, Estuary)  
Matt Dawson (TfNSW - Coast, Estuary) - joined during item 06  
Maria Frazer (SES - Flood)

### ***Guests:***

David Curry (Revive Lake Cathie)  
Stewart Cooper (Saving Lake Cathie)  
Mayor Peta Pinson - joined during item 05

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The meeting opened at 2:00pm.

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## **01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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## **02 APOLOGIES**

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### **CONSENSUS:**

That the following apologies received be accepted:

- Alan MacIntyre (Community - Camden Haven - Coast, Estuary)
  - Craig McCormack acting for Scott Anderson (DPIE - Fisheries - Coast, Estuary)
  - Matt Dawson, (RMS Coast, Estuary Boating Safety Officer) - Joined late
  - Paul Burge (NSW SES)
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## **03 CONFIRMATION OF MINUTES**

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Amendments received:

1. Maria Frazer - Page 11 – Comment made in regard to “NSW SES is opposed to Private Flood Evacuation Plans”, this should be amended to “NSW SES is opposed to the use of private flood evacuation plans as a condition of consent”.

Further background information relating to the above comment:

In accordance with sections 3.6, A-5, L-5, L-6.9.6 and N-7 of the NSW Floodplain Development Manual the NSW SES is opposed to the use of private flood evacuation plans as a condition of development consent. Furthermore the NSW SES does not have the statutory authority to endorse private flood evacuation plans.

It should be noted that this position is maintained in the updated Flood Prone Land Package which is due for release in 2020.

2. John Schmidt - Page 14 there is a statement preamble of the opening, “to discuss the discrepancy” delete all except “Opening Strategy needs to be reviewed”.

### **CONSENSUS:**

That the Minutes of the Coast, Estuary & Floodplain Advisory Sub-Committee Meeting held on 28 May 2020, be adopted with the following amendments:

Page 11 – Comment made in regard to “NSW SES is opposed to Private Flood Evacuation Plans”, this should be amended to “NSW SES is opposed to the use of private flood evacuation plans as a condition of consent”.

Page 14 there is a statement preamble of the opening, “to discuss the discrepancy” delete all except “Opening Strategy needs to be reviewed”.

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## **04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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## **05 BUSINESS ARISING FROM PREVIOUS MINUTES**

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### **CONSENSUS:**

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

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

Tony Troup to contact Mayor with his concerns. Letter was sent to Cllrs Intemann and Alley regarding this issue. Both will review and respond.

Item 11.01 - 28/3 - Draft revised charter

Blayne West provided update to committee.

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## **06 BOB JOLLY RESIGNATION FROM COAST, ESTUARY & FLOODPLAIN ADVISORY SUB-COMMITTEE**

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### **CONSENSUS:**

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.

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

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Blayne West provided an update and thanked all involved.

Confirmed that PMHC is working with the Aboriginal groups and the best way to consult.

The next meeting of the subcommittee will include new members.

### **CONSENSUS:**

Schedule meeting of the Coast, Estuary & Floodplain Advisory Sub-committee for 8 October 2pm to discuss Charter for endorsement for November 2020 Council meeting. Pending outcome of the September 2020 Councillor meeting may also take opportunity to induct new members.

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

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Blayne West provided an update. Aiming to have the Draft Scoping Study back to Council in November.

**CONSENSUS:**

Request that Council reports be circulated to the sub-committee when they are made public. examples - New members for the sub-committee, the Coastal Management Program Scoping Study for information.

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

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Jesse Dick presented the report.

**CONSENSUS:**

Request report and public information material be distributed to all sub-committee members.

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**10 KENWOOD DRIVE BRIDGE - UPDATE ON COUNCIL REPORTS**

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Melissa Watkins provided an update, noting that there is a further report to Council in September 2020 will respond to the Council resolution.

**CONSENSUS:**

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

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**11 GENERAL BUSINESS**

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## **11.01 COUNCIL REPORTS**

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Councillor Intemann recommended that copies of relevant Council reports be provided to sub-committee members when published.

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## **11.02 DETAILED BRIEFS**

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Kinglsey Searle enquired when the sub-committee receives a very detailed brief it would be helpful to get an outline of what's to come to help get through the document.

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## **11.03 WORKING GROUPS**

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Councillor Alley suggested having working group meetings rather than full committee meetings to work through some issues to provide technical information that is needed to make a decision.

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## **11.04 CANALS**

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Councillor Intemann referred to a query that arose out of recent Councillor briefing regarding whether canals are actually part of the coastal system. Is it possible to bring to this committee how to best consider them in the future?

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## **11.05 LAKE CATHIE - IRON FLOCK**

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Blayne West advised of a meeting she attended this week between agencies, Council reps with DPI and NPWS. NPWS requested that the sub-committee was aware this meeting occurred. At the meeting there was a discussion on the iron flock event which precipitated from the flood mitigation opening. We are all aware it occurred, and are working as group of agencies on future actions to understand the impact and ongoing management needs. For now we need to determine roles such as who puts out statements and signage.

John Schmidt further advised he will be meeting tomorrow to get limited monitoring system in the middle of lake. Revive Lake Cathie have had some money to do more testing. Have been reviewing scope and cost, to see what is provided to move forward on this front.

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The meeting closed at 3:30pm.

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Item: 04  
Subject: DISCLOSURES OF INTEREST

**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

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

*(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.*

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the <b>identified land</b>)</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.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</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.

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<sup>1</sup> 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.

<sup>2</sup> 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**

<b>Item:</b>	11.02	<b>Date:</b>	28/03/2019
<b>Subject:</b>	Forestry Operations, Lorne State Forest		
<b>Action Required:</b>	Tony Troup expressed his concern over the management of land under the control of NSW State Forests, particularly within the Lorne State Forest.		
<b>Current Status:</b>	<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&amp;F Committee meeting.</p> <p>28/05/2020 Meeting - Tony Troup to contact the Mayor and Deputy Mayor directly with his concerns.</p>		

<b>Item:</b>	11.01	<b>Date:</b>	28/05/2020
<b>Subject:</b>	Draft Revised Charter		
<b>Action Required:</b>	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.		
<b>Current Status:</b>	Verbal update to be provided by Director Development & Environment at the meeting.		

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**Item: 06**

**Subject: MEMBERSHIP OF THE COAST, ESTUARY AND FLOODPLAIN  
ADVISORY SUB-COMMITTEE - INDUCTION OF NEW COMMUNITY  
REPRESENTATIVES**

**Presented by: Development and Environment, Melissa Watkins**

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### **RECOMMENDATION**

**That the Sub-Committee welcome the five new community representatives endorsed by Council at the 23 September 2020 Council meeting.**

### **Discussion**

At the 23 September 2020 meeting Council resolved as follows:

*That Council:*

- 1. Note the information provided in this report.*
- 2. Accept the five nominees as noted in Table 1 as members of the Coast, Estuary and Floodplain Advisory Sub-Committee noting that should any of these five nominees not accept a position, an alternative will be nominate from Table 2 in the order listed.*
- 3. Request the General Manager to develop, in collaboration with the Coast, Estuary and Floodplain Advisory Sub-Committee a revised strategy to target suitable applicants from the Fishing industry and Development industry.*
- 4. Request that a revised charter for the Sub-Committee be presented to Council at the October 2020 meeting for further consideration.*

In accordance with the above resolution and report (Attachment 1) the following members are welcomed to the Sub-Committee:

<b>Name</b>	<b>Position on the Sub-Committee</b>
Gary Fajks	Camden Haven - Flood
Stephen Healy	Hastings Valley - Flood
Marisha Ewart	Camden Haven - Coast and Estuary
Peter Fitzroy	Lake Cathie - Coast and Estuary
Vernon Warner	Lake Cathie - Coast and Estuary.

A presentation on the Code of Conduct for new Sub-Committee members will be provided at this meeting.

Members to discuss the strategy (refer resolution 2 above) for the recruitment of Fishing and Development Industry representatives.

### **Attachments**

-  Council Report 23 September 2020

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**Item: 07**

**Subject: REVISED CHARTER - COAST, ESTUARY AND FLOODPLAIN SUB-COMMITTEE**

**Presented by: Development and Environment, Melissa Watkins**

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### **RECOMMENDATION**

**That the Sub-Committee review the existing Charter for reporting to Council at the November 2020 Council meeting.**

### **Discussion**


The current Charter (Attachment 1) requires updating to identify new members and terms of reference. A review is required in accordance with Council's resolution of 23 September 2020 (action 4):

*That Council:*

1. *Note the information provided in this report.*
2. *Accept the five nominees as noted in Table 1 as members of the Coast, Estuary and Floodplain Advisory Sub-Committee noting that should any of these five nominees not accept a position, an alternative will be nominate from Table 2 in the order listed.*
3. *Request the General Manager to develop, in collaboration with the Coast, Estuary and Floodplain Advisory Sub-Committee a revised strategy to target suitable applicants from the Fishing industry and Development industry.*
4. *Request that a revised charter for the Sub-Committee be presented to Council at the October 2020 meeting for further consideration.*

That members discuss the Charter and prepare a report to the November 2020 Council meeting due to the reporting timeframes.

### **Attachments**

1.  Current Charter - Coast Estuary Floodplain Advisory Sub Committee