

COAST, ESTUARY & FLOODPLAIN ADVISORY SUB-COMMITTEE

Thursday 8 October 2020

**Coast, Estuary & Floodplain Advisory Sub-Committee
Meeting**

Thursday, 8 October 2020

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AGENDA

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Item: 13.09Subject: **MEMBERSHIP OF THE COAST, ESTUARY & FLOODPLAIN
ADVISORY SUB-COMMITTEE**Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

RECOMMENDATION**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 Sub-Committee.
3. Request the General Manager to develop, in collaboration, with the Coast, Estuary and Floodplain 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 meeting for further consideration.

Executive Summary

Expressions of Interest (EOI) for membership recruitment for the Coast, Estuary and Floodplain Sub-Committee were on two separate occasions. The first recruitment campaign was completed in December 2019. The results of this campaign did not yield a sufficient pool of applications and as such was unsuccessful in recruiting members to the Sub-committee. As such a new strategy to inform the community more broadly was developed and a second round of recruitment was completed between 24 June 2020 and 22 July 2020. At the conclusion of the second EOI period, 12 applications for Community Representatives were received and no applications for the Development or Fishing Industry.

This report provides a list of suitable candidates to fill the 5 community positions and seeks endorsement of the candidates which scored highest when ranked by staff.

It also recommends that the Sub-committee develop assist staff in the development of a new recruitment strategy to fill positions for the Development Industry (2) and Fishing Industry (1). It is also proposed that staff that work closely with Council's Volunteer Coordinator to seek suitable representation by the Local Aboriginal Land council(s) when appropriate.

Discussion

Over the last 3 years there have been a number of departures from the Coast, Estuary and Floodplain (CE&F) Sub-Committee. This has resulted in gaps in limited



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expertise and knowledge in flood, coast and estuary planning/management and an uneven representation of community members across the coastal and estuarine areas of the LGA.

At the 21 August 2019 meeting, 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 EOI period there was an insufficient pool of applications to progress to appointments of representatives of both industry and general community members.

Advice was then further 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 this meeting Council resolved to (among 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 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 (This matter was identified through 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 and will be reported back to Council at the October Ordinary meeting.

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 regarding the revised EOI process which incorporated the feedback and suggestions provided by the members.



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The EOI 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.

At the close of the recruitment campaign 12 applications for the Community Representative positions were received. No applications were received from the Development or Fishing Industry. Further, while interest was shown from the Birpai LALC, no official response has been provided. The Bunyah LALC previously confirmed interest in person and was invited to the August 2020 CE&F Sub-Committee meeting, however no one was in attendance. Future communication with the Local Aboriginal Land councils will be conducted via the PMHC Volunteer Coordinator.

Scoring of the applications submitted during the EOI period has been completed by Council staff and all vacant Community Representative positions (including the vacancy formally filled by Bob Jolly) have applications against them. For the purposes of probity, a review of the scoring process and results was undertaken by Governance staff.

Accordingly, it is the recommendation that all vacant Community Representative positions be filled by the applicants who have scored highest within the EOI process as included in Table 1 below.

Table 1: Recommendation for Community Representative Positions

Name	Position offered on Sub-Committee
Garry Fajks	Camden Haven, Flood
Stephen Healy	Hasting Valley, Flood
Marisha Ewart	Camden Haven, C&E
Peter Fitzroy	Lake Cathie, C&E
Vernon Warner	Lake Cathie, C&E



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23/09/2020**Table 2: Alternative Applicant Pool (in order of ranking)**

Name	Requested Position on Sub-Committee
Bruce Gibbs	Hastings Valley, C&E
Antony Moore	Lake Cathie, C&E
Stewart Cooper	Lake Cathie, C&E
Terry McDermott	Lake Cathie, C&E
Ross Smith	Lake Cathie, C&E
David Curry	Lake Cathie, C&E
Geoff McNeil	Lake Cathie, C&E

In addition, at this time the EOI process has failed to attract any interest for the Fishing Industry and Development Industry representative positions. As such, it is recommended that a revised strategy targeting these groups be developed and implemented. The Sub-Committee will be requested to assist in developing this strategy and further information will be forthcoming to Council upon its completion.

Options

- Fill all vacant Community Representative positions with the highest scoring applicants.
- Select alternative applicants from the pool to fill the positions.
- Reject the candidates provided and request that a new EOI process be carried out and recruit for all positions.

Community Engagement and Internal Consultation**Table 3: EOI Timeline**

Topic	Dates
EOI Period	24/6/2020 - 22/7/2020
Facebook post	12/6/2020
Facebook video (shared by RRL & SLC)	24/6/2020
Presentation to CE&F sub-committee	30/6/2020
Previous applicants advised (and others whom had expressed an interest): <ul style="list-style-type: none"> • Antony Moore • Marisha Ewart • Terry McDermott • Ralph Clissold • Stephen Healy • David Curry • Ross Smith • Stewart Cooper • Peter Fitzroy • Danielle Maltman • Ross Dobson • Jeremy Hooper 	As of 24/6/2020
<ul style="list-style-type: none"> • Lake Cathie Progress Association • Bonny Hills Progress Association 	As of 24/6/2020

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<ul style="list-style-type: none"> • North Side Progress Association • Estelle Gough • Port Macquarie Landcare Group Inc • Wauchope Chamber of Commerce • Michael Mowle - Port Macquarie Chamber of Commerce 	
Construction Industry Action Group members advised	23/6/2020
Jonathan Yantsch DPIE Fisheries advised	24/6/2020
Local DPIE Fisheries reps advised (Michael Northam and Scott Anderson)	25/6/2020
Bunyah LALC invited (verbal acceptance)	29/7/2020
Birpai LALC invited (received interest, but no confirmation to date)	

Planning and Policy Implications

There are no planning and policy implications in relation to this report.

Financial and Economic Implications

There are no financial and economic implications in relation to this report.

Attachments

Nil

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COAST, ESTUARY & FLOODPLAIN SUB-COMMITTEE CHARTER

Adopted: Ordinary Council YYYY MM DD

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
Patrick McEntee	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

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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.

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- 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.

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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.