



PORT MACQUARIE-HASTINGS
COUNCIL



Coast, Estuary & Floodplain Advisory Sub- Committee

Business Paper

date of meeting: Thursday 25 February 2021

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 18/11/2020

1.0 OBJECTIVES

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

2.0 KEY FUNCTIONS

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

3.0 MEMBERSHIP

Community Representatives*

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

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

Staff Representatives

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

Agency Representatives

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

3.1 Obligations of Members

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

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

3.2 Member Tenure

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

3.3 Appointment of Members

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

4.0 TIMETABLE OF MEETINGS

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

5.0 MEETING PRACTICES

5.1 Decision Making

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

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

5.2 Quorum

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

5.3 Chairperson and Deputy Chairperson

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

5.4 Secretariat

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

5.5 Recording of decisions and explicit discussions on risks

The secretariat shall record all discussions that relate to risk.

6.0 CONVENING OF "OUTCOME SPECIFIC" WORKING GROUPS

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

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

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

Coast, Estuary & Floodplain Sub-Committee

ATTENDANCE REGISTER

| Community Representatives | Representing | Catchment | Expertise Area | Role | 08/10/20 | 26/11/20 |
|---|--|---|-----------------------|---|----------|----------|
| Alan MacIntyre | Community | Camden Haven | Coast, Estuary | Voting Rights | A | A |
| Kingsley Searle | Community & Oyster Industry | Hastings | Coast & Estuary | Voting Rights | ✓ | ✓ |
| Tony Troup | Oyster Industry | Camden Haven | Coast & Estuary | Voting Rights | ✓ | A |
| Garry Fajks | Community | Camden Haven | Flood | Voting Rights | ✓ | ✓ |
| Stephen Healy | Community | Hastings | Flood | Voting Rights | A | ✓ |
| Marisha Ewart | Community | Camden Haven | Coast & Estuary | Voting Rights | ✓ | ✓ |
| Peter Fitzroy | Community | Lake Cathie | Coast & Estuary | Voting Rights | ✓ | ✓ |
| Vernon Warner | Community | Lake Cathie | Coast & Estuary | Voting Rights | ✓ | ✓ |
| Vacant | Development Industry | Hastings | Flood | Voting Rights | - | - |
| Vacant | Development Industry | Camden Haven | Flood | Voting Rights | - | - |
| Vacant | Fishing Industry | Hastings, Camden Haven, Lake Cathie | Coast & Estuary | Voting Rights | - | - |
| Council Representatives | | Title | | Role | | |
| Councillor Peter Alley (Chair) | | Councillor | | Voting Rights | ✓ | ✓ |
| Councillor Lisa Intemann (Deputy Chair) | | Deputy Mayor | | Voting Rights | ✓ | ✓ |
| Melissa Watkins | | Director Development & Environment | | Advisory | ✓ | ✓ |
| Debbie Archer | | Group Manager Regulatory & Environment Services | | Advisory | ✓ | ✓ |
| Blayne West | | Natural Resources Manager | | Advisory | ✓ | ✓ |
| Ben Foster | | Coast, Estuary, Flood Co-ordinator | | Advisory | - | - |
| Jack Grant | | Coast and Estuary Officer | | Advisory | - | - |
| Jesse Dick | | Environmental Projects Officer | | Advisory | ✓ | ✓ |
| Hayley Owen | | Community Inclusion Team Leader | | Advisory, Aboriginal Land Council Liaison | X | X |
| Agency Representatives | Title | Organisation | Expertise Area | Role | | |
| Tina Clemens | Natural Resources Management Project Officer | DPIE Crown Lands | Coast, Estuary, Flood | Advisory | ✓ | ✓ |
| Michael Barberry (alt.) | Senior Natural Resource Management Officer | | | | | |
| Michael Northam | Fisheries Officer | DPIE Fisheries | Coast, Estuary | Advisory | | A |
| Scott Anderson (alt.) | | | | | ✓ | A |
| Craig McCormack (alt.) | | | | | | |
| Shane Robinson | Manager, Hastings Macleay Area North Coast Branch | DPIE - NPWS | Coast, Estuary | Advisory | ✓ | A |
| Geoffrey James (alt.) | Ranger - Hastings Macleay Area | | | | ✓ | A |
| John Schmidt | Senior Coast and Estuary Officer | DPIE - Biodiversity & Conservation Division | Coast, Estuary | Advisory | ✓ | ✓ |
| Nicholas Denshire | Principal Floodplain Officer - Water, Floodplain & Coast | DPIE - Biodiversity & Conservation Division | Flood | Advisory | X | X |
| Paul Burg | Local Commander, Hastings Cluster | SES | Flood | Advisory | X | X |
| Anthony Day | Co-ordinator Planning - Regional Operations | SES | Flood | Advisory | | |
| Maria Frazer (alt.) | Deputy Zone Commander - Northern Zone | | | | ✓ | ✓ |
| Matt Dawson | Boating Safety Officer | TfNSW | Coast, Estuary | Advisory | A | X |
| Andre Uljee (alt.) | | | | | | |

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

Meeting Dates for 2021

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

Coast, Estuary & Floodplain Advisory Sub-Committee Meeting

Thursday 25 February 2021

Items of Business

| Item | Subject | Page |
|------|--|-----------|
| 01 | Acknowledgement of Country | <u>10</u> |
| 02 | Apologies..... | <u>10</u> |
| 03 | Confirmation of Minutes | <u>10</u> |
| 04 | Disclosures of Interest..... | <u>17</u> |
| 05 | Business Arising from Previous Minutes..... | <u>21</u> |
| 06 | North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan (FRMSP)..... | <u>24</u> |
| 07 | Lake Cathie - Proposed Illaroo Road Revetment Wall Funding Model Consultation - Status Update Report | <u>38</u> |
| 08 | Coastal Management Program - Stage 1 - Recommendation to Council to Endorse Scoping Study..... | <u>40</u> |
| 09 | Active Coast, Estuary & Floodplain Projects - Status Update | <u>42</u> |
| 10 | Recruitment of Development and Fishing Industry Representatives to Coast, Estuary and Floodplain Advisory Sub-Committee | <u>46</u> |
| 11 | General Business | |

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 26 November 2020 be confirmed.

PRESENT

Community Representatives:

Kingsley Searle (Oyster Industry and Community - Hastings - Coast and Estuary)
(*joined the meeting 2.55pm*)
Garry Fajks (Community - Camden Haven - Flood)
Stephen Healy (Community - Hastings - Flood)
Marisha Ewart (Community - Camden Haven - Coast and Estuary)
Peter Fitzroy (Community - Lake Cathie - Coast and Estuary)
Vern Warner (Community - Lake Cathie - Coast and Estuary)

Council Representatives:

Mayor Peta Pinson
Councillor Peter Alley (Chair)
Deputy Mayor Lisa Intemann (Deputy Chair)
Director Development and Environment (Melissa Watkins)
Group Manager Environment and Regulatory Services (Debbie Archer)
Natural Resources Manager (Blayne West)
Environmental Projects Officer (Jesse Dick)

Agency Representatives:

Department of Planning, Industry and Environment - Crown Lands (Tina Clemens)
Department of Planning, Industry and Environment - Biodiversity and Conservation Division
(John Schmitt) - Coast and Estuary (*joined the meeting at 2:28pm*)
NSW State Emergency Service SES - Flood (Maria Fraser) - Flood

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:

- Alan MacIntyre (Community - Camden Haven - Coast and Estuary)
 - Department of Planning, Industry and Environment - Fisheries (Michael Northam and Scott Anderson)
 - Department of Primary Industry Environment - National Parks and Wildlife Service (Geoffrey James and Shane Robinson)
 - Tony Troup (Oyster Industry - Camden Haven - Coast and Estuary).
-

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Coast, Estuary & Floodplain Advisory Sub-Committee Meeting held on 8 October 2020 be confirmed.

04 DISCLOSURES OF INTEREST

Vern Warner declared a Non-Pecuniary - Less than Significant Interest in Item 11 - Lake Cathie - Illaroo Road Revetment Wall Funding Model Consultation - Status Update Report, the reason being he, as President of the Lake Cathie Progress Association, has had many letters and discussions with Council regarding the revetment wall project and the funding model and the delays to its release.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

CONSENSUS:

That the Business Arising Schedule updates be received and noted.

06 COAST, ESTUARY & FLOODPLAIN ADVISORY SUB-COMMITTEE CHARTER ADOPTION - UPDATE ON COUNCIL REPORT

CONSENSUS:

The Committee noted the Coast Estuary and Floodplain Advisory Sub Committee Charter was adopted at the 18 November 2020 Ordinary Council Meeting.

07 RECRUITMENT OF INDUSTRY & FISHING REPRESENTATIVES TO COAST, ESTUARY & FLOODPLAIN ADVISORY SUB-COMMITTEE

CONSENSUS:

That the Committee:

1. Note the report.
2. Note that the Development Industry and Fishing Industry representative positions are presently vacant under the Charter.
3. Members provide their input to the secretariat by 25 February 2021 to assist with the development of a strategy to target suitable applicants.

08 ACTIVE COAST, ESTUARY & FLOODPLAIN PROJECTS - STATUS UPDATE

CONSENSUS:

That the Committee:

1. Note the status of the active Coast, Estuary and Floodplain projects.
2. That an update on the CMP development be provided for all future meetings until it's completion under the standing report 'Active Coast, Estuary & Floodplain - Status Update'.

09 KENWOOD DRIVE BRIDGE LAKE CATHIE - REVIEW OF 2011 HYDRODYNAMIC REPORT FINDINGS - UPDATE ON COUNCIL REPORT

CONSENSUS:

That the Committee:

1. Note the Report.
2. Receive regular updates on the Kenwood Drive Bridge and Hydrodynamic Model in the 'Active Coast, Estuary and Floodplain Projects' report.

**10 LAKE INNES ACID SULPHATE SOIL MANAGEMENT OPTIONS STUDY -
PROJECT STATUS UPDATE**

CONSENSUS:

That the Committee note the report.

**11 LAKE CATHIE - ILLAROO ROAD REVETMENT WALL FUNDING MODEL
CONSULTATION - STATUS UPDATE REPORT**

Verna Warner declared a Non-Pecuniary - Less than Significant Interest in this item, and remained in the meeting for the discussion and voting thereon.

CONSENSUS:

That the Committee:

1. Note the Report.
2. Recommend that Council write to all affected property owners advising of Council's resolution and the specific implications for their property and for Council to continue to engage with the community.

12 FUTURE MEETING DATES

CONSENSUS:

That the Coast, Estuary and Floodplain Advisory Sub-Committee meeting dates for 2021 be as follows:

25 February 2021
27 May 2021
26 August 2021
25 November 2021

13 GENERAL BUSINESS

13.01 FORESTRY OPERATIONS IMPACT ON QUEENS LAKE

Tony Troup shared information on NSW Forestry's proposal to increase the size of their logging compartments and is concerned about the impact of their operations on Queens Lake and other water systems in the Camden Haven.

The Chair Councillor Alley agreed to forward the information Tony Troup provided to DPIE representative John Schmitt for advice.

13.02 LOW WATER LEVEL IN LAKE CATHIE

Peter Fitzroy advised the water levels in Lake Cathie/Lake Innes estuarine system are nearing minimum levels again and asked if Council is considering a low level opening.

Melissa Watkins responded referring to Council's resolution to not open the lake unless in the case of a flood and risk to infrastructure.

Vern Warner noted that the lake was dropping again and queried whether the lake would be open when the low level trigger of 0.2m AHD was reached? John Schmidt clarified that low level openings were not supported.

13.03 REVIVE LAKE CATHIE - STAKEHOLDER MEETING 27/11/2020

DPIE representative John Schmitt will be attending the Revive Lake Cathie meeting to speak about management options for the lake, CMP, recent iron floc event and acid sulphate soils. Members are invited to attend and Blayne West agreed to record the meeting and share it with the Sub-Committee.

13.04 DREDGING OF LAKE CATHIE

Council will be considering a report at the 9 December 2020 Ordinary Council meeting. Sub-Committee members will be provided with a copy of this report.

13.05 COASTAL MANAGEMENT PLAN (CMP) DEVELOPMENT

Peter Fitzroy requested information on Council resolution regarding the various stages associated with the development of the CMP. Melissa Watkins advised this has been the subject of numerous Council reports available for download at:

<https://www.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-and-Committee-Meetings/Council-Meeting-Agendas-and-Minutes>.

Information on the development of the Draft Scoping Study, community engagement and CMP location chapters/phases is also available on Council's website at:

<https://haveyoursay.pmhc.nsw.gov.au/draft-coastal-management-program-scoping-study>.

For all future meetings a CMP update will be provided as a standing item in the business paper under the 'Active Coast, Estuary and Floodplain Projects' report.

The meeting closed at 4:25pm.

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

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

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

Item: 05

Subject: BUSINESS ARISING FROM PREVIOUS MINUTES

| | | | |
|-------------------------|---|--------------|------------|
| Item: | 11.02 | Date: | 28/03/2019 |
| Subject: | FORESTRY OPERATIONS, LORNE STATE FOREST | | |
| Action Required: | Tony Troup expressed his concern over the management of land under the control of NSW State Forests, particularly within the Lorne State Forest. | | |
| 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> <p>8/10/2020 Meeting - Item 03 CONFIRMATION OF MINUTES Amendments received: Tony Troup: Item 05 - Amend to Tony Troup to contact Chair and Deputy Mayor regarding this issue. Both will review and respond.</p> <p>Action Complete.</p> | | |

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|-------------------------|---|--------------|------------|
| 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: | <p>A verbal update was provided by the Director Development and Environment at the 27 August 2020 CE&F committee meeting. The draft revised charter was then reported to the CE&F committee meeting on 8 October 2020.</p> <p>Action Complete.</p> | | |

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|-------------------------|---|--------------|------------|
| Item: | 11.02 | Date: | 28/05/2020 |
| Subject: | BUSINESS PAPERS | | |
| Action Required: | Kingsley Searle requested that for future meetings the agenda be separated from the attachments. | | |
| Current Status: | <p>Attachments have been separated from the Agenda as requested.</p> <p>Action Complete.</p> | | |

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|-------------------------|--|--------------|------------|
| Item: | 11.01 | Date: | 27/08/2020 |
| Subject: | COUNCIL REPORTS | | |
| Action Required: | Councillor Intemann recommended that copies of relevant Council reports be provided to committee members when published. | | |
| Current Status: | Relevant Council reports have been circulated to committee members as requested. Action Complete. | | |

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|-------------------------|--|--------------|------------|
| Item: | 11.02 | Date: | 27/08/2020 |
| Subject: | DETAILED BRIEFS | | |
| Action Required: | Kingsley Searle enquired when the 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. | | |
| Current Status: | Attempts will be made to assist members digest documents prior to meetings where necessary. Action Complete. | | |

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|-------------------------|--|--------------|------------|
| Item: | 11.03 | Date: | 27/08/2020 |
| Subject: | WORKING GROUPS | | |
| Action Required: | Councillor Alley suggested having working group meetings rather than full committee meetings to work through some issues to provide the technical information that is needed to make a decision. | | |
| Current Status: | Working group meetings are common place for the CE&F committee. Working group meetings will be held on an as-needs basis. Action Complete. | | |

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|-------------------------|---|--------------|------------|
| Item: | 11.04 | Date: | 27/08/2020 |
| Subject: | CANALS | | |
| Action Required: | Councillor Intemann referred to a query that arose out of a 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? | | |
| Current Status: | <p>The following response was received from DPIE:</p> <p>Canal estates are part of the coastal zone under the <i>Coastal Management Act 2016</i> and Coastal Management SEPP 2018, notwithstanding the PMHC ones are also managed as drainage reserves. We have a similar situation with agricultural drains that fall within the coastal floodplain.</p> <p>In the case of the PHMC canal estates, they are mapped as 'coastal environment area' and 'coastal use area' in the Coastal Management SEPP by virtue of their proximity to and interaction with coastal waterways (the Hastings River).</p> <p>From a strategic /coastal management perspective, the canal estates are part of the coastal zone and therefore the <i>Coastal Management Act 2016</i> applies and the land can be identified and included in Coastal Management Programs.</p> | | |

| | |
|--|--|
| | <p>From a development assessment perspective, this means that where development consent is required for matters within those mapped areas, the consent authority needs to take into account clauses 13 and 14 of the SEPP. Any provisions within an LEP would also continue to apply, unless there is an inconsistency between those provisions. If there is, the SEPP would prevail to the extent of the inconsistency. I couldn't find any provisions in the LEP that specifically apply.</p> <p>Action Complete.</p> |
|--|--|

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|-------------------------|---|--------------|------------|
| Item: | 11.05 | Date: | 27/08/2020 |
| Subject: | LAKE CATHIE - IRON FLOC | | |
| Action Required: | <p>Blayne West advised of a meeting she attended this week between agencies, Council representatives, DPI and NPWS. NPWS requested that the committee be made aware this meeting occurred. At the meeting there was a discussion on the iron floc event which precipitated from the flood mitigation opening. We are all aware it occurred, and are working as a 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.</p> | | |
| Current Status: | <p>Staff are attending the Revive Lake Cathie Stakeholder Meeting on 27/11/20. CEF members requested a recording of the meeting be provided.</p> <p>DPIE and Southern Cross University presentations on the Iron Floc event were emailed to CEF members on 12/2/21. The meeting was not recorded due to technical difficulties.</p> <p>Action Complete.</p> | | |

Item: 06

**Subject: NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - DRAFT
FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN (FRMSP)**

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

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

- 1. Endorse the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan.**
- 2. Recommend that the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan be reported to Council and be placed on public exhibition.**

Project Update

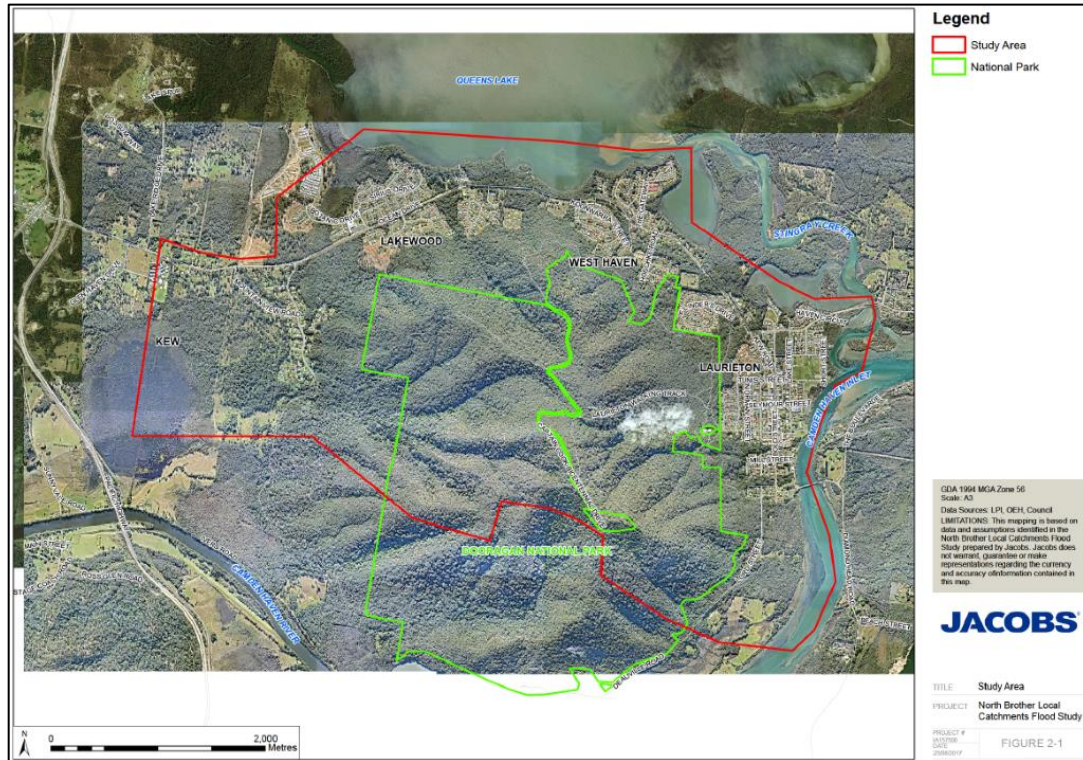
Since early 2017, Port Macquarie-Hastings Council has been working with specialist consultants, Jacobs Group Australia (Jacob's) to undertake the North Brother Local Catchments Flood Study, the Floodplain Risk Management Study and the Floodplain Risk Management Plan project.

Objectives of this project include:

- Develop and calibrate hydrologic and hydraulic models to estimate flooding conditions for a range of design events and for a climate change scenario;
- Identify flood problem priority areas and identify and assess structural and non-structural mitigation measures to manage flood risk;
- Review existing planning, policy and emergency management plans for gaps and inconsistencies relating to floodplain planning, then develop proposed amendments to address residual flood risk;
- Prioritise the works and measures, including economic and multi criteria appraisal of options;
- Develop an implementation program for recommended works and measures including timing, responsibility and sources of funding;
- Conduct consultation with the community and key stakeholders throughout the study to obtain information and intelligence for input into the study;
- Gauge the perceptions of the community on flooding matters;
- Obtain feedback on the findings and recommendations of the study;
- Understand the behaviour of local catchment flash flooding from North Brother Mountain and the flood risk that it poses to the community; and,

- Identify and develop measures to manage the impact of flooding and guide strategic planning for future development of the area.

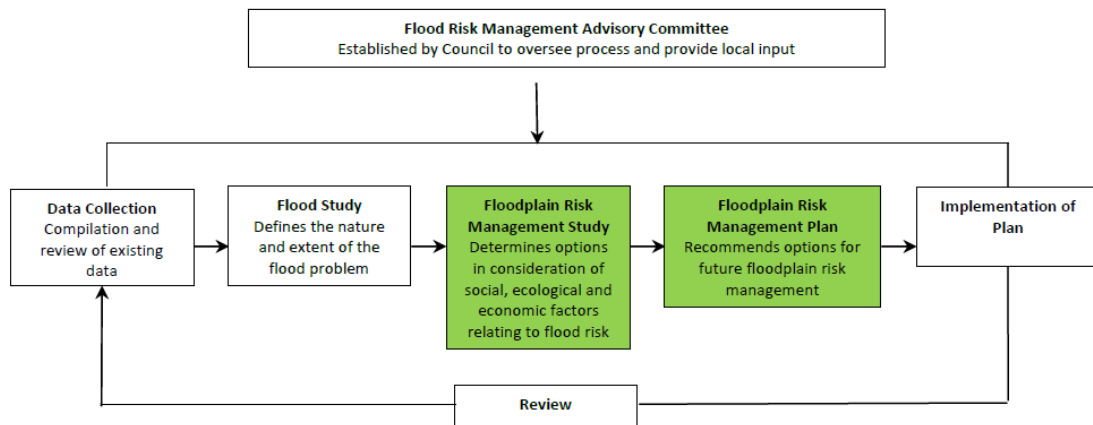
The study covers the villages of Laurieton, West Haven, Lakewood, Kew and Deauville at the Base of the North Brother Mountain, as shown below:



Following the adoption of the North Brother Local Catchments Flood Study by Council at the 17 July 2019 Ordinary Council Meeting, Council entered Phase 2 of this ongoing project, which is the completion of the Floodplain Risk Management Study (FRMS) and the Floodplain Risk Management Plan (FRMP).

For reference, the development of Floodplain Management Plans follow guidelines established in the NSW Government's Floodplain Development Manual (2005). The manual outlines the steps involved in the process, and the activities required to develop a Floodplain Management Plan in flood affected areas.

The Floodplain Risk Management process involves the following stages (current stage is highlighted green):



Phase 2 of the project has the following aims.

- Identify, assess and evaluate management options for the floodplain in respect of both existing and proposed developments (FRMS), and
- Adopt a plan of management for the flood risks identified (FRMP).

As part of the early investigations for the preparation of a draft Floodplain Risk Management Study and Plan (FRMSP), during early 2020, *The North Brother Local Catchments Flood Study Working Draft Options Assessment Report* was submitted outlining:

- The scale of above floor level flooding likely to be experienced within the catchment;
- Identification of sensitive properties and critical infrastructure;
- Initial identification of flood hazard categories and risk classifications;
- Prioritisation of risks and high risk locations;
- Likely costs of flood damage within the catchment; and
- An initial range of both structural and non-structural flood mitigation options including;
 - Development of remedial works concept plans and hydraulic modelling options for high risk locations;
 - Voluntary purchase of high hazard properties;
 - 10.7 Zoning Certificates to include notation regarding flood hazard identified by the Flood Study phase of this project;
 - Update Council's LEP to include the North Brother Local Catchments Flood Mapping;
 - Update Council's Flood Policy to both refer to the North Brother Local Catchments Flood Study and update the policy to include provisions relating to overland flooding;

- Implementation of Flood Depth Signage within the Catchment;
- Development of a Flood Education Program for the Catchment;
- Consultation with high flood risk facilities and occupants of dwellings subject to high flood hazard regarding management of flood risk on the site.

At the January 2020 Coast, Estuary and Floodplain Advisory Committee meeting, the *North Brother Local Catchments Flood Study Working Draft Options Report* was presented for consideration and endorsement by the Committee prior to proceeding to planned community consultation.

At that time, the Committee resolved to defer a review of the report and its contents until a further Committee meeting was held. This meeting was held on 20 February 2020, with the recommendations as follows:

CONSENSUS:

That the Committee:

1. *Endorse the North Brother Local Catchments Flood Study Working Draft Options Report.*
2. *Recommend that those options assessed as high priority plus the Tunis Street options (Option 6), as defined in table 3-5 of the Working Draft Options Report, be shortlisted for further detailed assessment and modelling by Jacobs.*
3. *That a Sub-Committee meeting be held upon receipt of the detailed modelling required under item 2.*

At the 20 February 2020 Committee meeting, the options outlined in the Working Draft Options Report were discussed and the high priority options structural mitigation works outlined in that report were recommended for further testing, in addition to testing of options associated with mitigation measures in Tunis Street.

Council coordinated with Jacobs regarding the configuration of options for further detailed assessment in accordance with that recommendation.

A revised *Working Draft Options Report* was subsequently received and reported to Council on 1 July 2020, achieving endorsement by the Council for the report to be placed on public exhibition. The report was subsequently placed on public exhibition from 13 July to 9 August 2020 (28 days),

Following conclusion of the public exhibition period, public submissions were collated and (twenty two (22) submissions received) and a further report was presented to Council at the 23 September 2020 Ordinary Council Meeting summarising the engagement activities undertaken and response from the community. Council subsequently adopted the below resolution:

1. **RESOLVED:** *Intemann/Griffiths*
2. *That Council:*
 1. *Acknowledge the submissions made during the exhibition period and thank those landowners for this input into this ongoing project.*
 2. *Advise those landowners who made submissions of the outcome of Council's consideration of this matter,*
 3. *Endorse the North Brother Local Catchments Flood Study Draft Options Assessment Report, and*

4. *Incorporate the community feedback obtained via the abovementioned exhibition process into the Floodplain Risk Management Study and Plan phase of the project.*

The attached document "Ordinary Council Report and Attachments - Wednesday 23 September 2020 - Report for endorsement of Draft Options report" outlines the results of that public exhibition process.

Utilising the results of the community exhibition process, Jacobs have subsequently prepared the attached *North Brother Local Catchments Flood Study Draft Floodplain Risk Management Study and Plan (FRMSP)* document, presented to this sub-committee for review and endorsement.

The North Brother Local Catchments Flood Study Draft Floodplain Risk Management Study and Plan (FRMSP)

The attached FRMSP document formally identifies, assess and evaluates management options to address the risks identified by the Flood Study Phase and ultimately aims to adopt a plan of management for those flood risks based on rigorous options assessment, triple bottom line considerations and prioritisation.

Building on the *Working Draft Options Report*, the FRMSP assesses a range of both structural and non-structural flood risk management measures for suitability. Non-structural measures considered include property modification measures such as voluntary **house purchases** and **voluntary house raising** in addition to **Council redevelopment of high hazard properties**. These are flagged as a potential options for further consideration by Council. **Flood proofing and flood compatible design** of properties is also being promoted.

Amendments to planning instruments and controls (LEP, existing Flood Policy) have also been investigated and recommendations including the provision of Flood Planning Level Mapping have been made regarding these measures.

A new Overland Flood Policy is recommended to be developed to allow greater flexibility for Council in administering appropriate development controls which are better aligned with overland flooding. This future policy should be developed having regard to all known stormwater 'hotspot' areas and not just the North Brother catchment.

Response modification measures are recommended included **flood depth signage** on roads, **updates to emergency management and planning** and **flood education and awareness**.

Development of a flash flood warning system for the study area was also considered but is not recommended.

In addition to those non-structural measures, the following short-list of six combinations of structural mitigation options previously selected by Council and the Coast Estuary and Floodplain Sub-committee have been further analysed for the 0.2Exceedances per Year (EY), 5%, 2% and 1% Annual Exceedance Probability (AEP) events and the 1% AEP with climate change event to assess the improvements to flooding conditions.

- Kirmington Terrace to Pelican Court, West Haven - Option 4B

- Provision of new additional trunk drainage line consisting of 2 x 2.1m x 1.2m box culverts, intercepting flows at downstream end of channel on Captain Cook Bicentennial Drive villas, running across Ocean Drive and under The Gateway.
- Reprofile grassed verge of access road stub to increase surface outflow capacity from Pelican Court sag
- Tunis Street Overland Flow Path, Laurieton - Option 6A
 - Construct/raise berm between the natural flow path and the diversion channel above Blackbutt Crescent to reduce overflows into the diversion channel
- Tunis Street Overland Flow Path, Laurieton - Options 6B, C, D & E
 - Increase existing diversion channel capacity behind Blackbutt Crescent properties. Widen and remove/maintain vegetation
 - Construct new diversion channel behind Peach Grove properties north of Tunis Street
 - Install new 3 x 1.35m trunk drainage line from the easement down Tunis Street to discharge to the river (approximately 740m in length).
 - Upgrade and extend drainage in Gow Place to consist of 1.05m dia pipe. Upgrade pit inlets. Install new 900mm pipe connection from the gully to the new trunk drainage line.
- Lake Street at Seymour Street, Laurieton - Option 8B
 - Install debris control structure at existing or proposed upgraded culvert inlet
- St Joseph's School, Laurieton - Option 9B
 - Install 2x 3m x 1.2m box culvert in the middle flow path, including upgrade of Ocean Street culvert crossing. Inlet rock debris trap basin required

The assessed options are described, and their modelled performance is summarised within the draft report.

The Draft Floodplain Risk Management Plan provides input into the strategic and statutory planning roles of Councils. It provides a steering document to enable Council to effectively manage flood liable land moving forward. It also suggests an implementation plan based on priorities of floodplain risk management measures and availability of funding.

The Draft Plan, assessed the merit of each of the abovementioned proposed floodplain risk management measures utilising a multi-criteria analysis assessing each option against the following criteria:

- Impact on Flood behaviours

- Number of benefitted properties
- Technical feasibility
- Benefit/Cost ratio
- Financial Feasibility
- Environmental and Economic Benefits
- Impact on Risk To Life
- Impact on the NSW State Emergency Service (SES)
- Long term performance
- Legislative permissibility
- Social impacts

Further details on the criteria and scoring are shown in Table 9-1 of the attached FRMSP.

Each structural and non structural mitigation measure has subsequently been assigned a priority for consideration by the Committee, Council and the Community as shown in the table below:

| ID | Measures considered | Responsibility | Initial Cost | Ongoing Cost | Features of the Measure | Recommended Priority Rankings |
|------|---|---|--------------|---------------------------|---|-------------------------------|
| FM 1 | Option 9B St Joseph's School, Laurieton | Council. Possible co-funding contribution from School | \$2,781,000 | Council maintenance costs | <ul style="list-style-type: none"> • Install 2x 3m x 1.2m box culvert in the middle flow path through the School, including upgrade of Ocean Street culvert crossing. Inlet rock debris trap basin required | High |
| FM 2 | Option 4B Koonwarra Street to Pelican Court, West Haven | Council | \$2,787,000 | Council maintenance costs | <ul style="list-style-type: none"> • New additional trunk drainage line 2x 2.1m x 1.2m box culverts, intercepting flows at downstream end of channel on Captain Cook Bicentennial Drive villas, cross Ocean Drive and run under The Gateway. Inlet debris trap basin required. • Reprofile grassed verge of access road stub to increase surface outflow capacity | High |

| ID | Measures considered | Responsibility | Initial Cost | Ongoing Cost | Features of the Measure | Recommended Priority Rankings |
|------|--|----------------|--------------|---------------------------|---|-------------------------------|
| | | | | | from Pelican Court sag | |
| FM 3 | Option 6B – 6E Tunis Street Overland Flow Path, Laurie-ton | Council | \$12,043,000 | Council maintenance costs | <ul style="list-style-type: none"> • Increase existing diversion channel capacity behind Blackbutt Crescent properties. Widen and remove/maintain vegetation • Construct new diversion channel behind Peach Grove properties north of Tunis Street • Install new 3 x 1.35m trunk drainage line from the easement down Tunis Street to discharge to the river (approximately 740m). Inlet debris trap basin required. • Upgrade and extend drainage in Gow Place to 1.05m dia pipe. Upgrade pit inlets. Install new 900mm pipe connection from the gully to the new trunk drainage line. • Feasibility study is recommended to investigate constructability, constraints and opportunities in greater detail. | Medium |
| FM 4 | Option 8B Lake Street at Seymour Street, Laurie-ton | Council | \$21,000 | Council maintenance costs | <ul style="list-style-type: none"> • Install debris control structure at existing or proposed upgraded culvert inlet | Medium |
| PM 1 | LEP amendments | Council | Staff costs | N/A | <ul style="list-style-type: none"> • Amendment of LEP 2011 to include the North Brother local catchments flood mapping on the LEP Flood Planning Map. The current flood prone land mapping and flood planning area mapping does not include this study area. • The Section 10.7 certificates are | High |

| ID | Measures considered | Responsibility | Initial Cost | Ongoing Cost | Features of the Measure | Recommended Priority Rankings |
|------|---|----------------|--------------|--------------|---|-------------------------------|
| | | | | | recommended to provide flood information for properties such as flood levels and flood planning levels across the lot, in addition to the flood hazard and hydraulic categories present on each lot. | |
| PM 2 | Flood Policy Amendments and new Overland Flood Policy | Council | Staff costs | N/A | <ul style="list-style-type: none"> • A new Overland Flood Policy is recommended to be developed to provide greater flexibility for Council to administer development controls which are better tailored for areas affected by overland flooding only. The Overland Flood Policy would apply to areas where an overland flood study has been adopted, and any other areas deemed applicable by Council. The flood mapping prepared in this North Brother Local Catchments Flood Study including Overland Hydraulic Categories mapping and FPL1 – FPL4 mapping, including <ul style="list-style-type: none"> • should be referenced by the Overland Flood Policy as appropriate. • The Flood Policy should be updated to reference the Overland Flood Policy. • Both flood policies should state that both the mainstream and overland flooding conditions need to be considered for | High |

| ID | Measures considered | Responsibility | Initial Cost | Ongoing Cost | Features of the Measure | Recommended Priority Rankings |
|----|---------------------|----------------|--------------|--------------|--|-------------------------------|
| | | | | | <p>development and re-development of properties.</p> <ul style="list-style-type: none"> Design flood events are referred to in the Flood Policy in terms of Average Recurrence Interval (ARI) which is not in line with current floodplain management best practice of referring to events by Annual Exceedance Probability (AEP). Update to the Flood Policy should include reference to AEP terminology and/or definitions on conversion in its glossary (i.e. 5% AEP = 20 year ARI, and 1% AEP = 100 year ARI). Consider incorporation of the ARR 2019 flood hazard categorisation system into the Flood Policy to reflect the current best practice in defining flood hazard conditions. "High flood hazard" could be considered as H3 or higher hazard (ARR 2019 hazard categories). The lower threshold for H3 hazard is similar or slightly lower than the high and transitional | |

| ID | Measures considered | Responsibility | Initial Cost | Ongoing Cost | Features of the Measure | Recommended Priority Rankings |
|------|--|---|---------------------------------------|--------------|---|-------------------------------|
| | | | | | hazard categories in the Floodplain Development Manual method. | |
| PM 3 | Scoping study on a voluntary redevelopment scheme for high flood hazard properties | Council | Staff costs | \$0K | <ul style="list-style-type: none"> • Further investigation on feasibility of a voluntary redevelopment scheme for high flood hazard properties, as an alternative to voluntary purchase • Council to investigate and develop resolution of the identified policy and probity issues related to such a scheme. • Scheme is to recommend engineering and economic assessments be undertaken for flood-durable development designs to determine feasibility. • Include development controls such as provision of floor levels above PMF level and flood-free emergency access for such developments. • Being a voluntary scheme, current residents may not be in favour of participating. | Low |
| RM 1 | Develop flood management plan for selected sensitive properties | Council (advocacy only), property operator (funding and implementation), SES (advice) | Cost to be borne by property operator | N/A | <ul style="list-style-type: none"> • Council should consider consultation with operators of sensitive properties (schools, pre-schools and retirement villages) affected by high hazard flooding regarding management of flood risk on the site. Development of a flood management plan | High |

| ID | Measures considered | Responsibility | Initial Cost | Ongoing Cost | Features of the Measure | Recommended Priority Rankings |
|------|--|----------------|--------------|--------------|--|-------------------------------|
| | | | | | <p>for the sites should be considered.</p> <ul style="list-style-type: none"> The plans should contain procedures for monitoring weather and warnings and evacuation of occupants to flood-safe spaces within the property if possible. Emergency and evacuation procedures shall include a flood risk management procedure. | |
| RM 2 | Update of Local Flood Plan | SES | Staff costs | N/A | <ul style="list-style-type: none"> It is recommended that Port Macquarie Hastings EMPLAN be updated based on the findings of this study, including intelligence on flood behaviour, impacted and sensitive properties, affected roads etc. | High |
| RM 3 | Development of flood education and awareness program | Council, SES | \$20K | Staff costs | <ul style="list-style-type: none"> It is recommended that Council develops a flood education program to promote flood awareness and readiness in the community. Measures may include: <ul style="list-style-type: none"> Promotion of FloodSafe brochures to help residents understand the flood risk and prepare their property and personal plans for a flooding event. Promotion of flood proofing measures should also be included in flood education and awareness programs Section 10.7 certificates to inform property owners about flood risk | Medium |

| ID | Measures considered | Responsibility | Initial Cost | Ongoing Cost | Features of the Measure | Recommended Priority Rankings |
|------|--------------------------|----------------|-----------------------------------|--------------|---|-------------------------------|
| | | | | | to their properties <ul style="list-style-type: none"> • Provide flood mapping on an interactive mapping portal on Council's website for easier viewing • Promotion and support for SES information events • Enhanced messaging on flood risk on Council's floodplain management webpage. • The program should be reviewed on a regular (e.g. 5 yearly) basis or after each major flood event. | |
| RM 4 | Road flood depth signage | Council | \$5K per location, five locations | \$0K | <ul style="list-style-type: none"> • Install new flood depth signage at selected locations: • Ocean Drive 70m east of Sirius Drive • Ocean Drive 380m east of Fairwinds Avenue • Ocean Drive 30m east of The Gateway • Bold Street sag between Laurie Street and Mill Street • Bold Street sag between Mill Street and Hanley Street. | High |

Consultation with the community, Council and the Coast, Estuary and Floodplain Sub-Committee is now sought in order to ultimately adopt a Floodplain Risk Management plan that aims to both manage and mitigate the risks of flooding to the community.




Council staff intend to place the *North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan* on public exhibition for the community to have its say. A detailed community consultation strategy being developed in consultation with Council's Engagement and Communication teams and Jacobs Group.

Prior to commencing this process, Council seeks the following from the Committee:

- Provision of any feedback on the content of the Draft FRMSP
- Committee endorsement of the Draft FRMSP to be reported to Council and placed on Public Exhibition.

Note the Draft Floodplain Risk Management Plan remains as “Draft” status until such time that it is adopted by Council.

Attachments

1.  North Brother Local Catchments Draft Floodplain Risk Management Study and Plan
2.  Ordinary Council Report and Attachments - Wednesday 23 September 2020 - Report for endorsement of Draft Options report
3.  Minutes of Ordinary Council - Wednesday 23 September 2020

Item: 07

Subject: LAKE CATHIE - PROPOSED ILLAROO ROAD REVETMENT WALL
FUNDING MODEL CONSULTATION - STATUS UPDATE REPORT

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

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

1. Note engagement with property owners and community stakeholders on the Cost Benefit Analysis and Funding Model for the proposed Illaroo Road Revetment Wall commenced on 8 February 2020.
2. Receive a further report on the outcome of the community engagement.

Discussion

At the 12 August 2020 Ordinary Council Meeting, Council considered a confidential report and resolved as follows in respect of the proposed Illaroo Road Revetment Wall Cost Benefit Analysis and Funding Model:

RESOLVED: Intemann/Hawkins

That Council:

1. *Note the information provided in this report.*
1. *Incorporate the Lake Cathie Coastal Zone Management Plan (CZMP) actions into the new Lake Cathie Bonny Hills Coastal Management Program (CMP).*
2. *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.*
3. *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

This report responds to item 2 from the above resolution. Engagement with property owners and community stakeholders commenced on 8 February 2021. Council sent an information package (**Attachment 1**) to the owners of the 41 directly benefiting properties identified in the Marsden Jacob Associates Funding Model. Those property owners were advised of the amount apportioned to their property in the funding model report and were invited to provide Council with feedback on their capacity and willingness to fund construction of the revetment wall.




In addition, Council sent an information package (**Attachment 2**) to indirectly impacted property owners in the area advising we are seeking feedback from directly benefiting property owners and the broader community on capacity and willingness to pay for a revetment wall.

The Local Member, Chamber of Commerce, Progress Association, Revive Lake Cathie, Councillors and members of Council's Coast, Estuary and Floodplain Advisory Sub Committee also received advice on the project and community engagement opportunities (**Attachment 3**).

A meeting with directly impacted property owners is scheduled for 18 February 2021 with property owners also able to register for a one on one session with staff. A community meeting is also booked for 23 February 2021 to enable the broader community to better understand the process being undertaken. An additional follow up community meeting with consultants Marsden Jacobs is tentatively planned for 31 March 2021. Committee members are invited to attend the community meeting and provide their feedback on any representations they may receive from the community.

At the conclusion of the engagement process a report will be brought back to this Committee for information and a final report will be presented to a future meeting of Council for further discussion.

Attachments

1.  Package - Directly Impacted
2.  Package - Indirectly Affected
3.  Package - Stakeholders

Item: 08

Subject: COASTAL MANAGEMENT PROGRAM - STAGE 1 -
RECOMMENDATION TO COUNCIL TO ENDORSE SCOPING STUDY

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Coast, Estuary and Floodplain Advisory Sub-Committee note the report to Council to endorse the Coastal Management Program Scoping Study.

Discussion

As part of the NSW Government's framework to manage our coastal environment under the Coastal Management Act 2016 following community consultation Council has now finalised Stage 1 of the Coastal Management Program (CMP) - Scoping Study.

A report to the 17 February 2021 Ordinary Council meeting recommends as follows:

That Council:

1. *Endorse the Coastal Management Program Stage 1 - Scoping Study, February 2021.*
2. *Delegate authority to the Director Development and Environment to make any minor amendments arising from feedback from the Department of Planning, Industry and Environment (DPIE) if required, to the endorsed Coastal Management Program Stage 1 - Scoping Study, February 2021.*
3. *Acknowledge the submissions made during the exhibition period and advise people who made submissions of the outcome of Council's consideration of this matter.*
4. *Include the development of the Stage 2 background studies for the Lake Cathie/Bonny Hills Chapter into the 2021/22 Operational Plan as a project and proceed to seek funding under the Coastal Management Grant Program.*

At the time of preparing this Sub Committee report the Council resolution is not known. A copy of the revised Scoping Study recommended for endorsement is provided for member's information as **Attachment 1**. The Council report ITEM 13.2 which includes a summary of the submissions received (22) can be viewed on line at: https://portmacquarie.infocouncil.biz/Open/2021/02/OC_17022021_AGN_WEB.htm

Should Council resolve to adopt the Scoping Study, staff will then proceed to Stage 2 of the CMP to consult further with the community and prepare options to manage localised issues in four (4) geographic areas being:

1. Lake Cathie/Lake Innes and Bonny Hills estuary and coastline
2. Hastings River estuary
3. Camden Haven River

4. Port Macquarie-Hastings open coastline (excluding the open coastline that is covered in the Lake Cathie/Bonny Hills area).

This Committee's continued involvement and advocacy will remain crucial to assisting Council in its decision making for development of our future coastal management programs.

Attachments

1.  CMP - Stage 1 - Scoping Study

Item: 09

**Subject: ACTIVE COAST, ESTUARY & FLOODPLAIN PROJECTS - STATUS
UPDATE**

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Coast, Estuary and Floodplain Advisory Sub-Committee note the status of the active Coast, Estuary and Floodplain projects.

Discussion

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

As the Sub-Committee is aware, PMHC has a Floodplain Risk Management Plan for the Hastings River and the Camden Haven River and an active Coastal Zone Management Plan for the Lake Cathie coastline. As such, PMHC and relevant stakeholders have been working progressively to undertake the actions proposed in these plans.

For floodplain related matters, as has been noted in previous Sub-Committee meetings, many of the actions of the Camden Haven River Floodplain Risk Management Plan have been completed as this plan dates from 2001. Since the adoption of the Hastings River Floodplain Risk Management Plan in 2014, multiple actions have either commenced or have been completed. The status of the remaining action items from these plans have been shown in the attached document (**Attachment 1**). Items which have had a change in status since the last meeting have been highlighted for ease of reference.

For estuary related matters, due to the changes to the Coastal Management legislation in 2017, the remaining items from Councils Estuary Management Plans are now no longer capable of being grant funded, and thus are not currently being delivered. As such, these items will need to be reviewed as part of the future CMP. Regardless, it is noted that most of the actions in each EMP had been completed as these plans had been in place for many years. Accordingly, the attached document does not show any of the previous estuary management plans as there has been no change to these items since the last full Committee meeting in May.

For coastal related matters, key actions from the Lake Cathie Coastal Zone Management Plan have commenced or are ongoing. These include a number of actions relating to stormwater outlet reconstruction, stormwater network redirection detailed design and a CBA & Funding Model for the construction of the revetment along Illaroo Road. The status of the action items from these plans have been shown in the attached document (**Attachment 1**). Items which have had a change in status since the last meeting have been highlighted for ease of reference.

FLOODPLAIN MANAGEMENT

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

Financial Breakdown

| Items | Cost |
|------------------------------------|--------------|
| Estimated total project cost | \$153,820 |
| DPIE grant funding component | \$102,546.67 |
| Council funding spent (to date) | \$39,660.67 |
| DPIE grant funding spent (to date) | \$79,321.33 |
| Actual total project cost to date | \$118,982 |

Milestones completed to date

- The Draft Options Report was reported to the 23 September 2020 Ordinary Council Meeting where it was endorsed.
- Feedback obtained during the exhibition process has been incorporated into the Floodplain Risk Management Study and Plan phase of the project.
- The Floodplain Risk Management Study and Plan have progressed to final draft phase for endorsement by the committee.

2. Dunbogan Flood Access Road – Construction - **Current status - Complete**

Financial Breakdown

| Items | Cost |
|-----------------------------------|----------------|
| Estimated total project cost | \$1,377,803.69 |
| DPIE grant funding component | \$918,535.79 |
| Council funding | \$452,452.90 |
| Actual total project cost to date | \$1,377,741.19 |

Milestones completed to date

- Successful grant application under 2018-19 Floodplain Management funding round.
- EIRE Construction have completed all road construction works to upgrade the final stage of the Dunbogan Flood Access Road project.
- EIRE have also completed all finishing works (installation of guard rails to road carriageway and hand rails to footpath).
- Year 1 and Year 2 bushland management works completed by Gondwana Bushland Restoration and Wild Things.
- The project is now 100% complete which marks the completion of the Dunbogan Flood Access Road Upgrade construction phase that commenced in 2014.

COASTAL MANAGEMENT

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

Financial Breakdown

| Items | Cost |
|-----------------------------------|-------------------|
| Estimated total project cost | \$913,650.93 |
| DPIE grant funding component | \$456,825.47 |
| Council funded | \$456,825.47 |
| Actual total project cost to date | \$72,097 (ex GST) |

Milestones

- Successful grant application under 2017-18 Coastal Management funding round.
- The discovery of dumped asbestos and aboriginal archaeological deposits at the proposed outlet location has complicated matters and has delayed the project significantly by requiring further assessment to be undertaken.
- Niche Environment & Heritage awarded the contract to undertake Aboriginal archaeology investigations in December 2019. Aboriginal Cultural Heritage Assessment Report (ACHA) completed. Aboriginal Heritage Impact Permit (AHIP) approval granted by DPIE in late August
- Hand and Mechanical Auguring of 30 core holes undertaken in early October. Excavation of 6 test pits undertaken in Jonathan Dickson Reserve in early November.
- Aboriginal heritage assessments now complete. Environmental Approval is being finalised by Council staff and Crown Land licence process will be re-initiated within coming weeks.¹
- Anticipated that Asbestos remediation works will be undertaken later this year.
- Anticipated that Stormwater construction works will be undertaken during 2022.

ESTUARY MANAGEMENT

1. *Bushfire Affected Coastal Waterways - Current Status - Commenced*


Financial Breakdown

| Items | Cost |
|-----------------------------------|-----------|
| Estimated total project cost | \$290,000 |
| DPIE grant funding component | \$265,000 |
| Council funded | \$25,000 |
| Actual total project cost to date | \$Nil |

Milestones

- Successful grant application under the one-off Coastal & Estuary Bushfire Affected Waterways funding round.
- Consultant has been selected following competitive tendering process.
- Consultant is now entering the data collection phase.
- Council is co-originating with the consultants and stakeholders to provide access to area of the lake system.

Attachments

1.  Coast, Estuary and Floodplain Management Plan Action Status - Full List Including Completed Items

Item: 10

**Subject: RECRUITMENT OF DEVELOPMENT AND FISHING INDUSTRY
REPRESENTATIVES TO COAST, ESTUARY AND FLOODPLAIN
ADVISORY SUB-COMMITTEE**

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Coast, Estuary and Floodplain Advisory Sub-Committee give consideration to a strategy to recruit representatives from the development and fishing industry for the positions presently vacant under the Coast, Estuary and Floodplain Advisory Sub Committee Charter.

Discussion

The resolution of this committee at its 26 November 2020 meeting was to:

1. *Note the report.*
2. *Note that the Development Industry and Fishing Industry representative positions are presently vacant under the Charter.*
3. *Members provide their input to the secretariat by 25 February 2021 to assist with the development of a strategy to target suitable applicants.*

Unfortunately, to date no submissions have been received from the development or fishing industries through EOI campaigns undertaken in August 2019 and June 2020 or through direct promotion to the Development and Construction Industry Action Group.

In accordance with the above resolution (3), members are invited to give further consideration to possible avenues for recruitment of the vacant positions and provide their feedback to the Secretariat. At the time of writing this report no recruitment strategy suggestions have been received from members.

With key coast, estuary and flood projects advancing representation from the development and fishing industries is important to ensure balanced consideration and input to the development of Council's programs in this area.

Attachments

Nil