



Coast, Estuary & Floodplain Advisory Sub- Committee

Business Paper

date of meeting: Thursday 27 May 2021

location: Function Room
Port Macquarie-Hastings Council
17 Burrawan Street
Port Macquarie

time: 2:00pm

Coast, Estuary & Floodplain Sub-Committee

CHARTER

Adopted: OC 18/11/2020

1.0 OBJECTIVES

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

2.0 KEY FUNCTIONS

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

3.0 MEMBERSHIP

Community Representatives*

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

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

Staff Representatives

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

Agency Representatives

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

3.1 Obligations of Members

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

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

3.2 Member Tenure

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

3.3 Appointment of Members

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

4.0 TIMETABLE OF MEETINGS

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

5.0 MEETING PRACTICES

5.1 Decision Making

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

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

5.2 Quorum

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

5.3 Chairperson and Deputy Chairperson

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

5.4 Secretariat

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

5.5 Recording of decisions and explicit discussions on risks

The secretariat shall record all discussions that relate to risk.

6.0 CONVENING OF "OUTCOME SPECIFIC" WORKING GROUPS

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

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

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

Coast, Estuary & Floodplain Sub-Committee

ATTENDANCE REGISTER

Community Representatives	Representing	Catchment	Expertise Area	Role	25/02/21	29/04/21
Alan MacIntyre	Community	Camden Haven	Coast, Estuary	Voting Rights	✓	no quorum
Kingsley Searle	Community & Oyster Industry	Hastings	Coast & Estuary	Voting Rights	✓	
Tony Troup	Oyster Industry	Camden Haven	Coast & Estuary	Voting Rights	✓	
Garry Fajks	Community	Camden Haven	Flood	Voting Rights	X	
Stephen Healy	Community	Hastings	Flood	Voting Rights	X	
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	
Agency Representatives	Title	Organisation	Expertise Area	Role		
Tina Clemens	Natural Resources Management Project Officer	DPIE Crown Lands	Coast, Estuary, Flood	Advisory	✓	
Michael Northam Scott Anderson (alt.) Craig McCormack (alt.)	Fisheries Officer	DPIE Fisheries	Coast, Estuary	Advisory	X	
Shane Robinson	Manager, Hastings Macleay Area North Coast Branch	DPIE - NPWS	Coast, Estuary	Advisory	✓	
Geoffrey James (alt.)	Ranger - Hastings Macleay Area				A	
John Schmidt	Senior Coast and Estuary Officer	DPIE - Biodiversity & Conservation Division	Coast, Estuary	Advisory	✓	
Nicholas Denshire Caroline Ortel (alt.)	Principal Floodplain Officer - Water, Floodplain & Coast	DPIE - Biodiversity & Conservation Division	Flood	Advisory	A ✓	
Paul Burg	Local Commander, Hastings Cluster	SES	Flood	Advisory	A	
Anthony Day Maria Frazer (alt.)	Co-ordinator Planning - Regional Operations Deputy Zone Commander - Northern Zone	SES	Flood	Advisory	✓	
Matt Dawson Andre Uljee (alt.)	Boating Safety Officer	TfNSW	Coast, Estuary	Advisory	A	

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 27 May 2021

Items of Business

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Item: 01**Subject: ACKNOWLEDGEMENT OF COUNTRY**

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

Item: 03**Subject: CONFIRMATION OF PREVIOUS MINUTES**

RECOMMENDATION

That the Minutes of the Coast, Estuary & Floodplain Advisory Sub-Committee Meeting held on 25 February 2021 be confirmed.

PRESENT

Council Representatives:

Councillor Peter Alley (Chair)
Councillor Lisa Intemann (Deputy Chair)
Director Development and Environment (Melissa Watkins)
Group Manager Regulatory and Environment Services (Debbie Archer)
Natural Resources Manager (Blayne West)
Coast Estuary, Flood Co-ordinator (Ben Foster)
Coast and Estuary Officer (Jack Grant)
Environmental Projects Officer (Jesse Dick)

Community Representatives:

Alan MacIntyre (Community - Camden Haven - Coast, Estuary)
Kingsley Searle (Community and Oyster Industry - Hastings - Coast, Estuary)
Tony Troup (Oyster Industry - Camden Haven - Coast, Estuary)
Marisha Ewart (Community - Camden Haven - Coast, Estuary)
Peter Fitzroy (Community - Lake Cathie - Coast, Estuary)
Vernon Warner (Community - Lake Cathie - Coast, Estuary)

Agency Representatives:

Tina Clemens (DPIE Crown Lands)
Shane Robinson (DPIE - NPWS - Coast, Estuary)
John Schmitt (DPIE - Biodiversity & Conservation Division - Coast, Estuary)
Caroline Ortel (DPIE - Biodiversity & Conservation Division - Flood)
Maria Fraser (SES - Flood)

Other Attendees:

Lee Jacobs

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apologies received from Mayor Peta Pinson, Paul Burg (SES Flood), Nicholas Denshire (DPIE), Geoffrey James (NPWS), and Andre Uljee (Transport for NSW Maritime Operations and Compliance) be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Coast, Estuary & Floodplain Advisory Sub-Committee Meeting held on 26 November 2020 be confirmed.

04 DISCLOSURES OF INTEREST

Vern Warner declared a Non-Pecuniary - Less than Significant interest for Item 7 - Lake Cathie - Proposed Illaroo Road Revetment Wall Funding Model Consultation - Status Update Report, as he is President of the Lake Cathie Progress Association and has had many discussions, forwarded letters and raised issues with Council regarding the revetment wall project, the funding model and delays in its release.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

CONSENSUS:

That the Business Arising From Previous Minutes Schedule be noted with the following additional information:

11.05 27/08/2020 LAKE CATHIE - IRON FLOC:

Members advised that they did not receive the Revive Lake Cathie Stakeholder Meeting presentation circulated by email. Committee requested to receive a link to the presentations on Revive Lake Cathie's website.

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

Mark Edenborough and report author Lee Jacobs provided a presentation on the North Brother Flood Study.

CONSENSUS:

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 with the noted amendments requested by SES.
2. That the team refer to DPIE Crown Lands in relation to land status and placement of works and that any significant changes are brought back to the Committee for consideration.
3. Recommend that the amended North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan be reported to Council and be placed on public exhibition.

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

Vern Warner declared an Non-Pecuniary - Less than Significant interest in this Item and remained in the meeting.

CONSENSUS:

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.
3. That this committee note the level of community concern raised at community forums to date.
4. Provide a briefing to this Committee following Council's consideration.

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

CONSENSUS:

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

09 ACTIVE COAST, ESTUARY & FLOODPLAIN PROJECTS - STATUS UPDATE

CONSENSUS:

The Coast, Estuary and Floodplain Advisory Sub-Committee noted the status of the active Coast, Estuary and Floodplain projects.

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

CONSENSUS:

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

11 GENERAL BUSINESS

11.01 JESSE DICK

CONSENSUS:

That the Coast, Estuary and Floodplain Advisory Sub-Committee extend its appreciation to Jesse Dick for his great work and wish him well in his future role.

11.02 TREE PRESERVATION ORDER

CONSENSUS:

That the Coast, Estuary and Floodplain Advisory Sub-Committee request Council examine the efficacy of its Tree Preservation Order as it applies to both urban and rural areas.

11.03 VEHICLES ON BEACHES POLICY

CONSENSUS:

That the draft Vehicles on Beaches Policy be provided to the Coast, Estuary and Floodplain Advisory Sub-Committee for input prior to finalisation of community consultation.

11.04 CODE OF CONDUCT

The Coast, Estuary and Floodplain Advisory Sub-Committee were reminded of the Code of Conduct obligations.

11.05 GOOGLEY'S LAGOON

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

11.06 BOATING ON CAMDEN HAVEN RIVER

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

The meeting closed at 5:15pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii)
 - (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.

AGENDA**COAST, ESTUARY & FLOODPLAIN
ADVISORY SUB-COMMITTEE****27/05/2021****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 (the <i>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 (the <i>subject land</i>²) <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. Action Complete.</p>		

Item:	11.01	Date:	28/05/2020
Subject:	DRAFT REVISED CHARTER		
Action Required:	Lisa Intemann requested that the community representatives meet with Melissa Watkins to discuss amendments to the committee charter. The draft revised charter should then be circulated to the committee for input and comment and be discussed at another committee meeting before being reported to Council.		
Current Status:	<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>		

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>		

AGENDA

COAST, ESTUARY & FLOODPLAIN ADVISORY SUB-COMMITTEE 27/05/2021

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.		

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.		

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.		

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>		

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COAST, ESTUARY & FLOODPLAIN ADVISORY SUB-COMMITTEE 27/05/2021

	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. Action Complete.
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Item:	11.05	Date:	27/08/2020
Subject:	LAKE CATHIE - IRON FLOC		
Action Required:	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.		
Current Status:	Staff are attending the Revive Lake Cathie Stakeholder Meeting on 27/11/20. CEF members requested a recording of the meeting be provided. DPIE and Southern Cross University presentations on the Iron Floc event were emailed to CEF members on 15/3/2021. The meeting was not recorded due to technical difficulties. Action Complete.		

Item:	6.0	Date:	25/2/2021
Subject:	NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY		
Action Required:	Recommend that the North Brother Flood Study be reported to Council.		
Current Status:	The North Brother Flood Study was reported to the April 2021 Ordinary Council meeting. Council adopted the draft study and resolved to delay public exhibition until August/September 2021 due to the flood recovery efforts. Action Complete.		

Item:	7.0	Date:	25/2/2021
Subject:	ILLAROO ROAD REVETMENT WALL ENGAGEMENT		
Action Required:	That the Sub Committee receive a report on the outcome of the community engagement and a briefing following Council's consideration.		
Current Status:	The draft engagement report was provided to the Sub Committee at an information session on 1 April 2021 for their input prior to reporting to Council.		

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	<p>The engagement report was reported to Ordinary Council on 21 April 2021 and the final report was then included in the Sub Committee business paper for the Extraordinary Meeting held on 29 April 2021. Given a quorum was not present at the 29 April meeting the report has been included in the 27 May 2021 Sub Committee business paper for further discussion regarding the way forward.</p> <p>Action Complete.</p>
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Item:	10.0	Date:	25/2/2021
Subject:	RECRUITMENT OF DEVELOPMENT AND FISHING INDUSTRY REPRESENTATIVES		
Action Required:	That the Coast, Estuary and Floodplain Advisory Sub-Committee members encourage representatives from the development industry and the commercial and recreational fishing industry.		
Current Status:	Verbal update to be provided at meeting.		

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

Item:	11.03	Date:	25/2/2021
Subject:	VEHICLES ON BEACHES POLICY		
Action Required:	That the draft Vehicles on Beaches Policy be provided to the Coast, Estuary and Floodplain Advisory Sub-Committee for input.		
Current Status:	Secretariat emailed members a copy of 19 May 2021 Council report containing the draft policy and community engagement reports.		
	Action Complete.		

Item:	11.05	Date:	25/2/2021
Subject:	GOOGLEY'S LAGOON		
Action Required:	Marisha Ewart enquired if Council is aware of siltation and disappearance of seagrass at Googley's Lagoon.		
Current Status:	This will be investigated through the CMP eco health monitoring that will be undertaken in 2022/23.		
	Action Complete.		

Item:	11.06	Date:	25/2/2021
Subject:	BOATING ON CAMDEN HAVEN RIVER		
Action Required:	Marisha Ewart referred to boats on the Camden Haven River causing pollution, erosion and safety issues specifically in the area between Dunbogan Bridge and Watson Taylor Lake.		

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COAST, ESTUARY & FLOODPLAIN ADVISORY SUB-COMMITTEE 27/05/2021

Current Status:	This is not in Council's remit and as such the report was referred to Maritime Services. When feedback is received staff will share this with the Sub Committee.
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Item:	11.06	Date:	25/2/2021
Subject:	BOATING ON CAMDEN HAVEN RIVER		
Action Required:	Marisha Ewart referred to boats on the Camden Haven River causing pollution, erosion and safety issues specifically in the area between Dunbogan Bridge and Watson Taylor Lake.		
Current Status:	This is not in Council's remit and as such the report was referred to Maritime Services. When feedback is received staff will share this with the Sub Committee.		

Item:		Date:	29/4/2021
Subject:	EXTRAORDINARY MEETING		
Action Required:	The Deputy Chair noted that there was not a quorum present however the meeting was an information only meeting. Information provided at the meeting is to be circulated to the Sub-Committee and considered at the next ordinary meeting of the Sub-committee being 27 May 2021.		
Current Status:	Action Complete.		

Item: 06

Subject: COASTAL EROSION PROTECTION MEASURES FOR LAKE CATHIE -
OPTIONS ANALYSIS

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Coast Estuary and Floodplain Sub-Committee:

1. Note the Illaroo Road Revetment Wall Engagement Report (Attachment 1) which highlighted a lack of support for a revetment wall and beneficiary pays funding model and the Council resolution to consult further with the community on the way forward.
2. Note the hazard management options analysis flowchart (Attachment 2) presented at the Special Meeting on 29 April 2021.
3. That the Sub Committee give their support for further community engagement to first establish the community drivers/values and then engage further on the technical solutions/hazard management options available.
4. Request confirmation on the legislative responsibilities of State and Council regarding this issue to identify the lead body for future community engagement and available funding options.

Discussion

The outcomes of community engagement on a beneficiary pays funding model for a revetment wall at Illaroo Road, Lake Cathie was reported to the Ordinary Council Meeting held on 21 April 2021. Community engagement was undertaken as a requirement of the state government to share the Coast Benefit Analysis and Funding Model with directly and indirectly affected property owners to understand their willingness and capacity to pay for a revetment wall. The Council report is provided attached (**Attachment 1**) where Council resolved as follows:

That Council:

1. *Note the submissions and summary of feedback contained in the Illaroo Road Revetment Wall - Engagement Report March 2021.*
2. *Note that a further report will be brought back to Council outlining the coastal protection options available for Illaroo Road.*
3. *In conjunction with further consideration of the Illaroo Road Revetment Wall project and consideration of any other protection measures, Council seek community feedback in respect of their priorities for coastal protection, and their preference for the proposed rock revetment wall or some other form of hazard reduction measure to address the coastal erosion.*
4. *Request the Chief Executive Officer to write to the Hon. Leslie Williams MP, Member for Port Macquarie, advising of Council's decision to date.*

In accordance with resolution 2 and 3, the options available for Council to consider and seek staged community feedback are as follows:

Stage 1 - Drivers/Values



- Understand community priorities in regards to coastal protection.

Stage 2 - Solutions

- Build a redesigned hazard management structure under the Coastal Management Plan (CMP).
- Build the proposed revetment wall.
- Create a localised Hazard Plan.
- Do nothing.
-

Staff will provide an analysis of the proposed options at this meeting for the Sub Committee's information and discussion with their community networks. The Sub Committee's advice on the proposed options for staged engagement and community sentiment is invited to assist with the preparation of the report to Council for the June 2021 Council meeting. The report to Council will seek a Council resolution to undertake staged community engagement to first understand community priorities in regards to coastal protection and then work to find a solution for coastal hazard management.

Attachments

1.  Lake Cathie Illaroo Road Revetment Wall Report on Community Engagement Outcomes - April 2021
2.  Hazard Management Options Flowchart

Item: 07**Subject: RIVERS ON FIRE AND FLOOD FORUM****Presented by: Development and Environment, Melissa Watkins**

RECOMMENDATION

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

Discussion

The International River Foundation held the Rivers on Fire and Flood - The Journey to Resilience forum in Port Macquarie at the Charles Sturt University campus on 20 and 21 April 2021. Council staff and representatives from the Coast Estuary and Floodplain Sub-Committee attended.

Mayor Peta Pinson opened the event; Jack Grant, Council's Environmental Projects Officer - Coasts and Estuaries, gave a presentation to the forum about two restoration projects Council is undertaking in response to the 2019/20 bushfires and CEO Dr Clare Allen gave the closing address.

The forum recognises Australia's recovery and learnings from the nationwide bushfires in 2019/2020 and the floods that occurred throughout NSW and Queensland in March 2021. The event series seeks to understand the impacts of, raise awareness to, and create a call for action to address the effects of fire and flood on waterways and surrounding communities. A copy of the program is included as **Attachment 1** for the information of the Sub-Committee.

The forum provided an excellent opportunity for Council staff to learn about the latest scientific research around bushfires and waterways, as well as build professional networks.

Links to the presentations given at the Forum were sent to Sub Committee on 6 May 2021. Members requested this report be presented to the 27 May 2021 Sub Committee meeting for further discussion given a quorum was not present at the 29 April 2021 Special Meeting.

Attachments

1.  Rivers on Fire & Flood Program April 2021

Item: 08

Subject: FLOOD RECOVERY EFFORTS

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That members provide the Sub-Committee with feedback on their experiences during the recent flood event and actions proposed arising from the event.

Discussion

As there was no quorum at the Special Meeting held on 29 April 2021 this matter will be considered at the next Sub Committee meeting and the agency representatives are requested to provide a status update on the flood impacts and recovery efforts.

The March 2021 flood disaster in our region was devastating for many. It would be appreciated if members, particularly the agency representatives, could provide a brief update to the Sub-Committee on their experiences and actions going forward to ensure the recovery efforts are understood by the Sub-Committee.

Attachments

Nil