

NOTICE OF MEETING



NORTH BYRON COASTAL CREEKS FLOOD RISK MANAGEMENT COMMITTEE MEETING

A North Byron Coastal Creeks Flood Risk Management Committee Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Tuesday, 23 June 2015
Time	1.30pm

A handwritten signature in black ink, appearing to read 'Ken Gainger', is positioned above the printed name.

Ken Gainger
General Manager

CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - 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 or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – 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 a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;

(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL

NORTH BYRON COASTAL CREEKS FLOOD RISK MANAGEMENT COMMITTEE MEETING

BUSINESS OF MEETING

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**
- 3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**
- 4. BUSINESS ARISING FROM PREVIOUS MINUTES**
- 5. STAFF REPORTS**

Infrastructure Services

- 5.1 North Byron Coastal Creeks Draft Flood Study Review4

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 5.1 North Byron Coastal Creeks Draft Flood Study Review

Directorate: Infrastructure Services

5 **Report Author:** James Flockton, Drainage Flood Engineer

File No: I2015/470

Theme: Community Infrastructure
Emergency Services and Floods

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Summary:

Consultants BMT WBM have finalised the calibration process, staff have accepted the calibration and now a draft flood study document is ready for committee review.

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RECOMMENDATION:

That the committee recommends the DRAFT North Byron Coastal Creeks Flood Study be reviewed by Council and placed on public exhibition as per Council policy.

Attachments:

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- 1 Minutes of the Byron Shire Council North Byron Coastal Creeks Flood Risk Management Advisory Committee Meeting held on Wednesday 13 August 2014, E2014/51312 , page 7

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Report

On Wednesday 13 August 2014 North Byron Coastal Creeks Flood Risk Management Advisory Committee recommended:

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That further calibration work be undertaken as soon as possible to improve fit in certain areas and the results be circulated to committee members for comment prior to the consultants proceeding to prepare design flood event mapping and a flood study report.

(Dey/Lambourne)

10 The minutes from this meeting can be found at Annexure 1.

In March 2015, consultants BMT WBM presented Council with a calibration report, which had reached a level acceptable to proceed with design event flood modelling and a draft flood study document. This report, 'North Byron Coastal Creeks Flood Study - Technical Paper 2 Model' (E2015/33622) is provided to the Committee on a CD due to its size.

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Staff reviewed the report and discussed it with OEH and BMT WBM.

In overview the calibration results showed:

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- January 2012 = acceptable calibration, over predicting
- June 2005 = a comfortable calibration, could be better but is over predicting at least and the majority of points are good
- May 1987 = Under predicting
- 25 March 1978 = Under predicting, but OK
- March 1974 = Under predicting

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For the events with a good amount and more reliable data, the model is over predicting and for the other events it is under predicting.

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BMT WBM comment that:

Apart from specific discrepancies between the model results and recorded levels discussed above, there is general tendency for the model to over predict flood levels by 100mm to 200mm. For the purposes of flood management, an over prediction is preferred to an under prediction as it provides an inherent conservatism in the application of the model results. Thus, it is considered that the model is suitable for its subsequent intended use in this flood study.

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OEH comment that:

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I agree with the report's conclusion that due to the limitations with the available data, comparison between modelled and recorded peak levels are reasonable. As noted the variations in the recorded to modelled peak levels are magnified at smaller flood event scales and the spatial distribution of rainfall gauges is relative sparse. With the data available, I would recommend that the calibration report is accepted and the consultants instructed to start the design flood event modelling.

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Considering the justifications above and the availability of data it was agreed that the project should proceed to design event model runs, therefore, the calibration was accepted.

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However, an additional task was added to the final flood study report to double check the new 100 year modelling. That task being a review of past flood heights and past flood model heights, compared to the newly modelled flood heights for the 100 year event.

- a. review the June 2005 flood event actual heights and compare to the new 100 year design event flood heights
- 5 b. review the May 1987 flood event actual heights and compare to the new 100 year design event flood heights
- 10 c. compare the new 100 year design event flood heights with the 100 year design event flood heights from the Brunswick River Flood Study 1986, the Marshalls Creek Flood Study 2005 and the Coastal Creeks Flood Study 2010

This will provide a clear indication of where the model sits with older model results and recommend if further model review is desirable as part of the Flood Risk Management Study and Plan process.

- 15 BMT WBM have now prepared a DRAFT North Byron Coastal Creeks Flood Study document for review by the committee. This document (E2015/38147) is also provided on CD due to its size and the number of pages.

Financial Implications

- 20 There are no financial implications to this stage.

Statutory and Policy Compliance Implications

- 25 Floodplain Management Studies and Plans must be prepared in accordance with State Government Policy. The NSW Floodplain Development Manual 2005 is the current policy used by State Government for the preparation of such documents. The Office of Environment and Heritage is the State Government Department responsible for ensuring all flood related documents are prepared in accordance with the manual.
- 30 The DRAFT North Byron Coastal Creeks Flood Study has been prepared in accordance with the NSW Floodplain Development Manual 2005.

Minutes of the Byron Shire Council North Byron Coastal Creeks Flood Risk Management Advisory Committee Meeting held on Wednesday 13 August 2014

E2014/51312

PRESENT: Cr S Richardson, Cr D Dey

Staff: James Flockton (Flood and Drainage Engineer)
Melissa Moore (Minute Taker)

Industry: Toong Chin, Office of Environment and Heritage (OEH)
Andrew Page, NSW Fisheries (CBMP)
Chad Ellis (SES)
Paul Sudmals (SES, Local Controller)

Community: Jim Mangleson
Matthew Lambourne

Consultant: Richard Sharpe, BMT WBM

Cr Dey (Chair) opened the meeting at 1.09pm and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

There was an apology received from Kaylene Jones, SES Regional Controller.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

CONFIRMATION OF PREVIOUS MINUTES

- Andrew Page noted he now represents NSW Fisheries (Cape Byron Marine Park), not DECC.
- Toong Chin noted he now represents the Office of Environment and Heritage (OEH).
- A correction is required on page 2, fifth line from the bottom after the comma, to say "2m contour should be 1.6m".

PROCEDURAL MOTION

That the minutes of the North Byron Coastal Creeks Flood Risk Management Advisory Committee Meeting held on 7 May 2013 be confirmed, subject to the corrections above. (Dey/Mangleson)

INFRASTRUCTURE SERVICES REPORTS

Report No. 4.1 Flood Model Calibration Review

Report author: James Flockton, Flood and Drainage Engineer

File No: #E2014/50071

Committee Recommendation NBCCFRMC 4.1

That further calibration work be undertaken as soon as possible to improve fit in certain areas and the results be circulated to committee members for comment prior to the consultants proceeding to prepare design flood event mapping and a flood study report.
(Dey/Lambourne)

There being no further business the meeting concluded at 3.10pm.