



FLOODPLAIN RISK MANAGEMENT ADVISORY COMMITTEE TERMS OF REFERENCE

FLOODPLAIN RISK MANAGEMENT ADVISORY COMMITTEE TERMS OF REFERENCE

1. PURPOSE

- 1.1 Advisory Committees and Reference Groups include representatives of the community, other stakeholders or government agencies and play an important role in the implementation of Council's priorities in a manner that complements staff competencies and expertise. Advisory Committees support Council through the provision of technical advice on a range of strategic issues, while Reference Groups support Council through the provision of local knowledge and engagement of community resources on a range of action-oriented initiatives. The scope of each Advisory Committee and Reference Group is set out in its Terms of Reference.
- 1.2 Council and its staff may have regard to the advice and recommendations provided by its Advisory Committees and Reference Groups as part of Council's decision-making processes. However, in carrying out their respective responsibilities, Advisory Committees and Reference Groups must at all times recognise that primary responsibility for strategic decision-making rests with the governing body of Council and the day-to-day operations and management is the responsibility of the General Manager, as defined by the *Local Government Act 1993*. Consequently, Advisory Committees and Reference Groups do not have power to make decisions or direct staff.
- 1.3 The Floodplain Risk Management Advisory Committee is established in accordance with the NSW Government's Flood Prone Land Policy and its Floodplain Development Manual ('the Manual'), prepared to guide councils in the development and implementation of detailed floodplain risk management plans to produce robust and effective floodplain risk management outcomes. The Advisory Committee deliberations shall be guided by the Manual. The Manual also outlines the technical assistance provided by the State Government throughout the floodplain risk management process. The Floodplain Risk Management Advisory Committee does not have any formal powers but rather performs an important advisory role to Council.
- 1.4 The primary objectives of the Floodplain Risk Management Advisory Committee are to:
 - a. Assist Council in the review, development and implementation of one or more floodplain risk management plans for Camden Local Government Area (LGA). The committee is both the focus of, and a forum for, the discussion of technical, social, economic and ecological issues and for the distillation of possibly differing viewpoints on these issues.
 - b. Specifically, the Floodplain Risk Management Plans will take into account a number of diverse issues which include:
 - i. the risk, danger to personal safety and property damage,

- imposed on existing land uses (the existing use);
 - ii. the cumulative impact of flooding on potential future land uses and occupants and of development on flooding (the future risk);
 - iii. the management of the continuing flood risk remaining in both existing and future development areas after works and controls are implemented;
 - iv. the environmental impact of existing and potential future developments and floodplain risk management measures;
 - v. the broad scale catchment issues such as water quality, riverine and floodplain enhancement and land management;
 - vi. cumulative impacts as a result of changes in hydrology, floodplain geometry, or other factors;
 - vii. the potential economic cost and benefits to both the private and public sectors of floodplain occupation;
 - viii. the potential economic benefits of proposed risks management measures;
 - ix. potential intangible flood costs, including physical and psychological effects of flooding;
 - x. social factors, including the needs and aspirations of the local community, both existing and in the future;
 - xi. planning options and restrictions, including special zonings and planning controls, opportunities; and
 - xii. the protection of aboriginal sites and places and European heritage.
- c. In addition to assistance with the preparation of a Floodplain Risk Management Plan, the Committee also assists in:
- i. formulating objectives (in accordance with ESD* principles), strategies and outcomes sought from the process
 - ii. providing a link between the local community and Council;
 - iii. identifying the flood problem to be assessed in the study area;
 - iv. considering and making recommendations to Council on appropriate development controls for use until the Floodplain Risk Management Plan is completed, approved and implemented
 - v. identifying management options and providing input into their consideration as part of the Floodplain Risk Management study; and
 - vi. identifying implementation strategies for the Floodplain Risk Management Plan.

Note: *ESD (Ecologically Sustainable Development) means using, conserving and enhancing natural resources so that ecological processes, on which life depends, are maintained and the total quality of life, now and in the future, can be maintained or increased.

Source: Floodplain Development Manual – Appendix D

2. POLICIES OF THE COMMITTEE

- 2.1 The Advisory Committee shall foster a “Whole of Community” approach to floodplain risk management which acknowledges the interests and needs of the main stakeholder groups, whilst recognising the risks and consequences

of flooding and also the benefits flowing from the use, occupation and development of flood prone land.

- 2.2 The Advisory Committee's guidance on floodplain risk management shall be aware of and conform to the regulatory framework and guidelines as specified in the NSW Government's Flood Prone Land Policy and the Floodplain Development Manual. It will also need to prioritise work in consideration of Council's resource limitations.

3. ALIGNMENT WITH COMMUNITY STRATEGIC PLAN

- 3.1 Council has a long-term Community Strategic Plan that identifies the community's main priorities and aspirations for the future. All other Council plans, such as the four-year Delivery Program and annual Operational Plan, must support the achievement of these objectives. Council's Advisory Committees and Reference Groups are an important mechanism for consultation, advice and feedback to staff on the implementation and review of the Community Strategic Plan and related Council plans and policies.
- 3.2 The Floodplain Risk Management Advisory Committee assists Council to achieve the following Community Strategic Plan objectives:
 - a. B3.2 Deliver effective climate mitigation and adaption measures.
- 3.3 The Floodplain Risk Management Advisory Committee assists Council to achieve the following Delivery Program objectives:
 - a. B3.2.2 Ensure the design of assets and maintenance program mitigate the impacts of climate risks.

4. MEMBERSHIP, SELECTION AND TENURE

- 4.1 The Floodplain Risk Management Advisory Committee will consist of the following voting members:
 - a. Councillor (Chairperson)
 - b. Councillor (Alternate Chairperson)
 - c. Up to six community representatives – two community representatives from each catchment. The catchments are (1) Upper South Creek, (2) Narellan Creek and (3) Nepean River except Narellan Creek. The community members have voting rights for the catchment that they represent
 - d. Up to three NSW State Emergency Service (SES) representatives (up to two voting rights for local SES representatives and one voting right for a representative from SES headquarters).
- 4.2 The Floodplain Risk Management Advisory Committee will consist of the following non-voting members:
 - a. Council representatives from the Floodplain Management, Stormwater, Environment, Planning, and Asset disciplines
 - b. Environment, Energy and Science Group of the Department of Planning and Environment representative
 - c. Department of Planning and Environment representative

- d. Transport for NSW representative
 - e. Liverpool City Council representative
 - f. Campbelltown City Council representative
 - g. Wollondilly Shire Council representative
 - h. Penrith City Council representative
 - i. Representatives from other state agencies / stakeholders such as the Bureau of Meteorology, Water NSW and utility providers.
- 4.3 The following Council representatives will be called upon to assist the Floodplain Risk Management Advisory Committee from time to time, because of their expertise or knowledge in a specific area. They will attend meetings and provide input, papers, or presentations in the meetings. However, they do not have voting rights.
- a. Community Assets Directorate representatives
 - b. Manager Strategic Planning / representative
 - c. Team Leader Strategic Planning / representative
 - d. Manager Statutory Planning / representative
 - e. Team Leader Statutory Planning / representative
 - f. Manager Land Development Engineering / representative
 - g. Team Leader Land Development Engineering / representative.
- 4.4 Council appoints all members subject to these Terms of Reference.
- 4.5 A Councillor, who is not a member, may also attend meetings as an observer. However, the Councillor is not entitled to give notice of business for inclusion in the agenda for the meeting or to vote at the meeting. The Councillor as a courtesy should in advance of the meeting advise the Chairperson of their intention to attend the meeting.
- 4.6 Council staff, as determined by the General Manager, will attend meetings to act as the secretary and to provide technical advice and support and respond to enquiries. Council staff are not members and hold no voting rights.
- 4.7 The meetings are not open to the public; however, other persons with relevant expertise and skills may be invited to attend the meetings at the request of the Chairperson on behalf of the Advisory Committee to provide advice and assistance where necessary. These invitees have no voting rights.
- 4.8 Relevant study consultants may be invited to attend the meetings for the presentation of flood / floodplain risk management study and plan outcomes. These consultants are not Advisory Committee members and hold no voting rights.
- 4.9 Community representatives should have the following skills and knowledge relevant to the purpose of the Advisory Committee:
- a. Awareness of the different forms of flooding and flood behaviour ranging from minor to extreme floods;
 - b. Awareness of the principal issues relating to development on flood prone land;
 - c. Awareness of risk management principles;
 - d. Ability to form a link between the Committee and the local population in the flood prone area;

- e. Historical awareness of flooding problems and perceived solutions in the Camden LGA; and
 - f. Knowledge and experience relevant to the Advisory Committee's Terms of Reference.
- 4.10 Community representatives are to be recruited through a public expression of interest process. The selection will be based on set criteria which will be outlined as part of the nomination process and consistent with the required skills and knowledge, a complementary mix of interests, talents and experience, and an understanding of the local community's needs and aspirations. Nominations will be assessed by a selection panel comprised of Council staff and the details of the recommended nominees will be reported to Council for endorsement and appointment.
- 4.11 To enable diversity of civic participation, community representatives are limited to holding a maximum of two concurrent memberships of an Advisory Committee or Reference Group and should also only be appointed for a maximum of two consecutive Council terms. In the circumstance where specialist knowledge or experience is required and there is no suitable alternate nominee for a community representative position, a member may serve an additional term on the Advisory Committee.
- 4.12 Agencies, industry bodies or relevant community groups can nominate any suitable candidate from their organisation to participate, who should generally be the same person but can be replaced by an alternate where unavailable.
- 4.13 Advisory Committees will be dissolved/renewed in line with the electoral term of Council. Members are appointed for the current Council term. However, Advisory Committees will maintain a caretaker role until the new Advisory Committees are formally appointed by Council. The caretaker role permits the outgoing Advisory Committee to continue with its routine business as set out in these Terms of Reference.

5. ROLES AND RESPONSIBILITIES

- 5.1 The Chairperson is responsible for the effective conduct of meetings, drawing on the expertise of each member, and for guiding the Advisory Committee's work towards fulfilling the responsibilities established in the Terms of Reference. This is a vital position, which requires an effective Chairperson to:
- a. Work cooperatively with the Committee support staff
 - b. Ensure that the Advisory Committee operates within the scope of the Terms of Reference
 - c. Conduct business in the order set out in the agenda
 - d. Keep discussion focused on the item as set by the agenda
 - e. Make sure that a decision has been reached before going onto the next item on the agenda
 - f. Maintain order and ensure the correct meeting procedures are being followed
 - g. Allow everyone to speak and be heard
 - h. Exercise a casting vote, as well as an original vote, whenever the voting on a motion is equal
 - i. Make sure a clear and accurate record is kept of all decisions.

- 5.2 Advisory Committee members consider reports, discuss options and make recommendations to Council. Through the recommendation of an Advisory Committee a member can offer an alternate view, identify issues, advise Council about effective policy or services and represent the diverse demographics, views and interests of the local community. All Advisory Committee members are expected to:
- a. Actively participate in a constructive, respectful and courteous manner
 - b. Understand the relevant legislative and regulatory requirements appropriate to Council
 - c. Contribute the time needed to review meeting agendas and other materials and understand the papers provided prior to a meeting
 - d. Apply good analytical skills, objectivity and judgment
 - e. Express opinions frankly and ask questions
 - f. Fully consider matters before voting on them
 - g. Respect confidentiality and privacy
 - h. Comply with the Terms of Reference.
- 5.3 Council provides secretariat support for the Advisory Committee in the form of Committee support staff, as determined by the General Manager, who attend each meeting in a non-voting capacity. Under the supervision of the responsible Manager, the Committee support staff are responsible for:
- a. Organising calendar notifications and the meeting venue
 - b. Preparing the meeting agenda
 - c. Ensuring that relevant matters are brought before the Advisory Committee
 - d. Distributing the agenda and minutes electronically
 - e. Recording the minutes for distribution to the Committee and reporting to Council
 - f. Coordinating the implementation of action items and identifying any decisions which may require further consideration by Council or the Executive Leadership Group.
- 5.4 The responsible Manager is a liaison point for Advisory Committee members regarding matters within the scope of the Terms of Reference. The Committee support staff report to the responsible Manager, not the Advisory Committee. The responsible Manager may direct the Committee support staff to provide administrative support and communicate certain advice to the Advisory Committee relating to the Terms of Reference and Council policies.
- 5.5 Advisory Committee membership is not a forum for making an action request of Council staff. Such requests must be made through regular channels.

6. MEETING VENUE AND FREQUENCY

- 6.1 Meetings are generally held in person on an as needed basis and would generally be held to meet the requirements and timelines of the projects that the Advisory Committee would be considering. Typically, this would involve a minimum of one meeting per catchment per year. At any given meeting, time may be spent considering actions relating to more than one catchment. The meetings will be held at the Council office in Oran Park or other suitable venue as necessary. Meetings may also be held online using video conferencing software. The Chairperson shall determine the mode of meeting subject to

any overriding Council policy or direction from time to time.

- 6.2 Special meetings may be called by the Chairperson if urgent matters are required to be considered by the Committee. This should only occur following consultation with Council staff, to confirm that there are adequate staff resources available to provide the necessary administrative arrangements for the special meeting.

7. MEETING PROCEDURE

- 7.1 Subject to these Terms of Reference, the Advisory Committee may regulate its own meeting procedure consistent with good order and effective conduct. The ruling of the Chairperson is final in respect of all procedural matters.
- 7.2 The Advisory Committee may from time to time decide to form other Sub Committees or Working Groups to investigate particular issues in more detail, and may invite other people to participate in the discussions of the Committee, Sub-Committees or Working Group, to address meetings or provide technical advice.
- 7.3 Working Groups may be established within the Committee structure on an 'as needs' basis to complete tasks emanating from the deliberations of the Advisory Committee. Each Working Group will be led by a member of the Advisory Committee and provide the communication link between the Advisory Committee and the Working Group.

8. QUORUM, VOTING AND CASUAL VACANCIES

- 8.1 A quorum for each meeting will consist of a majority of current voting members of the Advisory Committee. Where a quorum is not present the Advisory Committee may hold an informal meeting to discuss the agenda and make notes; however, it is unable to make recommendations to Council. If a quorum exists yet both the Chairperson and the alternate Chairperson are absent from a meeting, the first business of every such meeting is to elect a chairperson for that meeting from the members present.
- 8.2 A motion is required to be moved and seconded prior to a recommendation being put to a vote of the Advisory Committee. Each voting member present (including the Chairperson) shall have one vote. In the event of a tied vote, the Chairperson shall have a casting vote. Where the resolution is a recommendation to Council, Council staff will convey the recommendation to the appropriate area of Council; however, the final decision on any recommendations rests with Council and voting does not necessarily mean that the recommendation will be endorsed and implemented by Council.
- 8.3 As a courtesy, Advisory Committee members should tender an apology when they know in advance that they cannot attend a meeting. This avoids delaying the opening of a meeting pending the arrival of such members and enables Council staff to anticipate whether a quorum will be present. The apology should initially be tendered to the Committee secretary, who will subsequently inform the Chairperson.
- 8.4 An Advisory Committee member who is temporarily unable to fulfil their obligations as a member may request a leave of absence from the Advisory Committee. Typical reasons for needing to take a period of leave include but

are not limited to personal health, carer responsibilities, work or family commitments. A leave of absence may be granted for a period of up to 6 months. During a leave of absence, a member may not participate in votes of the Committee and the member will not be counted when calculating the quorum.

- 8.5 If an Advisory Committee member misses three consecutive meetings without a leave of absence or is found to have breached the Code of Conduct, their membership will be withdrawn, and the position will be deemed vacant.
- 8.6 A casual vacancy for a community representative caused by the resignation or death of an Advisory Committee member, or the withdrawal of membership, will be filled through a review by Council staff of nominations received through the previous Expressions of Interest process with the details of any recommended nominees being reported to Council for endorsement and appointment. If there are no suitable nominees who are available or if Council so resolves, a new Expressions of Interest process will be undertaken.
- 8.7 If a casual vacancy is for a position that represented an organisation, the organisation will be invited to nominate a replacement representative (if no alternate member has previously been nominated).

9. AGENDAS, MINUTES AND REPORTING REQUIREMENTS

- 9.1 The Advisory Committee secretariat produces the meeting agenda. Members should raise items or reports they would like to be included on the agenda at least 10 working days prior to the meeting. Items will only be considered for inclusion on the agenda if they are relevant to the scope of the Terms of Reference and are submitted with the required notice. If a proposed item is not included on the agenda, the responsible Manager must notify the relevant member (including the reasons for this decision) prior to the distribution of the meeting agenda.
- 9.2 Community feedback provided to Advisory Committee members should also be dealt with as an agenda item, to ensure fair and proper consideration by the Advisory Committee.
- 9.3 General business should not be used to bypass the requirements for giving notice of business. and therefore, should not be raised for consideration at a meeting, unless the Chairperson rules the matter as urgent. Should this occur the reasons for urgent consideration must be documented in the minutes.
- 9.4 The agenda should be distributed to the Advisory Committee at least 10 working days prior to any meeting giving notice of the proposed meeting and the items of business.
- 9.5 A forward meeting plan should be approved by the Advisory Committee annually for each financial year. The forward meeting plan will cover all responsibilities of the Advisory Committee as detailed in the Terms of Reference.
- 9.6 The structure of the agenda will be agreed by the Advisory Committee as part of its annual forward meeting plan, but will include as a minimum:

- a. Acknowledgement of Country
 - b. Attendance and Apologies
 - c. Declaration of Interests
 - d. Acceptance of Previous Minutes and Business Arising
 - e. Outstanding Actions Report
 - f. Standing Agenda Items.
- 9.7 Full and accurate minutes of the proceedings for each meeting must be kept. The meeting minutes must record all motions and amendments put to the meeting, and the results. Minutes should include the mover and seconder of motions. Although the minutes should contain enough detail to make the Advisory Committee's recommendations understood, they are not meant to be a detailed transcript of proceedings nor a record of the contribution of individual members. However, there may be occasions when it is appropriate to succinctly record the general content of discussions where it is necessary to provide the reasons for a recommendation.
- 9.8 Committee support staff will ensure that the meeting minutes are prepared and provided to the Chairperson for approval within five working days of the meeting. The approved minutes will then be circulated to Advisory Committee members within 10 working days of the meeting.
- 9.9 The meeting minutes of Advisory Committees are to be reported to Councillors via a Councillor Update and at the discretion of the General Manager may also be reported at a Council meeting for formal consideration by Councillors. If in the minutes distinct recommendations are made, the decision of Council may be made separately on each recommendation. The recommendations of the Advisory Committee are, so far as adopted by the Council, resolutions of Council.
- 9.10 Once reported to Councillors, the meeting minutes will be published on Council's website.
- 9.11 All agendas and minutes are distributed electronically via email. Committee support staff are not responsible for printing and distributing hard copies of meeting agendas and minutes to Advisory Committee members.
- 9.12 All documents and records relating to the Advisory Committee will be registered in Council's electronic document management system by Council staff in accordance with the *State Records Act 1998*.
- 9.13 A Register of Committees and Groups will be maintained by Council staff. This will include the names of Advisory Committee members.

10. CODE OF CONDUCT AND OTHER POLICIES

- 10.1 Advisory Committee members are required to adhere to Council's Code of Conduct. Compulsory training on the Code of Conduct and other policies that may be applicable to the operation of the Advisory Committee will be provided to all members, and must be completed by each individual member before they can attend meetings. Additional training may be requested by the Advisory Committee where relevant to its purpose
- 10.2 As outlined in the Code of Conduct, the general conduct obligations of

Advisory Committee members are to:

- a. Refrain from engaging in conduct that:
 - i. Is likely to bring Council or other Council officials into disrepute
 - ii. Is contrary to statutory requirements or Council's administrative requirements or policies
 - iii. Is improper or unethical
 - iv. Is an abuse of power
 - v. Causes, comprises or involves intimidation or verbal abuse
 - vi. Involves the misuse of your position to obtain a private benefit
 - vii. Constitutes harassment or bullying behaviour under the Code of Conduct or is unlawfully discriminatory.
- b. Act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out Advisory Committee functions.

10.3 Members are required to declare and manage any conflicts of interest in accordance with Council's Code of Conduct. In the case of a pecuniary or significant non-pecuniary interest, this includes a requirement that the member does not participate in consideration of, or decision making in relation to, the matter. Details of any conflict of interest should be appropriately documented in the minutes.

10.4 Council's volunteer management policy framework applies to Advisory Committee members who are defined as volunteers under that framework. Generally, this will be committee members who are not a paid representative from another organisation, acting on their behalf or as a requirement of their employer.

11. WORK HEALTH AND SAFETY

11.1 Under work health and safety legislation, volunteers (including Advisory Committee members) are considered workers and must comply with health and safety legislation as amended from time to time as well as Council's policies and procedures. Advisory Committee members must take reasonable care that their acts or omissions do not adversely affect the health or safety of themselves and of other persons.

12. FINANCIAL ARRANGEMENTS

12.1 The operational costs of convening the Advisory Committee will be met by Council's budget. No fees or out of pocket expenses will be paid to members.

13. VARIATION OF TERMS OF REFERENCE

13.1 These Terms of Reference may only be amended by a resolution of Council.