



CUMBERLAND
CITY COUNCIL

Terms of Reference

Floodplain Risk Management Committee

AUTHORISATION & VERSION CONTROL

Terms of Reference (TOR) No	TOR-008
TOR Owner	Director Environment and Planning
Date Adopted	18 October 2017
Version No	1.0
ECM Number	HC-23-05-18
Review Date	16 October 2024

1. Interpretation

The Floodplain Risk Management Committee is a committee of Cumberland Council and is constituted under the Local Government Act 1993. The Committee is purely advisory and may not commit Council resources. The Committee will provide advice to the Council. For the purpose of these guidelines:

2. Tenure of Committee

A person appointed to a Committee to represent the community shall continue as a member of the Committee until the next general election of Council, or until the Committee is disbanded or completes its purpose in accordance with this Terms of Reference is such occurs before the next general local government election.

When a Community Representative appointed to the committee is absent from three consecutive meetings without an apology to the Chair, their appointment will lapse and they will no longer form part of any quorum requirements. Council will inform them of lapse of membership and the Council will fill their position on the Committee in the normal manner.

Any Committee member wishing to resign from the Committee shall do so in writing.

The term of Councillors on the Committee ends bi-annually at the meeting of Cumberland Council at which the election of the Mayor is held.

3. Purpose

The Committee will provide forum to discuss the issues (technical, social, environmental and cultural) relevant to the development and implementation of Floodplain Risk Management Studies and Plans throughout the Cumberland Council in accordance with the New South Wales Floodplain Development Manual 2005.

4. Role

The Role of the Floodplain Risk Management Committee is to:

- Make recommendations to the Council on all relevant business presented before it. Recommendations of the Committee will be presented to the Council in written form accompanied by a report from relevant Council Officers. Decisions made by Council's advisory Committees are recommendations which may or may not be adopted by Council.
- Advisory Committee recommendations which are determined by the General Manager to be purely or substantially 'operational' in nature, will be dealt with by the relevant Group Manager and any action or lack thereof reported to the Committee on a regular basis.

5. Membership

Membership of the Floodplain Risk Management Committee will consist of:

- Up to two (2) Councillors nominated by Council resolution
(All other Councillors are encouraged to attend meetings of the Committee and contribute to discussions but not entitled to vote on matters.)

- The General Manager, who may delegate representation to a staff member as required.
- a maximum of two(2) community representatives, for each floodplain (catchment) on the basis of:
 - A broad interest, and understanding of floodplain management; and
 - A commitment to floodplain management of the Cumberland Council; and
 - The Community representative residing in a flood prone area
- Membership by State Government agencies shall be nominated in writing and comprise as follows:
 - One (1) agency representative from the Office of Environment and Heritage.
 - One (1) agency representative from the NSW State Emergency Services.
 - One (1) agency representative of Sydney Water Corporation.

The General Manager may nominate additional staff attendance at the Committee to provide a mix of specialist professional advice in engineering, strategic and development assessment planning, and environmental management. Additional Council staff required to attend the Committee will participate equally with others in terms of discussion and debate but will **not** have any voting rights.

The nominated State Government agency representatives do not have Committee voting rights. They attend to provide advice in relation to their departmental functions and their area of expertise. Other agency staff are welcome to attend meetings of the Committee and contribute to discussions.

Consultants engaged by Council may be invited or requested to address the Committee on matters on the agenda.

All Committee Members are expected to attend all committee meetings where possible. A member who fails to attend 2 consecutive meetings without submitting a satisfactory explanation will forfeit his/her place on the Committee.

Advertising for Community Representatives

Council will advertise in the local newspaper and on its website for nominations for membership of the Committee.

All applicants must submit their applications in writing.

Recommendations for membership will be put to Council for endorsement.

Community representatives have the responsibility to attend meetings of the Committee, and contribute to discussion on matters before the Committee. The nominated community representatives are entitled to vote at Committee meetings.

6. Notification of vacancies

The Committee is to notify the General Manager promptly of any vacancy occurring in its membership that affects the capacity of the Committee to function. The Committee is to submit to the General Manager within 28 days the name of a person considered by the Committee to be suitable for appointment. The General Manager will decide whether to accept that appointment, or to call for public Expressions of Interest.

7. Chairperson

The Chairperson will be a Councillor or the Administrator or their delegate. Where the chair is a councillor, s/he is to be elected by the Committee. In his/her absence the Committee may elect another Councillor as Chairperson.

The Committee may elect a nominated Councillor to a position of Deputy Chair. In the event that the Committee has one (1) Councillor Representative, the Committee may elect the Council staff representative to the position of Deputy Chair.

8. Quorum

The quorum of each meeting will be four (4) Councillor, community, agency and/or staff attendees. If a quorum is not present within 30 minutes of the time appointed for the commencement of the meeting, the meeting shall lapse.

9. Times and Places for meetings

The Committee will meet quarterly at dates and times as determined. An extraordinary meeting may be called where circumstances warrant.

A meeting will be limited to a maximum of two (2) hours duration unless the Committee resolves to extend the meeting to a particular time or the completion of business.

Meetings will normally be held at either the Council Administration Building at Civic Place 1 Susan Street Auburn, or the Council Administration Building at 16 Memorial Avenue, Merrylands, or at another venue. The venue of the next quarterly meeting is to be agreed by the Committee during the (prior) meeting.

Notice of all meetings shall be given by the General Manager (or delegate). The Notice of Meeting and Business Papers shall be provided to members at least 4 working days prior to meeting.

10. Meeting Procedures

Committee Members are expected to attend all committee meetings where possible. If a member is unable to attend, an apology is to be provided to the meeting convener prior to the meeting.

The Committee will generally not be open to members of the public. Representatives of the community or other organisations may be invited or requested to address the Committee on matters of the agenda.

11. Decision Making

The priority of the Committee is to make decisions based on a genuine consensus of members. When a consensus cannot be reached the matter is to be reported to Council, detailing majority and minority opinions, to enable a decision to be taken.

12. Code of Conduct

All members of the Committee are required to observe the provisions of the Cumberland Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Committee.

Committee members should act in a professional and responsible manner with the information they obtain as a Member as Committees require openness and honesty to function well. Committee members should feel free to express their opinions and views without fear of recrimination. It is therefore important that Committee members respect each other (often despite differences) and work together to create an open and trusting committee atmosphere.

It is essential for committee members to accept collective responsibility, and remain loyal to decisions of the Committee, even where they may not have agreed with the final decision.

A breach of the Code of Conduct may lead to the member being expelled from the Committee and/or other appropriate action.

13. Conflict of Interest & Pecuniary Interest

Committee members must declare any conflicts of interest or pecuniary interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest and pecuniary interest are to be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest or pecuniary interest, the member is precluded from Committee deliberations on the issue.

14. Administration of the Committee

Council staff will provide the following administrative support to the Heritage Committee, as required:

1. All correspondence to members of the Committee.
2. Notification of times of meetings and agenda.
3. Preparation and distribution of minutes.
4. Background reports and other information as required.
5. Reports to Council.
6. Catering.

15. Minutes

Minutes of each Meeting of the Committee will be provided to Council along with the identification of any recommendation arising from the Meeting that the Committee considers to be of sufficient importance to bring to the attention of Council.

Minutes of the Committee are to be endorsed by the convener prior to being submitted to the next available Ordinary Meeting of the Council as appropriate.

The minutes will contain:

- i) Description of the meeting, date, time and venue at which the meeting was held
- ii) A list of persons present and any apologies
- iii) Notation of adoption of minutes from previous meeting
- iv) Whether there was business arising from the minutes
- v) Notation of reports, correspondence and recommendations
- vi) Items of general business
- vii) Time meeting closed, date and venue of next meeting

The minutes of all Committee meetings become public documents on reporting to Council.

16. Reports

It may be appropriate for members to follow up on matters arising from the quarterly meetings. Where this takes place, such members will be required to take appropriate notes and report back to the Committee on the matter.

Council officers will prepare reports as requested by the Committee or as otherwise appropriate for the consideration of the Committee.

17. Expenses of Committee Members

The Council will not generally authorise payment or provide remuneration to Committee members however, where special circumstances exist, Council may reimburse expenses and/or provide facilities to Committee members.

18. Insurance

Members of the Committee are covered by Council's public liability and professional indemnity insurance.

19. Confidentiality and Privacy

Members may have contact with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, use or remove any information unless the member is authorised to do so.

Privacy legislation governs the collection, holding, use, correction, disclosure and transfer of personal information. More information about the legislation, can be obtained by contacting the Council's Public Officer.

Should a member become aware of any breach of the security, or misuse of Council's confidential and personal information they should contact the Public Officer.

All members of Council Committees are required to observe the provisions of the Cumberland Council Privacy Management Policy relating to their access to personal information.

20. Media Protocol

Members of the Committee may not speak to the media on behalf of the Committee/Council without prior approval from the General Manager and liaison with Council's Public Relations Officer.

21. Changing the Terms of Reference

The following procedure will apply where a Committee member seeks to amend the Terms of Reference:

- i) The Committee must consider and vote on any proposed changes to the Terms of Reference
- ii) Any proposed change is to be approved by the General Manager.
- iii) Any changes will be advised to Committee members.

Any requests from Council management to amend the terms of reference are to be made through the General Manager for submission to the Council.

22. Standard Operating Procedures

All other procedures are to be in accordance with Council's Manual for Standard Operating Procedures and the adopted Code of Meeting Practice.