

# FLOOD RISK MANAGEMENT COMMITTEE TERMS OF REFERENCE

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PREPARED BY:

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SUTHERLAND SHIRE

### Introduction

Council has established a Flood Risk Management Committee to support its oversight of Council's flood risk management responsibilities related to prevention and preparedness for flooding outlined in the *Local Government Act 1993*, *NSW Flood Prone Land Policy*, the *Flood Risk Management Manual: the policy and manual for the management of flood liable land*, *NSW Floodplain Management Program*, *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, *Water Management Act 2000 (NSW)*, *Dam Safety Act 2015*, *State Emergency and Rescue Management Act 1989* and *State Emergency Service Act 1989*.

These Terms of Reference set out the Flood Risk Management Committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

### Objective

The objectives of the Flood Risk Management Committee are to:

1. assist Council in overseeing the completion of strategic Flood Risk Management (FRM) studies and the development of FRM plans conducted under the NSW Government FRM Program to assist in reducing risk to life and property from river, overland and coastal flooding across the Sutherland Shire, and
2. provide advice on priorities for implementation.

### Authority

The Committee is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of Council. The Committee will provide independent advice to Council that is informed by Council's flood risk management activities and information and advice provided by staff, relevant external bodies and subject matter experts.

Council authorises the Committee, for the purposes of exercising its responsibilities, to:

- access any information it needs from the Council,
- use any Council resources,
- request the attendance of any Council officer at Committee meetings, and
- obtain external legal or other professional advice in line with Council's procurement policies.

Information and documents pertaining to the Committee are confidential and are not to be made publicly available, except for Committee Meeting Minutes, which are to be reported to Council as part of business papers which are also published to Council's website. The Committee may only release Council information to external parties that are assisting the Committee to fulfil its responsibilities, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

## Composition and Tenure

To ensure independent advice and input into matters relating to its responsibilities, the Committee will comprise of:

- Two Councillors
- Director Infrastructure
- Senior Manager Assets, Strategy and Delivery
- Strategic Asset Manager
- Waterways Project Manager
- Senior Waterways Engineer
- Local Emergency Management Officer
- NSW Department Climate Change, Energy, the Environment and Water – Biodiversity Conservation and Science (DCCEEW - BCS) representative
- NSW State Emergency Service representative
- Up to six community members

The Council is to appoint the Chairperson and Deputy Chairperson of the Committee who will be Councillors. Up to six community members can be appointed via an expression of interest. Community members must reside within the Sutherland Shire Local Government Area, with preference for one representative for each of the six main waterway catchment areas, and are required to have relevant qualifications or experience.

Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. This includes any term as chairperson or deputy chairperson of the Committee. Members who have served an eight-year term (either as a member or as chairperson/deputy chairperson) must have a two-year break from serving on the Committee before being reappointed.

## Role

In accordance with section 5.2.4 of the Flood Risk Management Guideline FG01 (Delivery under the flood risk management framework), the role of the Committee is to review and provide independent advice to Council regarding the following aspects of the FRM process:

- hydrologic and hydraulic model development
- model calibration and validation
- design flood behaviour
- examining floodplain, catchment and climate changes
- examining existing FRM measures
- examining flood behaviour under potential FRM measures
- understanding uncertainty in flood behaviour and model limitations

- understanding consequences and risk of flooding for the community
- managing risks to the existing and growing community
- emergency management planning

The roles of the Committee also include assisting in:

- identifying and resolving conflicting interests of various community groups and individuals in relation to the FRM process, and
- ensuring community engagement is effective and reaches key members of the community, particularly those who may be directly impacted by flooding or FRM activities.

The responsibilities of the Committee may be revised or expanded in consultation with, or as requested by, Council from time to time.

## Responsibilities of Members

### Voting Members

- Councillor (appointed by Council to act as Chairperson)
- Councillor (appointed by Council to act as Deputy Chairperson)
- Up to six community members

### Non-Voting Members

- Senior Manager Assets, Strategy and Delivery
- Director Infrastructure
- Strategic Assets Manager
- Senior Waterways Engineer
- Waterways Project Manager
- Local Emergency Management Officer
- NSW Department Climate Change, Energy, the Environment and Water – Biodiversity Conservation and Science (DCCEEW - BCS) representative
- NSW State Emergency Service representative

### Optional (Non-Voting) Attendees

- Senior Manager Strategic Planning (or delegated representative)
- Senior Manager Corporate Governance (or delegated representative)
- Senior Manager Communications, Engagement and Customer (or delegated representative)
- Additional invited community representatives, as required
- Additional invited NSW Government agency representatives, as required

### Conduct

Councillors are required to comply with Council's Code of Conduct for Councillors. Council Staff are required to comply with Council's Code of Conduct for Council staff and Independent Committee members are required to comply with Council's Code of Conduct for Council Committee Members.

Complaints alleging breaches of the Council's Codes of Conduct are to be dealt with in accordance with Council's Procedures for the Administration of the Codes of Conduct.

### **Conflicts of Interest**

Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at a meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a Committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from Committee deliberations on the Item. Details of conflicts of interest declared at meetings must be appropriately minuted.

### **Work Plan**

The work of the Committee is to be thoroughly planned and executed and will be completed in accordance with endorsed actions of relevant Project Control Groups.

## **Reporting**

The Committee Meeting Minutes must be reported to the Council, as soon as possible following each meeting, to ensure that it is kept informed of matters considered by the Committee and any emerging issues that may influence the strategic direction of Council or the achievement of Council's goals and objectives.

The Committee may at any time report to the Council or the Chief Executive Officer on any other matter it deems of sufficient importance to warrant their attention.

Should the Council require additional information, a request for the information may be made to the Chairperson by resolution. The Chairperson is only required to provide the information requested by the Council where the Chairperson is satisfied that it is reasonably necessary for the Council to receive the information for the purposes of performing its functions under the Local Government Act. Individual councillors are not entitled to request or receive information from the Committee.

## **Administrative Arrangements**

### **Meetings**

The Committee will meet at least four times per year at such time as determined by the Chairperson provided four weeks' notice of any ordinary meeting is given.

Provided two weeks' notice is given, the Committee can hold additional meetings when significant unexpected issues arise, or if the Chairperson is asked to hold an additional meeting by a Committee member, the Chief Executive Officer or the Council.

Committee meetings can be held in person, by telephone or video conference. Proxies are not permitted to attend meetings if a Committee member cannot attend.

The Chairperson presides at meetings. In the absence of the Chairperson, the Deputy Chairperson is to preside at meetings. If the Chairperson and Deputy Chairperson are absent, a Chairperson elected by voting members present at the meeting will preside at that meeting.

A quorum will consist of a majority of voting members. Where the vote is tied, the Chairperson has the casting vote.

The meeting venue shall be at Council's Administration Building or at a meeting place, real or virtual, determined by the Chairperson.

The Agenda shall be determined by the Director Infrastructure / Senior Manager Strategic Asset Manager, or their delegate in conjunction with the Chairperson and circulated to all formal members of the Committee a minimum of one week prior to the meeting. Any late agenda Items shall be circulated to members at least three days prior to any meeting. Items raised without notice must be referred to the next meeting if any member of the Committee requests time to consider the Item.

### **Secretariat**

The Infrastructure Directorate Business Support Officer will provide secretariat support to the Committee. The secretariat will ensure the Agenda for each Meeting and supporting Business Papers are circulated at least one week prior to the Meeting and ensure that Minutes of Meetings are prepared and maintained. Minutes must be approved by the Chairperson and circulated to the Committee within four weeks of the Meeting and thereafter as soon as possible reported to Council.

### **Public Forum**

Meetings of the Flood Risk Management Committee are closed to the public. Residents or other interested stakeholders may apply to address the Committee on items related to the Role of the Committee (as outlined in this Terms of Reference).

Members of the public wishing to address the Committee must register their interest via the application form on Council's website. The Director Infrastructure or their delegate, is responsible for approving applications. Applicants will be contacted to advise if their application has been successful and the meeting date to which they will attend to address the Committee.

### **Eligibility Criteria**

Applicants must meet one of the following eligibility criteria:

- a resident or owner of land within the Sutherland Shire Council area; or
  - a person entitled to vote in the Sutherland Shire Council area under the *Local Government Act*;
- or

- the nominee of an entity owning land, conducting a business or providing a service in the Sutherland Shire Council area.

### ***Applications***

- Applications to speak must be made via the relevant Public Forum Application Form available on Council's website. The applicant must identify the relevant area of the Role of the Committee on which they wish to speak.
- Groups wishing to present similar points of view are to nominate a spokesperson to represent the views of that group.
- Presentations will be limited to five minutes.
- No more than five speakers are to be permitted to address the Committee at each Meeting.

### ***Addressing the Committee***

- Any person who has previously addressed the Committee on a subject must present new information only.
- When addressing the Committee, speakers must comply with these Terms of Reference and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
- A Committee Member (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at the Committee Meeting. Questions put to a speaker must be direct, succinct and without argument.
- Speakers are under no obligation to answer a question put through the Chairperson. Answers by the speaker, to each question are to be limited to two minutes.
- Speakers cannot ask questions of the Committee or Council staff.
- If the Chairperson considers that a speaker at the Committee Meeting has engaged in conduct of the type referred to above, the Chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the Chairperson's request, the Chairperson may immediately require the person to stop speaking and leave the meeting.
- Speakers can provide supporting material at the meeting, however, this will not be displayed during the Meeting or on Council's website.
- At the conclusion of a speaker's address, the speaker will be required to leave the meeting.

### ***Resignation and Dismissal of Members***

Where an independent Committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they are required to provide three months' notice to the Chairperson prior to their resignation to ensure a smooth transition to a new independent Committee member.

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Independent Committee members may be terminated before the expiry of their term where that person has:

- breached the Council's Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers
- performed unsatisfactorily or not to expectations
- declared, or is found to be in, a position of a conflict of interest which is unresolvable; or
- been charged with a serious criminal offence.

The position of a Councillor member on the Committee can be terminated at any time by resolution of the Council.

## Review Arrangements

At least once every Council Term, Council must review the effectiveness of the Committee.

These Terms of Reference must be reviewed once per Council Term by the Committee and Council. Any substantive changes are to be approved by the Council.

## Further Information

For further information about Council's Flood Risk Management Committee, contact the Catchment and Waterways Team at [stormwaterandwaterways@ssc.nsw.gov.au](mailto:stormwaterandwaterways@ssc.nsw.gov.au) or by phone on 02 9710 0333.

## DOCUMENT REVIEW AND APPROVAL

<b>UNCONTROLLED COPY WHEN PRINTED</b> - For up to date copy please refer to Sutherland Shire Council Intranet / Website			
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