

Floodplain Risk Management Advisory Panel - Terms of Reference and Membership

File No: S055537-02

Summary

On 16 December 2024, Council resolved in part, regarding the Floodplain Risk Management Advisory Panel, that a further Council report be prepared that amends the adopted Terms of Reference to expand the membership of the Panel by up to 2 community members.

One of these members was to be a member from an Aboriginal organisation or an Aboriginal community member with expertise in environmental, land and/or water management. The second additional member was to be a representative of a local environmental organisation or local community organisation involved in managing and protecting local biodiversity. Further, the report was to also summarise the outcomes and recommendations of an Expression of Interest seeking these two additional community members.

The Terms of Reference for the Advisory Panel have now been amended in accordance with the Council resolution.

In January 2025, Expressions of Interest were called for both additional community member roles. No applications were received from a member of an Aboriginal organisation or from an Aboriginal community member. Two applications were received from community members seeking to represent a local environmental organisation or local community organisation involved in managing and protecting local biodiversity.

This report recommends that the amended Terms of Reference incorporating 2 additional community members be adopted. It also recommends that one community representative be appointed to the Floodplain Risk Management Advisory Panel.

Recommendation

It is resolved that Council:

- (A) endorse and adopt the revised Terms of Reference of the Floodplain Risk Management Advisory Panel, as contained in Attachment A to the subject report; and
- (B) appoint Asa Wahlquist as a community representative of the Floodplain Risk Management Advisory Panel, who represents a local community organisation involved in managing and protecting local biodiversity, for a term effective immediately and ending on the day appointed for the next ordinary election of Council.

Attachments

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| Attachment A. | Floodplain Risk Management Advisory Panel - Terms of Reference (Revised) |
| Attachment B. | Community Representatives Expression of Interest (Confidential) |

Background

1. On 16 December 2024, Council considered the establishment of the Floodplain Risk Management Advisory Panel. Council resolved, in part:

that the Chief Executive Officer be requested to:
 - (a) bring a report back to Council early next year that amends the adopted Terms of Reference to expand membership to include:
 - (i) at least one member from an Aboriginal organisation or an Aboriginal community member with expertise in environmental, land and /or water management; and
 - (ii) at least one member representing a local environmental organisation or local community organisation involved in managing and protecting local biodiversity; and
 - (b) undertake a public Expression of Interest (EOI) to identify additional members if needed.
2. The Terms of Reference for the Floodplain Risk Management Advisory Panel (Attachment A) have been amended to reflect the expanded membership specified in the Resolution of Council.
3. The 4 existing community members of the Floodplain Risk Management Advisory Panel were contacted to check if they were eligible to fill the additional roles set in the amended Terms of Reference. They each confirmed that they are not eligible.
4. An expression of interest process seeking for additional community representatives on the Floodplain Risk Management Advisory Panel took place from 16 January to 7 February 2025.
5. Potential applicants were advised through the following forms of communication:
 - (a) City of Sydney website.
 - (b) City of Sydney email newsletters (Sydney of City News and First Nations Opportunities newsletters).
 - (c) Advertising on LinkedIn, Instagram and Facebook.
 - (d) Direct notification by email to local environmental community groups; Glebe Palmerston Landcare, Pyrmont Ultimo Landcare, Friends of Orphan School Creek, The Glebe Society and Camperdown Nurses Memorial Garden.
 - (e) Direct notification by email to the Metropolitan Local Aboriginal Land Council.
 - (f) A memo published in the 24 January CEO Update in which Councillors were encouraged to share this opportunity with community members who may be interested in applying.
6. At the closure of the Expression of Interest period no applications were received from people representing an Aboriginal organisation or from the Aboriginal community with expertise in environmental, land and/or water management.

7. Two applications were received from people representing a local environmental organisation or local community organisation involved in managing and protecting local biodiversity. Refer to Attachment B for further information about the expression of interest applications.
8. Applications have been assessed in keeping with the selection criteria within the Terms of Reference. It is recommended that Asa Wahlquist, who represents a local community organisation involved in managing and protecting local biodiversity, is appointed as the community representative of the Floodplain Risk Management Advisory Panel, for a term effective immediately and ending on the day appointed for the next ordinary election of Council.
9. The flood risk management process involves community and stakeholder engagement throughout the flood study and floodplain risk management study and plan development. In addition to these broad public engagement activities, staff will ensure we engage local and relevant Indigenous organisations when seeking feedback on each study.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

10. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - the Floodplain Risk Management Advisory Panel will ensure effective governance arrangements to oversee the City of Sydney's floodplain management program and associated activities in accordance with the Manual.
 - (b) Direction 4 - Design excellence and sustainable development - the Floodplain Risk Management Advisory Panel will oversee the development and implementation of Council's floodplain management program which in turn improve capacity and capability to plan sustainable development in the City of Sydney to reduce the risk to life and property damage from flooding and withstand the impacts of climate change.
 - (c) Direction 7 - Resilient and diverse communities - the Floodplain Risk Management Advisory Panel will oversee the development and implementation of Council's floodplain management program including recommendations on emergency management, managing and reducing flood risk, improving community resilience and managing changes in risk due to climate change.

Organisational Impact

11. The Floodplain Risk Management Advisory Panel will be coordinated by existing staff.

Risks

12. The Floodplain Risk Management Advisory Panel will help the City of Sydney demonstrate that flood liable land is being managed in accordance with the Manual and that decisions are being made in good faith as required to satisfy the provisions of Section 733 of the Local Government Act 1993.
13. The main objective of floodplain risk management is to reduce risk to life and property damage caused by flooding. The advisory panel will consider a range of flood related issues and make recommendations regarding floodplain risk management studies and plans which may include potential flood mitigation works, changes to planning conditions and property notations, information sharing and education and emergency management. The Advisory Panel will provide oversight to the management of these measures, including the technical, communication and consultation processes associated with these risk management approaches.
14. This approach is within the City's risk appetite which states:
 - We are dedicated to actively identifying and addressing environmental risks associated with our activities and services. We prioritise prevention and proactive measures to minimise our ecological footprint, conserve resources and protect ecosystems.
 - We have an open appetite for changes to procedures and practices to accommodate improved environmental outcomes.
 - We have robust risk management in place to minimise environmental incidents, adapt to climate change impacts and to enhance our resilience against unforeseen challenges.

Social / Cultural / Community

15. The Floodplain Risk Management Advisory Panel will include up to 6 community representatives. The process for reviewing flood risk management studies and plans includes community and stakeholder engagement including local environmental and Indigenous organisations.

Environmental

16. Flooding is recognised as a significant environmental risk. Flood studies and floodplain risk management plans seek to understand and insofar as is possible, manage these risks, including risks associated with climate change. The Floodplain Risk Management Advisory Panel will provide the necessary governance oversight to ensure that the City of Sydney is responsibly managing its floodplains.

Economic

17. Floodplain Risk management studies and plans consider both the direct and indirect economic impacts of flooding and the costs of mitigating the flood risks. The feasibility, cost and benefits of identified flood mitigation options will then be clearly and transparently assessed and prioritised for the benefit of the community and the City of Sydney in developing plans to implement viable flood mitigation measures and strategies.
18. The Floodplain Risk Management Advisory Panel will oversee the City of Sydney's floodplain management activities with the aim of reducing the future economic impacts of flooding.

Financial Implications

19. The Floodplain Risk Management Advisory Panel is advisory in nature and provides recommendations to Council. It will not have any power to incur expenditure or to bind the Council to any recommendation of the panel.
20. The long-term financial plan includes a provision for stormwater drainage enhancement of \$60.8 million over the 10 years from 2024/25. The panel may make recommendations on the prioritisation of floodplain risk management measures to be delivered using these funds, however the decision to commit funds will remain with Council or as delegated to CEO, Executive Directors and staff.
21. Annual operational budgets include allowances to review and update flood studies and floodplain risk management studies and plans.
22. The formation of a panel aligns with recommendations within the Manual. By following the Manual the City of Sydney will ensure that Council is eligible for floodplain management grants awarded by the NSW Government.

Relevant Legislation

23. Local Government Act 1993, section 733, provides councils are not liable for certain advice and activities associated with flood liable land which are undertaken in in good faith, which includes managing catchments in accordance with the principles of the Manual.

Critical Dates / Time Frames

24. In May 2024, the City of Sydney commenced updates to flood studies for the Darling Harbour and City Area catchments under the NSW Floodplain Management Program. The City of Sydney was awarded a grant to undertake these updates with the funding awarded on a 2-to-1 basis with the grant covering two thirds of the cost and the City of Sydney funding one third.
25. The floodplain risk management advisory panel is expected to meet on 5 occasions over 2025 to support the process of consultation, review and finalisation of these flood study updates.
26. The City of Sydney is also reviewing flood notations in line Department of Planning requirements and the Panel will oversee this process in accordance with the scope defined in its Terms of Reference.

Options

27. The existing 4 community representative members of the Advisory Panel were not able to be considered to fill either of the 2 proposed specialist community member positions.
28. An Expression of Interest process, with focussed and direct communication with potential candidates, coupled with broad promotion with the entire community is a transparent and equitable means to seek for community representatives. The additional community representative role specialising in biodiversity is recommended to be filled. One specialist community representative role has not been filled, and to address this we have options to:
 - (a) Complete another Expression of Interest process. Given there has been 2 extensive rounds of Expressions of Interests conducted, this is not recommended.
 - (b) Direct appoint a community representative. This option is not recommended as it is not a transparent and equitable means of appointing a community representative.
 - (c) Leave the role vacant, and ensure the matters subject to community engagement are broadly promoted in the community, and that we also engage with local and relevant Indigenous organisations when seeking feedback on each study.

Public Consultation

29. This advisory panel provides an authentic and transparent mechanism to engage. The call for Expressions of Interest for the 2 additional community representative positions on the Floodplain Risk Management Advisory Panel was open from 16 January to 7 February 2025. During this period the City's floodplain risk management approach was promoted to all members of the community. Extensive community and stakeholder engagement will occur as floodplain risk management studies and plans are reviewed. The outcomes of the consultation will be considered by the Panel and the outcomes will be reported to Council.

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