

Attachment A

Floodplain Risk Management Advisory Panel Terms of Reference
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Floodplain Risk Management Advisory Panel Terms of Reference

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1. Purpose

The primary role of the Floodplain Risk Management Advisory Panel is to assist Council in the development, implementation, and review of floodplain risk management plans. The Panel will:

- Act as a forum for the discussion of technical, social, financial and environmental issues associated with flooding;
- Facilitate coordination between Council, NSW State Government agencies and the local community on flood related matters; and
- Oversee and provide input to Council's floodplain risk management program, including development, implementation and review of flood studies, floodplain risk management studies and floodplain risk management plans.

The Panel complies with the provisions of the NSW Flood Risk Management Manual 2023 for the purposes of section 733 of the Local Government Act 1993, and reports to Council through the Environment and Climate Change Committee.

The Panel's advice must be in alignment with the City's policies, strategies and operational plans.

2. Limitation of Authority

The Floodplain Risk Management Advisory Panel is an advisory body to the City of Sydney Local Government Authority. The Floodplain Risk Management Advisory Panel is not an executive body and does not have the authority to:

- expend money on behalf of Council;
- undertake any work on behalf of the City of Sydney;
- commit the Council to any arrangement;
- consider any matter outside its specific reference;
- direct Council officers in the performance of their duties; or
- represent the Council in any communication with the public or media without the permission of the City of Sydney.

3. Membership

Membership of the Floodplain Risk Management Advisory Panel will include representatives from the local community, elected representatives of Council and representatives of various Government agencies.

Membership of the Floodplain Risk Management Advisory Panel consists of up to 15 formal members, including representatives from:

- Community representatives including two specialist roles (up to 6). One specialist role will be a person from an Aboriginal organisation or an Aboriginal community member, and the second roles will be from a local environmental or community organisation involved in managing and protecting local biodiversity;
- NSW State Emergency Service officers or volunteers (4);
- Sydney Water (1);
- Transport for NSW (1);

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- NSW Department of Climate Change, Energy, the Environment and Water (1);
- Other invited government Agencies as and when required ; and
- City of Sydney (2).

All members representing external government agencies shall be appointed to the panel by the agency they represent and hold appointments on a representative basis only. The representative agency can revoke an appointment at any time and appoint a new representative by way of written notice to Council.

The Council representative will act as Chair of the Panel. Council will determine a Chairperson and an alternate Chairperson to serve as the Council representative.

The City of Sydney Chief Engineer, or another City of Sydney staff member nominated by the Chief Engineer, will formally serve as the Council representative when both the Chairperson and the alternate Chairperson are unable to attend the panel meeting.

Other invited Government Agencies include neighboring Councils and State Authorities impacted by a Flood study or Floodplain Risk Management Study and Plan being undertaken by City of Sydney, who may be invited to a meeting on a needs basis.

Key City staff will attend meetings as observers or specialist advisors and will report to the Panel on a needs basis but are not members of the panel.

Specialist consultants engaged by the City of Sydney will serve as additional advisors or observers where invited on a needs basis. Non-member attendees do not have voting rights.

We encourage all Community applicants, including Aboriginal and Torres Strait Islander people, Australian South Sea Islander people, people with disability, LGBTIQ+ and people from culturally diverse communities to nominate for this panel.

4. Term

The Term of the Advisory Panel will match the current Council term. Community members will be appointed for one term and are appointed in a personal capacity only. Community members may be eligible for reappointment for one further term of the Panel.

Regardless of the date of appointment, the Term will end on the day appointed for the next ordinary election of Council.

The panel may at any time be dissolved and disbanded by resolution of Council.

5. Recruitment

A call for nominations of Expressions of interest for Community representatives will be advertised and promoted to relevant groups and organisations via media, community networks, stakeholders and organisations.

The call for nominations will advise that applications will be assessed according to the selection criteria.

The City of Sydney may create a reserve list of Community members for any casual vacancies.

Successful applicants will be notified in writing.

6. Selection and Selection Criteria

An internal assessment of applicants for appointment as a Community member will be undertaken by a panel of City of Sydney staff against the following selection criteria:

- Residence or property ownership or business operator within City of Sydney LGA.
- Representation across different Council's catchments.
- Knowledge of local catchment flooding issues.
- Commitment to represent the interests of the City community concerning floodplain management issues.
- Ability to attend panel meetings and public meetings within LGA as required.
- Ability to commit to a long-term membership of the panel.
- Preparedness to observe Council's Code of Conduct.

For the specialist community representative role relating to the Aboriginal community, the following additional criteria applies:

- Represents an Aboriginal organisation or is an Aboriginal community member with expertise in environmental, land and/or water management.

For the specialist community representative role relating to the environment, the following additional criteria applies:

- Represents a local environmental organisation or a local community organisation involved in managing and protecting local biodiversity.

The community representatives cannot:

- have been employed by the City of Sydney or a joint organisation of which the City is a member in the past 12 months
- have a close personal or business relationship with a City of Sydney Councillor or a person who has a senior role at the City of Sydney that may lead to a real or perceived conflict of interest
- currently, or in the past 3 years, provide any material goods or services – including consultancy, legal, internal audit or advisory services – to the City of Sydney which directly affect subjects or issues considered by the panel; or
- otherwise be employed in a role that may lead to a real or perceived conflict of interest.

All applicants must be prepared to attend an interview as part of the selection process where necessary and, if successful, an induction session prior to the inaugural meeting.

7. Appointment

The Council representatives and Community panel members will be determined by Council.

Any member may resign by giving written notification to the City.

A person may cease to be a panel member if they fail to comply with these Terms of Reference. At the discretion of the Chairperson, a Community member may be determined to have ceased membership where they are absent from at least two consecutive meetings without notification.

The Chairperson may choose to continue to the end of the current term of the panel without replacing the Community panel member.

8. Meeting Administration and Protocol

City of Sydney staff will provide administrative support including:

- scheduling meetings of the Floodplain Risk Management Advisory Panel with at least two weeks' written notice to all members;
- compiling and circulating agenda and relevant documents to all members;
- taking and distributing minutes that include attendance, declaration of interest and meeting resolutions;
- coordinating other meeting arrangements including accessibility of meeting procedure and materials; and
- reporting on progress to Council and the community.

The Floodplain Risk Management Advisory Panel meetings will be called as business demands to discuss Council's floodplain management program. Meetings will be held at least once every six months in a calendar year. More regular meetings will be called if there are pressing issues to be put forward to the panel.

The quorum of a meeting of the panel will be at least 5 attendees, comprising of the Chair and at least 4 members. No business of the Floodplain Risk Management Advisory Panel will be considered unless a quorum is present.

If the Chair is not able to attend or is not present within ten minutes after the time appointed for the meeting commencement, the Alternative Chairperson will chair the meeting where available, or otherwise the Chief Engineer or their nominated representative will chair the meeting.

The Chair is responsible for:

- Determining the most effective way of dealing with the issues raised and making the necessary arrangements to achieve this,
- Allocating times to be devoted to agenda items and ensuring that these times are observed,
- Opening the meeting and following the agenda,
- Encouraging all members of the panel to express their point of view,
- Summarising the progress of the discussion and degree of consensus reached at the end of each agenda items, and confirming this with the Minute taker before moving on,
- Closing the meeting and confirming the date, time and place of the next meeting; and

Matters arising at any meeting of the Floodplain Risk Management Advisory Panel will be decided by a simple majority of the votes of members.

Members can suggest additional agenda items during the meeting, provided that these items do not contravene the objectives stated in these Terms of Reference and if time allows.

The meeting minutes will be approved by the Chairperson and circulated to attendees within three weeks of the meeting. Meeting minutes from previous panel meeting will be included in the meeting agenda.

9. Code of Conduct and Conflicts of Interest

Members of the Floodplain Risk Management Advisory Panel must comply with the City's Code of Conduct in their capacity as a Panel member. Members must act lawfully, professionally, ethically and with integrity.

Information accessed, discussed, received and used in the Floodplain Risk Management Advisory Panel meetings is confidential unless the panel resolves otherwise. A breach of confidentiality is considered a breach of these Terms of Reference and the City's Code of Conduct.

Conflicts of interest must be disclosed and managed in accordance with the Code of Conduct. It is each members responsibility to be aware of their obligations under the Code of Conduct for both pecuniary and non-pecuniary conflicts of interest.

In addition, where members are engaged as City contractors or consultants, outside their work on the Advisory Panel but for work that pertains to an item on the Advisory Panel agenda, the member shall not participate in any discussion, decision-making or voting on that item.

10. Working Parties

The Floodplain Risk Management Advisory Panel has the capacity to establish time-limited working parties to address specific issues and projects.

The Panel may invite relevant Council and community members to be part of these working parties to provide additional expertise where required.

11. Reporting and Review

The City will report to Council on each meeting of the Floodplain Risk Management Advisory Panel meeting via the CEO Update.

The key activities of the Floodplain Risk Management Advisory Panel will be reported in the City's annual report.

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