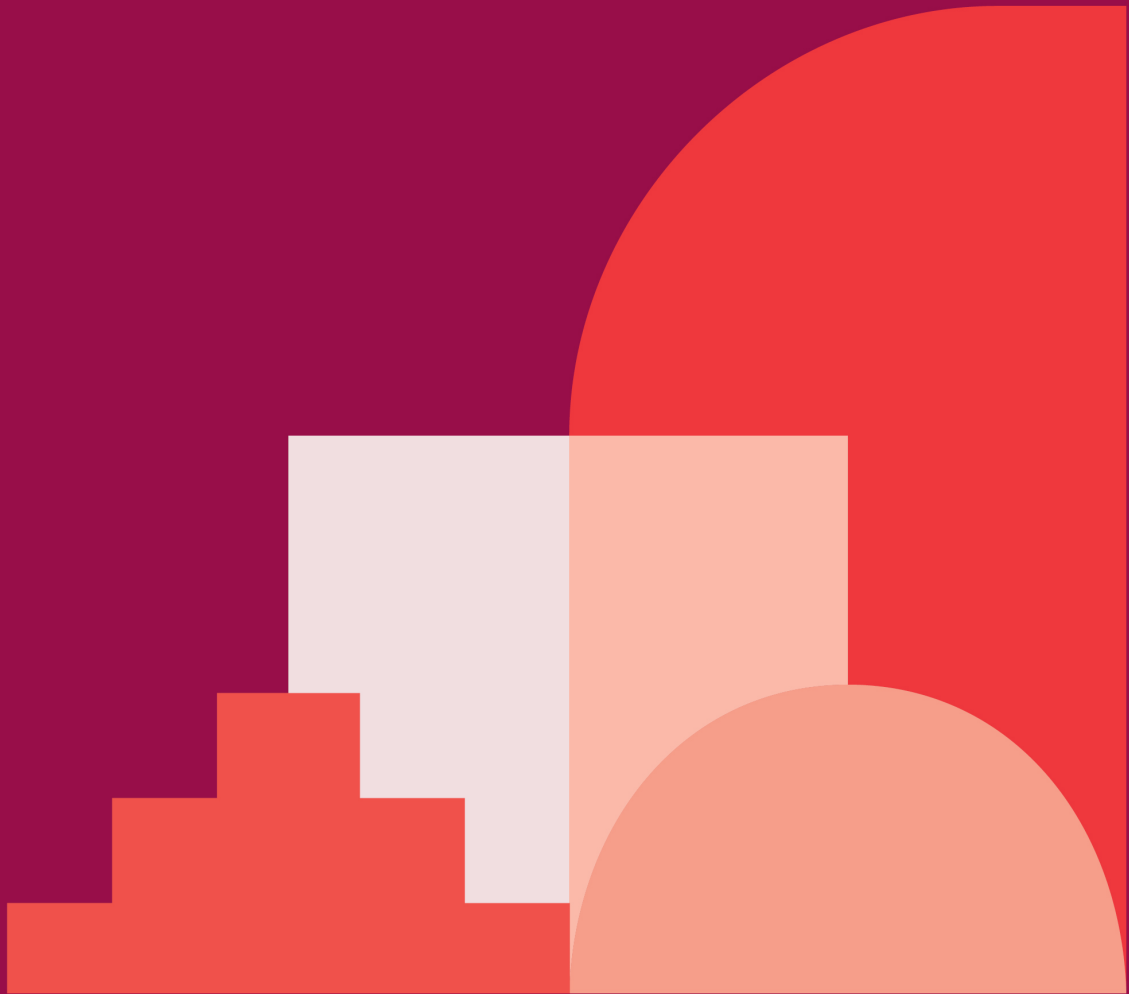


Flood Management Advisory Committee Terms of Reference

V3





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1 Introduction

Inner West Council (Council) established the Flood Management Advisory Committee ('Committee' or 'FMAC') on 23 August 2016 in accordance with the NSW Government Flood Prone Land Policy and the NSW Flood Risk Management Manual (The Manual).

These terms of reference set out the Committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

2 Objective

The objective of the Flood Management Advisory Committee is to assist the Council in the preparation of Floodplain Risk Management Plans for the Inner West Council local government area which will:

- Reduce the impact of flooding and flood liability on the community.
- Reduce private and public losses resulting from flooding.
- Recognise flood prone land as a valuable resource which should not be necessarily sterilised.
- Take into account social, economic, ecological and cultural factors.

The Committee acts as both a focus and forum for the discussion of technical, social, economic and environmental matters, and for the distillation of possibly differing viewpoints on these matters into ongoing management plans.

3 Function and Scope

The function and scope of the Committee will include but not be limited to the following:

- To assist Council in the development of Flood Studies and Floodplain Risk Management Studies and Plans for the Inner West Council local government area.
- To provide a link between Council and the local community.
- To identify objectives and strategies related to the improvement of the management of the floodplain.
- To monitor and review the implementation of flood planning in the Inner West Council local government area.
- To provide input into known flood behaviour as part of a flood study or flood risk management plan.
- To assist in the collection of information to support flood modelling and design.
- To facilitate coordination of flood management between local and state government agencies.
- To support and review the implementation of Floodplain Risk Management Plans within local planning processes, works programs and education campaigns and encouraging community participation.



The Committee does not consider specific development issues proposals/applications but focuses on broader management issues, Council policies and strategies affecting flood prone lands.

4 Delegation

The Committee is advisory in nature providing recommendations to Inner West Council. The Committee has not been delegated authority by Council. Any recommendations of the Committee must be ratified by resolution of Council and implemented by a member of Inner West Council staff with an appropriate delegation.

The Committee does not have any power to incur expenditure or to bind the Council to any decision upheld by the Committee.

5 Membership and Appointments

5.1 Membership of the Committee

Council recognizes its local community as a valuable partner in the management of the floodplain and the FMAC is a valued part of Council's local democracy.

The Committee comprises representatives from the local community with interest or expertise in flooding, elected representatives of Council, representatives of various NSW State Government departments / authorities / corporations, Council staff, and specialist consultants as engaged by Council.

Membership on the Committee is voluntary and by invitation from Inner West Council.

The Committee will consist of:

Members (voting)

- 2 Councillors nominated as per the terms of reference
- Up to 8 Local Community Representatives appointed as per the terms of reference
- 1 representative nominated by the NSW State Emergency Service Local Cluster

Technical Advisory Members (non-voting)

- 1 representative nominated by Sydney Water
- 1 representative nominated by the NSW SES Metro Zone
- 1 representative nominated by the NSW SES Ashfield-Leichhardt Unit
- 1 representative nominated by the NSW SES Marrickville Unit
- 1 representative from Transport for NSW
- Up to 2 representatives from the NSW Department of Climate Change, Energy, the Environment and Water
- Inner West Council Coordinator Stormwater & Asset Planning
- Inner West Council Manager Engineering Services
- Inner West Council Director Infrastructure
- Inner West Local Emergency Management Officer



Invitees & Observers (non-voting)

- Relevant officers from Inner West Council within Civil Works, Operations, Planning and Environment
- Representatives from other Councils or Government Agencies where they impacted by a Flood Study or Floodplain Risk Management Study and Plan being undertaken by Inner West Council

Additional observers can be invited to committee meetings at the discretion of the Committee Facilitator. Membership can be altered at any time by Council resolution.

5.2 Appointment of Chairperson and Deputy Chairpersons

Up to two elected representatives of Council may be members of the committee. The elected representatives of Council to serve on the committee shall be nominated by Council.

For the purposes of this charter the term “elected representatives” includes elected members of Council and, where there are no elected members of Council, persons that have been nominated by Council as members of Local Representation Advisory Committees.

The Chairperson and Deputy Chairpersons of the Committee shall be nominated by Council from the nominated elected representatives unless determined otherwise by Council.

If neither the Chairperson nor the Deputy Chairpersons of the Committee is able or willing to preside at a meeting of the Committee, the Committee may elect a member of the Committee to be acting chairperson of the Committee for that meeting.

5.3 Appointment of Community Representatives

Up to eight Community Representatives may be members of the committee, selected from members of the community who reside or operate on flood prone land, have expertise in local flood management, or represent local sporting groups, social groups, environmental groups or chambers of commerce impacted by flooding.

Expressions of interest for Community Representatives will be called for at intervals as required. Advertising for expressions of interest will be on Council’s website.

Expressions of interest must be in writing. Expressions of interest will be prioritised by relevant Council staff.

Recommendations for appointment to the Committee will be prioritised based on the following selection criteria:

- Residence or property ownership or business operator within Inner West LGA.
- Representation across all Council’s catchments.
- Knowledge of local catchment flooding issues.
- Commitment to represent the interests of the Inner West community concerning floodplain management issues.



- Ability to attend Committee meetings and public meetings within LGA as required.
- Ability to commit to a long term membership of the Committee.
- Preparedness to observe Council's Model Code of Conduct.

Successful applicants will be notified in writing and appointments of Community Representatives to the Committee will be reported to Council by the committee.

Community Representatives membership may be determined for up to two terms of Council (or remainder thereof).

Community Representatives shall serve on the Committee in a voluntary capacity.

5.4 Casual Vacancies

Any member of the Committee may, by giving notice in writing addressed to the Committee, resign as a member.

Membership on the Committee shall cease if:

- A member resigns in writing to the Committee;
- If a member (or representative) is absent without notification of absence for three (3) consecutive Committee meetings; or
- Upon resolution of Council to remove a member from the Committee.

In the event that a casual vacancy is caused by the resignation of a member, the Committee Facilitator will advise the Committee at its next meeting that a vacancy has arisen, and will provide a report to the next available Council meeting concerning a prospective replacement having regard to the following:

- If the member was nominated as a representative of an organisation, then the organisation shall be invited to nominate a replacement representative.
- If the member was nominated as a Community representative, then the Committee Facilitator will review original expressions of interest received and ascertain if any of the individuals who previously nominated are prepared to be considered as a member of the Committee.
- If there are no previous or current nominations then an expression of interest will be called.
- Should a vacancy occur within six (6) months of the end of term of the current Council, the vacancy will not be filled until the first term of the new Council.

6 Responsibility of Members

6.1 Code of Conduct

Council's [Model Code of Conduct](#) applies to the Flood Management Advisory Committee Members (FMAC Members).

Failure by a Council Official or FMAC Member to comply with the standards of conduct prescribed under the Model Code of Conduct may constitute misconduct and could result in suspension or removal from the advisory committee or working group.

Failure by a member of staff to comply with Council's Model Code of Conduct may also give rise to disciplinary action.

Council has zero tolerance for aggressive, humiliating, bullying, intimidatory or violent behaviour towards Council Officials or FMAC Members.

Respect is one of our core values and Council Officials and FMAC members are required to:

1. Treat everyone equitably and fairly
2. Embrace diversity
3. Acknowledge and value the needs of FMAC Members
4. Actively listen, to understand each other's point of view
5. Value feedback and respond constructively

6.2 Understanding and Contribution

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Inner West Council
- Contribute the time needed to study and understand the papers provided.
- Apply objectivity and good judgment.
- Express opinions frankly, ask questions that go to the fundamental core of issues.
- Members of the Committee are not permitted to speak to the media as a representative of the Committee unless approved by Council. General information with regard to purpose and objective of the Committee is available on Council's website

6.3 Conflict of Interest

All FMAC members are required to disclose conflicts of interest in accordance with the [Conflict of Interest Policy](#). All FMAC Members are required to undertake an initial Disclosure of Interests upon commencement as a FMAC Member and annually thereafter. Any new Conflict of Interest that arises must be disclosed as soon as practicable and no more than one month post becoming aware of the new interest. Refer Schedule 1 Disclosure of Interest.

6.4 Role of the Chairperson

The Chairperson is responsible for:

- Opening the meeting and following the agenda
- Allocating times to be devoted to agenda items and ensuring that these times are observed
- Encouraging all members of the Committee to express their point of view
- Determining the most effective way of dealing with the issues raised and making the necessary arrangements to achieve this
- 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
- Liaising and reporting to the Council.

6.5 Committee Facilitator

The designated Committee Facilitator is the Director – Infrastructure or their nominee.

The Committee Facilitator is responsible for:

- Establishing the meeting agenda in conjunction with the Chairperson
- Preparing and distributing the agenda
- Ensuring the agenda and minutes are published
- Ensuring that relevant matters are brought before the Committee
- Ensuring that the input and decisions of the Committee are incorporated into Council activities.
- Booking venues
- Taking accurate minutes in the format determined by the Committee; and
- Distributing the minutes

7 Meetings

7.1 Frequency

The Committee will meet a minimum of four times a year, at quarterly intervals. Special meetings of the committee may be called where required at critical points in the review and delivery of Flood Studies and Flood Risk Management Plans, or there are pressing issues to be put forward to the Committee.

Meetings will allow for hybrid attendance (face-to-face and online) to ensure that members have as many options available to take part in the Committee.

The meetings of the Committee are to be called by the Committee Facilitator. The proposed date, time, location and business to be transacted at each meeting will be notified to all members of the Committee at least seven days prior to the meeting.



7.2 Quorum

The quorum for a meeting of the Committee will be 50% of the current voting members.

7.3 Meeting procedures

The following procedures shall apply during meetings:

- Meetings of the Committee shall be conducted under the Council's Model Code of Conduct.
- The Chairperson may call a special meeting if, in the Chairperson's opinion, there are matters of urgency that require attention.
- The Committee may invite people to attend meetings to observe, make representation or provide expert or technical advice.
- Provision shall be made on each agenda for General Business to be raised at each meeting.
- The agenda for the meetings shall be issued on the week preceding the Committee meeting.
- Council's role is to note the Committee's Minutes and to consider recommendations made by the Committee. Such recommendations will be highlighted for the attention of Council.
- The minutes shall be drafted and distributed after each meeting to Committee members.

7.4 Meeting Conduct

Members shall respect the views and opinions of each other, allowing for one person to speak at a time and participate in the meeting with decorum. The Chairperson will facilitate the meeting to ensure the meeting keeps to the agenda allowing for all agenda items to be considered.

When the Chairperson rises or speaks during a meeting:

- Any FMAC Member then speaking or seeking to speak must cease speaking.
- Every FMAC Member present must be silent to enable the Chairperson to be heard without interruption.

A Council Official or FMAC Member commits an Act of Disorder if they:

- a. Contravenes the Flood Management Advisory Committee Terms of Reference
- b. assaults or threatens to assault Council Officials or a FMAC Member
- c. moves or attempts to move a recommendation that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Flood Management Advisory Committee
- d. insults, or makes unfavourable personal remarks about, or imputes improper motives to any other Council official or FMAC Member
- e. or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the Flood Management Advisory Committee into disrepute.



Where a FMAC Member commits an act of disorder the Chairperson reserves the right to expel any person from the meeting.

8 Sub-Committees & Working Groups

Sub-Committees or Working Groups may be established to support the Flood Management Advisory Committee and Council in the delivery of flood risk management projects.

Working Groups will contain relevant technical staff from Council, the Department of Planning and Environment, State Agencies, and selected consultants.

Sub-Committees and Working Groups will report to the Flood Management Advisory Committee on the progress of the matters assigned to them.

9 Breaches of this Terms of Reference

Breaches of Terms of Reference may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

10 Dissolution

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

11 Administrative Changes

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer titles or department changes and legislative name or title changes which are considered minor in nature and not required to be formally endorsed.

12 Version Control – Terms of Reference History

This Terms of Reference will be formally reviewed every three years from the date of adoption or as required.

Governance use only:

Document	Flood Management Advisory Committee Terms of Reference	<i>Uncontrolled Copy When Printed</i>	
Custodian	Manager Engineering Services	Version #	Version 3
Approved By	Council	ECM Document #	39705892
Next Review Date	April 2027		

Amended by	Changes made	Date Adopted
Engineering Services	Amended Contact Officer	29/9/2017
Engineering Services Governance and Risk	Significant updates to the entire document as part of the required review into meeting schedule, membership and committee governance. Terms of reference amended to align with standard IWC governance procedures	09/04/2024

Schedule 1 – Conflict of Interest Disclosure Form

CONFLICT OF INTEREST DISCLOSURE FORM

Information	<p>A conflict of interest arises if it is likely that a person with a private or personal interest could be influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced. Council’s Code of Conduct requires Council officials to declare potential Conflicts of Interest and take appropriate action to resolve these situations immediately.</p>
Types of Interests	<p>1. Pecuniary Interest</p> <p>Is an interest that you have in a matter because of a reasonable likelihood or expectation of an appreciable financial gain or loss to you, or to another person with whom you are associated. This could include your partner, close relative and business associate. (Section 4 (4.1) Code of Conduct).</p> <p>2. Non-Pecuniary Interest</p> <p>Is a private or personal interest, which you have which may arise from a friendship, a family member, sporting, social, religious or cultural association. This may include money, interests of a financial nature or a non-financial benefit.</p>
How a Conflict of Interest would arise:	<ul style="list-style-type: none"> • Where you have a personal interest that would lead you to be influenced in the carrying out of your Council work or public duties. • Where you have a personal interest that could lead a reasonable person to think you could be influenced in the carrying out of your Council work or public duties. • Where you know of a family member, relative, friend, associate or anybody close to you has an interest that could lead you to be influenced or a reasonable person to think you could be influenced, in the carrying out of your Council work or public duties.
Identify, Declare and Manage Conflict of Interest?	<p>Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2 of the Code of Conduct, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest.</p> <p>How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant, refer to Clause 5.6 to 5.9 of the Code of Conduct for guidance.</p> <p>If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.</p> <p>Where you have a significant non-pecuniary or pecuniary conflict of interest you must not participate in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary or pecuniary conflict of interest.</p>

Employee's Details	<p>Name: Click or tap here to enter text.</p> <p>Position: Click or tap here to enter text.</p> <p>Directorate: Choose an item.</p>
Description of Conflict of Interest	<p>Click or tap here to enter text.</p> <p>Type of Conflict</p> <p><input type="checkbox"/> Pecuniary</p> <p><input type="checkbox"/> Non-Pecuniary – Significant</p> <p><input type="checkbox"/> Non-Pecuniary – Non-Significant</p> <p>Date Conflict Declared: Click or tap to enter a date.</p> <p><input type="checkbox"/> The details I have provided are correct to the best of my knowledge and the declaration is made in good faith.</p> <p>Signature of Employee: _____ Date: Click or tap to enter a date.</p> <p>Please submit this form to your Manager/Senior Manager/Director or General Manager</p>
Action taken to avoid any impact from the Conflict of Interest	<p>Click or tap here to enter text.</p> <p><input type="checkbox"/> Manager will monitor the employee's adherence to the action plan stated above.</p> <p>Manager's Name: Click or tap here to enter text.</p> <p>Signature of Manager/Snr Manager: _____ Date: Click or tap to enter a date.</p> <p>Signature of Director/GM: _____ Date: Click or tap to enter a date.</p>
Endorsement by Employee	<p><input type="checkbox"/> I note the proposed action, endorse it, and agree to abide by it. If the circumstances as set out in this declaration changes, I will resubmit a new declaration setting out the circumstances for approval.</p> <p>Signature of Employee: _____ Date: Click or tap to enter a date.</p>
Completed Forms	<p>Send completed forms to Governance@innerwest.nsw.gov.au</p>