

Item 10: Operations

10.1 Floodplain Risk Management Committee

REPORT BY THE DIRECTOR OPERATIONS
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, SEW200053

RECOMMENDATION

That Council:

- 1. receive the report by the Director Operations on the Floodplain Risk Management Committee;**
- 2. reinstate the Mid-Western Regional Council Floodplain Risk Management Committee as an advisory body to Council; and**
- 3. appoint Cr _____ and Cr _____ as Council delegates to the Mid-Western Regional Floodplain Risk Management Committee.**

Executive summary

The establishment of a Floodplain Risk Management Committee (FRM) by Council is part of the formal steps in the Floodplain Risk Management Process. With the review of the Mudgee Flood Study completed and the subsequent review of the Floodplain Risk Management Plan and Study commencing, the formation of the Committee is a requirement of the NSW Department of Planning, Industry and Environment (DPE) guidelines. The Committee is an advisory committee to Council and will operate under a Terms of Reference (Attachment A).

Committee membership shall comprise of:

- Councillors – 2
- Local SES Controller or nominee
- Representative of the Department of Planning, Industry and Environment
- Community representatives – up to 2 who have an interest in local catchment flooding issues or community representation
- Planning staff - 1 from development assessment and 1 from strategic planning
- Operations staff – Director of Operations and Manager Infrastructure Planning.

Council has previously had such a committee in the past and had ex Councillor Holden as the nominated representative.

Disclosure of Interest

Nil

Detailed report

Councils in NSW are obligated to develop and implement floodplain risk management plans in accordance with the NSW DPE guidelines as set out in the Floodplain Development Manual 2005. The guidelines stipulate the formation of a floodplain risk management committee (FRM Committee) that makes recommendations to Council.

The principle objective of the FRM Committee is to assist Council to undertake studies and develop the Flood Risk Management Plan for the study area, and provide advice on priorities for implementation. Once the committee has completed the prime task of developing and FRM plan and implementation strategy, and the council has adopted these, implementation falls back to council or the responsible authority as part of activities under the FRM framework.

The Committee acts as both a focus group and forum for the discussion of technical, social, economic, environmental and cultural issues and for the distillation of possibly differing viewpoints on these issues into a management plan. The DPE guidelines suggest that Committee membership should be comprised of elected members of Council, Council staff from engineering, planning and environmental disciplines, local community representatives, representatives of relevant industry bodies, DPE officers and a representative from the SES. The Committee does not have any formal powers, rather is an advisory committee with the principal objective to assist the Council in the development and implementation of the management plan for the area(s) under its jurisdiction.

The Committee provides important links to state agencies, key stakeholders and the community.

The establishment of a Floodplain Risk Management Committee by Council is a step in the Floodplain Risk Management Process. To form the Committee it is recommended that 2 delegates be appointed from Council. Council Officers will write to OEH and SES requesting a representative be nominated as members of the Committee.

Community Plan implications

Theme	Good Government
Goal	Strong civic leadership
Strategy	Provide accountable and transparent decision making for the community

Strategic implications

Council Strategies

Mudgee Flood Study – forms a component of the Flood Risk Management framework

Council Policies

Nil

Legislation

NSW DPIE – Flood Prone Land Policy

NSW DPIE Floodplain Development Manual

Financial implications

There are no direct financial implications in the formation of the FRM Committee for staff, consultants or community volunteers. The consultants who provide advice to the committee are engaged to undertake the Flood Risk Management Study and Plan and meetings are included in the technical brief. Community participation is voluntary.

Associated Risks

Formation of the committee is a requirement of both the funding deed with DPIE and is a key principle in the sustainable governance arrangements for the Flood Risk Management process. Not establishing such a committee provides risks around strategic FRM planning, consultation and links to relevant agencies that provide valuable input to the FRM process.

JULIAN GEDDES
DIRECTOR OPERATIONS

2 August 2022

Attachments: 1. Terms of Reference.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



TERMS OF REFERENCE

MUDGEE FLOODPLAIN RISK
MANAGEMENT COMMITTEE

3 AUGUST 2022

MID-WESTERN REGIONAL COUNCIL
OPERATIONS



OPERATIONS | TERMS OF REFERENCE

Committee Name

The committee shall be known as the 'Mudgee Floodplain Risk Management Committee'. Further reference to the Mudgee Floodplain Risk Management Committee within this document will be referred to as the 'Committee'

Delegations

The Committee has no delegations from the Council.

Financial Arrangements

Unless expressly resolved by Council the Committee has no powers to commit nor expend any Council funds.

THIS DOCUMENT HAS BEEN PREPARED BY JULIAN GEDDES, DIRECTOR OPERATIONS FOR MID-WESTERN REGIONAL COUNCIL.

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Committee's Responsibilities

The objective of the Committee is to provide advice to Council on floodplain risk management issues facing the Mudgee flood planning area catchment in accordance with Appendix D of the NSW Floodplain Development Manual (2005).

In particular the Committee shall oversee the following items completed in accordance to the Mudgee Floodplain Risk Management Study and Plan Technical Brief:

- Floodplain Risk Management Study.
- Floodplain Risk Management Plan.
- Interim development controls within the floodplain area.
- Community Consultation material / framework

The role of the Committee is advisory to:

- Discuss the technical, social, economic and ecological issues and for the distillation of possibly differing viewpoints on these issues;
- Assist Council by providing direction through the process of preparation and implementation of Floodplain Risk Management Planning.
- Foster partnerships and collaboration between the local community and Council.

Committee Membership

Membership of the Committee shall be comprised of:

- Councillors – 2 as determined by Council resolution
- Local SES Controller or nominee
- Representative of the Department of Planning, Industry and Environment
- Community representatives - up to 2 whom have an interest in local catchment flooding issues and community representation.
- Planning staff – 1 from development assessment and 1 from strategic planning.
- Operations Infrastructure Services staff - 2

The Council reserves the right to determine the appointment of all members and member Organisations, Community or Interest Groups.

Membership Selection

Councillors, Council staff, Agency and community representatives shall be nominated by Council Resolution, the General Manager or the respective agency as appropriate.

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Membership Tenure

Councillors will be appointed for the Term of the Council unless otherwise resolved by the Council.

All other Committee member's appointment may be ended on the basis on one of the following:

- Resignation of a member;
- Regular non-attendance (missing three (3) consecutive meetings); or
- Failure to adhere to the protocols set out below.

Should the committee agree by consensus, the committee may appoint additional members or fill in any vacant positions. Should the committee be in consensus, a position may be left permanently vacant.

Committee membership is to be dissolved or renewed as required to serve the needs of dealing with the matters before the Committee.

MEETING PRACTICE Code of Meeting Practice

The meeting procedures outlined in the Council's Code of Meeting Practice shall guide the meeting procedures of the Committee unless otherwise outlined below:

Chairperson

A designated Council Staff member will act as chairperson and is required to form a Quorum.

Executive Officer

The Executive officer shall:

- provide executive support to the Committee
- be responsible for preparing the agenda and minutes of the Committee meetings
- be responsible for preparing report to Council containing the minutes
- be responsible for providing the Committee members with the resolutions of Council regarding Committee recommendations.

Other Attendees

- Guest speakers/observers may be invited as required and as determined by the Committee.
- There may be a need to establish temporary sub-committees or working groups to meet certain criteria or to pursue specific issues

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Responsibilities of Members

Should a member be unable to attend a meeting, an apology or notification must be made to the Secretary prior to the meeting.

Members will have no power or delegations to make decisions on behalf of Mid-Western Regional Council or allocate funds.

Members must follow meeting protocols. The following meeting protocols are as follows:

- Members shall respect the role of the chair in the conduct of the meetings.
- Members shall respect the right of every member to speak and put forward their views.
- Members shall comply with the chair's decisions in relation to agenda items and timeframes.
- Meetings shall be run through consensus. Where there is an opposing view, members can choose to have their name recorded in the minutes stating their position.
- Minutes shall be taken each meeting and distributed to each member via email, providing a summary of issues discussed and actions to be progressed.
- Any confidential items brought up in the meetings shall not be made public.
- Members are to declare any potential conflict of interest that may arise in the considerations of the committee and at such a time where a conflict of interest is established, remove themselves from any relevant discussions.

Frequency of Meetings

The Committee shall meet at staged intervals as per the Mudgee Floodplain Risk Management Study and Plan Brief at Council offices at a mutually agreed time. Meeting frequency will vary depending on the business and release of information from the consultant undertaking the study and plan.

Quorum

A quorum for attendance shall be satisfied following that **half the membership of the committee plus one** is in attendance.

Notice of Meeting and Agenda/Business Paper

A notice of an agenda for every meeting of the committee will be forwarded to all committee members at least five (5) working days prior to the date of each meeting.

Any items submitted for inclusion by any committee members are to be lodged with the Committee's nominated secretary a minimum of two (2) weeks prior to the meeting to allow time to prepare information on the matter.

Minutes of a meeting will be taken by a Council officer and distributed to all Committee members within ten (10) days of the meeting.

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Voting and Decisions

Decisions made by the committee will be based on a voting system. The proposition which receives the majority of votes (more than half in attendance) will be the decision of the committee.

Each member on the committee will be entitled to a single vote.

Should a decision be equally voted for, the chairperson presiding at the meeting shall have another vote in addition to their original vote.

Should the Committee make a recommendation which may require further consideration by Council's Executive and/or Council, Council officers will refer the consideration to the appropriate body.