



D2.10

**FLOOD MANAGEMENT RISK
MANAGEMENT COMMITTEE
POLICY**



D2.10 FLOODPLAIN RISK MANAGEMENT COMMITTEE POLICY

ENVIRONMENT AND PLANNING - INTEGRATED PLANNING

POLICY OBJECTIVES

The principal objective of the floodplain risk management committee is to assist the Council in the development and implementation of a management plan for the area(s) under its jurisdiction. However the committee also assists in:

- formulating objectives (in accordance with ESD principles), strategies and outcomes sought from the process;
- providing a link between the local community / Government agencies and Council;
- identifying the flood problem to be assessed and the study area;
- considering and making recommendations to Council on appropriate development controls for use until the management plan is completed, approved and implemented;
- supervising the collection of necessary data and supervising and monitoring the progress and findings of studies being undertaken in the various stages of the management plan;
- providing input into known flood behaviour as part of the flood study;
- identifying management options and providing input into their consideration as part of the management study;
- identifying implementation strategies for the management plan;
- monitoring and assessing the effectiveness of the management plan during and after its implementation;
- co-ordinating and monitoring the public education programs essential to the long term viability of the management plan;
- co-ordination with catchment management boards, emergency management planning and other advisory bodies.

POLICY STATEMENT

The development and implementation of a floodplain risk management plan is solely a local council responsibility in urban situations.

The development and implementation of a floodplain risk management plan is required to be overseen by a committee of Council. The committee is to comprise various Council elected members, staff, community, industry and relevant government representatives.

The committee does not have any formal powers; however has an advisory role in disseminating information and making recommendations to Council.

In certain circumstances it may be necessary to establish a single committee involving adjoining councils (Wyong, Hornsby) to effect co-ordinated planning. This may be appropriate where the floodplain under investigation embraces more than one local government area and where structural, land use or flood response measures in one council area are likely to influence the effectiveness of management measures or flood behaviour in other council areas. Consideration should also be given to the relationship with adjoining councils, and if necessary, the establishment of an overall committee to address the flooding problems on a catchment wide basis.

Once the committee has completed the prime task of developing a management plan and associated implementation strategy, and the Council has adopted these, a limited group should remain to oversee implementation.

The committee needs to be able to co-ordinate and disseminate the interests, advice and expertise available from State and Commonwealth Government agencies and the local community. The committee should also consider the establishment of a specialist technical sub-committee to deal with complex technical issues.

MEMBERSHIP OF THE COMMITTEE

The membership of the committee needs to be a balanced representation of stakeholders such as agencies, groups and/or individuals effecting, affected by or co-ordinating floodplain risk management. Membership should be flexible to ensure the right mix of interests is represented.

The Committee shall comprise of the following core members:

- Convenor - Elected member of Council
- Elected member of Council
- Council Staff from:
 - Engineering Services Unit
 - Integrated Planning Unit
 - Development Unit.
- Officers from relevant Government Agencies:
 - Department Environment & Climate Change (DECC)
 - Department of Primary Industries (Fisheries)
 - Catchment Management Authority.
- Community Representatives including representatives from environmental groups.
- Temporary community representatives associated with the relevant study/item.
- Representatives from Relevant Industry bodies e.g. Real Estate Institute, Law Society, Chamber of Commerce.
- Representative(s) from the State Emergency Service (SES).

Officers from other relevant government agencies, departments or authorities may be co-opted to the committee as and when required.

Because the responsibility for planning matters lies with Council, the committee should report either to Council or to its appropriate standing committee, which has the final decision making power.

A single committee on a floodplain shared by a number of council areas may be desirable or necessary.

QUORUM

A quorum is to consist of at least five (5) core committee members from the above list.

CONDUCT OF MEETINGS

Unless otherwise included in this policy the committee meetings are to be convened and conducted in accordance with Council's 'Code of Meeting Practice', as amended.

CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEE

The Chairperson and Deputy Chairperson of the committee are to be appointed and are to act in accordance with clause 5.5 of Council's Code of Meeting Practice. In particular the Chairperson or alternate must be as per the adopted register of Council Committees. In addition, if neither the Chairperson nor the Deputy of the committee is able or willing to preside at the meeting of the committee, the committee must elect a member of the committee to be acting Chairperson of the committee. The elected chairperson must be a committee member who has voting rights.

VOTING

Some committee members have voting rights whilst others have an advisory role or provide feedback on committee deliberations to their respective associations, organisations or the community.

The general voting rights are as follows. Full details are described in the section "ROLE OF THE COMMITTEE".

- One vote is allowed from the Chairperson. The Chairperson may have a second vote if a swimming vote is required.
- One vote is allowed only from each Councillor who is a member of the committee and who is not the Chairperson.
- One vote is allowed only for each Community Representative including local environmental groups that are a permanent members of the Committee.
- One vote is allowed only for each Temporary Community Representative associated with the relevant study / item.

COMMITMENT OF COMMITTEE

The floodplain risk management process is neither short nor simple, nor is it the singular responsibility of council officers, consultants or government officers to have input to the process.

The management committee must comprise members who are committed to and actively involved in the preparation and implementation of the management plan. It may take 3 to 5 years to develop the plan and the implementation of all recommendations may take much longer.

In view of the length of time involved the turnover of committee members, including both council staff and elected representatives, can be a problem. Whilst little can be done with respect to the potential turnover of council and government officers, the structure of the committee should be decided with consideration of its long term viability and relationship with other committees in operation in the local area. Attempts should be made to co-opt local community members who are enthusiastic, energetic and likely to "see the distance" to complete the management plan.

ROLE OF THE COMMITTEE

The primary role and responsibility of the various members on the management committee are described below. This outline does not aim to limit the contributions made by members, but rather attempts to ensure that all important aspects are given due consideration. It should be noted that the committee is tasked with seeking solutions to the existing, future and continuing flood risk issues, not solely on addressing the past.

It is also important to note that State Government agency representatives and Council staff members do not have committee voting rights but provide advice in relation to their departmental functions and their area of expertise.

1 Elected Member(s) of Council

Elected members of Council are the leaders of this process and should assess the community, political and policy implications of any actions contemplated with the objective of producing an equitable result for the Local Government Area. They have voting rights.

2 Council Staff

Council staff must include a mix of engineering, strategic and development assessment planning, and environment representatives. They should provide local specialist advice and co-ordinate:

- input from Council, the local community and other committee members;
- the production and presentation of agendas and reports;
- the management of consultants (including preparation of study briefs);
- the management of financial assistance for the project; and
- formulation of draft recommendations to the committee.

The recommended final management plan requires significant input from staff before submission to Council. Council staff do not have voting rights.

3 Local Community Representatives

Community representatives play an important role in the success of the committee and every attempt should be made to have representatives who can make the necessary commitment. Local community representatives should;

- form a link between the committee and the local population in the flood prone area. They therefore need to be able to effectively inform the affected community of the deliberations of the committee and so foster a wider understanding of the process;
- provide historical advice on local and perceived solutions;
- consider in detail implications of matters which may impact on the local community; and
- facilitate formal representations to the committee on behalf of the public.

Community Representatives have voting rights.

4 Local Environmental Group Representatives

Local environmental group representatives should provide a link between environmental groups and the committee to enable adequate local environmental input into committee deliberations. They have voting rights.

5 Local Industry Body Representatives

Local industry body representatives should provide a link between the industry body and the committee, where necessary. These may be drawn from the chamber of commerce, real estate institute, law society or other relevant local bodies. They have an advisory role and do not have voting rights.

6 The Department Environment & Climate Change (DECC) Representatives

DECC provides representation from both a floodplain risk management and land use planning perspective.

From the floodplain risk management perspective DECC's representative should provide technical expertise and steering advice to ensure that the management plan is prepared in accordance with the principles of the NSW Government's Flood Prone Land Policy. The representative should also monitor the progress of the studies and plan, particularly as they relate to current and future government funding programs. A key role of the representative is to provide technical advice, to both Council staff and the committee, throughout the process. They have an advisory role and do not have voting rights.

From a land use planning perspective DECC's representative should ensure that the planning approaches considered and adopted in the management plan are consistent with other areas within the region and state. In addition, DECC should provide technical advice to the committee on planning issues throughout the process, on the implications of State or regional planning policies and the provisions of the EP&A Act.

DECC also provides advice on other natural resources policies, such as the State Rivers and Estuaries Policy and Wetlands Policy, that link with the Flood Prone Land Policy and Water Management Act.

7 The State Emergency Service (SES) Representative

The SES representative (or controller) should consider the implications of any action contemplated in regard to risk assessment, flood warning and response plans for the management and evacuation of flood-prone areas, and with regard to the State Emergency Service Act 1989. The SES representative should also provide input from the emergency management viewpoint and ensure that the management plan is developed parallel to and complementary to the local flood plan (prepared under the guidance of the SES). They have an advisory role and do not have voting rights.

The SES representative must ***not*** be requested to:

- approve private or site specific flood plans or flood emergency response plans prepared for proposed developments; or
- approve incorporation of private or site specific flood plans prepared for proposed development into the local flood plan.

(refer to Section N7 - NSW Government Floodplain Management Manual - April 2005)

Private or site specific flood plans or flood emergency response plans, written for specific developments and separate from the local flood plan, are ineffectual and should not form the basis of development consent.

Inclusion of specific development proposals in the local flood plan is limited to those assessed and incorporated in the adopted floodplain risk management plan.

8 Technical Sub-Committee

The role of this sub-committee of the floodplain risk management committee should be to provide technical assistance to enable the committee to fulfil its ***advisory role*** to council efficiently, confident that studies and option assessments are technically adequate and the options proposed are practical and feasible. The roles of the technical sub-committee may include:

- preliminary development of process and individual study objectives
- collection of background data for studies available to Council, DECC and SES
- preparation of technical project briefs in consultation with the committee;
- review of proposals from consultants in consultation with the committee;
- review of modelling, management options, reports and presentations for technical adequacy prior to presentation and review by the full committee; and
- advice on any other technical matters upon request by the committee.

The technical sub-committee should have membership from council staff (both engineering and strategic planning) and DECC. A representative of SES may also be included when the sub-committee is considering emergency management issues. They have an advisory role and do not have voting rights.

COMMUNITY CONSULTATION

The local community both flood prone and otherwise has a key role to play in the development, implementation and success of a management plan. If it is to be accepted and successful, it is essential that clear and concise communications flow between the committee and the community so that affected individuals and community groups can 'have their say' and learn of their roles and responsibilities.

The following format is suggested to establish and maintain communication between the council, committee and the local community.

Council should arrange to:

- involve and inform the community (through media releases, newsletters and public meetings) on a range of issues.
 - These include the role and responsibilities of the committee, its intention to investigate a study/studies for preparation of a management plan, the work Council is undertaking for the flood study, and progress on the studies and plan.
 - Affected residents should also be informed of the length of time until finalisation of the management plan and potential time for implementation of management measures, and of the nature of development controls pending management plan completion;
- call for representatives of the general community and action groups to self nominate for the committee, clearly stating the expected role of members at this time;
- use established local community groups, where they exist, and encourage their representation on the committee;

- make one or two contact people known to the community, usually staff members of Council, who can be contacted regarding questions relating to floodplain risk management, during the development and implementation of the management plan;
- define clear goals for each study and estimate the time to complete each investigation and when direct community consultation and feedback is proposed;
- release information to the community and members of the committee at regular intervals, rather than waiting until the completion of one of the formal stages of the management plan, or associated formal meeting of the committee;
- consider appropriate development controls for use until the management plan is completed (see Section C9 - NSW Government Floodplain Management Manual April 2005) considering recommendations of the management committee;
- ensure that simple, clear messages are used to explain the situation in uncomplicated language and relate any implications to property owners and potential development applicants when disseminating information;
- formally adopt the management plan at the completion of the preparation and consideration process; and
- consider changes to the local flood risk management policy and council's strategic planning instruments and associated development controls during the implementation phase, where strategies result in altered flood behaviour.

PECUNIARY AND NON-PECUNIARY INTEREST AND DISCLOSURE

In line with the Local Government Act 1993 No 30 a person giving advice to the Council at a Council or Council Committee meeting must disclose pecuniary interests in accordance with Sections 440, 451, 456 and Council's Code of Conduct.

(Minute No 2009/48 - 27 January 2009)

(Minute No 2009/311 - 5 May 2009 - Review of Policies)