

**Wagga Wagga City Council**

**FLOODPLAIN RISK  
MANAGEMENT COMMITTEE**

**TERMS OF REFERENCE**

~~2017~~ ~~February~~ ~~Febr~~  
April February Febr  
uary 2020



## **1. Status and Name**

- (1) The Committee shall be known as the “Floodplain Risk Management Committee” (hereinafter referred to as “the Committee”).
- (2) This Committee is a Committee of Wagga Wagga City Council (hereinafter referred to as “the Council”) pursuant to and in accordance with provisions contained in the Local Government Act 1993 and the Local Government (General) Regulations 2005.

## **2. Established**

The Committee was established by Council Resolution 16/276 at its meeting held Monday 31 October 2016

## **3. Purpose, Objectives and Operational Support**

- (1) Council has convened this committee as an efficient and effective means of communicating and consulting with members of the community with an interest in, and key stakeholders relating to, floodplain risk management in the Wagga Wagga Local Government Area, to assist in rendering effective oversight concerning the implementation of actions contained in the Floodplain Risk Management Plan.
- (2) Council Committees are to operate in accordance with the legislative framework of the Council, and in line with best practice guidelines.
- (3) The usefulness of the Committee must relate to how well it complements and assists the Council to achieve the outcomes of the Floodplain Risk Management Plan which define the key actions the Council and stakeholders will undertake in the Floodplain.
- (4) The Committee allows the community and other key stakeholders to oversee the delivery of actions relating to floodplain risk management in the Wagga Wagga Local Government Area.
- (5) The Council’s Operational Plan is a statutory document prescribed by the provisions of the Local Government Act 1993. It produces specific Operational Plans for each functional area, and is the guiding document driving the day to day operations of the Council. The Committee is not intended to be part of, or intervene in, these operations. In addition the Floodplain Risk Management Plan is a Council adopted document with necessary actions to be completed in the Floodplain and it is not intended the Committee intervene in these actions, but be the connection between the implementation of these actions and the community.

- (6) The Councils Code of Conduct for members of the Committee must be followed.
- (7) The Committee is nominated as a serviced committee by the Council. This means that the Council is responsible for:
- Preparation of minutes, reports and agendas
  - Providing professional staff and minute taker to attend meetings if required
  - Providing training to Committee members where required
  - Providing feedback on Council decisions to the Committee
  - Provision of a meeting venue and refreshments as appropriate
  - Provision of insurance coverage for the Committee as appropriate
  - Provision of a Councillor or a staff member to attend in an advisory capacity when required or requested
  - Placing agendas on the Council's website and where appropriate inviting members of the public to attend as observers
  - The agenda is to include an item for Questions with Notice. Any relevant operational matters, pertinent to the actions contained in the Floodplain Risk Management Plan within the Wagga Wagga Local Government area may be discussed during Questions with Notice providing the matter has been raised with the Committee chair prior to the meeting and is documented in the agenda under the section 'Questions with Notice'. These items will only be recorded in the minutes should a resolution ensue. These items will be subject to disclosures of interest where applicable
  - When appropriate, responding to requests from the Committee to obtain from Council officers reports or recommendations related to an agenda item
  - Ensuring that agendas will be forwarded to Committee members, all Councillors and the General Manager at least three working days prior to a meeting
  - On completion of the Minutes, a report will be prepared with Minutes attached and any recommendations of council officers where appropriate.

#### 4. Function and Role

The function and role of the Committee is to provide advice to the Council on:

- (1) The development, implementation and delivery of the actions contained in the Flood Plain Risk Management Plan for the Wagga Wagga Local Government area, and
- (2) Where appropriate convening subcommittees to assist in rendering effective advice concerning specific issues.

#### 5. Membership

- (1) The committee shall have a maximum of 15 members, with membership as reported to Council October 2016.
- (2) Membership of the Committee shall comprise the following:

##### Voting Members

- Three elected Council representatives
  - Four community representatives
  - ~~Wagga Wagga City elected Council representative~~
  - ~~Wagga Wagga City elected Council representative~~
  - ~~Wagga Wagga City elected Council representative~~
- Community representative

- ~~Community representative~~
- ~~Community representative~~
- ~~Community representative~~

##### Non-voting Members

- Riverina Local Land Services
- NSW State Emergency Services Representative
- ~~NSW Office of Environment and Heritage~~
- NSW Department of Planning, Industry and Environment
- Director Commercial Sector ~~Operations Manager~~

- [Commercial Sector Manager](#) Development [Assessment & Building Certification Manager](#)
- [Director](#) Community [Sector Manager](#)
- Various Council staff as required

### Alternate Representative

Where a Committee member is a representative of an organisation, the community or State Body representative, an alternate representative may be nominated to attend meetings of the Committee in lieu of the nominated representative and when so attending shall have the same representation and voting rights of the nominated representative. The name of the alternate representative should be forwarded to a relevant Council staff member prior to the meeting.

### (3) Selection of Members of the Committee

Organisation, Community and Interest Groups are appointed in accordance with the process detailed in Council's policy entitled "Appointment of Organisation, Community and Individual Citizen Members to Council Committees".

- (4) The Committee at its discretion, may co-opt additional members from time to time (referred to as co-opted members) to provide specialist advice or assistance in the Committee's deliberations of any matter, but such co-opted members shall serve on the Committee only for the period of time required by the Committee, and will not, whilst serving as a co-opted member, have any voting rights.

### (5) The Committee may:

- (a) Invite observers, citizens or other representatives to attend meetings of the Committee for the purpose of clarifying any matters under consideration by the Committee;
- (b) From time to time, invite people to attend meetings of the Committee to make representations or provide expert advice on matters of interest to and under consideration by the Committee provided that such invited persons shall not have any voting rights

## 6. Authorities

- (1) The Committee is appointed under the provisions of the Local Government Act (1993) and the Local Government (General) Regulations 2005, and the Committee shall abide at all times with the terms of reference of this constitution.
- (2) Any authorities conferred upon the Committee under this constitution may be varied or revoked by resolution of the Council at any time.

## 7. Terms of Office

- (1) The Committee may be dissolved by resolution of the Council at any time but otherwise members shall cease to hold office at the next general election (scheduled for September 2020) of the Council following its appointment in accordance with POL117 "Appointment of Organisation Community and Individual Citizen Members to Council Committees". By resolution, Council may extend the duration of the Committee and its independent membership for a period of not more than six (6) months after the date of a local government election.
- (2) Committee members may be re-appointed by the Council following a general election at the Council's absolute discretion.
- (3) The Council reserves the right to determine the appointment of all members and member Organisations, Community or Interest Groups.

## 8. Vacation of Office

- (1) The office of an elected, appointed or representative member of the Committee shall become vacant:
  - i. Upon his/her death.
  - ii. If she/he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit,
  - iii. If he/she becomes a medically confirmed mentally incapacitated person
  - iv. If he/she resigns his/her membership by notice in writing to the Committee.

- v. If he/she is absent for more than three (3) consecutive meetings without prior leave of the Committee.
  - vi. If he/she ceases to be a member of the organisation which he/she represents.
  - vii. If he/she holds any office for profit with the Council.
  - viii. If he/she commits any breach of this Constitution.
  - ix. If he/she is convicted of any indictable offence or of any summary offence related to dishonesty,
  - x. If he/she is disqualified or dismissed from holding civic office
  - xi. If the committee is dissolved by the Council.
  - xii. If the position is used for any pecuniary interest of the individual.
  - xiii. On the retirement of the Council.
- (2) Where a person who ceases to be a member of the Committee pursuant to paragraph (1) of this Clause was appointed by an Organisation, Community or Interest group as its representative, that Organisation Community or Interest Group shall, subject to the Council's approval of its nominee, fill the vacancy so created.
- (3) Where such person was directly appointed by the Council, the vacancy shall be filled by the Council.

## **9. Chairperson and Deputy Chairperson**

- (1) The Committee shall, at its first meeting following appointment, and at the first meeting following the Council ~~bi~~-annual election of Mayor, elect one of its voting members appointed under Clause 5 to be Chairperson of the Committee and one of its voting members appointed under the same clause to be Deputy Chairperson. A staff member may be appointed as Chair with no voting powers.
- (2) The Deputy Chairperson shall act in the absence of the Chairperson.
- (3) A staff member of the Council is not permitted to be a voting member of the Committee.

## **10. Voting at Meetings of the Committee**

- (1) Voting on all matters shall be on the voices except where the Chairperson otherwise determines or a challenge to voting is made, in which case the voting shall be by show of hands.
- (2) Each member of the Committee entitled to vote, shall have one vote, provided that in the event of an equality of votes, the chairperson presiding at the meeting shall have a casting vote as well as an original (deliberative) vote.
- (3) A proposition which receives a majority of votes (i.e. more than half) of the voting members present shall be a decision of the Committee.
- (4) It shall be the duty of the chairperson at a meeting of the Committee to receive and put to the meeting any lawful motion or amendment brought before the Committee.
- (5) The Minutes of the Committee meeting shall record all decisions of the Committee and shall record all decisions which are determined upon the casting vote of the chairperson.
- (6) Any voting member of the Committee may request that their name be recorded in the Minutes of a meeting as having voted against a recommendation of the Committee, and such shall be recorded in the Minutes.

## **11 Quorum**

- (1) A quorum shall comprise a majority of the appointed voting members of the Committee.
- (2) Should a quorum not be present at the start of, or during, any meeting, the voting members present may decide that the Agenda items continue to be discussed, however any agreement or decision so made shall be recorded in the Minutes as “No quorum - decision of the members present”, and not as a recommendation of the Committee.
- (3) The names of the Committee members present, whenever a quorum is not present, shall be recorded in the Committee minutes, and the reason as to why a quorum was not present.



## **12. Meetings**

The Committee is to meet bi-monthly, as determined by the Committee. Committee meetings will not normally be open to the general community; however the Committee may invite members of the community to attend meetings as observers or to provide relevant information as required.

## **13 Notice of Meetings and Agenda/Business Paper**

- (1) A Notice of, and an Agenda and Business Papers for, every meeting of the Committee shall be forwarded at least three (3) working days prior to the date of the meeting to:
  - (a) Each member of the Committee both voting and non-voting
  - (b) The Mayor and all Councillors
  - (c) Council's General Manager and Directors
- (2) Items submitted for inclusion on the agenda by any of the Committee members or representatives 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 and/or report on the matter.
- (3) Provision will be made on each agenda for General Business to be raised at each meeting.

## **14 Conduct of Proceedings**

- (1) The delegations outlined in this constitution confer powers upon the Committee that effectively make the Committee the Council in the specific areas outlined in the Functions and Roles of the Committee (see Clause 4).
- (2) Proceedings at all meetings shall be conducted in accordance with the provisions of Council's Code of Meeting Practice applicable to meetings of committees of Council. This includes disclosures of pecuniary and non-pecuniary conflicts of interest interests (see Clause 17).
- (3) The Committee may determine other procedures for conduct of meetings so long as they are not inconsistent with this Constitution.
- (4) Committee Members will be required to comply with the Council's Code of Conduct.

## **15 Minutes**

- (1) Minutes from each meeting shall be made containing details of all matters considered and the Committee recommendations formulated.
- (2) The Minutes must specifically include all decisions made by the committee exercising Council's delegated authority.
- (3) Within one (1) week of the meeting, a copy of the minutes is to be circulated to all members of the Committee and the Council.
- (4) The Minutes and recommendations of the Committee may be submitted to a meeting of the Council or its Standing Committee, before the next meeting of the Committee.
- (5) The recommendations of the Committee shall, so far as adopted by the Council, be a resolution of the Council, provided that recommendations or reports of the Committee, except any decisions made in accordance with any authority delegated to the Committee by the Council as specified in clause 6 hereof, shall not have effect unless adopted by the Council.
- (6) The Minutes of all meeting shall record the names of:
  - (a) All voting members, including any alternate representative, present and their representation on the Committee
  - (b) All non-voting staff members present
  - (c) Any co-opted, or invited non-voting people who attend the meeting
- (7) The Minutes must be prepared in accordance with the Council's Code of Meeting Practice.

## **16 Reports and Correspondence for Committee**

- (1) The Agenda for meetings shall include:
  - (a) Acknowledgement of Country
  - (b) The Minutes of any previous meeting for confirmation as to accuracy of the proceedings and decisions of the meeting
  - (c) Reports from Council officers on matters and on correspondence received by the Committee on matters the domain of the Committee's function and role
  - (d) Any correspondence or matter submitted by a member of the Committee under Clause 13.
- (2) The agenda shall not include any business which is, or the implementation of the business would be, unlawful.

- (3) Any correspondence relevant to an item on the Agenda under the Committee's consideration may be included in the Agenda and Business Papers provided it is provided to the Committee with the Agenda and Business Papers.
- (4) The Chairperson shall determine whether any correspondence tabled otherwise than in accordance with Clause 16(3) is to be considered by the Committee and then require a motion confirming the urgency of the item tabled.
- (5) Any report, correspondence or material tabled and accepted at the meeting, which was not included in the agenda, must be recorded in the Minutes of the meeting and annexed to the minutes when distributed under Clause 15.

## **17. Disclosure of Interests**

- (1) Pecuniary Interests/Conflicts of Interest.
  - (a) The first item on the agenda of all Committee meetings, other than that held annually for election of the Chairperson (after apologies/requests for leave of absence) shall be the declaring of pecuniary interests/conflicts of interest.
  - (b) A member of the Committee shall not at meetings of the Committee vote on, or take part in the discussion of, any matter in which that person or any relation of that person, has, personally or by their partner, any pecuniary interest. Such interest shall be declared to the meeting at the earliest opportunity, and any member declaring any such interest shall refrain from any discussion of or voting on the matter.
  - (c) In declaring the nature of a pecuniary or conflict of interest at a meeting, the member, adviser, staff member or delegate must ensure that:
    - The details are sufficient to enable other Committee members and the public to appreciate in general terms the connection of the person with this matter under consideration.
    - The disclosure does not reveal sensitive information which is not relevant to the matter before the Committee.
    - The disclosure does not reveal information which may be unnecessarily damaging to the reputation of some person(s) with whom the person disclosing is associated.
    - The disclosure will not unnecessarily prejudice a sensitive commercial or legal situation.

(2) Disclosure to be recorded.

A disclosure made at a meeting of a Committee must be recorded in the Minutes of the meeting.

## **18 Dissolution**

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