

ITEM 5

LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE – COMMUNITY AND SCIENTIFIC ADVISOR APPOINTMENTS

The draft Lake Illawarra Coastal Management Program (CMP) has been submitted to the NSW Minister for Local Government for certification. The Lake Illawarra Estuary Management Committee (LIEMC) was established to assist in the development of the CMP and is comprised of councillors, community members, Aboriginal community representatives and independent scientific advisors from both Shellharbour and Wollongong City Councils, as well as representatives from key government agencies.

The community representatives and scientific advisor appointments to the LIEMC lapse on 31 October 2020.

The current representatives have expressed interest to continue in their current roles to progress finalisation of the CMP. It is recommended that the current independent scientific advisors and community members for Wollongong City Council, continue with their appointment until 31 August 2021, to align with local government elections.

RECOMMENDATION

- 1 Annie Marlow and Wayne Cook continue to serve as community members on behalf of the Wollongong LGA, on the LIEMC, until 31 August 2021.
- 2 Dr Kerrylee Rogers and Dr Brian Jones continue to serve as independent scientific advisors on the LIEMC until 31 August 2021.
- 3 Council adopt the amended Terms of Reference for the LIEMC in terms of the membership timeframe.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Draft Amended Terms of Reference for the Lake Illawarra Estuary Management Committee (LIEMC)

BACKGROUND

The Lake Illawarra EMC is a joint committee of both Wollongong and Shellharbour City Councils. The Lake Illawarra EMC was established to provide advice and support to Wollongong City and Shellharbour City Councils on the preparation of the Lake Illawarra CMP. The EMC operates under a Terms of Reference and comprises people interested in the sustainable management of the health of Lake Illawarra. Membership of the EMC is as follows -

- Three councillors from each of the two Councils
- Two community members from each LGA
- Two Aboriginal community representatives. One nominated by the Shellharbour City Council Aboriginal Advisory Committee and one nominated by the Wollongong City Council Aboriginal Reference Group
- Two independent scientific advisors
- Representatives from each of the following State Government agencies – Office of Environment and Heritage, Department of Industry (Crown Lands), Department of Primary Industries (Fisheries), and Department of Planning

- One representative from the Roads and Maritime Services
- One representative of the South East Local Land Services
- One representative from Sydney Water
- One representative from the Illawarra Local Aboriginal Lands Council.

At its meeting on 29 October 2018, Wollongong City Council resolved to appoint Annie Marlow and Wayne Cook as community representatives as well as Dr Kerrylee Rogers and Dr Brian Jones as the independent scientific advisors, to the Lake Illawarra EMC until 31 October 2019, following a public selection process.

At its meeting on 30 October 2018, Shellharbour City Council similarly resolved to appoint community representatives for the Shellharbour LGA and support the appointment of the aforementioned independent scientific advisors.

On 9 December 2019 and 4 February 2020 both Wollongong and Shellharbour councils endorsed the extension of terms of appointment for the respective community representatives and independent scientific advisors, to the Lake Illawarra EMC, until 31 October 2020.

Following Council endorsement of requested amendments from the NSW Department of Planning, Industry and Environment, it is understood that certification of the Lake Illawarra CMP is imminent, however a precise date is not known. Given the Local Government elections are less than 12 months away, it is proposed to extend the tenure of the current LIEMC members to align with a review of the structure and membership of all Council committees.

PROPOSAL

It is considered appropriate to continue the function of the Lake Illawarra EMC, whilst the draft Lake Illawarra CMP awaits certification. The current members of the Committee have contributed considerable personal knowledge and skills to the development of the CMP and if approved to remain in their positions until the CMP is certified it would allow them see the project through to finalisation and celebrate the milestone.

The current representatives have confirmed their interest in continuing their roles on the Lake Illawarra EMC, via communications with the Committee Secretariat. At the Lake Illawarra EMC meeting on 19 August 2020 the EMC recommended to Wollongong City Council and Shellharbour City Council that the existing community representatives and scientific advisors on the LIEMC until 31 August 2021.

It is therefore recommended that the resolution of Lake Illawarra EMC be supported and the Terms of Reference for the Committee be adopted accordingly, to reflect the new term for the current appointments. Draft revised terms of reference for the Lake Illawarra EMC are attached to this report.

A similar report has been presented to Shellharbour City Council on 29 September 2020.

Upon review of the LIEMC, the stakeholder engagement and consultation arrangements associated with Lake Illawarra CMP implementation will be determined in accordance with proposed action PM2 – Provide ongoing coordinated management of the Lake.

CONSULTATION AND COMMUNICATION

The subject members of the Lake Illawarra EMC have confirmed their interest in continuing their roles on the Lake Illawarra EMC, via communications with the Committee Secretariat. At the Lake Illawarra EMC meeting on 19 August 2020 the EMC recommended to Wollongong City Council and Shellharbour City Council that the existing community representatives and scientific advisors on the LIEMC until 31 August 2021. Wollongong Councillors Ann Martin, Dom Figliomeni and Cath Blakey attended this meeting.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal “Our natural Environment and Waterways are protected and enhanced”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2022	Operational Plan 2020-21
Strategy	4 Year Action	Operational Plan Actions
1.1.2 Manage and effectively improve the cleanliness, health and biodiversity of creeks, lakes, waterways and oceans	1.1.2.1 Protect and conserve the health and biodiversity of our waterways and coast	Coordinate the LIEMC

RISK MANAGEMENT

If the proposal is not supported, then the gazettal of the Lake Illawarra Coastal Management Program may be delayed as new committee members are appointed and skills and knowledge acquired.

FINANCIAL IMPLICATIONS

In accordance with Item 12 of the Terms of Reference of the LIEMC, there is no remuneration for members. There are no additional financial implications for Council.

CONCLUSION

The Lake Illawarra EMC has continued to provide advice and support to Wollongong City and Shellharbour City Councils on the preparation of the Lake Illawarra CMP. Under the Terms of Reference the current term for community representatives and independent scientific advisors is due to expire on 31 October 2020.

The draft Lake Illawarra CMP has been submitted to the NSW Minister for Local Government for certification. Whilst certification of the draft Lake Illawarra CMP is awaited it is recommended that Annie Marlow and Wayne Cook continue to serve as community members on behalf of the Wollongong LGA and that Dr Kerrylee Rogers and Dr Brian Jones continue to serve as independent scientific advisors on the LIEMC, until 31 August 2021.

It is further recommended that the Terms of Reference for the Lake Illawarra EMC be updated to reflect the extension of terms for these representatives, as attached to this report.

TERMS OF REFERENCE

LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE



1 INTRODUCTION

Lake Illawarra lies in the Local Government Areas of Wollongong City and Shellharbour City Councils. The Lake Illawarra Estuary Management Committee has been established to provide advice and support to Wollongong City and Shellharbour City Councils on the preparation and implementation of a strategic Coastal Management Program for Lake Illawarra. The Committee comprises people interested in the sustainable management of the health of Lake Illawarra.

2 AUTHORITY

The Lake Illawarra Estuary Management Committee will provide advice, feedback and support to Wollongong City and Shellharbour City Councils in developing, implementing and monitoring a Coastal Management Program and projects for Lake Illawarra, that are primarily focused on protecting estuary health.

The Committee does not have decision making authority, the power to bind the two Councils or the power to incur expenditure.

3 RESPONSIBILITIES AND FUNCTIONS

The responsibilities and functions of the Lake Illawarra Estuary Management Committee are to:

- assist Wollongong City and Shellharbour City Councils to develop a Coastal Management Program for Lake Illawarra in accordance with the NSW Government guidelines;
- develop a better understanding of estuary health and identify issues which need to be addressed;
- assist in developing suitable strategies to address estuary and coastal zone management issues;
- monitor and evaluate the implementation of the Coastal Management Program; and
- provide advice on planning proposals and major capital works proposed to take place in the Lake Illawarra catchment.

Routine operational and maintenance matters relating to Lake Illawarra will not be the business of the Lake Illawarra Estuary Management Committee. These matters are to be followed up using the Customer Service functions operating at Wollongong City and Shellharbour City Councils.

4 PRIORITIES

The immediate priority of the Lake Illawarra Estuary Management Committee is to oversee the completion of the Lake Illawarra Coastal Management Program in accordance with NSW Government guidelines. Upon completion, the Lake Illawarra Coastal Management Program shall be submitted to both Councils for adoption, and implementation in line with their business priorities.

5 COMPOSITION OF THE LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE

The Lake Illawarra Estuary Management Committee is proposed to be made up of:

- THREE (3) councillors from each of the two Councils. One of the three Wollongong councillors is expected to be a member of its Estuary and Coastal Zone Management Committee;
- TWO (2) community members from each LGA;
- TWO (2) Aboriginal community representatives. One nominated by the Shellharbour City Council Aboriginal Advisory Committee and one nominated by the Wollongong City Council Aboriginal Reference Group;
- TWO (2) independent scientific advisors;
- Representatives from each of the following State Government agencies – Office of Environment and Heritage, Department of Industry (Crown Lands), Department of Primary Industries (Fisheries), and Department of Planning;
- one representative from the Roads and Maritime Services;

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- one representative of the South East Local Land Services;
- one representative from Sydney Water; and
- one representative from the Illawarra Local Aboriginal Lands Council.

Hosting of the Committee will alternate between the two Councils annually, and the Chairperson will be appointed by the host Council from its councillor representatives.

Vacancies that occur on the Committee will be filled by nomination.

Staff from the two councils will attend meetings as observers, to provide information to the Committee or to fulfil an administrative function (eg taking minutes and/or distributing minutes within the two Councils and to Committee members). These individuals will act as ex-officio members. Administrative support for the Committee will be provided by the host Council staff.

Term of appointment for the Committee is until 31 August 2021.

6 APPOINTMENT OF MEMBERS

Councillors

Three councillors each are to be appointed by the Wollongong City and Shellharbour City Councils.

Community Members

The community member positions available for each LGA will be advertised by the respective Council at the start of the Committee's term. The applications will be assessed by the respective Council staff and recommendations made for appointment by their corresponding Council. The selection criteria for community members will be:

- Demonstrated interest in and knowledge of estuary management issues.
- Demonstrated ability to dedicate time to attend meetings and perform tasks related to committee business.
- Demonstrated ability to contribute positively and constructively within an agreed management framework.
- Demonstrated contact with a cross-section of the local community for the purpose of passing on information and receiving feedback.
- Resident/rate payer in the LGA for which they are applying.

The community members may be eligible for re-appointment to the Committee, following the expiration of their term, by registering their interest for re-appointment with the Committee chairperson and receiving approval of appointment from the respective Council.

A community member may resign from the Committee at any time by advising in writing to the Committee chairperson. Council may directly appoint a community member to fill the vacancy for the remainder of the term.

Aboriginal Community Representatives

The Aboriginal community representatives will be appointed after one nomination is received from the Shellharbour City Council Aboriginal Advisory Committee and one nomination is received from the Wollongong City Council Aboriginal Reference Group.

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Independent Scientific Advisors

The Independent Scientific Advisor positions will be advertised by the Council hosting the Committee at the start of its term. The applications received will be assessed jointly by staff from the two Councils and a recommendation made for endorsement by both Councils. The selection criteria for the Independent Scientific Advisors will be:

- High-level experience in research or management of estuaries.
- Demonstrated ability to dedicate time to attend meetings and perform tasks related to committee business
- Demonstrated ability to provide sound scientific advice and a high level of personal commitment while engaged in an honorary position.
- Independence from Council, government, developers or any other group with a vested interest in the management of estuaries.

The Independent Scientific Advisors may be eligible for re-appointment to the Committee, following the expiration of their term, by registering their interest for re-appointment with the Committee chairperson and receiving approval of appointment from the respective Council.

State Agency Representatives

The host Council at the start of the Committee's term will invite the State Agencies listed to nominate a representative to the Committee.

7 OBLIGATIONS OF MEMBERS

Members of the Lake Illawarra Estuary Management Committee, in performing their duties, shall:

- Act honestly and in good faith;
- Participate in the work of the Committee;
- Perform their duties in a manner that ensures public trust in the integrity, objectivity, and impartiality of the Committee;
- Exercise the care, diligence and skill that would be expected of a reasonable person;
- Comply with the Committee's Terms of Reference; and
- Comply with the Model Code of Conduct for Local Councils in NSW – Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors 2018.

8 MEETINGS AND MINUTES

The Committee shall meet at least four times a year to progress the work involved in the Lake Illawarra Estuary Management Process.

A quorum will consist of half plus one of the Committee members, including at least one elected representative (councillor) from each Council.

Meetings will be chaired by the Council appointed chairperson. If the chairperson is absent from a meeting, the first business of every such meeting is to elect a chairperson from the members present to preside over such meeting.

The Lake Illawarra Estuary Management Committee has an advisory role to the two Councils and will make recommendations by consensus. In the absence of consensus, advice from the Lake Illawarra Estuary Management Committee may be presented with supporting and dissenting views of members.

Meeting agendas will be distributed at least one week prior to the meeting.

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9 REPORTS

The minutes of the Lake Illawarra Estuary Management Committee meetings will be provided to all Councillors and executive management of both Councils for information. Minutes will also be distributed to all Lake Illawarra Estuary Management Committee members.

Advice and recommendations of the Lake Illawarra Estuary Management Committee relating to specific Council projects will be reported to the two Councils as part of their project reporting process.

Any matters arising that require a separate decision of one or both Councils may be reported to the respective Council(s) by managerial staff at their discretion.

10 EVALUATION AND REVIEW

A review of the Lake Illawarra Estuary Management Committee will be undertaken every 12 months to ensure the purpose, membership and operation of the Committee is effective and to make appropriate changes.

11 COMMITTEE RESOURCING

Resources required to progress the work of the Committee will be considered and made available by one or both Councils, in line with their budgetary constraints and other business priorities. Where both Councils agree to contribute to a program or works, the proportion of funding will be negotiated at 2:1 Wollongong to Shellharbour. External grant funding may be sought to supplement council contributions.

12 REMUNERATION AND EXPENSES

There is no remuneration for members.

Reasonable expenses incurred by the Lake Illawarra Estuary Management Committee members in relation to their responsibilities as members of the Committee will be met by prior approval. These expenses should relate directly to tasks completed for the Lake Illawarra Estuary Management Committee business and will be reimbursed at the discretion of one or both Councils.