

ITEM 1

LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE – COMMUNITY REPRESENTATIONS

The community representatives and scientific advisor appointments to the Lake Illawarra Estuary Management Committee have now lapsed.

As per the Terms of Reference the main function of the Committee is to oversee the development of a Coastal Management Program (CMP) for Lake Illawarra.

The current representatives have expressed interest to continue in their current roles to progress finalisation of the CMP.

## RECOMMENDATION

- 1 Re-appoint Annie Marlow and Wayne Cook as community representatives and Dr Kerrylee Rogers and Dr Brian Jones as independent scientific advisors on the Lake Illawarra Estuary Management Committee for the next term of the Committee (31 October 2020 or until the Coastal Management Program is certified, whatever occurs first).
- 2 Adopt the amended Terms of Reference for the Lake Illawarra Estuary Management Committee.

## REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

## ATTACHMENTS

- 1 Updated Terms of Reference

## BACKGROUND

The Lake Illawarra Estuary Management Committee is a joint Committee of both Wollongong and Shellharbour City Councils.

At its meeting on 29 October 2018, Wollongong City Council resolved followed a public selection process to appoint Annie Marlow and Wayne Cook as community representatives on the Lake Illawarra Estuary Management Committee for the next term of the Committee. Dr Kerrylee Rogers and Dr Brian Jones be appointed as the independent scientific advisors for the same term. Based upon historical arrangements the term lapsed on 31 October 2019.

At its meeting on 30 October 2018, Shellharbour City Council similarly resolved the appointment of community representatives and independent scientific advisors to the Lake Illawarra Estuary Management Committee, following a public selection process.

It was anticipated at the time that development of a Coastal Management Program (CMP) for Lake Illawarra, would be completed before those terms expired. This has not been the case, resulting in an extension of time being granted for the project to mid-2020.

The process of developing the CMP is a complex one. The current members of the Committee have considerable personal knowledge and skills which are required for the development process to be effective.

The current representatives have expressed interest in re-appointment with the Committee Chairperson Cr Ann Martin. Their continuance until the CMP is certified or until 31 October 2020 whatever occurs first will assist in maintaining continuity in the development of the CMP.

The Terms of Reference for the Committee will require amendment to reflect the new term for the current appointments.

## PROPOSAL

That Council agree to re-appoint Annie Marlow and Wayne Cook as community representatives and Dr Kerrylee Rogers and Dr Brian Jones as independent scientific advisors on the Lake Illawarra Estuary Management Committee until 31 October 2020 or until the Coastal Management Program is certified, whatever occurs first. That Council agrees to adopt the amended Terms of Reference, reflecting the changed member term attached to this report.

A similar report is being presented to Shellharbour City Council at their meeting to be held 17 December 2019.

It should be noted that the proposed appointment to 31 October 2020 coincides with next year's Local Government elections.

It is also intended to provide Council with a further report regarding the governance arrangements to best facilitate implementation of actions in the CMP post certification.

## CONSULTATION AND COMMUNICATION

Members of the Committee expressed a strong desire to continue in their respective roles at the meeting held 13 November 2019. Cr Ann Martin and Cr 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 core business activities as detailed in the Manage and Effectively Improve the Cleanliness, Health and Biodiversity of Creeks, Lakes, Waterways and Oceans Service Plan 2018-19.

If the proposal is not supported, then the development 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 Lake Illawarra Estuary Management Committee, there is no remuneration for members. There are no additional financial implications for Council.

## CONCLUSION

Wollongong and Shellharbour City Councils rely upon the Lake Illawarra Estuary Management Committee to advise and assist with development of the Lake Illawarra CMP. To facilitate continuation of this work, Council's endorsement is sought for the appointment of the recommended applicants for the positions of community representative and independent scientific advisor.

# TERMS OF REFERENCE

## LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE



---

### 1 ESTUARY MANAGEMENT COMMITTEE

### 2 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.

### 3 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.

### 4 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

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.

### 5 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.

### 6 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

# TERMS OF REFERENCE

## LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE



- 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
- One representative of the South East Local Land Services
- One representative from Sydney Water
- 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 October 2020 or until the State Minister endorses the Coastal Management Program for Lake Illawarra – whatever occurs first.

## 7 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.

# TERMS OF REFERENCE

## LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE



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.

### **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.

## **8 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
- 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.



# TERMS OF REFERENCE

## LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE



### 9 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.

### 10 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.

### 11 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.

### 12 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.

### 13 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.