

ITEM 6 LAKE ILLAWARRA COASTAL MANAGEMENT PROGRAM IMPLEMENTATION GROUP

Lake Illawarra and its catchment span both the Wollongong and Shellharbour Local Government Areas. In 2020 a Coastal Management Program (CMP) was certified to facilitate the coordinated management of the lake by all responsible stakeholders.

A cohesive governance model has been developed between the two councils to implement, monitor, evaluate and report on the progress of the CMP over the next 10 years. It has been endorsed by senior executive from Wollongong and Shellharbour Councils. The governance model includes the establishment of a Lake Illawarra CMP Implementation Group to foster communication and productive relationships between the various stakeholders, including the councils, the community, and relevant NSW Government agencies.

The purpose of the Lake Illawarra CMP Implementation Group is to oversee and where needed, provide advice on the implementation of actions within the Lake Illawarra CMP. It will act as a platform for relationship building between all stakeholders, with the shared aspiration to ensure that Lake Illawarra's ecological, social, and economic value is maintained and improved now and into the future. The group will supersede the Lake Illawarra Estuary Management Committee which primarily served to facilitate stakeholder input into development of the CMP.

This report recommends that Council endorse the draft Terms of Reference for the Lake Illawarra CMP Implementation Group and nominate up to three (3) Wollongong Councillor representatives to the Implementation Group.

RECOMMENDATION

- 1 Council endorse the draft Terms of Reference for the Lake Illawarra CMP Implementation Group.
- 2 Council nominate up to three (3) Councillor representatives from Wollongong City Council to sit on the Lake Illawarra CMP Implementation Group.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Draft Terms of Reference for Lake Illawarra CMP Implementation Group

BACKGROUND

Brief overview of Lake Illawarra management history

In July 2014, the NSW Government disbanded the Lake Illawarra Authority, and delegated responsibility for managing Lake Illawarra to Wollongong and Shellharbour City Councils, and a number of NSW Government agencies. In 2015, under the auspice of a Memorandum of Understanding (MoU), the councils resolved to prepare a strategic management plan for Lake Illawarra. Consequently, in accordance with NSW government legislation and policy, work commenced on the development of a Lake Illawarra CMP.

The Lake Illawarra Estuary Management Committee was established as a mechanism for the various stakeholders and State agencies to work collaboratively to develop the Lake Illawarra CMP. The Lake Illawarra Estuary Management Committee had its final meeting in July 2021, after having achieved its primary priority of overseeing the certification and adoption of the Lake Illawarra CMP. The CMP is now in the implementation phase.

Proposed Governance Structure for Implementation of Lake Illawarra CMP

Action PM2 in the Lake Illawarra CMP is to: *provide ongoing coordinated management of the Lake, including the coordination of a Stakeholder Reference Group and foster collaboration with agency stakeholders and recognise the Stakeholder Reference Group as a platform for relationship building between all agencies.*

Commitment to the delivery of this action and operation of the Stakeholder Reference Group action has been reflected in a revised MoU between Wollongong and Shellharbour Councils.

Implementation of the Lake Illawarra CMP is an important and complex task. Actions are diverse in nature and require commitment and resources from a range of agencies and disciplines. Many actions in the CMP span the whole Lake Illawarra catchment and the responsibility for implementation is shared amongst a variety of stakeholders.

A governance model (Figure 1) has been developed between the two councils to ensure a coordinated, collaborative, and effective approach for implementation of the CMP over the next 10 years. The governance arrangements have been endorsed by senior executive from Wollongong and Shellharbour Councils and consists of the following groups / teams -

- Lake Illawarra CMP Implementation Group
- Lake Illawarra Project Management Team (PMT)
- Asset Management Working Group (AMWG)
- Action Specific Technical Working Group (TWG) / Project Control Groups (PCG) (as required for specific projects)

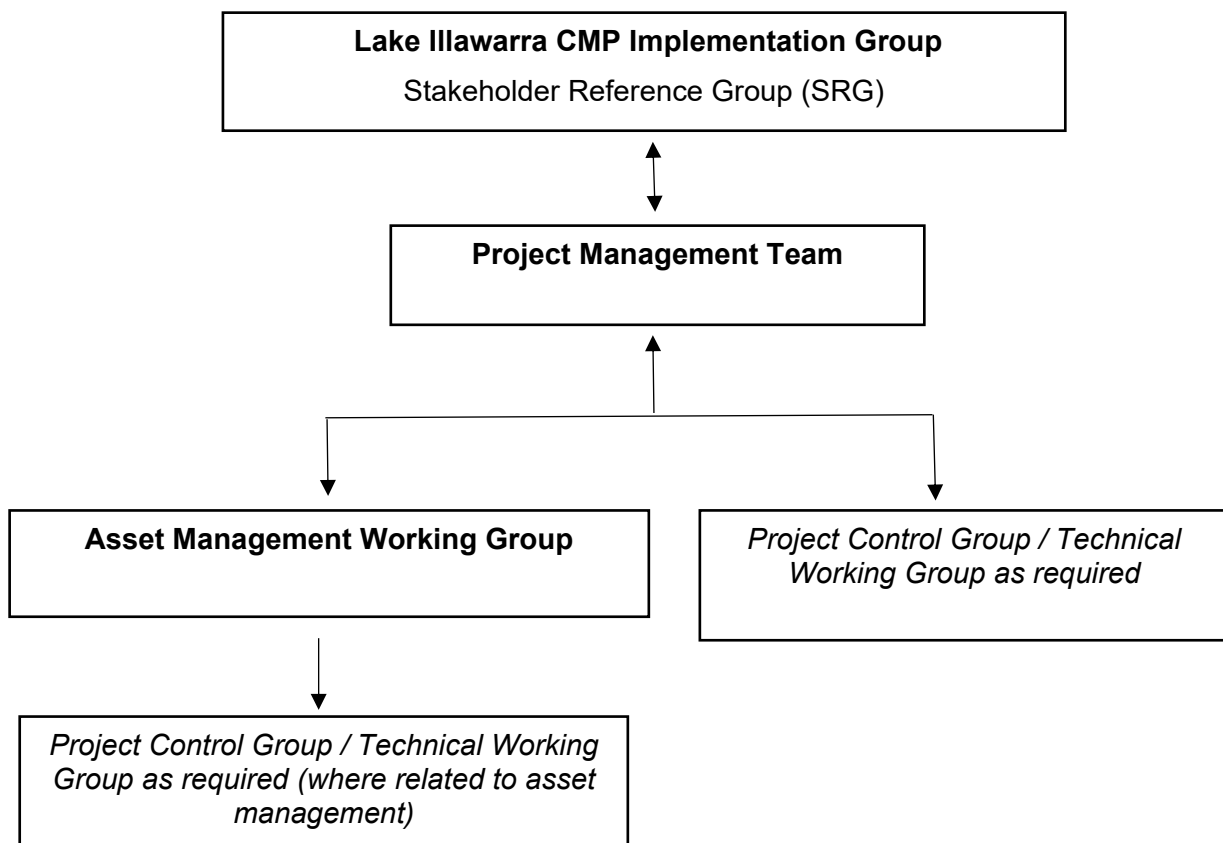


Figure 1 - Lake Illawarra CMP implementation governance hierarchy

PROPOSAL

Lake Illawarra CMP Implementation Group

The Lake Illawarra CMP Implementation Group will serve as the Stakeholder Reference Group referenced in the CMP document. The purpose of the Implementation Group is to oversee and where needed, provide advice on the implementation of actions within the Lake Illawarra CMP, ensuring a coordinated approach is taken to achieving the objectives of the Lake Illawarra CMP. It will act as a platform for relationship building between all stakeholders, with the long-term goal to ensure that Lake Illawarra's ecological, social, and economic value is maintained and improved now and into the future.

A draft Terms of Reference has been prepared to describe the scope and operation of the proposed Implementation Group (Attachment 1). The responsibilities and functions of the Implementation Group, as set out in the draft Terms of Reference, are to –

- Provide input into the implementation of specific actions within the CMP
- Assist both Councils and other relevant Lake Managers in overseeing the implementation of the CMP
- Serve as an important link to the community and assist both Councils to communicate with the broader community by collaboratively sharing information received at meetings on the progress of CMP implementation
- Encourage community participation in implementation of CMP actions where relevant and appropriate
- Provide input and advice from the perspective of the group they are representing
- Reflect the concerns of relevant stakeholders and the broader community regarding implementation of actions within the CMP
- Assist both Councils by providing information regarding known threats to Lake Illawarra that are identified in the Lake Illawarra CMP.

Composition of the Implementation Group

The Implementation Group is to be comprised of an Executive membership and a Community membership, as follows -

Executive membership

- Up to three (3) councillors from each of the two (2) councils
 - Senior Council staff representatives from the Lake Illawarra CMP Project Management Team
 - One (1) nominated representative from the Asset Management Working Group
 - Representatives from each of the following Government agencies –
 - Department of Planning & Environment (DP&E)
 - Environment, Energy and Science
 - Planning and Policy
 - Crown Lands
 - National Parks and Wildlife Services (where required)
 - Government Property NSW
 - Department of Primary Industries (Fisheries)
 - Transport for NSW
 - South East Local Land Services
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- Sydney Water
- Illawarra Local Aboriginal Lands Council

Community membership

- Two (2) community members from each local government area
- 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
- One (1) independent scientific advisor

Operation of the Implementation Group

The CMP Implementation Group shall meet at least four times a year for ordinary meetings. Hosting of the Group will alternate between the two Councils annually, and the Chairperson will be appointed by the host Council from its Councillor representatives. Executive members may meet as required to discuss confidential matters ahead of the ordinary Group meetings.

The term of the CMP Implementation Group is 12 months, until 8 February 2023. A review of representation and the broader governance arrangement to support the CMP Implementation Group will occur after 12 months to ensure its purpose, membership and operation is effective. After a review is conducted recommendations for any necessary changes will be reported to Council for endorsement.

In accordance with Council's Policy on Recruitment of External Members to Committees, Councillor delegates are required to be involved in the selection process to appoint community representatives.

The community membership and scientific advisor position will be appointed via a competitive selection process. The positions will be advertised by the respective Council at the start of the Group's term. The applications will be assessed by the respective Council and recommendations for appointment made for endorsement by their corresponding Council, via a future reporting process.

Council staff will write the relevant agencies requesting them to nominate representatives for membership on the CMP Implementation Group.

It is therefore recommended that Council endorse the draft Terms of Reference for the Lake Illawarra CMP Implementation Group and nominate up to three (3) Wollongong Councillor representatives to the group.

CONSULTATION AND COMMUNICATION

Wollongong City Council staff have worked closely with Shellharbour City Council staff in the development of the governance model and terms of reference. A similar report is anticipated to be presented for consideration by Shellharbour City Council at its meeting on 8 February 2021.

The following teams of Council have been similarly involved in this process –

- Infrastructure, Strategy and Planning
- City Strategy.

In addition, the stakeholders and support staff involved with the Lake Illawarra Estuary Management Committee also had the opportunity to provide feedback on their experience. Specifically, stakeholders were asked to provide opinions on how they thought a successful Stakeholder Reference Group may function in the implementation phase of the CMP. This feedback was reviewed by staff and used to inform the proposed Terms of Reference for the CMP Implementation Group.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal 1 “We value and protect our environment”. It specifically delivers on the following -

| Community Strategic Plan | Delivery Program 2018-2022 | Operational Plan 2021-22 |
|---|---|---|
| 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 | Implement priority actions of the certified Coastal Management Program for Lake Illawarra Coordinate the Lake Illawarra Estuary Management Committee |

SUSTAINABILITY IMPLICATIONS

The Lake Illawarra CMP outlines the strategic aims for managing Lake Illawarra and identifies specific actions to mitigate the threats and issues identified for the Lake that are to be implemented over the next 5-10 years. It facilitates the coordinated and strategic management of the Lake by all responsible stakeholders. In this regard establishment and operation of the Implementation Group delivers on CMP action PM2, helping to ensure that a coordinated approach to CMP implementation is taking place across Council and across State Government Agencies.

RISK MANAGEMENT

Establishment of the governance model, including the CMP Implementation Group, is considered a risk mitigation measure. The absence of a stakeholder reference group would potentially result in delays and create challenges with CMP implementation, arising from a lack of strategic coordination and collaboration.

An important function of the CMP Implementation Group is to provide a link to the community, assisting both Councils to communicate with the broader community by sharing information at meetings and improving outcomes through community feedback. Failure to communicate and engage with the community may threaten the progress and effectiveness of CMP implementation.

FINANCIAL IMPLICATIONS

There are nil direct financial costs associated with the function of the CMP Implementation Group. Indirect costs include staff time for preparation and approval of the business papers for meetings, and printing costs where necessary. These indirect costs are covered under the joint MoU fund to which both Wollongong City Council and Shellharbour City Council contribute.

CONCLUSION

The Lake Illawarra CMP was certified and gazetted in late 2020, to facilitate coordinated and strategic management of the Lake by all responsible stakeholders. The CMP has now entered implementation phase.

The proposed governance model has been jointly developed by staff from Wollongong and Shellharbour Councils to deliver (in part) on action PM2 of the CMP, in order to successfully implement, monitor, evaluate and report on the progress of the CMP over the next 10 years. This includes the establishment of a CMP Implementation Group comprised of elected Councillors, Council staff, representatives from various State Agencies, community representatives and a scientific advisor.

This report recommends that Council endorse the draft Terms of Reference for the Lake Illawarra CMP Implementation Group and nominate up to three (3) Wollongong Councillor representatives to the Implementation Group.

TERMS OF REFERENCE

LAKE ILLAWARRA COASTAL MANAGEMENT PROGRAM IMPLEMENTATION GROUP



1 INTRODUCTION

Lake Illawarra and its catchment span both the Wollongong and Shellharbour Local Government Areas. In 2020 a Coastal management Program (CMP) was certified to facilitate the coordinated management of the lake by all responsible stakeholders. The Lake Illawarra CMP Implementation Group has been established to enable communication and foster relationships between those stakeholders, including Councils, the Community, and relevant State Agencies.

2 PURPOSE

The purpose of the Lake Illawarra CMP Implementation Group (the Group) is to oversee and where needed, provide advice on the implementation of actions within the Lake Illawarra CMP. It will act as a platform for relationship building between all stakeholders, with the shared aspiration to ensure that Lake Illawarra's ecological, social, and economic value is maintained and improved now and into the future.

3 AUTHORITY

The Group 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 Group are to -

- Provide input into the implementation of specific actions within the CMP.
- Assist both Councils and other relevant Lake Managers in overseeing the implementation of the CMP.
- Serve as an important link to the community and assist both Councils to communicate with the broader community by collaboratively sharing information received at meetings on the progress of CMP implementation.
- Encourage community participation in implementation of CMP actions where relevant and appropriate.
- Provide input and advice from the perspective of the community groups and/or organisations they are representing.
- Reflect the concerns of relevant stakeholders and the broader community regarding implementation of actions within the CMP.
- Assist both Councils by providing information regarding known threats to Lake Illawarra that are identified in the Lake Illawarra CMP.

Routine operational and maintenance matters relating to Lake Illawarra will not be the business of the Lake Illawarra CMP Implementation Group. These matters are to be followed up using the Customer Service functions operating at the relevant Council or Agency.

5 COMPOSITION OF THE LAKE ILLAWARRA CMP IMPLEMENTATION GROUP

The Group is made up of an Executive membership and a Community membership. The Executive membership shall consist of -

- UP TO THREE (3) councillors from each of the two Councils;
- Senior Council Staff Representatives from the Lake Illawarra CMP Project Management Team;
- ONE (1) nominated representative from the Asset Management Working Group; and
- Representatives from each of the following Government agencies:
 - Department of Planning, Industry and Environment (DPIE)
 - Environment, Energy and Science;
 - Planning and Policy;
 - Crown Lands; and
 - National Parks and Wildlife Services (where required).
 - Government Property NSW;
 - Department of Primary Industries (Fisheries);
 - Transport for NSW;
 - South East Local Land Services;
 - Sydney Water; and
 - Illawarra Local Aboriginal Lands Council.

The Community membership shall consist of -

- 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;
- ONE (1) independent scientific advisor.

Other Staff from the Councils may attend meetings as observers, to provide information to the Group or to fulfil an administrative function (eg taking minutes and/or distributing minutes within the two Councils and to Group members).

6 APPOINTMENT OF MEMBERS

Councillors

Up to three Councillors each are to be appointed by the Wollongong City and Shellharbour City Councils following the relevant Council policy for appointment of Councillor Delegates to Committees. A Chairperson will be appointed from the host Councils Councillor delegates following the relevant Councils Policy.

Senior Council Staff Representatives

Relevant Senior Council Staff from both Wollongong City Council and Shellharbour City Council shall attend meetings as required.

State Agency Representatives

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

Community Members

The community member positions will be appointed via an expression of interest process. The positions will be advertised by the respective Council at the start of the Group's term. The applications will be assessed by the respective Council and recommendations for appointment made for endorsement by their corresponding Council. The selection criteria for community members includes -

- Demonstrated interest in and knowledge of estuary/ lake management issues.
- Demonstrated capacity and willingness to attend quarterly meetings and actively participate in Group business or activities.
- Ability to contribute positively and constructively within an agreed management framework.
- Demonstrated networks with a cross-section of the local community for the purpose of sharing information and commentary.
- Desire to support and promote an inclusive approach for representation of a diversity of perspectives.
- Resident/rate payer in the LGA for which they are applying.

Aboriginal Community Representatives

The Aboriginal community representatives will be appointed nominations from the Shellharbour City Council Aboriginal Advisory Committee and one nomination is received from the Wollongong City Council Aboriginal Reference Group, being one from each group.

Independent Scientific Advisor

The Independent Scientific Advisor position will be appointed via an expression of interest process. The position will be advertised by the hosting Council at the start of the Groups term. The applications received will be assessed by staff from the two Councils and a recommendation made for endorsement by both Councils. The selection criteria for the Independent Scientific Advisor includes:

- High-level experience in research and/or management of lakes and estuaries.
- Commitment to dedicate time to attend meetings and participate in Group activities where required.
- Demonstrated ability to provide sound scientific advice and a high level of personal commitment while engaged in an honorary position.
- No formal association with Council, government, developers or any other group with a vested interest in the management of estuaries.

7 REAPPOINTMENT OR RESIGATION OF COMMUNITY MEMBERS

Community members, including Independent Scientific Advisors may be eligible for re-appointment to the Group, following the expiration of their term, by registering their interest in re-appointment with the Group Chairperson and receiving approval of appointment from the respective Council.

A community member may resign from the Group at any time by advising in writing to the Group Chairperson. Council may directly appoint a community member to fill the vacancy for the remainder of the term. Vacancies that occur in the Group will be filled by an expression of interest process.

8 OBLIGATIONS OF MEMBERS

Members of the Group, in performing their duties, shall:

- Act honestly and in good faith;
- Actively participate in the work of the Group;
- Perform their duties in a manner that ensures public trust in the integrity, objectivity, and impartiality of the Group;
- Exercise the care, diligence and skill that would be expected of a reasonable person; and
- Comply with the Group's Terms of Reference.

9 CODE OF CONDUCT

All members of the Group are required to comply with the Model Code of Conduct for Local Councils in NSW – *Code of Conduct for Council Group Members, Delegates of Council and Council Advisors 2018* and any other policy or requirement applicable to the proper functioning of the Group.

A breach of the Code of Conduct may lead to the member being expelled from the Group.

10 GENERAL FUNCTION OF THE GROUP

Agenda Items

The Group Secretariat will put a call out for agenda items when the minutes are distributed. Agenda items must be forwarded to the Group Secretariat by close of business, 10 days prior to the next scheduled meeting. The agenda will then be drafted and submitted to the Project Management Team for review. The endorsed agenda will be communicated to all members at least three days prior to the meeting.

Meeting Frequency and Minutes

The Group shall meet at least four times a year for ordinary meetings.

Hosting of the Group will alternate between the two Councils annually, and the Chairperson will be appointed by the host Council from its Councillor Representatives. If the appointed 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.

Executive Membership Meetings

Executive members may meet as required to discuss confidential matters ahead of the ordinary Group meetings. If an Executive membership meeting is required these meetings shall be called by the appointed Chairperson. Where required, an agenda for these meetings will be made available at least three days prior to the meeting.

Attendance at Meetings

Members of the Group are expected to attend all meetings (for which they are a member) or alternatively make apologies to the Chairperson for non-attendance. When Executive members cannot attend, they should make all efforts to arrange a suitable proxy to attend.

When Community members cannot attend, they should make apologies to the Chairperson. Community members absent from two consecutive meetings without acceptable apology will receive a notice from the Chairperson. If their absenteeism continues, they may be asked to resign or be expelled from the Group.

Subject to the approval of the Chairperson, non-members may be invited to attend Group meetings from time to time relating to specific issues or projects as the need arises.

A quorum will consist of half plus one of the Group members, including at least one elected representative (Councillor) from each Council. Members may renominate for further terms in the future.

Term of the Group

The initial term of the Implementation Group is 12 months from appointment, with the possibility for extension following the endorsement of both Councils.

11 REPORTS

The meeting minutes will be provided to all Councillors and executive management of both Councils for information. Minutes will also be distributed to all Lake Illawarra CMP Implementation Group members and uploaded to the Wollongong City Council website.

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.

12 EVALUATION AND REVIEW

A review of the Group will occur after 12 months to ensure the purpose, membership and operation of the Group is effective and to make appropriate changes.

13 GROUP RESOURCING

Resources required to progress the work of the Group will be considered and made available by one or both Councils, in line with their budgetary constraints and other business priorities.

14 REMUNERATION AND EXPENSES

Membership positions in the Group are voluntary and therefore there is no remuneration.