

ITEM 5 RENEWAL OF THE LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE

The Lake Illawarra Estuary Management Committee has been in place since August 2015 to assist the preparation of a Coastal Management Program and joint management of Lake Illawarra by Wollongong and Shellharbour City Councils.

This report proposes recommendations that will allow the Lake Illawarra Estuary Management Committee to continue developing a Coastal Management Program for Lake Illawarra in a timely manner.

RECOMMENDATION

Council:

- 1 Endorse the updated Terms of Reference for the Lake Illawarra Estuary Management Committee.
- 2 Endorse the continuance of current relevant member terms until the certification of the Lake Illawarra Coastal Management Plan.
- 3 Elect the three Councillor representatives to the Lake Illawarra Estuary Management Committee.
- 4 Elect a Chairperson for the Lake Illawarra Estuary Management Committee from the three Councillor Representatives.
- 5 The election of the Councillor representatives be undertaken by open means, on a show of hands.

REPORT AUTHORISATIONS

Report of: Jason Brown, Manager Environmental Strategy and Planning (Acting)

Authorised by: Andrew Garfield, Director Planning and Environment - Future City and Neighbourhoods

ATTACHMENTS

- 1 Updated Terms of Reference Lake Illawarra Estuary Management Committee
- 2 Current members of the Lake Illawarra Estuary Management Committee recommended to be continued
- 3 Memorandum of Understanding Lake Illawarra Estuary Management

BACKGROUND

In July 2014, the NSW Government disbanded the Lake Illawarra Authority, and handed back the responsibility for managing the Lake to Wollongong and Shellharbour City Councils, and to a number of state agencies. Wollongong and Shellharbour City Councils subsequently endorsed the formation of an Estuary Management Committee, as part of the joint management arrangements for the Lake.

The Lake Illawarra Estuary Management Committee Terms of Reference (ToR) was finalised on 16 December 2014 and a Memorandum of Understanding relating to the joint working arrangements between the two councils was authorised on 26 April 2015. There are no amendments proposed to the Memorandum of Understanding (Attachment 3).

The recruitment of Committee members proceeded in accordance with the Terms of Reference, as well as Wollongong and Shellharbour City Councils relevant policy and procedures. The first meeting took place on 12 August 2015 and the Committee has met a total of nine times.

The Committee was reviewed in accordance with the Terms of Reference in mid-2017, with results indicating that it was working well with regards to composition, relationships, compliance and impact. All survey respondents wanted to remain active participants. Some concerns were raised with regards to the relevant lack of Aboriginal representation on the Committee. This was consistent with concerns raised by members of the Shellharbour City Council Aboriginal Advisory Committee. These concerns have been addressed through the proposed changes to the Terms of Reference.

The development of the Coastal Management Program (CMP) for Lake Illawarra is progressing in accordance with agreed milestones. It is expected that the draft Coastal Management Program will be presented to the next meeting of the Committee, which is currently scheduled to take place in mid-November 2017. Approval for the public exhibition of the draft Coastal Management Program during January – February 2018 will then be sought from both Wollongong and Shellharbour City Councils in December.

Shellharbour City Council does not dissolve its Committees as a result of elections. The newly elected Shellharbour City Council is expected to nominate three Councillor Representatives to the Lake Illawarra Estuary Management Committee during its scheduled meeting of 29 September 2017. They will be asked to endorse a recommendation to update the Terms of Reference and the continuance of relevant members as per these recommendations at their first ordinary meeting of Council scheduled for 9 October 2017.

PROPOSAL

Update to the Terms of Reference

Attachment 1 provides the updated Terms of Reference, accommodating changes in the number and the nomination process for Aboriginal community representatives to the Committee. The updated Terms of Reference states that two Aboriginal community members will be members of the Committee, one being nominated from the Shellharbour City Council Aboriginal Advisory Committee and one being nominated from the Wollongong City Council Aboriginal Reference Group. This replaces the current arrangements which was that one Aboriginal community member was chosen after agreement was reached between relevant staff at both councils. The current Aboriginal community member is a current member of the Wollongong City Council Aboriginal Reference Group so will have an opportunity to nominate for one of the positions. Other changes are recommended to update agency names and terminology where appropriate.

Endorse current members to remain on the Committee until the Coastal Management Program is certified

Attachment 2 provides details of the current members recommended to be continued for a second term which is until the Coastal Management Program is certified by the NSW State Minister. Certification of the Coastal Management Program is expected to be completed by late 2018. The process of developing the Coastal Management Program is a complex one. The current members of the Committee have invested considerable effort in developing personnel knowledge and skills which are required for the planning process to be effective. They are keen to see the process completed and their continuance will result in a better product being delivered, as well as a smaller administrative burden.

Nomination of Councillor Representatives

Council is recommended to nominate three councillor representatives to the Committee, one of whom is expected to be a member of the Estuary and Coastal Zone Management Committee.

Appointment of Chair

The Terms of Reference state that the Chair of the Lake Illawarra Estuary Management Committee will be appointed by the host Council from its councillor representatives. Wollongong City Council is the host of the Lake Illawarra Estuary Management Committee for the upcoming year.

CONSULTATION AND COMMUNICATION

There is continuing consultation between senior officers of the two councils in relation to the continued operation of the Lake Illawarra Estuary Management Committee.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective 1.2, *Our coastal areas and waterways are protected and enhanced*, Community Goal 1, *We value and protect our*

environment". It specifically delivers on core business activities as detailed in the Environmental Services Service Plan 2017-18.

RISK ASSESSMENT

The risk associated with not endorsing the recommendations of this report is that development of the Lake Illawarra Coastal Management Program will be delayed and current momentum lost. From 2018/2019, State Government funding will only be provided to estuaries with a certified Coastal Management Program.

FINANCIAL IMPLICATIONS

Wollongong City Council made a financial contribution for the operation of the former Lake Illawarra Authority, and Council has retained that allocation for lake activities and operations that it now has to undertake. This includes the coordination of the Lake Illawarra Estuary Management Committee.

CONCLUSION

Both Wollongong and Shellharbour City Councils have committed to using the Lake Illawarra Estuary Management Committee to advise and assist them in managing Lake Illawarra jointly into the future. By endorsing and implementing the recommendations in this report this commitment will be maintained.

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 zone management plan~~ 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 zone management plan~~ 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 Zone Management Plan~~ 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 Zone Management Plan~~ 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 Zone Management Plan~~ Coastal Management Program in accordance with NSW Government guidelines. Upon completion, the Lake Illawarra ~~Coastal Zone Management Plan~~ 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;
- ONE (+) 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;

TERMS OF REFERENCE

LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE



- representatives from each of the following State Government agencies – Office of Environment and Heritage, Department of [Lands-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; and
- one representative from Sydney Water.

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 to the [election of new councils in 2016 certification of the Lake Illawarra Coastal Management Program by the State Government](#).

6 APPOINTMENT OF MEMBERS

Councillors

Three councillors each are to be appointed by the Wollongong City and Shellharbour City Councils. One of the Wollongong councillors is [expected](#) to be a member of the Estuary and Coastal Zone Management Committee.

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.

Aboriginal Community Representatives

The Aboriginal community representatives will be appointed after [consultation between the two Councils' Aboriginal Liaison Officers 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:

TERMS OF REFERENCE

LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE



- 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.

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 two Council's Code of Conduct.

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.

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.

TERMS OF REFERENCE

LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE



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.

LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE MEMBERS RECOMMENDED TO BE CONTINUED		
NAME	ORGANISATION	VOTING STATUS
Annie Marlow	Community Representative - Wollongong City Council Local Government Area	Voting member
Steven Savic	Community Representative - Wollongong City Council Local Government Area	Voting member
John Davey	Community Representative - Shellharbour City Council Local Government Area	Voting member
Col Wilton	Community Representative - Shellharbour City Council Local Government Area	Voting member
Danny Wiecek	Office of Environment and Heritage	Ex-officio (non voting)
Martin Bergs	Department of Industry (Crown Lands)	Ex-officio (non voting)
Jillian Reynolds	Department of Primary Industries (Fisheries)	Ex-officio (non voting)
Stephanie Kermode	Sydney Water.	Ex-officio (non voting)
Brett Whitworth	Department of Planning. (Proxy is Graham Towers, Team Leader Southern Region)	Ex-officio (non voting)
Andrew Monk	Roads and Maritime Services	Ex-officio (non voting)
Jason Carson	South East Local Land Services	Ex-officio (non voting)
Dr Kerrylee Rogers	Independent Scientific Advisor	Ex-officio (non voting)
Dr Brian Jones	Independent Scientific Advisor	Ex-officio (non voting)



LE11958

Lake Illawarra Estuary Management

Memorandum of Understanding

Between

Wollongong City Council and Shellharbour City Council



1. INTRODUCTION

This Memorandum of Understanding (MOU) is entered into by Wollongong City Council, located at 41 Burelli Street, Wollongong, and Shellharbour City Council, located at Lamerton House, Lamerton Crescent, Shellharbour City Centre.

2. BACKGROUND

Lake Illawarra is a significant natural asset for the Illawarra region, and is highly valued by the community. The Lake and its immediate surrounding environment were managed by the Lake Illawarra Authority since 1988. In July 2014, the Authority was disbanded and its responsibilities transferred to Wollongong and Shellharbour Councils and a number of State Agencies. The activities of both Wollongong and Shellharbour Councils have an impact on the health and condition of Lake Illawarra, as its catchment lies across both LGAs. Therefore, protecting and improving the condition of the lake environment will benefit from the coordinated effort of the two councils. Both councils have agreed to collaborate to ensure the judicious management of the Lake and its surrounds into the future.

3. PURPOSE

The purpose of this MOU is to establish a framework for Wollongong and Shellharbour Councils to work in partnership to protect and improve the health of Lake Illawarra and its surrounds into the future.

By working in partnership, the two Councils seek to achieve the following intended outcomes:

- (a) The preparation of a strategic management plan (coastal management plan) for the lake that is consistent with natural resource management legislation, policies and guidelines.
- (b) Provide the opportunity to a wide range of stakeholders including councillors, community members, and relevant State and other agencies to advise and assist in the preparation of the strategic management plan.
- (c) Implement management actions identified in the strategic management plan within the budgetary, legal and policy constraints of each Council.
- (d) Pursue grant funding opportunities to support the implementation of management actions.
- (e) Monitor and report on the health of the Lake.
- (f) Create additional opportunities elsewhere for further collaboration between the Councils.

For the purposes of clarity, it is noted that existing assets and infrastructure in and around the Lake that have been either transferred to, or already owned by, the Councils, will be operated and managed by the Councils separately under their own asset management programs.

4. AGREED FRAMEWORK

1. Pursuant to resolutions from each Council, Terms of Reference for the Lake Illawarra Estuary Management Committee ("the Committee") have been adopted.
2. The Committee will meet in accordance with the adopted Terms of Reference, and have the responsibilities and functions identified in the Terms of Reference.

3. A Project Coordinator to liaise with the Estuary Management Committee, and relevant council officers from the two Councils to oversee the preparation of the strategic management plan for the Lake, and coordinate its implementation in areas where involvement of both Councils is required, will be employed by Wollongong City Council following consultation with Shellharbour City Council.
4. Shellharbour City Council will nominate a contact at their Council for the Project Coordinator to liaise with for the purpose of giving full effect to the responsibilities and functions of the Committee.
5. Recommendations, advice or other observations from the Committee will be referred to the Project Coordinator for referral to each Council.
6. Both Councils agree that nominated officers from each Council, together with the Project Coordinator, will meet every two months to discuss the proposed business of the Committee, the status of recommendations, advice or observations from the Committee, and compliance with the terms of this MOU.
7. For clarity, it is noted that each Council may also implement strategic management actions on their own in line with their Council's business priorities and budgetary constraints, consistent with the strategic management plan.

5. GOVERNANCE STRUCTURE AND REPORTING

1. The Committee is an advisory committee and will not have delegation to make decisions. Recommendations from the Committee will be referred to the Project Coordinator, who will then refer those recommendations to each Council.
2. Where the Committee has recommended the adoption of the strategic management plan, it must be referred to each Council for endorsement. The Committee, consistent with its Terms of Reference, will then monitor and evaluate compliance with the plan.
3. Following the endorsement of the strategic management plan by each Council, each Council will proceed to prepare an Implementation Schedule, outlining the actions it will be implementing on its own or in partnership with the other Council and/or other agencies.
4. The Councils agree to revise annually the Implementation Schedule with input from the other Council, and the Committee, and make it available for the information of both Councils and their communities.
5. Councils' existing business reporting processes will be used for reporting on projects that are part of the Councils' business plans. In addition, the Project Coordinator will prepare an annual report of activities undertaken by both councils under this MOU, for the information of the Councils, and other interested parties.

6. RESOURCING

1. Wollongong City Council will contribute two-thirds, and Shellharbour Council one-third of the required funding for activities of mutual benefit that are endorsed for implementation by both Councils.
2. A dedicated budget of \$250,000 annually (as between the Councils, as identified below) will be set aside to fund the preparation of the strategic management plan for the Lake, the appointment of the Project Coordinator, monitoring and evaluation activities, and the

implementation of activities that are of mutual benefit that can be accommodated within the dedicated budget. Wollongong Council will contribute \$165,000 and Shellharbour Council \$85,000 towards this budget.

3. Wollongong City Council will be responsible for the financial management of the dedicated budget which will be reported quarterly to the Committee.
4. Grant funding opportunities may be pursued by one or both councils, separately or in partnership, to supplement the dedicated or other budgets of council for Lake Illawarra activities.
5. Any requirement above the dedicated council contributions will be subject to the respective council's existing business planning processes.

7. CONTACT INFORMATION

The following officers may be contacted for matters related to this MOU

Wollongong City Council: Manager Environmental Strategy and Planning
Shellharbour City Council: Director, Corporate Policy

8. DISPUTE RESOLUTION

Any dispute relating to this MOU from one of the two participating councils shall be notified in writing to the other council. Where notified, the parties will seek to reach a mutually agreeable solution. If agreement cannot be reached, either party can terminate the MOU on a month's notice.

9. TERM OF AGREEMENT

This MOU may be modified by mutual consent of authorised officials, including General Managers from Wollongong City Council and Shellharbour City Council. This MOU shall become effective upon signature by the authorised officials from Wollongong City Council and Shellharbour City Council and will remain in effect until modified or terminated by any one of the partners by mutual consent.

10. NO LEGAL EFFECT

This MOU is not legally binding, and does not create any legally enforceable rights or responsibilities between Wollongong City Council and Shellharbour City Council.

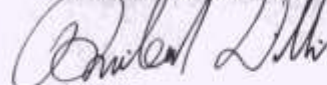
11. AUTHORISATION

On behalf of Wollongong City Council


Signed:
David Farmer
General Manager
Wollongong City Council

Date: 22/5/15

On behalf of Shellharbour City Council


Signed:
Michael Willis
General Manager
Shellharbour City Council

Date: 26/5/15