

MT.SHAMROCK QUARRY ENVIRONMENT REVIEW COMMITTEE

Terms of Reference

This document has been prepared to provide guidance in relation to the role and functioning of the Mt. Shamrock Quarry Environment Review Committee (ERC). It draws on documents and presentations including:

1. Planning Permit No: T050156
2. Ministers Assessment (including annexures) – Proposed Extension, Readymix Mt. Shamrock Quarry, Pakenham, April 2006
3. Role of ERCs – Presentation by Bonnie Baird (DPI) to ERC members on 16th October, 2007
4. Guidelines relating to ERC's (Published by the Department from 2001)

and also includes agreed amendments made by the ERC during 2016/17 with the consent of the Shire of Cardinia (the Responsible Authority).

Note: The EES Panel Report was not used in the preparation of this Terms of Reference however it is a background document to the early part of this project.

Purpose

The role of the Environment Review Committee (ERC) as specified by the Minister is as follows:

- Review of the environmental performance of the operator of the Mt. Shamrock quarry against the requirements of relevant legislation, the planning permit, WA 174 and the EMP;
- Review of work plans and work plan variations;
- Provision of advice on the means of minimizing impacts, expediting approvals and taking into account the views of the community; and
- Facilitation of community understanding of quarrying and government regulation of the activity.

In a presentation given by the DPI at the inception of this ERC, the role was also described as:

- Review the operator's environmental performance.
- Enhance communication between industry, government and community.
- To obtain committee feedback for consideration on analysis, alternatives and decisions.

Membership

The membership of the ERC is as follows:

- Councillor, Shire of Cardinia
- Officer from Shire of Cardinia
- Representative from Dept. of Earth Resources Regulation
- Up to three members of the local community (appointed by the Shire of Cardinia for three year terms utilising a process agreed to by the ERC)
- Up to three representatives from the quarry owner/operator
- Representative from the EPA
- Any other stakeholder or representative on an 'as needs' basis and agreed by the Chairperson. E.g. Southern Rural Water.

Where a member is unable to attend a particular meeting, an alternate may replace them provided the chairperson has been given reasonable notice. In the case of community representatives, the replacement person should be considered able to represent the local community.

Terms of Reference – Final approved Dec 16 2017

From time to time other parties may be invited to present on a technical matter or as observers with the prior agreement of the ERC and at the quarry operators discretion.

The ERC is chaired by an independent chairperson appointed by the Shire of Cardinia (3 year term) and paid for by the quarry owner/operator. The selection and appointment process for the chairperson shall be agreed to by the ERC prior to these processes commencing.

Role of ERC Members

ERC Members are participating in their own right as individuals and in some cases in their representative capacity for specific communities and government agencies/ authorities.

Those representing particular communities and agencies are expected to relay appropriate information gained from ERC meetings to the group/s they represent.

Members of the ERC are expected to participate in all meetings and be prepared to discuss the issues on the agenda. Where possible, meeting agendas will be prepared and distributed by the Chairperson at least 5 working days prior to the scheduled meeting to allow preparation time for members. Preparation for Committee members may include reviewing meeting summaries along with reading technical reports and other documents as required. From time to time, information that is considered commercially sensitive by the operator may be tabled and members will be required to maintain confidentiality provided it has been identified as commercial and in confidence.

Members are expected to present their own views on the issues being discussed and be willing to engage in respectful, constructive dialogue with other members of the ERC.

Members are also expected to; strive to bridge gaps in understanding, seek creative resolution of differences and to commit to the goal of achieving broad agreement in relation to the ERC purpose.

Decision Making

The ERC is for consultation and is not a decision making body. As described in the purpose statement above, the role of the ERC is to provide feedback and advice to the operator, relevant authorities and the community in relation to the effective and efficient implementation and compliance with the Environment Management Plan (EMP). The ERC may also choose to discuss other issues at its discretion as listed above.

The composition of the ERC means that the advice it provides may be of an expert nature however the issues will be discussed with *all* members of the group with a view to building broad agreement within the Committee about its collective view. This discussion will be supported by the Chairperson facilitating the sharing of information, encouraging discussion of concerns and viewpoints and finding collaborative ways of moving forward. Every effort will be made to meet the interests of and to seek broad agreement with all Committee members.

Broad agreement

Broad agreement means that there is no dissent by any member; some people call this 'consensus'. As such, formal votes will be avoided where possible. Committee members should not block or withhold agreement unless they have serious reservations with the approach or solution that is proposed. If members disagree with the approach or solution selected by the rest of the group, they should make every effort to offer an alternative satisfactory to all stakeholders. Members should remain at the table during discussions to hear the full conversation in order to make informed judgments. Deliberate absence will be viewed by the group as being equivalent to not dissenting.

Any consensus achieved on a specific issue will be tentative pending an agreement on other relevant issues being considered by the group.

Where the process generates a consensus on key points, members agree to support these agreements outside the forum of the ERC and to not comment negatively on the agreement. To the extent that the process does not reach a final consensus on some or all issues, members shall retain the right to comment negatively on those aspects of the agreement that are not based on a final consensus.

Communication

Participation in ERC discussions will be restricted to Committee members seated at the table, unless the

Chairperson sets aside time on the agenda for others (including observers) to speak. In order to facilitate an open and collaborative discussion, all those seated at the table will seek to abide by the following:

1. Only one person will speak at a time and no one will interrupt when another person is speaking.
2. Each person will express his or her own views rather than speaking for others at the table.
3. No one will make personal attacks.
4. Each person will make every effort to stay on track with the agenda in order to move the discussion forward
5. Each party will avoid grandstanding and digressions.
6. Each person will strive to maintain a sense of humour, listen well and be open-minded.

Members are expected to communicate concerns, interests and ideas openly and to make the reasons for their disagreements clear. In the event that a member is unable to speak about a concern directly to another member, he or she can contact the Chairperson. The Chairperson will serve as a channel for such concerns. Upon request, all information or views shared during conversations with the Chairperson will be kept confidential.

Observers

In the interest of transparency, meetings of the ERC will be open to observers when appropriate. Written meeting summaries will be prepared by the Chairperson and when adopted, will be made available to the public through the Shire of Cardinia.

Role of Chairperson

The role of Chairperson includes:

1. Agenda preparation and meeting facilitation.
2. Preparation and communication of meeting summaries.
3. Conduct or coordination of any required joint fact-finding.
4. Preparation of single text drafts of proposals (if required) to serve as a basis for discussions.
5. Assisting in building consensus among members.
6. Ensuring compliance with all the communication ground rules.
7. Serving as a confidential communication channel for members and observers who wish to express views but do not feel comfortable addressing the full group.
8. Advocating for a fair, effective and credible process, but remain utterly nonpartisan with respect to the outcome of dialogue and discussions.
9. Communicating the progress and results of the ERC to the DPI at least annually.

The Chairperson will prepare a draft summary of each meeting. The summary will include the key points of discussion as well as items of agreement and disagreement. The draft will be sent to Committee members after each meeting. Approval of the summary will occur as soon as possible after the Chairperson has taken note of any proposed additions, corrections or clarifications. If substantial changes are made, a revised version will be sent to Committee members. Meeting attendance records will be kept and reported in each meeting summary.

Meeting timetable and agenda

The ERC is required by the original Ministers assessment to meet at least twice per annum and currently meets four times each year. The timetable for meetings of the ERC and the agenda for each meeting will be determined by the Chairperson taking into consideration the interests of ERC members and the issues to be discussed and includes:

- Review of performance against the agreed EMP
- Biannual site tours for ERC members to observe the quarry and rehabilitation / revegetation activities.