



Colac Otway
SHIRE

MOOLERIC ROAD, OMBERSLEY QUARRY CONSULTATIVE COMMITTEE

TERMS OF REFERENCE

31 MARCH 2020

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1 BACKGROUND

The Mooleric Road, Ombersley Quarry Consultative Committee (the Committee) was established by the Colac Otway Shire and the permit holder to fulfil the requirements of condition 74 of the planning permit (PP169/2014) authorising the operation of the Mooleric Road, Ombersley Quarry. Its primary function is to review the operator's environmental performance and enhance communication between the quarry operator, Council, government agencies and the community.

2 FUNCTIONS OF THE COMMITTEE

The role of the Committee is one of consultation and not one of a decision making forum. The Committee cannot approve a Work Plan, amend a planning permit or discharge any other legislated authority. Recommendations from the Committee can assist the regulating agencies including the Council in the enforcement of work authority and planning permit conditions, assessment of proposed changes to the operation, and can influence the operator in its management of the quarry's operation. However, the Committee and its members are not legally liable for any actions of the permit holder or a Government agency.

The Committee should confine its review to those areas and activities under the control or direct responsibility of the permit holder within the work authority area and to matters relating to the quarry outside the site that are explicitly referenced in the permit conditions, e.g. water levels in bores within 2km of the quarry site, the upgrade of Mooleric Road, traffic movements on Mooleric Road and the provision of noise mitigation measures to 30 Mooleric Road. It is normal practice for the Committee to deal with monitoring stations or local community inquiries that may be some distance from the site provided they relate to the operation.

The key roles of the Committee are to:

- Review the performance of the operator against the requirements of legislation, the work authority, planning permit and any associated Management Plan (e.g. the Environmental Management Plan, the Dust Management Plan and the Traffic Management Plan).
- Provide feedback on any environmental problems associated with the quarry operation.
- Enable consultation on Work Plans, Work Plan Variations and changes to the planning permit and planning permit condition; and
- Improve community understanding about quarrying and mechanisms of government.

3 GENERAL

3.1 Membership

The Committee is chaired by a Colac Otway Shire Councillor. Responsibility for minutes, agendas, meeting papers, etc. will rest with Council.

The membership of the Committee is:

- Colac Otway Shire Councillor (Chair);
- Colac Otway Shire Manager of Planning, Building and Health, or his/her delegate;
- Two representatives of the Permit Holder/Quarry Operator;
- One representative of the Department of the Environment, Land Water and Planning (DELWP, or any successor government body);
- One representative of Southern Rural Water (or any successor authority);
- One representative of the Department of Jobs, Precincts and Regions (DJPR, or any successor government body);
- Two representatives of local residents/landowners;
- Other relevant representatives if deemed appropriate by the Responsible Authority*.

(* the Responsible Authority means Colac Otway Shire in its capacity as the authority responsible for administering and enforcing the planning scheme.)

The two community representatives were elected to this role following nomination to the permit holder and approval of the Responsible Authority prior to the establishment of the Committee, and will represent the interests of the local community.

Should one of these community representatives leave the Committee, a new representative will be selected through a similar process to that used to appoint both of the original representatives of local residents/landowners. Nominations will be sought by Council for the position by public advertisement in local newspapers and through letters to owners of land in the vicinity of the quarry (i.e. within 5km of the site). Council will advise of all nominations received, with the representative to be appointed following consultation between the quarry operator and Council. Any appointment will be made through a resolution of Council.

The community representatives need not have a technical background, but should ideally have strong links with the local community, and should be neighbours or amongst those living close to the quarry. As a group, the community representatives should geographically represent all areas local to the quarry, not just a single location.

A community representative should have the following qualities:

- An interest in the activities at the quarry site;
- A willingness to contribute positively to meetings;
- An ability and willingness to represent community interests and to provide feedback to members of the community;
- An ability to look beyond personal interests;
- A willingness to work together on a common challenge

Other bodies may be invited by agreement of the committee on a short or long term basis for specific issues or where the local situation warrants. For example, groups

such as the Victorian Farmer's Federation, local environmental groups, or Aboriginal associations may be useful contributors for some projects.

3.2 Meeting Frequency

The Committee shall meet at least two times per year, at approximately 6 monthly intervals, but may meet more regularly if required. Any member of the Committee, through the Chair of the Committee, can call for an extraordinary meeting to discuss a particular issue. Committee will aim to meet within 1 month of the commencement of quarry operations at 320 Mooleric Road, Ombersley and thereafter every six (6) months or so.

Members of the Committee will be advised of scheduled meetings usually one month in advance but, if circumstances do not allow this, at least two weeks in advance.

The Committee will agree on a preferred venue and time for meetings to occur, and shall be mindful of the circumstances of all Committee members, particularly community representatives, ensuring that the timing and location of meetings enables full participation where possible.

3.3 Chair

The Chairperson will convene all meetings and provide feedback to the Committee in accordance with the agreed principles or direction of the group.

If the designated Chair is not available, then the Manager of Planning, Building and Health will assume the role of Acting Chair and will be responsible for convening and/or conducting that meeting. The Acting Chair is responsible for informing the Chair as to the salient points/decisions raised or agreed to at that meeting.

Meetings of the group shall at all times be under the control of the Chair and shall be conducted in accordance with good meeting procedures.

3.4 Decision Making

Voting will be used to accept minutes and other resolutions where necessary. The group should aim to achieve consensus on any decisions (where required). Where this cannot be attained, the Chair has the casting vote. This vote may be undertaken at the following meeting, if further advice is required.

3.5 Conflict of Interest

Members of the group shall notify the Chair where potential conflicts of interest may arise at the earliest possible convenience, in accordance with good meeting practice. Such conflicts shall be recorded in meeting minutes.

3.6 Agenda Items

All Committee members are welcome to contribute items to the meeting agenda. All agenda items should be forwarded to Council by close of business five working days prior to the next scheduled meeting.

The agenda with attached meeting papers including monitoring data provided by the Quarry operator will be distributed at least three working days prior to the next

scheduled meeting by Council. For documents requiring review, appropriate time will be allowed between document distribution and the meeting.

The meeting agenda will include outstanding action items from the previous meeting and any relevant new issues for consideration as submitted by the members. It will include items relating to reporting of the quarry operator on environment related activities such as results of monitoring noise, dust, blasting impacts and ground water. Members may raise an item under 'Other Business' as time permits and at the discretion of the Chair.

3.7 Minutes & Meeting Papers

The minutes of each meeting will be prepared by Council. Full copies of the minutes, including attachments, will be provided to all members no later than ten working days following each meeting. Minutes including attendance, apologies, issues discussed, resolutions made and action items will all be recorded for each meeting by Council.

Copies of meeting minutes will be made available for inspection by members of the public if requested. A summary of key points from meetings will be discussed at the end of each meeting, and posted on Council's web site.

3.8 Participation in Meetings

Committee members should make their best effort to attend all meetings to maintain continuity and understanding of issues. Attendance can be by teleconferencing, if physical attendance is not possible. If three consecutive meetings are missed without an apology and appropriate justification, the Committee will review whether it should recommend to Council that the member be replaced.

3.9 Guests

The group may invite guests to appear at the meeting with the approval of the Chair and a majority of members. Guests may include any persons who provide technical or other insight as appropriate from time to time. The group is encouraged to make use of guests where particular skills/experience can be provided; however guests do not have voting rights.

3.10 Quorum Requirements

A minimum of six (6) members is required for the meeting to be recognised as an authorised meeting for the recommendations or resolutions to be valid. This must include at least one representative from Council, one representative of the permit holder and one representative of local residents/landowners.