

M4 East Air Quality Community Consultative Committee

Terms of Reference

Background

1. The WestConnex M4 East tunnel ventilation system is designed to emit all air from the ventilation outlets at the Parramatta Road Ventilation Facility and the Underwood Road Ventilation Facility. No air will be emitted from the tunnel entry or exit portals.
2. In accordance with condition B9, Sydney Motorway Corporation (SMC) must establish an Air Quality Community Consultative Committee (AQCCC) prior to finalising the detailed design of the M4 East and for the establishment of the ambient air quality monitoring stations required under condition E8.
3. The AQCCC's role is to provide input prior to and during the operation of the M4 East. The AQCCC is also required to provide advice on the operation environmental management plans and other operational documents, compliance tracking reporting, audit reports, complaints relating to air quality, and dissemination of monitoring results.
4. The AQCCC is not a decision-making or regulatory body, and instead performs an advisory and consultative role.

Membership of the committee

5. The condition requires that the committee be made up of:
 - (i) two representatives from the Proponent and tunnel operator;
 - (ii) one representative from each of the relevant councils, whose attendance is only required when considering matters relevant to their respective local government area;
 - (iii) three representatives from the local community adjacent to the eastern ventilation facility and three representatives from the local community adjacent to the western ventilation facility; and
 - (iv) a Chair who is an independent party put forward by the Proponent and approved by the Secretary.
6. Community representative attendance is only required when considering matters relevant to their respective local area.

Timing and duration

7. The committee is scheduled to be established by mid-2017.
8. The committee must meet at least four times a year, or as otherwise agreed by the Independent Chair (IC) and the Secretary of Department of Planning and Environment.
9. The timeframe for meetings is two hours. If there is an exceptional need to extend meeting timeframe on occasion, the IC will raise the extension with the AQCCC prior to any extension being approved.
10. The condition requires that the AQCCC must be operated for a period of two years from the commencement of operation, or as otherwise approved or directed by the Secretary, in consultation with the IC.

Independent Chair

11. An experienced independent mediator will be appointed by SMC to serve as Independent Chair (IC), in consultation with the Secretary of the Department of Planning & Environment.
12. Selection criteria will include:
 - ability to convene and manage stakeholder committees in an independent manner
 - experience in community relations, facilitation, mediation or public advocacy
 - The IC will report annually to the SMC CEO on the operation of the committee.
 - SMC may review the appointment of the IC based on the effectiveness of the Committee

Appointing community representatives

13. The condition requires that community members be appointed via an expression of interest process conducted by SMC in consultation with the Secretary of Department of Planning and Environment.
14. SMC will seek expressions of interest for community representatives for the committee via the following channels:
 - A letterbox drop to properties across the M4 East corridor
 - Posts seeking EOIs on WestConnex social media accounts (Twitter, Facebook and LinkedIn)
 - Advertising in local newspapers on the project corridor
 - eDM alert sent to subscribers on the M4 East email distribution list
 - Media release
15. The community representatives must be:
 - current residents or property owners from either the local community near the eastern ventilation facility or the western ventilation facility
 - willing to contribute constructively
 - active in the community, with strong community networks
 - have a sound understanding and awareness of the project and related environmental issues of concern to the broader community
 - be willing to adhere to Meeting Protocols and Guidelines and maintain an outcome focused approach
16. Community representatives will need to demonstrate their ability to meet these criteria in their application.
17. The IC will choose the community representatives from those community members who express interest.

Reporting

18. Notes are to be taken of all meetings of the committee.
19. The Notes will record issues raised and actions to be undertaken, who is responsible for taking those actions and by when.
20. Comments from individual members will not generally be attributed to an individual and a verbatim record of the meeting will not be prepared
21. The IC can appoint an organisation to take meeting minutes and to undertake other administrative tasks such as preparing agendas and supporting papers and preparing meeting notes and information.
22. The IC shall determine the agenda items in accordance with the Terms of Reference and Charter.
23. The IC will email members the Agenda one week prior to the meeting.
24. Members will RSVP their attendance at least 2 working days before the meeting.
25. Any member may propose a matter for inclusion on the agenda, either before or during a meeting, providing the matter is within the purpose of the committee.
26. The IC will ensure that issues of concern raised by community representatives on behalf of the community are properly considered. Late items may be deferred to a following meeting.
27. Draft notes will be emailed to all members for review and comment within one week after the meeting.
28. The members will have one week to provide review and comment on notes prior to being finalised.
29. The notes must be endorsed by the committee at its following meeting.
30. Agendas and notes of meetings will be made publicly available on the WestConnex website.

Meeting Protocol and guidelines

31. All members of the AQCCC, including SMC, Roads and Maritime, and any special representatives who attend the meeting, will follow the Meeting Protocol and Guidelines.
32. The purpose of the Meeting Protocol and Guidelines is to establish a framework for the ongoing meetings of the AQCCC.
33. The IC will chair and facilitate all AQCCC meetings. The IC is responsible for ensuring that the Meeting Protocol and Guidelines are met and that the group is serving the purpose as intended in support of the delivery of the project.

Responsibilities

Community Members

34. Members will respect other member opinions and will accept the responsibilities of the Group purpose. Members will behave in accordance with the following guidelines:
 - Accept direction and advice from the IC
 - Treat members and project staff with respect and courtesy
 - Enable all members to be equally heard, not speak over each other and listen to all other members points of view
 - Make points succinctly
 - Take all relevant information into consideration
 - Act with honesty and in good faith
 - Act reasonably
 - Refrain from any form of conduct that may cause a reasonable person unwarranted offence or embarrassment
 - Not speak to the media on behalf of the project and not discuss specific comments or opinions expressed by other members, including the SMC and Roads and Maritime
 - Meetings can only be recorded with the agreement of the IC and the committee
 - the committee is not a decision-making body, it is not a requirement that consensus be reached on issues discussed
35. Members are welcome to develop and distribute their own information materials to the public but under no circumstances should SMC, Roads and Maritime, WestConnex project logos and branding be used on these materials.

Attendance

36. All members of the AQCCC are required to regularly attend the meetings (more than 75% per annum). Members are required to respond to each meeting invitation and advise the Independent Chair if they are able to attend. Alternates cannot attend meetings in place of a AQCCC member.

Resignation or termination from AQCCC

37. Members may resign from the AQCCC, will do so by advising the Independent Chair in writing.

38. The Independent Chair will monitor the AQCCC's performance against its intended purpose and protocols for member behaviour and representation.

39. Members may be asked to resign under the following circumstances:

- Failure to attend 75% meetings per year (following review by the Independent Chair)
- Failure to disclose a conflict of interest and/or developing a conflict of interest during the project
- Perform ongoing and substantial breaches of the AQCCC Meeting Protocol and Guidelines
- Become an employee of the SMC or a significant provider of goods or services to WestConnex

40. Members who resign may be replaced from a reserve list. A new recruitment process will be undertaken as per above to select new members in case no reserve list members are available.

Media

41. Discussion of information presented at the meetings must not be discussed with the media. Any member comments to the media must be limited to member's own comments and as a courtesy the Independent Chair must be informed so there is full transparency for all AQCCC members. It is a breach of these protocols to discuss with the media any comments made by another member.