

# AGENDA

Greater Shepparton City Council

## COUNCIL MEETING

**3:00PM, Tuesday 15 March 2022**

Council Meeting Room

### COUNCILLORS

Cr Kim O'Keeffe (Mayor)

Cr Anthony Brophy (Deputy Mayor)

Cr Seema Abdullah

Cr Geoffrey Dobson

Cr Greg James

Cr Rob Priestly

Cr Shane Sali

Cr Sam Spinks

Cr Fern Summer

### VISION

**GREATER SHEPPARTON, GREATER FUTURE**

A thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture a diverse community and abundant opportunities

# Values

Values reflect what we feel is important. Organisations may have core values that reflect what is important in the organisation. These values may be guiding principles of behaviour for all members in the organisation.

## **Respect first, always**

We are attentive, listen to others and consider all points of view in our decision making.

## **Take ownership**

We take pride in honouring our promises and exceeding expectations, and are transparent with and accountable for our actions.

## **Courageously lead**

We lead with integrity, and stand up and stand by what is in the best interests of the Greater Shepparton community.

## **Working together**

We work collaboratively to create higher quality outcomes that are more efficient, thoughtful, effective and responsive. We cannot accomplish all that we need to do without working together.

## **Continually innovate**

We are open to new ideas and creatively seek solutions that encourage us to do our best for our community.

## **Start the celebration**

As ambassadors for our people and place, we proudly celebrate the strengths and achievements of Council and the Greater Shepparton community.

**A G E N D A  
FOR THE  
COUNCIL MEETING  
HELD ON  
TUESDAY 15 MARCH 2022 AT 3:00PM**

**CHAIR  
CR KIM O'KEEFFE  
MAYOR**

**INDEX**

<b>1 WELCOME TO COUNTRY.....</b>	<b>6</b>
<b>2 ACKNOWLEDGEMENT .....</b>	<b>6</b>
<b>3 PRIVACY NOTICE.....</b>	<b>6</b>
<b>4 GOVERNANCE PRINCIPLES.....</b>	<b>6</b>
<b>5 APOLOGIES.....</b>	<b>7</b>
<b>6 DECLARATIONS OF CONFLICT OF INTEREST.....</b>	<b>7</b>
<b>7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....</b>	<b>7</b>
<b>8 PUBLIC QUESTION TIME .....</b>	<b>7</b>
<b>9 DEPUTATIONS AND PETITIONS.....</b>	<b>7</b>
<b>10 COMMUNITY DIRECTORATE .....</b>	<b>7</b>
<b>11 CORPORATE SERVICES DIRECTORATE .....</b>	<b>8</b>
11.1 February 2022 Monthly Financial Report .....	8
11.2 Audit & Risk Management Committee - Unconfirmed Minutes - 9 February 2022..	11
11.3 Audit & Risk Management Committee Charter and Annual Work Program .....	14
<b>12 SUSTAINABLE DEVELOPMENT DIRECTORATE .....</b>	<b>17</b>
12.1 Acquisition of Easement - 430 Goulburn Valley Highway, Shepparton in the Shepparton North Growth Corridor .....	17
12.2 Easement Acquisition - Shepparton North Growth Corridor.....	24
12.3 Drainage Easement - 7835 Goulburn Valley Highway, Kialla (Big 4 Shepparton Parklands) .....	29
<b>13 INFRASTRUCTURE DIRECTORATE .....</b>	<b>36</b>
<b>14 CONFIDENTIAL MANAGEMENT REPORTS.....</b>	<b>36</b>
<b>15 DOCUMENTS FOR SIGNING AND SEALING .....</b>	<b>36</b>
<b>16 COUNCILLOR REPORTS.....</b>	<b>37</b>
16.1 Councillor Activities .....	37
16.1.1 Councillor Activities - February 2022.....	37
16.2 Council Committee Reports .....	39

16.2.1 Murray Darling Association - Annual Strategic Planning Meeting Report .....	39
16.3 Notice of Motion, Amendment or Rescission .....	42
<b>17 URGENT BUSINESS NOT INCLUDED ON THE AGENDA .....</b>	<b>42</b>
<b>18 CLOSE OF MEETING .....</b>	<b>42</b>

## Risk Level Matrix Legend

**Note: A number of reports in this agenda include a section on “risk management implications”. The following table shows the legend to the codes used in the reports.**

Likelihood	Consequences				
	Negligible (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
<b>Almost Certain (5)</b> Would be expected to occur in most circumstances (daily/weekly)	<b>LOW</b>	<b>MEDIUM</b>	<b>HIGH</b>	<b>EXTREME</b>	<b>EXTREME</b>
<b>Likely (4)</b> Could probably occur in most circumstances (i.e. Monthly)	<b>LOW</b>	<b>MEDIUM</b>	<b>MEDIUM</b>	<b>HIGH</b>	<b>EXTREME</b>
<b>Possible (3)</b> Reasonable probability that it could occur (i.e. over 12 months)	<b>LOW</b>	<b>LOW</b>	<b>MEDIUM</b>	<b>HIGH</b>	<b>HIGH</b>
<b>Unlikely (2)</b> It is not expected to occur (i.e. 2-5 years)	<b>LOW</b>	<b>LOW</b>	<b>LOW</b>	<b>MEDIUM</b>	<b>HIGH</b>
<b>Rare (1)</b> May occur only in exceptional circumstances (i.e. within 10 years)	<b>LOW</b>	<b>LOW</b>	<b>LOW</b>	<b>MEDIUM</b>	<b>HIGH</b>

**Extreme** Intolerable – Immediate action is required to mitigate this risk to an acceptable level. Event/Project/Activity is not to proceed without authorisation

**High** Intolerable – Attention is needed to treat risk.

**Medium** Variable – May be willing to accept the risk in conjunction with monitoring and controls

**Low** Tolerable – Managed by routine procedures

## 1 Welcome to Country

To be presented by Cr James on behalf of the Yorta Yorta Elders Council and the 16 family groups.

## 2 Acknowledgement

We, Greater Shepparton City Council, acknowledge the Yorta Yorta Peoples of the land which now comprises Greater Shepparton, we pay our respect to their tribal elders, we celebrate their continuing culture and we acknowledge the memory of their ancestors.

## 3 Privacy Notice

This public meeting is being streamed live via our Facebook page and made available for public access on our website along with the official Minutes of this meeting.

## 4 Governance Principles

Council considers that the recommendations contained in this Agenda gives effect to the overarching governance principles stated in Section 9(2) of the *Local Government Act 2020*. These principles are as follows:

1. Council decisions are to be made and actions taken in accordance with the relevant law;
2. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
3. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
4. the municipal community is to be engaged in strategic planning and strategic decision making;
5. innovation and continuous improvement is to be pursued;
6. collaboration with other Councils and Governments and statutory bodies is to be sought;
7. the ongoing financial viability of the Council is to be ensured;
8. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
9. the transparency of Council decisions, actions and information is to be ensured.

## 5 Apologies

Nil Received.

## 6 Declarations of Conflict of Interest

In accordance with section 130 (1)(a) of the Local Government Act 2020 Councillors are required to disclose any “conflict of interest” in respect of a matter to be considered at a Council Meeting.

**Disclosure must occur immediately before the matter is considered or discussed.**

## 7 Confirmation of Minutes of Previous Meetings

### RECOMMENDATION

**That the minutes of the 15 February 2022 Council Meeting as circulated, be confirmed.**

## 8 Public Question Time

**The following public question was submitted to Council in accordance with our Governance Rules**

Have Councilors applied due diligence to the impact on the ACE College with regard to the proposed build on the carpark in Maude, Nixon and Edwards site, as the ACE College was not mentioned in the CEO’s proposal or the Ethos Urban report presented at the December 2021 meeting?

## 9 Deputations and Petitions

Nil Received.

## 10 Community Directorate

Nil Received.

## 11 Corporate Services Directorate

### 11.1 February 2022 Monthly Financial Report

Author Management Accountant  
Approved by Director Corporate Services  
Purpose For Noting

Report is not confidential.

#### Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### RECOMMENDATION

**That the Council receive and note the February 2022 Monthly Financial Report.**

#### Executive Summary

The report presents the Council's actual financial performance compared to the budget for the eight months ended 28 February 2022.

#### Report Detail

The 2021/2022 Budget was adopted at the Ordinary Council Meeting held 15 June 2021.

The 2021/2022 Budget provided for an operating surplus of \$18.17 million with revenue of \$161.98 million and expenditure of \$143.80 million. The 2021/2022 Budget also provided for capital works of \$71.58 million.

On 21 September 2021, Council adopted the 2021/2022 Q1 Adopted Forecast with an accounting surplus of \$21.43 million which is \$3.26 million more than the 2021/2022 Adopted Budget mainly due to additional capital grants. The capital works program of \$72.65 million is forecast to be expended during the 2021/2022 financial year which is an increase of \$1.07 million from the 2021/2022 Adopted Budget mainly due to re-budgeted items from 2020/2021.

The 2021/2022 Q2 Forecast Review was adopted at the Ordinary Council Meeting held 15 February 2022. The 2021/2022 Q2 Adopted Forecast provided an accounting surplus of \$13.52 million which is \$7.92 million less than 2021/2022 Q1 Adopted Forecast, mainly due to the re-budgeting of capital grants into future years. The capital works program of \$70.61 million is forecast to be expended during the 2021/2022 financial year which is a decrease of \$974,000 from the 2021/2022 Adopted Budget.



Council actual financial performance compared to the budget is presented to Council on a monthly basis.

The February 2022 Monthly Financial Report incorporates the following sections which are presented for Council's consideration:

- Operating Performance
- Capital Works Performance
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Capital Works Statement

### **Council Plan/Key Strategic Activity**

#### **COMMUNITY LEADERSHIP**

We will prioritise leadership in the community to celebrate our cultures, people and places that makes Greater Shepparton a unique, vibrant, diverse and liveable region.

1.4 Communities have resources and abilities to self-advocate.

1.9 Provide a high profile collaborative advocacy role.

### **Risk Management**

There are no risks identified in providing this financial report.

### **Policy Considerations**

There are no conflicts with existing Council policies.

### **Financial Implications**

There are no financial implications arising from this proposal.

### **Legal/Statutory Implications**

Section 101 of the *Local Government Act 2020* provides that Council maintain a budgeting and reporting framework that is consistent with the principles of sound financial management. In addition, Section 97 requires that at least every 3 months a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to Council at a Council meeting which is open to the public. This report satisfies that requirement.

### **Environmental/Sustainability Impacts**

There are no environmental or sustainability impacts associated with this report.

### **Social Implications**

There are no social implications associated with this report.

### **Economic Impacts**

There are no economic implications associated with this report.

### **Consultation**

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

### **Strategic Links**

No strategic links applicable.

### **Conclusion**

The report presents Council's actual financial performance compared to the budget for the eight months ended 28 February 2022.

### **Attachments**

1. February 2022 - GSCC Council Report - Monthly Financial Statements [11.1.1 - 11 pages]

## 11.2 Audit & Risk Management Committee - Unconfirmed Minutes - 9 February 2022

Author                    Team Leader Risk & Assurance  
 Approved by          Director Corporate Services  
 Purpose                 For Noting

Report is not confidential.

### Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### RECOMMENDATION

**That the Council:**

- 1. note the unconfirmed minutes of the 9 February 2022 Audit and Risk Management Committee meeting; and**
- 2. note that the minutes will be confirmed by the Audit and Risk Management Committee at their next meeting, scheduled for 11 May 2022, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.**

### Executive Summary

In compliance with the *Local Government Act 2020 (the Act)* an Audit and Risk Management Committee must be established by Council under section 53 of the Act. The Audit and Risk Management Committee is not a delegated committee.

The purpose of this report is to present the unconfirmed minutes of the Audit and Risk Management Committee meeting held on 9 February 2022 in accordance with the Local Government Act 2020 and the Committee's Charter.

### Report Detail

The Charter states that minutes from each Committee meeting will be presented to Council, summarising progress, matters discussed and any issues the Committee wishes to share with all Councillors'.

The unconfirmed minutes of the 9 February 2022 Audit and Risk Management Committee (the Committee) note the following key points of discussion:

- CEO verbal report including:
  - COVID impacts;

- Vacant positions and recruitment; and
- 7.5% increase in construction costs
- OH&S and WorkCover reports;
- Monthly finance report;
- Compliance with Local Government Act;
- Compliance with Procurement Policy/Guidelines;
- Operational risks;
- Councillor expenses;
- Public Interest Disclosures;
- Insurance claims;
- Disaster recovery;
- Overdue and internal audit status reports; and
- ARMC Charter and Work Program

### Council Plan/Key Strategic Activity

#### COMMUNITY LEADERSHIP

We will prioritise leadership in the community to celebrate our cultures, people and places that makes Greater Shepparton a unique, vibrant, diverse and liveable region.

1.6 Council provides customer service that meets the needs of the community.

1.8 Good governance and sustainable financial management.

### Risk Management

The Audit and Risk Management Committee are to provide guidance to Council in external and internal audit, annual financial reporting, insurance and risk exposures, compliance and assessment, and review, all of which are high risk components of Council's role.

Councillors may be unaware of significant issues raised and discussed at the Committee meetings, for example, control weaknesses if the minutes are not presented accurately and in a timely manner.

### Policy Considerations

There are no policy considerations associated with this report.

### Financial Implications

There are no financial implications associated with this report

### Legal/Statutory Implications

There are no legal or statutory implications associated with this report.

### Environmental/Sustainability Impacts

There are no environmental or sustainability impacts associated with this report.

### Social Implications

Social implications associated with the Audit and Risk Management Committee have been addressed within the Charter.

### Economic Impacts

There are no economic impacts associated with this report.

## Consultation

The unconfirmed minutes of the 9 February 2022 Audit and Risk Management Committee (ARMC) meeting were distributed to management for review.

Following management's review, the unconfirmed minutes were distributed to the Committee Chair for review.

Upon receiving confirmation from the Chair, the unconfirmed minutes were distributed to Council's independent members of the ARMC, including all relevant internal staff.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

## Strategic Links

a) Greater Shepparton 2030 Strategy

- Nil

b) Other strategic links

- Nil

## Conclusion

In accordance with Charter requirements, the Audit and Risk Management Committee unconfirmed minutes from 9 February 2022 have been prepared and are to be presented to Council for noting.

## Attachments

1. Audit and Risk Management Committee - 9 February 2022 - Unconfirmed Minutes [11.2.1 - 30 pages]

## 11.3 Audit & Risk Management Committee Charter and Annual Work Program

Author	Team Leader Risk & Assurance
Approved by	Director Corporate Services
Purpose	For Decision by Council

Report is not confidential.

### Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### RECOMMENDATION

**That the Council adopt the Audit and Risk Management Committee Charter and annual Work Program as attached to this report.**

### Executive Summary

At the February 2022 meeting, The Audit and Risk Management Committee reviewed the revised Audit and Risk Management Committee's Charter and Work Program 2022.

The ARMC endorsed the revisions (summarised below) and now recommend the revised ARMC Charter and annual Work Program for Council adoption.

### Report Detail

The Charter and Work Program have been reviewed to better align and provide improved reporting timeframes. This will allow the ARMC to consider less items at each meeting, allowing time for in depth discussion and provide Council with improved recommendations.

The main changes to the Charter are:

1. Inclusion of the Committee's responsibilities to the Purpose of the Committee.
2. Change the wording within the Authority section to reflect responsibility, as the Committee has not actual authority to act.
3. Update the Councillor membership section to reflect current practice.
4. Increase requirements for a quorum to include three independent members.
5. Removed the inclusion of the CEO for in-camera session of the committee.
6. A major change is moving from Committee Functions to Committee Program. This program provides more alignment to wording in the legislation.
7. The Committee Program now aligns with the annual Work Program.
8. Section 6 of the Charter has been allocated specifically for the financial and performance reporting that occurs annually in September.
9. A new Governance and Risk Annual report requirement has been included to the Charter, which will provide the Committee with an overview of specific reports.

10. Committee members are no longer required to submit Personal Interest Returns.

The ARMC Charter and the annual Work Program were presented to the Committee at the 9 February ARMC meeting. The Committee recommended that Council adopt the revised ARMC Charter and annual Work Program for 2022.

### **Council Plan/Key Strategic Activity**

#### **COMMUNITY LEADERSHIP**

We will prioritise leadership in the community to celebrate our cultures, people and places that makes Greater Shepparton a unique, vibrant, diverse and liveable region.

1.6 Council provides customer service that meets the needs of the community.

1.8 Good governance and sustainable financial management.

### **Risk Management**

There are no risk management issues associated with this report.

### **Policy Considerations**

There are no policy considerations associated with this report, however, the Charter acknowledges that all minutes from the Audit and Risk Management Committee meetings throughout the year are adopted as soon as possible after each meeting.

### **Financial Implications**

There are no financial implications associated with this report.

### **Legal/Statutory Implications**

There are no legal or statutory implications associated with this report.

### **Environmental/Sustainability Impacts**

There are no environmental or sustainability impacts associated with this report.

### **Social Implications**

Social implications associated with the Audit and Risk Management Committee have been addressed within the Charter.

### **Economic Impacts**

There are no economic impacts associated with this report.

### **Consultation**

Management presented the Charter to the Committee who acknowledged the work that went into the document and approved the changes within the document.

The Committee confirmed that they were happy for the Charter to be presented to Council, recommending it be adopted.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

### **Strategic Links**

#### a) Greater Shepparton 2030 Strategy

- Nil

#### b) Other strategic links

- Nil

## Conclusion

The ARMC recommended that Council adopt the revised ARMC Charter and annual Work Program 2022.

## Attachments

1. GSCC Audit and Risk Management Committee Charter - 2022 [11.3.1 - 15 pages]
2. Audit and Risk Management Committee - Annual Work Program [11.3.2 - 2 pages]



## 12 Sustainable Development Directorate

### 12.1 Acquisition of Easement - 430 Goulburn Valley Highway, Shepparton in the Shepparton North Growth Corridor

Author                      Team Leader Statutory Planning  
 Approved by              Director Sustainable Development  
 Purpose                     For Decision by Council

Report is not confidential.

#### Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### RECOMMENDATION

That the Council:

1. **authorise the Chief Executive Officer to undertake the administrative procedures and acquire, by agreement or compulsory acquisition, an irrigation easement along the eastern boundary of 430 Goulburn Valley Highway, Shepparton North, including pursuant to the processes under the *Land Acquisition and Compensation Act 1986 (Vic)*, and to take all steps necessary so as to resolve the consideration or compensation payable so as to finalise the matter; and**
2. **authorise the Chief Executive Officer to sign all documentation associated with or necessary to effect the acquisition and finalise the matter.**

#### Executive Summary

The first stage of construction of the Public Open Space landscape area in the Shepparton North Growth Corridor is due to commence. The detailed landscape design for the area required an irrigation design and Council engaged Chris Smith and Associates Pty Ltd to provide these plans.

During the scope review it was recognised that the design should utilise a raw water system via the Goulburn Murray Water system rather than using a potable water supply from Goulburn Valley Water due to the increased costs associated with potable water.

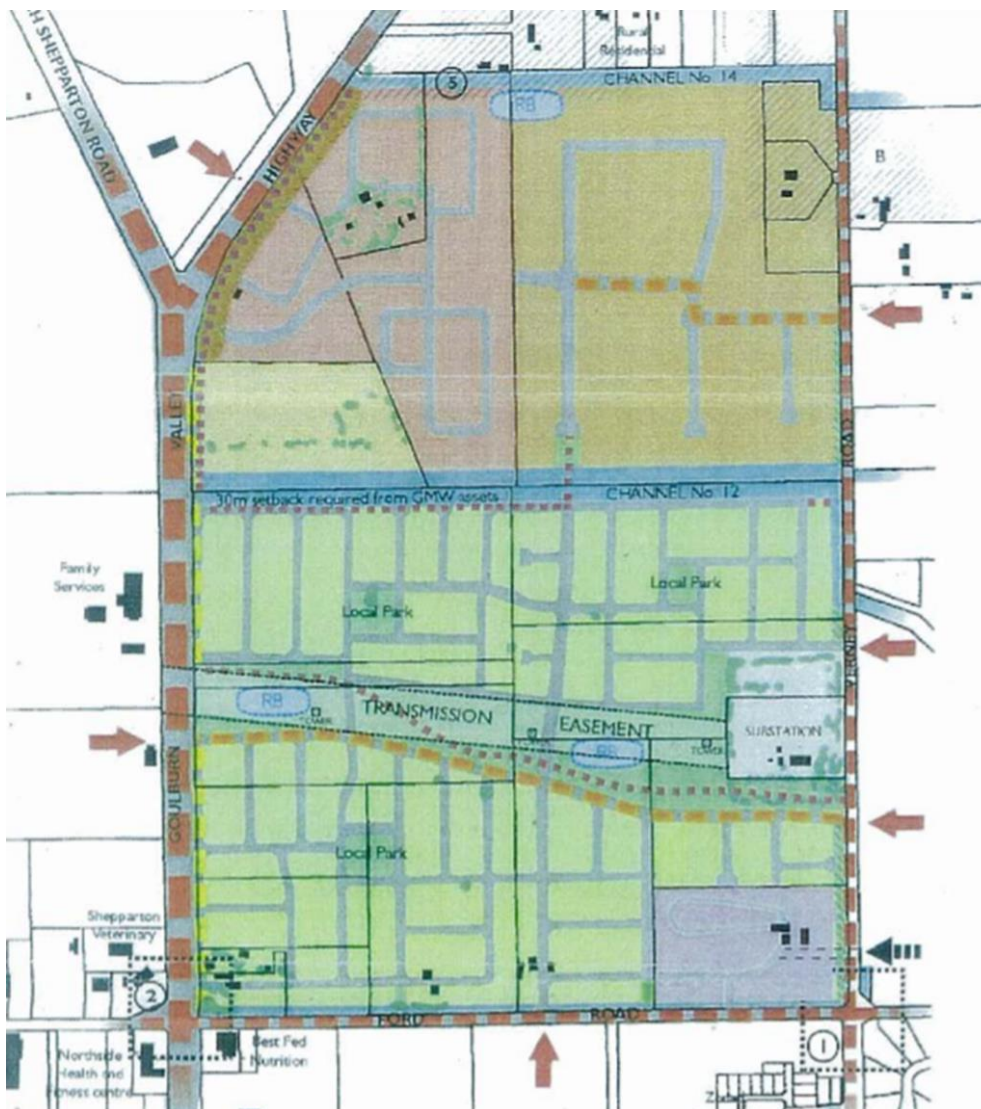
Council officers have investigated the options and have had initial discussions with Goulburn Murray Water relating to possible raw water supply.

Council officers propose to acquire a 5 metre wide water supply easement along the eastern boundary of 430 Goulburn Valley Highway, Shepparton North (**Easement**). Within the Easement, a water supply pipeline will be constructed so as to provide a raw water supply from the Goulburn Murray Water No 12 Main channel to the Greater Shepparton City Council reserve at 420A Goulburn Valley Highway, Shepparton North.

This report recommends that Council engage with the land owner of the Easement land to create an easement through the land for the delivery of the irrigation water to the park.

## Report Detail

The Outline Development Plan (ODP) for the Shepparton North Growth Corridor was included in the Greater Shepparton Planning Scheme as part of Amendment C11 in 2003. The ODP established a coordinated approach to the development of the Growth Corridor and the requirement for development to contribute to the cost of the infrastructure included in the accompanying Development Contributions Plan (DCP).



**Figure One:** Extract of the Shepparton North Growth Corridor Development Plan, which shows the drainage basins in the electrical transmission easement.

The ODP allowed for the encumbered land to be acquired by Council and create Public Open Space within the encumbered land. Council officers have since completed detailed landscape plans and stage one construction is about to commence under the current financial year's capital budget program.

At the time when the plans were being created, the intent was for the irrigated areas to be connected to a potable water supply. However, it was agreed as part of Council's strategy for sustainability, officers investigate options to receive a raw water supply from the Goulburn Murray Water (GMW) channel to the north.

So as to provide a water supply to those parklands, officers propose to provide a raw water supply to the Council reserve via a pipeline from the Goulburn Murray Water channel to the north, being Goulburn Murray Water No 12 Main channel.

Officers assessed a series of options for the provision of the water supply to the Council reserve, namely:

- Option 1 - along Goulburn Valley Highway (the black line);
- Option 2 - through the land at 430 Goulburn Valley Highway Shepparton North (the orange line);
- Option 3 - through the land at 320 Verney Road (Grammar School Land) and 300 Verney Road (AusNet Land) (the pink line);
- Option 4 - along Verney Road (the red line).



Officers have determined that the preferred option is to acquire the Easement along the eastern boundary of 430 Goulburn Valley Highway Shepparton North.

430 Goulburn Valley Highway Shepparton North is the land described in certificate of title volume 10864 folio 284, being lot 4 on plan of subdivision 009081, with the following registered proprietors:

Sole Proprietor  
Felsage Pty Ltd  
As to 1 of a total of 3 equal undivided shares  
Joint Proprietors  
Muharem Sulejman



Lisa Suzanne Sulejman  
 Xhafer Sulejman  
 Irene Sulejman  
 As to 1 of a total of 3 equal undivided shares  
 Sole Proprietor  
 Baamm Pty Ltd

(together, the **Landowners**)

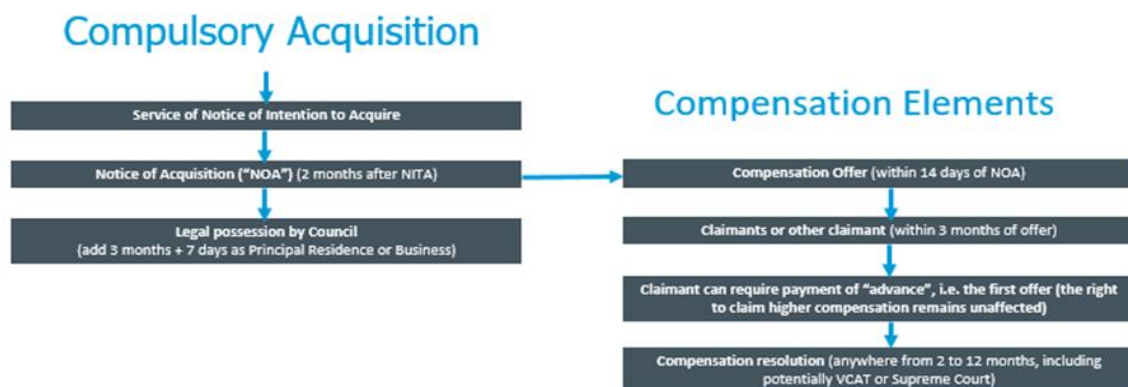
The Easement will be a water supply easement in favour of Greater Shepparton City Council. Council has engaged a contractor to build the parklands at its reserve and this contractor has a commencement date in April 2022. Officers seek to incorporate works to construct the pipeline in to the contractor’s construction program. Before that can occur a water supply easement over the proposed pipeline alignment is required.

Having regard to a range of factors (such as the likelihood of successfully agreeing with the Landowners in regard to the acquisition, the periods of time involved, and historical experience with projects of this kind), officers seek that the Council resolve to authorise compulsory acquisition. Officers will still take steps to acquire the Easement by agreement. Following commencement of the compulsory acquisition process via a notice of intention to acquire, it is still open to Council and the landowners and any other interested parties to enter into agreement with one another so that the Council can acquire the Easement by agreement. By using the compulsory acquisition process, in the event that agreement is not reached, the Council can proceed to compulsory acquisition and thereby the project is not delayed.

In the usual course, compulsory acquisition first requires the reservation of the land to be acquired through a public acquisition overlay. This requires a planning scheme amendment and can be resource and time intensive. However, in the case of an easement, a public acquisition overlay is not normally first required. In certain circumstances, as is the case here, acquiring authorities can proceed directly with a notice of intention to acquire without first amending the planning scheme through the inclusion of a public acquisition overlay.

Following service of a notice of intention to acquire, in the event that agreement to acquire is not reached, the acquiring authority can proceed with compulsory acquisition not less than two months following service of the notice of intention to acquire. There is then a process to require possession, which can be as little as seven days, following which construction can commence.

The following flow chart seeks to set out the process for compulsory acquisition and compensation resolution:



## Council Plan/Key Strategic Activity

### **VIBRANT and DIVERSE ECONOMY**

We will drive the visitor economy by growing visitor experiences and major events that provide employment and other opportunities to the community. Our economic development will focus on establishing a strong, adaptive, sustainable and thriving region supported by agriculture and a diverse range of industries.

3.5 Encourage and facilitate investment and expansion.

3.10 Efficient land use planning to encourage and support future development.

### **INFRASTRUCTURE and TECHNOLOGY**

We will focus on the planning of our region's requirements to enable delivery of technology and infrastructure to meet the current and future needs of the community.

4.8 Plan, prioritise and communicate asset maintenance and new asset delivery.

4.11 Develop and improve Community and recreation facilities.

## Risk Management

There are no inherent risks in exploring the creation of an easement or negotiating with a landowner to purchase land that facilitates delivery of a service to the community.

Council officers propose to engage a valuer to undertake an independent valuation of the Easement to secure an objectively fair price.

The compulsory acquisition process, and in particular the dispute resolution phase of that process whereby compensation is resolved ultimately and potentially through proceedings in the Victorian Civil and Administrative Tribunal or the Supreme Court, can be protracted and entails aspects of risk associated with any form of litigation. However, officers will engage lawyers to manage these risks. Officers consider the risks to be acceptable having regard to the need to resort to compulsory acquisition powers to deliver the pipeline in a time effective manner.

The resolution of compensation occurs separately to the taking of possession. Whilst the resolution of compensation could take upwards of 12 months to resolve, this has no bearing on the taking of possession of the land and therefore the project timeline. As noted earlier, possession could occur in as little as two months and seven days following service of the notice of intention to acquire. The notice of intention to acquire can and would be served shortly following the Council's resolution to proceed with this proposed acquisition.

## Policy Considerations

The easement or acquisition process will assist in providing a welcoming environment under Council's Public Open Space obligations, and supports residential development identified in Council policy and planning documents, including the *Shepparton North Growth Corridor Outline Development Plan 2002*.

Council officers also consider policy support exists at Clause 21.07-4 of the Greater Shepparton Planning Scheme for the development of Council infrastructure.

The Council Plan 2021 - 2025 provides policy support for sustainable management of our infrastructure.

### **Financial Implications**

The cost associated with the purchase of the easement in favour of Council will need to be met by Council.

An independent valuation of an easement on the proposed land and the cost associated with creating an easement will be undertaken to ensure costs are fair. The cost of construction of the irrigation infrastructure will also be borne by Council.

### **Legal/Statutory Implications**

Officers have engaged Holding Redlich Solicitors Pty Ltd, which will ensure the acquisition of the proposed land or easement creation is consistent with relevant laws.

### **Environmental/Sustainability Impacts**

Acquiring the Easement will enable the construction of a pipeline from the existing Goulburn Murray Water channel so as to provide a raw water supply to the Council reserve. The provision of a water supply from Goulburn Murray Water infrastructure provides a secure form of water supply that is environmentally sustainable through the use of existing infrastructure. In the absence of water supply from the raw water pipeline, water would need to be supplied through other means, including through the town water supply. To do so is less environmentally sustainable than to provide raw water from the Goulburn Murray Water channel.

### **Social Implications**

Acquiring an easement on the proposed land or creating an easement over this land has a neutral social outcome given the functional nature of the Public Open Space and will offer ancillary social benefits for residential developments by offering a destination for active recreation.

### **Economic Impacts**

Acquiring an easement on the proposed land for the delivery of a raw water supply to the Public Open Space will provide ongoing sustainable costs for irrigation, allowing further irrigated areas within the growth corridor at a significantly reduced rate compared to potable water.

### **Consultation**

Council officers understand the importance of communicating with landowners about the need to access land to facilitate the proposal. Council officers recommend working closely with the landowner of the proposed land to negotiate an agreement to acquire the land, or create a water supply easement.

Council officers will seek to consult with the Landowners about acquiring the Easement by agreement. The compulsory acquisition process commences with the service of a notice of intention to acquire which provides that the service of the notice does not preclude the landowners entering into an agreement with the Council to create the easement by agreement. In this regard, following service of the notice of intention to acquire, officers intend to seek to contact the landowners to see whether such agreement can be reached

## Strategic Links

Accessing land to develop drainage infrastructure relates to the following objectives and strategies:

### **Greater Shepparton 2030 Strategy Plan 2006:**

Objective 1. To maintain an efficient and environmentally sensitive stormwater management system.

Objective 2. To provide sustainable infrastructure to support the growth and development of the municipality.

## Conclusion

The first stage of construction of the Public Open Space landscape area in the Shepparton North Growth Corridor is due to commence. The detailed landscape design for the area required an irrigation design. During the initial scoping exercise, it was recognised that the design should utilise a raw water system via Goulburn Murray Water system rather than using a potable water supply from Goulburn Valley Water due to the increased costs associated with potable water.

Council officers have investigated the options and have had initial discussions with Goulburn Murray Water relating to possible raw water supply.

Council officers recommend that Council resolve to proceed with the compulsory acquisition process to acquire the Easement. Following service of a notice of intention to acquire, officers will still seek to contact the landowners to seek to acquire the water supply easement by agreement. The water supply easement will enable the construction of a water supply pipeline to supply raw water from the Goulburn Murray Water Number 12 main channel, via the easement, to the Council Reserve at 420A Goulburn Valley Highway, Shepparton North.

## Attachments

Nil

## 12.2 Easement Acquisition - Shepparton North Growth Corridor

Author                    Team Leader Statutory Planning  
 Approved by          Director Sustainable Development  
 Purpose                 For Decision by Council

Report is not confidential.

### Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### RECOMMENDATION

**That the Council:**

1. **authorise the Chief Executive Officer to undertake the administrative procedures and acquire, by agreement or compulsory acquisition, a drainage easement over part of 420A Goulburn Valley Highway, Shepparton North, including pursuant to the processes under the *Land Acquisition and Compensation Act 1986 (Vic)*, and to take all steps necessary so as to resolve the consideration or compensation payable so as to finalise the matter;**
2. **authorise the Chief Executive Officer to undertake the administrative procedures and acquire by agreement part of the land (approximately 300 square metres) at 420A Goulburn Valley Highway, Shepparton North and to take all steps necessary so as to resolve the consideration so as to finalise the matter; and**
3. **authorise the Chief Executive Officer to sign all documentation associated with or necessary to effect the acquisition and finalise the matter.**

### Executive Summary

In 2017, Council acquired 420A Goulburn Valley Highway, Shepparton North as a reserve for a proposed stormwater management drainage basin (**Council Reserve**). The Council Reserve was needed to realise the ultimate stormwater drainage strategy for the Shepparton North Growth Corridor.

An existing drainage pipeline currently flows northwards from the Northside Estate residential development to the property at 420 Goulburn Valley Highway, Shepparton North (**Neighbouring Land**), which abuts the Council Reserve.

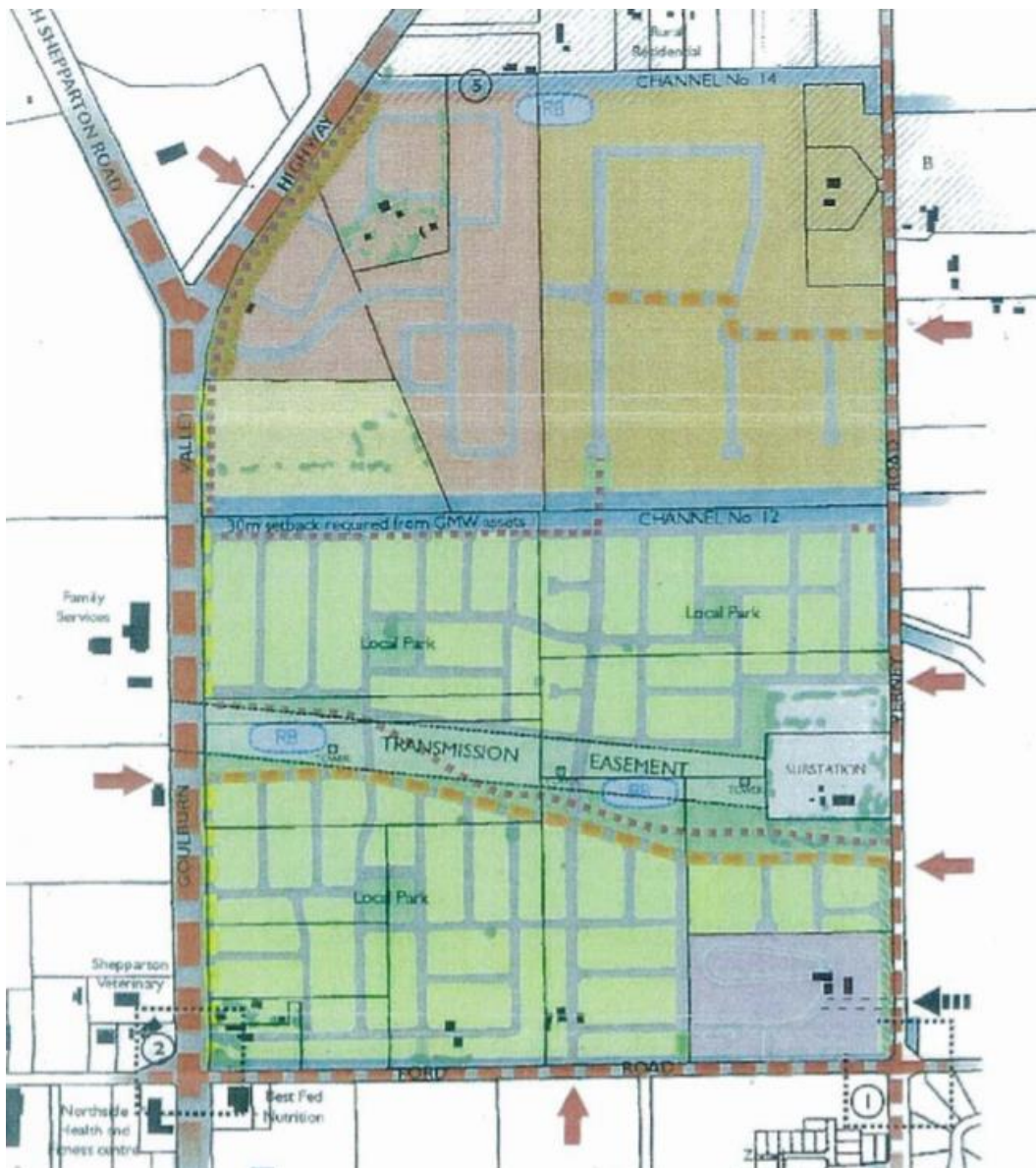


An extension of the drainage pipeline across the Neighbouring Land is required to reach the drainage basin on the Council Reserve. This will require the creation of a drainage easement over the Neighbouring Land or, alternatively, the acquisition of a portion of Neighbouring Land for a reserve. The area of land required is approximately 300m<sup>2</sup> and is adjacent to the Council Reserve (**Proposed Pipeline Land**). Acquisition would be by agreement in the first instance or compulsory acquisition thereafter.

Council officers consider that the creation of an easement or potential acquisition of the Proposed Pipeline Land should be progressed by Council to ensure that the infrastructure that is required to complete the ultimate stormwater drainage strategy for the Growth Corridor can be realised and to minimise flooding impacts to neighbouring properties.

### Report Detail

The Proposed Pipeline Land is included within the Shepparton North Growth Corridor, see Figure One.



**Figure One:** Extract of the Shepparton North Growth Corridor Development Plan, which shows the drainage basins in the electrical transmission easement.

The Outline Development Plan (ODP) for the Shepparton North Growth Corridor was included in the Greater Shepparton Planning Scheme as part of Amendment C11 in 2003. The ODP established a coordinated approach to the development of the Growth Corridor and the requirement for development to contribute to the cost of the infrastructure included in the accompanying Development Contributions Plan (DCP).

The DCP for the Growth Corridor identifies all regional infrastructure required to support future residential development. The ultimate stormwater drainage strategy for the Growth Corridor has required the acquisition of land in the past, and the construction of retardation basins and related stormwater drainage infrastructure. Figure two shows the land acquired.



**Figure Two:** Land shown by hatching acquired for Stormwater Drainage Purposes. Council has constructed two drainage basins in this acquired land.

In 2020, works commenced to complete the retardation basins and drainage for the southern portion of the Growth Corridor. Drainage from the developed land to the south, which had been draining via a pipe and open drain within an easement on the Neighbouring Land was to be consolidated within a fully piped system using the same easement. However, representatives from SP Ausnet present at the site, ceased the construction due to the proximity of the overhead lines to the machinery being used. This resulted in a temporary open drain remaining while the realignment of the pipe was resolved. This easement purchase option is a result of those investigations.

The land has an area of approximately 300m<sup>2</sup>. It traverses the Neighbouring Land and connects to an existing drainage pipeline running from the Northside Estate (to the south) to the Council-owned drainage basin land (at the north) (see Figure Three).



**Figure Three:** Proposed Drainage Easement.

Council officers are currently exploring options to create the drainage easement over the relevant part of the Neighbouring Land by acquiring the proposed pipeline land by agreement or compulsory acquisition.

### Council Plan/Key Strategic Activity

#### VIBRANT and DIVERSE ECONOMY

We will drive the visitor economy by growing visitor experiences and major events that provide employment and other opportunities to the community. Our economic development will focus on establishing a strong, adaptive, sustainable and thriving region supported by agriculture and a diverse range of industries.

3.10 Efficient land use planning to encourage and support future development.

#### INFRASTRUCTURE and TECHNOLOGY

We will focus on the planning of our region’s requirements to enable delivery of technology and infrastructure to meet the current and future needs of the community.

4.8 Plan, prioritise and communicate asset maintenance and new asset delivery.

### Risk Management

There are no inherent risks in exploring the creation of an easement or negotiating with a landowner to purchase land that facilitates delivery of a service to the community.

### Policy Considerations

The easement or acquisition process will assist in providing drainage infrastructure that supports residential development projects that have been identified in Council policy and planning documents including the Shepparton North Growth Corridor Outline Development Plan 2002.

Council officers also consider policy support exists at Clause 21.07-3 of the Greater Shepparton Planning Scheme for the development of drainage infrastructure including:

1. To maintain and enhance stormwater quality throughout the municipality.
2. To ensure that new development complies with the Infrastructure Design Manual.



### Financial Implications

The cost of purchasing the Proposed Pipeline Land or creating an easement in favour of Council will need to be met by Council. An independent valuation of the Proposed Pipeline Land and the cost associated with the alternative of creating an easement will be undertaken to ensure costs are fair and to determine which option makes best financial sense for Council.

Cost of construction of the pipeline construction will also be borne by Council.

### Legal/Statutory Implications

Council officers have engaged Holding Redlich Solicitors Pty Ltd, which will ensure the acquisition of the Proposed Pipeline Land or easement creation is consistent with relevant laws.

### Environmental/Sustainability Impacts

Acquiring the Proposed Pipeline Land or creating an easement over this land has no significant environmental or sustainability impacts. It is considered that the land purchase will ultimately facilitate improved environmental outcomes as the drainage pipeline will incorporate water sensitive urban design.

### Social Implications

Acquiring the Proposed Pipeline Land or creating an easement over this land has a neutral social outcome given the functional nature of a drainage basin, but will offer ancillary social benefits for residential developments by offering protection from adverse weather events such as flooding.

### Economic Impacts

The improved drainage capacity will protect new developments in the Shepparton North Growth Corridor, and allow officers to facilitate new developments along Goulburn Valley Highway, which provides for housing and employment.

### Consultation

Council officers understand the importance of communicating with landowners about the need to access land to facilitate the proposal. Council officers recommend working closely with the landowner of the Neighbouring Property to negotiate an agreement to acquire the land, or create a drainage easement.

### Strategic Links

Accessing land to develop drainage infrastructure relates to the following objectives and strategies:

#### Greater Shepparton 2030 Strategy Plan Objectives

1. To maintain an efficient and environmentally sensitive stormwater management system.
2. To provide sustainable infrastructure to support the growth and development of the municipality.

### Conclusion

Council officers recommend that Council resolve to create an easement or enter into negotiations with the Landowner to acquire the Proposed Pipeline Land to advance a net community benefit through improved drainage services within the Shepparton North Growth Corridor.

### Attachments

Nil

## 12.3 Drainage Easement - 7835 Goulburn Valley Highway, Kialla (Big 4 Shepparton Parklands)

Author                    Team Leader Statutory Planning  
 Approved by          Director Sustainable Development  
 Purpose                 For Decision by Council

Report is not confidential.

### Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### RECOMMENDATION

**That the Council:**

1. **authorise the Chief Executive Officer to undertake the administrative procedures and acquire, by agreement or compulsory acquisition, a drainage easement over part of 7835 Goulburn Valley Highway, Kialla, including pursuant to the processes under the *Land Acquisition and Compensation Act 1986 (Vic)*, and to take all steps necessary so as to resolve the consideration or compensation payable so as to finalise the matter; and**
2. **authorise the Chief Executive Officer to sign all documentation associated with or necessary to effect the acquisition and finalise the matter.**

### Executive Summary

Council officers propose that Council acquire a drainage easement (**Easement**) at 7835 Goulburn Valley Highway, Kialla (**Land**). The residential development at 7805 Goulburn Valley Highway, Kialla known as the Seven Creeks Estate (**Development**) lies immediately south of the Land. The Development site drains towards the Land and does not have a drainage outfall. Therefore, officers propose that Council acquire a drainage easement over part of the Land to service the Development, connecting it to the local drainage network along Lapwing Street, Kialla.

### Report Detail

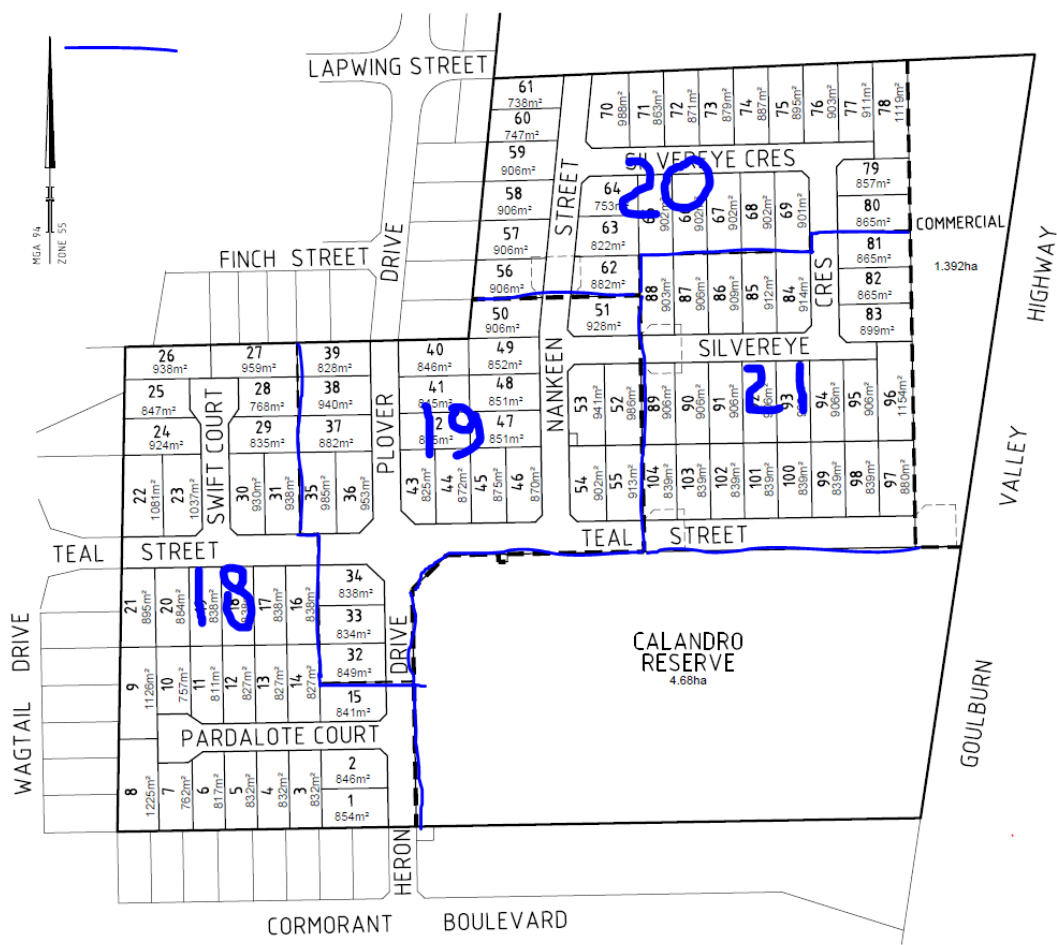
The South Growth Corridor Development Plan included within it a drainage strategy for the corridor. Over time the strategy has been implemented generally in accordance with the Development Plan as is normal for Development / Structure Plans

During the construction of Stage 5 of Seven Creeks Estate in 2006 council officers and the developer's consultants engaged with the caravan park to discuss future storm water drainage. The result being a pit was constructed in Lapwing St to allow future discharge from the caravan park and what is now known as Stages 20 and 21 of Seven Creeks Estate. Figure 1 shows the location of the stages of subdivision.



**Figure One:** Locality Plan

Figure 2 shows the development plan for the stages 18 – 21 of Seven Creeks Estate, Stage 20 and 21 are required to drain to Lapwing Street.

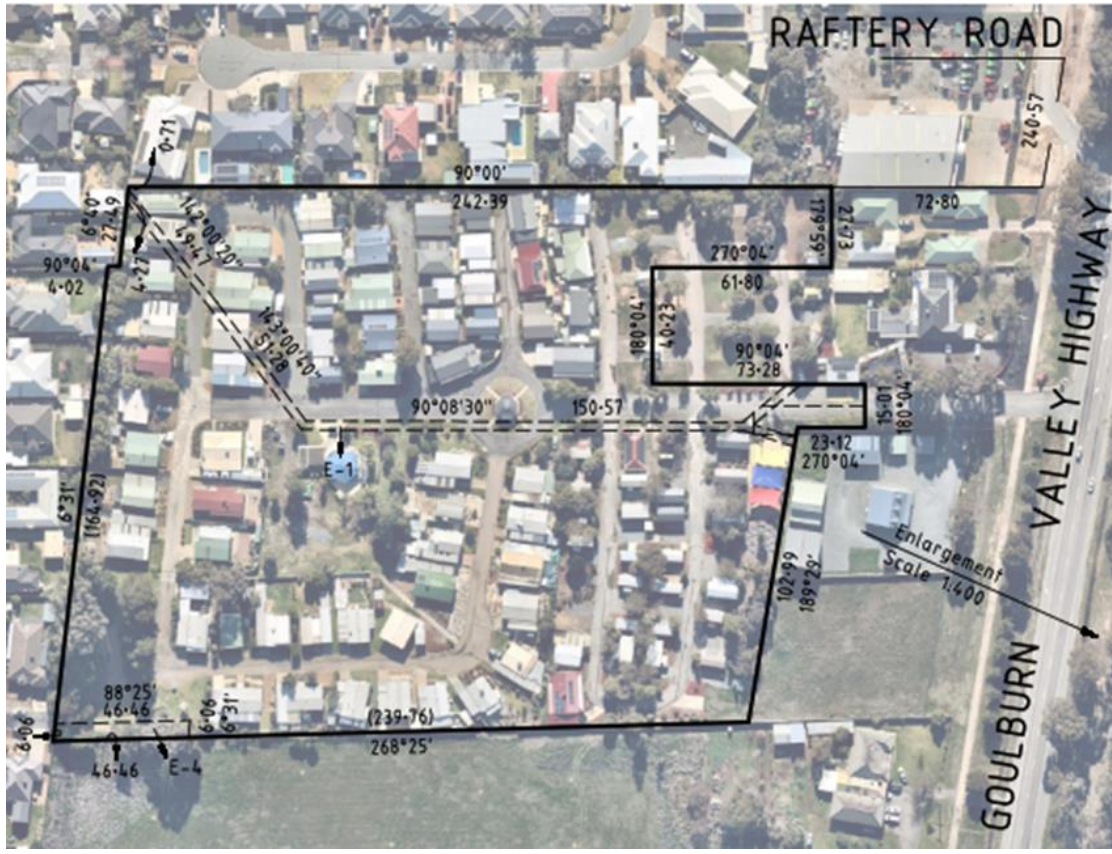


**Figure Two: Development Plan**

Figure 3 shows the easement in the south west corner of the caravan park where the drainage easement is to be created allowing the final stages of Seven Creeks Estate and future drainage from the caravan park to discharge to the existing drainage system in Lapwing Street.

Easement E4 as shown below has an area of 281 sqm and a valuation has been requested, which is yet to be received





**Figure Three: Easement Location**

Whilst the drain will serve the immediate needs of the Seven Creeks Estate development, it would also serve a wider function for surrounding land and therefore the community. Accordingly, it is appropriate that the Council intervene so as to acquire a drainage easement, in the Council’s favour.

The Land is occupied by the Big 4 Caravan Park and includes the land described in certificate of title volume 10216 folio 231, being lot 4 on plan of subdivision 337810J. The registered proprietor is Park Lane Properties (Aus) Pty Ltd (the **Landowner**)

The Seven Creeks Estate development is being carried out at 7805 Goulburn Valley Highway Kialla and is the land described in certificate of title volume 12264 folio 982, being Lot 2 on Plan of Subdivision 823661P. The registered proprietor is Pierina Calandro. Seven Creeks Corporation Pty Ltd holds a caveat over that property.

Having regard to a range of factors (such as the likelihood of successfully agreeing with the Landowner in regard to the acquisition, the periods of time involved, and historical experience with projects of this kind), officers seek that the Council resolve to authorise compulsory acquisition. Officers will still take steps to acquire the land by agreement. Following commencement of the compulsory acquisition process via a notice of intention to acquire, it is still open to Council and the Landowner and any other interested parties to enter into agreement with one another so that the Council can acquire the Easement by agreement. By using the compulsory acquisition process, in the event that agreement is not reached, the Council can proceed to compulsory acquisition and thereby the project is not delayed.

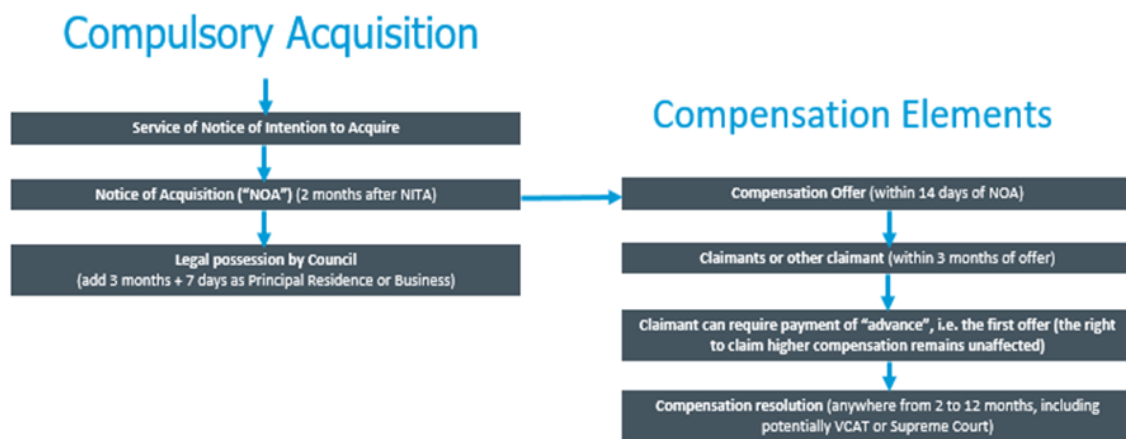
In the usual course, compulsory acquisition first requires the reservation of the land to be acquired through a public acquisition overlay. This requires a planning scheme amendment and can be resource and time intensive. However, in the case of an easement, a public



acquisition overlay is not normally first required. In certain circumstances, as is the case here, acquiring authorities can proceed directly with a notice of intention to acquire without first amending the planning scheme through the inclusion of a public acquisition overlay.

Following service of a notice of intention to acquire, in the event that agreement to acquire is not reached, the acquiring authority can proceed with compulsory acquisition not less than two months following service of the notice of intention to acquire. There is then a process to require possession, which can be as little as seven days, following which construction can commence.

The following flow chart seeks to set out the process for compulsory acquisition and



During discussions with the Seven Creeks Corporation, it was agreed that the Seven Creeks Corporation will be responsible for reimbursing Council costs associated with the acquisition of the Easement, this will be captured in a S173 Agreement and Council reserves the right to abandon the process if the agreement is not signed by both parties.

**Council Plan/Key Strategic Activity**

**VIBRANT and DIVERSE ECONOMY**

We will drive the visitor economy by growing visitor experiences and major events that provide employment and other opportunities to the community. Our economic development will focus on establishing a strong, adaptive, sustainable and thriving region supported by agriculture and a diverse range of industries.

3.10 Efficient land use planning to encourage and support future development.

**INFRASTRUCTURE and TECHNOLOGY**

We will focus on the planning of our region’s requirements to enable delivery of technology and infrastructure to meet the current and future needs of the Community.

4.8 Plan, prioritise and communicate asset maintenance and new asset delivery.

**Risk Management**

Officers propose to engage valuer to undertake an independent valuation of the Easement to secure an objectively fair price.

The compulsory acquisition process, and in particular the dispute resolution phase of that process whereby compensation is resolved ultimately and potentially through proceedings in the Victorian Civil and Administrative Tribunal or the Supreme Court, can be protracted and entails aspects of risk associated with any form of litigation. However, officers will engage lawyers to manage these risks.

The resolution of compensation occurs separately to the taking of possession. Whilst the resolution of compensation could take upwards of 12 months to resolve, this has no bearing on the taking of possession of the land and therefore the project timeline. As noted earlier, possession could occur in as little as two months and seven days following service of the notice of intention to acquire. The notice of intention to acquire can and would be served shortly following the Council's resolution to proceed with this proposed acquisition.

### **Policy Considerations**

The easement or acquisition process will assist in providing drainage infrastructure that supports residential development projects that have been identified in Council policy and planning documents, including the Shepparton South Growth Corridor Outline Development Plan 2002.

Council officers also consider policy support exists at Clause 21.07-3 of the Greater Shepparton Planning Scheme for the development of drainage infrastructure including:

1. To maintain and enhance stormwater quality throughout the municipality.
2. To ensure that new development complies with the Infrastructure Design Manual.

### **Financial Implications**

The cost for creation of an easement in favour of Council will be met by the developer: Seven Creeks Corporation Pty Ltd. An independent valuation will be undertaken to ensure costs are fair and to determine which option makes best financial sense for Council

### **Legal/Statutory Implications**

Officers have engaged Holding Redlich Solicitors Pty Ltd, which will ensure the acquisition of the Proposed Pipeline Land or easement creation is consistent with relevant laws.

### **Environmental/Sustainability Impacts**

Acquiring the Easement will enable the Seven Creeks Estate development at 7805 Goulburn Valley Highway Kialla and surrounding land to drain. Land needs to be properly drained, or the environment will be adversely affected.

The creation of an easement over this land has no significant environmental or sustainability impacts. It is considered that the easement purchase will ultimately facilitate improved environmental outcomes as the drainage pipeline will incorporate water sensitive urban design.

### **Social Implications**

The creation of an easement over this land has a neutral social outcome given the functional nature of a drainage system.

Acquiring the Easement will enable the Seven Creeks Estate development at 7805 Goulburn Valley Highway Kialla and surrounding land to drain. The proper drainage of land is a necessary pre-condition to its residential development. The Seven Creeks Estate itself, as well as the development of surrounding land, delivers a range of social benefits through the provision of new housing.

## Economic Impacts

The improved drainage capacity will protect new developments in the South Growth Corridor, and allow officers to facilitate new developments along Goulburn Valley Highway which provides for housing and employment.

The cost of acquiring the Easement will be met by Seven Creeks Corporation Pty Ltd. The Seven Creeks Estate itself, as well as the development of surrounding land, delivers a range of economic benefits through the provision of new housing.

## Consultation

Council officers understand the importance of communicating with landowners about the need to access land to facilitate the proposal. Officers recommend working closely with the landowner to negotiate an agreement to create a drainage easement.

Council officers will seek to consult with the Landowner about acquiring the Easement by agreement. The compulsory acquisition process commences with the service of a notice of intention to acquire which provides that the service of the notice does not preclude the Landowner entering into an agreement with the Council to create the easement by agreement. In this regard, following service of the notice of intention to acquire, officers intend to seek to contact the Landowner to see whether such agreement can be reached.

## Strategic Links

Accessing land to develop drainage infrastructure relates to the following objectives and strategies:

Greater Shepparton 2030 Strategy Plan Objectives:

1. To maintain an efficient and environmentally sensitive stormwater management system.
2. To provide sustainable infrastructure to support the growth and development of the municipality.

## Conclusion

Council officers recommend that Council resolve to proceed with the compulsory acquisition process to acquire the Easement. Following service of a notice of intention to acquire, Council officers will still seek to contact the Landowner to seek to acquire the drainage easement by agreement.

The creation of an easement or entering into negotiations with the Landowner to acquire the land to advance a net community benefit through improved drainage services within the South Growth Corridor.

## Attachments

Nil

### **13 Infrastructure Directorate**

Nil Received.

### **14 Confidential Management Reports**

Nil Received.

### **15 Documents for Signing and Sealing**

Nil Received.

## 16 Councillor Reports

### 16.1 Councillor Activities

#### 16.1.1 Councillor Activities - February 2022

Author                      Senior Governance Officer and Executive Assistant to the Mayor  
 Approved by              Chief Executive Officer  
 Purpose                     For Noting

#### Disclosures of Conflict of Interest in Relation to this Report

Under Section 130 of the Local Government Act 2020 officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under construction.

#### RECOMMENDATION

**That the Council receive and note the summary of the Councillor's Community Interactions and Informal Meetings of Councillors**

#### Councillor's Community Interaction and Briefing Program

From 1 February 2022 to 28 February 2022, some or all of the Councillors have been involved in the following activities:

- Sports Hall of Fame | Induction Ceremony
- Goulburn Valley Waste and Resource Recovery Group meeting
- Sir Murray Bouchier - Committee Meeting
- Tatura Lions 50th Anniversary Dinner
- Parliamentary Secretary for Regional Victoria - visit to Maude Street Mall Revitalisation project
- Heritage Advisory Committee Meeting
- Audit Risk Management Committee Meeting
- Disability Advisory Committee Meeting
- Municipal Association of Victoria (MAV) Rules Review – Roundtable Workshop
- Greater Shepparton Secondary College | Official Opening – Premier and Minister for Education
- End of Harvest Ball 2022
- World War II Veteran - Joe Clarke | Memorial Service
- 2022 Shepparton 'Apology' Breakfast
- New Native Fish Hatchery visit | Minister for Fishing and Boating
- Murray Darling Association | Region 2 - Ordinary Meeting
- Regional Cities Victoria Meeting
- Best Start Early Years Alliance Meeting
- Media Launch | Council's new sponsorship agreement with Shepparton Festival

- Conference and Annual General Meeting - Goulburn Valley West Group Country Women's Association
- Goulburn Valley Waste and Resource Recovery Group - Board Meeting
- MS Mega Swim event
- StandBy | Community United - Picnic in the Park
- Rodney Mooroopna Probus function
- Australian Botanic Gardens Shepparton - Advisory Committee Meeting
- The Museum of Vehicle Evolution (MOVE) | Tour & Presentation
- Murray Darling Association - Annual Strategic Planning Workshop 2022
- Public Health Wellbeing Advisory Committee
- Webinar Launch | Discussion Paper Rail Catalyst for Regional Growth
- Media Launch | Illuminate Festival 2022
- Sports Hall of Fame Advisory Committee Meeting
- Parking Reference Group Meeting
- Goulburn Valley Waste and Resource Recovery Group - ERC Meeting
- Strengthening Communities Metro & Regional Victoria | South Asian Community Link Group
- Treaty for Victoria | Treaty Day Out - Shepparton
- The Shepparton Fire Brigade | Ladies Auxiliary - 60 Years of Service
- Shepparton East Primary School | School Leaders presentation of Badges
- Shepparton Showgrounds Advisory Committee Meeting

In accordance with section 106 of Council's Governance Rules a summary of the matters discussed at the Informal Meetings of Councillors, are attached.

### Attachments

1. Councillor Briefing Session 1 February 2022 [**16.1.1.1** - 2 pages]
2. CEO and Councillors Catch Up 1 February 2022 [**16.1.1.2** - 2 pages]
3. Councillor Briefing Session 8 February 2022 [**16.1.1.3** - 2 pages]
4. CEO and Councillors Catch Up 8 February 2022 [**16.1.1.4** - 2 pages]
5. Councillor Briefing Session 15 February 2022 [**16.1.1.5** - 1 page]
6. Councillor Briefing Session 22 February 2022 [**16.1.1.6** - 2 pages]
7. CEO and Councillors Catch Up 22 February 2022 [**16.1.1.7** - 1 page]

## 16.2 Council Committee Reports

### 16.2.1 Murray Darling Association - Annual Strategic Planning Meeting Report

Author	Cr Dobson
Approved by	Chief Executive Officer
Purpose	For Noting

#### RECOMMENDATION

**That the Council:**

- 1. receive and note Cr Dobson's report on the Murray Darling Association Annual Strategic Planning Meeting held on Tuesday, 23 February 2022 in the Canberra Office of the Murray Darling Basin Authority; and**
- 2. write to the New South Wales Minister for Lands and Water to advocate for regulation of flood plain harvesting, but that any reform incorporates the NSW Parliament's Upper House reforms to modify the volume of offtake and the licensing of unpermitted dams.**

#### Report Details

REPORT TO GREATER SHEPPARTON CITY COUNCIL

The annual strategic planning meeting was held on Tuesday 23rd February in the Canberra offices of the Murray Darling Basin Authority.

Delegates from throughout the Queensland, New South Wales, Victorian and South Australian areas of the Murray Darling Basin were present and planning for the Association for the next four years was developed.

The meeting was addressed by Andrew Reynolds the Acting Chief Executive of the MDBA and issues including the significant rain events in Basin catchments, flood operations in the Hume Dam since August and the environmental benefits from those events, the black water situation in the Menindee Lakes, water for the Environmental Research Program with co investment from La Trobe University and the hydrology around climate change.

Andrew also highlighted input from Indigenous Australians.

The Modelling Uplift Program [\$66M] will give a contemporary platform to the existing 24 separate river models which will provide much more transparent and informative information and will underpin the MDBA works program.



The use of environmental water can now be metered where possible, however, where metering is not possible, modelling based on conservative estimated water volumes, will be assessed after each event.

The Authority is pleased that the NSW government has begun metering flood plain harvesting and will closely monitor offtakes, with the possibility of downgrading existing take off levels. Proper regulations will need to be put in place. Flood Plain Harvesting is very much a vexed issue to Lower Darling members.

Weir 32 on the Darling River will need to be monitored to ensure minimum flows along the Lower Darling River.

Andrew Kremor, acting Executive Director, River Management discussed the challenges currently before the Authority including:

Deliverability caused by declining capacity and changing use patterns. The Reduction of the Barmah Choke of 2000 megalitres per day were mentioned.

Land Use Change due to the increase of almond growing and associated water usage in the lower Murray including South Australia.

Climate Change where we are adapting to a drier and warmer climate. The 2019 temperature was 1.5 degrees above the long-term average.

Environmental Water Delivery to give an optimal delivery system, mainly through the Summer and Autumn periods.

The Barmah Choke challenge was highlighted and the MIA-Mulwala Canal System was suggested as was a Victorian Channel bypass system as possible solutions.

I note that the Authority are not considering taking additional water from the Goulburn System to assist in additional water delivery and the Victorian Government limited offtake was mentioned.

Overall, a constraints management strategy is being formulated because the risk of deliverability is increasing.

The key actions are:

Barmah-Millewa feasibility study, Victorian limits on extraction, a climate resilience work plan and enhanced environmental water delivery.

The final outcomes will be evidenced based, having a connected system and managing risks and uncertainty.

The key points were:

There has been no increase in downstream trading of water due to the Choke constraints.

Restrictions on Victorian increased development means more development of lands and water supply downstream in SA.



The issues discussed at this meeting have highlighted the huge importance of Local Government having direct and practical access to the MDBA and their current thinking.

The balance of the Planning Meeting was around internal ways and means of increasing membership, being more applicable to local government and prioritising a number of aspirations of the Association.

I have suggested that the Association should place more emphasis on engaging more Indigenous groups throughout the basin to assist in better water management.

I recommend that Council writes to the NSW Minister for Lands and Water, outlining support for regulation of floodplain harvesting, but stipulating that the Upper House's Bill to modify the volume of offtake and the licensing of unpermitted dams be incorporated into any reform. This will ensure that anyone undertaking flood plain harvesting is required to comply with the Water Management Act 2000, that any water taken is metered and within the limits set by the Murray Darling Basin Plan, and this is monitored and enforced.

## Attachments

Nil

### **16.3 Notice of Motion, Amendment or Rescission**

Nil Received.

### **17 Urgent Business not Included on the Agenda**

Nil Received.

### **18 Close of Meeting**