

# Loch Garry

# Reference Committee

Review of Flood Protection Service and  
Operating Rules

Terms of Reference and Appointment Process

November 2022



Excellence



Honesty



Accountability



Courage



Caring

# Terms of reference

## 1. Purpose

Pursuant to section 122C of the Water Act 1989, Goulburn-Murray Water (GMW) establishes the Loch Garry Reference Committee and may, by resolution, make rules with which the Committee must comply.

GMW has established the Loch Garry Reference Committee with the objective of providing advice in relation to a review of the service provided by the Loch Garry Flood Protection District and the associated Operational and Maintenance Manual (A1697848).

## 2. Context

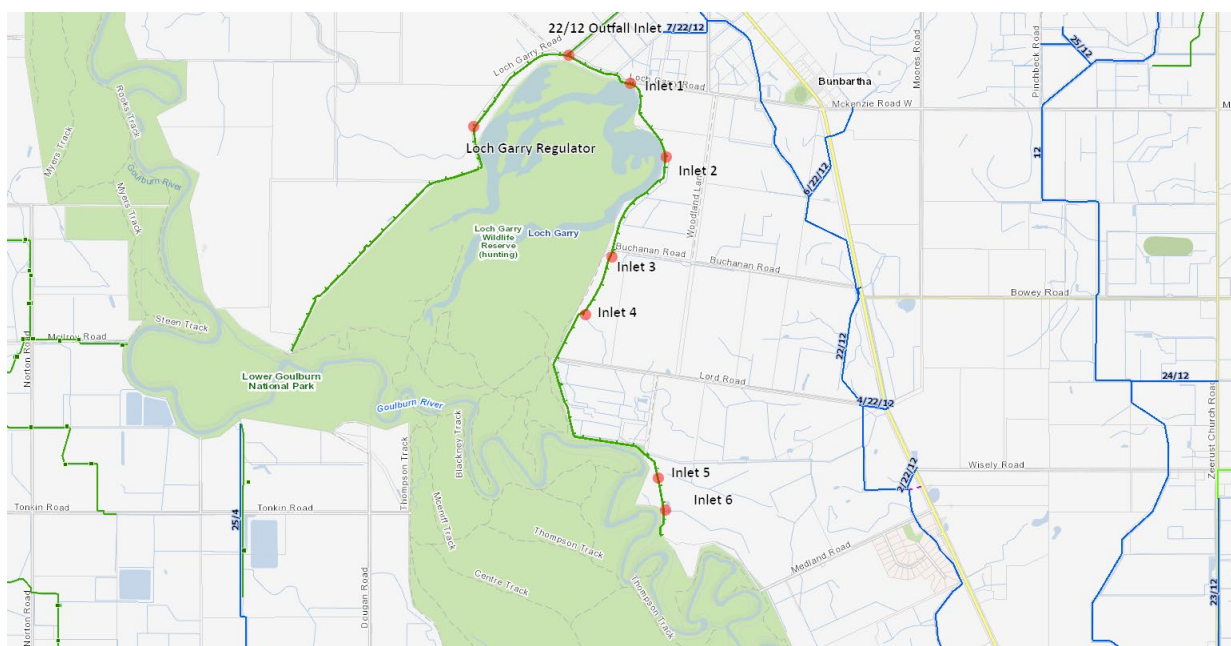
Situated at Bunbartha, the Loch Garry flood regulator is a 48 bay structure which contains 506 drop bars (140mm x 5 ½'). In addition to the regulator there is also 9km of levee which form part of the Flood Protection scheme (refer map below). The regulator is operated to achieve the intent of the agreement (1925) between landholders and the State Rivers and Water Supply Commission (now G-MW).

The Loch Garry infrastructure provides flood protection for downstream landowners in the Bunbartha/Deep Creek area from minor to moderate flooding.

The current operating rules require GMW to commence operation of the Loch Garry regulator 24 hours after the Goulburn River gauge at Shepparton reaches 10.36m. At this point 25 bars are removed for every 31mm increase on the Shepparton gauge. All bars are removed after the gauge reaches 10.96m.

In effect, this ensures that the normal flood path into the Bunbartha/Deep creek area is open during moderate to major floods.

The Loch Garry structure operates to the reverse of the rules as the River begins to recede, with all bars being returned to the Loch after the gauge reaches 10.36m.



There are currently 116 customers, who own 16,645 Ha of land within the Flood Protection District who contribute to the annual operating costs of ~\$45,000 per annum. In 2022 widespread rainfall led to major flooding along the Goulburn River reaching a peak of 12.06m at Shepparton on Monday 17 October 2022.

During this event:

- The Shepparton gauge reached 10.36m at 12pm Saturday 15 October 2022
- GMW commenced removing bars, as per the existing Operating Rules, at 12pm Sunday 16 October 2022
- Due to the magnitude of the event and associated rapid rate of rise in water levels, GMW were able to remove approximately 50% of the bars before needing to abandon operation of the Loch Garry regulator.

The magnitude of this event has identified several opportunities to enhance the operating rules of the Loch Garry infrastructure that are the subject of this review, including:

- Confirmation and definition of the service to be provided to the Flood Protection District
- Improving flexibility of when bars are removed (added) in major events such as that experienced in October 2022;
- How landowners (and Emergency Services) are notified of operations at the Loch Garry regulator.
- How to manage the addition/removal of bars at Loch Garry where multiple flood events (greater than 10.36m at Shepparton) occur in quick succession.

### 3. Role of the Reference Committee

The objective of the Reference Committee will be to work with GMW to;

- Confirm the service requirements of the Loch Garry Flood Protection District.
- Define the levels of service to be provided based on the current infrastructure.
- Assess the effectiveness and appropriateness of the existing infrastructure at Loch Garry and the impact of any potential change to infrastructure.
- Review and recommend improvements to the Operating rules (with the October 2022 event as context).
- Engage with local landowners and other interested parties regarding the improvement opportunities and recommendations regarding the Loch Garry Operating Rules.
- Consider costs and/or pricing impacts in the event any recommendations relate to changes to the existing asset management practices and/or the type of infrastructure at Loch Garry.

The Reference Committee will be provided with available information to support their role.

### 4. Membership of the Reference Committee

Reference Committee membership will consist of up to 13 members which will include representatives from the following:

- Independent Facilitator – 1 member
- Yorta Yorta Nation Aboriginal Corporation (YYNAC) – 1 member
- GMW Loch Garry customers ('ratepayers') – up to 5 members
- Community representatives with an interest in Loch Garry operations – up to 3 members;
- Goulburn Broken Catchment Management Authority – 1 member;
- Moira Shire Council – 1 member;
- Goulburn-Murray Water – 1 member; and
- City of Greater Shepparton – 1 member

The Reference Committee will be facilitated by an independent party nominated by GMW. Additional GMW staff will attend meetings as required, to provide technical information and administrative support to the member group.

Shortlisting and final appointment will be made by GMW.

Each Committee member must comply with the terms and conditions set out in these Terms of Reference and their letter of appointment (if any). Failure by a Committee member to comply with these terms and conditions may result in GMW removing the member from the Committee.

## 5. Reference Committee Selection Criteria

Members will be appointed to the Reference Committee based on an expression of interest to an open selection process.

The following general criteria will be used to assist in selecting committee members:

- Involvement in a diverse network that enables a sound understanding of the needs of local community as it relates to the operation of Loch Garry and an ability to represent a range of views to the committee;
- A demonstrated understanding of the Loch Garry service and how those operations relate to the Lower Goulburn River.
- A knowledge, understanding and ability to objectively discuss the relationship between service levels, relevant asset infrastructure costs, and the associated customer pricing.

GMW is committed to an inclusive appointment process with the aim of encouraging representation consistent with the diversity of the communities in which we operate. GMW will be seeking to balance the mix of skills, experience, geographic location and membership diversity on the Reference Committee.

Applicants will also be required to satisfy the following eligibility criteria. Candidates must not;

- have been found guilty of an offence under the Water Act 1989; or
- have been convicted of any indictable offence within the last 5 years; or
- be more than 12 months in arrears in the payment of water charges to GMW unless the person:
  - has made an arrangement to pay the arrears which is acceptable to GMW; and
  - continuously complies with that arrangement.
- be a current employee of GMW or have been an employee of GMW within the 12 months prior to nomination (excludes GMW Reference Committee representative).

GMW will seek nominations from YYNAC and relevant Government agencies for direct appointment to the Reference Committee.

## 6. Term & Sitting Fee

The Reference Committee will be operational until the completion of the review currently scheduled for June 2023 or until otherwise determined by GMW.

Reference Committee members will be appointed initially until June 2023. If the term of the Reference Committee extends beyond this time, a review (undertaken by the GMW) of the group's activities and membership will determine the need for reappointment, or re-advertising of positions.

Fees and expenses will be determined as per the Department of Premier and Cabinet's Appointment and Remuneration Guidelines. These guidelines currently allow for advisory committee members to receive a daily fee (inclusive of sitting fee and meeting preparation) of:

- \$107 for a meeting not exceeding ½ day
- \$214 for a full day meeting
- Travel @ \$0.78 / km.

## 7. Vacancies

Positions will become vacant if a member:

- Resigns in writing to the Facilitator of the Reference Committee;
- Becomes a Director or an employee of GMW;
- Behaves in a manner GMW determines is not in keeping with the principles of engagement, or is not conducive to achieving the objectives and/or role of the Reference Committee;
- Fails to continue to meet the selection criteria;
- Does not attend three consecutive meetings without due notification or prior arrangements; or
- Is found guilty of an offence under the Water Act 1989.

GMW may elect to fill the vacancy should one occur in accordance with section 4 Membership of the Reference Committee.

## 8. Operating procedures

### Nature of representation

As the Reference Committee provides advice to GMW, it is not necessary that members reach a consensus on issues of discussion. Reference Committee members are expected to reflect their own views at meetings, however they may choose to informally canvas views from others on relevant non-confidential matters. Final decisions regarding implementation will be made by GMW, after consideration and assessment of the Reference Committee's recommendations.

### Meetings

GMW will arrange meetings at a mutually convenient location and time for members of the Reference Committee. A meeting calendar will be developed with the Reference Committee to coincide with key review stages. It is expected that meetings will be held monthly as a minimum however may be more frequently as required.

A quorum comprises the majority of members. The Committee Facilitator is counted as a member.

Meetings are not open to the public unless approved by the GMW Board. Non-members can make presentations for a particular agenda item or discussion at the invitation of the Committee Facilitator and approval of GMW.

### Proxies

To ensure that there is continuity within the Reference Committee, proxies will not be permitted where a member is unavailable for a particular meeting. If a committee member is unable to attend a meeting a briefing for that individual of the meeting outcomes may occur prior to the next Reference Committee meeting.

## **Values, behaviours, confidentiality and conflict of interest**

The Reference Committee commits to the Terms of Reference and agrees to behave in a manner consistent with the principles of the engagement process. Reference Committee members may be discussing non-confidential elements of the review with members of the public. During these communications a Reference Committee member agrees to;

- indicate, in an open and transparent manner, which views are representative of GMW and which are not in the event that conflicting views are presented; and
- in the event that the Reference Committee has a view which is contrary to a decision by GMW, in any communications the member shall fairly present GMW's decision and the basis of that decision
- not disclose confidential information

Confidential information includes information designated as confidential by GMW or GMW information not yet released to the general public. If in doubt, the Committee member should seek clarification from GMW.

A Committee member must not use the confidential information:

- for purposes other than those of the Committee;
- for personal gain of any kind;
- to further the activities or purpose of any association, group, or organisation of which the Committee member may be a member of, affiliated with, employed by or represent.

Reference Committee members shall not communicate externally including with journalists, the media or Members of Parliament on matters related to the Reference Committee unless approved by GMW.

If a member believes they may have a conflict of interest about an agenda item or general business item, that member must notify the Facilitator prior to the start of the meeting. This may preclude the member from joining in discussion on the subject.

## **Minutes and agenda**

The agenda for the Reference Committee meetings will be compiled by GMW officers in discussion with the Facilitator and distributed to members at least five business days before each meeting. Members are encouraged to raise general business items in advance for discussion at each meeting. Minutes will be taken by GMW officers at each meeting of the Reference Committee. A copy of the minutes will be reviewed by the Facilitator and forwarded to all members as soon as practicable after the meeting.

## **Management support**

GMW will coordinate and provide support to the Reference Committee.

## **9. Publication of Personal Information**

Committee members are required to provide to GMW contact information including, names, address, phone number and email to facilitate effective communication, promotion of Committee activities and transfer of information.

In accepting an appointment as a Committee member, the members agree to allow GMW to use names, phone numbers and/or photos in relevant publications, including newsletters, annual report, brochures, promotional material, GMW website and general media releases if required.



## Appendix 1: Declaration

I have read and understand the Goulburn-Murray Water Terms of Reference for the Loch Garry Reference Committee – Review of Flood Protection Service and Operating Rules.

I hereby undertake to comply with the Terms of Reference.

**Signed:** \_\_\_\_\_

**Print name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix 2: Declaration of interests

Surname: \_\_\_\_\_

First name: \_\_\_\_\_

Reference Committee member	
Registrable Interests	Details of Interests
1. The name of any company or other body, association, institute, organisation or group (corporate or unincorporated) in which you are a member and any office held, whether as director, councillor, committee member, staff, volunteer or otherwise (and indicate if the positions are voluntary or paid).	
2. The name or description of any company, partnership, association or other body in which you hold a beneficial and material interest which exceeds \$2000 in value.	
3. The address or description of any land in the district of the water corporation or in a district which adjoins the water corporation's district in which you hold any beneficial interest (other than by way of security for any debt).	
4. A concise description of any trust in which you hold a beneficial interest or of which you are a trustee and in which a person related to you by blood or marriage holds a beneficial interest.	
5. Any other interests (whether of a pecuniary nature or not) of yours or of a person related to you by blood or marriage, of which you are aware and which you ought reasonably to consider might appear to raise a material conflict between your private interest and your duty as a member of a GMW Reference Committee. This includes any interest in water entitlements, regardless of size, and should include information on volume, type of entitlement and location.	

I declare this information is complete, true and correct at the date of signing:

Signature of declarer.....Date.....

Signature of witness: .....Name of witness .....