

Landowner Land Access Fact Sheet

Currently, Melbourne Water is working with GHD and SKM as a project alliance to build the Sugarloaf Pipeline Project. This pipeline project is a component of the Victorian Government's *Our Water, Our Future* plan to make more efficient use of the water resources we do have, as well as create new sources of water via a desalination plant at Wonthaggi.

Water saved by the Food Bowl Modernisation Project will be shared between irrigators, the environment, and Melbourne. The Sugarloaf Pipeline will deliver Melbourne's share of this saved water from the Goulburn River near Yea to the Sugarloaf Reservoir for Melbourne's water supply.

Where Are We Now?

Right now the project team, led by Melbourne Water, is investigating and identifying the best possible route for this pipeline, taking into account community and stakeholder feedback, terrain, engineering constraints, environmental impacts, current land uses, as well as social and cultural heritage impacts.

As part of this investigation process, we are currently seeking confirmation of consent from land owners and occupiers to allow our investigative teams access to conduct flora and fauna surveys, land surveys, geotechnical surveys and archaeological surveys on potentially impacted properties.

As a landowner or occupier of land that is being investigated, it is important that you understand not only the scope of work which is currently being undertaken, but also your rights and obligations under the *Water Act* as well as the rights and obligations of Melbourne Water and the project team under the *Water Act*.

The Process:

Currently, we are investigating potential pipeline routes. We have not yet set the final alignment of the pipeline. We cannot set the final alignment of the pipeline until we have done our job of investigating all viable alternatives and selecting the route which has the least overall impact on environmental, cultural, social and economic concerns while allowing for the best engineering outcome possible.

During this investigation phase, we are seeking landowner and/or occupier consent to access lands that may be impacted so that we can learn enough about the area to produce the best possible outcome for all parties involved.

Granting access for this survey work **does not grant access for construction** of the project, **nor is it a condition for future compensation** should your property be identified as being a part of the best possible route for the pipeline.

After the final route has been identified, the project alliance will begin working with all impacted landowners to seek construction access and to assess just and fair compensation for land impacts due to construction and maintenance of the pipeline in the future.

Your Rights:

Under Section 133 of the *Water Act*:

- In the event that you do not give your consent to entry being made to your property you have the right to 7 days' notice in writing before your property is accessed, except in case of an emergency. (A notice is considered as having been served if it has been at least two days since it was posted to your mailing address, or by putting it up on a conspicuous part of the land (*i.e.*, attaching it to your gate or post box) as stated in Section 305 (1) of the *Water Act*.)
- You also have the right to discuss **reasonable** conditions of entry with Melbourne Water (For example, requiring yourself or a member of your family to oversee workers while on your property, setting preferred hours for works to go on at your property, or requiring grape phylloxera protocols or other protective protocols to be observed while workers enter and exit your farmlands.)

Your Obligations:

Pursuant to Section 134 of the *Water Act*:

- If you have been served with a Land Entry Notice, you are required to allow the access sought.
- Section 292 of the *Water Act*, provides that it is an offence to obstruct, threaten, abuse, insult or intimidate
 - *"An officer of an Authority in the execution of his or her duty under the Water Act,*
 - *Any person lawfully performing duties under the Water Act, whether or not for or on behalf of an Authority,*
 - *Any person lawfully assisting an officer of an Authority in the execution of his or her duty under the Water Act."*
 - *This means that threatening, abusing, or intimidating Melbourne Water employees, project contractors, or any police or security officers who are conducting works on your property within the scope of work outlined in the Land Entry Notice served is an offence for which significant penalties could be incurred (the maximum penalty is currently over \$2000, with additional fines of \$500 per day if access continues to be obstructed)*

Melbourne Water's Rights:

Under Sections 133, 134 and 305 of the *Water Act*:

- Melbourne Water has the right to enter your land to conduct their work after giving you 7 days' notice in writing. (As a courtesy, Melbourne Water or a project representative will contact the landowner and/or occupier prior to entry of your land. During this call, you may make arrangements for land access at the best date for you and Melbourne

Water's needs, as well as your reasonable conditions of entry.)

- Pursuant to Section 134 (2), Melbourne Water *"is not liable for nuisance or any other injury done, in exercising the powers given by section 133, to the land or residence of the person whose land is entered under that section."*
- Section 305 (1) of the *Water Act* allows Melbourne Water to serve a Land Entry Notice by physically posting it on the property in a conspicuous place (For example, by attaching it to the gate or post box of the property) if the mailing and/or residential address of the owner or occupier is not known to Melbourne Water.
- Under Section 305 (2) of the *Act*, Melbourne Water is able to legally serve a Land Entry Notice on a property, even if it is addressed only to "The Occupant" or "The Owner".

Melbourne Water's Obligations:

Under Sections 133, 134 and 305 of the *Water Act*:

- Melbourne Water is required to issue 7 days' written notice before entering your property, unless you have given prior consent for access or it is an emergency. (Even if you grant us your consent, we will still call you before we enter your land.)
- If your property is mostly a residential block (for example, an occupied home on a 4-5 acre block of land), Melbourne Water is required to **only** enter that land to conduct any work between the hours of 7:30a.m. and 6 p.m. **unless** you consent to works outside of those hours.

- Melbourne Water is also obliged to:
 - *Cause as little harm and inconvenience as possible*
 - *Not stay on the land for any longer than is reasonably necessary*
 - *Remove from the land on completing the works all plant, machinery, equipment, goods or temporary buildings brought onto the land by the officer or authorised person, other than anything that the owner or occupier of the land agrees may be left there*
 - *Leave the land as nearly as possible in the condition in which he or she found it*
 - **Co-operate as much as possible with the owner and occupier of the land."**
- Under Section 305 (1) of the *Water Act*, Melbourne Water is required to send written notice of its intent to enter land under its powers contained in Section 133 of the *Act* by either:
 - *Delivering it personally to the person it is addressed to.*
 - *Leaving it at that person's usual or last known place of residence with a person apparently over the age of 16.*
 - *Sending it by post addressed to the person at the usual or last known mailing address.*
 - *Delivering it personally to the occupier of the land or leaving the notice on a conspicuous part of the land (for example, attaching it to the gate or post box on the property) if the mailing address or residential address of the owner and/or occupant are unknown to Melbourne Water.*