



Victoria Government Gazette

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Plant Health and Plant Products Act 1995

DECLARATION OF CONTROL AREA AT KOO WEE RUP IN VICTORIA FOR THE PURPOSE OF PREVENTING THE SPREAD OF THE PEST POTATO CYST NEMATODE

Order in Council

The Governor in Council under section 9 of the **Plant Health and Plant Products Act 1995**—

- (a) declares the area described in Schedule 1 to be a control area for the purpose of preventing the spread of the pest Potato Cyst Nematode, *Globodera rostochiensis* (Woll); and
- (b) specifies the prohibitions, restrictions and requirements in Schedule 2 which are to operate in the control area for the purpose of preventing the spread of the pest Potato Cyst Nematode out of the control area to other parts of Victoria.

This Order is to come into operation on the day of its publication in the Government Gazette.

Dated 28 September 2004

Responsible Minister:

BOB CAMERON

Minister for Agriculture

DIANE CASEY

Clerk of the Executive Council

SCHEDULE 1

The area of land bounded by a line commencing at the intersection of Edies Road and Monomeith Road in Koo Wee Rup, then in an easterly direction along Edies Road to the intersection of Edies Road and Caldermeade Road, then in a north easterly direction along Caldermeade Road to the intersection of Caldermeade and Koo Wee Rup—Longwarry Road, then in an easterly direction, then in a northerly direction, then in a westerly direction until the road becomes Nar Nar Goon—Longwarry Road to the intersection of Nar Nar Goon—Longwarry Road and Seven Mile Road, then in a southerly direction along Seven Mile Road to the intersection of Seven Mile Road and Bald Hill Road, then in a westerly direction along Bald Hill Road to the intersection of Bald Hill Road and Koo Wee Rup—Pakenham Road, then in a southerly direction along Koo Wee Rup—Pakenham Road to the intersection of Railway Road and Koo Wee Rup—Longwarry Road, then in a north easterly direction along Koo Wee Rup—Longwarry Road to the intersection of Koo Wee Rup—Longwarry Road and No. 5 Drain Road and Monomeith Road, then in a southerly direction along Monomeith Road to the point of commencement.

SCHEDULE 2

1. *Definitions*

In this Schedule—

“**Potato cyst nematode**” or “**PCN**” means the pest *Globodera rostochiensis* (Woll); and

“**PCN host plants**” means any plant, plant part or plant product of the Solanaceae family and any root vegetable, bulb, seedling, nursery plant or tree; and

“**Property**” means any allotment or parcel of land located within the control area; and

“**Solanaceae**” means the family of plants which includes potatoes, tomatoes, eggplants, and weeds including nightshade.

SPECIAL

2. Prohibition on removing PCN host material from the control area

The removal from properties within the control area of any—

- (a) PCN host plants; or
- (b) agricultural equipment which has been used in the cultivation, harvesting, handling, packing, processing or transporting of any PCN host plants; or
- (c) packages which contain or have contained any PCN host plants; or
- (d) soil that has been used with any PCN host plants—

is prohibited unless the movement complies with the conditions of a permit issued by an inspector.

*Note: Section 9 of the **Plant Health and Plant Products Act 1995** provides that it is an offence, for which a penalty not exceeding 100 penalty units may be imposed, for a person who knows, or has reason to believe, that any place has been declared to be a control area to cause or permit the movement of a plant, plant product, used package, used agricultural equipment or soil into or from that area or within a specified part of the control area or within the control area contrary to any prohibition or restriction in the order unless the person is authorised to do so under a permit issued by the Secretary and complies with the conditions set out in the permit.*

Plant Health and Plant Products Act 1995DECLARATION OF CONTROL AREAS IN VICTORIA FOR THE PURPOSE OF
PREVENTING THE SPREAD OF THE PEST PHYLLOXERA

Order in Council

The Governor in Council under section 9 of the **Plant Health and Plant Products Act 1995**—

- (a) for the purpose of preventing the spread of the pest, Phylloxera (*Daktulosphaira vitifoliae*) to other parts of Victoria, declares—
- (i) the area described in Schedule 1 to be a control area known as the King Valley Phylloxera Infested Zone; and
 - (ii) the area described in Schedule 2 to be a control area known as the Nagambie Phylloxera Infested Zone; and
 - (iii) the area described in Schedule 3 to be a control area known as the Upton Phylloxera Infested Zone; and
 - (iv) the area described in Schedule 4 to be a control area known as the Mooroopna Phylloxera Infested Zone; and
 - (v) the area described in Schedule 5 to be a control area known as the North East Phylloxera Infested zone; and
- (b) revokes the proclamations made under the **Vegetation and Vine Diseases Act 1958** and the declaration made under the **Plant Health and Plant Products Act 1995** listed in Schedule 6; and
- (c) specifies the prohibitions in Schedule 7 which are to operate in the control areas to prevent the spread of the pest, Phylloxera (*Daktulosphaira vitifoliae*) to other parts of Victoria.

This Order is to come into operation on the day of its publication in the Government Gazette.

Dated 28 September 2004

Responsible Minister:

BOB CAMERON

Minister for Agriculture

DIANE CASEY
Clerk of the Executive Council

SCHEDULE 1 – KING VALLEY PHYLLOXERA INFESTED ZONE

The area of land which includes the parishes of Edi, Carboor, Wabonga, Whitfield and Whitfield South in the Shire of Milawa, the parish of Winteriga and Bungamero in the Shires of Milawa and Alpine; the parishes of Myrhee and Toombullup North in the Shires of Milawa and Delatite; the parish of Eurandelong in the Shire of Alpine; the parish of Tatong in the Shire of Delatite.

SCHEDULE 2 – NAGAMBIE PHYLLOXERA INFESTED ZONE

The area of land at Nagambie commencing at the point where the northern boundary of the parish of Bailieston joins the western boundary of that parish, then easterly along the northern boundary of that parish, and east north easterly and generally south westerly along the northern boundary of the parish of Noorilim to the intersection with the northern boundary of the parish of Warring, then easterly along the northern boundary of that parish to the eastern boundary of that parish, then southerly along the eastern boundary of that parish, and the eastern boundary of the parish of Wormangal to the southern boundary of that parish, then westerly along the southern boundary of that parish, and part of the southern boundary of the parish of Tabilk, to the intersection with the Tocumwal Railway Line, then in a southerly direction along the Tocumwal Railway Line until the intersection of the Tocumwal Railway Line and Aerodrome Road, then in an easterly direction along Aerodrome Road, then in a northerly direction and a south easterly direction along

Aerodrome Road, across the Melbourne Albury Railway Line until the intersection of Aerodrome Road and Hughes Street, then in a south easterly direction along Hughes Street until the intersection with the Old Hume Highway, then in a westerly direction along the Old Hume Highway until the intersection of the Old Hume Highway and Lambing Gully Road, then in a southerly direction along Lambing Gully Road until the intersection of Lambing Gully Road and the Hume Freeway, then in a south westerly direction along the Hume Freeway until the northern boundary of the Department of Defence Munitions Depot, then in a westerly direction along the northern boundary of the Department of Defence Munitions Depot, until it meets the Old Hume Highway, then in a southerly direction along the Old Hume Highway until the intersection of the Old Hume Highway and O'Connors Road, then in a westerly direction along O'Connors Road until the intersection of O'Connors Road and the Tocumwal Railway Line, then in a north westerly direction along the Tocumwal Railway Line until the Tocumwal Railway Line meets with the southern boundary of the parish of Avenel then in a westerly direction along that boundary to the intersection of the eastern boundary of the parish of Northwood, then in a southerly direction along that boundary to the southern boundary of that parish, then in a westerly direction along that boundary to the western boundary of that parish, then northerly along that parish boundary and the western boundaries of the parishes of Mitchell and Bailieston to the point of commencement.

SCHEDULE 3 – UPTON PHYLLOXERA INFESTED ZONE

The area at Upton within a five kilometre radius of the Upton Fire Station (S 36° 54.669, E 145° 22.710) Upton.

SCHEDULE 4 – MOOROOPNA PHYLLOXERA INFESTED ZONE

The area of land commencing at the point where the northern boundary of the Parish of Mooroopna joins with the western boundary of that parish; then easterly along the northern boundary of that parish to the junction with the Goulburn River, then generally southerly along the western bank of the Goulburn River to the junction of the River with the southern boundary of the Parish of Toolamba; then westerly along the southern boundary of that parish to the western boundary of that parish; then northerly along the western boundary of that parish and the western boundary of the Parish of Mooroopna to the point of commencement.

SCHEDULE 5 – NORTH EAST PHYLLOXERA INFESTED ZONE

The area of land commencing at the point where the western boundary of the Parish of Bundalong joins with the Murray River; then generally easterly along the south bank of the Murray River to the intersection with the eastern boundary of the Parish of Wodonga; then southerly along the eastern boundary of that parish and the eastern boundaries of the Parishes of Baranduda, Yackandandah, Brurarong and Mudgeegonga; then generally westerly along the southern boundary of the Parish of Mudgeegonga to the intersection of the eastern boundary of the Parish of Myrtleford; then generally southerly along the eastern boundary of the parish of Myrtleford to the southern boundary of that parish; then generally westerly along the southern boundary of that parish and the southern boundaries of the Parishes of Whorouly and Moyhu to the intersection of the latter boundary with the King River; then southerly by that river to the southern most boundary of the Parish of Moyhu; then generally westerly along that boundary and the southern boundaries of the Parishes of Greta and Lurg; then north westerly along the south western boundaries of the Parishes of Lurg and Winton; then north easterly along that part of the north western boundary of the Parish of Winton to the intersection of the western boundary of the Parish of Mokoan; then northerly along the western boundaries of the Parishes of Mokoan, Boweya, Boomahnoomoonah and Bundalong to the point of commencement and also includes the area of land within the boundaries commencing at point 146.941416461 longitude, -36.4713304724 latitude, then in a straight line in a south easterly direction to the intersection of Mt Jack Track and Happy Valley Track, then in a straight line in a southerly direction to the point 146.975501177 longitude, -36.5338006599 latitude, then in a straight line in a southerly direction to 146.968852488 longitude, -36.5577615040 latitude,

then in a straight line in a southerly direction to 146.952064984 longitude, -36.5965843713 latitude, then in a straight line in a southerly direction to 146.944997401 longitude, -36.6147398626 latitude, then in a straight line in a south easterly direction to 146.983717545 latitude, then in a straight line in a south easterly direction to 147.119948045 longitude, -36.7118613051 longitude, then in a straight line in a south easterly direction to 147.048080444 longitude, -36.7118613051 latitude, then in a straight line in an easterly direction to 147.081677543 longitude, -36.6843347968 latitude, then in an south easterly direction to 147.119948045 longitude, -36.7118613051 latitude, then in a straight line in a southerly direction to 147.108935829 longitude, -36.7635560819 latitude, then in a straight line in a southerly direction to 147.139182923 longitude, -36.8227220688 latitude, then in a straight line in a southerly direction to 147.137598648 longitude, -36.8881666468 latitude, then in a straight line in a south westerly direction to 146.677193194 longitude, -36.9855196243, then in a northerly direction along the western boundary of the Tandongadale parish, then in an easterly direction along the most northern boundary of the Tandongadale parish, then in a northerly direction along the most western boundary of the Wandiligong parish, then in a northerly direction along the most western boundary of the Barwidgee parish, then in an easterly direction along the most northern boundary of the Barwidgee parish, then in an northerly direction along the most western boundary of the Dederang parish to the point of commencement.

SCHEDULE 6 – PROCLAMATIONS AND DECLARATIONS REVOKED

Enabling Legislation	Description of Instrument	Date Instrument was Made	Date Published in the Government Gazette
Vegetation and Vine Diseases Act 1958	Proclamation of the Mooroopna Vine Diseases District, the Nagambie Vine Disease District, and the North East Vine Disease District	4 March 1986	5 March 1986
Vegetation and Vine Diseases Act 1958	Proclamation of the King Valley Vine Disease District	14 February 1995	16 February 1995
Plant Health and Plant Products Act 1995	Declaration of Control Areas at Nagambie and Upton for the purpose of Preventing the Spread of the Pest Phylloxera	19 September 2000	21 September 2000

SCHEDULE 7 – PROHIBITIONS APPLYING TO PHYLLOXERA

The removal from a control area of—

- (a) any plant, plant part or plant product of the genus *Vitis*, including grapevines, potted vines, cuttings, rootlings, leaves, roots, stems, grapes for table use, grapes for wine making, grape marc, grape must, fresh juice, unclarified or clarified juice or unfiltered or filtered juice, germplasm and plant and soil samples for diagnostic purposes; or
- (b) any agricultural equipment that has been used for the cultivation, harvesting, handling, transport or processing of plant, plant parts or plant products of the genus *Vitis*; or
- (c) any package which has contained any plant, plant part or plant product of the genus *Vitis*; or

- (d) soil originating from a property involved in the cultivation or handling of plants, plant parts or plant products of the genus *Vitis*—
is prohibited.

*Note: Section 9 of the **Plant Health and Plant Products Act 1995** provides that a person is guilty of an offence and a penalty not exceeding 100 penalty units for knowing or having reason to believe that any place has been declared to be a control area and causing or permitting the movement of a plant, plant product, used package, used agricultural equipment or soil into or from that area or within specified part of the control area or within the control area contrary to any prohibition or restriction in the order unless the person is authorised to do so under a permit issued by the Secretary and complies with the conditions set out in the permit.*

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