



Victoria Government Gazette

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GENERAL

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As from 17 November 2005

The last Special Gazette was No. 222 dated 16 November 2005.

The last Periodical Gazette was No. 2 Vols. 1 & 2 dated 28 October 2005.

How To Submit Copy

- See our webpage www.craftpress.com.au
 - or contact our office on 9642 5808
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Copies of recent Special Gazettes can now be viewed at the following display cabinets:

- 1 Treasury Place, Melbourne (behind the Old Treasury Building), and
 - Craftsman Press Pty Ltd, 125 Highbury Road, Burwood 3125
(front of building).
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VICTORIA GOVERNMENT GAZETTE

Subscribers and Advertisers

Please note that the principal office of the Victoria Government Gazette, published and distributed by The Craftsman Press Pty Ltd, has changed from 28 July 2005.

The new office and contact details are as follows:

Victoria Government Gazette Office
Level 1, 520 Bourke Street, Melbourne, Victoria 3000
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JENNY NOAKES
Government Gazette Officer

**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)
CHRISTMAS WEEK (Sunday 25 December 2005)**

Please Note:

The Victoria Government Gazette for Christmas week (G51/05) will be published on **Thursday 22 December 2005**.

Copy deadlines:

Private Advertisements **9.30 am on Monday 19 December 2005**

Government and Outer
Budget Sector Agencies Notices **9.30 am on Tuesday 20 December 2005**

Where urgent gazettal is required after hours, arrangements should be made with the Government Gazette Officer on 0419 327 321.

JENNY NOAKES
Government Gazette Officer

**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)
NEW YEAR WEEK (Sunday 1 January 2006)**

Please Note:

The Victoria Government Gazette for New Year week (G52/05) will be published on **Thursday 29 December 2005**.

Copy deadlines:

Private Advertisements **9.30 am on Thursday 22 December 2005**

Government and Outer
Budget Sector Agencies Notices **9.30 am on Friday 23 December 2005**

Where urgent gazettal is required after hours, arrangements should be made with the Government Gazette Officer on 0419 327 321.

JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership heretofore subsisting between Mendo Filipovski, Marina Filipovski, Lube Filipovski and Violeta Filipovski known as Bigla Motor Repairs, has been dissolved by way of Notice of Dissolution dated 11 October 2005, as from 14 October 2005.

TOLHURST DRUCE & EMMERSON,
solicitors,
520 Bourke Street, Melbourne 3000.

DISSOLUTION OF PARTNERSHIP

Re: Commotion KWP!

Notice is hereby given that the partnership heretofore subsisting between Laverie Investments Pty Ltd, ACN 111 762 451, ATF The Laverie Business Trust of 1/301 Carlisle Street, Balaclava, Victoria and Wiebusch Investments Pty Ltd, ACN 111 762 415, ATF The Wiebusch Business Trust of 28 Charles Street, St Kilda, Victoria and McColl Investments Pty Ltd, ACN 083 085 947, ATF The McColl Business Trust of 28 Heaton Avenue, Elwood, Victoria, carrying on business as Commotion KWP! has been dissolved as from 15 October 2005.

MCP COMMERCIAL LAWYERS,
solicitors for the applicant,
7/520 Collins Street, Melbourne.

JANOS JOZSEF SZABO, late of 213 McKinnon Road, McKinnon, Victoria, retired engineer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 July 2005, are required by Andrew Gerard James Rowan of 239 Church Street, Richmond, Victoria, the proving executor of the Will of the deceased, to send particulars of their claims to the executor by 20 January 2006, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

ANDREW G. J. ROWAN, solicitor,
239 Church Street, Richmond 3121.

Re: Estate of JEAN MOHAGHAN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of JEAN MOHAGHAN, deceased, late of Wahroonga Nursing Home of 125 Coleman Parade, Glen Waverley, Victoria, home duties, who died on 29 August 2005, are required by Patricia Jean McCosh, the proving executor of the Will of the deceased, to send particulars of their claim to Andrew McMullan & Co., solicitors, 64 Kingsway, Glen Waverley, in the said State, solicitors for the executor of the said estate, ninety days from the date of this advertisement, after which time the appointed executor will convey or distribute the assets, having regard only to claims of which she then has notice.

ANDREW McMULLAN & CO., solicitors,
64 Kingsway, Glen Waverley, Victoria.

Re: VALERIE VICTORIA HAAS, late of 4 Ondine Court, Keysborough, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 August 2005, are required by the trustee, Anton John Haas of 32 Hawthorn Road, Doveton, Victoria, mechanical fitter, to send particulars to the trustee by 30 January 2006, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

BORCHARD & MOORE, solicitors,
44 Douglas Street, Noble Park 3174.

Re: Estate of NANCY MARGARET SMITH, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of NANCY MARGARET SMITH of 817 Old Healesville Road, Healesville, in the state of Victoria, company director, who died on 8 July 2005, are to send particulars of their claims to the personal representative/s care of the undermentioned solicitors by 18 January 2006, after which date the personal representative/s will distribute the assets, having regard only to the claims of which they then had notice.

BRUCE M. COOK & ASSOCIATES,
barristers & solicitors,
Level 19, AMP Tower,
535 Bourke Street, Melbourne, Vic. 3000.

MATTHEW DALY, late of 43 Merricks Beach Road, Merricks Beach, retired, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 August 2005, are required by the personal representatives, Richard John Daly of 16 Wridgway Avenue, Burwood and Dianne Maree Hall of 34 Matilda Avenue, Wantirna South, to send particulars to them care of the undermentioned solicitors by 25 January 2006, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

ELLINGHAUS WEILL, solicitors,
79–81 Franklin Street, Melbourne 3000.

Re: IAN DUNCAN McKNIGHT, late of 1/106 Wellington Street, St Kilda, investor, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the said deceased, who died on 31 August 2005, are required by the personal representative, Graham Ralph McKnight of 2 Briar Court, Doncaster 3108, to send particulars of their claims to him by 19 January 2006, after which the personal representative may convey or distribute the assets of the estate, having regard to only the claims of which he then has notice.

G. R. McKNIGHT,
2 Briar Court, Doncaster 3108.

Re: PHYLLIS IRENE VALLANCE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 February 2005, are required by the trustees, John Vivian Vallance and Leonard Douglas Vallance, to send particulars to them care of the undersigned by 18 January 2006, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

GARDEN & GREEN, solicitors,
4 McCallum Street, Swan Hill 3585.

Creditors, next-of-kin and others having claims in respect of the estate of KEITH LEONARD KEENAN, late of 9 Gleneagles Avenue, Mornington, Victoria, retired, deceased,

who died on 25 May 2005, are to send particulars of their claims to Graham Peter Cole care of Hill Legal, Suite 1, 7 Davies Avenue, Mount Eliza 3930 by 16 January 2006, after which date they will distribute the assets of the estate, having regard only to the claims which they then have notice.

HILL LEGAL, lawyers,
Suite 1, 7 Davies Avenue, Mt Eliza, Vic. 3930.

DOROTHY PHILIPPA FLORENCE SODERBLOM, late of 638 Elgar Road, Box Hill North, retiree, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 10 August 2005, are required by the trustees, Raymond John Colenso and Pamela Dawn Colenso, both of 10 Beach Parade, Drumcondra, to send particulars of their claims to the trustees care of the undermentioned legal practitioners by 31 January 2006, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

INGPEN & BENT,
legal practitioners for the trustees,
95 Yarra Street, Geelong.

PERCIVAL ARTHUR JONES, deceased, late of 139 Atherton Road, Oakleigh, Victoria, retired fitter and turner, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 June 2005, are required by the executor, Roderick Layton Jones, to send particulars to him care of the undermentioned solicitors by a date not later than two months from the date of publication hereof, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

LYTTLETONS, solicitors,
53 Marcus Road, Dingley.

Re: JOYCE MARGARET HEALY, late of Villa Franca Private Nursing Home, corner of Deutgam and Greaves Streets, Werribee, Victoria, widow, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 15 August 2005, are required by

the trustee, Perpetual Trustees Consolidated Limited, ACN 004 029 841, of 360 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 17 January 2006, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MADDOCKS, lawyers,
140 William Street, Melbourne 3000.

Re: ROBERT WILLIAM HENDERSON, late of 18 Dobell Place, Mooroolbark, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 February 2005, are required by the trustee, Keith Ondarchie of 5 Dargie Place, Mooroolbark, Victoria, director, to send particulars to the trustee by 17 January 2006, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MASON SIER TURNBULL, solicitors,
315 Ferntree Gully Road, Mt Waverley 3149.

MARJORIE VERONICA CHANDLER, late of Apartment 506, The Village Glen, Eastbourne Road, Rosebud West, Victoria, retired, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 June 2005, are required to send particulars of their claims to the trustee care of the undermentioned solicitors by 17 February 2006, after which date the trustee or personal representative or applicant for grant of administration may convey or distribute the assets, having regard only to the claims of which he then has notice.

McGUINNESS & HOSKING PTY, solicitors,
3 Eighth Avenue, Rosebud 3939.
Telephone: (03) 5986 6999.

FREDERICK HENRY DOUTHIE, late of Regis Grange, 1 Wyuna Street, Rosebud West, Victoria, retired, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 September 2005, are required to send particulars of their claims to the trustee care of the undermentioned solicitors by 10 February 2006, after which

date the trustee or personal representative or applicant for grant of administration may convey or distribute the assets, having regard only to the claims of which he then has notice.

McGUINNESS & HOSKING PTY, solicitors,
3 Eighth Avenue, Rosebud 3939.
Telephone: (03) 5986 6999.

HUGH LAURENCE HOOKEY, late of 23 Gladesville Boulevard, Patterson Lakes, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 October 2005, are required by the executor, ANZ Executors & Trustee Company Limited, ACN 006 132 332, of 530 Collins Street, Melbourne, Victoria, to send particulars to it by 17 January 2006, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

MILLS OAKLEY, lawyers,
121 William Street, Melbourne.

JEAN ISABEL OLIVER, late of 14 Tara Avenue, Kew, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 November 2005, are required by the executor, ANZ Executors & Trustee Company Limited, ACN 006 132 332, of 530 Collins Street, Melbourne, Victoria, to send particulars to it by 17 January 2006, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

MILLS OAKLEY, lawyers,
121 William Street, Melbourne.

Re: DOUGLAS FISHER MITCHELL, deceased, late of 48 Scott Street, Orbost, Victoria, retired.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 June 2005, are required by Kenneth Douglas Mitchell of 48 Scott Street, Orbost, Victoria and Margaret Elizabeth Veitch of 57 Osborne Parade, Warilla, New South Wales and Joan Jones of 142 Seymour Street, Traralgon, Victoria, the executors appointed in the Will, to send particulars of any such claim to the trustee care of the undermentioned solicitors so that such particulars are received on

or prior to 21 January 2006, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

MOSLEY & PALMER, solicitors,
PO Box 243, Orbest 3888.

Re: BRUCE WEATHERLEY RAYWARD, late of Bethlehem Hospital, 476 Kooyong Road, Caulfield South, Victoria, retired, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 June 2005, are required by the executor, Stanley Arthur Hester of 3/13 Samantha Drive, Mornington, Victoria, to send particulars to him, care of the undersigned, by 17 January 2006, after which date the executor may convey or distribute the assets, having regard only to the claims of which they then have notice.

RENNICK & GAYNOR, solicitors,
431 Riversdale Road, Hawthorn East 3123.

Creditors, next-of-kin or others having claims in respect of the estate of GARY JOHN MCKENZIE, late of Unit 2, 21 Wallace Avenue, Toorak, Victoria, retired, deceased, who died on 3 August 2005, are to send particulars of their claims to the executor care of the undermentioned solicitors by 19 January 2006, after which date the executor will distribute the assets, having regard only to the claims of which the executor then has notice.

RIGBY COOKE, solicitors,
469 La Trobe Street, Melbourne 3000.

Creditors, next-of-kin and others having claims in respect of the estate of ISAAC NEWMAN, also known as Icek Newman, Rachmil Icek Naiman and Ytzhak Newman, deceased, late of 52-58 Northcote Avenue, Caulfield North, gentleman, who died on 10 January 2003, are requested to send particulars of their claims to the executor, Luigi Adrian Papaleo of 33-37 Hotham Street, Collingwood, care of the undersigned solicitors by 20 January 2006, after which date he will convey or distribute the assets, having regard only to the claims of which he then has notice.

SECOMBS, solicitors,
100 Paisley Street, Footscray.

Re: JOAN ELAINE WOODS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of JOAN ELAINE WOODS, late of 13 North Street, Ascot Vale, Victoria, deceased, who died on 16 September 2005, are required by the executor, Equity Trustees Limited of 575 Bourke Street, Melbourne, Victoria, to send particulars to them by 10 January 2006, after which date the executor may convey or distribute the assets, having regard only to the claims of which they then have notice.

SHIFF & COMPANY, solicitors,
Level 2, 34 Queen Street, Melbourne 3000.

JOHN ROBERTSON, late of 37 Mitchell Circuit, Mornington, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 June 2005, are required by the executor, Gaye Boston of 37 Mitchell Circuit, Mornington, Victoria, to send particulars to her by 21 January 2006, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

STIDSTON & WILLIAMS WEBLAW,
solicitors,
Suite 1, 10 Blamey Place, Mornington.

Re: NONA LEE, late of Apartment 3B, City Lights Apartments, 16 Liverpool Street, Auckland, New Zealand, but formerly of 12/261 Domain Road, South Yarra 3141, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 November 2001, are required by the trustees, Nathan Fink of 305/1 Powlett Street, East Melbourne, Victoria, flooring manufacturer, Alfred Lionel Lazer, in the Will called Alfred Lazer, of 5 Barnato Grove, Armadale, Victoria, company director, Roger Paul John Vansite, in the Will called Roger Vansite, of 36 Southey Road, Boronia Heights, Victoria, financial advisor, and Alan Isaacs of 120 Little Lonsdale Street, Melbourne, Victoria, medical practitioner, to send particulars to them care of their lawyers, Tisher Liner & Co. by 20 January 2006, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

TISHER LINER & CO., lawyers,
317 La Trobe Street, Melbourne 3000.

MARJORIE WINIFRED RICHARDSON,
late of 57 Repton Road, East Malvern, Victoria,
bookkeeper, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 30 July 2005, are required to send particulars of their claims to the executor, John Alexander Atchison, care of the undermentioned solicitors, by 20 January 2006, after which date the said executor will distribute the assets, having regard only to the claims of which he then has notice.

T. J. MULVANY & CO., solicitors,
2nd Floor, 51 Queen Street, Melbourne 3000.

Creditors, next-of-kin and others having claims against the estate of MARGARET ELIZABETH SPINNEY, late of Unit 10, Cameron Close, 155 Warrigal Road, Burwood, Victoria, retired, deceased, who died on 26 May 2005, are required by Permanent Trustee Company Limited of 151 Rathdowne Street, Carlton South, Victoria to send particulars of their claims to the said Permanent Trustee Company Limited by 16 January 2006, after which date it will convey or distribute the assets, having regard only to the claims of which it then has notice.

TOLHURST DRUCE & EMMERSON,
solicitors,
520 Bourke Street, Melbourne.

Re: ALEX SHNEK, late of 21 Atherton Close, Aspendale Gardens, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 August 2005, are required to send particulars of their claims to the executor care of GPO Box 1946, Melbourne 3001 by 20 February 2006, after which date the executor may convey or distribute the assets, having regard only to the claims of which she may then have notice.

WILLS & PROBATE VICTORIA, lawyers,
Level 5, 360 Little Bourke Street, Melbourne.

Unclaimed Moneys Act 1962

Register of Unclaimed Moneys held by the —

<i>Name of Owner on Books and Last Known Address</i>	<i>Total Amount Due to Owner</i>	<i>Description Of Unclaimed Money</i>	<i>Date when Amount first became Payable</i>
GIPPSLAND WATER			
	\$		
Traralgon Gospel Mission, C/- Ian D. Morley, Gormandale	24,553.35	Cheque	31/02/02
George Leopold Kivlins, 16 Ellinbank Street, Newborough	48,778.73	"	11/04/03
Hyland Street, Self Service, 3 Manuka Street Churchill	547.33	"	18/12/02
Robert Charles Grech and Kerrienne Grech, PO Box 1355, Traralgon	324.34	"	17/06/03

05271

CONTACT: TRACEY MAIER, PHONE: (03) 5177 4746.

PROCLAMATIONS

**Primary Industries Acts
(Further Amendment) Act 2005**

PROCLAMATION OF COMMENCEMENT

I, John Landy, Governor of Victoria, with the advice of the Executive Council and under section 2(3) of the **Primary Industries Acts (Further Amendment) Act 2005** fix 1 December 2005 as the day on which sections 6, 8, 9(2), 21(6), 22, 24 and 29 of that Act come into operation.

Given under my hand and the seal of
Victoria on 15th November 2005.

(L.S.) JOHN LANDY
Governor

By His Excellency's Command

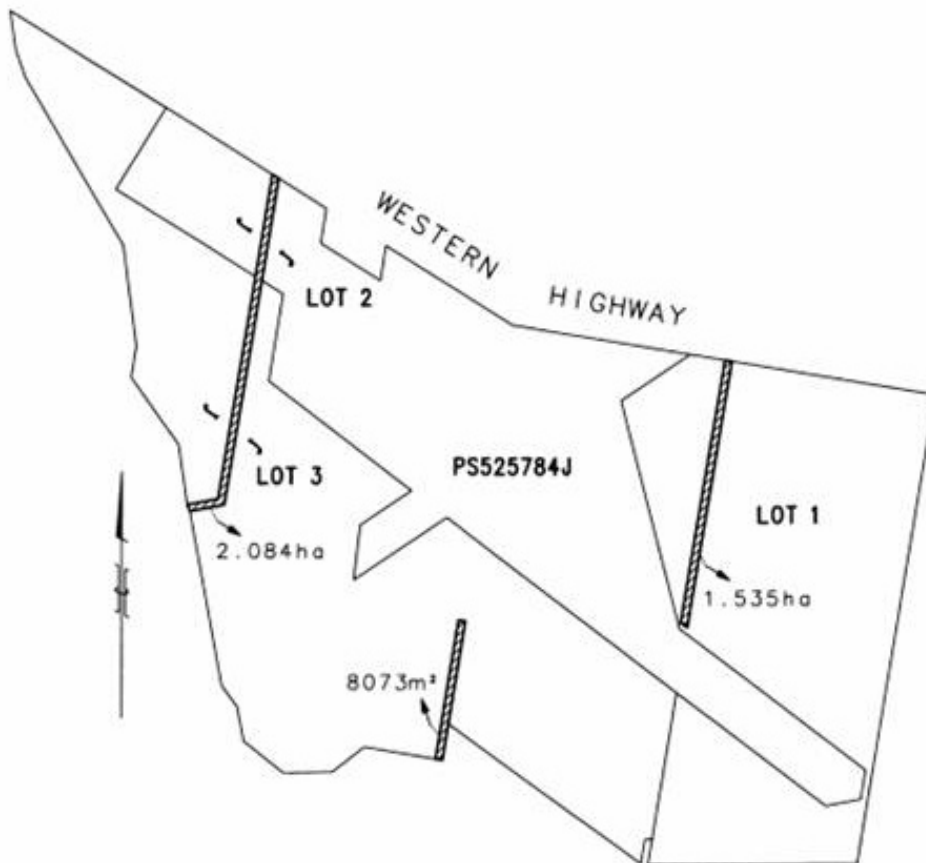
BOB CAMERON
Minister for Agriculture

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**



Ararat Rural City
Road Discontinuance

Under Section 206 and Schedule 10 Clause 3 of the **Local Government Act 1989**, Ararat Rural City Council at its ordinary Council meeting held on 18 October 2005 formed the opinion that the portion of road shown hatched on the plan below is not reasonably required as a road for public use, and resolved to discontinue that portion of the road.



WILLIAM E. BRAITHWAITE
Chief Executive Officer



Northern Grampians
Shire Council

Road Discontinuance

Pursuant to Section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Northern Grampians Shire Council at its ordinary meeting held on 2 November 2005 formed the opinion that part of Meagher Street to the boundary of 105 Patrick Street, Stawell, Vic. 3380 shown hatched on the plan below, is not reasonably required as a road for public use and has resolved to discontinue the road.

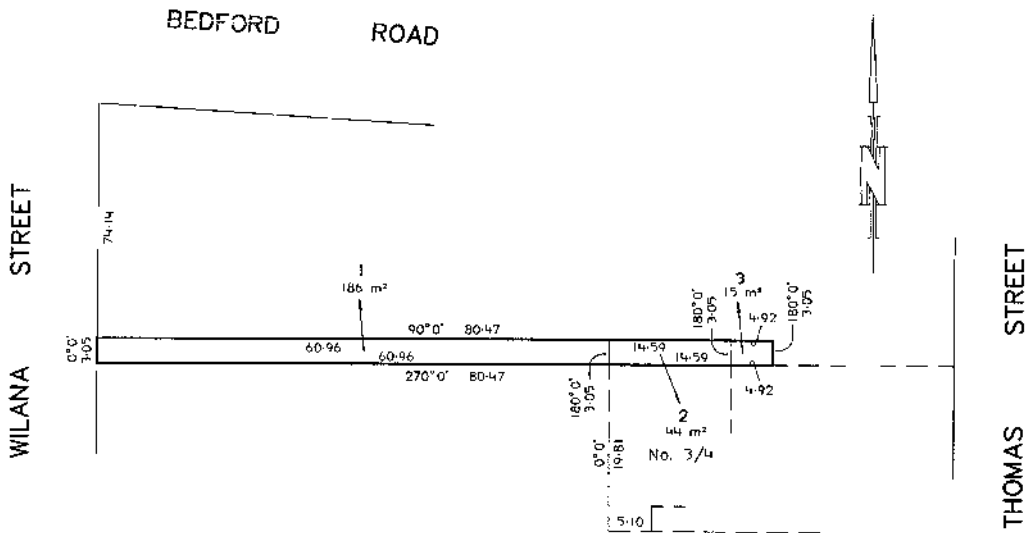


GINA LYONS
Chief Executive Officer

MAROONDAH CITY COUNCIL
Road Discontinuance

At its meeting on 1 August 2005 and acting under clause 3 of schedule 10 to the **Local Government Act 1989**, Maroondah City Council resolved to discontinue the road shown as Lots 1, 2 and 3 on the plan below.

The road is to be sold subject to any right, power or interest held by Yarra Valley Water in the road in connection with any sewers, drains or pipes under the control of that authority in or near the road.



MICHAEL MARASCO
Chief Executive



Authorisation of Police Officers

Pursuant to section 224A of the **Local Government Act 1989**, Wellington Shire Council authorises any police officer to enforce the provisions of Part 7 of Council's Municipal Places Local Law No. 3 – 2005 relating to the consumption and possession of liquor on roads and in public reserves within Council's municipal district.

The authorisation includes serving an infringement notice in the form of Schedule 5 of the Local Law on a person whom the police officer believes has committed an infringement against Clauses L7.2 or L7.4.

Any police officer may enforce the stated provisions as if he or she was appointed to be an authorised officer under section 224 of the Act, the police officer's certificate of identity deemed to be an identity card issued under section 224(2) and deemed to comply with section 224(3).

LYNDON WEBB
Chief Executive Officer

Planning and Environment Act 1987**BALLARAT PLANNING SCHEME**

Notice of Amendment

Amendment C74

Authorisation No. A0173

The Ballarat City Council has prepared Amendment C74 to the Ballarat Planning Scheme.

The Amendment applies to the Ballarat Aerodrome and land within the vicinity of the aerodrome, particularly land under the approach and take-off paths of the aerodrome's runways.

The Amendment:

- applies the Airport Environs Overlay (AEO1 and AEO2) to areas which are or will be subject to high levels of aircraft noise from the Ballarat Aerodrome;
- applies the Design and Development Overlay (DDO16 and DDO17) to ensure that building height does not adversely affect the operations of the aerodrome; and
- makes minor changes to Clause 21.9–5 of the MSS to support application of these overlays.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the office of the planning authority, Ballarat City Council, Phoenix Office, 25 Armstrong Street South, Ballarat; at the Western Region Office, Department of Sustainability and Environment, State Government Offices, corner of Doveton and Mair Streets, Ballarat; and at the Department of Sustainability and Environment, Planning Information Centre, 8 Nicholson Street, East Melbourne 3002.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be sent to the Chief Executive Officer, City of Ballarat, PO Box 655, Ballarat, Vic. 3353, and will be accepted until 5.00 pm, 19 December 2005. All submissions should clearly state all of the grounds on which you support or oppose the Amendment and indicate whether you wish to be heard in respect of the submission at any subsequent panel hearing.

DOUG McNEILL
Manager Strategic Planning

Planning and Environment Act 1987**GLENELG PLANNING SCHEME**

Notice of Preparation of Amendment

Amendment C23

The Minister for Planning has prepared Amendment C23 to the Glenelg Planning Scheme.

The land affected by the Amendment is known as the Unima Tree Farm and is described as Lot 1 on Title Plan 172709A in Certificate of Title Volume 9239, Folio 717; Crown Allotment 5A, Section 21, Parish of Myamyn, in Certificate of Title Volume 4007, Folio 361; Crown Allotment 1A, No Section, Parish of Homerton in Certificate of Title, Volume 10531, Folio 554; and Lots 1, 2, and 3 on Title Plan 623460C, contained within Certificate of Title Volume 10531, Folio 574.

The Amendment proposes to rezone the land affected by the Amendment from Rural Zone to Special Use Zone Schedule 5 to facilitate the use and development of the Heywood Pulp Mill.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: Department of Sustainability and Environment, Planning Information Centre, 8 Nicholson Street, Melbourne; Department of Sustainability and Environment, South Western Region, Geelong Office, corner of Little Malop and Fenwick Streets, Geelong; Department of Sustainability and Environment, South Western Region, Portland Office, 8–12 Julia Street, Portland; Environment Protection Authority (Information Centre), Ground Floor, Herald & Weekly Times Tower, Southbank; Environment Protection Authority (South-West Region), corner of Little Malop and Fenwick Streets, Geelong; Glenelg Shire Offices in Edgar Street, Heywood and Cliff Street, Portland; Moyne Shire Council, Princes Street, Port Fairy; and Heywood Pulp Pty Ltd Offices: 1/43 Edgar Street, Heywood OR Level 1, 457 St Kilda Road, Melbourne.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority.

The closing date for submissions is 10 January 2006. A submission must be sent to: Planning Panels Victoria, Department of Sustainability and Environment, PO Box 500, East Melbourne, Vic. 3002.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

**GREATER DANDENONG
PLANNING SCHEME**

Notice of Amendment
Amendment C59
Authorisation A0072

The City of Greater Dandenong has prepared Amendment C59 to the Greater Dandenong Planning Scheme.

The land affected by the Amendment is 281–283 Corrigan Road, Keysborough.

The Amendment proposes to rezone the site from Residential 1 Zone to Business 1 Zone. The Amendment is required to facilitate the extension of the existing Kingsclere Shopping Centre which abuts the subject site.

The Amendment can be inspected during office hours and free of charge at: the Department of Sustainability and Environment, Planning Information Centre, Ground Floor Area, 8 Nicholson Street, East Melbourne 3002; Greater Dandenong City Council Offices, 39 Clow Street, Dandenong 3175; Greater Dandenong City Council Offices, 397–405 Springvale Road, Springvale 3171; and Greater Dandenong City Council Offices, Shop A7, Parkmore Shopping Centre, Keysborough 3173.

Any person affected by the Amendment or by the granting of the permit may make a submission in writing.

Please be aware that copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process.

Submissions may be sent to: Manager Planning & Design, City of Greater Dandenong, PO Box 200, Dandenong 3175.

Submissions must be received by 19 December 2005.

Enquiries about the Amendment can be made by telephoning Kathryn Seirlis on 9238 1574.

JODY BOSMAN
Manager Planning & Design

Planning and Environment Act 1987

**GREATER DANDENONG
PLANNING SCHEME**

Notice of Amendment
Amendment C72

Planning Permit No. PLN04/0078
Authorisation A0108

The City of Greater Dandenong has prepared Amendment C72 to the Greater Dandenong Planning Scheme.

The land affected by the Amendment is the rear half of No. 397–399 Princes Highway, Noble Park. The subject land is currently vacant of any development.

The Amendment proposes to rezone the balance of the land (rear portion) from the Residential 1 Zone to the Mixed Use Zone. The purpose of the Amendment is to resolve an anomaly in the zoning of the subject site and to facilitate the use and development of the land for the purpose of five (5) warehouse buildings with associated offices, a trade supplies premises and a restricted retail premises. A concurrent planning permit application for this development forms part of the Amendment.

The Amendment application has been made pursuant to Section 96A of the **Planning and Environment Act 1987** and therefore involves a concurrent town planning application. The Amendment can be inspected during office hours and free of charge at: The Department of Sustainability and Environment, Planning Information Centre, Ground Floor Area, 8 Nicholson Street, East Melbourne, 3002; Greater Dandenong City Council Offices, 39 Clow Street, Dandenong 3175; Greater Dandenong City Council Offices, 397–405 Springvale Road, Springvale 3171; and Greater Dandenong City Council Offices, Shop A7, Parkmore Shopping Centre, Keysborough 3173.

Any person affected by the Amendment or by the granting of the permit may make a submission in writing.

Please be aware that copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process.

Submissions may be sent to Manager Planning & Design, City of Greater Dandenong, PO Box 200, Dandenong 3175.

Submissions must be received by 19 December 2005.

Enquiries about the Amendment can be made by telephoning Cameron Gentle on 9238 1535.

JODY BOSMAN
Manager Planning & Design



Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C124
Authorisation A186

The Greater Geelong City Council has prepared Amendment C124 to the Greater Geelong Planning Scheme.

In accordance with Section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Greater Geelong City Council as planning authority to prepare the Amendment.

The land affected by the Amendment is known as the Geelong Western Wedge, an area located between the City's Central Activities Area, Corio Bay and Geelong West.

The Geelong Western Wedge comprises a number of precinct areas; Inner Wedge Precinct, Mercer Street Precinct, Geelong Station Precinct, Western Beach Precinct, Civic and Cultural Precinct and Latrobe Terrace Precinct.

The Amendment proposes to:

- update clauses of the Local Planning Policy Framework contained in the Planning Scheme to include reference to and direction for the Geelong Western Wedge.
- Rezone the Inner Wedge Precinct and Mercer Street Precincts to a new Special Use Zone.
- Rezone Deakin University land to the Public Use Zone 2 (Education).

- Introduce into the Scheme and rezone land in the Geelong Railway Station Precinct to a Priority Development Zone.
- Apply a new Design and Development Overlay to the whole of the Geelong Western Wedge.
- Apply a Public Acquisition Overlay to a new circulation route connecting Smythe Street to Mercer Street.
- Apply an Environmental Audit Overlay to the Geelong Station Precinct.
- Incorporate the Western Wedge – Geelong Station Precinct Plan, October 2005.
- Remove superseded Design and Development Overlay controls.

The Amendment does not change the zoning of the Western Beach, Civic and Cultural and Latrobe Terrace precincts.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: Public Comment section of the City's website www.geelongaustralia.com.au; at the office of the Planning Authority, City of Greater Geelong, Ground Floor, 131 Myers Street, Geelong; at the City of Greater Geelong City Hall, Gheringhap Street, Geelong; at the City of Greater Geelong Customer Service Centre, 10–12 Albert Street, Geelong West; at the Department of Sustainability and Environment, Level 4, State Government Offices, corner of Little Malop and Fenwick Streets, Geelong; and at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge. Any person who may be affected by the Amendment may make a submission to the planning authority.

The closing date for submissions is Monday 19 December 2005.

Submissions must be in writing and addressed to The Co-ordinator, Strategic Planning Unit, City of Greater Geelong, either by mail to: PO Box 104, Geelong 3220 or strategicplanning@geelongcity.vic.gov.au.

AARON GARRETT
Coordinator Strategic Planning

NOTE: Any person who may be affected by the Amendment may make a submission to the planning authority. All submissions will be made available for any person to inspect upon request, at the office of the planning authority, City of Greater Geelong, Ground Floor, 131 Myers Street, Geelong, free of charge until the end of two months after the Amendment comes into operation or lapses. Anonymous submissions will not be considered.



Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
 Notice of Preparation of Amendment
 Amendment C98
 Application for a Planning Permit
 Planning Permit No. 1701/2004
 Authorisation No. A25

The Greater Geelong City Council has prepared Amendment C98 to the Greater Geelong Planning Scheme.

In accordance with Section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Greater Geelong City Council as planning authority to prepare the Amendment.

The land affected by the Amendment is a 15.19 hectare parcel located at the southern end of the existing Ford manufacturing complex on the Princes Highway at North Geelong. The land is generally bounded by the Princes Highway, Cowies Creek, and the Melbourne–Geelong Railway Line, and an area (approximately 1.86 hectares) north of Cowies Creek.

The land affected by the Permit Application 1701/2004 is that part of the land south of Cowies Creek.

The Amendment proposes to rezone the affected land from an Industrial 2 Zone to a Comprehensive Development (Schedule 3) Zone and introduce the HomeTown Geelong and Quay Business Park Comprehensive Development Plan, as an Incorporated Document in the Planning Scheme and revises Clause 21.20 of the MSS accordingly.

The application is for a permit to construct a homemaker centre including a leasable floor area for peripheral retailing (a combination of Restricted retail premises, Trade supplies, and Landscape gardening supplies) of approximately 40,500 square metres, associated warehousing and storage, and the provision of upwards of 1350 off-street car parking spaces. The proposal accords with the HomeTown Geelong and Quay Business Park Comprehensive Development Plan and the proposed Comprehensive Development Zone (Schedule 3) of the Greater Geelong Planning Scheme.

You may inspect the Amendment and permit, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: Public Comment section of the City's website www.geelongaustralia.com.au; the office of the planning authority, Greater Geelong City Council, Customer Service Centre, 131 Myers Street, Geelong; Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne; and Department of Sustainability and Environment, Geelong Office, corner of Little Malop and Fenwick Streets Geelong.

This can be done during office hours and is free of charge. Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority.

The closing date for submissions is Friday 30 December 2005.

Submissions must be in writing and addressed to Tim Hellsten, Team Leader Strategic Planning, City of Greater Geelong, and sent to either: PO Box 104, Geelong, Vic. 3220 or strategicplanning@geelongcity.vic.gov.au

AARON GARRETT
 Coordinator Strategic Planning

NOTE: Any person who may be affected by the Amendment may make a submission to the planning authority. All submissions will be made available for any person to inspect, upon request by appointment, at the office of the planning authority, City of Greater Geelong, Ground Floor, 131 Myers Street, Geelong, free of charge until the end of two months after the Amendment comes into operation or lapses. Anonymous submissions will not be accepted.

Planning and Environment Act 1987

HORSHAM PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C22

Authorisation A213

The Horsham Rural City Council has prepared Amendment C22 to the Horsham Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Horsham Rural City Council as planning authority to prepare the Amendment.

The land affected by the Amendment is identified on the Planning Scheme Amendment maps.

The Amendment proposes to:

- amend the Municipal Strategic Statement to improve the recognition of
 - the importance of managing development in floodplains,
 - the intrinsic environmental values of floodplains, and
 - to recognise the completion of the Horsham Flood Study.
- Introduce the Floodplain Management Policy to clause 22.
- Amend the schedule to the Land Subject to Inundation Overlay.
- Introduce the Floodway Overlay and the schedule to the Floodway Overlay.
- Amend the Land Subject to Inundation Overlay maps, numbers 6, 8, 10, 11, 12, 13, 14 and 15 in accordance with the Horsham Flood Study 2003 and the Department of Sustainability and Environment's Flood Data Transfer Project.
- Remove Land Subject to Inundation Map 9, in accordance with the Horsham Flood Study 2003.
- Introduce the Land Subject to Inundation Overlay maps, numbers 1, 2, 4, 5, 7, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 in accordance with the Department of Sustainability and Environment's Flood Data Transfer Project.
- Introduce the Floodway Overlay Map numbers 11, 12, 13, 14 and 15 in accordance with the Horsham Flood Study 2003.

- Introduce the Design and Development Overlay Schedule 9 to cover land that is subject to stormwater flooding, as identified in the Horsham Flood Study 2003.
- Amend the Design and Development Overlay Maps 9, 10, 12 and 13.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the office of the planning authority, Horsham Rural City Council Municipal Offices, Roberts Avenue, Horsham; at the Department of Sustainability and Environment Regional Office, corner of Little Malop and Fenwick Streets, Geelong; and at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority.

The closing date for submissions is 10 February 2006. A submission must be sent to the Horsham Rural City Council, PO Box 511, Horsham 3402.

K. V. SHADE
Chief Executive Officer

Planning and Environment Act 1987

HUME PLANNING SCHEME

Notice of the Preparation of an Amendment and Notice of an Application for Planning Permit given under S96C of the

Planning and Environment Act 1987

Amendment C65

Application P9074

The land affected by the Amendment is 1 Eldon Street, Broadmeadows described as Lot 482 on Plan of Subdivision No. 11580, Certificate of Title Volume 5303, Folio 558.

The land affected by the application is 1 Eldon Street, Broadmeadows described as Lot 482 on Plan of Subdivision No. 11580, Certificate of Title Volume 5303, Folio 558 and those parts of Eldon Street and Glenlitta Avenue that form part of the site in Certificate of Title Volume 6033 and Folio 1206592.

The Amendment proposes to remove a restrictive covenant contained in Instrument of Transfer No. 1291761.

The application is for a permit to use and develop the land for the purpose of a place of assemble (reception centre).

The person who requested the Amendment is Urban Edge Consultants Pty Ltd acting on behalf of APXI Pty Ltd.

The applicant for the permit is Apxi Holdings Pty Ltd – C/- Urban Edge Consultants Pty Ltd.

You may inspect the Amendment and the application, any documents that support the Amendment and application, and the explanatory report about the Amendment at the office of the planning authority, Hume City Council, 1079 Pascoe Vale Road, Broadmeadows Victoria.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority.

The closing date for submissions is 16 December 2005. A submission must be sent to Michael Nelthorpe, Manager City Development, Hume City Council, PO Box 119, Dallas, Vic. 3047.

DARRELL TRELOAR
Chief Executive Officer

Planning and Environment Act 1987

MOYNE PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C20

The Minister for Planning has prepared Amendment C20 to the Moyne Planning Scheme.

The Amendment proposes to introduce zone and overlay controls into the planning scheme to facilitate development and use of the Mortlake Power Station.

The Amendment introduces the Special Use Zone into the Moyne Planning Scheme and rezones proposed Lot 1 PS 543659K, Connewarren Lane, Mortlake from Rural Zone

to Special Use Zone Schedule 1 (Mortlake Power Station) to provide for the development of the power station.

The Amendment also introduces and applies the Environmental Significance Overlay (ESO 3: Mortlake Power Station Environs) to some land surrounding the power station site. The overlay will ensure the power station site is not detrimentally affected by new development, that noise impacts are considered during the assessment of any proposed accommodation, including dwellings, and that acoustic measures are used in any new accommodation buildings.

A copy of the Amendment can be inspected, free of charge, during office hours, at the following locations: Department of Sustainability and Environment, Planning Information Centre, 8 Nicholson Street, Melbourne; Department of Sustainability and Environment, South West Region, Geelong Office, corner of Little Malop and Fenwick Streets, Geelong; Department of Sustainability and Environment, South West Region, Warrnambool Office, 78 Henna Street, Warrnambool; State Library, 328 Swanston Street, Melbourne; Environment Protection Authority (Information Centre), Ground Floor, Herald & Weekly Times Tower, Southbank; Environment Protection Authority (South-West Region), corner of Little Malop and Fenwick Streets, Geelong; Moyne Shire Council Office, 1 Jamieson Avenue, Mortlake; Moyne Shire Council Office, Princes Street, Port Fairy; Corangamite Shire Council Office, 181 Manifold Street, Camperdown; Port Campbell Visitor Information Centre, 26 Morris Street, Port Campbell; Timboon Post Office, 13 Main Street, Timboon; and Garvoc General Store, 8149 Princes Highway, Garvoc.

Submissions about the Amendment must be sent to: Minister for Planning, C/- Planning Panels Victoria, Department of Sustainability and Environment, PO Box 500, East Melbourne, Vic. 3002 by 5.00 pm, 12 January 2006.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987
PORT PHILLIP PLANNING SCHEME

Notice of Preparation of Amendment
 Amendment C52
 Authorisation A0177

The City of Port Phillip has prepared Amendment C52 to the Port Phillip Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the City of Port Phillip as planning authority to prepare the Amendment.

The land affected by the Amendment is South Melbourne Central, being the area bounded by the Westgate Freeway, Kings Way, Park Street, and Ferrars Street, South Melbourne.

The Amendment proposes to give effect to the City of Port Phillip's Structure Plan and Urban Design Framework for the major activity centre of South Melbourne Central (SMC) by:

- rezoning land within South Melbourne Central to implement the vision, principles and strategic objectives of the South Melbourne Central Structure Plan & Implementation Strategy 2005.
- Inserting a new Schedule to the Design and Development Overlay that reflects the outcomes of the South Melbourne Central Urban Design Framework, 2005.
- Extending the Heritage Overlay (HO3) to include additional properties and update the level of significance to the Heritage Policy Map to ensure that all places are appropriately identified and updating the Port Phillip Heritage Review.
- Modifying the MSS and the Local Planning Policy Framework to reflect the intent of the South Melbourne Central Structure Plan and Implementation Strategy, 2005, and the South Melbourne Central Urban Design Framework, 2005.
- Applying the Environmental Audit Overlay to land within South Melbourne Central to be rezoned to a more sensitive use.
- Inserting a Schedule to clause 52.01 to provide for contributions to the provision of Public Open Space.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: South Melbourne Town Hall – Reception, 208–220 Bank Street, South Melbourne; Emerald Hill Library, Bank Street, South Melbourne; St Kilda Town Hall, corner of Carlisle Street and Brighton Road, St Kilda; Port Melbourne Town Hall & Library, Bay Street, Port Melbourne; Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

The Amendment is also available at: www.portphillip.vic.gov.au/planning_scheme_amendments_currently_on_exhibition.

Any person who may be affected by the Amendment may make a submission to the planning authority.

The closing date for submissions is 19 December 2005. A submission must be sent to: Bruce Phillips, Manager City Strategy, City of Port Phillip, Private Bag No. 3, PO St Kilda, Victoria 3182.

DAVID SPOKES
 Chief Executive Officer
 Sec.19 **Planning and Environment Act 1987**
 & Reg. 8 Planning and Environment
 Regulations 1998

Disclaimer: Please be aware that copies of objection/submissions received may be made available to any person for the purpose of consideration as part of the planning process.

Planning and Environment Act 1987
WARRNAMBOOL PLANNING SCHEME
 Notice of Preparation of Amendment
 Amendment C42
 Authorisation A0135

The Warrnambool City Council has prepared Amendment C42 to the Warrnambool Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Warrnambool City Council as planning authority to prepare the Amendment.

The land affected by the Amendment is Nos. 30 to 96 Caramut Road, Nos. 29 to 39 Coghlan Road, No. 1 Fotheringham Street inclusive and Part Crown Allotment 34, 72 and 73 Parish of Wangoom and part 191–201 Morriss Road inclusive, Warrnambool.

The Amendment proposes to:

- rezone land at Nos. 30 to 96 Caramut Road, Nos. 29 to 39 Coghlan Road, and No. 1 Fotheringham Street inclusive from Industrial 3 Zone to Business 3 Zone;
- rezone land at Part Crown Allotment 34, 72 and 73 Parish of Wangoom and part 191–201 Morriss Road inclusive from Residential 1 Zone to Business 3 Zone; and
- apply a Design and Development Overlay Schedule 14 to land at Nos. 30 to 96 Caramut Road, Nos. 29 to 39 Coghlan Road, and No. 1 Fotheringham Street inclusive and Part Crown Allotment 34, 72 and 73 Parish of Wangoom and part 191–201 Morriss Road inclusive, Warrnambool; and
- remove the existing Design and Development Overlay 4 (DDO4) and Development Plan Overlay 1 (DPO1) from land at Part Crown Allotment 34, 72 and 73 Parish of Wangoom and part 191–201 Morriss Road, Warrnambool.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne 3002; Department of Sustainability and Environment, South West Regional Office, Level 4, State Government Offices, corner of Fenwick & Little Malop Streets, Geelong 3220; and Warrnambool City Council, Civic Centre, 25 Liebig Street, Warrnambool 3280.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority. The closing date for submissions is Monday 19 December 2005. A submission must be sent to: Julie Kearney, Strategic Planner, Warrnambool City Council, PO Box 198, Warrnambool, Vic. 3280.

LINDSAY A. MERRITT
Chief Executive

Planning and Environment Act 1987

WHITEHORSE PLANNING SCHEME

Notice of Preparation of an Amendment

Amendment C66

Authorisation No. A0215

The City of Whitehorse has prepared Amendment C66 to the Whitehorse Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Whitehorse City Council as planning authority to prepare the Amendment.

The Amendment proposes to rezone land at numbers 2–10 Spring Street, Box Hill from Residential 1 Zone to Public Use Zone 3 – Health and Community.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the office of the planning authority, Whitehorse City Council and at the Department of Sustainability and Environment at the following addresses: Whitehorse City Council Planning Office, Whitehorse Civic Centre, 379 Whitehorse Road, Nunawading; and Department of Sustainability and Environment, Planning Information Centre, Ground Floor area, 8 Nicholson Street, Melbourne.

The Amendment can also be inspected at Box Hill, Nunawading, Blackburn and Vermont South branch libraries and the Whitehorse Service Centres at Box Hill and Forest Hill Chase shopping centre and on the Internet at www.whitehorse.vic.gov.au.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority.

Any submission about the Amendment must be made in writing, giving the submitter's name, address and, if practicable, a phone number for contact during office hours; set out the views on the Amendment, that the submitter wishes to put before Council and indicate what changes (if any) the submitter wishes to be made to the Amendment; state whether the person/s making the submission wishes to be heard in support of their submission.

The closing date for submissions is Monday 19 December 2005. A submission must be sent to: Allison Egan, Senior Urban Planner – Projects, City of Whitehorse, Locked Bag 2, Nunawading Delivery Centre, Vic. 3110.

Privacy Statement

Any personal information you may include in any submission to Council on the Amendment is collected for planning purposes in accordance with the **Planning and Environment Act 1987** (the Act). The public may view the submission whilst the Amendment is being considered. In accordance with the “Improving Access to Planning Documents” Practice Note dated December 1999, a copy of your submission may be made upon request. If you fail to provide this information your comments may not be considered. You may access this information by contacting Council on 9262 6315.

Mr PETER PANAGAKOS
Manager, Planning and Building

Planning and Environment Act 1987

WHITTLESEA PLANNING SCHEME

Notice Preparation of Amendment

Amendment C81

Authorisation No. A0046

This Amendment has been prepared by the Whittlesea City Council, which is also the planning authority for the Amendment.

The Amendment applies to part of the land comprising the Epping North urban growth area in Epping and Wollert. The land affected by the Amendment is entirely within the Urban Growth Boundary.

The Amendment particularly applies to:

- (a) Land in the north-east section of the Epping North Strategic Plan area bounded by Harvest Home Road to the south, Bindts Road to the east, Craigieburn Road East and Lehmanns Road to the north and VicUrban's Aurora landholding to the west. This land comprises the following 23 properties: 30, 50, 60, 80, 90, 110, 220, 230 and 270 Harvest Home Road; 190, 200, 210, 219, 220, 235 and 290 Epping Road; 15, 75, 85, 95, 135 and 155 Craigieburn Road East; and 50 Lehmanns Road.

- (b) Land within the Harvest Home Local Structure Plan area in Epping comprising the following 13 properties: 150 and 160 Epping Road and 5, 15, 25, 35, 45, 55, 65, 75, 85, 95 and 105 Harvest Home Road.

The Amendment proposes to make the following changes to the zone, overlay and ordinance provisions of the Whittlesea Planning Scheme:

1. Incorporate the following documents into the schedule at Clause 81 of the Scheme:
 - (a) A new Local Structure Plan, to be known as the Epping North East Local Structure Plan (ENELSP).
 - (b) A new Development Contributions Plan, to be known as the Epping North East Local Structure Plan Development Contributions Plan.
2. Amend the planning scheme zoning maps to:
 - (a) Rezone the ENELSP area (currently comprising 23 properties and approximately 452.5ha) from Rural Zone to Residential 1 Zone and Environmental Rural Zone.
 - (b) Rezone the 13 properties within the Harvest Home Local Structure Plan area (south of Harvest Home Road) from Rural Zone to Residential 1 Zone.
 - (c) Rezone part of the Epping Road reserve adjacent to 190, 200, 210 and 220 Epping Road and 110 Harvest Home Road, Wollert, from Rural Zone to Road Zone Category 1.
3. Amend the planning overlay maps and associated schedules to:
 - (a) Introduce a Development Plan Overlay over the land to be rezoned within the ENELSP area. A schedule to this Overlay (Schedule 21) requires that a development plan be prepared to co-ordinate development and infrastructure provision across different land parcels. The schedule also sets out particular requirements that must be addressed prior to a planning application for subdivision.
 - (b) Introduce a Design and Development Overlay over the land to be rezoned within the ENELSP area. A schedule to

this Overlay (Schedule 7) sets out specific requirements relating to the design and built form of new development.

- (c) Introduce a Development Contributions Plan Overlay over the land to be rezoned within the ENELSP area. A schedule to this Overlay (Schedule 10) sets out specific developer contribution amounts to be paid prior to the commencement of development. The Overlay must be read in conjunction with the Epping North East Local Structure Plan Development Contributions Plan.
- (d) List in the schedule to the Heritage Overlay the following heritage places: Bluestone house and outbuildings (30 Harvest Home Road); 'Lochaber' (45 Harvest Home Road); Bluestone house and dairy (80 Harvest Home Road); Unmack's farm (90 Harvest Home Road); Red brick stable (220 Harvest Home Road); and Weatherboard cottage (230 Harvest Home Road). The heritage places will be shown on a Heritage Overlay map at a future date when the extent of each place has been more fully determined and surveyed.
- (e) Remove the Environmental Significance Overlay from Craigieburn Road East, Lehmanns Road and Bindts Road and replace it with the Vegetation Protection Overlay (Schedule 2) consistent with the balance of the Epping North urban growth area.
4. Amend the schedule to Clause 52.01 of the Whittlesea Planning Scheme (Public Open Space Contributions and Subdivisions) to specify the amount of contribution for public open space required in the ENELSP area.
5. Amend the Municipal Strategic Statement at Clause 21.05 and 21.06 to reflect the outcomes of the Amendment.
6. Amend the schedule to the Environmental Rural Zone.

The Amendment is required to facilitate further development within the Epping North urban growth area.

You may inspect the Amendment, any documents that support the Amendment and the

explanatory report about the Amendment at the following locations: Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne 3002; and Whittlesea City Council, Civic Centre, Ferres Boulevard, South Morang, Vic. 3752 or City of Whittlesea Website at www.whittlesea.vic.gov.au.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions to the Amendment must be sent to: The Chief Executive Officer, City of Whittlesea, Locked Bag 1, Bundoora, Vic. 3083 by Friday 27 January 2006.

GRAEME BRENNAN
Chief Executive Officer

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 18 January 2006, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

CAYGILL, Edith, late of Hobsons Bay Nursing Home, 33 Rymill Court, Altona North, Victoria 3025, pensioner, and who died on 17 August 2005.

DILLON, Edna May, formerly of Dalkeith Memorial Home, Marie Street, Traralgon, Victoria 3844, but late of Sale Private Nursing Home, 12 Sale Road, Sale, Victoria 3850, retired, and who died on 9 June 2005.

FLYNN, Michael Francis, late of St Hilary's Nursing Home, 16 Elgin Street, Morwell, Victoria 3840, pensioner, and who died on 27 October 2005.

KELLY, Alan John, late of Glenlyn Private Nursing Home, 34 Finchley Avenue, Glenroy, Victoria 3046, pensioner, and who died on 22 September 2005.

LEETE, Margaret Joy, late of 19 Church Street, Emerald, Victoria 3782, home duties, and who died on 30 June 2005.

RICKARBY, Elsie Marguerite, late of St Catherine's Nursing Home, 1 Clayton Road, Balwyn, Victoria 3103, retired, and who died on 10 October 2005.

Dated 9 November 2005

MARY AMERENA
Manager
Executor and Trustee Services

Department of Treasury and Finance

SALE OF CROWN LAND
BY PUBLIC AUCTION

Date of Auction: Saturday 10 December 2005
at 12.00 p.m. on site.

Reference: 2005/00562.

Address of Property: 43, 45, 47 & 49 Berry Street, East Melbourne.

Crown Description: Crown Allotment 2023, 2024, 2025, 2026, Parish of Melbourne North.

Terms of Sale: 10% Deposit, Balance 60 days or 90 days.

Area: Four allotments each of 187m².

Officer Co-ordinating Sale: Mark Lovell, Victorian Government Property Group, Department of Treasury and Finance, 5/1 Treasury Place, Melbourne, Vic. 3002.

Selling Agents: R. T. Edgar, 10 Wallace Avenue, Toorak, Victoria 3142.

JOHN LENDERS MP
Minister for Finance

Adoption Act 1984

APPOINTMENT OF COUNSELLOR FOR RELINQUISHMENT COUNSELLING

Under the functions and powers assigned to me by the Secretary, Department Human Services Victoria under Section 10(2) of the **Community Services Act 1970** in relation to Section 5 of the **Adoption Act 1984**, I, John Leatherland, approve the following person under Section 5(1) and Section 5(2)(A) of the **Adoption Act 1984** as approved counsellor for the purpose of Section 35 of the **Adoption Act 1984**.

Eastern Metropolitan Region – Weinert, Kylie.

JOHN LEATHERLAND
Regional Director
Eastern Metropolitan Region

Adoption Act 1984

Under the functions and powers assigned to me by the Secretary, Department Human Services Victoria under Section 10(2) of the **Community Services Act 1970** in relation to Section 5 of the **Adoption Act 1984**, I, John Leatherland, revoke the following person under Section 5(1) and Section 5(2)(A) of the **Adoption Act 1984** as approved counsellor for the purposes of Section 35 and Section 87 of the **Adoption Act 1984**.

Jarvis, Margaret Anne.

Dated 4 November 2005

JOHN LEATHERLAND
Regional Director
Eastern Metropolitan Region

County Court Act 1958

COUNTY COURT SITTINGS 2006

Notice is given of the sitting of the County Court of Victoria to be held at each of the undermentioned places to commence on 1 January 2006:

Bairnsdale, Ballarat, Bendigo, Geelong, Hamilton, Horsham, Melbourne, Mildura, Moe, Morwell, Sale, Shepparton, Wangaratta, Warrnambool, Wodonga.

MICHAEL ROZENES
Chief Judge
of the County Court of Victoria

Electricity Industry Act 2000

SECTION 23B

Offer to Purchase Non-Pool Electricity
from a Relevant Generation Facility.

EnergyAustralia (ABN 67 269 241 237), a partnership comprising Energy Australia Pty Limited, ACN 070 374 293, and IPower Pty Limited, ACN 111 267 228, hereby publishes this offer to purchase non-pool electricity supplied from a relevant generation facility as defined within s23 of the **Electricity Industry Act 2000**. This offer is open to be accepted by eligible suppliers in accordance with EnergyAustralia's Agreement to purchase non-pool electricity from a relevant generation facility, which is available upon request from EnergyAustralia (Ph. (03) 8807 1147).

EnergyAustralia offers to pay the following prices for the purchase of non-pool electricity supplied from a relevant generation facility:

peak 3.55 cents/kWh

off-peak 2.71 cents/kWh

(prices current as of date of publication but subject to change and variation – contact EnergyAustralia for up-to-date prices).

Essential Services Commission Act 2001

NOTICE OF DETERMINATION

The Essential Services Commission gives notice under section 35(2) of the **Essential Services Commission Act 2001** that it has, pursuant to section 68(8)(b)(ii) of the **Electricity Industry Act 2000**, made a Determination in respect of a proposed acquisition by The Australian Gas Light Company (AGL) ABN 95 052 167 405 of the Victorian generation businesses of SHP1 Pty Ltd ACN 080 429 901, SHP2 Pty Ltd ACN 080 810 546, SHP3 Pty Ltd ACN 080 735 815 trading as the Southern Hydro Partnership ABN 86 076 691 481 (Southern Hydro).

The Commission has determined that it is satisfied that the Australian Competition and Consumer Commission (ACCC) has considered the acquisition and has notified AGL that the ACCC does not intend to take action in relation to the acquisition under section 50 of the **Trade Practices Act 1974** (Cth).

The effect of this Determination is that the acquisition of the electricity business of Southern Hydro by AGL would not represent a prohibited interest under section 68 of the **Electricity Industry Act 2000**.

A copy of the Determination is available on the Commission's website located at <http://www.esc.vic.gov.au> or a copy can be obtained by calling the Commission on (03) 9651 0222.

Dated 27 October 2005

A. C. LARKIN
Acting Chairperson



Heritage
VICTORIA

Heritage Act 1995

NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 46 in the category described as a Heritage Place, Heritage Object :

Vallejo Gantner Hut, Mount Howitt Track, Howitt Plains, Wellington Shire Council.

EXTENT

1. All of the building known as the Vallejo Gantner Hut marked B1 on Diagram 46 held by the Executive Director.
2. All of the land marked L1 on Diagram 46 held by the Executive Director being all the land contained within a circle of 150 metres radius of the Vallejo Gantner Hut.
3. The logbooks of the Vallejo Gantner Hut including any current logbook and past logbooks held at the State Library of Victoria.

Dated 17 November 2005

RAY TONKIN
Executive Director

Land Acquisition and Compensation Act 1986

FORM 7

S.21

Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of Road R1 on Plan of Subdivision 131724, Parish of Morang, shown as E1 on Survey Plan 21009B and being the property situated at 821 and 825 Plenty Road, South Morang.

Interest acquired: That of Margaret I. Macbride, Pamela A. Smith, Charles D. Smith, Valerie L. Smith, and Roslyn I. Wilson and all other interests.

Published with the authority of VicRoads.
Dated 17 November 2005

For and on behalf of VicRoads
BERNARD TOULET
Manager
VicRoads Property

Land Acquisition and Compensation Act 1986

FORM 7 S.21
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of Lot 1 on Title Plan 515735R (formerly known as part of Crown Allotment 262), Parish of Moorpanyal comprising 255 square metres and being land described in Certificate of Title Volume 5343, Folio 542 and shown as Parcel 8 on Survey Plan 20607B.

Interest acquired: That of Midway Pty Ltd (as lessee) and all other interests.

Published with the authority of VicRoads.
Dated 17 November 2005

For and on behalf of VicRoads
BERNARD TOULET
Manager
VicRoads Property

Mineral Resources Development Act 1990

EXEMPTION FROM EXPLORATION
LICENCE OR MINING LICENCE

I, Richard Aldous, Executive Director Minerals and Petroleum, pursuant to section 7 of the **Mineral Resources Development Act 1990** and under delegation by the Minister for Energy Industries and Resources –

1. hereby exempt all that Crown land situated within the boundaries of exploration licence application 4919 that has been excised from the application, from being subject to an exploration licence or mining licence.
2. Subject to paragraph 3, this exemption applies until the expiration of 2 years after the grant of the licence (if the licence is granted), or until the expiration of 28 days after the application lapses or is withdrawn or refused.

3. This exemption is revoked in respect of any land that ceases to lie within the boundaries of the application or licence, at the expiration of 28 days after the said land ceases to lie within the boundaries of the application or licence.

Dated 8 November 2005

RICHARD ALDOUS
Executive Director
Minerals and Petroleum

Mineral Resources Development Act 1990

EXEMPTION FROM EXPLORATION
LICENCE OR MINING LICENCE

I, Richard Aldous, Executive Director Minerals and Petroleum, pursuant to section 7 of the **Mineral Resources Development Act 1990** and under delegation by the Minister for Energy Industries and Resources –

1. hereby exempt all that Crown land situated within the boundaries of exploration licence application 4921 that has been excised from the application, from being subject to an exploration licence or mining licence.
2. Subject to paragraph 3, this exemption applies until the expiration of 2 years after the grant of the licence (if the licence is granted), or until the expiration of 28 days after the application lapses or is withdrawn or refused.
3. This exemption is revoked in respect of any land that ceases to lie within the boundaries of the application or licence, at the expiration of 28 days after the said land ceases to lie within the boundaries of the application or licence.

Dated 15 November 2005

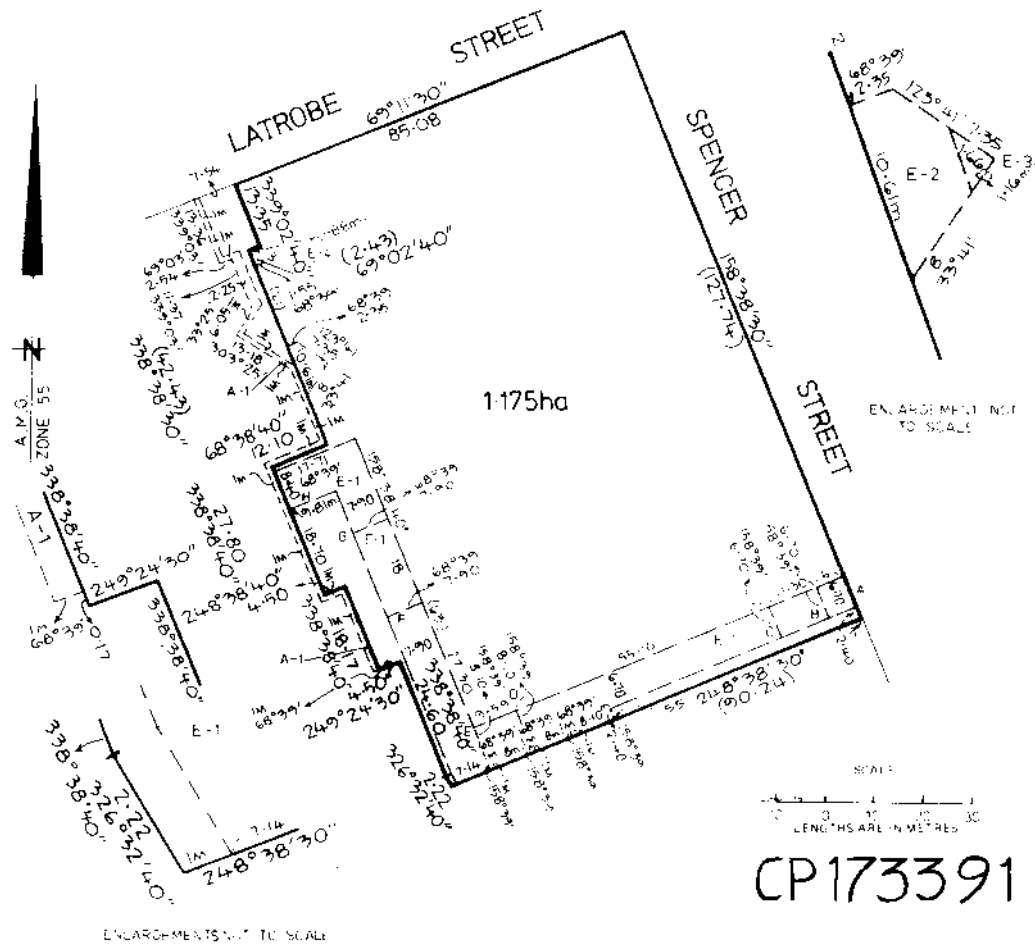
RICHARD ALDOUS
Executive Director
Minerals and Petroleum

Commonwealth Games Arrangements Act 2001
COMMONWEALTH GAMES VENUE ORDER

In accordance with Section 14 of the **Commonwealth Games Arrangements Act 2001** ("the Act"), as Minister administering the Act, I declare the following area of land to be a Commonwealth Games venue to which the Act applies:

The whole area of the Uniform Accreditation Centre located at 263–311 Spencer Street, Melbourne defined shown on the plan numbered CP173391R and attached to this venue Order.

This Order shall take effect from the date of its publication in the Government Gazette.



Dated 28 October 2005

Responsible Minister
JUSTIN MADDEN MLC
Minister for Commonwealth Games

Commonwealth Games Arrangements Act 2001
COMMONWEALTH GAMES PROJECT ORDER

In accordance with section 15 of the **Commonwealth Games Arrangements Act 2001** (“the Act”), as Minister administering the Act, I declare the Uniform Accreditation Centre a project to develop facilities at a Commonwealth Games venue to be a project to which the Act applies and I authorise the development of that project for the period commencing 2 November 2005 until 31 March 2006.

In accordance with sections 17 of the Act I specify that the Melbourne 2006 Commonwealth Games Corporation, being a body corporate constituted under section 25A of the Act, as the body responsible for managing or developing the Commonwealth Games project to which this Order applies.

This Order shall take effect from the date of its publication in the Government Gazette.

Dated 28 October 2005

Responsible Minister
JUSTIN MADDEN MLC
Minister for Commonwealth Games

Crown Land (Reserves) Act 1978
CROWN LAND RESERVE
(BALLAN MECHANICS INSTITUTE RESERVE) REGULATIONS 2005

TABLE OF PROVISIONS

I, David Heale, Acting Director, Crown Land Management, in the Department of Sustainability and Environment, as delegate of the Minister for Planning, make the following Regulations.

PART 1 – PRELIMINARY

1. ***Title***
These Regulations may be cited as the Crown Land Reserve (Ballan Mechanics Institute Reserve) Regulations 2005.
2. ***Objective***
The objectives of these Regulations are to provide for the:
 - (a) issuing of permits in relation to the reserve;
 - (b) imposition, collection and receipt of tolls, fees, rents or other charges for or in respect of entry to the reserve or any specified part thereof or any improvement, services or facilities thereon (including carparks) by any persons and/or vehicles.
3. ***Authorising provision***
These Regulations are made under section 13 of the **Crown Land (Reserves) Act 1978**.
4. ***Commencement***
These Regulations come into operation on the date they are published in the Victoria Government Gazette.
5. ***Revocations***
All previous Regulations made under section 13 of the **Crown Land (Reserves) Act 1978** or any corresponding provision of the **Land Act 1958** insofar as they apply to the reserve referred to in these Regulations, are revoked.
6. ***Definitions***
In these Regulations-
“Act” means the **Crown Land (Reserves) Act 1978**;
“appointed person” means an officer or employee of the Committee appointed in writing by the Committee as an appointed person for the purposes of these Regulations;

“Committee” means the committee of management appointed to manage the reserve under section 14 of the Act;

“parking area” means any area set aside and designated as such by the Committee from time to time;

“permit” means any authority, approval, consent, permission, receipt or ticket given, granted or issued by the Committee in accordance with these Regulations;

“reserve” means the Crown land being Crown Allotment 7, Section 7, Township and Parish of Ballan deemed to be permanently reserved for a Mechanics Institute.

7. Application of Regulations

- (1) These Regulations do not apply to any of the following persons when acting in the course of that person’s duties;
 - (a) a member of the Committee;
 - (b) an appointed person;
 - (c) any other officer or employee of the Committee.
- (2) A person acting in accordance with a lease, licence, tenancy or permit granted or issued under the Act over land in the reserve is not subject to these Regulations, to the extent that the activities authorised by that lease, licence, tenancy or permit are inconsistent with these Regulations.

PART 2 – POWERS OF COMMITTEE

8. Issuing, compliance, production and cancellation of permits

- (1) The Committee may issue a permit or permits for the use of the reserve or any part thereof or any structures or facilities thereon.
- (2) A permit issued under sub-regulation (1) authorises the holder to enter and use the reserve –
 - (a) for the purpose specified in the permit; and
 - (b) for the period specified in the permit; and
 - (c) subject to any terms, fees and conditions in respect of that entry or use determined by the Committee from time to time either generally or in a particular case and specified in the permit.
- (3) The holder of any permit must comply with any terms and conditions of that permit.
- (4) The Committee or an appointed person may cancel a permit at any time:–
 - (a) if the holder of the permit has breached the conditions of the permit or breached these Regulations; or
 - (b) if the continuation of the permit is likely to be detrimental to, or interfere with the management and protection of the reserve or visitors therein.
- (5) Upon cancellation of a permit under sub-regulation (4), the Committee or an appointed person must cause the holder of the permit to be notified in writing of the cancellation of the permit within a reasonable time after the cancellation.
- (6) A person who holds a permit issued under this Part must produce the permit for inspection when requested to do so by the Committee or appointed person.

9. Fees and charges

- (1) The reserve is open to the public free of charge except as otherwise determined by the Committee in accordance with sub-regulation (2).
- (2) The Committee may determine such reasonable fees or charges that it considers necessary for entry to the reserve or for the use of improvements, services or facilities in the reserve.

- (3) If the Committee has determined that a fee or charge is payable for entry to the reserve or for the use of improvements, services or facilities in the reserve under sub-regulation (2), the Committee must cause notices to be displayed in such a place and manner that the particulars are reasonably likely to be seen by persons about to enter the reserve or use the improvements, services or facilities in the reserve, indicating the fee payable for entry to the reserve or use of the improvements, services or facilities in the reserve.
- (4) A person must not enter the reserve or use the improvements, services or facilities within the reserve without paying the appropriate fees or charges, if any, determined by the Committee under sub-regulation (2).

Dated 12 August 2005

DAVID HEAL
Acting Director,
Crown Land Management in the
Department of Sustainability and Environment
as the authorised delegate of the Minister for Planning,
the Hon. Rob Hulls, MP

Private Agents Act 1966

NOTICE OF RECEIPT OF APPLICATIONS FOR LICENCES
UNDER THE PROVISIONS OF THE **PRIVATE AGENTS ACT 1966**

I, the undersigned, being the Registrar of the Magistrates' Court at Mildura hereby give notice that applications, as under, have been lodged for hearing by the said Court on the date specified.

Any person desiring to object to any of such applications must:-

- (a) lodge with me a notice in the prescribed form of his objection and of the grounds thereof;
- (b) cause a copy of such notice to be served personally or by post upon the applicant at least three days before the hearing of the application; and
- (c) send or deliver
- (i) where the objection is not made by the officer in charge of the police district in which the Court is situated — a copy of the notice to such officer; and
- (ii) where the objection is not made by the Registrar or Deputy Registrar — a copy to the Registrar.

<i>Full name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Place of Abode of Applicant or Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>
Peter John Woods	20 Steven Street, Mildura	Peter Graham Woods	65A Deakin Avenue, Mildura, Vic. 3500	Commercial Sub-Agent

Application is listed for 16 December 2005.

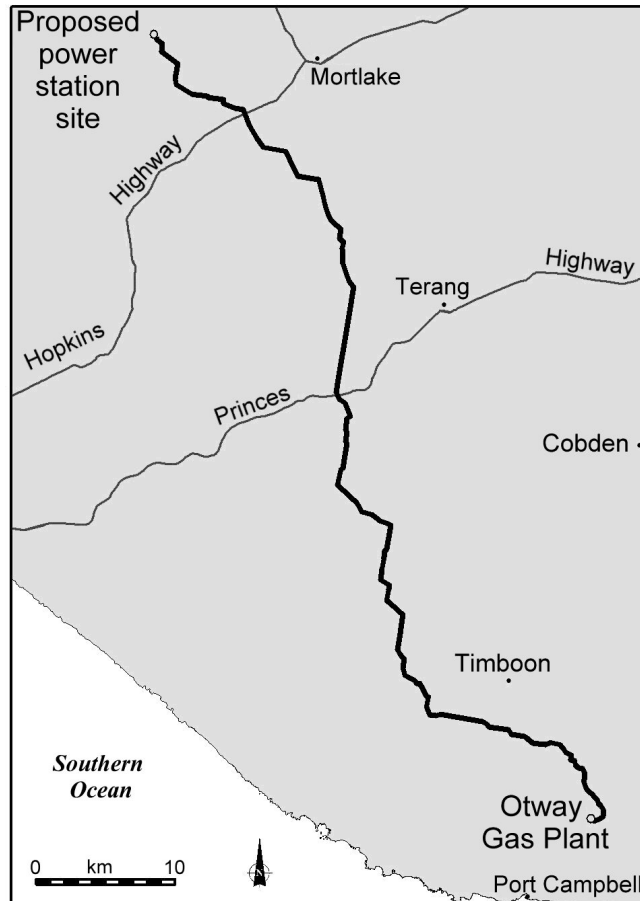
Dated at Mildura 14 November 2005

GAYLE SHIRGWIN
Registrar of the Magistrates' Court

Pipelines Act 1967 (Vic)NOTICE UNDER SECTION 11 OF THE **PIPELINES ACT 1967 (VIC)**

Application for a Permit to Own and Use Pipeline 259

1. In accordance with the provisions of Section 11 of the **Pipelines Act 1967 (Vic)**, notice is given that an application has been received from Origin Energy Resources Limited (ABN 66 007 845 338) (the applicant) for a Permit to Own and Use a Pipeline for the purpose of conveying natural gas from the Otway Gas Plant near Port Campbell to the site of the proposed power station that Origin Energy is seeking approval to construct, 12 kilometres west of the township of Mortlake.
2. An Environment Effects Statement (EES) has been prepared for the project. The exhibition of the EES is also notified by the applicant today in this publication under the provisions of the **Environment Effects Act 1978 (Vic)**. Copies of the EES may be inspected at the same locations as the plans of the proposed route of the pipeline. Please refer to point 4 of this Notice for a list of locations.
3. The proposed route of the pipeline is described and shown on the map below:



The permit relates to a steel pipeline approximately 78kms in length with a nominal bore of 300 millimetres (subject to design), commencing at Otway Gas Plant near Port Campbell and terminating at the site of the proposed power station 12 kilometres west of the township of Mortlake.

4. The above plan is only indicative and detailed plans of the proposed route of the pipeline may be inspected between the hours of 9:00 am and 4:00 pm Mondays to Fridays (excluding public holidays) by contacting Leah Diamantopoulos, Department of Primary Industries, 16th Floor, 1 Spring Street, Melbourne, Vic. 3000, telephone (03) 9658 4450; and other locations as listed below.
- Department of Sustainability and Environment, Planning Information Centre, 8 Nicholson Street, Melbourne, Vic. 3000;
 - Department of Sustainability and Environment (South West Region), corner of Little Malop and Fenwick Streets, Geelong, Vic. 3220;
 - Department of Sustainability and Environment (Warrnambool), 78 Henna Street, Warrnambool, Vic. 3280;
 - EPA Victoria, Information Centre, Ground Floor, Herald & Weekly Times Tower, 40 City Road, Southbank, Melbourne, Vic. 3006;
 - EPA Victoria (South West Region), corner of Little Malop and Fenwick Streets, Geelong, Vic. 3220;
 - State Library, 328 Swanston Street, Melbourne, Vic. 3000;
 - Moyne Shire Council, Princes Street, Port Fairy, Vic. 3284;
 - Moyne Shire Council, 1 Jamieson Avenue, Mortlake, Vic. 3272;
 - Port Campbell Visitor Information Centre, 26 Morris Street, Port Campbell, Vic. 3269;
 - Timboon Post Office, 13 Main Street, Timboon, Vic. 3268;
 - Garvoc General Store, 8149 Princess Highway, Garvoc, Vic. 3265.
- Additional copies of the plans on CD-ROM can be obtained from Origin Energy Resources Limited by contacting Mr. Wayne Gregory, National Manager Public Affairs on 1800 015 699.

Submissions regarding the proposed route can be lodged by the close of business on 12 December 2005 (30 days from the date of this notice) by sending submissions to the Director, Minerals and Petroleum Regulation, Department of Primary Industries, PO Box 4440, Melbourne, Vic. 3005.

Dated 4 November 2005

THEO THEOPHANOUS
Minister for Resources

Water Act 1989

WIMMERA CATCHMENT MANAGEMENT AUTHORITY

Pursuant to section 203 of the **Water Act 1989**, notice is hereby given that the Wimmera Catchment Management Authority intends to declare flood levels for Horsham as shown on Plan No. 590024. These flood levels will be used for planning and building purposes and are based on the Wimmera Catchment Management Authority's best estimate of a flood event which has a probability occurrence of 1% in any one year.

The flood level plan is available for inspection at the Wimmera Catchment Management Authority Offices, 26 Darlot Street, Horsham and the Horsham Rural City Civic Centre, Roberts Avenue, Horsham. Prior to declaring flood levels for Horsham, the Wimmera Catchment Management Authority is seeking submissions from any person within 6 weeks from the date of this notice. Written submissions should be sent to the Chief Executive Officer, Wimmera Catchment Management Authority, PO Box 479, Horsham 3402.

M. THOMPSON
Chief Executive Officer

**Water Act 1989**

**NOTICE OF INTENTION TO DECLARE PROPERTIES SERVICED WITH RESPECT TO
THE PROVISION OF WATER SUPPLY AND WASTEWATER SERVICES**

Water and/or wastewater pipes have been laid and are available to provide services to each property in the areas referred below. The Central Gippsland Region Water Authority, trading as "Gippsland Water", declares the properties to be serviced for the purpose of the **Water Act 1989**, from the date of Practical Completion Certificate and water and wastewater tariffs will be liable from that date.

**WATER
SERVICED AREAS AS FOLLOWS:**

<i>Locality</i>	<i>Property Description</i>	<i>Practical Completion Issue Date</i>
Sale	Northland Drive Lots 7 to 14 & 17 & 18 on PS524075V	25/07/2005
Sale	Thornley Court Lots 21 to 49 on PS521411X	04/08/2005
Traralgon	Alexander Avenue, Bradman Boulevard & Notting Hill Lots 101 to 123 on PS518824P	05/07/2005
Warragul	McMillan Drive, Munro Street, Sturt Place, Leichardt Court, Hume Court & Eye Place Lots 41 to 45, 53 to 62, 5 to 14, 63 to 73, 1 to 4, 74 to 80 & 81 to 87 on PS524742G	14/06/2005
Warragul	Blaxland Crescent, Oakley Place, Wentworth Court, Cunningham Court Lots 33 to 40, 24 to 32, 46 to 52 & 15 to 23 on PS524742G	14/06/2005
Warragul	Windhaven Drive Lots 1 to 9 on PS524284L	21/06/2005
Stratford	Lloyd Street Lots 1 to 4 on PS532269L	27/07/2005
Morwell	St George Terrace, Glenrowan Street, Morwell Lots 57 to 79 & 95 to 96 on PS527851K and PS527852K	16/08/2005
Drouin	Carlile Court Lots 1 to 11 on PS525722 H	11/08/2005
Morwell	Veronica Court Lots 1 & 2 PS528321	26/08/2005
Maffra	Malmo Street, Maffra Lots 14, 15, 27-30 on PS5341825N	29/08/2005
Wurruk	Manning Drive & Government Road, Wurruk 2, 3, 6-12 PS525742B	02/09/2005
Stratford	Gilchrist Court & Kelly Court Lots 3-10 PS534195D & 15-24 PS534196B	02/09/2005
Morwell	McLean Street & Kennedy Street, Morwell Lot 1 PS536614Y	09/09/2005

<i>Locality</i>	<i>Property Description</i>	<i>Practical Completion Issue Date</i>
Morwell	McLean Street & Kennedy Street, Morwell Lot 2 PS528320N	09/09/2005
Traralgon	Ernest Court & Woodhall Court Lots 246–267 PS532030Y	14/09/2005
Neerim South	Kenneth Court Lots 18–22 PS516103P	28/09/2005
Drouin	Albert Road Lot 1 PS525728	30/09/2005
Traralgon	Coopers Road & Alamere Drive, Traralgon 1–5 PS537833F	21/09/2005
Traralgon	Hamlet Drive, Lawn Avenue & College Avenue Lots 8 to 35 on PS509285U	15/03/2005
WASTE WATER SERVICED AREAS AS FOLLOWS:		
<i>Locality</i>	<i>Property Description</i>	<i>Practical Completion Issue Date</i>
Sale	Northland Drive Lots 7 to 14 & 17 & 18 on PS524075V	25/07/2005
Sale	Thornley Court Lots 21 to 49 on PS521411X	04/08/2005
Traralgon	Alexander Avenue, Bradman Boulevard & Notting Hill Lots 101 to 123 on PS518824P	14/06/2005
Warragul	McMillan Drive, Munro Street, Sturt Place, Leichardt Court, Hume Court & Eyre Place Lots 41 to 45, 53 to 62, 5 to 14, 63 to 73, 1 to 4, 74 to 80 & 81 to 87 on PS524742G	14/06/2005
Warragul	Wentworth Court, Cunningham Court Lots 33 to 40, 24 to 32, 46 to 52 & 15 to 23 on PS524742G	21/06/2005
Warragul	Windhaven Drive Lots 1 to 9 on PS524284L	21/06/2005
Stratford	Lloyd Street Lots 1 to 4 on PS532269L	27/07/2005
Morwell	St George Terrace, Glenrowan Street, Morwell Lots 57 to 79 & 95 to 96 on PS527851K and PS527852K	16/08/2005
Traralgon	Albert Street, Traralgon Lots 1 & 2 PS533424V	24/08/2005
Maffra	Malmo Street, Maffra Lots 14, 15, 27–30 on PS5341825N	29/08/2005
Wurruk	Manning Drive & Government Road, Wurruk 2, 3, 6–12 PS525742B	02/09/2005
Stratford	Gilchrist Court & Kelly Court Lots 3–10 PS 534195D & 15–24 PS534196B	02/09/2005

Locality	Property Description	Practical Completion Issue Date
Traralgon	Woodhall Close & Ernest Court, Traralgon Lots 246–267 PS532030Y	14/09/2005
Morwell	McLean Street & Kennedy Street, Morwell Lot 1 PS536614Y	09/09/2005
Morwell	McLean Street & Kennedy Street, Morwell Lot 2 PS528320N	09/09/2005
Neerim South	Kenneth Court Lots 18–22 PS516103P	28/09/2005
Drouin	Albert Road Lot 1 PS525728	30/09/2005
Traralgon	Coopers Road & Alamere Drive, Traralgon 1–5 PS537833F	21/09/2005
Traralgon	Hamlet Drive, Lawn Avenue & College Avenue Lots 8 to 35 on PS509285U	15/03/2005

JOHN MITCHELL
Chief Executive Officer

Water Act 1989

**BULK ENTITLEMENT (LODDON SYSTEM – GOULBURN–MURRAY WATER)
CONVERSION ORDER 2005**

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I, John Thwaites, under the provisions of the **Water Act 1989**, make the following Order:

PART 1 – INTRODUCTORY STATEMENTS

1. CITATION

This Order may be cited as the Bulk Entitlement (Loddon System – Goulburn–Murray Water) Conversion Order 2005.

2. EMPOWERING PROVISIONS

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. COMMENCEMENT

This Order comes into operation on the day published in the Government Gazette.

4. DEFINITIONS

In this Order –

“**Act**” means the **Water Act 1989**;

“**Agreement**” means the Murray–Darling Basin Agreement as contained in Schedule 1 of the **Murray–Darling Basin Act 1993**;

“**AHD**” means the Australian Height Datum;

“**Authority**” means the Goulburn–Murray Rural Water Authority;

“**cap model**” means the water resource allocation computer model used to estimate the Goulburn, Broken and Loddon River basins diversions under the 1993/94 level of development;

“**distribution system**” means the channels, pipes and other works, and the natural or modified waterways which are used to transport water from the headworks system to primary entitlement holders;

“**Domestic and Stock (D&S) use**” has the same meaning as in Part 1, section 3 of the Act;

“**entitlement holder**” means a person holding a bulk entitlement under the Act;

“**environmental water**” means the water or flows referred to in “Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005”;

“**full supply level**” means the AHD level at or below which a storage is designed to be normally operated;

“**Goulburn–Broken–Loddon (G–B–L) cap**” means the water that would have been diverted under 1993/94 level of development jointly from the Goulburn, Broken and Loddon River basins, as determined each year by the cap model and applied under clause 8;

“**headworks system**” means –

(a) Cairn Curran Reservoir (Dam), Tullaroop Reservoir (Dam), Laanecoorie Reservoir (Weir) and the associated water supply works and other assets, as shown from time to time in the Asset Register of Goulburn–Murray Water Authority as owner of the storage, and

(b) the system waterway;

“**licence**” means any licence granted under Part 4 of the Act;

“**licensed diverters**” means persons holding licences under Section 51(1)(a) of the Act;

“**licence volume**” means the volume of water available under a licence;

“**Loddon Basin**” means the area of land previously designated by the Australian Water Resources Council (AWRC) as Basin Number 7 in the Murray Darling Drainage Division of the AWRC Australian Continental Drainage Divisions;

“**Loddon Basin Water Accounts**” means an annual report, required by the Minister, on compliance by entitlement holders and licensees in the Loddon Basin with the terms of their bulk entitlements or licences;

“**Loddon System**” means the water supply systems supplied from

- (a) Cairn Curran reservoir,
- (b) Tullaroop reservoir,
- (c) Laanecoorie reservoir,
- (d) the inflows to these storages, and
- (e) the flows harvested by the Loddon River and tributaries downstream of the storages;

“**Minister**” means in relation to any provision the Minister administering the **Water Act 1989** or any person authorised by the Minister to act on the Minister’s behalf in relation to that provision or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under Section 306 of the Act;

“**other Authority**” means a Water Authority other than the Authority or any other person holding a bulk entitlement granted under Division 1 of Part 4 of the Act;

“**primary entitlement**” means an entitlement or commitment referred to in clause 11;

“**Register**” means the register referred to in section 230 of the Act;

“**regulated release**” means any release from any or all of Cairn Curran Reservoir, Tullaroop Reservoir and Laanecoorie Reservoir to the immediate downstream river channel excluding releases made by the Storage Operator –

- (a) for construction or maintenance purposes under non-emergency situations; or
- (b) to secure the safety of the headworks system under emergency situations; or
- (c) to pass flood flows that are not diverted from the system waterway;

“**Resource Manager**” means any person appointed by instrument by the Minister under section 43A(1)(b) of the Act to carry out the functions of Resource Manager in accordance with the terms and conditions specified in the relevant instrument of appointment;

“**sales water**” means any additional water sold by the Authority under sections 222(c) or 222(d) of the Act, or taken under section 51 of the Act;

“**source cost**” means the total annual cost to –

- (a) operate, maintain and administer; and
- (b) make releases from; and
- (c) keep an account of the water available to the entitlement holders at any one time in; and
- (d) meet the finance charges including repayment of principal, calculated by reference to the weighted average cost of borrowing (based on internal Treasury arrangements and externally borrowed funds) associated with any new or replacement works undertaken on; and
- (e) make an appropriate allowance for asset consumption, using the renewal annuity approach or other asset consumption methodology directed by the Minister to apply to the authorities associated with; and
- (f) assist in managing the catchment for water supply purposes to protect the quality of water diverted to, stored in and delivered from; and
- (g) contribute to the cost of salinity mitigation schemes along the River Murray or elsewhere and operated by or on behalf of Victoria, commensurate with the extent to which entitlement holders in the Loddon basin rather than other water users in Victoria generate a need for these schemes; and
- (h) manage the stream gauging stations necessary to operate; and

- (i) implement, in accordance with sub-clause 18.3, the program to manage the environmental effects on,
the components of the headworks system.

“Storage Operator” means any person appointed by instrument by the Minister under section 43A(1)(a) of the Act to carry out the functions of Storage Operator in accordance with the terms and conditions specified in the relevant instrument of appointment;

“system waterway” means the Loddon River downstream of Cairn Curran dam, including the pool formed immediately upstream of the dam, Tullaroop Creek downstream of Tullaroop dam including the pool formed immediately upstream of the dam, Loddon River downstream of Laanecoorie diversion weir down to Kerang Weir, including all the weir pools;

“this Order” means this “Bulk Entitlement (Loddon System – Goulburn–Murray Water) Conversion Order 2005”, unless otherwise specified;

“Victorian River Health Strategy” means the document titled “Healthy Rivers Healthy Communities & Regional Growth”, published by the Victorian Department of Natural Resources and Environment, August 2002;

“year” means the 12 months commencing 1 July.

5. WATER FOR THE ENVIRONMENT

The Minister administering the **Conservation, Forests and Lands Act 1987** is entitled to water as specified in Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005, to maintain the environmental values of the Loddon River and other water services dependent on the environmental condition of the Loddon River and its tributaries.

PART 2 – ENTITLEMENT

6. CONVERSION TO BULK ENTITLEMENT

All of the Authority’s entitlement to water from the system waterway is converted to a bulk entitlement on the conditions set out in this Order.

7. BULK ENTITLEMENT

The Authority may take water from the system waterway in order to supply primary entitlements described in Schedules 1 and 2, subject to compliance with the water allowed under the Goulburn–Broken–Loddon cap specified in clause 8.

8. LIMITATION ON BULK ENTITLEMENT

8.1 If the accumulated differences since start 1 July 1997 between the volumes of water diverted each year from the Goulburn, Broken and Loddon River basins, and the corresponding volumes of water as estimated by the cap model approach the limit specified in Schedule F of the Agreement then:

- (a) the Authority and any other Loddon system entitlement holder specified in clause 1 of Schedule 2 to this Order must recommend to the Minister for his or her approval appropriate action to be taken so as to avoid the limit specified in Schedule F of the Agreement being exceeded; and
- (b) the Authority and any other Loddon system entitlement holder specified in clause 1 of Schedule 2 to this Order must take such action as approved by the Minister.

8.2 If, at the start of the following year,

- (a) no action is approved and taken under clause 8.1; and
- (b) the volume of accumulated over-runs less under-runs equals or exceeds 15 per cent of long-term average annual diversions from the Goulburn, Broken and Loddon River basins in the following year,

then the Authority is entitled to take annually from the system waterway to supply the primary entitlements described in Schedules 1 and 2 to this Order, only the volume of water that the Loddon system entitlement holders could have otherwise diverted in that year, less a volume equal to 7 per cent of long-term average annual diversions from the Loddon system by the Authority subject to this adjusted volume being;

- (i) not more than a maximum volume of the water required for an allocation of 50 per cent of the maximum allocation for sales water or such other percentage as may be specified by the Minister; and
- (ii) not less than a minimum volume of the water required for an allocation of 100 per cent of licence entitlements as referred to in clause 1 of Schedule 1 to this Order.

9. SHARE OF STORAGE CAPACITY

9.1 The Authority is entitled to all of:

- (a) the storage capacity of Cairn Curran Reservoir where the total capacity is 148 840 ML at a full supply level of 208.46 metres AHD; and
- (b) the storage capacity of Tullaroop Reservoir where the total capacity is 74 000 ML at a full supply level of 222.80 metres AHD; and
- (c) the storage capacity of Laanecoorie Reservoir where the total capacity is 8 000 ML at a full supply level of 160.20 metres AHD; and
- (d) the water temporarily stored above the full supply level, in each of the headworks storages as part of its bulk entitlement under Clause 7.

9.2 If for any reason the Storage Operator declares a changed storage capacity, the Authority is entitled to all of the changed capacity.

10. SHARE OF FLOW

10.1 In order to supply the entitlements set out in clause 11 subject to the limits specified under clause 8, and after meeting the environmental water entitlement specified in clause 5 in this Order, the Authority may take:

- (a) all the inflows into Cairn Curran Reservoir; and
- (b) all the inflows into Tullaroop Reservoir; and
- (c) all the inflows into Laanecoorie Reservoir; and
- (d) all the inflows and regulated flows in the system waterway.

10.2 The Authority must not take, as part of this entitlement, any flow in the system waterway, which is being transferred by the holder of any other bulk entitlement or licence.

PART 3 – GENERAL CONDITIONS AND PROVISIONS

11. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS

Water taken from the system waterway under this bulk entitlement must be used to supply the following primary entitlements further detailed in Schedules 1 and 2:

- (a) licences and associated sales water supplied from the system waterway; and
- (b) other Bulk Entitlements; and
- (c) other supplementary supplies,

subject to the restriction policy specified in Schedule 3 to this Order.

12. TRANSFER OF ENTITLEMENT AND ADJUSTMENT OF SCHEDULES

12.1 The Minister may, from time to time, alter:

- (a) Schedule 1 to reflect –

- (i) any new licence allocated under section 51, 52 or 57 of the Act;
 - (ii) any trading between persons holding primary entitlements;
 - (iii) any revision to the allowable maximum allocation of sales water, determined by the Government;
 - (b) Schedule 2 to reflect any alteration to an entitlement referred to in clause 11.
- 12.2 The Authority may apply to the Minister to amend all or any of the following:
- (a) the principles used to determine sales water described in Schedule 3;
 - (b) any part of Schedule 3, and other schedules that require consequential changes.
- 12.3 An application under sub-clause 12.2 must set out:
- (a) the reasons for seeking the amendment; and
 - (b) the proposed amendment; and
 - (c) the effect, if any, on the other bulk entitlement holders specified in Schedule 2 to this Order.
- 12.4 The Minister may:
- (a) approve part or all of any application under sub-clause 12.3 subject to any additional conditions that the Minister sees fit to specify; or
 - (b) require the Authority to –
 - (i) provide further information; or
 - (ii) re-submit the application in a different form; or
 - (c) not approve the application.

13. OPERATING ARRANGEMENTS

- 13.1 The Authority in conjunction with the Storage Operator and the other entitlement holders specified in Schedule 2 to this Order must endeavour to agree on operating arrangements within 12 months from the date this Order is made, for the supply of water from the Loddon system for meeting the primary entitlements specified in Schedules 1 and 2 to this Order. Such arrangements must also endeavour to ensure complementarity of water use.
- 13.2 If an agreement on operating arrangements has not been reached within the time specified in sub-clause 13.1, one or more of the parties involved under sub-clause 13.1 may give written notice to the other party or parties involved in endeavouring to agree on operating arrangements, requiring the matter to be determined by an independent expert. If such notice is given, the party giving the notice must refer the matter to the independent expert and the independent expert must determine the matter in accordance with clauses 19.4 to 19.6, 19.8 and 19.9.
- 13.3 If the Authority, the Storage Operator and the other entitlement holders specified in Schedule 2 to this Order agree that a change is necessary to the operating arrangements, then they may jointly propose to the Minister an appropriate change to those arrangements.
- 13.4 A proposal under sub-clause 13.3 must set out the:
- (a) objectives of, and reasons for, the proposed change; and
 - (b) results of an assessment of the impacts of the proposed change on the supplies to the other bulk entitlement holders specified in Schedule 2 to this Order.
- 13.5 The Minister may:
- (a) approve the change to the operating arrangements proposed under sub-clause 13.3 subject to any additional conditions that the Minister sees fit to specify; or

- (b) require the Authority, the Storage Operator and the other entitlement holders specified in Schedule 2 to this Order to amend the proposed changes to the operating arrangements and submit a revised proposal for consideration in accordance with this clause; or
 - (c) not approve the proposed changes.
- 13.6 Subject to clauses 7 and 8, the Authority must not direct the Storage Operator to release more water from all or any of Cairn Curran Reservoir, the Tullaroop Reservoir or the Laanecoorie Reservoir than is required to meet the Authority's commitment to supply primary entitlements unless releases are necessary:
 - (a) to supply transfers of primary entitlements including losses; or
 - (b) to supply dilution flows to overcome serious water quality concerns; or
 - (c) for purposes of maintenance of the headworks system.
- 14. CALCULATING THE FLOW**

For the purpose of clauses 7 and 8, the volume taken from the system waterway by the Authority in any year is calculated as the sum of the annual volumes to supply from the system waterway:

 - (a) the primary licence entitlements specified in Schedule 1 to this Order ; and
 - (b) other bulk entitlements and supplementary supplies specified in Schedule 2 to this Order,

less any credits granted under clause 15.
- 15. GRANTING WATER CREDITS**
 - 15.1 On the application of the Authority, the Minister may grant the Authority credit for any water:
 - (a) returned to the system waterway of the water taken from the system waterway; and/or
 - (b) delivered from another distribution system to the system waterway;against the total amount of its entitlement, as set out in this clause.
 - 15.2 The Minister may grant a credit for releases made directly to the system waterway from the Authority's distribution system if:
 - (a) the return flow is treated to a high standard or is at least of same quality to the water taken by the Authority from the system waterway; and
 - (b) the return flow is considered by the Minister to be useful in meeting environmental water or the Authority's or other Authorities' commitments to supply water.
 - 15.3 The Minister may, by written notice to the Authority, specify any period or periods during which the Authority may not redeem credit against its entitlement specified under clause 7, in any year.
- 16. WATER SAVINGS**
 - 16.1 Where efficiency measures and other management initiatives are taken, which permanently reduce the water required by the Authority from the system waterway to supply primary entitlement holders, the reduction in requirement or water saved may, subject to sub-clause 16.2, be transferred under section 46 of the Act;
 - 16.2 The Authority must:
 - (a) have consulted and sought agreement with other entitlement holders in establishing and confirming that water savings have been achieved; and
 - (b) apply to the Minister for recognition and transfer of the water savings consistent with section 46(4) of the Act; and

- 16.3 An application for recognition and transfer of water savings under sub-clause 16.2 must:
- (a) provide evidence that the water savings have been achieved;
 - (b) demonstrate satisfactorily that the water savings are permanent;
 - (c) if it requires several years of operation to be sure that the full expected water savings have been achieved, propose appropriate staging for recognition of the full water savings.
- 16.4 The Minister will consider the application made under sub-clause 16.2 in accordance with sections 46(4), (5) and (6) of the Act.

17. CHANGES MADE TO LONG-TERM WATER AVAILABILITY

- 17.1 When any action which the Minister proposes to take under the Act would have a significant adverse effect on the supplies to the Loddon system entitlement holders, the Minister will:
- (a) if practicable, advise the Authority, and any other Authority potentially affected, in writing at least two months before any decision to take such action is made by the Minister; and
 - (b) after giving advice under paragraph (a), consult and attempt to reach agreement with the Loddon system entitlement holders about alternative action to that which is proposed, which would not have a significant adverse effect; or
 - (c) if it is not possible to agree on alternative action under paragraph (b), consult with and attempt to reach agreement with Loddon System entitlement holders about ameliorative action, together with appropriate cost-sharing arrangements.
- 17.2 For the purpose of this clause a “significant adverse effect” includes an average annual net reduction of 1000 ML or more of diversions from the system waterway.
- 17.3 Ameliorative action may include efficiency measures or other action to maintain existing resource availability to supply primary entitlements.
- 17.4 Decisions by the Minister which collectively have some adverse effect on resource availability but do not individually have a significant adverse effect will be reviewed by the Minister every two years from the date this Order commences. Whenever the accumulated reductions equal or exceed 1000 ML the Minister will:
- (a) advise the Authority and other Loddon System entitlement holders in writing; and
 - (b) consult with, and attempt to reach agreement with, the holders of Loddon System bulk entitlements about ameliorative action, including appropriate cost-sharing arrangements.

18. ENVIRONMENTAL OBLIGATIONS

- 18.1 The Authority jointly with the Storage Operator must propose to the Minister, and implement within 12 months of the date of this Order coming into operation, a program to manage the environmental effects of the works under its control, that allow water to be taken from the system waterway, including:
- (a) the effects on the bed and banks of the system waterway in the vicinity of the works; and
 - (b) operational practices to remove silt from works; and
 - (c) operational practices to manage the water quality in works on the system waterway; and
 - (d) operational rules to control releases from works to the system waterway; and

- (e) operational rules to manage flood flows through works on the system waterway; and
 - (f) the proposed timing, extent and duration of any temporary changes to the provision of environmental water to allow for essential maintenance of the outlet works.
- 18.2 The Minister may:
- (a) approve the program proposed under sub-clause 18.1;
 - (b) require the Authority jointly with the Storage Operator to amend the proposed program;
 - (c) require the Authority jointly with the Storage Operator to –
 - (i) review the program approved by the Minister if, in the Minister's opinion, it is at any time no longer appropriate; and
 - (ii) propose an amended program to the Minister.
- 18.3 The Authority jointly with the Storage Operator must:
- (a) implement the approved environmental management program;
 - (b) keep a record of all work undertaken under sub-clause 18.3(a).
- 18.4 The cost of implementing the environmental management program will be met by:
- (a) the Storage Operator, where the program relates to the headworks system; or
 - (b) the Authority, where the program relates to works other than the headworks system.
- 18.5 The Minister may from time to time require the Authority, jointly with the Storage Operator, to report in writing on the implementation of any program approved under sub-clause 18.2.
- 18.6 The Authority under its obligation of duty of care for the environment shall, if required in the future, participate under the direction of the Minister in the development and implementation of Stressed River Proposals relevant to the Loddon Basin as per requirements under the Victorian River Health Strategy.

19. DISPUTE RESOLUTION

- 19.1 If a difference or dispute arises between the Authority, the Minister, the other entitlement holders specified in Schedule 2 to this Order, the Storage Operator and the Resource Manager, or any of them (the "parties"), concerning the interpretation or application of this Order, a party may:
- (a) give written notice to another party requiring the matter to be determined by an independent expert; and
 - (b) refer the matter to the independent expert.
- 19.2 The notice requiring that the matter be determined by independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 19.3 The other entitlement holders specified in Schedule 2 to this Order, the Storage Operator and the Resource Manager will only be subject to the resolution procedure set out in this clause if they consent to the procedure.
- 19.4 The independent expert will be either:
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.

- 19.5 The independent expert must try to reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 19.6 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 19.7 In any difference or dispute to which the Minister is a party:
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.
- 19.8 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 19.9 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference under 19.1(b), including the costs of the independent expert.

PART 4 – DEMONSTRATING COMPLIANCE

20. METERING PROGRAM

- 20.1 The Authority, and the Storage Operator where appropriate, must propose to the Minister and implement within 12 months of this Order being made, a metering program to demonstrate compliance with this Order and meet the reporting requirements specified in clause 21.
- 20.2 The Minister may:
- (a) approve the program proposed under sub-clause 20.1 subject to any additional conditions that the Minister sees fit to specify; or
 - (b) require the Authority to amend the proposed program.
- 20.3 The Minister may at any subsequent time, require the Authority:
- (a) to review the program approved by the Minister under sub-clause 20.2(a) if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) to propose an amended program to the Minister for approval under clause 20.2.
- 20.4 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister:
- (a) implement and maintain the approved metering program; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (a), (b), (c) and (d).

21. REPORTING REQUIREMENTS

- 21.1 The Minister may require the Authority to report on all or any of the following matters:
- (a) the daily flows in the Loddon River –
 - (i) downstream of Cairn Curran dam, and/or
 - (ii) downstream of Laanecoore Weir, and/or

- (iii) downstream of Serpentine Weir, and/or
 - (iv) downstream of Loddon Weir;
 - (b) the daily flows in Tullaroop Creek downstream of Tullaroop dam;
 - (c) the daily amounts of water taken, or estimates of water taken where recorded data is not readily available from the system waterway by the Authority's primary entitlement holders and for additional supplies listed in Schedules 1 and 2 respectively;
 - (d) the daily flows into Cairn Curran Reservoir and Tullaroop Reservoir;
 - (e) the amounts of water held by the Authority in Cairn Curran Reservoir and Tullaroop Reservoir;
 - (f) the annual amounts of water taken from the system waterway by the Authority's primary entitlement holders and additional supplies listed in Schedules 1 and 2 respectively;
 - (g) the amount of annual evaporation losses from Cairn Curran Reservoir and Tullaroop Reservoir;
 - (h) any credits granted under clause 15;
 - (i) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (j) any bulk entitlement or licence in respect of the system waterway, or any other waterway or water supply system, partially or fully, temporarily or permanently transferred to the Authority;
 - (k) any alteration to the primary entitlements set out in Schedules 1 and 2 made under clause 12;
 - (l) the number, volume and places of origin and destination, of transfers of primary entitlements;
 - (m) the annual volume supplied to primary entitlements, or any group of primary entitlements specified by the Minister;
 - (n) any amendment to this bulk entitlement;
 - (o) any new bulk entitlement granted to the Authority in respect of the headworks system;
 - (p) the implementation of programs approved under sub-clauses 18.3 and 20.4;
 - (q) any failure by the Authority to comply with any provision of this Order;
 - (r) any difficulties experienced or anticipated by the Authority in complying with this Order and any remedial action taken or proposed.
- 21.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 21.1:
- (a) in writing or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 21.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 21.1, except:
- (a) paragraphs (a), (b), (c), (d) and (e) of sub-clause 21.1; and
 - (b) with the approval of the Minister, any particular failure referred to in paragraph (q) of sub-clause 21.1.
- 21.4 The Resource Manager may require the Authority to report from time to time, on all or any of the matters set out in paragraphs (a) to (r) of sub-clause 21.1.

- 21.5 Any report under sub-clause 21.4 must be made:
- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
 - (b) unless the Authority and the person agree otherwise –
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (e) of sub-clause 21.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraph (f) to (r) of sub-clause 21.1.

22. DATA

- 22.1 The Minister will use his or her best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.
- 22.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of the metering and reporting requirements under sub-clause 21.1, subject to a fair and reasonable access fee, that the Authority may charge, to cover the costs of making the data available.

PART 5 – FINANCIAL OBLIGATIONS

23. WATER RESOURCE MANAGEMENT COSTS

Subject to sub-clause 26.2, the Authority must pay the Resource Manager the costs incurred in performing the tasks relating to this Order specified in the relevant instrument of appointment.

24. WATER STORAGE AND SUPPLY COSTS

- 24.1 The Authority must pay the Storage Operator all costs incurred by the Storage Operator associated with storing water in and supplying water from the headworks system.
- 24.2 Subject to sub-clause 24.5 the Authority must pay the Storage Operator the source cost for Cairn Curran, Tullaroop and Laanecoerie Reservoirs. The charge is determined by:
- $$C = \$ (C_C + C_T + C_L)$$
- where –
- C = the source cost payable by the Authority, and
 - C_C = the estimated source costs for Cairn Curran Reservoir, and
 - C_T = the estimated source costs for Tullaroop Reservoir, and
 - C_L = the estimated source costs for Laanecoerie Reservoir.
- 24.3 The costs must be paid by the Authority every year regardless of the amount of water diverted to, or taken from, Cairn Curran, Tullaroop and Laanecoerie Reservoirs by the Authority, and do not imply any guarantee of continuous supply, or to supply water at any particular elevation or of any particular quality.
- 24.4 The Authority may pass the costs on to the consumer groups and other authorities that are primary entitlement holders under this Order, in accordance with arrangements specified in the bulk entitlement Orders of these other authorities.
- 24.5 The method of determining the annual source cost as specified under sub-clause 24.2 shall be adopted until an alternative method of determining the annual source cost is developed by the Authority and approved by the Minister.

25. DUTY TO KEEP ACCOUNTS

- 25.1 Separate accounts of all costs and payments must be kept by:
- (a) the Resource Manager in respect to clause 23; and
 - (b) the Storage Operator in respect to sub-clause 24.1.

- 25.2 The Resource Manager must, by 1 February in any year, provide the Authority with an estimate, in respect of the ensuing year, of the costs referred to in clause 23.
- 25.3 The Storage Operator must, by 1 February in any year, provide the Authority with an estimate of the annual source cost referred to in sub-clause 24.2 for the ensuing year.
- 25.4 Accounts that are required to be kept under this clause must be made available for inspection by the Authority upon request.

26. DUTY TO MAKE PAYMENTS

- 26.1 Any amounts payable by the Authority under clauses 23 and 24 must:
 - (a) be made in accordance with the usual business practices of the Resource Manager and Storage Operator, unless otherwise set by mutual agreement between the Authority and the Resource Manager and the Authority and the Storage Operator; and
 - (b) be invoiced to the Authority at least once a year, and, if more often than once a year, in instalments; and
 - (c) be paid in arrears within 30 days from the end of the month of the Authority receiving an invoice for amounts payable under clauses 23 and 24, unless the Authority and the persons to whom the amount is payable agree on other temporary or permanent arrangements relating to the payment under this clause.
- 26.2 The Authority is not obliged to make any payment to:
 - (a) the Resource Manager under clause 23; or
 - (b) the Storage Operator under clause 24;unless the person to whom the payment is due complies with the provisions of the sub-clause relevant to those payments.

Dated 4 November 2005

JOHN THWAITES
Minister for Water

**SCHEDULE 1: PRIMARY LICENCE ENTITLEMENTS –
INDIVIDUAL IRRIGATION AND ASSOCIATED ENTITLEMENTS**

The following licence entitlements are as noted in the records maintained by the Authority at 20 April 2005

1. VOLUMES RELATING TO SURFACE WATER LICENCES ISSUED UNDER SECTION 51(1)(A) OF THE ACT IN THE REGULATED REACHES OF THE LODDON RIVER

Supply from System waterway	Regulated Annual Water Licences (ML)	
	Licence*	D&S
Cairn Curran Dam to Laanecoorie Reservoir	1468.0	154.0
Tullaroop Dam to Laanecoorie Reservoir	3028.5	28.0
Laanecoorie Reservoir to Bridgewater	6642.4	170.0
Bridgewater to Loddon Weir (including Serpentine Creek)	10044.5	160.0
Total licence volume	21183.4	512.0

* all irrigation and other regulated water licences excluding D&S licences

2. SALES ENTITLEMENT

The irrigation licence holders are entitled to an additional allocation of up to 90 per cent of the irrigation licence volumes as Sales water, subject to water availability.

3. OTHER ENTITLEMENTS

Supply from System waterway	Regulated Annual Supply (ML)
To East Loddon Waterworks District	Average 1600 ML per annum averaged over most recent 3 consecutive years

**SCHEDULE 2: PRIMARY ENTITLEMENTS –
ADDITIONAL AND OTHER SUPPLIES**

1. BULK ENTITLEMENTS HELD BY OTHER AUTHORITIES AS PRIMARY ENTITLEMENTS

Entitlement holder	Order
Coliban Water	Bulk Entitlement (Loddon System – Coliban Water) Water Conversion Order 2005.
Central Highlands	Bulk Entitlement (Loddon System – Central Highlands Water – Part Maryborough) Conversion Order 2005.
Minister for Environment	Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005.

2. OTHER SUPPLEMENTARY SUPPLIES

Entitlement holder	Supplementary Supplies																												
Goulburn–Murray Water	<p>The Authority, after ensuring that all Loddon system high reliability entitlements can be satisfied in the current year and are provided for in the following year, may arrange to provide supplies from the Loddon system to supplement the Goulburn system supplies from the Waranga Western Channel west of Loddon River and via Serpentine Creek.</p> <p>Until the Storage Operator and the Authority propose to the Minister better methods of ensuring that in-valley needs are satisfied, and the Minister agrees, the following arrangements are deemed to satisfy this requirement:</p> <p>Such supplementary supplies would only be provided:</p> <ul style="list-style-type: none"> • when the Loddon system allocation provides full licence volume or greater, and • subject to the following water reserves being maintained in Cairn Curran, Tullaroop and Laanecoorie reservoirs combined: <table border="1" data-bbox="735 981 1326 1339"> <thead> <tr> <th>Month</th> <th>Reserve (ML)</th> <th>Month</th> <th>Reserve (ML)</th> </tr> </thead> <tbody> <tr> <td>January</td> <td>73000</td> <td>July</td> <td>89000</td> </tr> <tr> <td>February</td> <td>66000</td> <td>August</td> <td>89000</td> </tr> <tr> <td>March</td> <td>56000</td> <td>September</td> <td>88000</td> </tr> <tr> <td>April</td> <td>56000</td> <td>October</td> <td>86000</td> </tr> <tr> <td>May</td> <td>56000</td> <td>November</td> <td>82000</td> </tr> <tr> <td>June</td> <td>89000</td> <td>December</td> <td>78000</td> </tr> </tbody> </table> <p>The Authority may also use the operational losses in the Loddon System emanating upstream of Loddon Weir to supplement the Goulburn System.</p>	Month	Reserve (ML)	Month	Reserve (ML)	January	73000	July	89000	February	66000	August	89000	March	56000	September	88000	April	56000	October	86000	May	56000	November	82000	June	89000	December	78000
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May	56000	November	82000																										
June	89000	December	78000																										

SCHEDULE 3: SUPPLY OF PRIMARY ENTITLEMENTS**1. SUPPLY FOR LICENSED DIVERTERS**

- (a) Subject to sufficient water being available in the Loddon system the allocation for Loddon licensed diverters will be determined by the Authority on the basis of the allocation for the Goulburn system as per the following table:

Goulburn allocation (% Water Right)	0	50	100	110	150	170	200
Loddon allocation for irrigation licensees (% licence volume)	0	50	100	100	140	160	190
Loddon allocation for non-irrigation non-D&S licensees (% licence volume)	0	50	100	100	100	100	100

- (b) If sufficient water is not available in the Loddon system to sustain an allocation determined under (a) then the Authority may determine an allocation for the Loddon licensed diverters on the basis of the water available in the Loddon system.

2. SUPPLY RESTRICTIONS FOR D&S AND URBAN SUPPLIES

Where the Authority is unable to supply the full licence commitments, the Authority must assess and allocate the available water pro-rata to licence holders, after making provision to supply—

- (a) the D&S commitments under clause 1 of Schedule 1 to this Order, and
 (b) the East Loddon Waterworks District commitments under clause 3 of Schedule 1 to this Order, and
 (c) the other primary entitlements listed under clause 1 of Schedule 2 to this Order, in accordance with the following restriction formula:

$$\begin{aligned} R &= 0.5 * A && \text{if } S \leq 0.5 \\ &= S * A && \text{if } 0.5 < S < 1.0 \\ &= A && \text{if } S \geq 1.0 \end{aligned}$$

where —

- R = restricted seasonal allocation (ML) for the commitments under (a), (b) and (c) above,
 A = full entitlement (ML) for the commitments under (a), (b) and (c) above,
 S = allocation for the Loddon system licensed diverters determined by the Authority under clause 1 in this Schedule, expressed as a decimal fraction,

and any agreement made under section 124(7) of the Act.

3. SALES WATER

The Authority must determine any allocation of sales water made by it in any year in accordance with principles—

- (a) proposed to the Minister by the Authority after consultation with its retail customers; and
 (b) approved by the Minister.

4. OTHER SUPPLEMENTARY SUPPLIES

The Authority must determine the volume of supplementary water to the Goulburn system in any year in accordance with principles set out in Schedule 2(2).

Water Act 1989
BULK ENTITLEMENT (LODDON SYSTEM – COLIBAN WATER)
CONVERSION ORDER 2005
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SCHEDULE 1: TOTAL ENTITLEMENT VOLUME “E” FOR PURPOSES OF CALCULATING WATER SUPPLY SOURCE COSTS UNDER SUB-CLAUSE 15.1

SCHEDULE 2: BULK ENTITLEMENT HELD BY OTHER AUTHORITIES AS PRIMARY ENTITLEMENTS

I, John Thwaites, under the provisions of the **Water Act 1989**, make the following Order:

PART 1 – INTRODUCTORY STATEMENTS

1. CITATION

This Order may be cited as the Bulk Entitlement (Loddon System – Coliban Water) Conversion Order 2005.

2. EMPOWERING PROVISIONS

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. COMMENCEMENT

This Order comes into operation on the day published in the Government Gazette.

4. DEFINITIONS

In this Order –

“**Act**” means the **Water Act 1989**;

“**AHD**” means the Australian Height Datum;

“**Authority**” means the Coliban Water Authority;

“**distribution system**” means the channels, pipes and other works, and the natural or modified waterways which are used to transport water from the headworks system to primary entitlement holders;

“**entitlement holder**” means a person or water agency holding a bulk entitlement under the Act;

“**headworks system**” means –

(a) Cairn Curran Reservoir (Dam), Tullaroop Reservoir (Dam), Laanecoorie Reservoir (Weir) and the associated water supply works and other assets, as shown from time to time in the Asset Register of Goulburn–Murray Water as owner of the storage, and

(b) the system waterway;

“**licence**” means any licence granted under Part 4 of the Act;

“**licensed diverters**” means persons holding licences under Section 51(1)(a) of the Act;

“**Loddon Basin**” means the area of land previously designated by the Australian Water Resources Council (AWRC) as Basin Number 7 in the Murray Darling Drainage Division of the AWRC Australian Continental Drainage Divisions;

“**Loddon Basin Water Accounts**” means an annual report, required by the Minister, on compliance by entitlement holders and licensees, in the Loddon Basin, with the terms of their bulk entitlements or licences;

“**Loddon entitlement holder**” means the holder of “Bulk Entitlement (Loddon System – Goulburn–Murray Water) Conversion Order 2005”;

“**Loddon System**” means the water supply systems supplied from

(a) Cairn Curran reservoir,

(b) Tullaroop reservoir,

(c) Laanecoorie Weir,

(d) the inflows to these storages and

(e) the flows harvested by the Loddon River and tributaries downstream of the storages;

“**Minister**” means in relation to any provision the Minister administering the **Water Act 1989** or, any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under Section 306 of the Act;

“**Resource Manager**” means any person appointed by instrument by the Minister under section 43A(1)(b) of the Act to carry out the functions of Resource Manager in accordance with the terms and conditions specified in the relevant instrument of appointment;

“**specified points**” means the flow measuring points in Loddon River at Laanecoorie, Loddon River at Bridgewater, Serpentine Creek west of Jarklin and Serpentine Creek at Serpentine;

“**source cost**” means the total annual cost to –

- (a) operate, maintain and administer; and
- (b) make releases from; and
- (c) keep an account of the water available to the entitlement holders at any one time of; and
- (d) meet the finance charges including repayment of principal, calculated by reference to the weighted average cost of borrowing (based on internal Treasury arrangements and externally borrowed funds) associated with any new or replacement works undertaken on; and
- (e) make an appropriate allowance for asset consumption, using the renewal annuity approach or other asset consumption methodology directed by the Minister to apply to the authorities, associated with; and
- (f) assist in managing the catchment for water supply purposes to protect the quality of water diverted to, stored in and delivered from; and
- (g) contribute to the cost of salinity mitigation schemes along the River Murray operated by Victoria, commensurate with the extent to which entitlement holders in the Loddon basin rather than other water users in Victoria generate a need for these schemes; and
- (h) manage the stream gauging stations necessary to operate; and
- (i) implement the program to manage the environmental effects on, the components of the headworks system;

“**Storage Operator**” means any person appointed by instrument by the Minister under section 43A(1)(a) of the Act to carry out the functions of Storage Operator in accordance with the terms and conditions specified in the relevant instrument of appointment;

“**system waterway**” means the Loddon River downstream of Cairn Curran dam, including the pool formed immediately upstream of the dam, Tullaroop Creek downstream of Tullaroop dam including the pool formed immediately upstream of the dam, Loddon River downstream of Laanecoorie diversion weir down to Kerang Weir, including all the weir pools;

“**this Order**” means this “Bulk Entitlement (Loddon System – Coliban Water) Conversion Order 2005”, unless otherwise specified;

“**year**” means the 12 months commencing 1 July.

5. **WATER FOR THE ENVIRONMENT**

The Minister administering the **Conservation, Forests and Lands Act 1987** is entitled to water as specified in Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005, to maintain the environmental values of the Loddon River and other water services dependent on the environmental condition of the Loddon River and its tributaries.

PART 2 – ENTITLEMENT**6. CONVERSION TO BULK ENTITLEMENTS**

All of the Authority's entitlement to water from the system waterway is converted to a bulk entitlement on the specified matters and conditions set out in this Order.

7. BULK ENTITLEMENT

7.1 The Authority may take water from the system waterway in order to supply the townships of:

- (a) Jarklin and
- (b) Serpentine and
- (c) Dunolly/Laanecoorie/Tarnagulla/Bealiba and
- (d) Bridgewater/Inglewood

up to an annual volume of 820 ML being the combined measured annual flows at the specified points defined under clause 4.

7.2 The volumes specified in sub-clause 7.1 can be reviewed should supply arrangements change in the future.

8. RESTRICTION OF SUPPLY

8.1 In August and in each subsequent month, the Loddon Entitlement holder must decide whether to restrict this bulk entitlement in that year.

8.2 Whenever the seasonal allocation for the licensed diverters determined by the Loddon Entitlement holder drops below 100 per cent licence volume then the Loddon Entitlement holder may restrict this entitlement in accordance with the following formula:

$$\begin{aligned} R &= 0.5 * A && \text{if } S \leq 0.5 \\ &= S * A && \text{if } 0.5 < S < 1.0 \\ &= A && \text{if } S > 1.0 \end{aligned}$$

where –

R = the Authority's restricted annual entitlement (ML) for supplying primary entitlements specified under clause 7.

A = the Authority's annual entitlement (ML) specified under sub-clause 7.1.

S = the seasonal allocation for the Loddon licence holders determined by the Loddon Entitlement holder expressed as a decimal fraction.

8.3 In any year if this bulk entitlement continues to be restricted in May, unless otherwise determined by the Loddon Entitlement holder, the same extent of restrictions shall apply in the following month of June. The permissible water use in July shall be set to 50 per cent of the annual entitlement specified under sub-clause 7.1.

8.4 In any year the Loddon Entitlement holder must review the restriction and revoke the restriction for the remainder of the year whenever S equals or exceeds 100% licence volume.

8.5 The Authority's annual entitlement cannot be restricted in any year unless the Loddon Entitlement holder advises the Authority in writing within 14 days of a decision to restrict the entitlement under sub-clauses 8.1 and 8.2.

8.6 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed under sub-clause 8.2.

PART 3 – GENERAL CONDITIONS AND PROVISIONS**9. OPERATING ARRANGEMENTS**

- 9.1 The Authority in conjunction with the Storage Operator and the other entitlement holders specified in Schedule 2 to this Order, must endeavour to agree on operating arrangements within 12 months from the date this Order is made, for the supply of water under this entitlement. Such arrangements must endeavour to ensure complementarity of water use.
- 9.2 If an agreement on operating arrangements has not been reached within the time specified in sub-clause 9.1, one or more of the parties involved under sub-clause 9.1 may give written notice to the other party or parties involved in endeavouring to agree on operating arrangements, requiring the matter to be determined by an independent expert. If such notice is given, the party giving the notice must refer the matter to the independent expert and the independent expert must determine the matter in accordance with clauses 11.4 to 11.6, 11.8 and 11.9.
- 9.3 If the Authority, the Storage Operator and the other entitlement holders specified in Schedule 2 to this Order agree that a change is necessary to the operating arrangements, then they may jointly propose to the Minister an appropriate change to those arrangements.
- 9.4 A proposal under sub-clause 9.3 must set out the:
- (a) objectives of, and reasons for, the proposed change; and
 - (b) results of an assessment of the impacts of the proposed change on the supplies to the other bulk entitlement holders specified in Schedule 2 to this Order.
- 9.5 The Minister may:
- (a) approve the change to the operating arrangements proposed under sub-clause 9.3; or
 - (b) require the Authority, the Storage Operator and the other entitlement holders specified in Schedule 2 to this Order to amend the proposed changes to the operating arrangements and submit a revised proposal for consideration in accordance with this clause; or
 - (c) not approve the proposed changes.

10. GRANTING WATER CREDITS

- 10.1 On the application of the Authority, the Minister may grant the Authority credit for any water:
- (a) taken from the system waterway and returned to the system waterway; and/or
 - (b) delivered from another distribution system to the system waterway;
 - (c) against the total amount of its entitlement, as set out in this clause.
- 10.2 The Minister may grant a credit for releases made directly to the system waterway from the Authority's distribution system if:
- (a) the return flow is treated to a high standard or is at least of similar quality to the water taken by the Authority from the system waterway; and
 - (b) the return flow is considered by the Minister to be useful in meeting passing flows or the Authority's or other Authorities' commitments to supply water.
- 10.3 The Minister may, by written notice to the Authority, specify any period or periods during which the Authority may not redeem credit against its entitlement, specified in clause 7, in any year.

11. DISPUTE RESOLUTION

- 11.1 If a difference or dispute arises between the Authority, the Minister, the other entitlement holders specified in Schedule 2 to this Order, the Storage Operator and the Resource Manager, or any of them (the “parties”), concerning the interpretation or application of this Order, a party may:
- (a) give written notice to another party requiring the matter to be determined by an independent expert; and
 - (b) refer the matter to the independent expert.
- 11.2 The notice requiring that the matter be determined by independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 11.3 The other entitlement holders specified in Schedule 2 to this Order, the Storage Operator and the Resource Manager will only be subject to the resolution procedure set out in this clause if they consent to the procedure.
- 11.4 The independent expert will be either:
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 11.5 The independent expert must try to reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 11.6 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 11.7 In any difference or dispute to which the Minister is a party:
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.
- 11.8 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 11.9 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference under clause 11.1(b) including the costs of the independent expert.

PART 4 – DEMONSTRATING COMPLIANCE**12. METERING PROGRAM**

- 12.1 The Authority, and the Storage Operator where appropriate, must propose to the Minister and implement within 12 months of this Order being made, a metering program to demonstrate compliance with this Order and meet the reporting requirements specified in clause 13.
- 12.2 The Minister may:
- (a) approve the program proposed under sub-clause 12.1 subject to any additional conditions that the Minister sees fit to specify; or
 - (b) require the Authority to amend the proposed program.
- 12.3 The Minister may at any subsequent time, require the Authority:
- (a) to review the program approved by the Minister under sub-clause 12.2(a) if, in the Minister’s opinion, it is, at any time, no longer appropriate; and
 - (b) to propose an amended program to the Minister for approval under clause 12.2.

- 12.4 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement and maintain the approved metering program; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

13. REPORTING REQUIREMENTS

- 13.1 The Minister may require the Authority to report on all or any of the following matters:
- (a) the daily amounts of water taken from the system waterway under this entitlement;
 - (b) the annual amounts of water taken from the system waterway under this entitlement;
 - (c) any credits granted under clause 9.1;
 - (d) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
 - (e) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (f) any period of restriction and the degree of restriction on supplies from the system waterway to the entitlements specified in 7.1;
 - (g) any amendment to this bulk entitlement;
 - (h) any new bulk entitlements granted to the Authority with respect to the entitlements specified in 7.1;
 - (i) any failure by the Authority to comply with any provision of this bulk entitlement;
 - (j) any difficulties experienced or anticipated by the Authority in complying with this Order and any remedial action taken or proposed.
- 13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1:
- (a) in writing or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request.
- 13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except:
- (a) paragraph (a) of sub-clause 13.1; and
 - (b) with the approval of the Minister, any particular failure referred to in paragraph (i) of sub-clause 13.1.
- 13.4 The Resource Manager may require the Authority to report from time to time, on all or any of the matters set out in paragraphs (a) to (j) of sub-clause 13.1.
- 13.5 Any report under sub-clause 13.2 must be made:
- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and

- (b) unless the Authority and the person agree otherwise –
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) and (b) of sub-clause 13.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (c) to (j) of sub-clause 13.1.

14. DATA

- 14.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.
- 14.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of the metering and reporting program under clauses 12 and 13 respectively subject to a fair and reasonable access fee, the Authority may charge to cover the costs of making the data available.

PART 5 – FINANCIAL OBLIGATIONS**15. WATER SUPPLY SOURCE COST**

- 15.1 The Authority must pay the Loddon Entitlement holder a storage annual charge in return for the storage of water in the headworks system to provide the bulk entitlement under this Order, calculated as follows:

$$C_{CW} = \$ \{ \{(A/E) \times C \} + R \}$$

where

C_{CW} is the storage cost attributable to the Authority's entitlement (\$).

A is the annual entitlement (ML) as specified under sub-clause 7.1.

E is the total entitlement volume (ML) that can be supplied from the Headworks System by the Loddon Entitlement holder as specified in Schedule 1 to this Order.

C is the Loddon system source costs estimated by the Storage Operator for the year for which the charge is calculated (\$) as specified in "Bulk Entitlement (Loddon System – Goulburn–Murray Water) Conversion Order 2005".

R is the return to Headworks System equity holders for the year for which the charge is calculated payable to the Loddon Entitlement holder (\$).

- 15.2 The Authority must pay the cost, whether or not its annual supply is restricted in any year.
- 15.3 The method of determining the annual source cost as specified under sub-clause 15.1 shall be adopted, until an alternative method of determining the annual source cost is developed by the Authority and approved by the Minister.

16. WATER ACCOUNTING

- 16.1 For the purpose of determining how much water has been taken by the Authority under its annual entitlement the amounts measured under sub-clause 12.4(a) are conclusive.
- 16.2 If the equipment referred to in sub-clause 12.4(b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 16.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years or such other method of estimation as may be agreed to by the Authority and the Loddon Entitlement holder within the Loddon basin.

17. WATER RESOURCE MANAGEMENT COSTS AND FIXING PROPORTIONS OF COSTS

- 17.1 Subject to sub-clause 19.2 the Authority must pay the Resource Manager the proportion as determined under sub-clause 17.2 of the costs incurred by the Resource Manager in performing the tasks relating to this Order specified in the relevant instrument of appointment.
- 17.2 The proportion of the costs referred to in sub-clause 17.1 will be the same as the ratio of water entitlement held by the Authority specified under clause 7 to the total water entitlement held by the Loddon Entitlement holder specified in Schedule 1 to this Order, unless a different proportion is agreed to between the Authority and the Loddon Entitlement holder.

18. DUTY TO KEEP ACCOUNTS

- 18.1 Separate accounts of all costs and payments must be kept by:
- (a) the Resource Manager in respect to sub-clause 17.1; and
 - (b) the Loddon Entitlement holder in respect to sub-clause 15.1.
- 18.2 The Resource Manager must, by 1 February in any year, provide the Authority with an estimate, in respect of the ensuing year, of the costs referred to in sub-clause 17.1.
- 18.3 The Loddon Entitlement holder must, by 1 February in any year, provide the Authority with an estimate of the annual source cost referred to in sub-clause 15.1 for the ensuing year.
- 18.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

19. DUTY TO MAKE PAYMENTS

- 19.1 Any amounts payable by the Authority under sub-clauses 15.1 and 17.1 must:
- (a) be made in accordance with the usual business practices of the Resource Manager and Loddon Entitlement holder, unless otherwise set by mutual agreement between the Authority and the Resource Manager and the Authority and the Loddon Entitlement holder; and
 - (b) be invoiced to the Authority at least once a year, and, if more often than once a year, in instalments; and
 - (c) be paid in arrears, within 30 days from the end of the month of the Authority receiving the respective invoices, for amounts payable under the sub-clauses 15.1 and 17.1, unless the Authority and the persons to whom the amounts are payable agree on other temporary or permanent arrangements relating to the payment under this clause.
- 19.2 The Authority is not obliged to make any payment to:
- (a) the Resource Manager, under sub-clause 17.1; or
 - (b) the Loddon Entitlement holder under sub-clause 15.1; unless the person to whom the payment is due complies with the provisions of the clause relevant to those payments.

Dated 4 November 2005

JOHN THWAITES
Minister for Water

**SCHEDULE 1: TOTAL ENTITLEMENT VOLUME “E” FOR PURPOSES OF
CALCULATING WATER SUPPLY SOURCE COSTS UNDER SUB-CLAUSE 15.1**

Supply from System waterway	Entitlement Volume (ML)
Licensed diverters – Cairn Curran Dam to Laanecoorie Reservoir	1468.0
Licensed diverters – Tullaroop Dam to Laanecoorie Reservoir	3028.5
Licensed diverters – Laanecoorie Reservoir to Bridgewater	6642.4
Licensed diverters – Bridgewater to Loddon Weir (including Serpentine Ck)	10044.5
D&S, Commercial & non-consumptive licences	512.0
Loddon supplement to Goulburn system	88000.0
East Loddon Waterworks District	1600.0
Coliban Water	820.0
Maryborough	1200.0
Maryborough (carryover)	450.0
Environmental wetland entitlement	2000.0
Total Entitlement Volume “E”	115765.4

**SCHEDULE 2: BULK ENTITLEMENT HELD BY OTHER AUTHORITIES
AS PRIMARY ENTITLEMENTS**

Entitlement Holder	Order
Goulburn–Murray Water	Bulk Entitlement (Loddon System – Goulburn–Murray Water) Conversion Order 2005
Central Highlands Water	Bulk Entitlement (Loddon System – Central Highlands Water – Part Maryborough) Conversion Order 2005
Minister for Environment	Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005

Water Act 1989
BULK ENTITLEMENT
(LODDON RIVER – ENVIRONMENTAL RESERVE) ORDER 2005
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SCHEDULE 4: BULK ENTITLEMENT HELD BY OTHER AUTHORITIES AS PRIMARY ENTITLEMENTS

The Minister, under the provisions of the **Water Act 1989**, makes the following Order:

PART 1 – INTRODUCTORY STATEMENTS

1. CITATION

This Order may be cited as the Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005.

2. EMPOWERING PROVISIONS

This Order is made under section 42 of the **Water Act 1989**.

3. COMMENCEMENT

This Order comes into operation on the day it is published in the Victoria Government Gazette.

4. DEFINITIONS

In this Order –

“**Act**” means the **Water Act 1989**;

“**Authority**” means the Minister administering the **Conservation, Forests and Lands Act 1987**;

“**cap model**” means the water resource allocation computer model used to estimate the Goulburn, Broken and Loddon River basins diversions under the 1993/94 level of development;

“**environmental flow**” means the flows for the purpose of maintaining the in-stream environmental values in the Loddon River system waterway as referred to in Schedule 1;

“**environmental water**” means the water granted under this Order;

“**Environmental Water Manager**” means the person appointed by the Authority to act on the Authority’s behalf in relation to any of the provisions of this entitlement and in accordance with the instrument of appointment;

“**Goulburn–Broken–Loddon (G–B–L) cap**” means the water that would have been diverted under 1993/94 level of development jointly from the Goulburn, Broken and Loddon River basins, as determined each year by the cap model;

“**headworks system**” means

- (a) Cairn Curran Reservoir (Dam), Tullaroop Reservoir (Dam), Laanecoorie Reservoir (Weir) and the associated water supply works and other assets, as shown from time to time in the Asset Register of Goulburn–Murray Water as owner of the storage, and

- (b) the system water way;

“**licence**” means any licence granted under Part 4 of the Act;

“**licensed diverters**” means persons holding licences under Section 51(1)(a) of the Act;

“**Loddon entitlement holder**” means the holder of “Bulk Entitlement (Loddon System – Goulburn–Murray Water) Conversion Order 2005”;

“**Loddon River Basin**” means the area of land previously designated by the Australian Water Resources Council (AWRC) as Basin Number 7 in the Murray Darling Drainage Division of the AWRC Australian Continental Drainage Divisions;

“**Loddon River Basin Water Accounts**” means an annual report, required by the Minister, on compliance by entitlement holders and licensees in the Loddon River Basin with the terms of their bulk entitlements or licences;

“**Loddon System**” means the water supply systems supplied from

- (a) Cairn Curran reservoir,

- (b) Tullaroop reservoir,
- (c) Laanecoorie Weir,
- (d) the inflows to these storages, and
- (e) the flows harvested by the Loddon River and tributaries downstream of the storages;

“**Minister**” means in relation to any provision the Minister administering the **Water Act 1989** or any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under Section 306 of the Act;

“**regulated release**” means any release from Cairn Curran Reservoir, Tullaroop Reservoir and Laanecoorie Reservoir to the immediate downstream river channel excluding releases made by the Storage Operator –

- (a) for construction or maintenance purposes under non-emergency situations; or
- (b) to secure the safety of the headworks system under emergency situations;

“**Resource Manager**” means any person appointed by instrument by the Minister under section 43A(1)(b) of the Act to carry out the functions of Resource Manager in accordance with the terms and conditions specified in the relevant instrument of appointment;

“**SI**” means Australian streamflow gauging station index number;

“**Storage Operator**” means any person appointed by instrument by the Minister under section 43A(1)(a) of the Act to carry out the functions of Storage Operator in accordance with the terms and conditions specified in the relevant instrument of appointment;

“**system waterway**” means the Loddon River downstream of Cairn Curran dam, including the pool formed immediately upstream of the dam, Tullaroop Creek downstream of Tullaroop dam including the pool formed immediately upstream of the dam, Loddon River downstream of Laanecoorie diversion weir down to Kerang Weir, including all the weir pools;

“**this Order**” means the “Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005”, unless otherwise specified;

“**year**” means the 12 months commencing 1 July.

PART 2 – ENTITLEMENT

5. GRANTING OF A BULK ENTITLEMENT

This Order specifies the Authority’s water entitlement for the environment and sets out the conditions and obligations under which this Order is made.

6. BULK ENTITLEMENT

The Authority is entitled to:

- (a) the environmental flows in the system waterway specified in Schedule 1 to this Order; and
- (b) take water from the system waterway to provide the wetland entitlement specified in Schedule 3 to this Order; and
- (c) all other surface water resources in the system waterway except for –
 - (i) the water that has been allocated under the bulk entitlements listed in Schedule 4 to this Order; and
 - (ii) any water taken by persons issued with licences under section 51(1)(a) of the Act; and

(iii) any water taken by persons under section 8(1) of the Act, for the purpose of maintaining the in-stream environmental values in the Loddon River Basin and other water services dependent on the environmental condition of the Loddon River and its tributaries.

PART 3 – GENERAL CONDITIONS AND PROVISIONS

7. ENVIRONMENTAL WATER MANAGER

The Authority may appoint an Environmental Water Manager to act on the Authority's behalf in relation to any of the provisions of this entitlement and in accordance with the instrument of appointment.

8. OPERATING ARRANGEMENTS

8.1 The Authority in conjunction with the Storage Operator and the other entitlement holders specified in Schedule 4 to this Order must endeavour to agree on operating arrangements within 12 months from the date this Order is made, for the supply of water from the Loddon system for meeting the environmental flows specified in Schedule 1 and the wetland entitlement specified in Schedule 3 to this Order. Such arrangements must endeavour to ensure complementarity of water use and meet the requirements specified in Schedule 2 to this Order.

8.2 If an agreement on operational arrangements has not been reached within the time specified in sub-clause 8.1, one or more of the parties involved under sub-clause 8.1 may give written notice to the other party or parties involved in endeavouring to agree on operational arrangements, requiring the matter to be determined by an independent expert. If such notice is given, the party giving the notice must refer the matter to the independent expert and the independent expert must determine the matter in accordance with clauses 10.4 to 10.6, 10.8 and 10.9.

8.3 If the Authority, the Storage Operator and the other entitlement holders specified in Schedule 4 to this Order agree that a change is necessary to the operating arrangements, then they may jointly propose to the Minister an appropriate change to those arrangements.

8.4 A proposal under sub-clause 8.3 must set out the:

- (a) objectives of, and reasons for, the proposed change; and
- (b) results of an assessment of the impacts of the proposed change on the supplies to the other bulk entitlement holders specified in Schedule 4 to this Order.

8.5 The Minister may:

- (a) approve the change to the operating arrangements proposed under sub-clause 8.3; or
- (b) require the Authority, the Storage Operator and the other entitlement holders specified in Schedule 4 to this Order to amend the proposed changes to the operating arrangements and submit a revised proposal for consideration in accordance with this clause 8.5; or
- (c) not approve the proposed changes.

8.6 Subject to clause 6, the Authority must not direct the Storage Operator to release more water from all or any of Cairn Curran Reservoir, the Tullaroop Reservoir or the Laanecoorie Reservoir than is required to meet the Authority's commitment to maintain the environmental flows specified in Schedule 1.

9. AMENDMENT TO THIS ORDER

9.1 The Authority may at any time, request in writing to the Minister, seeking to amend any provision of this Order.

- 9.2 A request under sub-clause 9.1 must set out:
- (a) the reasons for seeking the amendment;
 - (b) the proposed amendment;
 - (c) the effect, if any, on the other bulk entitlement holders specified in Schedule 4 to this Order.
- 9.3 The Minister may:
- (a) approve part or all of any application under sub-clause 9.1; or
 - (b) require the Authority to –
 - (i) provide further information; and
 - (ii) re-submit the application in a different form; or
 - (c) not approve the application.

10. DISPUTE RESOLUTION

- 10.1 If a difference or dispute arises between the Authority, the Minister, the other entitlement holders specified in Schedule 4 to this Order, the Storage Operator and the Resource Manager, or any of them (the “parties”), concerning the interpretation or application of this Order, a party may:
- (a) give written notice to another party requiring the matter to be determined by an independent expert; and
 - (b) refer the matter to the independent expert.
- 10.2 The notice requiring that the matter be determined by independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 10.3 The other entitlement holders specified in Schedule 4 to this Order, the Storage Operator and the Resource Manager will only be subject to the resolution procedure set out in this clause if they consent to the procedure.
- 10.4 The independent expert will be either:
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 10.5 The independent expert must endeavour to reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 10.6 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 10.7 In any difference or dispute to which the Minister is a party:
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.
- 10.8 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 10.9 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

11. HEADWORKS COSTS

The Authority does not have to make any payment for headworks costs relating to this Order.

12. DELIVERY COSTS

The Authority is required to pay for the delivery costs relating to supplying the wetland water entitlement specified under sub-clause 6(b) as follows:

- (a) If the Environmental Water Manager requires water to be delivered when –
 - (i) the distribution system is running at full capacity, the Authority will pay the Loddon entitlement holder a charge equivalent to that entitlement holder's prevailing irrigation distribution charges; or
 - (ii) there is spare capacity within the distribution system, the Authority will pay the Loddon entitlement holder on the basis of that entitlement holder's prevailing delivery tariff in supplying the service; and
- (b) There will be no charge to the Authority where natural waterways are used as part of the distribution system.

13. RESOURCE MANAGER

The Authority is exempt from making any payment for costs incurred by the Resource Manager to:

- (a) prepare the Loddon River Basin Water Accounts;
- (b) report on whether entitlement holders in the Loddon River Basin comply with the conditions of their bulk entitlements;
- (c) report on disputes between entitlement holders in the Loddon River Basin;
- (d) report on significant unauthorised uses of water in the Loddon River Basin; and
- (e) co-ordinate the process for application to the Minister to qualify any rights to water during periods of declared water shortage under Section 13 of the Act and appropriate implementation.

PART 4 – DEMONSTRATING COMPLIANCE**14. METERING AND MONITORING ARRANGEMENTS**

The Authority and the Storage Operator must, within 12 months from the date this Order is made, set in place appropriate metering and monitoring arrangements to demonstrate compliance with this Order and meet the reporting requirements specified in clause 15.

15. REPORTING REQUIREMENTS

- 15.1 The Minister may require the Authority to report on all or any of the following matters:
 - (a) the daily environmental flows specified in Schedule 1 to this Order at any or all of the monitoring points specified in Schedule 2 to this Order;
 - (b) the annual volume of wetland entitlement water taken under this entitlement specified in Schedule 3 to this Order;
 - (c) the location of any new monitoring point or points agreed under clause 14 and the flow or amount of water taken at that point;
 - (d) any bulk entitlement, licence or water right, partially or fully, temporarily or permanently transferred to the Authority;
 - (e) any amendment to this Order;
 - (f) any new bulk entitlement granted to the Authority in respect of the headworks system;
 - (g) any failure by the Authority to comply with any provision of this Order;

- (h) any existing or anticipated difficulties experienced by the Authority in complying with this Order and any remedial action taken or proposed.
- 15.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 15.1:
 - (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 15.3 The Authority must, for the period of the preceding year, report on all or any of the matters set out in sub-clause 15.1 except paragraph 15.1(a).
- 15.4 The Resource Manager may require the Authority to report from time to time, on all or any of the matters set out in sub-clause 15.1.
- 15.5 Any report under sub-clause 15.4 must be made:
 - (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
 - (b) unless the Authority and the person agree otherwise within 24 hours of the Authority receiving a request for a report on any matter.

16. DATA

- 16.1 The Minister will use the his or her best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.
- 16.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of the reporting requirement under sub-clause 15.1 subject to the person paying any fair and reasonable access fee, that the Authority may charge, to cover the costs of making the data available.

PART 5 – FURTHER WORK

17. NATURAL FLOW CALCULATIONS

- 17.1 The Authority and the Storage Operator may review the natural flow estimation methodology proposed in clause 1 of Schedule 2 to this Order and if they become aware of a methodology that would improve the natural flows and loss estimates, then they must submit a written proposal to the Minister describing the improved methodology.
- 17.2 The Minister may, in response to a proposal made under sub-clause 17.1:
 - (a) approve the proposal; or
 - (b) require the Authority and/or the Storage Operator to provide further information to enable the Minister to assess the proposal;
 - (c) subject to paragraph 17.2(b), make recommendations as to how the proposed methodology could be improved and require the Authority and the Storage Operator to resubmit a revised proposal incorporating the recommendations for approval in accordance with this sub-clause 17.2; or
 - (d) reject the proposal.
- 17.3 The Minister will use his or her best endeavours to respond to a proposal submitted under sub-clause 17.1 within 90 days of receiving that proposal.

18. RIVER LOSS ASSESSMENT AND WATER SAVINGS

- 18.1 The Authority must, within five years from the date of this Order being made, develop and implement appropriate actions to review the flow loss estimation methodology specified in clause 2 of Schedule 2 to this Order for the Loddon River between Loddon Weir and Kerang Weir.

- 18.2 The Authority must provide reasonable assistance to the Loddon entitlement holder in the development of feasible options to utilise the:
- (a) water savings to the Goulburn–Loddon system arising from the implementation of the Wimmera Mallee Pipeline Scheme; and
 - (b) water recovered from the Loddon River Basin for the implementation of the Living Murray Initiative,
- to enhance the environmental water reserve in the Loddon River basin.

Dated 4 November 2005

JOHN THWAITES
Minister for Water

SCHEDULE 1: ENVIRONMENTAL FLOWS

The Authority, subject to clauses 6, 8 and 14 and the operational requirements specified in Schedule 2 to this Order, is entitled to the following environmental flows in:

1. LODDON RIVER BETWEEN CAIRN CURRAN DAM AND LAANECOORIE RESERVOIR

1.1 Minimum flow during the months of:

- (a) November to April inclusive, 20 ML per day shall be provided, subject to sub-clause 6.1 of this Schedule; and
- (b) May to October inclusive, if the combined storage volume in Cairn Curran and Tullaroop reservoirs is:
 - (i) greater than 60,000 ML, 35 ML per day shall be provided, and any flow applicable under the environmental minimum flow deficit volume reimbursement rule specified in paragraph 5.3(b) of Schedule 2 to this Order; or
 - (ii) less than or equal to 60,000 ML, 20 ML per day shall be provided, subject to the environmental minimum flow deficit volume calculation specified in paragraph 5.3(a) of Schedule 2 to this Order;

subject to sub-clause 6.1 of this Schedule and clause 6 of Schedule 2 to this Order.

1.2 River freshening flow of 35 ML per day for a duration of 7 consecutive days inclusive of the minimum flow specified under paragraph 1.1(a) of this Schedule. Three such flows shall be provided during the months of November to April inclusive, subject to sub-clause 6.2 of this Schedule and subject to the additional conditions set out in sub-clause 4.1 of Schedule 2 to this Order.

2. TULLAROOP CREEK BETWEEN TULLAROOP DAM AND LAANECOORIE RESERVOIR

2.1 Minimum flow of 10 ML per day shall be provided all year, subject to sub-clause 6.1 of this Schedule and clause 6 of Schedule 2 to this Order.

2.2 River freshening flow of 13.5 ML per day for a duration of 7 consecutive days inclusive of the minimum flow specified under sub-clause 2.1 of this Order. Four such flows shall be provided during the months of November to April inclusive, subject to sub-clause 6.2 of this Schedule and subject to the additional conditions set out in sub-clause 4.2 of Schedule 2 to this Order.

3. LODDON RIVER BETWEEN LAANECOORIE WEIR AND SERPENTINE WEIR

3.1 Minimum flow during the months of:

- (a) November to July inclusive, 15 ML per day shall be provided, subject to sub-clause 6.1 of this Schedule; and
- (b) August to October inclusive if the combined storage volume in Cairn Curran and Tullaroop reservoirs is:
 - (i) greater than 60,000 ML, 52 ML per day shall be provided, and any flow applicable under the environmental minimum flow deficit volume reimbursement rule specified in paragraph 5.3(b) of Schedule 2 to this Order; or
 - (ii) less than or equal to 60,000 ML, 15 ML per day shall be provided, subject to the environmental minimum flow deficit volume calculation specified in paragraph 5.3(a) of Schedule 2 to this Order;

subject to sub-clause 6.1 of this Schedule and clause 6 of Schedule 2 to this Order.

- 3.2 River freshening flow of 52 ML per day for a duration of 13 consecutive days inclusive of the minimum flow specified under paragraph 3.1(a) above. Three such flows shall be provided during the months of November to April inclusive, subject to sub-clause 6.2 of this Schedule and the additional conditions set out in sub-clause 4.3 of Schedule 2 to this Order.

4. LODDON RIVER BETWEEN SERPENTINE WEIR AND LODDON WEIR

- 4.1 Minimum flow during the months of:
- (a) November to April inclusive, 19 ML per day shall be provided, subject to sub-clause 6.1 of this Schedule; and
 - (b) May to October inclusive if the combined storage volume in Cairn Curran and Tullaroop reservoirs is:
 - (i) greater than 60,000 ML, 61 ML per day shall be provided, and any flow applicable under the environmental minimum flow deficit volume reimbursement rule specified in paragraph 5.3(b) of Schedule 2 to this Order; or
 - (ii) less than or equal to 60,000 ML, 19 ML per day shall be provided, subject to the environmental minimum flow deficit volume calculation specified in paragraph 5.3(a) of Schedule 2 to this Order;subject to sub-clause 6.1 of this Schedule and clause 6 of Schedule 2 to this Order.
- 4.2 River freshening flow of 61 ML per day for a duration of 11 consecutive days inclusive of the minimum flow specified under paragraph 4.1(a) of this Schedule. Three such flows shall be provided during the months of November to April inclusive, subject to sub-clause 6.2 of this Schedule and the additional conditions set out in sub-clause 4.4 of Schedule 2 to this Order.

5. LODDON RIVER BETWEEN LODDON WEIR AND KERANG WEIR

- 5.1 Minimum flow during the months of:
- (a) November to April inclusive shall, as far as possible, be varied over a cyclical two week period so as to rise from 7 ML per day to 12 ML per day over one week followed by a fall from 12 ML per day to 7 ML per day during the next consecutive week, subject to these flows being increased by an amount equal to the loss estimated under clause 2 in Schedule 2 to this Order; and
 - (b) May to October inclusive if the combined storage volume in Cairn Curran and Tullaroop reservoirs is:
 - (i) greater than 60,000 ML, 61 ML per day plus a flow equal to the loss estimated under clause 2 in Schedule 2 to this Order shall be provided, and any flow applicable under the environmental minimum flow deficit volume reimbursement rule specified in paragraph 5.3(b) of Schedule 2 to this Order; or
 - (ii) less than or equal to 60,000 ML, 10 ML per day plus a flow equal to the loss estimated under clause 2 in Schedule 2 to this Order shall be provided, subject to the environmental minimum flow deficit volume calculation specified paragraph 5.3(a) of Schedule 2 to this Order.subject to clause 6 of Schedule 2 to this Order.
- 5.2 River freshening flow of 50 ML per day plus a flow equal to the loss estimated under clause 2 in Schedule 2 to this Order, for a duration of 14 consecutive days,

shall be provided during the months of January and February, inclusive of the minimum flow specified under paragraph 5.1(a) of this Order. This is subject to the additional conditions set out in sub-clause 4.5 of Schedule 2 to this Order.

6. NATURAL FLOW PROVISION

- 6.1 If natural flow emanating from all of the catchment upstream of the relevant monitoring point as calculated using the procedure specified in clause 1 Schedule 2 to this Order is lower than the specified flow, the calculated flow shall be provided as the minimum flow.
- 6.2 If natural flow emanating from all of the catchment upstream of the relevant monitoring point as calculated using the procedure specified in clause 1 Schedule 2 to this Order is lower than the specified flow, then the river freshening flows need not be provided.

SCHEDULE 2: OPERATIONAL REQUIREMENTS

1. NATURAL FLOW CALCULATION PROCEDURE AT EACH SITE LISTED IN SCHEDULE 1

Until the Minister approves alternative methods of estimating natural flow that may be proposed under clause 17 of this Order, the following method must be adopted for calculating the natural flows:

Estimate of natural flow in:

- 1.1 Loddon River between Cairn Curran dam and Laanecoorie Weir at the monitoring point specified in sub-clause 3.1 in this Schedule:

$$Q_{\text{nat CC}} = 1.156*(Q_{407215} + Q_{407230} + Q_{407239})$$

where Q_{xxxxxx} is the gauged flow at Station Index Number xxxxxx.

- 1.2 Tullaroop Creek between Tullaroop dam and Laanecoorie Weir at the monitoring point specified in sub-clause 3.2 in this Schedule:

$$Q_{\text{nat Tul}} = 1.155*(Q_{407222})$$

- 1.3 Loddon River between Laanecoorie Weir and Serpentine Weir at the monitoring point specified in sub-clause 3.3 in this Schedule:

$$Q_{\text{nat Laan}} = \frac{\{1.1*Q_{\text{nat CC}} + 1.2*(1.1*Q_{\text{nat Tul}} + Q_{407213}) + 1.1*Q_{407211}\}}{(100 - \text{loss}_{\%u/s\text{Laan}})/100}$$

where

$$\text{loss}_{\%u/s\text{Laan}} = \frac{13.25*((1.1*Q_{\text{nat CC}} + 1.2*(1.1*Q_{\text{nat Tul}} + Q_{407213}) + 1.1*Q_{407211})*30.4)^{-0.61541}}{100}$$
 expressed as a percentage.

- 1.4 Loddon River between Serpentine Weir and Loddon Weir at the monitoring point specified in sub-clause 3.4 in this Schedule:

$$Q_{\text{nat Serp}} = Q_{\text{nat Laan}} * (100 - \text{loss}_{\%u/s\text{Serp}})/100$$

where

$$\text{loss}_{\%u/s\text{Serp}} = \text{the lower of } [\{0.75525 - 0.065666*\ln(Q_{\text{nat Laan}} * 30.4)\}] \text{ expressed as a percentage or 40\%}.$$

2. LOSS CALCULATION BETWEEN LODDON WEIR AND KERANG WEIR

Until the Minister approves a proposal to implement an improved natural flow estimation methodology in accordance with clause 17, the following method must be adopted to estimate the loss:

$$Q_{\text{loss}} = Q_{\text{Lod Weir}} * (\text{loss}_{\text{lod-ker weir}}/100)$$

where

$$\text{loss}_{\text{lod-ker weir}} = \text{the lower of } [\{0.75525 - 0.065666*\ln(Q_{\text{Lod Weir}} * 30.4)\}] \text{ expressed as a percentage or 40\%}.$$

3. ENVIRONMENTAL FLOWS MONITORING POINT FOR EACH SITE LISTED IN SCHEDULE 1

The environmental flows for the various reaches of the Loddon River and Tullaroop Creek specified in Schedule 1 to this Order, must be measured at the following stream gauging stations:

- 3.1 Loddon River between Cairn Curran dam and Laanecoorie Reservoir:
downstream Cairn Curran dam – SI 407210
- 3.2 Tullaroop Creek between Tullaroop dam and Laanecoorie Reservoir:
downstream Tullaroop dam – SI 407248 (outlet measuring weir if Tullaroop Reservoir not spilling) and SI 407244 (head gauge if Tullaroop Reservoir is spilling)
- 3.3 Loddon River between Laanecoorie Weir and Serpentine Weir:
downstream Laanecoorie Weir – SI 407203
- 3.4 Loddon River between Serpentine Weir and Loddon Weir:
downstream Serpentine Weir – SI 407229
- 3.5 Loddon River between Loddon Weir and Kerang Weir:
downstream Loddon Weir – SI 407224

4. ALLOWABLE RATES OF RISE AND FALL OF RIVER FRESHENING FLOWS

In providing the river freshening flows specified in Schedule 1 to this Order, the following maximum rates of rise and fall in flows (expressed as a percentage of the previous day's flow) must be adopted at various environmental minimum flow monitoring sites on the Loddon River and Tullaroop Creek:

- 4.1 In the Loddon River between Cairn Curran dam and Laanecoorie Reservoir:
The reduction in mean daily flow at the monitoring point specified in sub-clause 3.1 in this Schedule, should be no greater than 71% of the previous day's mean daily flow and the increase should be no greater than 204% of the previous day's mean daily flow; and
- 4.2 In Tullaroop Creek between Tullaroop dam and Laanecoorie Reservoir:
The reduction in mean daily flow at the monitoring point specified in sub-clause 3.2 in this Schedule, should be no greater than 75% of the previous day's mean daily flow and the increase should be no greater than 185% of the previous day's mean daily flow; and
- 4.3 In the Loddon River between Laanecoorie dam and Serpentine Weir:
The reduction in mean daily flow measured at the monitoring point specified in sub-clause 3.3 in this Schedule, should be no greater than 74% of the previous day's mean daily flow and the increase should be no greater than 180% of the previous day's mean daily flow; and
- 4.4 In the Loddon River between Serpentine Weir and Loddon Weir:
The reduction in mean daily flow measured at the monitoring point specified in sub-clause 3.4 in this Schedule, should be no greater than 76% of the previous day's mean daily flow and the increase should be no greater than 164% of the previous day's mean daily flow; and
- 4.5 In the Loddon River between Loddon Weir and Kerang Weir: :
The reduction in mean daily flow measured at the monitoring point specified in sub-clause 3.5 in this schedule, should be no greater than 72% of the previous day's mean daily flow and the increase should be no greater than 186% of the previous day's mean daily flow.

5. ACCOUNTING PROCEDURE FOR RIVER FRESHENING FLOWS AND ENVIRONMENTAL MINIMUM FLOW DEFICITS

5.1 River Freshening Water for Tullaroop Creek

A water account will be held in Tullaroop Reservoir to account for the river freshening flows specified for Tullaroop Creek in sub-clause 2.2 of Schedule 1 to this Order. A volume of 98 ML will be credited to this account on 1 November each year. The Environmental Water Manager may request the Storage Operator to provide this water from storage as required. The account will be set to zero at the end of April each year regardless of whether or not the Environmental Water Manager utilises this volume of water.

5.2 River Freshening Water for Loddon River

A water account will be held in Cairn Curran Reservoir to account for river freshening flows specified for the Loddon River in sub-clauses 1.2, 3.2, 4.2 and 5.2 in Schedule 1 to this Order. Subject to a better estimate of the volume of water required to be maintained in Cairn Curran Reservoir for river freshening purposes for the period December to April inclusive, a volume of 567 ML plus an allowance for flow losses in the Loddon River downstream of Loddon Weir as determined in accordance with clause 2 of this Schedule will be credited to this account on 1 November each year. The Environmental Water Manager may request the Storage Operator to provide this water from storage as required. The account will be set to zero at the end of April each year regardless of whether or not the Environmental Water Manager utilises this volume of water. The Storage Operator must not harvest the flows provided for river freshening, and must pass a volume equal to the volume requested by the Environmental Water Manager for river freshening past Loddon Weir, with timing variations as agreed with the Environmental Water Manager.

5.3 Deficit and Reimbursement Account

A further water account will be held in Cairn Curran Reservoir to reimburse the accrued deficits of environmental minimum flows in the Loddon River, and will be operated generally as follows:

(a) Environmental Minimum Flow Deficit Volume Calculation:

- (i) Environmental minimum flow deficit will commence to accrue during May to October whenever the environmental minimum flows are reduced as specified under each of the four sub-paragraphs 1.1(b)(ii), 3.1(b)(ii), 4.1(b)(ii) and 5.1(b)(ii) in Schedule 1 to this Order;
- (ii) The environmental minimum flow deficit accrued at any time for all of the four Loddon River reaches referred to in Schedule 1 to this Order, will be calculated as the cumulative difference between the volume that would have been released from Cairn Curran under each of the four sub-paragraphs 1.1(b)(i), 3.1(b)(i), 4.1(b)(i) and 5.1(b)(i) in Schedule 1 to this Order and the actual release from Cairn Curran for instream flows, less the reimbursement flow specified in paragraph 5.3(b) and less the flows resulting from spills from Cairn Curran and / or Tullaroop reservoirs;
- (iii) The environmental minimum flow deficit accrued at any time under sub-paragraph 5.3(a)(ii) in this Schedule is limited to 20,000 ML.

- (b) Environmental Minimum Flow Deficit Volume Reimbursement Rule:
- (i) Reimbursement of the environmental minimum flow deficit volume accrued shall commence whenever the combined storage volume in Cairn Curran and Tullaroop reservoirs is greater than 80,000 ML and shall cease when the combined storage volume in Cairn Curran and Tullaroop reservoirs recedes to less than or equal to 80,000 ML;
 - (ii) The rate and timing of reimbursement of the environmental minimum flow deficit volume shall be determined by the Environmental Water Manager in consultation with the Storage Operator.

5.4 Review and Amendment of Accounting Details

Should any of the procedures set out in this clause have scope for improvement or be found to be not practical, the Authority in consultation with the Storage Operator, must co-operate in good faith to develop an appropriate alternate procedure or procedures to replace them, with the overriding intent of implementing the provisions of this Order as accurately as possible.

6. OPERATIONAL TOLERANCES FOR MEETING ENVIRONMENTAL MINIMUM FLOWS

The following operational arrangements and tolerances apply for meeting the environmental minimum flows specified in Schedule 1:

- (a) the Authority must with reasonable endeavour provide an average flow on any day of not less than 75% of the specified environmental minimum flow; and
- (b) the average daily flow over any continuous 14 day period is not to be less than the specified environmental minimum flow.

SCHEDULE 3: WETLAND ENTITLEMENT

1. WETLAND ENTITLEMENT ANNUAL VOLUMES

Subject to clause 2 of this Schedule, the total wetlands entitlement as specified in the following table shall be used to maximise the flora and fauna values within the Boort District Wetlands and supplied to wetlands on the principle of environmental water to the highest environmental use:

SOURCE	SUPPLIES	TOTAL WETLANDS ENTITLEMENT VOLUME (ML/annum)	FLOW MONITORING POINTS
Loddon River	Lake Meran, Little Lake Meran, Lake Boort, Lake Yando, Lake Leaghur or other priority wetlands in this region as opted by the Environmental Water Manager	2000 including delivery losses incurred beyond the monitoring points	At respective offtake regulators to receiving wetlands.

2. INTERIM SUPPLIES FOR LITTLE LAKE BOORT

In the interim period between the date that this Order is made and until such date as the water savings from the Wimmera–Mallee Pipeline Project are realised, up to an annual volume of 300 ML of the total wetland entitlement specified in clause 1 of this Schedule may be used to supply Little Lake Boort.

3. WETLAND ENTITLEMENT SUPPLY RULES

- 3.1 The wetland water under this bulk entitlement shall be supplied only when there is spare channel capacity available after meeting all the consumptive demands supplied from the system waterway.
- 3.2 The annual supplies to meet the wetland entitlement will be deemed to be a diversion under the Goulburn–Broken–Loddon cap and is not tradeable.

4. SUPPLY RESTRICTIONS ON WETLAND ENTITLEMENT

Subject to clause 3 of this Schedule:

- 4.1 Where the Loddon entitlement holder is able to allocate the full licence volume or more to its licensed diverters, then the Authority is entitled to the full wetland entitlement specified in clause 1 of this Schedule.
- 4.2 Where the Loddon entitlement holder is unable to allocate the full licence volume to its licensed diverters, then the Authority is entitled to the same percentage of allocation as that applicable to the Loddon entitlement holder's licensed diverters.

5. WETLAND ENTITLEMENT CARRYOVER

Subject to clauses 3 and 4 of this Schedule, the Authority:

- 5.1 May carryover any wetland entitlement allocated under clause 4 of this Schedule or this Schedule and not used in that year to subsequent years up to a maximum accumulated carryover volume of 100% of the wetland entitlement specified in clause 1 of this Schedule.
- 5.2 Is not entitled to call on any carryover water that it may have accrued when the wetland allocation is less than 100% of the wetland entitlement specified in clause 1 of this Schedule.
- 5.3 Will forfeit any carryover water that it may have accrued when either Cairn Curran Reservoir or Tullaroop Reservoir spills.

6. MANAGING THE WETLAND ENTITLEMENT CARRYOVER ACCOUNT

The Environmental Water Manager in consultation with the Storage Operator must formalise an accounting system for the management of the wetland entitlement carryover.

**SCHEDULE 4: BULK ENTITLEMENT HELD BY OTHER AUTHORITIES
AS PRIMARY ENTITLEMENTS**

Entitlement Holder	Order
Goulburn–Murray Water	Bulk Entitlement (Loddon System – Goulburn–Murray Water) Conversion Order 2005
Coliban Water	Bulk Entitlement (Loddon System – Coliban Water) Conversion Order 2005
Central Highlands	Bulk Entitlement (Loddon System – Central Highlands Water – Part Maryborough) Conversion Order 2005

Water Act 1989
BULK ENTITLEMENT
(LODDON SYSTEM – PART MARYBOROUGH – CENTRAL HIGHLANDS WATER)
CONVERSION ORDER 2005

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SCHEDULE 1: TOTAL ENTITLEMENT VOLUME “E” FOR PURPOSES OF CALCULATING WATER SUPPLY SOURCE COSTS UNDER SUB-CLAUSE 16.1

SCHEDULE 2: BULK ENTITLEMENT HELD BY OTHER AUTHORITIES AS PRIMARY ENTITLEMENTS

I, John Thwaites, under the provisions of the **Water Act 1989**, make the following Order:

PART 1 – INTRODUCTORY STATEMENTS

1. CITATION

This Order may be cited as the Bulk Entitlement (Loddon System – Part Maryborough – Central Highlands Water) Conversion Order 2005.

2. EMPOWERING PROVISIONS

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. COMMENCEMENT

This Order comes into operation on the day published in the Government Gazette.

4. DEFINITIONS

In this Order –

“**Act**” means the **Water Act 1989**;

“**AHD**” means the Australian Height Datum;

“**Authority**” means the Central Highlands Water Authority;

“**distribution system**” means the channels, pipes and other works, and the natural or modified waterways which are used to transport water from the headworks system to primary entitlement holders;

“**entitlement holder**” means a person or water agency holding a bulk entitlement under the Act;

“**headworks system**” means –

- (a) Cairn Curran Reservoir (Dam), Tullaroop Reservoir (Dam), Laanecoorie Reservoir (Weir) and the associated water supply works and other assets, as shown from time to time in the Asset Register of Goulburn–Murray Water as owner of the storage, and
- (b) the system waterway;

“**licence**” means any licence granted under Part 4 of the Act;

“**licensed diverters**” means persons holding licences under Section 51(1)(a) of the Act;

“**Loddon Basin**” means the area of land previously designated by the Australian Water Resources Council (AWRC) as Basin Number 7 in the Murray Darling Drainage Division of the AWRC Australian Continental Drainage Divisions;

“**Loddon Basin Water Accounts**” means an annual report, required by the Minister, on compliance by entitlement holders and licensees, in the Loddon Basin, with the terms of their bulk entitlements or licences;

“**Loddon entitlement holder**” means the holder of “Bulk Entitlement (Loddon System – Goulburn–Murray Water) Conversion Order 2005”;

“**Loddon System**” means the water supply systems supplied from

- (a) Cairn Curran reservoir,
- (b) Tullaroop reservoir,
- (c) Laanecoorie Weir,
- (d) the inflows to these storages, and
- (e) the flows harvested by the Loddon River and tributaries downstream of the storages;

“**Minister**” means in relation to any provision the Minister administering the **Water Act 1989** or, any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under Section 306 of the Act;

“Resource Manager” means any person appointed by Instrument by the Minister under section 43A(1)(b) of the Act to carry out the functions of Resource Manager in accordance with the terms and conditions specified in the Instrument of Appointment;

“specified point” means the flow measuring point at Central Highlands Water’s Tullaroop pump station to supply Maryborough;

“source cost” means the total annual cost to –

- (a) operate, maintain and administer; and
- (b) make releases from; and
- (c) keep an account of the water available to the entitlement holders at any one time of; and
- (d) meet the finance charges including repayment of principal, calculated by reference to the weighted average cost of borrowing (based on internal Treasury arrangements and externally borrowed funds) associated with any new or replacement works undertaken on; and
- (e) make an appropriate allowance for asset consumption, using the renewal annuity approach or other asset consumption methodology directed by the Minister to apply to the authorities, associated with; and
- (f) assist in managing the catchment for water supply purposes to protect the quality of water diverted to, stored in and delivered from; and
- (g) contribute to the cost of salinity mitigation schemes along the River Murray operated by Victoria, commensurate with the extent to which entitlement holders in the Loddon basin rather than other water users in Victoria generate a need for these schemes; and
- (h) manage the stream gauging stations necessary to operate; and
- (i) implement the program to manage the environmental effects of, the components of the headworks system;

“Storage Operator” means any person appointed by Instrument by the Minister under section 43A(1)(a) of the Act to carry out the functions of Storage Operator in accordance with the terms and conditions specified in the Instrument of Appointment;

“system waterway” means the Loddon River downstream of Cairn Curran dam, including the pool formed immediately upstream of the dam, Tullaroop Creek downstream of Tullaroop dam including the pool formed immediately upstream of the dam, Loddon River downstream of Laanecoore diversion weir down to Kerang Weir, including all the weir pools;

“this Order” means this “Bulk Entitlement (Loddon System – Part Maryborough – Central Highlands Water) Conversion Order 2005”, unless otherwise specified;

“year” means the 12 months commencing 1 July.

5. WATER FOR THE ENVIRONMENT

The Minister administering the **Conservation, Forests and Lands Act 1987** is entitled to water as specified in Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005, to maintain the environmental values of the Loddon River and other water services dependent on the environmental condition of the Loddon River and its tributaries.

PART 2 – ENTITLEMENT

6. CONVERSION TO BULK ENTITLEMENTS

All of the Authority’s entitlement to water from the system waterway is converted to a bulk entitlement on the specified matters and conditions set out in this Order.

7. BULK ENTITLEMENT

The Authority is entitled to an annual volume of 1200 ML at a rate not exceeding 12 ML per day from Tullaroop Reservoir in order to supply the town of Maryborough, being the measured annual flow at the specified point defined under clause 4, subject to the carryover provision and rules in clause 8 and the restriction policy specified under clause 9.

8. LIMIT ON CARRYOVER WATER

The Authority may carryover water into the following years up to 900 ML accumulated from unused volumes of water from previous years remaining from its entitlement specified in clause 7.

9. RESTRICTION OF SUPPLY

9.1 In August and in each subsequent month, the Loddon Entitlement holder must decide whether to restrict this bulk entitlement in that year.

9.2 Whenever the seasonal allocation for the licensed diverters determined by the Loddon Entitlement holder drops below 100 per cent licence volume then the Loddon Entitlement holder may restrict the Authority's entitlement in accordance with the following formula:

$$\begin{aligned} R &= 0.5*A && \text{if } S \leq 0.5 \\ &= S*A && \text{if } 0.5 < S < 1.0 \\ &= A && \text{if } S \geq 1.0 \end{aligned}$$

where –

R = the Authority's restricted annual entitlement (ML) for supplying primary entitlements specified under clause 7.

A = the Authority's annual entitlement (ML) specified under sub-clause 7.

S = the seasonal allocation for the Loddon licence holders determined by the Loddon Entitlement holder expressed as a decimal fraction.

9.3 In any year if this bulk entitlement continues to be restricted in May, unless otherwise determined by the Loddon Entitlement holder, the same extent of restrictions shall apply in the following month of June. The permissible water use in July shall be set to 50 per cent of the annual entitlement specified under sub-clause 7.

9.4 In any year the Loddon Entitlement holder must review the restriction and revoke the restriction for the remainder of the year whenever S equals or exceeds 100% licence volume.

9.5 The Authority's annual entitlement cannot be restricted in any year unless the Loddon Entitlement holder advises the Authority in writing within 14 days of a decision to restrict the entitlement under sub-clauses 9.1 and 9.2.

9.6 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed under sub-clause 9.2.

PART 3 – GENERAL CONDITIONS AND PROVISIONS**10. OPERATING ARRANGEMENTS**

10.1 The Authority in conjunction with the Storage Operator and the other entitlement holders specified in Schedule 2 to this Order, must endeavour to agree on operating arrangements within 12 months from the date this Order is made, for the supply of water under this entitlement. Such arrangements must endeavour to ensure complementarity of water use.

10.2 If an agreement on operating arrangements has not been reached within the time specified in sub-clause 10.1, one or more of the parties involved under sub-clause 10.1 may give written notice to the other party or parties involved in endeavouring

to agree on operating arrangements, requiring the matter to be determined by an independent expert. If such notice is given, the party giving the notice must refer the matter to the independent expert and the independent expert must determine the matter in accordance with clauses 12.4 to 12.6, 12.8 and 12.9.

10.3 If the Authority, the Storage Operator and the other entitlement holders specified in Schedule 2 to this Order agree that a change is necessary to the operating arrangements, then they may jointly propose to the Minister an appropriate change to those arrangements.

10.4 A proposal under sub-clause 10.3 must set out the:

- (a) objectives of, and reasons for, the proposed change; and
- (b) results of an assessment of the impacts of the proposed change on the supplies to the other bulk entitlement holders specified in Schedule 2 to this Order.

10.5 The Minister may:

- (a) approve the change to the operating arrangements proposed under sub-clause 10.3; or
- (b) require the Authority, the Storage Operator and the other entitlement holders specified in Schedule 2 to this Order to amend the proposed changes to the operating arrangements and submit a revised proposal for consideration in accordance with this clause; or
- (c) not approve the proposed changes.

11. GRANTING WATER CREDITS

11.1 On the application of the Authority, the Minister may grant the Authority credit for any water:

- (a) taken from the system waterway and returned to the system waterway; and/or
 - (b) delivered from another distribution system to the system waterway;
- against the total amount of its entitlement, as set out in this clause.

11.2 The Minister may grant a credit for releases made directly to the system waterway from the Authority's distribution system if:

- (a) the return flow is treated to a high standard or is at least of similar quality to the water taken by the Authority from the system waterway; and
- (b) the return flow is considered by the Minister to be useful in meeting passing flows or the other Authority's or other Authorities' commitments to supply water.

11.3 The Minister may, by written notice to the Authority, specify any period or periods during which the Authority may not redeem credit against its entitlement specified in clause 7 in any year.

12. DISPUTE RESOLUTION

12.1 If a difference or dispute arises between the Authority, the Minister, the other entitlement holders specified in Schedule 2 to this Order, the Storage Operator and the Resource Manager, or any of them (the "parties"), concerning the interpretation or application of this Order, a party may:

- (a) give written notice to another party requiring the matter to be determined by an independent expert; and
- (b) refer the matter to the independent expert.

12.2 The notice requiring that the matter be determined by independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.

- 12.3 The other entitlement holders specified in Schedule 2 to this Order, the Storage Operator and the Resource Manager will only be subject to the resolution procedure set out in this clause if they consent to the procedure.
- 12.4 The independent expert will be either:
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 12.5 The independent expert must try to reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 12.6 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 12.7 In any difference or dispute to which the Minister is a party:
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.
- 12.8 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 12.9 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference under clause 12.1(b) including the costs of the independent expert.

PART 4 – DEMONSTRATING COMPLIANCE

13. METERING PROGRAM

- 13.1 The Authority, and the Storage Operator where appropriate, must propose to the Minister and implement within 12 months of this Order being made, a metering program to demonstrate compliance with this Order and meet the reporting requirements specified in clause 14.
- 13.2 The Minister may:
- (a) approve the program proposed under sub-clause 13.1 subject to any additional conditions that the Minister sees fit to specify; or
 - (b) require the Authority to amend the proposed program.
- 13.3 The Minister may at any subsequent time, require the Authority:
- (a) to review the program approved by the Minister under sub-clause 13.2(a) if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) to propose an amended program to the Minister for approval under clause 13.2(b).
- 13.4 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister:
- (a) implement and maintain the approved metering program; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (a), (b), (c) and (d).

14. REPORTING REQUIREMENTS

- 14.1 The Minister may require the Authority to report on all or any of the following matters:
- (a) the daily amounts of water taken from the system waterway under this entitlement;
 - (b) the annual amounts of water taken from the system waterway under this entitlement;
 - (c) any credits granted under clause 11;
 - (d) the approval, amendment and implementation of the metering program approved under sub-clause 13.2(a);
 - (e) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (f) any period of restriction and the degree of restriction on supplies from the system waterway to the entitlement specified in 7;
 - (g) any amendment to this bulk entitlement;
 - (h) any new bulk entitlements granted to the Authority with respect to the entitlement specified in 7;
 - (i) any failure by the Authority to comply with any provision of this Order;
 - (j) any difficulties experienced or anticipated by the Authority in complying with this Order and any remedial action taken or proposed.
- 14.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 14.1:
- (a) in writing or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 14.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 14.1, except:
- (a) paragraph (a), (c), (d) and (e) of sub-clause 14.1; and
 - (b) with the approval of the Minister, any particular failure referred to in paragraph (i) of sub-clause 14.1.
- 14.4 The Resource Manager may require the Authority to report from time to time, on all or any of the matters set out in paragraphs (a) to (j) of sub-clause 14.1.
- 14.5 Any report under sub-clause 14.4 must be made:
- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
 - (b) unless the Authority and the person agree otherwise –
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) and (b) of sub-clause 14.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (c) to (j) of sub-clause 14.1.

15. DATA

- 15.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

- 15.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of the metering and reporting program under clauses 13 and 14 respectively subject to a fair and reasonable access fee, the Authority may charge to cover the costs of making the data available.

PART 5 – FINANCIAL OBLIGATIONS

16. WATER SUPPLY SOURCE COST

- 16.1 The Authority must pay the Loddon Entitlement holder a storage annual charge in return for the storage of water in the headworks system to provide the bulk entitlement under this Order, calculated as follows:

$$C_{CHW} = \$ \{ \{ (A + 0.5B) / E \} \times C \} + R$$

where

C_{CHW} is the storage cost attributable to the Authority's entitlement (\$).

A is the annual entitlement (ML) as specified under Clause 7.

B is the maximum carryover volume (ML) as specified under Clause 8.

E is the total entitlement volume (ML) that can be supplied from the Headworks System by the Loddon Entitlement holder as specified in Schedule 1 to this Order.

C is the Loddon system source costs estimated by the Storage Operator for the year for which the charge is calculated (\$) as specified in "Bulk Entitlement (Loddon System – Goulburn–Murray Water) Conversion Order 2005".

R is the return to Headworks System equity holders for the year for which the charge is calculated payable to the Loddon Entitlement holder (\$).

- 16.2 The Authority must pay the cost, whether or not its annual supply is restricted in any year.
- 16.3 The method of determining the annual source cost as specified under sub-clause 16.1 shall be adopted, until an alternative method of determining the annual source cost is developed by the Authority and approved by the Minister.

17. WATER ACCOUNTING

- 17.1 For the purpose of determining how much water has been taken by the Authority under its annual entitlement the amounts measured under sub-clause 13.4(a) are conclusive.
- 17.2 If the equipment referred to in sub-clause 13.4(b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years or such other method of estimation as may be agreed to by the Authority and the Loddon Entitlement holder with in the Loddon basin.

18. WATER RESOURCE MANAGEMENT COSTS AND FIXING PROPORTIONS OF COSTS

- 18.1 Subject to sub-clause 20.2, the Authority must pay the Resource Manager the proportion as determined under sub-clause 18.2 of the costs incurred by the Resource Manager in performing the tasks relating to this Order specified in the relevant instrument of appointment.
- 18.2 The proportion of the costs referred to in sub-clause 18.1 will be the same as the ratio of water entitlement held by the Authority specified under clause 7 to the total water entitlement held by the Loddon Entitlement holder specified in Schedule 1 to this Order, unless a different proportion is agreed to between the Authority and the Loddon Entitlement holder.

19. DUTY TO KEEP ACCOUNTS

- 19.1 Separate accounts of all costs and payments must be kept by:
- (a) the Resource Manager in respect to sub-clause 18.1; and
 - (b) the Loddon Entitlement holder in respect to sub-clause 16.1.
- 19.2 The Resource Manager must, by 1 February in any year, provide the Authority with an estimate, in respect of the ensuing year, of the costs referred to in sub-clause 18.1.
- 19.3 The Loddon Entitlement holder must, by 1 February in any year, provide the Authority with an estimate of the annual source cost referred to in sub-clause 16.1 for the ensuing year.
- 19.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

20. DUTY TO MAKE PAYMENTS

- 20.1 Any amounts payable by the Authority under sub-clauses 16.1 and 18.1 must:
- (a) be made in accordance with the usual business practices of the Resource Manager and Storage Operator, unless otherwise set by mutual agreement between the Authority and the Resource Manager and the Authority and the Storage Operator; and
 - (b) be invoiced to the Authority at least once a year, and, if more often than once a year, in instalments; and
 - (c) be paid in arrears, within 30 days from the end of the month of the Authority receiving the respective invoices, unless the Authority and the persons to whom the amounts are payable agree on other temporary or permanent arrangements relating to the payment under this clause.
- 20.2 The Authority is not obliged to make any payment to:
- (a) the Resource Manager, under sub-clause 18.1; or
 - (b) the Loddon Entitlement holder under sub-clause 16.1;
- unless the person to whom the payment is due complies with the provisions of the clause relevant to those payments.

Dated 4 November 2005

JOHN THWAITES

Minister for Water

**SCHEDULE 1: TOTAL ENTITLEMENT VOLUME "E" FOR PURPOSES OF
CALCULATING WATER SUPPLY SOURCE COSTS UNDER SUB-CLAUSE 16.1**

Supply from System waterway	Entitlement Volume (ML)
Licensed diverters – Cairn Curran Dam to Laanecoorie Reservoir	1468.0
Licensed diverters – Tullaroop Dam to Laanecoorie Reservoir	3028.5
Licensed diverters – Laanecoorie Reservoir to Bridgewater	6642.4
Licensed diverters – Bridgewater to Loddon Weir (including Serpentine Ck)	10044.5
D&S, Commercial & non-consumptive licences	512.0
Loddon supplement to Goulburn system	88000.0
East Loddon Waterworks District	1600.0
Coliban Water	820.0
Maryborough	1200.0
Maryborough (carryover)	450.0
Environmental wetland entitlement	2000.0
Total Entitlement Volume 'E'	115765.4

**SCHEDULE 2: BULK ENTITLEMENT HELD BY OTHER AUTHORITIES AS
PRIMARY ENTITLEMENTS**

Entitlement Holder	Order
Goulburn–Murray Water	Bulk Entitlement (Loddon System – Goulburn–Murray Water) Conversion Order 2005
Coliban Water	Bulk Entitlement (Loddon System – Coliban Water) Conversion Order 2005
Minister for Environment	Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005

Planning and Environment Act 1987

ALPINE PLANNING SCHEME

Notice of Approval of Amendment

Amendment C14

The Minister for Planning has approved Amendment C14 to the Alpine Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment applies to the McKay Creek Power Station and part of the Bogong described as Crown Allotment 13B. The land is currently unreserved Crown Land and is subject to a lease/licence agreement between the Department of Sustainability and Environment and Southern Hydro Ltd.

- Rezone land from a Public Conservation and Resource Zone (PCRZ) to a Special Use Zone (SUZ); and
- Introduce a new schedule to the Special Use Zone to facilitate the development of land within the Special Use Zone for the construction of the power station as a section 1 use.
- Introduce a new schedule to Clause 52.03 to recognise the tunnel under the Alpine National Park linking the McKay Creek Power Station and the proposed new Power Station at Bogong.
- Incorporate the Bogong Power Development Project Environmental Impact Assessment, July 2005.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, Melbourne; 89 Sydney Road, Benalla; and at the offices of the Alpine Shire Council, Great Alpine Road, Bright.

GENEVIEVE OVERELL

Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C73

The Minister for Planning has approved Amendment C73 to the Cardinia Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment:

- rezones part of land described as Lot 4 P4486, Mullane Road, Pakenham from a Public Use Zone 1 to a Green Wedge Zone Schedule 1; and
- applies Environmental Significance Overlay Schedule 1 to part of the land.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne; and at the offices of the Cardinia Shire Council, Henty Way, Pakenham.

GENEVIEVE OVERELL

Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

HUME PLANNING SCHEME

Notice of Approval of Amendment

Amendment C67

The Minister for Planning has approved Amendment C67 to the Hume Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment corrects an anomaly in the Hume Planning Scheme by introducing the Business 5 Zone ordinance.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne; and at

the offices of the Hume City Council: Broadmeadows Office, 1079 Pascoe Vale Road, Broadmeadows; Sunbury Office, 36 Macedon Street, Sunbury; or the Craigieburn Office, 59 Craigieburn Road, West Craigieburn.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

INDIGO PLANNING SCHEME

Notice of Approval of Amendment
Amendment C29

The Minister for Planning has approved Amendment C29 to the Indigo Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment applies to Part Crown Allotment 6, Section 14, Parish of Barnawartha or 1456 Plemings Road, Barnawartha and makes the following changes to the Indigo Planning Scheme:

- rezones land from Rural Zone to Special Use Zone Schedule 2; and
- introduces references to the proposed development within the Municipal Strategic Statement

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, Melbourne; 89 Sydney Road, Benalla; and at the offices of the Indigo Shire Council, Ford Street, Beechworth.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

TOWONG PLANNING SCHEME

Notice of Approval of Amendment
Amendment C9 – Part 2

The Minister for Planning has approved Amendment C9 – Part 2 to the Towong Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment applies to Lot 2 TP170036 and Lot 1 TP324454 – 88–90 Hansen Street, Corryong and makes the following change to the Towong Planning Scheme:

- rezones land from Residential 1 Zone (R1Z) to Business 1 Zone (B1Z).

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne; 89 Sydney Road, Benalla; and at the offices of the Towong Shire Council, 32 Towong Street, Tallangatta.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

YARRA RANGES PLANNING SCHEME

Notice of Approval of Amendment
Amendment C8

The Minister for Planning has approved Amendment C8 to the Yarra Ranges Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment introduces a Development Plan Overlay and Schedule for the Master Plan for Mater Christi College, Belgrave. The Amendment also introduces a Road Closure Overlay over a small area of former road within the site, and updates the Schedule to Clause 61.01–61.04 (inclusive).

The Minister has granted the following permit under Division 5 Part 4 of the Act:

Permit No.: YR/2003/1445.

Description of land: 12–42 Bayview Road (including the Right of Way adjacent to 34 Bayview Road), 2–4 Heathermont Avenue and 23–29 Belgrave–Gembrook Road, Belgrave.

A copy of the Amendment and permit can be inspected, free of charge, during office hours,

at the Department of Sustainability and Environment, Planning Information Centre Ground Floor, 8 Nicholson Street, East Melbourne; and at the office of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

YARRA RANGES PLANNING SCHEME

Notice of Approval of Amendment
Amendment C52

The Minister for Planning has approved Amendment C52 to the Yarra Ranges Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment rezones land at 416–420 Maroondah Highway, Healesville from a Public Use Zone 1 to a Low Density Residential Zone and applies an Environmental Audit Overlay over the land.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, Melbourne; and at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

ORDERS IN COUNCIL

Crown Land (Reserves) Act 1978

NOTICE OF INTENTION TO REVOKE TEMPORARY RESERVATIONS

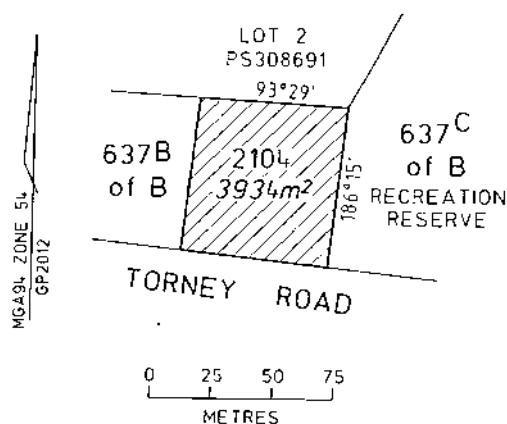
The Governor in Council under section 10 of the **Crown Land (Reserves) Act 1978** gives notice of intention to revoke the following temporary reservations:

BUNGULUKE – The temporary reservation by Order in Council of 11 March 1878 of an area of 1.267 hectares, more or less, of land in Section B, Parish of Bunguluke as a site for Water Supply purposes. – (Rs 2898)

DIAPUR – The temporary reservation by Order in Council of 18 April 1905 of an area of 4.70 hectares, more or less, of land in Section 10, Township of Diapur, Parish of Tarraginnie as a site for Public Recreation. – (Rs 2724)

DIAPUR - The temporary reservation by Order in Council of 28 July 1959 of an area of 1912 square metres, more or less, of land in Section 10, Township of Diapur, Parish of Tarraginnie as a site for Public Recreation, in addition to and adjoining the site temporarily reserved therefor by Order in Council of 18 April 1905. – (Rs 2724).

MILDURA – The temporary reservation by Order in Council of 1 May 1951 of an area of 4.765 hectares of land in Section B, Parish of Mildura as a site for Public Recreation, so far only as the portion containing 3934 square metres being Crown Allotment 2104, Parish of Mildura as indicated by hatching on plan hereunder. (GP2012) – (Rs 6657).



This Order is effective from the date on which it is published in the Government Gazette.

Dated 15 November 2005

Responsible Minister

ROB HULLS

Minister for Planning

JUSTINE FRANKLIN

Acting Clerk of the Executive Council

Crown Land (Reserves) Act 1978

REVOCATION OF TEMPORARY RESERVATIONS

The Governor in Council under section 10 of the **Crown Land (Reserves) Act 1978** revokes the following temporary reservations:

AMHERST – The temporary reservation by Order in Council of 19 May 1862 of an area of 1012 square metres of land in Section 3, Township of Amherst (formerly being Crown Allotment 3, Section 3, Parish of Amherst) as a site for a Mechanics Institute. – (Rs 13440).

CANNUM – The temporary reservation by Order in Council of 9 March 1886 of an area of 110.95 hectares, more or less, of land in the Parish of Cannum as a site for Watering purposes, revoked as to part by various Orders, so far as the balance remaining. – (Rs 1717).

CARRARAGAMUNGEE – The temporary reservation by Order in Council of 24 June 1879 of an area of 2.023 hectares, more or less, of land in Section 11A, Parish of Carraragumungee as a site for Public purposes (State School). – (Rs 13900).

CARRARAGAMUNGEE – The temporary reservation by Order in Council of 21 February 1922 of an area of 1.965 hectares, more or less, of land in the Parish of Carraragumungee as a site for State School purposes, in addition to and adjoining the site temporarily reserved therefor by Order in Council of 24 June 1879. – (Rs 13900).

COONOOER EAST – The temporary reservation by Order in Council of 6 March 1882 of an area of 75.35 hectares, more or less, of land in the Parish of Coonooer East as a site for Public Recreation and for supply of Stone, less any authorised excisions, so far as the balance remaining. – (06L6-8023).

CORACK EAST – The temporary reservation by Order in Council of 29 May 1883 of an area of 8.08 hectares, more or less, of land in Section C, Parish of Corack East as a site for Water Supply purposes, revoked as to part by Order in Council of 12 January 1915 so far as the balance remaining containing 7.474 hectares, more or less. – (2012661).

CORACK EAST – The temporary reservation by Order in Council of 10 February 1915 of an area of 6070 square metres, more or less, of land in Section C, Parish of Corack East as a site for a Rubbish Depot. – (2012661).

DOOKIE – The temporary reservation by Order in Council of 7 September 1909 of an area of 4.356 hectares of land in the Parish of Dookie as a site for Water Supply purposes, revoked as to part by Order in Council of 7 March 1923 so far as the balance remaining containing 3.42 hectares, more or less. – (Rs 9507).

HAYANMI – The temporary reservation by Order in Council of 12 September 1898 of an area of 7.689 hectares of land in the Parish of Hayanmi as a site for Water Supply and Camping purposes, less any authorised excisions, so far as the balance remaining containing 6.475 hectares, more or less. – (2001187).

KURRACA – The temporary reservation by Order in Council of 12 October 1874 of an area of 10.117 hectares, more or less, of land in Section A, Parish of Kurraca as a site for Watering purposes. – (Rs 6307).

KYABRAM EAST – The temporary reservation by Order in Council of 20 February 1899 of an area of 4.937 hectares of land in the Parish of Kyabram East as a site for Water Supply purposes, in two separate portions, revoked as to part by Order in Council of 9 November 1948 so far only as the portion containing 809 square metres being Crown Allotment 33E, Parish of Kyabram East as indicated by hatching on plan published in the Government Gazette on 18 August 2005 page – 1849. – (Rs 6322).

MOKOAN – The temporary reservation by Order in Council of 25 August 1884 of an area of 1.619 hectares, more or less, of land in the Parish of Mokoan as a site for a Quarry. – (Rs 6183).

POWLETT – The temporary reservation by Order in Council of 5 January 1880 of an area of 16.187 hectares, more or less, of land in the Parishes of Kinypanial and Powlett in two separate portions as a site for a Quarry, so far only as the portion located in the Parish of Powlett containing 8.094 hectares, more or less. – (06L6–10957).

ST ARNAUD – The temporary reservation by Order in Council of 21 November 1891 of an area of 4.047 hectares, more or less, of land in Section AA, Parish of St Arnaud (formerly municipal district of St Arnaud) as a site for Supply of Gravel. – (0617739).

ST ARNAUD – The temporary reservation by Order in Council of 20 January 1890 of an area of 5.253 hectares, more or less, of land in Section AA, Parish of St Arnaud (formerly municipal district of St Arnaud) as a site for Supply of Gravel. – (06P126973).

STAWELL – The temporary reservation by Order in Council of 29 April 1878 of an area of 6.027 hectares of land in the Parish of Stawell as a site for supply of Gravel, revoked as to part by Order in Council of 23 February 1954 so far as the balance remaining containing 4.441 hectares, more or less. – (Rs 7121).

This Order is effective from the date on which it is published in the Government Gazette.

Dated 15 November 2005

Responsible Minister

ROB HULLS

Minister for Planning

JUSTINE FRANKLIN

Acting Clerk of the Executive Council

Crown Land (Reserves) Act 1978

ASSIGNMENT OF NEW NAME TO CORPORATION

The Governor in Council under Section 14A(5) of the **Crown Land (Reserves) Act 1978** assigns the new corporate name “Tolmie Mechanics Institute and Recreation Reserve Committee Incorporated” to the corporation constituted under section 14A(1) of the said Act as the “Tolmie Mechanics Institute Committee of Management Incorporated” by Order in Council of 21 October 2003 (vide Government Gazette of 23 October 2003 – page 2716). – Rs 11209.

This Order is effective from the date on which it is published in the Government Gazette.

Dated 15 November 2005

Responsible Minister
ROB HULLS
 Minister for Planning

JUSTINE FRANKLIN
 Acting Clerk of the Executive Council

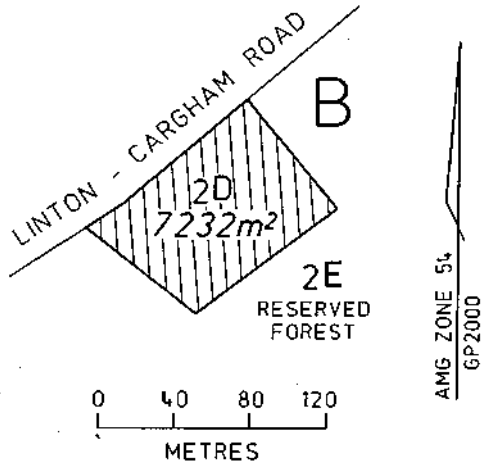
Crown Land (Reserves) Act 1978

**TEMPORARY RESERVATION
 OF CROWN LANDS**

The Governor in Council under section 4(1) of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown lands which in his opinion are required for the purposes mentioned:-

**MUNICIPAL DISTRICT OF THE
 GOLDEN PLAINS SHIRE COUNCIL**

ARGYLE – Water supply purposes, 7232 square metres, being Crown Allotment 2D, Section B, Parish of Argyle as indicated by hatching on plan hereunder. (GP2000) – (2014494).

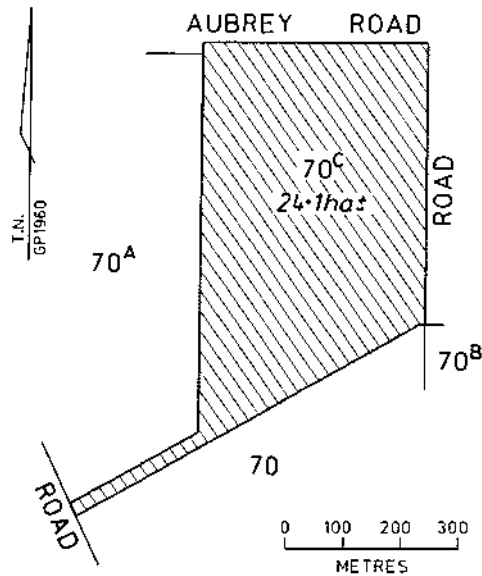


**MUNICIPAL DISTRICT OF THE
 SWAN HILL RURAL CITY COUNCIL**

BUMBANG – Public purposes (Police purposes), 654 square metres, being Crown Allotment 2009, Parish of Bumbang shown on Original Plan No. 122281 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (012014714).

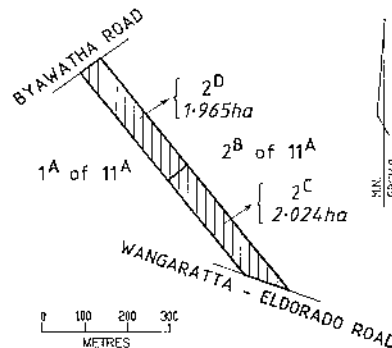
**MUNICIPAL DISTRICT OF THE
 YARRIAMBIACK SHIRE COUNCIL**

CANNUM – Conservation of an area of natural interest, 24.1 hectares, more or less, being Crown Allotment 70C, Parish of Cannum as indicated by hatching on plan hereunder. (GP1960) – (024524).



**MUNICIPAL DISTRICT OF THE
 WANGARATTA RURAL CITY COUNCIL**

CARRARAGAMUNGEE – Conservation of an area of natural interest, total area 3.989 hectares, more or less, being Crown Allotments 2D and 2C, Section 11A, Parish of Carraragamungee as indicated by hatching on plan hereunder. (GP1749) – (1105632).



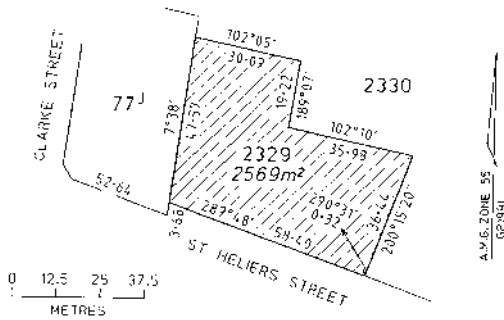
Total area of hatched portions, C.A.'s 2C & 2D is 3.989ha

MUNICIPAL DISTRICT OF THE
CITY OF GREATER GEELONG

GEELONG – Public purposes, 13.05 hectares being Crown Allotment 8B, Section 11A, City of Geelong, Parish of Corio as shown on Certified Plan No. 110146 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (0704154).

MUNICIPAL DISTRICT OF THE
CITY OF YARRA

JIKA JIKA – Public purposes (Childcare and Community purposes), 2569 square metres, being Crown Allotment 2329, Parish of Jika Jika as indicated by hatching on plan hereunder. (GP1991) – (PP-LA320006).

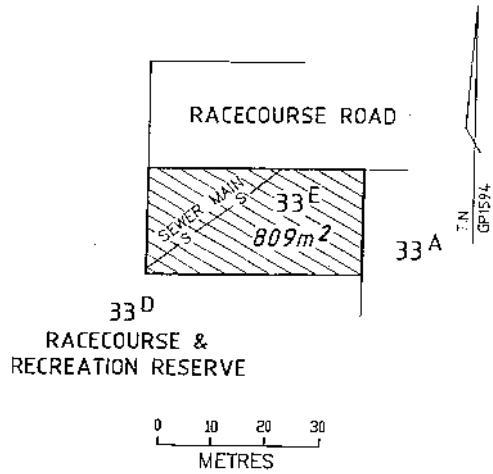


MUNICIPAL DISTRICT OF THE
SWAN HILL RURAL CITY COUNCIL

KUNAT KUNAT – Conservation of an area of natural interest, being Crown Allotment 2002 [area 30.91 hectares] and Crown Allotment 2003 [area 40.97 hectares], Parish of Kunat Kunat as shown on Original Plan No. 122181 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (2013798).

MUNICIPAL DISTRICT OF THE
CAMPASPE SHIRE COUNCIL

KYABRAM EAST – Racecourse and Recreation purposes, 809 square metres, being Crown Allotment 33E, Parish of Kyabram East as indicated by hatching on plan hereunder. (GP1594) – (Rs 1446).



MUNICIPAL DISTRICT OF THE
CAMPASPE SHIRE COUNCIL

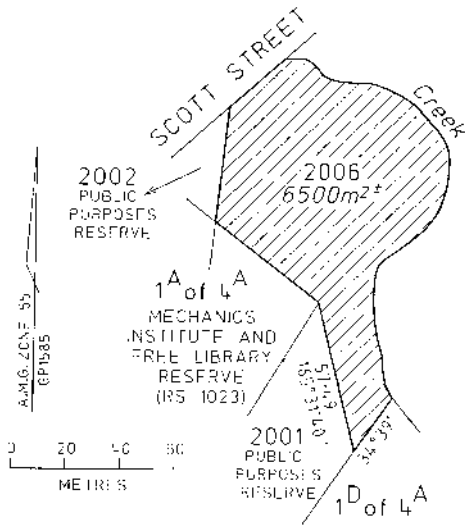
KYABRAM EAST – Public purposes (Police purposes), 1973 square metres, being Crown Allotment 2003, Parish of Kyabram East shown on Original Plan No. 122280 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (062014713).

MUNICIPAL DISTRICT OF THE
GANNAWARRA SHIRE COUNCIL

MURRABIT – Public Recreation, 1772 square metres being Crown Allotment 3, Section 13, Township of Murrabit, Parish of Murrabit West as shown on Certified Plan No. 102706 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (Rs 5379).

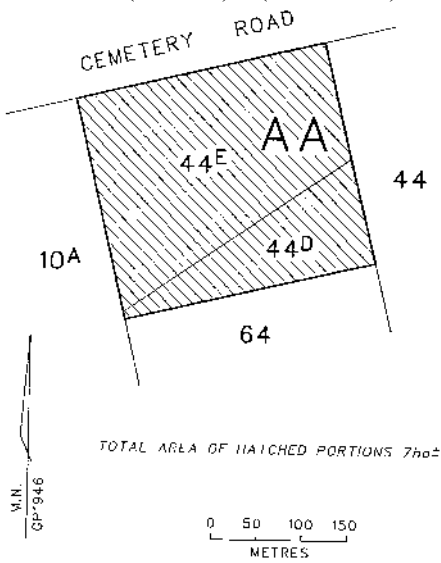
MUNICIPAL DISTRICT OF THE
NILLUMBIK SHIRE COUNCIL

QUEENSTOWN – Public purposes, Crown Allotments 2003 and 2004, Township of Queenstown, Parish of Queenstown [total area 1.368 hectares] as shown on Original Plan No. 121886 lodged in the Central Plan Office of the Department of Sustainability and Environment and Crown Allotment 2006, Township of Queenstown, Parish of Queenstown [area 6500 square metres, more or less] as indicated by hatching on plan hereunder. (GP1585) – (Rs 1023).

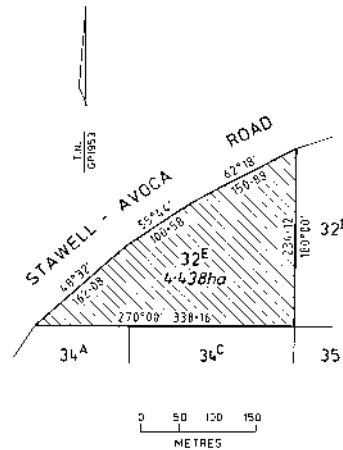


MUNICIPAL DISTRICT OF THE NORTHERN GRAMPIANS SHIRE COUNCIL
 ST ARNAUD – Conservation of an area of natural interest, 5.362 hectares, being Crown Allotment 2001, Parish of St Arnaud as shown on Plan No. LEGL/05-351 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (06P126971).

MUNICIPAL DISTRICT OF THE NORTHERN GRAMPIANS SHIRE COUNCIL
 ST ARNAUD – Conservation of an area of natural interest, 7 hectares, more or less, being Crown Allotments 44D and 44E, Section AA, Parish of St Arnaud as indicated by hatching on plan hereunder. (GP1946) – (06P126973).

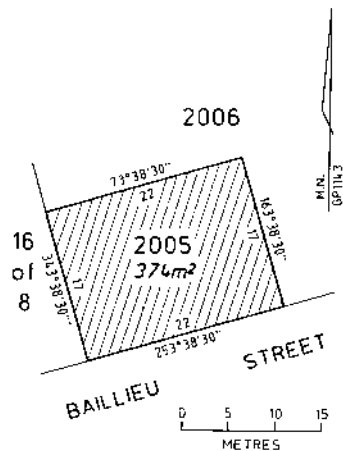


MUNICIPAL DISTRICT OF THE NORTHERN GRAMPIANS SHIRE COUNCIL
 STAWELL – Conservation of an area of natural interest, 4.438 hectares, being Crown Allotment 32E, Parish of Stawell as indicated by hatching on plan hereunder. (GP1953) – (024696).



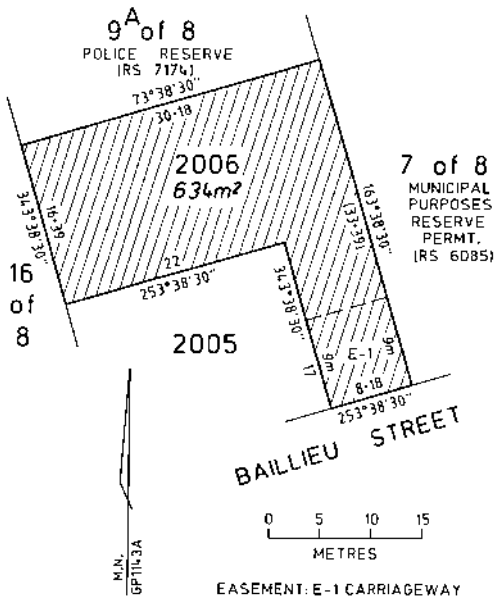
MUNICIPAL DISTRICT OF THE MITCHELL SHIRE COUNCIL
 WALLAN – Public purposes (Police purposes), 2440 square metres being Crown Allotment 2003, Township of Wallan, Parish of Wallan Wallan as shown on Original Plan No. 122251 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (Rs 17000).

MUNICIPAL DISTRICT OF THE BASS COAST SHIRE COUNCIL
 WONTHAGGI – Municipal purposes, 374 square metres, being Crown Allotment 2005, Township of Wonthaggi, Parish of Wonthaggi as indicated by hatching on plan hereunder. (GP1143) – (1202470).



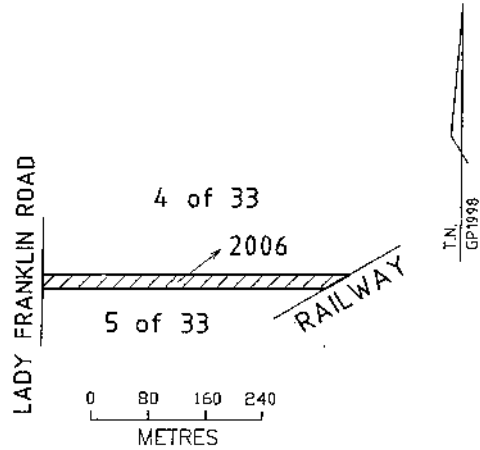
MUNICIPAL DISTRICT OF THE
BASS COAST SHIRE COUNCIL

WONTHAGGI – Public purposes (Police purposes), 634 square metres, being Crown Allotment 2006, Township of Wonthaggi, Parish of Wonthaggi as indicated by hatching on plan hereunder. (GP1143A) – (1202470).



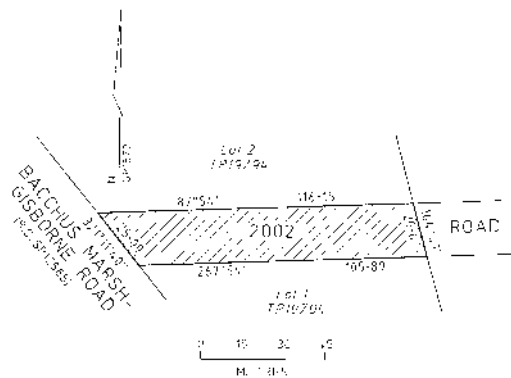
MUNICIPAL DISTRICT OF THE
WODONGA CITY COUNCIL

BARNAWARTHA NORTH – The road in the Parish of Barnawartha North being Crown Allotment 2006 as indicated by hatching on plan hereunder. (GP1998) – (11L8–6923).



MUNICIPAL DISTRICT OF THE
MOORABOOL SHIRE COUNCIL

COIMADAI – The road in the Parish of Coimadai being Crown Allotment 2002 as indicated by hatching on plan hereunder. (GP1572) – (07L1–4881).



This Order is effective from the date on which it is published in the Government Gazette.

Dated 15 November 2005

Responsible Minister
ROB HULLS
Minister for Planning

JUSTINE FRANKLIN
Acting Clerk of the Executive Council

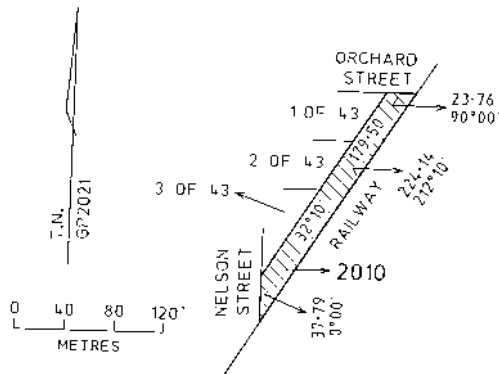
Land Act 1958

CLOSURE OF UNUSED ROADS

The Governor in Council under section 349 of the **Land Act 1958** and with the concurrence in writing of the municipalities in which the roads are situated and the owners of land adjoining those roads closes the following unused roads:

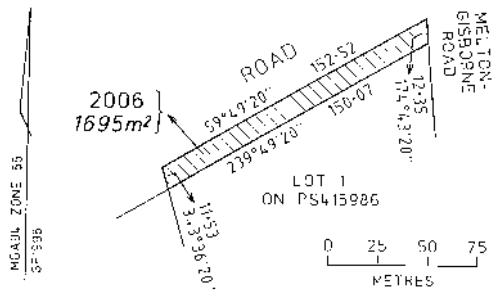
MUNICIPAL DISTRICT OF THE
MOIRA SHIRE COUNCIL

NUMURKAH – The road in the Township of Numurkah, Parish of Katunga being Crown Allotment 2010 as indicated by hatching on plan hereunder. (GP2021) – (08L8–5223)



MUNICIPAL DISTRICT OF THE
MELTON SHIRE COUNCIL

YANGARDOOK – The road in the Parish of Yangardook being Crown Allotment 2006 as indicated by hatching on plan hereunder. (GP1996) – (074930)



This Order is effective from the date on which it is published in the Government Gazette.

Dated 15 November 2005

Responsible Minister
ROB HULLS
Minister for Planning

JUSTINE FRANKLIN
Acting Clerk of the Executive Council

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**SUBORDINATE LEGISLATION ACT 1994
NOTICE OF MAKING OF STATUTORY
RULES**

Notice is hereby given under Section 17 (2) of the **Subordinate Legislation Act 1994** of the making of the following Statutory Rules:

139. *Statutory Rule:* Children and Young Persons (Children's Court) (Amendment) Regulations 2005
Authorising Act: Children and Young Persons Act 1989
Date of making: 15 November 2005
140. *Statutory Rule:* Melbourne City Link (General) (Amendment) Regulations 2005
Authorising Act: Melbourne City Link Act 1995
Date of making: 15 November 2005

**SUBORDINATE LEGISLATION ACT 1994
NOTICE THAT STATUTORY RULES ARE
OBTAINABLE**

Notice is hereby given under Section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from Information Victoria, 356 Collins Street, Melbourne on the date specified:

134. *Statutory Rule:* Subordinate Legislation (Livestock Disease Control Regulations 1995 – Extension of Operation) Regulations 2005
Authorising Act: Subordinate Legislation Act 1994
Date first obtainable: 15 November 2005
Code A
135. *Statutory Rule:* Non-Emergency Patient Transport Regulations 2005
Authorising Act: Non-Emergency Patient Transport Act 2003
Date first obtainable: 15 November 2005
Code D
136. *Statutory Rule:* Transport (Tow Truck) Regulations 2005
Authorising Act: Transport Act 1983
Date first obtainable: 15 November 2005
Code C
137. *Statutory Rule:* Transport (Infringements) (Tow Truck) Regulations 2005
Authorising Act: Transport Act 1983
Date first obtainable: 15 November 2005
Code A
138. *Statutory Rule:* Transport (Alcohol Controls) Regulations 2005
Authorising Act: Transport Act 1983
Date first obtainable: 15 November 2005
Code A

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