



Victoria Government Gazette

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No. G 41 Thursday 12 October 2006

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GENERAL

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As from 12 October 2006

The last Special Gazette was No. 268 dated 11 October 2006.

The last Periodical Gazette was No. 1 dated 15 June 2006.

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- 1 Treasury Place, Melbourne (behind the Old Treasury 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:

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JENNY NOAKES
Government Gazette Officer

**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)
MELBOURNE CUP HOLIDAY (Tuesday 7 November 2006)**

Please Note:

The Victoria Government Gazette for Melbourne Cup week (G45/06) will be published on **Thursday 9 November 2006**.

Copy deadlines:

Private Advertisements **9.30 am on Friday 3 November 2006**

Government and Outer
Budget Sector Agencies Notices **9.30 am on Monday 6 November 2006**

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

Land Act 1958

Notice is hereby given that the

First RMAC Landholding Company Pty Ltd, Second RMAC Landholding Company Pty Ltd, Third RMAC Landholding Company Pty Ltd, Fourth RMAC Landholding Company Pty Ltd, Fifth RMAC Landholding Company Pty Ltd, Sixth RMAC Landholding Company Pty Ltd, Seventh RMAC Landholding Company Pty Ltd and Eighth RMAC Landholding Company Pty Ltd have applied for a lease pursuant to Section 134 of the **Land Act 1958** for a term of 21 years with two 10 year options in respect of Allotment 2273, County of Bourke, Parish of Jika Jika containing 3386 m² as a site for car parking purposes.

Ref. No. LA/24/0035

LORRAINE ALICE HARTY, late of 15 Little Gold Street, Brunswick, retired, deceased, who died on 30 July 2006.

Creditors, next-of-kin and all others having claims in respect of the estate of the deceased, are required by the executor, Thomas George Buck of 16 Jindabyne Court, Lysterfield, production operator, to send particulars of their claims to him care of the undermentioned solicitors prior to 9 December 2006, after which date he will distribute the assets of the estate, having regard only to the claims of which he then has notice.

ASHFORDS, lawyers,
Level 50, 101 Collins Street, Melbourne 3000.

Creditors, next-of-kin and others who have claims in respect of the estate of MARJORIE BATES, late of 42 Wattle Valley Road, Canterbury, in the State of Victoria, deceased, who died on 30 April 2006, are to send particulars of their claims to the administrators care of Engel & Partners Pty of 109 Main Street, Bairnsdale, by 14 December 2006, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

ENGEL & PARTNERS PTY, legal practitioners,
109 Main Street, Bairnsdale.

Re: ROBERT ANTHONY PETHEBRIDGE, late of Unit 9, 132 Clarke Street, Northcote, Victoria, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 July 2006, are required by the trustee, Equity Trustees Limited, ACN 004 031 298, of 575 Bourke Street, Melbourne, Victoria, to send particulars to the trustee by 17 December 2006, after which date the trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

EQUITY TRUSTEES LIMITED,
Level 2,
575 Bourke Street, Melbourne, Vic. 3000.
Telephone: (03) 8623 5000.

ALMA MARY DICKINS, late of Strathalan Community, corner of Erskine & Greensborough Roads, Macleod, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 April 2006, are required by David Norman Dickins and Michael Francis Dickins, two of the substituted executors of the Will of the deceased, with leave being reserved to Christine Sylvia Borgeest, in the Will called Christine Sylvia Borgeest, Miranda Jane Julie Douglas-Crane, in the Will called Miranda Jane Douglas, and Anne Jule Woodward, the other named executors, to come in at any time and prove the same, Albert Maurice Dickins, the instituted executor named therein having predeceased the deceased, to send particulars of their claims to them care of the undermentioned solicitor by 11 December 2006, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

FINDLAY ARTHUR PHILLIPS, solicitors,
Suite 12, Level 3,
620 Chapel Street, South Yarra, Victoria 3141.

Re: VIOLET MAUDE BENFIELD, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 June 2006, are required by the trustee, Maurice Charles Benfield, to send particulars to him care of the undersigned by

13 December 2006, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

Creditors, next-of-kin and others having claims in respect of the estate of HELEN EDITH HODGSON, late of 258 Amess Street, North Carlton, Victoria, retired secretary, deceased, who died on 23 July 2006, are requested to send particulars of their claims to the executor, Equity Trustees Limited of Level 2, 575 Bourke Street, Melbourne, by 12 December 2006, after which date the executor will distribute the assets, having regard only to the claims of which the company then has notice.

LAWSON HUGHES, PETER WALSH, lawyers,
Level 4, 91 William Street, Melbourne.

JAMES CECIL OLDHAM, late of 7 Wagner Road, Neerim South, Victoria, pensioner, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 March 2006, are required by the trustees, Leonard James Olsson and James Leslie Cunliffe, to send particulars of their claims to them care of the undermentioned solicitors by 31 December 2006, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

M. DAVINE & CO., solicitors,
5 Smith Street, Warragul 3820.

Re: MARIE VERONICA CORRIGAN, late of Warrawee, 855A Centre Road, East Bentleigh, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 September 2006, are required by the executor, ANZ Executors & Trustee Company Limited, ACN 006 132 332, of 100 Queen Street, Melbourne, Victoria, to send particulars to it by 12 December 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: SHIRLEY JOAN ELIZABETH CULPH, late of 44 Paloma Street, Oakleigh South, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 September 2006, are required by the executor, Adrian Charles Wilson Culph, to send particulars to him care of the undermentioned solicitors by 12 December 2006, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

MILLS OAKLEY, lawyers,
121 William Street, Melbourne.

GWENYTH EVELYN FISHLOCK, late of 3 Deed Court, West Sunshine, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 13 July 2005, are to send particulars of their claims to the executors, Katrina Evelyn Rowe and Paul Anthony Fishlock, care of the undermentioned solicitors by 15 December 2006, after which date the said executors will distribute the assets, having regard only to the claims of which they then have notice.

O'BRIEN & GALANTE, solicitors,
27 Norwood Crescent, Moonee Ponds.

Re: PAULINE SUSAN WEST, late of 3 Sea Court, Craigieburn, Victoria, but formerly of 7 Bendale Court, Mill Park, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 July 2006, are required by the trustee, Stephen Richard Bland, to send particulars to him care of this office by 16 December 2006, after which date he may convey or distribute the assets, having regard only to the claims of which he has notice.

PEARCE WEBSTER DUGDALES, lawyers,
4th Floor, 379 Collins Street, Melbourne 3000.

Re: AUDREY MARGARET PENGELLY, late of Inglewood Hostel, Hospital Street, Inglewood, Victoria, but formerly of Flat 23, 79 Ridge Street, Wedderburn, Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 June 2006, are required by the trustee, Robert Alan Steel, c/- Radford Legal of 14 Napier Street, St Arnaud, to send particulars to the trustee by 10 December 2006, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

RADFORD LEGAL, barristers & solicitors,
14 Napier Street, St Arnaud 3478.

Re: WILLIAM EDWARD CATLOW, in the Will called William Catlow, late of 16 Ilma Grove, Carrum, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 June 2006, are required by the trustee, Peter James Groen, to send particulars to the trustee care of the undermentioned solicitors by 12 December 2006, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

WHITE CLELAND PTY, solicitors,
Level 3,
454 Nepean Highway, Frankston 3199.

Re: ANTHONY LESLIE BAER, late of 7 Hunter Street, Hawthorn, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 November 2005, are required to send particulars of their claims to Equity Trustees Limited of GPO Box 2307, Melbourne 3001, by 4 January 2007, after which date the executor may convey or distribute the assets, having regard only to the claims of which they may then have notice.

WILLS & PROBATE VICTORIA, lawyers,
Level 3, 20–22 McKillop Street, Melbourne.

PROCLAMATIONS

ACTS OF PARLIAMENT

Proclamation

I, David de Kretser, Governor of Victoria, declare that I have today assented in Her Majesty's name to the following Bills:

- No. 73/2006 **Charities (Amendment) Act 2006**
- No. 74/2006 **City of Melbourne and Docklands Acts (Governance) Act 2006**
- No. 75/2006 **Conveyancers Act 2006**
- No. 76/2006 **Crimes (Sexual Offences) (Further Amendment) Act 2006**
- No. 77/2006 **Funerals Act 2006**
- No. 78/2006 **Human Services (Complex Needs) (Amendment) Act 2006**
- No. 79/2006 **Justice Legislation (Further Amendment) Act 2006**
- No. 80/2006 **Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006**
- No. 81/2006 **Road Legislation (Projects and Road Safety) Act 2006**
- No. 82/2006 **Sentencing (Suspended Sentences) Act 2006**
- No. 83/2006 **Serious Sex Offenders Monitoring (Amendment) Act 2006**
- No. 84/2006 **State Taxation Legislation (Miscellaneous Amendments) Act 2006**

Given under my hand and the seal of Victoria at Melbourne on 10th October 2006.

(L.S.)

DAVID de KRETSE

Governor

By His Excellency's Command

STEVE BRACKS MP

Premier

-
- No. 73/2006 This Act comes into operation on the day on which it receives the Royal Assent.
 - No. 74/2006 (1) Subject to sub-section (2), this Act comes into operation on a day or days to be proclaimed.
 - (2) If a provision of this Act does not come into operation before 1 January 2008 it comes into operation on that day.
 - No. 75/2006 (1) Subject to sub-section (2), this Act comes into operation on a day or days to be proclaimed.
 - (2) If a provision of this Act does not come into operation before 1 July 2008, it comes into operation on that day.
 - No. 76/2006 (1) This Part comes into operation on the day after the day on which this Act receives the Royal Assent.
 - (2) Part 3 comes into operation immediately after the coming into operation of section 38 of the **Crimes (Sexual Offences) Act 2006**.
 - (3) The remaining provisions of this Act come into operation on a day or days to be proclaimed.
 - (4) If a provision referred to in sub-section (3) does not come into operation before 1 December 2006, it comes into operation on that day.
 - No. 77/2006 (1) Subject to sub-section (2), this Act comes into operation on a day or days to be proclaimed.
 - (2) If a provision of this Act does not come into operation before 1 November 2007, it comes into operation on that day.

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- No. 78/2006 This Act comes into operation on the day after the day on which it receives the Royal Assent.
- No. 79/2006
- (1) This Part and Parts 3, 5, 6, 8 (other than section 18(1) and (5)), 9, 13, 15, 19, 20 and 21 (other than section 85) come into operation on the day after the day on which this Act receives the Royal Assent.
 - (2) Part 16 is deemed to have come into operation on 1 October 2004.
 - (3) Section 18(1) and (5) are deemed to have come into operation on 27 March 2006.
 - (4) Part 10 and section 85 are deemed to have come into operation on 1 July 2006.
 - (5) Subject to sub-section (6), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
 - (6) If a provision referred to in sub-section (5) does not come into operation before 1 July 2007, it comes into operation on that day.
- No. 80/2006
- (1) This Act, except section 11, comes into operation on the day after the day on which it receives the Royal Assent.
 - (2) Section 11 is deemed to have come into operation on 4 April 2005.
- No. 81/2006
- (1) This Part, Part 2, Part 3 (except sections 9 and 11), section 27(1), Part 6, Part 7, Part 8, Part 9, Part 10 and Part 11 come into operation on the day after the day on which this Act receives the Royal Assent.
 - (2) Subject to sub-sections (3), (4) and (5), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
 - (3) If section 16 or 19 does not come into operation before 1 January 2007, it comes into operation on that day.
 - (4) If section 9, 11 or 18 or a provision of Part 5 does not come into operation before 1 July 2007, it comes into operation on that day.
 - (5) If section 17 or 20 does not come into operation before 1 July 2008, it comes into operation on that day.
- No. 82/2006
- (1) This section and sections 1 and 8 come into operation on the day after the day on which this Act receives the Royal Assent.
 - (2) Sections 6(2) and (3) and 7(2) come into operation on the day on which section 601 of the **Children, Youth and Families Act 2005** comes into operation.
 - (3) Subject to sub-section (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
 - (4) If a provision referred to in sub-section (3) does not come into operation before 1 November 2006, it comes into operation on that day.
- No. 83/2006 This Act comes into operation on the day after the day on which it receives the Royal Assent.
- No. 84/2006
- (1) This Act, except Part 4 and sections 6, 12, 13, 17(1) and 20(2), comes into operation on the day after the day on which it receives the Royal Assent.
 - (2) Sections 17(1) and 20(2) are deemed to have come into operation on 1 January 2006.
 - (3) Sections 6, 12 and 13 and Part 4 are deemed to have come into operation on 1 July 2006.
-

**Health Services
(Supported Residential Services) Act 2006**

PROCLAMATION OF COMMENCEMENT

I, David de Kretser, Governor of Victoria, with the advice of the Executive Council and under section 2(2) of the **Health Services (Supported Residential Services) Act 2006**, fix 12 October 2006 as the day on which sections 9 and 17 of that Act come into operation.

Given under my hand and the seal of Victoria on 10th October 2006.

(L.S.)

DAVID de KRETSE
Governor
By His Excellency's Command

GAVIN JENNINGS
Minister for Aged Care

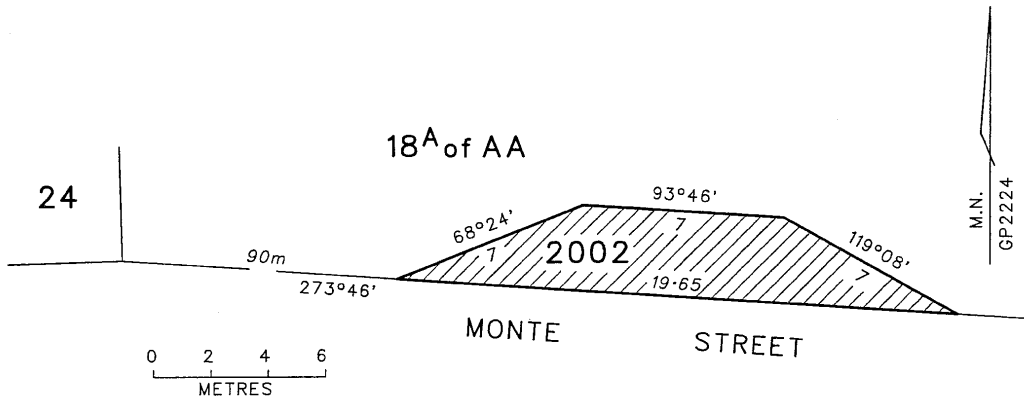
Land Act 1958

PROCLAMATION OF ROAD

I, David de Kretser, Governor of Victoria with the advice of the Executive Council and under section 25(3)(c) of the **Land Act 1958** proclaim as road the following land:

MUNICIPAL DISTRICT OF THE
CITY OF BALLARAT

NERRINA – The land in the Township of Nerrina, Parish of Ballarat being Crown Allotment 2002 as shown by hatching on plan hereunder. (GP2224) – (05L3–3120).



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

Given under my hand and the seal of Victoria on 10th October 2006.

(L.S.)

DAVID de KRETSE
Governor
By His Excellency's Command

ROB HULLS, MP
Minister for Planning

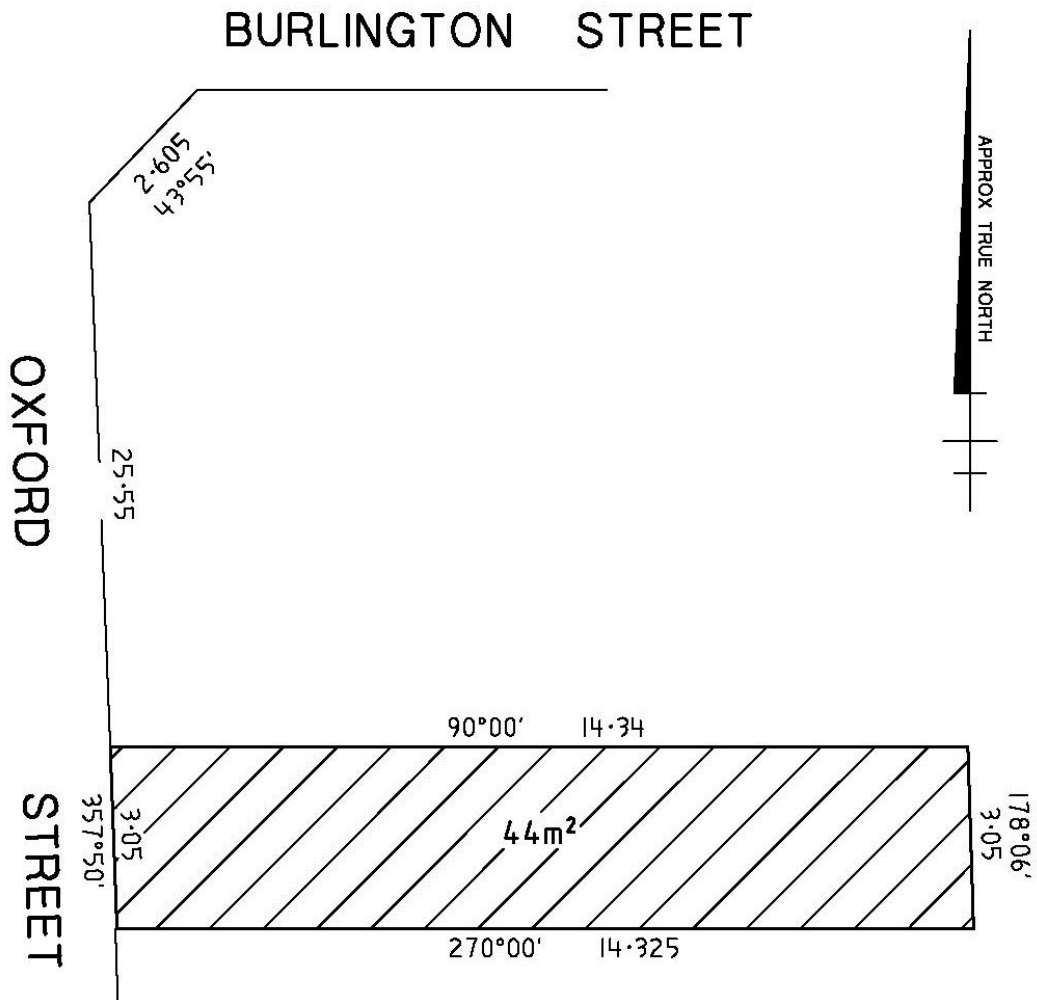
**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**

MONASH CITY COUNCIL

Road Discontinuance

At its meeting on 8 August 2006 and acting under Clause 3 of Schedule 10 to the **Local Government Act 1989**, Monash City Council ("Council"):

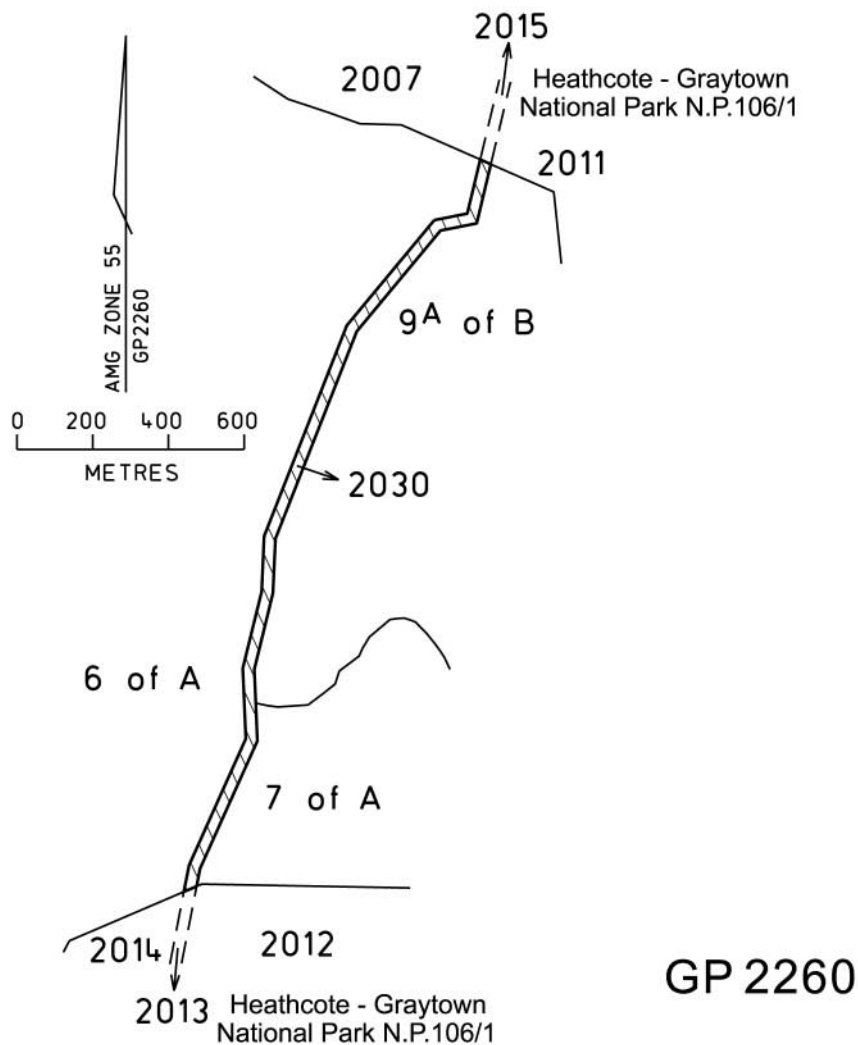
1. formed the opinion that part of the road that abuts the rear of 14-16 Burlington Street, Oakleigh, shown hatched on the plan below and being part of Certificate of Title Volume 6807, Folio 227 ("the Road"), is not reasonably required as a road for public use; and
2. resolved to discontinue the Road and either sell or retain the land from the discontinued road.



DAVID CONRAN
Chief Executive Officer

SHIRE OF STRATHBOGIE
Discontinuance of Road

Notice is hereby given that the Strathbogie Shire Council, at its ordinary meeting on 15 August 2006, formed the opinion that the section of road described as CA 2030 and hatched on plan GP2260 shown below is not reasonably required for public use and resolved to discontinue the road and, having advertised regarding the proposed discontinuance and hearing submissions under Section 223 of the **Local Government Act 1989**, orders that the road be discontinued pursuant to Section 206 and Schedule 10, Clause 3 of the said Act, and the land of the discontinued road known as Bailiestown Road is to be incorporated into the Spring Creek Nature Conservation Reserve, Graytown, and managed by Parks Victoria.



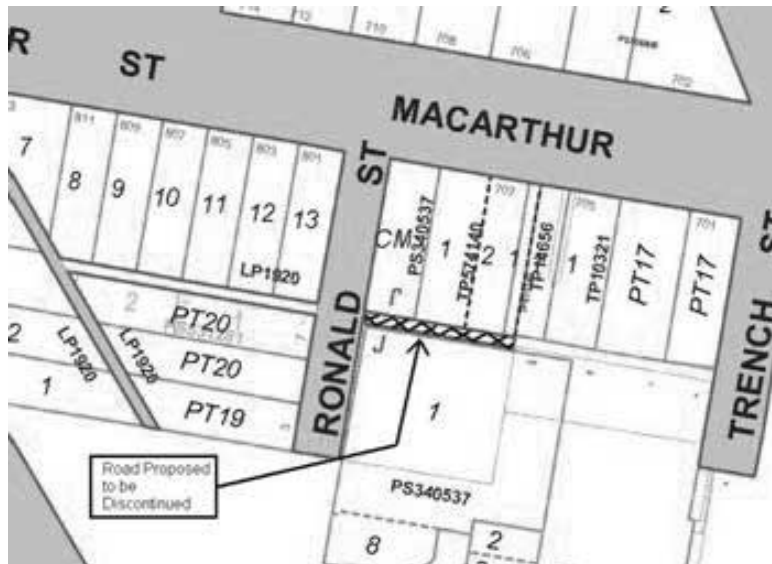
ALASTAIR PIRIE
Acting Chief Executive Officer



Proposed Road Discontinuance
Part of Laneway off Ronald Street, Ballarat
Section 206 Schedule 10(3)
Local Government Act 1989

Notice is hereby given that on Wednesday 27 September 2006, the Ballarat City Council resolved to discontinue that part of the laneway off Ronald Street, Ballarat, as hatched below.

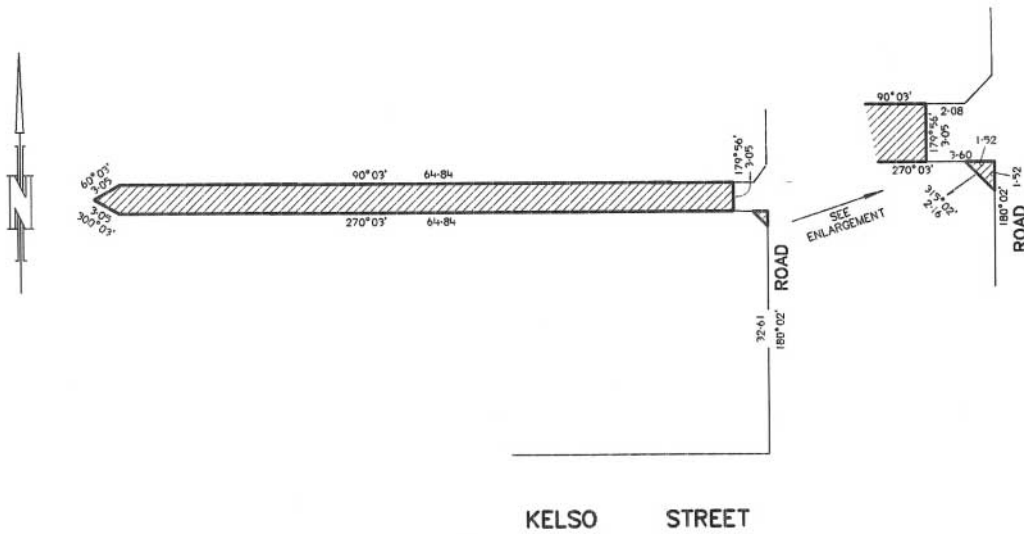
It is proposed to sell the discontinued roadway to the adjoining property owner, Australian Trade Merchants & Co. Pty Ltd.



RICHARD HANCOCK
Chief Executive Officer

KINGSTON CITY COUNCIL
Road Discontinuance

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Kingston City Council at its meeting held on 25 September 2006 formed the opinion that the road at the rear of 1 to 9 Kelso Street, 2 to 10 Catania Street and 38 and 40 Plummer Road, Mentone, and shown by hatching on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road by Private Treaty to the abutting property owners.

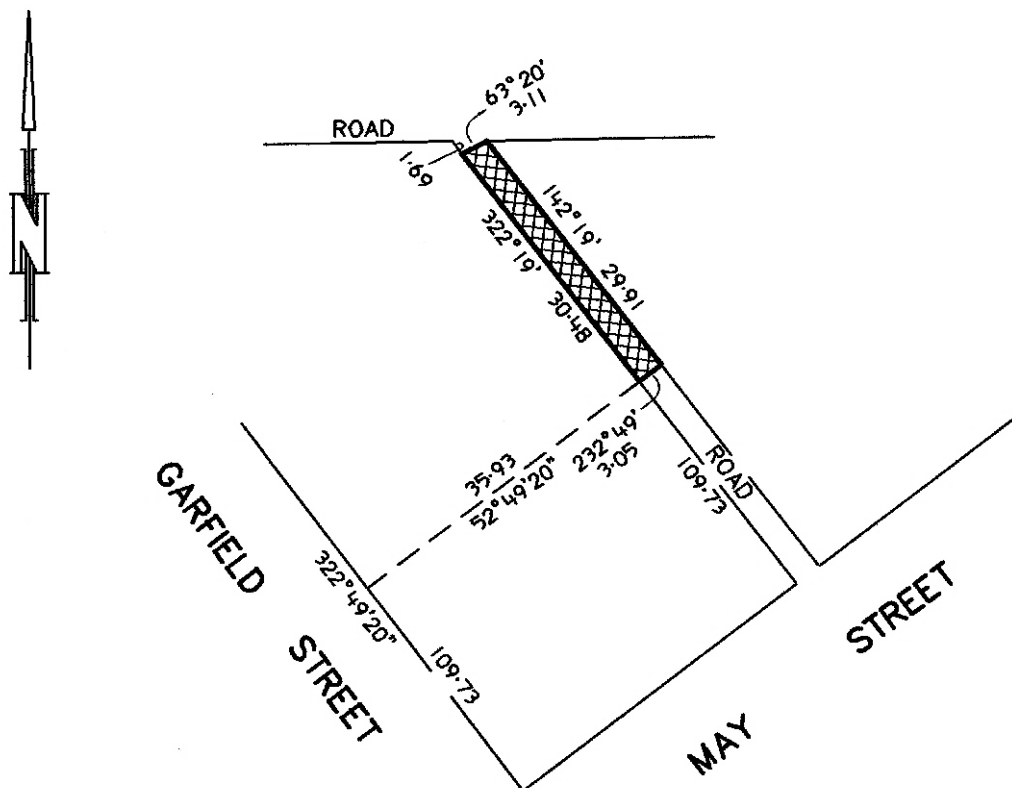


JOHN NEVINS
Chief Executive Officer

KINGSTON CITY COUNCIL
 Road Discontinuance

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Kingston City Council at its meeting held on 25 September 2006 formed the opinion that the road at the rear of 1158 Nepean Highway and 4 and 6 Garfield Street, Cheltenham, and shown by cross-hatching on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road by Private Treaty to the abutting property owners.

The road is to be sold subject to the right, power or interest held by the Kingston City Council and South East Water Limited in the road in connection with any sewers, drains, or pipes under the control of those authorities in or near the road.

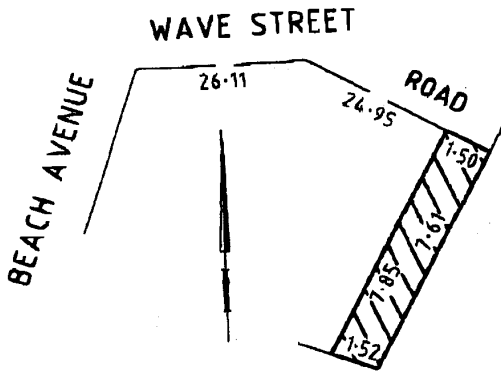


JOHN NEVINS
 Chief Executive Officer



Discontinuance of Road

Notice is hereby given that the Port Phillip City Council, at its ordinary meeting on 25 September 2006, formed the opinion that the section of road shown hatched on the plan below is not reasonably required as a road for public use and resolved to discontinue the road and, having advertised and served notices regarding the proposed discontinuance and hearing submissions under Section 223 of the **Local Government Act 1989**, orders that the road at the rear 56 Spray Street, Elwood, be discontinued pursuant to Section 206 and Schedule 10, Clause 3 of the said Act, and the land of the discontinued road be sold by private treaty to the owners of the land abutting the road.



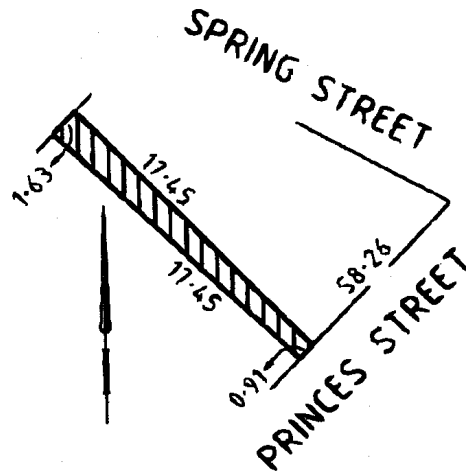
DAVID SPOKES
Chief Executive Officer



Discontinuance of Road

Notice is hereby given that the Port Phillip City Council, at its ordinary meeting on 25 September 2006, formed the opinion that the section of road shown hatched on the plan below is not reasonably required as a road for public use and resolved to discontinue the road and, having advertised and served notices regarding

the proposed discontinuance and hearing submissions under Section 223 of the **Local Government Act 1989**, orders that the road abutting 337 Princes Street, Port Melbourne, be discontinued pursuant to Section 206 and Schedule 10, Clause 3 of the said Act, and the land of the discontinued road be sold by private treaty to the owners of the land abutting the road.



DAVID SPOKES
Chief Executive Officer

GLEN EIRA CITY COUNCIL

Proposed Amendments to
Council's Road Management Plan

Glen Eira City Council ('Council'), acting under section 54 of the **Road Management Act 2004**, proposes to amend its Road Management Plan ('Plan').

The Plan, which was originally adopted by Council on 29 November 2004:

- established a management system for the road management functions of the Council, as a road authority under the above Act, which is based on policy, operational objectives and available resources;
- specified the relevant standards or policy decisions in relation to the discharge of duties of the Council in the performance of those road management functions.

The purpose of the proposed amendments to the Plan is to more accurately describe the current state of Council's:

- management system for the road management functions and
 - relevant standards or policy decisions
- as they have been improved or amended since the Plan was first adopted.

The general purport of the proposed amendments is to detail the decisions Council has made as to how Council manages the public roads and pathways for which it is responsible. In particular, the amendments further clarify and detail:

- the times within which, and the standards to which, Council will inspect, repair and maintain the roads and road-related infrastructure for which Council is responsible;
- the balancing of the needs of road users against the limited resources available to Council taking into account the many other services that Council, as a Local Government Authority, is required to deliver;
- use of the available resources to carry out inspections, repairs and maintenance under a number of programs. These can be divided into two main categories of defect and maintenance;
- descriptions of:
 - increased inspection frequencies;
 - increased intervention levels;
 - increased response times;
 - removal of non-road-related infrastructure.

The original Plan has been rewritten to incorporate these amendments and the amended Plan is known as Version 2.

All classes of Council's public roads and road-related public infrastructure, and pathways are affected by the proposed amendments. These are listed below:

- link, collector and access roads
- high, medium and low pathways
- road pavement and kerb and channel
- regulatory signs
- linemarking and delineation
- drainage pits.

A copy of the amended Plan incorporating the proposed amendments can be inspected or obtained, free of charge, during office hours at Glen Eira City Council Service Centre, corner

of Glen Eira and Hawthorn Roads, Caulfield. The Plan may also be viewed on our website at: www.gleneira.vic.gov.au.

Any person who is aggrieved by any of the proposed amendments to the Plan may make a submission in writing on the proposed amendments. All submissions must be received by 5.00 pm on Friday 10 November 2006.

Submissions should be addressed to: Manager Engineering Assets, Glen Eira City Council, PO Box 42, Caulfield South, Vic. 3162. (Quote ref: 60/040/00033).

Submissions may also be delivered to Council's Service Centre, corner of Glen Eira and Hawthorn Roads, Caulfield, or by email to: mail@gleneira.vic.gov.au.

Submitters will be notified separately of the meeting where and when the submissions will be considered.

GREATER GEELONG CITY COUNCIL

Notice of Intention to make a Local Law

General Local Law

(Amendment) Local Law 2006

Greater Geelong City Council (Council) proposes to make a new local law, to be referred to as the General Local Law (Amendment) 2006. The following information about the proposed local law is provided in accordance with section 119 of the **Local Government Act 1989**.

Purpose of the Local Law

The purpose of the proposed local law is to:

- provide for the peace, order and good government of the municipal district;
- promote a physical and social environment free from hazards to health, in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community; and
- prevent and suppress nuisances which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district.

General Purport of the Local Law

The proposed local law will, if made, amend Council's General Local Law 2005 by:

- making it an offence for a person to camp or allow any other person to camp in any motor vehicle left standing on a road;

- making it an offence for an owner or occupier of land to install or allow to be installed (or cause to be retained and active) on land an intruder alarm unless there is legibly and prominently displayed close to the front door of the premises on the land the name and telephone number of a person who can be contacted if the intruder alarm is activated;
- making it an offence for a person to possess an aerosol spray container on
 - any road or Council land or in any public place, with the intention of using it to deface any structure or property; or
 - private land, unless he or she has a consent of the owner or occupier of that private land;
- making it an offence for a person who offers for sale aerosol spray paint containers, or owns, operates or manages a business from the premises on which an aerosol spray container is offered for sale, to store or display (or cause or allow to be stored or displayed) any aerosol spray paint container in an area which is accessible to the public;
- making it an offence for a person to sell, deliver, give or cause to be sold, delivered or given to a person under the age of 18 years any aerosol spray paint container unless a specified exception is satisfied;
- making it an offence for a person to consume alcohol, or have in his or her possession an unsealed container of alcohol, on Council land or in a public place;
- creating an offence for anti-social behaviour on a road or Council land or in a public place;
- making it an offence for a person to cause the sound system of a motor vehicle to be used so as to emit offensive noise, and extending liability to the owner and driver of the motor vehicle in specified circumstances;
- making it an offence for a driver of a motor vehicle to drive or use a motor vehicle on the road if the sound system of that motor vehicle emits offensive noise, and extending liability to the owner of the motor vehicle in specified circumstances;
- making it an offence for the owner of a motor vehicle to give a false statement as to the name and address of the person who was in charge of the motor vehicle at a specified time;
- making it an offence for a person on a road or Council land or in a public place to emit, or cause to be emitted, such a level of noise as to materially interfere with the reasonable comfort of any person occupying premises which abut the road, Council land or public place;
- making it an offence for a person to act contrary to any indication or direction given in any sign installed by or on behalf of Council;
- making it an offence for a person not to comply with a direction given by an authorised officer to a person contravening or failing to comply with any provision of General Local Law 2005;
- fixing new Infringement Notice penalties for various offences against General Local Law 2005.

Submissions

A copy of the proposed local law may be inspected at or obtained from Council's Customer Service Centres located at: Geelong City Hall, 30 Gheringhap Street – Weekdays 8.00 am – 5.00 pm; Geelong West, 10–12 Albert Street – Weekdays 11.00 am – 3.00 pm; Myers Street, 131 Myers Street – Weekdays 8.00 am – 5.00 pm; Corio, Corio Village – Weekdays 9.00 am – 5.00 pm; Saturdays 9.00 am – 1.00 pm; Belmont, Belmont Library, 163 High Street – Weekdays 9.00 am – 5.00 pm; Drysdale, 18–20 Hancock Street – Weekdays 9.00 am – 5.00 pm; Ocean Grove, The Grove Centre, corner The Avenue and Presidents Avenue – Weekdays 9.00 am – 5.00 pm or on Council's website at geelongaustralia.com.au.

Any person affected by the proposed Local Law may make a written submission relating to it to Council. Submissions received by Council by close of business on Monday 30 October 2006 will be considered in accordance with section 223 of the **Local Government Act 1989**. Any person requesting to be heard in support of a written submission is entitled to appear before a meeting of a Council panel either personally or by a person acting on his or her behalf and will be notified of the time and date of the panel meeting. Copies of all

submissions received will be made available for public inspection.

Submissions may be lodged at any of the above Council Customers Service Centres or posted to: Ms J. Guinane, Health and Local Laws Department, City of Greater Geelong, PO Box 104, Geelong, Vic. 3220 or via the City's website at www.geelongaustralia.com.au.

Correspondence should be clearly marked "Submission to Proposed Local Law".

Enquiries should be directed to Mr Peter Joynson, Health and Local Laws Department, 5227 0178.

Submissions are also invited with respect to the competition aspects of the proposed local law, including the costs/benefits of any restrictions on competition.

Public meetings on the proposed local law will also be held at the following locations on the following dates and times: Geelong City Hall, 30 Gheringhap Street, Wednesday 1 November 2006, 2.00 pm – 4.00 pm; Geelong City Hall, 30 Gheringhap Street, 1 November 2006, 7.00 pm – 9.00 pm.

All members of the public are welcome to attend any of these public meetings.

KAY RUNDLE
Chief Executive Officer



Knox City Council
Serving the People of Knox

Road Management Plan 2006

Pursuant to Section 55 of the **Road Management Act 2004**, notice is hereby given that on 26 September 2006, Knox City Council adopted a review of the Road Management Plan.

A copy of the Road Management Plan 2006 can be inspected or obtained at the Council Offices, located at 511 Burwood Highway, Wantirna South and the Rowville Customer Service Centre, Stud Park Shopping Centre. Alternately, the plan can be viewed from Council's website located at www.knox.vic.gov.au.

The Code of Practice, any incorporated document or any amendment to an incorporated document, as the case may be, may be inspected at Council Offices located at 511 Burwood Highway, Wantirna South and the Rowville Customer Service Centre, Stud Park Shopping Centre. Alternately, these can be viewed from Council's website located at www.knox.vic.gov.au.

For further information please contact Vito Albicini on 9298 8137.

GRAEME EMONSON
Chief Executive Officer

WARRNAMBOOL CITY COUNCIL

Half Day Public Holiday

Warrnambool City Council, pursuant to Section 7(1)(b) of the **Public Holidays Act 1993**, has determined that Thursday 3 May 2007 be declared a Half Day Public Holiday in the Municipal District of the Warrnambool City Council for Warrnambool Cup Day.

LINDSAY A. MERRITT
Chief Executive

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

Notice of Preparation of Amendment

Amendment: C93

Authorisation: AO466

The Cardinia Council has prepared Amendment C93 to the Cardinia Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Cardinia Council as planning authority to prepare the Amendment. The Minister also authorised the Cardinia Council to approve the Amendment under section 35B of the Act.

The Amendment will affect the following land:

- L3 PS546335, Henry Road, Pakenham (7.97 hectare property).
- Reserve No. 1PS600608N, Webster Way, Pakenham (2.056 hectare property).

The Amendment proposes to rezone both parcels of land from a Residential 1 Zone (R1Z) to a Public Park and Recreation Zone (PPRZ).

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, Cardinia Shire Council, Henty Way, Pakenham; 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 13 November 2006. A submission must be sent to: Marcelle Bell, Strategic Planner, Cardinia Shire Council, PO Box 7, Pakenham, Vic. 3810.

Planning and Environment Act 1987

CASEY PLANNING SCHEME

Notice of the Preparation of an Amendment

Amendment C92

Authorisation No. A0419

The Casey City Council has prepared Amendment C92 to the Casey Planning Scheme.

In accordance with Section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Casey City Council as the planning authority to prepare the Amendment. The Minister has also authorised the Council, under section 35B of the Act, to approve the Amendment.

The land affected by the Amendment is described in Certificate of Title Volume 9713, Folio 671 and is known as 500 Soldiers Road, Clyde North. The site is currently used as a school (Hillcrest Christian College).

The Amendment proposes to rezone the subject land from a Farming Zone – Schedule 2 (FZ2) to a Special Use Zone – Schedule 3 (SUZ3) and insert Schedule 3 to the Special Use Zone into the Casey Planning Scheme at Clause 37.01. A Master Plan for the school has also been prepared in accordance with the SUZ3 and is exhibited with the Amendment.

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: City of Casey, Customer Service Centre, Municipal Offices, Magid Drive, Narre Warren; City of Casey, Customer Service Centre, Shop 8 (Bendigo Bank building), Amberly Park Shopping Centre, 101 Seebeck Drive, Narre Warren South; City of Casey, Customer Service Centre, Cranbourne Park Shopping Centre (opposite Post Office), Cranbourne; and at the Department of Sustainability & 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 for viewing on the City of Casey website at www.casey.vic.gov.au/planningexhibition.

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

The closing date for submissions is 13 November 2006. A submission must be sent to: Planning Scheme Amendment Co-ordinator, City of Casey, PO Box 1000, Narre Warren, Vic. 3805.

Should you have any queries about this Amendment, please contact Geoff Marten on 9705 5314.

Dated 12 October 2006

BOB BAGGIO
Manager Planning

Planning and Environment Act 1987

COLAC OTWAY PLANNING SCHEME

Notice of the Preparation
of an Amendment to a Planning Scheme and
Notice of an Application for Planning Permit

Given under S96C of the

Planning And Environment Act 1987

Amendment C47

Authorisation No. A376

Planning permit applications
133/06 and 134/06

The land affected by the Amendment is Lot 1 TP320497R, 2345 Birregurra Forrest Road, Forrest and Lot 1 TP525425B, 2324 Birregurra Forrest Road, Forrest.

The land affected by the application is Lot 1 TP320497R, 2345 Birregurra Forrest Road, Forrest and Lot 1 TP525425B, 2324 Birregurra Forrest Road, Forrest.

The Amendment proposes to rezone the subject land from Rural Zone to Township Zone.

The applications are for permits to subdivide the land (8 lots – Lot 1 TP320497R, 2345 Birregurra Forrest Road and 22 lots – Lot 1 TP525425B, 2324 Birregurra Forrest Road) in accordance with plans attached to the applications.

The person who requested the Amendment is Anthony Stafford of Australian Property Partnership.

The applicant for the permits is Anthony Stafford of Australian Property Partnership.

You may inspect the Amendment and the application, the application, any documents that support the Amendment and application, and the explanatory report about the Amendment at the offices of the planning authority, Colac Otway Shire Council, 2–6 Rae Street Colac or Nelson Street, Apollo Bay; at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne; and the Department of Sustainability and Environment, Geelong Regional Office, 4th Floor, State Government Offices, corner of Fenwick and Little Malop 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 13 November 2006. A submission must be sent to the Colac Otway Shire Council, PO Box 283, Colac, Vic. 3250.

TRACEY SLATTER
Chief Executive Officer

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C18
Authorisation A0349

The Greater Geelong City Council has prepared Amendment C18 to the Greater Geelong Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised (A0349) the Greater Geelong City Council as planning authority to prepare the Amendment (C18).

The Amendment affects land generally bounded by Church Street, the Moorabool River, ex Geelong Cement Works (Moltoni) land and the rear of properties fronting Graylea Avenue, Hamlyn Heights.

The Amendment proposes to rezone the land from Rural to Residential 1 & Public Conservation and Resource zone, apply a Development Plan Overlay & Land Subject To Inundation Overlay and modify the existing Environmental Significance Overlay.

The Amendment proposal provides for residential development off Church Street, Hamlyn Heights and an open space link along the Moorabool River.

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 Department of Sustainability and Environment, Level 4, State Government Offices, corner of Little Malop & 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 13 November 2006. Submissions must be in writing and addressed to The Co-ordinator, Strategic Planning Unit, City of Greater Geelong, either to: PO Box 104, Geelong, Vic. 3220; or strategicplanning@geelongcity.vic.gov.au.

AARON GARRETT
Co-ordinator Strategic Planning

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 considered.

Planning and Environment Act 1987GREATER SHEPPARTON
PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C37

Authorisation Number A0384

The Greater Shepparton City Council has prepared Amendment C37 to the Greater Shepparton Planning Scheme.

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

The land affected by the Amendment is generally that part of the Shepparton Central Business District (CBD) bounded by Knight Street to the north, the Goulburn Valley railway line to the south-east, and Wyndham Street (Goulburn Valley Highway), Welsford Street and Marungi Street to the west.

The Amendment proposes to:

- amend the Schedule to Clause 52.06–6 to provide for new car parking rates and a payment-in-lieu of car parking as recommended by the 'Shepparton Central Business District Parking Precinct Plan'.
- Amend the Schedule to Clause 81 to include the 'Shepparton Central Business District Parking Precinct Plan' as an Incorporated Document.

The 'Shepparton Central Business District Parking Precinct Plan' will be applicable to the following redevelopment scenarios within the Shepparton CBD:

- the change of use of existing buildings;
- extensions to existing buildings;
- renovation or refurbishment of existing buildings;
- the development and use of new buildings.

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, the Greater Shepparton City Council, 90 Welsford Street, Shepparton; at the Goulburn Valley Regional Library, Marungi Street, Shepparton; at the Regional Office of the Department of Sustainability and Environment, 89 Sydney Road, Benalla; at the Department of

Sustainability and Environment, Planning Information Centre, Ground Floor, 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. The closing date for submissions is Monday 11 December 2006. A submission must be sent to: Greater Shepparton City Council, Locked Bag 1000, Shepparton 3632.

COLIN KALMS

Manager

Planning and Development

Planning and Environment Act 1987

MONASH PLANNING SCHEME

Notice of Amendment

Amendment C25

Notice of Planning Application TPA/32465

(Ministerial Authorisation No. A0396)

The City of Monash has prepared Amendment C25 to the Monash Planning Scheme.

The Amendment affects land at 59 Kinnoull Grove, Glen Waverley.

The Amendment proposes to rezone the subject land from a Public Use Zone 7 to a Residential 1 Zone and to facilitate consideration of Planning Application No. TPA/32465 for the subdivision of the site creating a new road, 22 lots, a public open space reserve and the development of 18 dwellings with associated garages and landscaping.

The Amendment and Planning Application are being mutually considered pursuant to Section 96A of the **Planning and Environment Act 1987**.

The Amendment, Planning Application, proposed planning permit and associated documentation 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 Monash City Council, 293 Springvale Road, Glen Waverley.

Submissions about the Amendment must be sent to the City of Monash, PO Box 1, Glen Waverley 3150 by 20 November 2006.

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 13 December 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.

HOLMES, Edgar, late of 38 Rosebank Avenue, Ringwood North, Victoria 3134, retired, and who died on 26 September 2006.

JANSEN, Herbert Christopher, late of 66 Berrabri Drive, Scoresby, Victoria 3179, who died on 23 June 2006.

MAESS, Guenter, late of 9 Linden Street, Box Hill South, Victoria 3128, who died on 29 July 2006.

MORGAN, Charles James, late of Upper Murray Nursing Home, Corryong, Victoria 3707, who died on 29 July 2006.

STEPHENS, Francis David, late of 9 Kymme Court, Glen Waverley, Victoria 3150, social worker, who died on 21 July 2006.

WOLSLEY, Anna, late of 10/68 Denbigh Road, Armadale, Victoria 3143, who died on 14 September 2004.

Dated 4 October 2006

MARY AMERENA
Manager
Executor and Trustee Services

COMPORT, Phyllis Muriel, formerly of Sefton Lodge, 111 Denham Street, Hawthorn, Victoria 3122, but late of 8 Clifton Grove, Hawthorn East, Victoria 3123, who died on 25 August 2006.

DWIGHT, Elsie Jean, late of 79 Eva Street, Clayton, Victoria 3168, pensioner, and who died on 5 August 2006.

HARDING, Ada, late of Tara Private Nursing Home, 398 Ryrie Street, Geelong East, Victoria 3219, pensioner, and who died on 12 June 2006.

PASCOE, Roy Albert, late of 46 York Street, Fitzroy North, Victoria 3068, pensioner, and who died on 13 August 2006.

PEARSON, Kenneth Joseph, late of 30 Dunloe Avenue, Mount Albert North, Victoria 3129, retired, and who died on 17 July 2006.

PHILLIPS, George Clarence, formerly of 8/20 Hawson Avenue, Glen Huntly, Victoria 3163, but late of Homewood Residential Aged Care, 8 Young Road, Hallam, Victoria 3803, retired, and who died on 28 September 2006.

UKUNC, Mehmet Terfik, also known as Mehmet Tevfik Ukunc, late of 12 Mulgrave Street, Kensington, Victoria 3031, pensioner, and who died on 4 July 2006.

WILSON, Olive May, late of 14 Quamby Avenue, Colac, Victoria 3250, retired, and who died on 27 September 2006.

Dated 6 October 2006

MARY AMERENA
Manager
Executor and Trustee Services

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 15 December 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.

BUTLER, Desmond James, late of 186A Danks Street, Albert Park, Victoria 3206, retired, and who died on 21 July 2006.

Department of Treasury and Finance

SALE OF CROWN LAND
BY PUBLIC AUCTION

Date of Auction: 28 October 2006 at 12 noon on site.

Reference: F06/356.

Address of Property: Fraser Street, Mount Pleasant.

Crown Description: Crown Allotment 2033, Township of Ballarat East, Parish of Ballarat.

Terms of Sale: Deposit 10%, 90 days or earlier by mutual agreement.

Area: 1.009 ha.

Officer Co-ordinating Sale: Garry McKenzie,
Garry McKenzie & Associates Pty Ltd,
1st Floor, City Centre Arcade, 315 Sturt
Street, Ballarat, Vic. 3350.

Selling Agent: Booth & Lee Real Estate Pty
Ltd, 37 Lydiard Street South, Ballarat, Vic.
3350.

JOHN LENDERS MP
Minister for Finance

Department of Treasury and Finance

SALE OF CROWN LAND
BY PUBLIC AUCTION

Date of Auction: 27 October 2006 at 1.00 pm
on site.

Reference: 2006/00473.

Address of Property: 26 Richardson Street,
Walpeup.

Crown Description: Crown Allotment 18,
Township & Parish of Walpeup.

Terms of Sale: Deposit 10%, Balance 90 days
or earlier by mutual agreement.

Area: 2023 m²

Officer Co-ordinating Sale: Garry McKenzie,
Garry McKenzie & Associates Pty Ltd,
1st Floor, City Centre Arcade, 315 Sturt
Street, Ballarat, Vic. 3350.

Selling Agent: Collie & Tierney First National
Real Estate Pty Ltd, 67 Lime Avenue,
Mildura, Vic. 3500.

JOHN LENDERS MP
Minister for Finance

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of
Cemetery Trust Fees and Charges

I, Carol Bate, as Delegate of the Secretary to the Department of Human Services for the purposes of Section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scale of fees and charges fixed by the public cemetery trusts listed in this notice. The approved scale of fees and charges will take effect from the date of publication in Government Gazette and will be published on the internet.

Broadford Cemetery Trust
Corop Cemetery Trust
Dahwedarre Cemetery Trust
Drouin Cemetery Trust
Kerang Cemetery Trust
Longwood Cemetery Trust
Marong Cemetery Trust
Morrison's Cemetery Trust
Paynesville Cemetery Trust
Rye Cemetery Trust
Sorrento Cemetery Trust
Walwa Cemetery Trust
Yarrayne Cemetery Trust

CAROL BATE
Assistant Director
Food Safety and
Regulatory Activities

**Domestic (Feral and Nuisance) Animals
Act 1994**

NOTICE OF MAKING
CODE OF PRACTICE FOR THE
OPERATION OF GREYHOUND
ESTABLISHMENTS

I, Bob Cameron, Minister for Agriculture, give notice under section 63 of the **Domestic (Feral and Nuisance) Animals Act 1994** of the making of the Code of Practice for the Operation of Greyhound Establishments.

The Code of Practice for the Operation of Greyhound Establishments comes into operation on the day this Notice is published in the Victoria Government Gazette.

Copies of the Code of Practice for the Operation of Greyhound Establishments may be obtained:

- by visiting the Information Centre, 16th Floor, 1 Spring Street, Melbourne from Monday to Friday between the hours of 9.00 am and 5.00 pm;

- on the internet at www.dpi.vic.gov.au/animalwelfare; or
- by phoning the Customer Service Centre on 136 186.

Dated 27 September 2006

BOB CAMERON MP
Minister for Agriculture

Environment Protection Act 1970

Act No. 8056

APPROVAL OF NEIGHBOURHOOD ENVIRONMENT IMPROVEMENT PLAN

The Environment Protection Authority, under section 19AI of the **Environment Protection Act 1970** (the Act), approved on 19 September 2006 the Little Snowy Creek Neighbourhood Environment Improvement Plan. This Plan is for the catchment of the Little Snowy Creek and the township of Eskdale in Towong Shire, north-east Victoria.

In accordance with section 19AI(5) of the Act, the Little Snowy Creek Neighbourhood Environment Improvement Plan applies from the date of this Government Gazette notice.

For further information about the Neighbourhood Environment Improvement Plan for the Little Snowy Creek, please contact EPA Victoria on 9695 2722 or refer to EPA's website at www.epa.vic.gov.au/projects/NEIPS.

MICK BOURKE
Chairman
Environment Protection Authority

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 129(3)(b)(ii) of the **Gas Industry Act 2001**, made a Determination in respect of a proposed acquisition by the Australian Pipeline Trust (APT) of the gas transmission business of GasNet Australia Limited (GasNet) and its subsidiaries.

The Commission has determined that it is satisfied that the Australian Competition and Consumer Commission (ACCC) has considered the acquisition and has notified APT 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 gas transmission business of GasNet by APT would not represent a prohibited interest under section 128 of the **Gas Industry Act 2001**.

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 4 October 2006

GREG WILSON
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 H2107 in the category described as a Heritage Place; Archaeological Place:

Herrnhut Utopian Commune, Tabor Road, Peshurst, Southern Grampians Shire Council.

EXTENT:

1. All the buildings marked as follows on Diagram 2107 held by the Executive Director:
 - B1 Krummnow's house ruin
 - B2 Dormitory ruin
 - B3 Kitchen ruin
2. All of the cemetery marked F1 on Diagram 2107 held by the Executive Director
3. All of the land marked L1, L2 and L3 on Diagram 2107 held by the Executive Director.

Dated 12 October 2006

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 Lots 3 and 6 on Title Plan 859376X, Parish of Porepunkah, comprising 185.0 square metres and being land described in Certificate of Title Volume 6451, Folio 140, shown as Parcels 1 and 2 on Survey Plan 21063.

Interest acquired: That of L. & D. M. Milne Pty Ltd (ACN 005238951) and all other interests.

Published with the authority of VicRoads.

Dated 12 October 2006

For and on behalf of VicRoads
BERNARD TOULET
Manager
VicRoads Property

Meat Industry Act 1993

In accordance with section 13 of the **Meat Industry Act 1993**, notice is given that PrimeSafe intends to make the "Australian Standard for the Hygienic Production of Pet Meat" a new Code of Practice.

Transport Act 1983

TOW TRUCK DIRECTORATE
OF VICTORIA

Tow Truck Application

Notice is hereby given that the following application will be considered by the Licensing Authority after 15 November 2006.

Notice of any objection to the granting of an application should be forwarded to reach the Director, Tow Truck Directorate of Victoria, Level 6, 14-20 Blackwood Street, North Melbourne (PO Box 666, North Melbourne 3051) not later than 9 November 2006.

It will not be necessary for interested parties to appear on the date specified, unless advised in writing.

Robert Marinelli. Application for variation of conditions of tow truck licence number TOW487 which authorises the licensed vehicle to be managed, controlled and operated from a depot situated at 59 Emerald Road, Upper Beaconsfield, to change the depot address to 58 Enterprise Avenue, Berwick.

Note: This Licence is under consideration for transfer to Enterprise Avenue Towing Services Pty Ltd.

Dated 12 October 2006

STUART SHEARER
Director

Transport Act 1983

TOW TRUCK DIRECTORATE
OF VICTORIA

Tow Truck Applications

Notice is hereby given that the following application will be considered by the Licensing Authority after 15 November 2006.

Notice of any objection to the granting of an application should be forwarded to reach the Director, Tow Truck Directorate of Victoria, Level 6, 14-20 Blackwood Street, North Melbourne (PO Box 666, North Melbourne 3051) not later than 9 November 2006.

It will not be necessary for interested parties to appear on the date specified, unless advised in writing.

Torquay Panel Beating Pty Ltd. Application for variation of conditions of tow truck licence number TOW333 which authorises the licensed vehicle to be managed, controlled and operated from a depot situated at 91 Beach Road, Torquay, to change the depot address to 112 Surf Coast Highway, Torquay.

Note: This Licence is under consideration for transfer to Shane Bolger.

Dated 12 October 2006

STUART SHEARER
Director

Victorian Institute of Teaching Act 2001

NOTIFICATION CANCELLING
REGISTRATION OF A TEACHER

Pursuant to section 42 of the **Victorian Institute of Teaching Act 2001**, the Victorian Institute of Teaching may find a teacher has engaged in serious misconduct, has been seriously incompetent and/or is not fit to teach and may make a determination pursuant to subsection 42(2) including cancelling the registration of a teacher.

On 30 August 2006, Alexander Gianluca Porqueddu, born 14 October 1976, was found guilty of serious misconduct and not fit to teach.

On 30 August 2006, Alexander Gianluca Porqueddu's registration to teach was cancelled, effective from 30 August 2006.

Dated 5 October 2006

SUSAN HALLIDAY
Chairperson
Disciplinary Proceedings Committee
Victorian Institute of Teaching

COMMONWEALTH OF AUSTRALIA

Petroleum (Submerged Lands) Act 1967 (Cth)

NOTICE OF GRANT OF
RENEWAL OF EXPLORATION PERMIT 41

An Exploration Permit numbered VIC/P41 has been granted renewal to: Bass Strait Oil Company Ltd of Level 25, 500 Collins Street, Melbourne, Victoria 3000 and Moby Oil & Gas Ltd of Level 25, 500 Collins Street, Melbourne, Victoria 3000 and Eagle Bay Resources NL of First floor, 14 Outram Street, West Perth, Western Australia 6872, in respect of 16 blocks described hereunder, to have effect for a period of five years from and including 20 September 2006.

DESCRIPTION OF BLOCKS

The graticular blocks numbered 1862, 1863, 1931, 1932, 1933, 1934, 1935, 1936, 2003, 2004, 2005, 2006, 2007, 2008, 2079 and 2080 on the Melbourne Offshore Graticular Sections Map.

Made under the **Petroleum (Submerged Lands) Act 1967** of the Commonwealth of Australia on behalf of the Commonwealth-Victoria Offshore Petroleum Joint Authority.

Dated 20 September 2006

DOUG SCENEY
Manager
Minerals and Petroleum Regulation
Delegate of the Designated Authority

Transport Act 1983MINISTERIAL GUIDELINES FOR THE COST BENEFIT ANALYSIS OF
RAIL SAFETY DECISIONS AND RECOMMENDATIONS

I, Peter Batchelor, Minister for Transport, have prepared the following guidelines for the purposes of the cost benefit analyses and consultation conducted under sections 9AC and 9ZB of the **Transport Act 1983** arising from the relevant amendments to that Act made by sections 116 and 117 of the **Rail Safety Act 2006**.

Dated 23 September 2006

PETER BATCHELOR
Minister for Transport

1. Title

This document is called the 'Ministerial Guidelines for the Cost Benefit Analysis of Rail Safety Decisions and Recommendations'.

2. Authorising provision

These Guidelines are made under sections 9AC and 9ZB of the **Transport Act 1983** (the Act) arising from the relevant amendments made to that Act by sections 116 and 117 of the **Rail Safety Act 2006**.

3. Scope

These Guidelines apply where the Director, Public Transport Safety ('Safety Director') makes:

- 3.1 a mandatory rail safety decision under the **Rail Safety Act 2006** or the **Transport Act 1983** and there is the potential for significant cost in implementing that decision; or
- 3.2 a rail safety recommendation (which is proposed to be funded by the Director of Public Transport) and there is the potential for significant cost in implementing that recommendation.

Note:

'Significant cost' is defined in clause 5.

4. Principles

These Ministerial Guidelines are intended to:

- 4.1 provide a transparent and objective process to demonstrate the cost-effectiveness of rail safety decisions and recommendations (as described above) which have the potential for significant cost;
- 4.2 require that the existing Department of Infrastructure Cost Benefit Analysis Guidelines, in force as of 1 July 2005 and as amended from time to time, are used when assessing investment in rail safety initiatives;
- 4.3 apply a risk assessment framework to be developed by the Safety Director and which is endorsed by the Minister for Transport, the Premier and the Treasurer; and
- 4.4 require that existing DOI processes for review and approval of capital investment (i.e. Project Review Committee) and/or the Department of Treasury and Finance's Gateway Process are used for major rail safety projects as appropriate.

5. Definitions

In these Guidelines, the following definitions apply:

- 5.1 *Mandatory rail safety decision* means:

- 5.1.1 a decision of the Safety Director under the **Rail Safety Act 2006** whether to –
- 5.1.1.1 accredit or refuse to accredit the rail infrastructure operations carried out by a rail infrastructure manager; or the rolling stock operations carried out by a rolling stock operator;
- 5.1.1.2 to impose, vary or revoke a condition or restriction on an accreditation of an accredited rail operator; or
- 5.1.1.3 to vary an accreditation of an accredited rail operator;
- 5.1.2 a decision of the Safety Director or a transport safety officer to serve an improvement notice under Division 4B of Part VII of the **Transport Act 1983**; or
- 5.1.3 a decision of the Safety Director or a transport safety officer to serve a prohibition notice under Division 4B of Part VII of the **Transport Act 1983**.
- 5.2 *Significant cost:*
- 5.2.1 in the case of the Safety Director, '*significant cost*' means costs that:
- 5.2.1.1 are significant in comparison with the size of the rail operation; or
- 5.2.1.2 are significant in total; or
- 5.2.1.3 are otherwise unreasonable to impose without a detailed justification; or
- 5.2.1.4 would require a significant variation to funding arrangements between the Director of Public Transport and the public transport franchisees;

Note:

A cost will not be considered significant if:

- 1) it is attributable to the rail operations proposed in the application for accreditation or variation to accreditation; or
- 2) it is in accordance with what would otherwise be incurred if relevant standard industry practice for that type of rail operation was followed.

and

- 5.2.2 in the case of the Director of Public Transport, *significant cost* means where it would require budget funding outside of the existing Public Transport Division funding allocation.

Note:

Examples of '*significant cost*' include where the costs of implementation:

- to an accredited rail organisation exceeded \$1 million dollars or several percent of revenue; or
- would require a submission to Cabinet's Expenditure Review Committee.

- 5.3 *Reasonably practicable:* in the **Rail Safety Act 2006**, means having regard to:
- 5.3.1 the likelihood of the hazard or risk concerned eventuating;

- 5.3.2 the degree of harm that would result if the hazard or risk eventuated;
 - 5.3.3 what the person concerned knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk;
 - 5.3.4 the availability and suitability of ways to eliminate or reduce the hazard or risk; and
 - 5.3.5 the cost of eliminating or reducing the hazard or risk.
- 5.4 *Rail safety recommendation* means a recommendation by the Safety Director to the Director of Public Transport for the Director of Public Transport to undertake or fund a relevant rail safety project.
- 5.5 *Decision must be made immediately to protect public safety* means mandatory rail safety decisions made where there is an immediate risk to the safety of a person and/or to the safety of rail operations.

Note:

Examples of where immediate action is necessary in the interest of the protection of public safety include cracked wheels or faulty brakes on a train where there is the potential for similar safety concerns on other rolling stock in use.

6. Process where decision must be made immediately to protect public safety or where the costs of implementation are not significant

- 6.1 The Safety Director may determine, after determining the extent of the risk to public safety, that a mandatory rail safety decision must be made immediately to protect public safety, without first preparing or causing to be prepared a cost benefit analysis of the decision.
- 6.2 The Safety Director must only make a mandatory rail safety decision where a control measure for that hazard exists that is reasonably practicable.
- 6.3 Where the Safety Director makes a mandatory rail safety decision without first preparing or causing to be prepared a cost benefit analysis in accordance with these Guidelines, the Safety Director must within a period of twelve months from the date of that decision, prepare or cause to be prepared a cost benefit analysis in accordance with clauses 7–9 of these Guidelines.
- 6.4 After having prepared, or having caused to be prepared, a cost benefit analysis in accordance with these Guidelines, the Safety Director may either affirm, vary, set aside or withdraw the original mandatory rail safety decision, where the Safety Director is empowered to do so under the **Rail Safety Act 2006** and/or the **Transport Act 1983**.
- 6.5 Where the Safety Director makes a mandatory rail safety decision that he or she believes is not of significant cost, he or she must notify the Minister for Transport and the Director of Public Transport as soon as is practicable, and set out the justification.

Note:

'As soon as is practicable' will ordinarily mean on a quarterly basis.

7. Process where mandatory rail safety decisions are made or projects arising from recommendations are undertaken

The Safety Director, when making mandatory rail safety decisions, and the Director of Public Transport, when assessing rail safety recommendations, must apply the following assessment framework:

7.1 Risk identification and assessment

A comprehensive risk assessment must be undertaken based on causal factor analysis justifying that reasonably practicable measures exist to control the likelihood, magnitude and/or severity of consequences of incidents.

The Safety Director, when making a mandatory rail safety decision must:

- 7.1.1 identify the hazard that could cause or contribute to causing an incident;
- 7.1.2 examine and analyse the nature of the hazard and incident concerned;
- 7.1.3 assess the likelihood of the hazard causing an incident; and
- 7.1.4 in the event of the incident occurring, assess its magnitude and severity.

The Safety Director must also consider whether (reasonably practicable) control measures exist to eliminate, or if that is not reasonably practicable, so far as reasonably practicable:

- 7.1.5 the likelihood of the hazard causing an incident; and
- 7.1.6 in the event of the incident occurring, its magnitude and severity.

The Director of Public Transport must when assessing a relevant rail safety project arising from a recommendation of the Safety Director:

- 7.1.7 identify the hazard that could cause or contribute to causing an incident;
- 7.1.8 examine and analyse the nature of the hazard and incident concerned;
- 7.1.9 assess the likelihood of the hazard causing an incident; and
- 7.1.10 in the event of the incident occurring, assess its magnitude and severity.

The Safety Director must consider whether (reasonably practicable) control measures exist to eliminate, or if that is not reasonably practicable, so far as reasonably practicable:

- 7.1.11 the likelihood of the hazard causing an incident; and
- 7.1.12 in the event of the incident occurring, its magnitude and severity.

7.2 Legal obligations

The Safety Director and Director of Public Transport, when undertaking assessments under this Guideline, should have regard to the legal obligations of the relevant parties affected by the assessment (e.g. **Disability Discrimination Act 1992**). The Safety Director must give primary consideration to the relevant provisions of the **Rail Safety Act 2006** and the **Transport Act 1983**.

7.3 Technical standards

The Safety Director and the Director of Public Transport must have regard to established and recognised technical and safety standards for rail operations, infrastructure and rolling stock.

Note:

Where no established and recognised technical and safety standards for rail operations exist, the Safety Director and the Director of Public Transport may have regard to expert safety and technical advice.

7.4 Options identification

- 7.4.1 In determining what is reasonably practicable for an existing hazard, the Safety Director and Director of Public Transport must have regard to the availability of cost-effective options for eliminating or mitigating the causes and/or consequences of the hazard/risk, such as by preparing a cost benefit analysis.

- 7.4.2 In determining whether to undertake a project arising from a relevant rail safety decision, the Director of Public Transport must have regard to a range of control measures that eliminate or, if it is not practicable to eliminate, that reduce, so far as is reasonably practicable, the likelihood of an incident occurring; or in the event of an incident occurring, the magnitude of the incident and the severity of the consequences of the incident.
- 7.4.3 In forming a view on the available options for risk/hazard mitigation, the Safety Director or the Director of Public Transport as relevant must consult with relevant stakeholders.

7.5 Cost benefit analysis

In undertaking the assessment of the proposal the Safety Director and the Director of Public Transport must have regard to the Victorian Government's approach to regulation as outlined in the Victorian Guide to Regulation, and must follow the DOI Guidelines for Cost Benefit Analysis (the DOI Guidelines), along with the following:

- 7.5.1 The Safety Director's cost benefit analysis must be reviewed independently by a reviewer appointed by the Minister for Transport in consultation with the Premier and the Treasurer;
- 7.5.2 The Safety Director must have regard to societal concerns and impacts in undertaking the cost benefit analysis;
- 7.5.3 The evaluation of the costs must include all direct and indirect costs;
- 7.5.4 The evaluation of the benefits must include all direct and indirect benefits associated with improved safety and, where applicable, other benefits that arise from undertaking the investment, including economic benefits; and
- 7.5.5 The value of preventing a fatality (VPF) must be as per the DOI Guidelines (the 'human capital' approach). However, where it can be demonstrated, with reasonable evidence, that other values may be more appropriate then these can be adopted.
- 7.5.6 The cost benefit analysis must outline the process for monitoring the implementation of the decision and assessing the accuracy of the analysis.

8 Consultation

- 8.1 This section describes the requirements for consultation in the process outlined above.
- 8.2 The Safety Director must, before making a mandatory rail safety decision with the potential for significant cost, consult affected stakeholders, the Premier, the Treasurer, any other Minister with an interest in the decision, and the Director of Public Transport. However, the Safety Director is not required to consult in accordance with this sub-clause where a decision must be made immediately to protect public safety.
- 8.3 The Director of Public Transport, when assessing a rail safety recommendation under these Guidelines, must consult affected stakeholders, the Premier, the Treasurer, any other Minister with an interest in the decision, and the Safety Director.
- 8.4 Consultation for the purposes of this section includes the provision of the relevant draft cost benefit analysis for comment.
- 8.5 Ministers may delegate this consultation to their Department(s) or any other Government agency.

- 8.6 'Affected stakeholders' will in most cases mean rail operators accredited under the **Rail Safety Act 2006** who are affected by the mandatory rail safety decision (Safety Director) or project (Director of Public Transport).
- 8.7 'Ministers with an interest' may include:
- 8.7.1 the Minister for Transport;
 - 8.7.2 the Minister for Major Projects;
 - 8.7.3 the Minister for Police and Emergency Services (in particular where the mandatory rail safety decision or project may have an impact on the response to and recovery from emergencies);
 - 8.7.4 the Minister for Resources;
 - 8.7.5 the Minister for Agriculture; and
 - 8.7.6 the Minister for WorkCover.
- 8.8 These requirements for consultation are in addition to the standard internal and external consultation requirements of government departments and agencies.

9. Documentation

In undertaking this process, the Safety Director and/or the Director of Public Transport, as relevant, must document, where applicable:

- 9.1 the objective and scope of the mandatory rail safety decision (Safety Director) or relevant rail safety project resulting from a rail safety recommendation (Director of Public Transport);
 - 9.2 the timing and implementation strategy of the mandatory rail safety decision (Safety Director) or relevant rail safety project resulting from a rail safety recommendation (Director of Public Transport);
 - 9.3 the responsibilities of the various parties in the relevant rail safety decision-making process;
 - 9.4 the identification and assessment of risks by the Safety Director and the Director of Public Transport;
 - 9.5 the assessment of legal obligations by the Safety Director and the Director of Public Transport;
 - 9.6 the identification and evaluation of options by the Safety Director and the Director of Public Transport;
 - 9.7 the preferred option identified by the Safety Director and the Director of Public Transport;
 - 9.8 procurement and funding options (in the case of the Director of Public Transport);
 - 9.9 other requirements of Department of Infrastructure processes, and Department of Treasury and Finance Gateway processes, where appropriate;
 - 9.10 consultation with and views of relevant stakeholders and Ministers as appropriate for both mandatory rail safety decisions (Safety Director) and relevant rail safety projects resulting from a rail safety recommendation (Director of Public Transport); and
 - 9.11 relevant technical standards.
-



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>
Morwell	English Street & Josie Place Lots 1–34 on PS540159 X	14/07/2006
Morwell	Carlyle Court Lots 43–58 on PS428787 T	17/07/2006
Warragul	Copelands Road & Townmead Street Lots 1–11 on PS540693 B	18/07/2006
Traralgon	College Avenue Lots 37–41 on PS509285 U Stage 3	18/07/2006
Warragul	Killarney Lane & Armour's Road Lots 1–10 on PS534310 G	10/08/2006
Morwell	Southern Circuit Lots 4H & 4J on TP7764 & TP7763	22/08/2006
Briagolong	Landy Lane & Freestone Creek Road Lot 1–9 on PS547906 X	13/09/2006
Yarragon	Industrial Court Lots 1 to 7 on PS537945 T	26/09/2006
Traralgon	Ellavale Park Estate Stage 16 Wallaby Grass Rise, Derwent Rise & Ellavale Drive Lots 268–289 on PS517400 X	28/09/2006

WASTEWATER
SERVICED AREAS AS FOLLOWS:

<i>Locality</i>	<i>Property Description</i>	<i>Practical Completion Issue Date</i>
Morwell	English Street & Josie Place Lots 1–34 on PS540159 X	14/07/2006
Morwell	Carlyle Court Lots 43–58 on PS428787 T	17/07/2006
Warragul	Copelands Road & Townmead Street Lots 1–11 on PS540693 B	18/07/2006
Traralgon	College Avenue Lots 37–41 on PS509285 U Stage 3	18/07/2006
Rawson	Pinnacle Drive Lot 1 on PS537550 T	27/07/2006
Sale	Market Street, Sale Lots 1, 3, 4, 6, 7 on PS542964 K Lot 1 on PS547898 T	14/08/2006
Morwell	Southern Circuit Lots 4H & 4J on TP7764 & TP7763	22/08/2006
Drouin	Princes Way, Drouin Lots 1, 2 & 3 on PS533543 M	29/08/2006
Sale	Marilyn Way Lot 1 & 2 on PS549881 B	12/09/2006
Maffra	Carpenter Street Lot 1 & 2 on PS549857 X	15/09/2006
Drouin	Princes Way, Drouin Lot 1 & 2 216 on PS542777 J	21/09/2006
Yarragon	Industrial Court Lots 1 to 7 on PS537945 T	26/09/2006
Traralgon	Ellavale Park Estate Stage 16 Wallaby Grass Rise, Derwent Rise & Ellavale Drive Lots 268–289 on PS517400 X	28/09/2006

JOHN MITCHELL
Chief Executive Officer

Planning and Environment Act 1987

MORELAND PLANNING SCHEME

Notice of Approval of Amendment

Amendment C64

The Moreland City Council has approved Amendment C64 to the Moreland Planning Scheme.

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

The Amendment rezones the rear portions of 11 and 13 Plaisted Street, Coburg from Industrial 3 to Residential 1 and applies an Environmental Audit Overlay.

The Amendment was approved by the Moreland City Council on 13 September 2006 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987**. The authorisation has not been withdrawn.

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 Moreland City Council, Moreland Civic Centre, Planning Counter, 90 Bell Street, Coburg.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

SURF COAST PLANNING SCHEME

Notice of Approval of Amendment

Amendment C15 Part 2

The Minister for Planning has approved Amendment C15 Part 2 to the Surf Coast Planning Scheme.

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

The Amendment includes seven additional heritage places in the Heritage Overlay, alters the schedule to clause 43.01, amends the schedule to clause 61.03 to include a new map and inserts five incorporated plans in the schedule to clause 81.01.

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 Surf Coast Shire Council, 25 Grossmans Road, Torquay.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

SURF COAST PLANNING SCHEME

Notice of Approval of Amendment

Amendment C29

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

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

The Amendment:

- rezones 3000m² of land in Grossmans Road, Torquay from Farming Zone to Residential 1 Zone;
- applies the Design and Development Overlay – Schedule 1 to the land to be rezoned Residential 1 Zone; and
- amends the Schedule to the Farming Zone to allow the creation of a residue lot of 16 hectares in the Farming Zone.

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

Permit No.: 05/0751.

Description of land: 65 Grossmans Road, Torquay.

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 Surf Coast Shire Council, 25 Grossmans Road, Torquay.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

SWAN HILL PLANNING SCHEME

Notice of Approval of Amendment

Amendment C23

The Swan Hill Rural City Council has approved Amendment C23 to the Swan Hill Planning Scheme.

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

The Amendment rezones part of CA A25, Parish of Bumbang, Bromley Road, Robinvale, from Public Park and Recreation Zone to Public Use Zone 7. This is to enable development of the Robinvale police station.

The Amendment was approved by the Swan Hill Rural City Council on 19 September 2006 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987**. The authorisation has not been withdrawn.

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; Department of Sustainability and Environment, North West Regional Office, corner of Midland Highway and Taylor Street, Bendigo; and at the offices of the Swan Hill Rural City Council, Robinvale Resource Centre, 72 Herbert Street, Robinvale 3549.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

The Amendment:

- includes a site specific provision in the schedule to Clause 52.03 to allow land at 465 Lysterfield Road and 230 Glenfern Road, Lysterfield to be used for a golf course subject to the grant of a permit. Applications to use the land for a golf course and to subdivide the land into a maximum of three lots in accordance with the site specific provision are exempt from the notice and decision requirements and review rights of the **Planning and Environment Act 1987**.
- Introduces schedule 2 to the Development Plan Overlay – Waverley Golf Course, Lysterfield Valley (DPO2) and applies it to the proposed golf course site.
- Modifies the schedule to Clause 61.03 to recognise map changes associated with the introduction of DPO2.
- Modifies the schedule to Clause 81.01 to include a revised incorporated document under the schedule to Clause 52.03.

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

Planning and Environment Act 1987

YARRA RANGES PLANNING SCHEME

Notice of Approval of Amendment

Amendment C33

The Minister for Planning has approved Amendment C33 to the Yarra Ranges Planning Scheme.

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

ORDERS IN COUNCIL**Accident Compensation Act 1985**

WORKCOVER LEGAL COSTS ORDER 2006

The Governor in Council, under section 134AG of the **Accident Compensation Act 1985**, makes the following Order:

Dated 10 October 2006

Responsible Minister
JOHN LENDERS MP
Minister for WorkCover

RUTH LEACH
Clerk of the Executive Council

1. Citation

This Order may be cited as the WorkCover Legal Costs Order 2006.

2. Application

This Order specifies the legal costs that may be recovered on a party and party basis by a legal practitioner acting on behalf of a worker in respect of any claim, application or proceedings under section 134AB of the **Accident Compensation Act 1985**. This Order applies to all applications brought or made on or after the date of commencement of the Order pursuant to section 134AG(2). For those applications made prior to the commencement of this Order the Workcover Legal Costs Order 2001 will continue to apply.

3. Definitions

“*Act*” means the **Accident Compensation Act 1985**;

“*advice*” means the advice of the Authority or self-insurer referred to in sections 134AB(7) and (8) of the Act;

“*application*” mean an application in the form referred to in section 134AB(5)(a) of the Act;

“*attendances*” mean services provided by a legal practitioner including all work referred to in the Scales of Costs contained in the County Court Rules and in the Supreme Court Rules;

“*Authority*” means the Victorian WorkCover Authority established under section 18 of the Act;

“*certificate*” means a certificate in writing as set out in Section 134AB(16)(a)(ii) of the Act.

“*claim*” means the proposed claim at common law, in respect of each cause of action which the worker seeks to maintain;

“*consent and authority*” means the form of consent and authority comprising Form D to the Ministerial Directions made pursuant to S134AF(1) of the Act;

“*County Court Rules*” means the County Court Rules of Procedure in Civil Proceedings 1999 made under the **County Court Act 1958**;

“*health service*” means:

- (a) an activity performed in relation to an individual that is intended or claimed (expressly or otherwise) by the individual or organisation performing it –
 - (i) to assess, maintain or improve the individual’s health; or
 - (ii) to diagnose the individual’s illness, injury or disability; or
 - (iii) to treat the individual’s illness, injury or disability or suspected illness, injury or disability; or
- (b) a disability service, palliative care service or aged care service; or

- (c) the dispensing on prescription of a drug or medicinal preparation by a pharmacist; “*legal practitioner*” has the same meaning as the term “*Australian lawyer*” in the **Legal Profession Act 2004**;
- “*medical report*” means a medical report as defined in section 134AB(37) of the Act;
- “*offer*” means an offer in settlement or compromise of a claim and includes an offer of a nil amount;
- “*Scales of Costs*” means the Scale of Costs contained in Appendix A to the County Court Rules or the Scale of Costs contained in Appendix A and B of Chapter 1 to the Supreme Court Rules.
- “*section 134AB(12) conference*” means a meeting, discussion or series of meetings or discussions commenced in accordance with section 134AB(12) of the Act;
- “*self-insurer*” means a body corporate or partnership approved as a self-insurer under Part V of the Act;
- “*statutory offer*” and “*statutory counter offer*” mean the offers referred to in section 134AB(12) of the Act;
- “*Supreme Court Rules*” means the Supreme Court (General Civil Procedure) Rules 2005 made under the **Supreme Court Act 1986**;
- “*treater’s notes and records*” means any notes, records, correspondence and/or medical reports held by or of any medical practitioner, hospital or any other person concerning any medical treatment by or any other health service provided to the worker.

4. **Legal Costs**

- A. Where a worker, who has provided a signed and witnessed consent and authority, settles or compromises a claim and recovers damages after making an application and after a section 134AB(12) conference has commenced, and prior to commencing proceedings in accordance with section 134AB(12) of the Act, the worker’s legal practitioner is entitled to recover on a party and party basis the costs of the application and the section 134AB(12) conference as follows:–
- (1) legal practitioner’s professional costs, \$15,000 (inclusive of Counsel’s fees); or
 - (2) if the worker obtains a serious injury certificate after the commencement of an Originating Motion \$13,500 (inclusive of Counsel’s fees); or
 - (3) if the worker obtains a serious injury certificate for pain and suffering only after the commencement of an Originating Motion \$11,475 (inclusive of Counsel’s fees)
 - (4) for non-medical expert reports, the worker’s legal practitioner is entitled to recover as a disbursement reasonable fees for relevant and necessary reports;
 - (5) in addition to the costs and fees referred to in paragraphs (1) to (4) and Part C, the worker’s legal practitioner is entitled to recover reasonable interpreters’ fees and travel allowances payable in accordance with the Scale of Costs contained in the County Court Rules.
- B. Where a worker, who has not provided a signed and witnessed consent and authority, settles or compromises a claim and recovers damages after making an application and after a section 134AB(12) conference has commenced, and prior to commencing proceedings in accordance with section 134AB(12) of the Act, the worker’s legal practitioner is entitled to recover on a party and party basis the costs of the application and the section 134AB(12) conference as follows:–
- (1) legal practitioner’s professional costs, \$12,000 (inclusive of Counsel’s fees); or
 - (2) If the worker obtains a serious injury certificate after the commencement of an Originating Motion \$9,600 (inclusive of Counsel’s fees); or

- (3) if the worker obtains a serious injury certificate for pain and suffering only after the commencement of an Originating Motion \$8,034 (inclusive of Counsel's fees);
 - (4) for non-medical expert reports, the worker's legal practitioner is entitled to recover as a disbursement reasonable fees for relevant and necessary reports;
 - (5) in addition to the costs and fees referred to in paragraphs (1) to (4) and Part C, the worker's legal practitioner is entitled to recover reasonable interpreters' fees and travel allowances payable in accordance with the Scale of Costs contained in the County Court Rules.
- C. In addition to the items referred to at Parts A and B above (respectively), in respect to medical reports and treaters' notes and records relied upon and exchanged on behalf of the worker, the worker's legal practitioner is entitled to recover as a disbursement the reasonable cost of:
- (a) All treaters' notes and records (excluding medico legal reports). Payment for treaters' notes and records shall be made within a reasonable time of a written request to the legal representative of the Authority or self insurer by the worker or the worker's legal practitioner at any time after the application is served on the Authority or self insurer and is not dependent on the worker obtaining payment of any damages.
 - (b) One medico legal report per specialty relevant to the injury or injuries alleged to be and accepted as or determined to be serious. The Authority or self-insurer may allow the cost of more than one medico legal report per speciality. Payment for medico legal reports shall only be made where a worker settles or compromises a claim and recovers damages after making an application and after a section 134AB(12) conference has commenced, and prior to commencing proceedings in accordance with section 134AB(12) of the Act.
- D. Where a worker settles or compromises a claim and recovers damages, or obtains judgment and is awarded damages after instituting proceedings under section 134AB(12) of the Act ("the proceeding") and if section 134AB(28)(b) of the Act applies, the worker's legal practitioner is entitled to costs on a party and party basis as follows:-
- (1) legal practitioner's professional costs and disbursements of the application and section 134AB(12) conference in accordance with:
 - (a) if the worker has provided a signed and witnessed consent and authority, the entitlements set out in Part A and Part C; or
 - (b) if the worker has not provided a signed and witnessed consent and authority, the entitlements set out in Part B and Part C;
 - (2) legal practitioner's professional costs of the proceeding (including counsel's fees), calculated in accordance with the Scale of Costs that would in the absence of this Order have applied (but as if the amounts in the scale were reduced by 20 per cent), plus disbursements, but excluding any amount in respect of attendances or disbursements incurred prior to rejection of the statutory counter offer by the Authority or self-insurer or before the expiration of 21 days from receipt of the statutory counter offer, whichever is earlier.
- E. In addition to the sums specified at Parts A and B above (as the case may be), where proceedings are instituted by a worker pursuant to section 134AB(16)(b) of the Act, and costs are awarded to the worker, the worker's legal practitioner shall be entitled to legal practitioner's professional costs on a party and party basis of the proceeding (including counsel's fees), calculated in accordance with the Scale of Costs that would in the absence of this Order have applied (but as if the amounts

in the scale were reduced by 20 per cent) plus disbursements, but excluding any amount in respect of attendances and disbursements incurred prior to the delivery of the advice by the Authority or self-insurer.

- F. Where a worker settles or compromises a claim and recovers damages prior to making an application, the worker's legal practitioner shall be entitled to costs on a party and party basis as follows:-
- (1) legal practitioner's professional costs, \$4,000 (inclusive of counsel's fees);
 - (2) disbursements in accordance with Part A, paragraphs (4), (5) and Part C.

Footnote

The entitlement to costs and disbursements under this Order replaces any other entitlement of a worker to be awarded legal practitioners' professional costs and disbursements for or incidental to an application, a section 134AB(12) conference or proceedings commenced in accordance with section 134AB(12) or section 134AB(16) of the Act, and has full force and effect notwithstanding anything to the contrary in the **Legal Profession Act 2004**, the **Supreme Court Act 1986** or the **County Court Act 1958** or in any regulation, rules, order or other document made under any of those Acts.

FORM D

CONSENT AND AUTHORITY TO RELEASE INFORMATION AND DOCUMENTS

I consent to and hereby authorise any doctor, ambulance service, hospital or any other form of health service provider who has provided treatment and/or services to me in connection with any injury or condition the subject of this Section 134AB(4) application and/or in connection with any injury or condition that existed before this Section 134AB(4) application, to give access to all information and documents in relation to such injury or injuries or condition or conditions to the Victorian WorkCover Authority or my self insurer or their respective legal representatives upon request from such person and while that person is responsible for dealing with my Section 134AB(4) application.

I consent to and agree that any such doctor, ambulance service, hospital or any other form of health service provider shall give access to the information and documents the subject of a request made pursuant to this consent and authority upon receipt of a clear reproduction of this consent and authority.

This authority remains valid until such time as the Authority or self-insurer makes a determination under Section 134AB(7).

I will not withdraw or revoke this consent and authority for the duration of this period.

I declare that I clearly understand the terms and effect of this consent and authority.

Signature of worker

Name of worker (*printed*)

I declare that the worker appeared to understand the contents of this authority

Signature of witness

Name of witness (*printed*)

Crown Land (Reserves) Act 1978
REVOCATION OF
TEMPORARY RESERVATIONS
 Order in Council

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

DARTMOOR – The temporary reservation by Order in Council of 12 January 1954 of an area of 1695 square metres of land in Section 15, Township of Dartmoor, Parish of Dartmoor as a site for a Baby Health Centre, revoked as to part by Order in Council of 11 August 1992 so far as the balance remaining containing 1211 square metres, more or less. – (Rs 7207).

EUMEMMERRING – The temporary reservation by Order in Council of 18 December 1916 of an area of 8.137 hectares, more or less, of land in the Parish of Eumemmerring as a site for Watering purposes, revoked as to part by Order in Councils of 27 April 1937 and 10 September 1963, so far only as the portion containing 1.522 hectares being Crown Allotment 2013, Parish of Eumemmerring as indicated by hatching on plan published in the Government Gazette on 17 August 2006 – page 1745. – (Rs 1337).

EUMEMMERRING – The temporary reservation by Order in Council of 25 May 1937 of an area of 2150 square metres, more or less, of land in the Parish of Eumemmerring as a site for Watering purposes, in addition to and adjoining the site temporarily reserved therefor by Order in Council of 18 December 1916, so far only as the portion containing 62 square metres being Crown Allotment 2015, Parish of Eumemmerring as indicated by hatching on plan published in the Government Gazette on 17 August 2006 – page 1745. – (Rs 1337).

SOUTH MELBOURNE – The temporary reservation by Order in Council of 26 November 1996 of 1.070 hectares of land being Crown Allotment 77S, City of South Melbourne, Parish of Melbourne South as a site for Public Purposes (Maritime Museum and associated purposes), so far only as the portion containing 4103 square metres being Crown Allotment 2087, City of South Melbourne, Parish of Melbourne South as indicated by hatching on plan published in the Government Gazette on 17 August 2006 – page 1745. – (Rs 10182).

WAARRE – The temporary reservation by Order in Council of 20 March 1973 of an area of 2023 square metres of land in Section C, Parish of Waarre as a site for Water Supply purposes. – (Rs 9724).

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

Dated 10 October 2006

Responsible Minister
ROB HULLS
 Minister for Planning

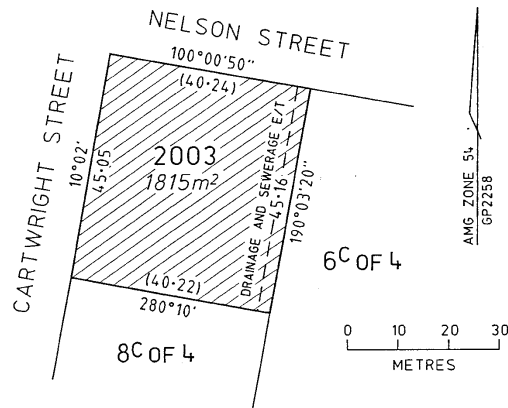
RUTH LEACH
 Clerk of the Executive Council

Crown Land (Reserves) Act 1978
TEMPORARY RESERVATION
OF CROWN LANDS
 Order in Council

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:–

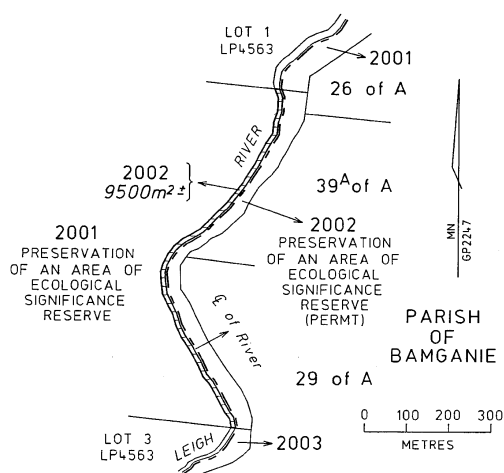
MUNICIPAL DISTRICT OF THE
COLAC OTWAY SHIRE COUNCIL

APOLLO BAY – Public purposes (Police purposes), 1815 square metres, being Crown Allotment 2003, Township of Apollo Bay, Parish of Krambruk as indicated by hatching on plan hereunder. (GP2258) – (2015723).



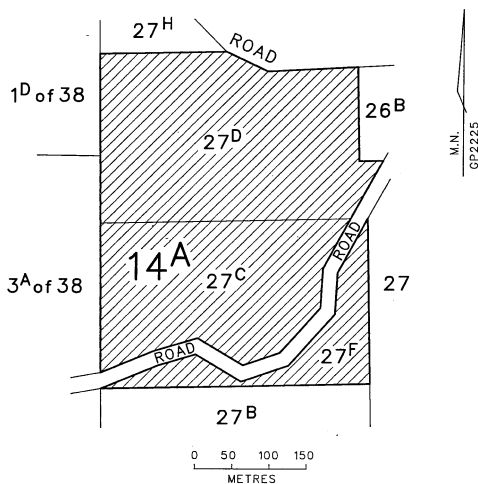
MUNICIPAL DISTRICT OF THE
GOLDEN PLAINS SHIRE COUNCIL

LAWALUK – Preservation of an area of ecological significance, 9500 square metres, more or less, being Crown Allotment 2002, Parish of Lawaluk as indicated by hatching on plan hereunder. (GP2247) – (052012491).



MUNICIPAL DISTRICT OF THE GREATER BENDIGO CITY COUNCIL
LOCKWOOD and MANDURANG – Public purposes, total area 195 hectares, more or less, being Crown Allotments 2004, 2006, and Crown Allotments 20B, 20C and 28B of Section G, Parish of Lockwood, and Crown Allotments 2037, 2038 and Crown Allotment 23A of Section G, Parish of Mandurang as shown hatched on Plan No. LEGL./06–046 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (0609648).

MUNICIPAL DISTRICT OF THE GOLDEN PLAINS SHIRE COUNCIL
SMYTHESDALE – Conservation of an area of natural interest, total area 14.74 hectares, more or less, being Crown Allotments 27C, 27D and 27F, Section 14A, Parish of Smythesdale as indicated by hatching on plan hereunder. (GP2225) – (2015726).



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

Dated 10 October 2006

Responsible Minister
ROB HULLS
 Minister for Planning

RUTH LEACH
 Clerk of the Executive Council

Crown Land (Reserves) Act 1978
AMENDMENT OF
TEMPORARY RESERVATION –
WARRNAMBOOL

Order in Council

The Governor in Council under Section 4(1) of the **Crown Land (Reserves) Act 1978** amends the following Order in Council:–

WARRNAMBOOL – Order in Council made on 14 April 1959 and published in the Government Gazette on 22 April 1959 – page 1190 of the temporary reservation of an area of 6 acres 0 roods 5 perches [2.441 hectares] of land in the Township of Warrnambool, Parish of Wangoom as a site for Public Recreation and Gardens, by deletion of the words “and Gardens” therefrom. Rs 7811 – [0304370].

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

Dated 10 October 2006

Responsible Minister
ROB HULLS
 Minister for Planning

RUTH LEACH
 Clerk of the Executive Council

Financial Management Act 1994
BRING FORWARD APPROPRIATION
UNDER SECTION 28(1)

Order in Council

The Governor in Council under section 28(1) of the **Financial Management Act 1994** approves:

- the allocation of \$49.666 million to the Department of Sustainability and Environment, in addition to amounts

appropriated for the purposes of that department, under 'Additions to the net asset base', in the **Appropriation (2006–2007) Act 2006**; and

- the allocation of \$0.309 million to the Department of Sustainability and Environment in addition to amounts appropriated for the purposes of that Department, under 'Additions to the net asset base – Victorian Water Trust', in the **Appropriation (2006–2007) Act 2006**.

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

Dated 10 October 2006

Responsible Minister:
JOHN BRUMBY MP
Treasurer

RUTH LEACH
Clerk of the Executive Council

Land Act 1958

APPROVAL BY THE
GOVERNOR IN COUNCIL
TO THE SALE OF CROWN LAND
BY PRIVATE TREATY

Order in Council

The Governor in Council, pursuant to Sections 99A(1)(a) and 99A(2) of the **Land Act 1958**, approves the sale by private treaty of Crown Allotment 26, Parish of Wonthaggi and situated on the northern side of West Area Road, Wonthaggi.

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

Dated 10 October 2006

Responsible Minister
JOHN LENDERS MP
Minister for Finance

RUTH LEACH
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:

138. *Statutory Rule:* Transport
(Infringements)
(Further Amendment)
Regulations 2006
- Authorising Act:* Transport Act 1983
- Date of making:* 10 October 2006
139. *Statutory Rule:* Transport (Conduct)
(Amendment)
Regulations 2006
- Authorising Act:* Transport Act 1983
- Date of making:* 10 October 2006

**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:

130. *Statutory Rule:* Victoria State
Emergency Service
Regulations 2006
- Authorising Act:* Victoria State
Emergency Service
Act 2005
- Date first obtainable:* 10 October 2006
- Code C*

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