



Victoria Government Gazette

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GENERAL

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The last Special Gazette was No. 424 dated 24 November 2009.

The last Periodical Gazette was No. 1 dated 3 June 2009.

How To Submit Copy

- See our webpage www.gazette.vic.gov.au
 - or contact our office on 8523 4601
between 8.30 am and 5.30 pm Monday to Friday
-

Copies of recent Special Gazettes can now be viewed at the following display cabinet:

- 1 Treasury Place, Melbourne (behind the Old Treasury Building)
-

**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)
CHRISTMAS PERIOD 2009**

PLEASE NOTE:

A General Gazette will NOT be published on Thursday 31 December 2009.

Where urgent gazettal is required from Monday 28 December 2009 through to Thursday 31 December 2009, a Special Gazette can be published.

The final Victoria Government Gazette (General) for 2009 (G52/09) will be published on **Thursday 24 December 2009.**

Copy deadlines:

Private Advertisements **9.30 am on Friday 18 December 2009**

Government and Outer

Budget Sector Agencies Notices **9.30 am on Monday 21 December 2009**

Office Hours:

The Victoria Government Gazette Office is open during normal office hours over the holiday period, i.e. 8.30 am to 5.30 pm Monday to Friday, excluding public holidays.

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

JENNY NOAKES
Government Gazette Officer

**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)
NEW YEAR WEEK 2010**

Please Note:

The Victoria Government Gazette (General) for New Year week (G1/10) will be published on **Thursday 7 January 2010.**

Copy deadlines:

Private Advertisements **9.30 am on Monday 4 January 2010**

Government and Outer

Budget Sector Agencies Notices **9.30 am on Monday 4 January 2010**

Office Hours:

The Victoria Government Gazette Office is open during normal office hours over the holiday period, i.e. 8.30 am to 5.30 pm Monday to Friday, excluding public holidays.

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JENNY NOAKES
Government Gazette Officer

VICTORIA GOVERNMENT GAZETTE

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JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

NOTICE OF RETIREMENT FROM PARTNERSHIP

Notice is hereby given in accordance with section 40(2) of the **Partnership Act 1958**, that Nadia Pin gave notice to Margherita Ghezzi and Thea Traianou of her intention to retire from the partnership trading as myitaliancloset at 5 Laura Street, Moonee Ponds, Victoria, and that from midnight on Friday 30 October 2009, Nadia Pin has retired from the said partnership and shall not be liable for debts and liabilities incurred after that time.

DISSOLUTION OF PARTNERSHIP

Notice is hereby given in accordance with section 40 of the **Partnership Act 1958** that the partnership between P. G. James of 18 Netherby Avenue, Wheelers Hill and V. Sharma of 2/1076 Heatherton Road, Noble Park, was dissolved by mutual agreement effective from Sunday 8 November 2009. The said partnership of Jarma – PJ & VS Disti Services trading as Jarma Disti Services is now dissolved and neither party will be liable for debts and liabilities incurred after that time.

DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership between PWM Equity Participation Company Pty Ltd as trustee for the PWM Equity Participation Trust, Peter O'Toole and Coy Pty Ltd as trustee for the Peter O'Toole Family Trust and Charmaine Curtain and Coy Pty Ltd as trustee for the Charmaine Curtain Family Trust trading as Private Wealth Management is dissolved effective 30 June 2009. The agent and nominee of the partnership was Private Wealth Management Pty Ltd (ACN 123 159 375). Denshel Pty Ltd as trustee for the Wade Family Trust retired from the partnership prior to the dissolution.

DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership heretofore subsisting between Emma Louise Kennard and Karyn Raye Bassett carrying on business as Tiny Pioneer at 77 High Street, Maldon, has been dissolved as from 1 July 2009.

Re: LORNA IRENE COLVIN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 April 2009, are required by the trustee, William Alan Firth-Smith, to send particulars to him, care of the undersigned solicitors, by 22 January 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

AITKEN PARTNERS PTY LTD, solicitors,
Level 1, 114 William Street, Melbourne 3000.

Re: JOHN ALEXANDER FLANIGAN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 June 2009, are required by the trustee, Gary Richard Flanigan, to send particulars to him, care of the undersigned solicitors, by 22 January 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

AITKEN PARTNERS PTY LTD, solicitors,
Level 1, 114 William Street, Melbourne 3000.

Re: DENIS DANIEL FARRINGTON, late of 40 Carlisle Street, St Kilda, in the State of Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 June 2007, are required to send particulars of their claim to the executors of the estate of the said deceased, John Richard Journeaux and John Francis Xavier Dillon, care of Carroll & Dillon, solicitors, Level 1, 22 William Street, Melbourne 3000, by 29 January 2010, after which date the executors will convey and distribute the said estate, having regard only to the claims of which the executors then have notice.

CARROLL & DILLON, solicitors,
Level 1, 22 William Street, Melbourne 3000.

Re: JUDITH ALICE BLACK, late of Unit 5, 3 Anderson Road, Sunbury, Victoria, retired carer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 July 2009, are required by the trustee, Andrea Stuart, to send particulars to the trustee, care of the undermentioned solicitors, within sixty days from the publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DE MARCO LAWYERS,
794A Pascoe Vale Road, Glenroy 3046.

Re: MARIAN RITA DAVIS, late of 26 Jackson Street, Winchelsea, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 September 2009, are required by the trustee, Joseph De Marco, to send particulars to the trustee, care of the undermentioned solicitors, within sixty days from the publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DE MARCO LAWYERS,
794A Pascoe Vale Road, Glenroy 3046.

Re: Estate of JOY THERESA SCOTT, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of JOY THERESA SCOTT, late of Unit 1, 272 Lawrence Road, Mount Waverley in the said State, retired, deceased, who died on 26 June 2009, are required by the executor to send particulars of their claim to her, care of the undermentioned solicitors, by 8 March 2010, after which date the said executor will distribute the assets of the deceased, having regard only to the claims of which she then shall have notice.

DONALD & RYAN LAWYERS, solicitors,
304 High Street, Kew 3101.

GLEN STANLEY REX WALKER, late of 157 New Street, Brighton, in the State of Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 June 2009, are required by the

executors, Elaine Elizabeth Blackadder of 7b McLean Crescent, Mosman, New South Wales, and Susan Margaret Walker of 24 Edward Street, Elsternwick, Victoria, to send particulars to them, care of the undermentioned solicitor, by 28 January 2010, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

HARRY M. HEARN, solicitor,
443 Little Collins Street, Melbourne 3000.

Re: ERNESTINE KRUPJAK, late of 44 Cameron Street, Traralgon, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 August 2009, are required by the trustee, Paul Anthony McDonough, to send particulars to the trustee, care of the belowmentioned solicitors, by 29 January 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

McDONOUGH & CO., solicitors,
68 Seymour Street, Traralgon 3844.

STEFANIE REISNER, late of 8 Wilks Street, Caulfield North, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 July 2009, are required by the legal personal representatives, Gabriel Samson Reisner, Robert William Joseph Reisner and Jeffrey Peter Rose, to send particulars to them, care of Michael Sharp Legal, PO Box 234, Prahran, Victoria 3181, by 27 January 2010, after which date the legal personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

Re: JOHN EMMERSON BARKER, late of 2 Caroline Chisholm Drive, Kyneton, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 June 2009, are required by the trustees, James William Noy, solicitor, and Simon John Barker, police officer, to send

particulars to the trustees by 15 February 2010, to their solicitors, Palmer, Stevens & Rennick of 8 Jennings Street, Kyneton, Victoria 3444, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

PALMER, STEVENS & RENNICK, solicitors,
8 Jennings Street, Kyneton 3444.

Re: ANNA MARIA DRIVER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 August 2009, are required by the trustee, Trust Company Fiduciary Services Limited, ACN 000 000 993, of Level 3, 530 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 2 February 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

PERRY WESTON, lawyers,
37 Railway Road, Blackburn 3130.

MYRTLE RESILDA SMITH, late of Blue Cross Darnlee, 33 Lansell Road, Toorak in the State of Victoria (and formerly of 2A Tahara Road, Toorak in the said State), gentlewoman, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 October 2009, are required by the executors of the Will of the deceased, Garnet Neyland, Robert John Gartside and Barry John Stones, care of the undermentioned solicitors, Piper Alderman of Level 24, 385 Bourke Street, Melbourne in the said State, to send particulars to the executors by 5 February 2010, after which date the said executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated 27 November 2009

PIPER ALDERMAN,
Level 24, 385 Bourke Street, Melbourne,
Victoria 3000.

Creditors, next-of-kin and others having claims against the estate of GWYNNETH NANCY MITCHELMORE, late of Unit 2, 16 Ashted Road, Box Hill, Victoria 3128, who died

on 27 June 2009, are required by the executor, Patricia Mary Carroll, to send detailed particulars of their claim to the said executor, care of the undermentioned solicitor, by 20 February 2010, after which date the executor may convey or distribute the estate, having regard only to the claims of which she then has notice.

POLITES & CARROLL, solicitors,
Level 7, 160 Queen Street, Melbourne 3000.

Re: RONALD JAMES PATCHING, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 April 2009, are required by the trustees, Jamie Mark Patching and Melinda Jane Gorrie, in the Will called Melinda Jane Patching, care of the undermentioned solicitors, to send particulars to the trustees by 29 January 2010, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

PETER WENDEN McDONALD, late of 2/105 Tanti Avenue, Mornington, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 September 2009, are required by the executor, Judith Elizabeth McDonald of 2/105 Tanti Avenue, Mornington, to send particulars to her, care of Stidston & Williams Weblaw, by 23 January 2010, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

STIDSTON & WILLIAMS WEBLAW, lawyers,
Suite 1, 10 Blamey Place, Mornington 3931.

JAMES NORMAN GRIBBIN, late of Unit 3, 29 Campbell Street, Glen Waverley, Victoria, widowed, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 17 August 2009, are required to send particulars of their claims to the executor, Jay Andrew Gribbin, care of the

undermentioned solicitors, by 26 January 2010, after which date the said executor will distribute the assets, having regard only to the claims of which he then has notice.

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

PHILLIP RODNEY KNOWLES, deceased.

Creditors, next-of-kin and others having claims against the estate of PHILLIP RODNEY KNOWLES, late of 27 Sheehans Road, Blackburn, Victoria, retired, deceased, who died on 3 August 2009, are required to send particulars of their claims to the administrator, care of the undermentioned solicitor, by 30 January 2010, after which date the administrator will proceed to distribute the assets, having regard only to the claims of which he shall then have had notice.

VERNA A. COOK, solicitor,
5/8 St Andrews Street, Brighton 3186.

PROCLAMATIONS

**Personal Property Securities
(Commonwealth Powers) Act 2009**

PROCLAMATION OF COMMENCEMENT

I, David de Kretser, Governor of Victoria, with the advice of the Executive Council and under section 2(2) of the **Personal Property Securities (Commonwealth Powers) Act 2009**, fix 26 November 2009 as the day on which section 6(2) of that Act comes into operation.

Given under my hand and the seal of Victoria on 24th November 2009.

(L.S.) DAVID DE KRETSER
Governor
By His Excellency's Command

ROB HULLS
Attorney-General

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**



Road Naming – Knox Court, Wandong

In accordance with the provisions of section 206, schedule 10, clause 5 of the **Local Government Act 1989**, the Council at its meeting on 28 September 2009 resolved to re-name part of Wandong Road, as shown on the plan below, to Knox Court.



PETER HALTON
Acting Chief Executive Officer



New Animal Management Orders

At its meeting of 18 November 2009 the Greater Bendigo City Council resolved to invoke new orders pursuant to section 26(2) of the **Domestic Animals Act 1994**.

The objectives of the new orders are to address the inconvenience and disturbance caused by dogs not under effective control.

The new orders require that all dogs be on a leash and accompanied by a person holding that leash at the following locations:

- within 10 metres of any public barbeque or outdoor eating area;
- within 10 metres of any public children's play area;
- within 10 metres of any business premises (includes shopping strips and single premises);
- any other public area where dogs are required by sign to be on a leash;

and that all dogs be under effective control in public places. Effective control is defined as:

- the dog is on a leash; or
- the dog is in sight of the person handling the dog and the person handling the dog can demonstrate satisfactorily to an Authorised Officer that the dog will immediately respond to their commands.

Council also resolved to amend the existing order in relation to Strathdale Park, to allow the Rodda Field area to be shared access, with dogs being allowed to exercise off leash 6.00 am–3.00 pm Monday to Friday, 6.00 am–8.00 am and 1.00 pm–9.00 pm Saturday and Sunday except when an organised event is underway.

The new orders will come into effect as of 1 December 2009.

For further information on the new orders, contact the City of Greater Bendigo on 5434 6000 or view the orders online at www.bendigo.vic.gov.au

CRAIG NIEMANN
Chief Executive



Public Notice

Restrictions Relating to Alcoholic Beverages

In accordance with clause 86(2) of its Community Local Law ('the Local Law'), the Hobsons Bay City Council ('Council') has designated the following area in which no person may, at any time from midnight on 30 November 2009 for 5 months until 30 April 2010, consume any alcoholic beverage or have in his or her possession any alcoholic beverage in an unsealed container.

Council now gives notice that the area so designated is as follows:

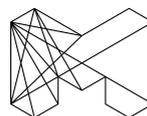
Laverton – the public area bounded by Woods Street, Thomas Street, Maher Road and Hickey Street.

Williamstown along the Esplanade from Bayview Street to Thompson Street, including all public areas south of the footpath to the waters of Port Phillip Bay and bounded to the north by Railway Place including the Williamstown Beach Railway Station.

In accordance with section 224A of the **Local Government Act 1989**, any member of the Victoria Police is authorised to enforce clause 86 of the Local Law in the designated area.

Any queries should be directed to the Health and Regulatory Services Department on 9932 1000.

BILL JABOOR
Chief Executive Officer



**CITY OF
MELBOURNE**

Road Management Act 2004

Notice of Intention to Amend Road Management Plan

In accordance with section 54(6) of the **Road Management Act 2004** ('the Act'), the Melbourne City Council ('Road Authority') gives notice that it proposes to amend its road management plan.

The purpose and general purport of the proposed amendment, consistent with the role, functions and responsibilities of the Road Authority under the Act, is to broaden the range of assets managed under the provisions of the road management plan, to clarify the

identification of categories of roads subject to inspection and to revise intervention standards and response times, to ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and the classes of road to which the Road Authority's road management plan applies are safe, efficient and appropriate for use by the community served by the Road Authority.

The proposed amendment will apply to all of the roads and classes of roads to which the road management plan applies.

A copy of the proposed amendment to the Road Authority's road management plan may be inspected at or obtained from the Road Authority's Municipal Offices on the 4th floor, 200 Little Collins Street, Melbourne, or accessed online by viewing the Road Authority's website, www.melbourne.vic.gov.au and following the links.

Pursuant to section 54(2) of the Act and regulation 303 of the Road Management (General) Regulations 2005, any person who is aggrieved by the proposed amendment may make a written submission on the proposed amendment to the Road Authority. All submissions received by the Road Authority within 28 days after the publication of this notice will be considered by the Road Authority's Manager Engineering Services.

Submissions should be marked 'Proposed Amendment to Road Management Plan' and addressed to the Manager Governance Services, Melbourne City Council, Town Hall, 90 Swanston Street, Melbourne 3000, or GPO Box 1603, Melbourne 3001.

DR KATHY ALEXANDER
Chief Executive Officer



Mildura Rural City Council

Adoption of Annual Report

In accordance with sections 131(10), 131(11) and 131(12) of the **Local Government Act 1989**, Mildura Rural City Council advises its Annual Report, incorporating the reports from Council's Auditor, has been prepared and is available for inspection during normal office hours at the Council offices, located at 108–116 Madden Avenue, Mildura; 76–84 Deakin Avenue, Mildura; Oke Street, Ouyen; or online at www.mildura.vic.gov.au

Planning and Environment Act 1987 BOROONDARA PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C98

Authorisation A01492

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

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Boroondara City Council as planning authority to prepare the Amendment.

The Amendment affects the properties between 388–444 and 453–497 (inclusive) Burwood Road, Hawthorn, known collectively as the 'Burwood Road Precinct, Hawthorn'; and the individual place known as 'Swinburne Technical College, former Administration Building, John Street, Hawthorn'.

The Amendment proposes to introduce two additional places to the Schedule to the Heritage Overlay at Clause 43.01 of the Boroondara Planning Scheme; accordingly, amend Planning Scheme map 12HO; and amend Clause 22.05 to include a statement of significance for the Burwood Road Precinct, Hawthorn and add the 'Assessment of the Burwood Road Heritage Precinct, Hawthorn' (August 2008) as a reference document.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, City of Boroondara, Planning Customer Service Counter, 8 Inglesby Road, Camberwell 3124; at the Hawthorn Customer Service Centre, 360 Burwood Road, Hawthorn and the Hawthorn Library, 584 Glenferrie Road, Hawthorn; and at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is 26 February 2010. A submission must be sent to the Strategic Planning Department, City of Boroondara, Private Bag 1, Camberwell, Victoria 3124.

DR CATHERINE DALE
Chief Executive Officer

Planning and Environment Act 1987
GREATER BENDIGO PLANNING SCHEME
 Notice of Preparation of Amendment
 Amendment C126
 Authorisation A1497

The Greater Bendigo City Council has prepared Amendment C126 to the Greater Bendigo Planning Scheme.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Greater Bendigo City Council as planning authority to prepare the Amendment.

The Amendment applies to properties in the area bounded by Barnard Street, Arnold Street, Drought Street and Mercy Street, Bendigo, being an area of 3.6 ha, comprising the following properties:

- 111, 119, 121, 123 and 135 Arnold Street, Bendigo;
- 10–18, 20, 24–28, 38, 40, 42 and 44 Mercy Street, Bendigo;
- 11 Drought Street, Bendigo;
- 84–86, 88 and 98 Barnard Street, Bendigo; and
- Mercy and Drought Streets.

The Amendment proposes to amend Planning Scheme Maps 19Zn, 19HO, 19NCO and 19PAO as follows:

- rezone land at 111, 119 and 135 Arnold Street, 20, 38, 42 and 44 Mercy Street, and 11 Drought Street, Bendigo, and Mercy Street, from Residential 1 Zone to Public Use Zone 3 (Health and Community);
- remove the Public Acquisition Overlay from 20 Mercy Street, Bendigo, by deleting the planning scheme map 19PAO and amending the schedules to clauses 45.01 and 61.03;
- remove the Heritage Overlay HO4 from affected land at 40, 42 and 44 Mercy Street, 11 Drought Street, Drought and Mercy Streets, Bendigo; and
- remove Schedule 1 to the Neighbourhood Character Overlay from affected land at 84–86, 88 and 98 Barnard Street, 111, 119, 121, 123 and 135 Arnold Street, 10–18, 20, 24–28 and 38 Mercy Street, Drought Street and Mercy Street.

The Amendment also proposes to amend 'Map 1: Central Bendigo Residential Character Precincts' forming part of Clause 22.11 of the Planning Scheme. The boundary of Precinct CB2 would be amended to accord with the new boundary of the Residential 1 Zone.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, City of Greater Bendigo Council, Planning and Development Office, Hopetoun Mill, 15 Hopetoun Street, Bendigo; at the City of Greater Bendigo website, www.bendigo.vic.gov.au; and at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is Tuesday 29 December 2009. A submission must be sent to the City of Greater Bendigo Planning Department, PO Box 733, Bendigo, Vic. 3550.

A submission which seeks to change the Amendment and is not accepted by the planning authority will be referred to an independent Panel appointed by the Minister under Part 8 of the **Planning and Environment Act 1987**. If a submission is referred to a Panel, a Directions Hearing and Panel Hearing are to be held on the following dates:

- Directions Hearing – week beginning 15 February 2010
- Panel Hearing – week beginning 9 March 2010.

Anyone who has made a submission which has been referred to a Panel has an opportunity to be heard. All submitters will be formally advised in writing of any Directions or Panel Hearing and the date.

CRAIG NIEMANN
Chief Executive

Planning and Environment Act 1987
MILDURA PLANNING SCHEME
 Notice of Preparation of Amendment
 Amendment C52
 Authorisation A01299

The Mildura Rural City Council has prepared Amendment C52 to the Mildura Planning Scheme.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Mildura Council as planning authority to prepare the Amendment. The Minister also authorised the Mildura Council to approve the Amendment under section 35B of the Act.

The land affected by the Amendment is 12 Langtree Parade, Mildura (Lot 1 and Lot 2 TP 674162X). The Amendment introduces permanent controls to HO30 in accordance with the interim order Amendment C49 which corrected a mapping anomaly on Mildura Planning Scheme Map No. 27HO to extend the existing heritage control HO30 to apply to Lot 1 and Lot 2 TP 674162X Sec77 Blk D. The Amendment also introduces the heritage assessment as a reference document in the Mildura Planning Scheme.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, Mildura Rural City Council, 108–116 Madden Avenue, Mildura; Mildura Rural City Council website, www.mildura.vic.gov.au; at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is Thursday 7 January 2010. A submission must be sent to the General Manager Assets and Development, Mildura Rural City Council, PO Box 105, Mildura, Victoria 3502.

MARK HENDERSON
Chief Executive Officer

Planning and Environment Act 1987

SURF COAST PLANNING SCHEME

Preparation of Amendment C54

Authorisation No. A01482

The Surf Coast Shire Council has prepared Amendment C54 to the Surf Coast Planning Scheme.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Surf Coast Shire Council as planning authority to prepare the Amendment.

The Amendment would affect part of the land at 190 Messmate Road, Torquay (about two hectares). The Amendment proposes to rezone the land from Farming Zone to Public Use Zone – Local Government. The purpose of the rezoning is to allow for the establishment and operation of a Council works depot. It is also proposed to apply the Design and Development Overlay, Schedule 5 ‘Industrial Areas’ to the land.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, Surf Coast Shire Council, 25 Grossmans Road, Torquay 3228; and at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is Thursday 31 December 2009. A submission must be sent to the Strategic Planning Co-ordinator, Surf Coast Shire Council, 25 Grossmans Road, Torquay, Vic. 3228.

BRYDON KING
Manager Planning and Development

Planning and Environment Act 1987

YARRA PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C126

Authorisation A01516

Yarra City Council has prepared Amendment C126 to the Yarra Planning Scheme.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised Yarra City Council as planning authority to prepare the Amendment.

The land affected by the Amendment is 182–186 St Georges Road, Fitzroy North.

The Amendment proposes to apply a Public Acquisition Overlay (PAO3) to the site. The PAO3 provides for the future reservation of the land for public purposes and will ensure that changes to the use and development of the land

and any change in ownership of the land do not prejudice the purpose for which the land is to be acquired.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, Yarra City Council at 333 Bridge Road, Richmond; and at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection; or on Council's website at www.yarracity.vic.gov.au

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

The closing date for submissions is Friday 22 January 2010. A submission must be sent to the Yarra City Council, PO Box 168, Richmond, or by email to strategicplanning@yarracity.vic.gov.au. For further information please call 9205 5374.

SHERRY HOPKINS
Coordinator Strategic Planning

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 28 January 2010, 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.

ASHWELL, Gwendoline Dora, late of Villa Franca Private Nursing Home, corner Deutgam and Greaves Streets, Werribee, Victoria 3030, clerk, who died on 19 September 2009.

BECK, Murray Rufus, late of Hawthorn Village, Hawthorn Lane, Bright, Victoria 3741, pensioner, who died on 17 September 2009.

GRESNER, Otto, late of Lake Learmonth Resort SRS, 301–309 High Street, Learmonth, Victoria 3352, pensioner, who died on 10 August 2009.

HEALD, Jack, late of Warranvale, 314 Reynolds Road, Donvale, Victoria 3111, pensioner, who died on 7 April 2007.

LA FRANCHI, Michael Alexander, 52 Clydesdale Road, Airport West, pensioner, who died on 19 July 2009.

VAN ECK, Carolous Ludovicus, late of Deloraine Aged Care, 18 Adeline Street, Greensborough, Victoria 3088, pensioner, who died on 11 October 2009.

Dated 19 November 2009

ROD SKILBECK
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 1 February 2010, 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.

BOURKE, Leslie Anne Patricia, also known as Leslie Anne, late of 12 Gale Court, Yarra Glen, Victoria 3775, who died on 3 November 2009.

CHARLESWORTH, Caroline Jane, late of Harcourt Nursing Home, 27 Shierlaw Avenue, Canterbury, Victoria 3126, pensioner, who died on 22 May 2009.

HENDERSON, Peter Andrew, late of 27 Freeman Crescent, Mill Park, Victoria 3082, who died on 12 August 2009.

HOSKING, Joseph Leslie, 21 Marie Avenue, Heidelberg Heights, Victoria 3081, who died on 31 October 2009.

HUGHES, Felice Mary, late of Carnsworth Nursing Home, 10 A'Beckett Street, Kew, Victoria 3101, pensioner, 3 August 2009.

NEILSON, Margaret, late of Glengollan Village for Aged, 1 Lording Street, Ferntree Gully, Victoria 3156, who died on 13 September 2009.

STEVENS, Jaye Rebecca, also known as Monica Joan Evelyn PARMINTER, late of 11 Church Street, Boolarra, Victoria 3870, pensioner, who died on 6 January 2005.

TAYLOR, Flora, late of 31 Beaver Street, Essendon, Victoria 3040, who died on 17 August 2009.

WASYLIW, Michael, late of 1 Jay Street, Norlane, Victoria 3214, who died on 26 July 2009.

Dated 23 November 2009

ROD SKILBECK
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 26 January 2010, 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.

CLARKE, Maurice Ross, late of 88/100 Station Street, Burwood, Victoria 3125, civil engineer, who died on 21 July 2009.

HALLAS, Robert Samuel, late of 365 Waterdale Road, Bellfield, Victoria 3081, retired, who died on 1 May 2009.

HARDMAN, Lucia, also known as Lucia Petronella Adriana Maria Hardman, Lucia Petronella Hardman, Lucy Hardman, late of 1/18 Stonehaven Avenue, Boronia, Victoria 3155, who died on 7 September 2009.

KELLETT, Christian Lee, late of Lakeview Aged Care Facility, 35A Lakeview Drive, Lakes Entrance, Victoria 3909, pensioner, who died on 23 October 2009.

MOORE, Kathleen, late of 2/51 George Street, St Albans, Victoria 3021, process worker, who died on 21 August 2009.

O'KEEFFE, Madge Catherine, late of Uniting Aged Care, 75 Thames Street, Box Hill, Victoria 3128, pensioner, who died on 29 August 2009.

RAU, Francis William, late of 168 The Parade, Ascot Vale, Victoria 3032, who died on 26 June 2009.

SCARSO, Vincenza, St Francis of Assisi Hostel, 230 Rosanna Road, Rosanna, Victoria 3084, pensioner, who died on 31 August 2009.

Dated 17 November 2009

ROD SKILBECK
Manager
Executor and Trustee Services

EXEMPTION

Application No. A230/2009

The Victorian Civil and Administrative Tribunal (the Tribunal) has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995** (the Act), by Parks Victoria (the applicant). The application for exemption is to enable the applicant to advertise for and employ Yorta Yorta people who are community members of the Yorta Yorta Nation Aboriginal Corporation to fill designated positions with Parks Victoria.

Upon reading the material submitted in support of the application, including the affidavit of Paul Dartnell and hearing from Mark Riley and Wendy Berick of Parks Victoria, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ Yorta Yorta people who are community members of the Yorta Yorta Nation Aboriginal Corporation to fill designated positions with Parks Victoria.

In granting this exemption the Tribunal noted:

- In June 2004 the Victorian State government signed a 'Co-operative Management Agreement' with the Yorta Yorta Nation Aboriginal Corporation relating to public land and waters in north-central Victoria. Key components of the Agreement are to manage in partnership Yorta Yorta environmental and cultural heritage in north-central Victoria in an appropriate and sensitive manner and to provide employment, training and economic development opportunities for members of the Yorta Yorta community.
- To implement that commitment Parks Victoria wishes to engage only Yorta Yorta people for a number of different roles including field based and administrative positions.
- The positions include park rangers and administrative roles both of which in their selection criteria require a knowledge of Yorta Yorta culture and the ability to communicate effectively with Yorta Yorta people.
- It is essential that those who fill these position are of Yorta Yorta descent.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ people who are community members of the Yorta Yorta Nation Aboriginal Corporation to fill designated positions with Parks Victoria.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 19 November 2012.

Dated 10 November 2009

MRS A. COGHLAN
Deputy President

EXEMPTION

Application No. A243/2009

The Victorian Civil and Administrative Tribunal (the Tribunal) has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995** (the Act), by the Royal Women's Hospital (the applicant). The application for exemption is to enable the applicant to advertise for and employ Indigenous staff in its Aboriginal Women's Health Business Unit.

Upon reading the material submitted in support of the application, including the affidavit of Christopher Gamble, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ Indigenous staff in its Aboriginal Women's Health Business Unit.

In granting this exemption the Tribunal noted:

- In 1998 the Aboriginal Women's Health Business Unit (AWHBU) was established.
- The AWHBU is a service provided by Aboriginal and Torres Strait Islander workers to Aboriginal and Torres Strait Islander women and their families who are accessing care at the Women's Hospital. The Unit provides cultural support and advocacy to Aboriginal and Torres Strait Islander women and their families and is the link between the hospital and Aboriginal controlled services. The Unit also provides cultural awareness and sensitivity training for staff. The work and direction of the AWHBU is informed by

an Advisory Committee drawn from local Indigenous communities.

- It is critical that the AWHBU is staffed by Aboriginal and Torres Strait Islander staff because of the articulated needs of the community to have access to Indigenous workers in mainstream services. AWHBU positions require specific knowledge and understanding of Indigenous Australian culture and issues, and the ability to communicate sensitively and effectively with Indigenous communities.
- The availability of Indigenous staff at the Women's Hospital facilitates access of Indigenous patients and ensures they have culturally specific support. It is essential that staff are Indigenous so that they can provide a culturally unique service to Indigenous women and their families.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ Indigenous staff in its Aboriginal Women's Health Business Unit.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 5 November 2012.

Dated 28 October 2009

MRS A. COGHLAN
Deputy President

EXEMPTION

Application No. A256/2009

The Victorian Civil and Administrative Tribunal (the Tribunal) has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995** (the Act), by Lisa Lodge (the applicant). The application for exemption is to enable the applicant to advertise for and employ a female support worker in the refuge programme.

Upon reading the material submitted in support of the application, including the affidavit of Dianne Noyce, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ a female support worker in the refuge programme.

In granting this exemption the Tribunal noted:

- Lisa Lodge is a registered charity that provides a range of family violence, homelessness and out of home care programmes.
- Lisa Lodge has operated a refuge programme since 1997.
- The high security refuge is now part of a group of Family Violence programmes established by Lisa Lodge in Ballarat for women and children leaving family violence situations.
- The refuge last year provided crisis accommodation for 172 women and 223 children. All were case managed by refuge workers and supported in their decisions to either remain in refuge or in Ballarat, return home with safety plans in place or some other option.
- The employment of female only workers within the high security refuge programme is based on the need for women and their children to be free of situations of male domination and violence while they deal with their grief, legal situation, schooling for their children and in many situations their future accommodation.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ a female support worker in the refuge programme.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 19 November 2012.

Dated 17 November 2009

MRS A. COGHLAN
Deputy President

EXEMPTION

Application No. A260/2009

The Victorian Civil and Administrative Tribunal (the Tribunal) has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995** (the Act), by Darebin City Council (the applicant). The application for exemption is to enable the applicant to advertise for and employ people of Aboriginal or Torres Strait Islander background, for the position of Home and Community Care (HACC) Aboriginal and Torres Strait Islander Liaison Officer.

Upon reading the material submitted in support of the application, including the affidavit of Jan Black, the Tribunal is satisfied that it is appropriate to grant an exemption from sections

13, 100 and 195 of the Act to enable the applicant to advertise for and employ people of Aboriginal or Torres Strait Islander background, for the position of Home and Community Care (HACC) Aboriginal and Torres Strait Islander Liaison Officer.

In granting this exemption the Tribunal noted:

- The Darebin City Council, in partnership with the Victorian Aboriginal Health Service, Victorian Aboriginal Community Elders Service, the Aborigines Advancement League and the City of Whittlesea, have an on-going role for a Home and Community Care (HACC) Aboriginal and Torres Strait Islander Liaison Officer, to work across the two Local Government municipalities, Darebin and Whittlesea. The position is funded by the Victorian Department of Health.
- The specific objectives of the position are to: increase access to Local Government HACC services by Aboriginal and Torres Strait Islander HACC target populations, facilitate timely intake into culturally appropriate services and to build trust within the Aboriginal and Torres Strait Islander community by ensuring priority of access into Local Government HACC services where appropriate and providing clients with on-going support.
- Darebin City Council and its partners believe that this role, and the service it provides, requires a person who has experience and knowledge of Aboriginal and Torres Strait Islander kinship, family and land, as well as relationships within the Aboriginal and Torres Strait Islander community.
- Darebin City Council is committed to providing employment opportunities for people of Aboriginal and Torres Strait Islander background. The Darebin City Council's 2008 Economic and Employment Profile notes that the ABS 2006 Census indicates that Darebin City Council has the highest population of people of Aboriginal and Torres Strait Islander background of all the 31 municipalities in Metropolitan Melbourne. The rate of unemployment, in Darebin City council, for people of Aboriginal and Torres Strait Islander background is higher than the rate for the rest of the community.

- Darebin City Council believes this exemption will promote the objectives of the Act in that Aboriginal and Torres Strait Islander people, who have historically been discriminated against, will receive services from someone who, through sharing a similar background, has cultural awareness and understanding.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ people of Aboriginal or Torres Strait Islander background, for the position of Home and Community Care (HACC) Aboriginal and Torres Strait Islander Liaison Officer.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 19 November 2012.

Dated 17 November 2009

MRS A. COGHLAN
Deputy President

EXEMPTION

Application No. A269/2009

The Victorian Civil and Administrative Tribunal (the Tribunal) has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995** (the Act), by Inner South Community Health Service (the applicant). The application for exemption is to enable the applicant to advertise for and employ persons of Aboriginal or Torres Strait Islander background in the positions of Indigenous access worker and Indigenous family support worker.

Upon reading the material submitted in support of the application, including the affidavit of Virginia Alexander, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ persons of Aboriginal or Torres Strait Islander background in the positions of Indigenous access worker and Indigenous family support worker.

In granting this exemption the Tribunal noted:

- The positions require close working relationships with the local Indigenous community and organisations.

- The positions involve supporting Inner South Community Health Service and Family Relationship Centre staff to provide Indigenous specific responses to client work.
- The positions require a strong awareness of Indigenous culture and practices and it is appropriate that persons of Aboriginal or Torres Strait Islander background fill the positions.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 100 and 195 of the Act to enable the applicant to advertise and employ persons of Aboriginal or Torres Strait Islander background in the positions of Indigenous access worker and Indigenous family support worker.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 19 November 2012.

Dated 17 November 2009

MRS A. COGHLAN
Deputy President

EXEMPTION

Application No. A272/2009

The Victorian Civil and Administrative Tribunal (the Tribunal) has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995** (the Act), by the Brotherhood of St Laurence (the applicant). The application for exemption is to enable the applicant to promote employment opportunities for persons of an Indigenous background within the Brotherhood of St Laurence ('the specified conduct').

Upon reading the material submitted in support of the application, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 13, 100 and 195 of the Act to enable the applicant to engage in the specified conduct.

In granting this exemption the Tribunal noted that:

- The Brotherhood of St Laurence is an independent organisation committed to working towards ending poverty in Australia.

- The applicant has developed an Indigenous Recruitment Policy in recognition of the importance and benefits of employing Indigenous Australians, and the need to increase the employment opportunities for Indigenous Australians, who are under-represented in the work force.
- An exemption in similar terms was granted in 2006 and expired on 25 October 2009.
- The applicant continues to provide employment opportunities for marginalised sectors and wishes to continue to promote Indigenous employment in a variety of roles, and to make the Indigenous community aware of selected roles as they become available.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 100 and 195 of the Act to enable the applicant to promote employment opportunities for persons of an Indigenous background within the Brotherhood of St Laurence ('the specified conduct').

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 19 November 2012.

Dated 17 November 2009

MRS A. COGHLAN
Deputy President

Associations Incorporation Act 1981

SUB-SECTION 36E(5)

Notice is hereby given that the incorporation of the associations mentioned below is cancelled in accordance with section 36E(5) of the **Associations Incorporation Act 1981**.

Frankston and Mornington Peninsula Awards Inc.; Euroa Saleyards Committee Inc.; Xavier College Employees Association Inc.; Holistic Animal Therapy Association of Australia Inc.; Park Place Child Care Centre Inc.; Ulysses Club Melbourne Branch Inc.; Boroondara Swords Club Inc.; Universal Awareness and Consciousness Inc.; Torquay and Surfcoast Dog Action Group Inc.; Thermoforming and Fabricating Group Inc.; Quick Printers Association of Australia Inc.; The Animal Technicians Association – Victorian Branch Inc.; Northern Little League Inc.; Association of Massage Therapists

Australia Inc.; Dandenong Photographic Society Inc.; Casterton United Cricket Club Inc.; St Paul's Netball Club Inc.; F.Stop Inc.; Gippsland Olive Growers Association Inc.; Fitzroy Social Club Inc.; Chekhov Arts Centre Inc.; Serbian Co-Ordinative Committee Inc.; Cassidy Foundation Inc.; Protea and Wildflower Growers Association Inc.; Probus Club of Balwyn Inc.; Termite Action Victoria Inc.; The Ballarat Council of Churches Inc.; M.O.C.C.A. – Making Our City Council Accountable Inc.; East Gippsland Lakes and Rivers Association Inc.; Craigieburn Golf Club Inc.; House of Love – Nepal Inc.; Northern Region Post Polio Support Group Inc.; East Gippsland Tourism Campaign Committee Inc.

Dated 26 November 2009

DAVID BETTS
Deputy Registrar of Incorporated Associations
PO Box 4567
Melbourne Vic. 3001

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

I, Pauline Ireland, as Delegate of the Secretary to the Department of Health 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 following cemetery trust. The approved scale of fees and charges will take effect from the date of publication of this notice in the Government Gazette and will be published on the internet.

The Cheltenham and Regional Cemeteries Trust

PAULINE IRELAND
Assistant Director
Food Safety and Regulatory Activities

Co-operatives Act 1996

SOUTHERN AGRICULTURAL PRODUCERS CO-OPERATIVE LTD

On application under section 601AA(2) of the **Corporations Act 2001** (the Act), by the co-operative named above, notice is hereby given under section 601AA(4) of the Act, as

applied by section 316 of the **Co-operatives Act 1996**, that, at the expiration of two months from the date of this notice, the name of the co-operative listed above will, unless cause is shown to the contrary, be removed from the register of co-operatives and their registration will be dissolved.

Dated at Melbourne 26 November 2008

DAVID BETTS
Deputy Registrar of Co-operatives
Consumer Affairs Victoria

City of Ballarat
Northern Grampians Shire
Ararat Rural City
Pyrenees Shire
Shire of Mansfield
Mt Buller and Mt Stirling Alpine Resort
Alpine Shire
Towong Shire
Mt Hotham Alpine Resort
Falls Creek Alpine Resort

MICK BOURKE
Chief Executive Officer

Country Fire Authority Act 1958
DECLARATION OF FIRE DANGER PERIOD

In pursuance of the powers conferred by section 4 of the **Country Fire Authority Act 1958**, I, Mick Bourke, Chief Executive Officer of the Country Fire Authority, after consultation with the Secretary to the Department of Sustainability and Environment, hereby declare the following periods to be the Fire Danger Period in the municipal districts of the municipalities or parts of municipalities specified, commencing on the dates shown and, unless varied by subsequent declaration, ending at 0100 hours on 1 May 2010.

To commence from 0100 hours on 30 November 2009:

Mitchell Shire
Murrindindi Shire
City of Banyule (That part outside of the Metropolitan Fire Brigade District)
City of Manningham (That part outside of the Metropolitan Fire Brigade District)
City of Maroondah (That part outside of the Metropolitan Fire Brigade District)
Shire of Nillumbik (That part outside of the Metropolitan Fire Brigade District)
Melton Shire
Hume City (That part outside of the Metropolitan Fire Brigade District)
City of Whittlesea (That part outside of the Metropolitan Fire Brigade District)
Wyndham City (That part outside of the Metropolitan Fire Brigade District)
Hepburn Shire
Macedon Ranges Shire
Moorabool Shire

Fisheries Act 1995
FISHERIES VICTORIA

Wimmera Fishery Management Plan
Declaration 2009

I, Joe Helper, Minister for Agriculture, declare under section 28(1) of the **Fisheries Act 1995** that a management plan has been made with respect to the Wimmera Fishery.

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

Dated 11 November 2009

JOE HELPER, MP
Minister for Agriculture

Fisheries Act 1995
FISHERIES VICTORIA
Port Phillip and Western Port
Fishery Management Plan
Declaration 2009

I, Joe Helper, Minister for Agriculture, declare under section 28(1) of the **Fisheries Act 1995** that a management plan has been made with respect to the Port Phillip and Western Port Fishery.

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

Dated 11 November 2009

JOE HELPER, MP
Minister for Agriculture

Forests Act 1958, No. 6254**DECLARATION OF THE
PROHIBITED PERIOD**

In pursuance of the powers conferred by section 3 sub-section (2) of the **Forests Act 1958**, I, Ewan Waller, delegated officer for the Minister for Environment and Climate Change in the State of Victoria, hereby declare the commencement of the Prohibited Period for all land within the Fire Protected Area (other than State Forest, National Park and protected public land) within the municipalities nominated for the period specified in the schedule below:

SCHEDULE 1

The Prohibited Period shall commence at 0100 hours on Monday 30 November 2009, and terminate at 0100 hours, on Saturday 1 May 2010, unless varied, in the following municipalities:

Mitchell Shire Council
Mansfield Shire Council
Murrindindi City Council
Towong Shire Council
Alpine Shire Council

EWAN WALLER
Chief Officer

Department of Sustainability and Environment
Delegated Officer, pursuant to section 11,
Conservation Forests and Land Act 1987

Land Acquisition and Compensation Act 1986

FORM 7 S. 21
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of Lot 1 on Plan of Subdivision 318545J, Parish of Nalangil, comprising 2148.0 square metres and being land described in Certificate of Title Volume 10093 Folio 336, shown as Parcel 1 on Survey Plan 21300.

Interest Acquired: That of Fiona Elizabeth Balcombe and all other interests.

Published with the authority of VicRoads.

Dated 26 November 2009

For and on behalf of VicRoads
Signed TIM PONTEFRAC
Acquisition Manager
Property Services.

Land Acquisition and Compensation Act 1986

FORM 7 S. 21
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

Southern and Eastern Integrated Transport Authority (SEITA) declares that by this notice it acquires the following interests in the land described as part of Lots 1, 2 and 4 on Title Plan 829532F comprising 9.50 hectares and being part of the land contained in Certificate of Title Volume 10946 Folio 363 (shown as parcels 877A and 879 on Survey Plan 21824B and parcels 884 and 885 on Survey Plan 21825B), and part of Lots 1 and 2 on Title Plan 747579H comprising 3.463 hectares and being part of the land contained in Certificate of Title Volume 3682 Folio 204 (shown as parcel 181 on Survey Plan 21843):

John Anthony Dickson (as Registered Proprietor);

Wayne Powell (as Occupant);

John Short (as Occupant);

John Barry (as Occupant);

and all other interests.

Published with the authority of SEITA.

Dated 26 November 2009

For and on behalf of SEITA
by its authorised officer
Signed GREG HOLLAND
Manager – Property

Land Acquisition and Compensation Act 1986

FORM 7 S. 21
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

Southern and Eastern Integrated Transport Authority (SEITA) declares that by this notice it acquires the following interests in the land described as part of Lot 1 on Plan of Subdivision 615370M comprising 6.264 hectares and being part of the land contained in Certificate of Title Volume 11136 Folio 274 (shown as parcel 906 on Survey Plan 21829A), and part of Lot 2 on Plan of Subdivision 615370M comprising 3,205 square metres and being part of the land contained in Certificate of Title Volume 11136 Folio 275 (shown as parcel 906B on Survey Plan 21829A):

Emily Joyce Robinson (as Registered Proprietor);

Ian William Robinson and Marion Robinson (as Occupants);

Janette Coghill and Geoffrey Coghill (as Occupants);

and all other interests.

Published with the authority of SEITA.

Dated 26 November 2009

For and on behalf of SEITA
by its authorised officer
Signed GREG HOLLAND
Manager – Property

Volume 10123 Folio 891, Volume 10123 Folio 892, Volume 10123 Folio 893, Volume 10123 Folio 894, Volume 10123 Folio 895, Volume 10123 Folio 896, Volume 10123 Folio 897, Volume 10123 Folio 898, Volume 10123 Folio 899, Volume 10123 Folio 900, Volume 10123 Folio 901, Volume 10774 Folio 369, Volume 10123 Folio 904, Volume 10123 Folio 905, Volume 10123 Folio 906, Volume 10123 Folio 907, Volume 10123 Folio 908, Volume 10123 Folio 909, Volume 11093 Folio 514, Volume 10123 Folio 911, Volume 10123 Folio 912.

under the **Transfer of Land Act 1958**, is cancelled.

Dated 19 November 2009

CLAIRE NOONE

Director

Consumer Affairs Victoria

Land Acquisition and Compensation Act 1986

FORM 7

S. 21

Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Minister for Environment and Climate Change, Gavin Jennings MLC (the Minister), declares that by this notice he acquires the following interest in the land described as Lot 217 on Plan of Subdivision 13396, contained in Certificate of Title Volume 8698 Folio 959.

Interest Acquired: That of Leslie Jack Saddlier and Barbara Gordon Saddlier, and all other interests.

Published with the authority of the Minister.

Dated 26 November 2009

For and on behalf of the Minister
Signed SALLY BURGESS
Acting Group Manager
Public Land Services
Department of Sustainability and
Environment

INTERIM CREDITING RATE FOR STATE SUPERANNUATION FUND FROM 23 NOVEMBER 2009

For the purposes of the sub-sections 46(1) and 58(1) of the **State Superannuation Act 1988**, sub-section 35(1) of the **Transport Superannuation Act 1988** and sub-section 37(1) of the **State Employees Retirement Benefits Act 1979**, the Emergency Services Superannuation Board has determined an annual rate of 0.00% to be applied as an interim crediting rate on exits on or after 23 November 2009.

MICHAEL DUNDON

CEO

Retirement Villages Act 1986

SECTION 39

Cancellation of Retirement Village Notice

I hereby declare that pursuant to section 9 of the **Retirement Villages Act 1986**, Retirement Village Notice S523351T, registered on 7 June 1993, on the following Certificate of Titles:—

Volume 10123 Folio 883, Volume 10123 Folio 884, Volume 10123 Folio 885, Volume 10123 Folio 886, Volume 10123 Folio 888, Volume 10123 Folio 889, Volume 10123 Folio 890,

State Superannuation Act 1988

DECLARATION OF OFFICERS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (c) of the definition of ‘officer’ in section 3 of the **State Superannuation Act 1988**, by this instrument declare:

- KDR Victoria Pty Ltd to be a body to which sub-paragraph (iii) of paragraph (c) applies; and
- that employees who were officers within the definition of ‘officer’ in section 3 of the **State Superannuation Act 1988** immediately before commencing employment with KDR

Victoria Pty Ltd are a class of person to whom the **State Superannuation Act 1988** applies for such period as they remain employed at KDR Victoria Pty Ltd.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

Transport Superannuation Act 1988

DECLARATION OF EMPLOYER

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (i) of the definition of 'Transport Authority' in section 3(1) of the **Transport Superannuation Act 1988** (the Act), by this instrument declare KDR Victoria Pty Ltd to be an employer for the purposes of the Act in relation to existing members of the Transport Superannuation Fund.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

State Superannuation Act 1988

DECLARATION OF OFFICERS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (c) of the definition of 'officer' in section 3 of the **State Superannuation Act 1988**, by this instrument declare:

- Metro Trains Melbourne Pty Ltd to be a body to which sub-paragraph (iii) of paragraph (c) applies; and
- that employees who were officers within the definition of 'officer' in section 3 of the **State Superannuation Act 1988** immediately before commencing employment with Metro Trains Melbourne Pty Ltd, are a class of person to whom the **State Superannuation Act 1988** applies for such period as they remain employed at Metro Trains Melbourne Pty Ltd.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

Transport Superannuation Act 1988

DECLARATION OF EMPLOYER

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (i) of the definition of 'Transport Authority' in section 3(1) of the **Transport Superannuation Act 1988** (the Act), by this instrument declare Metro Trains Melbourne Pty Ltd to be an employer for the purposes of the Act in relation to existing members of the Transport Superannuation Fund.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

State Superannuation Act 1988

DECLARATION OF OFFICERS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (c) of the definition of 'officer' in section 3 of the **State Superannuation Act 1988**, by this instrument declare:

- V/Line Passenger Pty Ltd to be a body to which sub-paragraph (iii) of paragraph (c) applies; and
- that employees who were officers within the definition of 'officer' in section 3 of the **State Superannuation Act 1988** immediately before commencing employment with V/Line Passenger Pty Ltd, are a class of person to whom the **State Superannuation Act 1988** applies for such period as they remain employed at V/Line Passenger Pty Ltd.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

Transport Superannuation Act 1988

DECLARATION OF EMPLOYER

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (i) of the definition

of 'Transport Authority' in section 3(1) of the **Transport Superannuation Act 1988** (the Act), by this instrument declare V/Line Passenger Pty Ltd to be an employer for the purposes of the Act in relation to existing members of the Transport Superannuation Fund.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

State Superannuation Act 1988

DECLARATION OF ELIGIBLE
SALARY SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **State Superannuation Act 1988** ('the Act'), by this instrument declare officers who were members of the revised scheme or the new scheme declared to be eligible salary sacrifice contributors prior to transferring their employment to Metro Trains Melbourne Pty Ltd on 30 November 2009, who remain members of the revised scheme or new scheme (as those terms are defined in the Act) after transferring their employment to Metro Trains Melbourne Pty Ltd, to be eligible salary sacrifice contributors from the date of gazettal of this declaration.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

Transport Superannuation Act 1988

DECLARATION OF ELIGIBLE
SALARY SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **Transport Superannuation Act 1988**, ('the Act') by this instrument declare officers who were members of the Transport Superannuation Fund declared to be eligible salary sacrifice contributors prior to transferring their employment to Metro Trains Melbourne Pty Ltd on 30 November 2009, who remain members of the Transport Superannuation Fund after transferring their employment to Metro

Trains Melbourne Pty Ltd, to be eligible salary sacrifice contributors from the date of gazettal.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

State Superannuation Act 1988

DECLARATION OF ELIGIBLE
SALARY SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **State Superannuation Act 1988** ('the Act'), by this instrument declare officers who were members of the revised scheme or the new scheme declared to be eligible salary sacrifice contributors prior to transferring their employment to V/Line Passenger Pty Ltd on 30 November 2009, who remain members of the revised scheme or new scheme (as those terms are defined in the Act) after transferring their employment to V/Line Passenger Pty Ltd, to be eligible salary sacrifice contributors from the date of gazettal of this declaration.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

Transport Superannuation Act 1988

DECLARATION OF ELIGIBLE
SALARY SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **Transport Superannuation Act 1988** ('the Act'), by this instrument declare officers who were members of the Transport Superannuation Fund declared to be eligible salary sacrifice contributors prior to transferring their employment to V/Line Passenger Pty Ltd on 30 November 2009, who remain members of the Transport Superannuation Fund after transferring their employment to V/Line Passenger Pty Ltd, to be eligible salary sacrifice contributors from the date of gazettal.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

State Superannuation Act 1988DECLARATION OF ELIGIBLE
SALARY SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **State Superannuation Act 1988** ('the Act'), by this instrument declare officers who were members of the revised scheme or the new scheme declared to be eligible salary sacrifice contributors prior to transferring their employment to KDR Victoria Pty Ltd on 30 November 2009, who remain members of the revised scheme or new scheme (as those terms are defined in the Act) after transferring their employment to KDR Victoria Pty Ltd, to be eligible salary sacrifice contributors from the date of gazettal of this declaration.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

Transport Superannuation Act 1988DECLARATION OF ELIGIBLE
SALARY SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **Transport Superannuation Act 1988** ('the Act'), by this instrument declare officers who were members of the Transport Superannuation Fund declared to be eligible salary sacrifice contributors prior to transferring their employment to KDR Victoria Pty Ltd on 30 November 2009, who remain members of the Transport Superannuation Fund after transferring their employment to KDR Victoria Pty Ltd, to be eligible salary sacrifice contributors from the date of gazettal.

Dated 16 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

Subordinate Legislation Act 1994

NOTICE OF DECISION

Greenhouse Gas Geological Sequestration
Regulations 2009

I, Peter Batchelor, Minister for Energy and Resources, and Minister responsible for administering the **Greenhouse Gas Geological Sequestration Act 2008**, give notice under section 12 of the **Subordinate Legislation Act 1994** as follows:

A Regulatory Impact Statement (RIS) was prepared in relation to the proposed Greenhouse Gas Geological Sequestration Regulations 2009. The RIS was advertised to invite public comment on 3 September 2009; four submissions were received and considered.

I have decided that the proposed Regulations should be made with the following minor amendments:

- clarifying the details of what is required from an authority holder when monitoring under an injection testing and an injection and monitoring plan;
- requiring that an authority holder, or any person associated with the activity, must report a serious situation when they first become aware of the occurrence;
- clarifying the intent of the provision relating to 'planned or unplanned' environmental effects and risks under an environment management plan; and
- inserting the word 'continuously' in the implementation strategy under an environment management plan to ensure that environmental risks arising from a greenhouse gas geological sequestration operation are eliminated or continually minimised.

Dated 18 November 2009

PETER BATCHELOR MP
Minister for Energy and Resources

Subordinate Legislation Act 1994

NOTICE OF DECISION

Electricity Safety (Cathodic Protection)
Regulations 2009

I, Peter Batchelor, Minister for Energy and Resources, and Minister responsible for administering the **Electricity Safety Act 1998**, give notice under section 12 of the **Subordinate Legislation Act 1994** as follows:

A Regulatory Impact Statement (RIS) was prepared in relation to the proposed Electricity Safety (Cathodic Protection) Regulations 2009. The RIS was advertised to invite public comment on 3 September 2009. No submissions were received.

I have decided that the proposed Regulations be made without amendment.

Dated 20 November 2009

PETER BATCHELOR MP
Minister for Energy and Resources

Accident Compensation Act 1985

NOTICE OF SCHEDULE OF FEES AND COSTS FOR REFERRALS OF MEDICAL QUESTIONS TO THE MEDICAL PANELS

Pursuant to section 63(7) of the **Accident Compensation Act 1985**, I give notice of the following schedule of fees and costs, fixed on the recommendation of the Convenor, for referrals of medical questions to the Medical Panels. This notice takes effect on 1 December 2009 and is effective until 30 November 2010.

Type of case	Remuneration from 1 December 2009	
Any one referral of a medical question or any one examination	<i>Presiding Member</i> \$958.44 for standard referrals \$1,182.56 for complex referrals	<i>Non-Presiding member</i> \$716.50 for standard referrals \$779.50 for complex referrals
Any work which arises from a previous referral and does not require a new examination	\$351	\$202.30
Worksite assessments, inclusive of all reasonable travelling expenses associated with attending a worksite within 50 kms of the member's normal place of practice	\$712.30	
Non-attendance by claimant or cancellation of examination	\$403.70	\$351.00
Work in association with the provision of a report to the Convenor or at the request of the Convenor	\$255 per hour	
Neuro-psychiatric assessments	\$957	

Dated 23 November 2009

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

Education and Training Reform Act 2006

VICTORIAN INSTITUTE OF TEACHING

Schedule of Registration Fees 2010

In accordance with the **Education and Training Reform Act 2006**, the following fees concerning teacher registration have been fixed by the Minister for Education.

The fees are fixed for a period of twelve months.

Fee schedule

Initial registration – applicants with Victorian qualifications	\$121*
Initial registration – applicants with interstate or overseas qualifications	\$141*
Annual registration	\$ 70
National Criminal History Record Check (NCHRC)	\$ 25
Late payment processing fee	\$ 30
Replacement of registration card processing fee	\$ 22

*includes the cost of an NCHRC

Enquiries

Contact the Victorian Institute of Teaching on 1300 888 067 or email <vit@vit.vic.edu.au>.

Geographic Place Names Act 1998

NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES

The Registrar of Geographic Names hereby gives notice of the registration of the undermentioned place names.

Place Name	Proposer and Location
Taylors Hill Primary School	Department of Education. A new school entity located at Loddon Drive, Taylors Hill 3037.
Avenues Education	Department of Education. Formerly known as Alfred Education Centre, Level 2, 999 Nepean Highway, Moorabbin 3189.

Office of the Registrar of Geographic Names

c/- **LAND VICTORIA**

17th Floor

570 Bourke Street

MELBOURNE 3000

JOHN E. TULLOCH
Registrar of Geographic Names

MEDICAL PRACTITIONERS BOARD OF VICTORIA

Notice

Re: Dr John Duncan Mackellar

A Panel of the Medical Practitioners Board of Victoria on 16 November 2009 concluded a Formal Hearing into the professional conduct of Dr John Duncan Mackellar, a registered medical practitioner.

The Panel made the following findings:

Pursuant to section 45A(1) of the **Medical Practice Act 1994** ('the 1994 Act') that Dr Mackellar:

- in respect of allegations 1, 2 and 3 has engaged in unprofessional conduct of a serious nature as defined in section 3 of the Act (s.45A(1)(a))
- in respect of allegation 5 has engaged in unprofessional conduct not of a serious nature as defined in section 3 of the Act (s.45A(1)(b)); and
- in respect of allegation 4 has not engaged in unprofessional conduct (s.45A(1)(c)).

Pursuant to section 16(1) of the **Medical Practitioners Act 1970** ('the 1970 Act') that in respect of allegation 1 Dr Mackellar has failed to carry out his professional duties adequately, and in respect of allegation 2, 3 and 5 he has failed to accept his professional responsibilities.

The Panel determined pursuant to section 45A(2) (e) of the 1994 Act that the following conditions are imposed on Dr Mackellar's registration:

- i. Dr Mackellar's practice must be supervised by Professor Jon Currie or his nominee for a minimum period of five years from the date of imposition of these conditions. Should Professor Currie or his nominee be unable to provide supervision the Board must approve an alternative supervisor.
 - A. The supervisor is required to monitor Dr Mackellar's practice by telephone conversation or face to face meetings as appropriate, regarding each individual for whom Dr Mackellar is prescribing drugs of dependence and all Schedule 8 drugs. This contact is to occur:
 - at least fortnightly for the first three months, and
 - at least monthly thereafter.
 - B. The supervisor is required to provide reports, at Dr Mackellar's expense, to the Board:
 - every three months for the first twelve months and;
 - every six months thereafter.
- ii. Dr Mackellar is not permitted to treat any new patients for substance dependence or addiction.
- iii. Dr Mackellar is to treat no more than 60 patients with a drug dependency at any one time.
- iv. Every six months for the first year, and annually thereafter whilst these conditions apply, a person nominated by the Board must audit Dr Mackellar's patient files and provide a report to the Board confirming that Dr Mackellar has complied with these conditions.
- v. Dr Mackellar is to provide a Statutory Declaration to the Board every six months attesting to his compliance with these conditions.
- vi. Dr Mackellar authorises the Board to obtain from Medicare Australia and the Drugs and Poisons Regulation Group ('DPRG'), all information regarding his prescribing practices necessary to enable the Board to monitor his compliance with these conditions.
- vii. The Board or its successor may remove or modify these conditions after five years, subject to Dr Mackellar's satisfactory compliance with the conditions.

Dated 18 November 2009

BERNADETTE BROBERG
Hearings Co-ordinator

Private Agents Act 1966NOTICE OF RECEIPT OF APPLICATIONS FOR LICENCES
UNDER THE PROVISIONS OF THE **PRIVATE AGENTS ACT 1966 – 7494**

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

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

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

<i>Full Name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>
Stuart Charles Fenwick	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Sub-agents Licence
Peter Ligeti	Peter Ligeti Co.	43 Plummer Road, Mentone, Vic. 3194	Commercial Agents Licence
Leanne M. Hanlin	NCL Commercial Agents P/L	105 Melville Road, West Brunswick, Vic.	Commercial Sub-agents Licence

Dated at Melbourne 17 November 2009

DEBRA GALLUCCI
Registrar
Magistrates' Court of Victoria

Transport Act 1983

NOTICE OF AUTHORISATION

Metropolitan Peak Service Taxi-Cabs

I, Peter Corcoran, General Manager Victorian Taxi Directorate, for the purposes of taxi-cab licence conditions [clause 4.3] governing the operation of commercial passenger vehicles licensed as Metropolitan Peak Service Taxi Cabs, give notice that I have authorised Metropolitan Peak Service Taxi-Cabs to operate during declared special events on the times and days specified below and subject to the conditions specified in this notice.

DATES:

18 November 2009
9 December 2009
16 December 2009
29 December 2009
11 January 2010
24 January 2010
6 February 2010
19 February 2010
4 March 2010

TIMES:

Authorisation applies to taxi hirings that commence between the hours of 7.00 am and 12 noon on each of the dates specified above.

CONDITIONS:

- (a) On the dates and during the times specified above, Metropolitan Peak Service Taxis are authorised to operate for the carriage of passengers from the Station Pier precinct, Port Melbourne.
- (b) Subject to (c) below, Metropolitan Peak Service Taxis will not be authorised to carry passengers from places other than the Station Pier precinct under this authorisation.
- (c) Despite (b) above, if a Metropolitan Peak Service Taxi has been hired for a journey from Station Pier and that same hirer subsequently requests the driver to undertake a return or extended hiring, including from a place the hirer was conveyed to on the initial journey, the driver may accept and fulfil that subsequent hiring.
- (d) Metropolitan Peak Service Taxis are not authorised to undertake any street hire (rank/hail) or radio bookings during these extended hours other than as provided in (a) or (c) above.

REASONS:

The dates specified in this notice correspond with the arrival of cruise ships that will disembark significant passenger numbers at Station Pier. The Port of Melbourne Corporation and the company representing these cruise ships anticipate that many passengers leaving the ships at this point will require transport to alternative transport terminals including Melbourne Airport and suburban destinations.

Providing a restricted authorisation for Metropolitan Peak Service Taxis to boost taxi resources will assist the industry to meet this expected demand and provide Peak Service Taxi drivers with additional work opportunities.

For these reasons, the Victorian Taxi Directorate has declared this to be a special event for the purposes of licence conditions.

Station Pier precinct

For the purposes of this notice, the Station Pier precinct is: Station Pier, Waterfront Place and Beach Street Port Melbourne between Bay Street and Swallow Street, Port Melbourne.

Operation of Peak Service Taxis during these extended hours is optional, not compulsory.

Dated 26 November 2009

PETER CORCORAN
General Manager
Victorian Taxi Directorate

Wrongs Act 1958

NOTICE OF SCALE OF FEES AND COSTS FOR REFERRALS OF MEDICAL QUESTIONS
TO MEDICAL PANELS UNDER PART VBA

Pursuant to section 28LXA of the **Wrongs Act 1958**, I give notice of the following scale of fees and costs, fixed on the recommendation of the Convenor, for referrals of medical questions under Part VBA. This notice takes effect from 1 December 2009 and is effective until 30 November 2010.

Item	Service	Fee or Cost (GST inclusive)
Administration MPW001	Administration cost in association with any reference to Medical Panel	\$409.29
Presiding Member MPW002	All work in association with examination	\$1054.28
Member/Consultant MPW004	All work in association with examination	\$788.15
All Members/Consultants MPW006	Cancellation within 5 days of examination or claimant non-attendance	\$386.10
Interpreter MPW007	Cost for each examination or cancellation on day of examination or claimant non-attendance	At cost
Registered Health Practitioner MPW008	Attendance before Medical Panel by Registered Health Practitioner	\$524.70
Neuro-psychiatric Examiner MPW009	All work in association with neuro-psychiatric examination	\$1052.70
Investigations MPW010	Cost of medical investigations and/or reports requested by Medical Panel	At cost

Dated 22 November 2009

THE HON ROB HULLS MP
Attorney-General

Water Act 1989**WANNON WATER**Notice of Extension of
Dunkeld Sewerage District and
Hamilton Sewerage District

For the purpose of the **Water Act 1989** Wannon Region Water Corporation (Wannon Water) gives notice of a proposed extension to the Dunkeld Sewerage Scheme and the Hamilton Sewerage Scheme.

The proposed extensions are shown on the Wannon Region Water Corporation plans reference number S/04/2009 and S/03/2009 and are the areas bounded by the red line.

Plans of the proposed district can be viewed at the Wannon Water office in Gray Street, Hamilton, during normal business hours.

Submissions are invited by members of the public for up to 30 days of the notice appearing in the Government Gazette. Any person making a submission is asked to set out grounds for any objections raised in their submissions in writing.

Any submissions should be sent to Maryanne Hollis, Corporate Services Coordinator, Wannon Water, PO Box 1158, Warnnambool, Victoria 3280. Submissions must be received by Wednesday 30 December 2009.

For information, contact Maryanne Hollis, Corporate Services Coordinator, on 0408 285 074.

Proposed Extension to the
Murrabit Urban District

In accordance with section 122P of the **Water Act 1989**, the Lower Murray Urban and Rural Water Corporation is proposing to extend the Murrabit Urban District.

Further information can be obtained from the Lower Murray Water Offices at 73 Beveridge Street, Swan Hill. A copy of the draft plan is also available for inspection at the Corporation's Kerang Office at 56 Wellington Street, Kerang.

Submissions on the proposal are invited and should set out the grounds of any objections to the proposed extension of the Murrabit

Urban District and must be received by the Corporation by 27 December 2009, being one month after the publication in the Government Gazette. Submissions will be received at the Corporation's Swan Hill Office, 73 Beveridge Street, Swan Hill or by mail to PO Box 1447, Swan Hill, Victoria 3585.

RON LEAMON
Managing Director

Proposed Establishment of the
Murrabit Sewerage District

In accordance with section 122P of the **Water Act 1989**, the Lower Murray Urban and Rural Water Corporation is proposing to establish the Murrabit Sewerage District.

Further information can be obtained from the Lower Murray Water Offices at 73 Beveridge Street, Swan Hill. A copy of the draft plan is also available for inspection at the Corporation's Kerang Office at 56 Wellington Street, Kerang.

Submissions on the proposal are invited and should set out the grounds of any objections to the proposed establishment of the Murrabit Sewerage District and must be received by the Corporation by 27 December 2009, being one month after the publication in the Government Gazette. Submissions will be received at the Corporation's Swan Hill Office, 73 Beveridge Street, Swan Hill, or by mail to PO Box 1447, Swan Hill, Victoria 3585.

RON LEAMON
Managing Director

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – NORTH EAST WATER)
CONVERSION FURTHER AMENDING ORDER 2009**

I, Tim Holding, as Minister administering the **Water Act 1989**, make the following Order –

1. Citation

This Order may be cited as the Bulk Entitlement (River Murray – North East Water) Conversion Further Amending Order 2009.

2. Purpose

The purpose of this Order is to make such amendments to the Bulk Entitlement (River Murray – North East Water) Conversion Order 1999 (as amended) that are necessary as a consequence of the decommissioning of Lake Mokoan and the new operational arrangements for the Victorian Mid-Murray Storages. The resulting water savings from decommissioning Lake Mokoan combined with the creation of the Victorian Mid-Murray Storages allow the creation of an unregulated entitlement for the River Murray of 34.3 GL and a high-reliability water entitlement for the Snowy River of 22.1 GL.

3. Empowering Provisions

This Order is made under section 44 of the **Water Act 1989**.

4. Commencement

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

5. Change of reference

Wherever appearing in the Order –

- (a) The term ‘MDBC’ substitute ‘MDBA’;
- (b) The word ‘Commission’ substitute ‘Authority’;
- (c) The term ‘FMIT’s District’ substitute ‘FMID’;
- (d) The term ‘Minister for Conservation’ substitute ‘environment Minister’;
- (e) The term ‘the Snowy Mountains Authority’ substitute ‘Snowy Hydro Limited’;
- (f) The word ‘security’ substitute ‘reliability’, except in Schedule 5, paragraph 5.2; and
- (g) The term ‘lower-security’ substitute ‘low-reliability’.

6. Amendment of clause 4

In clause 4 of the Order –

- (a) for the definition of Goulburn–Murray Water substitute –
‘**Goulburn–Murray Water**’ means the Goulburn–Murray Rural Water Corporation;’
- (b) for the definition of North East Water substitute –
‘**North East Water**’ means the North East Region Water Corporation;’
- (c) for the definition of FMIT substitute –
‘**FMID**’ means the First Mildura Irrigation District;’
- (d) for the definition of Minister substitute –
‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to any provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;’
- (e) the definition of ‘LMURW’ is deleted
- (f) the definition of ‘Lower Murray Urban and Rural Water’ is deleted
- (g) for the definition of lower-reliability entitlements substitute –
‘**low-reliability entitlements**’ are the entitlements set out in Table 2 of Schedule 1;’

- (h) in the definition of water allowed to Victoria under the cap substitute –
‘clause 11’ with ‘clause 11 of this Order’
- (i) insert the following definitions –
‘**Lower Murray Urban and Rural Water**’ means the Lower Murray Urban and Rural Water Corporation (LMURW);
‘**Victorian Mid-Murray Storages**’ means Lake Boga, Lake Charm, Kangaroo Lake and Kow Swamp;’

7. Amendment of clause 4A

For clause 4A.1 of the Order substitute –
‘sub-clause 25.1’ with ‘sub-clause 23.1’

8. Amendment of clause 7

For clause 7.2 of the Order substitute –

‘7.2 The resource manager must add to the allocation to Victoria any water that comes from other sources, such as the Victorian Mid-Murray Storages, if that water has not already been included in the allocation to Victoria as ‘useful State tributary inflows’.’

9. Amendment of clause 8

For clause 8.1 of the Order substitute –

‘8.1 The resource manager must, in making seasonal determinations, make an initial assessment of whether the allocation to Victoria is sufficient to meet high-reliability entitlements in full, using the following steps. The resource manager must:

- (a) subtract from the allocation to Victoria, adjusted in accordance with clause 7, any entitlements under clauses 9 and 10 for providing environmental flows in the River Murray;
- (b) subtract from the result obtained under paragraph (a) sufficient provision to cover the losses associated with the operation of the Victorian Mid-Murray Storages;
- (c) subtract from the result obtained under paragraph (b) the following entitlements not covered in Schedule 1:
 - (i) water for additional distribution losses incurred by relevant River Murray entitlement holders, as allowed for in clause 13;
 - (ii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal allocations are lower than River Murray allocations;
 - (iii) any water carried over from the previous year as allowed in the bulk entitlement Orders of relevant River Murray entitlement holders;
- (d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, as given in the bottom right-hand cell of Table 1 in Schedule 1.’

10. Insert clause 8A

After clause 8 of the Order insert –

8A OPERATION OF VICTORIAN MID-MURRAY STORAGES

8A.1 The resource manager must ensure that the Victorian Mid-Murray Storages are operated to maximise their water harvesting capability subject to operating arrangements established under sub-clause 8A.2.

8A.2 The resource manager must submit by 1 July each year an annual operating plan for the Victorian Mid-Murray Storages to the Minister, prepared in consultation with the relevant Catchment Management Authority, taking into account the seasonal conditions and including the following:

- (a) target filling curves for minimum and maximum operating levels for each storage;
- (b) operating arrangements for each of the storages under a range of seasonal conditions;
- (c) consideration of flood operation;
- (d) consideration of the environmental water requirements necessary to maintain the environmental values of the Victorian Mid-Murray Storages, including relevant Ramsar listed values, as advised by the relevant Catchment Management Authority; and
- (e) any other relevant matter.

8A.3 The resource manager must report on the operation of the Victorian Mid-Murray Storages against the conditions in the operating plan defined under sub-clause 8A.2.'

11. Amendment to clause 10

- (a) For sub-clause 10.2(b) of the Order, substitute –
 - (b) 25 GL a year being a low-reliability entitlement which, subject to 10.4, must be made available by the resource manager when the total natural inflow to Hume Reservoir for the preceding months, which vary from 30 months on 1 July in any one year to 35 months on 1 December, exceed the triggers in Table 1 of Schedule 5.'
- (b) For sub-clause 10.3 of the Order, for each occurrence, substitute –
'Schedule 6' with 'Schedule 5'
- (c) For sub-clause 10.6(c) of the Order, substitute –
'low-reliability' with 'low-reliability entitlements'

12. Amendment to clause 11

- (d) For sub-clause 11.3(a)(ii), 11.3(a)(iii) and 11.3(c) of the Order, substitute –
'low-reliability' with 'low-reliability entitlements'
- (e) For clause 11 of the Order, sub-clause 11.4 is deleted
- (f) For sub-clause 11.6(a) of the Order, substitute –
 - (a) 1,780 GL multiplied by 10, minus the sum of the actual diversions (net of credits) from the River Murray by River Murray entitlement holders in each of the previous nine years – with the resulting volume adjusted up for water diverted from the upper tributaries;'

13. Amendment to clause 12

- (a) For clause 12 of the Order, substitute –
'maximum allocation possible' with 'maximum determination possible'
- (b) For sub-clause 12(e)(ii) of the Order, substitute –
 - (ii) a determination may be made below 10% for high-reliability entitlements, by extrapolation;'
- (c) For clause 12 of the Order, paragraph (h) is deleted

14. Amendment of clause 16

For sub-clause 16.1 of the Order, substitute –
'Schedules 1 and 5' with 'Schedule 1'

15. Amendment to clause 22

- (a) For sub-clause 22.1(f) of the Order, substitute –
 - ‘(f) a portion of the costs incurred by the Victorian storage operator in storing and supplying water from the Victorian Mid-Murray Storages, commensurate with the extent to which the Victorian Mid-Murray Storages water is available for River Murray entitlement holders; and’
- (b) For sub-clause 22.3(c) of the Order, substitute –
 - ‘(c) the operator of the Victorian Mid-Murray Storages and of the waterways connecting these storages to the River Murray, with responsibility covering storage maintenance and safety, administration and financing, releases, flow measurement, and managing water quality –’
- (c) Sub-clause 22.5(a)(ii) of the Order is deleted
- (d) For sub-clause 22.5(b) of the Order, substitute –
 - ‘low-reliability’ with ‘low-reliability entitlements’
- (e) For sub-clause 22.5(e)(i) of the Order, ‘plus’ is deleted
- (f) Sub-clause 22.5(e)(ii) of the Order is deleted.

16. Amendment to clause 23

- (a) For sub-clause 23.1 of the Order, substitute –
 - ‘(j) assist River Murray entitlement holders as necessary to investigate and deal with significant unauthorised uses of water on the River Murray;
 - (k) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act; and’and insert –
 - ‘(l) account and report on the operation of the Victorian Mid-Murray Storages.’

17. Amendment to Schedule 1

In Schedule 1, substitute –

‘SCHEDULE 1: TABLES ALLOCATING SHARES OF WATER AVAILABLE (clauses 6, 12 of the Order)

Table 1: High-reliability Entitlements (GL)

User group	High-Reliability Entitlements (GL)	Off-take commitments for high-reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Goulburn-Murray Water	Murray Valley	24,590	49,180	73,770	98,360	122,950	147,540	172,130	196,720	221,310	245,900
	Torrumbarry	35,635	71,270	106,905	142,540	178,175	213,810	249,445	285,080	320,715	356,350
	Pental Is	5,428	10,856	16,284	21,712	27,140	32,568	38,000	43,432	48,864	54,292
LMURW - Irrigation	Nyah	10,637	21,274	31,911	42,548	53,185	63,822	74,459	85,096	95,733	106,370
	Diverters, Dartmouth-Nyah	76,430	152,860	229,290	305,720	382,150	458,580	535,010	611,440	687,870	764,300
LMURW - Irrigation	Irrigation districts	98,512	197,024	295,536	394,048	492,560	591,072	689,584	788,096	886,608	985,120
	Millewa, Carwarp & Yelta	0,820	1,640	2,460	3,280	4,100	4,920	5,740	6,560	7,380	8,200
	Diverters, Nyah S.A.	307,467	614,934	922,401	1,229,868	1,537,335	1,844,802	2,152,269	2,459,736	2,767,203	3,074,670
LMURW - Urban	FMID	67,315	134,630	201,945	269,260	336,575	403,890	471,205	538,520	605,835	673,150
	Gramplains Wimmera Mallee Water	3,492	6,984	10,476	13,968	20,952	27,936	34,920	41,904	48,888	55,872
Coliban Water	River Channel	2,901	5,802	8,703	11,604	14,505	17,407	20,308	23,209	26,110	29,011
	River Channel	5,055	10,110	15,165	20,220	25,275	30,330	35,385	40,440	45,495	50,550
Goulburn Valley Water	River Channel	3,607	7,214	10,821	14,428	18,035	21,642	25,249	28,856	32,463	36,070
	River Channel	0,128	0,256	0,384	0,512	0,640	0,768	0,896	1,024	1,152	1,280
North East Water	River	12,794	25,588	38,382	51,176	63,970	76,764	89,558	102,352	115,146	127,940
	River	27,600	55,200	82,800	110,400	138,000	165,600	193,200	220,800	248,400	276,000
Environment Minister	Snowy EWR	29,794	59,588	89,382	119,176	148,970	178,764	208,558	238,352	268,146	297,940
	Living Murray	5,710	11,420	17,130	22,840	28,550	34,260	39,970	45,680	51,390	57,100
Exchange rate trade	SA border	17,519	35,038	52,557	70,076	87,595	105,114	122,633	140,152	157,671	175,190
	NSW	5,075	10,150	15,225	20,300	25,375	30,450	35,525	40,600	45,675	50,750
Total		318,112	636,224	954,336	1,272,448	1,590,560	1,908,672	2,226,784	2,544,896	2,863,008	3,181,120

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability Entitlements (GL)	Off-take commitments for low reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	At farm:	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
	Losses:	4,340	8,680	13,020	17,360	21,700	26,040	30,380	34,720	39,060	43,399
		15,500	31,000	46,499	61,999	77,499	92,999	108,499	123,999	139,498	154,998
Torrumbarry	At farm:	15,694	31,388	47,082	62,776	78,470	94,164	109,858	125,552	141,246	156,940
	Losses:	6,103	12,206	18,310	24,413	30,516	36,619	42,722	48,826	54,929	61,032
		2,594	0,519	0,778	1,038	1,297	1,557	1,816	2,076	2,335	2,594
		22,057	44,113	66,170	88,226	110,283	132,340	154,396	176,453	198,510	220,566
Murray diverters Mitta diverters		1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,866	12,224	13,582
		0,586	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
		1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
Environment Minister - Living Murray		9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Total		49,384	98,768	148,151	197,535	246,919	296,303	345,687	395,070	444,454	493,838
Off-take commitments for 100% high reliability entitlements	from Table 1	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574
Total off-take commitments		1582,957	1632,341	1681,725	1731,109	1780,493	1829,876	1879,260	1928,644	1978,028	2027,412

Notes on Tables 1 and 2 of Schedule 1:

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10%, not just in the 10% intervals shown.
- Murray Valley and Torrumbarry systems, excluding the Victorian Mid-Murray Storages, have fixed losses of 80,000 GL and 77,981 GL (including 0,352 GL for Tresco) respectively, plus two variable loss components as follows:
 - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 13,201 GL for Murray Valley and to 24,978 GL for Torrumbarry at an allocation of 100%;
 - for lower-reliability rights, the extra loss is calculated by starting with the at-farm commitments and multiplying by 0.28/0.72 (72% efficiencies has been assumed).
- Allocations against the 22.1 GL of entitlement, added to Table 1 post-Mokoan, for Snowy EWR will commence when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mid-Murray Storages is deemed by the resource manager to be first operated in accordance with clause 8A.
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2.

18. Amendment to Schedule 3

In Schedule 3 of the Order,

- (a) for paragraph 2 under Principles substitute –
‘low-reliability’ with ‘low-reliability entitlements’; and
‘allocation’ with ‘determination’
- (b) for paragraph 3 under Principles substitute –
‘allocation’ with ‘determination’
- (c) for paragraph L under Method substitute –
‘L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
- Barmah/Millewa forest water and any saved Lindsay water
 - additional distribution loss in particular years, c.13
 - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)’
- (d) for paragraph M under Method substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (e) under paragraph Y substitute –
‘1475 GL’ with ‘1533 GL’.

19. Amendment to Schedule 4

For Schedule 4, substitute –

**‘ SCHEDULE 4: OFF-TAKE POINTS AND RETURN POINTS,
WITH MAXIMUM RATES OF TAKING WATER (clause 15)**

Water supply system	Nominal volume per year (ML) ¹	Waterway/channel	Off-take point	Maximum rate (ML/d)
Tallangatta	600	River Murray (Lake Hume)	Tallangatta Pump Station	5.4
Bellbridge	130	River Murray (Lake Hume)	Bellbridge Pump Station	1.2
Wodonga	8,796.5	Wodonga Creek	Wodonga Pump Station	71.0
Rutherglen and Wahgunyah	1,180	River Murray	Rutherglen and Wahgunyah Pump Station	16.0
Yarrawonga	2,087	River Murray (Lake Mulwala)	Yarrawonga Pump Station	22.0
TOTAL:	12,793.5			

¹ The amount of water taken for each individual system can be varied in accordance with sub-clause 15.4, provided the total water allowed (taking into account any seasonal restrictions) is not exceeded.²

20. Amendment to Schedule 5

In Schedule 5 of the Order

- (a) under paragraph 1.2, 'water right or' is deleted
- (b) under paragraph 5.2, 'Water Right or' is deleted.

Dated 13 November 2009

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – COLIBAN WATER)
CONVERSION FURTHER AMENDING ORDER 2009**

I, Tim Holding, as Minister administering the **Water Act 1989**, make the following Order –

1. Citation

This Order may be cited as the Bulk Entitlement (River Murray – Coliban Water) Conversion Further Amending Order 2009.

2. Purpose

The purpose of this Order is to make such amendments to the Bulk Entitlement (River Murray – Coliban Water) Conversion Order 1999 (as amended) that are necessary as a consequence of the decommissioning of Lake Mokoan and the new operational arrangements for the Victorian Mid-Murray Storages. The resulting water savings from decommissioning Lake Mokoan combined with the creation of the Victorian Mid-Murray Storages allow the creation of an unregulated entitlement for the River Murray of 34.3 GL and a high-reliability water entitlement for the Snowy River of 22.1 GL.

3. Empowering Provisions

This Order is made under section 44 of the **Water Act 1989**.

4. Commencement

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

5. Change of reference

Wherever appearing in the Order –

- (a) The term ‘MDBC’ substitute ‘MDBA’;
- (b) The word ‘Commission’ substitute ‘Authority’;
- (c) The term ‘FMIT’s District’ substitute ‘FMID’;
- (d) The term ‘Minister for Conservation’ substitute ‘environment Minister’;
- (e) The term ‘the Snowy Mountains Authority’ substitute ‘Snowy Hydro Limited’;
- (f) The word ‘security’ substitute ‘reliability’, except in Schedule 5, paragraph 5.2; and
- (g) The term ‘lower-security’ substitute ‘low-reliability’.

6. Amendment of clause 4

In clause 4 of the Order –

- (a) for the definition of Goulburn–Murray Water substitute –
‘**Goulburn–Murray Water**’ means the Goulburn–Murray Rural Water Corporation;’
- (b) for the definition of Coliban Water substitute –
‘**Coliban Water**’ means the Coliban Region Water Corporation;’
- (c) for the definition of FMIT substitute –
‘**FMID**’ means the First Mildura Irrigation District;’
- (d) for the definition of Minister substitute –
‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to any provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;’
- (e) the definition of ‘LMURW’ is deleted
- (f) the definition of ‘Lower Murray Urban and Rural Water’ is deleted
- (g) for the definition of lower-reliability entitlements substitute –
‘**low-reliability entitlements**’ are the entitlements set out in Table 2 of Schedule 1;’

- (h) in the definition of water allowed to Victoria under the cap substitute –
‘clause 11’ with ‘clause 11 of this Order’
- (i) insert the following definitions –
‘**Lower Murray Urban and Rural Water**’ means the Lower Murray Urban and Rural Water Corporation (LMURW);
‘**Victorian Mid-Murray Storages**’ means Lake Boga, Lake Charm, Kangaroo Lake and Kow Swamp;’.

7. Amendment of clause 4A

For clause 4A.1 of the Order substitute –
‘sub-clause 25.1’ with ‘sub-clause 24.1’.

8. Amendment of clause 7

For clause 7.2 of the Order substitute –

‘7.2 The resource manager must add to the allocation to Victoria any water that comes from other sources, such as the Victorian Mid-Murray Storages, if that water has not already been included in the allocation to Victoria as ‘useful State tributary inflows’.’

9. Amendment of clause 8

For clause 8.1 of the Order substitute –

‘8.1 The resource manager must, in making seasonal determinations, make an initial assessment of whether the allocation to Victoria is sufficient to meet high-reliability entitlements in full, using the following steps. The resource manager must:

- (a) subtract from the allocation to Victoria, adjusted in accordance with clause 7, any entitlements under clauses 9 and 10 for providing environmental flows in the River Murray;
- (b) subtract from the result obtained under paragraph (a) sufficient provision to cover the losses associated with the operation of the Victorian Mid-Murray Storages;
- (c) subtract from the result obtained under paragraph (b) the following entitlements not covered in Schedule 1:
 - (i) water for additional distribution losses incurred by relevant River Murray entitlement holders, as allowed for in clause 13;
 - (ii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal determinations are lower than River Murray seasonal determinations;
 - (iii) any water carried over from the previous year as allowed in the bulk entitlement Orders of relevant River Murray entitlement holders;
- (d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, as given in the bottom right-hand cell of Table 1 in Schedule 1.’

10. Insert clause 8A

After clause 8 of the Order insert –

‘8A OPERATION OF VICTORIAN MID-MURRAY STORAGES

8A.1 The resource manager must ensure that the Victorian Mid-Murray Storages are operated to maximise their water harvesting capability subject to operating arrangements established under sub-clause 8A.2.

8A.2 The resource manager must submit by 1 July each year an annual operating plan for the Victorian Mid-Murray Storages to the Minister, prepared in consultation with the relevant Catchment Management Authority, taking into account the seasonal conditions and including the following:

- (a) target filling curves for minimum and maximum operating levels for each storage;
- (b) operating arrangements for each of the storages under a range of seasonal conditions;
- (c) consideration of flood operation;
- (d) consideration of the environmental water requirements necessary to maintain the environmental values of the Victorian Mid-Murray Storages, including relevant Ramsar listed values, as advised by the relevant Catchment Management Authority; and
- (e) any other relevant matter.

8A.3 The resource manager must report on the operation of the Victorian Mid-Murray Storages against the conditions in the operating plan defined under sub-clause 8A.2.'

11. Amendment to clause 10

- (a) For sub-clause 10.2(b) of the Order, substitute –
 - (b) 25 GL a year being a low-reliability entitlement which, subject to 10.4, must be made available by the resource manager when the total natural inflow to Hume Reservoir for the preceding months, which vary from 30 months on 1 July in any one year to 35 months on 1 December, exceed the triggers in Table 1 of Schedule 5.'
- (b) For sub-clause 10.3 of the Order, for each occurrence, substitute –
'Schedule 6' with 'Schedule 5'
- (c) For sub-clause 10.6(c) of the Order, substitute –
'low-reliability' with 'low-reliability entitlements'.

12. Amendment to clause 11

- (d) For sub-clause 11.3(a)(ii), 11.3(a)(iii) and 11.3(c) of the Order, substitute –
'low-reliability' with 'low-reliability entitlements'
- (e) For clause 11 of the Order, sub-clause 11.4 is deleted
- (f) For sub-clause 11.6(a) of the Order, substitute –
 - (a) 1,780 GL multiplied by 10, minus the sum of the actual diversions (net of credits) from the River Murray by River Murray entitlement holders in each of the previous nine years – with the resulting volume adjusted up for water diverted from the upper tributaries;'

13. Amendment to clause 12

- (a) For clause 12 of the Order, substitute –
'maximum allocation possible' with 'maximum determination possible'
- (b) For sub-clause 12(e)(ii) of the Order, substitute –
 - (ii) a determination may be made below 10% for high-reliability entitlements, by extrapolation;'
- (c) For clause 12 of the Order, paragraph (h) is deleted.

14. Amendment of clause 16

For sub-clause 16.1 of the Order, substitute –
'Schedules 1 and 5' with 'Schedule 1'.

15. Amendment to clause 22

- (a) For sub-clause 22.1(f) of the Order, substitute –
 - ‘(f) a portion of the costs incurred by the Victorian storage operator in storing and supplying water from the Victorian Mid-Murray Storages, commensurate with the extent to which the Victorian Mid-Murray Storages water is available for River Murray entitlement holders; and’
- (b) For sub-clause 22.3(c) of the Order, substitute –
 - ‘(c) the operator of the Victorian Mid-Murray Storages and of the waterways connecting these storages to the River Murray, with responsibility covering storage maintenance and safety, administration and financing, releases, flow measurement, and managing water quality – ‘
- (c) Sub-clause 22.5 (a) (ii) of the Order is deleted
- (d) For sub-clause 22.5(b) of the Order, substitute –
 - ‘low-reliability’ with ‘low-reliability entitlements’
- (e) For sub-clause 22.5(e) (i) of the Order, ‘plus’ is deleted
- (f) Sub-clause 22.5 (e) (ii) of the Order is deleted.

16. Amendment to clause 24

- (a) For sub-clause 24.1 of the Order, substitute –
 - ‘(j) assist River Murray entitlement holders as necessary to investigate and deal with significant unauthorised uses of water on the River Murray;
 - (k) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act; and’and insert –
 - ‘(l) account and report on the operation of the Victorian Mid-Murray Storages.’

17. Amendment to Schedule 1

In Schedule 1, substitute –

‘SCHEDULE 1: TABLES ALLOCATING SHARES OF WATER AVAILABLE (clauses 6, 12 of the Order)

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability Entitlements (GL)	Off-take commitments for low reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	At farm:	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
	Losses:	4,340	8,680	13,020	17,360	21,700	26,040	30,380	34,720	39,060	43,399
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		0,586	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
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Total		49,384	98,768	148,151	197,535	246,919	296,303	345,687	395,070	444,454	493,838
Off-take commitments for 100% high reliability entitlements	from Table 1	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574
Total off-take commitments		1582,957	1632,341	1681,725	1731,109	1780,493	1829,876	1879,260	1928,644	1978,028	2027,412

Notes on Tables 1 and 2 of Schedule 1:

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- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2.

18. Amendment to Schedule 3

In Schedule 3 of the Order,

- (a) for paragraph 2 under Principles substitute –
‘low-reliability’ with ‘low-reliability entitlements’; and
‘allocation’ with ‘determination’
- (b) for paragraph 3 under Principles substitute –
‘allocation’ with ‘determination’
- (c) for paragraph L under Method substitute –
‘L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
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 - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)’
- (d) for paragraph M under Method substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (e) under paragraph Y substitute –
‘1475 GL’ with ‘1533 GL’.

19. Amendment to Schedule 5

In Schedule 5 of the Order

- (a) under paragraph 1.2, ‘water right or’ is deleted
- (b) under paragraph 5.2, ‘Water Right or’ is deleted.

Dated 13 November 2009

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – GOULBURN VALLEY WATER)
CONVERSION FURTHER AMENDING ORDER 2009**

I, Tim Holding, as Minister administering the **Water Act 1989**, make the following Order –

1. Citation

This Order may be cited as the Bulk Entitlement (River Murray – Goulburn Valley Water) Conversion Further Amending Order 2009.

2. Purpose

The purpose of this Order is to make such amendments to the Bulk Entitlement (River Murray – Goulburn Valley Water) Conversion Order 1999 (as amended) that are necessary as a consequence of the decommissioning of Lake Mokoan and the new operational arrangements for the Victorian Mid-Murray Storages. The resulting water savings from decommissioning Lake Mokoan combined with the creation of the Victorian Mid-Murray Storages allow the creation of an unregulated entitlement for the River Murray of 34.3 GL and a high-reliability water entitlement for the Snowy River of 22.1 GL.

3. Empowering Provisions

This Order is made under section 44 of the **Water Act 1989**.

4. Commencement

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- (b) The word ‘Commission’ substitute ‘Authority’;
- (c) The term ‘FMIT’s District’ substitute ‘FMID’;
- (d) The term ‘Minister for Conservation’ substitute ‘environment Minister’;
- (e) The term ‘the Snowy Mountains Authority’ substitute ‘Snowy Hydro Limited’;
- (f) The word ‘security’ substitute ‘reliability’, except in Schedule 5, paragraph 5.2; and
- (g) The term ‘lower-security’ substitute ‘low-reliability’.

6. Amendment of clause 4

In clause 4 of the Order –

- (a) for the definition of Goulburn–Murray Water substitute –
‘**Goulburn–Murray Water**’ means the Goulburn–Murray Rural Water Corporation;’
- (b) for the definition of Goulburn Valley Water substitute –
‘**Goulburn Valley Water**’ means the Goulburn Valley Region Water Corporation;’
- (c) for the definition of FMIT substitute –
‘**FMID**’ means the First Mildura Irrigation District;’
- (d) for the definition of Minister substitute –
‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to any provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;’
- (e) the definition of ‘LMURW’ is deleted
- (f) the definition of ‘Lower Murray Urban and Rural Water’ is deleted
- (g) for the definition of lower-reliability entitlements substitute –
‘**low-reliability entitlements**’ are the entitlements set out in Table 2 of Schedule 1;’

- (h) in the definition of water allowed to Victoria under the cap substitute –
‘clause 11’ with ‘clause 11 of this Order’
- (i) insert the following definitions –
‘**Lower Murray Urban and Rural Water**’ means the Lower Murray Urban and Rural Water Corporation (LMURW);
‘**Victorian Mid-Murray Storages**’ means Lake Boga, Lake Charm, Kangaroo Lake and Kow Swamp;’
- 7. Amendment of clause 4A**
For clause 4A.1 of the Order substitute –
‘sub-clause 25.1’ with ‘sub-clause 24.1’
- 8. Amendment of clause 7**
For clause 7.2 of the Order substitute –
‘7.2 The resource manager must add to the allocation to Victoria any water that comes from other sources, such as the Victorian Mid-Murray Storages, if that water has not already been included in the allocation to Victoria as ‘useful State tributary inflows.’’
- 9. Amendment of clause 8**
For clause 8.1 of the Order substitute –
‘8.1 The resource manager must, in making seasonal determinations, make an initial assessment of whether the allocation to Victoria is sufficient to meet high-reliability entitlements in full, using the following steps. The resource manager must:
- (a) subtract from the allocation to Victoria, adjusted in accordance with clause 7, any entitlements under clauses 9 and 10 for providing environmental flows in the River Murray;
 - (b) subtract from the result obtained under paragraph (a) sufficient provision to cover the losses associated with the operation of the Victorian Mid-Murray Storages;
 - (c) subtract from the result obtained under paragraph (b) the following entitlements not covered in Schedule 1:
 - (i) water for additional distribution losses incurred by relevant River Murray entitlement holders, as allowed for in clause 13;
 - (ii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal allocations are lower than River Murray allocations;
 - (iii) any water carried over from the previous year as allowed in the bulk entitlement Orders of relevant River Murray entitlement holders;
 - (d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, as given in the bottom right-hand cell of Table 1 in Schedule 1.’
- 10. Insert clause 8A**
After clause 8 of the Order insert –
8A OPERATION OF VICTORIAN MID-MURRAY STORAGES
8A.1 The resource manager must ensure that the Victorian Mid-Murray Storages are operated to maximise their water harvesting capability subject to operating arrangements established under sub-clause 8A.2.

8A.2 The resource manager must submit by 1 July each year an annual operating plan for the Victorian Mid-Murray Storages to the Minister, prepared in consultation with the relevant Catchment Management Authority, taking into account the seasonal conditions and including the following:

- (a) target filling curves for minimum and maximum operating levels for each storage;
- (b) operating arrangements for each of the storages under a range of seasonal conditions;
- (c) consideration of flood operation;
- (d) consideration of the environmental water requirements necessary to maintain the environmental values of the Victorian Mid-Murray Storages, including relevant Ramsar listed values, as advised by the relevant Catchment Management Authority; and
- (e) any other relevant matter.

8A.3 The resource manager must report on the operation of the Victorian Mid-Murray Storages against the conditions in the operating plan defined under sub-clause 8A.2.'

11. Amendment to clause 10

- (a) For sub-clause 10.2(b) of the Order, substitute –
'(b) 25 GL a year being a low-reliability entitlement which, subject to 10.4, must be made available by the resource manager when the total natural inflow to Hume Reservoir for the preceding months, which vary from 30 months on 1 July in any one year to 35 months on 1 December, exceed the triggers in Table 1 of Schedule 5.'
- (b) For sub-clause 10.3 of the Order, for each occurrence, substitute –
'Schedule 6' with 'Schedule 5'
- (c) For sub-clause 10.6(c) of the Order, substitute –
'low-reliability' with 'low-reliability entitlements'

12. Amendment to clause 11

- (d) For sub-clause 11.3(a)(ii), 11.3(a)(iii) and 11.3(c) of the Order, substitute –
'low-reliability' with 'low-reliability entitlements'
- (e) For clause 11 of the Order, sub-clause 11.4 is deleted
- (f) For sub-clause 11.6(a) of the Order, substitute –
'(a) 1,780 GL multiplied by 10, minus the sum of the actual diversions (net of credits) from the River Murray by River Murray entitlement holders in each of the previous nine years – with the resulting volume adjusted up for water diverted from the upper tributaries;'

13. Amendment to clause 12

- (a) For clause 12 of the Order, substitute –
'maximum allocation possible' with 'maximum determination possible'
- (b) For sub-clause 12(e)(ii) of the Order, substitute –
'(ii) a determination may be made below 10% for high-reliability entitlements, by extrapolation;'
- (c) For sub-clause 12 (h) of the Order, substitute –
'(h) must find the total volume Goulburn Valley Water can take, by adding on to the volume determined in paragraph (g) the additional water allowed to Goulburn Valley Water under sub-clauses 6.1(b) and 6.3.'

14. Amendment of clause 16

For sub-clause 16.1 of the Order, substitute –
‘Schedules 1 and 5’ with ‘Schedule 1’.

15. Amendment to clause 22

- (a) For sub-clause 22.1(f) of the Order, substitute –
‘(f) a portion of the costs incurred by the Victorian storage operator in storing and supplying water from the Victorian Mid-Murray Storages, commensurate with the extent to which the Victorian Mid-Murray Storages water is available for River Murray entitlement holders; and’
- (b) For sub-clause 22.3(c) of the Order, substitute –
‘(c) the operator of the Victorian Mid-Murray Storages and of the waterways connecting these storages to the River Murray, with responsibility covering storage maintenance and safety, administration and financing, releases, flow measurement, and managing water quality –’
- (c) Sub-clause 22.5 (a) (ii) of the Order is deleted
- (d) For sub-clause 22.5(b) of the Order, substitute – ‘low-reliability’ with ‘low-reliability entitlements’
- (e) For sub-clause 22.5(e) (i) of the Order, ‘plus’ is deleted
- (f) Sub-clause 22.5 (e) (ii) of the Order is deleted.

16. Amendment to clause 24

- (a) For sub-clause 24.1 of the Order, substitute –
‘(j) assist River Murray entitlement holders as necessary to investigate and deal with significant unauthorised uses of water on the River Murray;
(k) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act; and’
and insert –
‘(l) account and report on the operation of the Victorian Mid-Murray Storages.’

17. Amendment to Schedule 1

In Schedule 1, substitute –

‘SCHEDULE 1: TABLES ALLOCATING SHARES OF WATER AVAILABLE (clauses 6, 12 of the Order)

Table 1: High-reliability Entitlements (GL)

User group	High-Reliability Entitlements (GL)		Off-take commitments for high-reliability seasonal determinations of									
			10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Goulburn-Murray Water	245,900	At farm Losses	24,590	49,180	73,770	98,360	122,950	147,540	172,130	196,720	221,310	245,900
		Murray Valley	81,320	82,640	83,960	85,280	86,601	87,921	89,241	90,561	91,881	93,201
	356,350	At farm Losses	35,635	71,270	106,905	142,540	178,175	213,810	249,445	285,080	320,715	356,350
		Torrumbarry	80,479	82,977	85,474	87,972	90,470	92,968	95,466	97,964	100,461	102,959
5,428	10,637	Pental Is	1,064	1,086	1,108	1,130	1,152	1,174	1,196	1,218	1,240	1,262
			116,657	155,332	194,008	232,683	271,359	310,035	348,710	387,386	426,061	464,737
76,430	76,430	At farm Losses	1,064	2,127	3,191	4,255	5,319	6,382	7,446	8,510	9,573	10,637
		Diversers, Dartmouth-Nyah	0,050	0,100	0,150	0,200	0,250	0,300	0,350	0,400	0,450	0,500
98,512	98,512	At farm Losses	1,114	2,227	3,341	4,455	5,569	6,682	7,796	8,910	10,023	11,137
		Irrigation districts	7,643	15,286	22,929	30,572	38,215	45,858	53,501	61,144	68,787	76,430
0,820	0,820	At farm Losses	9,851	19,702	29,554	39,405	49,256	59,107	68,958	78,810	88,661	98,512
		Millewa, Carwarp & Yelta	17,551	27,402	37,254	47,105	56,956	66,807	76,658	86,510	96,361	106,212
307,467	307,467	At farm Losses	0,082	0,164	0,246	0,328	0,410	0,492	0,574	0,656	0,738	0,820
		Diversers, Nyah S.A.	5,380	5,380	5,380	5,380	5,380	5,380	5,380	5,380	5,380	5,380
67,315	67,315	At farm Losses	5,462	5,544	5,626	5,708	5,790	5,872	5,954	6,036	6,118	6,200
		FMID	30,747	61,493	92,240	122,987	153,733	184,480	215,227	245,973	276,720	307,467
3,492	3,492	At farm Losses	6,732	13,463	20,195	26,926	33,658	40,389	47,121	53,852	60,584	67,315
		Gramplains Wimmera Mallee Water	12,000	25,463	38,926	52,389	65,852	79,315	92,778	106,241	119,704	133,167
29,011	29,011	River Channel	18,732	25,463	32,195	38,926	45,658	52,389	59,121	65,852	72,584	79,315
		LMURW - Urban	0,349	0,698	1,048	1,397	1,746	2,095	2,444	2,794	3,143	3,492
5,055	5,055	River Channel	2,901	5,802	8,703	11,604	14,505	17,407	20,308	23,209	26,110	29,011
		Coilban Water	0,196	0,392	0,588	0,784	0,980	1,176	1,372	1,568	1,764	1,960
3,607	3,607	River Channel	0,506	1,011	1,517	2,022	2,528	3,033	3,539	4,044	4,550	5,055
		Goulburn Valley Water	1,230	0,246	0,369	0,492	0,615	0,738	0,861	0,984	1,107	1,230
0,128	0,128	River Channel	0,361	0,721	1,082	1,443	1,804	2,164	2,525	2,886	3,246	3,607
		North East Water	0,013	0,026	0,038	0,051	0,064	0,077	0,090	0,102	0,115	0,128
27,600	27,600	River	1,279	2,559	3,838	5,117	6,397	7,676	8,955	10,234	11,514	12,794
		Flora & Fauna	2,760	5,520	8,280	11,040	13,800	16,560	19,320	22,080	24,840	27,600
29,794	29,794	River	2,971	5,959	8,938	11,918	14,897	17,876	20,856	23,835	26,815	29,794
		Environment Minister	0,879	1,758	2,637	3,516	4,395	5,274	6,153	7,032	7,911	8,790
17,519	17,519	River	5,710	11,420	17,130	22,840	28,550	34,260	39,970	45,680	51,390	57,100
		South Australia	1,752	3,504	5,256	7,008	8,760	10,512	12,264	14,016	15,768	17,520
5,075	5,075	SA border	1,015	2,030	3,045	4,060	5,075	6,090	7,105	8,120	9,135	10,150
		NSW	0,508	1,015	1,523	2,030	2,538	3,045	3,553	4,060	4,568	5,075
Total	1,311,833		318,112	453,164	588,215	723,266	873,603	1,001,012	1,128,420	1,263,471	1,398,522	

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability Entitlements (GL)		Off-take commitments for low reliability seasonal determinations of									
			10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	111,599	At farm:	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
		Losses:	4,340	8,680	13,020	17,360	21,700	26,040	30,380	34,720	39,060	43,399
	155,500		31,000	61,999	46,499	61,999	77,499	92,999	108,499	123,999	139,498	154,998
Torrumbarry	156,940	At farm:	15,694	31,388	47,082	62,776	78,470	94,164	109,858	125,552	141,246	156,940
		Losses:	6,103	12,206	18,310	24,413	30,516	36,619	42,722	48,826	54,929	61,032
	2,594		0,259	0,519	0,778	1,038	1,297	1,557	1,816	2,076	2,335	2,594
	22,057		44,113	66,170	88,226	110,283	132,340	154,396	176,453	198,510	220,566	
Murray diverters Mitta diverters	13,582		1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,866	12,224	13,582
	5,856		0,386	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
	98,835		1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
Environment Minister - Living Murray			9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Total	389,406		49,384	98,768	148,151	197,535	246,919	296,303	345,687	395,070	444,454	493,838
Off-take commitments for 100% high reliability entitlements		from Table 1	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574
Total off-take commitments			1582,957	1632,341	1681,725	1731,109	1780,493	1829,876	1879,260	1928,644	1978,028	2027,412

Notes on Tables 1 and 2 of Schedule 1:

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10%, not just in the 10% intervals shown.
- Murray Valley and Torrumbarry systems, excluding the Victorian Mid-Murray Storages, have fixed losses of 80,000 GL and 77,981 GL (including 0,352 GL for Trecco) respectively, plus two variable loss components as follows:
 - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 13,201 GL for Murray Valley and to 24,978 GL for Torrumbarry at an allocation of 100%;
 - for lower-reliability rights, the extra loss is calculated by starting with the at-farm commitments and multiplying by 0.28/0.72 (72% efficiencies has been assumed).
- Allocations against the 22.1 GL of entitlement, added to Table 1 post-Mokoan, for Snowy EWR will commence when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mid-Murray Storages is deemed by the resource manager to be first operated in accordance with clause 8A.
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2.

18. Amendment to Schedule 3

In Schedule 3 of the Order,

- (a) for paragraph 2 under Principles substitute –
‘low-reliability’ with ‘low-reliability entitlements’; and
‘allocation’ with ‘determination’
- (b) for paragraph 3 under Principles substitute –
‘allocation’ with ‘determination’
- (c) for paragraph L under Method substitute –
‘L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
 - Barmah/Millewa forest water and any saved Lindsay water
 - additional distribution loss in particular years, c.13
 - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)’
- (d) for paragraph M under Method substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (e) under paragraph Y substitute –
‘1475 GL’ with ‘1533 GL’.

19. Amendment to Schedule 4

For the table in Schedule 4, substitute

Water supply system	Nominal volume per year (ML) ¹	Waterway/channel	Off-take point	Maximum rate (ML/d)
Cobram	3,525	River Murray	Cobram Pump Station	18
Barmah	82	River Murray	Barmah Pump Station	1.2
Picola	44	Channel No. 9/9/9	Metered Outlet No. 6422A	2
Katamatite	84	Channel No. 7/3	Metered Outlet No. 3127A	1
Sub-total (in Schedule 1):	3,735			
Nathalia	652	Broken Creek	Nathalia Pumping Station	5.1
Numurkah and Wunghnu	1,206	Broken Creek	Numurkah Pumping Station	8.5
TOTAL:	5,593			

20. Amendment to Schedule 5

In Schedule 5 of the Order

- (a) under paragraph 1.2, ‘water right or’ is deleted
- (b) under paragraph 5.2, ‘Water Right or’ is deleted.

Dated 13 November 2009

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (BROKEN SYSTEM–SNOWY ENVIRONMENTAL RESERVE)
REVOCATION ORDER 2009**

I, Tim Holding, Minister for Water, under section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Broken System–Snowy Environmental Reserve) Revocation Order 2009.

2. Preliminary

The Bulk Entitlement (Broken System–Snowy Environmental Reserve) Conversion Order 2006 (the Bulk Entitlement Order) was made by the then Minister for Water on 2 June 2006 and notified in the Victoria Government Gazette G 23 dated 8 June 2006.

3. Purpose

The purpose of this Order is to revoke the Bulk Entitlement Order. The Bulk Entitlement Order was created to temporarily hold water for the Snowy River following the Government's purchase of entitlement from the Burnbrae property and completion of the Tungamah Pipeline project. It is now appropriate to revoke the Bulk Entitlement Order following completion of the reliability offset measures for the Mokoan Project (decommissioning of Lake Mokoan) because the water is to be included in Bulk Entitlement (Murray River–Snowy Environmental Reserve) Order 2004, the new entitlement created for the Snowy River as part of the Mokoan Project.

4. Authorising provisions

This Order is made in accordance with section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**.

5. Commencement

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

6. Revocation of Bulk Entitlement Order

The Bulk Entitlement (Broken System–Snowy Environmental Reserve) Conversion Order 2006 (as amended) is hereby revoked.

Dated 13 November 2009

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (BROKEN SYSTEM – TUNGAMAH, DEVENISH AND ST JAMES – NORTH EAST WATER) CONVERSION FURTHER AMENDMENT ORDER 2009**

I, Tim Holding, Minister for Water, as Minister administering the **Water Act 1989**, make the following Order.

1. Title

This Order is called the Bulk Entitlement (Broken System – Tungamah Devenish and St James – North East Water) Conversion Further Amendment Order 2009.

2. Preliminary

The Bulk Entitlement (Broken System – Tungamah, Devenish and St James – North East Water) Conversion Order 2004 (the Bulk Entitlement Order), was made by the Minister on 17 December 2004 and published in the Government Gazette S1 on 4 January 2005, page 54.

The Bulk Entitlement Order was then amended by Bulk Entitlement (Broken System – Tungamah, Devenish and St James – North East Water) Conversion Amendment Order 2006, which was published in the Government Gazette G24 on 15 June 2006 to amend Schedule 1 to include Bulk Entitlement (Broken System – Snowy Environmental Reserve) Conversion Order 2006 as a primary entitlement.

The Bulk Entitlement Order was further amended by Bulk Entitlement (Broken System – Tungamah Devenish and St James – North East Water) Conversion Amendment Order 2009 which changed the location of the point for taking water under this bulk entitlement to the Broken River at Benalla Weir. This was required following North East Water's purchase of water shares from the Murray System to supply the towns of Tungamah, Devenish and St James and the completion of the Tungamah Pipeline Project.

3. Purpose

The purpose of this Order is to further amend the Bulk Entitlement Order to reflect the revised water sharing arrangements in the Broken System resulting from the decommissioning of Lake Mokoan.

4. Authorising provisions

This Order is made pursuant to section 44 of the **Water Act 1989**.

5. Commencement

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

6. Amendment of Schedule 1

In the Bulk Entitlement Order, for Schedule 1 substitute –

'Schedule 1**Total Entitlement Volume 'E' for purposes of calculating Water Supply Source Costs under sub-clause 12.1**

Entitlement Holder	Type	Entitlement Volume (ML/annum)
Goulburn–Murray Rural Water Corporation	High reliability water shares in the Broken water system	17,821
	Low reliability water shares in the Broken water system	3,301
	Domestic and stock including Shepparton East Community Water Supply Scheme	1,348
	Goulburn/Murray Supplement	7,002
	Losses	1,850
North East Region Water Corporation	Urban supply	135
Total Entitlement Volume 'E'		31,457

Dated 13 November 2009

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (BROKEN SYSTEM – GOULBURN–MURRAY WATER)
CONVERSION FURTHER AMENDING ORDER 2009**

I, Tim Holding, Minister for Water, under section 44 of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Broken System – Goulburn–Murray Water) Conversion Further Amending Order 2009.

2. Preliminary

The Bulk Entitlement (Broken System –Goulburn–Murray Water) Conversion Order 2004 (the Bulk Entitlement Order), was made by the then Minister for Water on 17 December 2004 and published in the Government Gazette S1 on 4 January 2005.

The Bulk Entitlement Order has subsequently been amended by Bulk Entitlement (Broken System – Goulburn–Murray Water) Conversion Amendment Order 2006, Bulk Entitlement Order (Broken System – Goulburn–Murray Water) Conversion Amending Notice 2007 and Bulk Entitlement Order (Broken System – Goulburn–Murray Water) Conversion Amendment Order 2009.

3. Purpose

The purpose of this Order is to further amend the Bulk Entitlement Order to reflect the revised water sharing arrangements in the Broken System resulting from the decommissioning of Lake Mokoan.

4. Authorising provisions

This Order is made in accordance with section 44 of the **Water Act 1989**.

5. Commencement

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

6. Amendment of clause 4

In clause 4 of the Order –

- (a) for the definition of Authority substitute –
‘**Authority**’ means the Goulburn–Murray Rural Water Corporation;’
- (b) for the definition of Broken system substitute
‘**Broken system**’ means the water supply systems supplied from
 - (a) Lake Nillahcootie,
 - (b) the inflows to Lake Nillahcootie, and
 - (c) the flows harvested by the Broken River and tributaries downstream of Lake Nillahcootie;’
- (c) for the definition of headworks system substitute –
‘**headworks system**’ means:
 - (a) Lake Nillahcootie and the associated water supply works and other assets, as shown from time to time in the Asset Register of Goulburn–Murray Rural Water Corporation as owner of the storage, and
 - (b) the system waterway;’
- (d) for the definition of regulated flow substitute –
‘**regulated flow**’ means any flow due to release from Lake Nillahcootie to the immediate downstream river channel excluding releases made by the Storage Operator:

- (a) for construction or maintenance purposes under non-emergency situations; or
 - (b) to secure the safety of the headworks system under emergency situations; or
 - (c) to pass flood flows that are not diverted from the system waterway and do not contribute to environmental minimum flow commitments.’
 - (e) For the definition of system waterway substitute –
‘**system waterway**’ means the Broken River downstream of Lake Nillahcootie, including the pools formed immediately upstream of Nillahcootie dam, Broken River diversion weir, Casey’s Weir and Gowangardie Weir, down to the confluence with the Goulburn River.’
- 7. Amendment to sub-clause 10.1**
In sub-clause 10.1 of the Order –
- (a) paragraph (a) is deleted
 - (b) paragraph (c) is substituted with –
‘(c) all the water temporarily stored above the full supply level in Lake Nillahcootie as part of its entitlement volume under clause 6.’
- 8. Amendment to sub-clause 11.1**
In sub-clause 11.1 of the Order, paragraph (b) is deleted.
- 9. Amendment to sub-clause 12.1**
In sub-clause 12.1 of the Order, paragraph (b) is deleted.
- 10. Amendment to sub-clause 13.6**
In sub-clause 13.6 of the Order, ‘and/or Lake Mokoan’ is deleted.
- 11. Amendment to sub-clause 20.1**
In sub-clause 20.1 of the Order –
- (a) paragraph (c) is substituted with –
‘(c) the daily flows into Lake Nillahcootie;’
 - (b) paragraph (d) is substituted with –
‘(d) the amount of water held by the Authority in Lake Nillahcootie;’
 - (c) paragraph (f) is substituted with –
‘(f) the amount of annual evaporation losses from Lake Nillahcootie;’
- 12. Amendment to clause 22**
- (a) In sub-clause 22.2 of the Order, substitute –
‘The amount of the Authority must pay the Storage Operator under sub-clause 22.1 is determined by any price determination made by the Essential Services Commission in accordance with part 1A of the **Water Industry Act 1994**, subject to any existing agreement between the Authority and the Storage Operator, including an option to extend that agreement.’
 - (b) In sub-clause 22.3 of the Order, ‘and Lake Mokoan’ is deleted
 - (c) Sub-clause 22.5 of the Order is deleted
- 13. Amendment to Schedule 1**
For Schedule 1 of the Order, substitute –

‘ **SCHEDULE 1: Primary Entitlements – Water Shares, Licences and Associated Commitments**

1. Water Shares and Licences issued in respect of the Broken Water System (Trading Zones 2A and 2B)

Table 1 High-reliability and low-reliability water shares

Description	Nominal Volume (ML)	
	High Reliability	Low Reliability
Broken R diverters (zone 2A)	4847.7	899.2
Broken R diverters (zone 2B)	9906.7	1828.1
Broken Ck diverters (zone 2B)	1449.0	285.7
Major Ck diverters (zone 2B)	25.0	1.3
Mokoan diverters (zone 2B)	1667.4	317.8
No delivery system (non water users)	34.0	6.3
TOTAL	17,929.8	3,338.3

Note: Table 1 is based on volumes in the water register as of 7 October 2009. Totals have been adjusted to account for water shares purchased and subsequently cancelled following the decommissioning of Lake Mokoan.

2. Entitlements issued in respect of the Broken Water System for which there is authority to take from another water system

Table 2 Water Shares issued in respect of the Broken water system

Description	Nominal volume (ML)
High reliability water shares, arising from tagged trade	0.0

Table 3 Entitlements originally issued in respect of the Broken water system which have been cancelled and issued in respect of another system

Description	Nominal volume (ML)
Bulk obligation to supply other water systems, arising from legacy exchange rate trade	0.0

14. Amendment to Schedule 2

For Schedule 2 of the Order, substitute –

‘ **SCHEDULE 2: Primary Entitlements – Additional and Other Supplies**

Table 1: Bulk Entitlements held by other Authorities as Primary Entitlements

Entitlement Holder	Order
North East Regional Water Corporation	Bulk Entitlement (Broken System – Tungamah, Devenish and St James – North East Water) Conversion Order 2004

Table 2: Other Supplementary Supplies

Entitlement holder	Supplementary Supplies
Goulburn–Murray Rural Water Corporation	The Authority, after ensuring that all Broken system in-valley commitments have been satisfied, may arrange to provide supplementary supplies from the Broken system to the lower Goulburn system downstream of the Broken River confluence and the Murray system via the lower Goulburn system. Such supplementary supplies would only be provided when the Broken system maximum low-reliability volume specified under Schedule 1(1) to this Order can be provided. The volume supplemented would be no greater than the surplus resources in the Broken system over and above that required to sustain the maximum low reliability volume specified under Schedule 1(1) to this Order to meet Broken system in-valley commitments in that water year.

Table 3: Losses incurred in providing Bulk Entitlements held by other Authorities as Primary Entitlements

Entitlement holder	Losses
Goulburn–Murray Rural Water Corporation	Average annual losses incurred in supplying primary entitlement holders from the Creek system = 1,850 ML.

15. Amendment to Schedule 5

For Schedule 5 of the Order, clause 3 is deleted.

Dated 13 November 2009

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – SNOWY ENVIRONMENTAL RESERVE)
FURTHER AMENDING ORDER (2) 2009**

I, Tim Holding, as Minister administering the **Water Act 1989**, make the following Order –

1. Citation

This Order may be cited as the Bulk Entitlement (River Murray – Snowy Environmental Reserve) Further Amending Order (2) 2009.

2. Purpose

The purpose of this Order is to make such amendments to the Bulk Entitlement (River Murray – Snowy Environmental Reserve) Order 2004 (as amended) that are necessary as a consequence of the decommissioning of Lake Mokoan and the new operational arrangements for the Victorian Mid-Murray Storages. The resulting water savings from decommissioning Lake Mokoan combined with the creation of the Victorian Mid-Murray Storages allow the creation of an unregulated entitlement for the River Murray of 34.3 GL and a high-reliability water entitlement for the Snowy River of 22.1 GL.

3. Empowering Provisions

This Order is made under section 44 of the **Water Act 1989**.

4. Commencement

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

5. Change of reference

Wherever appearing in the Order –

- (a) The term ‘MDBC’ substitute ‘MDBA’;
- (b) The word ‘Commission’ substitute ‘Authority’;
- (c) The term ‘FMIT’s District’ substitute ‘FMID’;
- (d) The term ‘Minister for Environment’ substitute ‘environment Minister’;
- (e) The term ‘Sunraysia Rural Water’ substitute ‘Lower Murray Urban and Rural Water’;
- (f) The word ‘security’ substitute ‘reliability’;
- (g) The term ‘lower-security’ substitute ‘low-reliability’; and
- (h) The term ‘high-security’ substitute ‘high-reliability’.

6. Amendment of clause 4

In clause 4 of the Order –

- (a) for the definition of Goulburn–Murray Water substitute –
‘**Goulburn–Murray Water**’ means the Goulburn–Murray Rural Water Corporation;’
- (b) for the definition of FMIT substitute –
‘**FMID**’ means the First Mildura Irrigation District;’
- (c) for the definition of Minister substitute –
‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to any provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;’
- (d) for the definition of primary entitlement substitute –
‘**primary entitlement**’ means a water share, licence or other water entitlement which a rural water authority is obliged to meet from its bulk entitlement;’
- (e) for the definition of resource manager substitute –
‘**resource manager**’ means any person appointed by the Minister under section 43A of the Act to be the resource manager for the River Murray;’

- (f) for the definition of water allocation substitute –
‘**water allocation**’ has the meaning given to it in section 3 of the Act;’
- (g) in the definition of water allowed to Victoria under the cap substitute –
‘clause 11’ with ‘clause 11 of this Order’
- (h) for the definition of Victoria’s River Murray water accounts substitute –
‘**Victoria’s River Murray water accounts**’ means an annual report, required by the Minister, on compliance by River Murray entitlement holders with the terms of their bulk entitlements;’
- (i) the definition of ‘LMURW’ is deleted
- (j) the definition of ‘Lower Murray Urban and Rural Water’ is deleted
- (k) the definition of ‘off-quota’ is deleted
- (l) the definition of ‘security of supply’ is deleted
- (m) the definition of ‘Sunraysia Rural Water’ is deleted
- (n) the definition of ‘water right’ is deleted
- (o) insert the following definitions
‘**Lower Murray Urban and Rural Water**’ means the Lower Murray Urban and Rural Water Corporation (LMURW);
‘**Victorian Mid-Murray Storages**’ means Lake Boga, Lake Charm, Kangaroo Lake and Kow Swamp;
‘**reliability of supply**’ means the probability of being able to supply a given volume of water in a year;
‘**water allocation**’ has the meaning given to it section 3 of the Act;
‘**water share**’ has the meaning given to it section 3 of the Act;’

7. **New clauses 4A and 4B**

After clause 4 of the Order insert –

4A. OBLIGATIONS OF RESOURCE MANAGER

- 4A.1 Subject to sub-clause 4A.2, the obligations of the resource manager are the obligations set out in this Order and include the tasks set out in sub-clause 23.1.
- 4A.2 Upon the appointment of an Authority under section 64GA of the Act to be responsible for making seasonal determinations in respect of the River Murray, the obligations relating to the making of seasonal determinations cease to be the obligations of the resource manager.

4B. RULES RELATING TO SEASONAL DETERMINATIONS

Upon the appointment of an Authority under section 64GA of the Act to be responsible for making seasonal determinations in respect of the River Murray, the rules relating to the making of seasonal determinations for the purposes of section 64GB are the rules set out in this Order that would otherwise apply to the making of seasonal determinations by the resource manager.’

8. **Amendment of clause 7**

- (a) In clause 7.1 of the Order for all of the words before paragraph (a) substitute –
‘7.1 The resource manager must ensure that allowances for any diversions which need to be met from the allocation to Victoria, but which are not covered by the River Murray bulk entitlements, are subtracted from the allocation to Victoria as follows:’

- (b) For clause 7.2 of the Order substitute –
- ‘7.2 The resource manager must add to the allocation to Victoria any water that comes from other sources, such as the Victorian Mid-Murray Storages, if that water has not already been included in the allocation to Victoria as ‘useful State tributary inflows’.’

9. Amendment of clause 8

For clause 8.1 of the Order substitute –

- ‘8.1 The resource manager must, in making seasonal determinations, make an initial assessment of whether the allocation to Victoria is sufficient to meet high-reliability entitlements in full, using the following steps. The resource manager must:
- (a) subtract from the allocation to Victoria, adjusted in accordance with clause 7, any entitlements under clauses 9 and 10 for providing environmental flows in the River Murray;
 - (b) subtract from the result obtained under paragraph (a) sufficient provision to cover the losses associated with the operation of the Victorian Mid-Murray Storages;
 - (c) subtract from the result obtained under paragraph (b) the following entitlements not covered in Schedule 1:
 - (i) water for additional distribution losses incurred by relevant River Murray entitlement holders, as allowed for in clause 13;
 - (ii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal determinations are lower than River Murray seasonal determinations;
 - (iii) any water carried over from the previous year as allowed in the bulk entitlement orders of relevant River Murray entitlement holders;
 - (d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, as given in the bottom right-hand cell of Table 1 in Schedule 1.’

10. New clause 8A

After clause 8 of the Order insert –

‘8A OPERATION OF VICTORIAN MID-MURRAY STORAGES

- 8A.1 The resource manager must ensure that the Victorian Mid-Murray Storages are operated to maximise their water harvesting capability subject to operating arrangements established under sub-clause 8A.2.
- 8A.2 The resource manager must submit by 1 July each year an annual operating plan for the Victorian Mid-Murray Storages to the Minister, prepared in consultation with the relevant Catchment Management Authority, taking into account the seasonal conditions and including the following:
- (a) target filling curves for minimum and maximum operating levels for each storage;
 - (b) operating arrangements for each of the storages under a range of seasonal conditions;
 - (c) consideration of flood operation;
 - (d) consideration of the environmental water requirements necessary to maintain the environmental values of the Victorian Mid-Murray Storages, including relevant Ramsar listed values, as advised by the relevant Catchment Management Authority; and
 - (e) any other relevant matter.

8A.3 The resource manager must report on the operation of the Victorian Mid-Murray Storages against the conditions in the operating plan defined under sub-clause 8A.2.'

11. Amendment to clause 10

- (a) For sub-clause 10.1 of the Order, substitute –
'determining seasonal allocations' with 'making seasonal determinations'
- (b) For sub-clause 10.2 of the Order, substitute –
'10.2 The entitlement referred to in sub-clause 10.1 is to:
 - (a) 50 GL a year, being a high-reliability entitlement, which, subject to 10.4, must be restricted by the resource manager in the same way as high reliability water shares as set out in Table 1 of Schedule 1; and
 - (b) 25 GL a year being a low-reliability entitlement which, subject to 10.4, must be made available by the resource manager when the total natural inflow to Hume Reservoir for the preceding months, which vary from 30 months on 1 July in any one year to 35 months on 1 December, exceed the triggers in Table 1 of Schedule 5.'
- (c) For sub-clause 10.3 of the Order, substitute –
'10.3 Unused amounts of the water allocated to the entitlements referred to in sub-clause 10.2, must be carried over by the resource manager if there is sufficient space in storages, subject to:
 - (a) the rules relating to spills and releases contained in Schedule 5; and
 - (b) the overdraw allowances determined by the Minister in consultation with the environment Minister.'
- (d) For sub-clause 10.4 of the Order, substitute –
'10.4 The Minister in consultation with the environment Minister and River Murray entitlement holders, may:
 - (a) determine rules unrelated to the rules in Schedule 1 for restricting the high-reliability entitlement specified in sub-clause 10.2, provided the reliability of other entitlements is not changed significantly; and
 - (b) authorise MDBA, rather than the resource manager, to determine the restrictions and apply the rules referred to in this clause, keep the relevant accounts and supervise the borrowing of water allocated to the entitlement specified in sub-clause 10.2.'
- (e) For sub-clause 10.6(c) of the Order, substitute –
'rights' with 'entitlements'

12. Amendment to clause 11

- (a) For sub-clause 11.1 after 'MDBA modeling', delete
'after making any adjustments agreed by the MDBA'
- (b) For sub-clause 11.1(b) after 'MDBA's model', insert
'after making any adjustments agreed by the MDBA'
- (c) For clause 11 of the Order, sub-clause 11.4 is deleted
- (d) For sub-clause 11.6(a) of the Order, substitute –
'(a) 1,780 GL multiplied by 10, minus the sum of the actual diversions (net of credits) from the River Murray by River Murray entitlement holders in each of the previous nine years – with the resulting volume adjusted up for water diverted from the upper tributaries;'

13. Amendment to clause 12

- (a) For the heading of clause 12 of the Order, substitute –
‘Making Seasonal Determinations’
- (b) For clause 12 of the Order, substitute –
‘maximum allocation possible’ with ‘maximum determination possible’; and
‘Environment’s share’ with ‘the environment Minister’s share’
- (c) Sub-clause 12(d)(ii) of the Order is deleted
- (d) For sub-clause 12(d)(iii) of the Order, substitute –
‘(iii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal determinations are lower than River Murray seasonal determinations;’
- (e) For sub-clause 12(d)(iv) of the Order, substitute –
‘(iv) any water carried over from the previous year as allowed in the bulk entitlement orders of relevant River Murray entitlement holders.’
- (f) For sub-clause 12(e) of the Order, substitute –
‘(e) subject to sub-paragraph (d), must determine from the bottom lines of Tables 1 and 2 in Schedule 1 the volume next lower than the water available ascertained in paragraph (d), and the corresponding seasonal determination, having regard to –
 - (i) determinations may be made in 5% or smaller steps, not just in the 10% steps shown in Schedule 1, by interpolation; and
 - (ii) a determination may be made below 10% for high-reliability entitlements, by extrapolation;
 - (iii) a determination must not be lower than a determination made previously in the same year, unless the resource manager believes that it has to be lower to avoid Victoria running out of water before the end of the year;’
- (g) For sub-clause 12(f) of the Order, substitute –
‘(f) must inform the environment Minister and other River Murray entitlement holders of the seasonal determination made under paragraph (e), and at the same time make available all the calculations used to make the seasonal determination;’
- (h) For sub-clause 12(g) of the Order, substitute –
‘(g) given the seasonal determination made in paragraph (f), must add up the off-take commitments corresponding to the entitlements for which the environment Minister is responsible as set out in Tables 1 and 2 of Schedule 1;’

14. Amendment to clause 13

- (a) For sub-clauses 13.2(a)(i) and 13.2(a)(ii) of the Order, substitute –
‘allocation’ with ‘determination’
- (b) For sub-clause 13.2(b)(i) of the Order, substitute –
‘allocations’ with ‘determinations’
- (c) For sub-clause 13.2(e) of the Order, substitute –
‘allocation’ with ‘determination’.

15. Amendment to clause 16

- (a) For sub-clause 16.1 of the Order, substitute –
‘16.1 Schedules 1 and 4 may, in accordance with section 64G of the Act, be amended periodically by the Minister.’
- (b) Sub-clause 16.2(e) of the Order is deleted.

16. Amendment to clause 20

- (a) For sub-clause 20.1(e) of the Order, substitute –
‘(e) any transfer of an entitlement or assignment of water allocation to the environment Minister under the Act;’
- (b) For sub-clause 20.2 of the Order, substitute –
‘Victorian storage operator’ with ‘resource manager’

17. Amendment to clause 23

- (a) For sub-clause 23.1, for all text before paragraph 23.1(a) of the Order, substitute –
‘Depending on the outcome of a review under sub-clause 23.3 and subject to sub-clause 23.1A, the environment Minister may be required to pay to the Victorian storage operator for passing on to the resource manager, or if the resource manager so decides to the resource manager directly, a fair and reasonable proportion of the costs incurred by the resource manager to –’
- (b) For sub-clause 23.1 of the Order, substitute –
 - ‘(j) assist River Murray entitlement holders as necessary to investigate and deal with significant unauthorised uses of water on the River Murray;
 - (k) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act;’and insert –
 - ‘(l) account and report on the operation of the Victorian Mid-Murray Storages.’
- (c) After sub-clause 23.1(l) of the Order, insert –
‘23.1A Upon the appointment of an Authority under section 64GA of the Act to be responsible for making seasonal determinations in respect of the River Murray, any costs to be paid by the environment Minister must include a fair and reasonable proportion of the costs incurred by the Authority in carrying out its functions under section 64GB of the Act.’
- (d) For sub-clause 23.2 of the Order, substitute –
‘in sub-clause 23.1’ with ‘in sub-clause 23.1 and, if relevant, sub-clause 23.1A’

18. Amendment to Schedule 1

In Schedule 1, substitute –

‘SCHEDULE 1: TABLES ALLOCATING SHARES OF WATER AVAILABLE (clauses 6, 12 of the Order)

Table 1: High-reliability Entitlements (GL)

User group	High-Reliability Entitlements (GL)		Off-take commitments for high-reliability seasonal determinations of									
			10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Goulburn-Murray Water	245,900	At farm Losses	24,590	49,180	73,770	98,360	122,950	147,540	172,130	196,720	221,310	245,900
	356,350	At farm Losses	35,635	71,270	106,905	142,540	178,175	213,810	249,445	285,080	320,715	356,350
	5,428	Pental Is	80,479	82,977	85,474	87,972	90,470	92,968	95,466	97,964	100,461	102,959
Diversers, Dartmouth-Nyah	10,637	At farm Losses	1,064	2,127	3,191	4,255	5,319	6,382	7,446	8,510	9,573	10,637
	76,430		0,050	0,100	0,150	0,200	0,250	0,300	0,350	0,400	0,450	0,500
Irrigation districts	98,512	At farm Losses	9,851	19,702	29,554	39,405	49,256	59,107	68,958	78,810	88,661	98,512
	0,820	At farm Losses	17,551	27,402	37,254	47,105	56,956	66,807	76,658	86,510	96,361	106,212
LMURW - Irrigation	307,467		0,082	0,164	0,246	0,328	0,410	0,492	0,574	0,656	0,738	0,820
	67,315		5,380	5,380	5,380	5,380	5,380	5,380	5,380	5,380	5,380	5,380
Gramplains Wimmera Mallee Water	3,492		5,462	5,544	5,626	5,708	5,790	5,872	5,954	6,036	6,118	6,200
	29,011	River Channel	30,747	61,493	92,240	122,987	153,733	184,480	215,227	245,973	276,720	307,467
Coilban Water	5,055		6,732	13,463	20,195	26,926	33,658	40,389	47,121	53,852	60,584	67,315
	1,230		12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
North East Water	0,128		18,732	25,463	32,195	38,926	45,658	52,389	59,121	65,852	72,584	79,315
	27,600	River	0,349	0,698	1,048	1,397	1,746	2,095	2,444	2,794	3,143	3,492
Environment Minister	29,794	River	2,901	5,802	8,703	11,604	14,505	17,407	20,308	23,209	26,110	29,011
	5,710	River	0,196	0,392	0,588	0,784	0,980	1,176	1,372	1,568	1,764	1,960
Exchange rate trade	17,519	SA border	0,506	1,011	1,517	2,022	2,528	3,033	3,539	4,044	4,550	5,055
	5,075	L Hume	0,123	0,246	0,369	0,492	0,615	0,738	0,861	0,984	1,107	1,230
Total	1,311,833		0,013	0,026	0,038	0,051	0,064	0,077	0,090	0,102	0,115	0,128
			12,794	2,559	3,838	5,117	6,397	7,676	8,955	10,234	11,514	12,794
			2,760	5,520	8,280	11,040	13,800	16,560	19,320	22,080	24,840	27,600
			2,979	5,959	8,938	11,918	14,897	17,876	20,856	23,835	26,815	29,794
			0,871	1,742	2,613	3,484	4,355	5,226	6,097	6,968	7,839	8,710
			1,752	3,504	5,256	7,008	8,760	10,511	12,263	14,015	15,767	17,519
			0,508	1,015	1,523	2,030	2,538	3,045	3,553	4,060	4,568	5,075
			318,112	453,164	588,215	723,266	873,603	1,001,012	1,128,420	1,263,471	1,398,522	1,533,574

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability Entitlements (GL)	Off-take commitments for low reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	At farm:	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
	Losses:	4,340	8,680	13,020	17,360	21,700	26,040	30,380	34,720	39,060	43,399
		15,500	31,000	46,499	61,999	77,499	92,999	108,499	123,999	139,498	154,998
Torrumbarry	At farm:	15,694	31,388	47,082	62,776	78,470	94,164	109,858	125,552	141,246	156,940
	Losses:	6,103	12,206	18,310	24,413	30,516	36,619	42,722	48,826	54,929	61,032
Pental Is	At farm:	0,259	0,519	0,778	1,038	1,297	1,557	1,816	2,076	2,335	2,594
	Losses:	22,057	44,113	66,170	88,226	110,283	132,340	154,396	176,453	198,510	220,566
Murray diverters Mitta diverters	At farm:	1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,865	12,224	13,582
	Losses:	0,586	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
		1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
Environment Minister - Living Murray		9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Total		49,384	98,768	148,151	197,535	246,919	296,303	345,687	395,070	444,454	493,838
Off-take commitments for 100% high reliability entitlements	from Table 1	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574
Total off-take commitments		1582,957	1632,341	1681,725	1731,109	1780,493	1829,876	1879,260	1928,644	1978,028	2027,412

Notes on Tables 1 and 2 of Schedule 1:

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10%, not just in the 10% intervals shown.
- Murray Valley and Torrumbarry systems, excluding the Victorian Mid-Murray Storages, have fixed losses of 80,000 GL and 77,981 GL (including 0.352 GL for Tresco) respectively, plus two variable loss components as follows:
 - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 13,201 GL for Murray Valley and to 24,978 GL for Torrumbarry at an allocation of 100%;
 - for lower-reliability rights, the extra loss is calculated by starting with the at-farm commitments and multiplying by 0.28/0.72 (72% efficiencies has been assumed).
- Allocations against the 22.1 GL of entitlement, added to Table 1, post-Mokoan, for Snowy EWR will commence when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mid-Murray Storages is deemed by the resource manager to be first operated in accordance with clause 8A.
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2.

19. Amendment to Schedule 3

In Schedule 3 of the Order,

- (a) for paragraph 2 under Principles substitute –
‘allocation’ with ‘determination’
- (b) for paragraph 3 under Principles substitute –
‘allocation’ with ‘determination’
- (c) for paragraph L under Method substitute –
‘L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
 - Barmah/Millewa forest water and any saved Lindsay water
 - additional distribution loss in particular years, c.13
 - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)’
- (d) under paragraph Y substitute –
‘1475 GL’ with ‘1533 GL’

20. Amendment to Schedule 4

In Schedule 4, substitute –

‘ SCHEDULE 4: ENVIRONMENTAL ENTITLEMENT (clause 6.1 of the BE Order)**Table 1: High-reliability Entitlements**

Item No.	Origin of Entitlement	Annual Volume (ML)	Comment
1	Woorinen District	1,500	Woorinen pipeline savings of 2,100 ML less 600 ML needed to meet local environmental requirements (1,000 ML = 1GL)
2	Murray system	5,488	Component of savings from Improved Measurement of Small Volume supplies to Irrigation Districts on the Murray system
3	Murray system	706	North-East Catchment Management Authority’s surrender of high reliability water share purchased from Mitta diverters in April 2007
4	Broken system	22,100	Water savings resulting from the decommissioning of Lake Mokoan.
TOTAL		29,794	Amended Snowy Environmental Reserve

21. New Schedule 5

After Schedule 4 of the Order insert –

‘ SCHEDULE 5: REVISED OPERATING RULES FOR THE BARMAH MILLEWA FOREST ENVIRONMENTAL WATER ALLOCATION (B–MF EWA)

(Reference: MDBC Technical report 2006/13, July 2006, Murray Darling Basin Commission Canberra)

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1. ALLOCATION OF ENTITLEMENT

1.1 Annual allocation

Annual allocation of entitlement to the Barmah–Millewa Forest Environmental Water Account (EWA) is supplied half each by New South Wales and Victoria. The annual allocation consists of two components:

- (a) a 100 GL high-reliability allocation; and
- (b) a 50 GL low-reliability allocation.

1.2 High-reliability allocation

The high-reliability water has the same reliability as Victoria's water right or high reliability water share along the River Murray. High-reliability allocations for B–MF EWA are made throughout the season as Victorian allocations are announced.

1.3 Low-reliability allocation

The low-reliability water is allocated when the total natural inflow to Hume Reservoir for preceding months, which vary from 30 months on July 1 to 35 months on 1 December, exceeds the triggers in Table 1. (*See explanatory note 1.3*)

Table 1. Exogenous triggers for low-reliability allocations

Month	1 Jul	1 Aug	1 Sep	1 Oct	1 Nov	1 Dec
Period (months)	30	31	32	33	34	35
Triggers (GL)	8650	8988	9243	9253	9267	9280
Modelled frequency (%)	49	53	61	69	75	76

1.4 Timing of low-reliability allocation

Preliminary low-reliability allocations are made in July to reserve water for the environment but these allocations may be reduced in August when the first formal allocation is made. Formal low-reliability allocations made after July cannot be reduced and allocations are not increased after December.

1.5 Allocation limit

Any increase in the allocation is limited to the volume that will bring each State's share of the account to 350 GL.

2. CARRYOVER

The unused water in the EWA will be carried over from one year to the next.

3. OVERDRAW

Allowance has been made for the allocation to be overdrawn by up to 100 GL (50 GL from each State) to ensure adequate water is available for forest watering, provided a State has sufficient reserves. A State can overdraw independently. (*See explanatory note 3*)

4. EVAPORATION LOSS

The B–MF EWA is reduced by evaporation. The evaporation loss applied to the EWA is determined as a fraction of the total loss from the Hume and Dartmouth Reservoirs. The fraction is calculated as the non-borrowed, carried over component of the EWA divided by the total storage in the two reservoirs. Evaporation losses will be shared pro-rata between each State's share of the non-borrowed, carried-over components of the EWA except when a State's share of the account is negative. A State's share of evaporation becomes nil when a State's share of the account is negative. (*See explanatory note 4*)

5. BORROW AND PAYBACK

5.1 Borrow and payback triggers

Each State's share of the EWA can be borrowed for consumptive use by that State, subject to the following rules:

- (a) each State can borrow that volume of water necessary to increase its allocation to its target allocation; and
- (b) water borrowed is paid back when it is no longer required to supply the target allocation.

5.2 Target allocation

The target allocation for Victoria is 100% of High Reliability Water Share. The target allocation for New South Wales is normally 30% general security allocation but this can be increased to 50% under exceptional circumstances.

5.3 NSW exceptional circumstances

Exceptional circumstances for NSW are defined as occurring when the average November allocation (including carryover) for the four years up to and including the current year would otherwise have been less than 50%. However, exceptional circumstances cannot be declared in consecutive years. (*See explanatory note 5.3*)

5.4 Forest watering while borrowing

Release of the non-borrowed component of the EWA is allowed even though some of the EWA remains borrowed.

5.5 Borrowing in the fifth year of drought

Each State will consider, consult and justify before making a decision to borrow water in the fifth year of drought when a release might be made under sub-clause 8.2 of these rules.

5.6 Borrowing for other environmental purposes

If the Authority agrees, water may be borrowed from the EWA for other environmental purposes provided that:

- (a) the required water has not already been borrowed for consumptive use;
- (b) water is not required in that year by the B–MF; and
- (c) the required water can be repaid at the start of the following year.

6. SPILLAGE

6.1 Priority of spills

When Hume *physically* spills, water will first spill from the carried over component of other environmental entitlements, then from the B–MF EWA.

6.2 Spillage limit

A State's share of the EWA cannot spill below 100 GL plus an additional volume if water was borrowed by the State in the previous year. This additional volume is equal to the maximum borrow by that State in the previous year excluding water borrowed under sub-clause 5.6 and is limited to 100 GL for each State.

6.3 Account imbalances

If the States' shares of the EWA are unequal when the account spills, water spills first from the State with the bigger account until the States' accounts are in balance or the spillage limit is reached.

7. INTERNAL SPILLS

Each State's share of the allocation is stored on their respective sides of the storages. The States' shares of the EWA will not be affected by internal spills in Hume or Dartmouth.

8. RELEASE TRIGGERS**8.1 Trigger flows**

Releases are made from the Barmah-Millewa Forest EWA under the trigger flow conditions specified in sub-clauses 8.2 to 8.5. The trigger flows are the monthly flows in the River Murray downstream of the Yarrowonga Weir in the preceding months. In interpreting these triggers, the *usable component* of the EWA is defined as the total EWA allocation less twice the maximum water borrowed by either States.

8.2 October release for a five-year drought

Releases are triggered in October if four years have passed with no release or without a flow downstream of Yarrowonga of at least 500 GL/month from September to November and 400 GL/month in December.

8.3 October release following a September flow

Releases are triggered in October if the September flow exceeded 500 GL/month and the *usable component* of the account is ≥ 400 GL.

8.4 November release following a October flow

Releases are triggered in November if the October flow exceeded 500 GL/month and the *usable component* of the account is ≥ 400 GL.

8.5 December release

Releases are triggered in December if the flow exceeded 500 GL/month for both October and November.

9. RELEASE TARGETS**9.1 Target flows**

Releases for the Barmah-Millewa Forest will attempt to achieve the target flows downstream of the Yarrowonga Weir specified in sub-clauses 9.2 and 9.3.

9.2 Normal target flows

The normal target flows downstream of the Yarrowonga Weir are 500 GL/month for October and November, and 400 GL/month for December.

9.3 Special target flows

Except for releases triggered under sub-clause 8.2, if three years pass with no flow of ≥ 660 GL/month in any one month from August to November, then the target flow is increased from 500 GL/month to 660 GL/month at Yarrowonga:

- (a) for October if a release starts in October; or
- (b) for November if a release starts in November.

9.4 Reduction of target flows for fifth year drought

The targets for releases triggered under sub-clause 8.2 must be reduced if the flow in either October or November is less than 300 GL/month.

10. AMENDMENT OF RELEASE TRIGGERS AND TARGETS

These operating practices for making releases (Clauses 8 and 9) can be varied and refined from time to time to improve environmental outcomes:

- (a) in a given year by agreement between the managers of the EWA in consultation with water managers in the two States, and in consultation with MDBA Officers, or
- (b) as an agreed permanent change to a rule approved by the Authority after a review of the long-term impacts.

11. ACCOUNTING FOR RELEASES**11.1 Accounting for releases from the B–MF EWA**

Releases from the B–MF EWA are calculated as the difference between the releases from Hume Dam to meet the target flows and the releases that would have been made to meet all other requirements other than new environmental uses agreed after 29 August 2003.

11.2 Sharing of releases between the States

Until one State's ability to release is exhausted, releases are shared between the states in amounts which tend most to equalise the State's remaining B–MF environmental water accounts (including water that has been borrowed). When one State's ability to release is exhausted, water can continue to be released from the other State's account.

A State's ability to release water is exhausted if:

- (a) all its remaining account has been borrowed; or
- (b) its account is empty and its overdraw limit has been reached.

12. BARMAH–MILLEWA FOREST EWA AND SPECIAL ACCOUNTING**12.1 Declaration of periods of special accounting**

For the purposes of declaring periods of special accounting under clause 122 of the Murray–Darling Basin Agreement (MDBA), the non-borrowed component of the BMF EWA must not be considered to be part of the New South Wales or Victorian Reserves.

12.2 Special Accounts of State water use

The release by a State of the BMF EWA must not be treated as a water diversion for the purposes of special accounting under paragraph 124(a) of the MDBA.

Note – see MDBC Technical Report 2006/13, July 2006, Murray Darling Basin Commission Canberra for further explanation of these clauses.⁷

Dated 13 November 2009

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – FLORA AND FAUNA)
CONVERSION FURTHER AMENDING ORDER 2009**

I, Tim Holding, as Minister administering the **Water Act 1989**, make the following Order –

1. Citation

This Order may be cited as the Bulk Entitlement (River Murray – Flora and Fauna) Conversion Further Amending Order 2009.

2. Purpose

The purpose of this Order is to make such amendments to the Bulk Entitlement (River Murray – Flora and Fauna) Conversion Order 1999 (as amended) that are necessary as a consequence of the decommissioning of Lake Mokoan and the new operational arrangements for the Victorian Mid-Murray Storages. The resulting water savings from decommissioning Lake Mokoan combined with the creation of the Victorian Mid-Murray Storages allow the creation of an unregulated entitlement for the River Murray of 34.3 GL and a high-reliability water entitlement for the Snowy River of 22.1 GL.

3. Empowering Provisions

This Order is made under section 44 of the **Water Act 1989**.

4. Commencement

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

5. Change of reference

Wherever appearing in the Order –

- (a) The term ‘MDBC’ substitute ‘MDBA’;
- (b) The word ‘Commission’ substitute ‘Authority’;
- (c) The term ‘FMIT’s District’ substitute ‘FMID’;
- (d) The word ‘security’ substitute ‘reliability’, except in Schedule 6, paragraph 5.2; and
- (e) The term ‘lower-security’ substitute ‘low-reliability’.

6. Amendment of clause 4

In clause 4 of the Order –

- (a) for the definition of Goulburn-Murray Water substitute –
‘**Goulburn-Murray Water**’ means the Goulburn–Murray Rural Water Corporation;’
- (b) for the definition of FMIT substitute –
‘**FMID**’ means the First Mildura Irrigation District;’
- (c) for the definition of Living Murray entitlement substitute –
‘**Living Murray entitlement**’ means the entitlement held by the environment Minister described in Tables 1 and 2 of Schedule 1 of this Order;’
- (d) for the definition of Minister substitute –
‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to any provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;’
- (e) for the definition of Valley Cap substitute –
‘**Valley Cap**’ means the climatically adjusted cap on the total volume of water that can be taken under the low-reliability component of the Living Murray entitlement in any one year, as determined each year by the resource manager in accordance with Schedule 5;’

- (f) for the definition of water allocation substitute –
‘**water allocation**’ has the meaning given to it in section 3 of the Act;’
- (g) for the definition of water allowed to Victoria under the cap substitute –
‘**water allowed to Victoria under the Murray–Darling Basin cap**’ means the water that Victoria would have diverted under 1993/94 levels of development from the River Murray and its upper tributaries, as determined each year by MDBA and applied in clause 11 of this Order;’
- (h) the definition of ‘LMURW’ is deleted
- (i) the definition of ‘Lower Murray Urban and Rural Water’ is deleted
- (j) the definition of ‘off-quota’ is deleted
- (k) insert the following definitions
‘**Lower Murray Urban and Rural Water**’ means the Lower Murray Urban and Rural Water Corporation (LMURW);
‘**Victorian Mid-Murray Storages**’ means Lake Boga, Lake Charm, Kangaroo Lake and Kow Swamp;’

7. Amendment of clause 6

- (a) For sub-clause 6.1(b)(ii) of the Order substitute –
‘(ii) the environment Minister’s share shown in Table 2 in Schedule 1 of the water available to meet the low-reliability entitlements in Table 2 in Schedule 1, and the water available in Broken Creek (as specified in Table 1 of Schedule 5), being the Living Murray entitlement;’
- (b) For sub-clause 6.1(b)(iii) of the Order substitute –
‘(iii) water set aside in the Extended Use Account, as provided for in this Order; and’
- (c) After sub-clause 6.1(b)(iii) of the Order insert –
‘(iv) water available from unregulated flow (as specified in Table 1 of Schedule 5);’

8. Amendment of clause 7

For clause 7.2 of the Order substitute –

‘7.2 The resource manager must add to the allocation to Victoria any water that comes from other sources, such as the Victorian Mid-Murray Storages, if that water has not already been included in the allocation to Victoria as ‘useful State tributary inflows’.’

9. Amendment of clause 8

For clause 8.1 of the Order substitute –

‘8.1 The resource manager must, in making seasonal determinations, make an initial assessment of whether the allocation to Victoria is sufficient to meet high-reliability entitlements in full, using the following steps. The resource manager must:

- (a) subtract from the allocation to Victoria, adjusted in accordance with clause 7, any entitlements under clauses 9 and 10 for providing environmental flows in the River Murray;
- (b) subtract from the result obtained under paragraph (a) sufficient provision to cover the losses associated with the operation of the Victorian Mid-Murray Storages;
- (c) subtract from the result obtained under paragraph (b) the following entitlements not covered in Schedule 1:

- (i) water for additional distribution losses incurred by relevant River Murray entitlement holders, as allowed for in clause 13;
 - (ii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal determinations are lower than River Murray seasonal determinations;
 - (iii) any water carried over from the previous year as allowed in the bulk entitlement orders of relevant River Murray entitlement holders.
- (d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, as given in the bottom right-hand cell of Table 1 in Schedule 1.'

10. Insert clause 8A

After clause 8 of the Order insert –

‘8A OPERATION OF VICTORIAN MID-MURRAY STORAGES

8A.1 The resource manager must ensure that the Victorian Mid-Murray Storages are operated to maximise their water harvesting capability subject to operating arrangements established under sub-clause 8A.2.

8A.2 The resource manager must submit by 1 July each year an annual operating plan for the Victorian Mid-Murray Storages to the Minister, prepared in consultation with the relevant Catchment Management Authority, taking into account the seasonal conditions and including the following:

- (a) target filling curves for minimum and maximum operating levels for each storage;
- (b) operating arrangements for each of the storages under a range of seasonal conditions;
- (c) consideration of flood operation;
- (d) consideration of the environmental water requirements necessary to maintain the environmental values of the Victorian Mid-Murray Storages, including relevant Ramsar listed values, as advised by the relevant Catchment Management Authority; and
- (e) any other relevant matter.

8A.3 The resource manager must report on the operation of the Victorian Mid-Murray Storages against the conditions in the operating plan defined under sub-clause 8A.2.'

11. Amendment to clause 10

- (a) For sub-clause 10.2(b) of the Order, substitute –
 - ‘(b) 25 GL a year being a low-reliability entitlement which, subject to 10.4, must be made available by the resource manager when the total natural inflow to Hume Reservoir for the preceding months, which vary from 30 months on 1 July in any one year to 35 months on 1 December, exceed the triggers in Table 1 of Schedule 6.’
- (b) For sub-clause 10.6(c) of the Order, substitute –
‘low-reliability’ with ‘low-reliability entitlements’

12. Amendment to clause 11

- (c) For sub-clause 11.3(a)(ii), 11.3(a)(iii) and 11.3(c) of the Order, substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (d) For clause 11 of the Order, sub-clause 11.4 is deleted

- (e) For sub-clause 11.6(a) of the Order, substitute –
 - ‘(a) 1,780 GL multiplied by 10, minus the sum of the actual diversions (net of credits) from the River Murray by River Murray entitlement holders in each of the previous nine years – with the resulting volume adjusted up for water diverted from the upper tributaries;’

13. Amendment to clause 12

- (a) For clause 12 of the Order, substitute –
 - ‘maximum allocation possible’ with ‘maximum determination possible’
- (b) For sub-clause 12(d)(iii) of the Order, substitute –
 - ‘(iii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal determinations are lower than River Murray seasonal determinations;’
- (c) For clause 12(d) of the Order, sub-clause 12(d)(iv) is deleted
- (d) For sub-clause 12(e)(ii) of the Order, substitute –
 - ‘(ii) a determination may be made below 10% for high-reliability entitlements, by extrapolation;’
- (e) For sub-clause 12(e)(iii) of the Order, substitute –
 - ‘(iii) a determination must not be lower than a determination made previously in the same year, unless the resource manager believes that it has to be lower to avoid Victoria running out of water before the end of the year;’
- (f) For sub-clause 12(f) of the Order, substitute –
 - ‘allocation determined’ with ‘determination made’
- (g) For sub-clause 12(g) of the Order, substitute –
 - ‘Tables 1 and 2’ with ‘Tables 1 and 2 of Schedule 1’

14. Amendment to clause 13

- (a) For sub-clauses 13.2(a)(i) and 13.2(a)(ii) of the Order, substitute –
 - ‘allocation’ with ‘determination’
- (b) For sub-clause 13.2(b)(i) of the Order, substitute –
 - ‘allocations’ with ‘determinations’
- (c) For sub-clause 13.2(e) of the Order, substitute –
 - ‘allocation’ with ‘determination’

15. Amendment to clause 14B

- (a) For sub-clause 14B.2(b) of the Order, substitute –
 - ‘Schedule 2A’ with ‘Schedule 5’

16. Amendment to clause 16

- (a) For sub-clause 16.1 of the Order, substitute –
 - ‘Schedules 1’ with ‘Schedules 1 and 5’

17. Amendment to clause 23

- (a) For sub-clause 23.1(a) of the Order, substitute –
 - ‘water shares’ with ‘water shares applies’

18. Amendment to clause 24

- (a) For sub-clause 24.1 of the Order, substitute –
 - ‘(j) assist River Murray entitlement holders as necessary to investigate and deal with significant unauthorised uses of water on the River Murray;

(k) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act; and

and insert –

‘(l) account and report on the operation of the Victorian Mid-Murray Storages.’

19. Amendment to Schedule 1

In Schedule 1, substitute –

‘SCHEDULE 1: TABLES ALLOCATING SHARES OF WATER AVAILABLE (clauses 6, 12 of the Order)

Table 1: High-reliability Entitlements (GL)

User group	High-Reliability Entitlements (GL)	Off-take commitments for high-reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Goulburn-Murray Water	Murray Valley	24,590	49,180	73,770	98,360	122,950	147,540	172,130	196,720	221,310	245,900
	Tortumbarry	356,350	71,270	106,905	142,540	178,175	213,810	249,445	285,080	320,715	356,350
	Pental Is	5,428	80,479	82,977	85,474	87,972	90,470	92,968	95,466	97,964	100,461
LMURW - Irrigation	Nyah	10,637	116,657	155,332	194,008	232,683	271,359	310,035	348,710	387,386	426,061
	Diversers, Dartmouth-Nyah	76,430	1,114	2,227	3,341	4,455	5,569	6,682	7,796	8,910	10,023
LMURW - Urban	Irrigation districts	98,512	19,702	29,554	39,405	49,256	59,107	68,958	78,810	88,661	98,512
	Millewa, Canwarp & Yelta	0,820	0,082	0,164	0,246	0,328	0,410	0,492	0,574	0,656	0,738
	Diversers, Nyah S.A.	307,467	61,493	92,240	122,987	153,733	184,480	215,227	245,973	276,720	307,467
Goulburn Valley Water	FIMID	67,315	6,732	13,463	20,195	26,926	33,658	40,389	47,121	53,852	60,584
	North East Water	3,492	18,732	25,463	32,195	38,926	45,658	52,389	59,121	65,852	72,584
Environment Minister	Grampians Wimmera Mallee Water	29,011	0,349	0,698	1,048	1,397	1,746	2,095	2,444	2,794	3,143
	Flora & Fauna	1,960	2,901	5,802	8,703	11,604	14,505	17,407	20,308	23,209	26,110
Exchange rate trade	Coliban Water	5,055	0,196	0,392	0,588	0,784	0,980	1,176	1,372	1,568	1,764
	Living Murray	1,230	0,506	1,011	1,517	2,022	2,528	3,033	3,539	4,044	4,550
Total	Goulburn Valley Water	3,607	0,361	0,721	1,082	1,443	1,804	2,164	2,525	2,886	3,246
	South Australia	12,794	0,013	0,026	0,038	0,051	0,064	0,077	0,090	0,102	0,115
Total	North East Water	27,600	2,760	5,520	8,280	11,040	13,800	16,560	19,320	22,080	24,840
	Environment Minister	29,794	2,979	5,959	8,938	11,918	14,897	17,876	20,856	23,835	26,815
Total	Living Murray	5,710	0,571	1,142	1,713	2,284	2,855	3,426	3,997	4,568	5,139
	South Australia	17,519	1,752	3,504	5,256	7,008	8,760	10,512	12,263	14,015	15,767
Total	Exchange rate trade	5,075	0,508	1,015	1,523	2,030	2,538	3,045	3,553	4,060	4,568
	Total	1,311,833	318,112	453,164	588,215	723,266	873,603	1,001,012	1,128,420	1,263,471	1,398,522

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability Entitlements (GL)		Off-take commitments for low reliability seasonal determinations of									
			10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	111,599	At farm:	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
		Losses:	4,340	8,680	13,020	17,360	21,700	26,040	30,380	34,720	39,060	43,399
Goulburn-Murray Water	156,940	At farm:	15,694	31,388	47,082	62,776	78,470	94,164	109,858	125,552	141,246	156,940
	2,594	Losses:	6,103	12,206	18,310	24,413	30,516	36,619	42,722	48,826	54,929	61,032
			0,259	0,519	0,778	1,038	1,297	1,557	1,816	2,076	2,335	2,594
			22,057	44,113	66,170	88,226	110,283	132,340	154,397	176,453	198,510	220,566
Murray diverters Mitta diverters	13,582		1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,866	12,224	13,582
	5,856		0,586	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
			1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
Environment Minister - Living Murray	98,835		9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Total	389,406		49,384	98,768	148,151	197,535	246,919	296,303	345,687	395,070	444,454	493,838
Off-take commitments for 100% high reliability entitlements		from Table 1	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574
Total off-take commitments			1582,957	1632,341	1681,725	1731,109	1780,493	1829,876	1879,260	1928,644	1978,028	2027,412

Notes on Tables 1 and 2 of Schedule 1:

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10%, not just in the 10% intervals shown.
- Murray Valley and Torumbary systems, excluding the Victorian Mid-Murray Storages, have fixed losses of 80,000 GL and 77,981 GL (including 0,352 GL for Tresco) respectively, plus two variable loss components as follows:
 - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 13,201 GL for Murray Valley and to 24,978 GL for Torumbary at an allocation of 100%;
 - for lower-reliability rights, the extra loss is calculated by starting with the at-farm commitments and multiplying by 0.28/0.72 (72% efficiencies has been assumed).
- Allocations against the 22.1 GL of entitlement, added to Table 1 post-Mokoan, for Snowy EWR will commence when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mid-Murray Storages is deemed by the resource manager to be first operated in accordance with clause 8A.
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2.

20. Amendment to Schedule 3

In Schedule 3 of the Order,

- (a) for paragraph 2 under Principles substitute –
‘low-reliability’ with ‘low-reliability entitlements’; and
‘allocation’ with ‘determination’
- (b) for paragraph 3 under Principles substitute –
‘allocation’ with ‘determination’
- (c) for paragraph L under Method substitute –
‘L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
 - Barmah/Millewa forest water and any saved Lindsay water
 - additional distribution loss in particular years, c.13
 - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)’
- (d) for paragraph M under Method substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (e) under paragraph Y substitute –
‘1475 GL’ with ‘1533 GL’.

21. Amendment to Schedule 3A

In Schedule 3A of the Order,

- (a) in the table of Monitoring Points, substitute –
‘Wallpolla’ with ‘Wallpolla’

22. Amendment to Schedule 4

In Schedule 4 of the Order,

- (a) in the note under the table, substitute –
‘individual’ with ‘individual’

23. Amendment to Schedule 5

In Schedule 5, substitute –

'SCHEDULE 5 – Quantification of Entitlement**Table 1 – Volume of environmental entitlement**

Program / Source	Volume (ML)			Comment
	High-reliability	Low-reliability	Unregulated flow	
Flora and Fauna entitlement	27,600	0	0	High-reliability entitlement River Murray system – below choke
Living Murray water/ Torrumbarry Irrigation Area	0	58,537	0	Low-reliability entitlement River Murray system – below choke Valley Cap applies
Living Murray water /Murray Valley Irrigation Area	0	40,298.3	0	Low-reliability entitlement River Murray system – above choke Valley Cap applies
Living Murray water/ Broken Creek	0	3,014.6	0	Low-reliability entitlement Broken Creek system Valley Cap applies
Living Murray water/ Torrumbarry Irrigation Area	2,080	0	0	High-reliability entitlement River Murray system – below Choke
Living Murray water /Murray Valley Irrigation Area	3,630	0	0	High-reliability entitlement River Murray system – above Choke
Living Murray water	0	0	34,300	Unregulated Flow entitlement River Murray downstream of Goulburn River confluence Extended Use Account does not apply
TOTALS	33,310	101,850	34,300	

Rules for use of Unregulated Flow entitlement

1. Water taken from the Unregulated Flow entitlement can be accessed only during periods when the MDBA has declared the availability of unregulated flows in the River Murray downstream of the location specified in Table 1 of Schedule 5.
2. Water can be taken only at locations downstream of the location specified for the entitlement in Table 1 of Schedule 5 and during periods when there are unregulated flows in the reach containing that location as described in Rule 1.
3. The maximum limit on the volume that can be taken in any one year is specified in Table 1 of Schedule 5.

Table 2 – Volumes available under the Valley Cap under different water allocation scenarios

Allocation to low-reliability water shares	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Valley Cap Volume (in that year)	4320	8639	12959	17278	21598	25918	30237	34557	38876	43196

Rules for the operation of the Valley Cap

1. The Valley Cap is a maximum limit on the amount of water that can be taken under the Living Murray entitlement in any one year, and only applies to the low-reliability component of the Living Murray entitlement.
2. The volume of water available under the low-reliability component of the Living Murray entitlement in any one year will be the lesser of :
 - (a) the amount of water allocated under the entitlement in that year (including water in the Extended Use Account); and
 - (b) the amount determined by applying the Valley Cap (including any amounts carried over from the previous years).
3. The Valley Cap is climatically variable, so that the amount available under the Valley Cap in any one year will vary according to the amount of water available to be allocated to low-reliability water shares as specified in Table 1 in that year.
4. Where the water taken under the Living Murray entitlement in any one year is less than the amount of the Valley Cap in that year, the Valley Cap is increased by the unused portion in the subsequent year.
5. The total amount available under the Valley Cap in any one year may be more than the amount specified in Table 1, because amounts accumulated in previous years may be added to the amount available in that one year.'

24. Amendment to Schedule 6

In Schedule 6 of the Order

- (a) under paragraph 1.2, 'water right or' is deleted
- (b) under paragraph 5.2, 'Water Right or' is deleted.

Dated 13 November 2009

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – LOWER MURRAY URBAN AND RURAL WATER – URBAN) CONVERSION FURTHER AMENDING ORDER 2009**

I, Tim Holding, as Minister administering the **Water Act 1989**, make the following Order –

1. Citation

This Order may be cited as the Bulk Entitlement (River Murray – Lower Murray Urban and Rural Water – Urban) Conversion Further Amending Order 2009.

2. Purpose

The purpose of this Order is to make such amendments to the Bulk Entitlement (River Murray – Lower Murray Water) Conversion Order 1999 (as amended) that are necessary as a consequence of the decommissioning of Lake Mokoan and the new operational arrangements for the Victorian Mid-Murray Storages. The resulting water savings from decommissioning Lake Mokoan combined with the creation of the Victorian Mid-Murray Storages allow the creation of an unregulated entitlement for the River Murray of 34.3 GL and a high-reliability water entitlement for the Snowy River of 22.1 GL.

3. Empowering Provisions

This Order is made under section 44 of the **Water Act 1989**.

4. Commencement

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

5. Change of reference

Wherever appearing in the Order –

- (a) The term ‘MDBC’ substitute ‘MDBA’;
- (b) The word ‘Commission’ substitute ‘Authority’;
- (c) The term ‘FMIT’s District’ substitute ‘FMID’;
- (d) The term ‘Minister for Conservation’ substitute ‘environment Minister’;
- (e) The term ‘the Snowy Mountains Authority’ substitute ‘Snowy Hydro Limited’;
- (f) The word ‘security’ substitute ‘reliability’, except in Schedule 5, paragraph 5.2; and
- (g) The term ‘lower-security’ substitute ‘low-reliability’.

6. Amendment of clause 4

In clause 4 of the Order –

- (a) for the definition of Goulburn–Murray Water substitute –
‘**Goulburn–Murray Water**’ means the Goulburn–Murray Rural Water Corporation;’
- (b) for the definition of FMIT substitute –
‘**FMID**’ means the First Mildura Irrigation District;’
- (c) for the definition of Minister substitute –
‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to any provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;’
- (d) the definition of ‘LMURW’ is deleted
- (e) the definition of ‘Lower Murray Urban and Rural Water’ is deleted
- (f) for the definition of lower-reliability entitlements substitute –
‘**low-reliability entitlements**’ are the entitlements set out in Table 2 of Schedule 1;’
- (g) in the definition of water allowed to Victoria under the cap substitute –
‘clause 11’ with ‘clause 11 of this Order’

- (h) insert the following definitions –
- ‘**Lower Murray Urban and Rural Water**’ means the Lower Murray Urban and Rural Water Corporation (LMURW);
 - ‘**Victorian Mid-Murray Storages**’ means Lake Boga, Lake Charm, Kangaroo Lake and Kow Swamp;’

7. Amendment of clause 4A

For clause 4A.1 of the Order substitute –
‘sub-clause 25.1’ with ‘sub-clause 24.1’

8. Amendment of clause 7

For clause 7.2 of the Order substitute –

- ‘7.2 The resource manager must add to the allocation to Victoria any water that comes from other sources, such as the Victorian Mid-Murray Storages, if that water has not already been included in the allocation to Victoria as ‘useful State tributary inflows’.’

9. Amendment of clause 8

For clause 8.1 of the Order substitute –

‘8.1 The resource manager must, in making seasonal determinations, make an initial assessment of whether the allocation to Victoria is sufficient to meet high-reliability entitlements in full, using the following steps. The resource manager must:

- (a) subtract from the allocation to Victoria, adjusted in accordance with clause 7, any entitlements under clauses 9 and 10 for providing environmental flows in the River Murray;
- (b) subtract from the result obtained under paragraph (a) sufficient provision to cover the losses associated with the operation of the Victorian Mid-Murray Storages;
- (c) subtract from the result obtained under paragraph (b) the following entitlements not covered in Schedule 1:
 - (i) water for additional distribution losses incurred by relevant River Murray entitlement holders, as allowed for in clause 13;
 - (ii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal allocations are lower than River Murray allocations;
 - (iii) any water carried over from the previous year as allowed in the bulk entitlement Orders of relevant River Murray entitlement holders;
- (d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, as given in the bottom right-hand cell of Table 1 in Schedule 1.’

10. Insert clause 8A

After clause 8 of the Order insert –

8A OPERATION OF VICTORIAN MID-MURRAY STORAGES

8A.1 The resource manager must ensure that the Victorian Mid-Murray Storages are operated to maximise their water harvesting capability subject to operating arrangements established under sub-clause 8A.2.

8A.2 The resource manager must submit by 1 July each year an annual operating plan for the Victorian Mid-Murray Storages to the Minister, prepared in consultation with the relevant Catchment Management Authority, taking into account the seasonal conditions and including the following:

- (a) target filling curves for minimum and maximum operating levels for each storage;
- (b) operating arrangements for each of the storages under a range of seasonal conditions;
- (c) consideration of flood operation;
- (d) consideration of the environmental water requirements necessary to maintain the environmental values of the Victorian Mid-Murray Storages, including relevant Ramsar listed values, as advised by the relevant Catchment Management Authority; and
- (e) any other relevant matter.

8A.3 The resource manager must report on the operation of the Victorian Mid-Murray Storages against the conditions in the operating plan defined under sub-clause 8A.2.'

11. Amendment to clause 10

- (a) For sub-clause 10.2(b) of the Order, substitute –
 - '(b) 25 GL a year being a low-reliability entitlement which, subject to 10.4, must be made available by the resource manager when the total natural inflow to Hume Reservoir for the preceding months, which vary from 30 months on 1 July in any one year to 35 months on 1 December, exceed the triggers in Table 1 of Schedule 5.'
- (b) For sub-clause 10.3 of the Order, for each occurrence, substitute –
'Schedule 6' with 'Schedule 5'
- (c) For sub-clause 10.6(c) of the Order, substitute –
'low-reliability' with 'low-reliability entitlements'

12. Amendment to clause 11

- (d) For sub-clause 11.3(a)(ii), 11.3(a)(iii) and 11.3(c) of the Order, substitute –
'low-reliability' with 'low-reliability entitlements'
- (e) For clause 11 of the Order, sub-clause 11.4 is deleted
- (f) For sub-clause 11.6(a) of the Order, substitute –
 - '(a) 1,780 GL multiplied by 10, minus the sum of the actual diversions (net of credits) from the River Murray by River Murray entitlement holders in each of the previous nine years – with the resulting volume adjusted up for water diverted from the upper tributaries;'

13. Amendment to clause 12

- (a) For clause 12 of the Order, substitute –
'maximum allocation possible' with 'maximum determination possible'
- (b) For sub-clause 12(e)(ii) of the Order, substitute –
 - '(ii) a determination may be made below 10% for high-reliability entitlements, by extrapolation;'
- (c) Sub-clause 12(h)(ii) is deleted.

14. Amendment of clause 16

For sub-clause 16.1 of the Order, substitute –
'Schedules 1 and 5' with 'Schedule 1'

15. Amendment to clause 22

- (a) For sub-clause 22.1(f) of the Order, substitute –

Table 1: High-reliability Entitlements (GL)

User group	High-Reliability Entitlements (GL)	Off-take commitments for high-reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Goulburn-Murray Water	Murray Valley	24,590	49,180	73,770	98,360	122,950	147,540	172,130	196,720	221,310	245,900
	Torrumbarry	356,350	71,270	106,905	142,540	178,175	213,810	249,445	285,080	320,715	356,350
	Pental Is	5,428	80,479	82,977	85,474	87,972	90,470	92,968	95,466	97,964	100,461
LMURW - Irrigation	Nyah	10,637	116,657	155,332	194,008	232,683	271,359	310,035	348,710	387,386	426,061
	Diversers, Dartmouth-Nyah	76,430	1,114	2,227	3,341	4,455	5,569	6,682	8,910	10,023	11,137
LMURW - Urban	Irrigation districts	98,512	17,551	27,402	37,254	47,105	56,956	66,807	76,658	86,510	96,361
	Millewa, Carwarp & Yelta	0,820	0,082	0,164	0,246	0,328	0,410	0,492	0,574	0,656	0,738
LMURW - Irrigation	Diversers, Nyah S.A.	307,467	61,493	92,240	122,987	153,733	184,480	215,227	246,973	276,720	307,467
	FIMID	67,315	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
LMURW - Urban	Grampians Wimmera Mallee Water	3,492	0,349	0,698	1,048	1,397	1,746	2,095	2,444	2,794	3,143
	Coliban Water	1,960	0,196	0,392	0,588	0,784	0,980	1,176	1,372	1,568	1,764
Goulburn Valley Water	North East Water	12,794	1,279	2,559	3,838	5,117	6,397	7,676	8,955	10,234	11,514
	Environment Minister	27,600	2,760	5,520	8,280	11,040	13,800	16,560	19,320	22,080	24,840
Exchange rate trade	Living Murray	5,710	0,571	1,142	1,713	2,284	2,855	3,426	3,997	4,568	5,139
	South Australia	17,519	1,752	3,504	5,256	7,008	8,760	10,512	12,264	14,016	15,768
Total	NSW	5,075	0,508	1,015	1,523	2,030	2,538	3,045	3,553	4,060	4,568
		1,311,833	318,112	453,164	588,215	723,266	873,603	1,001,012	1,128,420	1,263,471	1,398,522

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability Entitlements (GL)	Off-take commitments for low reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	At farm:	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
	Losses:	4,340	8,680	13,020	17,360	21,700	26,040	30,380	34,720	39,060	43,399
		15,500	31,000	46,499	61,999	77,499	92,999	108,499	123,999	139,498	154,998
Torrumbarry	At farm:	15,694	31,388	47,082	62,776	78,470	94,164	109,858	125,552	141,246	156,940
	Losses:	6,103	12,206	18,310	24,413	30,516	36,619	42,722	48,826	54,929	61,032
Pental Is	At farm:	0,259	0,519	0,778	1,038	1,297	1,557	1,816	2,076	2,335	2,594
	Losses:	22,057	44,113	66,170	88,226	110,283	132,340	154,396	176,453	198,510	220,566
Murray diverters Mitta diverters	At farm:	1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,865	12,224	13,582
	Losses:	0,586	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
		1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
Environment Minister - Living Murray		9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Total		49,384	98,768	148,151	197,535	246,919	296,303	345,687	395,070	444,454	493,838
Off-take commitments for 100% high reliability entitlements	from Table 1	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574
Total off-take commitments		1582,957	1632,341	1681,725	1731,109	1780,493	1829,876	1879,260	1928,644	1978,028	2027,412

Notes on Tables 1 and 2 of Schedule 1:

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10%, not just in the 10% intervals shown.
- Murray Valley and Torrumbarry systems, excluding the Victorian Mid-Murray Storages, have fixed losses of 80,000 GL and 77,981 GL (including 0.352 GL for Tresco) respectively, plus two variable loss components as follows:
 - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 13,201 GL for Murray Valley and to 24,978 GL for Torrumbarry at an allocation of 100%;
 - for lower-reliability rights, the extra loss is calculated by starting with the at-farm commitments and multiplying by 0.28/0.72 (72% efficiencies has been assumed).
- Allocations against the 22.1 GL of entitlement, added to Table 1, post-Mokoan, for Snowy EWR will commence when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mid-Murray Storages is deemed by the resource manager to be first operated in accordance with clause 8A.
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2.

18. Amendment to Schedule 3

In Schedule 3 of the Order,

- (a) for paragraph 2 under Principles substitute –
‘low-reliability’ with ‘low-reliability entitlements’; and
‘allocation’ with ‘determination’
- (b) for paragraph 3 under Principles substitute –
‘allocation’ with ‘determination’
- (c) for paragraph L under Method substitute –
‘L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
 - Barmah/Millewa forest water and any saved Lindsay water
 - additional distribution loss in particular years, c.13
 - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)’
- (d) for paragraph M under Method substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (e) under paragraph Y substitute –
‘1475 GL’ with ‘1533 GL’

19. Amendment to Schedule 5

In Schedule 5 of the Order

- (a) under paragraph 1.2, ‘water right or’ is deleted
- (b) under paragraph 5.2, ‘Water Right or’ is deleted.

Dated 13 November 2009

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – GRAMPPIANS WIMMERA MALLEE WATER)
CONVERSION FURTHER AMENDING ORDER 2009**

I, Tim Holding, as Minister administering the **Water Act 1989**, make the following Order –

1. Citation

This Order may be cited as the Bulk Entitlement (River Murray – Grampians Wimmera Mallee Water) Conversion Further Amending Order 2009.

2. Purpose

The purpose of this Order is to make such amendments to the Bulk Entitlement (River Murray – Grampians Wimmera Mallee Water) Conversion Order 1999 (as amended) that are necessary as a consequence of the decommissioning of Lake Mokoan and the new operational arrangements for the Victorian Mid-Murray Storages. The resulting water savings from decommissioning Lake Mokoan combined with the creation of the Victorian Mid-Murray Storages allow the creation of an unregulated entitlement for the River Murray of 34.3 GL and a high-reliability water entitlement for the Snowy River of 22.1 GL.

3. Empowering Provisions

This Order is made under section 44 of the **Water Act 1989**.

4. Commencement

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

5. Change of reference

Wherever appearing in the Order –

- (a) The term ‘MDBC’ substitute ‘MDBA’;
- (b) The word ‘Commission’ substitute ‘Authority’;
- (c) The term ‘FMIT’s District’ substitute ‘FMID’;
- (d) The term ‘Minister for Conservation’ substitute ‘environment Minister’;
- (e) The term ‘the Snowy Mountains Authority’ substitute ‘Snowy Hydro Limited’;
- (f) The word ‘security’ substitute ‘reliability’, except in Schedule 6, paragraph 5.2; and
- (g) The term ‘lower-security’ substitute ‘low-reliability’.

6. Amendment of clause 4

In clause 4 of the Order –

- (a) for the definition of Goulburn–Murray Water substitute –
‘**Goulburn–Murray Water**’ means the Goulburn–Murray Rural Water Corporation;’
- (b) for the definition of Grampians Wimmera Mallee Water substitute –
‘**Grampians Wimmera Mallee Water**’ means the Grampians Wimmera Mallee Rural Water Corporation (GWMW);’
- (c) for the definition of FMIT substitute –
‘**FMID**’ means the First Mildura Irrigation District;’
- (d) for the definition of Minister substitute –
‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to any provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;’
- (e) the definition of ‘LMURW’ is deleted
- (f) the definition of ‘Lower Murray Urban and Rural Water’ is deleted

- (g) for the definition of lower-reliability entitlements substitute –
‘**low-reliability entitlements**’ are the entitlements set out in Table 2 of Schedule 1;’
- (h) in the definition of water allowed to Victoria under the cap substitute –
‘clause 11’ with ‘clause 11 of this Order’
- (i) insert the following definitions –
‘**Lower Murray Urban and Rural Water**’ means the Lower Murray Urban and Rural Water Corporation (LMURW);
‘**Victorian Mid-Murray Storages**’ means Lake Boga, Lake Charm, Kangaroo Lake and Kow Swamp;’

7. Amendment of clause 4A

For clause 4A.1 of the Order substitute –
‘sub-clause 25.1’ with ‘sub-clause 24.1’

8. Amendment of clause 7

For clause 7.2 of the Order substitute –

‘7.2 The resource manager must add to the allocation to Victoria any water that comes from other sources, such as the Victorian Mid-Murray Storages, if that water has not already been included in the allocation to Victoria as ‘useful State tributary inflows’.’

9. Amendment of clause 8

For clause 8.1 of the Order substitute –

‘8.1 The resource manager must, in making seasonal determinations, make an initial assessment of whether the allocation to Victoria is sufficient to meet high-reliability entitlements in full, using the following steps. The resource manager must:

- (a) subtract from the allocation to Victoria, adjusted in accordance with clause 7, any entitlements under clauses 9 and 10 for providing environmental flows in the River Murray;
- (b) subtract from the result obtained under paragraph (a) sufficient provision to cover the losses associated with the operation of the Victorian Mid-Murray Storages;
- (c) subtract from the result obtained under paragraph (b) the following entitlements not covered in Schedule 1:
 - (i) water for additional distribution losses incurred by relevant River Murray entitlement holders, as allowed for in clause 13;
 - (ii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal allocations are lower than River Murray allocations;
 - (iii) any water carried over from the previous year as allowed in the bulk entitlement Orders of relevant River Murray entitlement holders;
- (d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, as given in the bottom right-hand cell of Table 1 in Schedule 1.’

10. Insert clause 8A

After clause 8 of the Order insert –

‘8A OPERATION OF VICTORIAN MID-MURRAY STORAGES

8A.1 The resource manager must ensure that the Victorian Mid-Murray Storages are operated to maximise their water harvesting capability subject to operating arrangements established under sub-clause 8A.2.

8A.2 The resource manager must submit by 1 July each year an annual operating plan for the Victorian Mid-Murray Storages to the Minister, prepared in consultation with the relevant Catchment Management Authority, taking into account the seasonal conditions and including the following:

- (a) target filling curves for minimum and maximum operating levels for each storage;
- (b) operating arrangements for each of the storages under a range of seasonal conditions;
- (c) consideration of flood operation;
- (d) consideration of the environmental water requirements necessary to maintain the environmental values of the Victorian Mid-Murray Storages, including relevant Ramsar listed values, as advised by the relevant Catchment Management Authority; and
- (e) any other relevant matter.

8A.3 The resource manager must report on the operation of the Victorian Mid-Murray Storages against the conditions in the operating plan defined under sub-clause 8A.2.'

11. Amendment to clause 10

- (a) For sub-clause 10.2(b) of the Order, substitute –
 - (b) 25 GL a year being a low-reliability entitlement which, subject to 10.4, must be made available by the resource manager when the total natural inflow to Hume Reservoir for the preceding months, which vary from 30 months on 1 July in any one year to 35 months on 1 December, exceed the triggers in Table 1 of Schedule 6.'
- (b) For sub-clause 10.6(c) of the Order, substitute –
'low-reliability' with 'low-reliability entitlements'

12. Amendment to clause 11

- (c) For sub-clause 11.3(a)(ii), 11.3(a)(iii) and 11.3(c) of the Order, substitute –
'low-reliability' with 'low-reliability entitlements'
- (d) For clause 11 of the Order, sub-clause 11.4 is deleted.
- (e) For sub-clause 11.6(a) of the Order, substitute –
 - (a) 1,780 GL multiplied by 10, minus the sum of the actual diversions (net of credits) from the River Murray by River Murray entitlement holders in each of the previous nine years – with the resulting volume adjusted up for water diverted from the upper tributaries;'

13. Amendment to clause 12

- (a) For clause 12 of the Order, substitute –
'maximum allocation possible' with 'maximum determination possible'
- (b) For sub-clause 12(e)(ii) of the Order, substitute –
 - (ii) a determination may be made below 10% for high-reliability entitlements, by extrapolation;'
- (c) For clause 12 of the Order, paragraph (h) is deleted.

14. Amendment to clause 23

- (a) For sub-clause 23.1(f) of the Order, substitute –
 - (f) a portion of the costs incurred by the Victorian storage operator in storing and supplying water from the Victorian Mid-Murray Storages, commensurate with the extent to which the Victorian Mid-Murray Storages water is available for River Murray entitlement holders; and'

- (b) For sub-clause 23.3(c) of the Order, substitute –
 - ‘(c) the operator of the Victorian Mid-Murray Storages and of the waterways connecting these storages to the River Murray, with responsibility covering storage maintenance and safety, administration and financing, releases, flow measurement, and managing water quality –’
- (c) Sub-clause 23.5 (a) (ii) of the Order is deleted
- (d) For sub-clause 23.5(b) of the Order, substitute –
 - ‘low-reliability’ with ‘low-reliability entitlements’
- (e) For sub-clause 23.5(e) (i) of the Order, ‘plus’ is deleted
- (f) Sub-clause 23.5 (e) (ii) of the Order is deleted.

15. Amendment to clause 24

- (a) For sub-clause 24.1 of the Order, substitute –
 - ‘(j) assist River Murray entitlement holders as necessary to investigate and deal with significant unauthorised uses of water on the River Murray;
 - (k) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act; and’and insert –
 - ‘(l) account and report on the operation of the Victorian Mid-Murray Storages.’

16. Amendment to Schedule 1

In Schedule 1, substitute –

‘SCHEDULE 1: TABLES ALLOCATING SHARES OF WATER AVAILABLE (clauses 6, 12 of the Order)

Table 1: High-reliability Entitlements (GL)

User group	High-Reliability Entitlements (GL)	Off-take commitments for high-reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Goulburn-Murray Water	Murray Valley	24,590	49,180	73,770	98,360	122,950	147,540	172,130	196,720	221,310	245,900
	Torrumbarry	35,635	71,270	106,905	142,540	178,175	213,810	249,445	285,080	320,715	356,350
	Pental Is	5,428	80,479	82,977	85,474	87,972	90,470	92,968	95,466	97,964	100,461
LMURW - Irrigation	Nyah	10,637	116,657	155,332	194,008	232,683	271,359	310,035	348,710	387,386	426,061
	Diversers, Dartmouth-Nyah	76,430	1,064	2,127	3,191	4,255	5,319	6,382	7,446	8,510	9,573
LMURW - Urban	Irrigation districts	98,512	1,114	2,227	3,341	4,455	5,569	6,682	7,796	8,910	10,023
	Millewa, Carwarp & Yelta	0,820	7,643	15,286	22,929	30,572	38,215	45,858	53,501	61,144	68,787
	Diversers, Nyah S.A.	307,467	19,702	29,554	39,405	49,256	59,107	68,958	78,810	88,661	98,512
North East Water	Flora & Fauna	27,600	17,551	27,402	37,254	47,105	56,956	66,807	76,658	86,510	96,361
	Environment Minister	29,794	0,082	0,164	0,246	0,328	0,410	0,492	0,574	0,656	0,738
Exchange rate trade	Living Murray	5,710	5,380	5,380	5,380	5,380	5,380	5,380	5,380	5,380	5,380
	South Australia	17,519	5,462	5,544	5,708	5,790	5,872	5,954	6,036	6,118	6,200
Total	NSW	5,075	30,747	61,493	92,240	122,987	153,733	184,480	215,227	245,973	276,720
	SA border	1,311,833	6,732	13,463	20,195	26,926	33,658	40,389	47,121	53,852	60,584
Total	Wimmera Mallee Water	3,492	12,000	18,732	25,463	32,195	38,926	45,658	52,389	59,121	65,852
	LMURW - Urban	29,011	0,349	0,698	1,048	1,397	1,746	2,095	2,444	2,794	3,143
Total	Coliban Water	1,960	2,901	5,802	8,703	11,604	14,505	17,407	20,308	23,209	26,110
	Goulburn Valley Water	3,607	0,196	0,392	0,588	0,784	0,980	1,176	1,372	1,568	1,764
Total	North East Water	12,794	0,506	1,011	1,517	2,022	2,528	3,033	3,539	4,044	4,550
	Environment Minister	27,600	0,123	0,246	0,369	0,492	0,615	0,738	0,861	0,984	1,107
Total	Exchange rate trade	17,519	0,361	0,721	1,082	1,443	1,804	2,164	2,525	2,886	3,246
	NSW	5,075	0,128	0,256	0,384	0,512	0,640	0,768	0,896	1,024	1,152
Total	South Australia	17,519	1,279	2,559	3,839	5,119	6,399	7,679	8,959	10,239	11,519
	SA border	1,311,833	2,760	5,520	8,280	11,040	13,800	16,560	19,320	22,080	24,840
Total	Living Murray	5,710	2,979	5,959	8,939	11,919	14,899	17,879	20,859	23,839	26,819
	NSW	5,075	0,571	1,142	1,713	2,284	2,855	3,426	3,997	4,568	5,139
Total	South Australia	17,519	1,752	3,504	5,256	7,008	8,760	10,512	12,264	14,016	15,768
	NSW	5,075	0,508	1,015	1,523	2,030	2,538	3,045	3,553	4,060	4,568
Total	SA border	1,311,833	318,112	453,164	588,215	723,266	858,317	993,368	1,128,419	1,263,470	1,398,521
	NSW	5,075	1,311,833	1,001,012	873,603	743,194	612,785	482,376	351,967	221,558	91,149

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability Entitlements (GL)		Off-take commitments for low reliability seasonal determinations of									
			10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	111,599	At farm:	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
		Losses:	4,340	8,680	13,020	17,360	21,700	26,040	30,380	34,720	39,060	43,399
	156,940		15,500	31,000	46,499	61,999	77,499	92,999	108,499	123,999	139,498	154,998
Goulburn-Murray Water	156,940	At farm:	15,694	31,388	47,082	62,776	78,470	94,164	109,858	125,552	141,246	156,940
	2,594	Losses:	6,103	12,206	18,310	24,413	30,516	36,619	42,722	48,826	54,929	61,032
			0,259	0,519	0,778	1,038	1,297	1,557	1,816	2,076	2,335	2,594
			22,057	44,113	66,170	88,226	110,283	132,340	154,396	176,453	198,510	220,566
Murray diverters Mitta diverters	13,582		1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,866	12,224	13,582
	5,856		0,586	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
			1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
Environment Minister - Living Murray	98,835		9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Total	389,406		49,384	98,768	148,151	197,535	246,919	296,303	345,687	395,070	444,454	493,838
Off-take commitments for 100% high reliability entitlements		from Table 1	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574
Total off-take commitments			1582,957	1632,341	1681,725	1731,109	1780,493	1829,876	1879,260	1928,644	1978,028	2027,412

Notes on Tables 1 and 2 of Schedule 1:

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10%, not just in the 10% intervals shown.
- Murray Valley and Torrumbarry systems, excluding the Victorian Mid-Murray Storages, have fixed losses of 80,000 GL and 77,981 GL (including 0,352 GL for Tresco) respectively, plus two variable loss components as follows:
 - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 13,201 GL for Murray Valley and to 24,978 GL for Torrumbarry at an allocation of 100%;
 - for lower-reliability rights, the extra loss is calculated by starting with the at-farm commitments and multiplying by 0.28/0.72 (72% efficiencies has been assumed).
- Allocations against the 22.1 GL of entitlement, added to Table 1 post-Mokoan, for Snowy EWR will commence when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mid-Murray Storages is deemed by the resource manager to be first operated in accordance with clause 8A.
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2.

17. Amendment to Schedule 3

In Schedule 3 of the Order,

- (a) for paragraph 2 under Principles substitute –
‘low-reliability’ with ‘low-reliability entitlements’; and
‘allocation’ with ‘determination’
- (b) for paragraph 3 under Principles substitute –
‘allocation’ with ‘determination’
- (c) for paragraph L under Method substitute –
‘L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
 - Barmah/Millewa forest water and any saved Lindsay water
 - additional distribution loss in particular years, c.13
 - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)’
- (d) for paragraph M under Method substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (e) under paragraph Y substitute –
‘1475 GL’ with ‘1533 GL’

18. Amendment to Schedule 6

In Schedule 6 of the Order

- (a) under paragraph 1.2, ‘water right or’ is deleted
- (b) under paragraph 5.2, ‘Water Right or’ is deleted.

Dated 13 November 2009

TIM HOLDING MP
Minister for Water

Planning and Environment Act 1987**ARARAT PLANNING SCHEME**Notice of Approval of Amendment
Amendment C15

The Minister for Planning has approved Amendment C15 to the Ararat Planning Scheme.

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

The Amendment alters the planning scheme maps and the schedule to the Heritage Overlay so that fourteen heritage places included in Victorian Heritage Register are shown in the Ararat Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the Ararat Rural City Council, Municipal Offices, 59 Vincent Street, Ararat, Victoria 3377.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

- introduces new local policies for each precinct;
- modifies the existing clause 22.15 Heritage Conservation policy;
- modifies the fencing and building storey height provisions in the Design and Development Overlay Schedule 3 and Schedule 6; and
- includes ‘Ballarat Heritage Precincts Study Part A July 2006’ as a Reference Document.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Ballarat City Council, Customer Service Centre, The Phoenix, 25 Armstrong Street South, Ballarat.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987**BALLARAT PLANNING SCHEME**Notice of Approval of Amendment
Amendment C107

The Minister for Planning has approved Amendment C107 to the Ballarat Planning Scheme.

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

The Amendment introduces permanent heritage controls to replace interim heritage controls applying to six heritage precincts (St Aidan’s, Colpin Avenue, Dowling Street, Old Showgrounds, Creswick Road/Macarthur Street and Barkly Street/Humffray Street South). The Amendment also:

- introduces the ‘Ballarat Heritage Precincts Study Part A 2006 – Statements of Significance’ document as a new incorporated document into the planning scheme;
- introduces the ‘Ballarat Heritage Precincts Study Part A 2006 Incorporated Plan’, into the schedule of the Heritage Overlay as an incorporated plan;

Planning and Environment Act 1987**BASS COAST PLANNING SCHEME**Notice of approval of Amendment
Amendment C97

The Minister for Planning has approved Amendment C97 to the Bass Coast Planning Scheme.

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

The Amendment rezones 11 Daisy Avenue, Pioneer Bay, also known as Reserve LP 89745 from Residential 1 Zone to Public Parks and Recreation Zone.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Bass Coast Shire Council, 76 McBride Street, Wonthaggi.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987**BASS COAST PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C106

The Bass Coast Shire Council has approved Amendment C106 to the Bass Coast Planning Scheme.

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

The Amendment includes land at 112–116 McKenzie Street, Wonthaggi, in the specific sites and exclusions clause at 52.03 to enable the addition of a Laundromat and dog wash to the existing car wash facility.

The Amendment was approved by the Bass Coast Shire Council on 19 October 2009 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 8 May 2009. The authorisation has not been withdrawn.

The Amendment includes the following incorporated document ‘112–116 McKenzie Street, Wonthaggi – January 2009’.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Bass Coast Shire Council, 76 McBride Street, Wonthaggi.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

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

Notice of Approval of Amendment

Amendment C72

The Minister for Planning has approved Amendment C72 to the Baw Baw Planning Scheme.

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

The Amendment:

- amends the Schedule to Clause 52.03 – Specific Sites and Exclusions – of the Baw Baw Planning Scheme to remove reference to the Baw Baw Shire Planning Scheme Incorporated Document ‘Tarago Water Treatment Plant September 2007’ as an Incorporated Document; and
- amends the Schedule to Clause 81.01 – to remove the Baw Baw Shire Planning Scheme Incorporated Document ‘Tarago Water Treatment Plant September 2007’ as an Incorporated Document.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Baw Baw Shire Council, 61 Smith Street, Warragul.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

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

Notice of Approval of Amendment

Amendment C60

The Minister for Planning has approved Amendment C60 to the Cardinia Planning Scheme.

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

The Amendment rezones land at 170 McDonalds Track, Lang Lang, to part Residential 1 Zone, part Industrial 1 Zone, introduces an interim Development Plan Overlay Schedule 14 to facilitate residential and industrial development, and introduces a Road Closure overlay over Clarks Road.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Cardinia Shire Council, Henty Way, Pakenham.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987

EAST GIPPSLAND PLANNING SCHEME

Notice of Approval of Amendment

Amendment C63

The Minister for Planning has approved Amendment C63 to the East Gippsland Planning Scheme.

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

The Amendment:

- (1) rezones the following land(s) from Public Conservation and Resource Zone to Farming Zone – Schedule 1; 408 Kellys Road, Omeo Valley, 2855 Omeo Highway, Anglers Rest, 925 Cassilis Road, Swifts Creek, 3447 Monaro Highway, Chandlers Creek, Nicholson River Road, Waterholes, 65 Old Pub Road, Ensay, Monaro Highway, Cann River, 3130 Monaro Highway, Cann River, 2516 Monaro Highway, Chandlers Creek, 2930 Monaro Highway, Chandlers Creek, 107 Buldah Road, Chandlers Creek, 2960 Monaro Highway, Chandlers Creek, 3008 Monaro Highway, Chandlers Creek, 3019 Monaro Highway, Chandlers Creek, Wangarabell Road, Genoa, 474 Upper Wingan Road, Wingan River, 189 Yandown Road, Genoa;
- (2) rezones the following land(s) from Public Conservation and Resource Zone to Rural Conservation Zone – Schedule 1 (RCZ1) and Rural Conservation Zone – Schedule 3 (RCZ3) as specified:– Patons Road, Omeo – to be rezoned to RCZ1, Boole Poole Peninsula, Boole Poole – to be rezoned to RCZ3;

- (3) rezones the following land(s) from Public Park and Recreation Zone to Residential 1 Zone:– 128 Great Alpine Road, Lucknow, 92 Great Alpine Road, Lucknow;
- (4) deletes the redundant Public Acquisition Overlay 4 (PAO4) from the land, 32 Lakeside Drive, Mallacoota, consequently deleting the redundant Map 23PAO from the Schedule to Clause 61.03 and rezoning the land from Farming Zone – Schedule 1 to Public Park and Recreation Zone (PPRZ). Rezones the adjoining land 30 Lakeside Drive, Mallacoota, from Public Conservation and Resource Zone to PPRZ;
- (5) deletes the redundant Public Acquisition Overlay 1 (PAO1) from the land(s), Princes Highway, Hillside, deleting the consequently redundant Maps 28PAO and 49PAO and deleting the listing of the maps from the Schedule to Clause 61.03. Rezones that part of the land, Princes Highway, Hillside that has been acquired by VicRoads but is zoned Farming Zone – Schedule 1 to Road Zone 1 (RDZ1);
- (6) deletes the redundant HO6 heritage overlay from the land 3 Collins Street, Bairnsdale, deletes the redundant HO103 from the land 21 Mitchell Street, Bairnsdale and applies HO38 to the land 67B Goold Street, Bairnsdale;
- (7) reinstates the Healeys Road Overall Development Plan as a listed document in the Schedule to Clause 81.01 Incorporated documents; and
- (8) reinstating the complete list of Maps that comprise the East Gippsland Planning Scheme in the Schedule to Clause 61.03, excepting Maps 23PAO, 28PAO and 49PAO which have been deleted because they are redundant.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning, and free of charge during office hours at the East Gippsland Shire Council Office, 273 Main Street, Bairnsdale.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987GREATER DANDENONG
PLANNING SCHEMENotice of Approval of Amendment
Amendment C104

The Minister for Planning has approved Amendment C104 to the Greater Dandenong Planning Scheme.

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

The Amendment:

- extends the boundaries of the Comprehensive Development Zone (Schedule 2) by rezoning land in Pickett Street, Dandenong, which was acquired by VicUrban as part of the Revitalising Central Dandenong initiative, from the Mixed Use Zone to the Comprehensive Development Zone (Schedule 2);
- extends the boundaries of the Design and Development Overlay (Schedule 2) to include land in Mason Street, Walker Street, Foster Street, Robinson Street, George Street and Cadle Street, Dandenong;
- amends Clause 22.07 (Central Dandenong Local Planning Policy), Schedule 2 to the Comprehensive Development Zone and Schedule 2 to the Design and Development Overlay to facilitate the delivery of the vision for Central Dandenong; and
- amends the Incorporated Document Central Dandenong Comprehensive Development Plan and updates the Schedule to Clause 81.01 (Incorporated Documents) to refer to the amended Incorporated Document Central Dandenong Comprehensive Development Plan, August 2009.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Greater Dandenong City Council, 39 Clow Street, Dandenong and 397–405 Springvale Road, Springvale.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987

HORSHAM PLANNING SCHEME

Notice of approval of Amendment
Amendment C48

The Minister for Planning has approved Amendment C48 to the Horsham Planning Scheme.

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

The Amendment rezones land known as the former Pimpinio Primary School from Public Use Zone 2 (Education) to Public Park and Recreation Zone.

The land affected is land located in Fisher Street, Pimpinio, known as Crown Allotment 11, Section 2 in the township of Pimpinio.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Horsham Rural City Council, Civic Centre, Roberts Avenue, Horsham.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

Notice of Approval of Amendment
Amendment C85

The Minister for Planning has approved Amendment C85 to the Manningham Planning Scheme.

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

The Amendment extends the expiry date of Schedule 9 to the Design and Development Overlay – Interim Residential Areas surrounding the Pines Activity Centre until 31 December 2010.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection

dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Manningham City Council, 699 Doncaster Road, Doncaster, Victoria 3108.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987

MONASH PLANNING SCHEME

Notice of Approval of Amendment
Amendment C74

The Minister for Planning has approved Amendment C74 to the Monash Planning Scheme.

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

The Amendment alters the planning scheme maps and the schedule to the Heritage Overlay so that six heritage places included in Victorian Heritage Register are shown in the Monash Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the Monash City Council, 293 Springvale Road, Glen Waverley 3150.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987

WHITEHORSE PLANNING SCHEME

Notice of Approval of Amendment
Amendment C20

The Minister for Planning has approved Amendment C20 to the Whitehorse Planning Scheme.

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

The Amendment updates the Whitehorse Planning Scheme by removing redundant planning controls, removing expired controls, and correcting various zoning anomalies to accurately reflect current land use and ownership.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Whitehorse City Council, 379–397 Whitehorse Road, Nunawading.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987

WODONGA PLANNING SCHEME

Notice of Approval of Amendment
Amendment C41

The Minister for Planning has approved Amendment C41 to the Wodonga Planning Scheme.

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

The Amendment permanently introduces an Environment Significance Overlay and schedule to part of the land known as Silky Oak Avenue, Wodonga, where very high conservation value remnant native vegetation is present. An Environment Audit Overlay is placed over the whole of the land (12.3 ha) to address high levels of heavy metals existing in the groundwater at the site.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Wodonga City Council, Hovell Street, Wodonga.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987

WODONGA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C61

The Minister for Planning has approved Amendment C61 to the Wodonga Planning Scheme.

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

The changes to the scheme are to alter zone and overlay boundaries to accord with the approved Development Plan for the White Box Rise Estate. The Amendment:

- rezones land from a Residential 2 Zone to a Business 1 Zone; Public Use Zone 7 to accommodate a community swimming centre; a Public Use Zone 2 to accommodate a new school and a Mixed Use Zone;
- deletes the Public Acquisition Overlay over the school site;
- rezones land from Residential 1 Zone to a Public Park and Recreation zone to accommodate a small park and roundabout at the southern end of Kelliher Street;
- realigns the boundary to the Road Zone 2 (Victoria Cross Parade) to accord with improved road design and amends the boundaries of the Business 4 Zone, Public Conservation and Resource Zone, Public Park and Recreation Zone and Vegetation Protection Overlay to accord with the new Road Zone 2;
- rezones land located south of McCarthy Street from a Residential 1 Zone to a Public Park and Recreation Zone and amends the VPO to accord with the new boundaries of the PPRZ;
- amends the Vegetation Protection Overlay through White Box Park to accord with the placement of a road reserve to connect with Chowne Street with Peeler Street;
- removes part of the Environmental Audit Overlay in accordance with Report No. 2 to the north east corner of the site;
- amends the content of the Design and Development Overlay 6;
- removes the Design and Development Overlay 6 and Mixed Use Zone from the Aquatic Centre site;

- amends the boundaries to the Design and Development Overlay 5 and 6 to accord with the layout of the subdivision, in particular that the DDO5 applies to the expanded boundaries of the Business 1 Zone; and
- introduces a new Local Planning Policy 22.19 and amends the schedule to Clause 32.04 Mixed Use Zone.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Wodonga City Council, Hovell Street, Wodonga.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987

WODONGA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C70

The Minister for Planning has approved Amendment C70 to the Wodonga Planning Scheme.

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

The Amendment rezones 0.6 hectares of land at Lot B PS538226, Ingrams Road, Wodonga, from part Residential 1 and part Rural Conservation Zone to a Low Density Residential Zone. The Amendment also alters the boundary of a Development Plan Overlay and Environment Significance Overlay to accord with the new zone boundary.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Wodonga City Council, 104 Hovell Street, Wodonga.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987

WYNDHAM PLANNING SCHEME

Notice of Approval of Amendment

Amendment C111

The Minister for Planning has approved Amendment C111 to the Wyndham Planning Scheme.

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

The Amendment rezones land on the western bank of the Werribee River from Public Use Zone (Schedule 1) to Public Park and Recreation Zone and Special Use Zone (Schedule 4).

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Wyndham City Council, 45 Princes Highway, Werribee.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

- rezones a small area of Road Zone 1 to the northwest corner of the Doonside Precinct to Comprehensive Development Zone 1 to reflect current property boundaries.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Yarra City Council, 333 Bridge Road, Richmond.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning and
Community Development

Planning and Environment Act 1987

YARRA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C99

The Minister for Planning has approved Amendment C99 to the Yarra Planning Scheme.

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

The Amendment:

- rezones land within the Doonside Precinct from Industrial 3 Zone (IN3Z) to Mixed Use Zone (MUZ);
- removes the Design and Development Overlay (DDO4) and applies a new Design and Development Overlay (DDO9) to the affected area;
- applies an Environmental Audit Overlay to the land; and

ORDERS IN COUNCIL

Land (Miscellaneous Matters) Act 1988

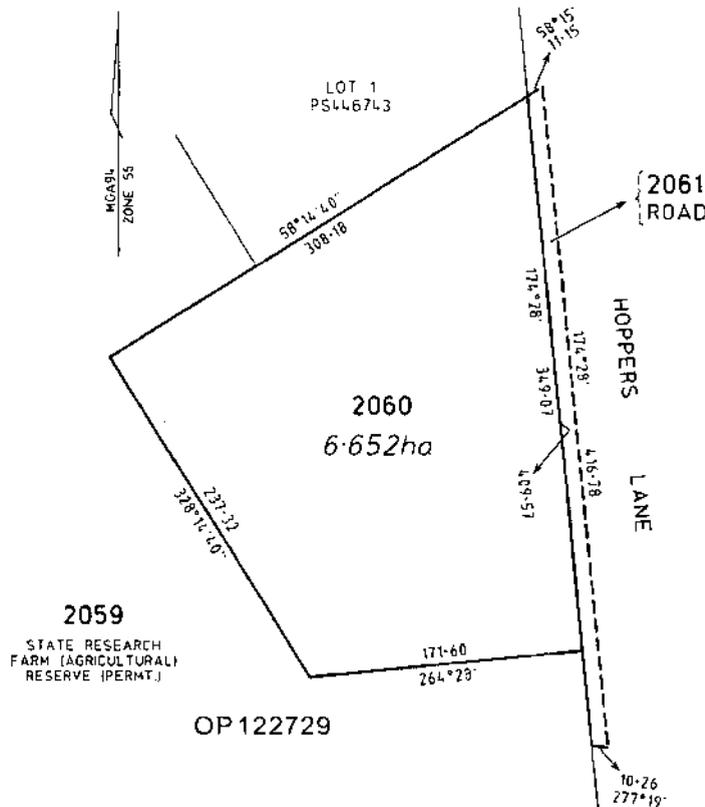
**EXCISION FROM PERMANENT RESERVATION
PORTION OF STATE RESEARCH FARM WERRIBEE**

Order in Council

The Governor in Council under section 3(3) of the **Land (Miscellaneous Matters) Act 1988** [the Act] revokes the Order in Council of 6 July 1927 of the permanent reservation of lands in the Parishes of Deutgam and Tarneit as a site for State Research Farm (Agricultural) as specified in Parts 1 and 2 of Schedule 1 to the Act to the extent that it applies to the land shown on the plan of survey specified in the schedule hereunder:-

SCHEDULE

DEUTGAM – The land being Crown Allotments 2060 and 2061, Parish of Deutgam [total area 7.065 hectares] as shown on plan OP122729 lodged in the Central Plan Office of the Department of Sustainability and Environment and published hereunder.



(File Ref: 0704446)

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

Dated 24 November 2009

Responsible Minister

GAVIN JENNINGS

Minister Environment and Climate Change

MATTHEW McBEATH
Acting Clerk of the Executive Council

Plant Health and Plant Products Act 1995DECLARATION OF A CONTROL AREA IN VICTORIA FOR THE PURPOSE OF
PREVENTING THE ENTRY OF THE PEST GRAPE PHYLLOXERA

Order in Council

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

- (1) for the purpose of preventing the entry of the pest Grape Phylloxera (*Daktulosphaira vitifoliae* Fitch) from other parts of Victoria, declares the area described in Schedule 1 to be a control area to be known as the Western Phylloxera Exclusion Zone; and
- (2) specifies the prohibitions in Schedule 2 which are to operate in relation to the control area to prevent the entry of the pest Grape Phylloxera from other parts of Victoria; and
- (3) revokes the Order made under section 9 of the Act on 10 June 2009, and published in Government Gazette G24 on 11 June 2009 (p 1503–1505).

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

Dated 24 November 2009

Responsible Minister

JOE HELPER

Minister for Agriculture

MATTHEW McBEATH

Acting Clerk of the Executive Council

SCHEDULE 1

The area of land within the rural cities of Mildura and Swan Hill, the shires of Gannawarra and West Wimmera, and the Geographical Indication ‘Henty’ (Commonwealth of Australia Gazette, No. GN 23, Wednesday 14 June 2000, page 3); and –

the area of land within the rural city of Ararat and the shires of Northern Grampians and Pyrenees, and the area bounded by a line commencing at the intersection of the boundaries of the shires of Moyne and Southern Grampians and the rural city of Ararat, then in a south-westerly direction along the southern boundary of the shire of Southern Grampians to the intersection of the boundary of the shires of Southern Grampians and Moyne, and the Geographical Indication ‘Henty’ (Register of Protected Names, 24 August 2000), then in a generally northerly direction along the boundary of the Geographical Indication ‘Henty’ to the intersection of the Wannon River and Bundol Road, then in a north-easterly direction along Bundol Road to the intersection of Bundol Road and Victoria Valley Road, then in a northerly direction along Victoria Valley Road to the intersection of Victoria Valley Road and Cassidys Gap Road, then in an easterly direction along Cassidys Gap Road to the intersection of Cassidys Gap Road and the boundary of the Rural City of Ararat, then in a generally southerly direction along the boundary of the rural city of Ararat to the point of commencement; and –

the area of land bounded by a line commencing at the intersection of the Geographical Indication ‘Bendigo’ (Register of Protected Names, 27 June 2001) and the Shires of Hepburn and Pyrenees, then in a northerly direction along the eastern boundary of the Shire of Pyrenees, to the intersection of the boundaries of the Shires of Northern Grampians and Pyrenees and the Geographical Indication ‘Bendigo’, then in a northerly, then easterly direction along the boundary of the Geographical Indication ‘Bendigo’, to the intersection of the Geographical Indication ‘Bendigo’ and the Geographical Indication ‘Heathcote’ (Register of Protected Names, 21 August 2002), then in a north-easterly, easterly and then southerly direction along the boundary of the Geographical Indication ‘Heathcote’ to the intersection of the Geographical Indication ‘Heathcote’ and Bendigo–Murchison Road, then in an easterly direction along Bendigo–Murchison Road to the intersection of Bendigo–Murchison Road and Kennedy Road, then in a southerly direction along Kennedy Road to the intersection of Kennedy Road and Bakers Bridge Road, then in a westerly direction along Bakers

Bridge Road to the intersection of Bakers Bridge Road, Egans Bridge Road and the Geographical Indication 'Heathcote', then in a southerly direction along the boundary of the Geographical Indication 'Heathcote' to the intersection of the Geographical Indication 'Heathcote' and the Northern Highway, then in a southerly direction along the Northern Highway to the intersection of the Northern Highway and Fullards Road, then in a straight line in a westerly direction to the intersection of Youngs Road and Baynton–Pyalong Road, then in a straight line in a north-westerly direction to the boundary of the Geographical Indication 'Heathcote' at the intersection of Sievers Lane and Watchbox Road, then in a south-westerly, then westerly direction along the boundary of the Geographical Indication 'Heathcote' to the intersection of the Geographical Indication 'Heathcote' and Morgans Road, then in a generally south-westerly direction along Morgans Road to the intersection of Morgans Road and Goldfields Road, then in a straight line in a south-westerly direction to the intersection of the Calder Highway and Forrest Road, then in a straight line in a north-westerly direction to the intersection of Vaughan–Chewton Road and Campbells Creek–Fryers Road, then in a north-westerly direction along Campbells Creek–Fryers Road to the intersection of Campbells Creek–Fryers Road and the boundary of the Geographical Indication 'Bendigo', then in a westerly and then southerly direction along the boundary of the Geographical Indication 'Bendigo' to the intersection of the Geographical Indication 'Bendigo' and Yandoit–Sandon Road then in an easterly direction along Yandoit–Sandon Road to the intersection of Yandoit–Sandon Road and Yandoit Creek Road, then in a southerly direction along Yandoit Creek Road to the intersection of Yandoit Creek Road and Yandoit–Werona Road, then in a south-westerly direction along Yandoit–Werona Road to the boundary of the Geographical Indication 'Bendigo' then in a southerly, then westerly direction along the boundary of the Geographical Indication 'Bendigo' to the point of commencement.

SCHEDULE 2

1. Definitions

In this Schedule –

'host material' means any plant, plant part or plant product of the genus *Vitis*, including potted vines, cuttings, rootlings, grapes, grape marc, grape must, juice, germplasm and plant and soil samples for diagnostic purposes;

'juice' means fresh, unclarified or unfiltered juice, but not juice filtered or otherwise processed so as to achieve a maximum particle size of 50 microns.

2. Prohibitions relating to the control areas

(1) The entry into the control areas of –

- (a) any host material; or
- (b) any agricultural equipment that has been used for the cultivation, harvesting, handling, transport or processing of plants, plant parts or plant products of the genus *Vitis*; or
- (c) any package which has contained any plant, plant part or plant product of the genus *Vitis*; or
- (d) soil originating from a property involved in the cultivation or handling of plants, plant parts or plant products of the genus *Vitis* –

is prohibited.

(2) Sub-clause (1) does not apply in the case of any host material, equipment, package or soil sourced from, or last used on, a property located in an area of Victoria declared as a control area for preventing the entry of phylloxera.

Note: Section 9(3) of the **Plant Health and Plant Products Act 1995** provides that a person is guilty of an offence and liable for a penalty not exceeding 100 penalty units for entering a control area contrary to any prohibition or restriction, unless authorised to do so under a permit issued by the Secretary.

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

Order in Council

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

- (a) for the purpose of preventing the spread of the pest, *Phylloxera (Daktulosphaira vitifoliae)* to other parts of Victoria, declares –
- (i) the area described in Schedule 1 to be a control area known as the North East Phylloxera Infested Zone; and
 - (ii) the area described in Schedule 2 to be a control area known as the Nagambie Phylloxera Infested Zone; and
 - (iii) the area described in Schedule 3 to be a control area known as the Upton Phylloxera Infested Zone; and
 - (iv) the area described in Schedule 4 to be a control area known as the Mooroopna Phylloxera Infested Zone; and
 - (v) the area described in Schedule 5 to be a control area known as the Maroondah Phylloxera Infested Zone; and
 - (vi) the area described in Schedule 6 to be a control area known as the Whitebridge Phylloxera Infested Zone; and
- (b) revokes the Order made under section 9 of the **Plant Health and Plant Products Act 1995** on 24 February 2009, and published in the Government Gazette G9 on 26 February 2009; and
- (c) specifies the prohibitions in Schedule 7 which are to operate in the control areas to prevent the spread of the pest *Phylloxera* to other parts of Victoria.

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

Dated 24 November 2009

Responsible Minister

JOE HELPER

Minister for Agriculture

MATTHEW McBEATH
Acting Clerk of the Executive Council

SCHEDULE 1 – NORTH EAST PHYLLOXERA INFESTED ZONE

The area of land bounded by a line commencing at the intersection of the boundaries of the parishes of Dueran East, Toombullup and Whitfield South, then in a northerly direction along the western boundary of the parish of Whitfield South to the intersection of the boundaries of the parishes of Whitfield South, Toombullup and Toombullup North, then in a westerly, then northerly, then easterly direction along the southern, western and northern boundaries of the parish of Toombullup North to the intersection of the boundaries of the parishes of Toombullup North, Rothesay and Tatong, then in a generally northerly direction along the western boundaries of the parish of Tatong, Lurg, Winton, Mokaon, Boweya, Boomahnoomoonah and Bundalong to the intersection of the western boundary of the parish of Bundalong and the Murray River, then in a generally easterly direction along the Murray River to the intersection of the Murray River and the eastern boundary of the parish of Wodonga, then in a generally southerly direction along the eastern boundaries of the parishes of Wodonga, Baranduda, Yackandandah and Bruarong to the intersection of the boundaries of the parishes of Bruarong, Kergunyah and Dederang, then in a straight line in a southerly direction to the intersection of Lambert Lane and Mt Jack Track, then in a southerly direction along Mt Jack Track to the intersection of Mt Jack Track and Running Creek Road, then

in a westerly direction along Running Creek Road to the intersection of Running Creek Road and Kancoona Gap Track, then in a southerly direction along Kancoona Gap Track to the intersection of Kancoona Gap Track and Link Road, then in a westerly direction along Link Road to the intersection of Link Road and Barker Road, then in a generally southerly direction along Barker Road to the intersection of Barker Road and Rolland Road, then in a straight line in a south-easterly direction to the intersection of Kancoona South Road and Havilah Road, then in a south-easterly direction along Havilah Road to the intersection of Havilah Road and Mt Porepukah Road, then in a southerly direction along Mt Porepukah Road to the intersection of Mt Porepukah Road and Smart Creek–Tawonga Gap Track, then in a south-easterly direction along Smart Creek–Tawonga Gap Track to the intersection of Smart Creek–Tawonga Gap Track and Tawonga Gap Track, then in a southerly direction along Tawonga Gap Track to the intersection of Tawonga Gap Track and Big Flat Track, then in a south-easterly direction along Big Flat Track to the intersection of Big Flat Track and Dungey Track, then in a straight line in a southerly direction to the intersection of Razorback Walking Track and Razorback Track, then in a south-westerly direction along Razorback Track to the intersection of Razorback Track and Bungalow Spur Walking Track, then in a straight line in a south-westerly direction to the intersection of Cobbler Lake Track and Cobbler Lake–Abbeyard Road, then in a straight line in a north-westerly direction to the intersection of the boundaries of the parishes of Matong North, Dandongadale and Winteriga, then in a southerly, then westerly direction along the eastern and southern boundaries of the parish of Winteriga to the intersection of the boundaries of the parishes of Winteriga, Matong North and Wabonga, then in a westerly direction along the southern boundaries of the parishes of Wabonga and Whitfield South to the point of commencement.

SCHEDULE 2 – NAGAMBIE PHYLLOXERA INFESTED ZONE

The area at of land bounded by a line commencing at the intersection of the boundaries of the parishes of Wirate, Whroo and Bailieston, then in an easterly direction along the northern boundary of the parish of Bailieston to the intersection of the parishes of Bailieston, Murchison and Noorilim, then in an easterly, then north-easterly direction along the northern boundary of the parish of Noorilim to the intersection of the boundary of the parish of Noorilim and Day Road, then in westerly direction along Day Road to the intersection of Day Road and Murchison–Goulburn Weir Road, then in a northerly direction along Murchison–Goulburn Weir Road to the intersection of Murchison–Goulburn Weir Road and Buffalo Swamp Road, then in a westerly direction along Buffalo Swamp Road to the intersection of Buffalo Swamp Road and Willow Road, then in a northerly direction along Willow Road to the intersection of Willow Road and Bendigo–Murchison Road, then in a south-easterly direction along Bendigo–Murchison Road to the intersection of Bendigo–Murchison Road and Stewart Road, then in a northerly direction along Stewart Road to the intersection of Stewart Road and Chinamans Hill Road, then in an easterly direction along Chinamans Hill Road to the intersection of Chinamans Hill Road and Hammond Road, then in a north-easterly direction along Hammond Road to the intersection of Hammond Road and McMillan Road, then in an easterly direction along McMillan Road to the intersection of McMillan Road and Murchison–Tatura Road, then in a southerly direction along Murchison–Tatura Road to the intersection of Murchison–Tatura Road and River Road, then in a north-easterly direction along River Road to the intersection of River Road and Freestone Road, then in a straight line in a south-easterly direction to the intersection of Cassidys Road and Duggans Road, then in a southerly direction along Duggans Road, which becomes Dargalong Road, to the intersection of Dargalong Road and the Goulburn Valley Freeway, then in a south-westerly direction along the Goulburn Valley Freeway to the intersection of the Goulburn Valley Freeway and the northern boundary of the parish of Wahring, then in an easterly direction along the northern boundary of the parish of Wahring to the intersection of the boundary of the parishes of Wahring, Dargalong and Bunganail, then in a southerly direction along the eastern boundary of the parish of Wahring to the intersection of the boundaries of the parishes of Wahring, Bunganail, Monea North and Wormangal, then in a southerly then westerly direction along the eastern and southern boundaries of the parish of Wormangal to the intersection of the boundaries of the parishes of Wormangal, Avenel and Tabilk,

then in a westerly direction along the southern boundary of the parish of Tabilk to the intersection of the boundary of the parish of Tabilk and the Tocumwal Railway Line, then in a southerly direction along the Tocumwal Railway Line to the intersection of the Tocumwal Railway Line and Aerodrome Road, then in a generally easterly direction along Aerodrome Road to the intersection of Aerodrome Road and Hughes Street, then in a south-easterly direction along Hughes Street to the intersection of Hughes Street and Henry Street, then in a westerly direction along Henry Street to the intersection of Henry Street and Lambing Gully Road, then in a southerly direction along Lambing Gully Road to the intersection of Lambing Gully Road and the Hume Freeway, then in a south-westerly direction along the Hume Freeway to the intersection of the Hume Freeway and the northern boundary of the Department of Defence Munitions Depot, then in a westerly direction along the northern boundary of the Department of Defence Munitions Depot to the intersection of northern boundary of the Department of Defence Munitions Depot and Seymour–Avenel Road, then in a southerly direction along Seymour–Avenel Road to the intersection of Seymour–Avenel Road and O’Connors Road, then in a westerly direction along O’Connors Road to the intersection of O’Connors Road and the Tocumwal Railway Line, then in a north-westerly direction along the Tocumwal Railway Line to the intersection of the Tocumwal Railway Line and the southern boundary of the parish of Avenel, then in a westerly direction along the southern boundary of the parish of Avenel to the intersection of the boundaries of the parishes of Avenel, Mangalore and Northwood, then in a generally southerly, then westerly, then northerly direction along the eastern, southern and western boundaries of the parish of Northwood to the intersection of the boundaries of the parishes of Northwood, Puckapunyal and Mitchell, then in a generally northerly direction along the western boundary of the parish of Mitchell to the intersection of the parishes of Mitchell, Wirrate and Bailieston, then in a northerly direction along the western boundary of the parish of Bailieston to the point of commencement.

SCHEDULE 3 – UPTON PHYLLOXERA INFESTED ZONE

The area commencing at grid reference 610200 (Longwood North topographic map, 7924-2-N, 2008), then in a straight line in a westerly direction to grid reference 570200, then in a straight line in a southerly direction to grid reference 570180, then in a straight line in a westerly direction to grid reference 520180, then in a straight line in a southerly direction to grid reference 520110 (Longwood South topographic map, 7924-2-S, 2008), then in a straight line in a south-easterly direction to grid reference 530090, then in a straight line in a southerly direction to grid reference 530080, then in a straight line in an easterly direction to grid reference 610080, then in a northerly direction to the point of commencement.

SCHEDULE 4 – MOOROOPNA PHYLLOXERA INFESTED ZONE

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

SCHEDULE 5 – MAROONDAH PHYLLOXERA INFESTED ZONE

The area of land bounded by a line commencing at the intersection of the Warburton Highway and the Maroondah Highway, then in a south-westerly direction along the Maroondah Highway to the intersection of the Maroondah Highway and Plymouth Road, then in a westerly direction along Plymouth Road, which becomes Warranwood Road, to the intersection of Warranwood Road and Wonga Road, then in a north-westerly direction along Wonga Road to the intersection of Wonga Road and Croydon Road, then in a north-westerly direction along Croydon Road to the intersection of Croydon Road and Ringwood–Warrandyte Road, then in a northerly direction along Ringwood–Warrandyte Road to the intersection of Ringwood–Warrandyte Road and Brumbys Road, then in a north-easterly direction along Brumbys Road to the point of termination, then in a

straight line in an easterly direction to the intersection of Yarra Road and Holloway Road, then in an easterly direction along Holloway Road to the intersection of Holloway Road and Brushy Park Road, then in a northerly direction along Brushy Park Road to the intersection of Brushy Park Road and Black Springs Road, then in an easterly direction along Black Springs Road to the intersection of Black Springs Road and Stanley Street, then in a northerly direction along Stanley Street to the point of termination, then in a straight line in an easterly direction to the intersection of Edward Street and Switchback Road, then in an easterly direction along Switchback Road to the intersection of Switchback Road and Victoria Road, then in a northerly direction along Victoria Road to the intersection of Victoria Road and MacIntyre Road, then in a straight line in a westerly direction to the intersection of Wendy Way and Skyline Road, then in a northerly direction along Skyline Road to the intersection of Skyline Road and Eltham–Yarra Glen Road, then in an easterly direction along Eltham–Yarra Glen Road to the intersection of Eltham–Yarra Glen Road and Skyline Road North, then in a northerly direction along Skyline Road North to the intersection of Skyline Road North and Tuans Track, then in an easterly direction along Tuans Track, which becomes Uplands Road, to the intersection of Uplands Road and Valley Road, then in an easterly direction along Valley Road to the intersection of Valley Road and Steels Creek Road, then in a northerly direction along Steels Creek Road to the intersection of Steels Creek Road and Hunts Lane, then in an easterly direction along Hunts Lane to the intersection of Hunts Lane and Melba Highway, then in a southerly direction along Melba Highway to the intersection of the Melba Highway and Bottings Lane, then in an easterly direction along Bottings Lane to the intersection of Bottings Lane and Bleases Lane, then in a south-easterly direction along Bleases Lane to the intersection of Bleases Lane and the Maroondah Aqueduct, then in a straight line in an easterly direction to the intersection of Walters Lane and Pauls Lane, then in a southerly direction along Pauls Lane to the intersection of Pauls Lane and Old Healesville Road, then in a south-easterly direction along Old Healesville Road to the intersection of Old Healesville Road and Healesville–Yarra Glen Road, then in an easterly direction along Healesville–Yarra Glen Road to the intersection of Healesville–Yarra Glen Road and Healesville–Kinglake Road, then in a south-easterly direction along Healesville–Kinglake Road to the intersection of Healesville–Kinglake Road and the Maroondah Highway, then in an easterly direction along the Maroondah Highway to the intersection of the Maroondah Highway and Don Road, then in a south-easterly direction along Don Road to the intersection of Don Road and Mt Riddell Road, then in a south-westerly direction along Mt Riddell Road to the intersection of Mt Riddell Road and Airlie Road, then in a westerly direction along Airlie Road to the intersection of Airlie Road and Maroondah Highway, then in a south-westerly direction along the Maroondah Highway to the intersection of the Maroondah Highway and the Yarra River, then in a southerly direction along the Yarra River to grid reference 679240 (Juliet South topographic map, 8022-4-S), then in a straight line in an easterly direction to the Healesville–Koo we rup Road (grid reference 694240), then in southerly direction along the Healesville–Koo we rup Road to grid reference 700221, then in a straight line in a south-westerly direction to the Yarra River (grid reference 694217), then in a north-westerly direction along the Yarra River to the intersection of the Yarra River and Woori Yallock Creek, then in a straight line in a southerly direction to the intersection of Yarraloch Way and Killara Road, then in a westerly direction along Killara Road to the intersection of Killara Road and Armistead Road, then in a southerly direction along Armistead Road to the intersection of Armistead Road and Darling Road, then in a westerly direction along Darling Road to the intersection of Darling Road and Gruyere Road, then in a southerly direction along Gruyere Road to the intersection of Gruyere Road and Victoria Road, then in an westerly direction along Victoria Road to the intersection of Victoria Road and Warburton Highway, then in a westerly direction along Warburton Highway to the point of commencement.

SCHEDULE 6 – WHITEBRIDGE PHYLLOXERA INFESTED ZONE

The area of land bounded by a line commencing at the intersection of Three Chain Road and Bolgers Lane, then in a southerly direction along Bolgers Lane to the intersection of Bolgers Lane and Rochford Road, then in an easterly direction along Rochford Road to the intersection of Rochford Road and Monument Creek Road, then in a southerly direction along Monument

Creek Road to the intersection of Monument Creek Road and Ochiltrees Road, then in an easterly direction along Ochiltrees Road to the intersection of Ochiltrees Road and Lukes Road, then in a northerly direction along Lukes Road to the intersection of Lukes Road and Boundary Road, then in an easterly direction along Boundary Road to the intersection of Boundary Road and Parks Road, then in a northerly direction along Parks Road to the intersection of Parks Road and McMasters Lane, then in a north-easterly direction along McMasters Lane to the intersection of McMasters Lane and Three Chain Road, then in a generally westerly direction along Three Chain Road to the point of commencement.

SCHEDULE 7 – PROHIBITIONS APPLYING TO PHYLLOXERA

1 Definitions

In this Schedule –

‘host material’ means any plant, plant part or plant product of the genus *Vitis*, including grapevines, potted vines, cuttings, rootlings, leaves, roots, stems, grapes for table use, grapes for wine making, grape marc, grape must, juice, germplasm and plant and soil samples for diagnostic purposes.

‘juice’ means fresh juice, unclarified or clarified juice or unfiltered or filtered juice, but not juice filtered or otherwise processed so as not to exceed a maximum particle size of 50 microns.

2 Prohibitions relating to the control area –

The removal from a control area of –

- (a) any host material; or
- (b) any agricultural equipment that has been used for the cultivation, harvesting, handling, transport or processing of plant, plant parts or plant products of the genus *Vitis*; or
- (c) any package which has contained any plant, plant part or plant product of the genus *Vitis*; or
- (d) soil originating from a property involved in the cultivation or handling of plants, plant parts or plant products of the genus *Vitis* –

is prohibited.

Note: Section 9(3) provides a penalty of 100 penalty units for a person who contravenes any prohibition or restriction in a control order if the person knows or has reason to believe that any place has been declared to be a control area, unless the person is authorised to do so under a permit issued by the Secretary.

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – LOWER MURRAY URBAN AND RURAL WATER – IRRIGATION) CONVERSION FURTHER AMENDING ORDER 2009****Order in Council**

The Governor in Council, under the provisions of the **Water Act 1989**, makes the following Order –

1. Citation

This Order may be cited as the Bulk Entitlement (River Murray – Lower Murray Urban and Rural Water – Irrigation) Conversion Further Amending Order 2009.

2. Purpose

The purpose of this Order is to make such amendments to the Bulk Entitlement (River Murray – Sunraysia Rural Water – Irrigation) Conversion Order 1999 (as amended) that are necessary as a consequence of the decommissioning of Lake Mokoan and the new operational arrangements for the Victorian Mid-Murray Storages. The resulting water savings from decommissioning Lake Mokoan combined with the creation of the Victorian Mid-Murray Storages allow the creation of an unregulated entitlement for the River Murray of 34.3 GL and a high-reliability water entitlement for the Snowy River of 22.1 GL.

3. Empowering Provisions

This Order is made under section 44 of the **Water Act 1989**.

4. Commencement

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

5. Change of reference

Wherever appearing in the Order –

- (a) The term ‘MDBC’ substitute ‘MDBA’;
- (b) The word ‘Commission’ substitute ‘Authority’;
- (c) The term ‘FMIT’s District’ substitute ‘FMID’;
- (d) The term ‘Minister for Conservation’ substitute ‘environment Minister’;
- (e) The term ‘the Snowy Mountains Authority’ substitute ‘Snowy Hydro Limited’;
- (f) The word ‘security’ substitute ‘reliability’, except in Schedule 6, paragraph 5.2; and
- (g) The term ‘lower-security’ substitute ‘low-reliability’.

6. Amendment of clause 4

In clause 4 of the Order –

- (a) for the definition of Goulburn–Murray Water substitute –
‘**Goulburn-Murray Water**’ means the Goulburn–Murray Rural Water Corporation;’
- (b) for the definition of FMIT substitute –
‘**FMID**’ means the First Mildura Irrigation District;’
- (c) for the definition of Minister substitute –
‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to any provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;’
- (d) the definition of ‘LMURW’ is deleted
- (e) the definition of ‘Lower Murray Urban and Rural Water’ is deleted
- (f) for the definition of lower-reliability entitlements substitute –
‘**low-reliability entitlements**’ are the entitlements set out in Table 2 of Schedule 1;’

- (g) in the definition of water allowed to Victoria under the cap substitute –
‘clause 11’ with ‘clause 11 of this Order’
- (h) insert the following definitions –
‘**Lower Murray Urban and Rural Water**’ means the Lower Murray Urban and Rural Water Corporation (LMURW);
‘**Victorian Mid-Murray Storages**’ means Lake Boga, Lake Charm, Kangaroo Lake and Kow Swamp;’

7. Amendment of clause 7

For clause 7.2 of the Order substitute –

‘7.2 The resource manager must add to the allocation to Victoria any water that comes from other sources, such as the Victorian Mid-Murray Storages, if that water has not already been included in the allocation to Victoria as ‘useful State tributary inflows’.’

8. Amendment of clause 8

For clause 8.1 of the Order substitute –

‘8.1 The resource manager must, in making seasonal determinations, make an initial assessment of whether the allocation to Victoria is sufficient to meet high-reliability entitlements in full, using the following steps. The resource manager must:

- (a) subtract from the allocation to Victoria, adjusted in accordance with clause 7, any entitlements under clauses 9 and 10 for providing environmental flows in the River Murray;
- (b) subtract from the result obtained under paragraph (a) sufficient provision to cover the losses associated with the operation of the Victorian Mid-Murray Storages;
- (c) subtract from the result obtained under paragraph (b) the following entitlements not covered in Schedule 1:
 - (i) water for additional distribution losses incurred by relevant River Murray entitlement holders, as allowed for in clause 13;
 - (ii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal allocations are lower than River Murray allocations;
 - (iii) any water carried over from the previous year as allowed in the bulk entitlement Orders of relevant River Murray entitlement holders;
- (d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, as given in the bottom right-hand cell of Table 1 in Schedule 1.’

9. Insert clause 8A

After clause 8 of the Order insert –

‘8A OPERATION OF VICTORIAN MID-MURRAY STORAGES

- 8A.1 The resource manager must ensure that the Victorian Mid-Murray Storages are operated to maximise their water harvesting capability subject to operating arrangements established under sub-clause 8A.2.
- 8A.2 The resource manager must submit by 1 July each year an annual operating plan for the Victorian Mid-Murray Storages to the Minister, prepared in consultation with the relevant Catchment Management Authority, taking into account the seasonal conditions and including the following:
 - (a) target filling curves for minimum and maximum operating levels for each storage;

- (b) operating arrangements for each of the storages under a range of seasonal conditions;
- (c) consideration of flood operation;
- (d) consideration of the environmental water requirements necessary to maintain the environmental values of the Victorian Mid-Murray Storages, including relevant Ramsar listed values, as advised by the relevant Catchment Management Authority; and
- (e) any other relevant matter.

8A.3 The resource manager must report on the operation of the Victorian Mid-Murray Storages against the conditions in the operating plan defined under sub-clause 8A.2.'

10. Amendment to clause 10

- (a) For sub-clause 10.2(b) of the Order, substitute –
 - '(b) 25 GL a year being a low-reliability entitlement which, subject to 10.4, must be made available by the resource manager when the total natural inflow to Hume Reservoir for the preceding months, which vary from 30 months on 1 July in any one year to 35 months on 1 December, exceed the triggers in Table 1 of Schedule 6.'
- (b) For sub-clause 10.6(c) of the Order, substitute –
 - 'low-reliability' with 'low-reliability entitlements'.

11. Amendment to clause 11

- (c) For sub-clause 11.3(a)(ii), 11.3(a)(iii) and 11.3(c) of the Order, substitute –
 - 'low-reliability' with 'low-reliability entitlements'
- (d) For clause 11 of the Order, sub-clause 11.4 is deleted
- (e) For sub-clause 11.6(a) of the Order, substitute –
 - '(a) 1,780 GL multiplied by 10, minus the sum of the actual diversions (net of credits) from the River Murray by River Murray entitlement holders in each of the previous nine years – with the resulting volume adjusted up for water diverted from the upper tributaries;'

12. Amendment to clause 12

- (a) For clause 12 of the Order, substitute –
 - 'maximum allocation possible' with 'maximum determination possible'
- (b) For sub-clause 12(e)(ii) of the Order, substitute –
 - '(ii) a determination may be made below 10% for high-reliability entitlements, by extrapolation;'
- (c) Sub-clause 12 (h)(ii) is deleted.

13. Amendment to clause 24

- (a) For sub-clause 24.1(f) of the Order, substitute –
 - '(f) a portion of the costs incurred by the Victorian storage operator in storing and supplying water from the Victorian Mid-Murray Storages, commensurate with the extent to which the Victorian Mid-Murray Storages water is available for River Murray entitlement holders; and'
- (b) For sub-clause 24.3(c) of the Order, substitute –
 - '(c) the operator of the Victorian Mid-Murray Storages and of the waterways connecting these storages to the River Murray, with responsibility covering storage maintenance and safety, administration and financing, releases, flow measurement, and managing water quality –'

- (c) Sub-clause 24.5 (a) (ii) of the Order is deleted
- (d) For sub-clause 24.5(b) of the Order, substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (e) Sub-clause 24.5 (e) (iii) of the Order is deleted.

14. Amendment to clause 25

- (a) For sub-clause 25.1 of the Order, substitute –
 - ‘(j) assist River Murray entitlement holders as necessary to investigate and deal with significant unauthorised uses of water on the River Murray;
 - (k) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act; and’and insert –
 - ‘(l) account and report on the operation of the Victorian Mid-Murray Storages.’

15. Amendment to Schedule 1

In Schedule 1, substitute –

‘SCHEDULE 1: TABLES ALLOCATING SHARES OF WATER AVAILABLE (clauses 6, 12 of the Order)

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability Entitlements (GL)		Off-take commitments for low reliability seasonal determinations of									
			10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	111,599	At farm:	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
		Losses:	4,340	8,680	13,020	17,360	21,700	26,040	30,380	34,720	39,060	43,399
	156,940		15,500	31,000	46,499	61,999	77,499	92,999	108,499	123,999	139,498	154,998
Torrumbarry	156,940	At farm:	15,694	31,388	47,082	62,776	78,470	94,164	109,858	125,552	141,246	156,940
		Losses:	6,103	12,206	18,310	24,413	30,516	36,619	42,722	48,826	54,929	61,032
	2,594		0,259	0,519	0,778	1,038	1,297	1,557	1,816	2,076	2,335	2,594
Goulburn-Murray Water	13,582	At farm:	22,057	44,113	66,170	88,226	110,283	132,340	154,396	176,453	198,510	220,566
		Losses:	1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,866	12,224	13,582
	5,856		0,386	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
Murray diverters Mitta diverters	98,835		1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
			9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Total	389,406		49,384	98,768	148,151	197,535	246,919	296,303	345,687	395,070	444,454	493,838
Off-take commitments for 100% high reliability entitlements		<i>from Table 1</i>	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574
Total off-take commitments			1582,957	1632,341	1681,725	1731,109	1780,493	1829,876	1879,260	1928,644	1978,028	2027,412

Notes on Tables 1 and 2 of Schedule 1:

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10%, not just in the 10% intervals shown.
- Murray Valley and Torrumbarry systems, excluding the Victorian Mid-Murray Storages, have fixed losses of 80,000 GL and 77,981 GL (including 0,352 GL for Trecco) respectively, plus two variable loss components as follows:
 - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 13,201 GL for Murray Valley and to 24,978 GL for Torrumbarry at an allocation of 100%;
 - for lower-reliability rights, the extra loss is calculated by starting with the at-farm commitments and multiplying by 0.28/0.72 (72% efficiencies has been assumed).
- Allocations against the 22.1 GL of entitlement, added to Table 1 post-Mokoan, for Snowy EWR will commence when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mid-Murray Storages is deemed by the resource manager to be first operated in accordance with clause 8A.
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2.

16. Amendment to Schedule 3

In Schedule 3 of the Order,

- (a) for paragraph 2 under Principles substitute –
‘low-reliability’ with ‘low-reliability entitlements’; and
‘allocation’ with ‘determination’
- (b) for paragraph 3 under Principles substitute –
‘allocation’ with ‘determination’
- (c) for paragraph L under Method substitute –
‘L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
 - Barmah/Millewa forest water and any saved Lindsay water
 - additional distribution loss in particular years, c.13
 - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)’
- (d) for paragraph M under Method substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (e) under paragraph Y substitute –
‘1475 GL’ with ‘1533 GL’.

17. Amendment to Schedule 6

In Schedule 6 of the Order

- (a) under paragraph 1.2, ‘water right or’ is deleted
- (b) under paragraph 5.2, ‘Water Right or’ is deleted.

Dated 24 November 2009

Responsible Minister

TIM HOLDING MP

Minister for Water

MATTHEW McBEATH
Acting Clerk of the Executive Council

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – FIRST MILDURA IRRIGATION TRUST)
CONVERSION FURTHER AMENDING ORDER 2009****Order in Council**

The Governor in Council, under the provisions of the **Water Act 1989**, makes the following Order –

1. Citation

This Order may be cited as the Bulk Entitlement (River Murray – First Mildura Irrigation Trust) Conversion Further Amending Order 2009.

2. Purpose

The purpose of this Order is to make such amendments to the Bulk Entitlement (River Murray – First Mildura Irrigation Trust) Conversion Order 1999 (as amended) that are necessary as a consequence of the decommissioning of Lake Mokoan and the new operational arrangements for the Victorian Mid-Murray Storages. The resulting water savings from decommissioning Lake Mokoan combined with the creation of the Victorian Mid-Murray Storages allow the creation of an unregulated entitlement for the River Murray of 34.3 GL and a high-reliability water entitlement for the Snowy River of 22.1 GL.

3. Empowering Provisions

This Order is made under section 44 of the **Water Act 1989**.

4. Commencement

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

5. Change of reference

Wherever appearing in the Order –

- (a) The term ‘MDBC’ substitute ‘MDBA’;
- (b) The word ‘Commission’ substitute ‘Authority’;
- (c) The term ‘FMIT’s District’ substitute ‘FMID’;
- (d) The term ‘FMIT’ substitute ‘Lower Murray Urban and Rural Water’;
- (e) The term ‘Minister for Conservation’ substitute ‘environment Minister’;
- (f) The term ‘the Snowy Mountains Authority’ substitute ‘Snowy Hydro Limited’;
- (g) The word ‘security’ substitute ‘reliability’, except in Schedule 6, paragraph 5.2; and
- (h) The term ‘lower-security’ substitute ‘low-reliability’.

6. Amendment of clause 4

In clause 4 of the Order –

- (a) for the definition of Goulburn-Murray Water substitute –
‘**Goulburn–Murray Water**’ means the Goulburn-Murray Rural Water Corporation;’
- (b) for the definition of FMIT substitute –
‘**FMID**’ means the First Mildura Irrigation District;’
- (c) for the definition of Minister substitute –
‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to any provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;’
- (d) the definition of ‘LMURW’ is deleted
- (e) the definition of ‘Lower Murray Urban and Rural Water’ is deleted
- (f) for the definition of lower-reliability entitlements substitute –
‘**low-reliability entitlements**’ are the entitlements set out in Table 2 of Schedule 1;’

- (g) in the definition of water allowed to Victoria under the cap substitute –
‘clause 11’ with ‘clause 11 of this Order’
- (h) insert the following definitions –
‘**Lower Murray Urban and Rural Water**’ means the Lower Murray Urban and Rural Water Corporation (LMURW);
‘**Victorian Mid-Murray Storages**’ means Lake Boga, Lake Charm, Kangaroo Lake and Kow Swamp;’

7. Amendment of clause 7

For clause 7.2 of the Order substitute –

- ‘7.2 The resource manager must add to the allocation to Victoria any water that comes from other sources, such as the Victorian Mid-Murray Storages, if that water has not already been included in the allocation to Victoria as ‘useful State tributary inflows’.’

8. Amendment of clause 8

For clause 8.1 of the Order substitute –

- ‘8.1 The resource manager must, in making seasonal determinations, make an initial assessment of whether the allocation to Victoria is sufficient to meet high-reliability entitlements in full, using the following steps. The resource manager must:
- (a) subtract from the allocation to Victoria, adjusted in accordance with clause 7, any entitlements under clauses 9 and 10 for providing environmental flows in the River Murray;
 - (b) subtract from the result obtained under paragraph (a) sufficient provision to cover the losses associated with the operation of the Victorian Mid-Murray Storages;
 - (c) subtract from the result obtained under paragraph (b) the following entitlements not covered in Schedule 1:
 - (i) water for additional distribution losses incurred by relevant River Murray entitlement holders, as allowed for in clause 13;
 - (ii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal allocations are lower than River Murray allocations;
 - (iii) any water carried over from the previous year as allowed in the bulk entitlement Orders of relevant River Murray entitlement holders;
 - (d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, as given in the bottom right-hand cell of Table 1 in Schedule 1.’

9. Insert clause 8A

After clause 8 of the Order insert –

‘8A OPERATION OF VICTORIAN MID-MURRAY STORAGES

- 8A.1 The resource manager must ensure that the Victorian Mid-Murray Storages are operated to maximise their water harvesting capability subject to operating arrangements established under sub-clause 8A.2.
- 8A.2 The resource manager must submit by 1 July each year an annual operating plan for the Victorian Mid-Murray Storages to the Minister, prepared in consultation with the relevant Catchment Management Authority, taking into account the seasonal conditions and including the following:
- (a) target filling curves for minimum and maximum operating levels for each storage;

- (b) operating arrangements for each of the storages under a range of seasonal conditions;
- (c) consideration of flood operation;
- (d) consideration of the environmental water requirements necessary to maintain the environmental values of the Victorian Mid-Murray Storages, including relevant Ramsar listed values, as advised by the relevant Catchment Management Authority; and
- (e) any other relevant matter.

8A.3 The resource manager must report on the operation of the Victorian Mid-Murray Storages against the conditions in the operating plan defined under sub-clause 8A.2.'

10. Amendment to clause 10

- (a) For sub-clause 10.2(b) of the Order, substitute –
 - '(b) 25 GL a year being a low-reliability entitlement which, subject to 10.4, must be made available by the resource manager when the total natural inflow to Hume Reservoir for the preceding months, which vary from 30 months on 1 July in any one year to 35 months on 1 December, exceed the triggers in Table 1 of Schedule 6.'
- (b) For sub-clause 10.6(c) of the Order, substitute –
 - 'low-reliability' with 'low-reliability entitlements'.

11. Amendment to clause 11

- (c) For sub-clause 11.3(a)(ii), 11.3(a)(iii) and 11.3(c) of the Order, substitute –
 - 'low-reliability' with 'low-reliability entitlements'
- (d) For clause 11 of the Order, sub-clause 11.4 is deleted
- (e) For sub-clause 11.6(a) of the Order, substitute –
 - '(a) 1,780 GL multiplied by 10, minus the sum of the actual diversions (net of credits) from the River Murray by River Murray entitlement holders in each of the previous nine years – with the resulting volume adjusted up for water diverted from the upper tributaries;'

12. Amendment to clause 12

- (a) For clause 12 of the Order, substitute –
 - 'maximum allocation possible' with 'maximum determination possible'
- (b) For sub-clause 12(e)(ii) of the Order, substitute –
 - '(ii) a determination may be made below 10% for high-reliability entitlements, by extrapolation;'
- (c) Sub-clause 12 (h)(ii) is deleted.

13. Amendment to clause 24

- (a) For sub-clause 24.1(f) of the Order, substitute –
 - '(f) a portion of the costs incurred by the Victorian storage operator in storing and supplying water from the Victorian Mid-Murray Storages, commensurate with the extent to which the Victorian Mid-Murray Storages water is available for River Murray entitlement holders; and'
- (b) For sub-clause 24.3(c) of the Order, substitute –
 - '(c) the operator of the Victorian Mid-Murray Storages and of the waterways connecting these storages to the River Murray, with responsibility covering storage maintenance and safety, administration and financing, releases, flow measurement, and managing water quality –

- (c) Sub-clause 24.5 (a) (ii) of the Order is deleted.
- (d) For sub-clause 24.5(b) of the Order, substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (e) Sub-clause 24.5 (e) (iii) of the Order is deleted.

14. Amendment to clause 25

- (a) For sub-clause 25.1 of the Order, substitute –
 - ‘(j) assist River Murray entitlement holders as necessary to investigate and deal with significant unauthorised uses of water on the River Murray;
 - (k) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act; and’and insert –
 - ‘(l) account and report on the operation of the Victorian Mid-Murray Storages.’

15. Amendment to Schedule 1

In Schedule 1, substitute –

‘SCHEDULE 1: TABLES ALLOCATING SHARES OF WATER AVAILABLE (clauses 6, 12 of the Order)

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability Entitlements (GL)		Off-take commitments for low reliability seasonal determinations of									
			10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	111,599	At farm:	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
		Losses:	4,340	8,680	13,020	17,360	21,700	26,040	30,380	34,720	39,060	43,399
	155,940		15,500	31,000	46,499	61,999	77,499	92,999	108,499	123,999	139,498	154,998
Torrumbarry	156,940	At farm:	15,694	31,388	47,082	62,776	78,470	94,164	109,858	125,552	141,246	156,940
		Losses:	6,103	12,206	18,310	24,413	30,516	36,619	42,722	48,826	54,929	61,032
	2,594		0,259	0,519	0,778	1,038	1,297	1,557	1,816	2,076	2,335	2,594
	22,057		44,113	66,170	88,226	110,283	132,340	154,396	176,453	198,510	220,566	
Murray diverters Mitta diverters	13,582		1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,866	12,224	13,582
	5,856		0,386	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
	98,835		1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
Environment Minister - Living Murray			9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Total	389,406		49,384	98,768	148,151	197,535	246,919	296,303	345,687	395,070	444,454	493,838
Off-take commitments for 100% high reliability entitlements		from Table 1	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574
Total off-take commitments			1582,957	1632,341	1681,725	1731,109	1780,493	1829,876	1879,260	1928,644	1978,028	2027,412

Notes on Tables 1 and 2 of Schedule 1:

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10%, not just in the 10% intervals shown.
- Murray Valley and Torrumbarry systems, excluding the Victorian Mid-Murray Storages, have fixed losses of 80,000 GL and 77,981 GL (including 0,352 GL for Trecco) respectively, plus two variable loss components as follows:
 - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 13,201 GL for Murray Valley and to 24,978 GL for Torrumbarry at an allocation of 100%;
 - for lower-reliability rights, the extra loss is calculated by starting with the at-farm commitments and multiplying by 0.28/0.72 (72% efficiencies has been assumed).
- Allocations against the 22.1 GL of entitlement, added to Table 1 post-Mokoan, for Snowy EWR will commence when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mid-Murray Storages is deemed by the resource manager to be first operated in accordance with clause 8A.
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2.

16. Amendment to Schedule 3

In Schedule 3 of the Order,

- (a) for paragraph 2 under Principles substitute –
‘low-reliability’ with ‘low-reliability entitlements’; and
‘allocation’ with ‘determination’
- (b) for paragraph 3 under Principles substitute –
‘allocation’ with ‘determination’
- (c) for paragraph L under Method substitute –
‘L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
 - Barmah/Millewa forest water and any saved Lindsay water
 - additional distribution loss in particular years, c.13
 - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)’
- (d) for paragraph M under Method substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (e) under paragraph Y substitute –
‘1475 GL’ with ‘1533 GL’.

17. Amendment to Schedule 6

In Schedule 6 of the Order

- (a) under paragraph 1.2, ‘water right or’ is deleted; and
- (b) under paragraph 5.2, ‘Water Right or’ is deleted.

Dated 24 November 2009

Responsible Minister
TIM HOLDING MP
Minister for Water

MATTHEW McBEATH
Acting Clerk of the Executive Council

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – GOULBURN–MURRAY WATER)
CONVERSION FURTHER AMENDING ORDER 2009****Order in Council**

The Governor in Council, under the provisions of the **Water Act 1989**, makes the following Order –

1. Citation

This Order may be cited as the Bulk Entitlement (River Murray – Goulburn–Murray Water) Conversion Further Amending Order 2009.

2. Purpose

The purpose of this Order is to make such amendments to the Bulk Entitlement (River Murray – Goulburn–Murray Water) Conversion Order 1999 (as amended) that are necessary as a consequence of the decommissioning of Lake Mokoan and the new operational arrangements for the Victorian Mid-Murray Storages. The resulting water savings from decommissioning Lake Mokoan combined with the creation of the Victorian Mid-Murray Storages allow the creation of an unregulated entitlement for the River Murray of 34.3 GL and a high-reliability water entitlement for the Snowy River of 22.1 GL.

3. Empowering Provisions

This Order is made under section 44 of the **Water Act 1989**.

4. Commencement

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

5. Change of reference

Wherever appearing in the Order –

- (a) The term ‘MDBC’ substitute ‘MDBA’;
- (b) The word ‘Commission’ substitute ‘Authority’;
- (c) The term ‘FMIT’s District’ substitute ‘FMID’;
- (d) The term ‘Minister for Conservation’ substitute ‘environment Minister’;
- (e) The term ‘the Snowy Mountains Authority’ substitute ‘Snowy Hydro Limited’;
- (f) The word ‘security’ substitute ‘reliability’, except in Schedule 6, paragraph 5.2; and
- (g) The term ‘lower-security’ substitute ‘low-reliability’.

6. Amendment of clause 4

In clause 4 of the Order –

- (a) for the definition of Goulburn–Murray Water substitute –
‘**Goulburn–Murray Water**’ means the Goulburn–Murray Rural Water Corporation;’
- (b) for the definition of FMIT substitute –
‘**FMID**’ means the First Mildura Irrigation District;’
- (c) for the definition of Minister substitute –
‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to any provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;’
- (d) the definition of ‘LMURW’ is deleted
- (e) the definition of ‘Lower Murray Urban and Rural Water’ is deleted
- (f) in the definition of water allowed to Victoria under the cap substitute –
‘clause 11’ with ‘clause 11 of this Order’

- (g) insert the following definitions –
‘ **Lower Murray Urban and Rural Water**’ means the Lower Murray Urban and Rural Water Corporation (LMURW);
‘ **Victorian Mid-Murray Storages**’ means Lake Boga, Lake Charm, Kangaroo Lake and Kow Swamp;’

7. Amendment of clause 6

For sub-clause 6.1(d) of the Order substitute –

- ‘(d) up to 40 GL to cover any shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal determinations are lower than River Murray seasonal determinations.’

8. Amendment of clause 7

For clause 7.2 of the Order substitute –

- ‘7.2 The resource manager must add to the allocation to Victoria any water that comes from other sources, such as the Victorian Mid-Murray Storages, if that water has not already been included in the allocation to Victoria as ‘useful State tributary inflows’.’

9. Amendment of clause 8

For clause 8.1 of the Order substitute –

- ‘8.1 The resource manager must, in making seasonal determinations, make an initial assessment of whether the allocation to Victoria is sufficient to meet high-reliability entitlements in full, using the following steps. The resource manager must:
- (a) subtract from the allocation to Victoria, adjusted in accordance with clause 7, any entitlements under clauses 9 and 10 for providing environmental flows in the River Murray;
 - (b) subtract from the result obtained under paragraph (a) sufficient provision to cover the losses associated with the operation of the Victorian Mid-Murray Storages;
 - (c) subtract from the result obtained under paragraph (b) the following entitlements not covered in Schedule 1:
 - (i) water for additional distribution losses incurred by relevant River Murray entitlement holders, as allowed for in clause 13;
 - (ii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal allocations are lower than River Murray allocations;
 - (iii) any water carried over from the previous year by persons holding an entitlement specified in clause 15.
 - (d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, as given in the bottom right-hand cell of Table 1 in Schedule 1.’

10. Insert clause 8A

After clause 8 of the Order insert –

8A OPERATION OF VICTORIAN MID-MURRAY STORAGES

- 8A.1 The resource manager must ensure that the Victorian Mid-Murray Storages are operated to maximise their water harvesting capability subject to operating arrangements established under sub-clause 8A.2.

8A.2 The resource manager must submit by 1 July each year an annual operating plan for the Victorian Mid-Murray Storages to the Minister, prepared in consultation with the relevant Catchment Management Authority, taking into account the seasonal conditions and including the following:

- (a) target filling curves for minimum and maximum operating levels for each storage;
- (b) operating arrangements for each of the storages under a range of seasonal conditions;
- (c) consideration of flood operation;
- (d) consideration of the environmental water requirements necessary to maintain the environmental values of the Victorian Mid-Murray Storages, including relevant Ramsar listed values, as advised by the relevant Catchment Management Authority; and
- (e) any other relevant matter.

8A.3 The resource manager must report on the operation of the Victorian Mid-Murray Storages against the conditions in the operating plan defined under sub-clause 8A.2.'

11. Amendment to clause 10

- (a) For sub-clause 10.2(b) of the Order, substitute –
 - '(b) 25 GL a year being a low-reliability entitlement which, subject to 10.4, must be made available by the resource manager when the total natural inflow to Hume Reservoir for the preceding months, which vary from 30 months on 1 July in any one year to 35 months on 1 December, exceed the triggers in Table 1 of Schedule 6.'
- (b) For sub-clause 10.6(c) of the Order, substitute –
 - 'low-reliability' with 'low-reliability entitlements'.

12. Amendment to clause 11

- (a) For sub-clause 11.3(a)(ii), 11.3(a)(iii) and 11.3(c) of the Order, substitute –
 - 'low-reliability' with 'low-reliability entitlements'
- (b) For clause 11 of the Order, sub-clause 11.4 is deleted
- (c) For sub-clause 11.6(a) of the Order, substitute –
 - '(a) 1,780 GL multiplied by 10, minus the sum of the actual diversions (net of credits) from the River Murray by River Murray entitlement holders in each of the previous nine years – with the resulting volume adjusted up for water diverted from the upper tributaries;'

13. Amendment to clause 12

- (a) For clause 12 of the Order, substitute –
 - 'maximum allocation possible' with 'maximum determination possible'
- (b) For sub-clause 12(d)(iii) of the Order, substitute –
 - '(iii) up to 40 GL to cover the shortfall in supply from the Goulburn system to the Broken Creek part of Murray Valley when Goulburn seasonal determinations are lower than River Murray seasonal determinations;'
- (c) For sub-clause 12(e)(ii) of the Order, substitute –
 - '(ii) a determination may be made below 10% for high-reliability entitlements, by extrapolation;'
- (d) For sub-clause 12(g) of the Order, substitute –
 - 'Tables 1 and 2' with 'Tables 1 and 2 of Schedule 1'.

14. Amendment to clause 13

- (a) For clause 13.1(a) of the Order, substitute –
 - ‘(a) in determining the water available in August, and subject to paragraph (b) in subsequent months through the year, set aside an allowance of 77 GL for additional Torrumbarry distribution losses;’
- (b) For sub-clause 13.1(b) of the Order, substitute –
 - ‘(b) if the streamflow recorded in the Loddon River at Appin South exceeds 2,100 ML in any month from August to November, reduce the allowance specified in paragraph (a) in the following month:
 - (i) to 38.5 GL after the first month it happens; and
 - (ii) to 0 GL if it happens in a second month;unless the River Murray entitlement holders jointly propose and the Minister agrees in writing to some other arrangement for reducing the allowance.’
- (c) For sub-clauses 13.2(a)(i) and 13.2(a)(ii) of the Order, substitute –
 - ‘allocation’ with ‘determination’
- (d) For sub-clause 13.2(b)(i) of the Order, substitute –
 - ‘allocations’ with ‘determinations’
- (e) For sub-clause 13.2(e) of the Order, substitute –
 - ‘allocation’ with ‘determination’.

15. Amendment to clause 22

- (a) For sub-clause 22.1 of the Order, insert –
 - ‘(n) the annual Torrumbarry and Murray Valley distribution system losses and the Victorian Mid-Murray Storages losses, and the methods used to calculate each of these losses;
 - (o) the operation of the Victorian Mid-Murray Storages against the annual operating plan, as defined under sub-clause 8A.2.’
- (b) For sub-clause 22.5(b)(ii), substitute –
 - ‘(e) to (m)’ with ‘(e) to (o)’.

16. Amendment to clause 24

- (a) For sub-clause 24.1(f) of the Order, substitute –
 - ‘(f) a portion of the costs incurred by the Victorian storage operator in storing and supplying water from the Victorian Mid-Murray Storages, commensurate with the extent to which the Victorian Mid-Murray Storages water is available for River Murray entitlement holders; and’
- (b) For sub-clause 24.3(c) of the Order, substitute –
 - ‘(c) the operator of the Victorian Mid-Murray Storages and of the channels and modified waterways connecting these storages to the River Murray, with responsibility covering storage maintenance and safety, administration and financing, releases, flow measurement, and managing water quality –
and if more than one person has, or is appointed to, these roles, either:’
- (c) Sub-clause 24.5 (a) (ii) of the Order is deleted
- (d) For sub-clause 24.5(b) of the Order, substitute –
 - ‘low-reliability’ with ‘low-reliability entitlements’
- (e) Sub-clause 24.5 (e) (iii) of the Order is deleted.

17. Amendment to clause 25

- (a) For sub-clause 25.1 of the Order, substitute –
- ‘(j) assist River Murray entitlement holders as necessary to investigate and deal with significant unauthorised uses of water on the River Murray;
 - (k) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act; and’
- and insert –
- ‘(l) account and report on the operation of the Victorian Mid-Murray Storages.’

18. Amendment to Schedule 1

In Schedule 1, substitute –

‘SCHEDULE 1: TABLES ALLOCATING SHARES OF WATER AVAILABLE (clauses 6, 12 of the Order)

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability Entitlements (GL)	Off-take commitments for low reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	At farm:	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
	Losses:	4,340	8,680	13,020	17,360	21,700	26,040	30,380	34,720	39,060	43,399
		15,500	31,000	46,499	61,999	77,499	108,499	108,499	123,999	139,498	154,998
Torrumbarry	At farm:	15,694	31,388	47,082	62,776	78,470	94,164	109,858	125,552	141,246	156,940
	Losses:	6,103	12,206	18,310	24,413	30,516	36,619	42,722	48,826	54,929	61,032
Pental Is	At farm:	0,259	0,519	0,778	1,038	1,297	1,557	1,816	2,076	2,335	2,594
	Losses:	22,057	44,113	66,170	88,226	110,283	132,340	154,396	176,453	198,510	220,566
Murray diverters Mitta diverters	At farm:	1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,865	12,224	13,582
	Losses:	0,586	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
		1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
Environment Minister - Living Murray		9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Total		49,384	98,768	148,151	197,535	246,919	296,303	345,687	395,070	444,454	493,838
Off-take commitments for 100% high reliability entitlements	from Table 1	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574	1533,574
Total off-take commitments		1582,957	1632,341	1681,725	1731,109	1780,493	1829,876	1879,260	1928,644	1978,028	2027,412

Notes on Tables 1 and 2 of Schedule 1:

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10%, not just in the 10% intervals shown.
- Murray Valley and Torrumbarry systems, excluding the Victorian Mid-Murray Storages, have fixed losses of 80,000 GL and 77,981 GL (including 0.352 GL for Tresco) respectively, plus two variable loss components as follows:
 - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 13,201 GL for Murray Valley and to 24,978 GL for Torrumbarry at an allocation of 100%;
 - for lower-reliability rights, the extra loss is calculated by starting with the at-farm commitments and multiplying by 0.28/0.72 (72% efficiencies has been assumed).
- Allocations against the 22.1 GL of entitlement, added to Table 1, post-Mokoan, for Snowy EWR will commence when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mid-Murray Storages is deemed by the resource manager to be first operated in accordance with clause 8A.
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2.

19. Amendment to Schedule 3

In Schedule 3 of the Order,

- (a) for paragraph 2 under Principles substitute –
‘low-reliability’ with ‘low-reliability entitlements’; and
‘allocation’ with ‘determination’
- (b) for paragraph 3 under Principles substitute –
‘allocation’ with ‘determination’
- (c) for paragraph L under Method substitute –
‘L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
 - Barmah/Millewa forest water and any saved Lindsay water
 - additional distribution loss in particular years, c.13
 - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)’
- (d) for paragraph M under Method substitute –
‘low-reliability’ with ‘low-reliability entitlements’
- (e) under paragraph Y substitute –
‘1475 GL’ with ‘1533 GL’.

20. Amendment to Schedule 4

In Schedule 4 of the Order, in the table of Return Points

- (a) under Torrumbarry returns, insert, as a new dot point –
‘Lake Charm outfall channel’.

21. Amendment to Schedule 5

In Schedule 5 of the Order, for the Table after paragraph (a) substitute –

Description of Entitlement	Nominal Volume (ML)	Comment
MURRAY VALLEY		
G-MW retail customers		
Water shares	245,860.5	
Supplies by Agreement	39.3	
Other	0.0	
Total	245,899.8	
Fixed loss M Valley	80,000.0	
Var loss M Valley @ 100%	13,201.0	
Total Loss	93,201.0	
Total G-MW MV	339,100.8	Schedule 1 entitlement
Other BEs		
Katamatite	84.0	Supplies to Goulb Valley Water; Goulb Valley Water's R Murray Entitlements
Picola	44.0	
Total	128.0	
Entitlements supplied in Broken Creek System		
G-MW retail customers		
Water shares Broken Ck	26,619.3	
Broken Ck Supplies by Agreement	4.3	
Operational loss		Up to 20 GL in Broken Ck which runs back to River Murray at Rice's Weir
Loss in getting water via Murray Valley	11,076.2	Estimate at 100% allocation
Total	37,699.8	
Other BEs (supplied via Broken Ck system)		
Numurkah (Broken Ck)	1,206.0	Supplies to Goulb Vall Water; Goulb Vall Water's R Murray Entitlements
Nathalia (Broken Ck)	652.0	
Total	1,858.0	
Total, Broken Ck	39,557.8	These are Murray entitlements with most of water supplied from the Goulburn system and only top-up from the Murray therefore are not included in Schedule 1
Total Murray Valley (excluding Broken Ck)	246,027.8	
Total Murray Valley (including Broken Ck)	283,727.6	
TORRUMBARRY (including Woorinen and Tresco)		
G-MW retail customers		
Water Shares Kerang/Cohuna and Swan Hill	333,551.4	
Water shares Woorinen	12,519.0	
Water shares Tresco	8,119.3	
Supplies by Agreement	2,160.1	
Other	0.0	
Total	356,349.8	
Fixed loss excl Tresco	77,629.0	
Fixed loss Tresco	352.0	
Variable loss at 100% alloc	24,978.2	
Total Losses	102,959.2	
Water Shares Pental Island	5,426.0	
Other	2.0	Commercial and industrial
Total Pental Island	5,428.0	
Total G-MW Torrumbarry	464,737.0	Schedule 1 entitlement
Other BEs (supplied via Torrumbarry system)		
Cohuna	677.0	Supplies to Coliban Water; Coliban Water's R Murray Entitlements
Gunbower	131.0	
Leitchville	422.0	
Kerang	2,100.0	Supplies to LMW; LMW's R Murray Entitlements
Murrabit	60.0	
Flora and Fauna	27,600.0	
Total	30,990.0	
Total Torrumbarry - excluding loss	387,339.8	

22. Amendment to Schedule 6

In Schedule 6 of the Order

- (a) under paragraph 1.2, 'water right or' is deleted; and
- (b) under paragraph 5.2, 'Water Right or' is deleted.

Dated 24 November 2009

Responsible Minister

TIM HOLDING MP

Minister for Water

MATTHEW McBEATH
Acting Clerk of the Executive Council

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