



# **Victoria Government Gazette**

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**No. G 13 Thursday 26 March 2009**

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**GENERAL**

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**Advertisers Please Note**

As from 26 March 2009

The last Special Gazette was No. 73 dated 25 March 2009.

The last Periodical Gazette was No. 2 dated 31 October 2008.

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**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)  
EASTER HOLIDAYS 2009**

**Please Note:**

The Victoria Government Gazette (General) published immediately after Easter (G16/09) will be published on **Thursday 16 April 2009**.

**Copy deadlines:**

Private Advertisements **9.30 am on Thursday 9 April 2009**

Government and Outer

Budget Sector Agencies Notices **9.30 am on Tuesday 14 April 2009**

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

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**VICTORIA GOVERNMENT GAZETTE**

**Subscribers and Advertisers**

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Website: [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)

JENNY NOAKES  
Government Gazette Officer

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**PRIVATE ADVERTISEMENTS**

Re: MAVIS VERONICA McKIERNAN, late of Good Shepherd Nursing Home, 2 Clarke Street, Abbotsford, Victoria, but formerly of 2/10 Wilson Street, Ferntree Gully, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 December 2008, are required by the trustees, Anthony David McKiernan and John Francis Natoli, to send particulars to the trustees, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

A. B. NATOLI PTY, solicitors,  
24 Cotham Road, Kew 3101.

Re: EVA ELIZABETH MORRIS, late of 136 Peel Street, Kew, Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 August 2008, are required by the trustees, Peter David Nevin and Rodney John Nevin, to send particulars of their claim to the trustees by a date not later than two months from the date of publication hereof, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they have notice.

A. B. NATOLI PTY, solicitors,  
24 Cotham Road, Kew 3101.

Re: Estate ROSA VICTORIA ORR, deceased.

In the estate of ROSA VICTORIA ORR of 2 Kitchener Street, Leitchville, in the State of Victoria, widow, deceased.

Creditors, next-of-kin and all other persons having claims against the estate of the said deceased, are required by William John Roberts and Colin Bruce Ibbs, the executors of the Will of the said deceased, to send particulars of such claims to them, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

BASILE & CO. PTY LTD, legal practitioners,  
46 Wellington Street, Kerang, Vic. 3579.

Re: EILEEN MAY WOOLRICH, late of 5 Lorraine Court, Wheelers Hill, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 October 2008, are required by the trustee, Dennis Ian Sillett, care of 44 Douglas Street, Noble Park, Victoria, electronics technician, to send particulars to the trustee by 5 June 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Re: MARY AGNES GREEN, late of 139 Dallas Drive, Broadmeadows, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 January 2009, are required by the trustee, Kevin Green, 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 ELVIE MAY DUTHIE.

Creditors, next-of-kin or others having claims in respect of the estate of ELVIE MAY DUTHIE, late of 17 Brock Street, Woomelang, in the State of Victoria, widow, deceased, who died on 4 February 2009, are to send particulars of their claim to the executor, care of the undermentioned legal practitioners, by 27 June 2009, after which the executor will distribute the assets, having regard only to the claims of which he then has notice.

DWYER, MAHON & ROBERTSON,  
legal practitioners,  
Beveridge Dome, 194–208 Beveridge Street,  
Swan Hill 3585.

Re: Estate of PETER ILLIA TATA.

Creditors, next-of-kin or others having claims in respect of the estate of PETER ILLIA TATA, late of 15 Malcolm Street, Nyah, in the State of Victoria, pensioner, deceased, who died on 2 February 2009, are to send particulars of their claim to the executor, care of the undermentioned legal practitioners, by 13 June 2009, after which the executor will distribute the assets, having regard only to the claims of which he then has notice.

DWYER, MAHON & ROBERTSON,  
legal practitioners,  
Beveridge Dome, 194–208 Beveridge Street,  
Swan Hill 3585.

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EDWARD STEPHEN RATCLIFFE, late of 3 Cameron Street, Cheltenham, company secretary, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 December 2008, are required by the trustee, care of Harris & Chambers Lawyers of 338 Charman Road, Cheltenham 3192, to send particulars to them by 27 May 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

HARRIS & CHAMBERS LAWYERS,  
338 Charman Road, Cheltenham 3192.

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ROBERT KEITH JOHN WALLER, late of Gardenia Hostel, 87 Argyle Avenue, Chelsea, pastry cook, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 January 2009, are required by the trustee, care of Harris & Chambers Lawyers of 338 Charman Road, Cheltenham 3192, to send particulars to them by 27 May 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

HARRIS & CHAMBERS LAWYERS,  
338 Charman Road, Cheltenham 3192.

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Re: SHIRLEY MARGARET WRIGHT, late of Unit 10, 42 Tanti Avenue, Mornington, Victoria, retired librarian, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 November 2008, are required by the trustee, Peter John Bodey, to send particulars to the undermentioned solicitors, by a date not later than two months from the date of 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.

HUNT, McCULLOUGH, KOLLIAS & CO.,  
solicitors,  
210 Main Street, Mornington 3931.

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JOHN MATTHEW CUMMINS, late of 74 Dempsey Street, Wycheproof.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 February 2009, are required by the personal representative, Francis Xavier Cummins, to send particulars to him, care of the solicitor named below, by 31 May 2009, after which date the personal representative may distribute the assets, having regard only to the claims of which he then has notice.

KAREN LEE PROBST, solicitor,  
116 Napier Street, St Arnaud 3478.

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ELLEN MARGARET FITZSIMMONS, late of 23 Jubilee Street, Wycheproof.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 February 2009, are required by the personal representatives, Deneice Margaret Reith and Laurence James Fitzsimmons, to send particulars to them, care of the solicitor named below, by 31 May 2009, after which date the personal representatives may distribute the assets, having regard only to the claims of which they then have notice.

KAREN LEE PROBST, solicitor,  
116 Napier Street, St Arnaud 3478.

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Re: KEVIN JOHN TOMS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 June 2007, are required by the trustee, Margaret Anne Toms, to send particulars

to her, care of the undersigned, by 27 May 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

KIM BAINBRIDGE LEGAL SERVICE  
PTY LTD trading as Garden & Green,  
4 McCallum Street, Swan Hill, Vic. 3585.

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Re: EVELYN GLADYS BIGGINS, late of Tarralla Residential Aged Care Facility, 9 Jackson Street, Croydon, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 October 2008, are required by the trustee, Graeme Russell Biggins, to send particulars to the trustee, care of the undermentioned solicitors, by 29 May 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MAHONS with Yuncken & Yuncken, solicitors,  
178 Whitehorse Road, Blackburn 3130,  
CD2081867.

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Re: ROY MARSHALL, late of Geoffrey Cutter Centre, Kenny Street, Ballarat, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 December 2008, are required by the trustee to send particulars to him, at the undermentioned address, by 28 May 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

MANN DOBSON LAWYERS,  
14 Dawson Street South, Ballarat 3350.

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Re: JEANEVELYN CHARLTON, in the Will called Jean Evelyn Duffy, late of 13 Lewis Road, Wantirna South, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 January 2008, are required by the trustee, Andrew David Hilton, the executive director of the Australian Red Cross Society Victorian Division, to send particulars to his solicitors at the address below by 25 May 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MASON SIER TURNBULL, lawyers,  
315 Ferntree Gully Road, Mount Waverley 3149.

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Creditors, next-of-kin and others having claims in respect of the estate of MARIA HELENA GRZEBYTA, late of 20 Chicago Street, Maribyrnong, in the State of Victoria, pensioner, deceased, who died on 30 January 2009, are required to send particulars of such claims to the executrix, care of the undermentioned solicitors, by 26 May 2009, after which date the executrix will convey or distribute the assets, having regard only to the claims of which the executrix then has notice.

PIETRZAK SOLICITORS,  
222 La Trobe Street, Melbourne 3000.

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Creditors, next-of-kin or others having claims in respect of the estate of COLIN HUMPHREY BROWN, deceased, who died on 16 December 2008, are to send particulars of their claims to the executors, care of the undermentioned solicitors, by 28 May 2009, after which date the executors will distribute the assets, having regard only to the claims of which the executors then have notice.

RIGBY COOKE LAWYERS,  
Level 13, 469 La Trobe Street, Melbourne,  
Victoria 3000.

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Re: HOI FUNG, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 June 2008, are required by the trustees, William Hoi Fung of 24 Cope Street, Lane Cove, New South Wales, and Karen Shai-Hee of 9 Rockwell Place, West Pennant Hills, New South Wales, to send particulars to the trustees by 29 May 2009, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

SEPTIMUS JONES & LEE, solicitors,  
Level 5/99 William Street, Melbourne 3000.

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JESSIE ADIE HARRIS, late of 47 Casuarina Drive, Frankston South, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 31 December 2008, are required by the executors, Karen Pfiel and Donna Brain,

to send particulars to them, care of Stidston & Williams Weblaw, by 30 May 2009, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

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Re: Estate of STANLEY WENTWORTH  
STOUT, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of STANLEY WENTWORTH STOUT, late of 82 Stanhope Street, Malvern, in the State of Victoria, deceased, who died on 11 June 2008, are required to send particulars of their claims to Equity Trustees Limited, ACN 004 031 298, of Level 2, 575 Bourke Street, Melbourne, Victoria, the executor of the Will of the deceased, by 20 May 2009, after which date the executor may distribute the assets, having regard only to the claims of which it then has notice.

THOMPSON & THOMPSON,  
legal practitioners,  
143 Koornang Road, Carnegie, Vic. 3163.

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VERA BERKELEY IRWIN, late of Amity at Bendigo, Holdsworth Road, Bendigo, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 27 May 2008, are required to send particulars of their claims to the executors, Peter Gordon Irwin and Susan Ivy Minne, care of the undermentioned solicitors, by 28 May 2009, after which date the said executors will distribute the assets, having regard only to the claims of which they then have notice.

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

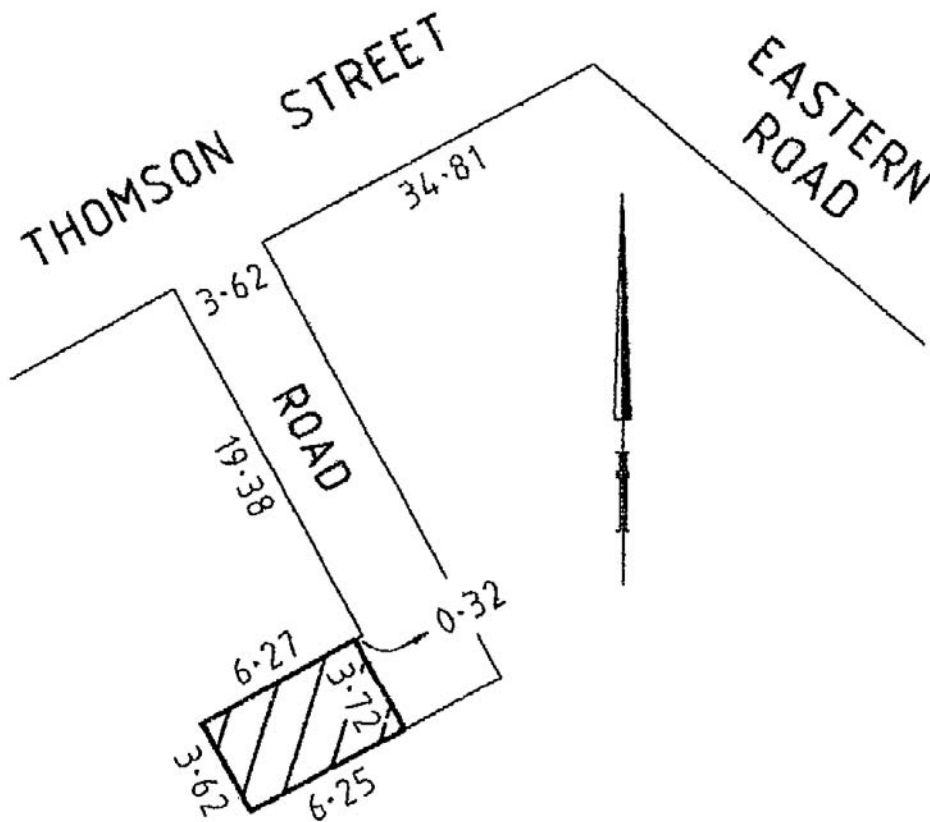
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# GOVERNMENT AND OUTER BUDGET SECTOR AGENCIES NOTICES

## CITY OF PORT PHILLIP

### Discontinuance of Road

Notice is hereby given that the Port Phillip City Council, at its ordinary meeting on 18 December 2008, formed the opinion that the section of road shown hatched on the plan below is not reasonably required as a road for public use and resolved to discontinue the road, and having advertised and served notices regarding the proposed discontinuance and hearing submissions under section 223 of the **Local Government Act 1989**, orders that the road at the rear 208 Albert Road, South Melbourne, be discontinued pursuant to section 206 and schedule 10, clause 3 of the said Act, and the land of the discontinued road be sold by private treaty to the owners of the land abutting the road.



DARRELL TRELOAR  
Chief Executive Officer (Interim)



**Public Holidays Act 1993****APPOINTMENT OF  
LOCAL PUBLIC HOLIDAY**

The **Public Holidays Act 1993** allows non-metropolitan Councils to appoint one day or two half days annually as public holidays within the municipal district.

Notice is given that the Greater Bendigo City Council has appointed Wednesday 28 October 2009, being Bendigo Cup Day, as a public holiday in lieu of Melbourne Cup Day throughout the City of Greater Bendigo.

CRAIG NIEMANN  
Chief Executive

**Undertaking a Review of the  
Road Management Plan**

In accordance with the **Road Management Act 2004** and Road Management (General) Regulations 2005, notice is hereby given that Council proposes to amend its road management plan and the amendment relates to the determination of standards of construction, inspection, maintenance, repair, risk management and road register.

The purpose of the amendment is to adjust the level of service currently being provided to ensure that it matches the available funding.

Copies of the amended Road Management Plan are available for viewing at each of the council's Customer Service Centres.

Any person who wishes to make comment to the proposed Road Management Plan may make a submission in writing to Council by 22 April 2009.

Submissions should be addressed to The Chief Executive Officer, Buloke Shire Council, PO Box 1, Wycheproof, Victoria 3527. Enquiries should be directed to Mr Ian Palmer, Manager Assets and Infrastructure on (03) 5478 0140.

WARWICK HEINE  
Chief Executive Officer



Notice is given, in accordance with section 112(2) of the **Local Government Act 1989**, that the City of Maribyrnong has made amendments to its Code of Meeting Procedure.

The purpose of the Code of Meeting Procedure is to regulate the proceedings of meetings of the Council and special committees, and is incorporated by reference into the Council's Governance Local Law.

Amendments to the Code respond to a number of changes made to the **Local Government Act 1989** in December 2008, including procedure for election of the Mayor; changes to conflicts of interest directions, and the quorums (for Council or special committee meetings of Council).

A copy of the Code of Meeting Procedure may be inspected at the Town Hall, corner Napier and Hyde Streets, Footscray.

JENNY McMAHON  
Acting Chief Executive Officer

**WELLINGTON SHIRE COUNCIL****Notice to Review a Road Management Plan  
Seeking Feedback on Road Management Plan**

The Wellington Shire Road Management Plan (August 2004) has been reviewed in accordance with the **Road Management Act 2004**. This plan provides information on how Council will manage the maintenance of its public road infrastructure in a coordinated manner.

The Council has responsibility for over 3,300 km of sealed and unsealed roads in Wellington Shire. Roads in the Wellington Shire that Council is not responsible for are managed by other road authorities such as VicRoads, DSE and corporate bodies. Typically these include arterial roads, private streets, multi-unit developments and tracks in state parks.

Wellington Shire's Road Management Plan was prepared in response to the **Road Management Act 2004** to establish requirements for the responsible management of public roads in Wellington Shire and has now been reviewed as required under the **Road Management Act 2004**.

A copy of the plan is available for viewing at the council's Sale and Yarram Customer Service Centres, and on the Council's website [www.wellington.vic.gov.au](http://www.wellington.vic.gov.au). Alternatively contact Wellington Shire Council on 1300 366 244 for a copy.

Feedback should be submitted in writing before close of business on Monday 27 April 2009 to: Chief Executive Officer, Wellington Shire Council, PO Box 506, Sale, Vic. 3850.



### **Planning and Environment Act 1987**

#### **BRIMBANK PLANNING SCHEME**

##### **Notice of Preparation of Amendment**

##### **Amendment C118**

##### **Authorisation A01249**

The Brimbank City Council has prepared Amendment C118 to the Brimbank Planning Scheme.

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

The land affected by the Amendment is 344 Taylors Road, Delahey, 3, 5 and 7 Patonga Drive, 57 Frost Drive, Delahey, and part of the road identified as Taylors Road and Frost Drive, Delahey.

The Amendment proposes to rezone part of the land at 344 Taylors Road, Delahey, 3, 5 and 7 Patonga Drive, 57 Frost Drive, Delahey, and part of the road identified as Taylors Road and Frost Drive, Delahey, from an Urban Floodway Zone to a 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, Brimbank City Council, Sunshine Harvester Customer Service Centre, 301 Hampshire Road, Sunshine; or Brimbank City Council, Keilor Office Customer Service Centre, Municipal Office, Old Calder Highway (corner Borrell Street), Keilor; and at the Department of Planning and Community Development website at [www.dcpd.vic.gov.au/planning/publicinspection](http://www.dcpd.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 4 May 2009. A submission must be sent to the Strategic Planning Department, Brimbank City Council, PO Box 70, Sunshine, Victoria 3020.

Please note that if you do lodge a submission, it will be available to the applicant and other interested persons. This is a requirement under the **Planning and Environment Act 1987** that Council must comply with. Confidential submissions cannot be accepted.

NICHOLAS FOA  
Chief Executive Officer

### **Planning and Environment Act 1987**

#### **MAROONDAH PLANNING SCHEME**

##### **Notice of Preparation of Amendment**

##### **Amendment C70**

##### **Authorisation A1093**

The Maroondah City Council has prepared Amendment C70 to the Maroondah Planning Scheme.

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

The area affected by the Amendment is land generally fronting Maroondah Highway, defined by the railway line to the south, New Street to the east, properties fronting Maroondah Highway (for a depth of approximately 100 metres north of Maroondah Highway) and Dampier Grove/ Heatherdale Road to the west. This area is referred to as the Ringwood Western Gateway precinct.

The Amendment proposes to:

- rezone the land at 8–12 Maroondah Highway, Ringwood, from the Industrial 1 Zone to the Business 2 Zone;
- amend Clause 22.07 to include the purposes of the Western Gateway Urban Design Review;
- include the Ringwood Western Gateway Urban Design Review as a reference document in the Maroondah Planning Scheme; and

- extend the Design and Development Overlay Schedule 3 to apply to the land at 8–12 Maroondah Highway, Ringwood, to include nominated building heights.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the offices of the planning authority, Maroondah City Council at the following locations: City Offices Service Centre, Braeside Avenue, Ringwood; Eastland Service Centre, Level 2, Shop G104, Eastland Shopping Centre, Ringwood; Civic Square Services Centre, Civic Square, Croydon; Croydon Library, Civic Square, Croydon; Ringwood Library, Ringwood Plaza, Ringwood; and at the Department of Planning and Community Development website: [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

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

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

The closing date for submissions is 27 April 2009. A submission must be sent to Phil Turner, Director City Development, Maroondah City Council, PO Box 156, Ringwood 3134.

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### **Planning and Environment Act 1987**

#### **MELBOURNE PLANNING SCHEME**

##### **Notice of Preparation of Amendment**

##### **Amendment C135**

##### **Authorisation A01289**

Notice is hereby given that reference to the zoning of land at 1 Nottingham Street, Kensington, published on page 653, G12 of the Victoria Government Gazette, dated 19 March 2009, is incorrect. This land is currently located in a Residential 1 Zone and not, as previously stated, located in an Industrial 3 Zone. The notice below replaces the notice previously published in the Government Gazette.

The City of Melbourne has prepared Amendment C135 to the Melbourne Planning Scheme.

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

The Amendment proposes the following:

- rezone 203, 225, 235 and 247 Racecourse Road, Kensington, from an Industrial 3 Zone to a Business 3 Zone and apply an Environmental Audit Overlay to the sites;
- rezone 1 Nottingham Street, Kensington, from a Residential 1 Zone to a Business 3 Zone and apply an Environmental Audit Overlay to the site; and
- rezone 1 Rankins Road from an Industrial 3 Zone to a Business 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 which is the City of Melbourne, Level 3, 240 Little Collins Street, Melbourne, Victoria 3000; and at the Department of Planning and Community Development website [www.dpcd.vic.gov.au/planning/publicinspection](http://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 Monday 4 May 2009. A submission must be sent to: Robyn Hellman, Coordinator Local Policy, Strategic Planning and Sustainability, City of Melbourne, PO Box 1603, Melbourne, Victoria 3001, email: [www.melbourne.vic.gov.au/contactus](http://www.melbourne.vic.gov.au/contactus)

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### **Planning and Environment Act 1987**

#### **YARRA PLANNING SCHEME**

##### **Notice of Preparation of Amendment**

##### **Amendment C103**

##### **Authorisation A01246**

The Yarra City Council has prepared Amendment C103 to the Yarra Planning Scheme.

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

The land affected by the Amendment is the former Northern Melbourne Institute of TAFE site at 35 Johnston Street, Collingwood.

The Amendment proposes to rezone the land from a Public Use 2 Zone to a Mixed Use Zone, include the land within a Design and Development Overlay (Schedule 8), remove the land from the existing Design and Development Overlay (Schedule 2), and include the land within an Environmental Audit Overlay.

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 Yarra Council: Richmond Town Hall, 333 Bridge Road Richmond; Collingwood Town Hall, 140 Hoddle Street, Abbotsford; the City of Yarra website [www.yarracity.vic.gov.au/planning](http://www.yarracity.vic.gov.au/planning); at the Department of Planning and Community Development website [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection); and the Amendment can also be inspected at Fitzroy Public Library, 128 Moor Street, Fitzroy; Collingwood Public Library, 11 Stanton Street, Abbotsford.

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

The closing date for submissions is 1 May 2009. Submissions must be sent to the City of Yarra, PO Box 168, Richmond 3121, or by email to [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

For general information about the Amendment process, including the process for making a submission, please contact the City of Yarra on 9205 5373.

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 26 May 2009, 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.

BALDONI, Clementa Vaccari, also known as Clementa Baldoni, late of Piazza Garibaldi, 21 Finale, Emilia Modena, Italy, who died on 21 March 1992.

DOWLING, Brian John, late of Abberfield Aged Care Facility, 378 Bluff Road, Sandringham, Victoria 3191, who died on 16 September 2008.

JOHNSTON, Peter Thomas, formerly of 264 Gilbert Street, West Preston, Victoria 3072, but late of Twin Parks Aged Care, 34–47 Blake Street, Reservoir, Victoria 3073, retired, who died on 14 December 2008.

KISH, Margaret Theresia, also known as Margaret Theresa Kish and Margaret Kish, late of 66 Kangaroo Road, Murrumbena, Victoria 3163, retired, who died on 6 January 2009.

LINKINS, Marjory Ellen, late of Cumberland View Nursing Home, Windmill Court, Wheelers Hill, Victoria 3150, who died on 4 December 2008.

McPHEE, Joseph Thomas, late of 95 Alma Street, Tootgarook, Victoria 3941, clerk—retired, who died on 19 November 2008.

NIXON, Thora, also known as Thora Joan Nixon, late of Carnsworth Nursing Home, 10 A'Beckett Street, Kew, Victoria 3101, pensioner, who died on 9 January 2009.

REID, Mary, late of Grace Garden Nursing Home, 411–413 Waterdale Road, Heidelberg West, Victoria 3081, pensioner, who died on 12 December 2008.

SKADINS, Charles Robert, late of 13 Bourke Street, Brunswick, Victoria 3056, retired, who died on 15 December 2008.

THOMAS, Vera Annie, late of Berwick Nursing Home, 21–25 Parkhill Drive, Berwick, Victoria 3806, home duties, who died on 30 September 2008.

Dated 17 March 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 29 May 2009, 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.

BOOKER, Aileen Gladys, late of R. M. McHale Hostel, Purdey Street, Tongala, Victoria 3621, who died on 2 December 2008.

BUBKO, Edward John, late of Grace Mckellar Centre, 45 Ballarat Road, North Geelong, Victoria 3215, pensioner, who died on 21 November 2008.

DAVY, Sheila Francis, late of 2640 Warburton Highway, Yarra Junction, Victoria 3797, home duties, who died on 27 June 2008.

GRASLE, Nancy Kathleen Stewart, late of 45 Celia Street, Glen Iris, Victoria 3146, retired, who died on 9 November 2008.

LATINN, Gagzil, also known as Gagzil Walter, late of Bonbeach Residential Aged Care, 440 Station Street, Bonbeach, Victoria 3196, retired, who died on 21 January 2009.

McCANN, Kenneth, formerly of 29 Federation Street, Nathalia, Victoria 3638, but late of Murrayvale Aged Care, 63 Regent Street, Moama, NSW 2731, who died on 19 September 2008.

PAGE, Marguerite Florence, late of Tannoch Brae Senior Living – Unit 66/9 Brodie Court, St Albans Park, Victoria 3219, retired, who died on 21 October 2008.

PILLAR, Lois Dorothy, late of Hallam Residential Care, 47–49 Belgrave Hallam Road, Hallam, Victoria 3803, retired, who died on 6 December 2008.

RAVEN, Ronald Alfred, formerly of 17 Coryule Avenue, Mentone, Victoria 3194, but late of Ripplebrook Private Nursing Home, 21–25 Inverness Street, Clarinda, Victoria 3169, retired, who died on 14 September 2008.

WESTBROOK, Madeleine Mary, late of 43 Chatsworth Quadrant, Templestowe Lower, Victoria 3107, home duties, who died on 5 January 2009.

Dated 20 March 2009

ROD SKILBECK  
Manager  
Executor and Trustee Services

Department of Treasury and Finance  
SALE OF CROWN LAND  
BY PUBLIC AUCTION

On 17 April 2009 at 12.00 noon on site.

**Reference:** 2005/01645.

**Address of Property:** 96–112 Collins Street, Kangaroo Flat.

**Crown Description:** Crown Allotment 2104, Parish of Sandhurst.

**Terms of Sale:** Deposit 10%, Balance 60 days or earlier by mutual agreement.

**Area:** 1.099 ha.

**Officer Co-ordinating Sale:** Garry McKenzie, Garry McKenzie & Associates Pty Ltd, 229 Lydiard Street North, Ballarat, Vic. 3350.

**Selling Agent:** Elders Real Estate, 46 Queen Street, Bendigo, Vic. 3550.

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

## EXEMPTION

Application No. A54/2009

The Victorian Civil and Administrative Tribunal has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995**, by Womens Domestic Violence Crisis Service of Victoria. The application for exemption is to enable the applicant to employ women only in its service (the exempt 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, 14, 100 and 195 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption, the Tribunal noted:

- The Women's Domestic Violence Crisis Service (WDVCS) is the state-wide service providing crisis intervention and accommodation for women and their children who have been subjected to domestic/ family violence. The service is government funded and provides services to women and their accompanying children only.
- A previous exemption was granted by the Tribunal A162–2003, on the basis of its role and function which has remained constant.
- Partner and family violence is increasingly seen as an important public health issue. The service aims to respond immediately to the needs of women and children who are subjected to domestic violence.
- WDVCS seeks to prevent and eliminate domestic violence against women through strategies such as community and professional education and training and by means of other activities which promote increased awareness;

- WDVCS recognises the difficulty experienced by women who are geographically and/or socially isolated or outside mainstream culture in accessing resources for support and safety. The service seeks to respond to its users in a way that acknowledges and respects confidentiality, cultural identity and is sensitive to diversity.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 14, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to engage in the exempt conduct.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 1 March 2012.

Dated 17 March 2009

HER HONOUR JUDGE HARBISON  
Vice 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**.

St. Arnaud Croquet Club Inc.; Doncaster Squash Club Inc.; Sale Budgerigar Society Inc.; The Kilmore & District Nursing Home Society Inc.; Hillbilly Road Rodders Club Inc.; Sadko Balalaika Orchestra Inc.; East Burwood Centre Inc.; Koala Kinder Group Inc.; Bayswater Traders Association Inc.; Melbourne Historical Bottle and Collectables Society Inc.; Harley Owners Group, Shepparton Chapter Inc.; Bass Coast Northern Sector Ratepayers & Residents Association Inc.; Walpeup Table Tennis Association Inc.; Romsey Gymnastic Club Inc.; Thornton Cricket Club Inc.; Olive's Place Womens' Refuge & Support Services Inc.; Purple Heather Inc.; Whitfield Kindergarten Inc.; Friends of Pontville Inc.; VYO "For a Cause..." Inc.; Endeavour Hills Netball Club Inc.; Oakleigh Camera Club Inc.; Teknikunst Inc.; Victorian Powersports Association Inc.; Toddler Tornado's Inc.; Heidelberg-West Heidelberg RSL Sub Branch Inc.; The Barnawartha Renewable Energy Support Group Inc.; The Melbourne Chorale Inc.; Croxton Park Soccer Club Inc.; Bacchus Marsh Junior Basketball Association Inc.; Leongatha Skate

Park Committee Inc.; The Clan Donald Society of Australia Victorian Branch Peninsula Division Inc.; Fabrics Australia Inc.; Shekinah Ministries Inc.; Toora Tennis Club Inc.

Dated 26 March 2009

MATT HAMMOND  
Deputy Registrar of Incorporated Associations  
PO Box 4567  
Melbourne, Vic. 3001

### **Co-operatives Act 1996**

#### **THOMAS CHIRNSIDE P. S. CO-OP 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 names of the co-operatives 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 March 2009

CLAIRE NOONE  
Director  
Consumer Affairs

### **Country Fire Authority Act 1958**

#### **VARIATION OF FIRE DANGER PERIOD**

In pursuance of the powers conferred by section 4 of the **Country Fire Authority Act 1958**, I, Neil Graeme Bibby, Chief Executive Officer of the Country Fire Authority, after consultation with the Secretary to the Department of Sustainability and Environment, hereby vary the declaration of the Fire Danger Periods previously published in the Government Gazette by declaring that such Fire Danger Periods shall end in respect of the undermentioned Municipal Districts of Municipalities or parts of Municipalities specified.

To terminate from 0100 hours on 30 March 2009:

Hindmarsh Shire (Northern Part, that part north of the wire netting fence)

Yarriambiack Shire (Northern Part, that part north of the wire netting fence)

NEIL G. BIBBY AFSM  
Chief Executive Officer

**Fair Trading Act 1999****FIXED TERM BAN ORDER PROHIBITING  
THE SUPPLY OF DANGEROUS GOODS**

I, Tony Robinson, Minister for Consumer Affairs, pursuant to the powers conferred on me by Part 3 Division 1 of the **Fair Trading Act 1999** hereby make an order prohibiting the supply in Victoria for a period from 26 March 2009 up to and including 31 December 2009 of the following goods:

Children's toys having accessible materials with a lead migration level greater than 90 mg/kg of lead, when tested in accordance with the testing procedures and interpretation of results specified in Australian/New Zealand Standard AS/NZS ISO 8124.3:2003 'Safety of toys, Part 3: Migration of certain elements'.

I make this order noting the requirements imposed by the Commonwealth on children's toys having accessible materials with a lead migration level greater than 90 mg/kg of lead, thereby satisfying the requirement of sections 40(1) and 40(2)(c) of the **Fair Trading Act 1999**.

Dated 12 March 2009

TONY ROBINSON, MP  
Minister for Consumer Affairs

**Explanatory Note**

This fixed term ban order prohibits the supply of children's toys having accessible materials with a lead migration level greater than 90 mg/kg of lead. Lead is a toxic substance, and it is accepted by Health Authorities that exposure to lead at significant levels may create unacceptable health risks, particularly to children because it can impede their physical and intellectual development. There have been a number of recent reports of lead being found in a significant number of children's toys sold in the Australian market.

**Firearms Act 1996****DECLARATION OF  
CATEGORY D FIREARMS**

I, Wayne Ashley, an authorised delegate of the Commissioner of Police, in pursuance of section 3B(1) of the **Firearms Act 1996**, declare the following firearms to be category D firearms:

the Heckler & Koch Model R8 rifle;  
the DPMS Panther Pump Action rifle; and  
the Olympic Arms Match E2 MK rifle.

Dated 18 March 2009

WAYNE ASHLEY  
Superintendent  
Licensing Services Division  
Victoria Police

**Gambling Regulation Act 2003**

## Section 3.5.3

**VICTORIAN COMMISSION FOR  
GAMBLING REGULATION****Notice of Amended Standard for  
Gaming Machine Types and Games**

The Victorian Commission for Gambling Regulation gives notice that, with the approval of the Minister for Gaming, it is amending the Standard for gaming machine types and games.

The amended Standard is the Australian/New Zealand Gaming Machine National Standard Revision 10.0.

The Victorian Appendix to the Australian/New Zealand Gaming Machine National Standard Version 10.0.

The amended Standard will come into force six (6) months after the day on which this notice is published in the Government Gazette.

The amended Standard may be viewed in the Commission's website at [www.vcgr.vic.gov.au](http://www.vcgr.vic.gov.au)

Dated 20 March 2009

PETER COHEN  
Executive Commissioner

**MEDICAL PRACTITIONERS BOARD  
OF VICTORIA****Notice**

Re: Dr David Alan Bowen

On Monday 16 March 2009, a Panel appointed by the Medical Practitioners Board of Victoria conducted a formal hearing into the conduct of Dr David Alan Bowen, a registered medical practitioner.

The Panel determined that the medical registration of Dr Bowen be cancelled effective immediately pursuant to section 45A(2)(h) of the **Medical Practice Act 1994** ('the Act').

Further, the Panel determined pursuant to section 45A(2)(i) of the Act to disqualify Dr Bowen from applying for registration for a period of 12 months.

Dated 16 March 2009

BERNADETTE BROBERG  
Hearings Co-ordinator

**Offshore Petroleum and  
Greenhouse Gas Storage Act 2006**

COMMONWEALTH OF AUSTRALIA

Notice of Proposed Correction to Register

The following entry is proposed to be made in the Register to correct an obvious defect:

Secondary Licence 3 (VIC/SL3) is recorded in the Register as applying to the secondary line conveying fuel gas from the Cobia Platform to the Halibut platform.

Secondary Licences are not titles as defined by the **Offshore Petroleum and Greenhouse Gas Storage Act 2006**.

A Register must be kept of titles and special prospecting authorities relating to the offshore area.

Since VIC/SL3 is not a title, the details of this secondary line will no longer be maintained in the Register.

The secondary line is to continue to operate in accordance with the consent originally issued on 10 March 1983.

Any interested person is invited to make a written submission by 11 May 2009 about the making of this entry.

Dated 13 March 2009

LEAH DIAMANTOPOULOS  
Petroleum Tenements Manager  
Delegate of the Minister

**Offshore Petroleum and  
Greenhouse Gas Storage Act 2006**

COMMONWEALTH OF AUSTRALIA

Notice of Proposed Correction to Register

The following entry is proposed to be made in the Register to correct an obvious defect:

Secondary Licence 2 (VIC/SL2) is recorded in the Register as applying to the secondary line conveying fuel gas from the Marlin Platform to the Halibut platform and then the Mackerel platform.

Secondary Licences are not titles as defined by the **Offshore Petroleum and Greenhouse Gas Storage Act 2006**.

A Register must be kept of titles and special prospecting authorities relating to the offshore area.

Since VIC/SL2 is not a title, the details of this secondary line will no longer be maintained in the Register.

The secondary line is to continue to operate in accordance with the consent originally issued on 12 August 1981.

Any interested person is invited to make a written submission by 11 May 2009 about the making of this entry.

Dated 13 March 2009

LEAH DIAMANTOPOULOS  
Petroleum Tenements Manager  
Delegate of the Minister

**Offshore Petroleum and  
Greenhouse Gas Storage Act 2006**

COMMONWEALTH OF AUSTRALIA

Notice of Proposed Correction to Register

The following entry is proposed to be made in the Register to correct an obvious defect:

Secondary Licence 4 (VIC/SL4) is recorded in the Register as applying to the secondary line conveying fuel gas from the Fortescue Platform to the Halibut platform.

Secondary Licences are not titles as defined by the **Offshore Petroleum and Greenhouse Gas Storage Act 2006**.

A Register must be kept of titles and special prospecting authorities relating to the offshore area.

Since VIC/SL4 is not a title, the details of this secondary line will no longer be maintained in the Register.

The secondary line is to continue to operate in accordance with the consent originally issued on 1 July 1983.

Any interested person is invited to make a written submission by 11 May 2009 about the making of this entry.

Dated 13 March 2009

LEAH DIAMANTOPOULOS  
Petroleum Tenements Manager  
Delegate of the Minister



**Offshore Petroleum and  
Greenhouse Gas Storage Act 2006**

**COMMONWEALTH OF AUSTRALIA**

**Notice of Proposed Correction to Register**

The following entry is proposed to be made in the Register to correct an obvious defect:

Secondary Licence 5 (VIC/SL5) is recorded in the Register as applying to the secondary line conveying fuel gas from the Perch monotower to the three nautical mile limit.

Secondary Licences are not titles as defined by the **Offshore Petroleum and Greenhouse Gas Storage Act 2006**.

A Register must be kept of titles and special prospecting authorities relating to the offshore area.

Since VIC/SL5 is not a title, the details of this secondary line will no longer be maintained in the Register.

The secondary line is to continue to operate in accordance with the consent originally issued on 20 October 1989.

Any interested person is invited to make a written submission by 11 May 2009 about the making of this entry.

Dated 13 March 2009

LEAH DIAMANTOPOULOS  
Petroleum Tenements Manager  
Delegate of the Minister

**Offshore Petroleum and  
Greenhouse Gas Storage Act 2006**

**COMMONWEALTH OF AUSTRALIA**

**Notice of Proposed Correction to Register**

The following entry is proposed to be made in the Register to correct an obvious defect:

Secondary Licence 6 (VIC/SL6) is recorded in the Register as applying to the secondary line conveying fuel gas from the Barracouta Platform to the Seahorse subsea well completion.

Secondary Licences are not titles as defined by the **Offshore Petroleum and Greenhouse Gas Storage Act 2006**.

A Register must be kept of titles and special prospecting authorities relating to the offshore area.

Since VIC/SL6 is not a title, the details of this secondary line will no longer be maintained in the Register.

The secondary line is to continue to operate in accordance with the consent originally issued on 13 September 1990.

Any interested person is invited to make a written submission by 11 May 2009 about the making of this entry.

Dated 13 March 2009

LEAH DIAMANTOPOULOS  
Petroleum Tenements Manager  
Delegate of the Minister

**Offshore Petroleum and  
Greenhouse Gas Storage Act 2006**

**COMMONWEALTH OF AUSTRALIA**

**Notice of Proposed Correction to Register**

The following entry is proposed to be made in the Register to correct an obvious defect:

Secondary Licence 7 (VIC/SL7) is recorded in the Register as applying to the secondary line conveying fuel gas from the Barracouta Platform to the Tarwhine subsea well completion.

Secondary Licences are not titles as defined by the **Offshore Petroleum and Greenhouse Gas Storage Act 2006**.

A Register must be kept of titles and special prospecting authorities relating to the offshore area.

Since VIC/SL7 is not a title, the details of this secondary line will no longer be maintained in the Register.

The secondary line is to continue to operate in accordance with the consent originally issued on 10 May 1990.

Any interested person is invited to make a written submission by 11 May 2009 about the making of this entry.

Dated 13 March 2009

LEAH DIAMANTOPOULOS  
Petroleum Tenements Manager  
Delegate of the Minister

**Offshore Petroleum and  
Greenhouse Gas Storage Act 2006**

**COMMONWEALTH OF AUSTRALIA**

**Notice of Proposed Correction to Register**

The following entry is proposed to be made in the Register to correct an obvious defect:

Secondary Licence 8 (VIC/SL8) is recorded in the Register as applying to the secondary line conveying fuel gas from the Mackerel platform to the Blackback subsea well completion.

Secondary Licences are not titles as defined by the **Offshore Petroleum and Greenhouse Gas Storage Act 2006**.

A Register must be kept of titles and special prospecting authorities relating to the offshore area.

Since VIC/SL8 is not a title, the details of this secondary line will no longer be maintained in the Register.

The secondary line is to continue to operate in accordance with the consent originally issued on 2 August 1999.

Any interested person is invited to make a written submission by 11 May 2009 about the making of this entry.

Dated 13 March 2009

LEAH DIAMANTOPOULOS  
Petroleum Tenements Manager  
Delegate of the Minister

### **Offshore Petroleum and Greenhouse Gas Storage Act 2006**

#### **COMMONWEALTH OF AUSTRALIA**

#### **Notice of Proposed Correction to Register**

The following entry is proposed to be made in the Register to correct an obvious defect:

Secondary Licence 9 (VIC/SL9) is recorded in the Register as applying to the secondary line conveying fuel gas from the Marlin Platform to the Kingfish platform, and then the Kingfish A platform and the Kingfish B platform.

Secondary Licences are not titles as defined by the **Offshore Petroleum and Greenhouse Gas Storage Act 2006**.

A Register must be kept of titles and special prospecting authorities relating to the offshore area.

Since VIC/SL9 is not a title, the details of this secondary line will no longer be maintained in the Register.

The secondary line is to continue to operate in accordance with the consent originally issued on 12 October 1999.

Any interested person is invited to make a written submission by 11 May 2009 about the making of this entry.

Dated 13 March 2009

LEAH DIAMANTOPOULOS  
Petroleum Tenements Manager  
Delegate of the Minister

### **Petroleum (Submerged Lands) Act 1982**

#### **STATE OF VICTORIA**

#### **Notice of Proposed Correction to Register**

The following entry is proposed to be made in the Register to correct an obvious defect:

Secondary Licence 5 (VIC/SL5(V)) is recorded in the Register as applying to the secondary line conveying fuel gas from the three nautical mile limit to shore.

Secondary Licences are not titles as defined by the **Petroleum (Submerged Lands) Act 1982**.

A Register must be kept of titles and special prospecting authorities.

Since VIC/SL5(V) is not a title, the details of this secondary line will no longer be maintained in the Register.

The secondary line is to continue to operate in accordance with the consent originally issued on 5 January 1990.

Any interested person is invited to make a written submission by 11 May 2009 about the making of this entry.

Dated 13 March 2009

LEAH DIAMANTOPOULOS  
Petroleum Tenements Manager  
Delegate of the Minister

### **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 Notices N679634P, registered on 1 September 1988, and Retirement Village Notice W450075E, registered on 7 December 1999, on Certificate of Title Volume 08894 Folio 756, under the **Transfer of Land Act 1958**, are extinguished.

Dated 23 March 2009

CLAIRE NOONE  
Director  
Consumer Affairs Victoria

INTERIM CREDITING RATE FOR  
STATE SUPERANNUATION FUND FROM  
20 MARCH 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 20 March 2009.

MICHAEL DUNDON  
Chief Financial Officer

**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 governed by the United Melbourne Transport Limited Union Collective Agreement 2006 and the Mainco Melbourne Union Collective Agreement 2006, and their successor industrial instruments and agreements, who are members of the revised scheme or new scheme (as those terms are defined in the Act), to be eligible salary sacrifice contributors from the date of gazettal of this declaration.

Dated 12 March 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 governed by the United Melbourne Transport Limited Union Collective Agreement 2006

and the Mainco Melbourne Union Collective Agreement 2006, and their successor industrial instruments and agreements, who are members of the Transport Superannuation Fund, to be eligible salary sacrifice contributors from the date of gazettal.

Dated 12 March 2009

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

**Water Act 1989**  
GOULBURN MURRAY RURAL WATER  
CORPORATION

Abolition of Tungamah Water District and the Establishment of the Tungamah Piped Water District as a New Water District

Notice is hereby given that Goulburn Murray Rural Water Corporation has submitted a proposal to the Minister of Water to establish the Tungamah Piped Water District as a new water district and to abolish the Tungamah Water District.

The Corporation invites submissions in respect to the proposal. Submissions will be received for one month after the publication of this Notice in the Victoria Government Gazette and such submissions should state the grounds of objection to the proposal and they will be considered by the Board of the Authority at its next meeting. A copy of the proposal may be inspected free of charge at the office of Goulburn Murray Rural Water Corporation, 40 Casey Street, Tatura, during business hours.

DAVID STEWART  
Managing Director

**Education and Training Reform Act 2006**  
NOTIFICATION IMPOSING CONDITIONS  
ON THE REGISTRATION OF A TEACHER

Pursuant to section 2.6.46 of the **Education and Training Reform Act 2006** (the Act), the Victorian Institute of Teaching (the Institute) may find a teacher has engaged in serious misconduct, has been seriously incompetent and/or is not fit to teach and may make a determination pursuant to subsection 2.6.46(2) including impose conditions on the registration of a teacher.

On 5 February 2009, Mr Bradley John McGrath, born 10 June 1981, was found guilty of serious misconduct and fit to teach.

On 5 February 2009, the following conditions were imposed on the registration of Mr Bradley John McGrath:

1. That the teacher attend a minimum of ten counselling sessions between the date of this decision and 5 March 2010. These sessions should occur with a registered psychologist.
2. That the teacher will provide a report by the psychologist he has consulted to the Victorian Institute of Teaching setting out the dates when these sessions occurred and the teachers understanding of the matters set out in point 3.
3. The sessions with the psychologist must address the following matters:
  - a clear understanding of the appropriate professional boundaries between teachers and students.
  - a clear understanding of the policies and procedures in his current school to maintain appropriate professional boundaries.
  - a clear understanding of the importance of professional behaviour in maintaining the reputation of the teaching profession and the trust that the community is entitled to place in teachers.
  - a clear understanding of the uneven balance of power between teachers and students and the potential damage that can be caused by inappropriate relationships with vulnerable students.
4. That the teacher provide the Panel with a statement that shows a clear and comprehensive understanding of the conduct required of a teacher as outlined in the Victorian Institute of Teaching's Code of Ethics and Codes of Conduct. This statement is to be provided in writing.

SUSAN HALLIDAY

Chairperson

Disciplinary Proceedings Committee

Victorian Institute of Teaching

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### **Education and Training Reform Act 2006**

#### **NOTIFICATION CANCELLING REGISTRATION OF A TEACHER**

Pursuant to section 2.6.29 of the **Education and Training Reform Act 2006**, the Victorian Institute of Teaching must disqualify a registered teacher from teaching and cancel his/her registration where that person has been convicted or found guilty at anytime in Victoria or elsewhere, of a sexual offence.

On 5 March 2009, Nazira Rafei was convicted of the sexual offences of 3 counts of indecent act with a child under 16 years of age.

On 5 March 2009, Nazira Rafei was disqualified from teaching and her registration as a teacher in Victoria was cancelled.

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**Education and Training Reform Act 2006****NOTICE OF DISQUALIFICATION TO TEACH AND  
CESSATION OF REGISTRATION**

Name: Andrew Charles Beaumont

Date of Birth: 14 February 1978

Registration Number: 322086

1. Pursuant to section 2.6.29 of the **Education and Training Reform Act 2006** (the Act), the Victorian Institute of Teaching (the Institute) must disqualify a registered teacher from teaching and cancel his/her registration where a registered teacher has at anytime been convicted or found guilty, in Victoria or elsewhere, of a sexual offence as defined in the Act.
2. On 18 February 2009, Andrew Charles Beaumont was convicted of the sexual offences of 2 counts of indecent act with a child under 16 years of age, 6 counts of sexual penetration of a child under 16 years of age and one count of knowingly possess child pornography.
3. On 18 February 2009, Andrew Charles Beaumont was disqualified from teaching and his registration as a teacher in Victoria was cancelled.

**Plant Health and Plant Products Act 1995****NOTICE OF EXTENSION****Order Declaring a Restricted Area at Wahgunyah for the Control of  
Queensland Fruit Fly**

I, Joe Helper, Minister for Agriculture, extend the Order made on 8 April 2004, under section 20 of the **Plant Health and Plant Products Act 1995**, declaring a restricted area at Wahgunyah for the control of Queensland Fruit Fly, for a further period of 12 months commencing on 30 March 2009.

The Order was published in Government Gazette S86 on 8 April 2004, and extended by Notices published in Government Gazettes G13 on 31 March 2005, S20 on 3 April 2006, S74 on 2 April 2007 and S54 on 29 February 2008. The Order specifies prohibitions, restrictions and requirements so as to prevent the spread of Queensland Fruit Fly from Wahgunyah to other parts of Victoria.

A copy of the Order may be obtained by contacting the Plant Standards Branch on (03) 9210 9390.

Dated 19 March 2009

JOE HELPER  
Minister for Agriculture

**Plant Health and Plant Products Act 1995****ORDER DECLARING A RESTRICTED AREA AT YACKANDANDAH FOR THE  
CONTROL OF QUEENSLAND FRUIT FLY**

I, Joe Helper, Minister for Agriculture, under section 20 of the **Plant Health and Plant Products Act 1995** make the following Order declaring a restricted area for the control of Queensland Fruit Fly and specifying the prohibitions, restrictions and requirements which are to operate in the restricted area.

Dated 23 March 2009

JOE HELPER  
Minister for Agriculture

**1. Objective**

The objective of this Order is to declare a restricted area for the control of Queensland Fruit Fly at Yackandandah, and to specify the prohibitions, restrictions and requirements which are to operate in the restricted area.

**2. Authorising provisions**

This Order is made under section 20 of the **Plant Health and Plant Products Act 1995**.

**3. Definition**

In this Order –

‘**accreditation program**’ means any program under which a person is permitted to issue an assurance certificate, including any procedures available under the Interstate Certification Assurance (ICA) Scheme;

‘**Act**’ means the **Plant Health and Plant Products Act 1995**;

‘**authorised person**’ means a person authorised by the Department of Primary Industries;

‘**inspector**’ means a person authorised as an inspector under the Act;

‘**Manager Plant Standards**’ means the person for the time being occupying or acting in the position of Manager, Plant Standards in the Department of Primary Industries;

‘**Queensland Fruit Fly**’ means the exotic pest *Bactrocera tryoni* (Froggatt); and

‘**Queensland Fruit Fly host material**’ means any fruit or vegetable listed in Schedule 1.

**4. Restricted area for the control of Queensland Fruit Fly**

The restricted area for the control of Queensland Fruit Fly is declared to be the area described in Schedule 2.

**5. Prohibitions, restrictions and requirements**

(1) The removal from the restricted area into any part of Victoria of any Queensland Fruit Fly host material is prohibited.

(2) Subclause (1) does not apply if the Queensland Fruit Fly host material is –

- (a) packed, labelled and certified in accordance with any conditions prescribed by an accreditation program, administered by the Department of Primary Industries; or
- (b) accompanied by a plant health declaration issued by an authorised person declaring that the host material has been treated in a manner approved by the Manager Plant Standards; or
- (c) accompanied by a plant health certificate issued by an inspector certifying that the host material has been treated in a manner approved by the Manager Plant Standards.

(3) The owners and occupiers of land described in Schedule 3 must give an inspector access to such land for the purposes of inspection, deployment of any lures or traps, application of any treatment or performance of any other actions which are necessary for the eradication or prevention of spread of the pest.

- (4) The owners and occupiers of land described in Schedule 3 must, on instruction from an inspector, strip Queensland Fruit Fly host materials from plants, collect and dispose of waste material, or treat the material in a manner approved by the Manager Plant Standards.

## 6. Verification of Consignments

- (1) Any Queensland Fruit Fly host material removed from the restricted area in accordance with clause 5(2), and the accompanying certificate or declaration, must be:
- (a) presented to an inspector for inspection; or
  - (b) verified by a person accredited to do so by the Department of Primary Industries.

### Schedule 1

Abiu	Eggplant	Orange
Acerola	Feijoa	Passionfruit
Apple	Fig	Pawpaw
Apricot	Granadilla	Peach
Avocado	Grape	Peacharine
Babaco	Grapefruit	Pear
Banana	Grumichama	Pepino
Black Sapote	Guava	Persimmon
Blackberry	Hog Plum	Plum
Blueberry	Jaboticaba	Plumcot
Boysenberry	Jackfruit	Pomegranate
Brazil Cherry	Jew Plum	Prickly Pear
Breadfruit	Ju jube	Pummelo
Caimito (Star Apple)	Kiwifruit	Quince
Cape Gooseberry	Lemon	Rambutan
Capsicum	Lime	Raspberry
Carambola (Starfruit)	Loganberry	Rollinia
Cashew Apple	Longan	Santol
Casimiroa (White Sapote)	Loquat	Sapodilla
Cherimoya	Lychee	Shaddock
Cherry	Mandarin	Soursop
Chilli	Mango	Strawberry
Citron	Mangosteen	Sweetsop (Sugar Apple)
Cumquat	Medlar	Tamarillo
Custard Apple	Miracle Fruit	Tangelo
Date	Mulberry	Tomato
Dragon Fruit (Than Lung)	Nashi	Wax jambu (Rose Apple)
Durian	Nectarine	

### Schedule 2

The area of land bounded by a line commencing at the intersection of Albert Road and Ford Street, then in a generally northerly direction along Ford Street, which becomes Beechworth–Wodonga Road to the intersection of Beechworth–Wodonga Road and Beechworth–Chiltern Road, then in a north-westerly direction along Beechworth–Chiltern Road to the intersection of Beechworth–Chiltern Road and Reids Way, then in a northerly direction along Reids Way to the intersection of Reids Way and McGuinness Lane, then in a straight line in a north-easterly direction to the intersection of Old Coach Road and Deep Creek Road, then in a north-westerly direction along Deep Creek Road to the intersection of Deep Creek Road and Link Road, then in a northerly direction along Deep Creek Road to the intersection of Deep Creek Road and Honeysuckle Creek Road, then in a north-westerly direction along Honeysuckle Creek Road to

the intersection of Honeysuckle Creek Road and Elligates Road, then in a north-easterly direction along Elligates Road to the intersection of Elligates Road and Baynes Track, then in a straight line in a north-easterly direction to the intersection of McSweens Road and Indigo Creek Road, then in a south-easterly direction along Indigo Creek Road to the intersection of Indigo Creek Road and Hartigans Gap Road, then in a north-easterly direction along Hartigans Gap Road, which becomes Elligate Lane to the intersection of Elligate Lane and Castle Creek Road, then in south-westerly direction along Castle Creek Road to the intersection of Castle Creek Road and Enneys Lane, then in a straight line in a south-easterly direction to the intersection of Boyes Road and Edneys Lane, then in a south-easterly direction along Edneys Lane to the intersection of Edneys Lane and Trig Point Track, then in a generally easterly direction along Trig Point Track to the intersection of Trig Point Track and Ridge Lane, then in a generally easterly direction along Ridge lane to the intersection of Ridge Lane and Wodonga–Yackandandah Road, then in a southerly direction along Wodonga–Yackandandah Road to the intersection of Wodonga–Yackandandah Road and Lindsay Road, then in a south-easterly direction along Lindsay Road to the intersection of Lindsay Road and Turvey Lane, then in a generally southerly direction along Turvey Lane, which becomes Powerline Road, to the intersection of Powerline Road and Simpson Road, then in a southerly direction along Simpson Road to the intersection of Simpson Road and Gap Flat Track, then in a southerly direction along Gap Flat Track to the intersection of Gap Flat Track and Condons Track, then in a southerly direction along Condons Track to the intersection of Condons Track and Maddock Lane, then in a straight line in a westerly direction to the intersection of Mt Big Ben Lane and Basin Track, then in a straight line in a south-westerly direction to the intersection of Tunnel Gap Road and Yackandandah–Dederang Road, then in a straight line in a westerly direction to the intersection of Escarpment Road and Mt Stanley Road, then in a north-westerly direction along Mt Stanley Road to the intersection of Mt Stanley Road and Cook Lane, then in a southerly direction along Cook Lane to the intersection of Cook Lane and Griffiths Lane, then in a westerly direction along Griffiths Lane, which becomes O'Neill Lane to the intersection of O'Neill and Six Mile Road, then in a south-westerly direction along Six Mile Road to the intersection of Six Mile Road and Lady Newton Drive, then in a westerly direction along Lady Newton Drive to the intersection of Lady Newton Drive and Dingle Track then in a northerly direction along Dingle Track to the intersection of Dingle Track and Mokepoke Track, then in a straight line in north-westerly direction to the intersection of Silver Creek Road and Payne Road, then in a north-westerly direction along Payne Road to the intersection of Payne Road and Stanley Road, then in north-westerly direction along Stanley Road, which becomes Hodge Street, to the intersection of Hodge Street and Albert Road, then in a north-westerly direction along Albert Road to the point of commencement.

### Schedule 3

The area of land in Victoria within a radius of one and a half kilometres of the outbreak epicentre at 146.83716° East, 36.31160° South.

Note: Section 21 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 50 penalty units in the case of a natural person, and 100 penalty units in the case of a body corporate for moving any host material from a restricted area contrary to any restrictions, unless authorised to do so by a permit issued by an Inspector.

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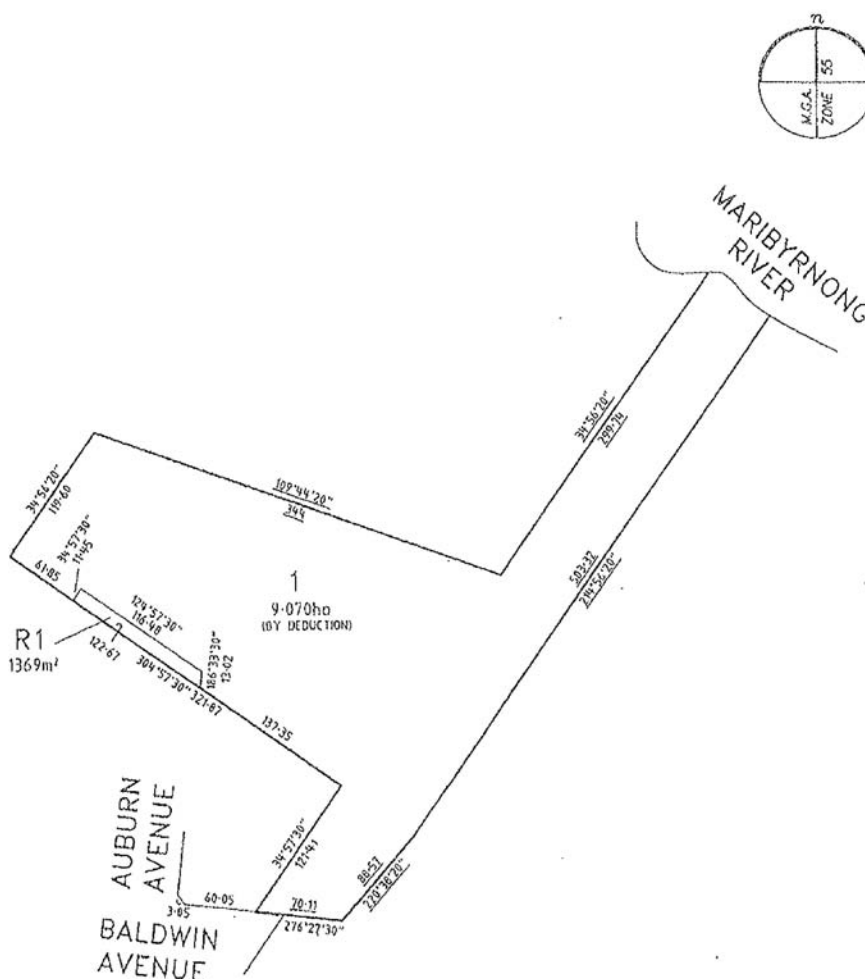


**Land Acquisition and Compensation Act 1986****FORM 7**S. 21  
Reg. 16**Notice of Acquisition****Compulsory Acquisition of Interest in Land**

Brimbank City Council declares that by this Notice it acquires part of the land contained in Certificate of Title Volume 5618 Folio 408 and described as that part of Lot 1 on Title Plan 221143G at Baldwin Avenue, North Sunshine, and marked R1 on the plan.

**Interest Acquired:** That of Victorian Rail Track (as the successor in title to the Board of Land and Works) and all and any other interests.

Published with the authority of Brimbank City Council, Council Offices, 6-18 Alexandra Avenue, Sunshine 3020.



Dated 26 March 2009

NICK FOA  
Chief Executive Officer  
Brimbank City Council

**Land Acquisition and Compensation Act 1986**

## FORM 7

S. 21  
Reg. 16

## Notice of Acquisition

## Compulsory Acquisition of Interest in Land

Melbourne Water Corporation (Melbourne Water) declares that by this notice it acquires the following interest in the land described as part of Lot 1 on Title Plan 204901L, Parish of Woobourne, comprising 616 square metres and being land described in Certificate of Title Volume 7047 Folio 280, shown as E1 on Plan 958\_7074\_280\_A.

**Interest Acquired:** That of Glenburn Hall and Progress Association Inc. and all other interests.

Published with the authority of Melbourne Water.

Dated 26 March 2009

For and on behalf of Melbourne Water  
ROB SKINNER  
Managing Director  
Melbourne Water

**Private Agents Act 1966**

## NOTICE 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 Dandenong 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>	<i>Date of Hearing</i>
Gerrard Vere Tate	Tate Investigations and Security	91 Springfield Crescent, Hampton Park 3976	Commercial Agent's Licence	8 May 2009

Dated at Dandenong 20 March 2009

JODIE MARRA  
Registrar  
Magistrates' Court of Victoria

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

I, the undersigned, being the Deputy Registrar of the Magistrates' Court at Ringwood 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>Address for Registration</i>	<i>Type of Licence</i>	<i>Date of Hearing</i>
Stephen John Morley Wilken	55 Wilken's Lane, Silvan	Commercial Agent (Individual)	8 April 2009

Dated at Ringwood 17 March 2009

BRUCE HAMILTON  
Deputy Registrar  
Magistrates' Court of Victoria

**Fisheries Act 1995****FISHERIES NOTICE NO. 8/2008**

I, Peter Appleford, delegate of the Minister for Agriculture revoke the following Fisheries Notice:

Dated 13 March 2009

DR PETER APPLEFORD  
Executive Director Fisheries Victoria

**FISHERIES (RECREATIONAL ABALONE FISHING DAYS) NOTICE NO. 8/2008****1. Title**

This Notice may be cited as the Fisheries (Recreational Abalone Fishing Days) Notice No. 8/2008

**2. Objectives**

The objective of this Notice is to specify 60 days during the 12 month period from 1 September 2008 when recreational fishing for abalone will be permitted in central Victorian waters (as defined in regulation 503(3B) of the Fisheries Regulations 1998).

Note:

In regulation 503(3B) of the Fisheries Regulations 1998 'central Victorian waters' means the marine waters between longitude 143° 27' 36" East (mouth of the Aire River near Cape Otway) and 145° 53' 35" East, 38° 50' 19" South (north-western part of Arch Rock in Venus Bay) where the eastern boundary is a line running due west from the most north-western part of Arch Rock to the seaward limit of State waters.

**3. Authorising provision**

This Notice is made under section 152(1)(b) of the **Fisheries Act 1995**.

**4. Commencement**

This Notice comes into operation on Monday 1 September 2008.

**5. Permitted Recreational Abalone Fishing Days**

Despite the abalone closed season specified in the Table in regulation 506(1) of the Fisheries Regulations 1998 recreational abalone fishing will be permitted in central Victorian waters on the following days:—

15 and 16 November 2008 inclusive (2 days)  
22 and 23 November 2008 inclusive (2 days)  
29 and 30 November 2008 inclusive (2 days)  
6 and 7 December 2008 inclusive (2 days)  
13 and 14 December 2008 inclusive (2 days)  
19 December 2008 to 4 January 2009 (17 days)  
10 and 11 January 2009 inclusive (2 days)  
17 and 18 January 2009 inclusive (2 days)  
24 to 26 January 2009 inclusive (3 days)  
31 January and 1 February 2009 inclusive (2 days)  
7 and 8 February 2009 inclusive (2 days)  
14 and 15 February 2009 inclusive (2 days)  
21 and 22 February 2009 inclusive (2 days)  
28 February and 1 March 2009 inclusive (2 days)  
7 to 9 March 2009 inclusive (3 days)  
14 and 15 March 2009 inclusive (2 days)  
21 and 22 March 2009 inclusive (2 days)  
10 to 13 April 2009 inclusive (4 days)  
25 to 27 April 2009 inclusive (3 days)  
9 and 10 May 2009 inclusive (2 days)

**6. Revocation**

Unless sooner revoked, this Fisheries Notice will be revoked at midnight 31 August 2009.

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**Fisheries Act 1995****FISHERIES NOTICE NO. 9/2008**

I, Peter Appleford, delegate of the Minister for Agriculture revoke the following Fisheries Notice:

Dated 18 March 2009

DR PETER APPLEFORD  
Executive Director Fisheries Victoria

**FISHERIES (RECREATIONAL ABALONE CATCH LIMIT) NOTICE NO. 9/2008****1. Title**

This Notice may be cited as the Fisheries (Recreational Abalone Catch Limit) Notice No. 9/2008

**2. Objectives**

The objective of this Notice is to take precautionary measures to protect stocks of abalone by introducing a stricter recreational fishing catch limit for Victorian marine waters other than central Victorian waters (as defined in regulation 503(3B) of the Fisheries Regulations 1998) during the 12 month period from 1 September 2008.

Note:

In regulation 503(3B) of the Fisheries Regulations 1998 'central Victorian waters' means the marine waters between longitude 143° 27' 36" East (mouth of the Aire River near Cape Otway) and 145° 53' 35" East, 38° 50' 19" South (north-western part of Arch Rock in Venus Bay) where the eastern boundary is a line running due west from the most north-western part of Arch Rock to the seaward limit of State waters.

**3. Authorising provision**

This Notice is made under sections 152(1)(a) and 152(1)(f) of the **Fisheries Act 1995**.

**4. Commencement**

This Notice comes into operation on Monday 1 September 2008.

**5. Catch limit**

(a) The daily catch limit with respect to the –

- (i) taking of abalone from Victorian marine waters other than central Victorian waters; or
- (ii) possession of abalone in, on or next to Victorian marine waters other than central Victorian waters-

is 5, of which no more than 2 fish may be greenlip abalone.

Penalty: 20 penalty units

- (b) Paragraph 5 is to be interpreted as if it were an amendment to the Table in regulation 503(3) of the Fisheries Regulations 1998.
- (c) Paragraph 5(a) does not apply to the holder of an Abalone Fishery Access licence or any person acting under that licence in accordance with the Fisheries Regulations 1998.

**6. Revocation**

Unless sooner revoked, this Fisheries Notice will be revoked at midnight 31 August 2009.

**Geographic Place Names Act 1998****NOTICE OF INTENTION TO REGISTER A GEOGRAPHIC NAME**

The Registrar of Geographic Names hereby gives notice of intention to register the undermentioned place name(s) and/or amendments to the boundaries of the undermentioned localities. Any objections to the proposal(s) should be made in writing (stating the reasons therefor) and lodged with the Registrar within 30 days of publication of this notice. If no objections are lodged within this period, any newly proposed names will become the official names and/or any proposed locality boundary amendments will be registered in the Register of Geographic Names.

<b>File No.</b>	<b>Naming Authority</b>	<b>Place Name</b>	<b>Location</b>
LA/12/0085	Shire of Yarra Ranges	Woori Yallock and Launching Place	As on version 4.8 of the plan showing the locality names and boundaries within the municipality. Copies of this plan may be inspected at the municipal offices or at the office of the Registrar of Geographic Names following registration.

Office of the Registrar of Geographic Names

c/- **LAND VICTORIA**

17th Floor

570 Bourke Street

Melbourne 3000

**JOHN E. TULLOCH**  
Registrar of Geographic Names

**Occupational Health and Safety Act 2004****VICTORIAN WORKCOVER AUTHORITY****Notice of Amendment of Major Hazard Licence**

On 2 March 2009, the Major Hazard Facility Licence issued under Chapter 6 of the Occupational Health and Safety Regulations 2007 to BOC Gases Australia Pty Ltd, 90 Bell Street, Preston 3072, was amended under Regulation 6.1.33.

The Schedule 9 materials authorised by the Major Hazard Facility Licence issued for a term of 5 years and expiring on 27 February 2011 were amended.

The following Schedule 9 materials are authorised by the licence:

From Table 1 of Schedule 9

<b>Material</b>	<b>UN Nos. Included Under Name</b>
ACETYLENE	1001
NITROUS OXIDE	1070
AMMONIA, ANHYDROUS	1005
HYDROGEN FLUORIDE	1052
HYDROGEN SULPHIDE	1053
LP GASES	1075
METHYL BROMIDE	1062
OXYGEN (compressed)	1072
OXYGEN (liquid)	1073
SULPHUR DIOXIDE	1079

Note: Small quantities of other Schedule 9 materials mentioned in the Safety Case are noted.

GREG TWEEDLY  
Chief Executive

**Water Act 1989****TARAGO AND BUNYIP RIVERS ENVIRONMENTAL ENTITLEMENT 2009**

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

**COMMENCEMENT**

1. This Order comes into operation on the earlier of:
  - (a) 1 May 2009, and
  - (b) the day the Tarago Treatment Plant commences operation.

**EMPOWERING PROVISIONS**

2. This Instrument is made under section 48B of the **Water Act 1989**.

**DEFINITIONS**

3. In this Instrument –

‘**Act**’ means the **Water Act 1989**;

‘**authorities**’ means the authorities holding bulk entitlements granted under Division 1 or 3 of Part 4 of the Act;

‘**Bunyip Basin**’ means the area of land designated as Basin Number 28 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Department**’ means the Department of Sustainability and Environment;

‘**Drouin West gauging station**’ means the stream gauging station, number 228201, located on the Tarago River at Drouin West;

‘**environment Minister**’ has the same meaning as in section 3(1) of the Act;

‘**environment Minister’s share**’ the portion of the water stored in Tarago Reservoir that belongs to the environment Minister;

‘**Gippsland Water**’ means Central Gippsland Region Water Corporation;

‘**licence**’ means any licence granted under Part 4 of the Act;

‘**Melbourne bulk entitlements**’ means –

- (a) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009;
- (b) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009; and
- (c) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009;

‘**Melbourne’s desalination plant**’ the desalination plant to be built by Government to augment Melbourne’s Water Supply system as referred to in *Our Water Our Future – The Next Stage of the Government’s Water Plan* published by the Department of Sustainability and Environment, 2007;

‘**Southern Rural Water**’ means Gippsland and Southern Rural Water Corporation trading as Southern Rural Water;

‘**Storage Manager**’ means Melbourne Water acting in respect of the water supply functions provided for in s. 171B of the Act;

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



**‘waterway’** means the Bunyip River and its tributaries in the Bunyip Basin upstream of Western Port including the pools formed by and immediately upstream of the Tarago Dam and weirs owned by Melbourne Water and Gippsland Water.

#### **QUANTIFYING THE ENTITLEMENT**

4. The environment Minister is entitled to a share of the flow into Tarago Reservoir in accordance with clause 8 and 9 of this Order.

#### **ENVIRONMENTAL FLOW MANAGER**

5. The environment minister may appoint an environmental flow manager to act on the environment minister’s behalf in relation to any of the provisions of this entitlement and in accordance with the instrument of appointment.

#### **WATER ACCOUNTING PROCEDURES**

##### **Share of Storage Capacity**

6. The environment Minister is entitled to a storage capacity of 3,000 ML in Tarago Reservoir.
7. At the commencement of this instrument, the volume stored by the environment Minister in the environment Minister’s share of Tarago Reservoir is deemed to be nil.

##### **Share of Flow**

8. From the time when Melbourne customers are no longer subject to a level of restrictions equal to or more severe than Stage 3a or six calendar months after the water Minister issues a certificate of completion for Melbourne’s desalination plant, whichever is the earlier, the Storage Manager must attribute to the environment Minister’s share –
  - (a) the volume of water that would have to be released from Tarago Reservoir on any day to meet the environmental flows specified in Table 1 of Schedule 1 of this Instrument; and
  - (b) 10.3% of the inflow to Tarago Reservoir less the volume described in paragraph (a).
9. Unless and until the event referred to in clause 8 occurs, the Storage Manager must attribute to the environment Minister’s share the volume of water that would have to be released from Tarago Reservoir on any day to meet the environmental flows specified in Table 2 of Schedule 1 of this Instrument.

##### **Data**

10. The water Minister will endeavour to ensure that all hydrological and other data required by the environment Minister to comply with this entitlement are made available to the environment Minister.
11. The environment Minister must make available to any person data collected by or on behalf of the environment Minister for the purpose of clause 10 subject to the person paying any fair and reasonable access fee imposed by the environment Minister to cover the costs of making the data available to that person.

##### **Share of Tarago Reservoir Outlet Capacity**

12. Unless and until a proposal is approved or determined under clause 15, the environment Minister and the holder of Bulk Entitlement (Tarago River – Southern Rural Water) Conversion Order 2009 must share the capacity of the Tarago Reservoir outlet works in the same proportion that the releases from Tarago Reservoir under Schedule 1 of this entitlement and under the Bulk Entitlement (Tarago River – Southern Rural Water) Conversion Order 2009 bear one to the other.
13. Within twelve months of the commencement of this instrument, the environment Minister jointly with Southern Rural Water may, after consulting the Storage Manager and the authorities, propose to the Minister any fair and reasonable arrangement for sharing the capacity of the Tarago Reservoir outlet works between the environment Minister and Southern Rural Water.

14. A proposal prepared under clause 13 may include –
  - (a) an assessment of the likelihood of occurrence of congestion in the outlet capacity;
  - (b) a preferred option for addressing congestion in the outlet capacity, including structural and/or operational changes and the estimated costs of these; and
  - (c) a preferred option for cost sharing if substantial structural changes or price changes are necessary.
15. The water Minister –
  - (a) may approve any proposal made under clause 13 to which all bulk entitlement holders referred to in that sub-clause have agreed in writing; or
  - (b) if all bulk entitlement holders have not so agreed, must refer the proposal to be determined by an independent expert under the Dispute Resolution section.

## **OPERATION AND MANAGEMENT CONDITIONS**

### **Operating Arrangements**

16. The environment Minister, jointly with the holders of the Melbourne bulk entitlements and the Storage Manager, must endeavour to agree on operating arrangements for the water stored in and released from the environment Minister's share of Tarago Reservoir under this entitlement, including the operating arrangements that will apply when the Tarago water treatment plant is completed.
17. If the environment Minister, the holders of the Melbourne bulk entitlements and the Storage Manager have not reached agreement under sub-clause 16 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clauses 24 to 34.
18. The environment Minister, jointly with the holders of the Melbourne bulk entitlements and the Storage Manager, may vary the management rules from time to time.

### **Recommended Environmental Flow Regime**

19. Within twelve months of the commencement of this instrument, the environment Minister must prepare a recommended environmental flow regime for releasing the environment Minister's share of water in Tarago reservoir, which –
  - (a) describes the characteristics of recommended environmental flows including their volume, timing, duration, and rate of change;
  - (b) has regard to environmental, social and economic benefits and costs; and
  - (c) is consistent with the Environmental Water Reserve Objective described in section 4B of the Act.
20. The environment Minister must review and update the recommended environmental flow regime established under clause 19 at least every five years in consultation with the Department.
21. The environment Minister must supply the Department, the Storage Manager and the authorities, with the most up to date version of the recommended environmental flow regime.

### **Releases**

22. The Storage Manager must release the water stored in the environment's share of Tarago Reservoir at the rates and times specified in the recommended environmental flow regime, and within the tolerances and operating rules set out in the Operating Arrangements and Share of Tarago Reservoir Outlet Capacity.
23. The Storage Manager must deduct from the volume of water held in the environment Minister's share of storage capacity the amount released to the waterway for environmental releases under clause 22.

**Payments in relation to services provided in relation to this entitlement**

24. The environment Minister is not required to make any payment to any person in relation to services provided by that person in relation to this entitlement.

**Dispute Resolution**

25. If a difference or dispute arises between the environment Minister, the Storage Manager or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to the other party requiring the matter to be determined by an independent expert.
26. If a difference or dispute arises between the environment Minister and an authority, concerning the interpretation or application of this Order, the environment Minister may give written notice to the authority requiring the matter to be determined by an independent expert.
27. If a difference or dispute arises between the environment Minister and an authority, concerning the interpretation or application of this Order, and the authority gives written notice to the environment Minister requiring the matter to be determined by an independent expert, the environment Minister must comply with the notice.
28. The notice requiring that the matter be determined by independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
29. The independent expert will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
30. The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
31. The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
32. In any difference or dispute to which the water Minister is a party –
- (a) the independent expert must express the conclusion as a recommendation; and
  - (b) the water Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for giving a direction pursuant to s. 48J(2) of the Act.
33. In any difference or dispute to which the water Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
34. The environment Minister may request the water Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

**Reporting Requirements**

35. The water Minister may require the environment Minister to report on all or any of –
- (a) the daily calculated minimum environmental flow and the recorded flow at Drouin West gauging station;
  - (b) the annual volume of environmental flow releases from the environment's share of Tarago Reservoir;
  - (c) the extent to which actual environmental flows have met the recommended environmental flow regime prepared under clause 19;
  - (d) any failure by the environment Minister to comply with any provision of this instrument; and

- (e) any existing or anticipated difficulties experienced by the environment Minister in complying with this instrument and any remedial action taken or proposed.
36. The water Minister may require the environment Minister to report on all or any of the matters set out in clause 35 –
- (a) in writing, or in such electronic form as may be agreed between the environment Minister and the water Minister; and
  - (b) within 14 days of receiving the water Minister's written request or such longer period as the Minister may determine.

Dated 11 March 2009

Responsible Minister  
TIM HOLDING MP  
Minister for Water

Note: An explanatory note that accompanies this instrument is available from the Department.

### SCHEDULE 1 – MINIMUM ENVIRONMENTAL FLOWS

**Table 1 – Environmental flows**

<b>Location</b>	<b>Environmental flow</b> (flows are minimum instantaneous values)
Drouin West gauging station	The lesser of – (a) 12 ML/d; and (b) the natural flow at the Drouin West gauging station.

**Table 2 – Temporarily reduced environmental flows**

<b>Location</b>	<b>Environmental flow</b> (flows are minimum instantaneous values)
Drouin West gauging station	The lesser of – (a) 6 ML/d; and (b) the natural flow at the Drouin West gauging station.

The natural flow in the Tarago River at Drouin West gauging station, referred to in the above tables, is to be calculated by the Storage Manager as –

- (a) the flow measured at Drouin West gauging station;
- (b) plus an estimate of the water taken out by upstream licensed diverters in the reach between Drouin West and Tarago Reservoir, provided by Southern Rural Water;
- (c) less releases from Tarago Reservoir under this entitlement;
- (d) less releases from Tarago Reservoir under the Bulk Entitlement (Tarago River – Southern Rural Water) Conversion Order 2009.

**Water Act 1989****BULK ENTITLEMENT (TARAGO AND BUNYIP RIVERS – MELBOURNE WATER FOR YARRA VALLEY WATER LIMITED) CONVERSION ORDER 2009****PART 1 – INTRODUCTORY STATEMENTS**

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

**1. CITATION**

This Order may be cited as the Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009.

**2. EMPOWERING PROVISIONS**

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

**3. COMMENCEMENT**

This Order comes into operation on the earlier of:

- (a) 1 May 2009, and
- (b) the day the Tarago Treatment Plant commences operation.

**4. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means Melbourne Water Corporation;

‘**bulk entitlement holder**’ means an authority or corporation, or any other person, holding a bulk entitlement for the Bunyip Basin granted under Division 1 or 3 of Part 4 of the Act;

‘**bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the headworks to the Melbourne retail authorities’ supply interface points;

‘**Bulk Transfer System Operator**’ means Melbourne Water Corporation in respect of its role to operate and maintain the bulk transfer system.

‘**Bunyip Basin**’ means the area of land designated as Basin Number 28 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Bunyip Basin Water Accounts**’ means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, within the Bunyip Basin, with the terms of their bulk entitlements or licences;

‘**City West Water**’ means City West Water Limited, ABN 70 066 902 467;

‘**Department**’ means the Department of Sustainability and Environment;

‘**environmental flows**’ means water described in Tarago and Bunyip Rivers Environmental Entitlement 2009;

‘**environment Minister**’ has the same meaning as in section 3(1) of the Act;

‘**headworks system**’ means –

- (a) the Tarago River between Tarago Weir and Tarago Dam including the pools formed by and immediately upstream of Tarago Weir and Tarago Dam;
- (b) the pool formed by and immediately upstream of Bunyip Weir on the Bunyip River; and
- (c) the associated weirs, transfer conduits and other water supply works owned by Melbourne Water;

‘**licence**’ means any licence granted under Part 4 of the Act;

‘**Management Agreement**’ means the agreement referred to in clause 11;

**‘Management Rules’** means the agreement referred to in clause 11.2;

**‘Melbourne retail authorities’** means any or all of –

- Yarra Valley Water;
- South East Water; and
- City West Water;

**‘Melbourne supply system’** means the waterway, headworks and bulk transfer system works which supply water to the Melbourne retail authorities and primary entitlement holders;

**‘Minister’**, in relation to a 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 s. 306 of the Act;

**‘passing flow’** means the passing flows described in Schedule 4;

**‘primary entitlement’** means an entitlement referred to in clause 8;

**‘Resource Manager’** means a person appointed by the Minister under s. 43A of the Act to do all or any of the tasks set out in clause 16;

**‘South East Water’** means South East Water Limited, ABN 89 066 902 547;

**‘Storage Manager’** means Melbourne Water Corporation acting in respect of the water supply functions provided for in s. 171B of the Act;

**‘Storage Management Rules’** means any rules from time to time adopted for the operation of the headworks system;

**‘waterway’** means the Bunyip River and its tributaries upstream of Westernport including pools formed by and immediately upstream of Melbourne Water’s dam and weirs;

**‘Yarra Valley Water’** means Yarra Valley Water Limited, ABN 93 066 902 501; and

**‘year’** means the 12 months commencing 1 July.

## PART 2 – ENTITLEMENT

### 5. CONVERSION TO A BULK ENTITLEMENT

Only that part of the Authority’s entitlement to water from the waterway to supply Yarra Valley Water Limited’s retail customers is converted to a bulk entitlement on the conditions set out in this Order. This conversion provision must be read together with the conversion provision in both of the Bulk Entitlements referred to in sub-clause 6.3 below such that together the three conversion provisions convert the Authority’s entitlement to the total volumes referred to in sub-clause 6.2 over the period referred to in sub-clause 6.2 below.

### 6. BULK ENTITLEMENT

6.1 The provisions of this bulk entitlement must be read together with those of the two bulk entitlements referred to in sub-clause 6.3 below such that together the three bulk entitlements may take the total volumes referred to in sub-clause 6.2 below over the period referred to in sub-clause 6.2 below.

6.2 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, may take from the waterway an average annual amount of up to –

- (a) 24,950 ML at Tarago Reservoir; and
  - (b) 5,560 ML at the Bunyip Weir;
- over any consecutive 5 year period.

6.3 The Authority’s share, together with shares allocated under the –

- (a) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009; and
- (b) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009;

as described in Schedule 1, make up 100% of the water allocated to the Melbourne retail authorities from the waterway.

- 6.4 In the first 4 years following the commencement of this Order, the Storage Manager must calculate the entitlement under paragraphs 6.2 (a) and (b) using recorded annual diversions, for the period prior to the commencement of the Order.

**7. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS**

- 7.1 Water taken from the waterway under this bulk entitlement together with the bulk entitlements listed in sub-clause 6.3 –
- (a) must be used to supply the primary entitlements described in Schedule 2; and
  - (b) can be used to supply Gippsland Water under an agreement made under section 124(7) of the Act.

**8. SHARE OF STORAGE CAPACITY**

The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, is entitled to store water in Tarago Reservoir –

- (a) up to the reservoir capacity and full supply level listed in Table 1 of Schedule 3; less
- (b) any storage capacity reserved for the environment or other purposes under another bulk entitlement;

subject to the Storage Management Rules.

**9. SHARE OF FLOW**

- 9.1 After the Storage Manager has released or set aside, as the case may be, water required to meet the environmental flows and passing flows, the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, may –
- (a) store all the inflow to the reservoir and weirs; and
  - (b) take the inflow via the transfer conduits and pumps;
- at the locations and rates listed in Schedule 3 and subject to the Storage Management Rules.
- 9.2 The Authority must not take, as part of this bulk entitlement, any flow of water in the waterways which is being transferred by the holder of any other bulk entitlement or licence.

**PART 3 – GENERAL CONDITIONS AND PROVISIONS**

**10. PASSING FLOW OBLIGATIONS**

The Authority must direct the Storage Manager to pass the flows specified in Schedule 4, within the following operating tolerances –

- (a) the average flow on any day is to be no less than 80% of the passing flow;
- (b) the total flow over any continuous 7 day period is to be not less than the sum of the passing flows for each day over the same period; and
- (c) over any continuous 12 month period, the passing flow is to be provided 90% of the time.

**11. MANAGEMENT ARRANGEMENTS**

- 11.1 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, must, within three months of the commencement of this Order review and if necessary amend the current arrangements for management of the Melbourne supply system to ensure the collaborative management of this bulk entitlement between themselves and –
- (a) other bulk entitlement holders;
  - (b) the Storage Manager; and
  - (c) the Bulk Transfer System Operator.

- 11.2 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, must vary the existing rules for managing the Melbourne retail authorities' bulk entitlements to include this entitlement.
- 11.3 Any variation of the rules under sub-clause 11.2 –
- (a) must be –
    - (i) consistent with the objective of achieving least community cost;
    - (ii) in accordance with the management arrangements established for the Melbourne system; and
    - (iii) undertaken in consultation with other bulk entitlement holders and the environment Minister whose entitlements are likely to be affected by the rules; and
  - (b) may address any matters with the potential to affect this bulk entitlement or the bulk entitlements of other bulk entitlement holders, including –
    - (i) water quality in the headworks system;
    - (ii) the impacts of drought on Melbourne's water supply; and
    - (iii) emergency situations.
- 11.4 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, and after consulting with the persons described in paragraph 11.1, may vary the management rules from time to time. Where changes are likely to impact the holders of the primary entitlements, agreement from the affected parties must be gained prior to varying the rules.

## **12. TRANSFER OF ENTITLEMENT AND ADJUSTMENT OF SCHEDULES**

- 12.1 Subject to s. 46 of the Act and sub-clause 12.2 of this Order, and with the agreement of the holders of bulk entitlements listed in sub-clause 6.3, this bulk entitlement may be transferred –
- (a) temporarily or permanently;
  - (b) in whole or in part;
  - (c) for any purpose, including an in-stream use of water.
- 12.2 The Minister may, on the application of the Authority together with the holders of bulk entitlements listed in sub-clause 6.3, at any time, alter any provision of this Order to reflect trading of this or any other bulk entitlement by the Authority together with the holders of bulk entitlements listed in sub-clause 6.3.
- 12.3 An application under sub-clause 12.2 must set out –
- (a) the objectives of, and reasons for the proposed amendment;
  - (b) the results of an assessment of the likely effect of that amendment on both the security of primary entitlements and the environment.
- 12.4 The Minister may –
- (a) approve part or all of any application under sub-clause 12.2; or
  - (b) require the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, to –
    - (i) provide further information; and
    - (ii) re-submit the application in a different form; or
  - (c) not approve the application.



**13. DISPUTE RESOLUTION**

- 13.1 If a difference or dispute arises between the Authority, the Storage Manager or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to the other party requiring the matter to be determined by an independent expert.
- 13.2 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent expert.
- 13.3 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent expert, the Authority must comply with the notice.
- 13.4 The notice requiring that the matter be determined by independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 13.5 The independent expert will be either –
  - (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 13.6 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 13.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 13.8 In any difference or dispute to which the Minister is a party –
  - (a) the independent expert must express the conclusion as a recommendation; and
  - (b) the Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for issuing a notice of contravention under s. 47A of the Act.
- 13.9 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 13.10 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

**PART 4 – DEMONSTRATING COMPLIANCE****14. REPORTING REQUIREMENTS**

- 14.1 The Minister may require the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, to report on all or any of the following –
  - (a) the status of this bulk entitlement including the amount of water taken by the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, from the waterways;
  - (b) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (c) any temporary or permanent transfer of a bulk entitlement or other entitlement under the Act to the Authority in the Bunyip Basin, or to the Authority together with the holders of bulk entitlements listed in sub-clause 6.3;
  - (d) any amendment to this bulk entitlement;

- (e) any new bulk entitlement of water granted to the Authority, or to the Authority together with the holders of bulk entitlements listed in sub-clause 6.3;
  - (f) compliance with the bulk entitlement;
  - (g) any failures either by the Authority or those that are joint with the other bulk entitlement holders listed in sub-clause 6.3, to comply with any provision of this bulk entitlement; and
  - (h) any difficulties experienced or anticipated either by the Authority or those that are joint with the other bulk entitlement holders listed in sub-clause 6.3, in complying with this bulk entitlement and any remedial action taken or proposed.
- 14.2 Reporting under paragraph 14.1(a) for Tarago Weir is required only for the periods when the authority is taking water from the weir.
- 14.3 The Minister may require the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, to report on all or any of the matters set out in sub-clause 14.1 –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 14.4 The Authority must, in its Annual Report, report on each of the matters referred to in sub-clause 14.1.
- 14.5 The Resource Manager may require the Authority, together with the holders of the bulk entitlements listed in sub-clause 6.3, to report from time to time, on all or any of the matters set out in sub-clause 14.1.
- 14.6 Any report under sub-clause 14.5 must be made –
- (a) in such form as may be agreed between the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3 and the Resource Manager.

## **15. DATA**

- 15.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.
- 15.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of clause 14, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

## **PART 5 – COSTS**

## **16. RESOURCE MANAGER**

- 16.1 Subject to sub-clause 16.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Bunyip Basin Water Accounts;
  - (b) report on whether entitlement holders in the Bunyip Basin comply with the conditions of their bulk entitlements;
  - (c) report on disputes between entitlement holders in the Bunyip Basin;
  - (d) report on significant unauthorised uses of water in the Bunyip Basin; and

- (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under s. 33AAA of the Act.
- 16.2 Subject to sub-clause 16.3, the proportion of the costs referred to in sub-clause 16.1 is to be determined by the Resource Manager.
- 16.3 The authority, together with the holders of bulk entitlements listed in sub-clause 6.3, must contribute to the costs of managing the environmental risks associated with the temporary reduction of the environmental flows under clause 8 of Tarago and Bunyip Rivers Environmental Entitlement 2009, including the preparation of an environmental monitoring program and contingency plan.
- 16.4 For the purposes of meeting the costs in clause 16.3 the authority, together with the holders of bulk entitlements listed in sub-clause 6.3, must contribute \$50/ML for the total reduction in the volume allocated to the environment under clause 8 of Tarago and Bunyip Rivers Environmental Entitlement 2009.
- 16.5 Where the Resource Manager provides a regulated service for the purposes of s. 4A of the **Water Industry Act 1994**, the charges to be paid by the Authority to the Resource Manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

Dated 11 March 2009

Responsible Minister  
TIM HOLDING MP  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

#### SCHEDULE 1 – SHARE OF RESOURCES

Bulk entitlement	Share of resources
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009	As determined by the bulk entitlement and other statutory and non-statutory instruments <sup>1</sup> .
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009	As determined by the bulk entitlement and other statutory and non-statutory instruments <sup>1</sup> .
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009	As determined by the bulk entitlement and other statutory and non-statutory instruments <sup>1</sup> .
<b>Total</b>	<b>100% of the water available to the Melbourne retail authorities from the waterway</b>

Notes:

1. The instruments include –
  - (a) the Melbourne Drought Response Plans for the Melbourne retail authorities;
  - (b) Bulk Entitlement (Tarago River – Southern Rural Water) Order 2009;
  - (c) Bulk Entitlement (Tarago and Bunyip Rivers – Gippsland Water) Conversion Order 2009; and
  - (d) Tarago and Bunyip Rivers Environmental Entitlement 2009.

**SCHEDULE 2 – PRIMARY ENTITLEMENTS**

<b>Entitlement Holder</b>	<b>Details of entitlement</b>
Central Gippsland Regional Water Corporation	Towns supplied by Gippsland Water from Tarago Reservoir under the Bulk Entitlement (Tarago and Bunyip Rivers – Gippsland Water) Conversion Order 2009
Gippsland and Southern Rural Water Corporation	Releases from Tarago Reservoir for Southern Rural Water's private diverters under the Bulk Entitlement (Tarago River – Southern Rural Water) Order 2009

**SCHEDULE 3 – WATER HARVESTING CAPACITY****Table 1** Reservoir and transfer capacities

<b>Reservoir</b>	<b>Reservoir capacity (ML)</b>	<b>Reservoir full supply level to Australian Height Datum (metres)</b>	<b>Transfer works</b>	<b>Transfer capacity (ML/day)</b>
Tarago Reservoir	37 580	157.921	Tarago – Western Port Pipeline*	90
			Tarago Pump	48
			Tarago Main Race (Tarago Pump rising main to Bunyip Main Race)	80

\* The capacity of this pipeline is constrained by the maximum capacity of the WTP

**Table 2** Weirs and transfer capacities

<b>Weir</b>	<b>Transfer works</b>	<b>Transfer capacity (ML/day)</b>
Tarago Weir	Tarago Main Race (Tarago Weir to Tarago Pump rising main)	46
Crystal Creek Weir	Tarago Main Race (Crystal Creek to Tarago Pump rising main)	46
Bunyip Weir	Bunyip Main Race (Bunyip Weir to Tarago Main Race)	40

**SCHEDULE 4 – PASSING FLOWS**

<b>Waterway and offtake point</b>	<b>Passing flow</b> (all flows are minimum instantaneous values)
Neerim South gauging station (228219)	The lesser of – (a) 5 ML/d; and (b) the flow entering the reservoir.
Tarago River at Tarago Weir	(a) May to Oct (inclusive) – (i) 20 ML/d, if the inflow to Tarago Weir is equal to or greater than 40 ML/d; or (ii) 50% of inflow if the inflow to Tarago Weir is less than 40 ML/d. (b) Nov to April (inclusive) – (i) 10 ML/d, if the inflow to Tarago Weir is equal to or greater than 20 ML/d; or (ii) 50% of inflow if the inflow to Tarago Weir is less than 20 ML/d.
Bunyip River at Bunyip Weir	(a) May to Oct (inclusive) – (i) 8ML/d, if inflow to Bunyip Weir equal to or greater than 16 ML/d, or (ii) 50% of inflow if Bunyip inflow to Weir less than 16 ML/d. (b) Nov to April (inclusive): (i) all inflow to Bunyip Weir above 6 ML/d if inflow to Bunyip Weir is equal to or greater than 12 ML/d, or (ii) 50% of inflow if Bunyip inflow to Weir is less than 12 ML/d.

**Water Act 1989****BULK ENTITLEMENT (TARAGO AND BUNYIP RIVERS – MELBOURNE WATER FOR CITY WEST WATER LIMITED) CONVERSION ORDER 2009****PART 1 - INTRODUCTORY STATEMENTS**

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

**1. CITATION**

This Order may be cited as the Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009.

**2. EMPOWERING PROVISIONS**

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

**3. COMMENCEMENT**

This Order comes into operation on the earlier of:

- (a) 1 May 2009, and
- (b) the day the Tarago Treatment Plant commences operation.

**4. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means Melbourne Water Corporation;

‘**bulk entitlement holder**’ means an authority or corporation, or any other person, holding a bulk entitlement for the Bunyip Basin granted under Division 1 or 3 of Part 4 of the Act;

‘**bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the headworks to the Melbourne retail authorities’ supply interface points;

‘**Bulk Transfer System Operator**’ means Melbourne Water Corporation in respect of its role to operate and maintain the bulk transfer system.

‘**Bunyip Basin**’ means the area of land designated as Basin Number 28 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Bunyip Basin Water Accounts**’ means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, within the Bunyip Basin, with the terms of their bulk entitlements or licences;

‘**City West Water**’ means City West Water Limited, ABN 70 066 902 467;

‘**Department**’ means the Department of Sustainability and Environment;

‘**environmental flows**’ means water described in Tarago and Bunyip Rivers Environmental Entitlement 2009;

‘**environment Minister**’ has the same meaning as in section 3(1) of the Act;

‘**headworks system**’ means –

- (a) the Tarago River between Tarago Weir and Tarago Dam including the pools formed by and immediately upstream of Tarago Weir and Tarago Dam;
- (b) the pool formed by and immediately upstream of Bunyip Weir on the Bunyip River; and
- (c) the associated weirs, transfer conduits and other water supply works owned by Melbourne Water;

‘**licence**’ means any licence granted under Part 4 of the Act;

**‘Management Agreement’** means the agreement referred to in clause 11;

**‘Management Rules’** means the agreement referred to in clause 11.2;

**‘Melbourne retail authorities’** means any or all of –

Yarra Valley Water;  
South East Water; and  
City West Water;

**‘Melbourne supply system’** means the waterway, headworks and bulk transfer system works which supply water to the Melbourne retail authorities and primary entitlement holders;

**‘Minister’**, in relation to a 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 s. 306 of the Act;

**‘passing flow’** means the passing flows described in Schedule 4;

**‘primary entitlement’** means an entitlement referred to in clause 8;

**‘Resource Manager’** means a person appointed by the Minister under s. 43A of the Act to do all or any of the tasks set out in clause 16;

**‘South East Water’** means South East Water Limited, ABN 89 066 902 547;

**‘Storage Manager’** means Melbourne Water Corporation acting in respect of the water supply functions provided for in s 171B of the Act;

**‘Storage Management Rules’** means any rules from time to time adopted for the operation of the headworks system;

**‘waterway’** means the Bunyip River and its tributaries upstream of Westernport including pools formed by and immediately upstream of Melbourne Water’s dam and weirs;

**‘Yarra Valley Water’** means Yarra Valley Water Limited, ABN 93 066 902 501; and

**‘year’** means the 12 months commencing 1 July.

## PART 2 – ENTITLEMENT

### 5. CONVERSION TO A BULK ENTITLEMENT

Only that part of the Authority’s entitlement to water from the waterway to supply City West Water Limited’s retail customers is converted to a bulk entitlement on the conditions set out in this Order. This conversion provision must be read together with the conversion provision in both of the Bulk Entitlements referred to in sub-clause 6.3 below such that together the three conversion provisions convert the Authority’s entitlement to the total volumes referred to in sub-clause 6.2 over the period referred to in sub-clause 6.2 below.

### 6. BULK ENTITLEMENT

6.1 The provisions of this bulk entitlement must be read together with those of the two bulk entitlements referred to in sub-clause 6.3 below such that together the three bulk entitlements may take the total volumes referred to in sub-clause 6.2 below over the period referred to in sub-clause 6.2 below.

6.2 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, may take from the waterway an average annual amount of up to –

- (a) 24,950 ML at Tarago Reservoir; and
- (b) 5,560 ML at the Bunyip Weir;

over any consecutive 5 year period.

6.3 The Authority’s share, together with shares allocated under the –

- (a) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009; and
- (b) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009;

as described in Schedule 1, make up 100% of the water allocated to the Melbourne retail authorities from the waterway.

- 6.4 In the first 4 years following the commencement of this Order, the Storage Manager must calculate the entitlement under paragraphs 6.2 (a) and (b) using recorded annual diversions, for the period prior to the commencement of the Order.

**7. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS**

- 7.1 Water taken from the waterway under this bulk entitlement together with the bulk entitlements listed in sub-clause 6.3 –
- (a) must be used to supply the primary entitlements described in Schedule 2; and
  - (b) can be used to supply Gippsland Water under an agreement made under section 124(7) of the Act.

**8. SHARE OF STORAGE CAPACITY**

The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, is entitled to store water in Tarago Reservoir –

- (a) up to the reservoir capacity and full supply level listed in Table 1 of Schedule 3; less
- (a) any storage capacity reserved for the environment or other purposes under another bulk entitlement;

subject to the Storage Management Rules.

**9. SHARE OF FLOW**

- 9.1 After the Storage Manager has released or set aside, as the case may be, water required to meet the environmental flows and passing flows, the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, may –

- (a) store all the inflow to the reservoir and weirs; and
- (b) take the inflow via the transfer conduits and pumps;

at the locations and rates listed in Schedule 3 and subject to the Storage Management Rules.

- 9.2 The Authority must not take, as part of this bulk entitlement, any flow of water in the waterways which is being transferred by the holder of any other bulk entitlement or licence.

**PART 3 – GENERAL CONDITIONS AND PROVISIONS**

**10. PASSING FLOW OBLIGATIONS**

The Authority must direct the Storage Manager to pass the flows specified in Schedule 4, within the following operating tolerances –

- (a) the average flow on any day is to be no less than 80% of the passing flow;
- (b) the total flow over any continuous 7 day period is to be not less than the sum of the passing flows for each day over the same period; and
- (c) over any continuous 12 month period, the passing flow is to be provided 90% of the time.

**11. MANAGEMENT ARRANGEMENTS**

- 11.1 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, must, within three months of the commencement of this Order review and if necessary amend the current arrangements for management of the Melbourne supply system to ensure the collaborative management of this bulk entitlement between themselves and –

- (a) other bulk entitlement holders;
- (b) the Storage Manager; and
- (c) the Bulk Transfer System Operator.



- 11.2 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, must vary the existing rules for managing the Melbourne retail authorities' bulk entitlements to include this entitlement.
- 11.3 Any variation of the rules under sub-clause 11.2 –
- (a) must be –
    - (i) consistent with the objective of achieving least community cost;
    - (ii) in accordance with the management arrangements established for the Melbourne system; and
    - (iii) undertaken in consultation with other bulk entitlement holders and the environment Minister whose entitlements are likely to be affected by the rules; and
  - (b) may address any matters with the potential to affect this bulk entitlement or the bulk entitlements of other bulk entitlement holders, including –
    - (i) water quality in the headworks system;
    - (ii) the impacts of drought on Melbourne's water supply; and
    - (iii) emergency situations.
- 11.4 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, and after consulting with the persons described in paragraph 11.1, may vary the management rules from time to time. Where changes are likely to impact the holders of the primary entitlements, agreement from the affected parties must be gained prior to varying the rules.

## **12. TRANSFER OF ENTITLEMENT AND ADJUSTMENT OF SCHEDULES**

- 12.1 Subject to s. 46 of the Act and sub-clause 12.2 of this Order, and with the agreement of the holders of bulk entitlements listed in sub-clause 6.3, this bulk entitlement may be transferred –
- (a) temporarily or permanently;
  - (b) in whole or in part;
  - (c) for any purpose, including an in-stream use of water.
- 12.2 The Minister may, on the application of the Authority together with the holders of bulk entitlements listed in sub-clause 6.3, at any time, alter any provision of this Order to reflect trading of this or any other bulk entitlement by the Authority together with the holders of bulk entitlements listed in sub-clause 6.3.
- 12.3 An application under sub-clause 12.2 must set out –
- (a) the objectives of, and reasons for the proposed amendment;
  - (b) the results of an assessment of the likely effect of that amendment on both the security of primary entitlements and the environment.
- 12.4 The Minister may –
- (a) approve part or all of any application under sub-clause 12.2; or
  - (b) require the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, to –
    - (i) provide further information; and
    - (ii) re-submit the application in a different form; or
  - (c) not approve the application.

**13. DISPUTE RESOLUTION**

- 13.1 If a difference or dispute arises between the Authority, the Storage Manager or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to the other party requiring the matter to be determined by an independent expert.
- 13.2 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent expert.
- 13.3 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent expert, the Authority must comply with the notice.
- 13.4 The notice requiring that the matter be determined by independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 13.5 The independent expert will be either –
  - (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 13.6 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 13.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 13.8 In any difference or dispute to which the Minister is a party –
  - (a) the independent expert must express the conclusion as a recommendation; and
  - (b) the Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for issuing a notice of contravention under s. 47A of the Act.
- 13.9 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 13.10 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

**PART 4 – DEMONSTRATING COMPLIANCE****14. REPORTING REQUIREMENTS**

- 14.1 The Minister may require the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, to report on all or any of the following –
  - (a) the status of this bulk entitlement including the amount of water taken by the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, from the waterways;
  - (b) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (c) any temporary or permanent transfer of a bulk entitlement or other entitlement under the Act to the Authority in the Bunyip Basin, or to the Authority together with the holders of bulk entitlements listed in sub-clause 6.3;
  - (d) any amendment to this bulk entitlement;

- (e) any new bulk entitlement of water granted to the Authority, or to the Authority together with the holders of bulk entitlements listed in sub-clause 6.3;
  - (f) compliance with the bulk entitlement;
  - (g) any failures either by the Authority or those that are joint with the other bulk entitlement holders listed in sub-clause 6.3, to comply with any provision of this bulk entitlement; and
  - (h) any difficulties experienced or anticipated either by the Authority or those that are joint with the other bulk entitlement holders listed in sub-clause 6.3, in complying with this bulk entitlement and any remedial action taken or proposed.
- 14.2 Reporting under paragraph 14.1(a) for Tarago Weir is required only for the periods when the authority is taking water from the weir.
- 14.3 The Minister may require the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, to report on all or any of the matters set out in sub-clause 14.1 –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 14.4 The Authority must, in its Annual Report, report on each of the matters referred to in sub-clause 14.1.
- 14.5 The Resource Manager may require the Authority, together with the holders of the bulk entitlements listed in sub-clause 6.3, to report from time to time, on all or any of the matters set out in sub-clause 14.1.
- 14.6 Any report under sub-clause 14.5 must be made –
- (a) in such form as may be agreed between the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, and the Resource Manager.

## **15. DATA**

- 15.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.
- 15.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of clause 14, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

## **PART 5 – COSTS**

## **16. RESOURCE MANAGER**

- 16.1 Subject to sub-clause 16.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Bunyip Basin Water Accounts;
  - (b) report on whether entitlement holders in the Bunyip Basin comply with the conditions of their bulk entitlements;
  - (c) report on disputes between entitlement holders in the Bunyip Basin;
  - (d) report on significant unauthorised uses of water in the Bunyip Basin; and

- (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under s. 33AAA of the Act.
- 16.2 Subject to sub-clause 16.3, the proportion of the costs referred to in sub-clause 16.1 is to be determined by the Resource Manager.
- 16.3 The authority, together with the holders of bulk entitlements listed in sub-clause 6.3, must contribute to the costs of managing the environmental risks associated with the temporary reduction of the environmental flows under clause 8 of Tarago and Bunyip Rivers Environmental Entitlement 2009, including the preparation of an environmental monitoring program and contingency plan.
- 16.4 For the purposes of meeting the costs in clause 16.3 the authority, together with the holders of bulk entitlements listed in sub-clause 6.3, must contribute \$50/ML for the total reduction in the volume allocated to the environment under clause 8 of Tarago and Bunyip Rivers Environmental Entitlement 2009.
- 16.5 Where the Resource Manager provides a regulated service for the purposes of s. 4A of the **Water Industry Act 1994**, the charges to be paid by the Authority to the Resource Manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

Dated 11 March 2009

Responsible Minister  
TIM HOLDING MP  
Minister for Water

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Note: An explanatory note that accompanies this Order is available from the Department.

**SCHEDULE 1 – SHARE OF RESOURCES**

<b>Bulk entitlement</b>	<b>Share of resources</b>
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009	As determined by the bulk entitlement and other statutory and non-statutory instruments <sup>1</sup> .
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009	As determined by the bulk entitlement and other statutory and non-statutory instruments <sup>1</sup> .
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009	As determined by the bulk entitlement and other statutory and non-statutory instruments <sup>1</sup> .
<b>Total</b>	<b>100% of the water available to the Melbourne retail authorities from the waterway</b>

Notes:

1. The instruments include –
  - (a) the Melbourne Drought Response Plans for the Melbourne retail authorities;
  - (b) Bulk Entitlement (Tarago River – Southern Rural Water) Order 2009;
  - (c) Bulk Entitlement (Tarago and Bunyip Rivers – Gippsland Water) Conversion Order 2009; and
  - (d) Tarago and Bunyip Rivers Environmental Entitlement 2009.

**SCHEDULE 2 – PRIMARY ENTITLEMENTS**

<b>Entitlement Holder</b>	<b>Details of entitlement</b>
Central Gippsland Regional Water Corporation	Towns supplied by Gippsland Water from Tarago Reservoir under the Bulk Entitlement (Tarago and Bunyip Rivers – Gippsland Water) Conversion Order 2009
Gippsland and Southern Rural Water Corporation	Releases from Tarago Reservoir for Southern Rural Water's private diverters under the Bulk Entitlement (Tarago River – Southern Rural Water) Order 2009

**SCHEDULE 3 – WATER HARVESTING CAPACITY****Table 1** Reservoir and transfer capacities

<b>Reservoir</b>	<b>Reservoir capacity (ML)</b>	<b>Reservoir full supply level to Australian Height Datum (metres)</b>	<b>Transfer works</b>	<b>Transfer capacity (ML/day)</b>
Tarago Reservoir	37 580	157.921	Tarago – Western Port Pipeline*	90
			Tarago Pump	48
			Tarago Main Race (Tarago Pump rising main to Bunyip Main Race)	80

\* The capacity of this pipeline is constrained by the maximum capacity of the WTP

**Table 2** Weirs and transfer capacities

<b>Weir</b>	<b>Transfer works</b>	<b>Transfer capacity (ML/day)</b>
Tarago Weir	Tarago Main Race (Tarago Weir to Tarago Pump rising main)	46
Crystal Creek Weir	Tarago Main Race (Crystal Creek to Tarago Pump rising main)	46
Bunyip Weir	Bunyip Main Race (Bunyip Weir to Tarago Main Race)	40

**SCHEDULE 4 – PASSING FLOWS**

<b>Waterway and offtake point</b>	<b>Passing flow</b> (all flows are minimum instantaneous values)
Neerim South gauging station (228219):	The lesser of – (a) 5 ML/d; and (b) the flow entering the reservoir.
Tarago River at Tarago Weir	(a) May to Oct (inclusive) – (i) 20 ML/d, if the inflow to Tarago Weir is equal to or greater than 40 ML/d; or (ii) 50% of inflow if the inflow to Tarago Weir is less than 40 ML/d. (b) Nov to April (inclusive) – (i) 10 ML/d, if the inflow to Tarago Weir is equal to or greater than 20 ML/d; or (ii) 50% of inflow if the inflow to Tarago Weir is less than 20 ML/d.
Bunyip River at Bunyip Weir	(a) May to Oct (inclusive) – (i) 8ML/d, if inflow to Bunyip Weir equal to or greater than 16 ML/d, or (ii) 50% of inflow if Bunyip inflow to Weir less than 16 ML/d. (b) Nov to April (inclusive) – (i) all inflow to Bunyip Weir above 6 ML/d if inflow to Bunyip Weir is equal to or greater than 12 ML/d, or (ii) 50% of inflow if Bunyip inflow to Weir is less than 12 ML/d.

**Water Act 1989****BULK ENTITLEMENT (TARAGO RIVER – SOUTHERN RURAL WATER)  
CONVERSION ORDER 2009**

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

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Tarago River – Southern Rural Water) Conversion Order 2009.

**2. EMPOWERING PROVISIONS**

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

**3. COMMENCEMENT**

This Order comes into operation on the 1 May 2009.

**4. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means Gippsland and Southern Rural Water Corporation trading as and referred to in this order as Southern Rural Water;

‘**bulk entitlement holder**’ means an authority or corporation, or any other person, holding a bulk entitlement for the Bunyip Basin granted under Division 1 or 3 of Part 4 of the Act;

‘**Bunyip Basin**’ means the area of land designated as Basin Number 28 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Bunyip Basin Water Accounts**’ means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, within the Bunyip Basin, with the terms of their bulk entitlements or licences;

‘**Department**’ means the Department of Sustainability and Environment;

‘**environment Minister**’ has the same meaning as in section 3 of the Act;

‘**headworks**’ means Tarago Reservoir and the outlet to Tarago River owned by Melbourne Water Corporation;

‘**Iona Gauging Station**’ means the stream gauging station, number 228213, located on the waterway;

‘**licence**’ means any licence granted under Part 4 of the Act;

‘**Melbourne bulk entitlement holders**’ means the holders of –

- (a) Bulk Entitlement (Bunyip and Tarago Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009;
- (b) Bulk Entitlement (Bunyip and Tarago Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009; and
- (c) Bulk Entitlement (Bunyip and Tarago Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009;

‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to a 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 s. 306 of the Act;

‘**primary entitlement**’ means an entitlement referred to in clause 7;

**‘reliability of supply’** means the statistical probability that the Melbourne Bulk Entitlement Holders will be able to supply the whole of the annual entitlement to the Authority in any year from the headworks system;

**‘Resource Manager’** means a person appointed by the Minister under s. 43A of the Act to do all or any of the tasks set out in sub-clause 12.1;

**‘Storage Manager’** means Melbourne Water Corporation acting in respect of the water supply functions provided for in s. 171B of the Act;

**‘waterway’** means the Bunyip River and its tributaries upstream of Westernport, including pools formed by and immediately upstream of the Tarago Dam and weirs owned by Melbourne Water Corporation and Central Gippsland Region Water Corporation in the Bunyip Basin; and

**‘year’** means the 12 months commencing 1 July.

## **PART 2 – ENTITLEMENT**

### **5. CONVERSION TO A BULK ENTITLEMENT**

The Authority’s entitlement to a share of water releases from the Tarago Reservoir to supply primary entitlements is converted to a bulk entitlement on the conditions set out in this Order.

### **6. BULK ENTITLEMENT**

6.1 Subject to clause 8, the Authority is entitled to a release of water from Tarago Reservoir –

- (a) in accordance with the rules specified in Schedule 1;
- (b) up to an annual average amount of 1,260 ML over any period of five consecutive years;  
to supply primary entitlements.

6.2 For the purposes of calculating the entitlement under paragraph 6.1 (b) in the first four years after the commencement of this Order the Authority may take –

- in the first year, up to 2,500 ML;
- in the second year, up to 3,500 ML less the amount taken in the first year;
- in the third year, up to 4,500 ML less the total amount taken in the first two years; and
- in the fourth year, up to 5,500 ML less the total amount taken in the first three years.

## **PART 3 – GENERAL CONDITIONS AND PROVISIONS**

### **7. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS**

Water released from Tarago Reservoir under this bulk entitlement must be used to supply the primary entitlements described in Schedule 2.

### **8. SHARE OF TARAGO RESERVOIR OUTLET CAPACITY**

8.1 Unless and until a proposal is approved or determined under sub-clause 8.2 the Authority and the environment Minister must share the capacity of the Tarago Reservoir outlet works in the same proportion as the releases from Tarago Reservoir under this entitlement and under Schedule 1 of the Bunyip and Tarago Rivers Environmental Entitlement 2009, bear to the other.

8.2 The Authority and the environment Minister, may, after consulting with the Storage Manager and the other bulk entitlement holders, propose to the Minister any fair and reasonable arrangement for sharing the capacity of the Tarago Reservoir outlet works between the environment Minister and Southern Rural Water.



- 8.3 A proposal prepared under sub-clause 8.2 may include –
- (a) an assessment of the likelihood of occurrence of congestion in the outlet capacity;
  - (b) a preferred option for addressing the congestion in the outlet capacity, including structural and/or operational changes and the estimated costs of these; and
  - (c) a preferred option for cost sharing if substantial structural changes or price changes are necessary.
- 8.4 The Minister –
- (a) may approve any proposal made under sub-clause 8.2 to which all bulk entitlement holders referred to in that sub-clause have agreed in writing; or
  - (b) if all bulk entitlement holders have not so agreed, must refer the proposal to be determined by an independent expert under clause 11.

## **9. OPERATING ARRANGEMENTS**

- 9.1 The Authority and the Storage Manager, in consultation with the Melbourne bulk entitlement holders, must endeavour to agree on operational arrangements for the supply of water under this entitlement.
- 9.2 If the Authority, the Melbourne bulk entitlement holders and the Storage Manager have not reached agreement under sub-clause 9.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 11.
- 9.3 The Authority, the holders of the Melbourne bulk entitlements and the Storage Manager, may agree to vary the operating arrangement rules from time to time.

## **10. TRANSFER OF ENTITLEMENT AND ADJUSTMENT OF ORDERS**

- 10.1 Subject to s. 46 of the Act and sub-clause 10.2 of this Order, this bulk entitlement may be transferred –
- (a) temporarily or permanently;
  - (b) in whole or in part;
  - (c) for any purpose, including an in-stream use of water.
- 10.2 The Minister may, on the application of the Authority, at any time, amend any provision of this Order to reflect trading of this or any other bulk entitlement by the Authority.
- 10.3 An application under sub-clause 10.2 must set out –
- (a) the objectives of, and reasons for, the proposed amendment;
  - (b) the results of an assessment of the likely effect of that amendment on the reliability of this and any other bulk entitlements.
- 10.4 The Minister may –
- (a) approve part or all of any application under sub-clause 10.2; or
  - (b) require the Authority to –
    - (i) provide further information; and
    - (ii) re-submit the application in a different form; or
  - (c) not approve the application.

## **11. DISPUTE RESOLUTION**

- 11.1 If a difference or dispute arises between the Authority, the Storage Manager or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to the other party requiring the matter to be determined by an independent expert.

- 11.2 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent expert.
- 11.3 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent expert, the Authority must comply with the notice.
- 11.4 The notice requiring that the matter be determined by independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 11.5 The independent expert will be either –
  - (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 11.6 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 11.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 11.8 In any difference or dispute to which the Minister is a party –
  - (a) the independent expert must express the conclusion as a recommendation; and
  - (b) the Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for issuing a notice of contravention under s. 47A of the Act.
- 11.9 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 11.10 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

#### PART 4 – COST SHARING ARRANGEMENTS

### 12. RESOURCE MANAGER

- 12.1 Subject to sub-clause 12.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
  - (a) prepare the Bunyip Basin Water Accounts;
  - (b) report on whether entitlement holders in the Bunyip Basin comply with the conditions of their bulk entitlements;
  - (c) report on disputes between entitlement holders in the Bunyip Basin;
  - (d) report on significant unauthorised uses of water in the Bunyip Basin; and
  - (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under s. 33AAA of the Act.
- 12.2 Subject to sub-clause 12.3, the proportion of the costs referred to in sub-clause 12.1 is to be determined by the Resource Manager.
- 12.3 Where the Resource Manager provides a regulated service for the purposes of s. 4A of the **Water Industry Act 1994**, the charges to be paid by the Authority to the Resource Manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

**13. HEADWORKS COSTS**

The Authority is exempt from making any payment for headworks costs relating to this Order, subject to an agreement under clause 8.4.

**PART 5 – DEMONSTRATING COMPLIANCE****14. METERING PROGRAM**

14.1 The Authority, in consultation with the Storage Manager, must propose to the Minister within 12 months of the commencement of this Order, a metering program to demonstrate the Authority's compliance with its bulk entitlement under this Order.

14.2 The Minister may –

- (a) approve a program proposed under sub-clause 14.1; or
- (b) require the Authority to amend the proposed program; or
- (c) not approve the proposed program.

14.3 The Minister may, at any time, require the Authority to –

- (a) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
- (b) propose an amended program to the Minister.

14.4 The Authority must, at its cost and in accordance with any guidelines issued from time to time by the Minister –

- (a) implement and maintain any metering program approved by the Minister; and
- (b) maintain metering equipment and associated measurement structures in good condition; and
- (c) ensure that metering equipment is periodically re-calibrated; and
- (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
- (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

**15. REPORTING REQUIREMENTS**

15.1 The Minister may require the Authority to report on all or any of the following:

- (a) the daily amount of water released for the Authority from Tarago Reservoir by the Storage Manager under this entitlement;
- (b) the annual amount of water released for the Authority from Tarago Reservoir by the Storage Manager under this entitlement;
- (c) the approval, amendment and implementation of the metering program approved under sub-clause 14.2;
- (d) compliance with the bulk entitlement;
- (e) any failure by the Authority to comply with any provision of this bulk entitlement; and
- (f) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.

15.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 15.1 –

- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.

- 15.3 The Authority must, in its Annual Report, report on each of the matters referred to in sub-clause 15.1 except paragraph (a) of sub-clause 15.1.
- 15.4 The Resource Manager may require the Authority to report from time to time, on all or any of the matters set out in sub-clause 15.1.
- 15.5 Any report under sub-clause 15.4 must be made –
  - (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.

**16. DATA**

- 16.1 Subject to sub-clause 14.4, the Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.
- 16.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clauses 14 or 15 subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 11 March 2009

Responsible Minister  
TIM HOLDING MP  
Minister for Water

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Note: An explanatory note that accompanies this Order is available from the Department.

**SCHEDULE 1 – RELEASE RULES**

- 1) If the modified natural flow in the Tarago River immediately upstream of the Bunyip River confluence, minus any environmental flow releases from Tarago Reservoir, is less than 5 ML/day then Southern Rural Water may request the Storage Manager to release up to 5 ML/day from Tarago Reservoir to supply licensed diverters between Tarago Reservoir and the Bunyip confluence.
- 2) If the modified natural flow in the Bunyip River at Iona Gauging Station, minus any environmental flow releases from Tarago Reservoir, is less than 40 ML/day then the Southern Rural Water may request the Storage Manager to release up to 40 ML/day from Tarago Reservoir to supply licensed diverters on the Bunyip River downstream of the Tarago confluence.
- 3) The maximum total volume which can be released, under paragraphs 1 and 2 of schedule 1, from Tarago reservoir is 45 ML/d, including an allowance for losses.

In applying these rules –

- The Storage Manager must add an allowance for losses in the waterway in any calculation of the required releases estimated under paragraphs 1 and 2 of schedule 1, provided the total release does not exceed 45 ML/d. These losses will be included in analyses of compliance with the cap on releases referred to in clause 6.
- When a release is made from Tarago Reservoir under this Order, the Storage Manager must notify Southern Rural Water of its share of the flow in the Tarago River at Bunyip and the Bunyip River at Iona Gauging Station.
- The Storage Manager must calculate the modified natural flows in the Tarago River at Bunyip and the Bunyip River at Iona Gauging Station by estimating what the flow in the waterway would have been at these locations if no water was taken out by upstream licensed diverters. An estimate of the volume taken out by upstream irrigators is to be provided to the Storage Manager by the Authority.
- Releases in paragraphs (1), (2) and (3) are subject to clause 8.

**SCHEDULE 2 – PRIMARY ENTITLEMENTS**

Licences issued under s. 51(1)(a) and (b) of the Act as described in the table.

Reach	Licensed volume
Tarago River downstream of the Tarago Reservoir and upstream of the Bunyip River confluence	471.2 ML
Bunyip River downstream of Tarago River confluence and upstream of the Koo Wee Rup–Pakenham Road bridge	4,690.6 ML

**Water Act 1989**  
**BULK ENTITLEMENT (TARAGO RIVER – GIPPSLAND WATER)**  
**CONVERSION ORDER 2009**

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

**PART 1 – INTRODUCTORY STATEMENTS**

**1. CITATION**

This Order may be cited as the Bulk Entitlement (Tarago River – Gippsland Water) Conversion Order 2009.

**2. EMPOWERING PROVISIONS**

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

**3. COMMENCEMENT**

This Order comes into operation on 1 May 2009.

**4. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means Central Gippsland Region Water Corporation trading as and also referred to in this order as Gippsland Water;

‘**bulk entitlement holder**’ means an authority or corporation, or any other person, holding a bulk entitlement for the Bunyip Basin granted under Division 1 or 3 of Part 4 of the Act;

‘**Bunyip Basin**’ means the area of land designated as Basin Number 28 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Bunyip Basin Water Accounts**’ means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, within the Bunyip Basin, with the terms of their bulk entitlements or licences;

‘**Department**’ means the Department of Sustainability and Environment;

‘**passing flow**’ means the passing flows described in Schedule 2 of this Order;

‘**Tarago Reservoir headworks**’ means Tarago Reservoir and the associated transfer conduits and other water supply works owned by Melbourne Water;

‘**licence**’ means any licence granted under Part 4 of the Act;

‘**Melbourne bulk entitlements**’ means –

- (a) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009;
- (a) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009; and
- (b) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009;

‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to a 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 s. 306 of the Act;

‘**Resource Manager**’ means a person appointed by the Minister under s. 43A of the Act to do all or any of the tasks set out in sub-clause 16.1;

‘**Storage Manager**’ means Melbourne Water Corporation acting in respect of the water supply functions provided for in s. 171B of the Act in relation to the water supplied from Tarago reservoir;

**‘Tarago water treatment plant’** means Melbourne Water Corporation’s water treatment plant situated at Drouin West;

**‘Tarago Reservoir interface point’** means the point where Gippsland Water takes water directly from Tarago Reservoir under this entitlement;

**‘Tarago–Westernport Pipeline interface point’** is the point where Gippsland Water takes water from the Tarago–Westernport Pipeline under this entitlement;

**‘waterway’** means the Tarago River and its tributaries upstream of Pederson Weir and Labertouche Creek upstream of the Labertouche Creek Weir including pools formed by and immediately upstream of Gippsland Water’s weirs; and the Tarago Reservoir, including the pool formed by and immediately upstream of Tarago Dam; and

**‘year’** means the 12 months commencing 1 July.

## **PART 2 – ENTITLEMENT**

### **5. CONVERSION TO A BULK ENTITLEMENT**

The Authority’s entitlement to take water from the waterway to supply water to the Warragul and Drouin and Neerim South water supply systems is converted to a bulk entitlement on the conditions set out in this Order.

### **6. BULK ENTITLEMENT**

6.1 The Authority may take via the Authority’s transfer conduits at the rates and locations listed in Schedule 1, after the passing flows specified in clause 8 have been met, up to –

- (a) an annual average amount of 480 ML of water over any period of five consecutive years from Labertouche Creek at the Labertouche Creek Weir;
- (b) 275 ML of water per year from the Authority’s Tarago Reservoir interface point;
- (c) subject to clause 7, an annual average total amount of 4,070 ML over any period of five consecutive years from:
  - (i) the Tarago River at Pederson Weir; and
  - (ii) the Authority’s Tarago–Westernport Pipeline interface point.

6.2 In the first 4 years following the commencement of this Order the Authority must calculate the entitlement under paragraphs 6.1 (a) and (c) using recorded annual diversions over the period prior to the commencement of the Order.

## **PART 3 – GENERAL CONDITIONS AND PROVISIONS**

### **7. DIVERSION FOREGONE AT PEDERSON WEIR**

7.1 The Authority may take from the Tarago–Westernport Pipeline interface point up to the volume of water calculated by the Authority on that day as the sum over the previous seven days of the volumes calculated in sub-clause 7.2.

7.2 The Authority must calculate the diversion foregone by the Authority at Pederson Weir as:

$$[\{\text{the minimum of } Q \text{ and } 12.6\} - \{\text{the minimum of } (Q - E) \text{ and } 12.6\} - D] \text{ ML/day}$$

Where  $Q$  = the flow into Pederson Weir measured in ML/day; and

$E$  = the passing flow downstream of Pederson Weir measured in ML/day; and

$D$  = the Authority’s diversion from the Tarago–Westernport Pipeline, under this rule measured in ML/day.

**8. PASSING FLOW OBLIGATIONS**

The Authority must pass the flows specified in Schedule 2, within the following operating tolerances –

- (a) The flow on any day is to be no less than 80% of  $Q_T$ , where  $Q_T$  is the passing flow;
- (b) the total flow over any continuous 14 day period is to be not less than the sum of  $Q_T$  for each day over the same period; and
- (c) over any continuous 12 month period, the specified flow  $Q_T$  is to be provided 90% of the time.

**9. OPERATING ARRANGEMENTS**

- 9.1 The Authority and the holders of the Melbourne bulk entitlements and the Storage Manager must endeavour to agree on operating arrangements for the supply of water from Tarago Reservoir under this entitlement, including the operating arrangements that will apply when the Tarago water treatment plant is completed.
- 9.2 If the Authority, the holders of the Melbourne bulk entitlements and the Storage Manager have not reached agreement under sub-clause 9.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 12.
- 9.3 The Authority, the holders of the Melbourne bulk entitlements and the Storage Manager, may agree to vary the operating arrangements from time to time.

**10. TRANSFER OF ENTITLEMENT AND ADJUSTMENT OF SCHEDULES**

- 10.1 Subject to s. 46 of the Act and sub-clause 10.2 of this Order, this bulk entitlement may be transferred –
  - (a) temporarily or permanently; and
  - (b) in whole or in part; and
  - (c) for any purpose, including an in-stream use of water.
- 10.2 The Minister may, on the application of the Authority at any time, amend any provision of this Order to reflect trading of this or any other bulk entitlement by the Authority.
- 10.3 An application under sub-clause 10.2 must set out –
  - (a) the objectives of, and reasons for the proposed amendment;
  - (b) the results of an assessment of the likely effect of that amendment on both the security of primary entitlements and the environment.
- 10.4 The Minister may –
  - (a) approve part or all of any application under sub-clause 10.2; or
  - (b) require the Authority to –
    - (i) provide further information; and
    - (ii) re-submit the application in a different form; or
  - (c) not approve the application.

**11. ENVIRONMENTAL MANAGEMENT PROGRAM**

- 11.1 The Authority must propose an environmental management program to the Minister within 12 months of the commencement of this Order.
- 11.2 The program is to assess and manage the environmental effects of operating the Pederson and Labertouche weirs, including –
  - (a) the effects on the bed and banks of the waterways in the vicinity of the weirs;
  - (b) the effects on aquatic biota in the waterway;
  - (c) operational practices to remove silt from the weirs;



- (d) operating practices to manage the water quality in the weirs and in the waterway; and
  - (e) operating rules to control releases from the weirs to the waterways.
- 11.3 The Minister may –
  - (a) approve the program proposed under sub-clause 11.1; or
  - (b) require the Authority to amend the proposed program; or
  - (c) require the Authority to –
    - (i) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
    - (ii) propose an amended program.
- 11.4 The Authority must –
  - (a) implement the environmental management program approved under sub-clause 11.1; and
  - (b) keep a record of all work undertaken under paragraph (a).
- 11.5 The Minister may, from time to time, require the Authority to report in writing on the implementation of any program approved under sub-clause 11.1.

## **12. DISPUTE RESOLUTION**

- 12.1 If a difference or dispute arises between the Authority, the Storage Manager or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to the other party requiring the matter to be determined by an independent expert.
- 12.2 If a difference or dispute arises between the Authority and another bulk entitlement holder concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent expert.
- 12.3 If a difference or dispute arises between the Authority and another bulk entitlement holder concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent expert, the Authority must comply with the notice.
- 12.4 The notice requiring that the matter be determined by independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 12.5 The independent expert will be either –
  - (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 12.6 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 12.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 12.8 In any difference or dispute to which the Minister is a party –
  - (a) the independent expert must express the conclusion as a recommendation; and
  - (b) the Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for issuing a notice of contravention under s. 47A of the Act.

- 12.9 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 12.10 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

#### **PART 4 – DEMONSTRATING COMPLIANCE**

### **13. METERING PLAN**

- 13.1 The Authority must propose to the Minister within 12 months of the commencement of this Order, a metering plan to demonstrate compliance with this entitlement.
- 13.2 The Minister may –
- (a) approve a plan proposed under sub-clause 13.1; or
  - (b) require the Authority to amend the proposed plan; or
  - (c) not approve the proposed plan.
- 13.3 The Minister may, at any time, require the Authority to –
- (a) review the plan approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (b) propose an amended plan.
- 13.4 In accordance with any guidelines issued from time to time by the Minister, the Authority must –
- (a) implement and maintain any metering plan approved by the Minister;
  - (b) maintain metering equipment and associated measurement structures in good condition;
  - (c) ensure that metering equipment is periodically re-calibrated;
  - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
  - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

### **14. REPORTING REQUIREMENTS**

- 14.1 The Minister may require the Authority to report on all or any of the following –
- (a) the daily flow past Pederson Weir and Labertouche Weir;
  - (b) the annual amount of water past Pederson Weir and Labertouche Weir;
  - (c) the daily amount of water taken by the Authority from Pederson Weir, Labertouche Weir and the Tarago Reservoir and Tarago–Westernport Pipeline interface points;
  - (d) the annual amount of water taken from Pederson Weir, Labertouche Weir and the Tarago Reservoir and Tarago–Westernport Pipeline interface points;
  - (e) the approval, amendment and implementation of the metering program approved under sub-clause 13.2;
  - (f) compliance with the bulk entitlement;
  - (g) any failures by the Authority to comply with any provision of this bulk entitlement; and
  - (h) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 14.2 Reporting of daily and annual flows past Labertouche Weir, under 14.1 (a) and (b), is required only for periods when the authority is taking water from the weir.
- 14.3 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 14.1 –

- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 14.4 The Authority must, in its Annual Report, report on each of the matters referred to in sub-clause 14.1, except items in paragraphs (a) and (b).
- 14.5 The Resource Manager may require the Authority to report from time to time, on all or any of the matters set out in sub-clause 14.1.
- 14.6 Any report under sub-clause 14.5 be made –
  - (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.

## 15. DATA

- 15.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.
- 15.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of clause 13, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.
- 15.3 The Authority must provide the Storage Manager with the data used for calculating the volume forgone under clause 7.2.

## PART 5 – COSTS

### 16. RESOURCE MANAGER

- 16.1 Subject to sub-clause 16.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
  - (a) prepare the Bunyip Basin Water Accounts;
  - (b) report on whether entitlement holders in the Bunyip Basin comply with the conditions of their bulk entitlements;
  - (c) report on disputes between entitlement holders in the Bunyip Basin;
  - (d) report on significant unauthorised uses of water in the Bunyip Basin; and
  - (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under s. 33AAA of the Act.
- 16.2 Subject to sub-clause 16.3, the proportion of the costs referred to in sub-clause 16.1 is to be determined by the Resource Manager.
- 16.3 Where the Resource Manager provides a regulated service for the purposes of s. 4A of the **Water Industry Act 1994**, the charges to be paid by the Authority to the Resource Manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

### 17. TARAGO RESERVOIR HEADWORKS COSTS

- 17.1 Subject to sub-clause 17.3, the Authority must pay a share of the costs incurred by the Storage Manager to operate, maintain and refurbish the Tarago Reservoir headworks.

- 17.2 The amount of the Authority's share of costs under sub-clause 17.1 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 Manager, including an option to extend that agreement.
- 17.3 The Authority is exempt from paying the Storage Manager's costs under sub-clause 17.1 for the supply of up to 275 ML/year of untreated bulk water to the Authority's Neerim South water supply system.

Dated 11 March 2009

Responsible Minister  
TIM HOLDING MP  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

### SCHEDULE 1 – WATER HARVESTING CAPACITY

#### Transfer capacities

Waterway	Location	Transfer conduit	Extraction rate (ML/day)
Tarago River	Pederson Weir	Warragul supply main	12.6
Labertouche Creek	Labertouche Weir	Drouin supply main	1.4
Tarago River (from Tarago Reservoir)	the Authority's Tarago–Westernport Pipeline interface point	Tarago Westernport Pipeline	12.6
Tarago River (from Tarago Reservoir)	the Authority's Tarago Reservoir interface point	Neerim South supply main	2.2

### SCHEDULE 2 – PASSING FLOWS

Waterway and offtake point	Passing flow (all flows are minimum values)
Tarago River at Pederson Weir	The lesser of – (a) 15 ML/d or natural, if inflow to Pederson Weir is greater than 700 ML over the previous 30 days; or (b) 7 ML/d or natural, if inflow to Pederson Weir is less than or equal to 700 ML over the previous 30 days.
Labertouche Creek at Weir	The lesser of – (a) 1 ML/day; or (c) the natural flow entering the weir.

**Water Act 1989****BULK ENTITLEMENT (TARAGO AND BUNYIP RIVERS – MELBOURNE WATER FOR SOUTH EAST WATER LIMITED) CONVERSION ORDER 2009****PART 1 – INTRODUCTORY STATEMENTS**

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

**1. CITATION**

This Order may be cited as the Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009.

**2. EMPOWERING PROVISIONS**

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

**3. COMMENCEMENT**

This Order comes into operation on the earlier of:

- (a) 1 May 2009, and
- (b) the day the Tarago Treatment Plant commences operation.

**4. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means Melbourne Water Corporation;

‘**bulk entitlement holder**’ means an authority or corporation, or any other person, holding a bulk entitlement for the Bunyip Basin granted under Division 1 or 3 of Part 4 of the Act;

‘**bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the headworks to the Melbourne retail authorities’ supply interface points;

‘**Bulk Transfer System Operator**’ means Melbourne Water Corporation in respect of its role to operate and maintain the bulk transfer system.

‘**Bunyip Basin**’ means the area of land designated as Basin Number 28 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Bunyip Basin Water Accounts**’ means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, within the Bunyip Basin, with the terms of their bulk entitlements or licences;

‘**City West Water**’ means City West Water Limited, ABN 70 066 902 467;

‘**Department**’ means the Department of Sustainability and Environment;

‘**environmental flows**’ means water described in Tarago and Bunyip Rivers Environmental Entitlement 2009;

‘**environment Minister**’ has the same meaning as in section 3(1) of the Act;

‘**headworks system**’ means –

- (c) the Tarago River between Tarago Weir and Tarago Dam including the pools formed by and immediately upstream of Tarago Weir and Tarago Dam;
- (d) the pool formed by and immediately upstream of Bunyip Weir on the Bunyip River; and
- (e) the associated weirs, transfer conduits and other water supply works owned by Melbourne Water;

‘**licence**’ means any licence granted under Part 4 of the Act;

**‘Management Agreement’** means the agreement referred to in clause 11;

**‘Management Rules’** means the agreement referred to in clause 11.2;

**‘Melbourne retail authorities’** means any or all of –

Yarra Valley Water;

South East Water; and

City West Water;

**‘Melbourne supply system’** means the waterway, headworks and bulk transfer system works which supply water to the Melbourne retail authorities and primary entitlement holders;

**‘Minister’**, in relation to a 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 s. 306 of the Act;

**‘passing flow’** means the passing flows described in Schedule 4;

**‘primary entitlement’** means an entitlement referred to in clause 8;

**‘Resource Manager’** means a person appointed by the Minister under s. 43A of the Act to do all or any of the tasks set out in clause 16;

**‘South East Water’** means South East Water Limited, ABN 89 066 902 547;

**‘Storage Manager’** means Melbourne Water Corporation acting in respect of the water supply functions provided for in s. 171B of the Act;

**‘Storage Management Rules’** means any rules from time to time adopted for the operation of the headworks system;

**‘waterway’** means the Bunyip River and its tributaries upstream of Westernport including pools formed by and immediately upstream of Melbourne Water’s dam and weirs;

**‘Yarra Valley Water’** means Yarra Valley Water Limited, ABN 93 066 902 501; and

**‘year’** means the 12 months commencing 1 July.

## PART 2 – ENTITLEMENT

### 5. CONVERSION TO A BULK ENTITLEMENT

Only that part of the Authority’s entitlement to water from the waterway to supply South East Water Water Limited’s retail customers is converted to a bulk entitlement on the conditions set out in this Order. This conversion provision must be read together with the conversion provision in both of the Bulk Entitlements referred to in sub-clause 6.3 below such that together the three conversion provisions convert the Authority’s entitlement to the total volumes referred to in sub-clause 6.2 over the period referred to in sub-clause 6.2 below.

### 6. BULK ENTITLEMENT

6.1 The provisions of this bulk entitlement must be read together with those of the two bulk entitlements referred to in sub-clause 6.3 below such that together the three bulk entitlements may take the total volumes referred to in sub-clause 6.2 below over the period referred to in sub-clause 6.2 below.

6.2 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, may take from the waterway an average annual amount of up to –

(a) 24,950 ML at Tarago Reservoir; and

(b) 5,560 ML at the Bunyip Weir;

over any consecutive 5 year period.

6.3 The Authority’s share, together with shares allocated under the –

(a) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009; and

- (b) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009;

as described in Schedule 1, make up 100% of the water allocated to the Melbourne retail authorities from the waterway.

- 6.4 In the first 4 years following the commencement of this Order, the Storage Manager must calculate the entitlement under paragraphs 6.2 (a) and (b) using recorded annual diversions for the period prior to the commencement of the Order.

## **7. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS**

- 7.1 Water taken from the waterway under this bulk entitlement together with the bulk entitlements listed in sub-clause 6.3 –

- (a) must be used to supply the primary entitlements described in Schedule 2; and
- (b) can be used to supply Gippsland Water under an agreement made under section 124(7) of the Act.

## **8. SHARE OF STORAGE CAPACITY**

The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, is entitled to store water in Tarago Reservoir –

- (a) up to the reservoir capacity and full supply level listed in Table 1 of Schedule 3; less
- (b) any storage capacity reserved for the environment or other purposes under another bulk entitlement;

subject to the Storage Management Rules.

## **9. SHARE OF FLOW**

- 9.1 After the Storage Manager has released or set aside, as the case may be, water required to meet the environmental flows and passing flows, the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, may –

- (a) store all the inflow to the reservoir and weirs; and
- (b) take the inflow via the transfer conduits and pumps;

at the locations and rates listed in Schedule 3 and subject to the Storage Management Rules.

- 9.2 The Authority must not take, as part of this bulk entitlement, any flow of water in the waterways which is being transferred by the holder of any other bulk entitlement or licence.

## **PART 3 – GENERAL CONDITIONS AND PROVISIONS**

### **10. PASSING FLOW OBLIGATIONS**

The Authority must direct the Storage Manager to pass the flows specified in Schedule 4, within the following operating tolerances –

- (a) the average flow on any day is to be no less than 80% of the passing flow;
- (b) the total flow over any continuous 7 day period is to be not less than the sum of the passing flows for each day over the same period; and
- (c) over any continuous 12 month period, the passing flow is to be provided 90% of the time.

### **11. MANAGEMENT ARRANGEMENTS**

- 11.1 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, must, within three months of the commencement of this Order review and if necessary amend the current arrangements for management of the Melbourne supply system to ensure the collaborative management of this bulk entitlement between themselves and –

- (a) other bulk entitlement holders;
  - (b) the Storage Manager; and
  - (c) the Bulk Transfer System Operator.
- 11.2 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3 must vary the existing rules for managing the Melbourne retail authorities' bulk entitlements to include this entitlement.
- 11.3 Any variation of the rules under sub-clause 11.2 –
  - (a) must be –
    - (i) consistent with the objective of achieving least community cost;
    - (ii) in accordance with the management arrangements established for the Melbourne system; and
    - (iii) undertaken in consultation with other bulk entitlement holders and the environment Minister whose entitlements are likely to be affected by the rules; and
  - (b) may address any matters with the potential to affect this bulk entitlement or the bulk entitlements of other bulk entitlement holders, including –
    - (i) water quality in the headworks system;
    - (ii) the impacts of drought on Melbourne's water supply; and
    - (iii) emergency situations.
- 11.4 The Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, and after consulting with the persons described in paragraph 11.1, may vary the management rules from time to time. Where changes are likely to impact the holders of the primary entitlements, agreement from the affected parties must be gained prior to varying the rules.

## **12. TRANSFER OF ENTITLEMENT AND ADJUSTMENT OF SCHEDULES**

- 12.1 Subject to s. 46 of the Act and sub-clause 12.2 of this Order, and with the agreement of the holders of bulk entitlements listed in sub-clause 6.3, this bulk entitlement may be transferred –
  - (a) temporarily or permanently;
  - (b) in whole or in part;
  - (c) for any purpose, including an in-stream use of water.
- 12.2 The Minister may, on the application of the Authority together with the holders of bulk entitlements listed in sub-clause 6.3, at any time, alter any provision of this Order to reflect trading of this or any other bulk entitlement by the Authority together with the holders of bulk entitlements listed in sub-clause 6.3.
- 12.3 An application under sub-clause 12.2 must set out –
  - (a) the objectives of, and reasons for the proposed amendment;
  - (b) the results of an assessment of the likely effect of that amendment on both the security of primary entitlements and the environment.
- 12.4 The Minister may –
  - (a) approve part or all of any application under sub-clause 12.2; or
  - (b) require the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, to –
    - (i) provide further information; and
    - (ii) re-submit the application in a different form; or
  - (c) not approve the application.



**13. DISPUTE RESOLUTION**

- 13.1 If a difference or dispute arises between the Authority, the Storage Manager or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to the other party requiring the matter to be determined by an independent expert.
- 13.2 If a difference or dispute arises between the Authority and another bulk entitlement holder concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent expert.
- 13.3 If a difference or dispute arises between the Authority and another bulk entitlement holder concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent expert, the Authority must comply with the notice.
- 13.4 The notice requiring that the matter be determined by independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 13.5 The independent expert will be either –
  - (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 13.6 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 13.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 13.8 In any difference or dispute to which the Minister is a party –
  - (a) the independent expert must express the conclusion as a recommendation; and
  - (b) the Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for issuing a notice of contravention under s. 47A of the Act.
- 13.9 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 13.10 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

**PART 4 – DEMONSTRATING COMPLIANCE****14. REPORTING REQUIREMENTS**

- 14.1 The Minister may require the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, to report on all or any of the following –
  - (a) the status of this bulk entitlement including the amount of water taken by the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, from the waterways;
  - (b) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (c) any temporary or permanent transfer of a bulk entitlement or other entitlement under the Act to the Authority in the Bunyip Basin, or to the Authority together with the holders of bulk entitlements listed in sub-clause 6.3;
  - (d) any amendment to this bulk entitlement;

- (e) any new bulk entitlement of water granted to the Authority, or to the Authority together with the holders of bulk entitlements listed in sub-clause 6.3;
  - (f) compliance with the bulk entitlement;
  - (g) any failures either by the Authority or those that are joint with the other bulk entitlement holders listed in sub-clause 6.3, to comply with any provision of this bulk entitlement; and
  - (h) any difficulties experienced or anticipated either by the Authority or those that are joint with the other bulk entitlement holders listed in sub-clause 6.3, in complying with this bulk entitlement and any remedial action taken or proposed.
- 14.2 Reporting under paragraph 14.1(a) for Tarago Weir is required only for the periods when the authority is taking water from the weir.
- 14.3 The Minister may require the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, to report on all or any of the matters set out in sub-clause 14.1 –
  - (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 14.4 The Authority must, in its Annual Report, report on each of the matters referred to in sub-clause 14.1.
- 14.5 The Resource Manager may require the Authority, together with the holders of the bulk entitlements listed in sub-clause 6.3, to report from time to time, on all or any of the matters set out in sub-clause 14.1.
- 14.6 Any report under sub-clause 14.5 must be made –
  - (a) in such form as may be agreed between the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority, together with the holders of bulk entitlements listed in sub-clause 6.3, and the Resource Manager.

## 15. DATA

- 15.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.
- 15.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of clause 14, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

## PART 5 – COSTS

### 16. RESOURCE MANAGER

- 16.1 Subject to sub-clause 16.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
  - (a) prepare the Bunyip Basin Water Accounts;
  - (b) report on whether entitlement holders in the Bunyip Basin comply with the conditions of their bulk entitlements;
  - (c) report on disputes between entitlement holders in the Bunyip Basin;
  - (d) report on significant unauthorised uses of water in the Bunyip Basin; and

- (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under s. 33AAA of the Act.
- 16.2 Subject to sub-clause 16.3, the proportion of the costs referred to in sub-clause 16.1 is to be determined by the Resource Manager.
- 16.3 The authority, together with the holders of bulk entitlements listed in sub-clause 6.3, must contribute to the costs of managing the environmental risks associated with the temporary reduction of the environmental flows under clause 8 of Tarago and Bunyip Rivers Environmental Entitlement 2009, including the preparation of an environmental monitoring program and contingency plan.
- 16.4 For the purposes of meeting the costs in clause 16.3 the authority, together with the holders of bulk entitlements listed in sub-clause 6.3, must contribute \$50/ML for the total reduction in the volume allocated to the environment under clause 8 of Tarago and Bunyip Rivers Environmental Entitlement 2009.
- 16.5 Where the Resource Manager provides a regulated service for the purposes of s. 4A of the **Water Industry Act 1994**, the charges to be paid by the Authority to the Resource Manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

Dated 11 March 2009

Responsible Minister  
TIM HOLDING MP  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

#### SCHEDULE 1 – SHARE OF RESOURCES

Bulk entitlement	Share of resources
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009	As determined by the bulk entitlement and other statutory and non-statutory instruments <sup>1</sup> .
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009	As determined by the bulk entitlement and other statutory and non-statutory instruments <sup>1</sup> .
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009	As determined by the bulk entitlement and other statutory and non-statutory instruments <sup>1</sup> .
<b>Total</b>	<b>100% of the water available to the Melbourne retail authorities from the waterway</b>

Notes:

1. The instruments include –
  - (a) the Melbourne Drought Response Plans for the Melbourne retail authorities;
  - (b) Bulk Entitlement (Tarago River – Southern Rural Water) Order 2009;
  - (c) Bulk Entitlement (Tarago and Bunyip Rivers – Gippsland Water) Conversion Order 2009; and
  - (d) Tarago and Bunyip Rivers Environmental Entitlement 2009.

**SCHEDULE 2 – PRIMARY ENTITLEMENTS**

<b>Entitlement Holder</b>	<b>Details of Entitlement</b>
Central Gippsland Regional Water Corporation	Towns supplied by Gippsland Water from Tarago Reservoir under the Bulk Entitlement (Tarago and Bunyip Rivers – Gippsland Water) Conversion Order 2009
Gippsland and Southern Rural Water Corporation	Releases from Tarago Reservoir for Southern Rural Water's private diverters under the Bulk Entitlement (Tarago River – Southern Rural Water) Order 2009

**SCHEDULE 3 – WATER HARVESTING CAPACITY****Table 1** Reservoir and transfer capacities

<b>Reservoir</b>	<b>Reservoir capacity (ML)</b>	<b>Reservoir full supply level to Australian Height Datum (metres)</b>	<b>Transfer works</b>	<b>Transfer capacity (ML/day)</b>
Tarago Reservoir	37 580	157.921	Tarago – Western Port Pipeline*	90
			Tarago Pump	48
			Tarago Main Race (Tarago Pump rising main to Bunyip Main Race)	80

\* The capacity of this pipeline is constrained by the maximum capacity of the WTP

**Table 2** Weirs and transfer capacities

<b>Weir</b>	<b>Transfer works</b>	<b>Transfer capacity (ML/day)</b>
Tarago Weir	Tarago Main Race (Tarago Weir to Tarago Pump rising main)	46
Crystal Creek Weir	Tarago Main Race (Crystal Creek to Tarago Pump rising main)	46
Bunyip Weir	Bunyip Main Race (Bunyip Weir to Tarago Main Race)	40

**SCHEDULE 4 –PASSING FLOWS**

<b>Waterway and offtake point</b>	<b>Passing flow</b> (all flows are minimum instantaneous values)
Neerim South gauging station (228219)	The lesser of – (a) 5 ML/d; and (b) the flow entering the reservoir.
Tarago River at Tarago Weir	(a) May to Oct (inclusive) – (i) 20 ML/d, if the inflow to Tarago Weir is equal to or greater than 40 ML/d; or (ii) 50% of inflow if the inflow to Tarago Weir is less than 40 ML/d. (b) Nov to April (inclusive) – (i) 10 ML/d, if the inflow to Tarago Weir is equal to or greater than 20 ML/d; or (ii) 50% of inflow if the inflow to Tarago Weir is less than 20 ML/d.
Bunyip River at Bunyip Weir	(a) May to Oct (inclusive) – (i) 8ML/d, if inflow to Bunyip Weir equal to or greater than 16 ML/d; or (ii) 50% of inflow if Bunyip inflow to Weir less than 16 ML/d. (b) Nov to April (inclusive) – (i) all inflow to Bunyip Weir above 6 ML/d if inflow to Bunyip Weir is equal to or greater than 12 ML/d; or (ii) 50% of inflow if Bunyip inflow to Weir is less than 12 ML/d.

**Planning and Environment Act 1987****BAYSIDE PLANNING SCHEME****Notice of Approval of Amendment****Amendment C52**

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

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

The Amendment modifies Schedule 1 to the Design and Development Overlay to include guidance on what constitutes an attic and dormer window for the purposes of the Schedule.

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](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Bayside City Council, 76 Royal Avenue, Sandringham.

PETER ALLEN

Executive Director

Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987****BAYSIDE PLANNING SCHEME****Notice of Approval of Amendment****Amendment C79**

The Minister for Planning has approved Amendment C79 to the Bayside Planning Scheme.

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

The Amendment introduces interim heritage controls affecting land in five precincts and one individual property by including the land in the Schedule to the Heritage Overlay. The affected land is Durrant Street Precinct; Lawrence Street Precinct; Male Street Precinct; Moffat Street Precinct; Orchard Street Precinct; and 137 Head Street, Brighton.

The Amendment also modifies the Heritage Policy contained Clause 22.06 to include the statement of significance for each precinct.

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](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Bayside City Council, 76 Royal Avenue, Sandringham.

PETER ALLEN

Executive Director

Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987****BOROONDARA PLANNING SCHEME****Notice of Approval of Amendment****Amendment C86**

The Minister for Planning has approved Amendment C86 to the Boroondara Planning Scheme.

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

The Amendment rezones No. 1180 Toorak Road, Camberwell, from Public Use Zone 4 to Business 2 Zone and applies an Environmental Audit Overlay and Design and Development Overlay – Schedule 11.

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](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Boroondara City Council, Planning Counter, 1st Floor, 8 Inglesby Road, Camberwell.

PETER ALLEN

Executive Director

Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987****CAMPASPE PLANNING SCHEME****Notice of Approval of Amendment****Amendment C43**

The Minister for Planning has approved Amendment C43 to the Campaspe Planning Scheme.

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

The Amendment:

- rezones the former Rice Mills site (Lots 1Y on TP 67052R and 1X on TP 67051T) bounded by Annesley Street and Ogilvie Avenue (Murray Valley Highway), from Industrial 1 Zone and Public Use 4 Zone to part Business 1 Zone and part Business 2 Zone;
- applies the Design and Development Overlay Schedule 2 to guide the future development of the site;
- amends clause 21.06 of the Municipal Strategic Statement to provide the strategic basis for the proposal and reflect its role on the Echuca Area Central Structure Plan;
- introduces a new local planning policy to guide the future development of the land; and
- includes the reports: 'Echuca Rice Mills – Assessment of Potential Land Uses, June 2006' and 'Soil Contamination Report – Former Rice Mills Site Annesley Street, Echuca, May 2008' as reference documents.

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](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Campaspe Shire Council, corner Heygarth and Hare Streets, Echuca, and 19 Lake Road, Kyabram.

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

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#### **Planning and Environment Act 1987**

##### **GREATER BENDIGO PLANNING SCHEME**

##### **Notice of Approval of Amendment Amendment C110**

The Minister for Planning has approved Amendment C110 to the Greater Bendigo Planning Scheme.

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

The Amendment:

- amends the Municipal Strategic Statement (MSS) at Clauses 21.07–2, 21.07–3 and 21.07–4 to include references to the location of gaming machines.
- amends the MSS at Clause 21.10 to introduce the City of Greater Bendigo Gaming Policy Framework – 'Accessible but not Convenient' as a Reference Document;
- introduces Clause 22.28 Gaming Policy as a local planning policy to guide the location of gaming machines within the municipality;
- amends the schedules to Clauses 52.28–3 and 52.28–4 to specify strip shopping centres and shopping complexes where gaming machines are prohibited; and
- amends the schedule to Clause 81.01 to list the Greater Bendigo Discouraged Gaming Areas 2008 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](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the City of Greater Bendigo, Lyttleton Terrace Office, 189–229 Lyttleton Terrace, and Statutory Planning Unit, 15 Hopetoun Street, Bendigo.

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

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#### **Planning and Environment Act 1987**

##### **GREATER DANDENONG PLANNING SCHEME**

##### **Notice of Approval of Amendment Amendment C87**

The Minister for Planning has approved Amendment C87 to the Greater Dandenong Planning Scheme.

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

The Amendment facilitates the extension of the Dandenong South Industrial Area and affects land in Lyndhurst, Keysborough, and Thompsons Road.

The Amendment:

- rezones land in the Keysborough and Lyndhurst areas from Farming Zone to Industrial 1 Zone;
- rezones part of land in the Lyndhurst area from Farming Zone and Industrial 1 Zone to Urban Floodway Zone;
- rezones part of land in the Lyndhurst area from Industrial 1 Zone to Business 1 Zone and specifies a floor space requirement in the schedule to the Business 1 Zone;
- rezones land on the north-east corner of Colemans Road and Dandenong Frankston Road from Public Use Zone to Industrial 1 Zone;
- rezones part of land in the Keysborough area along the Dandenong Creek from Farming Zone to Public Use Zone;
- introduces schedule 6 to the Development Plan Overlay to land in the Keysborough and Lyndhurst areas;
- introduces schedule 2 to the Development Contributions Plan Overlay to land in the Keysborough area;
- introduces schedule 3 to the Development Contributions Plan Overlay to land in the Lyndhurst area;
- removes part of the land on the north-east corner of Colemans Road and Dandenong Frankston Road from the existing Development Plan Overlay;
- applies the Public Acquisition Overlay to part of land in the Lyndhurst area for road widening and drainage purposes;
- applies the Public Acquisition Overlay to land in Thompsons Road for drainage purposes;
- applies the Land Subject to Inundation Overlay to part of land in the Lyndhurst area;
- updates the Local Planning Policy Framework at Clause 21.01, Clause 21.02, Clause 21.03, Clause 21.04, Clause 21.06 and Clause 22.03;
- updates the schedule to the Public Acquisition Overlay to include the Floodplain Management Authority as an acquiring authority for drainage purposes;
- includes a Development Contributions Plan, Structure Plan and Native Vegetation Precinct Plan as Incorporated Documents;
- lists the Native Vegetation Precinct Plan in the schedule to Clause 52.16; and
- includes the Department of Sustainability and Environment as a referral authority for applications to remove, destroy or lop native vegetation under the Schedule to Clause 52.16.

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](http://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.

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 C39**

The Horsham Rural City Council has approved Amendment C39 to the Horsham Planning Scheme.

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

The Amendment proposes to remove HO18 from the Natimuk Gym Club, as this property is not a heritage building. HO18 will remain on the former Natimuk School building, as this is the building that is intended to be protected by the overlay. The Amendment also rezones the road reserve of Firebrace Street and O'Callaghans Parade from the Road Zone Category 2 to the underlying zone, as this section of road is not a VicRoads declared road.



The Amendment was approved by the Horsham Rural City Council on 2 March 2009 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 30 July 2008. The authorisation has not been withdrawn.

A copy of the Amendment can be inspected, free of charge, during office hours, at the offices of the Horsham Rural City Council, Municipal Offices, Roberts Avenue, Horsham, and free of charge at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

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

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**Planning and Environment Act 1987**

**MORELAND PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C101

The Minister for Planning has approved Amendment C101 to the Moreland Planning Scheme.

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

The Amendment rezones 1 and 3 Electric Street from Public Park and Recreation Zone to Residential 1 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](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Moreland City Council, 90 Bell Street, Coburg.

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

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**Planning and Environment Act 1987**

**YARRA PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C111

The Minister for Planning has approved Amendment C111 to the Yarra 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 the Yarra Planning Scheme is consistent with that as registered on the Victorian Heritage Register.

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](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the Yarra City Council, 333 Bridge Road, Richmond.

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

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**Planning and Environment Act 1987**

**MOONEE VALLEY PLANNING SCHEME**

Notice of Lapsing of Amendment

Amendment C85

The Moonee Valley City Council has resolved to abandon Amendment C85 to the Moonee Valley Planning Scheme.

The Amendment proposed to apply a Public Acquisition Overlay to 346 Ascot Vale Road, Moonee Ponds.

The Amendment lapsed on 11 March 2009.

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

## ORDERS IN COUNCIL

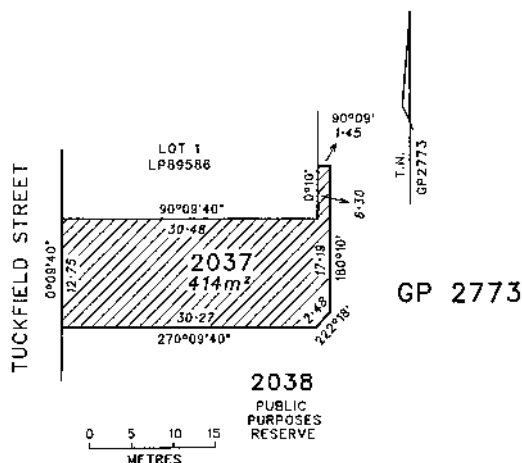
### Crown Land (Reserves) Act 1978

#### NOTICE OF INTENTION TO REVOKE TEMPORARY RESERVATIONS

##### Order in Council

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

**BELLARINE** – The temporary reservation by Order in Council of 23 November 1993 of an area of 7.647 hectares of land being Crown Allotment 21A, Section 3, Parish of Bellarine as a site for Public purposes, so far only as the portion containing 414 square metres being Crown Allotment 2037, Parish of Bellarine as indicated by hatching on plan GP2773 hereunder. – (GP2773) – (Rs 4027)



**DENNYING** – The temporary reservation by Order in Council of 14 October 1980 of an area of 22.29 being Crown Allotment 11A, Parish of Dennyning as a site for Public Recreation and Public Hall. – (Rs 12063)

**GUNBOWER** – The temporary reservation by Order in Council of 29 July 1878 of an area of 8094 square metres of land in the Township of Gunbower, Parish of Patho as a site for Police purposes, revoked as to part by Order in Council of 9 August 1949 so far as the balance remaining containing 1846 square metres, more or less. – (Rs 6228)

**OLINDA** – The temporary reservation by Order in Council of 24 April 1951 of an area of 1204 square metres, more or less, of land in the Township of Olinda, Parish of Mooroolbark as a site for Police Purposes. – (Rs 6656)

**WY-YUNG** – The temporary reservation by Order in Council of 21 January 1986 of an area of 900 square metres being Crown Allotment 20B, Parish of Wy-Yung as a site for Police purposes. – (Rs 12774)

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

Dated 24 March 2009

Responsible Minister

GAVIN JENNINGS

Minister for Environment  
and Climate Change

RYAN HEATH

Clerk of the Executive Council

### Crown Land (Reserves) Act 1978

#### REVOCATION OF TEMPORARY RESERVATIONS

##### Order in Council

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

**BROADMEADOWS** – The temporary reservation by Order in Council of 4 September 1865 of an area of 5261 square metres of land in Section 1, Township of Broadmeadows, Parish of Will Will Rook as a site for Police purposes, revoked as to part by Orders in Council of 21 June 1960 and 19 April 1994, so far as the balance remaining containing 975 square metres, more or less. – (Rs 7835)

**GERANG GERUNG** – The temporary reservation by Order in Council of 18 February 1890 of an area of 8.091 hectares, more or less, of land in the Parish of Gerang Gerung as a site for Public Recreation, revoked as to part by Order in Council of 24 August 1915 so far as the balance remaining containing 3.322 hectares, more or less. – (Rs 0106)

**GERANG GERUNG** – The temporary reservation by Order in Council of 6 July 1915 of an area of 4.780 hectares, more or less, of land in the Parish of Gerang Gerung (formerly being part Crown Allotment 12) as a site for Public Recreation, in addition to and adjoining the site temporarily reserved therefor by order in council of 18 February 1890. – (Rs 0106)

**JIKA JIKA** – The temporary reservation by Order in Council of 8 June 1993 of an area of 1392 square metres being Crown Allotments 143B and 143C, Parish of Jika Jika as a site for Police purposes. – (Rs 37033)

**KIATA** – The temporary reservation by Order in Council of 21 November 1927 of an area of 4.654 hectares, more or less, of land in the Township of Kiata, Parish of Kiata as a site for Public Recreation. – (Rs 3571)

**KIATA** – The temporary reservation by Order in Council of 12 June 1962 of an area of 2327 square metres of land in the Township of Kiata, Parish of Kiata as a site for Public Recreation, in addition to and adjoining the site temporarily reserved therefor by Order in Council of 21 November 1927 revoked as to part by Order in Council of 7 April 1992 so far as the balance remaining containing 1331 square metres, more or less. – (Rs 3571)

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

Dated 24 March 2009

Responsible Minister

**GAVIN JENNINGS**

Minister for Environment  
and Climate Change

**RYAN HEATH**

Clerk of the Executive Council

### **Crown Land (Reserves) Act 1978**

#### **TEMPORARY RESERVATION OF CROWN LANDS**

##### **Order in Council**

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

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

**BUMBANG** – Conservation of an area of natural interest, total area 83.02 hectares, more or less, being Crown Allotments 2014 and 97C of Section C, Parish of Bumbang as shown hatched on Plan No. LEGL./08-063 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (01L5-1383)

#### **MUNICIPAL DISTRICT OF THE MOONEE VALLEY CITY COUNCIL**

**DOUTTA GALLA** – Public Recreation, being Crown Allotment 2126 [area 648 square metres]; Crown Allotment 2157 [area 783 square metres] and Crown Allotment 2159 [area 6931 square metres], Parish of Dousta Galla as shown on Original Plan No. OP122682 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (2017734)

#### **MUNICIPAL DISTRICT OF THE HEPBURN SHIRE COUNCIL**

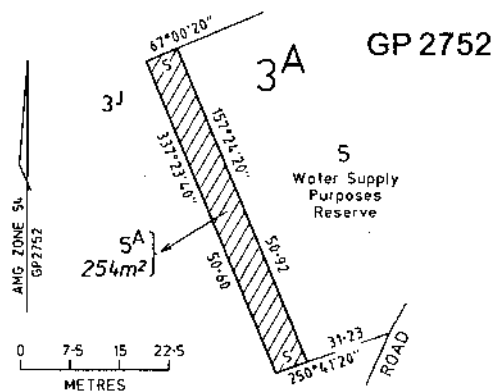
**EGLINTON and CLUNES** – Preservation of an area of ecological significance, total area 474 hectares, more or less, being Crown Allotments 42B1, and 42G, Section 8, and Crown Allotments 20D, 20E and 20F, Parish of Eglinton and Crown Allotments 4C and 38A, Section 7, Parish of Clunes as shown hatched on Plan No. LEGL./08-017 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (05P108405)

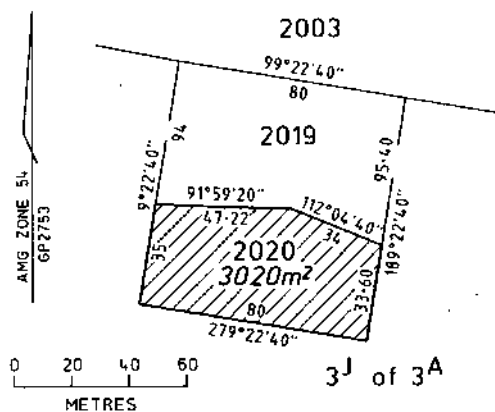
#### **MUNICIPAL DISTRICT OF THE HINDMARSH SHIRE COUNCIL**

**JEPARIT** – Public purposes (Country Fire Authority purposes), 1336 square metres being Crown Allotment 5D, Parish of Jeparit as shown on Certified Plan No. CP116231 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (020873)

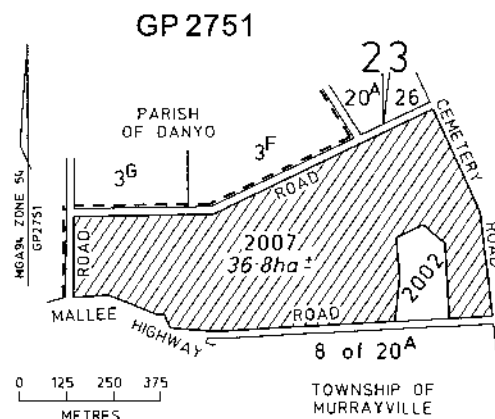
#### **MUNICIPAL DISTRICT OF THE SURF COAST SHIRE COUNCIL**

**LORNE** – Water Supply purposes, being Crown Allotment 5A, Section 3A, Township of Lorne, Parish of Lorne [area 254 square metres] as indicated by hatching on plan GP2752 hereunder and Crown Allotment 2020, Township of Lorne, Parish of Lorne [area 3020 square metres] as indicated by hatching on plan GP2753. – (GP2752 and 2753) – (05011970)

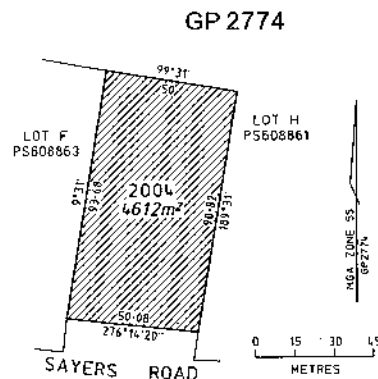


**GP 2753****MUNICIPAL DISTRICT OF THE  
MILDURA RURAL CITY COUNCIL**

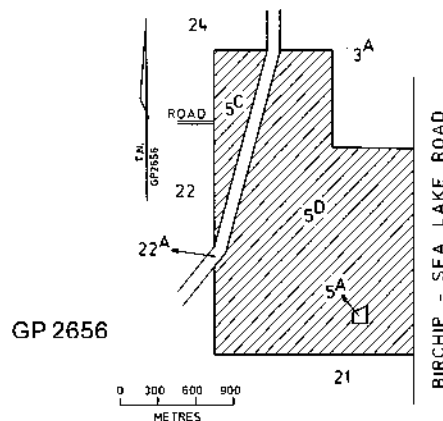
MURRAYVILLE – Conservation of an area of natural interest, area 36.8 hectares, more or less, being Crown Allotment 2007, Township of Murrayville, Parish of Danyo as indicated by hatching on plan GP2751 hereunder. – (GP2751) – (012017507)

**MUNICIPAL DISTRICT OF THE  
WYNDHAM CITY COUNCIL**

TARNEIT – Public purposes (Police purposes), 4612 square metres, being Crown Allotment 2004, Parish of Tarneit as indicated by hatching on plan GP2774 hereunder. – (GP2774) – (2017860)

**MUNICIPAL DISTRICT OF THE  
BULOKE SHIRE COUNCIL**

WORTONGIE – Public purposes (Regional Park) in particular (a) to provide opportunities for informal recreation associated with the enjoyment of natural or semi-natural surroundings; (b) to protect and conserve biodiversity, natural and cultural features and water supply catchments; and (c) for minor resource use which is not inconsistent with paragraphs (a) and (b); total area 303 hectares, more or less, being Crown Allotments 5C and 5D, Parish of Wortongie as indicated by hatching on plan GP2656 hereunder. – (GP2656) – (01L5-4091)



TOTAL AREA OF HATCHED PORTIONS IS 3033HA²

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

Dated 24 March 2009

Responsible Minister  
GAVIN JENNINGS  
Minister for Environment  
and Climate Change

RYAN HEATH  
Clerk of the Executive Council

**Forests Act 1958****REVOCATION OF ORDER SETTING ASIDE  
AND DECLARING A FOREST RESERVE****Order in Council**

The Governor in Council under section 50(1) of the **Forests Act 1958** revokes the Order in Council described in the schedule hereunder setting aside and declaring an area of reserved forest to be a special purposes reserve known as Green Lake Recreation Reserve.

**MUNICIPAL DISTRICT OF THE  
BULOKE SHIRE COUNCIL**

WORTONGIE – Order in Council of 2 November 1983 published in the Government Gazette of 30 May 1984 page – 1683 setting aside and declaring an area of reserved forest in the Parish of Wortongie to be a special purpose reserve known as the Green Lake Recreation Reserve.

File Ref: 01L5-4091 [2017841]

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

Dated 24 March 2009

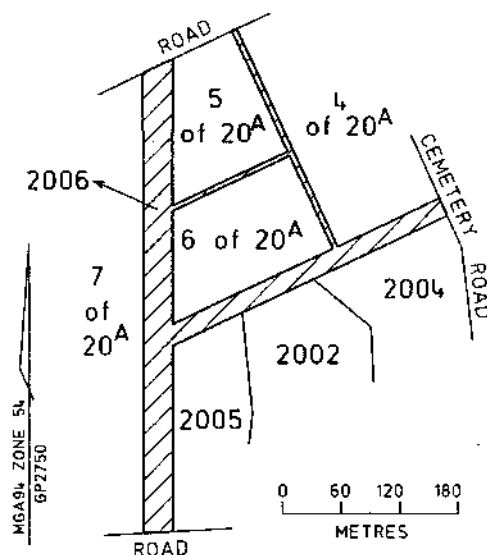
Responsible Minister

GAVIN JENNINGS

Minister for Environment  
and Climate Change

RYAN HEATH

Clerk of the Executive Council

**GP 2750**

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

Dated 24 March 2009

Responsible Minister

GAVIN JENNINGS

Minister for Environment  
and Climate Change

RYAN HEATH

Clerk of the Executive Council

**Land Act 1958****CLOSURE OF UNUSED ROAD****Order in Council**

The Governor in Council under section 349 of the **Land Act 1958** and with the concurrence in writing of the municipality in which the road is situated closes the following unused road:

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

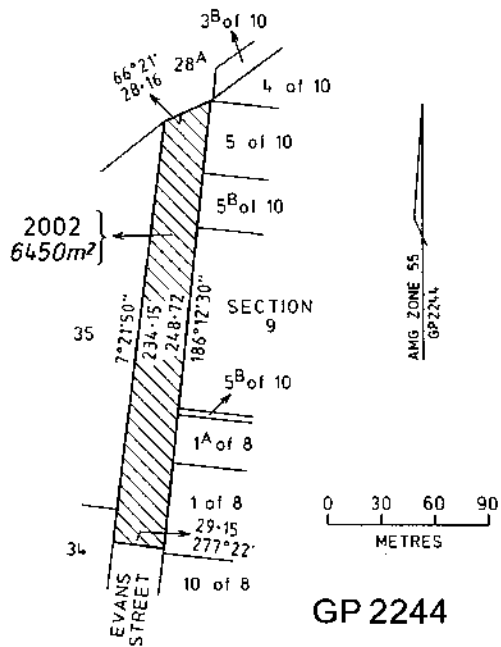
MURRAYVILLE – The roads in the Township of Murrayville, Parish of Danyo being Crown Allotment 2006 as indicated by hatching on plan GP2750 hereunder. – (GP2750) – (012017507)

**Land Act 1958****CLOSURE OF UNUSED ROAD****Order in Council**

The Governor in Council under section 349 of the **Land Act 1958** and with the concurrence in writing of the municipality in which the road is situated and the owners of land adjoining the road closes the following unused road:

**MUNICIPAL DISTRICT OF THE  
MARIBYRNONG CITY COUNCIL**

BRAYBROOK – The road in the Township of Braybrook, Parish of Cut-Paw-Paw being Crown Allotment 2002 as indicated by hatching on plan GP2244 hereunder. – (GP2244) – (DTF 98/02073)



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

Dated 24 March 2009

Responsible Minister

GAVIN JENNINGS

Minister for Environment  
and Climate Change

RYAN HEATH

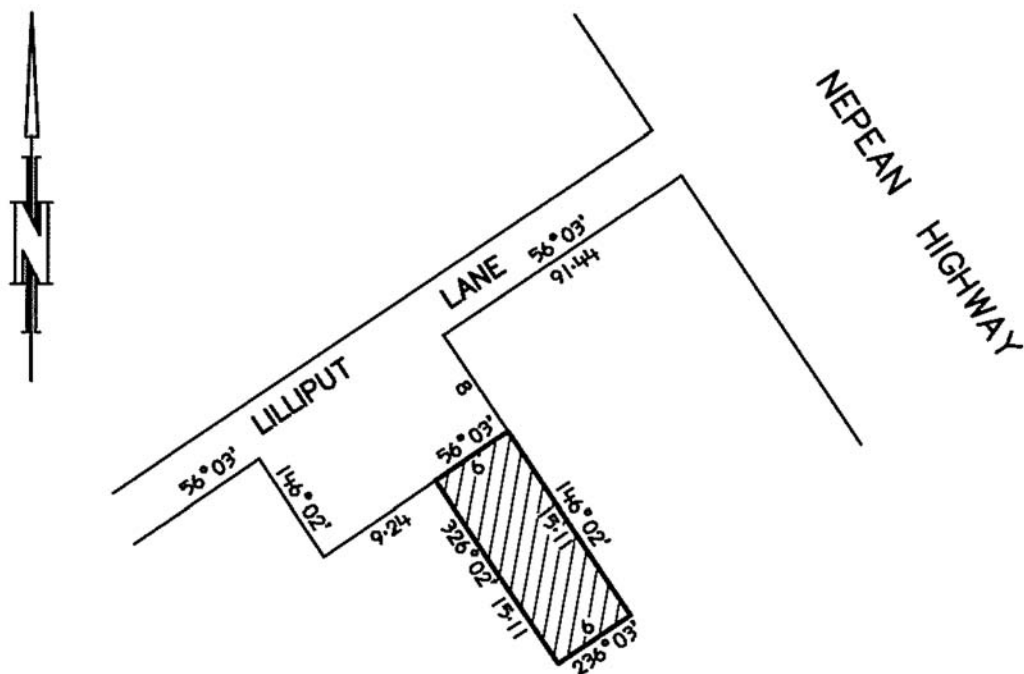
Clerk of the Executive Council

**LATE NOTICES**

## KINGSTON CITY COUNCIL

## Road Discontinuance

Notice is given pursuant to section 206 and schedule 10 clause 3 of the **Local Government Act 1989** that Kingston City Council has resolved to discontinue the road shown by hatching on the plan below.



JOHN NEVINS  
Chief Executive Officer

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

Notice is hereby given under Section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from Information Victoria, 505 Little Collins Street, Melbourne on the date specified:

26. *Statutory Rule:* Disability  
Amendment  
Regulations 2009
- Authorising Act:* Disability Act 2006
- Date first obtainable:* 26 March 2009
- Code A*
27. *Statutory Rule:* Subordinate  
Legislation  
(Forests  
(Steavenson Falls  
Scenic Reserve)  
Regulations  
1999 - Extension  
of Operation)  
Regulations 2009
- Authorising Act:* Subordinate  
Legislation  
Act 1994
- Date first obtainable:* 26 March 2009
- Code A*
28. *Statutory Rule:* Subordinate  
Legislation  
(Forests  
(Murrindindi  
Scenic Reserve)  
Regulations 1999 -  
Extension of  
Operation)  
Regulations 2009
- Authorising Act:* Subordinate  
Legislation  
Act 1994
- Date first obtainable:* 26 March 2009
- Code A*



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