



# Victoria Government Gazette

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**No. G 2 Thursday 14 January 2010**

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**GENERAL**

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**Advertisers Please Note**

As from 14 January 2010

The last Special Gazette was No. 16 dated 8 January 2010.

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

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**How To Submit Copy**

- See our webpage [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)
  - or contact our office on 8523 4601  
between 8.30 am and 5.30 pm Monday to Friday
- 

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

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

**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)  
AUSTRALIA DAY WEEK 2010 (Thursday 28 January 2010)**

**Please Note:**

The Victoria Government Gazette for Australia Day week (G4/10) will be published on **Thursday 28 January 2010**.

**Copy deadlines:**

Private Advertisements **9.30 am on Friday 22 January 2010**

Government and Outer  
Budget Sector Agencies Notices **9.30 am on Monday 25 January 2010**

**Office Hours:** 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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JENNY NOAKES  
Government Gazette Officer

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## PRIVATE ADVERTISEMENTS

### DISSOLUTION OF PARTNERSHIP

Notice is hereby given in accordance with section 40(2) of the **Partnership Act 1958** that the partnership between Joshua C. Milne, Mark R. Johnson and Mikel J. Pretty was dissolved with effect from 3 December 2009, and that Joshua Milne shall not be liable for any debts and liabilities incurred from that date.

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Re: Estate ROSA LOLICATO, deceased.

In the estate of ROSA LOLICATO, of 19 Chisholm Street, Swan Hill, in the State of Victoria, married woman, deceased.

Creditors, next-of-kin and all other persons having claims against the estate of the said deceased, are required by Sebastiano Lolicato, the executor of the Will of the said deceased, to send particulars of such claims to him, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date he 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, Victoria 3579.

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HELEN TRUMBLE, late of 20 Denham Place, Toorak, Victoria, widow, deceased.

Take notice that creditors, next-of-kin and others having claims in respect of the estate of the deceased who died on 27 November 2009 are required by the executors and trustees, Nicholas Peter William Trumble and Simon Tom Pearson Trumble, both care of Donaldson Trumble Lawyers, Level 3, 84 William Street, Melbourne, to send particulars to them by 14 March 2010, after which date the executors and trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

DONALDSON TRUMBLE, lawyers  
Level 3, 84 William Street, Melbourne 3000.

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Creditors, next-of-kin and others who have claims in respect of the estate of MARJORIE JEAN DENNIS, late of 'Spurway', 89 Murrumbeena Road, Murrumbeena, in the State

of Victoria, deceased, who died on 16 September 2009, are to send particulars of their claims to the administrators, care of Engel & Partners Pty of 109 Main Street, Bairnsdale, by 21 March 2010, after which date it will distribute the assets, having regard only to the claims of which it then has notice.

ENGEL & PARTNERS PTY, legal practitioners,  
109 Main Street, Bairnsdale 3875.

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KENNETH DOUGLAS HAMPTON, late of 22/8 Pottage Court, Macleod, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 July 2009, are required by the trustee, Wendy Jane Thompson, to send particulars to the trustee by 14 March 2010, care of the undermentioned solicitors, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

FISCHER McCRAE, solicitors,  
Level 3, 389 Lonsdale Street, Melbourne 3000.

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FREDERIC BASIL HERIOT, late of 409/160 Springvale Road, Donvale, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 September 2009, are required by the trustee, Helen Leighton Heriot, to send particulars to the trustee by 14 March 2010, care of the undermentioned solicitors, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

FISCHER McCRAE, solicitors,  
Level 3, 389 Lonsdale Street, Melbourne 3000.

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MARGARET ANN MINNS, late of 2/9 Fairleigh Avenue, Burwood, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 October 2009, are required by the trustee, Lesley Ronda Minns, to send

particulars to the trustee by 14 March 2010, care of the undermentioned solicitors, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

FISCHER McCRAE, solicitors,  
Level 3, 389 Lonsdale Street, Melbourne 3000.

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Re: MAXWELL WALLBANK ORCHARD,  
deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 August 2009, are required by the trustee, Ronald Geoffrey Samuel Orchard of 21 Scott Road, Cranbourne South, Victoria, to send particulars to the trustee by 8 March 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

HOLT & MACDONALD, solicitors,  
1 Ringwood Street, Ringwood 3134.

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Creditors, next-of-kin and others having claims against the estate of ANDRIS AMBRENS, late of Melville Grange, 80 Melville Park Drive, Berwick, Victoria, who died on 20 October 2009, are required by the executor, Martins John Ambrens, to send detailed particulars of their claims to the said executor, care of John J. Byrne Lawyer Pty Ltd of 216 Charman Road, Cheltenham 3192, by 14 March 2010, after which date it will proceed to distribute the said estate, having regard only to the claims of which it then has notice.

JOHN J. BYRNE LAWYER PTY LTD,  
216 Charman Road, Cheltenham 3192.

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Creditors, next-of-kin and others having claims against the estate of JEAN ROBERTSON, late of Unit 2, 22 Wolseley Grove, Brighton, Victoria, who died on 19 August 2009, are required by the executor, Russell John Robertson, to send detailed particulars of their claims to the said executor, care of John J. Byrne Lawyer Pty Ltd, of 216 Charman Road, Cheltenham 3192, by 21 March 2010, after which date it will proceed to distribute the said estate, having regard only to the claims of which it then has notice.

JOHN J. BYRNE LAWYER PTY LTD,  
216 Charman Road, Cheltenham 3192.

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MARIE ROSE CERVENKA (in the Will called Marie Cervenka), late of 45–49 Ballarat Road, North Geelong, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 6 December 2008, are required by the trustee, Robert Cervenka, one of the executors appointed therein leave being reserved to the othernamed executors, Karl Mayer and Yvonne Pallett, to send particulars of their claims to the trustee, in the care of the undermentioned legal practitioner, by 15 April 2010, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

RALPH JAMES SMITH, solicitor,  
6 The Centreway, Lara, Victoria 3212.

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Re: ROY WILLIAM BURLEIGH DAVIES,  
late of 4/23 Scott Grove, Glen Iris, Victoria,  
retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased who died on 18 July 2009, are required by the executor, Elizabeth Rae Davies of 4/23 Scott Grove, Glen Iris, Victoria, home duties, to send particulars to her, care of the undersigned, by 14 March 2010, after which date she may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

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Re: RUTH HASLETT (also known as Ruth Senik and Ruth Senikoglu), late of The Mews, 2A Warburton Road, Camberwell East, Victoria, retired, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased who died on 14 June 2009, are required by the executors, Albert William Haslett of 30 Invermay Grove, Hawthorn East, Victoria, retired and Werner Karl Albert Ebersberger (in the Will called Werner Ebersberger) of 20 Airedale Avenue, Hawthorn East, Victoria, consultant, to send particulars to them, care of the undersigned, by 14 March 2010, after which date they may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

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LORNA MARGUERITE SILVERMAN, late of 500 Evans Road, Lynbrook, Victoria 3975, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 October 2009, are required by the trustees, Neil Adrian Silverman and Carolyn Oakes, to send particulars of such claims to them, in care of the undermentioned lawyers, by 15 March 2010, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

ROBERTS BECKWITH PARTNERS, lawyers, 16 Blamey Place, Mornington, Victoria 3931.

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BETTY ALICE THOMPSON, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 August 2009, are required by the trustee, Charles Edward Beckwith, to send particulars of such claims to him, in care of the undermentioned lawyers, by 16 March 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

ROBERTS BECKWITH PARTNERS, lawyers, 16 Blamey Place, Mornington, Victoria 3931.

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MARGARET MARY WARD, late of 27/1034 Nepean Highway, Mornington, Victoria 3931, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 September 2009, are required by the executor, Edward Ward, to send particulars of such claims to him, in care of the undermentioned lawyers, by 15 March 2010, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

ROBERTS BECKWITH PARTNERS, lawyers, 16 Blamey Place, Mornington, Victoria 3931.

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PATRICIA FAYE GUST, late of 2/10 McDonald Grove, Mornington, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 September 2009, are required by the executor, Dean Craig Gust of 99 Graydens

Road, Hastings, Victoria, to send particulars to him, care of Stidston & Williams Weblaw, by 16 March 2010, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

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WENDY LEE SHAW, late of Unit 5, 59 Elizabeth Street, Hastings, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 October 2009, are required by the executor, Brian John Stewart of Unit 5, 59 Elizabeth Street, Hastings, Victoria, to send particulars to him, care of Stidston & Williams Weblaw, by 16 March 2010, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

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Re: KENNETH BRUCE ARMSTRONG, late of 132 Banyan Street, Warrnambool, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 July 2009, are required by the executor, Fay Armstrong, to send particulars to her, care of the undermentioned solicitors, by 17 March 2010, after which date she may convey or distribute the assets, having regard only to the claims of which she then has notice.

TAIT LEISHMAN TAYLOR, lawyers, 121 Kepler Street, Warrnambool 3280.

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GORDON THOMPSON MCGREGOR, late of Trevi Court Hostel, 50/95 Bulla Road, Essendon North, Victoria, retired clergyman, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 September 2009, are required by Trust Company Fiduciary Services Limited, ACN 000 000 993, of 3/530 Collins Street, Melbourne, Victoria, the executor, to send particulars to it by 15 March 2010, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

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MABEL WILLEMYNA STOKKER, late of Unit 8, 736 Mount Dandenong Road, Kilsyth, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 November 2009, are required by Trust Company Fiduciary Services Limited, ACN 000 000 993, of 3/530 Collins Street, Melbourne, Victoria, the executor, to send particulars to it by 15 March 2010, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

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Re: ELLEN MARY McMAHON, late of 104/75 Keilor Road, Essendon, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 September 2009, are required by the executor, John Joseph McMahon, to send particulars to them, care of the undersigned solicitors, by 19 March 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

WILLIS SIMMONDS LAWYERS,  
legal practitioners,  
6/1 North Concourse, Beaumaris 3193.

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Re: ANNIE ISABELLA PRIDHAM, late of 151 Edgewater Village, 171 David Low Way, Bli Bli, Queensland.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 September 2009, are required by the executor, Christine Ann Penman, to send particulars to them, care of the undersigned solicitors, by 19 March 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

WILLIS SIMMONDS LAWYERS,  
legal practitioners,  
6/1 North Concourse, Beaumaris 3193.

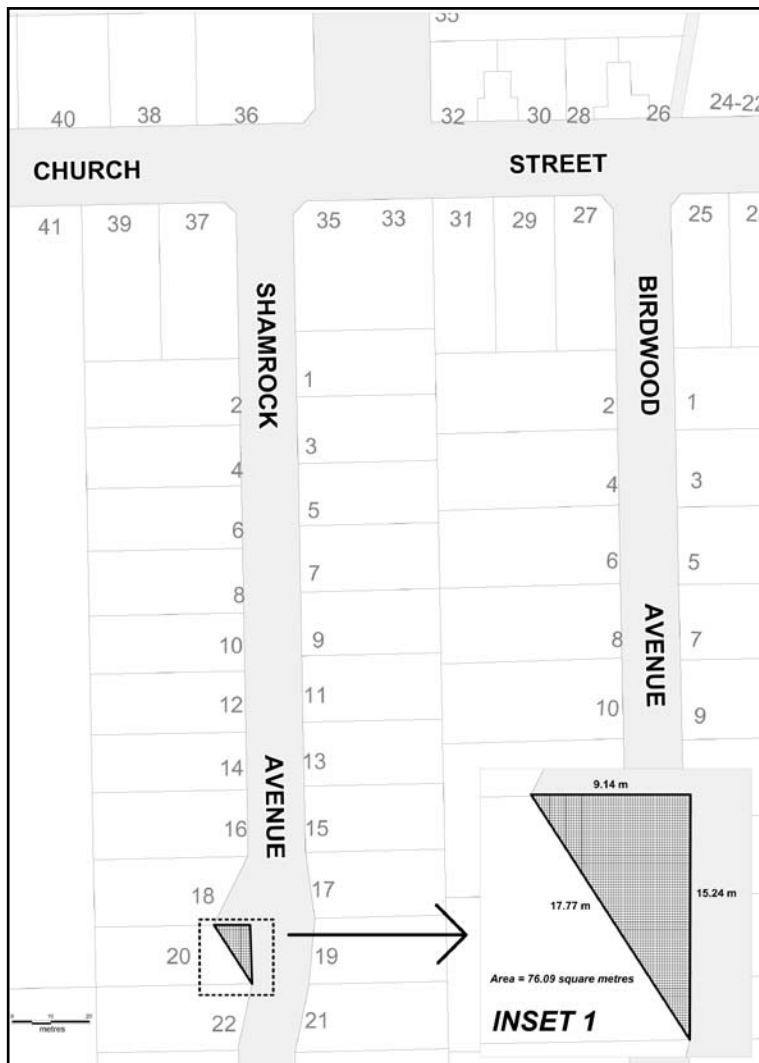
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**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**

**BASS COAST SHIRE COUNCIL**  
Road Discontinuance  
Township of Cowes

Under section 206 and schedule 10 clause 3 of the **Local Government Act 1989**, the Bass Coast Shire Council, at its Ordinary Meeting held on 16 December 2009, formed the opinion that the road shown cross-hatched on the plan below is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road to abutting owners.

The road in question is an approximately 76 square metre section of Shamrock Avenue, Cowes, to the front (i.e. east) of the property at 20 Shamrock Avenue as illustrated by the plan below.



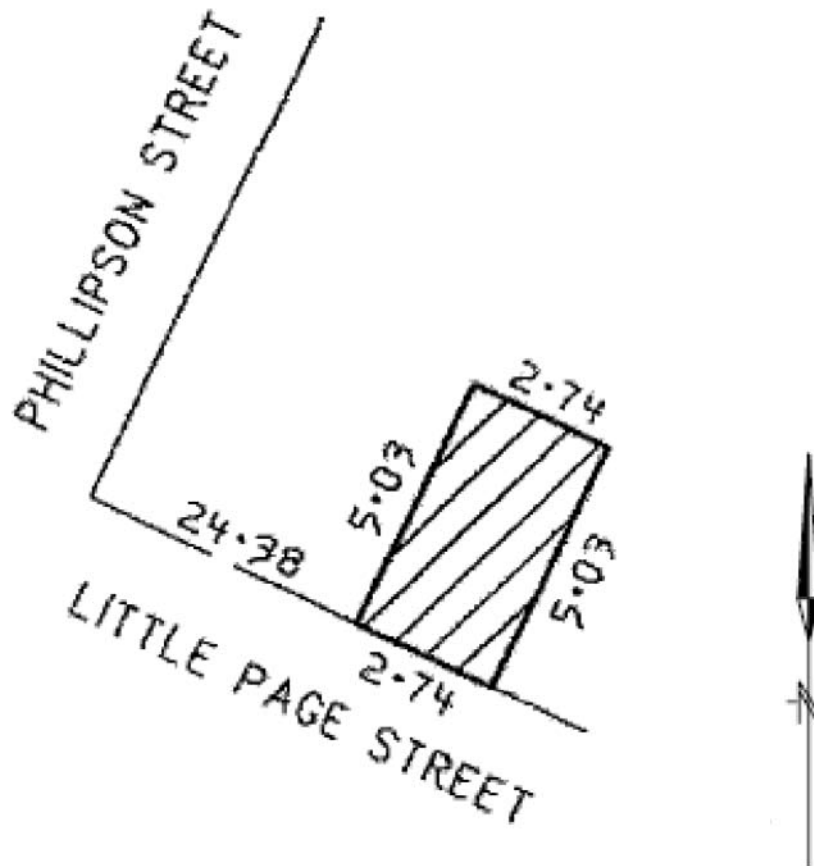
ALLAN BAWDEN  
Chief Executive Officer



CITY OF PORT PHILLIP

Discontinuance of Road

Notice is hereby given that the Port Phillip City Council, at its ordinary meeting on 22 June 2009, 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 27 Philipson Street, Albert Park, 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.



JOHN HICKS  
General Manager City and Infrastructure Services



### Road Management Act 2004

#### Notice of Amendment to the Road Management Plan

Notice is hereby given that pursuant to section 55 of the **Road Management Act 2004**, Baw Baw Shire Council has adopted amendments to its Road Management Plan.

The amendments were adopted and incorporated into the Road Management Plan on 16 December 2009.

Copies of the Road Management Plan are available for inspection or obtained from Council's Customer Service Centres in Warragul, Drouin and Trafalgar, during normal business hours.

The Plan may also be viewed and downloaded at Council's website, [www.bawbawshire.vic.gov.au](http://www.bawbawshire.vic.gov.au) by following the links.



#### Cancellation of Licence of Real Estate

I, Keith Baillie, Chief Executive Officer of the Shire of Campaspe (Licensor), pursuant to Clause 4.1 of Licence of Real Estate issued to Leften Pty Ltd, ACN 123658677 (Licensee), of 27 Welsford Street, Shepparton, Victoria 3630, dated 23 October 2008 for occupation of the premises known as the former Freeman Foundry, 13–17 Murray Esplanade, Echuca, Victoria 3564 (part of the land described in Certificate of Title Volume 5398 Folio 555 and the right to use the common access), hereby declare the said Licence to be cancelled due to default by the Licensee in complying with certain terms and conditions of the said Licence. The cancellation is effective from the date of the publication of this notice in the Government Gazette.

Dated 11 January 2010

KEITH BAILLIE  
Chief Executive Officer

### EAST GIPPSLAND SHIRE COUNCIL

#### General Local Law 2009

Notice is given that at a meeting of East Gippsland Shire Council (Council) held on 15 December 2009, Council made a local law titled 'General Local Law 2009' (the Local Law).

The following information about the Local Law is provided in accordance with section 119(3) of the **Local Government Act 1989**.

The purpose of the Local Law is to provide for:

- peace, order and good government of the municipality;
- safety and health of the municipality so that the community can enjoy a quality of life that meets its expectations;
- safe and fair use and enjoyment of public places;
- protection and enhancement of the amenity and environment of the municipality;
- fair and reasonable use and enjoyment of private land; and
- revoking General Local Law 2000 made by Council.

The general purport of the Local Law is to:

1. control behaviour and activities on roads and council land – including the regulation of the Raymond Island Ferry, consumption of liquor, occupation of roads for works, use of the road for advertising and sale of goods, and outdoor eating facilities;
2. control environmental matters – including domestic waste collection and trade waste, regulation of dangerous and unsightly land, open air burning, incinerators, municipal tips and camping on council land;
3. control the keeping of animals and birds – including the regulation of the number and type of animals to be kept, and animals on designated beach and foreshore areas; and
4. control the movement livestock on roads – including the regulation of grazing of livestock and the effective fencing of livestock.

Copies of the Local Law may be inspected at the Council Corporate Centre, 273 Main Street, Bairnsdale, Council Library Business Centres and on Council's website, [www.egipps.vic.gov.au](http://www.egipps.vic.gov.au)

**MOORABOOL SHIRE COUNCIL**Notice under Section 204 of the  
**Local Government Act 1989**

## Declaration of Road to be a Public Highway

Notice is given pursuant to section 204(1) of the **Local Government Act 1989** ('the Act') that the following road listed on the lodged plan be declared as a public highway for the purposes of the Act.

The road is identified as follows:—

- Lot 1 on Title Plan 761346C in Volume 00888 Folio 520 – Whalebone Road, Blackwood.

On the publication of this notice the Moorabool Shire Council shall, in accordance with section 54 of the **Transfer of Land Act 1958**, apply to the Registrar of Titles to be registered as the proprietor of the land in fee simple free of all encumbrances by the creation of a new folio of the Registrar recording the name of the acquiring authority as registered proprietor.

ROBERT DOBRZYNSKI  
Chief Executive Officer

**TOWONG SHIRE COUNCIL**

## Declaration of a Full Day Public Holiday

Notice is hereby given that the Towong Shire Council, at its meeting held on 2 November 2009, resolved to declare Melbourne Cup Day, being the first Tuesday in November of every year, as a full day public holiday throughout the municipality.

JULIANA PHELPS  
Chief Executive Officer

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

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

**Planning and Environment Act 1987**

Amendment C112

Authorisation No. A01508

Planning Permit Application 090658

The land affected by the Amendment and planning permit application is land contained within Lot 4 on Plan of Subdivision 421379, Lot 1 on TP80176 and Lots 4 and 6 on Plan of Subdivision 5263. This land is located north of the Bass Highway and west of Tulloch Street, Dalyston.

The Amendment proposes to rezone the land from the Farming Zone to the Township Zone. The Amendment also proposes to rezone the road reserve adjoining Lot 4 on Plan of Subdivision 421379 from the Farming Zone to the Township Zone.

The application is for a permit to subdivide the land into 143 residential allotments.

The person who requested the Amendment and permit is Beveridge Williams & Co. on behalf of the property owners.

The Amendment is available for public inspection, free of charge, during office hours at the following places: Bass Coast Shire Council, 76 McBride Avenue, Wonthaggi, Victoria 3995; the Bass Coast Shire website, [www.basscoast.vic.gov.au](http://www.basscoast.vic.gov.au); and 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 or by the granting of the permit may make a submission to the planning authority. Council collects and holds this Personal Information to comply with the **Planning and Environment Act 1987** and the **Information Privacy Act 2000** Principles.

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

The closing date for submissions is Monday 15 February 2010. A submission must be sent to the Bass Coast Shire Council. Submissions must be in writing and sent to the Bass Coast Shire Council, PO Box 118, Wonthaggi, Victoria 3995.

FIONA SIMONDS  
Strategic Planner

**Planning and Environment Act 1987****GREATER BENDIGO PLANNING SCHEME**

Notice of Preparation of Amendment

Amendment C140

Authorisation A01539

The Greater Bendigo City Council has prepared Amendment C140 to the Greater Bendigo Planning Scheme.

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

The land affected by the Amendment is all land within the municipality of the City of Greater Bendigo.

The Amendment proposes to amend the Schedule to Clause 61.01 of the Greater Bendigo Planning Scheme by changing the person or responsible authority responsible for the issuing of planning certificates within the City of Greater Bendigo from Greater Bendigo City Council to the Minister for Planning.

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, Planning and Development Unit, City of Greater Bendigo, 15 Hopetoun Street, Bendigo 3550; 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 4.00 pm Monday 15 February 2010. A submission must be sent to the City of Greater Bendigo, PO Box 733, Bendigo 3552.

CRAIG NIEMANN  
Chief Executive Officer



**Planning and Environment Act 1987**

MITCHELL PLANNING SCHEME

Notice of Preparation of Amendment

Mitchell Amendment C71

Authorisation A01529

The Mitchell Shire Council has prepared Amendment C71 to the Mitchell Planning Scheme. The proponent for this planning scheme Amendment is Australand Holdings Limited.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Mitchell Shire Council as planning authority to prepare the Amendment. In accordance with section 11(1)(b) of the Act, the Amendment must be submitted to the Minister under section 31 for approval.

The land affected by the Amendment is the new Wallara Waters estate, located on the eastern side of the Hume Highway, south of Wallan Whittlesea Road, Wallan.

The Amendment proposes to remove the Vegetation Protection Overlay – Schedule 2 (VPO2) and Salinity Management Overlay (SMO) from areas within the first phase of the Wallara Waters estate.

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, Mitchell Shire Council: Broadford Library and Customer Service Centre, 113 High Street, Broadford; Wallan Library and Customer Service Centre, Wellington Square, Wallan; 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 22 February 2010. A submission must be sent to the Mitchell Shire Council, 113 High Street, Broadford, Victoria 3658. Late submissions will not be accepted by Council officers.

PETER HALTON  
Acting Chief Executive Officer



**Planning and Environment Act 1987**

MITCHELL PLANNING SCHEME

Notice of Preparation of Amendment

Mitchell Amendment C74

Authorisation A01509

The Mitchell Shire Council has prepared Amendment C74 to the Mitchell Planning Scheme.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Mitchell Shire Council as planning authority to prepare the Amendment. In accordance with section 11(1)(b) of the Act, the Amendment must be submitted to the Minister under section 31 for approval.

The Amendment would affect land currently affected by the Rural Living Zone and the Low Density Zone within Kobyboyn Road and numbers 235, 239 and 243 on Anzac Avenue, Seymour.

The Amendment would place a Design and Development Overlay (DDO) on the land to consolidate horse stabling uses in Seymour and to ensure certainty that the land can be used for stabling without loss of amenity on residential uses. The Design and Development Overlay – Schedule 5 would support the horse racing industry in Seymour, which is important to the town's economic development and horse-related history. DDO5 would use design objectives for certain buildings and works and built form to ensure horse stables are established with minimal adverse amenity affect on surrounding residential uses.

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, Mitchell Shire Council: Broadford Library and Customer Service Centre, 113 High Street, Broadford; Seymour Customer Service Centre, 28 High Street, Seymour; 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 15 February 2010. A submission must be sent to the Mitchell Shire Council, 113 High Street, Broadford, Victoria 3658. Late submissions will not be accepted by Council officers.

PETER HALTON  
Acting Chief Executive Officer

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

#### TOWONG PLANNING SCHEME

#### Notice of Preparation of Amendment

#### Amendment C20

#### Authorisation A01455

The Towong Shire Council has prepared Amendment C20 to the Towong Planning Scheme.

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

The land affected by the Amendment is all land within the municipality of Towong Shire.

The Amendment proposes to:

- replace Clauses 21.05-2 to 21.05-5 of the Municipal Strategic Statement with new Clauses 21.05-2 to 21.05-5;
- replace Clause 21.07-4 of the Municipal Strategic Statement with a new Clause 21.07-4;
- replace existing Local Planning Policy Framework Clauses 22.01 to 22.17 with new Clauses 22.01 to 22.09; and
- replace the Schedule 1 to Clause 42.03 (Significant Landscape Overlay).

You may inspect the Amendment, any documents that support the Amendment, and the explanatory report about the Amendment at the following locations: Towong Shire Council, 32 Towong Street, Tallangatta, and 76 Hansen Street, Corryong, or 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 12 March 2010. A submission must be sent to the Manager Planning, Towong Shire Council, PO Box 55, Tallangatta 3700.

JULIANA PHELPS  
Chief Executive Officer

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 18 March 2010, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

- BUTLER, Mark Joseph, late of 9 Pitfield Street, Scarsdale, Victoria 3351, who died on 7 February 2009.
- CRANSTON, Eileen, late of Gladswood Lodge, 15 Waxman Parade, Brunswick West, Victoria 3055, who died on 17 September 2009.
- DARVELL, William Stephen, late of James Barker House, 78 Ryan Street, Footscray, Victoria 3011, retired truck driver, who died on 17 February 2009.
- DEANS, Michael John, late of Stewart Lodge Seniors, 85 Stewart Street, Brunswick, Victoria 3056, pensioner, who died on 7 February 2009.
- GREEN, Sandra Jean, late of 3 Ingram Avenue, Sunshine West, Victoria 3020, retired, who died on 16 September 2009.
- HARVEY, Rita Vera, late of Plantagenet Hospital, Langton Road, Mount Barker, WA 6324, who died on 6 December 2009.
- JONES, Reginald Albert, late of 70 Service Road, Porepunkah, Victoria 3740, who died on 20 August 2009.
- KNOOP, Harold Edward, late of 1072 Sydney Road, Fawkner, Victoria 3060, retired, who died on 26 October 2009.
- MURRAY, Richard, late of Alan David Lodge, 382 Torquay Road, Grovedale, Victoria 3216, pensioner, who died on 6 November 2009.
- PITCHER, Denise, late of Unit 2, 13–15 Skipton Road, Oakleigh, Victoria 3166 who died on 20 November 2009.
- SAXE, Una Ethel, formerly of 1/37 Gardenia Road, Gardenvale, Victoria 3185, but late of Unit 1, Faversham House, 27 Shierlaw Avenue, Canterbury, Victoria 3126, pensioner, who died on 9 October 2009.
- WHEATER, Florence, late of Napier Street Aged Care, 179–197 Napier Street, South Melbourne, Victoria 3205 who died on 14 October 2009.
- Dated 7 January 2010

ROD SKILBECK  
Manager  
Client Services

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.

- BANNER, Elizabeth Ann, late of 4 Elanora Court, Aspendale, Victoria 3195, who died on 19 September 2009.
- BARKER, Alan, late of 10 Wilam Court, Cranbourne, Victoria 3977, who died on 23 November 2009.
- CHAPMAN, Gwenda, late of Unit 2, 21 Overton Road, Frankston, Victoria 3199, who died on 5 June 2009.
- HAWKINS, Norma Ellen, late of Peter James Medical Centre, Mahoney Road, Forest Hill, Victoria 3131, retired, who died on 2 September 2009.
- MORGAN, Harley John, late of 9 Lady Talbot Drive, Marysville, Victoria 3779, who died on 7 February 2009.
- SAMPSON, Kenneth Geoffrey, late of 5 Beattie Court, Mooroopna, Victoria 3629, who died on 8 October 2009.
- SMITH, Vincent, late of 3810 Omeo Highway, Eskdale, Victoria 3701, pensioner, who died on 5 October 2009.

Dated 11 January 2010

ROD SKILBECK  
Manager  
Client Services

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

Tenders close Wednesday 17 February 2010 at 2.00 pm at the offices of the Department of Treasury and Finance, Mail Centre, Basement, 1 Treasury Place, Melbourne, Victoria 3002

**Reference:** F08/5244.

**Address of Property:** 120 Cooma–Kyabram Road, Kyabram.

**Crown Description:** Crown Allotment 2005, Parish of Kyabram East.

**Terms of Sale:** 1% on lodgement, 9% on acceptance, Balance payable in 120 days or earlier by mutual agreement.

**Area:** 215 ha.

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 19 March 2010, after

**Officer Co-ordinating Sale:** Mark Lovell, Land and Property Group, Commercial Division, Department of Treasury and Finance, 5/1 Treasury Place, Melbourne, Victoria 3002.

**Selling Agents:** Landmark, Level 18, 380 La Trobe Street, Melbourne, Victoria 3000.

Hinchliffe & Greed Real Estate, 150 Allan Street, Kyabram, Victoria 3620.

TIM HOLDING MP

Minister for Finance, WorkCover and the Transport Accident Commission

### Penalty Interest Rates Act 1983

The penalty interest rate fixed by the Attorney-General under the **Penalty Interest Rates Act 1983** is 10.5% per annum with effect on and from 1 February 2010. The rate was previously fixed at 10%.

ROB HULLS MP  
Attorney-General

### National Electricity (Victoria) Act 2005

#### MINISTERIAL ORDER UNDER SECTION 35(1)(a)

I, Peter Batchelor, Minister for Energy and Resources and Minister responsible for administering the **National Electricity (Victoria) Act 2005** ('Act'), amend the Ministerial Order made under section 35(1)(a) of the Act on 26 June 2009 and published in the Government Gazette on 30 June 2009 (S 222) in the following manner:

Paragraph 14 is deleted and replaced with the following:

14. Use of System Agreement dated 3 October 1994 between VPX and Generation Victoria (trading as Hazelwood Power Station) (the successor in title to which is a partnership consisting of Australian Power Partners BV (ARBN 075 477 208), CISL (Hazelwood) Pty Limited (ABN 37 074 747 185), Hazelwood Investment Company Pty Limited (ABN 92 075 041 360), Hazelwood Pacific Pty Ltd (ABN 19 074 351 376) and National Power Australia Investments Limited (ABN 51 075 257 537), together trading as Hazelwood Power (ABN 40 924 759 557)).

This amendment comes into effect on the date of publication.

Dated 8 January 2010

PETER BATCHELOR MP  
Minister for Energy and Resources

### Land Acquisition and Compensation Act 1986

FORM 7

S. 21

Reg. 16

#### Notice of Acquisition

#### Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of Lot 1 on Plan of Subdivision 348044N, Parish of Loy Yang, comprising 36 square metres and being land described in Certificate of Title Volume 10301 Folio 605, shown as Parcel 10 on Survey Plan SP21864.

**Interest Acquired:** That of Albroys Car Centre Pty Ltd (ACN 004 526 381) and all other interests.

Published with the authority of VicRoads.

Dated 14 January 2010

For and on behalf of VicRoads  
Signed ROD ROETMAN  
Acquisition Manager

### Land Acquisition and Compensation Act 1986

FORM 7

S. 21

Reg. 16

#### Notice of Acquisition

#### Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of Lot 2 on Plan of Subdivision 218153A, Parish of Loy Yang, comprising 175 square metres and being land described in Certificate of Title Volume 9923 Folio 111, shown as Parcel 41 on Survey Plan 21867.

**Interest Acquired:** That of John and Janis Dianne Leonie Bolding and all other interests.

Published with the authority of VicRoads.

Dated 14 January 2010

For and on behalf of VicRoads  
Signed ROD ROETMAN  
Acquisition Manager

**Land Acquisition and Compensation Act 1986**

FORM 7

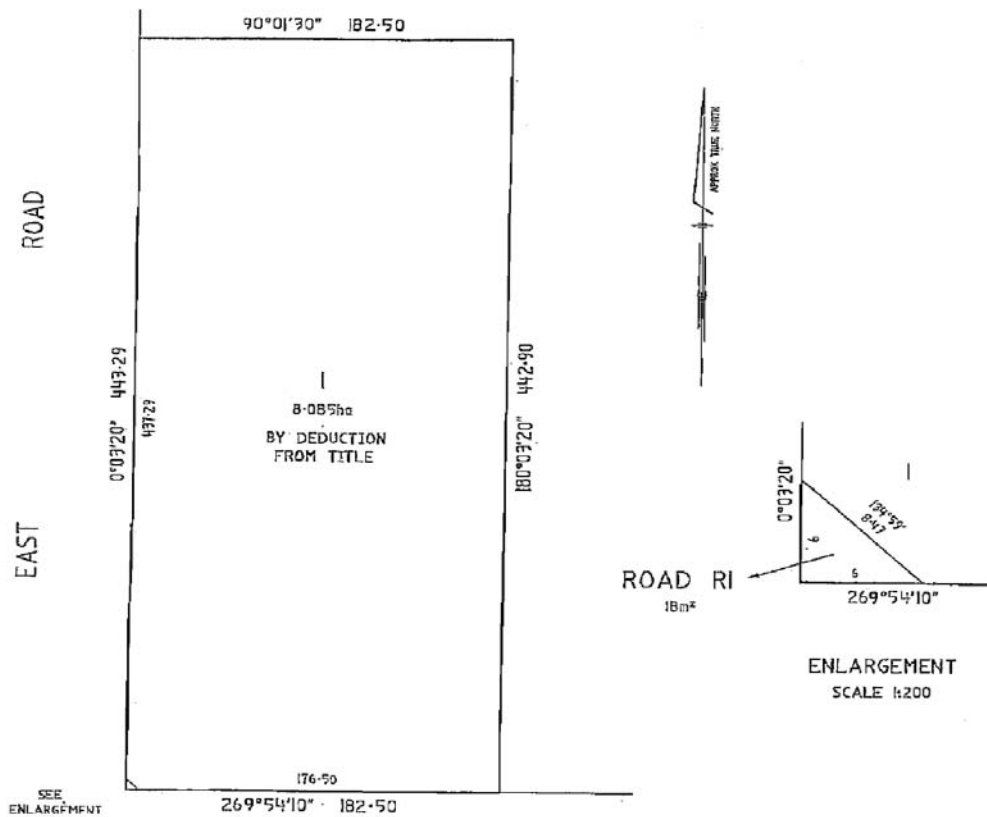
S. 21  
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

Casey City Council declares that by this notice it acquires an interest in fee simple over the 18 square metre parcel of land marked 'R-1' on the plan below, being part of the land in Certificate of Title Volume 9705 Folio 199 and known as part 985 Robinsons Road, Pearcedale 3912.

**Interest Acquired:** The owner and all or any other interests in the land.



Dated 25 November 2009

For and on behalf of the Casey City Council  
Signed MIKE TYLER  
Chief Executive Officer  
Casey City Council



**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 20 November 2009, Michelle Lynn Dennis was convicted of the sexual offences of 2 counts of sexual penetration of a person aged 16–17 years and 1 count of sexual penetration of a person aged 10–16 years.

On 20 November 2009, Michelle Lynn Dennis was disqualified from teaching and her registration as a teacher in Victoria was cancelled.

**Education and Training Reform Act 2006**FIXING OF FEES FOR 2009 ADMINISTERED BY  
THE VICTORIAN REGISTRATION AND QUALIFICATIONS AUTHORITY

## Ministerial Order 307

The Minister for Skills and Workforce Participation makes the following Order:

**Title**

This Order may be cited as Ministerial Order No. 307.

**Purpose**

This Order specifies fees set by the Minister for Skills and Workforce Participation for the regulatory functions to be undertaken by TVET Australia under delegation of the Victorian Registration and Qualifications Authority.

**Authorising provision**

This Order is made under provisions of the **Education and Training Reform Act 2006**.

## Part 5.2.13 Minister's powers to fix fees

- (1) The Minister, by Order, may fix any fees that are required, permitted or authorised to be fixed by the Minister under this Act.
- (1A) The Minister, when fixing a fee under subsection (1) that may be charged by, or is required to be paid to, the Authority for or in connection with a thing done by the Authority, may fix a different higher fee if the thing is to be done by a person performing a function delegated by the Authority under section 4.2.7A.
- (2) The Minister's powers to fix fees may be exercised by fixing different fees for different classes of applications or investigations.
- (3) If the Minister fixes a fee by Order under this section, the Minister may in the Order authorise the payment of the fee by periodic instalment amounts.
- (4) Despite anything to the contrary in this Act, if the Minister authorises the payment of a fee by instalments in respect of an application or investigation, the Authority in considering the application or undertaking the investigation may take that action and may make any determination in respect of the application on payment of the first instalment of the fee.
- (5) The person required to pay the fee that is authorised to be paid by instalments must pay each instalment by the date that it is due to be paid.
- (6) Any instalment that is not paid by the due date for that instalment is a debt due to the Authority charging the fee.

Fees payable in 2009 relate to the following provisions of the **Education and Training Reform Act 2006**: sections 4.3.10(3), 4.3.19(2)(a), 4.5.1(4) and 4.5.2(2).

**Period of Effect**

This Order takes effect from 1 January 2010 and applies in respect of any function delegated by the Authority to TVET Australia upon execution of the VRQA instrument of delegated authority and expires on 31 December 2010.

**Definitions**

In this Order:

‘**AQTF**’ means the framework entitled ‘Australian Quality Training Framework’ that defines the criteria and standards for the registration of training organisations in the vocational education and training sector;

‘**Authority**’ means the Victorian Registration and Qualifications Authority established under Chapter 4 of the **Education and Training Reform Act 2006**;

‘**function**’ means power, authority or duty;

‘**Registered Training Organisation**’ means a training organisation registered on the State Register and National Register;

‘**scope**’ means the course or courses for which a registered education and training provider is registered by the Authority to deliver and or award, confer or issue a registered qualification;

‘**Training Package**’ means a set of nationally endorsed standards and qualifications used to recognise and assess people’s skills in a specific industry, industry sector or enterprise;

‘**TVET Australia**’ means Technical and Vocational Education and Training Australia Limited (ACN 062 758632) and any successor in law of that body.

The following table sets out the provisions within the **Education and Training Reform Act 2006** that are covered by this Order and applies to any function delegated by the Victorian Registration and Qualifications Authority to TVET Australia and the associated fees payable to TVET Australia.

4.3.10(3)	<b>Initial AQTF registration</b>	\$2,123
	<b>Annual fee:</b>	
	Small RTOs (fewer than 5 qualifications on scope)	\$1,486pa
	Medium RTOs (5–20 qualifications on scope)	\$2,761pa
	Large RTOs (more than 20 qualifications on scope)	\$4,035pa
	<b>Audits of offshore AQTF delivery</b> (plus reasonable travel expenses)	\$159 per hour
	<b>Substantiated complaint</b> (plus reasonable travel and associated expenses)	\$159 per hour
4.3.19(2)(a)	<b>Changes to scope (per qualification)</b>	
	Category 1 – Where a RTO adds a new qualification from a Training Package already being delivered	\$212
	Category 2 – Where a RTO adds a new qualification from a Training Package they have not previously delivered	\$424

**CRICOS Providers**

Registered providers seeking approval to be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), and therefore have approval to deliver vocational education and training to overseas students under the requirements of the ESOS National Code, will be required to pay additional fees to TVET Australia as follows:

4.5.1(4)	<b>Initial approval</b>	\$3,185
4.5.2(2)	<b>Annual fee:</b>	
	Small RTOs (fewer than 5 qualifications on scope)	\$2,123pa
	Medium RTOs (5–20 qualifications on scope)	\$3,185pa
	Large RTOs (more than 20 qualifications on scope)	\$4,247pa
	<b>Substantiated complaint</b> (plus reasonable travel and associated expenses)*	\$159 per hour
	<b>Changes to scope (per qualification)</b>	
	Category 1 – Where a RTO adds a new qualification from a training Package already being delivered	\$212
	Category 2 – Where a RTO adds a new qualification from a training Package they have not previously delivered	\$424
	<b>Change of premises</b>	\$1,062

\*Complaint fees for CRICOS RTOs are not additional to those fees applicable to AQTF only RTOs. From 2009, a single fee of \$159 per hour (plus reasonable travel and associated expenses) applies to all substantiated complaint investigations.

Dated 29 December 2009

JACINTA ALLAN  
Minister for Skills and Workforce Participation

**Conservation, Forests and Lands Act 1987**NOTICE OF MAKING OF AN AGREEMENT TO TERMINATE A  
FARM FORESTRY INCENTIVE SCHEME LAND OWNER AGREEMENT

Notice is given under section 80 of the **Conservation, Forests and Lands Act 1987** that the Secretary to the Department of Sustainability and Environment and Jane Frances Fulton entered into an agreement to terminate a Farm Forestry Incentive Scheme Land Owner Agreement in respect of the land set out in the Schedule.

A copy of the agreement is available for public inspection between the hours of 9.00 am and 4.00 pm at the offices of: DSE Legal Services, Department of Sustainability and Environment, 8 Nicholson Street, East Melbourne 3002 and at Benalla Office, Department of Sustainability and Environment, 35 Sydney Road, Benalla 3672.

GREG WILSON

Secretary to the Department of Sustainability and Environment

## SCHEDULE

Site Location	Title Details Volume/Folio	Dealing No. of Agreement terminated
Lot 1 on Plan of Subdivision Number 404502Y, Parish of Clonbinane	10321/567	W701802G

**Conservation, Forests and Lands Act 1987**NOTICE OF MAKING OF AN AGREEMENT TO TERMINATE A  
FARM FORESTRY INCENTIVE SCHEME LAND OWNER AGREEMENT

Notice is given under section 80 of the **Conservation, Forests and Lands Act 1987** that the Secretary to the Department of Sustainability and Environment and M. C. and K. M. Stebnyckj Pty Ltd entered into an agreement to terminate a Farm Forestry Incentive Scheme Land Owner Agreement in respect of the land set out in the Schedule.

A copy of the agreement is available for public inspection between the hours of 9.00 am and 4.00 pm at the offices of: DSE Legal Services, Department of Sustainability and Environment, 8 Nicholson Street, East Melbourne 3002 and at Benalla Office, Department of Sustainability and Environment, 35 Sydney Road, Benalla 3672.

GREG WILSON

Secretary to the Department of Sustainability and Environment

## SCHEDULE

Site Location	Title Details Volume/Folio	Dealing No. of Agreement terminated
Lot 1 on Title Plan 833451G (formerly known as part of Lot 2 on Plan of Subdivision Number 117524), Parish of Glenrowen	9959/536	V790066J

**Conservation, Forests and Lands Act 1987**NOTICE OF MAKING OF AN AGREEMENT TO TERMINATE A  
FARM FORESTRY INCENTIVE SCHEME LAND OWNER AGREEMENT

Notice is given under section 80 of the **Conservation, Forests and Lands Act 1987** that the Secretary to the Department of Sustainability and Environment and Michael Davis Guerin and Jutta Ida Guerin entered into an agreement to terminate a Farm Forestry Incentive Scheme Land Owner Agreement in respect of the land set out in the Schedule.

A copy of the agreement is available for public inspection between the hours of 9.00 am and 4.00 pm at the offices of: DSE Legal Services, Department of Sustainability and Environment, 8 Nicholson Street, East Melbourne 3002 and at Benalla Office, Department of Sustainability and Environment, 35 Sydney Road, Benalla 3672.

GREG WILSON

Secretary to the Department of Sustainability and Environment

## SCHEDULE

Site Location	Title Details Volume/Folio	Dealing No. of Agreement terminated
Lot 1 on Plan of Subdivision Number PS 322279E, Section 2, Parish of Woodbourne	10246/416	V716975F

**Conservation, Forests and Lands Act 1987**NOTICE OF MAKING OF AN AGREEMENT TO TERMINATE A  
FARM FORESTRY INCENTIVE SCHEME LAND OWNER AGREEMENT

Notice is given under section 80 of the **Conservation, Forests and Lands Act 1987** that the Secretary to the Department of Sustainability and Environment and Julian Matthew Carroll and Diane Susan Carroll entered into an agreement to terminate a Farm Forestry Incentive Scheme Land Owner Agreement in respect of the land set out in the Schedule.

A copy of the agreement is available for public inspection between the hours of 9.00 am and 4.00 pm at the offices of: DSE Legal Services, Department of Sustainability and Environment, 8 Nicholson Street, East Melbourne 3002 and at Benalla Office, Department of Sustainability and Environment, 35 Sydney Road, Benalla 3672.

GREG WILSON

Secretary to the Department of Sustainability and Environment

## SCHEDULE

Site Location	Title Details Volume/Folio	Dealing No. of Agreement terminated
Lot 2 on Plan of Subdivision Number 541200Y, Parish of Barwidgee	10929/521	V790067F

**Conservation, Forests and Lands Act 1987**NOTICE OF MAKING OF AN AGREEMENT TO TERMINATE A  
FARM FORESTRY INCENTIVE SCHEME LAND OWNER AGREEMENT

Notice is given under section 80 of the **Conservation, Forests and Lands Act 1987** that the Secretary to the Department of Sustainability and Environment and Leanne Margaret Holland and Paul Anthony Dean Paul entered into an agreement to terminate a Farm Forestry Incentive Scheme Land Owner Agreements in respect of the land set out in the Schedule.

A copy of the agreement is available for public inspection between the hours of 9.00 am and 4.00 pm at the offices of: DSE Legal Services, Department of Sustainability and Environment, 8 Nicholson Street, East Melbourne 3002 and at Benalla Office, Department of Sustainability and Environment, 35 Sydney Road, Benalla 3672.

GREG WILSON

Secretary to the Department of Sustainability and Environment

## SCHEDULE

Site Location	Title Details Volume/Folio	Dealing No. of Agreement terminated
Lot 1 on Plan of Subdivision Number 538536G, Parish of Glenrowen	10921/459	W160048B

**Geographic Place Names Act 1998**

## NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES

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

Place Name	Proposer and Location
Keilor Views Primary School	Department of Education and Early Childhood Development. A new school entity formed by the merger of Keilor Downs Primary School and Calder Rise Primary School; located at Swindon Crescent, Keilor Downs 3038.
University Park Primary School	Department of Education and Early Childhood Development. Formerly known as St Albans South Primary School; located at Lister Street, St Albans 3021.

Office of the Registrar of Geographic Names

c/- **LAND VICTORIA**

17th Floor

570 Bourke Street

Melbourne 3000

JOHN E. TULLOCH  
Registrar of Geographic Names

**Interpretation of Legislation Act 1984****ELECTRICITY SAFETY (EQUIPMENT EFFICIENCY) AMENDMENT  
(TELEVISIONS, LIQUID-CHILLING PACKAGES, CLOSE CONTROL AIRCONDITIONERS  
AND GENERAL LIGHTING SERVICES) REGULATIONS 2009****Notice of Incorporation of Documents and Address for Inspection of Documents**

The Electricity Safety (Equipment Efficiency) Amendment (Televisions, Liquid-Chilling Packages, Close Control Airconditioners and General Lighting Services) Regulations 2009 ('the Regulations') apply, adopt or incorporate the following documents:

**Table of Applied, Adopted or Incorporated Matter**

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 6 which inserts new definitions of close control airconditioner, liquid-chilling package, self-ballasted compact fluorescent lamp, television set, tungsten filament lamp and tungsten halogen lamp in the Principal Regulations	<p>Australian/New Zealand Standard, 'Performance of close control airconditioners Part 1: Testing for rating', published 14 November 2008 by Standards Australia and Standards New Zealand, AS/NZS 4965.1; and</p> <p>Australian/New Zealand Standard, 'Performance of close control airconditioners Part 2: Minimum energy performance standard (MEPS) requirements', published 14 November 2008 by Standards Australia and Standards New Zealand, AS/NZS 4965.2; and</p> <p>Australian/New Zealand Standard, 'Liquid-chilling packages using the vapour compression cycle Part 1.1: Method of rating and testing for performance – Rating', published 14 November 2008 by Standards Australia and Standards New Zealand, AS/NZS 4776.1.1; and</p> <p>Interim Australian/New Zealand Standard, 'Self-ballasted lamps for general lighting services Part 1: Test methods – Energy performance', published 28 March 2008 by Standards Australia and Standards New Zealand, AS/NZS 4847.1(Int); and</p> <p>Interim Australian/New Zealand Standard, 'Self-ballasted lamps for general lighting services Part 2: Minimum Energy Performance Standards (MEPS) requirements', published 7 April 2008 by Standards Australia and Standards New Zealand, AS/NZS 4847.2(Int); and</p>	<p>Clause 4.1</p> <p>Clause 1.2</p> <p>Clauses 4.10, 1 and 5.3</p> <p>Clause 3.13</p> <p>Clause 1.2</p>

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
	<p>Interim Australian/New Zealand Standard, 'Power consumption of audio, video and related equipment Part 1: Methods of measurement', published 27 April 2009 by Standards Australia and Standards New Zealand, AS/NZS 62087.1(Int); and</p> <p>Interim Australian/New Zealand Standard, 'Power consumption of audio, video and related equipment Part 2.2: Minimum Energy Performance Standards (MEPS) and energy rating label requirements for television sets', published 27 April 2009 by Standards Australia and Standards New Zealand, AS/NZS 62087.2.2(Int); and</p> <p>Interim Australian/New Zealand Standard, 'Incandescent lamps for general lighting service Part 1: Test methods – Energy performance', published 7 April 2008 by Standards Australia and Standards New Zealand, AS/NZS 4934.1(Int); and</p> <p>Interim Australian/New Zealand Standard, 'Incandescent lamps for general lighting services Part 2: Minimum Energy Performance Standards (MEPS) requirements', published 7 April 2008 by Standards Australia and Standards New Zealand, AS/NZS 4934.2(Int).</p>	<p>Clause 3.1.12</p> <p>Clause 1.2</p> <p>Clauses 1.3.13 and 1.3.14</p> <p>Clauses 1.2 and 1.1</p>
Regulation 8 which inserts new regulation 5A in the Principal Regulations	<p>Interim Australian/New Zealand Standard, 'Power consumption of audio, video and related equipment Part 2.2: Minimum energy performance standards (MEPS) and energy rating label requirements for television sets', published 27 April 2009 by Standards Australia and Standards New Zealand, AS/NZS 62087.2.2(Int); and</p> <p>Interim Australian/New Zealand Standard, 'Power consumption of audio, video and related equipment Part 1: Methods of measurement', published 27 April 2009 by Standards Australia and Standards New Zealand, AS/NZS 62087.1(Int).</p>	<p>Section 5</p> <p>The whole</p>



<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 10 which amends regulation 14 of the Principal Regulations	Interim Australian/New Zealand Standard, 'Power consumption of audio, video and related equipment Part 1: Methods of measurement', published 27 April 2009 by Standards Australia and Standards New Zealand, AS/NZS 62087.1(Int).	The whole
Regulation 11 which inserts new regulations 14A, 14B, 14C and 14D in the Principal Regulations	<p>Australian/New Zealand Standard, 'Liquid-chilling packages using the vapour compression cycle Part 2: Minimum energy performance standard (MEPS) and compliance requirements', published 2 December 2008 by Standards Australia and Standards New Zealand, AS/NZS 4776.2; and</p> <p>Australian/New Zealand Standard, 'Liquid-chilling packages using the vapour compression cycle Part 1.1: Method of rating and testing for performance – Rating', published 14 November 2008 by Standards Australia and Standards New Zealand, AS/NZS 4776.1.1; and</p> <p>Australian/New Zealand Standard, 'Liquid-chilling packages using the vapour compression cycle Part 1.2: Method of rating and testing for performance – Testing', published 14 November 2008 by Standards Australia and Standards New Zealand, AS/NZS 4776.1.2; and</p> <p>Australian/New Zealand Standard, 'Performance of close control airconditioners Part 2: Minimum Energy Performance Standard (MEPS) requirements', published 14 November 2008 by Standards Australia and Standards New Zealand, AS/NZS 4965.2; and</p> <p>Australian/New Zealand Standard, 'Performance of close control airconditioners Part 1: Testing for rating', published 14 November 2008 by Standards Australia and Standards New Zealand, AS/NZS 4965.1;and</p>	<p>Clause 5</p> <p>The whole</p> <p>The whole</p> <p>Clause 2.2</p> <p>The whole</p>

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
	<p>Interim Australian/New Zealand Standard, 'Self-ballasted lamps for general lighting services Part 2: Minimum Energy Performance Standards (MEPS) requirements', published 7 April 2008 by Standards Australia and Standards New Zealand, AS/NZS 4847.2(Int); and</p> <p>Interim Australian/New Zealand Standard, 'Self-ballasted lamps for general lighting services Part 1: Test methods—Energy performance', published 28 March 2008 by Standards Australia and Standards New Zealand, AS/NZS 4847.1(Int); and</p> <p>Interim Australian/New Zealand Standard, 'Incandescent lamps for general lighting services Part 2: Minimum Energy Performance Standards (MEPS) requirements', published 7 April 2008 by Standards Australia and Standards New Zealand, AS/NZS 4934.2(Int); and</p> <p>Interim Australian/New Zealand Standard, 'Incandescent lamps for general lighting service Part 1: Test methods – Energy performance', published 7 April 2008 by Standards Australia and Standards New Zealand, AS/NZS 4934.1(Int).</p>	<p>Clause 4.2</p> <p>The whole</p> <p>Clauses 4.3 and 4.4</p> <p>The whole</p>
Regulation 14 which inserts new regulation 20A in the Principal Regulations	Interim Australian/New Zealand Standard, 'Power consumption of audio, video and related equipment Part 2.2: Minimum energy performance standards (MEPS) and energy rating label requirements for television sets', published 27 April 2009 by Standards Australia and Standards New Zealand, AS/NZS 62087.2.2(Int).	Appendix A Section 3 Appendix C
Regulation 15 which inserts new regulations 28A, 28B, 28C and 28D in the Principal Regulations	Australian/New Zealand Standard, 'Liquid-chilling packages using the vapour compression cycle Part 2: Minimum energy performance standard (MEPS) and compliance requirements', published 2 December 2008 by Standards Australia and Standards New Zealand, AS/NZS 4776.2; and	Clause 6 Appendix A Appendix B Appendix C Clause 6.2

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
	<p>Australian/New Zealand Standard, 'Performance of close control airconditioners Part 2: Minimum energy performance standard (MEPS) requirements', published 14 November 2008 by Standards Australia and Standards New Zealand, AS/NZS 4965.2; and</p> <p>Interim Australian/New Zealand Standard, 'Self-ballasted lamps for general lighting services Part 2: Minimum Energy Performance Standards (MEPS) requirements', published 7 April 2008 by Standards Australia and Standards New Zealand, AS/NZS 4847.2(Int); and</p> <p>Interim Australian/New Zealand Standard, 'Incandescent lamps for general lighting services Part 2: Minimum Energy Performance Standards (MEPS) requirements', published 7 April 2008 by Standards Australia and Standards New Zealand, AS/NZS 4934.2(Int).</p>	<p>Section 3 Appendix A</p> <p>Clause 5 Appendix A</p> <p>Clause 5 Appendix A</p>
Regulation 22 which inserts new regulation 47A in the Principal Regulations	Interim Australian/New Zealand Standard, 'Power consumption of audio, video and related equipment Part 2.2: Minimum energy performance standards (MEPS) and energy rating label requirements for television sets', published 27 April 2009 by Standards Australia and Standards New Zealand, AS/NZS 62087.2.2(Int).	Section 4 Appendix B Clause 4.3

A copy of the material applied, adopted or incorporated by the Regulations has been lodged with the Clerk of the Parliaments and is available for inspection by the public, free of charge, during normal business hours at Energy Safe Victoria, Level 3, 4 Riverside Quay, Southbank, telephone 9203 9700.

PETER BATCHELOR MP  
Minister for Energy and Resources

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

## Section 708

## COMMONWEALTH OF AUSTRALIA

## Notice of Expiry of Retention Lease

In accordance with section 708 of the **Offshore Petroleum and Greenhouse Gas Storage Act 2006**, the Designated Authority hereby gives notice that the blocks described below ceased to be in force as Petroleum Retention Lease VIC/RL7, effective from 5 January 2010, due to the expiry of Petroleum Retention Lease VIC/RL7, of which BHP Billiton Petroleum (Victoria) Pty Ltd and Santos (BOL) Pty Ltd were the registered holders.

## DESCRIPTION OF BLOCKS

The reference hereunder is to the name of the map sheet of the 1:1,000,000 series prepared and published for the purposes of the **Offshore Petroleum and Greenhouse Gas Storage Act 2006** and to the numbers of graticular sections shown thereon.

**Hamilton Map Sheet SJ54**

BLOCK NO.	BLOCK NO.	BLOCK NO.
2576	2577	2649

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

I, the undersigned, being a Registrar of the Magistrates' Court of Victoria at Frankston, hereby give notice that application, as listed below, has been lodged for hearing at the Frankston Magistrates' Court on 8 February 2010.

Any person desiring to object to any of the 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 of the Private Agents Registry – a copy to the Registry.

<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>
Trayce Burt	Jemena Asset Management Pty Ltd	321 Ferntree Gully Road, Mt Waverley, Victoria 3149	Commercial Sub-Agents' Licence	8 February 2010

Dated at Frankston 11 January 2010

SCOTT MacDONALD  
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>
Eric Kenneth Karlake, nominee for Corporate Debt Solutions Pty Ltd	14/200 Canterbury Road, Bayswater 3153	Commercial Agents Licence (Corporation)	27 January 2010

Dated at Ringwood 6 January 2010

BRUCE HAMILTON  
Deputy Registrar  
Magistrates' Court of Victoria

**Water Act 1989**  
**BULK ENTITLEMENT (BULLAROOK SYSTEM – GOULBURN–MURRAY WATER)**  
**CONVERSION ORDER 2009**  
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**SCHEDULE 1: PRIMARY ENTITLEMENTS**

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1. Purpose
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I, Tim Holding, under the Provisions of the **Water Act 1989**, make the following Order:

**PART 1 – INTRODUCTORY STATEMENTS**

**1. CITATION**

This Order may be cited as the Bulk Entitlement (Bullarook System – Goulburn–Murray Water) Conversion Order 2009.

**2. EMPOWERING PROVISIONS**

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

**3. COMMENCEMENT**

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

**4. DEFINITIONS**

In this Order –

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

‘**Agreement**’ means the Murray–Darling Basin Agreement as contained in Schedule 1 to the **Murray–Darling Basin Act 1993**;

‘**AHD**’ means the Australian Height Datum;

‘**Bullarook system**’ means the water supply systems supplied from

- (a) Newlyn Reservoir,
- (b) Hepburn Lagoon, and
- (c) the system waterway;

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

‘**Corporation**’ means the Goulburn–Murray Rural Water Corporation;

‘**entitlement holder**’ means a person holding either a bulk entitlement or an environmental entitlement under the Act;

‘**Environment Minister**’ means the Minister administering Part 4 of the **Catchment and Land Protection Act 1994**;

‘**environmental water**’ means the storage reserve in Newlyn Reservoir and the environmental flows specified in ‘Environmental Entitlement (Birch Creek – Bullarook System) 2009’;

‘**full supply level**’ means the water level at or below which a storage is designed to be normally operated;

‘**headworks system**’ means –

- (a) Newlyn Reservoir, Hepburn Lagoon and the associated water supply works and other assets, as shown from time to time in the Asset Register of the Corporation as owner of the storage, and
- (b) the system waterway;

‘**high reliability entitlements**’ means the total high reliability entitlements set out in Schedule 1 to this Order;

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

‘**low reliability entitlements**’ means the total low entitlements set out in Schedule 1 to this Order;

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

**‘other entitlement holders’** means the holders of the environmental entitlements and bulk entitlements listed in Schedule 1 to this Order;

**‘primary entitlement’** means an entitlement or commitment referred to in clause 11;

**‘primary entitlement holders’** means the holders of the primary entitlements;

**‘resource manager’** means any person appointed by the Minister under section 43A(1)(b) of the Act to carry out the functions specified in the instrument of appointment;

**‘seasonal determination’** has the meaning given to it in section 3 of the Act;

**‘storage manager’** means any person appointed by the Minister under section 122ZK of the Act to be storage manager for the headworks system;

**‘system waterway’** means the reach of waterway which includes –

- (a) Birch Creek downstream of Newlyn Reservoir, down to the Creswick Creek confluence, including all the weir pools upstream of that confluence;
- (d) Newlyn reservoir; and
- (c) Hepburn Lagoon and Hepburn Race downstream of Hepburn Lagoon.

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

**‘water allocation’** in relation to a water share, has the meaning given to it in section 3 of the Act;

**‘water share’** has the meaning given to it in section 3 of the Act;

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

## **PART 2 – ENTITLEMENT**

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

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

### **6. BULK ENTITLEMENT**

- 6.1 Subject to any restrictions in this Order, the Corporation may take water from the system waterway in order to supply the primary entitlements described in Schedule 1.
- 6.2 For purposes of sub-clause 6.1, water taken under this Order includes water supplied to another water system as a result of –
  - (a) a water share issued in respect of the Bullarook system being transferred or a water allocation to such a water share being assigned; and
  - (b) a water allocation available under an environmental entitlement described in Schedule 1 being assigned or applied to another environmental entitlement under Division 1A of Part 4 of the Act.

### **7. LIMITATION ON BULK ENTITLEMENT**

- 7.1 If the accumulated differences since the start of 1 July 1997 between the volumes of water diverted each year from the Goulburn, Broken and Loddon River basins, and the corresponding volumes of water as estimated by the cap model approach the limit specified in Schedule F of the Agreement then:
  - (a) the Corporation and any other Bullarook system entitlement holder specified in Schedule 1 to this Order must recommend to the Minister for his or her approval appropriate action to be taken so as to avoid the limit specified in Schedule F of the Agreement being exceeded; and
  - (b) the Corporation and any other Bullarook system entitlement holder specified in Schedule 1 to this Order must take such action as approved by the Minister.



- 7.2 If, at the start of the following year,
- (a) no action is approved and taken under sub-clause 7.1; and
  - (b) the volume of accumulated over-runs less under-runs equals or exceeds 15 per cent of long-term average annual diversions from the Goulburn, Broken and Loddon River basins,

then the Corporation is entitled to take annually from the system waterway to supply the primary entitlements, only the volume of water that the Corporation and any other entitlement holder specified in Schedule 1 to this Order could have otherwise diverted in that year, less a volume equal to 7 per cent of long-term average annual diversions from the Bullarook system by the Corporation subject to this adjusted volume being

- (i) not more than the volume of the water required for a seasonal determination of 50 per cent of the low reliability entitlement or such other percentage as may be specified by the Minister; and
- (ii) not less than the volume of the water required for a seasonal determination of 100 per cent of the high reliability entitlement as specified in Schedule 1 to this Order.

## **8. SEASONAL DETERMINATIONS**

An authority making seasonal determinations in the Bullarook system under section 64GB of the Act must consider the rules set out in Schedule 2 to this Order when making seasonal determinations for that system.

## **9. SHARE OF STORAGE CAPACITY**

- 9.1 The Corporation is entitled to all of the water:
- (a) in Newlyn Reservoir which has a storage capacity of 2,970 ML at a full supply level of 532.6 metres AHD; and
  - (b) in Hepburn Lagoon which has a storage capacity of 2,480 ML at a full supply level of 516.7 metres AHD; and
  - (c) temporarily stored above the full supply level, in each of the reservoirs under above paragraphs (a) and (b) as part of its bulk entitlement under clause 6.
- 9.2 If for any reason the storage manager declares a changed storage capacity, the Corporation is entitled to all of the changed capacity.

## **10. SHARE OF FLOW**

- 10.1 In order to supply the entitlements set out in clause 11, subject to the limits specified under clause 7, the Corporation may take all the inflows into:
- (a) Newlyn Reservoir; and
  - (b) Hepburn Lagoon; and
  - (c) the system waterway.
- 10.2 The Corporation must not take, as part of this entitlement, any flow in the system waterway, which is being transferred by the holder of any other primary entitlement.

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

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

Water taken from the system waterway under this bulk entitlement must be used to supply the primary entitlements described in Schedule 1 to this Order, subject to the restriction rules specified in Schedule 2 to this Order.

## **12. OPERATING ARRANGEMENTS**

- 12.1 The Corporation and the storage manager, in consultation with the other entitlement holders, must endeavour to agree on operating arrangements for the supply of water under this entitlement.

- 12.2 If the Corporation, the other entitlement holders and the storage manager have not reached agreement under sub-clause 12.1 within twelve months of the date of this Order, any party may give written notice to the other parties requiring the matter to be determined in accordance with clause 15.
- 12.3 The Corporation and the storage manager, in consultation with the other entitlement holders in the Bullarook system, may agree to vary the operating arrangements from time to time.
- 12.4 Subject to clauses 6 and 7, the Corporation must not direct the storage manager to release more water from Newlyn Reservoir or Hepburn Lagoon than is required to meet the Corporation's commitment to supply primary entitlements unless releases are necessary:
- (a) to supply transfers of primary entitlements including losses; or
  - (b) to supply dilution flows to overcome serious water quality concerns; or
  - (c) for purposes of maintenance of the headworks system.

### **13. CALCULATING THE FLOW**

For the purposes of clauses 6 and 7, the volume taken from the system waterway by the Corporation in any year is calculated as the sum of the annual volumes to supply the primary entitlements from the system waterway.

### **14. ENVIRONMENTAL OBLIGATIONS**

- 14.1 The Corporation together with the storage manager after consulting with North Central Catchment Management Authority must propose to the Minister, and implement within 12 months of the date of this Order coming into operation, a program to manage the environmental effects of the works under its control, that allow water to be taken from the system waterway, including:
- (a) the effects on the bed and banks of the system waterway in the vicinity of the works; and
  - (b) operational practices to remove silt from works; and
  - (c) operational practices to manage the water quality in works on the system waterway; and
  - (d) operational rules to control releases from works to the system waterway; and
  - (e) operational rules to manage flood flows through works on the system waterway; and
  - (f) the proposed timing, extent and duration of any temporary changes to the provision of environmental water to allow for essential maintenance of the outlet works.
- 14.2 The Minister may:
- (a) approve the program proposed under sub-clause 14.1;
  - (b) require the Corporation jointly with the storage manager to amend the proposed program;
  - (c) require the Corporation jointly with the storage manager to –
    - (i) review the program approved by the Minister if, in the Minister's opinion, it is at any time no longer appropriate; and
    - (ii) propose an amended program to the Minister.
- 14.3 The Corporation together with the storage manager must:
- (a) implement the approved environmental management program;
  - (b) keep a record of all work undertaken under sub-clause 14.3(a).
- 14.4 The cost of implementing the environmental management program will be met by:
- (a) the storage manager, where the program relates to the headworks system; or
  - (b) the Corporation, where the program relates to works other than the headworks system.

- 14.5 The Minister may from time to time require the Corporation, jointly with the storage manager, to report in writing on the implementation of any program approved under sub-clause 14.2.
- 14.6 The Corporation must if required in the future, participate under the direction of the Minister in the development and implementation of Stressed River Proposals relevant to the Loddon basin as per requirements under the Victorian River Health Strategy.

#### **15. DISPUTE RESOLUTION**

- 15.1 If a difference or dispute arises between the Corporation, 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.
- 15.2 If a difference or dispute arises between the Corporation and any of the other entitlement holders, concerning the interpretation or application of this Order, the Corporation may give written notice to the other entitlement holder requiring the matter to be determined by an independent expert.
- 15.3 If a difference or dispute arises between the Corporation and any of the other entitlement holders, concerning the interpretation or application of this Order, and the other entitlement holder gives written notice to the Corporation requiring the matter to be determined by an independent expert, the Corporation must comply with the notice.
- 15.4 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.
- 15.5 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.
- 15.6 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.
- 15.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 15.8 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 section 47A of the Act.
- 15.9 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.
- 15.10 The Corporation 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**

#### **16. METERING PROGRAM**

- 16.1 The Corporation, in consultation with the storage manager, must propose to the Minister within twelve months from the commencement of this Order, a metering program to demonstrate compliance with its bulk entitlement under this Order.
- 16.2 The Minister may:
- (a) approve the program referred to under sub-clause 16.1; or
  - (b) require the Corporation to amend the proposed program; or
  - (c) not approve the proposed program.

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

## 17. REPORTING REQUIREMENTS

- 17.1 The Minister may require the Corporation to report on all or any of the following matters:
- (a) the daily flows in Birch Creek –
    - (i) downstream of Newlyn Reservoir, and/or
    - (ii) downstream of Hepburn Race confluence, and/or
    - (iii) downstream of Lawrence Weir, and/or
    - (iv) upstream of Creswick Creek confluence;
  - (b) the daily amounts of water taken, or estimates of water taken where recorded data is not readily available from the system waterway by the Corporation’s primary entitlement holders;
  - (c) the amounts of water held by the Corporation in Newlyn Reservoir and Hepburn Lagoon;
  - (d) the annual amounts of water taken from the system waterway by the Corporation’s primary entitlement holders;
  - (e) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (f) any bulk entitlement in respect of the system waterway, or any other waterway or water supply system, partially or fully, temporarily or permanently transferred to the Corporation;
  - (g) the number, volume and places of origin and destination, of transfers of primary entitlements;
  - (h) the annual volume supplied to primary entitlements, or any group of primary entitlements specified by the Minister;
  - (i) any amendment to this bulk entitlement;
  - (j) any new bulk entitlement granted to the Corporation in respect of the headworks system;
  - (k) the implementation of programs approved under sub-clauses 14.3 and 16.4;
  - (l) any failure by the Corporation to comply with any provision of this Order;
  - (m) any difficulties experienced or anticipated by the Corporation in complying with this Order and any remedial action taken or proposed.
- 17.2 The Minister may require the Corporation to report on all or any of the matters set out in sub-clause 17.1:
- (a) in writing or in such electronic form as may be agreed between the Corporation and the Minister; and

- (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
  - (c) The Corporation must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 17.1, except paragraphs (a), (b) and (c) of sub-clause 17.1.
- 17.3 The resource manager may require the Corporation to report from time to time, on all or any of the matters set out in sub-clause 17.1.
- 17.4 Any report under sub-clause 17.3 must be made:
- (a) in such form as may be agreed between the Corporation and the person to whom the report is made; and
  - (b) unless the Corporation and the person agree otherwise –
    - (i) within 24 hours of the Corporation receiving a request for a report on any matter set out in paragraphs (a) to (c) of sub-clause 17.1; and
    - (ii) within 14 days of the Corporation receiving a request for a report on any matter set out in paragraphs (d) to (m) of sub-clause 17.1.

## **18. DATA**

- 18.1 The Minister must endeavour to ensure that all hydrological and other data required by the Corporation to comply with this bulk entitlement are made available to the Corporation.
- 18.2 The Corporation must make available to any person data collected by or on behalf of the Corporation for the purposes of the metering program and reporting requirements under clauses 16 and 17 respectively, subject to a fair and reasonable access fee, that the Corporation may charge, to cover the costs of making the data available to that person.

## **PART 5 – FINANCIAL OBLIGATIONS**

### **19. WATER STORAGE AND SUPPLY COSTS**

- 19.1 The Corporation must pay a share of the costs incurred by the Storage Manager to operate, maintain and refurbish the headworks system, including –
- (a) costs to –
    - (i) meet the finance charges including repayment of principal, calculated by reference to the weighted average cost of borrowing (based on internal Treasury arrangements and externally borrowed funds) associated with any new or replacement works undertaken on; and
    - (ii) make an appropriate allowance for asset consumption, using the renewal annuity approach or other asset consumption methodology directed by the Minister to apply to the authorities associated with; and
    - (iii) assist in managing the catchment for water supply purposes to protect the quality of water diverted to, stored in and delivered from; and
    - (iv) manage the stream gauging stations necessary to operate; and
    - (v) implement, in accordance with sub-clause 14.3, the program to manage the environmental effects on the components of, the headworks system, and
  - (b) a contribution to the cost of salinity mitigation schemes along the River Murray or elsewhere and operated by or on behalf of Victoria commensurate with the extent to which entitlement holders in the Loddon basin rather than other water users in Victoria generate a need for these schemes; and
  - (c) a contribution to the costs of an authority appointed under section 64GA of the Act for making seasonal determinations.

- 19.2 The amount of the Corporation's share of costs under sub-clause 19.1 is dependent on 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 Corporation and the Storage Manager, including an option to extend that agreement.
- 19.3 Subject to sub-clause 19.4 the amount of the Corporation's share of costs under sub-clause 19.1 is determined by:
- $$C_{G-MW} = \frac{B}{A+B} \times C$$
- where
- $C_{G-MW}$  is the Corporation's share of storage costs (\$) attributable to its bulk entitlement, and
- A is the bulk entitlement (ML) specified under sub-clause 6.1 in Bulk Entitlement (Bullarook System – Central Highlands Water) Conversion Order 2009, and
- B is the Corporation's total high reliability water share (ML) specified in Schedule 1 to this Order, and
- C is the Bullarook system source cost (\$) estimated by the storage manager for the year for which the charge is calculated, payable to the storage manager.
- 19.4 The method of determining the Corporation's share of costs specified under sub-clause 19.3 shall be adopted until any temporary or permanent alternative storage cost sharing arrangement is agreed between the Corporation and the holder of Bulk Entitlement (Bullarook System – Central Highlands Water) Conversion Order 2009.
- 19.5 The costs must be paid by the Corporation every year regardless of the amount of water diverted to, or taken from, Newlyn Reservoir and Hepburn Lagoon by the Corporation, and do not imply any guarantee of continuous supply, or to supply water at any particular elevation or of any particular quality.

## 20. WATER RESOURCE MANAGEMENT COSTS

- 20.1 Subject to sub-clause 22.2, the Corporation must pay the resource manager a proportion of the costs incurred in performing the tasks relating to this Order specified in the relevant instrument of appointment.
- 20.2 The proportion of the costs referred to in sub-clause 20.1 is to be determined by the resource manager.
- 20.3 Where the resource manager provides a regulated service for the purposes of section 4A of the **Water Industry Act 1994**, the charges to be paid by the Corporation to the resource manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

## 21. DUTY TO KEEP ACCOUNTS

- 21.1 Separate accounts of all costs and payments must be kept by:
- the storage manager in respect of sub-clause 19.1; and
  - the resource manager in respect of sub-clause 20.1.
- 21.2 The storage manager must, by 1 February in any year, provide the Corporation with an estimate of the annual costs referred to in sub-clause 19.1 for the ensuing year.
- 21.3 The resource manager must, by 1 February in any year, provide the Corporation with an estimate, in respect of the ensuing year, of the costs referred to in sub-clause 20.1.
- 21.4 Accounts that are required to be kept under this clause must be made available for inspection by the Corporation upon request.

**22. DUTY TO MAKE PAYMENTS**

22.1 Any amounts payable by the Corporation under clauses 19 and 20 must:

- (a) be made in accordance with the usual business practices of the resource manager and storage manager, unless otherwise set by mutual agreement between the Corporation and the resource manager and the Corporation and the storage manager; and
- (b) be invoiced to the Corporation at least once a year, and, if more often than once a year, in installments; and
- (c) be paid in arrears within 30 days from the end of the month of the Corporation receiving an invoice for amounts payable under clauses 19 and 20, unless the Corporation and the persons to whom the amount is payable agree on other temporary or permanent arrangements relating to the payment under this clause.

22.2 The Corporation is not obliged to make any payment to:

- (a) the storage manager under sub-clause 19.1; or
- (b) the resource manager under sub-clause 20.1;

unless the person to whom the payment is due complies with the provisions of the sub-clause relevant to those payments.

Dated 29 December 2009

TIM HOLDING  
Minister for Water

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**SCHEDULE 1: PRIMARY ENTITLEMENTS**

The primary entitlements relevant to this bulk entitlement are:

**1. WATER SHARES ISSUED IN RESPECT OF THE BULLAROOK SYSTEM**

The high reliability and low reliability water shares (ML/annum) as recorded in the Victorian Water Register for the declared water system of Bullarook. As at 2 April 2009 these were:

<b>Delivery system</b>	<b>High Reliability</b>	<b>Low Reliability</b>
Delivery system 4070100; (Birch Creek – Newlyn Reservoir to Hepburn Race)	408.2	209.5
Delivery system 4070132; (Hepburn Race – Hepburn Lagoon to Birch Creek confluence)	167.7	85.8
Delivery system 4070120; (Birch Creek – downstream Hepburn Race to Creswick Creek confluence)	90.4	39.2
Delivery system 4070156; (Newlyn Reservoir)	104.5	52.1
<b>Total volume</b>	<b>770.8</b>	<b>386.6</b>

The annual volumes of water shares noted above are subject to change from time to time depending on water market activities.

**2. BULK ENTITLEMENTS HELD BY OTHER AUTHORITIES**

<b>Entitlement holder</b>	<b>Order</b>
Central Highlands Water	Bulk Entitlement (Bullarook System – Central Highlands Water) Conversion Order 2009

**3. ENVIRONMENTAL ENTITLEMENTS HELD BY THE ENVIRONMENT MINISTER**

<b>Entitlement holder</b>	<b>Order</b>
Environment Minister	Environmental Entitlement (Birch Creek – Bullarook System) 2009



**SCHEDULE 2: SEASONAL DETERMINATION RULES****1. PURPOSE**

The purpose of this Schedule is to provide rules for making seasonal determinations of water and supplying water to primary entitlement holders when there are insufficient resources to meet the full entitlements.

**2. DEFINITION**

In this schedule –

**‘the Authority’** means the authority appointed by the Minister under section 64GA of the Act to make seasonal determinations for the Bullarook system under section 64GB of the Act.

**3. SEASONAL DETERMINATIONS**

3.1 The Authority will make an initial seasonal determination for high reliability water shares at the start of the irrigation season.

3.2 The Authority will review the seasonal determination for high reliability water shares on a fortnightly basis, and may increase the seasonal determination up to 100 per cent.

3.3 If the seasonal determination for high reliability water shares reaches 100 per cent, the Authority will review the seasonal determination for low reliability water shares on a monthly basis, and may increase the seasonal determination for low reliability water shares up to 100 per cent.

3.4 In making the seasonal determination, the Authority must consider –

- (a) the total volume held in the Authority’s shares of headworks storages;
- (b) the estimated inflows to the headworks system for the remainder of the season that can be harvested;
- (c) any water to be retained in storage for the following year, should such policy become applicable in the future;
- (d) any water allocations carried over from the previous year;
- (e) the volume of water already allocated;
- (f) the volume of allocated water delivered;
- (g) the dead storage, the evaporation, the transmission and distribution losses; and
- (h) the requirements for environmental water.

3.5 If the Authority –

- (a) is unable to supply all primary entitlements in any year because of a shortage of water or for any other unavoidable cause, or
- (b) believes that, in order to avoid future water shortages it is necessary to supply less than all primary entitlements in any year,

it must, in accordance with sub-clauses 3.6, 3.7 and 3.8, equitably reduce the supply of water to water share holders, after making provision to supply other primary entitlements in accordance with the restriction rules for other primary entitlements listed in items 2 and 3 of Schedule 1 to this Order, and any agreement made under section 124(7) of the Act, unless the Minister is of the opinion that the circumstances are so extreme as to justify some other basis.

3.6 When the seasonal determination for high reliability water shares is less than 20 per cent, the Authority must endeavour to equitably share the available resources between primary entitlements holders for the purposes of supplying water for critical human and environmental needs.

- 3.7 In determining critical human needs, the Authority must consult with primary entitlement holders to determine the minimum amount of water that can only reasonably be provided from the waterway to meet –
- (a) essential human consumption requirements for urban and rural domestic use; and
  - (b) those non-human but essential commercial and stock requirements which if not met would cause unacceptably high social or economic costs.
- 3.8 In determining critical environmental needs, the Authority must consult with the North Central Catchment Management Authority to determine the minimum amount of water that can only reasonably be provided from the waterway to –
- (a) minimise if not avoid critical loss of high value species;
  - (b) minimise if not avoid irreversible environmental damage or catastrophic environmental events; and
  - (c) provide refuges for native fish to allow re-colonisation following prolonged dry conditions.
- 3.9 In determining equitable shares, the Authority must take account of –
- (a) the timing of any releases to primary entitlement holders;
  - (b) alternative sources for primary entitlement holders;
  - (c) alternative methods of supply to primary entitlement holders;
  - (d) the environmental benefits of the proposed releases;
  - (e) the resource balance between Newlyn Reservoir and Hepburn Lagoon;
  - (f) losses due to evaporation and transmission; and
  - (g) any other relevant matter.
- 3.10 The Authority must –
- (a) make publicly available the procedures and assumptions it uses in making seasonal determinations;
  - (b) on request, demonstrate how the procedures and assumptions have been applied in making a particular seasonal determination; and
  - (c) advise the Secretary of the Department of Sustainability and Environment and representatives of the holders of primary entitlements of the procedures and assumptions it uses in making seasonal determinations.
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**Water Act 1989**

**ENVIRONMENTAL ENTITLEMENT (BIRCH CREEK – BULLAROOK SYSTEM) 2009**  
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**SCHEDULE 1: ENVIRONMENTAL LOW FLOWS**

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2. Operating Tolerances

**SCHEDULE 2: NEWLYN STORAGE RESERVE**

**SCHEDULE 3: RESTRICTIONS TO ENVIRONMENTAL FLOWS**

1. Definition
2. Restrictions

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

### PART 1 – INTRODUCTORY STATEMENTS

#### 1. CITATION

This Instrument may be cited as the Environmental Entitlement (Birch Creek – Bullarook System) 2009.

#### 2. EMPOWERING PROVISIONS

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

#### 3. COMMENCEMENT

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

#### 4. DEFINITIONS

In this Instrument –

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

‘**Bullarook System**’ means the water supply systems supplied from

- (a) Newlyn Reservoir,
- (b) Hepburn Lagoon,
- (c) the system waterway;

‘**entitlement holder**’ means a person or water agency holding a bulk entitlement or environmental entitlement under the Act;

‘**Environment Minister**’ means the Minister administering Part 4 of the **Catchment and Land Protection Act 1994**;

‘**environmental flow**’ means the low flow required to support the in-stream environmental values in Birch Creek in accordance with the objectives of the Environmental Water Reserve under section 4B of the Act, as specified in clause 1 to Schedule 1;

‘**estimated natural flow**’ means the estimate of the natural flow in a river or creek that would have occurred at a point in the river or creek had there been no extraction or impoundment of water in the catchment upstream of the point at which flow is gauged;

‘**headworks system**’ means –

- (a) Newlyn Reservoir, Hepburn Lagoon and the associated water supply works and other assets, as shown from time to time in the Asset Register of Goulburn–Murray Rural Water Corporation as owner of the storage, and
- (b) the system water way;

‘**NCCMA**’ means the North Central Catchment Management Authority;

‘**Newlyn storage reserve**’ means the volume of water as specified in Schedule 2 set aside to meet environmental needs;

‘**other entitlement holders**’ means the entitlement holders for –

- (a) Bulk Entitlement (Bullarook System – Goulburn–Murray Water) Conversion Order 2009; and
- (b) Bulk Entitlement (Bullarook System – Central Highlands Water) Conversion Order 2009;

‘**resource manager**’ means any person appointed by the Minister under section 43A(1)(b) of the Act to carry out the functions specified in the instrument of appointment;

‘**storage manager**’ means any person appointed by the Minister under section 122ZK of the Act to be storage manager for the headworks system;

‘**seasonal determination**’ has the meaning given to it in section 3 of the Act;

**‘system waterway’** means the reach of waterway which includes –

- (a) Birch Creek downstream of Newlyn reservoir, down to the Creswick Creek confluence, including all the weir pools upstream of that confluence;
- (b) Newlyn reservoir; and
- (c) Hepburn Lagoon and Hepburn Race downstream of Hepburn Lagoon.

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

**‘water share’** has the meaning given to it in section 3 of the Act;

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

## PART 2 – ENTITLEMENT

### 5. GRANTING OF AN ENVIRONMENTAL ENTITLEMENT

This Instrument specifies the Environment Minister’s entitlement to water in the Bullarook system and specifies the conditions and obligations associated with the entitlement.

### 6. ENVIRONMENTAL ENTITLEMENT

Subject to the restrictions specified in Schedule 3 to this instrument the Environment Minister is entitled to:

- (a) a share of flow in the system waterway to meet the environmental low flows specified in Schedule 1;
- (b) the Newlyn storage reserve volume specified in Schedule 2; and
- (c) all other surface water in the system waterway except for –
  - (i) the water for other entitlement holders; and
  - (ii) any water taken by persons under section 8(1) of the Act,

for the purpose of maintaining the in-stream environmental values and other water services dependent on the environmental condition of the waterway.

## PART 3 – GENERAL CONDITIONS AND PROVISIONS

### 7. OPERATING ARRANGEMENTS

- 7.1. The Environment Minister, jointly with the holders of the other entitlement holders must endeavour to agree on operating arrangements for supplying water from the Bullarook system under this entitlement.
- 7.2. If the Environment Minister, the other entitlement holders and the storage manager have not reached an agreement under sub-clause 7.1 within twelve months of the date of this Instrument, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 8.
- 7.3. The Environment Minister, the other entitlement holders and the storage manager may agree to vary the operating arrangements from time to time.

### 8. DISPUTE RESOLUTION

- 8.1. 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 Instrument, a party may give written notice to another party requiring the matter to be determined by an independent expert.
- 8.2. If a difference or dispute arises between the Environment Minister and any of the other entitlement holders, concerning the interpretation or application of this Instrument, the environment Minister may give written notice to the other entitlement holders requiring the matter to be determined by an independent expert.

- 8.3. If a difference or dispute arises between the Environment Minister and any of the other entitlement holders, concerning the interpretation or application of this Instrument, and one of the other entitlement holders 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.
- 8.4. 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.
- 8.5. 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, Australia.
- 8.6. The independent expert must endeavour to reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 8.7. The independent expert must send a copy of the conclusion and supporting reasons to each party to the difference or dispute.
- 8.8. 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 to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.
- 8.9. 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.
- 8.10. 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.

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

##### **9. METERING AND MONITORING ARRANGEMENTS**

The Environment Minister and the storage manager must, within 12 months from the date this Instrument is made, set in place appropriate metering and monitoring arrangements to demonstrate compliance with this Instrument.

##### **10. REPORTING REQUIREMENTS**

- 10.1. The Water Minister may require the Environment Minister to report on all or any of the following matters:
  - (a) the daily calculated low environmental flow and the recorded flow at any or all of the monitoring points specified in Schedule 1;
  - (b) the location of any new monitoring points agreed under clause 9;
  - (c) the current volume of water available to the Environment Minister in the Newlyn storage reserve;
  - (d) the volume of the Newlyn storage reserve released from Newlyn Reservoir in the preceding 12 months;
  - (e) any environmental entitlement, bulk entitlement or water share, partially or fully, temporarily or permanently transferred to the Environment Minister in respect of the headworks system;
  - (f) any temporary transfer of water available under this Instrument;
  - (g) any amendment to this Instrument;

- (h) any failure by the Environment Minister to comply with any provision of this Instrument;
  - (i) any existing or anticipated difficulties experienced by the Environment Minister in complying with this Instrument and any remedial action taken or proposed.
- 10.2. The Water Minister may require the Environment Minister to report on all or any of the matters set out in sub-clause 10.1:
- (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 Water Minister may determine.
- 10.3. The Environment Minister must, for the period of the preceding year, report on all or any of the matters set out in sub-clause 10.1 except paragraphs (a) and (b).
- 10.4. The resource manager may require the Environment Minister to report from time to time, on all or any of the matters set out in sub-clause 10.1.
- 10.5. Any report under sub-clause 10.4 must be made:
- (a) in such form as may be agreed between the Environment Minister and the person to whom the report is made; and
  - (b) unless the Environment Minister and the person agree otherwise within 24 hours of the Environment Minister receiving a request for a report on any matter.

## **11. DATA**

- 11.1. The Water Minister will endeavour to ensure that all hydrological and other data required by the Environment Minister to comply with this environmental entitlement are made available to the Environment Minister.
- 11.2. The Environment Minister must make available to any person data collected by or on behalf of the Environment Minister for the purpose of the metering program and reporting requirements under clauses 9 and 10 respectively, subject to the person paying any fair and reasonable access fee, that the Environment Minister may charge, to cover the costs of making the data available to that person.

## **PART 5 – FINANCIAL OBLIGATIONS**

### **12. HEADWORKS COSTS**

The Environment Minister does not have to make any payment for headworks costs relating to this Instrument.

### **13. WATER RESOURCE MANAGEMENT COSTS**

The Environment Minister is exempt from making any payment for costs incurred by the resource manager to:

- (a) prepare the Loddon River Basin Water Accounts;
- (b) report on whether entitlement holders in the Loddon River Basin comply with the conditions of their bulk entitlements;
- (c) report on disputes between entitlement holders in the Loddon River Basin;
- (d) report on significant unauthorised uses of water in the Loddon River Basin; and
- (e) co-ordinate the process for the Water Minister to qualify any rights to water under Section 33AAA of the Act and appropriate implementation.

Dated 29 December 2009

TIM HOLDING  
Minister for Water

**SCHEDULE 1: ENVIRONMENTAL LOW FLOWS****1. ENVIRONMENTAL LOW FLOWS**

Subject to restrictions in Schedule 3 and within the operating tolerances specified in clause 2 of this Schedule, the storage manager must provide at the compliance monitoring points in Birch Creek environmental low flows which are the lower of –

- (a) the flows specified in Table 1 below; and
- (b) the estimated natural flow at the downstream end of the reaches as calculated by the storage manager in accordance with the methodology agreed under the operating arrangements prepared under clause 7 of this Instrument.

**Table 1: Flow Requirements**

Reach	Description	Compliance Monitoring Point	Low Flow Requirements (ML per day)	
			December–May (inclusive)	June–November (inclusive)
1	Birch Creek between Newlyn Reservoir and Hepburn Race	To be determined by the NCCMA in consultation with the storage manager and implemented within 12 months of the date of this Order	3	10
2	Birch Creek between Hepburn Race and Lawrence Weir	SI407227 also referred to as 'Smeaton gauge'	5	10
3	Birch Creek between Lawrence Weir and Creswick Creek	To be determined by the NCCMA in consultation with the storage manager and implemented within 12 months of the date of this Order	8	15

**2. OPERATING TOLERANCES**

The following operational tolerances apply in supplying the environmental low flows specified in Table 1 of this schedule:

- (a) Subject to paragraph 2 of this Schedule, the Environment Minister may provide an average flow on any day of no less than 75% of the specified environmental low flow.
- (b) The average daily flow over any continuous 14 day period is not to be less than the specified environmental low flow.



**SCHEDULE 2: NEWLYN STORAGE RESERVE**

1. If the seasonal determination for high reliability water shares in the Bullarook system is greater than 20% at the start of December in any year, the storage manager must assign 100 ML of water to the Newlyn storage reserve in Newlyn Reservoir.
2. Subject to paragraph 1 above, the Environment Minister may direct the storage manager to release all or part of the Newlyn storage reserve at any time during the period from December of the same year to November next (inclusive).
3. The storage manager must –
  - (a) reduce the volume held in the Newlyn storage reserve by the volume of water spilled from Newlyn Reservoir during the period from July next to November next (inclusive); and
  - (b) set the volume held in the Newlyn storage reserve to zero at midnight of 30 November in every year.

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**SCHEDULE 3: RESTRICTIONS TO ENVIRONMENTAL FLOWS****1. DEFINITION**

In this schedule –

**‘the Authority’** means the authority appointed by the Minister under section 64GA of the Act to make seasonal determinations for the Bullarook system under section 64GB of the Act.

**2. RESTRICTIONS**

- 2.1 When the seasonal determination for high reliability water shares in the Bullarook system is less than 20 per cent, the Environment Minister is entitled to an equitable share of the available resources as determined by the Authority for the purposes of supplying water for critical human needs and critical environmental needs.
- 2.2 In determining critical human needs, the Authority must consult with primary entitlement holders to determine the minimum amount of water that can only reasonably be provided from the waterway to meet –
- (a) essential human consumption requirements for urban and rural domestic use; and
  - (b) those non-human but essential commercial and stock requirements which if not met would cause unacceptably high social or economic costs.
- 2.3 In determining critical environmental needs, the Authority must consult with the NCCMA to determine the minimum amount of water that can only reasonably be provided from the waterway to–
- (a) minimise if not avoid critical loss of high value species;
  - (b) minimise if not avoid irreversible environmental damage or catastrophic environmental events;
  - (c) provide refuges for native fish to allow re-colonisation following prolonged dry conditions.
- 2.4 In determining equitable shares, the Authority must take account of –
- (a) the timing of any releases to primary entitlement holders;
  - (b) alternative sources for primary entitlement holders;
  - (c) alternative methods of supply to primary entitlement holders;
  - (d) the environmental benefits of the proposed releases;
  - (e) the resource balance between Newlyn Reservoir and Hepburn Lagoon;
  - (f) losses due to evaporation and transmission; and
  - (g) any other relevant matter.
- 2.5 The Authority must –
- (a) make publicly available the procedures and assumptions it uses in making seasonal determinations;
  - (b) on request, demonstrate how the procedures and assumptions have been applied in making a particular seasonal determination; and
  - (c) advise the Secretary of the Department of Sustainability and Environment and representatives of the holders of primary entitlements of the procedures and assumptions it uses in making seasonal determinations.
-

**Water Act 1989**

**BULK ENTITLEMENT (BULLAROOK SYSTEM – CENTRAL HIGHLANDS WATER)  
CONVERSION ORDER 2009**

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16. Duty to Keep Accounts
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**SCHEDULE 1: RESTRICTIONS UNDER THIS BULK ENTITLEMENT**

1. Definition
2. Restrictions

I, Tim Holding, under the Provisions of the **Water Act 1989**, make the following Order:

**PART 1 – INTRODUCTORY STATEMENTS**

**1. CITATION**

This Order may be cited as the Bulk Entitlement (Bullarook System – Central Highlands Water) Conversion Order 2009.

**2. EMPOWERING PROVISIONS**

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

**3. COMMENCEMENT**

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

**4. DEFINITIONS**

In this Order –

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

‘**Bullarook System**’ means the water supply systems supplied from –

- (a) Newlyn Reservoir,
- (b) Hepburn Lagoon, and
- (c) the system waterway;

‘**Corporation**’ means the Central Highlands Region Water Corporation;

‘**entitlement holder**’ means a person or water agency holding a bulk entitlement or an environmental entitlement under the Act;

‘**headworks system**’ means –

- (a) Newlyn Reservoir Hepburn Lagoon and the associated water supply works and other assets, as shown from time to time in the Asset Register of Goulburn–Murray Rural Water Corporation as owner of the storage, and
- (b) the system waterway;

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

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

‘**other entitlement holders**’ means the entitlement holders for –

- (a) Bulk Entitlement (Bullarook System – Goulburn–Murray Water) Conversion Order 2009; and
- (b) Environmental Entitlement (Birch Creek – Bullarook System) 2009;

‘**resource manager**’ means any person appointed by the Minister under section 43A(1)(b) of the Act to carry out the functions specified in the instrument of appointment;

‘**seasonal determination**’ has the meaning given to it in section 3 of the Act;

‘**storage manager**’ means any person appointed by the Minister under section 122ZK of the Act to be storage manager for the headworks system;

‘**system waterway**’ means the reach of waterway which includes –

- (a) Birch Creek downstream of Newlyn reservoir, down to the Creswick Creek confluence, including all the weir pools upstream of that confluence;
- (b) Newlyn reservoir;
- (c) Hepburn Lagoon and Hepburn Race downstream of Hepburn Lagoon.

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

**PART 2 – ENTITLEMENT****5. CONVERSION TO BULK ENTITLEMENTS**

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

**6. BULK ENTITLEMENT**

Subject to the restriction rules specified in Schedule 1 to this Order, the Corporation is entitled to a maximum annual volume of 500 ML from Newlyn Reservoir at a rate not exceeding 6 ML per day, as measured at the Corporation's pump station at Newlyn Reservoir.

**7. RESTRICTION OF SUPPLY**

7.1 The Corporation's supplies in any year are subject to the seasonal determinations made for the Bullarook System by the authority appointed for making seasonal determination under section 64GB of the Act.

7.2 An authority making seasonal determinations in the Bullarook system under section 64GB of the Act must consider the rules set out in Schedule 1 to this Order when making seasonal determinations for that system.

**8. MAKING ALLOWANCES**

8.1 In calculating water available to the Corporation under this Order at any point downstream of the specified point, allowance must be made for –

- (a) any losses of water incurred between that point and the specified point; and
- (b) the time taken by the flow to reach that point from the specified point.

8.2 If the Corporation proposes to divert water under this Order from a point on the waterway other than the specified point, it must, after consultation with the other entitlement holders and the storage manager propose to the Minister –

- (a) fair, reasonable and representative means for calculating the allowances required by sub-clause 8.1; and
- (b) details of the proposed location and amount of extraction; and
- (c) details of the operational requirements of the resource manager; and
- (d) the results of an assessment of the likely effects of the proposed taking of water on the environment and other entitlement holders on the waterway.

8.3 The Minister may –

- (a) approve a proposal made under sub-clause 8.2; or
- (b) refuse the proposal made under sub-clause 8.2; or
- (c) require the Corporation to amend the proposal; and
- (d) require the Corporation –
  - (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
  - (ii) to make an amended proposal to the Minister.

8.4 The Corporation must –

- (a) advise the resource manager in writing within 14 days of any proposal approved by the Minister under sub-clause 8.3; and
- (b) provide the resource manager with such other information concerning the proposed diversion as the resource manager may, from time to time, require.

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

- 9.1 The Corporation, the other entitlement holders and the storage manager, must endeavour to agree on operating arrangements for the supply of water under this entitlement.
- 9.2 If the Corporation, the other entitlement holders and the storage manager have not reached an agreement on operating arrangements under sub-clause 9.1 within twelve months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 10.
- 9.3 The Corporation, the other entitlement holders and the storage manager may agree to vary the operating arrangements from time to time.

**10. DISPUTE RESOLUTION**

- 10.1 If a difference or dispute arises between the Corporation, 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 another party requiring the matter to be determined by an independent expert.
- 10.2 If a difference or dispute arises between the Corporation, and any of the other entitlement holders concerning the interpretation or application of this Order, the Corporation may give written notice to the other entitlement holders requiring the matter to be determined by an independent expert.
- 10.3 If a difference or dispute arises between the Corporation, and any of the other entitlement holders concerning the interpretation or application of this Order, and one of the other entitlement holders gives notice to the Corporation requiring the matter to be determined by an expert, the Corporation must comply with the notice.
- 10.4 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.
- 10.5 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, Australia.
- 10.6 The independent expert must try to reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 10.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 10.8 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 section 47A of the Act.
- 10.9 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.
- 10.10 The Corporation 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****11. METERING PROGRAM**

- 11.1 The Corporation, in consultation with the storage manager, must propose to the Minister within twelve months of the commencement of this Order, a metering program to demonstrate the Corporation's compliance with its bulk entitlement under this Order.
- 11.2 The Minister may:
- (a) approve the program referred to under sub-clause 11.1; or
  - (b) require the Corporation to amend the proposed program; or
  - (c) not approve the proposed program.
- 11.3 The Minister may at any subsequent time, require the Corporation to –
- (a) review the program if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 11.4 The Corporation must, at its cost, and in accordance with any guidelines issued from time to time by the Minister:
- (a) implement and maintain the approved metering program; and
  - (b) maintain metering equipment and associated measurement structures in good condition; and
  - (c) ensure that metering equipment is periodically re-calibrated; and
  - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
  - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

**12. REPORTING REQUIREMENTS**

- 12.1 The Minister may require the Corporation to report on all or any of the following matters:
- (a) the daily amounts of water taken from the system waterway under this entitlement;
  - (b) the annual amounts of water taken from the system waterway under this entitlement;
  - (c) the approval, amendment and implementation of the metering program approved under sub-clause 11.2(a);
  - (d) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (e) any period of restriction and the degree of restriction on supplies from the system waterway under this bulk entitlement;
  - (f) any amendment to this bulk entitlement;
  - (g) any new bulk entitlements granted to the Corporation with respect to the entitlement specified in clause 6;
  - (h) any failure by the Corporation to comply with any provision of this Order;
  - (i) any difficulties experienced or anticipated by the Corporation in complying with this Order and any remedial action taken or proposed.
- 12.2 The Minister may require the Corporation to report on all or any of the matters set out in sub-clause 12.1:
- (a) in writing or in such electronic form as may be agreed between the Corporation and the Minister; and
  - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine; and
  - (c) The Corporation must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 12.1, except paragraph (a), (c) and (d) of sub-clause 12.1.

- 12.3 The resource manager may require the Corporation to report from time to time, on all or any of the matters set out in sub-clause 12.1.
- 12.4 Any report under sub-clause 12.3 must be made:
- (a) in such form as may be agreed between the Corporation and the person to whom the report is made; and
  - (b) unless the Corporation and the person agree otherwise –
    - (i) within 24 hours of the Corporation receiving a request for a report on any matter set out in paragraphs (a) and (b) of sub-clause 12.1; or
    - (ii) within 14 days of the Corporation receiving a request for a report on any matter set out in paragraph (c) to (i) of sub-clause 12.1.

### 13. DATA

- 13.1 The Minister must endeavour to ensure that all hydrological and other data required by the Corporation to comply with this bulk entitlement are made available to the Corporation.
- 13.2 The Corporation must make available to any person data collected by or on behalf of the Corporation for the purpose of the metering program and reporting requirements under clauses 11 and 12 respectively, subject to a fair and reasonable access fee the Corporation may charge to cover the costs of making the data available to that person.

## PART 5 – FINANCIAL OBLIGATIONS

### 14. WATER STORAGE AND SUPPLY COST

- 14.1 The Corporation must pay a share of the costs incurred by the Storage Manager to operate, maintain and refurbish the headworks system, including –
- (a) costs to –
    - (i) meet the finance charges including repayment of principal, calculated by reference to the weighted average cost of borrowing (based on internal Treasury arrangements and externally borrowed funds) associated with any new or replacement works undertaken on; and
    - (ii) make an appropriate allowance for asset consumption, using the renewal annuity approach or other asset consumption methodology directed by the Minister to apply to the authorities associated with; and
    - (iii) assist in managing the catchment for water supply purposes to protect the quality of water diverted to, stored in and delivered from; and
    - (iv) manage the stream gauging stations necessary to operate; and
    - (v) implement programs to manage the environmental effects on the components of,  
the headworks system, and
  - (b) a contribution to the cost of salinity mitigation schemes along the River Murray or elsewhere and operated by or on behalf of Victoria, commensurate with the extent to which entitlement holders in the Loddon basin rather than other water users in Victoria generate a need for these schemes; and
  - (c) a contribution to the costs of an authority appointed under section 64GA of the Act for making seasonal determinations.
- 14.2 The amount of the Corporation's share of costs under sub-clause 14.1 is dependent on 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 Corporation and the Storage Manager, including an option to extend that agreement.
- 14.3 Subject to sub-clause 14.4 the amount of the Corporation's share of costs under sub-clause 14.1 is determined by:



$$C_{\text{CHW}} = \frac{A}{A+B} \times C$$

where

$C_{\text{CHW}}$  is the Corporation's share of storage costs (\$) attributable to its bulk entitlement, and  $A$  is the Corporation's bulk entitlement (ML) specified under sub-clause 6.1 of this Order, and

$B$  is the total high reliability water share (ML) specified in Schedule 1 to Bulk Entitlement (Bullarook System – Goulburn–Murray Water) Conversion Order 2009, and

$C$  is the Bullarook system source cost (\$) estimated by the storage manager for the year for which the charge is calculated payable to the storage manager.

- 14.4 The method of determining the Corporation's share of costs specified under sub-clause 14.3 shall be adopted until any temporary or permanent alternative storage cost sharing arrangement is agreed between the Corporation and the holder of Bulk Entitlement (Bullarook System – Goulburn–Murray Water) Conversion Order 2009.
- 14.5 The Corporation must pay the cost, whether or not its annual supply under this bulk entitlement is restricted and/or is not of any particular quality in any year.

#### **15. WATER RESOURCE MANAGEMENT COSTS**

- 15.1 Subject to sub-clause 17.2, the Corporation must pay the resource manager the proportion as determined under sub-clause 15.2 of the costs incurred by the resource manager in performing the tasks relating to this Order specified in the relevant instrument of appointment.
- 15.2 The proportion of the costs referred to in sub-clause 15.1 is to be determined by the resource manager.
- 15.3 Where the resource manager provides a regulated service for the purposes of section 4A of the **Water Industry Act 1994**, the charges to be paid by the Corporation to the resource manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

#### **16. DUTY TO KEEP ACCOUNTS**

- 16.1 Separate accounts of all costs and payments must be kept by:
- (a) the storage manager in respect to sub-clause 14.1; and
  - (b) the resource manager in respect to sub-clause 15.1.
- 16.2 The storage manager must, by 1 February in any year, provide the Corporation with an estimate of the annual source cost referred to in sub-clause 14.1 for the ensuing year.
- 16.3 The resource manager must, by 1 February in any year, provide the Corporation with an estimate, in respect of the ensuing year, of the costs referred to in sub-clause 15.1.
- 16.4 Accounts required to be kept under this clause must be made available for inspection by the Corporation upon request.

#### **17. DUTY TO MAKE PAYMENTS**

- 17.1 Any amounts payable by the Corporation under sub-clauses 14.1 and 15.1 must:
- (a) be made in accordance with the usual business practices of the resource manager and storage manager, unless otherwise set by mutual agreement between the Corporation and the resource manager and the Corporation and the storage manager; and
  - (b) be invoiced to the Corporation at least once a year, and, if more often than once a year, in installments; and
  - (c) be paid in arrears, within 30 days from the end of the month of the Corporation receiving the respective invoices, unless the Corporation and the persons to whom the amounts are payable agree on other temporary or permanent arrangements relating to the payment under this clause.

17.2 The Corporation is not obliged to make any payment to:

(a) the storage manager under sub-clause 14.1; or

(b) the resource manager, under sub-clause 15.1,

unless the person to whom the payment is due complies with the provisions of the clauses relevant to those payments.

Dated 29 December 2009

TIM HOLDING  
Minister for Water

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**SCHEDULE 1: RESTRICTIONS UNDER THIS BULK ENTITLEMENT****1. DEFINITION**

In this schedule –

**‘the Authority’** means the authority appointed by the Minister under section 64GA of the Act to make seasonal determinations for the Bullarook system under section 64GB of the Act.

**2. RESTRICTIONS**

- 2.1 When the seasonal determination for high reliability water shares in the Bullarook system is between 20 percent and 100 percent, the Corporation is only entitled to take the restricted volume of water in accordance with the following formula:

$$R = S \times A$$

where –

R = the restricted volume of water available to the Corporation;

S = the Corporation’s maximum annual entitlement volume specified in clause 6;

A = the seasonal determination for high-reliability water shares in the Bullarook system.

- 2.2 When the seasonal determination for high reliability water shares in the Bullarook system is less than 20 percent, the Corporation is only entitled to an equitable share of the available resources as determined by the Authority for the purposes of supplying water for critical human needs and environmental needs.
- 2.3 In determining critical human needs, the Authority must consult with primary entitlement holders to determine the minimum amount of water that can only reasonably be provided from the waterway to meet –
- essential human consumption requirements for urban and rural domestic use; and
  - those non-human but essential commercial and stock requirements which if not met would cause unacceptably high social or economic costs.
- 2.4 In determining critical environmental needs, the Authority must consult with the North Central Catchment Management Authority to determine the minimum amount of water that can only reasonably be provided from the waterway with the intent to –
- minimise if not avoid critical loss of high value species
  - minimise if not avoid irreversible environmental damage or catastrophic environmental events
  - provide refuges for native fish to allow re-colonisation following prolonged dry conditions.
- 2.5 In determining equitable shares, the Authority must take account of –
- the timing of any releases to other entitlement holders;
  - alternative sources for other entitlement holders;
  - alternative methods of supply to other entitlement holders;
  - the environmental benefits of the proposed releases;
  - the resource balance between Newly Reservoir and Hepburn Lagoon;
  - losses due to evaporation and transmission; and
  - any other relevant matter.
- 2.6 The Authority must –
- make publicly available the procedures and assumptions it uses in making seasonal determinations;
  - on request, demonstrate how the procedures and assumptions have been applied in making a particular seasonal determination; and
  - advise the Secretary of the Department of Sustainability and Environment and representatives of the holders of primary entitlements of the procedures and assumptions it uses in making seasonal determinations.
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**Planning and Environment Act 1987**

## BAW BAW PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C66

The Baw Baw Shire Council has approved Amendment C66 to the Baw Baw Planning Scheme.

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

The Amendment:

- modifies the Drouin Structure Plan in clause 22.02 to alter the designation of 263, 269 and 285 Longwarry Road, Drouin, from Rural Living to Low Density Residential land use;
- rezones 263, 269 and 285 Longwarry Road, Drouin, from Rural Living Zone to Low Density Residential Zone; and
- removes the Environmental Significance Overlay 1 – High Quality Agricultural Land from the subject site.

The Amendment was approved by the Baw Baw Shire Council on 21 December 2009 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 16 October 2008. The authorisation has not been withdrawn.

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 Baw Baw Shire Council, 61 Smith Street, Warragul.

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

**Planning and Environment Act 1987**

## GREATER DANDENONG

## PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C120

The Minister for Planning has approved Amendment C120 to the Greater Dandenong Planning Scheme.

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

The Amendment provides a site specific control under Clause 52.03 to land at 917 Princes Highway, Springvale, to allow tenancies within an approved restricted retail development to be used for complementary retail goods.

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**

## GREATER SHEPPARTON

## PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C132

The Minister for Planning has approved Amendment C132 to the Shepparton Planning Scheme.

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

The Amendment rezones a portion of land located on the site known as Lot S5 PS522431 (adjoining 8025 Goulburn Valley Highway) from Residential 1 Zone to Business 1 Zone, applies the Design and Development Overlay (DDO7), removes the Environmental Audit Overlay (EAO) and the Development Plan Overlay (DPO3) from the land and updates the schedule to the Business 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 Greater Shepparton Council.

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

**Planning and Environment Act 1987**

## HUME PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C115

The Hume City Council has approved Amendment C115 to the Hume Planning Scheme.

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

The Amendment changes Planning Scheme Map 22HO to correct the location of HO7 and HO374. The Schedule to 43.01 has been amended to correct the address details of HO7 and HO372.

The Amendment was approved by the Hume City Council on 23 December 2009 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 17 August 2009. The authorisation has not been withdrawn.

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 Hume City Council, 1079 Pascoe Vale Road, Broadmeadows.

PETER ALLEN  
Executive Director

Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987**

## KNOX PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C85

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

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

The Amendment extends the expiry date of Schedule 6 to the Design and Development Overlay for the Bayswater Major Activity Centre until 31 January 2011.

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 Knox City Council, 511 Burwood Highway, Wantirna South, Victoria 3152.

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

**Planning and Environment Act 1987**

## LATROBE PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C62

The Minister for Planning has approved Amendment C62 to the Latrobe Planning Scheme.

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

The Amendment implements most of the recommendations of the four year Planning Scheme Review of the Latrobe Planning Scheme. Amendment C62 includes new main town structure plans by replacing all of existing Clauses 21 and 22 with a new Clause 21 and it deletes an Environmental Significance Overlay – Schedule 1 applying to land at 135 Latrobe Road, Morwell.

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 Latrobe City Council, 141 Commercial Road, Morwell.

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

**Planning and Environment Act 1987**

## MAROONDAH PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C70

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

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

The Amendment will:

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

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 Maroondah City Council, Braeside Avenue, Ringwood.

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

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

#### MOIRA PLANNING SCHEME

##### Notice of Approval of Amendment

##### Amendment C42

The Minister for Planning has approved Amendment C42 to the Moira Planning Scheme.

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

The Amendment rezones the land at 15, 17 and 19 McNally Street, and 70 and 72–74 Hovel Street, Yarrowonga, from the Residential 1 Zone to the Business 1 Zone and amends the Yarrowonga Town Structure Plan at Clause 21.04-5.

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 Moira Shire Council, 44 Station Street, Cobram.

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

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

#### MORNINGTON PENINSULA PLANNING SCHEME

##### Notice of Approval of Amendment

##### Amendment C138

The Minister for Planning has approved Amendment C138 to the Mornington Peninsula Planning Scheme.

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

The Amendment extends the expiry date of Design and Development Overlay Schedule 14 – Flinders Village Centre (DDO14) and Design and Development Overlay Schedule 15 – Shoreham Village Centre (DDO15) from 31 December 2009 to 30 June 2010.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Mornington Peninsula Shire Council, Mornington Office, 2 Queen Street, Mornington; Hastings Office, 21 Marine Parade, Hastings; and Rosebud Office, 90 Besgrove Street, Rosebud.

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

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

#### MURRINDINDI PLANNING SCHEME

##### Notice of Approval of Amendment

##### Amendment C25

The Minister for Planning has approved Amendment C25 to the Murrindindi Planning Scheme.

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

The Amendment makes the following changes:

- in Clause 21 Municipal Strategic Statement, amends subclauses 21.01–4, 21.02, 21.03, 21.06, 21.07, 21.11 and 21.12;
- in Clause 22.03 Local Planning Policies – Townships, inserts new subclauses 22.03–5 and 22.03–6;
- amends the schedule 1 to Clause 42.02 Vegetation Protection Overlay;
- inserts a new schedule 2 to Clause 43.02 Design and Development Overlay (Marysville Business 1 Zone) which makes reference to a new document titled ‘Roberts Day 2009, Marysville and Triangle Urban Design Framework Report, September 2009’;
- amends the schedule to Clause 61.03 to insert reference to the new maps; and
- applies the new schedule 2 to Clause 43.02 Design and Development Overlay to planning scheme map 35.

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 Murrindindi Shire Council, Perkins Street, Alexandra.

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

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

Notice of Approval of Amendment  
Amendment C111

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

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

The Amendment applies interim heritage controls to the Repton Road and Ardrie Park Estate Precinct Extension (HO356); the Gardiner Park Estate Precinct (HO387); the Stanley Gardens Precinct (HO388); the Caulfield Junction Estate Precinct (HO389); and the Darling Road Precinct (HO390) by amending the Schedule to the Heritage Overlay and identifying the land on Planning Scheme Map Nos. 6HO, 7HO, 8HO and 9HO.

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 Stonnington City Council, Prahran Town Hall, Planning Counter, corner of Greville and Chapel Streets, Prahran.

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

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**Planning and Environment Act 1987**

**SURF COAST PLANNING SCHEME**

Notice of Approval of Amendment  
Amendment C38

The Minister for Planning has approved Amendment C38 to the Surf Coast Planning Scheme.

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

The Amendment implements the outcomes of the Corangamite Catchment Management Authority Salinity Management Overlay project within the Surf Coast Shire. It makes changes to Clause 21.05 ‘Environment Strategy’ to establish a strategic basis, objectives, strategies and means of implementation to address salinity issues; amends Clause 21.09 ‘Rural Residential Strategy’, Clause 21.10 ‘Torquay–Jan Juc Strategy’, Clause 21.12 ‘Anglesea Strategy’, Clause 21.13 ‘Aireys Inlet to Eastern View Strategy’, Clause 21.14 ‘Winchelsea Strategy’, Clause 21.15 ‘Moriac Strategy’, and Clause 21.17 ‘Deans Marsh Strategy’ to identify areas of known salinity; introduces a Salinity Management Overlay; and extends the

application of Schedule 1 to the Environmental Significance Overlay to better plan for and manage salinity and its impact on urban and rural development.

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 Surf Coast Shire Council, 25 Grossmans Road, Torquay.

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

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