



Victoria Government Gazette

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GENERAL

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The last Special Gazette was No. 252 dated 3 July 2013.

The last Periodical Gazette was No. 1 dated 13 June 2013.

How To Submit Copy

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

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

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

PLEASE NOTE

As of 1 July 2013, new fees apply to the Victoria Government Gazette concerning the placement of notices, subscription and purchase of copies. Details are in the table below:

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VICTORIA GOVERNMENT GAZETTE

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JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS**DISSOLUTION OF PARTNERSHIP**

Take notice that as from 27 June 2013, the partnership of Emma Miranda Stirling and Nila Wajntraub who traded as CareerSpot at Suite 6, 214 Bay Street, Brighton, was dissolved.

Emma Miranda Stirling has retired from the partnership. Nila Wajntraub will continue to operate the business under the name of CareerSpot Pty Ltd and shall be responsible for all the debts and liabilities thereof.

Re: DOREEN MIDDLEBROOK, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 September 2012, are required by the trustees, ANZ Trustees Limited, ACN 006 132 332, to send particulars to them, care of the undersigned solicitors, by 4 September 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

BERTA FORSTNER, late of Unit 401/100 Janefield Drive, Bundoora, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 May 2013, are required by the executor, Roy Forstner, care of Arthur J. Dines & Co., solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send particulars to him by 4 September 2013, after which date the executor may convey or distribute the assets, having regards only to claims to which he has notice.

Dated 25 June 2013

ARTHUR J. DINES & CO., solicitors,
2 Enterprise Drive, Bundoora 3083.

Re: Estate of JAMES ALAN MOGRIDGE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, late of Noel Miller Centre Glen Iris, who died

on 2 January 2013, are required by the trustee, Werner Ebersberger, care of the undermentioned solicitors, to send particulars to the trustee by 9 September 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

CLANCY & TRIADO, solicitors,
610 Glenferrie Road, Hawthorn 3122.

Re: ALBINA PALMIRA MURARO, also known as Albina Muraro, Palmira Albina Muraro and Albina Fabris Muraro, late of 16 Greensted Grove, Roxburgh Park, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 March 2013, are required by the trustees, Franca Michelle Muraro, Rosalie Blaskovic and Giuseppe Muraro, to send particulars to the trustees, care of the undermentioned solicitors, within sixty days from the publication hereof, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

Re: Estate of NILMA FLORIS HAWKEN, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of NILMA FLORIS HAWKEN, late of Cohuna Nursing Home, 144-158 King George Street, Cohuna, Victoria, retired woman, deceased, who died on 9 January 2013, are to send particulars of their claim to the executrices, care of the undermentioned legal practitioners, by 9 September 2013, after which the executrices will distribute the assets, having regard only to the claims of which they then have notice.

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

LLOYD ANDREW MILNE, 108 Dawson Street, Tullamarine, unemployed.

Creditors, next-of-kin and all others having claims in respect of the deceased, who died on 27 October 2012, are required by the administrator, Fiona Milne, PO Box 172, Rockingham, WA 6968, to send particulars of such claims to the said administrator by 4 September 2013, after which date the executors will distribute the assets, having regard only to the claims of which they have notice.

Re: DOMENICO CRUPI, late of 44 Hurtle Street, Ascot Vale, Victoria, pensioner.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 April 2013, are required by Anna Maria Patti, who is named as the executrix of the last Will of the abovenamed deceased, to send particulars of their claims to her, care of the undermentioned solicitors, by 12 September 2013, after which date she will convey or distribute the assets, having regard only to the claims of which she then has notice.

FRANK J. SAGARIA & ASSOCIATES,
solicitors,
141 Union Road, Ascot Vale, Victoria 3032.

Re: KATHLEEN MARY McARDLE, late of Vasey House, 5–7 Tower Avenue, Bundoora, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 May 2013, are required by the trustee, Margaret Mary Dobson, to send particulars to her, care of the undersigned, by 4 September 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

G. A. BLACK & CO., solicitors,
222 Maroondah Highway, Healesville 3777.

THOMAS ARNOLD STEELE, late of 9/2 Moor Street, Barmah, Victoria, fitter and turner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 September 2010, are required by the executor, Meron Anne Drummond, to

send particulars of their claims to her, care of the undersigned solicitors at 421 Bell Street, Pascoe Vale, Victoria 3044, by 9 September 2013, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

I. GLENISTER & ASSOCIATES,
lawyers and consultants,
421 Bell Street, Pascoe Vale, Victoria 3044.

Re: SLAVKO PRGESA, late of Keilor House Nursing Home, 2 Copernicus Way, Keilor Downs, Victoria 3038, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 January 2013, are required by the personal representatives, Jasna Delic and Dubravka Zahtila, to send particulars to the personal representatives, care of the belowmentioned legal practitioner, by 26 September 2013, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

IVAN MARTINOVIC, legal practitioner,
14 Princely Terrace, Templestowe 3106.

Re: LILIANA LORI, late of 19 Greenwoods Close, Dingley Village, Victoria, nursing assistant, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 March 2013, are required by the executors, Patrizia Lori Kelly and Daniela Goldie, to send particulars to them, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the executors will convey or distribute the assets, having regard only to the claims of which they then have notice.

LYTTLETONS, solicitors,
53 Marcus Road, Dingley 3172.

Re: Estate of GWENDA KATHLEEN SCOTT, late of 18 Wards Grove, East Bentleigh, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased,

who died on 10 February 2013, are required by the trustees to send particulars to the trustees, care of the undermentioned solicitors, by 4 October 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

MAHONS with Yuncken & Yuncken, solicitors,
178 Whitehorse Road, Blackburn 3130.
SM:CH2112039

Re: Estate of JOYCE ALICE SHIPP, late of Carnsworth Nursing Home, 10 A'Beckett Street, Kew, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 January 2013, are required by the trustees to send particulars to the trustees, care of the undermentioned solicitors, by 4 October 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

MAHONS with Yuncken & Yuncken, solicitors,
178 Whitehorse Road, Blackburn 3130.
SM:CH2130116

KATHLEEN JOSEPHA DUNN (also known as 'Kathleen Josephine Dunn'), late of 8 Wiringa Avenue, Camberwell, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 January 2013, are required by the executor, Deborah Louise Dunn (in the Will called 'Deborah Dunn'), of 8 Wiringa Avenue, Camberwell, Victoria, social worker/co-ordinator, to send particulars to her (care of the undersigned) by 4 September 2013, 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 3123.

Re: Estate of PATRICIA KATHLEEN HARRADINE, late of 30 Katrina Drive, Tullamarine, Victoria 3043, home duties, deceased.

Creditors, next-of-kin and others having claim in respect of the estate of the deceased, who died on 21 March 2013, are required by the executor, Robert Eric Harradine of 37 Turnberry Drive, Sunbury, Victoria 3049, to send particulars thereof to the said executor by 2 September 2013, after which date the executor may distribute the assets, having regard only to the claims of which he has notice.

Re: JOHN CAMPBELL HILL, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 January 2013, are required by the trustee, Charles Edward Beckwith, to send particulars of such claims to him, in care of the undermentioned lawyers, by 5 September 2013, 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.

Re: DEBRA JOY HICKS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 February 2013, are required by the trustees, Glenn John Hicks and Cheryl Ann Hicks, to send particulars to the trustees, care of their solicitors Russell Kennedy, Level 12, 469 La Trobe Street, Melbourne, by 3 September 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

RUSSELL KENNEDY, solicitors,
Level 12, 469 La Trobe Street, Melbourne 3000.

Re: RAYMOND DENNIS McCONNELL, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 November 2012, are required by the trustee, Sandhurst Trustees Limited, ACN 004 030 737, of 18 View Street, Bendigo, Victoria, to send particulars to the trustee by 16 September 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

SANDHURST TRUSTEES LIMITED,
18 View Street, Bendigo 3550.

SYBELLA ANNE WETTENHALL, late of 24–28 Moorooduc Highway, Frankston South, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 February 2013, are required by the executors, Timothy Warner Wettenhall of 87 Casuarina Drive, Frankston, Victoria, and Martin Ross Wettenhall of 14 Logan Street, Canterbury, Victoria, to send particulars to them, care of Stidston Warren Lawyers, by 7 September 2013, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

STIDSTON WARREN LAWYERS,
Suite 1, 10 Blamey Place, Mornington 3931.

Re: THELMA VIVIENNE (also known as Vivienne) BROOMHEAD, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 March 2013, are required by the trustees, Robyn Cecelia Young and Christopher David Galagher, to send particulars to the trustees, care of the undermentioned solicitors, by 3 September 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

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

ADVERTISEMENT OF AUCTION BY THE SHERIFF

On Thursday 15 August 2013 at 1.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless stayed or the debt satisfied).

All the estate and interest (if any) of Elaine Fewster (shown on Certificate of Title as Elaine D'Arcy), of Unit 2, 14 Ballater Street, Essendon, as sole proprietor of an estate in fee simple in the land described as Lot 19 on Plan of Subdivision 112321 Certificate of Title Volume 09061 Folio 893 and known as 330 Campagnolos Road, Mansfield, will be auctioned by the Sheriff.

The land consists of two allotments of approximately 12.12 hectares. Erected on the main allotment is a horse stable, 3 dams,

an orchard, large steel and timber shed and the remains of a house, which has sustained significant structural damage due to a recent fire. The second allotment is a small waterfront piece of land.

Registered Caveat (Dealing No. AJ650181R) affects the said estate and interest.

The property can be located approximately 11 kilometres west of Mansfield, on the north side of Campagnolos Road approximately 3 kilometres west of O'Hanlon Road. The Sheriff is unable to provide access to the property.

Refer to RACV VicRoads Country Directory Edition 7 Map 62 H3.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in the particulars in the contract of sale. Payment is by cheque only.

Please contact Sheriff's Asset Administration Services on (03) 8684 8612 or realestatesection@justice.vic.gov.au for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

SHERIFF

ADVERTISEMENT OF AUCTION BY THE SHERIFF

On Thursday 8 August 2013 at 1.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Helen Flaounas of 52 Gillies Street, Fairfield, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 10496 Folio 043 upon which is erected a residential unit known as Unit 15, Floor 1, 19 Yarra Street, South Yarra, will be auctioned by the Sheriff.

Registered Mortgage (Dealing No. AJ254455N), Registered Mortgage (Dealing No. AJ265576N), Agreement Section 173, **Planning and Environment Act 1987** (Dealing No. X163760B), affect the said estate and interest.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by cheque only.

Please contact Sheriff's Asset Administration Services on (03) 8684 8612 or realestatesection@justice.vic.gov.au for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

SHERIFF

ADVERTISEMENT OF AUCTION
BY THE SHERIFF

On Thursday 8 August 2013 at 1.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Keith Hercules of 9 Thompson Valley Road, Erica, as shown on Certificate of Title as Keith Alan Hercules, sole proprietor of an estate in fee simple in the land more particularly described in firstly, Certificate of Title Volume 10362 Folio 688, lots 1 and 2 on Title Plan 806306U which consists of approximately 18.1 hectares and secondly, Certificate of Title Volume 08188 Folio 375 lot 1 on Plan of Subdivision 413566U which consists of approximately 3.809 hectares which are adjoining properties, a farm house, stables, feed shed and horse shelters are erected on the property and is known as 9 Thompson Valley Road, Erica, and 72 Thompson Valley Road, Erica (Old Thompson Valley Road, Erica), and it will be auctioned by the Sheriff as one lot. The Sheriff is unable to provide access to the property.

Registered Mortgage (Dealing No. AJ380671C), Registered Caveat (Dealing No. AJ724082J), Registered Caveat (Dealing No. AJ724086A) and a life tenancy under a license agreement, affect the said estate and interest. The life tenancy agreement is not registered on title.

The property is located close to the township of Erica.

Refer to RACV VicRoads Country Directory Edition 7 Map 81H9.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by cheque only.

Please contact Sheriff's Asset Administration Services on (03) 8684 8612 or realestatesection@justice.vic.gov.au for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

SHERIFF

GOVERNMENT AND OUTER BUDGET SECTOR AGENCIES NOTICES



ALPINE SHIRE

ROAD MANAGEMENT PLAN

Alpine Shire Council, in accordance with section 55 and section 53(2) of the **Road Management Act 2004**, gives notice that:

- i. The Alpine Shire Road Management Plan Version 3 has been adopted on 18 June 2013.
- ii. The Alpine Shire Road Management Plan Version 3 may be inspected at the Shire offices in Bright, Myrtleford Library or Mount Beauty Library or downloaded from the Shire's website at www.alpineshire.vic.gov.au
- iii. The Code of Practice, any incorporated document or any amendment to an incorporated document, as the case may be, may be inspected at the Shire offices in Bright, Myrtleford Library or Mount Beauty Library or downloaded from the Shire's website at www.alpineshire.vic.gov.au

ALPINE SHIRE COUNCIL
PO Box 139, Bright, Victoria 3741
Ph: (03) 5755 0555
Fax: (03) 5755 1811
Email: info@alpineshire.vic.gov.au



LOCAL LAW NO. 1 MEETING PROCEDURES

Notice is hereby given that Council, at its meeting on 25 June 2013, resolved to give public notice of its proposed Local Law No. 1 (Meeting Procedures).

The purpose of the proposed amendment is to improve the general public's ability to better understand the processes at a Council meeting as follows:

6.7 Presentation of Officers Reports

The Mayor may call on the author of the report or the author's manager to provide the public and Councillors with a brief overview of the report to Councillors considering the item.

A copy of the proposed Local Law (Meeting Procedures) is available from any Shire of Campaspe Service Centre or on Council's website at www.campaspe.vic.gov.au

Any person may make a written submission on the proposed amendment. All submissions received by the close of business on 30 July 2013 will be considered in accordance with section 223 of the **Local Government Act 1989**. Submissions should be addressed to the Chief Executive Officer, Shire of Campaspe, PO Box 35, Echuca, Victoria 3564, or to shire@campaspe.vic.gov.au

KEITH BAILLIE
Chief Executive Officer



GOVERNANCE LOCAL LAW 2013

Notice is hereby given that Darebin City Council intends to make the following Local Law under section 111(1) of the **Local Government Act 1989**.

TITLE:

Governance Local Law 2013 (Local Law No. 1 of 2013)

PURPOSE:

The objectives of this Local Law are to:

- regulate proceedings at Council and Committee meetings;
- regulate proceedings for the election of the Mayor, Deputy Mayor and Committee Chairpersons;
- regulate use (and prohibit unauthorised use) of the common seal;
- provide for related administrative procedures; and
- provide for the peace, order and good government of the municipal district.

GENERAL PURPORT:

Part 1 – Introduction

This Local Law commences on the day on which notice of its making is published in the Victoria Government Gazette.

Part 2 – Common Seal

This Part regulates use of the common seal and prohibits unauthorised use of the common seal or any device resembling the common seal. The Local Law provides that the common seal must not be affixed to a document except to implement a decision made by Council resolution. Every document to which the common seal is affixed must be signed by the Chief Executive Officer.

Part 3 – Election of Mayor, Deputy Mayor and Committee Chairpersons

This Part regulates proceedings for the election of Mayor, Deputy Mayor and Committee Chairpersons. The Local Law provides that the election is to be conducted by the Chief Executive Officer, that if there is more than one nomination a vote is to be conducted by a show of hands, that a candidate requires an absolute majority of votes to be elected, and that an equality of votes is to be determined by lot.

Part 4 – Councillor Briefings

This Part describes the nature and procedure for some informal meetings of Councillors, and explains why and how they are held.

Part 5 – Council Meeting Procedures

This Part regulates proceedings at Council meetings. The Local Law:

- provides for public notice of meetings, the quorum for meetings, the business to be dealt with at Ordinary meetings including urgent business, and general business and notices of motion, and the preparation, confirmation and signing of minutes of meetings;
- provides for motions, debates and amendments, rules and time limits for debate, formal (procedural) motions, points of order, divisions, recording of opposition to a vote, the revocation of previous resolutions and webcasting and recording of proceedings; and
- provides for conduct at a meeting, including mode of address, recording of proceedings, disorderly conduct and suspension from meetings.

Part 6 – Committees

This part automatically applies relevant provisions of the Local Law to meetings of Special Committees and enables Council by resolution to apply relevant provisions to meetings of Advisory Committees.

Part 7 – Enforcement and Penalties

Prescribes penalties for offences under the Local Law, in particular unauthorised use of the common seal and improper or disorderly conduct at meetings.

Enquiries and Submissions:

A copy of the Draft Governance Local Law is available from Darebin Civic Centre, 274 Gower Street, Preston, or from other City of Darebin Customer Service Centers. Council will consider written submissions received by 30 July 2013, in accordance with section 223 of the **Local Government Act 1989**.

Any person lodging a written submission may request to be heard in support of their submission and shall be entitled to be heard in person or by a person acting on their behalf before a meeting of the Council's Hearing of Submissions Committee.

All submissions should be addressed to the Manager Corporate Governance, City of Darebin, PO Box 91, Preston 3072.

Enquiries should be directed to Jacinta Stevens, Manager Corporate Governance on 8470 8443.

RASIAH DEV
Chief Executive Officer



PUBLIC NOTICE

Proposed Amendment of Road Management Plan

Glenelg Shire Council proposes to amend its Road Management Plan pursuant to the provisions of section 302 of the Road Management (General) Regulations 2005.

The purpose of the proposed amendment of the plan is to better reflect Council's road management priorities, the road and path network to which the plan applies, and Council's financial capacity to manage the road network.

A copy of the draft amended Road Management Plan may be obtained or inspected at Council's Customer Service Centres at Portland, Heywood and Casterton, during normal business hours or alternatively may be found on Council's website – www.glenelg.vic.gov.au

Any person may make a submission to Council on the proposed review within 28 days from the date of this Public Notice.

Further information may be obtained from Mr. Stuart Ferrier – Senior Assets on (03) 5522 2327.

PAUL HEALY
Group Manager Assets and Infrastructure



MEETING PROCEDURE LOCAL LAW NO. 1 OF 2013

Notice is given pursuant to section 119(3) of the **Local Government Act 1989** that the Greater Dandenong City Council, at its ordinary Meeting of Council held on 24 June 2013, resolved to adopt a local law titled Meeting Procedure Local Law No. 1 of 2013.

The following information about the Local Law is provided in accordance with section 119 of the **Local Government Act 1989**:

Purpose

The purpose of the Meeting Procedure Local Law No. 1 of 2013 is to:

- regulate proceedings and provide for orderly and fair conduct at all Council meetings, Special Committee meetings, Advisory Committee meetings, and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply; and
- maintain open, efficient and effective processes of the government of the Council and assist with keeping the preparation of the agenda consistent from meeting to meeting; and
- regulate proceedings for the election of the Mayor and Chairpersons of various committees; and
- regulate the use and prohibit unauthorised use of the common seal; and
- revoke Council's Meeting Procedure Local Law No. 1 of 2010.

General Purport of the Local Law

The Meeting Procedure Local Law:

- governs the conduct at meetings of the Council or Special Committees;
- creates an offence to use the Council seal without authority; and

- regulates the proceedings for the election of the Mayor.

A copy of the Meeting Procedure Local Law No. 1 of 2013 may be obtained from the City of Greater Dandenong Customer Service Centres at 397–405 Springvale Road, Springvale; 39 Clow Street, Dandenong; and Shop A7 Parkmore Shopping Centre, Keysborough, and on Council's website, www.greaterdandenong.com

MELBOURNE CITY COUNCIL

Notice of Amendment of an Incorporated Document

Notice is given pursuant to section 112(2) of the **Local Government Act 1989** that on 25 June 2013 the Melbourne City Council ('Council') resolved to amend its Meeting Procedures Code ('Code') to provide that public access to the confirmed agenda and available meeting documentation be brought forward from 'noon four days prior' to '2 pm five days prior' to a scheduled meeting and that the deadline for a Notice of Motion by a Councillor be brought forward from '3 pm on a Friday' before a scheduled meeting to '10 am on the Thursday'.

The Code is incorporated by reference into the Council's Conduct of Meetings Local Law 2010.

A hard copy of the Code can be obtained from the Front Desk, Melbourne Town Hall Administration Building, 120 Swanston Street, Melbourne, between 7.30 am and 5.00 pm, Monday to Friday, excepting public holidays. Alternatively you can view a copy online at www.melbourne.vic.gov.au



NOTICE OF MAKING OF LOCAL LAW

Notice is hereby given pursuant to section 119(3) of the **Local Government Act 1989** that at its meeting held on Monday 24 June 2013, Council resolved to adopt Local Law No.1 Community and Environment 2013. This Local Law will commence on Monday 24 June 2013.

The purpose and general purport of the Local Law is to –

- (a) provide for the peace, order and wellbeing of people in the municipality by enhancing public safety and community amenity;

- (b) provide for the safe and equitable use and enjoyment of public places;
- (c) protect and enhance the environment and amenity of the municipality;
- (d) regulate and control activities and behaviours which may be regarded as dangerous, unsafe or detrimental;
- (e) provide for the fair and reasonable use and enjoyment of private land; and
- (f) allow uniform and fair administration of the Local Law.

A copy of the Local Law is available for inspection, during normal opening hours, at the: Broadford Library and Customer Service Centre, 113 High Street, Broadford; Wallan Library and Customer Service Centre, Wellington Square, High Street, Wallan; Kilmore Library and Customer Service Centre, 12 Sydney Street, Kilmore; and Seymour Library and Customer Service Centre, 125 Anzac Avenue, Seymour.

The Local Law may also be accessed on Council's website, www.mitchellshire.vic.gov.au

Planning and Environment Act 1987

BULOKE PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C18

Authorisation A02538

The Buloke Shire Council has prepared Amendment C18 to the Buloke Planning Scheme.

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

The land affected by the Amendment includes 64 lots throughout the towns of Sea Lake, Birchip, Wycheproof, Donald and Charlton.

The Amendment proposes to:

- rezone areas currently Industrial 3 zone to Township zone;
- rezone areas currently Industrial 3 zone to Farming zone;
- rezone areas currently Farming zone to Industrial 3 zone;
- rezone areas currently Industrial 3 zone to Business 4 zone;

- rezone areas currently Industrial 3 zone to Business 1 zone;
- rezone areas currently Industrial 3 zone to Public Use zone – Schedule 6;
- apply the Environmental Audit Overlay to two properties in Charlton; and
- replace the Local Planning Policy Clause 22.09 Industrial Development.

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, McCulloch Street, Donald 3480; 367 Broadway, Wycheproof 3527; 22 Cumming Avenue, Birchip 3483; 1 High Street, Charlton 3525; 65 Horace Street, Sea Lake 3533; and at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is 16 August 2013. A submission must be sent to the Buloke Shire Council, PO Box 1, Wycheproof 3527.

WARWICK HEINE
Chief Executive Officer

Planning and Environment Act 1987

BULOKE PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C23

Authorisation A02535

The Buloke Shire Council has prepared Amendment C23 to the Buloke Planning Scheme.

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

The Amendment seeks to correct planning scheme mapping anomalies of 34 land parcels across the townships of Culgoa, Charlton, Sea Lake and Birchip.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free

of charge, at the following Buloke Shire Council locations: during office hours, McCulloch Street, Donald 3480; 367 Broadway, Wycheproof 3527; 22 Cumming Avenue, Birchip 3483; High Street, Charlton 3525; 65 Horace Street, Sea Lake 3533; and at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

Any person who may be affected by the Amendment may make a submission to the planning authority. The closing date for submissions is Friday 2 August 2013. A submission must be sent to the Buloke Shire Council, PO Box 1, Wycheproof 3527.

WARWICK HEINE
Chief Executive Officer

Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME

Notice of the Preparation of an
Amendment to a Planning Scheme and
Notice of an Application for Planning Permit
Given Under Section 96C of the
Planning and Environment Act 1987

Amendment C160

Authorisation A02529

Planning Permit Application DS/594/2012

The land affected by the Amendment is:

- Lot S PS645134 – 17.45 ha;
- Lot 92 PS539711 (8 Duncan Court, Junortoun) – 1072 m²;
- Lot 93 PS539711 (9–10 Duncan Court, Junortoun) – 4382 m²;
- Lot 94 PS539711 (11 Duncan Court, Junortoun) – 5205 m²;
- Lot 95 PS539711 (12 Duncan Court, Junortoun) – 810 m²;
- Res 1 CS1241 (1 McIvor Forest Drive, Junortoun) – 1.5 ha;
- Res 2 CS1241 (1 McIvor Forest Drive, Junortoun) – 642 m²;
- Res 1 PS527974 (1 McIvor Forest Drive, Junortoun) – 13 m²; and
- Part of the road reserve in Duncan Court and McIvor Forest Drive.

The subject land is located to the south of Trotting Terrace and to the east of Cassinia Drive, Junortoun.

The land affected by the planning permit application is 9–10, 11 and 12 Duncan Court, Junortoun and Lot S on PS645134.

The Amendment proposes to rezone land forming part of the McIvor Forest Estate and known as Lot S on PS645134, 8, 9–10 and 11 Duncan Court, Junortoun, from Low Density Residential Zone to Residential 1 Zone and rezone three council reserves forming a property known as 1 McIvor Forest Drive, Junortoun, from Residential 1 Zone and Low Density Residential Zone to Public Park and Recreation Zone, and remove the Development Plan Overlay, Schedule 4 from these lots.

The application is for a permit to subdivide the land into 36 lots and remove a covenant from 12 Duncan Court, Junortoun.

The person who requested the Amendment is Spiire Australia Pty Ltd on behalf of McIvor Forest Estate Pty Ltd.

The applicant for the permit is Spiire Australia Pty Ltd.

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

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

The closing date for submissions is Monday 5 August 2013. A submission must be sent to the City of Greater Bendigo Planning Department, PO Box 733, Bendigo, Victoria 3550.

CRAIG NIEMANN
Chief Executive Officer

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

Notice of Preparation of Amendment
Amendment C291

Authorisation A02549

Planning Permit Application 112/2013

The land affected by the Amendment/application is 137–139 Melbourne Road, Rippleside.

The Amendment proposes to rezone the balance of land at 137–139 Melbourne Road, Rippleside, from Residential 1 Zone to Business 4 Zone and delete Heritage Overlay 1630 Drumcondra and Rippleside Heritage Area from the affected part of the land.

The application is for a permit to enable the use of the land for Motor Vehicle, Boat or Caravan Sales.

The person who requested the Amendment/permit is 10 Consulting Group Ltd on behalf of Mr W. Capron.

You may inspect the Amendment, the explanatory report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at the following locations: during office hours, at the office of the planning authority, Greater Geelong City Council, Brougham Street Customer Service Centre, 100 Brougham Street, Geelong, 8.00–5.00 weekdays; 'Have Your Say' section of the City's website: www.geelongaustralia.com.au/council/yoursay; and at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is Monday 5 August 2013.

A submission must be sent to: The Coordinator, Strategic Implementation Unit, City of Greater Geelong, PO Box 104, Geelong, Victoria 3220; or via email to: strategicplanning@geelongcity.vic.gov.au

PETER SMITH
Coordinator Strategic Implementation

Please be aware that all submissions received will be made publicly available as part of the planning process. Submissions can be viewed at the City of Greater Geelong until the end of two months after the Amendment comes into operation or lapses. Anonymous submissions will not be considered.

Planning and Environment Act 1987
MARIBYRNONG PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C122
Authorisation A02522

The Maribyrnong City Council has prepared Amendment C122 to the Maribyrnong Planning Scheme.

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

The land affected by the Amendment is 11–19 Whitehall Street, Footscray.

The Amendment proposes to:

- rezone land at 11–19 Whitehall Street, Footscray, from Business 3 Zone to Mixed Use Zone;
- apply an Environmental Audit Overlay (EAO) to the land; and
- apply a Development Plan Overlay (DPO16) to the land.

You may inspect the Amendment and any supporting documents, free of charge, at the following locations during office hours: Maribyrnong City Council, Town Hall Reception Area, corner Hyde and Napier Streets, Footscray 3011; and Footscray Library, 56 Paisley Street, Footscray.

The Amendment can also be inspected, free of charge, on the Maribyrnong City Council website, www.maribyrnong.vic.gov.au, and at the Department of Planning and Community Development's website at: 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 August 2013. A submission must be sent to: Claire Baker, City Strategy, Maribyrnong City Council, PO Box 58, Footscray, Victoria 3011.

VINCE HAINING
Chief Executive Officer

Planning and Environment Act 1987
WODONGA PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C93
Authorisation A02545

The Wodonga City Council has prepared Amendment C93 to the Wodonga Planning Scheme.

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

The land affected by the Amendment is the land within the Special Use Zone, generally known as Gateway Island, Wodonga. The property descriptions are as follows:

Shop 1/48–54 Lincoln Causeway, shop 2B/48–54 Lincoln Causeway, shop 2A/48–54 Lincoln Causeway (arts and craft shop 2B), shop 3/48–54 Lincoln Causeway, Three Monkeys Tavern 56 Lincoln Causeway, 64 Lincoln Causeway, shop 3/44–46 Lincoln Causeway, shop 4/48–54 Lincoln Causeway, shop 4, shop 7/48–54 Lincoln Causeway, shop 5/48–54 Lincoln Causeway, shop 2/44–46 Lincoln Causeway, shop 6/48–54 Lincoln Causeway, shop 1–2/40–42 Lincoln Causeway, shop 3/40–42 Lincoln Causeway, shop 4/40–42 Lincoln Causeway, shop 5/40–42 Lincoln Causeway, Public amenities 40–42 Lincoln Causeway, Public amenities 44–46 Lincoln Causeway, shop 8/48–54 Lincoln Causeway.

Formal land descriptions of affected land are as follows:

Lot 1 PS631558, Lot 2 PS631558, Lot 4 PS319153, Res 1 PS319153, Lot 1 PS319152, Lot 1 LP48376, Lot 2 LP48376, CA B10A, CA B10B, CA2022, CA B46, Part Lot 1 PS530635, Part CA B37A and Part Lot 2 PS530635.

The Amendment proposes to:

- amend the Municipal Strategic Statement at Clause 21.08 by deleting the Gateway Island Master Plan;
- amend wording at Clauses 21.08-2, 21.08-3 and 21.08-4 and correct the numbering of figures;
- amend Clause 21.15 by removing reference to the Gateway Island Master Plan Review (Coomes Consulting Group 2002);
- amend Schedule 1 to the Special Use Zone to require development to be constructed to withstand the impact of a high velocity flood event, prohibit the development of residential dwellings on the island and require that floor levels are constructed at least 500 mm above the 1% ARI flood level; and
- introduce a new Local Planning Policy, Clause 22.20 Development – Gateway Island.

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, Wodonga City Council, 104 Hovell Street, Wodonga 3689; and at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is 2 August 2013. A submission must be sent to the Wodonga City Council, 104 Hovell Street, Wodonga, Victoria 3690.

PATIENCE HARRINGTON
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, of 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 4 September 2013, 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.

ALEXANDER, Andrew, late of Alcheringa Hostel, 2–14 Boree Drive, Swan Hill, Victoria 3585, retired, deceased, who died on 16 April 2013.

BUCHANAN, Alan, late of 143 Rachele Road, Keilor East, Victoria 3033, deceased, who died on 19 March 2013.

CULLIVER, Reginald, late of Unit 145, 351 Barkly Street, Brunswick, Victoria 3056, deceased, who died on 12 March 2013.

GOUGH, Arthur William, late of 30 Stapley Crescent, Chadstone, Victoria 3148, telecommunications engineer, deceased, who died on 2 July 2012.

HEIDMANN, Karl, late of Regis Sherwood Park, 18 Sherwood Road, Junction Village, Victoria 3977, retired, deceased, who died on 22 May 2013.

HENTHORN, Elsie, late of Warrawee Community, 854A Centre Road, Bentleigh East, Victoria 3165, retired, deceased, who died on 2 March 2012.

MADDEN, Nancy Agnes Edna, late of Twin Parks Aged Care, 47 Blake Street, Reservoir, Victoria 3073, retired, deceased, who died on 4 April 2013.

MIRONOW, Ida, late of 1 Main Street, Elsternwick, Victoria 3185, retired, deceased, who died on 11 July 2012.

Dated 26 June 2013

STEWART MacLEOD
Manager

EXEMPTION

Application No. A92/2013

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 89 of the **Equal Opportunity Act 2010** (the Act) by the Geelong Bowls Club Inc. (the applicant). The application for exemption is to enable the applicant to organise and operate three ladies-only lawn bowls tournaments, the Ladies Open Day, the Dorothy Pizer Ladies Triples and the Ladies Classic, and advertise these matters (the exempt conduct).

Upon reading the material filed in support of this application, including the affidavits of Brian William Spiers, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 44, 71, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption the Tribunal noted:

- A copy of the application was sent by the Tribunal to the Victorian Equal Opportunity and Human Rights Commission (the Commission). The Commission did not seek leave to intervene in the proceeding.
- The Ladies Open Day commenced on 1 November 1961. The tournament was initiated by the applicant and has had many sponsors over its history. That tournament is to be next held on 4 October 2013.
- The Dorothy Pizer Ladies Triples was originally known as the Joan Adamson Ladies Invitation Triples at the Corio Bowls Club. That tournament started in 1984. When that club closed in 1999, most of its members transferred to the applicant. The tournament continued to run from the applicant and was sponsored by Ms Adamson until her death. Ms Adamson's friend, Dorothy Pizer, took over the sponsorship of the tournament in

2009 and it has since carried Ms Pizer's name. The tournament will next be held on 14 February 2014.

- The Ladies Classic started in 1980 and was initiated by the applicant. The tournament is sponsored by Joan Sweetman, a senior club member. That tournament will next be held on 14 March 2014.
- The applicant held events nominated by gender until 2004. All reference to gender has been removed other than in relation to these tournaments and the men's and women's club championships, the men's and women's club pairs and the men's veterans' singles.
- Numbers of bowlers are declining generally and the number of women bowlers is declining at a faster rate. The applicant believes that, if these events are described as being open or for mixed gender, women will tend not to enter them. As they have always been women-only events and no man has applied to enter, the applicant seeks the exemption to ensure that they can continue to be run and advertised in this way to ensure that women continue to enter.
- The applicant provided detailed information about its usual playing schedule. The information provided shows that on most occasions competition or casual play are open to both men and women. Depending on the day and competition, sometimes men only play even though the day is open to men and women. In the past, there were a number of men-only tournaments which have become mixed-gender events. The applicant has, for many years, run a number of other mixed-gender events.
- The applicant has received no complaints regarding women only events or otherwise about its arrangements as to gender.
- No exception or current exemption already applies to the exempt conduct and in the absence of an exemption the exempt conduct would amount to prohibited discrimination.
- When making decisions about exemptions, the Tribunal is required to give proper consideration to relevant human rights as set out in the **Charter of Human Rights and Responsibilities Act 2006** (Charter). Arguably, this exemption limits the right

to equality and in particular the right to equal and effective protection against discrimination of men who would wish to play in these tournaments. I am satisfied that, in the circumstances discussed above, the limit imposed by this exemption is reasonable and justified under the Charter.

The Tribunal hereby grants an exemption from the operation of sections 44, 71, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 3 July 2018.

Dated 26 June 2013

A. DEA
Member

Associations Incorporation Reform Act 2012
SUB-SECTION 138

I, David Betts, Deputy Registrar of Incorporated Associations under the **Associations Incorporation Reform Act 2012** (the Act), under delegation provided by the Registrar, hereby give notice that an application for the voluntary cancellation of incorporation, pursuant to section 136 of the Act, has been received by the Registrar from each of the associations mentioned below:

Selimiye Youth Support & Recreation Inc.; Lewis Court Home for the Aged Inc.; Buninyong Makers Market Inc.; J Reuben Clark Law Society Inc.; Road Steamers Association Inc.; Grantville and District Community Emergency Response Team Inc.; Northern Suburbs Aboriginal Association Inc.; Daylesford Derby Dolls Inc.; Landscape Protection Society Inc.; UFE – Victoria Inc.; Geelong and District Indoor Bias Bowls Association Inc.; Coral Drive Kindergarten Inc.; Working Equitation Ballarat & District Inc.; Samata Samashti Dharma Inc.; Scoresby Freeway Residents Action Group Inc.; Ocean View Avenue Road Association Inc.; Essendon Adult Day Centre Inc.; Echuca Moama Jazz Club Inc.; Wonthaggi and District Indoor Biased Bowls Association Inc.; Victorian Hardware Social Golf Club Inc.; Anakie Residents Action Group Inc.; Iqra College Inc.; Chinese Culture Society Inc.; Friends of Walmer St Bushland Inc.; Sunbury District Probus Club Inc.; Windermere Reserve Playgroup Inc.; Mornington Peninsula Sports Academy Inc.; Meeniyana Tennis Club Inc.;

Random Act Performing Arts Inc.; Radiodifusio Catalana Catalan Broadcasting Society Inc.; ‘Lisderk Players’ Inc.; Geelong Rugby League Football Club Inc.; Mcguire College Tigers Inc.; Brighton East Cricket Club Inc.; Shepparton Engine & Machinery Preservation Society Inc.; Nowa Nowa Health and Fitness Club Inc.; Maryborough/Castlemaine Umpires Group Inc.; Anagenetic Creations Inc.; Veterans of Foreign Wars Inc.; Balwyn Traders Association Inc.; Community Information & Referral Association Inc.; Music Landmarks Inc.; Hogans Heroes Playgroup Inc.; Grace Church Geelong Inc.; Furniture 4 Learning Inc.; Bonnie Doon Landcare Group Inc.; Abpro Association Inc.; Sandhurst & District Netball Club Inc.; Australian Bhutanese Welfare Organisation (ABWO) Inc.; Momentum Education Association Inc.; Standing There Productions Inc.; Bridgewater Incorporated; Sundowner Avenue Neighbourhood House Inc.; Carter Packaging Dandenong Social Club Inc.; Zehra Women Association Inc.

I further advise that unless a person makes a written objection to cancellation to the Registrar within 28 days of the date of this notice, I intend to cancel the incorporation of the incorporated associations mentioned above.

Dated 4 July 2013

DAVID BETTS
Deputy Registrar of
Incorporated Associations
PO Box 4567
Melbourne, Victoria 3001

Co-operatives Act 1996

MIRBOO NORTH COMMUNITY SUPPORT
CO-OPERATIVE LTD

On application under section 601AA(1) of the **Corporations Act 2001** (the Act), by the co-operative named above, notice is hereby given under section 601AA(4) of the Act, as applied by section 316 of the **Co-operatives Act 1996**, that, at the expiration of two months from the date of this notice, the name of the co-operative listed above will, unless cause is shown to the contrary, be removed from the register of co-operatives and the registration will be dissolved.

Dated 4 July 2013

DAVID BETTS
Deputy Registrar of
Incorporated Associations
PO Box 4567
Melbourne, Victoria 3001

Children, Youth and Families Act 2005

NOTICE SPECIFYING VENUE AT WHICH THE CHILDREN'S KOORI COURT (CRIMINAL DIVISION) MAY SIT AND ACT

Pursuant to section 517(2) of the **Children, Youth and Families Act 2005**, I specify the following venue of the Children's Court at which the Koori Court (Criminal Division) may sit and act:

Swan Hill Children's Court

Dated 23 April 2013

JUDGE PAUL GRANT
President
Children's Court of Victoria

Conservation, Forests and Lands Act 1987

NOTICE OF MAKING OF A LAND MANAGEMENT CO-OPERATIVE AGREEMENT

Notice is given under section 80 of the **Conservation, Forests and Lands Act 1987** that a Land Management Co-operative Agreement has been entered into by the Secretary to the Department of Environment and Primary Industries with the following landowners.

A copy of the Agreement is available for public inspection between the hours of 9.00 am and 5.00 pm at Environment and Landscape Performance, Department of Environment and Primary Industries, Level 2, 8 Nicholson Street, East Melbourne 3002 and at the relevant regional Department of Environment and Primary Industries office.

Registered Proprietor	Site Location	Title Details – Volume/Folio	Dealing No. of Agreement
Ballarat Office	402–406 Mair Street, Ballarat 3350		
Mary Ballard Dixon and Loris Marion Mason	Lot 1 on Plan of Subdivision 630961B, Parish of Murgheboluc	11250/377	AK393660A

Dated 4 July 2013

ADAM FENNESSY
Secretary
Department of Environment and Primary Industries

Education and Training Reform Act 2006

NOTICE OF ORDER

Parkville College Council

Notice is given that on 31 May 2013 Ministerial Order No. 634 was made under subsection (1) of section 2.3.2 of the **Education and Training Reform Act 2006** constituting a school council for Parkville College.

THE HON. MARTIN DIXON, MP
Minister for Education

Education and Training Reform Act 2006

NOTIFICATION CANCELLING THE REGISTRATION OF A TEACHER

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

On 24 May 2013, Mrs Sandya Damayanthi De Silva (Registration No. 332460) was found guilty of serious incompetence and not fit to teach.

On 24 May 2013, Mrs Sandya Damayanthi De Silva's registration to teach was cancelled.

ANNE SARROS
Chairperson
Disciplinary Proceedings Committee
Victorian Institute of Teaching

Food Act 1984

REGISTRATION OF A
FOOD SAFETY PROGRAM TEMPLATE

I, Pauline Ireland, as delegate of the Secretary to the Department of Health, under section 19DB of the **Food Act 1984** (the Act) –

1. state that the template entitled **BP Australia Pty Ltd Food Safety Management System Version 2** (the template) is registered for use; and
2. specify that this template is suitable for use by food businesses trading as **BP Company Owned and Company Operated Retail Convenience Stores** carried out at, on or from class 2 food premises.

In this instrument –

'**class 2 food premises**' means food premises declared to be class 2 food premises under section 19C of the Act.

This instrument takes effect on the date it is published in the Government Gazette.

Dated 25 June 2013

PAULINE IRELAND
Assistant Director
Food Safety and Regulation

Food Act 1984

REVOCATION OF REGISTRATION OF A
FOOD SAFETY PROGRAM TEMPLATE

I, Pauline Ireland, as delegate of the Secretary to the Department of Health

- (a) noting that the **BP Australia Pty Ltd Food Safety Program Template (No. 33)** was registered under section 19DB of the **Food Act 1984** (the Act) in a notice published in the Government Gazette on 12 November 2009;
- (b) revoke the registration of that food safety program template under section 19DB of the Act.

This revocation takes effect on the date this notice is published in the Government Gazette.

Dated 25 June 2013

PAULINE IRELAND
Assistant Director
Food Safety and Regulation

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.

Road Naming:

Change Request Number	Road Name	Locality	Proposer and Location
50377	McHargs Lane	Wodonga	Wodonga City Council (Private Road) The road traverses west from High Street.
50377	Bennetts Lane	Wodonga	Wodonga City Council (Private Road) The road traverses west from High Street.
50377	ONeill Lane	Wodonga	Wodonga City Council (Private Road) The road traverses east from High Street.
50377	Sesame Lane	Wodonga	Wodonga City Council (Private Road) The road traverses east from High Street.
50377	Banovic Lane	Wodonga	Wodonga City Council (Private Road) The road traverses east from High Street.
50377	Liverpool Lane	Wodonga	Wodonga City Council (Private Road) The road traverses north from Stanley Street.

Localities:

Naming Authority	Affected Localities	Location
Wyndham City Council	Point Cook, Werribee, and Werribee South	The Point Cook boundary to extend to include approximately 141 hectares of land bound by the Princes Freeway to the north and west, Hacketts Road to the east and Sneydes Road to the south. For further details see map at www.dse.vic.gov.au/namingplaces

Feature Naming:

Change Request Number	Place Name	Naming Authority and Location
52152	McNeilly Park	Baw Baw Shire Council 49 and 50 Jackson Drive, Drouin 3818. For further details see map at www.dse.vic.gov.au/namingplaces
52732	Noonameena Bridge	Alpine Shire Council (Longstanding name) Located on the Eurobin Creek Track and crosses over the Eurobin Creek, Porepunkah 3740. For further details see map at www.dse.vic.gov.au/namingplaces

Change Request Number	Place Name	Naming Authority and Location
53662	Norm Jardine Pavilion	Frankston City Council Within Bruce Park 2/19N Bondi Avenue, Frankston 3199. For further details see map at www.dse.vic.gov.au/namingplaces
53662	Diane Byrne Pavilion	Frankston City Council Within East Seaford Reserve 1/1R Brunel Road, Seaford 3198. For further details see map at www.dse.vic.gov.au/namingplaces
56961	Dakers Centre	South Gippsland Shire Council (Longstanding name) Cnr Smith and Watt Streets, Leongatha 3953. For further details see map at www.dse.vic.gov.au/namingplaces

Office of Geographic Names

Land Victoria
570 Bourke Street
Melbourne 3000

JOHN E. TULLOCH
Registrar of Geographic Names

Land Acquisition and Compensation Act 1986

FORM 7

S. 21(a)
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of Lot 1 on Title Plan 824145Q (formerly known as part of Crown Allotment 16 Section 2A Township of Rosedale Parish of Rosedale), Parish of Rosedale, comprising 1.276 hectares and being land described in Crown Grant Volume 676 Folio 010, shown as Parcel 246 on Survey Plan 22858.

Interest Acquired: That of David John Lewis (Tenant In Common as to 1 of a total of 2 equal undivided shares) and Melissa Jane Bastian (Tenant In Common as to 1 of a total of 2 equal undivided shares) and all other interests.

Published with the authority of VicRoads.

For and on behalf of VicRoads

Signed ROD ROETMAN

Name Rod Roetman

Dated 4 July 2013

Land Acquisition and Compensation Act 1986

FORM 7

S. 21(a)
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 3 on Plan of Subdivision 141856, Parish of Denison, comprising 1796.0 square metres and being land described in Certificate of Title Volume 9512 Folio 705, shown as Parcels 40, 41 and 44 on Survey Plan 22831A.

Interest Acquired: That of Lynton Hugh Fisher and Aimee Ellen Fisher and all other interests.

Published with the authority of VicRoads.

For and on behalf of VicRoads

Signed ROD ROETMAN

Name Rod Roetman

Dated 4 July 2013

Marine Safety Act 2010

NOTICE OF ACTIVITY EXCLUSION ZONE

In accordance with section 208(2) of the **Marine Safety Act 2010**, Parks Victoria (the waterway manager for the Yarra River upstream of the port waters of the Port of Melbourne) gives notice that the waters of the Yarra River (Victoria Harbour) approximately 200 meters south-west of Central Pier, in a square measuring 200 x 200 metres marked by buoys, are prohibited to all persons and vessels not registered to take part in the City of Melbourne Docklands Winter Fireworks Displays each Friday evening.

The exclusion zone takes effect between 6.30 pm and 8.00 pm on Friday 5, 12, 19 and 26 July 2013.

CHRIS HARDMAN
As delegate of Parks Victoria

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2007

Notice of Grant of
Major Hazard Facility Licence

Pursuant to Part 6.1 of the Occupational Health and Safety Regulations 2007 (the Regulations), on 24 June 2013 the Victorian WorkCover Authority granted a major hazard facility licence to Toll North Pty Ltd in respect of a major hazard facility registered under Part 6.2 of the Regulations at Toll Customised Solutions – 180 Fitzgerald Road, Laverton North, in the State of Victoria, which licence ends on 23 June 2018.

The following conditions are attached to the licence:

1. By the end of September and March each year of the licence period, Toll North Pty Ltd must demonstrate, by written submission to WorkSafe Victoria, that Toll North Pty Ltd proactively identifies risk reduction opportunities and that identified deficiencies are addressed, as documented in the Safety Case Action Plan. This is to provide continued assurance that Toll North Pty Ltd has the ability to safely and competently operate the major hazard facility as required under regulation 6.1.3(1)(b)(ii) of the Regulations.

2. Prior to storing Schedule 9 materials in Sheds 5, 6, 7, or 8 at the major hazard facility, Toll North Pty Ltd must demonstrate by written submission to WorkSafe Victoria that the adopted risk control measures under regulation 5.2.8 have been reviewed and, if necessary, revised in accordance with regulation 5.2.12(1)(c) of the Regulations. This is to provide assurance that Toll North Pty Ltd continues to comply with regulation 5.2.8 of the Regulations.

DENISE COSGROVE
Chief Executive
Delegate of the
Victorian WorkCover Authority

Pipelines Act 2005

SECTION 70

Significant Alteration to Authorised Route

PIPELINE LICENCE NUMBER: 18

NAME AND ADDRESS OF
LICENSEE(S): SPI Networks (Gas) Pty Ltd
Level 31
2 Southbank Boulevard
Southbank, Victoria 3006

DESCRIPTION OF EXISTING
AUTHORISED ROUTE: The Sunshine to Footscray gaseous hydrocarbon pipeline is a 12.3 km transmission pipeline commencing at the regulator station located at Forrest Street, Sunshine, then running in an easterly direction along Forrest Street, branching south into Fraser Street via railway crossing then turning right at Anderson Road then continuing in a generally south-easterly direction to Derby Road, then along Stanford Street to Wright Street, turning right at Central Avenue, then Fourth Avenue, then Market Avenue, and continuing for approximately 2.1 km along Sommerville Road, and continuing in a north-easterly direction along Paramount Road to Indwe Street, then Cala Street, then turning right onto Sunshine Road and continuing for approximately 1.1 km, then north along Warleigh Street, turning right onto Barkley Street then continuing along Summerhill Road for approximately 1.2 km, then turning right at Mephan Street, continuing along Gordon Street and terminating at the junction of Kinnear Street, Footscray.

ALTERATION:

As from today:

1. The authorised route of the pipeline is altered to relocate approximately 750 m of DN300 SP AusNet NGas Pipeline (PL18) at the intersection of Anderson Road and Ballarat railway crossing in Sunshine.
2. The authorised route of the pipeline is delineated by the red and green hashed line on drawing number T306-1-1 Rev B and in greater detail in respect to the alteration, the red line, the red hashed line and the crossed lines depicted on drawing number T55-15 H2 and all other drawings are hereby deleted from the pipeline licence.

CONDITIONS:

As from today the conditions of Pipeline Licence 18 are revoked and replaced with the following conditions:

1. The pipeline shall have the following features:
 - a. Maximum Allowable Operating Pressure: 2,756 kPa
 - b. Contents: Gaseous Hydrocarbons
 - c. Internal diameter: 400, 300 and 200 mm
 - d. Length: 12.3 km
2. The licensee must report to the Minister at least once in every year and at such other times as agreed with the Minister on the performance of the licensee in protecting the environment from the pipeline operation.
3. The licensee must give the Minister 7 days notice in writing, if the licensee intends to cease to convey substances through the pipeline, otherwise than in the course of the normal operating procedure of the pipeline and does not intend to surrender the licence.
4. The licensee must obtain and maintain insurance against expenses or liabilities or specified things arising in connection with, or as a result of, the carrying out of a pipeline operation, or the doing of any other thing, under the licence, including the expenses of complying with directions with respect to the clean-up or other remedying of the effects of the escape of petroleum, or any other liquid or gaseous substance, from the pipeline.

Dated 21 May 2013

DOUG SCENEY
Executive Director Earth Resources Regulation
Delegate of the Minister

Pipelines Act 2005

SECTION 70

Significant Alteration to Authorised Route

- PIPELINE LICENCE NUMBER: 82
- NAME AND ADDRESS OF LICENSEE: SPI Networks (Gas) Pty Ltd
Level 31
2 Southbank Boulevard
Southbank, Victoria 3006
- DESCRIPTION OF EXISTING AUTHORISED ROUTE: The 300 mm (12") SPI Network (Gas) Pty Ltd Pipeline commences on the corner of Forest Street and Anderson Road, Sunshine, continues north under Anderson Road until it crosses Ballarat Road and turns east terminating in Phoenix Street, Sunshine. The pipeline length is currently approximately 2.3 km.
- ALTERATION: As from today:
1. The authorised route of the pipeline is altered to:
 - (a) Remove approximately 310 metres of pipeline in Anderson Street, Sunshine, as depicted in green on drawing T324-1-1C.
 - (b) Construct an additional 620 metre DN 300 pipeline from the south side of the existing rail/road crossing approximately 90 m south of King Edward Avenue, the new pipeline section will then continue in a north-west direction parallel with the railway line for approximately 280 m, then the new pipeline section will turn perpendicular and cross the railway lines and the existing car park, then cross under a Melbourne Water easement to Anderson Road in a north-east direction and tie into the existing pipeline under Anderson Road.
 2. The authorised route of the pipeline is delineated by the red line depicted on Drawing Number T324-1-1D and replaces all existing drawings.

CONDITIONS:

As from today the conditions of Pipeline Licence 82 are revoked and replaced with the following conditions:

1. The pipeline shall have the following features:
 - a. Maximum Allowable Operating Pressure: 2,760 kPa
 - b. Contents: Gaseous Hydrocarbons
 - c. Internal diameter: 300 mm
 - d. Length: 2.6 km
2. The licensee must report to the Minister at least once in every year and at such other times as agreed with the Minister on the performance of the licensee in protecting the environment from the pipeline operation.
3. The licensee must give the Minister 7 days notice in writing, if the licensee intends to cease to convey substances through the pipeline, otherwise than in the course of the normal operating procedure of the pipeline and does not intend to surrender the licence.

4. The licensee must obtain and maintain insurance against expenses or liabilities or specified things arising in connection with, or as a result of, the carrying out of a pipeline operation, or the doing of any other thing, under the licence, including the expenses of complying with directions with respect to the clean-up or other remedying of the effects of the escape of petroleum, or any other liquid or gaseous substance, from the pipeline.

Dated 26 April 2013

JOHN MITAS
Acting Executive Director Earth Resources Regulation
Delegate of the Minister

Public Holidays Act 1993

I, Louise Asher, Minister for Innovation, Services and Small Business, under section 8(A) of the **Public Holidays Act 1993**, declare that:

- Tuesday 5 November 2013 (Melbourne Cup Day) is not a public holiday in the township of Kerang (the former Borough of Kerang) in the municipal district of Gannawarra Shire Council.
- Tuesday 8 October 2013 is appointed a public holiday in the township of Kerang (the former Borough of Kerang) in the municipal district of Gannawarra Shire Council to celebrate Kerang Show Day.
- Tuesday 4 November 2014 (Melbourne Cup Day) is not a public holiday in the township of Kerang (the former Borough of Kerang) in the municipal district of Gannawarra Shire Council.
- Tuesday 7 October 2014 is appointed a public holiday in the township of Kerang (the former Borough of Kerang) in the municipal district of Gannawarra Shire Council to celebrate Kerang Show Day.
- Tuesday 3 November 2015 (Melbourne Cup Day) is not a public holiday in the township of Kerang (the former Borough of Kerang) in the municipal district of Gannawarra Shire Council.
- Tuesday 6 October 2015 is appointed a public holiday in the township of Kerang (the former Borough of Kerang) in the municipal district of Gannawarra Shire Council to celebrate Kerang Show Day.
- Tuesday 1 November 2016 (Melbourne Cup Day) is not a public holiday in the township of Kerang (the former Borough of Kerang) in the municipal district of Gannawarra Shire Council.
- Tuesday 4 October 2016 is appointed a public holiday in the township of Kerang (the former Borough of Kerang) in the municipal district of Gannawarra Shire Council to celebrate Kerang Show Day.

Dated 4 July 2013

THE HON LOUISE ASHER MP
Minister for Innovation, Services and
Small Business
Minister for Tourism and Major Events
Minister for Employment and Trade

**PRIMESAFE****Seafood Safety Act 2003****FEE SCHEDULE FOR WILDCATCH AND AQUACULTURE BUSINESSES**

1 July 2013 – 30 June 2014

Licence Category	Annual Throughput	Application Fee (Payable with first annual fee only) (\$)	Annual Fee (\$)
Victorian Wildcatch			
Abalone	Landed catch < 2 tonnes	126	251
	Landed catch 2 to 8 tonnes	223	446
	Landed catch > 8 tonnes	376	751
Crustaceans	Landed catch < 1 tonne	126	251
	Landed catch 1 to 5 tonnes	189	377
	Landed catch 5 to 10 tonnes	259	518
	Landed catch > 10 tonnes	376	751
Wildcatch General	Landed catch < 10 tonnes	126	251
	Landed catch 10 to 50 tonnes	223	446
	Landed catch > 50 tonnes	376	751
Noxious Fish Permit	Landed catch < 50 tonnes	126	251
	Landed catch > 50 tonnes	189	377
Commonwealth Wildcatch	Not applicable	376	751
Aquaculture			
Fin Fish (including trout & yabbies)	Grow out < 15 tonnes	126	251
	Grow out 15 to 60 tonnes	223	446
	Grow out > 60 tonnes	376	751
Abalone	Grow out < 2 tonnes	126	251
	Grow out 2 to 8 tonnes	223	446
	Grow out > 8 tonnes	376	751
Blue Mussels & Shellfish	Grow out < 50 tonnes	126	251
	Grow out 50 to 150 tonnes	223	446
	Grow out > 150 tonnes	376	751

**PRIMESAFE****Meat Industry Act 1993****FEE SCHEDULE FOR MEAT PROCESSING FACILITIES**

1 July 2013 – 30 June 2014

Licence Category	Annual Throughput	Application Fee (Payable with first annual fee only) (\$)	Annual Fee (\$)
Abattoir *	Up to 8,000 units	640	1,280
	8,001 to 15,000 units	856	1,711
	15,001 to 100,000 units	1,529	3,058
	100,001 to 200,000 units	2,296	4,591
	200,001 to 400,000 units	3,060	6,119
	Over 400,000 units	3,825	7,649
	To calculate number of units of throughput: 1 cattle = 5 units 1 rabbit = 0.2 units 1 other stock = 1 unit		
Poultry Processing	Up to 2,500 units (0 to 8,000 kg)	178	356
	2,501 to 50,000 units (8,001 to 25,000 kg)	387	774
	50,001 to 250,000 units	811	1,622
	250,001 to 1,000,000 units	1,108	2,215
	1,000,001 to 2,500,000 units	1,698	3,395
	2,500,001 to 5,000,000 units	2,913	5,825
	Over 5,000,000 units	5,245	10,490
	To calculate number of units of throughput: 1 bird = 1 unit 1 rabbit = 1 unit		
Further Meat Processing * (includes poultry meat & smallgoods)	Up to 250 tonnes	294	588
	251 to 500 tonnes	341	682
	501 to 1,500 tonnes	512	1,024
	1,501 to 2,500 tonnes	683	1,366
	2,501 to 5,000 tonnes	856	1,711
Over 5,000 tonnes	1,026	2,052	
Retail Butcher Shop	Up to 50 tonnes	126	251
Prime Tallow Processing	Not applicable	1,440	2,880
Game Meat	Not applicable	388	775
Inedible Rendering	Not applicable	1,079	2,158
Pet Meat Processing Plant	Not applicable	1,026	2,052
Pet Food Establishments	Up to 50 tonnes	126	251
	51 to 150 tonnes	426	851
	Over 150 tonnes	856	1,711
Meat Transport Vehicles	Not applicable	-	108

* Note: Facilities supervised by AQIS where AQIS accepts responsibility for all products placed on the domestic market are required to pay a licence fee in accordance with the fee schedule up to a maximum fee of \$1,477. New licence applications covered by this arrangement will also be required to pay an application fee in accordance with the fee schedule up to a maximum of \$739.



Seafood Safety Act 2003

FEE SCHEDULE FOR SEAFOOD PROCESSING FACILITIES

1 July 2013 – 30 June 2014

Licence Category	Annual Throughput	Application Fee (Payable with first annual fee only) (\$)	Annual Fee (\$)
Wholesaler Category A* (including fin fish, scallops, shellfish, eels, shark, octopus, squid)	< 200 tonnes	387	774
	201 to 400 tonnes	581	1,162
	401 to 1,000 tonnes	1,353	2,706
	1,001 to 2,000 tonnes	2,902	5,803
	> 2,000 tonnes	3,868	7,736
Wholesaler Category B* (including mud crabs, bugs, crabs, abalone, rock lobster, prawns)	< 75 tonnes	387	774
	76 to 150 tonnes	581	1,162
	151 to 350 tonnes	1,353	2,706
	351 to 700 tonnes	2,902	5,803
	> 700 tonnes	3,868	7,736
Processor Category A* (including fin fish, scallops, shellfish, eels, shark, octopus, squid)	< 150 tonnes	387	774
	151 to 300 tonnes	581	1,162
	301 to 750 tonnes	1,353	2,706
	751 to 1,500 tonnes	2,902	5,803
	> 1,500 tonnes	3,868	7,736
Processor Category B* (including mud crabs, bugs, crabs, abalone, rock lobster, prawns)	< 50 tonnes	387	774
	51 to 100 tonnes	581	1,162
	101 to 250 tonnes	1,353	2,706
	251 to 500 tonnes	2,902	5,803
	> 500 tonnes	3,868	7,736
Further Processor Category A* (including fin fish, scallops, shellfish, eels, shark, octopus, squid)	< 50 tonnes	387	774
	51 to 100 tonnes	581	1,162
	101 to 250 tonnes	1,353	2,706
	251 to 500 tonnes	2,902	5,803
	> 500 tonnes	3,868	7,736
Further Processor Category B* (including mud crabs, bugs, crabs, abalone, rock lobster, prawns)	< 25 tonnes	387	774
	26 to 50 tonnes	581	1,162
	51 to 100 tonnes	1,353	2,706
	101 to 200 tonnes	2,902	5,803
	> 200 tonnes	3,868	7,736
Retailer	Not applicable	291	581

* Note: Facilities supervised by AQIS where AQIS accepts responsibility for all products placed on the domestic market are required to pay a licence fee in accordance with the fee schedule up to a maximum fee of \$1,477. New licence applications covered by this arrangement will also be required to pay an application fee in accordance with the fee schedule up to a maximum of \$739.

Subordinate Legislation Act 1994NOTICE OF MAKING OF
LEGISLATIVE INSTRUMENT

Notice is hereby given under section 16A(2) of the **Subordinate Legislation Act 1994** of the making of the Greyhound Racing Victoria Rules (the Rules) incorporating amendments to the Local Racing Rules.

These amendments come into effect on 1 August 2013 and are available for perusal at www.grv.org.au

A hard copy of these rules can also be obtained by contacting:

Greyhound Racing Victoria
Steward Department
46–50 Chetwynd Street
West Melbourne, Victoria 3003.

ADAM WALLISH
Chief Executive Officer
Greyhound Racing Victoria

Water Act 1989NOTICE OF PROPOSED MODEL BY-LAW AND PREPARATION OF
REGULATORY IMPACT STATEMENT

Waterways Protection By-law

Notice is given, in accordance with section 287Y of the **Water Act 1989**, of the preparation of the:

- proposed Waterways Protection model by-law; and
- regulatory impact statement (RIS) for the proposed Waterways Protection model by-law.

The objectives of the Waterways Protection model by-law are to make provision for:

- the control, management and authorisation of works and activities in, under, on or over designated waterways and designated works;
- the protection and care of designated waterways and designated land or works;
- conservation and preservation of flora, fauna and habitat in designated waterways and designated land or works.

The proposed model by-law provides for a regulatory regime for undertaking works and activities on waterways, including the ability to issue permits with conditions. The RIS discusses possible alternatives to the proposed model by-law including:

- reforming the **Water Act 1989** so that it includes a mechanism for regulation of activities on waterways;
- remaking the by-law effectively unchanged from the previous by-law;
- remaking the by-law with improvements to focus regulation and streamline administration.

The preferred option identified by the RIS is remaking the by-law with improvements to focus regulation and streamline administration. This option will implement key improvements including a clear risk-based approach to assessing application for permits and setting conditions. It will also provide for administrative improvements including the ability to apply for a permit for multiple works or activities and administrative timelines for consideration of applications.

Copies of the RIS and the proposed model by-law may be obtained from Mr Benjamin White, Director River and Wetland Health by phoning 03 9637 9976 (between 9 am and 5 pm weekdays) or at www.depi.vic.gov.au/ris

Public comments and submissions are invited on the RIS and the proposed model by-law.

All submissions will be treated as public documents.

All comments or submissions must be in writing and sent by mail to Diane Cotterell, Sustainable Water Environments, Department of Environment and Primary Industries, PO Box 500, East Melbourne 3002, or via email at diane.l.cotterell@dse.vic.gov.au

Closing date for submissions is 5 pm Saturday 10 August 2013.

Dated 23 June 2013

PETER WALSH MLA
Minister for Water



East Gippsland **Water**

Water Act 1989

NOTIFICATION OF PROPOSED EXTENSION OF SEWERAGE DISTRICTS

Notice is hereby given that the East Gippsland Region Water Corporation, pursuant to section 122P of the **Water Act 1989**, proposes to extend the following sewerage districts:

- Bairnsdale Sewerage District
- Lakes Entrance Sewerage District
- Lindenow Sewerage District
- Metung Sewerage District
- Omeo Sewerage District
- Orbost Sewerage District
- Paynesville Sewerage District.

Full details of the district extension proposals, and copies of plans showing the extent of the districts, are available for inspection free of charge at the Corporation's office, located at 133 Macleod Street, Bairnsdale (during office hours). Plans may also be inspected at our Omeo and Orbost depots by prior arrangement.

Members of the public are invited to make a written submission to East Gippsland Water on the proposal. Any submission should set out the grounds on which it is made and should be addressed to:

Managing Director
East Gippsland Water
PO Box 52
Bairnsdale 3875.

East Gippsland Water must receive any written submission by 4 August 2013. All written submissions received by this date will be considered as part of the decision making process.

BRUCE HAMMOND
Managing Director

Water Act 1989**BULK ENTITLEMENT (LATROBE RESERVE) ORDER 2013**

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

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

This Order may be cited as the Bulk Entitlement (Latrobe Reserve) Order 2013.

2. EMPOWERING PROVISIONS

This Order is made under section 43 of the **Water Act 1989**.

3. COMMENCEMENT

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

4. PURPOSE

The purpose of this Order is to grant a bulk entitlement to Gippsland and Southern Rural Water Corporation to be managed as a reserve to enable entitlement holders in the Latrobe Valley to protect their reliability of supply and provide other benefits. The granting of this Order fulfills Action 6.3 of the Gippsland Region Sustainable Water Strategy 2011.

5. DEFINITIONS

In this Order –

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

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

‘**Blue Rock Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of Blue Rock Reservoir;

‘**capacity share**’ means a water entitlement which is expressed as a percentage share of all or any of the following depending on the context in which the expression is used –

- (a) storage capacity; and
- (b) inflows to the storage; and
- (c) storage and losses; and
- (d) storage release capacity; and
- (e) unregulated flow;

‘**Department**’ means the Department of Environment and Primary Industries;

‘**entitlement holder**’ means a person holding a bulk entitlement, environmental entitlement or licence to water in the Latrobe headworks system;

‘**generation company**’ has the meaning given to it in section 34 of the Act;

‘**headworks storages**’ means the water supply works of Blue Rock Dam, Narracan Dam and Yallourn Weir;

‘**Latrobe headworks system**’ means –

- (a) headworks storages; and
- (b) the system waterway;

‘**internal spill**’ means the redistribution of inflow which occurs where a Blue Rock Entitlement Holder’s share of inflow is in excess of the volume required to fill its share of storage capacity;

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

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

‘**passing flows**’ means the flows referred to in the Bulk Entitlement (Latrobe – Southern Rural) Conversion Order 1996 which the storage manager is obliged to pass at nominated points in the system waterway;

‘regulated release’ means any release from Blue Rock Reservoir or Lake Narracan excluding releases made by the storage manager to -

- (a) provide passing flows; or
- (b) pass floodwaters; or
- (c) pass flows which cannot be stored; or
- (d) secure the safety of the headworks storages under emergency situations;

‘Reserve Holder’ means the Gippsland and Southern Rural Water Corporation;

‘resource manager’ means any person appointed by the Minister under section 43A of the Act to be resource manager for the Latrobe Basin;

‘river regulation costs’ means those costs attributed to the accounting and operating arrangements, established under the Bulk Entitlement (Latrobe – Southern Rural) Conversion Order 1996, to manage the sharing of unregulated flow;

‘Rosedale Gauging Station’ means the stream gauging station, number 226228, located on the main stream of the Latrobe River at Rosedale;

‘storage management costs’ means the total annual costs to –

- (a) operate, maintain and administer the Latrobe headworks system; and
- (b) make releases from the Latrobe headworks system (excluding the river regulation costs); and
- (c) meet the financial charges associated with any new or enhancement works undertaken on the headworks storages; and
- (d) make an appropriate allowance for depreciation of works associated with the Latrobe headworks system, except Lake Narracan and Yallourn Weir, using a depreciation methodology as used by the Gippsland and Southern Rural Water Corporation and approved by the Essential Services Commission; and
- (e) manage the catchment for water supply purposes to protect the quality of water diverted to, and stored in, the Latrobe headworks system;
- (f) manage the stream gauging stations necessary to operate the Latrobe headworks system; and
- (g) implement the program established under the Bulk Entitlement (Latrobe – Southern Rural) Conversion Order 1996, to manage the environmental effects of the Latrobe headworks system;

‘storage manager’ means any person appointed by the Minister under section 122ZK of the Act to be storage manager for the Latrobe headworks system to carry out the functions specified in the Act and in respect of bulk entitlements and environmental entitlements in the waterway;

‘Swing Bridge (sale) Gauging Station’ means the steam gauging station, number 226027, located on the Latrobe River;

‘system waterway’ means the Tanjil River between Blue Rock Reservoir and the Latrobe River, and the Latrobe River downstream of its confluence with the Tanjil River, including the pools formed by, and immediately upstream of, the Blue Rock and Narracan Dams and Yallourn Weir;

‘Thoms Bridge Gauging Station’ means the stream gauging station, number 226005, located on the Latrobe River;

‘unregulated flow’ means any flows in the system waterway which cannot be attributed to a regulated release or a discharge from the works of an industrial company, generation company or water corporation;

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

‘year’ means the 12 months next following 1 July.

PART 2 – ENTITLEMENT**6. GRANTING OF A BULK ENTITLEMENT**

The Reserve Holder is granted an entitlement to a share of flow in the system waterway on the conditions set out in this Order.

7. SHARE OF CAPACITY

7.1 The Reserve Holder is entitled to –

- (a) a 22.73% share of the total storage capacity of Blue Rock Reservoir, where the total storage capacity is 208 188 ML at a full supply level of 140.00 metres AHD; and
- (b) all water stored in its share of the storages specified in this sub-clause less a share of the losses determined by the storage manager in accordance with Schedule 2.

7.2 At the commencement of this Order, the starting volume of water held in the Reserve Holder's share of the storage defined in sub-clause 7.1, is the same proportion of storage capacity as held in the unallocated share of Blue Rock Reservoir immediately prior to the commencement of this Order.

8. SHARE OF FLOW

8.1 The Reserve Holder may –

- (a) after the passing flows requirements have been met, store 22.73% of all the inflow into Blue Rock Reservoir from the catchment up to that amount required to fill its share of storage capacity;
- (b) store a greater proportion of the inflow where part of that inflow is assessed by the storage manager as an internal spill, as specified in Schedule 2;

8.2 The Reserve Holder must not take from the system waterway or store as part of its bulk entitlement any flow –

- (a) which is specified as a passing flow by the storage manager; or
- (b) which is being released or transferred by the holder of any other bulk entitlement or environmental entitlement.

PART 3 – GENERAL CONDITIONS AND PROVISIONS**9. TAKING WATER**

The Reserve Holder may assign the whole or a part of the water allocation available under this Order to entitlement holders in the system waterway in accordance with the reserve supply rules in Schedule 1.

10. SHARE OF BLUE ROCK OUTLET CAPACITY

10.1 Subject to sub-clause 10.2 the capacity of the outlet works of Blue Rock Reservoir is to be shared in proportion to Blue Rock Entitlement Holders' share of the inflow to the reservoir.

10.2 The Reserve Holder may use more than its share of the capacity of the outlet works specified in sub-clause 10.1 –

- (a) with the agreement of the Storage Manager and all other Blue Rock Entitlement Holders; or
- (b) with the agreement of only the Storage Manager when there is no competing demand between Blue Rock Entitlement Holders for the available capacity.

10.3 Where all parties cannot agree under paragraph 10.2(a), the Reserve Holder may refer the matter to an independent expert for determination in accordance with clause 13.

11. OPERATING ARRANGEMENTS

11.1 The Reserve Holder and the storage manager must endeavour to agree on operational arrangements for the supply of water under this entitlement.

- 11.2 If the Reserve Holder and the storage manager have not reached agreement under sub-clause 11.1 within twelve months of the date of this Order either party may give written notice to the other party requiring the matter to be determined in accordance with clause 13.

12. ENTITLEMENT REVIEW

- 12.1 The Reserve Holder must participate in a review of the performance of the reserve established in this bulk entitlement, and its management arrangements, to be conducted by the Department before October 2021.

- 12.2 The review may:

- (a) take into account all data and information that is available at that time, including but not limited to:
 - (i) the levels of consumptive demand in the region;
 - (ii) the need to improve the economic, social and environmental values supported by the system waterway;
 - (iii) the effect of Government policies on future demand for water in the region;
 - (iv) the need to improve the reliability of supply of entitlement holders;
 - (v) the projected long term water availability in the Latrobe headworks system taking account of trends in climate conditions; and
 - (vi) up to date research findings on the impacts of climate change on rainfall, evaporation and stream flows in south east Australia as it affects the Latrobe headworks system;
 - (vii) the success of programs by entitlement holders to reduce consumption and find alternative supplies; and
- (b) report on the findings and recommend any changes to improve the performance of the reserve established in this bulk entitlement and the management arrangements.

13. DISPUTE RESOLUTION

- 13.1 If a difference or dispute arises between the Reserve Holder and the storage manager, or the resource manager, or another Blue Rock Entitlement Holder, about the interpretation or application of this Order, the Reserve Holder may give written notice to another party, or parties, requiring the matter to be determined by the Essential Services Commission or an independent expert.
- 13.2 If a difference or dispute arises between the Reserve Holder and the storage manager, or the resource manager, or another Blue Rock Entitlement Holder, about the interpretation or application of this Order, and the Reserve Holder receives written notice requiring the matter to be determined by the Essential Services Commission or an independent expert, the Reserve Holder must comply with the notice.
- 13.3 A notice under sub-clause 13.1 may only be given once 14 days have passed after the difference or dispute has arisen.
- 13.4 Where a matter is referred to the Essential Services Commission by the parties to a difference or dispute –
- (a) the Essential Services Commission may determine the process and timing to reach a conclusion on the matter;
 - (b) the Essential Services Commission may determine the apportionment of costs to the parties of, and incidental to, every reference; and
 - (c) any determination by the Essential Services Commission is final and binding on the parties.
- 13.5 Where a matter is referred to an independent expert by the parties to a difference or dispute –
- (a) the independent expert is either:

- (i) a person agreed on by the parties; or
 - (ii) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- (b) the independent expert must:
- (i) reach a conclusion on the matter within 30 days after it has been referred, but has the power to extend the period for reaching a conclusion on the matter by a further 30 days;
 - (ii) send a copy of the conclusion and its supporting reasons to the parties.
- (c) the independent expert may determine the apportionment of costs to the parties of, and incidental to, every reference, including the costs of the independent expert; and
- (d) any determination by the independent expert is final and binding on the parties.

PART 4 – MONITORING WATER TAKEN

14. METERING PROGRAM

- 14.1 To demonstrate compliance with this Order, the Reserve Holder must –
- (a) ensure there is adequate metering to determine the amount of water taken under the provisions of this bulk entitlement; and,
 - (b) maintain and implement a metering program approved by the Minister.
- 14.2 Subject to sub-clause 14.3, the Reserve Holder must, at its cost –
- (a) maintain metering equipment and associated measurement structures in good condition; and
 - (b) ensure that metering equipment is periodically re-calibrated; and
 - (c) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (d) keep a record of all work undertaken under paragraphs (a), (b) and (c).
- 14.3 Where data from metering undertaken by another entity can be used to determine the Reserve Holder's compliance with this bulk entitlement, the Reserve Holder must endeavour to agree with that entity concerning the provision of metering and arrangements with regard to –
- (a) who will undertake the tasks in sub-clause 14.2; and
 - (b) how the Reserve Holder will access all relevant data required to demonstrate its compliance with this bulk entitlement.
- 14.4 The Reserve Holder's metering program must have regard to –
- (a) the meter accuracy, maintenance and calibration requirements in sub-clause 14.2;
 - (b) any arrangements made under sub-clause 14.3; and
 - (c) any guidelines issued by the Minister from time to time.
- 14.5 The Minister may at any time require the Reserve Holder to –
- (a) review the program if, in the Minister's opinion, it is no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 14.6 Any application by the Reserve Holder to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.

15. REPORTING REQUIREMENTS

- 15.1 The Reserve Holder may be required to report on all or any of the following matters, as provided in this clause:
- (a) the daily amount of water taken by the Reserve Holder from Blue Rock Reservoir under this entitlement;

- (b) the annual amount of water taken by the Reserve Holder from Blue Rock Reservoir under this entitlement;
 - (c) the amount of water in the Reserve Holder's share of Blue Rock Reservoir under this entitlement;
 - (d) the amount of annual losses debited to the Reserve Holder's share of Blue Rock Reservoir under this entitlement;
 - (e) the annual amount of any internal spill of water from, or to, the Reserve Holder's share of storage in Blue Rock Reservoir under this entitlement;
 - (f) the implementation of a program approved under sub-clause 14.1;
 - (g) any assignment of all, or part of, a water allocation available under this entitlement;
 - (h) any transfer of all, or part of, this bulk entitlement to any person;
 - (i) any amendment to this bulk entitlement;
 - (j) any failure by the Reserve Holder to comply with any provision of this bulk entitlement;
 - (k) any existing or anticipated difficulties experienced by the Reserve Holder in complying with this bulk entitlement and any remedial action taken or proposed by the Reserve Holder.
- 15.2 The Minister may require the Reserve Holder to report on all or any of the matters set out in sub-clause 15.1 –
- (a) in writing or in such electronic form as may be agreed between the Reserve Holder and the Minister; and
 - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 15.3 The Reserve Holder must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 15.1, except paragraph (a) of sub-clause 15.1.
- 15.4 The resource manager may require the Reserve Holder to report from time to time, on all or any of the matters set out in paragraphs (a) to (k) of sub-clause 15.1.
- 15.5 Any report under sub-clause 15.4 must be made –
- (a) in such form as may be agreed between the Reserve Holder and the person to whom the report is made; and
 - (b) unless the Reserve Holder and that person agree otherwise –
 - (i) within 24 hours of the Reserve Holder receiving a request for a report on any matter set out in paragraph (a) of sub-clause 15.1; or
 - (ii) within 14 days of the Reserve Holder receiving a request for a report on any matter set out in paragraphs (b) to (k) of sub-clause 15.1.

16. DATA

The Reserve Holder must make available data collected for the purpose of the metering program and reporting under clauses 14 and 15 to any person, subject to the person paying any fair and reasonable access fee imposed by the Reserve Holder, to cover the costs of making the data available.

PART 5 – FINANCIAL OBLIGATIONS

17. STORAGE MANAGEMENT COSTS

The Reserve Holder is not required to pay the Storage Manager an annual storage management charge for this entitlement.

18. WATER RESOURCE MANAGEMENT COSTS

- 18.1 Subject to sub-clause 19.1, the Reserve Holder must pay the resource manager a proportion of the costs incurred by the resource manager to perform the tasks specified in the relevant instrument of appointment.
- 18.2 The proportion of the costs referred to in sub-clause 18.1 will be as determined under sub-clause 19.3.

19. DUTY TO KEEP ACCOUNTS AND FIX PROPORTIONS

- 19.1 The Reserve Holder is not obliged to make any payment to the Resource Manager under clause 18 unless the person to whom the payment is payable complies with the provisions of this clause relevant to those payments.
- 19.2 Separate accounts of all costs and payments must be kept by the resource manager in respect to clause 18.
- 19.3 In any year, by a date agreed with the Reserve Holder, the resource manager must, provide the Reserve Holder an estimate of a fair and reasonable proportion of the costs referred to in sub-clause 18.1 for the ensuing year.
- 19.4 Accounts required to be kept under this clause must be made available for inspection by the Reserve Holder upon request.

20. DUTY TO MAKE PAYMENTS

Any amount payable by the Reserve Holder under clause 18 –

- (a) is to be based on the actual expenditure for the period specified in paragraph (b) and include any adjustment from a previous period to reflect the actual cost of the work; and
- (b) must be paid monthly in arrears, within 28 days of the Reserve Holder receiving an invoice for amount payable under clause 18,
- unless the Reserve Holder and the resource manager agree otherwise.

Dated 1 July 2013

PETER WALSH
Minister for Water

SCHEDULE 1
RESERVE SUPPLY RULES

Principles for use of the reserve

1. The primary purpose of the reserve is to protect the reliability of supply and reduce the risk of water shortages for entitlement holders.
2. The reserve will be managed to ensure the water is available for purchase by entitlement holders during periods of water scarcity.
3. If there is competing demand for water from the reserve, water will be made available through a competitive process, offered at the reserve price.
4. The reserve price should promote the efficient use of scarce resources and be set with regard to the value of water during scarcity, but also must recognise that entitlement holders have already been contributing to the storage management costs associated with the reserve.
5. The Blue Rock Entitlement Holders:
 - (a) are to pay costs associated with holding the reserve through their contribution to the storage management costs, taking into account the revenue received by the Reserve Holder through the sale of water allocation under the reserve; and
 - (b) will receive the internal spills from the reserve.
6. After the Reserve Holder's costs associated with the sale of reserve allocation have been met, the sale proceeds must be used to reduce entitlement holders' contributions to the storage management costs associated with the reserve in the current and future years. The Reserve Holder must ensure the proceeds are used to reduce each entitlement holder's contribution to the storage management costs associated with the reserve in proportion to that entitlement holder's shares of Blue Rock Reservoir.
7. The reserve may also be used:
 - (a) to offset harvesting losses incurred by entitlement holders under the operating rules to maintain Lake Narracan levels for recreation; and
 - (b) to cover the storage management costs associated with the reserve by making small volumes available for purchase each year; and
 - (c) for any other purpose;provided the use of the reserve for the primary purpose stated in paragraph 1 would not be significantly compromised by that use.

General conditions

8. The Reserve Holder may only assign water allocation to entitlement holders:
 - (a) to improve entitlement holders' reliability of supply if there is a water shortage or risk of water shortage;
 - (b) to replace water lost by an entitlement holder in Lake Narracan under the operating rules to maintain Lake Narracan levels for recreation;
 - (c) to cover the storage management costs associated with the reserve by making small volumes available for purchase each year; or
 - (d) for any other purpose that is consistent with the principles set out in this Schedule; subject to the provisions of part 4 of the Act and this Schedule.
9. Except where stated otherwise, the Reserve Holder must assign water allocation under this entitlement using a method which ensures the value of the water in time of scarcity is realised.
10. The Reserve Holder must consult with Blue Rock Entitlement Holders before making a decision on matters to do with management of the reserve. The level of consultation must be sufficient to allow:

- (a) Blue Rock Entitlement Holders to express their views on managing the reserve and have their views considered by the Reserve Holder before decisions affecting management of the reserve are made; and
- (b) the Reserve Holder to explain the reasons for its decisions.

The Reserve Holder is not required to consult if this would affect the probity of a competitive sale process.

Making water allocations

11. The Reserve Holder must determine the water available to be taken under this entitlement on 1 July of each year, and thereafter each month, using the method outlined in Table 1 of this Schedule.

Table 1 Method for determining the water available

Allocation water in month i	=	measured total volume in the Reserve Holder's share of storage at the start of month i (as advised by the storage manager)
	–	estimate of the Reserve Holder's share of dead storage (as advised by the storage manager)
	–	the volume of allocation assigned to one or more entitlement holders where the transaction is not completed
	+	an estimate of the volume of harvestable inflows and pick-up from start of month i to 30 June next (as advised by the storage manager)
	–	the volume determined by the Reserve Holder to be set aside for future contingencies
	–	the estimated headworks losses from the start of month i to 30 June next (as advised by the storage manager)

12. When determining the volume to be set aside for future contingencies in Table 1, the Reserve Holder, in consultation with entitlement holders and the Department, must:
- (a) assess the risk to all entitlement holders of water shortages in the current and following years;
 - (b) consider the risks and benefits to all entitlement holders in determining the allocation available for assignment and the consequential impacts on reliabilities of supply; and
 - (c) take into consideration other sources of water available to entitlement holders.
13. The Reserve Holder must:
- (a) inform entitlement holders of the allocation determined under paragraph 11; and
 - (b) make available to entitlement holders the method and assumptions and any other information used to determine the allocation.

Assigning water allocation when there is a water shortage

14. The Reserve Holder must offer the water allocation for sale to entitlement holders when the Reserve Holder, in consultation with entitlement holders, determines there is a high risk of a water shortage occurring within the next six months.

There is a high risk of a water shortage when a forecast of the behaviour of the Latrobe headworks and Moondarra Reservoir over the next six months predicts that one or more entitlement holders will experience a shortfall in supply.

Such a forecast should assume:

- (a) a dry inflow scenario based on historically recorded low flows taking account of antecedent rainfall and catchment wetness; and
 - (b) projected demand for water based on forecast levels and patterns of use.
15. The Reserve Holder must respond to the risk identified in paragraph 14 by assigning the water allocation using an open competitive sale process which includes:
- (a) before the sale:
 - (i) notifying all entitlement holders;
 - (ii) preparing information on the terms and conditions of the sale; and
 - (iii) making this information available to the participants;
 - (b) conducting a market exchange process with a minimum reserve price; and
 - (c) conducting the sale using a method which ensures all entitlement holders likely to be affected by the water shortage have an opportunity to participate in the sale.
16. The Reserve Holder must use its best endeavours to complete the sale process in paragraph 15 within a timeframe which reflects each entitlement holder's exposure to risk of water shortage.
17. The Reserve Holder must ensure the terms and conditions of the sale referred to in paragraph 14(a) of this Schedule include:
- (a) a minimum reserve price based on:
 - (i) the higher of the most recent market price and the weighted average historical reserve price paid to access the reserve; or
 - (ii) another method determined by the Reserve Holder if it considers the reserve price calculated by the method in paragraph (i) is not appropriate given the circumstances at that time;
 - (b) the attributes of water allocation purchased, including:
 - (i) water allocation purchased by holders of bulk entitlements or environmental entitlements is to be assigned to their respective shares of Blue Rock Lake storage capacity under their respective entitlements;
 - (ii) water allocation purchased by a holder of a licence that is also a generation company is to be assigned to the Reserve Holder's bulk entitlement associated with the licence;
 - (iii) the storage manager must add any water allocation assigned to an entitlement holder under paragraphs (i) and (ii) to the entitlement holder's share of storage capacity in Blue Rock Lake where it is subject to the internal spill rules applying to Blue Rock Lake shares of storage.
 - (iv) except in the case of a licence held by a generation company, water allocation purchased by a licence holder is to be assigned to the Reserve Holder's Bulk Entitlement (Latrobe – Southern Rural) Conversion Order 1996 and made available to the licence holder under the terms and conditions set by the Reserve Holder.

Assigning water allocation to replace water lost under Lake Narracan operating rules

18. The storage manager must notify the Reserve Holder and the entitlement holder of the volume the entitlement holder has lost from Lake Narracan under its entitlement as a result of the storage manager applying the operating rules to improve recreational opportunities in Lake Narracan.
19. The Lake Narracan operating rules are outlined in Action 6.4 of the Gippsland Region Sustainable Water Strategy, November 2011, and specified in the Latrobe system storage management rules.

20. The Reserve Holder must assign to the entitlement holder an equivalent volume of water allocation to offset the entitlement holder's loss at no cost to the entitlement holder.
21. The amount and location of the water allocation to be assigned under paragraph 20 must be determined by the storage manager, taking account of any transmission losses that would be incurred in conveying the water between Blue Rock Lake and Lake Narracan.
22. The Reserve Holder must notify all entitlement holders of the details of the assignment when it is completed.

Assigning water allocation to cover storage management costs associated with the reserve

23. The Reserve Holder may assign small volumes of allocation for the purpose of covering all or part of the storage management costs associated with this entitlement.
24. The Reserve Holder may only assign water allocation under paragraph 23 if it determines, after consultation with entitlement holders in accordance with paragraph 10, there is a low risk of water shortage and the assignment will not risk achieving the primary purpose of the reserve.
25. When assigning water allocation under paragraph 22, the Reserve Holder must use an open competitive sale process that is consistent with the reserve principles, including a reserve price set in accordance with paragraphs 15(b) and 17(a).

Assigning water allocation for any other purpose

26. The Reserve Holder may assign water allocation for any purpose if the assignment is consistent with the principles and conditions set out in this Order.
27. Without prejudicing any other purpose the Reserve Holder might consider appropriate, an example of an appropriate purpose is to make a small portion available for sale each year to cover the storage management costs.
28. The Reserve Holder must consult with entitlement holders before assigning water allocation under paragraph 26.

SCHEDULE 2
EVAPORATION LOSSES AND INTERNAL SPILLS

1. **Evaporation Losses**

Evaporation losses from Blue Rock Reservoir are calculated using the formula

$$e = A \times E \times 0.01 \times (s1/s)$$

where e – evaporation loss in ML

s – volume of water in Blue Rock Reservoir

A – surface area in hectares corresponding to s

E – pan evaporation in mm

s1 – volume of water in the Reserve Holder's share of Blue Rock Reservoir

2. **Internal Spills**

The amount of internal spill cannot exceed a volume equal to the amount by which the volume held in the other Blue Rock Entitlement Holders' shares of storage are below their full shares. Any internal spill is to be redistributed to those Blue Rock Entitlement Holders whose shares of storage capacity are not full, in the same proportion as their share of inflow to the storage.

3. **Storage Accounts**

The storage accounts maintained by the storage manager will be adjusted for –

- (i) the share of inflow apportioned to the Reserve Holder;
 - (ii) any internal spill;
 - (iii) any releases directed by the Reserve Holder to meet its water supply requirements including any allowances for in-transit losses; and
 - (iv) any allowance for the Reserve Holder's share of rainfall falling directly on the storage and evaporation losses or seepage losses from storage.
-

Water Act 1989

BLUE ROCK ENVIRONMENTAL ENTITLEMENT 2013

I, Peter Walsh, under the provisions of the **Water Act 1989**, make the following Instrument –

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

This Instrument may be cited as the Blue Rock Environmental Entitlement 2013.

2. EMPOWERING PROVISIONS

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

3. COMMENCEMENT

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

4. PURPOSE

The purpose of this Instrument is to establish an environmental entitlement to a share of the storage capacity of, and inflows to, Blue Rock Reservoir in the Latrobe River system. The making of this Instrument fulfils Action 6.15 of the Gippsland Region Sustainable Water Strategy 2011.

5. DEFINITIONS

In this Instrument –

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

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

‘**Blue Rock Entitlement Holder**’ means a person holding a bulk entitlement or environmental entitlement in respect of Blue Rock Reservoir;

‘**capacity share**’ means a water entitlement which is expressed as a percentage share of all or any of the following depending on the context in which the expression is used –

- (a) storage capacity; and
- (b) inflows to the storage; and
- (c) storage and losses; and
- (d) storage release capacity.

‘**headworks storage**’ means the water supply works of Blue Rock Dam;

‘**Latrobe headworks system**’ means –

- (a) headworks storage; and
- (b) the system waterway;

‘**internal spill**’ means the redistribution of inflow which occurs where a Blue Rock Entitlement Holder’s share of inflow is in excess of the volume required to fill its share of storage capacity;

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

‘**passing flows**’ means the flows referred to in the Bulk Entitlement (Latrobe – Southern Rural) Conversion Order 1996 which the storage manager is obliged to pass at nominated points in the system waterway;

‘**regulated release**’ means any release from Blue Rock Reservoir excluding releases made by the storage manager to –

- (a) provide passing flows; or
- (b) pass floodwaters; or
- (c) pass flows which cannot be stored; or
- (d) secure the safety of the headworks storages under emergency situations;

‘reserve’ means Bulk Entitlement (Latrobe Reserve) Order 2013;

‘resource manager’ means any person appointed by the Minister under section 43A of the Act to be resource manager for the Latrobe Basin;

‘river regulation costs’ means those costs attributed to the accounting and operating arrangements, established under the Bulk Entitlement (Latrobe – Southern Rural) Conversion Instrument 1996, to manage the sharing of unregulated flow;

‘storage management costs’ means the total annual cost to –

- (a) operate, maintain and administer the Latrobe headworks system; and
- (b) make releases from the Latrobe headworks system (excluding the river regulation costs); and
- (c) undertake any new or enhancement works on Lake Narracan and Yallourn Weir; and
- (d) meet the financial and regulatory depreciation charges on expenditure on any new or enhancement works associated with the Latrobe Headworks System, except Lake Narracan and Yallourn Weir, using the calculation methodology adopted by Gippsland and Southern Rural Water Corporation and approved by the Essential Services Commission; and
- (e) manage the catchment for water supply purposes to protect the quality of water diverted to, and stored in, the Latrobe headworks system; and
- (f) manage the stream gauging stations necessary to operate the Latrobe headworks system; and
- (g) implement the program established under the Bulk Entitlement (Latrobe – Southern Rural) Conversion Instrument 1996, to manage the environmental effects of the Latrobe headworks system;

‘storage manager’ means any person appointed by the Minister under section 122ZK of the Act to be storage manager for the Latrobe headworks system to carry out the functions specified in the Act and in respect of bulk entitlements and environmental entitlements in the waterway;

‘system waterway’ means the Tanjil River between Blue Rock Reservoir and the Latrobe River, and the Latrobe River downstream of its confluence with the Tanjil River, including the pools formed by, and immediately upstream of, the Blue Rock and Narracan Dams and Yallourn Weir;

‘unregulated flow’ means any flows in the system waterway which cannot be attributed to a regulated release or discharge from the works of an industrial company, generation company or water corporation;

‘Water Holder’ has the same meaning as provided for under section 3(1) of the Act;

‘year’ means the 12 months next following 1 July.

PART 2 – ENTITLEMENT

6. ALLOCATION OF AN ENVIRONMENTAL ENTITLEMENT

The Water Holder’s entitlement to water from Blue Rock Reservoir is allocated on the conditions set out in this Instrument.

7. SHARE OF CAPACITY

7.1 The Water Holder is entitled to –

- (a) a 9.0% share of the total storage capacity of Blue Rock Reservoir, where the total storage capacity is 208 188 ML at a full supply level of 140.00 metres AHD; and
- (b) all water stored in its share of the storage specified in this sub-clause, less a share of losses as calculated by the storage manager in accordance with Schedule 1.

7.2 At the commencement of this Instrument, the starting volume of water held in the Water Holder's share of the storage defined in sub-clause 7.1, is the same proportion of storage capacity as held in the unallocated share of Blue Rock Reservoir immediately prior to the commencement of this Instrument.

8. SHARE OF FLOW

8.1 The Water Holder may –

- (a) after the passing flow requirements have been met, store 9.0% of all the inflow into Blue Rock Reservoir from the catchment up to that amount required to fill its share of storage capacity;
- (b) store a greater proportion of the inflow where part of the inflow is assessed by the storage manager as an internal spill, as specified in Schedule 1;

8.2 The Water Holder must not store as part of its entitlement in Blue Rock Reservoir under this Instrument –

- (a) any flow into the storage –
 - (i) which is specified as a passing flow by the storage manager; or
 - (ii) which is being released or transferred by the holder of any other bulk entitlement or environmental entitlement.

8.3 The Water Holder may take from the System Waterway a 50% share of the flow discharged from the works of an industrial company, generation company or water corporation at the rates and locations determined by the Storage Manager.

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. SHARE OF OUTLET CAPACITY

9.1 Subject to sub-clause 9.2, the capacity of the outlet works of Blue Rock Reservoir is to be shared in proportion to Blue Rock Entitlement Holders' share of the inflow to the reservoir.

9.2 The Water Holder may use more than its share of the capacity of the outlet works specified under sub-clause 9.1 –

- (a) with the agreement of the Storage Manager and all other Blue Rock Entitlement Holders; or
- (b) with the agreement of only the Storage Manager when there is no competing demand between Blue Rock Entitlement Holders for the available capacity.

9.3 Where all parties cannot agree under paragraph 9.2(a), the Water Holder may refer the matter to an independent for determination in accordance with clause 11.5.

10. OPERATING ARRANGEMENTS

10.1 The Water Holder and the storage manager must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Water Holder and the storage manager have not reached agreement under sub-clause 10.1 within twelve months of the date of this Instrument either party may give written notice to the other party requiring the matter to be determined in accordance with clause 11.

11. DISPUTE RESOLUTION

11.1 If a difference or dispute arises between the Water Holder and the storage manager, or the resource manager, or another Blue Rock Entitlement Holder, about the interpretation or application of this Instrument, the Water Holder may give written notice to another party, or parties, requiring the matter to be determined by the Essential Services Commission or an independent expert.

11.2 If a difference or dispute arises between the Water Holder and the storage manager, or the resource manager, or another Blue Rock Entitlement Holder, about the interpretation or application of this Instrument, and the Water Holder receives written notice requiring the matter to be determined by the Essential Services Commission or an independent expert, the Water Holder must comply with the notice.

- 11.3 A notice under sub-clause 11.1 may only be given once 14 days have passed after the difference or dispute has arisen.
- 11.4 Where a matter is referred to the Essential Services Commission by the parties to a difference or dispute –
- (a) the Essential Services Commission may determine the process and timing to reach a conclusion on the matter;
 - (b) the Essential Services Commission may determine the apportionment of costs to the parties of, and incidental to, every reference; and
 - (c) any determination by the Essential Services Commission is final and binding on the parties.
- 11.5 Where a matter is referred to an independent expert by the parties to a difference or dispute –
- (a) the independent expert is either:
 - (i) a person agreed on by the parties; or
 - (ii) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
 - (b) the independent expert must:
 - (i) reach a conclusion on the matter within 30 days after it has been referred, but has the power to extend the period for reaching a conclusion on the matter by a further 30 days;
 - (ii) send a copy of the conclusion and its supporting reasons to the parties.
 - (c) the independent expert may determine the apportionment of costs to the parties of, and incidental to, every reference, including the costs of the independent expert; and
 - (d) any determination by the independent expert is final and binding on the parties.

PART 4 – DEMONSTRATING COMPLIANCE

12. METERING PROGRAM

- 12.1 To demonstrate compliance with this Instrument, the Entitlement Holder must –
- (a) ensure there is adequate metering to determine the amount of water taken under the provisions of this environmental entitlement; and
 - (b) maintain and implement a metering program approved by the Minister.
- 12.2 Subject to sub-clause 12.3, the Entitlement Holder must, at its cost –
- (a) maintain metering equipment and associated measurement structures in good condition;
 - (b) ensure that metering equipment is periodically re-calibrated;
 - (c) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (d) keep a record of all work undertaken under paragraphs (a), (b) and (c).
- 12.3 Where data from metering undertaken by another entity can be used to determine the Entitlement Holder's compliance with this entitlement, the Entitlement Holder must endeavour to agree with that entity concerning the provision of metering and arrangements with regard to –
- (a) who will undertake the tasks in sub-clause 12.2; and
 - (b) how the Entitlement Holder will access all relevant data required to demonstrate its compliance with this environmental entitlement.
- 12.4 The Entitlement Holder's metering program must have regard to –
- (a) the meter accuracy, maintenance and calibration requirements in sub-clause 12.2;
 - (b) any arrangements made under sub-clause 12.3; and
 - (c) any guidelines issued by the Minister from time to time.

- 12.5 The Minister may at any time require the Entitlement Holder to –
- (a) review the program if, in the Minister’s opinion, it is no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 12.6 Any application by the Entitlement Holder to the Minister for amending this entitlement must address any implications of the proposed amendment for the approved metering program.

13. REPORTING REQUIREMENTS

- 13.1 The Minister may require the Water Holder to report on all or any of the following –
- (a) daily and annual amounts of water taken under this environmental entitlement;
 - (b) the amount of water stored in the Water Holders’ share of the total storage capacity of Blue Rock Reservoir;
 - (c) any transfer of all or part of this entitlement, or assignment of all or part of a water allocation available under this entitlement;
 - (d) any transfer of all or part of a bulk entitlement, or assignment of all or part of a water allocation available under a bulk entitlement, to the Water Holder;
 - (e) any licence in respect of the system waterway temporarily or permanently transferred to the Water Holder;
 - (f) any amendment to this environmental entitlement;
 - (g) compliance with this environmental entitlement;
 - (h) any failures by the Water Holder to comply with provisions of this environmental entitlement; and
 - (i) any difficulties experienced or anticipated by the Water Holder in complying with this environmental entitlement and any remedial action taken or proposed.
- 13.2 The Minister may require the Water Holder to report on all or any of the matters set out in sub-clause 13.1 –
- (a) in writing or in such electronic form as may be agreed between the Water Holder and the Minister; and
 - (b) within 14 days of receiving the Minister’s written request, or such longer period of time as the Minister may determine.
- 13.3 The Water Holder must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except –
- (a) paragraph 13.1(a); and
 - (b) with the approval of the Minister, any particular failure referred to in paragraph 13.1(h).

14. DATA

- 14.1 The Water Holder must make available to any person, data collected by or on behalf of the Water Holder for the purpose of metering, monitoring and reporting under clauses 12 and 13, subject to the person paying any fair and reasonable access fee imposed by the Water Holder to cover the costs of making the data available to that person.

PART 5 – COST SHARING ARRANGEMENTS

15. WATER RESOURCE MANAGEMENT COSTS

- 15.1 Subject to sub-clause 17.1, the Water Holder must pay the resource manager a proportion of the costs incurred by the resource manager to perform the tasks specified in the relevant instrument of appointment.
- 15.2 The proportion of the costs referred to in sub-clause 15.1 will be as determined under sub-clause 17.5.

- 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 Water Holder to the resource manager are to be proposed by the Resource Manager and approved by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

16. STORAGE MANAGEMENT COSTS

- 16.1 Subject to sub-clause 17.1 the Water Holder must pay the storage manager an annual storage management charge which will be determined according to sub-clause 16.2.
- 16.2 The amount the Water Holder must pay under sub-clause 15.1 is to be calculated by the storage manager as a percentage of the annual storage management charge for Blue Rock Reservoir as follows –

$$C_s = \$ [0.09 \times S_{BR} \times (1+m) \times (1+F)]$$

where –

C_s = the annual storage management charge;

S_{BR} = the storage management costs associated with Blue Rock Reservoir for the year for which charges are prepared;

m = a business margin set at no more than 10%. Any variation to the margin is to be mutually agreed between the Storage Manager and the Entitlement Holder;

F = a factor representing the Water Holder's contribution to the cost of the reserve and adjusted to reduce the Water Holder's contribution if there has been a sale of water from the reserve.

and is subject to approval by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

- 16.3 The annual storage management charge must be paid by the Water Holder each year, whether or not water has been taken from the storages by the Water Holder in that year.

17. DUTY TO KEEP ACCOUNTS AND FIX PROPORTIONS

- 17.1 The Water Holder is not obliged to make any payment to –
- (a) the resource manager under clause 15; or
 - (b) the storage manager under clause 16;
- unless the person to whom the payment is payable complies with the provisions of this clause relevant to those payments.
- 17.2 Separate accounts of all costs and payments must be kept –
- (a) by the resource manager in respect to clause 15; and
 - (b) the storage manager in respect to clause 16.
- 17.3 The storage manager must consult with the Water Holder on any proposal to undertake new or enhancement works on the headworks storage, providing reasonable detail and the need for the works, prior to undertaking those works.
- 17.4 The Water Holder may object to any proposal referred to in sub-clause 17.3 and may give written notice to the other party requiring the matter to be determined in accordance with clause 11.
- 17.5 In any year, the resource manager must provide the Water Holder an estimate of a fair and reasonable proportion of the costs referred to in sub-clause 15.1 for the ensuing year, by a date agreed with the Water Holder.
- 17.6 In any year, the storage manager must provide the Water Holder with an estimate of the annual storage management charge referred to in sub-clause 16.1 for the ensuing year, by a date agreed with the Water Holder.
- 17.7 Accounts required to be kept under this clause must be made available for inspection by the Water Holder upon request.

18. DUTY TO MAKE PAYMENTS

Any amount payable by the Water Holder under clauses 15 and 16 –

- (a) is to be based on the actual expenditure for the period specified in paragraph 18(b) and include any adjustment from a previous period to reflect the actual cost of the work; and
- (b) must be paid monthly in arrears, within 28 days of the Water Holder receiving an invoice for amounts payable,

unless the Water Holder and the person to whom the amount is payable agree otherwise.

Dated 1 July 2013

PETER WALSH
Minister for Water

SCHEDULE 1**Evaporation Losses and Internal Spills****1. Evaporation Losses**

Evaporation losses from Blue Rock Reservoir are calculated using the formula

$$e = A \times E \times 0.01 \times (s1/s)$$

where e – evaporation loss in ML

s – volume of water in ML in Blue Rock Reservoir

A – surface area in hectares corresponding to s

E – pan evaporation in mm

s1 – volume of water in ML in the Water Holder's share of Blue Rock Reservoir

2. Internal Spills

The amount of internal spill cannot exceed a volume equal to the amount by which the volume held in the other Blue Rock Entitlement Holders' shares of storage capacity are below their full shares. Any internal spill is to be redistributed to those Blue Rock Entitlement Holders whose shares of storage capacity are not full, in the same proportion as their share of the inflow to the reservoir.

3. Storage Accounts

The storage accounts maintained by the storage manager will be adjusted for –

- (i) the share of inflow apportioned to the Water Holder;
 - (ii) any internal spill;
 - (iii) any release directed by the Water Holder to meet its water supply requirements including any allowance for in-transit losses; and
 - (iv) any allowance for the Water Holder's share of rainfall falling directly on the storage and evaporation losses or seepage losses from the storage.
-

Water Act 1989
LOWER LATROBE WETLANDS ENVIRONMENTAL ENTITLEMENT
AMENDMENT 2013

The Minister, under the provisions of the **Water Act 1989**, makes the following Instrument –

- 1. Citation**
This Instrument is called the Lower Latrobe Wetlands Environmental Entitlement Amendment 2013.
- 2. Preliminary**
The Latrobe River Environmental Entitlement 2010 was allocated by the Minister on 24 October 2010 and published in the Government Gazette on 4 November 2010. The entitlement has been previously amended on one occasion, by notice in the Government Gazette on 29 June 2011.
- 3. Purpose**
The purpose of this Instrument is to amend the citation of the Latrobe River Environmental Entitlement 2010 to avoid confusion with an environmental entitlement for the Latrobe River allocated to implement Action 6.15 of the Gippsland Region Sustainable Water Strategy 2011.
- 4. Empowering Provisions**
This Instrument is made in accordance with section 48K of the **Water Act 1989**. The Minister makes this Instrument on the application of the Victorian Environmental Water Holder.
- 5. Commencement**
This Instrument comes into operation on the day it is published in the Government Gazette.
- 6. Amendment of Citation**
The citation of the Instrument ‘Latrobe River Environmental Entitlement 2010’ is amended to ‘Lower Latrobe Wetlands Environmental Entitlement 2010’.

Dated 1 July 2013

PETER WALSH
Minister for Water

Water Act 1989
BULK ENTITLEMENT (LATROBE – SOUTHERN RURAL)
AMENDMENT ORDER 2013

I, Peter Walsh, Minister for Water, under the provisions of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Latrobe – Southern Rural) Amendment Order 2013.

2. Preliminary

The Bulk Entitlement (Latrobe – Southern Rural) Conversion Order 1996 (the Bulk Entitlement Order) was made by the Minister on 25 March 1996 and published in the Government Gazette on 28 March 1996. The Bulk Entitlement Order has been previously amended by the Minister on one occasion, by notice on 26 March 2010.

3. Purpose

The purpose of this Order is to make amendments to the Bulk Entitlement Order that are necessary to implement Action 6.3 and Action 6.11 of the Gippsland Region Sustainable Water Strategy.

4. Authorising provisions

This Order is made in accordance with section 44 of the **Water Act 1989**. The Minister makes this Order on the application of the Gippsland and Southern Rural Water Corporation.

5. Commencement

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

6. Substitution of terms

6.1 Excluding within the term ‘West Gippsland Catchment Management Authority’, where the term ‘Authority’ occurs in the Bulk Entitlement Order, substitute ‘Entitlement Holder’.

6.2 Where the term ‘Headworks System’ occurs in the Bulk Entitlement Order, substitute ‘Latrobe Headworks System’.

6.3 Where the term ‘source costs’ occurs in the Bulk Entitlement Order, substitute ‘storage management costs’.

6.4 Where the term ‘source charge’ occurs in the Bulk Entitlement Order, substitute ‘storage management charge’.

6.5 Where the term ‘Storage Operator’ occurs in the Bulk Entitlement Order, substitute ‘Storage Manager’.

7. Changes to definitions under Clause 4

7.1 Before the definition of ‘capacity share’ in the Bulk Entitlement Order, **insert** –
‘ **Blue Rock Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of Blue Rock Reservoir;’

7.2 In the definition of ‘capacity share’ in the Bulk Entitlement Order, **revoke** –

(a) the words ‘and transmission’ in paragraph (c); and

(b) paragraph (f).

7.3 After the definition of ‘capacity share’ in the Bulk Entitlement Order, **insert** –

‘ **Department**’ means the Department of Environment and Primary Industries;’

7.4 For the definition of ‘entitlement holder’ in the Bulk Entitlement Order, **substitute** –

‘ **Entitlement Holder**’ means the Gippsland and Southern Rural Water Corporation;’

- 7.5 For the definition of ‘internal spill’ in the Bulk Entitlement Order, **substitute** –
‘**internal spill**’ means the redistribution of inflow which occurs where a Blue Rock Entitlement Holder’s share of inflow is in excess of the volume required to fill its share of storage capacity;’
- 7.6 After the definition of ‘internal spill’ in the Bulk Entitlement Order, **insert** –
‘**Latrobe Headworks Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of the Headworks Storages;’
- 7.7 After the definition of ‘Licence’ in the Bulk Entitlement Order, **insert** –
‘**Minister**’ means the Minister administering the Act;’
- 7.8 After the definition of ‘regulated releases’ in the Bulk Entitlement Order, **insert** –
‘**reserve**’ means Bulk Entitlement (Latrobe Reserve) Order 2013;’
- 7.9 For the definition of ‘Resource Manager’ in the Bulk Entitlement Order, **substitute** –
‘**Resource Manager**’ means any person appointed by the Minister as resource manager for the Latrobe Basin under section 43A of the Act;’
- 7.10 For paragraphs (c) and (d) of the definition of ‘source costs’ in the Bulk Entitlement Order, **substitute** –
(c) undertake any new or enhancement works on Lake Narracan and Yallourn Weir; and
(d) meet the financial and regulatory depreciation charges on expenditure on any new or enhancement works associated with the Latrobe Headworks System, except Lake Narracan and Yallourn Weir, using the calculation methodology adopted by Gippsland and Southern Rural Water Corporation and approved by the Essential Service Commission; and ’
- 7.11 In paragraph (g) of the definition of ‘source costs’ in the Bulk Entitlement Order, substitute the reference ‘Bulk Entitlement (Latrobe – Southern Rural) Conversion Order 1995’ with ‘Bulk Entitlement (Latrobe – Southern Rural) Conversion Order 1996’.
- 7.12 For the definition of ‘Storage Operator’ in the Bulk Entitlement Order, **substitute** –
‘**Storage Manager**’ means any person appointed by the Minister under section 122ZK of the Act to be Storage Manager for the Headworks System to carry out the functions specified in the Act and in respect of bulk entitlements and environmental entitlements in the waterway;’
- 7.13 In the definition of ‘unregulated flow’ in the Bulk Entitlement Order, replace the words ‘industrial company or other Authority’ with ‘industrial company, generation company or water corporation’.
- 7.14 The definitions of ‘Authority’, ‘Latrobe Basin Water Accounts’ and ‘other Authority’ in the Bulk Entitlement Order are revoked.
- 8. Amendment to Clause 6**
Sub-clause 6.2 of the Bulk Entitlement Order is revoked.
- 9. Removal of Clause 8**
Clause 8 of the Bulk Entitlement Order is revoked.
- 10. Amendments to Clause 9**
- 10.1 In paragraph 9(a) of the Bulk Entitlement Order, for the volume ‘208,200 ML’ **substitute** ‘208,188 ML’.
- 10.2 Sub-clause 9(b) of the Bulk Entitlement Order is revoked.
- 11. Amendments to Clause 10**
- 11.1 For paragraph 10.2(a), insert the word ‘measured’ before the words ‘at the point immediately downstream of Lake Narracan’.

- 11.2 For sub-paragraphs 10.2(b)(i) and (ii) of the Bulk Entitlement Order, **substitute** –
- (i) not being used by any other bulk entitlement or environmental entitlement holder holding an entitlement to that additional flow; and
 - (ii) being shared with other bulk entitlement or environmental entitlement holders holding a share of unregulated flow at this point in proportion to each of the holders' shares of unregulated flow;'
- 11.3 After sub-paragraph 10.2(b)(ii) in the Bulk Entitlement Order, **insert** –
- '10.2A The Entitlement Holder may take from the System Waterway a 50% share of the flow discharged from the works of an industrial company, generation company or water corporation at the rates and locations determined by the Storage Manager.'
- 11.4 For sub-clause 10.3 of the Bulk Entitlement Order, **substitute** –
- '10.3 The Entitlement Holder must not take from the system waterway or store as part of its bulk entitlement any flow –
- (a) which is specified as a passing flow by the Storage Manager; or
 - (b) which is being released or transferred by the holder of any other bulk entitlement or environmental entitlement.'
- 12. Amendments to Clause 11**
- 12.1 In paragraph 11.1(c) of the Bulk Entitlement Order revoke the words 'to provide, to its best endeavours in the period until 1 July 1999, after which time it must provide,'.
- 12.2 In sub-clause 11.3 of the Bulk Entitlement Order –
- (a) for the term 'other entitlement holders' substitute 'other Latrobe Headworks Entitlement Holders'; and
 - (b) for the term 'Department of Conservation and Natural Resources' substitute 'Department'.
- 13. Amendments to Clause 12**
- 13.1 For the term 'reserve entitlement holders' in sub-clause 12.2 of the Bulk Entitlement Order, substitute 'Blue Rock Entitlement Holders'.
- 13.2 For sub-clause 12.3 of the Bulk Entitlement Order, **substitute** –
- '12.3 The Entitlement Holder may use more than its share of the capacity of the outlet works specified in sub-clause 12.2 –
- (a) with the agreement of the Storage Manager and all other Blue Rock Entitlement Holders; or
 - (b) with the agreement of only the Storage Manager when there is no competing demand between Blue Rock Entitlement Holders for the available capacity.'
- 13.3 For sub-clause 12.4 of the Bulk Entitlement Order, **substitute** –
- '12.4 Where all parties cannot agree under paragraph 12.3(a), the Entitlement Holder may refer the matter to an independent expert for determination in accordance with clause 11.'
- 14. Amendments to Clause 13**
- 14.1 For the term 'other Authority holding a bulk entitlement' in paragraph 13.1(a) of the Bulk Entitlement Order, substitute 'other holder of a bulk entitlement'.
- 14.2 For the words 'other Authorities' in sub-clause 13.4 and paragraph 13.5(b) of the Bulk Entitlement Order, substitute 'other Latrobe Headworks Entitlement Holders'.
- 15. Substitution of Clause 15**
- For Clause 15 of the Bulk Entitlement Order, **substitute** –

15. METERING PROGRAM

- 15.1 To demonstrate compliance with this Order, the Entitlement Holder must –
- (a) ensure there is adequate metering to determine;
 - (i) the amount of water taken under the provisions of this bulk entitlement; and
 - (ii) the flow into each any of the storages; and
 - (iii) the passing flows;
 - (b) maintain and implement a metering program approved by the Minister.
- 15.2 Subject to sub-clause 15.3, the Entitlement Holder must, at its cost –
- (a) maintain metering equipment and associated measurement structures in good condition; and
 - (b) ensure that metering equipment is periodically re-calibrated; and
 - (c) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (d) keep a record of all work undertaken under paragraphs (a), (b) and (c).
- 15.3 Where data from metering undertaken by another entity can be used to determine the Entitlement Holder's compliance with this bulk entitlement, the Entitlement Holder must endeavour to agree with that entity concerning the provision of metering and arrangements with regard to –
- (a) who will undertake the tasks in sub-clause 15.2; and,
 - (b) how the Entitlement Holder will access all relevant data required to demonstrate its compliance with this bulk entitlement.
- 15.4 The Entitlement Holder's metering program must have regard to –
- (a) the meter accuracy, maintenance and calibration requirements in sub-clause 15.2;
 - (b) any arrangements made under sub-clause 15.3; and
 - (c) any guidelines issued by the Minister from time to time.
- 15.5 The Minister may at any time require the Entitlement Holder to –
- (a) review the program if, in the Minister's opinion, it is no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 15.6 Any application by the Entitlement Holder to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.'

16. Amendments to Clause 16

- 16.1 For the reference to sub clause '15.3' in paragraph 16.1(l) of the Bulk Entitlement Order, substitute '15.1'.
- 16.2 For paragraph 16.1(m) of the Bulk Entitlement Order –
- (a) revoke the words 'temporary or permanent'; and
 - (b) insert the words ', or assignment of all or part of a water allocation available under this bulk entitlement' after the words 'bulk entitlement'.
- 16.3 After paragraph 16.1(m) of the Bulk Entitlement Order, **insert** –
- '(mA) any transfer of all or part of a bulk entitlement, or assignment of all or part of a water allocation available under a bulk entitlement, to the Entitlement Holder.'
- 16.4 In paragraph 16.1(n) of the Bulk Entitlement Order, revoke the words 'bulk entitlement or'.

17. Amendments to Clause 17

17.1 For sub-clause 17.1 of the Bulk Entitlement Order, **substitute** –

‘17.1 Subject to sub-clause 19.1, the Entitlement Holder must pay the Resource Manager a proportion of the costs incurred by the Resource Manager to perform the tasks specified in the relevant instrument of appointment.’

17.2 After sub-clause 17.2 of the Bulk Entitlement Order, **insert** –

‘17.3 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 Entitlement Holder to the Resource Manager are to be proposed by the Resource Manager and approved by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.’

18. Amendment to Clause 18

For sub-clause 18.2 of the Bulk Entitlement Order, **substitute** –

‘18.2 The amount the Entitlement Holder must pay the Storage Manager under sub-clause 18.1 is to be calculated by the Storage Manager as –

(a) a percentage of the annual storage management source charges and river regulation costs for Lake Narracan and Yallourn Weir as follows –

$$Cs = \$[0.2515 \times r \times (1 + m)]$$

and

(b) a percentage of the annual storage management source charge for Blue Rock Reservoir as follows –

$$Cs = \$[0.02 \times S \times (1 + m) \times (1+F)]$$

where –

Cs = the annual storage management charge;

S = the estimated storage management costs for the year for which charges are prepared;

r = the river regulation costs for the year for which charges are prepared;

m = a business margin set at no more than 10%. Any variation to the margin is to be mutually agreed between the Storage Manager and the Entitlement Holder; and

F = a factor representing the Entitlement Holder’s contribution to the cost of the reserve and adjusted to reduce the Entitlement Holder’s contribution if there has been a sale of water from the reserve;

and is subject to approval by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.’

19. Amendments to Clause 19

19.1 For sub-clause 19.3 of the Bulk Entitlement Order, **substitute** –

‘19.3 In any year, by a date agreed with the Entitlement Holder, the Resource Manager must provide the Entitlement Holder an estimate of a fair and reasonable proportion of the costs referred to in sub-clause 17.1 for the ensuing year.’

19.2 For sub-clause 19.4 of the Bulk Entitlement Order, **substitute** –

‘19.4 In any year, by a date agreed with the Entitlement Holder, the Storage Manager must provide the Entitlement Holder an estimate of the annual storage management charge referred to in sub-clause 18.2 for the ensuing year.’

20. Substitution of Clause 20

For clause 20 of the Bulk Entitlement Order, **substitute** –

‘20. DUTY TO MAKE PAYMENTS

Any amount payable by the Entitlement Holder under clauses 17 and 18 –

- (a) is to be based on the actual expenditure for the period specified in paragraph 20(b) and include an adjustment from a previous period to reflect the actual cost of the work; and
 - (b) must be paid monthly in arrears, within 28 days of the Entitlement Holder receiving an invoice for amounts payable,
- unless the Entitlement Holder and the person to whom the amount is payable agree otherwise.’

21. Amendment to Clause 21

Sub-clause 21.1 of the Bulk Entitlement Order is revoked.

22. Substitution of Clause 22

For clause 22 of the Bulk Entitlement Order, **substitute** –

‘22. DISPUTE RESOLUTION

- 22.1 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Latrobe Headworks Entitlement Holder, about the interpretation or application of this Order, the Entitlement Holder may give written notice to another party, or parties, requiring the matter to be determined by the Essential Services Commission or an independent expert.
- 22.2 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Latrobe Headworks Entitlement Holder, about the interpretation or application of this Order, and the Entitlement Holder receives written notice requiring the matter to be determined by the Essential Services Commission or an independent expert, the Entitlement Holder must comply with the notice.
- 22.3 A notice under sub-clause 22.1 may only be given once 14 days have passed after the difference or dispute has arisen.
- 22.4 Where a matter is referred to the Essential Services Commission by the parties to a difference or dispute –
 - (a) the Essential Services Commission may determine the process and timing to reach a conclusion on the matter;
 - (b) the Essential Services Commission may determine the apportionment of costs to the parties of, and incidental to, every reference; and
 - (c) any determination by the Essential Services Commission is final and binding on the parties.
- 22.5 Where a matter is referred to an independent expert by the parties to a difference or dispute –
 - (a) the independent expert is either:
 - (i) a person agreed on by the parties; or
 - (ii) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
 - (b) the independent expert must:
 - (i) reach a conclusion on the matter within 30 days after it has been referred, but has the power to extend the period for reaching a conclusion on the matter by a further 30 days;
 - (ii) send a copy of the conclusion and its supporting reasons to the parties.

- (c) the independent expert may determine the apportionment of costs to the parties of, and incidental to, every reference, including the costs of the independent expert; and
- (d) any determination by the independent expert is final and binding on the parties.’

23. Substitution of Schedule 1

For Schedule 1 to the Bulk Entitlement Order, **substitute** –

‘Schedule 1

Licences Identified as Primary Entitlements

The following entitlements in Table 1, as established under Licence, are to be supplied or are to be available for supply, subject to the supply arrangements approved under sub-clause 13.4.

Table 1

Delivery System	Number of Licences	Total Licence Volume (ML)
Tanjil River	30	548.9
Latrobe River Lower	95	10,430.2

Note: Details of the licences in Table 1 are sourced from the Victorian Water Register on 12 June 2013 and do not take into account any trade that may have occurred after this date.’

24. Substitution of Schedule 3

For Schedule 3 to the Bulk Entitlement Order, **substitute** –

‘Schedule 3

Evaporation Losses and Internal Spills

1. Evaporation Losses

Evaporation losses from Blue Rock Reservoir are calculated using the formula –

$$e = A \times E \times 0.01 \times (s1/s)$$

where:

- e = evaporation loss in ML
- s = volume of water in ML in Blue Rock Reservoir
- A = surface area in hectares corresponding to s
- E = pan evaporation in mm
- s1 = volume of water in ML in the Entitlement Holder’s share of Blue Rock Reservoir

2. Internal Spills

The amount of internal spill cannot exceed a volume equal to the amount by which the volume held in the other Blue Rock Entitlement Holders’ shares of storage are below their full shares.

Any internal spill is to be redistributed to those Blue Rock Entitlement Holders whose shares of storage capacity are not full, in the same proportion as their shares of inflow to the storage.

3. Storage Accounts

The storage accounts maintained by the Storage Manager will be adjusted for –

- (i) the share of inflow apportioned to the Entitlement Holder;
- (ii) any internal spill;

- (iii) any release directed by the Entitlement Holder to meet its water supply requirements including any allowance for in-transit losses; and
- (iv) any allowance for the Entitlement Holder's share of rainfall falling directly on the storage and evaporation losses or seepage losses from the storage. '

Dated 1 July 2013

PETER WALSH
Minister for Water

Water Act 1989**BULK ENTITLEMENT (LATROBE – YALLOURN) AMENDMENT ORDER 2013**

I, Peter Walsh, Minister for Water, under the provisions of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Latrobe – Yallourn) Amendment Order 2013.

2. Preliminary

The Bulk Entitlement (Yallourn Energy Ltd) Conversion Order 1996 (the Bulk Entitlement Order) was made by the Minister on 25 March 1996 and published in the Government Gazette on 28 March 1996.

3. Purpose

The purpose of this Order is to make amendments to the Bulk Entitlement Order that are necessary to implement Action 6.3 of the Gippsland Region Sustainable Water Strategy.

4. Authorising provisions

This Order is made in accordance with section 44 of the **Water Act 1989**. The Minister makes this Order on the application of EnergyAustralia Yallourn Pty Ltd.

5. Commencement

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

6. Change to Citation

The citation of the Bulk Entitlement Order is amended to ‘Bulk Entitlement (Latrobe – Yallourn) Conversion Order 1996’.

7. Substitution of terms

7.1 Excluding within the term ‘West Gippsland Catchment Management Authority’, where the term ‘Authority’ occurs in the Bulk Entitlement Order, substitute ‘Entitlement Holder’.

7.2 Where the term ‘Headworks System’ occurs in the Bulk Entitlement Order, substitute ‘Latrobe Headworks System’.

7.3 Where the term ‘source costs’ occurs in the Bulk Entitlement Order, substitute ‘storage management costs’.

7.4 Where the term ‘source charge’ occurs in the Bulk Entitlement Order, substitute ‘storage management charge’.

7.5 Where the term ‘Storage Operator’ occurs in the Bulk Entitlement Order, substitute ‘Storage Manager’.

8. Changes to definitions under Clause 4

8.1 Before the definition of ‘capacity share’ in the Bulk Entitlement Order, **insert** –
‘ **Blue Rock Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of Blue Rock Reservoir;’

8.2 In the definition of ‘capacity share’ in the Bulk Entitlement Order, **revoke** –
(a) the words ‘and transmission’ from paragraph (c); and
(b) paragraph (f).

8.3 For the definition of ‘entitlement holder’ in the Bulk Entitlement Order, **substitute** –
‘ **Entitlement Holder**’ means EnergyAustralia Yallourn Pty Ltd (ABN 47 065 325 224) (a generation company within the meaning of the **Electricity Industry Act 2000**);’

8.4 In the definition of ‘Headworks Storages’ in the Bulk Entitlement Order, replace the word ‘Dam’ with ‘Reservoir’.

8.5 For the definition of ‘internal spill’ in the Bulk Entitlement Order, **substitute** –

- ‘**internal spill**’ means the redistribution of inflow which occurs where a Latrobe Headworks Entitlement Holder’s share of inflow is in excess of the volume required to fill its share of storage capacity;’
- 8.6 After the definition of ‘internal spill’ in the Bulk Entitlement Order, **insert** –
‘**Latrobe Headworks Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of the Headworks Storages;’
- 8.7 After the definition of ‘Licence’ in the Bulk Entitlement Order, **insert** –
‘**Minister**’ means the Minister administering the Act;’
- 8.8 After the definition of ‘regulated release’ in the Bulk Entitlement Order, **insert** –
‘**reserve**’ means Bulk Entitlement (Latrobe Reserve) Order 2013;’
- 8.9 For the definition of ‘Resource Manager’ in the Bulk Entitlement Order, **substitute** –
‘**Resource Manager**’ means any person appointed by the Minister as resource manager for the Latrobe Basin under section 43A of the Act;’
- 8.10 For paragraph (c) of the definition of ‘source costs’ in the Bulk Entitlement Order, **substitute** –
‘(c) undertake any new or enhancement works on Lake Narracan and Yallourn Weir; and’
- 8.11 For paragraph (d) of the definition of ‘source costs’ in the Bulk Entitlement Order, **substitute** –
‘(d) meet the financial and regulatory depreciation charges on expenditure on any new or enhancement works associated with the Latrobe Headworks System, except Lake Narracan and Yallourn Weir, using the calculation methodology adopted by Gippsland and Southern Rural Water Corporation and approved by the Essential Service Commission; and ’
- 8.12 For the definition of ‘Storage Operator’ in the Bulk Entitlement Order, **substitute** –
‘**Storage Manager**’ means any person appointed by the Minister under section 122ZK of the Act to be Storage Manager for the Headworks System to carry out the functions specified in the Act and in respect of bulk entitlements and environmental entitlements in the waterway;’
- 8.13 In the definition of ‘unregulated flow’ in the Bulk Entitlement Order, for the words ‘industrial company or other Authority’ substitute ‘industrial company, generation company or water corporation’.
- 8.14 The definitions of ‘Authority’, ‘Latrobe Basin Water Accounts’, ‘other Authority’ and ‘reservoir entitlement holders’ in the Bulk Entitlement Order are revoked.
- 9. Amendment to Clause 6**
Sub-clauses 6.2, 6.3 and 6.4 of the Bulk Entitlement Order is revoked.
- 10. Amendment to Clause 7**
- 10.1 In paragraph 7(a) of the Bulk Entitlement Order, for the volume ‘208,200 ML’ substitute ‘208,188 ML’.
- 10.2 In paragraph 7(b) of the Bulk Entitlement Order, for the volume ‘8000 ML’ substitute ‘7,230 ML’.
- 11. Amendments to Clause 8**
- 11.1 For sub-paragraph 8.1(d)(iii)(A) of the Bulk Entitlement Order, **substitute** –
‘(A) not being used by any other bulk entitlement or environmental entitlement holder holding an entitlement to that additional flow; and ’
- 11.2 For sub-paragraph 8.1(d)(iii)(B) of the Bulk Entitlement Order, **substitute** –
‘(B) being shared with other bulk entitlement or environmental entitlement holders holding a share of unregulated flow at this point in proportion to each of the holders’ shares of unregulated flow;’

- 11.3 For sub-clause 8.4 of the Bulk Entitlement Order, **substitute** –
- ‘8.4 The Entitlement Holder must not take from the System Waterway or store as part of its bulk entitlement any flow –
- (a) which is specified as a passing flow by the Storage Manager; or
 - (b) which is being released or transferred by the holder of any other bulk entitlement or environmental entitlement.’

12. Amendments to Clause 9

- 12.1 For the term ‘reservoir entitlement holders’ in sub-clause 9.1 of the Bulk Entitlement Order, substitute ‘Blue Rock Entitlement Holders’.

- 12.2 For sub-clause 9.2 of the Bulk Entitlement Order, **substitute** –

- ‘9.2 The Entitlement Holder may use more than its share of the capacity of the outlet works specified in sub-clause 9.1 –
- (a) with the agreement of the Storage Manager and all other Blue Rock Entitlement Holders; or
 - (b) with the agreement of only the Storage Manager when there is no competing demand between Blue Rock Entitlement Holders for the available capacity.’

- 12.3 For sub-clause sub-clause 9.3 of the Bulk Entitlement Order, **substitute** –

- ‘9.3 Where all parties cannot agree under paragraph 9.2(a), the Entitlement Holder may refer the matter to an independent expert for determination in accordance with clause 19.’

13. Amendment to Clause 11

In sub-clause 11.1 of the Bulk Entitlement Order, –

- (a) for the term ‘another Authority’ substitute ‘another bulk entitlement holder’ and
- (b) for the term ‘Authorities’ substitute ‘bulk entitlement holders’.

14. Substitution of Clause 12

For clause 12 of the Bulk Entitlement Order, **substitute** –

‘12. METERING PROGRAM

- 12.1 To demonstrate compliance with this Order, the Entitlement Holder must –

- (a) ensure there is adequate metering to determine the amount of water taken under the provisions of this bulk entitlement; and,
- (b) maintain and implement a metering program approved by the Minister.

- 12.2 Subject to sub-clause 12.3, the Entitlement Holder must, at its cost –

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

- 12.3 Where data from metering undertaken by another entity can be used to determine the Entitlement Holder’s compliance with this bulk entitlement, the Entitlement Holder must endeavour to agree with that entity concerning the provision of metering and arrangements with regard to –

- (a) who will undertake the tasks in sub-clause 12.2; and,
- (b) how the Entitlement Holder will access all relevant data required to demonstrate its compliance with this bulk entitlement.

- 12.4 The Entitlement Holder's metering program must have regard to –
- (a) the meter accuracy, maintenance and calibration requirements in sub-clause 12.2;
 - (b) any arrangements made under sub-clause 12.3; and
 - (c) any guidelines issued by the Minister from time to time.
- 12.5 The Minister may at any time require the Entitlement Holder to –
- (a) review the program if, in the Minister's opinion, it is no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 12.6 Any application by the Entitlement Holder to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.'

15. Amendments to Clause 13

- 15.1 For the term 'another Authority' in paragraphs 13.1(b) and (e) of the Bulk Entitlement Order, substitute 'another bulk entitlement holder'.
- 15.2 For the reference to 'sub clause 12.5' in paragraph 13.1(f) of the Bulk Entitlement Order, substitute 'clause 12'.
- 15.3 For paragraph 13.1(g) of the Bulk Entitlement Order –
- (a) revoke the words 'temporary or permanent'; and
 - (b) insert the words ', or assignment of all or part of a water allocation available under this bulk entitlement' after the words 'bulk entitlement'.
- 15.4 After paragraph 13.1(g) of the Bulk Entitlement Order, **insert** –
- '(gA) any transfer of all or part of a bulk entitlement, or assignment of all or part of a water allocation available under a bulk entitlement, to the Entitlement Holder.'
- 15.5 In paragraph 13.1(h) of the Bulk Entitlement Order, revoke the words 'bulk entitlement or'.

16. Amendments to Clause 14

- 16.1 For sub-clause 14.1 of the Bulk Entitlement Order, **substitute** –
- '14.1 Subject to sub-clause 16.1, the Entitlement Holder must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to perform the tasks specified in the relevant instrument of appointment.'
- 16.2 After sub-clause 14.2 of the Bulk Entitlement Order, **insert** –
- '14.3 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 Entitlement Holder to the Resource Manager are to be proposed by the Resource Manager and approved by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.'

17. Amendment to Clause 15

For sub-clause 15.2 of the Bulk Entitlement Order, **substitute** –

- '15.2 The amount the Entitlement Holder must pay the Storage Manager under sub-clause 15.1 is to be calculated by the Storage Manager as –
- (a) a percentage of the annual storage management charges and river regulation costs for Lake Narracan and Yallourn Weir as follows –
- $$Cs = \$ [0.2994 \times S \times (1+m)] + [0.2241 \times r \times (1+m)]$$
- and

- (b) a percentage of the annual storage management charge for Blue Rock Reservoir as follows –

$$Cs = \$ [0.1497 \times S \times (1+m) \times (1+F)]$$

where –

- Cs** = the annual storage management charge;
- S** = the storage management costs for the year for which charges are prepared;
- r** = the river regulation costs for the year for which charges are prepared;
- m** = a business margin set at no more than 10%. Any variation to the margin is to be mutually agreed between the Storage Manager and the Entitlement Holder; and
- F** = a factor representing the Entitlement Holder's contribution to the cost of the reserve and adjusted to reduce the Entitlement Holder's contribution if there has been a sale of water from the reserve.

and is subject to approval by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

18. Amendments to Clause 16

- 18.1 In sub-clause 16.3 of the Bulk Entitlement Order, for the words 'Water Authority responsible for the Headworks Storage' substitute 'Storage Manager'.

- 18.2 For sub-clause 16.5 of the Bulk Entitlement Order, **substitute** –

'16.5 In any year, by a date agreed with the Entitlement Holder, the Resource Manager must provide the Entitlement Holder an estimate of a fair and reasonable proportion of the costs referred to in sub-clause 14.1 for the ensuing year.'

- 18.3 For sub-clause 16.6 of the Bulk Entitlement Order, **substitute** –

'16.6 In any year, by a date agreed with the Entitlement Holder, the Storage Manager must provide the Entitlement Holder an estimate of the annual storage management charge referred to in sub-clause 15.2 for the ensuing year.'

19. Substitution of Clause 17

For clause 17 of the Bulk Entitlement Order, **substitute** –

'17. DUTY TO MAKE PAYMENTS

Any amount payable by the Entitlement Holder under clauses 14 and 15 –

- (a) is to be based on the actual expenditure for the period specified in paragraph 17(b) and include an adjustment from a previous period to reflect the actual cost of the work; and
- (b) must be paid monthly in arrears, within 28 days of the Entitlement Holder receiving an invoice for amounts payable,
- unless the Entitlement Holder and the person to whom the amount is payable agree otherwise.'

20. Amendment to Clause 18

Sub-clause 18.1 of the Bulk Entitlement Order is revoked.

21. Substitution of Clause 19

For Clause 19 of the Bulk Entitlement Order, **substitute** –

19. DISPUTE RESOLUTION

- 19.1 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Latrobe Headworks Entitlement Holder, about the interpretation or application of this Order, the Entitlement Holder may give written notice to another party, or parties, requiring the matter to be determined by the Essential Services Commission or an independent expert.
- 19.2 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Latrobe Headworks Entitlement Holder, about the interpretation or application of this Order, and the Entitlement Holder receives written notice requiring the matter to be determined by the Essential Services Commission or an independent expert, the Entitlement Holder must comply with the notice.
- 19.3 A notice under sub-clause 19.1 may only be given once 14 days have passed after the difference or dispute has arisen.
- 19.4 Where a matter is referred to the Essential Services Commission by the parties to a difference or dispute –
- (a) the Essential Services Commission may determine the process and timing to reach a conclusion on the matter;
 - (b) the Essential Services Commission may determine the apportionment of costs to the parties of, and incidental to, every reference; and
 - (c) any determination by the Essential Services Commission is final and binding on the parties.
- 19.5 Where a matter is referred to an independent expert by the parties to a difference or dispute –
- (a) the independent expert is either:
 - (i) a person agreed on by the parties; or
 - (ii) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia;
 - (b) the independent expert must:
 - (i) reach a conclusion on the matter within 30 days after it has been referred, but has the power to extend the period for reaching a conclusion on the matter by a further 30 days;
 - (ii) send a copy of the conclusion and its supporting reasons to the parties;
 - (c) the independent expert may determine the apportionment of costs to the parties of, and incidental to, every reference, including the costs of the independent expert; and
 - (d) any determination by the independent expert is final and binding on the parties.’

22. Substitution of Schedule 1

For Schedule 1 to the Bulk Entitlement Order, **substitute** –

‘Schedule 1**Evaporation Losses and Internal Spills****1. Evaporation Losses**

Evaporation losses from –

- (a) Lake Narracan are calculated using the formula

$$e = A \times E \times 0.01 \times (s1/s)$$

(b) Blue Rock Reservoir are calculated using the formula

$$e = A \times E \times 0.01 \times (s1/s)$$

where:

e = evaporation loss in ML

s = volume of water in ML in either Lake Narracan or Blue Rock Reservoir as appropriate

A = surface area in hectares corresponding to s

E = pan evaporation in mm

s1 = volume of water in ML in the Entitlement Holder's share of Lake Narracan or Blue Rock Reservoir as appropriate

2. **Internal Spills**

The amount of internal spill cannot exceed a volume equal to the amount by which the volume held in the other Latrobe Headworks Entitlement Holders' shares of storage are below their full shares. Any internal spill is to be redistributed to those Latrobe Headworks Entitlement Holders whose shares of storage capacity are not full, in the same proportion their share of inflow to the reservoir.

3. **Storage Accounts**

The storage accounts maintained by the Storage Manager will be adjusted for –

- (i) the share of inflow apportioned to the Entitlement Holder;
- (ii) any internal spill;
- (iii) any release directed by the Entitlement Holder to meet its water supply requirements including any allowances for in-transit losses; and
- (iv) any allowance for the Entitlement Holder's share of rainfall falling directly on the storage and evaporation losses or seepage losses from the storage. '

Dated 1 July 2013

PETER WALSH
Minister for Water

Water Act 1989**BULK ENTITLEMENT (LATROBE – LOY YANG A) AMENDMENT ORDER 2013**

I, Peter Walsh, Minister for Water, under the provisions of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Latrobe – Loy Yang A) Amendment Order 2013.

2. Preliminary

The Bulk Entitlement (Yallourn Energy Ltd for Loy Yang Power Ltd) Conversion Order 1996 (the Bulk Entitlement Order) was made by the Minister on 25 March 1996 and published in the Government Gazette on 28 March 1996.

3. Purpose

The purpose of this Order is to make amendments to the Bulk Entitlement Order that are necessary to implement Action 6.3 of the Gippsland Region Sustainable Water Strategy.

4. Authorising provisions

This Order is made in accordance with section 44 of the **Water Act 1989**. The Minister makes this Order on the application of the AGL Loy Yang Partnership.

5. Commencement

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

6. Change to Citation

The citation of the Bulk Entitlement Order is amended to ‘Bulk Entitlement (Latrobe – Loy Yang A) Conversion Order 1996’.

7. Substitution of terms

7.1 Where the term ‘Authority’ occurs in the Bulk Entitlement Order, substitute ‘Entitlement Holder’.

7.2 Where the term ‘Headworks System’ occurs in the Bulk Entitlement Order, substitute ‘Latrobe Headworks System’.

7.3 Where the term ‘source costs’ occurs in the Bulk Entitlement Order, substitute ‘storage management costs’.

7.4 Where the term ‘source charge’ occurs in the Bulk Entitlement Order, substitute ‘storage management charge’.

7.5 Where the term ‘Storage Operator’ occurs in the Bulk Entitlement Order, substitute ‘Storage Manager’.

8. Changes to definitions under Clause 4

8.1 The definitions of ‘Authority’, ‘Latrobe Basin Water Accounts’, ‘other Authority’ and ‘reservoir entitlement holders’ in the Bulk Entitlement Order are revoked.

8.2 Before the definition of ‘capacity share’ in the Bulk Entitlement Order, **insert** –
‘ **Blue Rock Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of Blue Rock Reservoir;’

8.3 In the definition of ‘capacity share’ in the Bulk Entitlement Order, **revoke** –

(a) the words ‘and transmission’ in paragraph (c); and

(b) paragraph (f).

8.4 For the definition of ‘entitlement holder’ in the Bulk Entitlement Order, **substitute** –
‘ **Entitlement Holder**’ means AGL Loy Yang Partnership (a generation company within the meaning of the **Electricity Industry Act 2000**), which comprises –

- (a) AGL LYP 1 Pty Ltd (ABN 36 078 121 187);
 - (b) AGL LYP 2 Pty Ltd (ABN 26 078 377 572);
 - (c) AGL LYP 3 Pty Ltd (ABN 16 078 377 527); and
 - (d) AGL LYP 4 B.V (ABN 55 073 074 530);
- 8.5 For the definition of ‘internal spill’ in the Bulk Entitlement Order, **substitute** –
‘**internal spill**’ means the redistribution of inflow which occurs where a Latrobe Headworks Entitlement Holder’s share of inflow is in excess of the volume required to fill its share of storage capacity;’
- 8.6 After the definition of ‘internal spill’ in the Bulk Entitlement Order, **insert** –
‘**Latrobe Headworks Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of the Headworks Storages;’
- 8.7 After the definition of ‘Licence’ in the Bulk Entitlement Order, **insert** –
‘**Minister**’ means the Minister administering the Act;’
- 8.8 For the definition of ‘pumping station’ in the Bulk Entitlement Order, **substitute** –
‘**pumping station**’ means the works to supply water from the System Waterway to the electricity generation works at Loy Yang, located adjacent to the Latrobe River approximately 300 m upstream of Yallourn Weir at co-ordinates 396623E, 268355N;’
- 8.9 After the definition of ‘regulated release’ in the Bulk Entitlement Order, **insert** –
‘**reserve**’ means Bulk Entitlement (Latrobe Reserve) Order 2013;’
- 8.10 For the definition of ‘Resource Manager’ in the Bulk Entitlement Order, **substitute** –
‘**Resource Manager**’ means any person appointed by the Minister as Resource Manager for the Latrobe Basin under section 43A of the Act;’
- 8.11 For paragraphs (c) and (d) of the definition of ‘source costs’ in the Bulk Entitlement Order, **substitute** –
(c) undertake any new or enhancement works on Lake Narracan and Yallourn Weir; and
(d) meet the financial and regulatory depreciation charges on expenditure on any new or enhancement works associated with the Latrobe Headworks System, except Lake Narracan and Yallourn Weir, using the calculation methodology adopted by Gippsland and Southern Rural Water Corporation and approved by the Essential Service Commission; and ’
- 8.12 For the definition of ‘Storage Operator’ in the Bulk Entitlement Order, **substitute** –
‘**Storage Manager**’ means any person appointed by the Minister under section 122ZK of the Act to be Storage Manager for the Headworks System to carry out the functions specified in the Act and in respect of bulk entitlements and environmental entitlements in the waterway;’
- 8.13 In the definition of ‘unregulated flow’ in the Bulk Entitlement Order, for the words ‘industrial company or other Authority’ substitute ‘industrial company, generation company or water corporation’
- 9. Amendment to Clause 5**
For the words ‘Loy Yang’ in clause 5 of the Bulk Entitlement Order, substitute ‘Loy Yang A’.
- 10. Amendment to Clause 6**
Sub-clauses 6.2, 6.3 and 6.4 of the Bulk Entitlement Order are revoked.
- 11. Amendment to Clause 7**
- 11.1 In paragraph 7(a) of the Bulk Entitlement Order, for the volume ‘208,200 ML’ substitute ‘208,188 ML’.
- 11.2 In paragraph 7(b) of the Bulk Entitlement Order, for the volume ‘8000 ML’ substitute ‘7,230 ML’.

12. Amendments to Clause 8

- 12.1 For the reference to 'Mission Energy Management Australia Pty Ltd' in sub-paragraph 8.1(d) of the Bulk Entitlement Order, substitute 'the holder of Bulk Entitlement (Latrobe – Loy Yang B) Conversion Order 1996'.
- 12.2 For sub-paragraph 8.1(d)(iii)(A) of the Bulk Entitlement Order, **substitute** –
'(A) not being used by any other bulk entitlement or environmental entitlement holder holding an entitlement to that additional flow; and'
- 12.3 For sub-paragraph 8.1(d)(iii)(B) of the Bulk Entitlement Order, **substitute** –
'(B) being shared with other bulk entitlement or environmental entitlement holders holding a share of unregulated flow at this point in proportion to each of the holders' shares of unregulated flow;'
- 12.4 For sub-clause 8.2 of the Bulk Entitlement Order, **substitute** –
'8.2 The Entitlement Holder must not take from the system waterway or store as part of its bulk entitlement any flow –
(a) which is specified as a passing flow by the Storage Manager; or
(b) which is being released or transferred by the holder of any other bulk entitlement or environmental entitlement.'

13. Amendments to Clause 9

- 13.1 For the term 'reserve entitlement holders' in sub-clause 9.1 of the Bulk Entitlement Order, substitute 'Blue Rock Entitlement Holders'.
- 13.2 For sub-clause 9.2 of the Bulk Entitlement Order, **substitute** –
'9.2 The Entitlement Holder may use more than its share of the capacity of the outlet works specified in sub-clause 9.1 –
(a) with the agreement of the Storage Manager and all other Blue Rock Entitlement Holders; or
(b) with the agreement of only the Storage Manager when there is no competing demand between Blue Rock Entitlement Holders for the available capacity.'
- 13.3 For sub-clause 9.3 of the Bulk Entitlement Order, **substitute** –
'9.3 Where all parties cannot agree under paragraph 9.2(a), the Entitlement Holder may refer the matter to an independent expert for determination in accordance with clause 19.'

14. Amendment to Clause 11

In sub-clause 11.1 of the Bulk Entitlement Order –

- (a) for the term 'another Authority' substitute 'another bulk entitlement holder'; and
(b) for the term 'Authorities' substitute 'parties'.

15. Substitution of Clause 12

For clause 12 of the Bulk Entitlement Order, **substitute** –

'12. METERING PROGRAM

- 12.1 To demonstrate compliance with this Order, the Entitlement Holder must –
(a) ensure there is adequate metering to determine the amount of water taken under the provisions of this bulk entitlement; and,
(b) maintain and implement a metering program approved by the Minister.
- 12.2 Subject to sub-clause 12.3, the Entitlement Holder must, at its cost –
(a) maintain metering equipment and associated measurement structures in good condition; and

- (b) ensure that metering equipment is periodically re-calibrated; and
 - (c) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (d) keep a record of all work undertaken under paragraphs (a), (b) and (c).
- 12.3 Where data from metering undertaken by another entity can be used to determine the Entitlement Holder's compliance with this bulk entitlement, the Entitlement Holder must endeavour to agree with that entity concerning the provision of metering and arrangements with regard to –
- (a) who will undertake the tasks in sub-clause 12.2; and,
 - (b) how the Entitlement Holder will access all relevant data required to demonstrate its compliance with this bulk entitlement.
- 12.4 The Entitlement Holder's metering program must have regard to –
- (a) the meter accuracy, maintenance and calibration requirements in sub-clause 12.2;
 - (b) any arrangements made under sub-clause 12.3; and
 - (c) any guidelines issued by the Minister from time to time.
- 12.5 The Minister may at any time require the Entitlement Holder to –
- (a) review the program if, in the Minister's opinion, it is no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 12.6 Any application by the Entitlement Holder to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.'

16. Amendments to Clause 13

- 16.1 For the term 'another Authority' in paragraphs 13.1(c) and 13.1(e) of the Bulk Entitlement Order, substitute 'another bulk entitlement holder'.
- 16.2 For the reference to 'sub clause 12.4' in paragraph 13.1(f) of the Bulk Entitlement Order, substitute 'clause 12'.
- 16.3 For paragraph 13.1(g) of the Bulk Entitlement Order –
- (a) revoke the words 'temporary or permanent'; and
 - (b) insert the words ', or assignment of all or part of a water allocation available under this bulk entitlement' after the words 'bulk entitlement'.
- 16.4 After paragraph 13.1(g) of the Bulk Entitlement Order, **insert** –
- '(gA) any transfer of all or part of a bulk entitlement, or assignment of all or part of a water allocation available under a bulk entitlement, to the Entitlement Holder.'
- 16.5 In paragraph 13.1(h) of the Bulk Entitlement Order, revoke the words 'bulk entitlement or'.

17. Amendments to Clause 14

- 17.1 For sub-clause 14.1 of the Bulk Entitlement Order, **substitute** –
- '14.1 Subject to sub-clause 16.1, the Entitlement Holder must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to perform the tasks specified in the relevant instrument of appointment.'
- 17.2 After sub-clause 14.2 of the Bulk Entitlement Order, **insert** –
- '14.3 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 Entitlement Holder to the Resource Manager are to be proposed by the Resource Manager and approved by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.'

18. Amendment to Clause 15

For sub-clause 15.2 of the Bulk Entitlement Order, **substitute** –

‘15.2 The amount the Entitlement Holder must pay the Storage Manager under sub-clause 15.1 is to be calculated by the Storage Manager as –

- (a) a percentage of the annual storage management charges and river regulation costs for Lake Narracan and Yallourn Weir as follows –

$$Cs = \$ [0.3280 \times S \times (1+m)] + [0.2455 \times r \times (1+m)]$$

and

- (b) a percentage of the annual storage management charge for Blue Rock Reservoir as follows –

$$Cs = \$ [0.1640 \times S \times (1+m) \times (1+F)]$$

where –

- Cs** = the annual storage management charge;
S = the estimated storage management costs for the year for which charges are prepared;
r = the estimated river regulation costs for the year for which charges are prepared;
m = a business margin set at no more than 10%. Any variation to the margin is to be mutually agreed between the Storage Manager and the Entitlement Holder; and
F = a factor representing the Entitlement Holder’s contribution to the cost of the reserve and adjusted to reduce the Entitlement Holder’s contribution if there has been a sale of water from the reserve.

and is subject to approval by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.’

19. Amendments to Clause 16

19.1 In sub-clause 16.3 of the Bulk Entitlement Order, for the words ‘Water Authority responsible for the Headworks Storage’ substitute ‘Storage Manager’.

19.2 For sub-clause 16.5 of the Bulk Entitlement Order, **substitute** –

‘16.5 In any year, by a date agreed with the Entitlement Holder, the Resource Manager must provide the Entitlement Holder an estimate of a fair and reasonable proportion of the costs referred to in sub-clause 14.1 for the ensuing year.’

19.3 For sub-clause 16.6 of the Bulk Entitlement Order, **substitute** –

‘16.6 In any year, by a date agreed with the Entitlement Holder, the Storage Manager must provide the Entitlement Holder an estimate of the annual storage management charge referred to in sub-clause 15.2 for the ensuing year.’

20. Substitution of Clause 17

For clause 17 of the Bulk Entitlement Order, **substitute** –

‘17. DUTY TO MAKE PAYMENTS

Any amount payable by the Entitlement Holder under clauses 14 and 15 –

- (a) is to be based on the actual expenditure for the period specified in paragraph 17(b) and include an adjustment from a previous period to reflect the actual cost of the work; and
 (b) must be paid monthly in arrears, within 28 days of the Entitlement Holder receiving an invoice for amounts payable,
 unless the Entitlement Holder and the person to whom the amount is payable agree otherwise.’

21. Amendment to Clause 18

Sub-clause 18.1 of the Bulk Entitlement Order is revoked.

22. Substitution of Clause 19

For Clause 19 of the Bulk Entitlement Order, **substitute** –

‘19. DISPUTE RESOLUTION

19.1 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Latrobe Headworks Entitlement Holder, about the interpretation or application of this Order, the Entitlement Holder may give written notice to another party, or parties, requiring the matter to be determined by the Essential Services Commission or an independent expert.

19.2 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Latrobe Headworks Entitlement Holder, about the interpretation or application of this Order, and the Entitlement Holder receives written notice requiring the matter to be determined by the Essential Services Commission or an independent expert, the Entitlement Holder must comply with the notice.

19.3 A notice under sub-clause 19.1 may only be given once 14 days have passed after the difference or dispute has arisen.

19.4 Where a matter is referred to the Essential Services Commission by the parties to a difference or dispute –

- (a) the Essential Services Commission may determine the process and timing to reach a conclusion on the matter;
- (b) the Essential Services Commission may determine the apportionment of costs to the parties of, and incidental to, every reference; and
- (c) any determination by the Essential Services Commission is final and binding on the parties.

19.5 Where a matter is referred to an independent expert by the parties to a difference or dispute –

- (a) the independent expert is either:
 - (i) a person agreed on by the parties; or
 - (ii) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- (b) the independent expert must:
 - (i) reach a conclusion on the matter within 30 days after it has been referred, but has the power to extend the period for reaching a conclusion on the matter by a further 30 days;
 - (ii) send a copy of the conclusion and its supporting reasons to the parties.
- (c) the independent expert may determine the apportionment of costs to the parties of, and incidental to, every reference, including the costs of the independent expert; and
- (d) any determination by the independent expert is final and binding on the parties.’

23. Substitution of Schedule 1

For Schedule 1 to the Bulk Entitlement Order, **substitute** –

‘Schedule 1**Evaporation Losses and Internal Spills****1. Evaporation Losses**

Evaporation losses from –

- (a) Lake Narracan are calculated using the formula
$$e = A \times E \times 0.01 \times (s1/s)$$
- (b) Blue Rock Reservoir are calculated using the formula
$$e = A \times E \times 0.01 \times (s1/s)$$

where:

- e = evaporation loss in ML
- s = volume of water in ML in either Lake Narracan or Blue Rock Reservoir as appropriate
- A = surface area in hectares corresponding to s
- E = pan evaporation in mm
- s1 = volume of water in ML in the Entitlement Holder’s share of Lake Narracan or Blue Rock Reservoir as appropriate

2. Internal Spills

The amount of internal spill cannot exceed a volume equal to the amount by which the volume held in the other Latrobe Headworks Entitlement Holders’ shares of storage are below their full shares. Any internal spill is to be redistributed to those Latrobe Headworks Entitlement Holders whose shares of storage capacity are not full, in the same proportion to their shares of inflow to the storage.

3. Storage Accounts

The storage accounts maintained by the Storage Manager will be adjusted for –

- (i) the share of inflow apportioned to the Entitlement Holder;
- (ii) any internal spill;
- (iii) any release directed by the Entitlement Holder to meet its water supply requirements including any allowances for in-transit losses; and
- (iv) any allowance for the Entitlement Holder’s share of rainfall falling directly on the storage and evaporation losses or seepage losses from the storage.’

Dated 1 July 2013

PETER WALSH
Minister for Water

Water Act 1989**BULK ENTITLEMENT (LATROBE – LOY YANG B) AMENDMENT ORDER 2013**

I, Peter Walsh, Minister for Water, under the provisions of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Latrobe – Loy Yang B) Amendment Order 2013.

2. Preliminary

The Bulk Entitlement (Yallourn Energy Ltd for Gippsland and Southern Rural Water Authority) Conversion Order 1996 (the Bulk Entitlement Order) was made by the Minister on 25 March 1996 and published in the Government Gazette on 28 March 1996.

3. Purpose

The purpose of this Order is to make amendments to the Bulk Entitlement Order that are necessary to implement Action 6.3 of the Gippsland Region Sustainable Water Strategy.

4. Authorising provisions

This Order is made in accordance with section 44 of the **Water Act 1989**. The Minister makes this Order on the application of the Gippsland and Southern Rural Water Corporation.

5. Commencement

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

6. Change to Citation

The citation of the Bulk Entitlement Order is amended to ‘Bulk Entitlement (Latrobe – Loy Yang B) Conversion Order 1996’.

7. Substitution of terms

7.1 Where the term ‘Authority’ occurs in the Bulk Entitlement Order, substitute ‘Entitlement Holder’.

7.2 Where the term ‘Headworks System’ occurs in the Bulk Entitlement Order, substitute ‘Latrobe Headworks System’.

7.3 Where the term ‘source costs’ occurs in the Bulk Entitlement Order, substitute ‘storage management costs’.

7.4 Where the term ‘source charge’ occurs in the Bulk Entitlement Order, substitute ‘storage management charge’.

7.5 Where the term ‘Storage Operator’ occurs in the Bulk Entitlement Order, substitute ‘Storage Manager’.

8. Changes to definitions under Clause 4

8.1 The definitions of ‘Authority’, ‘Latrobe Basin Water Accounts’, ‘other Authority’ and ‘reservoir entitlement holders’ in the Bulk Entitlement Order are revoked.

8.2 Before the definition of ‘capacity share’ in the Bulk Entitlement Order, **insert** –
‘ **Blue Rock Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of Blue Rock Reservoir;’

8.3 In the definition of ‘capacity share’ in the Bulk Entitlement Order, **revoke** –

(a) the words ‘and transmission’ in paragraph (c); and

(b) paragraph (f).

8.4 For the definition of ‘entitlement holder’ in the Bulk Entitlement Order, **substitute** –
‘ **Entitlement Holder**’ means Gippsland and Southern Rural Water Corporation;’

8.5 For the definition of ‘internal spill’ in the Bulk Entitlement Order, **substitute** –

- ‘**internal spill**’ means the redistribution of inflow which occurs where a Latrobe Headworks Entitlement Holder’s share of inflow is in excess of the volume required to fill its share of storage capacity;’
- 8.6 After the definition of ‘internal spill’ in the Bulk Entitlement Order, **insert** –
‘**Latrobe Headworks Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of the Headworks Storages;’
- 8.7 After the definition of ‘Licence’ in the Bulk Entitlement Order, **insert** –
‘**Minister**’ means the Minister administering the Act;’
- 8.8 For the definition of ‘pumping station’ in the Bulk Entitlement Order, **substitute** –
‘**pumping station**’ means the works to supply water from the System Waterway to the electricity generation works at Loy Yang, located adjacent to the Latrobe River approximately 300 m upstream of Yallourn Weir at co-ordinates 396623E, 268355N;’
- 8.9 After the definition of ‘regulated release’ in the Bulk Entitlement Order, **insert** –
‘**reserve**’ means Bulk Entitlement (Latrobe Reserve) Order 2013;’
- 8.10 For the definition of ‘Resource Manager’ in the Bulk Entitlement Order, **substitute** –
‘**Resource Manager**’ means any person appointed by the Minister as Resource Manager for the Latrobe Basin under section 43A of the Act;’
- 8.11 For paragraphs (c) and (d) of the definition of ‘source costs’ in the Bulk Entitlement Order, **substitute** –
(c) undertake any new or enhancement works on Lake Narracan and Yallourn Weir; and
(d) meet the financial and regulatory depreciation charges on expenditure on any new or enhancement works associated with the Latrobe Headworks System, except Lake Narracan and Yallourn Weir, using the calculation methodology adopted by Gippsland and Southern Rural Water Corporation and approved by the Essential Service Commission; and ’
- 8.12 For the definition of ‘Storage Operator’ in the Bulk Entitlement Order, **substitute** –
‘**Storage Manager**’ means any person appointed by the Minister under section 122ZK of the Act to be Storage Manager for the Headworks System to carry out the functions specified in the Act and in respect of bulk entitlements and environmental entitlements in the waterway;’
- 8.13 In the definition of ‘unregulated flow’ in the Bulk Entitlement Order after the words ‘regulated release’ insert ‘or discharge from the works of an industrial company, generation company or water corporation’.
- 9. Amendment to Clause 5**
For the words ‘operated by Mission Energy Management Australia Pty. Ltd.’ in clause 5 of the Bulk Entitlement Order, substitute ‘at Loy Yang B’.
- 10. Amendment to Clause 6**
Sub-clauses 6.2, 6.3 and 6.4 of the Bulk Entitlement Order are revoked.
- 11. Amendment to Clause 7**
- 11.1 In paragraph 7(a) of the Bulk Entitlement Order, for the volume ‘208,200 ML’ substitute ‘208,188 ML’.
- 11.2 In paragraph 7(b) of the Bulk Entitlement Order, for the volume ‘8000 ML’ substitute ‘7,230 ML’.
- 12. Amendments to Clause 8**
- 12.1 For the reference to ‘Loy Yang Power Ltd’ in sub-paragraph 8.1(d) of the Bulk Entitlement Order, substitute ‘the holder of Bulk Entitlement (Latrobe – Loy Yang A) Conversion Order 1996’.

- 12.2 For sub-paragraphs 8.1(d)(iii)(A) and (B) of the Bulk Entitlement Order, **substitute** –
- (A) not being used by any other bulk entitlement or environmental entitlement holder holding an entitlement to that additional flow; and
 - (B) being shared with other bulk entitlement or environmental entitlement holders holding a share of unregulated flow at this point in proportion to each of the holders' shares of unregulated flow;
- 12.3 For sub-clause 8.2 of the Bulk Entitlement Order, **substitute** –
- ‘8.2 The Entitlement Holder must not take from the system waterway or store as part of its bulk entitlement any flow –
- (a) which is specified as a passing flow by the Storage Manager; or
 - (b) which is being released or transferred by the holder of any other bulk entitlement or environmental entitlement.’
- 13. Amendments to Clause 9**
- 13.1 For the term ‘reserve entitlement holders’ in sub-clause 9.1 of the Bulk Entitlement Order, substitute ‘Blue Rock Entitlement Holders’.
- 13.2 For sub-clause 9.2 of the Bulk Entitlement Order, **substitute** –
- ‘9.2 The Entitlement Holder may use more than its share of the capacity of the outlet works specified in sub-clause 9.1 –
- (a) with the agreement of the Storage Manager and all other Blue Rock Entitlement Holders; or
 - (b) with the agreement of only the Storage Manager when there is no competing demand between Blue Rock Entitlement Holders for the available capacity.’
- 13.3 For sub-clause 9.3 of the Bulk Entitlement Order, **substitute** –
- ‘9.3 Where all parties cannot agree under paragraph 9.2(a), the Entitlement Holder may refer the matter to an independent expert for determination in accordance with clause 18.’
- 14. Substitution of Clause 11**
- For clause 11 of the Bulk Entitlement Order, **substitute** –
- ‘11. METERING PROGRAM**
- 11.1 To demonstrate compliance with this Order, the Entitlement Holder must –
- (a) ensure there is adequate metering to determine the amount of water taken under the provisions of this bulk entitlement; and,
 - (b) maintain and implement a metering program approved by the Minister.
- 11.2 Subject to sub-clause 11.3, the Entitlement Holder must, at its cost –
- (a) maintain metering equipment and associated measurement structures in good condition; and
 - (b) ensure that metering equipment is periodically re-calibrated; and
 - (c) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (d) keep a record of all work undertaken under paragraphs (a), (b) and (c).
- 11.3 Where data from metering undertaken by another entity can be used to determine the Entitlement Holder’s compliance with this bulk entitlement, the Entitlement Holder must endeavour to agree with that entity concerning the provision of metering and arrangements with regard to –
- (a) who will undertake the tasks in sub-clause 11.2; and,

- (b) how the Entitlement Holder will access all relevant data required to demonstrate its compliance with this bulk entitlement.
- 11.4 The Entitlement Holder's metering program must have regard to –
- (a) the meter accuracy, maintenance and calibration requirements in sub-clause 11.2;
 - (b) any arrangements made under sub-clause 11.3; and
 - (c) any guidelines issued by the Minister from time to time.
- 11.5 The Minister may at any time require the Entitlement Holder to –
- (a) review the program if, in the Minister's opinion, it is no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 11.6 Any application by the Entitlement Holder to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.'
- 15. Amendments to Clause 12**
- 15.1 For the reference to 'sub clause 11.4' paragraph 12.1(d) of the Bulk Entitlement Order, substitute 'clause 11'.
- 15.2 For paragraph 12.1(e) of the Bulk Entitlement Order –
- (a) revoke the words 'temporary or permanent'; and
 - (b) insert the words ', or assignment of all or part of a water allocation available under this bulk entitlement' after the word 'entitlement'.
- 15.3 After paragraph 12.1(e) of the Bulk Entitlement Order, **insert** –
'(eA) any transfer of all or part of a bulk entitlement, or assignment of all or part of a water allocation available under a bulk entitlement, to the Entitlement Holder.'
- 15.4 In paragraph 12.1(f) of the Bulk Entitlement Order, revoke the words 'bulk entitlement or'.
- 16. Amendments to Clause 13**
- 16.1 For sub-clause 13.1 of the Bulk Entitlement Order, **substitute** –
'13.1 Subject to sub-clause 15.1, the Entitlement Holder must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to perform the tasks specified in the relevant instrument of appointment.'
- 16.2 After sub-clause 13.2 of the Bulk Entitlement Order, **insert** –
'13.3 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 Entitlement Holder to the Resource Manager are to be proposed by the Resource Manager and approved by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.'
- 17. Amendment to Clause 14**
- For sub-clause 14.2 of the Bulk Entitlement Order, **substitute** –
- '14.2 The amount the Entitlement Holder must pay the Storage Manager under sub-clause 14.1 is to be calculated by the Storage Manager as –
- (a) a percentage of the annual storage management charges and river regulation costs for Lake Narracan and Yallourn Weir as follows –
- $$Cs = \$ [0.1640 \times S \times (1+m)] + [0.1228 \times r \times (1+m)]$$
- and

- (b) a percentage of the annual storage management source charge for Blue Rock Reservoir as follows –

$$Cs = \$ [0.0820x S x (1+m) x (1+F)]$$

where –

- Cs** = the annual storage management charge;
- S** = the estimated storage management costs for the year for which charges are prepared;
- r** = the estimated river regulation costs for the year for which charges are prepared;
- m** = a business margin set at no more than 10%. Any variation to the margin is to be mutually agreed between the Storage Manager and the Entitlement Holder; and
- F** = a factor representing the Entitlement Holder's contribution to the cost of the reserve and adjusted to reduce the Entitlement Holder's contribution if there has been a sale of water from the reserve;

and is subject to approval by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.'

18. Amendments to Clause 15

- 18.1 In sub-clause 15.3 of the Bulk Entitlement Order, for the words 'Water Authority responsible for the Headworks Storage' substitute 'Storage Manager'.

- 18.2 For sub-clause 15.5 of the Bulk Entitlement Order, **substitute** –

'15.5 In any year, by a date agreed with the Entitlement Holder, the Resource Manager must provide the Entitlement Holder an estimate of a fair and reasonable proportion of the costs referred to in sub-clause 13.1 for the ensuing year.'

- 18.3 For sub-clause 15.6 of the Bulk Entitlement Order, **substitute** –

'15.6 In any year, by a date agreed with the Entitlement Holder, the Storage Manager must provide the Entitlement Holder an estimate of the annual storage management charge referred to in sub-clause 14.2 for the ensuing year.'

19. Substitution of Clause 16

For clause 16 of the Bulk Entitlement Order, **substitute** –

16. DUTY TO MAKE PAYMENTS

Any amount payable by the Entitlement Holder under clauses 13 or 14 –

- (a) is to be based on the actual expenditure for the period specified in paragraph 16(b) and include an adjustment from a previous period to reflect the actual cost of the work; and
- (b) must be paid monthly in arrears, within 28 days of the Entitlement Holder receiving an invoice for amounts payable,
- unless the Entitlement Holder and the person to whom the amount is payable agree otherwise.'

20. Amendment to Clause 17

Sub-clause 17.1 of the Bulk Entitlement Order is revoked.

21. Substitution of Clause 18

For Clause 18 of the Bulk Entitlement Order, **substitute** –

18. DISPUTE RESOLUTION

- 18.1 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Latrobe Headworks Entitlement Holder, about the interpretation or application of this Order, the Entitlement Holder may give written notice to another party, or parties, requiring the matter to be determined by the Essential Services Commission or an independent expert.
- 18.2 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Latrobe Headworks Entitlement Holder, about the interpretation or application of this Order, and the Entitlement Holder receives written notice requiring the matter to be determined by the Essential Services Commission or an independent expert, the Entitlement Holder must comply with the notice.
- 18.3 A notice under sub-clause 18.1 may only be given once 14 days have passed after the difference or dispute has arisen.
- 18.4 Where a matter is referred to the Essential Services Commission by the parties to a difference or dispute –
- (a) the Essential Services Commission may determine the process and timing to reach a conclusion on the matter;
 - (b) the Essential Services Commission may determine the apportionment of costs to the parties of, and incidental to, every reference; and
 - (c) any determination by the Essential Services Commission is final and binding on the parties.
- 18.5 Where a matter is referred to an independent expert by the parties to a difference or dispute –
- (a) the independent expert is either:
 - (i) a person agreed on by the parties; or
 - (ii) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
 - (b) the independent expert must:
 - (i) reach a conclusion on the matter within 30 days after it has been referred, but has the power to extend the period for reaching a conclusion on the matter by a further 30 days;
 - (ii) send a copy of the conclusion and its supporting reasons to the parties.
 - (c) the independent expert may determine the apportionment of costs to the parties of, and incidental to, every reference, including the costs of the independent expert; and
 - (d) any determination by the independent expert is final and binding on the parties.’

22. Substitution of Schedule 1

For Schedule 1 to the Bulk Entitlement Order, **substitute** –

‘Schedule 1**Evaporation Losses and Internal Spills****1. Evaporation Losses**

Evaporation losses from –

- (a) Lake Narracan are calculated using the formula

$$e = A \times E \times 0.01 \times (s1/s)$$

(b) Blue Rock Reservoir are calculated using the formula

$$e = A \times E \times 0.01 \times (s1/s)$$

where:

e = evaporation loss in ML

s = volume of water in ML in either Lake Narracan or Blue Rock Reservoir as appropriate

A = surface area in hectares corresponding to s

E = pan evaporation in mm

s1 = volume of water in ML in the Entitlement Holder's share of Lake Narracan or Blue Rock Reservoir as appropriate

2. **Internal Spills**

The amount of internal spill cannot exceed a volume equal to the amount by which the volume held in the other Latrobe Headworks Entitlement Holders' shares of storage are below their full shares. Any internal spill is to be redistributed to those Latrobe Headworks Entitlement Holders whose shares of storage capacity are not full, in the same proportion as their shares of inflow to the storage.

3. **Storage Accounts**

The storage accounts maintained by the Storage Manager will be adjusted for –

- (i) the share of inflow apportioned to the Entitlement Holder;
- (ii) any internal spill;
- (iii) any release directed by the Entitlement Holder to meet its water supply requirements including any allowances for in-transit losses; and
- (iv) any allowance for the Entitlement Holder's share of rainfall falling directly on the storage and evaporation losses or seepage losses from the storage. '

Dated 1 July 2013

PETER WALSH
Minister for Water

Water Act 1989
BULK ENTITLEMENT (LATROBE – LOY YANG 3/4 BENCH)
AMENDMENT ORDER 2013

I, Peter Walsh, Minister for Water, under the provisions of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Latrobe – Loy Yang 3/4 Bench) Amendment Order 2013.

2. Preliminary

The Bulk Entitlement (Yallourn Energy Ltd for SECV) Conversion Order 1996 (the Bulk Entitlement Order) was made by the Minister on 25 March 1996 and published in the Government Gazette on 28 March 1996.

3. Purpose

The purpose of this Order is to make amendments to the Bulk Entitlement Order that are necessary to implement Action 6.3 of the Gippsland Region Sustainable Water Strategy.

4. Authorising provisions

This Order is made in accordance with section 44 of the **Water Act 1989**. The Minister makes this Order on the application of the Minister for Environment and Climate Change.

5. Commencement

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

6. Change to Citation

The citation of the Bulk Entitlement Order is amended to ‘Bulk Entitlement (Latrobe – Loy Yang 3/4 Bench) Conversion Order 1996’.

7. Substitution of terms

7.1 Where the term ‘Authority’ occurs in the Bulk Entitlement Order, excluding within the term ‘West Gippsland Catchment Management Authority’, substitute ‘Entitlement Holder’.

7.2 Where the term ‘Headworks System’ occurs in the Bulk Entitlement Order, substitute ‘Latrobe Headworks System’.

7.3 Where the term ‘source costs’ occurs in the Bulk Entitlement Order, substitute ‘storage management costs’.

7.4 Where the term ‘source charge’ occurs in the Bulk Entitlement Order, substitute ‘storage management charge’.

7.5 Where the term ‘Storage Operator’ occurs in the Bulk Entitlement Order, substitute ‘Storage Manager’.

8. Changes to definitions under Clause 4

8.1 Before the definition of ‘capacity share’ in the Bulk Entitlement Order, **insert** –
‘ **Blue Rock Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of Blue Rock Reservoir;’

8.2 In the definition of ‘capacity share’ in the Bulk Entitlement Order, **revoke** –

a) the words ‘and transmission’ in paragraph (c); and

b) paragraph (f).

8.3 For the definition of ‘entitlement holder’ in the Bulk Entitlement Order, **substitute** –

‘ **Entitlement Holder**’ means the Minister administering the **Conservation, Forests and Lands Act 1987**);’

- 8.4 For the definition of ‘internal spill’ in the Bulk Entitlement Order, **substitute** –
‘internal spill’ means the redistribution of inflow which occurs where a Latrobe Headworks Entitlement Holder’s share of inflow is in excess of the volume required to fill its share of storage capacity;’
- 8.5 After the definition of ‘internal spill’ in the Bulk Entitlement Order, **insert** –
‘**Latrobe Headworks Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of the Headworks Storages;’
- 8.6 After the definition of ‘Licence’ in the Bulk Entitlement Order, **insert** –
‘**Minister**’ means the Minister administering the Act;’
- 8.7 After the definition of ‘regulated release’ in the Bulk Entitlement Order, **insert** –
‘**reserve**’ means Bulk Entitlement (Latrobe Reserve) Order 2013;’
- 8.8 For the definition of ‘Resource Manager’ in the Bulk Entitlement Order, **substitute** –
‘**Resource Manager**’ means any person appointed by the Minister as Resource Manager for the Latrobe Basin under section 43A of the Act;’
- 8.9 For paragraphs (c) and (d) of the definition of ‘source costs’ in the Bulk Entitlement Order, **substitute** –
(c) undertake any new or enhancement works on Lake Narracan and Yallourn Weir; and
(d) meet the financial and regulatory depreciation charges on expenditure on any new or enhancement works associated with the Latrobe Headworks System, except Lake Narracan and Yallourn Weir, using the calculation methodology adopted by Gippsland and Southern Rural Water Corporation and approved by the Essential Service Commission; and ’
- 8.10 For the definition of ‘Storage Operator’ in the Bulk Entitlement Order, **substitute** –
‘**Storage Manager**’ means any person appointed by the Minister under section 122ZK of the Act to be Storage Manager for the Latrobe Headworks System to carry out the functions specified in the Act and in respect of bulk entitlements and environmental entitlements in the waterway;’
- 8.11 In the definition of ‘unregulated flow’ in the Bulk Entitlement Order, after the words ‘regulated release’ insert ‘or discharge from the works of an industrial company, generation company or water corporation’.
- 8.12 The definitions of ‘Authority’, ‘Latrobe Basin Water Accounts’, ‘other Authority’ and ‘reservoir entitlement holders’ in the Bulk Entitlement Order are revoked.
- 9. Amendment to Clause 5**
In clause 5 of the Bulk Entitlement Order, substitute the words ‘to provide for the future electricity generation requirements of the SECV or other purposes determined by the SECV’ with ‘to provide for future electricity generation requirements or other purposes’.
- 10. Amendment to Clause 6**
Sub-clauses 6.2, 6.3 and 6.4 of the Bulk Entitlement Order are revoked.
- 11. Amendment to Clause 7**
- 11.1 In paragraph 7(a) of the Bulk Entitlement Order, for the volume ‘208,200 ML’ substitute ‘208,188 ML’.
- 11.2 In paragraph 7(b) of the Bulk Entitlement Order, for the volume ‘8000 ML’ substitute ‘7,230 ML’.
- 12. Amendments to Clause 8**
For sub-clause 8.2 of the Bulk Entitlement Order, **substitute** –

- ‘8.2 The Entitlement Holder must not take from the system waterway or store as part of its bulk entitlement any flow –
- (a) which is specified as a passing flow by the Storage Manager; or
 - (b) which is being released or transferred by the holder of any other bulk entitlement or environmental entitlement.’

13. Amendments to Clause 10

- 13.1 For the term ‘reservoir entitlement holders’ in sub-clause 10.1 of the Bulk Entitlement Order, substitute ‘Blue Rock Entitlement Holders’.
- 13.2 For sub-clause 10.2 of the Bulk Entitlement Order, **substitute** –
- ‘10.2 The Entitlement Holder may use more than its share of the capacity of the outlet works specified in sub-clause 10.1 –
- (a) with the agreement of the Storage Manager and all other Blue Rock Entitlement Holders; or
 - (b) with the agreement of only the Storage Manager when there is no competing demand between Blue Rock Entitlement Holders for the available capacity.’
- 13.3 For sub-clause 10.3 of the Bulk Entitlement Order, **substitute** –
- ‘10.3 Where all parties cannot agree under paragraph 10.2(a), the Entitlement Holder may refer the matter to an independent for determination in accordance with clause 19.’

14. Substitution of Clause 12

For clause 12 of the Bulk Entitlement Order, **substitute** –

‘12. METERING PROGRAM

- 12.1 To demonstrate compliance with this Order, the Entitlement Holder must –
- (a) ensure there is adequate metering to determine the amount of water taken under the provisions of this bulk entitlement; and,
 - (b) maintain and implement a metering program approved by the Minister.
- 12.2 Subject to sub-clause 12.3, the Entitlement Holder must, at its cost –
- (a) maintain metering equipment and associated measurement structures in good condition; and
 - (b) ensure that metering equipment is periodically re-calibrated; and
 - (c) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (d) keep a record of all work undertaken under paragraphs (a), (b) and (c).
- 12.3 Where data from metering undertaken by another entity can be used to determine the Entitlement Holder’s compliance with this bulk entitlement, the Entitlement Holder must endeavour to agree with that entity concerning the provision of metering and arrangements with regard to –
- (a) who will undertake the tasks in sub-clause 12.2; and,
 - (b) how the Entitlement Holder will access all relevant data required to demonstrate its compliance with this bulk entitlement.
- 12.4 The Entitlement Holder’s metering program must have regard to –
- (a) the meter accuracy, maintenance and calibration requirements in sub-clause 12.2;
 - (b) any arrangements made under sub-clause 12.3; and
 - (c) any guidelines issued by the Minister from time to time.

- 12.5 The Minister may at any time require the Entitlement Holder to –
- (a) review the program if, in the Minister’s opinion, it is no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 12.6 Any application by the Entitlement Holder to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.’

15. Amendments to Clause 13

- 15.1 For the reference to ‘sub clause 12.3’ in paragraph 13.1(b) of the Bulk Entitlement Order, substitute ‘clause 12’.
- 15.2 For paragraph 13.1(c) of the Bulk Entitlement Order –
- (a) revoke the words ‘temporary or permanent’; and
 - (b) insert the words ‘, or assignment of all or part of a water allocation available under this bulk entitlement’ after the words ‘bulk entitlement’.
- 15.3 After paragraph 13.1(c) of the Bulk Entitlement Order, **insert** –
- ‘(cA) any transfer of all or part of a bulk entitlement, or assignment of all or part of a water allocation available under a bulk entitlement, to the Entitlement Holder.’
- 15.4 In paragraph 13.1(d) of the Bulk Entitlement Order, revoke the words ‘bulk entitlement or’.

16. Amendments to Clause 14

- 16.1 For sub-clause 14.1 of the Bulk Entitlement Order, **substitute** –
- ‘14.1 Subject to sub-clause 16.1, the Entitlement Holder must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to perform the tasks specified in the relevant instrument of appointment.’
- 16.2 After sub-clause 14.2 of the Bulk Entitlement Order, **insert** –
- ‘14.3 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 Entitlement Holder to the Resource Manager are to be proposed by the Resource Manager and approved by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.’

17. Amendment to Clause 15

- 17.1 Where the term ‘Storage Operator Costs’ occurs in clause 15 of the Bulk Entitlement Order, replace it with ‘Storage Management Costs’.
- 17.2 For sub-clause 15.2 of the Bulk Entitlement Order, **substitute** –
- ‘15.2 The amount the Entitlement Holder must pay the Storage Manager under sub-clause 15.1 is to be calculated by the Storage Manager as –
- (a) a percentage of the annual storage management charges and river regulation costs for Lake Narracan and Yallourn Weir as follows –
- $$Cs = \$ [0.2086 \times S \times (1+m)] + [0.1561 \times r \times (1+m)]$$
- and
- (b) a percentage of the annual storage management charge for Blue Rock Reservoir as follows –
- $$Cs = \$ [0.1043 \times S \times (1+m) \times (1+F)]$$
- where –
- Cs = the annual storage management charge;
 - S = the estimated storage management costs for the year for which charges are prepared;

- r** = the estimated river regulation costs for the year for which charges are prepared;
- m** = a business margin set at no more than 10%. Any variation to the margin is to be mutually agreed between the Storage Manager and the Entitlement Holder and
- F** = a factor representing the Entitlement Holder's contribution to the cost of the reserve and adjusted to reduce the Entitlement Holder's contribution if there has been a sale of water from the reserve;

and is subject to approval by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

18. Amendments to Clause 16

- 18.1 In sub-clause 16.3 of the Bulk Entitlement Order, for the words 'Water Authority responsible for the Headworks Storage' substitute 'Storage Manager'.
- 18.2 For sub-clause 16.5 of the Bulk Entitlement Order, **substitute** –
'16.5 In any year, by a date agreed with the Entitlement Holder, the Resource Manager must provide the Entitlement Holder an estimate of a fair and reasonable proportion of the costs referred to in sub-clause 14.1 for the ensuing year.'
- 18.3 For sub-clause 16.6 of the Bulk Entitlement Order, **substitute** –
'16.6 In any year, by a date agreed with the Entitlement Holder, the Storage Manager must provide the Entitlement Holder an estimate of the annual storage management charge referred to in sub-clause 15.2 for the ensuing year.'

19. Substitution of Clause 17

For clause 17 of the Bulk Entitlement Order, **substitute** –

'17. DUTY TO MAKE PAYMENTS

Any amount payable by the Entitlement Holder under clauses 14 and 15 –

- (a) is to be based on the actual expenditure for the period specified in paragraph 17(b) and include an adjustment from a previous period to reflect the actual cost of the work; and
- (b) must be paid monthly in arrears, within 28 days of the Entitlement Holder receiving an invoice for amounts payable,
- unless the Entitlement Holder and the person to whom the amount is payable agree otherwise.'

20. Amendment to Clause 18

Sub-clause 18.1 of the Bulk Entitlement Order is revoked.

21. Substitution of Clause 19

For Clause 19 of the Bulk Entitlement Order, **substitute** –

'19. DISPUTE RESOLUTION

- 19.1 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Latrobe Headworks Entitlement Holder, about the interpretation or application of this Order, the Entitlement Holder may give written notice to another party, or parties, requiring the matter to be determined by the Essential Services Commission or an independent expert.
- 19.2 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Latrobe Headworks Entitlement Holder, about the interpretation or application of this Order, and the Entitlement Holder receives written notice requiring the matter to be determined by the Essential Services Commission or an independent expert, the Entitlement Holder must comply with the notice.

- 19.3 A notice under sub-clause 19.1 may only be given once 14 days have passed after the difference or dispute has arisen.
- 19.4 Where a matter is referred to the Essential Services Commission by the parties to a difference or dispute –
- (a) the Essential Services Commission may determine the process and timing to reach a conclusion on the matter;
 - (b) the Essential Services Commission may determine the apportionment of costs to the parties of, and incidental to, every reference; and
 - (c) any determination by the Essential Services Commission is final and binding on the parties.
- 19.5 Where a matter is referred to an independent expert by the parties to a difference or dispute –
- (a) the independent expert is either:
 - (i) a person agreed on by the parties; or
 - (ii) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
 - (b) the independent expert must:
 - (i) reach a conclusion on the matter within 30 days after it has been referred, but has the power to extend the period for reaching a conclusion on the matter by a further 30 days;
 - (ii) send a copy of the conclusion and its supporting reasons to the parties.
 - (c) the independent expert may determine the apportionment of costs to the parties of, and incidental to, every reference, including the costs of the independent expert; and
 - (d) any determination by the independent expert is final and binding on the parties.’

22. Substitution of Schedule 1

For Schedule 1 to the Bulk Entitlement Order, **substitute** –

‘Schedule 1

Evaporation Losses and Internal Spills

1. Evaporation Losses

Evaporation losses from –

- (a) Lake Narracan are calculated using the formula
$$e = A \times E \times 0.01 \times (s1/s)$$
- (b) Blue Rock Reservoir are calculated using the formula
$$e = A \times E \times 0.01 \times (s1/s)$$

where:

- e = evaporation loss in ML
- s = volume of water in ML in either Lake Narracan or Blue Rock Reservoir as appropriate
- A = surface area in hectares corresponding to s
- E = pan evaporation in mm
- s1 = volume of water in ML in the Entitlement Holder’s share of Lake Narracan or Blue Rock Reservoir as appropriate

2. **Internal Spills**

The amount of internal spill cannot exceed a volume equal to the amount by which the volume held in the other Latrobe Headworks Entitlement Holders' shares of storage are below their full shares. Any internal spill is to be redistributed to those Latrobe Headworks Entitlement Holders whose shares of storage capacity are not full, in the same proportion their share of inflow to the storage.

3. **Storage Accounts**

The storage accounts maintained by the Storage Manager will be adjusted for –

- (i) the share of inflow apportioned to the Entitlement Holder;
- (ii) any internal spill;
- (iii) any release directed by the Entitlement Holder to meet its water supply requirements including any allowances for in-transit losses; and
- (iv) any allowance for the Entitlement Holder's share of rainfall falling directly on the storage and evaporation losses or seepage losses from the storage.'

Dated 1 July 2013

PETER WALSH
Minister for Water

Water Act 1989
BULK ENTITLEMENT (GIPPSLAND WATER – BLUE ROCK)
AMENDMENT ORDER 2013

I, Peter Walsh, Minister for Water, under the provisions of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Gippsland Water – Blue Rock) Amendment Order 2013.

2. Preliminary

The Bulk Entitlement (CGRWA – Blue Rock) Conversion Order 1997 (the Bulk Entitlement Order) was made by the Minister on 8 July 1997 and published in the Government Gazette on 24 July 1997. The Bulk Entitlement Order has been previously amended on one occasion, by notice in the Government Gazette on 21 April 2011.

3. Purpose

The purpose of this Order is to make amendments to the Bulk Entitlement Order that are necessary to implement Action 6.3 of the Gippsland Region Sustainable Water Strategy.

4. Authorising provisions

This Order is made in accordance with section 44 of the **Water Act 1989**. The Minister makes this Order on the application of the Central Gippsland Region Water Corporation.

5. Commencement

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

6. Change to Citation

The citation of the Bulk Entitlement Order is amended to ‘Bulk Entitlement (Gippsland Water – Blue Rock) Conversion Order 1997’.

7. Substitution of terms

7.1 Where the term ‘Authority’ is used in the Bulk Entitlement Order, excluding its occurrence within the terms ‘West Gippsland Catchment Management Authority’, ‘other Authority’ and ‘Water Authority’, replace it with the term ‘Entitlement Holder’.

7.2 Where the term ‘Headworks System’ occurs in the Bulk Entitlement Order, substitute ‘Latrobe Headworks System’.

7.3 Where the term ‘source charge’ occurs in the Bulk Entitlement Order, substitute ‘storage management charge’.

7.4 Where the term ‘Storage Operator’ occurs in the Bulk Entitlement Order, substitute ‘Storage Manager’.

8. Changes to definitions under Clause 4

8.1 After the definition of ‘AHD’ in the Bulk Entitlement Order, **insert** –
‘ **Blue Rock Entitlement Holder**’ means any person holding a bulk entitlement or environmental entitlement in respect of Blue Rock Reservoir;’

8.2 In the definition of ‘capacity share’ in the Bulk Entitlement Order, **revoke** –

(a) the words ‘and transmission’ in paragraph (c); and

(b) paragraph (e).

8.3 For the definition of ‘entitlement holder’ in the Bulk Entitlement Order, **substitute** –
‘ **Entitlement Holder**’ means the Central Gippsland Region Water Corporation;’

8.4 In the definition of ‘internal spill’ in the Bulk Entitlement Order, for the words ‘where an Authority’s’ substitute ‘when a Blue Rock Entitlement Holder’s’.

- 8.5 For the definition of ‘Minister’ in the Bulk Entitlement Order, **substitute** –
‘**Minister**’ means the Minister administering the Act;’
- 8.6 After the definition of ‘regulated releases’ in the Bulk Entitlement Order, **insert** –
‘**reserve**’ means Bulk Entitlement (Latrobe Reserve) Order 2013;’
- 8.7 For the definition of ‘Resource Manager’ in the Bulk Entitlement Order, **substitute** –
‘**Resource Manager**’ means any person appointed by the Minister as Resource Manager for the Latrobe Basin under section 43A of the Act;’
- 8.8 In the definition of ‘source costs’ in the Bulk Entitlement Order:
- (a) For the words ‘source costs’ substitute ‘storage management costs’
 - (b) For paragraph (c), **substitute** –
 - (c) undertake any new or enhancement works on Lake Narracan and Yallourn Weir; and’
- 8.9 For paragraph (d) of the definition of ‘source costs’ in the Bulk Entitlement Order, **substitute** –
‘(d) meet the financial and regulatory depreciation charges on expenditure on any new or enhancement works associated with the Latrobe Headworks System, except Lake Narracan and Yallourn Weir, using the calculation methodology adopted by Gippsland and Southern Rural Water Corporation and approved by the Essential Service Commission; and ’
- 8.10 In the definition of ‘specified point C’ in the Bulk Entitlement Order, revoke the word ‘proposed’.
- 8.11 For the definition of ‘Storage Operator’ in the Bulk Entitlement Order, **substitute** –
‘**Storage Manager**’ means any person appointed by the Minister under section 122ZK of the Act to be Storage Manager for the Latrobe Headworks System to carry out the functions specified in the Act and in respect of bulk entitlements and environmental entitlements in the waterway;’
- 8.12 In the definition of ‘unregulated flow’ in the Bulk Entitlement Order, for the words ‘industrial company or other Authority’ substitute ‘industrial company, generation company or water corporation’.
- 8.13 The definitions of ‘Authority’, ‘Latrobe Basin Water Accounts’, ‘other Authority’ and ‘reservoir entitlement holders’ in the Bulk Entitlement Order are revoked.
- 9. Amendment to Clause 6**
Sub-clause 6.2 of the Bulk Entitlement Order is revoked.
- 10. Amendment to Clause 7**
In paragraph 7(a) of the Bulk Entitlement Order, for the volume ‘208,200 ML’ substitute ‘208,188 ML’.
- 11. Amendment to Clause 8**
For sub-clause 8.2 of the Bulk Entitlement Order, **substitute** –
‘8.2 The Entitlement Holder must not take from the system waterway or store as part of its bulk entitlement, any flow –
(a) specified as a passing flow by the Storage Manager; or
(b) which is being released or transferred by the holder of any other bulk entitlement or environmental entitlement.’
- 12. Amendments to Clause 9**
- 12.1 In sub-clause 9.1 of the Bulk Entitlement Order, for the term ‘reservoir entitlement holders’ substitute ‘Blue Rock Entitlement Holders’.
- 12.2 For sub-clause 9.2 of the Bulk Entitlement Order, **substitute** –

- ‘9.2 The Entitlement Holder may use more than its share of the capacity of the outlet works specified in sub-clause 9.1 –
- (a) with the agreement of the Storage Manager and all other Blue Rock Entitlement Holders; or
 - (b) with the agreement of only the Storage Manager when there is no competing demand between Blue Rock Entitlement Holders for the available capacity.’
- 12.3 For sub-clause 9.3 of the Bulk Entitlement Order, **substitute** –
- ‘9.3 Where all parties cannot agree under paragraph 9.2(a), the Entitlement Holder may refer the matter to an independent expert for determination in accordance with clause 19.’
- 13. Substitution of Clause 12**
- For Clause 12 of the Bulk Entitlement Order, **substitute** –
- ‘12. METERING PROGRAM**
- 12.1 To demonstrate compliance with this Order, the Entitlement Holder must –
- (a) ensure there is adequate metering to determine the amount of water taken under the provisions of this bulk entitlement; and
 - (b) maintain and implement a metering program approved by the Minister.
- 12.2 Subject to sub-clause 12.3, the Entitlement Holder must, at its cost –
- (a) maintain metering equipment and associated measurement structures in good condition; and
 - (b) ensure that metering equipment is periodically re-calibrated; and
 - (c) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (d) keep a record of all work undertaken under paragraphs (a), (b) and (c).
- 12.3 Where data from metering undertaken by another entity can be used to determine the Entitlement Holder’s compliance with this bulk entitlement, the Entitlement Holder must endeavour to agree with that entity concerning the provision of metering and arrangements with regard to –
- (a) who will undertake the tasks in sub-clause 12.2; and,
 - (b) how the Entitlement Holder will access all relevant data required to demonstrate its compliance with this bulk entitlement.
- 12.4 The Entitlement Holder’s metering program must have regard to –
- (a) the meter accuracy, maintenance and calibration requirements in sub-clause 12.2;
 - (b) any arrangements made under sub-clause 12.3; and
 - (c) any guidelines issued by the Minister from time to time.
- 12.5 The Minister may at any time require the Entitlement Holder to –
- (a) review the program if, in the Minister’s opinion, it is no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 12.6 Any application by the Entitlement Holder to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.’
- 14. Amendments to Clause 13**
- 14.1 For the reference to ‘sub clause 12.3’ in paragraph 13.1(d) of the Bulk Entitlement Order, substitute ‘clause 12’.

- 14.2 For paragraph 13.1(e) of the Bulk Entitlement Order –
- (a) revoke the words ‘temporary or permanent’; and
 - (b) insert the words ‘, or assignment of all or part of a water allocation available under this bulk entitlement’ after the word ‘entitlement’.
- 14.3 After paragraph 13.1(e) of the Bulk Entitlement Order, **insert** –
- ‘(eA) any transfer of all or part of a bulk entitlement, or assignment of all or part of a water allocation available under a bulk entitlement, to the Entitlement Holder.’

15. Amendments to Clause 14

- 15.1 For sub-clause 14.1 of the Bulk Entitlement Order, **substitute** –
- ‘ 14.1 Subject to sub-clause 16.1, the Entitlement Holder must pay the Resource Manager a proportion of the costs incurred by the Resource Manager to perform the tasks specified in the relevant instrument of appointment.’
- 15.2 After sub-clause 14.2 of the Bulk Entitlement Order, **insert** –
- ‘ 14.3 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 Entitlement Holder to the Resource Manager are to be proposed by the Resource Manager and approved by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.’

16. Amendment to Clause 15

- 16.1 For the term ‘Storage Operator Costs’ in clause 15 of the Bulk Entitlement Order, substitute ‘Storage Management Costs’.
- 16.2 For sub-clause 15.2 of the Bulk Entitlement Order, **substitute** –
- ‘15.2 The amount the Entitlement Holder must pay the Storage Manager under sub-clause 15.1 is to be calculated by the Storage Manager as a percentage of the annual storage management charge for Blue Rock Reservoir as follows:
- $$C_s = \$ [0.1240 \times S_{BR} \times (1 + m) \times (1+F)]$$
- where –
- C_s = the annual storage management charge;
- S_{BR} = the estimated storage management costs for Blue Rock Reservoir for the year for which charges are prepared;
- m = business margin set at no more than 10%. Any variation to the margin is to be mutually agreed between the Storage Manager and the Entitlement Holder; and
- F = a factor representing the Entitlement Holder’s contribution to the cost of the reserve and adjusted to reduce the Entitlement Holder’s contribution if there has been a sale of water from the reserve;
- and is subject to approval by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.’

17. Amendments to Clause 16

- 17.1 In sub-clause 16.3 of the Bulk Entitlement Order, for the words ‘Water Authority responsible for the Headworks Storage’ substitute ‘Storage Manager’.
- 17.2 For sub-clause 16.5 of the Bulk Entitlement Order, **substitute** –
- ‘16.5 In any year, by a date agreed with the Entitlement Holder, the Resource Manager must provide the Entitlement Holder an estimate of a fair and reasonable proportion of the costs referred to in sub-clause 14.1 for the ensuing year.’

- 17.3 For sub-clause 16.6 of the Bulk Entitlement Order, **substitute** –
‘16.6 In any year, by a date agreed with the Entitlement Holder, the Storage Manager must provide the Entitlement Holder an estimate of the annual storage management source charge referred to in sub-clause 15.2 for the ensuing year.’
- 18. Substitution of Clause 17**
For clause 17 of the Bulk Entitlement Order, **substitute** –
‘17. DUTY TO MAKE PAYMENTS
Any amount payable by the Entitlement Holder under clauses 14 and 15 –
(a) is to be based on the actual expenditure for the period specified in paragraph 17(b) and include any adjustment from a previous period to reflect the actual cost of the work; and
(b) must be paid monthly in arrears, within 28 days of the Entitlement Holder receiving an invoice for amounts payable,
unless the Entitlement Holder and the person to whom the amount is payable agree otherwise.’
- 19. Amendment to Clause 18**
Sub-clause 18.1 of the Bulk Entitlement Order is revoked.
- 20. Substitution of Clause 19**
For Clause 19 of the Bulk Entitlement Order, **substitute** –
‘19. DISPUTE RESOLUTION
19.1 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Blue Rock Entitlement Holder, about the interpretation or application of this Order, the Entitlement Holder may give written notice to another party, or parties, requiring the matter to be determined by the Essential Services Commission or an independent expert.
19.2 If a difference or dispute arises between the Entitlement Holder and the Storage Manager, or the Resource Manager, or another Blue Rock Entitlement Holder, about the interpretation or application of this Order, and the Entitlement Holder receives written notice requiring the matter to be determined by the Essential Services Commission or an independent expert, the Entitlement Holder must comply with the notice.
19.3 A notice under sub-clause 19.1 may only be given once 14 days have passed after the difference or dispute has arisen.
19.4 Where a matter is referred to the Essential Services Commission by the parties to a difference or dispute –
(a) the Essential Services Commission may determine the process and timing to reach a conclusion on the matter;
(b) the Essential Services Commission may determine the apportionment of costs to the parties of, and incidental to, every reference; and
(c) any determination by the Essential Services Commission is final and binding on the parties.
19.5 Where a matter is referred to an independent expert by the parties to a difference or dispute –
(a) the independent expert is either:
(i) a person agreed on by the parties; or
(ii) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.

- (b) the independent expert must:
 - (i) reach a conclusion on the matter within 30 days after it has been referred, but has the power to extend the period for reaching a conclusion on the matter by a further 30 days;
 - (ii) send a copy of the conclusion and its supporting reasons to the parties.
- (c) the independent expert may determine the apportionment of costs to the parties of, and incidental to, every reference, including the costs of the independent expert; and
- (d) any determination by the independent expert is final and binding on the parties.'

21. Substitution of Schedule 1

For Schedule 1 to the Bulk Entitlement Order, **substitute** –

'Schedule 1

Evaporation Losses and Internal Spills

1. **Evaporation Losses**

Evaporation losses from Blue Rock Reservoir are calculated using the formula –

$$e = A \times E \times 0.01 \times (s1/s)$$

where:

- e = evaporation loss in ML
- s = volume of water in ML in Blue Rock Reservoir
- A = surface area in hectares corresponding to s
- E = pan evaporation in mm
- s1 = volume of water in ML in the Entitlement Holder's share of Blue Rock Reservoir

2. **Internal Spills**

The amount of internal spill cannot exceed a volume equal to the amount by which the volume held in the other Blue Rock Entitlement Holders' shares of storage are below their full shares.

Any internal spill is to be redistributed to those Blue Rock Entitlement Holders whose shares of storage capacity are not full, in the same proportion as their shares of inflow to the storage.

3. **Storage Accounts**

The storage accounts maintained by the Storage Manager will be adjusted for –

- (i) the share of inflow apportioned to the Entitlement Holder;
- (ii) any internal spill;
- (iii) any release directed by the Entitlement Holder to meet its water supply requirements including any allowance for in-transit losses; and
- (iv) any allowance for the Entitlement Holder's share of rainfall falling directly on the storage and evaporation losses or seepage losses from the storage.'

Dated 1 July 2013

PETER WALSH
Minister for Water

Planning and Environment Act 1987

Section 7(5)

MINISTERIAL DIRECTION

I, Matthew Guy, Minister for Planning, under section 7(5) of the **Planning and Environment Act 1987** amend the Ministerial Direction on the Form and Content of the Planning Schemes under the section as follows:

1. In Annexure 2 to the Direction
 - 1.1 Replace the template Schedule to the Mixed Use Zone with a new template Schedule to the Mixed Use Zone as at **Attachment 1**.
 - 1.2 Replace the template Schedule to the Township Zone with a new template Schedule to the Township Zone as at **Attachment 2**.
 - 1.3 Introduce a new template Schedule to the Residential Growth Zone as at **Attachment 3**.
 - 1.4 Introduce a new template Schedule to the General Residential Zone as at **Attachment 4**.
 - 1.5 Introduce a new template Schedule to the Neighbourhood Residential Zone as at **Attachment 5**.

MATTHEW GUY MLC
Minister for Planning

Attachment 1

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/20--
C--**SCHEDULE [NUMBER] TO CLAUSE 32.04 MIXED USE ZONE**Shown on the planning scheme map as **MUZ**[number].**NAME OF AREA****1.0****Objectives**--/20--
C--

“[Insert objective(s)]”

2.0**Clause 54 and Clause 55 requirements**--/20--
C--

	Standard	Requirement
Minimum street setback	A3 and B6	Insert “None specified” or a quantitative and measurable figure/amount
Site coverage	A5 and B8	Insert “None specified” or a quantitative and measurable figure/amount
Permeability	A6 and B9	Insert “None specified” or a quantitative and measurable figure/amount
Landscaping	B13	Insert “None specified” or a quantitative and measurable figure/amount
Side and rear setbacks	A10 and B17	Insert “None specified” or a quantitative and measurable figure/amount
Walls on boundaries	A11 and B18	Insert “None specified” or a quantitative and measurable figure/amount
Private open space	A17	Insert “None specified” or a quantitative and measurable figure/amount
	B28	Insert “None specified” or a quantitative and measurable figure/amount
Front fence height	A20 and B32	Insert “None specified” or a quantitative and measurable figure/amount

3.0**Maximum building height requirement**--/20--
C--

Where no height is specified insert “None specified”

Where a height is specified insert “A building must not exceed a height of [insert number] metres”

4.0**Exemption from notice and review**--/20--
C--

Where no exemption from notice and review is specified insert “None specified”

Where an exemption from notice and review is specified insert the precise wording of the exemption from notice and review

Note- The text under each heading provides guidance to the completion of the schedule.

Attachment 1

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

5.0 Application requirements~~1-120-~~
C--

Where no application requirements are specified insert “None specified”

Where application requirements are specified insert “The following application requirements apply to an application for a permit under clause 32.04, in addition to those specified in clause 32.04 and elsewhere in the scheme:

- ”

6.0 Decision guidelines~~1-120-~~
C--

Where no decision guidelines are specified insert “None specified”

Where decision guidelines are specified insert “The following decision guidelines apply to an application for a permit under clause 32.04, in addition to those specified in clause 32.04 and elsewhere in the scheme:

- ”

Note- The text under each heading provides guidance to the completion of the schedule.

Attachment 2

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/20--
C--**SCHEDULE [NUMBER] TO CLAUSE 32.05 TOWNSHIP ZONE**Shown on the planning scheme map as **TZ[number]**.**NAME OF AREA****Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

Where the permit requirement for the construction or extension of one dwelling on a lot remains at 300 square metres insert "None specified"

Where the permit requirement for the construction or extension of one dwelling on a lot is changed to between 300 square metres and 500 square metres insert "[insert number] square metres"

1.0--/20--
C--**Clause 54 and Clause 55 requirements**

	Standard	Requirement
Minimum street setback	A3 and B6	Insert "None specified" or a quantitative and measurable figure/amount
Site coverage	A5 and B8	Insert "None specified" or a quantitative and measurable figure/amount
Permeability	A6 and B9	Insert "None specified" or a quantitative and measurable figure/amount
Landscaping	B13	Insert "None specified" or a quantitative and measurable figure/amount
Side and rear setbacks	A10 and B17	Insert "None specified" or a quantitative and measurable figure/amount
Walls on boundaries	A11 and B18	Insert "None specified" or a quantitative and measurable figure/amount
Private open space	A17	Insert "None specified" or a quantitative and measurable figure/amount
	B28	Insert "None specified" or a quantitative and measurable figure/amount
Front fence height	A20 and B32	Insert "None specified" or a quantitative and measurable figure/amount

2.0--/20--
C--**Maximum building height requirement for a dwelling or residential building**

Where no height is specified insert "None specified"

Where a height is specified insert "A building used as a dwelling or a residential building must not exceed a height of [insert number] metres"

3.0--/20--
C--**Application requirements**

Where no application requirements are specified insert "None specified"

Note- The text under each heading provides guidance to the completion of the schedule.

Attachment 2

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

Where application requirements are specified insert “The following application requirements apply to an application for a permit under clause 32.05, in addition to those specified in clause 32.05 and elsewhere in the scheme:

- ”

--/20--
C--

Decision guidelines

Where no decision guidelines are specified insert “None specified”

Where decision guidelines are specified insert “The following decision guidelines apply to an application for a permit under clause 32.05, in addition to those specified in clause 32.05 and elsewhere in the scheme:

- ”

Attachment 3

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/20--
C--**SCHEDULE [NUMBER] TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE**Shown on the planning scheme map as **RGZ**[number].**NAME OF AREA****1.0****Requirements of Clause 54 and Clause 55**--/20--
C--

	Standard	Requirement
Minimum street setback	A3 and B6	Insert "None specified" or a quantitative and measurable figure/amount
Site coverage	A5 and B8	Insert "None specified" or a quantitative and measurable figure/amount
Permeability	A6 and B9	Insert "None specified" or a quantitative and measurable figure/amount
Landscaping	B13	Insert "None specified" or a quantitative and measurable figure/amount
Side and rear setbacks	A10 and B17	Insert "None specified" or a quantitative and measurable figure/amount
Walls on boundaries	A11 and B18	Insert "None specified" or a quantitative and measurable figure/amount
Private open space	A17	Insert "None specified" or a quantitative and measurable figure/amount
	B28	Insert "None specified" or a quantitative and measurable figure/amount
Front fence height	A20 and B32	Insert "None specified" or a quantitative and measurable figure/amount

2.0**Maximum building height requirement for a dwelling or residential building**--/20--
C--

Where no height is specified insert "None specified"

Where a height is specified insert "A building used as a dwelling or a residential building must not exceed a height of [insert number] metres"

3.0**Application requirements**--/20--
C--

Where no application requirements are specified insert "None specified"

Where application requirements are specified insert "The following application requirements apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

- "

4.0**Decision guidelines**--/20--
C--

Where no decision guidelines are specified insert "None specified"

Note- The text under each heading provides guidance to the completion of the schedule.

Attachment 3

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

Where decision guidelines are specified insert “The following decision guidelines apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

- ”

Note- The text under each heading provides guidance to the completion of the schedule.

Attachment 4

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/20--
C--**SCHEDULE [NUMBER] TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**Shown on the planning scheme map as **GRZ**[number].**NAME OF AREA****1.0****Permit requirement for the construction or extension of one dwelling on a lot**--/20--
C--**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

Where the permit requirement for the construction or extension of one dwelling on a lot remains at 300 square metres insert "None specified"

Where the permit requirement for the construction or extension of one dwelling on a lot is changed to between 300 square metres and 500 square metres insert "[insert number] square metres"

2.0**Requirements of Clause 54 and Clause 55**--/20--
C--

	Standard	Requirement
Minimum street setback	A3 and B6	Insert "None specified" or a quantitative and measurable figure/amount
Site coverage	A5 and B8	Insert "None specified" or a quantitative and measurable figure/amount
Permeability	A6 and B9	Insert "None specified" or a quantitative and measurable figure/amount
Landscaping	B13	Insert "None specified" or a quantitative and measurable figure/amount
Side and rear setbacks	A10 and B17	Insert "None specified" or a quantitative and measurable figure/amount
Walls on boundaries	A11 and B18	Insert "None specified" or a quantitative and measurable figure/amount
Private open space	A17	Insert "None specified" or a quantitative and measurable figure/amount
	B28	Insert "None specified" or a quantitative and measurable figure/amount
Front fence height	A20 and B32	Insert "None specified" or a quantitative and measurable figure/amount

3.0**Maximum building height requirement for a dwelling or residential building**--/20--
C--

Where no height is specified insert "None specified"

Where a height is specified insert "A building used as a dwelling or a residential building must not exceed a height of [insert number] metres"

Note- The text under each heading provides guidance to the completion of the schedule.

Attachment 4

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

4.0 Application requirements--/20--
C--

Where no application requirements are specified insert “None specified”

Where application requirements are specified insert “The following application requirements apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

■ ”

5.0 Decision guidelines--/20--
C--

Where no decision guidelines are specified insert “None specified”

Where decision guidelines are specified insert “The following decision guidelines apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

■ ”

Note- The text under each heading provides guidance to the completion of the schedule.

Attachment 5

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/20--
C--**SCHEDULE [NUMBER] TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**Shown on the planning scheme map as **NRZ**[number].**NAME OF AREA****1.0 Minimum subdivision area**--/20--
C--

Where the minimum lot size for subdivision is not specified insert "None specified"

Where the minimum lot size for subdivision is specified insert "The minimum lot size for subdivision is [insert number] square metres"

2.0 Permit requirement for the construction or extension of one dwelling on a lot--/20--
C--

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	Insert "None specified" or "[insert number] square metres"
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	Insert "None specified" or "[insert number] square metres"

3.0 Requirements of Clause 54 and Clause 55--/20--
C--

	Standard	Requirement
Minimum street setback	A3 and B6	Insert "None specified" or a quantitative and measurable figure/amount
Site coverage	A5 and B8	Insert "None specified" or a quantitative and measurable figure/amount
Permeability	A6 and B9	Insert "None specified" or a quantitative and measurable figure/amount
Landscaping	B13	Insert "None specified" or a quantitative and measurable figure/amount
Side and rear setbacks	A10 and B17	Insert "None specified" or a quantitative and measurable figure/amount
Walls on boundaries	A11 and B18	Insert "None specified" or a quantitative and measurable figure/amount
Private open space	A17	Insert "None specified" or a quantitative and measurable figure/amount
	B28	Insert "None specified" or a quantitative and measurable figure/amount
Front fence height	A20 and B32	Insert "None specified" or a quantitative and measurable figure/amount

Note- The text under each heading provides guidance to the completion of the schedule.

Attachment 5

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

4.0 Number of dwellings on a lot--/20--
C--

Where the number of dwellings on a lot is not specified insert "None specified"

Where the number of dwellings on a lot is specified insert "The number of dwellings on a lot must not exceed [insert number]"

5.0 Maximum building height requirement for a dwelling or residential building--/20--
C--

Where no height is specified insert "None specified"

Where a height is specified insert "A building used as a dwelling or a residential building must not exceed a height of [insert number] metres"

6.0 Application requirements--/20--
C--

Where no application requirements are specified insert "None specified"

Where application requirements are specified insert "The following application requirements apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- "

7.0 Decision guidelines--/20--
C--

Where no decision guidelines are specified insert "None specified"

Where decision guidelines are specified insert "The following decision guidelines apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- "

Note- The text under each heading provides guidance to the completion of the schedule.

Planning and Environment Act 1987

BAW BAW PLANNING SCHEME

Notice of Approval of Amendment

Amendment C88

The Baw Baw Shire Council has approved Amendment C88 to the Baw Baw Planning Scheme.

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

For land at 100 Buln Buln Road, Drouin, being lots 15 and 16 on LP5440, lot 1 on TP161448, lot 1 on TP166225 and lot 1 on TP916025; and the two lots adjacent to the north-west boundary of 100 Buln Buln Road, Drouin, being lot 1 on TP80563 and lot 1 on TP80562, the Amendment:

- rezones land at lot 1 on TP916205, lot 1 on TP166225, lot 1 on TP161448, and lots 15 and 16 on LP5440 from Farming Zone to Residential 1 Zone;
- deletes the Environment Significance Overlay, schedule 1 (High Quality Agricultural Land) from lot 15 and part of lot 16 on LP5440, part of lot 1 on TP161448 and part lot 1 on TP916025;
- introduces schedule 3 to the Design and Development Overlay (DDO3) at clause 43.02;
- applies DDO3 to lot 1 on TP80562, lot 2 on TP80563, lot 1 on TP916025, lot 1 on TP166225, lot 1 on TP161448, and lots 15 and 16 on LP5440;
- modifies the Drouin Structure Plan at clause 22.2, Settlement Policies to show the land as included in the Residential 1 Zone; and
- updates the schedule to clause 61.03.

The Amendment was approved by the Baw Baw Shire Council on 24 June 2013 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 25 May 2012. The authorisation has not been withdrawn.

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

CON TSOTSOROS

Acting Director

Planning and Building Systems

Department of Transport, Planning and Local Infrastructure

Planning and Environment Act 1987

BAW BAW PLANNING SCHEME

Notice of Approval of Amendment

Amendment C90

The Minister for Planning has approved Amendment C90 to the Baw Baw Planning Scheme.

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

The Amendment implements the Baw Baw Heritage Study by:

- amending the Schedule to Clause 43.01 of the Heritage Overlay;
- amending the Schedule to Clause 63.01 to add two HO maps;
- renaming and amending Clause 21.11 Visual Character and Heritage; and
- amending the Schedule to Clause 81.01 to add the Incorporated Document 'Heritage Permit Exemptions'.

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

CON TSOTSOROS
Acting Director
Planning and Building Systems
Department of Transport, Planning and Local Infrastructure

Planning and Environment Act 1987

BAYSIDE PLANNING SCHEME

Notice of Approval of Amendment

Amendment C101

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

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

The Amendment gives effect to the 'Bay Street Centre – Final Structure Plan (November 2006)' by introducing Schedule 10 to the Design and Development Overlay to the Bayside Planning Scheme and applying it to the Bay Street Centre.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Bayside City Council, 76 Royal Avenue, Sandringham.

CON TSOTSOROS
Acting Director
Planning and Building Systems
Department of Transport, Planning and Local Infrastructure

Planning and Environment Act 1987

BAYSIDE PLANNING SCHEME

Notice of Approval of Amendment

Amendment C103

The Minister for Planning has approved Amendment C103 to the Bayside Planning Scheme.

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

The Amendment gives effect to the 'Hampton Street Centre – Final Structure Plan (November 2006)' by introducing Schedule 12 to the Design and Development Overlay into the Bayside Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Bayside City Council, 76 Royal Avenue, Sandringham.

CON TSOTSOROS
Acting Director
Planning and Building Systems
Department of Transport, Planning and Local Infrastructure

Planning and Environment Act 1987

BAYSIDE PLANNING SCHEME

Notice of Approval of Amendment

Amendment C109

The Minister for Planning has approved Amendment C109 to the Bayside Planning Scheme.

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

The Amendment gives effect to the 'City of Bayside Highett Neighbourhood Character Review, Planisphere, March 2011' by introducing Neighbourhood Character Overlay Schedule 10 into the Bayside Planning Scheme and applying it to two precincts in Highett. It updates Clause 22.06 Neighbourhood Character Policy and Clause 21.06 Built Environment and Heritage to reflect the findings of the Review and includes the Review as a reference document.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Bayside City Council, 76 Royal Avenue, Sandringham.

CON TSOTSOROS

Acting Director

Planning and Building Systems

Department of Transport, Planning and Local Infrastructure

Planning and Environment Act 1987

EAST GIPPSLAND PLANNING SCHEME

Notice of Approval of Amendment

Amendment C67

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

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

The Amendment rezones the land at 66 Maurice Avenue, Mallacoota, from Residential 1 Zone to Business 1 Zone and deletes the Design and Development Overlay, Schedule 12, from the land.

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

CON TSOTSOROS

Acting Director

Planning and Building Systems

Department of Transport, Planning and Local Infrastructure

Planning and Environment Act 1987

EAST GIPPSLAND PLANNING SCHEME

Notice of Approval of Amendment

Amendment C106

The East Gippsland Shire Council has approved Amendment C106 to the East Gippsland Planning Scheme.

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

The Amendment affects land at 200 and 202 Day Avenue and 5 Creek Street, Omeo, and it:

- rezones land at 200 Day Avenue and 5 Creek Street, Omeo, from Residential 1 Zone to Business 1 Zone; and
- rezones land at 202 Day Avenue, Omeo, from Residential 1 Zone to Public Park and Recreation Zone.

The Amendment was approved by the East Gippsland Shire Council on 17 June 2013 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 21 June 2012. The authorisation has not been withdrawn.

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

CON TSOTSOROS
Acting Director
Planning and Building Systems
Department of Transport, Planning and Local Infrastructure

Planning and Environment Act 1987
GREATER BENDIGO PLANNING SCHEME
Notice of Approval of Amendment
Amendment C186

The Minister for Planning has approved Amendment C186 to the Greater Bendigo Planning Scheme.

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

The Amendment facilitates the redevelopment of the land and buildings within ‘Bendigo CBD Plan 2005 Precinct D – Crystal Ice and Gillies Pie Factory site’, at 93, 95, 97, 123 and 125–131 Garsed Street, Bendigo, by increasing the maximum combined leasable floor area for shop under the Schedule to the Business 2 Zone to 8,000 m², applying new Heritage Overlay HO863 to parts of the site, and applying a new Schedule 13 to the Design and Development Overlay across the site.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Greater Bendigo City Council, 733 Lyttleton Terrace, Bendigo.

CON TSOTSOROS
Acting Director
Planning and Building Systems
Department of Transport, Planning and Local Infrastructure

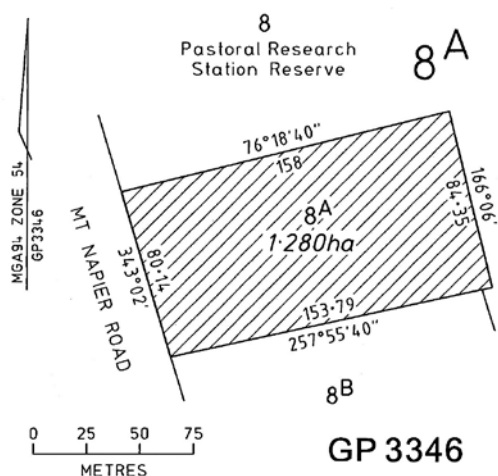
ORDERS IN COUNCIL

Crown Land (Reserves) Act 1978 NOTICE OF INTENTION TO REVOKE TEMPORARY RESERVATIONS

Order in Council

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

MONIVAE – The temporary reservation by Order in Council of 14 November, 1967 of an area of 196.6 hectares of land in Section 8A, Parish of Monivae as a site for a Pastoral Research Station, so far only as the portion containing 1.280 hectares being Crown Allotment 8A, Section 8A, Parish of Monivae as indicated by hatching on plan GP3346 hereunder. – (GP3346) – (Rs 8103)



BAEL BAEL – The temporary reservation by Order in Council of 21 September, 1896 of an area of 1133.12 hectares, more or less, of land in the Parish of Bael Bael as a site for Water supply purposes. – (Rs 6040)

KOORANGIE – The temporary reservation by Order in Council of 3 July, 1973 of an area of 11.74 hectares, more or less, of land in the Parish of Koorangie as a site for Public purposes. – (Rs 8109)

WATTA WELLA – The temporary reservation by Order in Council of 7 July, 1887 of an area of 2.6 hectares, more or less, of land in the Parish of Watta Wella as a site for Supply of Gravel. – (Rs 13645)

PHILLIP ISLAND – Crown Allotment 95B, Parish of Phillip Island, area 20.96 hectares, deemed to be temporarily reserved as at 6 February, 1997 pursuant to section 5(7) of the **Crown Land (Reserves) Act 1978** as an addition to public reserves in the Rhyll Inlet Saltmarsh. – (Rs 37183)

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

Dated 2 July 2013

Responsible Minister

RYAN SMITH

Minister for Environment and
Climate Change

MATTHEW McBEATH
Acting Clerk of the Executive Council

OUYEN – The temporary reservation by Order in Council of 16 January, 1973 of an area of 304 square metres, of land in Section 2, Township of Ouyen, Parish of Ouyen as a site for Public purposes (Public Buildings). – (Rs 9705)

RAINBOW – The temporary reservation by Order in Council of 21 October, 1902 of an area of 6070 square metres, more or less, of land in the Township of Rainbow, Parish of Werrap (formerly being Crown Allotments 12, 13 & 14, Section 1) as a site for a State School. – (Rs 03485)

RAINBOW – The temporary reservation by Order in Council of 15 October, 1968 of an area of 304 square metres of land in the Township of Rainbow, Parish of Werrap as a site for State School purposes. – (Rs 03485)

Crown Land (Reserves) Act 1978 REVOCATION OF TEMPORARY RESERVATIONS

Order in Council

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

GLENORCHY – The temporary reservation by Order in Council of 23 November, 1982 of an area of 4120 square metres, more or less, of land being Crown Allotment 1A, Section 19, Township of Glenorchy, Parish of Glenorchy as a site for State School. – (Rs 12194)

LARA – The temporary reservation by Order in Council of 23 January, 1990 of an area of 3.54 hectares, more or less, of land being Crown Allotments 9J & 9K, Section 11, Township of Lara, Parish of Woornyalook as a site for Public Recreation. – (Rs 3280)

MURRABIT WEST – The temporary reservation by Order in Council of 26 February, 2013 of an area of 13.4 hectares, more or less, of land being Crown Allotment 2046, Parish of Murrabit West as a site for propagation or management of wildlife or the preservation of wildlife habitat. – (0608543)

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

Dated 2 July 2013

Responsible Minister
RYAN SMITH
Minister for Environment and
Climate Change

MATTHEW McBEATH
Acting Clerk of the Executive Council

Crown Land (Reserves) Act 1978

TEMPORARY RESERVATION OF CROWN LANDS

Order in Council

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

MUNICIPAL DISTRICT OF THE ALPINE SHIRE COUNCIL

FREEBURGH – Water supply purposes, area 22.99 hectares, being Crown Allotment 2012, Parish of Freeburgh as shown on Original Plan No. 123035A lodged in the Central Plan Office of the Department of Environment and Primary Industries. – (1107527)

MUNICIPAL DISTRICT OF THE GREATER GEELONG CITY COUNCIL

LARA – Public Recreation; total area 2.1925 hectares, being Crown Allotments 2009 & 2011, Township of Lara, Parish of Woornyalook as shown on Plan OP123046 lodged in the lodged in the Central Plan Office of the Department of Environment and Primary Industries. – (07011841)

MUNICIPAL DISTRICT OF THE CITY OF MELBOURNE

NORTH MELBOURNE – Public park; area 4372 square metres, being Crown Allotment 2002, At North Melbourne, Parish of Jika Jika as shown on Original Plan No. 123288 lodged in the Central Plan Office of the Department of Environment and Primary Industries. – (2006122)

MUNICIPAL DISTRICT OF THE NORTHERN GRAMPIANS SHIRE COUNCIL

ST ARNAUD – Public purposes (Regional Park) in particular (a) to provide opportunities for informal recreation associated with the enjoyment of natural or semi-natural surroundings; (b) to protect and conserve biodiversity, natural and cultural features and water supply catchments; and (c) for minor resource use which is not inconsistent with paragraphs (a) and (b); total area 244 hectares, more or less, being Crown Allotment 13 of Section 5; Crown Allotment 6 of Section 7, Crown Allotments 6B, 6C, 6D, 22 and 24 of Section 12A, Crown Allotment 93A of Section D, Crown Allotments 32A and 33B of Section E, Crown Allotments 23A and 27 of Section F and Crown Allotments 2017, 2018, 2020, 2021, 2023, 2024 and 2026, Parish of St Arnaud as shown hatched on Plan No. LEGL./13-040 lodged in the lodged in the Central Plan Office of the Department of Environment and Primary Industries. – (2020457)

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

Dated 2 July 2013

Responsible Minister
RYAN SMITH
Minister for Environment and
Climate Change

MATTHEW McBEATH
Acting Clerk of the Executive Council

Crown Land (Reserves) Act 1978

AMENDMENT OF TEMPORARY RESERVATION – NORTH MELBOURNE

Order in Council

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

NORTH MELBOURNE – The Order in Council made on 20 October, 1998 and published in the Government Gazette on 22 October, 1998 – page 2621 of the temporary reservation of an area of 529 square metres of land being Crown Allotment 1, Section 13B, At North Melbourne, Parish of Jika Jika as a site for Public purposes....

...by deletion of the words ‘Public purposes’ and the substitution therefor of the words ‘Public park’.

File Ref: P361899

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

Dated 2 July 2013

Responsible Minister
 RYAN SMITH
 Minister for Environment and
 Climate Change

MATTHEW McBEATH
 Acting Clerk of the Executive Council

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

Dated 2 July 2013

Responsible Minister
 RYAN SMITH
 Minister for Environment and
 Climate Change

MATTHEW McBEATH
 Acting Clerk of the Executive Council

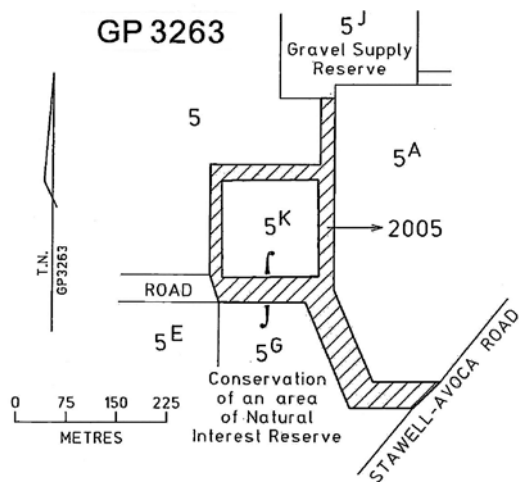
Land Act 1958

CLOSURE OF UNUSED ROADS

Order in Council

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

MUNICIPAL DISTRICT OF THE
 NORTHERN GRAMPIANS SHIRE COUNCIL
 WATTA WELLA – The roads in the Parish of Watta Wella being Crown Allotment 2005 as indicated by hatching on plan GP3263 hereunder. – (GP3263) – (0506404)



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

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from the Victorian Government Bookshop, Level 20, 80 Collins Street, Melbourne on the date specified:

- | | | | |
|-----|---|-----|--|
| 72. | <p><i>Statutory Rule:</i> Dangerous Goods (Explosives) Amendment Regulations 2013</p> <p><i>Authorising Act:</i> Dangerous Goods Act 1985</p> <p><i>Date first obtainable:</i> 1 July 2013</p> <p><i>Code A</i></p> | 77. | <p><i>Statutory Rule:</i> Partnership (Fees) Regulations 2013</p> <p><i>Authorising Act:</i> Partnership Act 1958</p> <p><i>Date first obtainable:</i> 1 July 2013</p> <p><i>Code A</i></p> |
| 73. | <p><i>Statutory Rule:</i> Sentencing Amendment Regulations 2013</p> <p><i>Authorising Act:</i> Sentencing Act 1991</p> <p><i>Date first obtainable:</i> 1 July 2013</p> <p><i>Code A</i></p> | 78. | <p><i>Statutory Rule:</i> Community Based Sentences (Transfer) Regulations 2013</p> <p><i>Authorising Act:</i> Community Based Sentences (Transfer) Act 2012</p> <p><i>Date first obtainable:</i> 1 July 2013</p> <p><i>Code A</i></p> |
| 74. | <p><i>Statutory Rule:</i> Infringements (General) Further Amendment Regulations 2013</p> <p><i>Authorising Act:</i> Infringements Act 2006</p> <p><i>Date first obtainable:</i> 1 July 2013</p> <p><i>Code D</i></p> | 79. | <p><i>Statutory Rule:</i> Tobacco (Victorian Health Promotion Foundation) Amendment Regulations 2013</p> <p><i>Authorising Act:</i> Tobacco Act 1987</p> <p><i>Date first obtainable:</i> 1 July 2013</p> <p><i>Code A</i></p> |
| 75. | <p><i>Statutory Rule:</i> Guardianship and Administration (Fees) Amendment Regulations 2013</p> <p><i>Authorising Act:</i> Guardianship and Administration Act 1986</p> <p><i>Date first obtainable:</i> 1 July 2013</p> <p><i>Code A</i></p> | 80. | <p><i>Statutory Rule:</i> Building Amendment (Fees) Regulations 2013</p> <p><i>Authorising Act:</i> Building Act 1993</p> <p><i>Date first obtainable:</i> 1 July 2013</p> <p><i>Code A</i></p> |
| 76. | <p><i>Statutory Rule:</i> Adoption Amendment Regulations 2013</p> <p><i>Authorising Act:</i> Adoption Act 1984</p> <p><i>Date first obtainable:</i> 1 July 2013</p> <p><i>Code A</i></p> | 81. | <p><i>Statutory Rule:</i> Plumbing Amendment (Fees) Regulations 2013</p> <p><i>Authorising Act:</i> Building Act 1993</p> <p><i>Date first obtainable:</i> 1 July 2013</p> <p><i>Code A</i></p> |
| | | 82. | <p><i>Statutory Rule:</i> Subordinate Legislation (Legislative Instruments) Amendment Regulations 2013</p> <p><i>Authorising Act:</i> Subordinate Legislation Act 1994</p> <p><i>Date first obtainable:</i> 1 July 2013</p> <p><i>Code A</i></p> |

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|-------------------------------|--|-------------------------------|--|
| 83. <i>Statutory Rule:</i> | Parliamentary Salaries and Superannuation (Allowances) Regulations 2013 | 88. <i>Statutory Rule:</i> | Road Safety Road Rules Amendment Rules 2013 |
| <i>Authorising Act:</i> | Parliamentary Salaries and Superannuation Act 1968 | <i>Authorising Act:</i> | Road Safety Act 1986 |
| <i>Date first obtainable:</i> | 1 July 2013 | <i>Date first obtainable:</i> | 1 July 2013 |
| <i>Code B</i> | | <i>Code A</i> | |
| 84. <i>Statutory Rule:</i> | Parliamentary Salaries and Superannuation (Provision of Motor Vehicles) Regulations 2013 | 89. <i>Statutory Rule:</i> | Magistrates' Court General Civil Procedure (Costs and Other Amendments) Rules 2013 |
| <i>Authorising Act:</i> | Parliamentary Salaries and Superannuation Act 1968 | <i>Authorising Act:</i> | Magistrates' Court Act 1989 |
| <i>Date first obtainable:</i> | 1 July 2013 | <i>Date first obtainable:</i> | 1 July 2013 |
| <i>Code A</i> | | <i>Code A</i> | |
| 85. <i>Statutory Rule:</i> | Parliamentary Committees Revocation Regulations 2013 | 90. <i>Statutory Rule:</i> | Supreme Court (Chapter I Offers of Compromise Amendments) Rules 2013 |
| <i>Authorising Act:</i> | Parliamentary Committees Act 2003 | <i>Authorising Act:</i> | Supreme Court Act 1986 |
| <i>Date first obtainable:</i> | 1 July 2013 | <i>Date first obtainable:</i> | 2 July 2013 |
| <i>Code A</i> | | <i>Code B</i> | |
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| 86. <i>Statutory Rule:</i> | Road Safety (Drivers) Amendment (Heavy Combination Vehicle Licences) Regulations 2013 | | |
| <i>Authorising Act:</i> | Road Safety Act 1986 | | |
| <i>Date first obtainable:</i> | 1 July 2013 | | |
| <i>Code A</i> | | | |
| 87. <i>Statutory Rule:</i> | Road Safety (Vehicles) Amendment (Taxi Services Commission) Regulations 2013 | | |
| <i>Authorising Act:</i> | Road Safety Act 1986 | | |
| <i>Date first obtainable:</i> | 1 July 2013 | | |
| <i>Code A</i> | | | |

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