



Victoria Government Gazette

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GENERAL

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As from 14 October 2010

The last Special Gazette was No. 418 dated 13 October 2010.

The last Periodical Gazette was No. 1 dated 9 June 2010.

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)
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**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)
MELBOURNE CUP HOLIDAY (Tuesday 2 November 2010)**

Please Note:

The Victoria Government Gazette for Melbourne Cup week (G44/10) will be published on **Thursday 4 November 2010**.

Copy deadlines:

Private Advertisements **9.30 am on Friday 29 October 2010**

Government and Outer
Budget Sector Agencies Notices **9.30 am on Monday 1 November 2010**

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

JENNY NOAKES
Government Gazette Officer

VICTORIA GOVERNMENT GAZETTE

Subscribers and Advertisers

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JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

Trustee Act 1958

NOTICE OF INTENDED DISTRIBUTION OF TRUST PROPERTY

Pursuant to section 33 of the **Trustee Act 1958** (Vic.), any person having any claim in respect of the property held by the Suncorp Income Fund (ARSN 092 025 744) must send particulars of the claim to the trustee and responsible entity, Suncorp Metway Investment Management Limited (ABN 31 068 147 651, AFSL 229884), at Level 10, 321 Kent Street, Sydney, NSW 2000 by 14 December 2010.

After that time the trustee may convey and distribute the abovementioned property having regard only to the claims of which at the time of conveyance or distribution the trustee had notice.

Dated 14 October 2010

Creditors, next-of-kin and others having claims in respect of the estate of CHRISTOPHER JAMES BEEVER, late of 5 Aroona Court, Essendon, Victoria, deceased, who died on 15 July 2010, are required by the executors, James William Robinson and Simon John Raleigh, to send particulars of their claims to the executors, care of the undermentioned solicitors, within two calendar months from the date of publication hereof, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

BEST HOOPER, solicitors,
563 Little Lonsdale Street, Melbourne 3000.

Re: ARTHUR ADOLPH EBSARY, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 May 2010, are required by the trustee, Trevor Wayne Ebsary, care of 44 Douglas Street, Noble Park, Victoria, to send particulars to the trustee by 29 December 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Re: JAMES MAXWELL JACK, late of 242 Alexander Parade East, Clifton Hill, Victoria, disability pensioner, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of the deceased, who died on 26 March 2010, are required by the trustee, Hayden James McNamara, to send particulars of their claims to the trustee, care of the undermentioned legal practitioners, by 16 December 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

BRENDAN HOLLAND & MICHAEL CAHIR, legal practitioners,
130 Balcombe Road, Mentone 3194.

Re: AUGUST LANSELL WANSLEY, deceased.

Creditors, next-of-kin and others having claims in respect of AUGUST LANSELL WANSLEY, late of 15 McCutcheon Close, Mount Eliza, in the said State, retired, deceased, who died on 19 August 2010, are required by the executor to send particulars of their claim to her, care of the undermentioned solicitors, by 28 March 2011, after which date the said executor will distribute the assets of the deceased, having regard only to the claims of which he then shall have notice.

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

Re: Estate of MONA OLIVE PEACE McINNES, late of 257 Glen Eira Road, Caulfield North, in the State of Victoria, married woman, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 June 2010, are required by the trustees, Alan Rae McInnes and Sheryl Elizabeth Sinclair, to send particulars to the trustees, in care of the undersigned, by 15 December 2010, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

DWYER & WILLETT LAWYERS PTY LTD,
82 The Avenue, Ocean Grove, Victoria 3226.

Re: Estate of LESLIE JOHN NIXON, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of LESLIE JOHN NIXON, late of 240 Nixons Road, Sea Lake, Victoria, farmer, deceased, who died on 18 January 2010, are to send particulars of their claim to the executrix, care of the undermentioned legal practitioners, by 6 January 2011, after which the executrix will distribute the assets, having regard only to the claims of which she then has notice.

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

PAUL BEJCEK (also known as Pavel Bejcek), late of 8 Cascade Court, Kew East, car detailer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 June 2010, are required by the trustees, care of Harris & Chambers Lawyers of 4/250 Charman Road, Cheltenham 3192, to send particulars to them by 15 December 2010, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

HARRIS & CHAMBERS LAWYERS,
4/250 Charman Road, Cheltenham 3192.

ENID DOROTHY KNIGHT, late of 18–30 Richardson Street, Albert Park, telephonist, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 18 August 2010, are required by the trustee, care of Harris & Chambers Lawyers of 4/250 Charman Road, Cheltenham 3192, to send particulars to them by 15 December 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

HARRIS & CHAMBERS LAWYERS,
4/250 Charman Road, Cheltenham 3192.

Re: WILLIAM JAMES HICKS, late of Dava Lodge Nursing Home, 185 Bentons Road, Mornington, Victoria, but formerly of 11 Orana Drive, Mount Martha, Victoria, retired postal worker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 May 2010, are required by the trustee, Ronald John Hicks, to send particulars to the undermentioned solicitors by 6 January 2011, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

DOROTHY JOY MORTON, late of 46 Cassidy Lane, Koondrook, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 March 2010, are required by Helen Kay Morton, one of the executors of the Will of the deceased, to send particulars of their claims to her, care of the undermentioned solicitor, by 14 December 2010, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

J. A. MIDDLEMIS, barrister and solicitor,
30 Myers Street, Bendigo 3550.

Re: GRAHAM WILLIAM PICKING, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 January 2009, are required by the trustees, Darren Lewis Picking and Kim Morys Bainbridge, to send particulars to them, care of the undersigned, by 15 December 2010, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

KIM BAINBRIDGE LEGAL SERVICE
PTY LTD (t/as Garden & Green), lawyers,
4 McCallum Street, Swan Hill 3585.

Re: JOANNA MARGARET ARNOLD, late of 2 Sullivan Road, Tallebudgera, Victoria, but formerly of 24 Seymour Grove, Brighton Beach, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 June 2010, are required by the

trustee, Perpetual Trustees Victoria Limited of Level 35, Rialto South Tower, 525 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 13 December 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MADDOCKS, lawyers,
140 William Street, Melbourne 3000.

VERA MARGARET CONROY, late of Shepparton Aged Care Hostel, Zurcas Lane, Shepparton, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 March 2010, are required by the executor, Janet Margaret Petersen (in the Will called Jan Margaret Petersen), to send particulars to her, care of the undermentioned solicitors, by the date not later than sixty days from the date of publication hereof, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

MARTIN J. HULL LAWYER,
49 Blake Street, Nathalia 3638.

MONIQUE EUGENIE PHILLIPS, also known as Monika Phillips, late of 6 Bolton Street, Beaumaris, Victoria 3192.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 September 2010, are required by the personal representative, Peter Short, to send particulars to him, care of his lawyers at the address below, by 15 December 2010, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

Dated 14 October 2010

McMASTERS⁷, solicitors,
71 Tulip Street, Cheltenham, Victoria 3192.

Re: DOUGLAS ALOYSIUS PATTERSON, late of 45 Campbell Street, Frankston, Victoria, retired water inspector, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 June 2010, are required by

the trustee, Kevin Francis Patterson, care of Meier Denison Guymer Pty Ltd, 1/454 Nepean Highway, Frankston 3199, to send particulars to them by 14 December 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which they then have notice.

MEIER DENISON GUYMER, solicitors,
1/454 Nepean Highway, Frankston 3199.

Trustee Act 1958

Notice Pursuant to Section 33

OLIVE MURIEL MILLAR, late of Meadow Glen Nursing Centre, 202 McDonalds Road, Epping, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 June 2010, are required by the trustee, Maurice Henry Hume, care of M. K. Steele & Giammarino of Suite 1, 1st Floor, Corner Grimshaw and Church Streets, Greensborough, in the State of Victoria, to send particulars to him by 13 December 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

Dated 7 October 2010

ANNA MAKOWSKI, late of 34 Finchley Avenue, Glenroy, Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 June 2010, are required by Paul Samuel Ganci, the executor of the Will of the deceased, to send particulars of their claim to him by 10 December 2010, after which date he will convey or distribute the assets, having regard only to the claims of which he then has notice.

PAUL S. GANCI, solicitor,
Level 1, 280 Queen Street, Melbourne,
Victoria 3000.

Creditors, next-of-kin and others having claims in respect of the estate of WLADYSLAWA BORKOVIC (also known as Wladyslawa Furst), late of 12 Hermes Court, Keilor, Victoria, pensioner, deceased, who died on 18 August 2010, are required to send particulars of such claims to the executor, care of

the undermentioned solicitors, by 14 December 2010, after which date the executor will convey or distribute the assets, having regard only to the claims of which the executor then has notice.

PIETRZAK SOLICITORS,
222 LaTrobe Street, Melbourne 3000.

Re: JEAN ELLEN BOWERS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 July 2010, are required by the trustee, John Robert Bowers, to send particulars of such claims to him, in care of the undermentioned lawyers, by 13 December 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

MICHAEL JOHN HARRISON, late of 19 Buckley Street, Safety Beach, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 June 2010, are required by the executor, Mary Elizabeth Harrison of 19 Buckley Street, Safety Beach, Victoria, to send particulars to her, care of Stidston Warren Lawyers, by 18 December 2010, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

BETTY JUNE TAYLOR, late of Unit 10, 48 Sutherland Road, Armadale, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 June 2010, are required by The Trust Company (Australia) Limited, ACN 000 000 993 of 3/530 Collins Street, Melbourne, Victoria, the executor, to send particulars to it by 23 December 2010, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

TCL LEGAL SERVICES (VIC.) PTY LTD,
3/530 Collins Street, Melbourne, Victoria 3000.

Creditors, next-of-kin and others having claims against the estate of ALICE MARY McQUILKIN, late of 26 Foam Street, Elwood, Victoria, widow, deceased, who died on 19 July 2010, are required to send particulars of their claims to John Patrick Toohey of 520 Bourke Street, Melbourne, Victoria, the executor of the Will of the said deceased, on or before 15 January 2011, after which date he will distribute the assets, having regard only to the claims of which he then has notice.

TOLHURST DRUCE & EMMERSON,
solicitors,
520 Bourke Street, Melbourne 3000.

In the Supreme Court of the State of Victoria
SALE BY THE SHERIFF

On Wednesday 17 November 2010 at 2.30 pm in the afternoon at the Sheriff's Office, 80 Collins Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Andrew Thomas Dempsey of 1 Wimmera Street, Belmont, joint proprietor of an estate in fee simple with Simone Rachel Dempsey in the land described on Certificate of Title Volume 10855 Folio 279 upon which is erected a house known as 2 Sheoak Court, Torquay.

Registered Mortgage No. AF899374Y, Caveat No. AG980541V and Agreement Section 173 **Planning and Environment Act 1987** AC726598V affect the said estate and interest.

Payment Terms – Cash/Eftpos (Debit Cards only/no Credit Cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.
SW090085408

K. GRIFFIN
Sheriff's Office
Phone (03) 9947 1539

In the Supreme Court of the State of Victoria
SALE BY THE SHERIFF

To the Highest Bidder at the Best Price Offered

On Wednesday 17 November 2010 at 2.30 pm in the afternoon at the Sheriff's Office, 80 Collins Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Rebecca Anne Bale of 18–20 Peacock Street, Mirboo North, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 03294 Folio 743, upon which is erected a single story commercial dwelling known as 42 Ridgeway (also shown as Strzelecki Highway), Mirboo North.

The property is situated in the main town of Mirboo North, opposite Baromi Park, with the rear of the property backing on to Burchell Lane.

Ref. RACV Vicroads edition 6 page 710 F4.

Payment Terms – Cash/Eftpos (Debit Cards only/no Credit Cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

SW100000299

K. GRIFFIN
Sheriff's Office
Phone (03) 9947 1539

In the County Court of the State of Victoria
SALE BY THE SHERIFF

On Wednesday 17 November 2010 at 2.30 pm in the afternoon at the Sheriff's Office, 80 Collins Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Raymond Buckley and Toni Buckley of 7 Glendale Road, Greensborough, as shown on Certificate of Title as Raymond John Buckley and Toni Marie Buckley, joint proprietors of an estate in fee simple in the land described on Certificate of Title Volume 08177 Folio 987 upon which is erected a house known as 7 Glendale Road, Briar Hill.

Registered Mortgage No. W809439G affects the said estate and interest.

Payment Terms – Cash/Eftpos (Debit Cards only/no Credit Cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

CW100015155

K. GRIFFIN
Sheriff's Office
Phone (03) 9947 1539

In the Supreme Court of the State of Victoria
SALE BY THE SHERIFF

On Wednesday 17 November 2010 at 2.30 pm in the afternoon at the Sheriff's Office, 80 Collins Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Zoi Papadopoulos of Flat 2, 67–69 Moonya Road, Carnegie, joint proprietor with Panagiota Papadopoulos of an estate in fee simple in the land described on Certificate of Title Volume 09266 Folio 436 upon which is erected a dwelling known as Flat 2, 67–69 Moonya Road, Carnegie.

Registered Mortgage No. W804002W and Owners Corporation plan No. RP011841 affect the said estate and interest.

Payment Terms – Cash/Eftpos (Debit Cards only/no Credit Cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

SW100031266

K. GRIFFIN
Sheriff's Office
Phone (03) 9947 1539

In the Supreme Court of the State of Victoria
SALE BY THE SHERIFF

On Wednesday 17 November 2010 at 2.30 pm in the afternoon at the Sheriff's Office, 80 Collins Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Michelle Sophie Howell of 20 Kelly Road, Cranbourne, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 09312 Folio 077 upon which is erected a house known as 20 Kelly Road, Cranbourne.

Registered Mortgage No. AF676408D and Caveat No. AF992407R affect the said estate and interest.

Payment Terms – Cash/Eftpos (Debit Cards only/no Credit Cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

SW090063986

K. GRIFFIN
Sheriff's Office
Phone (03) 9947 1539

PROCLAMATIONS

Civil Procedure Act 2010

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's Deputy, with the advice of the Executive Council and under section 2(1) of the **Civil Procedure Act 2010**, fix 1 January 2011 as the day on which that Act comes into operation.

Given under my hand and the seal of Victoria on 12th October 2010.

(L.S.) MARILYN WARREN
Lieutenant-Governor,
as the Governor's Deputy
By His Excellency's Command

ROB HULLS
Attorney-General

Consumer Affairs Legislation Amendment (Reform) Act 2010

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's Deputy, with the advice of the Executive Council and under section 2(3) of the **Consumer Affairs Legislation Amendment (Reform) Act 2010** –

- (a) fix 1 November 2010 as the day on which Part 3, Part 5 (except sections 35(1)(c), 36, 38 to 40, 46, 47(2) and 47(3)), Part 6 (except section 55), section 58, Part 8 (except sections 63 and 64), Part 9 (except sections 70, 71 and 72(2)), Part 11, and section 76 of that Act come into operation; and
- (b) fix 1 January 2011 as the day on which sections 46, 77(3), 79 and 80 of that Act come into operation.

Given under my hand and the seal of Victoria on 12th October 2010.

(L.S.) MARILYN WARREN
Lieutenant-Governor,
as the Governor's Deputy
By His Excellency's Command

TONY ROBINSON
Minister for Consumer Affairs

Consumer Affairs Legislation Amendment Act 2010

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's Deputy, with the advice of the Executive Council and under section 2(4) of the **Consumer Affairs Legislation Amendment Act 2010** –

- (a) fix 1 November 2010 as the day on which the remaining provisions of Part 3 and sections 42, 44, 52, 53, 62, 64 to 67, 71, 72 and 74 of that Act and the Schedule to that Act come into operation; and
- (b) fix 1 December 2010 as the day on which section 60 of that Act comes into operation; and
- (c) fix 1 January 2011 as the day on which the remaining provisions of Part 5 (except sections 33 and 36) of that Act come into operation.

Given under my hand and the seal of Victoria on 12th October 2010.

(L.S.) MARILYN WARREN
Lieutenant-Governor,
as the Governor's Deputy
By His Excellency's Command

TONY ROBINSON
Minister for Consumer Affairs

Energy and Resources Legislation Amendment Act 2010

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's Deputy, with the advice of the Executive Council and under section 2(1) of the **Energy and Resources Legislation Amendment Act 2010** –

- (a) fix 14 October 2010 as the day on which Parts 1, 2 and 4 to 9 of that Act (except section 85) come into operation;
- (b) fix 21 October 2010 as the day on which Part 3 of that Act (except section 36) comes into operation.

Given under my hand and the seal of Victoria on 12th October 2010.

(L.S.) MARILYN WARREN
Lieutenant-Governor,
as the Governor's Deputy
By His Excellency's Command

PETER BATCHELOR
Minister for Energy and Resources

**Mineral Resources Amendment
(Sustainable Development) Act 2010**

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's Deputy, with the advice of the Executive Council and under section 2(1) of the **Mineral Resources Amendment (Sustainable Development) Act 2010**, fix 14 October 2010 as the day on which Part 1, sections 37, 41, 42 and 51 and Parts 4 and 5 of that Act come into operation.

Given under my hand and the seal of Victoria on 12th October 2010.

(L.S.) MARILYN WARREN
Lieutenant-Governor,
as the Governor's Deputy
By His Excellency's Command
PETER BATCHELOR
Minister for Energy and Resources

**Personal Safety Intervention Orders
Act 2010**

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's Deputy, with the advice of the Executive Council and under section 3(1) of the **Personal Safety Intervention Orders Act 2010**, fix 1 December 2010 as the day on which Part 1, and Division 1 of Part 14, and sections 222, 223 and 224 of that Act come into operation.

Given under my hand and the seal of Victoria on 12th October 2010.

(L.S.) MARILYN WARREN
Lieutenant-Governor,
as the Governor's Deputy
By His Excellency's Command
ROB HULLS
Attorney-General

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**



**CITY OF GREATER
BENDIGO**

Minor Amendment to Meeting Procedure
(Process of Municipal Government
Local Law No. 8)

At its meeting of 29 September 2010, the Greater Bendigo City Council resolved to adopt the minor amendments to Meeting Procedure (Process of Municipal Government Local Law No. 8).

The changes to the current Process of Municipal Government Local Law involve:

- determining the Chairperson for meetings if the Mayor is absent;
- clarification of the process for notice of rescission motions;
- the application of the Local Law to Special Committees.

A copy of the Local Law may be inspected or obtained from the City of Greater Bendigo Council Offices at Lyttleton Terrace, Bendigo, or online at www.bendigo.vic.gov.au

CRAIG NIEMANN
Chief Executive



Local Law No. 2 – Streets and Roads 2010

Notice is hereby given pursuant to section 119(3) of the **Local Government Act 1989** that at its meeting on 27 September 2010, the Loddon Shire Council resolved to make Local Law No. 2 – Streets and Roads 2010.

The purpose of this Local Law is to regulate the use of roads, in particular by:

- providing for the management of the physical features of the road and adjacent properties in a manner which is consistent with the safety and convenience of people travelling on or using the road; and
- controlling the use of various types of vehicles for the safety and convenience of road users; and

- providing for the preservation and protection of the Council's assets from damage which may be caused from extraordinary use of roads; and
- controlling and regulating secondary activities on roads, including trading, the placing of goods and equipment, repairs to vehicles, parties, festivals, processions, disposal of water on roads; and
- facilitating free and safe access for people with sight and movement impairment or disabilities.

Copies of the amended Local Law may be obtained from Loddon Shire offices at 41 High Street, Wedderburn.

Copies may also be accessed from Council's website, www.loddon.vic.gov.au



Sale of Reino Multi Bay Parking Meters and
PSA2000 Ticket Machines

The City of Greater Geelong has numerous used Reino Multi Bay Parking Meters and PSA2000 Ticket Machines in generally good condition available for purchase.

For all enquiries contact Colin Robertson on (03) 5272 4501.



**Planning and Environment Act 1987
GREATER GEEELONG 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 C217 and
Planning Permit Application 1264/2009
Authorisation No. A01709

The land affected by the Amendment is 19 and 21 Hodgson Street and 89 and 91 The Parade, Ocean Grove.

The land affected by the application is 19 Hodgson Street, Ocean Grove.

The proposal is for a combined planning scheme amendment and planning permit.

The Amendment proposes to rezone land at 19 and 21 Hodgson Street and 89 and 91 The Parade, Ocean Grove, from Residential 1 Zone (R1Z) to Mixed Use Zone (MUZ) and apply a Design and Development Overlay (DDO) over the land.

The planning permit (Planning Permit 1264/2009) is for the use of the existing former CFA building at 19 Hodgson Street as an office, with minor buildings and works and reduction of one car space.

The Amendment has been made at the request of Sincock Planning, acting on behalf of Lelean Superannuation Fund.

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 City of Greater Geelong Customer Service Centre, 131 Myers Street, Geelong, weekdays 8.00 am – 5.00 pm; 'Have Your Say' section of the City's website, www.geelongaustralia.com.au; and the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

For further information about Planning Permit 1264/2009 call 5272 4456.

For further information about Amendment C217 call 5272 4820.

Submissions close Monday 15 November 2010.

Send submissions to the Coordinator, Strategic Implementation, City of Greater Geelong, PO Box 104, Geelong, Victoria 3220; or email strategicplanning@geelongcity.vic.gov.au

PETER SMITH
Coordinator Strategic Implementation

Any person who may be affected by the Amendment may make a submission to the planning authority. Please be aware that all submissions will be made available to the applicant and copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process. Submissions can be viewed at the office of the planning authority, City of Greater Geelong, Ground Floor, 131 Myers Street, Geelong until the end of two months after the Amendment comes into operation or lapses. Anonymous or illegible submissions will not be considered.



Planning and Environment Act 1987
GREATER GEELONG 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 C218

Authorisation No. A01735

Planning Permit Application PP78/2010

The Greater Geelong City Council has prepared Amendment C218 to the Greater Geelong Planning Scheme.

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

The land affected by the Amendment and the application is 1 Stubbs Avenue, North Geelong.

The Amendment proposes to rezone the land from Residential 1 Zone to Business 1 Zone and delete the Design and Development Overlay Schedule 14 to facilitate the use and development of the site as a car park.

The Amendment is accompanied by a draft Agreement pursuant to section 173 of the **Planning and Environment Act 1987** which provides for the subject land to only be used as a car park.

The application is for a permit to develop the subject site for a Car Park.

The person who requested the Amendment and the permit is St Quentin Consulting on behalf of Frank and Elizabeth Topic.

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 Greater Geelong City Council, Myers Street Customer Service Centre, Ground Floor, 131 Myers Street, Geelong; Greater Geelong City Council, Customer Service Centre, Geelong West Library, 153a Pakington Street, Geelong West; 'Have Your Say' section of the

City's website at www.geelongaustralia.com.au/Accessing_Council/Public_Comment_-_Your_Say; and Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

For further information about Amendment C218, please contact the City's Strategic Implementation unit on 5272 4845 and quote reference 'Amendment C218' or via email to strategicplanning@geelongcity.vic.gov.au

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

The closing date for submissions is Monday 15 November 2010. Submissions must be in writing and sent to The Coordinator, Strategic Planning Unit, City of Greater Geelong, either by mail to PO Box 104, Geelong, Victoria 3220; or by email to strategicplanning@geelongcity.vic.gov.au

PETER SMITH
Coordinator Strategic Implementation

Any person who may be affected by the Amendment may make a submission to the planning authority. Please be aware that all submissions will be made available to the applicant and copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process. Submissions can be viewed at the office of the planning authority, City of Greater Geelong, Ground Floor, 131 Myers Street, 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
GREATER GEELONG PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C221
Authorisation A01708

The Greater Geelong City Council has prepared Amendment C221 to the Greater Geelong Planning Scheme.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Greater

Geelong City Council as Planning Authority to prepare the Amendment.

The Amendment applies to all of the land within the existing Business 4 zone on the western side of Pakington Street bounded by Collins Street, Bread Street, Pakington Street, and the southern title boundary of the property at No. 91–93 Pakington Street.

The Amendment proposes to rezone all of the land described above from Business 4 zone to Business 1 Zone. The Amendment also proposes to include the land to be rezoned in the Schedule to Clause 52.28-4 of the Planning Scheme to extend the description of the Pakington Street Community Shopping Centre Geelong West where gaming machines are prohibited.

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 Greater Geelong City Council, Myers Street Customer Service Centre, Ground Floor, 131 Myers Street, Geelong; Greater Geelong City Council, Customer Service Centre, Geelong West Library, 153a Pakington Street, Geelong West; 'Have Your Say' section of the City's website at www.geelongaustralia.com.au/Accessing_Council/Public_Comment_-_Your_Say; and 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 Monday 15 November 2010. A submission must be sent to Coordinator for Strategic Implementation, City of Greater Geelong, PO Box 104, Geelong, Victoria 3220.

PETER SMITH
Coordinator Strategic Implementation

Any person who may be affected by the Amendment may make a submission to the planning authority. Please be aware that all submissions will be made available to the applicant and copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process. Submissions can be viewed at the office of the planning authority, City of Greater Geelong, Ground Floor, 131 Myers Street, 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
MOONEE VALLEY PLANNING SCHEME
 Notice of Preparation of Amendment
 Amendment C99

Authorisation A01764

The Moonee Valley City Council has prepared Amendment C99 to the Moonee Valley Planning Scheme.

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

The Amendment will affect the following properties:

- 3–7 Donald Avenue, Essendon;
- 1–3 Moreland Road, Essendon; and
- 181–187 Pascoe Vale Road, Moonee Ponds.

The Amendment proposes to:

- amend Zoning Maps 8 and 12 to:
 - remove the Public Park and Recreation Zone from private land at numbers 3, 5 and 7 Donald Avenue, Essendon, and replace with Residential 1 Zone;
 - remove the Public Park and Recreation Zone from private land at 1–3 Moreland Road, Essendon, and replace with Residential 1 Zone;
 - remove the Residential 1 Zone at 181–187 Pascoe Vale Road, Moonee Ponds, and replace with Business 2 Zone;
- amend Maps 8IPO and 12IPO to remove the Incorporated Plan Overlay – Schedule 5 from 3, 5 and 7 Donald Avenue, Essendon, and 1–3 Moreland Road, Essendon, where it applies to the existing Public Park and Recreation Zone; and
- amend the Schedule to Clause 61.03 to list all current planning scheme maps. Add reference to maps 1HO, 2HO, 3HO, 6HO and 10HO.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following location: Moonee Valley City Council, Civic Centre, 9 Kellaway Avenue, Moonee Ponds.

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

The Amendment documents are also available on the Department of Planning and Community Development's website, www.dpcd.vic.gov.au/planning/publicinspection and also on Council's website, www.mvcc.vic.gov.au

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

The closing date for submissions is 5 pm, 15 November 2010. A submission must be sent to the Strategic Planning Department, Moonee Valley City Council, PO Box 126, Moonee Ponds, Victoria 3039.

BRYAN LANCASTER
Acting Chief Executive

Planning and Environment Act 1987
STONNINGTON PLANNING SCHEME
 Notice of Preparation of Amendment
 Amendment C118
 Authorisation A01781

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

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

The Amendment proposes to confirm permanent heritage protection to the following precincts:

- HO142 renamed (Hawksburn Retail Precinct) and extended to include a number of properties in Williams Road, South Yarra and Malvern Road, South Yarra, Toorak and Prahran;
- HO398 (Waverley Road Gateway Precinct) including parts of Waverley Road and Dandenong Road, Malvern East;
- HO399 (Malvern/Tooronga Roads Precinct) including part of Staunton Lane, Glen Iris, Tooronga Road, Malvern and Malvern Road, Malvern and Glen Iris; and
- HO400 (High Street Rail and Retail Precinct) including part of existing HO130 with parts of Kingsway, Kings Arcade, Cheel Street, Northcote Road, Morey Street, Armadale Street, Kooyong Road and High Street, Armadale, removal of two properties, and new properties in part of High Street, Armadale.

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, Stonnington City Council, corner Chapel and Greville Streets, Prahran; 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. Submissions must be made in writing giving the submitter's name and contact address; clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearings held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make available for inspection a copy of any submission made. For further information on Council's Privacy Policy please call 8290 1333 or visit Council's website, www.stonnington.vic.gov.au

The closing date for submissions is Friday 12 November 2010. A submission must be sent to City Strategy, City of Stonnington, PO Box 21, Prahran 3181.

STEPHEN LARDNER
Manager City Strategy

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 15 December 2010, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

CULAFIC, Kazimiera, also known as Kate Culafic, late of 10 Station Avenue, St Albans, Victoria 3021, pensioner, deceased, who died on 23 June 2010.

FLEGG Jean Phyllis, late of 89 Cromer Road, Beaumaris, Victoria 3193, office manager, deceased, who died on 16 May 2010.

HIGGINS, Grace Rhoda, formerly of 95B Radford Road, Reservoir, Victoria 3073, but late of Essendon Aged Care, 10 Fletcher Street, Essendon, Victoria 3040, retired, deceased, who died on 13 July 2010.

MAGRI, Bernard Michel, late of 2 Madeleine Place, Melton West, Victoria 3337, deceased, who died on 13 May 2010.

NEBOISS, Arturs, late of Latvian Aged Care, 60 Fraser Crescent, Wantirna South, Victoria 3152, pensioner, deceased, who died on 11 June 2010.

OLSON, Agnes Maud, late of Unit 54, Mornington Retirement Village, 150 Tyabb Road, Mornington, Victoria 3931, home duties, deceased, who died on 20 June 2010.

RICHARDS, Doris May, late of Darvall Lodge, 521 Princes Highway, Noble Park, Victoria 3174, pensioner, deceased, who died on 28 June 2010.

SHORES, Stanley George, late of Auburn House, 98 Camberwell Road, Hawthorn East, Victoria 3123, retired, deceased, who died on 26 May 2010.

WATSON, Thelma Lillian, late of Northern Gardens Aged Care Centre, 827-867 Sydney Road, Coburg, Victoria 3058, machinist, deceased, who died on 31 July 2010.

ZWANKHUIZEN, Carl John, late of Lots 8 and 9 Cranswick Road, Banksia Peninsula, Victoria 3875, deceased, who died on 16 December 2009.

Dated 6 October 2010

ROD SKILBECK
Manager
Client Services

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 14 December 2010, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

CAMPBELL, Albert John, late of 2 Sawrey Place, Mill Park, Victoria 3082, retired, deceased, who died on 24 July 2010.

COWELL, Ian Wilson, late of 88 Barrow Street, Coburg, Victoria 3058, deceased, who died on 30 August 2010.

HUNT, Louisa Mavis, late of Room 16, Eltham Villa, 1120 Main Road, Eltham, Victoria 3095, retired, deceased, who died on 5 June 2010.

HOUSTON, Ronald James, late of Unit 1/14 Fiona Avenue, Corio, Victoria 3214, deceased, who died on 9 September 2010.

ILIADIS, Dionisia, late of Anesi Nursing Home, 335 Station Street, Thornbury, Victoria 3071, deceased, who died on 13 June 2010.

MARTIN, John Alexander, late of 7 Courageous Court, Frankston, Victoria 3199, deceased, who died on 29 August 2010.

McLEAN, James, late of Regis Nursing Home, 220 Middleborough Road, Blackburn South, Victoria 3130, retired, deceased, who died on 29 May 2010.

MIHALOPOULOS, Stavroula, late of Freemasons Home – Colbran Lodge – Hostel, 45 Moubay Street, Melbourne, Victoria 3004, deceased, who died on 9 August 2010.

NEAGLE, Evelyn Marie, also known as Evelyn Mary Neagle, late of Bonbeach Aged Care (ACSAG), 440 Station Street, Bonbeach, Victoria 3196, pensioner, deceased, who died on 28 May 2010.

ROSS, Susan Joan, late of 4 Bent Street, Kensington, Victoria 3031, deceased, who died on 4 June 2010.

SANDBERG, Arthur Harold, late of 28 George Street, Frankston, Victoria 3199, retired, deceased, who died on 1 July 2010.

SPENCE, Lesley Margaret, late of Clovelly Cottage, 16 Stewart Street, Boronia, Victoria 3155, clerical officer, deceased, who died on 3 June 2010.

Dated 5 October 2010

ROD SKILBECK
Manager
Client Services

Associations Incorporation Act 1981

SUB-SECTION 36E(5)

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

Wimmera Mallee Rodeo Inc.

Dated 8 October 2010

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

Associations Incorporation Act 1981

SUB-SECTION 36E(5)

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

Australian Foil Insulation Manufacturers Association Inc.

Dated 14 October 2010

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

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

I, Bryan Crampton, as Delegate of the Secretary to the Department of Health for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scale of fees and charges fixed by the following cemetery trust. The approved scale of fees and charges will take effect from the date of publication of this notice in the Government Gazette and will be published on the internet.

The Natte Yallock Cemetery Trust

BRYAN CRAMPTON
Manager
Cemeteries and Crematoria Regulation Unit

Children's Services Act 1996

NOTICE OF EXEMPTION

Under section 29A(2) of the **Children's Services Act 1996**, the Acting Secretary, Department of Education and Early Childhood Development, hereby declares that the Heywood Early Learning Centre, licence ID 2882, is exempt from the qualified staff member requirements as set out in regulations 53(1)(a)(ii), 53(1)(b)(ii) and 53(2) of the Children's Services Regulations 2009.

This exemption remains in force until 24 December 2010 unless revoked earlier.

Dated 30 September 2010

CHRIS WARDLAW
Acting Secretary
Department of Education and
Early Childhood Development

Children's Services Act 1996

NOTICE OF EXEMPTION

Under section 29A(2) of the **Children's Services Act 1996**, the Secretary, Department of Education and Early Childhood Development, hereby declares that the Good Shepherd Child Care Centre, licence ID 4465, is exempt from the qualified staff member requirements as set out in regulations 53(1)(a)(ii), 53(1)(b)(ii) and 53(2) of the Children's Services Regulations 2009.

This exemption remains in force until 24 December 2010 unless revoked earlier.

Dated 5 September 2010

PETER DAWKINS
Secretary
Department of Education and
Early Childhood Development

Flora and Fauna Guarantee Act 1988NOTICE OF DECISION UNDER
SECTION 16

In accordance with section 16 of the **Flora and Fauna Guarantee Act 1988**, I have considered the final recommendation of the Scientific Advisory Committee as advertised in 'The Herald Sun' newspaper, 'The Weekly Times' newspaper and a local newspaper on 4 August 2010 and in the Government Gazette on 5 August 2010.

I have decided, after considering the comments of the Victorian Catchment Management Council, to recommend to the Governor in Council that the taxon recommended for listing by the Scientific Advisory Committee be added to the list of taxa and communities of flora and fauna which are threatened. The taxon to be added is Large Riverdamsel *Caliagrimon billinghursti*.

My reasons for this decision are the same as those advertised in the final recommendation of the Scientific Advisory Committee. Specifically that, on the evidence available, the taxon satisfies criteria 1.1.1 and 1.2.1 of the set of criteria maintained under section 11 of the Act and stated in Schedule 1 of the Flora and Fauna Guarantee Regulations 2001.

Dated 5 October 2010

GAVIN JENNINGS MLC
Minister for Environment and
Climate Change



Heritage
VICTORIA

Heritage Act 1995

NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 2257 in the category described as Heritage Place.

Former Cordial Factory
8–12 Spring Street and 12–16 Argyle Street
Fitzroy
Yarra City

EXTENT

1. All the land marked L1 on Diagram 2257 held by the Executive Director, being all of the land described in Certificates of Title Volume 07935 Folio 095.
2. All the buildings and structures marked B1 on Diagram 2257 held by the Executive Director.

Dated 14 October 2010

JIM GARDNER
Executive Director



Heritage
VICTORIA

Heritage Act 1995

NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 2254 in the category described as Heritage Place and Heritage Objects.

St Faiths Anglican Church
8 Charles Street
Glen Iris
Boroondara City

EXTENT

1. All the land marked L1 on Diagram 2254 held by the Executive Director, being part of the land described in Certificates of Title Volume 08612 Folio 287.
2. The building marked B1 on Diagram 2254 held by the Executive Director.
3. All the objects as listed in the Inventory of Objects held by the Executive Director.

Dated 14 October 2010

JIM GARD'NER
Executive Director



Heritage
VICTORIA

Heritage Act 1995

NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 2258 in the category described as Heritage Place.

Barwon Heads Golf Clubhouse
Golf Links Road
Barwon Heads
Greater Geelong City

EXTENT

1. All the land marked L1 on Diagram 2258 held by the Executive Director, being part of the land described in Certificate of Title Volume 08139 Folio 871.

2. All the building B1 on Diagram 2258 held by the Executive Director.

Dated 14 October 2010

JIM GARD'NER
Executive Director

**Mineral Resources
(Sustainable Development) Act 1990**

DEPARTMENT OF PRIMARY INDUSTRIES

Exemption of Land from an
Exploration or Mining Licence

I, David Boothroyd, Manager Earth Resources Tenements, pursuant to section 7 of the **Mineral Resources (Sustainable Development) Act 1990** and under delegation from the Minister for Energy and Resources, hereby exempt all that Crown land situated within the boundaries of exploration application 5311 from being subject to an exploration licence and a mining licence.

Dated 8 October 2010

DAVID BOOTHROYD
Manager Earth Resources Tenements
Earth Resources Regulation Branch

Subordinate Legislation Act 1994

NOTICE OF DECISION

Port Management (Port of Melbourne Safety and Property) Regulations 2010

I, Tim Pallas, Minister for Roads and Ports, and Minister responsible for administering the **Port Management Act 1995**, give notice under section 12 of the **Subordinate Legislation Act 1994** as follows:

A Regulatory Impact Statement (RIS) was prepared in relation to the proposed Port Services (Port of Melbourne Safety and Other Matters) Regulations 2010 (now known as the Port Management (Port of Melbourne Safety and Property) Regulations 2010).

The objectives of the proposed regulations are to provide for the safe and effective management within the Port of Melbourne of:

- hazardous port activities;
- bunkering and the transfer of other liquid substances to and from vessels and wharves in the port; and
- abandoned things.

The RIS was advertised on 31 August 2010 seeking public comment and no submissions were received. After further considering the proposed Regulations, I have decided that the proposed Regulations should be made.

I now give notice of my intention to proceed with the making of the proposed Regulations.

Dated 14 October 2010

TIM PALLAS MP
Minister for Roads and Ports

Private Agents Act 1966

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

I, the undersigned, being a Registrar of the Magistrates' Court of Victoria at Frankston, hereby give notice that application, as listed below, has been lodged for hearing at the Frankston Magistrates' Court on 4 November 2010.

Any person desiring to object to any of such applications must –

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

<i>Full Name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>	<i>Date of Hearing</i>
Clarrie Swan	Skiptracer Pty Ltd	5/307 Main Street, Mornington	Commercial Sub-agent's Licence	4 November 2010

Dated at Frankston 6 October 2010

DEBRA CLARK
Deputy Registrar
Magistrates' Court of Victoria

Conservation, Forests and Lands Act 1987

NOTICE OF MAKING OF A LAND MANAGEMENT AGREEMENT

Notice is given under section 80 of the **Conservation, Forests and Lands Act 1987** that the Secretary to the Department of Sustainability and Environment and Elizabeth Mary Lambert entered into two Land Management Agreements in respect of the land set out in the Schedule.

A copy of the agreement is available for public inspection between the hours of 9.00 am and 4.00 pm at the offices of Environmental Policy and Climate Change, Department of Sustainability and Environment, 8 Nicholson Street, East Melbourne 3002.

GREG WILSON

Secretary to the Department of Sustainability and Environment

SCHEDULE

Site Location	Title Details Volume/Folio
Agreement Site 1 Lot 1 on Plan of Subdivision 115424 Parish of Jumbunna East	9173/226
Agreement Sites 2, 3, 4 and 5 Lot 2 on Plan of Subdivision 115424 Parish of Jumbunna East	9173/226

Conservation, Forests and Lands Act 1987

NOTICE OF MAKING OF A LAND MANAGEMENT AGREEMENT

Notice is given under section 80 of the **Conservation, Forests and Lands Act 1987** that the Secretary to the Department of Sustainability and Environment and Kevin Francis Chamberlin and Teresa Lucia Coldebella entered into a Land Management Agreement in respect of the land set out in the Schedule.

A copy of the agreement is available for public inspection between the hours of 9.00 am and 4.00 pm at the offices of Environmental Policy and Climate Change, Department of Sustainability and Environment, 8 Nicholson Street, East Melbourne 3002.

GREG WILSON

Secretary to the Department of Sustainability and Environment

SCHEDULE

Site Location	Title Details Volume/Folio
Agreement Site 1, 2, 3, 4 and 7 Crown Allotment 98J Parish of Woolamai	8936/538

Road Safety Act 1986

DECLARATION UNDER SECTION 99B(4)

I, Steve Brown, Executive Director Regional Services VicRoads, under section 99B(4) of the **Road Safety Act 1986**, declare that for the purposes of the event known as the 'Ararat Golden Gateway Festival Procession' the Road Rules do not apply to the activities of the Event, for the times and with respect to the highway or parts of the highway listed in the Schedule.

1. In this notice, unless the context or subject matter otherwise requires –
 - 'Event' means the Ararat Golden Gateway Festival Procession to be conducted on Sunday 24 October 2010;
 - 'Road Rules' means the Road Rules within the meaning of the Road Safety (Road Rules) Regulations 1999.
2. This declaration takes effect from the date of commencement of the Event until completion of the Event.

Schedule

STAGE AND TIME	HIGHWAYS SUBJECT TO THIS DECLARATION AS PART OF THE EVENT
Sunday 24 October 2010 10.00 am to 1.00 pm	Barkly Street (between George Road and Vincent Street) Vincent Street (between Barkly Street and Palmerston Street) Palmerston Street Campbell Street (between Palmerston Street and Blake Street) Blake Street (between Campbell Street and Thomas Street)

STEVE BROWN
Executive Director
Regional Services
VicRoads

Water Act 1989

WANNON WATER

Notice of Extension of Portland Sewerage and Water Districts

Notice is hereby given that Wannon Water, pursuant to sections 122P, 122Q and 122R of the **Water Act 1989**, gives notice of a proposed extension to the Portland Sewerage District.

The Corporation also proposes to extend the Portland Water District.

The proposed extensions are shown on the Wannon Region Water Corporation plans reference number WW-10-187 and are the areas bounded by the red line.

Plans of the proposed sewer and water district extensions are available for inspection at Wannon Water offices at 99 Fairy Street, Warrnambool, and 15 Townsend Street, Portland, during normal business hours of 8.15 am – 5.00 pm, Monday to Friday, excepting public holidays.

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

Any submissions should be sent to Maryanne Hollis, Corporate Services Coordinator, Wannon Water, PO Box 1158, Warrnambool, Victoria 3280. Submissions must be received by Monday 15 November 2010.

Contact Maryanne Hollis, Corporate Services Coordinator, 5564 7600.

Water Act 1989

**BULK ENTITLEMENT (MELBOURNE HEADWORKS SYSTEM –
SOUTH GIPPSLAND WATER) ORDER 2010**

PART 1 – INTRODUCTORY STATEMENTS

1. Citation
2. Empowering Provisions
3. Commencement
4. Purpose
5. Definitions

PART 2 – ENTITLEMENT

6. Granting of a Bulk Entitlement
7. Entitlement Volume
8. Water Allocation

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. Operating Arrangements
10. Taking Water
11. Dispute Resolution

PART 4 – DEMONSTRATING COMPLIANCE

12. Metering Program
13. Reporting Requirements
14. Data

PART 5 – COSTS

15. Resource Manager Costs
16. Melbourne Headworks and Melbourne Bulk Transfer System Costs
17. Goulburn and Murray Headworks Costs
18. Duty to Make Payments

**SCHEDULE 1 – ENTITLEMENTS HELD BY THE METROPOLITAN RETAIL
AUTHORITIES FOR THE MELBOURNE HEADWORKS SYSTEM**

SCHEDULE 2 – PRIMARY ENTITLEMENTS

I, Tim Holding, Minister for Water, as Minister administering the **Water Act 1989**, by Order grant this bulk entitlement to South Gippsland Region Water Corporation.

PART 1 – INTRODUCTORY STATEMENTS

1. CITATION

This Order may be cited as the Bulk Entitlement (Melbourne Headworks System – South Gippsland Water) Order 2010.

2. EMPOWERING PROVISIONS

This Order is made under sections 42 and 43 of the **Water Act 1989**.

3. COMMENCEMENT

This Order comes into effect on the earlier of –

- (a) 1 July 2012; or
- (b) the day that an interface point commences operation, as certified in a notice provided by the Authority to the Minister.

4. PURPOSE

The purpose of this Order is to grant a bulk entitlement to South Gippsland Water to take and use water that will be sourced from the Melbourne headworks system, inclusive of the water from the Victorian Desalination Project, and transported to South Gippsland supply system via the Transfer Pipeline.

5. DEFINITIONS

In this Order –

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

‘**Authority**’, when used in the singular form, means South Gippsland Region Water Corporation, trading as South Gippsland Water;

‘**authorities**’, when used in the plural, has the same meaning as ‘**Authority**’ in section 34 of the Act;

‘**Bulk Transfer System Operator**’ means Melbourne Water in respect of its role to operate and maintain the Melbourne bulk transfer system in accordance with section 171B of the Act;

‘**Desalinated Water**’ means the treated seawater produced by the Victorian Desalination Project;

‘**Drought Response Plan for Melbourne**’ means a drought response plan made by the Melbourne retail authorities under sections 78B and 78C of the **Water Industry Act 1994**;

‘**Entitlement Volume**’ means the volume of water the Authority is entitled to take and use under the terms of this Order, as set out in clause 7;

‘**Goulburn System**’ means the Goulburn River and the water supply systems supplied by that river, with the exception of flows from the Silver and Wallaby Creeks;

‘**interface point**’ means a point of connection that enables the Melbourne retail authorities or a primary entitlement holder to take water from the Melbourne supply system;

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

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project;

‘**Melbourne Headworks System Water Accounts**’ means an annual report, required by the Minister, as to the extent to which each primary entitlement holder in the Melbourne headworks system complies with the terms and conditions of the bulk entitlement;

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

- (a) City West Water Limited, ACN 066 902 467;
- (b) South East Water Limited, ACN 066 902 547; and
- (c) Yarra Valley Water Limited, ACN 066 902 501;

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

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

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

‘**ML**’ means megalitre(s);

‘**primary entitlement**’ means a bulk entitlement listed in column A of Schedule 2;

‘**primary entitlement holder**’ means the holder of a primary entitlement as listed in column B of Schedule 2;

‘**Project Co**’ means Aquasure Pty Ltd, which is under contract with the State of Victoria to deliver the Victorian Desalination Project;

‘**Project Deed**’ means the Victorian Desalination Project – Project Deed between the State and Project Co, dated 30 July 2009;

‘**Resource Manager**’ means a person appointed under section 43A of the Act to do all or any of the tasks set out in sub-clause 15.1 of this Order;

‘**River Murray**’ means the River Murray to which Victoria has access and which carries regulated water under the Murray–Darling Basin Agreement; consisting of:

- (a) the main course of the River Murray from Hume Dam to the South Australian border;
- (b) the main course of the Mitta Mitta River below Dartmouth Dam;
- (c) all effluents and anabranches of, or lakes or lagoons (including King’s Billabong) connected to, these main courses, other than those excluded by the Murray–Darling Basin Authority;
- (d) the storages formed by Hume Dam and Dartmouth Dam and by weirs upstream of the South Australian border;

‘**service charges**’ means the bulk water supply charges applied by the Storage Manager and the Bulk Transfer System Operator, which are calculated from the difference between the total revenue requirement of the Storage Manager together with that of the Bulk Transfer System Operator and the revenue expected to be raised through usage charges;

‘**Storage Manager**’ means Melbourne Water acting in respect of its role to manage storages for the Melbourne headworks system accordance with section 171B of the Act;

‘**South Gippsland supply system**’ means the waterways, headworks and other water supply works which supply water to the customers of the –

- (a) Wonthaggi – Inverloch water supply system;
- (b) Korumburra water supply system; or
- (c) Leongatha water supply system.

‘**Transfer Pipeline**’ means the water transmission pipeline between the site of the Victorian Desalination Project in the Bass Coast region and the Melbourne bulk transfer system near Cardinia Reservoir, which is to be utilised for the transportation of either Desalinated Water or water from Cardinia Reservoir in accordance with the provisions of the Project Deed;

‘**usage charges**’ means the bulk water supply charges applied by the Storage Manager and the Bulk Transfer System Operator, which are variable charges that relate to the volume of water supplied;

‘**Victorian Desalination Project**’ means the construction and carrying out of the works, facilities and services and all ancillary and incidental activities associated with the development and operation of a seawater desalination plant in the Bass Coast region;

‘**Water Allocation**’ means the volume of water that is available to be taken by the Authority in any year under the terms of this Order, as set out in clause 8;

‘**water restrictions**’ means restrictions on the use of water set out in a drought response plan made by the Melbourne retail authorities under sections 78B and 78C of the **Water Industry Act 1994**;

‘**year**’ means the 12 month period commencing 1 July.

PART 2 – ENTITLEMENT

6. GRANTING OF A BULK ENTITLEMENT

Subject to the conditions set out in this Order, the Authority is entitled to take and use water, as sourced from the Melbourne headworks system, inclusive of water sourced from the Victorian Desalination Project.

7. ENTITLEMENT VOLUME

7.1 Subject to clause 8, the Authority is entitled to –

- (a) take up to a total of 1,000 ML of water in any one year for the supply of the Wonthaggi – Inverloch water supply system when the interface point for that system commences operation, as certified in a notice provided by the Authority to the Minister;
- (b) take up to a total of 1,000 ML of water in any one year for the supply of the Korumburra water supply system when the interface point for that system commences operation, as certified in a notice provided by the Authority to the Minister; and
- (c) take up to a total of 3,000 ML of water in any one year for the supply of the Leongatha water supply system when the interface point for that system commences operation, as certified in a notice provided by the Authority to the Minister.

8. WATER ALLOCATION

8.1 The Authority may not take all of the Entitlement Volume if –

- (a) the customers of the Melbourne retail authorities are subject to water restrictions; and
- (b) as a consequence of (a), the Melbourne retail authorities decide to reduce the supply of water to the Authority.

8.2 By the first day of February each year, the Melbourne retail authorities will together determine the Water Allocation for this bulk entitlement for the forthcoming year in accordance with the following formula –

$$A = E - (S \times E) + Adj$$

Where –

A = the Water Allocation for the forthcoming year.

E = the Entitlement Volume.

S = the proportion of water savings that are expected to be achieved in Melbourne in the forthcoming year under the level of water restrictions that the customers of the Melbourne retail authorities are subject to when the decision is made, where this proportion of water savings is as set out in the Drought Response Plans for Melbourne, and any voluntary regime as determined by the Minister.

Adj = an adjustment to account for any difference in the level of water restrictions that the customers of the Melbourne retail authorities are subject to when the decision is made, and the level of water restrictions that the customers of the Melbourne retail authorities were subject to when the previous Water Allocation decision was made.

8.3 If, by the first day of December, the level of water restrictions that the customers of the Melbourne retail authorities are subject to has changed since the first day of the preceding February, the Melbourne retail authorities will adjust the Water Allocation for the Authority for that year to account for that difference, consistent with the formula set out in sub-clause 8.2.

8.4 A Water Allocation will take effect when written notice of the decision of the Melbourne retail authorities under either sub-clause 8.2 or 8.3 has been given to the Authority.

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. OPERATING ARRANGEMENTS

9.1 The Authority and the Bulk Transfer System Operator must endeavour to agree on operational arrangements to enable the Authority to take water under this entitlement, which must address matters including, but not limited to –

- (a) notification of the forecast and finalised volumes of Water Allocation that are to be taken and assigned by the Authority for the forthcoming year;
- (b) arrangements to enable the Authority to take water at the Authority's interface points, including delivery and withdrawal arrangements;
- (c) arrangements for dealing with emergency supplies; and
- (d) arrangements for coordination and liaison between representatives of the Authority and the Bulk System Transfer Operator with regard to operational matters.

9.2 If the Authority and the Bulk Transfer System Operator have not reached agreement under sub-clause 9.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 11.

10. TAKING WATER

10.1 For the purposes of clause 7 and the calculation of the volume of water taken by the Authority, the total volume of water taken shall be measured at the Authority's interface points.

11. DISPUTE RESOLUTION

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

11.2 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent arbitrator.

11.3 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent arbitrator, the Authority must comply with the notice.

- 11.4 The notice requiring that the matter be determined by independent arbitrator may be given no sooner than 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.
- 11.5 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree within 14 days of giving of the notice under this clause, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 11.6 The independent arbitrator must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion of the matter by a further 30 days.
- 11.7 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 11.8 Any conclusion by an independent arbitrator is final and binding on the parties.
- 11.9 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent arbitrator.

PART 4 – DEMONSTRATING COMPLIANCE

12. METERING PROGRAM

- 12.1 The Authority, in consultation with the Storage Manager, must propose to the Minister by the time this Order comes into operation, an update to its metering program to demonstrate the Authority can comply with its bulk entitlement under this Order.
- 12.2 The Minister may –
- (a) approve the updated program proposed under sub-clause 12.1; or
 - (b) require the Authority to amend the proposed updated program; or
 - (c) not approve the proposed updated program.
- 12.3 The Minister may, at any time, require the Authority to –
- (a) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 12.4 The Authority must, at its own cost and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement and maintain any metering program approved by the Minister; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under sub-clauses 12.4 (b), (c) and (d).

13. REPORTING REQUIREMENTS

- 13.1 The Minister may require the Authority to report on any or all of the following –
- (a) the annual amount of water taken under this bulk entitlement at each of the Authority's interface points;
 - (b) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;

- (c) any reduction in supply of this bulk entitlement as reflected in a Water Allocation;
 - (d) any assignment of Water Allocation or permanent transfer of all or part of this bulk entitlement;
 - (e) any amendment to this bulk entitlement;
 - (f) any new bulk entitlement of water granted to the Authority;
 - (g) any failure by the Authority to comply with any provision of this bulk entitlement; and
 - (h) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 13.2 Any report under sub-clause 13.1 must be made –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister’s written request, or such longer period of time as the Minister may determine.
- 13.3 The Authority must, in its Annual Report, report on each of the matters set out in sub-clause 13.1.
- 13.4 If requested by the Resource Manager, from time to time, the Authority must report on any or all of the matters set out in sub-clause 13.1.
- 13.5 Any report under sub-clause 13.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) within such period of time as may be agreed between the Authority and the Resource Manager.

14. DATA

- 14.1 Subject to sub-clause 12.4, the Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 14.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clause 12 or 13, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

PART 5 – COSTS

15. RESOURCE MANAGER COSTS

- 15.1 Subject to sub-clause 15.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Melbourne Headworks System Water Accounts;
 - (b) report on whether the holders of entitlements to water in the Melbourne headworks system comply with the conditions of their bulk entitlements;
 - (c) report on disputes between the holders of entitlements to water in the Melbourne headworks system;
 - (d) report on significant unauthorised uses of water in the Melbourne headworks system; and
 - (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under s 33AAA of the Act.

- 15.2 Subject to sub-clause 15.3, the proportion of costs referred to in sub-clause 15.1 is to be determined by the Resource Manager.
- 15.3 Where the Resource Manager provides a regulated service for the purposes of section 4A of the **Water Industry Act 1994**, the charges to be paid by the Authority to the Resource Manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.
- 16. MELBOURNE HEADWORKS AND MELBOURNE BULK TRANSFER SYSTEM COSTS**
- 16.1 The Authority must pay a share of the costs incurred by the Storage Manager and the Bulk Transfer System Operator to operate, maintain and refurbish the Melbourne headworks system and the Melbourne bulk transfer system.
- 16.2 The amount of the share of the cost under sub-clause 16.1 is determined by –
- (a) any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**; or
 - (b) any revised tariff schedule approved by the Essential Services Commission for a price determination referred to in sub-clause 16.2(a). In proposing a revised tariff schedule for approval by the Essential Services Commission, this is to be developed by the Storage Manager and Bulk Transfer System Operator in accordance with the principles that –
 - (i) the Authority must pay usage charges for the volume of Water Allocation that is taken in a given year, where these usage charges are consistent with the usage charges incurred by the Melbourne retail authorities in that year; and
 - (ii) the Authority must pay service charges reflecting the proportion of the Authority's Entitlement Volume in relation to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1).
- 17. GOULBURN AND MURRAY HEADWORKS COSTS**
- 17.1 The Authority must pay a share of the costs incurred by the Melbourne retail authorities to store water in the Goulburn System and the River Murray.
- 17.2 The amount of the share of the cost under sub-clause 17.1 is determined by –
- (a) any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**; or
 - (b) any revised tariff schedule approved by the Essential Services Commission for a price determination referred to in sub-clause 17.2(a). In proposing a revised tariff schedule for approval by the Essential Services Commission, this is to be developed in accordance with the principle that the Authority must pay a share of the cost reflecting the proportion of the Authority's Entitlement Volume in relation to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1); or
 - (c) any price set by the Melbourne retail authorities, where this price is to be consistent with the pricing principles contained in a price determination referred to in sub-clause 17.2(a) and is to be developed in accordance with the principle that the Authority must pay a share of the cost reflecting the proportion of the Authority's Entitlement Volume in relation to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1).
- 18. DUTY TO MAKE PAYMENTS**
- 18.1 The Authority has a duty to make payments under clause 15 directly to the Resource Manager.
- 18.2 The Authority has a duty to make payments under clause 16 directly to the Storage Manager and the Bulk Transfer System Operator.

18.3 The Authority has a duty to make payments under clause 17 directly to the Melbourne retail authorities.

Dated 7 October 2010

Responsible Minister
TIM HOLDING
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department of Sustainability and Environment.

**SCHEDULE 1 – ENTITLEMENTS HELD BY THE METROPOLITAN RETAIL
AUTHORITIES FOR THE MELBOURNE HEADWORKS SYSTEM**

Bulk Entitlements	Available Resources per year
Bulk Entitlements in the Yarra River Basin	
Bulk Entitlement (Yarra River – Melbourne Water for City West Water Limited) Conversion Order 2006	
Bulk Entitlement (Yarra River – Melbourne Water for South East Water Limited) Conversion Order 2006	
Bulk Entitlement (Yarra River – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2006	
Bulk Entitlements in the Thomson River Basin	
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to City West Water Limited 2006	
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to South East Water Limited 2006	Up to 555,000 ML
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to Yarra Valley Water Limited 2006	
Bulk Entitlements in the Goulburn River Basin	
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water for City West Water Limited) Conversion Order 2006	
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water for South East Water Limited) Conversion Order 2006	
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2006	
Other Entitlements in the Goulburn River Basin	
Water Savings Supply and Transfer Agreement	Up to 75,000 ML
Bulk Entitlements in the Tarago and Bunyip River Basins	
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009	
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009	Up to 30,510 ML
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009	

Bulk Entitlements	Available Resources per year
Bulk Entitlements for Desalinated Water	Up to 150,000 ML
Bulk Entitlement (Desalinated Water – City West Water Limited) Order 2010	
Bulk Entitlement (Desalinated Water – South East Water Limited) Order 2010	
Bulk Entitlement (Desalinated Water – Yarra Valley Water Limited) Order 2010	
Total Volume of Entitlements	Up to 810,510 ML

SCHEDULE 2 – PRIMARY ENTITLEMENTS

Column A lists the primary entitlements, which are bulk entitlements for water sourced from the Melbourne headworks system. Column B lists the authorities that hold these primary entitlements.

A	B
Primary Entitlement	Primary Entitlement Holder
Bulk Entitlement (Melbourne Headworks System – Barwon Water) Order 2010	Barwon Water Corporation
Bulk Entitlement (Melbourne Headworks System – South Gippsland Water) Order 2010	South Gippsland Water Corporation
Bulk Entitlement (Melbourne Headworks System – Western Water) Order 2010	Western Water Corporation
Bulk Entitlement (Melbourne Headworks System – Westernport Water) Order 2010	Westernport Water Corporation

Water Act 1989

**BULK ENTITLEMENT (MELBOURNE HEADWORKS SYSTEM – BARWON WATER)
ORDER 2010**

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7. Entitlement Volume
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9. Operating Arrangements
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PART 5 – COSTS

15. Resource Manager Costs
16. Melbourne Headworks and Melbourne Bulk Transfer System Costs
17. Goulburn and Murray Headworks Costs
18. Duty to Make Payments

**SCHEDULE 1 – ENTITLEMENTS HELD BY THE METROPOLITAN RETAIL
AUTHORITIES FOR THE MELBOURNE HEADWORKS SYSTEM**

SCHEDULE 2 – PRIMARY ENTITLEMENTS

I, Tim Holding, Minister for Water, as Minister administering the **Water Act 1989**, by Order grant this bulk entitlement to Barwon Region Water Corporation.

PART 1 – INTRODUCTORY STATEMENTS

1. CITATION

This Order may be cited as the Bulk Entitlement (Melbourne Headworks System – Barwon Water) Order 2010.

2. EMPOWERING PROVISIONS

This Order is made under sections 42 and 43 of the **Water Act 1989**.

3. COMMENCEMENT

This Order comes into effect on the earlier of –

- (a) 1 July 2012; or
- (b) the day that the Melbourne–Geelong Pipeline commences operation, as certified in a notice provided by the Authority to the Minister.

4. PURPOSE

The purpose of this Order is to grant a bulk entitlement to Barwon Water to take and use water that will be sourced from the Melbourne headworks system, inclusive of the water from the Victorian Desalination Project, and transported to the Barwon supply system via the Melbourne–Geelong Pipeline.

5. DEFINITIONS

In this Order –

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

‘**Authority**’, when used in the singular form, means Barwon Region Water Corporation, trading as Barwon Water;

‘**authorities**’, when used in the plural, has the same meaning as ‘**Authority**’ in section 34 of the Act;

‘**Barwon supply system**’ means the waterways, headworks and other water supply works of the Authority;

‘**Bulk Transfer System Operator**’ means Melbourne Water in respect of its role to operate and maintain the Melbourne bulk transfer system in accordance with section 171B of the Act;

‘**Desalinated Water**’ means the treated seawater produced by the Victorian Desalination Project;

‘**Drought Response Plan for Melbourne**’ means a drought response plan made by the Melbourne retail authorities under sections 78B and 78C of the **Water Industry Act 1994**;

‘**Entitlement Volume**’ means the volume of water the Authority is entitled to take and use under the terms of this Order, as set out in clause 7;

‘**Goulburn System**’ means the Goulburn River and the water supply systems supplied by that river, with the exception of flows from the Silver and Wallaby Creeks;

‘**interface point**’ means a point of connection that enables the Melbourne retail authorities or a primary entitlement holder to take water from the Melbourne supply system;

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

‘**Melbourne–Geelong Pipeline**’ means the water transmission pipeline between Melbourne and Geelong, which is to be utilised for the transportation of water from the Melbourne supply system to the Barwon supply system;

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project;

‘**Melbourne Headworks System Water Accounts**’ means an annual report, required by the Minister, as to the extent to which each primary entitlement holder in the Melbourne headworks system complies with the terms and conditions of the bulk entitlement;

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

- (a) City West Water Limited, ACN 066 902 467;
- (b) South East Water Limited, ACN 066 902 547; and
- (c) Yarra Valley Water Limited, ACN 066 902 501;

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

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

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

‘**ML**’ means megalitre(s);

‘**primary entitlement**’ means a bulk entitlement listed in column A of Schedule 2;

‘**primary entitlement holder**’ means the holder of a primary entitlement as listed in column B of Schedule 2;

‘**Project Co.**’ means Aquasure Pty Ltd, which is under contract with the State of Victoria to deliver the Victorian Desalination Project;

‘**Project Deed**’ means the Victorian Desalination Project – Project Deed between the State and Project Co., dated 30 July 2009;

‘**Resource Manager**’ means a person appointed under section 43A of the Act to do all or any of the tasks set out in sub-clause 15.1 of this Order;

‘**River Murray**’ means the River Murray to which Victoria has access and which carries regulated water under the Murray–Darling Basin Agreement; consisting of:

- (a) the main course of the River Murray from Hume Dam to the South Australian border;
- (b) the main course of the Mitta Mitta River below Dartmouth Dam;
- (c) all effluents and anabranches of, or lakes or lagoons (including King’s Billabong) connected to, these main courses, other than those excluded by the Murray–Darling Basin Authority;
- (d) the storages formed by Hume Dam and Dartmouth Dam and by weirs upstream of the South Australian border;

‘**service charges**’ means the bulk water supply charges applied by the Storage Manager and the Bulk Transfer System Operator, which are calculated from the difference between the total revenue requirement of the Storage Manager together with that of the Bulk Transfer System Operator and the revenue expected to be raised through usage charges;

‘**Storage Manager**’ means Melbourne Water acting in respect of its role to manage storages for the Melbourne headworks system in accordance with section 171B of the Act;

‘**Transfer Pipeline**’ means the water transmission pipeline between the site of the Victorian Desalination Project in the Bass Coast region and the Melbourne bulk transfer system near Cardinia Reservoir, which is to be utilised for the transportation of either Desalinated Water or water from Cardinia Reservoir in accordance with the provisions of the Project Deed;

‘**usage charges**’ means the bulk water supply charges applied by the Storage Manager and the Bulk Transfer System Operator, which are variable charges that relate to the volume of water supplied;

‘**Victorian Desalination Project**’ means the construction and carrying out of the works, facilities and services and all ancillary and incidental activities associated with the development and operation of a seawater desalination plant in the Bass Coast region;

‘**Water Allocation**’ means the volume of water that is available to be taken by the Authority in any year under the terms of this Order, as set out in clause 8;

‘**water restrictions**’ means restrictions on the use of water set out in a drought response plan made by the Melbourne retail authorities under sections 78B and 78C of the **Water Industry Act 1994**;

‘**year**’ means the 12 month period commencing 1 July.

PART 2 – ENTITLEMENT

6. GRANTING OF A BULK ENTITLEMENT

Subject to the conditions set out in this Order, the Authority is entitled to take and use water, as sourced from the Melbourne headworks system, inclusive of water sourced from the Victorian Desalination Project.

7. ENTITLEMENT VOLUME

Subject to clause 8, the Authority is entitled to take up to a total of 16,000 ML of water in any one year.

8. WATER ALLOCATION

8.1 The Authority may not take all of the Entitlement Volume if–

- (a) the customers of the Melbourne retail authorities are subject to water restrictions; and
- (b) as a consequence of (a), the Melbourne retail authorities decide to reduce the supply of water to the Authority.

8.2 By the first day of February each year, the Melbourne retail authorities will together determine the Water Allocation for this bulk entitlement for the forthcoming year in accordance with the following formula –

$$A = E - (S \times E) + Adj$$

Where –

A = the Water Allocation for the forthcoming year.

E = the Entitlement Volume.

S = the proportion of water savings that are expected to be achieved in Melbourne in the forthcoming year under the level of water restrictions that the customers of the Melbourne retail authorities are subject to when the decision is made, where this proportion of water savings is as set out in the Drought Response Plans for Melbourne, and any voluntary regime as determined by the Minister.

Adj = an adjustment to account for any difference in the level of water restrictions that the customers of the Melbourne retail authorities are subject to when the decision is made, and the level of water restrictions that the customers of the Melbourne retail authorities were subject to when the previous Water Allocation decision was made.

- 8.3 If, by the first day of December, the level of water restrictions that the customers of the Melbourne retail authorities are subject to has changed since the first day of the preceding February, the Melbourne retail authorities will adjust the Water Allocation for the Authority for that year to account for that difference, consistent with the formula set out in sub-clause 8.2.
- 8.4 A Water Allocation will take effect when written notice of the decision of the Melbourne retail authorities under either sub-clause 8.2 or 8.3 has been given to the Authority.

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. OPERATING ARRANGEMENTS

- 9.1 The Authority and the Bulk Transfer System Operator must endeavour to agree on operational arrangements to enable the Authority to take water under this entitlement, which must address matters including, but not limited to –
- (a) notification of the forecast and finalised volumes of Water Allocation that are to be taken and assigned by the Authority for the forthcoming year;
 - (b) arrangements to enable the Authority to take water at the Authority's interface points, including delivery and withdrawal arrangements;
 - (c) arrangements for dealing with emergency supplies; and
 - (d) arrangements for coordination and liaison between representatives of the Authority and the Bulk System Transfer Operator with regard to operational matters.
- 9.2 If the Authority and the Bulk Transfer System Operator have not reached agreement under sub-clause 9.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 11.

10. TAKING WATER

- 10.1 For the purposes of clause 7 and the calculation of the volume of water taken by the Authority, the total volume of water taken shall be measured at the Authority's interface points.

11. DISPUTE RESOLUTION

- 11.1 If a difference or dispute arises between the Authority, the Storage Manager, the Bulk Transfer System Operator or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 11.2 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent arbitrator.
- 11.3 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent arbitrator, the Authority must comply with the notice.
- 11.4 The notice requiring that the matter be determined by independent arbitrator may be given no sooner than 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.
- 11.5 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree within 14 days of giving of the notice under this clause, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.

- 11.6 The independent arbitrator must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion of the matter by a further 30 days.
- 11.7 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 11.8 Any conclusion by an independent arbitrator is final and binding on the parties.
- 11.9 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent arbitrator.

PART 4 – DEMONSTRATING COMPLIANCE

12. METERING PROGRAM

- 12.1 The Authority, in consultation with the Storage Manager, must propose to the Minister by the time this Order comes into operation, an update to its metering program to demonstrate the Authority can comply with its bulk entitlement under this Order.
- 12.2 The Minister may –
 - (a) approve the updated program proposed under sub-clause 12.1; or
 - (b) require the Authority to amend the proposed updated program; or
 - (c) not approve the proposed updated program.
- 12.3 The Minister may, at any time, require the Authority to –
 - (a) review the program approved by the Minister if, in the Minister’s opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 12.4 The Authority must, at its own cost and in accordance with any guidelines issued from time to time by the Minister –
 - (a) implement and maintain any metering program approved by the Minister; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under sub-clauses 12.4 (b), (c) and (d).

13. REPORTING REQUIREMENTS

- 13.1 The Minister may require the Authority to report on any or all of the following –
 - (a) the annual amount of water taken under this bulk entitlement at each of the Authority’s interface points;
 - (b) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
 - (c) any reduction in supply of this bulk entitlement as reflected in a Water Allocation;
 - (d) any assignment of Water Allocation or permanent transfer of all or part of this bulk entitlement;
 - (e) any amendment to this bulk entitlement;
 - (f) any new bulk entitlement of water granted to the Authority;
 - (g) any failure by the Authority to comply with any provision of this bulk entitlement; and
 - (h) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.

- 13.2 Any report under sub-clause 13.1 must be made –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister’s written request, or such longer period of time as the Minister may determine.
- 13.3 The Authority must, in its Annual Report, report on each of the matters set out in sub-clause 13.1.
- 13.4 If requested by the Resource Manager, from time to time, the Authority must report on any or all of the matters set out in sub-clause 13.1.
- 13.5 Any report under sub-clause 13.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) within such period of time as may be agreed between the Authority and the Resource Manager.

14. DATA

- 14.1 Subject to sub-clause 12.4, the Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 14.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clause 12 or 13, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

PART 5 – COSTS

15. RESOURCE MANAGER COSTS

- 15.1 Subject to sub-clause 15.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Melbourne Headworks System Water Accounts;
 - (b) report on whether the holders of entitlements to water in the Melbourne headworks system comply with the conditions of their bulk entitlements;
 - (c) report on disputes between the holders of entitlements to water in the Melbourne headworks system;
 - (d) report on significant unauthorised uses of water in the Melbourne headworks system; and
 - (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act.
- 15.2 Subject to sub-clause 15.3, the proportion of costs referred to in sub-clause 15.1 is to be determined by the Resource Manager.
- 15.3 Where the Resource Manager provides a regulated service for the purposes of section 4A of the **Water Industry Act 1994**, the charges to be paid by the Authority to the Resource Manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

16. MELBOURNE HEADWORKS AND MELBOURNE BULK TRANSFER SYSTEM COSTS

- 16.1 The Authority must pay a share of the costs incurred by the Storage Manager and the Bulk Transfer System Operator to operate, maintain and refurbish the Melbourne headworks system and the Melbourne bulk transfer system.

- 16.2 The amount of the share of the cost under sub-clause 16.1 is determined by either –
- (a) any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**; or
 - (b) any revised tariff schedule approved by the Essential Services Commission for a price determination referred to in sub-clause 16.2(a). In proposing a revised tariff schedule for approval by the Essential Services Commission, this is to be developed by the Storage Manager and Bulk Transfer System Operator in accordance with the principles that –
 - (i) the Authority must pay usage charges for the volume of Water Allocation that is taken in a given year, where these usage charges are consistent with the usage charges incurred by the Melbourne retail authorities in that year; and
 - (ii) the Authority must pay service charges reflecting the proportion of the Authority's Entitlement Volume in relation to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1).

17. GOULBURN AND MURRAY HEADWORKS COSTS

- 17.1 The Authority must pay a share of the costs incurred by the Melbourne retail authorities to store water in the Goulburn System and the River Murray.
- 17.2 The amount of the share of the cost under sub-clause 17.1 is determined by either –
- (a) any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**; or
 - (b) any revised tariff schedule approved by the Essential Services Commission for a price determination referred to in sub-clause 17.2(a). In proposing a revised tariff schedule for approval by the Essential Services Commission, this is to be developed in accordance with the principle that the Authority must pay a share of the cost reflecting the proportion of the Authority's Entitlement Volume in relation to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1); or
 - (c) any price set by the Melbourne retail authorities, where this price is to be consistent with the pricing principles contained in a price determination referred to in sub-clause 17.2(a) and is to be developed in accordance with the principle that the Authority must pay a share of the cost reflecting the proportion of the Authority's Entitlement Volume in relation to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1).

18. DUTY TO MAKE PAYMENTS

- 18.1 The Authority has a duty to make payments under clause 15 directly to the Resource Manager.
- 18.2 The Authority has a duty to make payments under clause 16 directly to the Storage Manager and the Bulk Transfer System Operator.
- 18.3 The Authority has a duty to make payments under clause 17 directly to the Melbourne retail authorities.

Dated 7 October 2010

Responsible Minister
TIM HOLDING
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department of Sustainability and Environment.

**SCHEDULE 1 – ENTITLEMENTS HELD BY THE METROPOLITAN RETAIL
AUTHORITIES FOR THE MELBOURNE HEADWORKS SYSTEM**

Entitlements	Available Resources per year
Bulk Entitlements in the Yarra River Basin	Up to 555,000 ML
Bulk Entitlement (Yarra River – Melbourne Water for City West Water Limited) Conversion Order 2006	
Bulk Entitlement (Yarra River – Melbourne Water for South East Water Limited) Conversion Order 2006	
Bulk Entitlement (Yarra River – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2006	
Bulk Entitlements in the Thomson River Basin	
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to City West Water Limited 2006	
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to South East Water Limited 2006	
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to Yarra Valley Water Limited 2006	
Bulk Entitlements in the Goulburn River Basin	
Bulk Entitlement (Silver and Wallaby Creeks – Melbourne Water for City West Water Limited) Conversion Order 2006	
Bulk Entitlement (Silver and Wallaby Creeks – Melbourne Water for South East Water Limited) Conversion Order 2006	
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2006	
Other Entitlements in the Goulburn River Basin	
Water Savings Supply and Transfer Agreement	
Bulk Entitlements in the Tarago and Bunyip River Basins	Up to 30,510 ML
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009	
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009	
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009	

Entitlements	Available Resources per year
Bulk Entitlements for Desalinated Water	
Bulk Entitlement (Desalinated Water – City West Water Limited) Order 2010	Up to 150,000 ML
Bulk Entitlement (Desalinated Water – South East Water Limited) Order 2010	
Bulk Entitlement (Desalinated Water – Yarra Valley Water Limited) Order 2010	
Total Volume of Entitlements	Up to 810,510 ML

SCHEDULE 2 – PRIMARY ENTITLEMENTS

Column A lists the primary entitlements, which are bulk entitlements for water sourced from the Melbourne headworks system. Column B lists the authorities that hold these primary entitlements.

A	B
Primary Entitlement	Primary Entitlement Holder
Bulk Entitlement (Melbourne Headworks System – Barwon Water) Order 2010	Barwon Water Corporation
Bulk Entitlement (Melbourne Headworks System – South Gippsland Water) Order 2010	South Gippsland Water Corporation
Bulk Entitlement (Melbourne Headworks System – Western Water) Order 2010	Western Water Corporation
Bulk Entitlement (Melbourne Headworks System – Westernport Water) Order 2010	Westernport Water Corporation

Water Act 1989

**BULK ENTITLEMENT (DESALINATED WATER – YARRA VALLEY WATER LIMITED)
ORDER 2010**

PART 1 – INTRODUCTORY STATEMENTS

1. Citation
2. Empowering Provisions
3. Commencement
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5. Definitions

PART 2 – ENTITLEMENT

6. Granting of a Bulk Entitlement
7. Bulk Entitlement
8. Obligations to Supply Primary Entitlements

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. Management Arrangements
10. Dispute Resolution

PART 4 – DEMONSTRATING COMPLIANCE

11. Reporting Requirements
12. Data

PART 5 – COSTS

13. Resource Manager Costs
14. Duty to Make Payments

SCHEDULE 1 – SHARE OF RESOURCES

SCHEDULE 2 – PRIMARY ENTITLEMENTS

I, Tim Holding, Minister for Water, as Minister administering the **Water Act 1989**, by Order grant this bulk entitlement to Yarra Valley Water Limited.

PART 1 – INTRODUCTORY STATEMENTS

1. CITATION

This Order may be cited as the Bulk Entitlement (Desalinated Water – Yarra Valley Water Limited) Order 2010.

2. EMPOWERING PROVISIONS

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

3. COMMENCEMENT

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

4. PURPOSE

The purpose of this Order is to grant a bulk entitlement to Yarra Valley Water Limited for water that will be sourced from the Victorian Desalination Project and transported to the Melbourne supply system via the Transfer Pipeline.

5. DEFINITIONS

In this Order –

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

‘**Authority**’, when used in the singular form, means Yarra Valley Water Limited, ACN 066 902 501;

‘**authorities**’, when used in the plural, has the same meaning as ‘**Authority**’ in section 34 of the Act;

‘**Bulk Transfer System Operator**’ means Melbourne Water in respect of its role to operate and maintain the Melbourne bulk transfer system in accordance with section 171B of the Act;

‘**delivery point**’ means a point of connection between the Transfer Pipeline and the Melbourne bulk transfer system, or a point of connection between the Transfer Pipeline and the water supply works of a primary entitlement holder;

‘**Desalinated Water**’ means the treated seawater produced by the Victorian Desalination Project;

‘**Desalinated Water Accounts**’ means an annual report, required by the Minister, as to the extent to which each holder of a bulk entitlement to Desalinated Water complies with the terms and conditions of the bulk entitlement;

‘**interface point**’ means a point of connection that enables the Melbourne retail authorities or a primary entitlement holder to take water from the Melbourne supply system;

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

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project;

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

- (a) City West Water Limited, ACN 066 902 467;
- (b) South East Water Limited, ACN 066 902 547; and
- (c) Yarra Valley Water Limited, ACN 066 902 501;

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

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

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

‘**ML**’ means megalitre(s);

‘**primary entitlement**’ means a bulk entitlement listed in column A of Schedule 2;

‘**primary entitlement holder**’ means the holder of a primary entitlement as listed in column B of Schedule 2;

‘**Project Co.**’ means Aquasure Pty Ltd, which is under contract with the State of Victoria to deliver the Victorian Desalination Project;

‘**Project Deed**’ means the Victorian Desalination Project – Project Deed between the State and Project Co., dated 30 July 2009;

‘**Resource Manager**’ means a person appointed under section 43A of the Act to do all or any of the tasks set out in sub-clause 13.1 of this Order;

‘**Storage Manager**’ means Melbourne Water acting in respect of its role to manage storages for the Melbourne headworks system in accordance with section 171B of the Act;

‘**Transfer Pipeline**’ means the water transmission pipeline between the site of the Victorian Desalination Project in the Bass Coast region and the Melbourne bulk transfer system near Cardinia Reservoir, which is to be utilised for the transportation of either Desalinated Water or water from Cardinia Reservoir in accordance with the provisions of the Project Deed;

‘**Victorian Desalination Project**’ means the construction and carrying out of the works, facilities and services and all ancillary and incidental activities associated with the development and operation of a seawater desalination plant in the Bass Coast region;

‘**Water Allocation**’ means the volume of water that is available to be taken by a primary entitlement holder in any year under the terms of the Order granting the primary entitlement;

‘**water restrictions**’ means restrictions on the use of water set out in a drought response plan made by the Melbourne retail authorities under sections 78B and 78C of the **Water Industry Act 1994**; and

‘**year**’ means the 12 month period commencing 1 July.

PART 2 – ENTITLEMENT

6. GRANTING OF A BULK ENTITLEMENT

- 6.1 The Authority’s entitlement to Desalinated Water from the Victorian Desalination Project is granted to the Authority on the conditions set out in this Order. This granting provision must be read together with the granting provision in both of the bulk entitlements referred to in sub-clause 7.3 below, such that together the three granting provisions encompass all of the Desalinated Water that is available from the Victorian Desalination Project.

7. BULK ENTITLEMENT

- 7.1 The provisions of this bulk entitlement must be read together with those of the two bulk entitlements referred to in sub-clause 7.3 below, such that together the three bulk entitlements may take the total volumes referred to in sub-clause 7.2 below over the period referred to in sub-clause 7.2 below.

- 7.2 The Authority, together with the holders of the two bulk entitlements referred to in sub-clause 7.3 below, may take an average annual volume of up to 150,000 ML of Desalinated Water over any period of five consecutive years, as measured by the sum of the volume of Desalinated Water that is delivered to the delivery points.
- 7.3 The Authority's share, together with shares allocated under the –
- (a) Bulk Entitlement (Desalinated Water – City West Water Limited) Order 2010; and
 - (b) Bulk Entitlement (Desalinated Water – South East Water Limited) Order 2010;
- as described in Schedule 1, make up 100% of the water allocated to the Melbourne retail authorities from the Victorian Desalination Project.
- 8. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS**
- 8.1 Water taken under this bulk entitlement, together with the bulk entitlements listed in sub-clause 7.3, must be used to supply the primary entitlements.
- 8.2 In the event that water is not taken under this bulk entitlement in a given year, the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must supply the primary entitlements with water taken under another bulk entitlement held by the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3.
- 8.3 Supply to the primary entitlements may be restricted by the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, in accordance with the Water Allocation policies set out in the Orders granting the primary entitlements.
- 8.4 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, within seven days of becoming aware that the supply by the Melbourne retail authorities to their customers is likely to be subject to water restrictions, must notify the primary entitlement holders of that event.
- 8.5 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must support an application by a primary entitlement holder to assign, to the Melbourne retail authorities, that part of the primary entitlement holder's Water Allocation that is not proposed to be taken by the primary entitlement holder in any year.

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. MANAGEMENT ARRANGEMENTS

- 9.1 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must, within three months of the commencement of this Order, review and if necessary amend the current agreed arrangements for management of the Melbourne supply system to ensure the collaborative management of this bulk entitlement between themselves and –
- (a) the primary entitlement holders;
 - (b) the Storage Manager; and
 - (c) the Bulk Transfer System Operator.

10. DISPUTE RESOLUTION

- 10.1 If a difference or dispute arises between the Authority, the Storage Manager, the Bulk Transfer System Operator or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 10.2 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent arbitrator.
- 10.3 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent arbitrator, the Authority must comply with the notice.

- 10.4 The notice requiring that the matter be determined by independent arbitrator may be given no sooner than 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.
- 10.5 The independent arbitrator will be either –
 - (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 10.6 The independent arbitrator must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion of the matter by a further 30 days.
- 10.7 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 10.8 Any conclusion by an independent arbitrator is final and binding on the parties.
- 10.9 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent arbitrator.

PART 4 – DEMONSTRATING COMPLIANCE

11. REPORTING REQUIREMENTS

- 11.1 The Minister may require the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, to report on any or all of the following –
 - (a) the status of this bulk entitlement, including the amount of water taken by the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, from the Victorian Desalination Project;
 - (b) any assignment of water allocation or permanent transfer of all or part of this bulk entitlement;
 - (c) any amendment to this bulk entitlement;
 - (d) any new bulk entitlement of water granted to the Authority, or to the Authority together with the holder of the bulk entitlements listed in sub-clause 7.3;
 - (e) compliance with this bulk entitlement;
 - (f) any failures either by the Authority, or the Authority together with the holders of the bulk entitlements listed in sub-clause 7.3, to comply with any provision of this bulk entitlement; and
 - (g) any difficulties experienced or anticipated by either the Authority, or the Authority together with the holders of the bulk entitlements listed in sub-clause 7.3, in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 Any report under sub-clause 11.1 must be made –
 - (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister’s written request, or such longer period of time as the Minister may determine.
- 11.3 The Authority must, in its Annual Report, report on each of the matters set out in sub-clause 11.1.
- 11.4 If requested by the Resource Manager from time to time, the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must report on any or all of the matters set out in sub-clause 11.1.
- 11.5 Any report under sub-clause 11.4 must be made –
 - (a) in such form as may be agreed between the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, and the Resource Manager;
 - (b) within such period of time as may be agreed between the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, and the Resource Manager.

12. DATA

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

PART 5 – COSTS**13. RESOURCE MANAGER COSTS**

- 13.1 Subject to sub-clause 13.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Desalinated Water Accounts;
 - (b) report on whether the holders of entitlements to Desalinated Water comply with the conditions of their bulk entitlements;
 - (c) report on disputes between the holders of entitlements to Desalinated Water;
 - (d) report on significant unauthorised uses of Desalinated Water; and
 - (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act.
- 13.2 Subject to sub-clause 13.3, the proportion of costs referred to in sub-clause 13.1 is to be determined by the Resource Manager.
- 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 Authority to the Resource Manager are to be governed by the regulatory arrangements overseen by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.
- 14. DUTY TO MAKE PAYMENTS**
- 14.1 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, has a duty to make payments under clause 13 directly to the Resource Manager.

Dated 7 October 2010

Responsible Minister
TIM HOLDING
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department of Sustainability and Environment.

SCHEDULE 1 – SHARE OF RESOURCES

Bulk Entitlement	Share of Resources
Bulk Entitlement (Desalinated Water – City West Water Limited) Order 2010	As determined by the bulk entitlement and other statutory and non-statutory instruments ¹
Bulk Entitlement (Desalinated Water – South East Water Limited) Order 2010	As determined by the bulk entitlement and other statutory and non-statutory instruments ¹
Bulk Entitlement (Desalinated Water – Yarra Valley Water Limited) Order 2010	As determined by the bulk entitlement and other statutory and non-statutory instruments ¹
Total	100% of the water available from the Victorian Desalination Project

Notes:

1. The instruments include –
 - (a) The Melbourne Drought Response Plans for the Melbourne retail authorities;
 - (b) The Statement of Obligations (General) for Melbourne Water;
 - (c) The Statement of Obligations (System Management) for Melbourne Water;
 - (d) The Statement of Obligations (General) for the Melbourne retail authorities;
 - (e) The Statement of Obligations (System Management) for the Melbourne retail authorities;
 - (f) The Bulk Water Supply Agreements between Melbourne Water and the Melbourne retail authorities.

SCHEDULE 2 – PRIMARY ENTITLEMENTS

Column A lists the primary entitlements, which are bulk entitlements for water sourced from the Melbourne headworks system. Column B lists the authorities that hold these primary entitlements.

A	B
Primary Entitlement	Primary Entitlement Holder
Bulk Entitlement (Melbourne Headworks System – Barwon Water) Order 2010	Barwon Water Corporation
Bulk Entitlement (Melbourne Headworks System – South Gippsland Water) Order 2010	South Gippsland Water Corporation
Bulk Entitlement (Melbourne Headworks System – Western Water) Order 2010	Western Water Corporation
Bulk Entitlement (Melbourne Headworks System – Westernport Water) Order 2010	Westernport Water Corporation

Water Act 1989

**BULK ENTITLEMENT (DESALINATED WATER – SOUTH EAST WATER LIMITED)
ORDER 2010**

PART 1 – INTRODUCTORY STATEMENTS

1. Citation
2. Empowering Provisions
3. Commencement
4. Purpose
5. Definitions

PART 2 – ENTITLEMENT

6. Granting of a Bulk Entitlement
7. Bulk Entitlement
8. Obligations to Supply Primary Entitlements

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. Management Arrangements
10. Dispute Resolution

PART 4 – DEMONSTRATING COMPLIANCE

11. Reporting Requirements
12. Data

PART 5 – COSTS

13. Resource Manager Costs
14. Duty to Make Payments

SCHEDULE 1 – SHARE OF RESOURCES

SCHEDULE 2 – PRIMARY ENTITLEMENTS

I, Tim Holding, Minister for Water, as Minister administering the **Water Act 1989**, by Order grant this bulk entitlement to South East Water Limited.

PART 1 – INTRODUCTORY STATEMENTS

1. CITATION

This Order may be cited as the Bulk Entitlement (Desalinated Water – South East Water Limited) Order 2010.

2. EMPOWERING PROVISIONS

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

3. COMMENCEMENT

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

4. PURPOSE

The purpose of this Order is to grant a bulk entitlement to South East Water Limited for water that will be sourced from the Victorian Desalination Project and transported to the Melbourne supply system via the Transfer Pipeline.

5. DEFINITIONS

In this Order –

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

‘**Authority**’, when used in the singular form, means South East Water Limited, ACN 066 902 547;

‘**authorities**’, when used in the plural, has the same meaning as ‘**Authority**’ in section 34 of the Act;

‘**Bulk Transfer System Operator**’ means Melbourne Water in respect of its role to operate and maintain the Melbourne bulk transfer system in accordance with section 171B of the Act;

‘**delivery point**’ means a point of connection between the Transfer Pipeline and the Melbourne bulk transfer system, or a point of connection between the Transfer Pipeline and the water supply works of a primary entitlement holder;

‘**Desalinated Water**’ means the treated seawater produced by the Victorian Desalination Project;

‘**Desalinated Water Accounts**’ means an annual report, required by the Minister, as to the extent to which each holder of a bulk entitlement to Desalinated Water complies with the terms and conditions of the bulk entitlement;

‘**interface point**’ means a point of connection that enables the Melbourne retail authorities or a primary entitlement holder to take water from the Melbourne supply system;

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

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project;

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

- (a) City West Water Limited, ACN 066 902 467;
- (b) South East Water Limited, ACN 066 902 547; and
- (c) Yarra Valley Water Limited, ACN 066 902 501;

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

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

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

‘**ML**’ means megalitre(s);

‘**primary entitlement**’ means a bulk entitlement listed in column A of Schedule 2;

‘**primary entitlement holder**’ means the holder of a primary entitlement as listed in column B of Schedule 2;

‘**Project Co.**’ means Aquasure Pty Ltd, which is under contract with the State of Victoria to deliver the Victorian Desalination Project;

‘**Project Deed**’ means the Victorian Desalination Project – Project Deed between the State and Project Co., dated 30 July 2009;

‘**Resource Manager**’ means a person appointed under section 43A of the Act to do all or any of the tasks set out in sub-clause 13.1 of this Order;

‘**Storage Manager**’ means Melbourne Water acting in respect of its role to manage storages for the Melbourne headworks system in accordance with section 171B of the Act;

‘**Transfer Pipeline**’ means the water transmission pipeline between the site of the Victorian Desalination Project in the Bass Coast region and the Melbourne bulk transfer system near Cardinia Reservoir, which is to be utilised for the transportation of either Desalinated Water or water from Cardinia Reservoir in accordance with the provisions of the Project Deed;

‘**Victorian Desalination Project**’ means the construction and carrying out of the works, facilities and services and all ancillary and incidental activities associated with the development and operation of a seawater desalination plant in the Bass Coast region; and

‘**Water Allocation**’ means the volume of water that is available to be taken by a primary entitlement holder in any year under the terms of the Order granting the primary entitlement;

‘**water restrictions**’ means restrictions on the use of water set out in a drought response plan made by the Melbourne retail authorities under sections 78B and 78C of the **Water Industry Act 1994**;

‘**year**’ means the 12 month period commencing 1 July.

PART 2 – ENTITLEMENT

6. GRANTING OF A BULK ENTITLEMENT

- 6.1 The Authority’s entitlement to Desalinated Water from the Victorian Desalination Project is granted to the Authority on the conditions set out in this Order. This granting provision must be read together with the granting provision in both of the bulk entitlements referred to in sub-clause 7.3 below, such that together the three granting provisions encompass all of the Desalinated Water that is available from the Victorian Desalination Project.

7. BULK ENTITLEMENT

- 7.1 The provisions of this bulk entitlement must be read together with those of the two bulk entitlements referred to in sub-clause 7.3 below, such that together the three bulk entitlements may take the total volumes referred to in sub-clause 7.2 below over the period referred to in sub-clause 7.2 below.

- 7.2 The Authority, together with the holders of the two bulk entitlements referred to in sub-clause 7.3 below, may take an average annual volume of up to 150,000 ML of Desalinated Water over any period of five consecutive years, as measured by the sum of the volume of Desalinated Water that is delivered to the delivery points.
- 7.3 The Authority's share, together with shares allocated under the –
- (a) Bulk Entitlement (Desalinated Water – City West Water Limited) Order 2010; and
 - (b) Bulk Entitlement (Desalinated Water – Yarra Valley Water Limited) Order 2010;
- as described in Schedule 1, make up 100% of the water allocated to the Melbourne retail authorities from the Victorian Desalination Project.
- 8. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS**
- 8.1 Water taken under this bulk entitlement, together with the bulk entitlements listed in sub-clause 7.3, must be used to supply the primary entitlements.
- 8.2 In the event that water is not taken under this bulk entitlement in a given year, the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must supply the primary entitlements with water taken under another bulk entitlement held by the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3.
- 8.3 Supply to the primary entitlements may be restricted by the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, in accordance with the Water Allocation policies set out in the Orders granting the primary entitlements.
- 8.4 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, within seven days of becoming aware that the supply by the Melbourne retail authorities to their customers is likely to be subject to water restrictions, must notify the primary entitlement holders of that event.
- 8.5 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must support an application by a primary entitlement holder to assign, to the Melbourne retail authorities, that part of the primary entitlement holder's Water Allocation that is not proposed to be taken by the primary entitlement holder in any year.

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. MANAGEMENT ARRANGEMENTS

- 9.1 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must, within three months of the commencement of this Order, review and if necessary amend the current agreed arrangements for management of the Melbourne supply system to ensure the collaborative management of this bulk entitlement between themselves and –
- (a) the primary entitlement holders;
 - (b) the Storage Manager; and
 - (c) the Bulk Transfer System Operator.

10. DISPUTE RESOLUTION

- 10.1 If a difference or dispute arises between the Authority, the Storage Manager, the Bulk Transfer System Operator or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 10.2 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent arbitrator.
- 10.3 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent arbitrator, the Authority must comply with the notice.

- 10.4 The notice requiring that the matter be determined by independent arbitrator may be given no sooner than 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.
- 10.5 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 10.6 The independent arbitrator must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion of the matter by a further 30 days.
- 10.7 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 10.8 Any conclusion by an independent arbitrator is final and binding on the parties.
- 10.9 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent arbitrator.

PART 4 – DEMONSTRATING COMPLIANCE

11. REPORTING REQUIREMENTS

- 11.1 The Minister may require the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, to report on any or all of the following –
- (a) the status of this bulk entitlement, including the amount of water taken by the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, from the Victorian Desalination Project;
 - (b) any assignment of water allocation or permanent transfer of all or part of this bulk entitlement;
 - (c) any amendment to this bulk entitlement;
 - (d) any new bulk entitlement of water granted to the Authority, or to the Authority together with the holder of the bulk entitlements listed in sub-clause 7.3;
 - (e) compliance with this bulk entitlement;
 - (f) any failures either by the Authority, or the Authority together with the holders of the bulk entitlements listed in sub-clause 7.3, to comply with any provision of this bulk entitlement; and
 - (g) any difficulties experienced or anticipated by either the Authority, or the Authority together with the holders of the bulk entitlements listed in sub-clause 7.3, in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 Any report under sub-clause 11.1 must be made –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister’s written request, or such longer period of time as the Minister may determine.
- 11.3 The Authority must, in its Annual Report, report on each of the matters set out in sub-clause 11.1.
- 11.4 If requested by the Resource Manager from time to time, the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must report on any or all of the matters set out in sub-clause 11.1.
- 11.5 Any report under sub-clause 11.4 must be made –
- (a) in such form as may be agreed between the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, and the Resource Manager;
 - (b) within such period of time as may be agreed between the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, and the Resource Manager.

12. DATA

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

PART 5 – COSTS**13. RESOURCE MANAGER COSTS**

- 13.1 Subject to sub-clause 13.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Desalinated Water Accounts;
 - (b) report on whether the holders of entitlements to Desalinated Water comply with the conditions of their bulk entitlements;
 - (c) report on disputes between the holders of entitlements to Desalinated Water;
 - (d) report on significant unauthorised uses of Desalinated Water; and
 - (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act.
- 13.2 Subject to sub-clause 13.3, the proportion of costs referred to in sub-clause 13.1 is to be determined by the Resource Manager.
- 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 Authority to the Resource Manager are to be governed by the regulatory arrangements overseen by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

14. DUTY TO MAKE PAYMENTS

- 14.1 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, has a duty to make payments under clause 13 directly to the Resource Manager.

Dated 7 October 2010

Responsible Minister
TIM HOLDING
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department of Sustainability and Environment.

SCHEDULE 1 – SHARE OF RESOURCES

Bulk Entitlement	Share of Resources
Bulk Entitlement (Desalinated Water – City West Water Limited) Order 2010	As determined by the bulk entitlement and other statutory and non-statutory instruments ¹
Bulk Entitlement (Desalinated Water – South East Water Limited) Order 2010	As determined by the bulk entitlement and other statutory and non-statutory instruments ¹
Bulk Entitlement (Desalinated Water – Yarra Valley Water Limited) Order 2010	As determined by the bulk entitlement and other statutory and non-statutory instruments ¹
Total	100% of the water available from the Victorian Desalination Project

Notes:

1. The instruments include –
 - (a) The Melbourne Drought Response Plans for the Melbourne retail authorities;
 - (b) The Statement of Obligations (General) for Melbourne Water;
 - (c) The Statement of Obligations (System Management) for Melbourne Water;
 - (d) The Statement of Obligations (General) for the Melbourne retail authorities;
 - (e) The Statement of Obligations (System Management) for the Melbourne retail authorities;
 - (f) The Bulk Water Supply Agreements between Melbourne Water and the Melbourne retail authorities.

SCHEDULE 2 – PRIMARY ENTITLEMENTS

Column A lists the primary entitlements, which are bulk entitlements for water sourced from the Melbourne headworks system. Column B lists the authorities that hold these primary entitlements.

A	B
Primary Entitlement	Primary Entitlement Holder
Bulk Entitlement (Melbourne Headworks System – Barwon Water) Order 2010	Barwon Water Corporation
Bulk Entitlement (Melbourne Headworks System – South Gippsland Water) Order 2010	South Gippsland Water Corporation
Bulk Entitlement (Melbourne Headworks System – Western Water) Order 2010	Western Water Corporation
Bulk Entitlement (Melbourne Headworks System – Westernport Water) Order 2010	Westernport Water Corporation

Water Act 1989

**BULK ENTITLEMENT (DESALINATED WATER – CITY WEST WATER LIMITED)
ORDER 2010**

PART 1 – INTRODUCTORY STATEMENTS

1. Citation
2. Empowering Provisions
3. Commencement
4. Purpose
5. Definitions

PART 2 – ENTITLEMENT

6. Granting of a Bulk Entitlement
7. Bulk Entitlement
8. Obligations to Supply Primary Entitlements

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. Management Arrangements
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PART 4 – DEMONSTRATING COMPLIANCE

11. Reporting Requirements
12. Data

PART 5 – COSTS

13. Resource Manager Costs
14. Duty to Make Payments

SCHEDULE 1 – SHARE OF RESOURCES

SCHEDULE 2 – PRIMARY ENTITLEMENTS

I, Tim Holding, Minister for Water, as Minister administering the **Water Act 1989**, by Order grant this bulk entitlement to City West Water Limited:

PART 1 – INTRODUCTORY STATEMENTS

1. CITATION

This Order may be cited as the Bulk Entitlement (Desalinated Water – City West Water Limited) Order 2010.

2. EMPOWERING PROVISIONS

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

3. COMMENCEMENT

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

4. PURPOSE

The purpose of this Order is to grant a bulk entitlement to City West Water Limited for water that will be sourced from the Victorian Desalination Project and transported to the Melbourne supply system via the Transfer Pipeline.

5. DEFINITIONS

In this Order –

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

‘**Authority**’, when used in the singular form, means City West Water Limited, ACN 066 902 467;

‘**authorities**’, when used in the plural, has the same meaning as ‘**Authority**’ in section 34 of the Act;

‘**Bulk Transfer System Operator**’ means Melbourne Water in respect of its role to operate and maintain the Melbourne bulk transfer system in accordance with section 171B of the Act;

‘**delivery point**’ means a point of connection between the Transfer Pipeline and the Melbourne bulk transfer system, or a point of connection between the Transfer Pipeline and the water supply works of a primary entitlement holder;

‘**Desalinated Water**’ means the treated seawater produced by the Victorian Desalination Project;

‘**Desalinated Water Accounts**’ means an annual report, required by the Minister, as to the extent to which each holder of a bulk entitlement to Desalinated Water complies with the terms and conditions of the bulk entitlement;

‘**interface point**’ means a point of connection that enables the Melbourne retail authorities or a primary entitlement holder to take water from the Melbourne supply system;

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

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project;

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

- (a) City West Water Limited, ACN 066 902 467;
- (b) South East Water Limited, ACN 066 902 547; and
- (c) Yarra Valley Water Limited, ACN 066 902 501;

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

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

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

‘**ML**’ means megalitre(s);

‘**primary entitlement**’ means a bulk entitlement listed in column A of Schedule 2;

‘**primary entitlement holder**’ means the holder of a primary entitlement as listed in column B of Schedule 2;

‘**Project Co.**’ means Aquasure Pty Ltd, which is under contract with the State of Victoria to deliver the Victorian Desalination Project;

‘**Project Deed**’ means the Victorian Desalination Project – Project Deed between the State and Project Co., dated 30 July 2009;

‘**Resource Manager**’ means a person appointed under section 43A of the Act to do all or any of the tasks set out in sub-clause 13.1 of this Order;

‘**Storage Manager**’ means Melbourne Water acting in respect of its role to manage storages for the Melbourne headworks system in accordance with section 171B of the Act;

‘**Transfer Pipeline**’ means the water transmission pipeline between the site of the Victorian Desalination Project in the Bass Coast region and the Melbourne bulk transfer system near Cardinia Reservoir, which is to be utilised for the transportation of either Desalinated Water or water from Cardinia Reservoir in accordance with the provisions of the Project Deed;

‘**Victorian Desalination Project**’ means the construction and carrying out of the works, facilities and services and all ancillary and incidental activities associated with the development and operation of a seawater desalination plant in the Bass Coast region; and

‘**Water Allocation**’ means the volume of water that is available to be taken by a primary entitlement holder in any year under the terms of the Order granting the primary entitlement;

‘**water restrictions**’ means restrictions on the use of water set out in a drought response plan made by the Melbourne retail authorities under sections 78B and 78C of the **Water Industry Act 1994**;

‘**year**’ means the 12 month period commencing 1 July.

PART 2 – ENTITLEMENT

6. GRANTING OF A BULK ENTITLEMENT

- 6.1 The Authority’s entitlement to Desalinated Water from the Victorian Desalination Project is granted to the Authority on the conditions set out in this Order. This granting provision must be read together with the granting provision in both of the bulk entitlements referred to in sub-clause 7.3 below, such that together the three granting provisions encompass all of the Desalinated Water that is available from the Victorian Desalination Project.

7. BULK ENTITLEMENT

- 7.1 The provisions of this bulk entitlement must be read together with those of the two bulk entitlements referred to in sub-clause 7.3 below, such that together the three bulk entitlements may take the total volumes referred to in sub-clause 7.2 below over the period referred to in sub-clause 7.2 below.
- 7.2 The Authority, together with the holders of the two bulk entitlements referred to in sub-clause 7.3 below, may take an average annual volume of up to 150,000 ML of Desalinated Water over any period of five consecutive years, as measured by the sum of the volume of Desalinated Water that is delivered to the delivery points.

- 7.3 The Authority's share, together with shares allocated under the –
- (a) Bulk Entitlement (Desalinated Water – South East Water Limited) Order 2010; and
 - (b) Bulk Entitlement (Desalinated Water – Yarra Valley Water Limited) Order 2010;
- as described in Schedule 1, make up 100% of the water allocated to the Melbourne retail authorities from the Victorian Desalination Project.

8. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS

- 8.1 Water taken under this bulk entitlement, together with the bulk entitlements listed in sub-clause 7.3, must be used to supply the primary entitlements.
- 8.2 In the event that water is not taken under this bulk entitlement in a given year, the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must supply the primary entitlements with water taken under another bulk entitlement held by the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3.
- 8.3 Supply to the primary entitlements may be restricted by the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, in accordance with the Water Allocation policies set out in the Orders granting the primary entitlements.
- 8.4 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, within seven days of becoming aware that the supply by the Melbourne retail authorities to their customers is likely to be subject to water restrictions, must notify the primary entitlement holders of that event.
- 8.5 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must support an application by a primary entitlement holder to assign, to the Melbourne retail authorities, that part of the primary entitlement holder's Water Allocation that is not proposed to be taken by the primary entitlement holder in any year.

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. MANAGEMENT ARRANGEMENTS

- 9.1 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must, within three months of the commencement of this Order, review and if necessary amend the current agreed arrangements for management of the Melbourne supply system to ensure the collaborative management of this bulk entitlement between themselves and –
- (a) the primary entitlement holders;
 - (b) the Storage Manager; and
 - (c) the Bulk Transfer System Operator.

10. DISPUTE RESOLUTION

- 10.1 If a difference or dispute arises between the Authority, the Storage Manager, the Bulk Transfer System Operator or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 10.2 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent arbitrator.
- 10.3 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent arbitrator, the Authority must comply with the notice.
- 10.4 The notice requiring that the matter be determined by independent arbitrator may be given no sooner than 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.

- 10.5 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 10.6 The independent arbitrator must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion of the matter by a further 30 days.
- 10.7 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 10.8 Any conclusion by an independent arbitrator is final and binding on the parties.
- 10.9 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent arbitrator.

PART 4 – DEMONSTRATING COMPLIANCE

11. REPORTING REQUIREMENTS

- 11.1 The Minister may require the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, to report on any or all of the following –
- (a) the status of this bulk entitlement, including the amount of water taken by the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, from the Victorian Desalination Project;
 - (b) any assignment of water allocation or permanent transfer of all or part of this bulk entitlement;
 - (c) any amendment to this bulk entitlement;
 - (d) any new bulk entitlement of water granted to the Authority, or to the Authority together with the holder of the bulk entitlements listed in sub-clause 7.3;
 - (e) compliance with this bulk entitlement;
 - (f) any failures either by the Authority, or the Authority together with the holders of the bulk entitlements listed in sub-clause 7.3, to comply with any provision of this bulk entitlement; and
 - (g) any difficulties experienced or anticipated by either the Authority, or the Authority together with the holders of the bulk entitlements listed in sub-clause 7.3, in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 Any report under sub-clause 11.1 must be made –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister’s written request, or such longer period of time as the Minister may determine.
- 11.3 The Authority must, in its Annual Report, report on each of the matters set out in sub-clause 11.1.
- 11.4 If requested by the Resource Manager from time to time, the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, must report on any or all of the matters set out in sub-clause 11.1.
- 11.5 Any report under sub-clause 11.4 must be made –
- (a) in such form as may be agreed between the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, and the Resource Manager;
 - (b) within such period of time as may be agreed between the Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, and the Resource Manager.

12. DATA

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

PART 5 – COSTS**13. RESOURCE MANAGER COSTS**

- 13.1 Subject to sub-clause 13.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Desalinated Water Accounts;
 - (b) report on whether the holders of entitlements to Desalinated Water comply with the conditions of their bulk entitlements;
 - (c) report on disputes between the holders of entitlements to Desalinated Water;
 - (d) report on significant unauthorised uses of Desalinated Water; and
 - (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act.
- 13.2 Subject to sub-clause 13.3, the proportion of costs referred to in sub-clause 13.1 is to be determined by the Resource Manager.
- 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 Authority to the Resource Manager are to be governed by the regulatory arrangements overseen by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

14. DUTY TO MAKE PAYMENTS

- 14.1 The Authority, together with the holders of the bulk entitlements listed in sub-clause 7.3, has a duty to make payments under clause 13 directly to the Resource Manager.

Dated 7 October 2010

Responsible Minister
TIM HOLDING
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department of Sustainability and Environment.

SCHEDULE 1 – SHARE OF RESOURCES

Bulk Entitlement	Share of Resources
Bulk Entitlement (Desalinated Water – City West Water Limited) Order 2010	As determined by the bulk entitlement and other statutory and non-statutory instruments ¹
Bulk Entitlement (Desalinated Water – South East Water Limited) Order 2010	As determined by the bulk entitlement and other statutory and non-statutory instruments ¹
Bulk Entitlement (Desalinated Water – Yarra Valley Water Limited) Order 2010	As determined by the bulk entitlement and other statutory and non-statutory instruments ¹
Total	100% of the water available from the Victorian Desalination Project

Notes:

1. The instruments include –
 - (a) The Melbourne Drought Response Plans for the Melbourne retail authorities;
 - (b) The Statement of Obligations (General) for Melbourne Water;
 - (c) The Statement of Obligations (System Management) for Melbourne Water;
 - (d) The Statement of Obligations (General) for the Melbourne retail authorities;
 - (e) The Statement of Obligations (System Management) for the Melbourne retail authorities;
 - (f) The Bulk Water Supply Agreements between Melbourne Water and the Melbourne retail authorities.

SCHEDULE 2 – PRIMARY ENTITLEMENTS

Column A lists the primary entitlements, which are bulk entitlements for water sourced from the Melbourne headworks system. Column B lists the authorities that hold these primary entitlements.

A	B
Primary Entitlement	Primary Entitlement Holder
Bulk Entitlement (Melbourne Headworks System – Barwon Water) Order 2010	Barwon Water Corporation
Bulk Entitlement (Melbourne Headworks System – South Gippsland Water) Order 2010	South Gippsland Water Corporation
Bulk Entitlement (Melbourne Headworks System – Western Water) Order 2010	Western Water Corporation
Bulk Entitlement (Melbourne Headworks System – Westernport Water) Order 2010	Westernport Water Corporation

Water Act 1989

**BULK ENTITLEMENT (YARRA RIVER – WESTERN WATER)
REVOCATION ORDER 2010**

I, Tim Holding, Minister for Water, as Minister administering the **Water Act 1989**, by Order revoke the Bulk Entitlement (Yarra River – Western Water) Order 2006.

1. CITATION

This Order may be cited as the Bulk Entitlement (Yarra River – Western Water) Revocation Order 2010.

2. EMPOWERING PROVISIONS

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

3. COMMENCEMENT

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

4. PRELIMINARY

Western Water has been granted the Bulk Entitlement (Melbourne Headworks System – Western Water) Order 2010, which replaces the Bulk Entitlement (Yarra River – Western Water) Order 2006.

5. PURPOSE

The purpose of this Order is to revoke the Bulk Entitlement (Yarra River – Western Water) Order 2006.

6. REVOCATION OF BULK ENTITLEMENT ORDER

The Bulk Entitlement (Yarra River – Western Water) Order 2006 is hereby revoked.

Dated 7 October 2010

Responsible Minister
TIM HOLDING
Minister for Water

Water Act 1989

**BULK ENTITLEMENT (MELBOURNE HEADWORKS SYSTEM – WESTERN WATER)
ORDER 2010**

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**SCHEDULE 1 – ENTITLEMENTS HELD BY THE METROPOLITAN RETAIL
AUTHORITIES FOR THE MELBOURNE HEADWORKS SYSTEM**

SCHEDULE 2 – PRIMARY ENTITLEMENTS

I, Tim Holding, Minister for Water, as Minister administering the **Water Act 1989**, by Order grant this bulk entitlement to Western Region Water Corporation:

PART 1 – INTRODUCTORY STATEMENTS

1. CITATION

This Order may be cited as the Bulk Entitlement (Melbourne Headworks System – Western Water) Order 2010.

2. EMPOWERING PROVISIONS

This Order is made under sections 42 and 43 of the **Water Act 1989**.

3. COMMENCEMENT

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

4. PURPOSE

The purpose of this Order is to grant a bulk entitlement to Western Water to take and use water that will be sourced from the Melbourne headworks system, inclusive of the water from the Victorian Desalination Project, and transported to the Western Water supply system via the Authority's interface point.

5. DEFINITIONS

In this Order –

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

‘**Authority**’, when used in the singular form, means Western Region Water Corporation, trading as Western Water;

‘**authorities**’, when used in the plural, has the same meaning as ‘**Authority**’ in section 34 of the Act;

‘**Bulk Transfer System Operator**’ means Melbourne Water in respect of its role to operate and maintain the Melbourne bulk transfer system in accordance with section 171B of the Act;

‘**Desalinated Water**’ means the treated seawater produced by the Victorian Desalination Project;

‘**Drought Response Plan for Melbourne**’ means a drought response plan made by the Melbourne retail authorities under sections 78B and 78C of the **Water Industry Act 1994**;

‘**Entitlement Volume**’ means the volume of water to which the Authority is entitled to take and use under the terms of this Order, as set out in clause 7;

‘**Goulburn System**’ means the Goulburn River and the water supply systems supplied by that river, with the exception of flows from the Silver and Wallaby Creeks;

‘**interface point**’ means a point of connection that enables the Melbourne retail authorities or a primary entitlement holder to take water from the Melbourne supply system ;

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

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project;

‘**Melbourne Headworks System Water Accounts**’ means an annual report, required by the Minister, as to the extent to which each primary entitlement holder in the Melbourne headworks system complies with the terms and conditions of the bulk entitlement;

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

- (a) City West Water Limited, ACN 066 902 467;
- (b) South East Water Limited, ACN 066 902 547; and
- (c) Yarra Valley Water Limited, ACN 066 902 501;

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

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

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

‘**ML**’ means megalitre(s);

‘**primary entitlement**’ means a bulk entitlement listed in column A of Schedule 2;

‘**primary entitlement holder**’ means the holder of a primary entitlement as listed in column B of Schedule 2;

‘**Project Co.**’ means Aquasure Pty Ltd, which is under contract with the State of Victoria to deliver the Victorian Desalination Project;

‘**Project Deed**’ means the Victorian Desalination Project – Project Deed between the State and Project Co., dated 30 July 2009;

‘**Resource Manager**’ means a person appointed under section 43A of the Act to do all or any of the tasks set out in sub-clause 15.1 of this Order;

‘**River Murray**’ means the River Murray to which Victoria has access and which carries regulated water under the Murray–Darling Basin Agreement; consisting of:

- (a) the main course of the River Murray from Hume Dam to the South Australian border;
- (b) the main course of the Mitta Mitta River below Dartmouth Dam;
- (c) all effluents and anabranches of, or lakes or lagoons (including King’s Billabong) connected to, these main courses, other than those excluded by the Murray–Darling Basin Authority;
- (d) the storages formed by Hume Dam and Dartmouth Dam and by weirs upstream of the South Australian border;

‘**service charges**’ means the bulk water supply charges applied by the Storage Manager and the Bulk Transfer System Operator, which are calculated from the difference between the total revenue requirement of the Storage Manager together with that of the Bulk Transfer System Operator and the revenue expected to be raised through usage charges;

‘**Storage Manager**’ means Melbourne Water acting in respect of its role to manage storages in for the Melbourne headworks system accordance with section 171B of the Act;

‘**Transfer Pipeline**’ means the water transmission pipeline between the site of the Victorian Desalination Project in the Bass Coast region and the Melbourne bulk transfer system near Cardinia Reservoir, which is to be utilised for the transportation of either Desalinated Water or water from Cardinia Reservoir in accordance with the provisions of the Project Deed;

‘**usage charges**’ means the bulk water supply charges applied by the Storage Manager and the Bulk Transfer System Operator, which are variable charges that relate to the volume of water supplied;

‘**Victorian Desalination Project**’ means the construction and carrying out of the works, facilities and services and all ancillary and incidental activities associated with the development and operation of a seawater desalination plant in the Bass Coast region;

‘**Water Allocation**’ means the volume of water that is available to be taken by the Authority in any year under the terms of this Order, as set out in clause 8;

‘**water restrictions**’ means restrictions on the use of water set out in a drought response plan made by the Melbourne retail authorities under sections 78B and 78C of the **Water Industry Act 1994**;

‘**Western Water supply system**’ means the waterways, headworks and other water supply works of the Authority;

‘**year**’ means the 12 month period commencing 1 July.

PART 2 – ENTITLEMENT

6. GRANTING OF A BULK ENTITLEMENT

Subject to the conditions set out in this Order, the Authority is entitled to take and use water, as sourced from the Melbourne headworks system, inclusive of water sourced from the Victorian Desalination Project.

7. ENTITLEMENT VOLUME

Subject to clause 8, the Authority is entitled to take up to a total of 18,250 ML of water in any one year.

8. WATER ALLOCATION

8.1 If the customers of the Melbourne retail authorities are subject to water restrictions, the Authority must –

- (a) impose at least the same levels of water restrictions for the Authority’s customers supplied under this Order as those imposed on the customers of the Melbourne retail authorities; or
- (b) accept a restriction in supply consistent with the Water Allocation policy set out in sub-clauses 8.3 to 8.6;

within seven days of either the Authority receiving notice from the Melbourne retail authorities or restrictions being imposed on the customers of the Melbourne retail authorities, whichever is the later.

8.2 The Authority must inform the Storage Manager and the Bulk Transfer System Operator within 30 days of being informed by the Melbourne retail authorities of the form of restriction to be implemented under sub-clause 8.1.

8.3 The Authority may not take all of the Entitlement Volume if –

- (a) the customers of the Melbourne retail authorities are subject to water restrictions; and
- (b) as a consequence of (a), the Melbourne retail authorities decide to reduce the supply of water to the Authority.

8.4 By the first day of February each year, the Melbourne retail authorities will together determine the Water Allocation for this bulk entitlement for the forthcoming year in accordance with the following formula –

$$A = E - (S \times E) + Adj$$

Where –

A = the Water Allocation for the forthcoming year.

E = the Entitlement Volume.

S = the proportion of water savings that are expected to be achieved in Melbourne in the forthcoming year under the level of water restrictions that the customers of the Melbourne retail authorities are subject to when the decision is made, where this proportion of water savings is as set out in the Drought Response Plans for Melbourne, and any voluntary regime as determined by the Minister.

- Adj = an adjustment to account for any difference in the level of water restrictions that the customers of the Melbourne retail authorities are subject to when the decision is made, and the level of water restrictions that the customers of the Melbourne retail authorities were subject to when the previous Water Allocation decision was made.
- 8.5 If, by the first day of December the level of water restrictions that the customers of the Melbourne retail authorities are subject to has changed since the first day of the preceding February, the Melbourne retail authorities will adjust the Water Allocation for the Authority for that year to account for that difference, consistent with the formula set out in sub-clause 8.4.
- 8.6 A Water Allocation will take effect when written notice of the decision of the Melbourne retail authorities under either sub-clause 8.4 or 8.5 has been given to the Authority.

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. OPERATING ARRANGEMENTS

- 9.1 The Authority and the Bulk Transfer System Operator must endeavour to agree on operational arrangements to enable the Authority to take water under this entitlement, which must address matters including, but not limited to –
- (a) notification of the forecast and finalised volumes of Water Allocation that are to be taken and assigned by the Authority for the forthcoming year;
 - (b) arrangements to enable the Authority to take water at the Authority's interface points, including delivery and withdrawal arrangements;
 - (c) arrangements for dealing with emergency supplies; and
 - (d) arrangements for coordination and liaison between representatives of the Authority and the Bulk System Transfer Operator with regard to operational matters.
- 9.2 If the Authority and the Bulk Transfer System Operator have not reached agreement under sub-clause 9.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 11.

10. TAKING WATER

- 10.1 For the purposes of clause 7 and the calculation of the volume of water taken by the Authority, the total volume of water taken shall be measured at the Authority's interface points.

11. DISPUTE RESOLUTION

- 11.1 If a difference or dispute arises between the Authority, the Storage Manager, the Bulk Transfer System Operator or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 11.2 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent arbitrator.
- 11.3 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent arbitrator, the Authority must comply with the notice.
- 11.4 The notice requiring that the matter be determined by independent arbitrator may be given no sooner than 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.

- 11.5 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree within 14 days of giving the notice under this clause, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 11.6 The independent arbitrator must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion of the matter by a further 30 days.
- 11.7 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 11.8 Any conclusion by an independent arbitrator is final and binding on the parties.
- 11.9 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent arbitrator.

PART 4 – DEMONSTRATING COMPLIANCE

12. METERING PROGRAM

- 12.1 The Authority, in consultation with the Storage Manager, must propose to the Minister by 6 November 2010 an update to its metering program to demonstrate the Authority's compliance with its bulk entitlement under this Order.
- 12.2 The Minister may –
- (a) approve the updated program proposed under sub-clause 12.1; or
 - (b) require the Authority to amend the proposed updated program; or
 - (c) not approve the proposed updated program.
- 12.3 The Minister may, at any time, require the Authority to –
- (a) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 12.4 The Authority must, at its own cost and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement and maintain any metering program approved by the Minister; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under sub-clauses 12.4 (b), (c) and (d).

13. REPORTING REQUIREMENTS

- 13.1 The Minister may require the Authority to report on any or all of the following –
- (a) the annual amount of water taken under this bulk entitlement at each of the Authority's interface points;
 - (b) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
 - (c) any period of restriction and the degree of restriction on supply of this bulk entitlement, which may be reflected in a Water Allocation;
 - (d) any assignment of Water Allocation or permanent transfer of all or part of this bulk entitlement;

- (e) any amendment to this bulk entitlement;
 - (f) any new bulk entitlement of water granted to the Authority;
 - (g) any failure by the Authority to comply with any provision of this bulk entitlement; and
 - (h) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 13.2 Any report under sub-clause 13.1 must be made –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister’s written request, or such longer period of time as the Minister may determine.
- 13.3 The Authority must, in its Annual Report, report on each of the matters set out in sub-clause 13.1.
- 13.4 If requested by the Resource Manager, from time to time, the Authority must report on any or all of the matters set out in sub-clause 13.1.
- 13.5 Any report under sub-clause 13.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) within such period of time as may be agreed between the Authority and the Resource Manager.

14. DATA

- 14.1 Subject to sub-clause 12.4, the Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 14.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clause 12 or 13, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

PART 5 – COSTS

15. RESOURCE MANAGER COSTS

- 15.1 Subject to sub-clause 15.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Melbourne Headworks System Water Accounts;
 - (b) report on whether the holders of entitlements to water in the Melbourne headworks system comply with the conditions of their bulk entitlements;
 - (c) report on disputes between the holders of entitlements to water in the Melbourne headworks system;
 - (d) report on significant unauthorised uses of water in the Melbourne headworks system; and
 - (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act.
- 15.2 Subject to sub-clause 15.3, the proportion of costs referred to in sub-clause 15.1 is to be determined by the Resource Manager.
- 15.3 Where the Resource Manager provides a regulated service for the purposes of section 4A of the **Water Industry Act 1994**, the charges to be paid by the Authority to the Resource Manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

16. MELBOURNE HEADWORKS AND MELBOURNE BULK TRANSFER SYSTEM COSTS

- 16.1 The Authority must pay a share of the costs incurred by the Storage Manager and the Bulk Transfer System Operator to operate, maintain and refurbish the Melbourne headworks system and the Melbourne bulk transfer system.
- 16.2 The amount of the share of the cost under sub-clause 16.1 is determined by –
- (a) any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**; or
 - (b) any revised tariff schedule approved by the Essential Services Commission for a price determination referred to in sub-clause 16.2(a). In proposing a revised tariff schedule for approval by the Essential Services Commission, this is to be developed by the Storage Manager and Bulk Transfer System Operator in accordance with the principles that –
 - (i) the Authority must pay usage charges for the volume of Water Allocation that is taken in a given year, where these usage charges are consistent with the usage charges incurred by the Melbourne retail authorities in that year; and
 - (ii) the Authority must pay service charges reflecting the proportion of the Authority's Entitlement Volume in relation to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1).

17. GOULBURN AND MURRAY HEADWORKS COSTS

- 17.1 The Authority must pay a share of the costs incurred by the Melbourne retail authorities to store water in the Goulburn System and the River Murray.
- 17.2 The amount of the share of the cost under sub-clause 17.1 is determined by either –
- (a) any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**; or
 - (b) any revised tariff schedule approved by the Essential Services Commission for a price determination referred to in sub-clause 17.2(a). In proposing a revised tariff schedule for approval by the Essential Services Commission, this is to be developed in accordance with the principle that the Authority must pay a share of the cost reflecting the proportion of the Authority's Entitlement Volume in relation to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1); or
 - (c) any price set by the Melbourne retail authorities, where this price is to be consistent with the pricing principles contained in a price determination referred to in sub-clause 17.2(a) and is to be developed in accordance with the principle that the Authority must pay a share of the cost reflecting the proportion of the Authority's Entitlement Volume to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1).

18. DUTY TO MAKE PAYMENTS

- 18.1 The Authority has a duty to make payments under clause 15 directly to the Resource Manager.
- 18.2 The Authority has a duty to make payments under clause 16 directly to the Storage Manager and the Bulk Transfer System Operator.
- 18.3 The Authority has a duty to make payments under clause 17 directly to the Melbourne retail authorities.

Dated 7 October 2010

Responsible Minister
TIM HOLDING
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department of Sustainability and Environment.

**SCHEDULE 1 – ENTITLEMENTS HELD BY THE METROPOLITAN RETAIL
AUTHORITIES FOR THE MELBOURNE HEADWORKS SYSTEM**

Bulk Entitlements	Available Resources per year
Bulk Entitlements in the Yarra River Basin	Up to 555,000 ML
Bulk Entitlement (Yarra River – Melbourne Water for City West Water Limited) Conversion Order 2006	
Bulk Entitlement (Yarra River – Melbourne Water for South East Water Limited) Conversion Order 2006	
Bulk Entitlement (Yarra River – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2006	
Bulk Entitlements in the Thomson River Basin	
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to City West Water Limited 2006	
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to South East Water Limited 2006	
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to Yarra Valley Water Limited 2006	
Bulk Entitlements in the Goulburn River Basin	
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water for City West Water Limited) Conversion Order 2006	
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water for South East Water Limited) Conversion Order 2006	
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2006	
Other Entitlements in the Goulburn River Basin	
Water Savings Supply and Transfer Agreement	
Bulk Entitlements in the Tarago and Bunyip River Basins	Up to 30,510 ML
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009	
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009	
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009	

Bulk Entitlements	Available Resources per year
Bulk Entitlements for Desalinated Water	
Bulk Entitlement (Desalinated Water – City West Water Limited) Order 2010	Up to 150,000 ML
Bulk Entitlement (Desalinated Water – South East Water Limited) Order 2010	
Bulk Entitlement (Desalinated Water – Yarra Valley Water Limited) Order 2010	
Total Volume of Entitlements	Up to 810,510 ML

SCHEDULE 2 – PRIMARY ENTITLEMENTS

Column A lists the primary entitlements, which are bulk entitlements for water sourced from the Melbourne headworks system. Column B lists the authorities that hold these primary entitlements.

A	B
Primary Entitlement	Primary Entitlement Holder
Bulk Entitlement (Melbourne Headworks System – Barwon Water) Order 2010	Barwon Water Corporation
Bulk Entitlement (Melbourne Headworks System – South Gippsland Water) Order 2010	South Gippsland Water Corporation
Bulk Entitlement (Melbourne Headworks System – Western Water) Order 2010	Western Water Corporation
Bulk Entitlement (Melbourne Headworks System – Westernport Water) Order 2010	Westernport Water Corporation

Water Act 1989

**BULK ENTITLEMENT (MELBOURNE HEADWORKS SYSTEM – WESTERNPORT WATER)
ORDER 2010**

PART 1 – INTRODUCTORY STATEMENTS

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PART 2 – ENTITLEMENT

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8. Water Allocation

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PART 4 – DEMONSTRATING COMPLIANCE

12. Metering Program
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PART 5 – COSTS

15. Resource Manager Costs
16. Melbourne Headworks and Melbourne Bulk Transfer System Costs
17. Goulburn and Murray Headworks Costs
18. Duty to Make Payments

**SCHEDULE 1 – ENTITLEMENTS HELD BY THE METROPOLITAN RETAIL
AUTHORITIES FOR THE MELBOURNE HEADWORKS SYSTEM**

SCHEDULE 2 – PRIMARY ENTITLEMENTS

I, Tim Holding, Minister for Water, as Minister administering the **Water Act 1989**, by Order grant this bulk entitlement to Westernport Region Water Corporation.

PART 1 – INTRODUCTORY STATEMENTS

1. CITATION

This Order may be cited as the Bulk Entitlement (Melbourne Headworks System – Westernport Water) Order 2010.

2. EMPOWERING PROVISIONS

This Order is made under sections 42 and 43 of the **Water Act 1989**.

3. COMMENCEMENT

This Order comes into effect on the earlier of –

- (a) 1 July 2012; or
- (b) the day that an interface point commences operation, as certified in a notice provided by the Authority to the Minister.

4. PURPOSE

The purpose of this Order is to grant a bulk entitlement to Westernport Water to take and use water that will be sourced from the Melbourne headworks system, inclusive of the water from the Victorian Desalination Project, and transported to the Westernport supply system via the Transfer Pipeline.

5. DEFINITIONS

In this Order –

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

‘**Authority**’, when used in the singular form, means Westernport Region Water Corporation, trading as Westernport Water;

‘**authorities**’, when used in the plural, has the same meaning as ‘**Authority**’ in section 34 of the Act;

‘**Bulk Transfer System Operator**’ means Melbourne Water in respect of its role to operate and maintain the Melbourne bulk transfer system in accordance with section 171B of the Act;

‘**Desalinated Water**’ means the treated seawater produced by the Victorian Desalination Project;

‘**Drought Response Plan for Melbourne**’ means a drought response plan made by the Melbourne retail authorities under sections 78B and 78C of the **Water Industry Act 1994**;

‘**Entitlement Volume**’ means the volume of water the Authority is entitled to take and use under the terms of this Order, as set out in clause 7;

‘**Goulburn System**’ means the Goulburn River and the water supply systems supplied by that river, with the exception of flows from the Silver and Wallaby Creeks;

‘**interface point**’ means a point of connection that enables the Melbourne retail authorities or a primary entitlement holder to take water from the Melbourne supply system;

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

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project;

‘**Melbourne Headworks System Water Accounts**’ means an annual report, required by the Minister, as to the extent to which each primary entitlement holder in the Melbourne headworks system complies with the terms and conditions of the bulk entitlement;

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

- (a) City West Water Limited, ACN 066 902 467;
- (b) South East Water Limited, ACN 066 902 547; and
- (c) Yarra Valley Water Limited, ACN 066 902 501;

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

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

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

‘**ML**’ means megalitre(s);

‘**primary entitlement**’ means a bulk entitlement listed in column A of Schedule 2;

‘**primary entitlement holder**’ means the holder of a primary entitlement as listed in column B of Schedule 2;

‘**Project Co.**’ means Aquasure Pty Ltd, which is under contract with the State of Victoria to deliver the Victorian Desalination Project;

‘**Project Deed**’ means the Victorian Desalination Project – Project Deed between the State and Project Co., dated 30 July 2009;

‘**Resource Manager**’ means a person appointed under section 43A of the Act to do all or any of the tasks set out in sub-clause 15.1 of this Order;

‘**River Murray**’ means the River Murray to which Victoria has access and which carries regulated water under the Murray–Darling Basin Agreement; consisting of:

- (a) the main course of the River Murray from Hume Dam to the South Australian border;
- (b) the main course of the Mitta Mitta River below Dartmouth Dam;
- (c) all effluents and anabranches of, or lakes or lagoons (including King’s Billabong) connected to, these main courses, other than those excluded by the Murray–Darling Basin Authority;
- (d) the storages formed by Hume Dam and Dartmouth Dam and by weirs upstream of the South Australian border;

‘**service charges**’ means the bulk water supply charges applied by the Storage Manager and the Bulk Transfer System Operator, which are calculated from the difference between the total revenue requirement of the Storage Manager together with that of the Bulk Transfer System Operator and the revenue expected to be raised through usage charges;

‘**Storage Manager**’ means Melbourne Water acting in respect of its role to manage storages for the Melbourne headworks system in accordance with section 171B of the Act;

‘**Transfer Pipeline**’ means the water transmission pipeline between the site of the Victorian Desalination Project in the Bass Coast region and the Melbourne bulk transfer system near Cardinia Reservoir, which is to be utilised for the transportation of either Desalinated Water or water from Cardinia Reservoir in accordance with the provisions of the Project Deed;

‘**usage charges**’ means the bulk water supply charges applied by the Storage Manager and the Bulk Transfer System Operator, which are variable charges that relate to the volume of water supplied;

‘**Victorian Desalination Project**’ means the construction and carrying out of the works, facilities and services and all ancillary and incidental activities associated with the development and operation of a seawater desalination plant in the Bass Coast region;

‘**Westernport supply system**’ means the waterways, headworks and other water supply works of the Authority;

‘**Water Allocation**’ means the volume of water that is available to be taken by the Authority in any year under the terms of this Order, as set out in clause 8;

‘**water restrictions**’ means restrictions on the use of water set out in a drought response plan made by the Melbourne retail authorities under sections 78B and 78C of the **Water Industry Act 1994**;

‘**year**’ means the 12 month period commencing 1 July.

PART 2 – ENTITLEMENT

6. GRANTING OF A BULK ENTITLEMENT

Subject to the conditions set out in this Order, the Authority is entitled to take and use water, as sourced from the Melbourne headworks system, inclusive of water sourced from the Victorian Desalination Project.

7. ENTITLEMENT VOLUME

Subject to clause 8, the Authority is entitled to take up to a total of 1,000 ML of water in any one year.

8. WATER ALLOCATION

8.1 The Authority may not take all of the Entitlement Volume if –

- a) the customers of the Melbourne retail authorities are subject to water restrictions; and
- b) as consequence of (a), the Melbourne retail authorities decide to reduce the supply of water to the Authority.

8.2 By the first day of February each year, the Melbourne retail authorities will together determine the Water Allocation for this bulk entitlement for the forthcoming year in accordance with the following formula –

$$A = E - (S \times E) + Adj$$

Where –

A = the Water Allocation for the forthcoming year.

E = the Entitlement Volume.

S = the proportion of water savings that are expected to be achieved in Melbourne in the forthcoming year under the level of water restrictions that the customers of the Melbourne retail authorities are subject to when the decision is made, where this proportion of water savings is as set out in the Drought Response Plan for Melbourne, and any voluntary regime as determined by the Minister.

Adj = an adjustment to account for any difference in the level of water restrictions that the customers of the Melbourne retail authorities are subject to when the decision is made, and the level of water restrictions that the customers of the Melbourne retail authorities were subject to when the previous Water Allocation decision was made.

8.3 If, by the first day of December, the level of water restrictions that the customers of the Melbourne retail authorities are subject to has changed since the first day of the preceding February, the Melbourne retail authorities will adjust the Water Allocation for the Authority for that year to account for that difference, consistent with the formula set out in sub-clause 8.2.

- 8.4 A Water Allocation will take effect when written notice of the decision of the Melbourne retail authorities under either sub-clause 8.2 or 8.3 has been given to the Authority.

PART 3 – GENERAL CONDITIONS AND PROVISIONS

9. OPERATING ARRANGEMENTS

- 9.1 The Authority and the Bulk Transfer System Operator must endeavour to agree on operational arrangements to enable the Authority to take water under this entitlement, which must address matters including, but not limited to –
- (a) notification of the forecast and finalised volumes of Water Allocation that are to be taken and assigned by the Authority in the forthcoming year;
 - (b) arrangements to enable the Authority to take water at the Authority's interface points, including delivery and withdrawal arrangements;
 - (c) arrangements for dealing with emergency supplies; and
 - (d) arrangements for coordination and liaison between representatives of the Authority and the Bulk System Transfer Operator with regard to operational matters.
- 9.2 If the Authority and the Bulk Transfer System Operator have not reached agreement under sub-clause 9.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 11.

10. TAKING WATER

- 10.1 For the purposes of clause 7 and the calculation of the volume of water taken by the Authority, the total volume of water taken shall be measured at the Authority's interface points.

11. DISPUTE RESOLUTION

- 11.1 If a difference or dispute arises between the Authority, the Storage Manager, the Melbourne Bulk Transfer System Operator or the Resource Manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 11.2 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, the Authority may give written notice to the other bulk entitlement holder requiring the matter to be determined by an independent arbitrator.
- 11.3 If a difference or dispute arises between the Authority and another bulk entitlement holder, concerning the interpretation or application of this Order, and the other bulk entitlement holder gives written notice to the Authority requiring the matter to be determined by an independent arbitrator, the Authority must comply with the notice.
- 11.4 The notice requiring that the matter be determined by independent arbitrator may be given no sooner than 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.
- 11.5 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree within 14 days of giving of the notice under this clause, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 11.6 The independent arbitrator must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion of the matter by a further 30 days.
- 11.7 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

- 11.8 Any conclusion by an independent arbitrator is final and binding on the parties.
- 11.9 The Authority may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent arbitrator.

PART 4 – DEMONSTRATING COMPLIANCE

12. METERING PROGRAM

- 12.1 The Authority, in consultation with the Storage Manager, must propose to the Minister by the time this Order comes into operation, an update to its metering program to demonstrate the Authority's compliance with its bulk entitlement under this Order.
- 12.2 The Minister may –
- (a) approve the updated program proposed under sub-clause 12.1; or
 - (b) require the Authority to amend the proposed updated program; or
 - (c) not approve the proposed updated program.
- 12.3 The Minister may, at any time, require the Authority to –
- (a) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 12.4 The Authority must, at its own cost and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement and maintain any metering program approved by the Minister; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under sub-clauses 12.4 (b), (c) and (d).

13. REPORTING REQUIREMENTS

- 13.1 The Minister may require the Authority to report on any or all of the following –
- (a) the annual amount of water taken under this bulk entitlement at each of the Authority's interface points;
 - (b) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
 - (c) any reduction in supply of this bulk entitlement as reflected in a Water Allocation;
 - (d) any assignment of Water Allocation or permanent transfer of all or part of this bulk entitlement;
 - (e) any amendment to this bulk entitlement;
 - (f) any new bulk entitlement of water granted to the Authority;
 - (g) any failure by the Authority to comply with any provision of this bulk entitlement; and
 - (h) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 13.2 Any report under sub-clause 13.1 must be made –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request, or such longer period of time as the Minister may determine.

- 13.3 The Authority must, in its Annual Report, report on each of the matters set out in sub-clause 13.1.
- 13.4 If requested by the Resource Manager, from time to time, the Authority must report on any or all of the matters set out in sub-clause 13.1.
- 13.5 Any report under sub-clause 13.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) within such period of time as may be agreed between the Authority and the Resource Manager.

14. DATA

- 14.1 Subject to sub-clause 12.4, the Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 14.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clause 12 or 13, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

PART 5 – COSTS

15. RESOURCE MANAGER COSTS

- 15.1 Subject to sub-clause 15.3, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Melbourne Headworks System Water Accounts;
 - (b) report on whether the holders of entitlements to water in the Melbourne headworks system comply with the conditions of their bulk entitlements;
 - (c) report on disputes between the holders of entitlements to water in the Melbourne headworks system;
 - (d) report on significant unauthorised uses of water in the Melbourne headworks system; and
 - (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act.
- 15.2 Subject to sub-clause 15.3, the proportion of costs referred to in sub-clause 15.1 is to be determined by the Resource Manager.
- 15.3 Where the Resource Manager provides a regulated service for the purposes of section 4A of the **Water Industry Act 1994**, the charges to be paid by the Authority to the Resource Manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

16. MELBOURNE HEADWORKS AND MELBOURNE BULK TRANSFER SYSTEM COSTS

- 16.1 The Authority must pay a share of the costs incurred by the Storage Manager and the Bulk Transfer System Operator to operate, maintain and refurbish the Melbourne headworks system and the Melbourne bulk transfer system.
- 16.2 The amount of the share of the cost under sub-clause 16.1 is determined by –
- (a) any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**; or

- (b) any revised tariff schedule approved by the Essential Services Commission for a price determination referred to in sub-clause 16.2(a). In proposing a revised tariff schedule for approval by the Essential Services Commission, this is to be developed by the Storage Manager and Bulk Transfer System Operator in accordance with the principles that –
 - (i) the Authority must pay usage charges for the volume of Water Allocation that is taken in a given year, where these usage charges are consistent with the usage charges incurred by the Melbourne retail authorities in that year; and
 - (ii) the Authority must pay service charges reflecting the proportion of the Authority's Entitlement Volume in relation to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1).

17. GOULBURN AND MURRAY HEADWORKS COSTS

- 17.1 The Authority must pay a share of the costs incurred by the Melbourne retail authorities to store water in the Goulburn System and the River Murray.
- 17.2 The amount of the share of the cost under sub-clause 17.1 is determined by –
 - (a) any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**; or
 - (b) any revised tariff schedule approved by the Essential Services Commission for a price determination referred to in sub-clause 17.2(a). In proposing a revised tariff schedule for approval by the Essential Services Commission, this is to be developed in accordance with the principle that the Authority must pay a share of the cost reflecting the proportion of the Authority's Entitlement Volume in relation to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1); or
 - (c) any price set by the Melbourne retail authorities, where this price is to be consistent with the pricing principles contained in a price determination referred to in sub-clause 17.2(a) and is to be developed in accordance with the principle that the Authority must pay a share of the cost reflecting the proportion of the Authority's Entitlement Volume in relation to the total volume of entitlements to which the Melbourne retail authorities are entitled (as listed in Schedule 1).

18. DUTY TO MAKE PAYMENTS

- 18.1 The Authority has a duty to make payments under clause 15 directly to the Resource Manager.
- 18.2 The Authority has a duty to make payments under clause 16 directly to the Storage Manager and the Bulk Transfer System Operator.
- 18.3 The Authority has a duty to make payments under clause 17 directly to the Melbourne retail authorities.

Dated 7 October 2010

Responsible Minister
TIM HOLDING
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department of Sustainability and Environment.

**SCHEDULE 1 – ENTITLEMENTS HELD BY THE METROPOLITAN RETAIL
AUTHORITIES FOR THE MELBOURNE HEADWORKS SYSTEM**

Bulk Entitlements	Available Resources per year
Bulk Entitlements in the Yarra River Basin	Up to 555,000 ML
Bulk Entitlement (Yarra River – Melbourne Water for City West Water Limited) Conversion Order 2006	
Bulk Entitlement (Yarra River – Melbourne Water for South East Water Limited) Conversion Order 2006	
Bulk Entitlement (Yarra River – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2006	
Bulk Entitlements in the Thomson River Basin	
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to City West Water Limited 2006	
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to South East Water Limited 2006	
Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to Yarra Valley Water Limited 2006	
Bulk Entitlements in the Goulburn River Basin	
Bulk Entitlement (Silver and Wallaby Creeks – Melbourne Water for City West Water Limited) Conversion Order 2006	
Bulk Entitlement (Silver and Wallaby Creeks – Melbourne Water for South East Water Limited) Conversion Order 2006	
Bulk Entitlement (Silver and Wallaby Creeks – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2006	
Other Entitlements in the Goulburn River Basin	Up to 75,000 ML
Water Savings Supply and Transfer Agreement	
Bulk Entitlements in the Tarago and Bunyip River Basins	Up to 30,510 ML
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009	
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009	
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009	

Bulk Entitlements	Available Resources per year
Bulk Entitlements for Desalinated Water	
Bulk Entitlement (Desalinated Water – City West Water Limited) Order 2010	Up to 150,000 ML
Bulk Entitlement (Desalinated Water – South East Water Limited) Order 2010	
Bulk Entitlement (Desalinated Water – Yarra Valley Water Limited) Order 2010	
Total Volume of Entitlements	Up to 810,510 ML

SCHEDULE 2 – PRIMARY ENTITLEMENTS

Column A lists the primary entitlements, which are bulk entitlements for water sourced from the Melbourne Headworks System. Column B lists the authorities that hold these primary entitlements.

A	B
Primary Entitlement	Primary Entitlement Holder
Bulk Entitlement (Melbourne Headworks System – Barwon Water) Order 2010	Barwon Water Corporation
Bulk Entitlement (Melbourne Headworks System – South Gippsland Water) Order 2010	South Gippsland Water Corporation
Bulk Entitlement (Melbourne Headworks System – Western Water) Order 2010	Western Water Corporation
Bulk Entitlement (Melbourne Headworks System – Westernport Water) Order 2010	Westernport Water Corporation

**RULES FOR ASSIGNING WATER ALLOCATIONS UNDER
PRIMARY ENTITLEMENTS**

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

PART 1 – GENERAL

1. CITATION

This Order is called the Rules for Assigning Water Allocations Under Primary Entitlements.

2. PURPOSE

The purpose of this Order is to set out rules as to the circumstances in which the Minister will give or refuse to give an approval for the assignment of a water allocation under a primary entitlement for water sourced from the Melbourne headworks system, including water sourced from the Victorian Desalination Project, as listed in Column A of Schedule 1.

3. EMPOWERING PROVISIONS

This Order is made under section 47E of the Act.

4. COMMENCEMENT

These Rules comes into effect on the day this Order is published in the Government Gazette.

5. TERM

These Rules apply until 30 June 2013.

6. DEFINITIONS

In this Order –

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

‘**application**’ means a request by an Authority to the Minister to approve the assigning of a water allocation under section 46 of the Act;

‘**Authority**’ has the same meaning as ‘**Authority**’ in section 34 of the Act;

‘**Bulk Transfer System Operator**’ means Melbourne Water in respect of its role to operate and maintain the Melbourne bulk transfer system in accordance with section 171B of the Act;

‘**interface point**’ means a point of connection that enables the Melbourne retail authorities or a primary entitlement holder to take water from the Melbourne supply system;

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

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project;

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

- (a) City West Water Limited, ACN 066 902 467;
- (b) South East Water Limited, ACN 066 902 547; and
- (c) Yarra Valley Water Limited, ACN 066 902 501;

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

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

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

‘**primary entitlement**’ means a bulk entitlement listed in Column A of Schedule 1;

‘**primary entitlement holder**’ means the holder of a primary entitlement as listed in Column B of Schedule 1;

‘**service charges**’ means the bulk water supply charges applied by the Storage Manager and the Bulk Transfer System Operator, which are calculated from the difference between the total revenue requirement of the Storage Manager together with that of the Bulk Transfer System Operator and the revenue expected to be raised through usage charges;

‘**Victorian Desalination Project**’ means the construction and carrying out of the works, facilities and services and all ancillary and incidental activities associated with the development and operation of a seawater desalination plant in the Bass Coast region;

‘**waterway manager**’ means Authority with a waterway management district under Part 10 of the Act.

PART 2 – RULES

7. ASSIGNMENT OF A WATER ALLOCATION FROM A PRIMARY ENTITLEMENT HOLDER TO THE MELBOURNE RETAIL AUTHORITIES

An application by a primary entitlement holder to assign a water allocation, either in whole or in part, to the Melbourne retail authorities may only be approved if the price to be paid by the Melbourne retail authorities for the assigned water allocation is equal to the service charges associated with that water allocation, as determined in accordance with the terms and conditions of the primary entitlement.

8. ASSIGNMENT OF A WATER ALLOCATION FROM A PRIMARY ENTITLEMENT HOLDER TO ANY AUTHORITY (OTHER THAN THE MELBOURNE RETAIL AUTHORITIES)

8.1 Rule 8 does not apply to an assignment of a water allocation to which rule 7 applies.

8.2 An application by a primary entitlement holder to assign a water allocation, whether in whole or in part, to any Authority (other than the Melbourne retail authorities) may only be approved in the following circumstances –

- (a) if the works of the Bulk Transfer System Operator will be used to deliver the assigned water allocation, that the Bulk Transfer System Operator is satisfied that the water can be delivered –
 - (i) without exceeding the capacity constraints of the relevant works; and
 - (ii) without affecting the supply or delivery of water to the Melbourne retail authorities or other primary entitlement holders; and
- (b) if any Authority whose works will be used to deliver the assigned water allocation is satisfied that this water can be delivered –
 - (i) without exceeding the capacity constraints of the relevant works of the Authority; and
 - (ii) without affecting the supply or delivery of water to the customers of that Authority; and
- (c) if the relevant waterway manager is satisfied the assignment may be permitted, having regard to the environmental objectives of any waterway affected by the assignment.

Dated 7 October 2010

Responsible Minister
TIM HOLDING
Minister for Water

SCHEDULE 1 – PRIMARY ENTITLEMENTS

Column A lists the primary entitlements, which are bulk entitlements for water sourced from the Melbourne Headworks System. Column B lists the authorities that hold these primary entitlements.

A	B
Primary Entitlement	Primary Entitlement Holder
Bulk Entitlement (Melbourne Headworks System – Barwon Water) Order 2010	Barwon Water Corporation
Bulk Entitlement (Melbourne Headworks System – South Gippsland Water) Order 2010	South Gippsland Water Corporation
Bulk Entitlement (Melbourne Headworks System – Western Water) Order 2010	Western Water Corporation
Bulk Entitlement (Melbourne Headworks System – Westernport Water) Order 2010	Westernport Water Corporation

Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

I, Jenny Pequignot, Acting Executive Director Forests and Parks, as delegate of the Secretary to the Department of Sustainability and Environment, make the following declaration of public safety zones under section 4(1) of the **Safety on Public Land Act 2004**.

1. Definitions

In this declaration:

- (a) 'the Act' means the **Safety on Public Land Act 2004**;
- (b) 'the declared public safety zone' means the area declared under clause 2 of this declaration;
- (c) 'the Schedule' means the Schedule to this declaration; and
- (d) 'Code Red (Catastrophic) Fire Danger Rating' means a forecast rating announced by the Bureau of Meteorology that represents the fire danger index predicted for a specific area.

2. Declaration of Public Safety Zones

All areas of State forest within the Central Bureau of Meteorology Forecast District are declared to be public safety zones.

3. Purpose for which the area has been declared

The purpose for which the declared public safety zones have been declared is for the maintenance of public safety.

4. Period of the declaration

The period for which the declared public safety zones are declared is the period commencing from the date of gazettal and ending on 30 June 2011 inclusive.

5. Activities prohibited

The activities that are prohibited in the declared public safety zones are:

- (a) knowingly entering a declared public safety zone during a period where access is prohibited; and
- (b) knowingly remaining in or being present in a declared public safety zone during a period where access is prohibited.

6. Periods when access is prohibited

The times during which access to the declared public safety zone is prohibited are the times where a Code Red (Catastrophic) Fire Danger Rating applies.

7. Exempt persons or classes of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) employees, agents and contractors of the Department of Sustainability and Environment engaged in carrying out their functions;
- (b) employees, agents, volunteers and contractors of the Country Fire Authority engaged in carrying out their functions;
- (c) employees, agents and contractors of the Metropolitan Fire and Emergency Services Board, Ambulance Victoria, WorkSafe Victoria and Environment Protection Authority Victoria engaged in carrying out their functions;
- (d) members of the police force of Victoria engaged in carrying out their functions;
- (e) employees, agents and contractors of the Local Government Areas engaged in carrying out their functions;

- (f) employees, agents and contractors of the Department of Human Services engaged in carrying out their functions;
- (g) employees, agents, volunteers and contractors of an Emergency Management Services engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out an emergency management functions;
- (h) employees, agents, volunteers and contractors of Networked Emergency Organisation partners engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out their functions;
- (i) employees, agents and contractors of Water Authorities engaged in carrying out their functions;
- (j) members of the public using State forest roads as the most practical access to and from private properties surrounding State forest;
- (k) employees, agents and contractors engaged in accessing and carrying out functions within a prescribed mine, as defined by regulation 5.3.3 of the Occupational Health and Safety Regulations 2007, where both an approved work plan, as defined by section 40 of the **Mineral Resources (Sustainable Development) Act 1990**, and an Emergency plan, prepared in accordance with regulation 5.3.34 of the Occupational Health and Safety Regulations 2007, are in place which address the risk of bushfires.

Dated 8 October 2010

JENNY PEQUIGNOT
Acting Executive Director Forests and Parks
as delegate of the Secretary of the Department of Sustainability and Environment

Notes:

1. A map showing the public safety zone is held at the Department of Sustainability and Environment (DSE) Area Offices at Ballarat, Bendigo, Benalla, Traralgon and Bairnsdale and at DSE's head office at 8 Nicholson Street, East Melbourne, Victoria 3002 (by appointment with the Project Officer, Operational Policy and Practices Unit). The map is also available on the following website: <http://www.dse.vic.gov.au/forests>
 2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.
-

Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

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- (c) 'the Schedule' means the Schedule to this declaration; and
- (d) 'Code Red (Catastrophic) Fire Danger Rating' means a forecast rating announced by the Bureau of Meteorology that represents the fire danger index predicted for a specific area.

2. Declaration of Public Safety Zones

All areas of State forest within the East Gippsland Bureau of Meteorology Forecast District are declared to be public safety zones.

3. Purpose for which the area has been declared

The purpose for which the declared public safety zones have been declared is for the maintenance of public safety.

4. Period of the declaration

The period for which the declared public safety zones are declared is the period commencing from the date of gazettal and ending on 30 June 2011 inclusive.

5. Activities prohibited

The activities that are prohibited in the declared public safety zones are:

- (a) knowingly entering a declared public safety zone during a period where access is prohibited; and
- (b) knowingly remaining in or being present in a declared public safety zone during a period where access is prohibited.

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The times during which access to the declared public safety zone is prohibited are the times where a Code Red (Catastrophic) Fire Danger Rating applies.

7. Exempt persons or classes of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) employees, agents and contractors of the Department of Sustainability and Environment engaged in carrying out their functions;
- (b) employees, agents, volunteers and contractors of the Country Fire Authority engaged in carrying out their functions;
- (c) employees, agents and contractors of the Metropolitan Fire and Emergency Services Board, Ambulance Victoria, WorkSafe Victoria and Environment Protection Authority Victoria engaged in carrying out their functions;
- (d) members of the police force of Victoria engaged in carrying out their functions;
- (e) employees, agents and contractors of the Local Government Areas engaged in carrying out their functions;

- (f) employees, agents and contractors of the Department of Human Services engaged in carrying out their functions;
- (g) employees, agents, volunteers and contractors of an Emergency Management Services engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out an emergency management functions;
- (h) employees, agents, volunteers and contractors of Networked Emergency Organisation partners engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out their functions;
- (i) employees, agents and contractors of Water Authorities engaged in carrying out their functions;
- (j) members of the public using State forest roads as the most practical access to and from private properties surrounding State forest;
- (k) employees, agents and contractors engaged in accessing and carrying out functions within a prescribed mine, as defined by regulation 5.3.3 of the Occupational Health and Safety Regulations 2007, where both an approved work plan, as defined by section 40 of the **Mineral Resources (Sustainable Development) Act 1990**, and an Emergency plan, prepared in accordance with regulation 5.3.34 of the Occupational Health and Safety Regulations 2007, are in place which address the risk of bushfires.

Dated 8 October 2010

JENNY PEQUIGNOT
Acting Executive Director Forests and Parks
as delegate of the Secretary of the Department of Sustainability and Environment

Notes:

1. A map showing the public safety zone is held at the Department of Sustainability and Environment (DSE) Area Offices at Ballarat, Bendigo, Benalla, Traralgon and Bairnsdale and at DSE's head office at 8 Nicholson Street, East Melbourne, Victoria 3002 (by appointment with the Project Officer, Operational Policy and Practices Unit). The map is also available on the following website: <http://www.dse.vic.gov.au/forests>
 2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.
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Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

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1. Definitions

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- (b) 'the declared public safety zone' means the area declared under clause 2 of this declaration;
- (c) 'the Schedule' means the Schedule to this declaration; and
- (d) 'Code Red (Catastrophic) Fire Danger Rating' means a forecast rating announced by the Bureau of Meteorology that represents the fire danger index predicted for a specific area.

2. Declaration of Public Safety Zones

All areas of State forest within the Mallee Bureau of Meteorology Forecast District are declared to be public safety zones.

3. Purpose for which the area has been declared

The purpose for which the declared public safety zones have been declared is for the maintenance of public safety.

4. Period of the declaration

The period for which the declared public safety zones are declared is the period commencing from the date of gazettal and ending on 30 June 2011 inclusive.

5. Activities prohibited

The activities that are prohibited in the declared public safety zones are:

- (a) knowingly entering a declared public safety zone during a period where access is prohibited; and
- (b) knowingly remaining in or being present in a declared public safety zone during a period where access is prohibited.

6. Periods when access is prohibited

The times during which access to the declared public safety zone is prohibited are the times where a Code Red (Catastrophic) Fire Danger Rating applies.

7. Exempt persons or classes of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) employees, agents and contractors of the Department of Sustainability and Environment engaged in carrying out their functions;
- (b) employees, agents, volunteers and contractors of the Country Fire Authority engaged in carrying out their functions;
- (c) employees, agents and contractors of the Metropolitan Fire and Emergency Services Board, Ambulance Victoria, WorkSafe Victoria and Environment Protection Authority Victoria engaged in carrying out their functions;
- (d) members of the police force of Victoria engaged in carrying out their functions;
- (e) employees, agents and contractors of the Local Government Areas engaged in carrying out their functions;

- (f) employees, agents and contractors of the Department of Human Services engaged in carrying out their functions;
- (g) employees, agents, volunteers and contractors of an Emergency Management Services engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out an emergency management functions;
- (h) employees, agents, volunteers and contractors of Networked Emergency Organisation partners engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out their functions;
- (i) employees, agents and contractors of Water Authorities engaged in carrying out their functions;
- (j) members of the public using State forest roads as the most practical access to and from private properties surrounding State forest;
- (k) employees, agents and contractors engaged in accessing and carrying out functions within a prescribed mine, as defined by regulation 5.3.3 of the Occupational Health and Safety Regulations 2007, where both an approved work plan, as defined by section 40 of the **Mineral Resources (Sustainable Development) Act 1990**, and an Emergency plan, prepared in accordance with regulation 5.3.34 of the Occupational Health and Safety Regulations 2007, are in place which address the risk of bushfires.

Dated 8 October 2010

JENNY PEQUIGNOT
Acting Executive Director Forests and Parks
as delegate of the Secretary of the Department of Sustainability and Environment

Notes:

1. A map showing the public safety zone is held at the Department of Sustainability and Environment (DSE) Area Offices at Ballarat, Bendigo, Benalla, Traralgon and Bairnsdale and at DSE's head office at 8 Nicholson Street, East Melbourne, Victoria 3002 (by appointment with the Project Officer, Operational Policy and Practices Unit). The map is also available on the following website: <http://www.dse.vic.gov.au/forests>
 2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.
-

Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

I, Jenny Pequignot, Acting Executive Director Forests and Parks, as delegate of the Secretary to the Department of Sustainability and Environment, make the following declaration of public safety zones under section 4(1) of the **Safety on Public Land Act 2004**.

1. Definitions

In this declaration:

- (a) 'the Act' means the **Safety on Public Land Act 2004**;
- (b) 'the declared public safety zone' means the area declared under clause 2 of this declaration;
- (c) 'the Schedule' means the Schedule to this declaration; and
- (d) 'Code Red (Catastrophic) Fire Danger Rating' means a forecast rating announced by the Bureau of Meteorology that represents the fire danger index predicted for a specific area.

2. Declaration of Public Safety Zones

All areas of State forest within the North Central Bureau of Meteorology Forecast District are declared to be public safety zones.

3. Purpose for which the area has been declared

The purpose for which the declared public safety zones have been declared is for the maintenance of public safety.

4. Period of the declaration

The period for which the declared public safety zones are declared is the period commencing from the date of gazettal and ending on 30 June 2011 inclusive.

5. Activities prohibited

The activities that are prohibited in the declared public safety zones are:

- (a) knowingly entering a declared public safety zone during a period where access is prohibited; and
- (b) knowingly remaining in or being present in a declared public safety zone during a period where access is prohibited.

6. Periods when access is prohibited

The times during which access to the declared public safety zone is prohibited are the times where a Code Red (Catastrophic) Fire Danger Rating applies.

7. Exempt persons or classes of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) employees, agents and contractors of the Department of Sustainability and Environment engaged in carrying out their functions,
- (b) employees, agents, volunteers and contractors of the Country Fire Authority engaged in carrying out their functions,
- (c) employees, agents and contractors of the Metropolitan Fire and Emergency Services Board, Ambulance Victoria, WorkSafe Victoria and Environment Protection Authority Victoria engaged in carrying out their functions,
- (d) members of the police force of Victoria engaged in carrying out their functions.
- (e) employees, agents and contractors of the Local Government Areas engaged in carrying out their functions,

- (f) employees, agents and contractors of the Department of Human Services engaged in carrying out their functions,
- (g) employees, agents, volunteers and contractors of an Emergency Management Services engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out an emergency management functions,
- (h) employees, agents, volunteers and contractors of Networked Emergency Organisation partners engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out their functions;
- (i) employees, agents and contractors of Water Authorities engaged in carrying out their functions;
- (j) members of the public using State forest roads as the most practical access to and from private properties surrounding State forest;
- (k) employees, agents and contractors engaged in accessing and carrying out functions within a prescribed mine, as defined by regulation 5.3.3 of the Occupational Health and Safety Regulations 2007, where both an approved work plan, as defined by section 40 of the **Mineral Resources (Sustainable Development) Act 1990**, and an Emergency plan, prepared in accordance with regulation 5.3.34 of the Occupational Health and Safety Regulations 2007, are in place which address the risk of bushfires.

Dated 8 October 2010

JENNY PEQUIGNOT
Acting Executive Director Forests and Parks
as delegate of the Secretary of the Department of Sustainability and Environment

Notes:

1. A map showing the public safety zone is held at the Department of Sustainability and Environment (DSE) Area Offices at Ballarat, Bendigo, Benalla, Traralgon and Bairnsdale and at DSE's head office at 8 Nicholson Street, East Melbourne, Victoria 3002 (by appointment with the Project Officer, Operational Policy and Practices Unit). The map is also available on the following web site: <http://www.dse.vic.gov.au/forests>
 2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.
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Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

I, Jenny Pequignot, Acting Executive Director Forests and Parks, as delegate of the Secretary to the Department of Sustainability and Environment, make the following declaration of public safety zones under section 4(1) of the **Safety on Public Land Act 2004**.

1. Definitions

In this declaration:

- (a) 'the Act' means the **Safety on Public Land Act 2004**;
- (b) 'the declared public safety zone' means the area declared under clause 2 of this declaration;
- (c) 'the Schedule' means the Schedule to this declaration; and
- (d) 'Code Red (Catastrophic) Fire Danger Rating' means a forecast rating announced by the Bureau of Meteorology that represents the fire danger index predicted for a specific area.

2. Declaration of Public Safety Zones

All areas of State forest within the North East Bureau of Meteorology Forecast District are declared to be public safety zones.

3. Purpose for which the area has been declared

The purpose for which the declared public safety zones have been declared is for the maintenance of public safety.

4. Period of the declaration

The period for which the declared public safety zones are declared is the period commencing from the date of gazettal and ending on 30 June 2011 inclusive.

5. Activities prohibited

The activities that are prohibited in the declared public safety zones are:

- (a) knowingly entering a declared public safety zone during a period where access is prohibited; and
- (b) knowingly remaining in or being present in a declared public safety zone during a period where access is prohibited.

6. Periods when access is prohibited

The times during which access to the declared public safety zone is prohibited are the times where a Code Red (Catastrophic) Fire Danger Rating applies.

7. Exempt persons or classes of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) employees, agents and contractors of the Department of Sustainability and Environment engaged in carrying out their functions;
- (b) employees, agents, volunteers and contractors of the Country Fire Authority engaged in carrying out their functions;
- (c) employees, agents and contractors of the Metropolitan Fire and Emergency Services Board, Ambulance Victoria, WorkSafe Victoria and Environment Protection Authority Victoria engaged in carrying out their functions;
- (d) members of the police force of Victoria engaged in carrying out their functions;
- (e) employees, agents and contractors of the Local Government Areas engaged in carrying out their functions;

- (f) employees, agents and contractors of the Department of Human Services engaged in carrying out their functions;
- (g) employees, agents, volunteers and contractors of an Emergency Management Services engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out an emergency management functions;
- (h) employees, agents, volunteers and contractors of Networked Emergency Organisation partners engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out their functions;
- (i) employees, agents and contractors of Water Authorities engaged in carrying out their functions;
- (j) members of the public using State forest roads as the most practical access to and from private properties surrounding State forest;
- (k) employees, agents and contractors engaged in accessing and carrying out functions within a prescribed mine, as defined by regulation 5.3.3 of the Occupational Health and Safety Regulations 2007, where both an approved work plan, as defined by section 40 of the **Mineral Resources (Sustainable Development) Act 1990**, and an Emergency plan, prepared in accordance with regulation 5.3.34 of the Occupational Health and Safety Regulations 2007, are in place which address the risk of bushfires.

Dated 8 October 2010

JENNY PEQUIGNOT
Acting Executive Director Forests and Parks
as delegate of the Secretary of the Department of Sustainability and Environment

Notes:

1. A map showing the public safety zone is held at the Department of Sustainability and Environment (DSE) Area Offices at Ballarat, Bendigo, Benalla, Traralgon and Bairnsdale and at DSE's head office at 8 Nicholson Street, East Melbourne, Victoria 3002 (by appointment with the Project Officer, Operational Policy and Practices Unit). The map is also available on the following website: <http://www.dse.vic.gov.au/forests>
 2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.
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Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

I, Jenny Pequignot, Acting Executive Director Forests and Parks, as delegate of the Secretary to the Department of Sustainability and Environment, make the following declaration of public safety zones under section 4(1) of the **Safety on Public Land Act 2004**.

1. Definitions

In this declaration:

- (a) 'the Act' means the **Safety on Public Land Act 2004**;
- (b) 'the declared public safety zone' means the area declared under clause 2 of this declaration;
- (c) 'the Schedule' means the Schedule to this declaration; and
- (d) 'Code Red (Catastrophic) Fire Danger Rating' means a forecast rating announced by the Bureau of Meteorology that represents the fire danger index predicted for a specific area.

2. Declaration of Public Safety Zones

All areas of State forest within the Northern Country Bureau of Meteorology Forecast District are declared to be public safety zones.

3. Purpose for which the area has been declared

The purpose for which the declared public safety zones have been declared is for the maintenance of public safety.

4. Period of the declaration

The period for which the declared public safety zones are declared is the period commencing from the date of gazettal and ending on 30 June 2011 inclusive.

5. Activities prohibited

The activities that are prohibited in the declared public safety zones are:

- (a) knowingly entering a declared public safety zone during a period where access is prohibited; and
- (b) knowingly remaining in or being present in a declared public safety zone during a period where access is prohibited.

6. Periods when access is prohibited

The times during which access to the declared public safety zone is prohibited are the times where a Code Red (Catastrophic) Fire Danger Rating applies.

7. Exempt persons or classes of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) employees, agents and contractors of the Department of Sustainability and Environment engaged in carrying out their functions;
- (b) employees, agents, volunteers and contractors of the Country Fire Authority engaged in carrying out their functions;
- (c) employees, agents and contractors of the Metropolitan Fire and Emergency Services Board, Ambulance Victoria, WorkSafe Victoria and Environment Protection Authority Victoria engaged in carrying out their functions;
- (d) members of the police force of Victoria engaged in carrying out their functions.
- (e) employees, agents and contractors of the Local Government Areas engaged in carrying out their functions;

- (f) employees, agents and contractors of the Department of Human Services engaged in carrying out their functions;
- (g) employees, agents, volunteers and contractors of an Emergency Management Services engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out an emergency management functions;
- (h) employees, agents, volunteers and contractors of Networked Emergency Organisation partners engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out their functions;
- (i) employees, agents and contractors of Water Authorities engaged in carrying out their functions;
- (j) members of the public using State forest roads as the most practical access to and from private properties surrounding State forest;
- (k) employees, agents and contractors engaged in accessing and carrying out functions within a prescribed mine, as defined by regulation 5.3.3 of the Occupational Health and Safety Regulations 2007, where both an approved work plan, as defined by section 40 of the **Mineral Resources (Sustainable Development) Act 1990**, and an Emergency plan, prepared in accordance with regulation 5.3.34 of the Occupational Health and Safety Regulations 2007, are in place which address the risk of bushfires.

Dated 8 October 2010

JENNY PEQUIGNOT
Acting Executive Director Forests and Parks
as delegate of the Secretary of the Department of Sustainability and Environment

Notes:

1. A map showing the public safety zone is held at the Department of Sustainability and Environment (DSE) Area Offices at Ballarat, Bendigo, Benalla, Traralgon and Bairnsdale and at DSE's head office at 8 Nicholson Street, East Melbourne, Victoria 3002 (by appointment with the Project Officer, Operational Policy and Practices Unit). The map is also available on the following website: <http://www.dse.vic.gov.au/forests>.
 2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.
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Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

I, Jenny Pequignot, Acting Executive Director Forests and Parks, as delegate of the Secretary to the Department of Sustainability and Environment, make the following declaration of public safety zones under section 4(1) of the **Safety on Public Land Act 2004**.

1. Definitions

In this declaration:

- (a) 'the Act' means the **Safety on Public Land Act 2004**;
- (b) 'the declared public safety zone' means the area declared under clause 2 of this declaration;
- (c) 'the Schedule' means the Schedule to this declaration; and
- (d) 'Code Red (Catastrophic) Fire Danger Rating' means a forecast rating announced by the Bureau of Meteorology that represents the fire danger index predicted for a specific area.

2. Declaration of Public Safety Zones

All areas of State forest within the South West Bureau of Meteorology Forecast District are declared to be public safety zones.

3. Purpose for which the area has been declared

The purpose for which the declared public safety zones have been declared is for the maintenance of public safety.

4. Period of the declaration

The period for which the declared public safety zones are declared is the period commencing from the date of gazettal and ending on 30 June 2011 inclusive.

5. Activities prohibited

The activities that are prohibited in the declared public safety zones are:

- (a) knowingly entering a declared public safety zone during a period where access is prohibited; and
- (b) knowingly remaining in or being present in a declared public safety zone during a period where access is prohibited.

6. Periods when access is prohibited

The times during which access to the declared public safety zone is prohibited are the times where a Code Red (Catastrophic) Fire Danger Rating applies.

7. Exempt persons or classes of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) employees, agents and contractors of the Department of Sustainability and Environment engaged in carrying out their functions;
- (b) employees, agents, volunteers and contractors of the Country Fire Authority engaged in carrying out their functions;
- (c) employees, agents and contractors of the Metropolitan Fire and Emergency Services Board, Ambulance Victoria, WorkSafe Victoria and Environment Protection Authority Victoria engaged in carrying out their functions;
- (d) members of the police force of Victoria engaged in carrying out their functions;
- (e) employees, agents and contractors of the Local Government Areas engaged in carrying out their functions;

- (f) employees, agents and contractors of the Department of Human Services engaged in carrying out their functions;
- (g) employees, agents, volunteers and contractors of an Emergency Management Services engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out an emergency management functions;
- (h) employees, agents, volunteers and contractors of Networked Emergency Organisation partners engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out their functions;
- (i) employees, agents and contractors of Water Authorities engaged in carrying out their functions;
- (j) members of the public using State forest roads as the most practical access to and from private properties surrounding State forest;
- (k) employees, agents and contractors engaged in accessing and carrying out functions within a prescribed mine, as defined by regulation 5.3.3 of the Occupational Health and Safety Regulations 2007, where both an approved work plan, as defined by section 40 of the **Mineral Resources (Sustainable Development) Act 1990**, and an Emergency plan, prepared in accordance with regulation 5.3.34 of the Occupational Health and Safety Regulations 2007, are in place which address the risk of bushfires.

Dated 8 October 2010

JENNY PEQUIGNOT
Acting Executive Director Forests and Parks
as delegate of the Secretary of the Department of Sustainability and Environment

Notes:

1. A map showing the public safety zone is held at the Department of Sustainability and Environment (DSE) Area Offices at Ballarat, Bendigo, Benalla, Traralgon and Bairnsdale and at DSE's head office at 8 Nicholson Street, East Melbourne, Victoria 3002 (by appointment with the Project Officer, Operational Policy and Practices Unit). The map is also available on the following web site: <http://www.dse.vic.gov.au/forests>
 2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.
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Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

I, Jenny Pequignot, Acting Executive Director Forests and Parks, as delegate of the Secretary to the Department of Sustainability and Environment, make the following declaration of public safety zones under section 4(1) of the **Safety on Public Land Act 2004**.

1. Definitions

In this declaration:

- (a) 'the Act' means the **Safety on Public Land Act 2004**;
- (b) 'the declared public safety zone' means the area declared under clause 2 of this declaration;
- (c) 'the Schedule' means the Schedule to this declaration; and
- (d) 'Code Red (Catastrophic) Fire Danger Rating' means a forecast rating announced by the Bureau of Meteorology that represents the fire danger index predicted for a specific area.

2. Declaration of Public Safety Zones

All areas of State forest within the West and South Gippsland Bureau of Meteorology Forecast District are declared to be public safety zones.

3. Purpose for which the area has been declared

The purpose for which the declared public safety zones have been declared is for the maintenance of public safety.

4. Period of the declaration

The period for which the declared public safety zones are declared is the period commencing from the date of gazettal and ending on 30 June 2011 inclusive.

5. Activities prohibited

The activities that are prohibited in the declared public safety zones are:

- (a) knowingly entering a declared public safety zone during a period where access is prohibited; and
- (b) knowingly remaining in or being present in a declared public safety zone during a period where access is prohibited.

6. Periods when access is prohibited

The times during which access to the declared public safety zone is prohibited are the times where a Code Red (Catastrophic) Fire Danger Rating applies.

7. Exempt persons or classes of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) employees, agents and contractors of the Department of Sustainability and Environment engaged in carrying out their functions;
- (b) employees, agents, volunteers and contractors of the Country Fire Authority engaged in carrying out their functions;
- (c) employees, agents and contractors of the Metropolitan Fire and Emergency Services Board, Ambulance Victoria, WorkSafe Victoria and Environment Protection Authority Victoria engaged in carrying out their functions;
- (d) members of the police force of Victoria engaged in carrying out their functions.
- (e) employees, agents and contractors of the Local Government Areas engaged in carrying out their functions;

- (f) employees, agents and contractors of the Department of Human Services engaged in carrying out their functions;
- (g) employees, agents, volunteers and contractors of an Emergency Management Services engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out an emergency management functions;
- (h) employees, agents, volunteers and contractors of Networked Emergency Organisation partners engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out their functions;
- (i) employees, agents and contractors of Water Authorities engaged in carrying out their functions;
- (j) members of the public using State forest roads as the most practical access to and from private properties surrounding State forest;
- (k) employees, agents and contractors engaged in accessing and carrying out functions within a prescribed mine, as defined by regulation 5.3.3 of the Occupational Health and Safety Regulations 2007, where both an approved work plan, as defined by section 40 of the **Mineral Resources (Sustainable Development) Act 1990**, and an Emergency plan, prepared in accordance with regulation 5.3.34 of the Occupational Health and Safety Regulations 2007, are in place which address the risk of bushfires.

Dated 8 October 2010

JENNY PEQUIGNOT
Acting Executive Director Forests and Parks
as delegate of the Secretary of the Department of Sustainability and Environment

Notes:

1. A map showing the public safety zone is held at the Department of Sustainability and Environment (DSE) Area Offices at Ballarat, Bendigo, Benalla, Traralgon and Bairnsdale and at DSE's head office at 8 Nicholson Street, East Melbourne, Victoria 3002 (by appointment with the Project Officer, Operational Policy and Practices Unit). The map is also available on the following website: <http://www.dse.vic.gov.au/forests>
 2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.
-

Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

I, Jenny Pequignot, Acting Executive Director Forests and Parks, as delegate of the Secretary to the Department of Sustainability and Environment, make the following declaration of public safety zones under section 4(1) of the **Safety on Public Land Act 2004**.

1. Definitions

In this declaration:

- (a) 'the Act' means the **Safety on Public Land Act 2004**;
- (b) 'the declared public safety zone' means the area declared under clause 2 of this declaration;
- (c) 'the Schedule' means the Schedule to this declaration; and
- (d) 'Code Red (Catastrophic) Fire Danger Rating' means a forecast rating announced by the Bureau of Meteorology that represents the fire danger index predicted for a specific area.

2. Declaration of Public Safety Zones

All areas of State forest within the Wimmera Bureau of Meteorology Forecast District are declared to be public safety zones.

3. Purpose for which the area has been declared

The purpose for which the declared public safety zones have been declared is for the maintenance of public safety.

4. Period of the declaration

The period for which the declared public safety zones are declared is the period commencing from the date of gazettal and ending on 30 June 2011 inclusive.

5. Activities prohibited

The activities that are prohibited in the declared public safety zones are:

- (a) knowingly entering a declared public safety zone during a period where access is prohibited; and
- (b) knowingly remaining in or being present in a declared public safety zone during a period where access is prohibited.

6. Periods when access is prohibited

The times during which access to the declared public safety zone is prohibited are the times where a Code Red (Catastrophic) Fire Danger Rating applies.

7. Exempt persons or classes of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) employees, agents and contractors of the Department of Sustainability and Environment engaged in carrying out their functions;
- (b) employees, agents, volunteers and contractors of the Country Fire Authority engaged in carrying out their functions;
- (c) employees, agents and contractors of the Metropolitan Fire and Emergency Services Board, Ambulance Victoria, WorkSafe Victoria and Environment Protection Authority Victoria engaged in carrying out their functions;
- (d) members of the police force of Victoria engaged in carrying out their functions.
- (e) employees, agents and contractors of the Local Government Areas engaged in carrying out their functions;

- (f) employees, agents and contractors of the Department of Human Services engaged in carrying out their functions;
- (g) employees, agents, volunteers and contractors of an Emergency Management Services engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out an emergency management functions;
- (h) employees, agents, volunteers and contractors of Networked Emergency Organisation partners engaged by the Department of Sustainability and Environment or the Country Fire Authority to carry out their functions;
- (i) employees, agents and contractors of Water Authorities engaged in carrying out their functions;
- (j) members of the public using State forest roads as the most practical access to and from private properties surrounding State forest;
- (k) employees, agents and contractors engaged in accessing and carrying out functions within a prescribed mine, as defined by regulation 5.3.3 of the Occupational Health and Safety Regulations 2007, where both an approved work plan, as defined by section 40 of the **Mineral Resources (Sustainable Development) Act 1990**, and an Emergency plan, prepared in accordance with regulation 5.3.34 of the Occupational Health and Safety Regulations 2007, are in place which address the risk of bushfires.

Dated 8 October 2010

JENNY PEQUIGNOT
Acting Executive Director Forests and Parks
as delegate of the Secretary of the Department of Sustainability and Environment

Notes:

1. A map showing the public safety zone is held at the Department of Sustainability and Environment (DSE) Area Offices at Ballarat, Bendigo, Benalla, Traralgon and Bairnsdale and at DSE's head office at 8 Nicholson Street, East Melbourne, Victoria 3002 (by appointment with the Project Officer, Operational Policy and Practices Unit). The map is also available on the following website: <http://www.dse.vic.gov.au/forests>
 2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.
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Veterinary Practice Act 1997

DETERMINATION OF FEES

Under section 86 of the **Veterinary Practice Act 1997**, I, Roslyn Anne Nichol, President of the Veterinary Practitioners Registration Board of Victoria, determine that the prescribed fees for the provisions of the **Veterinary Practice Act 1997** shall be in accordance with this Schedule for the period 1 January 2011 – 31 December 2011.

SCHEDULE

PROVISION	FEE (\$)
Registration – S6:	
General Registration	425.00
Mutual Recognition	425.00
Trans Tasman Mutual Recognition	425.00
General Registration (pro rata from 1 July)	282.50
Registration – S7:	
Specific Registration	425.00
Registration – S7A:	
Non-practising	60.00
Specialist Endorsement – S8:	505.00
Specialist Endorsement (pro rata from 1 July)	372.50
Renewal – S12:	
Annual General Renewal	285.00
Late General Renewal (additional fee)	50.00
Specialist Annual Renewal	385.00
Late Specialist Renewal (additional fee)	50.00
Restoration – S13:	
General Restoration	405.00
Specialist Restoration	505.00
Register – S16(5):	
Full copy	1,475.00
Subscriber	370.00
Partial copy	740.00
Multiple extracts	370.00
Single extracts	25.00
Other fees:	
Fast track application fee	65.00
Assessment fee	120.00
Letters of professional standing	45.00
Additional copies (each)	10.00
Replacement Certificate of Registration	60.00
Copy annual renewal certificate	25.00
Handbook (incl GST)	20.00
Posters (incl GST)	15.00

Dated 6 October 2010

ROSLYN A. NICHOL BVSc
President
Veterinary Practitioners Registration Board of Victoria

Planning and Environment Act 1987

ARARAT PLANNING SCHEME

Notice of Approval of Amendment

Amendment C14 Part 2

The Minister for Planning has approved Amendment C14 Part 2 to the Ararat Planning Scheme.

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

The Amendment implements the Ararat Rural Zone Review – October 2007 by providing direction within the Ararat Planning Scheme for future residential growth in Ararat, Pomonal, Moyston, Willaura and Lake Bolac and by rezoning land in Ararat generally described as:

- three lots north-east of the intersection of Nott Road and Saw Pit Flat Road;
- multiple lots generally between Golflinks Road to Ferguson Road and the Western Highway and the Stawell Railway Line;
- multiple lots generally east of Beveridge Street and south of Nott Road;
- multiple lots between Brewster Road and Blackie Avenue;
- multiple lots generally between Tobin Street and the Mortlake Ararat Road; and
- two lots south of the intersection of Tatyoon Road and Princes Street.

The Amendment also introduces an Environmental Audit Overlay on multiple lots generally between Tobin Street and the Mortlake Ararat Road which are recognised as potentially contaminated.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Ararat Rural City Council, on the corner of Vincent and High Streets, Ararat.

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

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

Notice of Approval of Amendment

Amendment C163

The Minister for Planning has approved Amendment C163 to the Greater Geelong Planning Scheme.

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

The Amendment rezones the rear of 12–19 Ashwood Close, Ocean Grove, from Residential 1 Zone (R1Z) to Business 1 Zone (B1Z) and introduces a new schedule to the Business 1 Zone to provide for an expansion of the Ocean Grove Market Place Shopping Centre.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Greater Geelong City Council, 131 Myers Street, Geelong, Victoria 3220.

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

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

Notice of Approval of Amendment

Amendment C168

The Minister for Planning has approved Amendment C168 to the Greater Geelong Planning Scheme.

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

The Amendment introduces a new Local Policy (Clause 22.57) and amends the Municipal Strategic Statement (Clause 21.07), to assist decision-making for planning applications which are triggered under Clause 52.28 – Gaming.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning

and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Greater Geelong City Council, 131 Myers Street, Geelong.

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

Planning and Environment Act 1987

HEPBURN PLANNING SCHEME

Notice of Approval of Amendment

Amendment C47

The Minister for Planning has approved Amendment C47 to the Hepburn Planning Scheme.

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

The Amendment includes land at 3720 Creswick–Newstead Road, Smeaton, being Crown Section 65, Parish of Spring Hill, in the Specific Sites and Exclusions provision at clause 52.03 of the Hepburn Planning Scheme and inserts an incorporated document titled ‘Unigrain Project: Incorporated document pursuant to section 6(2)(j) of the **Planning and Environment Act 1987** (September 2010)’ in the Schedule to clause 81.01 of the Hepburn Planning Scheme to exempt a specified two-lot subdivision of the land from requiring a planning permit.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Hepburn Shire Council, corner Duke and Albert Streets, Daylesford.

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

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

Notice of Approval of Amendment

Amendment C55

The Minister for Planning has approved Amendment C55 to the Manningham Planning Scheme.

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

The Amendment:

- rezones 3 Esta Court, 33 Stanton Street and Road R1 on PS 604913L, Doncaster, from a Road Zone (RDZ1) to a Public Park and Recreation Zone (PPRZ); and
- rezones 35–41 Stanton Street, Doncaster, from RDZ1 to a Residential 3 Zone (R3Z).

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Manningham City Council, 699 Doncaster Road, Doncaster.

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

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

Notice of Amendment

Amendment C89

The Minister for Planning has prepared Amendment C89 to the Manningham Planning Scheme.

The Amendment rezones a portion of land from to Road Zone Category 1 (RDZ1) to Activity Centre Zone 1 (ACZ1).

The land affected is a small portion of land on Doncaster Road, between Tower Street and Williamsons Road, Doncaster.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning

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

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

Planning and Environment Act 1987

MILDURA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C52

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

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

The Amendment:

- amends clause 21.06 to include ‘12 Langtree Avenue – Heritage Report, 2008’ as a reference document in the Mildura Planning Scheme;
- amends Planning Scheme Map No. 27HO to replace the interim HO30 control with a permanent control; and
- amends the Schedule to clause 43.01 [Heritage Overlay] to replace the interim heritage place with a permanent heritage place for the dwelling at 12 Langtree Avenue, Mildura.

The Amendment was approved by the Mildura Rural City Council on 20 September 2010 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 10 March 2009. The authorisation has not been withdrawn.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Mildura Rural City Council, 108–116 Madden Avenue, Mildura.

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

Planning and Environment Act 1987

MILDURA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C55

The Mildura Rural City Council has approved Amendment C55 to the Mildura Planning Scheme.

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

The changes to the scheme are to rezone land at 104–114 (Plan CP105824, Plan CP105825 and Lot 5 TP806502U) Orange Avenue, Mildura (2853m²) of land from Public Use Zone, Other Public Use (PUZ7) to Mixed Use Zone (MUZ).

The Amendment was approved by the Mildura Rural City Council on 20 September 2010 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 22 September 2009. The authorisation has not been withdrawn.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Mildura Rural City Council, 108–116 Madden Avenue, Mildura.

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

Planning and Environment Act 1987

MILDURA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C57

The Mildura Rural City Council has approved Amendment C57 to the Mildura Planning Scheme.

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

The changes to the scheme are to rezone Crown Allotment 2153 (formerly 88A and 88B) and Crown Allotment 88, Section A, Parish of Mildura, River Avenue, Mildura as follows:

- 5.115 ha known as CA 2153 (formerly 88A and 88B) to Public Park and Recreation Zone (PPRZ); and
- 4.342 ha known as CA 88 Public Park and Recreation Zone (PPRZ) to Public Conservation and Resource Zone (PCRZ).

The Amendment was approved by the Mildura Rural City Council on 20 September 2010 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 10 November 2009. The authorisation has not been withdrawn.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Mildura Rural City Council, 108–116 Madden Avenue, Mildura.

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

Planning and Environment Act 1987

MILDURA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C62

The Mildura Rural City Council has approved Amendment C62 to the Mildura Planning Scheme.

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

The changes to the scheme are to:

- rezone Lot A, PS 433783 being 741–759 Fourteenth Street, Mildura, from the Residential 1 Zone (R1Z) to the Public Use Zone 1 – Service and Utility (PUZ1); and
- delete the Development Plan Overlay Schedule 1 (DPO1) from the land.

The Amendment was approved by the Mildura Rural City Council on 20 September 2010 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 5 March 2010. The authorisation has not been withdrawn.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Mildura Rural City Council, 108–116 Madden Avenue, Mildura.

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

Planning and Environment Act 1987

MORNINGTON PENINSULA

PLANNING SCHEME

Notice of Approval of Amendment

Amendment C86

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

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

The Amendment:

- rezones surplus Somerville Primary School land (approximately 1,222 square metres) being part of 39 Eramosa Road East, Somerville, from a Public Use Zone 2 to a Residential 1 Zone;
- applies a Vegetation Protection Overlay (VPO1) to the surplus school land; and
- rezones part of 1119 Frankston–Flinders Road, Somerville, from a Public Use Zone 2 to a Residential 1 Zone.

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

Permit No. CP05/003.

Description of land: 1119 Frankston–Flinders Road and 37 Eramosa Road East, Somerville.

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

Shire Council, Hastings Office, Marine Parade, Hastings; Mornington Office, 2 Queen Street, Mornington; and at the Rosebud Office, 90 Besgrove Street, Rosebud.

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

Planning and Environment Act 1987

MORNINGTON PENINSULA
PLANNING SCHEME

Notice of Approval of Amendment

Amendment C141

The Minister for Planning has approved Amendment C141 to the Mornington Peninsula Planning Scheme.

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

The Amendment applies to land at 13–15 Bowen Crescent, McCrae (Lots 208 and 209 on Plan of Subdivision 21011, Vol. 08103 Fol. 546), and provides for the variation of the restrictive covenant contained in Dealing No. 2303799, dated 3 April 1950, to allow for the construction of a dwelling on each lot, by including both lots in the Schedule to Clause 52.02 of the planning scheme.

The Minister has granted the following permit under Division 5 Part 4 of the Act:
Permit No. CP09/003.

Description of land: 13–15 Bowen Street, McCrae.

A copy of the Amendment and permit can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours at the office of the Mornington Peninsula Shire Council, Mornington Office, Queen Street, Mornington; and Hastings Office, Marine Parade, Hastings.

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

Planning and Environment Act 1987

SWAN HILL PLANNING SCHEME

Notice of Approval of Amendment

Amendment C36

The Minister for Planning has approved Amendment C36 to the Swan Hill Planning Scheme.

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

The Amendment amends the planning scheme maps to rezone land at Part of Lot 1, TP318549, Parish of Bumbang, 39 Latje Road, Robinvale, from Public Park and Recreation Zone (PPRZ) to Residential 1 Zone (R1Z).

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Swan Hill Rural City Council, 45 Splatt Street, Swan Hill.

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

Planning and Environment Act 1987

WELLINGTON PLANNING SCHEME

Notice of Approval of Amendment

Amendment C65 Part1

The Minister for Planning has approved Amendment C65 Part 1 to the Wellington Planning Scheme.

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

The Amendment:

- replaces the Schedule to Clause 45.01 Public Acquisition Overlay (PAO) of the Wellington Shire Planning Scheme by inserting PAO6 (Waste Management Operations/Landfilling), PAO7 (Civic Centre/Offices) and PAO8 (Water Storage Basin);
- modifies or includes the relevant Planning Scheme maps; and

- replaces the Schedule to Clause 61.03 by including new Planning Scheme maps.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Wellington Shire Council, 70 Foster Street, Sale.

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

Planning and Environment Act 1987

YARRA RANGES PLANNING SCHEME

Notice of Approval of Amendment

Amendment C90 Part 2

The Minister for Planning has approved Amendment C90 Part 2 to the Yarra Ranges Planning Scheme.

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

The Amendment corrects eight minor mapping anomalies and errors that have been identified through normal operation of the current Planning Scheme. Corrections include minor zone and overlay boundary changes and corrections to clause numbers in the schedule to Clause 53.01 of the Yarra Ranges Planning Scheme.

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

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

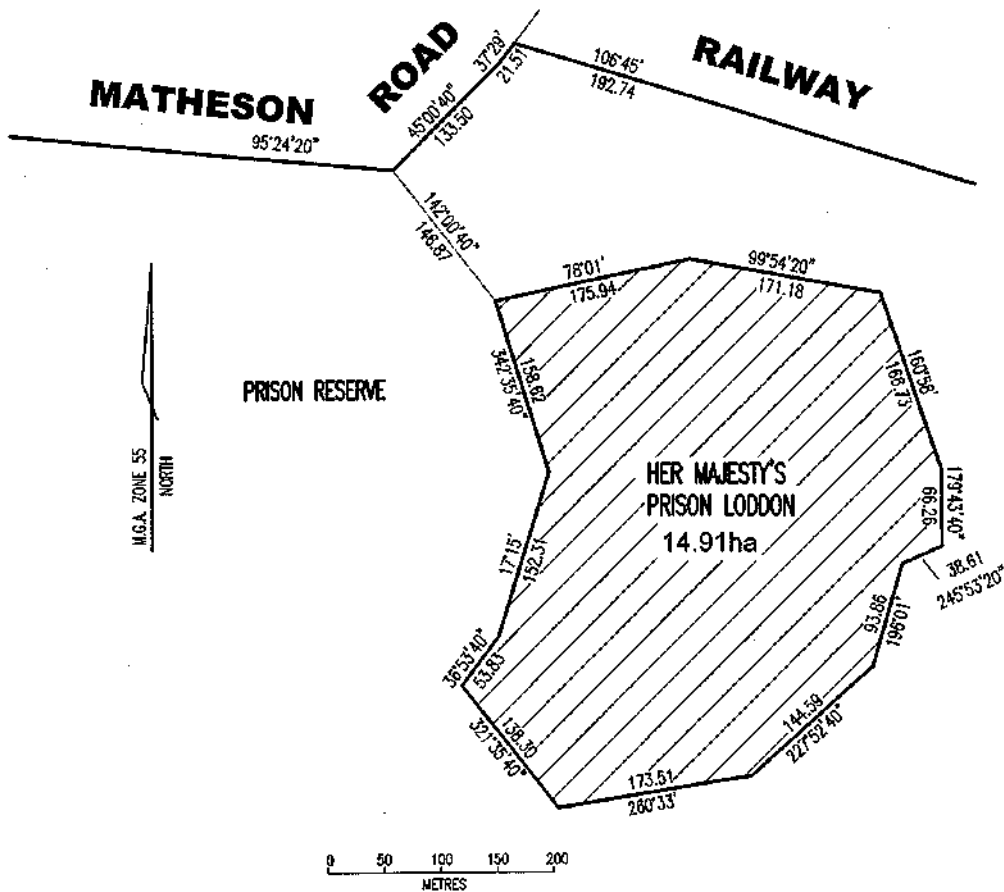
ORDERS IN COUNCIL

Corrections Act 1986

VARIATION OF APPOINTMENT OF PRISON

Order in Council

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council, under section 10 of the **Corrections Act 1986**, amends the Order in Council made on 14 November 1989 appointing Her Majesty's Prison Loddon by substituting the existing Schedule with the Schedule attached to this Order.



Dated 12 October 2010
 Responsible Minister
 BOB CAMERON MP
 Minister for Corrections

MATTHEW McBEATH
 Clerk of the Executive Council

Disability Act 2006

REVOCATION OF ORDER IN COUNCIL APPOINTING AN ADMINISTRATOR TO
WESTNET (WESTERN EDUCATION, SUPPORT AND TRAINING NETWORK)
INCORPORATED

Order in Council

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council, under section 27 of the **Interpretation of Legislation Act 1984** and section 102(2) of the **Disability Act 2006**, revokes the Order in Council published in the Government Gazette on 4 December 2008 appointing Mr Brian Joyce as the administrator of WestNet (Western Education, Support and Training Network) Incorporated ('WestNet'), a disability service provider.

This Order comes into effect from the date it is published in the Government Gazette.

Dated 12 October 2010

Responsible Minister

HON LISA NEVILLE MP

Minister for Community Services

MATTHEW McBEATH
Clerk of the Executive Council

Forests Act 1958

DECLARATION OF CROWN LAND AS PROTECTED PUBLIC LAND
WINTON WETLANDS [LAKE MOKOAN]

Order in Council

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council under section 62(1) of the **Forests Act 1958** declares the lands of the Crown described in the schedule hereunder to be protected public land.

SCHEDULE

GLENROWEN, GOORAMBAT, MOKOAN, TAMINICK AND WINTON – Crown Allotment 2003, Parish of Winton temporarily reserved for Public Purposes (Restoration of Wetlands, Recreation and Tourism) by Order in Council of 2 December 2008 [published in the Government Gazette of 4 December 2010 page 2938] and Crown Allotments 2008, 2009, and 2010, Parish of Glenrowen; Crown Allotment 2020, Parish of Goorambat; Crown Allotment 2013, Parish of Mokoan, Crown Allotment 2035, Parish of Taminick and Crown Allotments 2020 and 2021, Parish of Winton temporarily reserved for Public Purposes (Restoration of Wetlands, Recreation and Tourism) by Order in Council of 3 August 2010 [published in the Government Gazette of 5 August 2010 page - 1747] as shown on Plan No. LEGL./10-042 lodged in the Central Plan Office of the Department of Sustainability and Environment.

File Ref: 2017610

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

Dated 12 October 2010

Responsible Minister

GAVIN JENNINGS

Minister for Environment and
Climate Change

MATTHEW McBEATH
Clerk of the Executive Council

Land Act 1958

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

Order in Council

The Lieutenant Governor, as the Governor's Deputy, with the advice of the Executive Council, pursuant to sections 99A(1)(a) and 99A(2) of the **Land Act 1958**, approves the sale by private treaty of Crown Allotment 2024 Parish of Dunbulbalane located at Invergordon Road, Invergordon.

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

Dated 12 October 2010

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

MATTHEW McBEATH
Clerk of the Executive Council

Land Act 1958

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

Order in Council

The Lieutenant Governor, as the Governor's Deputy, with the advice of the Executive Council, pursuant to sections 99A(1)(a) and 99A(2) of the **Land Act 1958**, approves the sale by private treaty of Crown Allotment 2030 in the Parish of Bumbang located at Pethard Road, south of Robinvale.

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

Dated 12 October 2010

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

MATTHEW McBEATH
Clerk of the Executive Council

Planning and Environment Act 1987
 DECLARATION PURSUANT TO SECTION 201L
 Order in Council

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council under section 201L of the **Planning and Environment Act 1987** closes part of Napier Street, Footscray, for the purposes of a declared project, the Revitalising Central Footscray Project.

The area for the purposes of this Order is shown on the plan of road closure in the attached Schedule.

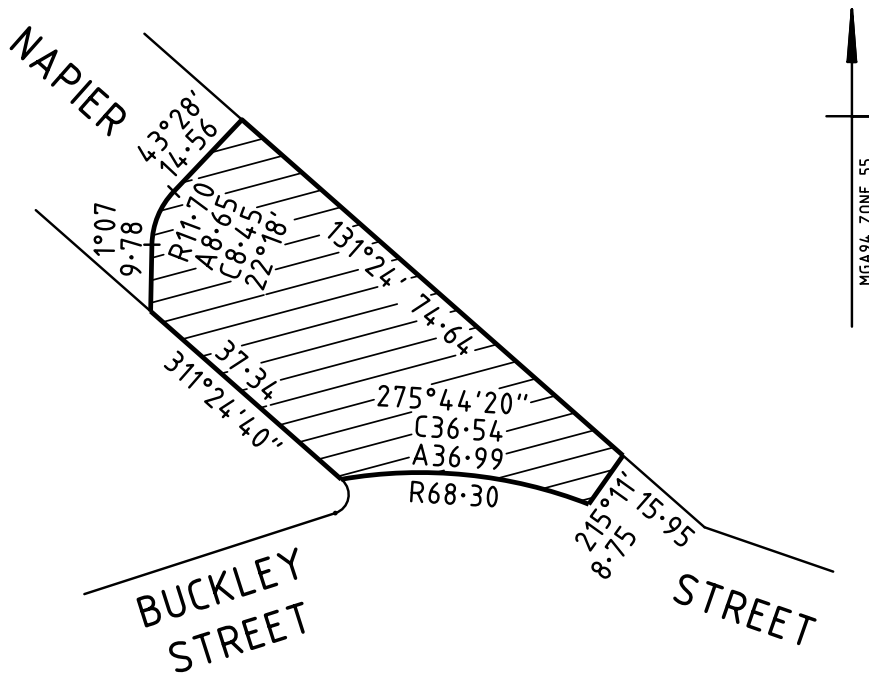
This Order comes into effect from the date it is published in the Government Gazette.

Dated 12 October 2010

Responsible Minister
 JUSTIN MADDEN MLC
 Minister for Planning

MATTHEW McBEATH
 Clerk of the Executive Council

Planning and Environment Act 1987
 DECLARATION PURSUANT TO SECTION 201L
 SCHEDULE TO THE ORDER IN COUNCIL
 Plan for Road Closure of Napier Street, Footscray



Proposed road closure of land indicated by hatching.

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**SUBORDINATE LEGISLATION ACT 1994
NOTICE THAT STATUTORY RULES ARE
OBTAINABLE**

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from Information Victoria, 505 Little Collins Street, Melbourne on the date specified:

100. *Statutory Rule:* Supreme Court
(Chapter I
Amendment No. 19)
Rules 2010
- Authorising Act:* Supreme Court
Act 1986
- Date first obtainable:* 11 October 2010
- Code A*
101. *Statutory Rule:* Motor Car Traders
Amendment
(Infringements)
Regulations 2010
- Authorising Act:* Motor Car Traders
Act 1986
- Date first obtainable:* 14 October 2010
- Code A*
102. *Statutory Rule:* Surveying
(Registration Fees)
Amendment
Regulations 2010
- Authorising Act:* Surveying Act 2004
- Date first obtainable:* 14 October 2010
- Code A*
103. *Statutory Rule:* Subordinate
Legislation
(Subdivision
(Procedures)
Regulations
2000 - Extension
of Operation)
Regulations 2010
- Authorising Act:* Subordinate
Legislation
Act 1994
- Date first obtainable:* 14 October 2010
- Code A*
-

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G	193–240	\$21.50	# ZF	1796–1860	\$143.00
H	241–288	\$22.90	# ZG	1861–1925	\$148.00
I	289–352	\$25.75	# ZH	1926–1990	\$153.00
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# S	951–1015	\$78.00			
# T	1016–1080	\$83.00			
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# V	1146–1210	\$93.00			
# W	1211–1275	\$98.00			
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# Y	1341–1405	\$108.00			

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