



Victoria Government Gazette

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GENERAL

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As from 6 November 2008

The last Special Gazette was No. 298 dated 5 November 2008.

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

How To Submit Copy

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

VICTORIA GOVERNMENT GAZETTE

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JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

Land Act 1958

Notice is hereby given that Ian Brett has applied for leases pursuant to section 134 of the **Land Act 1958** for a term of 21 years with 10 year option in respect of Allotment 2015, County of Mornington, Parish of Flinders, containing 3 hectares located in the Flinders Aquaculture Fisheries Reserve and Allotment 2050, County of Grant, Parish of Murtcaim, containing 0.41 hectares located in the Kirk Point–Werribee Aquaculture Fisheries Reserve as sites for the purpose of aquaculture.

RefNo.: NP/16/0197

Land Act 1958

Notice is hereby given that Vic Gas Distribution Pty Ltd has applied for a lease pursuant to section 134 of the **Land Act 1958** for a term of 21 years in respect of Allotment 12H of Section A, Parish of Coolungoolun, for the purpose of 'Regulator for Gas Flow'.

File Ref: 1511719 (Traralgon)

Re: ALFRED DAVID BONHAM, late of 481 North Road, Ormond, Victoria, company director, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 March 2008, are required by the administrators, Hugo Ernest Bonham and Helena Janet Kelso, to send particulars to them, care of the undersigned solicitors, by 7 January 2009, after which date the administrators may convey or distribute the assets, having regard only to the claims of which the administrators have notice.

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

Re: MALCOLM RODERICK McLEOD, late of 8 Spalding Street, Ararat, Victoria, retired baker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 May 2008, are required by the trustee, James Alexander McLeod, in the Will called James McLeod, nephew, to send particulars to the trustee, care of his undermentioned

solicitors, by 6 January 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

BRIGGS FRANCIS & ASSOCIATES, solicitors,
94 Barkly Street, Ararat 3377, (03) 5352 1485.

Re: STEPHEN FRANK ROSS, late of 43 Plumpton Road, Diggers Rest, construction worker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 February 2008, are required by the trustee, Grace Helen Ross, to send particulars to her, care of the undersigned, by 5 January 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

EILA MAY HESLINE, late of Amity at Bonbeach, 53–59 Broadway, Bonbeach, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 September 2008, are required by the trustee, care of Harris & Chambers Lawyers of 338 Charman Road, Cheltenham 3192, to send particulars to them by 7 January 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

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

Creditors, next-of-kin and others having claims in respect of the estate of ADA DUMSKIS, also known as Ada Maria Dumskis, late of Rumbalara Nursing Home, 171 Church Street, Brighton in the State of Victoria, nurse, who died on 5 September 2008, are required by the personal representative of the deceased, Audrone Hanson, also known as Audrey Hanson, gentlewoman, to send particulars to her, care of the undermentioned solicitor, by 24 February 2009, after which date the said personal representative will distribute the assets

of the deceased, having regard only to the claims of which she then shall have notices.

LUKAITIS PARTNERS, solicitors & notary,
123 Church Street, Hawthorn 3122,
Ref: AZ:NA:086051.

Re: ROBERT HENRY GRAY, late of 625 Tyabb Tooradin Road, Pearcedale, Victoria, market gardener, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 April 2008, are required by the trustee, Jean Margaret Gray, care of 40–42 Scott Street, Dandenong, Victoria 3175, to send particulars to the trustee by 6 January 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MACPHERSON + KELLEY, solicitors,
40–42 Scott Street, Dandenong 3175,
9794 2540.

Re: LEONARD ARTHUR HILLBRICH, late of Waverley Gardens, 5 Bakers Road, Dandenong North, Victoria, but formerly of 6 Culliver Avenue, Eumemmering, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 July 2008, are required by the trustee, Daniel Heinz Hillbrich, care of 40–42 Scott Street, Dandenong, Victoria 3175, to send particulars to the trustee by 6 January 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MACPHERSON + KELLEY, lawyers,
40–42 Scott Street, Dandenong 3175,
9794 2540.

Re: PHYLLIS MARIE GOSS, formerly of 2/67 Rosella Street, Doncaster East, but late of Templestowe Grange, 1 Innisfallen Avenue, Templestowe, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 8 July 2008, are required by the executors, Michael James Goss and Kevin John Goss, to send particulars to them, care of

Marsh & Maher, Level 15, 190 Queen Street, Melbourne, by 15 January 2009, after which date the executors intend to convey or distribute the assets of the estate, having regard only to the claims of which the executors may have notice.

MARSH & MAHER,
Level 15, 190 Queen Street, Melbourne 3000.

Re: ELENA KEOWN, late of Apartment 9.1, Domain Park, 193 Domain Road, South Yarra, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 July 2008, are required by the trustee, Equity Trustees Limited, ACN 004 031 298, of Level 2, 575 Bourke Street, Melbourne, Victoria, to send particulars to the trustee by 5 January 2009, after which date the trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

McKEAN PARK, lawyers,
Level 11, 575 Bourke Street, Melbourne 3000.

MARGARET MARY O'TOOLE, also known as Maura O'Toole, late of 90 Strathalbyn Street, East Kew, Victoria, retired manager secretary, deceased.

Creditors, next-of-kin and others having claim in respect of the estate of the deceased, who died on 6 June 2008, are required by the executors, Equity Trustees Limited, ACN 004 031 298, of 575 Bourke Street, Melbourne, Victoria, to send particulars to them by 16 January 2009, after which date they may convey or distribute the assets, having regard only to the claims of which they have notice.

NICHOLAS O'DONOHUE & CO., lawyers,
180 Queen Street, Melbourne 3000.
Ref: MAL:TM:2081874

Re: MURIEL ZENNA FEEHAN, late of 22 Phyllis Street, Morwell, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 June 2008, are required by the executors, Daniel Leslie Minogue of 431 Riversdale Road, Hawthorn East, Victoria, solicitor and Adrian Stanislaus Feehan of 61

Murphy Street, Brighton, Victoria, retired plumber, to send particulars to them, care of the undersigned, by 6 January 2009, after which date they may convey or distribute the assets, having regard only to the claims of which they then have notice.

RENNICK & GAYNOR, solicitors,
431 Riversdale Road, Hawthorn East 3123.

There are no exceptions to these arrangements.

SW080026743

K. GRIFFIN
Sheriff's Office
Phone: 9947 1539

IDA CHARNETTE MILLINGTON, late of Broughton Hall, 2 Berwick Street, Camberwell, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 19 August 2008, are required by Iris Enid Seymour, the executor of the Will of the deceased, to send particulars of their claims to the executor, care of the undermentioned solicitors, by Monday 5 January 2009, after which date she will convey or distribute the assets of the estate, having regard only to the claims of which she then has notice.

WILLIAMS WINTER, solicitors,
Level 7, 451 Little Bourke Street, Melbourne
3000.

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

On Wednesday 26 November 2008 at 2.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Ilona Prohaska of Unit 20, 703 Orrong Road, Toorak, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 09678 Folio 336 upon which is erected a dwelling known as 61 Georgette Crescent, Endeavour Hills.

Registered Mortgage No. AC628814P, Covenant No. N618405M, Caveat AF026375U, Caveat AF130874T, Caveat AF333841D and Caveat AF959924H affect the said estate and interest.

Payment terms – Cash/Eftpos (Debit Cards only/no Credit Cards)/bank cheque or solicitors trust account cheque. Hammer price plus 10% GST must be paid in full at the fall of the hammer.

PROCLAMATIONS**Acts of Parliament**

PROCLAMATION

I, David de Kretser, Governor of Victoria, declare that I have today assented in Her Majesty's name to the following Bills:

61/2008 **Greenhouse Gas Geological Sequestration Act 2008**

62/2008 **Labour and Industry (Repeal) Act 2008**

63/2008 **Medical Research Institutes Repeal Act 2008**

Given under my hand and the seal of Victoria at Melbourne on 5th November 2008.

(L.S.)

DAVID DE KRETSER

Governor

By His Excellency's Command

HON JOHN BRUMBY MP

Premier of Victoria

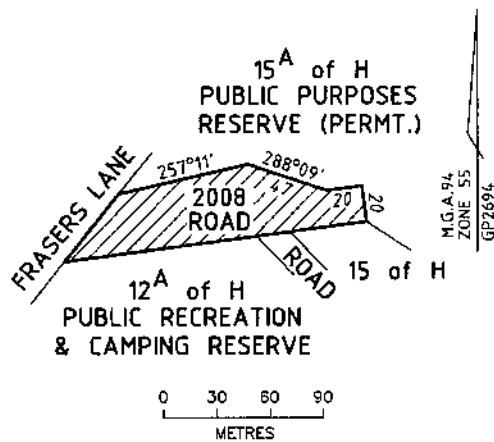
-
- 61/2008
- (1) Subject to subsection (16), this Act (other than Division 2 of Part 18) comes into operation on a day or days to be proclaimed.
 - (2) Section 305 comes into operation on the fourth anniversary of the day on which section 50 comes into operation.
 - (3) Section 306 comes into operation on the fourth anniversary of the day on which section 55 comes into operation.
 - (4) Section 307 comes into operation on the fourth anniversary of the day on which section 106 comes into operation.
 - (5) Section 308 comes into operation on the fourth anniversary of the day on which section 111 comes into operation.
 - (6) Section 309 comes into operation on the fourth anniversary of the day on which section 251 comes into operation.
 - (7) Section 310 comes into operation on the fourth anniversary of the day on which section 253 comes into operation.
 - (8) Section 311 comes into operation on the fourth anniversary of the day on which section 264 comes into operation.
 - (9) Section 312 comes into operation on the fourth anniversary of the day on which section 270 comes into operation.
 - (10) Section 313 comes into operation on the fourth anniversary of the day on which section 271 comes into operation.
 - (11) Section 314 comes into operation on the fourth anniversary of the day on which section 272 comes into operation.
 - (12) Section 315 comes into operation on the fourth anniversary of the day on which section 273 comes into operation.
 - (13) Section 316 comes into operation on the fourth anniversary of the day on which section 275 comes into operation.
 - (14) Section 317 comes into operation on the fourth anniversary of the day on which section 296 comes into operation.
 - (15) Section 318 comes into operation on the fourth anniversary of the day on which section 303 comes into operation.
 - (16) If a provision of this Act (other than Division 2 of Part 18) does not come into operation before 1 January 2010, it comes into operation on that day.
- 62/2008 This Act comes into operation on the day after the day on which it receives the Royal Assent.
- 63/2008 This Act comes into operation on 1 January 2009.
-

Land Act 1958**PROCLAMATION OF ROAD**

I, David de Kretser, Governor of Victoria with the advice of the Executive Council and under section 25(3)(c) of the **Land Act 1958** proclaim as road the following land:

**MUNICIPAL DISTRICT OF THE
ALPINE SHIRE COUNCIL**

BRIGHT – The land being Crown Allotment 2008, Township of Bright, Parish of Bright shown by hatching on plan GP2694 hereunder. – (GP2694) – (200720)

**National Parks and Crown Land (Reserves) Acts Amendment Act 2008****PROCLAMATION OF COMMENCEMENT**

I, David de Kretser, Governor of Victoria, with the advice of the Executive Council and under section 2(2) of the **National Parks and Crown Land (Reserves) Acts Amendment Act 2008**, fix 9 November 2008 as the day on which the remaining provisions of that Act come into operation.

Given under my hand and the seal of Victoria on 5th November 2008.

(L.S.) DAVID DE KRETSER

Governor

By His Excellency's Command

GAVIN JENNINGS

Minister for Environment and Climate Change

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

Given under my hand and the seal of Victoria on 5th November 2008.

(L.S.) DAVID DE KRETSER

Governor

By His Excellency's Command

GAVIN JENNINGS, MLC

Minister for Environment and Climate Change

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**

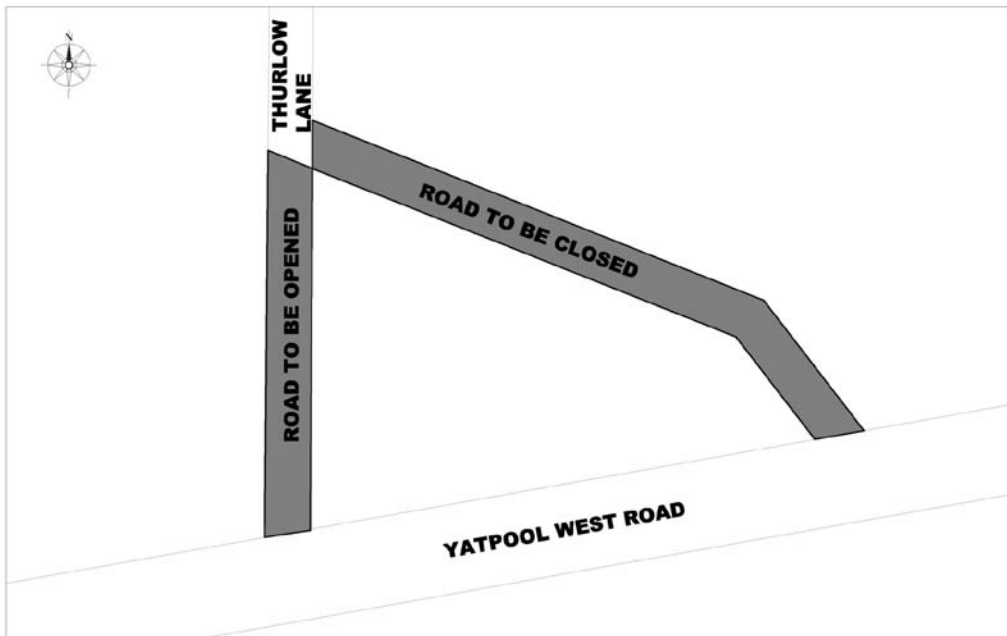


Mildura Rural City Council

Road Exchange/Road Closure
Parish of Yatpool

Pursuant to the provisions of schedule 10, clause 2 and section 204 of the **Local Government Act 1989**, Mildura Rural City Council, having advertised for public submissions under section 223 of the **Local Government Act 1989**, resolved under delegation to authorise and approve the road exchange and closure set out in the plan below and to declare the road to be opened a Public Road.

LAND EXCHANGE - THURLOW LANE



(C) Mildura Rural City Council

Drawing: Street Directory - Master 2008.dwg Tab: Thurla Ln Land Exchange

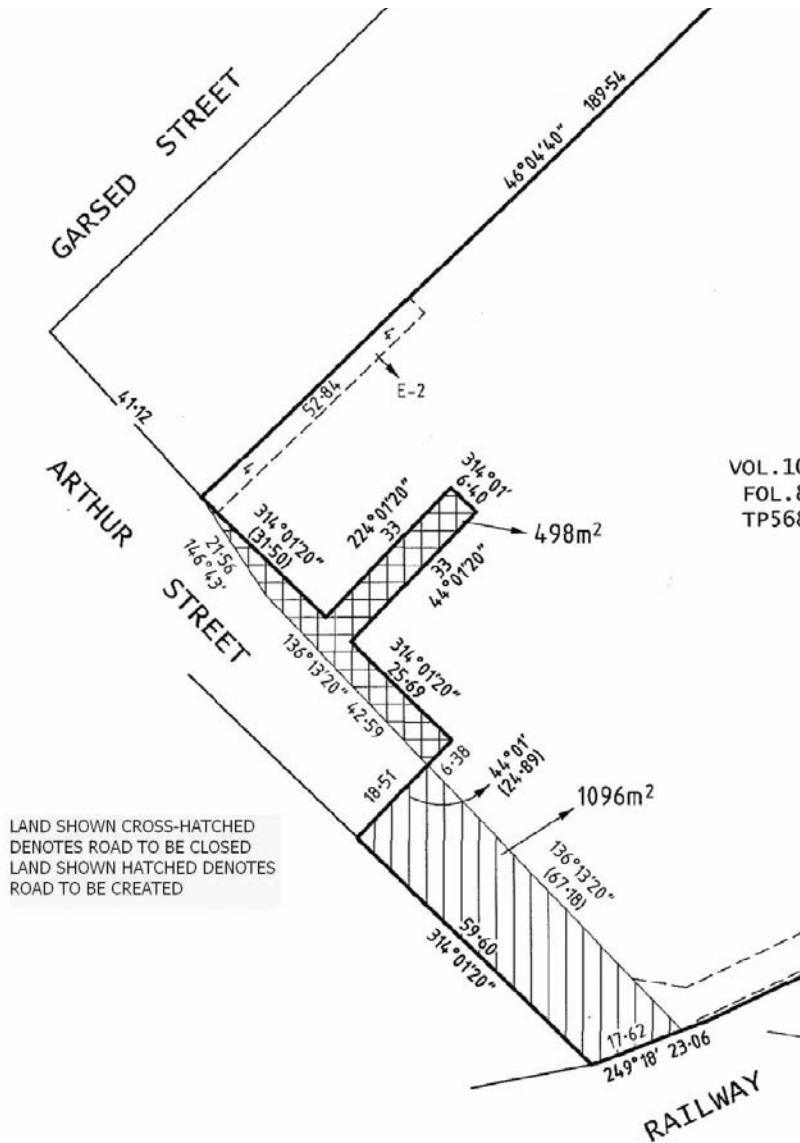
Last Updated: 24.10.08

PHIL PEARCE
Chief Executive Officer



Road Deviation – Arthur Street, Bendigo

The City of Greater Bendigo at its ordinary meeting on 20 August 2008 resolved to deviate part of Arthur Street, Bendigo (shown cross-hatched) in exchange for the creation of a road (shown hatched) in accordance with section 207 and Schedule 10 of the **Local Government Act 1989**. The discontinued section of road will be sold to the adjoining landowner.



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 TP56E

CRAIG NIEMANN
 Chief Executive



Mildura Rural City Council

Orders Made Under Section 26(2) of
**Domestic (Feral and Nuisance)
 Animals Act 1994**

Notice is hereby given that at the Council Meeting of the Mildura Rural City Council held on 23 October 2008, the Council resolved to make the following Order pursuant to section 26(2) of the **Domestic (Feral and Nuisance) Animals Act 1994**.

1. Dogs and cats must be under effective control

The Owner of any dog or cat must keep the dog under effective control by means of a chain, cord or leash held by the Owner and attached to the dog or cat while the dog or cat is on:

- all streets and roads in urban areas;
- Apex park beach;
- Mansell reserve;
- Mildura recreation reserve;
- aerodrome ovals;
- the Langtree mall; or
- within 10 metres of any playground.

2. Prohibited Areas

A dog, cat or any animal must not enter or remain in the Park for Play at the aerodrome ovals Eleventh Street.

3. Meaning of Words

In this Order: **Urban area** as defined as those areas zoned residential, commercial and industrial under Mildura Planning Scheme.

PHIL PEARCE
 Chief Executive Officer

SURF COAST SHIRE

Community Amenity Local Law No. 1 – 2008

In accordance with section 119 of the **Local Government Act 1989**, the Surf Coast Shire on Tuesday 28 October 2008 adopted a Local Law, the Community Amenity Local Law No. 1 of 2008.

The Purpose of the Community Amenity Local Law No. 1 is to provide for the peace, order and good government of the Surf Coast Shire.

The purport of the Community Amenity Local Law No. 1 is to:

- (1) regulate and control uses and activities on Council land and roads so that the Council is aware of uses or activities which may:
 - a) be detrimental to the amenity of the area or the enjoyment of facilities on land or roads;
 - b) cause damage to Council and community assets;
 - c) create a danger or expose others to risk;
 - d) interfere with the safety and convenience of people travelling on or using Council land or roads;
 - e) impede free and safe access for people, in particular those with sight and movement impairment or disabilities.
- (2) manage, regulate and control activities and uses on any land which:
 - a) may be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment;
 - b) are directed at maintaining a healthy and safe environment for residents and visitors;
 - c) promotes community expectations and demands about their desired lifestyle and the availability of goods and services provided to them; and
- (3) identify activities and uses that are not permitted so as to achieve the purposes in sub-clauses (1) and (2).

From the date of operation of the Community Amenity Local Law No. 21 all existing Local Laws will cease to operate and are repealed.

A copy of the Community Amenity Local Law No. 1 of 2008 can be inspected at the Surf Coast Shire Municipal Offices, 25 Grossmans Road, Torquay, during business hours and on the council's website www.surfcoast.vic.gov.au

Pursuant with sections 224 and 224A of the **Local Government Act 1989**, Surf Coast Shire authorises that Police Officers may enforce the provisions contained in the Community Amenity Local Law No. 1 of 2008.

MARK DAVIES
 Chief Executive Officer

Planning and Environment Act 1987

BAW BAW PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C66

Authorisation A01162

The Baw Baw Council has prepared Amendment C66 to the Baw Baw Planning Scheme.

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

The land affected by the Amendment is

- 263 Longwarry Road, Drouin, being Lot 1 LP111729, Parish of Drouin West;
- 269 Longwarry Road, Drouin, being Lot 1 LP146281, Parish of Drouin West; and
- 285 Longwarry Road, Drouin, being Lot 2 LP146281, Parish of Drouin West.

The Amendment proposes to

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

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the offices of the Baw Baw Shire Council, 61 Smith Street, Warragul; Young Street, Drouin; the Baw Baw Technology Centre, Princes Highway, Trafalgar; and at the Department of Planning and Community Development website www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is 12 December 2008. A submission must be sent to the Baw Baw Shire Council, PO Box 304, Warragul 3820.

DAVID A. POWELL
Chief Executive Officer

Planning and Environment Act 1987

BAW BAW PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C70

Authorisation A01163

The Baw Baw Council has prepared Amendment C70 to the Baw Baw Planning Scheme.

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

The land affected by the Amendment is:

- 325 Jindivick Neerim South Road, Neerim South, being Lot 1 LP212912N Parish of Neerim; and
- 309 Jindivick Neerim South Road, Neerim South, being part Lot 2 PS502567W Parish of Neerim.

The Amendment proposes to rezone Lot 1 LP212912N and Part Lot 2 PS502567W from Farming Zone to Low Density Residential Zone.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the offices of the Baw Baw Shire Council, 61 Smith Street, Warragul; Young Street, Drouin; the Baw Baw Technology Centre, Princes Highway, Trafalgar; and at the Department of Planning and Community Development website www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is 12 December 2008. A submission must be sent to the Baw Baw Shire Council, PO Box 304, Warragul 3820.

DAVID A. POWELL
Chief Executive Officer

Planning and Environment Act 1987
BOROONDARA PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C86

Authorisation A1108

Boroondara City Council has prepared Amendment C86 to the Boroondara Planning Scheme.

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

The land affected by the Amendment is 1180 Toorak Road, Camberwell.

The Amendment proposes to rezone the site from Public Use Zone 4 – Transport (PUZ4) to Business 2 Zone (B2Z), apply a new Schedule to the Design and Development Overlay (DDO 11), and the Environmental Audit Overlay (EAO) to the site.

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, Boroondara City Council, Planning Counter, 1st Floor, 8 Inglesby Road, Camberwell 3124; and at the Department of Planning and Community Development website www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is Friday 12 December 2008. A submission must be sent to the Strategic Planning Department, City of Boroondara, Private Bag 1, Camberwell, Victoria 3124.

CATHERINE DALE
Chief Executive Officer

Planning and Environment Act 1987
EAST GIPPSLAND PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C69

Authorisation A1103

The East Gippsland Shire Council has prepared Amendment C69 to the East Gippsland Planning Scheme. In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised

the East Gippsland Shire Council as planning authority to prepare the Amendment.

The land affected by the Amendment is in the vicinity of the Eastern Creek estuary/ North Arm, Lakes Entrance, and specifically the following parcels of land (the land):–

- Lot 188 LP 24369;
- Lot 1 TP 150986;
- Lot 1 TP 150987;
- Lot 2 TP 758175;
- Lot 1 LP 68569; and
- Lot 191 LP 24369.

The Amendment proposes to apply the Public Acquisition Overlay (PAO5 – Recreation and utility installation) to the land that is to be acquired by the East Gippsland Shire Council for the public purposes of a Recreation and utility installation. The Amendment proposes to change Planning Scheme Map No. 55PAO and the Schedule to the Public Acquisition Overlay.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, East Gippsland Shire Council, Corporate Centre Annexe, 66 McCulloch Street, Bairnsdale, Victoria 3875; at the Lakes Entrance Library/Business Centre, Mechanics Street, Lakes Entrance, Victoria 3875; and at the East Gippsland Shire Council and the Department of Planning and Community Development websites – www.egipps.vic.gov.au/planning&building/planningschemeamendments; www.dpcd.vic.gov.au/planning/publicinspection

Any person who may be affected by the Amendment may make a submission to the planning authority. All submissions must be written and sent to the East Gippsland Shire Council, Corporate Centre Annexe, 66 McCulloch Street, Bairnsdale, Victoria 3875. Please be aware that copies of submissions may be made available, including electronically, to any person for the purpose of consideration as part of the planning process. The closing date for submissions is 5.00 pm on 11 December 2008.

RAY SMITH
Manager Scheme Improvement

Planning and Environment Act 1987

CASEY PLANNING SCHEME

Notice of the Preparation of an Amendment

Amendment C102

Authorisation No. A0832

The Casey City Council has prepared Amendment C102 to the Casey Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Casey City Council as the planning authority to prepare the Amendment.

The Amendment applies to land within the area of the Cranbourne West Precinct Structure Plan. This area comprises approximately 792 hectares of land that is generally bounded by:

- Thompsons Road to the north;
- Western Port Highway to the west;
- Ballarto Road and the Ranfurly Golf Club to the south; and
- Evans Road and Cranbourne–Frankston Road to the east.

The precinct also includes the triangular-shaped land adjacent to the Merinda Park railway station, known as 340 Evans Road, Lyndhurst.

In addition, the Amendment applies to land comprising part of the Merinda Park railway station reserve, known as Part Reserve 1 on PS 333205Y and Part Reserve 2 on PS 333206W Thompsons Road, Cranbourne North, and to land on the southern edge of the ‘Lynbrook and Lyndhurst Development Plan (September 2007)’ area (north of Thompsons Road), known as 945 Thompsons Road, Lyndhurst.

The Amendment proposes to:

- introduce Schedule 1 (Cranbourne West Precinct Structure Plan) to the Urban Growth Zone (UGZ) to provide for the implementation of the ‘Cranbourne West Precinct Structure Plan’;
- introduce Schedule 1 (Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan) to the CDZ to provide for the development of the Lyndhurst Neighbourhood Activity Centre;
- introduce Schedule 12 (Cranbourne West Development Contributions Plan) to the Development Contributions Plan Overlay (DCPO12) applying to land generally within the ‘Cranbourne West Precinct Structure Plan’ area;
- rezone the land known as 340 Evans Road, Lyndhurst from an Industrial 1 Zone (IN1Z) to an UGZ1;
- rezone part of the land known as Part Reserve 1 on PS 333205Y and Part Reserve 2 on PS 333206W Thompsons Road, Cranbourne North from an IN1Z to a Public Use Zone – Transport (PUZ4);
- rezone the land known as 945 Thompsons Road, Lyndhurst, comprising land in and around the proposed Lyndhurst Neighbourhood Activity Centre, from a Residential 1 Zone (R1Z) to a Comprehensive Development Zone (CDZ1);
- delete the Development Plan Overlay (DPO1 – Residential Areas) over the area covered by the ‘Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan’ and the land known as 280 Evans Road, Cranbourne West and 340 Evans Road, Lyndhurst;
- delete the Public Acquisition Overlay – Melbourne Water (PAO4) over the land known as 195W Evans Road, Cranbourne West;
- apply an Environmental Audit Overlay (EAO) to the future residential land within the ‘Cranbourne West Precinct Structure Plan’ area that is identified as having a medium risk of contamination;

- apply a Public Acquisition Overlay (PAO3) to the land within the ‘Cranbourne West Precinct Structure Plan’ area identified for road widening;
- amend Clauses 21.02 (Key Influences), 21.03 (Vision – Strategic Framework), 21.05 (The Built-Up Area), 21.06 (The Urban Fringe), 21.09 (Building New Communities), 21.11 (Employment), 22.01 (Future Urban Areas), 22.05 (Residential Development Policy), 22.07 (Retail Policy) and 22.09 (Industrial Development Policy) of the Local Planning Policy Framework to support the strategic basis of the Amendment;
- amend the Schedule to Clause 52.01 (Public open space contribution and subdivision) to include land within the ‘Cranbourne West Precinct Structure Plan’ area identified for residential purposes as ‘CR4’ and land identified for employment purposes as ‘CR5’; and
- update the Schedule to Clause 81.01 to incorporate the ‘Cranbourne West Precinct Structure Plan’, ‘Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan’ and ‘Cranbourne West Development Contributions Plan’ in the planning scheme.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the office of the planning authority: City of Casey Municipal Offices at: Magid Drive, Narre Warren; Shop 8 (Bendigo Bank building), Amberly Park Shopping Centre, 101 Seebeck Drive, Narre Warren South; and Cranbourne Park Shopping Centre (opposite Post Office), Cranbourne.

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

The Amendment is also available for viewing on the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and on the City of Casey website at www.casey.vic.gov.au/planningexhibition

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

The closing date for submissions is 8 December 2008. A submission must be sent to: Manager, Strategic Development, City of Casey, PO Box 1000, Narre Warren, Victoria 3805.

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

A submission which seeks to change the Amendment and is not accepted by the planning authority will be referred to an independent Panel appointed by the Minister under Part 8 of the **Planning and Environment Act 1987**.

If a submission is referred to a Panel, a Directions Hearing and Panel Hearing are to be held on the following dates:

Directions Hearing: 10 February 2009

Panel Hearing: Week of 2 March 2009

Anyone who has made a submission which has been referred to a Panel has an opportunity to be heard.

All submitters will be formally advised in writing of any Directions or Panel Hearing and the date.

Should you have any queries about this amendment, please contact Travis Reid on (03) 9705 5200.

Dated 6 November 2008

LIAM HODGETTS
Manager Strategic Development

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

Notice of Preparation of Amendment

Amendment C63

Authorisation A01147

The Manningham City Council has prepared Amendment C63 to the Manningham Planning Scheme.

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

The land affected by the Amendment is part of the land at 115–119 Hall Road, Warrandyte South (Lot 1 LP145634).

The Amendment proposes to apply a Public Acquisition Overlay 1 (PAO1) over part of the land at 115–119 Hall Road, Warrandyte South.

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: at the office of the planning authority, Manningham City Council, 699 Doncaster Road, Doncaster; and at the Department of Planning and Community Development website www.dpcd.vic.gov.au/planning/publicinspection

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

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

Any submission you wish to make about this Amendment should be in writing and must be sent to: Teresa Dominik, Manager Economic and Environmental Planning, Manningham City Council, PO Box 1, Doncaster, Victoria 3108.

The closing date for submissions is 8 December 2008.

LYDIA WILSON
Chief Executive

DODD, Beatrice May, late of Bodalla Nursing Home, 32 Walpole Street, Kew, Victoria 3101, retired, and who died on 15 July 2008.

FITZGERALD, Kathleen, late of Colanda Training Centre, 120 Forest Street, Colac, Victoria 3250, pensioner, and who died on 20 August 2008.

MANSUETTO, Antonio, late of Unit 3/54 Albert Street, Geelong West, Victoria 3218, pensioner, and who died on 28 July 2008.

PERUSSICH, Allan Wilson, late of 5 Abbott Street, Spotswood, Victoria 3015, retired, and who died on 5 August 2008.

POORE, Joan Lillian, late of Strathdon Community, 17 Jolimont Road, Forest Hill, Victoria 3131, pensioner, and who died on 18 August 2008.

ROSS, Alice May, late of Lake View Home, Barree Street, Tallangatta, Victoria 3700, who died on 29 January 2008.

RUSSELL, Sandra Dawn, late of Unit 2/1 Gwenda Street, Dandenong, Victoria 3175, psychologist, and who died on 20 July 2008.

SCOLLARD, Ronald Frederick, formerly of 16 Kneen Street, North Fitzroy, Victoria 3068, but late of Unit 1/117 Austin Avenue, McCrae, Victoria 3938, accountant, and who died on 5 July 2008.

WEISS, Kathe Irmgard, late of Tabulam and Templer Homes for the Aged Inc., 31–41 Elizabeth Street, Bayswater, Victoria 3153, who died on 28 August 2008.

Dated 30 October 2008

ROD SKILBEK
Manager
Executor and Trustee Services

EXEMPTION

Application No. A278/2008

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 9 January 2009, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

The Victorian Civil and Administrative Tribunal has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995**, by Department of Human Services Gippsland Region. The application for exemption is to enable the applicant to advertise and employ an Aboriginal or Torres Strait Islander as a Koori Liaison Worker (Child Protection) within the Gippsland region (the exempt conduct).

Upon reading the material submitted in support of the application the Tribunal is satisfied that it is appropriate to grant an exemption from sections 13, 14, 100 and 195 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption, the Tribunal noted:

- The Koori Liaison Worker (Child Protection) is responsible for building relationships between Child Protection and Aboriginal organisations and the Aboriginal community by enhancing understanding of the role of Child Protection and recent legislative changes that impact Aboriginal families involved with Child Protection. The Koori Liaison worker will also work collaboratively with Child Protection staff to assist them to provide culturally appropriate, relevant services, and assistance to Aboriginal families and the community.
- Specific accountabilities include the provision of information, assistance, support and advocacy, to Aboriginal families who have contact or involvement with Child Protection, the promotion of linkages between Child Protection and Aboriginal agencies and organisations and an understanding of Child Protection within Aboriginal agencies and organisations. They will also provide advice, support and assistance to Child Protection staff in relation to their work with Aboriginal children and families and, in particular, promoting the development of culturally sensitive and appropriate practice with Aboriginal children and families.

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

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 1 October 2011.

Dated 23 October 2008

HER HONOUR JUDGE HARBISON
Vice President

EXEMPTION

Application No. A275/2008

The Victorian Civil and Administrative Tribunal has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995**, by Victoria Legal Aid (VLA). The application for exemption is to enable the applicant to conduct the Indigenous Summer Clerkship Program (the exempt conduct).

Upon reading the material submitted in support of the application the Tribunal is satisfied that it is appropriate to grant an exemption from sections 13, 14, 100 and 195 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption, the Tribunal noted:

- The program provides support and assistance to Indigenous law students to maximise the prospects of their completion of tertiary qualifications and finding employment in the legal sector.
- The program will assist Indigenous law graduates in finding employment in the legal sector by reserving a number of positions in Victoria Legal Aid's New Lawyers for Indigenous Australians only.
- The program will assist Victoria Legal Aid in achieving a workforce that replicates the diversity of the Victorian community and removing barriers faced by Indigenous Australians. The VLA's lawyers focus on protecting the legal needs and rights of the marginalised and economically disadvantaged. This often requires a different skill set and/or approach than for lawyers in commercial private practice.
- The 'Wur-cum barra' Indigenous Employment Strategy policy period has now expired. The State Services Authority has conducted an evaluation of the Indigenous Employment Strategy. As part of the conclusion of the report there is a recognition that Indigenous Australians still suffer from disadvantages in obtaining employment. The VLA sees the Indigenous Summer Clerkship Program as an important part of its equal opportunity policies by taking real action to ensure equality of opportunity for Indigenous Australians.

- The State Services Authority is working towards a new strategy for providing equality of opportunity for Indigenous law students and lawyers.

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

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 1 October 2011.

Dated 28 October 2008

HER HONOUR JUDGE HARBISON
Vice President

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

I, Pauline Ireland, as Delegate of the Secretary to the Department of Human Services for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scales of fees and charges fixed by the following cemetery trusts. The approved scales 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 Footscray Cemetery Trust
The Greta Cemetery Trust
The Kerang Cemetery Trust
The Maldon Cemetery Trust
The Murrayville Cemetery Trust
The Nirranda Cemetery Trust
The Numurkah–Wunghnu Cemetery Trust

PAULINE IRELAND
Assistant Director
Food Safety and Regulatory Activities

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

I, Pauline Ireland, as Delegate of the Secretary to the Department of Human Services for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scales of fees and charges

fixed by the following cemetery trusts. The approved scales of fees and charges will take effect from the date of publication of this notice in the Government Gazette and will be published on the internet.

The Cheltenham and Regional Cemeteries Trust

The Trustees of the Lilydale Memorial Park and Cemeteries

PAULINE IRELAND
Assistant Director
Food Safety and Regulatory Activities

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

I, Pauline Ireland, as Delegate of the Secretary to the Department of Human Services for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the memorial permit fees fixed by the following cemetery trusts. The approved memorial permit fees will take effect from the date of publication of this notice in the Government Gazette and will be published on the internet.

The Alexandra Cemetery Trust
The Anderson's Creek Cemetery Trust
The Ararat Cemetery Trust
The Bairnsdale Cemetery Trust
The Barmah Cemetery Trust
The Berriwillock Cemetery Trust
The Colac Cemetery Trust
The Deep Lead Cemetery Trust
The Dookie East Cemetery Trust
The Dunkeld Cemetery Trust
The Durham Ox Cemetery Trust
The Euroa Cemetery Trust
The Goornong Cemetery Trust
The Karnak Cemetery Trust
The Kenmare Cemetery Trust
The Maddingley Cemetery Trust
The Maldon Cemetery Trust
The Marysville Cemetery Trust
The Mortlake Cemetery Trust

The Numurkah–Wunghnu Cemetery Trust
 The Queenscliff Cemetery Trust
 The Red Bank Cemetery Trust
 The Strathbogie Cemetery Trust
 The Tarwin Lower Cemetery Trust
 The Wedderburn Cemetery Trust

PAULINE IRELAND
 Assistant Director
 Food Safety and Regulatory Activities

Golden Plains Shire Council
 Indigo Shire Council
 Wodonga City Council
 Alpine Shire Council
 Towong Shire Council
 Rural City of Wangaratta
 Mansfield Shire Council
 Benalla Rural City Council
 Northern Grampians Shire Council
 Pyrenees Shire Council
 Surf Coast Shire
 City of Greater Geelong
 Borough of Queenscliffe

Ararat Rural City Council (Northern Part) – That portion north of the line described as: from the Shire boundary, east along Jimmys Creek Road to Mafeking Road to the Moyston–Dunkeld Road to Andrews Lane to Coopers Road to Helendoite Road to Tatyoon North Road to Mount Chalicum Road to Hammonds Road to Old Geelong Road to the Shire boundary.

NEIL G. BIBBY AFSM
 Chief Executive Officer

Country Fire Authority Act 1958
 DECLARATION OF FIRE DANGER PERIOD

In pursuance of the powers conferred by section 4 of the **Country Fire Authority Act 1958**, I, Neil Graeme Bibby, Chief Executive Officer of the Country Fire Authority, after consultation with the Secretary to the Department of Sustainability and Environment, hereby declare the following periods to be the Fire Danger Period in the municipal districts of the municipalities or parts of municipalities specified, commencing on the dates shown and, unless varied by subsequent declaration, ending at 0100 hours on 1 May 2009.

To commence from 0100 hours on Monday 10 November 2008:

Hindmarsh Shire Council (remainder)
 Yarriambiack Shire Council (remainder)
 Horsham Rural City Council
 West Wimmera Shire Council (Part) – That part north of Mosquito Creek in CFA Region 17
 Buloke Shire Council
 Gannawarra Shire Council
 City of Greater Bendigo
 Mt Alexander Shire Council
 Loddon Shire Council
 Southern Grampians Shire Council (Northern Part – Glenisla Area) – That part north of Mountain Dam, Old Henty Highway, Billywing Road, Goat Track and Syphon Road (north to Glenelg River)
 Shire of Campaspe
 Greater Shepparton City Council
 Moira Shire Council
 Strathbogie Shire Council
 Central Goldfields Shire Council

Education and Training Reform Act 2006
 NOTIFICATION REVOKING SUSPENSION
 OF REGISTRATION TO TEACH

Pursuant to section 2.6.54 of the **Education and Training Reform Act 2006** (the Act), the Victorian Institute of Teaching (the Institute) may at the request of the person concerned or on its own initiative revoke the suspension of a person's registration.

On 8 October 2008, the Institute decided to revoke the suspension and imposition of conditions placed upon Dean Scott Smith, born 20 June 1970.

SUSAN HALLIDAY
 Chairperson
 Disciplinary Proceedings Committee
 Victorian Institute of Teaching

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

In accordance with section 16 of the **Flora and Fauna Guarantee Act 1988**, I have considered the final recommendations of the Scientific Advisory Committee as advertised in 'The Age' newspaper and 'The Weekly Times' newspaper on 8 August 2007, various local

newspapers on 7–10 August 2007, and in the Government Gazette on 9 August 2007.

I have decided, after considering the comments of the Victorian Catchment Management Council, to recommend to the Governor in Council that the taxa of flora or fauna 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 taxa to be added are *Caladenia cremna* spider-orchid species (NE Vict.), *Caladenia ancylosa* Genoa Spider-orchid, *Caladenia clavescens* Castlemaine Spider-orchid, *Caladenia cretacea* Stuart Mill Spider-orchid, *Caladenia douglasiorum* Douglas' Spider-orchid, *Caladenia grampiana* Grampians Spider-orchid, *Caladenia oreophila* Monaro Spider-orchid, *Caladenia osmera* Pungent Spider-orchid, *Caladenia peisleyi* Heath Spider-orchid, *Diuris protena* Northern Golden Moths, *Prasophyllum anticum* Pretty Hill Leek-orchid, *Prasophyllum barnettii* Elegant Leek-orchid, *Prasophyllum erythrocommum* Tan Leek-orchid, *Diuris daltonii* Western Purple Diuris, *Prasophyllum gilgai* Gilgai Leek-orchid, *Prasophyllum maccannii* Inland Leek-orchid, *Prasophyllum readii* Painted Leek-orchid, *Prasophyllum viretrum* Basalt Leek-orchid, *Canis lupus* subsp. *dingo* Dingo.

My reasons for this decision are the same as those advertised in the final recommendations of the Scientific Advisory Committee.

Dated 7 October 2008

GAVIN JENNINGS MLC
Minister for Environment and Climate Change

Forests Act 1958, No. 6254

DECLARATION OF THE PROHIBITED PERIOD

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

SCHEDULE 1

The Prohibited Period shall commence at 0100 hours on Monday 10 November 2008, and terminate at 0100 hours on 1 May 2009, unless varied, in the following municipalities: Wangaratta Rural City Council, Wodonga Rural City Council, Benalla Rural City Council, Mansfield Shire Council, Indigo Shire Council, Strathbogie Shire Council, Alpine Shire Council, Towong Shire Council.

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

Land Acquisition and Compensation Act 1986

FORM 7 S. 21
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of Lot 1 on Plan of Subdivision 447849Q, Parish of Narree Worrان, comprising 111.0 square metres and being land described in Certificate of Title Volume 10770 Folio 374, shown as Parcel 1 on Survey Plan 21520.

Interest Acquired: That of G. and A. Babatsias Pty Ltd and all other interests.

Published with the authority of VicRoads.

Dated 6 November 2008

For and on behalf of VicRoads
BERNARD TOULET
Director – Property Services

Water Act 1989

SECTION 122P(1c ii)

Extension of the Melton Sewerage District

For the purpose of the **Water Act 1989**, Western Region Water Corporation (Western Water) gives notice of a proposed extension of the Melton Sewerage District.

The proposed extension is shown on the Western Region Water Corporation Map reference number WW 01020 and is the areas bounded by the red line.

Plans of the proposed district can be viewed at Western Water's office at 36 Macedon Street, Sunbury, during normal business hours.

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

Any submissions should be sent to Tim Goss, PO Box 2371, Sunbury DC 3429. Submissions must be received by 6 December 2008.

Contact Tim Goss, Sustainability Team, 03 9218 5462.

Health Professions Registration Act 2005

PODIATRISTS FEES FOR 2009 (applying from 1 December 2008)

As per section 140(1)(c) of the **Health Professions Registration Act 2005**

General registration	\$400
General registration for a period of less than 3 months	\$90
Specific registration	\$315
Specific registration for a period of less than 3 months	\$90
Renewal of registration	\$315
Non-practising registration	\$70
Additional renewal fee	\$120
Application for General Registration (Restoration)	\$520
Post Graduate qualifications	\$120
Copy of the register (printed)	\$60
Copy of the register on computer disk	\$30
Extract from the register	\$30
Issue of Replacement Certificate	\$60

The additional renewal fee applies from 1 January 2009 to 31 March 2009. If a renewal form is received during this period, the total fee (renewal plus additional fee) payable is \$435.00

M. E. STRICKLAND
Registrar

Private Agents Act 1966

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

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

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

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

<i>Full Name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>	<i>Date of Hearing of Application</i>
Wendy Lee Reynolds	Robert Stack & Associates Pty Ltd	9 Indra Road, Blackburn South, Vic. 3130	Commercial Sub-Agents	05/01/2009
Samantha Kelly Nealon	Robert Stack & Associates Pty Ltd	9 Indra Road, Blackburn South, Vic. 3130	Commercial Sub-Agents	05/01/2009

Dated at Ringwood 29 October 2008

BRYN LAWRENCE
Deputy Registrar
Magistrates' Court of Victoria

ROAD SAFETY (VEHICLES) REGULATIONS 1999

Class 2 Notice

Specification of Routes for Class 2 Vehicles

1. Purpose

To specify additional highways and routes that Class 2 vehicles travelling under the following Notices –

- a) Special Gazette S 248 dated 21 September 2006 – Specification of Controlled Access Bus Routes;
 - b) Special Gazette S 253 dated 27 September 2006 – Conditional Exemption of Heavier Controlled Access Buses with Road Friendly Suspension from Certain Mass Limits;
 - c) Special Gazette S 321 dated 7 December 2007 – Specification of B-double Routes and Conditional Exemption of Longer B-doubles;
 - d) Special Gazette S 326 dated 7 December 2007 – Conditional Exemption of Heavier and Longer B-doubles with Road Friendly Suspension from Certain Mass Limits;
 - e) Special Gazette S 327 dated 7 December 2007 – Conditional Exemption of Vehicles Built to Carry Other Vehicles and of Vehicles built to Carry Livestock from Certain Mass Limits;
 - f) Special Gazette S 333 dated 28 December 2006 – Vehicles with Advanced Environmental and Safety Technologies;
- may travel in or on for the period of this Notice.

2. Authorising provision

This Notice is made under Regulation 510 and Clauses 11, 37 and 42 of Schedule 2 to the Road Safety (Vehicles) Regulations 1999.

3. Commencement

This Notice comes into operation on Saturday 8 November 2008.

4. Expiration

This Notice expires at 4 pm, Sunday 9 November 2008.

5. Interpretation

- (1) In this Notice, unless the contrary intention appears, expressions used have the same meaning as in the **Road Safety Act 1986** and the Road Safety (Vehicles) Regulations 1999.

- (2) For the avoidance of doubt, it is declared that nothing in this Notice is intended to authorise the driving of a vehicle in a manner or in a condition or place that is contrary to any law.

Example

The specification of a highway as a B-double route does not permit a B-double to be driven over any bridge in contravention of a posted mass or dimension limit in relation to that bridge.

- (3) Reference to the VicRoads Country Street Directory of Victoria ('VSD') is provided to aid the reader and is not part of this Notice.

6. Declaration

By this Notice, the Roads Corporation specifies that –

- Loch Street between Williams Street and Church Street, Beechworth, VSD 659 O4;
 - High Street between Williams Street and Church Street, Beechworth, VSD 659 O5;
 - Williams Street between Loch Street and High Street, Beechworth, VSD 659 O4;
 - Church Street between Loch Street and High Street, Beechworth, VSD 659 O5;
- are routes that are permitted to be used by Class 2 vehicles travelling under the provisions of the Gazette Notices listed above for the period of this Notice.

Dated 28 October 2008

GEORGE MAVROYENI
Executive Director
Road Safety and Network Access
Roads Corporation (pursuant to an instrument of delegation
made under the official seal of the Roads Corporation)

ROAD SAFETY (VEHICLES) REGULATIONS 1999

Class 1 Notice

Specification of Routes for Class 1 Vehicles under Permit

1. Purpose

To specify additional highways and routes that Class 1 vehicles that are travelling under specific permit and/or Special Gazette S 333 dated 28 December 2006, may travel in or on for the period of this Notice.

2. Authorising provision

This Notice is made under Regulation 504 and Clause 7 of Schedule 1 of the Road Safety (Vehicles) Regulations 1999.

3. Commencement

This Notice comes into operation on Saturday 8 November 2008.

4. Expiration

This Notice expires at 4 pm, Sunday 9 November 2008.

5. Interpretation

- (1) In this Notice, unless the contrary intention appears, expressions used have the same meaning as in the **Road Safety Act 1986** and the Road Safety (Vehicles) Regulations 1999.
- (2) For the avoidance of doubt, it is declared that nothing in this Notice is intended to authorise the driving of a vehicle in a manner or in a condition or place that is contrary to any law.

Example

The specification of a highway as a Class 1 vehicle route does not permit a Class 1 vehicle to be driven over any bridge in contravention of a posted mass or dimension limit in relation to that bridge.

- (3) Reference to the VicRoads Country Street Directory of Victoria ('VSD') is provided to aid the reader and is not part of this Notice.

6. Declaration

By this Notice, the Roads Corporation specifies that –

- Loch Street between Williams Street and Church Street, Beechworth, VSD 659 O4;
- High Street between Williams Street and Church Street, Beechworth, VSD 659 O5;
- Williams Street between Loch Street and High Street, Beechworth, VSD 659 O4;
- Church Street between Loch Street and High Street, Beechworth, VSD 659 O5;

– are routes that are permitted to be used by a class 1 vehicle that is a load carrying vehicle or load carrying combination, or a Special Purpose Vehicle or an Agricultural Vehicle, operating under permit issued pursuant to Regulation 504 of the Road Safety (Vehicles) Regulations 1999 for the period of this Notice.

Dated 28 October 2008

GEORGE MAVROYENI
Executive Director
Road Safety and Network Access
Roads Corporation (pursuant to an instrument of delegation
made under the official seal of the Roads Corporation)

ROAD SAFETY (VEHICLES) REGULATIONS 1999**Class 3 Notice****Specification of Routes for Class 3 vehicles****1. Purpose**

To specify additional highways and routes that Class 3 vehicles with road friendly suspension travelling under the following Notices –

- a) Special Gazette S 325 dated 7 December 2007 – General Heavy Vehicles with Road Friendly Suspension to be Class 3 Vehicles and Class 3 Notice – Conditional Exemption from Mass Limits;
- b) Special Gazette S 333 dated 28 December 2006 – Vehicles with Advanced Environmental and Safety Technologies;

– may travel in or on for the period of this Notice.

2. Authorising provision

This Notice is made under Regulation 516 and 518 of the Road Safety (Vehicles) Regulations 1999.

3. Commencement

This Notice comes into operation on Saturday 8 November 2008.

4. Expiration

This Notice expires at 4 pm, Sunday 9 November 2008.

5. Interpretation

- (1) In this Notice, unless the contrary intention appears, expressions used have the same meaning as in the **Road Safety Act 1986** and the Road Safety (Vehicles) Regulations 1999.

- (2) For the avoidance of doubt, it is declared that nothing in this Notice is intended to authorise the driving of a vehicle in a manner or in a condition or place that is contrary to any law.

Example

The specification of a highway as a Higher Mass Limit vehicle route does not permit a vehicle to be driven over any bridge in contravention of a posted mass or dimension limit in relation to that bridge.

- (3) Reference to the VicRoads Country Street Directory of Victoria ('VSD') is provided to aid the reader and is not part of this Notice.

6. Declaration

By this Notice, the Roads specifies that –

- Loch Street between Williams Street and Church Street, Beechworth VSD 659 O4;
 - High Street between Williams Street and Church Street, Beechworth, VSD 659 O5;
 - Williams Street between Loch Street and High Street, Beechworth, VSD 659 O4;
 - Church Street between Loch Street and High Street, Beechworth, VSD 659 O5;
- are routes that are permitted to be used by class 3 vehicles travelling under the provisions of the Gazette Notices listed above for the period of this Notice.

Dated 28 October 2008

GEORGE MAVROYENI
Executive Director
Road Safety and Network Access
Roads Corporation (pursuant to an instrument of delegation
made under the official seal of the Roads Corporation)

Wildlife Act 1975**WILDLIFE (PORT PHILLIP BAY WHALE (DOLPHIN) SWIM TOUR AREA)
ORDER 2008/2010**

I, Peter Harris, Secretary to the Department of Sustainability and Environment, make the following Order:

Objective

1. The objective of this Order is –
 - (a) to proclaim the Port Phillip Bay Whale (Dolphin) Swim Tour Area as a whale swim tour area;
 - (b) to invite applications for whale swim tour permits in respect of dolphins in the area;
 - (c) to specify the permit fees and the maximum number of permits in respect of dolphins in the area;
 - (d) to specify the procedures and criteria for the making and assessment of applications for permits.

Authorising provision

2. This Order is made under section 83F of the **Wildlife Act 1975**.

Commencement

3. This Order operates from 6 November 2008 until 30 June 2010.

Definition

4. In this Order –
 - ‘**dolphin**’ means any member of the family *Delphinidae* of the sub-order *Odontoceti* of the order *Cetacea*;
 - ‘**Port Phillip Bay Whale (Dolphin) Swim Tour Area**’ means the whale swim tour area proclaimed under clause 5.

Proclamation of Port Phillip Bay Whale (Dolphin) Swim Tour Area

5. The area described in Schedule 1 is proclaimed to be a whale swim tour area.

Applications for whale swim tour permits

6. Applications for whale swim tour permits for the Port Phillip Bay Whale (Dolphin) Swim Tour Area are invited to conduct whale swim tours involving dolphins.
7. The holder of an existing whale swim tour permit may apply for a permit.
8. Applications in writing must be received by 2.00 pm on Thursday 13 November 2008 and addressed to: Confidential, 2008/2010 Whale (Dolphin) Swim Tour Permit Application E1240, Tender Box – Reception, Parks Victoria, Level 10, 535 Bourke Street, Melbourne, Victoria 3000.
9. Applications must include the information specified in the ‘Information Kit for Applicants for Whale (Dolphin) Swim Tour Permits on Port Phillip Bay’ in Schedule 2.

Criteria to be used for assessment of applications

10. Applications for whale swim tour permits will be assessed according to the criteria set out in the ‘Information Kit for Whale (Dolphin) Swim Tour Permits on Port Phillip Bay’ in Schedule 2.

Maximum number of whale swim tour permits

11. The maximum number of whale swim tour permits to be granted for the Port Phillip Bay Whale (Dolphin) Swim Tour Area is two (2).

Fee for whale swim tour permits

12. The fee for a whale swim tour permit is the fee prescribed in Regulation 8(2) of the Wildlife (Whales) Regulations 1998.

Dated 24 October 2008

PETER HARRIS

Secretary to the Department of Sustainability and Environment

SCHEDULE 1

All the waters of Port Phillip Bay that are more than 100 metres seaward of the low water mark of Port Phillip Bay, except the waters of the following areas that are declared as fisheries reserves for aquaculture purposes under section 88 of the **Fisheries Act 1975**¹:

Grassy Point Aquaculture Fisheries Reserve

Clifton Springs Aquaculture Fisheries Reserve

Kirk Point–Werribee Aquaculture Fisheries Reserve

Bates Point Aquaculture Fisheries Reserve

Beaumaris Aquaculture Fisheries Reserve

Mount Martha Aquaculture Fisheries Reserve

Dromana Aquaculture Fisheries Reserve

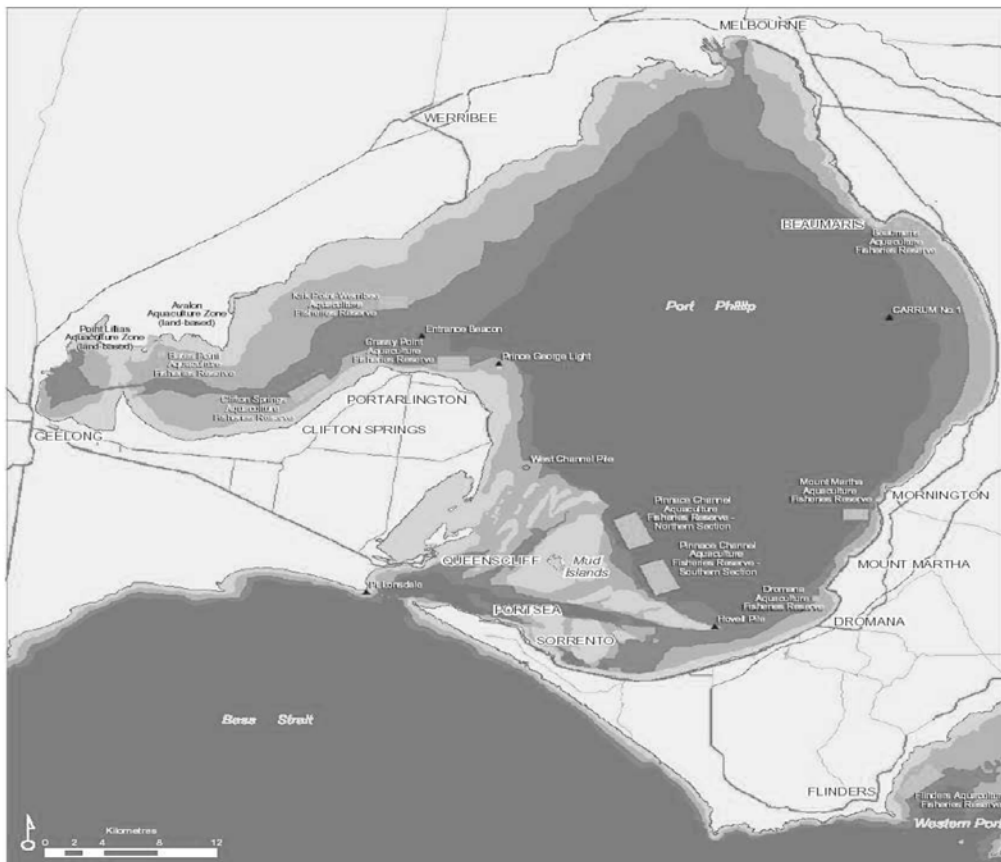
Pinnacle Channel Aquaculture Fisheries Reserve

NOTES

1. These fisheries reserves were declared by Orders in Council published in the Government Gazette G 10 on 6 March 2003 at pages 399–407. The Orders define the boundaries of each fisheries reserve (map below).

Section 83I of the **Wildlife Act 1975** provides that the holder of a whale swim tour permit must comply with the conditions of the permit. Penalty: 100 penalty units or 6 months imprisonment or both the fine and imprisonment.

Port Phillip Aquaculture Zones



Map Notes
 Port Information sourced from Victorian Channels Authority
 Bathymetry sourced from DSE MAFFRI
 Base Information DSE CGDL
 Map Projection
 Horizontal Datum AGD1966 (AMG Zone65)
 Cartography by Spatial Vision
 May 2005 Ref. S\000905

Legend

 Aquaculture Sites	Freeway	NAV_AIDS
 0-5 metres	Highway	WCH_NAVAIDS
 5-10 metres	Main road	
 10-15 metres	Other Road	
 > 15 metres		

SCHEDULE 2

**INFORMATION KIT FOR APPLICANTS
FOR
WHALE (DOLPHIN) SWIM TOUR PERMITS
ON PORT PHILLIP BAY**

2008/10 SEASON

INFORMATION KIT FOR APPLICANTS FOR WHALE (DOLPHIN) SWIM TOUR PERMITS
ON PORT PHILLIP BAY FOR THE 2008/10 SEASON

Parks Victoria, on behalf of the Department of Sustainability and Environment, is inviting applications for Whale (Dolphin) Swim Tour Permits for the period between 1 July 2008 to 30 June 2010.

These permits will apply only to dolphins in Port Phillip Bay.

Throughout this Information Kit and the Application Form, the permits are referred to as 'dolphin swim tour permits'.

1. BACKGROUND

Victoria's Port Phillip Bay supports a small but highly significant resident population of inshore bottlenose dolphins.

Dolphins are wildlife protected under Victoria's **Wildlife Act 1975** and the Wildlife (Whales) Regulations 1998.

In 2002, the Wildlife Act was amended to allow a particular area to be declared by the Department of Sustainability and Environment to be 'a whale swim tour area' and for the number of tour permits and the level of tour activity in that area to be managed within an ecologically sustainable threshold. Under the Act, that threshold must be determined according to the best available information as to the effect that the conduct of activities is likely to have on individual whales or groups of whales in the area.

To assist in the determination of this threshold, the (then) Department of Natural Resources and Environment funded the Dolphin Research Institute based at Hastings, to analyse data on dolphin interactions with tour and recreational vessels in Port Phillip Bay. This data has been gathered over several years with the assistance of tour operators.

The Cooperative Research Centre for Sustainable Tourism was subsequently engaged to undertake the review of this and other local and international research, the principal reviewer being Dr Peter Hale of the University of Queensland. The objective of the review was to determine within a triple bottom line framework (ecological, social and economic) whether the current level of activity is sustainable and, if not, what action should be taken.

The review has identified that:

- *The Port Phillip Bay dolphin population is small and distinct from adjacent bottlenose dolphin populations in Bass Strait.*
- *This population is vulnerable to extinction due to its size, female natal philopatry (see below), restricted home range and the large amount of human activity within the home range that is likely to be having an adverse impact.*
- *Breeding females are a critical population parameter. Females stay at or near their birth site and if they perish they are unlikely to be replaced by females from other distant populations.*
- *Dolphin tour boats account for far more interaction with dolphins than do private recreational boats.*
- *The proximity of tour boats is the key disturbance factor posed by boating interaction with dolphins in Port Phillip Bay. Avoidance behaviour (diving, changing direction) in response to tour boats and other motorised vessels is the major indicator of disturbance that needs to be monitored and minimised. While not categorical, evidence of stress 'avoidance behaviour' is a recognised indicator of change in natural cetacean behaviour.*
- *The cumulative time that tour boats spend in close proximity to dolphins (within 100 m) is high and has increased over the last two seasons.*

2. ADMINISTRATION OF PERMITS

Parks Victoria manages the administration of the tour operator licensing system for public land and waters under delegation from the Department of Sustainability and Environment (DSE). This licensing system includes land-based tour operators in parks and forests, tour operators in marine parks and marine sanctuaries and permits for swim and sightseeing dolphin tour operators in Port Phillip Bay.

Parks Victoria will manage the application and assessment process for the dolphin swim permits with support and advice from DSE. Parks Victoria will also provide ongoing advice for operators on permit issues.

2.1 Issuing of Dolphin Swim Tour Permits for 2008/10

Applications for Dolphin Swim Tour Permits via a competitive allocation process have been invited by a series of newspaper advertisements placed during June 2008.

Two Dolphin Swim Tour Permits will be made available for the period between 6 November 2008 to 30 June 2010.

In accordance with the section 83C of the **Wildlife Act 1975**, permits will be issued in the name of a natural person, not a corporate or business name.

Only one permit will be issued per person. Applicants may nominate other natural persons as 'tour supervisors'. Tour supervisors will be permitted to conduct tours in the absence of the permit holder, but the permit holder retains overall responsibility for all activities conducted under the permit. Applicants must ensure that such nominees are aware of and understand the relevant regulations and permit conditions.

The permit will only be applicable to vessels nominated in the application.

The application and assessment process for the 2008/10 season, and future seasons, will be via a competitive process.

As Whale (Dolphin) Swim Tour Permits are issued to individuals rather than businesses, there is no legal impediment to two individuals in the same business each having a permit. However, in deciding whether to grant a permit to a person in the same business as an existing permit holder, the assessment panel will consider the potential impact on competition and entry to the market for new operators, as set out in the criteria below, in addition to any other relevant factors.

2.2 Application process

Applicants will be required to provide:

A completed 2008/10 Whale (Dolphin) Swim Tour Permit Application; including

- documentation providing evidence of compliance with the 'mandatory' criteria listed in Section 3.1; and
- a written submission (and supporting documentation) that addresses the 'weighted' selection criteria outlined in Section 3.2 of this document.

Applicants are to lodge their completed 2008/10 Whale (Dolphin) Swim Tour Permit Application as per the instructions outlined in Section 5 (Submission of Applications).

2.3 Assessment process

An assessment panel comprising representatives from Parks Victoria, DSE, Tourism Victoria and Marine Safety Victoria will consider each application on its merits, according to specified criteria. Successful applicants must meet the mandatory criteria and demonstrate a satisfactory performance in each of the weighted criteria.

Parks Victoria and DSE are under no obligation to issue all available permits.

The panel may choose to interview shortlisted applicants as part of the assessment process.

Where there are more than four satisfactory applications, the applicants best able to demonstrate their conduct in relation to environmental protection of the dolphin, safety of participants and a quality interpretive experience will be granted permits.

Recommendations will then be provided to the senior manager at Parks Victoria who has the statutory delegation to issue the permits.

3. SELECTION CRITERIA

Applicants will be assessed on the basis of their demonstrated ability to meet the following mandatory and weighted selection criteria.

Applicants must demonstrate their previous experience and performance in relation to each of the criteria, as well as proposed operations for the forthcoming season.

Where an applicant has been found guilty of an offence under the **Wildlife Act 1975** or the Wildlife (Whales) Regulations 1998, or a similar offence in another jurisdiction, or has failed to comply with the Act, regulations or conditions of past permits, the application may be refused.

The criteria are designed to ensure the highest levels of professional conduct for environmental protection of the dolphins, safety of participants and interpretation of wildlife and ecosystem values.

3.1 Mandatory Criteria

Applicants must be able to demonstrate:

1. Current public liability insurance cover to the value of \$10 million with an insurer approved by the Australian Prudential Regulation Authority (APRA).
2. Compliance of the applicant's nominated vessel and staff with the requirements of the **Marine Act 1988** and Marine Regulations 1999 including:
 - valid and up-to-date Certificate of Survey for the nominated vessel;
 - current Certificates of Competency for the nominated master(s) and crew of the vessel, appropriate to the vessel class, length and operational area.

To demonstrate the mandatory criteria, copies of appropriate schedules, certificates and qualifications must be attached to the Application Form.

3.2 Weighted Criteria

A written submission must be provided, with attached supporting documentation where necessary, addressing past performance and proposed action in relation to each of the following criteria:

1. Environmental Awareness
2. Visitor Experience and Understanding
3. Safety
4. Business Capacity and Resources.

The following table provides some indication of the scope of each of these criteria as well as suggestions of ways in which applicants could demonstrate their ability to meet these criteria. The table is a guide only – applicants may include other relevant information that they feel would support their submission.

Criteria	Please demonstrate how you meet the below criteria
<p>1. Environmental Awareness</p> <ul style="list-style-type: none"> ● Understanding of dolphin behaviour and biology; ● Understanding of dolphin/ human interaction including dolphin stress factors; ● Commitment to co-operating with on-going research and monitoring; ● Understanding of Wildlife (Whale) Regulations 1998 including compliance history where relevant. 	<ul style="list-style-type: none"> ● Previous experience in the dolphin swim industry; ● Previous experience in other related activities; ● Proposed methods to minimise disturbance to dolphins; ● Interpretive messages (to be) delivered; ● Previous NRE/DSE report card or other indicator of past performance; ● Ecotourism certification Program (formerly NEAP) certification or equivalent; ● Brochure or web content; ● Evidence of sustainable practices incorporated into vessel and activity operations.
<p>2. Visitor Experience & Understanding</p> <ul style="list-style-type: none"> ● Education and interpretation program and skills; ● Broad-based product i.e. an itinerary and commentary focussed on more than the dolphins. 	<ul style="list-style-type: none"> ● Experience, qualifications and role of support staff; ● Interpretive messages delivered/ outline of commentary; ● An Interpretation Plan; ● Eco certification Program (formerly NEAP) or equivalent accreditation; ● Client testimonials or satisfaction surveys; ● Brochure or web content; ● Staff to client ratios.
<p>3. Activity Safety</p> <ul style="list-style-type: none"> ● Risk mitigation; ● Emergency response capability. <p>(Note: This section refers to activity safety and the staff that supervise the <i>activity</i>. This is separate from 3.1.2 which refers to the vessel operation crew).</p>	<p>Provide Operating procedures which address each of the following in line with the Victorian Snorkelling (scuba diving, and wildlife swims) Adventure Activity Standard (AAS):</p> <ul style="list-style-type: none"> ● A Risk Assessment Checklist (AAS 1.3); ● An Emergency Strategy (AAS 1.4); ● Experience, qualifications and role of activity staff (AAS 2.1 & 2.2, 2.4, 2.5); ● Supervision of activities (AAS 2.6, 2.7); ● Equipment (AAS 3); <p>and also address:</p> <ul style="list-style-type: none"> ● Occupational Health & Safety policies and/or training ● Provide safety history for past five years.
<p>4. Business Capacity & Resources</p> <ul style="list-style-type: none"> ● Capacity to deliver service including vessel and staff; ● Commitment and skills relevant to business capacity such as quality customer service and accreditation; ● Potential impact on competition. 	<ul style="list-style-type: none"> ● Business plan; ● Better Business (or equivalent) accreditation; ● A Staff Development Plan; ● Brochure/ web site – advertised or proposed schedule; ● Vessel specifications and facilities; ● Membership of local and regional tourism industry associations; ● Whether the applicant’s business already holds a permit in the swim tour area.

4. PERMIT CONDITIONS

4.1 Whale (Dolphin) Swim Tour Area

The Wildlife (Port Phillip Bay Whale (Dolphin) Swim Tour Area) Order 2008/2010 gazetted all the waters more than 100 metres seaward of the low water mark of Port Phillip Bay as a Whale (Dolphin) Swim Tour Area. The Whale (Dolphin) Swim Tour Area includes marine national parks and sanctuaries under the **National Parks Act 1975**, but excludes Aquaculture Fisheries Reserves under section 88 of the **Fisheries Act 1975** (see Appendix A).

4.2 Acts and Regulations

Swims are to be conducted in accordance with the **Wildlife Act 1975** and the Wildlife (Whales) Regulations 1998, and permit conditions.

Section 83I of the **Wildlife Act 1975** provides that the holder of a whale (dolphin) swim tour permit must comply with the conditions of the permit. The penalty for breach of this provision is 100 penalty units or 6 months imprisonment or both fine and imprisonment.

Section 83J of the **Wildlife Act 1975** states that an authorising officer may direct the holder of a whale (dolphin) swim tour permit to immediately cease any activity being carried out under the permit, if the authorised officer reasonably believes that the activity is detrimental to the welfare of any whale. The penalty for breach of this provision is 50 penalty units or 3 months imprisonment or both fine and imprisonment.

Vessel Operating and Zoning Rules for Victorian Waters (Notice 1 under section 15(2) of the **Marine Act 1988**) and Harbour Masters Directions under the **Port Services Act 1995**, also apply. See Marine Safety Victoria for copies of these requirements.

During the next 12–18 months the Department of Sustainability and Environment, in consultation with stakeholders, will be developing a new set of Regulations for the management of marine mammals in Victoria. These regulations will replace the existing Wildlife (Whales) Regulations 1998 and will come into effect in late 2009.

4.3 Permit Term

The permits being allocated for 2008/10 are non-renewable and will be allocated for the period until 30 June 2010.

Upon expiry of the permit, previous holders will need to apply through a new application process, along with all other interested parties.

4.4 General Conditions

Permits are not transferable and cannot be traded on the open market. Parks Victoria and DSE may decide to assign the remainder of the two year permit to a prospective purchaser of a dolphin swim business, providing they meet all of the selection criteria, or may choose to readvertise for a new application.

A full list of general conditions is included in the 2008/10 Whale (Dolphin) Swim Tour Permit Application. General Conditions include compliance with the industry developed AAS for Snorkelling (scuba diving, and wildlife swims). A copy of this AAS is available on the Outdoor Recreation Centre website – www.orc.org.au

4.5 Permit Fee

For 2008/10, the required fee for a dolphin swim tour permit is \$794.50, as specified in regulation 8(2) of the Wildlife (Whale) Regulations 1998.

Section 83G of the **Wildlife Act 1975** requires a person who is granted a whale (dolphin) swim tour permit to pay the required fee on the grant of the permit. However the applicant may choose to enclose a cheque or provide credit card details with the Application Form.

5. SUBMISSION OF APPLICATIONS

Five (5) copies of the application must be received by Parks Victoria no later than 2.00 pm on Thursday 13 November 2008.

Applications must be marked: Confidential, 2008/10 Whale (Dolphin) Swim Tour Permit Application E1240 and be delivered to Tender Box – Reception, Parks Victoria, Level 10, 535 Bourke Street, Melbourne, Victoria 3000.

Late applications will not be considered.

**APPENDIX A –
MAP OF PORT PHILLIP BAY SHOWING FISHERIES RESERVES**

Aquaculture Zones of Port Phillip and Western Port



Map Notes
 Port information sourced from Victorian Channels Authority
 Bathymetry sourced from DSE MAPRI Base Information DSE OSGL
 Map Projection
 Horizontal Datum AGD1965 (AMG Zone55)
 Spatial Vision
 Cartography by Spatial Vision
 May 2003 Ref SV002805

Legend

	Aquaculture Sites		Freeway		NAV_AIDS
	0-5 metres		Highway		WCH_NAVAIDS
	5- 10 metres		Main road		
	10 - 15 metres		Other Road		
	> 15 metres				



2008/10 WHALE (DOLPHIN) SWIM TOUR PERMIT APPLICATION

This application is for a Permit to conduct (Whale) Dolphin Swim Tours in Port Phillip Bay

Complete the steps below and forward your application to Parks Victoria for assessment.

CHECKLIST (Please complete to ensure application is processed in a timely manner)	(please ✓ tick)
1 Read and understood the attached "Information Kit for Applicants"	
2 Applicant details and proposed tour schedules complete	
3 Read and understood all Permit Conditions (see page 8)	
4 Addressed the mandatory selection criteria (see page 7)	
5 Addressed the weighted selection criteria (see page 7)	
6 Attached appropriate Public Liability Insurance certificate of currency (see pages 7, 10 & 11)	
7 Read, understood and signed Insurance and Indemnity provisions (see page 10-11)	
8 Attached current Certificate of Survey for your vessel	
9 Attached relevant Certificate of Competency for nominated tour supervisors	
10 Signed the permit application authorisation below	
11 Attached relevant permit fees (all cheques made payable to Parks Victoria)	

Whale (Dolphin) Swim Tour Permit applications will be assessed only when complete.

Applications should be forwarded to:

**Tender Box – Reception,
Parks Victoria,
Level 10, 535 Bourke Street,
Melbourne VIC 3000**

Authorisation

By completing this application form for a Whale (Dolphin) Swim Tour Permit, the applicant undertakes to comply with the conditions set out in Parts 4 and 6 of this form.

Surname:

Given name:

Position:

Company/Association:

Signed:

Date:

Whale (Dolphin) Swim Tour Permits are whale swim tour permits (under the provisions of the Wildlife Act 1975 and Wildlife (Whale) Regulations 1998) and only apply to:

- the "Port Phillip Bay Whale (Dolphin) Swim Tour Area" as proclaimed by the Wildlife (Port Phillip Bay Whale (Dolphin) Swim Tour Area) Order 2007/2008 or any Order made under section 83F of the Wildlife Act that replaces it from time to time.
- dolphins (ie any member of the family *Delphinidae* of the sub-order *Odontoceti* of the order *Cetacea*).

Whale (Dolphin) Swim Tour Permit holders do not require a separate licence to conduct dolphin swim tours in marine parks and marine sanctuaries within the Port Phillip Bay Whale (Dolphin) Swim Tour Area.

Whale (Dolphin) Swim Tour Permits are:

- not transferable* (for example, to another individual or entity)
- not renewable. Upon expiry of the Permit on 30 June 2010, previous permit holders will need to apply through a new application process along with all other interested parties
- for the use of the applicant specified in this form only
- issued on the basis that the Permit Holder accepts and undertakes to comply with the permit conditions.
- issued pursuant to *Wildlife Act 1975*.

Industry Contact information:

Listed below are contact details of industry organisations you may find useful.

- | | | |
|--|--------------|--|
| • Marine Safety Victoria | 1800 223 022 | www.marinesafety.vic.gov.au |
| • Tourism Alliance Victoria | 03 9650 8399 | www.tourismalliance.com.au |
| • Tourism Victoria | 03 9653 9777 | www.tourism.vic.gov.au |
| • Food Safety Victoria | 1300 364 352 | www.health.vic.gov.au/foodsafety/ |
| • Consumer Affairs Victoria – liquor licensing | 1300 558 181 | www.consumer.vic.gov.au |
| • Business Victoria | 132 215 | www.business.vic.gov.au |
| • Victorian Taxi Directorate | 03 9655 6666 | www.taxi.vic.gov.au |
| • Worksafe Victoria | 1800 136 089 | www.workcover.vic.gov.au |

Please Note:

- If you are planning to talk to your tour participants about known Aboriginal sites, places or folklore (beyond information contained in the current Parks Victoria Park Notes), it is advisable to contact the relevant Aboriginal people for their input and endorsement.

* "Transfer" means to give, sell or otherwise assign a permit to another person, company or association, whether for cost, a reward or for free and includes any sale, change of control or other assignment as a result of sale of the entity holding the licence.

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PART 1 – APPLICANT DETAILS

1A Permit to be issued to an INDIVIDUAL

Family name:

Given name:

Business and/or Trading name/s:

Registered for GST: (please tick) Yes No

Australian Business Number (ABN) if applicable:

Address for correspondence or registered office address:

Street address:

Telephone (Bus hours):

Telephone (After hours):

Mobile:

Fax number:

Email:

Website:

Parks Victoria is collecting the information on this form so that your application for a Whale (Dolphin) Swim Tour Permit can be considered. Parks Victoria will also use this information to assess your compliance with permit conditions. This information will be stored on a database held by Parks Victoria and may be disclosed to other government bodies such as the Department of Sustainability and Environment (DSE).

Whale (Dolphin) Swim Tour Permit Holders are automatically listed on Parks Victoria's website (www.parkweb.vic.gov.au)

Please tick if you DO NOT want your contact details available on the Parks Victoria website

Vessel used to conduct Whale (Dolphin) Swim Tours:

VESSEL

Name:

Class:

Length:

Note: A current Certificate of Survey for the nominated vessel must be included with this application.

Alternate Vessel

VESSEL

Name:

Class:

Length:

Note: A current Certificate of Survey for the nominated vessel must be included with this application.

Nominated Tour Supervisors:

1.
2.
3.
4.

Note: Certificates of competency for nominated master(s) and crew of the vessel must be appropriate to the vessel class, length and operational area.

PART 3 – SELECTION CRITERIA

Whale (Dolphin) Swim Tour Permit applicants will be assessed on the basis of their demonstrated ability to meet the mandatory and weighted selection criteria outlined below.

The criteria are designed to ensure the highest levels of professional conduct for protection of the dolphins, safety of participants and interpretation of wildlife and ecosystem values.

Mandatory Criteria

Applicants must be able to demonstrate:

1. Current public liability insurance to the value of \$10 million with an insurer approved by the Australian Prudential Regulation Authority (APRA). A list of approved insurers can be found on the APRA website (www.apra.gov.au).
2. Compliance of the applicant's nominated vessel and staff with the requirements of the Marine Act 1988 and Marine Regulations 1999 including:
 - a) Valid and up to date Certificate of Survey for nominated vessel: and
 - b) Current Certificates of Competency for nominated master(s) and crew of the vessel appropriate to the vessel class, length and operational area.

To demonstrate the mandatory criteria, copies of appropriate schedules, certificates and qualifications must be attached to the application form.

Weighted Criteria

A written submission should be provided, with attached supporting documentation where necessary, addressing past performance and proposed action in relation to each of the following criteria:

1. Environmental awareness;
2. Visitor experience and understanding;
3. Safety;
4. Business capacity and resources.

The table in Section 3 of the Information Kit provides some indication of the scope of each of these criteria as well as suggestions of ways in which applicants could demonstrate their ability to meet these criteria. Applicants may include any information they feel would support their submission.

PART 4 – PERMIT CONDITIONS

CONDITIONS

Note: Any reference to Parks Victoria includes DSE.

- 1 This permit applies only to dolphins (ie any member of the family Delphinidae of the sub-order Odontoceti of the order Cetacea).
- 2 This permit only applies to the "Port Phillip Bay Whale (Dolphin) Swim Tour Area" as proclaimed by the Wildlife (Port Phillip Bay Whale (Dolphin) Swim Tour Area) Order 2007/2008 or any Order made under section 83F of the Wildlife Act that replaces it from time to time.
- 3 The Permit Holder must comply with the Wildlife (Whales) Regulations 1998 and any conditions, determined by the Secretary, that are specified or referred to in the permit.
- 4 The Permit Holder must not undertake dolphin swim tours in fisheries reserves declared under Section 88 of the Fisheries Act 1995 that have been declared for the purpose of aquaculture.
- 5 The Permit Holder acknowledges that:
 - 5.1 the law which governs the use of the location or area requires the Permit Holder not to damage the location or engage in any use of the location which conflicts with the purpose for which the land or water has been reserved;
 - 5.2 offences may be created, and penalties may be imposed, by the legislation which governs the use of the location.
 - 5.3 this permit does not exempt the Permit Holder from complying with all legislation applicable to the Port Phillip Bay Whale (Dolphin) Swim Tour Area.
- 6 The Permit Holder and the Permit Holder's employees, agents and clients will obey all reasonable directions given by an authorised officer at the site/s.
- 7 The Permit Holder must notify the appropriate DSE or Parks Victoria Officer of any natural or other disaster, injury, illness or delay that may impact on the tour group.
- 8 Only Dolphin Swim Tours are allowed to be conducted on any tour.
- 9 Except as expressly authorised by this permit, the Permit Holder must not damage, destroy, disrupt or remove any native flora (live or dead) or any native fauna from the site or the park. (This includes Marine National Parks and Marine Sanctuaries)
- 10 Except as expressly authorised by this permit, the Permit Holder must not damage, deface, remove or otherwise interfere with any built asset, natural feature or cultural heritage place.
- 11 Feeding or handling of wildlife is not permitted.
- 12 Permit Holders must maintain a current Certificate of Survey as required by the *Marine Act 1988* (Vic) in respect of all nominated vessels.
- 13 All nominated master(s) and crew of the vessel must hold a valid Certificate of Competency appropriate to the vessel class, length and operational area as required by the *Marine Act 1988* (Vic).
- 14 Permit Holders must operate their vessels in accordance to the Vessel Operating and Zoning Rules for Victorian Waters under the *Marine Act 1988* and Harbour Masters Directions under the *Port Services Act 1995*.
- 15 The permit only applies to vessels nominated in the application. If a Permit Holder wishes to change the vessel(s) used, he or she must apply to Parks Victoria for a variation to their permit.
- 16 Permit Holders must:
 - 16.1 make all clients aware **before the tour commences** of:
 - (a) all potential hazards and conditions which may be encountered during the tour. These may include, but are not limited to, heights, exposure to weather, rapid flowing water, fauna and flora; and
 - (b) the experiences clients may encounter during the tour.
 - 16.2 ensure procedures are in place to minimise the risk of potential hazards to clients. These procedures may include, but are not limited to, pre-tour briefings, safety equipment and head counts.
 - 16.3 ensure that all guides and employees have the relevant competencies and skills for leading and guiding an activity.
 - 16.4 ensure that supervision is appropriate to the differing clients' experiences and abilities.
- 17 The Permit Holder is required to submit trip return documentation to Parks Victoria at the conclusion of the Dolphin Swim Tour season (April 2008 and April 2009).
- 18 Parks Victoria may cancel the permit for breach of the terms and conditions of the permit.
- 19 If a conflict arises from, or connected with, the Permit, the Permit Holder agrees to utilise, and participate in, a conflict resolution procedure established with the Victorian Tourism Operators Association.
- 20 Whale (Dolphin) Swim Tour Permit Holders must comply with the industry developed Adventure Activity Standard for Snorkelling (scuba diving, and wildlife swims). A copy of this is available at the Outdoor Recreation Centre website at www.orc.org.au
- 21 The Licence Holder must effect and maintain throughout the term of the licence an appropriate public liability insurance policy with an insurer approved by Parks Victoria.

PART 5 – FEES: 2008/10

TAX INVOICE
Parks Victoria ABN 95 337 637 697
Level 10, 535 Bourke Street, Melbourne VIC 3000

The fee for a Whale (Dolphin) Swim tour permit is \$794.50 as specified under Section 8(2) of the Wildlife (Whales) Regulations 1998. The fee is inclusive of GST.

Payment Amount

Permit fee

Payment Method (please ✓ tick)

Cheque (please make cheque payable to Parks Victoria) OR Credit Card

Credit card type: Visa Mastercard

Card Number:

Expiry date: /

Name on card:

Signature:

Date:

PART 6 – INSURANCE AND INDEMNITY

In this Part:

“Insured” means the Permit Holder (Permit Number eg. PV 5005), including the Permit Holder’s officers, employees, agents, contractors, subcontractors, invitees and their successors and assigns.

“Other Relevant Parties” means the Minister for Environment and Climate Change, Minister for Planning, the Secretary to the Department of Sustainability and Environment, Parks Victoria, the Director of National Parks and any other body delegating its powers to Parks Victoria.

“Permit Holder” means the applicant for the permit specified in the permit application form.

“Term” means the period of operation of the permit.

“Site/s” means the Port Phillip Bay Whale (Dolphin) Swim Tour Area as proclaimed by the Wildlife (Port Phillip Bay Whale (Dolphin) Swim Tour Area) Order 2007/2008 or any Order made under section 83F of the Wildlife Act that replaces it from time to time.

1 INSURANCE

- 1.1 The Permit Holder must effect and maintain throughout the Term with an insurer approved by Parks Victoria which approval shall not be unreasonably withheld:
- (a) a public, and if relevant, products liability insurance policy for not less than \$10 million (or any greater amount required by Parks Victoria) in respect of any single claim arising out of the activities of the Insured, covering all third party claims arising out of:
 - (i) loss, including financial loss, destruction or damage to real or personal property and ensuing loss of use of that property;
 - (ii) death, injury to, or disease of persons; and
 - (b) an employers liability and workers’ compensation policy which covers any damage, loss or liability suffered or incurred by any person engaged by the Permit Holder arising:–
 - (i) by virtue of any statute relating to workers’ or accident compensation or employers’ liability; or
 - (ii) at common law,
 such policies referred to collectively as “the Policy”.
- 1.2 The Permit Holder must effect and maintain the Policy in the name of the Insured, and noting the interests of the Other Relevant Parties.
- 1.3 The Permit Holder must ensure that the Policy contains provisions under which Parks Victoria is to be notified of any changes to the Policy.
- 1.4 The Permit Holder must provide Parks Victoria with:
- (a) a certificate of currency for the Policy which clearly confirms the requirements of the preceding clause 1.2–
 - (i) prior to the Licence commencement date;
 - (ii) within 14 days of each anniversary of the commencement date throughout the term and any renewed terms (if applicable); and
 - (iii) at any other time upon request by Parks Victoria;
 - (b) a copy of the Policy upon request by Parks Victoria. Parks Victoria shall have the right to insist on any amendments to the policy wording or limits as it reasonably requires.
- 1.5 The Permit Holder must promptly notify Parks Victoria if:
- (a) an event occurs which may give rise to a claim under or prejudice the policy; or
 - (b) the Policy is cancelled.
- 1.6 The Permit Holder must not do anything or allow anything to be done which may:
- (a) prejudice any insurance held in connection with the Site/s; or
 - (b) increase the premium payable for any insurance held in connection with the Site/s.
- 1.7 The Permit Holder must effect and maintain all other insurances in a manner and to such extent which is reasonable and customary for an organisation engaging in activities of the kind referred to and permitted by the Licence.
- 1.8 The Permit Holder shall deliver upon request to Parks Victoria copies of any policies required to be entered into by it pursuant to clause 1.7 and Parks Victoria shall have the right to insist on any amendments to the policy wording or limits as it reasonably requires.
- 1.9 If there is any damage or destruction to any building or improvement in the Park or on the Licence Area (caused by the Permit Holder or their clients), the Permit Holder must pay on demand to the Licensor the costs reasonably incurred by the Licensor in rectifying any such damage or destruction.

2 RELEASE

- 2.1 The Permit Holder agrees that it:
 - (a) occupies and uses the Site/s at its own risk;
 - (b) has inspected the Site/s and is of the opinion that the Site/s is safe and suitable for the activities of the Permit Holder.
- 2.2 The Permit Holder releases Parks Victoria and Other Relevant Parties from:
 - (a) all claims and demands resulting from any accident, damage, death or injury occurring at the Site/s or any other area used by the Permit Holder in connection with this Licence; and
 - (b) all loss, cost, damage, liability or other detriment (whether direct or consequential) suffered or incurred by the Permit Holder, as a direct or indirect result of the Permit Holder's occupation and use of the Site/s or other areas used in connection with this licence or the cancellation, amendment or suspension of the Licence, except to the extent caused or contributed to by the negligence of Parks Victoria.
- 2.3 References in this clause to the Permit Holder, Parks Victoria and the Other Relevant Parties include their respective officers, employees, agents, contractors, subcontractors, invitees and their successors and assigns.

3 INDEMNITY

- 3.1 The Permit Holder indemnifies and agrees to keep indemnified Parks Victoria and Other Relevant Parties

against all actions, claims, demands, losses, damages, costs and expenses (whether direct or consequential) for which any of Parks Victoria or Other Relevant Parties is or may be or become liable concerning:

- (a) the default of the Permit Holder under this Licence;
- (b) the Permit Holder's use of the Site/s or any other area used by the Permit Holder in connection with this Licence;
- (c) loss, damage, or injury to property or persons caused or contributed by the Permit Holder's act, omission, default or negligence, except to the extent caused or contributed to by the negligence of Parks Victoria.

- 3.2 References in this clause to the Permit Holder, Parks Victoria and the Other Relevant Parties include their respective officers, employees, agents, contractors, subcontractors and invitees.
- 3.3 This clause is intended to operate for the benefit of Parks Victoria and the Other Relevant Parties. However, if required by Parks Victoria or the Other Relevant Parties at any time after the execution of this Licence, the Permit Holder will enter into a separate deed of indemnity or release – which is applicable with the Other Relevant Parties in substantially the same terms as this clause.
- 3.4 The Permit Holder must ensure that Parks Victoria and the names of the 'Other Relevant Parties' are included in their insurance policies in accordance with clause 1.2 and also documented in any certificate of currency for such insurance.

I have read and understood the permit conditions relating to insurance, release and indemnity.

Printed Name:

Position

Company/ Association:

Signed:

Date:

Please ensure you have completed the checklist on page 1 and attached all mandatory and supporting documentation.

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

Notice of Approval of Amendment

Amendment C103

The Minister for Planning has approved Amendment C103 to the Brimbank Planning Scheme.

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

The Amendment raises the floor space cap for shop in the table of uses to Comprehensive Development Zone Schedule 1 – Sydenham Regional Activity Centre (CDZ1) from 75,000 square metres to 90,000 square metres and makes minor changes to the concept plan requirements in CDZ1.

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 Brimbank City Council, Old Calder Highway, Keilor.

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

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

Notice of Approval of Amendment

Amendment C106 Part 1

The Minister for Planning has approved Amendment C106 Part 1 to the Brimbank Planning Scheme.

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

The Amendment affects two parcels of land on the northern side of Davies Avenue and Imperial Avenue, North Sunshine, known as Part Lot 1 on Plan of Subdivision 315852Q. It includes one parcel in a Public Acquisition Overlay (PAO3 – Road). It introduces a new item, PAO8 – Drainage, to the schedule to the Public Acquisition Overlay (Clause 45.01) and applies it to a second parcel of land on Part Lot

1 on Plan of Subdivision 315852Q. Brimbank City Council is the acquiring authority for both parcels.

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 Brimbank City Council, Keilor Office, Old Calder Highway, Keilor, or the Sunshine Harvester Customer Service Centre, 310 Hampshire Road, Sunshine.

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

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

Notice of Approval of Amendment

Amendment C114

The Minister for Planning has approved Amendment C114 to the Brimbank Planning Scheme.

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

The Amendment changes Schedule 12 to the Development Plan Overlay to enable a broader range of permit applications to be considered before the Melbourne Airport Rail Link Development Plan has been prepared.

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 Brimbank City Council, Keilor Office Customer Service Centre, Municipal Office, Old Calder Highway (corner Borrell Street), Keilor, and Harvester Service Centre, 301 Hampshire Road, Sunshine.

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

Planning and Environment Act 1987GREATER GEELONG
PLANNING SCHEME

Notice of Approval of Amendment

Amendment C140

The Minister for Planning has approved Amendment C140 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 7.45 hectares of land at 71–89 Melaluka Road and an adjoining section of land in Stringers Lane, Leopold, from Low Density Residential zone to Residential 1 zone, and introduces a new Schedule 14 to Clause 43.04 and applies Schedule 14 to the Development Plan Overlay to the land to provide for the integrated and coordinated residential subdivision.

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 1987GREATER SHEPPARTON
PLANNING SCHEME

Notice of Approval of Amendment

Amendment C95

The Minister for Planning has approved Amendment C95 to the Greater Shepparton Planning Scheme.

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

The Amendment rezones land at 3–13 Camp Street, 6 Young Street, part of 30 Young Street and part of 91–95 McLennan Street, Mooroopna, from an Industrial 1 Zone to a Business 1 Zone, and applies a planning permit

to undertake buildings and works associated with the extension and use of the existing warehouse; advertising signage; reduction of car parking requirements; and alteration to an access to a road in a Road Zone.

The Minister has granted the following permit(s) under Division 5 Part 4 of the Act:

Permit No.: 2007–197

Description of land: 3–13 Camp Street, 30 Young Street and 91–101 McLennan Street, Mooroopna.

A copy of the Amendment and permit/s 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 Greater Shepparton City Council, 90 Welsford Street, Shepparton.

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

Planning and Environment Act 1987

MARIBYRNONG PLANNING SCHEME

Notice of Approval of Amendment

Amendment C76

The Minister for Planning has approved Amendment C76 to the Maribyrnong Planning Scheme.

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

The Amendment changes Schedule 11 to the Development Plan Overlay to enable a broader range of permit applications to be considered before the Melbourne Airport Rail Link Development Plan has been prepared.

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 Maribyrnong City Council, corner Napier and Hyde Streets, Footscray.

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

Planning and Environment Act 1987**MOONEE VALLEY PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C92

The Minister for Planning has approved Amendment C92 to the Moonee Valley Planning Scheme.

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

The Amendment changes Schedule 5 to the Development Plan Overlay to enable a broader range of permit applications to be considered before the Melbourne Airport Rail Link Development Plan has been prepared.

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 Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

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 C96

The Minister for Planning has approved Amendment C96 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 land at 2428 Frankston–Flinders Road and the rear portion of land at 23 and 25 Sudholz Street, Bittern, from a Residential 1 Zone to a Business 1 Zone.

The Minister has granted the following permit(s) under Division 5 Part 4 of the Act:

Permit No.: CP06/001

Description of land: 2428–2436 Frankston–Flinders Road and 23–25 Sudholz Street, Bittern.

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, 21 Marine Parade, Hastings; Mornington Office, 2 Queen Street, Mornington; and 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**STRATHBOGIE PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C36

The Minister for Planning has approved Amendment C36 to the Strathbogrie Planning Scheme.

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

The Amendment rezones land at 43 Blayney Lane, Nagambie, from Residential 1 Zone and Farming Zone to Comprehensive Development Zone, introduces a new Schedule to Clause 37.02 and includes the Lake Nagambie Resort Master Plan as an incorporated document.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Strathbogrie Shire Council, corner Binney and Bury Streets, Euroa.

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

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

Notice of Approval of Amendment

Amendment C20

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

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

The Amendment:

- rezones land at Epping, east of the Hume Freeway, south of Cooper Street and on both sides of Edgars Road (Melbourne Wholesale Market Precinct) from the existing Farming Zone and Special Use Zone 4 (Extractive Industry) to a Priority Development Zone (PDZ);
- rezones adjoining land east of Edgars Road and south of Cooper Street (315W Cooper Street, Lot 1, Vol. 10244 Folio 845) from the existing Special Use Zone 4 to the Industrial 3 Zone;
- inserts a new Clause and Schedule to introduce the PDZ;
- incorporates a plan into the Schedule to Clause 81.01 relating to the PDZ;
- amends the Schedule to Clause 61.01 to make the Minister for Planning the responsible authority under the Whittlesea Planning Scheme for the land in the PDZ;
- amends the Schedule to Clause 52.17 (Native Vegetation) to include reference to the Melbourne Wholesale Market Precinct; and
- makes minor changes to the Municipal Strategic Statement.

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 Whittlesea City Council, 25 Ferres Boulevard, South Morang.

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

ORDERS IN COUNCIL**Crown Land (Reserves) Act 1978**REVOCATION OF
TEMPORARY RESERVATIONS

Order in Council

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

BUNG BONG – The withholding from sale, leasing and licensing and excepting from occupation for residence or business under any miner's right or business license by Order in Council of 15 January 1877 of an area of 9.308 hectares, more or less, of land in the Parish of Bung Bong. – (B539)

LYELL and SEDGWICK – The temporary reservation by Order in Council of 29 September 1992 of an area of 610 hectares, more or less, of land in the Parishes of Lyell and Sedgwick as a site for Conservation of native plants and animals, revoked as to part by Order in Council of 13 February 1996 so far as the balance remaining containing 608.79 hectares, more or less. – (0612304)

SEDGWICK – The temporary reservation by Order in Council of 2 July 1996 of an area of 8254 square metres, of land being Crown Allotment 2E, Section 15, Parish of Sedgwick as a site for Conservation of Native Plants and Animals. – (0612304)

MYRTLEFORD – The temporary reservation by Order in Council of 5 July 1869 of an area of 2959 square metres of land in Section 7, Township of Myrtleford, Parish of Myrtleford as a site for Police purposes, revoked as to part by Order in Council of 24 February 1885 so far only as the portions containing a total area of 1541 square metres being Crown Allotments 2006 and 12C of section 7, Township of Myrtleford, Parish of Myrtleford as indicated by hatching on plan published in the Government Gazette of 25 September 2007 page 2255. – (1108621)

QUAMBATOOK – The temporary reservation by Order in Council of 19 August 1895 of an area of 6273 square metres of land in the Township of Quambatook, Parish of Quambatook (formerly being Crown Allotments 13, 14 and 16) as a site for Police purposes, revoked as to part by Order in Council of 25 November 1969 so far only as the portion containing 2588 square

metres being Crown Allotment 2002, Township of Quambatook, Parish of Quambatook as indicated by hatching on plan published in the Government Gazette of 25 September 2007 page 2255. – (Rs 2476)

RAYWOOD – The temporary reservation by Order in Council of 22 May 1928 of an area of 1113 square metres of land formerly being Crown Allotments 1 and 2 and part of 3, Section 8, Township of Raywood, Parish of Neilborough as a site for Police purposes. – (Rs 3675)

SCORESBY – The temporary reservation by Order in Council of 4 December 2001 of an area of 747.3 hectares, more or less, of land in the Parishes of Nunawading, Scoresby, Mulgrave and Narree Worrان as a site for Conservation, recreation, leisure and tourism purposes, so far only as the portion containing 532 square metres shown as Parcel No. 13 on Roads Corporation Plan No. SP 21435. – (Rs 37250)

TOWMA – The temporary reservation by Order in Council of 18 September 1882 of an area of 40.57 hectares, more or less, of land in the Parish of Towma as a site for affording access to water, revoked as to part by Order in Council of 2 September 1940 so far as the balance remaining containing 40.13 hectares, more or less. – (Rs 7751)

TOWMA – The temporary reservation by Order in Council of 12 March 1884 of an area of 200.11 hectares, more or less, of land in the Parish of Towma as a site for affording access to water, in addition to and adjoining the site temporarily reserved therefor by Order in Council of 18 September 1882 revoked as to part by Order in Council of 2 September 1940 so far as the balance remaining containing 198.15 hectares, more or less. – (Rs 7751)

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

Dated 5 November 2008

Responsible Minister
GAVIN JENNINGS
Minister for Environment
and Climate Change

RYAN HEATH
Clerk of the Executive Council

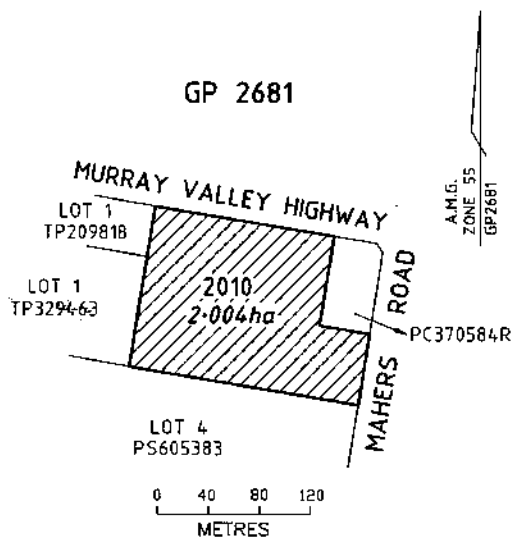
Crown Land (Reserves) Act 1978
TEMPORARY RESERVATION OF
CROWN LANDS

Order in Council

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

MUNICIPAL DISTRICT OF THE
WODONGA RURAL CITY COUNCIL

BONEGILLA – Conservation of an area of natural interest, area 2.004 hectares, being Crown Allotment 2010, Parish of Bonegilla as indicated by hatching on plan GP2681 hereunder. – (GP2681) – (L8-7614)



MUNICIPAL DISTRICT OF THE
CENTRAL GOLDFIELDS SHIRE COUNCIL

BUNG BONG – Preservation of an area of ecological significance, total area 421.5 hectares, more or less, being Crown Allotments 2010 and 38A, Section 3, Parish of Bung Bong as shown hatched on Plan No. LEGL./05-495 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (0617658)

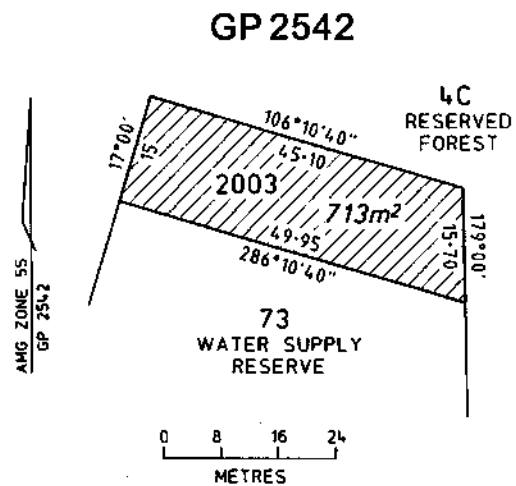
MUNICIPAL DISTRICT OF THE
GREATER BENDIGO CITY COUNCIL

EPPALOCK, LYELL and SEDGWICK – Preservation of an area of ecological significance, total area 2261 hectares, more or less, being Crown Allotments 3C, 3D and 10, Section 16, Parish of Eppalock; Crown Allotments 1B, 1C,

1D and 1E, Section 1, Crown Allotments 7, 7E, 7F, 8G, 10D, 10E and 10F, Section 2, Crown Allotment 4C, Section 3, Crown Allotment 2C, Section 4, Crown Allotments 3A, 3B, and 3C, Section 5, Crown Allotment 7A, Section 6, Crown Allotments 1B and 1C, Section 14, Crown Allotments 4B and 5B, Section 15, and Crown Allotments 2003, 2005 and 2007, Parish of Lyell and Crown Allotment 4A, Section 7, Crown Allotment 1C, Section 8, Crown Allotment 3C, Section 11, Crown Allotments 7A and 7B, Section 12, Crown Allotments 3C, 3D, 3E, 3F and 3G, Section 13, Crown Allotments 2C, 2D, 2E and 2F, Section 15, Crown Allotment 3A, Section 16 and Crown Allotments 2002, 2003, 2004, 2006, 2007, 2008 and 2009, Parish of Sedgwick as shown hatched on Plan No. LEGL./06-461 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (0612304)

MUNICIPAL DISTRICT OF THE
BAW BAW SHIRE COUNCIL

FUMINA NORTH – Water Supply purposes, area 713 square metres, being Crown Allotment 2003, Parish of Fumina North as indicated by hatching on plan GP2542 hereunder. – (GP2542) – (1506997)



MUNICIPAL DISTRICT OF THE
MITCHELL SHIRE COUNCIL

PANYULE – Preservation of an area of ecological significance, total area 345 hectares, more or less, being Crown Allotments 18A, 18B, and 18C, Section 1, Parish of Panyule as shown hatched on Plan No. LEGL./06-449 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (09L7-5730)

MUNICIPAL DISTRICT OF THE BULOKE SHIRE COUNCIL

TOWMA – Conservation of native plants and animals, total area 228 hectares, more or less, being Crown Allotments 1A, 32, 32A, 32B, 32C and 32D, Parish of Towma as shown hatched on Plan No. LEGL./08–034 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (2017192)

MUNICIPAL DISTRICT OF THE
BULOKE SHIRE COUNCIL

WATCHEM – Conservation of an area of natural interest, total area 19.3 hectares, more or less, being Crown Allotments 25H and 25J, Parish of Watchem as shown hatched on Plan No. LEGL./06–473 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (0606781)

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

Dated 5 November 2008

Responsible Minister
GAVIN JENNINGS
Minister for Environment
and Climate Change

RYAN HEATH
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

DISSOLUTION OF INCORPORATED COMMITTEE OF MANAGEMENT

Order in Council

The Governor in Council under section 14A(7) of the **Crown Land (Reserves) Act 1978** dissolves the ‘Kiata Recreation Reserve Committee Incorporated’ constituted by Order in Council of 29 February 2000 vide Government Gazette of 2 March 2000 – page 406).

File Ref: Rs 3571 [0203110]

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

Dated 5 November 2008

Responsible Minister
GAVIN JENNINGS
Minister for Environment
and Climate Change

RYAN HEATH
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

INCORPORATION OF COMMITTEES OF MANAGEMENT
AND APPOINTMENT OF CHAIRMEN

Order in Council

The Governor in Council, under section 14A(1) of the **Crown Land (Reserves) Act 1978**, being satisfied that it is in the public interest to declare to be corporations the committees of management appointed under section 14(2) of the Act of the lands described in Column 1 hereunder:–

- (a) declares that the committees of management shall be corporations;
 - (b) assigns the names shown in Column 2 to the corporations; and
- under section 14B(3) of the Act, appoints the persons listed in Column 3 to be Chairmen of the corporations.

Column 1 Crown Reserves currently managed by Committee	Column 2 Corporate name	Column 3 Chairman
Garvoc Recreation Reserve – Crown Allotments 3 and 4, Section 10, Township of Garvoc, Parish of Garvoc temporarily reserved as a Site for Public Recreation by Order in Council of 19 October 1897 (vide Government Gazette of 22 October 1897 – page 4007) [Rs 725].	Garvoc Recreation Reserve Committee Incorporated	Lorraine Mary MEADE
Bobinawarra Recreation Reserve – The remaining Crown land in the Parish of Moyhu temporarily reserved as a Site for a Public Hall by Order in Council of 7 April 1925 (vide Government Gazette of 17 April 1925 – page 1208) [Rs 3097].	Bobinawarra Memorial Hall Committee of Management Incorporated	David Clarence HURLEY
Cannons Creek Public Purposes Reserves – Crown lands in the Parish of Sherwood temporarily reserved as Site for Public Purposes by Orders in Council of 21 February 1928 and 21 December 1966 (vide Government Gazettes of 29 February 1928 – page 760 and 7 January 1966 – page 29 respectively) [Rs 3627 & Rs 8332 respectively].	Cannons Creek Foreshore Reserve Committee of Management Incorporated	Russell Carlton SPIER
Balmoral Showgrounds and Recreation Reserve – Crown lands in the Township of Balmoral, Parish of Balmoral temporarily reserved as a Site for Showgrounds and Public Recreation by Order in Council of 6 June 1956 (vide Government Gazette of 13 June 1956 – page 3050) and the Crown land formerly reserved temporarily as a site for the Supply of Gravel and amended to Showgrounds and Recreation by Order in Council of 7 April 1999 (vide Government Gazette of 8 April 1999 – page 821) [Rs 3393 & Rs 4686 respectively].	Balmoral Recreation Reserve Committee Incorporated	Richard Andrew BROWN
Cornishtown Hall Reserve – Crown land in the Parish of Chiltern temporarily reserved as a Site for Public Hall and Public Recreation by Order in Council of 17 June 1959 (vide Government Gazette of 24 June 1959 – page 1788) [Rs 6981].	Cornishtown Hall Reserve Committee of Management Incorporated	Robin Colin PIGGOTT
Gooramadda Public Purposes Reserves – Crown Allotment 9, Section B1, Parish of Gooramadda permanently reserved as a Site for Public purposes by Order in Council of 6 June 1887 (vide Government Gazette of 10 June 1887 – page 2011) and part of the Crown land permanently reserved for public purposes by Order in Council of 7 February 1881 (vide Government Gazette of 11 February 1881 – page 484) as shown coloured pink on plan marked G/2.8.1941 attached to DSE file Rs 10073 [Rs 528 & Rs 10073 respectively].	Gooramadda Public Purposes and Tourist Camping Reserve Committee of Management Incorporated	Jane Meredith FISHER

<p>Northern Loch Recreation Reserve – Crown land in the Parish of Goyura temporarily reserved as a Site for Public Recreation by Order in Council of 11 April 1967 (vide Government Gazette of 19 April 1967 – page 1136) [Rs 8810].</p>	<p>Northern Loch Recreation Reserve Committee Incorporated</p>	<p>Keith Ronald ROBINS</p>
<p>Burke Road Billabong Reserve – Crown land in the Parish of Boroondara temporarily reserved for Conservation of an area of natural interest and Public Recreation by Order in Council of 23 September 2008 (vide Government Gazette of 25 September 2008 – page 2257) [2016375].</p>	<p>Burke Road Billabong Committee of Management Incorporated</p>	<p>Stanley Vernon BARKER</p>
<p>Byaduk Mechanics Institute Reserve – Crown land in the Parish of Byaduk (now Township of Byaduk) temporarily reserved as a Site for a Mechanics' Institute by Order in Council of 13 May 1890 (vide Government Gazette of 16 May 1890 – page 1796) and the Crown land in the Township of Byaduk, Parish of Byaduk (formerly Township of South Byaduk) temporarily reserved as a Site for a Mechanics' Institute by Order in Council of 29 August 1905 (vide Government Gazette of 13 September 1905 – page 3578) [Rs 224].</p>	<p>Byaduk Mechanics Institute Committee Incorporated</p>	<p>Ronald John HOLCOMBE</p>

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

Dated 5 November 2008

Responsible Minister

GAVIN JENNINGS

Minister for Environment and Climate Change

RYAN HEATH
Clerk of the Executive Council

Education and Training Reform Act 2006

CHAIRPERSON OF THE COUNCIL OF THE VICTORIAN INSTITUTE OF TEACHING

Order in Council

The Governor in Council under sections 2.6.6(2)(a) and 2.6.6(3)(a) of the **Education and Training Reform Act 2006** appoints Susan Maria Halliday as a member and the Chairperson of the Council of the Victorian Institute of Teaching.

The terms and conditions of the appointment are contained in the attached Schedule.

Dated 5 November 2008

Responsible Minister
HON BRONWYN PIKE, MP
Minister for Education

RYAN HEATH
Clerk of the Executive Council

Education and Training Reform Act 2006

CHAIRPERSON OF THE COUNCIL OF THE VICTORIAN INSTITUTE OF TEACHING

SCHEDULE TO THE ORDER IN COUNCIL

1. **Appointment Arrangements**
The appointment is part-time.
 2. **Period of Appointment**
29 November 2008 to 28 November 2011 (both dates inclusive).
 3. **Duties and responsibilities of the position**
The functions and powers of the Institute are stated in sections 2.6.3 and 2.6.4 respectively of the **Education and Training Reform Act 2006** (the Act). Section 2.6.6(6) states that the Council is responsible for the management of the affairs of the Institute and may exercise the powers of the Institute. The appointee will be the Chairperson of the Council.
 4. **Termination Arrangements**
Sections 2.6.62(1) and (2) of the Act provide for resignation and the removal from office.
 5. **Payment Provisions**
Schedule 2, clause 3(1) of the Act provides for the remuneration of appointees. As Chairperson, the appointee will be remunerated at 40% of the minimum effective full-time rate for an Executive Officer Level 2.
 6. **Superannuation Obligations**
Emergency Services and State Superannuation Scheme employer obligations apply.
 7. **Travel and Personal Expenses arrangements**
Schedule 2, clause 3(2) of the Act provides for the payment of expenses for appointees. Expenses will be paid in accordance with normal public service conditions.
 8. **Leave Arrangements**
Leave will apply as per public service entitlements for executive officers.
 9. **Prior Service**
All prior service with the Victorian State government will continue to be recognised under this appointment.
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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:

127. *Statutory Rule:* Crimes
(Controlled
Operations)
Regulations 2008
- Authorising Act:* Crimes
(Controlled
Operations)
Act 2004
- Date first obtainable:* 6 November 2008
- Code A*
128. *Statutory Rule:* Estate Agents
(Education)
Regulations 2008
- Authorising Act:* Estate Agents
Act 1980
- Date first obtainable:* 6 November 2008
- Code B*
129. *Statutory Rule:* Tobacco
(Victorian
Health Promotion
Foundation)
Regulations 2008
- Authorising Act:* Tobacco Act 1987
- Date first obtainable:* 6 November 2008
- Code A*
130. *Statutory Rule:* Transport
(Tow Truck)
Amendment
Regulations 2008
- Authorising Act:* Transport Act 1983
- Date first obtainable:* 6 November 2008
- Code A*

131. *Statutory Rule:* Road Safety
(Vehicles)
Amendment
(Assignment Fees)
Regulations 2008
- Authorising Act:* Road Safety
Act 1986
- Date first obtainable:* 6 November 2008
- Code A*

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