



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 16 Thursday 15 April 2004**

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**GENERAL**

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As from 15 April 2004

The last Special Gazette was No. 88 dated 13 April 2004.

The last Periodical Gazette was No. 1 dated 12 June 2003.

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- 1 Treasury Place, Melbourne (behind the Old Treasury Building), and
  - Craftsman Press Pty Ltd, 125 Highbury Road, Burwood 3125  
(front of building).
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### PRIVATE ADVERTISEMENTS

#### DISSOLUTION OF PARTNERSHIP

Russell Harry Trevena wishes to advise in accordance with Section 41 of the **Partnership Act 1958** that the partnership formerly conducted by himself and Edwin William Trevena under the name of Rochester Marine Supplies has been dissolved effective as at 30 November 2003 and that Russell Harry Trevena will now solely continue to operate the business.

MITCHELL, McKENZIE & CO., solicitors.

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Re: Estate of IRENE COGHILL, deceased.

In the estate of IRENE COGHILL of Cohuna Nursing Home, King George Street, Cohuna, in the State of Victoria, widow, deceased. Creditors, next-of-kin and all other persons having claims against the estate of the said deceased, are required by Anita Shirley Barnes of Blake Street, Nathalia and Thelma Elsie Mann of 51 Mincha West Road, Pyramid Hill, Victoria, the executrices of the Will of the said deceased, to send particulars of such claims to them in care of the undermentioned solicitors within two months from the date of publication of this notice, after which date they will distribute the assets having regard only to the claims of which they then have notice.

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

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Re: ERNA MAUDE O'BREE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 January 2004, are required by the trustees, Valerie Rae Pettingill and Kenneth Murray O'Bree, to send particulars to them by 16 June 2004 after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

GARDEN & GREEN, solicitors,  
4 McCallum Street, Swan Hill 3585.

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GREGORY ANSWERTH, late of Grandridge Lodge, Mirboo North, Victoria, retired printer, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 December 2003, are required by the trustees, Marie-Louise Davis and Michael Gregory Answerth, to send

particulars of their claims to them care of the undersigned solicitors by 16 June 2004 after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

GRAY, FRIEND & LONG, solicitors,  
70 Queen Street, Warragul 3820.

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Creditors, next-of-kin and others having claims in respect of the Will and Codicil of BERNARD WALTER ALFRED SHAW, late of 36 Stanley Street, Bulleen, Victoria, retired, deceased, who died on 9 February 2004, are requested to send particulars of their claims to the executor, Susan Marie Shaw, care of the undermentioned legal practitioner by 16 June 2004 after which date she will distribute the assets having regard only as to the claims of which she then has notice.

JOHN STEWART, legal practitioner,  
290 Racecourse Road, Newmarket.

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Creditors, next-of-kin and others having claims in respect of the estate of NUNZIO LIBERTI, deceased, who died on 15 January 2004, are required by the executors to send particulars of their claim to the undermentioned firm by 21 June 2004 after which date the trustee will convey or distribute assets having regard only to the claims of which the trustee then has notice.

LUCAS LAWYERS, solicitors,  
8 Station Road, Cheltenham.

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In the Will of DOLORES GLEN, late of 5 Blenheim Avenue, Glen Waverley, hairdresser, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 23 August 2003, are required by the executor, David Lucas of 26 Station Street, Ferntree Gully, Victoria, solicitor, to send particulars of their claims to him care of the undermentioned solicitors, Lucas Neale, by 16 June 2004, after which date he will distribute the assets having regard only to claims of which he then has notice.

LUCAS NEALE, solicitors,  
26 Station Street, Ferntree Gully 3156.

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Re: FRANCIS GERALD SHANAHAN (commonly known as Frank Shanahan), late of Unit 192, 99 Spring Street, Melbourne, Victoria, gentleman, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 16 December 2003, are required by the trustee, Perpetual Trustees Victoria Limited of 360 Collins Street, Melbourne, Victoria, trustee company, to send particulars to the trustee by 14 June 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MADDOCKS, lawyers,  
140 William Street, Melbourne 3000.

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Creditors, next-of-kin and others having claims against the estate of RONALD JOHN GREEN, late of Prassansook Villa Resort, Sichon Nakhon Si Thammarat Province, Thailand, teacher, deceased, who died on 23 December 2003, are required to send particulars of the claims to the executor, Ian James Dunshea, care of the undermentioned solicitor by 23 June 2004 after which date he will distribute the estate of the deceased having regard only to the claims of which he then has notice.

PETER GARDINER, solicitor,  
Office 1, 2 Colin Avenue, Warrandyte 3113.

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Creditors, next-of-kin and others having claims against the estate of EDWARD KENNETH PARKS, late of 7 June Avenue, Hamlyn Heights, Victoria, who died on 18 November 2002, are required to send particulars of their claims to the legal representative of the deceased, Peter Clifford Falconer care of Randall Bell, lawyer, Level 4, 117 Myers Street, Geelong 3220 on or before 19 July 2004 after which date he may convey or distribute the assets having regard only to the claims of which he then has notice.

RANDALL BELL, lawyer,  
Level 4, 117 Myers Street, Geelong 3220.

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THELMA DILLEY, late of Unit 12, 37 Haines Street, North Melbourne, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 1 November 2003, are required by the executor, Ian Andrew Ness of 459 Collins Street, Melbourne, to send particulars to the executor by 15 June 2004 after which date the executor intends to convey or distribute the assets of the estate having regard only to the claims of which the executor may have notice.

WISEWOULDS, solicitors,  
459 Collins Street, Melbourne.

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LOUIS WILFRED LAWSON, late of 6 Warana Way, Mount Eliza, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 26 January 2004, are required by the executors, Patricia Mary Dare Lawson of 6 Warana Way, Mount Eliza, Victoria and David Ross Brunning of 15-23 Market Street, Merimbula, New South Wales, to send particulars to the executors by 17 June 2004 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.

WISEWOULDS, solicitors,  
459 Collins Street, Melbourne

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**Unclaimed Moneys Act 1962**

Register of Unclaimed Moneys held by the —

<i>Name of Owner on Books and Last Known Address</i>	<i>Total Amount Due to Owner</i>	<i>Description Of Unclaimed Money</i>	<i>Date when Amount first became Payable</i>
<b>BARRISTERS' CLERKING SERVICES PTY LTD</b>			
\$			
Franzese & Associates, Level 1, 391 St. Kilda Road, Melbourne	350.00	Cheque	12/12/01

04033

CONTACT: GARRY TARGETT, PHONE: (03) 9225 8392.

**Unclaimed Moneys Act 1962**

Register of Unclaimed Moneys held by the —

<i>Name of Owner on Books and Last Known Address</i>	<i>Total Amount Due to Owner</i>	<i>Description Of Unclaimed Money</i>	<i>Date when Amount first became Payable</i>
<b>CITY OF CASEY</b>			
\$			
Merlin Childcare Pty Ltd, 2 Gibb Street, Berwick	200.00	Cheque	27/03/02
Transcom Developments Pty Ltd, 373 Nepean Highway, Chelsea	104.50	"	29/05/02
B. Guthrie, 30/5 Piney Ridge, Endeavour Hills	266.15	"	27/06/02
RNL Hoole Pty Ltd, Suite 8, 49 McClelland Drive, Langwarrin	200.00	"	13/05/02
Elizabeth Ashman, PO Box 396 MDC, Cranbourne	275.00	"	15/07/02
Bishcon Pty Ltd, 14 King William Street, Reservoir	935.00	"	"
Tom Muldoon, 17 Power Road, Doveton	100.00	"	15/11/02
Telefax, 9 Toorak Road, South Yarra	481.00	"	28/08/02

04090

CONTACT : DAVID HENSON, PHONE : (03) 9705 5483

**Unclaimed Moneys Act 1962**

Register of Unclaimed Moneys held by the —

<i>Name of Owner on Books and Last Known Address</i>	<i>Total Amount Due to Owner</i>	<i>Description Of Unclaimed Money</i>	<i>Date when Amount first became Payable</i>
ESANDA FINANCE CORPORATION LIMITED			
	\$		
Mei Ha Kwong, 18/396 La Trobe Street, Melbourne	115.04	Cheque	27/08/02
N. D. Hayes, 150 MacArthur Drive, Wilton, NSW	141.23	"	17/04/02
C. R. Tinham & J. E. Nowland, 25 Keon Street, Thornbury	549.80	"	28/08/02
D. K. & R. M. Bradburn, 570 Mountain River Road, Mountain River, Tas.	550.05	"	04/03/02

04059

CONTACT: JASMINKA ASOSKI, PHONE: (03) 9927 8085.

**Unclaimed Moneys Act 1962**

Register of Unclaimed Moneys held by the —

<i>Name of Owner on Books and Last Known Address</i>	<i>Total Amount Due to Owner</i>	<i>Description Of Unclaimed Money</i>	<i>Date when Amount first became Payable</i>
HOBSONS BAY CITY COUNCIL			
	\$		
BRW Media, GPO Box 554, Melbourne	175.00	Cheque	14/03/02
G. Dinu, 42 Oxford Street, Newport	250.00	"	16/05/02
Unique Power, 1st Floor, 462 City Road, South Melbourne	250.00	"	22/08/02
K. R. Brown, 178 Woods Street, Newport	110.00	"	13/09/02
J. L. Panaby, 14 Bremer Street, Ipswich, Qld	116.95	"	01/11/02
E-Global Health Consultancy, 374 Clarendon Street, South Melbourne	417.95	"	08/11/02

04064

CONTACT: HEATHER BOYD, PHONE: (03) 9932 1020.

**Unclaimed Moneys Act 1962**

Register of Unclaimed Moneys held by the —

<i>Name of Owner on Books and Last Known Address</i>	<i>Total Amount Due to Owner</i>	<i>Description Of Unclaimed Money</i>	<i>Date when Amount first became Payable</i>
CITY OF WHITTLESEA			
	\$		
B. & R. Dick Pty Ltd, PO Box 157, Bundoora	1,226.00	Cheque	17/04/02
A. C. Leiper, 8 Jane Court, Mernda	100.00	"	24/04/02
Dream Catchers Theatre Grp, PO Box 410, Thomastown	100.00	"	24/07/02
All Metro Conveyancing, PO Box 469, Essendon	109.35	"	06/11/02
The Estate of M. E. Eadon & E. M. Kerr, C/- Perpetual Private Clients, Level 5, 39 Hunter Street, Sydney, NSW	608.24	"	26/02/03

04065

CONTACT: ALICE WELLS, PHONE: (03) 9217 2294.

## PROCLAMATIONS

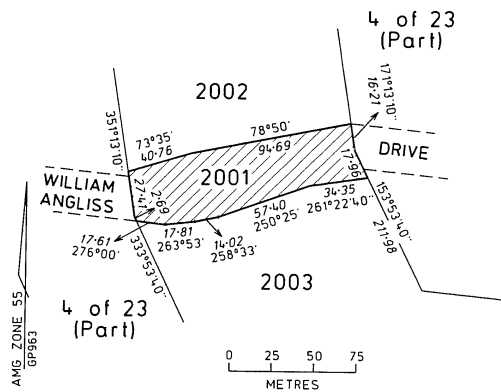
### Land Act 1958

#### PROCLAMATION OF ROAD

I, John Landy, 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 WYNDHAM CITY COUNCIL

TRUGANINA — The land in the Parish of Truganina being Crown Allotment 2001 shown by hatching on plan hereunder. (GP963) — (Rs 2008133).



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 the 6th day of April 2004.

(L.S.) JOHN LANDY  
Governor  
By His Excellency's Command

MARY DELAHUNTY, MP  
Minister for Planning



**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**

## CITY OF GREATER BENDIGO

## Road Discontinuance

Under Section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Greater Bendigo City Council, at its meeting on 22 March 2004, formed the opinion that the road shown as hatched on the plan below is not reasonably required as a road.

Council resolved to discontinue the road and the land is to be offered for sale or lease to Hazeldene's Chicken Farm Pty Ltd.



JOHN McLEAN  
Chief Executive Officer

## MOORABOOL SHIRE COUNCIL

**Public Holidays Act 1993**

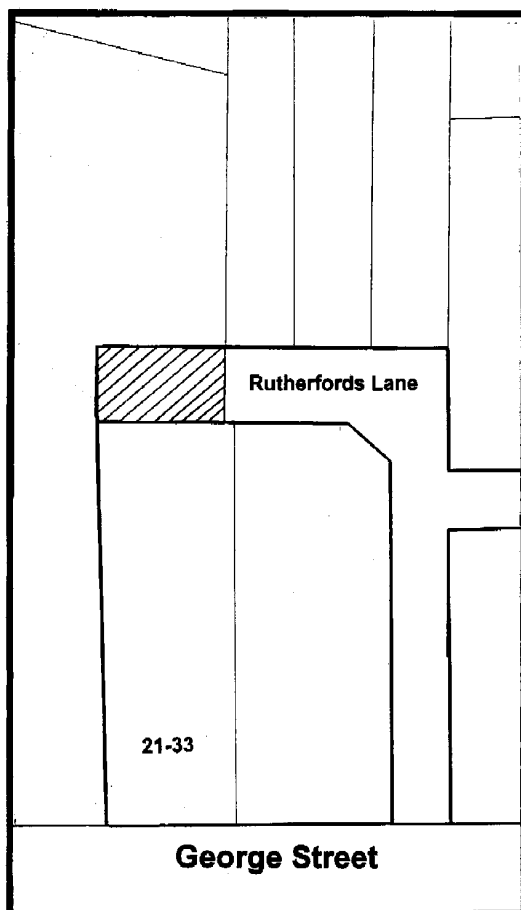
The Moorabool Shire Council under Section 7 of the **Public Holidays Act 1993**, appoints Tuesday 2 November 2004 (Melbourne Cup Day) as a public holiday throughout the entire Moorabool Shire.

ROBERT DOBRZYNSKI  
Chief Executive Officer

## LATROBE CITY COUNCIL

Road Discontinuance  
Part of Rutherfords Lane, Morwell

Pursuant to Section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, Latrobe City Council, at its Ordinary Meeting held on 5 November 2003, formed the opinion that part of Rutherfords Lane, Morwell on Plan of Subdivision 3894, shown hatched on the plan below, is not reasonably required for public use; and resolved to discontinue the road subject to any right, power or interest held by Latrobe City Council in respect to any drains and pipes under its control and sell the land by private treaty.



RICHARD HANCOCK  
Chief Executive Officer

**Planning and Environment Act 1987**

## HUME PLANNING SCHEME

Notice of Preparation of Amendment  
Amendment C53

The Hume City Council has prepared Amendment C53 to the Hume Planning Scheme.

The land affected by the Amendment includes all places identified as having local heritage significance within the municipality.

The Amendment proposes to apply heritage controls over identified places and introduce a local planning policy to guide landowners, developers and Council when assessing planning applications for heritage places.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the offices of the Hume City Council, Sunbury Office, 36 Macedon Street, Sunbury; Broadmeadows Office, 1079 Pascoe Vale Road, Broadmeadows; Craigieburn Office, Craigieburn Road West, Craigieburn; at the Department of Sustainability and Environment, Port Phillip Regional Office, 499 Ballarat Road, Sunshine; at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; and on the Hume City Council website: [www.hume.vic.gov.au](http://www.hume.vic.gov.au).

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

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

The closing date for submissions is 15 June 2004. A submission must be sent to the Strategic Planning Department, Hume City Council, PO Box 119, Dallas 3047 or alternatively by email to [kimg@hume.vic.gov.au](mailto:kimg@hume.vic.gov.au).

PETER GASCHK  
Manager Strategic Planning

**Planning and Environment Act 1987**

## MANNINGHAM PLANNING SCHEME

Notice of Preparation of Amendment  
Amendment C40

The Manningham City Council has prepared Amendment C40 to the Manningham Planning Scheme.

The land affected by the Amendment is the site of the former Box Hill TAFE located at 96–100 Deep Creek Drive, Doncaster East, being Lot 2 PS304285M.

The Amendment proposes to:

- extend the Environmental Significance Overlay Schedule 2 (ESO2) — Areas of Botanical or Zoological Significance, to cover significant vegetation located on the site. The ESO2 is to be applied to the entire site, which is consistent with the mapping of the current ESO2, which generally follows property boundaries;
- amend the map within Schedule 2 of Clause 42.01 (page 11 of 21) to show the inclusion of the subject site within the ESO2–9; and
- amend Clause 21.04-3 of the Municipal Strategic Statement (MSS) to correct the Enhancing Environment and Liveability Framework Plan 2 to show inclusion of the subject site within an Area of Environmental Significance.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the office of the planning authority, Manningham City Council Municipal Offices, 699 Doncaster Road, Doncaster; and at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne.

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, Manager Economic & Environmental Planning, Manningham City Council, PO Box 1, Doncaster, Vic. 3108 before 17 May 2004.

JOHN BENNIE  
Chief Executive

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**Planning and Environment Act 1987**

MELTON PLANNING SCHEME

Notice of Amendment

Amendment C45

The Minister for Planning has prepared Amendment C45 to the Melton Planning Scheme.

The Amendment affects land described as Lot 2009 PS 51863R which is located at the north west corner of College Street and Caroline Springs Boulevard, Caroline Springs.

The Amendment proposes to rezone the land from a Comprehensive Development Zone to Special Use Zone 7 (other public use) to allow the use and development of the land for a 24-hour police station complex.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; Port Phillip Regional Office, 499 Ballarat Road, Sunshine; and at the offices of the Melton Shire Council, Municipal Offices, High Street, Melton.

Submissions about the Amendment must be sent to: Minister for Planning, attention: Adrian Williams, Planning Panels Victoria, Department of Sustainability and Environment, GPO Box 2797Y, Melbourne 3001 by 18 May 2004.

PAUL JEROME  
Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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**Planning and Environment Act 1987**

MORELAND PLANNING SCHEME

Notice of Amendment

Amendment C53

The Minister for Planning has prepared Amendment C53 to the Moreland Planning Scheme.

The Amendment rezones land at 1187 Sydney Road, Hatfield comprising approximately 8,300m<sup>2</sup> from Public Use Zone 5 to Public Use Zone 7 to facilitate the development of the site for the purposes of the new 24-hour Coburg Police Station.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; Port Phillip Regional Office, 499 Ballarat Road, Sunshine; and at the offices of the Moreland City Council, Municipal Offices, 90 Bell Street, Coburg.

Submissions about the Amendment must be sent to: Minister for Planning, attention: Adrian Williams, Planning Panels Victoria, Department of Sustainability and Environment, GPO Box 2797Y, Melbourne 3001 by Tuesday 18 May 2004.

PAUL JEROME  
Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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 17 June 2004 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.

CHALLENGER, Eric Lawrence, late of Simpkin House, Gibson Street, Bendigo, pensioner, and who died on 24 December 2003.

CLARK, Ena Guillan, late of Unit 4/100 Warrigal Road, Surrey Hills, retired, and who died on 20 January 2004.

DRURY, Jean Olive, also known as Jean Drury, late of Graceton Residential Aged Care Facility, 26 Livingstone Street, Ivanhoe, Victoria 3079, pensioner, and who died on 28 October 2003.

FULLBROOK, Samuel Sydney, late of Gunnangatta, 13 Trentham Road, Tylden, and who died on 3 February 2004.

LOVE, Naomi Catherine, formerly of 6 Warner Street, Malvern 3144, but late of Mecwa House, 6 Kent Street, Glen Iris, Victoria 3146, retired, and who died on 28 March 2004.

PEARCE, Jean Isobel, late of 5A May Avenue, Altona Meadows, home duties, and who died on 24 March 2004.

SKRUZNY, George Charles, also known as Jiri Karel Skruzny, late of 36 Holt Street, Ardeer, Victoria 3022, retired, and who died on 19 January 2004.

SMITH, Paul, late of Annie Caudle Centre, 100–104 Barnard Street, Bendigo, pensioner, and who died on 9 February 2004.

STRACHAN, Glenda Joyce, late of 87 Rollins Road, Bell Post Hill, pensioner, and who died on 21 December 2003.

Dated 8 April 2004

LAURIE TAYLOR  
Estate Manager  
State Trustees Limited

### Country Fire Authority Act 1958

#### VARIATION OF FIRE DANGER PERIOD

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

To terminate from 0100 hours 19 April 2004: West Wimmera Shire Council (remainder); Southern Grampians Shire Council (remainder); Glenelg Shire Council (remainder).

N. BIBBY  
Chief Executive Officer

### Education Act 1958

#### NOTICE OF MAKING OF ORDER UNDER SECTION 13 AND ADMINISTRATIVE ARRANGEMENTS ORDER (No. 180) 2002

An Order of the Minister for Education Services was made on 1 April 2004 under sections 13(4) and 13(11) of the **Education Act 1958** and Administrative Arrangements Order (No. 180) 2002 amending the constituting Order of the Malvern Valley Primary School Council (the Council) by —

1. providing for the expiration of the term of office of all members of the Council in office on the date the Order takes effect (save for the Principal);
2. appointing persons to the Council;
3. providing for a first school council election to be completed by 31 March 2005; and
4. making other consequential amendments.

JACINTA ALLAN  
Minister for Education Services

**Education Act 1958**NOTICE OF MAKING OF ORDER UNDER  
SECTION 13 AND ADMINISTRATIVE  
ARRANGEMENTS ORDER (No. 180) 2002

An Order of the Minister for Education Services was made on 4 April 2004 under sections 13(4) and 13(11) of the **Education Act 1958** and Administrative Arrangements Order (No. 180) 2002 amending the constituting Order of the Tawonga Primary School Council (the Council) by —

1. providing for the expiration of the term of office of all members of the Council in office on the date the Order takes effect (save for the Principal);
2. appointing persons to the Council;
3. providing for a school council election to be completed by 30 June 2004;
4. providing for a school council election to be completed by 31 March 2005; and
5. making other consequential amendments.

JACINTA ALLAN  
Minister for Education Services

**Education Act 1958**NOTICE OF MAKING OF ORDER UNDER  
SECTION 13 AND ADMINISTRATIVE  
ARRANGEMENTS ORDER (No. 180) 2002

An Order of the Minister for Education Services was made on 4 April 2004 under sections 13(4) and 13(11) of the **Education Act 1958** and Administrative Arrangements Order (No. 180) 2002 amending the constituting Order of Bass Valley Primary School Council in respect of the membership of the school council.

JACINTA ALLAN  
Minister for Education Services

**Education Act 1958**NOTICE OF MAKING OF ORDER UNDER  
SECTION 13 AND ADMINISTRATIVE  
ARRANGEMENTS ORDER (No. 180) 2002

An Order of the Minister for Education Services was made on 4 April 2004 under section 13(4) of the **Education Act 1958** and Administrative Arrangements Order (No. 180) 2002 amending the constituting Order of the

school council of the State school called Moreland City College in respect of the membership of the school council.

JACINTA ALLAN  
Minister for Education Services

**Forests Act 1958, No. 6254**

## VARIATION OF THE PROHIBITED PERIOD

In pursuance of the powers conferred by section 3 sub-section (2) of the **Forests Act 1958, I**, Duncan Pendrigh, delegated officer for the Minister for Environment in the State of Victoria, hereby vary 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 in the schedule below:

## SCHEDULE 1

The Prohibited Period shall terminate at 0100 hours on Monday 19 April 2004 in the following municipalities: West Wimmera Shire Council (that part within Country Fire Authority Region 4); and Glenelg Shire Council.

DUNCAN PENDRIGH  
Acting Chief Fire 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 Title Plan 242276S, Parish of Ravenswood comprising 3.068 hectares and being land described in Certificate of Title Volume 8167, Folio 734, shown as Parcel 1 on Survey Plan 20647.

**Interest Acquired:** That of Kenneth Swanborough, The Hydro Shack (Lessee) and all other interests.

Published with the authority of VicRoads.  
Dated 15 April 2004

For and on behalf of VicRoads:  
BERNARD TOULET,  
Manager Property Services Department

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**Land Acquisition and Compensation Act 1986**

FORM 7 S.21  
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Secretary to the Department of Infrastructure declares that by this notice it acquires the following interest in the land described as part of Lots 1 & 2 on Title Plan 680201F in the Parish of Dandenong comprising 7377.0 square metres and being land described in Certificate of Title Volume 4774, Folio 601, shown as Parcels 1196 and 1202 on Survey Plan 20361A.

**Interest Acquired:** That of E. K. Buckley and all other interests.

Published with the authority of the Secretary to the Department of Infrastructure.

Dated 15 April 2004

For and on behalf of the Secretary to the Department of Infrastructure:  
ALAN BULL,  
Property Acquisition Manager,  
Property Services, Roads Corporation

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**Land Acquisition and Compensation Act 1986**

FORM 7 S.21  
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Secretary to the Department of Infrastructure declares that by this notice it acquires the following interest in the land described as part of land appropriated or set apart for easements of Way Drainage Sewerage Water Supply, Electricity Supply, Telephone Services and Gas on Plan of Subdivision No. 144121, Parish of Dandenong comprising 93.0 square metres and being land described in Certificate of Title Volume 9558, Folio 588, shown as Parcel 769 on Survey Plan 20355B.

**Interest Acquired:** That of Lingview Properties Pty Ltd and all other interests.

Published with the authority of the Secretary to the Department of Infrastructure.

Dated 15 April 2004

For and on behalf of the Secretary to the Department of Infrastructure:

ALAN BULL,  
Property Acquisition Manager,  
Property Services, Roads Corporation

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**Land Acquisition and Compensation Act 1986**

FORM 7 S.21  
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Secretary to the Department of Infrastructure declares that by this notice it acquires the following interest in the land described as part of Crown Allotment 134B in the Parish of Nunawading comprising 597.0 square metres and being land described in Certificate of Title Volume 8701, Folio 816, shown as Parcel 4 on Survey Plan 17936A.

**Interest Acquired:** That of W. M. Pain & L. N. Carter & C. C. F. Sibbel & J. M. Sibbel and all other interests.

Published with the authority of the Secretary to the Department of Infrastructure.

Dated 15 April 2004

For and on behalf of the Secretary to the Department of Infrastructure:

ALAN BULL,  
Property Acquisition Manager,  
Property Services, Roads Corporation

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**Land Acquisition and Compensation Act 1986**

FORM 7 S.21  
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Secretary to the Department of Infrastructure declares that by this notice it acquires the following interest in the land described as part of Crown Portion 16 in the Parish of Dandenong comprising 92.0 square metres and being land described in Certificate of

Title Volume 6633, Folio 442, shown as Parcel 1105 on Survey Plan 20357.

**Interest Acquired:** That of Sandringham Golf Links Estate Pty Ltd and all other interests.

Published with the authority of the Secretary to the Department of Infrastructure.

Dated 15 April 2004

For and on behalf of the Secretary  
to the Department of Infrastructure:  
ALAN BULL,  
Property Acquisition Manager,  
Property Services, Roads Corporation

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**Land Acquisition and Compensation Act 1986**

FORM 7

S.21

Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Secretary to the Department of Infrastructure declares that by this notice it acquires the following interest in the land described as part of Crown Portions 20 & 21 in the Parish of Dandenong comprising 7605.0 square metres and being land described in Certificate of Title Volume 5828, Folio 538, shown as Parcel 1173 on Survey Plan 20360A and Parcel 1159 on Survey Plan 20359 and Parcel 1131 on Survey Plan 20358A.

**Interest Acquired:** That of J. S. Towler and all other interests.

Published with the authority of the Secretary to the Department of Infrastructure.

Dated 15 April 2004

For and on behalf of the Secretary  
to the Department of Infrastructure:  
ALAN BULL,  
Property Acquisition Manager,  
Property Services, Roads Corporation

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**Land Acquisition and Compensation Act 1986**

FORM 7

S.21

Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Secretary to the Department of Infrastructure declares that by this notice it

acquires the following interest in the land described as part of Crown Portion 21 in the Parish of Scoresby comprising 1804.0 square metres and being land described in Certificate of Title Volume 4228, Folio 530, shown as Parcel 2 on Survey Plan 20261A.

**Interest Acquired:** That of The Church of England Trusts Corp and all other interests.

Published with the authority of the Secretary to the Department of Infrastructures.

Dated 15 April 2004

For and on behalf of the Secretary  
to the Department of Infrastructure:  
ALAN BULL,  
Property Acquisition Manager,  
Property Services, Roads Corporation

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**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 Registrar of the Magistrates' Court at Melbourne hereby give notice that the 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 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 applications; 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>Place of Abode of Applicant or Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>
Matthew James Donald	9/52 Sutherland Road, Armadale 3143	Receivables Management Ltd	363 King Street, Melbourne 3000	Commercial Sub-Agents Licence
Alycia Ann Reinoga	61 Empress Avenue, Kingsville 3012	Receivables Management Ltd	363 King Street, Melbourne 3000	Commercial Sub-Agents Licence
Andrew John Campbell	4 Cole Street, Richmond 3121	Receivables Management Ltd	363 King Street, Melbourne 3000	Commercial Sub-Agents Licence
Aleksandar Petkovic	11 Naracoorte Drive, Caroline Springs, Victoria	Receivables Management Ltd	363 King Street, Melbourne 3000	Commercial Sub-Agents Licence

Dated at Melbourne 7 April 2004

GRAEME J. HORSBURGH  
Principal Registrar  
Magistrates' Court of Victoria

### **Geographic Place Names Act 1998**

#### **NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES**

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

<b>File No.</b>	<b>Place Name</b>	<b>Proposer &amp; Location</b>
GPN 591	Barak Bushlands	Nillumbik Shire Council. Previously informally known as the Falkiner Street Reserve, located to the west of Wingrove Park along the Diamond Creek in Eltham.

Office of the Registrar of Geographic Names

c/- **LAND VICTORIA**  
15th Floor  
570 Bourke Street  
MELBOURNE 3000

JOHN E. TULLOCH  
Registrar of Geographic Names



**Interpretation of Legislation Act 1984****ELECTRICITY SAFETY (EQUIPMENT EFFICIENCY) (AMENDMENT)  
REGULATIONS 2004**

S.R. No. 24/2004

## Notice of Incorporation of Documents

Notice is hereby given under section 32(3) of the **Interpretation of Legislation Act 1984** that the following documents contain matter applied, adopted or incorporated by the Electricity Safety (Equipment Efficiency) (Amendment) Regulations 2004:

<b>Provision in the statutory rule</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 6(a)	AS/NZS 2007.1:2003	The whole
Regulation 6(b)	AS/NZS 2007.2:2003	The whole

A copy of the matter so applied, adopted or incorporated has been lodged with the Clerk of the Parliaments.

IAN K. GRAHAM  
Chief Electrical Inspector

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

## Notice of Approval of Amendment

## Amendment C62

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

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

The Amendment:

- amends Planning Scheme Map No. 10 to rezone land at the south-east corner of the intersection of Robinsons Road and Middle Road, Derrimut from Rural Zone to Industrial 1 Zone.

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

Permit No.: P030400.

Description of land: Robinsons and Middle Roads, Derrimut, known as Portion 1 of Section 5, Parish of Derrimut.

A copy of the Amendment and permit/s can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne, and at the offices of the Brimbank City Council, Municipal Offices, Alexandra Avenue, Sunshine.

PAUL JEROME  
Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

**Planning and Environment Act 1987**

## BRIMBANK PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C74

The Minister for Planning has approved Amendment C74 to the Brimbank Planning Scheme.

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

The Amendment:

- introduces an interim Heritage Overlay to the eastern portion of the HV McKay office complex located at 2 Devonshire Road, Sunshine.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; at the offices of the Brimbank City Council, Keilor Office, Old Calder Highway, Keilor, and Sunshine Customer Service Centre, 301 Hampshire Road, Sunshine.

PAUL JEROME  
Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

**Planning and Environment Act 1987**

## GREATER BENDIGO PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C29

The Minister for Planning has approved Amendment C29 to the Greater Bendigo Planning Scheme.

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

The Amendment implements the recommendations and findings of the City of Greater Bendigo Residential Character Study 2001 and in particular:

- makes minor changes to the Municipal Strategic Statement at Clause 21 to add to broad strategy regarding neighbourhood character and reference to the Residential Character Study;

- introduces 15 new Residential Character Policies applying to residential neighbourhoods within Bendigo, Strathfieldsaye and Heathcote (Clauses 22.14 — 28) in the Local Planning Policy Framework;
- introduces the Neighbourhood Character Overlay and two Schedules, 1 and 2;
- introduces the Significant Landscape Overlay and a Schedule 1 to the Overlay to land in parts of outer suburban Bendigo and Heathcote.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; the Department of Sustainability and Environment, North West Regional Office, 1 Taylor Street, Epsom; and at the offices of the City of Greater Bendigo Council, Hopetoun Mill, 15 Hopetoun Street, Bendigo.

PETER WATKINSON  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

**Planning and Environment Act 1987**

## TOWONG PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C5 Part 1

The Minister for Planning has approved Amendment C5 Part 1 to the Towong Planning Scheme.

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

The Amendment:

- applies the Restructure Overlay to land within the townships or areas of Beetoomba, Berringama, Cudgewa, Eskdale, Granya, Mitta Mitta, Nariel, Old Tallangatta, Tallangatta Valley, Thowgla Upper, Tintalra, Towong and Walwa (13 townships or areas);
- introduces restructure plans and development guidelines into the Incorporated Documents (Clause 81) for the 13 townships or areas;
- removes any existing Restructure Overlay from land not identified in the restructure plans;

- applies the Road Closure Overlay over roads identified in the restructure plans;
- amends the “settlement” section (Clause 21.04–4) of the Municipal Strategic Statement to provide township overviews and a list of issues and objectives for each town affected by the restructure plans regarding future development opportunities;
- corrects a Planning Scheme mapping error by deleting two Rural Floodway Overlay maps to the north-west of Eskdale.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; 35 Sydney Road, Benalla; and at the offices of the Towong Shire Council, 32 Towong Street, Tallangatta.

PETER WATKINSON  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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

##### MELTON PLANNING SCHEME

##### Notice of Approval of Amendment

##### Amendment C35

The Minister for Planning has approved Amendment C35 to the Melton Planning Scheme.

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

The Amendment:

- rezones the subject land identified as part of Lot B, PS 508415P, on the south east corner of Hume Drive and Gourlay Road from a Residential 1 Zone to a Business 1 Zone;
- replaces the schedule to the Business 1 Zone to include a maximum leasable floor area for shops on the subject land.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne, and

at the offices of the Melton Shire Council, 232 High Street, Melton.

PETER WATKINSON  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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

##### KINGSTON PLANNING SCHEME

##### Notice of Approval of Amendment

##### Amendment C37

The Minister for Planning has approved Amendment C37 to the Kingston Planning Scheme.

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

The Amendment rezones land at 25, 27, 27A, 29 and 31 White Street, Mordialloc and 3 Davey Street, Parkdale from a Business 3 Zone to a Residential 1 Zone, and applies an Environmental Audit Overlay to land at 25, 27, 27A and 29 White Street, Mordialloc.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne, and at the offices of the Kingston City Council, 34 Brindisi Street, Mentone.

PETER WATKINSON  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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**ORDERS IN COUNCIL****Rail Corporations Act 1996****REVOCATION OF BAYSIDE NETWORK DECLARATION ORDER 2001  
AND CONNEX NETWORK DECLARATION ORDER 2004**

The Governor in Council under subsection 38C(1) of the **Rail Corporations Act 1996**, on the recommendation of the Minister:

(A) Revokes the “Bayside Network Declaration Order 2001” published in the S70 Special Government Gazette of 15 May 2001 with effect from 18 April 2004; and

(B) Makes the following Order—

**1. Citation**

This Order may be cited as the Connex Network Declaration Order 2004.

**2. Interpretation**

In this Order:

**Connex Network** means all rail infrastructure owned by Rail Track or the Crown that is leased from time to time to Melbourne Transport Enterprises Pty Ltd (ACN 087 516 210) (“MTE”) under the “Infrastructure Lease — Train” between the Director and MTE executed on or about 19 February 2004 but excluding any:

- (a) buildings (including stations, platforms, advertising hoardings, sheds and shelters);
- (b) carparks;
- (c) terminals, storage and receival facilities; and
- (d) workshops, locomotive depots and fuel points.

**Connex Network Service** means any service comprising access to, or use of, the Connex Network or any part of it for the purpose of providing transport services other than passenger services.

**3. Order**

Each Connex Network Service is declared to be a declared rail transport service for the purposes of Part 2A of the **Rail Corporations Act 1996**.

**4. Commencement**

This Order comes into operation on 18 April 2004.

**5. Expiry**

This Order expires on 17 April 2009.

Dated 13 April 2004

Responsible Minister:

PETER BATCHELOR

Minister for Transport

DIANE CASEY  
Clerk of the Executive Council

**Rail Corporations Act 1996**

## CONNEX NETWORK PRICING ORDER 2004

The Governor in Council under subsection 38M(1) of the **Rail Corporations Act 1996**, hereby makes the following Order:

**1. Citation**

This Order may be cited as the Connex Network Pricing Order 2004.

**2. Connex Network Pricing Principles**

The policies and principles set out in the Schedule to this Order must be applied by the Commission in determining any amount to be paid for access to the rail transport services declared to be declared rail transport services by the Connex Network Declaration Order 2004.

**3. Commencement**

This Order comes into operation on 18 April 2004.

**Schedule****1. Definitions**

In this Schedule:

**Access Provider** means a person who operates (within the meaning of section 38D of the **Rail Corporations Act 1996**) rail infrastructure that comprises part of the Connex Network.

**Access Seeker** means a person seeking access to part or all of the Connex Network pursuant to Part 2A of the **Rail Corporations Act 1996**.

**Allowable Margin** has the meaning given in paragraph 2.1.

**Allowable Non Passenger Access Seeker's Costs** has the meaning given in paragraph 3.2.

**Allowable Non Passenger Access Seeker's Costs (Off Peak)** has the meaning given in paragraph 3.2(a).

**Allowable Non Passenger Access Seeker's Costs (Peak)** has the meaning given in paragraph 3.2(b).

**Capital Charge** has the meaning given in paragraph 2.1.

**Capital Charge Commencement Date** has the meaning given in paragraph 2.3.

**Charging Period** means the period for which the amount to be paid for access being determined by the Commission is to apply.

**Commission** means the Essential Services Commission established under the **Essential Services Commission Act 2001**.

**Connex Network** has the meaning given to that term in the Connex Network Declaration Order 2004.

**Cost Base** has the meaning given in paragraph 2.1.

**Gross Tonne Kilometres** means the sum of the number of kilometres each tonne of train (including locomotive, rolling stock and freight) travels on the Connex Network.

**Incremental Non Passenger Costs** has the meaning given in paragraph 3.1.

**New Capital Expenditure** means costs incurred or forecast by the Commission to be incurred by the Access Provider after the date of the lease of the Connex Network to Melbourne Transport Enterprises Pty Ltd (ACN 087 516 210) in either:

- (a) extending the Connex Network; or
- (b) enhancing the Connex Network in a manner that will:
  - (i) enable trains to operate at a higher speed; or

- (ii) enable heavier trains to operate; or
  - (iii) enable more trains to operate; or
  - (iv) otherwise improve the performance, or enable the safer operation, of trains operating; or
  - (v) enable operating and maintenance costs to be reduced
- on all or on any part of the Connex Network, but does not include any such expenditure:
- (c) that is of a type incurred on a regular or periodic basis by the Access Provider;
  - (d) to the extent the Access Provider has been or will be compensated specifically for incurring such expenditure by or on behalf of the Crown, Rail Track, the Director or any body corporate incorporated under an Act or wholly owned by the Crown; or
  - (e) to the extent the expenditure was or will be incurred by the Access Provider pursuant to an obligation in a lease of all or part of the Connex Network between the Access Provider and the Crown, Rail Track, the Director or any body corporate incorporated under an Act or wholly owned by the Crown.

For the avoidance of doubt, New Capital Expenditure may include an amount equal to the interest or implicit capital cost incurred by the Access Provider in making New Capital Expenditure during the period between when New Capital Expenditure is incurred and the date on which the specific capital asset concerned is first available to be used by users of the Connex Network.

**Operations and Maintenance Costs** has the meaning given in paragraph 2.1.

**Peak** means between 0701 and 0930 hours or between 1501 hours and 1900 hours on a day from Monday to Friday.

**Relevant Period** means the Charging Period or such other period as the Commission determines is fair and reasonable.

**Train Kilometres** means the number of kilometres travelled by a train.

## 2. Determination of Cost Base

- 2.1 For the purposes of this Schedule, the Cost Base of the Connex Network for the Charging Period will be the sum of:
- (a) the costs of infrastructure operations and maintenance for the Connex Network for the Charging Period, calculated in accordance with paragraph 2.2 (**Operations and Maintenance Costs**);
  - (b) a capital charge for the Connex Network for the Charging Period, calculated in accordance with paragraph 2.3 (**Capital Charge**); and
  - (c) an allowable margin for the Connex Network for the Charging Period, calculated in accordance with paragraph 2.4 (**Allowable Margin**).
- 2.2
- (a) Operations and Maintenance Costs for the Connex Network will, subject to paragraphs 2.2(b), (c) and (d), be the amount of costs of the type described in Attachment A to this Schedule, that it is forecast by the Commission that the Access Provider, acting efficiently, would incur with respect to the Connex Network in the Charging Period. Any payments by the lessee or sub-lessee under a lease or a sublease respectively of part or all of the Connex Network are excluded from Operations and Maintenance Costs.
  - (b) In determining the amount of Operations and Maintenance Costs for the Connex Network for the purposes of paragraph 2.2(a), major periodic maintenance expenses (whether incurred prior to the Charging Period or

forecast to be incurred during or after the Charging Period) should be evenly allocated across the period for which benefits from those major periodic maintenance expenses are obtained, so as to remove the effects, if any, of the cyclical nature of the expenditure.

- (c) In determining the amount of Operations and Maintenance Costs for the Connex Network for the purposes of paragraph 2.2(a), the Commission may, if it considers it appropriate, adjust the Operations and Maintenance Costs to reflect the benefit or costs to the Operator of any difference between the time Operations and Maintenance Costs are incurred and the time access charges are paid.
- (d) If the Access Seeker does not seek access to overhead electrical infrastructure (for example, because the Access Seeker seeks to run diesel trains) the Operations and Maintenance Costs must not, for the purposes of calculating the amount to be paid by that Access Seeker, include any amount with respect to the operations and maintenance of that overhead electrical infrastructure or with respect to traction energy.
- 2.3 (a) The Capital Charge for the Connex Network for the Charging Period will be the aggregate amount calculated over the Charging Period of the annual capital charges for each specific capital asset created by New Capital Expenditure, the effective life of which includes part or all of the Charging Period. The annual capital charge for each such capital asset must be calculated as follows (subject to paragraphs 2.3(b), (c), (d), (e), (f) and (g)):

$$C = \frac{Exr}{(1-(1+r)^{-n})}$$

**Where:**

*C* means the annual capital charge for that capital asset.

*E* means the New Capital Expenditure incurred in creating that capital asset.

*r* means a rate of return which will be set as the prevailing Australian 10 year Commonwealth bond rate at the date of completion of the capital asset plus a margin of not less than 4%, determined by the Commission having regard to the risk involved in incurring the New Capital Expenditure.

*n* means the effective life of the asset measured in years.

- (b) If the Access Seeker does not seek access to overhead electrical infrastructure (for example, because the Access Seeker seeks to run diesel trains) the Capital Charge must not, for the purposes of calculating the amount to be paid by that Access Seeker, include any amount with respect to capital assets comprising part of the overhead electrical infrastructure.
- (c) The annual capital charge for a specific capital asset will first be included in the Cost Base on the later of the start of the Charging Period and the date on which the asset is first available to be used by users of the Connex Network (the **Capital Charge Commencement Date**).
- (d) The Capital Charge Commencement Date is later than the start of the Charging Period then in the year of the Capital Charge Commencement Date, a part annual capital charge will be applied, pro rata with the days remaining in that year after the Capital Charge Commencement Date.
- (e) The annual capital charge will continue to be applied for each year of the effective life of the capital asset concerned during the Charging Period.

- (f) If the capital asset's effective life ends before the end of the Charging Period then in the year of the end of the capital asset's effective life, a part annual capital charge will be applied, pro rata with the days in the year up until the end of the effective life of the capital asset.
  - (g) Notwithstanding any other paragraph of this Schedule, if the Commission's determination of the terms and conditions of access for a particular Access Seeker requires the Access Provider to incur New Capital Expenditure, the access charge determined for that Access Seeker and any subsequent Access Seeker must be set so as to be forecast by the Commission to permit the Access Provider to recover in accordance with this Schedule the New Capital Expenditure concerned and a rate of return determined under paragraph 2.3(a) by the earlier of the end of the effective life of the capital assets concerned and the end of the first Access Seeker's Charging Period.
- 2.4 The Allowable Margin for the Connex Network for the Charging Period will be either:
- (a) 10% of the Operations and Maintenance Costs for the Connex Network for the Charging Period; or
  - (b) such other amount as the Commission determines represents:
    - (i) a reasonable contribution to overhead costs (including all insurances except the Transport Accident Commission premiums) and administration costs, including corporate head office costs, not included in the calculation of Operations and Maintenance Costs; and
    - (ii) a reasonable return on Operations and Maintenance Costs, having regard to the risk involved in incurring the Operations and Maintenance Costs.
- 2.5 For the purposes of calculating the Cost Base of the Connex Network in accordance with paragraph 2.1 and for the purposes of paragraph 4, no amount may be counted as both an Operations and Maintenance Cost and as New Capital Expenditure. For this purpose the Commission may apportion an amount between Operations and Maintenance Costs and New Capital Expenditure in such manner as the Commission considers fair and reasonable.
- 2.6 The Commission may exclude any:
- (a) operations and maintenance costs from the calculation of the Operations and Maintenance Costs under paragraph 2.2(a); and
  - (b) New Capital Expenditure from the calculation of the Capital Charge under paragraph 2.3
- if the Commission is of the view that an Access Provider acting efficiently, having regard to the nature and state of the Connex Network, would not incur those costs or make that New Capital Expenditure.

### 3. Access Charges For Non Passenger Services

- 3.1 Incremental Non Passenger Costs on the Connex Network for the Charging Period will be that part of the Cost Base of the Connex Network calculated in accordance with clause 2.1 that is directly attributable to the operation of non passenger trains.
- 3.2 For the purposes of this paragraph 3:
- (a) the Allowable Non Passenger Access Seekers Costs (Off Peak) for the Charging Period must be calculated as follows:
 
$$\text{INPC} \times \frac{\text{Non Passenger Access Seeker's GTK (Off Peak)}}{\text{Non Passenger GTK (Off Peak)}}$$



**Where:**

**INPC** means Incremental Non Passenger Costs for the Connex Network for the Charging Period calculated in accordance with paragraph 3.1.

**Non Passenger Access Seeker's GTK (Off Peak)** means the Gross Tonne Kilometres forecast by the Commission to be consumed by a particular Access Seeker's non passenger trains in operating on the Connex Network outside the Peak over the Relevant Period.

**Non Passenger GTK (Off Peak)** means the Gross Tonne Kilometres forecast by the Commission to be consumed by all non passenger trains in operating on the Connex Network outside the Peak over the Relevant Period; and

- (b) the Allowable Non Passenger Access Seeker's Costs (Peak) for the Charging Period must be calculated as follows:

$$(CB-INPC) \times \frac{\text{Non Passenger Access Seeker's Train Kilometres (Peak)}}{\text{Total Train Kilometres (excluding Non Passenger Off Peak)}}$$

**Where:**

**CB** means Cost Base of the Connex Network calculated in accordance with paragraph 2.1.

**INPC** means Incremental Non Passenger Costs for the Connex Network for the Charging Period calculated in accordance with paragraph 3.1.

**Non Passenger Access Seeker's Train Kilometres (Peak)** means the Train Kilometres forecast by the Commission to be consumed by a particular Access Seeker's non passenger trains in operating on the Connex Network in the Peak over the Relevant Period.

**Total Train Kilometres (excluding Non Passenger Off Peak)** means the Train Kilometres forecast by the Commission to be consumed by all trains in operating on the Connex Network over the Relevant Period excluding non passenger trains to the extent such trains operate outside the Peak.

- 3.3 The amount to be paid by a particular Access Seeker for access to the Connex Network for the purpose of operating non passenger trains must be set so as to be forecast by the Commission to enable the Access Provider to recover from the Access Seeker over the Charging Period:
- (a) the Allowable Non Passenger Access Seeker's Costs (Off Peak) with respect to trains to be operated by the Access Seeker on the Connex Network outside the Peak;
  - (b) the Allowable Non Passenger Access Seeker's Costs (Peak) with respect to trains to be operated by the Access Seeker on the Connex Network in the Peak; and
  - (c) any costs that will be incurred by the Access Provider in the Charging Period not included in the Cost Base that are directly attributable to the Access Seeker concerned accessing the Connex Network (including, without limitation, any Transport Accident Commission premium payable by the Access Provider that is specified by the Transport Accident Commission as being referable to the Access Seeker and the costs of traction energy used by the Access Seeker in accessing the Connex Network where the Access Provider is required to provide that traction energy to the Access Seeker pursuant to the Commission's determination).

- 3.4 The Commission must give consideration:
- (a) in setting the amount to be paid by a particular Access Seeker for access under paragraph 3.3, to including a fixed component and a variable component in the access charge, in such proportions as the Commission considers appropriate; and
  - (b) in setting the terms for payment of the amount to be paid by a particular Access Seeker for access, to including mechanisms to minimise the risk to the Access Provider of the Access Seeker defaulting in making access payments.
- 3.5 For the purposes of this paragraph 3, any Train Kilometres or Gross Tonne Kilometres forecast to be consumed by a heritage operator free of charge pursuant to the Access Provider's lease of the Connex Network must be disregarded (whether operated under the accreditation of the heritage operator or under the accreditation of a third party on behalf of the heritage operator).

#### **4 Other Matters**

- 4.1 The Commission must in making any forecast pursuant to this Schedule take into account any information provided by the Access Provider to the Commission that is relevant to the forecast.
- 4.2 The Commission may, if it considers it appropriate, include in its determination a mechanism to change the amount to be paid for access which the Commission has set pursuant to paragraph 3 to reflect any or all of:
- (a) price inflation or expected efficiency gains or both; and
  - (b) differences arising between forecasts made by the Commission pursuant to this Schedule and actual results in relation to the matter forecast.
- 4.3 If the Access Provider of part or all of the Connex Network is a person other than Melbourne Transport Enterprises Pty Ltd (ACN 087 516 210) then in determining the amount to be paid to that Access Provider for access:
- (a) for the purposes of the definitions of New Capital Expenditure and Operations and Maintenance Costs, expenditure and costs incurred by Melbourne Transport Enterprises Pty Ltd (ACN 087 516 210) will be treated as having been incurred by the Access Provider; and
  - (b) the terms of the lease or sub-lease of the Connex Network to the Access Provider or contract with the Access Provider to manage the Connex Network must be disregarded.

#### **5. Expiry**

This Order expires on 17 April 2009.

**Attachment A — Paragraph 2.2 of the Schedule — Cost Allocation Rules****1. Cost Classification**

<b>Cost Category</b>	<b>Description</b>
<b>(a) Maintenance costs</b>	
(i) Track and right of way	including but not limited to all maintenance and renewal costs incurred on section gangs, ballast cleaning, tamping, rail testing and inspection, routine structure maintenance, minor spot/unscheduled replacement of track, plant trains expenditure, civil works, permanent way reserve management, welding, repair and rectification work, track gang protection, running line track, running line points, crossings, reballasting, rail profiling, resleepering, rerailing, bridges, culverts, tunnels, cuttings, embankments, retaining walls, signal bridges, weed spraying and environmental management.
(ii) Signalling and communications maintenance	including but not limited to all costs incurred on communications preventative and unscheduled and renewal of signalling and communications equipment, manual and automatic block working systems, interlockings and level crossing protection.
(iii) Facilities maintenance	including but not limited to all costs incurred on maintenance and renewal of buildings and equipment involved in infrastructure maintenance and operations, including level crossings.
(iv) Electrical maintenance	including but not limited to all costs incurred on maintenance and renewal of electrical infrastructure, overhead and sub-stations.
<b>(b) Operations costs</b>	
(i) Train control and safeworking operational costs	including but not limited to all costs incurred on safe working control centres, operations of signalling signalling boxes, communication systems and system safety costs, rail safety accreditation and other legal compliance.
(ii) Train planning	including but not limited to all costs incurred in relation to the preparation of train schedules.
(iii) Traction monitoring and control	including but not limited to all costs incurred in and control relation to the monitoring and controlling of traction energy (but does not include the costs of traction energy itself).
(iv) Information technology expenditure	being all costs incurred on information technology and telecommunications directly related to the expenditure infrastructure and train operations area.
(v) Engineering contracts	being all costs incurred on managing engineering data and drawings and engineering design.
(vi) Train control lease costs	being the lease cost of the train control rooms.

(vii) Transport Accident Commission costs	being any Transport Accident Commission premium payable by the Access Provider that is not specified by the Transport Accident Commission as being referable specifically to a particular user of the Connex Network.
(viii) Insurance costs	being all insurance costs incurred in relation to the Connex Network and the provision of access.

Dated 13 April 2004

Responsible Minister  
PETER BATCHELOR  
Minister for Transport

DIANE CASEY  
Clerk of the Executive Council

### Local Government Act 1989

#### LOCAL COUNCIL ELECTIONS 2004 — SPECIFYING THE DATES

##### Order in Council

Under sections 3, 21, 21A and 22 of the **Local Government Act 1989** the Governor in Council sets the dates for the elections for the following Victorian local councils:

Ararat Rural City Council, Ballarat City Council, Boroondarah City Council, Colac—Otway Shire Council, Corangamite Shire Council, Darebin City Council, Glenelg Shire Council, Golden Plains Shire Council, Greater Bendigo City Council, Greater Geelong City Council, Hobsons Bay City Council, Melbourne City Council, Melton Shire Council, Moorabool Shire Council, Moreland City Council, Moyne Shire Council, Nillumbik Shire Council, Port Phillip City Council, Pyrenees Shire Council, Borough of Queenscliffe, Southern Grampians Shire Council, Stonnington City Council, Surf Coast Shire Council, Warrnambool City Council, and Yarra City Council to be held on 27 November 2004 shall be —

Wednesday 1 September 2004	Entitlement date for the purposes of Division 1 of Part 3 of the <b>Local Government Act 1989</b> ;
Friday 10 September 2004	The date by which the Electoral Commissioner must supply to the Chief Executive Officer a voters' list for the purposes of section 21(2) of the <b>Local Government Act 1989</b> ;
Friday 8 October 2004	The date by which the Chief Executive Officer must make out a voters' list for the purposes of section 22(2) of the <b>Local Government Act 1989</b> .

Dated 13 April 2004

Responsible Minister:  
CANDY BROAD MLC  
Minister for Local Government

DIANE CASEY  
Clerk of the Executive Council

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**SUBORDINATE LEGISLATION ACT 1994  
NOTICE OF MAKING OF STATUTORY  
RULES**

Notice is hereby given under Section 17 (2) of the **Subordinate Legislation Act 1994** of the making of the following Statutory Rules:

28. *Statutory Rule:* Transport  
(Infringements)  
(Amendment)  
Regulations 2004  
*Authorising Act:* Transport Act 1983  
*Date of making:* 13 April 2004

**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, 356 Collins Street, Melbourne on the date specified:

26. *Statutory Rule:* Fisheries  
(Amendment)  
Regulations 2004  
*Authorising Act:* Fisheries Act 1995  
*Date first obtainable:* 15 April 2004  
*Code B*
27. *Statutory Rule:* Fisheries (Abalone)  
Regulations 2004  
*Authorising Act:* Fisheries Act 1995  
*Date first obtainable:* 15 April 2004  
*Code A*

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