Anthony Moffatt 4/5/2017

Please note that ALL the information that I have provided to the ESC in my submissions simply relate to the findings of the Independent Review, which Melbourne Water acknowledged acceptance of in its Price Submission to the ESC on the 19th December 2013. – "Melbourne Water accepts the findings of the Independent Review Recommendations" under the Section - Proposal, page 4

All of the information that I have provided in my submissions to the ESC is pertinent factual information that has been extracted from the official documents that relate to the Independent Review. These documents include whilst not limited to The Independent Review 2013 itself, The Design Flow Water Quality Management Plan 2015, The NHMRC Guidelines 2008, Melbourne Water's Kananook Creek Corridor Management Plan 2009, Lake Carramar Desk Top Study 2014, Blue Green Algae Health Warning Signs, Blue Green Algae Community Information Health Warning bulletins, DELWP's Blue Green Algae Circular and the Department of Health etc

In relation to 'Melbourne Water Pricing Proposals' that relate directly to the 'Management of the Patterson Lakes Waterways', the ESC has the responsibility and duty of care to ensure that pricing decisions are consistent with the findings of the Independent Review.

The ESC's responsibility to decide if it is appropriate for Melbourne Water to apply a special tariff on Quiet Lakes residents to run the bore to manage safe levels of Blue Green Algae to maintain secondary contact water quality in a state owned public drainage reserve has nothing to do with the consultation processes adopted by Melbourne Water's ultimatum 'willingness to pay' survey or the PLQLOR Association's 581 signature petition, its membership list or the minutes of PLQLOR committee meetings.

The consultation process to be analysed by the ESC is that conducted by the 'INDEPENDENT Review Panel'. Each stake holder had an opportunity to express its opinions and positions to the Review Panel for its consideration. The 'INDEPENDENT Review Panel conducted an extensive and INDEPENDENT consultation process to establish management responsibilities at the Patterson Lakes Waterways, which is captured in great detail in the 2013 Patterson Lakes Independent Review.

Now the ESC has the responsibility and duty of care to ensure that 'Final Pricing Decisions' relating to the management of Patterson Lakes Waterways are consistent with the findings of the Independent Review.

My submission is an objection to the ESC's Draft Decision to approve Melbourne Water's proposal to apply a special tariff to run the bore to manage water quality 'over and above' secondary contact water quality that has been based on fundamental factual errors that were revealed at our recent meeting with the ESC.

Melbourne Water must in first maintain water quality to secondary contact as the minimum standard utilising the MMWDC before making any pricing proposal to the ESC that is required to relate to additional capital projects or other additional services required for achieving water quality 'over and above' secondary contact that would then be consistent with Recommendations 9 and 15 of the Independent Review.

The Melbourne Water Pricing Submission and the ESC's Draft Decision DO NOT RELATE in any way what so ever to additional capital projects or other additional services required for achieving water quality 'over and above' secondary contact that would then be consistent with Recommendations 9 and 15 of the Independent Review.

The bore is original infrastructure with no capital requirements.

The ground water licence to pump 2ML/day, 365 days per year, is original allowance licenced during the proving stage of the system prior to handover to the DVA.

Running the bore for water renewal to manage appropriate residence time to manage safe water quality is an original engineering design operation.

Pumping water to provide reliable flow to control high nutrient levels and high algal content is a service conducted by Melbourne Water using the MMWDC funds in Kananook Creek using the Kananook Creek pump station. This operation conducted at the Kananook Creek pump station, which is as close to home as physically possible, is identical in purpose to the requirements of the Quiet Lakes utilising the Gladesville Boulevard pump station.

As discussed in our recent meeting, the key to establishing who is financially responsible between the Quiet Lakes residents and the Melbourne Metropolitan Drainage and Waterways Charge (MMWDC) to run the bore to manage safe levels of blue green algae is directly related to the following points:

1. Establishing whether 'the Quiet Lakes residents are the sole beneficiary of safe levels of Blue Green Algae' or whether there is 'a broader community benefit' via the Review's conclusion that the Quiet Lakes do contribute towards a system of regional flood protection and drainage management that has an important relationship with the Patterson River, Kananook Creek and the wider Patterson Lakes and Carrum district.

In this regard, the Review has categorically concluded: "the Review concluded the practical function that the Quiet Lakes play in the regional drainage network is not insignificant. The Review concludes from the literature and the submissions that Melbourne Water operates the drainage components of the Patterson Lakes to the benefit of the broader catchment, and that this is consistent with the Authority's metropolitan waterways role. Whilst the pipeline and pumping system operation does directly benefit the water quality in the Patterson Lakes, it also provides benefit to the Patterson River, Kananook Creek, and Port Philip Bay waterway health and the associated recreational uses."

2. Identifying whether managing safe levels of Blue Green Algae <10mm3/L is part of maintaining secondary contact water quality as the minimum standard consistent with Recommendation 2 of the Independent Review.

Melbourne Water's 'willingness to pay' consultation is only relevant if there 'IS NO' association between 'managing safe levels of Blue Green Algae <10mm3/L' and 'maintaining secondary contact water quality' in the Quiet Lakes. If there 'IS NO' association between these two elements then the Quiet Lakes residents would be financially responsible for running the bore on the basis that the residents would be the 'sole beneficiary' of water quality that is 'over and above' secondary contact water quality. If this outcome is

established then it has been already further established that the residents are willing to pay to run the bore.

In this regard, I AM NOT aware of any document the states "when Blue Green Algae exceeds 10mm3/L there is NO likelihood of adverse health outcomes relating to respiratory, irritation or allergy symptoms from inhalation or direct contact with the skin and as such does not warrant a Guideline."

In contrast, the Melbourne Water 'willingness to pay' consultation is irrelevant if there 'IS' an association between managing safe levels of Blue Green Algae <10mm3/L and maintaining secondary contact water quality in the Quiet Lakes. If there 'IS' an association between these two elements then Melbourne Water is financially responsible to manage, fund and operate the running the bore to create water renewal and treatment of water quality issues to the 'joint benefit' of those at the Quiet Lakes and those downstream including not only humans but flora and fauna. If this outcome is established, the Independent Review has already determined that this activity is to be funded by the MMWDC consistent with Recommendation 6 of the Independent Review. In effect, the ESC has already previously approved this outcome via Melbourne Water's Price Submission to the ESC on the 19th December 2013 to "continue to fund waterway health and regional drainage services through the waterways and drainage charge."

In support of the clear association between 'maintaining safe levels of Blue Green Algae' and 'maintaining secondary contact water quality' the information that I have provided to the ESC in my submissions clearly detail the following points:

• 1. The many documents that confirm the direct association between managing safe levels of Blue Green Algae <10mm3/L and maintaining secondary contact water quality suitable for secondary contact activities such as boating, fishing, canoeing, paddling, wading etc....:

The NHMRC Guidelines 2008

The 2016/17 Blue Green Algae Circular relating to boating and fishing requiring causes to be identified and actions to take.

The Blue Green Algae warning signs

The Blue Green Algae Community Information warning bulletins

DEPI's cautionary letter to Melbourne Water to follow the Blue Green Algae Circular "to ensure that the requirements for public health and water quality are addressed".

The Department of Health's cautionary letter to Melbourne Water to follow the NHMRC Guidelines that "promote the preventive risk management approach and provide guidelines for cyanobacteria and algae in fresh, coastal and estuarine water"

• 2. The many documents that confirm the direct association between Blue Green Algae >10mm3/L and the increased likelihood of adverse respiratory, allergenic and irritative

health effects from skin contact and inhalation relating to WHO Level 3 otherwise known locally as the Australian Level 2.

The NHMRC Guidelines 2008

The 2016/17 Blue Green Algae Circular relating to boating and fishing requiring causes to be identified and actions to take

The Blue Green Algae warning signs erected by Melbourne Water

The Blue Green Algae Community Information warning bulletins distributed by Melbourne Water

• 3. The many documents that confirm the requirement for weekly testing including cell counts and regular visual inspection in water bodies prone to unsafe levels of Blue Green Algae for Melbourne Water and residents to ascertain the conditions of the water for secondary contact recreational use:

Detailed in the Independent Review, page 68

previously identified by Melbourne Water as providing a regional and community benefit ESC Approved from MW's 2013 ESC Pricing submission, page 4

is detailed in the NHMRC Guidelines 2008, page 112

4. The specific Independent Review Recommendation 3 for Melbourne Water to implement the Design Flow Water Quality Management Plan as a preventive approach to manage Blue Green Algae to improve water quality within the Quiet Lakes consistent with the DFWQMP flow chart, figure 10 page 32

Carp removal

Continue to run the bore at 1.5ML/day

Aquatic planting

Removal of the nutrient rich sediments

5. The specific Independent Review Recommendation 6 for Melbourne Water to manage, fund and operate the system of interconnecting water flows between the three Quiet Lakes to deliver the outcomes of the Review. These are to be funded from the Melbourne Metropolitan Waterways and Drainage Charge.

Totally inconsistent with the findings of the Independent Review is the ESC's Draft Decision to approve Melbourne Water's proposal to apply a special tariff to run the bore to manage water quality 'over and above' secondary contact water quality that has been based on fundamental factual errors as was made abundantly evident at our recent meeting and within my recent subsequent submission as requested by Angeline Bilas at our meeting.

As was made evident, the ESC had made a blundered attempt to support Melbourne Water's proposal that residents are the 'primary beneficiary' of running the bore to create

safe levels of Blue Green Algae on the basis that there 'IS NO' association between 'managing safe levels of Blue Green Algae <10mm3/L' and 'maintaining secondary contact water quality' in the Quiet Lakes.

1. The ESC reported that the residents requested Melbourne Water to run the bore to achieve swimmable water quality, which is factually incorrect. As detailed in my submission the request by the residents to run the bore was actually initiated via a meeting of the PLQLOR Committee with the Hon. Peter Walsh, former Water Minister on the 30th June 2011 organised by Donna Bauer, State Member for Carrum. The purpose of the request to run the bore was from the residents belief that running the bore on a daily basis, as originally designed by the Developer, would create water renewal to help manage safe levels of Blue Green Algae having suffered to point, 12 years of exposure to uncontrolled hazardous levels of Blue Green Algae well in excess of the 10mm3/L Guideline Limit. Despite Melbourne Water's objections and claims that the bore would not provide a sufficient volume of water to be effective in controlling safe levels of Blue Green Algae, The Hon. Peter Walsh agreed to run a trial. Consequently, the Hon. Peter Walsh directed Melbourne Water to progress with its application to increase the ground water licence to provide 'water renewal and treatment for water quality issues' as stated in Melbourne Water's application to Southern Rural Water dated 26/05/2010 and the Public Notice in the Mordialloc-Chelsea leader on the 2nd April 2012.

The fact of the matter is that Melbourne Water refused to listen to the resident's repeated and desperate requests to run the bore to manage safe levels of Blue Green Algae and that it was the residents request to the Hon. Peter Walsh that caused the bore trial to occur.

2. The ESC reported that the residents are the 'primary beneficiary' of safe levels of Blue Green Algae, which is inconsistent with the ESC's user pays system where by an activity has either a 'sole beneficiary' that pays for private benefit or a 'joint beneficiary' that is funded from the MMWDC. There is actually no definitive method for the ESC to determine a 'primary beneficiary' of a system that 4,917 properties drain into and many more properties receive Quiet Lakes water via outflows. As discussed in our recent meeting, this situation is not only inconsistent with the conclusions of the Independent Review but also inconsistent with the ESC's decision to reject Melbourne Waters proposal to charge the Marina for the upfront cost and ongoing maintenance of the Tidal Gates on the basis that the Marina is in fact NOT the 'sole beneficiary' of the Tidal Gates.

3. The ESC reported 'that secondary contact water quality does not warrant a guideline value for managing Blue Green Algae'. As discussed in our recent meeting, this conclusion held by the ESC was based on a factually incorrect interpretation of the ESC reference taken from page 103 of the NHMRC Guidelines. The ESC's reference actually relates to WHO level 1 – lowest level – green level – non hazardous safe water. The correct reference that details the increased likelihood of adverse health outcomes principally respiratory, irritation and allergy symptoms associated from exposure to very high cell counts as defined under WHO Level 3 – highest level – red level – hazardous blue green algae = Australian Level 2 (>10mm3/L) is detailed on the upper part of page 103 and again on page 114.

4. The ESC also attempted to discredit the effectiveness of bore trial by reporting that the outcome of the bore trial was unclear due to spikes of Blue Green Algae that continued to occur during the 3 year bore trial. As discussed in our recent meeting this conclusion held by

the ESC was also based on a factually incorrect interpretation of the Blue Green Algae test results charts that relate to Lake Carramar, which DOES NOT receive 'flow through' from the operation of the bore trial. As such Lake Carramar continues to experience unsafe levels of TOXIC Blue Green Algae as distinct from Lakes Legana and Illawong that have not experienced unsafe levels of Blue Green Algae over the past 5 summer periods that the bore has been running.

In this regard Melbourne Water, Design Flow and the residents all consider the bore to have a positive effect on managing safe levels of Blue Green Algae and want the bore to continue to run each year.

The ESC's Draft decision places the responsibility for managing safe water to protect human health with the residents when the ultimate responsibility for 'protecting human health' in this developed country of ours is the responsibilities of the Authorities i.e. speed limits, drink/drug driving limits, guns laws, domestic violence laws, and safe water quality etc etc.....

The ESSENTIAL Services Commission has the responsibility and duty of care to ensure that 'Final Pricing Decisions', now and forever in the future, that relate to the management of Patterson Lakes Waterways are consistent with the findings of the Independent Review as the guiding document. This outcome, above all else, calls for the management of safe water to protect human health as specified by the NHMRC Guidelines as an ESSENTIAL Service!

For complete transparency, please publish my response to your continuing assessment on the ESC website.

Regards,

Anthony Moffatt

PLQLOR Association - President

Independent Review Steering Committee - Residents Representative

Southern Rural Water PO Box 153 Maffra VIC 3860

Attention: Trevor McDevitt Manager Applications

RE: PUBLIC NOTICE REFERENCE: 844971AC

Dear Trevor,

I wish to bring to your attention that your Public Notice regarding the proposed increase to the existing ground water licence from 20ML to 400ML has been falsely advertised as being "To top up the lakes known as Patterson Lakes or Quiet Lakes". As such the Public Notice is incorrect in conveying the true purpose to the public, which is actually "For water renewal and treatment of water quality issues at the Quiet Lakes".

"Topping Up" the Quiet Lakes is the current practice of MW under the existing licence of 20ML/year, which was inappropriately approved by the Rural Water Commission of Victoria 19/11/1991 due to misinformation and lack of understanding by MW as to the true purpose of the lakes and the bore. The original purpose of the bore installed by the Developer of the Quiet Lakes, later managed by the Dandenong Valley Authority, is clearly explained in the Developers Newsletter Summer/Autumn 1975 as being for the purpose of water renewal and as then detailed in the original bore licence 24/02/1976 as being for recreational use. Only after MW took over responsibility from DVA for management of the Quiet Lakes in 1990 was the ground water licence then decreased due to MW's lack of understanding for the Quiet Lakes purpose (recreational) and design (water renewal).

On the 13/09/2010 it was discovered through FOI that MW had inappropriately decreased the ground water licence in 1991, which has since caused the residents to push for the licence to be increased to allow the purpose of water renewal to be re-instated in accordance with the developers design intent.

As detailed in MW's original application for an increase (dated 26/05/2010), countless emails, repeated discussions in MW's PLAC meetings (most recent meeting minutes 8/2/2012) and 3 meetings with the Water Minister Hon. Peter Walsh (30/06/2011; 9/11/2012 & 5/03/2012) the purpose of the increase to the ground water licence is for "water renewal and treatment for water quality issues in the Patterson Lakes Quiet Lakes" i.e. "water renewal" not "topping up"

As such I request, without delay, that you re-advertise the above mentioned Public Notice with the correct purpose of being for "water renewal and treatment for water quality issues in the Patterson Lakes Quiet Lakes" to be open and honest with the public.

Yours Sincerely,

Anthony Moffatt PLQLOR Association President (A0050282B)





Our Reference: 844971 AC

29 March 2012

Mr Anthony Moffat PLQLOR Association President (A0050282B)

Dear Mr Moffat

PUBLIC NOTICE REFERENCE: 844971AC

I thank you for your letter received at this office on 22 March 2012 in which you quite rightly point out that the purpose of the Melbourne Water application was incorrectly listed as "If approved this water will be used to top up the Lakes known as.....".

This has been corrected to "*If approved this water would be used for water renewal and treatment for water quality issues in Patterson Lakes (also known as "Quiet Lakes"*)".

This correction to the "Public Notice" shall be run in the Mordialloc- Chelsea Leader on 2nd April 2012 or the next available edition.

I have attached a copy of the "Correction" for your information.

Thankyou again for pointing out this error.

I can be contacted on 51393100 if required.

Yours sincerely

Trevor McDevitt Manager Applications

Phone 1300 139 510 Fax (03) 5139 3150 srw@srw.com.au www.srw.com.au 217245 70 801 473 421

DX

ABN

CORRECTION TO APPLICATION TO INCREASE GROUNDWATER LICENCE

PARISH OF LYNDHURST

Southern Rural Water wishes to advise of an application seeking approval to increase an existing groundwater licence from 20.0 megalitres up to 400.0 megalitres. If approved this water would be used for water renewal and treatment for water quality issues in Patterson Lakes (also known as "Quiet Lakes") on land described as Gladesville Boulevarde, Patterson Lakes. Vicroads map reference 97 H5.

Southern Rural Water has requested that the applicant provide a professionally produced hydrogeological report and pump test and are satisfied that there should be no interference with well constructed and maintained neighbouring bores. If this application is approved as an added precaution an interference condition and monitoring conditions would be placed on the licence. The conditions will also restrict pumping to a maximum of 2.0 megalitres per day at a rate of 12 hours per day (with a 12 hour rest period).

Southern Rural Water is committed to an appropriate consultation process to ensure the proper consideration of relevant matters as prescribed by the Water Act 1989.

We therefore seek comment from any interested person or party that considers that they are or may be affected by this application. Submissions on this proposal will be accepted until 4pm on 20th April 2012 and will be taken into account in determining this application

Please direct enquiries and submissions to: Trevor McDevitt - Manager Application

PO Box 153 Maffra 3860

Telephone 5139 3113 Please quote reference 844971AC

Clinton Rodda Managing Director

Southern **Rural Water** Managing Water. Serving Communities.



URGEN

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GROUNDWATER ACT 1969

1.10

GROUNDWATER LICENCE No. 3704

State Rivers and Water Supply Commission (hereinafter called "the Commission") pursuant to the powers conferred by the *Groundwater Act* 1969 hereby authorizes

of ______(hereinafter called " the licensee ") subject to the conditions contained in the Second Schedule during Fifteen (15) years from the first day of September One thousand nine hundred and <u>seventy-five</u> to extract groundwater from the bore specified in the First Schedule.

Dated the	Twenty-fourth	day of	February,	One thousand
	seventy-six.			
By direction of the	Commission.	State Ri	Secretary, vers and Water Su	pply Commission.
a filmer	FIR	ST SCHEDU	ILE	
2. Bore No. : annexed hereto.	012.00 1015/66 Recroational.	located in		"A" on the plan
4. Land on which y plan of subdivis	water is to be used (he ion No. <u>99475</u> p ection	oart of allotm town or to	ent s 100 mai al	94
5. Quantities to be Maximum rate	ndhurst e extracted : of extraction : unt to be extracted p int to be extracted per	2.0 mega) megalitres	gallons.



GROUNDWATER LICENCE APPLICATION FORM

Water Act 1989, Section 51, 58, 62 Licence to take and use groundwater and to operate works.

This Groundwater Licence Application Form is to be completed by a person who has access to groundwater through a bore or well and wants to take and use the water for any purpose other than domestic and/or stock. Groundwater licences are issued for a maximum period of up to fifteen years. Before you begin completing this Form, please read the accompanying Fact Sheet and Foe Schedule. Your chaque or money order must accompany this Form.

On completing the Form, please check the details you have provided as any missing information can delay the application and incorrect information may result in the licence being revoked. Send this Form, the photocopied map showing the location of your bore(s) and your payment to Southern Rural Water, PO Box 153, Matira 3860.

If you have any questions or concerns about your application, phone us on 1300 139 510.

Change to existing licence(s)	Your existing groundwater licence number(s) 90.37900
Increase entitlement	Renew existing licence
Amalgamate existing licences	Other (please specify)
an a	
. Applicant's details (Name	to appear on Licence)
	ELOW. These details will be documented on your groundwater licence, if approved. If you are
ging or amending your existing groundwa	ater licence, the name(s) must be the same as those detailed on your current licence. Is postal address. All parties shown must sign the declaration in Section 6 of this form.
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(li more tha	n pro individual applicants please attach on a separate page).
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3. Bore details

To add, remove or amend existing bore details, you need to list the bore number(s) here and highlight them on your property sketch. If you don't know the exact number(s), identify them with site identifiers such as A, B, C and use these same identifiers on your sketch. Bores to be added Bores to be removed Bores to be amended Bore number 5903 7940/1 Bore number Bore number ____ Bore number ... Bore number ____ Bore number . Bore number ____ Bore number ____ Bore number If you are adding a bore(s) please provide the following information. It will be detailed on the Bore Completion Report, provided by your driller. If you don't have a copy of the report, please provide as many details as you can. You will also need to complete extraction rate details. See Note 3. Remember, bore yield is the maximum volume per day that your groundwater source is capable of delivering. 5 903 7940 Bore Construction Licence number(s) 2010 Year(s) constructed (if known) 5 ML Bore vield(s) (ML/dav)____ Drilled bore Spear point Dragline hole* Dug well or shaft* 80 Length and width (metres) ____ Bore depth Bore casing (steel/PVC and class) **1**100mm 50mm 150mm **200mm** Bore diameter (mm) 250mm 300mm **AGD 66** Location Coordinates (See Note 7) GDA 94 Other, please specify Northing . Easting Zone _

4. Quantity to be extracted from each bore

Please provide bore use details as well as proposed daily and annual volumes to be extracted from each bore. Two examples are provided for your reference.

- If you are applying for a new licence, you need to provide details of proposed daily and annual volumes. These can be shared between bores or allocated to an individual bore. See examples below and Note 3.
- If you are amending an existing licence, you must include the bores that are to remain on the licence as well as any new bores that are to be added.

If your application is approved, your licence will detail your bore information, as shown below.

Bore number	.Maximum rate (ML/day)	Maximum volume (ML/day)	Maximum volume (ML/annum)	Type of use
Example 1 123458	0.05	- D.01	1.2	Dairy
Example 2 S632112/01 GMS-999	2,00 2,00	1.00 1.00	200.0	Irrigation
59037940/1	3.4	3.4	730	OTHER-

telways or CFA map. Then, r symbols to identify: the location of all existing your property boundaries the location of neighbourin	location of the property on a photocopy of a VicRoac using the picture at right as a guide, use different co bore(s) on the property g bores not owned by you. be found on a Certificate of Title or Council rates no	CA 39
rooerty address:	Postcode:	REY Property Euroday *Rev No. 1724/58 Wy strick and diversible hore.
ot number:	Plan number:	Allotment
ection:	Parish;	Volume: Falia:
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6. Applicant's de	claration	2
L APPLICANTS LISTED IN we, the undersigned certify we understand that this info ocess or released if reason	SECTION 1 MUST SIGN THIS DECLARATION. that the information provided in this Groundwater Lic ormation may be referred to other organisations and/	Hence Application Form is true and correct. for advertised as part of our application and assessment lawful orders, or in the public interest - particularity in Date: $26/5/40$

4

Remember, the person who signs on behalf of the company in Section 6 of this form, must be authorised to do so, such as a Company Secretary or Director, Southern Rural Water will take no liability if this form is signed by a person who is not authorised to do so.