

**Plant Health and Plant Products Act 1995****DECLARATION OF CONTROL AREAS IN VICTORIA FOR THE PURPOSE OF  
PREVENTING THE SPREAD OF THE PEST PHYLLOXERA**

## Order in Council

The Governor in Council under section 9 of the **Plant Health and Plant Products Act 1995** –

- (a) for the purpose of preventing the spread of the pest, Phylloxera (*Daktulosphaira vitifoliae*) to other parts of Victoria, declares –
- (i) the area described in Schedule 1 to be a control area known as the North East Phylloxera Infested Zone; and
  - (ii) the area described in Schedule 2 to be a control area known as the Nagambie Phylloxera Infested Zone; and
  - (iii) the area described in Schedule 3 to be a control area known as the Upton Phylloxera Infested Zone; and
  - (iv) the area described in Schedule 4 to be a control area known as the Mooroopna Phylloxera Infested Zone; and
  - (v) the area described in Schedule 5 to be a control area known as the Maroondah Phylloxera Infested Zone; and
  - (vi) the area described in Schedule 6 to be a control area known as the Whitebridge Phylloxera Infested Zone; and
- (b) revokes the Order made under section 9 of the **Plant Health and Plant Products Act 1995** on 5 February 2008, and published in the Government Gazette G6 on 7 February 2008; and
- (c) specifies the prohibitions in Schedule 7 which are to operate in the control areas to prevent the spread of the pest Phylloxera to other parts of Victoria.

This Order is to come into operation on the day of its publication in the Government Gazette.

Dated 24 February 2009

Responsible Minister:

JOE HELPER

Minister for Agriculture

RYAN HEATH  
Clerk of the Executive Council

**SCHEDULE 1 – NORTH EAST PHYLLOXERA INFESTED ZONE**

The area of land bounded by a line commencing at the intersection of the boundaries of the parishes of Dueran East, Toombullup and Whitfield South, then in a northerly direction along the western boundary of the parish of Whitfield South to the intersection of the boundaries of the parishes of Whitfield South, Toombullup and Toombullup North, then in a westerly, then northerly, then easterly direction along the southern, western and northern boundaries of the parish of Toombullup North to the intersection of the boundaries of the parishes of Toombullup North, Rothesay and Tatong, then in a generally northerly direction along the western boundaries of the parish of Tatong, Lurg, Winton, Mokaon, Boweya, Boomahnoomoonah and Bundalong to the intersection of the western boundary of the parish of Bundalong and the Murray River, then in a generally easterly direction along the Murray River to the intersection of the Murray River and the eastern boundary of the parish of Wodonga, then in a generally southerly direction along the eastern boundaries of the parishes of Wodonga, Baranduda, Yackandandah and Bruarong to the intersection of the boundaries of the parishes of Bruarong, Kergunyah and Dederang, then in a straight line in a southerly direction to the intersection of Lambert Lane and Mt Jack Track, then in a southerly direction along Mt Jack Track to the intersection of Mt Jack Track and Running Creek Road, then

in a westerly direction along Running Creek Road to the intersection of Running Creek Road and Kancoona Gap Track, then in a southerly direction along Kancoona Gap Track to the intersection of Kancoona Gap Track and Link Road, then in a westerly direction along Link Road to the intersection of Link Road and Barker Road, then in a generally southerly direction along Barker Road to the intersection of Barker Road and Rolland Road, then in a straight line in a south-easterly direction to the intersection of Kancoona South Road and Havilah Road, then in a south-easterly direction along Havilah Road to the intersection of Havilah Road and Mt Porepukah Road, then in a southerly direction along Mt Porepukah Road to the intersection of Mt Porepukah Road and Smart Creek–Tawonga Gap Track, then in a south-easterly direction along Smart Creek–Tawonga Gap Track to the intersection of Smart Creek–Tawonga Gap Track and Tawonga Gap Track, then in a southerly direction along Tawonga Gap Track to the intersection of Tawonga Gap Track and Big Flat Track, then in a south-easterly direction along Big Flat Track to the intersection of Big Flat Track and Dungey Track, then in a straight line in a southerly direction to the intersection of Razorback Walking Track and Razorback Track, then in a south-westerly direction along Razorback Track to the intersection of Razorback Track and Bungalow Spur Walking Track, then in a straight line in a south-westerly direction to the intersection of Cobbler Lake Track and Cobbler Lake–Abbeyard Road, then in a straight line in a north-westerly direction to the intersection of the boundaries of the parishes of Matong North, Dandongadale and Winteriga, then in a southerly, then westerly direction along the eastern and southern boundaries of the parish of Winteriga to the intersection of the boundaries of the parishes of Winteriga, Matong North and Wabonga, then in a westerly direction along the southern boundaries of the parishes of Wabonga and Whitfield South to the point of commencement.

#### **SCHEDULE 2 – NAGAMBIE PHYLLOXERA INFESTED ZONE**

The area of land bounded by a line commencing at the point where the northern boundary of the parish of Bailieston joins the western boundary of that parish, then easterly along the northern boundary of that parish, and east-north-easterly and generally south-westerly along the northern boundary of the parish of Noorilim to the intersection with the northern boundary of the parish of Wahring, then easterly along the northern boundary of that parish to the eastern boundary of that parish, then southerly along the eastern boundary of that parish, and the eastern boundary of the parish of Wormangal to the southern boundary of that parish, then westerly along the southern boundary of that parish, and part of the southern boundary of the parish of Tabilk, to the intersection with the Tocumwal Railway Line, then in a southerly direction along the Tocumwal Railway Line until the intersection of the Tocumwal Railway Line and Aerodrome Road, then in an easterly direction along Aerodrome Road, then in a northerly direction and a south-easterly direction along Aerodrome Road, across the Melbourne Albury Railway Line until the intersection of Aerodrome Road and Hughes Street, then in a south-easterly direction along Hughes Street until the intersection with the Old Hume Highway, then in a westerly direction along the Old Hume Highway until the intersection of the Old Hume Highway and Lambing Gully Road, then in a southerly direction along Lambing Gully Road until the intersection of Lambing Gully Road and the Hume Freeway, then in a south-westerly direction along the Hume Freeway until the northern boundary of the Department of Defence Munitions Depot, then in a westerly direction along the northern boundary of the Department of Defence Munitions Depot, until it meets the Old Hume Highway, then in a southerly direction along the Old Hume Highway until the intersection of the Old Hume Highway and O'Connors Road, then in a westerly direction along O'Connors Road until the intersection of O'Connors Road and the Tocumwal Railway Line, then in a north-westerly direction along the Tocumwal Railway Line until the Tocumwal Railway Line meets with the southern boundary of the parish of Avenel then in a westerly direction along that boundary to the intersection of the eastern boundary of the parish of Northwood, then in a southerly direction along that boundary to the southern boundary of that parish, then in a westerly direction along that boundary to the western boundary of that parish, then northerly along that parish boundary and the western boundaries of the parishes of Mitchell and Bailieston to the point of commencement.

**SCHEDULE 3 – UPTON PHYLLOXERA INFESTED ZONE**

The area at Upton within a five kilometre radius of the Upton Fire Station (S 36° 54.669, E 145° 22.710) Upton.

**SCHEDULE 4 – MOOROOPNA PHYLLOXERA INFESTED ZONE**

The area of land bounded by a line commencing at the point where the northern boundary of the Parish of Mooroopna joins with the western boundary of that parish; then easterly along the northern boundary of that parish to the junction with the Goulburn River, then generally southerly along the western bank of the Goulburn River to the junction of the River with the southern boundary of the Parish of Toolamba; then westerly along the southern boundary of that parish to the western boundary of that parish; then northerly along the western boundary of that parish and the western boundary of the Parish of Mooroopna to the point of commencement.

**SCHEDULE 5 – MAROONDAH PHYLLOXERA INFESTED ZONE**

The area of land bounded by a line commencing at the intersection of the Maroondah Highway and Nelson Road and proceeding in a generally northerly direction to the intersection of Nelson Road and the Olinda Creek Drain, then in a northerly direction along Olinda Creek Drain to the intersection of Olinda Creek Drain and Coldstream West Road, then in a westerly direction along Coldstream West Road to the intersection of Coldstream West Road and Victoria Road, then in a northerly direction along Victoria Road to the intersection of Victoria Road and MacIntyre Road, then in a straight line in a westerly direction to the intersection of Wendy Way and Skyline Road, then in a northerly direction along Skyline Road to the intersection of Skyline Road and Eltham–Yarra Glen Road, then in an easterly direction along Eltham–Yarra Glen Road to the intersection of Eltham–Yarra Glen Road and Skyline Road North, then in a northerly direction along Skyline Road North to the intersection of Skyline Road North and Tuans Track, then in an easterly direction along Tuans Track, which becomes Uplands Road, to the intersection of Uplands Road and Valley Road, then in an easterly direction along Valley Road to the intersection of Valley Road and Steels Creek Road, then in a northerly direction along Steels Creek Road to the intersection of Steels Creek Road and Hunts Lane, then in an easterly direction along Hunts Lane to the intersection of Hunts Lane and Melba Highway, then in a southerly direction along Melba Highway to the intersection of the Melba Highway and Bottings Lane, then in an easterly direction along Bottings Lane to the intersection of Bottings Lane and Bleases Lane, then in a south-easterly direction along Bleases Lane to the intersection of Bleases Lane and the Maroondah Aqueduct, then in a straight line in an easterly direction to the intersection of Walters Lane and Pauls Lane, then in a southerly direction along Pauls Lane to the intersection of Pauls Lane and Old Healesville Road, then in a south-easterly direction along Old Healesville Road to the intersection of Old Healesville Road and Healesville–Yarra Glen Road, then in a straight line in a southerly direction to the intersection of the Maroondah Highway and the Yarra River, then in a southerly direction along the Yarra River to the confluence of the Yarra River and Woori Yallock Creek, then in a straight line in a southerly direction to the intersection of Yarraloch Way and Killara Road, then in a westerly direction along Killara Road to the intersection of Killara Road and Armistead Road, then in a southerly direction along Armistead Road to the intersection of Armistead Road and Darling Road, then in a westerly direction along Darling Road to the intersection of Darling Road and Gruyere Road, then in a southerly direction along Gruyere Road to the intersection of Gruyere Road and Victoria Road, then in an westerly direction along Victoria Road to the intersection of Victoria Road and Warburton Highway, then in a westerly direction along Warburton Highway to the intersection of Warburton Highway and the Maroondah Highway, then in a south-easterly direction along Maroondah Highway to the point of commencement.

**SCHEDULE 6 – WHITEBRIDGE PHYLLOXERA INFESTED ZONE**

The area of land bounded by a line commencing at the intersection of Three Chain Road and Bolgers Lane, then in a southerly direction along Bolgers Lane to the intersection of Bolgers Lane and Rochford Road, then in an easterly direction along Rochford Road to the intersection

of Rochford Road and Monument Creek Road, then in a southerly direction along Monument Creek Road to the intersection of Monument Creek Road and Ochiltrees Road, then in an easterly direction along Ochiltrees Road to the intersection of Ochiltrees Road and Lukes Road, then in a northerly direction along Lukes Road to the intersection of Lukes Road and Boundary Road, then in an easterly direction along Boundary Road to the intersection of Boundary Road and Parks Road, then in a northerly direction along Parks Road to the intersection of Parks Road and McMasters Lane, then in a north-easterly direction along McMasters Lane to the intersection of McMasters Lane and Three Chain Road, then in a generally westerly direction along Three Chain Road to the point of commencement.

#### SCHEDULE 7 – PROHIBITIONS APPLYING TO PHYLLOXERA

##### 1 Definitions

In this Schedule –

**‘host material’** means any plant, plant part or plant product of the genus *Vitis*, including grapevines, potted vines, cuttings, rootlings, leaves, roots, stems, grapes for table use, grapes for wine making, grape marc, grape must, juice, germplasm and plant and soil samples for diagnostic purposes.

**‘juice’** means fresh juice, unclarified or clarified juice or unfiltered or filtered juice, but not juice filtered or otherwise processed so as not to exceed a maximum particle size of 50 microns.

##### 2 Prohibitions relating to the control area –

The removal from a control area of –

- (a) any host material; or
- (b) any agricultural equipment that has been used for the cultivation, harvesting, handling, transport or processing of plant, plant parts or plant products of the genus *Vitis*; or
- (c) any package which has contained any plant, plant part or plant product of the genus *Vitis*; or
- (d) soil originating from a property involved in the cultivation or handling of plants, plant parts or plant products of the genus *Vitis* –

is prohibited.

Note: Section 9(3) provides a penalty of 100 penalty units for a person who contravenes any prohibition or restriction in a control order if the person knows or has reason to believe that any place has been declared to be a control area, unless the person is authorised to do so under a permit issued by the Secretary.

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