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Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

I, Professor Lyndsay Neilson, Secretary of the Department of Sustainability and Environment, make the following declaration of a public safety zone under section 4(1) of the **Safety on Public Land Act 2004**.

Area:

The area of State forest contained within the following location coordinates is declared to be a public safety zone:

Extent of Zone				Forest Management Area	District	Description
470822	5821889	470932	5822136	Central Gippsland	Heyfield	Ben Cruachan log dump
448631	5793574	449089	5793847	Central Gippsland	Erica	Erica log dump
420868	5801578	421100	5801874	Central Gippsland	Noojee	Hawthorn log dump
396613	5807206	396720	5807290	Dandenong	Dandenong	Pioneer1 log dump
396892	5807145	396986	5807268	Dandenong	Dandenong	Pioneer2 log dump
396824	5806938	396950	5807144	Dandenong	Dandenong	Pioneer3 log dump
396554	5807019	396690	5807199	Dandenong	Dandenong	Pioneer4 log dump
387191	5843155	387584	5843496	Central	Marysville	Steavenson log dump
368758	5843843	368920	5844171	Central	Toolangi	Yea River log dump

The extent of the public safety zone is described by the minimum planimetric extent using a North South orientated rectangle that encloses the area bound by:

- the south-west limit described by the first two metric coordinates (Easting and Northing); and
- the north-east limit described by the next two metric coordinates (Easting and Northing).

The public safety zone is limited to but includes all areas that contain State forest within an area identified by the above coordinates.

The coordinates are provided in Map Grid of Australia (MGA) Universal Transverse Mercator (UTM) Zone number 55. These use the Geodetic Reference System 1980 (GRS80) spheroid.

Purpose:

The purpose for which the area has been declared a public safety zone is for the purpose of the maintenance of public safety.

Period of the declaration:

The period for which the area is a public safety zone is the period from the date of gazettal of this declaration to 30 June 2007 inclusive.

Periods when access is restricted/prohibited:

Access to the public safety zone is prohibited at all times.

SPECIAL

Activities permitted, prohibited or restricted:

There are no activities that are permitted in the public safety zone other than those undertaken by the persons or classes of person exempted from the operation of this public safety zone declaration or the persons or classes of person to whom a public safety zone declaration does not apply under section 9 of the **Safety on Public Land Act 2004**.

All other activities are prohibited in the public safety zone.

Further restrictions or conditions (if any):

There are no further restrictions or conditions applying to the public safety zone.

Exempt persons or classes of person:

Pursuant to section 5(2) of the **Safety on Public Land Act 2004** the following persons or classes of person are exempted from the operation of this public safety zone declaration:

1. Persons undertaking timber harvesting operations which are authorised operations within the meaning of section 45 of the **Sustainable Forests (Timber) Act 2004** including:
 - VicForests and its employees, agents and contractors;
 - persons who have an agreement with VicForests to harvest or sell timber resources and their employees, agents and contractors;
 - holders of licences or permits under section 52 of the **Forests Act 1958** and their employees, agents and contractors.
2. Persons undertaking timber harvesting operations in accordance with an approved Plan of Utilization as defined in the **Forests (Wood Pulp Agreement) Act 1996**.
3. Holders of licences or permits under section 52 of the **Forests Act 1958** granted by the Secretary to thin, cut and remove timber, to cut forest produce specified in the licence, to dig forest produce specified in the licence or to take away forest produce specified in the licence and their employees, agents and contractors.
4. Employees, agents and contractors of the Department of Sustainability and Environment engaged in carrying out their functions.
5. Employees, agents and contractors of the Country Fire Authority, WorkSafe, Environment Protection Authority and the State Emergency Services engaged in carrying out their functions.
6. Members of the police force of Victoria engaged in carrying out their functions.
7. Persons appointed as environmental auditors under the **Environment Protection Act 1970** and their agents in carrying out their functions as forestry auditors.
8. Persons who have been selected by the Environment Protection Authority to act as audit observers and who are participating in this activity exclusively. Audit observers must be in the company of an EPA employee or an environmental auditor appointed under the **Environment Protection Act 1970** and their agents in carrying out their functions as forestry auditors.
9. Holders of leases, licences, permits or other authorities (and associated employees, agents and contractors) under the **Mineral Resources Development Act 1990**, **Extractive Industries Development Act 1995** and **Petroleum Act 1998**, other than holders of miners' rights and tourist fossicking authorities under the **Mineral Resources Development Act 1990**, whilst undertaking works associated with that lease, licence, permit or authority in the areas covered by the declaration provided that:
 - (a) those works do not interfere with or hinder timber harvesting operations;
 - (b) those classes of person have made prior arrangements with the forest manager to be in the area for the purpose of undertaking those works;

- (c) those classes of person abide by the Occupational, Health & Safety requirements established by the Department of Sustainability and Environment, VicForests or the contractor in charge of the site.

Dated 10 October 2006

Professor LYNDSAY NEILSON
Secretary of the Department of
Sustainability and Environment

Notes:

1. A map showing the public safety zone is held at the Department of Sustainability and Environment (DSE) Regional Offices at Benalla and Traralgon. The map is also available at the following web site: <http://www.dse.vic.gov.au>.
2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 to be in the public safety zone.

Safety on Public Land Act 2004**DECLARATION OF PUBLIC SAFETY ZONES**

I, Professor Lyndsay Neilson, Secretary of the Department of Sustainability and Environment, make the following declaration of public safety zones under section 4(1) of the **Safety on Public Land Act 2004**.

Areas:

The area of State forest contained within the following location coordinates is declared to be a public safety zone:

Extent of Zone				Forest Management Area	District	Coupe Number
651465	5877840	652679	5878368	East Gippsland	Bendoc	891-515-0009
653887	5877685	654822	5878753	East Gippsland	Bendoc	891-516-0009
653846	5880052	654135	5880503	East Gippsland	Bendoc	891-516-0026_01
654114	5879548	654268	5880063	East Gippsland	Bendoc	891-516-0026_02
654258	5879009	654346	5879582	East Gippsland	Bendoc	891-516-0026_03
654100	5878440	654280	5879035	East Gippsland	Bendoc	891-516-0026_04
653889	5878162	654124	5878456	East Gippsland	Bendoc	891-516-0026_05
653772	5877738	653905	5878184	East Gippsland	Bendoc	891-516-0026_06
674616	5883083	675375	5883828	East Gippsland	Bendoc	892-517-0006
674903	5882583	675619	5883540	East Gippsland	Bendoc	892-518-0005

The extent of the public safety zone is described by the minimum planimetric extent using a North South orientated rectangle that encloses the area bound by:

- (a) the south-west limit described by the first two metric coordinates (Easting and Northing); and
- (b) the north-east limit described by the next two metric coordinates (Easting and Northing).

The public safety zone is limited to but includes all areas that contain State forest within an area identified by the above coordinates.

The coordinates are provided in Map Grid of Australia (MGA) Universal Transverse Mercator (UTM) Zone number 55. These use the Geodetic Reference System 1980 (GRS80) spheroid.

Purpose:

The purpose for which the areas have been declared public safety zones is for the purpose of timber harvesting operations and the maintenance of public safety.

Period of the declaration:

The period for which these areas are public safety zones is the period from the date of gazettal of this declaration to 30 June 2007 inclusive.

Periods when access is restricted/prohibited:

Access to the public safety zones is prohibited at all times.

Activities permitted, prohibited or restricted:

Within a public safety zone a person shall not undertake any activity that interferes with the activities of a person to whom an exemption under this Declaration or section 9 of the **Safety on Public Land Act 2004** applies.

Further restrictions or conditions (if any):

There are no further restrictions or conditions applying to the public safety zones.

Exempt persons or classes of person

Pursuant to section 5(2) of the **Safety on Public Land Act 2004** the following persons or classes of person are exempted from the operation of this public safety zone declaration:

1. Persons undertaking timber harvesting operations which are authorised operations within the meaning of section 45 of the **Sustainable Forests (Timber) Act 2004** including:
 - VicForests and its employees, agents and contractors;
 - persons who have an agreement with VicForests to harvest or sell timber resources and their employees, agents and contractors;
 - holders of licences or permits under section 52 of the **Forests Act 1958** and their employees, agents and contractors.
2. Persons undertaking timber harvesting operations in accordance with an approved Plan of Utilization as defined in the **Forests (Wood Pulp Agreement) Act 1996**.
3. Holders of licences or permits under section 52 of the **Forests Act 1958** granted by the Secretary to thin, cut and remove timber, to cut forest produce specified in the licence, to dig forest produce specified in the licence or to take away forest produce specified in the licence and their employees, agents and contractors.
4. Employees, agents and contractors of the Department of Sustainability and Environment engaged in carrying out their functions.
5. Employees, agents and contractors of the Country Fire Authority, WorkSafe, Environment Protection Authority and the State Emergency Services engaged in carrying out their functions.
6. Members of the police force of Victoria engaged in carrying out their functions.
7. Persons appointed as environmental auditors under the **Environment Protection Act 1970** and their agents in carrying out their functions as forestry auditors.
8. Persons who have been selected by the Environment Protection Authority to act as audit observers and who are participating in this activity exclusively. Audit observers must be in the company of an EPA employee or an environmental auditor appointed under the **Environment Protection Act 1970** and their agents in carrying out their functions as forestry auditors.
9. Holders of leases, licences, permits or other authorities (and associated employees, agents and contractors) under the **Mineral Resources Development Act 1990**, **Extractive Industries Development Act 1995** and **Petroleum Act 1998**, other than holders of miners' rights and tourist fossicking authorities under the **Mineral Resources Development Act 1990**, whilst undertaking works associated with that lease, licence, permit or authority in the areas covered by the declaration provided that:
 - (a) those works do not interfere with or hinder timber harvesting operations;
 - (b) those classes of person have made prior arrangements with the forest manager to be in the area for the purpose of undertaking those works;
 - (c) those classes of person abide by the Occupational, Health & Safety requirements established by the Department of Sustainability and Environment, VicForests or the contractor in charge of the site.

Dated 10 October 2006

Professor LYNDSEY NEILSON
Secretary of the Department of
Sustainability and Environment

Notes:

1. A map showing the public safety zones is held at Department of Sustainability and Environment (DSE) Regional Offices at Traralgon and Bairnsdale. The map is also available at the DSE web site <http://www.dse.vic.gov.au/forestry>
 2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 to be in the public safety zone.
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