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Port Services Act 1995

DECLARATION OF RESTRICTED ACCESS AREAS IN THE YARRA RIVER AND PORT PHILLIP BAY AROUND VESSELS

I, Tim Pallas, Minister for Roads and Ports and Major Projects, make the following declaration under section 84(1) of the **Port Services Act 1995**, of areas to which access is restricted around the dredge vessels specified in this declaration during their operation or presence in the Yarra River and Port Phillip Bay, and specify the following prohibitions, restrictions and conditions to operate in the restricted access areas.

1. Period of the declaration:

This declaration takes effect from 12.00 am on 4 April 2009 and remains in force until 11.59 pm on 31 August 2009 inclusive.

2. Restricted Access Areas:

The areas described below are declared as restricted access areas to which the restrictions and conditions specified in paragraph 3 below apply:

(i) In the Yarra River

An area comprising the port of Melbourne waters and any part of port of Melbourne land that is within 100 metres radius of:

- A. the Queen of the Netherlands dredge vessel; or
- B. Cornelis Zanen dredge vessel; or
- C. Prins der Nederlanden dredge vessel,

when the vessel is in the Yarra River, in the waters of the port of Melbourne, north of the line connecting Points 23 (37° 51' 10.27"S 144° 54' 28.92"E) and 30 (37° 50' 58.04"S 144° 54' 44.93"E), on plan numbered LEGL./07-366 lodged in the Central Plan Office of the Department of Sustainability and Environment, and as more generally described on the attached plan.

(ii) In Port Phillip Bay

An area comprising the port of Melbourne waters and any part of port of Melbourne land that is within 200 metres radius of:

- A. the Queen of the Netherlands dredge vessel; or
- B. Cornelis Zanen dredge vessel; or
- C. Prins der Nederlanden dredge vessel,

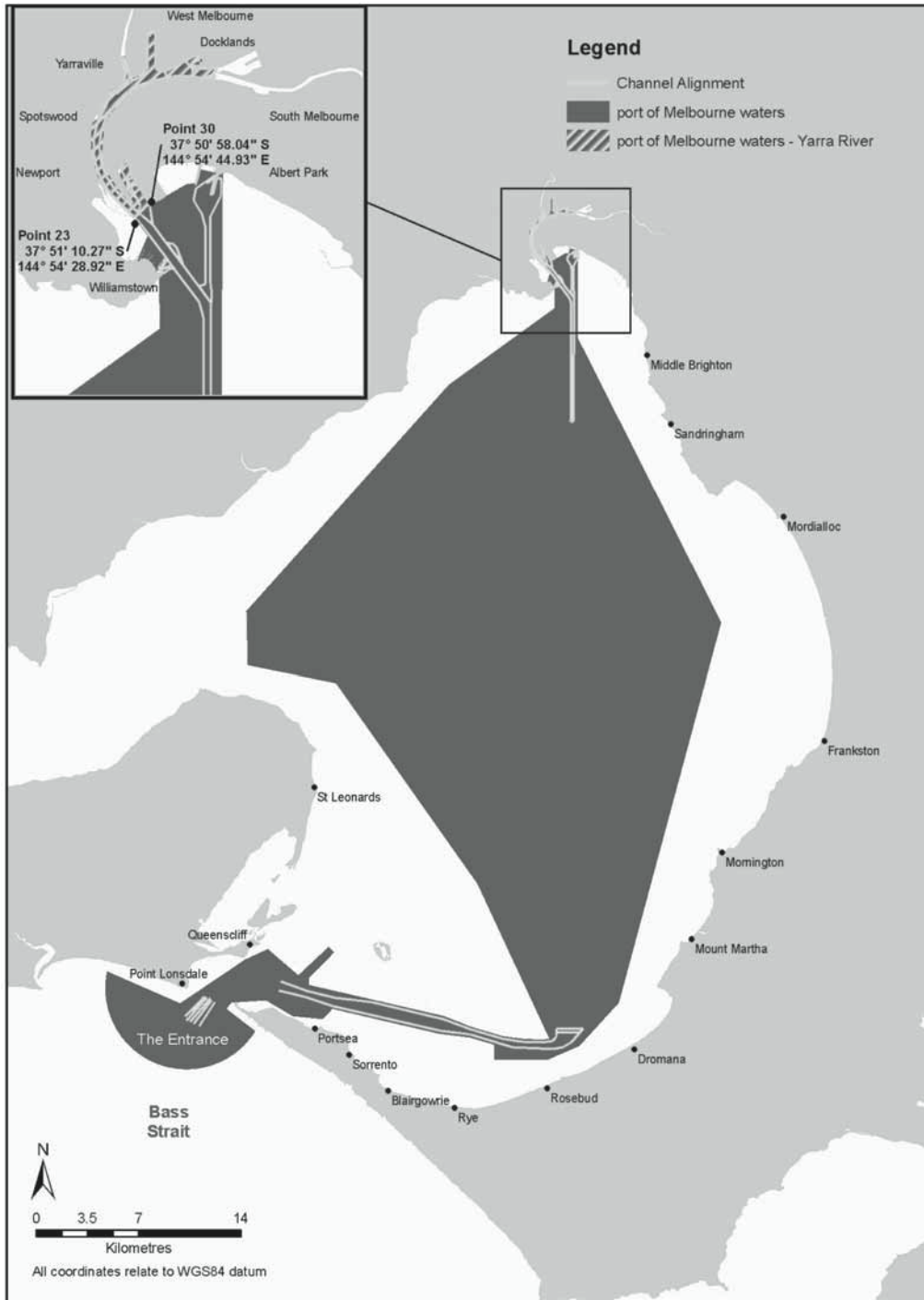
when the dredge vessel is in the waters of the port of Melbourne south of the line connecting Points 23 (37° 51' 10.27"S 144° 54' 28.92"E) and 30 (37° 50' 58.04"S 144° 54' 44.93"E) on plan numbered LEGL./07-366, being an area within Port Phillip Bay (including Hobsons Bay) shown on plans numbered LEGL./07-365, LEGL./07-366 and LEGL./07-367 lodged in the Central Plan Office of the Department of Sustainability and Environment, and as more generally described on the attached plan.

SPECIAL

3. Vessels and persons and activities restricted or permitted:

Pursuant to section 85 of the **Port Services Act 1995** (Vic.), the following restrictions and conditions apply to the restricted access areas:

- (i) in addition to the Queen of the Netherlands dredge vessel, the Cornelis Zanen dredge vessel, or the Prins der Nederlanden dredge vessel, the following vessels only, and no other vessels, may enter or remain in a restricted access area:
 - A vessels licensed or authorised to provide support to the Queen of the Netherlands dredge vessel, the Cornelis Zanen dredge vessel, or the Prins der Nederlanden dredge vessel;
 - B commercial shipping vessels entering or remaining in the area in accordance with the Port of Melbourne Corporation operating guidelines and directions that apply to commercial shipping during this period;
 - C vessels that support the performance of functions, powers, duties or activities in the area by an 'authorised person', within the definition in section 83 of the **Port Services Act 1995** (Vic.);
 - D licensed pilot and tug vessels entering or remaining in the area in order to guide or support the Queen of the Netherlands dredge vessel, the Cornelis Zanen dredge vessel, or the Prins der Nederlanden dredge vessel or any other vessel within paragraphs 3(i) A, B, C or D.
- (ii) the following persons only, and no other persons, may enter or remain in a restricted access area:
 - A persons within the meaning of 'authorised person' in section 83 of the **Port Services Act 1995** (Vic.);
 - B crew, staff and any passengers of the Queen of the Netherlands dredge vessel, the Cornelis Zanen dredge vessel or the Prins der Nederlanden dredge vessel; crew and staff of a vessel within paragraph 3(i) A, B, C or D and, where a vessel within paragraph 3(i)B is a commercial cruise or passenger liner, passengers on board of the vessel, in addition to crew and staff.
- (iii) the following activities only, and no other activities (including but not limited to, swimming, surfing, skiing and diving), are permitted in a restricted access area:
 - A the performance of functions, powers, duties or activities by an authorised person within section 83 of the **Port Services Act 1995** (Vic.);
 - B the performance of functions, powers, duties or activities by:
 - (i) crew, staff and any passengers of the Queen of the Netherlands dredge vessel the Cornelis Zanen dredge vessel or the Prins der Nederlanden dredge vessel;
 - (ii) crew and staff of any other vessel within paragraphs 3(i) A, B, C or D; and
 - (iii) where a vessel within paragraph 3(i)B is a commercial cruise or passenger liner, by passengers on board of the vessel, in addition to crew and staff,consistent with or ancillary to the nature of those vessels.



Dated 2 April 2009

TIM PALLAS
Minister for Roads and Ports and Major Projects

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