

Waterway Manager Notice of Intention to Request a Waterway Rule

Marine Safety Act 2010 (Vic) Section 193

Things to know before notifying

- Completing this form is the first step in proposing a waterway rule.
- If you would like to discuss your proposal for a waterway rule before notifying, please contact the Waterway Management Unit on 03 9655 3399.
- A waterway manager can only request rules in relation to the operation of vessels on waters, or use by persons of waters, under their control.
- Where the term 'waterway manager' appears in this form, it includes a port management body, a local port manager or waterway manager.
- There is no fee to lodge this notice.
- If you need additional space to answer the questions in this form, attach a separate page referencing your answer to the question number.

Waterway details

1. Name of waterway to which the proposed rule relates

2. Name of waterway manager (organisation/agency)

3. Address of waterway manager (organisation/agency)
 Street number and name

Suburb	State	Postcode
Tatura	Victoria	3616

4. Postal address
 Same as address above
 OR street number and name/PO box

Suburb	State	Postcode
Tatura	Vic	3616

5. Name of contact person

 Position title

 Business telephone number

 Email

Proposed rule details

6. Is this a new rule or a change to an existing rule?

New rule Change to existing rule

7. Provide a description of the proposed rule and, if possible, insert the draft wording of the rule here or attach as a separate document

Vessel Operating and Zoning Rules for water levels above 114.38 metres Australian Height Datum (AHD) - as measured at the head gauge board located at the minor outlet of Waranga Basin

1. Remove the following Access Lanes for the purposes of Clause 5:

85.1(a) extending approximately 200 metres from the edge of the water in an area approximately 350 metres wide located approximately 40 metres south of the gravel launching ramp adjacent to the Waranga Caravan Park on the western shore of the basin

85.1(b) extending approximately 200 metres from the edge of the water in an area approximately 100 metres wide located approximately 40 metres south of the public launching ramp on the western shore of Sapling Point

85.1(c) extending approximately 200 metres from the edge of the water in an area approximately 150 metres wide located adjacent to the southern shore of the Waranga Boat Club peninsula

85.1(d) extending approximately 200 metres from the edge of the water in an area adjacent to the entire northern perimeter of Sapling Point except the prohibited area

85.1(e) extending approximately 200 metres from the edge of the water in an area approximately 150 metres wide located approximately 40 metres south of the public launching ramp on the eastern shore of Harriman's Point.

2. Remove the following Five (5) knot speed restriction zones for the purposes of Clause 7:

85.2(b) south of a line between a beacon erected on the northern extremity of the peninsula located one (1) kilometre south of the launching ramp on Sapling Point and a beacon located on the western shore of Harriman's Point approximately one (1) kilometre south of the northern extremity of the point.

85.2(c) south of a line between beacons located on opposite shores of the basin approximately 750 metres north of the point where the Cattanach Canal enters the basin except in the prohibited area.

85.2(d) east of a line between a beacon located on the south-east point of Finigans Island and a beacon located on the basin embankment approximately 750 metres west of the inlet structure on the Stuart Murray Canal, except in the prohibited area.

3. Amend the following Areas prohibited to vessels for the purposes of Clause 9:

85.3(a) extending for a distance of 40 metres south of the basin embankment as indicated by beacons inscribed 'No Boats within 40 metres of Embankment' erected on the embankment except in the five (5) knot speed restriction zone in the north-east area of the basin

To

85.3(a) extending for a distance of 40 metres south of the basin embankment as indicated by signs inscribed 'Vessels Prohibited within 40 metres of Embankment' erected on the embankment.

85.3(b) in the vicinity of the outlet structure in the north-west corner of the basin in an area approximately 330 metres wide and extending 200 metres from the water's edge the boundaries being marked by a beacon on the embankment approximately 40 metres east of the outlet structure and another beacon on the foreshore approximately 290 metres west of the outlet structure and red buoys in the water 200 metres from the shore at right angles to the side boundary beacons and the edge of the water

To

85.3(b) in the vicinity of the outlet structure in the north-west corner of the basin on the northern side of a line between signs inscribed 'Vessels Prohibited' and located on the embankment approximately 200 metres east of the outlet structure at GPS point 145.093700, -36.511520 and on the foreshore approximately 200 metres south of the embankment recreation area carpark at GPS point 145.087700, -36.513580.

85.3(c) in the Waranga Western Main Channel west of a line between beacons inscribed 'Stop' and 'Prohibited Water beyond this Point' located on opposite banks of the channel approximately 500 metres west of the public launching ramp into the channel

To

85.3(c) in the Waranga Western Main Channel west of a line between signs inscribed 'Vessels Prohibited' located on opposite banks of the channel at GPs points 145.044600, -36.548007 and 145.042710, -36.550470 approximately 5 metres west of the public launching ramp into the channel.

85.3(d) in the Cattnach Canal south of a line between beacons inscribed 'Stop' and 'Prohibited Water beyond this Point' located on opposite banks of the canal approximately 150 metres north of the inlet structure erected in the canal

To

85.3(d) in the Cattnach Canal south of a line between signs inscribed 'Vessels Prohibited' located on opposite banks of the channel at GPs points 145.125961, -36.585414 and 145.126850, -36.585080 approximately 180 metres north of the inlet structure erected in the canal

85.3(e) in the north-east corner of the basin east of a line between a beacon inscribed 'Stop' and 'Prohibited Water beyond this Point' erected on the southern bank of the Stuart Murray Canal approximately 40 metres west of the inlet structure and a similar beacon erected on the basin embankment approximately 50 metres west of the inlet structure.

To

85.3(e) in the north-east corner of the basin east of a line between signs inscribed 'Vessels Prohibited' located on opposite banks of the channel at GPs points 145.151694, -36.539068 and 145.151707, -36.538710 at the entrance to the channel.

4. Remove the following Areas prohibited to vessels for the purposes of Clause 9:

85.3 (f) extending 200 metres from the edge of the water in an area approximately 80 metres wide located adjacent to the Waranga Caravan Park on the western shore of the basin approximately 40 metres north of the gravel launching ramp, the boundaries of the swimming area being marked by red buoys in the water.

85.3 (g) extending 200 metres from the edge of the water in an area approximately 50 metres wide located on the western shore of Sapling Point immediately north of the southern boundary of the Victorian Kite Flyers lease area, the boundaries of the swimming area being marked by red buoys in the water.

Vessel Operating and Zoning Rules for water levels 114.4 metres AHD or less as measured at the head gauge board located at the minor outlet of Waranga Basin

5. Retain the following: 85.4. Five (5) knot speed restriction zones for the purposes of Clause 7.

All waters of Waranga Basin are subject to a speed restriction of five (5) knots.

6. Amend the following: 85.5 Areas prohibited to vessels for the purposes of Clause 9:

85.5(a) extending for a distance of 40 metres south of the basin embankment as indicated by beacons inscribed 'No Boats within 40 metres of Embankment' erected on the embankment except in the five (5) knot speed restriction zone in the north-east area of the basin

To

85.5(a) extending for a distance of 40 metres south of the basin embankment as indicated by beacons inscribed 'Vessels Prohibited within 40 metres of Embankment' erected on the embankment.

85.5(b) in the vicinity of the outlet structure in the north-west corner of the basin in an area approximately 330 metres wide and extending 200 metres from the water's edge the boundaries being marked by a beacon on the embankment approximately 40 metres east of the outlet structure and another beacon on the foreshore approximately 290 metres west of the outlet structure and red buoys in the water 200 metres from the shore at right angles to the side boundary beacons and the edge of the water

To

85.5(b) in the vicinity of the outlet structure in the north-west corner of the basin on the northern side of a line between a sign located on the embankment approximately 240 metres east of the outlet structure at GPS point 145.093700, -36.511520 and another sign located on the foreshore approximately 220 metres south of the embankment recreation area carpark at GPS point 145.087700, -36.513580.

85.5(c) in the Waranga Western Main Channel west of a line between beacons inscribed 'Stop' and 'Prohibited Water beyond this Point' located on opposite banks of the channel approximately 500 metres west of the public launching ramp into the channel

To

85.5(c) in the Waranga Western Main Channel west of a line between signs inscribed 'Vessels Prohibited' located on opposite banks of

the channel at GPs points 145.044600, -36.548007 and 145.042710, -36.550470 approximately 5 metres west of the public launching ramp into the channel.

85.5(d) in the Cattanach Canal south of a line between beacons inscribed 'Stop' and 'Prohibited Water beyond this Point' located on opposite banks of the canal approximately 150 metres north of the inlet structure erected in the canal

To

85.5(d) in the Cattanach Canal south of a line between signs inscribed 'Vessels Prohibited' located on opposite banks of the channel at GPs points 145.125961, -36.585414 and 145.126850, -36.585080 approximately 180 metres north of the inlet structure erected in the canal

85.5(e) in the north-east corner of the basin east of a line between a beacon inscribed 'Stop' and 'Prohibited Water beyond this Point' erected on the southern bank of the Stuart Murray Canal approximately 40 metres west of the inlet structure and a similar beacon erected on the basin embankment approximately 50 metres west of the inlet structure.

To

85.5(e) in the north-east corner of the basin east of a line between signs inscribed 'Vessels Prohibited' located on opposite banks of the channel at GPs points 145.151694, -36.539068 and 145.151707, -36.538710 at the entrance to the channel.

Remove the following Areas prohibited to vessels for the purposes of Clause 9:

85.5(f) extending 200 metres from the edge of the water in an area approximately 80 metres wide located adjacent to the Waranga Caravan Park on the western shore of the basin approximately 40 metres north of the gravel launching ramp, the boundaries of the swimming area being marked by red buoys in the water.

85.5(g) extending 200 metres from the edge of the water in an area approximately 50 metres wide located on the western shore of Sapling Point immediately north of the southern boundary of the Victorian Kite Flyers lease area, the boundaries of the swimming area being marked by red buoys in the water.

8. Why are you seeking this rule? Provide a statement of the nature and scope of the matter that the proposed rule aims to address. Include the nature and level of the safety risk/issues, that the proposed rule intends to minimise or eliminate

Changes have been made as a consequence of Maritime Safety Victoria's Waterway Audit Report of Waranga Basin 2011 and subsequent schedule 85 reviews and risk assessments by Goulburn Murray Water. This has seen the adjustment of vessel prohibited zones by amendment in the VOZR or relocation of the foreshore signage in order to simplify the rules.

A number of changes reflect the historic on-water use of Waranga Basin over the past 10 years.

Access Lanes (85.1(a), 85.1(b), 85.1(c), 85.1(d) & 85.1(e)) have been removed as GMW believes the shallow gradient of the shoreline makes it unsafe to bring any vessel into shore within the 200 meter perimeter 5 knot zone.

5 knot zones within bays (85.2(b), 85.2(c) & 85.2(d)) have been removed as the 200 meter 5 knot perimeter zone better addresses this risk and has the advantage of following the shoreline down as lake levels decrease.

Vessels prohibited zones 85.3 (f) and 85.3(g) marking 'swimming area' have been removed as GMW does not provide 'swimming areas'. Passive recreation such as bathing will be adequately managed by the 200 meter 5 knot perimeter zone. Areas of heightened passive recreation can be supported by ATON (5 knot buoys) if deemed necessary.

Revised Boating Safety Information (BSI) signs will reflect the zoning changes and highlight the 5 Knot 200 Meter Perimeter Zone which is specific to Waranga Basin.

9. How would the proposed rule address the matter or safety issues raised in question 8?

The changes will reflect recommendations of the 2011 MSV Audit Report and will also simplify the rules making them easier for Recreational Masters to understand.

Declaration and signature

10. I declare that:

- I am authorised to make this request on behalf of the waterway manager.
- to the best of my knowledge the contents of this form and any attachments are true and correct.
- I understand it is an offence under section 305 of the *Marine Safety Act 2010* (Vic) to provide any false or misleading information and that penalties apply.

I acknowledge that if lodging this notice electronically, Transport Safety Victoria will accept this communication as containing my signature for the purposes of the *Electronic Transactions (Victoria) Act 2000* (Vic).

Signature of applicant (if lodging electronically, type name here)

Date

 Martina Cusack	7 April 2021
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How to lodge your notice

waterways@transportsafety.vic.gov.au

PO box 2392 Melbourne VIC 3001

What happens next?

Within 14 days of receiving your complete notice, the Safety Director will write to you to advise the next steps in the rule making process.

The letter will notify one of the following outcomes:

The Safety Director:

- can make the rule and, because it is non-material, public consultation is not required before submitting a request to make the rule under section 194; or
- can make the rule but, because it is of a material nature, you must undertake public consultation in accordance with section 196 of the *Marine Safety Act 2010* (Vic) before submitting a request to make the rule under section 194; or
- cannot make the rule because it is not within the Safety Director's powers; or
- requires further information before a decision can be made, which may include a waterway site visit by Transport Safety Victoria.

Privacy Notice Transport Safety Victoria (TSV) collects and holds the personal information provided in this notice to assist the Director, Transport Safety (Safety Director) to administer the *Marine Safety Act 2010* (Vic) and *Marine Safety Regulations 2012* (Vic). TSV is committed to protecting personal information in accordance with its obligations under the *Marine Safety Act 2010* (Vic) and the *Privacy and Data Protection Act 2014* (Vic). The personal information provided in this notice may be disclosed to other government agencies in accordance with section 306 of the *Marine Safety Act 2010* (Vic) and section 177 of the *Transport Integration Act 2010* (Vic). It is an offence under the *Marine Safety Act 2010* (Vic) to give information that is false or misleading in relation to a request to make a waterway rule. The individuals whose personal information is collected on this notice have a right to seek access to this personal information and to seek correction of any error in the personal information held. All individuals whose personal information is included with this notice should be informed of this fact. For more information on privacy please refer to TSV's privacy statement at transportsafety.vic.gov.au/privacy.