

Overview

Ports Victoria is the appointed port management body as defined within the *Marine Safety Act 2010* (MSA 2010) for the port waters of Port of Melbourne as declared under Section 5 of the *Port Management Act 1995* (*Victoria Government Gazette G 42 18 October 2012, page 2359*).

Ports Victoria have the responsibility under the MSA 2010 as the port management body to ensure that any person intending to carry out works on, over or under a part of port waters comply with the requirements of Section 211 – *Control of navigation etc. in the vicinity of works carried out on, over or under waters*.

An application by a person intending to carry out works must include an assessment of risks associated with the works to be carried out and set out the proposed risk controls to be implemented. This risk assessment should include the risks associated with working in, over or under water, and how these risks would require controlling the movement and navigation of vessels around the works area.

To ensure persons intending to conduct works comply with the requirements of Section 211 of the MSA 2010, Ports Victoria have established explanatory notes as follows and notification forms to assist in the works application process.

Risk assessment

The MSA 2010 section 211(2)(a) to (g) requires that an application made to a port management body (hereafter called Ports Victoria) for works must:

- a. be in writing; and
- b. describe the works to be carried out; and
- c. specify the period of time during which the works are to be carried out; and
- d. specify the waters on, over or under which the works are to be carried out; and
- e. **set out an assessment of risks associated with the works to be carried out; and**
- f. **set out the proposed risk controls to be implemented for the works to be carried out, including how the person wishes the navigation of vessels in the vicinity of the works to be regulated or prohibited; and**
- g. contain any other prescribed information.

The assessment of risks should include the risks of working in, on or under water. For example, the risks of drowning, hypothermia, black water, equipment use. It must also include the controls that would be implemented. Other risks that should be covered include interactions with other vessels or existing works that may impact on the work, including the resulting impact on other vessel operations from regulating vessel movements and / or anchoring.

If Ports Victoria is not satisfied with the risk assessment, additional information or amendments will be requested to ensure that all associated risks are identified and adequately controlled.

The risk assessment in a works application will assist Ports Victoria in determining what regulation will be required. Depending on the type of works being carried out and their effect on vessel navigation or operations and others, it may be necessary for Ports Victoria to:

- a. **give directions in relation to the navigation and movement of vessels**
- b. **prohibit the navigation and other movement of vessels**
- c. **regulate the position and manner in which any vessel may anchor or be secured.**

Options available to Ports Victoria to regulate vessel movements in relation to port works

Option 1. Directions in relation to navigation

This option is used to control the navigation and movement of vessels. This may include directing vessels around obstructions caused by the work, altering vessel traffic management by directing certain vessels to give way to approaching vessels, or creating a 5-knot speed limit or no wash area.

To notify waterway users of the direction in relation to navigation it may be necessary to detail the direction in a Notice to Mariners. In some cases, an oral direction may be given to the master of a vessel by Melbourne Vessel Traffic Services (MVTSS) to alert them of the requirements in the works area.

In the case of determining that Ports Victoria will give directions to masters of vessels in relation to the navigation and movement of those vessels in the vicinity of where the works are being carried out, Safe Transport Victoria (state marine regulator) does not need to be notified.

Option 2. Prohibit navigation (exclusion zone)

This option is used to exclude persons and / or vessels from a particular area to enable works to occur in a safe environment and to ensure that other vessels are not exposed to any safety issues because of the works. This may include prohibiting the navigation of vessels beneath a bridge that is being constructed over water or entering a demolition zone on water.

To prohibit navigation in a particular area by establishing an exclusion zone, a Notice must be published in the Government Gazette. To enable Ports Victoria to facilitate an exclusion zone request, the person intending to undertake works must complete a **Ports Victoria Works Zone Request Application**, available for download on the Ports Victoria website. **A minimum of 6 weeks' notice to Ports Victoria is required to facilitate an exclusion zone request.**

Option 3. Regulate anchoring

This option is used to regulate anchoring arrangements or securing of vessels in the vicinity where works are being carried out, where anchoring or the securing of vessels may adversely impact on the works being conducted. This may include prohibiting anchoring in an area where underwater cables are being laid or where works are being carried out on wharves or jetties.

To regulate anchoring or securing of a vessel in the vicinity where works are being carried out, a notice must be published in the Government Gazette. To enable Ports Victoria to facilitate the regulating of anchoring or securing a vessel, the person intending to undertake works must complete a **Ports Victoria Works Zone Request Application**, available on the Ports Victoria website. **A minimum of 6 weeks' notice to Ports Victoria is required to facilitate regulation of anchoring or securing of vessels request.**

Definition of works

Works in port waters can include but not be limited to:

- a. the construction, maintenance or decommissioning of a facility or infrastructure,
- b. the dredging of a channel and related activities,
- c. the construction or maintenance or exterior alteration or decoration of a building or other structure,
- d. the demolition or removal of a building or other structure,
- e. the erection, maintenance and removal of signs or hoardings,
- f. the removal, destruction or lopping of vegetation,
- g. laying pipes under a river,

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- h. installing cables over a river,
- i. repair work on river bridges,
- j. surveying,
- k. work on buildings adjacent to the water,
- l. installation and maintenance of navigational aids.

If any person is in doubt as to whether their intended activity is classified as works, contact is to be made with the Melbourne Navigation Services department by emailing navigationservices@ports.vic.gov.au.

Type of works

Works are classified into three separate categories in the works application process, definitions as follows:

1. **Routine Works** – may include:

- a. Inspection of berth, piles, buoys, beacons or other infrastructure on water (includes associated diving activities)
- b. Survey work which may include the use of vessels, drones or divers
- c. Minor maintenance, for example: repair or replacement of fender or bollard or maintenance of aid to navigation

2. **Major Works** – may include:

- a. Berth remediation
- b. Pile remediation
- c. Dredging activities
- d. Installation, alteration or demolition of berth infrastructure or other associated waterway infrastructure
- e. Subsea installation of cables or pipelines
- f. Installation, replacement or removal of aids to navigation
- g. Installation, replacement or alteration of fixed firefighting systems at berth
- h. Any other works that may pose a significant navigational risk to vessels operating in port waters

3. **Emergency Works*** – may include:

- a. Recovery or replacement of damaged aids to navigation
- b. Removal of sunken vessel or object
- c. Collapse of berth or other associated waterway infrastructure
- d. Any other works which are required to address an immediate navigational risk to vessels operating in port waters

*Emergency works does not include scheduled maintenance or planned construction projects, or a sudden window of opportunity for planned works.

Works application process

Based on the category of works, the following documents are to be provided to Ports Victoria within the established timeframes:

1. **Routine Works:** minimum 48 hours' notice, provide:
 - a. **Risk assessment and/or safe work method statement*** (SWMS) for intended works which must address the following:
 - i. Hazards, risks and control measures required during works
 - ii. Any requirements for waterway restrictions from other vessels during works – may include safe passing distance, speed requirements, no wash zone etc.
 - iii. Hot work, bunkering, diving and/or work afloat notification requirements
 - iv. VTS notification requirements prior to commencing works and upon completion
 - v. VTS notification requirements should an incident or emergency occur, including injury or pollution
 - vi. Harbour Master's Directions requirements
 - b. **Work Afloat Notification form** and/or
 - c. **Occupational Diving Notification form** (if conducting diving activities)

Submit the above documentation to the following applicable email address:

- For works afloat only (no diving activities): workafloatnotification@ports.vic.gov.au
- For working involving diving activities: DivePermits@ports.vic.gov.au

*For **Routine Works** conducted by Port of Melbourne Operations (PoMO) – Risk assessment and/or SWMS is not required to be submitted with the Work Afloat Notification form and/or Occupational Diving Notification form provided the risk assessment and/or SWMS for the routine works are up to date and located within the agreed online shared repository and referenced in the notification form.

2. **Major Works:** minimum 10 business days' notice* or as agreed, provide:
 - a. Completed **Port Works Application form**
 - b. Provide **any approvals** that may be required from other organisations or regulatory entities
 - c. **Project execution plan**
 - d. **Project risk assessment and safe work method statements** (SWMS) for intended works which must address the following:
 - i. Hazards, risks and control measures required during works
 - ii. Any requirements for waterway restrictions from other vessels during works – may include safe passing distance, speed requirements, no wash zone or requirement for an exclusion zone
 - iii. Hot work, bunkering, diving and/or work afloat notification requirements
 - iv. VTS notification requirements prior to commencing works and upon completion
 - v. VTS notification requirements should an incident or emergency occur, including injury or pollution
 - vi. Harbour Master's Directions requirements
 - e. If an exclusion zone is required for the works, complete the **Ports Victoria Works Zone Request Application form***.
 - f. **Traffic Management Plan** with accompanying map or chartlet showing position of works and vessels, barges or plant to be utilised
 - g. **Work Afloat Notification form** and/or
 - h. **Occupational Diving Notification form** (if conducting diving activities)

*Any works that require an exclusion zone to be implemented, a minimum of **6 weeks' notice** is required for processing with Safe Transport Victoria.

Submit the above-mentioned documentation to the following email address:

navigationservices@ports.vic.gov.au

3. **Emergency Works***: as soon as possible or as agreed, provide:
 - a. Completed **Port Works Application form**
 - b. Provide **any approvals** that may be required from other organisations or regulatory entities
 - c. **Risk assessment and/or safe work method statement (SWMS)** for intended works which must address the following:
 - i. Hazards, risks and control measures required during works
 - ii. Any requirements for waterway restrictions from other vessels during works – may include safe passing distance, speed requirements, no wash zone etc.
 - iii. Hot work, bunkering, diving and/or work afloat notification requirements
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 - d. **Traffic Management Plan** with accompanying map or chartlet showing position of works and vessels, barges or plant to be utilised
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Submit the above-mentioned documentation to the following email address:

navigationservices@ports.vic.gov.au

Further information

A dedicated port works webpage, which includes all forms required for works mentioned in these notes, has been established on the [Ports Victoria](#) website.

For further information, please contact the Melbourne Navigation Services department at

navigationservices@ports.vic.gov.au.

Ports Victoria Works Application Review Process

