

Port Management Act 1995

Port Management (Local Ports) Regulations 2015

Set asides in the Local Port of Port Phillip for St Kilda Pier and Breakwater Reserve

The *Port Management (Local Ports) Regulations 2015* enable a Port Manager to make a determination to set aside an area in a local port in which a specified activity is permitted or prohibited or restricted or to which access is prohibited or restricted (Regulation 10(1)); and in which the berthing, mooring or anchoring of a vessel is permitted or prohibited or restricted (Regulation 12). Regulation 14 permits a Port Manager to include in the set aside determination any reasonable condition which applies in relation to the activity or access that is the subject of the determination.

Under Section 44C of the *Port Management Act 1995*, Parks Victoria has delegated this power to the Chief Executive Officer or Executive Band or Regional Directors in an instrument of delegation dated 27 August 2024, Version 58.

I, Jodi Heath, Regional Director Southern and Maritime, determine under the *Port Management (Local Ports) Regulations 2015* that the areas indicated in the attached table and map are set aside for the purposes specified or for the prohibition or restriction of activity or access, at the times or periods, and in accordance with the conditions as indicated.

This determination replaces all previous set-aside determinations of specified activities and access other than the temporary vessel prohibited zones established for the purpose of demolishing the former pier, Gazette S 348 published 26 June 2024.

This determination applies from the date of Gazettal and is in force until amended or revoked.

Signed at Melbourne



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Jodi Heath

Regional Director, Southern and Maritime, Parks Victoria

21/10/2024

Areas Set Aside in St Kilda Pier and Breakwater Reserve

For the purposes of the Area set aside the following definitions apply:

St Kilda Pier and Breakwater Reserve means Crown Allotment 22, Section 2X Parish of Melbourne South, and Crown Allotment 2011, Parish of Melbourne South.

St Kilda Pier includes the main structure, inner low landing, tiered-seating area, kiosk, terrace, Northern jetty extension to the marina, and public berthing pontoon.

Penguin viewing boardwalk means the timber platform extending North-West from the St Kilda Pier kiosk, and parallel to the breakwater.

Regulation(s)		Details of set aside			
		Purpose of set aside determination	Area set aside	Specified conditions	
				Times or period	Other conditions
10(1)(b)	Areas set aside in which a specified activity is prohibited or restricted	To prohibit the consumption or possession of alcohol in an unsealed container within the Area set aside for the protection of public health and safety.	St Kilda Pier and Breakwater Reserve shown in Attachment 1.	Annually between 1 November and 31 March	Except for: 1. Areas operating under a Parks Victoria event permit where the supply of alcohol is specifically permitted under the permit; or 2. In lease or license areas in accordance with regulation 8(2).
			St Kilda penguin viewing boardwalk shown in Attachment 1.	At all times.	
10(1)(b)	Areas set aside in which a specified activity is prohibited or restricted	To prohibit smoking and vaping in the Area set aside for the protection of public health and safety, port facilities, and the natural environment – Little Penguin colony.	St Kilda penguin viewing boardwalk shown in Attachment 1.	At all times	Nil.
10(1)(b)	Areas set aside in which a specified activity is prohibited or restricted	To prohibit flash photography in the Area set aside for the protection of the natural environment – Little Penguin colony.	St Kilda penguin viewing boardwalk shown in Attachment 1.	At all times	Nil.
10(1)(b)	Area set aside in which a specified activity is prohibited or restricted	To ensure that owners or people in control of a dog and/or cat leash the dog or cat and must collect or bin any faeces deposited by the cat or dog in the Area set aside for the protection of public health and safety.	St Kilda Pier shown in Attachment 1.	At all times	Nil.
10(1)(b)	Areas set aside in which a specified activity is prohibited or restricted	To prohibit owners or people in control of a dog or cat access by the animal to the Area set aside for the protection of the natural environment – Little Penguin colony.	St Kilda breakwater and penguin viewing boardwalk shown in Attachment 1.	At all times	Assistance animal, having the same meaning under the <i>Disability Discrimination Act 1992</i> (Cth), are expressly permitted on the penguin viewing boardwalk to assist a person with a disability.
10(1)(b)	Areas set aside in which a specified activity is prohibited or restricted	To prohibit people from all forms of fishing and the possession of fishing equipment in the Area set aside to protect public health and safety and	St Kilda penguin viewing boardwalk shown in Attachment 1.	At all times	Nil.

		for the protection of the natural environment – Little Penguin colony.			
10(1)(c)	Area set aside where access is prohibited or restricted	To prohibit public access to the Area set aside to protect public health and safety and the protection of the natural environment – Little Penguin colony.	St Kilda breakwater shown in Attachment 1.	At all times	Individuals or groups may be granted access under conditions specified in a Permit granted under Regulation 17.
12(b)	Prohibited Berthing Area	To set aside an area prohibiting certain vessels from berthing.	- All vessels are prohibited from the entire length of the 60m tiered seating area located immediately East of the kiosk. - Recreational vessels are prohibited from the northern facing lower-landing (commercial vessels only) at the commencement of the St Kilda Pier for a length of 30 metres. Attachment 1.	At all times	Nil.
12(c)	Short-term Berthing Area	To set aside a short-term berthing area.	The following bays of the public berthing pontoon section at the end of the pier and adjacent to the marina gangway: bays 01, 02, 03, 04 (western section).	4 hours maximum	Vessel may be left unattended.
12(c)	48-hour Berthing Area	To set aside a short-term berthing area.	The following bays of the pontoon at the end of the pier and adjacent to the marina gangway: bays 04 (eastern section), 05, 06, 07.	48 hours maximum	Vessel may be left unattended.
12(c)	Short-term Berthing Area	To set aside vessel loading/unloading areas.	- The northern facing lower-landing (commercial vessels only) at the commencement of the St Kilda Pier for a length of 30 metres. - The eastern-facing outer length of the public berthing pontoon section adjacent to the marina gangway for its length of 31 metres.	30 minutes maximum	Vessel must be attended at all times.

***** Under Regulation 16 Notice requirements for set aside determinations, Parks Victoria as Port Manager must:**

- (1) As soon as practicable after making a set aside determination, a port manager must display details of the set aside determination, including any condition to which the determination is subject, in a place or manner that ensures the information is reasonably likely to be seen and understood by relevant users of the local port.
- (2) Details of any set aside determination made by a port manager—
- (a) must be published in the Government Gazette and on the port manager's Internet website; and
 - (b) may be published in any other manner that the port manager considers appropriate.

Attachment 1: Map of St Kilda Pier, Penguin Boardwalk, Breakwater Reserve, and Public Berthing Pontoon Area

