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SPECIAL GAZETTE

PROCLAMATION

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Ports Legislation Amendment Act 2019

Ports Legislation Amendment Act 2019 Commencement Proclamation 2021

SL 2021/50

Made under the *Ports Legislation Amendment Act 2019* section 2(e) by the Governor in Executive Council.

1. Citation

This proclamation is the *Ports Legislation Amendment Act 2019 Commencement Proclamation 2021*.

2. Commencement

The *Ports Legislation Amendment Act 2019* section 50(2)(d) and (3) comes into operation on 1 July 2021.

K. BEAZLEY, Governor.

L.S.

R. SAFFIOTI, Minister for Ports.

Notes: The *Port Authorities Amendment Regulations 2021*, other than regulations 1 and 2, come into operation on the day on which the *Ports Legislation Amendment Act 2019* section 50(2)(d) and (3) comes into operation.

The *Transport Regulations Amendment (Ports) Regulations 2021*, other than Part 1, come into operation on the day on which the *Ports Legislation Amendment Act 2019* section 50(2)(d) and (3) comes into operation.

Port Authorities Act 1999

Port Authorities Amendment Regulations 2021

SL 2021/52

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Port Authorities Amendment Regulations 2021*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Ports Legislation Amendment Act 2019* section 50(2)(d) and (3) comes into operation.

3. Regulations amended

These regulations amend the *Port Authorities Regulations 2001*.

Port Authorities Amendment Regulations 2021**r. 4**

4. Regulation 120A inserted

After regulation 120 insert:

120A. Jetty licences to which Schedule 8 clause 66(9) of Act applies

For the purposes of Schedule 8 clause 66(6) of the Act, each of the following is a jetty licence to which Schedule 8 clause 66(9) of the Act applies —

- (a) jetty licence LM4198 to Santos WA Energy Limited (ABN 39 009 301 964) relating to 2 jetties and 2 barge ramps on a site within the Indian Ocean adjacent to Varanus Island, part of the Lowendal group of islands;
- (b) jetty licence LM4917 to Cockatoo Is Pty Ltd (ACN 621 370 429) relating to a jetty and barge ramp on a site within the Indian Ocean adjacent to Cockatoo Island;
- (c) jetty licence LM3386 to Koolan Iron Ore Pty Ltd (ABN 87 099 455 277) relating to the Koolan Island Iron Ore Mine Jetty, Koolan Island.

5. Regulation 121 amended

Delete regulation 121(3) and insert:

- (3) A provision of these regulations mentioned in the Table does not apply to —
 - (a) the Port of Ashburton; or
 - (b) the Port of Balla Balla; or
 - (c) the Port of Dampier; or
 - (d) the Port of Varanus Island; or

Port Authorities Amendment Regulations 2021

r. 6

- (e) the Pilbara Ports Authority's control and management of the ports referred to in paragraphs (a) to (d).

Table

r. 5	r. 7
r. 8	r. 18
r. 32	r. 33
r. 90	r. 114

6. Schedule 1 Division 1AA inserted

At the beginning of Schedule 1 insert:

Division 1AA — Preliminary**1A. Terms used**

In this Schedule —

commercial vessel means a vessel other than a private vessel;

dangerous goods has the meaning given in the *Dangerous Goods Safety Act 2004* section 3(1);

explosives has the meaning given in the *Western Australian Marine Act 1982* section 3(1);

mooring means a structure or apparatus used, or proposed to be used, to secure a vessel in a port;

motor boat —

- (a) means a vessel propelled otherwise than by oars or sail; and
- (b) includes a personal watercraft as defined in the *Navigable Waters Regulations 1958* regulation 46(2);

Port Authorities Amendment Regulations 2021**r. 7**

prohibited anchorage area means an area of a port designated by notices or signs erected by the port authority as an area where a vessel is prohibited from anchoring;

water ski includes water ski using only the feet for support on the water.

7. Schedule 1 clause 3A inserted

After Schedule 1 clause 3 insert:

3A. Notice of dangerous cargoes

- (1) When notifying the harbour master under clause 3(1)(a), the master of a vessel must also notify the harbour master of any explosives or dangerous goods that are —
 - (a) to be loaded on to, or unloaded from, the vessel at the port; or
 - (b) to be kept on board the vessel while it is in the port.
- (2) The master of a vessel who is required to notify the harbour master in relation to explosives or dangerous goods under subclause (1) must also provide to the harbour master any information required by the harbour master about the explosives or dangerous goods.
- (3) A person who does not comply with subclause (1) or (2) commits an offence.

Penalty for this subclause: a fine of \$12 000.

8. Schedule 1 clause 5D amended

In Schedule 1 clause 5D delete the definition of ***commercial vessel***.

Note: The heading to amended Schedule 1 clause 5D is to read:

Term used: fishing vessel

Port Authorities Amendment Regulations 2021

r. 9**9. Schedule 1 clause 5I amended**

Delete Schedule 1 clause 5I(1).

10. Schedule 1 clause 5J amended

In Schedule 1 clause 5J delete the definition of *mooring*.

11. Schedule 1 Division 2 heading amended

In the heading to Schedule 1 Division 2 delete “**Port of Broome**” and insert:

Port of Broome, Port of Derby, Port of Wyndham and Port of Yampi Sound

12. Schedule 1 clause 6 replaced

Delete Schedule 1 clause 6 and insert:

6. Application of this Division

This Division applies to the following —

- (a) the Port of Broome;
- (b) the Port of Derby;
- (c) the Port of Wyndham;
- (d) the Port of Yampi Sound;
- (e) the Kimberley Ports Authority.

13. Schedule 1 clause 7 amended

Delete Schedule 1 clause 7(2).

14. Schedule 1 clause 8 amended

Delete Schedule 1 clause 8(4).

Port Authorities Amendment Regulations 2021**r. 15**

15. Schedule 1 clause 8A inserted

After Schedule 1 clause 8 insert:

8A. Private vessels with length overall of 10 m or more to maintain contact with port authority

The master of a private vessel with a length overall of 10 m or more that enters a port is to inform the port authority of the vessel's movements while it is in the port by —

- (a) maintaining radio contact with the port authority; or
- (b) communicating with the port authority by another means approved by the port authority.

16. Schedule 1 clause 11 amended

Delete Schedule 1 clause 11(3).

17. Schedule 1 clause 13 amended

In Schedule 1 clause 13 delete the definition of *mooring*.

Note: The heading to amended Schedule 1 clause 13 is to read:

Term used: mooring owner

18. Schedule 1 clause 15 amended

Delete Schedule 1 clause 15(2)(e) and insert:

- (e) whether the mooring is a cyclone mooring or other type of mooring; and
- (f) whether the mooring is designed by a qualified naval architect; and
- (g) whether the mooring is designed with dynamic analysis or static analysis; and
- (h) the specifications for the construction of the mooring.

Port Authorities Amendment Regulations 2021

r. 19**19. Schedule 1 clause 16 amended**

After Schedule 1 clause 16(1)(b) insert:

- (ba) the mooring is designed by a qualified naval architect; and
 - (bb) the mooring is designed with —
 - (i) if the mooring is a cyclone mooring — dynamic analysis; or
 - (ii) if the mooring is any other type of mooring — dynamic analysis or static analysis;
- and

20. Schedule 1 clause 31A inserted

After Schedule 1 clause 31 insert:

31A. Notice of dangerous cargoes

- (1) When notifying the harbour master under regulation 4, the master of the vessel must also notify the harbour master of any explosives or dangerous goods that are —
 - (a) to be loaded on to, or unloaded from, the vessel at the port; or
 - (b) to be kept on board the vessel while it is in the port.
- (2) The master of a vessel who is required to notify the harbour master in relation to explosives or dangerous goods under subclause (1) must also provide to the harbour master any information required by the harbour master about the explosives or dangerous goods.
- (3) A person who does not comply with subclause (1) or (2) commits an offence.

Penalty for this subclause: a fine of \$12 000.

Port Authorities Amendment Regulations 2021**r. 21**

21. Schedule 1 Division 4 heading amended

In the heading to Schedule 1 Division 4 delete “**Port of Ashburton and Port of Dampier**” and insert:

Port of Ashburton, Port of Dampier and Port of Varanus Island

22. Schedule 1 clauses 35 and 36 replaced

Delete Schedule 1 clauses 35 and 36 and insert:

35. Application of this Division

This Division applies to the following —

- (a) the Port of Ashburton;
- (b) the Port of Dampier;
- (c) the Port of Varanus Island;
- (d) the Pilbara Ports Authority.

36. Term used: fishing vessel

In this Division —

fishing vessel means a vessel that is used for commercial fishing.

23. Schedule 1 clause 36A inserted

At the beginning of Schedule 1 Division 4 Subdivision 2 insert:

36A. Notice of dangerous cargoes

- (1) When notifying the harbour master under regulation 4, the master of the vessel must also notify the harbour master of any explosives or dangerous goods that are —
 - (a) to be loaded on to, or unloaded from, the vessel at the port; or
 - (b) to be kept on board the vessel while it is in the port.

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r. 24

- (2) The master of a vessel who is required to notify the harbour master in relation to explosives or dangerous goods under subclause (1) must also provide to the harbour master any information required by the harbour master about the explosives or dangerous goods.
- (3) A person who does not comply with subclause (1) or (2) commits an offence.
Penalty for this subclause: a fine of \$12 000.

24. Schedule 1 clause 37 amended

Delete Schedule 1 clause 37(1) and insert:

- (1) For the purpose of receiving communications from the harbour master, the master of a commercial vessel must —
 - (a) when the vessel is approaching or is in the Port of Ashburton — maintain a listening watch on VHF Radio Channel 14 and VHF Radio Channel 16; or
 - (b) when the vessel is approaching or is in the Port of Dampier — maintain a listening watch on VHF Radio Channel 11 and VHF Radio Channel 16; or
 - (c) when the vessel is approaching or is in the Port of Varanus Island — maintain a listening watch on VHF Radio Channel 74 and VHF Radio Channel 16.

25. Schedule 1 clause 48 amended

Delete Schedule 1 clause 48(4).

26. Schedule 1 clause 49 amendedIn Schedule 1 clause 49 delete the definition of *mooring*.

Port Authorities Amendment Regulations 2021**r. 27**

27. Schedule 1 clause 62 amended

Delete Schedule 1 clause 62(3) and insert:

- (3) Unless otherwise directed by the harbour master, a person must not unload any goods on to, or otherwise place any goods on, a wharf in the port in a manner that obstructs or interferes with, or is likely to obstruct or interfere with, a mooring point, hose connection or electrical fixture.

Penalty for this subclause: a fine of \$5 000.

28. Schedule 1 clause 64AB inserted

After Schedule 1 clause 64AA insert:

64AB. Notice of dangerous cargoes

- (1) When notifying the harbour master under regulation 4, the master of the vessel must also notify the harbour master of any explosives or dangerous goods that are —
- (a) to be loaded on to, or unloaded from, the vessel at the port; or
- (b) to be kept on board the vessel while it is in the port.
- (2) The master of a vessel who is required to notify the harbour master in relation to explosives or dangerous goods under subclause (1) must also provide to the harbour master any information required by the harbour master about the explosives or dangerous goods.
- (3) A person who does not comply with subclause (1) or (2) commits an offence.

Penalty for this subclause: a fine of \$12 000.

29. Schedule 1 clause 70 amended

Delete Schedule 1 clause 70(4).

Port Authorities Amendment Regulations 2021

r. 30**30. Schedule 1 clause 101 amended**

Delete Schedule 1 clause 101(2).

31. Schedule 1 clause 102B inserted

After Schedule 1 clause 102A insert:

102B. Notice of dangerous cargoes

- (1) When notifying the harbour master under regulation 4, the master of the vessel must also notify the harbour master of any explosives or dangerous goods that are —
 - (a) to be loaded on to, or unloaded from, the vessel at the port; or
 - (b) to be kept on board the vessel while it is in the port.
- (2) The master of a vessel who is required to notify the harbour master in relation to explosives or dangerous goods under subclause (1) must also provide to the harbour master any information required by the harbour master about the explosives or dangerous goods.
- (3) A person who does not comply with subclause (1) or (2) commits an offence.

Penalty for this subclause: a fine of \$12 000.

32. Schedule 1 clause 105 amended

Delete Schedule 1 clause 105(2).

Port Authorities Amendment Regulations 2021**r. 33**

33. Schedule 3 amended

- (1) In Schedule 3 delete “**Port of Ashburton and Port of Dampier**” and insert:

Port of Ashburton, Port of Dampier and Port of Varanus Island

- (2) In Schedule 3 item 20 delete “less than 1 m from mooring point, hose connection, etc.” and insert:

in a manner that obstructs or interferes with, or is likely to obstruct or interfere with, a mooring point, hose connection or electrical fixture

N. HAGLEY, Clerk of the Executive Council.

Jetties Act 1926
Shipping and Pilotage Act 1967

Transport Regulations Amendment (Ports) Regulations 2021

SL 2021/51

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Transport Regulations Amendment (Ports) Regulations 2021*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Ports Legislation Amendment Act 2019* section 50(2)(d) and (3) comes into operation.

Part 2 — *Jetties Regulations 1940* amended

3. Regulations amended

This Part amends the *Jetties Regulations 1940*.

Transport Regulations Amendment (Ports) Regulations 2021

Part 3 Shipping and Pilotage (Ports and Harbours) Regulations 1966 amended

r. 4

4. Regulation 24 deleted

Delete regulation 24.

5. Part 3 Division 4 deleted

Delete Part 3 Division 4.

6. Schedule 1 amended

(1) Delete the reference after the heading to Schedule 1 and insert:

[r. 6, 10A, 11, 25, 42A, 53A and 96]

(2) In Schedule 1 clauses 2 and 3 delete “(excluding the Port of Wyndham)” (each occurrence).

(3) Delete Schedule 1 clauses 30 and 31.

7. Schedule 2 clause 1 amended

In Schedule 2 clause 1 in the table delete item 26.

8. Schedule 3 clause 3 amended

In Schedule 3 clause 3(1) and (2) delete “Schedule 1 (excluding the Port of Wyndham).” and insert:

Schedule 1.

Part 3 — *Shipping and Pilotage (Ports and Harbours) Regulations 1966* amended

9. Regulations amended

This Part amends the *Shipping and Pilotage (Ports and Harbours) Regulations 1966*.

Transport Regulations Amendment (Ports) Regulations 2021
Shipping and Pilotage (Ports and Harbours) Regulations 1966 **Part 3**
amended

r. 10

10. Regulation 5 deleted

Delete regulation 5.

11. Part 5 Division 3 deleted

Delete Part 5 Division 3.

12. Regulation 16 amended

Delete regulation 16(d) and insert:

- (d) has paid a fee of \$735 in respect of each port specified in the certificate.

13. Schedule 1A amended

- (1) In Schedule 1A Division 1 delete the items for:

Port of Derby

Port of Varanus Island

Port of Wyndham

Port of Yampi Sound

- (2) In Schedule 1A Division 2 delete the plans for the Port of Derby, Port of Varanus Island, Port of Wyndham and Port of Yampi Sound.

14. Schedule 1 deleted

Delete Schedule 1.

15. Schedule 3 amended

Delete Schedule 3 Division 1.

N. HAGLEY, Clerk of the Executive Council.

PORT AUTHORITIES ACT 1999**PORT AUTHORITIES (VESTING OF PROPERTY AND DESCRIPTION OF
PORT OF BUNBURY) ORDER 2021**

Made under the *Port Authorities Act 1999* section 24(2) and section 26 by the Governor in Executive Council.

1. Citation

This order is the *Port Authorities (Vesting of Property and Description of Port of Bunbury) Order 2021*.

2. Commencement

This order comes into operation as follows—

- (a) clauses 1 and 2—on the day on which this order is published in the *Gazette*;
- (b) the rest of the order—on the day after that day.

3. Terms used

In this order—

Deposited Plan followed by a number, means the deposited plan of that number held by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006*;

The Excluded Land the portions of land shown as Lot 8, Lot 9 and Lot 500 on Deposited Plan 420603;

Statutory Services Plan 20494, means the statutory services plan of that number held by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006*.

4. Land revested in the Crown

The Excluded Land is withdrawn from Bunbury Port Authority and is revested in the Crown.

5. Port of Bunbury described

The Port of Bunbury consists of all of those portions of land and seabed shown coloured pink on Statutory Services Plan 20494, other than Lot 973 and the Excluded Land.

6. Order revoked

The *Port Authorities (Vesting of Property and Description of Port of Bunbury) Order 2013* is revoked.

N. HAGLEY, Clerk of the Executive Council.

PORT AUTHORITIES ACT 1999**PORT AUTHORITIES (VESTING OF PROPERTY AND DESCRIPTION OF
PORT OF PORT HEDLAND) ORDER 2021**

Made under the *Port Authorities Act 1999* section 24(1) and 26(1) by the Governor in Executive Council.

1. Citation

This order is the *Port Authorities (Vesting of Property and Description of Port of Port Hedland) Order 2021*.

2. Commencement

This order comes into operation as follows—

- (a) clauses 1 and 2—on the day on which this order is published in the *Gazette*;
- (b) the rest of the order—on 1 June 2021.

3. Terms used

In this order—

Deposited Plan 404955 means version 2 of the deposited plan of that number held by the WA Land Authority;

Deposited Plan 407880 means version 2 of the deposited plan of that number held by the WA Land Authority;

Deposited Plan 417147 means version 2 of the deposited plan of that number held by the WA Land authority;

WA Land Authority means the Western Australian Land Authority established by the *Land Information Authority Act 2006*.

4. Port of Port Hedland described

The Port of Port Hedland consists of—

- (a) the area of land depicted as the Land Area shaded green on Deposited Plan 417147; and
- (b) the area of water, seabed and land depicted as the Water, Seabed and Land Area shaded yellow on Deposited Plan 417147; and
- (c) the area of water depicted as the Water Area shaded blue on Deposited Plan 417147.

5. Property revested in the Crown

The following property is revested in the Crown—

- (a) Lot 39 and 49 on Deposited Plan 404955; and
- (b) Lot 502 and 604 on Deposited Plan 407880.

N. HAGLEY, Clerk of the Executive Council.

PORT AUTHORITIES ACT 1999**PORT AUTHORITIES (DESCRIPTION OF PORT OF DERBY) ORDER 2021**

Made under the *Port Authorities Act 1999* section 24(1) by the Governor in Executive Council.

1. Citation

This order is the *Port Authorities (Description of Port of Derby) Order 2021*.

2. Commencement

This order comes into operation in accordance with the *Port Authorities Act 1999*, Schedule 8, Division 2, cl.54(4).

3. Port of Derby described

The Port of Derby consists of the areas described in the Schedule.

Schedule—Port of Derby areas

[cl.3]

1. Term used: Deposited Plan

In this Schedule “Deposited Plan”, followed by a number, means the deposited plan of that number held by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006*.

2. Land areas

The area of land—

- (a) in Lot 638 on Deposited Plan 172459; and
- (b) in Lot 639 on Deposited Plan 172459; and
- (c) in Lot 640 on Deposited Plan 172459; and
- (d) in Lot 641 on Deposited Plan 172459; and
- (e) in Lot 701 on Deposited Plan 172459; and
- (f) in Lot 325 on Deposited Plan 64512; and
- (g) in Lot 822 on Deposited Plan 182015.

3. Water areas

The area of water depicted as the Port Area on Deposited Plan 420819 version 1.

4. Seabed areas

The area of seabed depicted as the Port Area on Deposited Plan 420819 version 1.

N. HAGLEY, Clerk of the Executive Council.

PORT AUTHORITIES ACT 1999**PORT AUTHORITIES (DESCRIPTION OF PORT OF VARANUS ISLAND) ORDER 2021**

Made under the *Port Authorities Act 1999* section 24(1) by the Governor in Executive Council.

1. Citation

This order is the *Port Authorities (Description of Port of Varanus Island) Order 2021*.

2. Commencement

This order comes into operation in accordance with the *Port Authorities Act 1999*, Schedule 8, Division 2, cl.54(4).

3. Port of Varanus Island described

The Port of Varanus Island consists of the areas described in the Schedule.

Schedule—Port of Varanus Island areas

[cl.3]

1. Term used: Deposited Plan

In this Schedule—

Deposited Plan, followed by a number, means the deposited plan of that number held by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006*.

2. Water areas

The area of water depicted as “Port of Varanus Island—Seabed and Waters” on Deposited Plan 419547 version 2.

3. Seabed areas

The area of seabed depicted as “Port of Varanus Island—Seabed and Waters” on Deposited Plan 419547 version 2.

N. HAGLEY, Clerk of the Executive Council.

PORT AUTHORITIES ACT 1999**PORT AUTHORITIES (DESCRIPTION OF PORT OF WYNDHAM) ORDER 2021**

Made under the *Port Authorities Act 1999* section 24(1) by the Governor in Executive Council.

1. Citation

This order is the *Port Authorities (Description of Port of Wyndham) Order 2021*.

2. Commencement

This order comes into operation in accordance with the *Port Authorities Act 1999*, Schedule 8, Division 2, cl.54(4).

3. Port of Wyndham described

The Port of Wyndham consists of the areas described in the Schedule.

Schedule—Port of Wyndham areas

[cl.3]

1. Term used: Deposited Plan

In this Schedule “Deposited Plan”, followed by a number, means the deposited plan of that number held by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006*.

2. Land areas

The area of land—

- (a) in Lot 378 on Deposited Plan 223234; and
- (b) in Lot 600 on Deposited Plan 207828; and
- (c) in Lot 654 on Deposited Plan 207828; and
- (d) in Lot 719 on Deposited Plan 172093; and
- (e) in Lot 1272 on Deposited Plan 172093; and
- (f) in Lot 1233 on Deposited Plan 171241; and
- (g) in Lot 1302 on Deposited Plan 173335; and
- (h) in Lot 896 on Deposited Plan 208779; and
- (i) in Lot 1235 on Deposited Plan 170411; and

- (j) in Lot 1315 on Deposited Plan 175360; and
- (k) in Lot 1730 on Deposited Plan 172300; and
- (l) in Lot 1737 on Deposited Plan 216431; and
- (m) in Lot 451 on Deposited Plan 77631.

3. Water areas

The area of water depicted as the Port Area on Deposited Plan 420821 version 1.

4. Seabed areas

The area of seabed depicted as the Port Area on Deposited Plan 420821 version 1.

N. HAGLEY, Clerk of the Executive Council.

PORT AUTHORITIES ACT 1999**PORT AUTHORITIES (DESCRIPTION OF PORT OF YAMPI SOUND) ORDER 2021**

Made under the *Port Authorities Act 1999* section 24(1) by the Governor in Executive Council.

1. Citation

This order is the *Port Authorities (Description of Port of Yampi Sound) Order 2021*.

2. Commencement

This order comes into operation in accordance with the *Port Authorities Act 1999*, Schedule 8, Division 2, cl.54(4).

3. Port of Yampi Sound described

The Port of Yampi Sound consists of the areas described in the Schedule.

Schedule—Port of Yampi Sound areas

[cl.3]

1. Term used: Deposited Plan

In this Schedule “Deposited Plan 420820” means the deposited plan of that number held by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006*.

2. Water areas

The area of water depicted as the Port Area on Deposited Plan 420820 version 1.

3. Seabed areas

The area of seabed depicted as the Port Area on Deposited Plan 420820 version 1.

Clerk of the Executive Council.

N. HAGLEY, Clerk of the Executive Council.
