

STRATEGY AND POLICY REVIEW COMMITTEE
4 MAY 2009

POLICY AND PLANNING

A1 CITY OF PORT PHILLIP RECREATIONAL BOATING ZONES

LOCATION/ADDRESS: CITY OF PORT PHILLIP FORESHORE

EXECUTIVE DIRECTOR: GEOFF OULTON, EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT & PLANNING

PREPARED BY: STEVE SCOTT, PLACE MANAGER PORT MELBOURNE

FILE NO.:

ATTACHMENTS:

1. EXISTING BOATING ZONES
 - (A) EXISTING BOATING ZONES-SANDRIDGE
 - (B) EXISTING BOATING ZONES – MIDDLE PARK & ST KILDA WEST
 - (C) EXISTING BOATING ZONES – ST KILDA
 - (D) EXISTING BOATING ZONES ELWOOD
2. RECOMMENDED BOATING ZONES:
 - (A) BOATING ZONES RECOMMENDATIONS – SANDRIDGE
 - (B) BOATING ZONES RECOMMENDATIONS – MIDDLE PARK & ST KILDA WEST
 - (C) BOATING ZONES RECOMMENDATIONS – ST KILDA
 - (D) BOATING ZONES RECOMMENDATIONS – ELWOOD & BRIGHTON
3. SURVEY RESPONSES
 - (A) EMERALD HILL WEEKLY
 - (B) BEACH SURVEYS
 - (C) ONLINE SURVEYS, HARDCOPY & EMAILS

1. PURPOSE

- 1.1. To formally respond to the Parks Victoria proposed Recreational Boating Zone changes along the City of Port Phillip foreshore.

2. RECOMMENDATION

- 2.1. That the Strategy and Policy Review Committee recommend that Council resolve to:
- 2.1.1. In principle support the translation of the current boating zones to the amended new zones proposed by Parks Victoria and Marine Safety Victoria for the improved safety of all bay users.
 - 2.1.2. Request of Parks Victoria to amend the proposed Recreational Boating Zone at Elwood Beach to include an additional swimming only zone.
 - 2.1.3. Request of Parks Victoria to advise Council of the Department of Transport review of the Marine Safety Act which will consider social and environmental impacts of the Act.

3. BACKGROUND AND CONTEXT

- 3.1 Council received a report on the recreational boating zones at its Strategy and Policy Review Committee on the 2 February 2009. Council's Strategy and Policy Review Committee resolved:

Receive and note Parks Victoria proposed Recreational Boating Zone Changes.

Defer consideration of Parks Victoria proposed Recreational Boating Zone Changes pending targeted community engagement within the City of Port Phillip and an assessment of the environmental and social impacts of these proposed changes.

Request a supplementary Report to its ordinary meeting of Council to be held on Monday, 23 February 2009, outlining the outcomes of the community engagement process.

- 3.2 Council's meeting of the 23rd February resolved:

Defer presentation of a Supplementary Report from the 23 February Council meeting to the May 2009 Strategy and Policy Review Committee outlining the outcomes of the community engagement process and providing additional information from discussions with Parks Victoria.

- 3.3 Parks Victoria (PV) is the local port and waterway manager for Port Phillip and Westport Bay. In partnership with Marine Safety Victoria (MSV) the States marine safety agency responsible for coordination of waterway management, PV is reviewing boating zones across the bays.

- 3.4 The proposed changes are aiming to balance the needs of swimmers and vessels along the busier areas of the Port Phillip and Westernport shorelines. PV aim to reduce the number of zones from 9 to 7.

Since mid 2008 PV has undertaken a broad information campaign to build awareness of the proposed zone changes and to provide the opportunity for community input. Submissions in regard to the proposed changes by PV have been received via the online survey and letters. The closing date for submissions was 5 December 2008. PV is now considering the feedback received from vessel operators, key stakeholders, beach users and the general community.

The CoPP has been actively seeking community responses to the PV proposed zone changes and has received 299 responses. The details of submissions received are included as attachments to this report.

- 3.5 The CoPP has jurisdiction on the land side of the high water mark along the foreshore. Community Amenity Local Law No. 3 clause 47 Use of boats and other watercraft, states that:

A person must not take or locate a sailboard, personal watercraft, yacht, boat or similar vessel onto the beach other than through an access lane, launching ramp, slipway or designated area.

The Council may designate areas within which personal watercraft may be launched or transferred from foreshore waters to a mode of land transport.

Personal watercraft may be taken onto the beach from foreshore waters in any area which is not directly adjacent to a 'no boating' or 'no personal watercraft zone'.

- 3.6 Existing Recreational Boating Zone Controls – These are outlined in attachment 1(A)(B)(C)(D) 2(A)(B)(C)(D) & 3(A)(B)(C)(D) described below.

- 3.7 Sandridge, Port Melbourne, Albert Park Beach - current zones comprise:

- *No boating zone - adjacent the Sandridge Beach Lifesaving Club, Lagoon Pier approximately 50m West of Pickles Street, 50m East of Foote Street to Withers Street.*
- *No personal watercraft or sailboards zone – Withers Street to Kerferd Road Pier.*
- *5 knot zone – Sandridge Beach to Lagoon Pier and between Pickles Street and Foote Street.*

- 3.8 Comment - the varying distance from the shoreline of the current zones and absence of consistent markers is confusing for both users of these areas. Further compounding this is the various uses permitted in the current zones and segmentation of the zones.

- 3.9 Middle Park, St Kilda West Beach - current zones comprise: No boating zone – approximately 50m East of Nimmo Street to approximately 50m West of McGregor Street.

- *No personal watercraft or sailboards zone – Kerferd Road Pier to approximately 50m east of Nimmo Street. Approximately 80m West of McGregor Street to Langridge Street.*
- *Boating only – Langridge Street to Fraser Street.*
- *Kite boarding only – Fraser Street to approximately 80m West of the Royal Melbourne Yacht Squadron slipway.*
- *5 knot zone - between the breakwater and boating, Kite boarding zone.*

- 3.10 Comment - the current zoning is segmented in small areas making it confusing for users and issues are presenting between kite boarders and boats around the St Kilda Pier and slipway in the absence of clear markings.

- 3.11 St Kilda Beach – current zones comprise:
- *No boating zone – St Kilda Pier to approximately 150m West of the alignment of the Lower Esplanade.*
 - *No personal watercraft or sailboards zone – approximately 150m West of the Lower Esplanade to Brooks Jetty.*
 - *5 knot zone – between Brooks Jetty and St Kilda Marina.*

- 3.12 Comment - the current zoning results in a mix of swimmers and boating activities around the entry to the St Kilda Marina in a busy and narrow area.

Elwood Beach – current zones comprise:

- *No boating zone – Elwood Life Saving Club to Head Street.*
- *No personal watercraft – Point Ormond to Elwood Life Saving Club.*
- *5 knot zone – St Kilda marina to Point Ormond.*

- 3.13 Parks Victoria Proposed Recreational Boating Zone controls. These are outlined in attachment 2 (A)(B)(C) & (D) & described below.

- 3.14 Sandridge, Port Melbourne, Albert Park Beach - PV recommended zones comprise:
- *No Boating zone – Aligning with Todd Road and existing rock groyne east of the Sandridge Life Saving Club.*
 - *5 knot zone – extending from the existing rock groyne east of the Sandridge Life Saving Club to Lagoon Pier.*

- 3.15 Comment – the application of these zones will result in an increased no boating zone adjacent the Sandridge Life Saving Club and Port Melbourne Beach. PV have acknowledged the special qualities of the CoPP foreshore and have included an extensive no boating zone to afford greater access for swimming only from lagoon pier to Philipson street. The change of the current zone Albert Park Sailing Club at Kerferd Road Pier to 5 knots would allow for greater access to vessels.

- 3.16 Middle Park, St Kilda West Beach - PV recommended zones comprise:

- *PV have responded to Council's request for an additional no boating zone and swimming only area.*
- *5 knot zone – Philipson to Wright Streets and Nimmo to Langridge Streets. The 5 knot zone also extends to Langridge Street to the St Kilda Pier outside the kite boarding zone.*
- *Comment – The application of the no boating zones afford swimmers the comfort of an extended area of swimming only beach than that which currently exists.*
- *The 5 knot zone would afford greater access to PWC's and sailboards currently excluded in this area.*

- 3.17 St Kilda Beach – PV recommended zones comprise:

- *No boating zone – St Kilda Pier to Brooks Jetty,*
- *5 Knot zone – Brooks Jetty to St Kilda Marina.*

- 3.18 Comment – the proposed zone changes increase the no boating zone area to encourage a greater use of the area for swimmers at St Kilda beach adjacent the recently completed foreshore promenade. South of Brooks Jetty PV have responded to Councils request to keep the mixed use zone permitting current uses and have adjusted the boating only zone to apply to the channel servicing St Kilda marina.

3.19 Elwood Beach – PV recommended zones comprise:

- *No boating zone – Elwood Life Saving Club to Head Street.*
- *5 knot zone – St Kilda Marina to the Elwood Life Saving Club.*
- *The proposed zone changes would allow for PWC's within the 5 knot zone from Point Ormond to the Elwood Life Saving Club.*

3.20 PV are considering Councils request for an additional no boating zone at Elwood beach near Point Ormond and are consulting with Elwood lifesaving club.

3.21 The default position in all waterways along the foreshore in Victoria in the absence of any clearly defined or marked zones is a 5 knot speed zone. This requires all vessels not to exceed 5 knots within: 50m of a swimmer, 50m of another vessel, 50m of any wharf, jetty, slipway, diving platform or boat ramp, when passing through a recognised anchorage for small vessels and 100m from a diver flag.

4. CONSULTATION AND STAKEHOLDERS

4.1 The people who have or are being consulted with in relation to this issue are:

Internal

Open Space Coordinator

Local Laws Coordinator

External

Nick Aargren – Friends of Port Melbourne Foreshore

Hobsons Bay Council

Bayside Council

Lifesaving Victoria

Sandridge, Port Melbourne, South Melbourne, St Kilda and Elwood Lifesaving clubs.

The CoPP has engaged with the community extensively on this issue and has provided several ways of seeking community comment. Survey results are provided as attachments this report.

PV organized a series of 6 workshops in the latter part of 2008 with key stakeholders to develop a revised set of boating zones. The boating zones have been developed within the guidelines as set out in the State Safety Framework Plan developed by PV and MSV. The zones were developed by identifying a series of criteria and not in response to individual issues within each area or municipality.

In September 2008 PV facilitated a workshop at the Port Melbourne Yacht club. Invitations were extended to peak bodies and Local Councils to attend. An outcome of those workshops was the formulation of the proposed boating zones included as Attachment 3 to this report.

PV presented to the Association of Bayside Municipalities in September 2008 and discussed the rationale behind the proposed zone changes, project process and progress.

A letter from PV was written to the CEO of CoPP in November 2008 seeking input to the development of the new zones.

PV has distributed Information to clubs and associations, Association of Bayside Municipalities, Local Government, Members of Parliament and peak bodies seeking feedback. In excess of 200 submissions have been received to date of which at the time of writing this report.

PV will continue to liaise with the community and key stakeholders prior to a recommendation being made to MSV and ensure that local port users and residents will be informed of the outcome as recommended by the Director of Marine Safety Victoria. PV advise the zones finally adopted will be subject to regular monitoring and review. Changes to the zones would be considered based on use issues or emerging issues in the future.

5. DISCUSSION

5.1 Council was briefed by PV officers on the 6 April 2009 to gain an appreciation of the context and rationale being applied to the recommended zone changes. The principles that have been applied during the review of the zones include:

- Safety
- Practicality
- Easy identification
- Ease of compliance
- Ability to respond to current and anticipated future water uses

PV advise the proposed zones have in principle support from Marine safety Victoria, VicWater Police, Life Saving Victoria and senior officers in relevant State Government departments.

PV advise that resources are readily available for ensuring compliance on the busy areas of the foreshore and together with VicWater police, extensive and ongoing educational campaign regarding the new zones will achieve the safety goals being sought by the various agencies.

CoPP officers have undertaken further community consultation with advertisements in the local papers, online surveys and surveys at ASSIST counters and Libraries. An advertisement was placed in the Emerald Hill weekly on February 11 advising of the Parks Victoria proposed recreational boating zone changes. Council officers received 20 phone calls on the issue. No responses received supported the changes being proposed by PV. The majority of responses sited safety as the main issue of concern for swimmers and especially young families. Survey results are included as attachment (3) A

Council officers undertook surveys of beach users at three locations, Elwood, St Kilda, and Middle Park/Albert Park on Wednesday 18 and Sunday 22 March 2009. 269 responses have been collated and results are included as attachment (3) B.

The survey sample indicates that there is a high proportion of beach users that are not residents within the CoPP and they come to the foreshore area for swimming. The beaches in the CoPP perform a special role of providing a swimming beach for visitors close to the Capital City.

The high proportion of respondents (235) citing safety as the main concern in mixing swimmers and PWC users suggests that there should be separation between shared zones and swimming with an emphasis on swimming only beaches.

Online survey - 29 responses have been collated and results are included as attachment 3 (C). The survey sample revealed similar issues to those above of less safety for swimmers, separate swimmers from PWC's, PWC's speed and a lack of operator compliance with the regulations, noise and unpleasant smells from engines

Survey responses collected at ASSIST and library counters - 5 responses have been collated and results are included as attachment 3 (D) and 8 respondent emails. The survey sample of 5 sited separation of uses, keep popular swimming beaches for swimming, noise and unpleasant smells from PWC engines. The 8 respondent emails were restricted to comments on the PV proposed zone changes at Brookes Jetty St Kilda. The survey responses fully supported keeping the swimming beach, segregation of swimmers and PWC's and some commented on the unsafe behavior of PWC operators.

The PV zone plans as attachment 1(a)(b)(c)(d) and 2(a)(b)(c)(d) to this report show the current and recommended zone controls. There is no control that will achieve everything and the success of the zones is always dependant on the level of compliance and enforcement. Compliance and enforcement are the direct responsibility of Parks Victoria and VicWater police.

Council officers have successfully negotiated additional no boating zones be applied for Middle Park Beach and 5 knot zone maintaining a swimming beach at St Kilda (brookes jetty). The principal reason for the change to the recommended zones was the extensive walking distance required to reach a swimming beach only and beach users clearly expressing the need for swimming areas.

At the Council briefing on the 6 April 2009 PV were advised of the need to include an additional no boating zone at Elwood. Council officers have contacted PV and have been advised that PV is considering this request favorably and that consultation is occurring with the Elwood lifesaving club.

Council were advised by PV that the Department of Transport will be undertaking a review of the Marine Safety Act and will be seeking public comment around May 2009. This review amongst others will include consideration of environment and social impacts of the Marine Safety Act.

PV advise that the new zones will enable PV and VicWater police to be more responsive in the enforcement of the regulations and the zones will be subject to regular review to ensure they are operating as intended or can be changed to meet new emerging issues. Based on the information available at the time of writing this report Council officers recommend the zone changes be supported with the following changes:

- Amend the proposed zone at Elwood beach to include a larger area of no boating to provide for swimmers only at this popular beach area.

5.2 POLICY IMPLICATIONS

- The boating zones along the foreshore should be considered in the context of Council Plan Initiative 1 – Renewing our Special Places (Foreshore) and Strategy 7 – support and encourage inviting and accessible spaces and places.

5.3 FINANCE / RESOURCE IMPLICATIONS

- There is no capital cost to Council for the implementation of the revised boating zones.
- Upon direction from MSV, Parks Victoria will begin to implement the revised boating zones.
- Council officers will be required to discuss with PV the location and coordination of signage to be placed on the foreshore.

5.4 LEGAL & RISK IMPLICATIONS

- There may be adverse reputation impacts on Council associated with the changed boating zones. Implicit in the wider application of a 5 knot zone is greater access is afforded to limited foreshore areas by PWC's. PV and VicWater police are responsible for enforcement of on water regulations.

5.5 SUSTAINABILITY ASSESSMENT

SOCIAL EQUITY

- **Social Pillar** – The City of Port Phillip foreshore and beaches contribute significantly to social interaction and community connectedness. Beach areas, particularly, are contested spaces and thus some 'rationing' is required to ensure fairness and equity for all users. The City of Port Phillip Recreational Boating Zone recommendations support a fairer balance of needs and wants for everyone.

ECONOMIC VIABILITY

- **Economic Pillar** – The new zones would increase the attractiveness of CoPP as a destination in that the zones facilitate a better distribution of uses along the foreshore for all users. CoPP resources are less likely to be required as the zones will be clearly marked and easier to understand.

ENVIRONMENTAL RESPONSIBILITY

- **Environmental Pillar** – Beaches are a natural resource which need to be managed to ensure they are available for future generations and can be used as they are today. Managing the way people use the beach which assists in their sustainability is what we seek to achieve. The City of Port Phillip Recreational Boating Zone recommendations reduce the environmental impact by clearly separating various uses in some areas.

CULTURAL VITALITY

- **Cultural Pillar** – The new zones would strengthen the municipality's setting as a City by the bay.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

- PV advise further consultation will be undertaken in the following months with a recommendation being put to MSV by June 2009. The roll out of the signage required to support the zones will be incremental over a two year period.

6.2 COMMUNICATION

- PV have committed to a program of ongoing consultation with CoPP regarding appropriate sign placement and an extensive communication, education and enforcement program with the community.