

STRATEGY AND POLICY REVIEW COMMITTEE
2 FEBRUARY 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.:	12/01/02
ATTACHMENTS:	1. EXISTING BOATING ZONES (A) EXISTING BOATING MAP (B) EXISTING BOATING ZONES – MIDDLE PARK 7 ST KILDA WEST (C) EXISTING BOATING ZONES – ST KILDA 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. PROPOSED BOATING ZONE FRAMEWORK 4. PARKS VICTORIA LETTER 23 JANURARY 2009

1. PURPOSE

- 1.1. To formally respond to the Parks Victoria proposed Recreational Boating Zone changes along the City of Port Phillip foreshore.
- 1.2. To respond to the petition received from residents of St Kilda in relation to the proposed changes to the Recreational Boating Zones at St Kilda beach between Brooks Jetty and St Kilda marina, submitted at its Council meeting 19 December 2008.

2. RECOMMENDATION

That the Strategy and Policy Review Committee recommend that Council resolve to:

- 2.1 In principle support the translation of the current boating zones to the new zones proposed by Parks Victoria and Marine Safety Victoria for the improved safety of all bay users.
- 2.2 Support the direction being sought by residents in St Kilda and petition received for maintaining swimming in the beach area between Brooks Jetty and the St Kilda Marina.
- 2.3 Request of Parks Victoria to amend the proposed Recreational Boating Zone at Brooks Jetty to a 5 knot zone in accordance with the new zone controls and include a no boating zone at Middle Park Beach between Harold and Nimmo Streets.

3. BACKGROUND AND CONTEXT

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.

The proposed changes are aiming to balance the needs of swimmers and vessels along the busier areas of the Port Phillip and Westernport shorelines.

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. PV are aware our response will be provided at the end of February.

Issues involving multiple users of our popular beach areas have been in the community consciousness for a very long time and certainly since the early 1990's with the introduction of no power ski areas (Personal Water Craft - PWC's) adjacent no boating zones and more recently the 'kite boarding only' trial zone at West Beach St Kilda.

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'.

Existing Recreational Boating Zone Controls – These are outlined in attachment 1(a)(b) & (c) & described below.

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.

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.

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.*

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.

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.*

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.*

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

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.*

Comment – the application of these zones would result in an increased no boating zone adjacent the Sandridge Life Saving Club and Port Melbourne Beach. The change of permitted use to the current zone Albert Park Sailing Club at Kerferd Road Pier would allow for greater access to watercraft.

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

- *No boating zone – Wright to Nimmo Streets.*
- *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 zone would afford swimmers the comfort of a swimming only beach. This is consistent with the current zoning of a smaller no boating zone located further East of the proposed zone. The 5 knot zone would afford greater access to PWC's and sailboards currently excluded in this area.

St Kilda Beach – PV recommended zones comprise:

- *No boating zone – St Kilda Pier to Brooks Jetty,*
- *Boating only zone – Brooks Jetty to St Kilda Marina.*

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 the application of a boating zone only would result in no swimming in this area. Other uses consistent with this zone and currently would continue permitted. The proposed zone changes are consistent with the other marina entry areas around the bay.

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.*

PV propose to simplify the application of the zones and permitted uses as per the zone table Attachment 3 to this report. The new zones proposed would be a consistent distance from shore and at each change of use the zones would be clearly marked.

Council at its December 2008 meeting received a petition from St Kilda residents consisting of 201 signatories objecting to the PV proposal to change the existing boating zone at St Kilda. The area of foreshore impacted by these proposed changes includes Brooks Jetty to the St Kilda Marina.

The basis of the objection is:

- *The area of beach being zoned by PV as a jet ski (PWC) area.*
- *Swimming to be banned.*
- *Jet ski's being noisy, smelly, disruptive and environmentally unsustainable.*
- *Swimmers and dog walkers should not lose enjoyment of their local beach.*
- *Jet- skiers should use the marina ramps*

The current zoning at Brooks Jetty consists of a 5 knot area of which permitted uses include, all forms of vessels (PWC's are in this category) which may access the beach area whilst needing to comply with the 5 knot speed limit. Swimming, wading, dog walking are also permitted uses.

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

Manager Culture and Recreation

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.

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 advise there is broad support for the changes recommended.

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 officers have met with PV to gain an appreciation of the context 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 VicWater Police, Life Saving Victoria, MSV and senior officers in relevant State Government departments. Council officers have been in contact with neighbouring Councils to understand their issues and have been informed that the general direction being sought by PV is supported.

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.

The zone plans as attachment 1 and 2 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 an additional no boating zone be applied for Middle Park Beach. The principal reason for the change to the recommended zones was the extensive walking distance required to reach a swimming beach only should users wish not to be around vessel users.

The beach between Point Ormond and Elwood Sailing Club is predominantly used as a swimming beach which is reflected in the current restriction of PWC access. The proposed 5 knot zone will allow PWC access, but is considered to be a safe compromise. An option Council may wish to consider is making all or some of this beach a no boating zone. This is not supported by PV at this time. In terms of current beach management, the northern end of this beach is currently an early morning dog off leash beach during summer mornings, whilst the southern end is a dog on leash area during summer (1 November to 31 March).

Based on the information available at the time of writing this report and the open process PV have applied in seeking comment for the proposed zone changes Council officers recommend the zone changes be supported with the following changes:

- Amend the proposed zone at Brooks Jetty St Kilda to a 5 knot zone as per the current zone to accommodate swimming in this area.
- Amend the proposed zone at Middle Park Beach between Wright and Nimmo Streets to a No boating zone to provide for a local swimming only beach consistent with other areas along the CoPP foreshore.

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 foreshore areas by PWC's.

5.5 SUSTAINABILITY ASSESSMENT

SOCIAL EQUITY

The application of the new zones will provide for a safer beach environment and promote social interaction from different beach users.

ECONOMIC VIABILITY

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

The new zones will enable beach users to more readily understand the activities that are permitted in the various areas along the foreshore. The increase in boating zones provides for more areas of swimming only.

CULTURAL VITALITY

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.