

# Boating Zones Review Report

May 2017



## GLOSSARY AND ABBREVIATIONS

BOSPZ	Boating Only-Swimming Prohibited Zone
BZF	Boating Zone Framework
IRB	Inflatable Rescue Boat
KBV	Kiteboarding Australia
KBV	Kiteboarding Victoria
KBZ	Kiteboarding Zone
LSC	Life Saving Club
MSA	Marine Safety Act 2010
MSV	Maritime Safety Victoria
NoPWCZ	No Personal Water Craft Zone
PV	Parks Victoria
PWC	Personal Water Craft – also referred to as ‘jet skis’
SLSC	Surf Lifesaving Club
SUP	Stand Up Paddleboard
SWSZ	Shared Windsports Zones
VicPol	Victoria Police
VPSOZ	Vessels Prohibited-Swimming Only Zone
WV	Windsurfing Victoria

**TABLE OF CONTENTS**

- Acknowledgement of Country..... 1
- Executive summary..... 2
- Definitions ..... 5
- Introduction..... 6
- Purpose ..... 6
- Target Audience..... 6
- Ongoing adaption to changing coastal recreation needs ..... 7
  - Background on issues that affect Boating Zones ..... 9
  - Boat Zone issues reviewed ..... 16
  - Boating Zone locations reviewed..... 16
- Consultation Process..... 18
  - Stakeholder approaches..... 18
  - Rule change process..... 18
  - Community consultation ..... 19
  - Consultation support materials ..... 20
- Response ..... 21
  - Collating and archiving responses ..... 21
  - Other inputs..... 22
- Risk Assessment for options..... 22
- Interpretation of community feedback ..... 23
- Proposed outcomes and improvements to Boating Zones in Port Phillip and Western Port ..... 24
  - Table format and how to use this section ..... 24
    - 1. Minor realignments to the borders of existing Kiteboarding, 5 Knot and Vessels Prohibited-Swimming Only Zones at Elwood and Brighton..... 27
      - Zone boundary adjustments at Elwood ..... 27
      - Zone boundary adjustments at Brighton ..... 33
    - 2. Rationalisation of adjacent Kiteboarding, Shared 5 Knot and Vessel Prohibited-Swimming Only Zones at Hampton..... 39
      - Zone boundary adjustments at Hampton ..... 39

3. Minor expansions of Vessels Prohibited-Swimming Only Zones at Chelsea, Bonbeach and Aspendale .....	45
Zone boundary adjustments at Gnotuk Avenue, Aspendale.....	45
Zone boundary adjustments at Showers Avenue, Chelsea .....	50
Zone boundary adjustments at Williams Grove, Chelsea .....	57
4. New Vessels Prohibited-Swimming Only Zones at Coleman Road, Aspendale. ....	63
New Vessels Prohibited-Swimming Only Zone near Coleman Road, Aspendale.....	63
5. Expansion of the Vessels Prohibited-Swimming Only Zone south of Patterson River, Carrum ...	69
Vessels Prohibited-Swimming Only Zone south of Patterson River, Carrum .....	69
6. Retain the No Personal Water Craft Zones immediately north and south of the Patterson River, Port Phillip .....	75
Retaining the No Personal Water Craft Zones immediately north and south of Patterson River, Port Phillip .....	75
7. Retain the No Personal Water Craft Zones at Shoreham, Western Port. ....	83
Retaining the No Personal Water Craft Zones at Shoreham .....	83
8. Alter a proposed permanent Vessels Prohibited-Swimming Only Zone near the Point Leo Lifesaving Club to a new Vessels Prohibited Swimming Only Zone activated by Lifesaving Club beach flags.....	90
Implementing a revised Vessels Prohibited-Swimming Only Zone at Point Leo .....	90
9. Removal of the existing No Personal Water Craft Zone and replacement with a new Vessel Prohibited-Swimming Only Zone and Boating Only Zone at Portarlinton Harbour.....	97
Implementing a revised Vessels Prohibited-Swimming Only Zone and Boating Only-Swimming Prohibited Zone at Portarlinton .....	97
10. Renaming of all Port Phillip and Western Port ‘Kiteboarding Zones’ to ‘Shared Windsports Zones’ to describe and allow the use of kiteboards and windsurfers in these zones. ....	103
Changing the name from Kite Boarding Zone to Shared Windsports Zone .....	103
11. Allow all human powered paddlecraft to use the Vessels Prohibited-Swimming Only Zones of Port Phillip and Western Port.....	111
Allow human powered paddlecraft in Vessels-Prohibited Swimming Only Zones.....	111
APPENDIX A: Boating Zone Review 2016 Engagement and Communications Plan, November 2016	123
APPENDIX B: Consultation support materials including Fact Sheet and Location Maps .....	124
APPENDIX C: Log of emailed comments, letters and Community Drop-In Days.....	125
APPENDIX D: Survey Monkey Results .....	126
APPENDIX E: Engagement Summary Report- Boating and Swimming Zone Review, Port Phillip and Western Port, Summer 2016-17.....	127

## Acknowledgement of Country

Aboriginal people, through their rich culture, have been connected to the land and sea, for tens of thousands of years. Parks Victoria respectfully acknowledges Aboriginal Traditional Owners, their cultures and knowledge and their continuing connection to and cultural obligations to care for their Country.

## Executive summary

Boating Zones improve safety for vessel operators and swimmers in the local port of Port Phillip and Western Port. This report addresses the periodic reassessment of Boating Zones to ensure they reflect on-water and beach recreational pursuits in the local ports of Port Phillip and Western Port.

This report examines issues in relation to the use of human powered paddlecraft at all Port Phillip and Western Port Vessels Prohibited -Swimming Only Zones and provides a more appropriate existing and future naming option Kiteboarding Zones to reflect use by kiteboarders and windsurfers.

Thirteen specific geographic locations were reviewed to explore if the existing rules best cater for a wide mix of recreational activities. Generally, the reviews were prompted by on-going dialogue with:

- Peak bodies and stakeholder representative groups;
- Local government;
- Maritime Safety Victoria; and
- Parks Victoria operational staff tasked with monitoring Boating Zone performance.

Key steps to address the issues above included:

1. Consultation with Maritime Safety Victoria regarding potential rule changes in terms of the legislative requirement under the *Marine Safety Act 2010*;
2. An extensive public consultation process focused on the issues and geographic areas;
3. Collation of the public response to identify any additional issues or concerns and inform a holistic risk assessment;
4. A risk assessment of each issue and geographic area utilising the documented Parks Victoria approach and consistent with the *Marine Safety Act 2010*; and
5. Final recommendations developed in consultation with Parks Victoria operational staff, peak bodies and stakeholder representative groups.

Table 1 below summarises the preferred Parks Victoria approach to the issues and Boating Zones at specific locations following community consultation.

Table 1. Parks Victoria approach to the issues and Boating Zones at specific locations following community consultation

WM1 #	Issue referred to Maritime Safety Victoria	Proposed to the Director of Transport	Parks Victoria preferred approach
1	Minor realignments to the borders of existing Kiteboarding, 5 Knot and Vessels Prohibited - Swimming Only Zones at Elwood and Brighton.	Zone boundary adjustments at Elwood.	Proceed with boundary adjustments.
		Zone boundary adjustments at Brighton.	Do not proceed with boundary adjustments.
2	Rationalisation of adjacent Kiteboarding, Shared 5 Knot and Vessel Prohibited-Swimming Only Zones at Hampton.	Altering Vessels Prohibited -Swimming Only Zones, 'Kite Boarding Zones' and 5 Knot Shared Zones, within 200m of the shore to extend the area available to shared windsports and reduce the Vessels Prohibited-Swimming Only Zone.	Proceed with boundary adjustments.
3	Minor expansion of Vessels Prohibited-Swimming Only Zones at Chelsea, Bonbeach and Aspendale.	Expansion of Vessels Prohibited - Swimming Only Zone at Gnotuk Avenue, Aspendale, to align with streetscape and carparks to provide more opportunities for swimmers.	Do not proceed with Gnotuk Ave.
		Expansion of Vessels Prohibited - Swimming Only Zone at Showers Avenue, Chelsea, to align with parks, streetscape and street parking to provide more opportunities for swimmers.	Proceed with Showers Ave.
		Expansion of Vessels Prohibited - Swimming Only Zone at Williams Grove, Bonbeach to align with, streetscape and carparks to provide more opportunities for swimmers.	Do not proceed with Williams Grove.
4	New Vessels Prohibited-Swimming Only Zones at Coleman Road, Aspendale.	Altering 5 Knot Shared Zones, within 200m of the shore to enable a new Vessels Prohibited -Swimming Only Zone in the area of Coleman Road, Aspendale.	Proceed with creating a new Vessels Prohibited -Swimming Only Zone further south of Coleman Road.
5	Expansion of the Vessels Prohibited-Swimming Only Zone south of the Patterson River at Carrum.	Altering the Vessels Prohibited - Swimming Only Zone and 5 Knot Shared Zones, within 200m of the shore to expand the Vessels Prohibited -Swimming Only Zone south to Progress Ave, Carrum.	Proceed with expanding the Vessels Prohibited -Swimming Only Zone.
6	Contrary to the recommendations of the 2009 BECA Boating Zone Report, approved in principle by Maritime Safety Victoria, but not yet implemented, retain the No Personal Water Craft Zones (NPWCZs) immediately north and south of the Patterson River, Port Phillip.	Retain the NPWCZ immediately north of the Patterson River, Port Phillip.	Retain the NPWCZ.
		Retain the NPWCZ immediately south of the Patterson River, Port Phillip.	Retain the NPWCZ.

WM1 #	Issue referred to Maritime Safety Victoria	Proposed to the Director of Transport	Parks Victoria preferred approach
7	Contrary to the recommendations of the 2009 BECA Boating Zone Report, approved in principle by Maritime Safety Victoria, but not yet implemented, retain the No Personal Water Craft Zones at Shoreham in Western Port.	Retain the NPWCZ at Shoreham, Western Port.	Retain the NPWCZ.
8	Contrary to the recommendations of the 2009 BECA Boating Zone Report, but not yet implemented, alter the proposed permanent Vessels Prohibited -Swimming Only Zone near the Point Leo Lifesaving Club to a new Swimming Only Zone activated by the use of Lifesaving Club beach flags.	Introduce a new delivery of a Vessels Prohibited -Swimming Only Zone that is activated by the presence of lifesaving flags.	Proceed with developing and implementing the new approach to the Vessels Prohibited - Swimming Only Zone at Point Leo.
9	Removal of the existing NPWCZ at Portarlinton harbour and replacement with a new Vessels Prohibited-Swimming Only Zone and Boating Only- Swimming Prohibited Zone within the newly developed and expanded Portarlinton harbour.	A combination of Boating Only-Swimming Prohibited Zone and Vessels Prohibited-Swimming Only Zones that reflected the final layout of facilities in the harbour and the community's desire for sheltered bathing.	Proceed with the new zones.
10	Renaming of all Port Phillip and Western Port 'Kite Boarding Zones' to 'Shared Windsports Zones' to describe and allow the use of kiteboards and windsurfers in these zones.	Kite Boarding Zones to be renamed Shared Windsports Zones. Locations - Point Henry, Portarlinton, Altona, St Kilda, Middle Brighton, Hampton, Parkdale/Mordialloc, Carrum/Seaford, Rosebud, Rutherford Inlet, Balnarring.	Proceed with the renaming.
11	Apply an exemption to all human powered paddlecraft that allows these vessels to use the Vessels Prohibited-Swimming Only Zones of Port Phillip and Western Port.	Allow human powered paddlecraft in Vessels Prohibited-Swimming Only Zones Locations: Sandridge, Albert Park, Middle Park, St Kilda, Elwood, Brighton, Hampton, Sandringham, Half Moon Bay /Black Rock, Beaumaris, Mentone, Mordialloc, Aspendale, Edithvale, Chelsea, Bonbeach, Carrum, Seaford, Frankston, Mornington, Mt Martha, Safety Beach, Dromana, McCrae/Rosebud, Rye, St Leonards, Indented Head, Portarlinton, Clifton Springs, Geelong, Altona, Williamstown, Cowes.	Proceed to allow human powered paddlecraft in Vessels Prohibited-Swimming Only Zones. Retain Vessels Prohibited-Swimming Only Zone terminology.

## Definitions

### Port Manager

The person or body appointed under Section 44A of *Port Management Act 1995*.

### Local Port

Is a port declared to be a local port by Order in Council under Section 6 of the *Port Management Act 1995*. An Order must contain a description of the port land or port waters that is sufficient to identify it and to define its boundaries under Section 5 of the *Port Management Act 1995*.

### Boating Zone

Boating and swimming zones are prepared under the *Marine Safety Act 2010* with the primary aim of providing a safe environment for water users. They apply conditions of operation and prohibit incompatible uses for safety reasons. The Director of Transport, Transport Safety Victoria, makes the rules and they are gazetted and documented in the Vessel Operating Zone Rules of Victoria.

## Introduction

Local ports are significant and important assets that contribute to communities by providing a focus for tourism, recreation, research, education, events, commercial services, ecosystem services, health and wellbeing.

Parks Victoria is the Local Port Manager for Port Phillip, Western Port and Port Campbell under Section 44A of the *Port Management Act 1995*, and appointed as the Waterway Manager for the port waters under the *Marine Safety Act 2010*. All Victorian local port managers are required under Part 6A of the *Port Management Act 1995* to have an active plan for the assessment and control of safety and environmental risks within port waters and on port land.

These plans are referred to as Safety and Environment Management Plans or SEMP. The Parks Victoria SEMP provides the basis and direction for the safety and environmental management of its three local ports. As an overarching plan the SEMP references the Parks Victoria Corporate and Business Plan 2015-18 '*Shaping Our Future*', corporate strategies, plans and procedures that drive the operation of the organisation as a whole including the local ports.

Local port operations are influenced by the ongoing engagement of stakeholders including recreational users, peak bodies, partner agencies, local government, commercial tenants and vessel operators. This enables Parks Victoria to achieve a 'whole of port' approach in assessing and responding to safety and environmental risks within the ports.

## Purpose

Parks Victoria is the local port manager of Port Phillip, Western Port and Port Campbell and is responsible for making sure port operations are safe, efficient and effective.

Boating Zones are used to improve safety for swimmers and vessel operators in local ports. Parks Victoria has a responsibility to periodically reassess Boating Zones to ensure they best reflect a wide variety of recreational pursuits.

The purpose of this report is to review the boating zone performance at Port Phillip and Western Port and review the issues below in relation to all Port Phillip and Western Port Vessels Prohibited - Swimming Only Zones and Kiteboarding Zones.

## Target Audience

This report is provided for three distinct audiences:

1. Director of Safety TSV - As an application to make or change waterway rules;
2. Stakeholders - For a consistent and logical explanation of the reasons for the recommendations; and
3. PV Operational Managers - As a reference regarding current issues, behaviours and a benchmark that is available to monitor performance and inform future improvements or alterations.

## Ongoing adaption to changing coastal recreation needs

Increasing use of local ports and waterways can lead to competition for waterway space and occasionally minor conflicts when activities are incompatible or cannot share a location. Over time patterns of use emerge and groups of users can shape how an area is used. Factors that are contributing to increased use of most Victorian waterways include:

- The trend to increased leisure time, more flexible work hours and a focus on a healthy work-life balance;
- The common aspiration to get on the water in a vessel or live by the water and participate in the coastal lifestyle;
- More higher density living property development close to popular beaches;
- Cheaper, improved and diversifying vessel technologies; and
- Aging demographic. More financially able retirees exploring rewarding experiential pursuits. Fishing and boating are growing industries.

Coastal waterways close to Melbourne can quickly feel the impact of this growth and diversification. New recreation equipment, seasonal influences, like fishing seasons, and special events can also increase the demands local port and waterway managers need to meet.

Regular promotion of health, recreation and coastal lifestyle values will ensure that accessing the water and beaches close to Melbourne will remain dynamic and people's needs and preferences will change regularly.

Parks Victoria has recognised this ongoing change and is systematically reviewing Boating Zones. This approach is outlined in the diagram below.

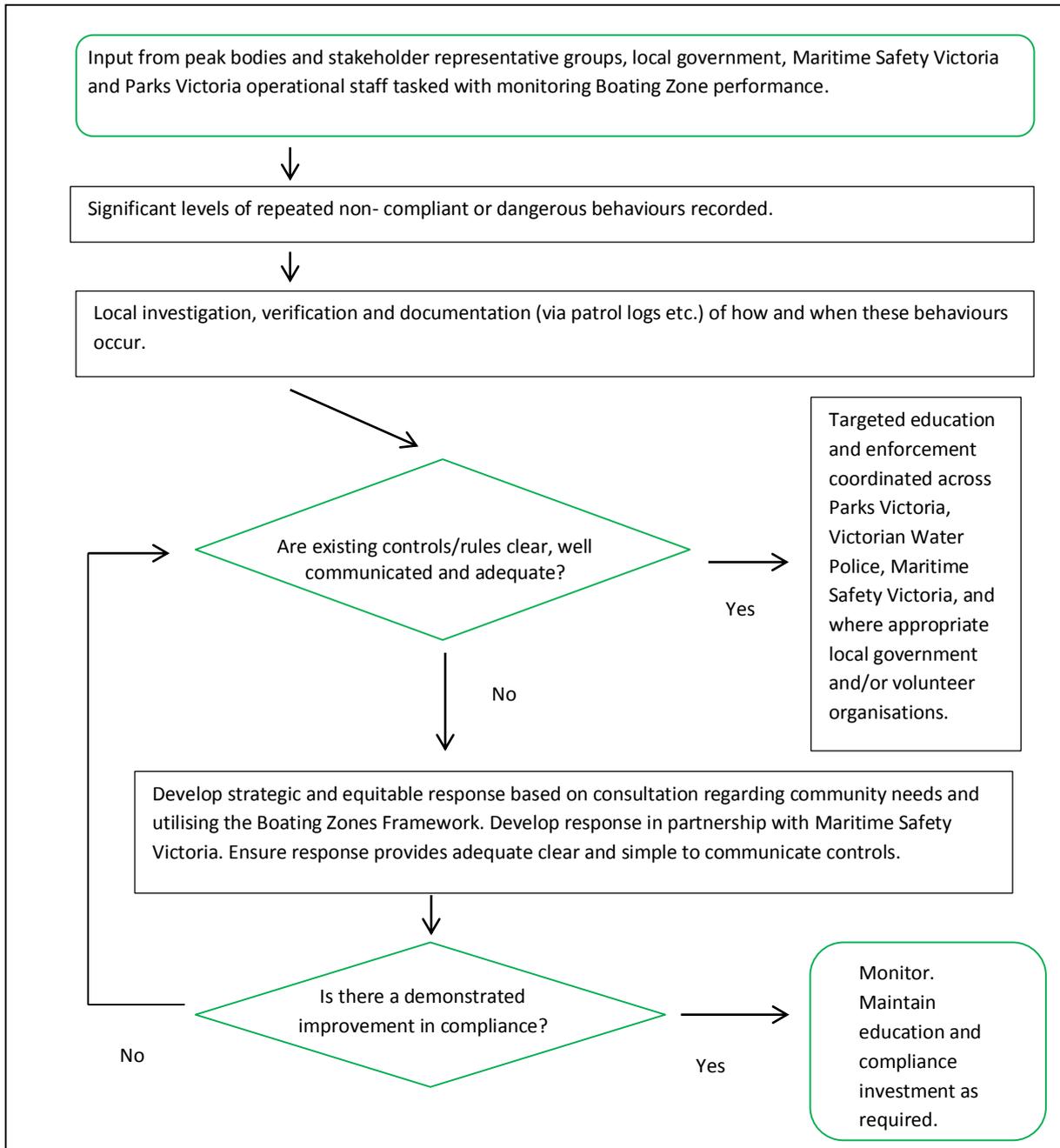


Diagram 1: Reviewing Boating Zone performance

## Background on issues that affect Boating Zones

Parks Victoria leads the management of the diverse use of the local ports shorelines relying on an informed partnership with other state bodies such as Maritime Safety Victoria, and Victorian Water Police.

A partnership with local governments and foreshore managers is also vital. Local government and foreshore managers provide beach management services, toilets and change areas, parking, sustainable access to the beach, local laws regarding beach use, and leases/licencing of clubs and buildings.

There are many dynamic influences on the way shorelines are utilised and the expectations of local users and visitors change constantly as new recreation trends, new local and state laws, transport options and urban development alter pressures on popular beaches.

The following section provides a commentary on topics that are frequently raised when stakeholders, local government and state government agencies examine boating zones, shoreline uses and the legislation that is implemented to manage behaviours.

Topic	Commentary
<b>BECA Boating Zones Report</b>	<p>In 2009 Parks Victoria completed a comprehensive two-year review of all boating and swimming zones across Port Phillip and Western Port. The review found that the existing boating and swimming zones could be difficult to understand from the water or land. There were a large number of different types of zones that made it overly complex to interpret. They also did not reflect changing trends in boating and swimming activity.</p> <p>The review was to determine what zone types are required in each local area around Port Phillip and Western Port to allow safe access and use of the coast and waterways.</p> <p>Following extensive community consultation a standard set of zones and criteria for application was devised. Parks Victoria has worked in partnership with Maritime Safety Victoria and in consultation with the local community to apply these zones across Port Phillip and Western Port.</p> <p>The principles that have been applied during review of the recommendations are that the boating and swimming zones should be:</p> <ul style="list-style-type: none"> <li>• Safe;</li> <li>• Practical;</li> <li>• Easy to identify;</li> <li>• Easy to comply with and regulate; and</li> <li>• Respond to current and anticipated future water uses.</li> </ul>

<p><b>Boating Zones Framework</b></p>	<p>The framework provides criteria for establishing and reviewing Boating Zones. The Director of Transport Safety approved the framework for implementation early in 2009. The framework includes the following Zones;</p> <p><b>Boating Only-Swimming Prohibited Zone.</b> Often applied at the entry to marinas, busy creek or river mouths.</p> <p><b>Vessels Prohibited- Swimming Only Zone.</b> All vessels, including personal watercraft, powered and non-powered vessels are not permitted in this zone. There is a consistent application of Vessels Prohibited-Swimming Only Zones in front of Life Saving Clubs to provide increased swimmer safety.</p> <p><b>5 Knot Shared Zone.</b> All vessels, applicable either as a zone extending to 200m or 500m from shore. Swimming and boating are permitted within 200m of the shore subject to defined areas above. All vessels must adhere to the 5 knot speed limit in this zone and safely avoid swimmers.</p> <p><b>Kiteboarding Zones.</b> Introduced on the removal of 'No Sailboard, Sailboards Only Zones' to reflect changing water uses and duplication with other zones. This zone provides an area for kiteboarding and sailboarding, which may exceed 5 knots except within 50m proximity to other vessels and swimmers. Other vessels are permitted in this area.</p> <p><i>The review proposes to rename this zone to 'Shared Windsports Zones' to allow for the safe operations of these increasingly popular sports.</i></p> <p><b>No Personal Water Craft Zone – NPWCZ.</b> Personal Water Craft (including jet skis) are prohibited in this zone. A pre-existing zone that has been retained where there are often exceptional circumstances such regular very high swimming and/or surfing numbers, or close proximity to a launching facility, or existing foreshore rules that prohibit the launching of PWCs.</p> <p><b>Windsurfing and kiteboarding not permitted.</b> Applied for example near piers with live overhead powerlines – also referred to as No Wind Sports Zone (NWSZ). A pre-existing zone that has been retained due to exceptional circumstances such as safety around overhead wires on a pier.</p>
<p><b>Education and Compliance</b></p>	<p>Transport Safety Victoria has provided a policy and direction for maritime enforcement activities in Victoria. The policy was developed in 2013 and provided to local port and waterway managers in 2014. The primary focus of this policy is compliance and enforcement of regulatory obligations relating to recreational boating, navigational safety and port safety. While TSV advocates the adoption of the approach outlined by all relevant maritime agencies, the extent to which each is able to do so will vary depending on organisational and legislative constraints.</p> <p>Compliance and enforcement activities are carried out by a number of agencies that include Victorian Water Police and Maritime Safety Victoria operating in a state-wide role.</p> <p>Local port and waterway managers are focused on education and compliance duties at their geographic responsibilities. They are supported by local police, local government, heritage, fisheries,</p>

	<p>pollution and park agency officers.</p> <p>Waterway managers generally undertake a prioritised and graduated approach to education, compliance and enforcement in order to achieve the best utilisation of resources.</p> <p>The policy recommends that if the frequency or risks associated with breaches of boating rules increase, more interventionist tools will be used. This assumes that the legislation, regulations and rules under the maritime acts provide an appropriate range of tools to deal with non-compliant users.</p>
<p><b>Coastal Processes</b></p>	<p>From time to time coastal processes or hazards will impact the location and function of Boating Zones and need to be considered as a part of this review. For example, the southern shore adjacent to the Patterson River, Carrum has experienced rapid erosion.</p> <p><i>Condensed from the DELWP <u>Planning Practice note 53: “Managing coastal hazards and the coastal impacts of climate change”</u></i>  <i>Significant development has already occurred in coastal areas. Population growth and the demand for coastal living are ongoing pressures. The potential impacts of climate change on existing coastal hazards are also likely to increase.</i>  <i>The Victorian Coastal Strategy 2008 identifies that during this century our coastline is likely to be impacted by climate change. Impacts such as possible sea level rise and an increase in the frequency and severity of storm events are projected which are likely to lead to greater coastal inundation and erosion that may cause damage and loss to property, infrastructure and the environment.</i></p> <p>Beach renourishment is the introduction of sand to a beach which has been depleted through coastal processes such as onshore cross-shore and off shore winds, wave action, local currents and tidal flow. Renourishments are undertaken to provide a buffer against coastal erosion and to widen the beach for improved community use.</p> <p>Generally close to shore currents and ‘rips’ are less powerful in Port Phillip than the more open Western Port or along ocean coastlines. Driven by a combination of sand bank shape, tides, waves and wind they are not considered to be a strong influence on the configuration of Boating Zones in this review. The exception is at Carrum near the mouth of the Patterson River where in addition to the above factors seawater is pumped into the Patterson lakes and a stronger outgoing current is produced at the river mouth.</p>
<p><b>Personal Water Craft</b></p>	<p>Introduced in the late 1970s, PWC sales gained rapid momentum in the 1990s. Major performance, safety and environment developments in the 2000s included four stroke engines with more power and fewer emissions and the addition of brakes and better steering. Turbo and superchargers are now common and high-end models can achieve 120 kph plus. Current models are generally very quiet apart from the noise of the hull or jet intake repeatedly contacting the water. PWCs are available to seat one, two or three riders and often used for towed</p>

	<p>sports like wakeboarding and ski tubing. An additional endorsement on a Boat License is required to operate a PWC.</p> <p>The service intervals on PWCs are generally short (50 hrs) and they are a 'high maintenance' vessel with corrosion and electrical problems rapidly reducing the number of earlier/noisier two stroke versions. The Environment Protection Authority (EPA) is responsible for noise level and emissions compliance. Testing for noise and emissions is difficult on the water. Fuelling all vessels is generally allowed along shorelines provided it is from an approved 20 litre container.</p> <p>Generally many users make more frequent trips to the shore than most vessels. PWCs regularly return to shore to swap riders, pick up passengers, refuel or rest. Other users undertake longer tours and fishing well offshore. The two main reasons identified in the TSV Boating Behaviour 2014 report for PWC participation was 'thrill seeking, speed' and use as a 'family craft'. Like all vessels PWCs must obey Boating Zone rules and speed limits and slow to 5 knots within 50m of another vessel. The majority of PWCs users are compliant however media and bather attention is quick to focus on non-compliant users.</p>
<p><b>Human Powered Paddlecraft</b></p>	<p>Inclusive of Stand Up Paddle Boards (SUPs), surf skis, sea kayaks, sit on kayaks, inflatable canoes and dinghies, tenders/dinghies that are rowed. Peddle powered paddle craft with under water rubber fins are included in the definition and while generally are of a greater mass; they generally present fewer risks than craft powered by hard blades sweeping through the air and sea.</p> <p>Key paddlecraft information from the Maritime Safety Victoria convened December 2016 Round Table meeting:</p> <ul style="list-style-type: none"> <li>• Approximately 644,000 people 'paddled' last year on coastal and inland waters</li> <li>• Over 3,000,000 on water uses</li> <li>• One third are owned, two thirds rented</li> <li>• Fastest growing vessel use type</li> <li>• Generally individuals are not part of organised groups</li> <li>• Wide range of skill levels from experienced enthusiast to unskilled and non-swimming.</li> <li>• Recent rise in proportion of fatalities and major nonfatal accidents</li> <li>• Changing local conditions, wind, tide, waves and currents can quickly affect the safety of these craft.</li> </ul> <p>Note: Generally it's very difficult to exceed 5 knots in recreational paddlecraft for any extended period of time. Exceptions to this may include foiling paddleboards and kayaks, some racing surf-skis and racing kayaks. These specialist vessels require considerable fitness, skill and balance to be paddled efficiently. Often these vessels are longer, narrower equipped with foils or small rudders and are less manoeuvrable. Generally these higher speed paddle craft can be safely paddled at less than 5 knots in the presence of swimmers or other vessels.</p>

**Windsurfing and  
Kiteboarding**

Port Phillip shorelines and Victorian weather patterns combine to provide great locations for windsurfing and kiteboarding very close to Melbourne and its suburbs. These sports occur all year around on weekends and after work. Enthusiasts are quick to predict and judge conditions and base themselves at a particular location where wind directions and beach conditions are the most suitable. Generally kiteboarding and windsurfing get more exciting and challenging as the cross or onshore winds rise above 15 knots and experienced participants enjoy conditions well above 30 knots. Beach-going and swimming generally are unpleasant in these conditions so there is a 'natural' separation. Kiteboarders need more beach to set up and lay out lines where windsurfers need less room to attach sails to masts. In the favoured windy conditions carrying a windsurfer sail and mast and even a kiteboard can be difficult and a shorter walk from the car to the beach is preferred. The security of the vehicle is also a consideration as it is often obvious that the user is out to sea and theft from unattended vehicles is a risk. More participants in the one place mean more arriving and leaving and therefore better security. Local Foreshore managers have generally provided signed parking and rigging areas near existing Kite Boarding Zones that remind users of the rules and equip other beach users with an understanding of the potential hazards around rigging areas.

Like most sports there is an important social dimension as well as the physical undertaking and participants generally enjoy the safety and company of other participants when conditions are right. Congregating at popular venues allows friends to catch up, exchange information about gear and pass on important skills to newer users. These informal gatherings are also an excellent foundation for peer group monitoring of safe and responsible use of kiteboards and windsurfers. Experienced members provide advice and encouragement to those newer to the sport on the premise that self-regulation is better than additional government rules.

It is possible to 'de-power' kiteboard sails and windsurfer rigs to slow these vessels to 5 knots. At this speed the boards are difficult to manoeuvre and demand a lot of skill and physical endurance, particularly when winds get above 20 knots. When there is no Kiteboarding Zone (Shared Windsports Zone) is provided kiteboarders and windsurfers can ignore the shared 5 knot 200m/500m rule because of this difficulty in slowing their vessels and are generally are quick to point out the absence of swimmers in windy conditions.

Community consultation has confirmed year round use of many areas by the kiteboarding and windsurfing communities. The growing popularity, sophistication and diversification of these sports suggest a future local port wide response to consider additional Shared Windsports Zones. Benefits may include ongoing peer management to maintain appropriate on water behaviours and improved safety and self-rescue capacity.

<b>Vessels accessing the shoreline</b>	<p>Vessels of all types need to access the shoreline for many reasons including dropping off or picking up passengers, loading or unloading, undertaking towed sports, or simply visiting an area. Generally this occurs where swimmers can also be present.</p> <p>The 5 Knot Speed Limits applies to all vessels including paddled, sailing and motorised vessels and the zone extends 200m or 500m from shore depending on location. It is the responsibility of all vessel operators to safely avoid swimmers in and beyond the Shared 5 Knot Zone.</p>
<b>Peak bodies and stakeholder representative groups</b>	<p>Peak bodies represent public safety organisations and groups of enthusiasts organising their sports. Submissions and commentary generally draw on a good knowledge of government legislation and policy as well as a more detailed understanding of their area of interest and associated community perceptions.</p> <p>Peak bodies and stakeholder representative groups include;</p> <ul style="list-style-type: none"> <li>• Lifesaving Victoria,</li> <li>• Kiteboarding Australia/Victoria,</li> <li>• Boating Industry Victoria,</li> <li>• Windsurfing Victoria.</li> </ul>
<b>Portarlington</b>	<p>The Portarlington Safe Harbour Project means that boating and swimming at the harbour and immediately adjacent needs to be reviewed. The following description provides a context for the review of boating zones associated with the harbour (condensed from the Parks Victoria website).</p> <p><i>The new commercial berthing infrastructure in the new Portarlington Harbour is completed. Finishing works will be undertaken early this year. The 190-metre long concrete jetty will accommodate the growing Bellarine aquaculture industry into the future. The jetty is one of two major pieces of work in 2016 towards completion of a major investment in Portarlington Safe Harbour.</i></p> <p><i>The \$15 million harbour works are designed to support the aquaculture industry and help boost tourism on the Peninsula. The complete works include the construction of two rock breakwaters, the jetty and infrastructure to facilitate ferry services that include a service to Docklands.</i></p>
<b>Statistics - a Statewide context</b>	<p>The local ports of Port Phillip and Western Port attract millions of visitors each year. While the <a href="#">Transport Safety Victoria, Boating Behaviour 2014 FINAL REPORT (March 2015)</a> provides valuable state wide insights there is currently no reliable estimates or counts of total sailing, paddle powered and powered boating numbers, beach visits, swimming numbers, location preferences or user densities for Port Phillip or Western Port.</p> <p>Therefore the results of the consultation process (detailed on p.18), needs to be considered in this statewide context. Port Phillip and Western Port are accessible to a significant majority of Victoria's population and the most popular boating locations in the state.</p>

Good conditions on a hot summer weekend can easily attract many thousands of people to a single bayside beach.

The options provided by this report are also informed by first hand estimates and observations only – undertaken by Parks Victoria rangers, local government foreshore managers, volunteers from community organisations such as Lifesaving clubs, yacht clubs and foreshore committees.

#### **Parks Victoria visitation statistics 2012 -13**

Parks Victoria conducts visitation estimates based on every four years. The most recent visitation statistics estimate each bays annual visit as:

Port Phillip visits at 58,968,000 (+/- 8%)

Western Port visits at 8,723,000 (+/- 26%)

#### **Swimming in Victoria**

2010-11 Conservative estimate of 160 million visitors to Aquatic facilities (inclusive of Parks Victoria and Aquatic industry figures)

Source: Life Saving Victoria Annual Report 2014/15

#### **Victorian Boating**

Approximately 180,000 registered boats.

Source: Boating Behaviour 2014 FINAL REPORT March 2015

10% of the Victorian population aged over 14 (representing 477,000 people) own a water-craft, including a motorboat, speedboat, yacht with keel or other sailboat, jetski, canoe, row-boat or windsurfer

Source: Boating Industry Snapshot -Victoria Drivers of Growth in Victoria; Boating Industry Association of Victoria; 2014

#### **Paddlecraft**

Approximately 644 000 people ‘paddled’ last year on coastal and inland waters. Over 3,000,000 on water uses

Source: Maritime Safety Victoria convened December 2016 Round Table meeting.

### Boat Zone issues reviewed

Outcomes will affect all of the local ports of Port Phillip and Western Port.

- Allowing paddlecraft into Vessels Prohibited-Swimming Only Zones
- Renaming Kiteboarding Zones to Shared Wind Sports Zones

### Boating Zone locations reviewed

Geographic locations where Boating Zones were reviewed included:

- Elwood Beach, Port Phillip
- Brighton Beach, Port Phillip
- Hampton Beach, Port Phillip
- Coleman Rd, Aspendale, Port Phillip
- Showers Ave, Chelsea, Port Phillip
- Gnotuk Ave, Chelsea, Port Phillip
- Williams Grove, Bonbeach, Port Phillip
- Carrum Beach and the mouth of the Patterson River, Port Phillip
- Shoreham Beach, Western Port
- Point Leo Beach, Western Port
- Portarlington

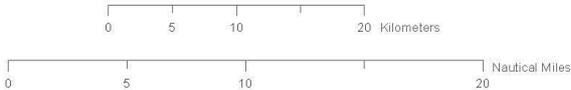
See Map 1. Geographic locations where Boating Zones were reviewed



### Overview

2016 Boating and Swimming Zone Review

15/11/2016  
Coordinate System: GCS WGS 1984  
Datum: WGS 1984



Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information. Data source acknowledgements: State Digital Mapbase, The State of Victoria and the Department of Environment and Primary Industries.



Map 1. Geographic locations where Boating Zones were reviewed

## Consultation Process

### Stakeholder approaches

Parks Victoria has worked in partnership with Maritime Safety Victoria and in consultation with the local community to deliver boating zones and supporting education across Port Phillip and Western Port since 2009. As part of the ongoing dialogue with stakeholders and the community several suggestions to revise boating zones have been provided to Parks Victoria. These included:

- Windsurfing Victoria Submission for Alterations to Port Phillip Boating Zones, 10 April 2014. Focus of submission is minor modifications to the configuration and location of Kiteboarding and Vessels Prohibited-Swimming Only Zones to increase the viability of the Kiteboarding Zones for windsurfers.
- City of Kingston, Letter 7 March 2016 and follow up discussions with General Manager of Infrastructure City Assets and Environment supported by Foreshore Manager. Focus of letter and discussions is more opportunities for increasing numbers of swimmers by expanding Vessels Prohibited-Swimming Only Zones and reviewing the use of paddle craft in Vessels Prohibited-Swimming Only Zones.
- Resident's submission: coordinated by Creighton King, 2 June 2016. Focus of this submission was the expansion of a Vessels Prohibited-Swimming Only Zone south of the Patterson River as a response to increased beach use, PWC use and motorised vessel access.
- Maritime Safety Victoria regular meetings in 2016. The focus of routine meetings between the statewide regulator, Maritime Safety Victoria and Parks Victoria has been the rollout of the remaining Boating Zones stages to Stage 5; as set out in the 2009 BECA Report. No Personal Water Craft Zones at Carrum are flagged for removal and replacement with a combination of Vessels Prohibited-Swimming Only Zones and Shared 5 Knot Zones. Parks Victoria relayed ongoing community support for retaining the No Personal Water Craft Zones given the proximity to the Patterson River ramps complex and as a response to very high PWC numbers immediately near to the ramp. Maritime Safety Victoria indicated that not following the BECA recommendations as endorsed by the Director of Transport Safety would require a formal review of Zones in that area.

### Rule change process

The approaches from the community, stakeholder representative groups and local government resulted in fifteen potential rule changes. Parks Victoria currently manages over 100 adjacent zones and so some 'batching' of potential changes and issues were required in order to keep pace with community expectations and progress the rollout of remaining zones.

To propose or amend Boating Zone rules, Parks Victoria works with Maritime Safety Victoria to meet the process stipulated by Part 5.1 of the *Marine Safety Act 2010*. Steps include:

- Parks Victoria seeks endorsement from the Director of Transport Safety to engage with the community on specific rule changes.

- A newspaper Public Notice of the proposal to request the making of the rule. (Undertaken in the Herald Sun on 16 November 2016.)
- Four weeks public consultation - inviting comments from the public. This phase was detailed in: Boating Zone Review 2016 Engagement and Communications Plan, November 2016. This standard Parks Victoria approach described the purpose, context, engagement and communications approach as well as roles and responsibilities and the way results would be monitored and evaluated.
- Consideration and summary of submissions received during consultation (this report).
- A request to Maritime Safety Victoria to make and new waterway rule, explaining; how the rule will minimise risks, any alternative ways to address the matter; and expected benefits and costs of the proposed rule.

### Community consultation

Community Consultation was delivered as detailed in the Boating Zone Review 2016 Engagement and Communications Plan, November 2016. – See APPENDIX A.

Consultation commenced on 16 November 2016 and concluded on 16 December 2016.

The consultation was promoted through the Public Notice, Parks Victoria website, Local Ports eNewsletter, social media, and was reported in three newspapers (The Age, Chelsea-Mordialloc News and the Bellarine Times).

Community members were provided with options to comment that included a dedicated Parks Victoria email address, access to survey or writing to Parks Victoria. The Parks Victoria Information line 131963 was also promoted to assist people wishing to comment.



Three 'community drop in' sessions were conducted at Carrum LSC, Brighton LSC and near the pier head at the Portarlington development site. These sessions were conducted for several hours at each site on weekends to support the consultation process. Seventeen comments were collected from these sessions. Given the interest of local residents in Carrum a letter box drop of approximately 300 Facts Sheets and flyers advising of the Carrum LSC community Drop in Day were delivered in the week prior to the Carrum Session.

Parks Victoria also maintains an Engagement Log to ensure effective communications with stakeholders on important and ongoing issues. Parks Victoria has maintained a BZR Engagement Log since August 2016 noting proactive and reactive communications with stakeholders.

## Consultation support materials

The Boating Zone Review was detailed on Park Web prior to the consultation period

<http://parkweb.vic.gov.au/explore/bays-rivers-and-ports/westernport/plans-and-projects/boating-zone-review>

The page detailed

- What's Happening?
- Responding to Change
- Improvement process 2016-17
- What is proposed
  1. Allow human-powered paddle craft to use Vessels Prohibited-Swimming Only Zones
  2. Rename existing Kiteboarding Zones to Shared Windsports Zones
  3. Changes to Vessels Prohibited -Swimming Only Zones, Kiteboarding (Shared Windsports) Zones and 5 Knot Within 200m of the Shore Zones at Elwood, Brighton and Hampton- Links to 3 maps
  4. Addition to Vessels Prohibited -Swimming Only Zones and 5 Knot Within 200m of the Shore Zones –Links to 7 maps
  5. Retain existing Personal Water Craft Prohibited zones – Links to 2 maps
- Background
- Feedback

Parks Victoria developed and distributed electronic and hard copies of:

[Boating zone review fact sheet](#) (PDF, 148KB)

[Location overview map](#) (PDF, 500KB)

[Brighton - map of proposed zone changes](#) (PDF, 3.2MB)

[Elwood - map of proposed zone changes](#) (PDF, 2.8MB)

[Hampton - map of proposed zone changes](#) (PDF, 3.3MB)

[Aspendale \(Coleman Road\) - map of proposed additions](#) (PDF, 2.9 MB)

[Aspendale \(Gnotuk Avenue\) - map of proposed additions](#) (PDF, 3.2MB)

[Bonbeach and Chelsea - map of proposed additions](#) (PDF, 3.3MB)

[Carrum - map of proposed additions](#) (PDF, 3.2MB)

[Point Leo - map of proposed additions](#) (PDF, 2.2MB)

[Portarlinton Harbour - map of proposed additions](#) (PDF, 2.1MB)

[Patterson River - map of existing PWC zones](#) (PDF, 3.2MB)

[Shoreham - map of existing PWC zones](#) (PDF, 2.4MB)

Refer to APPENDIX B: Consultation support materials including Fact Sheet and Location Maps

## Response

Parks Victoria received over 250 responses from a variety of stakeholders including, swimmers, vessel operators, windsurfers and kiteboarders, local residents, local government foreshore managers, stakeholder group representatives and community members. This feedback has provided a wide range of informed opinions and perspectives on the proposed changes.

Key points:

- The majority of respondents were regular visitors.
- Most respondents lived immediately near, or within 5km of the area they provided comments.
- Visitors travelling more than one hour were also represented making up 7% of the survey respondents.
- Several stakeholder group representatives and local government foreshore managers provided detailed submissions.
- Many respondents visited Boating Zones on the north eastern side of Port Phillip however Western Port Phillip and Western Port were also well represented in the responses.
- Brighton was visited by the most survey respondents - over 50%.
- Elwood, Hampton, Chelsea, Bonbeach and Aspendale were also popular receiving visits from between 30 to 45% of survey respondents.
- Carrum, Point Leo and Shoreham received visits from between 20 to 30% of survey respondents
- Portarlington Harbour was visited by less than 10% of survey respondents.
- Less than 5% of survey respondents did not visit the areas in the Boating Zone review.

The broad collection of 'local knowledge' and a wide range of insights into on water and beach behaviours greatly assisted in determining the safest and fairest solution for each improvement.

### Collating and archiving responses

Emailed responses, letters and logged Community Drop Day comments were collated using an spreadsheet 'Boating Zones Review Comments.xls' - See APPENDIX C: Log of emailed comments, letters and Community Drop in Days.

The comments entered in the spread sheet are only designed to capture or 'tag' key points made by respondents for quick reference and the full comments were referred to when populating the **'Additional issues raised by public consultation'** section of the tables in **Interpretation of community feedback**.

Survey Monkey provides a tabulated summary of each question response. As the summary only reproduces the actual question asked and not the introductory comments the summary requires manual tagging of each question to a specific issue this has been undertaken and all comments in full are recorded in the survey summary – see APPENDIX D: Survey Monkey Results.

Finally the responses were summarised in an 'Engagement Summary Report, Boating Zones Review Port Phillip and Western Port, Summer 2016-17. See APPENDIX E. This document was provided on the Parks Victoria website and key stakeholders as a follow up to factual information provided earlier.

### Other inputs

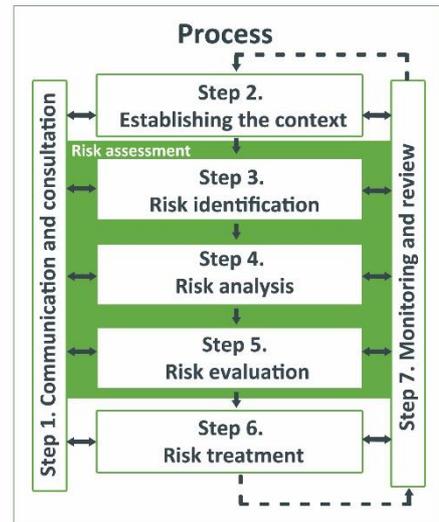
- Review of potential solutions with Area Chief Rangers, ranger staff-specific comments and a review patrol reports
- A statewide perspective on legislation and stakeholder expectations and user trends provided by Maritime Safety Victoria
- Liaison with Local Government and other foreshore managers
- Liaison with stakeholder group representatives

### Risk Assessment for options

From: Parks Victoria Safety and Environment Management Plan – Port Phillip, Western Port and Port Campbell 2016

Parks Victoria’s risk management process involves the systematic application of the seven steps.

The approach and language used to discuss risk is formal and unambiguous. Risk discussions within Parks Victoria and with local port stakeholders need to be kept on track. The *Risk Management Guideline (GUI-131)* enables members of staff to maintain consistent terminology and a process of clear and accessible information regarding control, consequences, likelihoods, overall consequences, risk ratings and how to escalate and report risk is provided.



Risk identification should always be considered in the context of Parks Victoria’s business objectives and sources of risk. Risk sources are elements that, alone or in combination can give rise to risk.

Basic Risk Terminology: Refer to GUI 131 Risk Management Guideline - Parks Victoria 2015			
Risk Sources	Consequences	Likelihood	Risk Levels
Governance	Insignificant	Rare	Low
Economic and financial	Minor	Unlikely	Moderate
Human resources and safety	Moderate	Possible	Significant
Business disruption	Major	Likely	High
Corporate information	Extreme	Almost Certain	
Service delivery and external relations.			

**Context:** There is generally a higher level of risk present when there are more beach and waterway users. This is because risks are generally generated by interactions between users.

The context for the options and risk assessments are:

- Very good beach going and vessel operating conditions.
- Very busy ‘peak season’ day (near maximum capacity usually during summer) or ‘spike day’ (when most beach and local port infrastructure is utilised beyond capacity).

Particular to shared windsports: Sufficient wind to support kiteboarding and windsurfing in addition to the conditions described above. Higher winds generally provide a natural separation between windsports and swimmers brought about by unpleasant beach conditions. Comments in the tables following are made in the context of light to moderate winds that support windsports activity but still provide a reasonable beach and swimming experience.

### Interpretation of community feedback

Reviewing the input from the community and stakeholders has provided a more informed perspective to assess the existing risks and the potential residual risk present following proposed changes or alternatively, deciding to leave the boating zones as currently configured. The responses have also helped inform Parks Victoria of the cost, benefits and user impacts of the proposed changes.

The assessment of the risk sources, consequences, likelihood and risk rating is based on community and stakeholder opinions and observations and has been reviewed by Parks Victoria staff. Parks Victoria staff routinely visit these zones noting compliance and behaviour issues in Patrol Logs and deal with user commentary via phone and emails to the Parks Victoria Information Centre throughout the year.

There remains a lack of quantitative information regarding proportions of users, peak user numbers, minor injury statistics and non-compliance outside patrol hours. Therefore risk assessment is primarily subjective and informed by community input, stakeholder submissions and Parks Victoria observations.

The proposed approaches to each zone change consider the mood or dominant view of the community as provided in the consultation stage but also consider contrary or different perspectives. Given that the number of respondents is an extremely small percentage of the overall users of the zones it is important to view the community consultation process as primarily an information gathering and perspective building process rather than simplistically viewing it as a 'vote'.

<b>Key for Key risks in following tables</b>
<b>L</b> =Likelihood
<b>C</b> =Consequences
<b>RR</b> =Risk Rating

## Proposed outcomes and improvements to Boating Zones in Port Phillip and Western Port

### Table format and how to use this section

Generally across Victorian waterways the rule change process is focused on forming a new rule or small group of rules at one location. The proposed rule changes responded to shifting recreation patterns and user group needs. This review proposed several changes at twelve specific locations and two changes that applied generally across Port Phillip and Western Port waterways. Therefore, Parks Victoria needed to develop an approach that explained the rule development, background, community sentiment, safety risk, controls and the final proposal in a systematic manner. The approach set out below was developed by Parks Victoria with input and guidance provided by Maritime Safety Victoria.

The table format is designed to:

- Meet the requirements of the *Marine Safety Act 2010* and reflect the WM1 *Notice of Intention to Request a Waterway Rule* and the WM2 *Request to Make a Waterway Rule* question sequence;
- Facilitate an informed response to future community and stakeholder queries;
- Be consistent with the Parks Victoria risk management approach;
- Provide a logical document that informs future Parks Victoria staff managing Boating Zones; and
- Allow each proposal to be considered separately, reviewable by government, Parks Victoria staff and stakeholders. Unfortunately this has resulted in repetition if read as one document.

Headings	Notes
<b>Nature and Scope of Matter</b>	
<b>Current waterway rule</b>	<ul style="list-style-type: none"> <li>• <i>VZOR Reference to schedule and rule.</i></li> </ul>
<b>Current behaviours</b>	<ul style="list-style-type: none"> <li>• <i>Waterway Manager observations.</i></li> </ul>
<b>Locations affected</b>	<ul style="list-style-type: none"> <li>• <i>List of multiple locations where appropriate e.g. all Kite Boarding Zones affected. May include reference to maps and figures.</i></li> </ul>
<b>Background</b>	<ul style="list-style-type: none"> <li>• <i>Background to safety risks/ issues – as listed in WM1.</i></li> </ul>
<b>Key issues and risks as interpreted by community and government prior to public consultation</b>	<ul style="list-style-type: none"> <li>• <i>Historic and background information drawn from previous BECA report, Ranger patrol logs as well as stakeholder and community correspondence.</i></li> </ul>
<b>Summary of matters raised in community consultation See Appendices C and D for list of submissions and comments</b>	<ul style="list-style-type: none"> <li>• <i>Specific issue, location or risk comments from community public consultation period.</i></li> <li>• <i>Reference to appended Public Comments summaries.</i></li> <li>• <i>Focus is on identifying issues not a ‘vote’ for one outcome or the other – given the small proportion of users that responded.</i></li> </ul>
<b>Public consultation - additional issues not directly in the scope of the</b>	<ul style="list-style-type: none"> <li>• <i>More general commentary including ideas, questions or perceptions.</i></li> </ul>

<b>proposed rule</b>	<ul style="list-style-type: none"> <li>• <i>Reference to appended Public Comments summaries.</i></li> </ul>
<b>Incidents Reported</b>	<ul style="list-style-type: none"> <li>• <i>Primarily from Parks Victoria patrol logs, Parks Victoria incident database and some other properly documented incidents provided by stakeholders.</i></li> </ul>
<b>Nature and level of the safety risk</b>	
<b>Key risks, Likelihood/Consequences Risk Rating</b>	<ul style="list-style-type: none"> <li>• <i>Inclusive of WM1 safety risk/issues.</i></li> </ul>
<b>Other issues and risks</b>	<ul style="list-style-type: none"> <li>• <i>Less defined issues and risks 'flagged', to be watched or requiring more information.</i></li> </ul>
<b>Existing Controls</b>	<ul style="list-style-type: none"> <li>• <i>Generally the same for most locations:</i> <ul style="list-style-type: none"> <li>- <i>Vessel Operating and Zoning Rules.</i></li> <li>- <i>Education activities by government peak bodies and other volunteers.</i></li> <li>- <i>Compliance work by appropriate Victorian and local government agencies.</i></li> <li>- <i>Patrol and monitoring by waterway manager.</i></li> <li>- <i>Community expectations.</i></li> </ul> </li> </ul>
<b>Additional supporting controls</b>	<ul style="list-style-type: none"> <li>• <i>A list of any issue or area specific controls e.g. Shoreham Foreshore Committee does not beach launching of PWCs at Shoreham.</i></li> </ul>
<b>Proposed rule</b>	
<b>Description/Intent of proposed rule</b>	<ul style="list-style-type: none"> <li>• <i>Simple concept statement that informs the Maritime Safety Victoria rule development if the rule change proceeds.</i></li> </ul>
<b>Residual Risk Assessment</b>	
<b>Expected key risks following introduction of the rule</b>	<ul style="list-style-type: none"> <li>• <i>How introducing the rule will affect.</i></li> <li>• <i>Likelihood/ Consequences and Risk Rating following introduction of rule and associated controls.</i></li> <li>• <i>Risks that will be reduced.</i></li> </ul>
<b>Residual issues and opportunities</b>	<ul style="list-style-type: none"> <li>• <i>Risks that will remain and opportunities to further mitigate remaining risks.</i></li> </ul>
<b>Expected other issues and risks - Revised following introduction of controls</b>	<ul style="list-style-type: none"> <li>• <i>Capture of less specific risks and issues – flagged for future monitoring or consideration.</i></li> </ul>
<b>Alternative ways to address behaviours and risks</b>	<ul style="list-style-type: none"> <li>• <i>Other options potentially available to government, waterway manager or community.</i></li> </ul>
<b>Who is likely to be affected by the rule</b>	<ul style="list-style-type: none"> <li>• <i>List of key user groups that will be impacted by the rule if it proceeds.</i></li> </ul>
<b>Benefits and costs of proposed rule on persons affected</b>	<ul style="list-style-type: none"> <li>• <i>Benefits and costs to user groups, stakeholders, and cost to the Victorian community to deliver.</i></li> </ul>

<b>Safety Summary</b>	<ul style="list-style-type: none"> <li>• <i>How, on balance, proceeding or not proceeding with the proposed rule change reduces key risks and improves safety.</i></li> </ul>
<b>Key risks before proposed rule change</b>	<ul style="list-style-type: none"> <li>• <i>Informed by Parks Victoria observations and interactions with stakeholders and users.</i></li> </ul>
<b>Remaining risks after proposed change implemented</b>	<ul style="list-style-type: none"> <li>• <i>Based on the above and interaction with similar issues in the locals ports.</i></li> </ul>
<b>Parks Victoria response- addressing issues raised</b>	
<b>Summary factors affecting the proposed rule change</b> <i>Existing user, stakeholder, staff input and community consultation</i>	<ul style="list-style-type: none"> <li>• <i>Summary of all existing user, stakeholder, staff input and community consultation that has influenced the decision regarding the rule change suggested by Parks Victoria in the submitted WM1.</i></li> </ul>
<b>Local Port Manager's preferred outcome</b>	<ul style="list-style-type: none"> <li>• <i>Preferred outcome proposed by Parks Victoria that includes:</i> <ul style="list-style-type: none"> <li>- <i>Not proceeding with rule change or</i></li> <li>- <i>Proceeding with rule change and/or</i></li> <li>- <i>Further investigation of new options beyond the scope of the WM1 as a result of community consultation.</i></li> </ul> </li> </ul>

## 1. Minor realignments to the borders of existing Kiteboarding, 5 Knot and Vessels Prohibited-Swimming Only Zones at Elwood and Brighton

Zone boundary adjustments at Elwood Altering Vessels Prohibited -Swimming Only Zone, and 5 Knot Shared Zones, within 200m of the shore	
Nature and Scope of Matter	
<b>Current waterway rule</b>	<p><u>Schedule 1 Waters: The Local Port of Port Phillip</u></p> <p>1.1.7 Five (5) knot speed restriction zones All waters of North East Port Phillip unless designated as a 5 knot zone below are subject to a 5 knot speed restriction within 200 metres of the water's edge, excluding access lanes and areas prohibited to vessels.</p> <p>1.1.9 Areas prohibited to vessels (e) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign on the foreshore in line with Vautier Street, Elwood, extending seaward approximately 200 metres to a yellow special mark pile then south approximately 220 metres to a yellow special mark pile then to a signpost displaying 'No Vessels' sign on the foreshore in line with Head Street, Elwood.</p>
<b>Current behaviours</b>	<ul style="list-style-type: none"> <li>• Windsurfing and kiteboarding are popular at Elwood when winds are stronger and cross or onshore.</li> <li>• Generally beach conditions for swimming deteriorate (stronger cross or onshore winds) as kiteboarding and windsurfing conditions improve. The 'natural' separation has generally worked well. General use by swimmers decreases in these conditions.</li> <li>• Windsurfing and kiteboarding are continuing to increase in popularity and there are growing numbers of windsports enthusiasts on the water in good conditions all year around.</li> <li>• Compliance work with windsports enthusiasts is complex and difficult as the vessels and users are not registered or licensed. Generally users do not carry ID and interviews can only be conducted once users return to shore.</li> <li>• On windier days kiteboarders and windsurfers share the 5 Knot Zone south of the Vessels Prohibited-Swimming Only Zone and utilise slightly different sailing angles and differing approaches to launching/getting underway.</li> <li>• It is physically demanding, difficult, and requires considerable technical skills to maintain 5 knots on a windsurfer or kiteboard.</li> <li>• The zone is difficult to tack out of – particularly for beginner windsurfers in S to SW breezes; there is a tendency to drift into Vessels Prohibited-Swimming Only Zone.</li> <li>• Both KBV and WV have a strong connection to a majority of regular enthusiasts and work hard via a web presence, on online forums and at beaches to reinforce cooperative and compliant beach behaviours.</li> <li>• Windsurfing and kiteboarding are continuing to undergo technical refinements including foiling boards, which can travel faster in less wind.</li> <li>• Kiteboarding and windsurfing supports several schools and retail outlets where skills including responsible use are well communicated.</li> </ul>
<b>Locations affected</b>	<ul style="list-style-type: none"> <li>• Rule change is specific to the area described and mapped</li> <li>• Vessels Prohibited-Swimming Only Zone is configured as recommended by the 2009 BECA report and Gazetted.</li> <li>• Zone boundaries marked by signs and Aids to Navigation.</li> <li>• Zone boundaries are supported by information on Parkweb, Maritime</li> </ul>

	Safety Victoria website and by information provided by these organisations and windsports peak bodies.
<b>Background</b>	
<p><b>Key issues and risks as interpreted by community and government prior to public consultation</b></p>	<ul style="list-style-type: none"> <li>Windsports enthusiasts must slow to 5 knots within 50m of a swimmer.</li> <li>Some kiteboarders and windsurfers exceed 5 Knots in the Shared 5 Knot Zone south of the Vessel Prohibited Swimming Only Zone.</li> <li>Some kiteboarders and windsurfers do not stay clear of Vessels Prohibited-Swimming Only Zone in typical prevailing winds. In these winds windsports enthusiasts must tack amongst other users or choose to use a seaward portion of the Vessels Prohibited-Swimming Only Zone to progress into open water.</li> <li>Swimmers and snorkellers are concerned about being hit by kiteboard kites as well as windsurfing hulls and kiteboards particularly when they cut through the Vessel Prohibited-Swimming Only Zone.</li> <li>Windsurfers and kiteboarders sometimes cut through the entire Vessels Prohibited-Swimming Only Zone.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>16 Survey question responses.</li> <li>4 emailed responses.</li> <li>Alterations to the boundaries of the zones in the area are expected to improve safety for shared windsports enthusiasts by reducing tacking (changes of more than 90 degrees in order to progress upwind).</li> <li>Shared windsports enthusiasts expect altering the boundary of the zones is expected to reduce or eliminate windsurfers and kiteboarders cutting across the seaward corner of the Vessels Prohibited-Swimming Only Zone in most conditions. (Part of WV April 2014 Submission).</li> <li>Changing the boundary provides more options for compliant windsurfing particularly in common stronger SW winds therefore meeting objectives of the framework.</li> <li>Mid boundary buoys particularly on the southern boundary would reinforce the separation between zones.</li> <li>A combination of late afternoon, low sun or stormy conditions and sea breeze wind angles mean that windsports enthusiast can be operating in poor visibility amongst swimmers (It's the vessel operator's responsibility to operate a speed suitable to the conditions however this may not be well understood in kiteboarding and windsurfing circles).</li> <li>There is a perception amongst some windsurfers that swimmers are obligated to stay within the swimming zone.</li> <li>Moving the mark even further north 50-75m is desirable to some shared windsports enthusiasts. (However this reduces the swimming area considerably and further contradicts the BZ Framework, which recommends zone boundaries remain perpendicular to the shore).</li> </ul>
<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>Triathlete clubs train at Elwood sometimes in or out of the Vessels Prohibited-Swimming Only Zone in all conditions and sometimes use special marks as turn buoys, unclear whether this training is escorted by an appropriate vessel.</li> <li>In particular conditions Elwood is attractive to windsurfers when there are wind driven waves and wind angle make for fun and challenging windsurfing.</li> </ul>
<b>Incidents Reported</b>	There is no formal record of injuries of swimmers caused by shared windsports at Elwood Boating Zones.

	<p>At Elwood rangers occasionally receive spoken and emailed complaints from the public about;</p> <ul style="list-style-type: none"> <li>• Windsports enthusiasts travelling at speed within 50m of swimmers.</li> <li>• Windsports enthusiasts travelling at speed in 5 Knot Shared Zones.</li> <li>• Windsports enthusiasts travelling at speed in Vessels Prohibited-Swimming Only Zones.</li> </ul> <p>There are several documented complaints regarding collisions between swimmers and kiteboarders in Port Phillip and Western Port.</p>
<b>Nature and level of the safety risk</b>	
<b>Key risks, Likelihood/Consequences Risk Rating</b>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> Current approach may encourage ongoing non-compliance by windsurfers and kiteboarders and use of Vessels Prohibited-Swimming Only Zone creating conflict between users. <b>P:</b> Possible, <b>C:</b> Minor, <b>RR:</b> (5) <b>Moderate</b></li> <li><b>2. Human resources and safety:</b> Increased chance of windsurfers and kiteboarders making poor decisions and using Vessels Prohibited-Swimming Only Zone at higher speeds resulting in a collision with a swimmer. <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> <li><b>3. Human resources and safety:</b> Windsurfers and kiteboarders making poor decisions and using the southern Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer. <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> </ol>
<b>Other issues and risks</b>	<ul style="list-style-type: none"> <li>• Intensively used beach during summer period.</li> <li>• Triathlon training over longer distances and during all seasons may need strategies to better integrate it with shared windsports.</li> </ul>
<b>Existing Controls</b>	<ul style="list-style-type: none"> <li>• Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>• Education activities by government peak bodies and other volunteers.</li> <li>• Compliance work by appropriate Victorian and local government agencies.</li> <li>• Patrol and monitoring by waterway manager.</li> <li>• Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<b>Additional supporting controls</b>	<ul style="list-style-type: none"> <li>• Web and printed information provided by Parks Victoria and Stakeholder Representative Groups</li> </ul>
<b>Proposed rule</b>	
<b>Description/Intent of proposed rule</b> <i>See Figure 1.1 Elwood 2016/17 Boating and Swimming Zone Review pg.32</i>	<p>Improve the use of the 5 Knot Zone south of the Vessel Prohibited, Swimming Only Zone for shared windsports. Alter the zone by shifting southern seaward pile northwest by 50m to allow one tack launching for windsurfer and kiteboard users from near Dawson Avenue.</p>
<b>Residual Risk Assessment</b>	
<b>Expected key risks following introduction of the rule</b>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> Small reduction in Vessels Prohibited-Swimming Only Zone – seaward side of Zone and minor reduction in capacity of Vessels Prohibited-Swimming Only Zone <b>P:</b> Unlikely, <b>C:</b> Minor, <b>RR:</b> (4) <b>Moderate</b></li> <li><b>2. Human resources and safety:</b> Windsurfers and kiteboarders making poor decisions and using the southern Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer. <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> </ol>

<p><b>Residual issues and opportunities</b></p>	<ul style="list-style-type: none"> <li>• Non-compliant shared windsports users colliding with swimmers in the Vessels Prohibited-Swimming Only Zone.</li> <li>• Non-compliant shared windsports users colliding with swimmers outside the Vessels Prohibited-Swimming Only Zone.</li> <li>• Shared windsports users colliding with each other.</li> <li>• Non-compliant shared windsports users exceeding 5 knots in the 5 Knot Zone.</li> </ul> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>• Further partner with KBV, WV, LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> windsports responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer rule.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, in partnership with LSV at Elwood.</li> </ul>
<p><b>Expected other issues and risks - Revised following introduction of controls.</b></p>	<ul style="list-style-type: none"> <li>• Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety - regardless of changed or unchanged rule.</li> <li>• Better separation between swimmers, kiteboarders and windsurfers may become increasingly important as more windsports enthusiasts use foiling boards that travel faster.</li> </ul>
<p><b>Alternative ways to address behaviours and risks</b></p>	<ul style="list-style-type: none"> <li>• Currently windsurfers and kiteboarders (being unlicensed and unregistered) receive little or incidental information about their responsibilities as vessel operators and waterway users. An extension program focused on stakeholder representative groups meetings, providing appropriate 'pre-packaged' web material and possibly visits to busy beaches during good conditions could improve this situation.</li> <li>• If resources were available there is the potential to increase compliance patrols when conditions suit windsports and swimming. Potential to partner with other maritime education and compliance agencies. Potential to further partner with local government to provide education and compliance messages.</li> <li>• Ongoing liaison with stakeholder representative groups WV/KBV providing accurate feedback in regard to non-compliance (trends rather than examples).</li> <li>• Additional rule for future consideration. Community consultation has confirmed year round use of this area by the kiteboarding and windsurfing communities. This site should be included in a future local port wide response to consider additional Shared Windsports Zones.</li> </ul> <p>Improvements may include ongoing peer management to maintain appropriate on water behaviours and improved safety and self-rescue capacity. Sites north and south of the existing Vessel Prohibited-Swimming Only Zone should be considered. Any additional zones would require foreshore manager support.</p>
<p><b>Who is likely to be affected by the rule</b></p>	<ul style="list-style-type: none"> <li>• Swimmers in and adjacent to Vessels Prohibited-Swimming Only Zone.</li> <li>• Shared windsports enthusiasts, commercial windsports schools, and windsports retailers.</li> <li>• Triathletes club.</li> </ul>

<b>Benefits and costs of proposed rule on persons affected</b>	Benefits <ul style="list-style-type: none"> <li>Improved separation between shared windsports users and swimmers.</li> <li>Shared windsports users will experience better tacking angles in predominant winds and reduced intersecting tacking angles between users.</li> </ul> Costs to Victorian community and delivered by Parks Victoria: <ul style="list-style-type: none"> <li>Approximately \$5000 to move one pile.</li> <li>Time and effort required of local port manager to communicate rule change.</li> </ul>
<b>Safety Summary</b>	<b>On balance safety is improved</b> for vessel operators and swimmers by realigning the Vessels Prohibited-Swimming Only Zone boundaries at Elwood by reducing key risks-
<b>Key risks before proposed rule change</b>	<b>From currently</b> - 3 Moderate Risks <ul style="list-style-type: none"> <li>Ongoing non-compliance by windsurfers and kiteboarders and use of Vessels Prohibited-Swimming Only Zone.</li> <li>Windsurfers and kiteboarders making poor decisions and using 5 knot and Vessels Prohibited-Swimming Only Zone at higher speeds resulting in a collision with a swimmer.</li> <li>Windsurfers and kiteboarders making poor decisions and using Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> </ul>
<b>Remaining risks after proposed change implemented</b>	<b>To the proposed rule resulting in</b> - 2 Moderate Risks <ul style="list-style-type: none"> <li>Dissatisfaction with a small decrease in the area of the Vessels Prohibited-Swimming Only Zones.</li> <li>Windsurfers and kiteboarders making poor decisions and using Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<b>Summary factors affecting the proposed rule change</b>  <i>Existing user, stakeholder, staff input and community consultation</i>	<ul style="list-style-type: none"> <li>Elwood is a very popular swimming beach in the warmer months but used year round by some swimmers.</li> <li>Shared windsports users are attracted to Elwood in stronger winds and larger waves. There is currently no Shared Windsports Zone at Elwood.</li> <li>It is physically demanding, difficult, and requires considerable technical skills to maintain 5 knots on a windsurfer or kiteboard.</li> <li>Shared windsports users leaving the beach south of the Vessel Prohibited-Swimming Only Zone find the area congested. The congestion is increased by the need to tack to reach open water.</li> <li>There is a reasonable natural separation between swimming in calmer conditions and the use of the area by shared windsports in windier conditions.</li> </ul>
<b>Local Port Manager's preferred outcome</b>	<b>Proceed with the rule change.</b> Further investigation of an additional Shared Windsports Zone at Elwood as a result of community consultation.



Figure 1.1  
**Elwood**  
 2016/17 Boating and Swimming Zone Review  
 Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 13/06/2017  
 Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information.

<b>Existing Zones</b>	<b>Recommended Zones</b>
5 knot speed zone	Vessel Prohibited Swimming Only
Vessel Prohibited Swimming Only	Special Mark
Special Mark	

**Zone boundary adjustments at Brighton**

Altering Vessels Prohibited (Swimming Only) Zones, 'Kite Boarding Zones' (sometimes referred to as 'Shared Windsports Zones') and 5 Knot Shared Zones, within 200m of the shore.

**Nature and Scope of Matter**

<p><b>Current waterway rule</b></p>	<p><u>Schedule 1 Waters: The Local Port of Port Phillip</u></p> <p>1.1.7 Five (5) speed restriction zones All waters of North East Port Phillip unless designated as a 5 Knot Zone below are subject to a 5 knot speed restriction within 200 metres of the water's edge, excluding access lanes and areas prohibited to vessels.</p> <p>1.1.9 Areas prohibited to vessels (f) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign on the foreshore south of the Brighton Life Saving Club clubhouse extending seaward approximately 200 metres to a yellow special mark 8 then south approximately 270 metres to a yellow special mark then eastward to a signpost displaying 'No Vessels' sign on the foreshore in line with Norwood Avenue, Brighton.</p> <p>1.1.13 Exclusive use and special purpose areas (a) The following waters are a Kiteboarding area. (ii) Waters bounded by a line commencing at a signpost displaying a kite boarding emblem signs on the foreshore at the end of Park Street, Brighton, then to a yellow buoy with a Kite Boarding emblem sign, then to continuing south east to a yellow special mark with kite boarding emblem sign, then to a signpost displaying a kite boarding emblem sign on the foreshore adjacent to Brighton Life Saving Club.</p>
<p><b>Current behaviours</b></p>	<ul style="list-style-type: none"> <li>• Windsurfing and kiteboarding are popular at Brighton when winds are stronger and cross or onshore.</li> <li>• There is an existing Kiteboarding Zone north of the Brighton Lifesaving Club.</li> <li>• Generally beach conditions for swimming deteriorate (stronger cross or onshore winds) as kiteboarding and windsurfing conditions improve. The 'natural' separation has generally worked well. General use by swimmers decreases in these conditions.</li> <li>• Windsurfing and kiteboarding are continuing to increase in popularity and there are growing numbers of windsports enthusiasts on the water in good conditions all year around.</li> <li>• Compliance work with windsports enthusiasts is complex and difficult as the vessels and users are not registered or licensed. Generally users do not carry ID and interviews can only be conducted once users return to shore.</li> <li>• On windier days kiteboarders and windsurfers share the 5 Knot Zone south of the Vessels Prohibited-Swimming Only Zone and utilise slightly different sailing angles and differing approaches to launching/getting underway.</li> <li>• It is physically demanding, difficult, and requires considerable technical skills to maintain 5 knots on a windsurfer or kiteboard.</li> <li>• The zone is difficult to tack out of the 5 Knot Zone south of the Vessels Prohibited- Swimming Only Zone, particularly for beginner windsurfers in S to SW breezes; there is a tendency to drift into Vessels Prohibited-Swimming Only Zone.</li> <li>• Both KBV and WV have a strong connection to a majority of regular enthusiasts and work hard via a web presence, on online forums and at beaches to reinforce cooperative and compliant beach behaviours.</li> </ul>

	<ul style="list-style-type: none"> <li>Windsurfing and kiteboarding are continuing to undergo technical refinements including foiling boards, which can travel faster in less wind.</li> <li>Kiteboarding and windsurfing supports several schools and retail outlets where skills including responsible use are well communicated.</li> </ul>
<b>Locations affected</b>	<ul style="list-style-type: none"> <li>Rule change is specific to the area described and mapped.</li> <li>Vessels Prohibited-Swimming Only Zone and Kiteboarding Zone are configured as recommended by the 2009 BECA report and Gazetted.</li> <li>Zone boundaries marked by signs and Aids to Navigation.</li> <li>Zone boundaries are supported by information on Parkweb, Maritime Safety Victoria website and by information provided by these organisations and windsports peak bodies.</li> </ul>
<b>Background</b>	
<p><b>Key issues and risks as interpreted by community and government prior to public consultation</b></p>	<ul style="list-style-type: none"> <li>Brighton is a very popular/famous swimming destination close to Melbourne and experiences very high visitation over summer.</li> <li>Swimming occurs all year round at Brighton.</li> <li>Windsports enthusiasts must slow to 5 knots within 50m of a swimmer.</li> <li>Some kiteboarders and windsurfers exceed 5 knots in the Shared 5 Knot Zone south of Norwood Avenue.</li> <li>Some kiteboarders and windsurfers do not stay clear of Vessels Prohibited-Swimming Only Zone in typical prevailing winds. In these winds windsports enthusiasts must tack amongst other users or choose to use a seaward portion of the Vessels Prohibited-Swimming Only Zone to progress into open water.</li> <li>Swimmers and snorkellers are concerned about being hit by kiteboard kites as well as windsurfing hulls and kiteboards particularly when they cut through the Vessel Prohibited-Swimming Only Zone.</li> <li>Windsurfers and kiteboarders sometimes cut through the entire Vessels Prohibited-Swimming Only Zone.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>63 Survey Question Responses.</li> <li>Four emailed responses.</li> <li>WSV have suggested that this realignment will reduce conflict between swimmers and windsurfers when launching south of Norwood Avenue. Alterations to the boundaries of the zones in the area are expected to improve safety for shared windsports enthusiasts by reducing tacking (changes of more than 90 degrees in order to progress upwind) particularly for windsurfers launching south of Norwood Avenue. Changing the boundary provides more options for compliant windsurfing and kiteboarding particularly in common stronger SW winds.</li> <li>The reef north of the that lies along the northern boundary of the Vessel Prohibited- Swimming Only Zone is shallow at high tides and exposed at lower tides making a considerable portion of the proposed realignment of the zone unusable for swimming. This results in significant reduction in the usable area for swimming in the zone if the zones are changed</li> <li>Snorkelling is also popular at Brighton given the small reefs close to shore immediately west of the Brighton LSC.</li> </ul>

<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Lifesavers sometimes use the Special Marks as a goal to swim around placing swimmers outside the Vessels Prohibited-Swimming Only Zone.</li> <li>• Changing the boundary provides more options for compliant windsurfing and kite boarding particularly in common stronger SW winds.</li> <li>• There is a perception amongst windsurfers and kiteboarders that swimmers are obligated to stay within the swimming zone.</li> <li>• Late afternoon low sun or stormy conditions and sea breeze wind angles mean that windsports users can be operating in poor visibility amongst swimmers (it's the vessel operator's responsibility to operate a speed suitable to the conditions however this may not be well understood in kiteboarding and windsurfing circles).</li> <li>• The area has reef and shallow spots at lower tides. Windsports enthusiasts need to be aware of water depths.</li> </ul>
<p><b>Incidents Reported</b></p>	<p>There is no formal record of injuries of swimmers caused by shared windsports at Brighton Boating Zones.</p> <p>At Brighton rangers occasionally receive spoken and emailed complaints from the public about;</p> <ul style="list-style-type: none"> <li>• Windsports enthusiasts travelling at speed less than 50m from swimmers.</li> <li>• Windsports enthusiasts travelling at speed in Vessels Prohibited-Swimming Only Zones.</li> </ul> <p>There are several documented complaints regarding collisions between swimmers and kiteboarders in Port Phillip and Western Port.</p>
<p><b>Nature and level of the safety risk</b></p>	
<p><b>Key risks, Likelihood/Consequences Risk Rating</b></p>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> Current approach may encourage ongoing non-compliance by windsurfers and kiteboarders and use of Vessels Prohibited-Swimming Only Zone. <b>P:</b> Possible, <b>C:</b> Minor, <b>RR:</b> (5) <b>Moderate</b></li> <li><b>2. Human resources and safety:</b> Increased chance of windsurfers and kiteboarders making poor decisions and using Vessels Prohibited-Swimming Only Zone at higher speeds resulting in a collision with a swimmer. <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> <li><b>3. Human resources and safety:</b> Windsurfers and kiteboarders making poor decisions and using the southern Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer. <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> </ol>
<p><b>Other issues and risks</b></p>	<ul style="list-style-type: none"> <li>• The popularity of snorkelling around Brighton inshore reefs is unknown however snorkellers are probably less likely to be seen by windsports enthusiasts and are less likely to see approaching windsports enthusiasts.</li> <li>• Including the reef in the VPOSZ may reduce the risk of vessels grounding.</li> </ul>
<p><b>Existing Controls</b></p>	<ul style="list-style-type: none"> <li>• Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>• Education activities by government peak bodies and other volunteers.</li> <li>• Compliance work by appropriate Victorian and local government agencies.</li> <li>• Patrol and monitoring by waterway manager.</li> <li>• Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>

<b>Additional supporting controls</b>	Web and printed information provided by Parks Victoria and Stakeholder Representative Groups.
<b>Proposed rule</b>	
<b>Description/Intent of proposed rule</b>	Improve the use of the 5 Knot Zone south of the Vessel Prohibited, Swimming Only Zone for shared windsports by moving exiting southern Kiteboarding Zone boundary and existing northern Vessel Prohibited-Swimming Only Zone boundary (at the seaward ends) north by approximately 100m.
<b>Residual Risk Assessment</b>	
<b>Expected key risks following introduction of the rule</b>	<ol style="list-style-type: none"> <li>1. <b>Stakeholders and Community:</b> Small reduction in Vessels Prohibited-Swimming Only Zone – seaward side of Zone and minor reduction in capacity of Vessels Prohibited-Swimming Only Zone may not suits some users.                      P: Unlikely, C: Minor, RR: (4) <b>Moderate</b></li> <li>2. <b>Human resources and safety:</b> Windsurfers and kiteboarders making poor decisions and using the southern Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.                      P: Unlikely C: Major, RR: (6) <b>Moderate</b></li> <li>3. <b>Human resources and safety:</b> Similar or growing numbers of swimmers having a reduced usable area designated as Vessels Prohibited – Swimming Only due to the inclusion of reef areas exposed at low tide                      P: Likely C: Minor, RR: (6) <b>Significant</b></li> </ol>
<b>Residual issues and opportunities</b>	<ul style="list-style-type: none"> <li>• Non-compliant shared windsports users colliding with swimmers in the Vessels Prohibited-Swimming Only Zone.</li> <li>• Non-compliant shared windsports users colliding with swimmers outside the Vessels Prohibited-Swimming Only Zone.</li> <li>• Non-compliant shared windsports users colliding with swimmers in the Shared Windsports Zone.</li> <li>• Non-compliant shared windsports users exceeding 5 knots in the 5 Knot Zone.</li> <li>• Shared windsports users colliding with each other.</li> </ul> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>• Further partner with KBV, WV, LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> windsports responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer rule.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, and Shared Windsports Zones in partnership with KBV, WSV LSV at Brighton.</li> </ul>
<b>Expected other issues and risks - Revised following introduction of controls.</b>	<ul style="list-style-type: none"> <li>• Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety - regardless of changed or unchanged rule.</li> <li>• Better separation between swimmers, kiteboarders and windsurfers may become increasingly important as more windsports enthusiasts use foiling boards that travel faster.</li> </ul>
<b>Alternative ways to address behaviours and risks</b>	<ul style="list-style-type: none"> <li>• Currently windsurfers and kiteboarders (being unlicensed and unregistered) receive little or incidental information about their responsibilities as vessel operators and waterway users. An extension program focused on stakeholder representative groups meetings,</li> </ul>

	<p>providing appropriate ‘pre-packaged’ web material and possibly visits to busy beaches during good conditions could improve this situation.</p> <ul style="list-style-type: none"> <li>• If resources were available there is the potential to increase compliance patrols when conditions suit windsports and swimming. Potential to partner with other maritime education and compliance agencies. Potential to further partner with local government to provide education and compliance messages.</li> <li>• Ongoing liaison with stakeholder representative groups WV/KBV providing accurate feedback in regard to non-compliance (trends rather than examples).</li> <li>• Additional rule for future consideration. Community consultation has confirmed year round use of this area by the kiteboarding and windsurfing communities. A further Shared windsports Zone south of the existing Vessels Prohibited-Swimming Only Zone could be included in a future local port wide response to consider additional Shared Windsports Zones however a zone already is provided immediately north of the Vessels prohibited,- Swimming Only Zone. Benefits may include ongoing peer management to maintain appropriate on water behaviours and improved safety and self-rescue capacity. Any additional zones would require foreshore manager support.</li> </ul>
<b>Who is likely to be affected by the rule</b>	<ul style="list-style-type: none"> <li>• Swimmers in and adjacent to Vessels Prohibited-Swimming Only Zone may benefit from improved compliance by shared windsports users.</li> <li>• Shared windsports enthusiasts, commercial windsports schools, and windsports retailers.</li> </ul>
<b>Benefits and costs of proposed rule on persons affected</b>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• Some improved separation between shared windsports users and swimmers.</li> <li>• Shared windsports users will experience better tacking angles in predominant winds and reduced intersecting tacking angles between users</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>• Approximately \$10 000 to move two piles.</li> <li>• Time and effort required of local port manager to communicate rule change.</li> </ul>
<b>Safety Summary</b>	<p><b>On balance safety may be marginally improved</b> for vessel operators and swimmers by realigning the zone boundaries at Brighton by reducing key risks however proceeding with the rule change will also effectively reduce the usable area of the Vessels Prohibited-Swimming Only Zone-</p>
<b>Key risks before proposed rule change</b>	<p><b>From currently - 3 Moderate Risks</b></p> <ul style="list-style-type: none"> <li>• Ongoing non-compliance by windsurfers and kiteboarders and use of Vessels Prohibited-Swimming Only Zone.</li> <li>• Windsurfers and kiteboarders making poor decisions and using Vessels Prohibited-Swimming Only Zone at higher speeds resulting in a collision with a swimmer.</li> <li>• Windsurfers and kiteboarders making poor decisions and using 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> </ul>
<b>Remaining risks after proposed change implemented</b>	<p><b>The proposed change results in - 2 Moderate Risks</b></p> <ul style="list-style-type: none"> <li>• Reduction in Vessels Prohibited-Swimming Only Zone .A reduction in capacity of Vessels Prohibited-Swimming Only Zone may not suit some users.</li> <li>• Windsurfers and kiteboarders making poor decisions and using the southern Shared 5 Knot Zone at higher speeds resulting in a collision with</li> </ul>

	<p>a swimmer.</p> <p>and 1 Significant Risk</p> <ul style="list-style-type: none"> <li>• Similar or growing numbers of swimmers having a reduced usable area designated as Vessels Prohibited –Swimming Only.</li> </ul>
<p><b>Parks Victoria response-addressing issues raised</b></p>	
<p><b>Summary factors affecting the proposed rule change</b></p> <p><i>Existing user, stakeholder, staff input and community consultation</i></p>	<ul style="list-style-type: none"> <li>• Brighton is a very popular swimming beach in the warmer months but used year round by some swimmers.</li> <li>• If the rule change were to proceed similar or growing numbers of swimmers would have a reduced usable area designated as Vessels Prohibited –Swimming Only due to the inclusion of reef areas exposed at low tide.</li> <li>• Shared windsports users are attracted to Brighton in stronger winds. It is physically demanding, difficult, and requires considerable technical skills to maintain 5 knots on a windsurfer or kiteboard.</li> <li>• Shared windsports users leaving the beach south of the Vessel Prohibited-Swimming Only Zone find the area congested. The congestion is increased by the need to tack to reach open water.</li> <li>• A Shared Windsports Zone is already provided at Brighton that enables leaving the beach at higher speed when more than 50 from other vessel or swimmers.</li> <li>• There is an existing natural separation between swimming in calmer conditions and the use of the area by shared windsports in windier conditions.</li> </ul>
<p><b>Local Port Manager's preferred outcome</b></p>	<p><b>Do not proceed with rule change.</b></p>

## 2. Rationalisation of adjacent Kiteboarding, Shared 5 Knot and Vessel Prohibited-Swimming Only Zones at Hampton

### Zone boundary adjustments at Hampton

Altering Vessels Prohibited -Swimming Only Zones, 'Kite Boarding Zones' (sometimes referred to as 'Shared Windsports Zones') and 5 Knot Shared Zones, within 200m of the shore to extend the area available to kiteboarders and windsurfers and slightly reduce the Vessels Prohibited-Swimming Only Zone.

Nature and Scope of Matter	
<b>Current waterway rule</b>	<p><u>Schedule 1 Waters: The Local Port of Port Phillip</u></p> <p>1.1.7 Five (5) knot speed restriction zones All waters of North East Port Phillip unless designated as a 5 Knot Zone below are subject to a 5 knot speed restriction within 200 metres of the water's edge, excluding access lanes and areas prohibited to vessels.</p> <p>1.1.9 Areas prohibited to vessels (g) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign on the foreshore approximately 100 metres south of the end of Orlando Street, Hampton, extending seaward approximately 200 metres to a yellow special mark then extending south approximately 400 metres to a yellow special mark then to a signpost displaying 'No Vessels' sign on the foreshore in line with Small Street, Hampton.</p> <p>1.1.13 Exclusive use and special purpose areas (a) The following waters are a Kite-boarding area. (iii) Waters bounded by a line commencing at a signpost displaying a kite boarding emblem sign on the foreshore at the end of New Street, Hampton, then south west to a yellow buoy with a Kite Boarding emblem sign, then continuing south east to a yellow buoy with kite boarding emblem sign then, to a signpost displaying a kite boarding emblem on the foreshore at the end of Orlando Street, Hampton.</p>
<b>Current behaviours</b>	<ul style="list-style-type: none"> <li>• Windsurfing and kiteboarding are very popular at Hampton when winds are stronger and cross or onshore.</li> <li>• There is an existing Kiteboarding Zone north of Orlando St. this area can become crowded.</li> <li>• Generally beach conditions for swimming deteriorate (stronger cross or onshore winds) as kiteboarding and windsurfing conditions improve. The 'natural' separation has generally worked well. General use by swimmers decreases in these conditions.</li> <li>• Windsurfing and kiteboarding are continuing to increase in popularity and there are growing numbers of windsports enthusiasts on the water in good conditions all year around.</li> <li>• Compliance work with windsports enthusiasts is complex and difficult as the vessels and users are not registered or licensed. Generally users do not carry ID and interviews can only be conducted once users return to shore.</li> <li>• It is physically demanding, difficult, and requires considerable technical skills to maintain 5 knots on a windsurfer or kiteboard.</li> <li>• The existing Kiteboarding Zone can be difficult to tack out of as there is a groyne running southwest from the beach at Orlando St.</li> <li>• Both KBV and WV have a strong connection to a majority of regular enthusiasts and work hard via a web presence, on online forums and at beaches to reinforce cooperative and compliant beach behaviours.</li> <li>• Windsurfing and kiteboarding are continuing to undergo technical refinements including foiling boards, which can travel faster in less wind.</li> </ul>

	<ul style="list-style-type: none"> <li>• Kiteboarding and windsurfing supports several schools and retail outlets where skills including responsible use are well communicated.</li> </ul>
<b>Locations affected</b>	<ul style="list-style-type: none"> <li>• Rule change is specific to the area described and mapped.</li> <li>• Vessels Prohibited-Swimming Only Zone and Kiteboarding Zone are configured as recommended by the 2009 BECA report and Gazetted.</li> <li>• Zone boundaries marked by signs and Aids to Navigation.</li> <li>• Zone boundaries are supported by information on Parkweb, Maritime Safety Victoria website and by information provided by these organisations and windsports peak bodies.</li> </ul>
<b>Background</b>	
<b>Key issues and risks as interpreted by community and government prior to public consultation</b>	<ul style="list-style-type: none"> <li>• The proposed increase in area would enable participants to progress into open water and safely clear the rock groynes (opposite New St and Orlando St) in dominant southwest winds.</li> <li>• Revised and larger Shared Windsports Zone boundaries better provide for increasing numbers of kiteboarders and windsurfers.</li> <li>• Generally beach conditions for swimming deteriorate (stronger cross or onshore winds) as kiteboarding and windsurfing conditions improve. The 'natural' separation has generally worked well at Hampton.</li> <li>• Kiteboarders and windsurfers share the zones provided and slightly different sailing angles and differing approaches to launching/getting underway enable both groups to use the Kiteboarding Zone safety and simultaneously.</li> <li>• Windsurfing and kiteboarding are continuing to undergo technical refinements including foiling boards.</li> <li>• Both KBV and WV have a strong connection to a majority of regular enthusiasts and work hard via a web presence, on online forums and at beaches to reinforce cooperative and compliance beach behaviours.</li> <li>• Kiteboarding and windsurfing supports several schools and retail outlets where skills including responsible use are well communicated.</li> <li>• Windsurfing and kiteboarding are continuing to increase in popularity and there are growing numbers of windsports enthusiasts on the water in good conditions all year around.</li> <li>• Compliance work with windsports enthusiasts is complex and difficult as the vessels and users are not registered or licensed. Generally users do not carry ID and interviews can only be conducted once users return to shore.</li> <li>• The Kiteboarding Zone is in close proximity to the busy Sandringham Harbour.</li> <li>• The existing smaller Shared 5 Knot Zone opposite Orlando St and the groyne is not often used by vessels accessing the shore.</li> <li>• Interactions between fishers on groynes and windsports enthusiasts can result in windsports enthusiasts being tangled in cast lines and subject to criticism from fishers.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• 42 Survey Question Responses.</li> <li>• 4 emailed responses.</li> <li>• Part of WV April 2014 Submission.</li> <li>• The zone is difficult to tack out of – particularly for beginner windsurfers in S to SW breezes.</li> <li>• Some shelter from the prevailing winds makes this location attractive for shared windsports wave jumping. This is uncommon around northern Port Phillip.</li> <li>• The current zone can be congested when conditions are good for shared windsports.</li> </ul>

<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b> See Appendices C and D for list of submissions and comments</p>	<ul style="list-style-type: none"> <li>• Access to the beach (narrower ramps) and parking availability is more complex at this site however it is still very popular.</li> <li>• The area has reef and shallow spots at lower tides. Windsports enthusiasts need to be aware of water depths.</li> <li>• Hampton Lifesaving Club report regular use of the Vessel Prohibited – Swimming only zone by paddlecraft and windsports users.</li> </ul>
<p><b>Incidents Reported</b></p>	<p>There is no formal record of injuries to swimmers caused by shared windsports at Hampton Boating Zones.</p> <p>There are informal reports of novice shared windsports participants colliding with groynes in the area.</p> <p>At Hampton rangers occasionally receive spoken and emailed complaints from the public about;</p> <ul style="list-style-type: none"> <li>• Windsports enthusiasts travelling at speed less than 50m from swimmers.</li> <li>• Windsports enthusiasts travelling at speed in Vessels Prohibited-Swimming Only Zones.</li> </ul> <p>There are several documented complaints regarding collisions between swimmers and kiteboarders in Port Phillip and Western Port.</p>
<p><b>Nature and level of the safety risk</b></p>	
<p><b>Key risks, Likelihood/Consequences Risk Rating</b></p>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> Current approach may encourage ongoing non-compliance by windsurfers and kiteboarders and use of Vessels Prohibited-Swimming Only Zone as well of use the shared 5 Knot Zone at high speeds. <b>P:</b> Possible, <b>C:</b> Minor, <b>RR:</b> (5) <b>Moderate</b></li> <li><b>2. Human resources and safety:</b> Increased chance of windsurfers and kiteboarders making poor decisions and using Vessels Prohibited-Swimming Only Zone or Shared Windsports Zone and 5 Knot Zone at higher speeds resulting in a collision with a swimmer. <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> <li><b>3. Human resources and safety:</b> Windsurfers and kiteboarders operating in increasingly crowded conditions resulting in a collision with other participants or rock groynes. <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> </ol>
<p><b>Other issues and risks</b></p>	<p>An interaction between vessels leaving or racing from Sandringham and shared windsports users does not currently seem to be a problem.</p>
<p><b>Existing Controls</b></p>	<ul style="list-style-type: none"> <li>• Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>• Education activities by government peak bodies and other volunteers.</li> <li>• Compliance work by appropriate Victorian and local government agencies.</li> <li>• Patrol and monitoring by waterway manager.</li> <li>• Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<p><b>Additional supporting controls</b></p>	<p>Web and printed information provided by Parks Victoria and Stakeholder Representative Groups.</p>
<p><b>Proposed rule</b></p>	
<p><b>Description/Intent of proposed rule</b> See Figure 2.1 Hampton 2016/17 Boating and Swimming Zone Review pg.44</p>	<p>Provide for the increasing numbers of kiteboarders and windsurfers by including the smaller Shared 5 Knot Zone off Orlando St in the Kiteboarding Zone and moving the southern landward mark south along the beach 100m to enable safer beach access (clearing of Orlando St groyne) by shared windsports users.</p>

Residual Risk Assessment	
<b>Expected key risks following introduction of the rule</b>	<p><b>Stakeholders and Community:</b> Small reduction in Vessels Prohibited-Swimming Only Zone – beach side of Zone and minor reduction in capacity of Vessels Prohibited-Swimming Only Zone and removal of small Shared 5 Knot Zone opposite Orlando St. may disappoint some users.</p> <p><b>P:</b> Unlikely, <b>C:</b> Minor, <b>RR;</b> (4) <b>Moderate</b></p>
<b>Residual issues and opportunities</b>	<ul style="list-style-type: none"> <li>• Non-compliant shared windsports users colliding with swimmers in the Vessels Prohibited-Swimming Only Zone.</li> <li>• Non-compliant shared windsports users colliding with swimmers in the Shared Windsports Zone.</li> <li>• Non-compliant shared windsports users colliding with swimmers outside the Vessels Prohibited-Swimming Only Zone.</li> <li>• Shared windsports users colliding with each other.</li> <li>• Shared windsports users colliding with groynes and other structures.</li> </ul> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>• Further partner with KBV, WV, LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> windsports responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer rule.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, in partnership with WSV, KBV LSV</li> </ul>
<b>Expected other issues and risks - Revised following introduction of controls.</b>	<ul style="list-style-type: none"> <li>• Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety - regardless of changed or unchanged rule.</li> <li>• Better separation between swimmers, kiteboarders and windsurfers may become increasingly important as more windsports enthusiasts use foiling boards that travel faster.</li> <li>• Interactions between Sandringham harbour users and shared windsports users may need monitoring as both pursuits experience increases in participants numbers particularly during regattas and special events.</li> </ul>
<b>Alternative ways to address behaviours and risks</b>	<ul style="list-style-type: none"> <li>• Currently windsurfers and kiteboarders (being unlicensed and unregistered) receive little or incidental information about their responsibilities as vessel operators and waterway users. An extension program focused on stakeholder representative groups meetings, providing appropriate 'pre-packaged' web material and possibly visits to busy beaches during good conditions could improve this situation.</li> <li>• If resources were available there is the potential to increase compliance patrols when conditions suit windsports and swimming. Potential to partner with other maritime education and compliance agencies. Potential to further partner with local government to provide education and compliance messages.</li> <li>• Ongoing liaison with stakeholder representative groups WV/KBV providing accurate feedback in regard to non-compliance (trends rather than examples).</li> </ul>
<b>Who is likely to be affected by the rule</b>	<ul style="list-style-type: none"> <li>• Swimmers in and adjacent to Vessels Prohibited-Swimming Only Zone may benefit from improved compliance by shared windsports users.</li> <li>• Shared windsports enthusiasts, commercial windsports schools, and windsports retailers.</li> </ul>
<b>Benefits and costs of proposed rule on persons affected</b>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• Some improved separation between shared windsports users and swimmers.</li> </ul>

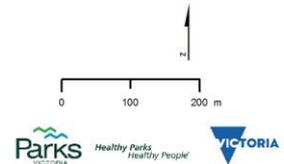
	<ul style="list-style-type: none"> <li>Shared windsports users will experience better tacking angles in predominant winds and reduced intersecting tacking angles between users.</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>Approximately \$8 000 to move /remove one pile, one buoy and one sign.</li> <li>Time and effort required of local port manager to communicate rule change.</li> </ul>
<b>Safety Summary</b>	<b>On balance safety is improved</b> for vessel operators and swimmers by expanding the Kiteboarding Zone at Hampton and realigning Vessels Prohibited-Swimming Only Zone and Kiteboarding Zone zones by reducing key risks.
<b>Key risks before proposed rule change</b>	<p><b>From currently</b> - 3 Moderate Risks</p> <ul style="list-style-type: none"> <li>Ongoing non-compliance by windsurfers and kiteboarders and use of Vessels Prohibited-Swimming Only Zone.</li> <li>Windsurfers and kiteboarders making poor decisions and using Vessels Prohibited-Swimming Only Zone at higher speeds resulting in a collision with a swimmer.</li> <li>Windsurfers and kiteboarders operating in increasingly crowded conditions resulting in a collision with other participants or rock groynes.</li> </ul>
<b>Remaining risks after proposed change implemented</b>	<p><b>To the proposed rule resulting in</b> - 1 Moderate Risk</p> <ul style="list-style-type: none"> <li>Dissatisfaction with a small decrease in the area of the Vessels Prohibited-Swimming Only Zones and removal of the small Shared 5 Knot Zone.</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<p><b>Summary factors affecting the proposed rule change</b></p> <p><i>Existing user, stakeholder, staff input and community consultation</i></p>	<ul style="list-style-type: none"> <li>Hampton is a very popular swimming beach in the warmer months but used year round by some swimmers.</li> <li>There is an existing natural separation between swimming in calmer conditions and the use of the area by shared windsports in windier conditions.</li> <li>If the rule change were to proceed, similar or growing numbers of swimmers would have a slightly reduced usable area designated as Vessels Prohibited –Swimming Only.</li> <li>Shared windsports users are attracted to Hampton in stronger winds. It is physically demanding, difficult, and requires considerable technical skills to maintain 5 knots on a windsurfer or kiteboard.</li> <li>Shared windsports users leaving the beach via the existing 5 Knot Zone south of the Vessel Prohibited-Swimming Only Zone find the area congested. The congestion is increased by the need to tack to reach open water.</li> <li>Providing more room for shared windsports participants to clear the Orlando St groyne is prudent given the popularity of the site.</li> <li>A Shared Windsports Zone is already provided at Hampton that enables leaving the beach at higher speed when more than 50 from other vessel or swimmers. Additional room to access the beach and open water is reflective of the popularity of this site.</li> <li>The shared 5 Knot Zone is not often utilised by vessels and vessels could still access the shore if it were converted to a Shared Windsports Zone.</li> </ul>
<b>Local Port Manager's preferred outcome</b>	<b>Proceed with the rule change.</b>



Figure 2.1  
**Hampton**  
 2016/17 Boating and Swimming Zone Review  
 Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 05/06/2017

Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information.

- | Existing Zones                  | Recommended Zones               |
|---------------------------------|---------------------------------|
| 5 knot speed zone               | Vessel Prohibited Swimming Only |
| Vessel Prohibited Swimming Only | Shared Windsport                |
| Shared Windsports               | Proposed Sign                   |
| Sign                            |                                 |
| Special Mark                    |                                 |



### 3. Minor expansions of Vessels Prohibited-Swimming Only Zones at Chelsea, Bonbeach and Aspendale

#### Zone boundary adjustments at Gnotuk Avenue, Aspendale

Potential to expand Vessels Prohibited-Swimming Only Zones to align them with carpark boundaries and further provide for increasing use by swimmers.

Nature and Scope of Matter	
<b>Current waterway rule</b>	<p><u>Schedule 1 Waters: The Local Port of Port Phillip</u></p> <p>1.1.7 Five (5) knot speed restriction zones All waters of North East Port Phillip unless designated as a 5 Knot Zone below are subject to a 5 knot speed restriction within 200 metres of the water's edge, excluding access lanes and areas prohibited to vessels.</p> <p>1.2.9 Areas prohibited to vessels (c) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign on the foreshore near Foster Street, Aspendale extending approximately 200 metres seaward to a yellow special mark then extending approximately 350 metres south east to a yellow special mark pile then extending north east to a signpost displaying 'No Vessels' sign on the foreshore in line with Gnotuk Avenue, Aspendale</p>
<b>Current behaviours</b>	<ul style="list-style-type: none"> <li>• The existing approach provides car parking for swimmers wanting to access the Vessels Prohibited-Swimming Only Zone, which only extends to roughly half the car park and also enables windsports gear and paddlecraft currently excluded from the Vessels Prohibited-Swimming Only Zones to be unloaded from cars and carried to the beach and Shared 5 Knot Zone.</li> <li>• There has been an increase in high and medium density housing as the suburb has undergone continual redevelopment. This has meant more residents swimming.</li> <li>• Aspendale Lifesaving Club is to the immediate north the carpark so the site meets the Boating Zones Framework criteria for a Vessels Prohibited-Swimming Only Zone.</li> <li>• Windsurfing and kiteboarding are popular in this area year around as it is exposed to stronger south and south-westerly winds. Windsports conditions can also be favourable in stronger northerly winds. Ongoing conversations with WV and KBV regarding the relative importance of this site amongst other local sites and the potential priority for considering as a local Shared Windsports Zone will be useful.</li> <li>• Generally use by swimmers decreases in stronger south and south-westerly winds.</li> <li>• Windsports enthusiasts must slow to 5 knots within 50 m of a swimmer.</li> <li>• There are no Shared Windsports Zones in the immediate area</li> <li>• Currently windsports enthusiasts are expected to stay under 5 knots until they are 200m from shore at all times of the year independent of whether swimmers are using the water. It is physically demanding, difficult, and requires considerable technical skills to maintain 5 knots on a windsurfer or kiteboard.</li> <li>• Generally beach conditions for swimming deteriorate (stronger cross or onshore winds) as kiteboarding and windsurfing conditions improve. The 'natural' separation has generally worked well.</li> <li>• Windsurfing and kiteboarding are continuing to increase in popularity and</li> </ul>

	<p>there are growing numbers of windsports enthusiasts on the water in good conditions all year around.</p> <ul style="list-style-type: none"> <li>Compliance work with windsports enthusiasts is complex and difficult as the vessels and users are not registered or licensed. Generally users do not carry ID and interviews can only be conducted once users return to shore.</li> </ul>
<b>Locations affected</b>	<ul style="list-style-type: none"> <li>Rule change is specific to the area described and mapped.</li> <li>Vessels Prohibited-Swimming Only Zone and Kiteboarding Zone are configured as recommended by the 2009 BECA report and Gazetted.</li> <li>Zone boundaries marked by signs and Aids to Navigation.</li> <li>Zone boundaries are supported by information on Parkweb, Maritime Safety Victoria website and by information provided by these organisations and windsports peak bodies.</li> </ul>
<b>Background</b>	
<p><b>Key issues and risks as interpreted by community and government prior to public consultation</b></p>	<ul style="list-style-type: none"> <li>Part of City of Kingston’s proposal to better correlate beach access and Vessels Prohibited-Swimming Only Zones.</li> <li>Vessels Prohibited-Swimming Only Zones remain very popular and additions will provide more opportunities for safer swimming away from sailing and powered vessels.</li> <li>Additions to the Vessels Prohibited-Swimming Only Zones are suggested to better align them with beach access, local parking and nearby parks.</li> <li>The Gnotuk Ave Carpark is paved and has spaces for more than 110 cars.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>Approximately eight Survey Question Responses (most general to Aspendale beaches).</li> <li>Two emailed responses.</li> <li>If the rule change is undertaken windsports users could be displaced from a relatively uncrowded beach to more populated swimming spots and already busy Kiteboarding Zones.</li> <li>This is a popular kiteboarding site year around however it does not have a Kiteboarding Zone that enables windsports enthusiasts to exceed 5 knots within 200m of the shore.</li> <li>Inappropriate and non-compliant behaviour by PWC operators in this area was raised repeatedly in the survey.</li> <li>Swimmers feel more separated from compliant and noncompliant PWC operators in a Vessels Prohibited-Swimming Only Zone</li> </ul>
<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>It is difficult to carry windsurfing and kiteboarding gear down a beach in stronger winds.</li> <li>Kiteboarders and windsurfers prefer to be on a beach immediately near their cars to ensure the security of their belongings.</li> </ul>
<b>Incidents Reported</b>	<p>Parks Victoria rangers occasionally receive complaints about noncompliant PWC behaviour in this area.</p> <p>There are several documented complaints regarding collisions between swimmers and kiteboarders in Port Phillip and Western Port.</p> <p>There is no formal record of injuries of swimmers caused by vessels in the area.</p>

<b>Nature and level of the safety risk</b>	
<b>Key risks, Likelihood/Consequences Risk Rating</b>	<ol style="list-style-type: none"> <li><b>Stakeholders and Community:</b> Currently there is ongoing non-compliance by powered vessels, windsurfers and kiteboarders exceeding 5 knots in the Shared 5 Knot Zone. <b>P:</b> Almost certain, <b>C:</b> Minor, <b>RR;</b> (7) <b>Significant</b></li> <li><b>Human resources and safety:</b> Increased chance of windsurfers and kiteboarders making poor decisions and exceeding 5 knots in the Shared 5 Knot Zone resulting in a collision with a swimmer. <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> <li><b>Human resources and safety:</b> Community concern regarding vessel operators making a poor decisions and using the Vessels Prohibited-Swimming Only Zone or exceeding 5 knots in a Shared 5 Knot Zone resulting in a collision with a swimmer. (Community may prefer a larger vessel free area near the busy car park and lifesaving club) <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> </ol>
<b>Other issues and risks</b>	<ul style="list-style-type: none"> <li>Possibility that the community need is for <u>greater compliance by all vessels</u> near swimmers and this is interpreted as requiring more Vessels Prohibited-Swimming Only Zone area rather than simply improving windsports/boating/PWC compliance in Shared 5 Knot Zones.</li> <li>Intensively used beach during summer period.</li> </ul>
<b>Existing Controls</b>	<ul style="list-style-type: none"> <li>Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>Education activities by government peak bodies and other volunteers.</li> <li>Compliance work by appropriate Victorian and local government agencies.</li> <li>Patrol and monitoring by waterway manager.</li> <li>Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<b>Additional supporting controls</b>	Web and printed information provided by Parks Victoria and Stakeholder Representative Groups and local government.
<b>Proposed rule</b>	
<b>Description/Intent of proposed rule</b>	Expand Vessels Prohibited-Swimming Only Zones to align them with carpark boundaries south of Gnotuk Avenue and further provide for increasing use by swimmers.
<b>Residual Risk Assessment</b>	
<b>Expected key risks following introduction of the rule</b>	<ol style="list-style-type: none"> <li><b>Stakeholders and Community:</b> Currently there is ongoing non-compliance by powered vessels, windsurfers and kiteboarders exceeding 5 knots in the Shared 5 Knot Zone. <b>P:</b> Almost certain, <b>C:</b> Minor, <b>RR;</b> (7) <b>Significant</b></li> <li><b>Stakeholders and Community:</b> no increase in Vessels Prohibited-Swimming Only Zone may create some minor dissatisfaction in the community. <b>P:</b> Unlikely, <b>C:</b> Minor, <b>RR;</b> (4) <b>Moderate</b></li> <li><b>Stakeholders and Community:</b> Non-compliance by vessel exceeding 5 knots in the Shared 5 Knot Zone or using the Vessels Prohibited-Swimming Only Zones when conditions are favourable.</li> </ol>

	<p><b>P:</b> Possible, <b>C:</b> Minor, <b>RR:</b> (5) <b>Moderate</b></p> <p><b>4. Human resources and safety:</b> Community concern regarding Vessel operators making poor decisions and using the Vessels Prohibited-Swimming Only Zone resulting in a collision with a swimmer. (Community may prefer a larger vessel free area near the busy car park and lifesaving club). <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></p>
<p><b>Residual issues and opportunities</b></p>	<ul style="list-style-type: none"> <li>• Non-compliant vessel users colliding with swimmers in the Vessels Prohibited-Swimming Only Zone.</li> <li>• Non-compliant vessel users colliding with swimmers in the Vessels 5 Knot Zone.</li> </ul> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>• Further partner with LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer and 5 Knot Zone rules.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, in partnership with LSV.</li> </ul>
<p><b>Expected other issues and risks - Revised following introduction of controls.</b></p>	<ul style="list-style-type: none"> <li>• Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety - regardless of changed or unchanged rule.</li> <li>• Better separation between swimmers and vessels including kiteboarders and windsurfers may become increasingly important as more high density housing leads to busier beaches.</li> </ul>
<p><b>Alternative ways to address behaviours and risks</b></p>	<ul style="list-style-type: none"> <li>• If resources were available there is the potential to increase compliance patrols when conditions suit boating and swimming. Potential to partner with other maritime education and compliance agencies. Potential to further partner with local government to provide education and compliance messages.</li> <li>• Currently windsurfers and kiteboarders (being unlicensed and unregistered) receive little or incidental information about their responsibilities as vessel operators and waterway users. An extension program focused on stakeholder representative groups meetings, providing appropriate 'pre-packaged' web material and possibly visits to busy beaches during good conditions could improve this situation.</li> </ul>
<p><b>Who is likely to be affected by the rule</b></p>	<ul style="list-style-type: none"> <li>• Swimmers in and adjacent to Vessels Prohibited-Swimming Only Zone.</li> <li>• Vessel operators accessing the shore.</li> <li>• Shared windsports enthusiasts, possibly commercial windsports schools, windsports retailers</li> <li>• Local residents.</li> </ul>
<p><b>Benefits and costs of proposed rule on persons affected</b></p>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• Ongoing separation between shared windsports users and swimmers.</li> <li>• More area for swimmers.</li> <li>• Easier beach access for some swimmers.</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>• Approximately \$5 000 to move /remove one pile, and one sign.</li> <li>• Time and effort required of local port manager to communicate rule change.</li> <li>• Lack of access for legitimate and year round use of the waterway by windsports users.</li> </ul>

<b>Safety Summary</b>	<b>On balance safety is not improved</b> for vessel operators and swimmers by expanding the Vessels Prohibited-Swimming Only Zone-
<b>Key risks before proposed rule change</b>	<p><b>From currently</b> - 1 Significant Risk</p> <ul style="list-style-type: none"> <li>Ongoing non-compliance by vessels (including PWCs), windsurfers and kiteboarders in Shared 5 Knot Zone.</li> </ul> <p>And 2 Moderate Risks</p> <ul style="list-style-type: none"> <li>Windsurfers and kiteboarders making poor decisions and using Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> <li>Vessels entering the Vessels Prohibited-Swimming Only Zone and colliding with swimmers.</li> </ul>
<b>Remaining risks after proposed change is implemented</b>	<p><b>To</b> - 1 Significant Risk</p> <ul style="list-style-type: none"> <li>Ongoing non-compliance by vessels (including PWCs), windsurfers and kiteboarders in Shared 5 Knot Zone.</li> </ul> <p>3 Moderate Risks</p> <ul style="list-style-type: none"> <li>No increase in Vessels Prohibited-Swimming Only Zone may create some minor dissatisfaction in the community.</li> <li>Windsurfers and kiteboarders making poor decisions and using Vessels Prohibited-Swimming Only Zone and Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> <li>Vessels entering the Vessels Prohibited-Swimming Only Zone and colliding with swimmers.</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<p><b>Summary factors affecting the proposed rule change</b></p> <p><i>Existing user, stakeholder, staff input and community consultation</i></p>	<ul style="list-style-type: none"> <li>The shoreline is a popular swimming beach in the warmer months and used year round by some swimmers.</li> <li>The proposed change would disadvantage/exclude shared windsports users from a very popular site and this is contrary to the principle of equitable use of waterways detailed in Section 21 of the <i>Marine Safety Act 2010</i>. Current arrangement allows shared windsports participant access to continue year around from the south end of the Gnotuk Ave carpark.</li> <li>Zones in the area appear to meet the needs of most users; however education and compliance issues are front of mind in the community. Changing boundaries will not improve compliance.</li> </ul>
<b>Local Port Manager's preferred outcome</b>	<p><b>Do not proceed with the rule change.</b></p> <p>Maintain the existing Vessels Prohibited-Swimming Only Zone boundaries rather than shift the boundary south to end of Gnotuk Ave carpark as proposed in the community consultation.</p>

**Zone boundary adjustments at Showers Avenue, Chelsea**

Potential to expand Vessels Prohibited-Swimming Only Zones to align them with street and local park boundaries and further provide for increasing use by swimmers.

**Nature and Scope of Matter**

<p><b>Current waterway rule</b></p>	<p><u>Schedule 1 Waters: The Local Port of Port Phillip</u>  1.1.7 Five (5) knot speed restriction zones  All waters of North East Port Phillip unless designated as a 5 Knot Zone below are subject to a 5 Knot Speed restriction within 200 metres of the water's edge, excluding access lanes and areas prohibited to vessels.  1.2.9 Areas prohibited to vessels  (e) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign on the foreshore in line with Avondale Avenue, Chelsea extending approximately 200 metres seaward to a yellow special mark then extending approximately 340 metres southeast to a yellow special mark then extending east to a signpost displaying 'No Vessels' sign on the foreshore in line with The Avenue, Chelsea.</p>
<p><b>Current behaviours</b></p>	<ul style="list-style-type: none"> <li>• The existing approach provides car parking for swimmers wanting to access the Vessels Prohibited-Swimming Only Zone, which only extends to the end of Avondale Ave.</li> <li>• Showers Ave access to the beach enables windsports gear and paddlecraft currently excluded from the Vessels Prohibited-Swimming Only Zones to be unloaded from cars and carried to the beach and Shared 5 Knot Zone.</li> <li>• There is ongoing community concern about non-compliant vessels including PWCs accessing the 5 Knot Zone at inappropriate speeds and non-compliant vessels often entering the Vessels Prohibited-Swimming Only Zone during busy periods.</li> <li>• There has been an increase in high and medium density housing as the suburb has undergone continual redevelopment. This has meant more residents swimming.</li> <li>• Chelsea Lifesaving Club is to the immediate north of the carpark so the site meets the Boating Zones Framework criteria for a Vessels Prohibited-Swimming Only Zone.</li> <li>• Windsurfing and kiteboarding are popular in this area year around as it is exposed to stronger south and south-westerly winds. Windsports conditions can also be favourable in stronger northerly winds. Ongoing conversations with WV and KBV regarding the relative importance of this site amongst other local sites and the potential priority for considering as a local Shared Windsports Zone will be useful.</li> <li>• Generally use by swimmers decreases in stronger south and south-westerly winds.</li> <li>• Windsports enthusiasts must slow to 5 knots within 50 m of a swimmer.</li> <li>• There are no Shared Windsports Zones in the immediate area. Windsurfing and kiteboarding are popular in this area year round as the beach is exposed to stronger south and south-westerly winds. The Showers Avenue park area is used for rigging windsurfers and the beach is broad enough to run out kiteboarding lines. Windsports conditions can also be favourable in stronger northerly winds.</li> <li>• Currently windsports enthusiasts are expected to stay under 5 knots until they are 200m from shore at all times of the year independent of whether swimmers are using the water. It is physically demanding, difficult, and</li> </ul>

	<p>requires considerable technical skills to maintain 5 knots on a windsurfer or kiteboard.</p> <ul style="list-style-type: none"> <li>• Generally beach conditions for swimming deteriorate (stronger cross or onshore winds) as kiteboarding and windsurfing conditions improve. The ‘natural’ separation has generally worked well.</li> <li>• Windsurfing and kiteboarding are continuing to increase in popularity and there are growing numbers of windsports enthusiasts on the water in good conditions all year around.</li> <li>• Compliance work with windsports enthusiasts is complex and difficult as the vessels and users are not registered or licensed. Generally users do not carry ID and interviews can only be conducted once users return to shore.</li> </ul>
<b>Locations affected</b>	<ul style="list-style-type: none"> <li>• Rule change is specific to the area described and mapped.</li> <li>• Vessels Prohibited-Swimming Only Zone and Kiteboarding Zone are configured as recommended by the 2009 BECA report and Gazetted.</li> <li>• Zone boundaries marked by signs and Aids to Navigation.</li> <li>• Zone boundaries are supported by information on Parkweb, Maritime Safety Victoria website and by information provided by these organisations and windsports peak bodies.</li> </ul>
<b>Background</b>	
<b>Key issues and risks as interpreted by community and government prior to public consultation</b>	<ul style="list-style-type: none"> <li>• City of Kingston’s maintains a small park north of Showers Ave that is popular with families and small groups. Aligning the Vessels Prohibited-Swimming Only Zone with this park would benefit families and groups.</li> <li>• Additions to the Vessels Prohibited-Swimming Only Zones are suggested to better align them with beach access, local parking and nearby parks.</li> <li>• The Showers Ave street parking is paved and has spaces for about 50 cars; Avondale Ave the next street south has similar number of parking spaces. Local residents utilise a portion of these spaces.</li> <li>• The existing approach provides car parking for swimmers wanting to access the Vessels Prohibited-Swimming Only Zone and enables paddlecraft and windsports equipment currently excluded from the Vessels Prohibited-Swimming Only Zones to be unloaded from cars and carried to the beach and Shared 5 Knot Zone.</li> <li>• Residents and beach users have previously approached Parks Victoria to expand the zone north to Showers Avenue.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Approximately thirteen Survey Question Responses (most general to Chelsea beaches)</li> <li>• Thirteen emailed responses some general to Chelsea beaches. The majority concerned about loss of windsports access.</li> </ul>
<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Proposed changes extend perceived safer swimming further away from Life Saving Club.</li> <li>• Windsports could be displaced to more populated swimming spots and already busy Kiteboarding Zones.</li> <li>• This is a popular windsports site year around however it does not have a Kiteboarding Zone that enables windsports enthusiasts to exceed 5 knots within 200m of the shore.</li> <li>• A SUP rental/school business operates in the area.</li> <li>• Expansion could be south rather than north and have less impact on windsports enthusiasts.</li> <li>• Carrying windsports equipment up the beach to launch can be hazardous in strong winds – (which are sought after by most users).</li> </ul>

	<ul style="list-style-type: none"> <li>• Showers Ave provides the space and security for windsports enthusiasts to rig and leave their vehicles.</li> </ul>
<b>Incidents Reported</b>	<ul style="list-style-type: none"> <li>• Parks Victoria rangers occasionally receive complaints about noncompliant PWC behaviour in this area.</li> <li>• There are several documented complaints regarding collisions between swimmers and kiteboarders in Port Phillip and Western Port.</li> </ul>
<b>Nature and level of the safety risk</b>	
<b>Key risks, Likelihood/Consequences Risk Rating</b>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> Currently there is ongoing non-compliance by PWCs, windsurfers and kiteboarders exceeding 5 knots in the Shared 5 Knot Zone. This happens with and without the presence of swimmers. P: Almost certain, C: Minor, RR: (7) <b>Significant</b></li> <li><b>2. Human resources and safety:</b> Increased chance of other vessels, windsurfers and kiteboarders making poor decisions and exceeding 5 knots in the Shared 5 Knot Zone resulting in a collision with a swimmer. P: Unlikely C: Major, RR: (6) <b>Moderate</b></li> <li><b>3. Human resources and safety:</b> Community concern regarding Vessel operators a making a poor decisions and using the Vessels Prohibited-Swimming Only Zone resulting in a collision with a swimmer. (Community may prefer a larger vessel free area). P: Unlikely C: Major, RR: (6) <b>Moderate</b></li> </ol>
<b>Other issues and risks</b>	<ul style="list-style-type: none"> <li>• Possibility that the community need is for <u>greater compliance by all vessels</u> near swimmers and this is interpreted as requiring more Vessels Prohibited-Swimming Only Zone area rather than simply improving windsports/boating/PWC compliance in Shared 5 Knot Zones.</li> <li>• Intensively used beach during summer period.</li> <li>• Inappropriate and non-compliant behaviour by PWC operators in this area was raised repeatedly in the survey.</li> <li>• Some swimmers feel more separated from compliant and noncompliant PWC operators in a Vessels Prohibited-Swimming Only Zone.</li> </ul>
<b>Existing Controls</b>	<ul style="list-style-type: none"> <li>• Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>• Education activities by government peak bodies and other volunteers.</li> <li>• Compliance work by appropriate Victorian and local government agencies.</li> <li>• Patrol and monitoring by waterway manager.</li> <li>• Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<b>Additional supporting controls</b>	<ul style="list-style-type: none"> <li>• Parks Victoria and City of Kingston could further encourage swimmers to utilise existing patrolled beaches.</li> <li>• Currently windsurfers and kiteboarders (being unlicensed and unregistered) receive little or incidental information about their responsibilities as vessel operators and waterway users. An extension program focused on stakeholder representative groups meetings, providing appropriate 'pre-packaged' web material and possibly visits to busy beaches during good conditions could improve this situation.</li> <li>• If resources were available there is the potential to increase compliance patrols when conditions suit PWC operation general boating, windsports and swimming. Potential to partner with other maritime education and compliance agencies. Potential to further partner with local government to provide education and compliance messages.</li> </ul>

Proposed rule	
<p><b>Description/Intent of proposed rule</b></p> <p><i>See Figure 3.1 Chelsea Bonbeach 2016/17 Boating and Swimming Zone Review pg.56</i></p>	<p>Move the existing northern boundary of the Vessels Prohibited-Swimming Only Zone to Showers Avenue and align it better with the use of the small park at Showers Avenue.</p> <p>Windsports enthusiasts will still be able access the beach via Showers Ave. (They may have to walk until they can launch and tack out depending on wind direction).</p>
Residual Risk Assessment	
<p><b>Expected key risks following introduction of the rule</b></p>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> Ongoing non-compliance by PWCs, windsurfers and kiteboarders exceeding 5 knots in the Shared 5 Knot Zone. This happens with and without the presence of swimmers. <b>P:</b> Almost certain, <b>C:</b> Minor, <b>RR:</b> (7) <b>Significant</b></li> <li><b>2. Stakeholders and Community:</b> Reduction in Shared 5 Knot Zone and access for shared windsports participants may create some dissatisfaction in the community <b>P:</b> Unlikely, <b>C:</b> Minor, <b>RR:</b> (4) <b>Moderate</b></li> <li><b>3. Stakeholders and Community:</b> Non-compliance by vessel exceeding 5 knots in the Shared 5 Knot Zone or using the Vessels Prohibited-Swimming Only Zones when conditions are favourable. <b>P:</b> Possible, <b>C:</b> Minor, <b>RR:</b> (5) <b>Moderate</b></li> <li><b>4. Human resources and safety:</b> Community concern regarding Vessel operators a making a poor decisions and using the Vessels Prohibited-Swimming Only Zone resulting in a collision with a swimmer. (Community may prefer a larger vessel free area near the busy car park and lifesaving club). <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> </ol>
<p><b>Residual issues and opportunities</b></p>	<ul style="list-style-type: none"> <li>• Non-compliant vessel users colliding with swimmers in the Vessels Prohibited-Swimming Only Zone.</li> <li>• Non-compliant vessel users colliding with swimmers in the Vessels 5 Knot Zone.</li> </ul> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>• Further partner with LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer and 5 Knots Zone rules.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, in partnership with LSV and local government.</li> </ul>
<p><b>Expected other issues and risks - Revised following introduction of controls.</b></p>	<ul style="list-style-type: none"> <li>• Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety - regardless of changed or unchanged rule.</li> <li>• Better separation between swimmers and vessels may become increasingly important as PWC sales continue to increase and more windsports enthusiasts use foiling boards that travel faster in less wind.</li> </ul>
<p><b>Alternative ways to address behaviours and risks</b></p>	<ul style="list-style-type: none"> <li>• Further partner with KBV WV LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> windsports responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer rule.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, and 5 Knot Shared Zone in partnership with City of Kingston.</li> <li>• Parks Victoria rangers will continue noting potential dangerous</li> </ul>

	<p>interactions between vessels and swimmers.</p> <ul style="list-style-type: none"> <li>• If resourcing permits consider out of hours patrols when boating and swimming conditions are conducive to higher participant numbers.</li> <li>• If resourcing permits consider out of hours patrols when stronger sea breezes are more common and windsports enthusiasts are more likely to be present.</li> <li>• A single or multiple Kiteboarding Zones between Mordialloc Creek and Patterson River (8 km) would recognise the growth and use of the waters for windsports enthusiasts it would be best placed close to parking and other infrastructure currently relied on by this shore based user group.</li> <li>• Specifically this may include an additional Shared Windsports Zone area north of Showers Ave to Douglas Lane and inclusive of the carpark serving the Chelsea Yacht Club. This enables enthusiasts to be compliant when they use the beach and provides an area where windsurfers and kiteboarders may exceed 5 knots except within 50m proximity to other vessels and swimmers. The zone would provide for shared windsports enthusiasts and reasonable tacking angles to clear the zone in one tack. Further consultation with KBV WSV and Chelsea YC would be required.</li> </ul>
<b>Who is likely to be affected by the rule</b>	<ul style="list-style-type: none"> <li>• Swimmers in and adjacent to Vessels Prohibited-Swimming Only Zone.</li> <li>• Shared windsports enthusiasts, commercial windsports schools, and windsports retailers.</li> <li>• Local residents.</li> </ul>
<b>Benefits and costs of proposed rule on persons affected</b>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• Ongoing separation between shared windsports users and swimmers.</li> <li>• More area for swimmers.</li> <li>• Easier beach access for some swimmers.</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>• Approximately \$5 000 to move /remove one pile, and one sign.</li> <li>• Time and effort required of local port manager to communicate rule change.</li> </ul>
<b>Safety Summary</b>	<b>On balance safety is improved</b> for vessel operators and swimmers by providing more area for swimming separated form vessels by extending the Vessels Prohibited-Swimming Only Zone north by reducing key risks-
<b>Key risks before proposed rule change</b>	<p><b>From currently-</b> 1 Significant Risk</p> <ul style="list-style-type: none"> <li>• Ongoing non-compliance by vessels, windsurfers and kiteboarders in Shared 5 Knot Zone.</li> </ul> <p>And 2 Moderate Risks</p> <ul style="list-style-type: none"> <li>• Windsurfers and kiteboarders making poor decisions and using Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> <li>• Vessels entering the Vessels Prohibited-Swimming Only Zone and colliding with swimmers.</li> </ul>
<b>Remaining risks after proposed change implemented</b>	<p><b>To the proposed rule resulting in-</b> 1 Significant Risk</p> <ul style="list-style-type: none"> <li>• Ongoing non-compliance by vessels, windsurfers and kiteboarders in Shared 5 Knot Zone.</li> </ul> <p>And 3 Moderate risks</p> <ul style="list-style-type: none"> <li>• Dissatisfaction with a decrease in the area of the shared 5 Knot Zone and reduced access for shared windsports enthusiasts.</li> <li>• Windsurfers and kiteboarders making poor decisions and using Vessels Prohibited-Swimming Only Zone and Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> <li>• Vessels entering the Vessels Prohibited-Swimming Only Zone and colliding with swimmers.</li> </ul>
<b>Parks Victoria response-</b>	

addressing issues raised	
<p><b>Summary factors affecting the proposed rule change</b></p> <p><i>Existing user, stakeholder, staff input and community consultation</i></p>	<ul style="list-style-type: none"> <li>• The shoreline is a popular swimming beach in the warmer months but used year round by some swimmers.</li> <li>• There is increasing local beach use due to more high density housing in the area.</li> <li>• The proposed change would disadvantage shared windsports but not restrict their access completely.</li> <li>• The use of the local park at Showers Ave would be complimented by extending the Vessel Prohibited- Swimming Only Zone so it can be easily accessed by families and groups using the park.</li> <li>• Zones in the area appear to meet the needs of most users; however education and compliance issues are front of mind in the community. Changing boundaries will not improve compliance.</li> </ul>
<p><b>Local Port Manager's preferred outcome</b></p>	<p><b>Proceed with the rule change.</b></p>



Figure 3.1  
**Chelsea Bonbeach**  
 2016/17 Boating and Swimming Zone Review  
 Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 13/06/2017

Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information.

- |                                 |                                 |
|---------------------------------|---------------------------------|
| <b>Existing Zones</b>           | <b>Recommended Zones</b>        |
| 5 knot speed zone               | No PWCs                         |
| No PWCs                         | Vessel Prohibited Swimming Only |
| Vessel Prohibited Swimming Only | Proposed Sign                   |
| Sign                            | Proposed Special Mark           |
| Special Mark                    |                                 |

0 100 200 m

N

Healthy Parks Healthy People

**Zone boundary adjustments at Williams Grove, Chelsea**

Potential to expand Vessels Prohibited-Swimming Only Zones to align them with carpark boundaries and further provide for increasing use by swimmers.

**Nature and Scope of Matter**

<p><b>Current waterway rule</b></p>	<p><u>Schedule 1 Waters: The Local Port of Port Phillip</u>                  1.1.7 Five (5) knot speed restriction zones                  All waters of North East Port Phillip unless designated as a 5 Knot Zone below are subject to a 5 knot speed restriction within 200 metres of the water’s edge, excluding access lanes and areas prohibited to vessels.                  1.2.9 Areas prohibited to vessels                  (f) Waters bounded by a line commencing at a signpost displaying ‘No Vessels’ sign on the foreshore in line with Williams Grove, Bonbeach extending approximately 200 metres seaward to a yellow special mark then extending approximately 325 metres south to a yellow special mark then extending east to a signpost displaying ‘No Vessels’ sign on the foreshore in line with Monica Avenue, Bonbeach.</p>
<p><b>Current behaviours</b></p>	<ul style="list-style-type: none"> <li>• The foreshore carpark provides approximately 60 car parks.</li> <li>• The existing Vessels Prohibited-Swimming Only Zone extends halfway along the carpark accessed from Williams Grove.</li> <li>• This enables windsports gear and paddlecraft currently excluded from the Vessels Prohibited-Swimming Only Zones to be unloaded from cars and carried to the beach and Shared 5 Knot Zone.</li> <li>• There is ongoing community concern about non compliant vessels including PWCs accessing the 5 Knot Zone at inappropriate speeds and non-compliant vessels often entering the Vessels Prohibited-Swimming Only Zone during busy periods.</li> <li>• There has been an increase in high and medium density housing as the suburb has undergone continual redevelopment. This has meant more residents swimming.</li> <li>• Bonbeach Lifesaving Club is to the immediate south of the carpark so the site meets the Boating Zones Framework criteria for a Vessels Prohibited-Swimming Only Zone.</li> <li>• Windsurfing and kiteboarding are popular in this area year around as it is exposed to stronger south and south-westerly winds. Windsports conditions can also be favourable in stronger northerly winds.                      Ongoing conversations with WV and KBV regarding the relative importance of this site amongst other local sites and the potential priority for considering as a local Shared Windsports Zone will be useful.</li> <li>• Generally use by swimmers decreases in stronger south and south-westerly winds.</li> <li>• Windsports enthusiasts must slow to 5 knots within 50 m of a swimmer.</li> <li>• There are no Shared Windsports Zones in the immediate area.                      Windsurfing and kiteboarding are popular in this area year round as the beach is exposed to stronger south and south-westerly winds.</li> <li>• The Williams Grove car park area is used for rigging windsurfers and the beach is broad enough to run out kiteboarding lines. Windsports conditions can also be favourable in stronger northerly winds.</li> <li>• Currently windsports enthusiasts are expected to stay under 5 knots until they are 200m from shore at all times of the year independent of whether swimmers are using the water. It is physically demanding, difficult, and</li> </ul>

	<p>requires considerable technical skills to maintain 5 knots on a windsurfer or kiteboard.</p> <ul style="list-style-type: none"> <li>• Generally beach conditions for swimming deteriorate (stronger cross or onshore winds) as kiteboarding and windsurfing conditions improve. The ‘natural’ separation has generally worked well.</li> <li>• Windsurfing and kiteboarding are continuing to increase in popularity and there are growing numbers of windsports enthusiasts on the water in good conditions all year around.</li> <li>• Compliance work with windsports enthusiasts is complex and difficult as the vessels and users are not registered or licensed. Generally users do not carry ID and interviews can only be conducted once users return to shore.</li> </ul>
<b>Locations affected</b>	<ul style="list-style-type: none"> <li>• Rule change is specific to the area described and mapped.</li> <li>• Vessels Prohibited-Swimming Only Zone and Kiteboarding Zone are configured as recommended by the 2009 BECA report and Gazetted.</li> <li>• Zone boundaries marked by signs and Aids to Navigation.</li> <li>• Zone boundaries are supported by information on Parkweb, Maritime Safety Victoria website and by information provided by these organisations and windsports peak bodies.</li> </ul>
<b>Background</b>	
<b>Key issues and risks as interpreted by community and government prior to public consultation</b>	<ul style="list-style-type: none"> <li>• Part of City of Kingston’s proposal to better correlate beach access and Vessels Prohibited-Swimming Only Zones. Vessels Prohibited-Swimming Only Zones’ remain very popular and additions will provide more opportunities for safer swimming away from sailing and powered vessels.</li> <li>• Intensively used beach during summer period.</li> <li>• Additions to the ‘Vessels Prohibited-Swimming Only Zones’ are suggested to better align them with beach access, local parking and nearby parks.</li> <li>• The Williams Grove carpark is paved and has spaces for about 70 cars; Harding Ave the next street south has smaller number of parking spaces. Local residents utilise a portion of these spaces.</li> <li>• There is a verbal history of PWC operators not complying with Vessels Prohibited-Swimming Only Zone and Shared 5 Knot Zones in the immediate area.</li> <li>• Windsurfing and kiteboarding are popular in this area year round as it is exposed to stronger south and south-westerly winds. Windsports conditions can also be favourable in stronger northerly winds.</li> <li>• Generally use by swimmers decreases in stronger south and south-westerly winds.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Approximately 15 Survey Question Responses (most general to Bonbeach beaches) but some specifically concerned about loss of windsports access at William Grove.</li> <li>• 16 emailed responses some general to Bonbeach beaches. The majority concerned about loss of windsports access.</li> </ul>
<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Initial proposed changes extend perceived safer swimming further away from Bonbeach Life Saving Club.</li> <li>• Windsports could be displaced to more populated swimming spots and already busy Kiteboarding Zones.</li> <li>• This is a popular windsports site year round however it does not have a Kiteboarding Zone that enables windsports enthusiasts to exceed 5 knots within 200m of the shore.</li> </ul>

	<ul style="list-style-type: none"> <li>• A SUP rental /school business operates in the general area.</li> <li>• Expansion could be south of Monica Ave rather than north and have less impact on windsports enthusiasts.</li> <li>• Carrying windsports equipment up the beach to launch can be hazardous in strong winds- which are sought after by most users</li> <li>• Williams Grove is the favourite, if not number one, windsports venue in the area and provides a social dimension where enthusiasts can park, talk and watch.</li> <li>• The space and security for windsports enthusiasts to rig and leave their vehicles is provided at this location.</li> <li>• The narrower beach is more suited to windsurfing and experienced kiteboarders.</li> <li>• Inappropriate and non-compliant behaviour by PWC operators in this area was raised repeatedly in the survey.</li> <li>• Swimmers feel more separated from compliant and noncompliant vessel operators in a Vessels Prohibited-Swimming Only Zone.</li> <li>• Windsurfing and kiteboarding requires more skill and greater awareness of surroundings and conditions than PWC operations. Windsurfers are constantly scanning the water for waves and wind shifts. Potentially this leads to safer operation around swimmers.</li> </ul>
<p><b>Incidents Reported</b></p>	<ul style="list-style-type: none"> <li>• Parks Victoria rangers receive complaints about noncompliant PWC behaviour in this area.</li> </ul>
<p><b>Nature and level of the safety risk</b></p>	
<p><b>Key risks, Likelihood/Consequences Risk Rating</b></p>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> Currently there is ongoing non-compliance by vessels including PWCs, windsurfers and kiteboarders exceeding 5 knots in the Shared 5 Knot Zone.  <b>P:</b> Almost certain, <b>C:</b> Minor, <b>RR:</b> (7) <b>Significant</b></li> <li><b>2. Stakeholders and Community:</b> A significant portion of Windsurfers and to a lesser extent kiteboarders will be disappointed if access to William Grove is reduced or made impractical. This disappointment is likely to be expressed in non-compliant behaviour and ongoing lobbying of the port manager and media attention.  <b>P:</b> Almost certain, <b>C:</b> Minor, <b>RR:</b> (7) <b>Significant</b></li> <li><b>3. Human resources and safety:</b> Increased chance of windsurfers and kiteboarders and other vessels making poor decisions and exceeding 5 knots in the Shared 5 Knot Zone resulting in a collision with a swimmer.  <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> <li><b>4. Human resources and safety:</b> Community concern regarding vessel operators a making a poor decisions and using the Vessels Prohibited-Swimming Only Zone resulting in a collision with a swimmer. (Community may prefer a larger vessel free area near the busy car park and lifesaving club).  <b>P:</b> Unlikely <b>C:</b> Major, <b>RR:</b> (6) <b>Moderate</b></li> </ol>
<p><b>Other issues and risks</b></p>	<ul style="list-style-type: none"> <li>• Possibility that the community need is for greater control over all vessels near swimmers and this is interpreted as requiring more Vessels Prohibited-Swimming Only Zone area rather than simply improving windsports/boating/PWC <u>compliance</u> in Shared 5 Knot Zones</li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Marine Safety Act 2010</i> Section 21. Principle of equity of use of Victorian Waterways “A use of state waters will not be unduly favoured to the detriment of other uses of those waters”, maybe partially contradicted by implementing the proposed Vessels Prohibited-Swimming Only Zone to align with the entire Williams Grove carpark. Windsports users are land based operators and rely on car park facilities for access, rigging and launching. The proposed rule would require them to walk north from the northern end of the carpark to access the 5 Knot Zone.</li> </ul>
<b>Existing Controls</b>	<ul style="list-style-type: none"> <li>• Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>• Education activities by government peak bodies and other volunteers.</li> <li>• Compliance work by appropriate Victorian and local government agencies.</li> <li>• Patrol and monitoring by waterway manager.</li> <li>• Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<b>Additional supporting controls</b>	<ul style="list-style-type: none"> <li>• Parks Victoria and City of Kingston could further encourage swimmers to utilise existing patrolled beaches.</li> <li>• Currently windsurfers and kiteboarders (being unlicensed and unregistered) receive little or incidental information about their responsibilities as vessel operators and waterway users. An extension program focused on stakeholder representative groups meetings, providing appropriate ‘pre-packaged’ web material and possibly visits to busy beaches during good conditions could improve this situation.</li> <li>• If resources were available there is the potential to increase compliance patrols when conditions suit PWC operation general boating, windsports and swimming. Potential to partner with other maritime education and compliance agencies. Potential to further partner with local government to provide education and compliance messages.</li> <li>• Ongoing liaison with stakeholder representative groups WV KBV providing accurate feedback in regard to non-compliance (trends rather than examples).</li> </ul>
<b>Proposed rule</b>	
<b>Description/Intent of proposed rule</b>	Expand Vessels Prohibited-Swimming Only Zones to align them with northern carpark boundaries and further provide for increasing use by swimmers.
<b>Residual Risk Assessment</b>	
<b>Expected key risks following introduction of the rule</b>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> not extending the Vessels Prohibited-Swimming Only Zone may create some dissatisfaction in the community P: Unlikely, C: Minor, RR; (4) <b>Moderate</b></li> <li><b>2. Stakeholders and Community:</b> Non-compliance by vessel exceeding 5 knots in the Shared 5 Knot Zone or using the Vessels Prohibited-Swimming Only Zones when conditions are favourable. P: Possible, C: Minor, RR; (5) <b>Moderate</b></li> <li><b>3. Human resources and safety:</b> Community concern regarding Vessel operators a making a poor decisions and using the Vessels Prohibited-Swimming Only Zone resulting in a collision with a swimmer.</li> </ol> <p>Community may prefer a larger vessel free area near the busy car park and lifesaving club). P: Unlikely C: Major, RR: (6) <b>Moderate</b></p>

<p><b>Residual issues and opportunities</b></p>	<ul style="list-style-type: none"> <li>• Non-compliant vessel users colliding with swimmers in the Vessels Prohibited-Swimming Only Zone.</li> <li>• Non-compliant vessel users colliding with swimmers in the Vessels 5 Knot Zone.</li> </ul> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>• Further partner with LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer and 5 Knots Zone rules.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, in partnership with LSV and local government.</li> </ul>
<p><b>Expected other issues and risks - Revised following introduction of controls.</b></p>	<ul style="list-style-type: none"> <li>• Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety - regardless of changed or unchanged rule.</li> <li>• Remaining areas north and south continue to be utilised as 5 Knot Zones providing an area for swimming, boating, PWCs accessing beach, kite boarding, windsurfing and other boating.</li> <li>• Better separation between swimmers and vessels may become increasingly important as PWC sales continue to increase and more windsports enthusiasts use foiling boards that travel faster in less wind.</li> </ul>
<p><b>Alternative ways to address behaviours and risks</b></p>	<ul style="list-style-type: none"> <li>• Further partner with KBV WV LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> windsports responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer rule.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, and 5 Knot Shared Zone in partnership with City of Kingston.</li> <li>• Parks Victoria rangers will continue noting potential dangerous interactions between vessels and swimmers.</li> <li>• If resourcing permits consider out of hours patrols when boating and swimming conditions are conducive to higher participant numbers.</li> <li>• If resourcing permits consider out of hours patrols when stronger sea breezes are more common and windsports enthusiasts are more likely to be present.</li> <li>• A single or multiple Kiteboarding Zones between Mordialloc Creek and Patterson River (8 km) would recognise the growth and use of the waters for windsports enthusiasts it would be best placed close to parking and other infrastructure currently relied on by this shore based user group.</li> <li>• Community consultation has confirmed year round use of this area by the kiteboarding and windsurfing communities. This site should be included in a future local port wide response to consider additional Shared Windsports Zones. Benefits may include ongoing peer management to maintain appropriate on water behaviours and improved safety and self-rescue capacity.</li> <li>• Specifically this may include an additional Shared Windsports Zone area north of Williams Grove. This enables enthusiasts to be compliant when they use the beach and provides an area where windsurfers and kiteboarders may exceed 5 knots except within 50m proximity to other vessels and swimmers. The zone would provide for shared windsports enthusiasts and reasonable tacking angles to clear the zone in one tack. Powered and sailing vessels can use still use this zone at 5 knots.</li> <li>• Any additional zones would require; foreshore manager support,</li> </ul>

	additional community education investment, appropriate foreshore configuration/access, compatibility with other users.
<b>Who is likely to be affected by the rule</b>	<ul style="list-style-type: none"> <li>• Swimmers in and adjacent to Vessels Prohibited-Swimming Only Zone.</li> <li>• Shared windsports enthusiasts, commercial windsports schools, and windsports retailers.</li> <li>• Some motor boat operators,</li> <li>• Local residents.</li> </ul>
<b>Benefits and costs of proposed rule on persons affected</b>	<p>Benefits</p> <p>Further ongoing separation between vessel users and swimmers.</p> <ul style="list-style-type: none"> <li>• More area for swimmers.</li> <li>• Easier beach access for some swimmers.</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>• Approximately \$5 000 to move /remove one pile, and one sign.</li> <li>• Time and effort required of local port manager to communicate rule change.</li> </ul>
<b>Safety Summary</b>	<b>On balance safety is maintained</b> for vessel operators and swimmers by <u>not</u> extending the Vessels Prohibited-Swimming Only Zone-
<b>Key risks before proposed rule change</b>	<p><b>From currently</b> - 2 Significant Risks</p> <ul style="list-style-type: none"> <li>• Ongoing non-compliance by powered vessels, windsurfers and kiteboarders in Shared 5 Knot Zone.</li> <li>• Windsports stakeholder group dissatisfaction and subsequent media involvement.</li> </ul> <p>And 2 Moderate Risks</p> <ul style="list-style-type: none"> <li>• Windsurfers and kiteboarders making poor decisions and using the Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> <li>• Vessels entering the Vessels Prohibited-Swimming Only Zone and colliding with swimmers.</li> </ul>
<b>Remaining risks after proposed change implemented</b>	<p><b>To the proposed rule resulting in</b> - 3 Moderate Risks</p> <ul style="list-style-type: none"> <li>• Some community dissatisfaction with no increase in the Vessels Prohibited-Swimming Only Zone.</li> <li>• Windsurfers and kiteboarders making poor decisions and using the Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> <li>• Vessels entering the Vessels Prohibited-Swimming Only Zone and colliding with swimmers.</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<p><b>Summary factors affecting the proposed rule change</b></p> <p><i>Existing user, stakeholder, staff input and community consultation</i></p>	<ul style="list-style-type: none"> <li>• The shoreline is a popular swimming beach in the warmer months but used year round by some swimmers.</li> <li>• Williams Grove is the favourite, if not number one, windsports venue in the area and provides a social dimension where enthusiasts can park, talk and watch.</li> <li>• Community need is for greater control over all vessels near swimmers and this may be interpreted by some sectors of the community as requiring more Vessels Prohibited-Swimming Only Zone area rather than simply improving windsports/boating/PWC compliance.</li> <li>• Existing arrangements provide equitable use for all vessel operators and swimmers.</li> </ul>
<b>Local Port Manager's preferred outcome</b>	<b>Do not proceed with the rule change.</b>

#### 4. New Vessels Prohibited-Swimming Only Zones at Coleman Road, Aspendale.

##### New Vessels Prohibited-Swimming Only Zone near Coleman Road, Aspendale

Addition to Vessels Prohibited-Swimming Only Zones and a minor reduction in the available adjacent Shared 5 Knot Zones

Nature and Scope of Matter	
<b>Current waterway rule</b>	<p><u>Schedule 1 Waters: The Local Port of Port Phillip</u>            1.1.7 Five (5) knot speed restriction zones            All waters of North East Port Phillip unless designated as a 5 Knot zone below are subject to a 5 knot speed restriction within 200 metres of the water's edge, excluding access lanes and areas prohibited to vessels.</p>
<b>Current behaviours</b>	<ul style="list-style-type: none"> <li>• Part of City of Kingston's proposal to better correlate beach access and Vessels Prohibited-Swimming Only Zones. Vessels Prohibited-Swimming Only Zones remain very popular and additions will provide more opportunities for safer swimming away from sailing and powered vessels.</li> <li>• Additions to the Vessels Prohibited-Swimming Only Zones are suggested to better align them with beach access, local parking and nearby parks.</li> <li>• The Mordialloc Creek tends to divide the beach in this area. South of the creek entrance the first No Boating Zone is at Aspendale Lifesaving Club approximately 2.4 Kilometres from the creek entrance.</li> <li>• There has been an increase in high and medium density housing as the suburb has undergone continual redevelopment. This has meant more residents swimming.</li> <li>• Mordialloc Sailing Club runs off the beach sailing during summer weekends.</li> <li>• There is no Lifesaving Club adjacent to Coleman Road or Watkins Street. The site can be considered as meeting meet the Boating Zones Framework criteria, as there is reasonable or well engineered beach access at Coleman Road and some additional parking in Coleman Road across the Nepean Hwy off Station St.</li> <li>• Watkins St has a small park and approximately 20 car parking spaces.</li> <li>• There is no rail station close by and reasonable bus access.</li> <li>• Windsurfing and kiteboarding are popular in this area year round as it is exposed to stronger south and south-westerly winds. Windsports conditions can also be favourable in stronger northerly winds.</li> <li>• Windsurfing and kiteboarding are continuing to increase in popularity and there are growing numbers of windsports enthusiasts on the water in good conditions all year around.</li> <li>• Generally use by swimmers decreases in stronger south and south-westerly winds.</li> </ul>
<b>Locations affected</b>	<ul style="list-style-type: none"> <li>• Rule change is specific to the area described and mapped.</li> <li>• The immediate area was not considered in the BECA report.</li> <li>• Zone boundaries marked by signs and Aids to Navigation.</li> <li>• Zone boundaries are supported by information on Parkweb and Maritime Safety Victoria websites.</li> </ul>

Background	
<p><b>Key issues and risks as interpreted by community and government prior to public consultation</b></p>	<ul style="list-style-type: none"> <li>• Positioning the Vessels Prohibited-Swimming Only Zone slightly southeast of Coleman Avenue between the adjacent Watkins St and Hearle Ave recognises year round use of access via Coleman Rd and Hearle Ave by windsurfers and kiteboarders.</li> <li>• Ideally shared windsports activity should be directed “downwind” of popular swimming access to avoid shared windsports users drifting into areas favoured by swimmers. Generally shared windsports enthusiasts interact less with swimmers present on strong south-westerly days if the area they use is north of beach goers.</li> <li>• Windsports enthusiasts must slow to 5 knots within 50 m of a swimmer.</li> <li>• Currently windsports enthusiasts are expected to stay under 5 knots until they are 200m from shore at all times of the year independent of whether swimmers are using the water.</li> <li>• Generally beach conditions for swimming deteriorate (stronger cross or onshore winds) as kiteboarding and windsurfing conditions improve. The ‘natural’ separation has generally worked well.</li> <li>• Windsurfing and kiteboarding are continuing to increase in popularity and there are growing numbers of windsports enthusiasts on the water in good conditions all year around.</li> <li>• Compliance work with windsports enthusiasts is complex and difficult as the vessels and users are not registered or licensed. Generally users do not carry ID and interviews can only be conducted once users return to shore.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Approximately nine Survey Question Responses (some general to Aspendale beaches).</li> <li>• Two emailed responses.</li> <li>• The adjacent Watkins Road is particularly popular amongst Mordialloc kiteboarders and the section of beach generally provides an excellent venue for beginning and advanced windsports, the potential to introduce a Kiteboarding Zone is worthy of consideration.</li> <li>• The Mordialloc Sailing Club hosts a Tackers program and runs regular off the beach sailing at weekends. There needs to be sufficient beach for sailboats to tack out and back into the Mordialloc Yacht Club. Commencing a Vessels Prohibited-Swimming Only Zone south of Watkins St would provide sufficient room for these activities to continue. A shared windsports Zone adjacent to the Yacht club would be unlikely to compromise club activities</li> </ul>
<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Windsports could be displaced from a relatively less crowded beach to more populated swimming spots and already busy Kiteboarding Zones.</li> <li>• The option to utilize seasonal zones was raised, however the mechanism to decide which activity takes precedence and in possibly what conditions was not addressed. Seasonal zones open up the possibility of misinterpretation and may become an enforcement issue.</li> </ul>
<p><b>Incidents Reported</b></p>	<p>No incidents reported specific to the Coleman Rd area.</p>

<b>Nature and level of the safety risk</b>	
<b>Key risks, Likelihood/Consequences Risk Rating</b>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> Currently there is ongoing non-compliance by PWCs, windsurfers and kiteboarders exceeding 5 knots in the Shared 5 Knot Zone. This happens with and without the presence of swimmers. P: Almost certain, C: Minor, RR; (7) <b>Significant</b></li> <li><b>2. Human resources and safety:</b> Increased chance of vessel including PWCs, windsurfers, kiteboarders making poor decisions and exceeding 5 knots in the Shared 5 Knot Zone resulting in a collision with a swimmer. P: Unlikely C: Major, RR: (6) <b>Moderate</b></li> </ol>
<b>Other issues and risks</b>	<ul style="list-style-type: none"> <li>Less intensively used beach during summer period compared with north of Mordialloc creek or south towards Aspendale LSC.</li> </ul>
<b>Existing Controls</b>	<ul style="list-style-type: none"> <li>Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>Education activities by government peak bodies and other volunteers.</li> <li>Compliance work by appropriate Victorian and local government agencies.</li> <li>Patrol and monitoring by waterway manager.</li> <li>Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<b>Additional supporting controls</b>	<ul style="list-style-type: none"> <li>Further partner with KBV WV LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> windsports responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer rule.</li> <li>Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, and 5 Knot Shared Zone in partnership with City of Kingston.</li> <li>Parks Victoria rangers will continue noting potential dangerous interactions between vessels and swimmers.</li> <li>If resourcing permits consider out of hours patrols when boating and swimming conditions are conducive to higher participant numbers</li> <li>If resourcing permits consider out of hours patrols when stronger sea breezes are more common and windsports enthusiasts are more likely to be present.</li> </ul>
<b>Proposed rule</b>	
<b>Description/Intent of proposed rule</b>  <i>See Figure 4.1 Coleman Rd, Aspendale 2016/17 Boating and Swimming Zone Review pg.68</i>	Further divide the beach between Mordialloc Creek and Aspendale to include a Vessels Prohibited-Swimming Only Zone south of Watkins St to Hearle Ave and provide more opportunities for swimmers separate from vessels.
<b>Residual Risk Assessment</b>	
<b>Expected key risks following introduction of the rule</b>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> Reduction in Shared 5 Knot Zone may create some dissatisfaction in the boating community. P: Unlikely, C: Minor, RR; (4) <b>Moderate</b></li> <li><b>2. Stakeholders and Community:</b> Non-compliance by vessels including PWCs windsurfers and kiteboarders exceeding 5 knots in the Shared 5 Knot Zone or using the Vessels Prohibited-Swimming Only Zones when conditions are favourable. P: Possible, C: Minor, RR; (5) <b>Moderate</b></li> </ol>
<b>Residual issues and opportunities</b>	<ul style="list-style-type: none"> <li>Non-compliant vessel users colliding with swimmers in the Vessels Prohibited-Swimming Only Zone.</li> <li>Non-compliant vessel users colliding with swimmers in the Vessels 5 Knot</li> </ul>

	<p>Zone.</p> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>• Further partner with LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer and 5 Knots Zone rules.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, in partnership with LSV and local government.</li> </ul>
<p><b>Expected other issues and risks - Revised following introduction of controls.</b></p>	<ul style="list-style-type: none"> <li>• Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety - regardless of changed or unchanged rule.</li> <li>• Remaining areas north and south continue to be utilised as 5 Knot Zones providing an area for swimming, boating, PWCs accessing beach, kite boarding, windsurfing and other boating.</li> <li>• Better separation between swimmers and vessels may become increasingly important as PWC sales continue to increase and more windsports enthusiasts use foiling boards that travel faster in less wind.</li> </ul>
<p><b>Alternative ways to address behaviours and risks</b></p>	<ul style="list-style-type: none"> <li>• A single or multiple Kiteboarding Zones between Mordialloc Creek and Patterson River (8 km) would recognise the growth and use of the waters for windsports enthusiasts it would be best placed close to parking and other infrastructure currently relied on by this shore based user group.</li> <li>• Community consultation has confirmed year round use of this area by the kiteboarding and windsurfing communities. This site should be included in a future local port wide response to consider additional Shared Windsports Zones. Benefits may include ongoing peer management to maintain appropriate on water behaviours and improved safety and self-rescue capacity.</li> <li>• Specifically this may include an additional Shared Windsports Zone area South of Watkins St to Hearle Ave where windsurfers and kiteboarders may exceed 5 knots except within 50m proximity to other vessels and swimmers. The zone would provide for shared windsports enthusiasts and reasonable tacking angles to clear the zone in one tack. Powered and sailing vessels can use still use this zone at 5 knots.</li> <li>• Any additional zones would require; foreshore manager support; additional community education investment, appropriate foreshore configuration/access, compatibility with other users.</li> </ul>
<p><b>Who is likely to be affected by the rule</b></p>	<ul style="list-style-type: none"> <li>• Swimmers in and adjacent to the proposed Vessels Prohibited-Swimming Only Zone.</li> <li>• Shared windsports enthusiasts, commercial windsports schools, and windsports retailers.</li> <li>• Some motorboat users accessing the shore at Coleman Road.</li> <li>• Minor or no impact on Mordialloc Sailing Club.</li> <li>• Local residents.</li> </ul>
<p><b>Benefits and costs of proposed rule on persons affected</b></p>	<p>Benefits</p> <p>Further ongoing separation between vessel users and swimmers.</p> <ul style="list-style-type: none"> <li>• More area for swimmers.</li> <li>• Easier beach access for some swimmers.</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>• Approximately \$10 000 to place two piles and two signs.</li> <li>• Time and effort required of local port manager to communicate rule</li> </ul>

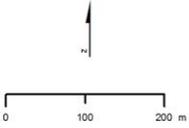
	change.
<b>Safety Summary</b>	<b>On balance safety is improved</b> for vessel operators and swimmers by providing a Vessels Prohibited-Swimming Only Zone south of Coleman Road by reducing key risks-
<b>Key risks before proposed rule change</b>	<p><b>From currently</b> - 1 Significant Risk</p> <ul style="list-style-type: none"> <li>Ongoing non-compliance by vessels, windsurfers and kiteboarders in Shared 5 Knot Zone.</li> </ul> <p>and 1 Moderate Risk</p> <ul style="list-style-type: none"> <li>Windsurfers and kiteboarders making poor decisions and using Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> </ul>
<b>Remaining risks after proposed change implemented</b>	<p><b>To the proposed rule resulting in</b> - 2 Moderate Risks</p> <ul style="list-style-type: none"> <li>Some dissatisfaction with a decrease in the area of the Shared 5 knot Zone.</li> <li>Windsurfers and kiteboarders making poor decisions and using Vessels Prohibited-Swimming Only Zone and Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<p><b>Summary factors affecting the proposed rule change</b></p> <p><i>Existing user, stakeholder, staff input and community consultation</i></p>	<ul style="list-style-type: none"> <li>The shoreline is a popular swimming beach in the warmer months but used year round by some swimmers.</li> <li>The site is a popular windsports venue in the area</li> <li>Part of City of Kingston’s proposal to better correlate beach access and Vessels Prohibited-Swimming Only Zones. Vessels Prohibited-Swimming Only Zones remain very popular and additions will provide more opportunities for safer swimming away from sailing and powered vessels.</li> <li>Housing densities and the number of local residents utilising the beach for swimming is increasing.</li> <li>Community need is for greater control over all vessels near swimmers and this may be interpreted by some sectors of the community as requiring more Vessels Prohibited-Swimming Only Zone area rather than simply improving windsports/boating/PWC compliance.</li> </ul>
<b>Local Port Manager’s preferred outcome</b>	<b>Proceed with the Rule Change.</b>



Figure 4.1  
**Coleman Rd,  
 Aspendale**  
 2016/17 Boating and Swimming Zone Review  
 Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 13/06/2017

Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information.

- |                                 |                                 |
|---------------------------------|---------------------------------|
| <b>Existing Zones</b>           | <b>Recommended Zones</b>        |
| 5 knot speed zone               | Vessel Prohibited Swimming Only |
| Boating Only                    | Proposed Sign                   |
| Vessel Prohibited Swimming Only | Proposed Special Mark           |
| Sign                            |                                 |
| Lateral Mark - Starboard        |                                 |
| Special Mark                    |                                 |



## 5. Expansion of the Vessels Prohibited-Swimming Only Zone south of Patterson River, Carrum

### Vessels Prohibited-Swimming Only Zone south of Patterson River, Carrum

Addition to Vessels Prohibited (Swimming Only) zones and a minor reduction in the adjacent 5 Knot Within 200m of the Shore Zone to the south of Carrum LSC.

Nature and Scope of Matter	
<b>Current waterway rule</b>	<p>Schedule 1 Waters: The Local Port of Port Phillip</p> <p>1.1.7 Five (5) knot speed restriction zones</p> <p>All waters of North East Port Phillip unless designated as a 5 Knot Zone below are subject to a 5 knot speed restriction within 200 metres of the water's edge, excluding access lanes and areas prohibited to vessels.</p> <p>1.2.9 Areas prohibited to vessels</p> <p>(g) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign on the foreshore 50 metres north of the Carrum Life Saving Club clubhouse extending approximately 200 metres seaward to a yellow special mark then extending approximately 300 metres south to a yellow special mark then extending east to a sign displaying 'No Vessels' sign on the foreshore in line with Walkers Road, Carrum.</p>
<b>Current behaviours</b>	<ul style="list-style-type: none"> <li>• Intensively used beach during summer period.</li> <li>• There is good train and bus access and car parking for swimmers wanting to access the Vessels Prohibited-Swimming Only Zone, which extends south from the Carrum Lifesaving Club.</li> <li>• Swimming north of the Carrum Lifesaving Club can be dangerous as there is a constant outgoing current from water pumped into Patterson Lakes. Training walls and maintenance dredging create steep drop offs closer to shore.</li> <li>• The Patterson River regularly experiences very busy boating traffic. Occasionally swimmers try to swim across the Patterson River. A Boating Only-Swimming Prohibited Zone provides authorities with the power to enforce no swimming in the river and at its entrance to Port Phillip.</li> <li>• The building on the old site of the Patterson River Motor Boat Club is no longer used. The area immediately in front of the building was in part designated a Shared 5 Knot Zone to enable members to approach the shore and anchor in shallow water in front of the club when conditions permitted.</li> <li>• The Motor club has co-located to the Carrum Sailing Club and is now the Carrum Sailing and Motor Boat Club. The club will still require off the beach vessel access for member's vessels in the current shared 5 Knot Zone north of Carrum LSC.</li> <li>• There has been an increase in high and medium density housing as the suburb has undergone redevelopment. This has meant more residents swimming.</li> <li>• The local station and bus stops as well as reasonable parking opportunities on both sides of the Nepean Highway make Carrum beach a very busy location on hot days and evenings.</li> </ul>
<b>Locations affected</b>	<ul style="list-style-type: none"> <li>• Rule change is specific to the area described and mapped.</li> <li>• Vessels Prohibited-Swimming Only Zone and Kiteboarding Zone are configured as recommended by the 2009 BECA report and Gazetted.</li> <li>• Zone boundaries marked by signs and Aids to Navigation.</li> <li>• Zone boundaries are supported by information on Parkweb and Maritime Safety Victoria websites.</li> </ul>

Background	
<p><b>Key issues and risks as interpreted by community and government prior to public consultation</b></p>	<ul style="list-style-type: none"> <li>• There is ongoing community concern regarding powered vessels accessing the beach. The Patterson River boat ramp complex has the highest launching and parking capacity in Victoria and many vessels utilise beaches nearer to the Patterson River on good beach days. Much of community concern focuses on PWCs as they approach and leave the shore more regularly than most vessels to swap riders, rest or refuel. PWCs are perceived by sectors of the community to be less compliant and more likely to break the 5 knot 200m rule when approaching the shore.</li> <li>• Swimmers feel more separated from compliant and noncompliant vessel operators and particularly PWCs in a Vessels Prohibited-Swimming Only Zone.</li> <li>• Residents south of the Patterson River collected a 15 page petition that called for the Vessels Prohibited-Swimming Only Zone to extend further south to Eel Race Road.</li> <li>• Users of PWCs and motor vessels, who believe they are responsible, have suggested that the existing zones are already restrictive and that the key risk is non-compliance with existing zones rather than focussing on attempting further separation of swimmers, PWCS and motor vessels.</li> <li>• The area north of LSC is a good place for families with boats to meet and enjoy their vessels, there is reasonable parking and access via a Shared 5 Knot Zone. It is a good place for sailing vessels to raise masts in some conditions.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Approximately 60 Survey Question Responses (most general to Carrum boating and beaches) but concern regarding PWC behaviour and compliance was a common theme.</li> <li>• 3 emailed responses - some general to PWC behaviour and existing No Personal Water Craft Zone. All suggest a larger Vessels Prohibited-Swimming Only Zone in various configurations north and south.</li> </ul>
<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• The State Government of Victoria is undertaking extensive landscaping and civil works to eliminate rail crossings and reposition the Carrum Station further south. Amenity, beach access and car parking south of the existing station will be greatly improved and the area is likely to cater better for beach visits and attract significantly increased numbers of beach visitors on hot days.</li> <li>• The Vessels Prohibited-Swimming Only Zone is adjacent to the Carrum Sailing Club/Patterson River Motor Boat Club immediately north of the zone.</li> <li>• Expansion of the Vessels Prohibited-Swimming Only Zone south rather than north could decrease the effective supervision of swimmers by lifesavers.</li> <li>• A number of Carrum Lifesavers feel the area between the LSC and the southern training wall of the Patterson River should be Vessels Prohibited-Swimming Only Zone.</li> <li>• Inclusion of more Vessels Prohibited-Swimming Only Zone could mean that windsports could be displaced to more populated swimming spots and already busy Kiteboarding Zones.</li> <li>• Possibility of zones that are triggered by wind speed, or lack of wind, was raised. A wind speed of 12 knots suggested as a point where swimming and boating intersect less.</li> <li>• Carrying windsports equipment up the beach to launch can be hazardous in strong winds, which are sought after by most users.</li> <li>• Inappropriate and non-compliant behaviour by PWC operators in this area was raised repeatedly in the survey.</li> </ul>

<b>Incidents Reported</b>	<ul style="list-style-type: none"> <li>Rangers based at Patterson River regularly respond to complaints about PWC behaviours particularly over the summer period and on busy beach days.</li> <li>There is no formal record of injuries of swimmers caused by vessels.</li> </ul>
<b>Nature and level of the safety risk</b>	
<b>Key risks, Likelihood/Consequences Risk Rating</b>	<ol style="list-style-type: none"> <li><b>Stakeholders and Community:</b> Ongoing non-compliance by motor vessels, PWCs and occasionally windsurfers and kiteboarders exceeding 5 knots in the Shared 5 Knot Zone                      P: Almost certain, C: Minor, RR; (7) <b>Significant</b></li> <li><b>Stakeholders and Community:</b> A significant portion of the local and visiting users will be disappointed if additional controls are not put in place to better separate swimmers and motorised vessels including PWCs. This disappointment is likely to be expressed as ongoing lobbying of the port manager, local politicians and media attention.                      P: Almost certain, C: Minor, RR; (7) <b>Significant</b></li> <li><b>Human resources and safety:</b> Continuing high number of users. Ongoing chance of PWC operators and motor vessel operators making poor decisions and exceeding 5 knots in the Shared 5 Knot Zone resulting in a collision with a swimmer.                      P: Possible C: Major, RR: (7) <b>Significant</b></li> <li><b>Human resources and safety:</b> Community concern regarding vessel operators a making poor decisions and using the Vessels Prohibited-Swimming Only Zone resulting in a collision with a swimmer. (Community may prefer a larger vessel free area near the busy car park and lifesaving club)                      P: Unlikely C: Major, RR: (6) <b>Moderate</b></li> </ol>
<b>Other issues and risks</b>	<ul style="list-style-type: none"> <li>Possibility that the community need is for greater control over all vessels near swimmers and this is interpreted as requiring more Vessels Prohibited-Swimming Only Zone area rather than simply improving windsports/boating/PWC compliance in Shared 5 Knot Zones and Vessels Prohibited-Swimming Only Zone.</li> </ul>
<b>Existing Controls</b>	<ul style="list-style-type: none"> <li>Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>Education activities by government peak bodies and other volunteers.</li> <li>Compliance work by appropriate Victorian and local government agencies.</li> <li>Patrol and monitoring by waterway manager.</li> <li>Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<b>Additional supporting controls</b>	<ul style="list-style-type: none"> <li>Further partner with KBV WV LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer rule.</li> <li>Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, and 5 Knot Shared Zone in partnership with City of Kingston.</li> </ul>
<b>Proposed rule</b>	
<b>Description/Intent of proposed rule</b>  See Figure 5.1 Carrum 2016/17 Boating and Swimming Zone Review pg.74	Extend the Vessels Prohibited-Swimming Only Zone further south to Progress Ave to provide more opportunities for swimming separated from vessels. Retain existing rule arrangements on the north boundary of the Vessels Prohibited-Swimming Only Zone.

Residual Risk Assessment	
<b>Expected key risks following introduction of the rule</b>	<ol style="list-style-type: none"> <li>1. <b>Stakeholders and Community:</b> Reduction in Shared 5 Knot Zone may create some dissatisfaction in the community P: Unlikely, C: Minor, RR; (4) <b>Moderate</b></li> <li>2. <b>Stakeholders and Community:</b> Non-compliance by vessels exceeding 5 knots in the Shared 5 Knot Zone or using the Vessels Prohibited-Swimming Only Zones. P: Possible, C: Minor, RR; (5) <b>Moderate</b></li> <li>3. <b>Human resources and safety:</b> Vessel operators making a poor decisions and using the Vessels Prohibited-Swimming Only Zone or speeding in the Shared 5 Knot Zone resulting in a collision with a swimmer. P: Unlikely C: Major, RR: (6) <b>Moderate</b></li> </ol>
<b>Residual issues and opportunities</b>	<ul style="list-style-type: none"> <li>• Non-compliant vessel users colliding with swimmers in the Vessels Prohibited-Swimming Only Zone.</li> <li>• Non-compliant vessel users colliding with swimmers in the Vessels 5 Knot Zone.</li> </ul> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>• Further partner with LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer and 5 Knots Zone rules.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, in partnership with LSV and local government.</li> </ul>
<b>Expected other issues and risks - Revised following introduction of controls.</b>	<ul style="list-style-type: none"> <li>• Increase in Vessels Prohibited-Swimming Only Zone should provide better levels of service for increasing numbers of swimmers and further separation between swimmers and vessel users in the beach areas adjacent to the relocated Skyrail and new Carrum station.</li> <li>• Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety - regardless of changed or unchanged rule.</li> </ul>
<b>Alternative ways to address behaviours and risks</b>	<ul style="list-style-type: none"> <li>• Further partner with BIA and PWC retailers to communicate responsibilities around swimmers and reinforce the maximum of 5 knot within 50m of a swimmer rule.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, and 5 Knot Shared Zone in partnership with City of Kingston.</li> <li>• Parks Victoria rangers will continue noting potential dangerous interactions between vessels and swimmers. If resourcing permits consider out of hours patrols when beach going and PWC use peak.</li> </ul>
<b>Who is likely to be affected by the rule</b>	<ul style="list-style-type: none"> <li>• Swimmers in and adjacent to Vessels Prohibited-Swimming Only Zone.</li> <li>• PWC operators and other boat operators.</li> <li>• Some shared windsports enthusiasts.</li> <li>• Local residents.</li> </ul>
<b>Benefits and costs of proposed rule on persons affected</b>	<p>Benefits</p> <p>Further ongoing separation between vessel users and swimmers.</p> <ul style="list-style-type: none"> <li>• More area for swimmers.</li> <li>• Easier beach access for some swimmers.</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>• Approximately \$5 000 to place one piles and one sign.</li> <li>• Time and effort required of local port manager to communicate rule change.</li> </ul>

<b>Safety Summary</b>	<b>On balance safety is improved</b> for vessel operators and swimmers by extending the Vessels Prohibited-Swimming Only Zone south toward Progress Ave by reducing key risks-
<b>Key risks before proposed rule change</b>	<p><b>From currently</b> - 3 Significant Risks</p> <ul style="list-style-type: none"> <li>• Ongoing non-compliance by powered vessels, PWCs, windsurfers and kiteboarders in Shared 5 Knot Zone.</li> <li>• Community disappointment if additional controls are not put in place to better separate swimmers and motorised vessels including PWCs.</li> <li>• Ongoing chance of PWC operators and motor vessel operators making poor decisions and exceeding 5 knots in the Shared 5 Knot Zone resulting in a collision with a swimmer.</li> </ul> <p>And 1 Moderate Risk</p> <ul style="list-style-type: none"> <li>• Vessel operators a making a poor decisions and using the Vessels Prohibited-Swimming Only Zone resulting in a collision with a swimmer.</li> </ul>
<b>Remaining risks after proposed change implemented</b>	<p><b>To the proposed rule resulting in</b> - 3 Moderate Risks</p> <ul style="list-style-type: none"> <li>• Community dissatisfaction with a decrease in the area of the shared 5 Knot Zone.</li> <li>• Non-compliance by vessel exceeding 5 knots in the Shared 5 Knot Zone or using the Vessels Prohibited-Swimming Only Zones.</li> <li>• Vessel operators making poor decisions and using Vessels Prohibited-Swimming Only Zone and Shared 5 Knot Zone at higher speeds resulting in a collision with a swimmer.</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<p><b>Summary factors affecting the proposed rule change</b></p> <p><i>Existing user, stakeholder, staff input and community consultation</i></p>	<ul style="list-style-type: none"> <li>• The State Government of Victoria is undertaking extensive landscaping and civil works to eliminate rail crossings and reposition the Carrum Station further south. Amenity, beach access and car parking south of the existing station will be greatly improved and the area is likely to cater better for beach visits and attract significantly increased numbers of beach visitors on hot days.</li> <li>• There is ongoing community concern regarding powered vessels accessing the beach. The Patterson River boat ramp complex has the highest launching and parking capacity in Victoria and many vessels utilise beaches nearer to the Patterson River on good beach days. Much of community concern focuses on PWCs as they approach and leave the shore more regularly than most vessels to swap riders, rest or refuel. PWCs are perceived by sectors of the community to be less compliant and more likely to break the 5 knot 200m rule when approaching the shore.</li> <li>• Swimmers feel more separated from compliant and noncompliant vessel operators and particularly PWCs in a Vessels Prohibited-Swimming Only Zone.</li> </ul>
<b>Local Port Manager's preferred outcome</b>	<b>Proceed with the rule change.</b>

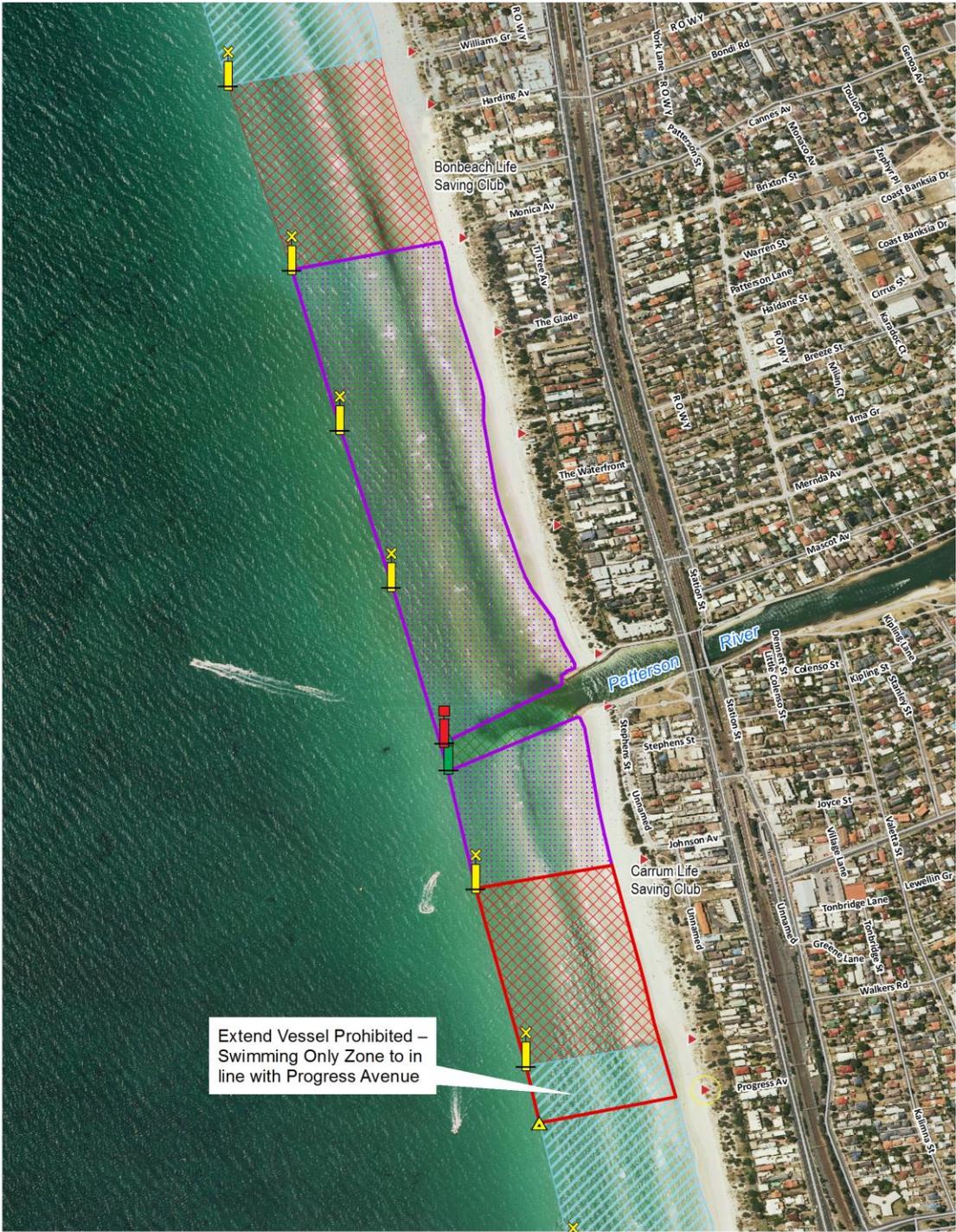


Figure 5.1  
**Carrum**  
 2016/17 Boating and Swimming Zone Review

Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 13/06/2017

Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information.

- | Existing Zones |                                 | Recommended Zones |                                 |
|----------------|---------------------------------|-------------------|---------------------------------|
|                | 5 knot speed zone               |                   | No PWCs                         |
|                | No PWCs                         |                   | Vessel Prohibited Swimming Only |
|                | Boating Only                    |                   | Proposed Sign                   |
|                | Vessel Prohibited Swimming Only |                   | Proposed Special Mark           |
|                | Sign                            |                   |                                 |
|                | Special Mark                    |                   |                                 |



## 6. Retain the No Personal Water Craft Zones immediately north and south of the Patterson River, Port Phillip

### Retaining the No Personal Water Craft Zones immediately north and south of Patterson River, Port Phillip

Contrary to the recommendations of the 2009 BECA Boating Zone Report, approved in principle by Maritime Safety Victoria, but not yet implemented; retain the No Personal Water Craft Zones immediately north and south of the Patterson River, Port Phillip

Nature and Scope of Matter	
<b>Current waterway rule</b>	<p>Schedule 1 Waters: The Local Port of Port Phillip</p> <p>1.2.12 Prohibition of specific activities</p> <p>(a) Personal water craft are prohibited in the following areas:</p> <p>(i) Waters inshore of a line commencing at a signpost displaying 'No PWC' sign on the foreshore in line with Monica Avenue, Carrum, and extending seaward approximately 200 metres to a yellow special mark, and then approximately 800 metres south to the port lateral mark and then to a line extending to a signpost displaying 'No PWC' sign on the foreshore north of the rock groyne at the mouth of Patterson River.</p> <p>(ii) Waters inshore of a line commencing at a signpost displaying 'No PWC' sign on the foreshore approximately 200 metres south of the rock groyne at the mouth of the Patterson River, Carrum, and extending seaward south west approximately 200 metres to the starboard lateral mark, then south to a yellow special mark and then to a signpost displaying 'No PWC' sign on the foreshore 50 metres north of the Carrum Life Saving Club clubhouse.</p>
<b>Current behaviours</b>	<ul style="list-style-type: none"> <li>• The existing No Personal Water Craft Zones have continued to provide adequate control between historic and contemporary vessel uses and swimmers.</li> <li>• The adjacent Vessel Prohibited-Swimming Only Zones provide options for swimmers particularly concerned with vessel operator's non-compliant behaviours.</li> <li>• Additionally, a segment of the PWC owners are new to vessel ownership and prefer to operate closer to shore perceiving this is safer.</li> <li>• There are a higher proportion of owners new to the maritime environment and PWCs sales are a very significant portion of new vessel sales.</li> <li>• Patterson River also remains one of the busiest launching areas in Victoria. Boat and PWC owners from much of the eastern suburbs can travel via freeway links to utilise the ramps and surrounding waters.</li> <li>• The Carrum area on Port Phillip is extremely popular for swimming, particularly during extended spells of very hot weather. Higher density living close to urban beaches and the continuous promotion of beach lifestyles is driving escalating numbers of swimmers when conditions are suitable.</li> <li>• The use of PWCs often differs from other vessels. PWC use tends to be beach based with frequent transits of the 5 knot 200m from Shore Zone to swap riders, rest, refuel etc. PWC users access launching facilities at Patterson River then base their activities on the closest beaches.</li> <li>• Many PWCs tend not to embark on longer tours and are used close to where they are launched, or off a beach where the owners can congregate with family and friends.</li> <li>• There are a higher proportion of owners new to the maritime environment and PWCs sales are a very significant portion of new vessel sales. This in turn creates education and enforcement challenges.</li> <li>• Other powered and sail vessels can access the shore between the</li> </ul>

	<p>Patterson River Training walls and the Vessels Prohibited-Swimming Only Zone north at Bonbeach and south at Carrum.</p> <ul style="list-style-type: none"> <li>• Most PWCs are now quieter than many other powerboats. The main noise emitted is hull noise and the noise generated by the hull and water intake breaking clear of the water, which happens fairly frequently. Noisier 2 stroke PWCs are less common and reaching the end of their service life, often spare parts are no longer available.</li> <li>• PWCs have a short service interval and must be returned to the dealer quite frequently. There is an opportunity to further educate users via service centres and dealers.</li> <li>• The Patterson River regularly experiences very busy boating traffic. Occasionally swimmers try to swim across the Patterson River. A Boating-Only Swimming Prohibited Zone provides authorities with the power to enforce no swimming in the river and at its entrance to Port Phillip.</li> <li>• There has been an increase in high and medium density housing as the suburb has undergone redevelopment. This has meant more residents swimming.</li> <li>• The local station and bus stops, as well as reasonable parking opportunities on both sides of the Nepean Highway make Carrum beach a very busy location on hot days and evenings. Visitation will escalate with the completion of the Carrum Station Skyrail and accompanying parking and open space.</li> <li>• There is ongoing community concern regarding powered vessels accessing the beach. The Patterson River boat ramp complex has the highest launching and parking capacity in Victoria and many vessels utilise beaches nearer to the Patterson River on good beach days. Much of community concern focuses on PWCS as they approach and leave the shore more regularly. PWCs are perceived by sectors of the community to be less compliant and more likely to break the 5 knot 200m rule when approaching the shore.</li> </ul>
<p><b>Locations affected</b></p>	<ul style="list-style-type: none"> <li>• Rule change is specific to North and South of Patterson River as described and mapped. See Figure 6.1</li> <li>• Zone boundaries marked by signs and Aids to Navigation.</li> <li>• Zone boundaries are supported by information on Parkweb and Maritime Safety Victoria websites.</li> </ul>
<p><b>Background</b></p>	
<p><b>Key issues and risks as interpreted by community and government prior to public consultation</b></p>	<ul style="list-style-type: none"> <li>• These zones are in place immediately north and south of the Patterson River at Carrum in Port Phillip and at Shoreham. The 2009 BECA report detailed replacing them with combinations of Vessels Prohibited-Swimming Only Zones and Shared 5 Knot, within 200m of the Shore Zones. See Map 2. BECA Report Map Bonbeach Carrum, pg. 82</li> <li>• Currently the zones recommended in the BECA report, and agreed in principle by Maritime Safety Victoria have <u>not</u> been implemented.</li> <li>• Parks Victoria advised the Director, Maritime Safety in December 2013 of the suspension of implementing these recommendations (ref: DOC/13/244410).</li> <li>• The local community has a strong historic commitment to the No Personal Water Craft Zone that predates the BECA Report. Local community expectations and use in the area by PWC operators reflects the current arrangements.</li> <li>• Rangers based at Patterson River regularly respond to complaints about PWC behaviours particularly over the summer period and on busy beach days.</li> <li>• PWC use is undertaken in this area year round but is more common from spring to autumn when beach and boating conditions are good. In stronger cross and onshore winds PWC use is less attractive.</li> </ul>

	<ul style="list-style-type: none"> <li>Compliance work with PWC enthusiasts can be complex and difficult even though the vessels are registered and users licensed and require a specific endorsement. Some high visibility boat based patrol work is generally effective in managing PWC behaviour.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>Approximately 63 Survey Question Responses (for both No Personal Water Craft Zones North and South of Patterson River). Concern regarding PWC behaviour and compliance was a common theme.</li> <li>3 emailed responses. Some general to PWC behaviour and existing No Personal Water Craft Zone. All suggest a larger Vessels Prohibited-Swimming Only Zone in various configurations north and south.</li> </ul>
<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>Inappropriate and non-compliant behaviour by PWC operators in this area was raised repeatedly in the survey.</li> </ul>
<p><b>Incidents Reported</b></p>	<ul style="list-style-type: none"> <li>Parks Victoria rangers routinely respond to complaints about noncompliant PWC behaviour in this area.</li> <li>Compliance work by Maritime Safety Victoria, Victoria Water Police, and Parks Victoria is undertaken in this area. Personal Infringement Notices are issued regularly over summer.</li> </ul>
<p><b>Nature and level of the safety risk</b></p>	
<p><b>Key risks, Likelihood/Consequences Risk Rating</b></p>	<ol style="list-style-type: none"> <li><b>Human resources and safety:</b> Continuing high number of users. Ongoing chance of PWC operators and motor vessel operators making poor decisions and exceeding 5 knots in the Shared 5 Knot Zone, using the No Personal Water Craft Zone and Vessels Prohibited-Swimming Only Zone resulting in a collision with a swimmer.  <b>P: Likely C: Major, RR: (8) High</b></li> <li><b>Stakeholders and Community:</b> Currently there is ongoing non-compliance by motor vessels and PWCs exceeding 5 knots in the Shared 5 Knot Zone. This happens with and without the presence of swimmers.  <b>P: Almost certain, C: Minor, RR; (7) Significant</b></li> <li><b>Stakeholders and Community:</b> A significant portion of the local and visiting users will be disappointed if additional controls are not put in place to better separate swimmers and motorised vessels including PWCs. This disappointment is likely to be expressed as ongoing lobbying of the port manager, local politicians and media attention.  <b>P: Almost certain, C: Minor, RR; (7) Significant</b></li> </ol>
<p><b>Other issues and risks</b></p>	<ul style="list-style-type: none"> <li>Possibility that the community need is for greater control over all vessels near swimmers and this is interpreted as requiring more No Personal Water Craft Zones and Vessels Prohibited-Swimming Only Zones rather than simply improving windsports/boating/PWC compliance in No Personal Water Craft Zones, Shared 5 Knot Zones and Vessels Prohibited-Swimming Only Zones.</li> <li>Users of PWCs and motor vessels, who believe they are responsible, have suggested that the existing zones are already restrictive and that the key risk is <u>non-compliance</u> with existing zones rather than focussing on further separation of swimmers, PWCS and motor vessels.</li> <li>There is further evidence of a clear community view that the existing No Personal Water Craft Zone is functional and works well to disperse PWC</li> </ul>

	<p>users away from an area that is very close to Victoria’s busiest launching site but experiences very high concentrations of bathers.</p> <ul style="list-style-type: none"> <li>• There is a perception that many PWC owners are new to or unaware of marine culture/courtesy and rules.</li> <li>• There is a perception amongst the PWC/boating community that the PWC Zones are not safety related and provided for the convenience of a small group of local residents.</li> <li>• Swimmers feel more separated from compliant and noncompliant powered vessel and PWC operators in a Vessels Prohibited-Swimming Only Zone.</li> <li>• Further Rule Option- Consider extending No Personal Water Craft Zone south of the VOPSZ to Progress Ave to further disperse PWC users away from Patterson River. This would only be applicable if an extension south of the extension of the Vessel Prohibited-Swimming Only Zone to Progress Avenue at Carrum does not proceed. This would provide more proportionate No Personal Water Craft Zones north and south of the Patterson River and provide further separation for increased bathers accessing from the future Skyrail Carrum Station car parking. Remaining areas further south experience reduced swimming numbers due to limited parking and public transport access to continue to be utilised as Shared 5 Knot Zone and Kiteboarding Zone that provides an area for swimming, boating, PWCs accessing beach, kiteboarding, windsurfing and other boating and limits vessel to 5 knots within 200m of the shore.</li> </ul>
<p><b>Existing Controls</b></p>	<ul style="list-style-type: none"> <li>• Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>• Education activities by government peak bodies and other volunteers.</li> <li>• Compliance work by appropriate Victorian and local government agencies.</li> <li>• Patrol and monitoring by waterway manager.</li> <li>• Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<p><b>Additional supporting controls</b></p>	<ul style="list-style-type: none"> <li>• Retailers, the BIA and Sailing and Powerboat clubs in the area could be assisted to communicate positive, safe and courteous local boating.</li> <li>• Further partner with KBV WV LSV, other maritime education and compliance agencies and retailers to communicate Marine Safety Act 2010 responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer rule.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, and 5 Knot Shared Zone in partnership with City of Kingston.</li> </ul>
<p><b>Proposed rule</b></p>	
<p><b>Description/Intent of proposed rule</b></p> <p><i>See Figure 6.1 Carrum 2016/17 Boating and Swimming Zone Review pg.81</i></p>	<p>Given that the existing rule is well accepted and supported by the local community and is understood by a significant portion of PWC users; retain the No Personal Water Craft Zones immediately north of the Patterson River, Port Phillip.</p>

Residual Risk Assessment	
<b>Expected key risks following introduction of the rule</b>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> Currently there is ongoing non-compliance by motor vessels and PWCs exceeding 5 knots in the Shared 5 Knot Zone. P: Almost certain, C: Minor, RR; (7) <b>Significant</b></li> <li><b>2. Human resources and safety:</b> Continuing high number of users. Ongoing chance of PWC operators and motor vessel operators making poor decisions and exceeding 5 knots in the Shared 5 Knot Zone, using the No Personal Water Craft Zone and Vessels Prohibited-Swimming Only Zone resulting in a collision with a swimmer. P: Possible C: Major, RR: (7) <b>Significant</b></li> <li><b>3. Stakeholders and Community:</b> A portion of the local and visiting PWC users will be disappointed that PWC use will be further restricted. This disappointment is likely to be expressed as ongoing lobbying of the port manager, local politicians and media attention. P: Possible, C: Minor, RR; (5) <b>Moderate</b></li> </ol>
<b>Residual issues and opportunities</b>	<ul style="list-style-type: none"> <li>• Non-compliant vessel users colliding with swimmers in the Personal Water Craft Prohibited Zone</li> <li>• Non-compliant vessel users colliding with swimmers in the adjacent Vessels 5 Knot Zone</li> </ul> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>• Further partner with LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer and 5 Knots Zone rules.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, in partnership with LSV and local government.</li> </ul>
<b>Expected other issues and risks - Revised following introduction of controls.</b>	<ul style="list-style-type: none"> <li>• Increase in Vessels Prohibited-Swimming Only Zone should provide better levels of service for increasing numbers of swimmers and further separation between swimmers and vessel users in the beach areas adjacent to the relocated Skyrail and new Carrum station.</li> <li>• Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety - regardless of changed or unchanged rule</li> </ul>
<b>Alternative ways to address behaviours and risks</b>	<ul style="list-style-type: none"> <li>• Further partner with BIA and PWC retailers to communicate responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer rule.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, and 5 Knot Shared Zone in partnership with City of Kingston.</li> <li>• Parks Victoria rangers will continue noting potential dangerous interactions between vessels and swimmers. If resourcing permits consider out of hours patrols when beach going and PWC use peak.</li> </ul>
<b>Who is likely to be affected by the rule</b>	<ul style="list-style-type: none"> <li>• Swimmers in and adjacent to Vessels Prohibited-Swimming Only Zone.</li> <li>• PWC operators and other boat operators.</li> <li>• Local residents.</li> </ul>
<b>Benefits and costs of proposed rule on persons affected</b>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• Ongoing separation between vessel users (PWCs) and swimmers.</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>• There is little infrastructure cost associated with retaining the current rule.</li> <li>• Time and effort required of local port manager to communicate no change.</li> </ul>

<b>Safety Summary</b>	<b>On balance safety is improved</b> for vessel operators and swimmers by retaining the No Personal Water Craft Zone north of Patterson River by reducing key risks-
<b>Key risks if BECA rule change recommendations are implemented</b>	<p><b>From currently</b> - 1 High Risk</p> <ul style="list-style-type: none"> <li>• PWC operators making poor decisions and exceeding 5 knots in the Shared 5 Knot Zone, using the No Personal Water Craft Zone and Vessels Prohibited-Swimming Only Zone resulting in a collision with a swimmer.</li> </ul> <p>And 2 Significant Risks</p> <ul style="list-style-type: none"> <li>• Ongoing non-compliance by PWCs.</li> <li>• Community disappointed specific controls are not maintained to better separate swimmers and motorised vessels including PWCs.</li> </ul>
<b>Remaining risks if proposal to retain existing rule is implemented</b>	<p><b>To the proposed rule resulting in</b> - 2 Significant Risks</p> <ul style="list-style-type: none"> <li>• Ongoing non-compliance by PWCs.</li> <li>• PWC operators making poor decisions resulting in a collision with a swimmer.</li> </ul> <p>- and 1 Moderate Risk</p> <ul style="list-style-type: none"> <li>• PWC users will be disappointed that PWC use will continue to be restricted.</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<b>Summary factors affecting the proposed rule change</b> <i>Existing user, stakeholder, staff input and community consultation</i>	<ul style="list-style-type: none"> <li>• The use of PWCs often differs from other vessels. PWC use tends to be beach based with frequent transits of the 5 knot 200m from Shore Zone to swap riders, rest, refuel etc. PWC users access launching facilities at Patterson River then base their activities on the closest beaches.</li> <li>• Many PWCs tend not to embark on longer tours and are used close to where they are launched, or off a beach where the owners can congregate with family and friends.</li> <li>• There are a higher proportion of owners new to the maritime environment and PWCs sales are a very significant portion of new vessel sales. This in turn creates education and enforcement challenges</li> <li>• The local station and bus stops, as well as reasonable parking opportunities on both sides of the Nepean Highway make Carrum a very busy location on hot days and evenings. Visitation will escalate with the completion of the Carrum Station Skyrail and accompanying parking and open space.</li> <li>• The local community has a strong historic commitment to the No Personal Water Craft Zone that predates the BECA Report.</li> <li>• Local community expectations and use of the area by PWC operators reflects the current arrangements.</li> <li>• The area is intensively used over the spring, summer and autumn months when the weather is good for boating and or swimming.</li> </ul>
<b>Local Port Manager's preferred outcome</b>	Contrary to the recommendations of the 2009 BECA Boating Zone Report, approved in principle by Maritime Safety Victoria, but not yet implemented; <b>retain the No Personal Water Craft Zones immediately north and south of the Patterson River, Port Phillip.</b>

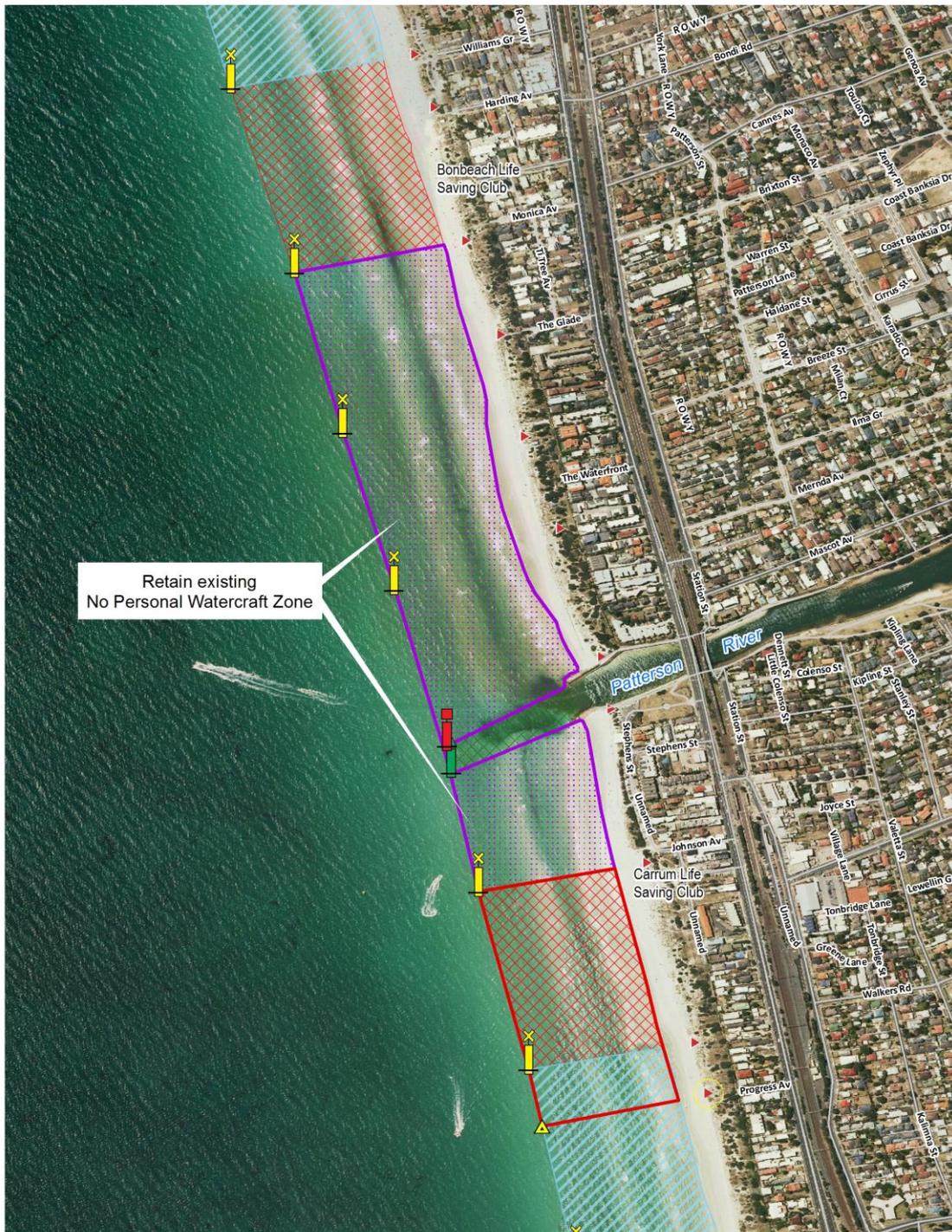


Figure 6.1  
**Carrum**  
 2016/17 Boating and Swimming Zone Review

Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 05/06/2017

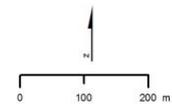
Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information.

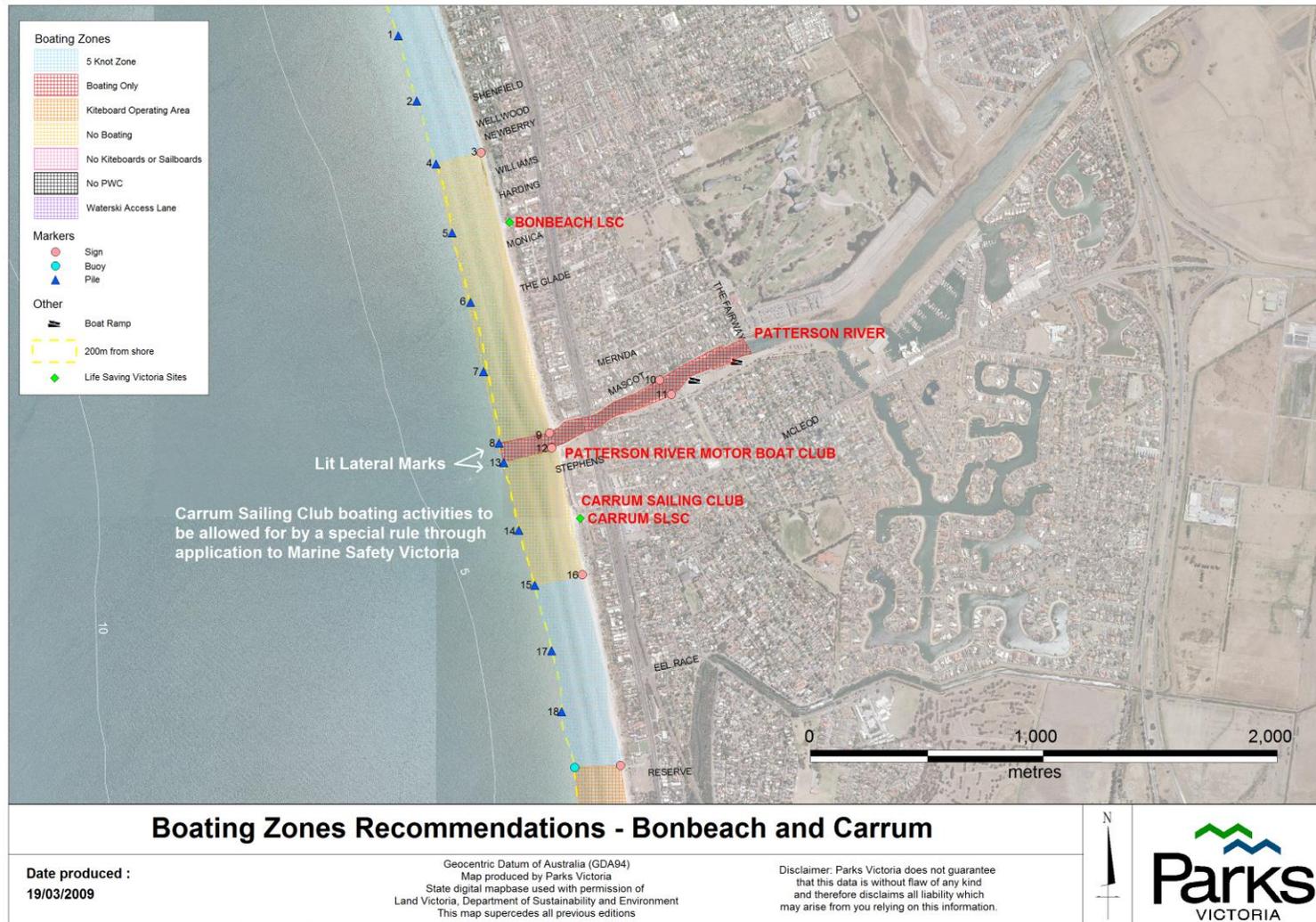
**Existing Zones**

- 5 knot speed zone
- No PWCs
- Boating Only
- Vessel Prohibited Swimming Only
- Sign
- Special Mark

**Recommended Zones**

- No PWCs
- Vessel Prohibited Swimming Only
- Proposed Sign
- Proposed Special Mark





Map 2. BECA Report Map Bonbeach Carrum

## 7. Retain the No Personal Water Craft Zones at Shoreham, Western Port.

### Retaining the No Personal Water Craft Zones at Shoreham

Contrary to the recommendations of the 2009 BECA Boating Zone Report, approved in principle by Maritime Safety Victoria, but not yet implemented; retain the No Personal Watercraft Zone at Shoreham.

Nature and Scope of Matter	
<b>Current waterway rule</b>	<p><u>Schedule 5: Waters: Waters of Western Port Bay</u></p> <p>5.6 Prohibition of specific activities for the purposes of Clause 12.</p> <p>The waters of Western Port that extend 200 metres from the water's edge seaward between Surfies Point and Honeysuckle Point, Shoreham are prohibited for the use of personal watercraft.</p>
<b>Current behaviours</b>	<ul style="list-style-type: none"> <li>• Intensively used beach during summer period and used year round for surfing and surf schools.</li> <li>• There is a small sand ramp that enables single axel trailers to be launched into a calmer lagoon inshore of the surf break which regularly accommodates 30 to 50 surfers. The beach is also a popular launching site for human powered paddlecraft.</li> <li>• Launching of small fishing boats and sailboats occurs occasionally at Shoreham when tide and swell allow. Generally these vessels clear the No Personal Watercraft Zone area and only return to retrieve the vessel. Currently, vessels pass close to surfers to access open water for fishing or sailing but avoid the shallower reef, breaking waves and surfers. Boat launching is much less likely to occur as the swell increases and more surfers are attracted to the area.</li> <li>• PWCs are not constrained by shallow water or breaking waves, generally finding spilling waves like Shoreham enjoyable to jump and manoeuvre through.</li> <li>• The recommendations of the 2009 BECA Boating Zone report are not practicable to implement due to the difficulty marking a transit lane for vessels amongst the reefs and the surf zone.</li> <li>• Local community expectations and very little use of the area by PWC operators reflect the current arrangements.</li> <li>• There are limited opportunities to launch PWCs in southern Western Port. The nearest ramps are Stony Point 20 kilometres to the north-east and Flinders 8 km (an over sand launch) to the south-west.</li> <li>• The coastline is very tidal, subject to large swells and there are multiple unmarked reefs that make good navigation critical. Carrying charts or plotters on a PWC is impractical. Use of phone navigations apps is possible but phones are prone to impact and water damage.</li> <li>• Surfing is very popular at the 'The Pines' break at Shoreham and any swell over 1.5metres with lighter winds or winds in the west, north, or east will see up to 40 surfers in the water (occasionally inclusive of beginners and surf school participants).</li> <li>• Prior to the No Personal Water Craft Zone, PWCs were attracted to the area to launch and to jump the same waves utilised by surfers. This was considered to be a dangerous situation. Shoreham can experience large swells and surfers can be hidden from view behind approaching waves.</li> <li>• The beach is also a very popular swimming area from spring until autumn as the offshore reef used for surfing creates a quieter 'lagoon' area close</li> </ul>

	<p>to shore.</p> <ul style="list-style-type: none"> <li>• The local Shoreham Foreshore Committee has a rule in place that prohibits the launching of PWCs – this supports the No Personal Watercraft Zone.</li> <li>• There has been an increase in housing in the area. This has meant more holiday residents and residents swimming. The Shoreham beach is only accessible by car, cycling and walking.</li> <li>• There is ongoing community concern regarding powered vessels accessing the beach. Much of community concern focuses on PWCS as they are approach and leave the shore more regularly. PWCs are perceived by sectors of the community to be less compliant and more likely to break the 5 knot 200m rule when approaching the shore.</li> <li>• PWC use is undertaken in this Western Port year around but is more common from spring to autumn when beach and boating conditions are good. In stronger cross and onshore winds PWC use is less attractive. PWCs only rarely visit Shoreham and the local rangers, surfing and beach user population is proactive in advising PWC users of the rules. The offshore reefs, launching difficulties and larger tide differences make Western Port less attractive to PWC owners.</li> </ul>
<p><b>Locations affected</b></p>	<ul style="list-style-type: none"> <li>• Rule change is specific to Shoreham as described and mapped. See Figure 7.1</li> <li>• Zone boundaries marked by signs and Aids to Navigation.</li> <li>• Zone boundaries are supported by information on Parkweb and Maritime Safety Victoria websites.</li> </ul>
<p><b>Background</b></p>	
<p><b>Key issues and risks as interpreted by community and government prior to public consultation</b></p>	<ul style="list-style-type: none"> <li>• The No PWC Zones are in place at Shoreham and north and south of the Patterson River at Carrum in Port Phillip. The 2009 BECA report detailed replacing them with combinations of Vessels Prohibited-Swimming Only Zones and Shared 5 Knot, within 200m of the Shore Zones. Refer to Map 3. BECA Report Map Shoreham and Point Leo, Pg.89</li> <li>• The zones recommended in the BECA report, and agreed in principle by Maritime Safety Victoria have <u>not</u> been implemented.</li> <li>• The use of PWCs often differs from other vessels as the operators generally make more trips to shore to swap riders, rest, refuel and collect passengers.</li> <li>• There are a higher proportion of owners new to the maritime environment and PWCs sales are a very significant portion of new vessel sales.</li> <li>• Most PWCs are now quieter than many other powerboats. The main noise emitted is hull noise and the noise generated by the hull and water intake breaking clear of the water, which happens fairly frequently. Noisier 2 stroke PWCs are less common and reaching the end of their service life, often spare parts are no longer available.</li> <li>• Many PWCs tend not to embark on longer tours and are used close to where they are launched, or off a beach where the owners can congregate with family and friends.</li> <li>• Compliance work with PWC enthusiasts can be complex and difficult even though the vessels are registered and users licensed and require a specific endorsement.</li> </ul>

<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>Approximately 19 Survey Question Responses Concern regarding PWC behaviour and compliance was a common theme. Solid majority of responses favoured retaining the zone.</li> <li>Three emailed responses similar to survey responses.</li> </ul>
<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>Users of PWCs and motor vessels, who believe they are responsible, have suggested that the existing zones are already restrictive and that the key risk is non-compliance with existing zones rather than focussing on further separation of swimmers, PWCS and motor vessels.</li> <li>There is a perception that many PWC owners are new to marine culture/courtesy and rules.</li> <li>Swimmers feel more separated from compliant and noncompliant PWC operators in a No Personal Watercraft Zone.</li> </ul>
<p><b>Incidents Reported</b></p>	<ul style="list-style-type: none"> <li>Parks Victoria rangers rarely receive complaints or respond to calls about noncompliant PWC behaviour in this area.</li> <li>There is no formal record of injuries of swimmers caused by vessels</li> </ul>
<p><b>Nature and level of the safety risk</b></p>	
<p><b>Key risks, Likelihood/Consequences Risk Rating</b></p>	<ol style="list-style-type: none"> <li><b>Stakeholders and Community:</b> A significant portion of the local and visiting users will be disappointed if specific controls are not maintained to separate swimmers and PWCs. This disappointment is likely to be expressed as ongoing lobbying of the port manager, local politicians and via media attention. Ultimately this may impact on the Parks Victoria and Maritime Safety Victoria reputation. <b>P:</b> Almost certain, <b>C:</b> Minor, <b>RR:</b> (7) <b>Significant</b></li> <li><b>Human resources and safety:</b> Continuing moderate to high number of users. Chance of PWC operators making poor decisions and, using the No Personal Watercraft Zone resulting in a collision with a swimmer or surfer. <b>P:</b> Rare <b>C:</b> Major, <b>RR:</b> (5) <b>Moderate</b></li> </ol>
<p><b>Other issues and risks</b></p>	<ul style="list-style-type: none"> <li>There is a perception that many PWC owners are new to or unaware of marine culture/courtesy and rules.</li> </ul>
<p><b>Existing Controls</b></p>	<ul style="list-style-type: none"> <li>Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>Education activities by government peak bodies and other volunteers.</li> <li>Compliance work by appropriate Victorian and local government agencies.</li> <li>Patrol and monitoring by waterway manager.</li> <li>Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> <li>Foreshore rule prohibiting the launching of Personal Water Craft.</li> <li>Foreshore Ranger presence.</li> </ul>
<p><b>Additional supporting controls</b></p>	<ul style="list-style-type: none"> <li>Existing AtoNs are not in the correct position but would be dangerous to surfers if correctly positioned.</li> <li>Improve the delineation of this zone by replacing two Special Marks with high and low shore leads and signs.</li> <li>PWC specific education campaign for new and regular users. Focus would be on the location of the No Personal Watercraft Zone, behaviour near other shores, peer moderation and avoiding annoying behaviours.</li> <li>Further partner with BIA and PWC retailers to communicate responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer (inclusive of surfers) rule.</li> </ul>

	<ul style="list-style-type: none"> <li>Monitor behaviours and record incidents in No Personal Watercraft Zone in partnership with Shoreham Foreshore ranger and committee.</li> <li>Parks Victoria rangers will continue noting potential dangerous interactions between vessels and swimmers.</li> </ul>
<b>Proposed rule</b>	
<p><b>Description/Intent of proposed rule</b></p> <p><i>See Figure 7.1 Shoreham 2016/17 Boating and Swimming Zone Review pg.88</i></p>	<ul style="list-style-type: none"> <li>Retain the existing No Personal Watercraft Zone at Shoreham as it is effectively keeping swimmers and surfers safe.</li> </ul>
<b>Residual Risk Assessment</b>	
<b>Expected key risks following introduction of the rule</b>	<p><b>Human resources and safety:</b> Continuing moderate to high number of waterway users. Chance of PWC operators making poor decisions and, using the No Personal Watercraft Zone resulting in a collision with a swimmer or surfer.</p> <p><b>P:</b> Rare <b>C:</b> Major, <b>RR:</b> (5) <b>Moderate</b></p>
<b>Residual issues and opportunities</b>	<ul style="list-style-type: none"> <li>Non-compliant vessel users colliding with swimmers and surfers in the No Personal Water Craft Zone</li> <li>Non-compliant vessel users colliding with swimmers and surfers beyond the zone.</li> </ul> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>Further partner with LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer and 5 Knots Zone rules.</li> <li>Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, in partnership Shoreham Foreshore Committee.</li> </ul>
<b>Expected other issues and risks - Revised following introduction of controls.</b>	<ul style="list-style-type: none"> <li>Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety</li> <li>Dependent on decision to remove Special Marks - cost to Parks Victoria of removing and Special Mark and eventual replacement with leads, revision of printed materials.</li> <li>Cost of an expanded education program</li> </ul>
<b>Alternative ways to address behaviours and risks</b>	<ul style="list-style-type: none"> <li>Further partner with BIA and PWC retailers to communicate responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer rule.</li> <li>Parks Victoria rangers will continue noting potential dangerous interactions between vessels and swimmers.</li> </ul>
<b>Who is likely to be affected by the rule</b>	<ul style="list-style-type: none"> <li>Swimmers and surfers.</li> <li>PWC operators and other boat operators.</li> <li>Local residents.</li> <li>Shoreham beach users.</li> </ul>
<b>Benefits and costs of proposed rule on persons affected</b>	<p>Benefits</p> <ul style="list-style-type: none"> <li>Ongoing separation between vessel users (PWCs) and swimmers.</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>Eventually removing old special marks \$10 000.</li> <li>New leads to better define the zone \$ 6 000.</li> <li>Time and effort required of local port manager to communicate new arrangements.</li> </ul>

<b>Safety Summary</b>	<b>On balance safety is improved</b> for vessel operators and swimmers by retaining the No Personal Watercraft Zone at Shoreham by reducing key risks-
<b>Key risks if BECA rule change recommendations are implemented</b>	<p><b>From currently</b> - 2 Moderate Risks</p> <ul style="list-style-type: none"> <li>• PWC operators making poor decisions using the No Personal Watercraft Zone resulting in a collision with a swimmer or surfer.</li> <li>• Community disappointed specific controls are not maintained to separate swimmers and motorised vessels including PWCs.</li> </ul>
<b>Remaining risks if proposal to retain existing rule is implemented</b>	<p><b>To the proposed rule resulting in</b> - 1 Moderate Risk</p> <ul style="list-style-type: none"> <li>• PWC operators making poor decisions resulting in a collision with a swimmer or surfer.</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<p><b>Summary factors affecting the proposed rule change</b>  <i>Existing user, stakeholder, staff input and community consultation</i></p>	<ul style="list-style-type: none"> <li>• The larger swell, reef and tidal environments at Shoreham are not suited to PWC operators – a portion of who are novices. PWC users generally do not prefer Western Port when compared with Port Phillip.</li> <li>• The use of PWCs often differs from other vessels. PWC use tends to be beach based with frequent transits of the 5 knot 200m from Shore Zone to swap riders, rest, refuel etc.</li> <li>• Many PWCs tend not to embark on longer tours and are used close to where they are launched, or off a beach where the owners can congregate with family and friends.</li> <li>• There are a higher proportion of owners new to the maritime environment and PWCs sales are a very significant portion of new vessel sales. This in turn creates education and enforcement challenges.</li> <li>• The local community has a strong historic commitment to the No Personal Water Craft Zone that predates the BECA Report and effectively manages the existing prohibition.</li> <li>• Local community expectations and use of the area by PWC operators reflects the current arrangements.</li> <li>• The area is intensively used over the spring, summer and autumn months when the weather is good for boating and or swimming. Surfing occurs year round. This activity is not compatible with PWCs travelling through the surf break.</li> <li>• Shoreham is considered an accessible ‘family or ‘fun’ wave a preferred by local surf schools. This activity is also not compatible with PWCs travelling through the surf break.</li> </ul>
<b>Local Port Manager’s preferred outcome</b>	Contrary to the recommendations of the 2009 BECA Boating Zone Report, approved in principle by Maritime Safety Victoria, but not yet implemented; <b>retain the No Personal Water Craft Zones at Shoreham, Port Phillip.</b>

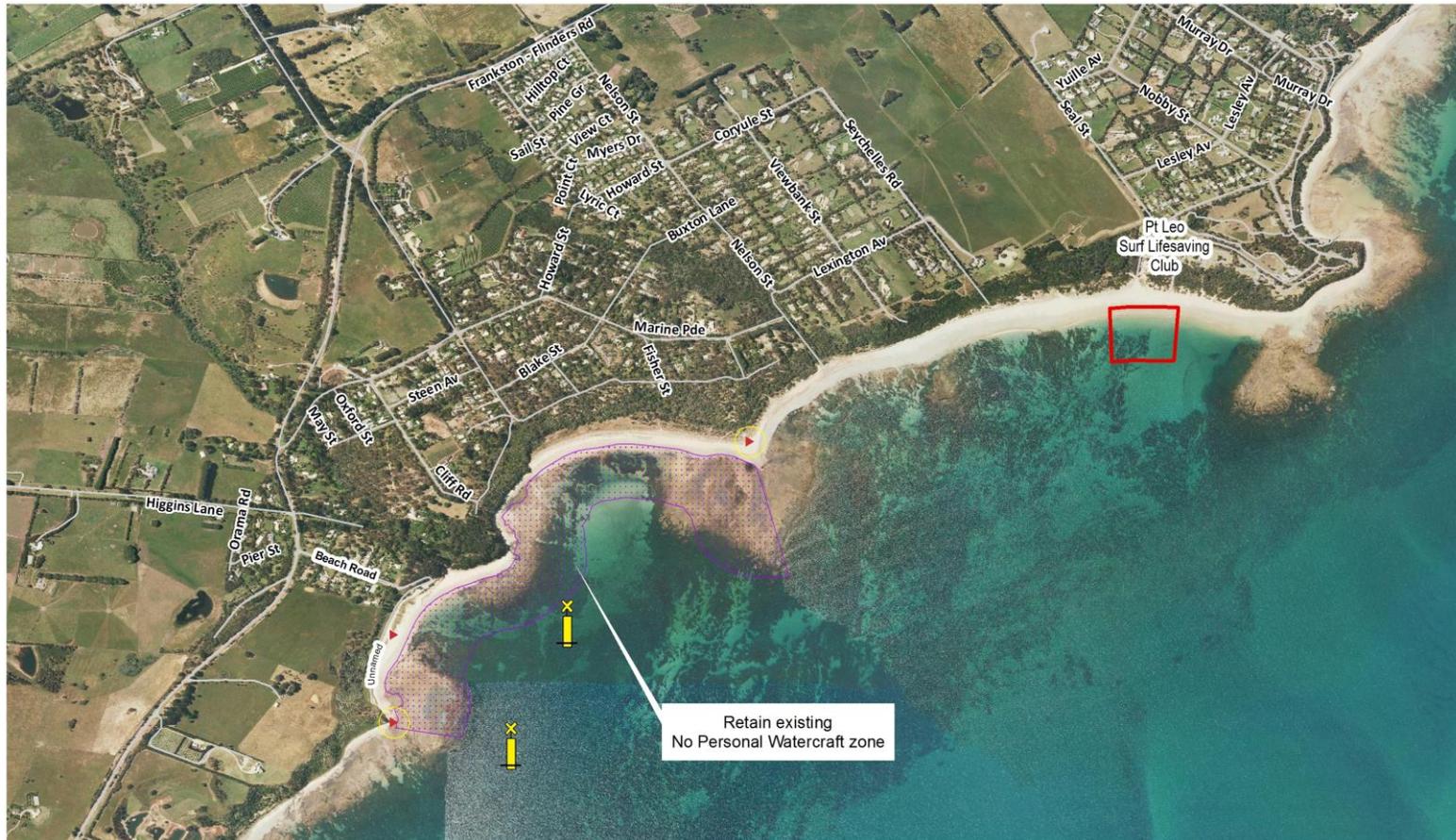
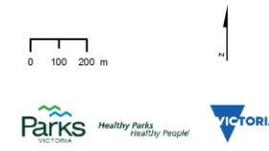
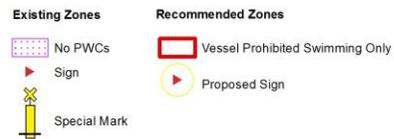
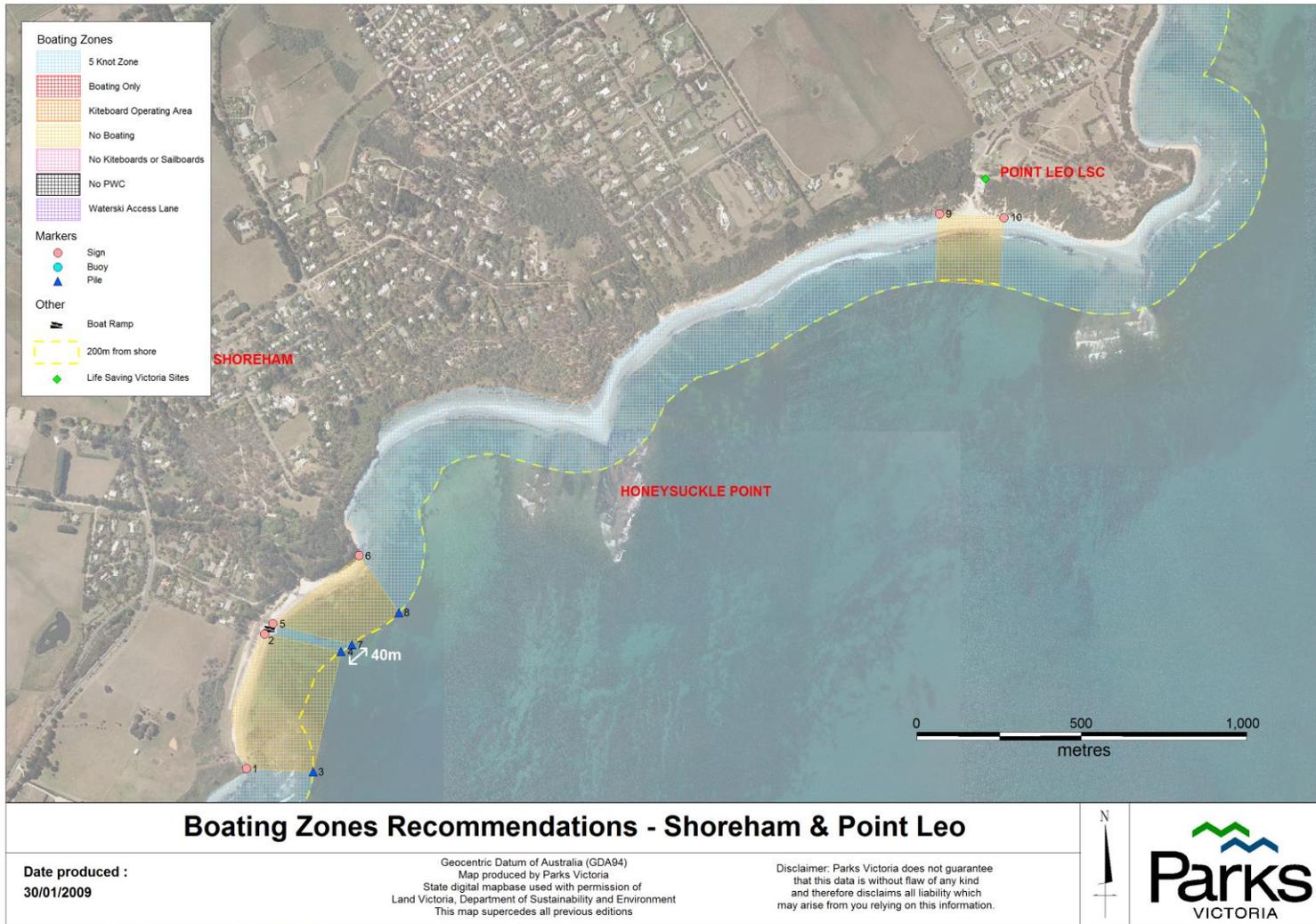


Figure 7.1  
**Shoreham**  
 2016/17 Boating and Swimming Zone Review

Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 13/06/2017

Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information.





Map 3. BECA Report Map Shoreham and Point Leo

## 8. Alter a proposed permanent Vessels Prohibited-Swimming Only Zone near the Point Leo Lifesaving Club to a new Vessels Prohibited Swimming Only Zone activated by Lifesaving Club beach flags

### Implementing a revised Vessels Prohibited-Swimming Only Zone at Point Leo

In principle it was agreed that each Life Saving Club in the BECA Boating Zones Report study area would be provided with a Swimming Only Zone. The waters adjacent to Point Leo Surf Life Saving Club experience ocean conditions and can be hazardous to swim in. Contrary to the recommendations of the 2009 BECA Boating Zone Report, approved in principle by Maritime Safety Victoria, but not yet implemented, a modified Vessels Prohibited-Swimming Only Zone is proposed as a permanent Swimming Only Zone near the Point Leo Lifesaving Club to a new Swimming Only Zone activated by the use of Lifesaving Club beach flags.

Nature and Scope of Matter	
<b>Current waterway rule</b>	<p><u>Schedule 5 Waters of Western Port Bay</u>                      Note: A Vessel Prohibited- Swimming Only Zone has not been Gazetted</p> <p>5.3 Five (5) knot speed restriction zones for the purposes of Clause 7. The following waters of the Port of Western Port are subject to a speed restriction of five (5) knots:</p> <p>(a) the waters within 200 metres to seaward from the edge of the water for                      (ii) two lines extending to seaward at right angles to the shores, one line extending from a beacon on the foreshore at the northern boundary of the West Head firing range and the other line extending from a similar beacon on the foreshore at the prolongation to seaward of South Beach Road, Somers.</p>
<b>Current behaviours</b>	<ul style="list-style-type: none"> <li>• Intensively used beach over summer.</li> <li>• Local community expectations are that the area is primarily for swimming and surfing and infrequent use of the area by powered vessels including PWC operators reflects this expectation.</li> <li>• The area is exposed to large swells and can have a severe shore-break and stronger currents driven by onshore winds and tides. The site is adjacent to intertidal reefs and occasionally rock reefs below the normal sand beach are exposed by coastal processes.</li> <li>• The area is very popular with surfers and there is a moderate risk of a swimmer being struck by a surfboard in some combinations of conditions.</li> <li>• Generally, over the summer months Life Saving Club volunteers use an in-depth technical knowledge of the area to place beach flags at the safest swimming location according to swell, tide, sand movement, reefs and currents. The beach is patrolled over summer and flags are placed in the safest swimming location swimming safety is then monitored by experienced lifesavers.</li> <li>• The Point Leo Surf Life Saving Club is very popular over the summer period and is experiencing expanding membership and delivers a very well attended Nippers Program.</li> <li>• There are limited opportunities to launch by powered vessels and PWCs in southern Western Port. The nearest ramps are Stony Point, 18 kilometres to the north-east, and Flinders, 10 km (an over sand launch) to the south-west.</li> <li>• Swimming and surfing is very popular and any swell over 1.5metres with lighter winds or winds in the west, north, or east will see up to large numbers of swimmers and often surfers in the water(occasionally inclusive of beginners and surf school participants).</li> </ul>

	<ul style="list-style-type: none"> <li>• PWCs are occasionally attracted to the area to launch and to jump the same waves utilised by swimmers and surfers. This is considered to be a dangerous situation.</li> <li>• There is the potential to fish from vessels closer to shore when conditions allow and the area is a known fishing location for whiting etc.</li> <li>• The nearby Shoreham Foreshore Committee has a rule in place that prohibits the launching of PWCs at nearby Shoreham– this supports the creation of a Vessels Prohibited-Swimming Only Zone.</li> <li>• Taking any vessel ashore in the vicinity of the LSC is hazardous due to reefs, swell and tide.</li> <li>• Occasionally, conditions suit windsurfing and kiteboarding as well as swimming. Lifesavers can only advise windsports enthusiasts to stay out of the area defined by the lifesaving flags.</li> <li>• There has been an increase in housing in the area. This has meant more holiday residents and residents swimming and surfing however the beach is only accessible by car, cycling and walking.</li> <li>• There is ongoing community concern regarding powered vessels accessing the beach. Much of community concern focuses on PWCs as they are approach and leave the shore more regularly. PWCs are perceived by sectors of the community to be less compliant and more likely to break the 5 knot 200m rule when approaching the shore.</li> <li>• There is however, relatively low use of PWCs in Western Port year round. Use is more common from spring to autumn when beach and boating conditions are good. In stronger cross and onshore winds PWC use is less attractive. PWCs only rarely visit Point Leo and surfing and the beach user population is proactive in advising PWC users of the rules. The offshore reefs, launching difficulties and larger tide differences make Western Port less attractive to PWC owners.</li> </ul>
<p><b>Locations affected</b></p>	<ul style="list-style-type: none"> <li>• Rule change is specific to Point Leo as described and mapped. See Figure 8.1.</li> <li>• Previously proposed Vessel Prohibited- Swimming Only Zone is as detailed by the 2009 BECA Report. See Figure 8.1</li> <li>• Zone boundaries are supported by information on Parkweb and Maritime Safety Victoria websites.</li> </ul>
<p><b>Background</b></p>	
<p><b>Key issues and risks as interpreted by community and government prior to public consultation</b></p>	<ul style="list-style-type: none"> <li>• Currently the installation of a permanent Vessels Prohibited-Swimming Only Zone at Point Leo is recommended in the BECA report, and agreed in principle by Maritime Safety Victoria. This zone has <u>not</u> been implemented.</li> <li>• The recommended permanent Swimming Only Zone proposed near SLSC, once mapped, publicised and signed may encourage inexperienced swimmers to enter the surf in dangerous conditions.</li> <li>• PWCs and other vessel are occasionally attracted to the area to launch, fish and to jump the same waves utilised by swimmers and surfers. This is considered to be a dangerous situation.</li> <li>• The community has discussed and prefers a form of Vessels Prohibited-Swimming Only Zone that can positioned away from reefs and rips; to be only activated when conditions suit swimming. The community would prefer if the zone was only active when Lifesaving services were operating.</li> </ul>

	<ul style="list-style-type: none"> <li>• LSV and the local Point Leo Lifesaving Club raised concerns with installing permanent Vessel Prohibit Swimming Zone.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Approximately eleven Survey Question Responses. Solid majority of responses favoured a Vessels Prohibited-Swimming Only Zone defined by surf lifesaving flags.</li> <li>• Three emailed responses similar to survey responses.</li> </ul>
<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Users of PWCs and motor vessels, who believe they are responsible, have suggested that the existing zones are already restrictive and that the key risk is non-compliance with existing zones rather than attempting further separation of swimmers, PWCS and motor vessels.</li> <li>• Swimmers feel more separated from compliant and non-compliant vessel operators in a Vessels Prohibited-Swimming Only Zone.</li> </ul>
<p><b>Incidents Reported</b></p>	<p>Parks Victoria rangers rarely respond to complaints about noncompliant behaviour in this area.</p>
<p><b>Nature and level of the safety risk</b></p>	
<p><b>Key risks, Likelihood/Consequences Risk Rating</b></p>	<ol style="list-style-type: none"> <li>1. <b>Stakeholders and Community:</b> A significant portion of the local and visiting will be disappointed if controls are not provided to better separate swimmers and vessels. This disappointment is likely to be expressed as ongoing lobbying of the port manager, local politicians and media attention. <b>P:</b> Possible, <b>C:</b> Minor, <b>RR:</b> (5) <b>Moderate</b></li> <li>2. <b>Human resources and safety:</b> Continuing moderate to high number of users. Chance of vessel operators using the Shared 5 Knot, within 200m of the Shore Zones inappropriately and making poor decisions and, resulting in a collision with a swimmer or surfer. <b>P:</b> Rare <b>C:</b> Major, <b>RR:</b> (5) <b>Moderate</b></li> </ol>
<p><b>Other issues and risks</b></p>	<ul style="list-style-type: none"> <li>• Safe vessel operations closer to the Point Leo shore amongst reefs, sand bars, large tide and occasional large swells requires reasonably high skill levels so few vessels visit the shoreline near the Lifesaving Club.</li> </ul>
<p><b>Existing Controls</b></p>	<ul style="list-style-type: none"> <li>• Lifesaving club and patrol presence.</li> <li>• Information provided by the Point Leo Foreshore Committee for campers and visitors.</li> <li>• Foreshore Ranger presence provides some education and compliance information.</li> <li>• Fee collection and information point at reserve entrance over busier periods</li> <li>• Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>• Education activities by government peak bodies and other volunteers.</li> <li>• Compliance work by appropriate Victorian and local government agencies.</li> <li>• Patrol and monitoring by waterway manager.</li> </ul>

	<ul style="list-style-type: none"> <li>Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<b>Additional supporting controls</b>	<ul style="list-style-type: none"> <li>Lifesavers advise surfers and swimmers of hazards including vessel and provide a rescue service over the summer months.</li> <li>Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zone in partnership with Point Leo Surf Life Saving Club and Point Leo Foreshore Committee of Management.</li> <li>Provide site specific signage describing the Vessels Prohibited-Swimming Only Zone and how it will be operated.</li> <li>Further partner with BIA and PWC retailers to communicate responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer inclusive of surfers rule.</li> <li>Parks Victoria rangers will continue noting potential dangerous interactions between vessels and swimmers.</li> </ul>
<b>Proposed rule</b>	
<p><b>Description/Intent of proposed rule</b></p> <p><i>See Figure 8.1 Point Leo 2016/17 Boating and Swimming Zone Review pg.96</i></p>	<p>Provide separation between vessel and swimmers at Point Leo Surf Lifesaving Club consistent with the Boating Zones Framework.</p> <p>Provide a Vessels Prohibited-Swimming Only Zone at Point Leo that is activated and defined by the presence of the lifesaving flags installed by the club.</p> <p>The lifesaving flags to be arranged in a way that a low and high level flag can form 'leads' perpendicular to the shore, visible from off shore and clearly marking the Vessels Prohibited-Swimming Only Zone. Zone would extend 200m from shore.</p>
<b>Residual Risk Assessment</b>	
<b>Expected key risks following introduction of the rule</b>	<ol style="list-style-type: none"> <li><b>Stakeholders and Community:</b> A significant portion of the local and visiting will be disappointed if controls are not provided to better separate swimmers and vessels. This disappointment is likely to be expressed as ongoing lobbying of the port manager, local politicians and media attention. <b>P:</b> Possible, <b>C:</b> Minor, <b>RR:</b> (5) <b>Moderate</b></li> <li><b>Human resources and safety:</b> Continuing moderate to high number of users. Chance of vessel operators using the Shared 5 Knot, within 200m of the Shore Zones inappropriately and making poor decisions and, resulting in a collision with a swimmer or surfer. <b>P:</b> Rare <b>C:</b> Major, <b>RR:</b> (5) <b>Moderate</b></li> </ol>
<b>Residual issues and opportunities</b>	<ul style="list-style-type: none"> <li>Non-compliant vessel users colliding with a swimmer in the Vessels Prohibited-Swimming Only Zone when it is operating.</li> <li>Non-compliant vessel users colliding with a swimmer in the Vessels Prohibited-Swimming Only Zone when it is operating.</li> <li>Non-compliant vessel users colliding with swimmers in the adjacent Vessels 5 Knot Zone.</li> </ul> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>Further partner with LSV, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer and 5 Knots Zone rules.</li> <li>Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zones, in partnership with Point Leo Life Surf Lifesaving Club, LSV and Point Leo Foreshore Committee.</li> </ul>

<b>Expected other issues and risks - Revised following introduction of controls.</b>	<ul style="list-style-type: none"> <li>• Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety.</li> <li>• More complex nature of the Zone may take additional communication effort/ strategy, however big advantage in having Lifesavers on site to communicate how Zone operates.</li> </ul>
<b>Alternative ways to address behaviours and risks</b>	<ul style="list-style-type: none"> <li>• Further partner with BIA and PWC retailers to communicate responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer rule.</li> <li>• Parks Victoria rangers will continue noting potential dangerous interactions between vessels and swimmers.</li> </ul>
<b>Who is likely to be affected by the rule</b>	<ul style="list-style-type: none"> <li>• Swimmers and surfers.</li> <li>• PWC operators and other boat operators.</li> <li>• Local residents.</li> <li>• Point Leo beach users.</li> </ul>
<b>Benefits and costs of proposed rule on persons affected</b>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• Effective separation between vessel users (including PWCs) and swimmers that only operates when swimming is supported by lifesaving services.</li> <li>• Lifesaving patrolled zone is not contradicted by fixed Vessel Prohibited Swimming Only Zone</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>• Explanatory signage and additional flags for club and beach \$4 000,</li> <li>• Time and effort required of local port manager to communicate new arrangements.</li> </ul>
<b>Safety Summary</b>	<p><b>On balance safety is improved</b> for vessel operators and swimmers by implementing a Vessels Prohibited-Swimming Only Zone connected to the deployment of lifesaving flags by reducing key risks-</p>
<b>Key risks before proposed rule change</b>	<p><b>From currently</b> - 2 Moderate Risks</p> <ul style="list-style-type: none"> <li>• Vessel operators making poor decisions using the Shared 5 Knot Zone inappropriately resulting in a collision with a swimmer or surfer.</li> <li>• Community disappointed additional controls are not maintained to separate swimmers and motorised vessels</li> </ul>
<b>Remaining risks after proposed change implemented</b>	<p><b>To the proposed rule resulting in</b> - 1 Moderate Risk</p> <ul style="list-style-type: none"> <li>• Vessel operators making poor decisions using the Vessels Prohibited-Swimming Only Zone inappropriately resulting in a collision with a swimmer or surfer.</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<p><b>Summary factors affecting the proposed rule change</b></p> <p><i>Existing user, stakeholder, staff input and community consultation</i></p>	<ul style="list-style-type: none"> <li>• Intensively used beach over summer.</li> <li>• The recommended permanent Swimming Only Zone proposed near SLSC, once mapped, publicised and signed may encourage inexperienced swimmers to enter the surf in dangerous conditions.</li> <li>• Local community expectations are that the area is primarily for swimming and surfing and infrequent use of the area by powered vessels including PWC operators reflects this expectation.</li> <li>• The area is exposed to large swells and can have a severe shore-break and stronger currents driven by onshore winds and tides. The site is adjacent to inter-tidal reefs and occasionally rock reefs below the normal sand beach are exposed by coastal processes.</li> <li>• The area is very popular with surfers.</li> <li>• Generally, over the summer months Life Saving Club volunteers use an in-</li> </ul>

	<p>depth technical knowledge of the area to place beach flags at the safest swimming location according to swell, tide, sand movement, reefs and currents. The beach is patrolled over summer and flags are placed in the safest swimming location swimming safety is then monitored by experienced lifesavers</p> <ul style="list-style-type: none"> <li>• The community has discussed and prefers a form of Vessels Prohibited-Swimming Only Zone that can positioned away from reefs and rips; to be only activated when conditions suit swimming. The community would prefer if the zone was only active when Lifesaving services were operating.</li> </ul>
<p><b>Local Port Manager's preferred outcome</b></p>	<p><b>Proceed with a modified Vessel Prohibited-Swimming Only Zone at Point Leo that is activated by Lifesaving Flags.</b></p>



Figure 8.1  
**Point Leo**  
2016/17 Boating and Swimming Zone Review  
Coordinate System: GCS WGS 1984  
Datum: WGS 1984  
13/06/2017

- |                       |                                 |
|-----------------------|---------------------------------|
| <b>Existing Zones</b> | <b>Recommended Zones</b>        |
| No PWCs               | Vessel Prohibited Swimming Only |
|                       | Proposed Sign                   |

0 100 200 m

**Parks** Healthy Parks Healthy People  
VICTORIA

Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information.

## 9. Removal of the existing No Personal Water Craft Zone and replacement with a new Vessel Prohibited-Swimming Only Zone and Boating Only Zone at Portarlington Harbour.

### Implementing a revised Vessels Prohibited-Swimming Only Zone and Boating Only-Swimming Prohibited Zone at Portarlington

Parks Victoria is currently constructing a safe harbour at Portarlington, which includes a new pier section, breakwater and new commercial berthing jetty. During favourable conditions, swimming and bathing in the shallows is expected to be very popular in the new harbour. The previous smaller harbour regularly experienced high visitation from swimmers. Swimming and boating needs to be separated in this new busy and confined area.

Nature and Scope of Matter	
<b>Current waterway rule</b>	<p><u>Schedule 1 Waters: The Local Port of Port Phillip</u></p> <p>1.4 South West Port Phillip</p> <p>1.4. 7 Five (5) knot speed restriction zones</p> <p>All waters of South West Port Phillip unless designated as a 5 Knot Zone below are subject to a 5 knot speed restriction within 200 metres of the water's edge, excluding areas prohibited to vessels.</p> <p>1.4.9 Areas prohibited to vessels (Note: This area adjacent and west of harbour)</p> <p>(d) Waters bounded by a line commencing at a signpost displaying a No Vessels sign on the foreshore adjacent to the foot of Portarlington Pier, extending approximately 145 metres along the west edge of the Pier to a No Vessels sign on the Pier, then extending west approximately 10 metres to a yellow special mark, extending northwest approximately 95 metres to a yellow special mark, extending west approximately 250 metres to a yellow special mark, extending south to a signpost displaying a 'No Vessels' on the foreshore approximately 95 metres west of Sproat Street, Portarlington.</p> <p>1.4.12 Prohibition of specific activities.</p> <p>(b) Personal water craft are prohibited in the following areas:</p> <p>(i) Waters bounded by a line commencing at a signpost displaying a No Personal Watercraft, on the foreshore 15 metres east of the foot of Portarlington Pier, extending approximately 220 metres along the eastern edge of the pier, then along the southern edge of the rock breakwater, then extending west approximately 200 metres to a No Personal Watercraft sign on a starboard lateral mark, then extending south to a signpost displaying a No Personal Watercraft sign, on the foreshore approximately 50 metres east of the Portarlington foreshore car park.</p>
<b>Current behaviours</b>	<ul style="list-style-type: none"> <li>• A No Personal Water Craft Zone encompassed all of the old harbour foot print and generally experienced reasonable compliance.</li> <li>• Swimming is very popular at this holiday location and many residents and visitors will find protected shallows formed by the harbour attractive for swimming and paddling with small children.</li> <li>• There is an existing Vessels Prohibited-Swimming Only Zone immediately west of the Harbour.</li> <li>• The harbour is very popular over the summer period and experiences high visitation from families visiting Portarlington or camping in the vicinity. The nearest patrolled beaches are at Point Lonsdale and Ocean Grove;</li> </ul>

	<p>however these are exposed ocean beaches. Generally, use of the harbour by swimmers is less influenced by wind than most beaches in the area.</p> <ul style="list-style-type: none"> <li>• Access from adjacent residential streets, foreshore paths and camping areas is straightforward and the area and supporting amenities is designed to attract large numbers of people. During favourable conditions, swimming and bathing in the shallows are expected to be very popular in the new harbour.</li> <li>• There has been an increase in housing in the area. This has meant more holiday residents and residents swimming and however the harbour beach is only accessible by bus, car, cycling and walking.</li> <li>• There is ongoing community concern regarding powered vessels accessing the beach. Much of community concern focuses on PWCS as they are approach and leave the shore more regularly. PWCs are perceived by sectors of the community to be less compliant and more likely to break the 5 knot 200m rule when approaching the shore.</li> <li>• PWC use occurs in Port Phillip year round but is more common from spring to autumn when beach and boating conditions are good. In stronger cross and onshore winds PWC use is less attractive. Vessel operators and PWC operators often base themselves on beaches near Portarlington and will be attracted to the shelter and amenities the new harbour offers.</li> <li>• Compliance work with powered vessel users can be complex and difficult even though the vessels are registered and users licensed. Interviews can be conducted from the shore however vessel based enforcement is also effective in the area.</li> </ul>
<p><b>Locations affected</b></p>	<ul style="list-style-type: none"> <li>• Rule change is specific to Portarlington as described and mapped.</li> <li>• Foreshore facilities and harbour structures have now been modified considerably since the 2009 BECA Report.</li> <li>• Zone boundaries are supported by information on Parkweb and Maritime Safety Victoria websites.</li> </ul>
<p><b>Background</b></p>	
<p><b>Key issues and risks as interpreted by community and government prior to public consultation</b></p>	<ul style="list-style-type: none"> <li>• The \$15 million harbour works are designed to support the aquaculture industry and help boost tourism on the Peninsula. The complete works include the construction of two rock breakwaters, the jetty and infrastructure to facilitate ferry services.</li> <li>• Final stages of the harbour project include: Berthing facilities on the 190 metre commercial jetty for mussel farmers, 110 metres of concrete wave panels on the western side of the pier to protect vessels berthed inside the harbour from westerlies, a 30 metre floating berth to sit alongside the inner edge of the northern breakwater, with gangway to support passengers boarding the ferry or other vessels, and a 66 metre section of concrete pier.</li> <li>• Local community expectations are that the inshore area is primarily for sheltered swimming and paddling for small children.</li> <li>• Final configuration of zones as mapped - influenced by harbour access, dredging water depths close to shore and position of a future mooring ground.</li> <li>• There will need to be a clear separation between swimming and vessels working in the harbour. The inshore area will remain shallow and therefore will often be inaccessible powered vessels that draw more than .3 of a metre, closer to the vessel infrastructure the bottom will drop away sharply (approx.2.5 m) to the deeper dredged harbour floor.</li> <li>• PWC were prohibited in the previous harbour configuration as the</li> </ul>

	<p>infrastructure was not suitable for docking PWCs and the harbour occasionally congested with fishing vessels, recreational powerboats and PWCs. There are opportunities for powered vessels and PWCs to come ashore further to the west and east of the harbour. There is an existing Vessels Prohibited-Swimming Only Zone then and adjacent 5 Knot Shared Zone immediately west of the harbour.</p> <ul style="list-style-type: none"> <li>• Footprint of the harbour has now changed and some of the new floating infrastructure may be able to be used by PWCs for some casual berthing.</li> <li>• The harbour will also provide some limited casual berthing for other recreational vessels.</li> <li>• A daily ferry service has commenced and will berth on the shoreside of the finger jetty requiring unhindered approach.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Approximately 10 Survey Question Responses. Generally, responses favoured a Vessels Prohibited-Swimming Only Zone as outlined, concern about PWC behaviours in the area also mentioned regularly.</li> <li>• 9 emailed and community day responses generally supporting the proposed zones.</li> </ul>
<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Suggestion to extend adjacent Vessels Prohibited-Swimming Only Zone further west outside the harbour.</li> <li>• Users of PWCs and motor vessels, who believe they are responsible, have suggested that the existing zones are already restrictive and that the key risk is <u>non-compliance</u> with existing zones rather than focussing on further separation of swimmers, PWCS and motor vessels.</li> <li>• Paddle craft maybe at risk of collision with ferries or hinder operations.</li> <li>• Swimmers feel more separated from compliant and noncompliant vessel operators in a Vessels Prohibited-Swimming Only Zone.</li> </ul>
<p><b>Incidents Reported</b></p>	<ul style="list-style-type: none"> <li>• Parks Victoria rangers regularly respond to complaints about noncompliant behaviour vessel and in particular non-compliant PWC operations at Portarlington.</li> </ul>
<p><b>Nature and level of the safety risk</b></p>	
<p><b>Key risks, Likelihood/Consequences Risk Rating</b></p>	<ol style="list-style-type: none"> <li><b>1. Human resources and safety:</b> A new control needs to be put in place to reflect the reconfigured harbour footprint. Applying the existing rule will make education and compliance work complex and hard to interpret correctly. Generally high numbers of users over summer. Vessel operators may using the harbour could and make poor decisions and, resulting in a collision with a swimmer using the beach area within the harbour.  <b>P:</b> Possible <b>C:</b> Major, <b>RR:</b> (7) <b>Significant</b></li> <li><b>2. Stakeholders and Community:</b> A significant portion of the local and visiting will be disappointed if controls are not provided to separate swimmers and vessels using the harbour. This disappointment is likely to be expressed as ongoing lobbying of the port manager, local politicians and media attention.  <b>P:</b> Possible, <b>C:</b> Minor, <b>RR:</b> (5) <b>Moderate</b></li> </ol>
<p><b>Other issues and risks</b></p>	<ul style="list-style-type: none"> <li>• Intensively used beach during summer period in most sunny conditions, as the wind increases more swimmers and vessel are likely to use the shelter of the harbour.</li> </ul>

<b>Existing Controls</b>	<ul style="list-style-type: none"> <li>• Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>• Education activities by government peak bodies and other volunteers.</li> <li>• Compliance work by appropriate Victorian and local government agencies.</li> <li>• Patrol and monitoring by waterway manager.</li> <li>• Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<b>Additional supporting controls</b>	<ul style="list-style-type: none"> <li>• Further partner with, other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer rule.</li> <li>• Monitor behaviours and record incidents in the harbour Parks Victoria rangers will continue noting potential dangerous interactions between vessels and swimmers.</li> <li>• If resourcing permits consider out of hours patrols when boating and swimming conditions are conducive to higher participant numbers particularly later on hot summer days when the harbour provides shelter for swimmers and boats from the sea breeze.</li> </ul>
<b>Proposed rule</b>	
<p><b>Description/Intent of proposed rule</b></p> <p><i>See Figure 9.1 Portarlinton 2016/17 Boating and Swimming Zone Review pg.102</i></p>	<ul style="list-style-type: none"> <li>• Provide a Vessels Prohibited-Swimming Only Zone at Portarlinton Harbour that incorporates the beach within the harbour and the shallow water adjacent.</li> <li>• Provide a complimentary Boating Only-Swimming Prohibited Zone inclusive of the remainder of the harbour footprint. Note that this Zone excludes swimmers and prohibit diving or swimming around vessels in the harbour except in emergencies. See Figure 9.1</li> </ul>
<b>Residual Risk Assessment</b>	
<p><b>Expected key risks following introduction of the rule</b></p>	<ul style="list-style-type: none"> <li>• <b>Human resources and safety:</b> Continuing moderate to high number of users. Chance of vessel operators making poor decisions and using Vessels Prohibited-Swimming Only Zone resulting in a collision with a swimmer. <b>P: Rare C: Major, RR: (5) Moderate</b></li> </ul>
<p><b>Residual issues and opportunities</b></p>	<ul style="list-style-type: none"> <li>• Non-compliant vessel users colliding with swimmers in the Vessels Prohibited-Swimming Only Zone.</li> <li>• Vessel users colliding with non-compliant swimmers in the Boating Only-Swimming Prohibited Zone.</li> </ul> <p>Opportunity to focus on these residual risks in future local and local port education and compliance work.</p> <ul style="list-style-type: none"> <li>• Further partner with other maritime education and compliance agencies and retailers to communicate <i>Marine Safety Act 2010</i> responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer and 5 knots Zone rules.</li> <li>• Monitor behaviours and record incidents in Vessels Prohibited-Swimming Only Zone, in partnership with local government and foreshore managers.</li> </ul>
<p><b>Expected other issues and risks - Revised following introduction of controls.</b></p>	<ul style="list-style-type: none"> <li>• Already extremely popular tourism stop and likely to experience increasing visitation when the development is finished. Very large numbers of visitors swimming on hot days may create new education and compliance challenges.</li> <li>• Continuous stream of new users will require a sustained education (and possibly compliance) effort focused on swimmer safety.</li> </ul>

<b>Alternative ways to address behaviours and risks</b>	<ul style="list-style-type: none"> <li>• Further partner with BIA and PWC retailers to communicate responsibilities around swimmers and reinforce the maximum of 5 knots within 50m of a swimmer rule.</li> <li>• Parks Victoria rangers will continue noting potential dangerous interactions between vessels and swimmers. Regular checks with vessel operators berthed in the harbour may be useful.</li> </ul>
<b>Who is likely to be affected by the rule</b>	<ul style="list-style-type: none"> <li>• Swimmers in and adjacent to the new harbour.</li> <li>• Holiday visitors to Portarlington Harbour.</li> <li>• PWC operators and other boat operators.</li> <li>• Harbour users including ferry, commercial fishers and mussel boats.</li> <li>• Local residents.</li> </ul>
<b>Benefits and costs of proposed rule on persons affected</b>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• Effective separation between vessel users and swimmers.</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>• Signage and buoyage within Harbour including education signs \$10 000.</li> <li>• Time and effort required of local port manager to communicate new arrangements.</li> </ul>
<b>Safety Summary</b>	<b>On balance safety is improved</b> for vessel operators and swimmers by including a Vessels Prohibited-Swimming Only Zone on the shore side of Portarlington Harbour by reducing key risks-
<b>Key risks before proposed rule change</b>	<b>From currently</b> - 1 Significant Risk <ul style="list-style-type: none"> <li>• Ineffective education and compliance effort in Portarlington harbour due to use of a superseded and less relevant zone.</li> </ul> And 1 Moderate Risk <ul style="list-style-type: none"> <li>• Community disappointed additional controls are not maintained to separate swimmers and motorised vessels including PWCs.</li> </ul>
<b>Remaining risks after proposed change implemented</b>	<b>To the proposed rule resulting in</b> - 1 Moderate Risk <ul style="list-style-type: none"> <li>• Vessel operators making poor decisions using the Vessels Prohibited-Swimming Only Zone inappropriately resulting in a collision with a swimmer.</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<b>Summary factors affecting the proposed rule change</b>  <i>Existing user, stakeholder, staff input and community consultation</i>	<ul style="list-style-type: none"> <li>• Local community expectations are that the inshore area is primarily for sheltered swimming and paddling for small children.</li> <li>• The inshore area will remain shallow and therefore will often be inaccessible powered vessels.</li> <li>• Final configuration of zones (as mapped) - influenced by harbour access, dredging water depths close to shore and position of a future mooring ground.</li> <li>• A clear separation between swimming and vessels working in the harbour.</li> </ul>
<b>Local Port Manager's preferred outcome</b>	<b>Proceed with the Rule Change</b>

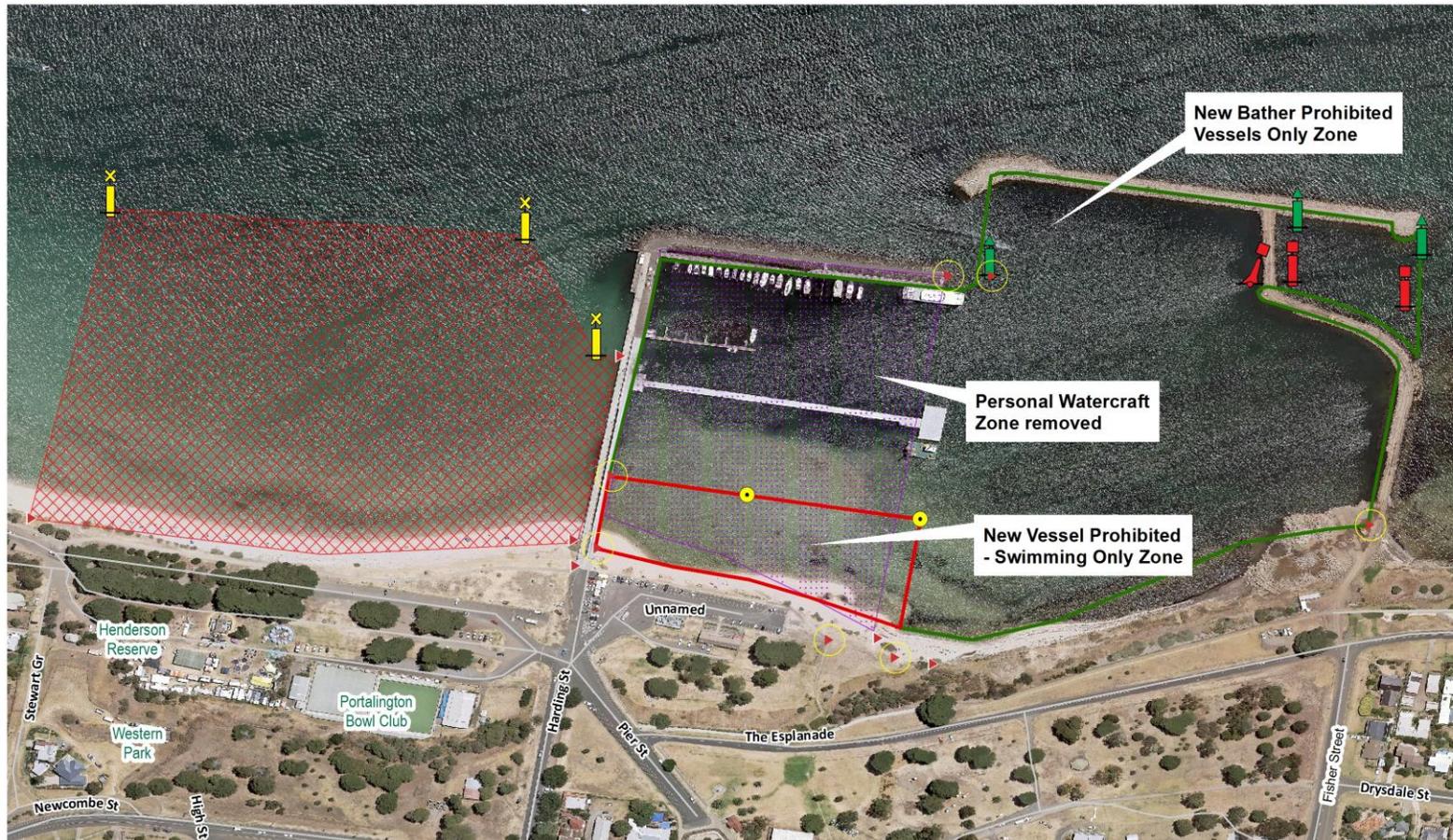


Figure 9.1  
**Portarlington**  
 2016/17 Boating and Swimming Zone Review

Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 13/06/2017

Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information.

**Existing Zones**

- No PWCs
- Vessel Prohibited Swimming Only
- Sign



Lateral Mark - Port



Lateral Mark - Starboard



Special Mark



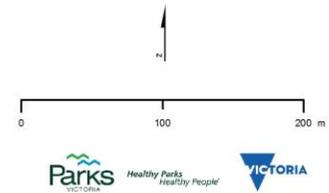
Lateral Mark - Port

**Recommended Zones**

- Bather Prohibited Vessels Only
- Vessel Prohibited Swimming Only

Proposed Sign

Proposed Buoy



## 10. Renaming of all Port Phillip and Western Port ‘Kiteboarding Zones’ to ‘Shared Windsports Zones’ to describe and allow the use of kiteboards and windsurfers in these zones.

### Changing the name from Kite Boarding Zone to Shared Windsports Zone

Renaming of all Port Phillip and Western Port ‘Kite Boarding Zones’ as described in Schedules 1 and 5 of the Vessel Operating and Zoning Rules to ‘Shared Wind Sports Zones’ to better describe and to allow the use of kiteboards and windsurfers in these zones.

Nature and Scope of Matter	
<p><b>Current waterway rule</b></p>	<p><b>Victorian Operating and Zoning Rules</b></p> <p><b><u>Zone definitions for the purpose of this Schedule</u></b></p> <p><b>Exclusive use and special purpose areas</b></p> <p>Exclusive use and special purpose areas for the purpose of Clause 13. Areas where specified activities are subject to specific conditions and other vessels may not be permitted. In this Schedule the following applies to specified areas:</p> <p><u>Kite-boarding areas</u></p> <p>Kite-boarding areas established to enable kite-boarders only to exceed 5 knots within 50 metres of another kite-boarder but not within 50 metres of a person in the water or any other vessel. Only kite-boarders operating within these zones are excluded from the requirement to operate at a speed not exceeding 5 knots within 200 metres from the water’s edge. Only kite-boarders operating in these areas are excluded from Clause 2(c) and Clause 4(a). Other vessels and bathers are permitted in these areas.</p> <p><u>Schedule 1 Waters: The Local Port of Port Phillip</u></p> <p>1.1 North East Port Phillip</p> <p>1.13 Exclusive use and special purpose areas</p> <p>(a) The following waters are a Kite-boarding area.</p> <p>(i) Waters bounded by a line commencing at a signpost displaying a kite boarding emblem sign<sup>1508</sup> on the foreshore at the end of Langridge Street, St Kilda, then to a yellow special mark pile<sup>611</sup> with a Kite Boarding emblem sign, and buoys<sup>B001, B002, B003</sup> with kite boarding emblem signs, then to a signpost displaying a kite boarding emblem sign<sup>1510</sup> on the foreshore approximately 248 metres north of St Kilda Pier.</p> <p>(ii) Waters bounded by a line commencing at a signpost displaying a kite boarding emblem sign<sup>sb9</sup> on the foreshore at the end of Park Street, Brighton, then to a yellow buoy<sup>Bbr3</sup> with a Kite Boarding emblem sign, then to continuing south east to a yellow special mark pile<sup>328</sup> with kite boarding emblem sign, then to a signpost displaying a kite boarding emblem sign<sup>s328</sup> on the foreshore adjacent to Brighton Life Saving Club.</p> <p>(iii) Waters bounded by a line commencing at a signpost displaying a kite boarding emblem sign<sup>sh5</sup> on the foreshore at the end of New Street, Hampton, then south west to a yellow buoy<sup>Bh5</sup> with a Kite Boarding</p>

	<p>emblem sign, then continuing south east to a yellow buoy<sup>Bh4</sup> with kite boarding emblem sign then, to a signpost displaying a kite boarding emblem sign<sup>sh4</sup> on the foreshore at the end of Orlando Street, Hampton.</p> <p>1.2 East Port Phillip</p> <p>1.2.13 Exclusive use and special purpose areas</p> <p>(a) The following waters are a Kite-boarding area.</p> <p>(i) Waters bounded by a line commencing at a signpost displaying a kite-boarding sign<sup>Sm6</sup> on the foreshore at the end of Parkers Road, Mordialloc, and extending approximately 200 metres seaward to a yellow buoy<sup>m6</sup> with a kite-boarding sign, then extending 420 metres south east to a yellow buoy<sup>m5</sup>, with a kite-boarding sign, then extending east to a signpost displaying a kite-boarding sign<sup>Sm5</sup> on the foreshore in line with Rennison Street, Mordialloc.</p> <p>(ii) Waters bounded by a line commencing at a signpost displaying a kite-boarding sign<sup>Ssf6</sup> on the foreshore at the north end of Keast Park, Seaford, and extending approximately 200 metres seaward to a yellow buoy<sup>sf6</sup> with a kite-boarding sign, then extending 900 metres south east to a yellow buoy<sup>sf5</sup> with a kite-boarding sign, then extending east to a signpost displaying a kite-boarding sign<sup>Ssf5</sup> on the foreshore in line with Armstrongs Road, Seaford.</p> <p>1.3 South East Port Phillip</p> <p>1.3.13 Exclusive use and special purpose areas</p> <p>The following waters are kite-boarding areas:</p> <p>(i) Waters bounded by a line commencing at a signpost<sup>2012</sup> displaying a kite-boarding emblem sign on the foreshore in line with the end of Boneo Road, Rosebud, then extending seaward to a yellow special mark buoy<sup>B104</sup> approximately 500 metres offshore, then extending south west to a yellow special mark buoy<sup>B105</sup> then extending shoreward to a signpost<sup>2013</sup> on the foreshore displaying a kite-boarding emblem sign north west of Brendel Road, Rosebud.</p> <p>(ii) Waters bounded by a line commencing at a signpost<sup>2014</sup> displaying a kite-boarding emblem sign on the foreshore in line with the end of Shirlow Avenue, Rye, then extending seaward to a yellow special mark buoy<sup>B106</sup> approximately 500 metres offshore, then extending west to a yellow special mark buoy<sup>B107</sup>, then shoreward to a signpost<sup>2015</sup> on the foreshore displaying a kite-boarding emblem sign in line with the end of Weeroona Street, Rye</p> <p>1.4 South West Port Phillip</p> <p>1.4.13 Exclusive use and special purpose areas</p> <p>The following waters are kite-boarding areas.</p> <p>(a) Waters bounded by a line commencing at a signpost displaying a 'Kite-boarding' sign<sup>ph07</sup> on the foreshore</p>
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	<p>approximately 800 metres south of the Visitors Entrance (Gate 2) of the former Alcoa Point Henry Works on Point Henry Road, extending seaward approximately 210 metres to a yellow special mark buoy<sup>ph01</sup>, then extending north approximately 1,720 metres to a yellow special mark buoy<sup>ph02</sup>, then continuing approximately 835 metres northeast to a yellow special mark buoy<sup>ph03</sup> (offshore from the tip of Point Henry), then extending approximately 580 metres south east to a yellow special mark buoy<sup>ph04</sup>, then extending west to a signpost displaying a 'Kite-boarding' sign<sup>ph13</sup> on the foreshore, approximately 445 metres north of Point Henry Pier.</p> <p>(b) Waters bounded by a line commencing at a signpost displaying a 'Kite-boarding' sign<sup>pw07</sup> on the foreshore approximately 20 metres east of the foot of the Point Richards breakwater, extending seaward west approximately 210 metres to a yellow special mark buoy<sup>pw01</sup>, then extending in an arc approximately 585 metres east to a yellow special mark buoy<sup>pw02</sup>, then extending approximately 240 metres south to a signpost displaying a 'Kite-boarding' sign<sup>pw08</sup>, on the foreshore approximately 100 metres west of the Portarlington Sailing Club.</p> <p>1.5 North West Port Phillip</p> <p>1.5.13 Exclusive use and special purpose areas</p> <p>(a) The following waters are Kite-boarding areas:</p> <p>(i) Waters bounded by a line commencing at a signpost<sup>2031</sup> displaying Kite Boarding warning sign on the foreshore opposite McBain Street, Altona, then extending seaward to a yellow special mark buoy<sup>B111</sup> approximately 200 metres offshore, then extending south west to a yellow special mark buoy<sup>B110</sup>, then extending shoreward to a signpost<sup>2030</sup> on the foreshore opposite Apex Park, displaying Kite Boarding warning sign.</p> <p><u>Schedule 5 Waters: The Local Port of Western Port</u></p> <p>5.7. Exclusive use and special purpose areas for the purposes of Clause 13.</p> <p>(b) The following waters are established for the purpose of kite-boarding.</p> <p>(i) Waters bounded by a line commencing at a signpost displaying a 'Kiteboarding' sign<sup>S2026</sup> on the foreshore approximately 280 metres east of the Westernport Yacht Club, Foreshore Road, Balnarring Beach, extending seaward approximately 250 metres to a yellow special mark buoy<sup>B2003</sup>, then extending east approximately 345 metres to a yellow special mark buoy<sup>B2004</sup>, then to a signpost displaying a 'Kiteboarding' sign<sup>S2025</sup>, on the foreshore approximately 550 metres east of the Westernport Yacht Club.</p> <p>(ii) Kite-boarders using this area are exempt from the provisions of Clause 2(c) of this Notice as is relates to other kite-boarders only and exempt from the provisions of Clause 4(a) of this Notice.</p>
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<p><b>Current behaviours</b></p>	<ul style="list-style-type: none"> <li>• Kiteboarders and windsurfers share the zones provided and different sailing angles enable both groups to use the zone safely and simultaneously</li> <li>• Windsurfing and kiteboarding technologies continue to advance and diversify rapidly. This has made both sports more accessible and further increased their popularity.</li> <li>• Both sports generally prefer stronger cross-onshore winds and a section of beach to rig and network from, their sailing angles and approach differ slightly and favour either or both sports under different conditions. Generally, as stronger cross onshore wind conditions favour windsports, beach going and swimming become less pleasant and fewer swimmers access the water. This leads to a separation between swimming and windsports.</li> <li>• Swimmers continue to take precedence over windsports users and windsports participants must not pass within 50m of a swimmer when exceeding 5 knots</li> <li>• Generally beach conditions for swimming deteriorate (strong cross or onshore winds) as kiteboarding and windsurfing conditions improve. The 'natural' separation has worked well</li> </ul>
<p><b>Locations affected</b></p>	<ul style="list-style-type: none"> <li>• Port Phillip: Point Henry, Portarlington, Altona, St Kilda, Middle Brighton, Hampton, Parkdale/Mordialloc, Carrum/Seaford, Rosebud,</li> <li>• Western Port: Balnarring.</li> </ul>
<p><b>Background</b></p>	<p>Background to safety risks/ issues – as listed in WM1</p>
<p><b>Key issues and risks as interpreted by community and government prior to public consultation</b></p>	<ul style="list-style-type: none"> <li>• Signs, legislation and web information refer to these popular zones in an inconsistent fashion that does not properly recognise consistent use by windsurfers. 'Shared Wind Sports' is inclusive of kiteboarding and windsurfing and better informs other beach uses that both activities are welcome in the zone.</li> <li>• Kiteboarding Victoria and Windsurfing Victoria support the renaming and conversations with Windsurfing Victoria and Kiteboarding Victoria have confirmed that the name change is beneficial to both sports.</li> <li>• During the 2009 BECA Review kiteboarding was gaining popularity rapidly and zones were provided to allow kiteboarders to travel at more than 5 knots close to shore provided they were more than 50m from a swimmer. Windsurfing was less popular and expected to decline. In fact both sports, supported by big advances in technology are continually gaining popularity.</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<p>Several general references to naming supporting the change in emails. Of 187 survey responses 83% agreed, 5% disagreed and 12% had no opinion.</p>

<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<p>Some incidental commentary from ‘non-windsports’ public to rangers regarding uncertainty as to whether windsurfers are permitted in Kiteboarding Zone and if they are obliged to observe the same rules in regard to swimmers.</p>
<p><b>Incidents Reported</b></p>	<p>There are several documented complaints regarding collisions between swimmers and kiteboarders in Port Phillip and Western Port however these incidents are less than likely to relate directly to renaming of the zone.</p>
<p><b>Nature and level of the safety risk</b></p>	
<p><b>Key risks, Likelihood/Consequences Risk Rating</b></p>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> the current named Kiteboarding Zone may be interpreted by some windsurfers as excluding windsurfers. This could encourage non-compliance by windsurfers who appear to be excluded/not incorporated into the current BZ framework. In turn this may result in use of less appropriate zones such as the Shared 5 Knot Zones, Vessels Prohibited-Swimming Only Zone or Zones dedicated to vessels and towed water skiing. P: Likely, C: Moderate, RR; (7) <b>Significant</b></li> <li><b>2. Human resources and safety:</b> Increased chance of windsurfers making poor decisions and using the Vessels Prohibited-Swimming Only Zone or Shared 5 Knot Zone 200 or 500 m from shore at higher speeds resulting in a collision with a swimmer. P: Likely, C: Moderate, RR; (7) <b>Significant</b></li> </ol>
<p><b>Other issues and risks</b></p>	<p>Special Note: Consider using Shared Windsports terminology for prohibitions at Point Henry as well as Exclusive Use and Special Purpose areas to simplify education and compliance messages for shared windsports participants.</p>
<p><b>Existing Controls</b></p>	<ul style="list-style-type: none"> <li>• Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>• Education activities by government peak bodies and other volunteers.</li> <li>• Compliance work by appropriate Victorian and local government agencies.</li> <li>• Patrol and monitoring by waterway manager.</li> <li>• Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<p><b>Additional supporting controls</b></p>	<ul style="list-style-type: none"> <li>• Both Kiteboarding Victoria and Windsurfing Australia have a very active social media and web presence. Both organisations promote compliance and responsible use by participants on line and at popular venues.</li> <li>• Beach-goers, windsurfers and kiteboarders would benefit from an improved statewide approach to Boating Safety Signs and supporting web and printed materials (developed in conjunction with stakeholder peak bodies) that specifically show Shared Windsports Zone and detail appropriate behaviours.</li> <li>• Ranger Patrols focused on education.</li> <li>• Provision of local councils education and compliance materials regarding beach use and windsurfing/kiteboarding.</li> <li>• Occasional liaison between stakeholder peak bodies, commercial kiteboarding and windsurfing schools, councils and Parks Victoria.</li> </ul>

Proposed rule	
<p><b>Description/Intent of proposed rule</b></p> <p><i>See Figure 10.1 Locations affected by proposed renaming Kiteboards Zone to Share Windsport Zone pg.110</i></p>	<p>Change the name of Kiteboarding Zones to Shared Wind Sports Zone - this name better describes an area for kite boarding and windsurfing and is likely to make education and compliance communications more efficient for a growing population of users.</p>
Residual Risk Assessment	
<p><b>Expected key risks following introduction of the rule</b></p>	<p><b>1. Human resources and safety:</b> Potential reduction in near misses or injuries to swimmers caused by collisions between kiteboarders, windsurfers and swimmers (due to better separation) if more use of zones by shared windsports enthusiasts. More kiteboarders and windsurfers should also be aware of the requirement to slow to 5 knots within 50m of a swimmer.</p> <p><b>P:</b> Possible <b>C:</b> Moderate, <b>RR:</b> (6) <b>Moderate</b></p>
<p><b>Residual issues and opportunities</b></p>	<ul style="list-style-type: none"> <li>• Some beach users will still have difficulty understanding how the zone allows for swimming.</li> <li>• Some shared windsports participants will have difficulty understanding how the zone allows for swimming.</li> <li>• Opportunity to work closely with Windsurfing Victoria and Kiteboarding Victoria to increase 'ownership' of revised zone name.</li> </ul>
<p><b>Expected other issues and risks - Revised following introduction of controls.</b></p>	<ul style="list-style-type: none"> <li>• Continuous stream of new beach users and windsports participants will require a sustained education (and possibly compliance) effort focused on swimmer safety.</li> <li>• Increasing numbers of shared windsports participants as both sports continue to grow.</li> <li>• Foiling kiteboards and windsurfers will travel faster than conventional boards, in less wind, possibly making efficient separation between swimmers and windsports participants increasingly important.</li> </ul>
<p><b>Alternative ways to address behaviours and risks</b></p>	<ul style="list-style-type: none"> <li>• If the renaming of the zones does not proceed- continue to encourage windsurfers to use Kiteboarding Zones (Complex education and compliance task when port manager resources are limited). Utilise internet messaging provided at a stakeholder representative groups, statewide level via government and retailers to confirm windsurfers may use Kiteboarding Zones.</li> </ul>
<p><b>Who is likely to be affected by the rule</b></p>	<ul style="list-style-type: none"> <li>• Kiteboarders.</li> <li>• Windsurfers.</li> <li>• Beach users.</li> <li>• Swimmers.</li> <li>• Windsports retailers and windsports schools.</li> </ul>
<p><b>Benefits and costs of proposed rule on persons affected</b></p>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• More efficient and effective communication with kiteboarders and windsurfers.</li> <li>• Better understanding of zones supporting kiteboarding and windsurfing and how swimmers are protected.</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>• Revised boating safety signage at all sites approximately 12 sets of signs at \$2000 per site – \$24 000.</li> <li>• Time and effort required of local port manager to communicate new arrangements.</li> </ul>

<b>Safety Summary</b>	<b>On balance safety is improved</b> for swimmers, kiteboarders and windsurfers-
<b>Key risks before proposed rule change</b>	<b>From currently- 2 Significant Risks</b> <ul style="list-style-type: none"> <li>• Non-compliance by windsurfers who assume they are excluded from Kiteboarding Zones.</li> <li>• Collisions between windsurfers and swimmers outside Kiteboarding Zones.</li> </ul>
<b>Remaining risks after proposed change implemented</b>	<b>To the proposed rule resulting in - 1 Moderate Risk</b> <ul style="list-style-type: none"> <li>• Possible collisions or near misses or injuries to swimmers caused by collisions between kiteboarders and/or windsurfers choosing to ignore clearer state rules and exceed 5 knots within 50 metres of a swimmer.</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<b>Summary factors affecting the proposed rule change</b>  <i>Existing user, stakeholder, staff input and community consultation</i>	<ul style="list-style-type: none"> <li>• Signs, legislation and web information refer to these popular zones in an inconsistent fashion that does not properly recognise consistent use by windsurfers. 'Shared Wind Sports' is inclusive of kiteboarding and windsurfing and better informs other beach uses that both activities are welcome in the zone.</li> <li>• Kiteboarding Victoria and Windsurfing Victoria support the renaming and conversations with Windsurfing Victoria and Kiteboarding Victoria have confirmed that the name change is beneficial to both sports.</li> <li>• Both windsurfing and kiteboarding continue to grow in both popularity and participation numbers.</li> </ul>
<b>Local Port Manager's preferred outcome</b>	<b>Proceed with the rule change (renaming).</b>

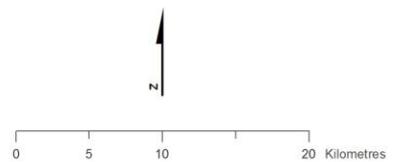


Figure 10.1  
**Locations affected by proposed renaming of  
 Kiteboards Zone to Shared Windsports Zones**

*2016/17 Boating and Swimming Zone Review*

Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 14/06/2017

 Existing and Proposed Shared Windsports Zone



Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information. Data source acknowledgements: State Digital Mapbase. The State of Victoria and the Department of Environment and Primary Industries.



## 11. Allow all human powered paddlecraft to use the Vessels Prohibited-Swimming Only Zones of Port Phillip and Western Port.

### Allow human powered paddlecraft in Vessels-Prohibited Swimming Only Zones

Apply an exemption to allow these human powered paddlecraft to use the Vessels Prohibited Swimming Only Zones of Port Phillip and Western Port. The use of this type of craft has grown exponentially and allowing them within the Zone is consistent with the current use of; sit on top kayaks, canoes, kayaks, surf skis, small rowed tenders, paddled inflatable rafts, and stand up paddle boards.

Nature and Scope of Matter	
<b>Current waterway rule</b>	<p><u>Areas prohibited to vessels</u></p> <p>Areas where vessels are prohibited for the purpose of Clause 9. All vessels, whether powered or unpowered, including but not limited to personal water craft, yachts, sailboards, kite-boards, canoes and kayaks, are not permitted in these areas.</p> <p>Areas prohibited to vessels in this Schedule are excluded from Clause 4(a).</p> <p><u>Schedule 1 The Local Port of Port Phillip</u></p> <p>1.1 North East Port Phillip</p> <p>1.1.9 Areas prohibited to vessels</p> <p>All vessels are prohibited in the following areas:</p> <p>(a) Waters bounded by a line commencing at a signpost displaying a 'No Vessels' sign<sup>1500</sup> on the foreshore approximately 35 metres west of the Sandridge Life Saving Club, then to a line extending seaward approximately 200 metres to a yellow special mark pile<sup>600</sup> then east approximately 200 metres to a yellow special mark pile<sup>601</sup>, and then to a signpost displaying 'No Vessels' sign<sup>1501</sup> on the foreshore approximately 158 metres east of the Sandridge Life Saving Club.</p> <p>(b) Waters bounded by a line commencing at a signpost displaying 'No Vessels' signs<sup>1502, 1503</sup> on the shore and on the end of Lagoon Pier, to yellow special mark piles<sup>605, 606</sup> with 'No Vessels' signs, to a signpost displaying 'No Vessels' sign<sup>1504</sup> on the foreshore at the end of Philipson Street, Albert Park.</p> <p>(c) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>1506</sup> on the foreshore at the end of Wright Street, Middle Park, to yellow special mark piles<sup>608, 609, 610</sup> with 'No Vessels' signs, to a signpost displaying 'No Vessels' sign<sup>1507</sup> on the foreshore at the end of Armstrong Street, Middle Park.</p> <p>(d) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>1511</sup> on the foreshore just south of the St Kilda Pier and extending seaward to a signpost displaying a 'No Vessels' sign<sup>1516</sup> on the St Kilda Pier, then extending south east through yellow special mark piles<sup>612, 613, 614, 615</sup> with 'No Vessels' signs, then to a signpost displaying 'No Vessels' signs<sup>1513</sup> on the foreshore east of the entrance to St Kilda Marina and extending east to a signpost displaying a 'No Vessel' sign<sup>1514</sup> on the foreshore at the southern end of St Kilda Beach.</p> <p>(e) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>5el2</sup> on the foreshore in line with</p>

	<p>Vautier Street, Elwood, extending seaward approximately 200 metres to a yellow special mark pile<sup>e12</sup> then south approximately 220 metres to a yellow special mark pile<sup>e11</sup> then to a signpost displaying 'No Vessels' sign<sup>Se11</sup> on the foreshore in line with Head Street, Elwood.</p> <p>(f) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>S328</sup> on the foreshore south of the Brighton Life Saving Club clubhouse extending seaward approximately 200 metres to a yellow special mark pile<sup>328</sup> then south approximately 270 metres to a yellow special mark pile<sup>327</sup> then eastward to a signpost displaying 'No Vessels' sign<sup>S327</sup> on the foreshore in line with Norwood Avenue, Brighton.</p> <p>(g) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sh3</sup> on the foreshore approximately 100 metres south of the end of Orlando Street, Hampton, extending seaward approximately 200 metres to a yellow special mark pile<sup>h3</sup> then extending south approximately 400 metres to a yellow special mark pile<sup>h2</sup> then to a signpost displaying 'No Vessels' sign<sup>Sh2</sup> on the foreshore in line with Small Street, Hampton.</p> <p>(h) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Ss2</sup> on the foreshore at the end of the Jetty Road, Sandringham carpark access track extending seaward approximately 200 metres to a yellow special mark pile<sup>s2</sup> then extending southeast approximately 410 metres to a yellow special mark pile<sup>s1</sup> then eastwards to a signpost displaying 'No Vessels' sign<sup>Ss1</sup> on the foreshore near the Sandringham Lifesaving Club clubhouse.</p> <p>(i) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sbl9</sup> on the foreshore at Red Bluff in line with Eliza Street, Black Rock, extending seaward approximately 200 metres to a yellow special mark pile<sup>bl9</sup> then extending southeast approximately 160 metres to a yellow special mark pile<sup>bl8</sup> then extending southeast through two yellow buoys<sup>bl7, bl10</sup> to a signpost displaying 'No Vessels' sign<sup>Sbl8</sup> on the foreshore north of Half Moon Bay Lifesaving Club clubhouse.</p> <p>(j) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sbl2</sup> on the foreshore in line with Gordon Crescent, Black Rock, extending seaward approximately 200 metres to a yellow special mark pile<sup>bl2</sup> then extending south approximately 120 metres to a yellow special mark pile<sup>bl1</sup> then eastward to a signpost displaying 'No Vessels' sign<sup>Sbl1</sup> on the foreshore north of Black Rock Lifesaving Club clubhouse.</p> <p>(k) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sb2</sup> on the foreshore approximately 30 metres west of the Beaumaris Life Saving Club clubhouse extending seaward approximately 200 metres to a yellow special mark pile<sup>b2</sup> then extending east approximately 200 metres to a yellow special mark pile<sup>b1</sup>, north to a signpost displaying 'No Vessels' sign<sup>Sb1</sup> on the foreshore.</p>
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	<p>1.2 East Port Phillip</p> <p>1.2.9 Areas prohibited to vessels</p> <p>All vessels are prohibited in the following areas:</p> <p>(a) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sm2</sup> on the foreshore in line with Mundy Street, Mentone and extending seaward approximately 200 metres to a yellow special mark pile<sup>me2</sup> then extending south east approximately 400 metres to a yellow special mark pile<sup>me1</sup> then extending to a signpost displaying 'No Vessels' sign<sup>Sm1</sup> on the foreshore in line with Naples Street, Mentone.</p> <p>(b) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sm4</sup> on the foreshore in line with Bay Street, Mordialloc, extending seaward approximately 200 metres to a yellow special mark pile<sup>m4</sup> then extending southeast approximately 500 metres to a yellow special mark pile<sup>m3</sup> then extending north east to a signpost displaying 'No Vessels' sign<sup>Sm3</sup> on the foreshore in line with Centreway, Mordialloc.</p> <p>(c) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sa2</sup> on the foreshore near Foster Street, Aspendale extending approximately 200 metres seaward to a yellow special mark pile<sup>a2</sup> then extending approximately 350 metres south east to a yellow special mark pile<sup>a1</sup> then extending north east to a signpost displaying 'No Vessels' sign<sup>Sa1</sup> on the foreshore in line with Gnotuk Avenue, Aspendale.</p> <p>(d) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Se2</sup> situated on the foreshore in line with Sinclair Avenue, Edithvale, extending approximately 200 metres seaward to a yellow special mark pile<sup>e2</sup> then extending approximately 200 metres south to a yellow special mark pile<sup>e1</sup> then extending to a signpost displaying 'No Vessels' sign<sup>Se1</sup> on the foreshore in line with Bank Road, Edithvale.</p> <p>(e) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sc2</sup> on the foreshore in line with Avondale Avenue, Chelsea extending approximately 200 metres seaward to a yellow special mark pile<sup>c2</sup> then extending approximately 340 metres southeast to a yellow special mark pile<sup>c1</sup> then extending east to a signpost displaying 'No Vessels' sign<sup>Sc1</sup> on the foreshore in line with The Avenue, Chelsea.</p> <p>(f) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sp9</sup> on the foreshore in line with Williams Grove, Bonbeach extending approximately 200 metres seaward to a yellow special mark pile<sup>p9</sup> then extending approximately 325 metres south to a yellow special mark pile<sup>p8</sup> then extending east to a signpost displaying 'No Vessels' sign<sup>Sp8</sup> on the foreshore in line with Monica Avenue, Bonbeach.</p> <p>(g) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sp3</sup> on the foreshore 50 metres north of the Carrum Life Saving Club clubhouse extending approximately 200 metres seaward to a yellow special mark</p>
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	<p>pile<sup>p3</sup> then extending approximately 300 metres south to a yellow special mark pile<sup>p2</sup> then extending east to a signpost displaying 'No Vessels' sign<sup>sp2</sup> on the foreshore in line with Walkers Road, Carrum.</p> <p>(h) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Ssf4</sup> on the foreshore in line with Victor Avenue, Seaford extending approximately 200 metres seaward to a yellow special mark pile<sup>Ssf4</sup> then extending approximately 250 metres south to a yellow special mark pile<sup>Ssf3</sup> then extending southeast to a signpost displaying 'No Vessels' sign<sup>Ssf3</sup> on the foreshore 20 metres north of the Seaford Pier.</p> <p>(i) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Ssf2</sup> on the foreshore 20 metres south of the Seaford Pier extending approximately 200 metres seaward to a yellow special mark pile<sup>Ssf2</sup> then extending approximately 150 metres south to a yellow special mark pile<sup>Ssf1</sup> then extending east to a signpost displaying 'No Vessels' sign<sup>Ssf1</sup> on the foreshore approximately 40 metres south of the end of Chapman Laneway, Seaford.</p> <p>(j) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Ssf7</sup> on the foreshore in line with Wells Street, Frankston extending approximately 200 metres seaward to a yellow special mark pile<sup>f7</sup> then extending approximately 160 metres south to a yellow special mark pile<sup>f6</sup> then extending east to a signpost displaying 'No Vessels' sign<sup>Ssf6</sup> on the foreshore in line with Davey Street, Frankston.</p> <p>(k) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sf4a</sup> on the foreshore at Frankston Pier on the southern side, extending approximately 200 metres along the pier to a 'No Vessel' sign<sup>Sf4b</sup> then extending approximately 200 metres south to a yellow special mark pile<sup>f2</sup> then extending south east to a signpost displaying 'No Vessels' sign<sup>Sf2</sup> on the foreshore in line with Nepean Lane, Frankston.</p> <p>(l) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Smi2</sup> on the foreshore in line with Bath Street, Mornington, extending approximately 200 metres seaward to a yellow special mark pile<sup>mi2</sup> then extending approximately 180 metres north west to a yellow special mark pile<sup>mi3</sup>, then extending south to a signpost displaying a 'No Vessels' sign<sup>Smi13</sup> on the foreshore at the western end of the Mills Beach Car Park.</p> <p>(m) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Sfi1</sup> on the foreshore in line with Wilson Road, Mornington and extending approximately 200 metres seaward to a yellow special mark pile<sup>fi1</sup> then extending approximately 100 metres south to a yellow special mark pile<sup>fi2</sup> then extending south east to a signpost displaying a 'No Vessels' sign<sup>Sfi2</sup> on the foreshore in line with Williams Road, Mornington.</p> <p>(n) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Smm1</sup> on the foreshore 50 metres</p>
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	<p>south of Balcombe Creek, Mount Martha and extending approximately 200 metres seaward to a yellow special mark pile<sup>mm1</sup> then extending approximately 100 metres south to a yellow special mark pile<sup>mm2</sup> then extending south east to a signpost displaying 'No Vessels' sign<sup>Smm2</sup> on the foreshore 10 metres south of the Mount Martha Life Saving Club clubrooms.</p> <p>(o) Waters bounded by a line commencing at a signpost displaying 'No Vessels' sign<sup>Smm3</sup> on the foreshore in line with Dominion Road, Mount Martha, and extending approximately 200 metres seaward to a yellow special mark pile<sup>mm3</sup> then extending approximately 150 metres south to a yellow special mark pile<sup>mm4</sup> then extending south east to a signpost displaying 'No Vessels' sign<sup>Smm4</sup> on the foreshore in line with Kilburn Grove, Mount Martha.</p> <p>1.3 South East Port Phillip</p> <p>1.3.9 Areas prohibited to vessels All vessels are prohibited in the following areas:</p> <p>(a) Waters bounded by a line commencing at a signpost<sup>2003</sup> displaying 'No Vessel' sign on the foreshore north east of Balmoral Avenue, Safety Beach, then extending seaward to a yellow special mark pile<sup>A08b</sup> approximately 500 metres offshore, then extending south west to a yellow special mark pile<sup>A08a</sup> approximately 500 metres offshore, then extending shoreward to a signpost<sup>2004</sup> on the foreshore displaying 'No Vessels' sign approximately 100m south west of Balmoral Avenue, Safety Beach.</p> <p>(b) Waters bounded by a line commencing at a signpost<sup>2005</sup> displaying 'No Vessels' sign on the foreshore at Dromana Pier, then seaward along the western side of Dromana Pier to a 'No Vessel' sign<sup>2006</sup> at the outer end of the Pier, then south west to a yellow special mark buoy<sup>B103</sup>, then extending shoreward to a signpost<sup>2007</sup> displaying 'No Vessel' sign on the foreshore in line with the western edge of the Dromana Life Saving Club.</p> <p>(c) Waters bounded by a line commencing at a signpost<sup>2010</sup> displaying 'No Vessels' sign on the foreshore at the carpark opposite Penny Lane, Rosebud, then extending seaward to a yellow special mark pile<sup>A17</sup> approximately 500 metres offshore, then west south west to a yellow special mark pile<sup>A18</sup> then extending south to a signpost<sup>2011</sup> on the foreshore displaying a 'No Vessels' sign located at the western edge of the Rosebud Life Saving Club.</p> <p>(d) Waters bounded by a line commencing at a signpost<sup>2016</sup> displaying 'No Vessel' sign on the foreshore on the western side of the rock groyne 180 metres east of Rye Pier, then approximately 200 metres offshore to a special mark yellow buoy<sup>B108</sup>, then west to a 'No Vessels' sign<sup>2018</sup> affixed to the east side of the Pier, then shoreward to a signpost<sup>2017</sup> displaying 'No Vessels' sign on the beach on the eastern side of Rye Pier.</p> <p>1.4 South West Port Phillip</p> <p>1.4.9 Areas prohibited to vessels All vessels are prohibited in the following areas:</p>
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	<p>(a) [Swan Island <b>NOTE retain this zone without exemption to paddlecraft</b>]</p> <p>(b) Waters bounded by a line commencing at a 'No Vessels' sign<sup>sl19</sup> near the foot of St Leonards Pier, extending approximately 1,105 metres along the northern edge of the Pier to a 'No Vessels' sign<sup>sl20</sup>, extending north approximately 20 metres to a yellow special mark pile<sup>422</sup>, extending east approximately 115 metres to a yellow special mark pile<sup>sl02</sup>, extending northwest approximately 315 metres to a yellow special mark pile<sup>sl01</sup>, extending west to a signpost displaying a 'No Vessels' sign<sup>sl16</sup> on the foreshore approximately 55 metres north of First Avenue, St Leonards.</p> <p>(c) Waters bounded by a line commencing at a signpost displaying a 'No Vessels' sign<sup>ih13</sup> on the foreshore approximately 85 metres north of Walpole Avenue, Indented Head, extending seawards approximately 230 metres to a yellow special mark pile<sup>ih01</sup>, extending southeast approximately 275 metres to a yellow special mark pile<sup>ih02</sup>, extending southwest to a signpost displaying a 'No Vessels' sign<sup>ih15</sup> on the foreshore approximately 30 metres northeast of Jubilee Avenue, Indented Head.</p> <p>(d) Waters bounded by a line commencing at a signpost displaying a 'No Vessels' sign<sup>pe14</sup> on the foreshore adjacent to the foot of Portarlington Pier, extending approximately 145 metres along the west edge of the Pier to a 'No Vessels' sign<sup>pe10</sup> on the Pier, then extending west approximately 10 metres to a yellow special mark pile<sup>441</sup>, extending northwest approximately 95 metres to a yellow special mark pile<sup>pe03</sup>, extending west approximately 250 metres to a yellow special mark pile<sup>pe02</sup>, extending south to a signpost displaying a 'No Vessels' sign<sup>pe15</sup> on the foreshore approximately 95 metres west of Sproat Street, Portarlington.</p> <p>(e) Waters bounded by a line commencing at a signpost displaying a 'No Vessels' sign<sup>cs07</sup> on the foreshore approximately 40 metres west of the Clifton Springs boat ramp car park, extending approximately 210 metres seaward to a yellow special mark pile<sup>cs01</sup>, then northeast approximately 130 metres to a special mark pile<sup>cs03</sup> and then south to a signpost<sup>cs08</sup> displaying 'No Vessels' on the foreshore at the start of the boat harbour breakwater.</p> <p>(f) Waters bounded by a line commencing at a signpost displaying a 'No Vessels' sign<sup>sh04</sup> on the foreshore in line with the northern end of Cliff Street, Geelong, and extending seaward approximately 185 metres to a yellow special mark pile<sup>sh02</sup> then extending north approximately 80 metres to a 'No Vessels' sign<sup>sh03</sup> on St Helens Jetty, then extending west to the junction of the foreshore footpath and the foot of the St Helens Jetty.</p> <p>1.5 North West Port Phillip</p> <p>1.5.9 Areas prohibited to vessels</p> <p>All vessels are prohibited in the following areas:</p> <p>(a) Waters bounded by a line commencing at a signpost<sup>1245</sup> displaying 'No Vessels' signs on the foreshore opposite Mount Street, Altona and extending approximately 200 metres seaward to a yellow special mark pile<sup>A43</sup> then</p>
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	<p>extending west to a yellow special mark pile<sup>A42</sup> approximately 50 metres from Altona Pier, then shoreward to a signpost<sup>1246</sup> displaying 'No Vessels' signs on the foreshore approximately 20 metres from the commencement of Altona Pier.</p> <p>(b) Waters bounded by a line commencing at a signpost<sup>2034</sup> displaying 'No Vessels' sign on the foreshore at the western end of Williamstown Beach and extending approximately 200 metres seaward to a yellow special mark buoy<sup>A44</sup> south of the rock groyne, then east to a yellow special mark pile<sup>A45</sup>, then north-east to a signpost<sup>2035A</sup> displaying a 'No Vessels' sign on the rock groyne at the eastern end of Williamstown Beach.</p> <p><u>Schedule 5: Waters of Western Port Bay</u></p> <p>5.4. Areas prohibited to vessels for the purposes of Clause 9.</p> <p>(a) The waters of Western Port Bay inshore of a line commencing at a signpost displaying a 'No Vessels' sign<sup>2025</sup> on Erewhon Point, Phillip Island, thence west-north-west to a 'Vessels Prohibited'<sup>2023</sup> sign on Cowes Jetty approximately 70 meters from the root of the Jetty; thence south along the eastern side of the Jetty to a 'No Vessels' sign<sup>2024</sup> on the land approximately 25 meters inland from the root of the Jetty are prohibited to vessels.</p> <p>(b) The waters of Western Port Bay inshore of a line commencing at a 'No Vessel' sign<sup>2021</sup> on the shore of Cowes Beach; thence east-north east to the root of Cowes Jetty; thence approximately 70 metres north along the western side from the root of the Jetty to a 'No Vessels' sign<sup>2022</sup> on the Jetty; thence west-south-west to a 'No Vessel' sign<sup>2020</sup> on rock outcrop; thence south to a 'No Vessel' sign<sup>2019</sup> on the shore are prohibited to vessels.</p>
<p><b>Current behaviours</b></p>	<ul style="list-style-type: none"> <li>• Regular non-compliance with this rule in Vessels Prohibited-Swimming Only Zones by paddlecraft users.</li> <li>• These craft generally travel at slower speeds and less than 5 knots.</li> <li>• Usually the users have very good visibility in the direction of travel.</li> <li>• Many users utilise these craft as part of a regular personal fitness regime or in competitive events.</li> <li>• Paddlecraft journeys of a nautical mile or more are common.</li> <li>• Most users prefer to transit parallel to the shore or stay close to shore to gain smoother water or to feel safer.</li> <li>• Users seek the safety of using/learning how to use these paddle craft close to shore and away from powered vessels and sailing vessels.</li> <li>• More experienced paddlecraft users enjoy longer journeys along the shore but may feel unsafe going around the zone 200 or 500m from shore. Closer proximity to high speed vessels and more exposure to offshore and other winds and sudden weather changes are important factors to paddlers.</li> <li>• While paddlecraft must not exceed 5 Knots within 50m of swimmers and obey 5 knot rules where they apply some pedal powered paddle craft, some surf skis and kayaks can maintain speeds well over 5 knots.</li> <li>• Children enjoy learning to use, then using paddlecraft. This requires supervision or monitoring by a shore based person and can be undertaken as part of family beach activities often in the Vessels Prohibited-Swimming Only Zone.</li> <li>• Advice from Authorised Officers, other rangers and lifesavers - in vessels and on foot is usually acted upon.</li> </ul>

<p><b>Locations affected</b></p>	<p>Sandridge, Albert Park, Middle Park, St Kilda, Elwood, Brighton, Hampton, Sandringham, Half Moon Bay /Black Rock, Beaumaris, Mentone, Mordialloc, Aspendale, Edithvale, Chelsea, Bonbeach, Carrum, Seaford, Frankston, Mornington, Mt Martha, Safety Beach, Dromana, McCrae/Rosebud, Rye, St Leonards, Indented Head, Portarlinton, Clifton Springs, Geelong, Altona, Williamstown, Cowes.</p>
<p><b>Background</b></p>	
<p><b>Key issues and risks as interpreted by community and government prior to public consultation</b></p>	<ul style="list-style-type: none"> <li>• Users do not require a license and vessels do not require registration. Therefore, Vessel Operating Zone Rules are not well understood.</li> <li>• TSV released discussion paper on a trial exemption from registration and licensing requirements for low-powered paddle craft on 16 March 2017. Part of the determination is ‘on the basis that low-powered paddle craft are a low risk operation’.</li> <li>• Allowing paddlecraft in Vessels Prohibited-Swimming Only Zones complicates a simple message of ‘no vessels in these zones provided for swimming’.</li> <li>• These craft attract large numbers of people new to water sports and they may lack understanding of the maritime environment and weather.</li> <li>• The 5 Knot Shared Zones provide opportunities for paddlecraft learners close to shore and in many areas opportunities for undertaking more extensive long-shore journeys; however the Vessels Prohibited-Swimming Only Zone require a detour around them of many hundreds of metres.</li> <li>• The popularity and availability of these paddlecraft have increased remarkably since 2009. Upwards of 600 000 ‘paddlers’ in 2016.</li> <li>• Paddlecraft users have a personal responsibility to take adequate safety precautions for themselves and those around them under the Marine Safety Act 2010. In most circumstances this includes being able to swim and ‘self-rescue’. They should also make their own informed decisions about how far offshore is safe.</li> <li>• Powered vessels and sailing boats operate at higher speeds outside the boating zones but must slow to 5 knots within 50m of another vessel including paddlecraft. Licensing of powered vessel operators ensures this understanding.</li> <li>• Generally paddlecraft have right of way over powered vessels and sailing craft.</li> <li>• Paddlecraft must safely avoid swimmers; The Marine Safety Act 2010 requires ‘reasonable care’ from all vessel operators and also provides severe penalties for operating in a manner dangerous to the public.</li> <li>• Paddlecraft can cause injury to swimmers by contact with sharper paddle blades, paddlers falling on swimmers and uncontrolled propelled (possibly un-manned) paddlecraft colliding with swimmers. Generally popular opinion maintains these are infrequent and minor injuries.</li> <li>• Enforcement of Vessels Prohibited-Swimming Only Zone rules with paddlecraft users is difficult as usually no ID or licenses carried.</li> <li>• Swimmers can be difficult to see in the water (in some wave and light conditions) even from slower moving paddlecraft</li> </ul>
<p><b>Summary of matters raised in community consultation</b></p>	<ul style="list-style-type: none"> <li>• Email, letter and Community Drop In Days: 8.</li> <li>• Survey questions responses: 270.</li> <li>• Generally a mixed response but more in favour of allowing paddlecraft.</li> <li>• Some concern about potential injuries from hulls and paddles.</li> <li>• Dissatisfaction with paddlecraft currently having to detour around Vessel</li> </ul>

<p><i>See Appendices C and D for list of submissions and comments</i></p>	<p>Prohibited Boating Only Zones.</p> <ul style="list-style-type: none"> <li>• LSV representatives were supportive of paddlecraft being allowed access to access Vessel Prohibited- Swimming Only Zones with some concern of injury within flagged patrol zones.</li> <li>• LSV and sectors of the community strongly believe the ‘identity’ of Vessel Prohibited- Swimming Only Zones must be maintained if the rule change proceeds.</li> </ul>
<p><b>Public consultation - additional issues not directly in the scope of the proposed rule</b></p> <p><i>See Appendices C and D for list of submissions and comments</i></p>	<ul style="list-style-type: none"> <li>• Foiled paddlecraft, particularly down-wind SUPs are a rapidly emerging technology. These boards are equipped with an underwater foil about 800mm long and enable the rider to ride small wind driven waves elevated above the water surface. Higher downwind speeds approaching 15 knots are attainable. These paddle craft would be limited by the 5 knot speed limit within Vessel Prohibited-swimming only Zones.</li> <li>• City of Port Phillip: Lack of knowledge and understanding and compliance with current regulations, further consultation requested prior to implementation.</li> <li>• Survey respondents, Carrum LSC: Allow paddlecraft to operate near Lifesaving facilities, improves safety for paddlecraft and will not pose risks for swimmers.</li> <li>• Shoreham Foreshore Reserve Committee of Management: Mixture of vessels and swimmers works well at Shoreham.</li> <li>• Survey response: encourages children to get into boating and learn skills well supervised by parents.</li> <li>• Lifesaving Victoria’s current general approach- Paddlecraft will generally be advised to stay outside the lifesaving flags (but often still within the Vessels Prohibited-Swimming Only Zone) when the beach is patrolled, particularly if the paddlecraft is finned and when the beach and water is crowded. Lifesaving Victoria has requested that paddle craft are excluded from entering the flagged patrol areas.</li> <li>• Survey Response: Collisions between swimmers and paddle craft are far more frequent than those between powered craft and swimmers.</li> <li>• Survey Response: Some hire outlets do not brief or supervise people hiring SUPs well. Consequently swimmers are affected.</li> <li>• Survey Response: When the shorebreak waves are larger; broached or waved propelled paddlecraft are more likely to be dangerous to other users.</li> </ul>
<p><b>Incidents Reported</b></p>	<ul style="list-style-type: none"> <li>• Two paddlecraft fatalities in 2016.</li> </ul> <p>No direct relationship to the management of Boating Zones.</p>
<p><b>Nature and level of the safety risk</b></p>	
<p><b>Key risks, Likelihood/Consequences Risk Rating</b></p>	<ol style="list-style-type: none"> <li><b>1. Stakeholders and Community:</b> Regular non-compliance in Vessels Prohibited-Swimming Only Zones results in confusion and conflict between users. P: Almost Certain, C: Minor, RR (7) <b>Significant</b></li> <li><b>2. Human resources and safety:</b> Paddlecraft users make poor decisions and go 200 or 500 m from shore to avoid Vessels Prohibited-Swimming Only Zone and encounter high speed vessels or difficult sea conditions that results in injury. P: Possible C: Major, RR; (7) <b>Significant</b></li> </ol>
<p><b>Other issues and risks</b></p>	<ul style="list-style-type: none"> <li>• Community opinion is divided as to whether paddlecraft injure swimmers when used in close proximity to swimmers.</li> <li>• Given a large number of new users and no licencing or registration a</li> </ul>

	<p>significant portion of paddlecraft users are unaware of their safety obligations to swimmers under the <i>Marine Safety Act 2010</i>.</p> <ul style="list-style-type: none"> <li>Some paddlecraft are large dragon boats and surf boats.</li> </ul>
<b>Existing Controls</b>	<ul style="list-style-type: none"> <li>Vessel Operating and Zoning Rules and onsite information provided by special marks and signs.</li> <li>Education activities by government peak bodies and other volunteers.</li> <li>Compliance work by appropriate Victorian and local government agencies.</li> <li>Patrol and monitoring by waterway manager.</li> <li>Community expectations informed by education and compliance programs as well as on site signs and special marks.</li> </ul>
<b>Additional supporting controls</b>	<ul style="list-style-type: none"> <li>Option to support existing LSV convention/policy that advises finned surf craft to stay outside of lifesaving flags when these are flown.</li> <li>Option to further work with LSV to include paddlecraft in the above convention/policy. Advice to stay outside the flags to be provided by local lifesavers dependent on bather densities and beach conditions.</li> </ul>
<b>Proposed rule</b>	
<p><b>Description/Intent of proposed rule</b></p> <p><i>See Figure 11.1 Locations affected by proposal to allow paddlecraft in Vessels Prohibited – Swimming Zones pg.122</i></p>	<ul style="list-style-type: none"> <li>Provide an exemption to allow human powered paddlecraft to be used in Vessels Prohibited-Swimming Only Zones in Port Phillip and Western Port</li> <li>Define paddlecraft allowed to access Vessels Prohibited-Swimming Only Zone as having a maximum of two passengers to restrict the size of paddle craft used in Vessels Prohibited-Swimming Only Zones.</li> <li>Restrict all paddlecraft in Vessels Prohibited-Swimming Only Zone to 5 knots (if the State Rule ‘5 Knots within 50m of a swimmer’ does not apply).</li> </ul>
<b>Residual Risk Assessment</b>	
<b>Expected key risks following introduction of the rule</b>	<p><b>1. Human resources and safety:</b> Minor injuries to swimmers caused by paddles, people falling on swimmers, or paddled and unmanned paddlecraft P: Almost Certain, C: Insignificant, RR; (6) <b>Significant</b></p>
<b>Residual issues and opportunities</b>	<ul style="list-style-type: none"> <li>Injuries to swimmers by paddlecraft operators.</li> <li>Injuries to other paddlecraft operators by paddlecraft operators</li> <li>Paddlecraft operators operating in waters beyond their skill level and requiring assistance or rescue.</li> <li>Opportunity to work more closely with Lifesaving Victoria to safely introduce paddlecraft to Vessel Prohibited-Swimming Only Zones.</li> </ul>
<b>Expected other issues and risks - Revised following introduction of controls.</b>	<ul style="list-style-type: none"> <li>Foiling paddlecraft may become popular and their speed within Vessel Prohibited-Swimming Only zones may be challenging to monitor.</li> <li>All education and compliance work with paddle craft users is complex given they do not require a license, are often under 16 years of age and are unlikely to have any sort of personal identification with them while using the paddlecraft.</li> </ul>
<b>Alternative ways to address behaviours and risks</b>	<ul style="list-style-type: none"> <li>Further extend the messaging provided at a statewide level via government and retailers to better address the safe use of paddlecraft in crowded swimming conditions.</li> <li>Seek additional funding and resources to increase ranger foot and vessel patrols and include a focus on paddle craft compliance. Potential partnerships other education and compliance agencies and local government.</li> <li>Opportunity for a local port approach to further focus on the safety and responsibilities of paddlecraft operators in busier waterways of Port Phillip and Western Port. May include an online quiz for paddlecraft to self-educate on safety duties and vessel operating zones. Consider ‘Paddler’s Code’ education including signage focused on safe paddling behaviours and the at most congested/busiest beaches and beaches where hire</li> </ul>

	outlets operate regularly.
<b>Who is likely to be affected by the rule</b>	<ul style="list-style-type: none"> <li>• Paddlecraft users.</li> <li>• Swimmers.</li> <li>• Lifesavers.</li> </ul>
<b>Benefits and costs of proposed rule on persons affected</b>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• More novice and family paddle sports participants under the supervision of trained lifesavers.</li> <li>• Less paddlecraft detouring around Vessels Prohibited-Swimming Only Zones into more weather prone waters and with high speed boating traffic.</li> </ul> <p>Costs to Victorian community and delivered by Parks Victoria:</p> <ul style="list-style-type: none"> <li>• Time and effort required of local port manager to communicate new arrangements.</li> <li>• Parks Victoria support for local lifesavers as rule is introduced.</li> </ul>
<b>Safety Summary</b>	<b>On balance safety is improved</b> for vessel operators and swimmers by reducing key risks-
<b>Key risks before proposed rule change</b>	<p><b>From currently</b> - 2 Significant Risks;</p> <ul style="list-style-type: none"> <li>• Regular non-compliance by paddlecraft in Vessels Prohibited-Swimming Only Zones.</li> <li>• The hazards associated with beginner and experienced. Paddlecraft operators making poor choices and operating 200m or 500m offshore to where they are more exposed to high-speed vessel traffic and sudden changes in the weather.</li> </ul>
<b>Remaining risks after proposed change implemented</b>	<p><b>To the proposed rule resulting in</b> - 1 Significant Risk</p> <ul style="list-style-type: none"> <li>• Probable additional minor injuries to swimmers caused by and paddles in part mitigated by education campaign</li> </ul>
<b>Parks Victoria response-addressing issues raised</b>	
<p><b>Summary factors affecting the proposed rule change</b></p> <p><i>Existing user, stakeholder, staff input and community consultation</i></p>	<ul style="list-style-type: none"> <li>• Paddlecraft attract large numbers of people new to water sports and they may lack understanding of the maritime environment and weather.</li> <li>• Regular non-compliance with this rule in Vessels Prohibited-Swimming Only Zones by paddlecraft users.</li> <li>• These craft generally travel at slower speeds and less than 5 knots.</li> <li>• Usually the users have very good visibility in the direction of travel.</li> <li>• LSV representatives were supportive of paddlecraft being allowed access to access Vessel Prohibited- Swimming Only Zones.</li> <li>• LSV have requested that paddle craft be excluded from entering the flagged lifesaving patrol areas. However this is impracticable to implement. This risk can be managed by applying the same advice to paddlecraft operators as boardriders when local conditions require greater separation between swimmers and watercraft. LSV and sectors of the community strongly believe the 'identity' of Vessel Prohibited- Swimming Only Zones must be maintained if the rule change proceeds</li> </ul>
<b>Local Port Manager's preferred outcome</b>	<b>Proceed with the rule change.</b>

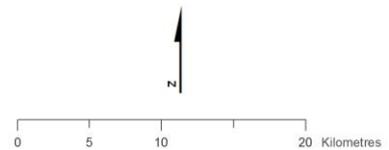


Figure 11.1  
**Locations affected by proposal to allow paddlecraft  
 in Vessels Prohibited – Swimming Only Zones**

2016/17 Boating and Swimming Zone Review

Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 14/06/2017

 Existing and Proposed  
 Vessels Prohibited -  
 Swimming Only Zone



Disclaimer: Parks Victoria does not guarantee that this data is without flaw of any kind and therefore disclaims all liability which may arise from you relying on this information. Data source acknowledgements: State Digital Mapbase. The State of Victoria and the Department of Environment and Primary Industries.



## APPENDIX A: Boating Zone Review 2016 Engagement and Communications Plan, November 2016

### Boating and Swimming Zone Review 2016 Engagement and Communications Plan

2 November 2016 (Version 002)



## APPENDIX B: Consultation support materials including Fact Sheet and Location Maps

### Fact Sheet

#### 2016-17 Boating & Swimming Zone Review - Port Phillip and Western Port

Parks Victoria has been receiving feedback regarding improvements to boating & swimming zones in Port Phillip and Western Port and is proposing changes to some existing and still to be implemented zones. Community consultation is an important part of the process to develop more effective boating and swimming zones.

#### What's ahead?

##### Improved safety

Parks Victoria is the local port manager of Port Phillip, Western Port and Port Campbell and responsible for making sure port operations are safe, efficient and effective. Boating Zones are used to improve safety for swimmers and vessel operators in the local port.

In 2009 Parks Victoria completed a comprehensive two-year review of all boating and swimming zones across Port Phillip and Western Port to determine what zone types were required in each local area around Port Phillip and Western Port to allow safe access and use of the coast and waterways. The review utilised community consultation, a standard set of zones, and criteria for Boating Zones. The review was detailed in the Parks Victoria Boating Zones Review Report delivered by BECA in 2009.

Parks Victoria has worked in partnership with Maritime Safety Victoria and in consultation with the local community to apply these zones in five stages across Port Phillip and Western Port. Four of the five stages have now been delivered as funding was made available.

You can learn more about boating and swimming zones around Port Phillip and Western Port here: [www.parks.vic.gov.au/boatzones](http://www.parks.vic.gov.au/boatzones)

#### Parks Victoria periodically assesses boating and swimming zones to ensure they best reflect a wide variety of recreational pursuits.

Port Phillip and Western Port beaches are world famous, popular all year and experience periods of intense use over summer. Users range from local residents to participants in international events hosted by local clubs. The popularity of different beach activities is influenced by many factors and change can be driven by shifts in:

- The number of local residents and visitors using an area (e.g. higher density housing)
- Better access and transport (e.g. East Link and Peninsula Link)
- New recreations and technologies (e.g. popularity of Stand Up Paddleboards)
- Beach and shore profiles (e.g. changes due to storm activity in winter 2016)
- Shoreline facilities improvements (e.g. Improvements to Patterson River boat ramps)



#### Improvement Process 2016-17

Individual boating and swimming zone users, informal user groups, local governments managing foreshores and Victorian recreation peak bodies have suggested improvements to the existing boating zones.

To propose or amend boating and swimming zone rules, Parks Victoria works with Maritime Safety Victoria (MSV), the state-wide regulator.

Steps include:

- A newspaper public notice of the proposal to request the making of the rule
- 4 weeks public consultation
- Consideration and summary of submissions received during consultation
- A request to MSV to make a new waterway rule, explaining; how the rule will minimise risks, any alternative ways to address the matter; and expected benefits and costs of the proposed rule.

#### Providing Feedback

Please review the information provided overleaf and in detail at: [www.parks.vic.gov.au/boatzonereview](http://www.parks.vic.gov.au/boatzonereview). The feedback period opens on 16 November and closes on the 16 December 2016.

You can provide feedback by:

- Emailing your response to [boatingzonereview@parks.vic.gov.au](mailto:boatingzonereview@parks.vic.gov.au)
- Completing the online survey: [https://www.surveymonkey.com/r/boating\\_zone\\_review](https://www.surveymonkey.com/r/boating_zone_review)
- Provide responses in writing to Boating Zone Review Parks Victoria 10/535 Bourke St Melbourne VICTORIA 3000.

## APPENDIX C: Log of emailed comments, letters and Community Drop-In Days

Boating Zone Review November December 2016										
Information provided by respondents				Comments and interpretation			Parks Victoria Summation of Comment			
Number assigned to comment	Date received	Information format	Specific to	Comment	Preferred	Respondents rationale for preferred outcome	Key risks and frequency	Consequences Preferred - Positive	Consequences of Preferred - Negative	Supports Change Option
7	15/12/16	email	Paddlecraft rules	Allow paddlecraft to operate near Lifesaving facilities, improves safety for paddlecraft and will not pose risks for swimmers	Allow paddlecraft	Increase in safety for paddlecraft users	No significant risk to swimmers	Safety for paddle craft operators		1A
1	13/12/16	email	Paddlecraft rules	Supports change		Make sense for the community and the changes in watersports the community participates in				1A
21	12/12/16	email	Paddlecraft rules	Supports inclusion of paddlecraft & suggests only 100-150m from shore in summer.	Include paddlecraft	Increase safety for paddlecraft users	More risk of drowning with more paddlecraft			1A
61	29/11/16	email	Paddlecraft rules	Supports Change		Mixture of vessels/swimmers works well at Shoreham				1A
45	26/11/16	email	Paddlecraft rules	Weather conditions sometimes requires paddlers to be closer to shore & paddling outside the zones places paddlers in close proximity to high-speed vessel operations.	Allow paddlecraft.					1A

## APPENDIX D: Survey Monkey Results

### Parks Victoria's Boating Zone Review

#### Q1 What is your post code?

Answered: 197 Skipped: 0

#	Responses	Date
1	3206	12/16/2016 9:13 PM
2	3197	12/16/2016 8:40 PM
3	3223	12/16/2016 2:56 PM
4	3223	12/16/2016 1:00 PM
5	3184	12/16/2016 12:42 PM
6	3228	12/16/2016 11:31 AM
7	3196	12/16/2016 10:12 AM
8	3196	12/16/2016 5:48 AM
9	3930	12/15/2016 9:19 PM
10	3196	12/15/2016 7:49 PM
11	3106	12/15/2016 2:49 PM
12	3195	12/15/2016 1:18 PM
13	3018	12/15/2016 12:51 PM
14	3184	12/15/2016 4:23 AM
15	3127	12/14/2016 11:43 AM
16	3916	12/14/2016 8:30 AM
17	3196	12/13/2016 9:11 PM
18	3910	12/13/2016 6:43 PM
19	3196	12/13/2016 12:26 PM
20	3196	12/13/2016 11:32 AM
21	3196	12/13/2016 10:47 AM
22	3195	12/13/2016 8:10 AM
23	3199	12/13/2016 6:23 AM
24	3195	12/12/2016 9:55 PM
25	3805	12/12/2016 7:50 PM
26	3196	12/12/2016 10:55 AM
27	3196	12/12/2016 10:45 AM
28	3195	12/11/2016 5:58 PM
29	3196	12/11/2016 3:34 PM
30	3196	12/11/2016 1:51 PM
31	3182	12/11/2016 9:35 AM
32	3197	12/11/2016 5:59 AM
33	3196	12/10/2016 8:22 PM
34	3197	12/10/2016 7:19 PM
35	3197	12/10/2016 6:09 PM

1 / 98

## APPENDIX E: Engagement Summary Report- Boating and Swimming Zone Review, Port Phillip and Western Port, Summer 2016-17

### Engagement Summary Report



### Boating & Swimming Zone review

#### Port Phillip and Western Port

Summer 2016-17

Thank you to everyone who participated in the engagement on the Boating & Swimming Zone Review. Below is a summary of what we heard and the next steps involved in the project.

#### Background

A four-week community consultation period was held from 16 November – 16 December 2016 to seek feedback on the improvements to boating and swimming zones in Port Phillip and Western Port. Comments were received by email, letter, three Community Drop-in days and via an on line survey.

We sought the communities view on:

- Allowing human powered paddlecraft to use Vessel Prohibited Swimming Only Zones
- Clarifying the the naming of 'Shared Windsports Zones' to include both windsurfing and kiteboarding
- Zone boundary adjustments at Elwood, Brighton and Hampton to better separate swimmers, kiteboarders and windsurfers
- Altering Vessel Prohibited Swimming Only Zones at Chelsea, Bonbeach, Aspendale, Carrum, Portarlington Harbour
- Retaining Personal Water Craft Prohibited Zones at Carrum and Shoreham

#### Participants

We received over 250 responses from a variety of stakeholders including, swimmers, vessel operators, windsurfers and kiteboarders, local residents, local government, foreshore managers, stakeholder group representatives and community members. This feedback has provided us with valuable information to understand what is important for you and provided a wide range of perspectives on the proposed changes.

#### The majority of respondents were regular local visitors:

- Most respondents commented on the area within 5km of where they lived
- Visitors travelling more than one hour were also represented making up 7% of the survey respondents
- Several stakeholder group representatives and local government foreshore managers provided detailed submissions

#### Many respondents visited Boating Zones on the north eastern side of Port Phillip however Western Port Phillip and Western Port were also well represented in the responses.

- Brighton was visited by the most survey respondents - over 50%
- Elwood, Hampton, Chelsea, Bonbeach and Aspendale were also popular, receiving visits from between 30 to 45% of survey respondents
- Carrum, Point Leo and Shoreham received visits from between 20 to 30% of survey respondents
- Portarlington Harbour was visited by less than 10% of survey respondents
- Less than 5% of survey respondents did not visit the areas in the Boating & Swimming Zone Review.

The broad collection of 'local knowledge' and a wide range of insights into on water and beach behaviours will greatly assist in determining the safest and fairest solution for each improvement.

