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# **Inquiry into the effects of vessels on the Swan and Canning Rivers**

A report to the Minister for the  
Environment

**Swan River Trust**

**Report No 27  
1996**





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3rd floor, Hyatt Centre  
87 Adelaide Terrace  
East Perth WA 6004

Report No 27, December 1996

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## **TERMS OF REFERENCE**

The Minister for the Environment established a committee to investigate the effects of vessels on the Swan and Canning Rivers.

The inquiry had the following terms of reference.

To investigate:

1. The level of use of the river by vessels and the level of compatibility between users.
2. The possible need to provide opportunities for new recreational activities on the river in the future.
3. The relationship between vessel users and neighbouring residents and local government.
4. The possible need to exclude vessels from some areas of conservation value.
5. Discharges from vessels.

## **ACKNOWLEDGMENTS**

### **Committee Members**

Mr Geoffrey Totterdell	Swan River Trust (Chairman)
Captain John Brooker	Department of Transport
Mr Dick Langford	Department of Environmental Protection
Ms Mary Fraser	Ministry of Sport and Recreation
Mr Ashley Wilson	Ministry of Sport and Recreation (Deputy)
Ms Cheryl Irvin	WA Municipal Association
Mr Dennis Gillam	WA Municipal Association
Mr John Wilson	Aquatic Council
Mr Kim Chadborne	Water Police

The Committee would like to acknowledge the technical and administrative assistance and assistance with compiling the report provided by Barry Johnson of the Swan River Trust.



## CHAIRMAN'S FOREWORD

In November 1994 the then Minister for the Environment, the Hon Kevin Minson, directed the Swan River Trust to conduct an inquiry into the effects of vessels on the Swan and Canning Rivers. The inquiry was undertaken in response to a number of concerns regarding the use of Perth's waterways. This inquiry has now been completed and I am pleased to submit the Committee's final report and recommendations.

The Committee consisted of members with wide-ranging and relevant expertise representing the Department of Transport, Water Police, Aquatic Council, Ministry of Sport and Recreation, Western Australian Municipal Association, Department of Environmental Protection and the Trust.

To facilitate the identification of issues the Committee called for public submissions. One hundred and eighteen were received and have been considered in the report. The Committee also sought expert opinion where it was available and reviewed both interstate and overseas literature on the subject.

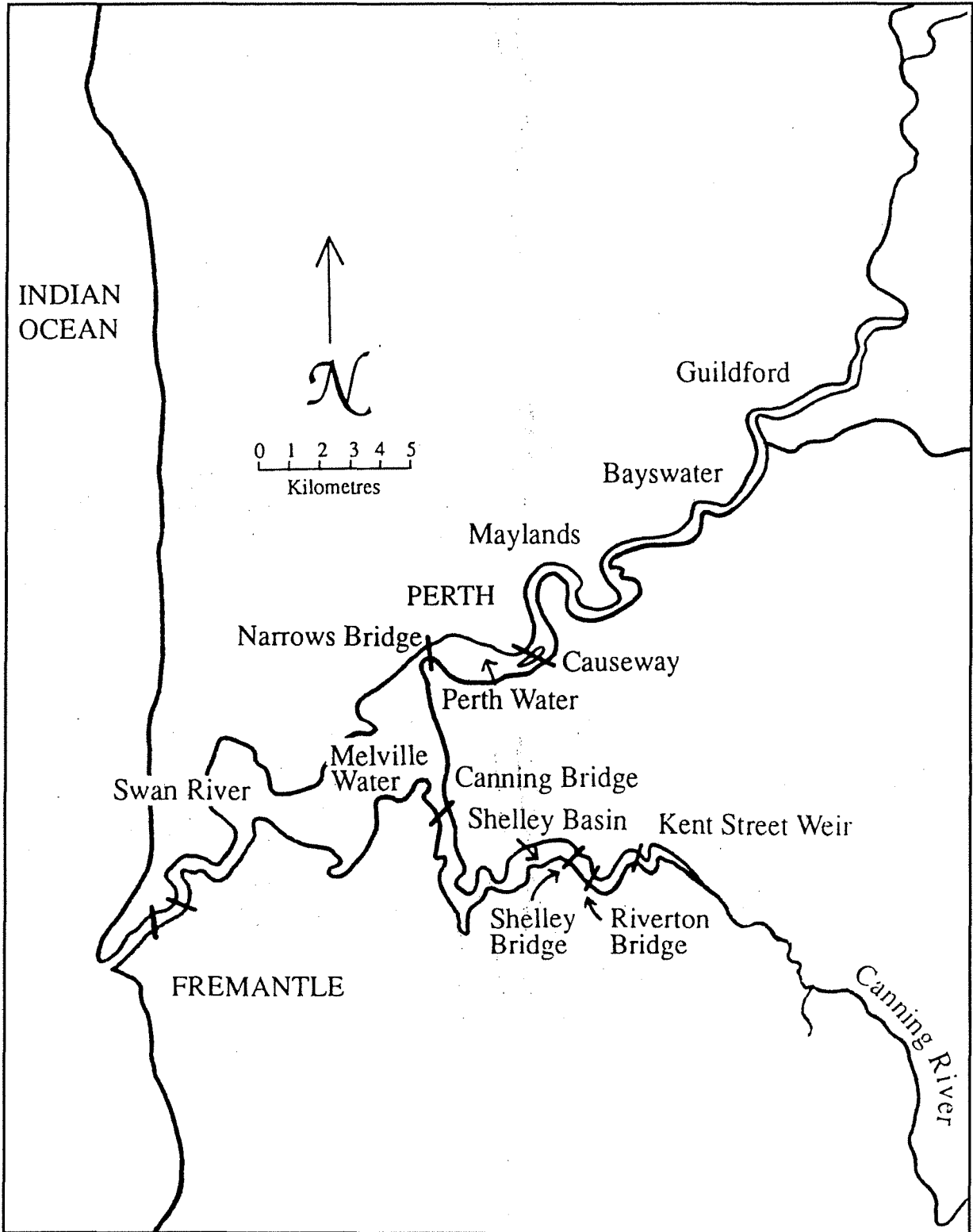
The draft report of the Committee was released for public comment in November 1995. Sixty-eight responses were received and considered in the preparation of the final report.

The Committee considered that sections of Perth's waterways are becoming overcrowded, particularly on weekends, and that measures need to be taken to ensure competing demands are met. Another main issue considered and most commonly raised in the public comments was that regarding noise generated by vessels, in particular from personal powered watercraft.

The Committee has made a number of recommendations addressing the Terms of Reference.

Advice on legislative amendments required to implement the recommendations was provided by the Office of the Crown Solicitor and has been included in the report.

Geoff Totterdell  
Chairman





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## CONTENTS

<b>Terms of Reference</b> .....	iii
<b>Acknowledgments</b> .....	iii
<b>Chairman's Foreword</b> .....	iv
<b>Executive Summary</b> .....	vi
<b>Summary of Recommendations</b> .....	vii
<b>1. Introduction</b> .....	1
<b>2. Issues Requiring Action</b> .....	2
2.1 Level of use of the river by vessels and compatibility between users .....	2
2.2 Need to provide opportunities for new recreational activities in the future .....	3
2.3 Relationship between vessel users and neighbouring residents and local government .....	3
2.3.1 Specific locations .....	5
2.4 Need to exclude vessels from some areas of conservation value .....	6
2.5 Discharges from vessels .....	7
<b>3. References</b> .....	9
<b>Appendix</b> .....	10
Summary of Public Comments on the <i>Inquiry into the Effects of Vessels on the     Swan and Canning Rivers</i> , Draft Report to the Community .....	
<b>List of Submitters</b> .....	20



## EXECUTIVE SUMMARY

The Swan and Canning Rivers are a major part of the environmental and recreational amenity of Perth. The continued growth of Perth's population and increasing use of the river requires it to be managed to ensure its continued enjoyment by future generations.

### **Level of use of the river by vessels and compatibility between users**

Congestion occurs, particularly at weekends, at public launching areas, Deep Water Point, Aquinas Bay, in the area around the Fremantle bridges and from Point Walter to the Causeway. This creates safety problems and conflict between users of the river and its facilities.

Education of users and certification of operators of motorised craft is required to achieve appropriate standards of behaviour and skill levels. Additional public launching facilities are required and the location, adequacy and need for non permanent markers should to be reviewed. Safety issues in the Deep Water Point water ski areas need to be addressed by redesigning foreshore facilities, rationalising moorings and prohibiting the use of Personal Powered Water Craft (PPWC) from the area. A general maximum speed limit of 20 knots should apply on weekends to areas, apart from designated use areas, where no limit currently applies. Overtaking by motorised vessels in the area from the Fremantle Railway Bridge to a point 200 metres upstream of the Stirling Traffic Bridge should be prohibited. The level of enforcement of regulations, particularly speed limits, needs to be increased by delegating inspectorial powers to suitably trained local government officers.

### **Need to provide opportunities for new recreational activities in the future**

Facilities adjacent to the river are required to service leisure craft and provision for their retention or development is required in planning schemes. Barrack Square should be retained as a ferry terminal.

### **Relationship between vessel users and neighbouring residents and local government**

Noise from motorised vessels, principally PPWC but also power boats for racing and water skiing attracted most adverse public comment.

To minimise impacts on environmentally sensitive and residential areas, areas should be designated for the exclusive use of PPWC and suitable facilities provided. Their use elsewhere on the river should be restricted. Suitable areas outside of the metropolitan area should also be identified for the use of PPWC.

Concerns about noise from power boats for racing and water skiing largely related to the existing areas designated for these activities. These areas should continue to be available for these activities but maximum noise levels should be set and responsibility for their enforcement delegated to appropriate agencies.

### **Need to exclude vessels from some areas of conservation value**

Vessels impact on the conservation values of the river through erosion of banks by wash, intrusion of boats, or boat wash, into sensitive areas and disturbance of wildlife. The significance of these impacts is difficult to isolate from natural river processes and quantify.

However, PPWC should be prohibited upstream of the Narrows and Canning Bridges and all motorised craft other than for river management should be prohibited upstream of Kent Street Weir on the Canning River. The Swan River upstream of Barker's Bridge should be designated as a "no wash zone" except for designated areas for special use activities. Apart from approved commercial operations and events, a speed limit of 5 knots should apply to the Swan River upstream of Garratt Road Bridge.

Restrictions on the operation of motorised boats recommended in management plans for specific areas of the river should be supported.

### **Discharges from vessels**

Although the discharge of bilge and wastewater to the river is illegal, discharges still occur. To deal with the situation, consideration should be given to providing public pump out facilities and increased penalties for illegal discharges. Recommendations of the Swan River Trust report *Discharge of Bilgewater and Sewage from Commercial Ferries Using the Swan River* should be supported and implemented. There is also a continuing need to impress on users of the river the importance of maintaining a healthy waterway.





## SUMMARY OF RECOMMENDATIONS

### Level of use of the river by vessels and compatibility between users

#### Recommendation 1.

Rationalise the existing use of and redesign the foreshore facilities and layout at Deep Water Point to address safety issues and meet standards. Prohibit the use of PPWC within the waters upstream of Canning Bridge.

#### Recommendation 2.

Prohibit all motorised vessels from overtaking within the area from the Fremantle Railway Bridge to two hundred metres upstream of the Stirling Traffic Bridge.

#### Recommendation 3.

Provide a public launching facility at Rous Head and other identified locations to help ease the existing congestion on established facilities in current use.

#### Recommendation 4.

Conduct an extensive education program aimed at all users of the Swan and Canning Rivers highlighting the need to share the resource and observe the rules. Seek the support of the media in assisting an education program with community service play time and coverage. Produce a brochure on the use of vessels on waterways. Such a brochure would outline the responsibilities of all users relating to safety, navigation and general waterways courtesy.

#### Recommendation 5.

Support the continued use of Barrack Square as a ferry terminal.

#### Recommendation 6.

Excluding gazetted water ski, PPWC and special event areas, impose a maximum 20 knot speed limit during daylight hours on weekends for all areas of the Swan and Canning Rivers where no maximum limit currently exists. Review the need to impose the limit at other times if congestion increases.

#### Recommendation 7.

Rationalise moorings currently within the Deep Water Point ski area.

#### Recommendation 8.

Review the purpose of all non permanent markers in the Swan and Canning Rivers. Remove those no

longer required and ensure all others are correctly marked.

#### Recommendation 9.

Department of Transport to introduce state-wide certification for drivers of all registered motorised craft to the Australian Yachting Federation TL3 level certification. Resourcing of the agency will need to be addressed to adequately deal with this recommendation.

#### Recommendation 10.

Consider delegation of Department of Transport inspectorial powers to suitable officers within local government following the completion of a DOT induction course.

### Need to provide opportunities for new recreational activities in the future

#### Recommendation 11.

Encourage the retention or redevelopment of areas for the purpose of marine service industry.

Relationship between vessel users and neighbouring residents and local government

#### Recommendation 12.

Designate areas for the exclusive use of PPWC for weekends only.

#### Recommendation 13.

Investigate the opportunity to provide designated PPWC areas and adequate facilities that would encourage users and followers to partake in their recreational pursuits.

#### Recommendation 14.

Ban the use of PPWC from all other areas, other than for conventional vessel passage.

#### Recommendation 15.

Prohibit the operation of PPWC between sunset and sunrise on the Swan and Canning Rivers.

#### Recommendation 16.

Encourage the identification of suitable areas for the use of PPWC outside the metropolitan area.



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**Recommendation 17.**

Draft regulation(s) pursuant to the Environmental Protection Act to set maximum noise levels for any activity on the waterway. For recreational craft 85 dB(A) at 30 metres should be the maximum. For racing vessels (vessels competing in a recognised and approved sporting event) the upper limit should be 105 dB(A) at 30 metres although this may be reduced to 95 dB(A) near residential areas.

**Recommendation 18.**

Delegate the power to enforce regulations setting maximum noise levels to appropriate agencies. Test area to be set aside in order to monitor noise levels.

**Specific locations****Gazetted power boat area near Burswood****Recommendation 19.**

Continue to support the use of the gazetted power boat area adjacent to Burswood, subject to noise containment as addressed in Recommendation 17.

**Belmont water ski area****Recommendation 20.**

Any future proposal to extend the Belmont water ski area should not be supported.

**Lilac Hill barefoot water ski area****Recommendation 21.**

Support the continued use of Lilac Hill for limited programmed barefoot water skiing events. Continued support for such activity should be monitored to ensure that damage to the fragile environment within the area is kept to an absolute minimum. Should evidence of disregard for the environment be found closure of the area may be recommended.

**Recommendation 22.**

Department of Transport approval be sought to delegate authority to qualified inspectors of other government agencies and approved local government rangers to increase the level of policing in this area to ensure illegal users are prosecuted.

Need to exclude vessels from some areas of conservation value

**Recommendation 23.**

Exclude all motorised vessels, other than for waterway management purposes, from the Canning River upstream of the Kent Street Weir.

**Recommendation 24.**

Designate the waters of the Swan River upstream of Barkers Bridge a "no wash zone" except for an area of special purpose activities use to be determined by the Minister for the Environment.

**Recommendation 25.**

Support the relevant recommendations of the draft Swan Estuary Marine Park Management Plan.

**Recommendation 26.**

Prohibit the use of PPWC on the waters upstream of the Narrows and Canning Bridges and prohibit all water based activity near the western end of Heirisson Island, excluding the water ski area, which may impact on the island's potential as an area where habitat for native flora and fauna may be enhanced.

**Recommendation 27.**

Reduce the existing speed limit of 8 knots to 5 knots for waters above Garratt Road Bridge except for approved commercial operations and special event applications approved by the Minister for Transport and Minister for the Environment.

**Discharges from vessels****Recommendation 28.**

State Government to provide pump out facilities to approved standards at suitable locations.

**Recommendation 29.**

Impress on all users the importance of healthy waterways.

**Recommendation 30.**

Consider raising the current level of penalties for abusing waterways in view of public sentiment.

**Recommendation 31.**

Support the recommendations in the report to the Minister for the Environment titled *Discharge of Bilgewater and Sewage from Commercial Ferries Using the Swan River*.

**Recommendation 32.**

Require the Swan River Trust and the Department of Transport to progress the implementation of the recommendations in the report *Discharge of Bilgewater and Sewage from Commercial Ferries Using the Swan River*.



## 1. INTRODUCTION

The Swan and Canning Rivers are a major recreational resource for both residents and tourists. However as the population grows there is an inevitable increase in competing demands for space on a finite water area.

The Government of Western Australia appreciates the value of this waterway and acknowledges the need for management to ensure its continued enjoyment by future generations. In response to a high level of concern raised by the public regarding the effect of vessels on Perth's waterways, the then Minister for the Environment, Hon Kevin Minson MLA, established a committee to inquire into the effects of vessels on the Swan and Canning Rivers.

A committee was formed with members from:

- Swan River Trust (1)
- Department of Transport (1)
- WA Municipal Association (2)
- Aquatic Council (1)
- Ministry of Sport and Recreation (1)
- Department of Environmental Protection (1)
- Water Police (1)

Concerns raised included:

- Inappropriate use of personal powered water craft
- Noise associated with vessels
- Overcrowding of waterways, particularly on weekends
- Disturbance to wildlife
- Bank erosion caused by boats
- Wave action caused by ferries

The Minister also considered it appropriate to include the issue of discharges from vessels as there had been some recent instances of this occurring.

The inquiry had the following terms of reference:

1. The level of use of the river by vessels and the level of compatibility between users.
2. The possible need to provide opportunities for new recreational activities on the river in the future.
3. The relationship between vessel users and neighbouring residents and local government.
4. The possible need to exclude vessels from some areas of conservation value.
5. Discharges from vessels.

The Minister also required that all interested parties be consulted. Public submissions on issues related to the terms of reference were invited by advertising in State and local papers. One hundred and eighteen submissions were received.

The draft report of the Committee was released for public comment in November 1995. Sixty-eight responses were received and considered in the preparation of the final report.

The Committee considered five main sources of information in its deliberations:

- Submissions to the inquiry
- Comments on the draft report
- Relevant literature
- Related file information from agencies
- Advice from the Office of the Crown Solicitor.

This report has been prepared in accordance with the Minister's Terms of Reference. As the terms of reference included site specific issues and issues applicable to the entire waterway the report has been structured so that general recommendations and site specific recommendations are considered with each of the terms of reference.



## 2. ISSUES REQUIRING ACTION

This section addresses each individual term of reference, summarises the Committee's deliberations and sets out the resultant recommendations.

### 2.1 Level of use of the river by vessels and compatibility between users

The Committee considered that the level of congestion is of concern particularly on weekends. This results in safety and general problems. Areas identified as being most heavily used included:

- the area around the Fremantle bridges
- Deep Water Point
- Point Walter to the Causeway
- Aquinas Bay

A number of mechanisms for dealing with congestion and incompatibility of uses were discussed. The Committee was of the view that congestion would only increase and that both educative and regulatory measures were needed to ensure that everybody involved in an appropriate use of the waterways was catered for and that any activity is conducted in a safe manner.

The number of moorings, navigational markers, buoys etc. added to the problem of overcrowding at times. It was considered that moorings needed tighter controls. There was agreement that all moorings should be maintained to an agreed standard. Area recommendations regarding moorings have been made where necessary.

There appeared to be a lot of unnecessary or poorly marked navigation marks and buoys.

Dredging was discussed in terms of the need to maintain navigation channels and provide recreational opportunities. The Committee endorsed the Swan River Trust's Dredging Policy.

#### Recommendation 1.

**Rationalise the existing use of and redesign the foreshore facilities and layout at Deep Water Point to address safety issues and meet standards. Prohibit the use of PPWC within the waters upstream of Canning Bridge.**

*Legislative Amendment.*

Publication of a gazettal notice under Regulation 48A of the Navigable Waters Regulations prohibiting

personal powered water craft from Deep Water Point, a gazetted area for water skiing, is necessary.

No legislative amendment is required for investigating the redesign of foreshore facilities. Consultation with the local government authority is required.

#### Recommendation 2.

**Prohibit all motorised vessels from overtaking within the area from the Fremantle Railway Bridge to two hundred metres upstream of the Stirling Traffic Bridge.**

*Legislative Amendment.*

Amend Regulation 20 of the Regulations for the Navigation of the Port of Perth to prohibit overtaking from the Fremantle Railway Bridge to two hundred metres upstream of the Stirling Traffic Bridge.

#### Recommendation 3.

**Provide a public launching facility at Rous Head and other identified locations to help ease the existing congestion on established facilities in current use.**

*Legislative Amendment.*

None required.

#### Recommendation 4.

**Conduct an extensive education program aimed at all users of the Swan and Canning Rivers highlighting the need to share the resource and observe the rules. Seek the support of the media in assisting an education program with community service play time and coverage. Produce a brochure on the use of vessels on the waterways. Such a brochure would outline the responsibilities of all users relating to safety, navigation and general waterways courtesy.**

*Legislative Amendment.*

None required.

#### Recommendation 5.

**Support the continued use of Barrack Square as a ferry terminal.**

*Legislative Amendment.*

None required.



#### Recommendation 6.

**Excluding gazetted water ski, PPWC and special event areas, impose a maximum 20 knot speed limit during daylight hours on weekends for all areas of the Swan and Canning Rivers where no maximum limit currently exists. Review the need to impose the limit at other times if congestion increases.**

##### *Legislative Amendment.*

Amend Regulation 19A of the Navigable Waters Regulations to impose a maximum speed limit of 20 knots in the Swan and Canning Rivers between sunrise and sunset on weekends except for specifically gazetted areas.

#### Recommendation 7.

**Rationalise moorings currently within the Deep Water Point ski area.**

##### *Legislative Amendment.*

The chief executive officer of the Department of Transport Maritime Division may publish a gazettal notice under Regulation 48A of the Navigable Waters Regulations to exclude moorings from Deepwater Point and to specify that the area be used only for water skiing.

Under Section 10 of the *Shipping and Pilotage Act 1967*, the Governor may revoke a proclamation declaring an area a mooring control area or vary the boundaries of a mooring control area. Under Regulation 9 of the Shipping and Pilotage (Mooring Control Areas) Regulations 1983, the Department of Transport Maritime Division may relocate or remove any mooring from a mooring site.

#### Recommendation 8.

**Review the purpose of all non permanent markers in the Swan and Canning Rivers. Remove those no longer required and ensure all others are correctly marked.**

##### *Legislative Amendment.*

None required.

#### Recommendation 9.

**Department of Transport to introduce state-wide certification for drivers of all registered motorised craft to the Australian Yachting Federation TL3 level certification. Resourcing of the agency will need to be addressed to adequately deal with this recommendation.**

##### *Legislative Amendment.*

Amend Regulation 45B of the Navigable Waters Regulations to require a person to obtain a safety operators certificate as a pre-condition to obtaining registration. A provision could be inserted into the Navigable Waters Regulations creating a licensing system as described in the recommendation.

#### Recommendation 10.

**Consider delegation of Department of Transport inspectorial powers to suitable officers within local government following the completion of a DOT induction course.**

##### *Legislative Amendment.*

Regulation 5 of the Navigable Waters Regulations and Regulation 24 of the Regulations for the Navigation of the Port of Perth could be amended to include local government rangers and Swan River Trust inspectors if considered appropriate.

## **2.2 Need to provide opportunities for new recreational activities in the future**

The availability of boat lifting facilities was discussed. The area at North Fremantle traditionally used for marine industries is currently being redeveloped for residential purposes. The Committee supported the provision of designated areas for leisure craft 'marine service industry' adjacent to the waterway and was concerned with the current situation.

#### Recommendation 11.

**Encourage the retention or redevelopment of areas for the purpose of marine service industry.**

##### *Legislative Amendment.*

None required. Amendment of local government Town Planning Schemes and MRS zoning to marine service industry may be required.

## **2.3 Relationship between vessel users and neighbouring residents and local government**

By far the largest area of concern identified in the public submissions was noise. Two main sources were identified:

- power boats — either racing or skiing
- personal powered water craft (PPWC)



Because of the associated noise the use of personal powered water craft attracted the most public comment. Most of the public comments sought a total ban on their use in the Swan and Canning Rivers. Others considered special areas should be set aside for PPWC use. These areas should be away from environmentally sensitive areas and as far from residential areas as possible. The Trust in consultation with the Department of Transport and local government authorities had previously set aside two trial areas for use by PPWC. The Committee considered that the trial had not been a success as there were no limits on their use in other areas. Maximum noise outputs could also be considered.

The Committee considered that a total ban would be inequitable and unreasonable and that the provision of areas for use by PPWC only would be the better option. PPWC would not be allowed outside these areas.

The committee considered a report titled *Guidelines for the Use of Certain Powered Craft, such as Waterscooter, Personal Watercraft, Waterbike, Jetski, Waverunner, Seadoo, on Controlled Waters* in their deliberations. This report was prepared for the Permanent International Association of Navigational Congresses (1995) by a working group comprising members from The Netherlands, USA, UK, Belgium, Sweden and Germany. The Committee considered their findings and recommendations relevant to this inquiry.

On the issue of noise it was considered that there are adequate provisions in existing legislation (Environmental Protection Act) to control excessive noise. To make use of the provisions regulations need to be drafted and the power to enforce them delegated to appropriate agencies.

Acceptable noise levels would be determined by a series of trials under varying conditions and using standards developed elsewhere.

#### **Recommendation 12.**

**Designate areas for the exclusive use of PPWC for weekends only.**

*Legislative Amendment.*

Publish a Gazette notice under Regulation 48A of the Navigable Waters Regulations (which apply to the whole of the Swan and Canning Rivers and their tributaries) designating areas of navigable waters for the exclusive use of PPWC. This regulation applies

to speed boats and water skiing therefore it may be necessary to amend the regulation to apply to PPWC before a notice can be published.

#### **Recommendation 13.**

**Investigate the opportunity to provide designated PPWC areas and adequate facilities that would encourage users and followers to partake in their recreational pursuits.**

*Legislative Amendment.*

None required.

#### **Recommendation 14.**

**Ban the use of PPWC from all other areas, other than for conventional vessel passage.**

*Legislative Amendment.*

Amend the Navigable Waters Regulations by inserting a regulation banning the use of PPWC from all but designated areas. The regulation could provide that these areas be gazetted by the chief executive officer of the Department of Transport Maritime Division in a similar way as Regulation 48A

#### **Recommendation 15.**

**Prohibit the operation of PPWC between sunset and sunrise on the Swan and Canning Rivers.**

*Legislative Amendment.*

Amend Navigable Waters Regulations by inserting a regulation restricting the operation of PPWC to the period between sunrise and sunset in terms similar to Regulation 50.

#### **Recommendation 16.**

**Encourage the identification of suitable areas for the use of PPWC outside the metropolitan area.**

*Legislative Amendment.*

None required.

#### **Recommendation 17.**

**Draft regulation(s) pursuant to the Environmental Protection Act to set maximum noise levels for any activity on the waterway. For recreational craft, 85 dB(A) at 30 metres should be the maximum; for racing vessels (vessels competing in a recognised and approved sporting event) the upper limit should be 105 dB(A) at 30 metres although this may be reduced to 95 dB(A) near residential areas.**



*Legislative Amendment.*

Under Section 84 of the *Environmental Protection Act 1986*, it is an offence to fail to comply with the prescribed noise emission standards, the penalty being \$200. As no noise standards are currently prescribed for vessels using the river, it would be necessary to enact regulations under items 13 and 18 of Schedule 2 of the *Environmental Protection Act 1986* to provide for the above noise restrictions. These could be in a form similar to schedule 3 of the Noise Abatement (Noise Labelling of Equipment) Regulations (No 2)1985.

**Recommendation 18.**

**Delegate the power to enforce regulations setting maximum noise levels to appropriate agencies. Test area to be set aside in order to monitor noise levels.**

*Legislative Amendment.*

Under Section 88 of the *Environmental Protection Act 1986*, the chief executive officer has the power to appoint inspectors. The chief executive officer could under this section grant power to the Department of Transport, Water Police, Swan River Trust officers and local government officers to enforce noise restriction regulations. Such a delegation of inspectorial powers could be incorporated into the regulations in a form as similar to Regulation 4 of the Noise Abatement (Noise Abatement Directions) Regulations 1981.

### **2.3.1 Specific locations**

Other specific locations identified in submissions or from complaints received by local and State agencies are discussed below.

#### **Gazetted power boat area near Burswood**

The Committee appreciated that the noise levels emanating from this area during certain events was cause for concern. However this was the last area set aside for this use and existed before the adjacent area was developed. High noise events were associated with monthly competitive events.

**Recommendation 19.**

**Continue to support the use of the gazetted power boat area adjacent to Burswood, subject to noise containment as addressed in Recommendation 17.**

*Legislative Amendment.*

None required.

#### **Belmont water ski area**

Complaints were received about noise from this area. In 1991 there was an application to extend the area available to skiers. This application was rejected by the Minister for the Environment due to overwhelming public opposition.

**Recommendation 20.**

**Any future proposal to extend the Belmont water ski area should not be supported.**

*Legislative Amendment.*

None required.

#### **Deep Water Point water ski area**

A number of submissions contained comments regarding the noise emanating from vessels using this area.

The City of Melville recently completed a report titled *Noise Survey of Deep Water Point Water Ski Area*. The report confirmed that motorised vessels using the area produced annoying levels of noise and that the level of noise was increasing. Recommendations listed previously concerning control of noise should address the problem in this area.

#### **Lilac Hill barefoot water ski area**

Submissions raised concerns about the level of noise emanating from this area. The Committee considered that most of the noise came from illegal boating activities in the area. Only 12 approved events occurred each year and although noise was generated the Committee did not consider it to be the prime problem. However, greater control to prevent illegal use is required.

**Recommendation 21.**

**Support the continued use of Lilac Hill for limited programmed barefoot water skiing events. Continued support for such activity should be monitored to ensure that damage to the fragile environment within the area is kept to an absolute minimum. Should evidence of disregard for the environment be found closure of the area may be recommended.**



*Legislative Amendment.*

None required.

**Recommendation 22.**

**Department of Transport approval be sought to delegate authority to qualified inspectors of other government agencies and approved local government rangers to increase the level of policing in this area to ensure illegal users are prosecuted.**

*Legislative Amendment.*

Regulation 5 of the Navigable Waters Regulations could be amended to include local government rangers and Swan River Trust inspectors if considered appropriate.

**Chidley Point water ski area**

The riverine landscape adjacent this water ski area consists of sections of steep limestone cliffs. Noise emanating from the ski area is reflected from the cliffs resulting in a prolonged effect. Implementation of the recommendation(s) regarding noise levels should reduce this problem.

**2.4 Need to exclude vessels from some areas of conservation value**

The Committee considered that the upper reaches of the Swan and Canning Rivers had become degraded due to a combination of factors which could be exacerbated by power boating. There was also agreement that the preferred uses in these areas should be low impact and consistent with the nature of the waterways and adjacent land use.

Power boating was identified in a large number of submissions as a major cause of erosion in the upper reaches. Although this may be in part true, a study into the causes of erosion on the Swan River identified stream flow as the major cause of erosion (*Foreshore Erosion Study*, 1990). The report did acknowledge that boat wash added to erosion but to what extent was difficult to quantify.

In some other States "no wash zones" had been created in environmentally sensitive areas. No wash zones are areas which craft may access provided they do not create wash. The Committee considered similar zones may be effective on the Swan River.

Existing uses were recognised. Commercial ferry operators should be allowed to continue to access the upper reaches unless the numbers of trips increases

significantly. A barefoot water ski area exists near Lilac Hill for organised special events which must be gazetted in the Government Gazette. Although there was some support for degazetting this area, the Committee considered that at its current level of use it was not causing a problem. If usage of the area increased significantly its gazettal for barefoot skiing would have to be reviewed.

The area at the southern end of Bull Creek, beyond the mooring area, was considered to have high conservation value. The area is shallow and unsuitable for power boating. This had been recognised in a recently completed draft management plan for the area (Draft Lower Canning River Management Plan 1994).

The City of Perth has identified Heirisson Island as an area in which native vegetation should be reinforced to encourage more native fauna. For this reason activities that may compromise this aim should be discouraged.

The Department of Conservation and Land Management is coordinating the preparation of a Management Plan for the Swan Estuary Marine Park. This area consists of Milyu Nature Reserve in South Perth, Pelican Point in Subiaco/Nedlands and Alfred Cove in Melville. The draft plan proposes to divide the park into zones where certain activities may or may not be allowed. For example no motorised craft are allowed in the wildlife protection zone but unmotorised craft are permitted.

**Recommendation 23.**

**Exclude all motorised vessels, other than for waterway management purposes, from the Canning River upstream of the Kent Street Weir.**

*Legislative Amendment.*

Insert a provision into the Navigable Waters Regulations prohibiting motorised vessels, other than for waterway management purposes, in the Canning River upstream of the Kent Street Weir. A provision similar to Regulation 48A of the Navigable Waters Regulations could be inserted into the Navigable Waters Regulations so that other areas of the Swan and Canning Rivers which come under pressure from motorised vessels can be protected if necessary.

**Recommendation 24.**

**Designate the waters of the Swan River upstream of Barkers Bridge a "no wash zone" except for an**





area of special purpose activities use to be determined by the Minister for the Environment.

*Legislative Amendment.*

Insert a regulation into the Navigable Waters Regulations making provision for the creation of a "no wash zone" at Barkers Bridge which prohibits vessels that have an erosive effect by the wash they produce. A regulation could be inserted in terms similar to Regulation 48A so that "no wash zones" can be created by notice in the Gazette if a foreshore area is being degraded by motorised vessels.

#### **Recommendation 25.**

**Support the relevant recommendations of the draft Swan Estuary Marine Park Management Plan.**

*Legislative Amendment.*

None required.

#### **Recommendation 26.**

**Prohibit the use of PPWC on the waters upstream of the Narrows and Canning Bridges and prohibit all water based activity near the western end of Heirisson Island, excluding the water ski area, which may impact on the island's potential as an area where habitat for native flora and fauna may be enhanced.**

*Legislative Amendment.*

Insert a regulation into the Navigable Waters Regulations to prohibit water based activities at the western end of Heirisson Island, excluding the water ski area. The regulation could be in terms similar to that required for Recommendation 23 so that other areas may be gazetted if the water based activities impact on native flora and fauna.

#### **Recommendation 27.**

**Reduce the existing speed limit of 8 knots to 5 knots for waters above Garratt Road Bridge except for approved commercial operations and special event applications approved by the Minister for Transport and Minister for the Environment.**

*Legislative Amendment.*

Amend Regulation 19A and Regulation 48 of the Navigable Waters Regulations to impose a maximum speed limit of 5 knots upstream of Garratt Road Bridge, except for approved commercial operations

and proposals approved by the Minister for the Environment under Part 5 of the *Swan River Trust Act 1988*.

## **2.5 Discharges from vessels**

Discharge of bilge/waste waters from vessels is illegal in the waterways subject to this inquiry. Existing legislation provides for suitable penalties for persons in breach of current regulations. However incidents involving illegal discharges still occur. The Committee considered that these events occurred due to a number of factors including:

- faulty equipment,
- lack of pump out facilities, and
- the inherent attitude that waterways are a waste disposal site. This attitude is exacerbated by the mentality that 'you cannot see what sinks or is dumped at night'.

The Swan River Trust prepared a report to the Minister for the Environment in December 1994 titled *Discharge of Bilgewater and Sewage from Commercial Ferries Using the Swan River*. The Department of Transport supported the recommendations and the Minister subsequently urged the Trust to take a lead role in implementation.

#### **Recommendation 28.**

**State Government to provide public pump out facilities to approved standards at suitable locations.**

*Legislative Amendment.*

None required.

#### **Recommendation 29.**

**Impress on all users the importance of healthy waterways.**

*Legislative Amendment.*

None required.

#### **Recommendation 30.**

**Consider raising the current level of penalties for abusing waterways in view of public sentiment.**

*Legislative Amendment.*

The current penalties for causing harm to the banks, river beds or trees of waterways under the management of the Swan River Trust are provided for in



Regulations 4-6 of the Swan River Trust Regulations 1989. The maximum penalty for harm to banks or trees is \$5000, while the maximum penalty for harm to river beds is \$2000. Section 48(9) of the *Waterways Conservation Act 1976* provides a maximum penalty of \$5000 for discharging polluting matter into waterways. However, Regulation 8 of the *Waterways Conservation Regulations 1981* provides only a maximum penalty of between \$200 and \$500 for activities that cause harm to waterways.

Under the *Environmental Protection Act 1986* it is an offence to discharge waste in circumstances where it is likely to cause pollution, the penalty being \$5000. This provision would apply to the discharge of bilge and wastewater from vessels directly into waterways. However, the introduction of a strict liability offence may address the issue of faulty equipment causing pollution and go further in achieving the aims of this Recommendation.

In addition, Regulation 262(2) of the *Fremantle Port Regulations 1971* could be amended to prohibit the discharge of wastewater by vessels (including commercial ferries) into the waters of Fremantle Port. At present the regulation provides that this can occur if every reasonable and practical step has been taken to improve the quality and appearance of the waste matter and there is no other practical means of disposing of waste.

#### **Recommendation 31.**

**Support the recommendations in the report to the Minister for the Environment titled *Discharge of Bilgewater and Sewage from Commercial Ferries Using the Swan River*.**

*Legislative Amendment.*

None required.

#### **Recommendation 32.**

**Require the Swan River Trust and the Department of Transport to progress the implementation of the recommendations in the report *Discharge of Bilgewater and Sewage from Commercial Ferries Using the Swan River*.**

*Legislative Amendment.*

In relation to Recommendation 1 of the report, Regulation 5 of the *Navigable Waters Regulations* provides power to inspect vessels. However, no regulation specifically relates to the inspection of sewage and bilge systems. A regulation could be inserted providing for such an inspection as a pre-condition to registration. Also, with respect to Recommendation 3 of the report, a regulation could be inserted into the *Navigable Waters Regulations* requiring the reporting of pollution events.



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### 3. REFERENCES

City of Melville 1994. *Noise Survey of Deep Water Point Water Ski Area: A report to Council* (unpublished).

City of South Perth 1993. *Mt Henry Peninsula Management Plan*.

Permanent International Association of Navigational Congresses 1995. *Guidelines for the Use of Certain Powered Craft such as Waterscooter, Personal Watercraft, Waterbike, Jetski, Waverunner, Seadoo, on Controlled Waters*. Report of Working Group No. 6 of the Special Commission for Sport and Pleasure Navigation.

Swan River Trust 1995. *Inquiry into the Effects of Vessels on the Swan and Canning Rivers: Draft Report to the Community*. Swan River Trust Report No 26.

Swan River Trust 1994. *Discharge of Bilgewater and Sewage from Commercial Ferries Using the Swan River*. A report to the Minister for the Environment (unpublished).

Swan River Trust 1994. *Draft Lower Canning River Management Plan*. Swan River Trust Report No 15.

Swan River Trust 1990. *Foreshore Erosion Study*. Report to the Swan River Trust prepared by the Department of Marine and Harbours.

WG Martinick and Associates 1991. *A Review of Water Based Recreation in Western Australia: Summary Report for the Western Australian Water Resources Council and the Ministry of Sport and Recreation*.



## APPENDIX

# SUMMARY OF PUBLIC COMMENTS ON THE INQUIRY INTO THE EFFECTS OF VESSELS ON THE SWAN AND CANNING RIVER: DRAFT REPORT TO THE COMMUNITY

### Introduction

Public comments on the draft report were summarised according to the section of the draft report they addressed. Comments made in submissions have been assessed entirely on the cogency of points raised. No subjective weighting has been given to any submission for reasons of its origin or any other factor which would give cause to elevate the importance of any submission above another.

### Number and Origin of Comments

A total of 68 submissions were received, one of which was a petition of 13 signatures. Their origins are as follows:

Private Individuals	36	53%
Community Groups	24	36%
Local Government Authorities	5	7%
Government Agencies	3	4%
	<b>68</b>	<b>100%</b>

A list of submitters is given at the end of this document.

### Summary of Comments

The summary refers to the headings and recommendations of the draft report. Comments made on the draft report are given with reference to the number of submissions pertaining to each comment and the submission in which the comment appeared.

### General Comments

*Eight comments.*

1. The thrust of the report seems to be strongly against the majority of passive river users and in favour of those that use boats. (5)
2. The report is not sufficiently critical of jet skis. (18)
3. The report is fair and reasonable with a great deal of environmental concern, but less for personal safety. (23, 46)

4. The report should contain set time frames for implementation. (23)
5. The Swan River Trust should take account of the important role the rivers play as a training ground for helping young people become good citizens through training organisations such as the Scout Association. (25)
6. The emphasis of the report seems to reflect current concerns of recreational users with local solutions rather than focusing on long-term needs and long-term strategies. (33)
7. Scant attention was paid to adjoining land uses of the foreshore areas and how water based activities will impact on them. (33)
8. Regional development of recreational facilities is the appropriate strategy to resolve duplication, low usage and conflicts. The river system could be broken into management zones with a management plan being developed to match needs of appropriate users. (33)
9. The report treats vessel use as a separate entity to conservation use. Recommendations reflect the status quo and an absence of strength and certainty. (56, 68)

### 1. INTRODUCTION

*One submission.*

1. The Committee appears to be over represented by government agencies. Royal Life Saving requests representation in this area. (11)

### 2. ISSUES

#### 2.1 Level of use of the river by vessels and compatibility between users

##### General Comments

*Two comments.*

All comments concerning PPWC, excluding those addressing Recommendation 1, have been collated under section 2.3.

1. Organised canoe events come in direct conflict with ski boats in Maylands/Bayswater area. (29)



2. Ensure continued use of inflatable rescue boats with outboard motors to provide water safety at triathlons. (58)

### **Recommendation 1.**

*Sixteen comments.*

1. Support exclusion of PPWC from ski area. (1, 7, 23, 33, 41, 42, 45, 62, 63)
2. Support redesign of foreshore facilities. (17, 19, 33, 42, 62, 63)
3. Oppose exclusion of PPWC from ski area. (17, 19, 35, 51, 52)
4. The western shore from Deep Water Point to Canning Bridge is littered with sunken boats. Clearing them would give a deal of useable water for small boats. (23)
5. Water ski boats should not be allowed to set down or take off north of the Deep Water Point ramp. (25)
6. Exclude ski boats and return the area to Sea Scouts and swimmers. (41)
7. Rowing should benefit from a designated area designed to suit their major events. (42)
8. It may be better to restrict PPWC to ski areas and require them to observe the same rules. (51)
9. Support excluding PPWC if they're used for water-skiing only. (52)
10. Disallow pole skis in gazetted ski areas. (52)
11. Recommendations 1 and 2 could be applied to all public water ski areas where the problems of over-crowding are increasing the safety hazards. (62)
12. Oppose any expansion of foreshore facilities. (64)

### **Recommendation 2.**

*Fourteen comments.*

1. Support for recommendation. (17, 19, 33, 45, 62, 63)
2. Oppose increasing the number of take off areas. (5, 7, 10, 20, 25, 42, 64)
3. Funding and infrastructure will be a necessary consideration for any future facilities. (33)
4. Relocate the Deep Water Point launching area to a point along the freeway at Como with financial assistance from City of South Perth. (41)

5. More launching areas on the coast, e.g. Hillarys or Whitford. (45)

### **Recommendation 3.**

*Eight comments.*

1. Support for recommendation. (33, 45, 63)
2. Disagree with recommendation. (20, 31, 38)
3. Retain the 8 knot speed limit for safety reasons. (20, 50)
4. Police the area properly during days when high volumes of traffic are expected. (20, 51)
5. It is also possible to invoke rule 9(b) of the International Collision Regulations. (20)
6. Powered vessels should be prohibited from overtaking yachts with lowered masts traversing the channels adjacent to the bridges. (31)
7. The larger problem may relate to processing of volume numbers through peak periods. (33)
8. Add 'of yachts' after the word 'overtaking'. (51)
9. Extend the area from Fremantle Traffic Bridge to 200 m downstream of the Fremantle Railway Bridge. (51)

### **Recommendation 4.**

*Nine comments.*

1. Support for recommendation. (31, 33, 41, 45, 46, 50, 63, 68)
2. Rous Head appears to have no space for a launching ramp, which would increase the risk of injury/death and damage to vessels. A launching ramp immediately north of the harbour appears to be a safer logical option. (20)
3. Such a facility should include a lockable compound for boat trailers. (46)

### **Recommendation 5.**

*Twenty-seven comments.*

1. Support for education program. (1, 17, 19, 23, 28, 33, 42, 45, 46, 53, 63, 66, 68)
2. More emphasis on enforcing the rules and speed restrictions. (5, 23, 26, 35, 36, 37, 42, 43, 46, 51, 59, 64, 68)
3. Permanent patrol vessels are needed at all boat ramp areas to enforce existing rules. (8, 17, 19, 32)



4. Provide more resources for marked and unmarked enforcement craft and officers. Prosecute and ensure court cases get full publicity. (23, 36)
5. Helicopter patrols by police would help enforce regulations. (18)
6. Use the proposed pamphlet after the education program so that boat users will have a constant reminder. (1)
7. Pamphlets are unlikely to work as there is no compulsion that they be read. (5, 13)
8. Any education material should identify environmentally sensitive areas and species both within and adjacent to the water body, e.g. Milyu nature reserve. Vessel use restrictions in these areas should be included. (66, 68)

#### **Recommendation 6.**

*Nine comments.*

1. Support for recommendation. (20, 33, 45, 63)
2. Recommendation not supported for Rottneest ferries. (31, 41, 44, 51, 68)

#### **Recommendation 7.**

*Thirteen comments.*

1. A blanket speed of 8 knots on all river traffic would control erosion problems and minimise further damage. (4)
2. Replace 'during daylight hours' with 'at all times'. (13, 53)
3. Don't support limit to weekends only. During the week may be as dangerous. (17, 19, 53)
4. The reason for the 20 knot figure is unclear. Vessels are already required to 'proceed at a safe speed so that she can take proper and effective action to avoid collision'. (20)
5. Considered unnecessary except for ferries and other large displacement vessels which should be limited to 8 knots. (31, 62)
6. Unrealistic for water skiing areas as higher speeds are needed for water skiing activities. (33)
7. Suggest limit of 15 knots from 10 am and 4 pm. (41, 45)
8. Request consultation if a review of the speed limit is to be instigated. (50)
9. Oppose the recommendation. (62)
10. Support the recommendation. (63)

#### **Recommendation 8.**

*Four comments.*

1. Support for recommendation. (33, 63)
2. Should specify that the period before 10 am and after 4 pm is for non-power boat users and the midday session from 10 am – 4 pm for power boats. (5)
3. Time sharing limits may be better addressed on a blanket basis with limits matching activities. (33)
4. Time sharing rationale should be progressed to a long term objective with activities given time to initiate and formulate a time share policy. (33)
5. Request consultation over time sharing investigations. (50)

#### **Recommendation 9.**

*Six comments.*

1. Support for recommendation. (17, 19, 33, 50, 63)
2. A review of sailing times is not the issue, but the impacts of motor craft. (45)
3. The Swan River Racing Committee are fully cognisant and vigilant in ensuring congestion is minimised when approving scheduled yachting events. (50)

#### **Recommendation 10.**

*Nine comments.*

1. Support for recommendation. (17, 19, 45, 62, 63, 64)
2. Disagree with recommendation. (51)
3. Does this area extend to the vicinity of Mt Henry Bridge? (1)
4. Extend moorings to Central Road. (41)
5. Current approved moorings could be relocated into Bull Creek where there is ample unused water for such purposes. (62)
6. All swing moorings should be progressively replaced with fore and aft moorings. (62)
7. Moorings should also be excluded between Deep Water Point and the Canning Bridge. (64)

#### **Recommendation 11.**

*Four comments.*

1. Support for recommendation. (45, 63)



2. Most moorings do comply. (41)
3. The storage of dinghies adjacent to mooring areas needs to be addressed. (51)

#### **Recommendation 12.**

*Seven comments.*

1. Support for recommendation. (17, 19, 45, 63)
2. Only official (charted) markers should be allowed as permanent features on the Swan River. (20)
3. Yacht race markers should be positioned prior to the race and removed immediately after. (20)
4. Assume this refers to fixed navigation markers. (31)
5. Should include: '... to ensure proper maintenance of existing markers and that navigation channels are navigable at all times'. (50)

#### **Recommendation 13.**

*Twenty-four comments.*

1. Support for recommendation. (1, 14, 17, 19, 23, 24, 25, 28, 31, 33, 35, 41, 42, 45, 50, 51, 53, 63)
2. Should be mandatory for all users. Add a new recommendation: 'No person shall operate a power boat, yacht, PPWC or other craft until they have passed the requirements of the small craft safety operators certificate'. (13, 33, 68)
3. Amend first sentence to read: '... obtain a small craft safety operators certificate by examination.' A definition of small craft might be necessary. (13)
4. Add a further recommendation to establish a minimum age that would permit a person to operate a PPWC or other power boat. (13, 16)
5. A simple map or booklet should accompany operators certificate showing speed limits and boundaries of water ski areas. (14)
6. More education and public awareness programs would be better than compulsory licensing of all pleasure boat drivers. (20, 46)
7. Licensing of drivers should be given high priority. (23)
8. Some form of 'grandfather clause' is needed due to existing number of adult boat owners and training/course implications for certification. (31)

9. Disagree with Recommendation. There is no benefit to the boating public, only another revenue for the Government. (38)
10. Do not support the introduction of a licence unless it is complementary to the acquisition of the small craft proficiency certificate. (50)
11. Disagree with Part 2 of recommendation. (50, 51)

#### **Recommendation 14.**

*Eighteen comments.*

1. Support for recommendation. (1, 5, 17, 19, 24, 28, 33, 53, 63, 66)
2. Opposed to recommendation. (31, 41, 45)
3. Any local government involvement must be on an elective basis and not mandatory unless cost recovery is possible. (2)
4. Enforcement should be administered through the various government departments with the cost being obtained from revenue received from vessel owners. (2)
5. It would be necessary to give adequate training to LGA rangers and SRT inspectors before giving them inspectorial powers. (20, 66)
6. Dept of Transport, Marine Branch, is not sufficiently resourced to adequately police the activities of river users. (21, 36)
7. Funding of such resources should be through State government funding. (33)
8. Give full powers to the Water Police. (41)
9. CALM marine operations officers will soon have limited powers to enforce Navigable Waters Regulations on and adjacent to CALM-managed reserves. (66)
10. The SRT should give high priority to getting a regular visible presence back on the rivers. (68)

## **2.2 Need to provide opportunities for new recreational activities in the future**

### **General Comments**

*Four comments.*

1. Areas should be set aside exclusively for swimming, in particular for practice and training and long distance swimming. (40)



2. The foreshore along Matilda Bay is suitable for an extended swimming area. Facilities already exist, although external showers should be provided. (40)
3. A study of population growth and future river usage patterns on the environmentally fragile area of the upper reaches of the Swan should be compiled. (53)
4. Support the notion of establishing another rowing club upriver from the Guildford Bridge to serve the eastern suburbs. (60)
5. SRMS Recommendation 80 has not been taken into account with respect to barefoot waterskiers and jet ski facilities which cannot be responsibly accommodated on the Swan River system. (68)

#### **Recommendation 15.**

##### *Eleven comments.*

1. Support for recommendation. (14, 17, 19, 24, 49, 60, 62, 63)
2. Oppose the recommendation. The Rowing Association should remain at its present site. (10)
3. If the shorelines were altered and Deep Water Point excised, there may be space for the international rowing course required by the rowers. This stretch of Canning River would be an excellent venue. (13)
4. Possible sites are east of Lakes Maraginiup, Coo loongup and Walyungup. The Minister of Sport and Recreation should provide funds. (24)
5. The rowers all completed an Olympic course without complaint. (41)
6. There is a strong expectation that we can continue to use the Swan and Canning Rivers as a safe environment within which to practise. (49)

#### **Recommendation 16.**

##### *Six comments.*

1. Support for recommendation. (17, 19, 33, 51, 63, 68)
2. Recommendation is too generalised as to where designated areas would be located. (33)

### **2.3 Relationship between vessel users and neighbouring residents and local government**

#### **General Comments**

##### *Thirteen comments.*

1. Disagree with the Coode St/Perth Water trial area for PPWC. (10, 18, 29, 59)
2. The Coode St area should be protected for its birdlife by excluding jet skis. (18, 58)
3. Perth and Melville Waters should be exclusion zones where PPWC would not be permitted to operate. (33, 37)
4. PPWC should be banned from Aquinas Bay on the Canning River. (12, 22)
5. PPWC should be banned upstream from the Goongoongup Bridge and future Burswood Bridge. (21, 43)
6. Users of PPWC should undertake appropriate and specific basic education and safety accreditation, either encouraged or by legislation. (11)
7. Public response to the 'Jets Quay' venture in 1993 provided a clear indication of a broad community attitude to the use of PPWC on the river. It will not be surprising if people lose heart and do not see the point of offering comment on this draft. (68)

#### **Recommendation 17.**

##### *Thirty-eight comments.*

1. Support designated areas for PPWC. (1, 4, 5, 14, 16, 17, 19, 21, 22, 25, 31, 33, 35, 36, 47, 49, 52, 53, 60, 63, 64, 66)
2. Oppose any PPWC areas on the rivers. This is not an issue of equity but of what is appropriate and what degree of conflict is acceptable to appease a small and noisy minority. (7, 8, 18, 24, 37, 41, 43, 45, 56, 67)
3. We would like to be involved in the process used to designate areas for PPWC. (34, 44, 66)
4. The parasailing area west of the Narrows Bridge should be considered as a PPWC area with no intrusion into Perth Water or the Myalup conservation reserve. (10, 16)
5. Parasailing should be moved to Perth Water. (16)
6. Designated PPWC areas need launching ramps, toilets and kiosk. (17, 19)
7. There should be no more than two designated areas for PPWC. (25)
8. A zoning strategy could address this activity and give clear direction to PPWC users. (33)





9. The area opposite Deep Water Point could replace the current designated PPWC area at Point Walter which is becoming shallower and unusable by some boats. (35)
10. It may be better to restrict PPWC to ski areas and require them to observe the same rules. (51)
11. Must keep PPWC out of the shallow water to maintain breeding and feeding grounds. (55, 67)
12. Fisheries Research Dept were not consulted prior to establishment of PPWC areas along Garden Bank (Pt Walter-Alfred Cove) and bank opposite Deep Water Point. (55)
13. PPWC should not be permitted at all on the Canning River, and not up river of the Garratt Road Bridge. (60)
14. To make this recommendation work requires an existing water ski area to be gazetted for the exclusive use of PPWC — there are no additional areas available. (68)

#### **Recommendation 18.**

##### *Sixteen comments.*

1. Support for recommendation. (1, 14, 16, 17, 19, 21, 31, 33, 45, 52, 53, 60, 63, 64)
2. Features required are boat ramp, beach area, suitable water depth, preferably some trees for shade and protection from afternoon westerlies. (34, 35)
3. Both recreational and competitive users should be considered separately if possible. (52)

#### **Recommendation 19.**

##### *Nineteen comments.*

1. Support for recommendation. (1, 14, 21, 31, 33, 39, 45, 53, 60, 63, 64)
2. Oppose recommendation. PPWC should not be banned anywhere. (17, 19, 34)
3. PPWC should be banned from all areas. (7)
4. This is not achievable due to the size of PPWC which only require two feet of water. (16)
5. This may well be the current situation which is not effectively working due to lack of enforcement. (33, 35)
6. Look into the viability of banning PPWC from some of the river 'hot spots', e.g. Coode Street, South Perth, not whole river. (34, 52)

7. The recommendation is ambiguous and undermines the intent of Rec. 17, and duplicates the status quo of existing regulations. (68)

#### **Recommendation 20.**

##### *Nineteen comments.*

1. Support for recommendation. (1, 14, 17, 19, 31, 45, 53, 60, 63)
2. Oppose recommendation. Sunrise to sunset means 5 am to 7 pm during summer. (5, 7, 21, 51, 64)
3. Reassess this as new PPWC are being developed with navigational lights and the recommendation discriminates. (16, 52)
4. Suggest restricting PPWC to midnight to 3 am. (7)
5. Suggest restricting PPWC from 8 am – 5 pm. (21)
6. This could be a condition on licensing the owner/operator. (33)
7. Current regulations would effectively make the use of PPWC at night illegal now. (34, 35)
8. Allow PPWC owners to use their craft for fishing after dark if they comply with the regulations. (35)
9. PPWC users should follow the same rules as ski boats which are not allowed to operate before 9 am. (51)

#### **Recommendation 21.**

##### *Twenty comments.*

1. Support for recommendation. (1, 10, 14, 16, 21, 31, 47, 53, 60, 63, 64)
2. Modern day PPWC are quiet and becoming more so. The main problem is pre-1990 models. (17, 19, 34, 35, 36, 52)
3. Manufacturers and salespeople of PPWC don't deserve help. (7)
4. There is no incentive for manufacturers to change direction in this area. (33)
5. This not really feasible. (45)

#### **Recommendation 22.**

##### *Twenty-one comments.*

1. Support for recommendation. (1, 7, 12, 14, 16, 17, 19, 21, 31, 33, 34, 35, 36, 41, 45, 52, 53, 60, 63, 64, 67)



2. Suggest north of Jurien in the Indian Ocean or east of Esperance in the Southern. (7)
3. PPWC in the ocean can be very dangerous for beginners, and is not very attractive for families with children. (34)
4. Freshwater dams and surf areas would be well utilised if they didn't conflict with other users and local councils. (35)

#### **Recommendation 23.**

*Nineteen comments.*

1. Support for recommendation. (1, 14, 18, 21, 31, 33, 42, 45, 51, 53, 60, 63, 64)
2. This is already a requirement by law when you register a PPWC. (16, 34, 35, 52)
3. Don't see this as essential - not much room and they're hard to read anyway. (17, 19)
4. Registration numbers should also be highly visible on the jacket/shirt worn by jet skiers. (18)
5. Power boats should also be clearly numbered and registered. (42)

#### **Recommendation 24.**

*Twenty-three comments.*

1. Support for recommendation. (9, 14, 16, 17, 19, 21, 22, 26, 31, 53, 60, 63)
2. More stringent controls on noise are necessary. 85 dB(A) at 30 m is too high. Existing legislation is ineffectual. (30, 33, 41, 51, 64)
3. Maximum sound level should be reduced to 86 dB(A) at 15 m (for racing craft) and less for recreational craft. (34, 35, 36, 52)
4. A formal protocol needs to be established to enforce noise regulations as more than one agency may be required to assist in investigation of noise complaints. (9)
5. All gazetted areas should have a restriction on the total number of competitive events that can be organised. (9)
6. This would be difficult to implement. Add to Rec.: '... as measured at the waters edge.' (33)
7. 105 dB(a) at 30 m for racing vehicles should be reduced to 95 dB(A) at 30 m anywhere on the river. (33)
8. The noise level from the shoreline from any vessel should not exceed 85 dB(A). (33)

9. A set maximum noise level doesn't alter the fact that a nuisance noise is still a noise. (45)
10. The inquiry has taken too soft a view on the issue of noise. (56)

#### **Recommendation 25.**

*Sixteen comments.*

1. Support for recommendation. (1, 5, 9, 14, 17, 19, 21, 24, 33, 34, 52, 60, 63)
2. Opposed to recommendation. (31)
3. Any local government involvement must be on an elective basis and not mandatory unless cost recovery is possible. (2)
4. Enforcement should be administered through the various government departments with the cost being obtained from revenue received from vessel owners. (2)
5. LGA officers with powers to enforce regulations will create more problems and confrontation. (16)
6. Funding of such resources should be through State Government funding. (33)

### **2.3.1 Specific locations**

#### **General Comments**

*One submission.*

1. The stretch of water between Deep Water Point and Canning Bridge should be restricted to non-power boat usage. (13)

#### **Recommendation 26.**

*Thirteen comments.*

1. Oppose the recommendation. This gazetted power boat area should be abolished as it is considered detrimental to the proper planning of the area. (9, 10, 15, 39, 45, 48, 57, 65)
2. Support for recommendation. (16, 17, 19, 41, 63)
3. This power boat area should be relocated to west of the Narrows Bridge. (10)
4. Residential areas were established long before the gazetted ski area. (48)
5. Measured noise levels at five locations are well in excess of accepted levels. (Assessment Report attached). (57, 65)



### **Recommendation 27.**

*Eight comments.*

1. Support for recommendation. (16, 21, 43, 45, 63)
2. Opposed to recommendation. (17, 19)
3. Issues of overcrowding, boat wash, conflicting uses, safety at Belmont are not addressed. (14, 43)
4. Speed limits at Belmont should be reduced. (14)

### **Recommendation 28.**

*Eleven comments.*

1. Support for recommendation. (16, 17, 19, 45, 63)
2. Opposed to recommendation. (46, 53, 56, 68)
3. Lilac Park riverbank, some areas upstream of the Middle Swan Bridge and some near the Upper Swan Church, all show signs of erosion. (27, 51, 53)
4. Problem of erosion has not been addressed. (51)
5. Conflicts with Rec. 31. How can the Lilac Hill area upstream of Barker's Bridge be a barefoot ski area and a 'No wash zone' at the same time? (53)

### **Recommendation 29.**

*Seven comments.*

1. Support for recommendation. (16, 45, 63, 68)
2. There are more important areas to police. (17, 19)
3. Where would the extra police come from? (45)
4. Excluding the use of powered vessels simplifies policing problems. (56)

## **2.4 Need to exclude vessels from some areas of conservation value**

### **General Comments**

*Seven comments.*

1. Dispute the conclusions of the Foreshore Erosion Study (1990) as observations indicate power boats cause greater erosion than stream flow. (27, 46, 54, 56)
2. Certain minimum areas are needed to constitute conservation areas. Certain animals and plants cannot survive in too small a space. (5)
3. Restrictions are useless without effective enforcement. (7)

4. Ski boats and planing hull type boats (longer than 5.5 m) should be banned upstream of the Redcliffe Bridge. (46)
5. Eliminate deep V type boats above the Causeway and Mt Henry Bridge. (67)
6. Stabilise banks by encouraging reed growth, using retaining walls, and removing cattle and sheep grazing. (67)

### **Recommendation 30.**

*Eleven comments.*

1. Support for recommendation. (1, 7, 17, 19, 45, 51, 56, 63, 68)
2. Extend the exclusion zone to the lower section of the Canning River Regional Park from Riverton Bridge. (51)
3. Exclude motorised vessels from the Canning River Regional Park (from Shelley Bridge). (61, 66)

### **Recommendation 31.**

*Eleven comments.*

1. Support for recommendation. (7, 17, 19, 45, 51, 53, 63)
2. The limit should be moved upstream to Woodbridge (adjacent to the Guildford Grammar boathouse) or Marshall Park to accommodate the school coaching launches which create wash. (3)
3. Dispensation could be given to coaching launches in such a 'No wash zone'. (3)
4. The stability of bank soils upstream of Barkers Bridge needs to be investigated for erosion potential. (27)
5. There is no discussion of how 'No wash zones' might be enforced. (56)
6. Amalgamate with Recommendation 36. (68)

### **Recommendation 32.**

*Nine comments.*

1. Support for recommendation. (1, 7, 17, 19, 45, 51, 63, 64, 68)
2. Exclude yachts with auxiliary motor from recommendation. (45)

### **Recommendation 33.**

*Eight comments.*

1. Support for recommendation. (7, 33, 45, 51, 53, 63, 66)



2. Most areas of the Marine Park should be closed to all craft at least during breeding and feeding periods. (51)

#### **Recommendation 34.**

*Twelve comments.*

1. Support for recommendation. (7, 10, 33, 45, 51, 53, 63, 67, 68)
2. Disagree with recommendation. (17, 19)
3. Add '... and water and land based developments'. (33)
4. Increase the distance by the use of markers to further west. (45)
5. Power boat wash significantly impacts on river birds around Heirisson Island. (48)

#### **Recommendation 35.**

*Ten comments.*

1. Support for recommendation. (17, 19, 33, 51, 53, 63)
2. Low impact activities? Such as? (45)
3. Management must be active in mitigating this to ensure long term sustainability of the activities in these settings. (54)
4. We had hoped for something stronger and more pro-active from this inquiry. (56)
5. Need to target the DOT and the Aquatic Council to reject tourist facilities and recreational activities which are in opposition to natural characteristics. (68)

#### **Recommendation 36.**

*Fifteen comments.*

1. Support for recommendation. (17, 19, 45, 51, 53, 63)
2. Recommend removing the Fishmarket Reserve boat ramp, and attaching a sign to the downstream side of the Guildford Road Bridge indicating: 'You are entering a protected waterway; Speed limit 4 knots; Offenders will be prosecuted'. (28, 46)
3. Reducing the speed limit will not work. Checking boat speeds from the bank with radar and issuing warnings or infringements to boat owners is the better way to go. (3)

4. A survey of current boat speeds on busy summer weekends would be an important first step, as authorities don't really know what speeds boats are travelling at. (3)
5. Disagree with Recommendation. It discriminates against the boating public who have the same rights as commercial vessels. (38)
6. The 4 knot speed limit should apply upstream from the Burswood Railway Bridge. (43)
7. A 5 knot speed limit should be imposed and strictly enforced upstream from the Garratt Street or Redcliffe Bridge. (46)
8. All motorised boats exceeding 10 HP should be banned upstream from where the river narrows to less than 60 m (Middle Swan Bridge?) (46)
9. Ban the use of powered craft altogether. (56, 68)
10. The 4 knot limit should only apply to powered craft because canoes and row boats may exceed this limit without the same safety, noise and erosion impacts. (60)
11. Replace 'commercial' with 'existing'. The bare-foot water skiing at Ascot and Lilac Hill Park which are not commercial would be at risk. (62)
12. Amalgamate with Rec. 31: Exclude motorised vessels, other than for management purposes or approved commercial operations and proposals approved by the Minister for the Environment under Part 5 of the SRT Act, from the Swan River upstream from the Garratt Road Bridge. (68)
13. If the Claughton Reserve boat ramp was relocated to Hinds Reserve or Riverside Gardens there would be sense in using the Redcliffe Bridge (Tonkin Hwy) as the transition point instead of Garratt Road Bridge. (68)

## **2.5 Discharges from vessels**

### **General Comments**

*Three comments.*

1. Strict limits on the discharge from commercial and large private vessels are needed, with a requirement for sullage tanks to be fitted on vessels with a capacity of more than a specified number of persons. (4)
2. These recommendations should be implemented as soon as possible. (13)



3. Private craft must be required to install holding tanks. (54)

#### **Recommendation 37.**

*Eleven comments.*

1. Support for recommendation. (4, 6, 14, 17, 19, 33, 45, 51, 53, 63, 64)
2. The Management Authority must set up free sullage discharge stations on the river to allow vessels to empty tanks. (4)
3. Recommendation requires amplification. Who is to provide facilities? Does it apply to recreational as well as commercial vessels? And where will these facilities be sited? (51)

#### **Recommendation 38.**

*Nine comments.*

1. Support for recommendation. (14, 17, 19, 33, 45, 51, 53, 63, 64)

#### **Recommendation 39.**

*Ten comments.*

1. Support for recommendation. (14, 17, 19, 24, 33, 45, 51, 53, 63, 64)

#### **Recommendation 40.**

*Nine comments.*

1. Support for recommendation. (14, 17, 19, 33, 45, 51, 53, 63)
2. Do not support in total (see comments under Appendix 2). (20)

#### **Recommendation 41.**

*Eight comments.*

1. Support for recommendation. (14, 17, 19, 33, 45, 51, 53, 63)

## **APPENDICES**

### **General Comments**

Some comments addressed points discussed in the Appendices. Although the Appendices were intended as supplementary information only, these comments have been included.

### **Appendix 1.**

*Six comments.*

1. Support for shore-based speed detection systems. (refer Rec. 14) (3, 46, 53)
2. To designate the entire park area between Cloister Avenue and Canning Bridge for power boats would be too much. (1)
3. Residents complaining about noise are confused between PPWC noise and boat noise. (17, 19)
4. Comment on speed is a rash statement as the boating fraternity in general do not obey the rules. (17, 19)
5. Most boat speedos are inaccurate at low speeds. Advisory speed displays similar to those used during driver education campaigns for motor vehicles should be used. (46)
6. Distance from shore should be 50 m off limits to high speed craft. (1)

### **Appendix 2.**

*One submission.*

1. Recommendation 1 is already included in annual survey for all vessels. (20)
2. Recommendation 2: If a Code of Conduct is required then the Authority should provide a draft for the industry to consider. (20)
3. Recommendation 3 is already in place. (20)
4. Recommendations 7 and 8 do not appear to apply to commercial ferries using the Swan River. (20)

### **Appendix 3.**

*Four comments.*

1. Dredging should be avoided whenever possible. If the use of the rivers does not match the rivers' capabilities, change the use not the rivers. (5)
2. Dredging is necessary in the Swan River but not the Canning River. (41)
3. We should be consulted before developmental dredging takes place. (44)
4. Support the dredging policy as one of maintenance dredging only. (63)



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## LIST OF SUBMITTERS

### Private Individuals

H. Bennett  
Mr and Mrs Cole  
A. Dent  
Capt. P. Douglas  
S. Draper  
H. R. Everett  
C. R. Hall  
S. Hill  
N. Horner  
Dr J. A. Howard  
V. Humphrey  
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W. E. Shackleton  
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J. Stallard  
A. Richardson  
R. Underwood  
M. and J. Van Doornum  
W. Vincent  
R. Wieringa  
Dr J. D. Woods  
J. H. Woodward

### Community Groups

1st Deep Water Point Sea Scout Group  
Amateur Rowing Association of WA  
Aussi Masters Swimming Association  
Australian Anglers' Association  
Bassendean Preservation Group  
Burswood International Resort Casino  
Burswood Park Board  
Burswood Resort Hotel  
Canning River Regional Park Community Advisory Committee  
Eastern Hills Branch, Wildflower Society of WA  
Guildford Association  
Jet Sport West Boating Association (x 2)  
Perth Jet Ski  
Royal Freshwater Bay Yacht Club  
Scout Association of Australia  
State Tennis Centre  
Swan-Guildford Historical Society  
Swan River Professional Fishermen's Association  
Royal Life Saving Society Australia  
Triathlon  
West Australian Water Ski Association  
Wesley College  
Yachting Association of WA

### Local Government Authorities

City of Belmont  
City of Melville  
City of South Perth  
Shire of Peppermint Grove  
Town of Victoria Park

### Government Agencies

Department of Conservation and Land Management  
Foreshores and Waterways Protection Council  
Swan River Trust