

PUBLIC



Submission by the Mullaloo Beach Community Group Inc (MBCG)

General

The Mullaloo Beach foreshore is State [Crown] Foreshore Reserve.

The State is responsible for the proper administration and public safety of any beach activity on that foreshore Reserve.

The waters adjacent to the Mullaloo Beach foreshore reserve are navigable waters, and are waters managed by the State.

The waters adjacent to the Mullaloo Beach foreshore reserve are waters that form part of the Marmion Marine Park, and are waters managed by the State.

It is clear that the State is responsible for all aspects concerning public safety with kite surfers on Mullaloo Beach.

The Mullaloo Beach Community Group Inc (MBCG) does NOT support Kitesurfing or Wave Jumping at any time on any part of the Mullaloo Beach foreshore or the waters adjacent to the foreshore, in particular any part from south of the Mullaloo Beach Surf Club north to Ocean Reef Road.

Kitesurfing (Kite Boarding) and Wave Jumping

This activity is in clear breach of current Navigable Water Regulations, and places beach foreshore and swimmers at risk.

Refer to North Metropolitan Boating Guide Navigable Waters Chart mar_rb_north-metro-0210 as published by the Department of Transport [DOT] – see attached. This chart is one of many published by the DOT that have similar Note References)

On mar_rb_north-metro-0210 page 2 it states -

Caution

With the onset of the sea breeze wind surfers and kite surfers congregate at many popular locations such as Mullaloo and Scarborough. In certain conditions these small, fast moving

sailing vessels may be difficult to see and persons navigating along the north metropolitan coast need to maintain a proper lookout at all times and take appropriate action to avoid collisions.

Prevention of collision

Wind surfers and kite surfers are classed as sailing vessels and also have obligations under the International Rules for Prevention of Collision at Sea to operate at a safe speed for the prevailing conditions and circumstances and take appropriate action to avoid collisions.

Safety equipment

Wind surfers and kite surfers operating more than 400 metres from shore must be equipped with a PFD Type 1 and an inshore distress flare kit.

This publication identifies and confirms that:-

Wind surfing and kite surfing are classed by the Department as sailing vessels with obligations under International law. Accordingly these activities are also bound by the same Regulations and restrictions as for any other wind powered craft – including the 8knotts within 200 metres of the foreshore stipulated in Western Australian legislation.

This use of definition sailing vessels is also consistent with legislated definitions in other States of Australia, such as the Marine Acts and Regulations of New South Wales -

Marine Safety (General) Regulation 2009

***"windsurfing"** means an activity in which the participant is situated on a board or other device that is propelled by apparatus that harnesses the power of the wind and includes sailboarding, kitesurfing and similar activities.*

***"kitesurfing"** means an activity in which a person is situated on or over water on a board, a ski or skis or a vessel and the power of a controllable kite, or similar equipment, is used to propel the person across the surface of the water and includes kite boarding, fly surfing, kitesailing and the like*

Windsurfing/Kitesurfing

Windsurfing is an activity in which the participant is situated on a board or other device that is propelled by an apparatus that harnesses the power of the wind and includes sail boarding, kitesurfing and similar activities. Kitesurfing is an activity in which a person is situated on or over water on a board, a ski or skis or a vessel and the power of a controllable kite, or similar equipment, is used to propel the person across the surface of the water and includes kitesurfing, fly surfing and the like. Both a windsurfer and a surf kite are classified as vessels and therefore come under NSW marine legislation - Boating Handbook – safety on the water NSW

Additional comment –

Why Kitesurfing should not occur on Mullaloo Beach.

Mullaloo Beach consists of only 1.25 kilometres of coastline.

This stretch of beach is used by walkers, swimmers, surfers, body boarders, sunbathers, and fishers.

Mullaloo Beach is a safe beach for people with families, in particular young children.

It is the third busiest beach in the Metro area.

The general community walk the beach [foreshore] in summer and winter, including those days when there is a sea breeze.

People flock to the beach on a hot afternoon to take benefit from the cooling breezes.

The north metropolitan public does not have a surplus of safe sandy beaches and the Mullaloo Beach foreshore and adjacent waters must be preserved for family focussed beach activities.

Swimmers should be able to enter the water and be safe within 200 meters of the beach for the whole length of the beach. They should always have right of way. The facts are that kite surfers do not confine themselves to any particular part of the ocean. Swimmers may have right of way but what value does that have if they are constantly confronted by kites.

Until recently the use of sail boards, surf cats and kitesurfing along Mullaloo Beach was banned and restricted to Pinnaroo.

When did this change? It changed when a Kitesurfing Licence was issued by the Local government, and done so without DEC or Minister for Lands approval.

The number of kite surfers exploded when the Shire of Gingin banned the activity in beaches at Lancelin and the WA Kite Surfing Association announced to its members that Mullaloo beach was available.

There should be no kite surfing at Mullaloo Beach. Pinnaroo Point is more than ample allocated space for this minority sport. Kite surfers are vessels by definition and should not launch on a public beach that is undesignated. They also exceed the 8 knot restriction in the inner shore. The license holder's clients spend up to half an hour at a time on the beach with their kites in the air.

In order to launch kites, the kite surfer requires areas which involve foreshore reserve, including the primary dunes to set up kites. This is causing damage to the foreshore which is environmentally sensitive.

This activity means beach walkers cannot safely pass and primary dune damage occurs constantly.

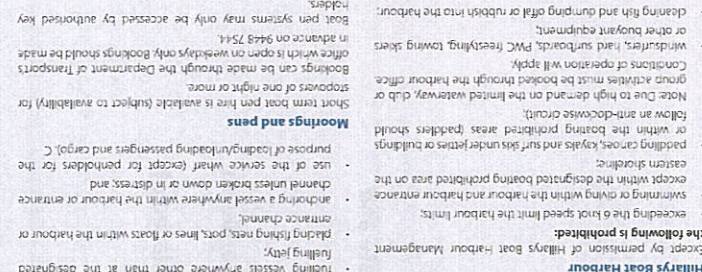
Members of the community have been injured by this activity.

Extract – from WAKSA WA Kite Surfing Association

*We advocated to the Mayor that the designated kite zones as outlined in the Draft Plan are the **least safe and the least appropriate option** for the management of kiting generally and that we have specific reservations about the location of the designated zone for North Mullaloo. As a kiter you will know that designated kite zones are the **least safe & least appropriate** means of managing kite surfing effectively.*

Current actions by the local authority have overruled or negated the liability of WAKSA members. However the foreshore and navigable waters are the responsibility of the State and therefore, all liability rests with the State.

The Mullaloo Beach Community Group places these concerns before this Committee in order to ensure that Mullaloo Beach foreshore users and local beach swimmers are not unduly placed at risk by the Kitesurfing activity.

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Contact Details

Department of Transport		
Hillbays Boat Harbour Office (Weekdays)	9448 7544	
Boat Registration,		
Charts Sales,		
Pen Bookings	9448 7544	
Fremantle Office	9216 8999	
Website	www.transport.wa.gov.au/marine	
Department of Fisheries Hillbays		9203 0111
Fisheries and Marine Officers.		9203 0111
Marine Operations Centre (7 Days)		9431 1000
Fishwatch.		1800 815 507
Mandarie Keys Marina		9305 1057
Two Rocks Marina		9561 1100
Department of Environment and Conservation		
		9334 0339
WA Police Service		
Joondalup	9400 0888	
Water Police	9442 8600	
Ambulance		000 (or 112 mobile)
Joondalup Health Campus		9400 9400
Whitfords VSSRG		9401 3757
Two Rocks VSSRG		9561 5777
Boating Weather Forecast		1900 955 350
Website	www.bom.gov.au	

