

CCS590 STIDWELL BRIDLE TRAIL DETERMINATION

Land Description	: City of Albany, DPLH, Water Corporation
Proponent / Owner	: City of Albany
Attachments	: Consolidated Stakeholder Feedback & Reference Maps Officer Report (Minutes and associated attachment, Report CCS555) Strategic Briefing Presentation
Report Prepared By	: Manager Governance & Risk (S Jamieson) Manager Recreation Services (M Green) Manager City Reserves (J Freeman)
Authorising Officers:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** People.
 - **Outcome:**
 - A happy, healthy, and resilient community
 - A safe community.
 - **Pillar:** Leadership
 - **Outcome:** A well-informed and engaged community.

In Brief:

- Council resolved on 22 August 2023 to give public notice of the proposed determination.
- Council is requested to consider the proposed determination in light of stakeholder and community feedback given.

Purpose & Effect:

- **Purpose:** Determine horse and authorised vehicle-only sections of the Stidwell Bridle Trail.
- **Effect:** Sections will be restricted to Horse and Authorised Vehicle Use Only.

Maps:

- Maps are detailed in the attachments to this report.

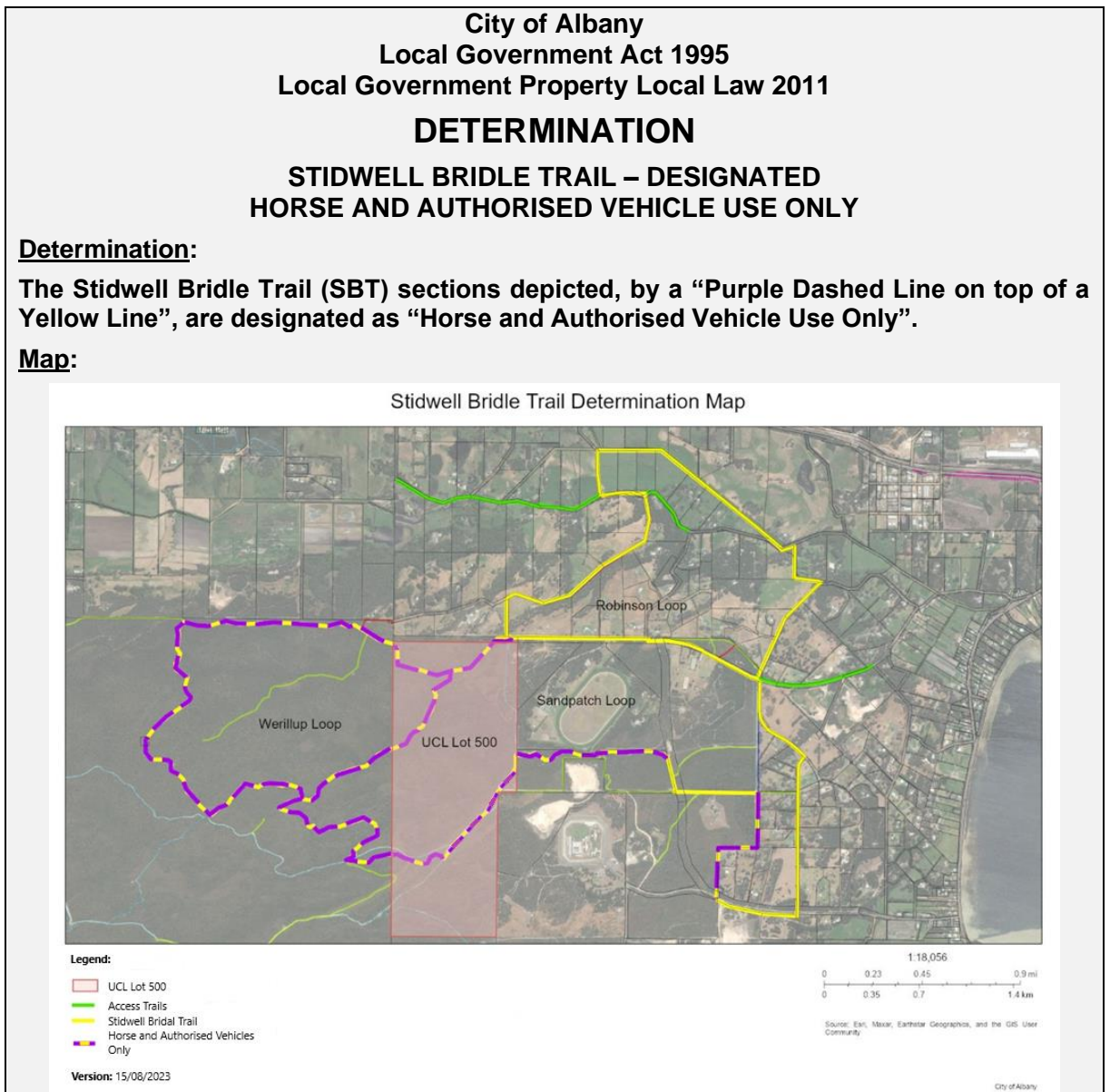
RECOMMENDATION

**CCS590: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR TERRY**

THAT:

- (1) The public and stakeholder submissions received be NOTED.
- (2) The proposed Stidwell Bridle Trail (SBT) determination under the City of Albany Local Government Property Local Law 2011, be ADOPTED:



Legend:

Purple Dashed/Yellow Line –  - Horse and Authorised Vehicle Use Only.

Note: High resolution maps can be sourced from the City of Albany website: www.albany.wa.gov.au

- (3) **NOTE that a management plan will guide the ongoing use of the trail, through the use of educational signage and gates where appropriate.**

CARRIED 9-2

Record of Vote

Against the Motion: Councillors McKinley and Lionetti

CCS590: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR TERRY

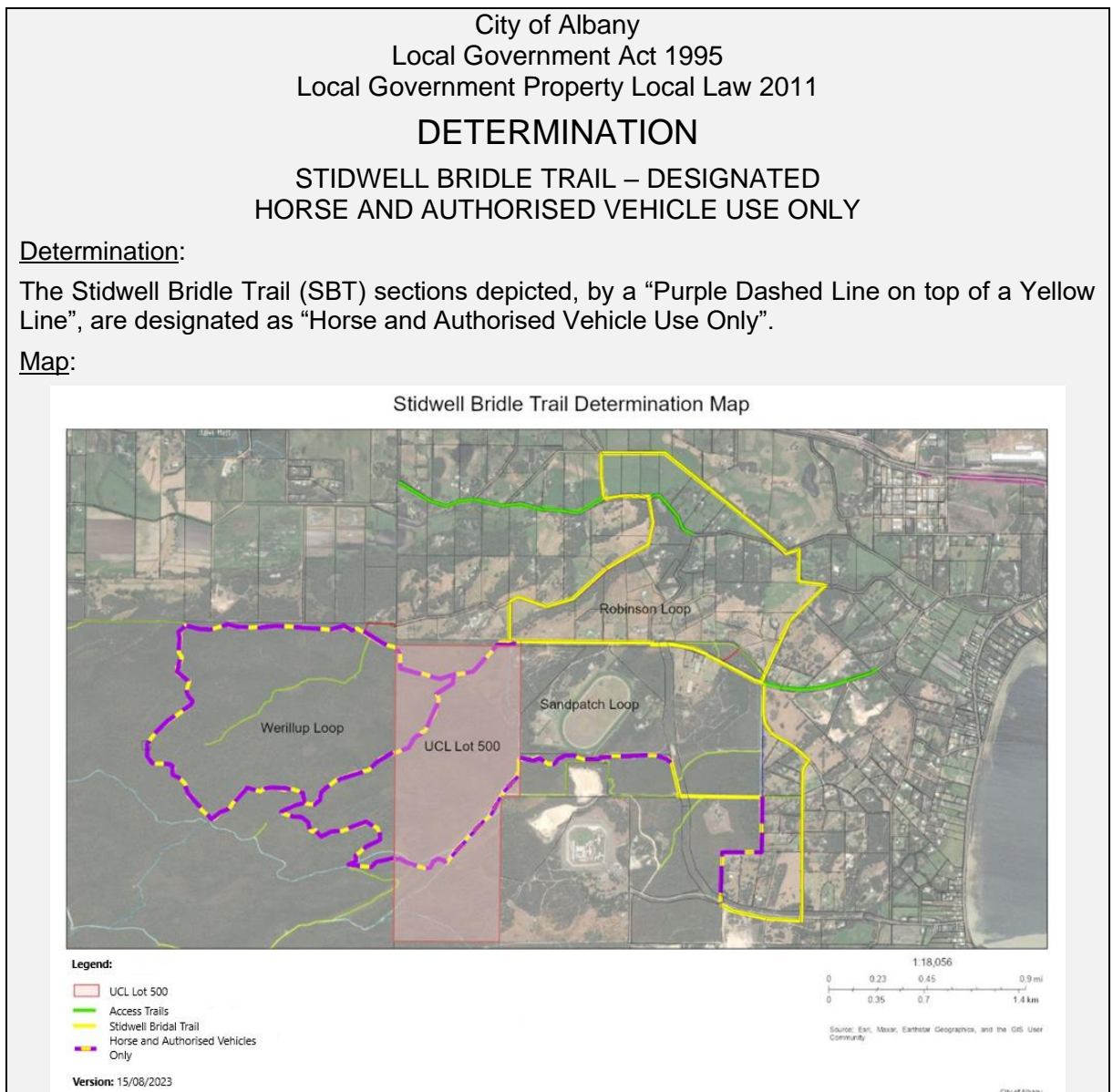
THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0


CCS590: AUTHORISING OFFICER RECOMMENDATION

THAT:

- (1) The public and stakeholder submissions received be NOTED.
- (2) The proposed Stidwell *Bridle Trail (SBT) determination under the City of Albany Local Government Property Local Law 2011, be ADOPTED:*



Legend:

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- (3) NOTE that a management plan will guide the ongoing use of the trail, through the use of educational signage and gates where appropriate.

BACKGROUND

2. The Stidwell Bridle Trail (SBT) is a recognised Horse Exercise Area under the City of Albany Animals Local Law 2020.
3. The proposed determination aims to address user conflicts, enhance safety, and improve management within the trail area under the City of Albany Property Local Law 2011.
4. This is in response to recommendations from the Tredwell Report, an independent study of the Robinson Precinct and SBT commissioned in 2021 to review various issues and inform future management of the area and trail maintenance.
5. At the Ordinary Council Meeting of August 2023, the Council resolved to present the feedback from stakeholders and the community regarding the proposed determination at the December 2023 Council meeting.

DISCUSSION

6. The feedback from stakeholders and the community is presented in this report.
7. Officers presented the results of the public comment period to the strategic workshop on Tuesday, November 21 and copies of the survey comments and submissions have been made available to elected members.
8. The Council is requested to critique the submissions made and the cause-and-effect analysis and proposed mitigation strategies, cognisant of protection of the environment and other trail recreational usage (i.e., access to fishing spots by registered vehicles, trail walkers and cyclists).

Balancing Environmental and Community Concerns

9. This section offers a comprehensive overview of the findings from the community and stakeholder consultation on the proposed Stidwell Bridle Trail Determination. The consultation took place between August 31 and October 25, 2023.
10. Engagement Overview: Stakeholders and the community were invited to provide feedback through various channels, including an online survey, written comments via email to the Manager of Recreation Services, and outreach through various methods like direct emails to key stakeholders, letterbox drops, social media, the City's website, and media releases.
11. Survey Analysis: A total of 214 responses were received. The majority of respondents were above the age of 18, with recreational vehicle use and horse riding as the predominant activities. About half of the respondents supported the proposed determination.
12. Additional Survey Comments: Of the 163 respondents who provided additional comments, the majority favoured the proposed determination due to concerns related to safety and the environmental impact of vehicles on the trail.
13. Written Submissions: A total of 18 written submissions were received, with 16 in support of the proposed determination. Main Roads and WA Police remained neutral and provided information. Submissions raised concerns similar to the survey comments.

Analysis of the cause and effect of potential consequences

14. Feedback reflected a diversity of opinions on the proposed changes.

Feedback opposed to the determination:

15. The key points from those who strongly oppose the proposal to designate the SBT as horse and authorised vehicle-only, expressed concerns about the impact on other recreational activities such as motorbike riding, four-wheel driving, walking, and cycling.
16. The key points against the determination include:

Perceived Unfair Exclusivity:

- Key Point: Opponents express concern about the perceived unfairness of limiting the trail to horses and authorised vehicles.
- Comments:
"It seems unfair to exclude motorbike riders and four-wheel drivers, especially considering the available spaces for horse riding."
"The prioritisation of horses over other users is frustrating, and it feels like certain groups are being unfairly excluded."

Safety and Shared Use Advocacy:

- Key Point: Some critics argue for shared use of the area, emphasising the importance of addressing safety concerns through education rather than exclusivity.
- Comments:
"Exclusive designations may not be necessary; instead, focus should be on educating all users about trail etiquette."
"Safety concerns could be better addressed through awareness campaigns and shared use rather than restrictive determinations."

Environmental Impact Concerns:

- Key Point: Concerns about the environmental impact of horse waste are raised, questioning the need for exclusivity based on these concerns.
- Comments:
"Horse-related environmental impact should be considered, and exclusivity might not be the most effective solution."
"If environmental concerns are the focus, a more comprehensive approach addressing all users could be explored."

Advocacy for Alternative Solutions:

- Key Point: Several responses propose alternative solutions, including designated trails for different activities, licensing for horse riders, and promoting responsible trail use through education.
- Comments:
"Rather than exclusive designations, explore alternatives like designated trails for various recreational activities."
"Education and licensing could be more effective in promoting responsible use without resorting to exclusivity."

Resistance to Horse Riders' Prioritisation:

- Key Point: There is strong opposition to what is perceived as preferential treatment for horse riders and a desire for more inclusive access.
- Comments:
"The apparent favouritism towards horse riders is met with resistance, and many express a need for more inclusive access."
"Equality in access is crucial; giving priority to one group over others is not well-received."

Feedback in support of the determination:

17. The following key points reflect the positive sentiments and support from individuals who endorse the proposal to designate the SBT for horse and authorised vehicle use only.

Safety Enhancement:

- Key Point: Many supporters highlight the potential for the determination to enhance safety on the SBT.
- Comments:
"I believe restricting access will significantly improve safety for equestrian riders and other trail users."
"The current mix of users poses a safety risk, and the proposed designation can address this concern effectively."

Positive Environmental Impact:

- Key Point: Supporters acknowledge the positive environmental impact of limiting vehicle access.
- Comments:
"Reducing vehicle access will contribute to the preservation of the natural environment along the trail."
"Environmental conservation is crucial, and restricting vehicles aligns with this goal."

Compliance with Study Findings:

- Key Point: Some feedback emphasises the alignment of the proposal with findings from the Tredwell Study.
- Comments:
"The Tredwell Study's recommendations are sound, and the determination reflects a commitment to follow those recommendations."
"It's reassuring to see the City of Albany taking steps in line with the study's key findings."

Community Safety and Peace of Mind:

- Key Point: Supporters express the belief that the determination will contribute to overall community safety and peace of mind.
- Comments:
"Knowing that only authorised vehicles will be on the trail brings peace of mind for both riders and walkers."
"Safety is paramount, and this decision will create a more secure environment for everyone."

Reducing Conflicts and Tensions:

- Key Point: Positive feedback emphasises the potential to reduce conflicts and tensions among different trail users.
- Comments:
"Conflicts between horse riders and motorised vehicles have been a concern; this determination can alleviate those tensions."
"A designated use will minimise clashes and promote a more harmonious trail experience."

Support from Equestrian Community:

- Key Point: The proposal receives strong support from the equestrian community.
- Comments:
"As an active equestrian trail user, I fully support the decision to limit access to horses and authorised vehicles."
"Equestrians appreciate the consideration given to their safety and enjoyment of the trail."

Consistency with Water Reserve Management:

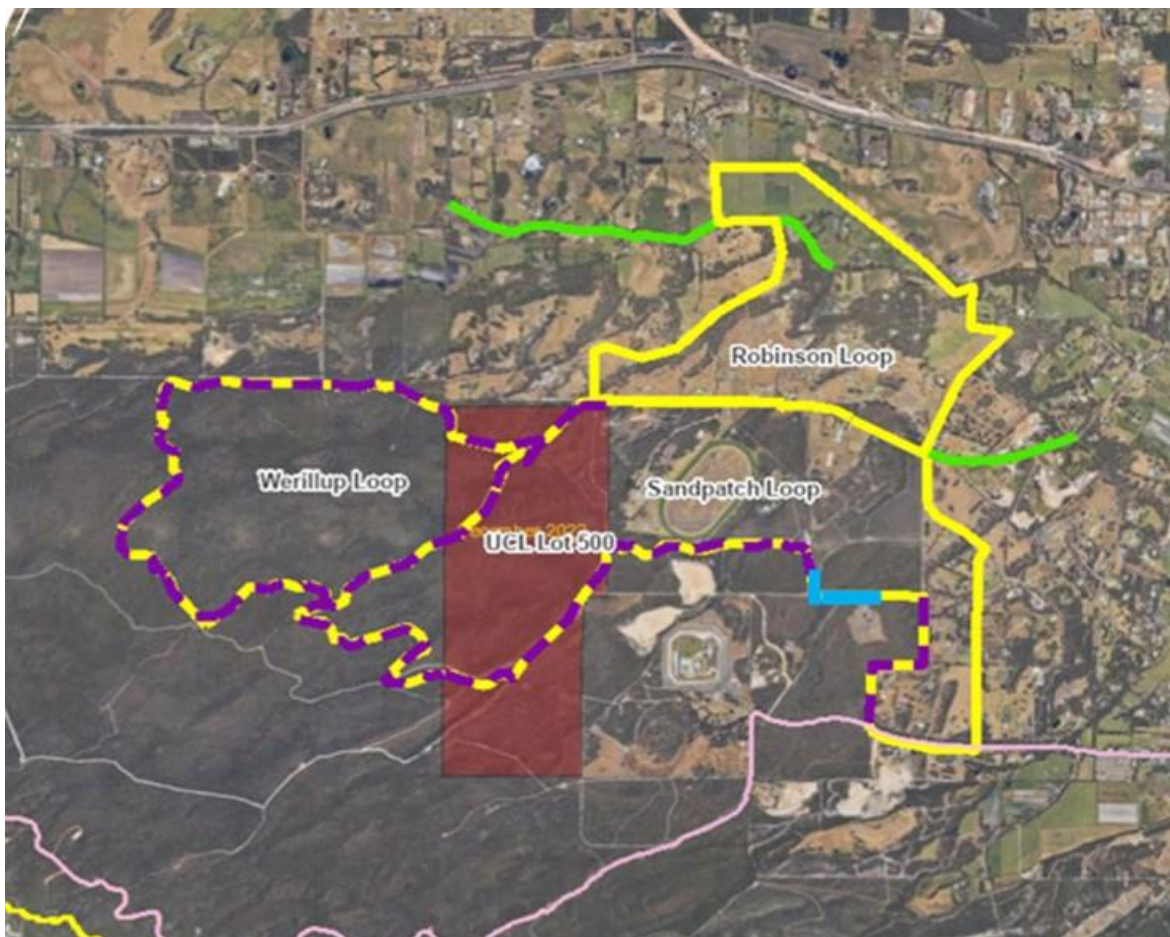
- Key Point: Feedback underscores the consistency of the determination with water reserve management goals.
- Comments:
"Preserving the South Coast Water Reserve is vital, and restricting certain vehicle access aligns with this preservation effort."
"The determination is a step towards responsible management of our water reserves."

Encouraging Responsible Trail Use:

- Key Point: Supporters believe that the determination encourages responsible trail use.
- Comments:
"Designating specific uses promotes responsible behaviour and respect for the environment."
"Users will appreciate the clarity and purpose that comes with a designated trail use policy."

Requested change/addition to the determination:

18. In its submission, the Friends of Stidwell Bridle Trail (FSBT) requested an addition to the proposed determination to include a section of bridle trail that runs on the west side of the Albany Model Aero Club gate through to the back of the Albany Race Course.
19. **Fig 1:** Blue lines indicating FSBT's proposed addition to the determination



20. This section of trail is used for access to water corporation wellheads and bores, the Albany Model Aero Club and the operational lime pit which is located nearby. It is also in close proximity to the Albany Regional Prison.
21. Given this section of trail was not included in the proposed determination, stakeholders that may be affected by this change have not had the opportunity to comment.
22. Because of this, officers are of the view that this represents a substantive addition to the determination and would require further public comment to consider the cause of effect of its implementation.
23. Therefore, this addition has not been recommended for inclusion in this determination.
24. The determination can be reviewed and amended in future if required.

GOVERNMENT & PUBLIC CONSULTATION

25. Extensive stakeholder consultation was conducted, considering both environmental concerns and community perspectives (refer to points 7-11 of this report).
26. Public notices were published on the City's website and published in local newspapers to inform the public about relevant matters.
27. The feedback from government stakeholders emphasised the importance of protecting Albany's drinking water sources.
28. In addition to the 18 written submissions received, the following agencies referred to previous advice provided regarding the SBT;
 - Department of Water & Environmental Regulation (DWER);
 - Water Corporation; and
 - Department of Planning, Lands & Heritage.
29. 14 other agencies and community groups were directly invited to provide comment on the proposed determination, but no written submissions were received.

STATUTORY IMPLICATIONS

Local Government Act 1995

30. The Local Government Act 1995 promotes community participation, open meetings, and access to information, allowing residents to influence matters that directly impact them.
31. The Act discourages exclusivity, emphasising inclusivity and fairness in decision-making.

Control of Vehicles (Off-road Areas) Act 1978

32. The Off-Road Vehicles (ORV) Act regulates the illegal use of ORV inside designated Prohibited Areas.
33. The ORV Act's application has been confirmed to encompass the entire City of Albany municipality, including public land and areas vested with the City.
34. DWER advises that the ORV Act also applies to any public drinking water source area (i.e., drinking water catchments and wellheads) across the State.
35. The ORV Act does not prohibit licensed vehicles from the land seaward side of South Coast Highway in the City of Albany, noting off-road vehicles are defined as any vehicle that is not fully road registered (Class A) under the Road Traffic (Vehicles) Act 2012 (WA).
36. The City of Albany has not established any Off-Road Vehicle (ORV) areas under the Control of Vehicles (Off-road Areas) Act 1978.

Operational Policy 13 – Recreation in public drinking water source areas

- 37. DWER’s Operational Policy 13 is part of the State’s legal framework for the protection of PDSWA’s on crown land. Under this policy, licensed and unlicensed off road vehicles are an incompatible use within PDWSA’s unless it is an approved pre-existing use.
- 38. The City has taken guidance from DWER and other relevant State agencies regarding compliance with Policy 13 in relation to the SBT and the development of the local law determination.
- 39. It is DWER’s understanding that “the only pre-existing approved use of the SBT is for horse riding. The management tracks which are provided for water infrastructure and fire management on crown land within the SBT area are not considered pre-existing recreational facilities, or public roads...therefore use of vehicles on these routes by members of the public is not permitted”.

POLICY IMPLICATIONS

- 40. Licensed four-wheel drive vehicles and motorbikes are generally prohibited on City of Albany-managed reserves, parks, and beaches unless specific signage indicates otherwise. This reflects the City's commitment to community safety.
- 41. Under the Local Government Act, where a local law is inconsistent with any State or Federal law, it becomes inoperative. Noting the legal weight of Policy 13 (refer points 33-35), the determination is seeking to align the City’s local law with the State law so that the local law remains operative.
- 42. This also responds to the recommendation of the Tredwell Report to update the relevant City local laws with respect to the use of the SBT and the PDSWA.

RISK IDENTIFICATION & MITIGATION

- 43. The determination aims to mitigate user conflict through education and compliance.
- 44. Potential risks include challenges in residents accepting changes to track access and health and safety concerns. Clear signage, information, and education are key mitigations, with a focus on balancing environmental preservation and community needs.
- 45. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation: Public Perception and User Conflict. Risk: The proposed determination for the SBT may lead to dissatisfaction among users, particularly motorbike riders and four-wheel drivers, resulting in conflicts and negative public perception.</p>	High	Moderate to Major	High	<p>Risk Analysis: Noting there is a high likelihood of user dissatisfaction, which could escalate to conflicts and negatively impact the public perception of the City's decisions. Mitigation: Implement a comprehensive communication plan to inform the public about the reasons for the determination. Establish a dedicated communication channel for users to express concerns and seek clarifications.</p>

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>People's Health & Safety: Ranger Resource Strain & Safety. Risk: Increased complaints from horse riders may strain ranger resources, impacting their availability and safety, especially in the remote sections of the trail.</p>	Possible	Moderate	Medium	<p>Risk Analysis: The likelihood of increased complaints and requests for ranger intervention on current ranger resourcing, could compromise effective enforcement and lead to potential safety hazards for rangers. Mitigation: Evaluate and adjust ranger schedules to ensure adequate coverage during peak usage times. Provide specialized 4x4 training for rangers. Enhance communication and coordination between rangers and other relevant city departments to optimise resource allocation.</p>
<p>Legal & Compliance, and Safety: Continued Unauthorized Vehicle Use. Risk: Despite the determination, there may be continued unauthorised vehicle use on the SBT.</p>	Likely	Moderate to High	High	<p>Risk Analysis: There is a likelihood of users not complying with the determination, posing risks of legal and safety consequences. Mitigation: Enhance enforcement efforts through regular patrols and monitoring. Introduction of technological solutions such as trail cameras for continuous monitoring. Clearly communicate the consequences of non-compliance, including legal actions and penalties. Collaborate with other law enforcement agencies, such as: <ul style="list-style-type: none"> • Albany Police. • Water Corporation Rangers (Authorised Persons). • DWER Authorised Persons. </p>
<p>Legal & Compliance: Limited Identifying Evidence for Complaints. Risk: Difficulty in obtaining identifying evidence for motorbike riders due to helmet use and lack of license plates, hindering effective enforcement of complaints.</p>	Possible	Moderate	High	<p>Risk Analysis: Challenges in obtaining identifying evidence may reduce the effectiveness of enforcing complaints and issuing infringements. Mitigation: Explore technology solutions, such as trail cameras, to capture evidence of unauthorised vehicle use. Engage the community in reporting incidents and providing additional identifying information.</p>
<p>Opportunity: A bi-annual review of mitigation strategies will provide an opportunity to gain feedback from the community to ensure ongoing effectiveness.</p>				

FINANCIAL IMPLICATIONS

- 46. The cost of public advertising for the determination was incurred, and future costs for signage and other implementation works depend on budget allocation.
- 47. This reflects the City's financial responsibility to address community concerns.

LEGAL IMPLICATIONS

- 48. Various local laws, including those related to activities on thoroughfares and public places and animal use, are relevant to the determination.
- 49. Failure to comply with a determination is associated with prescribed offences and penalties, reflecting the legal framework that governs this process, being the “Local Government Property Local Law 2011”.

50. Land Administration Act 1997: Enforcement action on the portion of UCL (Unallocated Crown Land) Lot 500 on DP60582 may be undertaken by the City of Albany pending formal permission being granted by DPLH.

ENVIRONMENTAL CONSIDERATIONS

51. In the context of environmental considerations related to water source areas and public trails:
- a. Water Corporation supports the City's position regarding the protection of drinking water sources.
 - b. Existing trails and new feeder trails are subject to assessment and approval under Policy 13, with the goal of balancing environmental protection with community needs.
 - c. The proposed 'horse and authorised vehicle only' sections of the trail align with Policy 13.
52. Any proposed changes to the existing trail or feeder trails will be required to be referred to DWER to assess under Operational Policy 13.
53. The community feedback also addressed the environmental impact that vehicles and horses make against the natural environment.

ALTERNATE OPTIONS

54. The Council has the option to adopt the determination, not decide at this time, or seek additional public comment, recognising the need to balance environmental and community concerns.

CONCLUSION

55. The City places a high priority on environmental protection, public safety, and ensuring the well-being of the community.
56. In relation to the SBT, this requires responsible consideration of the safety of all trail users, environmental preservation, and the intended use of specific trail sections.
57. The proposed determination and control measures represent an improvement to the SBT, considering both environmental and community perspectives.
58. It is recommended that Council adopts the proposed determination, acknowledging resource limitations for enforcement.

Consulted References	:	<ul style="list-style-type: none"> • <i>City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011</i> • <i>City of Albany Animals Local Law 2020</i> • <i>City of Albany Local Government Property Local Law 2011</i> • <i>Control of Vehicles (Off-road Areas) Act 1978</i> • <i>Land Administration Act 1997</i> • <i>Local Government Act 1995</i> • <i>Operational Policy 13 – Recreation in public drinking water source areas on Crown land</i> • <i>Robinson Precinct and Stidwell Bridle Trail Study Report by Tredwell</i>
File Number:	:	EM.PLA.5 – Environmental Management – Planning
Previous Reference	:	<ul style="list-style-type: none"> • Ordinary Council Meeting held in August 2023, Resolution CCS555. • Corporate & Community Services Committee, held in August 2023. • Strategic Workshop Briefing – 20 June 2023. • Robinson Precinct and Stidwell Bridle Trail – Implementation Briefing – 28/11/2022. • Ordinary Council Meeting July 2022, Resolution CCS455.