
STATION BEACH OFF LEASH DOG AREA REVIEW OF ENVIRONMENTAL FACTORS - COMMUNITY ENGAGEMENT REPORT

FINAL REPORT

9 AUGUST 2019



NORTHERN BEACHES COUNCIL

STATION BEACH OFF LEASH DOG AREA REVIEW OF ENVIRONMENTAL FACTORS

COMMUNITY ENGAGEMENT REPORT

FINAL REPORT

9 AUGUST 2019

Parkland Planners

ABN: 33 114 513 647

PO Box 41
FRESHWATER NSW 2096

tel: (02) 9938 1925
mob: 0411 191 866

sandy@parklandplanners.com.au

www.parklandplanners.com.au

DIRECTOR: Sandy Hoy

CONTENTS

EXECUTIVE SUMMARY	1
1 INTRODUCTION	1
1.1 Background to this report	1
1.2 Purpose of this report	1
1.3 Process of preparing this report	2
1.4 Contents of this report	8
2 OUTCOMES OF WRITTEN SUBMISSIONS	9
2.1 Introduction	9
2.2 Views about the proposed trial.....	11
2.3 General comments about the trial.....	11
2.4 Submissions about environmental impacts	14
2.5 Statutory and planning framework.....	31
2.6 Administration of the trial.....	35
2.7 Consideration of alternative locations	37
2.8 Determination of the trial	39
2.9 Failure of process	40
2.10 Other comments.....	41
3 CONCLUSION	43
REFERENCES.....	45

Figures

Figure 1	Related documents.....	1
Figure 2	Process of preparing this report	2
Figure 3	Your Say Northern Beaches pages.....	3
Figure 4	Council media release.....	5
Figure 5	Pittwater Life article.....	6
Figure 6	Direct email	7
Figure 7	Council notice in the Manly Daily	8
Figure 8	Postcode of respondents to Your Say Northern Beaches	11
Figure 9	Location of the revised southern trial boundary.....	17
Figure 10	Suggested location of markers.....	18
Figure 11	Recreational use of Station Beach.....	21

Figure 12	Fishing at Station Beach	22
Figure 13	Photomontage of proposed markers at Station Beach looking north	28
Figure 14	Photomontage of proposed markers at Station Beach looking south	28

Tables

Table 1	Community engagement undertaken by Northern Beaches Council.....	2
Table 2	Sources of written feedback about the Station Beach REF	9

EXECUTIVE SUMMARY

1 INTRODUCTION

1.1 Background to this report

Northern Beaches Council commissioned Cardno (NSW/ACT) to prepare a Review of Environmental Factors (REF) for the proposed dog off-leash area trial at Station Beach at Palm Beach. The REF assessed the potential environmental impacts associated with the proposed trial.

During the preparation of the REF Council undertook extensive community engagement about the proposed trial between November 2018 and February 2019. The outcomes of that community engagement are presented in the Station Beach Dog Off Leash Area – Proposed Trial: Community Engagement Report (Parkland Planners, 2019).

The Review of Environmental Factors and the Community Engagement Report contain background information about Station Beach and the proposed off leash dog trial. This report should be read in conjunction with the Review of Environmental Factors (Cardno, 2019) and the Community Engagement Report (Parkland Planners, 2019).

1.2 Purpose of this report

The purpose of this report is to collate and summarise the feedback received from the community about the review of environmental factors of the proposed off leash dog area trial at Station Beach undertaken by Cardno.

1.3 Process of preparing this report

Community engagement about the REF was undertaken between 14 June and 12 July 2019.

Council provided information and opportunities to comment by:

- ☐ Your Say Northern Beaches project page on Council website
- ☐ Online survey on Your Say Northern Beaches page
- ☐ Notices in Council column 'Northern Beaches Weekly News' in the *Manly Daily*
- ☐ Media release
- ☐ Direct emails to people interested in Station Beach trial
- ☐ Bulk email sent to people on the Community Engagement Register for Your Say Northern Beaches project updates.

Community feedback received via online submissions, emails and letters was analysed and compiled into this report, which will accompany a staff report and the Community Engagement Report to Council to determine whether to proceed with the proposed trial.

2 OUTCOMES OF WRITTEN SUBMISSIONS

2.1 Introduction

Methods of submissions

During the public exhibition period 118 written responses were received by Council through:

- ❑ Your Say Northern Beaches online survey (102 submissions, 86.5% of submissions)
- ❑ Emails and letters (16 submissions, 13.5% of submissions).

Submissions were received from individual community members, and formal submissions from these groups: Boat Owners Association of NSW Inc., Newport Residents Association, Palm Beach Protection Group, Palm Beach and Whale Beach Association, Pittwater Natural Heritage Association, and Pittwater Unleashed.

Respondents to Your Say Northern Beaches

Many people were motivated to engage with and inform themselves about the project pages and documents about the Station Beach Review of Environmental Factors on the Your Say Northern Beaches website.

1,730 visits were made to the Your Say Northern Beaches website during the public exhibition of the REF, and 1,187 people visited at least one page on the website.

586 visitors viewed and/or downloaded the Review of Environmental Factors 816 times, averaging 1.4 times each. 16 visitors viewed and/or downloaded the 2008 Review of Environmental Factors.

Groups that people commenting via Your Say Northern Beaches identified themselves with are Palm Beach Protection Group (3 people), Bayview Church Point Residents Association (1), Manly Dogs (1), Newport Residents Association (1), Northern Beaches Greens (1), Pittwater Pathways (1), Pittwater Unleashed (1), and Surfrider Foundation Northern Beaches Branch (1).

Written responses to Your Say Northern Beaches were received from residents of a wide range of suburbs throughout the Northern Beaches LGA, the northern suburbs of Sydney, and from further afield. Peninsula residents (Palm Beach, Whale Beach, Avalon / Avalon Beach and Newport residents) comprise 61% of respondents to Your Say Northern Beaches. Other Northern Beaches residents comprise a further 28% of Your Say Northern Beaches respondents. 6% of respondents to Your Say are from outside the Northern Beaches, as far afield as Bronte-Waverley. 5% of respondents, who may or may not be local and/or Northern Beaches residents, didn't record their suburb in Your Say Northern Beaches.

2.2 Views about the proposed trial

The level of support for the proposed trial among the 118 respondents is:

- ❑ 62 or 52.5% support the trial
- ❑ 53 or 45.0% oppose the trial
- ❑ 3 or 2.5% did not provide a comment, or their view was unclear.

Two people stated they had supported the trial before reading the REF, but had changed their mind to oppose the trial after reading about the environmental impacts in the REF.

Many respondents re-stated a wide range of reasons for either supporting or not supporting the trial which were covered in detail in the Community Engagement Report, rather than addressing the contents of the REF. Reasons given by people for supporting or not supporting the trial in general are in Section 2.3.

A summary discussion of all responses by comments made is in Sections 2.3 to 2.9 of the main report. The points made below are drawn from the public submissions only, and are not the views of Northern Beaches Council or the author.

2.3 Environmental impacts of the trial

The environmental impacts of the trial which attracted most comments were:

- ☐ impacts of dogs and people on protected seagrass beds at Station Beach
- ☐ visual impact of tidal markers along the shoreline
- ☐ safety concerns of unleashed dogs on other beach users, particularly children, on a narrow beach particularly at high tide
- ☐ the change of use of Station Beach to a 'dog beach' which would affect other recreational uses of the sand and water at Station Beach.

The key points made about environmental impacts of the trial are listed below in the order addressed in the REF. Each point is addressed in more detail, along with perceived shortcomings of the information presented and addressed in the REF, in Section 2.4.

Environmental impacts include:

- ☐ **traffic and access:** increased numbers of dog owners driving to exercise their dogs on Station Beach will worsen the already congested traffic and demand for parking spaces in Palm Beach in general and specifically the Waratah Road/Beach Road area on weekends, public holidays and in summer holidays.
- ☐ **marine biodiversity:** A dog swimming area at Station Beach is contrary to Commonwealth, State and Northern Beaches Council legislation and policies. Protected seagrass beds of *Posidonia australis* will be damaged by wading, running and swimming dogs and their owners. Habitat for other marine species, particularly the endangered White's Seahorse, would be affected. Damage caused to the seagrass by dogs and their owners would compound damage caused by boats and water activities.

The proposed mitigative measures - 3 metre buffer zone in front of the seagrass bed, 7 tidal markers, and moving the southern trial area boundary 30 metres north - were not generally supported for visual and compliance reasons. Other suggestions to delineate the 3 metre buffer zone included one or two tidal markers, and a fence. There was a common view that if dogs can't swim at low tide, what is the point of the trial which is to provide a continuous dog swimming area?

- ☐ **hydrology, water quality and sediments:** there was concern about fouling of the water from dog urine and faeces, resulting in poor water quality and an unpleasant swimming environment for people.
- ☐ **terrestrial biodiversity:** off leash dogs can disturb wildlife, such as migratory birds, by chasing them and disrupting them nesting and feeding on beaches. Although the REF states that Station Beach is not considered suitable habitat for threatened or migratory shorebirds, other bird species feed over and within the seagrass meadows when the abundance of marine fauna is high and so would be disturbed by dogs in the water.

Dogs swimming at Station Beach will affect the feeding habits of a colony of fairy penguins on Lion Island. Trial supporters stated the fairy penguins would be affected by boats and

jetskis which would have a higher impact than dogs, and off leash dog beaches on the Central Coast are closer to Lion Island than Station Beach.

- ❑ **socio-economic:** the amenity of the Palm Beach area and Station Beach is valued, particularly the pristine beach and the unique view of the sunset over water and land to the west.

A key concern is the change of use from a low-key, pristine informal recreation beach to a 'dog beach' that will alter the character and use of the beach. People who don't like dogs or don't want to share the beach with a large number of dogs will be excluded from the beach in the mornings and late afternoons when many people like to use the beach to avoid the midday sun. Families with children, tourists, fishers, and people using the walkway from Palm Beach Wharf will be most affected by off leash dogs. The proposed tidal markers will impede swimming and watercraft activities.

Local residents will be adversely affected by owners parking across driveways, and unleashed dogs barking and running into private property.

Conflicts with dogs will be experienced by tourists walking along Station Beach to the Boathouse café and Barrenjoey Lighthouse. The Boathouse café would be impacted by the proposed 10 metre exclusion zone.

Some people who don't own dogs are fearful of confrontations with dog owners who don't follow the rules.

- ❑ **waste management:** dog faeces would be left on the beach, or dog waste bags not properly disposed of in bins. The stormwater drain at south Station Beach was also identified as a contributor to rubbish on the beach.
- ❑ **noise:** local residents would be affected by dogs barking when they are let off leash from the Beach Road carpark and into the trial area.

Other environmental concerns not addressed in the REF which were identified by respondents include:

- ❑ **safety of visitors to the beach from dogs.** Other beach users, particularly families with children, the elderly, local residents, walkers and joggers, are at risk from harassment and unprovoked attacks by off leash dogs particularly in the mornings and late afternoons when they like to use the beach. Other beach users fear that dog owners will not be able to control their unleashed dogs. The narrow width of the beach at high tide means there would not be a safe space for people to avoid off leash dogs.
- ❑ **safety of golfers from dogs** running from the beach on to the unfenced golf course.
- ❑ **safety of beach users from golf balls** due to lack of fencing between the beach and the golf course.
- ❑ **visual impact of the recommended series of offshore boundary markers/piers to visually define the Buffer Zone Line.** Both supporters and opponents of the trial questioned the need for and desirability of multiple markers, saying the 'unsightly' markers would have unacceptable visual impact on Station Beach, and on iconic Palm Beach in general.
- ❑ **visual impact of regulatory signs.**
- ❑ **visual impact of fencing** on the golf course perimeter.
- ❑ **public health concerns** from dog urine and faecal contamination, particularly from playing in sand, and walking on sand, and in the water.
- ❑ **impact of dogs and visitors on the structural integrity and stability** of Station Beach.

2.4 Shortcomings of the REF

Shortcomings of the REF regarding information that should have been included in the REF to assess environmental impacts of off leash dogs at Station Beach and/or recommend mitigative measures are:

- ☐ an independent traffic study
- ☐ acknowledgement that some of the critically endangered species listed in the REF have been photographed at Station Beach so they 'do occur', not are 'likely to occur'.
- ☐ an up to date seagrass bed map of Station Beach (due at the end of 2019 or in 2020)
- ☐ the possible favoured habitat sites of the endangered White's Seahorse in the Station Beach seagrasses
- ☐ analysis of the numbers and frequencies of dogs swimming in the dog swim area, and the impact on the seabed
- ☐ impacts of free running dogs on the seagrass meadow and marine ecosystem
- ☐ impacts of people entering the water to wade and swim with their dogs
- ☐ the cumulative impact of multiple human activities on the intertidal habitats off Station Beach
- ☐ neap tide conditions in addition to the spring tide data provided
- ☐ investigation of the Autumn/Winter tidal phases
- ☐ the time of day data availability of sufficiently wide beach width as measured from the leading edge of sea weed growth should be added to the graphological data
- ☐ the criteria used to validate the 3 metre minimum distance from the leading edge of the seagrass beds, and how the 3 metre distance was determined
- ☐ impact on the seagrass during installation of the markers
- ☐ a map of the distribution of soft sediments
- ☐ impact of dogs on the soft sediment east of the seagrass
- ☐ the migratory bird study should be conducted over a 12 month period, not just 3 months
- ☐ community feedback about use of the beach
- ☐ the expected number and concentration of dogs which would frequent the beach at the proposed trial times, and the impact on the beach
- ☐ a qualitative assessment of current dog activity and behaviour, and the behaviour of dog owners at Station Beach
- ☐ a quantitative assessment of the impact of dog numbers on the beach versus visitor numbers, especially over the peak summer period, to determine whether a dog trial has had a negative impact on visitor numbers and experience
- ☐ the loss of amenity to people who currently use the beach
- ☐ the concerns and feedback from local residents
- ☐ the impact of the trial from the southern Beach Road car park and Waratah Road, and the impact to local residents
- ☐ the damaging and ongoing effects of the stormwater drain by the steps at the south of Station Beach on pollution
- ☐ the potential impact of noise of barking dogs to local residents from the Beach Road carpark
- ☐ the safety risk of visitors to the beach from unleashed dogs
- ☐ assessment of the safety risk of the lack of fencing to the golf course to beach users and golfers

- ☐ recommendations for restrictions on off-leash dogs accessing the golf course
- ☐ recommendations for protecting visitors to the beach from stray golf balls
- ☐ the number, position and height of the proposed tidal markers
- ☐ the visual impact of the proposed markers
- ☐ impact of the markers on the beach
- ☐ determination whether the use of Station Beach for off-leash dog exercise is a separate or distinct use for which consent is required
- ☐ whether off leash dog exercise is consistent with the objectives of the RE1 Public Recreation and E2 Environmental Conservation zones, and whether it is a permissible use in those zones
- ☐ identification of the sea grass beds and much of Governor Philip Park as being a “Biodiversity” area on the ‘Biodiversity Map’ in Pittwater LEP 2014
- ☐ listing of costs of the trial
- ☐ a cost benefit analysis
- ☐ assessment of alternative locations for off leash dog exercise.

2.5 Mitigative measures

There is concern that more than 30 mitigative measures recommended in the REF to protect the environment (installation of signage and waste bins, offshore boundary markers, noise and traffic monitoring, water and seagrass testing, ranger patrols etc.) would be too onerous and costly for Council to monitor and enforce.

2.6 Statutory and planning framework

The environmental issues raised in the REF about the off leash dog trial appear to contravene Commonwealth and State environmental protection legislation regarding protection of the coastal environment in general, use and management of Crown land, impacts on fish habitat, and protection of the endangered seagrass meadow at Station Beach.

The environmental issues raised in the REF also appear to contravene the Pittwater Local Environmental Plan 2014 in terms of whether off leash dog exercise is permitted in the RE1 Public Recreation and E2 Environmental Conservation zones, and whether off leash dog exercise complies with the objectives of the RE1 Public Recreation and E2 Environmental Conservation zones.

The proposed trial is also considered to be inconsistent with the directives and objectives of the Pittwater Waterway Strategy 2038 for the natural environment.

2.7 Positions of government agencies

The Department of Industry had raised concerns about the trial, particularly impacts on the endangered seagrass beds, to Northern Beaches Council on 15 November 2018. The Department had suggested that Council investigate alternative locations for the trial.

2.8 Administration of the trial

The costs to Council of establishing and administering the trial were not itemised and quantified in the REF. It is considered that the costs of signage, tidal markers, fencing, waste bins, ranger compliance patrols, seagrass and water quality monitoring, reporting, and the control site will be excessive, and that the funds could be put to better use in the Northern Beaches local government area.

Similarly, the costs of ensuring that the mitigative measures and the trial parameters are complied with are considered to be onerous.

2.9 Consideration of alternative locations

Compared to other Council areas of similar size in Sydney, Northern Beaches is well serviced with dog exercise areas.

The Council resolution of June 2018 restricted the investigation of alternative locations for off leash dog beaches to Station Beach only.

In 2018 the Department of Industry expressed its concern about the environmental sensitivity of Station Beach, and advised Council of its preference for a range of alternative sites to be evaluated in addition to Station Beach, such as Hitchcock Park-Careel Bay and North Palm Beach.

As the environmental impacts highlighted in the REF show, and because dogs will not be able to swim at low tides at Station Beach, Station Beach is an unsuitable location for off leash dogs. Locations which are more suitable for off leash dogs should be investigated by Council.

2.10 Determination of the trial

Several opponents of the trial are concerned that a group of dog owners appears to have influence over Council's decision about proceeding with the trial.

Another opponent to the trial was concerned that approving the trial will set a precedent for the use of other beaches for off leash dogs.

An opponent of the trial questioned what would happen if the trial finds that Station Beach is not suitable for dogs?

2.11 Failure of process

The process involved in the proposed trial of off leash dog exercise at Station Beach has been poorly handled by Council, because the community did not have access to key documents which should have been made public prior to the end of the community engagement period in February 2019. These documents are:

- ❑ letters from Department of Industry-Land and Water to Council on 10 September and 15 November 2018, expressing major concerns with the trial at Station Beach and suggesting alternative locations should be investigated.
- ❑ the Review of Environmental Factors (Cardno, 2019).

The lack of access to these documents meant the community did not have sufficient information to make an informed decision about the trial during the community engagement period. The large number of submissions received during the community engagement period in favour of the trial were made before the REF was published.

This page is left blank intentionally

1 INTRODUCTION

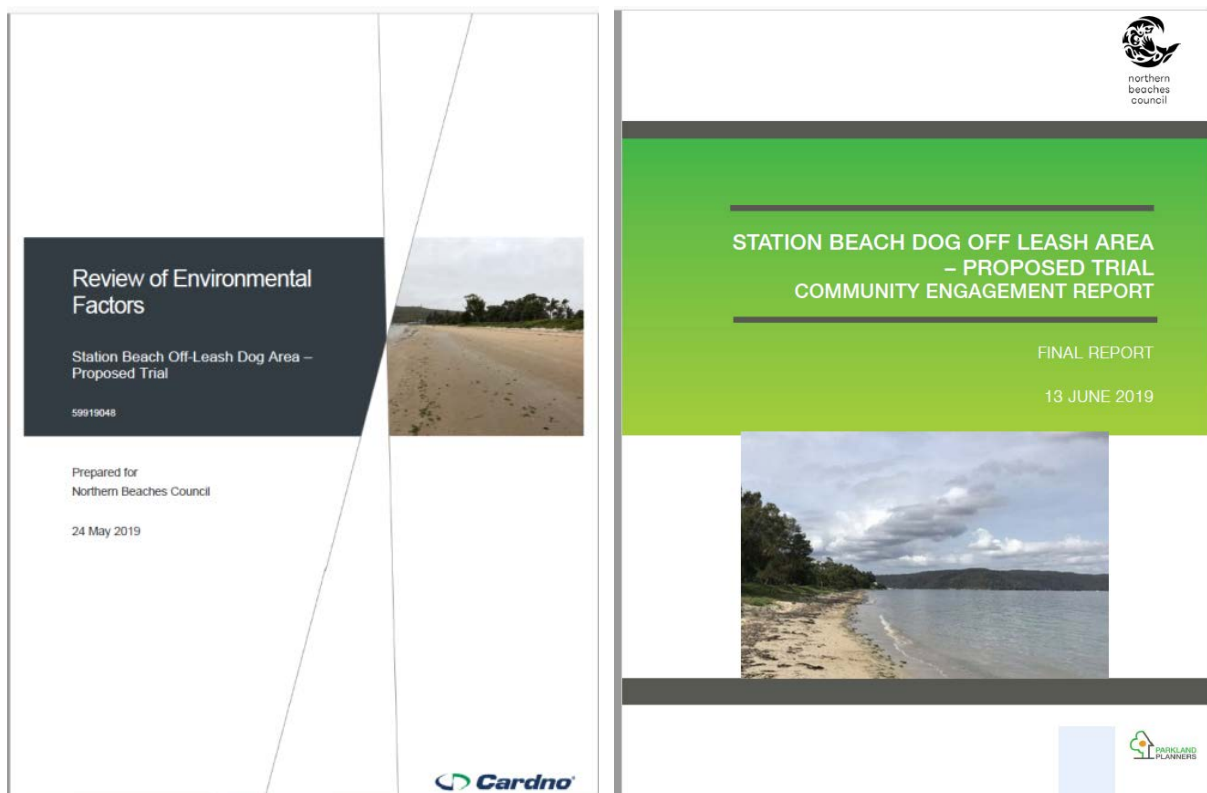
1.1 Background to this report

Northern Beaches Council commissioned Cardno (NSW/ACT) to prepare a Review of Environmental Factors (REF) for the proposed dog off-leash area trial at Station Beach at Palm Beach. The REF assessed the potential environmental impacts associated with the proposed trial.

During the preparation of the REF Council undertook extensive community engagement about the proposed trial between November 2018 and February 2019. The outcomes of that community engagement are presented in the Station Beach Dog Off Leash Area – Proposed Trial: Community Engagement Report (Parkland Planners, 2019).

The Review of Environmental Factors and the Community Engagement Report contain background information about Station Beach and the proposed off leash dog trial. This report should be read in conjunction with the Review of Environmental Factors (Cardno, 2019) and the Community Engagement Report (Parkland Planners, 2019).

Figure 1 Related documents



1.2 Purpose of this report

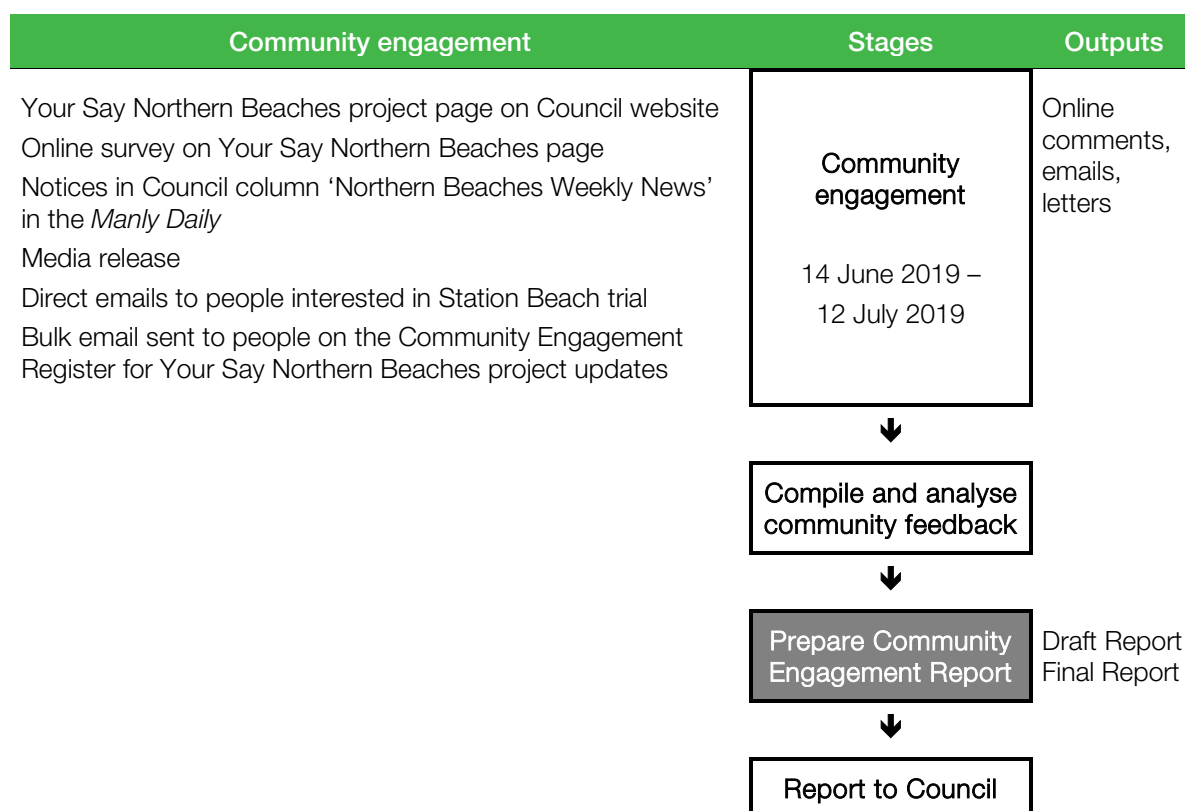
The purpose of this report is to collate and summarise the feedback received from the community about the review of environmental factors of the proposed off leash dog area trial at Station Beach undertaken by Cardno.

1.3 Process of preparing this report

1.3.1 Introduction

The process of preparing this report is as follows.

Figure 2 Process of preparing this report



1.3.2 Community engagement tasks

Introduction

Throughout the community engagement period between Friday 14 June and Friday 12 July 2019 Council promoted and facilitated numerous opportunities for the community to comment on the Review of Environmental Factors through the media and online.

Table 1 Community engagement undertaken by Northern Beaches Council

Date	Community engagement
Fri 14 June	PUBLIC COMMENT BEGINS YOUR SAY NORTHERN BEACHES PAGE AND ONLINE SURVEY GO LIVE Background information, answers to frequently asked questions (FAQs), and an online feedback form at 'Your Say Northern Beaches' http://yoursay.northernbeaches.nsw.gov.au/stationbeachtrial Media release published on Council's website Direct email sent to people who registered interest in the Station Beach off leash dog trial Bulk email sent to people on the Community Engagement Register for Your Say Northern Beaches project updates

Date	Community engagement
Sat 15 June	Notice in Council column 'Northern Beaches Weekly News' in the <i>Manly Daily</i>
Sat 22 June	Notice in Council column 'Northern Beaches Weekly News' in the <i>Manly Daily</i>
Fri 28 June	Bulk email sent to people on the Community Engagement Register for Your Say Northern Beaches project updates
Sat 29 June	Notice in Council column 'Northern Beaches Weekly News' in the <i>Manly Daily</i>
Sat 6 July	Notice in Council column 'Northern Beaches Weekly News' in the <i>Manly Daily</i>
Fri 12 July	SUBMISSION PERIOD CLOSED

Online Platform

The project pages on Your Say Northern Beaches are shown below.

Figure 3 Your Say Northern Beaches pages

The screenshot shows the 'Station Beach Dog Off-Leash Area - Proposed trial' page. The main content area includes a large photograph of a sandy beach with a blue sky and green hills in the background. Below the photo, there is a text box stating: 'We are seeking community feedback about a proposed dog off-leash area trial at Station Beach, Palm Beach.' Below this text box are two buttons: 'NEWS' and 'COMMENT'. To the right of the main content, there is a sidebar with three sections: 'Who's Listening' featuring Damian Ham, Manager Open Space and Recreation Planning; 'Document Library' listing three PDF documents; and 'FAQ' with two questions about community feedback and government agencies.

Review of Environmental Factors 2019

29 days ago



Council commissioned Cardno (NSW/ACT) to prepare a Review of Environmental Factors (REF) for the proposed dog off-leash area trial at Station Beach. The REF has been completed and assesses the potential environmental impacts associated with the proposed trial.

[View the Review of Environmental Factors 2019](#)

Comment

- [Online](#)
- In writing - marked 'Station Beach Dog Off Leash Area - Proposed Trial' to Northern Beaches Council PO Box 82 Manly, NSW 1655

Submissions close 3pm on Friday 12 July 2019.

If you would like more information please contact the Parks & Recreation Team on 1300 434 434.

Project update - May 2019

about 2 months ago



The Review of Environmental Factors will be available shortly for viewing and community comment.

Thank you for your feedback

4 months ago



Where is the proposed trial dog off-leash area to be located at Station Beach?

What days and times would dogs be permitted off-leash at Station Beach during the trial?

[more..](#)



Life Cycle



Nov '18 - Feb '19 - Community engagement on the proposed trial.



May '19 - Updated Review of Environmental Factors and ornithological reports due

https://yoursay.northernbeaches.nsw.gov.au/stationbeachtrial?tool=survey_tool#tool_tab

Google U-Link Modern environment.nsw.g... iTunes music downl... SugarSync KIDS RIVET - FOOTBOX Good Food Guide L... The Sydney Mornin... Expert Guide G



We are seeking community feedback about a proposed dog off-leash area trial at Station Beach, Palm Beach.

[NEWS](#) [COMMENT](#)

Submissions on the REF for Station Beach Dog off-leash area is now closed.

Online submissions - REF proposed Station Beach Dog Off-Leash Trial

Please provide your submission on the Review of Environmental Factors 2019 for the Off-Leash Dog Area - Proposed Trial at Station Beach.

If your submission includes attachments please send them to council@northernbeaches.nsw.gov.au.

Submissions close: 3pm, Friday 12 July 2019

[Take Survey](#)

Document Library

- [Review of Environmental Factors Station Beach Off-Leash Dog Area - Proposed Trial - 24 May 2019 \(6.58 MB\) \(PDF\)](#)
- [Station Beach \(South\) dog off-leash area proposed Concept Plan - Nov 2018 \(2.15 MB\) \(pdf\)](#)
- [Review of environmental factors - Station Beach, Palm Beach 2008 \(3.34 MB\) \(pdf\)](#)

FAQ

Why is Council seeking community feedback on a trial dog off-leash area at Station Beach?

What have the NSW Government Agencies told Council about the proposed trial at Station Beach?

Where is the proposed trial dog off-leash area to be located at Station Beach?

What days and times would dogs be permitted off-leash at Station Beach during the trial?

[more..](#)



Media release

A media release was published on Council's website on 14 June, and was also distributed to local media.

Figure 4 Council media release

Home / Council / News / Media Releases / Station Beach off-leash dog trial on public exhibition

Station Beach off-leash dog trial on public exhibition

About Northern Beaches Council

Claims

Council Meetings

Committees and Panels

Current Works and Projects

Elected Council

Employment

Forms

Grants

Have Your Say

Information Access

News

Mayor's Message

Latest News

Newsletters

Media Releases

Publications

Rates and Council Fees

Tenders

Friday, 14 June 2019

An Independent Review of Environmental Factors (REF), detailing the potential impacts of a proposed 12-month trial on an off-leash dog area at Station Beach in Palm Beach is now on public exhibition.

Northern Beaches Council has proposed a trial arrangement that would allow people to take their dogs for a walk and a swim off-leash along a section of Station Beach at specified times and days.

Before proceeding with the trial, Council has commissioned a thorough review by independent environmental experts to consider any potential environmental impacts arising from the proposed initiative.

Station Beach is bound to the east by Palm Beach Golf Club and to the west by Pittwater Estuary.

"The purpose of this REF is to inform Council's decision on the proposed trial," Northern Beaches CEO Ray Brownlee said.

"The review document gives a detailed description, takes into account relevant planning controls, examines the existing environment in the vicinity of the proposed trial area, as well as potential impacts and any mitigation measures that must be taken.

"It follows a period of extensive community consultation on the nature and scope of the proposed trial."

The REF is also required as part of Council's licence application to conduct the trial with the Department of Industry Lands & Water. The REF is publicly available on Council's 'Your Say' website page ([LINK](#)).

Public submissions in response to the Review of Environmental Factors (2019) close at 3pm on Friday 12 July.

Council will consider a report about the proposed trial at its July meeting.

Media Enquiries: media@northernbeaches.nsw.gov.au 9942 2678





Share    

Figure 5 Pittwater Life article

News

Fears new dog buffer zone is 'unworkable'

Dog walkers group Pittwater Unleashed says it is wary of 'uncalled for' recommendations included in the environmental review of the proposed and long-awaited off-leash dog trial at Station Beach.

The independent Review of Environmental Factors (REF), detailing the potential impacts of the proposed 12-month trial, is now on public exhibition. Public submissions in response to the REF close at 3pm on Friday 12 July; thereafter Council will consider a report about the proposed trial at its July meeting.

Pittwater Unleashed spokesman Mitch Geddes said the 121-page document included several areas of concern to those supporting the trial – including an 'unworkable' three-metre buffer zone inside the offshore seagrass bed.

"Notwithstanding the green light given to the trial by the updated REF, there are a few matters which serve to unnecessarily complicate things and add to costs," he said.

Northern Beaches Council has proposed a trial arrangement that would allow people to take their dogs for a walk and a swim off-leash along a section of Station Beach – bound to the east by Palm Beach Golf Club and to the west by Pittwater Estuary – at specified times and days.

Northern Beaches CEO Ray Brownlee said the REF would inform Council and help with its decision on the proposed trial.

"The review document gives a detailed description, takes into account relevant planning controls, examines the existing environment in the vicinity of the proposed trial area, as well as potential impacts and any mitigation measures that must be taken," he said.

"It follows a period of extensive community consultation on the nature and scope of the proposed trial."

However, Pittwater Unleashed is concerned about the reduced scope of the trial area, as recommended in the REF. The revised trial area would cut 30 metres' use at the southern end of Station Beach, and include an on-leash buffer zone some 50 metres short of the originally planned northern boundary at The Boathouse Wharf.

Reasons given for the southern boundary amendment included proximity to houses and associated noise mitigation (the nearest house is 155 metres away), as well as closest point to seagrass beds.

"The southern end should not be shortened by 30 metres – there is already a 50-metre on-leash buffer zone in place at the southern tip of the proposed trial area and shortening the area would take out access to the only large tree around which needs to be included as this is where the dogs can get some shade (see image)," said Mr Geddes.

"And the northern end should run right up to The Boathouse so the elderly can sit on the bench from the proposed landscaped area and watch kids playing with

was too restrictive and would not work.

"As long as there is half a metre of depth over the seagrass, this is enough water for the dogs to swim without any problems," he said.

"We know that for over 10 years the State Government agencies have had no objection to the trial proceeding, and we also know via the original REF and the updated REF that the experts have no problem with the trial proceeding – and we know that the broader community is overwhelmingly on-board for the trial, given the 90% approval during Council's consultation."

He said the group was disappointed with some of the input from the Department Primary Industries-Fisheries, which said had turned the focus on the issue of impact on seagrass "on its head".

"DPI-Fisheries only ever asked for a survey of the Posidonia species at the start of the trial, and again at the end," Mr Geddes said.

"The focus was Posidonia, and two surveys were requested.

"Last-minute involvement with DPI-Fisheries has turned this on its head, going against the views previously expressed. It now includes convoluted suggestions to include broadening the focus from Posidonia, to include the more rampant Zostera and proposes using a large control area, and conducting detailed surveys each month, including a search for seahorses... that's just 'mission creep'."

He said this would likely see a basic \$10,000 monitoring exercise "blow out to well over \$100,000".

"This is money Pittwater Unleashed would rather see used by our Council to install the 'random rock' revetment along the edge of the golf course – which would protect the interests of the golfers, who do not want to see the 3rd, 4th and 5th fairways washed away in the next big storm – as well as protect the interests of DPI-Fisheries, who do not want to see continued release of the dumped sediment over the seagrass meadow during storm events."

He added it would also improve the amenity of the area, with golfers on one side of the revetment, and families with dogs on the other.

To view the REF and lodge a submission (by July 12) visit Council's website.

– Nigel Wall

*** What do you think? Email us at readers@pittwaterlife.com.au**

pittwaterlife The Local Voice Since 1991

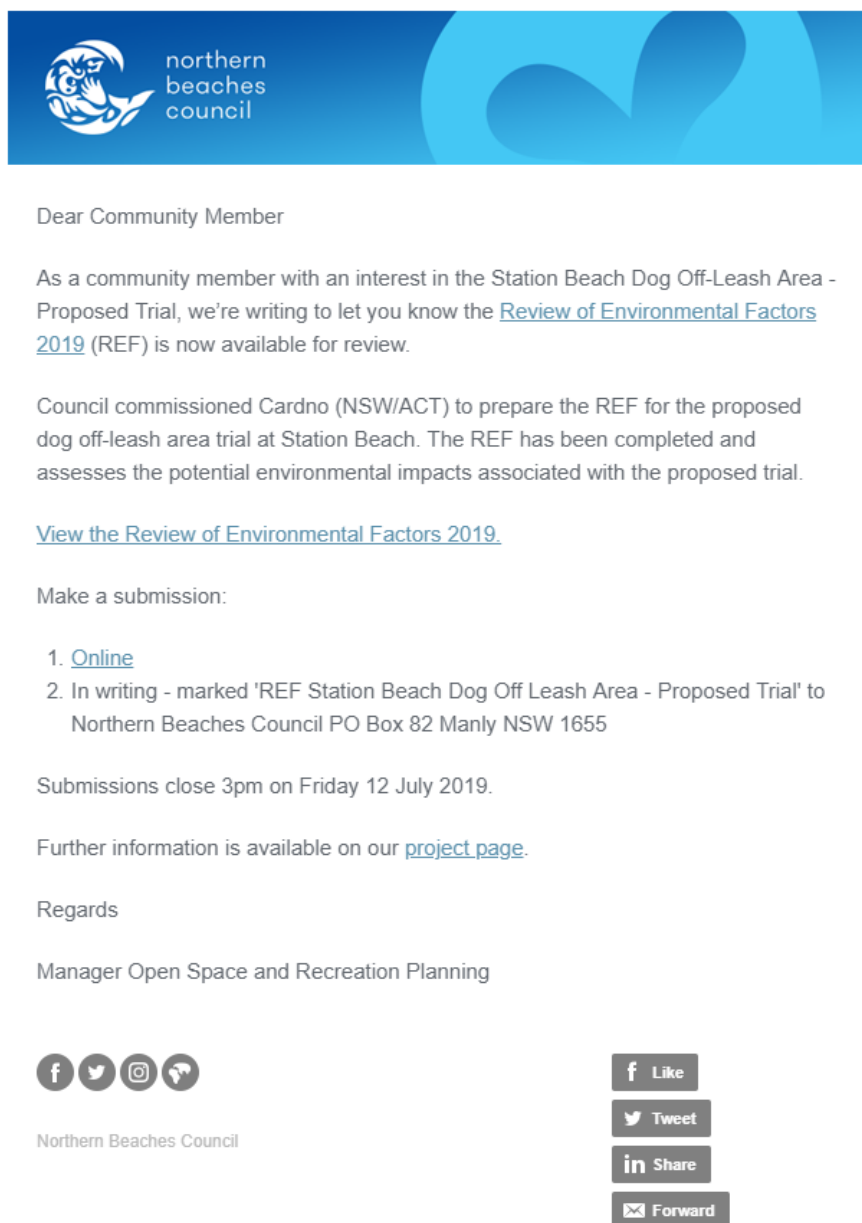
8

JULY 2019

Emails

During the consultation period one direct email was sent on 14 June 2019 to 2,462 people who had registered their interest to receive updates about the Station Beach Dog Off Leash Trial.

Figure 6 Direct email



The Station Beach REF project was included in the Council Community Engagement Newsletter on 14 and 28 June 2019.

Station Beach Dog Off-Leash Area - Proposed Trial - Review of Environmental Factors 2019

Council commissioned Cardno (NSW/ACT) to prepare a Review of Environmental Factors (REF) for the proposed dog off-leash area trial at Station Beach. The REF has been completed and assesses the potential environmental impacts associated with the proposed trial. View the [Review of Environmental Factors 2019](#).

Submissions close Fri 12 Jul (3pm)

Notices in Council column in Manly Daily

Four notices were published weekly during the engagement period in the *Manly Daily*.

Figure 7 Council notice in the Manly Daily



Interested people could provide their comments on the REF by 12 July 2019 by:

- ☐ completing the online feedback form at Your Say Northern Beaches
- ☐ email to council@northernbeaches.nsw.gov.au
- ☐ post to Northern Beaches Council at PO Box 82, Manly, NSW 1655.

1.4 Contents of this report

The remainder of this report sets out the outcomes of written submissions received by Northern Beaches Council in June-July 2019 in response to an invitation to comment on the Review of Environmental Factors of the proposed trial of a dog off leash area at Station Beach.

2 OUTCOMES OF WRITTEN SUBMISSIONS

2.1 Introduction

2.1.1 Methods of submissions

The Review of Environmental Factors: Station Beach Off-Leash Dog Area – Proposed Trial was on public exhibition for comment for 29 days between Friday 14 June and Friday 12 July 2019.

The community was invited to comment on the REF.

During the public exhibition period 118 written responses were received by Council as follows:

Table 2 Sources of written feedback about the Station Beach REF

Source	No. submissions	Comments
Your Say Northern Beaches online survey	102	110 total responses were received by Your Say Northern Beaches at the closing date of submissions. Analysis of the submissions showed that some people made more than one submission, with one person making 3 submissions. The additional submissions were not counted in the total submissions, but the content of the submission was included in the analysis. 8, or 7%, of the original submissions were multiple submissions.
Emails and letters	16	20 separate written submissions were made outside Your Say Northern Beaches. Three people sent the same submission to complete the online survey at Your Say Northern Beaches as well as sent an email to Council. The number of emails counted does not include submissions that were also made to Your Say Northern Beaches. One person sent two separate emails to Council. Emails/letters were received from 7 individuals, and from 4 groups: <ul style="list-style-type: none">- Palm Beach Protection Group- Palm Beach and Whale Beach Association- Pittwater Natural Heritage Association- Pittwater Unleashed
TOTAL	118	

2.1.2 Respondents to Your Say Northern Beaches

Page visits and document views

Many people were motivated to engage with and inform themselves about the project pages and documents about the Station Beach Review of Environmental Factors on the Your Say Northern Beaches website.

1,730 visits were made to the Your Say Northern Beaches website during the public exhibition of the REF, and 1,187 people visited at least one page on the website.

609 visitors downloaded 858 documents, averaging 1.4 documents each. Of the documents available in the Document Library for viewing and download:

- ☐ 586 visitors viewed and/or downloaded the Review of Environmental Factors 816 times, averaging 1.4 times each
- ☐ 50 visitors viewed and/or downloaded the Station Beach Concept Plan
- ☐ 16 visitors viewed and/or downloaded the 2008 Review of Environmental Factors: Proposed trial of an unleashed dog swimming area at Station Beach, Palm Beach (NGH Environmental, 2008).

Number of responses

110 responses were received at Your Say Northern Beaches on the closing date for responses of 12 July 2019. When compiling and analysing the responses it was noticed that some people had made 2 or 3 responses, thus skewing the number of online survey submissions by 7%.

Northern Beaches Council treats public submissions by counting:

- ☐ one submission from one individual (regardless of how many times they comment/submit)
- ☐ one submission from each family member (not household) as everyone has the right to comment.
- ☐ one submission from each association, but note clearly that the submission is from a group and represents the views of the members.

When the multiple (more than one) responses from one person were not counted in the total number of submissions, the total number of respondents to the online survey at Your Say Northern Beaches became 102.

The responses received at Your Say Northern Beaches were from people who 'self-selected' themselves to respond to the online survey, and represent the views of those people only. Therefore, it cannot be implied that the online survey data, and any conclusions drawn from aggregating responses to the online survey, is representative of the views of the general community.

Groups which respondents identified with

Groups that people commenting via Your Say Northern Beaches identified themselves with are:

- ☐ Palm Beach Protection Group (3 people)
- ☐ Bayview Church Point Residents Association (1)
- ☐ Boat Owners Association of NSW Inc (1)
- ☐ Manly Dogs (1)
- ☐ Newport Residents Association (1)
- ☐ Northern Beaches Greens (1)
- ☐ Pittwater Pathways (1)
- ☐ Pittwater Unleashed (1)
- ☐ Surfrider Foundation Northern Beaches Branch (1).

Place of residence

Written responses to Your Say Northern Beaches were received from residents of a wide range of suburbs throughout the Northern Beaches LGA, the northern suburbs of Sydney, and from further afield. Refer to Figure 4 below which shows the postcodes in which respondents live.

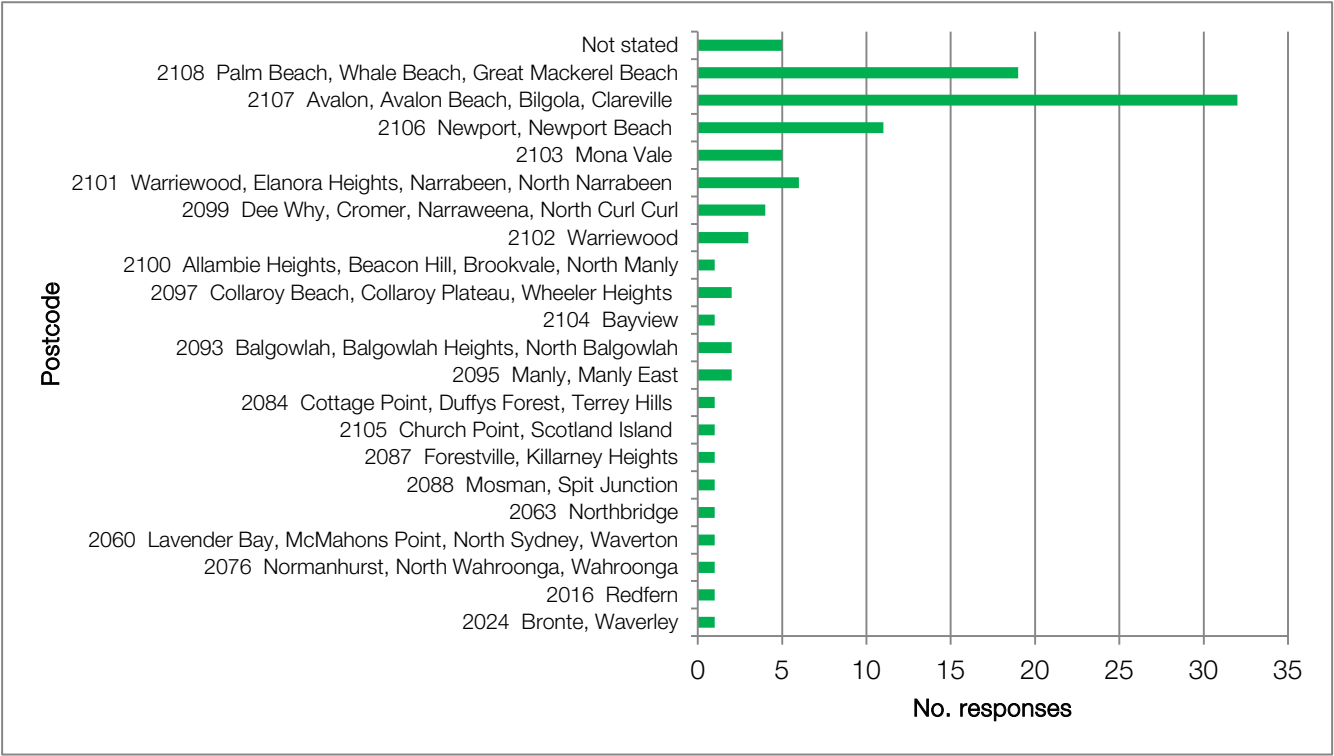
Peninsula residents (Palm Beach, Whale Beach, Avalon / Avalon Beach and Newport residents) comprise 61% of respondents to Your Say Northern Beaches.

Other Northern Beaches residents comprise a further 28% of Your Say Northern Beaches respondents.

6% of respondents to Your Say are from outside the Northern Beaches, as far afield as Bronte-Waverley.

5% of respondents, who may or may not be local and/or Northern Beaches residents, didn't record their suburb in Your Say Northern Beaches.

Figure 8 Postcode of respondents to Your Say Northern Beaches



2.2 Views about the proposed trial

The level of support for the proposed trial among the 118 respondents is:

- 62 or 52.5% support the trial
- 53 or 45.0% oppose the trial
- 3 or 2.5% did not provide a comment, or their view was unclear.

Two people stated they had supported the trial before reading the REF, but had changed their mind to oppose the trial after reading about the environmental impacts in the REF.

2.3 General comments about the trial

Some submissions reiterated general comments made during the community engagement about the proposed off leash dog trial at Station Beach between November 2018 and February 2019, and did not address the REF. Such comments made by supporters of the trial and opponents of the trial, are outlined below.

Comments which address environmental issues are in Section 2.4 onwards.

A summary discussion of all responses by comments made is outlined below. The points made are drawn from the public submissions only, and are not the views of Northern Beaches Council or the author.

2.3.1 Support for the trial

Supporters of the trial most want Council to implement the trial because the process and decision have taken too long already.

Reasons given for wanting Station Beach as an off leash swimming area for dogs include:

- ☐ Station Beach has been used for off leash dog walking for many years without incident.
- ☐ dog regulations on the Northern Beaches are too restrictive.
- ☐ the need for more off leash areas in Pittwater, particularly on beaches, and at the northern end of the peninsula.
- ☐ the dog off leash beach at Rowland Reserve is highly used. Station Beach will provide an alternative to take the usage pressure off Rowland Reserve, and make both Rowland Reserve and Station Beach safer for smaller dogs.
- ☐ dog owners want equitable access to beaches to enjoy time with their dog, and where the dogs can swim, run and play.
- ☐ people who want to use the beach and who don't like dogs can go to other nicer beaches.
- ☐ off leash dog access to beaches has mental health and social benefits.
- ☐ most dog owners are responsible in terms of dogs barking, and picking up and disposing of faeces, and would adhere to the restrictions of the trial.
- ☐ off leash dog access to beaches works in many other places.

Station Beach is supported as a good location for off leash dogs because it is underused for swimming and picnics, accessible, free of ticks, and no houses adjoin the beach.

One supporter stated the trial should be 24 hours a day, and another said the hours should be earlier on winter afternoons when the beach isn't used. Another supporter thinks the proposed trial hours would not disturb residents.

Other desired places for off leash dog beaches are North Palm Beach, North Newport Beach, south Mona Vale Beach, between Dee Why and Long Reef beaches, and in the middle of other beaches.

Comments from supporters about the findings of the REF are that they are positive, common-sense, and consistent with the findings of the 2008 REF.

Supporters conclude that the trial should proceed because there will be no or minimal environmental impacts, and government agencies don't object to the trial on environmental grounds, and so environmental impacts cannot be used as a reason to refuse the trial.

Some people who support the trial place conditions on their support, such as satisfying environmental concerns during the trial, carrying out mitigative measures properly, and monitoring the key areas outlined in the REF.

2.3.2 Opposition to the trial

Some opponents to the trial stated the trial is ill-conceived and should not proceed. They raised concerns about the trial reflecting poor environmental management and leaving a poor legacy for the next generation. Council's decision about the trial should not be based on the numbers of people making submissions for and against the trial, but instead on making a responsible decision doing the right thing for the residents.

Reasons for opposing the trial included:

- ☐ there are sufficient off leash dog exercise areas in Pittwater, including Rowland Reserve and Careel Bay.
- ☐ dogs belong in parks, not on beaches
- ☐ people walk and swim their dogs off leash elsewhere in public places (shops, beaches, cafes) despite official off leash areas being provided
- ☐ Station Beach is an ecologically sensitive area and sanctuary
- ☐ dog owners will ignore the signs and take their dogs outside the trial area to north Station Beach and the National Park
- ☐ dogs and their owners have taken over the beach at Rowland Reserve
- ☐ dogs make life unpleasant or dangerous for others, such as leaving urine and faeces for people to step in, and dogs frighten people.
- ☐ dog owners are not responsible by ignoring their dog defecating and not picking it up
- ☐ dog owners knew dogs were not allowed on beaches before acquiring their dog
- ☐ dog owners want more off leash areas, and Council should resist this continual push

The key concerns of respondents who commented about the contents of the REF are:

- ☐ impacts of dogs and people on protected sea grass beds
- ☐ visual impacts of the proposed tidal markers
- ☐ the change of use of the beach to a dog beach, which will restrict and exclude other beach users
- ☐ safety of people on the beach from unleashed dogs and from golf balls, and the safety of golfers on the golf course
- ☐ public health concerns from dog urine and faeces on the beach and in the water.

Comments about the trial parameters from opponents of the trial were:

- ☐ questioned Council relying on Pittwater Unleashed to set the parameters of the trial rather than undertaking wider community consultation.
- ☐ no review was undertaken of the proposed 700 metres length of beach from the Beach Road carpark to The Boathouse Café. This substantial distance could result in dog owners being some distance from their dog, causing safety, pollution and control issues on the beach, in the water particularly at low tide, and on the golf course. The Department of Lands advised Pittwater Council in 2007 that potential impact could be more readily monitored in a smaller area of 100-200 metres.
- ☐ no review of the proposed times was undertaken in the REF. The proposed trial hours in the mornings and afternoons correspond to the times that families with children, joggers and walkers, and others use the beach to avoid the midday sun. Opponents think that dog owners will ignore the proposed trial times because they walk their dogs on the beach at all times now.
- ☐ the 12 month trial duration could result in long term and potentially irreversible environmental impacts.

If the trial proceeds then it should be properly monitored and enforced, with offending dog owners fined. If that is done properly then the environmental damage may be limited. The costs of the trial could be raised from parking fees during the trial times.

Concerns were expressed about the costs of preparing the REF, which could have been better used to pay rangers to enforce existing regulations on Station Beach.

2.4 Submissions about environmental impacts

2.4.1 General comments

The area is also environmentally sensitive and to have a dog park at one end and a marine reserve and national park at the other is a nonsense.

There will always be rule breakers as there are now but if they are given permission to use this area the place will be over run and filthy in no time. This area is too environmentally sensitive to allow dogs on it at all. Once this is allowed it will ruin the beach and the fragile eco systems. In an age when we have a massive wildlife extinction rate this is a huge mistake.

The headings below correspond to the headings used by Cardno in Section 5 ‘Environmental Assessment’ in the REF.

2.4.2 Traffic and access

Station Beach is considered as being accessible for all groups of people.

The REF recognises that there will be a significant increase in traffic to Station Beach resulting in parking deficiencies. An increase in the number of dog owners bringing their dogs to Station Beach will increase traffic and competition for parking spaces in Palm Beach generally and in the Waratah Road/Beach Road vicinity. This will make existing traffic and parking congestion worse (especially on weekends, public holidays and peak summer holidays), lead to double parking and parking in front of driveways, causing tension with local residents and visitors.

The REF is incorrect in saying that the trial times are likely to coincide with off peak or lower demand times for other beach users, thus having less impact on available car parking. Many beach users visit the beach in the morning before 10am and late in the afternoon to avoid the strong midday sun in summer.

A traffic or congestion study was not carried out during preparation of the REF to properly assess the impact of additional traffic associated with the trial.

The REF does not recommend that an independent traffic impact study be commissioned by Council before considering a trial.

One person who supports the trial doesn’t see traffic and parking as an issue given the proposed off-peak off leash times.

2.4.3 Marine biodiversity

The REF noted that:

- ☐ three species of seagrass are present in Pittwater, including in the shallows along Station Beach.
- ☐ seagrass beds are important as a nursery for juvenile fish, and habitat and a food source for invertebrates, plankton, and fish species higher up the food chain.

- ❑ *Posidonia australis* is listed as endangered under the *Fisheries Management Act 1994*.
- ❑ the seagrass beds off Station Beach are the largest continuous beds of seagrass in the Pittwater Estuary and are listed as a threatened ecological community.
- ❑ seagrass beds at Station Beach are protected under State and Commonwealth legislation, and the Pittwater Waterway Strategy includes a direction to investigate a “no-go” zone to protect the seagrass habitats with the Department of Primary Industries-Fisheries.
- ❑ *P. australis* at Station Beach is a larger seagrass plant and is considered to have a lower recovery rate to disturbance. The REF assesses that disturbance to seagrass from dogs swimming during low tide in the dog swim area is likely to be very high, and that *P. australis* has a low capacity to respond to such disturbance.
- ❑ The group Syngnathiforms containing seahorses, pipefish, pipehorses and seadragons is known to exist in seagrass habitat in NSW waters, including the White's seahorse which is listed on the IUCN Red List of Threatened Species. Habitat destruction is one of the main threats to the White's Seahorse globally. All species of *Syngnathiformes* are listed as “protected” under the NSW Fisheries Management Act.
- ❑ Seven species of endangered seahorses were found in a study in Pittwater.
- ❑ Presence of invasive marine algae *Caulerpa taxiflora* which is a threat to *P. australis*.
- ❑ Destruction of habitat is a key threat to endangered fish species.
- ❑ damage to the seagrass bed is already widespread, and that further damage from dog swimming should be avoided, consistent with conservation advice for the *P. australis* ecological community in Pittwater from the Commonwealth Department of the Environment.
- ❑ The REF recognises the negative impact of the trial on the seagrass, and recommends the length of the off-leash area is reduced by 30 metres.
- ❑ The REF states that “*The trial is unlikely to have any significant or long-term negative environmental impacts providing the appropriate mitigation measures outlined in this REF are implemented during this trial.*”
- ❑ The REF acknowledges compliance issues with the trial and the need for additional patrols.

Opponents to the trial express concern that:

- ❑ dogs currently run through the seagrass at low tide and defecate directly on the seagrass. Dogs and people in the water on Station Beach could damage the seagrass and supporting marine ecosystem in the long term from trampling of the seagrass and pollution of the water.
- ❑ the proposed trial is not consistent with Commonwealth and State legislation, and the Pittwater Waterway Strategy.
- ❑ unleashed dogs are a threat to marine species such as fish, seahorses, stingrays, penguins, turtles and seals.
- ❑ dog faeces on seagrass leaves will reduce its productivity.
- ❑ Station Beach is a poor choice of location for off leash dogs in close proximity to the seagrass beds.
- ❑ dog owners will not control their dogs in the water which will result in damage to the seagrass.
- ❑ damage to the sea grass caused by dogs and people will be in addition to damage caused by storms and by other environmental pressures off Station Beach including jet skis, propellers, anchoring, moorings, shading, and water pollution.

The seagrass bed at Station Beach is very close to the water line at low tide. The analysis in Appendix C of the REF shows that, even at high tide, only three locations in the southern part of the off-leash area will have adequate depth to accommodate dog swimming over the seagrass

without disturbing the seagrass. At low tide, no locations have adequate water depth for dog swimming. Where there is inadequate depth, dogs can only walk across the sediments and seagrass beds. (see p.16, s.6.1.2 Appendix C REF). Clearly there is high potential for damage and destruction to sea grass. This same conclusion is reached in the REF with the following findings:

"Given widespread damage to sea grass beds from other human disturbance off Station Beach, any further damage from dog swimming should be avoided."; and

"Serious consideration should be given to whether the introduction of a dog swimming area at Station Beach adjacent to the largest seagrass bed in the Pittwater estuary is consistent with the intent of the legislative and policy commitments provided in Section 2.1.1 of this report and Northern Beaches Council own Draft Pittwater Waterway Strategy. This would be consistent with the conservation advice for *P. australis* ecological community in Pittwater from the Commonwealth of Australia Department of the Environment." (p.27 Appendix C REF).

Any decision by Council to allow the introduction of new damaging activities in what is the most pristine seagrass community in the whole of the Pittwater is unacceptable.

I urge Council to take its responsibility for the protection of the environment seriously. So many of Council's other efforts for the environment, such as recycling, solar panels, and promotion of sustainable practices to the community, are wasted if it allows for the introduction of damaging activities which threaten rare and vulnerable ecological communities. The sea grass currently enjoys protection from relatively low levels of human activity in this location at Station Beach, and it should remain so.

A supporter of the trial stated that informal off leash use of Station Beach over many years has had minimal ill effect on the seagrass and its inhabitants.

Opponents to the trial want Council to make sure that the recommendations of the Department of Industry-Fisheries and Department of Industry-Land and Water are complied with during the trial.

The two proposed mitigative measures to protect the seagrass are:

- ☐ a 3 metre buffer zone line in front of the seagrass meadow parallel to the beach defining the dog swim area east of this line
- ☐ installing a series of off-shore boundary markers/piers to visually define the buffer zone line.

The Boat Owners Association questioned the recommendations made by Karen Astles of the Department of Industry – Fisheries, because jurisdiction for activities on the surface of the waterway is vested with Roads and Maritime Services, and there are no general bans on dogs swimming in the waterway.

Pittwater Unleashed pointed out that the introduction of three buffers – a minimum 1 metre of clear water depth above the seagrass bed, the 3 metre buffer to the shore side of the shoreward edge of the meadow, and the 30 metre buffer shifting the southern boundary of the dog swim area 30 metres further north – would be an “administrative nightmare”. It makes no sense to prevent dogs coming into contact with the shoreward edge which is shredded in windy conditions coinciding with a very low tide. Dogs should not be prevented from swimming above this shoreward edge, or within 3 metres of it, even when swimming is at a height of some 2 metres above the seagrass. The proposed additional 30 metre buffer is not necessary, because the narrowing 10-20 metre belt of *Zostera* that sees *Posidonia* come closer to the shore in the south had already been taken into account when setting the 80 metre offset north of Beach Road. The southern limit of the advertised trial parameter coincides with the absence of *Posidonia* at the shoreline and also includes the desirable shade tree for dogs, but the revised area excludes the shade tree. The northern limit of the off-leash area should be the wharf.

Figure 9 Location of the revised southern trial boundary



Excerpt taken from page 23 of the Astles report
Source: Pittwater Unleashed

A supporter of the trial noted that dogs can swim in half a metre of water, so the 3 metre buffer is unnecessary, and the trial area should not be shortened by 30 metres so the shade tree is included in the trial area and people would have easier access from the Boathouse.

Regarding the recommended mitigative measures, opponents to the trial observed that the 3 metre buffer means that there will be no adequate swimming area for dogs in the dog swim area at low tide, and that at high tide only the southern end of the proposed dog swim area will have adequate depth and width to allow dog swimming, and only if high tide corresponds with the proposed morning and afternoon dog swimming times. This restriction defeats the prime purpose of the trial to provide continuous off leash dog swimming at Station Beach. On this basis several opponents questioned the point of the trial.

Other supporters noted the restrictions relating to sea grasses and monitoring of sea grasses were excessive.

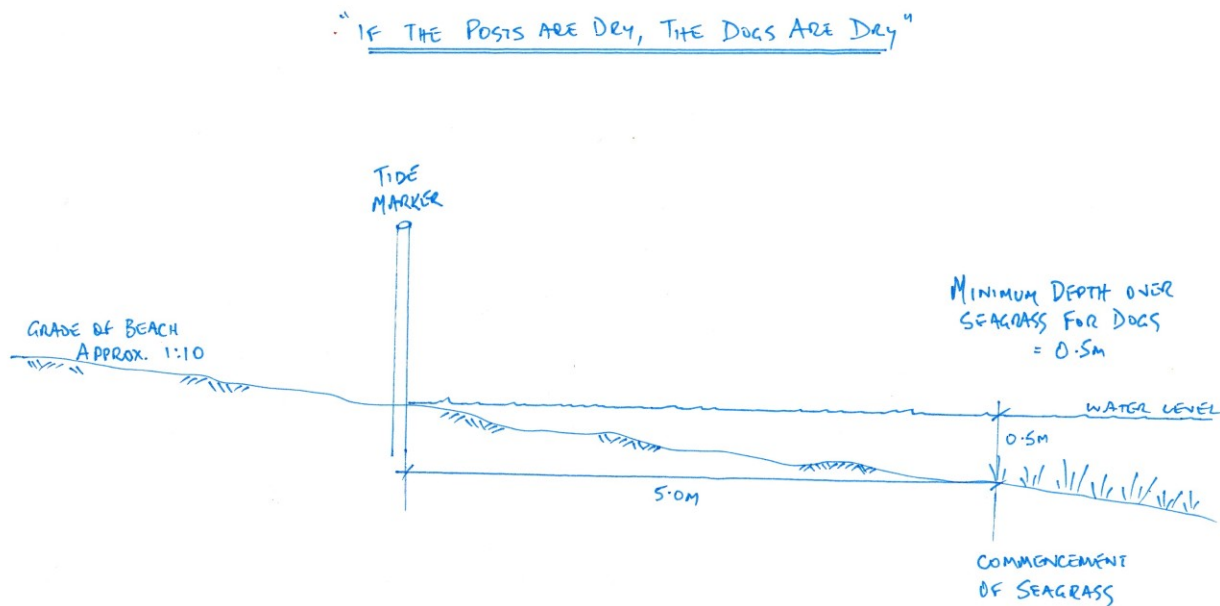
The recommended seven off shore boundary markers were not popular with either supporters or opponents of the trial. Most comments about the markers related to visual impacts which are outlined below. Others observed that dogs and dog owners would ignore the markers and so enforcement of this recommendation would be impractical.

Alternative solutions were suggested, such as:

- ☐ one, two or three posts only showing the depth sufficient for dog swimming. Pittwater Unleashed suggested a system of one post at each end, and possibly one in the middle, located 5 metres to the shore side of the shoreward edge of the seagrass meadow (see Figure 10 below). The northern post could be a wharf pylon. The management rule to be adopted would be "If the posts are dry, the dogs are dry". As such the dogs would not enter the water unless there is a minimum depth of 0.5 metres over the seagrass.
- ☐ a sign at each end advising of fines for allowing dogs to run of the seagrass at low tide
- ☐ fences, including an electric fence, barbed wire
- ☐ buoys on chains.

Many people were concerned about compliance with the buffer zone line and the dog swim area, which would require compliance by dog owners and continuous/full-time enforcement by Council rangers. Dog owners ignore signs at the moment, and opponents to the trail doubted they would observe signs and offshore boundary markers during the trial. Dog owners visiting the beach at low tide and finding that their dog would not be able to swim would be disappointed, and would lead to compliance breaches.

Figure 10 Suggested location of markers



Source: Pittwater Unleashed

Shortcomings of the REF regarding marine biodiversity are:

- ❑ Some of the critically endangered species listed in the REF have been photographed at Station Beach – so they are not ‘likely to occur’ – they actually do live here – or ‘do occur’.
- ❑ an up to date seagrass bed map of Station Beach due at the end of 2019 or in 2020 was not available, so the position of the buffer zone line could not be precise.
- ❑ the various impacts of free running dogs on the seagrass meadow and marine ecosystem was not undertaken. An analysis of dog swimming in the dog swim area was not carried out. How many dogs are expected to be bounding through the seagrass beds and into seahorse habitats, with what frequency, what estimated seabed disturbance?
- ❑ only the impacts of dogs on sea grass were assessed. Impacts from people entering the water to wade and swim with their dogs should also have been assessed.
- ❑ the cumulative impact of multiple human activities on the intertidal habitats off Station Beach should be considered when assessing the effects of allowing dogs to swim at the beach.
- ❑ Why was the study restricted to only spring tide considerations? The adoption of spring tide characteristics should be re-investigated to include neap tide conditions and whether the sea grass beds during neap tides can, and do, actually become partially exposed to air (and the duration of such exposure) and the particular effects, the degree and the vulnerability to trampling, faeces and the identified risk factors involved during neap Low tide Autumn/ Winter conditions be demonstrated. Reliance on spring tide data only could create an overly optimistic impression of the availability, and range, of beach width clear of the leading edge of sea weed beds.
- ❑ The time of day data availability of sufficiently wide beach width as measured from the leading edge of sea weed growth should be added to the graphological data.
- ❑ Noting that the change-over in tidal range varies after the Autumn Equinox on 22 March each year, lasting until the following equinox on 22 September each year. In this phase, the highest of the 24 hour High tides (and hence the hours of least impact of the trial) occurs during hours of darkness. Conversely in this autumn and winter period, the corresponding lowest of the two daily low tides occurs during the hours of daylight at which time the off leash dog exercise trial could have a significantly worsened impact and much lower

available usage (if the suggested 3 metre minimum rule withstands critical analysis). No accurate, overall estimation of this proposal can be made unless the Autumn/Winter tidal phases are also investigated.

- ❑ What criteria was employed to validate the 3 metre minimum distance from the leading edge of the seagrass beds? How was it arrived at? How can it reasonably be assumed that free range dog behaviour can effectively be constrained by an owner who may be quite distant from a fast moving dog?
- ❑ no assessment of the impact on the seagrass during installation of the markers was undertaken.

The comments from Department of Primary Industries-Fisheries in an email to Council in August 2018 should have been made available prior to exhibition of the REF.

The staff report to Council must include:

- ❑ clear statements of the Fisheries position (as opposed to the Astles suggestions, which should have been confined to the matter of seagrass surveys)
- ❑ most low tides still provide sufficient depth of water for dogs to swim without incurring the risk of dogs running on seagrass - that it is only during periods of very low tides (supermoon tides) that the risk of dogs running on seagrass presents, and this is generally only 3 or 4 times a year.

2.4.4 Hydrology, water quality and sediments

Concerns about the impact of off leash dogs on water at Station Beach are:

- ❑ fouling of the water by the dogs, especially when dogs are off-leash and out of sight. Dogs defecate in the water at Rowland Reserve, and it would be impossible to prevent this happening at Station Beach. Although most dog owners are conscientious about removing their pets' faeces, the local dog parks and off leash beach always have faeces that have been missed. At Bayview dogs enjoying the water are often reluctant to come out even when called by their owners.
- ❑ faecal bacteria washing into waterways, when the body of water in Pittwater is not constantly flushed out as are the surf beaches.
- ❑ people do not want to swim in water in which dogs have defecated or urinated. Local residents who swim at Station Beach daily or regularly will be affected.
- ❑ impact on water quality for people swimming north of the site due to sediment and dog faeces.

One person raised that no mention is made of the extremely damaging and ongoing effects of the stormwater drain by the steps at the south of Station Beach on water quality. Since the study's projected damage likely to be caused by dogs is minuscule compared to that of other human activities happening every day, the emphasis should be on prohibiting those activities, not the occasional dog swim. Times of testing will be known and 'detritus' can be conveniently dropped to interfere.

A supporter of the trial suggested that all Council signage with regard to picking up dog faeces should include faeces deposited in the water.

A shortcomings of the REF in relation to hydrology, water quality and sediments is that an assessment of the soft sediment east of the seagrass was not carried out.

2.4.5 Terrestrial biodiversity

Dogs are not wildlife and their mere presence in an area, even briefly, interferes with biodiversity.

Birds

The Station Beach area is a potential habitat for resident and migratory birds. Waders and sea birds have been observed on Station Beach, which feel happy to rest and feed there because of the lack of noisy activity.

The REF acknowledges off-leash dogs can disturb wildlife such as migratory birds. It is well understood that off-leash dogs can impact on bird nesting and feeding on beaches. Seagrass and seaweed, which are regularly washed up on Station Beach, provide food and nesting material to birdlife. Dogs are natural predators of birds, and will chase and otherwise disrupt bird behaviour on Station Beach should a trial proceed.

The Avifauna Research and Services Pty Ltd report found that Station Beach “is not considered suitable habitat for threatened or migratory shorebirds” because of its narrow and steeply sloping nature”. However, the report found that other species like cormorants, gulls, terns, pelicans, ducks and swans feed “over and within the seagrass meadows during high tide or when exposed during extreme low tides where the abundance of fish and other marine fauna appears to be high”. “Most of these birds would not be disturbed to any significant degree unless dogs were allowed to run into the seagrass beds ...,” the author Phil Straw found. As a frequent user of other dog parks on the Northern Beaches (especially at Bayview) it would be nearly impossible to ensure dogs remained clear of the seagrass beds no matter what sort of markers were erected. The remark by the report’s author that moving dogs from Careel Bay (with its migratory bird breeding grounds) would take pressure off that population does not justify creating an environmental hazard elsewhere.

A shortcoming of the REF in relation to birds is that the bird study was only conducted over three months and lacks sufficient data to be useful. A migratory bird study is typically conducted over a 12 month period.

Fairy penguins and seals on Lion Island

The REF ignores the fairy penguins on Lion Island, and the nearby seal colony. A local resident recently saw seven seals reclining off nearby Barrenjoey Headland.

Dogs swimming near the sea grass beds at Station Beach will affect the feeding habits of fairy penguins which have a colony on nearby Lion Island. The NSW National Parks and Wildlife Service have recently taken measures to protect and increase this one of two colonies of fairy penguins in Sydney.

The proximity of a seal colony and the penguin colony at Lion Island should make a dog trial unacceptable.

One supporter of the trial stated that concern for the penguins on Lion Island was not genuine, because the penguins are eaten by the fur seals on Barrenjoey. In addition, people who are concerned about the impact of the trial on the Lion Island fauna don’t campaign against dog swimming beaches closer to Lion Island, such as Pearl Beach, Umina and Ettalong.

Penguins and other wildlife are already affected by the increase in size of ferries and increase in ferry services and jetskis. Dogs would not have any further impact on penguins which would be the same as children playing on the beach or in the shallows.

2.4.6 Socio-economic

Amenity of Station Beach

Many respondents value the amenity of Station Beach and the Palm Beach area.

Palm Beach is special. Let’s keep it that way.

Station Beach is the last eastern Pittwater Estuary beach which is free from houses and other structures.

Station Beach is one of the few beaches along the east coast of Australia that allows for the view of the setting sun behind land with water in the foreground.

Frequently I have enjoyed walking along this beach and marvelled at the glorious view.

Change in use of Station Beach to a dog beach

The REF ignores local community feedback about beach usage, and that the beach is heavily used in the early mornings and late afternoons in direct conflict with the proposed off-leash time parameters.

What about all the families that take their young babies and toddlers to the beach to swim and play, as it a safe, non-threatening bay with no big beach swell? What about all the families that picnic along the beach on the weekend? And you are considering putting the dog's needs in front of theirs?

Cardno acknowledged during their site visits the presence of medium to large off-leash dogs on Station Beach despite clear “No Dogs” signage. “This indicates that compliance to the rules of a dog swim area may be a significant issue.” This corroborates what local residents have been reporting for some time; that dog owners routinely ignore signage, allowing their dogs off-leash from the southern Beach Road car park, running on to the beach in all directions, at all times and days, and disturbing visitors on the beach and local residents.

Figure 11 Recreational use of Station Beach



Off-leash dogs on Station Beach will affect tourists and families visiting the beach.
The proposed offshore markers will affect recreational boats.
Source: Palm Beach Protection Group

The REF fails to address the quantum and concentration of dogs which would frequent the beach at the proposed trial times. The REF states that there are 50,000 dogs in the Pittwater area, “so the potential for more dogs to be using this area is substantial.” What will the impact be on a small sensitive site like Station Beach? A large concentration of dogs is completely unreasonable on one pristine, peaceful, safe, family-friendly beach. This omission renders many recommendations and mitigation measures irrelevant due to lack of proper numerical study.

Under the trial, Station Beach will effectively become a private, exclusive “dog’s beach.” Permanent offshore markers and onshore signage will alter the character and use of the beach, irrespective of the off-leash times proposed. The change of use of the beach to a dog beach will restrict and exclude other beach users, particularly families with young children, fishers, tourists and others who may wish to visit and enjoy the calm water beach in safety without being bothered by dogs on the beach. It is unacceptable that one group in the community can effectively privatise Station Beach for their own purposes at the expense of driving other members of the community away. The trial implies a “Change of Use” of the beach to a dog’s beach that can be challenged, and which sets a dangerous precedent.

Figure 12 Fishing at Station Beach



Dogs disturbing quiet fishing time at Station Beach. Off-leash dogs will drive away fishermen.
Source: Palm Beach Protection Group

Dogs on Station Beach will also affect walkers who are increasingly using the new walkway from Palm Beach Wharf to Governor Phillip Park, and other activities such as evening weddings.

Shortcomings of the REF in relation to a change in recreational use of the beach are:

- ☐ The REF does not include a qualitative assessment of what are dogs doing at the moment on Station Beach. What is the behaviour of dog owners?
- ☐ There is also no quantitative assessment of the impact of dog numbers on the beach versus visitors. Council must assess visitor numbers prior to a trial commencing especially over the peak summer period. It must determine whether a dog trial has had a negative impact on visitor numbers and experience.
- ☐ The REF has not given weight to the loss to those of us who currently use the beach.
- ☐ The REF offered 'mitigations' without acknowledging the dependence upon dog owners to do the right thing, especially regarding faeces. Rangers can't be there all the time.

One supporter of the trial stated the proposed days and times of use are limited, so the beach will not be over-run with dogs.

Impact of markers on water recreation

Installation of the poles marking the dog swimming area will ruin the beach for other users of the beach and waterway. The poles will disrupt and be dangerous for children playing in the shallows, swimming, kayaking, recreational boating, windsurfing, paddle boarding, fishing, and other activities of beach goers who love this calm and peaceful part of Pittwater.

The posts will become buoys for boats to tie up on, not to mention the danger they will pose to the windsurfers, water-skiers and wake boarders who use the waterway.

Ultimately the implementation piers would exclude people activities for the sole purpose of controlling dogs which can't read signs or markers.

Impact on local residents

Local residents have lodged numerous complaints to Council regarding off-leash dogs in the Beach Road car park and running directly into private residences as well as onto the beach in all directions, often confronting families and visitors on the beach. There is no recognition of the safety issues on or around the beach, and signage has failed to be a deterrent.

There are no designated parking spaces in the Beach Road car park, which makes parking difficult and congested during busier days. It is not uncommon for residences in Beach Road and Waratah Road to have their driveways blocked during these periods, creating understandable frustration by the residents. A trial will amplify all of these issues.

The REF does not reflect the concerns and feedback from local residents over parking, noise from dogs, pollution from dogs, and the current use of Station Beach as an off-leash dog's beach where it is well known that signage is ineffective.

No fencing is proposed in front of nearby beachside residences, allowing dogs to run free and intrude on private property. **[H]**How does Council propose to ensure that off-leash dogs will not invade private residences adjacent to the southern Beach Road car park and Waratah Road where there is no fencing?

Why doesn't the REF measure the impact of the trial from the southern Beach Road car park and Waratah Road, and the impact to local residents? After all, the on-leash part of the trial commences from this area.

We trust our Council will ensure nearby residents are protected from dogs on their properties by reducing the proposed length of beach use. We are also concerned for neighbours likely to be impacted by dogs at the southern end of Station Beach and trust there will be restricted dogs movement at that site.

Impact on tourism

The REF does not recognise that Station Beach is a major tourist destination where people visit from all over Sydney, not just from the Northern Beaches. Many visitors walk the beach to the Boathouse Café and the iconic Barrenjoey Lighthouse.

The use of Station Beach for unleashed dogs is inappropriate with a real potential to environmentally damage one of Sydney's most iconic beaches.

To open an off leash area at Station Beach will encourage people from all over Sydney to bring their dogs, and they will not come just for the morning and evening period. At Mackerel Beach we are constantly telling visitors during the middle of the day that the off leash times are morning and evening to no avail - they've made the trip, and "who are you to tell us otherwise?". They will come for the day and ruin the experience for the non dog owners and children who use this beach for its relative non surf safety.

Impact on Boathouse café

The proposal will impact on the Boathouse business. There should not be a 10 metre exclusion zone around the business.

Social impact

Palm Beach is enjoyed by a very broad group of the greater Sydney community.

The amenity of the broader community will be compromised through loss of public open space. Not everyone is a dog lover.

Some users of Station Beach are apprehensive about conflicts with owners of dogs using Station Beach. Some owners are aggressively sensitive to any suggestion that they/their dog are behaving unsociably or illegally. Unfortunately these are the owners most likely to be dismissive of the rules.

2.4.7 Waste management

People are concerned about dog faeces not being picked up and left on the beach, as well as dog waste bags being left on the beach.

Opponents to the trial appreciate that there are some responsible dog owners who clean up after their dogs. Some have noticed dog droppings in the street, and that when a group of dog owners congregate very little notice is taken of their dog's activity. Far too many owners pick up their dogs droppings and then throw the bags into the bush, in the mangroves behind the Careel Bay dog park, or leave them beside their car or in the gutter. Dog owners may have publicly cleaned up after their dogs but they then privately threw the bags away.

One supporter of the trial observed that no mention is made in the REF of the extremely damaging and ongoing effects of the stormwater drain right by the steps at the south of Station Beach on pollution. Since the study's projected damage likely to be caused by dogs is minuscule compared to that of other human activities happening every day, the emphasis should be on prohibiting those activities, not the occasional dog swim. Times of testing will be known and 'detritus' can be conveniently dropped to interfere. The claim that Station Beach has little rubbish is blatantly untrue, it is riven with plastic and other debris which walkers pick up. Make no mistake, we want our beach to be environmentally sound. Our dogs will not be the culprits if there are now material changes.

2.4.8 Noise

Water is an excellent noise carrier and the noise generated will carry for kilometres. There are a silent majority who want to enjoy the beach for its serenity and peaceful lapping over the waves.

The REF completely misinterprets the potential impact of noise to local residents. The southern end of the trial area commences from the Beach Road car park. This is the on-leash area prior to the off-leash area commencing approximately 100 metres north of the car park. The REF mistakenly measures the impact of noise / barking of dogs from the commencement of the off-leash area to the local residences (page 28). In reality, the dogs are barking from the Beach Road car park, immediately adjacent to No.2 Waratah Road at Palm Beach, and close to other neighbouring residences. There is no reasonable distance buffer to these immediate houses, and noise was at unacceptable levels during the summer trial period. Noise will be much worse under a full trial. Irrespective of the on-leash and off-leash areas, dogs will naturally bark but immediate residents should not bear the brunt of this.

The noise issue highlights the unsuitability of Station Beach and Beach Road as an access point. It unfairly places a significant burden on the immediate residents – be it directly from the car park area and nearby streets, or from the beach for the Pittwater-facing houses.

No mitigation measures can address this noise issue, short of closing the southern entrance to Station Beach to dogs.

2.4.9 Climate and air quality

No comments made

2.4.10 Heritage

No comments made

2.4.11 Other environmental impacts

Safety

Safety of visitors to the beach from dogs

The REF does not assess the safety risk of visitors to the beach from unleashed dogs.

The REF does not acknowledge the conflict and safety issues associated with a large number of off-leash dogs on the beach and other users of the beach, including families with children, the elderly, local residents, joggers and tourists. Children and adults paddle and walk along this beach. This is a basic conflict of use on this narrow beach.

The REF ignores current practice where dogs are let off-leash from the Beach Road car park and run directly onto the beach, often approaching families, visitors, tourists, without regard for safety.

This trial has not commenced but there are often dogs of irresponsible dog owners unleashed on this beach well outside the proposed boundaries and proposed allowable time frames.

The proposed morning and afternoon off-leash times coincide with when many other people, including families, use the beach, which will lead to inevitable conflict.

Visitors to the beach (other than dog owners and their off-leash dogs) will be put at risk from harassment and unprovoked dog attacks, which should not be tolerated by the community and Council. There were 38 dog attacks on the Northern Beaches in the first half of 2018 alone, and 800 dog attacks in NSW last year.

The community has a right to access and use Station Beach at any time and not be harmed by off-leash dogs.

This is a popular and safe beach for young children whose health and safety should not be put at risk because dog owners, who will have driven past several designated off leash areas to get to Palm Beach, want to have their animals everywhere.

Opponents to the trial pointed out that off leash dogs running ahead of their owners often can't be controlled. An off leash dog bent on attack will likely be running well ahead of its owner, thus minimising control.

There is particular concern about the safety risk of unleashed dogs with children. Even friendly dogs can be scary when they run up to a child. Children are defenceless against an excited dog, and two excited dogs together can exacerbate the problem of interaction. It only takes one incident where a child is menaced or threatened by an uncontrolled dog to make this whole idea unforgiveable and negligent.

I hope you have considered that this notion will include all varieties of dogs – not just the friendly playful dogs, but the stronger, more ferocious ones i.e. Staffordshire Bull terriers and Bulldogs. One wrong move, and a dog like that could run up to a child playing on the beach. Dogs are animals and react instinctively. Imagine a tragic and horrific child mauling case on the beach by an off-lead animal? The advantages to keeping your dog on a leash far outweigh the potential consequences of not.

I'm sure those who would like to use this area for their dogs are writing to you in considerable numbers - most non dog owners don't even know this is going on. Please don't let a dreadful attack on a child be the way they find out.

One opponent to the trial related this experience:

I have enjoyed taking my family to Station Beach for 50 years but my 2 year old granddaughter was menaced by 3 unleashed dogs recently while swimming with me at Station Beach as various owners called out “don’t worry, they won’t bite”. She is now very fearful of dogs and we don’t go there any more but others do, including tourists with children.

Another reported:

Just the other day, I walked the beach to the Lighthouse, and an off lead dog came running up to me and starting snapping at my heels and running circles around me. I wasn’t wary but put off, yes.

Another reported seeing a recent news report of dogs attacking a man and his horse on a Wollongong beach. It says the owner of the first dog to attack did not come to the rescue and was not at all able to control her dog.

Dog owners must at all times maintain control of their animals in public places. Dogs are animals and react instinctively. Dog owners may claim to know the nature of their animals, but with animals that so-called knowledge can never be certain.

Please keep the beach how it is. Dog owners who wish to walk their dogs, can totally do so, but isn’t on lead enough? This way everyone can enjoy the beach.

The REF notes that at high tides the beach width narrows. The beach width at high tide can be less than 3 metres in parts, making it very difficult for other users of the beach to avoid off-leash dogs. There is no shoulder to the beach (being flanked by the adjacent golf course), and no safe space for people trying to avoid unwanted approaches or attacks by off-leash dogs. Other dog parks are in designated park spaces and typically fenced, to protect the public. There would be no such safe space on Station Beach.

The REF’s totally unsatisfactory response on safety risk to beach users is reduced to; “health and safety would be dependent upon dog owners maintaining control of their pets.” Numerous well respected dog trainers acknowledge that off leash dogs in packs can become unmanageable. It is of particular concern that Station Beach is considered in the first instance as it is an unfenced area adjacent to the golf course.

The council have a responsibility to the locals to maintain this area as a safe place to be. Will the Council monitor and control this dangerous situation now and in the future?

Safety of golfers and beach users

The REF acknowledges there is no fencing to the adjacent golf course from Station Beach, and so there is the capacity for people and dogs to easily access the golf course, and risks to beach users from golf balls.

The REF does not propose any restrictions on off-leash dogs accessing the golf course. The modest natural division between the beach and the golf course is regarded as being sufficient. This is contrary to current activity, where dogs routinely run on to the golf course and could create a dangerous situation.

Protecting visitors to the beach from stray golf balls is also not addressed in the REF.

You are also likely to be hit on the head and killed by a stray flying golf ball as very nearly happened to me on one occasion. I know of people who will not venture on to the beach with children because of that risk.

The REF does not assess the safety risk of the lack of fencing to the neighbouring golf course. The REF does not propose any action here apart from recommending to Council to consider undertaking a risk assessment on golf balls. Clearly this is insufficient. Why has there been no

risk analysis of the golf course in respect of the trial? Surely this analysis needs to be completed before any trial can commence?

A risk assessment, as referred to in the REF, on the impact of the golf course should be made available to the community prior to any formal consideration of the proposal.

What is the security plan to stop off-leash dogs running on to the neighbouring unfenced golf course, and the safety plan for beach users from stray golf balls going on to the beach?

Visual impact

Tide markers

REF Recommendation 2: Install a series of offshore boundary markers/piers to visually define the Buffer Zone Line

A series of unsightly offshore boundary markers/piers will have to be placed at intervals to define the dog swim area. The markers will be highly visible at low tide and even fully exposed during very low tides. The markers will visually deface Station Beach.

The REF does not disclose the number, position and height of the tidal markers. In consultation with Council, we understand there could be up to 7 markers (250mm diameter hardwood piles) placed at equal intervals along the Buffer Zone Line. The markers would be up to approximately 2.5 metres in height to allow at least 1 metre above the high tide mark. The colour of the markers and whether they would be lit at night is not disclosed in the REF.

The following steps should be addressed to accurately determine the efficacy of a Buffer Zone Line:

- ☐ Obtain an up to date seagrass bed map of Station Beach. This will then accurately define the Buffer Zone Line and DSA.
- ☐ We will then be able to determine the extent of the dog swimming activity permitted east of the Buffer Zone Line, recognising that swimming at low tide is already not possible. It will simply be a matter of understanding the restricted swimming capacity at higher tides.
- ☐ Once the Buffer Zone Line is defined, we can then understand where the recommended tidal position markers should be placed.
- ☐ We will then be able to assess the visual impact of the tidal markers and comment accordingly. It is clear, that the closer the tidal markers are to the beach, the more exposed they will be at low tide and hence have a greater visual impact.

We fail to understand how Council could consider the installation of unsightly offshore markers/piers directly in front of a highly endangered marine seagrass species, when this contravenes its own environmental and sustainability principles regarding safeguarding coastal ecosystems. The REF is disingenuous in that it does not reveal the full visual impact of the proposed markers and the enormous impact they will have on this pristine beach. The images below follow our discussions with Council over the offshore marker positioning, quantity and height.

There is strong concern among both supporters and opponents of the trial about the visual impact of the markers on Station Beach and the Palm Beach area.

Any markers off the beach will be highly visible, extraordinarily unsightly and without precedent in Australia.

The installation of permanent markers would negatively impact the scenic amenity of Station Beach, Pittwater and the nearby National Heritage listed Ku-ring-gai Chase National Park.

Figure 13 Photomontage of proposed markers at Station Beach looking north



VISUAL IMPACT: Offshore boundary markers/piers defining the 3m Buffer Zone in front of the seagrass at Station Beach. Up to 7 markers, 2.5m high are expected over the 600m off-leash area.
Source: Palm Beach Protection Group

Figure 14 Photomontage of proposed markers at Station Beach looking south



Looking south from the Boathouse Café along Station Beach and the unsightly offshore boundary markers in front of the seagrass meadow. These markers will be fully exposed at very low tides.
Source: Palm Beach Protection Group

The installation of markers off Station Beach in an attempt to stop dogs running across the seagrass would create an eyesore off the beach in an area that is one of Sydney's foremost tourist attractions.

Why should we allow offshore markers to destroy the visual beauty of Station Beach?

This will deface our beautiful beach!!!! and deface PALM BEACH

This would result in a visual violation of iconic Palm Beach !!

The recommended mitigation measure including the implementation of piers (about seven in accordance to council advice) to delineate the non usable / trafficable area over sensitive sea grass is nothing short of environmental vandalism ! In our view, these piers would result in a complete aesthetic and physical violation of the pristine beach environment. Ultimately the implementation piers would deface a beautiful beach for the sole purpose of controlling dogs which can't read signs or markers!

The proposal to install off shore permanent offshore markers/piers is not appropriate will be unsightly and ineffective.

To delineate a three metre buffer east of the seagrass meadow using poles will certainty spoil the scenic amenity of Station Beach.

The need to physically define boundaries (fence/pylons?) for dog access on tidal flats is an imposition on the environment and visual amenity

The proposal to install off shore permanent offshore markers/piers is quite ridiculous. They will be unsightly and to assume they will be observed as a dog boundary is ludicrous. It will be impossible for NBC to enforce as is demonstrated by other supposedly no dog areas where one often sees dogs.

The introduction of offshore markers is a very significant issue concerning the trial with major ramifications around the presentation of Station Beach and protecting the seagrass meadow. It is for this reason that the REF should have been released during the community consultation exercise. We consider this a major failure of process by Council surrounding this trial.

How much will this idea cost the ratepayers to visually pollute the beach? Who and how will it be policed? Council rangers are ineffective in keeping dogs of beaches at the moment.

Signage

Installation of numerous signs and other monitoring measures will be unsightly and unless patrolled by Council will not be adhered to by most dog owners.

Visual pollution with the signage required during trial period. Over ten in an area only 3 metres wide (high tide) and 600 metres long.

Fencing of the golf course

The sight and cost of erecting fencing along the perimeter of the course is certainly undesirable as that area of North Palm Beach is very natural and needs to remain so.

Public health

Dog faeces is apparent in the car park and on Station Beach, presenting a raft of health issues not addressed in the REF.

Dogs urinating and defecating where children and adults enjoy a beach environment create a real and material public health risk. Beach areas are different and distinct from public roads and

other 'non-sand' environments, as beaches are enjoyed by sitting on, playing on and walking with bare feet. As such there is a real risk of transmission of germs and disease if dogs are allowed on beaches.

The REF says '(5.6.2) 'incorrectly disposed of dog faeces poses a potential risk to human health and water quality'. Right there is enough reason not to allow this. Whilst many dog owners are responsible - some are not and if even one or two leave faeces there, that isn't acceptable on such a small child-friendly stretch of beach and water.

Station Beach is hugely popular with young families whose children should not have to swim with dogs and play and sit in amongst their urine and faeces.

People expressed concern about children and grandchildren making sandcastles in sand that could be infected with parasites from a dog with diarrhea. One opponent of the trial was told by an eminent London pathologist that children and dogs must not be on the beach, because there is a very real risk of parasites infiltrating the lungs and even the brain causing death. This is a real liability for the council.

The REF assumes all dog owners will collect their dog's faeces. Isn't that contrary to the evidence from other dog parks, creating genuine health and pollution concerns?

The REF concedes that there will be a substantial loss of amenity and health risk due to increased dog excrement on the beach and in the water. It concludes that the beach will lose overall amenity, and alarmingly the beach may be rendered not suitable for swimming due to faecal contamination of the water. Examples of beaches rendered unusable include Sirius Cove at Mosman, and Sandy Bay Reserve at Clontarf.

Structural integrity of the beach

The REF does not investigate the structural integrity of Station Beach, taking into consideration the significant impact following the June 2016 storm. The beach and adjacent golf course suffered extensive damage to sand dunes and golf fairways, which are only now partially recovered. How will the trial and a significant increase in visitors and dogs affect the stability of the beach? This is a major shortcoming of the REF.

2.4.12 Mitigative measures

The essence of the REF is to rely upon over 30 mitigation measures to protect what is regarded as a highly sensitive environmental area. Such monitoring/mitigation requirements include:

- ☐ regular environmental management (water quality and seagrass testing and monitoring)
- ☐ visual inspections of dune health
- ☐ observations of potential presence of migratory and threatened birds
- ☐ offshore boundary markers (quantity and height not covered)
- ☐ signage (the REF acknowledges a high likelihood that this will be ignored, observing first hand off-leashed dogs trampling and defecating on the seagrass)
- ☐ noise and traffic monitoring
- ☐ installation of waste bins
- ☐ extra ranger patrols (how many and at what cost are not itemised).

The numerous mitigation measures outlined in the REF highlight how environmentally sensitive Station Beach is, requiring protection rather than the introduction of new threats, such as off-leash dogs. Clearly, Station Beach is completely unsuitable as a trial site for large numbers of dogs off leash.

The REF clearly acknowledges that the trial is almost unworkable as it will require some 31 mitigation measures. The numerous mitigation measures in the REF to offset the environmental risks are onerous and cumbersome in terms of monitoring, compliance (particularly as owners would likely ignore the signage, and dogs would be unable to use the area at low tide), enforcement, and resources. The complexity and associated risks of implementing the mitigative measures make this trial unviable.

The mitigative measures cannot possibly be monitored without an increase in council staffing, at additional cost to rate payers.

The REF recommendations will cause significant confusion, frustration and community backlash.

2.5 Statutory and planning framework

Trial challenges Council's & NSW Government's environmental and sustainability principles regarding the safeguarding of coastal ecosystems.

2.5.1 National and NSW Legislation

The environmental issues posed by the trial appear to contravene a number of State and Commonwealth Governments' Environmental Protections Regulations and Acts regarding the endangered seagrass meadow at Station Beach.

Conclusions contained in the REF – leading to motivations to proceed with a trial – impinge on important areas of State and Federal legislation.

Environmental Protection and Biodiversity Conservation Act (Cth)

Posidonia australis is listed as a nationally significant ecological community in the Manning-Hawkesbury ecoregions under the EPBC Act. The ecological community includes plants, animals and micro-organisms associated with seagrass dominated by *P. australis*. The Pittwater estuary is specifically included in this listing.

Considering the number of matters of National Environmental Significance, prior to any further Council contemplation of any trial, an approval should be sought under the Environmental Protection and Biodiversity Conservation Act from the Commonwealth Minister for the Environment and Energy. No trial should be considered until updated mapping of the seagrass beds in Pittwater is available so the edge of the soft sediment in the area can be accurately determined as the proposed trial may impact the stability of the seagrass bed. There is the risk of the introduction and spread of invasive species such as *Caulerpa taxifolia* and of degradation of the listed Type 1 highly sensitive fish habitat.

A licence from Department of Industry (Lands & Water) is required for the proposed trial. The licence application requires inclusion of a Review of Environmental Factors.

Fisheries Management Act 1994

All seagrass in NSW is protected as a key fish habitat under the *Fisheries Management Act 1994*. Station Beach seagrass is listed as Type 1 highly sensitive fish habitat. The Fisheries Management Act defines sensitivity as “the importance of the habitat to the survival of fish (noting that ‘fish’ under the Act includes all aquatic invertebrates) and its robustness (ability to withstand disturbance).

The seagrass *Posidonia australis* is listed as an endangered population in Pittwater under the *Fisheries Management Act 1994*.

Coastal Management Act 2016

The NSW *Coastal Management Act 2016* and the *State Environmental Planning Policy (Coastal Management) 2018* identify coastal management areas in the coastal zone to promote an integrated and co-ordinated approach to land use planning in the zone. In Pittwater, Station Beach has two types of proposed coastal management areas – Coastal Use Area of the beach itself and Coastal Environment Area of the waters off the beach.

The proposed trial does not comply with the first objective of the *Coastal Management Act 2016* which covers the Coastal Environment Area: “(a) to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity”.

Crown Land Management Act 2016

The trial is contrary to the principles of Crown Land Management, which includes environmental protection and conserving natural resources wherever possible. The REF does not reconcile these principles to the off-leash trial and its clear adverse environmental impacts.

2.5.2 Northern Beaches planning context

Pittwater Local Environmental Plan 2014

Introduction

The REF makes mention at point 3.1.4.2 that the trial is not a development and implies that adherence to the Pittwater LEP is not required. This position is unconscionable. The purpose of the E2 zone is to protect the sensitive environments from destruction and not to “technically” skirt around proper dressing of the objectives of the E2 zone.

The environmental issues posed by the trial appear to contravene the Council’s own LEP.

Zone boundaries

No zoning map is included in the REF. There is no discussion of the location or significance of the interface of the two zones.

The REF wrongly assumes that the land to which the trial relates is the land zoned RE1 Public Recreation, to which the Governor Phillip Park Plan of Management (2002) applies. However, much of the trial area would lie wholly within the sensitive E2 Environmental Conservation zone, particularly at low tides.

The REF states that the proposed trial area is zoned RE1 Public Recreation, and in point 3.1.4.1 maintains that ‘The proposed trial area ...is adjacent to an area zoned E2 Environmental Conservation’. However, the western boundary of the RE1 Public Recreation zone is the Mean High Water Mark on Station Beach. In this regard, the western boundary of the lots which comprise Governor Phillip Park extend to (approximately) the eastern third of the width of Station Beach. It is the land comprising Governor Phillip Park which is zoned RE1 Public Recreation. The western part of Station Beach is zoned E2 Environmental Conservation, as are the sea grass beds.

Zone objectives

The proposed trial does not comply with the Pittwater LEP in regard to the objectives of the E2 Environmental Conservation Zone or with the RE1 Public Recreation Zone.

No consideration is given in the REF as to whether the use of Station Beach for off-leash dog exercise is a separate or distinct use which is consistent with the objectives of those zones.

The objectives of the E2 Environmental Conservation zone are as follows:

- ☐ “To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values;
- ☐ To prevent development that could destroy, damage or otherwise have an adverse effect on those values;
- ☐ To ensure the continued viability of ecological communities and threatened species;
- ☐ To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, groundwater resources, biodiversity corridors, areas of remnant native vegetation and dependent ecosystems.”

The E2 Environmental Conservation zone is the zone in Pittwater LEP 2014 which applies to those areas of the greatest environmental sensitivity. Although the REF (on page 10) lists the objectives of the E2 Environmental Conservation zone it does not state or discuss what development is permissible and what development is prohibited in this zone.

The REF does not seek to explain or demonstrate how and if the proposed trial is consistent with each of the above zone objectives. Councillors should insist on proper due diligence from the professional staff on this critical point prior to being made to vote on the trial.

Permissible uses in RE1 and E2 zones

No consideration has been given in the REF to the land use requirements of the RE1 and E2 zones.

No consideration is given in the REF as to whether the use of Station Beach for off-leash dog exercise is a separate or distinct use for which consent is required and/ or whether such a use is permissible in the RE1 and E2 zones and/ or consistent with the objectives of those zones.

The only permissible uses in the E2 zone are: “environmental facilities, recreation areas and roads.” There is also no Plan of Management applying to that part of Station Beach which is zoned E2 or to the sea grass beds which are also zoned E2.

The trial will result in a profound change in the use of Station Beach:

- ☐ the unleashing of dogs will impact on public safety and on the perception of public safety;
- ☐ visually prominent markers are to be installed landward of the sea grass beds to define the “no-go zone” for dogs;
- ☐ there will be a significant increase in parking demand as a result of the trial period;
- ☐ unleashed dogs will potentially disturb and harm sea grass beds, the inter-tidal zone, the beach, the western fringe of the Palm Beach Golf Course and the habitat of marine life and other birds; and
- ☐ the installation of associated signage will impact on the beach’s serene character and visual appeal.

The REF does not address the appropriate planning pathway for approval of this new and different use of Station Beach.

Biodiversity

The REF also does not refer to the identification of the sea grass beds and much of Governor Philip Park as being a “Biodiversity” area on the ‘Biodiversity Map’ in Pittwater LEP 2014.

Pittwater Waterway Strategy 2019

The proposed Station Beach off-leash dog trial is inconsistent with the recently adopted (28 May 2019) Pittwater Waterway Strategy 2038 of the Northern Beaches Council which states in Theme 2, Natural Environment Objective: “Protect, promote and celebrate the unique and valuable natural environment of Pittwater including its extensive ecological diversity and renowned scenic amenity”.

Specifically Direction 4 of Theme 2 states: “Investigate with the Department of Primary Industries (DPI Fisheries) establishing a ‘no-go’ zone protecting endangered seagrass habitats within the study area”.

Another objective in the Waterways Strategy is to “Improve environment protection to protect our delicate waterway habitat.”

Why are we putting at risk such environmentally sensitive seagrass, marine habitat, and birdlife, which is at odds with Council’s own environmental sustainability principles?

Wildlife protection zones

Wildlife protection zones as prepared by Pittwater Council but not endorsed prior to Council amalgamation must be given weight in assessing this report.

2.5.3 Positions of government agencies

The letters from the Department of Industry below are contrary to the positive impression provided on the Council’s website concerning the trial.

NSW Government Department of Industry state in its letter of 10 September 2018 to Northern Beaches Council, the seagrass off Station Beach as being endangered under the *Environmental Protection and Biodiversity Conservation Act 1979*: “These listings flag the significance of such seagrass areas and the need for State and Local governments to protect them.”

The letter also cites the *Crown Land Management Act 2016*, which sets out the Principles of Crown land Management and use of Crown land, which includes localities such as Station Beach “where land below mean high water mark supports conservation and protection of seagrass beds.”

The Department of Industry also raised the following concerns ...”regarding the environmental sensitivities of the proposed site due to the presence of endangered seagrass species and the important breeding habitats they provide”. (Department of Industry letter to Northern Beaches Council 15 November 2018). The Department of Industry outlined the significance of the seagrass meadow at Station Beach: “In March 2010, areas of *Posidonia australis*, including the beds established off Station Beach, were listed as endangered populations under the threatened species schedules of the *NSW Fisheries Management Act 1994* and listed as endangered under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1979*, by the Commonwealth in May 2015. These listings flag the significance of such seagrass areas and the need for State and Local governments to protect them. Seagrass bed provide ideal breeding habitat for Stingrays and species of the *Syngnathidae* family (e.g. seahorse, seadragon, pipefish), many of which are also listed as “protected “ under the *NSW Fisheries Management Act 1994* and *EPBC Act*”. (Department of Industry letter to Northern Beaches Council 10 September 2018).

The Department is concerned enough about the potential impact to the seagrass from an off-leash dog trial, to suggest the Council review alternative sites. The Department does not endorse such an off-leash trial and would be subject to a satisfactory REF. It is unknown at this stage whether the REF is satisfactory to the Department. Any breach of the proposed REF mitigants, including the buffer zone in front of the seagrass, could lead to an immediate

termination of the license. We consider this buffer zone, which includes no dog swimming at low tides, will likely be breached, warranting action by the Department. This area is simply too environmentally sensitive to accommodate breaches.

The Department attaches a letter to Pittwater Council dated 6 November 2009 from the earlier Land and Property Management Authority by way of continuity over the earlier proposed trial at Station Beach. The letter cites the 2008 REF and the review of alternative sites. This letter also states that the Department of Climate Change and Water was not supportive of off-leash dog swimming at Station Beach due to the damage and stress caused to wildlife. This letter also states that the proposed dog swimming trial is “not readily complimentary with the Principles of Crown Land Management if applied to Station Beach.”

As well as risk to the environment there is the risk of Council being unable to comply with the terms of the necessary Department of Industry licence, if the licence were to be granted, and to the community regarding the proximity of the golf course.

2.6 Administration of the trial

2.6.1 Costs of the trial

To facilitate the trial at Station Beach, mitigating measures to ensure compliance with the REF and protection of the endangered seagrass meadow will impose an unnecessary cost on the Council and therefore on all ratepayers of the Northern Beaches LGA.

Significant expenditure and resources will be required to establish and run the trial. Such expense and effort cannot be reasonably justified.

The REF does not provide any transparency on costs which is a major deficiency of the report. The public has a right to be informed of this expected cost.

What is the itemised cost of the proposed trial? A breakdown of costs is required to cover the proposed:

- ☐ signage installation
- ☐ tidal markers installation
- ☐ additional fencing for safety reasons
- ☐ waste bins installation
- ☐ parking
- ☐ ranger compliance patrols to ensure the multitude of environmental mitigation measures are being complied with. Rangers will not necessarily be patrolling at all hours. Two persons each day for how many months? Cost of additional patrols over the peak summer periods?
- ☐ extra beach management costs
- ☐ monitoring:
 - water quality checks to ensure the endangered seagrass and marine life will not be affected by dog activity
 - seagrass and white seahorse monthly
 - control site costs
- ☐ REF Report
- ☐ follow up reports.

These are unnecessary items the Council will need to fund that could be put to better use within the Northern Beaches community.

The beach is currently almost unmonitored. As the REF recommends some 31 mitigation measures, including the engagement of consultants to continuously monitor the sea grass bed and water quality, as well as a substantial increase in the patrols by council officers to police compliance, it becomes apparent that the implementation cost would be enormous and consequently disproportionate which would ultimately serve only a small number of the dogs off leash community.

The REF makes it clear that Council will be required to act to protect the marine environment. Has Council considered the costs of monitoring the trial and of enforcing the conditions of the trial?

The costs to establish and run the trial under the restricted dog swimming circumstances makes this exercise prohibitive.

Is this cost something the council has really considered to be in the best interests of the residents?

Such cost and effort must be weighed up against the restricted use of the beach for swimming during low tide only. How can these costs be justified and considered reasonable for an activity that is sporadic and dependent on the tide?

Why has there not been a cost benefit analysis provided as part of the REF?

2.6.2 Compliance

In order to satisfy the assessed environmental impact, Council is required to implement and manage at least 31 mitigation measures, covering Traffic and access, Marine biodiversity, Hydrology, water quality and sediment, Terrestrial biodiversity, Socio-economic, Waste management, Noise, Heritage.

The logistics, monitoring and compliance with the necessary recommendations of the REF impose an extremely onerous requirement on the Council staff to fully comply with the REF.

Cardno acknowledge the risk of compliance breaches, even observing first hand, breaches of the current “No Dogs” policy for the beach.

As we live across the road from the south end of Station Beach we witness daily the volumes of people early in the mornings and later in the afternoons which currently drive their dogs down to the beach in absolute disregard for the “Dogs Prohibited” signs and in fact the law.

The REF raises concerns about compliance, mainly around dog owners not observing signage, times, dog swim area – isn’t this trial therefore doomed to fail having wasted significant resources.

It is highly impractical to expect that owners and dogs will either understand or and adhere to specific buffer distances and tide times in a natural location with an informal, unpredictable, uncontrollable activity such as dogs running and swimming off leash. An imaginary line in the water denoting a boundary beyond which dogs should not be allowed to swim is simply unworkable.

Once this off leash area is introduced the general public will not adhere to the time limits as they feel that if dogs can be there at all in any capacity, then what does it matter if they’re there a few hours either side. It happens on Mackerel Beach practically every day, and on Station Beach, which has road access, trying to police the rule breakers will be impossible.

It seems the environmental sensitivities are being excused by +30 mitigation measures. Any compliance breaches here and the whole trial breaks down. The REF clearly is concerned over this.

If the council is truly looking to respect the REF and preserve the seagrass then surely a full time warden would be required to educate and police the influx of dog owners as signage is highly likely to be ignored (as it currently is at Station Beach.)

Compliance would be impossible to achieve without the presence of a council ranger at the proposed trial times and essential at low tide.

We understand rangers finish work at 5pm, the very time in summer when many people are taking dogs out for a run, or a swim. At present dog owners then have nothing to fear. How can Council enforce the requirement that dogs swim only east of the seagrass beds?

The REF states “Restricting off-leash dogs to the approved trial boundaries would be dependent upon dog owners maintaining control of their pet.” The current illegal use of Station Beach by dog owners allowing their dogs off-leash without restriction at all hours of the day, and the unofficial summer trial (due to willing misinterpretation of the trial signage), shows that dog owners will continue to routinely ignore signage and breach such safeguards and controls.

The proposed limitations of timing - when dogs may be unleashed, and locations - exactly where they may swim at the various tides - will be impossible for Council to enforce. A trial of a dog swimming area in Careel Bay several years ago lasted for about 10 years. Poles in the water indicated the limit to which dogs could swim but were ignored. Despite Careel Bay being part of a wildlife protection area, Council currently seems unable to prevent people letting dogs off leash there, in an area frequented formerly by migratory waders including the endangered Eastern Curlew and other waders.

The REF states that the trial should be reassessed if there is a breach of at least one of the mitigation measures. Clearly the risks of non-compliance are too great to contemplate a trial in such an ecologically sensitive area. The resourcing and budget requirements will be significant, particularly when it does not satisfy the prime objective of the trial – continuous swimming for dogs.

The benchmarks of mitigating factors and the future 'policing' of them are quite capable of being manipulated to achieve a result that may be at odds with reality.

2.7 Consideration of alternative locations

The 2008 REF investigated many alternative sites for off-leash dogs.

The REF notes that there are already 29 areas where dogs are allowed off-leash in the Northern Beaches area. The Northern Beaches are well serviced with off-leash dog areas, compared to 6 in Sutherland Shire (3 of which are water based) and a similar council size to NBC area; and 20 in Ku-ring-gai Council area. Most Sydney Councils do not have water access dog parks. Dogs do not seem too perturbed about this.

The June 2018 Council resolution requested the investigation of Station Beach only, as an off-leash dog beach. This restriction unnecessarily confined Council to what should have been a broader analysis of potential off-leash dog areas within Council's jurisdiction. Confining the REF to Station Beach, has diminished the report while highlighting all the risks and unsuitability associated with this beach.

The REF recommendations to protect the sensitive sea grass beds results in dogs not being allowed to swim at low tides. This is completely contradictory with the selection of Station Beach as a potential swimming area for off-leash dogs. If dogs are only able to swim at high tides then surely Station Beach cannot be considered as an adequate off-leash area, particularly when factoring in all the risks and issues raised. More suitable alternative swimming areas or parks should be considered by Council. A permanent site, without tidal influences,

minimal environmental risks, and ring-fenced for safety, must be pursued in alternative locations. There is no reasonable basis to pursue Station Beach as an off-leash dog beach.

Surely alternative sites that would not impact so heavily on the environment, that are not so costly to control and do not deface the beach for other users must be considered.

The REF clearly recognises the deficiencies of Station Beach and points to North Palm Beach as an alternative but no alternatives were examined.

The Cardno REF's brief to only investigate one beach site with all its constraints and unsuitability is fundamentally flawed. Even the Department of Industry signalled in two letters to Council in 2018 (withheld and not released to the public during the consultation period), its concern over environmental sensitivities around Station Beach and its preference for an alternative site. The NSW Government Department of Industry state in its letter on 10 September 2018 to the Northern Beaches Council that they would prefer a range of sites to be evaluated in addition to Station Beach, "which has inherent environmental sensitivities due to the presences of an endangered species of offshore seagrass." The Department even mentions an alternative site of Hitchcock Park – Careel Bay. The REF acknowledges compliance risks with Station Beach, but does not investigate Hitchcock Park or other sites, apart from mentioning North Palm Beach as an alternative site for consideration.

One person stated that if a trial is to go ahead it should occur on the Palm Beach surf beach side at the north end where there is less bird life and no sea grass.

I wonder why relatively isolated North Palm Beach was not considered for this trial? It is primarily used by adult surfers, there's plenty of parking and there is a natural sand dunes buffer.

To protect the rights of those of us who do not own dogs, Council needs to identify a relatively unpopulated area, perhaps the northern end of Palm Beach, Whale Beach or Newport Beach. The dogs and their owners can run wild, hopefully clean up after themselves and allow the rest of us to enjoy our local area.

Questions posed regarding the suitability of Station Beach for off leash dogs are:

- ☐ What is the point of having an off-leash dog trial at Station Beach to provide continuous swimming for dogs, when the REF indicates that swimming is not permitted during low tides?
- ☐ Do you agree that at the trial times proposed of mornings up to 10.30am and late afternoons, the tide could be low, implying no dog swimming at all?
- ☐ Wasn't the purpose of the trial to allow continuous swimming access for off-leash dogs? If yes, why are we still considering this trial?
- ☐ How many offshore boundary markers/piers is Council proposing over the approximate 600 metre length of Buffer Zone Line?
- ☐ What will be the visual impact to Station Beach?
- ☐ Won't the markers be totally visible at very low tides?
- ☐ Won't the markers introduce a fresh set of maritime safety and recreational use issues?
- ☐ The tidal nature of the beach means that at high tide there is very little beach space for multiple users – won't this just lead to inevitable conflict and exclude other beach users? Doesn't this highlight the unsuitability of Station Beach?
- ☐ Why are we considering making such a large proportion of Station Beach a dog's beach (+50% or 600m)? This seems unreasonably large and will make it almost impossible to monitor.

- ❑ With permanent offshore markers, onshore signage, covering the majority of Station Beach, are we effectively converting this beach into an all hour's dog's beach as a significant number of dog owners will access the beach irrespective of the prescribed access times?
- ❑ So we are defacing Station Beach with a series of offshore boundary markers and over 30 mitigation measures to protect the seagrass while dogs can only swim at high tide? And only if that coincides with the proposed times? Doesn't this imply that Station Beach is wholly unsuitable?
- ❑ If Station Beach cannot support continuous off-leash swimming then alternate sites must be considered? The REF points to exploring North Palm Beach - what is the status here?
- ❑ Should Council not follow the suggestion by the Department of Industry and evaluate alternative sites?
- ❑ Should we not await the outcome of the Council approved investigation into water parks for dogs and possibly re-purposing some of the existing 29 dog parks on the northern beaches?

While there is a need and some community support for an off-leash dog swimming beach on the northern beaches, this must be balanced against environmental and safety issues, parking and traffic congestion, local community concerns, and whether the beach and applied mitigations measures are appropriate – Station Beach is unsuitable on every level and should not be pursued.

Why are we assuming disproportionately higher environmental and other risks in favour of what will only be a part time dog swim activity?

Although you are under pressure to provide another unleashed dog area, this is not suitable. I urge you to reject this location as unsuitable from both an environmental and community point of view.

No compelling reason has been put forward as to why Station Beach should be put at risk apart from the inability to locate an alternative, less intrusive beach elsewhere for dog owners.

2.8 Determination of the trial

Several opponents of the trial are concerned that a group of dog owners appears to have influence over Council's decision about proceeding with the trial.

Council should not be under pressure in assessing this proposed trial, due to a noisy dog group behaving in a militant fashion.

Regarding this second 'support' group – are you aware that they stalk, harass, malign and threaten any who speak of another opinion or wish in regard to dogs off-leash? Are you aware that they encourage people to ignore the laws? Should you be supporting such a group, or its leaders, to 'bully' the rest of the community?

It is a pity the REF seems worded so council staff may recommend this trial proceeds, despite the many problems it highlights and the obvious cost that will be involved so a handful of people can run over the top of the rest of the community.

Choosing to own a non-native animal as a pet does not confer rights over other people or the environment. The pro-dog lobby is very loud but they are not the majority. Most people who live in our beautiful Northern Beaches do NOT want dogs leashed or unleashed on our beaches. An increasing number of dog owners are already ignoring the rights of others and taking their dogs onto beaches throughout the peninsular.

Another opponent to the trial was concerned that approving the trial will set a precedent for the use of other beaches for off leash dogs:

Approving Station Beach as an unleashed dog beach will set a dangerous precedent. Dog owners may deliberately misinterpret this as allowing open slather on other beaches. The CCC slogan (Certain beaches Certain days Certain times) is clever but will be disregarded and violated just as are the current rules. The stated aim of certain pro-dog lobby groups is to target other beaches if they win this one. I trust the council has done due diligence in checking the statistics of increased pollution and attacks on other such beaches eg Central Coast. I trust the council will continue to value the safety and amenity of the majority of beach goers and also the wildlife when voting on this matter.

An opponent of the trial questioned what would happen if the trial finds that Station Beach is not suitable for dogs?

What will happen if the trial indicates that this is not a suitable area for unleashed dogs? Council must be prepared to refuse to continue the trial or to declare the trial, once completed, indicates this area is unsuitable, facing up to the dog owners and their failed campaign to use this beach. Dogs enjoy swimming, but are not entitled to this at the expense of the natural environment.

Some supporters stated that if the trial proceeds and it works then continue with the trial. Monitoring environmental issues during the trial will determine whether Station Beach is appropriate for unleashed dogs. Evidence from the trial should form the basis of the final decision in 12 months' time. If there are serious environmental issues with the trial it should be stopped.

2.9 Failure of process

The proposed trial of Station Beach as an unleashed dog exercise area is seen to have been poorly handled by Council for several reasons as follows.

It is clear that a number of NSW Government agencies have major concerns with the trial. Such concerns were not made available during the public consultation period. The decision to undertake the trial was based on Council's resolution at the Council meeting on 26 June 2018, that "subject to receiving support for the proposal from the Government Agencies, it be placed on public exhibition..." No such support was provided by the NSW Government Department of Industry – Lands and Water, who expressed major environmental concerns to Northern Beaches Council in their letters of 10 September 2018 and 15 November 2018 and preference for Council to evaluate alternative sites. The REF does not evaluate any alternative sites and such letters were not made publicly available as part of the community consultation process, despite approval to do so by the Department. Accordingly, there is a failure of process here. Had Council made public the above letters, it would have influenced the community perception of the trial and submissions. Why weren't the letters from the NSW Department of Industry dated 10 September and 15 November 2018, revealing their environmental concerns over the use of Station Beach, not made available to the public during the public consultation period when the Department provided permission to do so?

Failure of process by Council by failing to provide the updated Environmental Impact Statement and Review of Environmental Factors prior to public submissions closing on Thursday 28 February 2019.^[11] It was inappropriate to call for submissions to the proposal before the new Review of Environmental Factors was completed and made public. The findings of the REF and Council's realistic assessment of its capacity to manage the trial according to the REF's recommendations should determine whether this trial proceeds, not the large number of submissions from the general public in favour of the trial, which we believe were made before the REF was published. The REF should have been made available prior to the closure of

public submissions, which would have influenced the community perception of the trial and submissions.

It should be noted that as the REF was not available at the time of the initial consultation period, people making submissions at that time did not have sufficient information to make informed comments on the proposed trial. In conclusion, given the environmental sensitivity of the area and the impact the buffer markers would have on the visual amenity of Pittwater there can be no justification in pursuing the proposed trial.

Is Council not unnecessarily exposing itself to environmental, safety, planning, and legal issues?

2.10 Other comments

Can we create stairs around the existing bench chair that work better with the beach environment - possibly for another department.

This page is left blank intentionally

3 CONCLUSION

The submissions to the public exhibition of the Review of Environmental Factors for the proposed off leash dog swimming area at Station Beach outlined above should be considered before making a decision about whether to proceed with the trial.

This page is left blank intentionally

REFERENCES

Cardno (2019) *Review of Environmental Factors: Station Beach Off-Leash Dog Area – Proposed Trial*. Prepared for Northern Beaches Council, 24 May 2019.

NGH Environmental (2008) *Review of Environmental Factors: Proposed trial of an unleashed dog swimming area at Station Beach, Palm Beach*.

Parkland Planners (2019) *Station Beach Dog Off Leash Area – Proposed Trial: Community Engagement Report*. Prepared for Northern Beaches Council, 13 June 2019.

This page is left blank intentionally