

Proposed Trial of Palm Beach (North) and Mona Vale Beach (South) Dog Off-leash Areas

Review of Environmental Factors

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Executive summary

Niche Environment and Heritage (Niche) were commissioned by the Northern Beaches Council (Council) to prepare a Review of Environmental Factors (REF) to assess the potential environmental impacts for off-leash dog area trials at Mona Vale Beach (South) and Palm Beach (North) (referred to hereafter as the Activity).

The purpose of this REF is to describe the proposed Activity, document and assess the likely impacts of the Activity on the environment, and detail any mitigation and management measures that will be implemented.

This REF helps to fulfil the requirements of Division 5.1 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) by considering and recording for the Council a review of all matters affecting or likely to affect the environment by reason of the Activity, so that the Council may examine and take into account to the fullest extent possible those matters. As part of examining and taking into account those matters, the Council will need to determine whether the Activity is likely to significantly affect the environment.

Activity Description

Council proposes to establish two dog off-leash trial areas in the Northern Beaches Local Government Area (LGA) for a period of 12 months. During the trial period dogs will be allowed off-leash within the signposted Activity Area (defined in Section 2.3 below). Use of the off-leash areas will be subject to the following restricted times of use:

- 5.30am to 10.00am and 5.00pm to 9.00pm, Monday to Sunday (seven days a week). **Australian Eastern Daylight Time** (i.e. between the first Sunday in April to the first Sunday in October)
- 6.00am to 10.00am and 4.00pm to 7.00pm, Monday to Sunday (seven days a week). **Australian Eastern Standard Time** (i.e. the remainder of the year)

Statutory Considerations

Environmental Planning and Assessment Act 1979 (NSW)

The *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) regulates, amongst other things, development of land.

The Activity involves development comprising the use of the Activity Areas by members of the public for recreational purposes. This Activity is properly characterised as a use for recreational purposes. *Pittwater Local Environmental Plan 2014* (PLEP) applies to the Council area, and the Activity Areas are zoned as 'RE1 Public Recreation' which permits 'Recreation areas' development with consent.

Council has commissioned an extensive investigation of the historic recreational uses of both Palm Beach and Mona Vale Beach set out in Annex 1 (Cama Report). The Cama Report demonstrates that both Palm Beach (North) and Mona Vale Beach (South) have been used as public recreation areas since at least the early 1900s.

Section 4.68(1) of the EP&A Act provides that:

Nothing in an environmental planning instrument operates so as to require consent to be obtained under this Act for the continuance of a use of a building, work or land for a lawful purpose for which it was being used

immediately before the coming into force of the instrument or so as to prevent the continuance of that use except with consent under this Act being obtained.

Section 4.68(2)(c) provides that section 4.68(1) does not authorise “any enlargement or expansion or intensification of the use therein mentioned.”

The Activity, if approved, will authorise dogs to be exercised off leash, which would authorise the continued use of the Off Leash Areas for recreational purposes. The Activity does not involve any enlargement, expansion, or intensification of the recreation use.

This REF demonstrates that the Activity is a continuing use under s 4.68, with the result that it may continue without the need for the need for development consent under Part 4 of the EP&A Act.

While consent is not required for the Activity, the Pittwater Council *Dog Control Policy (No 30)* (Dog Policy) prohibits dogs on all beaches within the LGA. In order to authorise the Activity, Council must make orders under the *Companion Animals Act 1998* (CA Act) to amend the Dog Policy to authorise dog access to the Activity Areas.

Additionally, in consultation with the Department of Industry, it has come to Council’s attention that it is necessary to amend the Plans of Management (PoM) that apply to Mona Vale Beach (South) and Palm Beach (North) in order for the Activity to commence.

It follows that Division 5.1 of the EP&A Act applies to Council’s role as determining authority in granting these approvals, and the Activity is therefore subject to assessment under Division 5.1 of the EP&A Act.

One of the purposes of this REF is therefore to assess and record for the Council’s consideration, all matters affecting or likely to affect the environment by reason of the Activity, so that the Council may examine and take into account to the fullest extent reasonably possible those matters.

This REF assesses the Activity by reference to the factors contained in clause 171 of the *Environmental Planning and Assessment Regulations 2021* (EP&A Regulations) and the guidelines for Division 5.1 assessment.

The regulatory framework under the EP&A Act is considered in more detail at Section 4.1.1 below.

Companion Animals Act 1998 (NSW)

The Activity requires the Council to make orders under the CA Act to amend the Dog Policy. These orders would enable the proposed Activity Areas to be used by the public as off-leash dog areas, subject to conditions the Council sees fit. The orders will consist of:

- An order to be made by the Council pursuant to section 14(7) and 14(1)(c) of the CA Act to amend the Dog Policy; and
- An order to be made by the Council pursuant to section 13(6) of the CA Act that the proposed locations are off-leash dog areas subject to conditions Council sees fit;

These orders are considered in more detail at Section 4.1.2 below.

Plans of Management

The use of dogs on Mona Vale Beach is currently prohibited under the Ocean Beaches Plan of Management 2005. The Council will need to amend this PoM to remove this prohibition to enable the Activity to proceed.

The Council has also received advice from the Department of Industry (Crown Lands) requesting that the PoM for Palm Beach North (insofar as it applies to Crown land) be amended to assign categories of use to the land, and to discuss the Activity more specifically.

The amendment process is set out in the *Local Government Act 1993* and the *Crown Land Management Act 2016*, and will require approval from the Minister for Lands and Water.

The amendment of the PoM is discussed in detail at Sections 4.1.3 and 0 below.

Environmental Impacts

The main potential environmental impacts associated with the Activity are:

- Biodiversity
- Traffic (Access and Parking)
- Waste Management
- Noise
- Aboriginal Archaeology
- Historic Heritage
- Human Health and Water Quality
- Socio economic / Landuse.

Potential impacts to these aspects have been assessed as minor or negligible. The potential for impacts to soil and groundwater contamination, greenhouse gas emissions and air quality have also been considered and concluded that adverse impacts are unlikely.

The Activity will realise a number of positive socio economic, lifestyle and liveability impacts, that are centred around the use of outdoor space, exercise and establishing and maintaining social networks.

To minimise potential environmental and social impacts from the Activity, Council has considered the size and location of the Activity Areas. Any residual impacts identified through the assessment process are proposed to be further minimised through the incorporation of mitigation and management safeguards. These mitigation and management safeguards have been consolidated in Table 23 (See Section 7.2).

Conclusion and declaration

The environmental impacts of the Activity have been identified and assessed with the key aspects subject to detailed assessment by subject matter experts. The potential impacts of the Activity on the existing environment together with the mitigation and management safeguards are detailed in Section 6. The potential impacts of the proposed Activity are considered to be relatively minor and would be unlikely to have a significant impact on the environment.

Rod Williams



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Glossary and list of abbreviations

Term or abbreviation	Definition
Activity Area	The off-leash dog trial areas at Mona Vale Beach (South) and Palm Beach (North)
AHIMS	Aboriginal Heritage Information Management System
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
Biodiversity and Conservation SEPP	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
BV	Biodiversity Values
CA Act	<i>Companion Animals Act 1998</i>
CCPS	County of Cumberland Planning Scheme Ordinance
CEP	<i>Northern Beaches Council Community Engagement Policy (2017)</i>
CL Act	<i>Crown Lands Act 1989</i>
CLM Act	<i>Crown Land Management Act 2016</i>
CM Act	<i>Coastal Management Act 2016</i>
CMP	<i>Barrenjoey Headland Conservation Management Plan 2013</i>
Council	Northern Beaches Council
DAWE	Australian Department of Agriculture, Water and the Environment
DCP	<i>Pittwater 21 Development Control Plan 2013</i>
DD	Aboriginal Objects Due Diligence Assessment
Dog Policy	<i>Pittwater Council Dog Control Policy (No 30)</i>
DPI	Department of Primary Industries
DPE	Department of Planning and Environment (formerly DPIE)
DPIE	Department of Planning, Industry and Environment (currently DPE, refer to above)
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Act 2021</i>
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
FM Act	<i>Fisheries Management Act 1994</i>
T & I SEPP	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
LEP	<i>Pittwater Local Environmental Plan 2014</i>
LG Act	<i>Local Government Act 1993</i>
LGA	Local Government Area
LGA 1919	<i>Local Government Act 1919 (NSW)</i>
Matrix	<i>Community Engagement Matrix (2017a)</i>
MNES	Matter of National Environmental Significance
Niche	Niche Environment and Heritage
NPW Act	<i>National Parks & Wildlife Act 1974</i>
NPWS	National Parks & Wildlife Services
NSW	New South Wales

PCT	Plant Community Type
PLEP	<i>Pittwater Local Environmental Plan 2014</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PoM	Plan of Management
REF	Review of Environmental Factors
SCRs	Special Consultation Requirements
SEPP	State Environmental Planning Policy
T & I SEPP	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
TEC	Threatened Ecological Community
ToS	Test of Significance
WLEP	<i>Warringah Local Environmental Plan 1985</i>
WM Act	<i>Water Management Act 2000</i>
WPSO	<i>Warringah Planning Scheme Ordinance</i>

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1. Introduction

The Northern Beaches Council (Council) is proposing to conduct a 12-month trial of off-leash dog areas at Palm Beach (North) and Mona Vale Beach (South) (referred to here after as the Activity). The area of beach (i.e. Activity Area) associated with the Activity is shown on Figure 1.

Niche Environment and Heritage (Niche) were commissioned by the Council to prepare this Review of Environmental Factors (REF) for the purposes of describing the Activity, documenting the likely impacts of the Activity on the environment, and detailing any mitigation and management measures to be implemented.

The Activity will enable a continuing use of Palm Beach (North) and Mona Vale Beach (South) as recreation areas, which is the purpose for which they have been lawfully used since at least the early 1900s, as detailed in the Cama Report (See Annex 1). As the Activity is a continuing recreational use, it is considered to be development permissible without consent pursuant to section 4.68 of the *Environmental Planning and Assessment Act 1979 (NSW)* (EP&A Act).

To implement the Activity, Council will need to make orders under the *Companion Animals Act (1998)* (CA Act) and amend the Plans of Management (PoM) for Palm Beach (North) and Mona Vale Beach. These actions are considered to be ‘approvals’ of an ‘activity’ by a ‘determining authority’ for the purposes of Division 5.1 of the EP&A Act. Assessment under Division 5.1 of the EP&A Act is therefore required before Council may proceed with the Activity.

This REF helps to fulfil the requirements of Division 5.1 of the EP&A Act by considering and recording for the Council, a review of all matters affecting or likely to affect the environment by reason of the Activity, so that the Council may examine and take into account to the fullest extent reasonably possible those matters. As part of examining and taking into account those matters, the Council will need to determine whether the Activity is likely to significantly affect the environment.

1.1 Background

The Northern Beaches Council LGA is located on Sydney’s northern beaches, between 10 and 30 kilometres (km) north-east of the Sydney CBD. The Northern Beaches Council Local Government Area (LGA) generally stretches from Manly in the south, to Palm Beach in the North, Frenchs Forest in the west and the ocean is the eastern boundary.

The Northern Beaches Council LGA is mainly residential and national park, with some commercial and industrial areas, and some rural areas. The Council area encompasses a total land area of about 250 square kilometres, including substantial areas of water frontage, coastal foreshores, beaches, islands, national parks, bushland and reserves.

The LGA’s residents enjoy an active outdoor lifestyle which involves activities at the beach, participating in social / weekend sport, bushwalking and bike trails. It is an active lifestyle with residents taking advantage of their proximity to clean waterways, wildlife and vibrant events which benefit from the existing public infrastructure and services (e.g. transport, outdoor exercise areas, playgrounds, dog parks, gardens, parks and reserves, amenities, etc).

Analysis of the Australian Bureau of Statistics dwelling Census of Population and Housing 2016 data and Office of Local Government registered dog information indicates that up to 53% of the dwellings in the LGA

have a dog (assuming one dog per dwelling). This level of dog ownership is higher than the national average at 37.5% of households (Australian Bureau of Statistics, 1995).

Within the LGA there are 29 dog off-leash areas, with each providing a different user experience. For example, there are five dog off-leash areas that provide access to water via foreshore reserves, eight are located on sporting fields that provide space for dogs to run. In addition to the general area / space provided, each off-leash dog area has supporting infrastructure (e.g. potable water, rubbish bins, a dispenser with waste bags and car parking) which are available to all recreational users. 6 of the 29 dog off-leash areas have time of use restrictions. All off-leash areas are highly valued by the community as places for people to meet, exercise and socialise outdoors with their dogs as well as a place for dogs to play, exercise and socialise. Council has in recent years received regular feedback and requests about the need for off-leash areas particularly on beaches.

The nearest off-leash dog park to the Palm Beach (North) Activity Area is the Hitchcock Park dog off-leash area, which is located approximately 4 km to the south. The nearest off-leash dog park to the Mona Vale Activity Area is the Robert Dunn Reserve dog park, which is located on the Mona Vale south headland and adjacent to the western boundary of the proposed Activity Area. The nearest dog park with water access is the Rowland Reserve off-leash area, approximately 3 km to the north west of the Mona Vale (South) Activity Area and approximately 9 km to south west of the Palm Beach (North) Activity Area.

1.1.1 History of Recreational Use

Council commissioned the Cama report to explore the uses of Palm Beach and Mona Vale Beach (Cama Report), (See Annex 1). The Cama Report details a long history of various recreational uses being undertaken at Mona Vale Beach and Palm Beach, dating back to the early 1900's. These historical recreational uses included both active (e.g. surfing and swimming) and passive (e.g. sunbathing, camping [Palm Beach only], socialising, walking) pastimes. There is also evidence of pet dogs being taken to the beach. Except for camping and pet access to the beach, this range of recreational uses for Mona Vale Beach and Palm Beach and the surrounding area is ongoing today. The ongoing recreational use of the areas has continued to evolve over time in line with changing community demands, needs, trends and now includes:

- monthly markets (Palm Beach only)
- recreational and community events such as community walks, weddings and community gatherings that are booked through Council
- On leash dog walking (excluding the beach areas)
- Recreational activities – walking, site seeing, running, cycling, paragliding (Mona Vale only), golf (i.e. Palm Beach Golf Club and Mona Vale Golf Club).

The recognition of these locations as recreational areas has also been formalised through the landuse zoning that applies to the Activity Area and the adjacent lands.

1.1.2 General Land Uses of the Recreational Areas

The Palm Beach (North) Activity Area is surrounded by open parkland (e.g. Governor Phillip Park and the Palm Beach Golf Club), the coastal beaches of the Palm Beach peninsula, native bushland and heritage conservation areas (e.g. Ku-Ring Gai Chase National Park and the heritage listed Barrenjoey Lighthouse). The dominant land use in the general area is that of recreational and leisure activities. Other land uses within the surrounding area are associated with dining and food outlets (e.g. the Boathouse Palm Beach Café and the Dunes restaurant). The nearest residence to the Activity Area is located approximately 550m to the south on Beach Road (See Figure 2).

The Mona Vale Beach (South) Activity Area is located adjacent to open parkland (i.e. Mona Vale Headland / Robert Dunn Reserve, which is an approved dog off-leash area that has been in use for more than 20 years and is not subject to time of use restrictions), the larger Mona Vale Beach area and the Mona Vale Golf Club further to the West. The dominant landuse in this general area is that of recreational and leisure activities. Further to the West of Robert Dunn Reserve is the Mona Vale Hospital and residential housing, approximately 120m and 100m respectively from the western boundary of the Activity Area (Figure 3).

Council provides various ancillary infrastructure and ongoing management services that support the wide range of recreational and leisure activities that are undertaken at these areas (e.g. North Palm Beach Surf Lifesaving Club, bins, taps, shower, seats, car parking, fencing, lighting, signage, pedestrian pathways and trails).

1.2 Overview of the Existing Environment

As part of the continued use of the general areas for recreational and leisure activities, the existing infrastructure (e.g. roads, parking, bins, pedestrian access, fencing and amenity facilities) will be utilised to support the Activity (i.e. the use of the Activity Areas for off-leash dog walking), where possible. However, updates to some existing signage as well supplementation with supporting infrastructure (e.g. bins with a dispenser for waste bags and signage) will be required. The extent of the infrastructure required for the Activity is detailed on Figures 2 and 3.

The beach and park areas are busier in the summer months, and surf clubs provide a patrolled swimming area during the summer months. The beaches are also used by the community for walking, other exercise and for social interaction.

1.3 Activity objectives

The objectives of the trial are to:

- Provide additional off-leash dog areas at Palm Beach (North) and Mona Vale Beach (South), where dogs can access the beach at restricted times.
- Maintain the environmental integrity of the Activity Areas.
- Provide Council with an opportunity to monitor the utilisation of the Activity Area with regard to the local environment, other users of the locality and stakeholders.
- Assess the suitability of establishing permanent off-leash dog areas at both Activity Areas.

2. Description of the Continued Recreational Use

2.1 Need for the Activity

This Activity arose from Council's meeting of 27 April 2021 at which consideration was given to a report titled *Feasibility of Establishing Dog Off-leash Areas at Palm Beach (North) and Mona Vale Beach (South)*. Council subsequently resolved (Council resolution 111/21):

That:

- 1) Environmental assessments be undertaken in accordance with the *Environmental Planning and Assessment Act 1979* (and other relevant legislation) into the possibility of establishing dog off-leash areas on Palm Beach (north) and Mona Vale Beach (south), as outlined in Attachments 1 and 2 of this report.
- 2) The assessments referred to in (1) be undertaken in consultation with the NSW State Government.
- 3) The assessments referred to in (1) include consideration of additional on-leash or off-leash areas that may be required to allow for dogs to be taken to and from the possible dog off-leash areas at Palm Beach (north) and Mona Vale Beach (south).
- 4) The trial parameters as described in this report be placed on public exhibition for a period of 4 weeks, and that preparations for this public exhibition commence immediately.
- 5) The Chief Executive Officer provide a further report to Council following collation of the public exhibition report, and any other necessary assessment reports.

This proposal to consider trialling two new off-leash areas on ocean beaches aligns with community feedback and requests Council has received communications from the public in recent years including:

- That there is a need for more off-leash areas in parks and particularly beaches due to the number of dogs owned by Northern Beaches residents, the over-crowding of many of the current off-leash areas and the lack of off-leash areas on beaches and/or with water access.
- The physical and mental health benefits many people attribute to walking their dog outdoors
- The importance of off-leash areas for exercising and socialising dogs.
- The current off-leash areas are highly valued by the community as places for people to meet, exercise and socialise outdoors with their dogs and as places for dogs to play, exercise and socialise.

The Council has also received cautionary feedback from the community concerning the potential negative environmental, social and community impacts of more off-leash areas and dogs on beaches.

This feedback was received during community engagement undertaken for projects including the Unleashed Dog Exercise Area review in 2017, the Avalon Beach Reserve Off-leash Area trial in 2018, the research for the Station beach Dog Off-leash Area trial in 2019 and for the draft Open Space and Recreation Strategy in 2021.

In response to resolution 111/21 the trial parameters for the Palm Beach (North) and Mona Vale Beach (South) off-leash area proposals were placed on public exhibition from 7 May 2021 to 6 June 2021. Approximately 87% of the responses supported the Palm Beach (North) dog off-leash area proposal outright or supported with changes. Similarly 88% of the responses for the Mona Vale (South) supported the proposal outright or with changes.

Feedback received from the 7 May 2021 to 6 June 2021 survey and observations indicate that most of the 29 off-leash areas on the Northern Beaches, particularly the five locations which provide access to water are very well used, being:

- Lagoon Park, Manly
- Flora and Ritchie Roberts Reserve, Curl Curl
- Sandy Bay, Clontarf
- Rowland Reserve, Bayview
- Progress Park, Narrabeen.

There are no dog off-leash areas within the LGA that provide access to an ocean beach.

Data from the Office of Local Government indicates that there are 53,713 dogs registered in the Northern Beaches LGA, of which:

- 823 are registered in the suburb of Palm Beach – Whale Beach
- 9,435 are registered in Palm Beach – Whale Beach and the nearby suburbs of Avalon Beach – Clareville, Bilgola, Newport
- 3,504 are registered in the suburb of Mona Vale
- 13,801 are registered in Mona Vale and the nearby suburbs of Warriewood, North Narrabeen, Narrabeen, Elanora Heights, Ingleside, Bayview.

Analysis of the Australian Bureau of Statistics dwelling Census of Population and Housing 2016 data and Office of Local Government registered dog information, indicates that up to 53% of the dwellings in the LGA have a dog (assuming one dog per dwelling). This level of dog ownership is higher than the 37.5% of households with a dog as a pet (Australian Bureau of Statistics, 1995).

2.2 Existing Infrastructure and Approved Activities

The existing infrastructure which supports the mix of recreational uses at Palm Beach and Mona Vale, including the proposed Activity, are shown on Figure 2 and Figure 3 and consist of:

- Public roads and internal roads within Governor Phillip Park
- Parking spaces:
 - Palm Beach. Within Governor Philip Park there are approximately 490 off street parking spaces, 135 of which are located close to the access points for the proposed Activity Area.
 - Mona Vale. There are approximately 130 marked off street parking spaces located between Coronation Street and Narrabeen Park Parade, with further on street park available on these locations as well as Cook Terrace. The nearest parking spaces to the proposed off-leash dog Activity Area are at the intersection of Coronation Street and Narrabeen Park Parade.
- Rubbish bins: Council currently provides bins and dog faeces bags for the disposal of general litter including dog faeces within the general area of the Activity.
- Pedestrian access to proposed trial off-leash areas:
 - Access to the Palm Beach (North) off-leash area is via two sand access tracks, with the southern most access track being the shortest distance to the off-leash area. Council's original proposal included the use of a third access track. This REF however, moves this access track, and ensures that the Project Area is limited to areas zoned recreation.
 - Access to the Mona Vale (South) off-leash area is via a shared pedestrian bicycle path within Robert Dunn Reserve and two formal sand tracks. The southern most access track includes a staircase, while the northern sand access track has a longer but shallower gradient sand track (i.e. no stairs).

- Fencing
- Amenity facilities.

These existing infrastructure facilities support a wide range of recreational activities which have differing intensities and duration of use depending on the time of day/year, weekday/ weekend, weather conditions and season. Council will continue to monitor the use and suitability of its existing infrastructure and the management services it provides during the trial period, as it does for all the facilities provided by Council.

Council currently operates 29 dog off-leash areas that are distributed throughout the LGA. Given the spatial distribution of the off-leash areas across the LGA, the catchment area for each dog off-leash area is generally expected to be highly localised (i.e. in the order of <5 km from the respective dog off-leash area). The users of each dog off-leash area are therefore likely to be nearby residents who will walk to the dog off-leash area and, to a lesser degree, residents that live towards the edge of the catchment area or mobility impaired or time challenged residents that may travel to the off-leash area by car.

While Council provides a number of different dog off-leash area experiences throughout the LGA (i.e. access to waterways, large open spaces etc), dog owners that desire a specific and/or alternative experience (i.e. ocean beach) may be attracted to either of the Activity Areas. This may encourage the existing users of the Robert Dunn Reserve dog off-leash area and/or Governor Philip Park (dog on-leash area) to the nearby Activity Area. This is not expected to result in any additional material impacts, as these are existing users of the general recreational area and the associated supporting infrastructure. The Activity, however, may draw people who currently walk their dog but seek a new dog off-leash experience (i.e. ocean beach) from further afield and/or away from their typical dog walking location (i.e. outside the typical local catchment area). Given the travel time and effort required by this group to access the Activity Area, the potential contribution is expected to be small and predominately limited to weekend time of use periods. The corresponding fluctuation in usage numbers is expected to be within the daily, seasonal or use specific (e.g. monthly markets) range that already occurs with the general recreational use of each general location.

Ultimately, the recreational use capacity of the general recreational area, which includes the use of the Activity Areas, is limited by the existing number of car parking spaces, the number of local residents within walking distance and public transport. The inclusion of off-leash dog walking as a recreational activity at both locations is expected to represent a small proportion of the total recreational user numbers of both locations.

2.3 The Activity

Council is proposing to undertake a 12 month trial of dog off-leash trial areas in the Northern Beaches LGA. The trial Activity Areas are known as Palm Beach (North) and Mona Vale Beach (South) (see Figure 2 and Figure 3 respectively).

During the trial period dogs will be allowed off-leash within the Activity Areas in accordance with the trial parameters. The extent of the Activity Area will be marked by signage at the access points to the beach and the northern and southern boundaries of the dog off-leash area as well as the on leash access points as shown on Figure 2 and Figure 3. Users of the Activity Areas will have access to and use of the existing infrastructure and services provided by Council (See Section 2.2).

Council will monitor the use and suitability of the Activity Area and the existing infrastructure and services during the trial period, as it does for all the facilities provided by Council.

Use of both of the off-leash dog trial Activity Areas will be restricted to the following time:

- 5.30am to 10.00am and 5.00pm to 9.00pm, Monday to Sunday (seven days a week) Australian Eastern Daylight Time
- 6.00am to 10.00am and 4.00pm to 7.00pm, Monday to Sunday (seven days a week) Australian Eastern Standard Time.

The Council Report of 27 April 2021 proposed eastern boundaries for the areas at Palm Beach (North) and Mona Vale Beach (South) which, on further review, extended beyond the LGA and Pittwater Local Environmental Plan 2014 (LEP) map boundaries. The eastern boundaries of both Activity Areas were subsequently adjusted to be coincident with the eastern LGA boundary following a Council resolution at its meeting of 22 February 2022 (023/22).

Minor upgrades to supporting infrastructure is proposed as part of the Activity. This includes the replacement of some existing signage, new signage locations and the upgrade of existing general waste bins to include a dispenser for waste bags as well as the maintenance of this supporting infrastructure, as shown on Figure 2 and Figure 3.

2.3.1 Palm Beach (North)

The Palm Beach (North) Activity Area is located on the seaward side of the northern beaches peninsula at the northern end and to the east of Governor Philip Park. The proposed Palm Beach (North) Activity Area is approximately 405 metres (m) long, with the northern boundary approximately 257 m south of the Ku-ring-gai Chase National Park boundary and its southern boundary is approximately 343 m to the north of the North Palm Beach Surf Lifesaving Club (See Figure 2).

2.3.2 Mona Vale Beach (South)

The Mona Vale Beach (South) Activity Area is located at the southern end of Mona Vale Beach and is irregular in shape as shown on (Figure 3). The proposed Mona Vale (South) Activity Area is approximately 300 m long, with the northern boundary of the Activity Area is approximately 714 m to south of the Mona Vale Surf Lifesaving Club and the southern boundary approximately 571 m north of the Warriewood Surf Life Saving Club. The southern boundary of the Activity Area generally follows the base of the cliff /headland that separates Warriewood Beach from Mona Vale Beach.

2.4 Land Ownership

The schedule of lands and ownership for the Activity Areas is shown in Table 1 and Table 2 (See Figure 6 and Figure 7).

Table 1. Palm Beach (North) Schedule of Land and Ownership

Lot / DP	Owner
7004/DP1117444	Crown Lands
7006/DP1117451	Crown Lands
Mean High Water Mark	Crown Lands

Table 2. Mona Vale Beach (South) Schedule of Land and Ownership

Lot / DP	Owner
1/DP1275526	Crown Lands
5/DP211456	Council
Mean High Water Mark	Crown Lands

3. Consideration of Alternatives

3.1 Alternative Pittwater Ward Ocean Beach Locations

A desktop assessment for 10 ocean beach locations (i.e. all ocean beaches within the Pittwater Ward) were investigated as part of the site selection/prefeasibility process (See Table 3).

As shown in Table 3, multiple factors were considered in the site selection/prefeasibility process with reference to the minimum requirement of 400m of beachfront and the minimisation of potential recreational and residential landuse conflicts. Each location was assessed using a traffic light scoring approach, with the key limiting factor(s) for each location highlighted in **red text**.

Following the feasibility assessments, the Mona Vale and Palm Beach locations were identified as the preferred locations for the establishment of ocean beach off-leash dog areas.

3.2 Alternative of Not Proceeding “Do Nothing”

The surrounding general area at both locations is currently used for a broad range of recreational activities. The ‘do nothing’ option would see the continued use of the area and associated supporting infrastructure for the wide range of recreational activities. However, the ‘do nothing’ option would forego the benefits of the Activity as detailed in Section 7.

The ‘do nothing’ option would result in a lost opportunity to utilise a portion of the existing recreational area and associated supporting infrastructure for the recreational activity of off-leash dog walking in an ideally located site with limited environmental constraints.

The ‘do nothing’ option would avoid the potential minor environmental impacts of the Activity, which include noise, traffic, visual impacts and biodiversity.

However, through the implementation of the management and mitigation measures described in Section 7, which are proposed as part of the REF the Activity is not expected to result in any significant impacts to the environment, nearby residents or other recreational users.

Table 3. Ocean Beach Locations Considered

Beach Name	Length of beachfront (Southern headland to Northern headland)	% of beach occupied by proposed 400m long off-leash dog area	Approximate chainage (metre marker) of the surf club	Maximum distance between 400m nearest boundary of off-leash dog area to surf club (NB some locations there may be overlap)	Landuse adjoining beach front (e.g. commercial, retail, high density residential, residential, public open space, conservation)	Overall assessment
Turimetta Beach	450m	88%	N/A	N/A	Environmental Conservation	Unsuitable – insufficient beachfront
Warriewood Beach	396m	N/A	N/A	N/A	Environmental Living	Unsuitable – insufficient beachfront
Bongin Bongin Beach / Mona Vale Beach	1177m	34%	945m	664m	Public Recreation Environmental Living Low Density Residential Medium Density Residential	Potential suitable site – further assessment warranted
Basin Beach	476m	84%	N/A	76m	Environmental Living	Unsuitable – insufficient beachfront
Bungan Beach	810m	46%	624m	224m	Environmental Conservation	Unsuitable – access to potential location through surf club / main beach area
Newport Beach	1110m	36%	523m	158m	Low Density Residential Medium Density Residential Infrastructure	Unsuitable – surf club located in the middle of the beach front. Higher potential for recreational and residential landuse conflicts than other locations

Beach Name	Length of beachfront (Southern headland to Northern headland)	% of beach occupied by proposed 400m long off-leash dog area	Approximate chainage (metre marker) of the surf club	Maximum distance between 400m nearest boundary of off-leash dog area to surf club (NB some locations there may be overlap)	Landuse adjoining beach front (e.g. commercial, retail, high density residential, residential, public open space, conservation)	Overall assessment
Bilgola Beach	465m	86%	70m	9m	Environmental Living	Unsuitable – insufficient beachfront and proximity to the surf club / main beach area
Avalon Beach	625m	64%	125m	68m	Environmental Conservation	Unsuitable – insufficient beachfront and proximity to the surf club / main beach area
Whale Beach	732m	54%	271m	140m	Environmental Living	Unsuitable –proximity to the surf club / main beach area. Higher potential for recreational and residential landuse conflicts than other locations
Palm Beach	2280m	17%	1170m	770m	Environmental Living Public Recreation	Potential suitable site – further assessment warranted

4. Statutory and Planning Framework

This section provides details of the relevant Commonwealth, State and local planning provisions and a discussion of the application of these provisions to the Activity.

4.1 New South Wales Legislation and Regulations

4.1.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) regulates, amongst other things, development of land. ‘Development’ is defined in section 1.5 of the EP&A Act as including ‘the use of land’.

The Activity involves development which comprises the use of existing recreational areas and supporting infrastructure by members of the public for off-leash dog recreation purposes. This development is properly characterised as a use for recreational purposes.

Pittwater Local Environmental Plan 2014 (PLEP) applies to both the Palm Beach and Mona Vale Activity Areas. The Activity Areas are zoned as ‘RE1 Public Recreation’. ‘Recreation areas’ is a type of development permitted with consent in Zone RE1.

4.1.1.1 Continuing use for recreational purposes

Council has commissioned an extensive investigation of the historical recreational uses of both Palm Beach and Mona Vale Beach set out in Annex 1 (Cama Report). The Cama Report demonstrates that both Palm Beach (North) and Mona Vale Beach (South) have been used as public recreation areas since at least the early 1900s.

At Mona Vale Beach, swimming became popular after the legalisation of daytime sea bathing in 1903. The Warringah Shire excavated an ocean pool in 1923, appointed a permanent lifeguard in 1929, and erected reserve and beach infrastructure in the 1930s (p 27 Cama Report).

There is a similar history of recreation use of Palm Beach, including the establishment of a surf club in 1921, and the use of the beach as a camping ground from the 1930s (p 40 Cama Report).

Both beaches continue to be used by the community for the purposes of recreation. The first instrument that may have come into force to require consent be obtained for the use of the Activity Areas was the *Local Government Act 1919* (NSW) (LGA 1919), which did not come into effect in the then Shire of Warringah until 7 June 1940. Section 311 of the LGA 1919 provided that “a building shall not be erected or altered unless the approval of the Council is obtained therefor beforehand.” As discussed above, the use of the general Palm Beach and Mona Vale area (including the proposed Activity Areas) as recreation areas was well established, and indeed facilitated by the Warringah Shire at this time.

In 1951 the County of Cumberland Planning Scheme Ordinance (CCPS) came into force. Clause 28(1) of the CCPS provided that a building could not, without consent, be erected or used in a zone for a purpose specified in the land use table as requiring consent. Clause 32 of the CCPS provided that: “An existing building or existing work may be maintained and may be used for its existing use and an existing use of land may be continued...”.

On 7 June 1963, the Warringah Planning Scheme Ordinance (WPSO) was gazetted. The WPSO zoned Palm Beach and Mona Vale Beach ‘Existing Recreation’. Clause 30 of the WPSO provided that: “an existing building or an existing work may be maintained and may be used for its existing use and an existing use of land may be continued.”

The *Warringah Local Environmental Plan 1985* (WLEP) replaced the WPSO on 11 October 1985, zoning the Activity Areas 6(a) Existing Recreation. The *Pittwater Local Environmental Plan 1993* (PLEP 1993) was gazetted on 4 February 1994, following Pittwater's separation from the Warringah LGA. It continued to zone land at Mona Vale Beach as 'existing recreation'. On 27 June 2014, the *Pittwater Local Environmental Plan 2014* (PLEP) was gazetted, zoning the land for the Activity Areas as RE1 Public Recreation. The PLEP is discussed further at Section 4.3.2 below.

On 1 September 1980 the EP&A Act commenced. Section 4.68(1) (formerly s 109) of the EP&A Act provides that:

Nothing in an environmental planning instrument operates so as to require consent to be obtained under this Act for the continuance of a use of a building, work or land for a lawful purpose for which it was being used immediately before the coming into force of the instrument or so as to prevent the continuance of that use except with consent under this Act being obtained.

Section 4.68(2)(c) provides that section 4.68(1) does not authorise "any enlargement or expansion or intensification of the use therein mentioned."

As established in the preceding paragraphs and in the Cama Report, the use of Palm Beach (North) and Mona Vale Beach (South) as recreation areas began lawfully in the early 1900s. The recreation use of the Activity Areas remained lawful after the coming into force of the LGA 1919, the CCPS, the WPSO, the WLEP, the PLEP 1993, and continues to be permissible with consent under the PLEP.

The Activity involves a continuing use of the Activity Areas for recreational uses and will not result in an enlargement, expansion, or intensification of the recreation use.

It follows that the Activity is a continuing use under this section, which may continue without the need for development consent.

4.1.1.2 Division 5.1 Assessment

While consent under Part 4 of the EP&A Act is not required for the Activity, the Pittwater Council Dog Control Policy (No 30) (Dog Policy) under the *Companion Animals Act 1998* (CA Act) prohibits dogs on all beaches within the LGA. In order to authorise the Activity, Council must first make orders under the CA Act to amend the Dog Policy. The orders are contemplated in more detail below in Section 4.1.2.

The threshold requirements for a activity to be subject to assessment under Division 5.1 of the EP&A Act are whether there is an 'activity' that requires 'approval' from a 'determining authority'.

'Activity' is defined in section 5.1 of the EP&A Act to include 'the use of land'. The Activity is for the recreational use of land by members of the public on the beaches with their dogs, and therefore meets the definition of 'activity'.

'Determining authority' is defined as:

a Minister or public authority and, in relation to any activity, means the Minister or public authority by or on whose behalf the activity is or is to be carried out or any Minister or public authority whose approval is required in order to enable the activity to be carried out.

'Approval' is defined as including 'a consent, licence or permission or any form of authorisation'.

To carry out the Activity, the Council (as a determining authority) will need to enable the use of the Activity Areas by making orders under the CA Act, which is considered in more detail below in Section 4.1.2. The

decision of Preston CJ in *Palm Beach Protection Group Incorporated v Northern Beaches Council* [2020] NSWLEC 156 held that such decisions by Council were “approvals” within the meaning of section 5.1 of the EP&A Act.

Additionally, existing plans of management will need to be amended in accordance with the *Local Government Act 1993* (LG Act) and *Crown Land Management Act 2016* (CLM Act). Council and the Minister for Lands and Water (insofar as the plans of management apply to Crown land) are the determining authorities whose approval to amend the plans of management is required to authorise the Activity (see section 0).

It follows that Division 5.1 of the EP&A Act applies to the granting of these approvals. Section 5.5 provides that:

For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

Section 5.7 prevents a determining authority from carrying out an activity or granting an approval in relation to an activity that is likely to significantly affect the environment, unless an environmental impact statement is obtained.

One of the purposes of this REF is to consider and record for the Council, a review of all matters affecting or likely to affect the environment by reason of the Activity, so that the Council may examine and take into account to the fullest extent reasonably possible those matters. The Council must also determine whether the Activity is likely to significantly affect the environment.

The Council has notified the Minister for Lands and Water about the off-leash dog trial, and further consultation will be undertaken prior to Council proceeding with the Activity.

As part of this assessment, it is necessary to assess the impact of the Activity by reference to the factors contained in clause 171 of the *Environmental Planning and Assessment Regulations 2021* (EP&A Regulations) and the guidelines for Division 5.1 assessment.

4.1.2 Companion Animals Act 1998

The Dog Policy prohibits dogs from all beaches. That policy was made in accordance with sections 14(1)(c) and (d) and 14(7) of the CA Act, which relevantly provide:

(1) Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled)—

[...]

(c) **Recreation areas where dogs are prohibited** (meaning any public place, or part of a public place, provided or set apart by a local authority for public recreation or the playing of organised games and in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place or part).

d) Public bathing areas where dogs are prohibited (meaning any public place or any part of a public place that is used for or in conjunction with public bathing or public recreation (including a beach), in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries

of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place).

[...]

(7) A local authority is authorised to make the orders contemplated by this section.

To enable the Activity, the Council must decide to make an order to amend the Dog Policy to create an exemption for the Activity Areas. The Council has the power to make such an order under ss 14(7) and 14(1)(c) and (d) of the CA Act, as extracted above.

After making this order, Council must then make an order that the Activity Areas are dog off-leash areas subject to the mitigation actions proposed in this REF, pursuant to Council's power under section 13(6) of the CAA. Section 13(6) provides:

A local authority can by order declare a public place to be an off-leash area. Such a declaration can be limited so as to apply during a particular period or periods of the day or to different periods of different days. However, there must at all times be at least one public place in the area of a local authority that is an off-leash area.

As outlined in Section 4.1.1 above, these orders amount to approvals that require assessment under Division 5.1 of the EP&A Act.

4.1.3 Local Government Act 1993

The LG Act was established to provide the legal framework for the system of local government for NSW, including the use and management of community land by Council.

Section 35 of the LG Act provides that:

"Community land is required to be used and managed in accordance with the following –

- the plan of management applying to the land

[...]"

4.1.3.1 Governor Phillip Park Plan of Management

Governor Phillip Park Plan of Management (2002) applies to North Palm Beach, including the proposed off-leash trial area.

The key objectives of this plan of management are to:

- Conserve and enhance the Park's natural, historical and cultural environment whilst providing a diverse range of quality informal passive recreational opportunities in a unique and relatively undeveloped setting.
- Meet legislative requirements for the preparation of Plans of Management for Crown land under Section 112 of the Crown Lands Act 1989.
- Reflect community values and expectations for future use and management of Governor Phillip Park.
- Identify all issues affecting the park and its users, and to resolve such issues in a manner which is both cost-effective and achieves the objective of the Plan of Management.
- Develop detailed management strategies and actions to resolve issues, consistent with community values and expectations, in the short and medium terms.
- Prepare a Landscape Master Plan that illustrates the long-term vision and actions required to implement proposed changes and improvements to Governor Phillip Park.

The Council has consulted with the Department of Industry – Crown Lands regarding the Activity, as most of the land in Governor Phillip Park (including Palm Beach North) is Crown land. The Department of Industry – Crown Lands has requested that the Governor Phillip Park Plan of Management be updated because they consider the Activity amounts to a change in the nature of the use of the reserve. Such an amendment must comply with the process set out at 4.1.3.3 and 4.1.4 below.

4.1.3.2 Ocean Beaches Plan of Management

The Ocean Beaches Plan of Management 2005 (PoM) was established for the purposes of the LG Act and applies to Mona Vale Beach (South). The PoM provides that “Animals on the beach with the exception of Guide Dogs for the visually impaired” is currently a prohibited use on Mona Vale Beach.

It follows that the PoM must be amended to remove the prohibition of dogs on Mona Vale Beach before Council makes orders authorising dogs off-leash under the CA Act.

4.1.3.3 Amendment of Plans of Management

Section 41 of the LG Act provides that “A council may amend a plan of management adopted under this Division by means only of a plan of management so adopted.” Section 42 of the LG Act provides that “(1) A plan of management for community land may be revoked by a plan of management adopted under this Division by the council.”

To adopt a plan of management, the Council must first prepare a draft plan of management: section 36. The Council must give public notice of the draft plan of management, including exhibition for at least 28 days, and a period of at least 42 days after the first day of public exhibition during which submissions may be made to the Council: section 38. The plan of management should be exhibited with other matters necessary to enable the draft plan and its implications to be understood, which includes this REF: section 38(4).

The plan of management may then be adopted by the Council after considering all submissions received: section 40. The consideration process is anticipated to take approximately 14 days. If the council decides to amend the draft plan after considering public submissions it must publicly exhibit the draft plan and REF again in accordance with section 38, unless it is of the opinion that the amendments are not substantial: section 40(2)(b).

4.1.3.4 Crown Land Management Act 2016

The CLM Act commenced on 1 July 2018 and introduced substantial changes to the ownership, use and management of Crown land in NSW. Prior to 1 July 2018, Crown land was managed under the *Crown Lands Act 1989* (CL Act) and at least ten other separate pieces of legislation.

The objects of the CLM Act are:

- (a) to provide for the ownership, use and management of the Crown land of NSW, and*
- (b) to provide clarity concerning the law applicable to Crown land, and*
- (c) to require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land, and*
- (d) to provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of NSW, and*
- (e) to facilitate the use of Crown land by the Aboriginal people of NSW because of the spiritual, social, cultural and economic importance of land to Aboriginal people and, where appropriate, to enable the co-management of dedicated or reserved Crown land, and*

(f) to provide for the management of Crown land having regard to the principles of Crown land management.

Part 3 deals with the management of Crown land and requires Council Crown land managers to prepare a Plan of Management in accordance with the LG Act for dedicated and reserved Crown land.

Section 2.4 of this REF notes that the Activity Areas comprise land owned by Council and the Crown.

The Council will therefore need to make amendments to the plans of management in accordance with the requirements of Division 3.4 of the CLM Act, which concerns Crown land managed by councils.

Section 3.21 of the CLM Act provides that “A council manager is authorised to classify and manage its dedicated or reserved Crown land as if it were public land within the meaning of the LG Act, subject to this Division” and “Accordingly, a council manager is also authorised to manage its dedicated or reserved Crown land as if it were community land or operational land, but only as permitted or required by this Division.”

Section 3.23(2) imposes an obligation on the Council to:

as soon as practicable after it becomes the manager of the dedicated or reserved Crown land (including because of the operation of Schedule 7), assign the land to one or more categories of community land referred to in section 36 of the *Local Government Act 1993*.

The Council has not yet assigned such categories to Crown land at Mona Vale and Palm Beach. Council officers are currently considering the draft categorisation for numerous Crown Land reserves (including Crown Land reserves located at Palm Beach and Mona Vale Beach), taking into account community consultation on their proposed categories. Once the categories are finalised, the Council must then give written notice to the Minister of the categories to which it has assigned the land: section 3.23(4). The Minister may require the Council to alter these categories: section 3.23(5).

The Council may then adopt a plan of management in accordance with Division 2 of Part 2 of Chapter 6 of the LG Act. This process is outlined in Section 4.1.3 above. This may be done in the same plan of management as Council-owned community land.

For plans of management concerning Crown Land, the Minister for Lands and Water must consent to the draft plan of management before it is adopted (*Crown Land Management Regulation 2018* r 70B), which amounts to an ‘approval’ for the purposes of Division 5.1 of the EP&A Act as discussed in Section 4.1.1 above.

4.1.4 Contaminated Land Management Act 1997

The *Contaminated Land Management Act 1997* was established to investigate and, where appropriate, remediate land that the Environment Protection Authority (EPA) has considered to be contaminated significantly enough to require regulation.

A search of the EPA’s Public Register did not identify any known / recorded contaminated land within the Activity Areas.

4.1.5 Heritage Act 1977

The *Heritage Act 1977* encompasses non-Aboriginal artefacts or sites that are older than 50-years-old. This act aims to promote understanding, encourage conservation, provide identification and registration, provide protection and encourage adaptive reuse of State Heritage items.

Searches of the various heritage registers were undertaken for the Activity Areas, with no heritage items identified within 200m of the Activity Areas. Section 6.7 provides further details regarding the historic heritage impacts of the Activity.

4.1.6 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) aims to manage the following:

- The conservation of nature
- Conservation of objects, places and features of cultural value
- Public appreciation, understanding and enjoyment of nature and cultural heritage
- Land reserved under this Act.

The Activity Areas are not located within a National Park. The Activity is not expected to directly or indirectly impact on the conservation and use of National Park land. Section 6.6 of this REF considers the impact of the Activity on the conservation of Aboriginal heritage, places and features of cultural value.

Section 7.5 of the OEH Due Diligence Code of Practice for the *Protection of Aboriginal Objects in New South Wales (2010a)* notes that the Clause 57 of the *National Parks and Wildlife Regulation 2019* removes the need to follow the due diligence process if carrying out a specifically defined “low impact activity”.

An Aboriginal Objects Due Diligence Assessment has been prepared for the Activity under Part 6 of the NPW Act (See Annex 3).

4.1.7 Biodiversity Conservation Act 2016

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) “is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development” (section 1.3).

Part 7 of the BC Act sets out a process of assessment for an ‘activity’ as defined in Part 5 of the EP&A Act. As provided in Section 4.1.1 of this REF, the Activity is such an activity. Section 7.8(2) of the BC Act provides that:

For the purposes of Part 5 of the Environmental Planning and Assessment Act 1979, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Sections 7.2 and 7.3 of the BC Act sets out the test for determining whether an activity is likely to significantly affect threatened species. This test will be set out and considered in Section 6.2 of this REF. A biodiversity assessment has been undertaken (see Section 6.2) which concludes the activity is unlikely to significantly impact biodiversity.

4.1.8 Biodiversity Conservation Regulation 2017

The object of the *Biodiversity Conservation Regulation 2017* (BC Regulation) is to make provision for matters that are required or authorised to be prescribed by the regulations as a consequence of the enactment of the BC Act. The BC Regulation aims for the protection of threatened species, populations, communities and critical habitats in NSW.

The Activity is not required to provide biodiversity offsets under Part 6 of the BC Regulation and no land within the Biodiversity Values map (BV map) will be disturbed.

4.1.9 Biosecurity Act 2015

The aims of the *Biosecurity Act 2015* are to provide a framework for the prevention, elimination and minimisation of biosecurity risks by carriers or potential carriers.

This Activity is not likely to impact the biosecurity of the area.

4.1.10 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) regulates pollution in NSW including water pollution, air pollution, noise pollution and the pollution of land. The aims of the POEO Act are achieved by way of Protection of the Environment Policies, licensing and by the issuing of Environmental Protection Notices to persons or organisations that are found to be polluting the environment.

Council is the regulatory authority for this Activity as it is a non-scheduled activity defined by Schedule 1 of the POEO Act. For the purposes of Section 48 of the POEO Act, an Environmental Protection Licence is not required for this Activity as it is a non-scheduled activity.

4.1.11 Roads Act 1993

The *Roads Act 1993* aims to set out the rights of the public to pass along public roads, set out the rights of persons who own land adjoining a public road, establishment of procedures relating to the opening and closing of a public road and provide clarification of roads.

No roadworks or changes to the current parking arrangements are proposed by the Activity. Access and parking availability for the Activity are discussed in further detail in Section 6.3.

4.1.12 Waste Avoidance and Resource Recovery Act 2001

The *Waste Avoidance and Resource Recovery Act 2001* sets out priorities and methods to reduce waste generated and waste resource recovery within NSW, aiming to reduce environmental harm and encouraging the most efficient use of resources.

The disposal and recycling of waste are discussed in Section 6.4.

4.1.13 Water Management Act 2000

The primary piece of legislation for the management of water in NSW is the *Water Management Act 2000* (WM Act). The WM Act is designed to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.

The WM Act recognises the need to allocate and provide water for the environmental health of our rivers and groundwater systems, while also providing licence holders with more secure access to water and greater opportunities to trade water through the separation of water licences from land. The main tool in the WM Act for managing the state's water resources are water sharing plans. These are used to set out the rules for the sharing and trading of water in a particular water source between water users and the environment.

The Activity does not involve the requirement for any permits or licences under the WM Act to extract or use surface or groundwater or intersect aquifers.

4.1.14 Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) relates to the conservation of the fishery resources.

Department of Primary Industries (DPI) Fisheries, assess applications for dredging and reclamation works which may harm marine vegetation and cause obstruction of fish passage in accordance with Part 7 of the FM Act and the Policy and Guidelines for Fish Habitat Conservation and Management (2013 Update).

This Activity will not involve any activities which will require an application to DPI Fisheries.

4.1.15 Marine Estate Management Act 2014

Marine Estate Management Act 2014 aims to set the over-arching strategy for the State government to co-ordinate the management of the marine estate with a focus on achieving, economic opportunities for the people, cultural, social and recreational uses, maintaining ecosystem integrity and the use of marine estate for scientific research.

This Activity is not located within a marine park or aquatic reserve.

4.1.16 Aboriginal Land Rights Act

The *Aboriginal Land Rights Act 1983* (NSW) operates to provide land rights for Aboriginal persons in NSW, and to empower representative Local Aboriginal Land Councils (**LALCs**) in NSW (section 3). Section 36 provides that LALCs can have Crown Land transferred to them if at the time of their claim the land is:

- Able to be lawfully sold or leased;
- Not lawfully used or occupied;
- Not needed nor likely to be needed as residential land;
- Not needed, nor likely to be needed, for an essential public purpose; and
- Not impacted by Native Title.

While the Activity Areas comprise Crown Land, that land has been lawfully used and occupied since the early 1900s, as detailed in the Cama Report. The land is therefore ineligible for a claim under the Aboriginal Land Rights Act.

4.2 Commonwealth Legislation

4.2.1 Environment Protection and Biodiversity Conservation Act

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) provides for the protection of nationally significant natural or cultural values or the regulation of certain nationally significant activities. These values are known as Matters of National Environmental Significance (MNES) and the regulated activities are known as Controlled Actions and include activities which may impact on:

1. World Heritage properties.
2. National Heritage places.
3. Wetlands of international importance.
4. Commonwealth listed threatened species and ecological communities.
5. Commonwealth listed Migratory species.
6. Commonwealth marine or land areas.
7. The Great Barrier Reef Marine Park
8. Nuclear actions (including uranium mining).
9. A water resource, in relation to coal seam gas development and large coal mining development.

Approval from the Minister for the Department of Agriculture, Water and the Environment (Commonwealth Minister) is required for any action that may have a significant impact on any MNES. An

assessment of the Activity's impact on MNES and the environment of Commonwealth land has been undertaken.

None of the components of the Activity will be located within a World Heritage site, a National Heritage place, a wetland of international importance, a Commonwealth marine or land area or the Great Barrier Reef Marine Park. The Activity also does not involve a nuclear action or coal seam gas development and large coal mining development.

The provisions of the EPBC Act which are relevant to the Activity are those which relate to impacts on habitat for threatened species and ecological communities listed in the EPBC Act. The Activity's impacts on these aspects and the mitigation measures and controls (safeguards) to avoid and minimise impacts on the community and environment are considered in Section 6.

As the Activity is unlikely to have a significant impact on a MNES, referral under the EPBC Act is not considered necessary.

4.2.2 Native Title Act

The *Native Title Act 1993* (Cth) (NT Act) was enacted to formally recognise and protect native title rights in Australia, following the decision of the High Court of Australia in *Mabo & Ors v Queensland (No. 2)* (1992) 175 CLR 1. The NT Act is the legal recognition of Indigenous Australians' rights and interests in land and waters, according to their own traditional laws and customs.

Although there is a presumption of Native Title in any area where an Aboriginal community or group can establish a traditional or customary connection with that area, there are several ways that Native Title is taken to have been extinguished. For example, land that was designated as having freehold title prior to 1 January 1994 extinguishes Native Title, as does any commercial, agricultural, pastoral, or residential lease. Further, land that has been utilised for the construction or establishment of public works also extinguishes any Native Title rights and interests for as long as they are used for that purpose.

A search of the Register of Native Title Claims on the National Native Title Tribunal website indicates that there have been no claims made in relation to the land on which the Activity occupies.

4.3 Relevant environmental planning instruments

4.3.1 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T & I SEPP) aims to facilitate the effective delivery of infrastructure across the State and in particular, by identifying the environmental assessment category into which different types of infrastructure and services development fall.

Clause 2.74(1) of the T & I SEPP identifies construction or maintenance of "bins (including frames and screening)" as exempt development if the development is on a public reserve (other than Crown managed land) by or on behalf of a public authority, or on Crown managed land, by or on behalf of a council having control of the land under section 48 of the Local Government Act 1993.

Should monitoring during the trial identify a need for additional bins (as with any other Council reserve) any bin installation will be undertaken in accordance with the requirements of the T & I SEPP.

4.3.2 Pittwater Local Environmental Plan 2014

The PLEP is the current LEP for the Northern Beaches Council LGA. The Activity Areas are zoned RE1 Public Recreation (See Figure 4 and Figure 5).

The objectives of RE1 Public Recreation zone are:

- To enable land to be used for public space or recreational purposes
- Provide for a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide passive and active public open space resources, and ancillary development, to meet the needs of the community.

The Activity is consistent with the objective of the RE1 zone. Development of a Recreation Area within an RE1 Zone is permitted with consent. For the reasons set out in Section 4.1.1 consent is not required in this case.

4.4 Strategic Plans

4.4.1 Local Strategic Planning statement – Towards 2040

The Local Strategic Planning Statement – Towards 2040 provides guidance for land use planning within the Northern Beaches Council LGA over a 20-year period. This encompasses the principles addressed in the Greater Sydney Regional Plan 2018 and Northern District Plan 2018 and couples this with technical studies, strategies and plans. This plan reflects local values and builds towards the 10-year vision that is established in the Community Strategic Plan. The *Local Strategic Planning Statement* directs the Council with a range of priorities to follow. The priorities which are relevant to the Activity are:

- Healthy and valued coast and waterways
- High quality open space for recreation
- A low-carbon community, with high energy, water and waste efficiency
- An inclusive, healthy, safe and socially connected community.

4.4.2 Community Strategic Plan

The Community Strategic Plan considers the concerns, interests and hopes of the community for the future of the Northern Beaches Council LGA. This plan looks to achieve a safe, inclusive and connected community. This plan stipulates goals the Council intends to achieve. The goals that are relevant to this Activity are:

- Provide sustainable access to the natural environment, while recognising and protecting its cultural and heritage value
- Encourage the community to protect the environment and minimise pollution
- Ensure integrated land use planning balances the environmental, social and economic needs of present and future generations
- Reduce waste and improve reuse and recycling
- Encourage a broad range of activities that enable social interaction, stimulate wellbeing, and support people at each stage of their lives.

4.4.3 Greater Sydney Regional Plan 2018

The Greater Sydney Regional Plan encompasses a 40-year vision that establishes a 20-year plan for growth and change of the Greater Sydney area. It aims to boost productivity and liveability, providing good jobs and skilled workers while preserving heritage and local character. The Greater Sydney Regional Plan divides the City of Sydney into three different management sections: Western Parkland City, Central River City & Eastern Harbour City. The key objectives that are laid out in this plan, that are relevant to this Activity are:

- Great places that bring people together

- Economic sectors and targeted for success
- Environmental, social and economic values in rural areas are protected and enhanced
- Accessible public open spaces, protection and enhanced
- More waste is reused and recycled.

4.4.4 Northern District Plan 2018

The Northern District Plan is 20-year plan, established to manage growth in economic, social and environmental matters to achieve the visions of the overarching 40-year, Greater Sydney Regional Plan. The Northern District Plan considers major infrastructure investments and the transport, infrastructure, services, affordable housing and open spaces that will be required as the population grows and the demographics change. The plan also acknowledges great places bring people together and protects the environmental sustainability of the landscape with strategies that enhance waterways, bushland, biodiversity and green open spaces. The key objectives that are laid out in this plan, that are relevant to this Activity are:

- Providing services and social infrastructure to meet people's changing needs
- Embraces shared recreational use of open spaces helping to develop a more collaborative city
- Encourages a healthy and active lifestyle and improves social connection
- Providing great places that are enjoyable and attractive, safe, clean and flexible with a mix of functions
- Providing great places that are inclusive of people of all ages and abilities, that offer a range of authentic local experiences and opportunities for social interactions
- Providing great places that are walkable and are of mixed land uses including social infrastructure and local services that are at the heart of the community.

Council actions that are informed by the Northern District Plan and are relevant to this Activity include:

Action 19: *Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*

- a) prioritising a people-friendly public realm and open spaces as a central organising design principle*
- b) recognising and balancing the dual function of streets as places for people and movement*
- c) providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres*
- d) integrating social infrastructure to support social connections and provide a community hub*
- e) recognising and celebrating the character of a place and its people*

Action 73: *Maximise the use of existing open space and protect, enhance and expand public open space by:*

- a) providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow*
- b) investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space*
- c) requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved*

- d) planning new neighbourhoods with a sufficient quantity and quality of new open space*
- e) delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses*
- f) delivering, or complementing the Greater Sydney Green Grid*
- g) providing walking and cycling links for transport as well as leisure and recreational trips.*

Action 76: *Protect existing, and identify new, locations for waste recycling and management.*

5. Consultation

5.1 Consultation objectives

The LG Act requires that a council must establish and implement a strategy (called its community engagement strategy) for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities. All community engagement activities conducted by Council are underpinned by principles of equity, access, participation and rights as prescribed by the LG Act.

The Northern Beaches Council Community Engagement Policy (2017) (CEP) outlines the approach to community engagement conducted as part of Council's decision-making processes. The policy recognises that community engagement and participation processes are vital and aims to build confidence in Council's ability to plan and make decisions that will respond to the present and future needs of the community. The policy emphasises that the community should be kept informed throughout a consultation process and receive feedback that demonstrates how their input has influenced the decision.

The Community Engagement Matrix (2017a) (Matrix) is an implementation tool used by Council and provides staff with direction on engagement planning and guidance on when and how staff should engage with the community. Together the CEP and Matrix form the Council Community Engagement Framework.

Community and stakeholder engagement for the proposed dog off-leash areas at Palm Beach (North) and Mona Vale Beach (South) was conducted over a four-week period between 7 May to 6 June 2021. The engagement was planned, implemented and reported in accordance with the CEP and Matrix.

5.2 Statutory and policy notification requirements

5.2.1 Policy

Council's policies that deal with community engagement were created to further the guiding principle of 'community participation' identified in section 8A(3) of the LG Act, which provides: 'Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.'

The Council has created Special Consultation Requirements (SCRs) which it commits to follow 'when undertaking high impact development on Council owned and managed land' in accordance with Council's CEP.

This Activity has been assessed by Council as Level 2 under the Matrix, meaning that it is a 'high impact development'. The Activity permits a use on land that is owned and managed by the Council. The SCRs therefore apply.

The SCRs are provided in Attachment 1 to the Matrix. They require consultation at the planning stage, the design stage, and the approval stage. The approval stage relevantly includes "e.g... Part V Assessment". Given that this REF forms part of a Part 5 assessment, it constitutes part of the approval stage. The approval stage relevantly provides that:

Where a DA is not required, Council staff are still required to engage with the community to gain input to the development. The Matrix should be used to determine the most appropriate level of engagement.

The CEP describes how Council plans and coordinates its community and stakeholder engagement efforts in accordance with its policies and legal obligations. At a high level, this will include exhibition of the REF for

not less than 28 days (in accordance with p 3 of the CEP), advertisement of the REF and proposed Activity to the community through various public mediums, accepting feedback from the community through an online portal, and directly engaging with identified stakeholders, such as relevant government agencies and beach users.

Following this exhibition process, the feedback will be considered and a further report provided to the elected Council. Further activity may be required in relation to Plans of Management for the relevant Crown and community land.

5.2.2 Statute

Regulation 171(4)(c) of the EP&A Regulations relevantly provides that:

(4) The review of environmental factors must be published on the determining authority's website or the NSW planning portal if—

[...]

(c) the determining authority considers that it is in the public interest to publish the review.

This regulation will have the effect of requiring the Council to consider whether it is in the public interest to publish the REF, and if so, to publish the REF.

Additionally, any amendment to a plan of management that is required will need to be exhibited for 28 days, and the Council will need to accept public submissions for 42 days. This is discussed in more detail above in Section 4.1.3.3.

5.2.3 Conclusion

The Activity, this REF, and any amendment to a plan of management will need to be exhibited for at least 28 days. The Council will follow their policies to engage with the community regarding the Activity. The Council will need to accept public submissions on any amendment to a plan of management for at least 42 days and consider those submissions before a draft plan of management is adopted.

5.3 Consultation to date

5.3.1 Previous Feedback to Council

The following summarises relevant feedback received by Council from the community engagement undertaken prior to the contemplation of the Activity.

In recent years Council has received consistent feedback from the Northern Beaches community, including:

- That there is a need for more off-leash areas in parks and particularly beaches due to the number of dogs on the Northern Beaches, the over-crowding of many of the current off-leash areas and the lack of off-leash areas on beaches and with water access.
- The physical and mental health benefits many people attribute to walking their dog outdoors.
- The importance of off-leash areas for exercising and socialising dogs.
- The potential negative environmental, social and community impacts of more off-leash areas and dogs on beaches.

This feedback was received during community engagement undertaken for projects including the Unleashed Dog Exercise Area review in 2017, the Avalon Beach Reserve Off-leash Area trial in 2018, the research for the Station beach Dog Off-leash Area trial in 2019 and for the draft Open Space and Recreation Strategy in 2021.

5.3.2 Engagement for this Activity

At the Council meeting held on 27 April 2021, Council considered Item 13.1 Feasibility of Establishing Dog Off-leash Areas at Palm Beach (North) and Mona Vale Beach (South). In respect of Item 13.1, Council resolved (Council resolution 111/21) amongst other things that:

1. *Environmental assessments be undertaken in accordance with the EP&A Act 1979 (and other relevant legislation) into the possibility of establishing dog off-leash areas on Palm Beach (north) and Mona Vale Beach (south), as outlined in Attachments 1 and 2 of this report.*
2. *The assessments referred to in (1) be undertaken in consultation with the NSW State Government.*
3. *The trial parameters as described in this report be placed on public exhibition for a period of 4 weeks, and that preparations for this public exhibition commence immediately.*

Community and stakeholder engagement for the proposed dog off-leash areas at Palm Beach (North) and Mona Vale Beach (South) was conducted over a four-week period, from 7 May 2021 to 6 June 2021.

The objectives of the engagement, as stated above, were as follows:

- Objective 1: build community and stakeholder awareness of participation activities (inform)
- Objective 2: provide accessible information so community and stakeholders can participate in a meaningful way (inform)
- Objective 3: identify community and stakeholder concerns, local knowledge and values (consult)

The Activity was promoted through resident letters, onsite signage and stakeholder notifications including emails, social media and Council's email newsletter channels.

A project page was established on Council's 'your say' platform with information provided in an accessible and easy to read format. Since there were two proposals for dog off-leash areas, the information about each Activity (along with online comment forms) was presented in two separate tabs on the page. The page also included background information about the Activity and links to relevant Council Reports.

Feedback was captured through online comment forms embedded onto the 'your say' project page. There was a comment form for the Palm Beach (North) Activity and another for the Mona Vale (South) Activity. The forms included a question that asked respondents for their level of support on the Activity in question. People could fill in one or both forms and this was clarified on the 'your say page (<https://yoursay.northernbeaches.nsw.gov.au/proposed-dog-off-leash-areas>).

The following information/parameters were provided on the 'your say page for each area, followed by a question, opportunity to comment, and request for personal information so Council could communicate with the respondents if required, and gain an understanding of the respondents.

Table 4. Parameters/Info provided on the 'your say pages in 2021

Palm Beach (North)	Mona Vale Beach (South)
Provision of the proposed areas on a map	
Length of the proposed off-leash area is 400 m.	Length of the off-leash area is 300 m.
Northern boundary - 280 m south of the Ku-ring-gai Chase National Park.	Northern boundary – 720 m south of the Mona Vale Beach Surf Lifesaving Club.
Southern boundary - 300 m north of the North Palm Beach Surf Lifesaving Club.	Southern boundary – 45 m from the escarpment that separates Mona Vale Beach and Warriewood Beach
Western boundary - the eastern edge of the dunes in Governor Phillip Park.	Western boundary – the eastern edge of the dunes.
Eastern boundary - 130 m east of the eastern edge of the dunes.	Eastern boundary – 120 m east of the eastern edge of the dunes at the northern end and 50 m east of the base of the cliff face at the southern end.
Specific pathways as shown on the concept plan.	
Off-leash area times and days 4pm to 10am, 7 days a week (applies to specified pathways and the trial area on the beach)**	
12-month trial (subject to approval).	

** Notably the parameters (proposed times of use and some minor boundary adjustments) were changed by Council resolution in February 2022.

The following question was asked for both locations, requiring an answer “Do you support the Project for the Palm Beach (north)/Mona Vale Beach (south) dog off-leash area?”

- Yes
- Yes, with changes
- No
- Neutral/Not sure

An open-field comments box in the form provided the respondent with space to explain or elaborate on their answer as well as any other feedback they wished to contribute. Email and written comments were also invited, and contact details for the project manager were provided should respondents have a question.

A post was also placed on the Northern Beaches Council's 'Keep A Look Out For' (KALOF) Facebook page, which is aimed at young people and families, in order to encourage young people to provide their feedback on the proposal.

5.3.3 Community Feedback

The results of Council's consultation undertaken to date is summarised in Table 5.

Table 5. Community and stakeholder engagement statistics

Activity Area	Number of Responses	Yes (supported the proposal)	Yes – with changes	No (does not support the proposal)	Neutral
Palm Beach (North)	3871	3261	125	478	8
Mona Vale Beach (South)	3821	3113	170	525	13

A total of 3871 responses were received regarding Palm Beach (North) dog off-leash area with approximately 87% supporting the Activity outright or supported with changes. Of the 3871 responses approximately 83% were from Northern Beaches postcodes, with approximately 88% of these respondents supporting the Activity outright or with changes.

3821 responses were received regarding Mona Vale Beach (South), with approximately 86% supporting the Activity outright or supported with changes. Approximately 18% of the responses received were from the Mona Vale postcode. Mona Vale has a population of 10,670 (Australian Bureau of Statistic, 2021) and therefore approximately 6% of Mona Vale residents responded to the survey. The level of support for an off-leash dog park at Mona Vale Beach (South) from respondents lining in Mona Vale was less than the overall general level of support at approximately 67%.

The main themes arising from the comments received in support of the trial Activity included an increasing need for more off-leash areas, and that spending time with dogs has well-being and social benefits. The main feedback from respondents who were not in support, included concerns that dog excrement is a health and environment risk, many dog owners won't follow the rules, and environmental impacts.

A detailed thematic overview of comments received regarding both proposals and Council's responses is outlined in Table 6.

Table 6. Key Themes, comments and Council responses

Key Theme	What we heard (summary)	Council's response
Increasing need for more off-leash areas in parks and particularly beaches on the Northern Beaches.	<p>1. Increasing need for more off-leash areas on parks and beaches due to the large number of dogs and because more and more people are purchasing dogs - particularly during and since the COVID-19 period.</p> <p>2. Existing off-leash areas are overcrowded particularly where there is a place to swim e.g. Rowland Reserve. New off-leash areas would spread the use and reduce crowding.</p>	1 & 2. The proposals for off-leash areas on Palm Beach (north) and Mona Vale Beach (south) will assist in meeting the need for more off-leash areas.
Health and physical and mental well-being.	3. The proposed off-leash areas will encourage dog walking which enhances physical and mental well-being for people and dogs.	3 & 4. Noted.

Key Theme	What we heard (summary)	Council's response
	4. Spending time with dogs has physical, mental, well-being and social benefits for individuals, families and the community.	
Other places have successful dog off-leash areas why can't the Northern Beaches?	5. Other places have successful dog off-leash areas such as the Central Coast and other major cities why can't the Northern Beaches? 6. I travel to the Central Coast to walk my dog on the beach.	5 & 6. The proposals for off-leash areas on Palm Beach (north) and Mona Vale Beach (south) will assist in meeting the need for more off-leash areas.
Dog excrement.	7. Excrement left on the beach is a health risk for people and adversely impacts the environment and reduces enjoyment of the beach. 8. Owners won't pick up after their dogs.	7. This matter and potential impacts have been considered in the draft REF which identified mitigation and management safeguards such as maintenance of waste bins and supply of dog faeces bags at existing bin locations and monitoring compliance and undertaking of appropriate action(s). Bins and faeces bags would be made available at the proposed locations and compliance actions undertaken as required. 8. People taking their dogs to the proposed areas, would be required to abide by any relevant Council policies and directions and any relevant legislation such as the CA Act.
Many dog owners don't and won't follow the off-leash area rules at the proposed locations.	9. Many dog owners are observed not following the rules related to dogs e.g. not picking up after their dog, dogs are off-leash when they should be on-leash, dogs are outside the boundaries of off-leash areas. 10. Given the above observation there are concerns the rules won't be followed at these proposed locations and there will be conflict with other users and use and adverse impacts on the environment including from dogs being uncontrolled and outside the boundaries. 11. Owners don't pick up after their dogs on the Mona Vale headland dog off-leash area and won't on Mona Vale beach. 12. Owners don't pick up after their dogs at other dog off-leash areas and won't on Palm Beach. 13. Owners won't be able to prevent their dogs going into the National Park at Palm Beach.	9, 10, 11, 12 & 13 People taking their dogs to the proposed areas, would be required to abide by any relevant Council policies and directions and any relevant legislation such as the CA Act. Bins and faeces collection bags would also be made available at the proposed locations.

Key Theme	What we heard (summary)	Council's response
Environmental impacts.	<p>14. Dogs and their excrement will adversely impact the environment.</p> <p>15. Owners will not and won't be able to prevent their dogs from harming the environment and entering environmentally sensitive areas.</p> <p>16. Proposed location at Palm Beach (north) is too close to the National Park and dogs will impact the National Park.</p> <p>17. Will Council give the community an opportunity to read and comment on the environmental assessments before a decision on a trial is made?</p>	<p>14. This matter and potential impacts have been considered in the draft REF which identified mitigation and management safeguards such as maintenance of waste bins and supply of dog faeces bags at existing bin locations and monitoring compliance and undertaking of appropriate action(s). Bins and faeces bags would be made available at the proposed locations and compliance actions undertaken as required.</p> <p>15. People taking their dogs to the proposed areas, would be required to abide by any relevant Council policies and directions and any relevant legislation such as the CA Act.</p> <p>16. Signage will indicate the boundaries of the off-leash areas.</p> <p>17. The REF will be publicly exhibited with any submissions considered for to Council making a determination.</p>
Health and safety	<p>18. Many people (individuals, children and families) feel unsafe around dogs.</p> <p>19. Dog excrement may impact the health of people.</p> <p>20. Dogs may enter the flagged swimming areas at Palm Beach (north) or Warriewood beach where they are prohibited.</p>	<p>18. Noted. The off-leash areas have been positioned away from the main use areas of the beach to minimise the potential for interaction between different recreational user groups.</p> <p>19. This matter and potential impacts has been considered in the REF which identified mitigation and management safeguards such as maintenance of waste bins and supply of dog faeces bags at existing bin locations and monitoring compliance and undertaking of appropriate action(s). Bins and faeces bags would be made available at the proposed</p>

Key Theme	What we heard (summary)	Council's response
		<p>locations and compliance actions undertaken as required.</p> <p>20. People taking their dogs to the proposed areas, would be required to abide by any relevant Council policies and directions and any relevant legislation such as the CA Act.</p>
<p>Aesthetics, peace and quiet and enjoyment will be impacted</p> <p>Will displace, conflict with and impact other beach use and users.</p>	<p>21. Dogs on these beaches will reduce the peace and quiet and enjoyment of these beautiful beaches.</p> <p>22. Dog activity will conflict, interrupt and limit use of the beach for other uses such as walking, swimming, kite surfing (Palm Beach) surfing and other recreational activities particularly for those who are fearful of or feel unsafe around dogs.</p> <p>23. There is already an off-leash area at Mona Vale (south) on the headland and no need for beach access near here.</p>	<p>21. & 22. These aspects were considered in the consideration of alternatives and the selection of the preferred beach area. The off-leash areas have been positioned away from the main use areas of the beach to minimise the potential for impacts and interaction between different recreational users groups.</p> <p>Socio economic / land use matters and potential impacts such as conflicts with other recreational users have been considered in the REF which identified mitigation and management safeguards such as clear and well-placed signage to indicate the boundary, permitted hours of usage etc of the off-leash areas, recording of community complaints and dogs on-leash along access paths. Council's complaints management processes would apply.</p> <p>23. Noted.</p>
<p>Suggestions for; larger areas (both locations) and to consider other parks and beaches for off-leash areas.</p>	<p>24. Both locations are not large enough nor long enough.</p> <p>25. The amount of area for both locations is suitable.</p> <p>26. Many locations were suggested for investigation for new off-leash areas on other beaches and suburbs.</p>	<p>24 & 25. Noted</p> <p>26. This REF has considered other ocean beach locations (See Section 3) and has identified Palm Beach (north) and Mona Vale Beach (south) as the preferred locations. Other locations for off-leash area are to be considered through the development of the Northern Beaches Dogs in Public Places policy and guidelines in 2022.</p>

Key Theme	What we heard (summary)	Council's response
Times proposed for off-leash access to the proposed locations.	27. For both locations: The times are too restrictive. There should be no time restrictions. The times are suitable.	27. The proposed days and times have been set to provide suitable times for walking a dog and to minimise impacts on other uses and were considered at the Council meetings held on 27 April 2021 and 22 February 2022.
Proposed locations	28. For both locations Close to my home. Beaches are good for dogs to run, swim and have fun. Off-leash areas on a beach - less maintenance than off-leash areas on grass in a park. Mona Vale (south) preferred as not near National Park and near an existing off-leash area.	28. Noted.
Palm Beach (north) and Mona Vale (south) is not well used.	29. Palm Beach (north) and Mona Vale (south) are not well used and are good locations for off-leash areas as there would be not many users impacted compared to busier beaches. 30. Though these locations may not be as well used as other beaches this is part of their appeal.	29 & 30. Noted.
Suggestions to help make the proposed off-leash areas a success.	31. Many suggestions were made about how to make the proposed off-leash areas a success including; signs, bins and bags, more ranger visits and more enforcement of rules, higher and more fines, on-leash, fencing to keep dogs away from environmentally sensitive areas, owners to take responsibility, trial first, owner education, CCTV, off-leash area licence, monitoring and improved access for older people and people with mobility issues, respect and learn the rules.	31. The REF includes a suite of mitigation and management safeguard to minimise any potential impact to the environment and community.
Compliance management by Council.	32. Council's enforcement of compliance is essential to the success of the proposed off-leash areas. 33. Council doesn't have the capacity to successfully manage the compliance of dogs currently so how will Council manage the compliance at the proposed locations?	32 & 33. Council effectively manages compliance matters related to dogs in alignment with Council's policies and directions and relevant legislation such as the CA Act including at the 29 existing dog off-leash areas, (some of which have water access).
Equal access and fairness	34. Dog owners and dogs should have equitable access to open space, particularly beaches. 35. It's only fair that there are some beaches where people can take their dogs. There are plenty of beaches for people.	34 & 35. Noted.
Most dog owners do and will follow the off-leash area rules.	36. Most dog owners follow the rules and pick up after their dogs and would follow the rules at these proposed locations. 37. The owners' that use the Mona Vale headland off-leash area are used to the rules and will follow the rules at the new location.	36 & 37. Noted.

Key Theme	What we heard (summary)	Council's response
	Note: Some people completed an online form and made no comments and some made comments related to more than one theme.	

5.3.4 Consultation with Relevant Agencies

As part of this environmental assessment, consultation with relevant NSW State Government Agencies was conducted. The key aims of the consultation process were to inform stakeholders about the Activity and identify any issues of concern or interest to be investigated and addressed. Table 7 provides a summary of the stakeholder consultation during the preparation of the REF, a summary of comments received, and where the comment has been addressed in the REF.

Table 7. Stakeholder Consultation Summary

Stakeholder Consulted	Summary of Comment Received	Comment
National Parks and Wildlife Service (NPWS)	<p>Prefer a location at Palm Beach further South (i.e. the northern most point of the area would align with the northern most point of Governor Phillip Park).</p> <p>NPWS notes that there may be potential conflicts with dogs and seals.</p> <p>Also, the Activity may limit NPWS's ability to use 1080 baiting methods.</p>	<p>Moving the Activity Area as suggested by NPWS would reduce the distance to the primary use area of the beach (i.e. the beachfront near the Surf Life Saving Club).</p> <p>A colony of seals is known to bask on 'seal rock' a rock outcrop located off Barrenjoey Headland. Access to this general area is along the rocky foreshore which is difficult to traverse.</p> <p>The northern boundary of the Palm Beach (North) Activity Area is the closest to the Ku-ring-gai Chase National Park at approximately 263m. Given the separation distance, access challenges and the general public knowledge that dogs are prohibited in National Parks, the potential for interaction between seals and dogs is considered low.</p> <p>The current Activity Area is located on a more secluded section of Palm Beach and reduces the potential of conflicts with dog off-leash users and other recreational users, whilst also maintaining a separation distance of approximately 263m to the boundary of the National Park.</p>
NSW Department of Primary Industries - Fisheries	<p>Council has sought advice from DPI Fisheries and has received no correspondence.</p> <p>Council has considered previous correspondence from DPI Fisheries regarding a former Station Beach proposed dog off-leash area as relevant for this Activity.</p>	Both Activity Areas are associated with ocean beaches.

Stakeholder Consulted	Summary of Comment Received	Comment
	DPI Fisheries recommended that Council investigate ocean beaches areas for off-leash dog parks as this presented less risks.	
NSW Department of Industry – Crown Lands	Crown lands have requested Council amend Governor Phillip Park Plan of Management and suggest that the Northern Beaches Council is appointed Crown Land Manager over existing or newly created reserves, as needed. Northern Beaches Council will liaise with Crown lands to formalise appointment as Crown Land Manager and any amendment to the plan of management prior to determination of the Activity, as required.	Noted and considered in Section 4.1.3.1.

6. Environmental Impact

6.1 Identification of Key Environmental Aspects

To assist with identifying the key environmental and community aspects that require further assessment, a preliminary environmental risk assessment has been completed for the Activity. Each aspect and the corresponding risks were assessed giving consideration to:

- Existing environment for the Activity Area and surrounding lands (i.e. the background environmental conditions, sensitivity to change and importance/significance of the location, features, objects and/or species present where the Activity is proposed)
- Existing land use characteristics (type, intensity, durations / patterns of use) where the Activity is proposed
- Type/nature of the of the proposed activity. This includes the:
 - Size of the Activity – footprint.
 - Extent of the affectation zone.
 - Duration and severity of any potential impact (positive or negative).
 - Capacity of the location to accommodate the Activity.
 - Level of confidence with assessing any potential impact.
 - Ability to implement mitigation measures to address any potential impact. The controls proposed to mitigate any potential impacts are based on the controls effectively used by Council at its other 29 dog parks located across the LGA)
 - Reversibility of any impact.
- Level of concern/community interest in the Activity.

Table 8 summarises the aspects considered for the purposes of this REF and identifies the key environmental and community aspects for which further assessment has been undertaken and included in the REF.

Table 8. Review of Environmental Aspects

Environmental Aspect	Preliminary Environmental Risks Assessment	Detailed Assessment in REF
Aesthetic, recreational, scientific or other environmental quality or value.	<p>Aesthetic and Recreational quality or value:</p> <p>The Activity occupies approximately 34% and 17% of the beachfront at Mona Vale and Palm Beach respectively. The majority of the beachfront usage will therefore remain unchanged from current patterns. This includes the high use recreational areas located generally in front of the respective surf clubs (i.e. used exclusively by its current users).</p> <p>Any potential aesthetic or recreational impacts are significantly mitigated by:</p> <ul style="list-style-type: none"> • The large separation distances between potentially different user groups. • Time of use restrictions. • The large distances between the receiver locations and the Activity and topographic / vegetation shielding 	No further assessment undertaken.

Environmental Aspect	Preliminary Environmental Risks Assessment	Detailed Assessment in REF
	<p>which limits line of sight to the Activity Areas.</p> <ul style="list-style-type: none"> The general area surrounding both locations which is used currently for the recreational activity of dog walking. <p>Scientific quality or value: There are no known items of scientific quality or value within the Activity Areas which may be impacted. The Activity does not exclude any future research, discovery or protection of any scientific quality or value.</p> <p>Other environmental quality or value: See aspects below.</p> <p>The current aesthetic, recreational and scenic values of the land are not expected to be significantly impacted by the Activity.</p>	
Biodiversity	The Activity Areas contain no threatened ecological communities but does contain potentially suitable habitat for threatened species list under the BC Act and EPBC Act.	See Section 6.2, Annex 4, Annex 5 and Annex 6
Traffic (Access and Parking)	The Activity has the potential to generate additional traffic and parking needs at Palm Beach (North). Existing users of the off-leash dog area at Robert Dunn Reserve are expected to also use the Mona Vale Beach (South) Activity Area. Any additional traffic and parking needs due to increased usage numbers is therefore expected to be minimal.	See Section 6.3.
Waste Management	The Activity has the potential to generate additional waste streams in the forms of general domestic litter and dog faeces.	See Section 6.4.
Noise	The Palm Beach (North) Activity Area has been located at the northern end of Governor Phillip Park and away from the primary use areas of the park. The nearest receivers to the Mona Vale Activity Area, are the residences located on Narrabeen Park Parade at a distance of approximately 70m and the Palliative Care Mona Vale Hospital at a distance of approximately 110m. Located between these receivers and the Activity Area is the existing off-leash dog park of Robert Dunn Reserve, and therefore the current noise impacts to these locations is unlikely to materially change.	See Section 6.5.
Aboriginal Cultural Heritage	The Activity has the potential to impact Aboriginal Cultural Heritage. The potential impacts of the Activity have been	See Section 6.6 and Annex 3

Environmental Aspect	Preliminary Environmental Risks Assessment	Detailed Assessment in REF
	considered via an Aboriginal Objects Due Diligence Assessment.	
European and Natural Heritage	A desktop Historical Heritage assessment has determined that there would not likely be any impact in association with the Activity.	See Section 6.7.
Soil and groundwater Contamination	The Activity is not expected to result in any significant soil or groundwater contamination.	No further assessment undertaken.
Greenhouse Gas / Air Quality	The Activity will not result in any material greenhouse gas or air quality impacts.	No further assessment undertaken.
Human Health & Water Quality	The Activity could impact human health and water quality via dog faeces that have not been disposed of correctly. The potential human health impacts have been investigated via a dog faecal bacteria sand sampling program undertaken by the University of Technology Sydney. The Activity, however, is not expected to contribute to a measurable change to stormwater / water quality, during storm events.	See Section 6.8.
Visual Impacts	The Activity will not result in any significant changes to visual amenity at either Activity Area.	No further assessment undertaken.
Coastal Processes and Hazards	The Activity will not alter the natural coastal processes or hazards associated at either Activity Areas.	No further assessment undertaken.
Cumulative Impacts	The Activity is predicted to result in negligible cumulative impacts on the environment.	See section 6.9.
Other (geotechnical stability / risk to the general public)	<p>It is noted that the cliff at the southern end of Mona Vale Beach is subject to geotechnical stability (landslip / rockfall) events (i.e. after rainfall).</p> <p>To mitigate the risk to the general public Council undertakes monitoring for landslip and has installed warning signage to advise the general public of this risk.</p> <p>The Activity is not expected to change the probability of a landslip event occurring or the potential consequence from a potential landslip event.</p>	No further assessment undertaken.
Socio- Economic / Landuse	This Activity will benefit physical, social, psychological and economic aspects within the community. There may also be negative impacts between different users of the Activity Areas and general locality.	See Section 6.10.

6.2 Biodiversity

Part 7 of the BC Act sets out a process of assessment for an ‘activity’ as defined in Part 5 of the EP&A Act. As provided in Section 4.1.1 of this REF, the Activity is such an activity. Section 7.8(2) of the BC Act provides that:

For the purposes of Part 5 of the *Environmental Planning and Assessment Act 1979*, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Section 7.2(1) relevantly provides that:

(1) For the purposes of this Part, development or an activity is likely to significantly affect threatened species if—

(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or

[...]

(c) it is carried out in a declared area of outstanding biodiversity value.

Section 7.3 provides that:

(1) The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats—

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

(c) in relation to the habitat of a threatened species or ecological community—

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

6.2.1 Threatened Species

6.2.1.1 Threatened and migratory species likelihood of occurrence

A list of threatened and migratory species with known or predicted occurrences in the locality (10 km buffer from the Activity Area) was compiled from searches of the following databases:

- *NSW Department of Planning and Environment (DPE) BioNet, Atlas of NSW Wildlife* (DPE 2022a)
- *Australian Department of Agriculture, Water and the Environment (DAWE) EPBC Act Protected Matters Report* (DAWE 2022a).

Locations of threatened and migratory species records within 5 km from the Activity Area are shown in Figure 10 and Figure 11 (Flora); Figure 12 and Figure 13 (Fauna).

In order to adequately determine the relevant level of assessment to apply to potentially impacted species, analysis of the likelihood of those species occurring within the Activity Area was completed based on the habitat requirements detailed in each species profile (DPE 2022b and DAWE 2022b). Five categories for 'likelihood of occurrence' (See **Error! Reference source not found.**) were attributed to each species after consideration of criteria such as known records, presence or absence of important habitat features at the Activity Area, results of targeted shorebird surveys and professional judgement.

Table 9. Likelihood of occurrence criteria

Likelihood rating	Threatened flora criteria	Threatened and migratory fauna criteria
Known	The species was observed within the Activity Area.	The species was observed within the Activity Area.
High	It is likely that a species inhabits or utilises habitat within the Activity Area.	It is likely that a species inhabits or utilises habitat within the Activity Area.
Moderate	Potential habitat for a species occurs within the Activity Area. Adequate field survey would determine if there is a 'high' or 'low' likelihood of occurrence for the species within the Activity Area.	Potential habitat for a species occurs within the Activity Area and the species may occasionally utilise that habitat. Species unlikely to be wholly dependent on the habitat present within the Activity Area.
Low	It is unlikely that the species inhabits the Activity Area.	It is unlikely that the species inhabits the Activity Area. If present within the Activity Area the species would likely be a transient visitor. The Activity Area contains only very common habitat for this species which the species would not rely on for its on-going local existence.
None	The habitat within the Activity Area is unsuitable for the species.	The habitat within the Activity Area is unsuitable for the species.

The likelihood of occurrence table is provided in Annex 5. The likelihood of occurrence assessment includes 20 migratory shorebird species, all of which are considered to have a low likelihood of occurrence at both Activity Areas.

Nineteen threatened and migratory fauna species including; eight bird species (5 = threatened, 2 = threatened and migratory seabirds, 1 = migratory seabirds), eight threatened mammal species, and three threatened and migratory reptile species are considered to have a moderate likelihood of occurrence within the Mona Vale Beach (South) Activity Area.

Thirteen threatened and migratory fauna species including; five bird species (4 threatened, 1 threatened and migratory seabird), five threatened mammal species, and three threatened and migratory reptile species are considered to have a moderate likelihood of occurrence within the Palm Beach (North) Activity

Area. One migratory seabird has a known likelihood within the Palm Beach (North) Activity Area as it was detected flying over the 100 m buffer area.

Threatened and/or migratory species assessed as having a moderate or higher likelihood of occurrence are presented in Table 10. Formal assessments of significance (Test of Significance [ToS] under Section 7.3 of the BC Act and the EPBC Act's Significant Impact Criteria) were conducted for species considered to have a moderate or higher likelihood of occurrence and that have the potential to be impacted by the Activity (candidate species) to determine whether the Activity will have a significant impact on threatened or migratory species (Annex 6). Justification as to why ToS have not been completed are detailed in Table 10.

Based on the assessment of the likely impacts of the Activity on threatened and migratory species habitat, the value of the habitat within the Activity Areas and the implementation of mitigation measures, no threatened or migratory biodiversity was determined as having the potential to be significantly impacted by the Activity.

Table 10. Threatened and migratory species with a moderate likelihood of occurrence

Scientific name	Common name	BC Act	EPBC Act	Likelihood Mona Vale Beach (South)	Likelihood Palm Beach (North)	Formal assessment required?
Birds						
<i>Dasyornis brachypterus</i>	Eastern Bristlebird	E	E	Moderate	Moderate	Yes
<i>Esacus magnirostris</i>	Beach Stone-curlew	CE	-	Low	Moderate	Yes
<i>Haematopus fuliginosus</i>	Sooty Oystercatcher	V	-	Moderate	Low	No: while this species may fly over the Activity Area and stop briefly on the sandy beach on occasion, the Activity Area lacks suitable intertidal foraging habitat that would result in the species spending regular time on the ground. In addition, suitable breeding habitat is absent. As such, it is considered unlikely that dogs will impact this species.
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	V	MA	Moderate	Moderate	Yes
<i>Hieraaetus morphnoides</i>	Little Eagle	V	-	Moderate	Moderate	Yes
<i>Hydroprogne caspia</i>	Caspian Tern	-	MA, M	Low	Known	Yes
<i>Pandion haliaetus cristatus</i>	Eastern Osprey	V	MA, M	Moderate	Moderate	Yes
<i>Sterna hirundo</i>	Common Tern	-	MA, M	Moderate	Low	Yes
<i>Sternula albifrons</i>	Little Tern	E	MA, M	Moderate	Low	Yes
<i>Sternula nereis nereis</i>	Australian Fairy Tern	-	V	Moderate	Low	Yes
Mammals						
<i>Cercartetus nanus</i>	Eastern Pygmy-possum	V	-	Moderate	Moderate	Yes
<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	V	V	Moderate	Low	No: only limited suitable foraging habitat is present. This species is nocturnal and forages aerially, it is considered unlikely that dogs will impact on this species while in flight.
<i>Isodon obesulus obesulus</i>	Southern Brown Bandicoot (eastern)	E	E	Moderate	Moderate	Yes
<i>Micronomus norfolkensis</i>	Eastern Coastal Free-tailed Bat	V	-	Moderate	Low	No: only limited suitable foraging habitat is present. This species is nocturnal and forages aerially, it is considered unlikely that dogs will impact on this species while in flight.
<i>Miniopterus australis</i>	Little Bent-winged Bat	V	-	Moderate	Moderate	

<i>Miniopterus orianae oceanensis</i>	Large Bent-winged Bat	V	-	Moderate	Moderate	
<i>Myotis macropus</i>	Southern Myotis	V	-	Moderate	Low	
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V	V	Moderate	Moderate	
Reptiles						
<i>Caretta caretta</i>	Loggerhead Turtle	E	E, MA, M	Moderate	Moderate	Yes
<i>Chelonia mydas</i>	Green Turtle	V	V, MA, M	Moderate	Moderate	Yes
<i>Eretmochelys imbricata</i>	Hawksbill Turtle	-	V, MA, M	Moderate	Moderate	Yes

* V = Vulnerable, E = Endangered, CE = Critically Endangered, MA = Marine, M = Migratory.

6.2.1.2 Targeted survey methods

Targeted surveys for migratory shorebirds were undertaken at both Activity Areas on four separate occasions at low tide and high tide, comprising one survey that corresponded with the spring tide during December 2021, two surveys that corresponded with the neap tides during January 2022, and one survey that corresponded with the spring tide during February 2022 (see Table 11). Surveys were conducted from multiple vantage points using binoculars which allowed a full view of the potential foraging and roosting habitat at the Activity Area, as well as within a 100 m buffer around the Activity Area.

Survey methods were developed in accordance with:

- *EPBC Act Policy Statement 3.21—Industry guidelines for avoiding, assessing and mitigating impacts on EPBC Act listed migratory shorebird species* (DEE 2017a)
- *Survey guidelines for Australia's threatened birds - Guidelines for detecting birds listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999* (DEWHA 2010).

The guidelines for surveying migratory shorebirds state that surveys should not be undertaken during periods of high rainfall or strong winds (DEE 2017a). Limited suitable spring and neap tide dates were available each month during the survey period. Unsuitable weather conditions occurred on some of the dates with spring or neap tides. Surveys scheduled for dates with unsuitable weather conditions were conducted on supplementary days as close to the relevant tide (spring or neap) as possible when alternate dates of spring or neap tides were unavailable in the same month. Tide height was equivalent to or within 10 centimetres (cm) of the relevant tide on supplementary survey days.

Table 11. Shorebird survey effort

Date	Tide	Site	Start time	Duration (hours)	Tide height (m)	Temperature (°C)	Windspeed (km/h) and direction	Precipitation (mm)
21.12.2021	Spring high	Mona Vale	11.10 am	1.5	1.66	26	11-20 S	0
		Palm Beach	11.15 am	1.5	1.7	27.7	4 ESE	0
	Spring low	Mona Vale	3.05 pm	1.5	0.5	26.8	15-22 ESE	0
		Palm Beach	3.00 pm	1.5	0.6	27	20 ESE	0
11.01.2022	Neap low	Mona Vale	11.20 am	1.5	0.7	28	7 NE	0
		Palm Beach	11.10 am	1.5	0.7	26	19 E	0
	Neap high	Mona Vale	1.10 pm	1.5	1.2	24	13 E	0
		Palm Beach	1.40 pm	1.5	1.2	25	17 E	0
25.01.2022	Neap low	Mona Vale	8.55 am	1.5	0.7	21.5	4 NE	<0.1mm
		Palm Beach	9.00 am	1.5	0.7	22	11 NE	0
	Neap high	Mona Vale	11.40 am	1.5	1.3	22.5	11 ENE	0
		Palm Beach	11.30 am	1.5	1.3	25	11 ENE	0
17.02.2022	Spring high	Mona Vale	10.43 am	1.5	1.7	25.2	9 NNW	0
		Palm Beach	10.43 am	1.5	1.7	24.1	9 N	0
	Spring low	Mona Vale	1.56 pm	1.5	0.6	30.2	4 WNW	0

		Palm Beach	1.55 pm	1.5	0.6	29.6	7 NE	0
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Targeted flora surveys for Sand Spurge (*Chamaesyce psammogeton*) were undertaken at both Activity Areas during the high tide shorebird survey on 17 February 2022.

6.2.1.3 Survey Results

No migratory shorebirds were detected at either of the Activity Areas during the targeted surveys. During surveys the Activity Areas were generally busy with human activity both on the beach (walking, sitting, playing cricket) and in the water (swimming and using jet skis). Dogs were observed both on and off-leash in the Mona Vale Beach (South) Activity Area during multiple surveys, and dog faeces were observed in the Palm Beach (North) Activity Area. The level of human activity and presence of dogs may have impacted the presence of shorebirds. In addition, there is more suitable habitat for shorebirds at Station Beach which is approximately 200 m west of the Palm Beach (North) Activity Area and contains PCT 1913 which is associated with the TEC 'The Shorebird Community occurring on the relict tidal delta sands at Taren Point'. It should be noted that the habitat at Station Beach was opportunistically surveyed before and after a targeted survey at Palm Beach (North) and no migratory shorebirds were observed during that time.

One migratory bird species and an additional potential migratory bird species were observed during the surveys; a Caspian Tern (*Hydroprogne caspia* - EPBC Act: MA, M [J]), and a Tern species (*Laridae* sp. possibly *Sternula* sp.) that was unable to be identified to the species level as it was observed from a distance for a short time. The Caspian Tern was observed at Palm Beach (North) flying 100 m offshore. The unidentified Tern was observed at Mona Vale (South) Activity Area during two surveys. It was observed on 11 January 2022 in the water a short distance outside the northern end of the Activity Area within the 100 m buffer during a low neap tide before it flew away and was also observed flying over the Activity Area during both the low and high neap tide on the same day. The same species was then observed flying over the Activity Area and diving briefly into the water within the 100 m buffer past the southern end of the Activity Area on 17 February 2022 during the low spring tide. Based on the physical characteristics of the unidentified Tern observed, it was most likely either a Little Tern (*Sternula albifrons* - BC Act: E, EPBC Act: MA, M [B, C, J, K]) or Fairy Tern (*Sternula nereis* - EPBC Act: V, MA). As Terns are seabirds that forage in open waters, they are not considered migratory shorebirds as per the definition provided in the guidelines for surveying migratory shorebirds (DEE 2017a) however, some Tern species are listed as migratory. It is unlikely that either Activity Area constitutes important habitat for Terns, as these species forage in open waters which are not present in the Activity Area.

Sandy beaches are a potential breeding habitat of all three of the Tern species discussed here, however given the current disturbance from human activity it is unlikely that these species nest within the Activity Areas. In addition, there are no known breeding sites documented within or adjacent to the Activity Area. Only a single breeding site in NSW is listed in the Caspian Tern species profile which is located at Menindee Lakes in western NSW (DAWE n.d.a). None of the 70 known Little Tern nesting sites in NSW listed in the species recovery plan occur within the Activity Area (NSW NPWS 2003). The Fairy Tern species profile states that the species has been known from NSW in the past, but it is unknown if it persists there (DAWE n.d.b).

A list of fauna species detected during surveys is provided in Annex 4.

Sand Spurge was not detected in either Activity Area during targeted flora surveys.

6.2.2 Endangered Ecological Communities

6.2.2.1 Vegetation Mapping

Existing vegetation mapping (DPE 2018) is provided in Figure 8 and Figure 9. Two native vegetation communities have been mapped at both the Activity Areas, being:

- PCT 772: *Coast Banksia - Coast Wattle dune scrub of the Sydney Basin Bioregion and South East Corner Bioregion*
- PCT 1204: *Spinifex beach strand grassland, Sydney Basin Bioregion and South East Corner Bioregion*.

An additional PCT, PCT 771: *Coast Banksia - Coast Tea-tree low moist forest on coastal sands and headlands, Sydney Basin Bioregion and South East Corner Bioregion* has also been mapped within 100 m of the Activity Areas (i.e. buffer areas) (See Figure 8 and Figure 9).

The above PCTs do not represent Threatened Ecological Communities (TECs).

An additional two PCTs have been mapped outside the buffer area but within 200 m of the Activity Areas, being:

- PCT 1817: *Banksia – Tea-tree – She-oak / Spiny-headed Mat-rush – Kangaroo Grass heath on clay soils on headlands around Sydney and the Central Coast*, at Mona Vale Beach (South).
- PCT 1913: *Seagrass meadows of the estuaries and lagoons of the New South Wales coast*, at Palm Beach (North).

PCT 1913 is associated with the TEC *The Shorebird Community occurring on the relict tidal delta sands at Taren Point* which is listed as Endangered under the BC Act.

6.2.3 Habitat Assessment

The habitat assessments were undertaken on 21 December 2021 by Niche Ecologists to determine flora and fauna habitat present at the Activity Areas and 100 m buffer. The potential presence of threatened species was determined by the presence of suitable habitat. Targeted surveys were undertaken for migratory shorebirds as detailed in Section 6.2.1.2.

6.2.3.1 Marine

Marine habitat in both Activity Areas consists of sandy beaches predominantly made up of sandy sediments in the intertidal zone and a small area of subtidal habitat (Figure 14). Marine habitat in the Mona Vale Beach (South) Activity Area is a small area of scattered rocky reefs in the intertidal zone at the southern end of the Activity Area which adjoin to larger rock shelves that form a rocky headland (Figure 15). No rock pools occur within the rocky habitat. The high intertidal habitat within the Mona Vale Beach (South) Activity Area is predominately comprised of sandy sediments associated with the beach, and drying rocks associated with the broken rocky reef. The mid intertidal habitat includes sandy sediments and areas on the sides of drying rocks and crevices amongst the broken intertidal rocks and supports a variety of species of barnacles and marine molluscs. The low intertidal habitat consists of predominately sandy sediments with scattered areas of broken rocky reef. Fauna in the low intertidal zone on the rocky shore included barnacles and marine molluscs and starfish. Prey species important for foraging shorebirds are likely present within the upper several centimetres of the sandy sediments in the low intertidal and subtidal zones. Subtidal marine species may be transient visitors at the Activity Areas during high tides. Some marine species, such as marine turtles may occur in and around the Activity Areas on occasion, but the Activity Areas themselves lack key foraging resources suitable for these species. It is possible that marine turtle nesting could occur

within the Activity Areas however this would likely be very isolated and infrequent due to the high levels of human disturbance present, and the fact that no known marine turtle breeding sites occur in either Activity Area. It should be noted that fur seals are known to occur at Barrenjoey Headland to the north of the Palm Beach (North) Activity Area. However no rocky areas suitable for haul outs occur within the Palm Beach (North) Activity Area. While there is limited rocky habitat suitable for haul outs within the Mona Vale Beach (South) Activity Area, it is considered unlikely to be utilised by seals due to the high level of human disturbance, presence of more suitable habitat in the locality, and lack of records of this species within 10 km of the Activity Area.

6.2.3.2 Terrestrial

Three types of terrestrial habitat occur in the Activity Areas or 100 m buffers: foredunes, dune shrublands, and rocky areas (Figure 14 and Figure 15).

Foredunes are the dominant habitat type within both Activity Areas and provide potential shelter habitat for crabs, and a transitional habitat between intertidal and dune shrubland habitats.

Dune shrublands occur within the 100 m buffer to the West of both Activity Areas and also encroach a small amount into the Mona Vale Beach (South) Activity Area. The dune shrubland habitat within the Mona Vale Beach (South) Activity Area contains medium sized shrubs including *Acacia* species which provides potential foraging habitat for nectivorous birds, potential nesting and perching habitat for small passerine birds and shelter habitat for small terrestrial mammals, reptiles and ground nesting birds. The dune shrublands habitat within the Palm Beach (North) Activity Area contains low dense shrubs which provide potential shelter habitat for small terrestrial mammals, reptiles and ground nesting birds.

Small areas of rocky habitat occur within the Mona Vale Beach (South) Activity Area and 100 m buffer. No rocky habitat occurs within the Palm Beach (North) Activity Area or 100 m buffer however, rocky habitat does occur within close proximity at the northern end of the beach. Rocky habitat provides habitat for marine molluscs and crustaceans, as well as potential roosting habitat for shorebirds and seabirds.

No hollow-bearing trees were observed in any of the habitats within the Activity Areas or buffers.

6.2.4 Potential Impacts to flora and fauna

The proposed use of the Activity Areas have the potential to impact flora and fauna within the Activity Areas and the 100 m buffer in the following ways:

1. Disturbance of vegetation through trampling.
2. Disturbance of fauna from the presence of dogs or scents left by dogs.
3. Death of fauna as a result of dog predation.

6.2.5 Declared Area of Outstanding Biodiversity Value

The Activity is not located in an area identified of outstanding biodiversity value, as defined by the BC Act.

6.2.6 Key Threatening Processes

The Activity has the potential to result in a key threatening process listed under the BC Act; 'Predation and hybridisation by Feral Dogs, *Canis lupus familiaris*'. The key threatening process specifically notes predation pressure on a number of threatened fauna species namely Southern Brown Bandicoot, which has been identified as having a moderate likelihood of occurring within the Activity Area.

The likelihood of predation by domestic dogs rather than feral dogs will be mitigated by the requirement for dog owners to keep dogs on their leash while entering and exiting the dog-off-leash area and the

mitigation and management safeguards described in Section 6.2.7. As such, the Activity is unlikely to result in an increase in a key threatening process such that will result in a significant impact to a threatened species.

6.2.7 Mitigation and Management Safeguards

Table 12 identifies the management measures to mitigate any potential biodiversity impacts. It is noted that the implementation of these measures will benefit all users.

Table 12. Biodiversity Mitigation and Management Safeguards

Potential Impact	Mitigation and Management Safeguards
Disturbance of vegetation through trampling.	<ul style="list-style-type: none"> • Requiring dog owners to have the dog on lead when on the access tracks between the carparks and off leash areas. • Repair/upgrade existing fencing to dog proof fencing that effectively prevents dogs from accessing any adjacent vegetated areas while still allowing movement of small terrestrial fauna • Periodic monitoring and maintenance of dog proof fencing to ensure it is effective and in good condition. • Update and supplement existing signage to educate and inform the community that: <ul style="list-style-type: none"> ○ Details the requirements for dog owners / beach users to dispose of litter appropriately and penalties for failing to comply under the POEO Act and CA Act. ○ Identifies on-leash and off-leash areas at the carpark and beach ends of the access points. ○ Identifies access tracks that are not to be used by dogs either on-leash or off-leash. ○ Displays the extent of the Activity Areas. ○ Mark the northern, western and southern limits of the Activity Areas. • Maintain general waste bins at each off-leash Activity Area. • Supply dog faeces collection bags if not present at each general waste bin for the Activity Areas. • Monitor use and the Activity's performance as well as compliance with these mitigation and management safeguards and undertake appropriate regulatory and enforcement action, as needed.

6.2.8 Conclusion

In conclusion, the biodiversity assessment indicates that the Activity has some potential to impact threatened fauna. However, provided the Activity implements the mitigation and management measures set out above (e.g., minor adjustment to existing fencing to prevent dog access while still allowing movement of small terrestrial fauna by including mesh or similar, periodic monitoring and maintenance of fencing, and updating of existing signage) the assessment demonstrates that the Activity is not likely to significantly affect threatened species for the purposes of sections 7.2 and 7.3 of the BC Act.

6.3 Traffic (Access and Parking)

6.3.1 Existing Environment

6.3.1.1 Palm Beach (North)

Travel to the Palm Beach dog off-leash area is via Beach Road and the internal road within Governor Phillip Park (See Figure 2). Beach Road connects to Barrenjoey Road, which is classified as a State Road (i.e. managed and financed by the Roads and Maritime Services) and is a primary route for travel to and from the peninsula.

There are approximately 490 off street car parking spaces within the Governor Phillip Park. Approximately 90 of which are available at the northern limit of the internal road in within Governor Phillip Park and a further 45 parking spaces adjacent to the beach at the southern end of the proposed off-leash area (See Figure 2). The adjacent beach parking locations are the nearest to and provide direct access to the off-leash area via formal sand access tracks.

Parking availability within Governor Phillip Park in the morning is high with less than 50% of the spaces occupied. While in the afternoon parking space occupancy varies between 70% and 85% of capacity (pers comm. Northern Beaches Council, 2022). Metered parking is applicable between 7am and 7pm seven days a week. Residents are provided with a parking permit on payment of their rates and enjoy unlimited free car parking within the reserve.

The internal road within Governor Phillip Park provides parking and access to Palm and Station Beaches, Ku-Ring-Gai Chase National Park, the Boathouse, Dunes Restaurant, the Surf Lifesaving Club and Governor Phillip Park generally and therefore supports a wide range of activities.

gtk consulting completed an assessment of car parking in Governor Phillip Park for the renovations of the Station Beach Boathouse, which is located on the western side of Governor Phillip Park. Surveys of the car parking demand were undertaken on Monday 27 January 2020 and Sunday 23 February 2020. It is noted that Monday 27 January was the Australia Day Public Holiday and most likely the day of highest car parking demand at any time throughout the year. Sunday 23 February was selected as representing a typical weekend summer day.

Table 13 and Table 14 show the total number of occupied and unoccupied car parking spaces at hourly intervals between 11.00am and 4.00pm.

Table 13. Parking Occupancy Monday 27 January 2020

	Parking Capacity	11am	12pm	1pm	2 pm	3 pm	4 pm
Available Spaces	488	320	412	455	474	486	466
Number of Vacant Spaces		168	76	33	14	2	22
% capacity used		65.6	84.4	93.2	97.1	99.6	95.5

Source gtk consulting 2020

Table 14. Parking Occupancy Sunday 23 February 2020

	Parking Capacity	11am	12pm	1pm	2 pm	3 pm	4 pm
Available Spaces	488	258	270	278	257	220	175
Number of Vacant Spaces		230	218	210	231	268	313
% Capacity used		52.9	55.3	57.0	52.7	45.1	35.9

Source gkt consulting 2020

The Australia Day public holiday generates one of the highest demands for coastal recreational areas. It is unreasonable to require parking facilities to accommodate this level of demand for one day a year. Sunday 23 February 2020 is considered to represent a typical summer demand. The gtk consulting survey indicates that more than 40% of the car parking spaces are not occupied within Governor Phillip Park throughout the day. It is acknowledged that parking demand will be higher within the summer months or during events such as markets. The demand for parking spaces is expected to be lower during the proposed hours of operation for off-leash dog walking activities. Given there appears to be generally sufficient capacity to accommodate additional parking demands during the peak parking demand period of 11am to 4pm, it is expected that the recreational uses of the general area including that for off-leash dog walking activities for the nominated hours of the Activity can be readily accommodated.

6.3.1.2 Mona Vale Beach (South)

Travel to the Mona Vale dog off-leash area is via Narrabeen Park Parade which connects with the wider arterial road network that services this general area (e.g. Pittwater Road) (See Figure 3). Pittwater Road is classified as a State Road (i.e. managed and financed by the Roads and Maritime Services) and is a primary route for travel to and from the peninsula.

There are approximately 130 marked off-street parking spaces located between Coronation Street and Narrabeen Park Parade, with further on street parking available at these locations as well as Cook Terrace. The nearest parking spaces to the off-leash dog area are at the intersection of Coronation Street and Narrabeen Park Parade. Timed parking limits apply to the parking bays within Coronation Street and Narrabeen Park Parade. There is no time limit for parallel parking in Coronation Street and Narrabeen Park Parade. Access to the off-leash area is via a shared pedestrian bicycle path and two formal sand tracks (See Figure 3). With the northern sand access track being a longer but shallower gradient track.

Parking in the area is heavily used by a mix of dog walkers, surfers, hospital staff, para gliders, people accessing the coastal walk and residents. The demand for parking spaces in the area is high with 90%-95% of the spaces occupied for most times of day (pers comm. Northern Beaches Council, 2022).

6.3.2 Potential Impacts

6.3.2.1 Palm Beach (North)

Use of the off-leash area has the potential to increase the number of vehicle movements on the adjoining road network and increase the demand for parking spaces. However, this increased traffic and demand for

parking during the restricted times is expected to be within existing seasonal (i.e. higher demand during summer and school holidays / weekends) and daily (weekday and weekend) variations.

Based on the:

- level of parking availability
- limiting the time of use for the off-leash area to non peak times
- the location of the parking areas being spatially distant from other leisure locations and
- the use of metered parking

it is unlikely that the additional traffic movements generated by the off-leash area will result in a material change to the current level of service or intersection delays. It is anticipated there would generally be adequate capacity to accommodate any minor increase in parking demands due to patronage of the off-leash dog area noting that use for the off-leash area would be restricted to non peak times .

6.3.2.2 Mona Vale Beach (South)

The Mona Vale location is already used by dog walkers accessing the existing off-leash area within Robert Dunn Reserve. The formalisation of the off-leash trial area is not expected to result in any material change from the existing patronage and therefore no material additional traffic or parking impacts are expected. Given the limited availability of parking spaces for most of the day, it is recommended that Council review the need to implement short term restrictions at selected location(s).

6.3.3 Mitigation and Management Safeguards

Table 15 identifies the management measures to mitigate any potential traffic and parking impacts. It is noted that the implementation of these measures will benefits to all users.

Table 15. Traffic and Parking Mitigation and Management Safeguards

Potential Impact	Mitigation and Management Safeguards
Vehicles parked illegally in unmarked or grassed areas	<ul style="list-style-type: none"> • Maintain formalised parking bays (line marking and signage). • Increased patrols by Council officers during high peak times to monitor parking demand during trial. • Implement short term restrictions at selected location(s) along Narrabeen Park Parade, (i.e. Mona Vale (south)) if supported by Council's monitoring of the Activity. • Monitor use and the Activity's performance as well as compliance with these mitigation and management safeguards in each season and undertake appropriate regulatory and enforcement action, as needed.
Increase parking demands during afternoon period at Palm Beach	
Increase parking demands at Mona Vale	

6.4 Waste Management

6.4.1 Existing Environment

The existing waste streams for the Palm Beach and Mona Vale locations are associated with general litter from recreational users of the beach and park areas. Sixteen (16) ecological inspections of the Palm Beach and Mona Vale locations were undertaken on four separate days in the months of December, January and February. Litter was generally observed to be disposed of correctly at both locations and the area is generally considered to be well maintained. The Northern Beaches LGA community in general places a high importance on elements of the natural environment and cleanliness of public space (Northern Beaches Council, 2018).

Council currently operates 29 dog off-leash area and provides bins for the disposal of general litter and dog faeces, as well as bags for the collection of faeces. There are already 'general' rubbish bins located at Palm Beach near the car parking areas at the northern and southern ends of the off-leash area. At Mona Vale there are bins at Narrabeen Park Road (i.e. Mona Vale Headland Park) and at the end of Golf Avenue (i.e. the nearest public access point to the proposed off-leash dog area).

6.4.2 Potential Impacts

The Activity has the potential to impact both Project Areas via the non collection and / or incorrect disposal of dog faeces and increase in litter because of increased utilisation by dog owners. The incorrect disposal of wastes (dog faeces and general litter) would detract from the visual amenity of both locations.

Council currently operates 29 off-leash areas and supplies bins, bags and a collection service for the disposal of litter including dog faeces disposed of via the bins. During the trial Council will monitor use and provide additional bins at additional locations, if needed.

6.4.3 Mitigation and Management Safeguards

Table 16 identifies the management measures to mitigate any potential waste impacts. It is noted that the implementation of these measures will benefit all users.

Table 16. Waste Mitigation and Management Safeguards

Potential Impact	Mitigation and Management Safeguards
Beach users not disposing of dog faeces correctly	<ul style="list-style-type: none"> Monitor existing bin and faeces bag usage / adequacy and supplement bins and/or replenish faeces bag supplies more frequently, if needed. Maintain general waste bins at each off-leash Activity Area. Maintain general waste bin(s) at the nearest car parking location to each Activity Area. Supply dog faeces collection bags if not present at each general waste bin for the Activity Areas. Update and supplement existing signage to detail the requirements for dog owners to dispose of dog faeces and the penalties for failing to comply under the Companion Animals Act 1998 and the Protection of the Environment Operations Act 1997 (POEO Act). Monitor use and the Activity's performance as well as compliance with these mitigation and management safeguards and undertake appropriate regulatory and enforcement action, as needed.
Increased litter from greater numbers of users	
Inadequate bin capacity	

6.5 Noise

6.5.1 Existing Environment

6.5.1.1 Palm Beach (North)

The general Palm Beach land surrounding the off-leash area is a mix of land zoning, being: Environmental Conservation (C2) (Governor Phillip Park), Public Recreation (RE1) and National Park and Nature Reserve (C1). These zones influence the existing ambient noise environment, with the primary noise sources being road traffic, meteorological conditions (e.g. wind, rain and thunder), surf conditions, birds and recreational activities. These noise sources will vary in their contribution to the ambient noise throughout the 24-hour period and also between days.

6.5.1.2 Mona Vale Beach South

The land zoning within the general area of the Mona Vale dog off-leash area consists of a mix of Low Density Residential (R2), Health Services Facilities, Infrastructure (Mona Vale Hospital) (SP2), Environmental Living (C4) and Public Recreation (RE1) zonings. The existing ambient noise environment of this general area is affected by various sources (e.g. road traffic – local and Pittwater Road, meteorological conditions (e.g. wind, rain and thunder), surf conditions, hospital users, birds and general residential activities – barking dogs, yard maintenance etc). These noise sources will vary in their contribution to the ambient noise throughout the 24-hour period and also between days.

6.5.2 Potential Impacts

6.5.2.1 Palm Beach (North)

The receivers that are most likely to be impacted by noise from the Palm Beach (North) off-leash area are primarily limited to users of the northern end of Palm Beach and Governor Phillip Park respectively. The majority of the beach users are expected to occupy the beach front near the surf club / near the flags, which are located approximately 342m to the south of the off-leash area. This separation distance provides a degree of natural noise attenuation, limits the likely interaction between these user groups and any noise impacts on other beach users is generally expected to be minimal.

The separation distance of 342m between the off-leash area and the surf club is expected to provide a minimum of approximately 50dBA of noise attenuation from a barking dog at 90dBA. This attenuated noise level of 40dBA is equivalent to the expected background noise level of the area and well below the noise level of normal conversation at 60dBA.

Recreational users of Governor Phillip Park may experience noise impact from barking dogs. However, this impact is expected to be a relatively transient and short term as the dog moves along the off-leash area. It is also noted that the off-leash area is located at the northern end of Governor Phillip Park. With the southern end of the off-leash area coinciding with approximately 10% of Governor Phillip Park. Given the separation distance between the off-leash area and Governor Phillip Park and that 90% of Governor Phillip Park does not coincide with the off-leash area, the potential noise impact on the Park users is expected to be minimal. Any impact on other users in this area (e.g. golf club, Dunes Restaurant, the Boathouse etc) is expected to be minimal, as these users are located in excess of 180 m from the off-leash area.

6.5.2.2 Mona Vale Beach (South)

Mona Vale Headland (Robert Dunn Reserve) is located between Narrabeen Park Parade and the proposed off-leash dog area. Mona Vale Headland the Robert Dunn Reserve is already an off leash area utilised by dog walkers and has no restrictions on the time of use. The introduction of the proposed off-leash area may result in existing dog walkers utilising the proposed off-leash dog area. As this proposed area is further away from the residential properties, hospital and other park users, the level of noise experienced at these receiver locations is likely to be less than the current levels. However, should the existing usage pattern of the dog walkers be unchanged the introduction of the off-leash area would not alter the existing noise emissions and therefore the impacts would be unchanged.

The residences above the off-leash area on Narrabeen Parade are the nearest noise receivers at Mona Vale (South) at a distance of approximately 100m. This separation distance is expected to provide a minimum of approximately 40dBA of noise attenuation from a barking dog at 90dBA. This attenuated noise level of 50dBA is well below the noise level of normal conversation at 60dBA. It is noted that this assumes a direct line of sight between the noise source (i.e. barking dog) and receiver (i.e. resident standing in there yard) and there are noise obstacles which will deflect / absorb noise e.g. vegetation and no topographic

influences. Both of which are present at Mona Vale (South) and will assist with noise mitigation in addition the 40dBA predicted.

6.5.3 Mitigation and Management Safeguards

Table 17 identifies the management measures to mitigate any potential noise impacts.

Table 17. Noise Mitigation and Management Safeguards

Potential Impact	Mitigation and Management Safeguards
Noise disturbance from barking dogs	<ul style="list-style-type: none"> Update and supplement existing signage to display off-leash use times and boundaries to maintain separation distances to sensitive receivers. Manage any noise complaints received through Council's online complaints management system. Monitor complaint data and investigate Monitor use and the Activity's performance as well as compliance with these mitigation and management safeguards and undertake appropriate regulatory and enforcement action, as needed.
Noise disturbance from increased traffic	

6.6 Aboriginal Archaeology

The archaeological potential of the Mona Vale Activity Area was investigated but did not identify any known archaeological sites or the presence of archaeologically sensitive landforms (See Figure 17). Therefore, no further assessment has been undertaken and the Activity can proceed with caution.

An Aboriginal Objects Due Diligence Assessment (DD) was undertaken for the Palm Beach dog off-leash area due to the archaeologically sensitive landforms present (see Annex 3). The remainder of Section 6.6 therefore relates only to the Palm Beach (North) Activity Area.

6.6.1 Existing Environment

A search of the Aboriginal Heritage Information Management System (AHIMS) identified that no Aboriginal cultural heritage sites are recorded within the Activity Area. The nearest Aboriginal cultural heritage site is 'Palm Beach Sand Dunes' (AHIMS ID# 45-6-1433) situated approximately 130 m north-west of the Activity Area (See Figure 16).

6.6.2 Potential Impacts

A site inspection confirmed that the Midden site 'Palm Beach Sand Dunes' (AHIMS ID# 45-6-1433) does not extend into the Activity Area and will therefore not be affected by the Activity. Furthermore, the DD assessment found that the Activity Area (i.e. the area inspected) and surrounds has been heavily impacted by modification to the ground surface relating to past dune stabilisation works, revegetation programs, public recreational use of the area and ongoing natural erosion and modification of the beach, dune systems the installation of roads and car parking areas, as well as underground water and power infrastructure services.

The ground surface and subsurface has been disrupted to such an extent that the possibility of in-situ deposits within the Activity Area is low, and it recommended that the Activity can proceed with caution. No additional Aboriginal cultural heritage constraints were identified.

6.6.3 Mitigation and Management Safeguards

Table 18 identifies the management measures to mitigate any potential Aboriginal archaeological impacts.

Table 18. Aboriginal Archaeology Mitigation and Management Safeguards

Potential Impact	Mitigation and Management Safeguards
Damage of known Aboriginal objects or where Aboriginal objects are likely to occur	<p>General</p> <ul style="list-style-type: none"> All workers should be inducted into the Activity Area, so they are made aware of their obligations under the National Parks and Wildlife Act 1974. In the event that previously unknown Aboriginal object(s) and/or sites are discovered during the Activity, work must stop and the unexpected finds protocol as detailed in Annex 7 implemented. In the unlikely event that human remains are discovered, all activities must stop and the unexpected finds protocol as detailed in Annex 7 implemented. <p>Palm Beach (North)</p> <ul style="list-style-type: none"> Ground disturbance works are to be limited to the Activity Area Works associated with the installation of signage identifying the dog off-leash area can proceed with caution within the Activity Area. Where possible, existing poles should be utilised for new signage. Where this is not possible, signage should be placed in an area of existing ground disturbance within the Activity Area. During the installation of the signposts, access to the area/s should be restricted to the use of existing access tracks. Any signage to be installed outside the Activity Area is to be co-located with existing sign posts or attached to an existing fence post, so that there is no ground disturbance.

6.7 Historic Heritage

6.7.1 Existing environment

Searches of the following heritage registers and listings were undertaken:

- World Heritage List
- National Heritage List
- Commonwealth Heritage List
- (non-statutory) Register of the National Estate
- State Heritage Register
- s.170 NSW State Agency Heritage Registers (s.170 Register)
- Pittwater LEP 2014
- 21 Development Control Plan (21 DCP).

The results of the searches are presented below.

6.7.1.1 Mona Vale Beach Heritage Register Searches

The searches identified that there are no listed heritage items within 200m of this Activity Area. Therefore, there are no statutory heritage constraints provided by heritage listings at the Mona Vale Beach (South) Activity Area.

6.7.1.2 Palm Beach Heritage Register Searches

The searches identified no items were within 200m of the Palm Beach (North) Activity Area. There are however several heritage sites in the wider general area and are listed in Table 19.

Table 19. Statutory Heritage Items within 200m of the Activity Area

Item Name	Item Listing Type	Level of Significance	Item number	Relationship to Activity Area
Barrenjoey Heritage Conservation Area	Pittwater LEP 2014	Local	LEP: C1	The Activity Area is located on beaches within this item.
Barrenjoey Head Lightstation	State Heritage Register (also located on the NPWS s.170 heritage asset register)	State	SHR: 00979	The Activity Area is within 300m but not inside this item's curtilage.
Barrenjoey Lighthouse and Two Cottages	Pittwater LEP 2014	Local	LEP: 2270104	The Activity Area is within 600m but not inside these items' curtilage.
Memorial Cairn (Near Lighthouse)	Pittwater LEP 2014	State	LEP: 2270093	The Activity Area is within 600m but not inside these items' curtilage.
Grave	Pittwater LEP 2014	State	LEP: 2270095	The Activity Area is within 200m but not inside these items' curtilage.
Memorial Cairn	Pittwater LEP 2014	State	LEP: 2270450	The Activity Area is within 200m but not inside these items' curtilage.
Site of Former Customs House	Pittwater LEP 2014	State	LEP: 2270102	The Activity Area is within 200m but not inside these items' curtilage.
Stone Path x13	Pittwater LEP 2014	Local	LEP: 2270127	The Activity Area is within 200m but not inside these items' curtilage.
Picnic Shelter Sheds x4	Pittwater LEP 2014	Local	LEP: 2270097	The Activity Area is within 200m but not inside these items' curtilage.

6.7.2 Potential Heritage Constraints

There are no heritage constraints associated with the Mona Vale Beach (South) Activity Area.

The Palm Beach (North) Activity Area is located within the Barrenjoey Heritage Conservation Area, which is a locally listed heritage item on the *Pittwater LEP (2014)* and is also located near to the Ku-Ring-Gai Chase National Park (section located on the Barrenjoey Headland). The Barrenjoey Headland is the location of the Barrenjoey Head Lightstation State heritage item (SHR #00979). This item is associated with several local items also located on the Barrenjoey Headland, and outside the Activity Area. These items have views towards the Activity Area but are unlikely to be affected by the proposed Activity. Towards the south of Governor Phillip Park, which is adjacent to the Activity Area, there are four locally listed shelter sheds. Out of the identified items, only the heritage conservation area is within the Activity Area, and the views to and from the other items are unlikely to be affected by the proposed Activity.

The Barrenjoey Heritage Conservation Area consists of the headland, and the majority of the peninsula, corresponding with Governor Phillip Park. While the beaches are not considered part of this heritage curtilage, other aspects of the Activity Area are within this heritage conservation area.

The local heritage items are within the former Pittwater LGA which now forms part of the Northern Beaches Council. As the LEPs have not yet been updated the local heritage items and the conservation areas listed on the *Pittwater LEP 2014* remains in force. The Development Control Plan (DCP) for this LGA is the 21 DCP. This document does not mention this conservation area and therefore has no direction for management controls.

The Conservation Management Plan (CMP) for the Barrenjoey Headland does not include the Activity Area. This document is focused on the state heritage site on the headland and its management practises. The excerpt below from the *Barrenjoey Headland CMP 2013* (see Plate 1) describes the general areas of the headland outside of the state-significant sites (i.e. Site of Former Customs House) as having low archaeological potential. It is therefore concluded that the Activity Area has low archaeological potential and that it is unlikely for there to be historic-period heritage value within the Activity Area.

8.8 ARCHAEOLOGY & ABORIGINAL HERITAGE

8.8.1 HISTORICAL ARCHAEOLOGY

Non-indigenous relics on the headland are automatically protected by the *NSW Heritage Act, 1977*. According to s60 of the Act, approval is required if relics (defined as any non-Aboriginal deposit, artefact, object or material evidence of State or Local heritage significance) will, or are likely be affected by development, moved, damaged, destroyed or excavated. Because the site is listed on the State Heritage Register, application for these activities within the listed curtilage is made pursuant to s60 of the Heritage Act.

The headland has low archaeological potential in regard to artefact deposits and buried features. The only exceptions to this are the Customs House precinct and the Stewart Towers site where the archaeological potential is high. There is also potential for sub-floor deposits in the buildings. The majority of archaeological features identified in this CMP are rock cut evidence of former structures, engravings and early evidence of access routes including the trolley way and road. Some of the engravings are fragile and seem to have eroded away over time. Many of the other features such as survey marks do not require active management.

Policy 27

- Any excavation works within the Customs House precinct, Stewart Towers site and in the sub-floor area of the buildings in the Lighthouse Keeper's Precinct need to be subject to a Section 60 application under the Heritage Act and must conform to the requirements of any approval. Works will require monitoring. Excavation in other areas needs to be covered by a s60 exemption application. If unexpected finds are located during excavation works, any work in the area should cease until archaeological advice has been sought.
- The existing path through the Stewart Towers site should be re-routed as a priority in order to protect archaeological deposit.
- Protect the Customs House archaeological site until further investigations to determine its nature and extent are undertaken.
- Undertake a recording program to locate, map and record engravings across the headland.

Plate 1. Excerpt from the Barrenjoey Headland CMP 2013

6.7.3 Potential Impacts

This section is not designed to provide an impact assessment for the Activity, but to identify any potential heritage impacts which are readily apparent without a Statement of Heritage Impact (SoHI) report.

At Mona Vale Beach, the lack of listed heritage items and the disturbed and urban nature of this Activity Area makes impacts to historic-period heritage values unlikely.

At Palm Beach, the CMP of the Barrenjoey Headland assessed the archaeological potential of the headland as low, outside of very specific sites which are located outside of the Activity Area. Impacts to sub-surface historic-period archaeology is considered to be unlikely. The register search identified several historic period heritage items within proximity to the Activity Area however, out of these items only the Barrenjoey Heritage Conservation Area curtilage is within the Activity Area – all others will not be directly or indirectly impacted by the proposed modifications. With regard to the question of direct impacts to the conservation area, this location is already developed with car parks, signage and picnic areas. The Activity as described in Section 2 (e.g. signage and use by a section of the general public) are in keeping with the current use and practise within this heritage conservation area and would not be likely to impact the historic-period heritage value of this item.

The views to and from the heritage items surrounding the Activity Area will remain largely unchanged by the updating and supplementation of signage, and use by off-leash dog walkers. Impacts to views are unlikely and will not reduce the historic-period heritage value of the nearby heritage items.

6.7.4 Mitigation and Management Safeguards

Table 20 identifies the management measures to mitigate any potential Historic heritage impacts.

Table 20. Historic Heritage Mitigation and Management Safeguards

Potential Impact	Mitigation and Management Safeguards
Damage of known historic heritage objects or where objects are likely to occur	<ul style="list-style-type: none"> • Works can begin with caution. • A stop-work procedure should be implemented in the event of an unexpected find (i.e. archaeological remains not identified as part of this report). All works should cease and a qualified historic-period archaeologist consulted, in accordance with the stipulations outlined by Heritage NSW, Department of Premier and Cabinet and the Heritage Act 1977.

6.8 Human Health & Water Quality

6.8.1 Existing Environment

Currently dogs are prohibited within the proposed trial Activity Areas under the Pittwater Dog Control Policy, however during site inspections at both Activity Areas in December 2021, January 2022 and February 2022, dog faeces and dog walkers were observed.

The DPIE's *State of the beaches 2020-2021* report assesses the suitability grades of swimming areas along the coast. The suitability grades are determined by the most recent 100 water quality results and a risk assessment of the potential pollutions source. The assessments are a combination of sanitary inspections and microbial assessments.

The suitability grade for both Activity Areas was classed as very good, meaning they have generally excellent microbial water quality and very few potential sources of faecal pollution and the water is considered safe to swim almost all of the time.

The University of Technology Sydney (J Seymour 2022, pers. comm. 10 June) has undertaken an investigation on the level of faecal bacteria in beach sands which is specific to dogs at four locations within the LGA, being:

- North Steyne – In front of the surf club. This location is highly visible to the public and lifeguards, and the likelihood of dogs being present is low and has been used as a control site. No dogs or footprint of dogs were observed during the sampling event.
- Lagoon Reserve – Queenscliff Beach, west of Stuart Sommerville Bridge. This location is a very popular off leash dog exercise area, dogs were present and active in the area at the time of sampling.
- North Curl Curl Off Leash Dog Park – lagoon entrance area. This location is similar to Lagoon Reserve at Queenscliff, in that the location is actively used by dogs.
- South Mona Vale Beach. This is one of the proposed trial location for off leash dogs on the beach. No dogs were seen on the beach at the time of sampling, however footprints were seen throughout the sampling location suggesting dogs had been present early in the morning prior to the sampling event.

A total of 10 samples per location were collected along a 50m transect of the beach, above the high tide mark, approximately every 5 meters. The samples were analysed for the DG3 marker which targets specific bacteria found in dog faeces and is a sensitive marker which indicates the presence of dog faeces. All of the samples analysed were below the quantifiable limit (i.e. the bacteria communities that are specific to the canine gut were not detected).

6.8.2 Potential Impacts

The University of Technology Sydney investigation indicates that the faecal bacteria specific to dogs was not present regardless of whether the location was used or not used by dogs. While this does not eliminate the potential presence of dog-specific faecal bacteria at such locations, this report implies that any risk of exposure to faecal bacterial contamination as a result of the Activity is likely to be minimal. In any event, mitigation and management safeguards for the correct collection, disposal and compliance relating to dog faeces have been recommended to further reduce this already very low risk.

Given the findings of the UTS report, and the fact that both Activity Areas are already frequented by dogs, the formalisation of both Activity Areas for off-leash dog activities is not expected to result in any significant change or cumulative impact to the beach suitability grades.

6.8.3 Mitigation and Management Safeguards

Table 21 identifies the management measures to mitigate any potential waste impacts. It is noted that the implementation of these measures will benefit all users.

Table 21. Human Health and Water Quality Mitigation and Management Safeguards

Potential Impact	Mitigation and Management Safeguards
Beach users not disposing of dog faeces correctly	<ul style="list-style-type: none"> • Monitor existing bin and faeces bag usage / adequacy and supplement bins and/or replenish faeces bag supplies more frequently, if needed. • Maintain general waste bins at each off-leash Activity Area. • Maintain general waste bin(s) at the nearest car parking location to each Activity Area. • Supply dog faeces collection bags if not present at each general waste bin for the Activity Area. • Update and supplement existing signage to detail the requirements for dog owners to dispose of dog faeces and the penalties for failing to comply under the Companion Animals Act 1998 and the Protection of the Environment Operations Act 1997 (POEO Act). • Monitor use and the Activity's performance as well as compliance with these mitigation and management safeguards and undertake appropriate regulatory and enforcement action, as needed.

6.9 Cumulative Impacts

6.9.1 Existing Environment

Clause 171 of the EP&A Regulation requires the cumulative environmental impacts of the Activity to be considered with other existing or likely future activities. A search of DPIE's major projects register suggested there were no major projects within the Activity Area.

During inspections of the Activity Area the presence of dogs was observed at both Activity Areas.

6.9.2 Potential Impacts

Due to the existing use of the Activity Area by dog walkers, the unmitigated impact (e.g. traffic, noise, waste) already form part of the existing baseline environment and considered in the REF. The formalisation of the off-leash areas is unlikely to result any a substantial increase in patronage to either Activity Area and is predicted to results in a negligible cumulative impact at worst.

The implementation of the mitigation and management safeguards identified in Table 23 will assist with mitigating the existing impacts along with any additional patronage impacts should the Activity be approved.

6.10 Socio-Economic / Landuse

6.10.1 Existing Environment

The locality surrounding the Activity Areas are used for a mix of Recreation (passive and active), Residential and to a lesser degree hospitality (cafe and restaurant) activities.

6.10.2 Potential Impacts

The Activity will see the formalisation of off-leash dog park activities at Palm Beach and an additional area to that which exists at Robert Dunn Reserve, Mona Vale. The Activity will not result in any change to the mix of activities undertaken at either Activity Area.

The formalisation of the Palm Beach (North) dog off-leash site has the potential to provide economic benefits via increased passing foot traffic by the nearby cafe. However, the majority of the existing business

patronage is expected to be from general recreational uses of the area and any additional patronage from the Activity is predicted to be a small overall percentage of annual turnover.

This Activity promotes the use of readily accessible outdoor spaces, provides opportunities for social connections to be established within the community, provides another mechanism which improves the liveability within the local area and provides a location that allows an activity that can be undertaken by people in various stage of life and does not restrict future alternative uses should the demographics and need of the area change. In addition to these social and lifestyle benefits, the Activity provides an avenue for exercise, which is known to provide many physical, mental and social benefits.

Conflicts with other recreational users is a possibility when it comes to the shared use of the space. This has been considered in the size and location of the Activity Areas and the incorporation of mitigation and management safeguards to further minimise any residual risks. While use conflicts are possible, the Activity has minimised these as far as reasonably practicable and the potential likelihood of conflict between users is considered to be low.

6.10.3 Mitigation and Management Safeguards

The mitigation and management safeguards identified elsewhere in the document contribute to mitigating any potential socio economic and landuse impact. Table 22 identifies the additional management measures to mitigate any potential socio economic and landuse impact.

Table 22. Socio economic / Landuse Mitigation and Management Safeguards

Potential Impact	Management Measures
Conflicts with other recreational users	<ul style="list-style-type: none"> • Update and supplement existing signage with clear and well-placed signage that displays off-leash times and boundaries. • Record any community complaints associated with dog off-leash activities. • Dog should remain on leash along access paths. • Multiple access points to allow user preference of access. • Access tracks allow for two way a traffic to and from the off-leash area. • Provide at least two points of egress to the Activity Areas. • Monitor use and the Activity's performance as well as compliance with these mitigation and management safeguards and undertake appropriate regulatory and enforcement action, as needed.

7. Conclusions and Justification

7.1 Justification

Community consultation conducted by Council has indicated that existing off-leash areas are popular and there is a desire within sections of the community for additional off-leash areas in ocean beach locations. The proposed Activity is in response to this community feedback and looks to address Council's commitment in relation to this matter.

The results of the survey show the level of support from respondents was in excess of 80% for new dog off-leash areas at Palm Beach and Mona Vale.

The Activity will contribute to a number of the objectives established in the Strategic Plans for the LGA. The Activity also increases the utilisation of existing facilities, infrastructure and open spaces and minimises Council expenditure associated with establishing new facilities and infrastructure and minimises any additional demand on the services provided by Council.

The Activity has the potential to result in some minor environmental impacts with respect to a number of the aspects considered in this REF. However, size and location of the Activity Areas relative to other primary use areas in the locality, together with the safeguards and management measures that are detailed in this REF will ameliorate or minimise these expected impacts.

The Activity will provide socio-economic benefits via improved access and opportunities (physical, social, psychological) for users of the Activity, whilst maintain ongoing use and minimising landuse conflicts with other users. The Activity is also likely to provide some economic benefit to local businesses outside of the summer and weekend times when the majority patronage is expected to occur.

7.2 Environmental, Social and Economic Safeguards

As detailed in Section 6, the environmental, social and economic impacts of the Activity have been identified and assessed based on:

- Assessment of the existing environment (i.e. site characteristics)
- Historical / actual knowledge and data on the use of the general localities
- Consultation with government agencies
- Engagement with local community
- Expert technical assessment.

The key issues were subject to further technical assessment to identify the potential impact of the Activity. These assessments are detailed in Section 6 and the appendices to the REF.

Table 23 provide a consolidated summary of the mitigation and management measures that will apply to the Activity.

Table 23. Summary of Mitigation and Management Safeguards

Potentially impacted aspects	Mitigation and Management Safeguards
Biodiversity	<ul style="list-style-type: none"> • Dog waste or litter is not to be left behind in the dog off-leash area. • Dogs are to be on-leash until on the beach within the off-leash area, to prevent dogs running into the environmental conservation areas. • Dogs on the beach are not to go beyond the off-leash area. • Visual inspection will be conducted by council to address waste and trafficability in the area.

Potentially impacted aspects	Mitigation and Management Safeguards
	<ul style="list-style-type: none"> Regular monitoring by Council ecologists of the Activity Area during the trial Repair/upgrade existing fencing to dog proof fencing that effectively prevents dogs from accessing any adjacent vegetated areas while still allowing movement of small terrestrial fauna Periodic monitoring and maintenance of dog proof fencing to ensure it is effective and in good condition.
Traffic and Accessibility	<ul style="list-style-type: none"> Maintain formalised parking bays (line marking and signage). Increased patrols by Council officers during high peak times to monitor parking demand during trial. Consider whether the implementation of short term restrictions at selected location(s) at Mona Vale is required (i.e. Narrabeen Park Parade). Monitor use and the Activity's performance as well as compliance with these mitigation and management safeguards in each season and undertake appropriate regulatory and enforcement action, as needed.
Waste and hazardous materials	<ul style="list-style-type: none"> Monitor existing bin and faeces bag usage / adequacy and supplement bins or replenish faeces bag supplies more frequently, if needed. Ensure general waste bins are maintained at each off-leash Activity Area. Ensure general waste bin(s) are maintained at the nearest car parking location to each Activity Area. Supply dog faeces collection bags if not present at general waste bin at each Activity Area. Update and supplement existing signage which details the requirements for dog owners to dispose of dog faeces and the penalties for failing to comply under the Companion Animals Act 1998 and the Protection of the Environment Operations Act 1997 (POEO Act). Monitor use and the Activity's performance as well as compliance with these mitigation and management safeguards and undertake appropriate regulatory and enforcement action, as needed.
Noise	<ul style="list-style-type: none"> Update and supplement existing signage which displays off-leash use times and boundaries to maintain separation distances to sensitive receivers. Manage any noise complaints received through Council's online complaints management system. Monitor complaint data and investigate Monitor use and the Activity's performance as well as compliance with these mitigation and management safeguards and undertake appropriate regulatory and enforcement action, as needed.
Aboriginal Heritage	<p>General</p> <ul style="list-style-type: none"> All workers should be inducted into the Activity Area, so they are made aware of their obligations under the National Parks and Wildlife Act 1974. In the event that previously unknown Aboriginal object(s) and/or sites are discovered during the Activity, work must stop and the unexpected finds protocol as detailed in Annex 7 implemented. In the unlikely event that human remains are discovered, all activities must stop and the unexpected finds protocol as detailed in Annex 7 implemented. <p>Palm Beach (North)</p> <ul style="list-style-type: none"> Ground disturbance works are to be limited to the Activity Area Works associated with the installation of signage identifying the dog off-leash area can proceed with caution within the Activity Area. Where possible, existing poles should be utilised for the updated signage. Similarly where possible existing fence posts should be utilised for the supplementary signage. Where this is not possible, signage should be

Potentially impacted aspects	Mitigation and Management Safeguards
	<p>placed in an area of existing ground disturbance within the Activity Area. During the installation of the signposts, access to the area/s should be restricted to the use of existing access tracks.</p> <ul style="list-style-type: none"> Any updated signage to be installed is to be co-located with existing sign post or attached to an existing fence post, so that there is no ground disturbance.
	<ul style="list-style-type: none"> Works can begin with caution. A stop-work procedure should be implemented in the event of an unexpected find (i.e. archaeological remains not identified as part of this report). All works should cease and a qualified historic-period archaeologist consulted, in accordance with the stipulations outlined by Heritage NSW, Department of Premier and Cabinet and the Heritage Act 1977.
Socio-economic / Landuse	<ul style="list-style-type: none"> Update and supplement existing signage to display off-leash times and boundaries. Record any community complaints associated with dog off-leash activities. Dog should remain on leash along access paths. Maintain the existing multiple access points to allow user preference of access. Maintain existing access tracks to allow for two way a traffic to and from the off-leash area. Maintain existing two points of egress to the Activity Areas.

7.3 Conclusion

The Activity has been the subject of an assessment under Part 5 of the EP&A Act. The REF has examined and taken into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposed activity. The Activity, as described in the REF, will meet the activity objectives but may result in some minor impacts. The implementation and effective management of the mitigation and management safeguards that are detailed in this REF will eliminate, ameliorate or further minimise these expected impacts.

The Activity will realise a number of positive socio economic, lifestyle and liveability impacts, that are centred around the use of outdoor space, exercise and establishing and maintaining social networks.

The environmental impacts of the Activity are not likely to be significant and therefore an Environmental Impact Statement is not required. The biodiversity assessment indicates that the Activity is not likely to significantly affect threatened species providing the mitigation and management safeguards as summarised in Table 23 are implemented. The Activity will not impact on any Matters of National Environmental Significance.

Having regard to the above, it is concluded that the Activity is not likely to significantly affect the environment.

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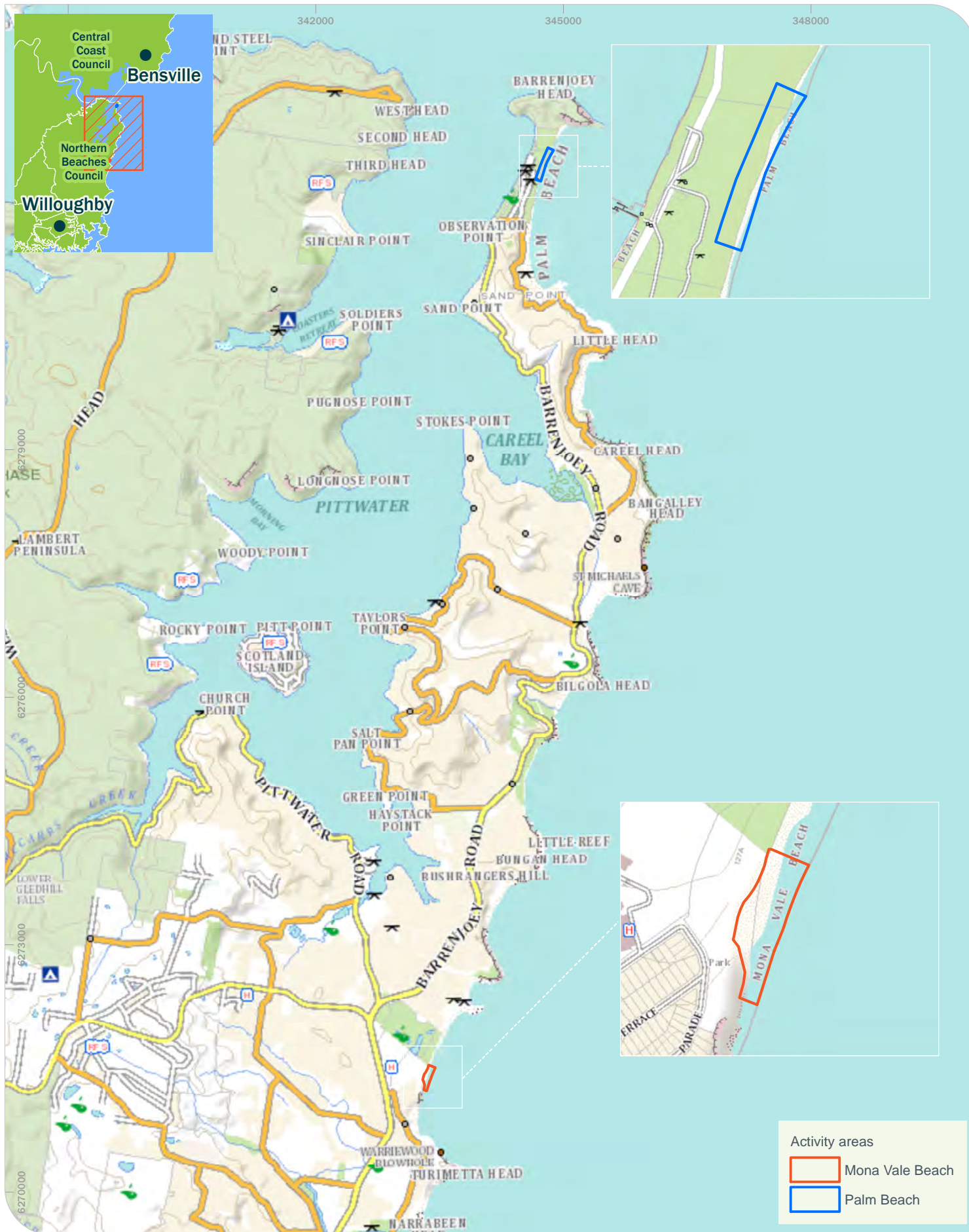
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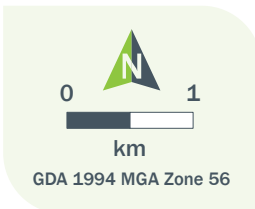
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Niche PM: Justin Merdith
Niche Proj. #: 7029
Client: Northern Beaches Council

Locality Map Northern Beaches Dog Off-leash Trial

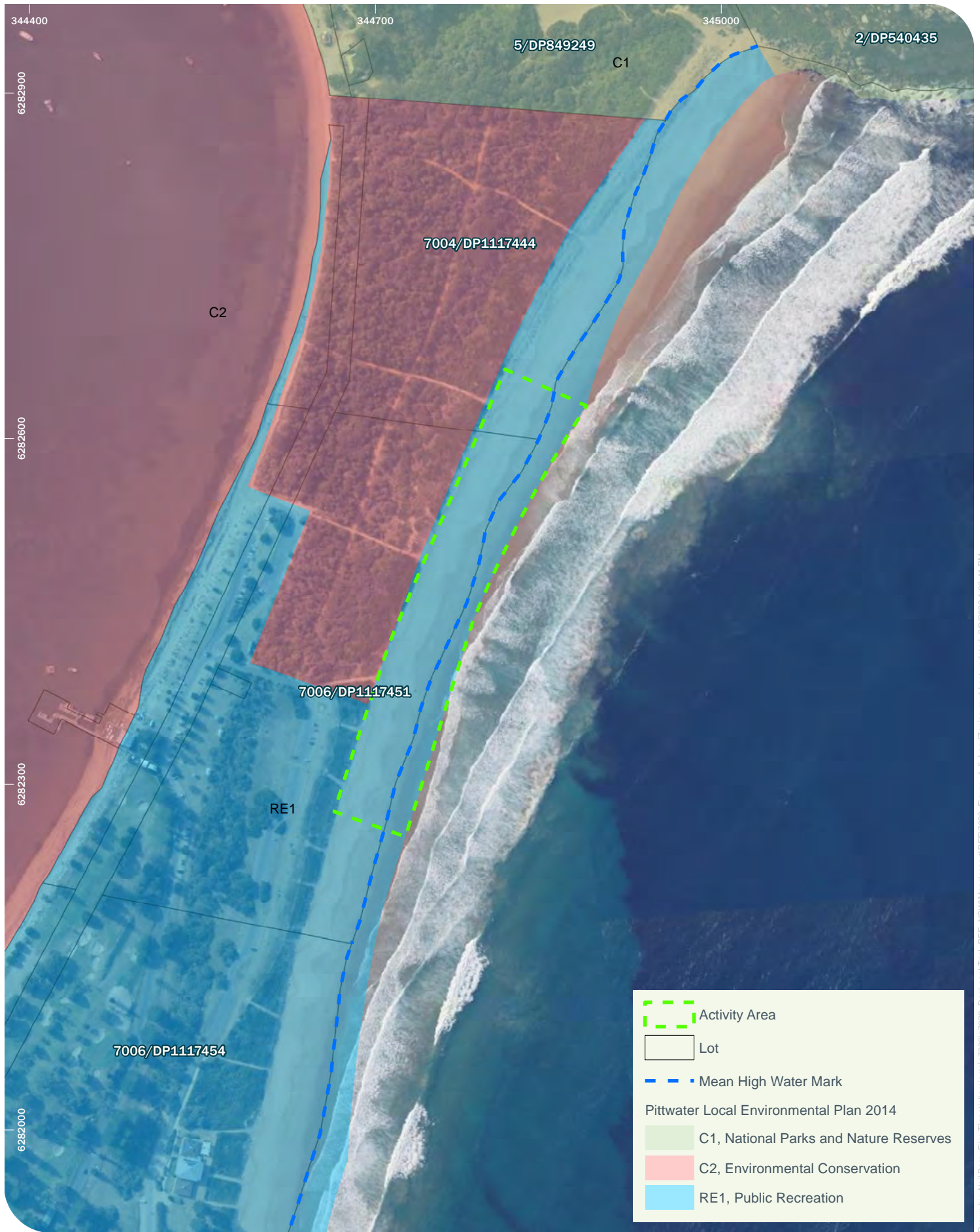
Figure 1



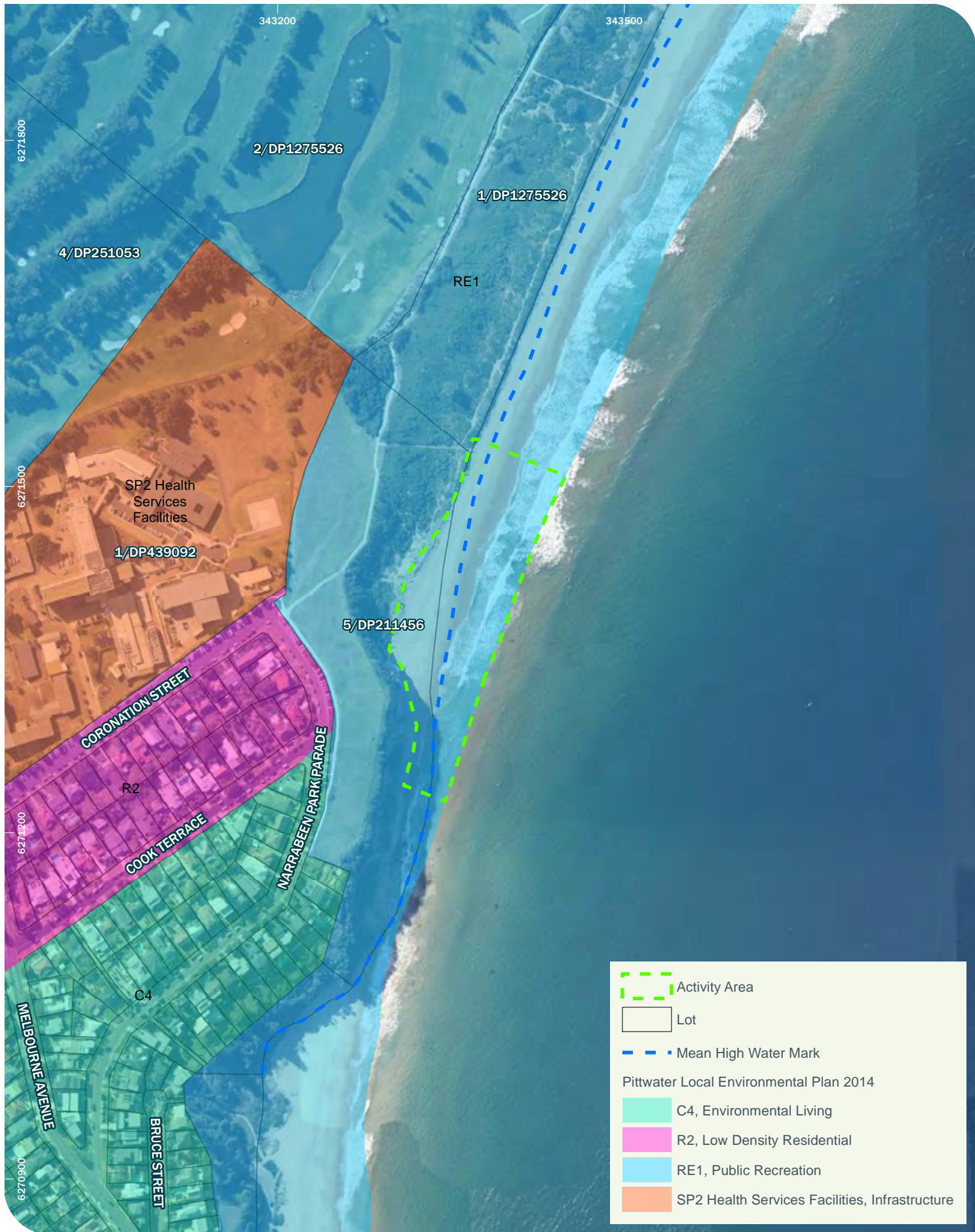
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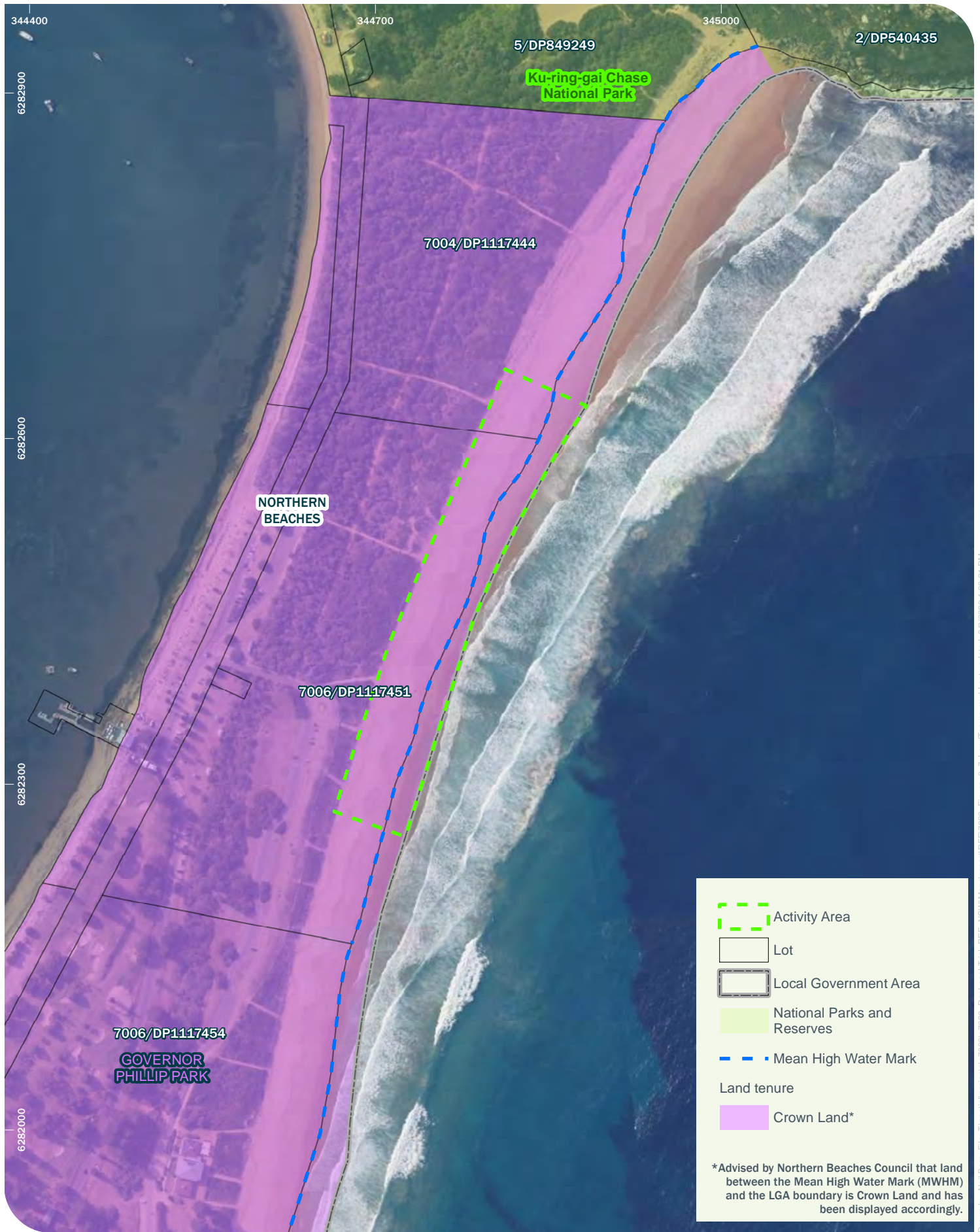
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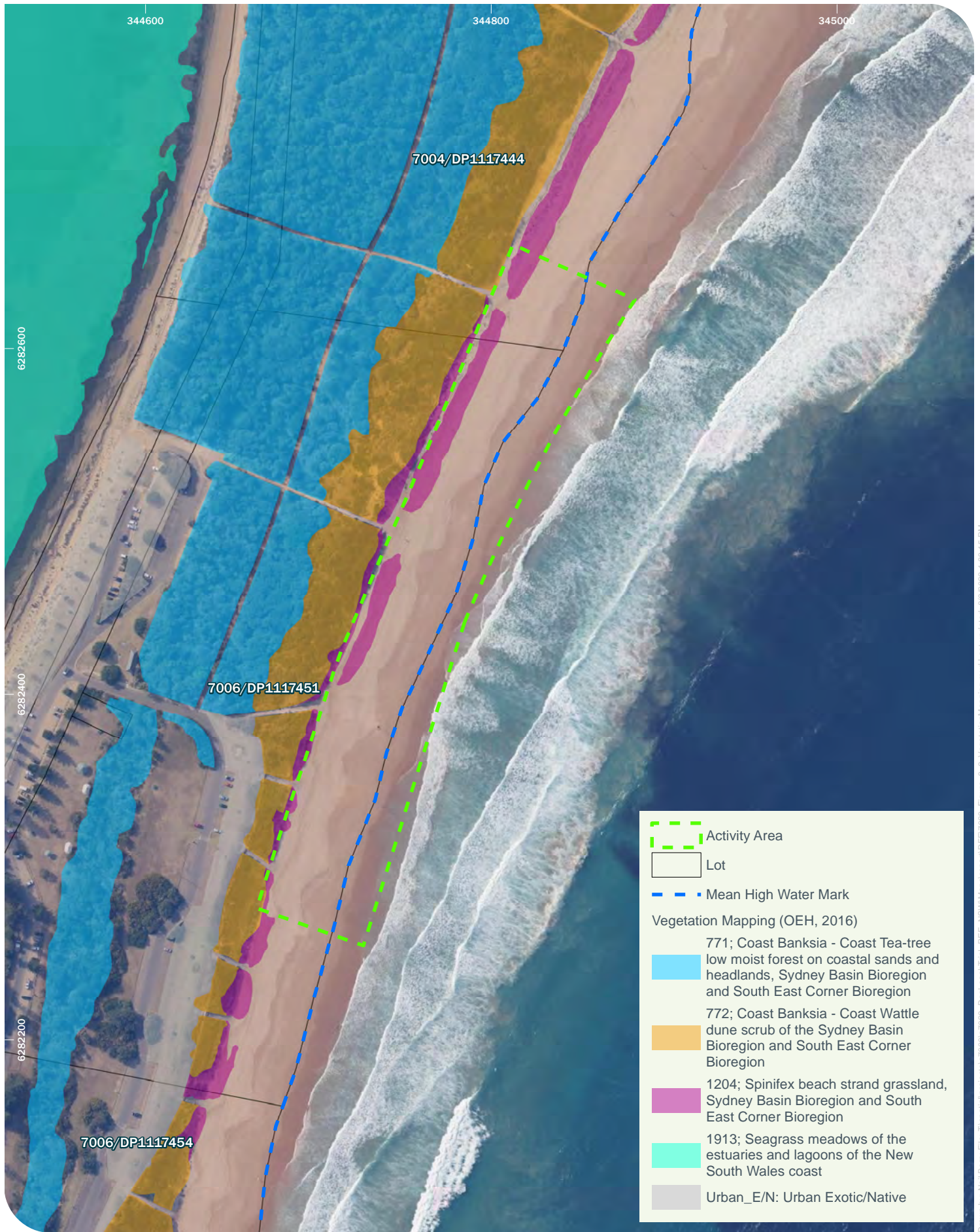
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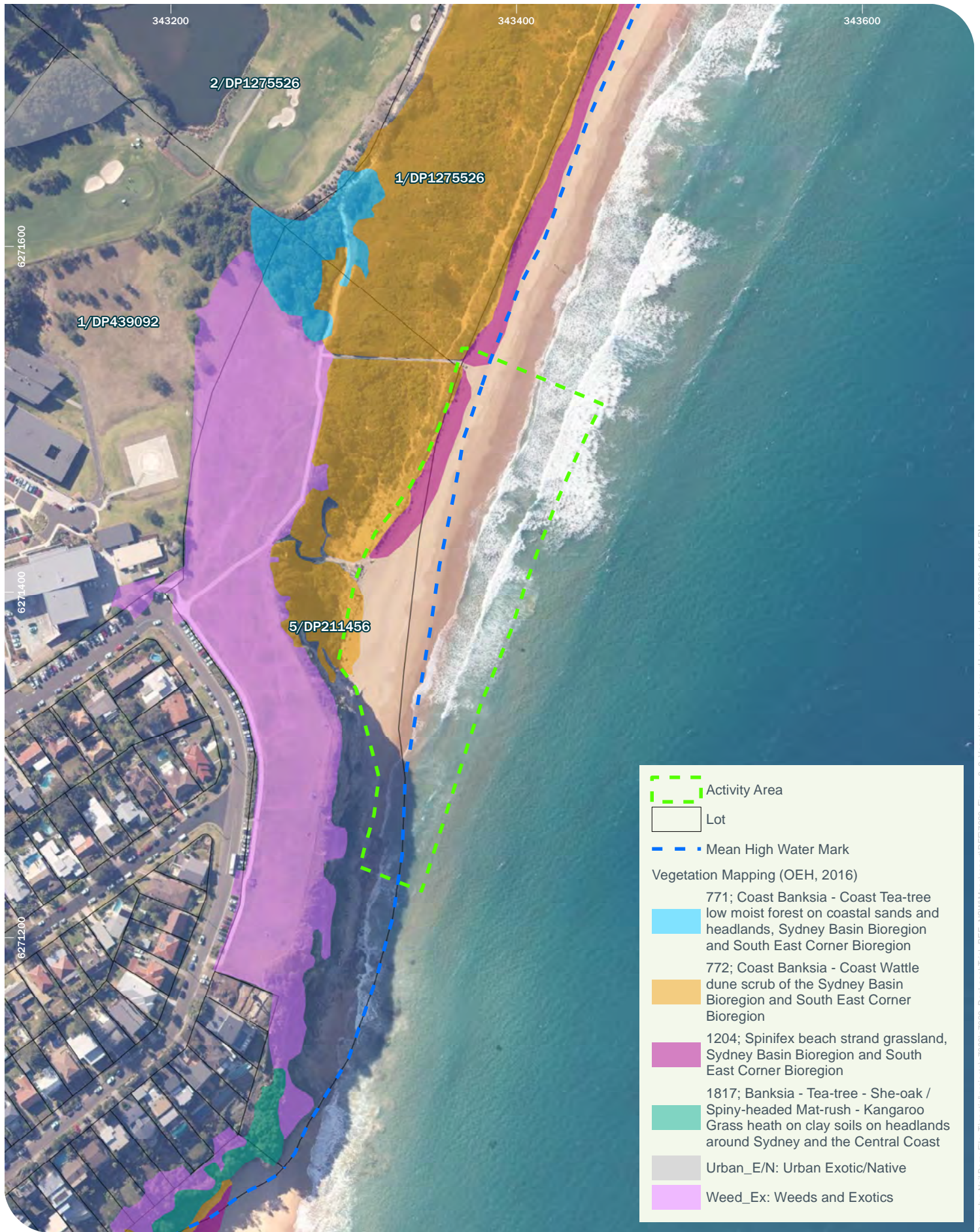
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Activity Area

5km search area

Flora

Boronia umbellata

Chamaesyce
psammogeton

Eucalyptus nicholii

Grevillea shiressii

Macadamia
integrifolia

Maundia
triglochinos

Rhodamnia
rubescens

Syzygium
paniculatum

niche
Environment and Heritage



Threatened Flora within 5km of the Project Area
Palm Beach (North)
Northern Beaches Dog Off-leash Trial

Niche PM: Justin Merdith
Niche Proj. #: 7029
Client: Northern Beaches Council

Figure 10



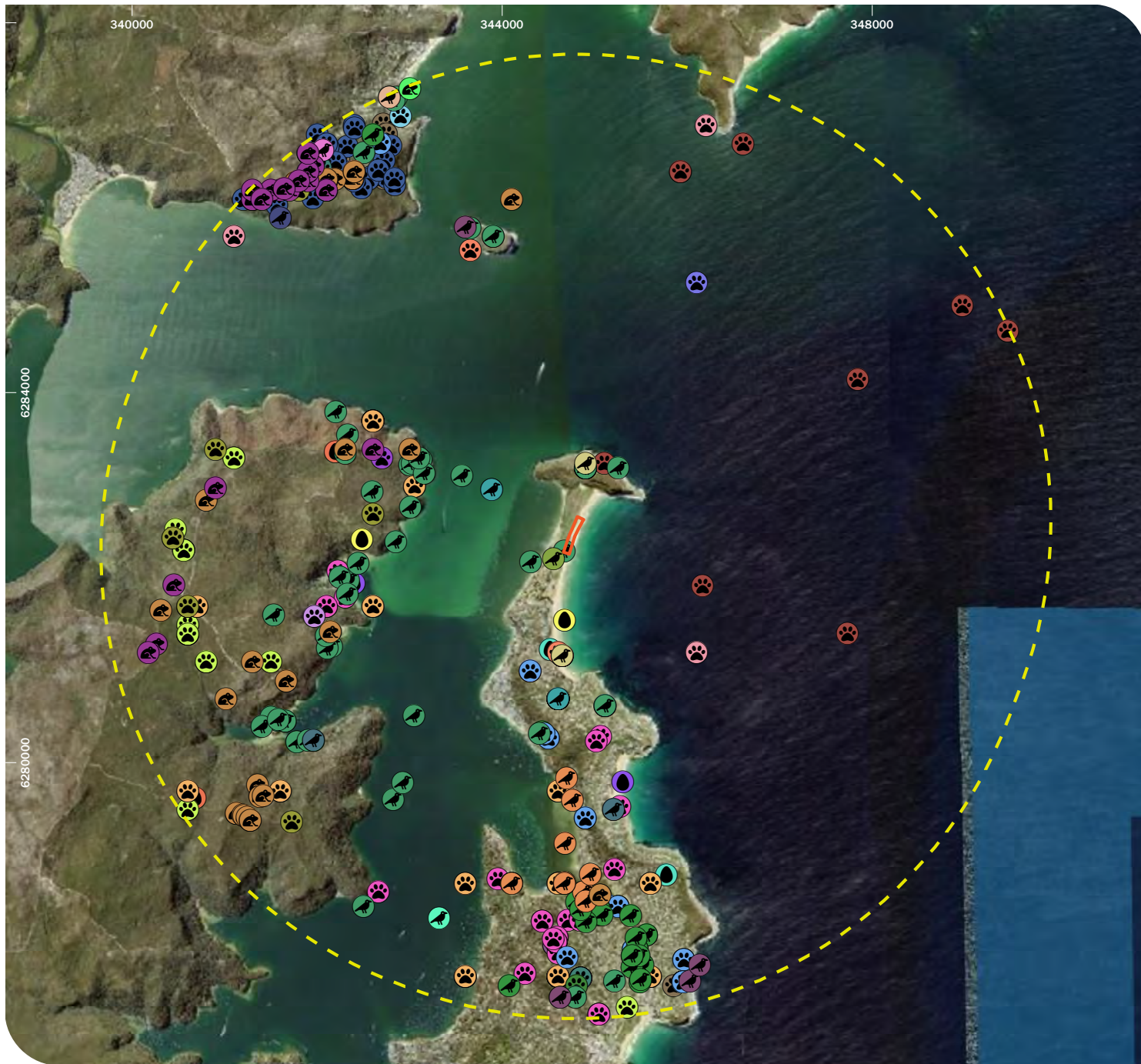
- Activity Area
 5km search area
Flora
● Chamaesyce psammogeton

- Epacris purpurascens var. purpurascens
● Eucalyptus camfieldii
● Eucalyptus nicholii

- Isotoma fluviatilis subsp. fluviatilis
● Kunzea rupestris
● Lasiopetalum joyceae

- Macadamia integrifolia
● Pimelea curviflora var. curviflora
● Prostanthera densa

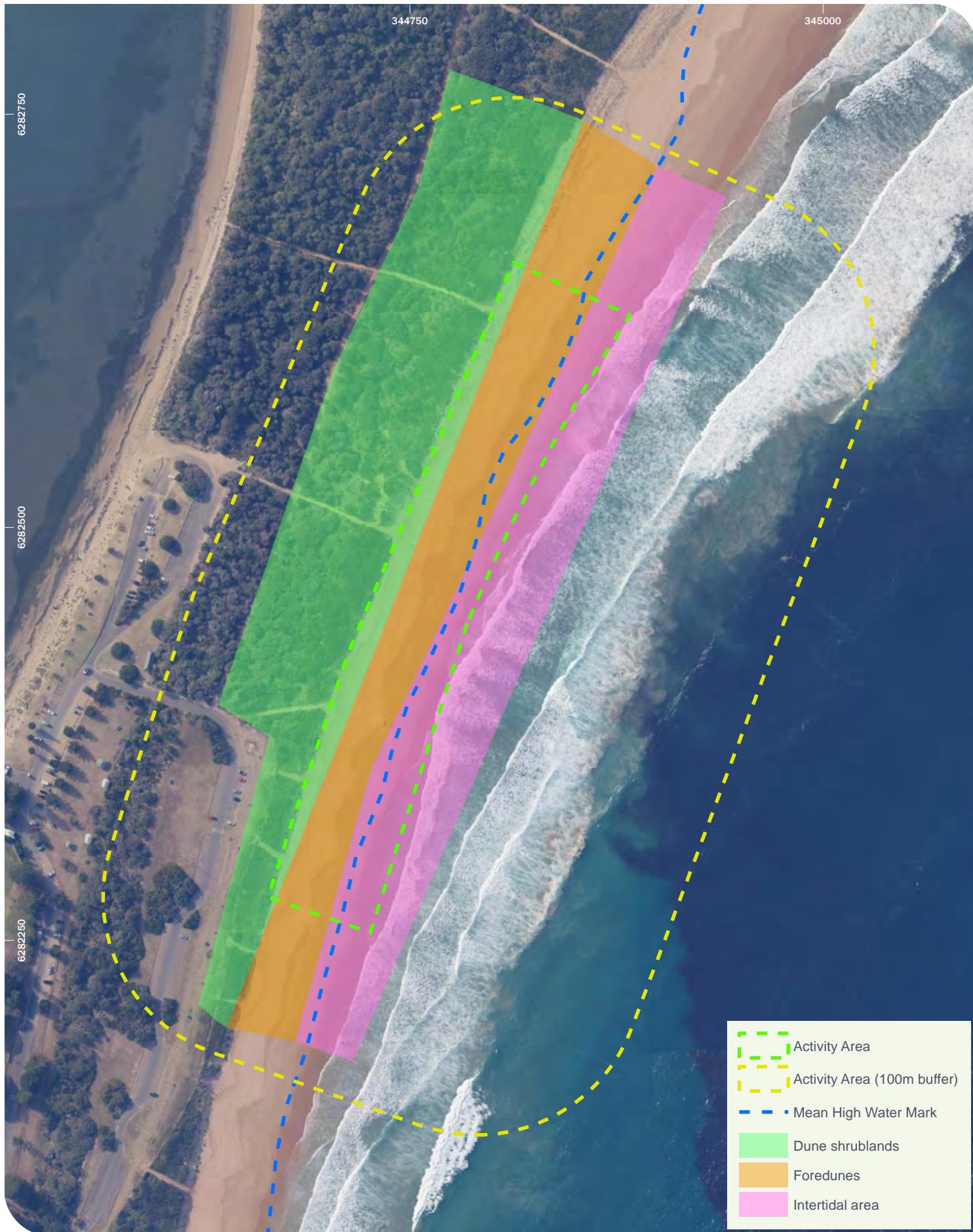
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● Syzygium paniculatum
● Tetratheca glandulosa



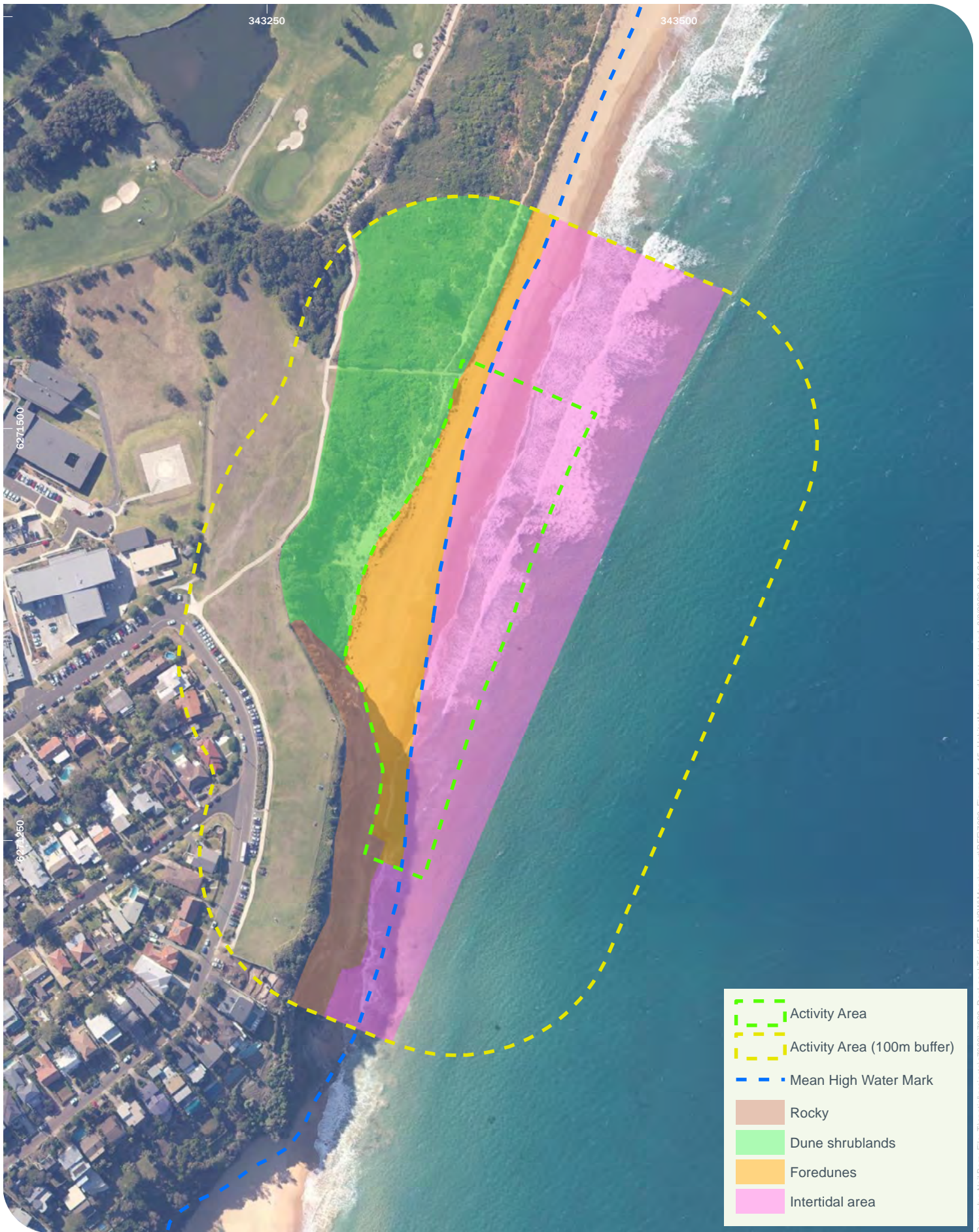


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- | | | | | | |
|----------------------------|---|-------------------------|---------------------------------|--|----------------------|
| Activity Area | Black-browed Albatross | Little Lorikeet | White-throated Needletail | Humpback Whale | Sperm Whale |
| 5km search area | Black-chinned Honeyeater (eastern subspecies) | Regent Honeyeater | Wompoo Fruit-Dove | Koala | Spotted-tailed Quoll |
| Amphibia | Brown Treecreeper (eastern subspecies) | Rose-crowned Fruit-Dove | Mammalia | Koala in the Pittwater Local Government Area | Squirrel Glider |
| Giant Burrowing Frog | Bush Stone-curlew | Scarlet Robin | Dugong | Yellow-bellied Sheath-tail-bat | Reptilia |
| Green and Golden Bell Frog | Dusky Woodswallow | Shy Albatross | Eastern Cave Bat | Large Bent-winged Bat | Green Turtle |
| Red-crowned Toadlet | Flesh-footed Shearwater | Sooty Oystercatcher | Eastern Coastal Free-tailed Bat | Large-eared Pied Bat | Loggerhead Turtle |
| Aves | Grey-headed Albatross | Superb Fruit-Dove | Eastern False Pipistrelle | Little Bent-winged Bat | Rosenberg's Goanna |
| Australasian Bittern | Little Eagle | Terek Sandpiper | Eastern Pygmy-possum | Southern Brown Bandicoot (eastern) | |
| Australian Painted Snipe | | Varied Sittella | Greater Broad-nosed Bat | Southern Myotis | |
| Black Bittern | | Wandering Albatross | Grey-headed Flying-fox | Southern Right Whale | |



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Activity Area

Mean High Water Mark

AHIMS

Midden

Shelter with Midden