



**PROTECT
PALM BEACH**

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Review of Environmental Factors Response from: Palm Beach Protection Group

STATION BEACH OFF-LEASH DOG AREA PROPOSED TRIAL

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OVERVIEW OF REVIEW OF ENVIRONMENTAL FACTORS (REF) Station Beach Off-Leash Dog Area – Proposed Trial

The REF highlights the ecological vulnerability of the Station Beach and Pittwater offshore seagrass meadow and marine ecosystem. Cardno seeks to mitigate the impact from off-leash dog swimming and trampling activity by proposing a three metre buffer in front of the seagrass. The consequence of this is that dogs will not be able to swim in low tides. The proposed Buffer Zone Line to run parallel to the beach could restrict dogs swimming even further. High tide dog swimming may not coincide with the proposed off-leash times. The proposed trial at Station Beach was designed to facilitate continuous swimming for off-leash dogs. However, this is not feasible under the Cardno proposal. Furthermore, a series of unsightly offshore boundary markers/piers will have to be placed at intervals to define the Dog Swim Area (DSA). This will visually deface Station Beach.

The essence of the report is to rely upon over 30 mitigation measures to protect what is regarded as a highly sensitive environmental area. The close proximity of off-leash dogs to this area, despite the proposed controls, still represents an unnecessary and unacceptable risk. The proposed measures when taken together are farcical, and will be almost impossible to enforce. Cardno acknowledge the risk of compliance breaches, even observing first hand, breaches of the current “No Dogs” policy for the beach. The numerous mitigation measures only highlight how environmentally sensitive Station Beach is, requiring protection rather than the introduction of new threats, which is what off-leash dogs represent.

Signage, regular detailed monitoring of water quality and seagrass disturbance, and ranger patrol requirements are proposed by Cardno. This will be expensive, yet no itemised costings are provided.

We note many omissions and shortcomings of the REF, which are detailed in our response. Cardno do not assess the safety risk of visitors to the beach or the lack of fencing. Visitors to the beach (other than dog owners and their off-leash dogs) will be put at risk, which should not be tolerated by the community and Council.

Cardno do not adequately assess traffic and parking congestion. No studies were undertaken.

Under the trial, Station Beach will effectively become a “dog’s beach.” Permanent offshore markers/piers and onshore signage will alter the character and use of the beach, irrespective of the off-leash times proposed. This change of use will be at the exclusion of many others who may wish to visit the beach undisturbed. What was once a peaceful, safe, family friendly beach will become an exclusive dog’s beach forcing many people away.

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

The REF’s brief to only investigate one beach site with all its constraints is fundamentally flawed. Even the Department of Industry signalled in two letters to Council in 2018 (withheld and not released to the public during the consultation period), its concern over environmental sensitivities around Station Beach and preference for an alternative site.

If dogs are only able to swim at high tides then surely Station Beach cannot be considered as an adequate off-leash area, particularly when factoring in all the risks and issues raised. A permanent site, without tidal influences, minimal environmental risks, and ring-fenced for safety, must be pursued in alternative locations. There is no reasonable basis to pursue Station Beach as an off-leash dog beach.

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



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

PRIMARY FINDINGS OF THE REF

Station Beach is Environmentally Very Sensitive:

Seagrass beds

The REF acknowledged and commented on the following:

- i. The shallows approaching Station Beach contain extensive seagrass beds, including that of *Posidonia australis*, which is listed endangered (Fisheries Management Act 1994). The seagrass beds off Station Beach are the largest continuous beds of seagrass in the Pittwater Estuary and are listed as a “threatened ecological community.”
- ii. Importance of seagrass beds providing habitat and food sources for many estuarine species of fish, including the white seahorse. Any loss of habitat may affect the future conservation of the species.
- iii. Presence of *Caulerpa taxiflora* – invasive marine plant or algae. Threat to *Posidonia australis* by the algae spreading.
- iv. Importance of seagrass as important fish habitats, particularly as a nursery for juvenile fish, and habitat for some endangered fish species including the white seahorse. Habitat destruction is one of the main threats. Additionally, seagrasses provide a variety of food sources.
- v. The REF reviewed the “Capacity to Respond” to disturbances. The *Posidonia australis* at Station Beach is a larger seagrass plant and considered to have a lower recovery rate to disturbance.
- vi. REF and proposed mitigation measures are framed around reducing accessibility to the seagrass leading to the proposed 3 metre buffer zone in front of the seagrass.

Birdlife

Station Beach area serves as a potential habitat for resident and migratory birds.

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

Potential Impact from Off-leash Dogs:

The REF acknowledged and commented on the following:

- i. The potential impact from dogs and their owners when interacting with seagrass and soft sediment habitats in the DSA. Impact via trampling, spread of invasive species such as *C. taxiflora*, and introduction of nutrients from dog faeces. Dogs do not have to be in direct contact with the seagrass to impact them.
- ii. The disturbance by dog swimming and dog excrement at low tide is likely to be very high.

- iii. Dog swimming at the beach has the potential to damage soft sediment habitats that support seagrass beds.
- iv. The impact of dogs and their owners interacting with seagrass – trampling on the seagrass and soft sediments habitats, spreading harmful invasive species such as *C. taxiflora*, dogs defecating in the water or on exposed seagrass or sand.
- v. Cardno acknowledged during their site visits the presence of medium to large off-leash dogs on Station Beach despite clear “No Dogs” signage. “This indicates that compliance to the rules of a DSA may be a significant issue.” This corroborates what local residents have been reporting for some time; that dog owners routinely ignore signage, allowing their dogs off-leash from the southern Beach Road car park, running on to the beach in all directions, at all times and days, and disturbing visitors on the beach and local residents. The REF states that there are 50,000 dogs in the Pittwater area, “so the potential for more dogs to be using this area is substantial.”
- vi. Off-leash dogs can disturb wildlife such as migratory birds.

The REF illustrates the concern of many people – dogs running through the seagrass at low tide, defecating on the seagrass bed directly, and chasing birdlife on the beach and on the water. See below photos from the REF. We have witnessed many instances where dog owners have not collected their dog’s faeces, thereby polluting the beach and adjacent waterways. With the proposed trial area being so large (+50% of beach length), many owners will not be able to control their dogs and potentially not see their dogs defecating from afar.



Above photos taken from the REF, page 12, showing a dog running through the seagrass off Station Beach and defecating on the seagrass. The REF acknowledges compliance issues with the trial and the need for extra patrols. Such activity by dogs will clearly impact on the sustainability of the seagrass and associated marine ecosystem.

The REF assesses that the disturbance from dogs swimming during low tide to individual seagrass plants and bed within the DSA is likely to be very high and that *P. australis* has low capacity to respond to such disturbance.

The REF considers dog swimming and other human disturbances off Station Beach may add to the cumulative impacts affecting the seagrass habitat and may adversely affect the edge of the seagrass bed. Such activity may also help spread the invasive species *C. taxifolia*, already present in the seagrass meadow off Station Beach.

PROPOSED MITIGATION MEASURES & IMPLICATIONS:

REF Recommendation 1: Install a 3 metre Buffer Zone Line in front of the seagrass meadow, running parallel to the beach, defining the Dog Swim Area (DSA). Dogs permitted to swim east of this line.

Cardno, based on Council's request, explored a height and width buffer in front of the seagrass meadow. Applying this buffer to the seagrass the REF states (pg 21) that there is no adequate swimming at low tide for dogs and that at high tide only the southern end of the proposed DSA will have adequate depth and width to allow dog swimming. Clearly, this defeats the prime objective of the trial to provide continuous dog swimming at Station Beach.

The REF settles on a Buffer Zone Line to define the DSA. The REF does not conduct any revised dog swimming analysis in this area. The Buffer Zone Line and DSA has the potential to reduce the capacity for dogs to swim even further depending on where the Buffer Zone Line starts and finishes.

The REF acknowledges that it does not have an up to date seagrass bed map of Station Beach (available end of 2019 or 2020) and so it is not able to be precise on the positioning of the Buffer Zone Line. Without such a map it is not possible to accurately analyse the correct position of the DSA and where dogs may or may not swim at different tides. This is a major shortcoming of the REF.

Implications:

1. **No dog swimming during low tides**
2. **Uncertain dog swimming capacity at higher tides, which may not even correspond to the proposed morning and afternoon dog swimming times**
3. **Trial now meaningless against objective to provide a continuous dog swim beach**

The REF notes that at high tides the beach width narrows. We note that the beach width at high tide can be less than 3 metres in parts, making it very difficult for other users of the beach to avoid off-leash dogs.

Promoting Station Beach as an off-leash swim beach is completely false when the tides and Buffer Zone are taken into account.

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

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

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

1. Obtain an up to date seagrass bed map of Station Beach.
2. This will then accurately define the Buffer Zone Line and DSA.
3. We will then be able to determine the extent of the dog swimming activity permitted east of the Buffer Zone Line, recognising that swimming at low tide is already not possible. It will simply be a matter of understanding the restricted swimming capacity at higher tides.

4. Once the Buffer Zone Line is defined, we can then understand where the recommended tidal position markers should be placed.
5. We will then be able to assess the visual impact of the tidal markers and comment accordingly. It is clear, that the closer the tidal markers are to the beach, the more exposed they will be at low tide and hence have a greater visual impact.

Implication: Visual Destruction of Station Beach

1. The offshore markers/piers will radically alter the presentation of Station Beach
2. The markers will be highly visible at low tide and even fully exposed during very low tides
3. The markers will not satisfactorily deter off-leash dogs from running onto the seagrass at low tides
4. The markers will introduce a conflict of use with other users of the beach and waterways, including fishermen, boating, sail and paddle boards etc

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

Station Beach will be visually defaced.

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



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

REF Recommendation 3: Over 30 mitigation measures are proposed (pages 31 & 32)

These measures include:

- i. Signage (on the beach and boundary markers in the water)
- ii. Regular compliance monitoring (extra ranger patrols)
- iii. Regular environmental management (water and seagrass testing)

Implications: Massive Compliance Burden

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

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

We note the Department of Industry – Land & Water, state that *“Unauthorised harm to seagrass during the trial may result in the license being terminated and possible compliance action taken.”*

Extra Compliance Patrols

While the REF proposes dog swimming only during high tide periods, it recognises that this restriction may not always be adhered to with dogs breaching the Buffer Zone Line at low tides. It then attempts to estimate low tides during the proposed off-leash times throughout the year as times when there would be a greater likelihood of dogs interacting with the seagrass and proposes extra compliance patrols. This demonstrates further tedious monitoring requirements and the seemingly blind fixation to accommodate off-leash dogs.

Off-leash dog owners who visit Station Beach expecting to allow their dog to swim, will be disappointed to discover no dog swimming during low tides. This will undoubtedly lead to compliance breaches.

Ranger patrols will almost have to be full-time to adequately ensure compliance to counter likely breaches.

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

Significant Monitoring Requirements and Costs

The REF proposes significant monitoring of the seagrass and water, before, during (monthly) and after the trial in the affected area and control area. The costs associated with this monitoring will be material but is not itemised in the REF. The public has a right to be informed of this expected cost. Such cost and effort must be weighed up against the restricted use of the beach for swimming during low tide only. Such expense and effort cannot be reasonably justified.



Signage at Station Beach is routinely ignored by dog owners.



Low tide at Station Beach can fully expose the seagrass. It will be almost impossible to keep dogs off the seagrass irrespective of the proposed markers.

KEY OMISSIONS & SHORTCOMINGS OF THE REF

1. Potential for Environmental Damage

The potential impact of off-leash dogs on Station Beach goes against the very principle of environmental sustainability. Any damage to the seagrass and supporting marine ecosystem could be long term.

The REF appears to be conflicted. It recognises the already widespread damage to the seagrass bed and that any further damage from disturbances by dog swimming should be avoided. It goes further that such avoidance is consistent with the conservation advice for *P. australis* ecological community in Pittwater from the Commonwealth of Australia Department of the Environment.

The REF states that serious consideration should be given to the introduction of a dog swimming area at Station Beach adjacent to the largest seagrass bed in the Pittwater estuary and whether it is consistent with Council's own Draft Pittwater Waterway Strategy. It appears not.

The proposed boundary buffer line running parallel to the beach seems to accommodate the Council's request, but without conviction, heavily reliant on perfect compliance by dog owners (with reservations over compliance) and a myriad of other monitoring requirements.

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

2. No Fencing to Palm Beach Golf Course

The REF acknowledges there is no fencing to the adjacent golf course from Station Beach and the capacity for people and dogs to easily access the golf course, and risks to beach users from golf balls. The REF does not propose any restrictions on off-leash dogs. The modest natural division between the beach and the golf course is regarded as being sufficient. This is contrary to current activity, where dogs routinely access the golf course (see photos from our earlier submission). Equally, protecting visitors to the beach from stray golf balls is not addressed. The REF does not propose any action here apart from recommending to Council to consider undertaking a risk assessment on golf balls. Clearly this is insufficient. Why hasn't this already been completed?

No fencing means no protection.

3. No Safe Space for Visitors at Station Beach during off-leash times

The REF does not acknowledge the conflict and safety issues associated with a large number of off-leash dogs on the beach and other users of the beach, including families, the elderly, local residents, joggers and tourists. The beach can be narrow and less than 3 metres wide during high tides. There is no shoulder to the beach (being flanked by the adjacent golf course), and no safe space for people trying to avoid unwanted approaches or attacks by off-leash dogs. We note other dog parks are in designated park spaces and typically fenced, to protect the public. There would be no such safe space on Station Beach.

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

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

The REF does not recognise that Station Beach is a tourist destination where many visitors walk the beach to the Boathouse Café and the iconic Palm Beach lighthouse. The trial will lead to inevitable conflict of use and introduce safety concerns to beachgoers.

4. Change of Use of the Beach

Under the trial, Station Beach will effectively become a “dog’s beach.” Permanent offshore markers and onshore signage will alter the character and use of the beach, irrespective of the off-leash times proposed. This change of use will be at the exclusion of many others who may wish to visit the beach undisturbed. What was once a peaceful, safe, family-friendly beach will become an exclusive dog’s beach forcing many people away.

The proposed trial is not intended to make Station Beach a private off-leash dog area. However, this is what will occur as certain members of the community will stop using the beach to avoid this potential conflict.

It is unacceptable that one group in the community can effectively privatise Station Beach for their own purposes at the expense of driving other members of the community away.



Quiet family time at Station Beach. Off-leash dogs will change the use of Station Beach driving away young families.



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



Dogs disturbing quiet fishing time at Station Beach. Off-leash dogs will drive away fishermen.

5. Bird Study lacks Substance

The birdlife study was only conducted over three months and lacks sufficient data to be useful. A migratory bird study is typically conducted over a 12 month period. It is well understood that off-leash dogs can impact on bird nesting and feeding on beaches. Seagrass and seaweed, which are regularly washed up on Station Beach, provide food and nesting material to birdlife. Dogs are natural predators of birds and will disrupt bird behaviour on Station Beach should a trial proceed.

6. Noise affecting Local Residents

The REF completely misinterprets the potential impact of noise to local residents. The southern end of the trial area commences from the Beach Road car park. This is the on-leash area prior to the off-leash area commencing approximately 100 metres north of the car park. The REF mistakenly measures the impact of noise / barking of dogs from the commencement of the off-leash area to the local residences (page 28). In reality, the dogs are barking from the Beach Road car park, immediately adjacent to No.2 Waratah Road, Palm Beach, and close to other neighbouring residences. There is no reasonable distance buffer to these immediate houses and was at unacceptable noise levels during the summer trial period. It will be much

worse under a full trial. Irrespective of the on-leash and off-leash areas, dogs will naturally bark but immediate residents should not bear the brunt of this.

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

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

7. No Rigorous Testing of the Trial Parameters

- i. **No review of the proposed length of beach to be used.** The trial is estimated to cover approximately 700 metres from the southern Beach Road car park to the Boathouse Café. This is a substantial distance where dog owners could be some distance from their off-leash dogs. This raises issues of safety to others, dog pollution and control of dogs in the water particularly at low tide and on to the golf course. We note that a letter from the Department of Lands to Pittwater Council in 2007 stated that “Council may need to consider a smaller trial area of say 100m – 200m width of beach, where potential impact could be more readily monitored.”
- ii. **No review of proposed times.** The proposed morning and afternoon times are the same times heavily frequented by visitors to the beach – walkers, joggers and families. This presents an inevitable conflict of use. During the times proposed, Station Beach will effectively become a “dog’s beach,” forcing away many others who may wish to visit the beach undisturbed. As many dog owners currently ignore signage at Station Beach, and visit at any time of the day, unleashing their dogs and roaming in all directions, the proposed times are meaningless.
- iii. The **12-month trial** could lead to long term and potentially irreversible environmental impacts.

8. No Costings

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

- Signage installation
- Tidal markers installation
- Compliance patrols – two persons each day for how many months? Cost of additional patrols over the peak summer periods?
- Extra beach management costs
- Monitoring: Water quality checks
 - Seagrass and white seahorse monthly
 - Control site costs
- REF Report
- Follow up reports

The REF does not provide any transparency on costs and is a major deficiency of the report.

9. Traffic and Parking Assessment Deficient

No traffic studies have been conducted to adequately assess the impact of additional traffic associated with the trial.

The REF comments that the trial times are likely to coincide with off-peak or lower demand times for other beach users, thereby having less impact to available car parking. This is contrary to the current beach usage, where many users visit the beach early in the morning and late in the afternoon. This is to avoid the strong midday sun in summer, offering relief to families and others not wishing to visit the Palm Beach surf beach. There is already heavy parking congestion during peak periods. The trial will only exacerbate this, causing further tension with local residents and visitors.

The car parking around the southern entrance Beach Road and Waratah Road is presently unrestricted and unmetered. Even a modest increase in dog owners will overwhelm this area.

10. No Acknowledgement or Consideration given to Local Residents' Concerns and Feedback from Community Consultation

We note the REF does not reflect the concerns from local residents. Local residents have lodged numerous complaints to Council regarding off-leash dogs in the Beach Road car park and running directly into private residences as well as onto the beach in all directions, often confronting families and visitors on the beach. There is no recognition of the safety issues on or around the beach and signage has failed to be a deterrent. Dog faeces is apparent in the car park and on the beach presenting a raft of health issues not addressed in the REF. There are no designated parking spaces in the Beach Road car park, which makes parking difficult and congested during busier days. It is not uncommon for residences in Beach Road and Waratah Road to have their driveways blocked during these periods, creating understandable frustration by the residents. A trial will amplify all of these issues.

No qualitative assessment – what are dogs doing at the moment on Station Beach? What is the behaviour of dog owners?

No quantitative assessment – no impact assessment of dog numbers on the beach versus visitors. Council must assess visitors numbers prior to a trial commencing especially over the peak summer period. It must determine whether a dog trial has had a negative impact on visitor numbers and experience.

11. Alternative sites not investigated

The NSW Government Department of Industry state in its letter on 10 September 2018 to the Northern Beaches Council, that they would prefer a range of sites to be evaluated in addition to Station Beach, "*which has inherent environmental sensitivities due to the presences of an endangered species of offshore seagrass.*" The Department even mentions an alternative site of Hitchcock Park – Careel Bay. We note the REF does not investigate Hitchcock Park or other sites apart from mentioning North Palm Beach.

The REF notes that there are already 29 areas where dogs are allowed off-leash in the Northern Beaches area.

We note the 2008 REF considered alternative sites.

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

12. No Consideration to the Land Use Requirements of the RE1 and E2 Zones

No consideration has been given in the REF to the land use requirements of the RE1 and E2 zones. No zoning map is included in the REF and there is no discussion of the location or significance of the interface of the two zones. No consideration is given in the REF as to whether the use of Station Beach for off-leash dog exercise is a separate or distinct use for which consent is required and/ or whether such a use is permissible in the RE1 and E2 zones and/ or consistent with the objectives of those zones.

13. Failure of Process

The decision to undertake the trial was based on Council's resolution at the Council meeting on 26 June 2018, that "subject to receiving support for the proposal from the Government Agencies, it be placed on public exhibition..."

No such support was provided by the NSW Government Department of Industry – Lands and Water, who expressed major environmental concerns to Northern Beaches Council in their letters of 10 September 2018 and 15 November 2018 and preference for Council to evaluate alternative sites. The REF does not evaluate any alternative sites and such letters were not made publicly available as part of the community consultation process, despite approval to do so by the Department. Accordingly, there is a failure of process here.

We note that had Council made public the above letters, it would have influenced the community perception of the trial and submissions.

We noted in our submission to Council, that the REF should have been made available prior to the closure of public submissions, which would have influenced the community perception of the trial and submissions.

POSITION OF GOVERNMENT AGENCIES

It is clear that a number NSW Government agencies have major concerns with the trial. Such concerns were not made available during the public consultation period.

NSW Government Department of Industry Lands and Water:

NSW Government Department of Industry state in its letter of 10 September 2018 to Northern Beaches Council, the seagrass off Station Beach as being endangered under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1979*. "These listings flag the significance of such seagrass areas and the need for State and Local governments to protect them." The letter also cites the *Crown Land Management Act 2016*, which sets out the Principles of Crown land Management and use of Crown land, which includes localities such as Station Beach "where land below mean high water mark supports conservation and protection of seagrass beds." The Department is concerned enough about the potential impact to the seagrass from an off-leash dog trial, to suggest the Council review alternative sites. The Department does not endorse such an off-leash trial and would be subject to a satisfactory REF. It is unknown at this stage whether the REF is satisfactory to the Department. Any breach of the proposed REF mitigants, including the buffer zone in front of the seagrass, could lead to an immediate termination of the license. We consider this buffer zone, which includes no dog swimming at low tides, will likely be breached, warranting action by the Department. This area is simply too environmentally sensitive to accommodate breaches.

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

These letters are contrary to the positive impression provided on the Council's website concerning the trial.

STATUTORY & PLANNING FRAMEWORK

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

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

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

The E2 Environmental Conservation zone is the zone in Pittwater LEP 2014 which applies to those areas of the greatest environmental sensitivity. Although the REF (on page 10) lists the objectives of the E2 Environmental Conservation zone it does not state or discuss what development is permissible and what development is prohibited in this zone. Furthermore, it does not seek to explain or demonstrate how and if the proposed trial is consistent with the above zone objectives.

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

The REF wrongly assumes that the land to which the trial relates is the land zoned RE1 Public Recreation, to which the Governor Phillip Park Plan of Management (2002) applies. However, the trial will largely occur within the E2 zone.

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

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

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

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

LEGISLATIVE PROTECTION OF THE STATION BEACH SEAGRASS

The REF acknowledges the legislative protection of the Station Beach seagrass and habitat protection policy in Pittwater:

- All seagrass in NSW is protected as a key fish habitat under the Fisheries Management Act 1994. Station Beach seagrass is listed as Type 1 highly sensitive fish habitat.
- *Posidonia australis* is listed as an endangered population in Pittwater under the Fisheries Management Act 1994.
- *Posidonia australis* is listed as a nationally significant ecological community.
- NSW Coastal Management Act 2016, which covers the Coastal Environmental Area whose first objective is to protect and enhance the coastal environmental values.
- Draft Pittwater Waterway Strategy of the Northern Beaches Council which includes the following objective to “Improve environment protection to protect our delicate waterway habitat.” Investigate establishing a “no-go zone” to protect endangered seagrass habitats.

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

Main Points Raised by the Palm Beach Protection Group in Submission to Council dated 27 February 2019

- Adverse environmental impact to marine life, birds, seagrass and the beach structure.
- Dogs defecating on the beach with many dog owners too far away or unwilling to clean up after their dogs.
- Safety concerns for families, children, tourists and others visiting Station Beach via an unprovoked dog attack. There were 38 dog attacks on the Northern Beaches in the first half of 2018 alone. This is a basic conflict of use on this narrow beach.
- Traffic and parking congestion in the already overcrowded Beach Road car park and surrounds.
- No fencing on the Golf Course or in front of nearby beachside residences, allowing dogs to run free and intrude on private property.
- Dog owners will not respect the proposed days or hours or earmarked area for dogs off leash. This is already evidenced by many dog owners walking their dogs off leash now, when no dogs are permitted on the beach.
- Failure of process by Council by failing to provide the updated Environmental Impact Statement and Review of Environmental Factors prior to public submissions closing on Thursday 28 February 2019.
- We question the way the parameters of the proposed trial have been set, by relying on feedback from members of the 'Pittwater Unleashed' group instead of undertaking wider community consultation. The parameters are in direct conflict to the main times used by visitors to the beach, namely early mornings and late afternoons.
- A similar proposal was proposed in 2008 but was not supported by the Land and Property Management Authority and did not proceed.
- No compelling reason has been put forward as to why Station Beach should be put at risk apart from the inability to locate an alternative, less intrusive beach elsewhere for dog owners.
- The basic rationale to support dogs off leash on beaches so they may roam free and 'have a swim' at the expense of so many critical issues is flawed.
- Allowing the proposed trial to proceed will create significant local community backlash, frustration and tension.

Station Beach is a beautiful pristine narrow beach on the Pittwater side of Palm Beach. It offers quiet protection to families, children and older people who use the beach in the early mornings and late afternoons to avoid the midday heat. The proposed Trial parameters are in direct conflict with this usage.

Station Beach is a tidal beach such that when it is high tide there is barely any beach exposed, which would cause spill-over effects for dogs roaming free. Low tide of course will put the sea grass and marine life such as seahorses that are endemic to NSW at greater risk. The notion that dog owners would respect a limited time period on certain days in a designated area, or 'tidal marker restrictions' is entirely contrary to the evidence.

Ultimately, it would be a tragedy to deface Station Beach with unsightly signage and tidal markers, having unwanted approaches or even attacks by roaming dogs, introduce community conflict and not respect the concerns of local residents who deeply care about the state and future of Station Beach for generations to come.

Questions that need to be answered:

Environment:

1. Why are we putting at risk such environmentally sensitive seagrass, marine habitat, and birdlife, which is at odds with Council's own environmental sustainability principles?
2. Why should we allow offshore markers to destroy the visual beauty of Station Beach?
3. Why are we assuming disproportionately higher environmental and other risks in favour of what will only be a part time dog swim activity?
4. Why does the REF ignore the fairy penguins on Lion Island, and the nearby seal colony?

Site Suitability:

5. What is the point of having an off-leash dog trial at Station Beach to provide continuous swimming for dogs, when the REF indicates that swimming is not permitted during low tides?
6. Do you agree that at the trial times proposed of mornings up to 10.30am and late afternoons, the tide could be low, implying no dog swimming at all?
7. Wasn't the purpose of the trial to allow continuous swimming access for off-leash dogs? If yes, why are we still considering this trial?
8. How many offshore boundary markers/piers is Council proposing over the approximate 600 metre length of Buffer Zone Line?
9. What will be the visual impact to Station Beach?
10. Won't the markers be totally visible at very low tides?
11. Won't the markers introduce a fresh set of maritime safety and recreational use issues?
12. The tidal nature of the beach means that at high tide there is very little beach space for multiple users – won't this just lead to inevitable conflict and exclude other beach users? Doesn't this highlight the unsuitability of Station Beach?
13. Why are we considering making such a large proportion of Station Beach a dog's beach (+50% or 600m)? This seems unreasonably large and will make it almost impossible to monitor.
14. With permanent offshore markers, onshore signage, covering the majority of Station Beach, are we effectively converting this beach into an all hour's dog's beach as a significant number of dog owners will access the beach irrespective of the prescribed access times?
15. So we are defacing Station Beach with a series of offshore boundary markers and over 30 mitigation measures to protect the seagrass while dogs can only swim at high tide? And only if that coincides with the proposed times? Doesn't this imply that Station Beach is wholly unsuitable?

Health & Safety:

16. The REF assumes all dog owners will collect their dog's faeces. Isn't that contrary to the evidence from other dog parks, creating genuine health and pollution concerns?
17. Doesn't the proposed morning and afternoon off-leash times coincide when many other people, including families, use the beach? Won't this lead to inevitable conflict?
18. Why has fencing, public safety concerns and conflict amongst multiple beach users been ignored?
19. What is the security plan to stop off-leash dogs running on to the neighbouring unfenced golf course and safety plan for beach users from stray golf balls going on to the beach?
20. Why does the REF ignore current practice where dogs are let off-leash from the Beach Road car park and run directly onto the beach, often approaching families, visitors, tourists, without regard for safety?

Palm Beach Golf Course:

21. Why has there been no risk analysis of the golf course in respect of the trial?
22. Surely this analysis needs to be completed before any trial can commence?

Traffic:

23. Why has no traffic or congestion study been conducted, considering Palm Beach already has major congestion issues?

Local Resident's Concerns:

24. Why does the REF ignore local resident's concerns and feedback over parking, noise from dogs, pollution from dogs, and the current use of Station Beach as an off-leash dog's beach where it is well known that signage is ineffective?
25. How does Council propose to ensure that off-leash dogs will not invade private residences adjacent to the southern Beach Road car park and Waratah Road and golf course where there is no fencing?
26. Why doesn't the REF measure the impact of the trial from the southern Beach Road car park and Waratah Road, and the impact to local residents? After all, the on-leash part of the trial commences from this area.

Compliance:

27. The REF raises concerns over compliance, mainly around dog owners not observing signage, times, dog swim area – isn't this trial therefore doomed to fail having wasted significant resources?
28. Does Council honestly expect dog owners to allow their dogs to swim only at high tide and observe signage and offshore boundary markers when they blatantly ignore signage at present?

Costs:

29. This will clearly require significant expenditure and resources to establish and run the trial - what is the itemised budget breakdown for this trial? – how can this be justified and considered reasonable for an activity that is sporadic and dependent on the tide?

Alternatives Sites:

30. If Station Beach cannot support continuous off-leash swimming then alternate sites must be considered? The REF points to North Palm Beach - what is the status here?
31. Should Council not follow the suggestion by the Department of Industry and evaluate alternative sites?
32. Should we not await the outcome of the Council approved investigation into water parks for dogs and possibly re-purposing some of the existing 29 dog parks on the northern beaches?

Failure of Process:

33. Why weren't the letters from the NSW Department of Industry dated 10 September and 15 November 2018, revealing their environmental concerns over the use of Station Beach, not made available to the public during the public consultation period when the Department provided permission to do so?
34. Is Council not unnecessarily exposing itself to environmental, safety, planning, and legal issues?



**PROTECT
PALM BEACH**

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