



Department
of Industry

Our Reference: MN07H4

Jenny Cronan - Senior Recreation Planner Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

Dear Jenny

Proposed dog off-leash trial at Station Beach, Pittwater

Thank you for your email of 7 November 2018 advising of Council's intentions to commence community consultation on 15 November 2018.

The Department of Industry - Lands & Water (the department) is comfortable with Council, as part of their community consultation process, placing the department's letter of 10 September 2018 and the Land and Property Management Authority letter of 6 November 2009 on its website, in an un-altered state, provided that all personal details are deleted from both letters. The department is also comfortable with this letter being placed on Council's website, provided that all personal details are removed.

I would like to take the opportunity to reiterate the department's concern in previous correspondence regarding the environmental sensitivities of the proposed site due to the presence of endangered seagrass species and the important breeding habitats they provide.

As outlined, the proposed trial would require Council to hold a valid tenure over the site with the department. To facilitate this, a licence application can be submitted by Council for consideration by the department.

In order to consider Council's licence application, the department will require a Review of Environmental Factors (REF) and consent from NSW Department of Primary Industries, Fisheries (Fisheries). The granting of a license over the subject site for the proposed purpose would be subject to the department's satisfaction that the application is in line with the principles of Crown Land management and that our before mentioned concerns have been adequately addressed.

Please note the department's reference to Hitchcock Park in the letter of 10 September 2018 relates to the closest designated off-leash dog area and does not suggest the sites suitability as an off-leash dog swimming area. It is noted the Hitchcock Park borders the Careel Bay Intertidal Area - a declared Wildlife Protection Area established in accordance with the *NSW Companion Animals Act 1998*, where dogs are strictly prohibited.

Should you wish to discuss this matter further, Mr Stan Rees, Natural Resource Management Project Officer, can be contacted, on (02) 9842 8327.

Yours sincerely

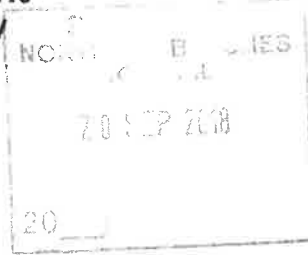
Ben Tax
A/Area Manager, Sydney & South Coast
Date: 15 November 2018



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of Industry

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Chief Executive Officer
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660



Attn: Jenny Cronan – Senior Recreation Planner

Dear Madam

Station Beach, Palm Beach proposal for comment

The Department of Industry - Lands & Water (the department) has received a request from Jenny Cronan at Northern Beaches Council on 20 August 2018 to comment on a proposed dog-off-leash trail at Station Beach, Pittwater.

The department provided comment to Pittwater Council on a similar proposed dog swimming trial at Station Beach on 6 November 2009. A copy of this 2009 response is included in Attachment A.

In consideration of off-leash dog swimming areas in the Pittwater region, the department would prefer that Northern Beaches Council evaluate a range of sites in addition to the Station Beach site, which has inherent environmental sensitivities due to the presences of an endangered species of offshore seagrass. The department is supportive of Council's initiative to accommodate recreational uses within its local government area but would prefer that such an activity be confined to more environmentally resilient sites in Pittwater, rather than Station Beach. For example, Hitchcock Park – Careel Bay, which is only 4.5km from Station Beach, provides a more suitable environment for an off-leash dog area.

In March 2010, areas of *Posidonia australis*, including the beds established off Station Beach, were listed as endangered populations under the threatened species schedules of the *NSW Fisheries Management Act 1994* and listed as endangered under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1979* by the Commonwealth in May 2015.

These listings flag the significance of such seagrass areas and the need for State and Local governments to protect them. Seagrass beds provide ideal breeding habitat for Stingrays and species of the Syngnathidae family (e.g. seahorse, seadragon, pipefish), many of which are also listed as "protected" under the *NSW Fisheries Management Act 1994* and EPBC Act.

Section 1.4 of the *Crown Land Management Act 2016* sets out Principles of Crown land Management for the management and use of Crown land, which includes: (a) that environmental protection principles are observed and (b) natural resources conserved

wherever possible. These principles support responsible management of Crown land at localities such as Station Beach where land below mean high water mark supports conservation and protection of seagrass beds.

The shoreline at Station Beach provides suitable habitat for shorebirds and other native fauna (e.g. penguins and sea turtles) that would likely be disrupted by the introduction of off-leash dogs. To ensure the potential impacts on shorebirds are addressed, Council is encouraged to engage an ornithologist consultant who is able to provide informed advice regarding the comparative significance of Station Beach to other sandy beaches in Pittwater and whether the potential loss of habitat will impact Australia's three bilateral migratory bird agreements with Japan, China and the Republic of Korea.

If Station Beach is chosen to trial an off-leash dog swimming area, Council would need to take out a licence, subject to conditions from the department to conduct a trial, given activities would occur on submerged Crown land (i.e. land below mean high water mark).

Given the environmental sensitivities of the site, the department will require a Review of Environmental Factors (REF) be included with the licence application in order to set both quantitative and qualitative parameters to adequately monitor the impact of off-leash dogs.

Matters to be considered in the REF include, but are not limited to:

- a) Impacts on the surrounding reserve, the beach shoreline environment and the local native fauna.
- b) Quantitative and qualitative measures to assess impacts such as eutrophication, changes in water quality and the possible increased presence of invasive species on native seagrasses, *Posidonia australis* and *Zostera marina* (Eelgrass).
- c) Details of one or more control sites to compare outcomes, including who will manage components of the trial, the control site/s and methods to monitor the results.

Unauthorised harm to seagrass during the trial may result in the licence being terminated and possible compliance action taken.

Please keep the department informed of any developments.

Should you require further information please contact Mr Stan Rees on 9842 8327.

Yours sincerely



Ben Tax

A/Area Manager, Sydney & South Coast

Date: 10 September 2018