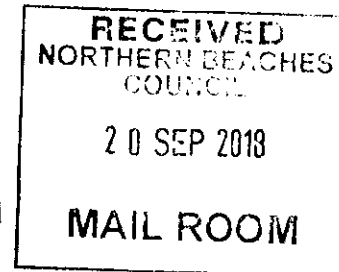
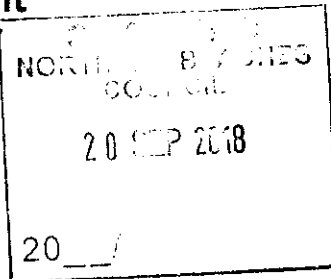




Department
of Industry

Our Reference: MN07H4

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

Attachment A

COPY



**Land and Property
Management Authority**

Mr Les Munn
Manager - Reserves, Recreation & Building
Services
Pittwater Council
PO Box 882,
MONA VALE NSW 1660

Regional Manager - Sydney
10 Valentine Ave, Parramatta NSW 2124
PO Box 3935, Parramatta NSW 2150
Telephone: 8836 5300, Facsimile 8836 5365
www.lands.nsw.gov.au

6 November 2009

Contact Officer: Stan Rees
Telephone: 8836 5346
Email: stan.rees@lpma.nsw.gov.au
Our Ref: MN0714

Dear Mr Munn,

Re: REF for Proposed Trial Dog Swimming Area at Station Beach, Pittwater

I refer to your letter dated 13 October 2009 enquiring as to a recommended response for the Land and Property Management Authority (LPMA) as to an earlier letters on the subject trial. I apologise for the late response.

Particular reference is made to your letter dated 11 December 2008 which included accompanying Review of Environmental Factors (REF) and Biodiversity Assessment, as prepared by NGH Environmental in October 2008, in support of a proposed trial dog swimming area at Station Beach.

Both the REF and Biodiversity Assessment provide useful background information on the Station Beach environment, with the REF outlining some alternative sites for off-leash dog swimming areas considered. It is noted that the reports indicate that numerous safeguards are proposed in order to mitigate potential impacts of the trial off-leash dog swimming area at Station Beach. However, the reports lack detail on how the trial and safeguard proposals would be implemented.

The LPMA's letter of 3 December 2007 to you flagged the need for an appropriate level of assessment and monitoring, in advance of public consultation.

While the REF and Biodiversity Assessment provided, do generally address assessment and monitoring safeguards proposed at Station Beach, it is apparent that details of the operation of the trial, compliance measures and the specifics of scientific monitoring during the trial and beyond are yet to be documented else otherwise determined.

Given that some aspects of the REF and Biodiversity Assessment were beyond the LPMA's usual expertise, the Department has sought external comment.

Discussion with the local office of the Department of Climate Change and Water has indicated that representatives at that office are not supportive of dog swimming/off-leash etc. at Station beach due to the damage and stress caused to wildlife. The office has likely provided correspondence to Council directly on this matter.

Recent advice from the Department of Primary Industries (Fisheries), now part of the Department of Industry and Investment, suggested that there was a significant lack of information in the REF relating to:

- the parameters that would need to be monitored; and
- the experimental design that will be used to detect a significant impact of increased dog usage on the beach would be needed as part of this process.

The LPMA understands that conducting a proper scientific trial including monitoring, assessment and using control sites, is beyond the scope of the trial as outlined in the REF and Biodiversity Assessment provided and would likely prove quite costly.

The REF and Biodiversity Assessment documents also do not accurately reflect positions of State agencies. Please note in Table 4.1 of the REF provided, that the statement that the Department of Lands "Agrees to the Proposal under the same conditions as DPI (Fisheries)" is not accurate. The position of the LPMA's predecessor was set out in the letter of the General Manager for the then Department of Lands to you, dated 3 December 2007.

Further to this, the Principles of Crown Land Management (Section 11 of the Crown Lands Act 1989) require that the LPMA apply the principles in managing Crown land for the people of New South Wales. There are six principles, which afford environmental protection principles and conservation of natural resources. A proposed dog swimming trial as outlined is not readily complimentary with the Principles of Crown Land Management if applied to Station beach.

Further, based on its own understanding as well as comment by other agencies on the REF and associated Biodiversity Assessment, the LPMA would not recommend that a dog swimming trial at Station Beach proceed.

Should details of the trial subsequently be resolved to the LPMA's satisfaction, these would need to be subject to public consultation and if then, Council elects to proceed with the trial; the LPMA would require that Council accept a licence for an appropriate purpose at a statutory minimum rent.

Please keep the Department informed of any developments and feel free to contact me on 88365333 or Mr Stan Rees on 88365346, should you require any further information.

Yours sincerely



Andrew McAnespie
Regional Manager
Sydney