



northern
beaches
council

SUPPLEMENTARY AGENDA

Notice is hereby given that an Ordinary Meeting of Council will be held at the Civic Centre, Dee Why on

Tuesday 22 February 2022

Beginning at 6:00pm for the purpose of considering and determining matters included in this agenda.

A handwritten signature in black ink, appearing to read 'Ray Brownlee', with a long horizontal stroke extending to the right.

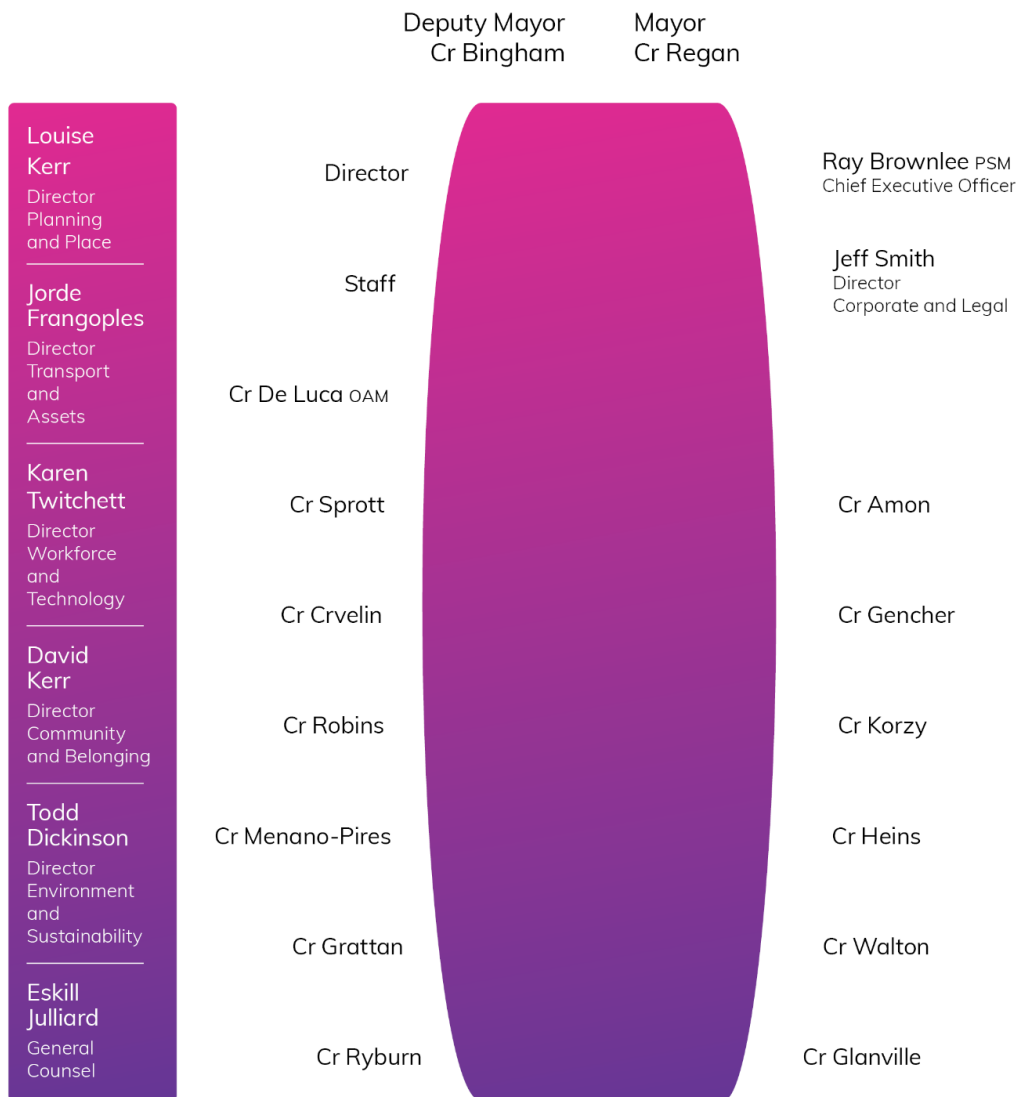
Ray Brownlee PSM
Chief Executive Officer

OUR VISION

Delivering the highest quality service valued and trusted by our community

OUR VALUES

Trust Teamwork Respect Integrity Service Leadership



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 22 February 2022
at the Civic Centre, Dee Why
Commencing at 6:00pm**

11.0	ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS	4
11.1	Update on Environmental Assessments for Proposed Trial of Palm Beach (North) and Mona Vale Beach (South) Dog Off-leash Areas.....	4

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1	UPDATE ON ENVIRONMENTAL ASSESSMENTS FOR PROPOSED TRIAL OF PALM BEACH (NORTH) AND MONA VALE BEACH (SOUTH) DOG OFF-LEASH AREAS
REPORTING MANAGER	DIRECTOR ENVIRONMENT AND SUSTAINABILITY
TRIM FILE REF	2022/095467
ATTACHMENTS	1 ↓ Proposed Palm Beach (North) Dog Off Leash Area Concept Plan, February 2022 2 ↓ Proposed Mona Vale Beach (South) Dog Off-Leash Area Concept Plan, February 2022

SUMMARY

PURPOSE

To seek to clarify and refine the scale and scope of potential trial off-leash dog areas at sections of Palm Beach (North) and Mona Vale Beach (South) and to seek Council's endorsement of the proposed amended trial parameters.

EXECUTIVE SUMMARY

At its meeting of 27 April 2021, Council considered a report entitled 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.*

In implementing this resolution, Council has had regard to the matters raised by Chief Justice Preston in *Palm Beach Protection Group Incorporated v Northern Beaches Council [2020] NSWLEC 156* (Station Beach case) and how they relate to the environmental assessments that are being undertaken.

While some trial parameters (for example, time of operation, days of the week etc.) were listed in the Council report of 27 April 2021, it is considered that the trial parameters require refinement and

clarification in light of the investigations undertaken to date and the decision in the Station Beach case.

The 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 local government area and *Pittwater Local Environmental Plan 2014* map boundaries which creates further complexity when assessing the proposal. It is proposed that the eastern boundary of the proposed areas be amended to align with the eastern boundary of the Northern Beaches local government area and the eastern boundary of the land application map for *Pittwater Local Environmental Plan 2014*.

It is also proposed the hours of operation be amended to limit the use of the proposed off-leash areas during non-daylight hours so as to avoid intensifying the recreational use of the area.

Further, it is considered that adoption of the revised parameters by Council will assist Council to comply with its duties under the *Environmental Planning and Assessment Act 1979*.

The environmental assessments for the proposed trial will be completed in accordance with the parameters which are adopted by Council following consideration of this report.

The outcome of the assessments will be reported to Council at a future meeting along with the outcomes from the public exhibition which was conducted from 7 May 2021 to 6 June 2021.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That, for the purposes of undertaking the environmental assessments in respect of the potential off-leash dog areas at the sections of Palm Beach (North) and Mona Vale Beach (South) referred to in Council resolution 111/21 of 27 April 2021, the parameters in Table 1, Table 2, and Table 3 for the report of this item, and the areas shown at Attachment 1 and Attachment 2 of the report for this item, be utilised.

REPORT

BACKGROUND

At its meeting of 27 April 2021, Council considered a report entitled *Feasibility of Establishing Dog Off-leash Areas at Palm Beach (North) and Mona Vale Beach (South)*. The report contained potential trial off-leash dog trial areas at two locations; a section of Palm Beach (North) and a section of 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.*

While some trial parameters (for example, time of operation, days of the week etc.) were listed in the Council report of 27 April 2021, it is considered that the trial parameters require refinement and clarification in light of the investigations undertaken to date and the decision in the Station Beach case. Formally adopting these parameters will assist Council to comply with its duties under the *Environmental Planning and Assessment Act 1979*.

Revised Trial Parameters

The Council report of 27 April 2021 outlined proposed parameters for the potential off-leash dog trial areas. It is proposed that these parameters be amended to address, among other things, matters identified in the investigations to date with respect to the eastern boundary of the proposed areas and the proposed hours of operation.

The report of 27 April 2021 proposed the hours of operation be 4pm to 10am, 7 days per week. The changes to the proposed hours of operation would generally limit the use of the proposed off-leash areas during non-daylight hours. The proposed times during which off-leash access would be permitted include popular times to exercise a dog, such as in the mornings before work and after school drop-off and in the afternoons after work and school drop-off. It is considered that revising these hours will assist in avoiding the intensification of recreational use of the area.

The 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 Northern Beaches local government area and *Pittwater Local Environmental Plan 2014 (LEP)* map boundaries which creates further complexity when assessing the proposal. The changes to the proposed eastern boundaries of the areas at Palm Beach (North) and Mona Vale Beach (South) align the eastern boundaries of these areas with the eastern boundary of the Northern Beaches local government area and the eastern boundary of the land application map for *Pittwater Local Environmental Plan 2014 (LEP)*, which are coincident.

The revised potential Palm Beach (North) area is set out in Table 1. The revised potential Mona Vale Beach (South) area is set out in Table 2. The revised potential times of operation for both sites are set out in Table 3.

Table 1: Parameters for proposed Palm Beach (North) dog off-leash trial area

1. Proposed Palm Beach (North) off-leash dog trial area is as indicated in Attachment 1. The dog off-leash trial area extends to the outer edge of the marked boundaries in Attachment 1.
2. Proposed Palm Beach (North) off-leash dog trial area includes the pathways from the car park to the beach which are identified as “dogs off-leash” in Attachment 1, to provide connectivity.

Table 2: Parameters for proposed Mona Vale Beach (South) dog off-leash trial area

1. Proposed Mona Vale Beach (South) off-leash dog trial area is as indicated in Attachment 2. The dog off-leash trial area extends to the outer edge of the marked boundaries in Attachment 2.
2. Proposed Mona Vale Beach (South) off-leash dog trial area includes the pathways from the existing off-leash area to the beach which are identified as “dogs off-leash” in Attachment 2, to provide connectivity.

Table 3: Potential hours of operation and proposed length of trial for Palm Beach (North) and Mona Vale Beach (South).

1. Off-leash days and times are proposed to be (at both locations) during Australian Eastern Daylight Time: 5.30am to 10.00am and 5.00pm to 9.00pm, Monday to Sunday (seven days a week) and during Australian Eastern Standard Time: 6.00am to 10.00am and 4.00pm to 7.00pm, Monday to Sunday (seven days a week). The proposed trial is for a period of 12 months.
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CONSULTATION

In response to Part 4 of the Council resolution of 27 April 2021, Council conducted broad consultation on the locations and parameters proposed for the trial at that stage between 7 May 2021 to 6 June 2021. The responses indicated broad support for the proposed trial as described in the community consultation material. The full community consultation report will be brought before Council with the completed environmental assessments in accordance with Part 5 of the Council resolution of 27 April 2021.

TIMING

The environmental assessments can be completed once the trial parameters are determined by Council. Once the assessments are complete, the outcomes of the assessments and the public exhibition will be reported to Council. Should there be a need for further refinement of the parameters in response to any further investigations, an update will be provided.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

FINANCIAL CONSIDERATIONS

There are no further financial considerations associated with this report beyond that reported at the 27 April 2021 meeting.

SOCIAL CONSIDERATIONS

Any effect having social significance will be taken into account as part of the environmental assessments in respect of the potential trial off-leash dog areas.

ENVIRONMENTAL CONSIDERATIONS

Environmental impacts will be taken into account as part of the environmental assessments in respect of the potential trial off-leash dog areas. It is anticipated that the proposed amendments to the parameters of the proposed trial will result in lesser environmental impacts.

GOVERNANCE AND RISK CONSIDERATIONS

The refinement and clarification of the parameters of the proposed trials will assist Council to comply with its duties under the *Environmental Planning and Assessment Act 1979*. There may be a need for further refinement of the parameters in response to any further investigations. Should this be necessary a further update will be provided.





Aerial Map provided by Neemap



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