



northern
beaches
council

ATTACHMENT BOOKLET

NORTHERN BEACHES COUNCIL MEETING

TUESDAY 19 AUGUST 2025

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Cost Shifting 2025

Report Summary

How State Costs Eat Council Rates

The financial sustainability of councils across New South Wales is now at a critical juncture. Both Federal and State Parliamentary Inquiries have recognised cost shifting as one of the most significant contributors to the financial concerns of local government.

What is cost shifting?

Cost shifting occurs when state and federal governments force councils to assume responsibility for infrastructure, services and regulatory functions without providing sufficient supporting funding.

How bad is cost shifting in NSW?

Cost Shifting 2025: How State Costs Eat Council Rates, by independent consultants Morrison Low, reveals that NSW councils are currently being asked to absorb cost shifting worth more than \$1.5 billion each year. The practice has imposed an estimated cumulative burden of more than \$11.31 billion over the last decade.

Importantly, as cost of living pressures for households only seem to be rising every month, cost shifting now amounts to an average annual cost of \$497.40 paid by each NSW ratepayer.

This average figure equates to nearly \$500 per ratepayer that councils cannot invest in the services and infrastructure their communities need and deserve. New libraries, sporting facilities or youth development programs are forfeited, road repairs are delayed, and rates have to rise as funds are instead diverted towards the unrecoverable cost of services, programs and functions that are imposed on councils, overwhelmingly from the NSW Government.

What needs to change?

The NSW Government needs to take urgent action to address cost shifting onto councils and their communities, through a combination of regulatory reform, budgetary provision and appropriate funding.

As always, LGNSW stands ready to work with the state government to address the practice of cost shifting and to strengthen the financial viability of our councils so they can continue the good work of supporting our communities.

Mayor Phyllis Miller OAM
LGNSW President



What's eating council rates?

\$1.5 Billion
Cost shift to council per year



Analysis by independent consultants Morrison Low calculated the total cost shifted onto councils in the 2023/24 financial year at **\$1.5 billion**.

\$11.31 Billion
Estimated cost shift to councils over the past decade



This is an increase of 10 per cent since the 2021/22 financial year, when the total cost shift was estimated at **\$1.36 billion**.

\$497.40
Per ratepayer per year

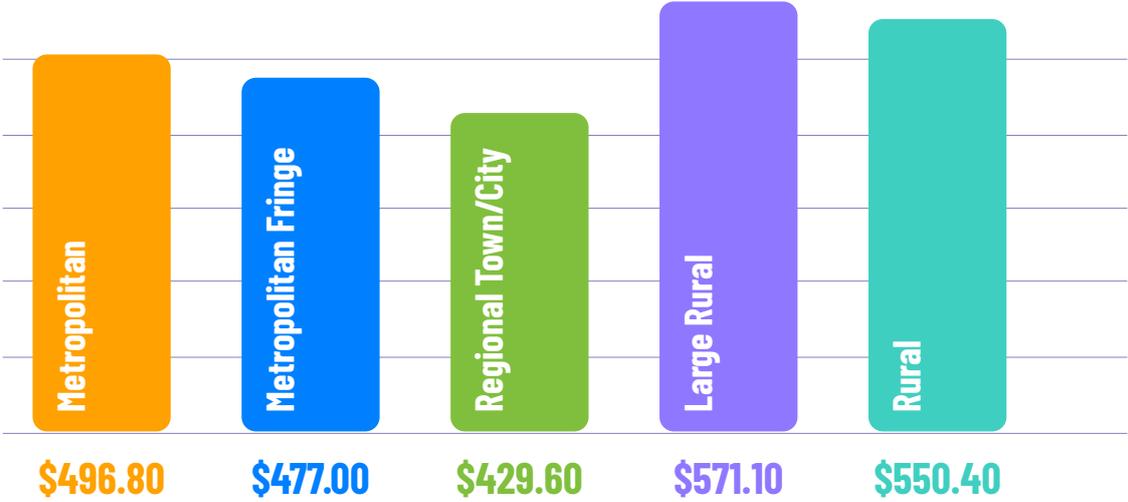


In 2023/24, each NSW ratepayer had the equivalent of **\$497.40** of their payments to councils eaten by costs imposed on councils by other spheres of government. (Up from \$460.67 in 2021/22). These are overwhelmingly state government costs.



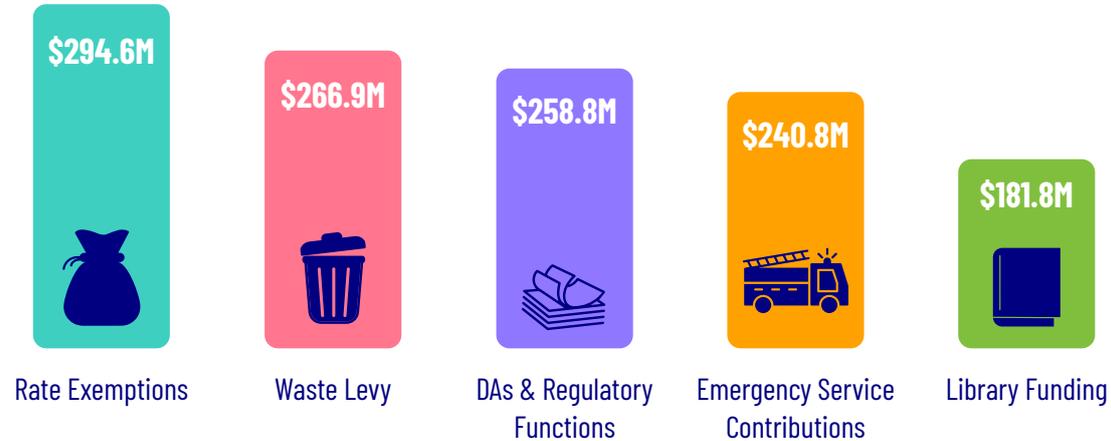
The amount of council revenue absorbed by cost shifted obligations ranges from **\$429.60 for ratepayers in regional towns and cities, to \$571.10 for ratepayers in large rural councils**

Cost shift per ratepayer per year by council classification





Top Five Cost Shifts onto NSW Councils



Forced rate exemptions

Councils are required to exempt profit-driven state-owned corporations and other organisations from paying rates, even though they use and benefit from local government services and infrastructure. As they are exempt from paying rates, the burden of the costs they incur is shifted to ratepayers to fund. Examples of exempt organisations include NSW Forestry Corporation, private schools, and non-government social housing providers. These are state government responsibilities, and the cost should be distributed across the state and borne by the State Government – not by local communities.

The waste levy

The waste levy is an invisible NSW Government tax on ratepayers. The waste levy is a levy paid by waste facilities in metro and some regional areas to the NSW Government. The cost of this levy is recovered through the waste collection fees levied by councils, in effect shifting the burden of this State Government tax onto ratepayers.

Development assessment and regulatory functions

Councils incur costs of increased regulatory responsibilities that are not fully funded by fees and charges. The most significant regulatory function cost shift is for assessing development applications. Development assessment fees are set by the NSW Government and are generally set well below the actual cost for this function. Councils are also being increasingly called upon to provide written feedback on State Significant Developments, which consumes significant resources without any cost recovery mechanism available.

Emergency services contributions and obligations

Councils are required to fund 11.7 per cent of the cost of the NSW Government's emergency services in addition to other financial obligations. From 2024-25, the rate peg methodology has changed to allow for an Emergency Services Levy (ESL) factor which will increase the rate peg to cover expected increases in council contributions. While this will partly address cost shifting concerns, LGNSW is calling for the NSW Government to remove the ESL from councils entirely as part of its current review.

Library funding

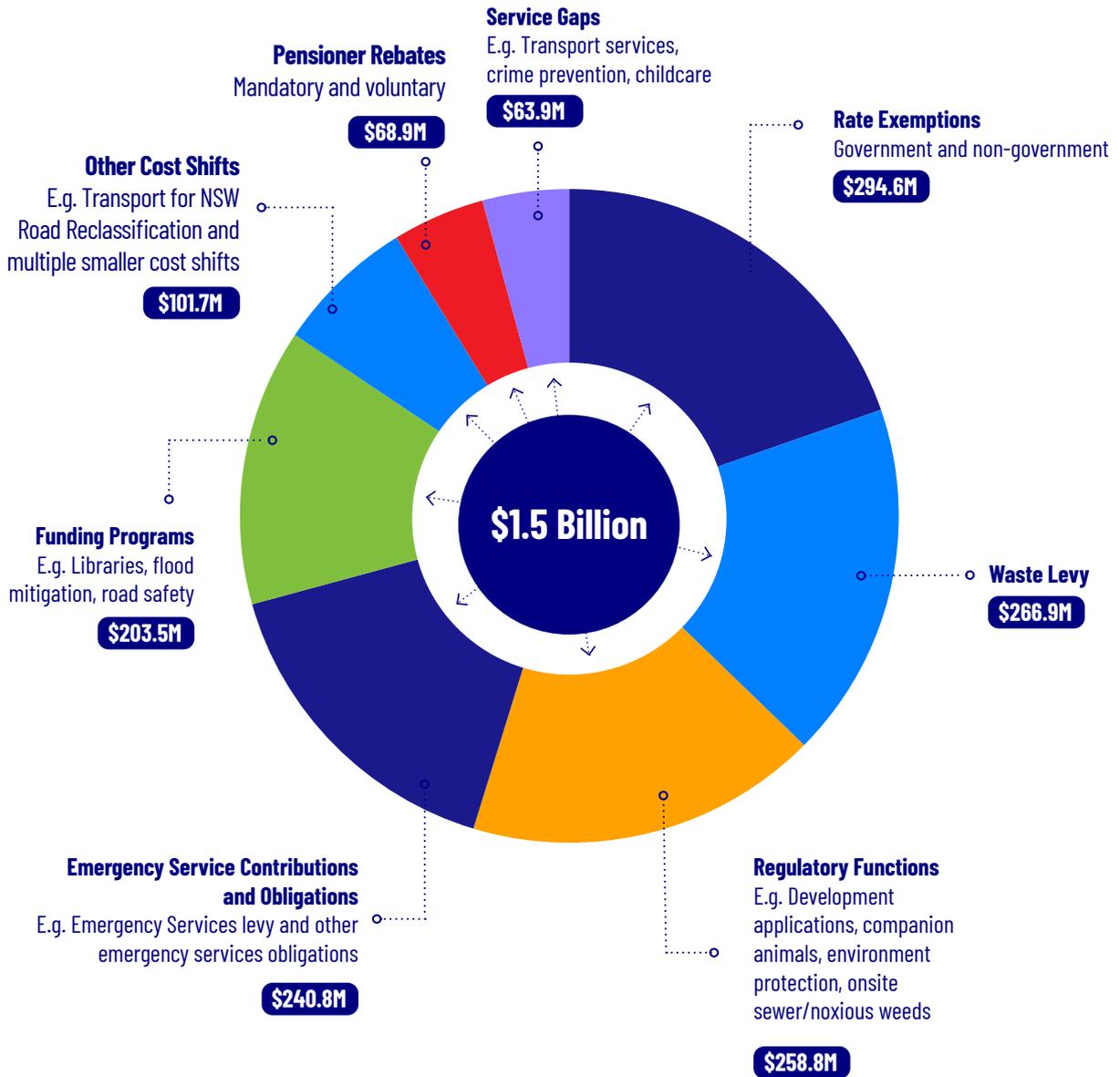
Many funding programs announced by state or federal governments are required to be delivered by local government but are either not fully funded or have their funding reduced over time leaving councils with the decision to either continue the program – and make up the burden of the cost – or cease the program entirely. An example of this is libraries, where the original commitment from NSW Government was to fund up to 50 per cent of libraries' cost for many councils. The NSW Government now funds just 6 per cent of the total costs, leaving councils to fund an additional \$181.8 million to make up the shortfall.

Other cost shifts

Multiple smaller and emerging cost shifts are detailed in the full report.



Cost shifting components



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2025 LGNSW Cost Shifting Report – How State Costs Consume Council Rates

For the financial year ending 30 June 2024



Document status

Job #	Version	Written	Reviewed	Approved	Report Date
7821	1	J McKenzie	PD – G Smith QA – NN & CS	G Smith	28 April 2025
7821	2	J McKenzie	PD – G Smith QA – NN	G. Smith	12 June 2025

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1 Executive Summary

Cost shifting remains one of the most significant challenges to the financial sustainability of the New South Wales (NSW) local government sector. As the peak organisation representing the interests of general-purpose councils in NSW, as well as special purpose councils and related entities, Local Government NSW (LGNSW) regularly monitors the extent of cost shifting onto local government via its Cost Shifting Survey.

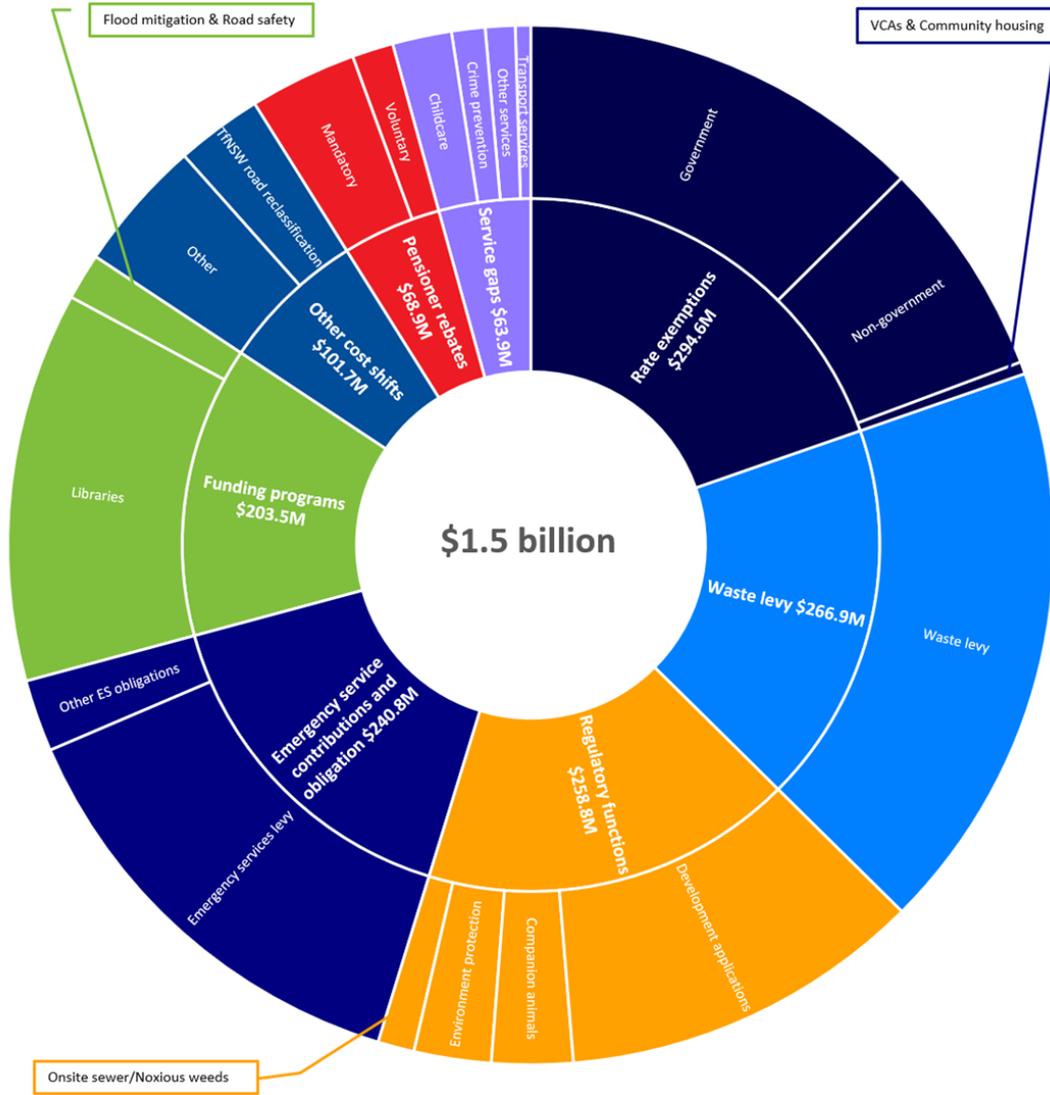
The 2023-24 Cost Shifting Survey has revealed that cost shifting totalled **\$1.50 billion** in 2023-24 (see Figure 1 below), which is a 10 per cent increase from the last survey result of \$1.36 billion in 2021-22. Overall, this is in line with expectations, as the Consumer Price Index (CPI) was also 10 per cent over the same two-year period. There were however some significant changes from the 2021-22 survey, which include:

- The Emergency Services Contributions and obligations have increased by 46 per cent (\$75.4 million), which has predominately been in the emergency services levy with the removal of the COVID-related subsidy and increasing overall state budgets for emergency services.
- Unfunded regulatory functions have increased by 24 per cent (\$50.8 million). The majority of this increase has come from increasing unfunded cost of development assessment.
- Several areas appear to have experienced reductions in the estimated cost shift since 2021-22, including the waste levy (9 per cent), pensioner rebates (5 per cent) and service gaps (4 per cent). However, when comparing the 44 councils common to both survey years, the cost shift for the waste levy increased by 16.1% and for pensioner rebates at 6.1% increase.

Cost shifting as a concept is also changing with an increased ability for councils to pass on these costs shifted to them from State and Federal government. The change that came about as a result of the IPART's review of the rate peg methodology has created the avenue for the NSW State Government to raise further taxes through local government rates. From 2024-25, Emergency Service Contribution increases have been incorporated into the calculation of the rate peg for each council. This has taken pressure off councils' finances by passing the obligation on to ratepayers, hidden within their rates bill. The same legislative change allows for ad hoc increases for other "cost shifts". Although likely not to be built into rates, other potential hidden taxes include the interment levy for cemeteries operations, which may be built into cemeteries fees, that has come into effect from 2025-26 and a dam safety levy, currently being discussed, which could be built into water services fees and charges for councils with a local water utility but will absorb general revenue for other councils.



Figure 1 2023-24 cost shifting components





2 Background

2.1 What is cost shifting?

Cost shifting describes a situation where the responsibility for, or merely the costs of, providing a certain service, concession, asset, or regulatory function is imposed onto local government from a higher level of government (Commonwealth or State Government) generally without the provision of corresponding funding or the conferral of corresponding and adequate revenue raising capacity.

Cost shifting forces councils to divert funding collected from ratepayers and other revenue sources away from planned projects or services that the council has committed to deliver to the community in its Delivery Program.

In recent years, largely as a result of advocacy from the sector, some mechanisms have been introduced for councils to be able to collect revenue to cover the costs shifted to them from the State and Federal Governments. These include regular and ad-hoc adjustments to the rate peg set by the Independent Pricing and Regulatory Tribunal (IPART) to cover the increases in the costs. Most notably, this has been applied to the Emergency Services contributions from council from 2024-25 onwards.

While councils now have the ability to raise revenue to at least cover some of the increases in these costs, partly alleviating the financial pressures that cost shifting put on them, these costs then become an invisible tax on residents. Councils still incur the administrative costs and burdens of raising the funds and paying for these costs, making this an inefficient form of taxation. Residents expect the rates, fees and charges that they pay for council services, to fund the services that council provide and not be passed back to State Government. The lack of transparency in how some of these funds are syphoned off to pay for State and Federal costs only serves to exacerbate perceptions that councils are inefficient, bloated and money-wasting. This report considers both the direct cost shifting as outlined in the definition above and also this increasing invisible tax component of cost shifting.



In NSW, cost shifting has taken a number of forms including:

- **Imposing additional regulatory functions:** State and Federal levels of government implement or increase regulatory requirements through legislation that is then administered by local government. The cost of this new or increased regulatory function is often not funded by the determining level of government and councils must fund this through their own revenue sources including rates.
- **The Emergency Service contributions:** Councils are required to fund 11.7 per cent of the cost of Fire & Rescue NSW, Rural Fire Service (RFS) NSW and the NSW State Emergency Service (SES) through an Emergency Service Levy (ESL). A further 73.7 per cent of emergency services costs is funded through insurance premiums and the remaining 14.6 per cent from the NSW Government. Councils provide additional financial contributions to emergency services agencies in addition to the ESL (see section 3.2). From 2024-25 onward, the rate peg methodology has changed to allow for an ESL factor which will increase the rate peg to cover expected increases in council contributions, allowing councils to pass on the ESL cost increase to ratepayers (see section 2.2).
- **Cutting or failing to adequately continue to fund programs for services that need to continue:** Many funding programs announced by State or Federal government are required to be delivered by local government but are either not fully funded from their initiation or, if an ongoing initiative, funding is reduced over time leaving councils with the decision to either continue the program and make up the burden of the cost or cease the program entirely. An example of this is Libraries, where the original commitment from State Government was to fund up to 50 per cent of libraries' cost for many councils, it now covers approximately 6 per cent of the total costs, leaving councils to fund an additional \$181.8 million to make up the difference.
- **Pensioner rebates:** Councils are required to provide pensioner rebates on rates and other charges, for which the State government only subsidises 55 per cent of the cost, the remaining 45 per cent is funded by other ratepayers. As the total dollar value of the mandatory rebate has not increased over time, some councils are also opting to provide further voluntary rebates.
- **Councils absorbing the costs of service and market gaps that should have been provided by State or Federal governments:** This is particularly an issue in rural and regional NSW, where councils often must step in to provide or support a service that is traditionally delivered either directly or through subsidised private providers. This can be for a diverse range of services from aged, disability or childcare through to medical services, education, or public transport services.
- **Forced rates exemptions:** Councils are required to exempt government and other organisations from paying rates in the local government area. These organisations utilise local government services and infrastructure. As they are exempt from paying rates, the burden of the costs they incur is shifted to the ratepayers to fund. Examples of exempt organisations include government departments, government-owned corporations (such as Forestry Corporation), private schools, and non-government social housing providers.
- **The waste levy:** The waste levy is not as much a cost shift to councils as an invisible tax levied on ratepayers through councils. The waste levy is a levy paid by waste facilities in metropolitan and some regional areas to the NSW Government, the cost of this levy is recovered through the waste collection fees levied by councils, in effect shifting the burden of this State Government tax on to ratepayers.



2.2 Cost shifting and the rate peg

Cost shifting has been a term used for many years to describe the cost impact on local government of decisions made at the State and Federal level. It is particularly relevant in NSW where a rate pegging system is applied to restrict how local government can raise rates revenue.

The issue of State and Federal decisions having a direct financial impact on local government exists in all states and territories of Australia to some extent. In many cases, local government can be the best and most efficient partner for State and Federal government to deliver its programs or services.

Challenges arise with respect to how the State and Federal initiatives are, or continue to be, funded. In states where there is not a rate pegging system in place, local councils are able to better manage the financial impacts by adjusting rates or levying specific fees and charges to reflect the change in costs of providing the imposed service, concession, asset, or regulatory function.

The rate peg in NSW sets out the maximum amount that local councils can increase their general income by and is set by IPART each year. The 2023 review of the rate peg methodology has improved IPART's ability to consider some elements of cost shifting impacts on councils in determining the rate peg.

The new methodology has applied from the 2024-25 financial year, so does not form part of the analysis in this report which focuses on the 2023-24 financial year. However, from 2024-25, IPART is able to consider specific adjustments for the Emergency Services Contributions made by councils and other potential additional adjustments for costs driven by external factors on an ad-hoc basis.

The Emergency Services Levy (ESL) factor applied in the rate peg is lagged by one year. This was a conscious decision by IPART in taking into account availability of the Emergency Services Contribution cost increases two months prior to the year that they are applied, and the need to provide certainty on the rate peg up to nine months in advance of the commencement of the financial year for councils to be able to undertake the planning and budgeting processes, including community consultation, required of them under the Integrated Planning and Reporting (IP&R) framework.

While IPART was of the view the ESL factor would "ensure the impact is transparent to councils, ratepayers and all stakeholders"¹, this is not entirely accurate. The introduction of the ESL and other ad-hoc factors to the rate peg has shifted tax collection and administration costs to councils and the tax itself directly to ratepayers. Many of these ratepayers already pay towards the State's costs of providing emergency services through the Fire and Emergency Services Levy Act 2017 that levies property insurance premiums. While it is acknowledged that the NSW Government is currently reviewing the ESL generally, there has been no indication that it will be removed from the rates collected by councils.

Unlike insurance premiums, Council rates notices do not separately disclose the amount collected and paid to the State for the Emergency Services Contribution. Ratepayers generally and rightfully expect that the rates that they pay, go directly towards funding the council services provided to their community. With funds

¹ IPART (2023) Final Report - Review of the rate peg methodology, https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Final-Report-Review-of-the-rate-peg-methodology-August-2023.PDF, retrieved 5 March 2025.



from rates going into the Emergency Services Contribution and other cost shifts, this can serve to exacerbate a perception that local government is inefficient and not able to provide value for money.

While the new rate peg methodology has allowed for additional and more nuanced considerations of councils' cost increases, even IPART acknowledges that it does not solve all the financial sustainability challenges that councils face.

Our new rate peg methodology is designed to respond to many of the issues raised in consultation. But it cannot address all the issues people have highlighted during the consultation. The rate peg cannot adequately address the efficiency or sustainability of the cost base of councils.²

There certainly remain inefficiencies in the rate pegging system, as well as a mechanism for the NSW government to continue to shift costs to local government so that councils have increasingly become tax collectors on their behalf. Recent debate on the introduction of a Dams Safety Levy and the introduction of the Cemeteries Levy from 1 July 2024 to fund a growing State government Cemeteries regulatory function, are examples of how this is taking shape.

2.3 This report

This report provides analysis and insights from the 2023-24 Cost Shifting Survey conducted in December 2024 and January 2025.

50% of councils responded to the 2023–24 survey. These councils represented 62% of the population. In contrast, the 2021–22 survey had a higher response rate, with 58.5% of councils participating, representing 70% of the population. Of those councils that participated in the survey, not all responses in the survey were completed by the councils.

44 councils participated in both surveys and in some instances not all the same questions were answered in both surveys. As a result, some variability in the estimates across all NSW councils is expected, which may affect the comparability of results between the two survey periods.

Where there is significant variance between the two surveys, the comparative analysis was undertaken using the common 44 councils across the two surveys and includes commentary in the report. We also used external data sources to capture information for all 128 councils where available.

Section 3 of this report provides more detail on the findings from the survey, breaking down the findings into their key cost shifting areas, as identified in section 2.1 above, and Section 4 outlines the approach and methodology used in the survey and analysis.

² IPART website - <https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/Review-of-rate-peg-methodology>, retrieved 5 March 2025.



3 Findings

Our survey found that cost shifting for NSW councils was \$1.50 billion in 2023-24, which is an increase of approximately \$140 million (10 per cent) from the \$1.36 billion estimated in 2021-22. This represents \$497.40 for each ratepayer and increase of \$36.72 from 2021-22. In effect, this is the average amount of revenue that councils must divert from the services and infrastructure that council has committed to provide the community in order to fund the cost of services, programs and functions that are imposed from the State or Federal governments.

In 2023-24,
the cost to
NSW
Councils of
cost shifting
was:



Many services, programs, and functions that the State and Federal governments require local councils to deliver, in turn provide benefits to the local communities they serve. This report does not provide an assessment on the merit of these costs, only to bring them to light. Due to the nature of how the services, programs and functions are provided and funded, cost-shifting can be hidden from view. This analysis helps to quantify and highlight these costs for all tiers of government and the community.



Figure 2 2023-24 cost shifting components

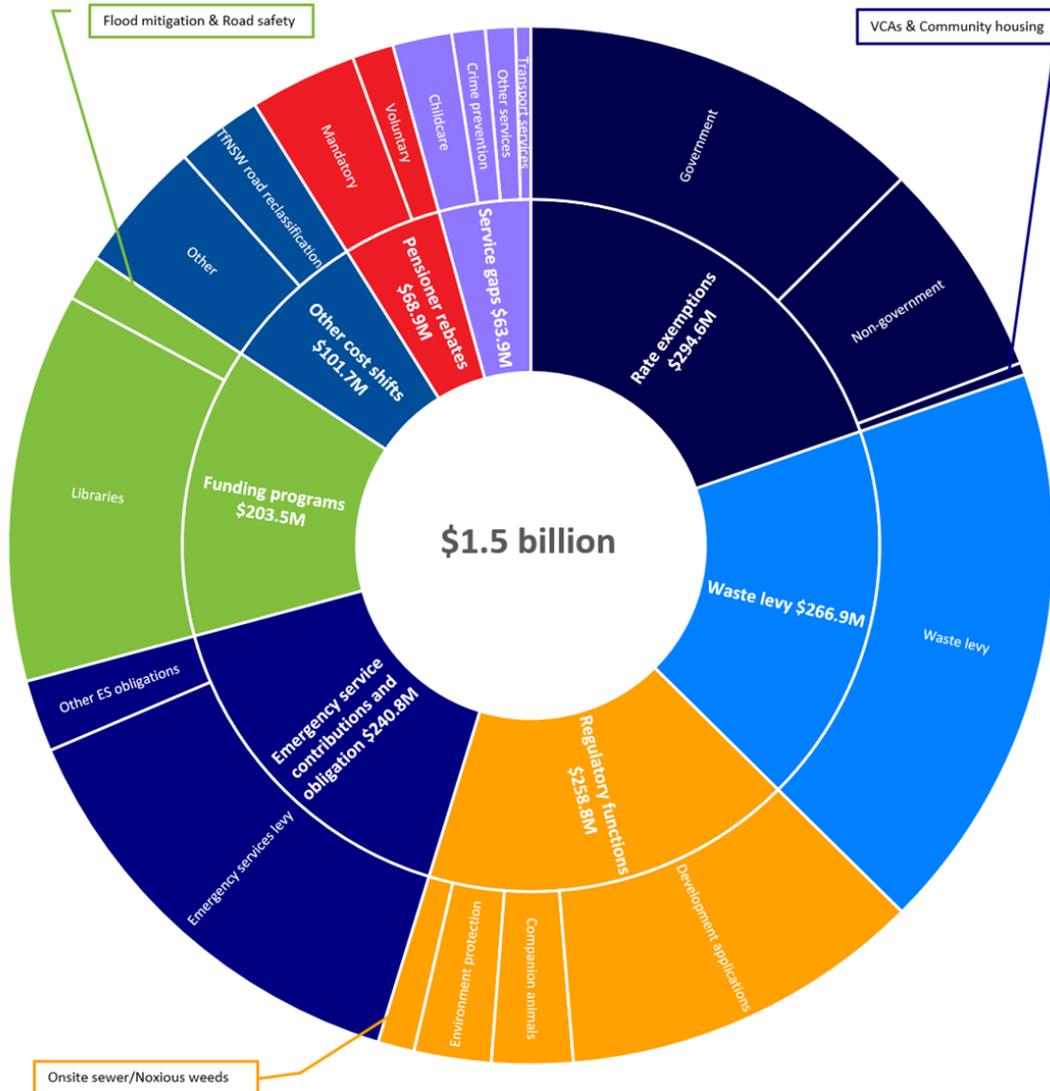




Table 1 Changes in cost shifting components since 2021-22

High level Cost Shift (\$ millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Rate exemptions	\$273.1	+\$21.5 (+7.9%)	\$294.6
Waste levy	\$292.9	-\$26.0 (-8.9%)**	\$266.9
Regulatory functions	\$208.0	+\$50.8 (+24.4%)	\$258.8
Emergency service contributions and obligation	\$165.4	+\$75.4 (+45.6%)	\$240.8
Funding programs	\$181.3	+\$22.2 (+12.2%)	\$203.5
Other cost shifts	\$104.3	-\$2.6 (-2.5%)	\$101.7
Pensioner rebates	\$72.4	-\$3.5 (-4.8%)**	\$68.9
Service gaps	\$66.6	-\$2.7 (-4.1%)	\$63.9
Total	\$1,364.0	+\$135.1 (+9.9%)	\$1,499.1

* * When comparing the 44 councils common to both survey years the cost shift for the waste levy increased by 16.1% and pensioner rebates increased by 6.1%.

The costs of regulatory functions and emergency service contributions have increased substantially in the two years since the 2021-22 survey. Emergency services contributions and obligations have increased by 46 per cent (\$75.4 million), which has predominately been in the emergency services contributions with the removal of the COVID-related subsidy and increasing overall state budgets for emergency services. Unfunded regulatory functions have increased by 24 per cent (\$50.8 million), with the biggest increase in this category coming from development applications costs which increased by \$41.6 million.

While the increase in cost shifting was experienced by all but rural councils, metropolitan councils experienced the highest increase in cost shifting of \$75.1 million (12 per cent) in nominal terms. Whereas large rural councils and metropolitan fringe councils experienced significant proportional increases with 18 per cent (\$15.5 million) and 17 per cent (\$36.6 million) respectively.



Even though the cost shift to rural councils was largely flat since the previous report (and likely a statistical result of different rural councils responding to each survey), they still experience one of the highest cost shifts per ratepayer (\$550.44), only beaten by large rural councils with \$571.06 per ratepayer.

Figure 3 Total cost shift by council classification

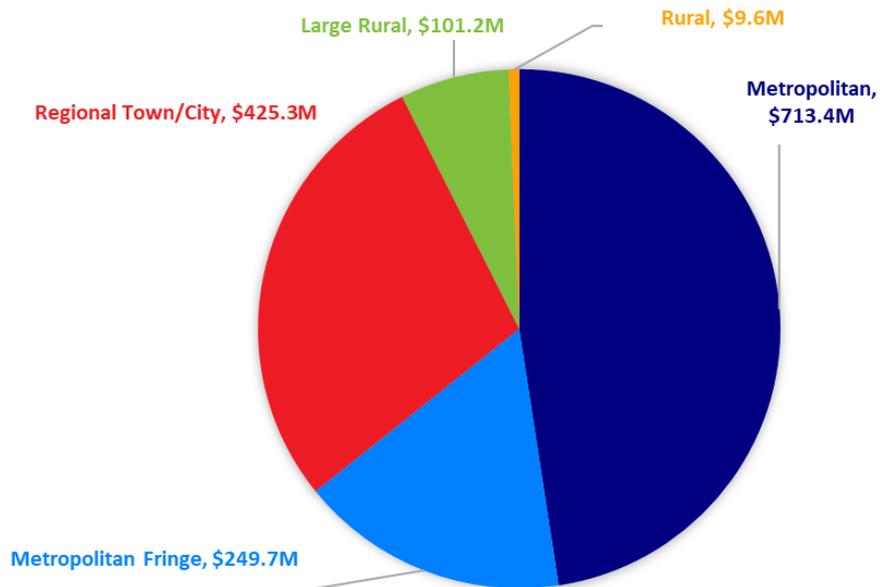
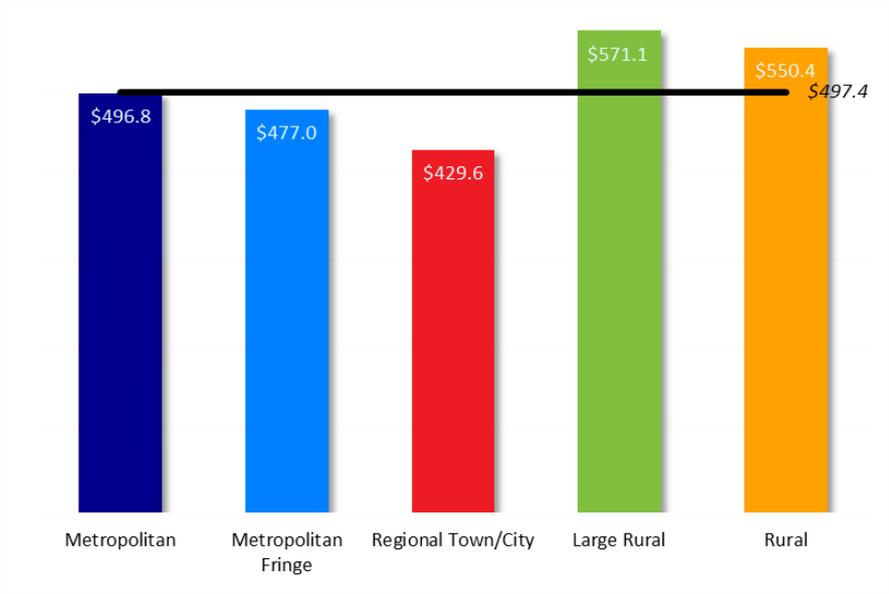


Table 2 Changes in total cost shift by council classification

Council classification (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Metropolitan	\$638.3	+\$75.1 (+11.8%)	\$713.4
Regional Town/City	\$416.5	+\$8.8 (+2.1%)	\$425.3
Metropolitan Fringe	\$213.0	+\$36.7 (+17.2%)	\$249.7
Large Rural	\$85.8	+\$15.4 (+17.9%)	\$101.2
Rural	\$10.3	-\$0.7 (-6.8%)	\$9.6
Total	\$1,364.0	+\$135.1 (+9.9%)	\$1,499.1



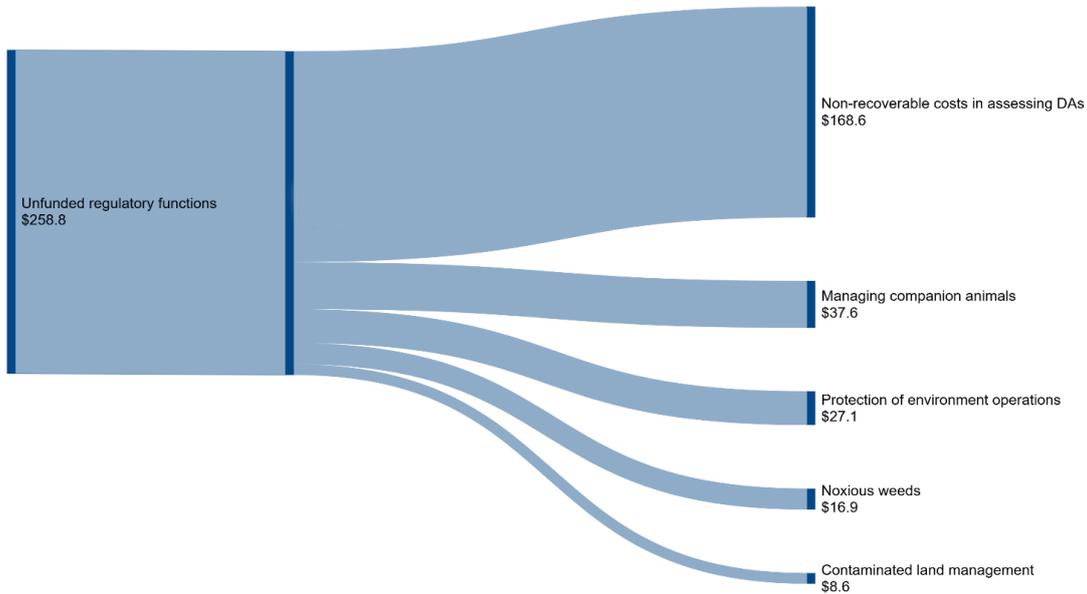
Figure 4 Cost shift per ratepayer by council classification



We will explore each component of rate shifting in the following sections.



3.1 Regulatory functions



Councils incur costs of increased regulatory responsibilities that are not fully funded by increases in fees and charges. In 2023-24, the unfunded costs for regulatory functions represented \$258.8 million, up from \$208.0 million in 2021-22, which is a 24 per cent increase.

The most significant increase in regulatory function cost shifts was the cost of assessing development applications, which increased by \$41.6 million to \$168.6 million in 2023-24. The development assessment fees are set by the NSW Government and are generally set well below cost recovery for this function, with some fees not indexed. The significant increase in net costs for development assessments comes in part from a widening gap between the statutory fee and the cost of assessment. Many councils have noted that competition for qualified planning staff is fierce, and salary costs have grown substantially, increasing costs. Additionally, some councils have noted that the requirements on councils to provide written comments on State Significant Developments within their LGA are at times akin to drafting a development assessment report consuming significant resources.

Another area of relatively significant increase in net costs is in managing companion animals, which has increased by \$8.0 million (27 per cent) to \$37.6 million. Many councils have taken up partially funded grants to build animal rehoming centres only to find that this has increased their operational costs. Others have noted increased burdens on council facilities with private or not-for-profit facilities closing or no longer taking stray animals.

Protection of environment operations has also grown by \$11.8 million (78 per cent) to \$27.1 million since the 2021-22 survey. These functions relate to functions under the Protection of the Environment Operations Act 1997 and include responding to pollution complaints and managing illegal dumping.



Figure 5 Unfunded regulatory costs by category

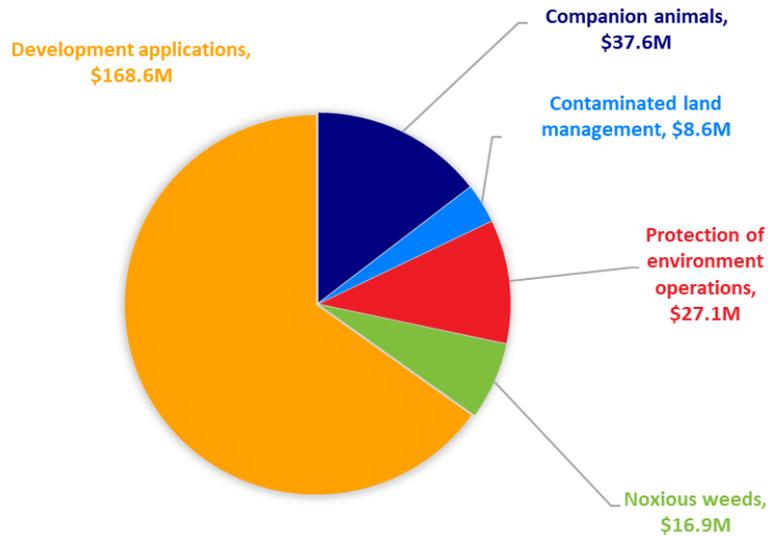


Table 3 Changes in unfunded regulatory costs by category

Unfunded regulatory costs (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Development applications	\$127.0	+\$41.6 (+32.8%)	\$168.6
Companion animals	\$29.6	+\$8.0 (+27.0%)	\$37.6
Protection of environment operations	\$15.3	+\$11.8 (+77.1%)	\$27.1
Noxious weeds	\$16.6	+\$0.3 (+1.8%)	\$16.9
Contaminated land management ³	\$14.3	-\$5.7 (-39.9%)	\$8.6
Onsite sewer facilities ⁴	\$5.2	-\$5.2 (-100.0%)	N/A
Total	\$208.0	+\$50.8 (+24.4%)	\$258.8

³ Contaminated land management costs vary significantly year to year and across the different councils that responded to this survey.

⁴ In the 2023-24 survey, a question on onsite sewer facilities was removed. This decision was made to streamline the surveys and the effort required for councils to complete it. Onsite sewer facilities didn't have a significant impact on the total cost shift.



Figure 6 Unfunded regulatory costs by council classification

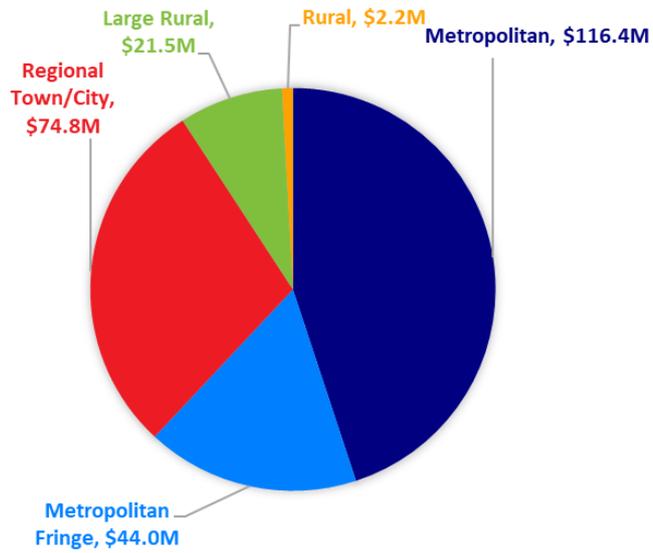
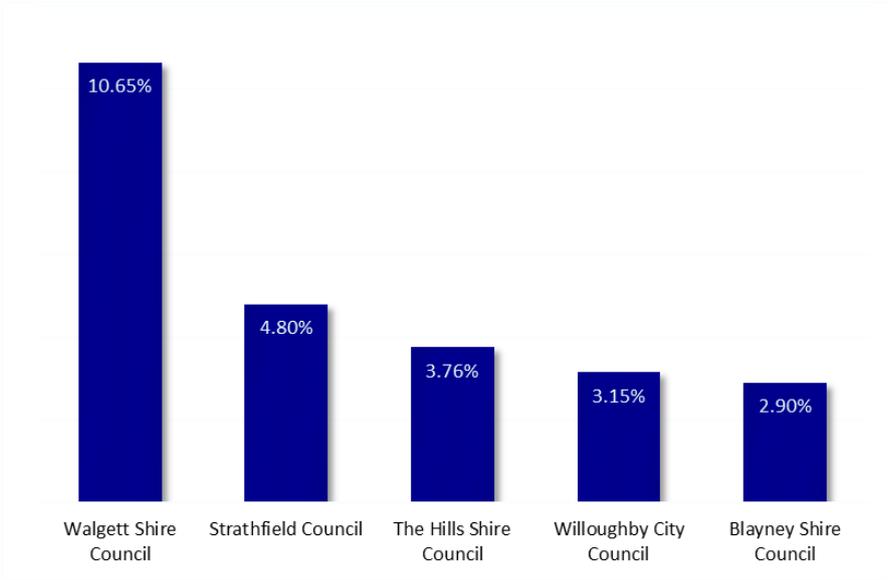


Table 4 Changes in unfunded regulatory costs by council classification

Council classification (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Metropolitan	\$91.1	+\$25.3 (+27.8%)	\$116.4
Regional Town/City	\$62.2	+\$12.6 (+20.3%)	\$74.8
Metropolitan Fringe	\$34.5	+\$9.5 (+27.5%)	\$44.0
Large Rural	\$18.3	+\$3.2 (+17.5%)	\$21.5
Rural	\$1.9	+\$0.3 (+15.8%)	\$2.2
Total	\$208.0	+\$50.8 (+24.4%)	\$258.8

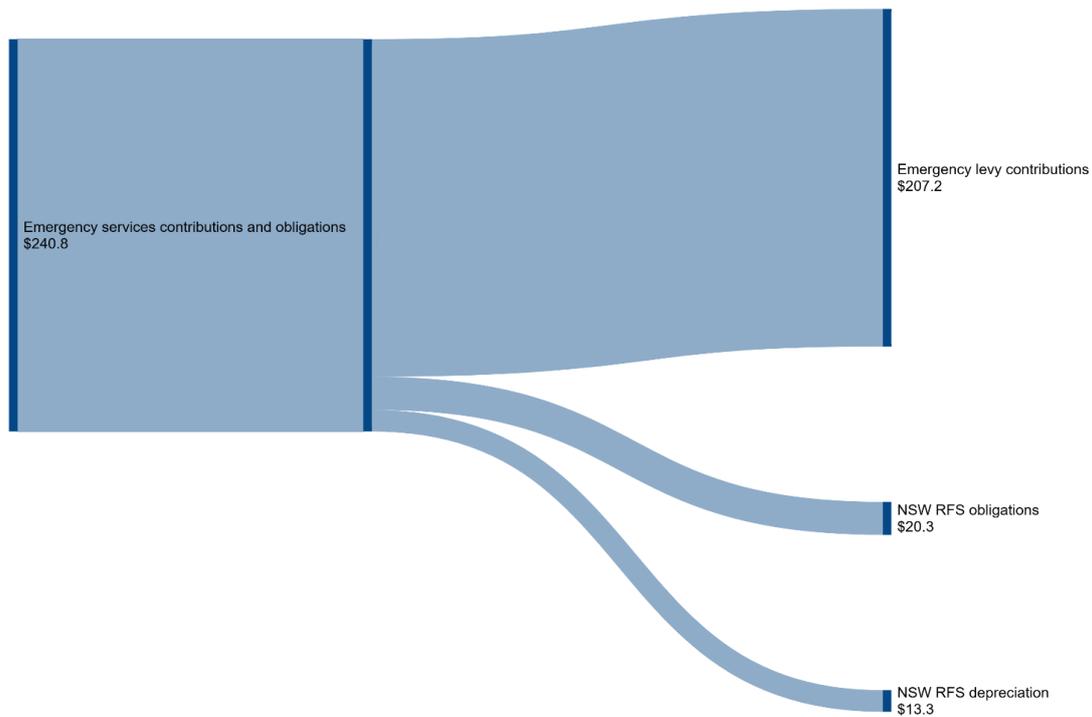


Figure 7 Respondent councils with the largest regulatory cost as a proportion of total operating expenditure





3.2 Emergency services levy contributions and other emergency management obligations



Councils’ contributions and costs of obligations to emergency services has increased by 46 per cent (\$75.4 million) in the last two years, to \$240.8 million. The most significant increase has been to the emergency services levy contribution, which has increased by \$65.2 million (46 per cent), from \$142 million to \$207.2 million in 2023-24. However, the highest proportionate increase has been in councils’ obligations to the NSW RFS which has increased by 61 per cent (\$7.6 million) to \$20.3 million.

Table 5 Changes in emergency services levy contributions and other emergency management obligations since 2021-22

Emergency services (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Emergency levy contributions	\$142.0	+\$65.2 (+45.9%)	\$207.2
NSW RFS obligations	\$12.7	+\$7.6 (+59.8%)	\$20.3
NSW RFS depreciation	\$10.7	+\$2.6 (+24.3%)	\$13.3



Emergency services (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Total	\$165.4	+\$75.4 (+45.6%)	\$240.8

Figure 8 Emergency services levy contributions and other emergency management obligations by council classification

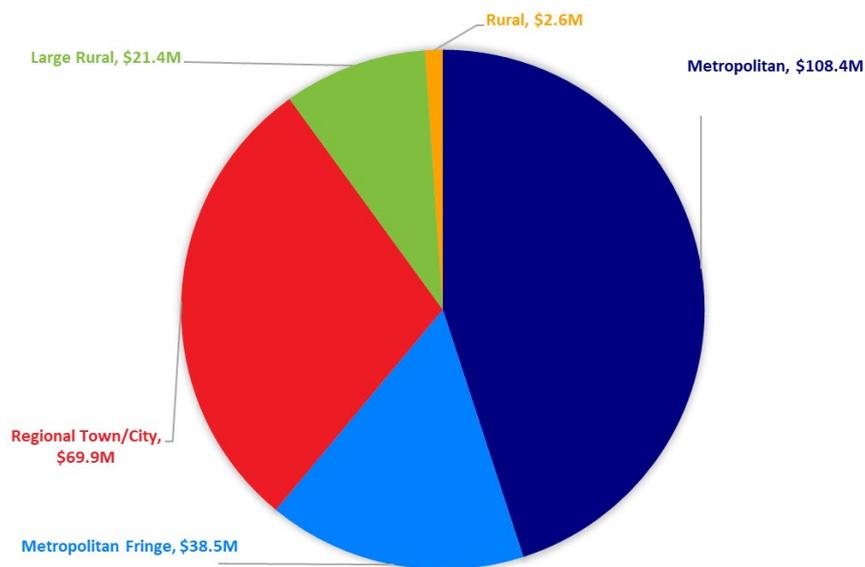


Table 6 Changes in Emergency services levy contributions and other emergency management obligations by council classification

Council classification (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Metropolitan	\$71.8	+\$36.6 (+51.0%)	\$108.4
Regional Town/City	\$48.1	+\$21.8 (+45.3%)	\$69.9
Metropolitan Fringe	\$26.9	+\$11.7 (+43.1%)	\$38.5
Large Rural	\$16.2	+\$5.1 (+32.1%)	\$21.4



Council classification (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Rural	\$2.3	+\$0.3 (+13.0%)	\$2.6
Total	\$165.4	+\$75.5 (+45.6%)	\$240.8

Figure 9 Respondent councils with the highest emergency services levy contributions and other emergency management obligations

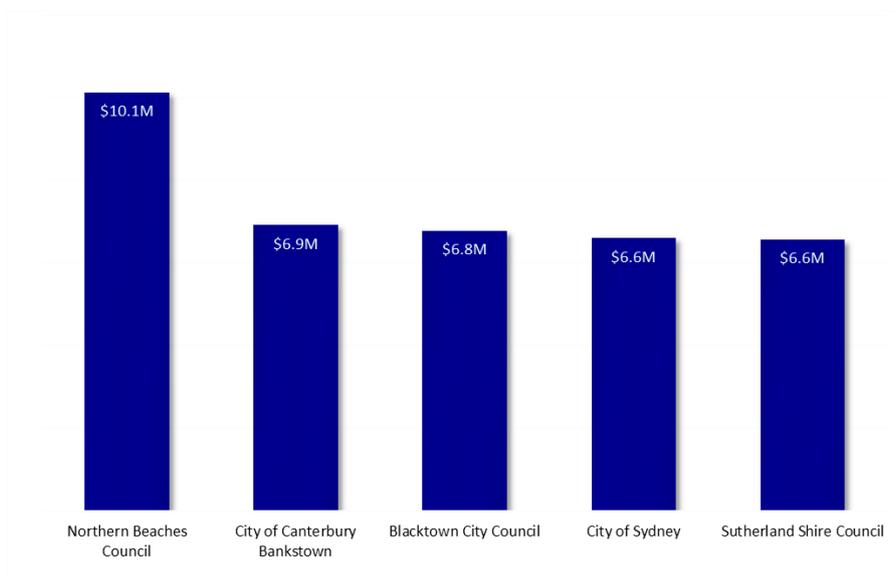
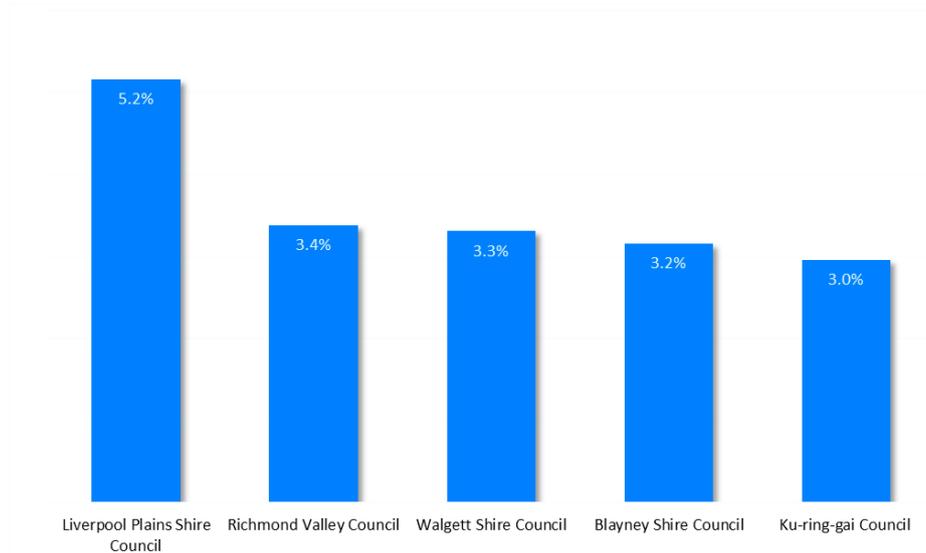




Figure 10 Respondent councils with the highest emergency services levy contributions and other emergency management obligations as a proportion of total operating expenditure



NSW councils are required to fund 11.7 per cent of the NSW SES, NSW Fire and Rescue and NSW RFS budgets through a direct contribution levied each year by the State Revenue Office. This is funded directly from general revenue, primarily rates, as councils have no ability to raise revenue to fund this in any other way.

Councils also have no influence on the costs or budget setting of these organisations. This contribution of ratepayers’ funds is in addition to the emergency services insurance contribution under the Fire and Emergency Services Levy Act 2017 that is extracted through insurance companies, who cover 73.7 per cent of the agencies’ budgets and results in higher insurance premiums for policy holders.

The emergency service contribution is estimated to have cost NSW councils overall \$207.2 million in 2023–24. That is a total of \$66.97 per ratepayer, a 45 per cent increase from the \$46.23 per ratepayer that was estimated in 2021-22.

In 2019, the NSW Government subsidised councils for the increase in emergency service contribution costs, because of a large increase in workers compensation costs followed by the Black Summer Bushfires and the unfolding COVID pandemic. From the 2023–24 financial year, the NSW Government increased the budgets and therefore costs for the three relevant agencies and removed the subsidy at the same time. The increase represented a \$41.2 million cost increase from the prior 2022–23 financial year.

From 2024-25, increases in the emergency services contribution paid by councils are incorporated into the rate peg increase with an ESL factor applied to each council based on the prior year’s increase in costs.



Figure 11 Respondent councils with the largest emergency services levy contribution

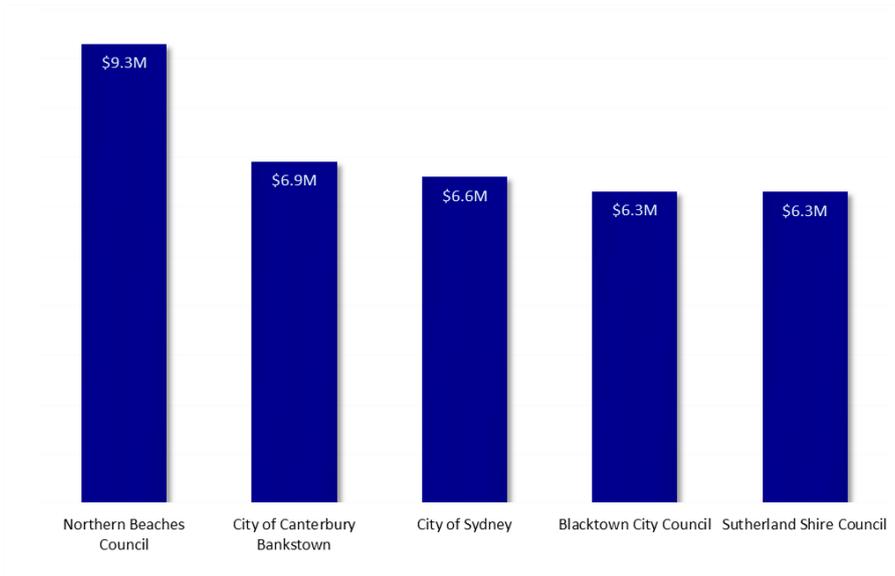
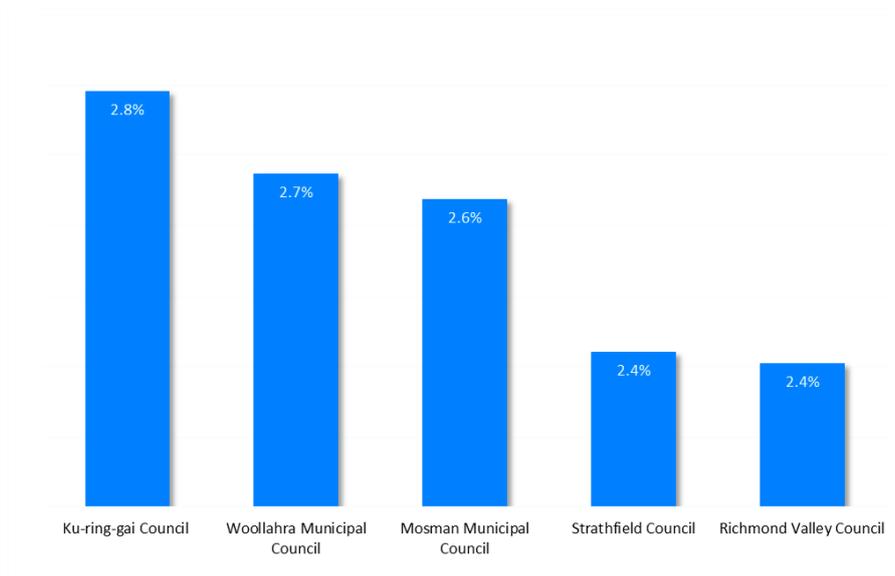


Figure 12 Respondent councils with the largest emergency services levy contribution as a proportion of total operating expenditure

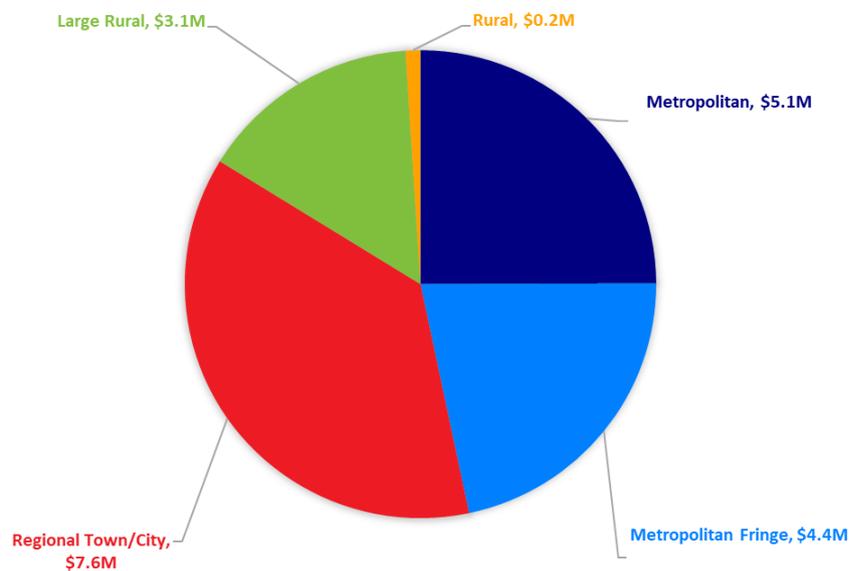


Metropolitan councils pay more emergency services contribution in both total dollar value and as a percentage of total operating expenses.



In addition to the emergency services contribution, local councils are required to support the RFS and SES in other ways. This commitment seems to be different for different councils. For example, for some councils, when the RFS annual budget is allocated back to the districts, some of these funds are vested in councils through the Rural Fire Fighting Fund (RFFF). These funds are then administered by councils to deliver repairs and maintenance of buildings and a small amount of plant and equipment. In some cases, councils also fund other functions such as training and provision of office supplies. If the RFFF is insufficient to provide these in any one year, some councils will then provide further financial support directly to the districts to meet the difference.

Figure 13 Additional RFS contributions by council classification



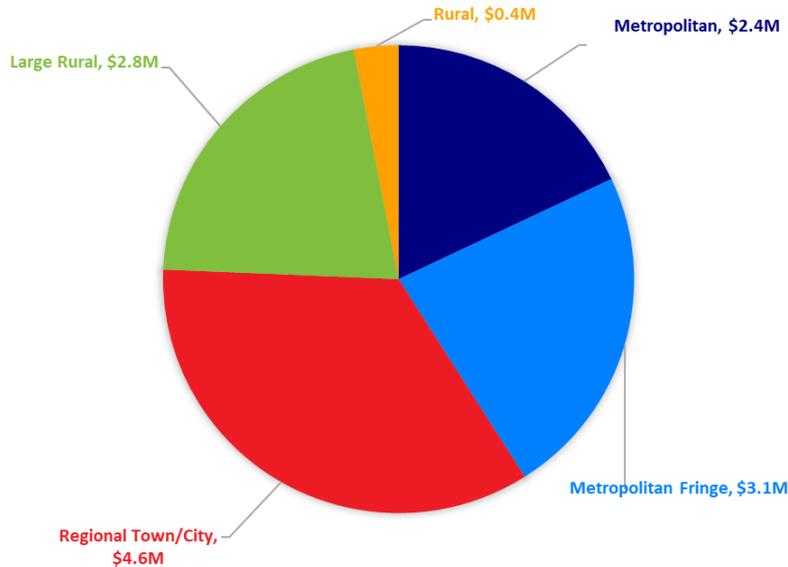
The RFS funding arrangements are the most complex of all the emergency services and creates challenges for both councils and the RFS. While councils are aware that their obligations to provide financial support to the RFS are generally over and above the RFFF, the costs at a district level are extremely volatile from one year to the next and dependent on whether there is a bushfire in the district (in which instance the district will fund some aspects of other districts’ costs if they come to support the local bushfire response) or if the district comes to the aid of another district (in which instance they will receive additional funding which reduces the pressure on its own budget and therefore the financial support required from the local council).

What results is that councils have to bear the budget risk of the volatility of RFS costs and funding, while RFS districts do not have accountability for their own budgets and costs, and are not able to help to provide certainty because they do not know where the next emergency will be. Much of these volatility issues are resolved at a State level, when looking at the RFS services overall.

In addition to the direct repair and maintenance costs, the NSW Government has asserted that councils are also required to recognise RFS red fleet assets and account for their depreciation expense in council financial reports. In 2023-24, this depreciation cost is estimated at \$13.3 million.



Figure 14 RFS Depreciation Expense by council classification



This has been a somewhat contentious issue in recent years and ultimately comes down to identifying where control of these assets lies. In summary, the NSW Government has concluded that these assets are vested to councils under the *Rural Fire Services Act 1997* and therefore “on balance, councils control this equipment” under the Australian Accounting Standards⁵.

The NSW Audit Office had previously accepted this position in undertaking their audit function of local government. While 43 NSW councils received a qualified audit opinion of their 2021-22 financial reports for not recognising these assets in their balance sheets, this reduced to 36 councils in 2022-23. By 2023-24, there were no qualified opinions as a result of non-recognition of the red fleet.

Although no longer a financial audit issue, the issue is ongoing. While depreciation itself is not a cash expense, the accounting for depreciation in local government has two key financial implications. Firstly, the increase in depreciation expense will reduce a council’s overall surplus or increase its deficit, which has implication for a council’s measures of financial sustainability. Secondly, for most local government assets, depreciation is used as the estimate of required renewal expenditure for councils to maintain assets at their current condition. In other words, councils must fund depreciation with a similar level of capital cashflow to ensure assets are kept at required standards, this is not the case for firefighting equipment, which is funded through the State Government’s budget allocation to the RFS.

Over 2024 and 2025 the NSW Parliament’s Public Accounts Committee inquired into the assets, premises and funding of the NSW Rural Fire Service (RFS). The inquiry considered the funding, maintenance, accounting and operational management of NSW RFS assets and premises and arrangements between the NSW RFS and councils. The May 2025 recommendations of this inquiry included that these red fleet assets should be

⁵ Audit Office of New South Wales (2023) *Regulation and monitoring of local government*, NSW Government, 23 May 2023.



vested in the NSW Government. The forthcoming NSW Government response may impact this figure in coming years.

3.3 Funding programs

Councils are occasionally required or compelled to fund the continuation of several funding programs that were instigated by the NSW Government, but for which funding commitments have, over time, either been reduced or removed entirely. The total cost to council to continue to meet the funding shortfall of these programs was \$203.5 million in 2023-24 up by \$22.2 million (12 per cent) from \$181.3 million in 2021-22.

The three main funding programs councils currently continue to fund are:

- **Library subsidies:** the original library funding subsidy was for the State Government to fund up to 50 per cent of library services costs for many councils, however this has reduced over time. In 2023-24, the subsidy received by councils represented 6 per cent of total expenditure, down from 7 per cent in 2021-22. Councils paid an estimated \$181.8 million on library services that covered the original commitment for a 50 per cent State government subsidy. This has changed from \$156.6 million in 2021-22, an increase of \$25.2 million (16 per cent).
- **Flood mitigation:** the program was originally established with the State and Federal governments providing 80 per cent of the costs and councils funding 20 per cent. The shortfall of this funding is estimated to be costing councils \$18.1 million, which is no change from the \$18.2 million in 2021-22.
- **Road safety program:** funding for programs and ongoing staff for community education and behavioural change, however councils were not able to reduce the costs with the removal of the funding program. In 2023-24, councils have an estimated cost burden of \$3.6 million, down from \$6.4 million in 2021-22. When comparing the 44 councils common to both survey years the cost burden for 2023-24 decreased by \$110,000.



Figure 15 Funding program costs shifted by category

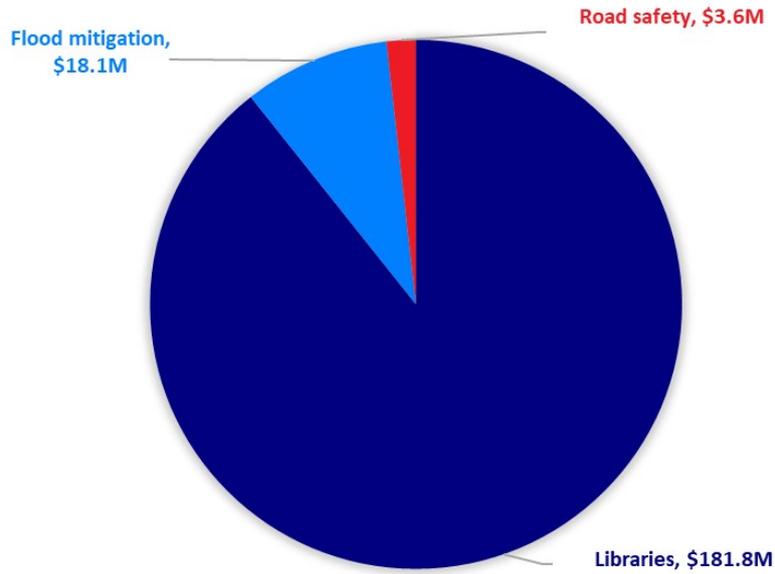


Table 7 Changes in funding program costs shifted by category

Funding programs (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Libraries	\$156.6	+\$25.2 (+16.1%)	\$181.8
Flood mitigation	\$18.2	-\$0.1 (-0.5%)	\$18.1
Road safety	\$6.5	-\$2.9 (-44.6%)**	\$3.6
Total	\$181.3	+\$22.2 (+12.2%)	\$203.5

** When comparing the 44 councils common to both survey years the cost burden for 2023/24 decreased by \$110,000.



Figure 16 Funding program costs shifted by council classification

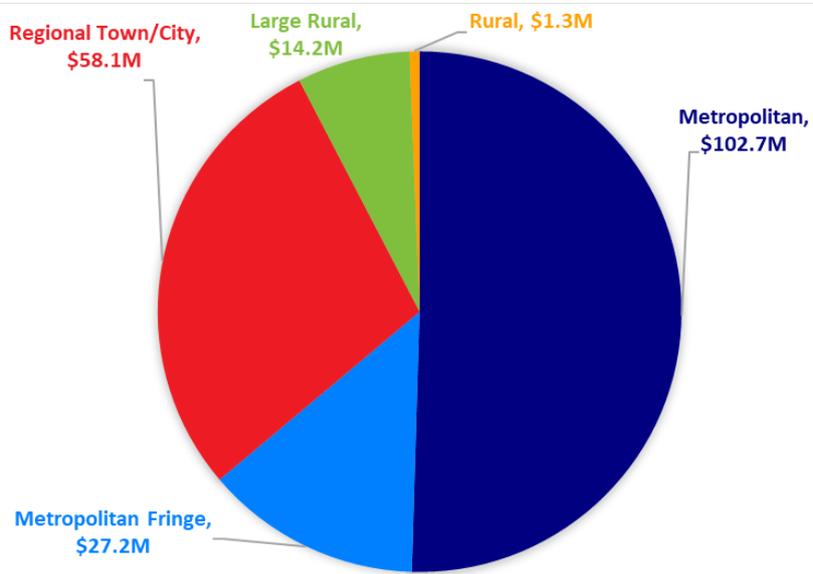
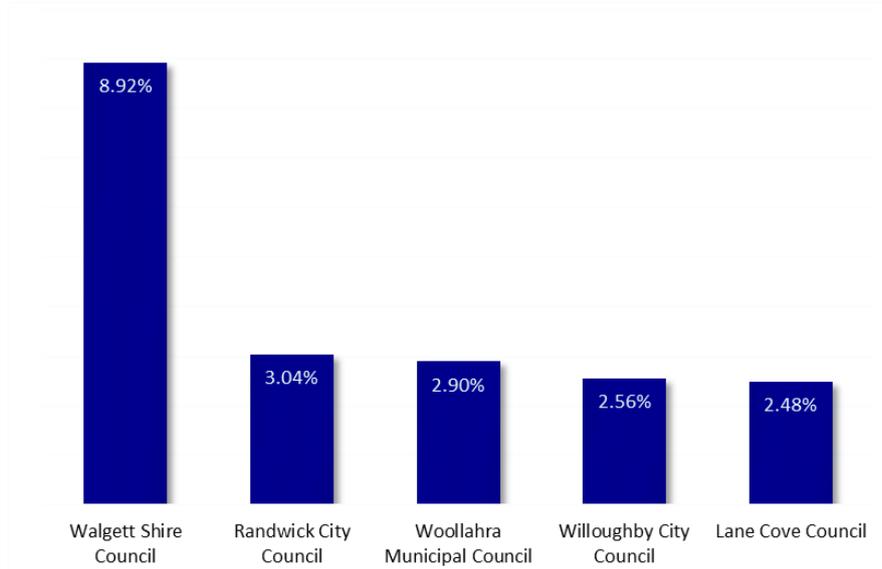


Table 8 Changes in funding program costs shifted by council classification

Council classification (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Metropolitan	\$89.7	+\$13.0 (+14.5%)	\$102.7
Regional Town/City	\$56.5	+\$1.7 (+2.8%)	\$58.1
Metropolitan Fringe	\$21.8	+\$5.4 (+24.8%)	\$27.2
Large Rural	\$12.2	+\$2.0 (+16.4%)	\$14.2
Rural	\$1.2	+\$0.1 (+8.3%)	\$1.3
Total	\$181.3	+\$22.2 (+12.2%)	\$203.5



Figure 17 Respondent councils with the largest funding program costs shifted as a proportion of total operating expenditure



3.4 Pensioner rebates

Councils are required to provide rates rebates to pensioners, which are partially subsidised by the NSW Government. This mandatory pensioner rebate is an estimated net cost to councils of \$49.7 million. This does not include the cost of administering the mandatory pensioner rebates, as each pensioner claim needs to be registered and their details checked by the council.

The level of mandatory rebate has not risen substantially over many years and therefore has not kept pace with inflation. As a result, many councils have elected to apply further voluntary rebates to partially ease the burden on pensioners on fixed incomes. NSW councils incur an additional \$19.1 million in voluntary pensioner rebates. The total cost of pensioner rebates is estimated to be \$68.9 million.

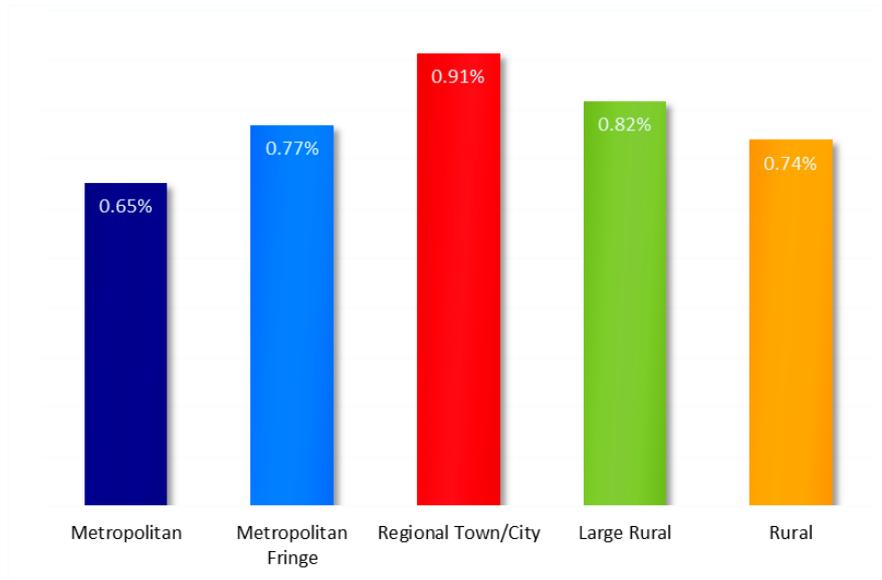
During the 2024 NSW Parliamentary inquiry into the ability of local governments to fund infrastructure and services, some councils commented, as have some industry observers and academics in their analyses, that social welfare is the responsibility of the federal government and should not be the domain of local governments. One of the measures which may be of benefit to the local government framework identified in IPART’s 2023 rate peg methodology review, was to conduct “a comprehensive state-wide evaluation of existing rate payer concessions”⁶. The 2024 NSW Parliamentary inquiry reinforced this, recommending that

⁶ Independent Pricing and Regulatory Tribunal (2023) *Final report – Review of the rate peg methodology*, August 2023, p1.124.



“the NSW Government conduct a comprehensive review of the rate exemptions and concessions under the Local Government Act 1993”⁷.

Figure 18 Average total pensioner rebates as a proportion of total rates revenue by council classification⁸



⁷ The Standing Committee of State Development NSW Legislative Council (2024) *Ability of local governments to fund infrastructure and services*, Report 52, November 2024, p40. AND

Drew and Ryan (2016) *Giving local governments the reboot – improving financial sustainability of local governments*, The McKell Institute, p.10

⁸ Total pensioner rebates includes both mandatory and voluntary rebates.



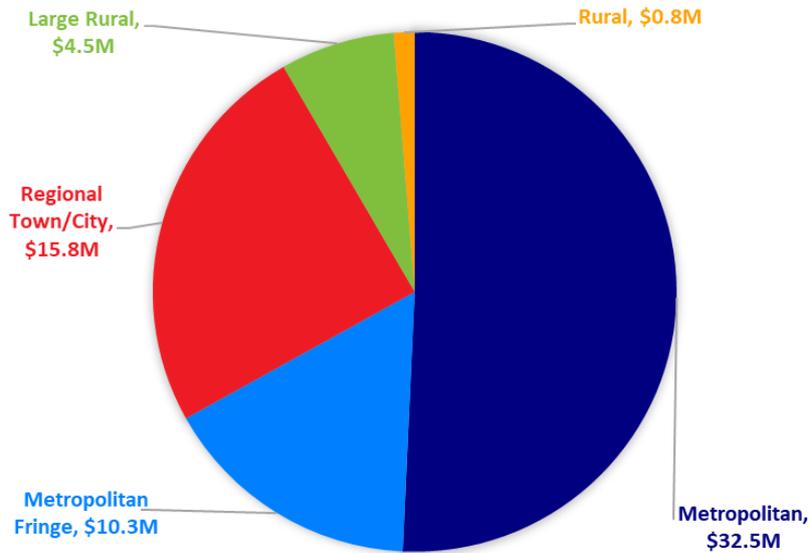
3.5 Service gaps

This section captures costs incurred by councils in providing services as a result of insufficient service or non-existent provision by another level of government or a market failure of a subsidised or privatised public service.

The NSW Parliamentary Inquiry into the ability of local governments to fund infrastructure and services in 2024 referred to these costs as a function of local government being the “service provider of last resort”. It noted that “while these services are not mandatory for local governments to provide, many councils, in conjunction with their community, opt to provide these services – many of which are a significant expenditure source with only marginal external revenue attracted – to ensure they remain available”⁹.

In 2023-24, it is estimated that councils spent \$64 million in filling these gaps, which was a small decline from \$66.6 million in 2021-22. As financial sustainability puts increasing pressure on council resources, some councils may be opting to reduce or close these services to ensure the ongoing financial viability of the council. We can see that reductions in these costs have been experienced by regional and rural councils particularly.

Figure 19 Service gap costs by council classification



⁹ The Standing Committee of State Development NSW Legislative Council (2024) *Ability of local governments to fund infrastructure and services*, Report 52, November 2024, p8.

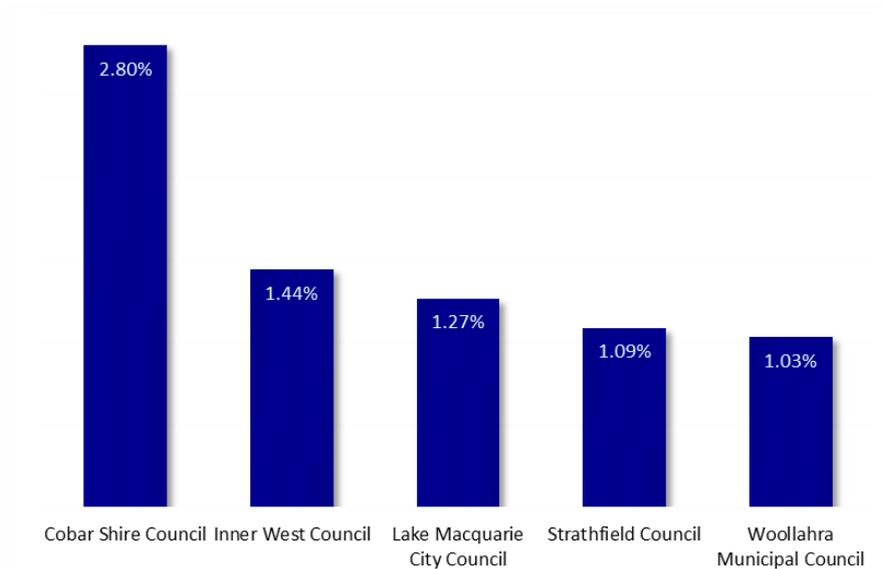


Table 9 Changes in service gaps costs by council classification

Council classification (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Metropolitan	\$30.7	+\$1.8 (+5.9%)	\$32.5
Regional Town/City	\$21.3	-\$5.5 (-25.8%)**	\$15.8
Metropolitan Fringe	\$5.2	+\$5.1 (+98.1%)	\$10.3
Large Rural	\$7.5	-\$3.0 (-40.0%)**	\$4.5
Rural	\$2.0	-\$1.2 (-60.0%)**	\$0.8
Total	\$66.6	-\$2.7 (-4.1%)	\$63.9

** When comparing the 44 councils common to both survey years the increase in cost shift was 30.5%.

Figure 20 Respondent councils with the highest service gap cost as a proportion of total operating expenditure





3.6 Waste levy

The waste levy is a tax on landfill facilities and only applies to 42 metropolitan and 19 regional levy areas shown in Figure 23. As the cost of the levy is recovered through waste charges – it represents a somewhat “invisible tax”.

The purpose of the waste levy is to provide economic incentive to alternative waste management processes, such as recycling and resource recovery. The funds raised by the waste levy go directly to NSW Government general revenue. Some funds do come back to communities and councils through grants for a variety of projects, but this only represents 10 to 15 per cent of the funds raised through the tax.

The metropolitan levy is \$163.20 per tonne in 2023-24 up from \$147.10 per tonne in 2021-22 and the regional levy is \$94.00 per tonne in 2023-24 up from \$84.70 per tonne in 2021-22. Some councils, such as Central Coast and Newcastle, operate their own landfill facilities and pay the levy directly to the NSW Government. Not all councils operate landfills directly, many councils have their waste managed through contracts with private providers. While these providers will incur the levy directly, councils in the levy areas will collect waste charges that include the waste levy as a component of the waste fees. Depending on how their waste management contracts are structured, some councils have been able to provide an estimate of this levy collected in the waste fees while others have not.

We have estimated the total amount of the waste levy paid through waste collection fees in 2023-24 at \$266.9 million, which is down from \$292.9 million in 2021–22. When comparing the 44 councils common to both survey years the estimated waste collection fees in 2023-24 was \$134.7 million and in 2020-21 was \$116 million, which is an increase of \$18.7 million or 16.1%.

Figure 21 Waste levy by council classification

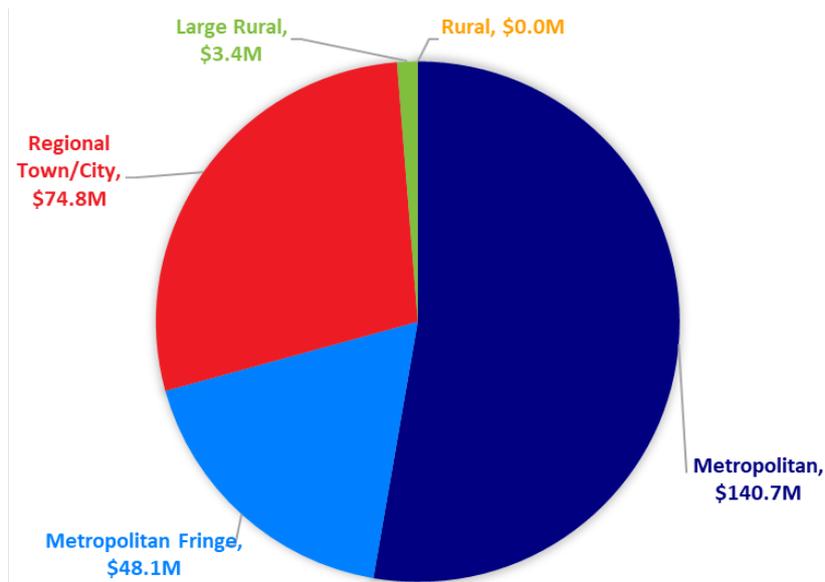




Table 10 Changes in waste levy by council classification

Council classification (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Metropolitan	\$138.1	+\$2.6 (+1.9%)	\$140.7
Regional Town/City	\$97.5	-\$22.7 (-23.3%)**	\$74.8
Metropolitan Fringe	\$54.5	-\$6.5 (-11.7%)**	\$48.1
Large Rural	\$2.7	+\$0.7 (+25.9%)	\$3.4
Total	\$292.9	-\$25.9 (-8.9%)	\$266.9

** When comparing the 44 councils common to both survey years the estimated waste collection fees in 2023-24 was \$134.7 million and in 2020-21 was \$116 million, an increase of \$18.7 million or 16.1%.

Figure 22 Respondent councils with the highest waste levy

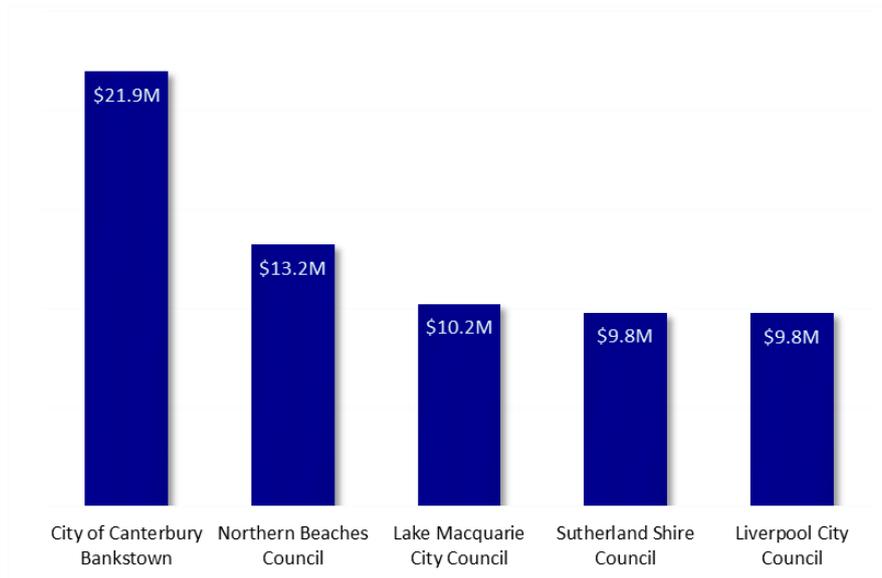
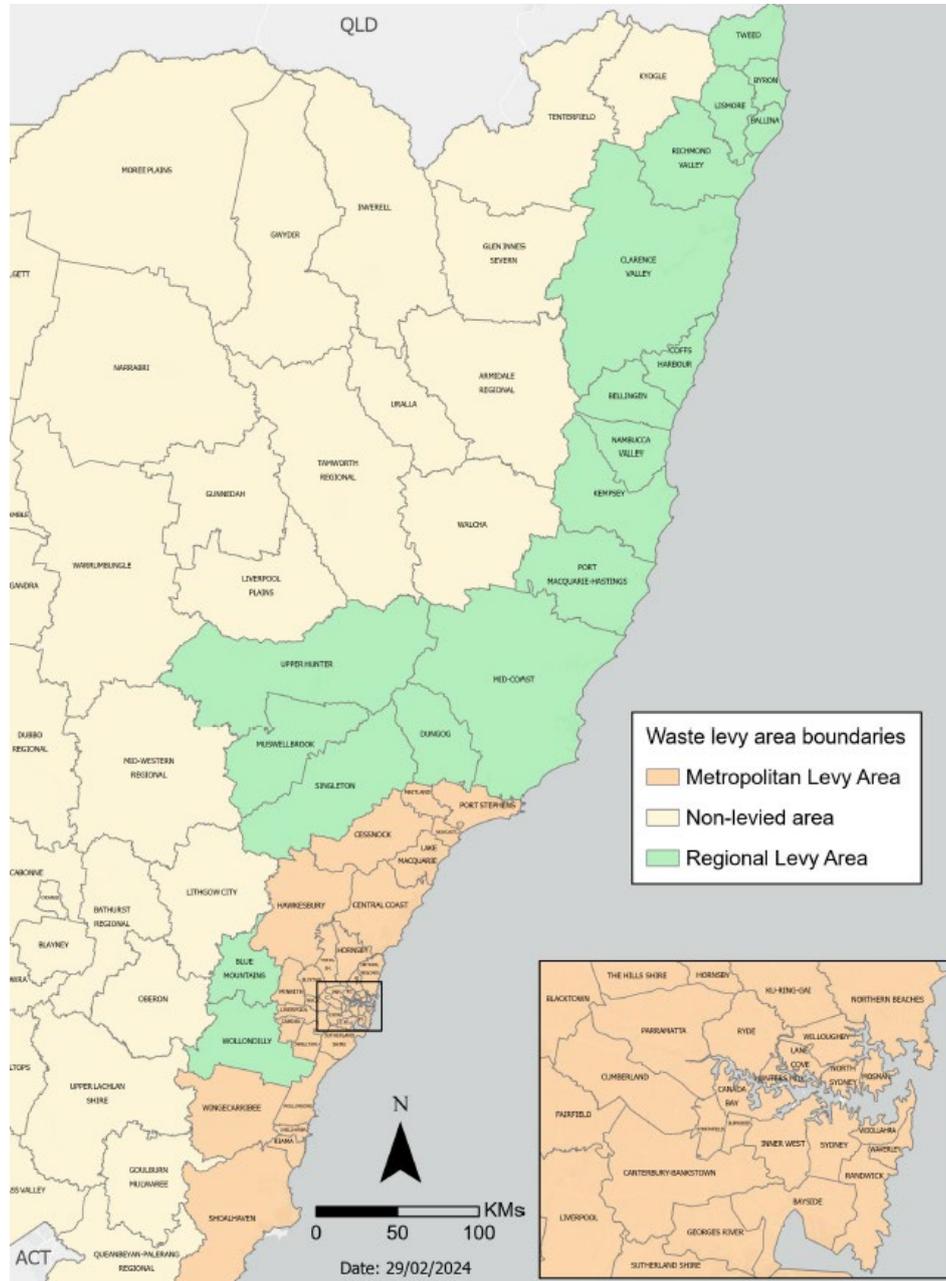




Figure 23 Waste levy area map¹⁰



¹⁰<https://www.epa.nsw.gov.au/sites/default/files/levy-area-map.pdf>.



3.7 Rate exemptions

Many government and private property owners in a local government area are exempt from paying rates to councils. Due to the way rates are calculated, this doesn't usually affect the total amount of revenue that councils are able to raise through rates. It does mean that the distribution of the rates burden falls more heavily on the existing rate payer base.

For government-owned properties, rate exemptions are a part of a complex set of arrangements for exemptions of some taxes between the different tiers of government. State Owned Corporations (SOCs and GTEs) pay tax on lands owned and used for commercial purposes. This is provided for under competitive neutrality policy/National Competition Policy (a notable exception to this arrangement is the Forestry Corporation). Councils are exempt from most State and Federal taxes (for example land tax, payroll tax, stamp duty, and income tax). Councils are also involved in delivering a wide range of services or regulatory functions under various State and Commonwealth Acts and they receive a large number of different grants from State and Federal governments, including the untied Financial Assistance Grants (FA Grants) that the States administer and distribute to councils. FA Grants have been declining as a percentage of commonwealth taxation revenue.

Additionally, there are many non-government organisations that are also exempt from paying rates, including private schools, hospitals and retirement villages, as well as not-for-profit organisations such as religious organisations. While these organisations are exempt from paying rates; all expect and receive services and use infrastructure from councils, the cost of which is funded by ratepayers.

Community housing was an area that we asked councils about specifically as the NSW government has been in the process of transitioning the ownership and management of public and social housing to non-government Community Housing Providers (CHPs). Under past practice, social and public housing provided by State Government agencies paid rate equivalents on all their properties. CHPs are exempt from rates and more and more social and public housing is moving into this category. As a result, the rates exempt status seems to be moving with the community housing property. For councils in NSW the amount varies between LGAs and in some cases this is significant. For example, Penrith City Council has an estimated rate exemption of \$415,000.

The total amount of rate exemptions represented \$294.6 million in 2023-24, which is a \$21.5 million (8 per cent) increase from the \$273.1 million estimated in 2021-22.



Figure 24 Rate exemptions by category

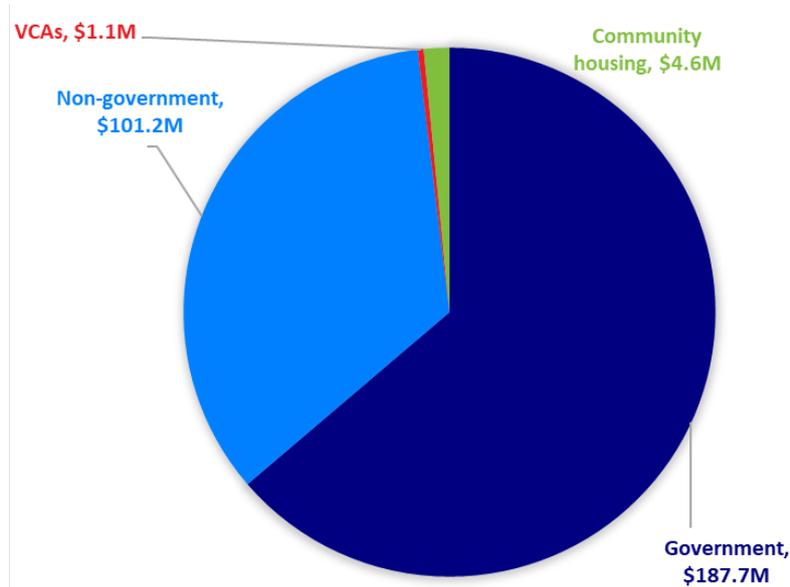


Table 11 Changes in rate exemptions by category

Rate exemptions (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Government	\$151.0	+\$36.7 (+24.3%)	\$187.7
Non-government	\$114.9	-\$13.7 (-11.9%)**	\$101.2
Community housing ¹¹	\$5.2	-\$0.7 (-11.5%)	\$4.6
Voluntary Conservation Agreements (VCAs)	\$1.9	-\$0.9 (-42.1%)	\$1.1
Total	\$273.1	+\$21.5 (+7.9%)	\$294.6

** When comparing the 44 councils common to both survey years the estimated rate exemption costs increased by 17.4%.

¹¹ Rate exemptions for community housing varies significantly across LGAs and in some cases this is significant. For example, Penrith City Council has an estimated community housing rate exemption cost shift of \$415,000.



Figure 25 Rate exemptions by council classification

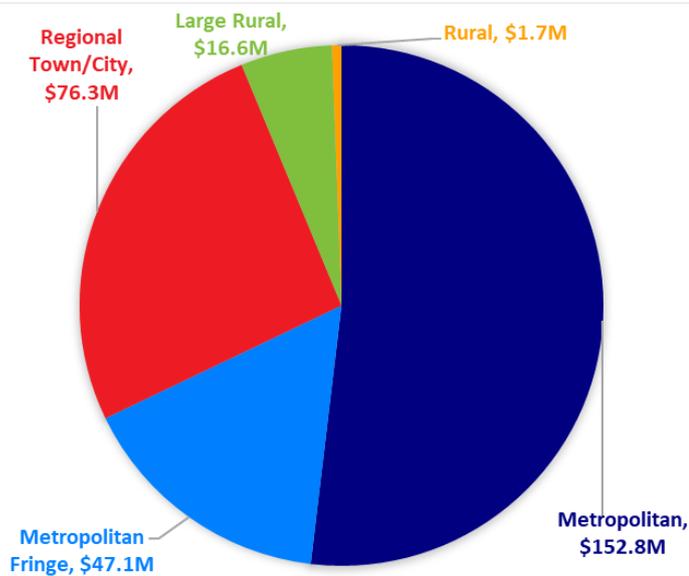


Table 12 Changes in rate exemptions by council classification

Council classification (\$millions)	2021-22 estimate	Change from 2021-22 to 2023-24	2023-24 estimate
Metropolitan	\$142.1	+\$10.7 (+7.5%)	\$152.8
Regional Town/City	\$72.9	+\$3.4 (+4.7%)	\$76.3
Metropolitan Fringe	\$41.8	+\$5.3 (+12.7%)	\$47.1
Large Rural	\$14.6	+\$2.1 (+14.4%)	\$16.7
Rural	\$1.7	\$0.0 (0.0%)	\$1.7
Total	\$273.1	+\$21.5 (+7.9%)	\$294.6



Figure 26 Average rate exemption for respondent councils as a proportion of rates revenue by council classification

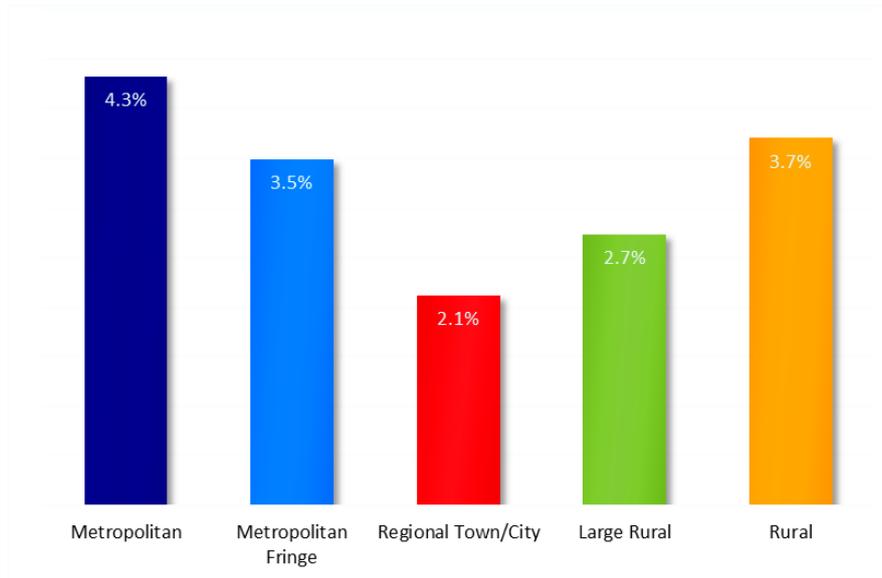


Figure 27 Respondent councils with the highest rate exemptions as a proportion of rates revenue

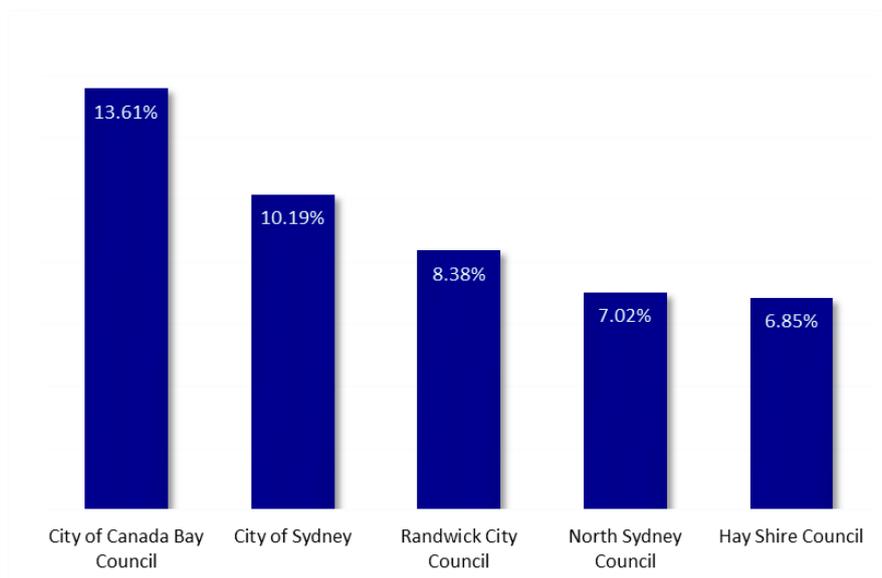




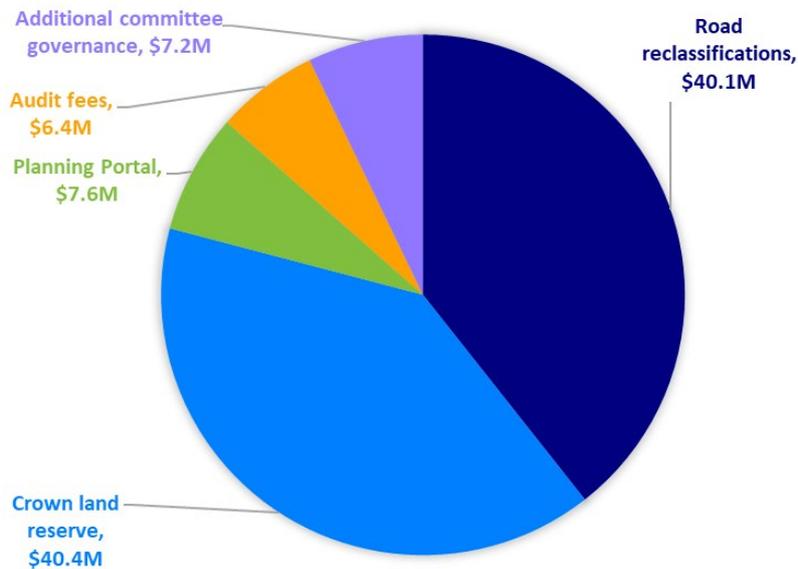
Table 13 Cost for rate exemptions

Rate exemption (\$ million)	Total amount of cost shift provided	Estimated total cost shift for all NSW Councils (based on population)
Government-owned property	\$113.3	\$187.7
Non-government-owned property	\$60.7	\$101.2
Voluntary conservation agreements	\$0.6	\$1.1
Community housing	\$2.7	\$4.6

3.8 Other cost shifts

A number of other areas for cost shifting were identified and gathered in the survey and are outlined here.

Figure 28 Other cost shifts by category



Under the Transport for NSW (formerly RMS) road reclassification program in the 1990s, many roads were reclassified as local or regional road for councils to own and maintain. Of the 64 councils that responded to the survey, 24 were able to estimate the cost of this reclassification, 18 were not able to reliably estimate, and 20 stated that it was not applicable. The total estimate of costs of maintaining reclassified roads was \$40.1 million in 2023-24.



Under the Crown Lands Act 1989, councils have full responsibility to maintain crown reserves under council management and are expected to subsidise shortfalls in maintenance cost from general revenue. The NSW Government's rationale of this is that the benefits from crown reserves under council management generally accrue to the local community. However, as a result, councils should also be entitled to any current or potential revenue from crown reserves that is required to cover maintenance and improvement cost (e.g., revenue from refreshment facilities, telecommunication facilities). The NSW Government will on occasion take over allowable revenue raising activities on council managed crown reserve land (not including national parks) or will require councils to transfer revenue from council managed crown reserve land to the State Government.

Of the 64 councils surveyed, 25 estimated the lost revenue at \$18.2 million in 2023–24. A further 21 councils were not able to reliably estimate the costs and 17 councils advised that this item didn't apply to them. This estimate does not represent the total net cost of managing (maintaining) crown lands. Nor does it include transfers associated with the caravan park levy. Only, any action by the State Government to limit revenue raising capacity or require the transfer revenue to the State Government has been considered cost shifting.

Over recent years, two other cost shifts have come into play. Since 2016, the NSW Audit Office has been accountable for undertaking the auditing of financial statements of NSW councils, which in effect has created a monopoly on the service. We asked respondent councils to provide an estimate of the net increases in external audit fees for the auditing of 2022-23 financial statements. The estimated increase in external audit fees for NSW councils is \$6.4 million. While one council experienced a reduction in audit fees, most councils commented that they have seen significant one-year increases ranging from 9 per cent to 100 per cent. Many also stating that they have been advised to expect further significant increases in future years.

The second new cost-shift experienced is a result of the introduction of the NSW Planning Portal. Councils are required to manage a variety of planning processes, including development applications and certifications, through the planning portal. Forty-six councils were able to provide an estimate of the increased cost burden of using the portal, while 15 were unable to estimate the costs, two didn't respond and one responded that it was not applicable (as costs were fully grant funded). The majority of councils commented that there have been additional costs required to support and operate the portal since implementation, including the development and testing of integration solutions, additional effort required by planners to operate processes within the portal, and to implement controls and error fixing measures, with some commenting on the frustration and unreliable nature of the portal. Others have noted that there have been some productivity gains from the portal, resulting from a decrease in manual scanning and downloading of information. Overall, the estimated net cost to councils of using the NSW Planning Portal is \$7.6 million.



3.9 Cost of funding growth

Councils theoretically fund the costs of essential new infrastructure required to support growing development and population through local infrastructure contributions also known as developer contributions. While the costs associated with increased services and the other lifecycle costs of the new infrastructure (such as maintenance and renewal) through supplementary rates assessments and the increases provided by the population growth factor that has been implemented within the rate peg methodology from 2022-23.

Developer contributions are only able to be levied in relation to a Developer Contributions Plan, which sets out the infrastructure required to support new development and the associated costs to build this infrastructure. Councils have two mechanisms to raise developer contributions under the Environmental Planning and Assessment Act 1979:

- Section 7.11 allows for a contributions rate per dwelling or square metre.
 - There must be a demonstrated link between the development and the infrastructure to be funded.
 - Section 7.11 contributions also have a threshold or cap (usually around \$20 thousand per dwelling).
 - If a council wants to charge a rate above the threshold, it must submit its Developer Contributions Plan to IPART for an independent review who will assess it against the criteria set out in the Department of Planning, Housing and Infrastructure's Local Infrastructure Contributions Practice Note (2019).
- Section 7.12 allows for the contribution to be charged as a percentage of the estimated cost of the development:
 - This can only be charged as an alternative to Section 7.11 contributions, not in addition to it.
 - The maximum percentage that can be charged under Section 7.12 in most areas is 1 per cent.

In lieu of some or all developer contributions payable, councils are able to negotiate voluntary planning agreements with developers that can be used to fund the infrastructure associated with the development.

However, councils are increasingly identifying that Developer Contributions are not adequate to fund the new infrastructure required for growing communities. While councils can apply to IPART to increase the cap on contributions, some councils are reluctant to do so as IPART applies a definition of essential infrastructure to be included in Developer Contributions which excludes social infrastructure councils consider this to be too restrictive.

Additionally, alternative housing models, such as build to rent, are becoming more prevalent but are creating challenges for councils to fund the services required for these developments. These developments are often rated as one property, even though they are housing multiple dwellings, with each relying on councils' services and infrastructure.



In the 2023-24 Cost Shifting Survey an additional question was identified by the local government sector to include in the survey. This question aimed to ask councils whether they had estimated the funding gap created by capping developer contributions and development applications fees, question 43 as outlined below.

Q43 Capping developer contributions and DA fees: Estimated shortfall in costs for infrastructure and community facilities that should be funded through development contributions and development application fees. Council experiences ongoing pressures from rapid population growth and the challenges of providing infrastructure, facilities, and services to new communities with limited government support.

Twenty councils provided an estimate of this funding shortfall, a further 21 councils stated that they were unable to estimate, and nine councils stated that the question was not applicable to them.

Of the councils that provided an estimate, there was a substantial variation in the amounts estimated ranging from \$4.3 billion for one council to \$23,000 for another. The estimates of the gap in funding infrastructure for growth was most substantial for Sydney metropolitan and metropolitan fringe councils. The variation in responses to this question reflects the more subjective nature of determining infrastructure needs and the timing of their delivery.

As a result of the very mixed feedback in the survey, we have not included this cost in the total estimate of cost shifting. But as it is a growing issue for many councils, it is an opportunity for councils to agree on an approach to estimate the funding gaps that are occurring and highlight the cost of the limitations of the current funding mechanisms.

3.10 Future survey considerations

We asked councils what other areas should be considered for future surveys. The key areas that respondents identified as costs to be captured in future surveys included:

- Local Emergency Management Committees. Costs of councils facilitating, hosting and administering meetings of emergency services resulting in councils bearing cost all expenditure.
- Funding for Local Emergency Management Officers.
- Additional reporting burden and governance associated with grant reporting. Some councils reported experiencing some unnecessary and extreme reporting obligations and requirements with a number of funding bodies.
- Costs associated with legislative changes / processes that impose further administrative and compliance burdens on councils for mandatory processes required e.g. Modern Slavery changes to computer system / associated reporting.
- ESL Reform – changes mean council may have to maintain a database for Revenue NSW to charge the Levy.



- Council required to pay for design reviews of intersections and maintenance costs (for 10 years) of intersection traffic lights, which was paid by Transport for NSW in the past.
- State Significant Development proposals often require significant advice and input from councils. Yet as this development is State-assessed, councils cannot collect fees from proponents to recover their costs. With more developments in NSW progressing through these State-assessed planning pathways, this cost shift is expected to grow.
- The cost of meeting the obligations for and applying for a Special Rate Variation.
- Valuer General's fees for private valuations.
- Commercial food organics/garden organics (FOGO) inspections under the new mandatory food organics requirements for commercial premises over a certain size. State Government has proposed that Council environmental health officers undertake inspections of commercial premises.

These additional items will need to be validated in terms of the details of what is entailed and whether they are indeed cost shifts before inclusion in any future survey.



4 About the survey

This section outlines the methodology employed to develop and administer the 2023-24 cost shifting survey.

4.1 Development of the survey

The last cost shifting survey of NSW councils was undertaken with 2021-22 financial data. The 2021-22 survey marked a reinvigoration of the survey and approach to estimating cost shifting in New South Wales. We have used this last survey as the starting point for the 2022-23 Cost Shifting Survey questions. We undertook a review of the previous questionnaire guided by the following guiding principles:

- Ensure that questions are still relevant.
- Where possible maintain questions so that there can be direct year on year comparisons if required.
- Ensure that interpretation of questions is understood and consistent across all councils.
- Identify new areas of cost shifting where required.

An initial review of questions was undertaken by the project team, consisting of Morrison Low and LG NSW staff. We also established a reference group that included representatives of senior leaders and financial staff of a cross section of rural, regional, and metropolitan councils. The working group undertook a review of the questions and provided their feedback through a facilitated workshop.

4.2 Conducting the survey

The final survey was provided in a Microsoft Excel format to councils on Thursday, 5 December 2024 along with a request of councils' 2023-24 Financial Data Return (FDR), which contained council's audited financial Statement information. The FDR was used to gather a small amount of cost shifting information, but predominantly for data validation purposes.

4.3 Responses to the survey

Councils were asked to return their survey responses and FDRs by Monday 3 February 2025. Some councils requested extensions to this date, which were granted up to 24 February 2025. A total of 64 out of 128 councils provided completed surveys (a 50 per cent response rate), although not all answers were completed by all responding councils. The 50% response to the survey, represents 62% of the population. Among the 64 councils that participated, 20 were new and had not taken part in the previous survey. Their inclusion provided additional insights and enriched the overall findings. All 64 councils provided their FDRs.

44 councils participated in both surveys and in some instances not all the same questions were answered in both surveys. As a result, some variability in the estimates across all NSW councils is expected, which may affect the comparability of results between the two survey periods.

Where there is significant variance between the two surveys, the comparative analysis was undertaken using the common 44 councils across the two surveys and includes commentary in the report.



4.4 Data validation and analysis

Data validation included review of outliers both in total terms as well as a proportion of the council's proportion of total operating expenditure. Where possible, we also compared survey responses with councils FDR data returns and to the council's 2021-22 survey responses if available to understand if there may have been discrepancies or misinterpretations of questions. This required us to seek further information and validation with some councils on their responses to some questions.

For most questions, we have used population as the basis for estimating the total cost shift to all NSW councils for the survey data received. For some we were able to directly estimate through published reports. For example, we used the State Library's 2023-24 report on local council libraries which included operating costs and subsidies received. For other questions, such as the waste levy, where it is not relevant to all councils and there are different levels of the levy between metropolitan and regional councils, we used populations within the relevant and group councils as a basis for estimating the total cost of the waste levy.



Council Policy

Councillor use of Social Media

Policy Statement

The purpose of this policy is to provide guidance for Councillors about the personal and professional use of social media. Social media is an important communication, engagement and customer service channel which can encourage dialogue between Councillors and the community.

This policy intends to assist Councillors to use social media in a way that minimises exposure of both Councillors and Council to legal risk. In particular, it outlines guidance for Councillors with regards to confidentiality, governance, privacy, record keeping and other legal and regulatory risks when using social media.

Principles

Communication through social media will be in a manner that:

- informs the community about the decisions of Council, policies, programs, services and decisions;
- promotes two-way communication;
- builds a highly informed and engaged community;
- accurately responds to community comments and requests; and
- complies with relevant laws and regulations, and ensures the confidentiality of Council information.

Scope and application

This policy applies to the use of social media by Councillors in their local government capacity.

Complaints alleging breaches of this policy should be directed to the CEO in accordance with the Northern Beaches Council Code of Conduct.

Councillor use of social media

Northern Beaches Council recognises the importance of social media as a communication, engagement and customer service channel.

Social media provides a platform to encourage dialogue between Councillors and the community, and enables Councillors to gain insight into the community and its needs via public feedback and comments.

Councillors are responsible for managing their social media accounts, including creating and sharing content, gaining permission for the use of images, video, audio and other materials if required and monitoring comments.

Councillors should ensure that they have appropriate privacy settings on all social media sites moderated, managed or operated by them. Councillors should be aware that any social media activity or interaction, either official or personal, is public, often permanently available, traceable and able to be reproduced elsewhere.

Councillors should also be aware that whether they intend it or not, what they post online in a private capacity reflects on Northern Beaches Council and their role as a Councillor.

Councillors should behave in a way at all times that is consistent with the Code of Conduct and other Council policies.

Councillors are reminded that 'shares', 'likes' or 'retweets' may be viewed as an endorsement of the original post.

Councillors may use their own social media accounts to express personal views, however, they are strongly encouraged to have a dedicated Councillor account separate to any other personal or business accounts they might hold.

Councillors can make personal comments on their social media platforms on matters relating to Council policy and other matters of public interest, but must make clear that any views are their own opinions as an individual and are not the opinions of Council, an official Council position or a Council policy. In making comments and expressing views on social media, consistent with the Code of Conduct, Councillors must not bring the Council, Council decisions or civic office into disrepute.

Councillors should consider that a disclaimer or separate personal or business account does not necessarily provide legal protection for comments posted on social media.

When commenting on an issue, Councillors are required to provide an accurate account of the relevant Council resolution or decision. This can be achieved by publishing the full Council resolution.

Councillors should be aware that they may be legally liable for their comments and the comments of others, published on a Councillor's social media site. Councillors are encouraged to ensure prompt removal of inappropriate content from third parties.

In using social media, Councillors should comply with applicable laws and must not:

- breach the privacy of other Councillors, Council officials, employees, those that deal with Council, or other third parties or otherwise handle personal information or health information in a manner which may cause Council to be in breach of its obligations under applicable privacy laws;
- post content that is defamatory, offensive, humiliating, misleading or deceptive, threatening or intimidating to other Councillors, Council officials or employees, those that deal with Council, or other third parties
- divulge confidential Council information or any other confidential information obtained in the course of performing duties as a Councillor;
- breach copyright or trademark protected materials or otherwise infringe on the intellectual property rights or other rights of a party or individual; or
- post content that contains allegations of suspected breaches of the Code of Conduct or information about the consideration of a matter under the Procedures.

Councillors should be aware that messages, forums and posts created using social media platforms may be digital records under the GIPA if they have been used for conducting 'government business'. Similarly, messages created in messaging apps (such as WhatsApp, Facebook Messenger and WeChat) may be digital records for the purpose of the GIPA if the messages have been used for conducting government business. For this reason, Councillors should exercise care to ensure government business is not conducted on personal social media accounts and messaging apps.

Breaches

Breaches of this policy may be subject to disciplinary action, in line with the Northern Beaches Council Code of Conduct and disciplinary policy and procedure.

References and related documents

- Access to Information Policy
- Code of Conduct Policy;
- Communications Policy;
- Code of Meeting Practice; and
- Community Engagement Policy.

Related legislation

- Local Government Act 1993 NSW;
- Independent Commission Against Corruption Act 1988 NSW;
- The Government Information (Public Access) Act 2009 NSW (**GIPA**);
- Anti-Discrimination Act 1977 NSW;
- Privacy and Personal Information Protection Act 1998 NSW;
- Health Records and Information Privacy Act 2002 NSW;
- State Records Act 1998 NSW;
- Work Health and Safety Act 2011 NSW;
- Model Code of Conduct for Local Councils in NSW 2020;
- Copyright Act 1968 Cth; and
- Copyright Amendment (Digital Agenda) Act 2000 Cth.

Definitions

Councillors: The current elected Mayor and Councillors of Northern Beaches Council.

Social media: Social media is defined in this policy as all online and digital media. It includes information that can be created, shared, discussed and disseminated, allowing user participation and interaction.

Examples include, but are not limited to:

Social networking sites (e.g. Facebook, Twitter, LinkedIn, Yammer)

Video and photo sharing websites (e.g. Instagram, YouTube, Snapchat, TikTok, Flickr)

Blogs, including those hosted by social channels or media outlets (e.g. Tumblr, 'comments' or 'your say' feature on websites such as news websites)

Forums, discussion boards and groups (e.g. Google groups, Reddit, Whirlpool)

Instant messaging (e.g. WhatsApp, Facebook Messenger)

Geo-spatial tagging (e.g. Google maps, Foursquare)

Any other tool or emerging technology that allows individuals to publish or communicate in a digital environment.

Responsible Officer

Executive Manager Community Engagement & Communications

Review Date

February 2025

Revision History

Revision	Date	Status	TRIM Ref
1	16 October 2020	Draft Policy – Councillor use of Social Media	2020/635627
2	23 February 2021	Policy adopted by Council	2021/223740

MODEL SOCIAL MEDIA POLICY

2022



MODEL SOCIAL MEDIA POLICY

2022

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Introduction

Social media – opportunities and challenges

Social media is at the heart of modern communication. Since its inception, social media has grown in popularity and influence and is now fundamental to not just how people interact with one another, but also to how we work, play and consume information and ideas.

Social media can be broadly defined as *online platforms and applications - such as social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content*¹. Significantly, one of social media's key features is its unprecedented reach and accessibility, in that anyone with a computer or mobile device can use social media to generate content which has the potential to be viewed and shared by hundreds of millions of people worldwide.

Despite its obvious benefits, social media also presents a variety challenges and risks. These include:

- the emergence of new, harmful forms of behaviour, such as cyber-bullying and trolling;
- maintaining the accuracy, reliability and integrity of information disseminated from multiple sources;
- organisations can be held liable for content uploaded onto their social media platforms by third parties²;
- content uploaded in a person's private capacity can adversely affect their employment and cause significant reputational damage to colleagues and employers; and
- rapid innovation can make it difficult to keep pace with emerging technologies and trends.

In addition, potential corruption risks may arise due to social media use. These include:

¹ NSW Department of Education. Social media policy: Implementation procedures – November 2018

² As confirmed by the High Court of Australia in *Fairfax Media Publications Pty Ltd v. Voller, Nationwide News Pty*

- customers, development proponents / objectors, tenderers, or other stakeholders grooming public officials by behaviours such as 'liking' specific posts, reposting content, or sending personal or private messages;
- public officials disclosing confidential or sensitive information;
- using social media for sponsorship opportunities, which may unfairly advantage one sponsor over another and lack transparency; and
- public agencies or officials promoting certain businesses by behaviours such as 'following' them, 'liking' content, or making comments, which may result in those businesses being favoured over others.

Social media and local government in NSW

As in the federal and state jurisdictions, social media has become an important tool in government and political discourse at the local level. In the context of NSW local government, social media has two primary functions:

- a) it is used by councils to interact and share information with their communities in an accessible and often more informal format.
- b) it enables councillors to promote their achievements and address their constituents directly about community issues and events in ways that either complement or bypass traditional news and print media.

In addition, many councils use social media as the platform through which they webcast their meetings. This increases transparency by providing visibility of council decision making in real time.

Limited v. Voller, and Australian News Channel Pty Ltd v. Voller, 8 September 2021.

However, councils and councillors are not immune from the challenges associated with social media, which can pose a significant risk both in a legal sense, and in terms of a council's ability to operate in a unified and coordinated way. It is therefore vital that councils have the right policy settings in place so that both councils and councillors can realise the full benefits of social media whilst mitigating risk.

The development and intent of this policy

The Model Social Media Policy has been developed by the Office of Local Government (OLG) in consultation with councils. It is applicable to councils, county councils and joint organisations.

The Model Social Media Policy sets out an exemplar approach by incorporating examples of best practice from the social media policies of a diverse range of NSW councils, as well as from Commonwealth and State Government agencies.

The Model Social Media Policy provides councils, county councils and joint organisations with a robust framework for the administration and management of their social media platforms. It also sets standards of conduct for all council officials who use social media in their official capacity. It has been developed to be fit-for-purpose in a digital age where innovation and emerging trends are the norm.

The Model Social Media Policy recognises that councils use social media differently depending on factors such as a council's size and resources, the demographics of a local government area, and council's willingness to engage with their community in this way. For these reasons, the Model Social Media Policy ensures a degree of flexibility by including optional and adjustable provisions which enables each council to tailor the policy to suit its own unique circumstances.

Content of the Model Social Media Policy

At the heart of the Model Social Media Policy are the four 'Principles' of social media engagement. These are:

- Openness
- Relevance
- Accuracy
- Respect

These principles, which are expanded upon in Part 1, should underpin every aspect of a council's social media activity and all councils and council officials should commit to upholding them.

Except for Part 8, this policy applies to council social media pages and councillor social media pages.

The Model Social Media Policy is structured as follows:

- Part 1** Sets out the principles of social media engagement for councils
- Part 2** Contains two administrative models that councils can adopt in relation to the management of their social media platforms
- Part 3** Details the administrative framework for councillors' social media platforms
- Part 4** Prescribes the standards of conduct expected of council officials when engaging on social media in an official capacity or in connection with their role as a council official
- Part 5** Provides a framework by which councils can remove or 'hide' content from their social media platforms, and block or ban third parties
- Part 6** Prescribes how councils' social media platforms should be used during emergencies
- Part 7** Contains information about records management and privacy requirements relating to social media

Part 8	Relates to personal use of social media by council officials
Part 9	Provides information about where concerns or complaints about a councils' or council officials' social media platform(s), or the conduct of council officials on social media, can be directed.
Part 10	Definitions

Acknowledgements

The Office of Local Government wishes to thank Local Government NSW, councils, the Independent Commission Against Corruption, the Information and Privacy Commission of NSW, the NSW Ombudsman, Resilience NSW, and the State Archives and Records Authority of NSW for their invaluable assistance in drafting this model policy .

Adoption

While not mandatory, the Model Social Media Policy reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit their local circumstances and operating environments or to supplement it with their own provisions.

Alternate and adjustable provisions are marked in red.

Note: In adopting the Model Social Media Policy, Joint Organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Social Media Policy, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Enforcement

Clause 3.1(b) of the *Model Code of Conduct for Local Councils in NSW* provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy will be a breach of the council's code of conduct.

Concerns or complaints

Concerns or complaints about the administration of a council's social media platforms should be made to the council's general manager or social media coordinator in the first instance. Councils should provide clear information about where any concerns and complaints can be directed in Part 9 of this model policy.

Model Social Media Policy

Part 1 – Principles

1.1 We, the councillors, staff and other officials of (insert name of Council), are committed to upholding and promoting the following principles of social media engagement:

- | | |
|------------------|--|
| Openness | Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve. |
| Relevance | We will ensure our social media platforms are kept up to date with informative content about our Council and community. |
| Accuracy | The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur. |
| Respect | Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's code of conduct when using our social media platforms and any other social media platform. |

Part 2 – Administrative framework for council's social media platforms

Note: this Part contains two different models for who appoints authorised users. These models are:

- **Option 1 – the General Manager model**
- **Option 2 – the Social Media Coordinator model**

Platforms

- 2.1 Council will maintain a presence on the following social media platforms:
- **Council to specify social media accounts**
- 2.2 Council's social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

Establishment and deletion of Council social media platforms

- 2.3 A new council social media platform, or a social media platform proposed by a council related entity (for example, a council committee), can only be established or deleted with the written approval of the General Manager or their delegate.
- 2.4 Where a council social media platform is established or deleted in accordance with clause 2.3, the General Manager or their delegate may amend clause 2.1 of this policy without the need for endorsement by the Council's governing body.

Option 1 – the ‘General Manager’ model

The role of the General Manager

2.5 The role of the General Manager is to:

- a) approve and revoke a staff member’s status as an authorised user
- b) develop and/or approve the training and/or induction to be provided to authorised users
- c) maintain a register of authorised users
- d) maintain effective oversight of authorised users
- e) ensure the Council adheres to the rules of the social media platform(s)
- f) coordinate with the Council’s (Insert name of Council department or team) to ensure the Council’s social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.

2.6 The General Manager is an authorised user for the purposes of this policy.

Option 2 – the ‘Social Media Coordinator’ model

Appointment and role of the Social Media Coordinator

2.7 The General Manager will appoint a member of council staff to be the council’s social media coordinator (SMC). The SMC should be a senior and suitably qualified member of staff.

2.8 The General Manager may appoint more than one SMC.

2.9 The SMC’s role is to:

- a) approve and revoke a staff member’s status as an authorised user

- b) develop and/or approve the training and/or induction to be provided to authorised users
- c) maintain a register of authorised users
- d) maintain effective oversight of authorised users
- e) moderate the Council’s social media platforms in accordance with Part 5 of this policy
- f) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)
- g) ensure the Council adheres to the rules of the social media platform(s)
- h) coordinate with the Council’s (Insert name of Council department or team) to ensure the Council’s social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.

2.10 The SMC may delegate their functions under paragraphs (e) and (f) of clause 2.9 to authorised users.

2.11 The SMC is an authorised user for the purposes of this policy.

Authorised users

2.12 Authorised users are members of council staff who are authorised by the **General Manager/SMC** to upload content and engage on social media on the Council’s behalf.

2.13 Authorised users should be members of council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.

2.14 The General Manager/SMC will appoint **(Insert a number)** member(s) of Council staff from each division of the Council to

be the authorised users for social media content relating to the work of that division.

OR

The General Manager/SMC will appoint authorised users when required.

2.15 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.

2.16 The role of an authorised user is to:

- a) ensure, to the best of their ability, that the content they upload onto social media platforms is accurate
- b) correct inaccuracies in Council generated content
- c) engage in discussions and answer questions on Council's behalf on social media platforms
- d) keep the Council's social media platforms up to date
- e) moderate the Council's social media platforms in accordance with Part 5 of this policy
- f) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)

Note: Paragraphs (e) and (f) are applicable if the council adopts option 1.

- g) where authorised to do so by the SMC:
 - i) moderate the Council's social media platforms in accordance with Part 5 of this policy
 - ii) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)

Note: Paragraph(g) is applicable if the council adopts option 2.

2.17 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.

2.18 Authorised users must not use Council's social media platforms for personal reasons.

Administrative tone

2.19 Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.

2.20 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

Register of authorised users

2.21 The SMC/General Manager will maintain a register of authorised users. This register is to be reviewed (Council to specify frequency) to ensure it is fit-for-purpose.

Ceasing to be an authorised user

2.22 The General Manager / SMC may revoke a staff member's status as an authorised user, if:

- a) the staff member makes such a request
- b) the staff member has not uploaded content onto any of the Council's social media platforms in the last (council to specify time period).
- c) the staff member has failed to comply with this policy

- d) the **General Manager/SMC** is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

Part 3 – Administrative framework for councillors’ social media platforms

- 3.1 For the purposes of this policy, councillor social platforms are not council social media platforms. Part 2 of this policy does not apply to councillors’ social media platforms.
- 3.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 3 and 5 of this policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (see clauses 7.1 to 7.4 of this policy) and council’s records management policy in relation to social media.
- 3.3 Clause 3.2 also applies to councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.
- 3.4 Councillors must comply with the rules of the platform when engaging on social media.

Induction and training

- 3.5 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the councillor’s induction program or as part of their ongoing professional development program.

Identifying as a councillor

- 3.6 Councillors must identify themselves on their social media platforms in the following format:

Councillor "First Name and Last Name".

- 3.7 A councillor's social media platform must include a profile photo which is a clearly identifiable image of the councillor.
- 3.8 If a councillor becomes or ceases to be the mayor, deputy mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the councillor's social media platforms and updated within **(Council to specify timeframe)** of a change in circumstances.

Other general requirements for councillors' social media platforms

- 3.9 Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- 3.10 A councillor's social media platform must include a disclaimer to the following effect:
- "The views expressed and comments made on this social media platform are my own and not that of the Council".*
- 3.11 Despite clause 3.10, mayoral or councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a councillor's social media platform.
- 3.12 Councillors may upload publicly available Council information onto their social media platforms.

- 3.13 Councillors may use more personal, informal language when engaging on their social media platforms.

Councillor queries relating to social media platforms

- 3.14 **Questions from councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the General Manager/SMC in the first instance, in accordance with Council's councillor requests protocols**

Other social media platforms administered by councillors

- 3.15 A councillor must advise the General Manager/SMC of any social media platforms they administer on which content relating to the Council or council officials is, or is expected to be, uploaded. The councillor must do so within:
- (Council to specify timeframe)** of becoming a councillor, or
 - (Council to specify timeframe)** of becoming the administrator.

Part 4 – Standards of conduct on social media

- 4.1 This policy only applies to council officials' use of social media in an official capacity or in connection with their role as a council official. The policy does not apply to personal use of social media that is not connected with a person's role as a council official.
- 4.2 Council officials must comply with the Council's code of conduct when using social media in an official capacity or in connection with their role as a council official.
- 4.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- a) is defamatory, offensive, humiliating, threatening or intimidating to other council officials or members of the public
 - b) contains profane language or is sexual in nature
 - c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
 - d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - e) contains content about the Council, council officials or members of the public that is misleading or deceptive
 - f) divulges confidential Council information
 - g) breaches the privacy of other council officials or members of the public
 - h) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
 - i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
 - j) commits the Council to any action
 - k) violates an order made by a court
 - l) breaches copyright
 - m) advertises, endorses or solicits commercial products or business
 - n) constitutes spam
 - o) is in breach of the rules of the social media platform.
- 4.4 Council officials must:
- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party
 - b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.
- 4.5 Council officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.
- 4.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.

4.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*).

Part 5 – Moderation of social media platforms

Note: Councils and council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:

- **is uploaded by a third party; and/or**
- **appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar.**

5.1 Council officials who are responsible for the moderation of the Council's or councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this Part.

5.2 For the purposes of this Part, 'social media platform' and 'platform' means both the Council's and councillors' social media platforms.

House Rules

5.3 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.

5.4 At a minimum, the House Rules should specify:

- a) the principles of social media engagement referred to in clause 1.1 of this policy
- b) the type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform
- c) the process by which a person can be blocked or banned from the platform and rights of review

- d) a statement relating to privacy and personal information (see clause 7.4 of this policy)
- e) when the platform will be monitored (for example weekdays 9am – 5pm, during the Council’s business hours)
- f) that the social media platform is not to be used for making complaints about the Council or council officials.

Note: If the Council adopts clause 5.4(f), the House Rules should include information about, or a link to, Council’s complaints handling policy.

- 5.5 For the purposes of clause 5.4(b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:
- a) is defamatory, offensive, humiliating, threatening or intimidating to council officials or members of the public,
 - b) contains profane language or is sexual in nature
 - c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
 - d) contains content about the Council, council officials or members of the public that is misleading or deceptive
 - e) breaches the privacy of council officials or members of the public
 - f) contains allegations of suspected breaches of the Council’s code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*,
 - g) violates an order made by a court
 - h) breaches copyright

- i) advertises, endorses or solicits commercial products or business,
- j) constitutes spam
- k) would be in breach of the rules of the social media platform.

Removal or ‘hiding’ of content

- 5.6 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 5.5, the moderator may remove or ‘hide’ that content.
- 5.7 Prior to removing or ‘hiding’ the content, the moderator must make a record of it (for example, a screenshot).
- 5.8 If the moderator removes or ‘hides’ the content under clause 5.6, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.
- 5.9 A person may request a review of a decision by a moderator to remove or ‘hide’ content under clause 5.6. The request must be made in writing to the General Manager and state the grounds on which the request is being made.
- 5.10 Where a review request is made under clause 5.9, the review is to be undertaken by the **General Manager/SMC** or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to remove or ‘hide’ the content.

Blocking or banning

- 5.11 If a person uploads content that is removed or ‘hidden’ under clause 5.6 of this policy on **(Council to specify a number)** occasions, that person may be blocked or banned from **the social media platform / all social media platforms**.

- 5.12 A person may only be blocked or banned from a Council social media platform with the approval of the General Manager/SMC. This clause does not apply to blocking or banning a person from a councillor's social media platform.
- 5.13 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform/all platforms and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.
- 5.14 The duration of the block or ban is to be determined by the General Manager/SMC, or in the case of a councillor's social media platform, the councillor.
- 5.15 Where a determination is made to block or ban a person from a social media platform/all social media platforms, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.
- 5.16 Despite clauses 5.11 to 5.15, where a person uploads content of a kind referred to under clause 5.5, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from the platform/all platforms may be imposed on the person immediately for a period no longer than (Council to specify time period).
- 5.17 A person who is blocked or banned from the platform/all platforms under clause 5.16 must, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the interim block or ban is to be removed or retained under clauses 5.11 to 5.15.
- 5.18 A person may request a review of a decision to block or ban then from a social media platform. The request must be made in writing to the General Manager and state the grounds on which the request is being made.
- 5.19 Where a review request is made under clause 5.18, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the General Manager, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.
- 5.20 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 5.11 to 5.19 do not apply.

Part 6 – Use of social media during emergencies

- 6.1 During emergencies, such as natural disasters or public health incidents, the (Council to specify the applicable staff member/team) will be responsible for the management of content on the Council's social media platforms.
- 6.2 To ensure consistent messaging both during and after an emergency, authorised users and council officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 6.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and councillors.

Part 7 – Records management and privacy requirements

Records management

- 7.1 Social media content created, sent and received by council officials (including councillors) acting in their official capacity is a council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.
- 7.2 You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this policy, and consult with the Council's records manager and comply with the requirements of the *State Records Act 1998*.
- 7.3 When/if a councillor's term of office concludes, the councillor must contact the Council's records manager and general manager/SMC to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.
- 7.4 In fulfilling their obligations under clauses 7.1 to 7.3, council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for councils' and councillors' social media content³.

³ See State Archives and Records Authority of NSW 'Government Recordkeeping / Advice and Resources / Local

Government' and 'Social media recordkeeping for councillors'

Privacy considerations and requirements

7.5 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.

7.6 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by the Council and councillors. To mitigate potential privacy risks, council officials will:

- a) advise people not to provide personal information on social media platforms
- b) inform people if any personal information they may provide on social media platforms is to be used for official purposes
- c) moderate comments to ensure they do not contain any personal information
- d) advise people to contact the Council or councillors through alternative channels if they have personal information they do not want to disclose in a public forum.

7.7 Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.

Part 8 – Private use of social media

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.

The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted⁴.

What constitutes 'private' use?

8.1 For the purposes of this policy, a council official's social media engagement will be considered 'private use' when the content they upload:

- a) is not associated with, or does not refer to, the Council, any other council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council in their official or professional capacities, and
- b) is not related to or does not contain information acquired by virtue of their employment or role as a council official.

8.2 If a council official chooses to identify themselves as a council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.

Use of social media during work hours

8.3 **Council staff may access and engage on social media in their private capacity during work hours for a period of time to be specified by their manager (OPTION 1).**

⁴ Social Media: Guidance for Agencies and Staff (Government of South Australia) – page 9

OR

Council staff may only access and engage on social media in their private capacity while at work during breaks (OPTION 2).

OR

Council staff must not access or engage on social media in their private capacity during work hours (OPTION 3).

8.4 Council staff who access and engage on social media in their private capacity during work hours must ensure it not does not interfere with the performance of their official duties.

Note: Councils that adopt clause 8.3 (Option 3) should delete clause 8.4.

Part 9 – Concerns or complaints

- 9.1 Concerns or complaints about the administration of a council's social media platforms should be made to the council's **general manager/SMC** in the first instance.
- 9.2 Complaints about the conduct of council officials (including councillors) on social media platforms may be directed to the general manager.
- 9.3 Complaints about a general manager's conduct on social media platforms may be directed to the mayor.

Part 10 - Definitions

In this Model Social Media Policy, the following terms have the following meanings:

authorised user	members of council staff who are authorised by the General Manager or SMC to upload content and engage on the Council's social media platforms on the Council's behalf
council official	<p>in the case of a council - councillors, members of staff and delegates of the council (including members of committees that are delegates of the council);</p> <p>in the case of a county council – members, members of staff and delegates of the council (including members of committees that are delegates of the council);</p> <p>in the case of a joint organisation – voting representatives, members of staff and delegates of the joint organisation (including members of committees that are delegates of the joint organisation)</p>
minor	for the purposes of clause 4.4(b) of this policy, is a person under the age of 18 years
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
SMC	is a council's social media coordinator appointed under clause 2.7 of this policy
social media	online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia





Council Policy NB-P-47 Draft Councillor Social Media Policy

Purpose

The Councillor Social Media Policy sets standards of conduct to guide Councillors in the administration and management of social media platforms they use in their official capacity.

Part 1 - Policy Principles

1.1 Councillors of Northern Beaches Council are committed to upholding and promoting the following principles of social media engagement:

Openness	Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.
Relevance	We will ensure our social media platforms are kept up to date with informative content about our Council and community.
Accuracy	The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur.
Respect	Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's code of conduct when using our social media platforms and any other social media platform.

Part 2 - Administrative framework for Councillors' social media platforms

2.1 For the purposes of this policy, Councillor social platforms are not Council social media platforms.

2.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 3 and 5 of this policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (see Part 5 of this policy) and council's records management policy in relation to social media.

2.3 Clause 2.2 also applies to Councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.

2.4 Councillors must comply with the rules of the platform when engaging on social media.

Induction and training

2.5 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the Councillor's induction program or as part of their ongoing professional development program.

Identifying as a Councillor

2.6 Councillors must identify themselves on their social media platforms in the following format:

Councillor "First Name and Last Name."

2.7 A Councillor's social media platform must include a profile photo which is a clearly identifiable image of the Councillor.

2.8 If a Councillor becomes or ceases to be the Mayor, Deputy Mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the Councillor's social media platforms and updated within 1 month of a change in circumstances.

Other general requirements for Councillors' social media platforms

2.9 Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

2.10 A Councillor's social media platform must include a disclaimer to the following effect:

"The views expressed, and comments made on this social media platform are my own and not that of the Council."

2.11 Despite clause 2.10, Mayoral or Councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a Councillor's social media platform.

2.12 Councillors may upload publicly available Council information onto their social media platforms.

2.13 Councillors may use more personal, informal language when engaging on their social media platforms.

Councillor queries relating to social media platforms

2.14 Questions from Councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms or managing records on social media may be directed to the Chief Executive Officer or delegate in the first instance, or in accordance with Council's Councillor requests protocols.

Other social media platforms administered by Councillors

2.15 A Councillor must advise the Chief Executive Officer or delegate of any social media platforms they administer on which content relating to the Council or Council officials is, or is expected to be, uploaded. The Councillor must do so within 3 months of becoming a Councillor.

Part 3 – Standards of conduct on social media

3.1 Councillors must comply with the Council's Code of Conduct when using social media in an official capacity or in connection with their role as a Council official.

3.2 Councillors must not use social media to post or share comments, photos, videos, electronic recordings, or other information that:

- a) is defamatory, offensive, humiliating, threatening, or intimidating to other council officials, other councillors or members of the public

- b) contains profane language or is sexual in nature
- c) constitutes harassment and/or bullying within the meaning of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory
- d) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
- e) contains content about the Council, other Councillors, Council officials or members of the public that is misleading or deceptive
- f) divulges confidential Council information
- g) breaches the privacy of other Council officials or members of the public
- h) contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW
- i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
- j) commits the Council to any action
- k) violates an order made by a court
- l) breaches copyright
- m) advertises, endorses, or solicits commercial products or business, other than that which promotes the general interests of local businesses and is in the public interest.
- n) constitutes spam
- o) is in breach of the rules of the social media platform.

3.3 Councillors must:

- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party
- b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.

3.4 Councillors must exercise caution when sharing, liking or retweeting content as this can be regarded as an endorsement and/or publication of the content.

3.5 Councillors must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.

3.6 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*).

Part 4 – Moderation of social media platforms

Note: Councillors should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:

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- is uploaded by a third party; and/or
 - appears on their social media platform because they have 'liked,' 'shared,' or 'retweeted' the content, or similar.
- 4.1 Councillors or others who are responsible for the moderation of the Councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this Part.
- 4.2 For the purposes of this Part, 'social media platform' and 'platform' means Councillors' social media platforms.

Part 5 – Records management and privacy requirements

Records management

- 5.1 Social media content created, sent, and received by Councillors acting in their official capacity is a Council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.
- 5.2 You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this policy and consult with the Council's records manager and comply with the requirements of the *State Records Act 1998*.
- 5.3 When/if a Councillor's term of office concludes, the Councillor must contact the Council's Chief Executive Officer or delegate to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.
- 5.4 In fulfilling their obligations under clauses 5.1 to 5.3, Councillors should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for councils' and Councillors' social media content¹.

Privacy considerations and requirements

- 5.6 Social media communications are in the public domain. Councillors should exercise caution about what personal information they upload onto social media.
- 5.7 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by Councillors. To mitigate potential privacy risks, Councillors will:
- a) advise people not to provide personal information on social media platforms
 - b) inform people if any personal information they may provide on social media platforms is to be used for official purposes
 - c) moderate comments to ensure they do not contain any personal information
 - d) advise people to contact the Council or Councillors through alternative channels if they have personal information they do not want to disclose in a public forum.

¹ See State Archives and Records Authority of NSW '*Government Recordkeeping / Advice and Resources / Local Government*' and '*Social media recordkeeping for councillors*'

5.8 Councillors must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, Councillors should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.

Part 6 – Private use of social media

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.

The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted².

What constitutes ‘private’ use?

6.1 For the purposes of this policy, a Councillors social media engagement will be considered ‘private use’ when the content they upload:

- a) is not associated with, or does not refer to, the Council, any other council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council in their official or professional capacities, and
- b) is not related to or does not contain information acquired by virtue of their role as a Councillor.

6.2 If a Councillor chooses to identify themselves as a Council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.

Part 7 – Concerns or complaints

7.1 Complaints about the conduct of Councillors on social media platforms may be directed to the Chief Executive Officer or delegate.

Enforcement

7.2 Clause 3.1(b) of the *Model Code of Conduct for Local Councils in NSW* provides that Council officials must not conduct themselves in a manner that is contrary to a council’s policies. A breach of the policy will be a breach of the council’s code of conduct.

Part 8 - Definitions

8.1 In this Policy, the following terms have the following meanings:

council official	in the case of a council - councillors, members of staff and delegates of the council (including members of committees that are delegates of the council)
minor	for the purposes of clause 3.3(b) of this policy, is a person under the age of 18 years
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual

² Social Media: Guidance for Agencies and Staff (Government of South Australia) – page 9
NB-P-47 Councillor Social Media Policy

	whose identity is apparent or can reasonably be ascertained from the information or opinion
social media	online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

Scope and Application

This policy only applies to Councillors' use of social media in an official capacity or in connection with their role as a Council official. The policy does not apply to personal use of social media that is not connected with a person's role as a Councillor.

This Policy applies to all Councillors.

References and Related Documents

- Northern Beaches Council Code of Conduct 2022
- Local Government Act 1993
- Privacy and Personal Information Protection Act 1998
- State Records Act 1998
- Social media record keeping for local Councils – NSW Government
- Northern Beaches Privacy Policy
- Complaints Resolution Policy
- Work Health and Safety Act 2011

Community Strategic Plan

This Council policy relates to the Community Strategic Plan Outcome of:

- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community

Responsible Officer

Executive Manager Community Engagement & Communications

Review Date

August 2029

Revision History

Policy number	Date	Detail	TRIM #
NB-P-47		Draft Policy to be considered by Council for endorsement	2025/531294



Youth Advisory Group Terms of Reference

1. PURPOSE

The purpose of the Council's Youth Advisory Group (YAG and 'the Group') is to be a strategic representative voice of young people (12-24 years) in the Northern Beaches Local Government Area on matters important to them and to improve participation of young people in local government planning and processes as well as broader community life.

2. OBJECTIVES

The objectives of the Group are to:

1. Represent the voices of young people (12-24 years) in the Northern Beaches Local Government Area on important matters for young people.
2. Identify and implement actions to improve the participation of young people and advocacy in local government planning and processes.
3. Empower young people through leadership, training and development opportunities.
4. Contribute to identified actions in Council's Youth Voice Action Plan 2028 and other projects identified by the Group.

3. MEMBERSHIP

Membership includes a diverse range of young people aged 12-24 with a maximum of 30 youth representatives including 5 young people from each Council Ward and up to 5 young people nominated by the Northern Beaches Youth Interagency.

Membership will seek to reflect the broad interests of young people across the LGA.

Membership is confirmed after an open Expressions of Interest (EOI) that is assessed against set criteria as stated in an Application Form.

4. ELIGIBILITY

The Group is open to young people aged between 12 to 24 years old who live, work, or study in the Northern Beaches LGA.

The following eligibility criteria also apply:

- Be able to support the above stated objectives of the Group, including actively seeking views from a diverse range of young people to feedback to the Group and Council.
- Be able to work in a team, participate in group discussions including listening and being respectful of other people's opinions and ideas.
- Be able to represent a broad range of views that reflect the diversity of the community.
- Have the capacity and motivation to commit to the Group for the required duration.
- Cannot be an elected representative or permanent staff member of Council.

5. TERM OF OFFICE

Appointed group members will participate for a period of two (2) years, aligning with the Calendar Year (January to December). Membership will be established every two years, prior to commencing in January.

Members will meet a minimum of 10 times per annum (February to November) with the schedule of meeting dates and venues will be decided by the members once appointed. A meeting will be limited to a maximum of two hours unless the Group resolves to extend the meeting to a particular time.

Once appointed, members will actively participate and attend meetings unless prior notification has been made to the YAG convenor (excluding emergencies).

No member should be absent for more than two consecutive meetings (including online meetings) unless prior notification has been made (excluding emergencies). Extended absences and apologies may result in removal from the Group.

Members can withdraw from the Group at any time. Should a vacancy occur, a new representative may be selected from eligible applications received from the original application process.

Membership is up to a maximum of two terms.

6. TRAINING & LEADERSHIP DEVELOPMENT OPPORTUNITIES

Training opportunities will be identified by the Group over the first few meetings of the new term. Training often relates to leadership, communication, teamwork, entrepreneurship and appreciative inquiry.

The purpose of the training is not only to upskill members but to provide a platform for other young people to develop relevant knowledge and skills in identified areas of priority, and in areas that assist in addressing actions in Council's Youth Voice Action Plan 2028.

The Group supports several senior leadership pathways for members, typically for those entering their second term or for those aged 21 to 24 to further develop their leadership skills and take on greater responsibilities on the Youth Advisory Group.

Key roles and responsibilities on the Group include Chair and Minute taking for meetings and subgroups, communications, social media, education, and training. These leadership pathways may also include the opportunity to progress to other casual or trainee opportunities within Council.

7. MEETING PRACTICES AND PROCEDURES

Council's Community Development team will coordinate the Group by providing the venue, communications and administrative support including facilitating meetings, assistance in decision making, and preparation and distribution of the Agenda and recording of Minutes.

Members are expected to attend all meetings where possible, or otherwise send their apologies in advance to the Council Community Development Officer.

The Group may establish sub-working groups towards identified projects, which may include several additional online or in-person meetings.

Decisions will be made by consensus of Group members. Where consensus cannot be reached, decisions will be progressed by democratic voting and involvement of Council staff to assist. Councillors, Council staff, and other guests may attend meetings, act as observers, however, they cannot participate in any voting rights.

The quorum for each meeting will be one more than half the number of current active members. If quorum is not present within 30 minutes of the commencement of the meeting, it will become an informal meeting with no recommendations or decisions made.

8. CODE OF CONDUCT

Members shall act in a professional and responsible manner. Members are encouraged to maintain regular communication through email and social media with other members and their peers.

Members must respect each other, despite differences, and work together to create an open and trusting atmosphere, noting members should feel free to express their opinions and views without fear of recrimination.

Members cannot use membership for political purposes, or communicate with the media in any form, implying to represent the Council or Council's Youth Advisory Group in any way, unless first approved in writing by Council officers.

A breach of the Terms of Reference may lead to members being removed from the Group.

Conflicts of Interest: Council recognises that community representatives join such groups because of special interests they may have, and Council welcomes their expertise. Nevertheless, it is important that Council understands the basis of advice it receives from the Group, so members will be requested to declare any organisation they may represent.

Disclosures of Conflicts of Interest, particularly pecuniary interests need to be made by members of the Group and recorded in the minutes in accordance with section 442 (What is a pecuniary interest?), and 443 (Who has a pecuniary interest?), Local Government Act 1993.

Confidentiality and Privacy: Members may have contact with confidential or personal information retained by Council. Council staff will advise members when something is confidential. If so, members are required to maintain the security of any confidential or personal information and not access, use or remove any information, unless the member is authorised to do so.

9. COUNCIL VALUES

All members of the Group and all meeting attendees are expected to observe Northern Beaches Council Values outlined below:

Trust	Because being open brings out our best.
Integrity	Because we are proud of doing what we say.
Teamwork	Because working together delivers.
Service	Because we care as custodians for the community.
Respect	Because valuing everyone is how we make a difference.
Leadership	Because everyone has a leading role.

10. NEXT REVIEW DATE

June 2025

Attachment 2 – Review of the YAG Terms of Reference

YAG members completed a survey in May 2025 to provide feedback on the current YAG Terms of Reference and program. Responses were collated and presented to members at the YAG meeting on 2 June 2025 to allow further discussion and input from all members, with some members unable to complete the survey.

The survey results showed overwhelming support to the current Terms of Reference and program.

100% of respondents indicated support for YAG achieving:

Objective 1: *'Represent the voices of young people (12-24 years) in the Northern Beaches LGA on important matters for young people'*

Objective 3: *'Empower young people through leadership, training and development opportunities.'*

89% of respondents indicated support for YAG achieving:

Objective 2: *'Identify and implement actions to improve participation of young people and advocacy in local government planning and processes'*

Objective 4: *'Contribute to identified actions in Council's Youth Voice Action Plan 2028 and other projects identified by the Group.'*

To better achieve the stated objectives, respondents suggested trying to recruit more members in the 20-24 age range, to seek to have a greater variety of schools, to increase promotion so more young people are aware of YAG and youth activities, and to be included more in Council planning of Youth Week.

89% supported the current size of the Group and the current length of the YAG term.

YAG members were very satisfied with training opportunities provided including a Youth Action Appreciative Inquiry Workshop, an Australian School of Entrepreneurship Workshop, and an ACYP Youth Advocacy Workshop.

Discussion throughout the presentation of these results indicated support and congruence with them. Additionally, several members raising opportunities for improvement for how YAG members are involved in improving engagement and outcomes of Youth Week and whether Youth Week should be included in the Terms of Reference as an activity of YAG.

Overall, survey results combined with discussion in the YAG meeting reflect a highly positive response to the current Terms of Reference and the program meeting its identified objectives. There was full support for the current framing of the purpose and objectives.

Following survey feedback and group discussion, the following changes are proposed to the YAG Terms of Reference:

1. Include Have Your Say Day and Youth Week as key activities of the YAG with a focus on increasing the voice, participation and engagement of young people across the Northern Beaches.
2. Amend the Meeting Practices and Procedures to incorporate a stipulation that guests, including Councillors, may attend YAG meetings as observers by invitation only.

Attachment 3 - YAG Workshop on Notice of Motion 14/2025

Following the presentation and discussion of the review of the YAG Terms of Reference at the June YAG meeting, members were provided with the Notice of Motion 14/2025 from the April Council meeting which reaffirmed Councils support for YAG and provided a few opportunities for their consideration.

YAG members were divided into small groups of 3 to 4 members to consider and provide input to the opportunities raised for consideration at point 2 from the Motion.

- a. *Official audiovisual and IT support for YAG meetings, including table microphones and having the live meeting agenda/minutes projected onto desktop and chamber screens.*

Members in support of this suggestion identified that microphones could add to the official nature of the meeting and be a positive way to demonstrate YAG as an important part of Council. They also stated that having minutes displayed live could keep meeting members more engaged and accountable and that video recording could be a good way for those absent to catch up on meetings they had missed.

Members not in support of this suggestion stated that microphones aren't needed as they can hear each other and that it would be a waste of resources. One member stated that whilst audiovisual support is necessary for Councillors in large public meetings, it is not necessary for YAG meetings which are smaller and advisory in nature. Several other YAG members agreed that unlike Councillors, they don't have to speak over an audience or be recorded for a live stream.

Several members expressed concern over having live minute taking as it may disrupt the flow of discussion and make people feel more self-conscious and that it may make people less inclined to want to have a go at taking minutes. They also stated that recording might make YAGs more self-conscious and that the meeting might become more formal, and less enjoyable for members.

On balance, sentiment was weighted against this with the perceived benefit being less than the operational costs and risks, particularly for members aged under 18 years. A greater number of members were not in support of this proposal; therefore, it is recommended not to pursue this suggestion.

Proceeding with this suggestion would require an IT staff member on site per meeting for between 2-3 hours, resulting in a cost of around \$2,400 per year. Additional budget would be required for this unless reductions were made to catering, training and/or the delivery of Have Your Say Day from the current operational budget.

- b. *Provision of desk nameplates and magnetic nametags for current YAG members, identifying them as Youth Representatives for their respective Council Wards during their term.*

Members in support of this suggestion commented that nameplates and nametags could help them to feel more responsible and important. Several members expressed that nameplates could help YAG members be more accountable as representatives of their ward, as well as reminding them of their purpose in attending.

Members not in support of this suggestion queried whether these were necessary and meeting any real need. They discussed the importance of striking the right balance for meetings and processes between levels of formality and informality. Several members said that whilst this may make things more formal and make them feel more important, it also might make YAG meetings more bureaucratic, and less enjoyable or accessible to some

members. Some members commented that there was a risk of making young people identifiable via name and ward at public events, particularly for those aged under 18 years.

Following discussion, it is recommended to implement nameplates at meetings, similar to how they are done at other advisory meetings, for example, the Community Safety Advisory Committee. This represents a minor printing cost that can be met within existing budgets.

It is recommended not to implement magnetic nametags showing insufficient need alongside financial and compliance to consideration regarding Council's Child Safeguarding Policy. Magnetic nametags would cost around \$600, which could be met with the existing budget, requiring reduction in expenditure towards catering, training and/or the delivery of Have Your Say Day.

- c. *Ongoing training and guidance from the Council's Events team, including workshops on how to develop, organise and run successful, fun and engaging events in addition to direct assistance in delivering said events.*

Members who supported this suggestion commented that this option would be better if it was made available to all local young people, not only YAG members, consistent with the purpose of YAG to be representative of the voice and needs of all young people.

Members who did not support this suggestion stated that the purpose of YAG is more about strategic representation and advocacy of young people in an advisory capacity rather than event delivery, as per the Terms of Reference. Several young people commented that Events Management would be relevant to some but not all members.

Overall, there was clear agreement that not every YAG member has an interest in events training. However, they recognised that this may be a kind of training of interest to young people. Therefore, it is recommended to trial an event training workshop, available to all local young people, and with YAG members assisting in the promotion of this. This could be delivered by a specialist agency and come out of the existing training budget.

- d. *The ability for the YAG to prepare and present motions relevant for young people to Council for consideration at ordinary meetings through a Councillor/staff sponsorship process, similar to how Youth Parliament Bills in NSW Parliament operate.*

The Y NSW (formerly YMCA), provide young people a voice in state government by allowing them to advocate for change on issues relevant to their lives through their [NSW Youth Parliament program](#). In this program, bills are developed over four sitting days where years 10-12 students from across the state, debate on issues that matter to them, which are then voted on during a mock sitting week in the NSW Parliament House.

Members of Parliament are often invited to chair these debates, providing valuable insights and experience for the young participants. The passed bills are then presented to the NSW Government and Opposition for their consideration.

The program aims to provide young people with a platform to voice their opinions and advocate for change. It also helps them develop valuable skills in areas like advocacy, leadership, public speaking, and parliamentary procedure. By engaging with the political process, participants gain a deeper understanding of how laws are made and how they can participate in shaping their communities.

Members who supported this stated that this could be a way to ensure YAG members can approach Councillors more regularly, rather than quarterly through the current reporting mechanisms. Some members queried how this suggestion would be more effective than the

current ways this is achieved. Others also added that even as community members, this opportunity is also available to them.

Several members expressed concern about presenting motions at Council meetings being outside their remit as an advisory group member and not being an elected representative. Included in this concern was that presenting motions through a Councillor/staff sponsorship brings the potential for political involvement in YAG, which is an apolitical group. They also raised that given many Councillors have political affiliation, this process could be problematic and bring politics into the group which is intentionally apolitical.

Several members also reflected that much of the intent behind giving young people greater voice, agency, and engagement with decision makers is already being effectively achieved by the annual Have Your Say Day program, now in its fourth year.

Given the above concerns, lack of consensus and with recognition of the effectiveness of Have Your Say Day, it is not recommended to pursue this at this time. It is recommended to continue to develop Have Your Say Day as the principal mechanism for young people to have a voice to all three tiers of government, and to monitor the development of programs like the Young Mayor's Program run by the Foundation for Young Australians, to consider its application locally and their ability to address these risks.

Supporting this suggestion to allow YAG members prepare and present motions relevant for young people to Council for consideration at ordinary meetings through a Councillor/staff sponsorship process, presents several risks for Council, particularly if they commit Council to expenditure outside its strategic priorities or procurement processes, as experienced in the Young Mayors Program. It would also place an increased expectation, pressure and time commitment on both staff supporting the program and the young people themselves. It is difficult to quantify the increased costs towards this from a staffing perspective.

e. *The ability for the YAG to send delegates to make representations at Councillor briefings on items for consideration at the following meeting or to raise pertinent issues facing young people on the Northern Beaches.*

Members in support of this suggestion expressed how important it is for Councillors to have a solid understanding of YAG. Several agreed that this could allow YAGs to have more open discussion with Councillors.

Members not in support of this suggestion noted that YAG delegates already have a quarterly process to attend Councillor Briefings and is therefore unnecessary.

Implementation of this action would impact the coordination of Councillor Briefings, likely with additional Briefings, which could have been achieved through the current processes. Overall, it was agreed that this is being progressed through implementation of Youth Voice Action 4.9 and recommended to continue to achieve it through this existing mechanism.

Following the conclusion of the meeting, several YAG members conveyed feeling uncomfortable in the meeting when providing feedback whilst having a Councillor present. One member stated that they are less likely to voice their thoughts or opinions when a Councillor is present, with another member also stating they feel put on the spot and under pressure by the attendance of Councillors.

It is proposed that an amendment to the YAG terms of reference (as noted in the report) regarding inviting all visitors to attend would enable the YAG to have conversations among the group where all feel comfortable in voicing their thoughts and opinions.



Community and Stakeholder Engagement Report

Draft Memorials and Naming Honours Policy

Consultation period: 23 May 2025 to 22 June 2025

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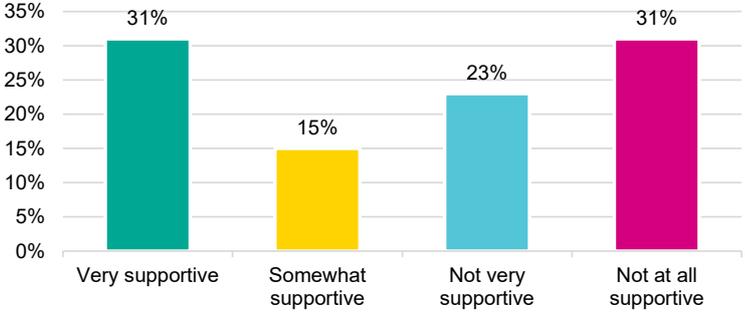
1. Summary

At its meeting of 20 May 2025, Council resolved (Resolution 121/25) to place the Memorials and Naming Honours Policy (draft Policy) on public exhibition. In response, the draft Policy was publicly exhibited for community feedback from 23 May 2025 to 22 June 2025.

43 submissions were received during the public exhibition period and comments were received with 41 of these submissions. There were more submissions not supportive of the draft Policy than there were supportive. Nonetheless, the majority of all comments supported additional controls and more rigorous criteria for memorials and naming as set out in the draft Policy. There were also mixed views on memorial trees.

This report provides details about the public exhibition of the draft Policy, analysis of the submissions and comments received, responses to key matters arising from this feedback and provides a link to the redacted verbatim comments received (Appendix 1).

1.1. Key outcomes

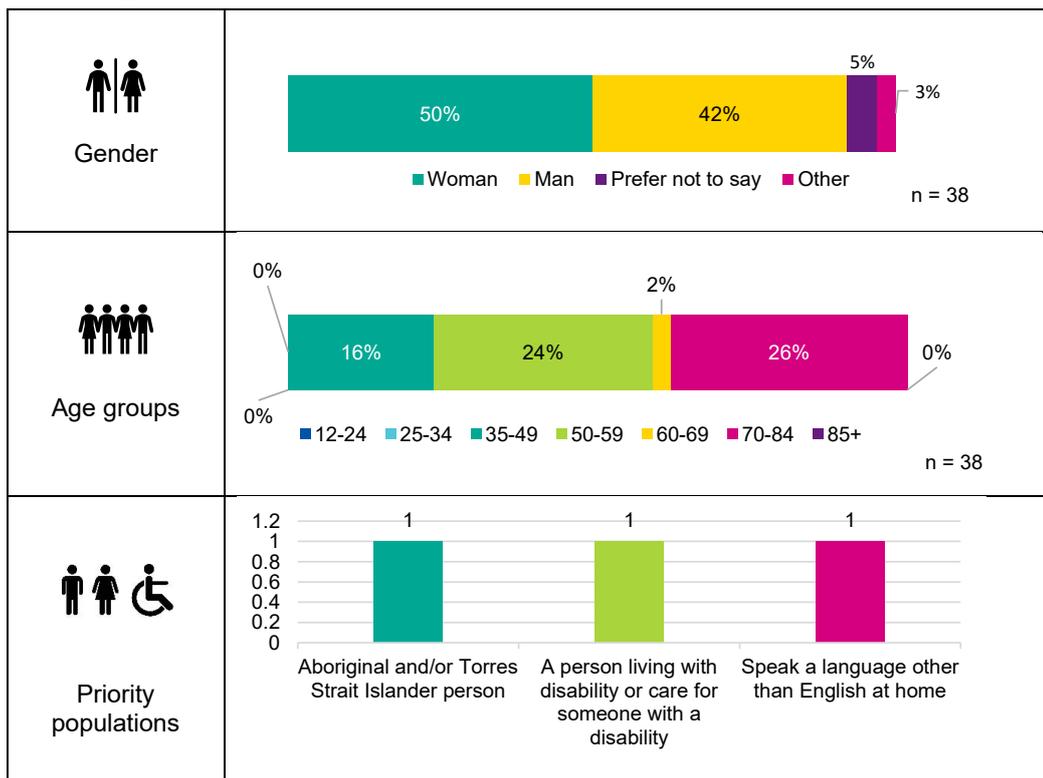
 Total unique responses	<h1 style="font-size: 2em;">43</h1>	
 How responses were received	Comment form Written responses (email/letter)	Completions: 39 Number received: 4
 Online sentiment question How supportive of the draft policy are you? ¹	 <p style="text-align: right; font-size: 0.8em;">Total online responses = 39</p>	
 Feedback themes	<ul style="list-style-type: none"> Support for and against strengthening the criteria for naming proposals Support for and against memorial trees Support for and against strengthening the criteria for memorial seats 	

¹ Percentage may not add up to exactly 100% due to rounding

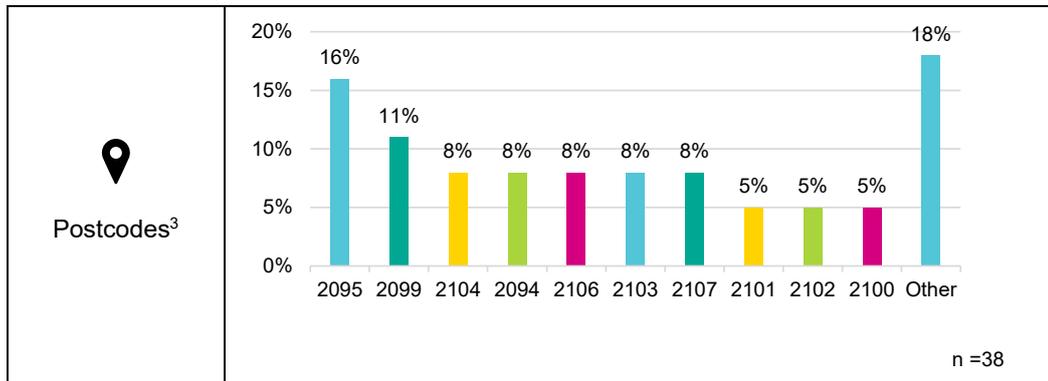
1.2. How we engaged

 Have Your Say: visitation stats	Visitors: 760	Visits: 918
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 2 editions Council (weekly) e-News: 2 editions Stakeholder emails include: <ul style="list-style-type: none"> • Suicide Prevention Working Group • Lifeline Northern Beaches • Lifeline 	Distribution: 22,300 subscribers Distribution: 59,300 subscribers Distribution: 3 groups

1.3. Who responded²



² Demographic data was gathered by request in the online form. The data represented only includes those respondents who provided this detail. Some totals may not add to 100% due to rounding.



2. Background

Three memorial policies from the former Councils remain in force:

- Former Manly, Reserves - Outdoor Furniture - Dedication Policy R50
- Former Pittwater, Plaques in Parks and Reserves Policy No 157
- Former Warringah, Memorials, Plaques and Naming of Assets Policy PL 360.

These policies are inconsistent as they reflect differing approaches for managing community requests to install memorial structures and memorial plaques on Council land. Given the inconsistency of these memorial policies and regular requests for memorials, a revised and integrated memorials policy is required.

A review has been undertaken of Council's memorial policies and practices, policies of other councils, research related to memorialisation and on the management of naming. The findings of this review include that combining the management of memorials and naming would be more effective and efficient than separate approaches.

Subsequently a draft Memorials and Naming Honours Policy (draft Policy) was prepared and presented to Council at its meeting of 20 May 2025. Council resolved (Resolution 121/25) to place the draft Policy on public exhibition and the outcomes reported back.

In response, the draft Policy was publicly exhibited for community feedback from 23 May 2025 to 22 June 2025 (the public exhibition period).

3. Engagement objectives

Community and stakeholder engagement aimed to:

- build community and stakeholder awareness of the draft policy
- provide accessible information, via multiple channels, so community and stakeholders can participate in a meaningful way
- provide balanced and objective information to assist the community to understand the draft Policy

³ "Other" refers to postcodes with 1 response and include 2093, 2105, 2086, 2087, 2108, 2537 and 2085.

- present the messaging in a sensitive way relative to the topic
- identify community and stakeholder feedback.

4. Engagement approach

Community and stakeholder engagement for the draft Memorials and Naming Honours Policy was conducted from 23 May 2025 to 22 June 2025. It consisted of a series of activities that provided opportunities for community and stakeholders to contribute.

The engagement was planned, implemented and reported in accordance with Council's [Community Engagement Strategy \(2022\)](#).

A project page⁴ was established on our have your say platform with information provided in an accessible and easy-to-read format.

The project was primarily promoted through our regular email newsletter (EDM) channels. Key stakeholders were contacted by email and/or phone.

Feedback was captured through an online comment form embedded onto the project page. The form included a question that directly asked respondents for their level of support on the policy.

An open-field comments box asked community members to provide, comment, explain or elaborate on their level of support or non-support, as well as any other feedback they wished to contribute.

Email and written responses were also invited.

5. Findings

43 submissions were received during the public exhibition period and comments were received with 41 of these submissions. There were more submissions not supportive of the draft Policy than were supportive. Nonetheless, the majority of all comments supported the additional controls and more rigorous criteria for memorials and naming set out in the draft Policy. There were also mixed views on memorial trees.

The majority of respondents who commented on naming supported the proposal in the draft Policy to strengthen the naming honours criteria and further align with the Geographical Names Board (GNB) of NSW's naming policy. Many respondents supported the proposed exclusion of commemorating politicians from naming honours. Some respondents indicated a strong preference for naming proposals that include flora and fauna, geographical features and Aboriginal words over individuals. Those opposed to changes to naming emphasised a preference to allow people the honour of celebrating a naming while alive and one submission requested the years of service required to be eligible for naming be reduced from the proposed 20 years to 5 years.

The majority of respondents who commented on memorials supported the proposal in the draft Policy to strengthen the memorial criteria, with some supportive of allowing memorial seats at appropriate locations.

⁴ <https://yoursay.northernbeaches.nsw.gov.au/memorials-and-naming-honours-policy>

Feedback on memorial trees without plaques was mixed. Some respondents commented that a physical or digital plaque was required to acknowledge their significance. Others supported memorial trees without a plaque. Some did not support memorial trees at all.

The key themes arising from the review of the submissions and comments received and staff responses is set out in Table 1 below.



Table 1: Public Exhibition of the draft Memorials and Naming Honours Policy - Key Themes and Responses

Theme	No. of theme specific responses	What we heard - issues, suggestions, requests and other considerations raised	Response
Naming proposals	27 responses	Support the proposal for politicians not being given naming honours	Principle 9 of the draft Policy specifies that naming proposals commemorating local, state, territory or federal politicians will not be considered under unless resolved by Council. No change proposed to the draft Policy.
	78% supportive of the proposed strengthening of the criteria for naming 22% opposed to strengthening the criteria for naming	<p>Objections to the proposal that an individual is to be deceased to be eligible for a naming. Can they enjoy the honour while alive.</p> <p>Council should recognise individuals that have served the community</p> <p>One submission requested the length of service to be eligible for a naming be reduced (from 20 years) to 5 years.</p> <p>Native flora and fauna, geographical features and/or Aboriginal names should be solely used in naming</p> <p>Aboriginal names should be used alongside English / Latin names</p>	<p>The draft Policy aligns with the Geographical Names Board (GNB) of NSW naming policy (GNB Policy), for example individuals are to be deceased to be eligible for naming of reserves. In keeping with this approach, it is also proposed in the draft Policy that individuals are to be deceased to be eligible for naming of facilities.</p> <p>The 20-year or more criteria under Principle 7 of the draft Policy aligns with the GNB Policy. Nonetheless, individuals with less than 20 years may fit under Principle 7 if they have had a long-term association with an area and made a significant contribution and are deemed to be a <i>Local resident of note</i> or have taken <i>action... to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community.</i></p> <p>The principles of the draft Policy specify that when naming geographical features preference will be given to historical names, Aboriginal words and the names of indigenous species of plants, birds and animals. When naming sportsgrounds and major venues, preference will be given to locality or geographical names.</p> <p>No change proposed to the draft Policy.</p>

Theme	No. of theme specific responses	What we heard - issues, suggestions, requests and other considerations raised	Response
		<p>Names reflecting geography are also appropriate.</p> <p>The policy is needed; this is a good example of policy and glad to see this formalised better and in line with Geographic Names Board standards.</p>	
Memorial trees	<p>14 Responses</p> <p>50% support for memorial trees without a plaque</p> <p>50% opposed to memorial trees without a plaque</p>	<p>Memorial trees should be accompanied by plaques to name those who are memorialised.</p> <p>Digital plaques for memorial trees could be used as an alternative method to mark sites.</p> <p>Memorial trees are not an appropriate memorial</p>	<p>The draft Policy has been amended to include that digital plaques will be made available on Council's website for approved memorial trees.</p> <p>Offering a tree as a living memorial is a meaningful and sustainable alternative at locations where there is no capacity for memorial benches or other memorial infrastructure and where there is a need for more trees.</p> <p>Memorial trees are supported by other councils within the Sydney region including:</p> <ul style="list-style-type: none"> • City of Sydney • Sutherland Shire Council • North Sydney Council • Inner West Council. <p>No change proposed to the draft Policy.</p>

Theme	No. of theme specific responses	What we heard - issues, suggestions, requests and other considerations raised	Response
Memorial seats	22 Responses 59% support strengthening the criteria 36% opposed to strengthening the criteria 5% Neutral	Memorial seats should not be in public spaces	Council recognises that memorial seats can be meaningful tributes, connecting people to place. This sentiment is reflected in many submissions received. Nonetheless, the draft Policy sets out that Council's preferred form of memorial is a memorial tree without a plaque. The installation of a memorial seat will only be considered in a location where there is an identified need for such a seat. Suitable locations will be identified by Council and listed on Council's website as a guide for people making an application for a memorial. No change proposed to the draft Policy.
		Memorial benches should be available to all individuals who have resided in the Northern beaches	Principle 2 of the draft Policy sets out that individuals who have been residents of the Northern Beaches and are deceased can be nominated for a memorial such as a memorial seat. Nonetheless, the draft Policy sets out that Council's preferred form of memorial is a memorial tree. No change proposed to the draft Policy.
		The removal of memorials needs to be carried out with sensitivity or memorials should not be removed at all.	Existing memorials, plaques and naming infrastructure will not be removed as a result of the adoption of this Policy. As is the current practise, a memorial may be relocated or temporarily removed in certain circumstances for example to: <ul style="list-style-type: none"> • Protect the memorial during maintenance or construction works at the memorial location • Enable the memorial to be repaired. The draft Policy sets out that all reasonable efforts will be made to inform the family and key stakeholders prior to the relocation or removal of a memorial. No change proposed to the draft Policy.



Appendix 1 Verbatim community and stakeholder responses*

To view a verbatim redacted list of the comments received, click the link below:

<https://hdp-au-prod-app-nthbch-yoursay-files.s3.ap-southeast-2.amazonaws.com/1017/5392/0587/Appendix 1 Verbatim community and stakeholder responses - draft Memorials and Naming Honours Policy.pdf>

**Personal details and inappropriate language have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.*

Document administration	
Version	1.0
Date	16 July 2025
Approval	Content provided by Open Space Planning Team 11/7/25 Report reviewed, updated and approved by Manager Open Space Planning 16/7/25 Report reviewed and agreed to publish by Community Engagement Team 16/7/25 Responsible Manager: Damian Ham Manager Open Space Planning
Status	Final
Notes	Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.



Council Policy NB-P-TBC

Memorials and Naming Honours Policy

Purpose

This Policy provides a framework for the consideration of proposals for memorials and the naming of reserves, geographical features, facilities and roads at suitable sites on Council owned and managed land.

Proposals should honour, celebrate or recognise the historical, cultural, environmental, social or community significance of an individual, event or location, and should adhere to relevant NSW Geographical Names Board (GNB) policies and procedures.

Policy Principles

Council will consider proposals for memorials or naming honours that align with the following principles:

General Principles for Memorials and Naming

1. The implementation of this Policy will align with relevant legislative and statutory requirements relating to the naming of reserves, geographical features, facilities and roads.
2. Individuals nominated for recognition through memorials and naming proposals are to:
 - be deceased and
 - have been a resident of the Northern Beaches.
3. Council encourages natural and low maintenance memorials to permanent memorial infrastructure.
4. Proposals to recognise an individual, event or location that is already recognised elsewhere within the Northern Beaches will not be considered.

Naming proposals

5. When naming geographical features, preference will be given to the use of historical names, Aboriginal words (e.g. Gunganagina Lookout) and the names of indigenous species of plants, birds and animals (e.g. Angophora Reserve, Cabbage Tree Bay).
6. When naming sportsgrounds and major venues, preference will be given to locality or geographical names to assist in travelling to, addressing and locating the area (e.g. Seaforth Oval or Careel Bay Playing Fields).

Naming of facilities including buildings and sporting infrastructure on these land areas are also preferred to be in accordance with the location and the purpose or function of the facility (e.g. Cromer Community Centre).

7. Individuals nominated in a naming proposal must have had a long-term association with the area and made a highly significant contribution to the specific area, including one or more of the following:
 - Twenty or more years association with a local community group or service club.
 - Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community.
 - Local residents of note.



8. Re-naming is discouraged as the changing of long-established names, including informal names, can lead to address and location confusion, especially for electronic navigation (critical for emergency services). Re-naming proposals must be in the public interest with broad community support.
9. Naming proposals commemorating local, state, territory or federal politicians will not be considered under this Policy unless resolved by Council.
10. If a 'named' facility is disposed of and is not being replaced the 'name' of that facility will be retired.
11. Naming proposals that are compliant with this Policy will be publicly exhibited and the outcomes reported to Council for a decision regarding the proposal.
12. Naming proposals considered offensive, discriminatory, derogatory or harmful will not be considered.

Memorials

13. Memorials will be considered in locations:
 - considered suitable for the type of proposed memorial
 - that do not unreasonably affect the community's access and enjoyment of that site
 - that are specified on a list of available memorial sites published on Council's website.
14. Memorials will not be considered in locations:
 - where death by suicide has occurred, or considered high suicide risk locations
 - already at capacity with memorials.
15. Memorial trees:
 - Council's preferred form of memorial is a memorial tree.
 - The species and location of a memorial tree will be approved by Council in consultation with the applicant and may be in dedicated memorial tree locations.
 - Memorial trees are to be suitable for and sympathetic to the approved location.
 - Memorial trees will not be accompanied by a **physical** plaque unless otherwise approved by Council.
 - **Memorial trees can be accompanied by a digital plaque or the like published on Council's website.**
 - If approved, the applicant will be responsible for the cost of the memorial tree, its planting and initial maintenance period (as per Council's adopted fees and charges or as approved by Council). Council will arrange the provision, planting, and maintenance of the memorial tree.
16. Memorial seats:
 - The installation of a memorial seat will only be considered in a location where there is an identified need for such a seat. A map of these areas will be published on Council's website.
 - Seats are to be consistent with the Northern Beaches Public Space Vision & Design Guidelines or other relevant Council guidelines and are to be sympathetic in nature and scale to the proposed location.
 - If approved, the applicant will be responsible for the cost of the memorial and installation (as per Council's adopted fees and charges or as approved by Council). Council will



arrange the purchase and installation of the memorial and take responsibility for any general maintenance and replacement (if required).

- Council will not consider retrofitting plaques to existing seats or infrastructure.

17. Other types of memorials:

- Other types of memorials such as monuments are not supported unless otherwise authorised by a specific Council resolution.

Opening plaques

18. Plaques commemorating the opening of a new Council facility or building will include the name of the current Mayor and the name of any dignitary who is obliged to be recognised under State or Federal protocols e.g. where a grant requires that the name of the Minister be included on the plaque.

Scope and Application

This Policy applies to all Council officials.

This Policy covers the consideration of proposals for memorials and the naming of reserves, geographical features, facilities and roads on land owned and managed by Council. Facilities on such land that can be named include but are not limited to buildings, gardens, pools, grandstands, pavilions and sporting infrastructure.

The naming of reserves, geographical features and roads is governed by NSW State legislation and Council must adhere to the process as defined by relevant policies and procedures. The naming of Council facilities does not require formal GNB approval as at the date of this Policy. Council may approve a name for a Council owned facility that does not meet the GNB criteria by a specific Council resolution.

All requests by the community for a memorial, naming or renaming of a reserve, geographical feature, facility or road will require the completion of an application form and be in line with this Policy.

This Policy does not apply to:

- memorials approved and/or installed by Council prior to the date of adoption of this Policy
- memorial and naming applications received prior to the date of adoption of this Policy - these applications may be assessed and implemented up to 12 months after the date of adoption of this Policy under the prior relevant policies
- naming of land or facilities for the purpose of sponsorship, advertising or revenue raising
- memorials proposed on Council owned and managed land where the primary use is memorialisation, for example, cemeteries, columbaria, war memorials, memorial gardens or the like
- proposals submitted for consideration under Council's Public Art Policy
- interior of buildings on Council land
- temporary memorials.

Council may at its discretion remove (decommission) or relocate any existing memorial including memorial trees, memorial seats and memorial plaques. All reasonable efforts will be made to inform the family and key stakeholders prior to removal or relocation.



References and Related Documents (including those references updated, repealed and or adopted thereafter)

- *Crown Land Management Act 2016 No 58 (NSW)*
- *Geographical Names Act 1966 No 13 (NSW)*
- Geographical Names Board of NSW Policy - Place Naming 2019
- *Local Government Act 1993 No 30 (NSW)*
- *Roads Act 1993 No 33 (NSW) —Section 62 Naming of Public Roads*
- Northern Beaches Community Engagement Policy 2022
- Northern Beaches Community Engagement Strategy 2022
- Northern Beaches Policy NB-P-01 Policy Framework
- Northern Beaches Guideline NB-G-28 Policy Framework – Implementation Guidelines
- Northern Beaches Public Space Vision & Design Guidelines
- Northern Beaches Tree Canopy Plan 2023
- Northern Beaches Council Plans of Management

Community Strategy Plan

This Council Policy relates to these Community Strategic Plan 2040 Outcomes and Goals:

- Community and belonging - Goal 8 Our community feels safe and supported
- Community and belonging - Goal 9 Our community is inclusive and connected
- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed

Definitions (as applied for this Policy)

Facilities: Council owned infrastructure on Council managed land. This may include but is not limited to buildings, gardens, pools, pavilions and sporting infrastructure such as grandstands.

Geographical features: Physical characteristics of the Earth's surface that include but is not limited to a lagoon, headland or point, scenic view lookout, escarpment, mountain, reef, creek or waterway.

Memorial location: Council approved location of remembrance on Council land at which memorialisation can be signified through various forms including, but not limited to a tree, seat, commemorative plaque or monument.

Memorial tree: A tree planted on a memorial location (as defined in this Policy) approved by Council as a memorial tree.

Memorial seat: A seat (or asset of this type) installed on a memorial location (as defined in this Policy) and approved by Council as a memorial seat.

Naming location: Council approved location on Council land at which a naming designation can be applied to a reserve, geographical feature, facility and road.

Naming designation: The formal designation of a naming location (as defined in this Policy) with a name approved by Council and where required also approved by the GNB.



Naming: Refers to Council’s processes for naming of reserves, geographical features, facilities and roads.

Reserves: Refers to Council’s parks, road verges and other open spaces that are reserved for public use and managed by Council and that are defined as a reserve by the GNB.

Responsible Officer

Executive Manager, Parks & Open Space

Review Date

In accordance with the Policy NB-P-01 Policy Framework this Policy will be reviewed at least once per Council term or more frequently if required.

Revision History

Policy #	Date	Detail	TRIM #
NB-P-38	18/03/2025	Governance Review	2025/144518
NB-P-TBC	Tba	Adopted by Council Revised draft for Council consideration following public exhibition	2025/464419
		Once adopted by Council this Policy supersedes the following policies: <ul style="list-style-type: none"> • Naming our Reserves, Facilities and Roads Policy (2019) • Plaques in Parks and Reserves Policy No 157 • Reserves - Outdoor Furniture - Dedication Policy R50 • Memorials, Plaques and Naming of Assets Policy PL 360 	

NB-P-TBC

2025/464419

Adopted:



Policy

Naming our Reserves, Facilities and Roads

Policy Statement

Northern Beaches Council aims to provide a consistent and transparent process for naming Council owned and managed reserves, facilities and roads.

This policy endorses Council's adherence to the Geographical Names Board (GNB) Place Naming Policy and process for the naming of reserves, facilities and roads.

It aims to provide further guidance and criteria to apply the GNB Place Naming Policy when for assessing and approving naming requests from the community.

Principles

1. Council will adhere to all relevant legislative and statutory requirements relating to the naming of reserves, roads and facilities.
2. Council will consider honouring individuals in the naming of reserves and roads if they have:
 - Been deceased for at least a year.
 - Made a highly significant contribution to the specific area or community. This will be measured against the GNB policy and includes the following:
 - a. *“Two or more terms of office on local government council.*
 - b. *Twenty or more years association with a local community group or service club.*
 - c. *Twenty or more years of association and service with a local or state government or organisation.*
 - d. *Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community.”*
3. The management and assessment of requests for the naming of facilities on Council owned and managed land including, but not limited to buildings, gardens, pools and grandstands will also be initially assessed according to the GNB Place Naming Policy and process (excluding the requirement for the individual to be deceased).
4. Those requests to name or rename reserves, facilities or roads that meet the GNB criteria or align to this Policy will be presented to Council for endorsement.
5. Council will invite community comment on requests (subject to initial Council endorsement) for naming or renaming of Council owned and managed reserves, facilities and roads. Public exhibition will comply with Council's Community Engagement Framework.
6. When naming sportsgrounds and major venues visited by many people from beyond Council's boundaries, preference will be given to locality or geographical names to assist in travelling to, addressing and locating the area e.g. Seaforth Oval or Careel Bay Playing Fields. Facilities including buildings and sporting infrastructure on these land areas will also be named according to the location and the purpose or function of the facility e.g. Cromer Community Centre.
7. When naming parks and natural areas, preference will be given to the use of historical names, Aboriginal words (e.g. Goombooya Reserve) and the names of indigenous species of plants, birds and animals (e.g. Angophora Reserve, Cabbage Tree Bay).
8. Aligned with the GNB Place Naming Policy, Council discourages the changing of long-term names as it can lead to address and location confusion, especially for electronic navigation



(critical for emergency services). Council will only consider changes in well-established names in exceptional circumstances.

9. Council will provide the relevant signage (as per Council design guidelines) for any locations where a new name or name change has been approved.
10. Council is committed to communicating and informing the community of all approved changes to names. This may include additional signage and community notifications.
11. If a 'named' facility is disposed of and is not being replaced the 'name' of that facility will be retired.

Scope and Application

This Policy covers the naming of reserves, facilities and roads on land owned and managed by Council. The facilities on such land that can be named include, but are not limited to the buildings, gardens, pools, grandstands, pavilions and sporting infrastructure.

The naming of reserves and roads is governed by State legislation and Council must adhere to the process as defined under the GNB Policy, however the naming of facilities does not require formal GNB approval. Council may approve a name for a Council owned facility that does not meet the GNB criteria by resolution.

This Policy does not cover the naming of land or facilities for purposes of sponsorship, advertising or revenue raising.

All requests by the community to name or rename a reserve, facility or road will require the completion of an application form.

References and related documents

- *Local Government Act 1993*
- *Geographical Names Act 1966*
- *Geographical Names Board of NSW Policy, Place Naming (2018)*
- *Roads Act 1993 - Sect 162 Naming of public roads*

Definitions

Reserves: *In this Policy reserves include parks, sportsgrounds, road verges and other open spaces that are reserved for public use and managed by Council.*

Facilities: *In this Policy the facilities include any Council owned infrastructure on Council managed land that has been reserved for use by the public. This may include but is not limited to buildings, gardens, pools, grandstands, pavilions, sporting fields and sporting infrastructure such as cricket nets.*

Responsible Officer

Executive Manager – *Parks and Recreation*

Review Date

Four years from date of adoption.



Revision History

Revision	Date	Change	HPE CM Ref
1	5 Sept 2019	Amendment to Principle 5	2019/497495
2	24 Sept 2019	Adopted by Council	2019/236393
3			

R50. Reserves – Outdoor Furniture – Dedication

Title: Reserves – Outdoor Furniture - Dedication Policy

Policy No: R50

Keywords: Reserves, Outdoor Furniture, Dedication, Plaque

Responsible Officer: Divisional Manager – Civic and Urban Services

1. PURPOSE AND AUTHORITY

The purpose and overall objective of this policy is to set out Manly Council's considered and adopted policy statement with respect to the provision of public seats on public reserves owned or managed by Manly Council.

2. POLICY STATEMENT

Council's considered and adopted policy statement with respect to the provision of public seats on public reserves is as follows:

- (a) Any person is welcome to fund the dedication of a public seat in a location that has availability and determined in consultation with Council.
- (b) Cost will be determined by set Fees and Charges and shall apply as at the time of application.
- (c) The donor will submit the wording for the plaque for approval by Council officers.
- (d) Any commemorative/memorial plaque shall be a minor feature of the donated item and shall not be visually unattractive in the situation.
- (e) The item of furniture and location for installation shall meet the approval of the General Manager or such officer delegated by the General Manager in accordance with the guidelines of the Landscape Management Plan.

*(O.M. 26.5.92)
(Confirmed 20.10.97)*

3. PRINCIPLES

The underlying philosophical principle behind this policy is that public reserves belong to the public, with the public having a genuine interest in the maintenance, promotion, and enhancement of those reserves. This policy seeks to give recognition and encouragement to a useful and tangible means by which the public can assist in the enhancement of reserves owned or managed by Council so that others can derive increased benefit from the use and enjoyment of those reserves.

4. SCOPE

This policy applies to all Council officials (including Councillors and Council staff and consultants engaged by Council) who are involved, directly or indirectly, in decision-making (including preparatory and recommendatory decision-making) with respect to the subject-matter of this policy.

Insofar as land is concerned, this policy applies to all reserves in the Manly local government area that are either owned or managed by Council.

5. DEFINITIONS

See the Dictionary at the end of the Local Government Act 1993 for definitions of various terms and expressions used in this policy.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

Council and/or the General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

Breaches of this policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy will be subject to a review every two (2) years.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Crown Lands Act 1989

11. RELEVANT COUNCIL POLICIES

R40 Reserves – Exclusive Use for Private Functions.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review	Manager Corporate Governance	General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Policy – No 157	Adopted:	OM: 20.06.2005
	Reviewed:	OM: 05.08.2013
	Amended:	OM: 17.10.2011
	Revoked:	

TITLE: PLAQUES IN PARKS AND RESERVES

STRATEGY: Building Communities
Recreation Management

BUSINESS UNIT: Reserves, Recreation & Building Services

RELEVANT LEGISLATION: None

RELATED POLICIES: None

Objective:

1. To control and regulate the placement of plaques in Council reserves.
2. To provide clear guidelines for the approval of applications for the installation of memorial plaques in Council controlled reserves within Pittwater.

Policy Statement:

That requests for memorial and commemorative plaques in reserve be administered as follows:

- (a) Applications for plaques be assessed and to be located on land owned by Council or under care, control and management of Council.
- (b) Prior to the installation of each plaque within the Pittwater local government area on Council controlled land, the applicant must apply for and if approved be granted written permission by Council for the location of each plaque. All applications should include an acceptable plan indicating the proposed location of the plaque.
- (c) Once Council approval is granted, reply will be made in writing with quotation of installation of a plaque and any other associated infrastructure.

The cost of installation will be renewed annually in accordance with the fees and charges schedule outlined in the adopted management plan for Council.

- (d) Stainless steel plaques must be supplied by the applicant (at a cost to the applicant) and made to a size of 150mm wide x 75mm high with black inscription (no raised lettering is allowed).

- (e) Councils Reserves & Recreation Manager shall determine the number of plaques, which may be located within any given area.
- (f) A register of all plaques shall be kept by Council.



Warringah Council Policy

Policy No. PL 360 Memorials

Memorials, Plaques and Naming of Assets

1 Purpose of Policy

- To provide a framework for the naming of Council's assets in the Warringah local government area
- To provide an efficient and equitable mechanism for the placement of memorials and plaques within Warringah
- To provide a historical record of the Councillors in office at the time a major public building or asset was opened

2 Principles

2.1 General – Naming of Assets

The changing of long established names is not preferred and will only be considered in exceptional circumstances. Requests to change long established names will only be accepted if supported or determined by a resolution of Council.

2.2 Naming of Parks, Reserves & Other Recreational Areas

The naming of parks, reserves and other recreational areas within the Warringah local government area will be in accordance with the *Geographical Names Act 1966 and* guidelines endorsed by the Geographical Names Board (GNB). In addition to the guidelines, Council will consider the following items:

- Parks and reserves and recreation areas will not be named after serving Councillors or Parliamentarians or politically active former Councillors or former Parliamentarians
- When naming sporting areas and major reserves which will be visited by many people from beyond Warringah Council's boundaries, preference will be given to locality or geographical names, for example Beacon Hill Oval or Long Reef Reserve, to assist in travelling to and locating the area or reserve.
- When naming parks and natural reserves, preference will be given to the use of historical names, aboriginal words (e.g. Goombooya Reserve) and the names of indigenous species of plants, birds and animals (e.g. Angophora Reserve, Cabbage Tree Park, Melaleuca Reserve, Currawong Park)

2.3 Naming of Streets

The design and use of street name signs and selection of road names within the Warringah local government area, for which Council is the Roads Authority, will be in accordance with:

- *AS1742.5 - 1887 Street Name and community facility name signs*
- *Roads Act 1993; and*
- Road Naming Policy and guidelines endorsed by the Geographical Names Board (GNB).

Policy No. PL 360 Memorials

Consultation with Roads & Maritime Services (RMS) will occur for the provision of street name and community facility name signs on all roads within the Warringah local government area that are under RMS jurisdiction.

In all subdivisions where new streets are created, Council retains the responsibility for naming such streets in accordance with this policy.

2.4 Naming of Council's Buildings & Infrastructure

Preference will be given to naming buildings after their location and functional purpose. The location may relate to the reserve, suburb or street address of the building or infrastructure (Cromer Community Centre, Green Street Playground).

The names of Councillors holding office at the date of the opening of major Council buildings and infrastructure will be recorded on the plaques at those assets if requested and the Mayor or delegate will be responsible for performing official openings.

2.5 Memorials and Plaques

Memorials and plaques may only be installed on public land or Council's assets with approval. Memorials can encompass trees and bench seats with or without a plaque. Requests for other types of infrastructure may be considered on merit.

Historic plaques and memorials may be installed on public land or Council's assets with approval. Historic plaques and memorials may also be installed on privately owned heritage items as listed under Schedule 5 of Warringah Local Environmental Plan 2011, with landowner consent and Council approval.

The placement and design of memorials and plaques shall preserve or enhance the natural, heritage, scenic, landscape and other relevant qualities of the environment, and/or public use of the area.

The cost of the plaque/memorial, bench seat and associated infrastructure and/or tree shall be borne by the applicant and in accordance with Council's adopted fees and charges if applicable. Applications for new memorials or plaques must be made in writing using the appropriate form.

The applicant must meet all ongoing maintenance costs of the memorial/plaque including vandalism and theft, and if required the applicant must meet all replacement costs. The memorial/plaque will not be replaced at Council's expense.

2.6 Roadside memorials

Roadside memorials may only be installed on road sides with Council approval. Applications will be assessed in accordance with Road and Maritime Services guidelines for Roadside Tributes to ensure they are placed in a safe area on a road verge and do not obstruct the use of the road or road verge by pedestrians, cyclists or road users.

2.7 Miscellaneous

a) Commercial Use

This policy does not include advertising and sponsorships which are covered by Council's Grants and Sponsorship Policy.

b) Public Art

Any memorial or plaque that incorporates public art must comply with Council's Public Art Policy.

c) Existing Sites

Policy No. PL 360 Memorials

The placement of memorials or plaques will take into account the number of existing memorials and plaques, artworks and other objects in the vicinity of the proposed new memorial or plaque.

d) Planning Requirements

Certain types of memorials may require development consent under Warringah Local Environment Plan 2011.

3 Authorisation

This Policy was adopted by Council on 27 May 2014

It is effective from 27 May 2014

It is due for review 27 May 2018

4 Amendments

This policy replaces:

- Memorials & Plaques Policy STR-PL 325
- Street Name and Community Facility Name Signs Policy CCS-PL 420
- Naming of Parks and Reserves Policy STR-PL 320
- Public Buildings - Openings and Plaques GOV-PL 215

5 Who is responsible for implementing this Policy?

Group Manager Parks Reserves & Foreshores

Group Manager Roads, Traffic & Waste

Group Manager Buildings, Property & Spatial Information

Group Manager Community Services

Group Manager, Strategic Planning

6 Document owner

Deputy General Manager, Environment

7 Related Council Policies

- a) Warringah Council's *Design Guidelines - Public Places* (2013)
- b) Grants and Sponsorship Policy PL 011
- c) Public Art Policy STR PL 010

8 Legislation and references

- a) Roads Act 1993 & Regulations
- b) Local Government Act 1993 & Regulations
- c) Crown Lands Act 1989
- d) Geographical Names Act 1966
- e) Geographical Names Board, Guidelines for the determination of placenames (2012)
- f) Geographical Names Board, Guidelines for the naming of roads (2012)

Policy No. PL 360 Memorials

- g) AS1742.5 - 1887 Street Name and community facility name signs
- h) Warringah Local Environment Plan 2011
- i) Warringah Council's Style Guide (2013)
- j) Warringah Council Signage Style Guide and Principles

9 Definitions

Plaque A flat tablet of metal, stone or other appropriate material which includes text and and/or images which commemorate a person/groups/association or an event and/or provide historical text or information relevant to its location. Such tablet to be affixed to an object, building or pavement.

Memorial An object established in memory of a person, group, association, event or other matter of historical significance.

Public Open Space includes community land and operational land (owned by Council) and other state government land which Council manages. This includes, but is not limited to, areas of environmental sensitivity, parks, reserves, road reserve, bushland, waterways, lagoons and beaches.

Major reserves – A reserve that is categorised as regional, sub-regional or district in Council's Plans of Management or that receive high levels of visitation, such as foreshore reserves, or contains key assets or features like Manly Dam.

Community facility refers to facilities which are generally of a non-commercial nature and which are likely to be sought by a significant number of strangers to the area. Typical facilities may include:

- Town halls, civic centres and municipal offices.
- Municipal depots and tips.
- Sporting and recreational grounds and facilities.
- Hospitals.
- Railway stations and coach stations.
- Post offices.
- Tertiary education institutions
- Churches and religious institutions.
- Other non-profit institutions.
- Shopping centres

Street refers to all road types.

A **roadside memorial** is any object placed within the road reserve to commemorate a death or indicate the site of a road fatality. Memorials may include religious items, flowers or other gestures. Monuments (permanent commemorations) are not permitted within the road reserve.



NORTHERN BEACHES

BUSH FIRE MANAGEMENT COMMITTEE

Meeting: 2025/1

Convened by: Executive Officer, Guy Baddock, NSW Rural Fire Service

Location: Northern Beaches FCC, Kamber Road, Terrey Hills

Date 04/03/2025 Time 10:00 AM

Minutes by: Guy Baddock/Northern Beaches Council

Table 1: Attendance Record

Members (alternate)	Organisation	Present	Apology	Absent
Co-Chairperson Cr Jody Williams	Northern Beaches Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-Chairperson Cr Joeline Hackman	Northern Beaches Council	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Executive Officer Supt Guy Baddock	NSW Rural Fire Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Harmer (online)	NSW Rural Fire Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Crossweller	NSW Rural Fire Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supt Kel McNamara	Fire & Rescue NSW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mat Mildwater (alternate & online)	Fire & Rescue NSW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Fallowfield	Northern Beaches Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matt Horwood (alternate)	Northern Beaches Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nick Skelton	Nature Conservation Council	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy Lambert (alternate)	Nature Conservation Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Malachi Williams	Metropolitan Local Aboriginal Land Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bree Firebrace (alternate)	Metropolitan Local Aboriginal Land Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Daniel Broadley	Crown Lands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chad Weston	NSW National Parks & Wildlife Service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Robb (alternate & online)	NSW National Parks & Wildlife Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supt John Duncan (online)	NSW Police Force	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bin Zhao (online)	Transport for NSW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Guy Munro (online)	Ausgrid	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peter Jensen (online)	Sydney Harbour Federation Trust	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTACHMENT 1 : MINUTES OF THE NORTHERN BEACHES BUSH FIRE RISK MANAGEMENT COMMITTEE MEETING HELD 4 MARCH 2025 - ITEM 11.2 - NORTHERN BEACHES COUNCIL MEETING - 19 AUGUST 2025



Anthony Parello (online)	Office of Strategic Lands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Observers/Support	Organisation	Present	Apology	Absent
Cr Miranda Corzy	Northern Beaches Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leanne Laughton	Northern Beaches Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gareth Birch (online)	Northern Beaches Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Dickinson	Northern Beaches Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Isobel Smith (online)	Northern Beaches Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Molenaar	NSW Rural Fire Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christopher Harris	NSW Rural Fire Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tim Blackmore	NSW National Parks & Wildlife Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ingrid Harris	NSW National Parks & Wildlife Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heather Christe	NSW National Parks & Wildlife Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leigh Nolan	NSW National Parks & Wildlife Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mathew Patterson (online)	NSW Police Force	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Table 2: Documents Referred to in the Meeting

Document title	Author	Date
Organisational Report – Ausgrid	Guy Munro	04/03/2025
Organisational Report – Northern Beaches Council	Matt Horwood	04/03/2025
Organisational Report – Office of Strategic Lands	Anthony Parello	04/03/2025
Organisational Report – Crown Land	Daniel Broadley	04/03/2025
Cottage Point Residents Association (CPRA) proposal for static water supply (SWS) locations	Cottage Point Residents Association	22/02/2025
Fire Plan Review Subcommittee Briefing Paper	Matt Horwood	03/03/2025
NCC Bushfire Conference Information (distributed via email)	Nature Conservation Council	14/02/2025
December 2024 Minutes	Guy Baddock	03/12/2024

Minutes

Agenda Item 1	Responsible
Welcomes and Acknowledgement of Country	Chairperson



Agenda Item 2	Responsible
Apologies	Chairperson
- As recorded in Table 1 above.	

Agenda Item 3	Responsible
Disclosure of Interests	Chairperson
- Not discussed.	

Agenda Item 4	Responsible
Confirmation of minutes of 2024/4 held 03/12/2024.	Chairperson
- Matt Horwood (NBC) - Council identified several minor corrections and grammatical errors in the draft minutes. Proposed changes reviewed and discussed by BFMC.	
- Decision (2025/1/1) - Consensus achieved to accept previous minutes with Council amendments as tabled. Executive Officer to amend March BFMC minutes and circulate to BFMC members.	Action - 2025/1/1 – Executive Officer

Agenda Item 5	Responsible
Business arising from previous minutes – Open Action Items Table 3	Chairperson
- Guy Baddock (RFS) - Re-election needs to be undertaken for the role of Chairperson for 2025 to comply with the requirements of the BFMC Handbook.	
- Decision (2025/1/2) – Consensus achieved to continue with Cr Jody Williams and Cr Joeline Hackman as Co-Chairs of the BFMC for 2025. Executive Officer to update BFMC contact list and RFS systems (if required).	Action - 2025/1/2 – Executive Officer

Table 3. Outstanding Action Items From Meeting 2024/4

Reference No. 2024/3/1	
Item Description:	Due date:
- Action – Executive Officer to confirm with agencies current member, alternate and any observers, and encourage participation at BFMC.	03/12/2024
- 04/03/205 – Not discussed, to be further reviewed at the June BFMC.	Update
Status: Open	Responsible: Executive Officer

ATTACHMENT 1 : MINUTES OF THE NORTHERN BEACHES BUSH FIRE RISK MANAGEMENT COMMITTEE MEETING HELD 4 MARCH 2025 - ITEM 11.2 - NORTHERN BEACHES COUNCIL MEETING - 19 AUGUST 2025



Reference No. 2024/4/2	
Item Description:	Due date:
- Action - Annual Works Plan – Peter Marshall - BFMC Agencies to develop a draft between now and the March 2025 BFMC.	04/03/2025
- 04/03/2025 – Agencies and land managers to continue to work on preparing the Annual Works Plan ahead of 25/26. Once the risk plan is approved the Annual Works Plan will need to be prepared in Guardian.	Update
Status: Open	Responsible: All agencies

Reference No. 2024/4/3	
Item Description:	Due date:
- Action - RFS to reach out to TfNSW on behalf of the BFMC regarding vegetation encroaching on road easements in Ku-ring-gai Chase NP.	04/03/2025
- 04/03/2025 – Not discussed at the March BFMC, to be reviewed at the June BFMC.	Update
Status: Open	Responsible: RFS

Reference No. 2024/4/4	
Item Description:	Due date:
- Action - Risk Plan Subcommittee formed to progress the draft Bush Fire Risk Management Plan. Subcommittee to present its recommendations to the March 2025 BFMC	04/03/2025
- 04/03/2025 - Completed.	Update
Status: Closed	Responsible: Risk Plan Subcommittee

Agenda Item 6	Responsible
Subcommittee Reports	Subcommittee Conveners
<p>Draft Risk Plan Subcommittee - Business Paper</p> <ul style="list-style-type: none"> - Matt Horwood (NBC) – The Risk Plan subcommittee met periodically over the last couple of months to discuss how to progress the draft risk plan. - The business paper tabled outlines the subcommittee's actions and makes recommendations for endorsement by the BFMC. - The subcommittee recommended a minor amendments pathway to keep the risk plan accurate as possible but to minimise any further delay in adoption and implementation. - The subcommittee also noted that 41 of the prescribed burns have already been completed. This shows great work by all agencies who are already working hard to implement the draft plan treatments. - Subcommittee recommendations: <p>1. <i>The BFMC endorses post public exhibition minor amendments to</i></p>	



<p><i>the draft Bush Fire Risk Management Plan as tabled in the attachments to this briefing paper</i></p> <ol style="list-style-type: none"> 2. <i>Once these amendments have been incorporated into the document, the BFMC recommends the draft Bush Fire Risk Management Plan be submitted to the Bush Fire Coordinating Committee (BFCC) for approval</i> 3. <i>The BFMC endorses a list of burning activities which have already been completed by the BFMC member agencies throughout the period of development of the draft Bush Fire Risk Management Plan.</i> <p>- General discussion was held regarding the recommendations, and if the following constraint statement per the business paper should be included within the description of each focus area:</p> <p><i>“While every effort is made to maintain Asset Protection Zones and plan, prepare and conduct prescribed burning as described in the Fuel Management Register, the BFMC acknowledge the weather and environmental factors such as presence of threatened flora and fauna, fire intervals and thresholds and previous or nearby wildfires can impact on time frames for delivering Fuel Management Objectives”</i></p> <ul style="list-style-type: none"> - Discussion held around potential legal implications, approach by other BFMCs, exact wording of the statement and if this statement may cause a potential further delay in adoption of the plan. - BFMC consensus is that it would be better to note in the BFMC minutes and not seek to include the statement in the risk plan at this time; however, it should be considered by the RFS HQ Risk Planning Team to be incorporated into the future revisions of the risk plan template. - Matt Horwood (NBC) – Motion that the BFMC endorses the recommendations of the subcommittees as outlined in the business paper, excluding the above constraint statement. - Chris Harris (RFS) – Request to include in the motion that the BFMC also provides permission for the RFS HQ Risk Planning Team to make any minor amendments that may be required to prescribed burn shapes in the spatial dataset so that they don’t overlap with any Asset Protection Zones. This will allow for more seamless integration into Guardian. - Decision 2025/1/3 - Accepted by consensus (MLALC abstaining). Executive Officer to liaise with RFS HQ Risk Planning Team to organise relevant updates to the risk plan and submission to the BFCC, as well as to advocate for future model risk plan template to include the discussed constraint statement. - Guy Baddock (RFS) – Provided support for the process and submission to the BFCC. Guy thanked all agencies and everyone who has worked on the plan, including MLALC for coming along to the BFMC. - Malachi Williams (MLALC) – General discussion had around the risk plan, voting and fire intervals. Rigid fire intervals and too long between fires is leading to more fuel and hotter fires. Looking forward to collaborating with all agencies more closely and planning cultural burns. Currently planning cultural burns on MLALC land at Duffys Forest and Moon Rock. 	<p>Action – 2025/1/3 – Executive Officer</p>
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Agenda Item 7	Responsible
Organisation Reports	BFMC member Organisations
<p>Ausgrid</p> <ul style="list-style-type: none"> - Preparations are underway for the next bush fire season; regular maintenance program is also upcoming. - Provided update on inspection program, noting that the drone flight schedule is publicly available online. 	
<p>Crown Lands</p> <ul style="list-style-type: none"> - Asset Protection Zone (APZ) maintenance program up to date to Q3. - Provided update on Fire Access and Fire Trail (FAFT) works. 	
<p>Northern Beaches Council</p> <ul style="list-style-type: none"> - Report tabled to Executive Officer. - Q2 APZ maintenance round completed and crews working through Q3. - 11 Prescribed burns taken place this year on Council land protecting approximately 560 properties. - Functional fire trail maintenance works have recently been conducted on parts of the Manly Dam and Martin Luther Fire Trails throughout Manly Dam. - Further functional maintenance works are also being planned for trails at Elvina Bay and Lovett/Morning Bay on the Western Foreshores. 	
<p>Office of Strategic Lands</p> <ul style="list-style-type: none"> - On track to complete Q3 mechanical APZ works. 	
<p>Nature Conservation Council</p> <ul style="list-style-type: none"> - Discussed upcoming Nature Conservation Council Bushfire Conference. - Also recruiting for a role in bushfire team. 	

Agenda Item 8	Responsible
Annual Works Plan	BFMC members
<ul style="list-style-type: none"> - Scott Molenaar (RFS) – Advised that the Annual Works Plan is progressing well and generally on track. - Ben Robb (NPWS) – NPWS and RFS have just completed the Neverfail and Pistol Club HRs over the weekend. Both were large and strategic burns. Good coverage was achieved throughout with minimal canopy scorch. - NPWS crews are continuing to patrol and there may be some smoke visible over the coming days. NPWS have 9 further burns ready to go and waiting for favourable weather. - Judy (NCC) – Raised if there were any concerns regarding containment of the planned burns over the weekend. NPWS advised that they were very happy with the conditions and containment. The weather was favourable and contingency lines with additional resources were available if needed, including an aircraft which was on standby. - Matt Horwood (NBC) – 11 prescribed burns have been completed by the fire agencies on Council land throughout 24/25. These burns have seen fuel loads managed across 13.5 ha of 	



Council land which has helped to protect 560 nearby properties. Council has 34 proposed burns remaining on the 24/25 Annual Works Program awaiting implementation. They total over 104 ha, have an average size of 3.1ha and are expected to contribute to reducing bush fire risk to 1,581 properties.	
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Agenda Item 9	Responsible
Fire Access and Fire Trail Register	BFMC members
NSW National Parks & Wildlife <ul style="list-style-type: none"> - Multiple trails upgraded and maintained, some ready for certification. NPWS are liaising with the RFS to finalise certification. 	
Northern Beaches Council <ul style="list-style-type: none"> - Council is also continuing to liaise with the RFS to obtain grant funding and private land agreements in order to commence the initial planning phase of upgrades throughout Elvina Bay. - Council has also begun the scoping of trails throughout Manly Dam and will again be looking to the RFS for support with grant funding and private land agreements. 	

Agenda Item 10	Responsible
Grant Funding	BFMC members
<ul style="list-style-type: none"> - Not discussed. 	



Agenda Item 12	Responsible
Seasonal Outlook	XO
- Not discussed.	

Agenda Item 12	Responsible
General Business	Chair

<p>Cottage Point Residents Association (CPRA) Tank Plans</p> <ul style="list-style-type: none"> - Guy Baddock (RFS) – CPRA propose to install 10 water tanks and ancillary equipment in Cottage Point along Cowan Drive and Notting Lane. - Community is an ageing demographic and RFS have experienced a decline in volunteering in the local Brigade. - No reticulated water supply is available to the community, they are heavily reliant on tanks for water supply and firefighting. - A similar system is being implemented in Coasters Retreat with an estimated cost of \$200,000 to \$300 000. - General discussion around if there is a need for additional water for firefighting, proposed design/layout, responsibility, relevant approvals, maintenance/testing, static water required for properties with recent development (Planning for Bush Fire Protection requirements) and the remit of the BFMC with consideration of tabling at the LEMC. - Ben Robb (NPWS) – Suggested that if any NPWS land is proposed to be involved that a formal request be sent to NPWS. NPWS can provide advice on what approvals/agreements may be required for the proponent for any works in National Park. - Gareth (NBC) – Raised that from LEMO perspective it falls outside of the remit of the LEMC. A community led evacuation planning initiative for Cottage Point is being tabled at the March LEMC for information sharing however, decisions around required equipment for firefighting sits outside of the responsibility of the LEMC. - Decision 2025/1/4 – RFS to meet with CPRA next Thursday evening. Invitation to be extended to other agencies including NPWS. 	<p>Action – 2025/1/4 – RFS</p>
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<p>Cultural burning at Duffys Forest</p> <ul style="list-style-type: none"> - Judy Lambert (NCC) – NCC has received queries about the status of the planned cultural burn at Duffys Forest. - Malachi Williams (MLALC) – General discussion around cultural burning at Duffys Forest and more broadly throughout the landscape. A lot of cultural burns aren't planned how other prescribed burns are undertaken. Consensus from the committee that we need to build cultural burning initiatives and emphasise shared goals between MLALC, RFS and other agencies. 	
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<p>Assets of Intergenerational Significance (AIS)</p> <ul style="list-style-type: none"> - Ingrid Harris (NPWS) - Assets of Intergenerational Significance (AIS) response plans are expected to be adopted soon. Fire authorities should liaise with NPWS regarding any fire that may impact on AIS sites and NPWS can provide contemporary advice per the plans. - A further reminder is that NPWS's Technical Officer Wildlife and Wildlife Response Team are available to assist agencies when conducting prescribed burns or in response to wildfire events. 	
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Agenda Item 13	Responsible
Close	Chair
- Meeting closed at 11:10 AM.	

Table 4. Updated Action Items

Ref No.	Item Description	Responsible	Due Date	Status
2024/3/1	Executive Officer to confirm with agencies current member, alternate and any observers and encourage participation at BFMC.	Executive Officer	03/12/2024	Open
2024/4/2	Annual Works Plan – Peter Marshall - BFMC Agencies to develop a draft between now and the March 2025 BFMC.	All agencies	04/03/2025	Open
2024/4/3	RFS to reach out to TfNSW on behalf of the BFMC regarding vegetation encroaching on road easements in Ku-ring-gai Chase NP	RFS	04/03/2025	Open
2024/4/4	Risk Plan Subcommittee formed to progress the draft Bush Fire Risk Management Plan. Subcommittee to present its recommendations to the March 2025 BFMC	Risk Plan Subcommittee	04/03/2025	Closed
2025/1/1	Executive Officer to amend March BFMC minutes and circulate to BFMC members.	Executive Officer	03/06/2025	Open
2025/1/2	Election of Co-Chairs for 2025. Executive Officer to update BFMC contact list and RFS systems (if required)	Executive Officer	03/06/2025	Open
2025/1/3	Executive Officer to liaise with RFS HQ Risk Planning Team to organise relevant updates to the risk plan and submission to the BFCC, as well as to advocate for future model risk plan templates to	Executive Officer	03/06/2025	Open



	include the discussed constraint statement.			
2025/1/4	RFS to meet with CPRA next Thursday evening. Invitation to be extended to other agencies including NPWS.	RFS	03/06/2025	Open

Table 5. Next meeting

Date	Start time	Finish time	Location
03/06/2025	10:00 AM	12:00 PM	Northern Beaches FCC, Kamber Road, Terrey Hills



RFS

Meeting Minutes

	Description
Meeting	Bush Fire Management Committee - Northern Beaches District – Special Meeting
Convened by:	Supt. Guy Baddock - Executive Officer
Attendees:	As per attendance sheet
Location:	Northern Beaches EOC/FCC /Online Teams
Date and time:	Wednesday, 16 April 2025 commencing at 1100 hrs
Apologies:	As per attendance sheet
Minutes by:	Supt. Guy Baddock

1. Minutes

1.1. Welcome

Chair: Cr Jody Willams for BFMC Meeting 002-025 – 16 April 2025

1.2. Apologies

As per attendance sheet.

1.3. Bush Fire Risk Management Plan (BFRMP)

Supt. Guy Baddock (RFS) - Discussion surrounding the Northern Beaches Bush Fire Risk Management Plan (BFRMP).

Supt. Guy Baddock (RFS) - Confirmation of updates to the BFRMP

- Northern Beaches Council (NBC)
- National Parks and Wildlife Service (NPWS)

Supt. Guy Baddock (RFS) - NSW Department of Office Strategic Lands (OSL) update on future amendments required.

Motion: The Northern Beaches Bush Fire Risk Management Plan is endorsed by the Northern Beaches Bush Fire Management Committee, before submission to the Bush Fire Coordinating Committee (BFCC) for review and approval.

Moved by: Supt. Guy Baddock (Executive Officer / RFS)

Seconded By: Cr Jody Williams (Northern Beaches Council / Chair)

Outcome: Carried.

1.4. General Business

Matt Horwood (Northern Beaches Council) – How long until the Bush Fire Coordinating Committee (BFCC) endorse the plan?

Chris Harris (RFS) – They are moving quickly to endorse plans at the moment. They just endorsed another plan this morning.

Meeting closed: 11:25am

Table 1: Documents referred to in the meeting.

Document title	Date
Northern Beaches Bush Fire Risk Management Plan	16 April 2025
NSW DEP OSL email for tabling	8 April 2025

Table 1: Next meeting

Date	Start time	Finish time	Location
3 June 2025	10:00 Hours	12:00 Hours	Northern Beaches FCC



BFMC - 002/2025 - Attendance Sheet – 16 April 2025

Special BFRMP Meeting – Review and Endorsement

Participants	Present	Apology	Absent
Guy Munro		X	
Anthony Parello		X	
Anne McLean		X	
Supt. John Duncan		X	
Rick McInnes		X	
Cr Joeline Hackman		X	
Gareth Birch		X	
Cr Jody Williams	X		
Matt Horwood	X		
Supt. Guy Baddock	X		
Ben Shade	X		
Ben Robb	X		
Archie Broadley	X		
Ingrid Harmes	X		
Chris Harmer	X		
Chris Harris	X		



Community and Stakeholder Engagement Report

Mona Vale Beach (Southern End) Plan of Management

Consultation period: 12 December 2024 to 9 February 2025

Contents

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1. Summary

At its meeting of 10 December 2024 Council resolved (Resolution 319/24) to publicly exhibit the draft Mona Vale Beach (Southern End) Plan of Management (draft PoM). In response, the draft PoM was publicly exhibited for community feedback from 12 December 2024 to 9 February 2025. The majority of the 3,306 submissions received during the public exhibition period were supportive of the draft PoM (see 1.1). Comments were received with over 3,000 of these submissions.

The draft PoM, which is a site-specific PoM, applies to Crown land managed by Council and Council owned community land. Consistent with Council Resolution 225/23, the draft PoM incorporates a proposal to consider an off-leash dog trial.

Comments from respondents supportive of the draft PoM included key themes such as; this beach is suitable for an off-leash area, there are positive health and well-being benefits for people and their dogs from using the proposed dog off-leash area, there is a need for more dog off-leash areas on the Northern Beaches in particular on beaches and most dog owners will comply with the rules.

Comments from respondents not supportive of the draft PoM included key themes such as; this beach is not suitable for an off-leash area, the proposed dog off-leash area will be unsafe for other users, many dog owners will not comply with the rules, Council does not have the capacity to manage compliance effectively and there would be adverse environmental impacts from dogs being on the beach.

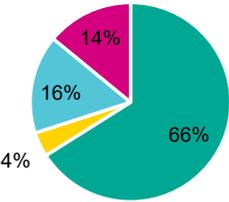
The majority of comments were related to the proposed dog off-leash area trial and not directly about the draft PoM.

This report provides details about the public exhibition of the draft PoM, analysis of the submissions and comments received, responses to key matters arising from this feedback and provides a link to a verbatim list of the comments received (Appendix 1).

1.1. Key outcomes

 Total discrete responses	3,306*	
 How responses were received	Submission form Written responses (email/letter)	Completions: 3,277 Number received: 40 (of which 29 were deemed discrete)

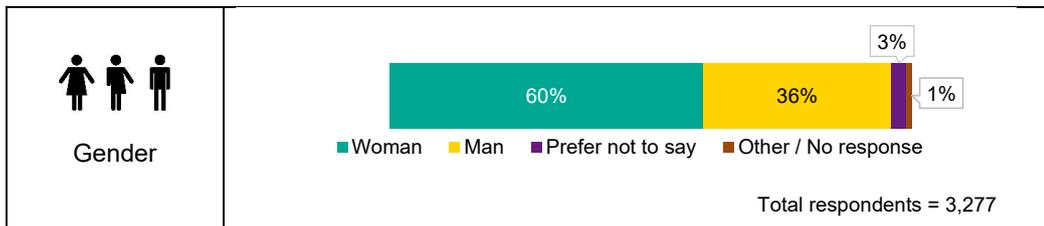
* Where a respondent made more than one submission by emailing their submission in addition to completing the online form, these have been counted as 1 discrete submission. Where a respondent completed the online form more than once, or emailed their submission more than once these have been counted as 1 discrete submission. Sentiment from the most recent submission has been counted, however comments from all form completions have been included in Appendix 1 – Verbatim community and stakeholder responses.

<p></p> <p>Online sentiment question:</p> <p>How supportive of the draft Plan of Management are you?</p>	 <ul style="list-style-type: none"> ■ Very supportive ■ Somewhat supportive ■ Not very supportive ■ Not at all supportive <p>Total responses = 3,277</p>
<p></p> <p>Feedback themes</p>	<p>Supportive themes:</p> <ul style="list-style-type: none"> • Mona Vale Beach (south) is a suitable location for a dog off-leash area • There is a need for more dog off-leash areas in parks and particularly beaches on the Northern Beaches and where dogs can swim • The proposed dog off-leash area will encourage more walking and socialisation which enhances physical and mental health and well-being for people and their dogs • Other Councils have successful dog off-leash areas on their beaches • Most dog owners follow the rules and pick up after their dogs and would follow the rules at this location • Is fair and equitable • Consider changes to the trial parameters and infrastructure <p>Non-supportive themes:</p> <ul style="list-style-type: none"> • Mona Vale Beach (south) is not a suitable location for a dog off-leash area • The proposed dog off-leash area trial will <ul style="list-style-type: none"> - reduce the enjoyment of other beach users - lead to conflicts and health and safety issues and will have noise, parking, traffic impacts - adversely impact the environment - be costly • Many dog owners won't follow the rules of the dog off-leash area • Council does not have capacity to effectively manage compliance of the dog off-leash area • There are enough dog off-leash areas on the Northern Beaches • Managing and evaluating the trial • Is not fair and equitable • Draft Review of Environmental Factors 2023 is inadequate

1.2. How we engaged

 Have Your Say: visitation stats	Visitors: 8,331	Visits: 10,676	Average time onsite: 2 minutes 16 seconds
 Print media and collateral	Council Media Release Council News Story Letterbox drop: 2103 Site signs used: Yes		11 December 2024 11 December 2024 Distribution: 637 Number of signs: 3
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 2 editions Council (weekly) e-News: 4 editions Stakeholder emails advising exhibition commenced: 3		Distribution: 21,900 subscribers Distribution: 57,600 subscribers Distribution: 3,987
 Face-to-face sessions	Pop up / Drop in: 1		Attendance: 30
 Key stakeholder engagement	Phone calls – 'book a call'		Number: 3

1.3. Who responded¹



¹ Demographic data was gathered by request only. The data represented only includes those respondents who provided this detail.



² Respondents could select more than one option.

³ Respondents could select more than one option.

⁴ Results show top 11 postcodes provided in response. All other responses are combined into Other.

⁵ Not all responses included postcodes.

2. Background

At its meeting held on 22 August 2023, Council resolved (Resolution 225/23), among other things, to prepare a plan of management for the southern end of Mona Vale Beach that incorporates a proposal for an off-leash dog trial.

In response, the draft Mona Vale Beach (Southern End) Plan of Management (draft PoM) was prepared in accordance with the *Local Government Act 1993* (LG Act) and the *Crown Land Management Act 2016* (CLM Act). Consistent with Resolution 225/23, the draft PoM incorporates a proposal for a dog off-leash area trial.

In accordance with the LG Act the draft PoM was referred to the NSW Department of Planning, Housing and Infrastructure – Crown Lands (DPHI). The DPHI subsequently provided Council with its consent to publicly exhibit the draft PoM.

At its meeting held on 10 December 2024, Council resolved (Resolution 319/24) to publicly exhibit the draft PoM. The draft PoM was publicly exhibited for community feedback from 12 December 2024 to 9 February 2025 (the public exhibition period).

3. Engagement objectives

Community and stakeholder engagement aimed to:

- build community and stakeholder awareness of participation activities for providing feedback on the draft PoM
- provide accessible information so the community and stakeholders can participate in a meaningful way
- provide balanced and objective information to assist the community to understand the draft PoM
- present the messaging in a sensitive way relative to the topic
- identify community and stakeholder feedback
- communicate to community and stakeholders how their input was incorporated into the planning and decision-making process.

4. Engagement approach

Community and stakeholder engagement for the draft PoM was conducted between 12 December 2024 and 9 February 2025. It consisted of a series of activities that provided opportunities for the community and stakeholders to contribute.

The engagement was planned, implemented and reported in accordance with Council's [Community Engagement Strategy](#) (2022).

A project page⁶ was established on our online engagement platform with information provided in an accessible and easy to read format. A full version and an easy read version of the draft PoM were made available on the project page.

⁶ <https://yoursay.northernbeaches.nsw.gov.au/mona-vale-beach-south-plan-management>

The project was primarily promoted through our regular email newsletter (EDM) channels, on-site signage, letter box drop to residents living nearby to Mona Vale Beach (south) and emails to key stakeholder groups.

Feedback was captured through an online submission form embedded onto the project page. The form included a question that directly asked respondents for their level of support on the draft PoM. The response options were very supportive, somewhat supportive, not very supportive and not at all supportive.

An open-field comments box asked community members to provide comment, explain or elaborate on their level of support or non-support, as well as any other feedback they wished to contribute.

Email and written submissions were also invited. There was a 'book a call' option on the project page for community members to book a time to speak to our project team.

5. Findings

We received 3,306 discrete submissions during the public exhibition period with over 3,000 of these submissions including comments. The majority of submissions and comments were supportive of the draft PoM. 70% of submissions supported the draft PoM (66% very supportive, 4% somewhat supportive) and 30% of submissions did not support the draft PoM (16% not very supportive and 14% not at all supportive).

Comments from respondents supportive of the draft PoM included key themes such as; this beach is suitable for an off-leash area, there are positive health and well-being benefits for people and their dogs from using the proposed dog off-leash area, there is a need for more dog off-leash areas on the Northern Beaches in particular on beaches and most dog owners will comply with the rules.

Comments from respondents not supportive of the draft PoM included key themes such as; this beach is not suitable for an off-leash area, the proposed dog off-leash area will be unsafe for other users, many dog owners will not comply with the rules, Council does not have the capacity to manage compliance effectively and there would be adverse environmental impacts from dogs being on the beach.

The majority of comments were related to the proposed dog off-leash area trial and not directly about the draft PoM.

A link to a redacted verbatim list of comments received is provided in Appendix 1.

The key themes arising from the review of the submissions and comments received and staff responses is set out in Table 1 below.

Table 1: Public Exhibition of the Draft Mona Vale Beach (Southern End) Plan of Management – Overview of Key Themes and Responses

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
<p>Comments in support of the proposed dog off-leash area at Mona Vale Beach (south) incorporated in the draft PoM.</p>	<p>Comments in support of the proposed dog off-leash area incorporated in the draft PoM include:</p> <ul style="list-style-type: none"> • there is a need for a dog friendly off-leash area on this beach because dogs are not allowed on any ocean beach on the Northern Beaches • a new dog off-leash area will mean less congestion at other off-leash areas • there are not enough dog off-leash areas on the Northern Beaches • there is a need for more dog off-leash areas and places where dogs can swim • will encourage dog walking which enhances physical and mental well-being and quality of life for people and their dogs • helps dogs with socialisation and stimulation, interaction with other dogs and people on the beach can help dogs develop better social skills, making them more well-behaved and less likely to be aggressive • there is plenty of other beach space for those who don't want to share the beach with off-leash dogs • with clear signage, waste disposal facilities, and responsible dog ownership guidelines, a dog off-leash beach area can coexist harmoniously with other community interests • this area of beach is rarely used • good location next to the existing dog off-leash area at South Mona Vale Headland Reserve • it's a central location in the Local Government Area (LGA), I won't have to travel to other LGA's to enjoy the beach with my dog • there is a good buffer between the dog off-leash area and the busy northern part of this beach and the flagged area 	<ul style="list-style-type: none"> • There are no Council dog off-leash areas on an ocean beach (except for limited access to the North Curl Curl lagoon). • There are 4 Council dog off-leash areas with access to water – none with access to the ocean. • The human physical and mental health benefits of walking are well established. For example, the Australian Government's Department of Health & Aged Care indicates that moving more and sitting less improves physical and mental health. • It is considered reasonable for Council to investigate proposals for more dog off-leash areas. <p>No changes proposed to the draft PoM.</p>

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
	<ul style="list-style-type: none"> • safe place to walk dogs without e-bikes • will encourage responsible pet ownership • could be a social hub, shared space where dog owners and families can meet and connect outdoors, fostering a sense of joy, community and providing opportunities for social interaction. 	
<p>Comments not in support of the proposed dog off-leash area at Mona Vale Beach (south) incorporated in the draft PoM</p>	<p>Comments not in support of the proposed dog off-leash area incorporated in the draft PoM include:</p> <ul style="list-style-type: none"> • dogs on the beach will reduce the peace and quiet, ambience and enjoyment of other users of the beach • this ocean area is unpatrolled and often dangerous with permanent rips • dogs will conflict with, interrupt and limit use of the beach for other uses such as walking, swimming, surfing • there are likely to be dog attacks or accidents particularly to children and the elderly • some dog owners are aggressive • this beach is not safe now because there are dogs on this beach even though dogs are prohibited • the dog off-leash area is too close to the children's playground in Apex Park • many people (individuals, children and families) feel unsafe around dogs • dog excrement impacts the health of people • NSW government's sharksmart website states "Avoid having pets in the water with you," dogs swimming will put others using the surf at risk. • dogs can be unpredictable and many owners cannot control their dogs • many dog owners are observed not following the rules related to dogs e.g. not picking up after their dog, not under effective control and dogs are outside the boundaries of off-leash areas • dogs won't be kept in the off-leash area and will access the rest of the beach 	<p>Should the trial proceed it is proposed that:</p> <ul style="list-style-type: none"> • People taking their dogs to the proposed dog off-leash area will be required to abide by any relevant Council policies and directions and any relevant legislation such as the LG Act and the CA Act. • The draft PoM proposes among other things that: <ul style="list-style-type: none"> - the trial will be monitored and appropriate regulatory and enforcement action undertaken, as required - new signs are installed and existing signs updated with information for users including the conditions of use such as picking up after their dog, map of the dog off-leash area, permitted days / times and the penalties for failing to comply as well as safety information including beach safety - the fencing along the eastern edge of the dunes and along the two paths to the proposed dog off-leash area will be upgraded to prevent dogs entering the vegetated areas - the fencing will be designed to prevent dogs while still allowing movement of small terrestrial fauna - dog waste dispenser(s) are installed and waste bags provided - additional bins are installed as needed. • The northern edge of the proposed dog off-leash area is approximately

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
	<ul style="list-style-type: none"> • environmental damage • ratepayers are footing the costs of un-leashed dogs and may have to fund payouts for dog attack claims • funds will be diverted from essential services to pay for the trial that only benefits a portion of the community • already dog poo on the beach • owners don't pick up on the headland and will leave poo on this beach too • might attract owners and dogs from outside the LGA • will make this beach less accessible for vulnerable people • overcrowding from unrestricted dog access • dogs create tension in shared public spaces • the area is for conservation not dogs • there are already 30 dog off-leash areas where people can take their dogs including on the headland near the beach • there are sufficient dog walking areas, including with water access. 	<p>850m from the playground in Apex Park. There is a low likelihood that a dog off-leash would not be prevented from making its way to this playground.</p> <p>It is proposed the costs of the proposed trial at Mona Vale Beach (south), incorporated in the draft PoM will be met with existing resources and with funds sourced through Council's usual budget processes and that existing resources will be used to monitor and manage compliance for the trial (should it proceed).</p> <p>The implementation of the trial will not impact on Council's funding for and provision of essential services.</p> <p>No changes proposed to the draft PoM.</p>
Number of dog off-leash areas	<p>Some respondents stated there is a growing need for more dog off-leash areas on the Northern Beaches, particularly on beaches because:</p> <ul style="list-style-type: none"> • there are more dogs on the Northern Beaches since the COVID-19 time • existing dog 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 at other dog off-leash areas • you can't expect everyone to travel to Mona Vale Beach, there needs to be other beaches where dogs can be off-leash. <p>Comments opposed to more dog off-leash dog areas included:</p> <ul style="list-style-type: none"> • we have sufficient dog off-leash areas including with water access and places to walk dogs • there is already a dog off-leash area on the headland near this beach 	<ul style="list-style-type: none"> • The proposal for a dog off-leash area on Mona Vale Beach (south), incorporated in the draft PoM, will assist in addressing requests for more dog off-leash areas. • Community feedback received by Council since 2016 indicates there is demand for more places to take dogs off-leash in parks and beaches. • Two new dog off-leash areas are currently under consideration at Mona Vale Beach (south) and Palm Beach (north). At this time Council is not considering other locations for dog off-leash areas on a beach or park. • There are no Council dog off-leash areas on an ocean beach (except for limited access to the North Curl Curl lagoon). • Council's dog off-leash areas are spread across the LGA to provide

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
	<ul style="list-style-type: none"> • dogs don't need beaches. They already have plenty of other places to run free • under the CA Act, Council is required to provide at least one off-leash dog exercise area at all times. However, Council currently provide 30 dog off-leash areas. 	<p>better access for residents across the LGA who have dogs.</p> <ul style="list-style-type: none"> • It is considered reasonable for Council to investigate proposals for more dog off-leash areas. <p>No changes proposed to the draft PoM.</p>
Compliance, regulations and enforcement	<p>Those not supportive of the proposed dog off-leash area trial incorporated in the draft PoM indicated:</p> <ul style="list-style-type: none"> • many dog owners are observed not following the rules related to dogs e.g. not picking up after their dog (including Mona Vale Headland dog off-leash area), dogs are off-leash when they should be on-leash and won't do the right thing on the beach either • concerns that the rules won't be followed on this beach and there will be conflict with other users, adverse impacts on the environment, dogs will be uncontrolled and outside the off-leash area boundaries • Council doesn't have capacity to successfully manage compliance of dogs currently • Council's enforcement of compliance is essential to the success of the proposed dog off-leash area • Council rangers often do not fine dog owners for breaking the rules, leading to a lack of compliance and increased risk for other beachgoers • How will dogs be contained to the trial area? <p>Those supportive of the proposed dog off-leash area trial stated:</p> <ul style="list-style-type: none"> • most dog owners follow the rules and pick up after their dogs and would follow the rules at Mona Vale Beach. 	<p>Should the trial proceed, it is proposed that:</p> <ul style="list-style-type: none"> • People taking their dogs to the proposed dog off-leash area will be required to abide by any relevant Council policies and directions and any relevant legislation such as the LG Act and the CA Act. • And the draft PoM proposes among other things that: <ul style="list-style-type: none"> - the trial will be monitored and appropriate regulatory and enforcement action undertaken, as required - new signs are installed and existing signs updated with information for users including the conditions of use such as picking up after their dog, map of the dog off-leash area, permitted days / times and the penalties for failing to comply - the fencing along the eastern edge of the dunes and along the two paths to the proposed dog off-leash area will be upgraded to prevent dogs entering the vegetated areas - the fencing will be designed to prevent dogs while still allowing movement of small terrestrial fauna - dog waste dispenser(s) are installed and waste bags provided - additional bins are installed as needed. • An entry fee / levy to access the proposed dog off-leash area (should it proceed) is not being considered for the proposed trial. <p>No changes proposed to the draft PoM.</p>

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
Other Councils have successful dog off-leash areas	<p>Comments were received about dog off-leash areas on beaches in other Council areas including:</p> <ul style="list-style-type: none"> • some holiday or drive out of area so they can take their dog to the beach • there are dog friendly beaches in densely populated areas like the Eastern Suburbs. 	<ul style="list-style-type: none"> • Council is investigating what is best for the Northern Beaches community and the natural environment, land and beaches that Council manages in accordance with relevant legislation. <p>No changes proposed to the draft PoM.</p>
Environmental impacts of dogs on the beach during the off-leash area trial incorporated in the draft PoM	<p>Comments were received about environmental impacts of dogs on the beach during the off-leash area trial incorporated in the draft PoM including:</p> <ul style="list-style-type: none"> • dogs and their excrement will adversely impact the environment e.g. dog excrement will be left on/in the sand and dog faeces bags will enter the water, dogs will trample dunes/environmentally sensitive areas, disturb native vegetation and stress wildlife • suggestions for fencing to be installed to keep dogs out of the ecosystem area • local birds will be scared away from their local habitat by dogs • fencing, signage and dog waste bag stations add to visual clutter and ruins the natural environment. 	<ul style="list-style-type: none"> • A Review of Environmental Factors for the proposed dog off-leash area trial at Mona Vale Beach (South) 2025 (REF 2025) indicates that the potential impacts of the proposed trial are considered unlikely to significantly affect the environment, noting that the activity (the proposed trial) will incorporate mitigation and management measures/safeguards (which would be implemented should the trial proceed). <p>Should the trial proceed:</p> <ul style="list-style-type: none"> • People taking their dogs to the proposed dog off-leash area will be required to abide by any relevant Council policies and directions and any relevant legislation such as the LG Act and the CA Act. • And the draft PoM proposes among other things that: <ul style="list-style-type: none"> - the trial will be monitored and appropriate regulatory and enforcement action undertaken, as required - new signs are installed and existing signs updated with information for users including the conditions of use such as picking up after their dog, map of the dog off-leash area, permitted days / times and the penalties for failing to comply - the fencing along the eastern edge of the dunes and along the two paths to the proposed dog off-leash area will be upgraded to prevent dogs entering the vegetated areas - the fencing will be designed to prevent dogs while still allowing movement of small terrestrial fauna

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
		<ul style="list-style-type: none"> - dog waste dispenser(s) are installed and waste bags provided - additional bins are installed as needed. <p>No changes proposed to the draft PoM.</p>
Dog off-leash area trial parameters for the off-leash area trial incorporated in the draft PoM	<p>Requests were received to change the trial parameters during the off-leash area trial incorporated in the draft PoM, including:</p> <ul style="list-style-type: none"> • increasing the dog off-leash area • make the beach access paths off leash • extending dog off-leash hours for the trial e.g. adding an extra hour in morning, extending hours for shift workers, extending to include all daylight hours, making it off-leash all day (24/7). 	<ul style="list-style-type: none"> • Expanding the proposed dog off-leash area and the days and times for dog off-leash access to the beach, for the off-leash area trial incorporated in the draft PoM, is not supported because the REF 2025 and the draft PoM are based on the trial parameters approved by Council on 22 February 2022 (Council Resolution 023/22). • To minimise safety risks the off-leash area trial contemplated in the draft PoM would permit dogs on-leash on the two designated access paths to the proposed dog off-leash area at the times that dogs are permitted off-leash on the beach (should the trial proceed). <p>No changes proposed to the draft PoM.</p>
Dog waste management	<p>Comments were received about dog waste, during the off-leash area trial incorporated in the draft PoM, including:</p> <ul style="list-style-type: none"> • excrement left on the beach is a health risk for people and adversely impacts the environment and reduces enjoyment of the beach • concerns that dog waste and bags will be left on the beach and will end up in the ocean • if the trial proceeds, additional bins and dog waste bags need to be available. 	<p>Should the trial proceed:</p> <ul style="list-style-type: none"> • People taking their dogs to the proposed dog off-leash area would be required to abide by any relevant Council policies and directions and any relevant legislation such as the LG Act and the CA Act. • And the draft PoM proposes among other things: <ul style="list-style-type: none"> - the trial will be monitored and appropriate regulatory and enforcement action undertaken, as required - new signs are installed and existing signs updated with information for users including the conditions of use such as picking up after their dog and the penalties for failing to comply - the fencing along the eastern edge of the dunes and along the two paths to the proposed dog off-leash area will be upgraded to prevent dogs entering the vegetated areas

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
		<ul style="list-style-type: none"> - dog waste dispenser(s) are installed and waste bags provided - additional bins are installed as needed. <p>No changes proposed to the draft PoM.</p>
<p>Costs of the proposed trial for the off-leash area trial incorporated in the draft PoM</p>	<p>Comments were received about the cost of the proposed trial for the off-leash area trial incorporated in the draft PoM including:</p> <ul style="list-style-type: none"> • dog owners should be allowed to use facilities that their rates/taxes pay for, while others don't want their rates being used for this purpose • concerns the cost of enforcing trial compliance will be high • some opposed to the trial felt it would reduce their access to local facilities and only benefit those who own dogs, and therefore mean less value for the rates they pay • supplying dog waste bags is an added cost to Council • Council should consider permit tags for dogs to use the dog off-leash area, where registered dog owners pay a levy to cover the cost of the off-leash area • dog off-leash area trial will create legal liability issues for Council. 	<ul style="list-style-type: none"> • The costs of the proposed trial at Mona Vale Beach (south), incorporated in the draft PoM will be met with existing resources and with funds sourced through Council's usual budget processes. • Existing resources will be used to monitor and manage compliance for the trial (should it proceed). • Council is not considering introducing a fee / levy to use the dog off-leash area during the trial (should it proceed). • Should the trial proceed Council would manage the trial in accordance with any relevant Council policies and directions and any relevant legislation such as the LG Act and the CA Act. <p>No changes proposed to the draft PoM.</p>
<p>Managing and evaluating the trial incorporated in the draft PoM</p>	<p>Comments were received about managing and evaluating the proposed trial incorporated in the draft PoM including:</p> <ul style="list-style-type: none"> • how will the trial's success or failure be measured? • adequate resourcing/funding for a ranger to monitor and enforce compliance • request for baseline data • dog owner education required • as the area gets over used dog owners will keep moving further north until most of Mona Vale Beach will eventually become a de facto dog beach • some acknowledged the trial will allow Council to monitor and assess the benefits and any potential concerns. 	<p>The proposed trial will be evaluated against criteria including the mitigation and management measures/safeguards identified in the final Review of Environmental Factors for the trial. The outcomes of the trial would be reported to Council for its consideration.</p> <p>Should the trial proceed, the draft PoM proposes that:</p> <ul style="list-style-type: none"> - The mitigation and management measures / safeguards identified in the final Review of Environmental Factors for the trial are to be implemented. - People taking their dogs to the proposed dog off-leash area, would be required to abide by any relevant Council policies and directions and any

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
		<p>relevant legislation such as the LG Act and the CA Act – this includes that dogs would be permitted at the approved off-leash trial area only at approved specific days and times.</p> <ul style="list-style-type: none"> - Information about the trial such as the conditions of use and compliance would be provided on Council’s website and on signs on-site, also some education sessions will be provided during the trial. - the trial will be monitored and appropriate regulatory and enforcement action undertaken, as required - new signs are installed and existing signs updated with information for users including the conditions of use such as picking up after their dog, map of the dog off-leash area, permitted days / times and the penalties for failing to comply. <p>No changes proposed to the draft PoM.</p>
Infrastructure	<p>Comments were received about infrastructure for the proposed dog off-leash area incorporated in the draft PoM including:</p> <ul style="list-style-type: none"> • for bins, waste bags, signs, fencing • concerns the additional infrastructure would create visual clutter • no clear boundary line or fenced off area between the dog off-leash trial area and the rest of the beach. 	<p>Should the trial proceed the draft PoM proposes among other things that:</p> <ul style="list-style-type: none"> - new signs are installed and existing signs updated with information for users including the conditions of use such as picking up after their dog, map of the dog off-leash area, permitted days / times and the penalties for failing to comply - the fencing along the eastern edge of the dunes and along the two paths to the proposed dog off-leash area will be upgraded to prevent dogs entering the vegetated areas - the fencing will be designing to prevent dogs while still allowing movement of small terrestrial fauna - dog waste dispenser(s) are installed and waste bags provided - additional bins are installed as needed.

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
		No changes proposed to the draft PoM.
Noise	<p>Comments were received about the noise impacts from the proposed dog off-leash area incorporated in the draft PoM including:</p> <ul style="list-style-type: none"> • barking disturbs the peaceful environment, enjoyment of the beach and disturbs birds • if more dog off-leash areas are provided there will be less noise. 	<p>Should the trial proceed the draft PoM proposes among other things that:</p> <ul style="list-style-type: none"> • People taking their dogs to the proposed dog off-leash area, would be required to abide by relevant Council policies and directions and any relevant legislation such as the LG Act and the CA Act and any legislation related to noise. <p>No changes proposed to the PoM.</p>
Draft Review of Environmental Factors for the proposed dog off-leash area trial at Palm Beach (north) and Mona Vale Beach (South) 2023 (draft REF 2023).	<p>Comments were received about the draft REF 2023 that was presented to Council at its meeting of 20 August 2023 indicating that the draft REF 2023 fails to adequately address the potential threat of dogs to the environment and is inaccurate, unreliable, inadequate, biased in favour of allowing dogs on beaches.</p>	<ul style="list-style-type: none"> • The matters raised in regard to the draft Review of Environmental Factors 2023 (draft REF 2023) have been responded to in the community engagement report about the public exhibition of the draft REF 2023 that was presented to Council at its meeting of 22 August 2023. • As reported to Council the draft REF 2023 took into account environmental considerations, having regard to the requirements of legislation including the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act), <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) and Guidelines. <p>No changes proposed to the draft PoM.</p>
Traffic and parking issues due to the proposed dog off-leash area trial during the off-leash area trial incorporated in the draft PoM	<p>Comments were received about traffic and parking matters for the off-leash area trial incorporated in the draft PoM including:</p> <ul style="list-style-type: none"> • not enough parking particularly during peak summer times to accommodate additional use of the off-leash area from locals and visitors • already insufficient parking for nearby residents • will make parking difficult for the nearby health services. 	<p>Should the trial proceed, the draft PoM proposes among other things that:</p> <ul style="list-style-type: none"> • Increased patrols by Council officers during high peak times will be considered to ensure compliance with parking rules during the trial. • Monitoring of parking will be undertaken during the trial. <p>The proposed trial times were selected to minimise impacts on traffic and parking.</p> <p>No changes proposed to the draft PoM.</p>
Equal access and fairness	<p>Comments were received about equal access and fairness for the off-leash area trial incorporated in the draft PoM including:</p>	<p>Should the trial proceed, the draft PoM proposes among other things that:</p> <ul style="list-style-type: none"> • dogs are permitted off-leash during the approved trial period in the approved trial area at these days and times:

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
	<ul style="list-style-type: none"> • this small stretch of beach is a wonderful resource that should and can be enjoyed by all the community • dog owners and dogs should have equitable access to open space, particularly beaches • there are plenty of beaches for people • shared spaces like Mona Vale Beach should remain safe and inclusive for everyone. Off-leash dogs disrupt this balance, posing risks to children, seniors, and wildlife while creating unnecessary noise and litter. 	<ul style="list-style-type: none"> - 5.30am to 10.00am and 5.00pm to 9.00pm, Monday to Sunday (Australian Eastern Daylight Time) - 6.00am to 10.00am and 4.00pm to 7.00pm, Monday to Sunday (Australian Eastern Standard Time) - dogs would be prohibited in the trial area at all other times - dogs remain prohibited on Mona Vale Beach outside the trial area 24 hours a day 7 days a week (as per the current Council policy). - The proposed trial days and times have been set to provide suitable times for walking a dog and to minimise impacts on other users of the beach and nearby residents. • People taking their dogs to the trial area, would be required to abide by relevant Council policies and directions and any relevant legislation such as the LG Act and the CA Act. <p>No changes proposed to the draft PoM.</p>
Other matters	<ul style="list-style-type: none"> • This is taking too long. • Aren't dogs already prohibited within the fenced vegetated areas of the draft PoM? • The golf shelter is usually under hip-height grass. • Consider more plantings and shade coverage along the Coastal Walk behind Mona Vale Beach. • Pathways along Mona Vale golf course are not kept tidy. 	<ul style="list-style-type: none"> • Council is taking the time required so that all due diligence in regard to the proposed trial is undertaken. This includes investigating matters under the LG Act, CA Act, EP&A Act and the CLM Act. • The draft PoM enables Council to consider prohibiting dogs in vegetated areas on land covered by the draft PoM where dogs are not prohibited. • Plantings are proposed in the Mona Vale Beach (south) vegetated areas in spring 2025. • Weeding has been undertaken in the area around the golf shelter. • There is scheduled vegetation maintenance undertaken by Council on Council's land adjoining the Mona Vale Golf Course. <p>No changes proposed to the draft PoM.</p>

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
Out of scope - support for online surveys	<ul style="list-style-type: none"> • Appreciate the format to express views without online harassment/fear of being attacked online. • Many feel that online forums are no longer a safe space to discuss this issue. 	<ul style="list-style-type: none"> • Feedback could be provided on the draft PoM via an online form, letters or emails. • A link to a redacted verbatim list of the comments received is available via this Community Engagement report. <p>No changes proposed to the draft PoM.</p>
Out of Scope - other	A large area adjacent to the grassed area beside the Mona Vale hospital was cleared and fenced off some time ago. Weeds filling this area, was to be revegetated.	<ul style="list-style-type: none"> • This area is planned to be replanted in spring 2025. <p>No changes proposed to the draft PoM.</p>
	Recommend a review of Northern Beaches parking stickers not being valid at the car park area adjoining the dog off-leash area at Rowland Reserve, Bayview.	<ul style="list-style-type: none"> • This request was sent to the Transport Network team for consideration. <p>No changes proposed to the draft PoM.</p>
	Requests that Council consider reducing the number of off-leash areas and increase patrols to better manage dogs.	<ul style="list-style-type: none"> • Council is not considering removing any of its current dog off-leash areas. Council receives regular requests for more dog off-leash areas and has received feedback that some off-leash areas are very crowded e.g. Rowland Reserve, LM Graham Reserve. • Requests for more ranger patrols to better manage dogs in specific areas is considered and implemented as needed and where resources are available. <p>No changes proposed to the draft PoM.</p>
	No Dogs Allowed signs at the northern end of Mona Vale Beach have been destroyed.	<ul style="list-style-type: none"> • New 'dogs prohibited on beach' signs have been installed at the northern end of Mona Vale Beach. <p>No changes proposed to the draft PoM.</p>
	Suggestions were received for new and upgraded infrastructure on land not covered by the draft PoM including requests for; a boardwalk for Avalon beach, spaces for cafes/coffee trucks and a fence around the South Mona Vale Headland Reserve dog off-leash area.	<ul style="list-style-type: none"> • The suggestion for a boardwalk for Avalon beach has been referred to the Parks and Open Space team. • Coffee van operators can request temporary access to Council land to operate their businesses via Council's usual booking application process. Council policies and directions and relevant legislation applies. • The dog off-leash area at South Mona Vale Headland Reserve is fenced on the southern boundary and partly fenced on the northern,

Theme	What we heard - issues, suggestions, requests and other considerations raised	Responses
		<p>eastern and western boundaries. There are no plans to fully enclose this reserve as continuous access is required through the reserve to the beach, to the paths that traverse the reserve and for the range of other recreation activities that occur regularly in this reserve.</p> <p>No changes proposed to the draft PoM.</p>

Appendix 1: Verbatim community and stakeholder comments received*

To view a verbatim redacted list of the comments received, click the link below:

https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/Document.aspx?t=w_ebdoc&id=o4gPoGV%2FgU4V0A60ki4OEg==

Document administration	
Version	1.0
Date	29 July 2025
Approval	Content provided by the Open Space Planning Team, July 2025 Report reviewed and agreed to publish by Community Engagement Team 29 July 2025 Report reviewed, updated and approved by Manager Open Space Planning 13 August 2025 Responsible Manager: Damian Ham, Manager Open Space Planning
Status	Final
Notes	Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.

**Personal details and inappropriate language have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.*



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Draft Mona Vale Beach (southern end) Plan of Management



DRAFT July 2025

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Version	Date	Reviewed by
V1 draft	22/02/24	Northern Beaches Council, Parks & Open Space Business Unit, Environment and Climate Change Business Unit
V2 draft	03/06/24	NSW Department of Planning, Housing and Infrastructure – Crown Lands
V3 draft for public exhibition	25/11/24	Northern Beaches Council, Parks & Open Space Business Unit, Environment and Climate Change Business Unit
V4 Final draft for adoption	31/07/25	Northern Beaches Council, Parks & Open Space Business Unit
Adopted by Council	TBC	This PoM was adopted by Council on [insert date]

The document has been prepared with assistance from CGM Planning.

Acknowledgement of Country

Northern Beaches Council acknowledges the Traditional Custodians of this land and shows respect to all Aboriginal people. We acknowledge the Elders past, present and emerging and the spirits and ancestors of the Clans that lived in this area.

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1.0 KEY INFORMATION

This site-specific plan of management (PoM) has been prepared by Northern Beaches Council (Council) and provides direction as to the use, management and development of Mona Vale Beach (southern end) (also referred to in this PoM as the 'land'), being the parts of the reserves, including Council-managed Crown reserves, set out in Table 1 below and illustrated in Figure 1.

This PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* (CLM Act) and Section 36 of the *Local Government Act 1993* (LG Act), which require community land to be managed in accordance with a PoM applying to the land.

This PoM specifically addresses the management of Mona Vale Beach (southern end). The PoM outlines the way the land will be used, managed and developed and provides the framework for Council to follow in relation to the express authorisation of leases, licences and other estates on the land.

The adoption of this PoM amends Pittwater's Ocean Beaches Plan of Management (2005) (Ocean Beaches PoM) as set out in Appendix 9, pursuant to section 41 of the LG Act. The effect of the amendment is that the Ocean Beaches PoM no longer applies to Mona Vale Beach (southern end).

Table 1: Details about land covered by the Mona Vale Beach (southern end) PoM

Reserve Name	Part Beeby Park (Beeby Park)	Part South Mona Vale Headland Reserve (Headland Reserve)	Part R1040912
Reserve Number	Part R45244	Not Applicable	Part R1040912
Owner of the Land	Crown Lands (State of NSW)	Northern Beaches Council	Crown Lands (State of NSW)
Manager of the Land	Northern Beaches Council is Crown land manager	Northern Beaches Council	Northern Beaches Council is Crown land manager
Reserve purpose	Public Recreation	Deed of Trust: Public Park, Public Reserve, Public Recreation Area	Public Recreation
Gazettal date	18/05/1910	Not Applicable	26/04/2024
Land parcel/s	Lot 1 DP 1275526	Part Lot 5 DP 211456	Not Applicable
Area (Hectares)	4.441	2.446	4.397
LEP zoning	RE1 - Public Recreation	RE1 - Public Recreation	RE1 - Public Recreation
Assigned category/categories	Natural Area Bushland Natural Area Foreshore	Natural Area Bushland Natural Area Foreshore Natural Area Escarpment	Natural Area Foreshore
Native Title Claim/Determination	None	Not applicable as not Crown land	None

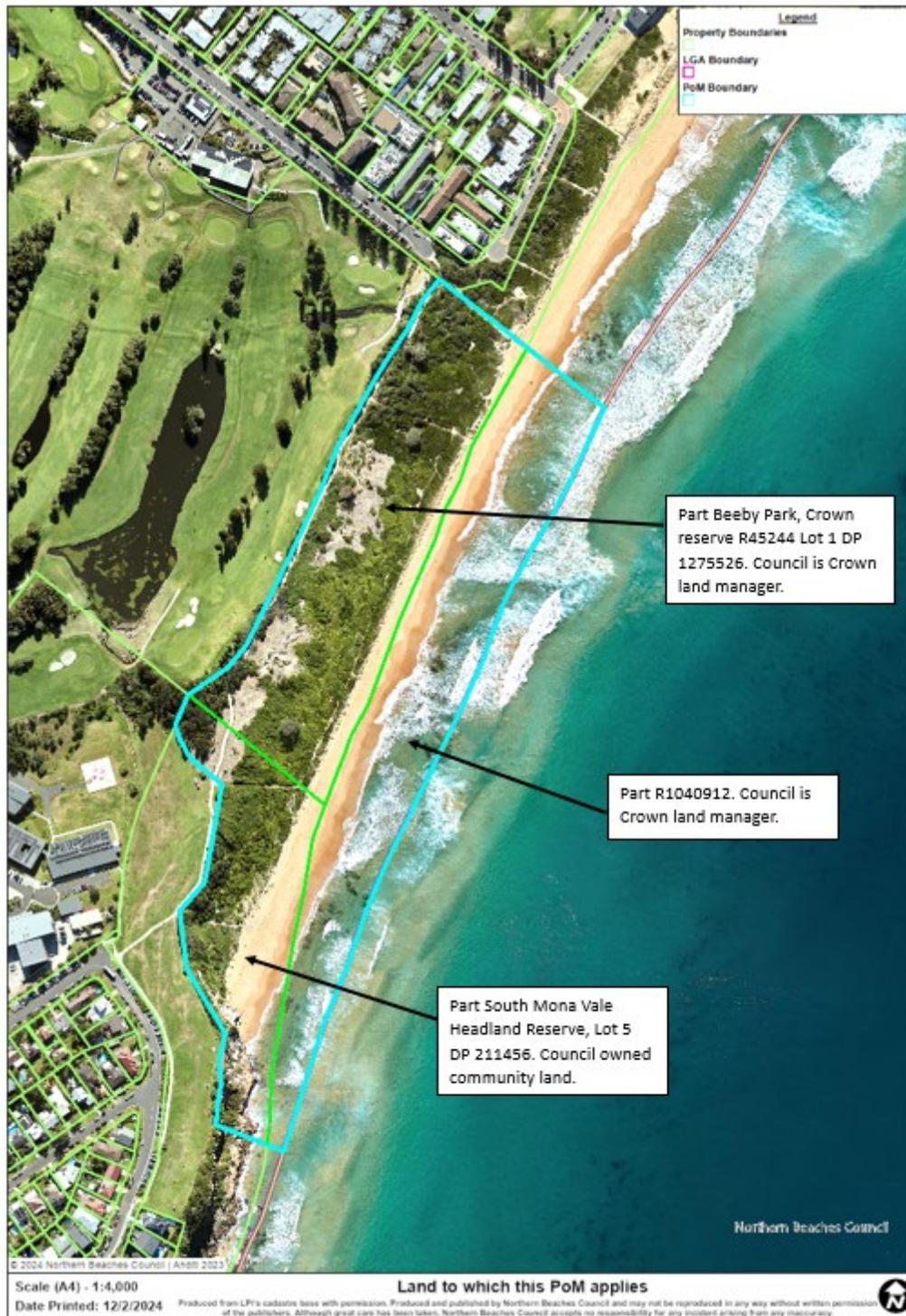


Figure 1: Land which applies to the Mona Vale Beach (southern end) PoM

2.0 INTRODUCTION

This site specific PoM has been prepared for Mona Vale Beach (southern end) to, among other things, protect coastal vegetation, support ongoing community use of the foreshore (beach) and to enable a specific area of the foreshore (beach) to be used as a dog off-leash area on a trial and/or permanent basis consistent with any Council approval. The land is located within the Northern Beaches Local Government Area (LGA) and adjoins the Mona Vale Golf Course, Mona Vale Hospital and part of South Mona Vale Headland Reserve (which includes an existing dog off-leash area).

The extent of the land comprising Mona Vale Beach (southern end) to which this PoM applies, and the proposed location of a dog off-leash area on the beach, is presented in Figure 2 within the locational context of adjoining land uses. For background information about the proposed dog off-leash area see Appendix 2. An overview of the LGA, which provides further context to this PoM, is presented in Appendix 1.

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Figure 2: Location Map of the area to which Mona Vale Beach (southern end) PoM applies

Purpose of the Plan of Management

The LG Act requires a PoM to be prepared for all public land that is classified as 'community land' under that Act. Relevantly, this includes the Headland Reserve.

The CLM Act requires council managers appointed to manage dedicated or reserved Crown land to manage that land as if it were community land under the LG Act. Council is required to adopt PoMs for all Crown land managed by Council as community land. Relevantly, this includes Beeby Park and Part R1040912.

It follows that a PoM is required for Council to fulfil its land management functions for Mona Vale Beach (southern end) under the LG Act and CLM Act.

A PoM is an important management tool which is prepared by Council in consultation with the community. It outlines land features and clarifies how Council will manage, use and develop the land in the future. A PoM provides a transparent and coordinated approach to public land management.

Community land may include a wide variety of properties, ranging from small recreation reserves to iconic parks and in some instances buildings. Community land supports important aspects of community life and is valued and appreciated by residents and visitors of the Northern Beaches LGA.

The LG Act requires that community land is categorised as natural area, park, sportsground, area of cultural significance, or general community use. A PoM can be prepared for general application across the LGA (generic) or for a specific site or sites (site-specific).

The purpose of this site-specific PoM is to:

- contribute to Council's broader strategic goals and objectives as set out in the Northern Beaches Community Strategic Plan 2040 (2040 CSP) and Towards 2040 Local Strategic Planning Statement (Towards 2040 LSPS);
- enable a specific area of the foreshore (beach) within the site to be used as a dog off-leash area on a trial and/or permanent basis consistent with any Council approval (for background information about the proposed dog off-leash area see Appendix 2)
- support the implementation of Council's open space, recreation and environmental strategies;
- provide a framework for consistent management, use and any future development of Mona Vale Beach (southern end) by Council;
- provide a basis for effective day to day decision making;
- provide an overview of existing assets and facilities and how these facilities will be managed;
- set guidelines for permissible uses to guide future activities within the site area;
- integrate the interests of Council (as manager) with residents and visitors to Mona Vale Beach (southern end) and future users of the land; and
- ensure compliance with the LG Act and the CLM Act.

Further information about the legislative context of Crown reserve PoMs can be found in Appendix 7 of this document.

Process of preparing this Plan of Management

This PoM was prepared in accordance with the CLM Act and LG Act and with reference to Crown Lands' "Developing Plans of Management for community land Crown reserves" 2024 guideline and the Crown Lands site-specific PoM template. Table 2 illustrates the process undertaken by Council in preparing this PoM.

Table 2: Process steps for preparing this PoM

<p>Step 1</p> <ul style="list-style-type: none"> - Investigations, analysis, reviews - Community engagement - Reports 	<ul style="list-style-type: none"> - Environmental, legal, planning and other required investigations undertaken about the proposed dog off-leash area for Mona Vale Beach (south). - Community engagement conducted about the proposed dog off-leash area for Mona Vale Beach (south). - Reports to Council and subsequent Council resolutions. - For background information about the proposed dog off-leash area see Appendix 2.
<p>Step 2</p> <ul style="list-style-type: none"> - Preparation of the Draft PoM 	<ul style="list-style-type: none"> - Draft PoM prepared - findings from step 1 considered. - The draft PoM written to meet the minimum requirements outlined in Section 36(3) of the LG Act and identifies the owners of the land. - Activities (including tenure and development) to be undertaken on the Reserve are expressly authorised in the draft PoM to be lawfully authorised. - Written advice obtained from a qualified native title manager that the draft PoM and the activities under the draft PoM comply with the <i>Native Title Act 1993</i> (Cth) (NT Act).
<p>Step 3</p> <ul style="list-style-type: none"> - Seek the landowner's approval for public exhibition 	<ul style="list-style-type: none"> - The draft PoM referred to the NSW Government Department of Planning, Housing and Infrastructure (DPHI) as the landowner of Beeby Park and Ocean Road, for approval to publicly exhibit the draft PoM under Section 39 of the LG Act, and to seek the Minister's consent to adopt the draft PoM pursuant to Clause 70B of the <i>Crown Land Management Regulation 2018</i> (CLM Regulation). Consent was provided in a letter to Council on 29 August 2024. - A copy of the draft Review of Environmental Factors for the Proposed Trial of Palm Beach (North) and Mona Vale Beach (South) Dog Off-leash Areas dated 20 June 2023 (draft REF 2023) was also provided to DPHI.
<p>Step 4</p> <ul style="list-style-type: none"> - Public exhibition of Draft PoM - Community Engagement 	<ul style="list-style-type: none"> - Seek Council's endorsement to publicly exhibit the draft PoM. - Council is required to publicly notify and exhibit the PoM under Section 38 of the LG Act. - A public hearing is not required for this PoM as per Section 40A of the LG Act (Exemption under Clause 70A of the CLM Regulation). - Community engagement and public exhibition of the draft PoM in accordance with Council's Community Engagement Policy 2022. - The draft PoM will be exhibited in accordance with Council's approval to publicly exhibit the draft PoM. The draft REF 2023 was made publicly available during the public exhibition period to enable the proposed dog off-leash area to be understood, in accordance with Section 38(4) of the LG Act. - At the conclusion of the public exhibition period a community engagement report will be prepared.
<p>Step 5</p> <ul style="list-style-type: none"> - Prepare draft final PoM 	<ul style="list-style-type: none"> - Consider findings of the community engagement report. - Prepare a draft final PoM taking community engagement into account. - If there are any significant changes to the draft PoM following the community engagement report, Council to seek the Minister's consent to adopt the amended PoM pursuant to Clause 70B of the CLM Regulation and Part 5 of the EPA Act.
<p>Step 6</p> <ul style="list-style-type: none"> - Adopting the draft final PoM <p>Step 7 - Implementation (ongoing)</p>	<ul style="list-style-type: none"> - Present the draft final PoM and community engagement report to Council for adoption in accordance with legislation including the LG Act, CLM Act. - Once the draft final PoM is adopted by Council, a copy of the adopted PoM will be sent to the NSW government. - Publish the adopted PoM including on Council's website. - Commence implementation in line with priorities, available funding and resources and following any required environmental, planning and/or other approvals. - As required present the final draft Review of Environmental Factors - Proposed Mona Vale Beach (South) Dog Off-leash Area, 2025 (draft Mona Vale Beach (south) REF 2025) to Council for consideration to adopt in accordance with the LG Act, CLM Act and EPA Act. The draft Mona Vale Beach (south) REF 2025 would be final at the time it is reported to Council for adoption.

Change and review of Plan of Management

Council will review the PoM and related actions and update it as required to ensure that the land is managed in accordance with the PoM and aligns with community needs.

The community will have an opportunity to participate in reviews of this PoM as per Council's community engagement policy at the time.

Community consultation for the Plan of Management

Section 38 of the LG Act requires Council to give public notice of the draft PoM, 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 Council.

A PoM must be exhibited with other matters necessary to enable the PoM and its implications to be understood.

A public hearing will not be required in respect of the PoM as it will not alter the categorisation of Council owned community land, and the assigning of initial categories of Crown land is permitted without a public hearing: LG Act Section 40A; CLM Regulations Section 70A.

Council's community engagement for this PoM (and for proposed changes and future reviews) has been and will be undertaken in accordance with its obligations under the LG Act and Council's Community Engagement Policy (2022) and Community Engagement Strategy (2022).

Council's Community Engagement Policy (2022) defines Council's commitment to engaging with the Northern Beaches community and stakeholders on Council led projects. This involves communicating with, and listening to, the community prior to, during and following decision making. Objectives are to; provide clear, accurate and easy to read information, offer accessible and diverse ways for those impacted, or interested, to provide feedback and transparently report back to the community to show how Council considered the feedback received. Under this policy community engagement was required for this PoM.

Council Community Engagement Strategy (2022) (formerly Matrix) details Council's principles and approach to delivering community and stakeholder engagement on Council led projects. Under this Strategy a Community and Stakeholder Engagement Plan, that is in keeping with the Policy and the Strategy, was required to be prepared and implemented for community engagement on this PoM.

In accordance with Section 39 of the LG Act, prior to being placed on public exhibition, the PoM was referred to DPHI – Crown Lands, as representative of the State of NSW and owner of some of the land covered by this PoM (as set out in Table 1 above). Council has included in the PoM any provisions that have been required by DPHI – Crown Lands.

3.0 LAND DESCRIPTION

Mona Vale Beach (southern end) is comprised by parts of two Crown land parcels (Beeby Park and Ocean Road) and one Council-owned community land parcel (Headland Reserve). The land information is detailed in Table 1. See also Figure 1 Location Map above and Figure 3 Site Map below for location and information about the use of the land.

The land is a combination of escarpment and revegetating coastal vegetation leading down to partially vegetated foredune and beach and ocean. The land is used for beach access, active and passive ocean/beach recreation activities, and provides habitat, conservation and dune stabilisation within the dune areas. Walking, running, passive and active beach and ocean activities and bush revegetation/regeneration are regular uses.

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Figure 3: PoM site map

Owner of the land

Headland Reserve was transferred to the Council of the Shire of Warringah (now Northern Beaches Council) in 1964 by the former Cumberland County Council subject to a declaration of trust dated 15 April 1964, which is the subject of a caveat on title. This land is classified as community land and has been categorised in accordance with the LG Act.

Beeby Park and Part R1040912 are both Crown land owned by the NSW Government and Council is Crown land manager.

This PoM proposes to assign initial categories to Part R1040912.

All land comprising Mona Vale Beach (southern extent) is used for the purpose of public recreation, because:

- Beeby Park and Part R1040912 reserves are gazetted with the purpose of public recreation;
- the declaration of trust attached to the title document for Headland Reserve states that Council will hold the 'land for the purposes of a public park, public reserve and public recreation area', and that Council will not use or permit any other use. The Deed also states that Council may not erect or permit the erection of any building on the land without the approval of The Cumberland County Council (now the Planning Ministerial Corporation (ABN 36 691 806 169))¹.

Further details specific to the land in this PoM is outlined in Table 1.

Land comprising the habitat of endangered species or threatened species

The draft Mona Vale Beach (south) REF 2025 indicates there are no known threatened ecological communities within the subject area and that there is potentially suitable habitat for threatened flora and fauna. Figure 4 shows an example of foredune vegetation.



Figure 4: Mona Vale Beach (southern end) example of foredune vegetation

¹ The Cumberland County Council was replaced by the State Planning Authority in accordance with Part 5 of the *State Planning Authority Act 1963*. The State Planning Authority was replaced with New South Wales Planning and Environment Commission in accordance with Part 3 of the *New South Wales Planning and Environment Commission Act 1974*. The New South Wales Planning and Environment Commission was dissolved and replaced with a corporation sole with the name "Minister administering the Environmental Planning and Assessment Act, 1979" under the *Miscellaneous Acts (Planning) Repeal and Amendment Act 1979*. From 2 July 2018 this entity has been known as the Planning Ministerial Corporation (ABN 36 691 806 169).

4.0 BASIS OF MANAGEMENT

Council intends to manage the land in line with:

- assigned categorisation of community land;
- the LG Act guidelines and core objectives for community land;
- restrictions on management of Crown land community land;
- the objects of the *Coastal Management Act 2016*;
- Council's strategic objectives and priorities; and
- development and use of the land as outlined in Chapter 6 of the LG Act.

Categorisation of the land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Area of Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

As shown in the category map below at Figure 5, there are three community land categories applied to the land in this PoM: Natural Area Bushland; Natural Area Escarpment; and Natural Area Foreshore.

Guidelines and core objectives for management of community land

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Northern Beaches area. The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

The management of community land is governed by the categorisation of the land, its reservation or dedication purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the purpose and core objectives for the land.

The guidelines for categorisation of community land are set out in the *Local Government (General) Regulation 2021* (the LG Regulation). The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the Natural Area Bushland, Natural Area Escarpment and Natural Area Foreshore categories are set out in this PoM.



Figure 5: Mona Vale Beach (southern end) PoM category map

Restrictions on management of Crown land

Council is the Crown land manager of the Crown reserves described in Table 1 of this PoM in accordance with the legislation and conditions imposed by the Minister administering the CLM Act. The use of the land described in this PoM must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the NT Act
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the CLM Act
- consider any interests held on title.

This PoM is consistent with the principles and objectives of the CLM Act (see Appendix 7), and compliant with any CLM Act terms of appointment as Crown Land Manager, and Crown Land Manager land management rules. It is generally a condition attached to the Crown land manager appointment notice that management of Crown land must adhere to the code of conduct adopted under section 440 of the LG Act.

At the date of this PoM, there is one State-wide Crown land management rule that applies to the Northern Beaches LGA.

This gazetted rule was made under Section 3.15 of the CLM Act and can be viewed in full at: Granting leases and licences for communication infrastructure-related purposes on Crown land. It states that:

Crown land managers cannot, under any act (including the LG Act), grant any lease or licence authorising:

- *the installation or construction of communication infrastructure on Crown land;*
- *the placement of communication infrastructure on Crown land;*
- *the use of communication infrastructure that is located on Crown land; or*
- *access to communication infrastructure that is located on Crown land.*

However, the rule does not prevent the holder of a holding granted by the Minister for Lands & Property subletting of communication infrastructure located on Crown land in accordance with the conditions of a holding granted by the minister.

The Crown reserve land at the site is not burdened by any easements recorded on title. The Crown land is notified as being Crown land reserved for a purpose with restrictions on transfer and other dealings under the CLM Act that may require the consent of the Minister.

Council's planning framework

Council, in consultation with the community, has endorsed the CSP 2040 and 2040 LSP. These plans identify the priorities and aspirations of the Northern Beaches community and have a direct influence on the objectives, uses and management approach covered by this PoM.

Responses to key strategies and actions relevant to this PoM are outlined in Appendix 3.

Key relevant controls

Pittwater LEP 2014 Land Use Zone

Mona Vale Beach is zoned RE1 Public Recreation under the Pittwater Local Environmental Plan (LEP) 2014 (see Figure 6). Development and management of the land must consider the objectives of the current and any future LEP zoning and balance these against the objectives of the PoM categories of Natural Area Foreshore, Escarpment and Bushland.

Reference should be made to the latest version of the LEP, accessible on the NSW legislation website (<https://legislation.nsw.gov.au>), for up to date controls and for a complete list of all clauses applying to development on the land. Relevant clauses in the LEP include consideration of coastal risk planning, biodiversity and geotechnical hazards. Council will prioritise the protection and management of areas with high environmental values including core habitat, wildlife corridors, threatened ecological communities and bushland reserves.

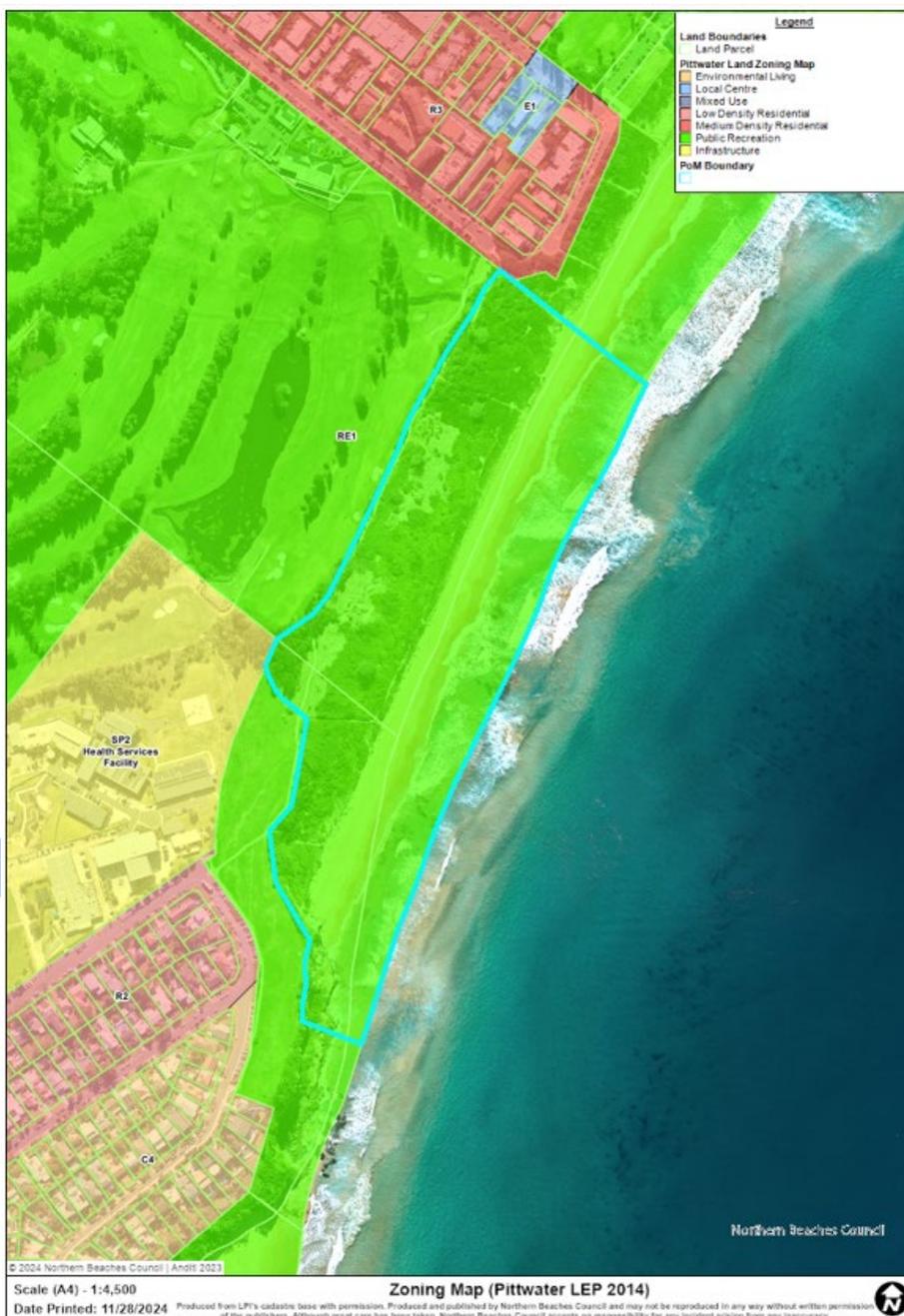


Figure 6: Land Zoning Map

NSW Biodiversity Values

The NSW Biodiversity Values (BV) Map is facilitated by the NSW State Government and identifies land with high biodiversity value, particularly sensitive to impacts from development and clearing.

On the 27 October 2023, the BV Map was updated to include the addition of revised habitat mapping for a number of threatened species. As a result, a portion of vegetation within the PoM is now identified on the BV Map (see Figure 7).

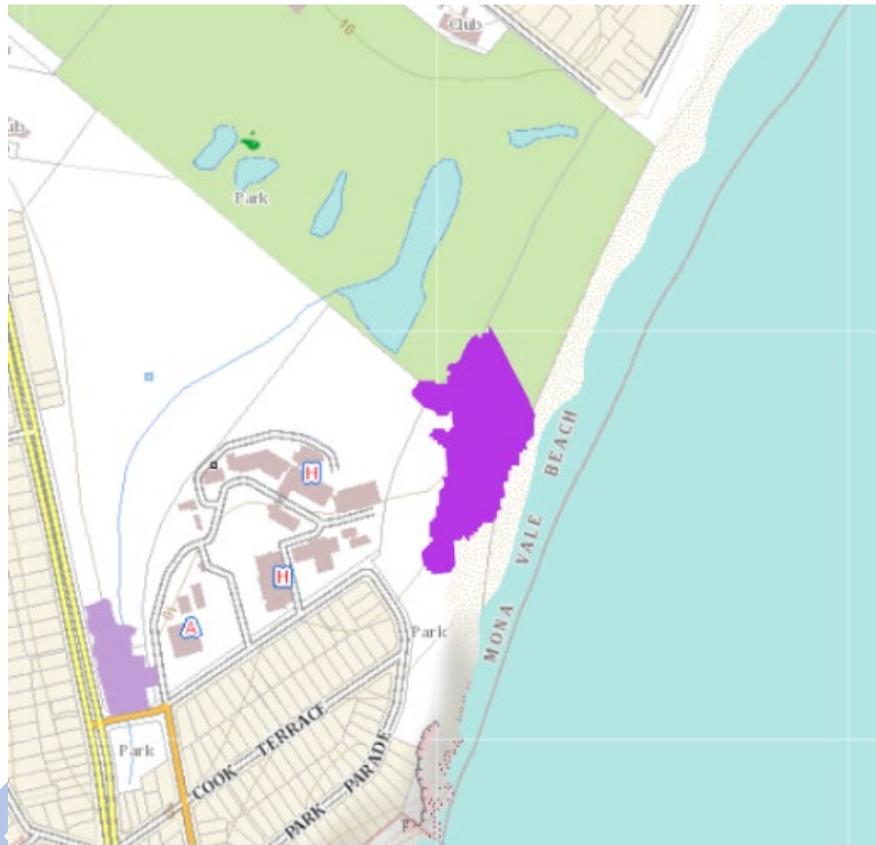


Figure 7: Land with a high biodiversity value (source: NSW Biodiversity Values Map 2023)

Review of Environmental Factors

As indicated in 2.1, one of the purposes of this PoM is to make provision for part of the foreshore (beach) area within Mona Vale Beach (southern end) to be used as a dog off-leash area on a trial and/or permanent basis, subject to further Council approval(s), including under the *Companion Animals Act 1998* (CA Act). The background to the proposal for a dog off-leash area at Mona Vale Beach is outlined in Appendix 2. The location of the proposed dog off-leash area at Mona Vale Beach is presented in Figure 8 below.

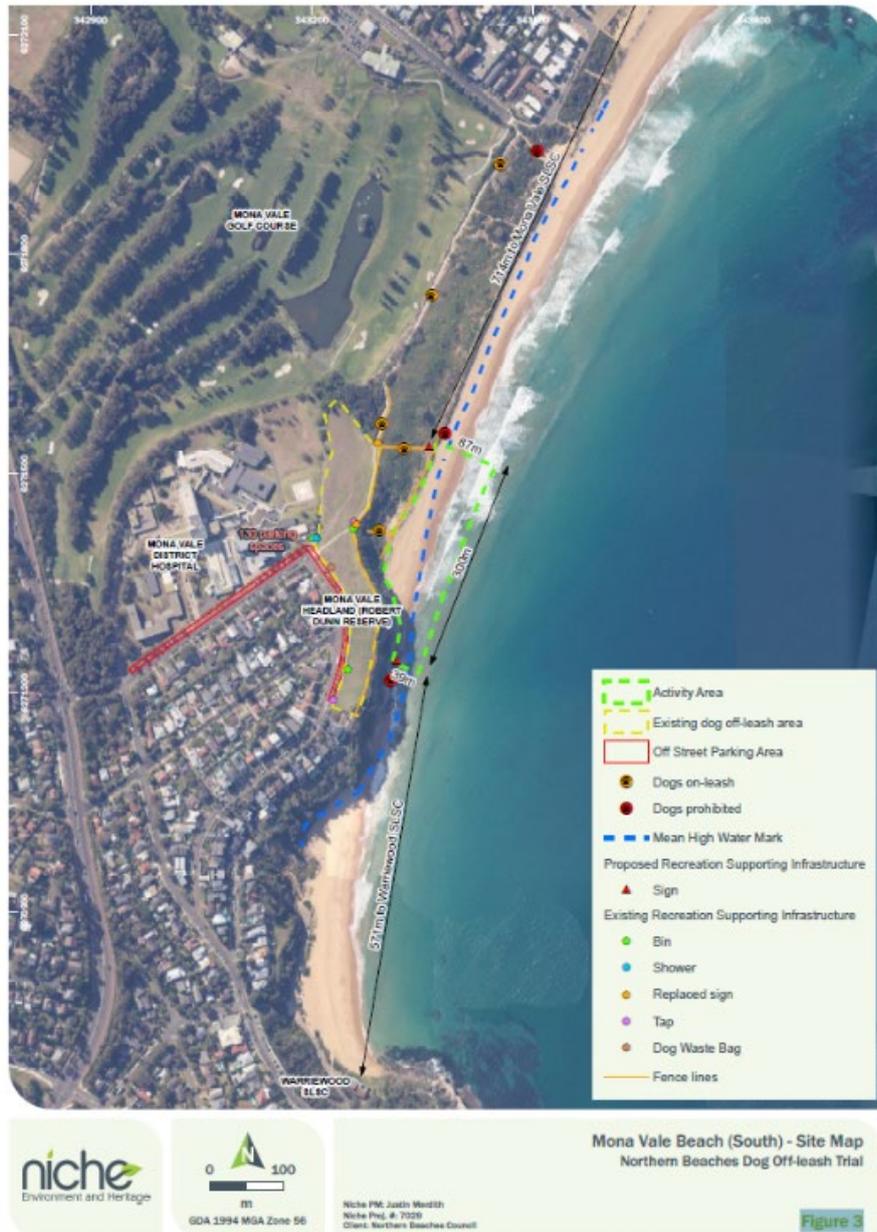


Figure 8: Mona Vale Beach (south) Dog Off-leash Area Site Map – Excerpt from the proposed Mona Vale Beach (South) Dog Off-leash Area Draft Review of Environmental Factors 2025

In April 2021 Council resolved to undertake environmental assessments for the proposed trial dog off-leash areas for Mona Vale Beach (and Palm Beach) in accordance with Division 5.1 of the EPA Act (and other relevant legislation) on the basis that, among other things:

- the use of part of Mona Vale Beach (southern end) for an off-leash dog area amounted to a “use of land” permissible without development consent, which thereby met the definition of an “activity” for the purposes of Division 5.1;
- if Council were to authorise off-leash dog areas at beaches under the CA Act it would amount to an “approval” of an activity for the purposes of Division 5.1; and
- by authorising an off-leash dog area under the CA Act Council would be a “determining authority” for the purposes of approving the activity.

Subsequently, in order for Council to examine and take into account to the fullest extent reasonably possible all matters affecting or likely to affect the environment by reason of the activity under Division 5.1 of the EPA Act, the draft REF 2023 was completed on 20 June 2023 and was made available during exhibition of this PoM. The purpose of the draft REF 2023 included to document and assess the likely impacts of the proposed dog off-leash trial area on the environment and detail any mitigation and management measures that would be implemented should the trial proceed.

The draft REF 2023 concluded that the proposed dog off-leash area trial, at both locations, is not likely to significantly affect the environment and therefore an Environmental Impact Statement is not required.

The draft REF 2023 identified the main potential environmental impacts to be:

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

The potential environmental impacts of the activity were assessed as minor or negligible.

Potential impacts to soil and groundwater contamination, greenhouse gas emissions, and air quality were also considered and it was concluded that adverse impacts are unlikely.

Further, the biodiversity assessment in the draft REF 2023 indicates that the proposed dog off-leash area trial is not likely to significantly affect threatened species.

Any residual impacts are proposed to be further minimised through the incorporation of mitigation and management safeguards.

In accordance with the findings of the draft REF 2023, it was not considered that the activity is likely to significantly affect the environment.

The draft REF 2023 was limited to assessing the likely impacts of the proposed dog off-leash trial. The implementation of a permanent dog off-leash area is authorised by this PoM but may require further environmental assessment before it is implemented.

After the exhibition period of the draft PoM the draft REF 2023 was reviewed for currency and separated into a REF for Mona Vale Beach (south) and a REF for Palm Beach (north). The draft Review of Environmental Factors - Proposed Mona Vale Beach (South) Dog Off-leash Area, 2025 (draft Mona Vale Beach (south) REF 2025) is relevant to this PoM.

The purpose of the draft Mona Vale Beach (south) REF 2025 is to describe the proposed dog off-leash area for Mona Vale Beach (south) and document and assess the likely impacts of the proposed dog off-leash area on the environment and detail any mitigation and management measures that will be implemented.

The draft Mona Vale Beach (south) REF 2025 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 proposed dog off-leash activity, so that the Council may examine and take into account to the fullest extent possible those matters.

The review concurred with the findings of the draft REF 2023 that it is not considered that the activity is likely to significantly affect the environment.

The relevant mitigation and management safeguards consolidated in Table 23 of the draft Mona Vale Beach (south) REF 2025 have been incorporated within this PoM and presented in Appendix 4.

5.0 DEVELOPMENT AND USE

This PoM provides a framework to use and manage the site in a manner aligned with community needs and identified priorities within Council's strategies and plans (see Section 4.0).

The adoption of this PoM is one prerequisite to the use and management of community land. In addition, the site must also be used in accordance with any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land. As such the EPA Act applies to the use and development of the site. Consideration must be given to:

- the need to obtain development consent under Part 4 of the EPA Act if development consent is required under the EPA Act, or comply with the conditions of development consent granted Part 4 of the EPA Act; and
- the need to undertake an environmental assessment under Division 5.1 of the EPA Act when carrying out or approving an activity provided for under this PoM.

Council has a clearly structured suite of planning and management documents that provide a strategic and operational framework for the management of the land, facilities and uses.

Key documents:

- Towards 2040 LSPS
- 2040 CSP
- Delivery Program (4 years)
- Operational Plan (Annual)

This PoM has also drawn upon the following:

- Protect. Create. Live – Northern Beaches Environment and Climate Change Strategy 2040
- Coastal Zone Management Plan for Bilgola Beach (Bilgola) and Basin Beach (Mona Vale) 2016
- Council's Walking Plan 2019
- Bushland and Biodiversity Policy and Action Plan 2021
- Let's Play! Open Space & Outdoor Recreation Strategy & Action Plan 2022
- Ocean Beaches Plan of Management 2005
- Relevant Council reports and related resolutions from Council meetings held; 28 July 2020, 27 April 2021, 22 February 2022, 28 June 2022, 22 August 2023, 10 December 2024
- Draft Review of Environmental Factors for the Proposed Trial of Palm Beach (North) and Mona Vale Beach (South) Dog Off-leash Areas dated 20 June 2023 (draft REF 2023), Niche Environment and Heritage, June 2023

- Draft Review of Environmental Factors - Proposed Mona Vale Beach (South) Dog Off-leash Area Trial, 2025
- Council Policy – No 30 Dog Control
- Asset Management Strategy and Plans
- Pittwater LEP (2014)

Current use of the land

The Natural Area Foreshore is the most accessible and used area of the land. The Foreshore area is used for a range of active and passive beach recreation activities on land and swimming, surfing and the like in the ocean.

The Natural Area Escarpment provides an aesthetic backdrop to the foreshore and beach.

The Natural Area Bushland is an important bush regeneration/revegetation area, bounded by post and wire fencing to limit access. There are four access ways to the beach.

The land includes a structured, concrete shared pedestrian and cycle path (Northern Beaches Coast Walk (see Figure 9) along the length of the Natural Area Bushland. This is a well-used path which joins with the northern end of Mona Vale beach, Apex Park, the Mona Vale SLSC and ocean pool at Bongin Bongin Bay.



Figure 9: Northern Beaches Coast Walk shared path with recent fencing and weed eradication program underway

The shared path within the upper parkland of South Mona Vale Headland Reserve along the top of the escarpment and south of the stair entrance, is not included in this PoM.

Each relevant category section of this PoM contains information about the existing use of the land, including condition and use of the land and structures, and. There are no current leases and licences on the land.

Permissible uses / future uses

Council encourages a wide range of uses of community land. Council controls and manages a variety of open space and natural areas and responds to community needs and environmental issues to ensure that the activities and uses Council permits and encourages are suited to the relevant land purposes and legislation.

The general types of use which may occur on community land categorised as natural areas of Bushland, Foreshore and Escarpment and the forms of development generally associated with those uses are set out in this PoM.

List of Category sections

The permissible uses and future uses for the following categories of land are outlined in Section 6.0 Management of land - by category:

- Natural area;
- Natural area Bushland;
- Natural area Escarpment; and
- Natural area Foreshore.

Express authorisation of leases and licences and other estates

The LG Act requires that any lease, licence or other estates over community land must be expressly authorised by a PoM. The term 'other estates' includes other interests, charges, rights or titles in relation to the land (an example is easements).

Council may enter into a range of leases, licences, agreements, and/or other arrangements (including permits) or create other estates, as specified in Section 46(1) of the LG Act in order to authorise and manage the use of the site's land appropriately and effectively.

At the time of publishing there were no current leases, licences, agreements or other estates on the land.

The agreements and arrangements authorised by this PoM are intended to support and encourage a range of uses permissible under the PoM.

Each proposal will be reviewed to ensure it is compatible with this PoM, Council policies and planning controls. Community feedback on proposals will be sought when required. Any lease, licence, agreement or other estate must be for uses consistent with this PoM, the purpose of the reserves, the assigned categorisation and zoning of the land, relevant trusts and be in the best interests of the community, and enable, wherever practicable, shared use of community land.

When considering whether to enter into a lease, licence, agreement or other estate, Council will consider matters including community benefit, compatibility with this PoM and Council's strategic directions, plans and policies, community and social impacts, and the capacity of the community land itself and the local area.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In other instances a licence or short-term licence or hire agreement may be a more appropriate form of agreement.

Council is responsible for bookings of community land and open spaces within its LGA and, generally, Council seeks to encourage a broad and appropriate range of uses to meet community need.

Fees will be charged in accordance with Council's adopted fees and charges at the time or as approved by Council.

Leases and licences authorised by the Plan of Management

This PoM **expressly authorises** the issue of leases, licences and other estates over the land covered by the PoM, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved;
- the purpose is consistent with the core objectives for the category of the land;
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the LG Regulation;
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the NT Act;
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* (ALR Act) the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted;
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Regulation; and
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Tables in the relevant sections of this PoM further identify the purposes for which leases and licences may be issued over the reserves identified in this PoM, and the maximum duration of leases, licences and other estates.

Time periods for leases and licences

The granting of any lease, licence or other estate is subject to the provisions of Part 2, Division 2 of the LG Act.

The maximum period for any lease or licence is 30 years (including any option) and Minister's consent is required if the lease/licence exceeds 21 years (LG Act Section 47(5)(b)). Unless exempt by the regulations, all leases, licences or grant of other estates which are proposed to exceed 5 years must be advertised and the community notified in accordance with the provisions of Section 47 of the LG Act.

Where the term of a lease, licence or other estate is for a period of less than 5 years, the proposed lease, licence or other estate will be notified and exhibited in the manner prescribed by Section 47A of the LG Act and those provisions of Section 47 of the LG Act as specified in Section 47A will apply.

Council must call tenders for leases or licences over 5 years, unless the lease or licence is to be granted to a non-profit organisation, (LG Act Section 46A(3)).

A lease cannot be sublet other than for the same purpose as the original lease or if the sublease falls within the exceptions listed in LG Regulation Clause 119.

Council must notify and exhibit a proposed lease or licence in accordance with Section 47 of the LG Act as follows:

- give public notice of the proposal;
- place a notice of the proposal on the land;
- notify owners or occupiers of adjoining land;
- notify owners or occupiers of land in the vicinity of the land in the site if the council believes that the land "is the primary focus of the person's enjoyment of community land";
- consider submissions made about the proposal; and
- refer the proposal to the Minister for Local Government if Council has received an objection to the proposal.

Under Section 47(5) of the LG Act, where the proposed lease or licence is for a period greater than 5 years it must be referred to the Minister if:

- the Council has received an objection to the proposed lease or licence; or
- the lease or licence exceeds 21 years (including taking into account any option period).

If the proposed lease or licence is for a period of less than 5 years, it must also be referred to the Minister if the Council receives a request for referral from the Minister: Section 47A(2)(c) of the LG Act.

Leases and Licences for natural areas

The LG Act imposes conditions on the ability of Council to grant leases, licences or other estates over community land categorised as Natural Area and further sub-categorised as Bushland, Wetland, Escarpment, Watercourse or Foreshore.

Council may only grant a lease, licence or other estate over natural area category land if:

- it is authorised under the PoM;
- the purpose is consistent with the core objectives for that category of land;
- the uses of the land are consistent with the reserve's purpose(s); and
- the lease/licence is for a purpose specified in Section 47B of the LG Act (as below).

Section 47B(4) of the LG Act restricts the grant of a lease, licence or other estate that would enable the erection or use of **structures** or **buildings**, to the following:

- walkways;
- pathways;
- bridges;
- causeways;
- observation platforms; or
- signs.

In addition to the structures and buildings set out in Section 47B(4), Section 47B(5) of the LG Act permits Council to authorise the erection and use of buildings or structures for the following purposes:

- information kiosks;
- refreshment kiosks (but not restaurants);
- work sheds or storage sheds required in connection with the maintenance of the land; or
- toilets or rest rooms.

While these structures are permitted to be constructed on community land categorised as natural area, a development application may also be required prior to their construction in accordance with the EPA Act and any applicable environmental planning instruments.

Further, in relation to Headland Reserve, the declaration of trust dedicating the land to Council provides that Council may not erect or permit the erection of any building in that reserve without the approval of The Cumberland County Council (now the Planning Ministerial Corporation (ABN 36 691 806 169)). This is considered in further detail at 3.1 above.

It is noted, however, that the legislation does not restrict the use of the land for the issue of a lease or licence in a natural area where such use does not involve the erection or use of structures and buildings, such as for activities such as walking tours, environmental tours, bush care, and other similar uses.

Short-term licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Fees for bookings will be charged in accordance with Council's adopted fees and charges at the time.

This PoM expressly authorises leases, licences or other estate for short-term casual purposes as prescribed in clause 116 of the LG Regulation namely:

- (a) the playing of a musical instrument, or singing, for fee or reward

- (b) engaging in a trade or business
- (c) the playing of a lawful game or sport
- (d) the delivery of a public address
- (e) commercial photographic sessions
- (f) picnics and private celebrations such as weddings and family gatherings
- (g) filming sessions
- (h) the agistment of stock.

provided the use or occupation does not involve the erection of any building or structure of a permanent nature.

Sections 2.20 and 3.17 of the CLM Act also permit Crown land managers to grant a short-term licence over dedicated or reserved Crown land (Crown reserves) for any prescribed purpose, as set out in Clause 31 of the CLM Regulation.

This PoM expressly authorises Council to issue short-term licences (for up to 12 months) under Section 2.20 of the CLM Act for the prescribed purposes listed in Clause 31 of the CLM Regulation.

Short-term licences granted under Section 2.20 of the CLM Act are authorised for the following prescribed purposes set out in Clause 31(1) of the CLM Regulation:

- access through a reserve
- advertising
- catering
- community, training or education
- emergency occupation
- entertainment, including low scale performance or art e.g. performance arts
- environmental protection, conservation or restoration or environmental studies
- exhibitions
- filming (as defined in the LG Act)
- functions
- hiring of equipment
- low intensity commercial activities (e.g. commercial fitness training)
- markets
- meetings, public address (speeches) and/or distributing pamphlets e.g. charity, environment groups
- mooring of boats to wharves or other structures
- shows
- site investigations
- stalls for community or charity fund raising
- sporting and/organised recreational activities
- storage

Pursuant to Clause 31(2) of the CLM Regulation, in addition to any other condition to which a short-term licence granted under section 2.20 of the CLM Act is subject, the condition that the relationship of landlord and tenant is not created between the parties is also prescribed.

Pursuant to Clause 31(3) of the CLM Regulation, the period of one year is prescribed as the maximum term for which a short-term licence may be granted under section 2.20 of the CLM Act (including any further term available under an option or holding over provision).

Native title and Aboriginal land rights considerations in relation to leases, licences and other estates

When planning to grant a lease or licence, the council must comply with the requirements of the NT Act and have regard for any existing claims made on the land under the ALR Act.

It is the role of Council to engage or employ a native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix 8 for more information).

In regard to the adoption of the PoM and the activities contained within it, it is the opinion of Council's Native Title Manager that the PoM complies with the applicable provisions of the NT Act.

The ALR Act was introduced in NSW to compensate Aboriginal people in NSW for dispossession of their land. Aboriginal communities in NSW can claim land to compensate them for historic dispossession of land and to support their social and economic development.

Any actions that would burden a title over land and affect a freehold transfer of land, such as entering a lease or construction and development, may not be permitted whilst the land is subject to an unresolved Aboriginal land claim.

The Crown land in the two Crown reserves comprising part of the PoM land area is not known to be the subject of any current Aboriginal land claim.

DRAFT

6.0 Management of land - by category

Natural area

This PoM covers land that is categorised entirely as Natural Area and then further sub categorised as Bushland, Foreshore and Escarpment, consistent with the landscape, geography, vegetation, use and long term management of this natural, coastal vegetation and escarpment system known as Mona Vale Beach (southern end).

The natural area is defined eastward by the Northern Beaches LGA boundary and to the west by a public pathway adjoining the Mona Vale Golf Course.

Guidelines and core objectives

Natural Areas are defined in Clause 102 of the LG Regulation as land possessing a significant feature that would be sufficient to further categorise the land as Bushland, Wetland, Escarpment, Watercourse or Foreshore.

The core objectives for Natural Areas, as outlined in Section 36E of the LG Act, are to:

- conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area;
- maintain the land, or that feature or habitat, in its natural state and setting;
- provide for the restoration and regeneration of the land;
- provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion; and
- assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in *Biodiversity Conservation Act 2016* (formally the *Threatened Species Conservation Act 1995*) or the *Fisheries Management Act 1994* (FM Act).

As per Figure 5, the Natural Area sub-categories in this PoM are:

- Bushland;
- Escarpment; and
- Foreshore.

Details about the management of these Natural Area categories are in the following sections.

Natural Area – Bushland

The land identified as Natural Area Bushland in this PoM sits along a north south axis between the foreshore and the public pathway adjoining the Mona Vale Golf Course. Its most northern extent is defined by Golf Avenue and a public pathway leading to the beach. This area is depicted in the category map at Figure 5.

Much of the bushland is surrounded by fencing (in variable condition) with fenced accessways to the beach.

Vegetation in this area is typical of coastal foredune scrub, with some areas of weed encroachment which are being actively managed by Council in partnership with volunteers.

The pathway defining the upper edge of the bushland is part of the popular Northern Beaches Coast Walk.

Works carried out by staff, volunteers and contractors are essential in the continuing protection of these natural areas to support native wildlife and the habitats they rely upon.

Figure 10 below shows Natural Area Bushland and Foreshore at Mona Vale Beach (southern end).



Figure 10: Natural Area Bushland and Foreshore, Mona Vale Beach (southern end)

Guidelines and core objectives

Bushland is defined in Clause 107 of the LG Regulation as land containing primarily native vegetation that is the natural vegetation or a remainder of the natural vegetation of the land, or although not the natural vegetation, is still representative of the structure or floristics of the natural vegetation in the locality.

The core objectives for Bushland, as outlined in Section 36J of the LG Act, are to:

- ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna of the land and other ecological values;
- protect the aesthetic, heritage, recreational, educational and scientific values of the land;
- manage the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures to minimise or mitigate disturbance caused by human intrusion;
- restore degraded bushland;
- protect existing landforms such as natural drainage lines, watercourses and foreshores;
- retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term; and
- protect bushland as a natural stabiliser of the soil surface.

Physical environment

The Bushland category land comprises an undulating dunal system rising to a steeper escarpment to the south. The vegetation is primarily coastal heaths with access to the beach guided to entry points with fencing along the vegetation interface. The most southern entry point is steep, reflective of the topography which becomes flatter undulating dunes to the north. The foreshore and front dunes are subject to tidal inundation with loss of fencing along the beach front occurring occasionally.

Native vegetation within the PoM area provides habitat for local native fauna for foraging, sheltering and breeding. Three native plant community types (PCT) exist within the PoM area:

- PCT 3788: Coast Fore-dune Wattle Scrub
- PCT 3456: Coastal Sands Littoral Scrub-Forest
- PCT 3410: Spinifex Strandline Grassland

These vegetation communities are mapped (NSW Department of Planning and Environment (DPE 2023) and shown in Figure 11. The coastal vegetation is actively managed and weeds suppressed.



Figure 11: Mapped vegetation communities (DPE 2023)

Key issues

Management of the land in the Natural Area Bushland category is guided by Council's Bushland and Biodiversity Policy, action plans, strategic directions and relevant legislation.

The types of management issues common to this area may include the following:

- Biodiversity conservation, environmental management and sustainability
- Public access to the beach and equity of access
- Culture and heritage
- Community stewardship, educational and scientific values
- Relationship to surrounding land uses
- Feral animals and pest weed management
- Encampments and dumping of furniture/bottles and rubbish
- Physical damage by people due to use of unauthorised or informal paths
- Reduction in water quality (e.g. pollution, added nutrients and silt as a result of fertilisers, imported soils, drainage works or chemical spills)
- Increased soil nutrients, stormwater runoff and dog faeces
- Safe maintenance and upgrade of land, structures and facilities
- Amenity provision – seating, shelter, bins and water
- Lighting, fencing and security, signage
- Safety and risk management including planning for natural disasters such as bushfire, storm surge and landslip
- Approved and prohibited activities

Management framework for reserves categorised as Natural Area Bushland

The management framework for land categorised as Natural Area Bushland at Mona Vale Beach (southern end) is guided, in particular, by the following Council documents:

1. Protect. Create. Live Northern Beaches Environment and Climate Change Strategy 2040;
2. Bushland and Biodiversity Policy 2021 & Bushland and Biodiversity Action Plan 2021; and
3. Northern Beaches Bush Fire Management Policy 2021.

Council aims to protect, enhance and restore local bushland and biodiversity and the unique value they have on the Northern Beaches. This includes enhancing the condition of bushland by protecting our local native plants and animals, as well as restoring ecosystems so they are healthy, resilient and valued by the community. Biodiversity assets protected under the Bushland and Biodiversity Policy 2021 include – but are not limited to – core habitat, wildlife corridors, urban bushland and important habitat features such as hollows and old-growth trees. Council's response to the management of invasive species (weeds and pest animals) is also set out in this Policy and applies to the vegetation within the site. The bushland adjoining the beach is identified as having Biodiversity value and any development within this area must consider the Pittwater LEP including Clause 7.6 (Refer Section 4.0 above). Council's Bush Fire Management Policy 2021 also applies to the site.

The two pathways that will provide dog on-leash access to the proposed dog off-leash area fall within the Natural Area Bushland category. Both these beach accessways are located off the level and well-graded Northern Beaches Coast Walk shared path which runs between Mona Vale Golf Course and bushland parallel to the beach and links the two access points to the ocean.

The draft Mona Vale beach (south) REF 2025 sets out mitigation and management safeguards to minimise potential residual impacts of a proposed dog off-leash trial area through the incorporation of mitigation and management safeguards. These mitigation and management safeguards have been consolidated in Table 23 of the draft Mona Vale Beach (south) REF 2025 (see Appendix 4). The mitigation and management safeguards relevant to the Natural Area Bushland will be implemented

should a proposed dog off-leash trial area (as outlined within this PoM) be approved on the land. This PoM also authorises further mitigation and management safeguards, if further environmental assessment of a permanent dog off-leash area deems them necessary.

Exclusionary practices for both people and non-native flora and fauna within the bushland areas and the implementation of Council policies will ensure the protection of native flora and fauna across the PoM area.

Development and use

The primary purpose of Bushland Reserves is to provide opportunities for people to experience or protect the natural environment, to provide habitat for flora and fauna and protect and conserve cultural heritage.

The uses associated with land categorised as a Natural Area Bushland in this PoM are limited to ensure that the overarching core objectives for the category are not compromised.

At Mona Vale Beach (southern end) protection of the coastal vegetation and its restoration is ongoing and is largely managed by excluding people (except those undertaking bushcare work and maintenance) in the sand dunes and vegetated areas. Access through the vegetation is prevented by fencing and managed via designated accessways.

The bushland provides a sensory and visual break between the built urban environment and the coastline and beach and is a valued part of the scenic and landscape amenity of the area.

Development will be limited to conservation and vegetation restoration activities and minor infrastructure maintenance and installations including fencing, signage, bins, seating and educational or cultural interpretation features.

Current use of the land

Condition of the land and structures

Section 36(3A)(a) of the LG Act requires the PoM to include a description of the condition of the land and structures on adoption of the plan.

The condition of the land and vegetation is described under Section 6.0 Physical environment. A condition description report is in Appendix 6.

Use of the land and structures

Within the Natural Area Bushland:

- The bushland stabilises the dunes and helps absorb the impact of ocean wave sound, salt spray and strong winds.
- The Northern Beaches Coast Walk shared path is located along the northern boundary of the site which adjoins the Mona Vale Golf Course. The shared path is well used for walking, running and cycling.
- A wire shelter on the path provides protection from wayward golf balls (see Figure 12). Signage along the path provides warnings and other information.
- There are no buildings in the Natural Area Bushland area.



Figure 12: Golf ball shelter on Natural Area Bushland

The Natural Area Bushland includes four accessways that provide public access to the beach see Figure 3 above and Figure 13 below. At the time of writing:



Figure 13: Northern access to Mona Vale Beach (near Golf Avenue)

Current leases and licences

There are no leases or licences in the Natural Area Bushland.

Permissible uses / future uses

The general types of uses which may occur on community land categorised as Natural Area Bushland and the forms of development generally associated with those uses, are set out in detail in Table 3. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in Table 3 are intended to provide a general guide **and are subject to future assessment and approval as may be necessary.**

Table 3: Permissible use and development of community land categorised as Natural Area Bushland

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> • Protection and restoration of native vegetation, ecological communities, threatened species and wildlife habitat • Providing a location for relaxation and passive informal recreation outside fenced and vegetated areas • Walking and public access to the beach • Access to vegetated and dune areas for maintenance, regeneration and similar activities • Environmental and scientific study • Carbon sequestration • Biodiversity Stewardship Agreement • Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna • Bushfire hazard reduction works • Connection to Country activities, cultural burns and cultural heritage interpretation • Soil erosion, dune stabilisation and water quality works • If approved by Council, and subject to compliance with relevant legislation including the CA Act, <ul style="list-style-type: none"> ○ Dogs permitted on-leash on the two southern most access ways to the beach as set out in Figure 8 (which is the Mona Vale Beach (south) Dog Off-leash Area Site Map - Excerpt from the draft Mona Vale Beach (south) REF 2025 ○ Dogs prohibited on all access ways to the beach except the two southern most access ways as set out in Figure 8 ○ Dogs prohibited within fenced vegetated areas 	<ul style="list-style-type: none"> • Visitor facilities: picnic tables, bins, sheltered seating areas, lighting, paths • Low impact accessways to the beach • Water-saving initiatives such as rain gardens, swales and sediment traps • Bridges, observation platforms • Small scale, low intensity appropriate commercial activities outside fenced and vegetated areas • Work sheds or storage sheds required in connection with the maintenance of the land • Temporary erection or use of any building or structure necessary to enable a filming project or other approved and permissible events to be carried out • Locational, directional, interpretive and regulatory signage, information kiosks • Walkways, accessways, pathways, fencing, security and other gates and bollards • Shelter(s) from golf balls

Express authorisation of leases, licences and other estates - Natural Area Bushland

Natural area categories have specific restrictions on leasing and licensing of land. For restrictions see Leases and Licences for natural areas under Section 5.0 Development and Use.

This PoM **expressly authorises** the issue of leases, licences and other estates over the land categorised as Natural Area Bushland, listed in Table 4. The facilities on community land may change over time, reflecting the needs of the community. The anticipated uses and associated development identified below are intended to provide a general guide.

Table 4: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area Bushland

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	Up to 30 years pursuant to Section 46 of the LG Act. Council requires the Minister's consent for a term greater than 21 years: Section 47(5)(b) of the LG Act.	<ul style="list-style-type: none"> • Walkways, pathways, bridges, causeways, golf ball shelters • Observation platforms, signs • Information kiosk • Connection to Country activities and cultural heritage interpretation • Work sheds or storage sheds required in connection with the maintenance of the land • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out • Carbon sequestration • Biodiversity Stewardship • Soil erosion, dune stabilisation and water quality management
Licence	Up to 30 years pursuant to Section 46 of the LG Act. Council requires the Minister's consent for a term greater than 21 years: Section 47(5)(b) of the LG Act.	<ul style="list-style-type: none"> • Walkways, pathways, bridges, causeways, golf ball shelters • Observation platforms, signs • Information kiosk • Guided walking tours, guided interpretive tours • Environmental and scientific study and surveys or similar • Connection to Country activities and cultural heritage interpretation • Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna • Small scale, low intensity, appropriate commercial activities • Work sheds or storage sheds required in connection with the maintenance of the land • Portable toilets • Fire hazard reduction • Soil erosion, dune stabilisation and water quality works • Temporary erection or use of any building or structure necessary to enable a filming project or other approved and permissible events to be carried out
Short-term licence	Terms consistent with: <ul style="list-style-type: none"> • General and ad hoc short-term or casual 	<ul style="list-style-type: none"> • Scientific studies and surveys or similar • Guided walking tours, guided interpretive tours • Environmental and scientific study

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
	<p>licences: as issued ad hoc with Council formal application process, permissions and/or approvals; and</p> <ul style="list-style-type: none"> • Section 4 of the LG Act and Clauses 116 and 117 of the LG Regulation; and • for Crown land, Sections 2.20 and 3.17 of the CLM Act and Clause 31 of the CLM Regulation. 	<ul style="list-style-type: none"> • Connection to Country activities, cultural burns and cultural heritage interpretation • Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna. • Fire hazard reduction • Soil erosion, dune stabilisation and water quality works • temporary erection or use of any building or structure necessary to enable a filming project to be carried out • low impact events and temporary infrastructure to support events • Small scale, low intensity, appropriate commercial activities
Other estates	<p>Up to 30 years pursuant to Section 46 of the LG Act.</p> <p>Council requires the Minister’s consent for a term greater than 21 years: Section 47(5)(b) of the LG Act.</p>	<p>This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act.</p> <p>Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on community land.</p>

Action Plan for Natural Area Bushland

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

The requirements listed in Table 5 identify the requirements for community land categorised Natural Area Bushland that is the subject of this plan.

The implementation of each of the means of achieving objectives in the Table 5 is dependent on resourcing and funding, feasibility research and obtaining any necessary approval, licence, authorisation or permission. The provisions of other statutes may apply to the implementation of each action.

In particular, the Environmental Planning & Assessment Act 1979 (EPA Act) applies to the use and development of the land the subject of this plan. Prior to carrying out actions identified in this plan, it may be necessary to:

- obtain development consent under Part 4 of the EPA Act. Any conditions of development consent granted under this Part will need to be complied with; or
- undertake an environmental assessment under Division 5.1 of Part 5 of the EPA Act and comply with the requirements of any approval granted in respect of the proposed action.

This PoM provides for Council (subject to approvals and orders under other relevant law, including the CA Act):

- To remove the prohibition on dogs on the land and to approve dogs on-leash on the two southern accessways to the beach within the Natural Area Bushland that are denoted on-leash within the draft Mona Vale Beach (south) REF 2025 (see Figure 8), either on a trial or permanent basis.
- To prohibit dogs within the fenced vegetated areas within the Natural Area Bushland.
- To permit dogs on-leash on the two southern most access ways to the beach as set out in Figure 8 (Mona Vale Beach (south) Dog Off-leash Area Site Map) - Excerpt from the Mona Vale Beach (south) REF 2025)
- To prohibit dogs on all access ways to the beach within the Natural Area Bushland except the two southern most access ways set out in Figure 8.
- To erect or upgrade infrastructure including perimeter and other fencing, suitable pathway structures (e.g. board walks or stairs), bins, suitable park furniture, water bubblers and signage.

Table 5: Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Natural Area Bushland

Management issues LG ACT	Objectives and performance targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
1. Bushland and biodiversity			
1.1	Conserve and manage the coastal vegetation	<ul style="list-style-type: none"> Continue to undertake bush regeneration using council staff or contractors Undertake vegetation condition mapping and surveys as required and in line with organisational priorities Use current best practice to make evidence-based decisions regarding appropriate adaptations to climate change impacts upon the bushland Protect and preserve wildlife habitat such as hollow bearing trees 	<ul style="list-style-type: none"> Coastal vegetation fenced Monitoring of coastal vegetation condition as required Ongoing bushland management program in place, with ongoing monitoring of outcomes
1.2	Improve vegetation condition and connectivity	<ul style="list-style-type: none"> Undertake best practice in bush regeneration activities Continue to work with Bushcare Group, users and adjoining landowners and managers and other stakeholders to restore vegetation condition, connectivity and wildlife corridor Continue to source appropriate local native plant stock for the site conditions to revegetate 	<ul style="list-style-type: none"> Improved vegetation condition and connectivity with appropriate local native vegetation, including reduced weed densities Ongoing bushland management program in place, with ongoing monitoring of outcomes

Management issues LG ACT	Objectives and performance targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
1.3	Stormwater and overland flows are managed to minimise erosion, soil and water contamination and weed invasion	<ul style="list-style-type: none"> Storm water management actions are implemented to maintain water quality and prevent pollution or nutrients affecting bushland areas. 	<ul style="list-style-type: none"> Drainage works, run off, fertilizer and herbicide use do not adversely affect water quality or bushland health Effectiveness of rehabilitation and mitigation works
1.4	Manage and suppress weeds, pests, disease and pathogens in bushland	<ul style="list-style-type: none"> Continue to monitor weed, pest, disease and pathogen incursions to inform site management and budgeting requirements Target weeds in accordance with the <i>Biosecurity Act 2015</i> Control vertebrate pests (i.e. fox and rabbit) to protect environmental values on the site 	<ul style="list-style-type: none"> Site monitoring undertaken and recorded to determine resilience and effectiveness of strategies Marked decrease in species and cover of weeds in bushland areas Increase in habitat value of the bushland Stray cats and dogs managed as per relevant Council policy Feral animals targeted and controlled as appropriate
1.5	Minimise the potential for dogs to damage vegetation and disturb wildlife and prevent dog faeces in the Natural Area Bushland.	<ul style="list-style-type: none"> General waste bins are installed at key points to collect any additional waste streams in the forms of general domestic litter and dog faeces Supply and monitor dog faeces collection bags Install and maintain appropriate fencing including dog proof fencing where required (with gates as needed). Install and maintain regulatory, wayfinding and information signage where required 	<ul style="list-style-type: none"> Signage installed, maintained Ranger monitoring and actions Additional bins or collection points are installed and monitored as required Adequate supply of dog faeces collection bags as required Appropriate gated fencing installed as approved and maintained as required.

Management issues LG ACT	Objectives and performance targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
		<ul style="list-style-type: none"> Ranger patrols and monitoring Consider prohibiting dogs within the fenced vegetated areas 	<ul style="list-style-type: none"> Access tracks and fencing designed and maintained in a manner sympathetic sensitive to vegetation, flora, fauna parameters and requirements Considered prohibiting dogs within the fenced vegetated areas
2. Cultural Heritage			
2.1	Care for Country - Protect and enhance Aboriginal heritage and significant sites	<ul style="list-style-type: none"> Aboriginal Due Diligence process to be followed prior to any works being undertaken Should Aboriginal heritage be identified within the PoM area all works at to stop and the Office of Heritage be informed Key Aboriginal stakeholders involved in relevant projects 	<ul style="list-style-type: none"> Ensure future capital works and upgrades respect the cultural significance of Indigenous landscapes and sites, as required Aboriginal Due Diligence processes followed Key Aboriginal stakeholders consulted as required
3. Access and Accessibility			
3.1	Maintain signposted pedestrian access through the bushland along designated accessways to the beach	<ul style="list-style-type: none"> Limit access to the coastal dune vegetation by way of gated fencing and signage to minimise damage to vegetation and impacts on the structural integrity of the dunes Maintain tracks and access points for year round pedestrian access to the beach Provide at least two access ways (with two way access) where dogs are permitted on-leash to any approved dog off-leash area on the beach 	<ul style="list-style-type: none"> Appropriate gated fencing installed as approved and maintained as required. Access tracks maintained as required. Access tracks and fencing designed and maintained in a manner sympathetic sensitive to vegetation, flora, fauna parameters and requirements Dogs permitted on-leash on the two southern most accessways (with two way

Management issues	Objectives and performance targets	Means of achievement of objectives	Manner of assessment of performance
LG ACT	Section 36(3)(b)	Section 36(3)(c)	Section 36(3)(d)
		<ul style="list-style-type: none"> Approval by Council may be given, in accordance with relevant legislation, to: <ul style="list-style-type: none"> prohibiting dogs on accessways to the beach within the Natural Area Bushland permitting dogs on-leash on the two southern most accessways to the beach within the Natural Area Bushland (as denoted in figure 8) 	<ul style="list-style-type: none"> access) to the beach within the Natural Area Bushland as approved by Council Dogs prohibited on accessways to the beach within the Natural Area Bushland as approved by Council excluding the two southern most accessways to the beach where dogs on-leash are permitted
3.2	Facilitate access for operations and emergency services	<ul style="list-style-type: none"> In consultation with relevant agencies and stakeholders determine emergency access requirements and maintain as required 	<ul style="list-style-type: none"> Emergency access requirements met
3.3	Close unauthorised tracks and trails	<ul style="list-style-type: none"> Close unauthorised walking tracks and trails as required to reduce environmental impacts and/or for safety 	<ul style="list-style-type: none"> Unauthorised tracks and trails closed, as approved by Council
4. Fencing and Boundary Management			
4.1	Install and maintain appropriate fencing including dog proof fencing to reduce impacts on natural values, prevent unauthorised access, reduce illegal activity and limit unauthorised vehicle activities	<ul style="list-style-type: none"> Inspect reserve boundaries to identify areas to be secured to limit unauthorised or undesirable access Install/Repair/upgrade gated fencing including dog proof fencing where necessary that effectively prevents dogs from accessing any adjacent vegetated areas while still allowing movement of small terrestrial fauna and prevents other unauthorised access. Periodic monitoring and maintenance of fencing to ensure it is effective and in good condition 	<ul style="list-style-type: none"> Reduced incidence of unauthorised access and activities Biodiversity values maintained and monitored Fencing and gates are functional Appropriate fencing has been installed

Management issues LG ACT	Objectives and performance targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
4.2	Ensure access to natural open space and foreshore is sustainable so that these areas are preserved for the future	<ul style="list-style-type: none"> Maintain accessways to encourage direct access to the beach Undertake vegetation maintenance to manage overhanging vegetation which may interfere with beach access Compliance with the approved restrictions for dogs and the CA Act within the Natural Area Bushland. 	<ul style="list-style-type: none"> Accessways monitored and maintained to minimise unauthorised paths through vegetation Bushland maintained along access pathways Monitor compliance with the CA Act and Council's conditions regarding dogs and regulatory and enforcement action taken as required
5. Community Use and Recreation			
5.1	Manage adjoining use conflict	<ul style="list-style-type: none"> Continue to provide appropriate planting and golf ball shelter(s) on the pathway adjacent to the Mona Vale Golf Course to improve / maintain safety issues related use of this course Maintain regulatory, warning, information signage. 	<ul style="list-style-type: none"> Shelter(s) from balls maintained Signage installed, maintained as required Appropriate planting undertaken as approved
5.2	Encourage collaboration and partnerships to promote shared use	<ul style="list-style-type: none"> Consider events (of an appropriate scale) along the beach front via Council's booking process Support Bushcare program to foster community involvement and learning Foster community stewardship, nature interaction and appreciation through education programs 	<ul style="list-style-type: none"> Events with Council approval are held successfully and booking conditions are met Support of Bushcare volunteer programs
6. Signage and Interpretation			
6.1	Install signage to inform visitors of site values to enrich visitor experience and safety	<ul style="list-style-type: none"> Review and update wayfinding, educational and safety signage (including for golf balls) where relevant 	<ul style="list-style-type: none"> Installation, maintenance of signage Visitor and stakeholder feedback

Management issues LG ACT	Objectives and performance targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
		<ul style="list-style-type: none"> • Update and supplement existing signage (and or new signage) to educate and inform the community about: <ul style="list-style-type: none"> ○ Requirements for dog owners and beach users to dispose of litter and waste appropriately and penalties for failing to comply under the <i>Protection of the Environment Operations Act 1997</i> (POEO Act) and CA Act ○ Dog on-leash, dog off-leash and dog prohibited areas at appropriate locations ○ Access tracks that are not to be used by dogs either on-leash or off-leash ○ Extent of the dog off-leash area including limits of the dog off-leash area 	<ul style="list-style-type: none"> • Level of compliance with signage
6.2	Provide clear guidance to users of the site regarding compliance, conditions of use, wayfinding and other information including about any alcohol prohibited areas, permissible and non-permissible activities, dog related restrictions and council contact details.	<ul style="list-style-type: none"> • Bushland and open space regulatory signage to address activity, including: <ul style="list-style-type: none"> ○ alcohol prohibited areas, ○ permissible and non-permissible activities, ○ dog restrictions ○ times of specific uses (e.g. bushfire hazard) 	<ul style="list-style-type: none"> • Installation, maintenance of current regulatory, wayfinding and information signage at key entry or use points and areas • Reduced number of unauthorised or illegal activities
7. Maintenance of land, vegetation and structures			
7.1	Management of dune habitats priorities, environmental restoration and erosion control	<ul style="list-style-type: none"> • Bush regeneration works including pest and animal control are implemented 	<ul style="list-style-type: none"> • Natural areas monitored and actions implemented as required

Management issues LG ACT	Objectives and performance targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
7.2	Infrastructure on the land is maintained at a functional and safe level	<ul style="list-style-type: none"> Regularly monitor bushland areas for maintenance requirements Infrastructure maintained as per Council's requirements 	<ul style="list-style-type: none"> Visitor satisfaction Infrastructure maintained as per Council's requirements
7.3	Maintain water quality by reducing potential contaminants in run-off containing chemicals, fertilizers, or detergents from adjoining land uses	<ul style="list-style-type: none"> Use of chemicals and fertilisers throughout the reserve is limited and sustainable and aligns with Council's policies and directions 	<ul style="list-style-type: none"> No contamination events from land management practices
7.4	Landscape materials are suitable for the Natural Area Bushland	<ul style="list-style-type: none"> Use appropriate plant material in landscaping and prevent weeds from occurring in or near bushland 	<ul style="list-style-type: none"> Demonstrated best-practice materials used and weed prevention activities
7.5	Minimise waste and litter	<ul style="list-style-type: none"> Continue to provide general waste bin(s) at the appropriate locations and regular servicing 	<ul style="list-style-type: none"> Bins installed where required and maintained and regularly serviced
8. Decision making not addressed in this PoM			
8.1	To facilitate decision making not addressed in this PoM	<ul style="list-style-type: none"> Any management decisions or issues outside of the scope of this PoM should be assessed and resolved in the context of the Core Objectives for the Natural Area Bushland category as per the LG Act, the Crown Reserve Purpose, Land Zoning, and relevant Council's policies, plans, directions and relevant legislation 	<ul style="list-style-type: none"> Compliance with core objectives for the Natural Area Bushland Decision making made in accordance with relevant legislation and Council's policies, plans, directions, strategies and approvals

Natural Area – Escarpment

The land categorised as Natural Area Escarpment rises from the foreshore and rocky ocean platform to the level of the South Mona Vale Headland eastern edges.

The Escarpment category land rises to the south to its highest height of approximately 34 meters above sea level at the South Mona Vale Headland Reserve between Mona Vale Beach southern end and Warriewood Beach northern end and the escarpment land within the PoM is approximately 190 metres in length.

The escarpment area is mapped in the category map earlier in this PoM at Figure 5 and shown in Figure 14 below.



Figure 14: Fenced escarpment area south of the stairs from South Mona Vale Headland Reserve

Guidelines and core objectives

Escarpments are defined in Clause 109 of the LG Regulation as land that includes such features as a long cliff-like ridge or rock, and significant or unusual geological, geomorphological or scenic qualities.

The core objectives for escarpments, as outlined in Section 36L of the LG Act, are to:

- protect any important geological, geomorphological or scenic features of the escarpment;
- facilitate safe community use and enjoyment of the escarpment.

Physical environment

The Escarpment category land rises steeply from the lower inter-tidal and foredune beach areas. The area is recognised as a land slip or rockfall area, particularly after rainfall².

The geological formation is part of the Sandstone category known as Narrabeen Group. The Narrabeen Group is typified by interbedded siltstones [and shale], clay stones and fine grained lithic sandstones. These rocks weather more rapidly than the Hawkesbury Sandstone. Many of the slopes in the peninsula area and those around the Collaroy Plateau area are underlain by thick colluvial deposits of soil and boulders which are derived from weathering of these rocks and have moved downslope under the forces of gravity, water and ancient landslides.

Landslides are relatively common on slopes underlain by the Narrabeen Group rocks.³

Stormwater and general hydrology is restricted due to the land west of the escarpment sloping away, although the Narrabeen Group soils and rock is readily affected by significant weather events.

The vegetation is predominantly small coastal shrubs that have gained steep slope foothold, typically Coastal Foredune Wattle Scrub and introduced species.

The escarpment provides potential habitat for native animals such as cliff nesting birds, insects and lizards.

Key issues

The key issues are based upon stability of the escarpment soils and geology and steep slope.

The stability of the escarpment soils and sloping geology is largely affected by weather events and by future climate change in terms of increased storm frequency and intensity, sea level rise and storm surges. There is also a risk issue associated with people's access to the sloped areas, however, access to the escarpment from the top is blocked by a fence.

Management framework for reserves categorised as Natural Area Escarpment

A Coastal Management Program (CMP) for the Open Coast and Lagoons of the Northern Beaches is being prepared. This CMP is in the Stage 1: Scoping Study phase of preparation. Mona Vale Beach will be covered by this CMP, but a final CMP will not be prepared for a number of years.

In the absence of an adopted CMP, the management of escarpment, including any restoration and rehabilitation actions, will continue to be undertaken in accordance with relevant Council approvals, strategic directions, policies and legislation.

Annual and trigger inspections of the escarpment are to continue in accordance with Council's ongoing monitoring program for coastal headlands across the Northern Beaches and any relevant actions implemented as required.

A fence along the top of the escarpment to prevent people and dogs accessing the escarpment area from the upper parkland will be maintained, although this fence falls outside the boundary of this PoM.

Specific signage to advise of areas that are limited to the public be installed to discourage entry where relevant. Directional and wayfinding signage to direct visitors and their dogs away towards the two formal access points to the proposed dog off-leash area on the foreshore will improve visitor experience and increase public safety.

² Draft Mona Vale Beach (south) REF 2025

³ Geotechnical Review Geotechnical Planning Controls Northern Beaches 2022

Escarpment base erosion and weather, wave and water level conditions and forecasts during storms can be monitored to establish extent of erosion and/or inundation.

The lower and less steep areas of the escarpment around the base of the cliff can be monitored and installed fencing and walkways can be repaired, and revegetation works undertaken as necessary.

Warning signage and barricades can be used if monitoring after severe storm or weather events as required.

Instances of fall or works can involve signage and barricades as required to restrict public from areas.

Safety measures to limit community access and safety risk education can be undertaken to advise about risks as well as manage any activities around the escarpment edges, base or the stair areas.

Escarpments are beautiful but pose specific risks and the access to, and experience of coastal areas requires risk management by Council, and awareness of risk and appropriate behaviour and activities by visitors and users.

Unauthorised tracks, paths and damage the environment and make visitor use and enjoyment less safe. Sensitive areas can also be trampled and damaged by walkers and dogs, especially when tracks are undefined and/or unfenced at the lower areas of the stairs.

Visitors will benefit from clear wayfinding signage and interpretation of values as well as providing clear guidance to permissible and suitable activities and behaviour. Modern pictogram and community language signage can be designed to replace old or damaged signage when needed.

Development and use

The uses and associated developments for land categorised as a natural area are limited to ensure that the overarching core objectives for that category are not compromised. This is even more evident in areas of escarpment and foreshore.

Future developments are expected to be limited to associated infrastructure such as signage, waste management and safety.

Current use of the land

Condition of the land and structures

The structural integrity of the escarpment is assessed annually as part of Council's ongoing monitoring program for coastal headlands across the Northern Beaches. The escarpment is vegetated in part and at the most southern exposed cliff face identified as being subject to landslip according to the Pittwater LEP 2014. A condition description for all category areas that includes structures is attached at Appendix 6.

Use of the land and structures

Access to the escarpment is fenced off and limited. The adjacent upper parkland area is used for recreation including walking, exercise, dogs off-leash and by paragliders and hang gliders.

Current leases and licences

There are no leases or licences over the escarpment area.

Permissible uses / future uses

The general types of uses which may occur on community land categorised as Natural Area Escarpment, and the forms of development generally associated with those uses, are set out in detail in Table 6. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in Table 6 are intended to provide a general guide **and are subject to future assessment and approval as may be necessary.**

Table 6: Permissible use and development of community land categorised as Natural Area Escarpment

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> • Access to beach area(s) • Protection and restoration of native vegetation, ecological communities, threatened species and wildlife habitat • Bush regeneration works • Environmental and scientific study or surveys • Connection to Country and cultural heritage interpretation • Bushfire hazard reduction works 	<ul style="list-style-type: none"> • Visitor facilities: low impact lighting, bins, signage • Interpretive and other signage • Locational, directional and regulatory signage • Observation desks and site facilities such as seating or rest areas • Temporary erection or use of any building or structure necessary to enable: <ul style="list-style-type: none"> ○ bush regeneration works ○ escarpment maintenance works ○ environmental, scientific study or survey ○ cultural activities ○ a filming project; or ○ other approved and permissible events to be carried out

Express authorisation of leases, licences and other estates - Natural Area Escarpment

Natural area categories have specific restrictions on leasing and licensing of land. For restrictions see Leases and Licences for natural areas under Section 5.0 Development and Use.

Table 7 further identifies the purposes for which leases and licences may be issued over the reserves identified in this PoM as Natural Area Escarpment.

Table 7: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area Escarpment

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Nil
Licence	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Nil
Short-term licence	<p>Terms consistent with:</p> <ul style="list-style-type: none"> • General and ad hoc short-term or casual licences: as issued ad hoc with Council formal application process, permissions and/or approvals; and • Section 46 of the LG Act and Clauses 116 and 117 of the LG Regulation; and • for Crown land, Sections 2.20 and 3.17 of the CLM Act and Clause 31 of the CLM Regulation. 	<ul style="list-style-type: none"> • Bush regeneration works • Escarpment maintenance or public safety works • Scientific study • Cultural activities • A filming project • Temporary erection or use of any building or structure necessary to enable: <ul style="list-style-type: none"> ○ bush regeneration works ○ escarpment maintenance or public safety works ○ scientific study ○ cultural activities or ○ a filming project or other approved and permissible events to be carried out
Other estates	<p>Up to 30 years pursuant to Section 46 of the LG Act.</p> <p>Council requires the Minister’s consent for a term greater than 21 years: Section 47(5)(b) of the LG Act.</p>	<p>This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.</p>

Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land;
- the means by which the council proposes to achieve these objectives and performance targets; and
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

The requirements listed in Table 10 identify the requirements for community land categorised Natural Area Foreshore and Natural Area Escarpment that is the subject of this plan.

The implementation of each of the means of achieving objectives in the Table 10 is dependent on resourcing and funding, feasibility research and obtaining any necessary approval, licence, authorisation or permission. The provisions of other statutes may apply to the implementation of each action.

In particular, the Environmental Planning & Assessment Act 1979 (EPA Act) applies to the use and development of the land the subject of this plan. Prior to carrying out actions identified in this plan, it may be necessary to:

- obtain development consent under Part 4 of the EPA Act. Any conditions of development consent granted under this Part will need to be complied with; or
- undertake an environmental assessment under Division 5.1 of Part 5 of the EPA Act and comply with the requirements of any approval granted in respect of the proposed action.

Natural Area – Foreshore

The Natural Area Foreshore category land area (see Figure 5 category map) - eastern boundary is the Northern Beaches LGA boundary and the western boundary is the eastern edge of the Natural Area Bushland category land area.

Guidelines and core objectives

Foreshores are defined in Clause 111 of the LG Regulation as land situated on the water's edge forming a transition zone between the aquatic and terrestrial environment. The core objectives for foreshores, as outlined in Section 36N of the LG Act, are to:

- maintain the foreshore as a transition area between the aquatic and the terrestrial environment;
- protect and enhance all functions associated with the foreshore's role as a transition area; and
- facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

Physical environment

The length of the foreshore area covered by this PoM is approximately 680 m long (north/south) and up to 100 m at its general widest point (east/west). The foreshore outside the area of this PoM continues to extend to the north and to the south. Figure 15 shows Natural Area Foreshore and Bushland at Mona Vale Beach (southern end).

The sand is derived from granitic and sandstone geologies weathered to produce quartz sand grains. The northern beaches sand differs from Sydney's southern beaches as it is classed as a carbonate sand with a significantly higher composition of broken down coral, shells and marine skeletons, whereas they have siliciclastic sand made predominantly from ground-up rocks⁴.

Mona Vale beach, including the southern end is a wave-dominated transverse bar and rip beach, common along the NSW eastern coast, with a safety rating of 7/10, which is in the highly hazardous range⁵.

Some marine species, such as marine turtles may occur in and around Mona Vale Beach on occasion, but the foreshore and inter-tidal zones lack key foraging resources suitable for these species. It is possible that marine turtle nesting could occur within the foredunes 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 the area.⁶

There is limited rocky habitat suitable for fur seal haul outs within Mona Vale Beach (south) and 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 area.⁷

⁴ <https://www.abc.net.au/news/2020-06-12>

⁵ .Beaches of the New South Wales Coast : A Guide to their Nature, Characteristics, Surf and Safety. 2007

⁶ Draft Mona Vale Beach (south)REF 2025

⁷ Ibid



Figure 15: Natural Area Foreshore and Bushland, Mona Vale Beach (southern end)

Key issues

Proposed dog off-leash area

As indicated in Section 2.0, one of the purposes of this PoM is to permit a specific area of the Natural Area Foreshore to be used as a dog off-leash area on a trial and/or permanent basis consistent with and subject to any Council approval(s). The background to the proposal for a dog off-leash area at Mona Vale Beach is outlined in Appendix 2. The location of the proposed dog off-leash area is presented in Figure 8. Of note is that there is an existing dog off-leash area in the adjoining upper parkland within South Mona Vale Beach Headland Reserve.

Prior to adoption of this PoM, dogs were prohibited on Mona Vale Beach pursuant to the Ocean Beaches PoM and Council's Dog Policy – No 30. Dog Control unless the dog is an assistance dog being used bona fide by a person with a disability to assist the person. Therefore, while the dog off-leash area is a permitted recreational use of the land in this PoM and amends the Ocean Beaches PoM, amendments to Council's Dog Policy through the CA Act will be required to allow the dog off-leash area to proceed.

Environmental impacts

As set out above, the authorisation of a dog off-leash area on a trial basis by this PoM has been assessed in accordance with Division 5.1 of the EPA Act by Council.

This PoM has been informed by the draft Mona Vale Beach (south) REF 2025.

In April 2021 Council resolved to undertake environmental assessments for the proposed dog off-leash areas for Mona Vale Beach (and Palm Beach) in accordance with the EPA Act (and other relevant legislation).

Subsequently, the draft REF 2023 was completed 20 June 2023. The purpose of the draft REF 2023 included to document and assess the likely impacts of the proposed dog off-leash trial area on the environment and detail any mitigation and management measures that would be implemented should the trial proceed.

The draft REF 2023 concluded that the potential impacts of the proposed dog off-leash area trial are considered unlikely to significantly affect the environment. The draft Mona Vale Beach (south) REF 2025 concurred with this conclusion.

Use management

Council will manage the presence of dogs on the land, including the use of any dog off-leash area on a trial and / or permanent basis, in accordance with relevant legislation, including the CA Act and EPA Act, Council policies and approvals, and the mitigation measures recommended in the draft Mona Vale Beach (south) REF 2025.

Council will manage other uses in accordance with relevant legislation and Council policies and approvals.

Bookings will be managed through Council's usual booking processes.

Safety and risk management

Council will manage the safety and risks related to use including those related to dogs and any dog off-leash area in accordance with Council's adopted enterprise risk framework and well as relevant legislation and Council policies.

The beach is rated 7 as Highly Hazardous⁸. Appropriate signage is in place to indicate that this beach is not patrolled by Council's lifeguards or volunteers. Current beach conditions and updates are provided on Council's website. Council's usual practises and policies apply in regard to beach closures.

The adjoining upper parkland is used for paragliding and hang gliding and falls outside the scope of this PoM. The beach may at times be an emergency landing spot – which is permitted under this plan.

Northern Beaches foreshore and escarpment and rock platform areas include land that is affected by coastal erosion (Figure 16) and sea-level rise influences. It is important for dune and beach foreshore areas to be monitored and managed to stabilise coastal erosion and plan for sea-level rise.

⁸ Beaches of the New South Wales Coast: A Guide to their Nature, Characteristics, Surf and Safety. 2007
V4 Draft – Northern Beaches Council Mona Vale Beach (southern end) Plan of Management – July 2025 55



Figure 16: Coastal erosion along foredunes

Management framework for reserves categorised as Natural Area Foreshore

The Foreshore area requires limited operational or day-to-day management by Council, largely remaining in a natural state with debris management as may be required.

Environmental impacts on foreshore values are largely a result of natural processes with most use being informal active and/or passive recreation of the beach, sand and surf.

Management of foreshore use and biodiversity conservation can be affected by increased visitation and use of the dog off-leash area which will require Council and community actions to limit impacts.

Once a trial and/or permanent dog off-leash area is established, management actions may increase or be required including regulatory activity and waste management.

Increased community access and use can be addressed with a focus on community and user education, improved fencing, compliance management and an increase in waste management infrastructure and removal.

Management will also accord with Council's CSP priorities of:

- healthy and valued coast and waterways; and
- protected scenic and cultural landscapes.

Development and use

The uses associated with land categorised as a Natural Area Foreshore are managed to ensure that the overarching core objectives for the category are not compromised.

There are no expected developments on the foreshore land with the exception of limited temporary structures permitted in Table 8.

Subject to relevant approvals, including under the CA Act, this PoM permits a dog off-leash area within part of the land on a trial and / or permanent basis, consistently with the recreational purposes for which the land was dedicated and continues to be used.

Current use of the land

Condition of the land and structures

There are no structures and the foreshore area, comprising lightly vegetated foredunes and beach sand, is clean and in good condition.

Small areas of rocky platform are part of the intertidal zone at the southern end of the PoM foreshore area. This rocky platform can provide habitat for marine molluscs and crustaceans, as well as potential foraging habitat for shorebirds and seabirds.

The foredune area is lightly vegetated and provides an initial barrier between beach and dune bushland. The foredune area provides potential shelter habitat for crabs, and a transitional habitat between intertidal and dune shrubland habitats. The foredunes also provide a small area for potential shelter habitat for small terrestrial mammals, reptiles and ground nesting birds, with the dune scrublands being the major habitat area.⁹

Use of the land and structures

The use of the land is primarily for passive and active recreation beach and ocean activities, such as walking, running, sunbathing, swimming and family, group gatherings.

The area may also be used by as an emergency landing place for para gliders and hang gliders.

This area is not patrolled by Council lifeguards or by volunteers.

Under the Ocean Beaches PoM, dogs are prohibited on the entirety of Mona Vale Beach including the Natural Area Foreshore land (noting this section is explaining the use of land prior to the adoption of this POM). As stated in Section 1.0 and Appendix 9, this PoM amends the Ocean Beaches PoM such that the Ocean Beaches PoM no longer applies to Mona Vale Beach (southern end).

Current leases and licences

There are no leases or licences over the Natural Area Foreshore land.

Permissible uses / future uses

The general types of uses which may occur on community land categorised as Natural Area Foreshore, and the forms of development generally associated with those uses, are set out in detail in Table 8. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in Table 8 are intended to provide a general guide **and are subject to future assessment and approval as may be necessary.**

Table 8: Permissible use and development of community land categorised as Natural Area Foreshore

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> • Protection and restoration of native vegetation, ecological communities, threatened species and wildlife habitat • Providing a location for formal and informal recreation (outside fenced and vegetated areas) • Community events, including dog related • Environmental and scientific study • Emergency landing for hang gliders or similar recreational activities • Filming projects 	<ul style="list-style-type: none"> • Locational, directional, interpretive, educational and regulatory signage • Specific signage, structures or installations clearly establishing any approved or authorised dog off-leash area • Small scale, low intensity commercial activities e.g. surf lessons • Waste management items, such as bins • Temporary erection or use of any building or structure necessary to: <ul style="list-style-type: none"> ○ enable a filming project,

⁹ Draft Mona Vale Beach (south) REF 2025.

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> • Approved beach care projects requiring ecological activities associated with protection of fauna • Coastal hazard reduction • Connection to Country and cultural heritage interpretation • If approved by Council, in accordance with relevant legislation including the CA Act, <ul style="list-style-type: none"> ○ Dogs may be permitted off-leash on the beach in the area set out in Figure 8 (which is the Mona Vale Beach (south) Dog Off-leash Area Site Map - Excerpt from the draft Mona Vale Beach (south) REF 2025) ○ Dogs may be prohibited on the beach outside of the approved specified dog off-leash area. ○ Dogs may be prohibited on the beach within the approved specified dog off-leash area outside of any approved dog off-leash days and times. 	<ul style="list-style-type: none"> ○ Council approved events or activities, ○ environmental or scientific study, ○ beach care or hazard reduction, ○ emergency/rescue to be carried out.

Express authorisation of leases, licences and other estates - Natural Area Foreshore

This PoM **expressly authorises** the issue of leases, licences and other estates over the land categorised as Natural Area Foreshore, listed in Table 9.

Table 9: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area Foreshore

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Nil
Licence	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Nil
Short-term licence	<p>Terms consistent with:</p> <ul style="list-style-type: none"> • General and ad hoc short-term or casual licences: as issued ad hoc with Council formal application process, permissions and/or approvals; and • Section 46 of the LG Act and Clauses 116 and 117 of the LG Regulation; and • for Crown land, Sections 2.20 and 	<ul style="list-style-type: none"> • Beach care works • Public safety works • Community events, recreation events • Scientific study • Cultural activities • A filming project • Temporary erection or use of any building or structure necessary to enable: <ul style="list-style-type: none"> ○ beach care works ○ public safety works ○ scientific study ○ cultural activities • Emergency paragliding or hang gliding landing

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
	3.17 of the CLM Act, Clause 31 of the CLM Regulation.	
Other estates	Up to 30 years pursuant to Section 46 of the LG Act. Council requires the Minister’s consent for a term greater than 21 years: Section 47(5)(b) of the LG Act.	This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

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Action Plan for Natural Area Foreshore and Escarpment

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land;
- the means by which the council proposes to achieve these objectives and performance targets; and
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

The requirements listed in Table 10 identify the requirements for community land categorised Natural Area Foreshore and Natural Area Escarpment that is the subject of this plan.

The implementation of each of the means of achieving objectives in the Table 10 is dependent on resourcing and funding, feasibility research and obtaining any necessary approval, licence, authorisation or permission. The provisions of other statutes may apply to the implementation of each action.

In particular, the Environmental Planning & Assessment Act 1979 (EPA Act) applies to the use and development of the land the subject of this plan. Prior to carrying out actions identified in this plan, it may be necessary to:

- obtain development consent under Part 4 of the EPA Act. Any conditions of development consent granted under this Part will need to be complied with; or
- undertake an environmental assessment under Division 5.1 of Part 5 of the EPA Act and comply with the requirements of any approval granted in respect of the proposed action.

Table 10: Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Natural Area Escarpment and Natural Area Foreshore

Management Issues	Objectives and Performance Targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
1. Escarpment Stability			
1.1	Monitor storm conditions and impacts	<ul style="list-style-type: none"> Monitor beach erosion and weather, wave conditions and forecasts during storms 	<ul style="list-style-type: none"> Monitoring conducted
		<ul style="list-style-type: none"> Collate relevant information after significant storm (describing the storm, extent of erosion/inundation etc., including photographs) 	<ul style="list-style-type: none"> Records maintained as required
1.2	Escarpment geotechnical investigations	<ul style="list-style-type: none"> Continue annual and trigger inspections of the escarpment in accordance with Council's ongoing monitoring program for coastal headlands across the Northern Beaches 	<ul style="list-style-type: none"> Monitoring program conducted and priority actions implemented
2. Escarpment edge and foreshore safety			
2.1	Limit risk to users	<ul style="list-style-type: none"> Install, maintain suitable fencing Install, upgrade, maintain directional, warning and regulatory signage including at access points along upper escarpment edge as required 	<ul style="list-style-type: none"> Fencing and signage installed and maintained
3. Access to foreshore, beach and dog off-leash area			
3.1	Suitably designed and installed access infrastructure	<ul style="list-style-type: none"> Any infrastructure, e.g. steps, stairs, observation or rest areas, are sensitively, sympathetically designed and located to minimise impacts to the environment and scenic quality of the coastal landscape 	<ul style="list-style-type: none"> Design processes consider the visual aesthetic impact, is sympathetic, size and location of structures in the PoM area Sensitive scenic and environmental attributes are protected

Management Issues	Objectives and Performance Targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
3.2	Infrastructure maintenance	<ul style="list-style-type: none"> Maintain, upgrade infrastructure as required by Council's Asset management strategy, plans and policy 	<ul style="list-style-type: none"> Infrastructure maintained, upgraded as required
3.3	Equity of access	<ul style="list-style-type: none"> Any access works plan for equitable access where possible, practicable 	<ul style="list-style-type: none"> Provision of equitable access is a key part of the design process Increase in access by those less mobile
4. Signage			
4.1	Appropriate, up to date, accurate, wayfinding, educational, regulatory and interpretive signage	<ul style="list-style-type: none"> Audit existing signage as needed to ensure information is up to date and accurate Remove or replace or add new wayfinding, educational, regulatory and interpretive signage as required to ensure information remains up to date and accurate Minimise signage clutter Install wayfinding signage including to focus access to the beach through approved paths and stairs 	<ul style="list-style-type: none"> Audit undertaken as required and approved action undertaken as required Signage is up to date and accurate Signage clutter minimised Signage installed, removed and maintained as approved

	<p>Signage related to dogs</p>	<ul style="list-style-type: none"> • Update and supplement (add new) existing signage to educate and inform the community that: <ul style="list-style-type: none"> ○ Updating and supplementation of existing signage is a key management and mitigation safeguard. The signage will detail the trial area boundaries and hours of operation, requirements of dog owners in relation to the CA Act. ○ Signage will be provided at the entrances to the proposed off-leash areas and also attached to the dune fencing or on new posts close to the existing fencing to demarcate the area boundaries. ○ Old signage will be replaced and new signage will be installed to mark the extent of the Trial area and the access points to the beach. ○ Signage would be installed at appropriate locations with information for users including the regulations, restrictions and conditions related to dogs (this information to be also made available on Council's website). ○ Existing signage in the surrounding areas, will be reviewed, and if required amended / removed as required. • Signage to include, among other things: <ul style="list-style-type: none"> ○ the requirements for dog owners / beach users to dispose of dog waste / litter appropriately and penalties for 	<ul style="list-style-type: none"> • Signage installed at appropriate locations including at the top and the bottom of public accessways and at other agreed locations and information is accurate and up to date • Rangers to conduct patrols to monitor compliance and undertake appropriate action(s)
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Management Issues	Objectives and Performance Targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
		failing to comply under the POEO Act and CA Act <ul style="list-style-type: none"> ○ displays the approved dog on-leash access tracks and any day / time restrictions ○ displays where and when dogs are prohibited on access tracks ○ displays the extent and boundaries of the approved dog off-leash area with words and/or a map ○ displays the approved days and times for the approved dog off-leash area ○ displays the approved days and times when dogs are prohibited within the approved dog off-leash area ○ provides dog etiquette information ○ displays where the dog prohibited areas are on Mona Vale Beach with words and a map 	
5. Waste Management			
5.1	Limiting or reducing dog faeces in the foreshore	<ul style="list-style-type: none"> • Supply dog faeces collection bags including at path or stair entrances / exits to / from the dog off-leash area and provide bins nearby 	<ul style="list-style-type: none"> • Bins and bags provided and serviced as needed

Management Issues	Objectives and Performance Targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
		<ul style="list-style-type: none"> • Monitor user performance, complaints and compliance with the dog off-leash area use and times, waste management and user conflicts and undertake appropriate regulatory and enforcement action, as needed • Undertake ranger patrols as needed • Installed signage as per 4. 	<ul style="list-style-type: none"> • Monitoring conducted • Ranger patrols • Regulatory action and enforcement taken as required
6. Use management			
6.1	Open space responds to demand and meets diverse community needs	<ul style="list-style-type: none"> • Support passive and active use of the beach via Council's bookings process 	<ul style="list-style-type: none"> • Events undertaken have approved bookings

<p>6.2</p>	<p>Establish a dog off-leash area on a trial and/or permanent basis consistent with any Council approval(s) within the Natural Area Foreshore Land consistent with any Council approval(s) made in accordance with relevant legislation</p>	<ul style="list-style-type: none"> • To establish a dog off-leash area on a trial and/or permanent basis with set hours of operation - specific tasks need to be undertaken and approval provided including but not limited to: <ul style="list-style-type: none"> ○ This PoM would need to be adopted by the relevant Minister in respect of the applicable Crown land. ○ Council would need to determine whether to proceed with the dog off-leash area, and if determines to do so, vary the existing Dog Policy, and make orders under the CA Act to permit off-leash dogs for the purpose of the Trial / on-going arrangement. ○ The decision to proceed would need to be accompanied by relevant environmental assessments in line with the judgment in <i>Palm Beach Protection Group Incorporated v Northern Beaches Council [2020] NSWLEC 156</i> and the requirements of the EPA Act. • Should the relevant approvals be provided establish and implement an operational and communication plan for the operation of the dog off-leash area as approved. This plan to include reference to infrastructure install new, upgrade existing signage, fencing and other required infrastructure, compliance monitoring, use monitoring, complaint monitoring (and actions), public communication, implementation and monitoring of the relevant mitigation and management from the draft Mona Vale Beach (south) REF 2025 for example. 	<ul style="list-style-type: none"> • Complete required tasks and secure all required approvals. • Establish and implement an approved operational and communication plan for the operation of the dog off-leash area as approved. • User compliance. • Compliance and use data.
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Management Issues	Objectives and Performance Targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
6.3	Beaches and public spaces are safe, clean and well maintained	<ul style="list-style-type: none"> Improved cleanliness and reduced littering at beaches Continue to provide waste / cleansing services as resourced and required 	<ul style="list-style-type: none"> Community satisfaction rating Require waste / cleansing services undertaken
6.4	Limit ocean and swimming incidents at beach	<ul style="list-style-type: none"> Signage (an online information) provided to advise of hazardous nature of beach and lack of patrols. 	<ul style="list-style-type: none"> Signage installed and maintained as required Online information provides current information
6.5	Education	<ul style="list-style-type: none"> Consider holding dog education activities about the restrictions / compliance matters related to dogs in this area in the adjacent park area or online 	<ul style="list-style-type: none"> Dog education activities undertaken
7. Biodiversity			
7.1	Protect native flora and fauna and rehabilitate native vegetation	<ul style="list-style-type: none"> Continue weed management and native vegetation plantings where safe to do so and resources allow. Provide and maintain signage about the protection of flora and fauna Repair fencing/upgrade fencing/ provide new fencing including dog proof fencing that allows movement of small fauna (including terrestrial fauna), and ensure maintenance and monitoring of fencing 	<ul style="list-style-type: none"> Biodiversity values are preserved and/or improved Improved bushland condition Fencing, signage maintained and provided as required

Management Issues	Objectives and Performance Targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
8. Coastal Management			
8.1	Stabilise coastal erosion and plan for sea-level rise	<ul style="list-style-type: none"> Monitor for erosion, plan and implement programs to improve coastal area stability including vegetative and engineered (where applicable) 	<ul style="list-style-type: none"> Monitor effectiveness of stabilisation management measures
8.2	Protect dune and tidal foreshore system	<ul style="list-style-type: none"> Fence-off dunes and natural areas undergoing rehabilitation/revegetation or stabilisation as necessary 	<ul style="list-style-type: none"> Stabilisation of dune systems and protection of tidal foreshore areas monitored and reported and actions undertaken as and when required
8.3	Undertake dune maintenance	<ul style="list-style-type: none"> Implementation of dune maintenance works including repair of fencing and walkways, restoration of blow-outs and weed eradication and revegetation works as necessary 	<ul style="list-style-type: none"> Undertake dune maintenance as required or after storm activity and erosion as required Implementation of restoration or repair works as required
8.4	Close unauthorised accessways	<ul style="list-style-type: none"> Close off unauthorised accessways that may develop as approved 	<ul style="list-style-type: none"> Close unauthorised accessways as approved

Management Issues	Objectives and Performance Targets Section 36(3)(b)	Means of achievement of objectives Section 36(3)(c)	Manner of assessment of performance Section 36(3)(d)
9. Heritage			
9.1	Care for Country - Protect and enhance Aboriginal heritage and significant sites Historic Heritage	<ul style="list-style-type: none"> Aboriginal Due Diligence & other required processes to be followed prior to, during and after any works being undertaken Should Aboriginal heritage be identified within the PoM area all works at to stop and the Office of Heritage be informed Key Aboriginal stakeholders involved in relevant projects Works can begin with caution A stop-work procedure should be implemented in the event of an unexpected find. All works should cease and a qualified historic period archaeologist consulted, in accordance with the stipulations outlined by NSW Government and relevant legislation 	<ul style="list-style-type: none"> Ensure future capital works and upgrades respect the cultural significance of Indigenous landscapes and sites, as required Aboriginal Due Diligence & other required processes followed Key Aboriginal and other stakeholders consulted
10. Future decisions			
	Decision making not addressed in this PoM	<ul style="list-style-type: none"> Any management decisions or issues outside of the scope of this PoM should be assessed and resolved in the context of the Core Objectives for the Natural Area Escarpment and Natural Area Foreshore category as per the LGA 1993, the Crown Reserve Purpose (where applicable), State Policy, Land Zoning, and Council Policy 	<ul style="list-style-type: none"> Compliance with core objectives for the Natural Area Escarpment and the Natural Area Foreshore category, this PoM and relevant legislation, and Council's policies and directions

APPENDICES

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Appendix 1 – Contextual background to the LGA

Northern Beaches is a unique combination of urban and natural landscapes and coastline on the north-eastern seaboard of Metropolitan Sydney.

The LGA is bound by the Pacific Ocean to the east, Sydney Harbour to the south and Broken Bay and Hawkesbury River to the North at Barrenjoey Head. The inland boundary follows Middle Harbour then encompasses considerable portions of Garigal National Park and most of Ku-ring-gai Chase National Park and along Cowan Creek to the most northern point at Broken Bay.

In 2021, some 272,184 people called the Northern Beaches home.

Our population is forecast to reach over 304,000 people by 2036, with steady growth in all age groups. Those aged 35- 49 will remain the dominant group at 21% and around 65,000 people. The greatest change will be in ages 60 and over, growing by almost 30% or 16,000 people.¹⁰

Our community vision is: -

Northern Beaches - a safe, diverse, inclusive and connected community that lives in balance with our extraordinary coastal and bushland environment.

Our open coast spans over 80 kilometres, with 24 ocean beaches, aquatic reserves, intertidal protection areas and two surfing reserves. Approximately 15,500 hectares of bushland is located in national parks, Council managed reserves, NSW Government-owned land, schools, golf courses and in private ownership.

The LGA's open space is a key form of social infrastructure that forms the recreational grid and includes our beaches, public parks, including formalised spaces for civic, outdoor or recreation activities, and sporting areas for organised sports, including sportsgrounds, courts and greens, and golf courses.

The Northern Beaches access to extensive natural areas that are primarily protected for conservation also serve recreational uses including walking, cycling, horse trails and picnic areas.¹¹

These open spaces contribute to both the local and greater Sydney recreation and green grids that provide connectivity between places that benefit the movement of wildlife and people through nature.

Significant recreation connections include the Palm Beach to Manly Coast Walk and key sections of the Bondi to Manly and Harbour to Hawkesbury walks and an extensive network of cycle paths.

¹⁰ Northern Beaches - Community Strategic Plan 2040

¹¹ Towards 2040 LSPS

Appendix 2 - Background to the Proposed Dog Off-leash Area at Mona Vale Beach (south)

At the Council meeting held on 28 July 2020, Council considered Notice of Motion (No 33/2020) titled Activation of Beach Space for Dog Exercise.

Council subsequently resolved (Resolution 187/20) that a report be prepared on the feasibility of the establishment of dog off-leash areas in a set area of north Palm Beach and the southernmost end of Mona Vale Beach.

An initial review of site constraints, approvals and likely environmental issues was undertaken and feedback was sought from relevant NSW State Government agencies and internal Council teams, including Environment and Climate Change. Following these initial investigations, a report titled Feasibility of Establishing Dog Off-leash Areas at Palm Beach (north) and Mona Vale Beach (south) was presented at the Council meeting held on 27 April 2021. This report identified the areas at both Palm Beach (north) and Mona Vale Beach (south) as possibly suitable for dog off-leash areas.

Council subsequently resolved (Resolution 111/21) among other things to seek community feedback on the proposals (including trial parameters) outlined in the report and undertake the necessary environmental assessments in accordance with the EPA Act (and other relevant legislation).

In response to this resolution, the trial parameters were placed on public exhibition from 7 May 2021 to 6 June 2021. The submissions received were analysed and the findings presented in a Community Engagement Report. This report was reported to Council at its meeting held 28 June 2022.

At the Council meeting held on 22 February 2022, Council considered a report titled Update on Environmental Assessments for Proposed Trial of Palm beach (north) and Mona vale Beach (south) Dog Off-leash Areas. This report recommended confirmation of proposed amended trial parameters. The confirmation of these trial parameters would assist with the completion of the environmental assessments, following which the matter was to be reported back to Council.

Council subsequently resolved (Resolution 023/22) 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):

- 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.

At the Council meeting held on 28 June 2022, Council considered a report titled Environmental Assessment for the Proposed Dog Off-Leash Areas at Palm Beach (north) and Mona Vale Beach (south). The report outlined the findings of the draft Review of Environmental Factors for the proposed dog off-leash areas (draft REF 2022) at both locations and the Community Engagement report on these proposals.

Council subsequently resolved (Resolution 172/22) among other things to:

- Publicly exhibit and to consult on the draft REF 2022 for community and relevant government agency feedback and to
- Facilitate any amendments to the draft REF 2022 as necessary or appropriate prior to undertaking the exhibition
- Investigate any further requirements that must be addressed before a trial may proceed, including under the LG Act, the CLM Act, the CA Act and EPA Act.

In response to this Resolution the draft REF 2022 was publicly exhibited from 11 August 2022 to 11 September 2022 and feedback was also sought from the NSW Government.

Community engagement specialists were engaged to assist Council to analyse the submissions and feedback received and to prepare a Community Engagement Report. 879 individual submissions were received and 1583 issues were coded. At the conclusion of the public exhibition period the community feedback was analysed and a Community Engagement Report prepared.

Feedback received from the NSW Government agencies was also analysed at that time.

Subsequently a revised draft REF 2023 was prepared based on the analysis of the community and government feedback received.

Concurrently, detailed investigations were undertaken about the steps required before Council could be in a position to make a lawful decision regarding proceeding with a dog off-leash area trial at Mona Vale Beach (south).

At the Council meeting held 22 August 2023, Council considered a report titled Outcome of The Public Exhibition of The Draft Review of Environmental Factors For The Proposed Trial Dog Off-Leash Areas At Palm Beach (North) And Mona Vale Beach (South). The report outlined the findings of the revised draft REF 2023 at both locations and the Community Engagement report.

The draft REF 2023 concluded that the proposed Trial Dog Off-Leash Areas are not likely to significantly affect the environment and therefore an Environmental Impact Statement is not required.

Council subsequently resolved (Resolution 225/23) among other things to:

- Negotiate with Crown Lands for Council to obtain care, control and management of as much land as is necessary to effect progress the draft Plans of Management and proposed off-leash dog trials.
- Prepare the necessary draft PoMs under the LG Act and the CLM Act:
 - for the management areas of Mona Vale Beach indicated in Figure 11 of the Ocean Beaches PoM, extending as far north as Golf Avenue; and
 - that incorporate/s a proposal for an off-leash dog trial at Mona Vale Beach as described in Attachment 4..

Investigations indicated that several further steps were then required before Council could be in a position to make a lawful decision regarding proceeding with the trial at Mona Vale Beach (south), including the preparation of this Mona Vale Beach (southern end) PoM and incorporation of the proposal for a dog off-leash area at Mona Vale Beach (south) as intended by Council.

After the exhibition period of the draft PoM the draft REF 2023 was reviewed for currency and separated into a REF for Mona Vale Beach (south) and a REF for Palm Beach (north). The draft Review of Environmental Factors - Proposed Mona Vale Beach (South) Dog Off-leash Area, July 2025 (draft Mona Vale Beach (south) REF 2025) is relevant to this PoM. The dog off-leash area site map from the draft Mona Vale Beach (south) REF 2025 can be viewed at Figure 8.

Appendix 3 – Council strategic documents

Northern Beaches Community Strategic Plan 2040

The 2040 CSP is about who we are, what we value and how we want to live now and in the future. It sets our direction to what we aspire to be, as a community, by 2040.

The CSP sits at the top of Council’s integrated planning and reporting framework. It defines our community’s vision and sets the direction for all Council’s activities, including funding, service levels and projects.¹²

The CSP comprises a community vision and eight community outcomes which are each supported by an aspiration, goals and clear strategies to achieve the goals.

These eight community outcomes address the environmental, social, economic and civic priorities of the community. They are interdependent, reflecting the opportunities and challenges in achieving the community’s aspirations for the future.

Our community vision is: -

Northern Beaches - a safe, diverse, inclusive and connected community that lives in balance with our extraordinary coastal and bushland environment.

The following community outcomes are particularly relevant to this site-specific PoM which seeks to provide an additional use along a stretch of beach in Mona Vale as a dog off-leash area (Table 11).

Table 11: Community outcomes of the Northern Beaches Community Strategic Plan 2040

Community Strategic Plan Outcomes	Response
<p>Outcome: Protection of the environment</p> <p>Aspiration: Our community aspires to enhance and protect the natural and built environment from the risks and impacts of global and local pressures</p> <p>Goal 1 - Our bushland, coast and waterways are protected for their intrinsic value</p> <p>Goal 2 - Our environment is resilient to natural hazards and climate change</p> <p>Goal 3 - Our community is well-supported in protecting and enhancing the environment to ensure safe and sustainable use</p>	<p>This PoM includes foreshore, escarpment and bushland areas and adjoins a dog off-leash area within South Mona Vale Headland Reserve. A part of the open space grass area of this reserve is also known as Robert Dunn Reserve.</p> <p>The PoM sets out actions to protect and enhance the site’s environmental values while providing for ongoing use and enjoyment of our beaches and foreshore in a safe and sustainable manner.</p>
<p>Outcome: Community and belonging</p> <p>Aspiration: Our community aspires to care for each other, ensuring that people feel safe, supported, included, and have diverse opportunities for a rich cultural and social life.</p> <p>Goal 7 - Our diverse community is supported to participate in their chosen cultural life</p> <p>Goal 8 - Our community feels safe and supported</p>	<p>The responsible provision of a dog off-leash area for exercise, on a portion of the beach, supports dog owners in the community while ensuring other beach users feel safe and included.</p>

¹² Northern Beaches Community Strategic Plan 2040

Community Strategic Plan Outcomes	Response
Goal 9 - Our community is inclusive and connected	
<p>Outcome: Good governance</p> <p>Aspiration: Our community aspires to have a Council that is trusted, respected and responsive to the needs of the Northern Beaches community.</p> <p>Goal 19 - Our Council is transparent and trusted to make decisions that reflect the values of the community</p> <p>Goal 20 - Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community</p>	<p>Council’s Community Engagement Policy and Strategy will apply to community engagement undertaken for this PoM.</p> <p>Decisions made regarding the proposal for a dog off-leash area at Mona Vale Beach (south) as outlined in this PoM will be made by Council in accordance with the relevant planning and environmental legislative requirements.</p>
<p>Outcome: Partnership and participation</p> <p>Aspiration: Our community aspires to achieve better outcomes through genuine engagement and collaboration</p> <p>Goal 21 - Our community is engaged in decision making processes</p> <p>Goal 22 - Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community</p>	<p>The exhibition of this PoM and its adoption will enable Council to undertake a trial for a dog off-leash area on a portion of Mona Vale Beach (south) and to consider making this arrangement permanent.</p> <p>Through this process people can be engaged in planning and decision-making.</p>

Towards 2040 Local Strategic Planning Statement

Towards 2040 is Northern Beaches Council's local strategic planning statement (LSPS). It guides land use planning for the Northern Beaches over the next 20 years.

Towards 2040 LSPS integrates State directions and includes a 20-year vision, planning priorities, principles, actions to help achieve the priorities and measures of success and an implementation program to determine whether priorities have been achieved.

Four themes of sustainability, infrastructure and collaboration, liveability and productivity shape the strategic framework of Towards 2040 LSPS.

The Sustainability theme direction of Landscape provides for the management of beaches, waterways and bushland in the LGA and confirms the value of these assets to the community.

Direction - Landscape - Green urban environments and an expansive Metropolitan Rural Area connected to a network of high quality open space and healthy, protected bushland, coast and waterways.

The priorities relevant to this PoM are:

- Healthy and valued coast and waterways;
- Protected and enhanced bushland and biodiversity;
- Protected scenic and cultural landscapes;
- An inclusive, healthy, safe and socially connected community;
- High quality open space for recreation.¹³

The LGA's environmental and recreational attributes are perhaps the most critical element of the Northern Beaches lifestyle.¹⁴

Council reports against the Towards 2040 LSPS measures and 2040 CSP through the existing Integrated Planning and Reporting framework under the LG Act every four years.

¹³Towards 2040 - Local Strategic Planning Statement

¹⁴ Ibid

Appendix 4 – Draft Mona Vale Beach (south) REF 2025 Mitigation and Management safeguards

The draft Mona Vale Beach (south) REF 2025 identified a suite of mitigation and management measures to address the potential impacts of the proposed dog off-leash trial area at Mona Vale Beach (south). Table 23 from the draft Mona Vale Beach (south) REF 2025 provides a consolidated summary of the mitigation and management measures relevant to this PoM.

Table 23. Summary of Mitigation and Management Safeguards Mona Vale Beach (south)

Potentially impacted aspects	Mitigation and Management Safeguards
Biodiversity	<ul style="list-style-type: none"> • Off-leash hours must be limited to the hours of operation (i.e. daylight hours); refer to Section 2.3. • 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 access tracks that are not to be used by dogs either on-leash or off-leash. ○ Displays the extent of the Activity Area. ○ Mark the northern, western and southern limits of the Activity Area. • 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 Area. • 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.
Traffic and Accessibility	<ul style="list-style-type: none"> • 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. • 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

	<p>penalties for failing to comply under the CA Act and the POEO Act.</p> <ul style="list-style-type: none"> • 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. • Public can make any noise complaints during the trial to Council 24/7 online or by phone. Council will respond as per usual processes / timing. • 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	<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 <i>National Parks and Wildlife Act 1974</i>. • 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.
Historic Heritage	<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 <i>Heritage Act 1977</i>.
Socio-economic / Land use	<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 and take appropriate action. • Dogs should remain on-leash along access paths (unless prohibited). • 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 Area.

Appendix 5 – Fauna records in the area

The draft Mona Vale Beach (south) REF 2025 compiled a list of threatened and migratory species with known or predicted occurrences in the locality (10 km buffer from the activity area being the dog off-leash area) from searches of the following databases:

- NSW Department of Climate Change, Energy the Environment and Water (DCCEEW) BioNet, Atlas of NSW Wildlife (DPE 2022a), DPE 2023, DCCEEW 2025;
- Australian Department of Agriculture, Water and the Environment (DAWE) *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Protected Matters Report (DAWE 2022a).

Searches of the above database platforms were conducted by Northern Beaches Council in May 2025 to determine if there are more recent (since March 2023) threatened or migratory species located within the locality, or any records within or in proximity to the Activity area of species previously assessed.

Locations of threatened and migratory species records within 5 km from the activity area are shown in Figures 6 and 7 (Flora); and Figures 8 and 9 (Fauna) of the draft Mona Vale Beach (south) REF 2025.

The draft Mona Vale Beach (south) REF 2025 Annex 4 Fauna species list, Annex 5 Likelihood of occurrence and Annex 6 Tests of significance indicate the likelihood of these threatened species within the PoM area.

A Test of Significance is provided in the draft Mona Vale Beach (south) REF 2025 for the following *Biodiversity Conservation Act 2016* (BC Act) listed threatened species:

- Threatened Fauna:
 - o Raptors (combined assessment of three species)
 - White-bellied Sea-Eagle (*Haliaeetus leucogaster*)
 - Eastern Osprey (*Pandion haliaetus cristatus*)
 - Little Eagle (*Hieraaetus morphnoides*)
 - o Little Tern (*Sternula albifrons*)
 - o Eastern Pygmy-possum (*Cercartetus nanus*)
 - o Southern Brown Bandicoot (eastern - *Isodon obesulus obesulus*)
 - o Eastern Bristlebird (*Dasyornis brachypterus*)
 - o Marine Turtles (combined assessment of two species)
 - Loggerhead Turtle (*Caretta caretta*)
 - Green Turtle (*Chelonia mydas*)

A Significant Impact Criteria assessment is provided for the following *Environmental Protection and Biodiversity Conservation Act 1999* listed threatened and migratory species:

- Threatened Fauna:
 - o Eastern Bristlebird (*Dasyornis brachypterus*)
 - o Australian Fairy Tern (*Sternula nereis nereis*)
 - o Southern Brown Bandicoot (eastern - *Isodon obesulus obesulus*)
 - o Marine Turtles (combined assessment of three species)
 - Loggerhead Turtle (*Caretta caretta*)
 - Green Turtle (*Chelonia mydas*)
 - Hawksbill Turtle (*Eretmochelys imbricata*)

- Migratory Fauna:
 - o Migratory birds (combined assessment of three species)
 - Common Tern (*Sterna hirundo*)
 - Little Tern (*Sternula albifrons*)
 - Eastern Osprey (*Pandion haliaetus cristatus*)
 - o Marine Turtles (combined assessment of three species)
 - Loggerhead Turtle (*Caretta caretta*)
 - Green Turtle (*Chelonia mydas*)
 - Hawksbill Turtle (*Eretmochelys imbricata*)

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Appendix 6 – Condition Description of Land and Improvements

Council's Asset Management system condition rating is 1-10. The following descriptions are used and have been applied:

- Excellent = 1
- Good = 2-3
- Average = 4-5-6
- Poor = 7-8
- Very Poor = 9-10

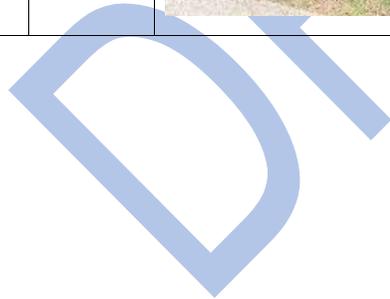
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Item and Description	Primary use	Condition	Image/s
Signage	Information Locational Interpretative Regulatory	Good	 <p>The image collage displays seven different types of signage: <ul style="list-style-type: none"> Top-left: A tall, narrow directional sign with a blue top and white bottom, located near a sandy beach. Top-middle: A white rectangular sign with a blue base, featuring icons and text, positioned on a paved path. Top-right: A tall, narrow sign with a blue base and white top, showing various icons, situated in a wooded area. Middle-right: A tall, narrow sign with a blue base and white top, displaying icons and text, located on a dirt path. Bottom-left: A blue rectangular sign with white text, set in a grassy area. Bottom-middle: A white rectangular sign with a blue base and text, mounted on a wooden post in a wooded area. Bottom-right: A white rectangular sign with a blue base and text, featuring a map, mounted on a wooden post. </p>

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Item and Description	Primary use	Condition	Image/s
Fencing	Dune protection Access control Safety Dune definition	Variable	

Item and Description	Primary use	Condition	Image/s
			 <p>The image block contains four photographs arranged in a 2x2 grid. The top-left photo shows a sandy dune with a wooden fence post and some sparse vegetation. The top-right photo shows a concrete path leading through a grassy area with a wire fence and trees. The bottom-left photo shows a dense thicket of green bushes and trees. The bottom-right photo shows a concrete path with a wooden post-and-rail fence, with a grassy area and trees in the background.</p>



Item and Description	Primary use	Condition	Image/s
<p>Pathway</p> <p>Pedestrian and cycling access running behind south Mona Vale Beach.</p> <p>Access to South Mona Vale Headland dog off-leash area and north to Golf Avenue.</p> <p>Pathway links to beach accessways.</p>		Good	

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Item and Description	Primary use	Condition	Image/s
Beach Access pathways (northern end)	Pedestrian access to and from the beach.	Good	 <p>The image block contains three photographs showing dirt access pathways. The top-left photo shows a dirt path leading through a fence and trees towards a sign. The top-right photo shows a dirt path through dense green vegetation. The bottom-left photo shows a dirt path through a field of green crops under a blue sky with clouds.</p>

Item and Description	Primary use	Condition	Image/s
Beach Access with stairs and railing (southern beach entry)	Access to the beach	Good	 <p>The image block contains four photographs. The top-left photo shows a dirt path leading to a sandy beach under a cloudy sky. The top-right photo shows a dirt path with a wooden post-and-rail fence. The bottom-left photo shows a set of concrete stairs with a metal railing on a grassy slope. The bottom-right photo shows another set of concrete stairs with a metal railing, viewed from a different angle.</p>

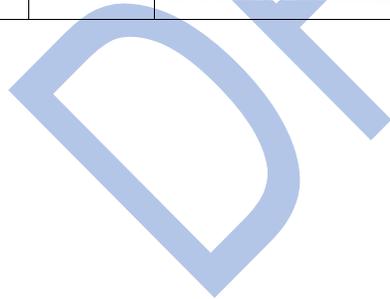
Item and Description	Primary use	Condition	Image/s
Bridge	Pedestrian and cycling access over creek	Good	
Beach	Recreation	Excellent	

Item and Description	Primary use	Condition	Image/s
Draining pits and pipes	Stormwater drainage	Good	
Headland/Cliff	Natural structure	Fair	

Item and Description	Primary use	Condition	Image/s
Gates	Access control	Excellent	
Golf Shelter	Safety from stray golf balls leaving adjacent golf course	Good	



Item and Description	Primary use	Condition	Image/s
Irrigation and taps	Transporting irrigation water Provide water for hose	Good	



Item and Description	Primary use	Condition	Image/s
Rescue tubes	Emergency surf rescue	Good	
Sand dunes	Beach protection/stabilisation	Fair	

Item and Description	Primary use	Condition	Image/s	
Vegetation/Landscaping	Aesthetics Wildlife habitat Shade Help prevent soil erosion Help dune stabilisation Environmental outcomes	Variable		

Item and Description	Primary use	Condition	Image/s
			 <p>The 'Image/s' column contains three photographs. The top-left photo shows a dense thicket of green bushes and trees. The top-right photo shows a similar dense thicket from a slightly different angle. The bottom photo shows a gravelly area with sparse vegetation, a blue pipe or culvert, and a sandy foreground.</p>

Appendix 7 – Plan of management legislative framework

Local Government Act 1993

Section 35 of the LG Act provides that community land can only be used in accordance with:

- The plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Chapter 6, Division 2 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the **category** of the land,
- b) the **objectives and performance targets** of the plan with respect to the land,
- c) the **means** by which the council proposes to achieve the plan's objectives and performance targets,
- d) the **manner** in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - i. the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - ii. the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - i. specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - ii. specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - iii. describe the scale and intensity of any such permitted use or development.

Note: photographs of buildings/structures located on the reserve should be considered. Council should also consider including a rating system for building/structures.

Land is to be categorised as one or more of the following:

- a) a natural area;
- b) a sportsground;
- c) a park;
- d) an area of cultural significance; or
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland;
- b) wetland;
- c) escarpment;
- d) watercourse;
- e) foreshore; or
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (Sections 36A(2) and 36B(3));
- by council to contain significant natural features (Section 36C(2));
- by council to be of cultural significance (Section 36D(2)).

Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the CLM Act. Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (Sections 45, 46, 46a and 47 of the LG Act).

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with Sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as appointed Council Crown land managers, councils manage Crown land as if it were public land under the LG Act, including through the adoption of plans of management. However, it must still be managed in accordance with the purpose of the reservation of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licenced or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

Native Title Act 1993

The NT Act recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title;
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings;
- establish a mechanism for determining claims to native title; and
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

Native Title rights must be assumed to remain in existence if the relevant land is not 'excluded land' under the CLM Act, because native title rights have not been:

- extinguished by Native Title Tribunal Determination under the NT Act; or

- surrendered through an Indigenous Land Use Agreement (ILUA); or
- protected under section 24FA of the NT Act; or
- compulsorily acquired; and
- a native title certificate has not been issued under the CLM Act.

Dealings in land or water that affect (impair or extinguish) native title are referred to as 'future acts' and these acts must be done in compliance with the NT Act. Granting a lease or licence over Crown land may be a future act.

Certain types of future acts can be validated under the NT Act. Where future acts are undertaken, native title claimants and holders are entitled to specific procedural and substantive rights. As such, the written advice of a native title manager is required. The advice must state if the act complies with the NT Act, and any necessary procedural requirements must be fulfilled prior to the act occurring.

In regard to the adoption of the PoM and the activities contained within it, it is the opinion of Council's Native Title Manager that the PoM complies with the applicable provisions of the NT Act.

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Other state and Commonwealth legislation

NSW state legislation

Environmental Planning and Assessment Act 1979

The EPA Act provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EPA Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

The EPA Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

ALR Act is important legislation that recognises the rights of Aboriginal peoples in NSW. It recognises the need of Aboriginal peoples for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Coastal Management Act 2016

The *Coastal Management Act 2016* (the Act) establishes a strategic framework and objectives for managing coastal issues in NSW. The Act promotes strategic and integrated management, use and development of the coast for the social, cultural, and economic wellbeing of the people of NSW.

Biodiversity Conservation Act 2016

Note: This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* (TSC Act) has been repealed and superseded by the *Biodiversity Conservation Act 2016* (BC Act).

The Department's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the TSC Act were repealed on the commencement of the BC Act. These plans have not been preserved by any savings and transitional arrangement under the BC Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

The (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

When an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is 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 Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected;
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land;
- to be properly effective, water management must be a shared responsibility between the government and the community;
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects;
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

Commonwealth legislation

Environmental Protection and Biodiversity Conservation Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This policy deals with a range of environmental matters including the clearing of native vegetation in urban and village areas subject to particular zonings.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

This SEPP specifies exempt and complying development which may be carried out without the need for development consent under the EPA Act on certain public land. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

State Environmental Planning Policy (Resilience and Hazards) 2021

This planning policy provides a coordinated approach to assessing development in NSW and covers how development proposals are assessed if they are in a coastal zone.

Other relevant legislation, policies, and plans

Biosecurity Act 2015

Catchment Management Authorities Act 2003

Companion Animals Act 1998 NSW

Disability Discrimination Act 1992

Local Land Services Act 2013

Pesticides Act 1999

Protection of the Environment Operations Act 1997

Retail Leases Act 1994

Soil Conservation Act 1938

NSW Invasive Species Plan 2008-2015

National Local Government Biodiversity Strategy

NSW Biodiversity Strategy

A Vegetation Management Plan for the Sydney Region (Green Web Sydney)

Australian Natural Heritage Charter

Appendix 8 – Aboriginal interests in Crown land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the NT Act and ALR Act.

Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the NT Act.

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the [Crown lands website](#).

Aboriginal Land Rights

ALR Act seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. DPHI is responsible for investigating claims as defined in ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

Any actions that would burden a title over land and affect a freehold transfer of land, such as entering a lease or construction and development, may not be permitted whilst the land is subject to an unresolved Aboriginal land claim.

At the time of preparing this PoM, there are no known Aboriginal land claims over any of the Crown land within this PoM.

Appendix 9 – Amendments this PoM makes to the Ocean Beaches Plan of Management, prepared by Pittwater Council dated December 2005

Pursuant to section 41 of the LG Act the adoption of this PoM amends the Ocean Beaches PoM so that the Ocean Beaches PoM no longer applies to the land the subject of this PoM, which is marked 'PoM Boundary – Mona Vale Beach (south)' in Figure 1 of this PoM.

The amendments to be made to the Ocean Beaches PoM to reflect this are detailed below:

Section of Ocean Beaches PoM	Amendment
Page 4	<p>Note: Amendments are shown in this table as <u>bold and underlined for insertions or struck through for deletion.</u></p> <p>Note to be inserted under Appendix C stating: <u>This plan of management was amended pursuant to section 41 of the Local Government Act 1993 by the adoption of the Mona Vale Beach (southern end) Plan of Management adopted [insert date].</u></p>
1.1 Background	<p>The Pittwater Ocean Beaches Plan of Management will cover the eleven (11) beaches and beach reserves along the coastline of Pittwater (refer Figure 1), <u>excluding Mona Vale Beach (south) as shown in Figure 1A.</u></p>
1.2 Land To Which This Plan Applies	<p>This plan of management is a geographic plan that applies to the eleven (11) ocean beach reserves along 14 kilometres of coastline in Pittwater, as follows (from north to south):</p> <ul style="list-style-type: none"> • Palm Beach (chapter under development) • Whale Beach (chapter under development) • Avalon Beach (chapter under development) • Bilgola Beach (adopted December 2005) • Newport Beach (chapter under development) • Bungan Beach (adopted February 2005) • Basin Beach (adopted February 2005) • Mona Vale Beach (adopted February 2005) <u>excluding Mona Vale Beach (south) as shown in Figure 1A, to which the Mona Vale Beach (southern end) Plan of Management applies (adopted [insert date]).</u> • Warriewood Beach (adopted February 2005) • Turimetta Beach (adopted February 2005) • North Narrabeen Rock pool (adopted February 2005)
1.2 Land to Which This Plan Applies	<p>New Figure 1A inserted, titled: <u>'Land at Mona Vale Beach which the Ocean Beaches Plan of Management does not apply to'</u></p> <p>Figure shown below.</p>

(table continues after Figure)

NEW FIGURE 1A



Section of Ocean Beaches PoM	Amendment
Section 10.0 Mona Vale Beach	<p>Note: Amendments are shown in this table as <u>bold and underlined for insertions or struck through for deletion.</u></p> <p>INTRODUCTION</p> <p>This management area covers <u>part of</u> Mona Vale Beach and Basin Beach, which are located along the coastal fringe of the southern Pittwater beachside suburb of Mona Vale. <u>As stated in Section 1.0 this plan of management does not apply to Mona Vale Beach (south) as shown in Figure 1A to which the Mona Vale Beach (southern end) Plan of Management applies (adopted [insert date]).</u> The northern boundary is Mona Vale Headland Reserve, which separates Basin Beach and Bungan Beach. The southern boundary <u>is shown in Figure 11 below</u> and where the Mona Vale South Headland (Robert Dunn Reserve), which divides Mona Vale Beach from Warriewood Beach.</p> <p>Basin Beach is a small semi-circular beach at the northern end of the Mona Vale Beach and is utilised for a similar variety of recreational uses including swimming, surfing, snorkelling, walking, and kite flying and is particularly popular with “body boarders”. Mona Vale Beach is one of Pittwater’s most popular beaches given its proximity to Mona Vale Road, a major arterial access from southern and western Sydney.</p> <p>Once adopted by Council, this plan of management will supersede the plan of management for Mona Vale Beach. Mona Vale Headland and Mona Vale South Headland (Robert Dunn Reserve) are managed by Pittwater Council’s Natural Resources Unit and are covered by separate Plans of Management.</p> <p>The attached boundary maps (refer Figure 11 & 12) and the master plans for Mona Vale Beach show the area covered within this management area, illustrating the Reserve boundaries in relation to the surrounding locality and adjoining land uses.</p> <p>LAND TENURE, ADJOINING LANDHOLDINGS AND LAND CATEGORISATION</p> <p><u>Mona Vale Beach and Basin Beach area comprise both Crown and Council owned reserves:</u></p> <ul style="list-style-type: none"> • The sand area of Mona Vale Beach and Basin Beach is is vacant Crown Land reserved from sale or lease (Crown Sandy Beach including the rock pool) known as <u>Crown reserve R1040912 for which Council is Crown land manager (as of 26/4/2024).</u> • Mona Vale/Basin Beach Reserve (Reserve No. 130). • Council Title (subject to Deed of Trust – DIPNR) Lot 5 DP 211456 • Crown Reserve known as R45244 <u>Beeby Park, for which Council has been appointed trustee is Crown land manager.</u> • Council owned land in Fee Simple Lot 104 DP 1066371 (92483) and Lot 3 DP 532435.

	<ul style="list-style-type: none"> • The road verges of Bassett Street, adjoining the Crown Reserve R73168, known as Mona Vale Headland.
Section of Ocean Beaches PoM	<p>Amendment</p> <p>Note: Amendments are shown in <u>bold and underlined</u> in this table</p>
Figures 11 and 12	<u>Figures 11 and 12 to be updated as shown below:</u>
Figure 13	<u>Figure 13 to be updated as shown below:</u>
Table 9	<p><u>Insert a note under Table 9:</u></p> <p><u>Note: This Table is subject to Figure 1A which shows the land this plan of management does not apply to.</u></p>
Table 10	<p><u>Insert a note under Table 10:</u></p> <p><u>Note: This Table is subject to Figure 1A which shows the land this plan of management does not apply to.</u></p>
Figure 16 – Master Plan South Mona Vale Beach	<u>Figure 16 to be updated as shown below.</u>

FIGURE 11: UPDATED



FIGURE 12: UPDATED

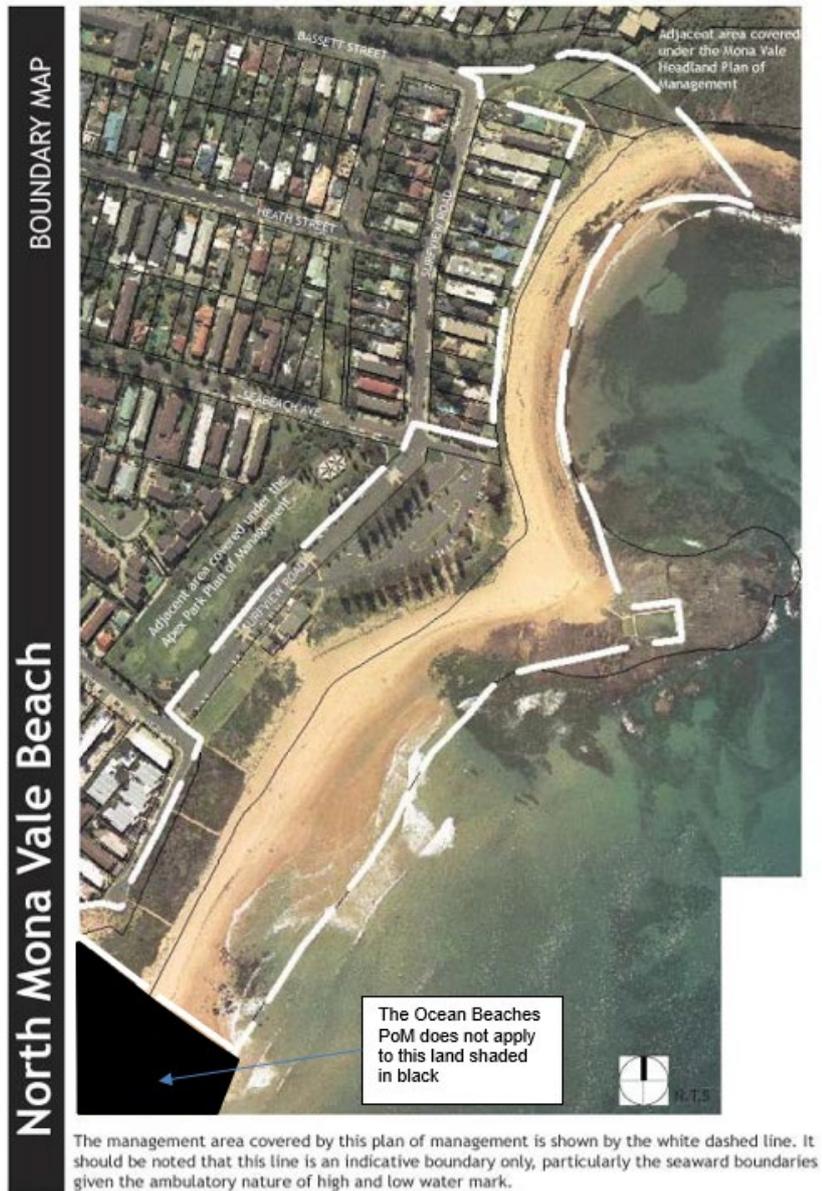


FIGURE 13: UPDATED

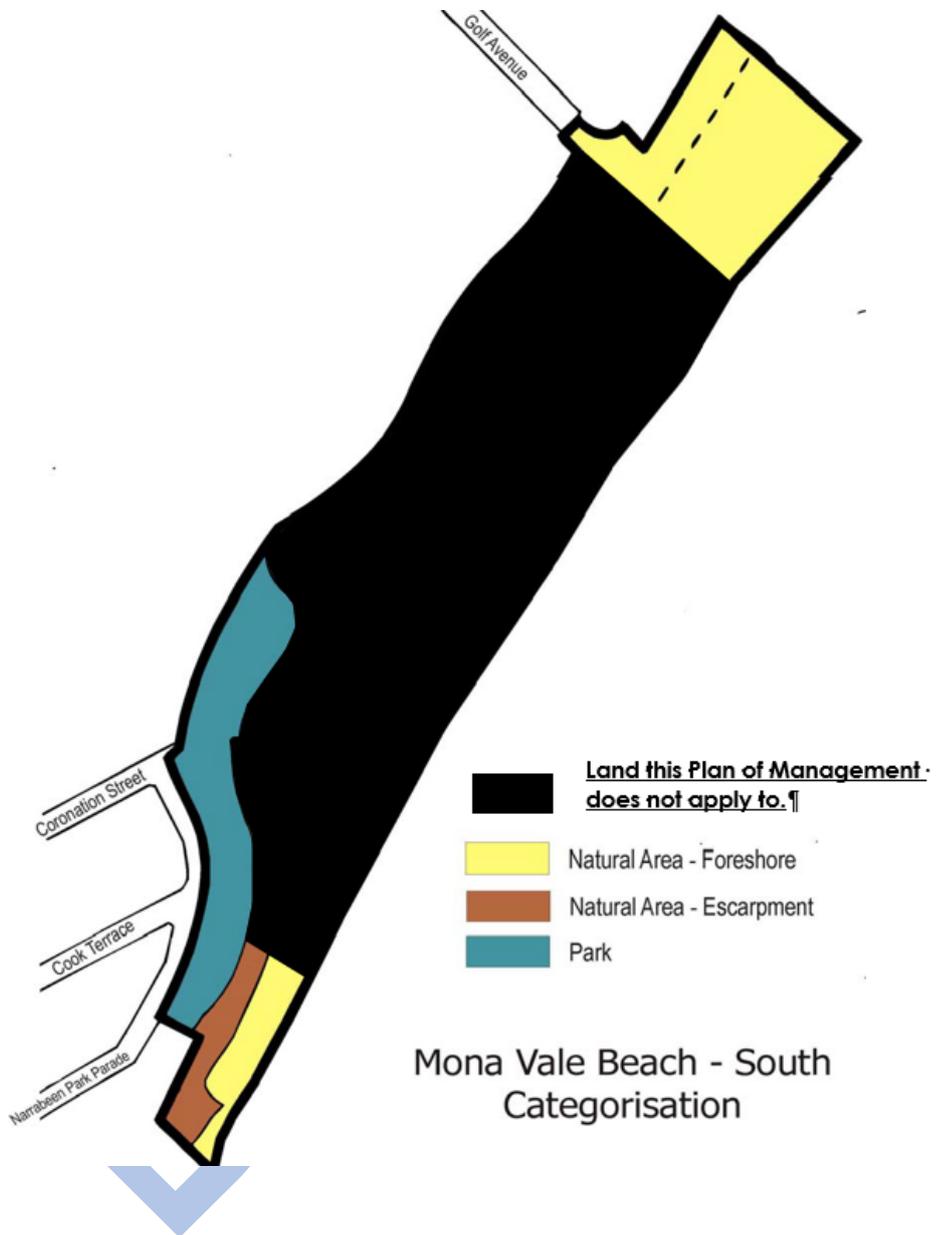
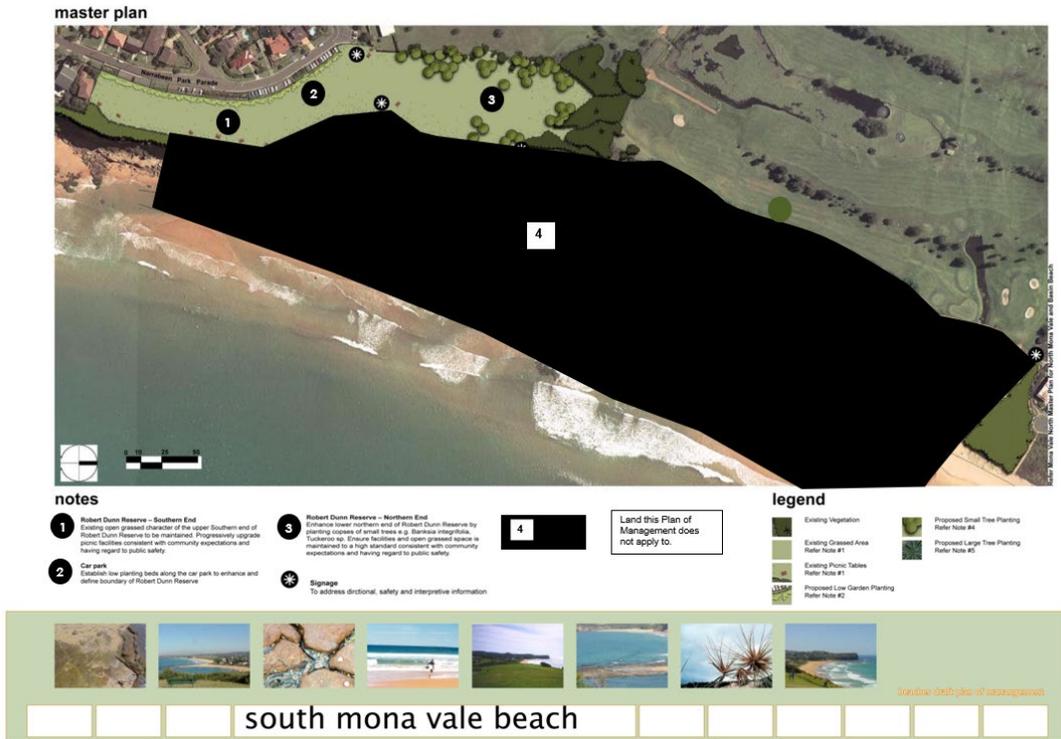


FIGURE 16: UPDATED



**Review of Environmental Factors, Northern Beaches Council, 1 August 2025
Proposed Mona Vale Beach (South) Dog Off-leash Area Trial Part 1 of 4**



Document Control

Version	Document Name	Author	Status	Date
R0	Proposed Trial of Palm Beach (North) and Mona Vale Beach (South) Dog Off-leash Areas, Review of Environmental Factors	Niche	Issued to Client	22/06/2022
R1	Proposed Trial of Palm Beach (North) and Mona Vale Beach (South) Dog Off-leash Areas, Review of Environmental Factors	Niche	Issued to Client	1/08/2022
R2	Proposed Trial of Palm Beach (North) and Mona Vale Beach (South) Dog Off-leash Areas, Review of Environmental Factors	Niche	Final	9/08/2022
R3	Proposed Trial of Palm Beach (North) and Mona Vale Beach (South) Dog Off-leash Areas, Review of Environmental Factors	Niche	Final revised	10/03/2023
R4	Revised Proposed Trial of Palm Beach (North) and Mona Vale Beach (South) Dog Off-leash Areas, Review of Environmental Factors	Northern Beaches Council	Final draft revised (presented at Council meeting 22/08/2023)	20/06/2023
R5	Revised Proposed Trial of Palm Beach (North) and Mona Vale Beach (South) Dog Off-leash Areas, Review of Environmental Factors	Northern Beaches Council	Reviewed for currency	20/09/2024
R6	Review of Environmental Factors Proposed Mona Vale Beach (South) Dog Off-leash Area Trial	Northern Beaches Council	Draft	01/08/2025

The document has been prepared with assistance from Niche Environment and Heritage Pty Ltd.

Executive summary

The purpose of this Review of Environmental Factors (REF) is to describe the proposed dog off-leash area for Mona Vale Beach (South) (referred to hereafter as the Activity), to document and assess the likely impacts of the Activity on the environment, and detail any mitigation and management measures that will be implemented. The area of Mona Vale Beach associated with the Activity is hereafter referred to as the Activity Area.

This REF has been prepared in accordance with the requirements of Division 5.1 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) by considering and recording for Northern Beaches Council (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.

History of this REF

In 2022, Niche Environment and Heritage (Niche) were commissioned by the Council to prepare an REF to assess the potential environmental impacts for off-leash dog area trials at Mona Vale Beach (South) and Palm Beach (North). Niche completed a draft REF in 2023 (draft REF 2023) which was presented at Council's meeting of 22 August 2023. This REF has been prepared by Council to update the draft REF 2023 for currency. The scope of this REF is also limited to the Activity proposed for Mona Vale Beach (South). A separate updated REF will be prepared for the activity proposed for Palm Beach (North) before Council makes any approval in relation to that activity. Activity Description

Council proposes to establish a dog off-leash trial area at Mona Vale Beach (South) as per Council Resolution 225/23 of 22 August 2023 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 area 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 EP&A Act regulates, among other things, development of land.

The Activity involves development comprising the use of the Activity Area 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 Area is 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 Mona Vale

Beach (south) has been used as a public recreation area 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 off-leash on Mona Vale Beach (South), which would authorise the continued use of the Activity Area 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 vary or revoke the Dog Policy and make orders under the *Companion Animals Act 1998* (CA Act) to authorise dog access to the Activity Area.

It follows that Division 5.1 of the EP&A Act applies to Council’s role as determining authority in granting approval, 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 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 Mona Vale Beach (south) REF 2025 assesses the Activity by reference to the factors contained in clause 171 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) 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 amend the Dog Policy and to make orders under the CA Act. These orders would enable the proposed Activity Area to be used by the public as an off-leash dog area, subject to conditions the Council sees fit. The orders will include orders pursuant to section 13(6) of the CA Act that the proposed location is an off-leash dog area subject to conditions Council sees fit.

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

Environmental Impacts

The main potential environmental impacts associated with the Activity include:

- 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 Area. 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 8.2).

Conclusion

The draft REF 2023 stated that the environmental impacts of the Activity (at Mona Vale Beach (South)) have been identified and assessed with the key aspects subject to detailed assessment by subject matter experts. This REF has updated the draft REF 2023 for currency as appropriate. The potential impacts of the Activity (at Mona Vale Beach (South)) on the existing environment together with the mitigation and management safeguards are detailed in Section 6. The potential impacts of the proposed Activity (at Mona Vale Beach (South)) are considered to be relatively minor and would be unlikely to have a significant impact on the environment.

Glossary and list of abbreviations

Term or abbreviation	Definition
Activity Area	The off-leash dog trial area at Mona Vale Beach (South)
AHIMS	Aboriginal Heritage Information Management System
BC Act	<i>Biodiversity Conservation Act 2016 NSW</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017 NSW</i>
BV	Biodiversity Values
CES	Community Engagement Strategy (formally Community Engagement Matrix (2017a))
CA Act	<i>Companion Animals Act 1998 NSW</i>
CCPS	County of Cumberland Planning Scheme Ordinance
CEP	<i>Northern Beaches Council Community Engagement Policy (2017) (updated 2022)</i>
CL Act	<i>Crown Lands Act 1989 NSW</i>
CLM Act	<i>Crown Land Management Act 2016 NSW</i>
CM SEPP	<i>State Environmental Planning Policy (Coastal Management) 2018</i>
Council	Northern Beaches Council
DAWE	Australian Department of Agriculture, Water and the Environment (1/02/2020-30/06/2022)
21 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>
DCCEEW	Department of Climate Change, Energy, the Environment and Water (NSW) (formally DPE)
DPI	Department of Primary Industries (NSW)
DPE	Department of Planning and Environment (NSW) 21/12/2021-1/1/2024 (formerly DPIE)
DPIE	Department of Planning, Industry and Environment (NSW) 1/07/2019-21/12/2021
DPHI	Department of Planning, Housing and Infrastructure (NSW) (formally DPE)
Draft PoM	Draft Mona Vale Beach (southern end) Plan of Management
EEC	Endangered Ecological Communities
EPA	Environment Protection Authority (NSW)
EP&A Act	<i>Environmental Planning and Assessment Act 1979 NSW</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021 NSW</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 AUST</i>
FM Act	<i>Fisheries Management Act 1994 NSW</i>
LEP	<i>Local Environment Plan</i>
LG Act	<i>Local Government Act 1993 NSW</i>
LGA	Local Government Area
LGA 1919	<i>Local Government Act 1919 NSW</i>
Matrix	<i>Community Engagement Matrix (2017a)</i>
MNES	Matters of National Environmental Significance

ATTACHMENT 1 : REVIEW OF ENVIRONMENTAL FACTORS MONA VALE BEACH (SOUTH) OFF-LEASH DOG TRIAL 2025 - ITEM 11.4 - NORTHERN BEACHES COUNCIL MEETING - 19 AUGUST 2025

Niche	Niche Environment and Heritage
NPW Act	<i>National Parks and Wildlife Act 1974 NSW</i>
NPWS	National Parks and Wildlife Service NSW
NSW	New South Wales
Ocean Beaches PoM	Ocean Beaches Plan of Management 2005
PCT	Plant Community Type
PLEP 1993	<i>Pittwater Local Environmental Plan 1993</i>
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	<i>State Environmental Planning Policy NSW</i>
T&I SEPP	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
TEC	Threatened Ecological Communities
ToS	Test of Significance
WLEP	<i>Warringah Local Environmental Plan 1985</i>
WM Act	<i>Water Management Act 2000 NSW</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 an off-leash dog area at Mona Vale Beach (South) (referred to hereafter as the Activity). The area of beach (i.e. Activity Area) associated with the Activity is shown on Figure 2.

The purpose of this REF is to describe the Activity, document the likely impacts of the Activity on the environment, and detail any mitigation and management measures to be implemented. The Activity will enable a continuing use of Mona Vale Beach (South) as a recreation area, which is the purpose for which it has 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 revoke or vary the Pittwater Council *Dog Control Policy (No 30)* (Dog Policy) and make orders under the *Companion Animals Act (1998)* (CA Act). In *Palm Beach Protection Group Incorporated v Northern Beaches Council* [2020] NSWLEC 156, the Land and Environment Court held that decisions to conduct a dog off-leash area trial and to allow dogs on-leash at a location where they were previously prohibited by making orders under section 13(6) of the CA Act (establishing an off-leash area) and revoking/varying orders under section 14 of the CA Act (which prohibited dogs from an area) 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 Local Government Area (LGA) is located on Sydney's northern beaches, between 10 and 30 kilometres (km) north-east of the Sydney CBD. The Northern Beaches Council 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 Mona Vale Activity Area is South Mona Vale Headland Reserve (also known as 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.

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 for Mona Vale Beach included both active (e.g. surfing and swimming) and passive (e.g. sunbathing, socialising, walking) pastimes. There is also evidence of pet dogs being taken to the beach. Except for pet access to the beach, this range of recreational uses for Mona Vale Beach is ongoing today. The ongoing recreational use of the area has continued to evolve over time in line with changing community demands, needs, trends and now includes:

- 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, sightseeing, running, cycling, paragliding, golf (i.e. Mona Vale Golf Club).

The recognition of this location as a recreational area 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 Mona Vale Beach (South) Activity Area is located adjacent to open parkland (i.e. South Mona Vale Headland 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 South Mona Vale Headland Reserve is the Mona Vale Hospital and

residential housing, approximately 120m and 100m respectively from the western boundary of the Activity Area (Figure 2).

Council provides various ancillary infrastructure and ongoing management services that support the wide range of recreational and leisure activities that are undertaken at this area (e.g. 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 area 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 Figure 2.

The beach and park areas are busier in the summer months. The beach is also used by the community for walking, other exercise and for social interaction.

1.3 Activity objectives

The objectives of the trial is to:

- Provide an additional off-leash dog area at Mona Vale Beach (South), where dogs can access the beach at restricted times.
- Maintain the environmental integrity of the Activity Area.
- 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 a permanent off-leash dog area at the Activity Area.

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 EP&A Act (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 New South Wales (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 a new off-leash area on Mona Vale Beach (south) aligns with community feedback and requests Council has received 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 Mona Vale Beach (South) off-leash area proposal were placed on public exhibition from 7 May 2021 to 6 June 2021.

Approximately 88% of the responses for 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 four locations which provide access to water, are very well used, being:

- Lagoon Park, Manly
- Flora and Ritchie Roberts Reserve, Curl Curl
- 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:

- 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 national average of 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 Mona Vale, including the proposed Activity, are shown on Figure 2 and consists of:

- Parking spaces
 - 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 area:
 - Access to the Mona Vale (South) off-leash area is via a shared pedestrian bicycle path within South Mona Vale Headland Reserve and two formal sand tracks. The southernmost access track includes a staircase, while the northern sand access track has a longer but shallower gradient sand track (i.e. no stairs).
- Fencing:
 - Dune type fencing is installed along the western and eastern edges of the Mona Vale Beach dunes and vegetated areas and along the pathways to the beach.

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 the Activity Area. This may encourage the existing users of the nearby South Mona Vale Headland Reserve dog off-leash area to utilise the 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 may also 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). However, 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 weekends and public and school holiday periods. The corresponding fluctuation in usage numbers is expected to be within the daily, seasonal or use-specific range that already occurs with the general recreational use of the location.

Ultimately, the recreational use capacity of the general recreational area, which includes the use of the Activity Area, 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 the location is expected to represent a small proportion of the total recreational user numbers of the location.

2.3 The Activity

Council is proposing to undertake a 12 month trial of a dog off-leash area at Mona Vale Beach (south) in the Northern Beaches LGA (see Figure 2).

During the trial period dogs will be allowed off-leash within the Activity Area in accordance with the approved 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. Users of the Activity Area will have access to and use of the existing infrastructure and services provided by Council for recreational users of Mona Vale Beach (South) (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 other facilities provided by Council.

Use of the proposed Activity Area will be restricted to the following times:

- 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).

The Council Report of 27 April 2021 proposed eastern boundaries for the area at Mona Vale Beach (South) which, on further review, extended beyond the LGA and Pittwater Local Environmental Plan 2014 (PLEP) map boundaries. The proposed eastern boundaries of the Activity Area were subsequently adjusted to be

coincident with the eastern LGA boundary following a Council resolution at its meeting of 22 February 2022 (023/22).

On 26 April 2024 (NSW Government Gazette No: 148 Crown lands) Council was appointed Crown land manager for Crown reserve 1040912 (R1040912). Part R1040912 is covered by the draft Mona Vale Beach (southern end) Plan of Management (draft PoM) (see Tables 1 and 6 and Section 4.1.4) .

Minor upgrades to supporting recreation 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.

The Activity Area is located at the southern end of Mona Vale Beach and is irregular in shape as shown on (Figure 2). The proposed Mona Vale (South) Activity Area is approximately 300 m long, with the northern boundary of the Activity Area approximately 714 m to the 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 Area is shown in Table 1 (See Figure 4).

Table 1. Mona Vale Beach (South) Schedule of Land and Ownership

Reserve Name	Part Beeby Park (Beeby Park)	Part South Mona Vale Headland Reserve (Headland Reserve)	Part R1040912
Reserve Number	Part R45244	Not Applicable	Part R1040912
Owner of the Land	Crown Lands (State of NSW)	Northern Beaches Council	Crown Lands (State of NSW)
Manager of the Land	Northern Beaches Council is Crown land manager	Northern Beaches Council	Northern Beaches Council is Crown land manager
Reserve purpose	Public Recreation	Deed of Trust: Public Park, Public Reserve, Public Recreation Area	Public Recreation
Land parcel/s	Lot 1 DP 1275526	Part Lot 5 DP 211456	Not Applicable
Local Environment Plan (LEP) zoning	RE1 - Public Recreation	RE1 - Public Recreation	RE1 - Public Recreation
Assigned category/categories	Natural Area Bushland Natural Area Foreshore	Natural Area Bushland Natural Area Foreshore Natural Area Escarpment	Natural Area Foreshore

3. Consideration of Alternatives

3.1 Alternative Ocean Beach Locations

A desktop assessment of 10 nearby ocean beach locations was undertaken as part of the consideration of alternatives process (See Table 2).

As shown in Table 2, multiple factors were considered in the consideration of alternatives, with reference to the minimum requirement of a 300 m length of beachfront (see Figure 2 at Mona Vale Beach (south) for the Activity Area and the minimisation of potential existing 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 consideration of alternatives assessments, the Mona Vale location was assessed as one of the two preferred locations for the establishment of an ocean beach off-leash dog area.

3.2 Alternative of Not Proceeding “Do Nothing”

The surrounding general area at the location 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 and biodiversity impacts.

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

Table 2. Alternative Ocean Beach Locations Considered for the Activity

Beach Name	Length of beachfront (Southern headland to Northern headland)	% of beach occupied if a 400m long off-leash dog area was proposed	Approximate chainage (metre marker) of the surf club	Maximum distance between 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
Mona Vale Beach	1177m	34%	945m	571m	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 if a 400m long off-leash dog area was proposed	Approximate chainage (metre marker) of the surf club	Maximum distance between 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	343m	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 (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 the Mona Vale Activity Area. The Activity Area is 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 Mona Vale Beach (South) has been used as a public recreation area 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).

Mona Vale Beach continues 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 Area 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 Mona Vale area (including the proposed Activity Area) as a recreation area 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 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 Area 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 Area 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 Mona Vale Beach (South) as a recreation area began lawfully in the early 1900s. The recreation use of the Activity Area 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 Area 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 EP&A Act s 4.68(1), 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 CA Act prohibits dogs on all beaches within the LGA. In order to authorise the Activity, Council must first revoke or vary the Dog Policy and make orders under the CA Act. The orders are contemplated in more detail below in Section 4.1.2.

Assessment under Division 5.1 of the EP&A Act is required for 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 Area by revoking or varying the Dog Policy and 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 decisions to conduct a dog off-leash area trial and to allow dogs on-leash at a location where they were previously prohibited by making orders under section 13(6) of the CA Act (establishing an off-leash area) and revoking/varying orders under section 14 of the CA Act (which prohibited dogs from an area) were “approvals” within the meaning of section 5.1 of the EP&A Act.

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.

As part of this assessment, it is necessary to assess the impact of the Activity by reference to the factors contained the guidelines for Division 5.1 assessment, with reference to clause 171(1) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). An assessment of these factors is provided in Annex 2.

4.1.2 Companion Animals Act 1998

The Dog Policy prohibits dogs from all beaches in the former Pittwater LGA. In *Palm Beach Protection Group Incorporated v Northern Beaches Council* [2020] NSWLEC 156, the Court considered that the policy was made in accordance with sections 14(1)(c) and (d) and 14(7) of the CA Act, which relevantly provide:

14 Dogs prohibited in some public places

(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 would need to decide to vary the Dog Policy to create an exemption from the Dog Policy for the Activity Area.

After varying the Dog Policy, Council would then need to make an order that the Activity Area is a dog off-leash area subject to the mitigation actions proposed in this REF, pursuant to Council's power under section 13(6) of the CA Act. 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 decisions and orders amount to approvals that require assessment under Division 5.1 of the EP&A Act.

4.1.3 Local Government Act 1993

The Local Government Act 1993 (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. It also applies to the management of Crown land in certain respects, including pursuant to Part 3 of the CLM Act which requires Council Crown land managers to prepare a Plan of Management (PoM) in accordance with the LG Act for dedicated and reserved Crown land (see section 4.1.3.4 below).

Section 35 of the LG Act relevantly provides:

“35 What governs the use and management of community land?

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

- the plan of management applying to the land
[...]

Section 44 of the LG Act provides:

44 Use of community land pending adoption of plan of management

Pending the adoption of a plan of management for community land, the nature and use of the land must not be changed.

4.1.3.1 Ocean Beaches Plan of Management

The Ocean Beaches Plan of Management 2005 (Ocean Beaches PoM) applies to Mona Vale Beach (South). The Ocean Beaches 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.

The Ocean Beaches PoM applies to community land under the LG Act. It also purports to cover Crown land under the CLM Act although, consistent with the Department's advice referred to above, it is not a valid PoM for the purpose of the CLM Act.

It follows that the Ocean Beaches PoM must be amended in respect of the community land to remove the prohibition of dogs on Mona Vale Beach before Council may approve the Activity by making the necessary orders authorising dogs off-leash under the CA Act. It is considered a Plan of Management is also required under the CLM Act in respect of the Crown land at Mona Vale Beach (South) - see section 4.1.3.4 below.

4.1.3.2 Adoption and 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 PoM, the Council must first prepare a draft PoM: section 36. The Council must give public notice of the draft PoM, 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 PoM should be exhibited with other matters necessary to enable the draft PoM and its implications to be understood, which includes this REF: section 38(4).

On 3 June 2024 the draft PoM was referred to the Department of Planning, Housing and Infrastructure (DPHI) as the landowner of part Beeby Park and Part R1040912, for review and consent to publicly exhibit the draft PoM under Section 39 of the LG Act, and to seek the Minister’s consent to adopt the draft PoM pursuant to Clause 70B of the Crown Land Management Regulation 2018 (CLM Regulation).

On 30 August 2024 the DPHI provided its consent to Council to publicly exhibit the draft PoM. On 10 December 2024 Council resolved (Council Resolution 319/24) to place the draft PoM on public exhibition. The draft PoM was exhibited from 12 December 2024 to 9 February 2025.

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

4.1.4 Crown Land Management Act 2016

The Crown Land Management Act 2016 (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 Area comprises Council land and Crown land, for which Council is Crown land manager.

The Council will therefore need to adopt a PoM in respect of the Crown land within the Activity Area 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*.

At its meeting of 30 April 2024 Council resolved (Resolution 107/24) to assign land categories of Natural Area Foreshore and Natural Area Bushland to Crown reserve 45244 (R45244). Part R45244 is covered by the draft PoM. On 20 August 2024, DPHI confirmed agreement with Council’s assigned land categories for R45244.

On 26 April 2024 (NSW Government Gazette No: 148 Crown lands) Council was appointed Crown land manager for Crown reserve 1040912 (R1040912). Part R1040912 is also covered by the draft PoM. The draft PoM proposes the category of Natural Area Foreshore for Part R1040912. The DPHI has indicated to Council that adoption of the draft PoM will confirm Council’s proposed categorisation for Part R1040912.

As set out in section 4.1.3.3 above, the draft PoM has now been prepared and exhibited.

For plans of management concerning Crown Land, the Minister for Lands and Property must consent to a draft plan of management before it is adopted (*Crown Land Management Regulation 2018* r 70B).

On 30 August 2024, the delegate of the Minister for Lands and Property consented to the adoption of the draft PoM under clause 70B of the Crown Land Management Regulation 2018, subject to there being no changes (excluding minor editorial and formatting changes) following public exhibition.

4.1.5 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 Area.

4.1.6 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 Area, with no heritage items identified within 200m of the Activity Area. Section 6.7 provides further details regarding the historic heritage impacts of the Activity.

4.1.7 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 Area is 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 (DD) has been prepared for the Activity under Part 6 of the NPW Act (See Annex 3).

4.1.8 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. The activity will not occur within a declared area of outstanding biodiversity value.

4.1.9 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,

ecological communities and critical habitats in NSW.

A portion of the Activity Area was added to the NSW Biodiversity Values map (BV map) in 2023. As the Biodiversity Values Map threshold does not apply to Part 5 activities, the Activity is not proposed to be carried out in an area of outstanding biodiversity value and the Activity is not likely to significantly affect threatened species or ecological communities or their habitats, the Activity does not trigger entry into the Biodiversity Offsets Scheme or the requirement for biodiversity offsets under Part 6 of the BC Regulation

4.1.10 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.

4.1.11 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.

4.1.12 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.

4.1.13 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.

4.1.14 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.

4.1.15 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 assesses 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.

4.1.16 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.

4.1.17 Aboriginal Land Rights Act 1983

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 Area comprises 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 1999

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, Fisheries and Forestry (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 1993

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 applies.

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 LG Act.

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 3).

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 allow development that does not substantially diminish public use of, or access to, public open space resources.
- 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 the Activity is a continuing use and development consent is not required.

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 Northern Beaches Community Strategic Plan 2040

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
- Provide incentives and programs to encourage our community to enhance, preserve and protect our natural ecosystems
- Ensure integrated land use planning balances the environmental, social and economic needs of present and future generations
- 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) (being the relevant CEP at the time the draft REF was first prepared) 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) was an implementation tool used by Council at the time the draft REF was prepared and provided 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.

The conceptual trial parameters of the proposed off-leash area at Mona Vale Beach (South) was placed on public exhibition from 7 May 2021 to 6 June 2021. In consideration of the feedback received changes were made to the conceptual off-leash trial parameters during the preparation of the draft REF. The engagement was planned, implemented and reported in accordance with the CEP and Matrix.

The draft REF was placed on public exhibition over a 32-day period, from 11 August 2022 to 11 September 2022 (in accordance with Council Resolution 172/22) which provided the community with an opportunity to review and make a submission during that time.

In November 2022 the CEP was updated and the Matrix was replaced by a new Community Engagement Strategy (CES). It is considered the community engagement undertaken in respect of the draft REF 2023 is consistent with the requirements of these documents.

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 relevant Matrix, meaning that it is a 'high

impact development'. Additionally, the SCRs apply because the Activity permits a use on land that is owned and managed by the Council.

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 included exhibition of the draft REF 2023 for not less than 28 days (in accordance with p 3 of the CEP), advertisement of the draft REF 2023 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.

Consistently with these requirements, at its meeting of 28 June 2022 Council resolved (Council Resolution 172/22) to publicly exhibit the draft REF 2023. It was publicly exhibited from 11 August to 11 September 2022. The outcomes of the public exhibition were report to Council at its meeting of 22 August 2023.

Following this exhibition process, the feedback was considered and a further report provided to Council. The draft REF 2023 and community engagement report was presented to Council at their meeting of 22 August 2023 and Council resolved (Council Resolution 225/23) to among other things prepare a PoM for Mona Vale Beach (southern end) (which includes the off-leash dog area trial at Mona Vale Beach (south)).

5.2.2 Statute

Section 171(4)(c) of the EP&A Regulation 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 provision will have the effect of requiring the Council to consider whether it is in the public interest to publish this REF, and if so, to publish this REF.

5.2.3 Conclusion

Consistently with Council's community engagement policies, it publicly exhibited the draft REF 2023 from 11 August to 11 September 2022. The outcomes of the public exhibition were reported to Council at its meeting of 22 August 2023.

Before commencing the Activity, Council will need to determine whether it is in the public interest for this REF to be published on Council's website or the NSW Planning Portal, pursuant to EP&A Regulation s 171(4)(c).

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 area at 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 form 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 3. Parameters/Info provided on the ‘your say’ page in 2021 for Mona Vale Beach (south)

Mona Vale Beach (South) – Provision of the proposed areas on a map
Length of the off-leash area is 300 m.
Northern boundary – 720 m south of the Mona Vale 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.
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 023/22 on 22 February 2022.

The following question was asked, requiring an answer “Do you support the Project for 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 in 2021 is summarised in Table 4.

Table 4. Community and stakeholder engagement statistics for Mona Vale Beach (south)

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

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 living 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 for Mona Vale Beach (south) and Palm Beach (north) and Council's responses is outlined in Table 5 which also identifies the REF sections in which the key themes have been addressed.

Table 5. Key themes, comments and Council responses

Key Theme	What we heard (summary)	Council's response (any reference to Palm Beach (north) is not relevant to this REF)	Section of REF
Need for more off-leash areas on parks and particularly beaches on the Northern Beaches	<p>1. There is an 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 current proposal for off-leash areas on Palm Beach (north) and Mona Vale Beach (south) is in response to the demand for more off-leash areas.	This document.
Health and physical and mental well-being	<p>3. The proposed off-leash areas will encourage dog walking which enhances physical and mental well-being for people and dogs.</p> <p>4. Spending time with dogs has physical, mental, well-being and social benefits for individuals, families and the community.</p>	3 & 4 – Noted.	Section 2.1.
Other places have successful dog off-leash areas why can't the Northern Beaches?	<p>5. Other places have successful dog off-leash areas such as the Central Coast and other major cities why can't the Northern Beaches?</p> <p>6. I travel to the Central Coast to walk my dog on the beach.</p>	5 & 6 - The proposal for off-leash areas on Palm Beach (north) and Mona Vale Beach (south) will assist with the demand for more off-leash areas.	This document.
Dog excrement	<p>7. Excrement left on the beach is a health risk for people and adversely impacts the environment and reduces enjoyment of the beach.</p> <p>8. Owners will not pick up after their dogs.</p>	<p>7. This matter has been assessed in the draft REF 2023 (Attachment 4) which found that it was not likely to have a significant impact on the environment, though mitigation and management safeguards were recommended.</p> <p>7. Bins and faeces collection bags will be made available at the proposed locations.</p>	Section 6.8.

Key Theme	What we heard (summary)	Council's response (any reference to Palm Beach (north) is not relevant to this REF)	Section of REF
		8. People taking their dogs to the proposed areas, would be required to abide by the conditions of use of the off-leash areas as prescribed by Council (such as picking up after dogs) and relevant legislation such as the CA Act.	
Many dog owners do not and will not follow the off-leash area rules at the proposed locations	<p>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.</p> <p>10. Given this observation there are concerns the rules will not be followed at the proposed location 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.</p> <p>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.</p> <p>12. Owners do not pick up after their dogs on at other dog off-leash areas and won't on Palm Beach.</p> <p>13. Owners will not be able to prevent their dogs going into the national park at Palm Beach.</p>	<p>9. Noted</p> <p>10.11. 12. 13. People taking their dogs to the proposed areas, would be required to abide by the conditions of use of the off-leash areas as prescribed by Council and any relevant legislation such as the CA Act. And bins and faeces collection bags will be made available at the proposed locations.</p>	Section 6.

Key Theme	What we heard (summary)	Council's response (any reference to Palm Beach (north) is not relevant to this REF)	Section of REF
Environmental impacts	<p>14. Dogs and their excrement will adversely impact the environment.</p> <p>15. Owners will not and will not be able to prevent their dogs entering environmentally sensitive areas.</p>	<p>14. This matter has been assessed in the draft REF 2023 which found that it was not likely to have a significant impact on the environment, though mitigation and management safeguards were recommended.</p>	Sections 2.3, 3, 5 and 6.
	<p>16. Proposed location at Palm Beach (north) is too close to the National Park and dogs will impact 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. Bins and faeces collection bags will be made available at the proposed locations.</p> <p>15. People taking their dogs to the proposed areas, would be required to abide by the conditions of use of the off-leash areas as prescribed by Council and any relevant legislation such as the CA Act.</p> <p>16. Signage would be installed to indicate the boundaries of the off-leash areas.</p> <p>17. The elected Council will consider whether the Review of Environmental Factors 2022 will be publicly exhibited The REF was subsequently placed on public exhibition from 11 August to 11 September 2022 (Council Resolution 172/22).</p>	
Health and safety	<p>18. Many people (individuals, children and families) are fearful of, scared of and or feel unsafe around dogs.</p> <p>19. Dog excrement may impact the health of people.</p>	<p>18. Noted.</p> <p>19. This matter has been assessed in the draft REF 2023 which found that</p>	Sections 2.3 and 6.8.

Key Theme	What we heard (summary)	Council's response (any reference to Palm Beach (north) is not relevant to this REF)	Section of REF
	20. Dogs may enter the flagged swimming areas at Palm Beach (north) or Warriewood beach where they are prohibited.	<p>it was not likely to have a significant impact though mitigation and management safeguards were recommended.</p> <p>20. People taking their dogs to the proposed areas, would be required to abide by the conditions of use of the off-leash area as prescribed by Council and any relevant legislation such as the CA Act.f</p>	
<p>Aesthetics, peace and quiet and enjoyment will be impacted</p> <p>Will displace, conflict 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, 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 matters have been assessed in this draft REF, which has found that while use conflicts are possible, the Project has minimised these as far as reasonably practicable and the potential likelihood of conflict between users is considered to be low.</p> <p>23. Noted</p>	Sections 2.3 and 6.5.
<p>Suggestions for; larger areas (both locations) and to consider other parks and beaches for off-leash areas.</p>	<p>24. Not large enough nor long enough.</p> <p>25. The amount of area 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. The project addresses proposals for the Palm Beach (north) & Mona Vale (south). 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>	Sections 2.3 and 3.

Key Theme	What we heard (summary)	Council's response (any reference to Palm Beach (north) is not relevant to this REF)	Section of REF
Times proposed for off-leash access to the proposed location	27. For both locations: <ul style="list-style-type: none"> • 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.	Section 2.3.
Proposed location	28. For both locations: <ul style="list-style-type: none"> • 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.	Sections 2.3, 3 and 6.
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.	Sections 2.3, 3 and 6.
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. Noted.	Section 8.2.

Key Theme	What we heard (summary)	Council's response (any reference to Palm Beach (north) is not relevant to this REF)	Section of REF
Compliance management by Council	<p>32. Council's enforcement of compliance is essential to the success of the proposed off-leash areas.</p> <p>33. Council does not have the capacity to successfully manage the compliance of dogs currently so how will Council manage the compliance at the proposed locations?</p>	32.33. Council effectively manages compliance matters related to dogs in alignment with Council's policies and directions and relevant legislation such as the Companion Animal Act 1998 including at the 29 existing dog off-leash areas, (some of which have water access).	Section 8.2.
Equal access and fairness	<p>34. Dog owners and dogs should have equitable access to open space, particularly beaches.</p> <p>35. It's only fair that there are some beaches where people can take their dogs. There are plenty of beaches for people.</p>	34.35. Noted.	Section 3.
Most dog owners do and will follow the off-leash area rules	<p>36. Most dog owners follow the rules and pick up after their dogs and would follow the rules at these proposed locations.</p> <p>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.</p>	36.37. Noted	Section 8.2.

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 6 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 6. Stakeholder Consultation Summary for Mona Vale Beach (south)

Stakeholder Consulted	Summary of Comment Received	Comment
NSW Department of Primary Industries - Fisheries	<p>Council has sought advice from DPI Fisheries on Mona Vale beach (south) and Palm beach (north) and received this feedback 26 August 2020</p> <p><i>These beaches are less sensitive than the beaches within Pittwater with regards to marine vegetation. There are no seagrass beds off our ocean beaches. DPI Fisheries has no concerns regarding off-leash dog activities in the areas nominated in Item 14.3 of Notice to Motion 33/2020.</i></p> <p><i>DPI Fisheries recommends that appropriate facilities, signage and monitoring to ensure dog droppings are disposed of properly.</i></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> <p>DPI Fisheries recommended that Council investigate ocean beaches areas for off-leash dog parks as this presented less risks.</p>	<p>The Activity Area is associated with an ocean beach.</p>
NSW Crown Lands	<p>Crown Lands have advised that there is no valid PoM in place for the purpose of the CLM Act in respect of the Crown land within the Activity Area. Crown Lands advised that the Activity would constitute a change to the nature and use of the reserve such that a PoM is required. Crown Lands suggested that the Northern Beaches Council should be appointed Crown Land Manager over existing or newly created reserves, as needed, particularly in relation to land below the mean high water mark. Northern Beaches Council will liaise with Crown lands in relation to appointment as Crown Land Manager and any plan of management prior to determination of the Activity, as required.</p>	<p>Noted and considered in Section 4.1.3.2.</p> <p>On 26 April 2024 (NSW Government Gazette No: 148 Crown lands) Council was appointed Crown land manager for Crown reserve 1040912 (R1040912). This provides Council with management of the additional Crown land necessary to progress a new PoM which incorporates the Activity and the Activity area.</p> <p>A portion of Crown reserve R45244 also falls within the Activity area and Council is already Crown land manager of this reserve which will also be covered by the PoM.</p>

5.3.5 Feedback from Public Exhibition of the REF

The draft REF 2023 was placed on public exhibition over a 32-day period, from 11 August 2022 to 11 September 2022. A total of 879 individual submissions were received during the public exhibition of the REF. Topics raised by individual submissions are summarised in Table 7.

A comprehensive assessment of the submissions received during the public exhibition of the draft REF 2023 was completed by Barbara Company and Associates Pty Ltd. A summary of the key findings of the assessment is provided below.

Table 7. Key themes, comments and Council responses

Aspect	Number of Responses	% of Responses	Overview of comments	Overview of Council responses
Aesthetic and recreational quality value - lifestyle/mental health/community connection	123	14	The majority of these comments (60%) felt that the benefits of the Activity would be positive, while a minority (18%) disagreed. There were suggestions that dogs being off-leash would both negatively and positively impact recreational spaces.	To minimise potential negative impacts on aesthetics and recreational quality, Council has imposed time and area limits on the Activity to minimise impacts on other users. Council would also require people taking their dogs to the proposed Activity areas to comply with all relevant legislation, such as the CA Act.
Biodiversity – flora and fauna	70	8	The majority of these comments expressed concerns about the biodiversity impacts of the Activity. The majority commented on the Council’s ability to adequately protect flora and fauna from dogs running freely and expressed doubt as to dog-owner compliance. A minority of submissions agreed that the mitigation and management measurements proposed would be enough to reduce the impacts of the Activity, that dog owners love and respect the environment and are likely to comply with relevant regulatory requirements, and that other areas similar to the Activity exist.	Mitigation and management safeguards have been proposed to limit potential impacts on fauna species, including maintenance and improvement to existing dune fencing. Council would also require people taking their dogs to the proposed Activity areas to comply with all relevant legislation, such as the CA Act.
Traffic – access and parking	26	3	The majority of these comments (80%) felt that parking would be a problem and that further studies are required. A minority (15%) felt that parking would be	Palm Beach (north) has approximately 130 marked off-street parking spaces. Increases to vehicle movements at Palm Beach (north) would be within existing seasonal and daily variations.

Aspect	Number of Responses	% of Responses	Overview of comments	Overview of Council responses
			adequately addressed by the measures proposed in the draft REF 2023.	Mona Vale (south) has approximately 1 formal parking spaces. The Activity is not expected to result in any material increase to patronage at this location. The proposed times for the Activity were selected to reduce impacts from day visitors to the two locations. Council will monitor impacts on parking during the Activity.
Waste management – dog defecation	44	5	The majority of these comments focused on owner compliance in collecting dog faeces, suggesting that this was an existing issue and that the management and mitigation measures proposed by the REF were inadequate. A minority suggested that humans cause more waste impacts than dogs through littering.	Rangers will conduct patrols to monitor compliance by dog owners. Bins and faeces collection bags will be made available at the proposed Activity Area. Council would also require people taking their dogs to the proposed Activity Area to comply with all relevant legislation, such as the CA Act. Council will monitor compliance during the Activity.
Noise	8	<1	These comments tended to note the potential for disturbance of peace and quiet as a result of the Activity.	Council has imposed time and area limits on the Activity to minimise impacts on other users. Council would also require people taking their dogs to the proposed Activity areas to comply with all relevant legislation, such as the CA Act.
Aboriginal archaeology	8	<1	These comments tended to note the potential for the Activity to impact Aboriginal Heritage sites and whether the impacts had been assessed.	The draft REF 2023 has assessed all relevant matters as required by the EP&A Regulation, including heritage issues.
European/historic heritage	8	<1	These comments tended to note the potential for the Activity to impact the Barrenjoey Heritage Conservation Area and the incompatibility of dogs with beaches, which are themselves part of the natural heritage.	The draft REF 2023 has concluded that there are no constraints for Mona Vale Beach (south) in respect of European heritage. Impacts on European heritage at Palm Beach (north) have been determined to be minimal to low.

Aspect	Number of Responses	% of Responses	Overview of comments	Overview of Council responses
Human health and water quality	16	2	Just over half of these submissions commented on the impact of dog faeces and urine in the water. Other comments suggested that such fears were misplaced and that beach closure and illness is usually caused by contamination and/or algae blooms.	Both land and water-based monitoring has been undertaken to target faecal bacteria. Bacteria associated with dog waste was generally undetectable in beach sands frequented by off-leash dogs at three common off-leash areas in the LGA. Dog waste on sand is a possibility and will be impacted by owner practices and compliance. Council will require people taking their dogs to the Proposed Activity area to comply with all relevant legislation, such as the CA Act. Rangers will conduct patrols to monitor compliance.
Social and economic land use matters	16	2	The majority of comments in this category felt there needed to be greater transparency of the cost-benefit analysis of the Activity. Some suggested quantitative data is required. Others expressed concerns about the additional burden on Council resources if the Activity proceeds.	The cost of undertaking the Activity is not a matter required to be considered in the draft REF 2023. When considering whether or not the Activity proceeds on a longer-term basis, Council will identify and consider costs of conducting the Activity, including costs to adequately implement mitigation and management safeguards.
Infrastructure – fencing, signage, bins needed for the trial	16	2	Almost 50% of these submissions expressed concern that the cost of additional services (e.g. installing new fences, bins, and signage) would be borne by all rate payers when only dog owners benefit. Other submissions commented on issues such as the placement of new fences, bins, and signage. One quarter of the submissions in this category noted that dog owners are unlikely to comply with new fences, bins, and signage.	No additional staff resources are contemplated as part of the draft REF 2023, although additional Council staff may be present during the Activity commencement period to clarify the requirements to dog owners, and further educate the community and users of the off-leash area. Council staff resources that are deployed to monitor compliance related to the proposed trial areas will be sourced from current Council operational funding. If the Activity is initiated, it is likely that Council would conduct additional messaging with the community, with the aim to improve owner compliance.

Aspect	Number of Responses	% of Responses	Overview of comments	Overview of Council responses
Assessing the trial – with baseline measures	70	8	The majority (75%) agreed with the draft REF 2023 findings and the way in which the assessment was completed. A minority (25%) did not agree. Some commented that the draft REF 2023 did not provide criteria to assess the success or failure of the Activity. Other submissions noted that the draft REF 2023 overstates the need for the Activity.	<p>The purpose of the draft REF 2023 is to determine whether the Activity is likely to have significant impacts on the environment, rather than to provide criteria to determine the success or failure of the Activity or whether it is needed. Monitoring of various aspects of the Activity (e.g. parking, waste etc) will be undertaken during the Activity to inform Council’s decision as to whether the Activity has been a success or failure.</p> <p>Council will develop criteria for assessing the success or failure of the Activity. These criteria are planned to be included in a future report regarding the proposal Activity.</p> <p>Council has recently received regular feedback seeking additional dog off-leash areas. It is reasonable for Council to investigate that feedback.</p>
Draft REF 2023 consultation	16	2	Nine out of the 24 comments in this category supported the extent of consultation undertaken for the draft REF 2023. Eight comments suggested that no further consultation was required. The remainder of submissions expressed concerns about the Council’s capacity to manage complaints from the Trial.	<p>Exhibition of REFs is only required by the EP&A Regulation in certain circumstances (for instance, meeting certain capital investment thresholds). Although the Activity does not meet these thresholds, Council still exhibited the draft REF 2023, in line with Council’s Community Engagement Policy and Community Engagement Matrix (2017).</p> <p>Council has undertaken comprehensive community engagement in relation to the Activity and the draft REF 2023 to ensure all relevant points of view are considered.</p>

Aspect	Number of Responses	% of Responses	Overview of comments	Overview of Council responses
Policy and regulation	8	1	The majority (74%) of the submissions in this category raised concerns that the Activity was in breach of existing policy. Of the remaining comments, 13% said that regulatory requirements had not been fulfilled, 9% stated that further assessment was required and 4% said that the draft REF 2023 met minimum regulatory requirements.	A number of submissions correctly identify that the Pittwater Council Dog Control Policy (No 30) prohibits dogs from beaches. In order to authorise the Activity, Council must make orders under the CA Act to amend the Dog Policy to authorise dog access for the Activity area. Once the draft REF 2023 has been finalised, Council intends to amend the Dog Control Policy. In preparing the draft REF 2023, Council has had regard to relevant provisions in the EP&A Act and EP&A Regulation, as well as the Part 5 Guidelines and other relevant legislation, planning instruments and policies.
When can the trial start?	140	16	Of the comments in this category, 68% requested that Council proceed with the trial, 11% said that more off-leash areas were needed, 13% commented on dog policies in other LGAs and 8% asked about why the Activity was taking so long to commence.	Council is taking the time required so that all due diligence in regard to the Activity is undertaken.
Trial parameters	79	9	Of the comments in this category, 29% supported the proposed times and locations of the Activity, 27% requested more locations and extended hours and 20% opposed the suggested locations. The remaining 8% suggested there were already enough off-leash areas.	Council considered a range of locations for possible off-leash dog areas (see table 3 in the draft Mona Vale beach (south) REF 2025). The two proposed location were chosen having regard to a number of factors, including the length of beachfront proposed to be occupied, distance from the nearest surf club and adjoining land uses. Council resolved to implement the proposed times during which off-leash dog access would be permitted as these include popular times to exercise dogs, such as in the mornings before work and after school drop-off and in the afternoon after work and school pick-up.

Aspect	Number of Responses	% of Responses	Overview of comments	Overview of Council responses
Equity / user conflicts / safety	97	11	The majority of the comments in this category (61%) described personal fears with off-leash dogs. Others discussed user conflicts with competing activities (e.g. weddings and markets). Other comments stated that the proposed times would be incompatible with existing users. A small portion of these comment (3%) suggested only allowing dogs on the beach if leashed. A further 7% said dogs should never be allowed on beaches, no matter the circumstance.	Council has imposed time and area limits on the Activity to minimise impacts on other users. Council will also require people taking their dogs to the proposed Activity areas to comply with all relevant legislation, such as the CA Act.
Compliance / social responsibility of owners	149	17	This was the single largest concern for most respondents, with multiple comments made across different sub- themes. Of the comments in this category, 24% indicated support for dogs off-leash but also raised concerns about owners not picking up dog faeces, 13% said dogs were already off-leash in undesignated areas, 44% spoke about issues with enforcing compliance and 18% suggested the majority of dog owners are responsible.	Council will require dog owners to comply with all relevant legislation, such as the CA Act. Rangers will conduct patrols to monitor compliance. Signage will be installed at the proposed off-leash area with information for users including conditions of use (e.g. picking up after their dogs).
Consultation about the dog off- leash trial proposal	16	2	Of the comments in this category, 8% suggested that community members have not contributed to consultation because the issue is so divisive, with 26% stating that they were concerned about the consultation process. Others commented that consultation was taking too long.	Exhibition of REFs is only required by the EP&A Regulation in certain circumstances (for instance, meeting certain capital investment thresholds). Although the Activity does not meet these thresholds, Council has still exhibited the draft REF, in line with Council's Community Engagement Policy and Community Engagement Matrix (2017).

Aspect	Number of Responses	% of Responses	Overview of comments	Overview of Council responses
				Council is undertaking comprehensive community engagement in relation to the Activity and draft REF 2023 to ensure all relevant points of view are considered.

6. Environmental Impact

6.1 Identification of Key Environmental Aspects

To assist with identifying the key environmental and community aspects that require further assessment, an environmental 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 effectively used by Council at various open space areas across the LGA (including existing off-leash areas), taking into account the unique characteristics of the Activity and the proposed Activity Area.
 - 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% of the beachfront at Mona Vale Beach . The majority of the beachfront usage will therefore remain unchanged from current patterns. This includes the high use recreational area located generally in front of the surf club (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 the Activity Area and primary beach usage area located generally near the surf club building (i.e. near the flags). • Time of use restrictions. <p>The large distances between</p>	No further assessment undertaken.

Environmental Aspect	Preliminary Environmental Risks Assessment	Detailed Assessment in REF
	<p>residential locations and the Activity and topographic / vegetation shielding which limits line of sight to the Activity Area.</p> <ul style="list-style-type: none"> The general area adjoining the proposed location is currently used for the recreational activity of dog walking. At Mona Vale dogs are permitted off-leash in South Mona Vale Headland Reserve. <p>Scientific quality or value: There are no known items of scientific quality or value within the Activity Area 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 Area contains no threatened ecological communities but does contain potentially suitable habitat for threatened species listed under the BC Act and EPBC Act.	See Section 6.2, Annex 4, Annex 5, and Annex 6
Traffic (Access and Parking)	Existing users of the off-leash dog area at South Mona Vale Headland Reserve are expected to also use the 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 nearest receivers to the Activity Area are the residences located on Narrabeen Park Parade at a distance of approximately 70 m, and the Palliative Care Mona Vale Hospital at a distance of approximately 110 m. Located between these receivers and the Activity Area is the existing off-leash dog park of South Mona Vale Headland 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 considered via an Aboriginal Objects Due Diligence Assessment.	See Section 6.6 and Annex 3
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.

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Environmental Aspect	Preliminary Environmental Risks Assessment	Detailed Assessment in REF
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 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 the Activity Area.	No further assessment undertaken.
Coastal Processes and Hazards	The Activity will not alter the natural coastal processes or hazards associated at the Activity Area.	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 is likely to benefit physical, social, psychological and economic aspects within the community. There may also be negative impacts between different users of the Activity Area 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 Climate Change, Energy, the Environment and Water (DCCEEW) BioNet, Atlas of NSW Wildlife* (DPE 2022a, DPE 2023, DPE 2025)
- *Australian Department of Agriculture, Water and the Environment (DAWE) EPBC Act Protected Matters Report* (DAWE 2022a).

Searches of the above database platforms were conducted by Northern Beaches Council in May 2025 to determine if there are more recent (since March 2023) threatened or migratory species located within the locality, or any records within or in proximity to the Activity area of species previously assessed.

Locations of threatened and migratory species records within 5 km of the Activity Areas are shown in Figures 6 and 7 (Flora) and Figures 8 and 9 (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, DAWE 2025). Five categories for 'likelihood of occurrence' (Table 9) 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.

It should be noted that the assessment of potential impact has been limited to the Activity Area. It has been assumed that the off-leash area would be controlled and restricted to the Activity Area indicated by Council, i.e. that the potential impact of off-leash dogs would be limited to the Activity Area as dogs would be required to be on-leash in all other areas.

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 25 migratory shorebird species, all of which are considered to have a low likelihood of occurrence at the Activity Area.

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 Activity 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 for some species are detailed in Table 10.

The updated database searches were conducted in May 2025 to review additional threatened species records since 2023. For the period, the search identified four threatened flora species (*Chamaesyce psammogeton*, *Syzygium paniculatum*, *Grevillea caleyi*, *Macadamia integrifolia*) recorded within the 10km buffer. None of these records are within, or in proximity to, the Activity Area (Figure 7). These four species were assessed in the draft REF 2023, and their likelihood of occurrence is considered to be Low and therefore no further or updated assessments of significance for threatened flora species is required.

The only recent threatened flora records of relevance are the additional records of *Chamaesyce psammogeton* as the habitat of this species is associated with the coastal zone. 4 April 2023 records from South Mona Vale Headland Reserve are in a location very similar to previous records considered by Niche (Figure 6).

The updated database search for threatened and migratory fauna returned 84 records from 24 species. 23 of the 24 species were assessed in the draft REF 2023. Of these 23 species 13 were assessed to have a Low likelihood of occurrence and 10 to have a Moderate likelihood of occurrence. As none of these more recent records are located within, or in proximity to, the Activity area, the assessments and conclusions within Table 10 and Annexure 5 remain valid, and no updates to the assessments of significance in Annexure 6 are required.

One new species, *Tringa stagnatilis* (Marsh Sandpiper) appears within the updated database searches. The species is listed as Marine and Migratory under the EPBC Act. All three records are sourced from wildlife rehabilitation sources however are assumed to have been collected from within the 10km locality (Figure 9)). These records of Marsh Sandpiper are not located within, or in proximity to, the Activity Area.

The species does not breed in Australia, and its habitat, lifecycle, and habits are similar to the Common Greenshank (*Tringa nebularia*) (DAWE 2025). The likelihood of occurrence within the Activity Area has been assessed as Low (Annexure 5) as there is only limited suitable habitat present, and the species was not detected during targeted surveys.

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 Area and the implementation of mitigation measures, no threatened or migratory biodiversity was determined as having the potential to be significantly impacted by

the Activity.

6.2.1.2 The Little Penguin

The Little Penguin (*Eudyptula minor*) is not listed as a threatened species, however the species has been considered here due to its sensitive status in the Sydney area. Breeding colonies of Little Penguin occur approximately 14km to the north of the Activity Area (at Lion Island) and 14km south (in the declared area for the endangered population at Manly; formerly Critical Habitat), however the Activity will not directly impact these colonies. The species itself is known to forage in the coastal waters adjacent to the Activity Area, with records occurring frequently along the coast north from Sydney to Nelson Bay, and continuing less frequently further northward. The Activity Area is not known as a breeding location for this species, and as such would not support frequent events of the species coming ashore. While Little Penguins generally only need to come ashore for breeding or moulting, and they will return to their colonies for these purposes (not known for the Activity Area), it is feasible that foraging individuals from the nearby populations may come ashore on occasion. Should a Little Penguin come ashore it would be susceptible to dog attack, however, unless injured or for another unusual reason, this species generally comes ashore after dark and returns to the water before dawn, excluding moulting when the species will stay ashore for up to three weeks.

Table 10. Threatened and migratory species with a moderate likelihood of occurrence for Mona Vale Beach (south)

Scientific name	Common name	BC Act	EPBC Act	Likelihood Mona Vale Beach (South)	Formal assessment required?
Birds					
<i>Dasyornis brachypterus</i>	Eastern Bristlebird	E	E	Moderate	Yes
<i>Haematopus fuliginosus</i>	Sooty Oystercatcher	V	-	Moderate	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. While the species is known from the locality and likely passes through the Activity Area, the time spent in the Activity Area is likely to be predominantly aerial.
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	V	MA	Moderate	Yes
<i>Hieraetus morphnoides</i>	Little Eagle	V	-	Moderate	Yes
<i>Pandion haliaetus cristatus</i>	Eastern Osprey	V	MA, M	Known	Yes
<i>Sterna hirundo</i>	Common Tern	-	MA, M	Moderate	Yes
<i>Sternula albifrons</i>	Little Tern	E	MA, M	Moderate	Yes
<i>Sternula nereis nereis</i>	Australian Fairy Tern	-	V	Moderate	Yes
Mammals					
<i>Cercartetus nanus</i>	Eastern Pygmy-possum	V	-	Moderate	Yes

Scientific name	Common name	BC Act	EPBC Act	Likelihood Mona Vale Beach (South)	Formal assessment required?
<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	V	V	Moderate	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>Isoodon obesulus obesulus</i>	Southern Brown Bandicoot (eastern)	E	E	Moderate	Yes
<i>Micronomus norfolkensis</i>	Eastern Coastal Free-tailed Bat	V	-	Moderate	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	
<i>Miniopterus orianae oceanensis</i>	Large Bent-winged Bat	V	-	Moderate	
<i>Myotis macropus</i>	Southern Myotis	V	-	Moderate	
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V	V	Moderate	
Reptiles					
<i>Caretta caretta</i>	Loggerhead Turtle	E	E, MA, M	Moderate	Yes
<i>Chelonia mydas</i>	Green Turtle	V	V, MA, M	Moderate	Yes
<i>Eretmochelys imbricata</i>	Hawksbill Turtle	-	V, MA, M	Moderate	Yes

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

6.2.1.3 Targeted survey methods

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, hereafter referred to as the industry guidelines)
- 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).

Guiding information for migratory shorebird surveys (in tidal areas, as relevant to the Activity) provided in the industry guidelines is designed to assist in determining if an area represents ‘important habitat’ for migratory shorebirds, surveys are therefore aimed at obtaining counts and life-stage data of species present. Given the aim of the targeted surveys completed in this case was to determine presence of migratory shorebirds at the Activity Area, guiding information relating to timing and minimum survey effort was used, while additional guiding information relating to population and life history metrics was omitted. The guiding information is provided in Table 11.

Targeted surveys for migratory shorebirds were undertaken by Niche within the Activity Area 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 12). 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 (DEWHA 2010).

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.

In addition to the surveys conducted by Niche in 2021/2022, Council completed recent surveys in 2022/2023. Survey details and results have been included in this report.

Targeted flora surveys for Sand Spurge (*Chamaesyce psammogeton*) were undertaken at the Activity Area during the high tide shorebird survey on 17 February 2022.

Table 11: Shorebird survey guidelines (DEE 2017a) Mona Vale Beach (south)

Survey effort	General	Timing	Relevant survey completed
Four surveys for roosting shorebirds	<ul style="list-style-type: none"> • The months when the majority of migratory shorebirds are present in the area. • One survey in December, two surveys in January, and one survey in February will be adequate. 	<ul style="list-style-type: none"> • Surveys for roosting shorebirds should be conducted as close to the time of high tide as practicable and at a maximum of no more than two hours either side of high tide. 	Niche: <ul style="list-style-type: none"> • December 2021 – spring high • January 2022 – neap high • January 2022 – neap high • February 2022 – spring high Council: (Mona Vale only) <ul style="list-style-type: none"> • November 2022 - high • January 2023 - high • January 2023 - high

Survey effort	General	Timing	Relevant survey completed
Four surveys for foraging shorebirds	<ul style="list-style-type: none"> Surveys should not be undertaken during periods of high rainfall or strong winds. Surveys should not be undertaken when activities are taking place which cause shorebird disturbance. 	<ul style="list-style-type: none"> Two surveys at spring low tide (low low tide) and two surveys at neap low tide (high low tide). Surveys for foraging shorebirds should be conducted as close to the time of low tide as practicable and at a maximum of no more than two hours either side of low tide. 	Niche: <ul style="list-style-type: none"> December 2021 – spring low January 2022 – neap low January 2022 – neap low February 2022 – spring low Council: <ul style="list-style-type: none"> December 2022 – low January 2023 – low

Table 12. Shorebird survey effort

Date	Tide	Site	Start time	Duration (hours)	Tide height (m)	Temperature (°C)	Windspeed (km/h) and direction	Precipitation (mm)
Niche data 2021/2022								
21.12.2021	Spring high	Mona Vale	11.10 am	1.5	1.66	26	11-20 S	0
	Spring low	Mona Vale	3.05 pm	1.5	0.5	26.8	15-22 ESE	0
11.01.2022	Neap low	Mona Vale	11.20 am	1.5	0.7	28	7 NE	0
	Neap high	Mona Vale	1.10 pm	1.5	1.2	24	13 E	0
25.01.2022	Neap low	Mona Vale	8.55 am	1.5	0.7	21.5	4 NE	<0.1
	Neap high	Mona Vale	11.40 am	1.5	1.3	22.5	11 ENE	0
17.02.2022	Spring high	Mona Vale	10.43 am	1.5	1.7	25.2	9 NNW	0
	Spring low	Mona Vale	1.56 pm	1.5	0.6	30.2	4 WNW	0
Council data 2022/2023 (provided by Northern Beach Council)								
8.11.2022	High	Mona Vale	5.45 pm	2.0	1.84	17.0	6 ENE	0
14.12.2022	Low	Mona Vale	7.20 pm	1.5	0.54	Not recorded	Not recorded	0
20.01.2023	High	Mona Vale	6.45 am	1.5	1.9	Not recorded	Not recorded	<1
23.01.2023	High	Mona Vale	9.33 am	1.3	2.04	19.0	15-20 SSW	0
24.01.2023	Low	Mona Vale	5.40 pm	1.5	0.16	25.0	Not recorded	0

6.2.1.4 Survey Results

No migratory shorebirds were detected at the Activity Area during the targeted surveys conducted by Niche and Council. During surveys the Activity Area was 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 Activity Area during multiple surveys. The level of human activity and presence of dogs may have impacted the presence of shorebirds. While the guiding information states avoidance of

periods of disturbance, given the nature of the Activity Area as a public recreation space, this criterion is difficult to meet, with ongoing activity early in the morning through to the late in the evening. This level of disturbance also informs the suitability of the site for migratory shorebirds and threatened species.

One potential migratory seabird species (a Tern species *Laridae* sp. possibly *Sternula* sp.) was observed during the surveys, however it was unable to be identified to the species level as it was observed from a distance for a short time. The unidentified Tern was observed at the 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 the 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 Area. 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).

An Eastern Osprey (*Pandion haliaetus cristatus*) pair was observed by Council flying over the cliffs and dunes at Mona Vale (South) in January 2023. This species (*Pandion cristatus*) is listed as Vulnerable under the BC Act and (*Pandion haliaetus*) Migratory Marine under the EPBC Act.

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

Sand Spurge was not detected at the Activity Area during targeted flora surveys.

6.2.2 Endangered Ecological Communities (EEC)

6.2.2.1 Vegetation Mapping

Existing vegetation mapping (DPE 2018) is provided in Figure 5. Two native vegetation communities have been mapped within the Activity Area, being:

- Plant Community Type (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 Area (i.e. buffer areas) (See Figure 5).

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

An additional PCT has been mapped outside the buffer area but within 200 m of the Activity Area, 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).

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 Area 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 6.2.1.3.

6.2.3.1 Marine

Marine habitat in the 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 10). No rock pools occur within the rocky habitat. The high intertidal habitat within the 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 Area during high tides. Some marine species, such as marine turtles may occur in and around the Activity Area on occasion, but the Activity Area itself lacks key foraging resources suitable for these species. It is possible that marine turtle nesting could occur within the Activity Area 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 the Activity Area.

6.2.3.2 Terrestrial

Three types of terrestrial habitat occur in the Activity Area or 100 m buffers: foredunes, dune shrublands, and rocky areas (Figure 10).

Foredunes are the dominant habitat type within the Activity Area 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 and also encroach a small amount into the Activity Area. The dune shrubland habitat within the 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. Small areas of rocky habitat occur within the Activity Area and 100 m buffer. 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 Area or buffers.

6.2.4 Potential Impacts to Flora and Fauna

The proposed use of the Activity Area has the potential to impact flora and fauna within the Activity Area 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 Biodiversity Values Map

The NSW Biodiversity Values Map (BV Map) is prepared by the DCCEEW under Part 7 of the BC Regulation and identifies land with high biodiversity value that is considered to be particularly sensitive to impacts from development and clearing. On the 27 September 2023 the BV Map was updated to include a polygon at south Mona Vale (Figure 1) due to modelling that indicated the potential presence of threatened species habitat the biodiversity values mapping polygon occurs over the dune and forest habitats to the west and north of the Activity Area, including a small portion of the Activity Area.

As the BV Map threshold does not apply to Part 5 activities, the Activity is not proposed to be carried out in an area of outstanding biodiversity value and the Activity is not likely to significantly affect threatened species or ecological communities or their habitats, the Activity does not trigger entry into the Biodiversity Offsets Scheme or the requirement for a Biodiversity Development Assessment Report.

6.2.7 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 6.2.8. 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.

6.2.8 Mitigation and Management Safeguards

Table 13 identifies the management measures to mitigate any potential biodiversity impacts. It is noted that the implementation of these measures will benefit all users.

Table 13. Biodiversity Mitigation and Management Safeguards

Potential Impact	Mitigation and Management Safeguards
Disturbance of vegetation through trampling. Disturbance of fauna from the presence of dogs or scents left by dogs. Death of fauna as a result of dog	<ul style="list-style-type: none"> • Off-leash hours must be limited to the hours of operation (i.e. generally daylight hours); refer to Section 2.3. • Requiring dog owners to have the dog on-lead when on the access tracks between the carparks and off-leash area. • 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.

Potential Impact	Mitigation and Management Safeguards
predation.	<ul style="list-style-type: none"> ○ Identifies access tracks that are not to be used by dogs either on- leash or off-leash. ○ Displays the extent of the Activity Area. ○ Mark the northern, western and southern limits of the Activity Area. ● Maintain general waste bins at the off-leash Activity Area. ● Supply dog faeces collection bags if not present at each general waste bin for the Activity Area. ● 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.

6.2.9 Conclusion

In conclusion, the biodiversity assessment indicates that the Activity has some potential to impact threatened fauna. However, provided the Activity includes the mitigation and management measures set out above (e.g., 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

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 2). 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 parking spaces located along both 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 2), 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

The Mona Vale location is already used by dog walkers accessing the existing off-leash area within South Mona Vale Headland 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 14 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 14. Traffic and Parking Mitigation and Management Safeguards Mona Vale Beach (south)

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 and ensure compliance with parking rules during the trial. • Implement short term restrictions at selected location(s) along Narrabeen Park Parade, 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 at Mona Vale	

6.4 Waste Management

6.4.1 Existing Environment

The existing waste streams for the Mona Vale location is associated with general litter from recreational users of the beach and park areas. Ecological inspections of the Mona Vale location were undertaken in the months of December, January and February. Litter was generally observed to be disposed of correctly 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 areas 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 Narrabeen Park Road (i.e. South Mona Vale Headland Reserve 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 the Activity Area 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 15 identifies the management measures to mitigate any potential waste impacts. It is noted that the implementation of these measures will benefit all users.

Table 15. Waste Mitigation and Management Safeguards Mona Vale Beach (south)

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 the off-leash Activity Area. • Maintain general waste bin(s) at the nearest car parking
Increased litter from greater numbers of users	

Inadequate bin capacity	<p>location to the Activity Area.</p> <ul style="list-style-type: none"> • 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 CA Act and the 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.
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6.5 Noise

6.5.1 Existing Environment

The land zoning within the general vicinity of the Activity 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

South Mona Vale Headland Reserve is located between Narrabeen Park Parade and the proposed off-leash dog area. It is already an off-leash area utilised by dog walkers and has no restrictions on the time of use. The Activity 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 existing off-leash area on Narrabeen Parade are the nearest noise receivers at Mona Vale (South) at a distance of approximately 100 m. This separation distance is expected to provide a minimum of approximately 40 dBA of noise attenuation from a barking dog at 90 dBA. This attenuated noise level of 40 dBA is well below the noise level of normal conversation at 60 dBA. 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 their yard). In the context of the Activity, there are noise obstacles which will deflect / absorb noise e.g. vegetation and no topographic influences, which will assist with noise mitigation against the 40 dBA predicted.

6.5.3 Mitigation and Management Safeguards

Table 16 identifies the management measures to mitigate any potential noise impacts.

Table 16. Noise Mitigation and Management Safeguards Mona Vale Beach (south)

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 or phone 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 11). Therefore, no further assessment has been undertaken and the Activity can proceed with caution.

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 (confirmed with updated search of AHIMS 14 July 2025).

6.6.2 Potential Impacts

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.

6.6.3 Mitigation and Management Safeguards

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

Table 17. Aboriginal Archaeology Mitigation and Management Safeguards Mona Vale Beach (south)

Potential Impact	Mitigation and Management Safeguards
Damage of known Aboriginal objects or where Aboriginal objects are likely to occur	<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 NPW Act. 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.

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

Pittwater 21 Development Control Plan (21 DCP). The searches identified that there are no listed heritage items within 200m of the Activity Area. Therefore, there are no statutory heritage constraints provided by heritage listings at the Mona Vale Beach (South) Activity Area.

6.7.2 Potential Heritage Constraints

There are no heritage constraints associated with the Activity Area.

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.

6.7.4 Mitigation and Management Safeguards

Table 18 identifies the management measures to mitigate any potential Historic heritage impacts.

Table 18. Historic Heritage Mitigation and Management Safeguards Mona Vale Beach (south)

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 Area under the Pittwater Dog Control Policy, however during site inspections of the Activity Area in December 2021, January 2022 and February 2022 dog walkers were observed.

The NSW Government'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 the Activity Area 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 the location of the Activity Area. 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 the Activity Area is already frequented by dogs, the formalisation of the Activity Area 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 19 identifies the management measures to mitigate any potential waste impacts. It is noted that the implementation of these measures will benefit all users.

Table 19. Human Health and Water Quality Mitigation and Management Safeguards Mona Vale Beach (south)

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 the off-leash Activity Area. • Maintain general waste bin(s) at the nearest car parking location to the 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 CA Act and the 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. • Public can report non-compliance about the trial to Council 24/7 online or by phone. Council will respond as per usual processes / timing.

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 DPHI's major projects register for this REF suggested there were no major projects within the Activity Area.

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

6.9.2 Potential Impacts

Due to the existing use of the Activity Area by dog walkers, the unmitigated impacts (e.g. traffic, noise, waste) already form part of the existing baseline environment and considered in the REF. The Activity is unlikely to result in a substantial increase in patronage to the Activity Area and is predicted to result in a negligible cumulative impact at worst. Outcomes from the trial will be used to inform any future proposal for a permanent off-leash area.

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 Area is 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 an additional area to that which exists at South Mona Vale Headland Reserve, Mona Vale. The Activity will not result in any change to the mix of activities undertaken at the Activity Area.

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 Area 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 20 identifies the additional management measures to mitigate any potential socio economic and landuse impact.

Table 20. Socio economic / Landuse Mitigation and Management Safeguards Mona Vale Beach (south)

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. • Public can report non-compliance about the trial to Council 24/7 online or by phone. Council will respond as per usual processes / timing. • 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 Area. • 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.

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7. Consideration of Public Exhibition Comments

The draft REF was placed on public exhibition from 11 August 2022 to 11 September 2022 (in accordance with Council Resolution 172/22) which provided the community with an opportunity to review and make a submission during that time. The outcomes of the public exhibition (as reported to the Council meeting of 22 August 2023) informed the draft REF 2023. 879 individual submissions were received from the community during the public exhibition period. Comments in relation to owner compliance and social responsibility accounted for 17% of overall comments. This was the single largest concern for most respondents, with multiple comments made across different sub-themes. Of the comments in this category, 24% indicated support for dogs off-leash but also raised concerns about owners not picking up dog faeces, 13% said dogs were already off-leash in undesignated areas, 44% spoke about issues with enforcing compliance, and 18% suggested the majority of dog owners are responsible. The mitigation and management measures contained in this REF is informed by this feedback.

Council currently provides 29 dog parks (on leash and off-leash) within its LGA. The mitigation and management measures contained in this REF are consistent with those implemented at some other dog park locations within the LGA, with appropriate adaptations taking into account the nature of the Activity Area. Based on Council's experience with the implementation and compliance with the mitigation and management requirements at the 29 dog parks it operates in the LGA, the assessment contained in this REF provides a sound assessment of the impact of the Activity. It is noted that uncertainties are inherent with any impact assessment process and as such this REF contains a monitoring safeguard to monitor use and the Activity's performance as well as compliance with these mitigation and management safeguards.

The Office of Local Government provides statistics on dog attack incidents for all LGA's. Table 21 and Table 22 show the dog attack statistics for the Northern Beaches Council and all Councils in NSW respectively. Analysis of the data for the Northern Beaches Council shows that the statistics are generally consistent with the average of the LGAs across the state.

Table 21: Dog Attack Statistics: Northern Beaches Council

Period	Dog attack incidents reported ¹		People involved in serious attacks ²		People involved in less serious attacks ³		Number of people attacked		Animals attacked		Number of Microchipped dogs in LGA ⁴
	Total No.	Total %	No.	No.	No.	%	No.	%	No.	%	
2nd Quarter 2024/25	73	0.1%	13	0.02%	33	0.04%	46	0.06%	44	0.06%	74,445
1st Quarter 2024/25	53	0.07%	5	0.007%	15	0.02%	20	0.03%	39	0.05%	74,025
4th Quarter 2023/24	62	0.08%	14	0.02%	22	0.03%	36	0.05%	39	0.05%	73,440
3rd Quarter 2023/24	73	0.1%	14	0.02%	20	0.03%	34	0.05%	57	0.08%	72,832

Source: Office of Local Government – Dog Attack Incidents Reported by Councils (<https://olg.nsw.gov.au/public/dogs-cats/responsible-pet-ownership/pound-and-dog-attack-statistics/>)

Note:

1. As an incident may involve multiple people and/or animals the total dog attack incidents reported for each council in columns E and F may not necessarily add up to the total incidents
2. These are attacks where a person was involved AND where the injury resulted in medical treatment, hospitalisation or death.
3. These are attacks where a person was involved but no injury required medical treatment etc.
4. The number of dogs microchipped in an LGA may not reflect the total number of dogs residing in that LGA.

Table 22: NSW Dog Attack Statistics: All LGAs

Period	Dog attack incidents reported ¹		People involved in serious attacks ²		People involved in less serious attacks ³		Number of people attacked		Animals attacked		Number of Microchipped dogs in LGA ⁴
	Total No.	Total %	No.	No.	No.	%	No.	%	No.	%	
2nd Quarter 2024/25	1,202	0.04%	240	0.008%	590	0.02%	830	0.02%	886	0.03%	3,094,312
1st Quarter 2024/25	1,358	0.04%	266	0.009%	588	0.02%	854	0.03%	1,189	0.04%	3,076,544
4th Quarter 2023/24	1,295	0.04%	237	0.008%	556	0.02%	793	0.03%	1,119	0.04%	3,051,184
3rd Quarter 2023/24	1,236	0.04%	251	0.008%	557	0.02%	808	0.03%	904	0.03%	3,021,381

Source: Office of Local Government – Dog Attack Incidents Reported by Councils (<https://olg.nsw.gov.au/public/dogs-cats/responsible-pet-ownership/pound-and-dog-attack-statistics/>)

Notes:

1. As an incident may involve multiple people and/or animals the total dog attack incidents reported for each council in columns E and F may not necessarily add up to the total incidents
2. These are attacks where a person was involved AND where the injury resulted in medical treatment, hospitalisation or death.
3. These are attacks where a person was involved but no injury required medical treatment etc.
4. The number of dogs microchipped in an LGA may not reflect the total number of dogs residing in that LGA.

Council completed an internal public safety risk assessment for the proposed Activity. The existing safeguards, summarised in Section 8.2, were considered by Council to be adequate for the Activity to proceed. It is noted that a crucial aspect of the Activity will be to monitor the effectiveness of the trial and any safeguards. Outcomes from the trial will be used to inform any future proposal for a permanent off-leash area.

8. Conclusions and Justification

8.1 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 resolutions in relation to this matter.

The results of an initial community survey, conducted by Council prior to the draft REF 2023 assessment process, how the level of support from respondents was in excess of 80% for a new dog off-leash area at Mona Vale. Feedback received as part of the public exhibition of the draft REF 2023 was also supportive of the Activity with almost 70% of submissions agreeing with the draft REF 2023 findings, and/or the Activity.

The Activity will contribute to a number of the objectives established in the Strategic Plans for the LGA, such as the Community Strategic Plan 2040. The Activity will also increase 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 Area is 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 maintaining other ongoing recreational uses of Mona Vale beach and minimising land use 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.

8.2 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 Mona Vale Beach (south)

Potentially impacted aspects	Mitigation and Management Safeguards
Biodiversity	<ul style="list-style-type: none"> • Off-leash hours must be limited to the hours of operation (i.e. daylight hours); refer to Section 2.3. • 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 access tracks that are not to be used by dogs either on-leash or off-leash. ○ Displays the extent of the Activity Area. ○ Mark the northern, western and southern limits of the Activity Area. • Maintain general waste bins at the off-leash Activity Area. • Supply dog faeces collection bags if not present at each general waste bin for the Activity Area. • 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.
Traffic and Accessibility	<ul style="list-style-type: none"> • 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 the off-leash Activity Area. • Supply dog faeces collection bags if not present at general waste bin at the 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 CA Act and the 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. • Public can make any noise complaints during the trial to Council 24/7 online or by phone. Council will respond as per usual processes / timing. • 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	<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 NPW Act.

Potentially impacted aspects	Mitigation and Management Safeguards
	<ul style="list-style-type: none"> 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.
Heritage	<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 and take appropriate action. Dog should remain on-leash along access paths(unless prohibited). 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 Area.

8.3 Conclusion

The Activity has been the subject of an assessment under Part 5 of the EP&A Act as documented in this REF. This 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 Activity. The Activity, as described in this 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 outcomes that are centred around the use of outdoor space, exercise and establishing and maintaining social networks.

The environmental impacts of the Activity (incorporating the mitigation and management safeguards) are not likely to be significant and therefore an Environmental Impact Statement is not required. The biodiversity assessment indicates that the Activity will not be carried out in a declared area of outstanding biodiversity value, will not impact on any Matters of National Environmental Significance, and is not likely to significantly affect threatened species providing the mitigation and management safeguards as summarised in Table 23 are implemented, meaning that neither a species impact statement or biodiversity development assessment report are required.

On the basis of the above, the Activity may proceed with the mitigation and management safeguards set out in this REF.

9. Certification

I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

	Name	Position	Signature	Date
Certified by:	[REDACTED]	Manager, Bushland and Biodiversity	[REDACTED]	13/08/2025
Approved by:				

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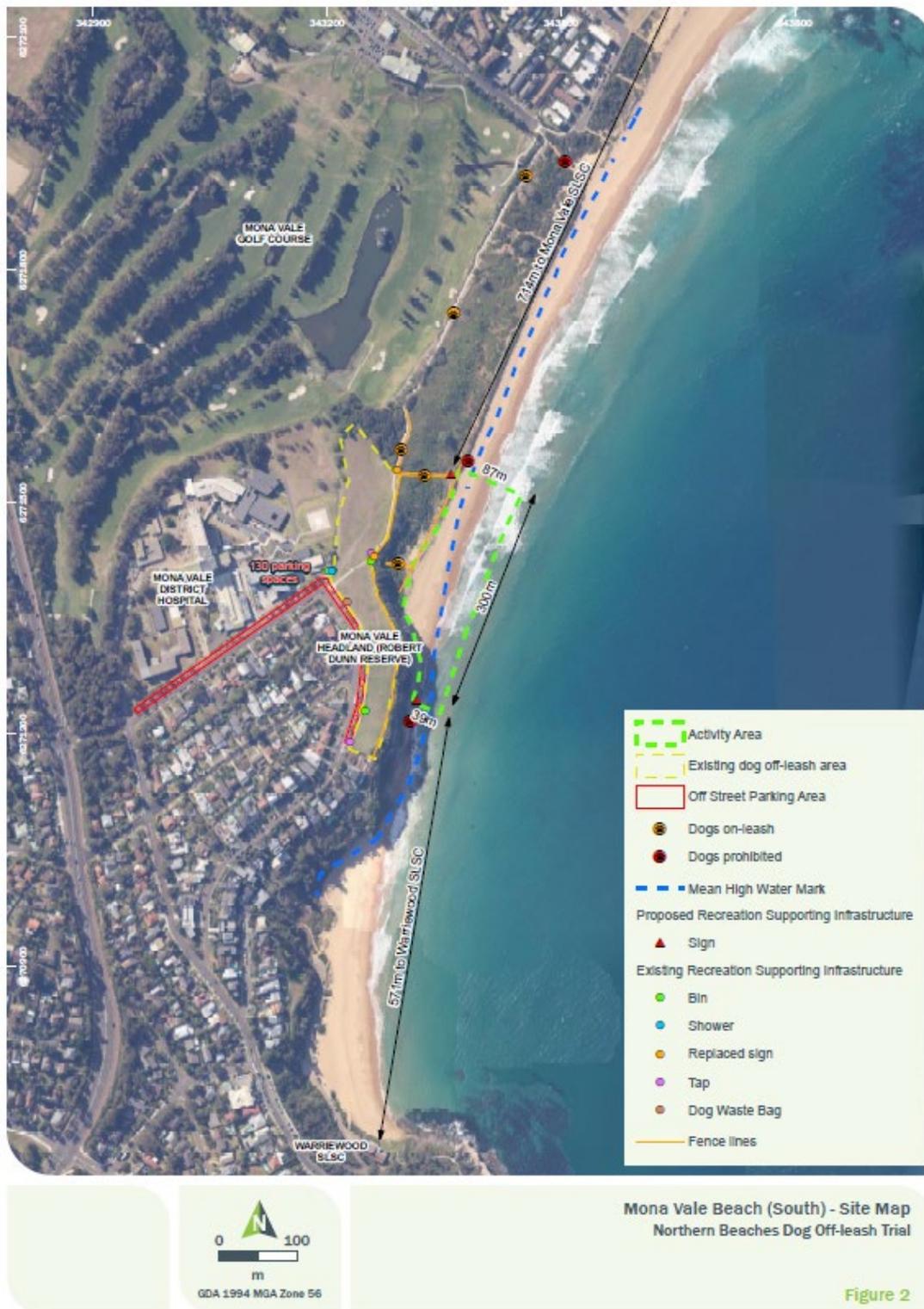


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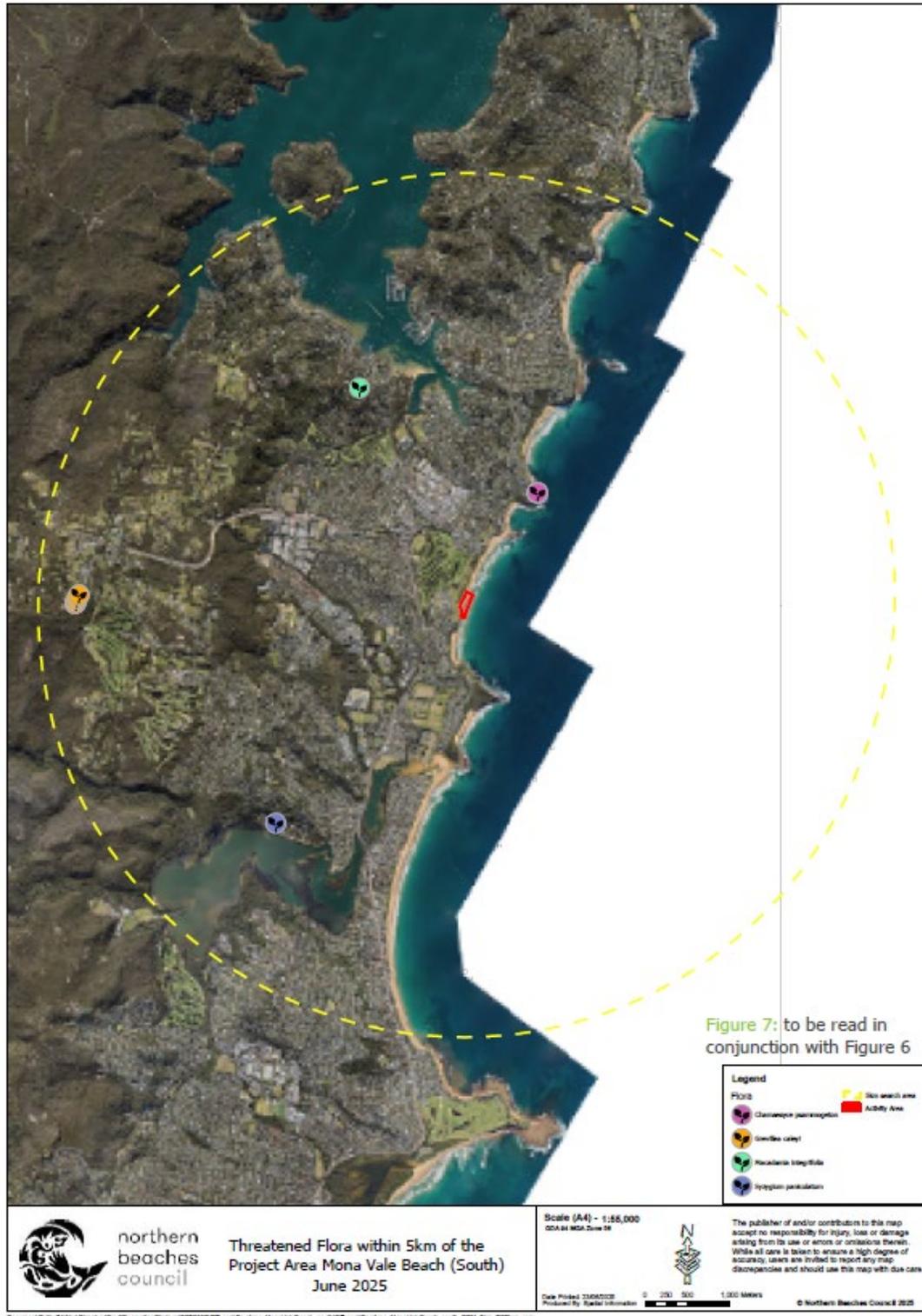


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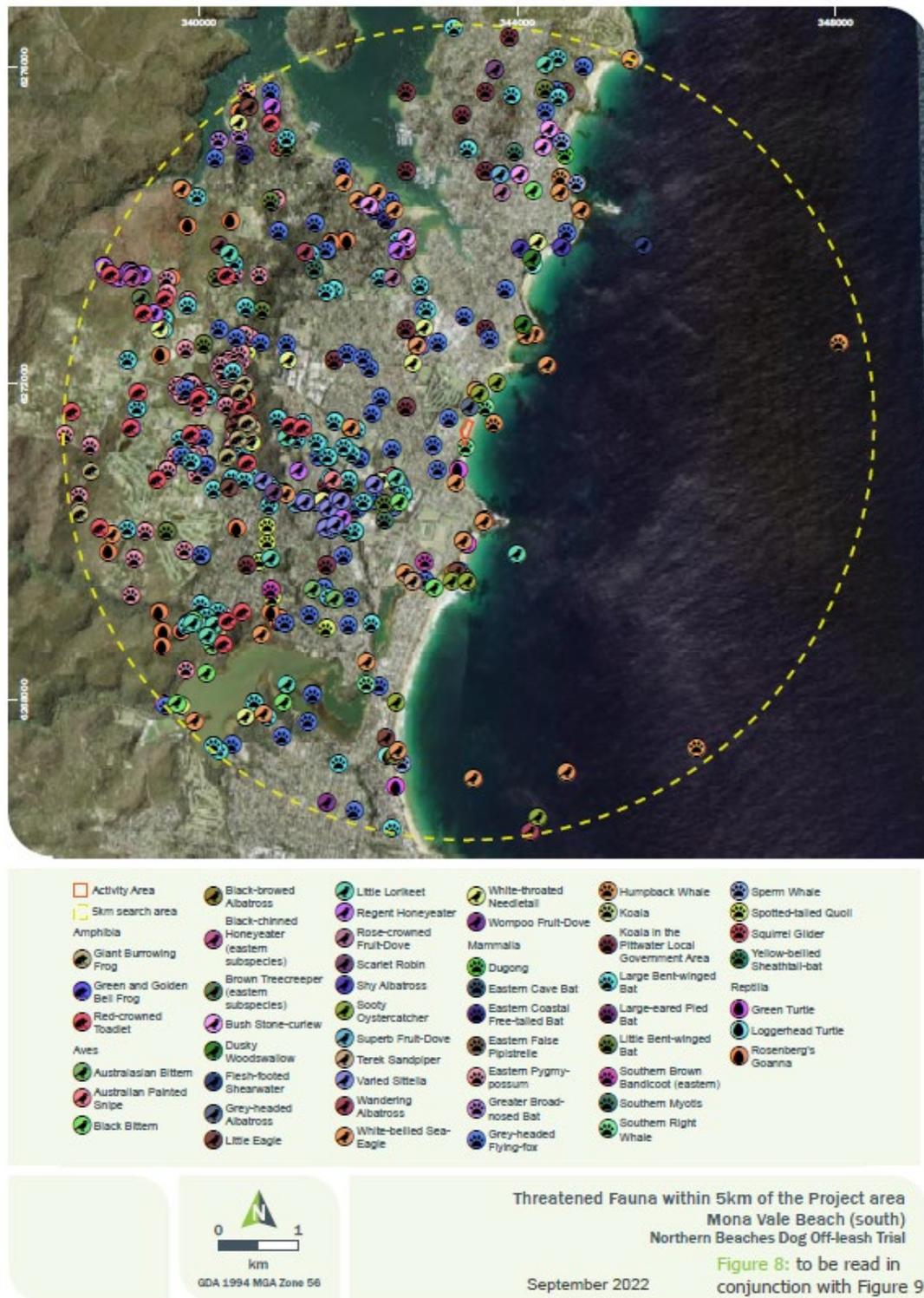


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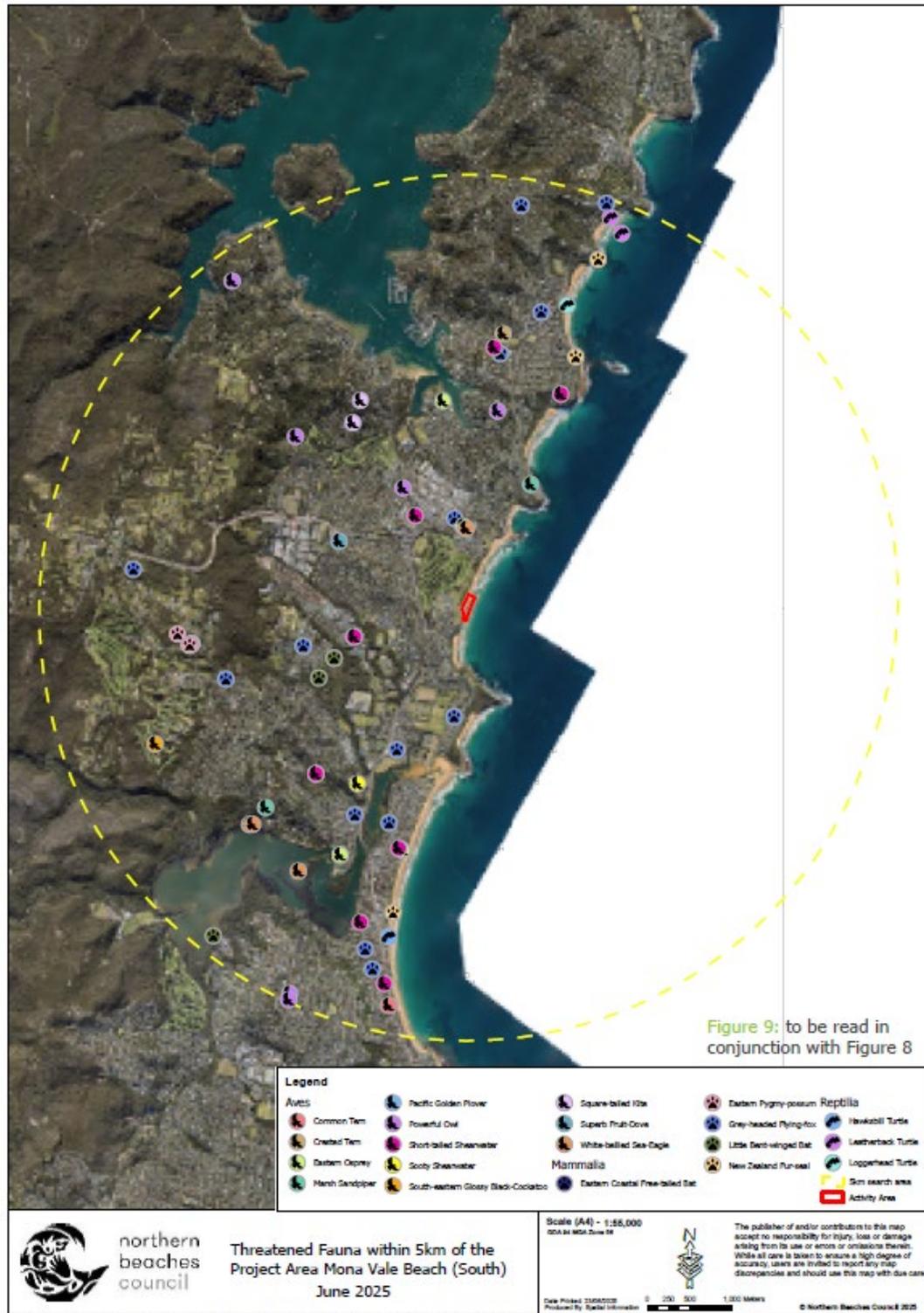


Figure 10



Figure 11



Review of Environmental Factors, Northern Beaches Council, 1 August 2025

Proposed Mona Vale Beach (South) Dog Off-leash Area Trial Part 2 of 4



Mona Vale Beach (south) and Palm Beach (north)



Date 22 June 2022	Version Final	Issued by Nicole Cama
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1. EXECUTIVE SUMMARY

This report presents primary source material which demonstrates the historic uses of Mona Vale Beach and Palm Beach. While it does not provide a detailed contextual history of the suburbs of Palm Beach and Mona Vale, it comprises historical evidence which is site-specific and relevant to the recreational uses of the subject sites.

The historical evidence, in the form of council minutes, government legislation and gazettes, newspaper articles, and photographs, indicate the following key findings:

- Both Mona Vale Beach and Palm Beach, and their adjoining public reserves, have been used as a public recreation area since at least the early 1900s, and these beaches continue to provide recreational opportunities for the local community and visitors.
- The activities encompassed by public recreation at Mona Vale Beach remain surfing, swimming and other forms of exercise and passive recreation.
- Activities at Palm Beach also include surfing, swimming and sunbathing, and have historically also included camping.
- The *Local Government Act* has enabled council to regulate building construction and 'improve and embellish public reserves which are under its care, control and management'.
- Palm Beach in particular became a frequent haunt for the city's socialites from at least the 1920s, and there are many examples of photographic material featuring these prominent Sydneysiders with their pet dogs at the beach.
- At least since the 1920s the presence of dogs on Mona Vale Beach has attracted complaint from residents, and throughout the 20th century there have been various attempts to police the presence of dogs and other animals at the beach.

Nicole Cama, MPHA
Professional Historian

Cover image: Unidentified women Christmas holidaying at Palm Beach, photograph by Samuel J Hood Studio, 1929 (Source: State Library of NSW, Home and Away - 2976)

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2. INTRODUCTION

2.1 BACKGROUND

This report was prepared by for Northern Beaches Council and its purpose is to research and present source material or evidence illustrating the historic use of Mona Vale Beach and Palm Beach, with particular focus on the use of these sites for public recreation.

2.2 METHODOLOGY

This report is based on research of both primary and secondary source materials and is fully referenced. A full reference list is provided in section 4. Sources include:

- Photographic materials from the collections of the Northern Beaches Library Local Studies, National Library of Australia, and State Library of NSW;
- Aerial photographs available via NSW Spatial Services' Historical Imagery viewer;
- Newspaper and magazine articles digitised via the National Library of Australia's Trove; and
- The minutes of the former Warringah Council via the Northern Beaches Library's History Hub website.

The preparation of this report is governed by the New South Wales Expert Witness Code of Conduct.

2.3 SITE LOCATION(S)

Mona Vale Beach is located 28 kilometres north of the Sydney Central Business District. Palm Beach is both a suburb and a beach located about 41 kilometres north of the Sydney Central Business District. Both Mona Vale and Palm Beach are contained within the local government area of the Northern Beaches Council.

This report pertains to two areas of each beach located in the south of Mona Vale Beach and north of Palm Beach, toward the Barrenjoey Headland.

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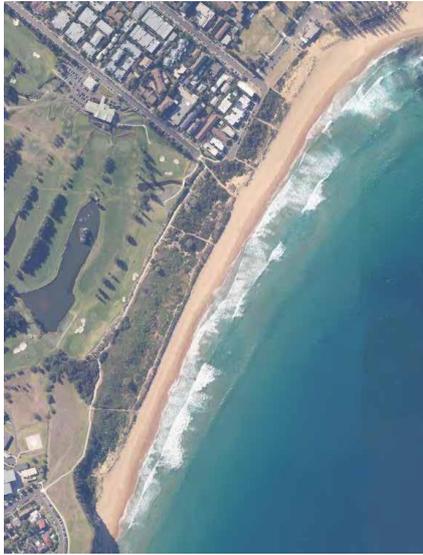


Figure 1: Mona Vale Beach (south), 17 August 2018 (Source: NSW Spatial Services, SIX Maps)

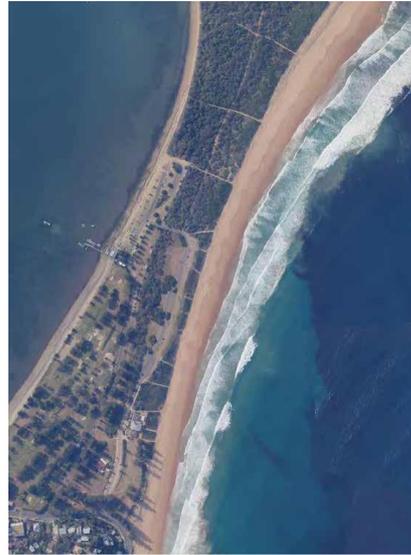


Figure 2: Palm Beach (north), 30 August 2018 (Source: NSW Spatial Services, SIX Maps)

2.4 AUTHORSHIP

This report was prepared by Nicole Cama, accredited historian (MPHA), who was engaged as an independent expert in May 2022, using a history written by Dr Charles Pickett, historian and curator, in September 2021. Some supplemental historical information, references and all historical images have been researched and added by Nicole Cama.

2.5 LIMITATIONS

This report provides a summary history (authored by Dr Charles Pickett) of recreational uses of Mona Vale Beach and Palm Beach. A detailed history of the sites covering themes including Aboriginal history, European settlement, chain of title and residential development is outside the scope of this report.

3. HISTORICAL OVERVIEW

3.1 LEGISLATIVE FRAMEWORK

Note: The following information regarding legislation governing use of the subject sites was provided by Northern Beaches Council. Headings, citations, definitions and images have been added by Nicole Cama.

3.1.1 Municipal boundaries 1905

Warringah Shire Council became a shire on 7 March 1906 following the passage of the *Local Government (Shires) Act 1905*. The boundaries of the Shire of Warringah were fixed by proclamation published in the NSW Government Gazette No 121, 7 March 1906.¹

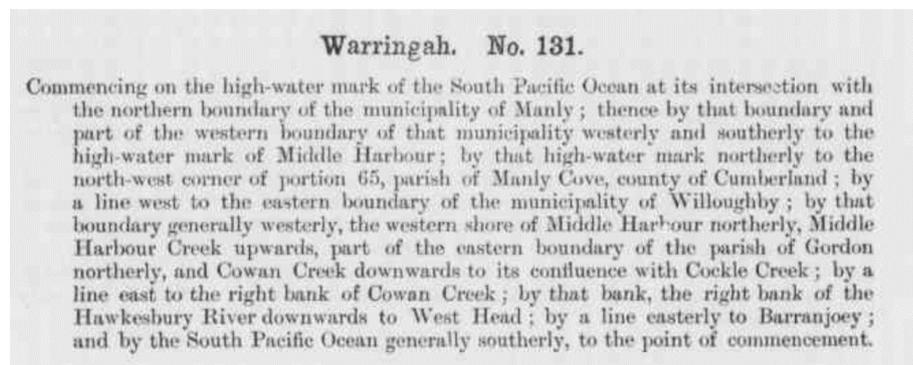


Figure 3: Government Gazette of the State of New South Wales, 'Proclamation', 7 March 1906, 1637, <http://nla.gov.au/nla.news-article226474400>

3.1.2 'Parks and recreation grounds' 1907

In 1907 proclamation powers enabled Shire councils the power to establish and maintain 'parks and recreation grounds' (see sections 3.3.2 and 3.4.2 for information on the establishment of public reserves at Mona Vale and Palm beaches).²

3.1.3 Building regulation 1919

The *Local Government Act 1919* commenced on 22 December 1919. The act defined a 'public place' as a 'public road, bridge jetty, wharf, road-ferry, or other place which the public are entitled to use, but does not include a public reserve', while a public reserve was defined as 'public park

¹ 'Proclamation', *Government Gazette of the State of New South Wales*, 7 March 1906, 1593 and 1637, <http://nla.gov.au/nla.news-article226474400>; 'The New Shires', *Sydney Morning Herald*, 5 January 1906, 3, <http://nla.gov.au/nla.news-article14721846>.

² 'Proclamation', *Government Gazette of the State of New South Wales*, 20 November 1907, 6308, <http://nla.gov.au/nla.news-article226586177>.

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and any land dedicated or reserved from sale by the Crown for public health, recreation, enjoyment or other public purpose of the like nature, but does not include a common.³

Part XI of the *Local Government Act 1919* concerned building regulation, with 'building' defined as 'any structure or any part thereof.'⁴ Section 311, within part XI, provided that 'a building shall not be erected or altered unless the approval of the Council is obtained therefore beforehand.'⁵ Section 305 noted:

(2) The council of a shire may control and regulate the erection of buildings –

(a) in those portions of the shire with respect to which, at the commencement of this Act, the council has acquired the powers of paragraph (xlili) of section one hundred and nine of the Local Government Act, 1906, and this Part shall apply to those portions of the shire accordingly; and

(b) in any urban areas, towns, or villages to which the Governor, by proclamation, applies the provisions of this part.⁶

In 1940 Part XI of the *Local Government Act 1919* was applied 'to the whole of the Shire of Warringah' via proclamation.⁷

3.1.4 Planning schemes

On 21 March 1947 the Minister for Local Government, John Joseph Cahill, gave notice of his approval of the resolution of Warringah Shire Council, dated 7 January 1947, deciding to prepare a scheme in respect of all land within the Shire.⁸

On 27 June 1951 the County of Cumberland Planning Scheme ('CCPS 1951') was made, by section 2 of the *Local Government (Amendment) Act 1951*. Clause 32 of CCPS 1951 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.'⁹ Clause 32 operated so that existing buildings and existing

³ 'Local Government Act 1919 No 41' (1919), 327, http://classic.austlii.edu.au/au/legis/nsw/num_act/lga1919n41209/.

⁴ Local Government Act 1919 No 41, Part XI, Division I, section 304, 486.

⁵ Local Government Act 1919 No 41, Part XI, Division 4, Section 311, 489.

⁶ 'Local Government Act 1906 No 56' (1906), Part XIII, Division 2, section 109, 423-26, http://classic.austlii.edu.au/au/legis/nsw/num_act/lga1906n56209/; Local Government Act 1919 No 41, Part XI, Division 2, section 305, 487.

⁷ 'Local Government Act, 1919', *Government Gazette of the State of New South Wales*, 7 June 1940, 2448, <http://nla.gov.au/nla.news-article225101671>.

⁸ 'Local Government Act, 1919', *Government Gazette of the State of New South Wales*, 21 March 1947, 641, <http://nla.gov.au/nla.news-article224767159>.

⁹ 'Local Government Amendment Act 1951 No 18' (1951), Part IV, Section 32, 130, http://classic.austlii.edu.au/au/legis/nsw/num_act/lga1951n18289.

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works on the land immediately before the coming into force of CCPS 1951 could be maintained and used for their existing use, and an existing use of the land could be continued.

On 7 June 1963, Warringah Planning Scheme Ordinance ('WPSO 1963') was gazetted. WPSO 1963 embodied the planning scheme prepared by Warringah Shire Council pursuant to its resolution dated 7 January 1947. 'Existing use' was defined as 'use of a building, work or land for the purpose for which it was used immediately before the appointed day....'¹⁰ The scheme map designated a 'light green' colour for 'parks, recreational areas and foreshore reservations' (Figure 5).¹¹

6. OPEN SPACE:				
(a) Existing Recreation.	Dark green tint.	Any purpose authorised by Part XIII of the Act.	Agriculture; forestry; caravan parks; racecourses; showgrounds; sports grounds; drainage; roads; public utility installations.	Any purpose other than those permitted by Column III and Column IV.
(b) Private Recreation.	Dark green tint with yellow edging.	Golf courses and bowling greens; recreation areas.	Dwelling-houses or residential buildings required for use or occupation by persons employed in connection with a purpose referred to in Column III; shops; commercial premises or industries required in connection with a purpose referred to in Column III; any purpose incidental to a purpose referred to in Column III; public utility installations.	Any purpose other than those permitted by Column III and Column IV.
(c) Proposed Recreation.	Light green tint with dark green edging.	Any purpose authorised by Part XIII of the Act.	Roads; agriculture; forestry; drainage; public utility installations.	Any purpose other than those permitted by Column III and Column IV.

Figure 4: Government Gazette of the State of New South Wales, 'Local Government Act, 1919 - Proclamation', 7 June 1963, 1578, <http://nla.gov.au/nla.news-article220327565>

¹⁰ 'Local Government Act, 1919 - Proclamation', *Government Gazette of the State of New South Wales*, 7 June 1963, 1568, <http://nla.gov.au/nla.news-article220327565>.

¹¹ 'Local Government Act, 1919 - Proclamation', 1573.

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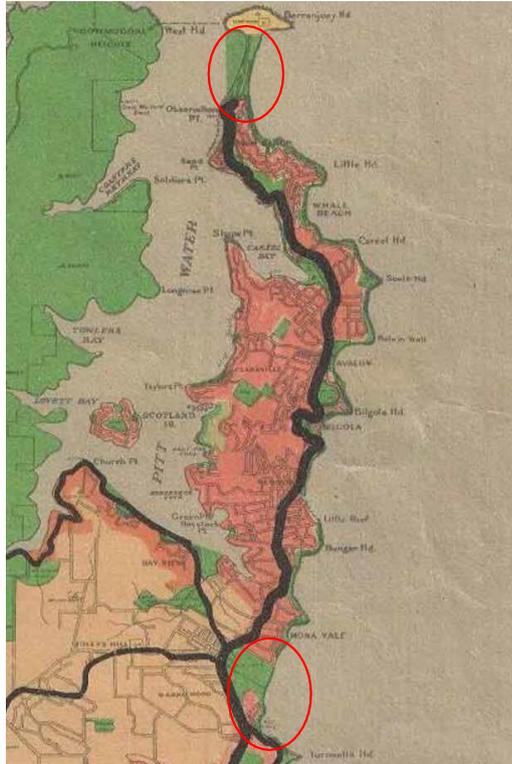


Figure 5: County of Cumberland Planning scheme map showing the subject sites shaded green representing 'Parks and recreation areas, foreshore reservations and places of natural beauty or advantage', 1951 (Source: Northern Beaches Council)



Figure 6: Shire of Warringah Planning Scheme map showing Mona Vale Beach (south) shaded a dark green signifying zone 6(a) 'Existing Recreation', 1963 (Source: Northern Beaches Council)

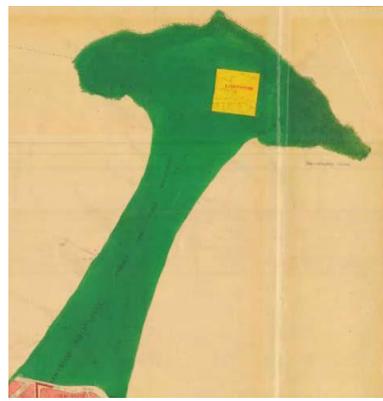


Figure 7: Shire of Warringah Planning Scheme map showing Palm Beach shaded a dark green signifying zone 6(a) 'Existing Recreation', 1963 (Source: Northern Beaches Council)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

WPSO 1963 zoned the land at Palm and Mona Vale beaches '6(A) Existing Recreation'. Additionally, Palm Beach was designated as part of a 'Foreshore Scenic Protection Area', which was defined as 'any land shown on the scheme map by black hatchings and any land declared by proclamation to be a Foreshore Scenic Protection Area...'¹²

Clause 27(1) of WPSO 1963 provided that a building or work could not, without consent, be erected, carried out or used in a zone for a purpose specified in the land use table (Figure 4) as requiring consent. Clause 28(a) of WPSO 1963 provided that land in a zone could not be used, without consent, for a purpose for which a building or work in the same zone may be erected, carried out or used only with consent.¹³ The WPSO 1963 also noted:

30. 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.

31.the responsible authority may consent to the alteration, enlargement, rebuilding or extension (including the erection of new buildings or the carrying out of new works of an ancillary character) of any existing building or existing work for its existing use.¹⁴

3.1.5 Environmental Planning and Assessment Act 1979

On 1 September 1980, the *Environmental Planning and Assessment Act 1979* commenced. WPSO 1963 was deemed to be an environmental planning instrument under the Act. The provisions of Division 4.11 of the Act apply to protect use of a building, work or land for a lawful purpose that is an existing use (under the former sections 106, 107 and 109 of the Act).

106. In this Division, 'existing use' means –

(a) The use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument having the effect of prohibiting that use....

107. (1) Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use....

109. 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

¹² 'Local Government Act, 1919 - Proclamation', 1569.

¹³ 'Local Government Act, 1919 - Proclamation', 1579.

¹⁴ 'Local Government Act, 1919 - Proclamation', 1579.

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or so as to prevent the continuance of that use except with consent under this Act being obtained.¹⁵

3.1.6 Local Environment Plans

Division 4 of the *Environmental Planning and Assessment Act 1979* allowed for the preparation of a local environmental plan by a council.¹⁶ *Warringah Local Environmental Plan 1985* (LEP) was gazetted on 11 October 1985.¹⁷ The Warringah LEP repealed WPSO 1963 and zoned the land at Palm and Mona Vale beaches 6(a) Existing Recreation, and Palm Beach was designated as part of the 'Foreshore Scenic Protection Area'.



Figure 8: Shire of Warringah Planning Scheme map showing Mona Vale Beach (south) shaded a dark green signifying zone 6(a) 'Existing Recreation', 1985 (Source: Northern Beaches Council)



Figure 9: Shire of Warringah Planning Scheme map showing Palm Beach shaded a dark green signifying zone 6(a) 'Existing Recreation' and hatched to represent a 'Foreshore Scenic Protection Area', 1985 (Source: Northern Beaches Council)

On 4 February 1994, *Pittwater Local Environmental Plan 1993* was gazetted.¹⁸ The Pittwater LEP 1993 incorporated the provisions of Warringah LEP 1985 into a local environmental plan for the area of Pittwater (clause 2). Pittwater had by this time separated as a local government area from Warringah. It continued to zone land at Mona Vale Beach as 'existing recreation'.

On 27 June 2014, *Pittwater Local Environmental Plan 2014* was gazetted. Pittwater LEP 2014 zoned the land at Palm and Mona Vale beaches as 'RE1 Public Recreation' with objectives and permitted uses as follows:

¹⁵ 'Environmental Planning and Assessment Act 1979 No 203' (1979), Part IV, Section 106, 107 and 109, 80-82, <https://legislation.nsw.gov.au/view/html/1979-12-21/act-1979-203>.

¹⁶ Environmental Planning and Assessment Act 1979 No 203, Division 4, 38.

¹⁷ 'Environmental Planning and Assessment Act 1979', *Government Gazette of the State of New South Wales*, 11 October 1985, 5362, <http://nla.gov.au/nla.news-article231293270>.

¹⁸ 'Environmental Planning and Assessment Act 1979', *Government Gazette of the State of New South Wales*, 4 February 1994, 501, <http://nla.gov.au/nla.news-article231929549>.

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1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To allow development that does not substantially diminish public use of, or access to, public open space resources.
- To provide passive and active public open space resources, and ancillary development, to meet the needs of the community.

2 Permitted without consent

Building identification signs; Environmental protection works; Horticulture; Markets; Roads

3 Permitted with consent

Aquaculture; Centre-based child care facilities; Community facilities; Environmental facilities; Information and education facilities; Kiosks; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Signage; Take away food and drink premises; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3.¹⁹

¹⁹ 'Pittwater Local Environmental Plan 2014', NSW Legislation, accessed 13 June 2022, https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0320#pt-cg1.Zone_RE1.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 10: Pittwater Local Environment Plan 2014 zoning plan showing Mona Vale Beach (south) shaded green (RE1 'Public Recreation), 2014 (Source: NSW Department of Planning, NSW Planning Portal)

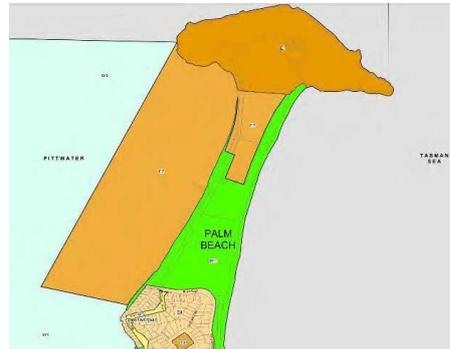


Figure 11: Pittwater Local Environment Plan 2014 zoning plan showing Palm Beach shaded green (RE1 'Public Recreation), 2014 (Source: NSW Department of Planning, NSW Planning Portal)

3.1.7 Summary of legislation

Date commenced	Name of legislation and/or instrument	Description
7/03/1906	Local Government (Shires) Act	Boundaries of the Warringah Shire fixed by proclamation (no. 131) ²⁰
20/11/1907	Local Government Act	'The establishment and maintenance of parks and recreation grounds' ²¹
22/12/1919	Local Government Act	'a building shall not be erected or altered unless the approval of the Council is obtained therefore beforehand' ²²
7/06/1940	Local Government Act 1919 Proclamation	Part XI of the Local Government Act 1919 applied to the whole of the Shire of Warringah
27/06/1951	Local Government (Amendment) Act 1951	'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.' ²³
7/06/1963	Warringah Planning Scheme Ordinance	'An existing building or an existing work may be maintained and may be

²⁰ 'Proclamation', 7 March 1906, 1637.

²¹ 'Proclamation', 20 November 1907, Paragraph XIII, 6308.

²² Local Government Act 1919 No 41, Part XI, Section 311, 489.

²³ Local Government Amendment Act 1951 No 18, Part IV, Section 32, 130.

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		used for its existing use and an existing use of land may be continued. ²⁴
1/09/1980	Environmental Planning and Assessment Act	Existing use protected under sections 106, 107 and 109.
11/10/1985	Warringah Local Environment Plan	Repealed Warringah Planning Scheme Ordinance 1963, and zoned Palm and Mona Vale beaches as 'existing recreation'.
4/02/1994	Pittwater Local Environmental Plan	Incorporated the provisions of Warringah LEP 1985 into a local environmental plan for the area of Pittwater, encompassing Mona Vale and Palm beaches.
27/06/2014	Pittwater Local Environmental Plan	Zoned the land at Palm and Mona Vale beaches as 'RE1 Public Recreation'.

3.2 THE GARIGAL CLAN

The Pittwater and Northern Beaches area forms part of the traditional lands of the Garigal (Caregal) clan. The Garigal thrived on the coastal waters of the area, hunting fish and collecting shellfish including oysters, whelks and mussels.

The Northern Beaches area has more than 300 Aboriginal sites with the oldest dating back to 6,000 years ago. The hundreds of sites protected by Council include middens, rock carvings, camp sites, rock shelters and art.²⁵

Many place names retain its Aboriginal heritage, including Barrenjoey, which means 'young kangaroo'.²⁶ At least three identified sites remain on the Barrenjoey Headland including two rock shelter sites and an open midden site.²⁷

²⁴ 'Local Government Act, 1919 - Proclamation', 1579.

²⁵ 'Aboriginal Heritage', Northern Beaches Council, 29 May 2018, <https://www.northernbeaches.nsw.gov.au/council/news/aboriginal-heritage>.

²⁶ 'Aboriginal Heritage'.

²⁷ Amy Chew et al., 'Barrenjoey Headland: Conservation Management Plan' (NSW Office of Environment and Heritage, 2013), 8.

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3.3 MONA VALE (SOUTH)

3.3.1 The Jenkins Estate

The first name of Mona Vale Beach was Bongin Bongin, said to mean 'many shells'. Bongin Bongin beach retained its name well into the twentieth century; the bay at its northern end is still known as Bongin Bongin Bay.

The inhabitants of the Northern Beaches lived primarily from the bounty of the sea, diving or fishing from canoes or the tidal rock platforms dividing the beaches. This activity was common into the 1830s but the advent of land grants and fenced pastures forced the founding inhabitants from their historic lands.

The Northern Beaches was isolated from Sydney by water and poor transport, while much of the terrain was inhospitable to farming. Mona Vale, like most of the peninsular north of Manly, was home to few people and did not become a residential or pleasure address until the end of the century.

By 1850 four families owned most of the land from Manly to Mona Vale; the most prominent landholder and pastoralist was James Jenkins who with his daughter Elizabeth acquired land from Narrabeen to Mona Vale, using convicts to build the first road from the Harbour to Mona Vale. Mona Vale, named for Mona Vale Farm occupied by the Foley family, became notorious during the 1850s for feuds between the Foleys and the neighbouring Collins and Farrell families, involving cattle stealing, vandalism and two unsolved murders.²⁸

²⁸ 'The Story of Mona Vale', *Empire*, 15 May 1865, 3, <http://nla.gov.au/nla.news-article64138157>.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 12: Rock Lily Hotel, Mona Vale, 1900 (Source: Northern Beaches Council Library Local Studies, Record number 43733)

In the aftermath the area stagnated until about 1886 when artist and hairdresser Leon Houreux opened the Rock Lily Hotel by the recently improved Pittwater Road. The Rock Lily ran a bus service from Manly for its tourist and day tripper clientele. A more ambitious resort was envisaged by Newtown haberdasher George Brock who in 1894 purchased the swampy land behind the central part of Mona Vale beach, drained and filled the lagoon, laid out a golf course and polo field and built a 37-room resort and golf club. 'Brock's Folly' failed under his debts in 1907 but was reborn as Le Corniche restaurant and hotel. The building was demolished to build home units after 1953.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 13: La Corniche (formerly Brock's Folly), Mona Vale overlooking Mona Vale Beach, c1915 (Source: Northern Beaches Council Library Local Studies, Record number 40114)



Figure 14: View from La Corniche showing what was then known as Bangin Bongin Beach (Mona Vale Beach), c1911 (Source: Northern Beaches Council Library Local Studies, Record number 40117)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

3.3.2 Establishment of Public Reserves

Mona Vale was part of Warringah Shire, formed by the *Local Government (Shires) Act 1905*. The boundaries of the Shire ran to the mean high-water mark 'of the South Pacific Ocean' and other waterways.²⁹ In 1907 the Shire gained via proclamation powers including:

XIII. The establishment and maintenance of parks and recreation grounds...

*XVI. The construction, maintenance, and management of public baths; the regulation of bathing and the observance of decency in connection therewith; the provision of life-saving appliances, danger notices, and life-saving attendants; and the construction, maintenance, and hiring by the Council or other persons to the public of bathing houses and bathing machines, and the regulation thereof.*³⁰

During the 1920s Warringah Shire purchased and resumed beachfront land at Mona Vale (Warringah Shire Minutes, 19 October 1925, 21 June 1926). These resumptions formed the public reserves along Seaview Road at the northern end of the beach.³¹

In 1910 the Mona Vale golf course land was declared public reserve 45244 by the Department of Lands, an area of 25.63 hectares south of Golf Avenue running east to the high water mark of Mona Vale Beach and south to Elizabeth Jenkins' land.³²

Elizabeth Jenkins was an ardent Salvationist and following her death in 1900 much of her land was bequeathed to the Salvation Army. During the 1950s the Army subdivided and sold some of the land behind the southern end of Mona Vale beach, creating Narrabeen Park Parade, Cook Terrace and Coronation Street.

In 1955 additional land was resumed as the site of Mona Vale Hospital while the 4.5 hectares between these developments and the beach high water mark was resumed by Warringah Shire as a public reserve and retitled as DP211456 (LRS Vol.6620 Folio 85, 1953). During 2020 this area was named Robert Dunn Reserve after a former Mayor of Pittwater. The proposed off-leash area occupies part of this land and the golf course reserve.

²⁹ 'Local Government Act, 1906 and Amending Acts', *Government Gazette of the State of New South Wales*, 15 June 1917, 3016, <http://nla.gov.au/nla.news-article226216449>.

³⁰ 'Proclamation', 20 November 1907, 6308.

³¹ 'Notification of Resumption of Land Under the Local Government Act, 1919', *Government Gazette of the State of New South Wales*, 3 February 1928, 614, <http://nla.gov.au/nla.news-article223010576>.

³² 'Reserves from Sale', *Government Gazette of the State of New South Wales*, 18 May 1910, 2703, <http://nla.gov.au/nla.news-article226905296>.

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Figure 15: Mona Vale Beach, 1890 (Source: Northern Beaches Council Library Local Studies, Record number 43730)

3.3.3 Recreational uses of Mona Vale Beach

Structures and amenities

Under a 1907 proclamation Warringah Shire gained powers to set standards for buildings under Section 109 of the Local Government Act including 'XLIII. The regulation of the erection of buildings as to height, design, structure, materials, building line, sanitation, the proportion of any lot which may be occupied by the building or buildings to be erected thereon' .³³

Part XIII of the Local Government Act of 1919 dealing with public recreation gave municipalities and shires the power to construct buildings and other structures at reserves, baths and beaches, including 'grandstands, pavilions, seats, shelter sheds, picnic kiosks, privies, and other buildings for the convenience of the public'; these powers extended below the high water mark (Sections 353 to 356).

As a result, most of the structures erected at Mona Vale Beach during the 20th century –shelter and dressing sheds, benches, bins, signage etc. - were conceived, constructed and maintained by Warringah Shire. Decisions on building and maintenance in public reserves were primarily made by the Shire Engineer and approved by Council's Parks and Reserves Committee.

³³ 'Proclamation', 20 November 1907, 6308.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

The exceptions were clubhouses and other structures erected on public reserves for private clubs or private businesses, primarily surf clubs, which were required to make applications to Council (For example, Warringah Shire minutes 29 August 1955, 28 June 1988). Before 1940 Council often ruled on building applications for surf clubhouses and similar structures (for example 9 September 1929, 5 May, 1930, 24 October 1932, 24 January 1939, 7 February 1939).

During 1940 Council wrote to the Department of Local Government requesting a proclamation applying Part XI of the *Local Government Act of 1919* 'to the whole of the Shire of Warringah' (Warringah Council Minutes, 19 March 1940). Under Section 305 of the *Local Government Act* Part X1 only applied to parts of Warringah Shire, primarily those areas proclaimed as residential districts.³⁴

From June 1940 Part X1, which set out building approval procedures in detail, was applied to the entire Shire, apart from Kuringai Chase nature reserve.³⁵ Warringah Shire continued to build and maintain facilities at Mona Vale beach and nearby reserves. The rock pool was enlarged and improved at different times and during the 1980s extensive replanting other stabilisation measures were completed in the sand hill reserves behind the beach.

Sea Bathing

The former Rock Lily Hotel and Brock's Folly brought visitors and holiday makers to Mona Vale, but the beach was mostly ignored. The first press mention of activity there reported that 'a large contingent of the Salvation Army conducted religious services on the ocean beach' during a holiday weekend, presumably visitors from Elizabeth Jenkins' property.³⁶

To protect 'public decency' bathing in public view at beaches and other waterways was illegal in NSW during daylight hours until 1903. A surf boom followed the permission of public bathing, speeding the popularity and population of the northern peninsula's beachside villages.

However Mona Vale lagged, partly because its beach was considered dangerous; reporting on a drowning at Mona Vale, the *Herald* observed 'Mona Vale beach is rarely used by visitors, and is considered at times to be treacherous at several places'.³⁷

³⁴ 'Local Government Act, 1919', *Government Gazette of the State of New South Wales*, 8 October 1926, 4225, <http://nla.gov.au/nla.news-article222993567>.

³⁵ 'Local Government Act, 1919', 7 June 1940, 2448.

³⁶ 'Manly', *Sydney Morning Herald*, 4 October 1892, 6, <http://nla.gov.au/nla.news-article13881283>.

³⁷ 'Doctor Drowned', *Sydney Morning Herald*, 13 November 1911, 9, <http://nla.gov.au/nla.news-article15288642>.

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The first dressing shed at Mona Vale beach was constructed by the Shire in 1908.³⁸ The Shire continued to construct and repair dressing and shelter sheds, surf warning signs and parking areas (Warringah Shire minutes, 30 October 1922, 23 April 1923, 26 November 1923, 19 October 1925, 15 February 1926, 2 April 1928, 23 July 1928, 6 August 1928 etc).

In 1918 the Local Government Department wrote to Warringah Council, 'submitting for comment amended Ordinance 52, regarding surf-bathing: Resolved, that the Council's approval to the amendments be conveyed to the Department' (Warringah Council Minutes, 18 November 1918).

Mona Vale beach became more popular during the 1920s, sufficiently so for Warringah Shire to appoint a permanent lifeguard and beach inspector (Warringah Shire minutes 16 December 1929). An ocean pool was excavated in the rock platform at the northern end of the beach in 1923, one of several constructed by the Shire.³⁹ The pool became home to the Mona Vale Ladies Amateur Swimming Club.

During the 1930s the NSW Government's Unemployment Relief Council supplied low interest loans for dressing sheds, clubhouses and other reserve and beach infrastructure (Warringah Shire Minutes 12 September 1932, 26 September 1932).

Mona Vale beach continued to be used for surfing, swimming, fishing and other forms of recreation as before 1940, with the exception of the Pacific War years when troops were stationed at Mona Vale and the beach lined with tank traps and barbed wire.

By the 1980s the relatively secluded southern end of Mona Vale Beach was occasionally popular with nude bathers.⁴⁰

Mona Vale Surf Life Saving Club

After a few earlier attempts, Mona Vale surf life-saving club was finally formed in 1922, more than a decade after similar clubs at nearby beaches. Meanwhile the local population grew slowly; at the 1911 Census Mona Vale lacked the 50 residents required for locality status, however by 1933 the locality boasted 183 dwellings and 636 residents.⁴¹ This population swelled on

³⁸ 'In the Shires', *Daily Telegraph*, 22 December 1908, 8, <http://nla.gov.au/nla.news-article238191788>.

³⁹ 'The Surfers Freezing', *Arrow*, 23 November 1923, 13, <http://nla.gov.au/nla.news-article103542538>.

⁴⁰ 'Pick a Beach to Suit Your Tastes', *Sydney Morning Herald*, 10 January 1985, 43.

⁴¹ 'Bulletin No 25 - Population and Occupied Dwellings in Localities', Census of the Commonwealth of Australia (Canberra, ACT: Commonwealth of Australia, 30 June 1933), 56.

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weekends, like those at other Northern Beaches coastal villages, most of Mona Vale's dwellings were simple structures used primarily at weekends and holidays.

The surf club's first club house was built on the sand hills at the northern end of the beach in 1924, partly financed by the Shire.⁴²

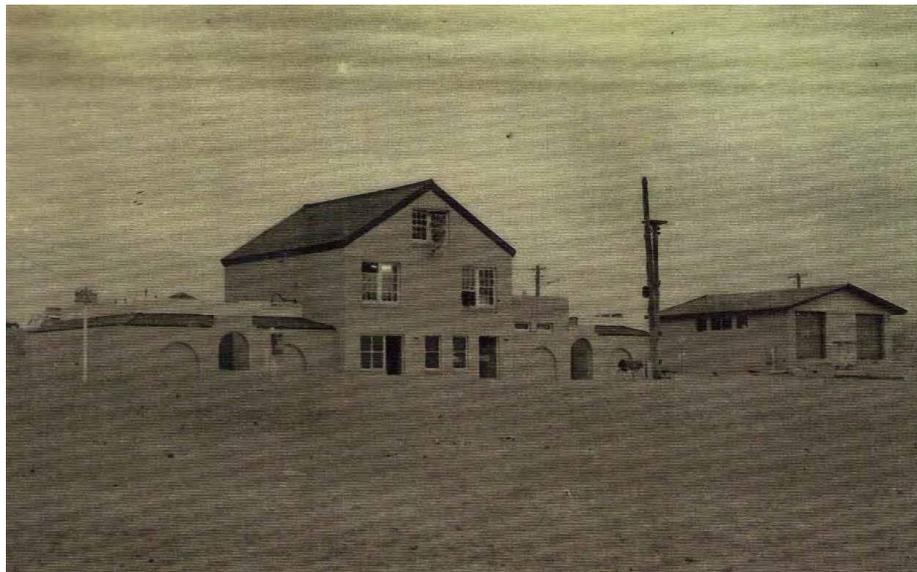


Figure 16: First Mona Vale Surf Life Saving Clubhouse, 1934-1969 (Source: Northern Beaches Council Library Local Studies, Record number MV-186)

In 1969 a new clubhouse and facilities for the Surf Club were constructed at the same site. This building has recently been demolished and a third club house incorporating a café, gym and other facilities was completed in June 2022.

3.3.4 Dogs and other animals at Mona Vale Beach

The Local Government Act of 1919 included the new version of Ordinance 52. From 1921 this ordinance applied to all municipalities and shires and set out regulations for bathing costumes, structures such as dressing sheds, the appointment and duties of beach inspectors and life guards. It also stipulated:

16(a) Any inspector may, when in his opinion inconvenience may be caused to the public by the bathing of dogs or horses, order any person in charge of any dog or horse not to send or drive

⁴² 'Mona Vale Surf Club', *Sydney Morning Herald*, 10 November 1924, 13, <http://nla.gov.au/nla.news-article16160669>.

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such dog or horse into the water, or permit such dog or horse to enter the water, at any place where the public are bathing.

(b) Any inspector may order any person in charge of any dog or horse to remove such animal from a beach or bathing reserve if such animal's presence on the beach causes inconvenience or danger to the public.⁴³

Warringah Shire acted on these powers, instructing beach inspectors of their powers and installing signs prohibiting dogs at several beaches. From 1930 Mona Vale beach featured such a sign after the Mona Vale & District Progress Association asked Council 'why proceedings have not been taken in regard to the offence of dogs on the beach at Mona Vale and requesting that a notice prohibiting dogs on the beach be erected near the baths. Resolved: That the erection of a notice in the parking area prohibiting dogs on the bathing area be expedited' (Warringah Shire minutes 24 March 1930). By 1935 this sign had been removed by persons unknown and had to be replaced (Warringah Shire Minutes 2 April 1935).

In 1930 the Shire proposed prosecution of people who allowed their dogs to swim in the Mona Vale although this process was seldom successful as dog owners frequently gave false names to beach inspectors. By 1940 the 'dog nuisance' remained an ongoing problem (Warringah Shire minutes 2 June 1930, 16 February 1943, 6 March 1943). That dogs remained a presence at Mona Vale beach is suggested by a 1940 news story: 'An "old man" kangaroo found fighting desperately for his life in the surf at Mona Vale yesterday afternoon was assisted ashore by bathers, only to be attacked immediately by dogs. The dogs were beaten off by surfers, and the kangaroo hopped unsteadily into the bush and disappeared'.⁴⁴

Letters to Warringah Shire regarding the 'Dog menace on Mona Vale beach' remained a regular occurrence (Warringah Shire minutes 28 October 1963). When Mrs Bromley of Mona Vale asked Council to take action - 'There were seven dogs at the swimming pool alone' - Council resolved 'That Mrs Bromley be informed that a Bill is being framed to give Councils control of dogs' (Warringah Shire minutes, 15 November 1963).

The Bill referred to was presumably the *Dog Act* of 1966, which gave Councils increased powers to register dogs, to fine the owners of unregistered dogs and to impound their dogs. Council

⁴³ 'Local Government Act, 1919', *Government Gazette of the State of New South Wales*, 11 March 1921, 1615, <http://nla.gov.au/nla.news-article220082847>.

⁴⁴ 'Kangaroo's Swim for Life', *Sydney Morning Herald*, 8 October 1940, 7, <http://nla.gov.au/nla.news-article17707829>.

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employed a dog catcher during 1967 (Warringah Shire Minutes 14 August 1967). In 1981 the *Dog Act* was amended, banning dogs from public places including beaches and public baths to be determined by local governments. The amended Act also gave local governments power for 'the setting aside of public places or parts of public places where dogs are permitted to run free' (Warringah Shire minutes 14 July 1981).

Warringah Shire created a Dog Advisory Sub-Committee to advise Council on these requirements (Warringah Shire minutes 14 December 1982). Among the dog exercise areas proposed was the reserve bordering the southern end of Mona Vale beach, the 'area east of Narrabeen Park Parade/Coronation Street junction' (Warringah Shire minutes 3 February 1983). This area was approved for use in February 1984. A 1988 review of the dog exercise areas found that the Mona Vale area had attracted complaints from residents but concluded that the area was well used and did not conflict with the reserve's main use for informal passive recreation (Warringah Shire minutes 9 August 1988).

In 1990 the Shire's superintending Inspector did 'not believe that there was a great problem with dog control on the beaches', suggesting that the new laws had improved the situation (Warringah Shire minutes 20 February 1990).

The *Companion Animals Act* of 1995 made registration of dogs compulsory, as well as their leashing in most public places. It also confirmed local government powers to ban dogs from beaches, baths and recreation areas as well as the power to create off-leash exercise areas for dogs.

In summary, Mona Vale Beach and adjoining public reserves have been used as a public recreation area since the first years of the twentieth century. The activities encompassed by public recreation have changed somewhat in this time but at Mona Vale Beach remain fundamentally surfing, swimming and other forms of exercise and passive recreation.

At least since the 1920s the presence of dogs on Mona Vale Beach has attracted complaint from residents while the control of dogs posed ongoing difficulties for Warringah Shire.

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Figure 17: Aerial view of Mona Vale including Mona Vale Hospital (lower right), 11 June 1970 (Source: State Planning Authority of NSW via Northern Beaches Council Library Local Studies, Record number 46904)



Figure 18: Mona Vale Golf Course, Mona Vale Beach and Basin Beach, 1985 (Source: Northern Beaches Council Library Local Studies, Record number 44196)

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Figure 19: Sand Dunes at Mona Vale Beach with Mona Vale District Hospital in the background, 1986 (Source: Northern Beaches Council Library Local Studies, Record number 44195)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

3.4 PALM BEACH (NORTH)

3.4.1 European occupation and establishment of a Public Reserve

Palm Beach forms the eastern edge of the peninsular between the town of Palm Beach and Barrenjoey Headland. It originally formed part of a 400-acre grant to the surgeon James Napper (or Napier) in 1816 (Figure 20). European occupation commenced with the construction of a Customs House, wharf and cottages below Barrenjoey from 1842, followed by signal lights and Barrenjoey Lighthouse, completed in 1881. In September 1881 147 acres encompassing Palm Beach was conveyed to the NSW State Government for £1,250 (Figure 21).⁴⁵

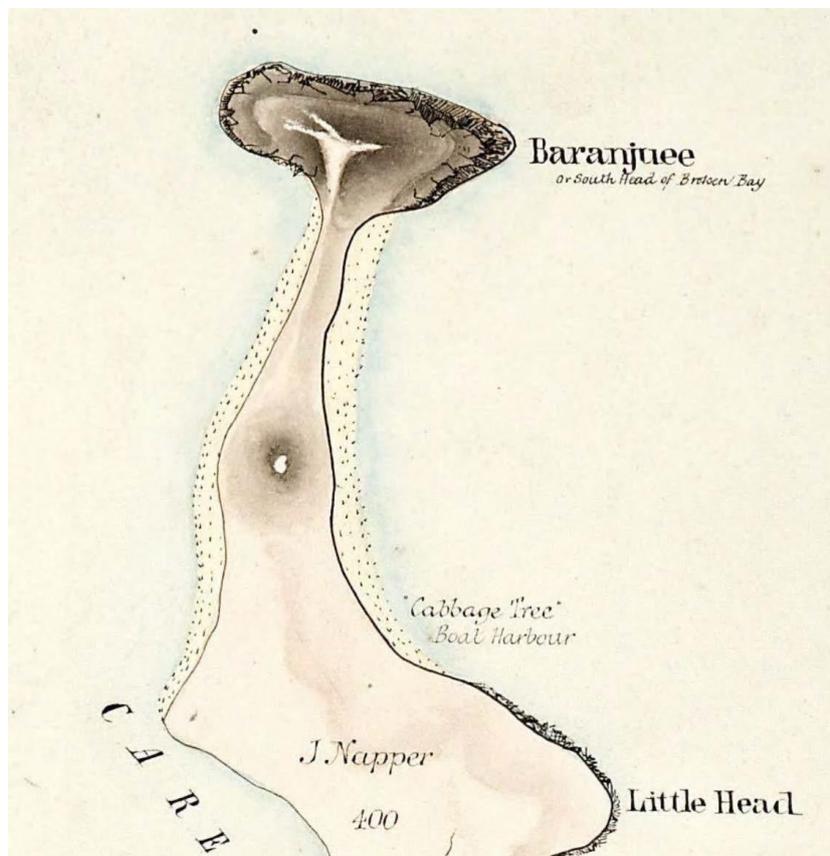


Figure 20: Detail from Map of Parish of Narrabeen showing Napper's 400-acre grant encompassing Palm Beach, c.1860s (Source: NSW Land Registry Services, Parish maps)

⁴⁵ NSW Land Registry Services, General Register of Deeds, 1881, Book 234, Number 606.

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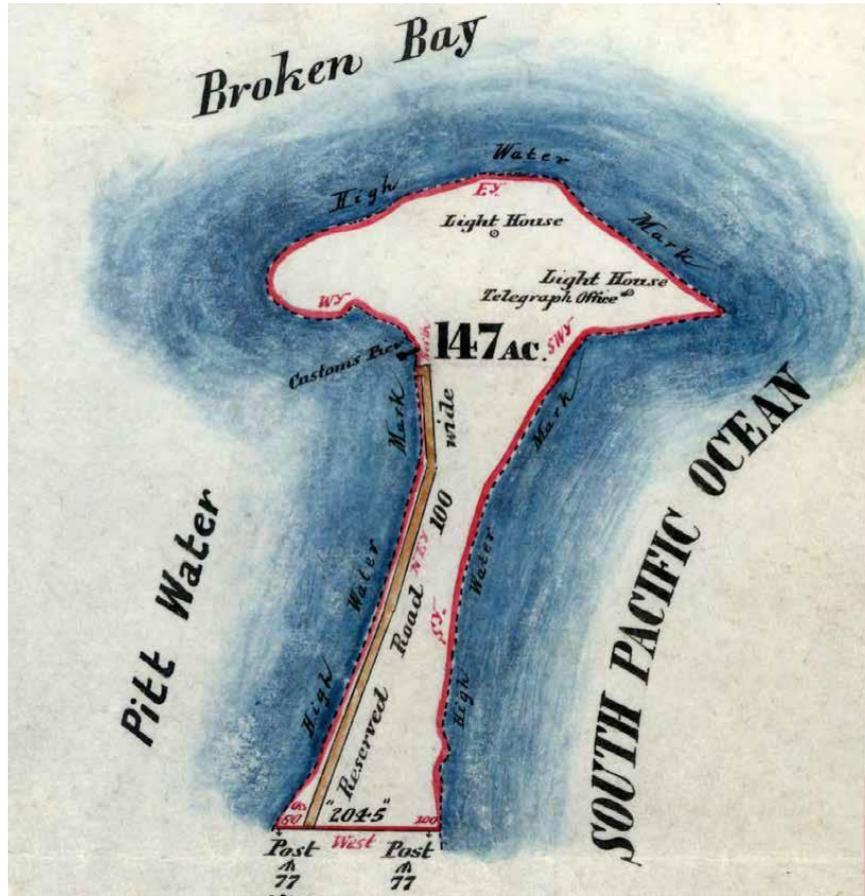


Figure 21: Block plan of 147 acres acquired by the NSW State Government encompassing Palm Beach showing a reserved road on the Pittwater side, 1881 (Source: NSW Land Registry Services, General Register of Deeds, Book 234, Number 606)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

on both sides and east and west to their mean high water marks.⁴⁶ In 1934 most of Barrenjoey headland was added as Reserve 64483, and in 1952 Warringah Shire became trustee of the entire reserve.⁴⁷ In 1995 the administration of Barrenjoey headland passed to the NSW National Parks and Wildlife Service.⁴⁸



Figure 23: Palm Beach (north) looking toward Barrenjoey Lighthouse, Broadhurst Post Card Publishers, 1900-27 (Source: State Library of NSW, PXA 635/709-710)

⁴⁶ 'Reserves From Sale and Lease Generally', *Government Gazette of the State of New South Wales*, 17 May 1929, 2115, <http://nla.gov.au/nla.news-article223021441>.

⁴⁷ 'Notice Vesting Lands in Trustee Under the Public Trusts Act, 1897', *Government Gazette of the State of New South Wales*, 28 March 1952, 1153, <http://nla.gov.au/nla.news-article220004928>.

⁴⁸ Chew et al., 'Barrenjoey Headland: Conservation Management Plan', 15.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 24: View of Barrenjoey and Palm Beach (north), 1910 (Source: Northern Beaches Library Local Studies, Record number Pb-254)

3.4.2 Legislation regarding structures on Palm Beach

Palm Beach became a popular holiday address following the 1903 legalisation of daylight swimming and the construction of improved road access. New infrastructure was built for leisure rather than maritime and government purposes.

Under a 1907 proclamation Warringah Shire gained powers to regulate building construction under Section 109 of the *Local Government Act* including 'XLIII. The regulation of the erection of buildings as to height, design, structure, materials, building line, sanitation, the proportion of any lot which may be occupied by the building or buildings to be erected thereon'.⁴⁹

Part XIII of the *Local Government Act 1919* dealing with public recreation gave municipalities and shires the power to construct buildings and other structures at reserves, baths and beaches. These powers extended below the high water mark. The legislation notes:

349. The council may improve and embellish public reserves which are under its care, control and management.

⁴⁹ 'Proclamation', 20 November 1907, 6308.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

350. *In any public reserve under its care, control, or management, the council may provide, control and manage –*

(a) musical entertainments;

(b) Chairs for hire to the public;

(c) public refreshment rooms;

(d) buildings for public entertainments conducted or authorised by the council;

(e) public entertainments;

(f) boat sheds for the hire of boats to the public;

(g) boats for hire to the public;

(h) grandstands, pavilions, seats, shelter sheds, picnic kiosks, privies, and other buildings for the convenience of the public...⁵⁰

As a result most of the structures erected at Palm Beach during the 20th century – shelter and dressing sheds, benches, bins, signage etc. – were conceived, constructed and maintained by Warringah Shire. Decisions on building and maintenance in public reserves were primarily made by the Shire Engineer and approved by Council's Parks and Reserves Committee.

The exceptions were clubhouses and other structures erected on public reserves for private clubs or private businesses, primarily surf clubs, which were required to make applications to Council (For example, Warringah Shire minutes 29 August 1955, 28 June 1988). Before 1940 Council also ruled on building applications for surf clubhouses and similar structures (for example 9 September 1929, 5 May, 1930, 24 October 1932, 24 January 1939, 7 February 1939).

During 1940 Council wrote to the Department of Local Government requesting a proclamation applying Part XI of the *Local Government Act 1919* 'to the whole of the Shire of Warringah' (Warringah Council Minutes, 19 March 1940). Under Section 305 of the *Local Government Act* Part XI only applied to parts of Warringah Shire, primarily those areas proclaimed as residential districts).⁵¹ From June 1940 Part XI, which set out building approval procedures in detail, was applied to the entire Shire, apart from Kuringai Chase nature reserve.⁵²

⁵⁰ Local Government Act 1919 No 41, Part XIII, Section 349-350.

⁵¹ 'Local Government Act, 1919', 8 October 1926, 4225.

⁵² 'Local Government Act, 1919', 7 June 1940, 2448.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 25: Three ladies sunning at Palm Beach with umbrellas, 1929 (Source: Northern Beaches Council Library Local Studies, Record number Pb-470)



Figure 26: People queuing for bus at Palm Beach, c1940 (Source: Northern Beaches Council Library Local Studies, Record number Pb-498)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

3.4.3 Recreational structures and amenities on Palm Beach

Palm Beach Surf Club

Palm Beach Surf Club was founded at the southern end of the beach in 1921 following the drowning there of a senior military officer, Lieutenant-Colonel Douglas G Marks, who attempted to save Johanna Mary Rogers, aged 32 from Leichhardt, who also drowned. The club quickly developed into a socially exclusive enclave, representative of the increasingly affluent Palm Beach village, with membership by invitation only.⁵³

Palm Beach Golf Club

In 1924 Palm Beach Golf Club was formed and a course laid out on the newly gazetted reserve. A clubhouse and camping area followed, initially administered by Golf Club members, before the Shire took over and constructed an amenities block and other facilities.⁵⁴

Palm Beach Camping Ground

During the 1930s the NSW Government's Unemployment Relief Council supplied low interest loans for dressing sheds, clubhouses and other reserve and beach infrastructure (Warringah Shire Minutes 12 September 1932, 26 September 1932).

In 1930 the Beacon Store, a general store and canteen, was built near Station Beach, primarily serving the camping area. During the following decade many campers became permanent residents due to Sydney's housing shortage. The Shire discouraged permanent camps, presumably reflecting the wishes of the increasingly exclusive Palm Beach village: 'Because they own houses costing thousands of pounds, they object to people erecting tents'.⁵⁵

Newspapers described the tent homes as containing: 'concrete paths, steel frames, fly screens, flooring, verandahs, refrigerators and carpets...'.⁵⁶ Another newspaper report estimated 30 people living in the tents and 'temporary shacks' were ordered to leave by Warringah Council, and also claimed some residents had piped water to their dwellings.⁵⁷

From 1958 the Shire began to reduce camper numbers; the camping area was completely closed in 1972, partly because it was contributing to erosion of the peninsular sand hills.

⁵³ Pittwater Online News, 'Palm Beach Surf Life Saving Club Part I - The Sheds', *Pittwater Online News*, no. 76 (16 September 2012), <https://www.pittwateronlinenews.com/pbslsc-history-part-i---the-sheds.php>.

⁵⁴ 'Holiday Trips', *Maitland Daily Mercury*, 28 December 1935, 10, <http://nla.gov.au/nla.news-article127100097>.

⁵⁵ 'Palm Beach Campers Must Quit', *Tribune*, 12 July 1945, 7, <http://nla.gov.au/nla.news-article208693955>.

⁵⁶ 'Palm Beach Campers Must Quit', 7.

⁵⁷ 'Palm Beach Tents To Go', *Sun*, 6 June 1945, 2, <http://nla.gov.au/nla.news-article230445128>.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 27: Christmas campers at Palm Beach, 21 December 1938, photograph by Ted Hood (Source: State Library of NSW, ON 388/Box 063/Item 073)



Figure 28: Christmas campers at Palm Beach, 21 December 1938, photograph by Ted Hood (Source: State Library of NSW, ON 388/Box 060/Item 258)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 29: Christmas campers at Palm Beach, 21 December 1938, photograph by Ted Hood (Source: State Library of NSW, ON 388/Box 060/Item 258)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

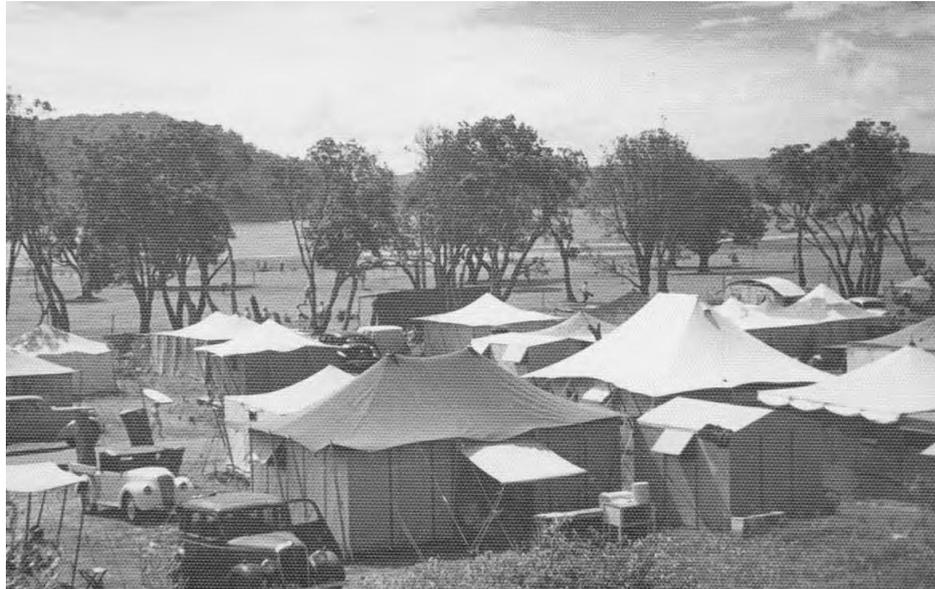


Figure 30: Camping area at Palm Beach, 26 January 1948 (Source: Northern Beaches Council Library Local Studies, Record number Pb-501)

North Palm Beach Surf Club

In everyday nomenclature and in public records, North Palm Beach refers primarily to the 1.4 kilometres of beach facing the Pacific Ocean between Barrenjoey headland and Beach Road, the southern extent of Governor Phillip Park.

The term was not mentioned in the press until 1927 when the North Palm Beach Surf Club was formed by campers at Governor Phillip Park. The influx of campers to the peninsular meant that the northern part of the ocean beach became a popular surfing spot. During the 1930s the Beacon Store was used as a club house.

In 1946 the North Palm Beach Surf Club began to build its own premises facing the ocean beach. Effectively barred from the Palm Beach club,

...the more-or-less regulars have formed their own surf club, a wooden shed well up on the beach, almost finished. They ran Housie-Housie games to finance their surf boat, reels, and so on. "They do all the drills and take out the boat and lines just like any other surf club," said Mr. Michael Barker, camp super intendent and ex-naval man..."They don't hanker to join the club

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

down the beach?" Smith's asked. Mr. Barker thought for a moment. "It's too far away," he said finally. "Besides, they feel they should look after the safety of their own women and children."⁵⁸

The contrast in wealth and social cachet of the two surf clubs has continued.⁵⁹

The closure of the camping ground reduced the membership of the North Palm Beach club, a situation made worse by a 1970 fire at the club's bunkhouse which destroyed much of its equipment. Although a new club house was completed in 1973 at the current location, the 'small, struggling' club was forced to borrow a surf boat.⁶⁰ The new club house was enlarged in 1980 to include a bunkhouse for women members, admitted the previous year; it was further renovated and enlarged in 2005.

During the 1980s the North Palm Beach club sought the Shire's permission to use a vehicle on the beach as the area it patrolled was greater than other northern beaches, extending far north from the flagged area. Council reluctantly gave limited permission in 1983, although disagreements continued for another decade (Warringah Council Minutes 10 March 1980, 17 November 1981, 19 July 1983, 20 August 1991).

Despite its difficulties and comparatively small membership, there is little doubt that the North Palm Beach Surf Club's activities and presence increased the use of the beach from the 1940s.

⁵⁸ 'Palm Beach Guide', *Smith's Weekly*, 3 January 1948, 9, <http://nla.gov.au/nla.news-article234625645>.

⁵⁹ Josephine Tovey and Jonathan Chancellor, 'Super Club Buys More Land for Home and a Wave', *Sydney Morning Herald*, 17 October 2009, 7.

⁶⁰ 'Column Eight', *Sydney Morning Herald*, 2 February 1971, 1; Wayne Munro, 'Public May Have to Pay for Beach Safety', *Sydney Morning Herald*, 14 March 1971, 7.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 31: Early club rooms for the North Palm Beach Surf Life Saving Club, c1950 (Source: Northern Beaches Council Library Local Studies, Record number 40170)



Figure 32: North Palm Beach Surf Life Saving Club members and friends showing the early club premises behind, c1950 (Source: Northern Beaches Council Library Local Studies, Record number 40171)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

Other uses for Palm Beach

In 1947 a wharf and boathouse was built on Station Beach, from 1948 offering a boat hire service. From 1975 the wharf has also functioned as a base for seaplane charter and scenic flights.

During 1988 the TV series Home and Away began production at North Palm Beach ('Summer Bay') using the surf clubhouse as a regular location. The ongoing success of the series has made North Palm Beach an international tourist destination. Feature films have also used North Palm Beach as a location, notably Tim (1979), Palm Beach (1980) and a 2019 feature of the same name.

Meanwhile the Barrenjoey end of North Palm Beach became a popular site for nude bathing and sunbaking (Sydney Morning Herald, 5 November 1991, p.52; 27 January 1985 p.17).

3.4.4 Dogs and other animals at Palm Beach

In 1918 the Local Government Department wrote to Warringah Council, 'submitting for comment amended Ordinance 52, regarding surf-bathing: Resolved, that the Council's approval to the amendments be conveyed to the Department' (Warringah Council Minutes, 18 November 1918).

The Local Government Act of 1919 included the new version of Ordinance 52. From 1921 this ordinance applied to all municipalities and shires and set out regulations for bathing costumes, structures such as dressing sheds, the appointment and duties of beach inspectors and life guards. It also stipulated:

16(a) Any inspector may, when in his opinion inconvenience may be caused to the public by the bathing of dogs or horses, order any person in charge of any dog or horse not to send or drive such dog or horse into the water, or permit such dog or horse to enter the water, at any place where the public are bathing.

(b) Any inspector may order any person in charge of any dog or horse to remove such animal from a beach or bathing reserve if such animal's presence on the beach causes inconvenience or danger to the public.⁶¹

In 1932 signs banning dogs were erected at Palm Beach 'following a complaint from the lifesaver at Palm Beach, of the nuisance caused by people taking dogs on to the beach and into the water

⁶¹ 'Local Government Act, 1919', 11 March 1921, 1615.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

among bathers'.⁶² However there appears to have been resistance to these rules, with one Warringah councillor declaring: 'Palm Beach's pampered pets are a terrible nuisance'.⁶³

Palm Beach was a magnet for Sydney's wealthy and despite the Shire's campaign, its dogs regularly featured on the social pages: 'Lovely Gwenda Ashcroft being dragged along by her Sealyham dog, who afterwards had a good 'go in' with Kitty Hay's boxer 'Horrie' and all the beach watching. It took eight men to part them'.⁶⁴ Horrie was already a social page regular (Figure 34).⁶⁵



Figure 33: Unidentified women Christmas holidaying at Palm Beach, photograph by Samuel J Hood Studio, 1929 (Source: State Library of NSW, Home and Away - 2976)

⁶² 'Keep Dogs from Beaches', *Sun*, 9 December 1932, 8, <http://nla.gov.au/nla.news-article230564656>.

⁶³ 'Dogs in Pools', *Sun*, 13 March 1934, 11, <http://nla.gov.au/nla.news-article230537345>.

⁶⁴ 'Palm Beach Letter', *Truth*, 14 January 1940, 35, <http://nla.gov.au/nla.news-article169116986>.

⁶⁵ 'Colorful Scene at Palm Beach: Annual Dinner Held', *Sun*, 26 December 1937, 17, <http://nla.gov.au/nla.news-article232008161>.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

JOHNSON'S DANCE WAX
For holiday meals, dances and parties, use this floor wax. It's the perfect solution. Give it that final luster and "lustrous" with Johnson's Dance Wax.
Manufactured in London, Johnson's Floor Wax, Ltd., London, etc.
WORLD'S LARGEST FLOOR POLISH MAKERS

WOMEN SECTION 3 SOCIAL
THE SUN
SUNDAY, DECEMBER 24, 1937—Page 1

HOLIDAY FICTION NUMBER
Five complete stories by popular authors and an outstanding GIRL NOVEL
"THE VALLEY OF THE MOON"
Jack Lenz's Greatest Story
"WOMAN"
NOW ON SALE

Sunlight, Surf And Sand Proved The Main Ingredients For The Christmas Fare



The house party at "Tahiti" included Dr. Bruce Harrison, Mrs. Laurel Dancy, with daughter, Robin, Miss Gaven Mark, Mr. Lionel Dancy (host) and Mr. Leonard Dancy.



Right: Mrs. Robert Broad, Mrs. Alan Copeland and Yvette Hill seated at a dinner table on Christmas morning at "Stary Lovess". Mrs. Alan Copeland's son Palm Beach house.

COLORFUL SCENE AT PALM BEACH; ANNUAL DINNER HELD

ENJOY Christmas Day? Are you feeling limp and tired . . . or sunburnt and tender . . . or gloriously sun-tanned and full of joie de vivre? Yesterday, I vow, could not have been better. Perfect surfing, sunbathing and picnicking weather, with a cool breeze blowing in for the golfers.

All the beaches northward to Palm Beach were crowded and "holiday-ish" with gay striped umbrellas, gayly dressed swimmers, gayly dressed children and their mothers, and in which the festive flavor of the month (and middle age) layed at ease.

At Palm Beach, home parties were in full swing. In the morning, the sun shined brightly on the beach, and the air was filled with the fragrance of the sea. The sun shined brightly on the beach, and the air was filled with the fragrance of the sea. The sun shined brightly on the beach, and the air was filled with the fragrance of the sea.

The Alan Copeland's family were in the mood for a party. The Alan Copeland's family were in the mood for a party. The Alan Copeland's family were in the mood for a party.

At the next house party at the home of Mrs. Robert Broad, the annual Christmas dinner was held. The annual Christmas dinner was held at the home of Mrs. Robert Broad. The annual Christmas dinner was held at the home of Mrs. Robert Broad.

There were a few boats, but the weather was so good that the boats were not out. The weather was so good that the boats were not out. The weather was so good that the boats were not out.

Normal traffic, who are bringing the Christmas cheer to the streets. Normal traffic, who are bringing the Christmas cheer to the streets. Normal traffic, who are bringing the Christmas cheer to the streets.

Last night the members of the staff club who had received an invitation to a Christmas dinner at the club were entertained at a Christmas dinner at the club.



One of the highlights of the week's festive spirit was the first Christmas party at Elizabeth Bay House on Christmas. The annual Christmas dinner was held at the home of Mrs. Robert Broad.

One of the highlights of the week's festive spirit was the first Christmas party at Elizabeth Bay House on Christmas. The annual Christmas dinner was held at the home of Mrs. Robert Broad.

One of the highlights of the week's festive spirit was the first Christmas party at Elizabeth Bay House on Christmas. The annual Christmas dinner was held at the home of Mrs. Robert Broad.



Janice Lee Brown, in a snappy red and white patterned costume, from the staff at Palm Beach, with "Bibi" Brown.



"There" Mrs. Gordon of Christmas from the staff at Palm Beach, on a specially constructed table for one.

—YOUNG

Figure 34: Horrie the boxer (lower right) featured in The Sun newspaper at Palm Beach, 26 December 1937 (Source: National Library of Australia, Trove, <http://nla.gov.au/nla.news-article232008161>)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 35: Professor Orr, Palm Beach, 30 May 1957, photograph by Cec Lynch (Source: State Library of NSW, ON 388/Box 046/Item 082)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 36: Swimmers at Palm Beach on Christmas Eve, 24 December 1957, photograph by Wal Easton (Source: State Library of NSW, ON 388/Box 047/Item 099)

Palm Beach seems to have been the beach most resistant to the Shire's attempts to control dogs:

Twice a No-Dogs-on-the-Beach sign has been put up: twice it has been torn down. "Time was," said an old resident in knee-length shorts and a topee, "when there was room on this beach for all of us and our dogs. Now they kick my dog off the beach and let in hordes of trippers. They call that enforcing the regulations!"⁶⁶

During 1962 the Palm Beach Citizens Association complained to Council regarding dogs on the ocean beach, receiving the reply 'Council finds it impossible to police the question of dogs on beaches as it does not employ anyone in the capacity of dog-catcher' (Warringah Shire minutes 25 June 1962).

The Shire gained additional powers from the Dog Act of 1966, yet a 1971 *Women's Weekly* spread, 'People and Fashion' at Palm Beach included a beach photo of 'Mrs Bill Webster, wearing a halter-neck bikini, and pet dog Lulu'.⁶⁷ Throughout, complaints regarding dogs focused on the often crowded southern end of the beach, rather than the extensive sands of North Palm Beach.

⁶⁶ 'Palm Beach Guide', 9.

⁶⁷ 'At Palm Beach', *Australian Women's Weekly*, 27 January 1971, 6, <http://nla.gov.au/nla.news-article51273469>.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

The increased powers granted by the 1981 revision of the *Dog Act* seem to have had an effect. During the 1980s the *Sydney Morning Herald* reported that dogs 'were ruthlessly chased off the beach' at Palm Beach.⁶⁸

Surfing, swimming and sunbathing remain popular activities at North Palm Beach. As the beach has been zoned a recreation reserve for most of the past century most forms of recreation are permitted there. Exercising or swimming dogs are now an exception.

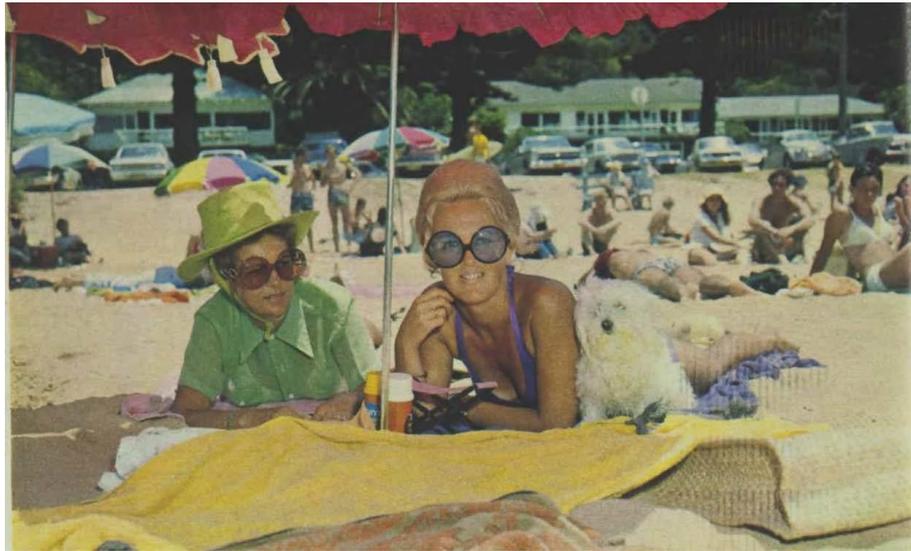


Figure 37: Mrs John Taylor (left) with Mrs Bill Webster (right) with her pet dog Lulu, at Palm Beach, 27 January 1971 (Source: National Library of Australia, Trove, <http://nla.gov.au/nla.news-article51273469>)

3.4.5 Palm Beach sand dune re-development 1980s

During the 1980s Council commenced a large-scale revegetation program on the northern half of the peninsular, sand hills were reshaped and enlarged (Warringah Shire minutes, 15 March 1983). Aspects of this project attracted criticism on environmental and heritage grounds.⁶⁹

⁶⁸ Meg Stewart, '...And among the Bougainvilleas', *Sydney Morning Herald*, 18 December 1982, 25; 'On the Beaches', *Sydney Morning Herald*, 26 December 1989, 20.

⁶⁹ Joseph Glascott, 'Council Suspends Palm Beach Erosion Work', *Sydney Morning Herald*, 25 July 1984, 3.

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 38: Path leading to Barrenjoey Lighthouse, Governor Phillip Park, Palm Beach, c1980 (Source: Northern Beaches Council Library Local Studies, Record number 42210)



Figure 39: Governor Phillip Park before development, showing sand dunes and Barrenjoey lighthouse in background, 1984 (Source: Northern Beaches Council Library Local Studies, Record number 40719)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 40: Palm Beach North New Planting on Sand Dunes, looking towards Barrenjoey Lighthouse, 1984 (Source: Northern Beaches Council Library Local Studies, Record number 40702)



Figure 41: View of Palm Beach (north) and Pittwater from Barrenjoey Headland, 1988 (Source: Northern Beaches Council Library Local Studies, Record number Pb-114)

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Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

5. APPENDICES

5.1 AERIAL STUDY OF MONA VALE BEACH (SOUTH)

The following aerial photographs illustrate the subject site and surrounds as captured between 1930 and 2018.



Figure 42: Aerial photograph featuring Mona Vale Beach (south), 1 January 1930 (Source: NSW Spatial Services, frame 1135)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 43: Aerial photograph featuring Mona Vale Beach (north) showing encroaching residential development along today's Cook Terrace and Narrabeen Park Parade (lower left), 1 May 1951 (Source: NSW Spatial Services, frame 61)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 44: Aerial photograph featuring Mona Vale Beach (south) showing the Mona Vale golf course (top left) and further residential development on Coronation Street, 1 January 1961 (Source: NSW Spatial Services, frame 5167)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 45: Aerial photograph featuring Mona Vale Beach (south) and Mona Vale Hospital (left), 23 September 1965 (Source: NSW Spatial Services, frame 5132)



Figure 46: Aerial photograph featuring Mona Vale Beach (south), 6 October 1971 (Source: NSW Spatial Services, frame 5090)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 47: Aerial photograph featuring Mona Vale Beach (south), 29 March 1978 (Source: NSW Spatial Services, frame 354)



Figure 48: Aerial photograph featuring Mona Vale Beach (south), 3 August 1986 (Source: NSW Spatial Services, frame 153)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 49: Aerial photograph featuring Mona Vale Beach (south), 14 August 1991 (Source: NSW Spatial Services, frame 34)



Figure 50: Aerial photograph featuring Mona Vale Beach (south), 10 October 1994 (Source: NSW Spatial Services, frame 138)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 51: Aerial photograph featuring Mona Vale Beach (south), 29 September 1998 (Source: NSW Spatial Services, frame 101)



Figure 52: Aerial photograph featuring Palm Beach (north), 18 March 2002 (Source: NSW Spatial Services, frame 119)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 53: Aerial photograph featuring Mona Vale Beach (south), 20 December 2005 (Source: NSW Spatial Services, frame 157)

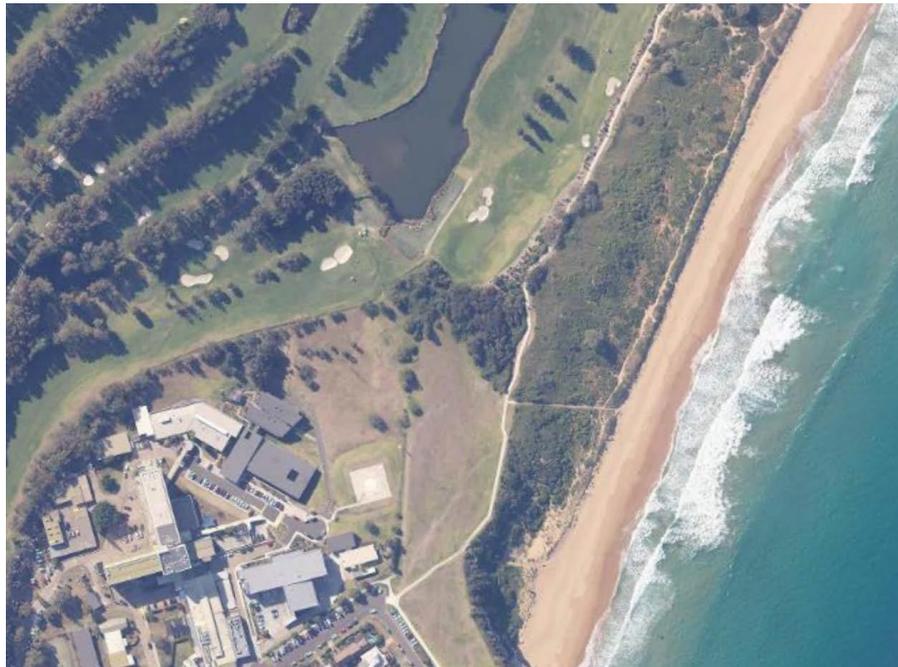


Figure 54: Aerial photograph featuring Mona Vale Beach (south), 17 August 2018 (Source: NSW Spatial Services, frame 157)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

5.2 PHOTOGRAPHIC STUDY OF PALM BEACH (NORTH)



Figure 55: Detail from Panorama of Palm Beach showing the northern side, EB Studios, 1917-46 (Source: National Library of Australia, PIC P865/6/1 LOC Nitrate store)



Figure 56: Detail from Panorama of Palm Beach showing the northern side (middleground) and Barrenjoey Lighthouse and Headland (background), EB Studios, 1917-46 (Source: National Library of Australia, PIC P865/207/11 LOC Nitrate store)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 57: View of the dunes of Palm Beach (north) looking from Barrenjoey Isthmus, c1920 (Source: Northern Beaches Library Local Studies, Record number Pb-296)



Figure 58: Palm Beach (north) looking toward Barrenjoey Lighthouse, 1929 (Source: Northern Beaches Council Library Local Studies, Record number Pb-467)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 59: Detail from aerial photograph featuring Palm Beach (north) and the northern edge of Palm Beach Golf Course in the foreground, photograph by Hall and Co, 1930s (Source: State Library of NSW, PXE 889/46)



Figure 60: Views of Palm Beach (north) from Barrenjoey Lighthouse, c1940 (Source: Northern Beaches Council Library Local Studies, Record number Pb-493)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 61: Detail from Palm Beach (north) viewed from Barrenjoey Head, photograph by Frank Hurley, 1940s (Source: National Library of Australia, PIC FH/80 LOC Cold store PIC HURL 7/5)



Figure 62: Spitfire crash landing at Palm Beach (north), 14 December 1942 (Source: Northern Beaches Council Library Local Studies, Record number Pb-355)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 63: View south from Barrenjoey to Palm Beach (north) and Bangalley Headland, tourist brochure, c1960 (Source: Northern Beaches Council Library Local Studies, Record number Pb-390)



Figure 64: View from Barrenjoey Lighthouse assistant keeper's cottage showing Palm Beach (north), 1995 (Source: Northern Beaches Council Library Local Studies, Record number Pb-274)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

5.3 AERIAL STUDY OF PALM BEACH (NORTH)

The following aerial photographs illustrate the subject site and surrounds as captured between 1947 and 2018.



Figure 65: Aerial photograph featuring Palm Beach (north), 1 January 1947 (Source: NSW Spatial Services, frame 69)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 66: Aerial photograph featuring the Palm Beach (north), May 1951 (Source: NSW Spatial Services, frame 3)



Figure 67: Aerial photograph featuring Palm Beach (north), 1 January 1961 (Source: NSW Spatial Services, frame 5146)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 68: Aerial photograph featuring Palm Beach (north), 23 March 1965 (Source: NSW Spatial Services, frame 5108)



Figure 69: Aerial photograph featuring Palm Beach (north), 29 March 1978 (Source: NSW Spatial Services, frame 158)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 70: Aerial photograph featuring Palm Beach (north), 19 August 1986 (Source: NSW Spatial Services, frame 206)

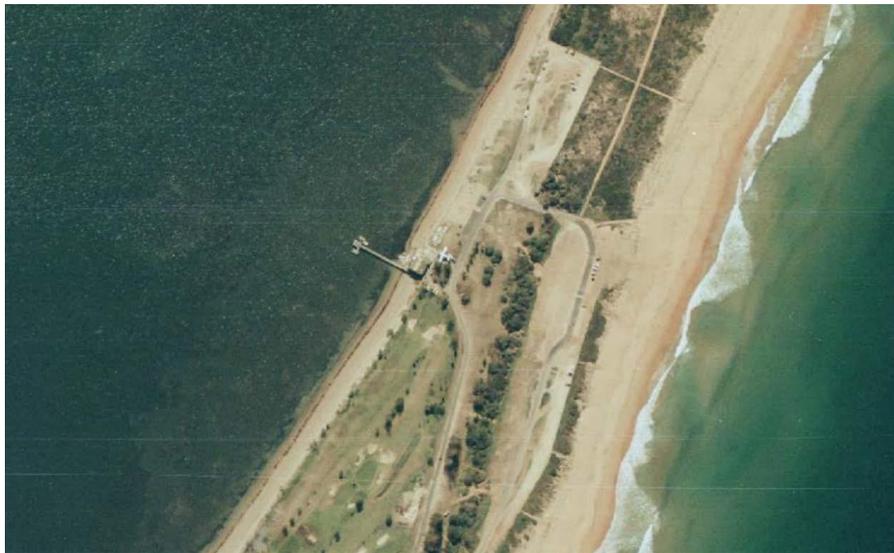


Figure 71: Aerial photograph featuring Palm Beach (north), 12 August 1991 (Source: NSW Spatial Services, frame 111)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama



Figure 72: Aerial photograph featuring Palm Beach (north), 10 October 1994 (Source: NSW Spatial Services, frame 88)

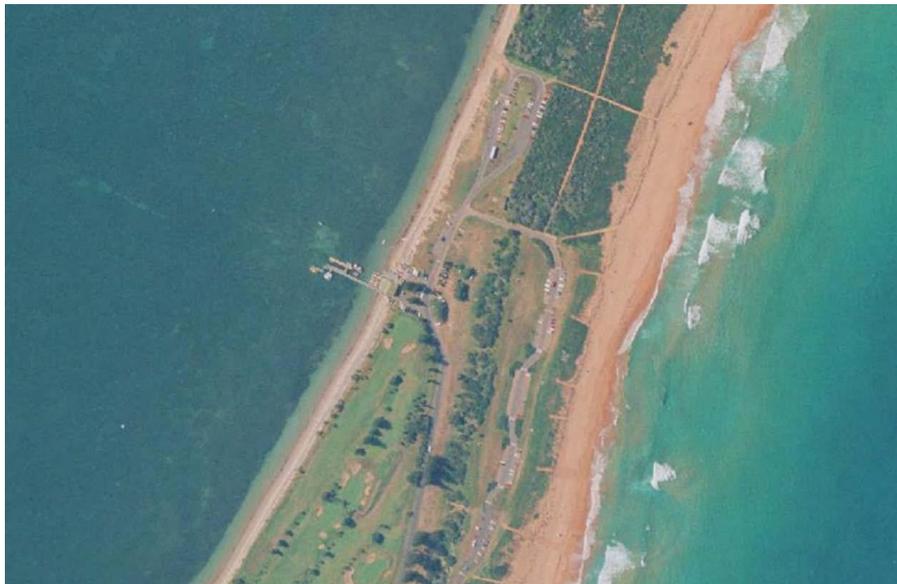


Figure 73: Aerial photograph featuring Palm Beach (north), 29 September 1998 (Source: NSW Spatial Services, frame 262)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

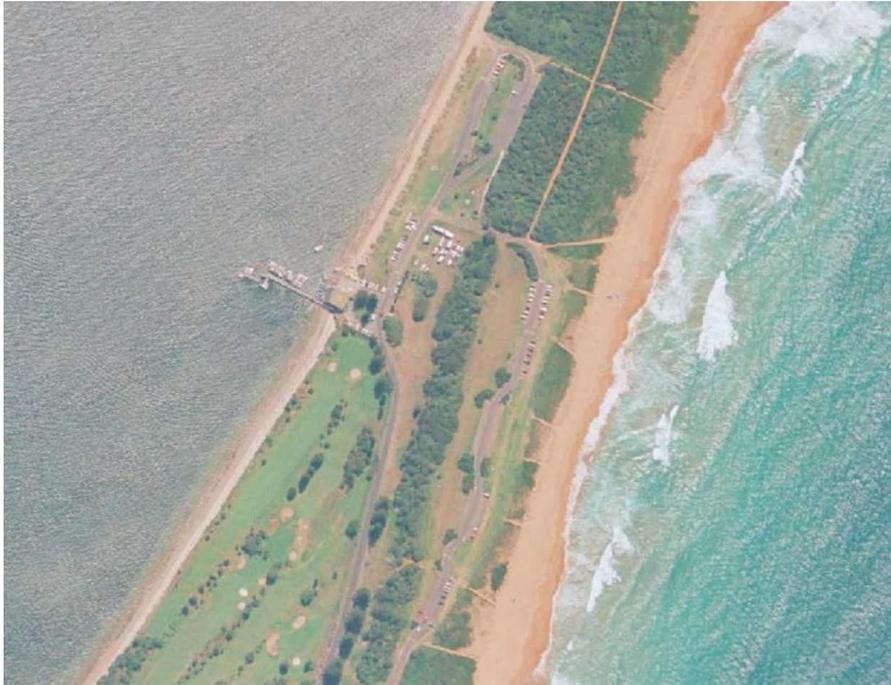


Figure 74: Aerial photograph featuring Palm Beach (north), 18 March 2002 (Source: NSW Spatial Services, frame 119)

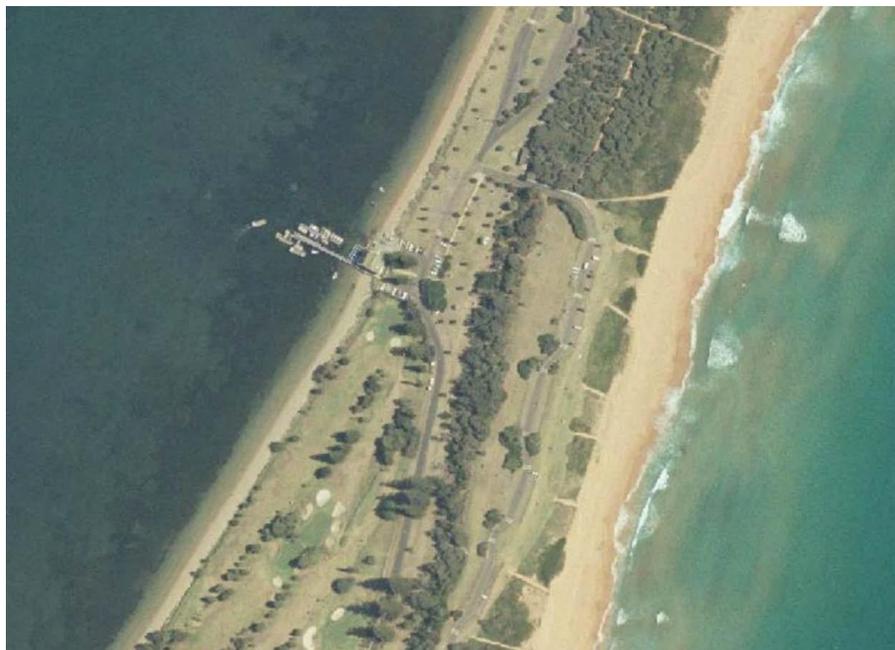


Figure 75: Aerial photograph featuring Palm Beach (north), 20 December 2005 (Source: NSW Spatial Services, frame 77)

Mona Vale Beach (south) and Palm Beach (north) | Nicole Cama

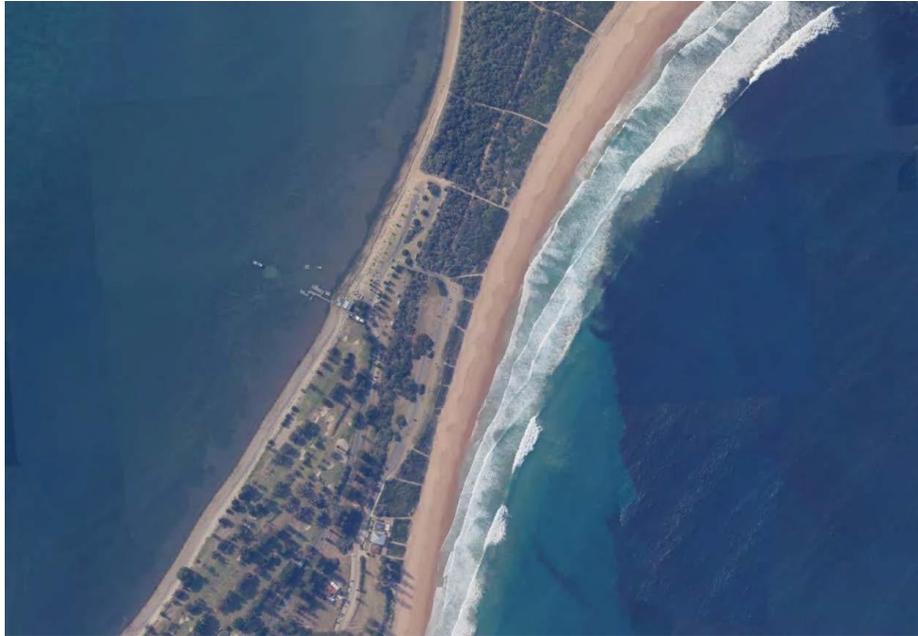


Figure 76: Aerial photograph featuring the subject site, 30 August 2018 (Source: NSW Spatial Services, SIX Maps)

Review of Environmental Factors, Northern Beaches Council, 1 August 2025 Proposed Mona Vale Beach (South) Dog Off-leash Area Trial Part 3 of 4

Annex 2 Clause 171 Checklist

Section 171 of the EP&A Regulation sets out the factors to consider when assessing impacts on the from the draft REF 2023 environment from activities (for the purposes of Part 5 of the EP&A Act). An assessment of the impacts of the Activity against each of these is provided in Table 24.

Table 24. Compliance with EP&A Regulation 2021

Environmental factors	Impacts
<p>(a) The environmental impact on the community.</p> <p>The Activity will provide an additional dog off-leash recreational area that will contribute to improving the social, physical, psychological and economical aspects of the local and wider community without the need for substantial Council investment (establishment or ongoing). Minor negative impacts may occur between different users of the Activity Area and general locality. However, these impacts have been minimised through the mitigation and management safeguards as collated in Table 23.</p>	Positive
<p>(b) The transformation of the locality.</p> <p>The Activity involves dogs accessing the beach area and updating and supplementing the existing of signage and maintenance of bins to support this use. Neither of these aspects are considered to result in a major transformation of the locality and can be readily reversed with nil to negligible environmental impact.</p>	Nil
<p>(c) The environmental impact on the ecosystems of the locality.</p> <p>The Activity has the potential to negatively impact on biodiversity. However, these impacts have been minimised through the mitigation and management safeguards as collated in Table 23.</p>	Negligible
<p>(d) Reduction of the aesthetic, recreational, scientific or other environmental quality or values of the locality.</p> <p>The Activity will provide additional recreational facilities within the LGA. The assessment of the Activity has not identified any reduction in the environmental qualities or values of the locality. The mitigation and management safeguards as collated in Table 21 will eliminate, ameliorate or further minimise these expected impacts and also provide benefits to other users of this location.</p>	Positive

Environmental factors	Impacts
<p>(e) The effect on any locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations.</p> <p>The Activity is not likely to significantly impact the locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations.</p>	Nil
<p>(f) The impact on the habitat of protected fauna, within the meaning of the Biodiversity Conservation Act 2016.</p> <p>An assessment of potential impact to threatened species, populations and ecological communities and their habitats listed under the NSW Biodiversity Conservation Act 2016 was undertaken. Results of these assessments are covered in Section 6.2. Threatened biodiversity will not likely be significantly impacted by the Activity.</p>	Negligible
<p>(g) The endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air.</p> <p>The Activity will not endanger any species of animal, plant or other form of life, whether living on land, in water or in the air.</p>	Nil
<p>(h) Long-term effects on the environment.</p> <p>The Activity will not lead to any detrimental long-term impacts on the environment.</p>	Nil
<p>(i) Degradation of the quality of the environment.</p> <p>The Activity will not lead to the long-term degradation of the environment.</p>	Nil
<p>(j) Risk to the safety of the environment.</p> <p>The Activity will not alter the safety of the environment from its existing state.</p>	Nil
<p>(k) Reduction in the range of beneficial uses of the environment.</p> <p>The Activity will not lead to any reduction in the range of beneficial uses of the environment.</p>	Nil
<p>(l) Pollution of the environment.</p> <p>The Activity has the potential to contribute to the pollution of the environment. These impacts have been minimized through the mitigation and management safeguards as collated in Table 23.</p>	Negligible
<p>(m) Environmental problems associated with the disposal of waste.</p> <p>The Activity will generate waste streams which are routinely managed by Council and</p>	Nil

Environmental factors	Impacts
will not result in any environmental problems from disposal.	
<p>(n) Increased demands on natural or other resources that are, or are likely to become, in short supply.</p> <p>The Activity will not result in any increased demand on resources that are, or are likely to become, in short supply.</p>	Nil
<p>(o) The cumulative environmental effect with other existing or likely future activities.</p> <p>The Activity is not expected to have cumulative effects on existing or future activities of the Activity areas or their surroundings.</p>	Nil
<p>(p) The impact on coastal processes and coastal hazards, including those under projected climate change conditions.</p> <p>(p) The Activity will not impact any coastal processes or coastal hazards.</p>	Nil
<p>(q) Applicable local strategic planning statements, regional strategic plans or district strategic plans made under the ACT, Division 3.1</p> <p>(q) This Activity will contribute to meeting various goals stipulate with in the strategic plans for the region.</p>	Positive
<p>(r) other relevant environmental factors.</p> <p>(r) This REF has taken into account all relevant environmental factors.</p>	Positive

Annex 3 Aboriginal Objects Due Diligence Assessment

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Heritage management
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Environmental offsetting

Aboriginal Objects Due Diligence Assessment

Palm Beach (North) Dog Off-Leash Trial

Northern Beaches Council Local Government Area

Prepared for Northern Beaches Council

Prepared by Niche Environment and Heritage | 5 June 2023



A leading independent specialist environmental and heritage consultancy

niche
Environment and Heritage



Niche Environment and Heritage
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5 June 2023

Mr Robert Blackall
Senior Biodiversity Officer
Northern Beaches Council
Manly NSW 2095
Via email: robert.blackall@northernbeaches.nsw.gov.au

Dear Mr Blackall,

Re: Palm Beach (North) Dog Off-Leash Trial Aboriginal Objects Due Diligence Assessment (Niche Ref #7029)

Based on this Aboriginal Objects Due Diligence Assessment (DD), it has been determined that there is a low potential that Aboriginal objects have survived within the Subject Area.

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) identified that no Aboriginal cultural heritage sites are recorded to be located within the Subject Area. The nearest Aboriginal cultural heritage site to the Subject Area is 'Palm Beach Sand Dunes' (AHIMS ID# 45-6-1433) situated approximately 130 m north-west of the Subject Area.

The results of a site inspection confirmed that the nearby Midden site 'Palm Beach Sand Dunes' (AHIMS ID# 45-6-1433) does not extend into the current Subject Area and will therefore not be affected by the proposed activity. Furthermore, the Subject Area 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 and dune systems. The ground surface and subsurface has been disrupted to such an extent that the possibility of in-situ deposits is low. No Additional Aboriginal cultural heritage constraints were identified.

Where the below recommendations and measures are implemented, the proposed activity will avoid known Aboriginal objects and areas where Aboriginal objects are likely and the proposed activity may therefore proceed with caution without a further Aboriginal Cultural Heritage Assessment (ACHA) or Aboriginal Heritage Impact Permit (AHIP). It is recommended that:

- Should earthworks be undertaken outside the Subject Area footprint assessed in this document, further impact assessment should be undertaken prior to work in those areas.
- All workers should be inducted into the Subject Area, so they are made aware of their obligations under the *National Parks and Wildlife Act 1974*.
- Works associated with the proposed installation of signage identifying the dog off-leash area can proceed with caution within the Subject Area as assessed in this DD. Where possible, existing poles should be utilised for the new signage. Where this is not possible, signage should be placed in an area of existing ground disturbance within the Subject Area. During the installation of the signposts, access to the area/s should be restricted to the use of existing access tracks.
- In the event that previously unknown Aboriginal object(s) and/or sites are discovered during the proposed activity, work must stop, and an appropriately qualified archaeologist be contacted to access the nature, extent and significance of the identified sites.



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- In the unlikely event that human remains are discovered, all activities must stop, the affected area must be cordoned-off and NSW Police and the Heritage NSW (formerly the Department of Planning, Industry and Environment [DPIE] which replaced the Office of Environment and Heritage [OEH]) Environment Line must be contacted on 13 15 55 or (02) 9995 5555.

Please do not hesitate to contact me should you have any questions or would like to clarify details of this assessment.

Yours sincerely,

A handwritten signature in cursive script that reads "Carly Todhunter".

Carly Todhunter
Heritage Consultant
Niche Environment and Heritage



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1 Introduction

1.1 The proponent

Niche Environment and Heritage Pty Ltd (Niche) was commissioned by Northern Beaches Council (Council'; 'the Proponent') to undertake an Aboriginal Objects Due Diligence Assessment (DD) to assess Aboriginal cultural heritage constraints for a proposed off-leash dog area trial at Palm Beach, New South Wales (Figure 1) (hereafter referred to as the 'Subject Area').

1.2 The Subject Area

1.2.1 Location

The Subject Area is situated on the seaward side of an isthmus connecting Barrenjoey Head to the mainland (Plate 2) within the Northern Beaches Council Local Government Area (LGA) and within the boundaries of the Metropolitan Local Aboriginal Land Council (LALC). The Subject Area is located at the northern end of North Palm Beach and is situated in an area of sand dunes including an eastward portion below the mean high water mark (Figure 1 and Figure 2). The Subject Area is approximately 400 metres long, covering an area of approximately 5 hectares (ha) and includes the following two lots (Figure 3):

- Lot 7004 / DP 1117444
- Lot 7006 / DP 1117451

The northern boundary of the Subject Area is situated approximately 280 metres south of the Ku-ring-gai Chase National Park boundary. The southern boundary of the Subject Area is situated approximately 300 m north of the North Palm Beach Surf Lifesaving Club. Within Governor Philip Park there are approximately 490 off-street parking spaces. Of which 135 are located at the northern end of Governor Philip Park and provide public access to the beach (Figure 2). The Subject Area is zoned as RE1 (Public Recreation). The Subject Area is situated within Crown Land to the east of Governor Philip Park. A mixture of recreational facilities and food outlets are present within the area surrounding the Subject Area including Governor Philip Park, Palm Beach Golf Club, North Palm Beach Surf Lifesaving Club, the Boathouse Palm Beach Café, the dunes restaurant, and parking and pedestrian access to Ku-Ring Gai Chase National Park and the heritage listed Barrenjoey Lighthouse.

The extent of the proposed off-leash dog area at Palm Beach is depicted in Figure 2 and in the project's concept plan as supplied by Council (Appendix A).

1.3 The proposed activity

Council is intending to stage a trial of two off-leash dog areas in the Northern Beaches Council LGA for a period of 12 months, one at Mona Beach (in the south) and the other at Palm Beach (in the north). Only the off-leash area at Palm Beach is being assessed as part of this due diligence assessment due to its proximity to a large number of local heritage items situated to the north at Barrenjoey Head and due to the sensitive nature of the landforms present in the Subject Area.

During the trial period, dog owners will be permitted to have their dog off-leash within the Subject Area (Figure 2). The Subject Area will be marked by signage which to be placed on the northern and southern boundary of the dog off-leash area. The poles for signage will either be affixed to existing infrastructure and or a new pole installed within the Subject Area. This will involve some ground disturbance comprising a hole nominally 150 mm in diameter and 1000 mm deep.

The objectives of the trial are to:



- Provide an additional off-leash dog area within the LGA with access to the foreshore and swimming areas;
- Provide Northern Beaches Council with an opportunity to monitor the impacts on the environment, other users, residents and businesses;
- Collect information during the trial period to identify potential impacts associated with establishing permanent off-leash dog areas; and
- Assess the suitability of establishing permanent off-leash dog area at Mona Beach and Palm Beach.

1.4 Statutory controls

The *National Parks and Wildlife Act 1974* (NPW Act), administered by Heritage NSW, is the primary legislation for the protection of some aspects of Aboriginal cultural heritage in NSW¹. Part 6 of the NPW Act provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm.

The NPW Act provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution if they later unknowingly harm an Aboriginal object without an Aboriginal Heritage Impact Permit (AHIP).

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010a) sets out a process for individuals and organisations to follow to determine whether an Aboriginal object will be harmed by an activity, whether further investigation is needed, and whether that harm requires an AHIP.

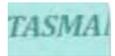
1.5 Objectives

The aim of the assessment was to assess whether Aboriginal objects and/or places are present, or are likely to occur within, or near the Subject Area, if those Aboriginal objects and/or places may be harmed by the proposed activity, and if further investigation is required.

1.6 Assessment methodology

This DD follows the process outlined in Plate 1.

¹ For further information visit: <https://www.environment.nsw.gov.au/licences/achregulation.htm>



D Subject Area

n1ch
Environment and Heritage



m
GDA 1994 MGA Zone 56

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

Location Map
Northern Beaches Dog Off-leash Trial

Figure 1

-1



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m

Niche PM: Justin Merdith

Niche Proj. #: 7029
Client: Northern Beaches Council

Figure 2

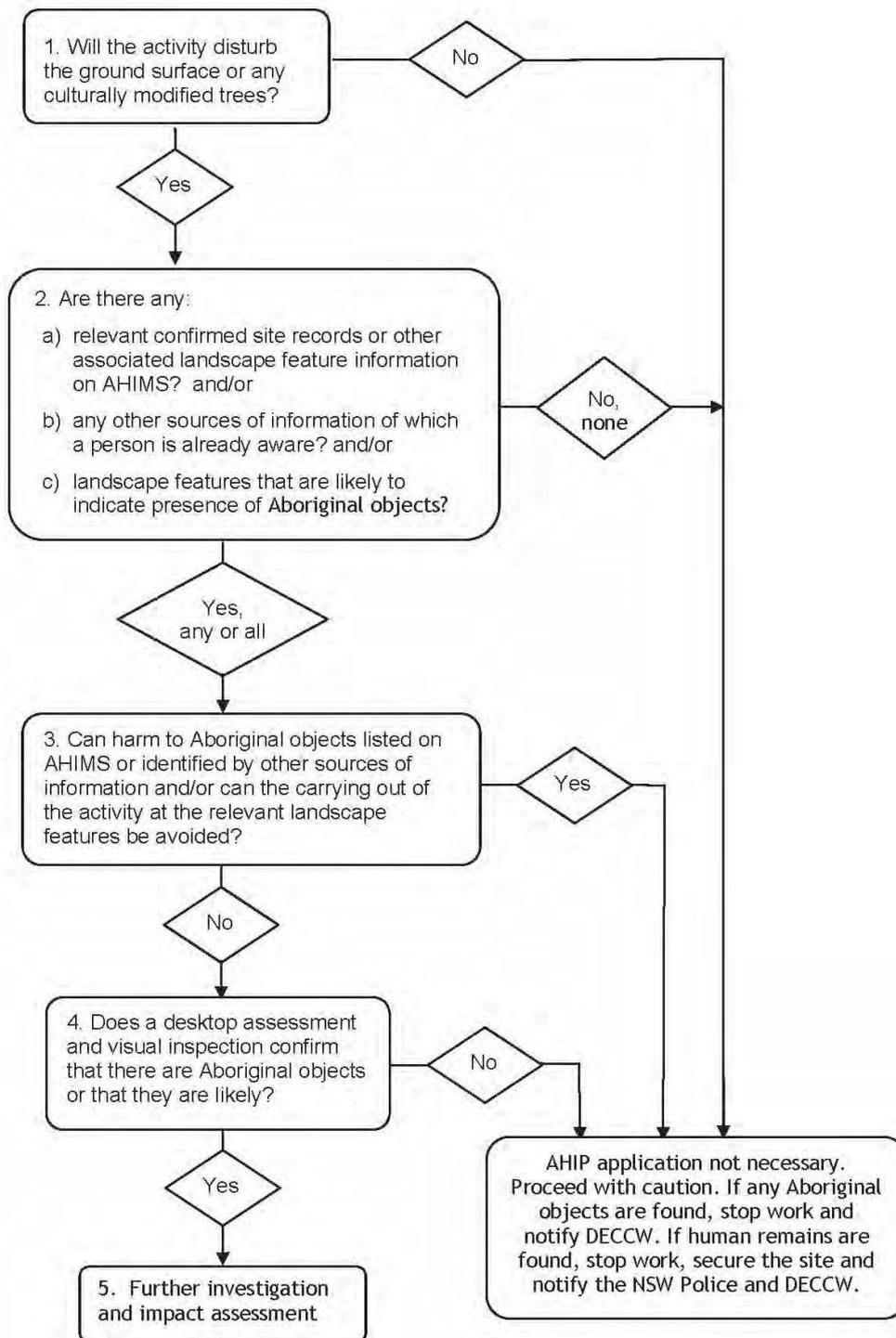


Plate 1: The due diligence assessment process

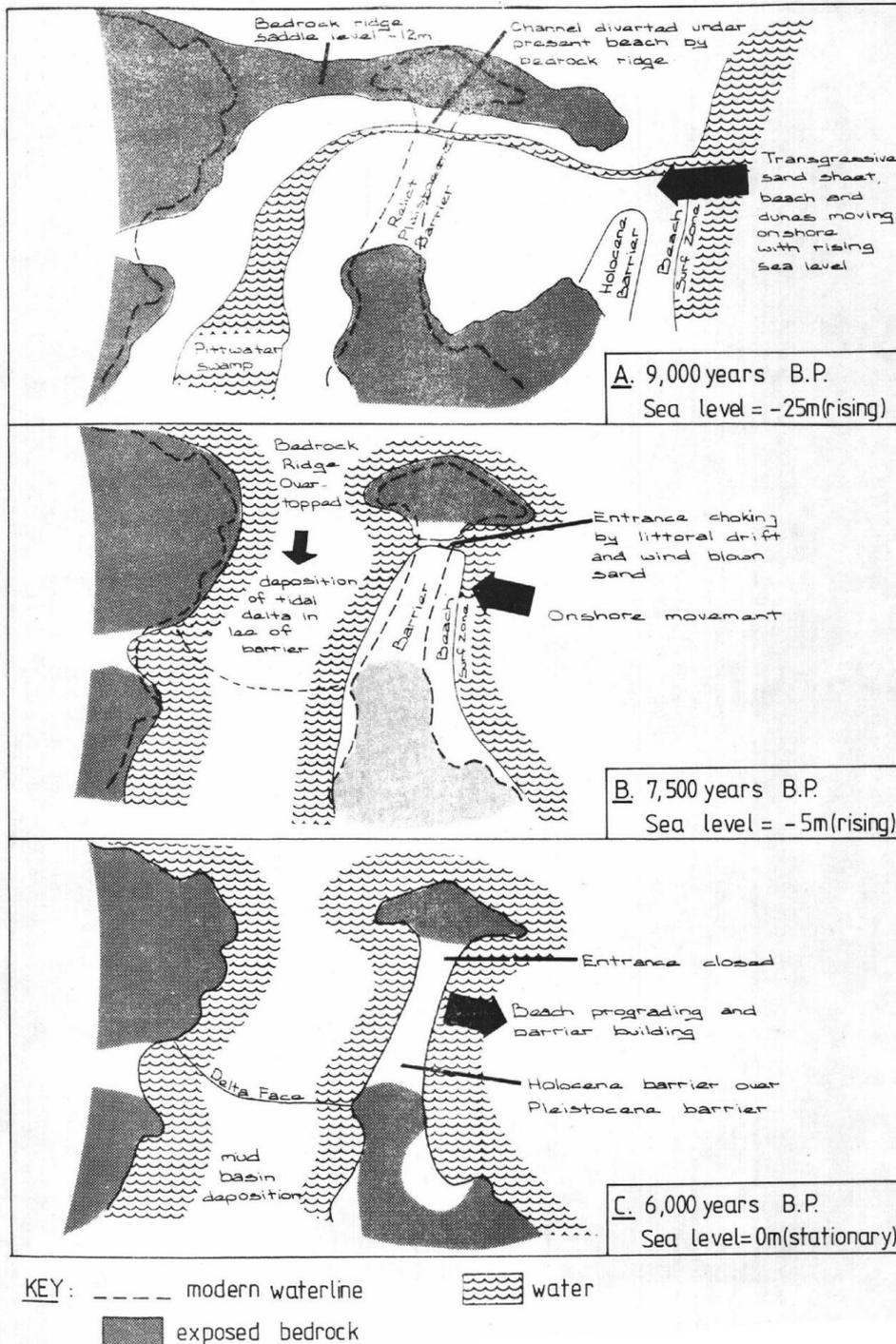


Plate 2: Excerpt from Palm Beach: beach erosion and management study, produced by the Public Works Department, Vol. 2, page 105. Showing the historical development of the Palm Beach Isthmus in the early Holocene.

2 Environmental Context

2.1 Topography, Landforms and Hydrology

The Subject Area is located in at the northern end of a peninsula within the suburb of Palm Beach, NSW and is situated in the region of the Northern Beaches of Sydney. The Subject Area is comprised primarily of calcareous sand deposits and low dunes and is fringed on the western boundary by beach dune vegetation. Numerous walking tracks cut through the vegetation area leading northwards to Barrenjoey Head. South-west of the Subject Area is the Governor Philip Park with extensive recreation areas. The northern portion of the peninsula is largely used for recreation connected to the beach, numerous walking tracks and the North Palm Beach Surf Lifesaving Club.

Barrenjoey Heads, situated north of the Subject Area, is a headland comprised primarily of sandstones of the Newport Formation including Hawkesbury sandstone. The headland was cut off from the mainland due to rising sea levels approximately 10,000 years ago. Subsequent to this, a gradual accumulation of a sand spit or tombolo reconnected the island to the mainland to form the current peninsula (Plate 2). Barrenjoey Head and West Head (situated north of Pittwater) are outcrops resulting from a volcanic dyke and are connected by a low-slung saddle ridge, resulting in the shallow waters of the entrance to Pittwater. Pittwater is a semi-mature tide-dominated drowned, valley estuary that occurs west of the Subject Area.

At the peak of the last ice age around 20,000 years ago, the sea level would have been approximately 120 to 140 m lower than present levels and the coastline would have been situated 15 to 20 km to the east. At this time, the continental shelf was exposed and deep river valleys such as Broken Bay would have drained out to sea. As the ice melted, the sea level rose until it stabilised at its current level about 6,000 years ago and the low saddle that connected Barrenjoey and West Heads was submerged. Driven by currents, waves and wind, the sand accumulated over extended periods until the sand spit was formed. A visual representation of the formation of the barrier sand dune at Palm Beach is provided in Plate 2.

Within the Subject Area itself, the topography is fairly constant and is typically level to very gently inclined. The dune area between North Palm Beach and Barrenjoey Beach is in continual shift northwards in spite of dune stabilization measures due to wind and tidal movements pushing up from the ocean. A large dune present at the southern side of Barrenjoey headland has accumulated over extended periods and has been modified by local revegetation efforts, in particular during the 1984 dune stabilisation program undertaken by Warringah Council which is detailed in Section 2.4. Aeolian erosion is a constant threat to the surrounding landscape and has been worsened over time due to the loss of dune vegetation that would have previously stabilised the surrounding landscape.

A cross-section of the sand dunes at Palm Beach is provided in Plate 3 commencing on the west at WP 689 (Figure 5) and continuing 140 m in an easterly direction towards the Pacific Ocean. The graph demonstrates that, since the first period of measurement (commencing in 1951), there have been significant alterations to the dune both due of natural and human-induced origins. The dune profile in 1951 suggested the dunes dropped off gradually in an easterly direction over approximately 105 m from an elevation of approximately 7.2 m to 0.9 m. The eastern transition from the foredune leading into the beach environment (at approximately 60 m along the recorded area) has been steadily increasing over time from approximately 6 m in 1951 to 10 m in 2021. In 1965, a sharp drop was observed at approximately 20 m along the profile before rising at approximately 60 m and slowly dropping off again. In 1974 heavy storms occurred and large areas of the barrier system were inundated by the rising waters from both Pittwater and

the Pacific Ocean (for further detail see Section 2.4). Dune stabilisation works undertaken by Warringah Council in 1984 resulted in further disturbance to the dune system and is also detailed in Section 2.4.

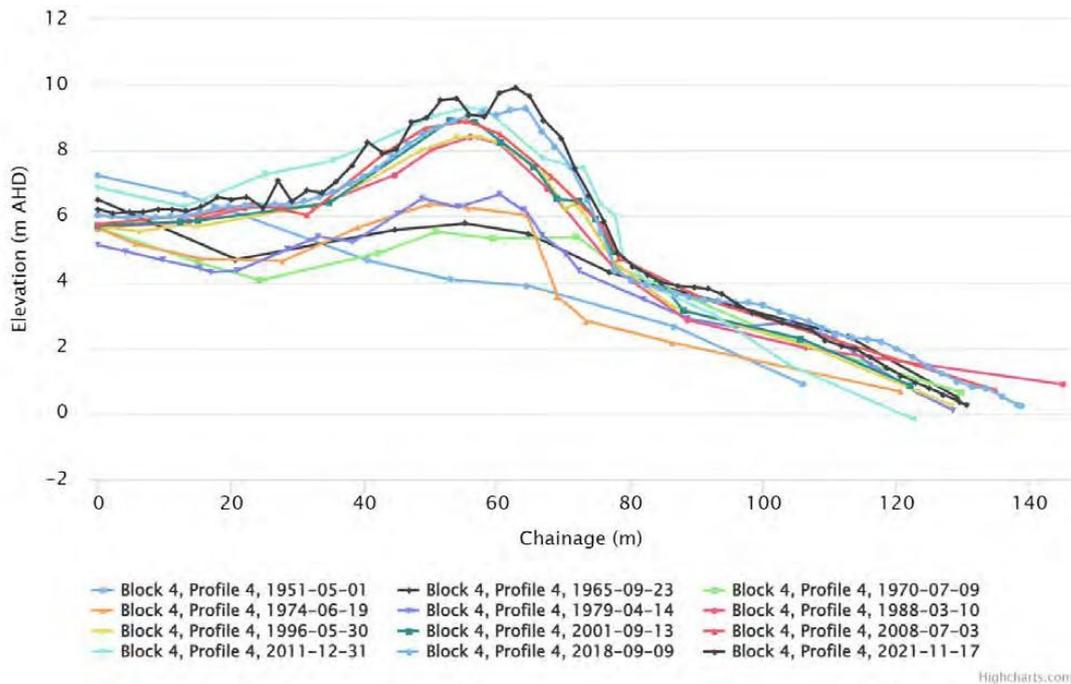


Plate 3: Cross-section of Palm Beach sand dune (Block 4, Profile 4), generated from the NSW Beach Profile Database, DPIE, 17/02/2022, <http://www.nswbpd.wrl.unsw.edu.au/photogrammetry/plot>. The cross-section commences at WP 689 (Figure 5) on the left-hand side and continues 140 m in an easterly direction towards the Pacific Ocean.

2.2 Geology and soils

The soil of the Subject Area is fairly constant, comprising the Narrabeen soil landscape (DPIE 2020). This soil landscape typically comprises deep (>200 cm) calcareous sands (UC1.11, Uc1.12) on beaches and siliceous sands (Uc1.21 and Uc1.22) and occasional calcareous compressed sands on foredunes. The dominant soil present at the beach is a loose orange shelly beach sand (na1) with apedal single-grained structure and comprising a mix of quartz sand and tiny shell fragments. Laminations of well-graded marine sands can also occur. Within the tidal zone, accumulations of driftwood, seaweed and rubbish are present. The second dominant soil material is a loose, yellowish-brown quartz sand (na2) with apedal single-grained structure and ranging in colour from brown to bright yellow.

Over 200 cm of loose yellowish brown quartz sand is typically present in the foredune environment. In some sheltered areas where vegetation has not been disturbed, surface soil texture may approach that of loamy sand and have a slight accumulation of organic matter.

The geology of the Subject Area is typified by a combination of Holocene- era sands (Qhbb) along a narrow section of the eastern fringe of the peninsula adjacent to Palm Beach and Holocene dune containing marine sand (Qhbd) for the remainder of the peninsula. The sand at Palm Beach has formed from a combination of marine sand, shell and gravel. Barrenjoey Head is comprised of Triassic sedimentary rocks typical of the

Sydney Basin, the Narrabeen Group (Tna) and Hawkesbury Sandstone (Tuth) which overlies it. Both geological units are associated with raw materials suitable for stone tool production including mudstone, siltstone, quartz, sandstone and conglomerate materials.

2.3 Vegetation

The beach at Palm Beach is virtually free of any vegetation and this is typical of the Narrabeen soil landscape (DPIE 2020). Formerly, the beach would have contained herbland/grassland within the foredune environment. Efforts have been made to revegetate the foredunes of the Narrabeen group with community plantings of marram grass (*Ammophila arenaria*), hairy spinifex (*Spinifex hirsutus*) and native dune shrubs.

In sheltered areas west of the Subject Area within the barrier dune setting open or closed-scrub species such as Sydney golden wattle (*Acacia longifolia*), guinea flower (*Hibbertia scandens*) and coastal banksia (*Banksia integrifolia*) occur. In disturbed areas, the noxious weed bitou bush (*Chrysanthemoides monilifera*) predominates.

2.4 Past land use and disturbance

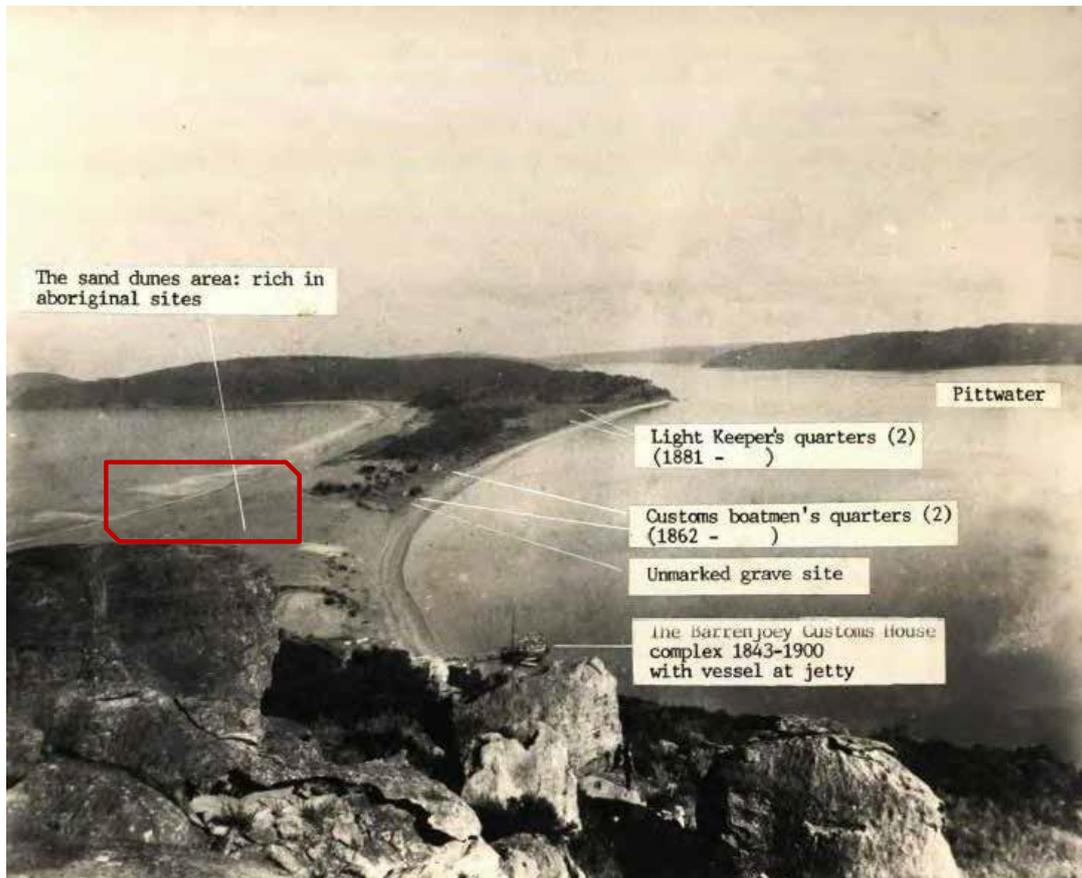


Plate 4: Photograph from Barrenjoey Head looking south towards Palm Beach in 1881 and annotated in a formal submission to the National Estate Committee by Frank Johnston on 18 November 1985. The sparsely vegetated northern sand dunes are identified as being rich in aboriginal sites. The approximate location of the Subject Area is outlined in red

The Subject Area is situated in the traditional lands of the Garigal or Caregal people (Northern Beaches Council n.d.). The Garigal or Caregal lived in small groups and moved around the area, with occupation sites known to exist throughout the region. Fish was a staple of the local diet and various shellfish including cockle, oysters, whelks, periwinkles and mussels were available from the surrounding environment. Bark canoes provided a means to access waters beyond the coastline and allowed local people to traverse the protected waters beyond Broken Bay. Wooden spears, lines with shell and bone hooks and nets were all used from the canoes and from shoreline. Mammalian and avian skeletal remains have previously been identified in midden deposits nearby the Subject Area and reflect the wide range of food sources that were available. Amongst the midden remains identified in the barrier dune system were numerous stone artefacts produced from quartz, grey chert, silcrete and conglomerate stone.

Numerous Aboriginal cultural heritage sites occur near the Subject Area including shelters, middens, rock engravings and artefact scatters. The high concentration of sites within the Barrenjoey Headland (Figure 3) highlights its cultural importance. The northern dunes situated close to the Barrenjoey Headlands would have been more sheltered than the open beach situated within the Subject Area, though all areas were likely traversed and utilised at least intermittently. Swales which formed naturally throughout the barrier dune system appear in early photographs (Plate 6 and Plate 7) and may have also been preferred for temporary campsites due to the windbreak that they offered.



Plate 5: Barrenjoey Cottages, Customs House and Officers' Residences North Palm Beach, looking north-east towards the lighthouse. 7 February 1906. Note the presence of scattered shell in foreground (present on the Pittwater side at Station Beach)

An encounter between Governor Phillip and the Aboriginal groups in the Broken Bay and Pittwater area between 2 to 9 March 1788 provides a glimpse into the lives of those who frequented the area at the time of European colonisation. The Governor and his party came into contact with groups in canoes, including a group comprising of one man and five women travelling in two canoes who were encountered early one morning. On 3 March, the party travelled through North Harbour where they encountered several huts constructed from branches and covered with bark. Nearby to the huts lay crayfish. This encounter provides an early example of contact between Aboriginal groups and colonists at the time of early settlement.

North Palm Beach is situated on a peninsula which has experienced significant northward sand migration over extended periods, resulting in a highly dynamic dune environment. Due to the drowned nature of the coast, the sand spit extending south of Barrenjoey Head is accumulative and is highly exposed to tide surges. In 1974 large storms inundated large portions of the sandy dunes at North Palm Beach. The lack of vegetation within the dune environment left it further exposed to the effects of strong wind. At the end of the 19th and for most of the 20th centuries, the Subject Area and the surrounding dunes were thinly covered by highly dispersed dune grasses. The lack of large trees and thick vegetation to shield the dunes contributed to a gradual northward shift of the dunes and its gradual accumulation south of the Barrenjoey headland. Historical photographs covering the Subject Area and surrounds demonstrate that the thick vegetation present in the southern portion of Palm Beach was entirely absent from the Subject Area during these periods (Plate 6 and Plate 7).



Plate 6: Palm Beach and Station Beach showing the minimal vegetation covering the Subject Area and associated disturbance, 1890, image courtesy of Northern Beaches Council Library Local Studies Collection



Plate 7: View of sand dunes at North Palm and Station Beaches from Barrenjoey Isthmus, c 1920, image courtesy of Northern Beaches Council Library Local Studies Collection

The isthmus connecting Barrenjoey Head to the mainland is a dynamic and fragile system and the impact of humans on the ecology of the area has been significant over the past two centuries. The demand to provide building materials and fuel to early European settlers in the area resulted in extensive clearing of vegetation throughout the isthmus. Cattle grazing was known to occur and numerous photographs indicate that these cattle also grazed areas within Governor Phillip Park. The local environment was also exploited for extracting salt, to provide shells for producing lime and as an area for recreational and commercial fishing.

North Palm Beach was a popular recreation area for Sydney at the beginning of the 20th century. The area was known for its breathtaking beauty and was a popular destination not only for bathers but also for golfing enthusiasts with an informal golf links established at Palm Beach from at least 1911. Official approval from the Warringah Shire Council to establish a golf links at Governor Phillip Park came in 1926.

The Warringah Shire Council gave approval on Monday night to a formal agreement -drawn up by the Palm Beach Recreation Club for the formation of a golf links on Governor Phillip Park. The agreement provides for the closing of the present road through the park and the construction of a new road in its place. Parking, camping and areas for tennis, bowls, and croquet are included in the specifications, and in order that the club's financial obligations will be liquidated within a definite period, 10 per cent, of the capital outlay is to be paid into a sinking fund each year.

The Sun, 26 Mary 1926, page 5

Later, a camping ground was established at Governor Phillip Park in an area north of the golf links and immediately west of the present Subject Area. As depicted in Plate 8 and Plate 9, this camping ground was situated just metres from the beach and appears to have been well frequented. During this time the Subject Area was virtually free from dune vegetation with the exception of small grasses and the northerly dunes appear to rise with significant accumulations of northwards shifting sand deposits. The close

proximity of the camping and recreation areas within Governor Phillip Park to the Subject Area can be seen in a 1955 aerial photograph (Plate 8). The camping grounds were later closed in the 1970s.



Plate 8: Outlook from Barrenjoey Lighthouse southwards towards North Palm Beach showing the absence of dune vegetation in the 1950s, camping ground present in background immediately south-west of the beach area, image courtesy of Northern Beaches Council Library Local Studies Collection

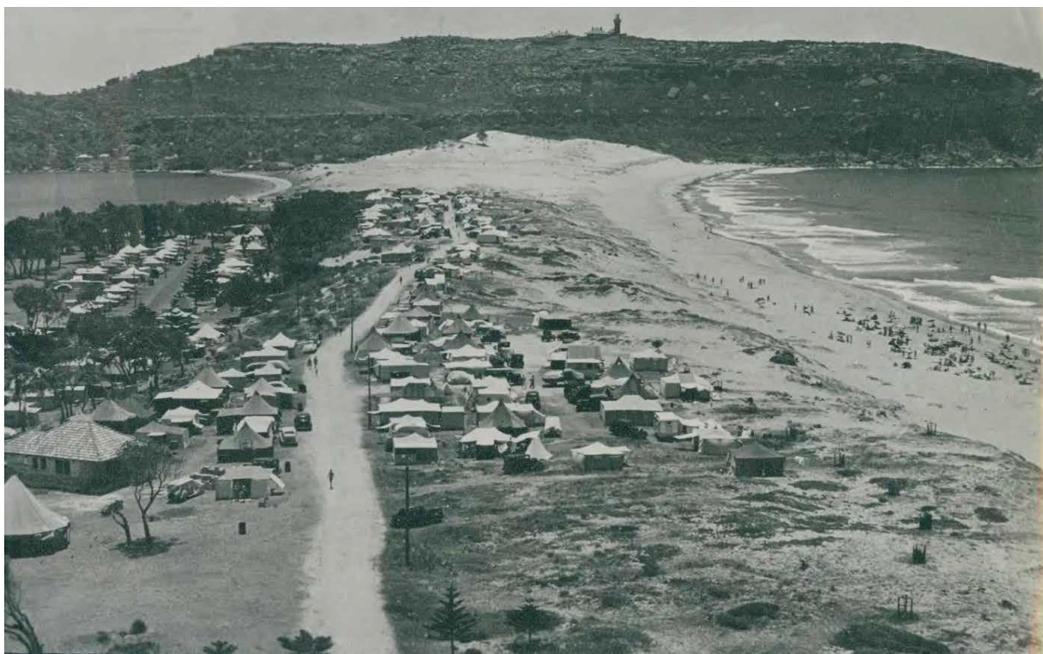


Plate 9: Camping ground at Palm Beach, c.1950, situated south-west of the Subject Area, image courtesy of Northern Beaches Council Library Local Studies Collection



Plate 10: Aerial of North Palm Beach from 4000 feet, taken on 9 November 1955 (for Maritime Services Board), showing the location of the camping grounds and recreation areas within Governor Phillip Park. Image courtesy of Northern Beaches Council Library Local Studies Collection

The environmental threats that exposed the barrier dune system to erosion was recognised at least as early as the 1980s by Warringah Shire Council (Shire Council). A photograph taken in early 1984 (Plate 9) identifies that the sand dunes within the present Subject Area were covered only by isolated patches of dune grasses and aeolian erosion was a continuing threat. In early 1984, the Shire Council commenced a large-scale program to stabilise the northern sand dunes that acted as a buffer between the Barrenjoey headlands and Governor Phillip Park. The works included the levelling of natural undulations in the sand dunes and the planting of grasses, bushes and some trees. The grasses were planted in parallel rows over large expanses as depicted in Plate 12. Bulldozers were used to level and shape the areas to be revegetated. Plate 10 and Plate 11 show the effects of the dune stabilisation program on the dunes during the course of the earthworks. The bulldozer tracks appear to cut through the large dunes on the northern side close to Barrenjoey Head and plantings of dune grasses are also apparent.

A photo taken in 1988 (Plate 13) shows the areas that were revegetated either side of the main track leading northwards to Barrenjoey Head. Some years later in 1995 (Plate 14) the plantings have matured somewhat and the dunes appear to be much more stabilised having now a thick vegetation cover. In a 1985 submission to the Heritage Council of New South Wales, Frank H. Johnston identified that the dune stabilisation project had impacted on the midden deposits present. The submission (Johnston 1985) highlighted that:

Aboriginal sites exist on the headland and the sand dunes which are recorded but those on the dunes were mainly destroyed when the Warringah Shire Council worked there during a large scale 'stabilisation' program in 1984.

The submission identifies that there had been public outcry at the time due to failures in the environmental assessment process. In the account given by Jackson (1985), the intention by Shire Council to undertake the work occurred only 29 days before the proposal went to public exhibition. The total cost of the works amounted to \$470,000. Many local residents were alarmed at the impact of the dune stabilisation works on the ecology of the area and a number of individuals were also concerned about the impacts of the works on the midden features known to be present.



Plate 11: Governor Phillip Park before current redevelopment and dune stabilisation efforts, 1984, image courtesy of Northern Beaches Council Library Local Studies Collection

On 25 June 1984, the Shire Council announced the intention by public exhibit to implement a Management Plan for Palm Beach. The plan comprised five areas, namely the Barrenjoey Headland, the northern dunes, Barrenjoey Beach, Governor Phillip Park and South Palm Beach. The plan integrated the findings from a report by the NSW Department of Public Works in September 1982 that detailed the erosion and management issues present in the region. By 18 August 1984 the Minister for Planning and Environment publicly reprimanded the Shire Council for the work undertaken in the sand dunes, finding that they hadn't considered the effects on Aboriginal heritage present (Jackson 1985).



Plate 12: Sand dunes at North Palm Beach, showing modification to the sand dunes at North Palm Beach with Barrenjoey lighthouse in background, 1984, image courtesy of Northern Beaches Council Library Local Studies Collection. The plantings of dune stabilising grasses can be seen on the right.



Plate 13: North Palm Beach showing modification to the sand dunes undertaken in 1984 to stabilise the dunes, c. 1984, image courtesy of Northern Beaches Council Local Studies Collection



Plate 14: Revegetation efforts to stabilise the dunes at North Palm Beach, 1984, image courtesy of Northern Beaches Council Library Local Studies Collection

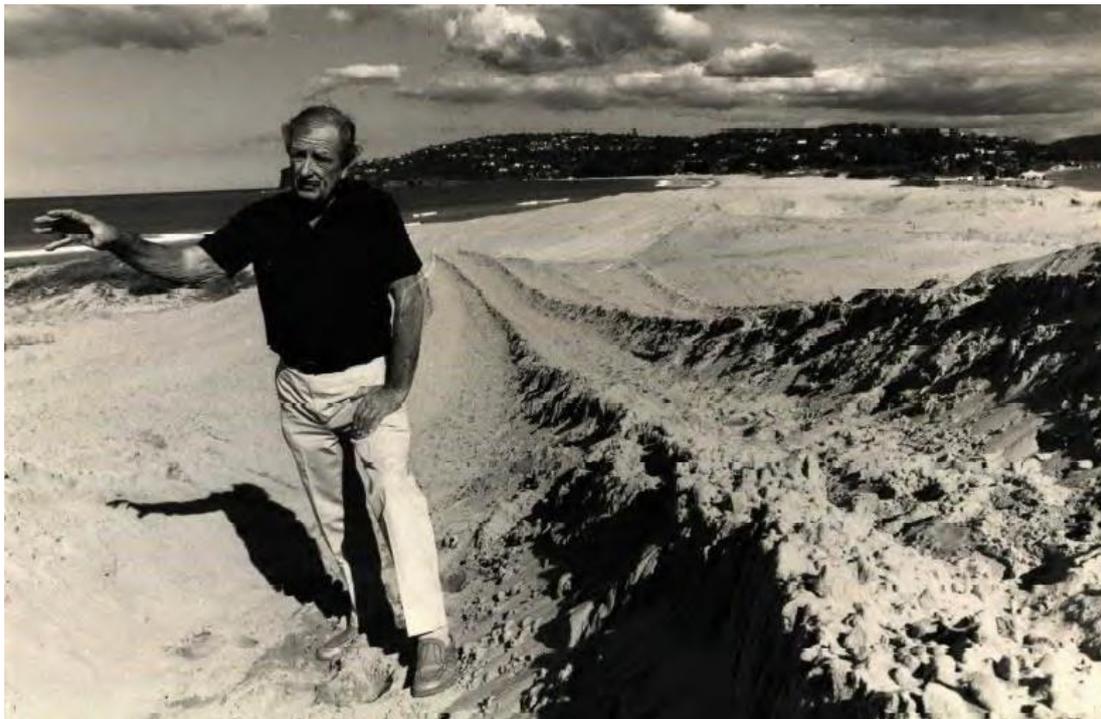


Plate 15: Friends' of Palm Beach draw public attention to the impact to the northern dunes of Palm Beach by the dune stabilisation program being undertaken by Warringah Shire Council, Sydney Morning Herald, 7 August 1984

In response to the plan, the Friends of Palm Beach (Friends') was formed between July and August 1984 by a group of local residents concerned with the announced plan. The group lodged a formal submission



opposing the dune stabilisation program and other changes to Barrenjoey Beach and Governor Phillip Park. The group were also in discussions with the Department of Administrative Services regarding the transfer of land on the headland to the NSW State Government. Concerningly, the Department at the time appear to have not been made aware of the work being undertaken by the Warringah Shire Council that involved taking sand from federal land in the north-western extremity of the northern dunes (Jackson 1985). On 8 August 1984, the disturbance of the middens in the northern dunes was reported in the *Sydney Morning Herald*. The account detailed that Michael Byrne had undertaken an archaeological assessment of the middens on behalf of the Warringah Shire Council finding that some middens were significant, and others could be covered by sand. It is not clear whether these areas were covered by sand. In the article, the local MP for Pittwater argued that storms in 1974 had almost inundated the sand spit between Pittwater and the Pacific Ocean. He stated that the works were being undertaken to raise the central portion of the isthmus and restore vegetation to protect against further erosion.

The Friends' wrote to the National Parks and Wildlife Service (NPWS) on 29 October 1984 and soon after they expressed interest in the future management of the headland and Palm Beach area. By September 1985, the NPWS had expressed interest in acquiring the northern sand dunes to integrate them into the Kuring-gai Chase National Park. This area comprised the totality of the northernmost portion of Governor Phillip Park comprising Reserve 64483 (Lot 7004 DP 1117444) as depicted in Figure 3. On 2 September 1985, the Minister for Planning and Environment (Minister) sent a letter to the Friends to confirm that they were considering issues of staffing, funding and management in order to incorporate the Barrenjoey Headland. The NPWS envisaged the northern dunes could act as a buffer between the headland and the recreation areas of Governor Phillip Park. They expressed interest in protecting the Aboriginal archaeological sites known to occur there including the northern dunes. They too sought to regenerate the area with native vegetation.

The National Trust of Australia in a formal submission to the Minister on 10 April 1985 expressed their support to incorporate the Barrenjoey Headland (Jackson 1985). The Trust also recommended that the proposed boundary include an area incorporating part of the undisturbed dune area adjacent to the headland and including up to the low water mark with a possible marine extension. They suggested that the remainder of the dunes be managed by Shire Council. At the time, the Trust also highlighted the issue of the proliferation of lantana and asparagus ferns in some drainage lines.



Plate 16: View of Palm Beach and Pittwater from Barrenjoey Headland after dune stabilisation efforts, 1988, image courtesy of Northern Beaches Council Library Local Studies Collection

Continuing efforts to stabilise the dunes have resulted in greater protection to the dune environment, however the unique setting of Palm Beach continues to be exposed to the effects of waves, swell and aeolian erosion. The presence of noxious weeds and vegetation loss within the revegetated zones west of the Subject Area confirm that ongoing intervention has been required to maintain the dunes. North Palm Beach continues to be a popular destination for residents and for visitors to the region.



Plate 17: Photograph of the Palm Beach Peninsula, showing the matured revegetated zone west of the current Subject Area, 1995, image courtesy of Northern Beaches Council Library Local Studies Collection



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Environment and Heritage



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

Location of AHIMS Sites and Heritage Items
Northern Beaches Dog Off-leash Trial

Figure 3



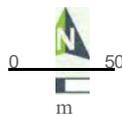
Soil landscapes and hydrology in the local area
Northern Beaches Dog Off-leash Trial

Figure 4

ATTACHMENT 1 : REVIEW OF ENVIRONMENTAL FACTORS MONA VALE BEACH (SOUTH) OFF-LEASH DOG TRIAL 2025 - ITEM 11.4 - NORTHERN BEACHES COUNCIL MEETING - 19 AUGUST 2025



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Environment and Heritage



GOA 1994 MGA Zone 56

Site inspection results and the site extent of Palm Beach Sand Dunes (45-6-1433)
Northern Beaches Dog Off-leash Trial

Niche PM: Justin Merdlth

Niche (Pro):# 7029
Client: Northern Beaches Council

Figure 5

3 Aboriginal Objects Due Diligence Assessment

Is the proposed activity a low impact activity as defined by the Regulation?

No.

The activity is not considered a low impact activity as defined under Part 5 Division 2 section 58 of the National Parks and Wildlife Regulation 2019 ('the Regulation') because:

- It involves earthworks associated with the installation/construction of signage within the Subject Area.

Step 1 – Will the activity disturb the ground surface or any culturally modified trees?

Yes.

The proposed activity will involve erecting signage to identify the area in which dogs can be walked off-leash. If signage is placed on existing infrastructure such as fences and existing posts then this harm can be avoided. If new posts are erected for the purpose of signage, then this will disturb the ground surface.

No midden deposits could be identified during the site inspection within the Subject Area, nor in adjoining areas that were surveyed (see Step 4 for further details).

Within the Subject Area there are no culturally modified trees.

Step 2a – Are there any relevant confirmed site records or other associated landscape feature information on AHIMS (or other heritage registers)?

No. There are no confirmed AHIMS site records which occur within the Subject Area.

Heritage Registers

AHIMS

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) was conducted on 9 December 2021 (AHIMS Client Service ID #646340) for the following area at Lat, long from: -33.605, 151.31 - Lat, Long To: -33.5s74, 151.34 centred on the Subject Area. See Appendix B for details of the search and Aboriginal cultural heritage sites within the search area.

In total, 28 Aboriginal cultural heritage sites are located within the AHIMS search area, but none are located within the Subject Area (Figure 3). No Aboriginal Places were identified within the AHIMS search area.

The closest Aboriginal cultural heritage site to the Subjects Area is Palm Beach Sand Dunes (AHIMS ID# 45-6-1433), which is identified as a midden and comprises 11 unique locations or occurrences. The nearest midden occurrence is number 5 which is situated approximately 130 m north-west of the Subject Area. This site is described in further details below and in Table 3. This Aboriginal cultural heritage site will not be impacted by the proposed activities.

Within the wider search area, Potential Archaeological Deposit (PAD) (n = 9) were the most common Aboriginal site feature documented on the AHIMS register (Table 1). The next most common was Artefact and Midden (n=6), Midden (n=4) and Art (Pigment or Engraving) (n=2) sites. The remainder of the site types were represented by only single examples. It must be noted however, that care should be taken when using the AHIMS database to reach conclusions about site prevalence or distribution. The distribution of



registered sites does not reflect patterns of occupation, but rather is often indicative of survey coverage and conditions.

Table 1: Summary of AHIMS site features within the AHIMS Search Area

Site features	Total
Art (Pigment or Engraved)	2
Art and Midden	1
Artefact and Midden	6
Artefact, Burial and Midden	1
Artefact, Midden and PAD	1
Burial	1
Habitation Structure	1
Habitation Structure and PAD	1
Midden	4
PAD	9
Shelter with Deposit	1
Total	28

A search was conducted of the Department of Planning, Industry and Environment (DPIE) Aboriginal Heritage Impact Permit public register on 17 February 2022, covering the 2010-2022 period. It was determined that no AHIPs have been registered over the current Subject Area or immediate surrounds.

Palm Beach Sand Dunes (AHIMS ID# 45-6-1433)

A total of 11 midden occurrences were identified as part of this site. The locations of these 11 occurrences are depicted in Figure 5. They include:

1. A thin midden scatter on the Pittwater slope of the barrier dune system extending approximately 3 x 1.5 m. The midden was situated adjacent to (and possibly obscured by) a bulldozed ridge of sand overburden. Bone fragments were also present.
2. A thin midden scatter on the Pittwater slope of the barrier dune system adjacent to a bulldozed ridge of sand overburden. The midden extended approximately 3 x 1.5 m. A quartz flake was also present.
3. A thin midden scatter on the Pittwater slope of the barrier dune system adjacent to a bulldozed ridge of sand overburden. The midden extended approximately 2 x 1.5 m. Bone, 2 quartz flakes and a grey chert flaked piece were also present.
4. A small, high-density midden deposit forming a slight mound (approximately 5 cm in depth) above a surrounding dune. The midden appeared to have been exposed by local erosion and was situated on a relatively level section of the barrier on the Pittwater side. The midden extended more than 2 x 2 m. Bone fragments, a quartz flake, a green chert flake, a quartz flaked piece and 2 quartz pebbles were also identified.
5. A thin midden deposit towards the middle of the barrier system situated at the base of an east-west swale. The shell was thinly scattered but was found to be more concentrated in an area

extending 2 x 6 m. The midden didn't appear to be located in its original context and Byrne (1984) suggested that it may have been dispersed horizontally as the swale was forming. Three green chert flakes were also present.

6. A discreet, medium- density midden situated in a shallow shale on the top of the Pittwater side of the barrier system. The deposit appears to have been dispersed in a similar manner to occurrence 5. The midden extended approximately 5 x 15 m. A single quartz flake, 4 chert flakes and 2 silcrete flakes were also present.
7. A medium-density midden deposit with two discreet patches extending 5 x 3 m and 3 x 3 m situated 3 m apart. The occurrence was located at the base of a slight east-west swale and was surrounded by a thin scatter of shells. The deposit appears to have also been dispersed. Bone, three silcrete flakes, 2 chert flakes and four additional flakes from a conglomerate stone material were also identified.
8. A thin midden scatter with recent shell fragments also present. The occurrence appears to have been dispersed due to dune erosion and movement and extended more than 2 x 2 m. A flaked chert piece and bone fragment were present.
9. A small, high-density midden that appeared to extend to a significant depth. The midden was located on an east-west swale near the Pittwater slope of the barrier system. The occurrence was predicted to extent approximately 3 x 6 m. A flaked piece of black chert and bone fragments were present.
10. Very thin scatter of shell in an area east of occurrence 9.
11. Very thin scatter of shell in an east-west swale near the ocean side of the barrier.

Other heritage registers

Searches of the Australian World Heritage Database, the Commonwealth Heritage List, National Heritage List, State Heritage Register, Heritage NSW Library, the Pittwater Local Environment Plan (LEP) (2014) and the Pittwater 21 Development Control Plan (DCP) were conducted on 17 and 18 February 2022.

The Barrenjoey Heritage Conservation Area (C1), which is a locally listed heritage item on the Pittwater LEP (2014) was the only listing which fell within the Subject Area (Figure 3). The Barrenjoey Headland is the location of the Barrenjoey Head Lightstation (SHR #00979) that has been recognised as having state heritage significance. This item is associated with several local items also located on the Barrenjoey Headland and outside of the Subject Area. These items have views towards the Subject Area. Towards the south of Governor Phillip Park, which is adjacent to the Subject Area, there are four picnic shelters recognised as having local heritage significance.

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 Subject Area are within this heritage conservation area.

The local heritage items listed in Table 2 are within the former Pittwater Local Government Area (LGA) which now forms part of the Northern Beaches Council. As the LEPs for the merged council have not yet been updated, the local heritage items and the conservation areas listed on the *Pittwater LEP 2014* remain in force. The Development Control Plan (DCP) that applies to the Subject Area is the Pittwater 21 DCP. This

document does not mention this conservation area and therefore has no direction for management controls.

There is a Conservation Management Plan (CMP) in force for the Barrenjoey Headland (NPWS 2012) which covers an area outside of but in proximity to the Subject Area. This document is focused on the state and local heritage listed sites on the headland but also includes the old customs house precinct, numerous tracks, cottages and other elements identified in and its management practises. Plate 18 depicts those heritage sites in red and archaeologically sensitive areas in blue.

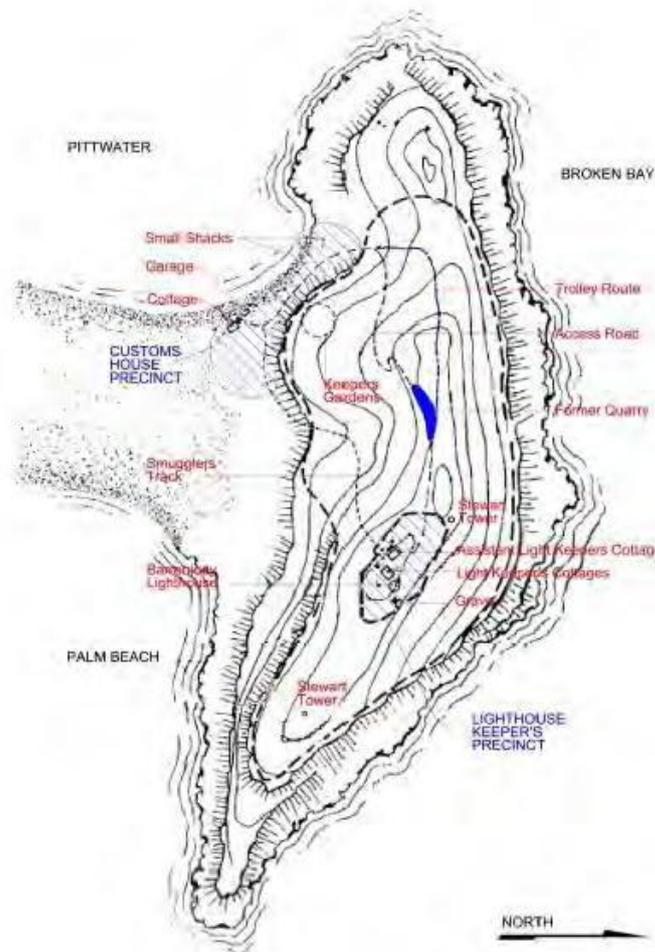


Plate 18: Study area for the Barrenjoey Headland Conservation Management Plan, prepared by NPWS, 2012, page 5. Heritage sites are identified in red and archaeologically sensitive areas are depicted in blue.

Several state and local heritage listings were identified within proximity to the Subject Area and are outlined in Table 2 below.

Other than the completion of searches of the historical heritage registers undertaken as part of this review, an assessment of Historical heritage constraints is beyond the scope of this DD.

Table 2: Results of the background searches of heritage registers showing listings in vicinity to the Subject Area

Item Name	Item Listing Type	Level of Significance	Item number	Relationship to Subject Area
Barrenjoey Heritage Conservation Area	Pittwater LEP 2014	Local	LEP: C1	The Subject 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 Subject Area is within 300 m but not inside this item's curtilage.
Barrenjoey Lighthouse and Two Cottages	Pittwater LEP 2014	State	LEP: 2270104	The Subject Area is within 600 m but not inside these items' curtilage. Item located within Lots 1-4, DP 849249.
Memorial Cairn (Near Lighthouse)	Pittwater LEP 2014	Local	LEP: 2270093	The Subject Area is within 600 m but not inside these items' curtilage. Item located within Lot 1, DP 849249.
Grave	Pittwater LEP 2014	Local	LEP: 2270095	The Subject Area is within 600 m but not inside these items' curtilage. The listing is identified as an Archaeological Site in the Pittwater LEP (2014). Item located within Lot 5, DP 849249
Memorial Cairn	Pittwater LEP 2014	Local	LEP: 2270450	The Subject Area is within 600 m but not inside these items' curtilage. Item located within Lot 2, DP 540435
Site of Former Customs House	Pittwater LEP 2014	Local	LEP: 2270102	The Subject Area is within 400 m but not inside these items' curtilage. The listing is identified as an Archaeological Site in the Pittwater LEP (2014).



Item Name	Item Listing Type	Level of Significance	Item number	Relationship to Subject Area
Stone Path x13 (former access road)	Pittwater LEP 2014	Local	LEP: 2270127	Item located within Lot 5, DP 849249 The Subject Area is within 400 m but not inside these items' curtilage. The listing is identified as an Archaeological Site in the Pittwater LEP (2014).
Picnic Shelter Sheds x4	Pittwater LEP 2014	Local	LEP: 2270097	Item located within Lot 5, DP 849249. The Subject Area is within 600 m but not inside these items' curtilage.
Palm Beach Wharf	Pittwater LEP 2014	Local	LEP: 2270496	Item located within Lot 7006, DP 1117454 The Subject Area is approximately 1 km within but not inside these items' curtilage. The listing is identified as an Archaeological Site in the Pittwater LEP (2014).
Sandy Beach Jetty	Pittwater LEP 2014	Local	LEP: 2270344	Item located within Lot 1 DP 1114133 and Lot 7304 DP 1126564 The Subject Area is approximately 2 km within but not inside these items' curtilage. The listing is identified as an Archaeological Site in the Pittwater LEP (2014). Item located within Lot 7010 DP 93683

Step 2b – Are there any other sources of information of which a person is already aware?

Yes.

A number of previous archaeological assessments have been undertaken within the Subject Area and are documented in Table 3.

Table 3: Previous heritage assessments within proximity of the Subject Area



Author	Year	Title	Relevance to Subject Area
Byrne, D.	1984	Aboriginal sites on the Palm Beach Barrier: an archaeological survey of the northern section of the Palm Beach Sand Barrier	<p>The report investigated a number of middens occurring within the northern portion of the Palm Beach Barrier system. For the purposes of the survey, Byrne confined himself to areas that were undisturbed by bulldozers connected to the Council's dune stabilisation program that was taking place at the time. Eleven occurrences were identified and these areas were consolidated into a single registered site known as Palm Beach Sand Dunes (AHIMS ID# 45-6-1433). During the survey, Byrne identified that dispersed shell fragments could be found throughout the study area and were likely dispersed by erosion. Only those clusters containing more than 20 shells were identified as a midden occurrence.</p> <p>In order to identify the relative concentration of shell species in the assemblage, Byrne documented species frequency represented over a maximum area of 2 x 2 m.</p> <p>Byrne identified that <i>Anadara Trapezia</i> was the most frequent species represented across all but one occurrence. Shellfish obtained from rock platforms were also well represented. Based on the relative frequency of estuarine and rock platform species, Byrne suggested that both environments appeared to be exploited. He suggested Pittwater Beach and the platforms on the east of Barrenjoey Headland were likely gathering areas.</p> <p>Bone was found to be poorly represented in the assemblage, however some specimens from bird and fish species were present. The relative preservation of hard shellfish fragments as compared to brittle bone fragments should be considered in this instance.</p> <p>No Aboriginal burials or human skeletal remains were encountered during the survey.</p> <p>Byrne emphasised the significance of the midden deposits due to their context situated on a barrier system with few other instances in the region surviving.</p> <p>In the period following the survey and prior to 26th July 1984, Byrne identified that one of the midden occurrences (no. 5) had been substantially disturbed by a bulldozer. The Council's project engineer informed Byrne that the bulldozer driver had acted against his instruction.</p>
Corkhill, T.	1982	Site Card for Palm Beach Beach Sand Dunes	<p>Five middens in the northern dunes at Palm Beach were documented by Tessa Corkhill, a prehistory student at the University of Sydney. The middens were identified as occurring in discrete areas ranging in size from about 6 x 10 m to the largest midden that extended approximately 40 x 40 m. Amongst the assemblage, cockle shell appeared to have been the most common. Some stone artefacts were also identified in the middens including those produced from silcrete, white chert and some sandstone which was suggested to have displayed grinding marks. Corkhill suggested that one midden displayed evidence of contact, with a possible ceramic pipe fragment (with lettering 'OFGLASGOLS' and 'BURNS C') and a metal button (with lettering 'NE PLUS ULTRA') present. In her site card recording, Corkhill identifies that Eugene Stockton and Judy Birmingham were presently investigating the possible contact site. It is unclear which of the</p>

			<p>midden occurrences had been identified, however it was noted for being approximately 350 m north of the carpark.</p> <p>These middens are identified by Byrne (1984) as highly likely to coincide with the midden occurrences that he documented.</p>
Dillon, S.	1983	<p>Site Card for Palm Beach Beach Sand Dunes (Referred to as Barrenjoey Beach)</p>	<p>Four middens recorded by Steve Dillon, a ranger for the Ku-ring gai Chase National Park. These middens are identified by Byrne (1984) as likely to coincide with the midden occurrences that he documented though due to the limited locational detail provided by Dillon this is not entirely clear.</p> <p>The four middens (from the southernmost to the northernmost) were described as below:</p> <p>Midden extending 3 m x 1.5 m x 0.25 m on a large shallow swale. Shell is in highly dense quantities comprising 80% shell and 20% sand. Anadara trapezia comprised 100% of the visible species. The site had not been scattered or weathered and was relatively intact at the time of recording.</p> <p>Severely weathered and scattered midden extending approximately 3 m² with concentrations of 10-20% of shell.</p> <p>Described in the same manner as midden 2.</p> <p>Midden in swale approximately 3 – 4 m deep on a steep western bank of dune ridge. The midden extended approximately over an area of 2 m² and was suggested to extend 20-30 cm deep. The site had not been scattered or weathered and was relatively intact at the time of recording.</p>
Johnston, F.	1985	<p>Submission to the Heritage Council of New South Wales: The Barrenjoey Headland and its Isthmus, Governor Phillip Park, Palm Beach, N.S.W.</p>	<p>Johnston detailed the historical and Aboriginal heritage of the isthmus and called for the area to be offered heritage protection. The submission included some background on the historical setting of the peninsula from the earliest contact between Governor Phillip and local aboriginal groups. In March 1788, the Governor came into contact with a local group at Pittwater and was offered shelter. He camped the night at Palm Beach and further exploration of the area occurred until his return to Port Jackson on 9 March 1788.</p> <p>The submission identified the impact that dune stabilisation efforts were having on the delicate environment at North Palm Beach. Numerous excerpts from newspaper articles were present where Johnston discusses the public outcry and calls on the Council to prevent any further disturbance of the middens.</p>

Step 2c - Are there landscape features that are likely to indicate the presence of Aboriginal Objects?

Yes

Based on the findings of the desktop assessment above (Section 2, Steps 2a and 2b) and the observations made during a site inspection (Step 4), the Subject Area contains the following landscape features that are likely to indicate the presence of Aboriginal objects, as identified by the *Due Diligence Code of Practice*:

- Within 200 m of waters (the Pacific Ocean and Pittwater) (Figure 4)
- Located within a sand dune system
- Located within 200 m below or above a cliff face

Various sources of disturbance, however, are evident throughout the Subject Area including natural processes as well as significant interventions to stabilise the dunes. The Subject Area has been highly altered due to dune stabilisation work and is therefore unlikely to retain intact subsurface deposits.

Step 3 - Can the harm or the activity be avoided?

Yes.

The signage proposed to be installed within the Subject Area will involve both the use of existing poles as well as a new post. The new post will be installed in an area of existing extensive disturbance relating to past dune-stabilisation work that has occurred in this area which has been assessed as being unlikely to retain intact subsurface deposits.

Based on the proposed works, the impact of the dog-leash trial on the Subject Area can be contained by placing signage in areas of existing disturbance, including near the access tracks. During the site inspection, no evidence of midden deposits was located within or in proximity to the beach access tracks which provides access to the dog-leash area. The results of the site inspection confirmed that the nearby Midden site 'Palm Beach Sand Dunes' (AHIMS ID# 45-6-1433) does not extend into the current Subject Area and will therefore not be affected by the proposed activity (see Step 4 for further details).

Step 4 - Does a desktop assessment and visual inspection confirm that there are Aboriginal Objects or that they are likely?

No.

The desktop assessment suggested that there may be areas of archaeological potential within the Subject Area due to the existence of a sensitive landform and the existence of a previously recorded Aboriginal cultural heritage site 'Palm Beach Sand Dunes' (AHIMS ID# 45-6-1433) located approximately 130 m north-west of the Subject Area. A site inspection was thus warranted.

A site inspection was conducted by Niche heritage consultant, Chelsea Freeman, on 22 February 2021. In addition to the Subject Area, an area within the vegetated areas further to the north-west near AHIMS site Palm Beach Sand Dunes (ID# 45-6-1433) was visited however due to poor ground surface visibility the site could not be relocated nor an assessment of its condition determined. The 11 midden occurrences identified as comprising this site occur north-west of the Subject Area, with the closest recorded occurrence situated 130 m from the north-western extremity of the Subject Area.

Survey coverage across the Subject Area is depicted in Figure 5.

Ground surface visibility (GSV) was high (100%) on the sandy beaches within the Subject Area. Adjoining areas within the vegetated areas of scrub north and west of the Subject Area in the northern dune system had low GSV (0-10%). Areas of exposure included walking tracks, areas at the base of trees and in areas of dune / track erosion. No mature trees are present within this dune system due to the recentness of their planting.

Throughout the Subject Area, disturbance was evident as a result of heavy storms the previous night. Further, the level of exposure of the beach to heavy swell and wind was noted. The revegetation efforts undertaken in the northern dunes area north of the Subject Area has reduced visibility to 0% beyond the established tracks.

Central portion of the Subject Area (Waypoint 689)

Within the central portion of the Subject Area leading from the beach access track eastwards towards the Pacific Ocean only recently deposited shell fragments were evident on the ground surface (Plate 19). No evidence of a midden deposit could be identified.

Southern portion of the Subject Area (Waypoint 690)

Within the southern boundary of the Subject Area leading from the beach access track eastwards towards the Pacific Ocean only recently deposited shell fragments were evident on the ground surface of the sand (Plate 20 to Plate 21). No evidence of a midden deposit could be identified on the surface.

Northern portion of the Subject Area (Waypoint 691)

Within the northern portion of the Subject Area leading from a northerly beach access track eastwards towards the Pacific Ocean only recently deposited shells, cuttlefish bones, seaweed, wood and refuse could be identified (Plate 23 to Plate 26). A heavy storm the previous night may have affected this area.

North of the Subject Area (Waypoint 692)

This area situated to the north of the Subject Area and identified in AHIMS as the location of Palm Beach Sand Dunes (AHIMS ID# 45-6-1433) was found to be highly wind swept. Seaweed and wood were present on the surface (Plate 27 to Plate 29). Some shell fragments were also identified on the surface however these appear to have a natural origin and may have been deposited on the surface during significant tidal events. This can be identified in the sharp boundary that separates this deposit from further upslope.

Further north of the Subject Area (Waypoint 693)

This area is situated further north of Waypoint 692 and outside of the Subject Area. No shell fragments were visible on the surface (Plate 30 to Plate 32).

Beach access tracks adjoining the Subject Area running east-west (Waypoint 694)

The beach access tracks appear to be well used. The scrub situated on either side of the access tracks is dense and GSV was 0% (Plate 33).

Main beach access track adjoining the Subject Area running north-east to Barrenjoey Head (Waypoint 695)

The main beach access track has an exposed ground surface however 0% GSV is present between this exposure and the sandy beach due to dense vegetation. The scrub situated on either side of the access tracks is dense and GSV is 0% (Plate 34 to Plate 35).

Beach access track situated in the north-west portion of the Subject Area (Waypoint 696)

Erosion of the sand dune towards the east was observed (Plate 36). No shell fragments were identified in this area of disturbance.

Summary of results

Overall, based on the desktop assessment above, the results of the visual site inspection and the disturbance identified, the Subject Area is unlikely to contain any sub-surface deposits.

The visual inspection identified no heritage constraints within the Subject Area. Only recently deposited shell fragments were visible within the beach and visible portions of the dune system. In the area of

vegetation situated north of the Subject Area (within the revegetated dunes of the Governor Phillip Park) the midden deposits previously identified in 1984 and registered as site Palm Beach Sand Dunes (AHIMS ID# 45-6-1433) were not inspected. The archaeological potential of this site is low due to the high degree of disturbance associated with the dune stabilisation program implemented in 1984, however some remains may be still occur.



Plate 19: Palm beach with Subject Area in foreground. Photo taken at WP 689 facing east. GSV is 100%, and the low slope of the dune area can be observed.



Plate 20: Southern boundary of Study Area taken at WP 690 facing south. GSV is 100% and the absence of dune vegetation can be observed. Recent shell deposits present on ground surface.



Plate 21: Southern boundary of Study Area taken at WP 690 facing west towards Governor Phillip Park. The area surrounding the beach access track is thickly vegetated and no midden deposits were identified.



Plate 22: Southern boundary of Study Area taken at WP 690 facing north towards Barrenjoey Lighthouse. Showing the gentle hill slope connecting Governor Phillip Park to the Pacific Ocean.



Plate 23: Northern portion of Study Area at WP 691 facing east. Recent shell deposits, cuttle fish bones, seaweed, wood and modern refuse present on the surface.



Plate 24: Northern portion of Study Area at WP 691 facing south. Vehicle tracks likely connected to beach surveillance by Palm Beach Surf Lifesaving Club were present.



Plate 25: Northern portion of Study Area at WP 691 facing south. Scattered shell fragments present on surface.



Plate 26: Northern portion of Study Area at WP 691 facing north towards Barrenjoey Lighthouse. Scattered shell fragments present on surface.



Plate 27: Small shell fragments present at WP 692 (outside of the Subject Area)



Plate 28: Small shell fragments present at WP 692 (outside of the Subject Area), facing west.



Plate 29: Scattered shell fragments identified at WP 692 (outside of the Subject Area), facing west.



Plate 30: Sandy dunes with some grasses present at WP 693 (outside of the Subject Area), facing south. No shell fragments were identified in this area.



Plate 31: Sandy dunes with some grasses present at WP 693 (outside of the Subject Area), facing south. No shell fragments were identified in this area.



Plate 32: Sandy dunes with some grasses present at WP 693 (outside of the Subject Area), facing west. No shell fragments were identified in this area.



Plate 33: Surface of beach access track at WP 694 showing the extent of foot traffic through the area, facing south.



Plate 34: Revegetated area within Governor Phillip Park showing the level of GSV (0%) in areas adjoining the access tracks. This photograph was taken at WP 695 in the centre of the main access track leading to Barrenjoey Lighthouse, facing east.



Plate 35: Thick dune vegetation occurring in areas adjoining the beach access tracks. Photo taken at WP 695 facing north-west.



Plate 36: Thick dune vegetation occurring in areas adjoining the beach access tracks. Photo taken at WP 697 facing north.



Plate 37: Thick dune vegetation occurring in areas adjoining the beach access tracks. Photo taken at WP 694 facing south.



Plate 38: Eroded section of the dune at WP 696 on the north-west boundary of the Subject Area, facing north-west.

Step 5 - Further investigations and impact assessment

No.

The results of a site inspection confirmed that the nearby Midden site 'Palm Beach Sand Dunes' (AHIMS ID# 45-6-1433) does not extend into the current Subject Area and will therefore not be affected by the proposed activity.

Based on the desktop and visual inspection, the proposed activity will not harm the nearby site Palm Beach Sand Dunes (AHIMS ID# 45-6-1433), nor any areas likely to contain Aboriginal archaeological deposits. The proposed works will result in minimal ground disturbance within areas of existing ground disturbance assessed as being of low archaeological potential.

Should earthworks be undertaken outside the Subject Area footprint assessed in this document, further impact assessment should be undertaken prior to work in those areas. Any future interventions that might entail earthworks within the archaeologically sensitive landforms identified in this assessment, but located outside of the current Subject Area, has the potential to impact Aboriginal objects and as such, further assessment, consultation and investigation of the Aboriginal heritage constraints would be required prior to any development works in accordance with the *National Parks and Wildlife Act 1974* and *National Parks and Wildlife Regulation 2019*.

4 Conclusions and Recommendations

Niche was commissioned by Northern Beaches Council to undertake an Aboriginal Objects Due Diligence Assessment (DD) to assess heritage constraints for a proposed off-leash dog area trial at North Palm Beach in Palm Beach, New South Wales.

Based on this Aboriginal Objects Due Diligence Assessment (DD), it has been determined that there is a low potential that Aboriginal objects have survived within the Subject Area.

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) identified that no Aboriginal cultural heritage sites are recorded to be located within the Subject Area. The nearest Aboriginal cultural heritage site to the Subject Area is 'Palm Beach Sand Dunes' (AHIMS ID# 45-6-1433) situated approximately 130 m north-west of the Subject Area.

The results of a site inspection confirmed that the nearby Midden site 'Palm Beach Sand Dunes' (AHIMS ID# 45-6-1433) does not extend into the current Subject Area and will therefore not be affected by the proposed activity. Furthermore, the Subject Area 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 and dune systems. The ground surface and subsurface has been disrupted to such an extent that the possibility of in-situ deposits is low. No Additional Aboriginal cultural heritage constraints were identified.

Where the below recommendations and measures are implemented, the proposed activity will avoid known Aboriginal objects and areas where Aboriginal objects are likely and the proposed activity may therefore proceed with caution without a further Aboriginal Cultural Heritage Assessment (ACHA) or Aboriginal Heritage Impact Permit (AHIP). It is recommended that:

- Should earthworks be undertaken outside the Subject Area footprint assessed in this document, further impact assessment should be undertaken prior to work in those areas.
- All workers should be inducted into the Subject Area, so they are made aware of their obligations under the *National Parks and Wildlife Act 1974*.
- Works associated with the proposed installation of signage identifying the dog off-leash area can proceed with caution within the Subject Area as assessed in this DD. Where possible, existing poles should be utilised for the new signage. Where this is not possible, signage should be placed in an area of existing ground disturbance within the Subject Area. During the installation of the signposts, access to the area/s should be restricted to the use of existing access tracks.
- In the event that previously unknown Aboriginal object(s) and/or sites are discovered during the proposed activity, work must stop, and an appropriately qualified archaeologist be contacted to access the nature, extent and significance of the identified sites.
- In the unlikely event that human remains are discovered, all activities must stop, the affected area must be cordoned-off and NSW Police and the Heritage NSW (formerly the Department of Planning, Industry and Environment [DPIE] which replaced the Office of Environment and Heritage [OEH]) Environment Line must be contacted on 13 15 55 or (02) 9995 5555.

5 References

Byrne, D. 1984. Aboriginal Sites on the Palm Beach Barrier: an archaeological survey of the northern section of the Palm Beach Sand Barrier. Unpublished report to Warringah Shire Council.

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Appendix A – Project Concept Plan



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Appendix B – AHIMS Extensive Search



AHIMS Web Services (AWS)
Extensive search - Site list report

Your Ref/PO Number : 7029 AHIMS Palm Beach
Client Service ID : 646340

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-1105	Barrenjoey/Barrenjoey Cave/Barrenjoey 2	AGD	56	344619	6283005	Closed site	Valid	Artefact :-, Shell :-	Shelter with Deposit	
	Contact									
	Recorders									
45-6-2823	Barrenjoey PAD5	AGD	56	344721	6282970	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact									
	Recorders									
45-6-2829	Barrenjoey PAD11	AGD	56	344928	6282933	Open site	Not a Site	Potential Archaeological Deposit (PAD) : 1		
	Contact									
	Recorders									
45-6-0164	Barrenjoey Road;Palm Beach;	AGD	56	343767	6281211	Open site	Valid	Shell :-, Artefact :-, Burial :-	Burial/s,Midden	
	Contact									
	Recorders									
45-6-2832	Barrenjoey PAD 3	AGD	56	344687	6282947	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	Contact									
	Recorders									
45-6-1454	Barrenjoey Head;	AGD	56	345170	6282840	Open site	Valid	Shell :-, Artefact :-	Midden	
	Contact									
	Recorders									
45-6-3100	NORTHVIEW SHELTER 2 PITT 203	GDA	56	344465	6281715	Open site	Valid	Art (Pigment or Engraved) : 1, Shell : 1		
	Contact									
	Recorders									
45-6-2824	Barrenjoey PAD6	AGD	56	344842	6282918	Open site	Valid	Habitation Structure : 1, Potential Archaeological Deposit (PAD) : 1		
	Contact									
	Recorders									
45-6-2995	Northview Shelter 1 - PITT 009	GDA	56	344430	6281700	Closed site	Valid	Shell :-		
	Contact									
	Recorders									
45-6-2825	Barrenjoey PAD7	AGD	56	344515	6283070	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact									
	Recorders									
45-6-2656	Barrenjoey 3	AGD	56	344618	6283000	Closed site	Valid	Shell :-, Artefact :-		
	Contact									
	Recorders									
45-6-2831	Barrenjoey PAD 2	AGD	56	344679	6282946	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	Contact									
	Recorders									

Report generated by AHIMS Web Service on 09/12/2021 for Riley Finnerty for the following area at Lat, Long From : -33.605, 151.31 - Lat, Long To : -33.574, 151.34. Number of Aboriginal sites and Aboriginal objects found is 28

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**ATTACHMENT 1 : REVIEW OF ENVIRONMENTAL FACTORS MONA VALE BEACH (SOUTH) OFF-LEASH DOG TRIAL 2025 - ITEM 11.4 - NORTHERN BEACHES COUNCIL
MEETING - 19 AUGUST 2025**



AHIMS Web Services (AWS)
Extensive search - Site list report

Your Ref/PO Number : 7029 AHIMS Palm Beach
Client Service ID : 646340

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-2833	Barrenjoey Pad 4	AGD	56	344682	6282963	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	Contact	Recorders	Doctor.Susan (left ahms) McIntyre-Tamwoy					Permits		
45-6-2623	Iluka Road Burial	AGD	56	343650	6280700	Open site	Valid	Burial :-	Burial/s	
	Contact	Recorders	Anthony English					Permits		
45-6-2994	Mckay Reserve Shelter 3 - PITT 007	GDA	56	344154	6280940	Closed site	Valid	Art (Pigment or Engraved) : 2		
	Contact	Recorders	Aboriginal Heritage Office					Permits		
45-6-2826	Barrenjoey PAD8	AGD	56	344470	6283100	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders	Doctor.Susan (left ahms) McIntyre-Tamwoy					Permits		
45-6-2657	Barrenjoey 4	AGD	56	344523	6283106	Closed site	Valid	Artefact :-, Shell :-		
	Contact	Recorders	Doctor.Susan (left ahms) McIntyre-Tamwoy					Permits		
45-6-2827	Barrenjoey 6	AGD	56	344653	6282902	Open site	Valid	Shell : 1		
	Contact	Recorders	Doctor.Susan (left ahms) McIntyre-Tamwoy					Permits	2657	
45-6-2655	Barrenjoey 1	AGD	56	344792	6283038	Open site	Valid	Shell :-		
	Contact	Recorders	Doctor.Susan (left ahms) McIntyre-Tamwoy					Permits	2657	
45-6-2834	barrenjoey 5	GDA	56	344447	6283123	Open site	Valid	Potential Archaeological Deposit (PAD) :-, Artefact : 1, Shell :-		
	Contact	Recorders	Doctor.Susan (left ahms) McIntyre-Tamwoy					Permits		
45-6-2848	Barrenjoey PAD9	GDA	56	344495	6283075	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	Contact	Recorders	Doctor.Susan (left ahms) McIntyre-Tamwoy					Permits		
45-6-2828	Barrenjoey PAD10	AGD	56	344465	6282915	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders	Doctor.Susan (left ahms) McIntyre-Tamwoy					Permits	2657	
45-6-1455	Barrenjoey Lighthouse;	AGD	56	344973	6283091	Open site	Valid	Shell :-, Artefact :-	Midden	
	Contact	Recorders	Alan Heath					Permits		
45-6-2625	Sunrise Rd/Palm Bch	AGD	56	344150	6281320	Closed site	Valid	Shell : 100		
	Contact	Recorders	Brad Welsh					Permits		
45-6-0166	Palm Beach;Pacific Rd;	AGD	56	344393	6280618	Open site	Valid	Art (Pigment or Engraved) :-	Rock Engraving	
	Contact	Recorders	C.S Vale					Permits		

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Page 2 of 3



AHIMS Web Services (AWS)
Extensive search - Site list report

Your Ref/PO Number : 7029 AHIMS Palm Beach

Client Service ID : 646340

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-2830	Barrebojoey PAD1	AGD	56	344677	6282947	Open site	Valid	Habitation Structure : 1		
	Contact							Permits		
45-6-1433	Palm Beach Palm Beach Sand Dunes	AGD	56	344748	6282510	Open site	Valid	Shell : -, Artefact : -	Midden	772
	Contact							Permits		
45-6-1453	Cabbage Tree Boat Harbour;	AGD	56	344784	6280780	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	
	Contact							Permits		

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 09/12/2021 for Riley Finnerty for the following area at Lat, Long From : -33.605, 151.31 - Lat, Long To : -33.574, 151.34. Number of Aboriginal sites and Aboriginal objects found is 28

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Review of Environmental Factors, Northern Beaches Council, 1 August 2025 Proposed Mona Vale Beach (South) Dog Off-leash Area Trial Part 4 of 4

Annex 4 Fauna species list

Table 25. List of fauna species detected in or within 100 m of the Activity Area for Mona Vale Beach (south)

Scientific name	Common name	BC Act	EPBC Act	Niche	Council
				Mona Vale	Mona Vale
Birds					
<i>Acridotheres tristis</i> *	Common Myna*	-	-	Y	Y
<i>Anthochaera carunculata</i>	Red Wattlebird	-	-		Y
<i>Anthochaera chrysoptera</i>	Little wattlebird	-	-	Y	
<i>Cactua</i> sp.	Corella				Y
<i>Chroicocephalus novaehollandiae</i>	Silver Gull	-	-	Y	Y
<i>Cracticus torquatus</i>	Grey Butcherbird	-	-		Y
<i>Egretta novaehollandiae</i>	White- faced Heron	-	-	Y	Y
<i>Eolophus roseicapilla</i>	Galah	-	-		Y
<i>Grallina cyanoleuca</i>	Magpie Lark	-	-	Y	
<i>Hirundo neoxena</i>	Welcome Swallow	-	-	Y	Y
<i>Laridae</i> sp. possibly <i>Sternula</i> sp.	Tern sp.	E [^]	V, MA,M(B,C,J,K) [^]	Y	
<i>Malurus cyaneus</i>	Superb Fairy-wren	-	-	Y	Y
<i>Manorina melanocephala</i>	Noisy Miner	-	-	Y	Y
<i>Ocyphaps lophotes</i>	Crested Pigeon	-	-	Y	
<i>Pandion cristatus</i>	Eastern Osprey	V	(haliaetus) MA,M(B)		Y
<i>Pelecanus conspicillatus</i>	Australian Pelican	-	-	Y	
<i>Phalacrocorax sulcirostris</i>	Little Black Cormorant	-	-	Y	
<i>Phalacrocorax varius</i>	Pied Cormorant	-	-		Y
<i>Pycnonotus jocosus</i> *	Red- whiskered Bulbul*	-	-	Y	Y
<i>Rhipidura leucophrys</i>	Willie Wagtail	-	-	Y	Y
<i>Sturnus vulgaris</i> *	Common Starling*	-	-	Y	
<i>Threskiornis molucca</i>	Australian White Ibis	-	-		Y
<i>Trichoglossus haematodus</i>	Rainbow lorikeet	-	-	Y	

Conservation status: V = Vulnerable, MA = Marine, M = Migratory

Migratory agreements: B = Convention on the Conservation of Migratory Species of Wild Animals Appendices I and II (Bonn Convention), C = China-Australia Migratory Bird Agreement (CAMBA), J = Japan-Australia Migratory Bird Agreement (JAMBA), K = Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA)

Annex 5 Likelihood of occurrence table

Table 26. Likelihood of occurrence at the Activity Area at Mona Vale Beach (south)

* V = Vulnerable, E = Endangered, CE = Critically Endangered, CD = Conservation Dependent, X = Extinct, MA = Marine, M = Migratory, EP = Endangered Population, **BOLD** = Migratory Shorebird, highlighted orange = moderate or higher likelihood

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
Amphibians							
<i>Heleioporus australiacus</i>	Giant Burrowing Frog	BioNet, PMST	V	V	-	The Giant Burrowing Frog has been recorded breeding in a range of water bodies associated with more sandy environments of the coast and adjacent ranges from the Sydney Basin south to eastern Victoria. It breeds in hanging swamps, perennial non-flooding creeks and occasionally permanent pools, but permanent water must be present to allow its large tadpoles time to reach metamorphosis.	None: No suitable habitat present.
<i>Litoria aurea</i>	Green and Golden Bell Frog	BioNet, PMST	E	V	-	Inhabits a very wide range of water bodies including marshes, dams and streams, particularly those containing emergent vegetation such as bullrushes or spike rushes. It also inhabits numerous types of man-made water bodies including quarries and sand extraction sites. Optimum habitat includes water-bodies that are un-shaded, free of predatory fish such as Plague Minnow, have a grassy area nearby and diurnal sheltering sites available.	None: No suitable habitat present.
<i>Mixophyes balbus</i>	Stuttering Frog, Southern Barred Frog (in Victoria)	PMST	E	V	-	Associated with streams in dry sclerophyll and wet sclerophyll forests and rainforests of more upland areas of the Great Dividing Range of NSW and down into Victoria. Breeding occurs along forest streams with permanent water where eggs are deposited within nests excavated in riffle zones by the females and the tadpoles swim free into the stream when large enough to do so. Outside of breeding, individuals range widely across the forest floor and can be found hundreds of metres from water.	None: No suitable habitat present.
<i>Mixophyes iteratus</i>	Giant Barred Frog, Southern Barred Frog	BioNet, PMST	E	V	-	This species is found along larger streams of the coast and adjacent ranges of NSW and SE QLD. It inhabits rainforest and wet sclerophyll forest, but is also found within cleared farmland where fringing vegetation is retained, including Lantana beds. Many sites where the Giant Barred Frog is known to occur are the lower reaches of streams which have been affected by major disturbances such as clearing, timber harvesting and urban development in their headwaters.	None: No suitable habitat present.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Pseudophryne australis</i>	Red-crowned Toadlet	BioNet	V	-	-	Occurs on wetter ridge tops and upper slopes of sandstone formations on which the predominant vegetation is dry open forests and heaths. This species typically breeds within small ephemeral creeks that feed into larger semi-perennial streams. After rain these creeks are characterised by a series of shallow pools lined by dense grasses, ferns and low shrubs and usually contain leaf litter for shelter. Eggs are terrestrial and laid under litter, vegetation or rocks where the tadpoles inside will reach a relatively late stage of development before waiting for flooding waters before hatching will occur.	None: No suitable habitat present.
Birds							
<i>Actitis hypoleucos</i>	Common Sandpiper	PMST	-	MA, M	-	Utilises a wide range of coastal wetlands and some inland wetlands, mostly found around muddy margins or rocky shores. Forages in shallow water and on soft mud, roosts on rocks or vegetation such as mangroves. Northern hemisphere breeding.	Low: Limited suitable habitat present however not detected during targeted surveys.
<i>Anous stolidus</i>	Common Noddy	BioNet, PMST	-	MA, M	-	Occurs mainly in ocean off the Queensland coast, but the species also occurs off the north-west and central Western Australia coast. Breeds on islands. During the non-breeding period, the species occurs in groups throughout the pelagic zone.	Low: This species is predominantly pelagic, coming ashore to breed. There are no records of breeding colonies or aggregations within the 100 m buffer.
<i>Anthochaera phrygia</i>	Regent Honeyeater	BioNet, PMST	CE	CE	-	The Regent Honeyeater mainly inhabits temperate woodlands and open forests of the inland slopes of south-east Australia. Birds are also found in drier coastal woodlands and forests in some years. The distribution of the species has contracted dramatically in the last 30 years to between north-eastern Victoria and south-eastern Queensland. There are only three known key breeding regions remaining: north-east Victoria (Chiltern-Albury), and in NSW at Capertee Valley and the Bundarra-Barraba region. In NSW the distribution is very patchy and mainly confined to the two main breeding areas and surrounding fragmented woodlands. In some years flocks converge on flowering coastal woodlands and forests.	Low: Suitable woodland habitat is absent. If present would likely be a transient visitor.

**ATTACHMENT 1 : REVIEW OF ENVIRONMENTAL FACTORS MONA VALE BEACH (SOUTH) OFF-LEASH DOG TRIAL 2025 - ITEM 11.4 - NORTHERN BEACHES COUNCIL
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Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Apus pacificus</i>	Fork-tailed Swift	BioNet, PMST	-	MA, M	-	The Fork-tailed Swift is a non-breeding visitor to all states and territories of Australia. In NSW, the Fork-tailed Swift is recorded in all regions. The Fork-tailed Swift is almost exclusively aerial. They mostly occur over dry or open habitats, including riparian woodland and tea-tree swamps, low scrub, heathland or saltmarsh. They are also found at treeless grassland and sandplains covered with spinifex, open farmland and inland and coastal sand-dunes.	Low: No associated PCTs in Activity Area. Any occurrences are likely to be exclusively aerial.
<i>Ardenna carneipes</i>	Flesh-footed Shearwater	BioNet, PMST	V	MA, M	-	Ranges throughout the Pacific and Indian Oceans. There are two main breeding areas in the world: one in the South West Pacific includes Lord Howe Island and New Zealand; the other along the coast of Western Australia.	Low – species is migratory and marine.
<i>Ardenna grisea</i>	Sooty Shearwater	BioNet, PMST	-	MA, M	-	Forages in pelagic sub-tropical, sub-Antarctic and Antarctic waters. The species migrates and forages in the North Pacific and Atlantic Oceans during the non-breeding season. Sooty Shearwaters may forage inshore occasionally, especially during rough weather. Breeding pairs on many NSW offshore Islands.	Low – species is migratory and marine.
<i>Ardenna pacifica</i>	Wedge-tailed Shearwater	BioNet, PMST	-	MA, M	-	This migratory marine species can nearly always be found over pelagic waters except when at colonies. It breeds on the east and west coasts of Australia, nesting in burrows on off-shore islands or atolls.	Low – species is migratory and marine.
<i>Ardenna tenuirostris</i>	Short-tailed Shearwater	BioNet, PMST	-	MA, M	-	Migratory marine bird that breeds mainly on small coastal islands, typically in areas of grassland or other vegetation, but sometimes cliffs or bare ground. They breed in these areas around Bass Strait and Tasmania and migrate to the Northern Hemisphere for the boreal summer.	Low – species is migratory and marine.
<i>Artamus cyanopterus cyanopterus</i>	Dusky Woodswallow	BioNet	V	-	-	Dusky woodswallows are widespread in eastern, southern and south western Australia. The species occurs throughout most of NSW, but is sparsely scattered in, or largely absent from, much of the upper western region. Most breeding activity occurs on the western slopes of the Great Dividing Range. Primarily inhabit dry, open eucalypt forests and woodlands, including mallee associations, with an open or sparse understorey of eucalypt saplings, acacias and other shrubs, and ground-cover of grasses or sedges and fallen woody debris.	Low: Suitable woodland habitat is absent. If present, would likely be a transient visitor.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Botaurus poiciloptilus</i>	Australasian Bittern	BioNet, PMST	E	E	-	The Australasian Bitterns is widespread but uncommon over south- eastern Australia. In NSW they may be found over most of the state except for the far north-west. Favours permanent freshwater wetlands with tall, dense vegetation, particularly bullrushes and spike rushes.	Low: Suitable wetland habitat is absent. If present, would likely be a transient visitor.
<i>Burhinus grallarius</i>	Bush Stone-curlew	BioNet	E	-	-	The Bush Stone-curlew is found throughout Australia except for the central southern coast and inland, the far south-east corner, and Tasmania. Only in northern Australia is it still common. However, in the south-east it is either rare or extinct throughout its former range. Inhabits open forests and woodlands with a sparse grassy groundlayer and fallen timber. Largely nocturnal, being especially active on moonlit nights.	Low: Suitable woodland habitat is absent.
<i>Calidris acuminata</i>	Sharp-tailed Sandpiper	BioNet, PMST	-	MA, M	-	Prefers muddy edges of shallow or brackish wetlands, with inundated or emergent sedges, saltmarsh or other low vegetation. Also found foraging in sewage ponds and flooded paddocks. Northern hemisphere breeding.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Calidris alba</i>	Sanderling	BioNet	V	MA, M	-	Often found in coastal areas on low beaches of firm sand, near reefs and inlets, along tidal mudflats and bare open coastal lagoons; individuals are rarely recorded in near-coastal wetlands. Individuals run behind receding waves, darting after insects, larvae and other small invertebrates in the sand, then dart back up the beach as each wave breaks. Roosts on bare sand, behind clumps of beach-cast kelp or in coastal dunes. Breeding occurs in the Northern Hemisphere.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Calidris canutus</i>	Red Knot, Knot	PMST	-	E, MA, M	-	The Red Knot is a non-breeding migratory visitor from Arctic regions of Siberia. In NSW it is recorded in small numbers replenishing fat stores along some of the major river estuaries and sheltered embayments of the coastline, in particular the Hunter River estuary, after which the birds proceed to Victoria by October.	Low: Suitable habitat is present in the Activity Area, however this species was not detected during targeted surveys.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Calidris ferruginea</i>	Curlew Sandpiper	BioNet, PMST	E	CE, MA, M	-	The Curlew Sandpiper is distributed around most of the coastline of Australia. It occurs along the entire coast of NSW, particularly in the Hunter Estuary, and sometimes in freshwater wetlands in the Murray-Darling Basin. It generally occupies littoral and estuarine habitats, and in NSW is mainly found in intertidal mudflats of sheltered coasts. It also occurs in non-tidal swamps, lakes and lagoons on the coast and sometimes the inland.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Calidris melanotos</i>	Pectoral Sandpiper	PMST	-	MA, M	-	Prefers shallow fresh to saline wetlands, found at coastal lagoons, estuaries, bays, swamps, inundated grasslands, saltmarshes and artificial wetlands. Northern hemisphere breeding.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Calidris ruficollis</i>	Red-necked Stint	BioNet	-	M	-	In Australasia, the Red-necked Stint is mostly found in coastal areas, including in sheltered inlets, bays, lagoons and estuaries with intertidal mudflats, often near spits, islets and banks and, sometimes, on protected sandy or coralline shores. Occasionally they have been recorded on exposed or ocean beaches, and sometimes on stony or rocky shores, reefs or shoals. They also occur in saltworks and sewage farms, saltmarsh, ephemeral or permanent shallow wetlands near the coast or inland, including lagoons, lakes, swamps, riverbanks, waterholes, bore drains, dams, soaks and pools in saltflats. They sometimes use flooded paddocks or damp grasslands. They have occasionally been recorded on dry gibber plains, with little or no perennial vegetation. During the non-breeding season, over 80% (260 000) of the global population resides in Australia.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Calidris tenuirostris</i>	Great Knot	BioNet	V	CE, MA, M	-	Occurs within sheltered, coastal habitats containing large, intertidal mudflats or sandflats, including inlets, bays, harbours, estuaries and lagoons. Often recorded on sandy beaches with mudflats nearby, sandy spits and islets and sometimes on exposed reefs or rock platforms. Migrates to Australia from late August to early September, although juveniles may not arrive until October- November. Most birds return north in March and April, however some individuals may stay over winter in Australia. Forages for food by methodically thrusting its bill deep into the mud to search for invertebrates, such as bivalve molluscs, gastropods, polychaete worms and crustaceans.	Low: Limited suitable habitat present, however not detected during targeted surveys.

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Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo	BioNet	V	-	-	In summer, occupies tall montane forests and woodlands, particularly in heavily timbered and mature wet sclerophyll forests. Also occur in subalpine snow gum woodland and occasionally in temperate or regenerating forest. In winter, occurs at lower altitudes in drier, more open eucalypt forests and woodlands, particularly in box-ironbark assemblages, or in dry forest in coastal areas. It requires tree hollows in which to breed.	Low: Suitable woodland habitat is absent.
<i>Calonectris leucomelas</i>	Streaked Shearwater	PMST	-	MA, M	-	This migratory marine bird can be found over both pelagic and inshore waters. It will follow fishing boats. Breeding begins in March in colonies on offshore islands, occupying burrows on forested hills. It undergoes transequatorial migration.	Low: Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Calyptorhynchus lathami</i>	Glossy Black-Cockatoo	BioNet	V	-	-	Inhabits forest with low nutrients, characteristically with key <i>Allocasuarina</i> spp. Tends to prefer drier forest types with a middle stratum of <i>Allocasuarina</i> below <i>Eucalyptus</i> or <i>Angophora</i> . Often confined to remnant patches in hills and gullies. Breed in hollows stumps or limbs, either living or dead. Endangered population in the Riverina.	Low: No suitable food trees or breeding habitat in Activity Area. If present, would likely be a transient visitor.
<i>Charadrius bicinctus</i>	Double- banded Plover	PMST	-	MA, M	-	In Australia, the Double-banded Plover is found mainly on the east coast and Tasmania and is a regular visitor to Norfolk and Lord Howe Islands. It has been recorded occasionally in Western Australia. It is widespread throughout New Zealand. The Double- banded Plover is found on coastal beaches, mudflats, sewage farms, river banks, fields, dunes, upland tussock grasses and shingle.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Charadrius leschenaultii</i>	Greater Sand Plover, Large Sand Plover	BioNet, PMST	V	V, MA, M	-	Occurs on sheltered sandy, shelly or muddy beaches with large intertidal mudflats or sandbanks, as well as sandy estuarine lagoons. Non-breeding in Australia.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Charadrius mongolus</i>	Lesser Sand-plover	BioNet	V	E, MA, M	-	The Lesser Sand-plover breeds in central and north eastern Asia, migrating further south for winter. Almost entirely coastal in NSW, favouring the beaches of sheltered bays, harbours and estuaries with large intertidal sandflats or mudflats; occasionally occurs on sandy beaches, coral reefs and rock platforms. Roosts during high tide on sandy beaches, spits and rocky shores; forage individually or in scattered flocks on wet ground at low tide, usually away from the water's edge. Diet includes insects, crustaceans, molluscs and marine worms.	Low: Limited suitable habitat present, however not detected during targeted surveys.

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Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Cuculus optatus</i>	Oriental Cuckoo	BioNet, PMST	-	M	-	Mainly inhabits coniferous, deciduous and mixed forests. Breeds in northern hemisphere. Brood parasite, laying eggs in nests of other birds.	Low: Suitable forest habitat absent.
<i>Daphoenositta chrysotera</i>	Varied Sittella	BioNet	V	-	-	Inhabits wide variety of dry eucalypt forests and woodlands, usually with either shrubby under storey or grassy ground cover or both, in all climatic zones of Australia. Usually in areas with rough-barked trees, such as stringybarks or ironbarks, but also in paperbarks or mature Eucalypts with hollows.	Low: Suitable woodland habitat is absent. If present, would likely be a transient visitor.
<i>Dasyornis brachypterus</i>	Eastern Bristlebird	BioNet, PMST	E	E	-	The distribution of the Eastern Bristlebird has contracted to three disjunct areas of south-eastern Australia. There are three main populations: Northern - southern Queensland/northern NSW; Central - Barren Ground Nature Reserve, Budderoo Nature Reserve, Woronora Plateau, Jervis Bay National Park, Booderee National Park and Beecroft Peninsula; and Southern - Nadgee Nature Reserve and Croajingalong National Park in the vicinity of the NSW/Victorian border. The population closest to the Activity Areas is the Central population which has been recorded as far north as Woronora Plateau (approximately 47 km south of the Mona Vale (South) Activity Area). However, a BioNet record of this species Near Currawong Beach (approximately 2.7 km from the Palm Beach (North) Activity Area indicates that some individuals do occur in the locality. Habitat for central populations is characterised by dense, low vegetation including heath and open woodland with a heathy understorey. Nests are elliptical domes constructed on or near the ground amongst dense vegetation.	Moderate: Suitable foraging habitat present. No records within 10 km. Associated PCT 772 is present in the Activity Area. Associated PCT 771 occurs within 100 m of the Activity Area.
<i>Diomedea antipodensis</i>	Antipodean Albatross	PMST	-	V, MA, M	-	The species ranges across the southern Pacific Ocean, east to the coast of Chile and west to eastern Australia. Breeds biennially in colonies on ridges, slopes and plateaus of isolated subantarctic islands, usually in vegetation such as grass tussocks. This species regularly occurs in small numbers off the NSW south coast from Green Cape to Newcastle during winter where they feed on cuttlefish.	Low – this species feeds pelagically.
<i>Diomedea antipodensis gibsoni</i>	Gibson's Albatross	PMST	V	V, MA	-	Marine, pelagic and aerial, however breed in New Zealand. In Australian territory, this species has been recorded foraging between Coffs Harbour, NSW, and Wilson's Promontory, Victoria.	Low – this species feeds pelagically.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Diomedea epomophora</i>	Southern Royal Albatross	PMST	-	V, MA, M	-	Marine and pelagic. It occurs in subantarctic, subtropical and occasionally Antarctic waters where the water surface temperature is 6 to 20°C. Nests on flat or gently sloping ground on slopes, ridges, gullies and plateaux of large islands, and on the summits of islets.	Low – this species feeds pelagically.
<i>Diomedea exulans</i>	Wandering Albatross	BioNet, PMST	E	V, MA, M	-	The Wandering Albatross is marine, pelagic and aerial.	Low – this species feeds pelagically.
<i>Diomedea gibsoni</i>	Gibson's Albatross	BioNet	V	-	-	Has been recorded foraging between Coffs Harbour, NSW, and Wilson's Promontory, Victoria. Rarely observed in the Pacific Ocean or Indian Ocean. The only Australian record of this species is from a recapture off Wollongong, NSW. Breeds on Breeding Islands in New Zealand.	Low – this species feeds pelagically.
<i>Diomedea sanfordi</i>	Northern Royal Albatross	PMST	-	CE, MA, M	-	Migratory marine species that ranges widely over the Southern Ocean, with individuals seen in Australian waters off south-eastern Australia. Nesting on the flat summits of tiny islands with herb fields and grasses.	Low – this species feeds pelagically.
<i>Esacus magnirostris</i>	Beach Stone-curlew	BioNet	CE	-	-	In NSW, the species occurs regularly on the north coast to about the Manning River and known breeding pairs were previously restricted to the north coast. Recent records show a breeding pair from the Port Stephens area (Dowadee Island and Soldiers Point [mid-north coast]) and more recently the species has been recorded in Twofold Bay near Eden. These new records extend the known limit of the normal range of the species in Australia to the far south coast of NSW. Beach Stone-curlews are found exclusively along the coast, on a wide range of beaches, islands, reefs and in estuaries, and may often be seen at the edges of or near mangroves. They forage in the intertidal zone of beaches and estuaries, on islands, flats, banks and spits of sand, mud, gravel or rock, and among mangroves. Beach Stone-curlews breed above the littoral zone nesting in a shallow scrape in the sand or gravel at the backs of beaches, or on sandbanks and islands, among low vegetation of grass, scattered shrubs or low trees; also among open mangroves.	Low: While suitable common foraging habitat this species has not been recorded within the 10 km locality.

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Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Falco hypoleucos</i>	Grey Falcon	PMST	E	V	-	Usually restricted to shrubland, grassland and wooded watercourses of arid and semi-arid regions, although it is occasionally found in open woodlands near the coast. Also occurs near wetlands where surface water attracts prey.	Low: Suitable watercourse and woodland habitat absent.
<i>Fregata ariel</i>	Lesser Frigatebird	BioNet, PMST	-	MA, M	-	Breeds on small, remote tropical and sub-tropical islands, in mangroves or bushes, and even on bare ground. It feeds mainly on fish (especially flying-fish) and squid, but also on seabird eggs and chicks, carrion and fish scraps.	Low: Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Fregata minor</i>	Great Frigatebird, Greater Frigatebird	PMST	-	MA, M	-	Found over open, tropical ocean waters and near offshore, oceanic nesting islands. Nesting colonies are known from offshore islands throughout the tropical Pacific.	Low: Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Fregatta grallaria</i>	White-bellied Storm-Petrel (Tasman Sea), White-bellied Storm-Petrel (Australasian)	PMST	-	V	-	The White-bellied Storm-Petrel (Tasman Sea) breeds on small offshore islets and rocks in the Lord Howe Island group, including Roach Island and Balls Pyramid.	Low: Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Gallinago hardwickii</i>	Latham's Snipe	BioNet, PMST	-	MA, M	-	Latham's Snipe is a non-breeding migrant to the south east of Australia including Tasmania, passing through the north and New Guinea on passage. Latham's Snipe breed in Japan and on the east Asian mainland. Seen in small groups or singly in freshwater wetlands on or near the coast, generally among dense cover. They are found in any vegetation around wetlands, in sedges, grasses, lignum, reeds and rushes and also in saltmarsh and creek edges on migration.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Gallinago megala</i>	Swinhoe's Snipe	PMST	-	MA, M	-	Few definite records exist for Swinhoe's Snipe in Australia. The species has been recorded in the north between the Kimberley Divide and Cape York Peninsula. In Western Australia the species has been recorded in Pilbara, the Kimberley region, Mount Goldsworthy, Mount Blaize and in the north-west regions around the Mitchell Plateau. In the Northern Territory the species is believed to be common and widespread in the Top End. Definite records exist from Darwin, Melville Island, Cannon Hill, Red Lilly Lagoon and Mount Brockman. In Queensland specimens have been taken at Normanton.	Low: Limited suitable habitat present, however not detected during targeted surveys.

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Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Gallinago stenura</i>	Pin-tailed Snipe	PMST	-	MA, M	-	The species occurs in Australia from late September to the end of March, however the distribution in Australia is not well understood. There are confirmed records from NSW, south-west Western Australia, Pilbara and the Top End. In NSW a single banded bird was reported near West Wyalong. During non-breeding period the Pin-tailed Snipe occurs most often in or at the edges of shallow freshwater swamps, ponds and lakes with emergent, sparse to dense cover of grass/sedge or other vegetation. The species is also found in drier, more open wetlands such as claypans in more arid parts of the species' range. It is also commonly seen at sewage ponds, not normally in saline or inter-tidal wetlands.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Glossopsitta pusilla</i>	Little Lorikeet	BioNet	V	-	-	Distributed in forests and woodlands from the coast to the western slopes of the Great Dividing Range in NSW, extending westwards to the vicinity of Albury, Parkes, Dubbo and Narrabri. Mostly occur in dry, open eucalypt forests and woodlands. They feed primarily on nectar and pollen in the tree canopy. Nest hollows are located at heights of between 2 m and 15 m, mostly in living, smooth-barked eucalypts. Most breeding records come from the western slopes.	Low: Suitable woodland and forest habitat absent. If present, would likely be transient visitor.
<i>Grantiella picta</i>	Painted Honeyeater	PMST	V	V	-	Inhabits Boree/ Weeping Myall (<i>Acacia pendula</i>), Brigalow (<i>A. harpophylla</i>) and Box-Gum Woodlands and Box-Ironbark Forests. A specialist feeder on the fruits of mistletoes growing on woodland eucalypts and acacias. Prefers mistletoes of the genus <i>Amyema</i> .	Low: Suitable woodland and forest habitat absent. If present, would likely be transient visitor.
<i>Haematopus fuliginosus</i>	Sooty Oystercatcher	BioNet	V	-	-	In NSW the Sooty Oystercatcher is strictly coastal, usually within 50 m of the ocean. It prefers rocky shores, but will be seen on coral reefs or sandy beaches near mudflats. It breeds on offshore islands and isolated rocky headlands. The Sooty Oystercatcher feeds on molluscs, crabs and other crustaceans, marine worms, starfish and sea urchins, and small fish. It uses its long bill to stab at prey or to lever, prise or hammer open food items. It breeds in colonies, with both members of a breeding pair incubating eggs and caring for the young. They nest in a scrape on the ground among pebbles or shells on rocky shores or cliffs.	Moderate: Rocky habitat within the 100 m buffer does not represent suitable intertidal foraging habitat for this species. If present, would likely be exclusively aerial. The rocky headland adjacent to the Activity Area is not sufficiently isolated to represent suitable breeding habitat as it is in close proximity to the existing dog off-leash area at Robert Dunn

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
							Reserve. The precautionary principle has been applied given that the species has been observed in the locality and is known to forage on the rock platform at North Narrabeen.
<i>Haematopus longirostris</i>	Pied Oystercatcher	BioNet	E	-	-	The Pied Oystercatcher inhabits marine littoral habitats, including islands. It occupies muddy, sandy, stony or rocky estuaries, inlets and beaches, particularly intertidal mudflats and sandbanks in large marine bays.	Low: No records within 10 km.
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	BioNet	V	MA	-	The White-bellied Sea-eagle is distributed around the Australian coastline. This species occurs at sites near the sea or sea-shore and terrestrial habitats include coastal dunes, tidal flats, grassland, heathland, woodland, and forest (including rainforest). Breeding occurs in tall mature open forest/woodland building large stick nests in large old eucalypts. The species prefers to feed on fish but will also hunt waterbirds, reptiles and mammals. Habitat constraints include living or dead mature trees within suitable vegetation within 1 km of rivers, lakes, large dams or creeks, wetlands and coastlines.	Moderate: Suitable foraging habitat. Breeding habitat absent.
<i>Halobaena caerulea</i>	Blue Petrel	BioNet	-	V	-	Individuals are rarely encountered inshore and offshore over the continental shelf and in pelagic waters off the shelf break. It forages in Antarctic and subantarctic waters mainly on pelagic crustaceans, fish, cephalopods and insects.	Low: Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Hieraetus morphnoides</i>	Little Eagle	BioNet	V	-	-	The Little Eagle is widespread in mainland Australia, central and eastern New Guinea. Most abundant in lightly timbered areas with open areas nearby. Often recorded foraging in grasslands, crops, treeless dune fields and recently logged areas. May nest in farmland, woodland and forest in tall trees.	Moderate: Suitable foraging habitat. Breeding habitat absent.
<i>Hirundapus caudacutus</i>	White-throated Needletail	BioNet, PMST	-	V, MA, M	-	An aerial species found in feeding concentrations over cities, hilltops and timbered ranges.	Low: Limited suitable foraging habitat and any occurrences are likely to be exclusively aerial.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Hydroprogne caspia</i>	Caspian Tern	BioNet	-	MA, M	-	Within NSW, the Caspian Tern has a widespread occurrence and can be found east of the Great Divide, mainly in coastal regions, and also in the Riverina and Lower and Upper Western Regions, with occasional records elsewhere. Breeding is recorded from the Menindee Lakes. The Caspian Tern is mostly found in sheltered coastal embayments and those with sandy or muddy margins are preferred. They also occur on near-coastal or inland terrestrial wetlands that are either fresh or saline, especially lakes (including ephemeral lakes), waterholes, reservoirs, rivers and creeks, and also use artificial wetlands. This species usually forages in open wetlands, including lakes, rivers and tidal channels or submerged mudbanks of coastal inlets. They prefer sheltered shallow water near the margins but can also be found in open coastal waters. The Caspian Tern breeds on variable types of sites including low islands, cays, spits, banks, ridges, beaches of sand or shell, terrestrial wetlands and stony or rocky islets or banks. Nests may be in the open, or among low or sparse vegetation, near bushes or other shelter such as large sticks, driftwood, piles of beachcast seagrass and occasionally at artificial sites. Generally roosting occurs on bare exposed sand or shell spits, banks or shores of coasts, lakes, estuaries, coastal lagoons and inlets.	Low: Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Ixobrychus flavicollis</i>	Black Bittern	BioNet	V	-	-	Usually found on coastal plains below 200 m. Often found along timbered watercourses, in wetlands with fringing trees and shrub vegetation. The sites where they occur are characterized by dense waterside vegetation.	Low: Watercourse and wetland habitat absent.
<i>Lathamus discolor</i>	Swift Parrot	BioNet, PMST	E	CE, MA	-	The Swift Parrot occurs in woodlands and forests of NSW from May to August, where it feeds on eucalypt nectar, pollen and associated insects. The Swift Parrot is dependent on flowering resources across a wide range of habitats in its wintering grounds in NSW. This species is migratory, breeding in Tasmania and also nomadic, moving about in response to changing food availability.	Low: Suitable woodland and forest habitat absent. If present, would likely be a transient visitor.
<i>Limosa lapponica</i>	Bar-tailed Godwit	BioNet, PMST	-	MA, M	-	The Bar-tailed Godwit has been recorded in the coastal areas of all Australian states. There are a few inland records from NSW and Victoria.	Low: Limited suitable habitat present, however not detected during targeted surveys.

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<i>Limosa lapponica baueri</i>	Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit	PMST	-	V	-	The bar-tailed godwit (western Alaskan) occurs mainly in coastal habitats such as large intertidal sandflats, banks, mudflats, estuaries, inlets, harbours, coastal lagoons and bays. It has also been recorded in coastal sewage farms and saltworks, saltlakes and brackish wetlands near coasts, sandy ocean beaches, rock platforms, and coral reef-flats.	Low: Preferred coastal habitat absent.
<i>Limosa limosa</i>	Black-tailed Godwit	BioNet	V	MA, M	-	The Black-tailed Godwit is a migratory wading bird that breeds in Mongolia and Eastern Siberia and flies to Australia for the southern summer, arriving in August and leaving in March. In NSW, it is most frequently recorded at Kooragang Island (Hunter River estuary), with occasional records elsewhere along the coast, and inland. Usually found in sheltered bays, estuaries and lagoons with large intertidal mudflats and/or sandflats. Further inland, it can also be found on mudflats and in water less than 10 cm deep, around muddy lakes and swamps. Individuals have been recorded in wet fields and sewerage treatment works. Frequently recorded in mixed flocks with Bar-tailed Godwits.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Lophoictinia isura</i>	Square-tailed Kite	BioNet	V	-	-	Typically inhabits coastal forested and wooded lands of tropical and temperate Australia. In NSW it is often associated with ridge and gully forests dominated by Eucalyptus longifolia, Corymbia maculata, E. elata or E. smithii. Individuals appear to occupy large hunting ranges of more than 100 km ² . They require large living trees for breeding, particularly near water with surrounding woodland forest close by for foraging habitat. Nest sites are generally located along or near watercourses, in a tree fork or on large horizontal limbs.	Low: Suitable woodland habitat absent.
<i>Macronectes giganteus</i>	Southern Giant Petrel	BioNet, PMST	E	E, MA, M	-	The Southern Giant Petrel has a circumpolar pelagic range from Antarctica to approximately 20° S and is a common visitor off the coast of NSW. Over summer, the species nests in small colonies amongst open vegetation on antarctic and subantarctic islands, including Macquarie and Heard Islands and in Australian Antarctic territory.	Low: Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Macronectes halli</i>	Northern Giant Petrel	BioNet, PMST	V	V, MA, M	-	Breeding in Australian territory is limited to Macquarie Island and occurs during spring and summer.	Low: Typically, an oceanic species and any occurrences are likely to be exclusively aerial.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Melithreptus gularis gularis</i>	Black-chinned Honeyeater (eastern subspecies)	BioNet	V	-	-	In NSW it is widespread, with records from the tablelands and western slopes of the Great Dividing Range to the north-west and central-west plains and the Riverina. It is rarely recorded east of the Great Dividing Range, although regularly observed from the Richmond and Clarence River areas. It has also been recorded at a few scattered sites in the Hunter, Central Coast and Illawarra regions, though it is very rare in the latter. Occupies mostly upper levels of drier open forests or woodlands dominated by box and ironbark eucalypts, especially Mugga Ironbark (<i>Eucalyptus sideroxylon</i>), White Box (<i>E. albens</i>), Inland Grey Box (<i>E. microcarpa</i>), Yellow Box (<i>E. melliodora</i>), Blakely's Red Gum (<i>E. blakelyi</i>) and Forest Red Gum (<i>E. tereticornis</i>). Also inhabits open forests of smooth-barked gums, stringybarks, ironbarks, river sheoaks (nesting habitat) and tea-tree.	Low: Suitable woodland habitat absent.
<i>Monarcha melanopsis</i>	Black-faced Monarch	PMST	-	MA, M	-	Found along the coast of eastern Australia, becoming less common further south. Inhabits rainforests, eucalypt woodlands, coastal scrub and damp gullies. It may be found in more open woodland when migrating.	Low: Suitable woodland habitat absent.
<i>Motacilla flava</i>	Yellow Wagtail	PMST	-	MA, M	-	Northern hemisphere breeding. This species occupies a range of damp or wet habitats with low vegetation, from damp meadows, marshes, waterside pastures, sewage farms and bogs to damp steppe and grassy tundra.	Low: Suitable damp/wet habitat absent.
<i>Myiagra cyanoleuca</i>	Satin Flycatcher	PMST	-	MA, M	-	The Satin Flycatcher is found along the east coast of Australia from far northern Queensland to Tasmania, including south-eastern South Australia. Found in tall forests, preferring wetter habitats such as heavily forested gullies, but not rainforests.	Low: Suitable forest habitat absent.
<i>Neophema pulchella</i>	Turquoise Parrot	BioNet	V	-	-	The Turquoise Parrot's range extends from southern Queensland through to northern Victoria, from the coastal plains to the western slopes of the Great Dividing Range. Lives on the edges of eucalypt woodland adjoining clearings, timbered ridges and creeks in farmland. Nests in tree hollows, logs or posts, from August to December. It lays four or five white, rounded eggs on a nest of decayed wood dust.	Low: Suitable woodland habitat absent.
<i>Ninox connivens</i>	Barking Owl	BioNet	V	-	-	Generally found in open forests, woodlands, swamp woodlands and dense scrub. Can also be found in the foothills and timber along watercourses in otherwise open country.	Low: Suitable woodland habitat absent.

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<i>Ninox strenua</i>	Powerful Owl	BioNet	V	-	-	Occupies wet and dry eucalypt forests and rainforests. Can occupy both unlogged and lightly logged forests as well as undisturbed forests where it usually roosts on the limbs of dense trees in gully areas. It is most commonly recorded within red turpentine in tall open forests and black she-oak within open forests. Large mature trees with hollows at least 0.5 m deep are required for nesting. Tree hollows are particularly important for the Powerful Owl because a large proportion of the diet is made up of hollow-dependent arboreal marsupials. Nest trees for this species are usually emergent with a diameter at breast height of at least 100 cm.	Low: Suitable woodland habitat absent.
<i>Numenius madagascariensis</i>	Eastern Curlew	BioNet, PMST	-	CE, MA, M	-	A primarily coastal distribution. Found in all states, particularly the north, east, and south-east regions including Tasmania. Rarely recorded inland. Mainly forages on soft sheltered intertidal sand flats or mudflats, open and without vegetation or cover. Breeds in the northern hemisphere.	Low: Suitable habitat is present in the Activity Area however, this species was not detected during targeted surveys.
<i>Numenius minutus</i>	Little Curlew, Little Whimbrel	PMST	-	MA, M	-	Little Curlews generally spend the non-breeding season (September to April) in northern Australia from Port Hedland in Western Australia to the Queensland coast. There are records of the species from inland Australia and widespread but scattered records on the east coast. The Little Curlew is most often found feeding in short, dry grassland and sedgeland, including dry floodplains and blacksoil plains, which have scattered, shallow freshwater pools or areas seasonally inundated. Open woodlands with a grassy or burnt understorey, dry saltmarshes, coastal swamps, mudflats or sandflats of estuaries or beaches on sheltered coasts, mown lawns, gardens, recreational areas, ovals, racecourses and verges of roads and airstrips are also used.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Numenius phaeopus</i>	Whimbrel	BioNet, PMST	-	MA, M	-	The Whimbrel is a regular migrant to Australia and New Zealand, with a primarily coastal distribution. There are also scattered inland records of Whimbrels in all regions. It is found in all states but is more common in the north. This species does not breed in Australia. The Whimbrel is often found on the intertidal mudflats of sheltered coasts. It is also found in harbours, lagoons, estuaries and river deltas, sandy or rocky beaches, coral or rocky islets, or on intertidal reefs and platforms. There are a small number of inland records from saline lakes and canegrass swamps. The Whimbrel generally forages on intertidal mudflats, along the muddy banks of estuaries and in coastal lagoons, either in open unvegetated areas or among mangroves, and sometimes on sandy beaches or among rocks. They regularly roost in mangroves and other structures flooded at high tide, and occasionally in tall coastal trees. They have also been observed to roost on the ground under	Low: Limited suitable habitat present, however not detected during targeted surveys.

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Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
						mangroves or in shallow water, on muddy, sandy or rocky beaches, rocky islets and coral cays.	
<i>Onychoprion fuscata</i>	Sooty Tern	BioNet	V	-	-	The Sooty Tern is found over tropical and sub-tropical seas and on associated islands and cays around Northern Australia. Large flocks can be seen soaring, skimming and dipping but seldom plunging in off shore waters. Occasionally seen along coastal NSW, especially after cyclones. Breeds in large colonies in sand or coral scrapes on offshore islands and cays. In NSW only known to breed at Lord Howe Island.	Low: Typically, an offshore species and any occurrences are likely to be exclusively aerial.
<i>Pachyptila turtur subantarctica</i>	Fairy Prion (southern)	PMST	-	V	-	The fairy prion (southern) breeds on Macquarie Island and a number of other subantarctic islands outside of Australia. The subspecies digs burrows among rocks or low vegetation in which to nest. Burrows may be dug below mat forming herbs.	Low: Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Pandion haliaetus cristatus</i>	Eastern Osprey	BioNet, PMST	V	MA, M	-	Found right around the Australian coastline, except for Victoria and Tasmania. They are common around the northern coast, especially on rocky shorelines, islands and reefs. The species is uncommon to rare or absent from closely settled parts of south-eastern Australia. Favour coastal areas, especially the mouths of large rivers, lagoons and lakes. They feed on fish over clear, open water, and nest high up in dead trees or in dead crowns of live trees, usually within one kilometre of the sea.	Known: Suitable foraging habitat. Breeding habitat absent. Pair observed flying over cliffs and dunes at Mona Vale Activity Area.
<i>Petroica boodang</i>	Scarlet Robin	BioNet	V	-	-	The Scarlet Robin is found from South East Queensland to South East South Australia and also in Tasmania and South West Western Australia. In NSW, it occurs from the coast to the inland slopes. The Scarlet Robin lives in dry eucalypt forests and woodlands. The understorey is usually open and grassy with few scattered shrubs.	Low: Suitable woodland habitat absent.
<i>Petroica phoenicea</i>	Flame Robin	BioNet	V	-	-	Flame Robins are found in a broad coastal band from southern Queensland to just west of the South Australian border. The species is also found in Tasmania. The preferred habitat in summer includes eucalyptus forests and woodland, whilst in winter prefers open woodlands and farmlands. It is considered migratory. The Flame Robin breeds from about August to January.	Low: Suitable woodland habitat absent.
<i>Phoebastria fusca</i>	Sooty Albatross	PMST	V	V, MA, M	-	In Australian waters, this species is generally recorded in winter off the south coast from Tasmania to Western Australia, while there are occasional sightings off the NSW coast, north of Grafton. This pelagic or ocean-going species inhabits subantarctic and subtropical marine waters, spending the majority of its time at sea, and rarely occurs in continental shelf waters.	Low – this species feeds pelagically.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Pluvialis fulva</i>	Pacific Golden Plover	PMST	-	MA, M	-	The Pacific Golden Plover is widespread in coastal regions of Australia. The species does not breed in Australia. In non-breeding grounds in Australia this species usually occurs on beaches, mudflats and sandflats in sheltered areas including harbours, estuaries and lagoons, and also in evaporation ponds in saltworks. The species is also sometimes recorded on islands, sand and coral cays and exposed reefs and rocks, and occasionally occur around inland wetlands, usually along major river systems. This species usually forages on sandy or muddy shores (including mudflats and sandflats) or margins of sheltered areas such as estuaries and lagoons. They usually roost near foraging areas, on sandy beaches and spits or rocky points, islets or exposed reefs.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Pluvialis squatarola</i>	Grey Plover	BioNet	-	MA, M	-	The Grey Plover has been recorded in all states of Australia and is especially abundant on the western and southern coastlines. The species does not breed in Australia. In non-breeding grounds in Australia Grey Plovers occur almost entirely in coastal areas, where they usually inhabit sheltered embayments, estuaries and lagoons with mudflats and sandflats, and occasionally on rocky coasts with wave-cut platforms or reef-flats, or on reefs within muddy lagoons. They also occur around terrestrial wetlands such as near-coastal lakes and swamps, or salt-lakes. Grey Plovers usually forage on large areas of exposed mudflats and beaches of sheltered coastal shores such as inlets, estuaries and lagoons. They also occasionally feed in pasture and at the muddy margins of inland wetlands such as lakes, swamps and bores. They usually roost in sandy areas, such as on unvegetated sandbanks or sand- spits on sheltered beaches or other sheltered environments such as estuaries or lagoons.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Pterodroma leucoptera leucoptera</i>	Gould's Petrel	BioNet, PMST	V	E	-	Pelagic marine species, spending much of its time foraging at sea and coming ashore only to breed. The Australian subspecies breeds and roosts on two islands off NSW, Cabbage Tree and Boondelbah Islands. They nest predominantly in natural rock crevices among the rock scree and also in hollow fallen palm trunks, under mats of fallen palm fronds and in cavities among the buttresses of fig trees.	Low: Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Pterodroma neglecta neglecta</i>	Kermadec Petrel (western)	PMST	V	V	-	Breeds on Balls Pyramid, near Lord Howe Island, and on Phillip Island. Its pelagic distribution is poorly known. It generally occurs in subtropical and tropical waters from about 20° S to 35° S, although it may disperse north of the equator. It occasionally reaches the eastern coast of mainland Australia.	Low: Typically, an oceanic species and any occurrences are likely to be exclusively aerial.

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Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Ptilinopus magnificus</i>	Wompoo Fruit-Dove	BioNet	V	-	-	Distributed north of the Hunter River in NSW on the coast and coastal ranges. Inhabits rainforest, monsoon forest, adjacent eucalypt forest and brush box forest.	Low: Suitable rainforest habitat absent.
<i>Ptilinopus regina</i>	Rose-crowned Fruit-Dove	BioNet	V	-	-	Coast and ranges of eastern NSW and Queensland, from Newcastle to Cape York. Vagrants are occasionally found further south to Victoria. Rose-crowned Fruit-doves occur mainly in sub-tropical and dry rainforest and occasionally in moist eucalypt forest and swamp forest, where fruit is plentiful.	Low: Suitable rainforest habitat absent.
<i>Ptilinopus superbus</i>	Superb Fruit-Dove	BioNet	V	-	-	The Superb Fruit-dove occurs principally from North-Eastern in Queensland to North-Eastern NSW. It is much less common further south, where it is largely confined to pockets of suitable habitat as far south as Moruya. There are records of vagrants as far south as eastern Victoria and Tasmania. Inhabits rainforest and similar closed forests where it forages high in the canopy, eating the fruits of many tree species such as figs and palms. It may also forage in eucalypt or acacia woodland where there are fruit-bearing trees.	Low: Suitable rainforest habitat absent.
<i>Rhipidura rufifrons</i>	Rufous Fantail	PMST	-	MA, M	-	Found along the east coast of Australia from far northern Queensland to Tasmania, including south-eastern South Australia. Inhabits tall forests, preferring wetter habitats such as heavily forested gullies, but not rainforests.	Low: Suitable forested habitat absent.
<i>Rostratula australis</i>	Australian Painted Snipe	BioNet, PMST	E	E, MA	-	In NSW, this species has been recorded at the Paroo wetlands, Lake Cowell, Macquarie Marshes and Hexham Swamp. Most common in the Murray-Darling Basin. Prefers fringes of swamps, dams and nearby marshy areas where there is a cover of grasses, lignum, low scrub or open timber. Nests on the ground amongst tall vegetation, such as grasses, tussocks or reeds.	Low: Suitable wet habitat absent.
<i>Sterna hirundo</i>	Common Tern	BioNet	-	MA, M	-	Common Terns are marine, pelagic and coastal. In Australia, they are recorded in all marine zones, but are commonly observed in near-coastal waters, both on ocean beaches, platforms and headlands and in sheltered waters, such as bays, harbours and estuaries with muddy, sandy or rocky shores. In Australia, Common Terns are mainly found along the eastern coast, where they are widespread and common from south-eastern Queensland to eastern Victoria (extending south-west to Port Albert), though less often recorded south of Port Hacking in NSW. Common Terns forage in marine environments, often close to the shore, including sheltered embayments and in the surf-zone, but also well out to sea. They also forage in near-coastal	Moderate: Suitable habitat present.

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Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
						terrestrial wetlands, including estuaries, rivers and swamps. Common Terns roost on unvegetated, intertidal sandy ocean beaches, sandy islands, shores of estuaries or lagoons, and sandbars, as well as on rocky shores, rock platforms or rocks protruding above the surface of the water. Common Terns nest on the ground in the open, usually on bare substrates, occasionally near vegetation or in it, or on a floating mat of vegetation. They usually nest on islands, either marine or in lakes, only sometimes on mainland beaches or promontories or salt or freshwater marshes.	
<i>ternula albifrons</i>	Little Tern	BioNet, PMST	E	MA, M	-	The Little Tern is found on the north, east and south-east Australian coasts, from Shark Bay in Western Australia to the Gulf of St Vincent in South Australia. In NSW, it arrives from September to November, occurring mainly north of Sydney, with smaller numbers found south to Victoria. It breeds in spring and summer along the entire east coast from Tasmania to northern Queensland, and is seen until May, with only occasional birds seen in winter months. The species is almost exclusively coastal, preferring sheltered environments; however, may occur several kilometres from the sea in harbours, inlets and rivers. Little Terns nest on sand-spits, banks, ridges or islets in sheltered coastal environments, such as coastal lakes, estuaries and inlets, and also on wide and flat or gently sloping sandy ocean beaches, and also, occasionally, in sand-dunes.	Moderate: Suitable habitat present. One unidentified seabird species which may be this species was observed flying over the Activity Area and momentarily stopping in the water of the buffer area. It was not observed to utilise the resources of the Activity Area so is likely a transient visitor.
<i>Sternula nereis nereis</i>	Australian Fairy Tern	PMST	-	V	-	Distribution of the Australian Fairy Tern includes the southern half of NSW coast, with the species or species habitat likely to occur as far north as Morisset. Fairy Terns utilise a variety of habitats including offshore, islands in estuaries or lakes, wetlands, beaches and spits. The Australian Fairy Tern nests on sheltered sandy beaches, spits and banks above the high tide line and below vegetation. The subspecies has been found in embayments of a variety of habitats including offshore, estuarine or lacustrine (lake) islands, wetlands and mainland coastline.	Moderate: Suitable habitat present. One unidentified seabird species which may be this species was observed flying over the Activity Area and momentarily stopping in the water of the buffer area. It was not observed to utilise the resources of the Activity Area so is likely a transient visitor.
<i>Symposiachrus trivirgatus</i>	Spectacled Monarch	PMST	-	MA, M	-	Coastal north-eastern and eastern Australia, including coastal islands, from Cape York, Queensland to Port Stephens, NSW. Prefers thick understorey in rainforests, wet gullies and waterside vegetation, as well as mangroves.	Low: Suitable rainforest and wet habitat absent.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Thalassarche bulleri</i>	Buller's Albatross, Pacific Albatross	PMST	-	V, MA, M	-	In Australia, Buller's Albatross are seen over inshore, offshore and pelagic waters. Nesting occurs on subtropical and subantarctic islands and rock stacks in the New Zealand region.	Low – Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Thalassarche bulleri platei</i>	Northern Buller's Albatross, Pacific Albatross	PMST	-	V, MA	-	Non-breeding visitor to Australian waters. Foraging birds are mostly limited to the Pacific Ocean and the Tasman Sea, although birds do reach the east coast of the Australian mainland.	Low – Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Thalassarche carteri</i>	Indian Yellow-nosed Albatross	PMST	-	V, MA, M	-	The Indian Yellow-nosed Albatross is a marine bird, located in subtropical and warmer subantarctic waters. In the Australasian region, the species occupies inshore and offshore waters, particularly where there are calm seas and light winds. The birds fly low or at medium heights over the sea, using air currents rising off swells for lift. The species nests on tussock-covered coastal cliffs and slopes, often in rocky situations. On Ile Amsterdam, the birds are confined to steeper slopes, nesting up to 800 m above sea level, on bare ground or among Poa or Scirpus.	Low – Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Thalassarche cauta</i>	Shy Albatross	BioNet, PMST	V	E, MA, M	-	Marine species occurring in subantarctic and subtropical waters. Birds have been noted in shelf-waters around breeding islands and over adjacent rises. Nests on rocky islands.	Low – Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Thalassarche chrystosoma</i>	Grey-headed Albatross	BioNet	-	E, MA, M	-	The Grey-headed Albatross has been observed over waters of surface-temperature 10° to 23°C, but is most abundant over the warmer parts of the subtropical zone (Biermann & Voous 1950; Brown <i>et al.</i> 1975; Cooke & Mills 1972). In breeding and non-breeding seasons, the species concentrates over the productive waters of continental shelves, often at coastal upwellings and the boundaries of currents (Brown <i>et al.</i> 1975; Cooke & Mills 1972; Weimerskirch <i>et al.</i> 1985). Birds breeding south of the Subtropical Convergence may be pelagic and travel far to subtropical feeding grounds (Weimerskirch <i>et al.</i> 1986).	Low – Typically, an oceanic species and any occurrences are likely to be exclusively aerial.

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<i>Thalassarche eremita</i>	Chatham Albatross	PMST	-	E, MA, M	-	Marine species that occurs in subantarctic and subtropical waters reaching the tropics. It appears to be largely pelagic and has been noted in shelf-waters around breeding islands, over continental shelves during the non-breeding season, and occurs inshore and offshore. It usually nests on rocky ledges and steep slopes.	Low – Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Thalassarche impavida</i>	Campbell Albatross, Campbell Black-browed Albatross	PMST	-	V, MA, M	-	In the Australasian region, the species occupies inshore and offshore waters (Latham 1980; Storr 1964; Swanson 1983), particularly where there are calm seas and light winds (Cox 1973; Storr 1964). The birds fly low or at medium heights over the sea, using air currents rising off swells for lift (Marchant & Higgins 1990).	Low – Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Thalassarche melanophris</i>	Black-browed Albatross	BioNet, PMST	V	V, MA, M	-	The Black-browed Albatross has a circumpolar range over the southern oceans and are seen off the southern Australian coast mainly during winter. Inhabits Antarctic, Sub-Antarctic, subtropical marine and coastal waters over upwellings and boundaries of currents.	Low – Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Thalassarche salvini</i>	Salvin's Albatross	PMST	-	V, MA, M	-	The Salvin's Albatross breeds on islands of the southern Indian Ocean. The southern limit of breeding may be determined by the distance to subtropical waters used for feeding (Weimerskirch et al. 1986).	Low – Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Thalassarche steadi</i>	White-capped Albatross	PMST	-	V, MA, M	-	Common off the coast of South-East Australia throughout the year. It has been observed that juveniles are rare in New Zealand waters, being more common off South-East Australia and South Africa. Breeding colonies occur on islands south of New Zealand.	Low – Typically, an oceanic species and any occurrences are likely to be exclusively aerial.
<i>Thalasseus bergii</i>	Crested Tern	BioNet	-	MA, M	-	The species nests on tussock-covered coastal cliffs and slopes, often in rocky situations (Grindley 1981; Weimerskirch et al. 1986). On Ile Amsterdam, the birds are confined to steeper slopes, nesting up to 800 m above sea level, on bare ground or among Poa or Scirpus.	Low: while there are vegetated cliffs in the 100 m buffer, the vegetation is not suitable nesting habitat.
<i>Thinornis cucullatus</i>	Eastern Hooded Plover, Eastern Hooded Plover	BioNet, PMST	E	V, MA	-	In south-eastern Australia Hooded Plovers prefer sandy ocean beaches, especially those that are broad and flat, with a wide wave- wash zone for feeding, much beachcast seaweed, and backed by sparsely vegetated sand-dunes for shelter and nesting. Occasionally Hooded Plovers are found on tidal bays and estuaries, rock platforms and rocky or sand-covered reefs near sandy beaches, and small beaches in lines of cliffs. They regularly use near-	Low: Suitable undisturbed and dune habitat absent.

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Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
						coastal saline and freshwater lakes and lagoons, often with saltmarsh. At night they favour the upper zones of beaches for roosting. Hooded Plovers forage in sand at all levels of the zone of wave-wash during low and mid-tide or among seaweed at high-tide, and in rock crevices in the wave-wash or spray zone, avoiding elevated rocky areas and boulder fields. In coastal lagoons they forage in damp or dry substrates and in shallow water. Their diet consists mainly of marine worms, molluscs, crustaceans, insects, water plants and seeds. As the hooded plover occurs on beaches, it is easily disturbed by human activities, particularly off-leash domestic dog.	
<i>Tringa brevipes</i>	Grey-tailed Tattler	BioNet, PMST	-	MA, M	-	Found on sheltered coasts with reefs and rock platforms, intertidal mudflats, estuaries and coastal lagoons, especially fringed with mangroves. Northern hemisphere breeding.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Tringa nebularia</i>	Common Greenshank	BioNet, PMST	-	MA, M	-	Occurs in a variety of inland wetlands and sheltered coastal habitats of varying salinity. Found on mudflats, saltmarsh, mangroves in embayments, harbours, deltas and lagoons. Breeds in northern hemisphere.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Tringa stagnatilis</i>	Marsh Sandpiper	BioNet, PMST	-	MA, M	-	Occurs in permanent or ephemeral wetlands of varying salinity, including swamps, lagoons, billabongs, salt pans, saltmarshes, estuaries, pools on inundated floodplains, and intertidal mudflats and also regularly at sewage farms and saltworks, and rarely occur on beaches. Usually forages in shallow water at the edge of wetlands, and recorded roosting or loafing on tidal mudflats, near low saltmarsh, and around inland swamps Breeds in northern hemisphere.	Low: Limited suitable habitat present, however not detected during targeted surveys.
<i>Tyto novaehollandiae</i>	Masked Owl	BioNet	V	-	-	Inhabits a diverse range of wooded habitat that provide tall or dense mature trees with hollows suitable for nesting and roosting. Mostly recorded in open forest and woodlands adjacent to cleared lands. Nest in hollows, in trunks and in near vertical spouts or large trees, usually living but sometimes dead. Nest hollows are usually located within dense forests or woodlands. Masked owls prey upon hollow-dependent arboreal marsupials, but terrestrial mammals make up the largest proportion of the diet.	Low: Suitable woodland habitat absent.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Xenus cinereus</i>	Terek Sandpiper	BioNet	V	-	-	Forages in the open, on soft wet intertidal mudflats or in sheltered estuaries, embayment's, harbours or lagoons. The species has also been recorded on islets, mud banks, sandbanks and spits and near mangroves and occasionally in samphire. Northern hemisphere breeding.	Low: Suitable habitat is present in the Activity Area however, this species was not detected during targeted surveys.
Fish							
<i>Carcharhinus longimanus</i>	Oceanic Whitetip Shark	PMST	-	M	-	The oceanic whitetip shark is a tropical, epipelagic species occurring from the surface to at least 152 m depth. It has a clear preference for open ocean waters and its abundance increases away from continental and insular shelves. Although it can be found in waters between 15°C and 28°C, it is most commonly found in waters with temperatures above 20°C. Oceanic whitetip sharks are one of the main apex predators in tropical open waters, and feed mostly on oceanic teleosts and cephalopods.	None – offshore species.
<i>Carcharias taurus</i> (east coast population)	Grey Nurse Shark (east coast population)	PMST	-	CE	CE	The Australian east coast population of Grey Nurse Sharks congregate at and migrate between a number of key sites along the coast of NSW and southern Queensland from Montague Island in the south to Fraser Island in the north.	Low: Subtidal species that would not be impacted by the Activity.
<i>Carcharodon carcharias</i>	White Shark, Great White Shark	PMST	-	V, M	V	Great White Sharks can be found from close inshore around rocky reefs, surf beaches and shallow coastal bays to outer continental shelf and slope areas. They also make open ocean excursions and can cross ocean basins (for instance from South Africa to the western coast of Australia and from the eastern coast of Australia to New Zealand). Great White Sharks are often found in regions with high prey density, such as pinniped colonies.	Low: Subtidal species that would not be impacted by the Activity.
<i>Epinephelus daemeli</i>	Black Rockcod, Black Cod, Saddled Rockcod	PMST	-	V	V	Inhabit coastal waters and estuaries, use caves and crevices around ledges and rock walls as refuge. Juveniles are found inshore, often in coastal rockpools and estuaries.	Low: Subtidal species that would not be impacted by the Activity. Rockpool habitat is absent.
<i>Galeorhinus galeus</i>	School Shark, Eastern School Shark, Snapper Shark, Tope, Soupfin Shark	PMST	-	CD	-	The School Shark is most abundant in cold to temperate continental seas, from the surfline and very shallow water to well offshore. It is primarily a deep water demersal (bottom-dwelling) species, although individuals have been recorded undertaking daily vertical migrations, remaining at depths of around 500 m during the day and moving up to around 100 m at night. Females and	Low: Subtidal species that would not be impacted by the Activity.

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						juveniles utilise inshore coastal areas around Victoria, Tasmania and parts of South Australia for nursery areas.	
<i>Hippocampus whitei</i>	White's Seahorse, Crowned Seahorse, Sydney Seahorse	PMST	-	E, MA	-	White's Seahorse is found only from Wallis Lake to Lake Illawarra in NSW, although potential distribution extends from VIC to QLD. It occurs in shallow weedy areas in estuaries, bays and harbours, usually attached to seagrass, sponges and kelp holdfasts and the netting of public harbour pools.	Low: Subtidal species that would not be impacted by the Activity.
<i>Lamna nasus</i>	Porbeagle, Mackerel Shark	PMST	-	M	-	Oceanic species that in habitat continental shelf waters.	Low: Subtidal species that would not be impacted by the Activity.
<i>Macquaria australasica</i>	Macquarie Perch	PMST	-	E	E	Recent research indicates that there may be at least two distinct forms of Macquarie Perch, one from the western rivers (Murray- Darling Basin form) and one from the eastern rivers (the Shoalhaven and Hawkesbury-Nepean systems) (the coastal form). The species has also been stocked or translocated into a number of reservoirs including Talbingo, Cataract and Khancoban reservoirs and translocated into streams including the Mongarlowe River. Macquarie Perch are found in both river and lake habitats; especially the upper reaches of rivers and their tributaries	None: No suitable habitat present in Activity Area.
<i>Mobula alfredi</i>	Reef Manta Ray, Coastal Manta Ray	PMST	-	M	-	The Reef Manta Ray is known in Australian waters from about Perth, Western Australia, around the tropical north to the Solitary Islands, NSW; also Cocos (Keeling) Islands and Christmas Island in the eastern Indian Ocean. Elsewhere the species is circumglobal in tropical waters. Often seen inshore around coral and rocky reefs in tropical and subtropical waters. Manta rays also occur around offshore reefs and seamounts. Individuals undertake seasonal migrations and aggregate at certain sites, presumably during times of high seasonal plankton productivity.	Low: Subtidal species that would not be impacted by the Activity.
<i>Mobula birostris</i>	Giant Manta Ray	PMST	-	M	-	The Giant Manta Ray is widespread, although relatively uncommon in Australian waters; also Cocos (Keeling) Islands and Christmas Island in the eastern Indian Ocean. Elsewhere the species is circumglobal, usually offshore, often around oceanic islands, sometimes coastal, and most common in tropical waters. Giant Manta Rays aggregate around Ningaloo Reef during autumn and winter.	Low: Subtidal species that would not be impacted by the Activity.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Prototroctes maraena</i>	Australian Grayling	PMST	-	V	-	Historically, this species occurred in coastal streams from the Grose River Valley, southwards through NSW, Vic. And Tas. It also occasionally occurred high upstream in the Snowy River. A single juvenile specimen was collected from Lake Macquarie in 1974. This species spends only part of its lifecycle in freshwater. The Tambo River population inhabits a clear, gravel-bottomed stream with alternating pools and riffles and granite outcrops. It has also been associated with clear, gravel-bottomed habitats in the Mitchell and Wonnangatta Rivers but was present in a muddy-bottomed, heavily silted habitat in the Tarwin River.	None: No suitable habitat present in Activity Area.
<i>Rexea solandri</i> (eastern Australian population)	Eastern Gemfish	PMST	-	CD	-	Eastern Gemfish are mesopelagic and inhabit deeper continental shelf habitats and upper slope waters from 100 m to 700 m (down to 1254 m) but are generally found in waters about 250 to 500 m deep. This species is generally caught close to the sea floor, but the fish are likely to move into mid-water at times (Kailola et al. 1993; Pogonoski et al. 2002). Larvae occur in shallow to very shallow waters.	Low: Subtidal species that would not be impacted by the Activity.
<i>Rhincodon typus</i>	Whale Shark	PMST	-	V, M	-	Oceanic species that inhabit continental shelf waters. At times seen in Coastal waters, rarely seen in NSW waters.	Low: Subtidal species that would not be impacted by the Activity.
<i>Seriolella brama</i>	Blue Warehouse	PMST	-	CD	-	The blue warehouse is an opportunistic predator of pelagic invertebrates. This species undertakes major seasonal migrations in order to feed and spawn, and in response to changes in water temperature. The species shows preference for relatively warmer waters of between 10 and 15°C when compared with other trevallias.	Low: Subtidal species that would not be impacted by the Activity.
<i>Sphyrna lewini</i>	Scalloped Hammerhead	PMST	-	CD	E	Oceanic species that inhabit continental shelf waters	Low: Subtidal species that would not be impacted by the Activity.
<i>Thunnus maccoyii</i>	Southern Bluefin Tuna	PMST	-	CD	V	Marine species that prefers open seas. Rarely seen in estuaries.	Low: Subtidal species that would not be impacted by the Activity.
Flora							

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Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Acacia bynoeana</i>	Bynoe's Wattle, Tiny Wattle	PMST	E	V	-	Grows mainly in heath and dry sclerophyll forest in sandy soils. Mainly south of Dora Creek Morisset area to Berrima and the Illawarra region, west to the Blue Mountains, also recorded from near Kurri Kurri in the Hunter Valley and from Morton National Park.	Low: No records within 10 km and no associated PCTs in Activity Area.
<i>Acacia pubescens</i>	Downy Wattle, Hairy Stemmed Wattle	PMST	V	V	-	Occurs in open woodland and forest, in a variety of plant communities, including Cooks River/Castlereagh Ironbark Forest, Shale/Gravel Transition Forest and Cumberland Plain Woodland.	Low: No records within 10 km and no associated PCTs in Activity Area.
<i>Acacia terminalis</i> subsp. <i>Terminalis</i>	Sunshine Wattle	PMST	E	E	-	Very limited distribution, mainly in near-coastal areas from the northern shores of Sydney Harbour South to Botany Bay, with most records from the Port Jackson area and the eastern suburbs of Sydney. Coastal scrub and dry sclerophyll woodland on sandy soils. Habitat is generally sparse and scattered.	Low: While suitable habitat present within vegetated areas of the 100 m buffer, the Activity Area is outside the known distribution of this species.
<i>Asterolasia elegans</i>	null	PMST	E	E	-	Occurs North of Sydney in the Baulkham Hills, Hawkesbury and Hornsby local government areas. Also, likely to occur in the western part of Gosford local government area. Known from only seven population, only one of which is wholly within a conservation reserve. Occurs on Hawkesbury sandstone in sheltered forests on mid to lower slopes and valleys, e.g. in or adjacent to gullies which support sheltered forest.	Low: Suitable forested habitat absent.
<i>Astrotricha crassifolia</i>	Thick-leaf Star-hair	BioNet, PMST	V	V	-	Occurs near Patonga (Gosford LGA), and in Royal National Park and on the Woronora Plateau (Sutherland and Campbelltown LGAs). There is also a record from near Glen Davis (Lithgow LGA) and in Victoria. Occurs in dry sclerophyll woodland on sandstone.	Low: Suitable woodland habitat absent.
<i>Baloskion longipes</i>	Dense Cord-rush	PMST	V	V	-	Drier rainforest, usually near streams.	Low: No records within 10 km and no associated PCTs in Activity Area.
<i>Boronia umbellata</i>	Orara Boronia	BioNet	V	-	-	Grows as an understorey shrub in and around gullies in wet open forest.	Low: No records within 10 km and no associated PCTs in Activity Area.

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<i>Caladenia tessellata</i>	Thick-lipped Spider-orchid, Daddy Long-legs	PMST	E	V	-	The Tessellated Spider Orchid is found in grassy sclerophyll woodland on clay loam or sandy soils, though the population near Braidwood is in low woodland with stony soil. Known from the Sydney area (old records), Wyong, Ulladulla and Braidwood in NSW. Populations in Kiama and Queanbeyan are presumed extinct.	Low: Limited suitable habitat present within vegetated areas however trampling unlikely due to limited access to these areas (outside of tracks and beach).
<i>Callistemon linearifolius</i>	Netted Bottle Brush	BioNet	V	-	-	Recorded from the Georges River to Hawkesbury River in the Sydney area and North to the Nelson Bay area of NSW. Recorded in 2000 at Coalcliff in the northern Illawarra. For the Sydney area recent records are limited to the Hornsby Plateau area near the Hawkesbury River. Grows in dry sclerophyll forest on the coast and adjacent ranges.	Low: No associated PCTs in Activity Area.
<i>Chamaesyce psammogeton</i>	Sand Spurge	BioNet	E	-	-	Found sparsely along the coast from south of Jervis Bay (at Currarong, Culburra and Seven Mile Beach National Park) to Queensland (and Lord Howe Island). Populations have been recorded in Wamberal Lagoon Nature Reserve, Myall Lakes National Park and Bundjalung National Park. Grows on fore-dunes and exposed headlands, often with Spinifex sericeus.	Low: Limited suitable habitat present, however, was not detected during habitat survey or targeted survey.
<i>Cryptostylis hunteriana</i>	Leafless Tongue-orchid	PMST	V	V	-	Does not appear to have well defined habitat preferences and is known from a range of communities, including swamp-heath and woodland. The larger populations typically occur in woodland dominated by Scribbly Gum (<i>Eucalyptus sclerophylla</i>), Silvertop Ash (<i>E. sieberi</i>), Red Bloodwood (<i>Corymbia gummifera</i>) and Black Sheoak (<i>Allocasuarina littoralis</i>), appears to prefer open areas in the understorey of this community and is often found in association with the Large Tongue Orchid (<i>C. subulata</i>) and the Tartan Tongue Orchid (<i>C. erecta</i>).	Low: No associated PCTs in Activity Area.
<i>Cynanchum elegans</i>	White-flowered Wax Plant	PMST	E	E	-	Recorded from rainforest gullies scrub and scree slopes from the Gloucester district to the Wollongong area and inland to Mt Dangar.	None: No rainforest gullies present in Activity Area.
<i>Darwinia biflora</i>	null	PMST	V	V	-	Recorded in Ku-ring-gai, Hornsby, Baulkham Hills and Ryde local government areas. The northern, southern, eastern and western limits of the range are at Maroota, North Ryde, Cowan and Kellyville, respectively. Occurs on the edges of weathered shale-capped ridges where these intergrade with Hawkesbury Sandstone. The vegetation structure is usually woodland, open forest or scrub-heath.	Low: No associated PCTs in Activity Area.

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<i>Epacris Purpurascens</i> var. <i>purpurascens</i>		BioNet	V	-	-	Recorded from Gosford in the North, to Narrabeen in the East, Silverdale in the West and Avon Dam vicinity in the South. Found in a range of habitat types most of which have a strong shale soil influence.	Low: No associated PCTs in Activity Area.
<i>Eucalyptus camfieldii</i>	Camfield's Stringybark	BioNet, PMST	V	V	-	Restricted distribution in a narrow band with the most northerly records in the Raymond Terrace area South to Waterfall. Localised and scattered distribution includes sites at Norah Head (Tuggerah Lakes), Peats Ridge, Mt Colah, Elvina Bay Trail (West Head), Terrey Hills, Killara, North Head, Menai, Wattamolla and a few other sites in Royal National Park. Poor coastal country in shallow sandy soils overlying Hawkesbury sandstone. Coastal heath mostly on exposed sandy ridges. Occurs mostly in small scattered stands near the boundary of tall coastal heaths and low open woodland of the slightly more fertile inland areas.	Low: No associated PCTs in Activity Area.
<i>Eucalyptus nicholii</i>	Narrow-leaved Black Peppermint	BioNet	V	-	-	Typically grows in dry grassy woodland on shallow soils of slopes and ridges. Found primarily on infertile soils derived from granite or metasedimentary rock. Seedling recruitment is common, even in disturbed soils, if protected from grazing and fire.	Low: No associated PCTs in Activity Area.
<i>Genoplesium baueri</i>	Bauer's Midge Orchid	BioNet, PMST	E	E	-	Grows in dry sclerophyll forest and moss gardens over sandstone. Flowers February to March. Has been recorded between Ulladulla and Port Stephens. Currently the species is known from just over 200 plants across 13 sites. The species has been recorded in Berowra Valley Regional Park, Royal National Park and Lane Cove National Park and may also occur in the Woronora, Ohares, Metropolitan and Warragamba Catchments.	Low: No associated PCTs in Activity Area.
<i>Grammitis stenophylla</i>	Narrow-leaf Finger Fern	BioNet	E	-	-	Moist places, usually near streams, on rocks or in trees, in rainforest and moist eucalypt forest.	Low: No associated PCTs in Activity Area.
<i>Grevillea caleyi</i>	Caley's Grevillea	BioNet, PMST	CE	CE	-	Restricted to an 8 km square area around Terrey Hills, approximately 20 km north of Sydney. Occurs in three major areas of suitable habitat, namely Belrose, Ingleside and Terrey Hills-Duffys Forest within the Ku-ring-gai, Pittwater and Warringah Local Government areas. All sites occur on the ridgetop between elevations of 170 to 240m above sea level in association with laterite soils and a vegetation community of open forest, generally dominated by <i>Eucalyptus sieberi</i> and <i>Corymbia gummifera</i> . Commonly found in the endangered Duffys forest ecological community.	Low: No associated PCTs in Activity Area.

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<i>Grevillea shiressii</i>		BioNet, PMST	V	V	-	Grows along creek banks in wet sclerophyll forest with a moist understorey in alluvial sandy or loamy soils.	Low: No associated PCTs in Activity Area.
<i>Haloragis exalata subsp. Exalata</i>	Wingless Raspwort, Square Raspwort	PMST	V	V	-	Occurs in four widely scattered localities in eastern NSW. It is disjunctly distributed in the central coast, south coast and north- western slopes botanical subdivisions of NSW. The species appears to require protected and shaded damp situations in riparian habitats.	Low: No associated PCTs in Activity Area.
<i>Haloragodendron lucasii</i>	Hal	PMST	E	E	-	Occurs on Hawkesbury Sandstone in moist sandy loam soil. The species prefers sheltered aspects and inhabits gentle slopes below cliff lines near creeks in low open woodland or open forest. Its distribution is correlated with high soil moisture and phosphorus levels.	Low: No associated PCTs in Activity Area.
<i>Isotoma fluviatilis subsp. Fluviatilis</i>		BioNet	-	X	-	Currently known from only two adjacent sites on a single private property at Erskine Park in the Penrith LGA. Previous sightings are all from western Sydney at Homebush and at Agnes Banks. Known to grow in damp places on the Cumberland Plain, including freshwater wetland, grassland/alluvial woodland and an alluvial woodland/shale plains woodland (Cumberland Plain Woodland) ecotone.	Low: No associated PCTs in Activity Area.
<i>Kunzea rupestris</i>		BioNet, PMST	V	V	-	Grows in shallow depressions on large flat sandstone rock outcrops. Characteristically found in short to tall shrubland or heathland.	Low: No associated PCTs in Activity Area.
<i>Lasiopetalum joyceae</i>		BioNet, PMST	V	V	-	Grows in heath on sandstone.	Low: No associated PCTs in Activity Area.
<i>Leptospermu m deanei</i>	Deane's Tea-tree	PMST	V	V	-	Grows in woodland on lower hill slopes or near creeks. Sandy alluvial soil or sand over sandstone. Occurs in riparian scrub, woodland and open forest.	Low: No associated PCTs in Activity Area.
<i>Macadamia integrifolia</i>	Macadamia Nut	BioNet	-	V	-	The Macadamia Nut occurs as a scattered rare to occasional tree, and populations sizes are difficult to estimate. It grows in remnant rainforest, preferring partially open areas such as rainforest edges. However, this habitat is not continuously fit for the species. This species has been recorded across a wide range of landforms including hill crests, hill slopes, scree slopes and foot slopes, gullies, benches and terrace plains. High nutrient alluvial and volcanic soils predominate often with considerable exposure of rock fragments or substrate, mostly basalt and diorite. The Macadamia Nut prefers to grow in mild frost-free areas with a reasonably high rainfall. There have been records	Low: No associated PCTs in Activity Area.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
						of planted specimens bearing fruit as far south as Sydney. Vegetation communities in which the Macadamia Nut is found range from complex notophyll mixed forest, extremely tall, closed forest, simple notophyll mixed very tall closed forest to simple microphyll-notophyll mixed mid-high closed forest with Araucaria and Argrodendron emergent.	
<i>Maundia triglochinos</i>		BioNet	V	-	-	Grows in swamps, creeks or shallow freshwater 30 – 60 cm deep on heavy clay and low nutrients. Flowering occurs during warmer months. Diaspore is the seed and root tubers, which are probably dispersed by water.	Low: No associated PCTs in Activity Area.
<i>Melaleuca biconvexa</i>	Biconvex Paperbark	PMST	V	V	-	Grows in damp places, often near streams or low-lying areas on alluvial soils of low slopes or sheltered aspects. Scattered and dispersed populations found in the Jervis Bay area in the South and the Gosford-Wyong area in the North.	Low: No associated PCTs in Activity Area.
<i>Melaleuca deanei</i>	Deane's Melaleuca	PMST	V	V	-	Grows in wet heath on sandstone in coastal districts from Berowra to Nowra.	Low: No associated PCTs in Activity Area.
<i>Micromyrtus blakelyi</i>	null	PMST	V	V	-	Typically occurs within heathlands in shallow sandy soil in cracks and depressions of sandstone rock platforms.	Low: No associated PCTs in Activity Area.
<i>Microtis angusii</i>	Angus's Onion Orchid	BioNet, PMST	E	E	-	It is not easy to define the preferred natural habitat of this orchid as the Ingleside location is highly disturbed. The dominant species occurring on the site are introduced weeds Coolatai grass and Acacia saligna. The Ingleside population occurs on soils that have been modified but were originally those of the restricted ridgetop lateritic soils in the Duffys Forest – Terrey Hills – Ingleside and Belrose areas. These soils support a specific and distinct vegetation type, the Duffys forest Vegetation Community which is listed as an EEC under the TSC Act and ranges from open forest to low open forest and rarely woodland.	Low: No associated PCTs in Activity Area.
<i>Persicaria elatior</i>	Knotweed, Tall Knotweed	PMST	V	V	-	This species normally grows in damp places, especially beside streams and lakes. Occasionally in swamp forest or associated with disturbance.	Low: No associated PCTs in Activity Area.
<i>Persoonia hirsuta</i>	Hairy Geebung	BioNet, PMST	E	E	-	Distributed from Singleton in the North, along the east coast to Bargo in the South and the Blue Mountains to the West. A large area of occurrence, but occurs in small populations, increasing the species's fragmentation in the landscape. Found in sandy soils in dry sclerophyll open forest, woodland and heath on sandstone. Usually present as isolated individuals or very small populations. Probably killed by fire (as other	Low: Limited suitable habitat present within vegetated areas however trampling unlikely due to limited access to these areas (outside of tracks and beach).

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						<i>Persoonia</i> spp. are) but will regenerate from seed.	
<i>Pimelea curviflora</i> var. <i>curviflora</i>		BioNet, PMST	V	V	-	Confined to the coastal area of Sydney between northern Sydney in the South and Maroota in the North-West. Former range extended South to the Parramatta River and Port Jackson region including Five Dock, Bellevue Hill and Manly. Occurs on shaley-lateritic soils over sandstone and shale-sandstone transition soils on ridgetops and upper slopes amongst woodlands.	Low: No associated PCTs in Activity Area.
<i>Prostanthera askania</i>	Tranquillity Mintbush, Tranquillity Mintbush	PMST	E	E	-	Occurs adjacent to drainage lines on flat to moderately steep slopes formed on Narrabeen sandstone and in moist sclerophyll forest and warm temperate rainforest communities. These communities are generally tall forests with a mesic understorey. Appears in some locations to propagate vegetatively by stem-layering where prostrate branches take root where they remain in contact with the soil.	Low: No associated PCTs in Activity Area.
<i>Prostanthera densa</i>	Villous Mint-bush	BioNet, PMST	V	V	-	Villous Mint-bush generally grows in sclerophyll forest and shrubland on coastal headlands and near coastal ranges, chiefly on sandstone, and rocky slopes near the sea.	Low: No associated PCTs in Activity Area.
<i>Prostanthera junonis</i>	Somersby Mintbush	PMST	E	E	-	The species is restricted to the Somersby Plateau. It occurs on both the Somersby and Sydney Town soil landscapes on gently undulating country over weathered Hawkesbury sandstone within open forest- low woodland-open scrub. It occurs in both disturbed and undisturbed sites.	Low: No associated PCTs in Activity Area.
<i>Prostanthera marifolia</i>	Seaforth Mintbush	PMST	CE	CE	-	Occurs in localised patches in or in close proximity to the endangered Duffys forest ecological community. Located on deeply weathered clay-loam soils associated with ironstone and scattered shale lenses, a soil type which only occurs on ridge tops and has been extensively urbanised.	Low: No associated PCTs in Activity Area.
<i>Rhizanthella slateri</i>	Eastern Underground Orchid	PMST	V, EP (Gre at Lake s)	E	-	Habitat requirements are poorly understood and no particular vegetation type has been associated with the species, although it is known to occur in sclerophyll forest. Highly cryptic given that it grows almost completely below the soil surface, with flowers being the only part of the plant that can occur above ground. Therefore, usually located only when the soil is disturbed. In NSW, currently known from fewer than 10 locations, including near Bulahdelah, the Watagan Mountains, the Blue Mountains, Wiseman's Ferry area, Agnes Banks and near Nowra.	Low: No associated PCTs in Activity Area.
<i>Rhodamnia rubescens</i>	Scrub Turpentine	BioNet, PMST	CE	CE	-	Occurs in coastal districts north from Batemans Bay in NSW, approximately 280 km South of Sydney, to areas inland of Bundaberg in Queensland. Populations of <i>R. rubescens</i> typically occur in coastal regions and occasionally	Low: No associated PCTs in Activity Area.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
						extend inland onto escarpments up to 600 m above sea level in areas with rainfall of 1,000-1,600 mm. Found in littoral, warm temperate and subtropical rainforest and wet sclerophyll forest usually on volcanic and sedimentary soils.	
<i>Rhodomyrtus psidioides</i>	Native Guava	PMST	CE	CE	-	Occurs from Broken Bay, approximately 90 km North of Sydney, NSW, to Maryborough in Queensland. Populations are typically restricted to coastal and sub-coastal areas of low elevation however the species does occur up to c. 120 km inland in the Hunter and Clarence River catchments and along the Border Ranges in NSW. Pioneer species found in littoral, warm temperate and subtropical rainforest and wet sclerophyll forest often near creeks and drainage lines. This species is characterised being extremely susceptible to infection by Myrtle Rust. Myrtle Rust affects all plant parts.	Low: No associated PCTs in Activity Area.
<i>Syzygium paniculatum</i>	Magenta Lilly Pilly	BioNet, PMST	E	V	-	Found only in NSW, in a narrow, linear coastal strip from Bulahdelah to Conjola State forest. On the South Coast the species occurs on grey soils over sandstone, restricted mainly to remnant stands of littoral rainforest. On the Central Coast it occurs on gravels, sands, silts and clays in riverside gallery rainforests and remnant littoral rainforest communities.	Low: Limited suitable habitat present within adjacent vegetated areas however trampling unlikely due to limited access to these areas (outside of tracks and beach).
<i>Tetratheca glandulosa</i>		BioNet	V	-	-	Associated with shale-sandstone transition habitat where shale cappings occur over sandstone, with associated soil landscapes such as Lucas Heights, Gynea, Lambert and Faulconbridge. Topographically, the plant occupies ridgetops, upper-slopes and to a lesser extent mid-slope sandstone benches. Soils are generally shallow, consisting of a yellow, clayey-sandy loam. Stony lateritic fragments are also common in the soil profile on many of these ridgetops. Vegetation structure varies from heaths and scrub to woodlands-open woodlands, and open forest.	Low: A moderate number of records within 10 km, recent records (within past 5 years) and no associated PCTs in Activity Area.
<i>Thesium australe</i>	Austral Toadflax, Toadflax	PMST	V	V	-	Grows in very small populations scattered across eastern NSW, along the coast, and from the Northern to Southern Tablelands. It is also found in Tasmania and Queensland and in Eastern Asia. Occurs in grassland or grassy woodland. Grows on kangaroo grass tussocks but has also been recorded within the exotic coolatai grass.	Low: No associated PCTs in Activity Area.
Mammals							

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Arctocephalus forsteri</i>	New Zealand Fur-seal	BioNet	V	-	-	Prefers rocky parts of islands with jumbled terrain and boulders.	Low: Limited rocky habitat possibly suitable for haul outs, but not preferred habitat and likely too disturbed with human activity. More suitable habitats are located elsewhere in the locality. No records within 10 km.
<i>Arctocephalus pusillus doriferus</i>	Australian Fur-seal	BioNet	V	-	-	The Australian Fur Seal is reported to have bred at Seal Rocks near Port Stephens and Montague Island in Southern NSW. Haul outs are observed at isolated places along the NSW coast. The species prefers rocky parts of islands with flat, open terrain. They occupy flatter areas than do New Zealand Fur-seals where they occur together.	Low: Limited rocky habitat possibly suitable for haul outs, but not preferred habitat and likely too disturbed with human activity. More suitable habitats are located elsewhere in the locality. No records within 10 km.
<i>Balaenoptera borealis</i>	Sei Whale	PMST	-	V, M	-	Rare species that may inhabit continental shelf waters (20-60km offshore) Australia wide, especially in areas where upwelling is present.	Low: Subtidal species that would not be impacted by the Activity.
<i>Balaenoptera edeni</i>	Bryde's Whale	PMST	-	M	-	Bryde's Whale is found in temperate to tropical waters exceeding 16.3 °C, but generally those 20 °C or warmer.	Low: Subtidal species that would not be impacted by the Activity.
<i>Balaenoptera musculus</i>	Blue Whale	PMST	E	E, M	-	Breeds in warm water at low latitudes, preferring open seas rather than coastal waters.	Low: Subtidal species that would not be impacted by the Activity.
<i>Balaenoptera physalus</i>	Fin Whale	PMST	-	V, M	-	The Australian Antarctic waters are important feeding grounds for fin whales. Sightings of fin whales feeding in the Bonney Upwelling area indicate that this area is also a potentially important feeding ground. There are no known mating or calving areas in Australian waters. The sighting of a cow and calf in the Bonney Upwelling in April 2000 and the stranding of two fin whale calves in South Australia suggest that this area may be important to the species' reproduction, perhaps as a provisioning area for mothers with calves.	Low: Subtidal species that would not be impacted by the Activity.
<i>Caperea marginata</i>	Pygmy Right Whale	PMST	-	M	-	Pygmy Right Whales in Australian waters are distributed between 32° S and 47° S within temperate waters, while there are few to no records in NSW.	Low: Subtidal species that would not be impacted by the Activity.

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<i>Cercartetus nanus</i>	Eastern Pygmy-possum	BioNet	V	-	-	Eastern Pygmy-possum is found in south-eastern Australia, from southern Queensland to eastern South Australia and in Tasmania. In NSW it extends from the coast inland as far as the Pilliga, Dubbo, Parkes and Wagga Wagga on the western slopes. This species inhabits rainforest through to sclerophyll forest and tree heath. Banksias and myrtaceous shrubs and trees are a favoured food source. Will often nest in tree hollows but can also construct its own nest. Because of its small size it is able to utilise a range of hollow sizes including very small hollows. Individuals will use a number of different hollows and an individual has been recorded using up to nine nest sites within a 0.5 ha area over a 5-month period.	Moderate: Suitable habitat in buffer, no breeding habitat.
<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	BioNet, PMST	V	V	-	Located in a variety of drier habitats, including the dry sclerophyll forests and woodlands to the east and west of the Great Dividing Range. Can also be found on the edges of rainforests and in wet sclerophyll forests. This species roosts in caves and mines in groups of between 3 and 37 individuals. Maternity roosts are in roof domes in sandstone caves and overhangs.	Moderate: Limited suitable foraging habitat present and no suitable breeding or roosting habitat present. A moderate number of records within 10 km, recent records (within past 5 years).
<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	BioNet, PMST	V	E	-	Spotted-tailed Quoll are found on the East Coast of NSW, Tasmania, Eastern Victoria and North-Eastern Queensland. Only in Tasmania is it still considered common. Recorded across a range of habitat types, including rainforest, open forest, woodland, coastal heath and inland riparian forest, from the sub-alpine zone to the coastline.	Low: Suitable habitat absent from Activity Area. Adjacent buffer vegetation is unlikely to support this species due to its urban nature.
<i>Dugong dugon</i>	Dugong	BioNet, PMST	E	MA, M	-	Range extends South from warmer coastal and island waters of the Indo-West Pacific to northern NSW where it's known from incidental records only. Major concentrations of Dugongs occur in wide shallow protected bays, wide shallow mangrove channels and in the lee of large inshore islands. Will also occupy deeper waters if their sea grass food is available.	Low: Subtidal species that would not be impacted by the Activity.
<i>Eubalaena australis</i>	Southern Right Whale	BioNet, PMST	E	E, M	-	Seasonally present along the Australian coast between late April and early November.	Low: Subtidal species that would not be impacted by the Activity.
<i>Falsistrellus tasmaniensis</i>	Eastern False Pipistrelle	BioNet	V	-	-	Inhabit sclerophyll forests, preferring wet habitats where trees are more than 20 m high. Two observations have been made of roosts in stem holes of living eucalypts. There is debate about whether or not this species moves to lower altitudes during winter or whether they remain sedentary but enter torpor.	Low: No suitable habitat is present.

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						This species also appears to be highly mobile and records showing movements of up to 12 km between roosting and foraging sites.	
<i>Isoodon obesulus obesulus</i>	Southern Brown Bandicoot (eastern)	BioNet, PMST	E	E	-	The Southern Brown Bandicoot has a patchy distribution. It is found in south-eastern NSW, east of the Great Dividing Range south from the Hawkesbury River, southern coastal Victoria and the Grampian Ranges, south-eastern South Australia, south-west Western Australia and the northern tip of Queensland. This species prefers sandy soils with scrubby vegetation and /or areas with low ground cover that are burnt from time to time. A mosaic of post-fire vegetation is important for this species. They nest during the day in a shallow depression in the ground covered by leaf litter, grass or other plant material. Nests may be located under Grass trees (<i>Xanthorrhoea</i> spp.), blackberry bushes and other shrubs, or in rabbit burrows.	Moderate: While the suitability of the habitat is limited, the precautionary principle has been applied to include this species given its susceptibility to predation by dogs.
<i>Lagenorhynchus obscurus</i>	Dusky Dolphin	PMST	-	M	-	Coastal species that is rarely seen inside estuaries. They are primarily found from about 55° to 26°S, with extensions well northwards in association with cold currents.	Low: Subtidal species that would not be impacted by the Activity.
<i>Megaptera novaeangliae</i>	Humpback Whale	BioNet, PMST	V	V, M	-	Migrates between Antarctica and the Great Barrier Reef between March and November. Widely distributed in coastal waters and may enter deep embayments at times.	Low: Subtidal species that would not be impacted by the Activity.
<i>Micronomus norfolkensis</i>	Eastern Coastal Free-tailed Bat	BioNet	V	-	-	The Eastern Coastal Free-tailed Bat is found along the east coast from south Queensland to southern NSW. Most records are from dry eucalypt forests and woodlands to the east of the Great Dividing Range. Appears to roost in trees, but little is known of this species' habits.	Moderate: Limited suitable foraging habitat and no suitable breeding or roosting habitat. A moderate number of records within 10 km, recent records (within past 5 years).
<i>Miniopterus australis</i>	Little Bent-winged Bat	BioNet	V	-	-	Little Bent-wing Bats are found in coastal north-eastern NSW and eastern Queensland. The Little Bent-wing Bat is an insectivorous bat that roosts in caves, in old mines, in tunnels, under bridges, or in similar structures. They breed in large aggregations in a small number of known caves and may travel 100s km from feeding home ranges to breeding sites. The Little Bent-wing Bat has a preference for moist eucalypt forest, rainforest or dense coastal banksia scrub where it forages below the canopy for insects.	Moderate: Limited suitable foraging habitat and no suitable breeding or roosting habitat. Numerous records within 10 km, recent records (within past 5 years).

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<i>Miniopterus orianae oceanensis</i>	Large Bent-winged Bat	BioNet	V	-	-	Large Bent-winged Bats occur along the east and north-west coasts of Australia. Caves are the primary roosting habitat, but also use derelict mines, storm-water tunnels, buildings and other man-made structures. They form discrete populations centred on a maternity cave that is used annually in spring and summer for the birth and rearing of young.	Moderate: Limited suitable foraging habitat and no suitable breeding or roosting habitat. A high number of records within 10 km, recent records (within past 5 years).
<i>Myotis macropus</i>	Southern Myotis	BioNet	V	-	-	The Southern Myotis is found in the coastal band from the north- west of Australia, across the top-end and south to western Victoria. Generally, roost in groups of 10 - 15 close to water in caves, mine shafts, hollow-bearing trees, storm water channels, buildings, under bridges and in dense foliage.	Moderate: Limited suitable foraging habitat and no suitable breeding or roosting habitat. Numerous records within 10 km, recent records (within past 5 years).
<i>Orcinus orca</i>	Killer Whale, Orca	PMST	-	M	-	Killer Whales are recorded from all states, with concentrations reported around Tasmania and frequent sightings in South Australia and Victoria. The preferred habitat of Killer Whales includes oceanic, pelagic and neritic regions in both warm and cold waters.	Low: Subtidal species that would not be impacted by the Activity.
<i>Petauroides volans</i>	Greater Glider	BioNet, PMST	-	V	-	This population of Greater Gliders on the south coast of NSW is bounded by the Moruya River to the north, Coila Lake to the south and the Princes Highway and cleared land exceeding 700 m in width to the west. The Greater Glider occurs in eucalypt forests and woodlands.	Low: Suitable forest habitat absent.
<i>Petaurus australis</i>	Yellow-bellied Glider	BioNet	V	V	-	Occur in tall mature eucalypt forest generally in areas with high rainfall and nutrient rich soils. Forest type preferences vary with latitude and elevation; mixed coastal forests to dry escarpment forests in the north; moist coastal gullies and creek flats to tall montane forests in the south. Feed primarily on plant and insect exudates, including nectar, sap, honeydew and manna with pollen and insects providing protein. Den, often in family groups, in hollows of large trees. Very mobile and occupy large home ranges between 20 to 85 ha to encompass dispersed and seasonally variable food resources.	Low: Suitable habitat absent from Activity Area.
<i>Petaurus norfolcensis</i>	Squirrel Glider	BioNet	V	-	-	Generally occurs in dry sclerophyll forests and woodlands but is absent from dense coastal ranges in the southern part of its range. Requires abundant hollow bearing trees and a mix of eucalypts, banksias and acacias. There is only limited information available on den tree use by squirrel gliders, but it has been observed using both living and dead trees as well as hollow stumps. Within a suitable vegetation community at least one species should flower	Low: Suitable woodland habitat absent.

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Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
						heavily in winter and one species of eucalypt should be smooth barked. Endangered population in the Wagga Wagga LGA.	
<i>Petaurus norfolcensis</i> (population)	Squirrel Glider on Barrenjoey Peninsula, north of Bushrangers Hill	BioNet	EP,V	-	-	The endangered population is within the Pittwater Local Government Area on the Barrenjoey Peninsula, north of Bushrangers Hill.	None: This endangered population occurs outside the Activity Area.
<i>Petrogale penicillata</i>	Brush-tailed Rock-wallaby	PMST	E	V	-	Found in rocky areas in a wide variety of habitats including rainforest gullies, wet and dry sclerophyll forest, open woodland and rocky outcrops in semi-arid country. Commonly sites have a northerly aspect with numerous ledges, caves and crevices.	Low: Suitable rocky habitat absent.
<i>Phascolarctos cinereus</i>	Koala	BioNet	V	V	-	Inhabits eucalypt forests and woodlands. The suitability of these forests for habitation depends on the size and species of trees present, soil nutrients, climate and rainfall.	Low: No suitable habitat present in Activity Area.
<i>Phascolarctos cinereus</i> (population)	Koala in the Pittwater LGA (BioNet), Koala (combined populations of Queensland, NSW and the Australian Capital Territory) (PMST)	BioNet, PMST	EP,V	V	-	Inhabits eucalypt forests and woodlands. The suitability of these forests for habitation depends on the size and species of trees present, soil nutrients, climate and rainfall.	Low: No suitable habitat present in Activity Area.
<i>Physeter macrocephalus</i>	Sperm Whale	BioNet	V	-	-	Wide, but patchy distribution from the tropics to the edge of the polar pack-ice in both hemispheres. Concentrations of Sperm Whales tend to occur where the seabed rises steeply from a greater depth, beyond the continental shelf.	Low: Subtidal species that would not be impacted by the Activity.
<i>Potorous tridactylus tridactylus</i>	Long-nosed Potoroo (SE Mainland)	PMST	V	V	-	Inhabits coastal heath and wet and dry sclerophyll forests. Generally found in areas with rainfall greater than 760 mm. Requires relatively thick ground cover where the soil is light and sandy.	Low: No coastal heath and wet and dry sclerophyll forest habitat present.

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<i>Pseudomys gracilicaudatus</i>	Eastern Chestnut Mouse	BioNet	V	-	-	In NSW the Eastern Chestnut Mouse mainly occurs North from the Hawkesbury River area as scattered records along to coast and Eastern fall of the Great Dividing Range extending North into Queensland. There are however, isolated records in the Jervis Bay area. In NSW the Eastern Chestnut Mouse is mostly found, in low numbers, in heathland and is most common in dense, wet heath and swamps. In the tropics it is more an animal of grassy woodlands. Optimal habitat appears to be in vigorously regenerating heathland burnt from 18 months to four years previously. By the time the heath is mature, the larger Swamp Rat becomes dominant, and Eastern Chestnut Mouse numbers drop again.	Low: Suitable wet heath/swamp habitat absent.
<i>Pseudomys novaehollandiae</i>	New Holland Mouse	BioNet, PMST	-	V	-	The New Holland Mouse currently has a disjunct, fragmented distribution across Tasmania, Victoria, NSW and Queensland. Across the species' range the New Holland Mouse is known to inhabit open heathlands, open woodlands with a heathland understorey, and vegetated sand dunes.	Low: No coastal heath habitat present.
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	BioNet, PMST	V	V	-	Grey-headed Flying-foxes are generally found within 200 km of the eastern coast of Australia, from Rockhampton in Queensland to Adelaide in South Australia. This species is a canopy feeding frugivore and nectarivore of rainforests, open forests, woodlands, melaleuca swamps and banksia woodlands. Bats commute daily to foraging areas, usually within 15 km of the day roost although some individuals may travel up to 70 km. Roosting camps are generally located within 20 km of a regular food source and are commonly found in gullies, close to water, in vegetation with a dense canopy. Individual camps may have tens of thousands of animals and are used for mating, and for giving birth and rearing young.	Moderate: Limited suitable foraging habitat in buffer and no known camps in Activity Area. Nearest camp is approximately 1.7 km South- West of Activity Area at Warriewood.
<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail-bat	BioNet	V	-	-	Roosts singly or in groups of up to six, in tree hollows and buildings, in treeless areas they are known to utilise mammal burrows. When foraging for insects, flies high and fast over the forest canopy, but lower in more open country. Forages in most habitats across its very wide range, with and without trees, appears to defend an aerial territory.	Low: Limited suitable foraging habitat is present, no suitable breeding or roosting habitat present.
<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	BioNet	V	-	-	Prefers moist gullies in mature coastal forests and rainforests between the Great Dividing Range and the coast. They are only found at low altitudes below 500 m. In dense environments they utilise natural and human-made opening in the forest for flight paths. Creeks and small rivers are favoured	Low: Suitable gully and rainforest habitat is absent.

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						foraging habitat. This species roosts in hollow tree trunks and branches.	
<i>Sousa sahulensis</i>	Australian Humpback Dolphin	PMST	-	M	-	Inhabit shallow coastal, estuarine, and occasionally riverine habitats, in tropical and subtropical regions. The species usually occurs close to the coast, generally in depths of less than 20 m.	Low: Subtidal species that would not be impacted by the Activity.
<i>Vespdelus trouhntoni</i>	Eastern Cave Bat	BioNet	V	-	-	The Eastern Cave Bat is found in a broad band on both sides of the Great Dividing Range from Cape York to Kempsey, with records from the New England Tablelands and the upper north coast of NSW. The western limit appears to be the Warrumbungle Range, and there is a single record from Southern NSW, East of the ACT. A cave-roosting species that is usually found in dry open forest and woodland, near cliffs or rocky overhangs; has been recorded roosting in disused mine workings, occasionally in colonies of up to 500 individuals.	Low: Limited suitable foraging habitat is present, no suitable breeding or roosting habitat present.
Invertebrates							
<i>Dendronepht hya australis</i>	Cauliflower Soft Coral	PMST	-	E	E	The species appears to be confined to estuarine environments in NSW where it occurs in depths of 1 to 18 m. The species is yet to be recorded outside estuaries or coastal embayments. It is generally found in sandy bottom areas in regions of high current flow, and it has been found to expand and contract in relation to tidal flow cycle.	None: No estuarine habitat present.
<i>Meridolum maryae</i>	Maroubra Woodland Snail, Maroubra Land Snail	PMST	E	E	-	The species is found in the leaf litter of coastal vegetation communities, most commonly in heathland on foredunes also from areas of podsolised dunes/sand plains that support taller heath communities including Eastern Suburbs Banksia Scrub. Can dig several centimetres into soil during dry conditions. The species is typically active at night but can also move about on overcast or rainy days. The ability for individuals to disperse is expected to be similar to closely related camaenids which can move around 3.5 m in a day and 350 m in a lifetime.	Low: No coastal heath habitat present. While no BioNet records occur near the Activity Area, specimen records reported in a research paper were from within 250 m of the Activity Area (Clark 2009); A single specimen was recorded high in the dune shrublands approximately 50 m west of the Activity Area in 1981. The next nearest specimen was recorded in 1950 from Mona Vale Golf Course, approximately 250 m west of the Activity Area. As this species can only move

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
							approximately 3.5 m per day they are unable to disperse over large distances. While there is a single record in close proximity to the Activity Area, it is from over 40 years ago. It is considered likely that the Activity Area was less disturbed at this time. Furthermore, essential microhabitat features such as leaf litter are absent from the dune shrubland habitat in close proximity of the Activity Area. The Activity Area therefore does not provide suitable habitat for this species.
Reptiles							
<i>Caretta caretta</i>	Loggerhead Turtle	BioNet, PMST	E	E, MA, M	-	Loggerhead turtles have a worldwide tropical and subtropical distribution. In Australia they occur in coral reefs, bays and estuaries in tropical and warm temperate waters off the coast of Queensland, Northern Territory, Western Australia and NSW. The female comes ashore to lay her eggs in a hole dug on the beach in tropical regions during the warmer months. The eastern Australian population nests on the southern Great Barrier Reef and adjacent mainland coastal areas.	Moderate: While no known breeding sites occur in the area (DAWE 2021a) and the species is unlikely to use this beach for breeding, the precautionary principle has been applied given the species susceptibility to disturbance. A single record of a nesting event occurred at Bungan Beach to the north of the Activity Area in 2012, however this is outside the known breeding distribution of this species and is considered unlikely to be a regular occurrence.

**ATTACHMENT 1 : REVIEW OF ENVIRONMENTAL FACTORS MONA VALE BEACH (SOUTH) OFF-LEASH DOG TRIAL 2025 - ITEM 11.4 - NORTHERN BEACHES COUNCIL
MEETING - 19 AUGUST 2025**

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Chelonia mydas</i>	Green Turtle	BioNet, PMST	V	V, MA, M	-	Green turtles occur in seaweed rich coral reefs and inshore seagrass pastures in tropical and subtropical areas of the Indo-Pacific region. This species is widely distributed in tropical and sub-tropical seas. They are usually found in tropical waters around Australia but also occurs in coastal waters of NSW, where it is generally seen on the north or central coast, with occasional records from the south coast. Green Turtles lay eggs in holes dug in beaches throughout their range.	Moderate: While no known breeding sites occur in the area (DAWE 2021a) and the species is unlikely to come ashore, the precautionary principle has been applied given the species susceptibility to disturbance.
<i>Dermochelys coriacea</i>	Leatherback Turtle, Leathery Turtle, Luth	BioNet, PMST	V	E, MA, M	-	Occurs in inshore and offshore marine waters. Leatherback turtles are most commonly reported feeding in coastal waters in central eastern Australia (from the Sunshine Coast in southern Queensland to central New South Wales); south-east Australia (from Tasmania, Victoria and eastern South Australia) and in south-western Western Australia. They are also regularly seen in southern Australian. Rarely breeds in Australia, with the nearest regular nesting sites being the Solomon Islands and Malayan Archipelago. Occasional breeding records from NSW coast, including between Ballina and Lennox Head in Northern NSW.	Low: While a number of records for this species occur within 10 km, these records are predominantly of entanglements at sea or, where observed ashore, of carcasses.
<i>Eretmochelys imbricata</i>	Hawksbill Turtle	BioNet, PMST	-	V, MA, M	-	Hawksbill Turtles are found in tropical, subtropical and temperate waters in all the oceans of the world. Nesting is mainly confined to tropical beaches. Along the Great Barrier Reef, Hawksbill Turtles nest in low numbers from just north of Princess Charlotte Bay to Torres Strait. Nesting also occurs in the Northern Territory and Western Australia. Eggs are buried in the sand on beaches.	Moderate: While no known breeding sites occur in the area (DAWE 2021a) and the species is unlikely to come ashore, the precautionary principle has been applied given the species susceptibility to disturbance.
<i>Hoplocephalus bungaroides</i>	Broad-headed Snake	PMST	E	V	-	Occurs almost exclusively in association with communities occurring on Triassic sandstone within the Sydney Basin. Typically found among exposed sandstone outcrops with vegetation types ranging from woodland to heath. Within these habitats they spend most of the year sheltering in and under rock crevices and exfoliating rock. However, some individuals will migrate to tree hollows within 500m of escarpment to find shelter during hotter parts of summer.	Low: Suitable rock crevices and exfoliating rock absent.
<i>Natator depressus</i>	Flatback Turtle	PMST	-	V, MA, M	-	Pelagic and coastal species that may occupy coastal waters including estuaries but more common in warmer tropical waters of Queensland. They feed in the northern coastal regions of Australia, extending as far south as the Tropic of Capricorn.	Low: No records within 10 km, Activity Area is outside species distribution.

Scientific Name	Common Name	Source	BC Act	EPBC Act	FM Act	Habitat	Likelihood Mona Vale
<i>Varanus rosenbergi</i>	Rosenberg's Goanna	BioNet	V	-	-	This species is a Hawkesbury-Narrabeen sandstone outcrop specialist. Occurs in coastal heaths, humid woodlands and both wet and dry sclerophyll forests.	Low: No suitable coastal heath habitat present.

Annex 6 Tests of Significance

A Test of Significance is provided for the following BC Act listed threatened species:

- Threatened Fauna:
 - Raptors (combined assessment of three species)
 - White-bellied Sea-Eagle (*Haliaeetus leucogaster*)
 - Eastern Osprey (*Pandion haliaetus cristatus*)
 - Little Eagle (*Hieraetus morphnoides*)
 - Little Tern (*Sternula albifrons*)
 - Eastern Pygmy-possum (*Cercartetus nanus*)
 - Southern Brown Bandicoot (eastern - *Isodon obesulus obesulus*)
 - Eastern Bristlebird (*Dasyornis brachypterus*)
 - Marine Turtles (combined assessment of two species)
 - Loggerhead Turtle (*Caretta caretta*)
 - Green Turtle (*Chelonia mydas*)

A Significant Impact Criteria assessment is provided for the following EPBC Act listed threatened and migratory species:

- Threatened Fauna:
 - Eastern Bristlebird (*Dasyornis brachypterus*)
 - Australian Fairy Tern (*Sternula nereis nereis*)
 - Southern Brown Bandicoot (eastern - *Isodon obesulus obesulus*)
 - Marine Turtles (combined assessment of three species)
 - Loggerhead Turtle (*Caretta caretta*)
 - Green Turtle (*Chelonia mydas*)
 - Hawksbill Turtle (*Eretmochelys imbricata*)
- Migratory Fauna:
 - Migratory birds (combined assessment of three species)
 - Common Tern (*Sterna hirundo*)
 - Little Tern (*Sternula albifrons*)
 - Eastern Osprey (*Pandion haliaetus cristatus*)
 - Marine Turtles (combined assessment of three species)
 - Loggerhead Turtle (*Caretta caretta*)
 - Green Turtle (*Chelonia mydas*)
 - Hawksbill Turtle (*Eretmochelys imbricata*)

Threatened species listed under the BC Act

Raptors

Raptors listed under the BC Act	
<p>White-bellied Sea-Eagle (<i>Haliaeetus leucogaster</i>): Vulnerable</p> <p>Distribution: The White-bellied Sea-eagle is distributed around the Australian coastline.</p> <p>Habitat requirements: The White-bellied Sea-eagle occurs at sites near the sea or sea-shore and terrestrial habitats include coastal dunes, tidal flats, grassland, heathland, woodland, and forest (including rainforest). Breeding occurs in tall mature open forest/woodland building large stick nests in large old eucalypts. The species prefers to feed on fish but will also hunt waterbirds, reptiles and mammals. Habitat constraints include Living or dead mature trees within suitable vegetation within 1km of a rivers, lakes, large dams or creeks, wetlands and coastlines.</p> <p>Suitable habitat exists within PCTs 772 and 1204 within the Activity Area, within PCT 771, which occurs within 100 m of the Mona Vale Beach (South) Activity Area and within PCT 1817, which occurs within 150 m of the Mona Vale Beach (South) Activity Area.</p> <p>Eastern Osprey (<i>Pandion haliaetus cristatus</i>): Vulnerable</p> <p>Distribution: Eastern Ospreys are found around the Australian coastline, except for Victoria and Tasmania. Pair observed flying over cliffs and dunes at the Activity Area.</p> <p>Habitat requirements: Eastern Ospreys favour coastal areas, especially the mouths of large rivers, lagoons and lakes. They feed on fish over clear, open water, and nest high up in dead trees or in dead crowns of live trees, usually within one kilometre of the sea. Limited suitable habitat exists in the Activity Area.</p> <p>Little Eagle (<i>Hieraetus morphnoides</i>): Vulnerable</p> <p>Distribution: The Little Eagle is widespread in mainland Australia, central and eastern New Guinea.</p> <p>Habitat requirements: Most abundant in lightly timbered areas with open areas nearby. Often recorded foraging in grasslands, crops, treeless dune fields and recently logged areas. May nest in farmland, woodland and forest in tall trees. Limited suitable habitat exists in the Activity Area.</p>	
Criteria	Response
An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:	
<p>a) <i>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</i></p>	<p>Limited suitable foraging habitat occurs in the intertidal habitat within the Activity Area however, the Activity will not remove habitat suitable for these species, and more suitable foraging habitat is abundant in the surrounding area.</p> <p>No suitable breeding habitat for these species occurs within the Activity Area.</p> <p>Given that these species are highly mobile and more suitable habitat occurs nearby, it is considered unlikely that the Activity will have an adverse effect on these species. As no suitable breeding habitat occurs in the Activity Area, the Activity will not have an adverse effect on the life cycle of these species such that a viable local population of the species is likely to be placed at risk of extinction.</p>

Raptors listed under the BC Act		
<p>b) <i>in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:</i></p>	<p>i) <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</i></p> <p>ii) <i>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,</i></p>	<p>N/A</p>
<p>c) <i>in relation to the habitat of a threatened species or ecological community:</i></p>	<p>i) <i>the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</i></p> <p>ii) <i>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</i></p> <p>iii) <i>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,</i></p>	<p>i) The Activity will not result in the removal of habitat. Habitat will be modified by the introduction of off-leash dogs within the Activity Area.</p> <p>ii) The Activity will not result in habitat becoming fragmented or isolated from other areas of habitat.</p> <p>iii) Suitable foraging and nesting habitat will not be removed or fragmented. The Activity Area supports limited suitable foraging habitat. No suitable breeding habitat for these species occurs within the Activity Area. The Activity Area is considered unlikely to represent habitat important to the survival of these species.</p>
<p>d) <i>whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (AOBV) (either directly or indirectly),</i></p>		<p>No AOBV are present within the area potentially impacted by the Activity. However, to the south of Mona Vale is the <i>Little penguin population in Sydney's North Harbour – critical habitat declaration</i>, it is unlikely the AOBV will be impacted directly or indirectly by the Activity.</p>
<p>e) <i>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.</i></p>		<p>The Activity is not part of a key threatening process and is not likely to increase the impact of a key threatening process. The Activity has the potential to result in predation by domestic dogs which is similar to the key threatening process 'Predation and hybridisation by Feral Dogs, <i>Canis lupus familiaris</i>', however this is considered unlikely due to the large size and highly mobile nature of these species.</p>
<p>Conclusion: Given that the Activity will not remove suitable habitat for these species and more suitable habitat occurs nearby, that these species are highly mobile and the absence of breeding habitat from the Activity Area, the Activity is unlikely to result in a significant impact on the White-bellied Sea-Eagle, Eastern Osprey or Little Eagle.</p>		

Little Tern

Little Tern (<i>Sternula albifrons</i>): Endangered		
<p>Distribution: The eastern Australian subpopulation is migratory, breeding in spring-summer and leaving colonies late summer-autumn and largely vacating southern Australia. The non-breeding range of this population is poorly known, but Australian birds have been recorded in Indonesia. Birds returned to their breeding sites in late winter-early spring.</p> <p>Habitat requirements: Little Terns usually roost or loaf on sand-spits, banks and bars within sheltered estuarine or coastal environments, or on the sandy shores of lakes and ocean beaches. The species is not known to use refuge habitats. Little Terns nest on sand-spits, banks, ridges or islets in sheltered coastal environments, such as coastal lakes, estuaries and inlets, and also on wide and flat or gently sloping sandy ocean beaches, and also, occasionally, in sand-dunes. Breed during September to November. Generally nesting occurs from October through January-February (NSW NPWS, 2003). Little Terns are primarily diurnal, and feed by plunging in shallow water of channels and estuaries, or in surf on beaches, typically from 3–10 m above the surface though up to 13 m above water.</p> <p>Suitable habitat exists within PCT 1204 in the Activity Area, and within PCT 1913 which occurs within 200 m of the Activity Area.</p>		
Criteria	Response	
An action is likely to have a significant impact on an endangered species if there is a real chance or possibility that it will:		
<p>a) <i>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</i></p>	<p>No habitat suitable for this species will be removed as a result of this Activity. The increased presence of dogs within the Activity Area has the potential to disrupt breeding or resting behaviour of this species, however no evidence was observed of this species nesting or roosting within the Activity Area or 100 m buffers during targeted surveys. While the targeted surveys focussed on migratory shorebirds, it is considered likely that if any roosting or nesting seabirds had been present they would have been detected during these surveys.</p> <p>These species forage in shallow and open waters. It is possible that the increased presence of dogs may disrupt foraging activities of this species or deter these species from foraging in the water adjacent to the Activity Area, however this species is highly mobile.</p> <p>Given that no habitat suitable for this species will be removed, the highly mobile nature of this species, and the lack of evidence of this species nesting or roosting within the Activity Area, it is considered unlikely to have a significant impact on the lifecycle of these species.</p>	
<p>b) <i>in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:</i></p>	<p>i) <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</i></p> <p>ii) <i>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,</i></p>	<p>N/A</p>

Little Tern (<i>Sternula albifrons</i>): Endangered		
<p>c) <i>in relation to the habitat of a threatened species or ecological community:</i></p>	<p>i) <i>the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</i></p> <p>ii) <i>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</i></p> <p>iii) <i>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,</i></p>	<p>i) The Activity will not result in the removal of habitat. Habitat will be modified by the introduction of off-leash dogs within the Activity Area.</p> <p>ii) The Activity will not result in habitat becoming fragmented or isolated from other areas of habitat as a result of the proposed activity.</p> <p>iii) Suitable foraging and nesting habitat will not be removed or fragmented. The Activity Areas occur within an urban area used for recreational activities and available habitat shows signs of disturbance as a result. It is therefore considered unlikely to represent habitat important to the survival of this species.</p>
<p>d) <i>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),</i></p>	<p>No AOBV are present within the area potentially impacted by the Activity. However, to the south of Mona Vale is the Little penguin population in Sydney's North Harbour – critical habitat declaration, it is unlikely the AOBV will be impacted directly or indirectly by the Activity.</p>	
<p>e) <i>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.</i></p>	<p>The Activity is not part of a key threatening process and is not likely to increase the impact of a key threatening process. The Activity has the potential to result in predation by domestic dogs which is similar to the key threatening process 'Predation and hybridisation by Feral Dogs, <i>Canis lupus familiaris</i>', however this is considered unlikely due to the highly mobile nature of this species.</p>	
<p>Conclusion: Given that the Activity will not remove suitable habitat for this species, and no roosting or nesting activities have been observed within the Activity Area, the Activity is unlikely to result in a significant impact on the Little Tern.</p>		

Eastern Pygmy-possum

Eastern Pygmy-possum (<i>Cercartetus nanus</i>): Vulnerable		
<p>Distribution: Eastern Pygmy-possum is found in south-eastern Australia, from southern Queensland to eastern South Australia and in Tasmania. In NSW it extends from the coast inland as far as the Pilliga, Dubbo, Parkes and Wagga Wagga on the western slopes.</p> <p>Habitat: The species is found in a broad range of habitats from rainforest through sclerophyll (including Box-Ironbark) forest and woodland to heath, but in most areas woodlands and heath appear to be preferred, except in north-eastern NSW where they are most frequently encountered in rainforest. The species feeds largely on nectar and pollen collected from banksias, eucalypts and bottlebrushes; an important pollinator of heathland plants such as banksias; soft fruits are eaten when flowers are unavailable. Shelters in tree hollows, rotten stumps, holes in the ground, abandoned bird-nests, Ringtail Possum (<i>Pseudocheirus peregrinus</i>) dreys or thickets of vegetation (e.g. grass-tree skirts); nest-building appears to be restricted to breeding females; tree hollows are favoured but spherical nests have been found under the bark of eucalypts and in shredded bark in tree forks. Suitable habitat exists within PCTs 771, 772 and 1817 within the Activity Area.</p>		
Criteria	Response	
An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:		
a) <i>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</i>	<p>Limited suitable foraging habitat is present in the Activity Area however, no suitable breeding habitat is present and the Activity will not remove habitat suitable for this species. Suitable foraging habitat is located within the dune shrubland habitat, which will not be accessible to dogs, however, the increased presence of dogs adjacent to potential foraging habitat suitable for this species has the potential to deter foraging behaviour of this species in areas of the habitat that are close to the dog off-leash area. This impact would likely be limited to areas where scents are left by dogs on the fencing surrounding the dune shrubland habitat.</p> <p>Given that no suitable habitat will be removed, no suitable breeding habitat is present, the suitable foraging habitat will not be accessible to dogs, and there will only be a minor impact to the edges of the suitable foraging habitat, it is considered unlikely that the Activity would 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.</p>	
b) <i>in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:</i>	<p>i) <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</i></p> <p>ii) <i>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,</i></p>	N/A

Eastern Pygmy-possum (<i>Cercartetus nanus</i>): Vulnerable		
<p>c) <i>in relation to the habitat of a threatened species or ecological community:</i></p>	<p>i) <i>the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</i></p> <p>ii) <i>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</i></p> <p>iii) <i>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,</i></p>	<p>i) The Activity will not result in the removal of habitat. Habitat will be modified by the introduction of off-leash dogs within the Activity Area.</p> <p>ii) The Activity will not result in habitat becoming fragmented or isolated from other areas of habitat as a result of the proposed activity.</p> <p>iii) Suitable foraging and nesting habitat will not be removed or fragmented. The Activity Area occur within an urban area used for recreational activities and available habitat shows signs of disturbance as a result. It is therefore considered unlikely to represent habitat important to the survival of this species.</p>
<p>d) <i>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),</i></p>		<p>No AOBV are present within the area potentially impacted by the Activity. However, to the south of Mona Vale is the <i>Little penguin population in Sydney's North Harbour – critical habitat declaration</i>, it is unlikely the AOBV will be impacted directly or indirectly by the Activity.</p>
<p>e) <i>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.</i></p>		<p>The Activity is not part of a key threatening process and is not likely to increase the impact of a key threatening process. The Activity has the potential to result in predation by domestic dogs which is similar to the key threatening process 'Predation and hybridisation by Feral Dogs, <i>Canis lupus familiaris</i>', however this is considered unlikely as the dune shrubland habitat will not be accessible to dogs. The likelihood of predation of this species by dogs will be further mitigated by the requirement for dog owners to keep dogs on their leash while entering and exiting the dog-off-leash area.</p>
<p>Conclusion: Given that no suitable habitat will be removed or become fragmented, no suitable breeding habitat is present, the suitable foraging habitat will not be accessible to dogs, and there will only be a minor impact to the edges of the suitable foraging habitat, the Activity is unlikely to result in a significant impact on the Eastern Pygmy-possum</p>		

Southern Brown Bandicoot

Southern Brown Bandicoot (eastern - <i>Isoodon obesulus obesulus</i>): Endangered		
<p>Distribution: The Southern Brown Bandicoot has a patchy distribution. It is found in south-eastern NSW, east of the Great Dividing Range south from the Hawkesbury River, southern coastal Victoria and the Grampian Ranges, south-eastern South Australia, south-west Western Australia and the northern tip of Queensland.</p> <p>Habitat Requirements: Southern Brown Bandicoots are largely crepuscular (active mainly after dusk and/or before dawn). They are generally only found in heath or open forest with a heathy understorey on sandy or friable soils. Nest during the day in a shallow depression in the ground covered by leaf litter, grass or other plant material. Nests may be located under Grass trees <i>Xanthorrhoea</i> spp., blackberry bushes and other shrubs, or in rabbit burrows. The upper surface of the nest may be mixed with earth to waterproof the inside of the nest. Habitat Constraints include Requires dense ground cover in a variety of habitats.</p> <p>Suitable habitat exists within PCTs 771 and 772 within the Activity Area.</p>		
Criteria	Response	
An action is likely to have a significant impact on an endangered species if there is a real chance or possibility that it will:		
<p>f) <i>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</i></p>	<p>Suitable foraging and nesting habitat occurs within the dune shrubland habitat in the 100 m buffer of the Activity Area however, the Activity will not remove habitat suitable for this species. The dune shrubland habitat will not be accessible to dogs, however, the increased presence of dogs adjacent to potential foraging and nesting habitat suitable for this species has the potential to discourage foraging and nesting behaviour of this species in areas of the habitat that are close to the dog off-leash area. This impact on foraging behaviour would likely be limited to areas where scents are left by dogs on the fencing surrounding the dune shrubland habitat. Nesting behaviour of this species may be impacted by the increased presence of dogs.</p> <p>Given that no suitable habitat will be removed, and the suitable habitat present will not be accessible to dogs, it is considered unlikely that the Activity would 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.</p>	
<p>g) <i>in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:</i></p>	<p>ii) <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</i></p> <p>ii) <i>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,</i></p>	<p>N/A</p>

Southern Brown Bandicoot (eastern - <i>Isoodon obesulus obesulus</i>): Endangered		
<p>h) <i>in relation to the habitat of a threatened species or ecological community:</i></p>	<p>i) <i>the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</i></p> <p>ii) <i>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</i></p> <p>iii) <i>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,</i></p>	<p>i) The Activity will not result in the removal of habitat. Habitat will be modified by the introduction of off-leash dogs within the Activity Area.</p> <p>ii) The Activity will not result in habitat becoming fragmented or isolated from other areas of habitat as a result of the proposed activity.</p> <p>iii) Suitable foraging and nesting habitat will not be removed or fragmented. The Activity Area occurs within an urban area used for recreational activities and available habitat shows signs of disturbance as a result. It is therefore considered unlikely to represent habitat important to the survival of this species.</p>
<p>i) <i>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),</i></p>		<p>No AOBV are present within the area potentially impacted by the Activity.</p>
<p>j) <i>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.</i></p>		<p>The Activity is not part of a key threatening process and is not likely to increase the impact of a key threatening process. The Activity has the potential to result in predation by domestic dogs which is similar to the key threatening process 'Predation and hybridisation by Feral Dogs, <i>Canis lupus familiaris</i>', however this is considered unlikely as the dune shrubland habitat will not be accessible to dogs. The likelihood of predation of this species by dogs will be further mitigated by the requirement for dog owners to keep dogs on their leash while entering and exiting the dog-off-leash area. It should be further noted that there is an existing threat of dog predation at the Activity Area due to the presence of a dog off-leash area in Robert Dunn Reserve, and the current Activity is unlikely to significantly increase this risk.</p>
<p>Conclusion: Given that no suitable habitat will be removed, and the suitable habitat present will not be accessible to dogs, the Activity is unlikely to result in a significant impact on the Southern Brown Bandicoot.</p>		

Eastern Bristlebird

Eastern Bristlebird (<i>Dasyornis brachypterus</i>): Endangered	
<p>Distribution: The distribution of the Eastern Bristlebird has reduced to three disjunct areas within south-eastern Australia. The main populations include: Northern - southern Queensland/northern NSW; Central - Barren Ground NR, Budderoo NR, Woronora Plateau, Jervis Bay NP, Booderee NP and Beecroft Peninsula; and Southern - Nadgee NR and Croajingalong NP in the vicinity of the NSW/Victorian border. The population closest to the Activity Areas is the Central population which has been recorded as far north as Woronora Plateau (approximately 47 km south of the Mona Vale (South) Activity Area). However, a BioNet record of this species Near Currawong Beach (approximately 2.7 km from the Palm Beach (North) Activity Area indicates that some individuals do occur in the locality.</p> <p>Habitat requirements: Habitat for central populations is characterised by dense, low vegetation including heath and open woodland with a heathy understorey. In northern NSW the habitat occurs in open forest with dense tussocky grass understorey and sparse mid-storey near rainforest ecotone; all of these vegetation types are fire prone. Nests are elliptical domes constructed on or near the ground amongst dense vegetation.</p> <p>Suitable foraging and nesting habitat is present at Mona Vale, although no records within 10 km. The species has associated habitat within PCT 772 in the Activity Area. And is associated with PCT 771, which occurs within 100 m of the Activity Area.</p>	
Criteria	Response
An action is likely to have a significant impact on an endangered species if there is a real chance or possibility that it will:	
<p>f) <i>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</i></p>	<p>Suitable foraging and nesting habitat occurs in the dune shrubland habitat adjacent to and within the Activity Area, however, the Activity will not remove habitat suitable for this species.</p> <p>The dune shrubland habitat will not be accessible to dogs, however, the increased presence of dogs adjacent to potential foraging and nesting habitat suitable for this species has the potential to discourage foraging and nesting behaviour of this species in areas of the habitat that are close to the dog off-leash area. Nesting behaviour of this species may be impacted by the increased presence of dogs.</p> <p>Given that no suitable habitat will be removed and the suitable habitat present will not be accessible to dogs, it is considered unlikely that the Activity will 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.</p>
<p>g) <i>in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:</i></p>	<p>iii) <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</i></p> <p>iv) <i>is likely to substantially and adversely modify the composition of the ecological community such that its local</i></p> <p>N/A</p>

Eastern Bristlebird (<i>Dasyornis brachypterus</i>): Endangered		
	occurrence is likely to be placed at risk of extinction,	
h) in relation to the habitat of a threatened species or ecological community:	<ul style="list-style-type: none"> 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, 	<ul style="list-style-type: none"> i) The Activity will not result the removal of habitat. Habitat will be modified by the introduction of off-leash dogs within the Activity Area. ii) The Activity will not result in habitat becoming fragmented or isolated from other areas of habitat. iii) Suitable foraging and nesting habitat will not be removed or fragmented. The likelihood of predation of this species by 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. The Activity Area occurs within an urban area used for recreational activities and available habitat shows signs of disturbance as a result. The Activity Area does not fall within priority management sites under the Saving our Species (SoS) program for this species. It is therefore considered unlikely to represent habitat important to the survival of this species.
i) 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),		No AOBV are present within the area potentially impacted by the Activity. However, to the south of Mona Vale is the <i>Little penguin population in Sydney's North Harbour – critical habitat declaration</i> , it is unlikely the AOBV will be impacted directly or indirectly by the Activity.
j) 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.		<p>The Activity is not part of a key threatening process and is not likely to increase the impact of a key threatening process. The Activity will not alter the fire regime or increase the presence of cats or foxes. The Activity has the potential to result in predation by domestic dogs which is similar to the key threatening process 'Predation and hybridisation by Feral Dogs, <i>Canis lupus familiaris</i>'. The likelihood of predation of this species by dogs will be further mitigated by the requirement for dog owners to keep dogs on their leash while entering and exiting the dog-off-leash area. As such, the proposed development is unlikely to result in an increase in a key threatened process such that will result in a significant impact to the threatened species.</p> <p>It should be further noted that there is an existing threat of dog predation at the Activity Area due to the presence of a dog off-leash area in Robert Dunn Reserve, and the current Activity is unlikely to significantly increase this risk.</p>
Conclusion: Given that the Activity will not remove suitable habitat for this species and the suitable habitat present will not be accessible to dogs, the Activity is unlikely to result in a significant impact on the Eastern Bristlebird.		

Marine turtles

Marine turtles		
<p>Loggerhead Turtle (<i>Caretta caretta</i>) (Endangered)</p> <p>Distribution: Loggerhead turtles are found in tropical and temperate waters off the Australian coast. The eastern Australian population nests on the southern Great Barrier Reef and adjacent mainland coastal areas. In NSW they are seen as far south as Jervis Bay and have been recorded nesting on the NSW north coast and feeding around Sydney.</p> <p>Habitat requirements: Loggerhead Turtles are ocean-dwellers, foraging in deeper water for fish, jellyfish and bottom-dwelling animals. The female comes ashore to lay her eggs in a hole dug on the beach in tropical regions during the warmer months. While no known breeding sites occur in the locality (DAWE 2021a) and the species is unlikely to come ashore, the precautionary principle has been applied given the species susceptibility to disturbance. A single record of a nesting event occurred at Bungan Beach to the north of the Activity Area in 2012, however this is outside the known breeding distribution of this species and is considered unlikely to be a regular occurrence.</p> <p>Green Turtle (<i>Chelonia mydas</i>) (Vulnerable)</p> <p>Distribution: Green Turtles are widely distributed in tropical and sub-tropical seas. This species is usually found in tropical waters around Australia but also occurs in coastal waters of NSW, where it is generally seen on the north or central coast, with occasional records from the south coast.</p> <p>Habitat requirements: Green Turtles spend their first five to ten years drifting on ocean currents. Once Green Turtles reach 30 to 40 cm curved carapace length, they settle in shallow benthic foraging habitats such as tropical tidal and sub-tidal coral and rocky reef habitat or inshore seagrass beds. Eggs are laid in holes dug in beaches throughout their range. While no known breeding sites occur in the locality (DAWE 2021a) and the species is unlikely to come ashore, the precautionary principle has been applied given the species susceptibility to disturbance.</p>		
Criteria	Response	
An action is likely to have a significant impact on an endangered or vulnerable species if there is a real chance or possibility that it will:		
k) <i>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</i>	<p>No foraging habitat suitable for Loggerhead Turtles occurs within the Activity Area. Limited rocky reef habitat which supports foraging habitat suitable for Green Turtles occurs at the Activity Area, however the Activity will not remove foraging habitat suitable for these species.</p> <p>Nesting habitat suitable for both species occurs within the sandy beach habitat of the Activity Area however, the Activity will not remove breeding habitat suitable for these species and no known breeding sites occur in the locality (DAWE 2021a). A single record of a Loggerhead Turtle nesting occurred at Bungan Beach to the north of the Activity Area in 2012, however this is outside the known breeding distribution of this species and is considered unlikely to be a regular occurrence.</p> <p>The increased presence of dogs has the potential to disturb nesting behaviour of these species, however given that the Activity Area occur outside the usual breeding distribution of Loggerhead Turtles, and no known Green Turtle breeding sites occur in the locality, it is considered unlikely that the Activity would have an adverse effect on the life cycle of these species such that a viable local population of the species is likely to be placed at risk of extinction.</p>	
l) <i>in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:</i>	<p>i) <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</i></p> <p>ii) <i>is likely to substantially and adversely modify the</i></p>	N/A

	<i>composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,</i>	
<i>m) in relation to the habitat of a threatened species or ecological community:</i>	<ul style="list-style-type: none"> <i>i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</i> <i>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</i> <i>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,</i> 	<ul style="list-style-type: none"> i) The Activity will not result in the removal of habitat. Habitat will be modified by the introduction of off-leash dogs within the Activity Area. ii) The Activity will not result in habitat becoming fragmented or isolated from other areas of habitat. iii) Foraging and breeding habitat will not be removed or fragmented. The Activity Areas occur outside the usual breeding distribution of Loggerhead Turtles, no known Green Turtle breeding sites occur in the locality. The Activity Area occurs within an urban area used for recreational activities and available habitat shows signs of disturbance as a result. The Activity Area does not fall within priority management sites under the SoS programs for these species. It is therefore considered unlikely to represent habitat important to the survival of these species.
<i>n) 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),</i>		No AOBV are present within the area potentially impacted by the Activity. However, to the south of Mona Vale is the <i>Little penguin population in Sydney's North Harbour – critical habitat declaration</i> , it is unlikely the AOBV will be impacted directly or indirectly by the Activity.
<i>o) 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.</i>		The Activity is not part of a key threatening process and is not likely to increase the impact of a key threatening process. The Activity has the potential to result in predation by domestic dogs which is similar to the key threatening process 'Predation and hybridisation by Feral Dogs, <i>Canis lupus familiaris</i> ', however this is considered unlikely as only a very limited area of foraging habitat suitable for Green Turtles occurs at the Activity Area, no foraging habitat suitable for Loggerhead turtles occurs within either Activity Area, and no known breeding sites occur in the locality (DAWE 2021a). While there is a single record of a Loggerhead Turtle nesting occurred at Bungan Beach to the north of the Activity Area, this is outside the known breeding distribution of this species and is considered unlikely to be a regular occurrence. As such, these species would most likely only utilise the waters adjacent to the Activity Areas and are considered unlikely to utilise areas that will be accessible to dogs. It should be further noted that there is an existing threat of dog predation at the Activity Area due to the presence of a dog off-leash area in Robert Dunn Reserve, and the current Activity is unlikely to significantly increase this risk.

Marine turtles

Conclusion: Given that the Activity Areas occur outside the usual breeding distribution of these species and no suitable habitat will be removed, the Activity is unlikely to result in a significant impact on Loggerhead Turtles or Green Turtles.

Threatened species listed under the EPBC Act

Australian Fairy Tern

Australian Fairy Tern (<i>Sternula nereis</i>): Vulnerable		
<p>Distribution: Within Australia, the Fairy Tern occurs along the coasts of Victoria, Tasmania, South Australia and Western Australia; occurring as far north as the Dampier Archipelago near Karratha. The subspecies has been known from NSW in the past, but it is unknown if it persists there.</p> <p>Habitat requirements: The Australian Fairy Tern nests on sheltered sandy beaches, spits and banks above the high tide line and below vegetation. The subspecies has been found in embayments of a variety of habitats including offshore, estuarine or lacustrine (lake) islands, wetlands and mainland coastline. The bird roosts on beaches at night. The Australian subspecies may migrate within Southern Western Australia and Tasmania, where are seen less frequently during the winter months. The bird is more sedentary in the North of Western Australia, South Australia and Victoria. In Australia, the subspecies breeds in October to February in colonies of various sizes (generally between 2–400 pairs) on coral shingle on continental islands or coral cays, on sandy islands and beaches inside estuaries, and on open sandy beaches. Fairy Terns hover and then dive into shallow waters in order to catch fish, however they may scavenge from shoals of feeding predatory fish. No PCTs associated with this species occur within or nearby the Activity Area.</p>		
Significant Impact Criteria	Address of Criteria	Likelihood
An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:		
lead to a long-term decrease in the size of an important population of a species	An important population does not occur within the Activity Area. The habitat within the Activity Area is unlikely to represent habitat critical to the survival of these species and likely constitutes a small part of their overall range which they fly over on occasion. The Activity may result in a minor reduction in the frequency in which this species visits habitat within the Activity Area, however it is unlikely to impact the size of the population in the locality.	Unlikely
reduce the area of occupancy of an important population	An important population does not occur within the Activity Area. The Activity may result in a minor reduction in the frequency in which this species visits habitat within the Activity Area, however it is unlikely to significantly alter the broader area of occupancy of this species.	Unlikely
fragment an existing important population into two or more populations	An important population does not occur within the Activity Area. No habitat will be removed or become fragmented as a result of this Activity. As such, no important population of this species will become fragmented as a result of the Activity.	Unlikely
adversely affect habitat critical to the survival of a species	The habitat within the Activity Area is unlikely to represent habitat critical to the survival of this species and likely constitutes a small part of their overall range which they fly over on occasion. In addition, this species is highly mobile.	Unlikely
disrupt the breeding cycle of an important population	An important population does not occur within the Activity Area. The increased presence of dogs within the Activity Area has the potential to disrupt breeding or resting behaviour of this species, however no evidence was observed of this species nesting or roosting at or within 100 m of the Activity Area during targeted surveys. While the targeted surveys focussed on migratory shorebirds, it is considered likely that if any roosting or nesting Australian Fairy Terns had been present they would have been detected during these surveys.	Unlikely
modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline	The habitat within the Activity Area is unlikely to represent habitat critical to the survival of these species and likely constitutes a small part of their overall range which they fly over on occasion. In addition, this species is highly mobile. No habitat will be removed or become fragmented as a result of this Activity.	Unlikely

Australian Fairy Tern (<i>Sternula nereis</i>): Vulnerable		
result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat	The Activity is considered unlikely to facilitate an increase in feral animals (i.e., feral cats and foxes) that would disturb or predate these species. Predation by domestic dogs is possible however is considered unlikely due to the mobile nature of these species.	Unlikely
introduce disease that may cause the species to decline	The Activity will not involve the transportation of any soil or other substances that have the potential to disperse pathogens throughout the Activity Area. Dogs present within the Activity Area have the potential to disperse any pathogens they may carry, however domestic dogs that have received adequate veterinary care are less likely to carry dangerous pathogens than wild animals. Dog faeces within the Activity Area have the potential to disperse pathogens, however it should be noted that during field surveys dogs were observed within the Activity Area and therefore the Activity Area is likely already subject to impacts from dog faeces. In addition, maintenance of waste bins and the supply of dog faeces disposal bags has been recommended and would effectively mitigate this impact. In addition, the salt water environment within the Activity Area has the potential to kill many pathogens, particularly bacteria. As such, it is considered unlikely that the Activity would introduce disease that may cause this species to decline.	Unlikely
interfere substantially with the recovery of the species.	There is no adopted or made recovery plan for this species (DAWE 2022b).	Unlikely
Conclusion: Given that no important populations of this species occur within the Activity Area, the Activity will not remove or fragment any suitable habitat for this species, and no roosting or nesting activities have been observed within the Activity Area, the Activity is unlikely to result in a significant impact on the Australian Fairy Tern.		

Southern Brown Bandicoot

Southern Brown Bandicoot (eastern - <i>Isodon obesulus obesulus</i>): Endangered		
<p>Distribution: The Southern Brown Bandicoot has a patchy distribution. It is found in south-eastern NSW, east of the Great Dividing Range south from the Hawkesbury River, southern coastal Victoria and the Grampian Ranges, south-eastern South Australia, south-west Western Australia and the northern tip of Queensland.</p> <p>Habitat Requirements: Southern Brown Bandicoots are largely crepuscular (active mainly after dusk and/or before dawn). They are generally only found in heath or open forest with a heathy understorey on sandy or friable soils. Nest during the day in a shallow depression in the ground covered by leaf litter, grass or other plant material. Nests may be located under Grass trees <i>Xanthorrhoea</i> spp., blackberry bushes and other shrubs, or in rabbit burrows. The upper surface of the nest may be mixed with earth to waterproof the inside of the nest. Habitat Constraints include requires dense ground cover in a variety of habitats.</p> <p>Suitable habitat exists within PCTs 771 and 772 within the Activity Area.</p>		
Significant Impact Criteria	Address of Criteria	Likelihood
An action is likely to have a significant impact on a critically endangered or endangered species if there is a real chance or possibility that it will:		
lead to a long-term decrease in the size of a population	Suitable foraging and nesting habitat occurs within the dune shrubland habitat in the 100 m buffer of the Activity Area however, the Activity will not remove habitat suitable for this species. The dune shrubland habitat will not be accessible to dogs, however, the increased presence of dogs adjacent to potential foraging and nesting habitat suitable for this species has the potential to discourage foraging and nesting behaviour of this species in areas of the habitat that are close to the dog off-leash area. As such, the Activity is unlikely to lead to a long-term decrease in the size of a population of this species.	Unlikely
reduce the area of occupancy of the species	Foraging and nesting behaviour may be impacted by the presence of dogs, however this impact would likely be limited to areas where scents are left by dogs on the fencing surrounding the dune shrubland habitat.	Unlikely
fragment an existing population into two or more populations	No habitat will be removed or become fragmented as a result of this Activity. As such, no population of this species will become fragmented as a result of the Activity.	Unlikely
adversely affect habitat critical to the survival of a species	Habitat suitable for this species will not be removed as a result of the Activity and will not be accessible to dogs. The habitat within the Activity Area is unlikely to represent habitat critical to the survival of this species. As such it is unlikely that the Activity would adversely affect habitat critical to the survival of this species.	Unlikely
disrupt the breeding cycle of a population	The increased presence of dogs within the Activity Area has the potential to disrupt nesting behaviour of this species, however this impact would likely be limited to areas where scents are left by dogs on the fencing surrounding the dune shrubland habitat.	Unlikely
modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline	Habitat suitable for this species will not be removed as a result of the Activity and will not be accessible to dogs. The habitat within the Activity Area is unlikely to represent habitat critical to the survival of this species. As such it is unlikely that the increased presence of dogs would modify habitat to the extent that the species is likely to decline.	Unlikely
result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat	The Activity is considered unlikely to facilitate an increase in feral animals (i.e., feral cats and foxes) that would disturb or predate these species. Predation by dogs has been considered below in relation to the species.	Unlikely

Southern Brown Bandicoot (eastern - <i>Isodon obesulus obesulus</i>): Endangered		
introduce disease that may cause the species to decline	The Activity will not involve the transportation of any soil or other substances that have the potential to disperse pathogens throughout the Activity Area. Dogs present within the Activity Area have the potential to disperse any pathogens they may carry, however domestic dogs that have received adequate veterinary care are less likely to carry dangerous pathogens than wild animals. Dog faeces within the Activity Area have the potential to disperse pathogens, however it should be noted that during field surveys dogs were observed within the Activity Area and therefore the Activity Area is likely already subject to impacts from dog faeces. In addition, maintenance of dog waste bins with waste disposal bags has been recommended and would effectively mitigate this impact. In addition, the salt water environment within the Activity Area has the potential to kill many pathogens, particularly bacteria. As such, it is considered unlikely that the Activity would introduce disease that may cause this species to decline.	Unlikely
interfere with the recovery of the species.	There is a recovery plan made for this species, with priority management sites identified in the Northern Sydney metropolitan area. This recovery plan identifies dogs as one of the key factors thought to be responsible for the decline of this species. The likelihood of predation of this species by dogs will be mitigated by the fact that the dune shrubland habitat will not be accessible to dogs, and the requirement for dog owners to keep dogs on their leash while entering and exiting the dog-off-leash area. It should be further noted that there is an existing threat of dog predation at the Activity Area due to the presence of a dog off-leash area in Robert Dunn Reserve, and the current Project is unlikely to significantly increase this risk.	Possible
Conclusion: Given that the area of occupancy of a local population of this species may be marginally reduced, the proximity of the dog off-leash area to suitable nesting habitat, and the fact that dogs are identified as one of the key factors thought to be responsible for the decline of this species, it is considered likely that the Activity has the potential to impact the Southern Brown Bandicoot. However, as no suitable habitat will be removed, and the suitable habitat present will not be accessible to dogs, it is considered unlikely that the impact would be significant.		

Eastern Bristlebird

Eastern Bristlebird (<i>Dasyornis brachypterus</i>) Endangered		
<p>Distribution: The distribution of the Eastern Bristlebird has contracted to three disjunct areas of south-eastern Australia. The main populations include: Northern - southern Queensland/northern NSW; Central - Barren Ground NR, Budderoo NR, Woronora Plateau, Jervis Bay NP, Booderee NP and Beecroft Peninsula; and Southern - Nadgee NR and Croajingalong NP in the vicinity of the NSW/Victorian border. The population closest to the Activity Areas is the Central population which has been recorded as far north as Woronora Plateau (approximately 47 km south of the Activity Area). However, a BioNet record of this species Near Currawong Beach (approximately 20 km from the Activity Area indicates that some individuals do occur in the locality.</p> <p>Habitat requirements: Habitat for central and southern populations is characterised by dense, low vegetation including heath and open woodland with a heathy understorey. In northern NSW the habitat occurs in open forest with dense tussocky grass understorey and sparse mid-storey near rainforest ecotone. Populations have been recorded in a variety of vegetation communities with dense understorey, and all of the vegetation types are fire prone. Nests are elliptical domes constructed on or near the ground amongst dense vegetation.</p> <p>Suitable foraging habitat is present at Mona Vale, although no records within 10 km. The species has associated habitat within PCT 772 in the Activity Area. And is associated with PCT 771, which occurs within 100 m of the Activity Area.</p>		
Significant Impact Criteria	Address of Criteria	Likelihood
An action is likely to have a significant impact on a critically endangered or endangered species if there is a real chance or possibility that it will:		
lead to a long-term decrease in the size of a population	Suitable foraging and nesting habitat occurs within the dune shrubland habitat in the 100 m buffer of the Activity Areas, however, the Activity will not remove habitat suitable for this species. The dune shrubland habitat will not be accessible to dogs, however, the increased presence of dogs adjacent to potential foraging and nesting habitat suitable for this species has the potential to discourage foraging and nesting behaviour of this species in areas of the habitat that are close to the dog off-leash area. As such, given that no suitable habitat will be removed and the suitable habitat present will not be accessible to dogs, it is considered unlikely that the Activity will lead to a long-term decrease in the size of a population.	Unlikely
reduce the area of occupancy of the species	No suitable habitat will be removed and the suitable habitat present will not be accessible to dogs. As such, it is considered unlikely that the Activity will significantly reduce the area of occupancy of this species.	Unlikely
fragment an existing population into two or more populations	No habitat will be removed or become fragmented as a result of this Activity. As such, no population of this species will become fragmented as a result of the Activity.	Unlikely
adversely affect habitat critical to the survival of a species	Habitat suitable for this species will not be removed as a result of the Activity and will not be accessible to dogs. The habitat within the Activity Area is unlikely to represent habitat critical to the survival of this species.	Unlikely
disrupt the breeding cycle of a population	The increased presence of dogs within the Activity Area has the potential to disrupt breeding or resting behaviour of this species. The nest is generally constructed at 10 to 45 cm above the ground in low dense vegetation, in grass tussocks, sedges, ferns and shrubs. Habitat suitable for this species will not be accessible to dogs.	Unlikely
modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline	The habitat within the Activity Area is unlikely to represent habitat critical to the survival of these species. . In addition no habitat will be removed or become fragmented as a result of this Activity. Suitable habitat within and adjacent to the Activity Area will not be accessible to dogs. As such it is unlikely that the increased presence of dogs would modify habitat to the extent that the species is likely to decline.	Unlikely

Eastern Bristlebird (<i>Dasyornis brachypterus</i>) Endangered		
result in invasive species that are harmful to a critically endangered or endangered species becoming established in the critically endangered or endangered species' habitat	The Activity is considered unlikely to facilitate an increase in feral animals (i.e., feral cats and foxes) that would disturb or predate these species. Predation by dogs has been considered below in relation to the species.	Unlikely
introduce disease that may cause the species to decline	The Activity will not involve the transportation of any soil or other substances that have the potential to disperse pathogens throughout the Activity Area. Dogs present within the Activity Area have the potential to disperse any pathogens they may carry, however domestic dogs that have received adequate veterinary care are less likely to carry dangerous pathogens than wild animals. Dog faeces within the Activity Area have the potential to disperse pathogens, however it should be noted that during field surveys dogs were observed within the Activity Area and therefore the Activity Area is likely already subject to impacts from dog faeces. In addition, maintenance of waste bins and the supply of dog faeces disposal bags has been recommended and would effectively mitigate this impact. As such, it is considered unlikely that the Activity would introduce disease that may cause this species to decline.	Unlikely
interfere with the recovery of the species.	There is a draft National recovery plan for this species: Draft National Recovery Plan for <i>Dasyornis brachypterus</i> (Eastern Bristlebird) (DAWE 2021b). The recovery plan includes the following key objectives: Objective 1: Population viability is improved Objective 2: Priority threats are reduced Objective 3: Habitat condition is maintained Objective 4: Population assessments and research are enhanced Objective 5: Stakeholder engagement to assist with recovery Objective 6: Recovery objectives incorporated into relevant policy and management. The Activity would not impact upon known important populations, or significant impact upon potential habitat for the species. The Activity is unlikely to substantially increase threats to the species such that a significant impact is likely to occur. The Activity therefore does not deviate from the objectives listed in the DAWE (2021b) draft recovery plan.	Unlikely
Conclusion: Given that the Activity will not remove or fragment any suitable habitat for this species and the suitable habitat present will not be accessible to dogs, the Activity is unlikely to result in a significant impact on the Eastern Bristlebird.		

Marine turtles

Marine turtles		
Loggerhead Turtle (<i>Caretta caretta</i>) (Endangered)		
Distribution: Loggerhead turtles are found in tropical and temperate waters off the Australian coast. The eastern Australian population nests on the southern Great Barrier Reef and adjacent mainland coastal areas. In NSW they are seen as far south as Jervis Bay and have been recorded nesting on the NSW north coast and feeding around Sydney.		
Habitat requirements: Loggerhead Turtles are ocean-dwellers, foraging in deeper water for fish, jellyfish and bottom-dwelling animals. The female comes ashore to lay her eggs in a hole dug on the beach in tropical regions during the warmer months. While no known breeding sites occur in the locality (DAWE 2021a) and the species is unlikely to come ashore, the precautionary principle has been applied given the species susceptibility to disturbance. A single record of a nesting event occurred at Bungan Beach to the north of the Activity Area in 2012, however this is outside the known breeding distribution of this species and is considered unlikely to be a regular occurrence.		
Green Turtle (<i>Chelonia mydas</i>) (Vulnerable)		
Distribution: Green Turtles are widely distributed in tropical and sub-tropical seas. This species is usually found in tropical waters around Australia but also occurs in coastal waters of NSW, where it is generally seen on the north or central coast, with occasional records from the south coast.		
Habitat requirements: Green Turtles spend their first five to ten years drifting on ocean currents. Once Green Turtles reach 30 to 40 cm curved carapace length, they settle in shallow benthic foraging habitats such as tropical tidal and sub-tidal coral and rocky reef habitat or inshore seagrass beds. Eggs are laid in holes dug in beaches throughout their range. While no known breeding sites occur in the locality (DAWE 2021a) and the species is unlikely to come ashore, the precautionary principle has been applied given the species susceptibility to disturbance.		
Hawksbill Turtle (<i>Eretmochelys imbricata</i>) (Vulnerable)		
Distribution: Hawksbill Turtles are found in tropical, subtropical and temperate waters in all the oceans of the world. Nesting is mainly confined to tropical beaches. Hawksbill Turtles have been seen in temperate regions as far south as northern NSW. Along the Great Barrier Reef, hawksbill turtles nest in low numbers from just north of Princess Charlotte Bay to Torres Strait. Nesting also occurs in the Northern Territory and Western Australia. In Australia the main feeding area extends along the east coast		
Habitat requirements: Hawksbill Turtles spend their first five to ten years drifting on ocean currents. Once Hawksbill Turtles reach 30 to 40 cm curved carapace length, they settle and forage in tropical tidal and sub-tidal coral and rocky reef habitat. They primarily feed on sponges and algae and have also been found, though less frequently, within seagrass habitats of coastal waters, as well as the deeper habitats of trawl fisheries. While no known breeding sites occur in the locality (DAWE 2021a) and the species is unlikely to come ashore, the precautionary principle has been applied given the species susceptibility to disturbance.		
Significant Impact Criteria	Address of Criteria	Likelihood
An action is likely to have a significant impact on a critically endangered, endangered or vulnerable species if there is a real chance or possibility that it will:		
Endangered criteria: lead to a long-term decrease in the size of a population	No foraging habitat suitable for Loggerhead Turtles occurs within the Activity Area. Limited rocky reef habitat which supports foraging habitat suitable for Green Turtles and Hawksbill Turtles occurs at the Activity Area, however the Activity will not remove foraging habitat suitable for these species.	Unlikely
Vulnerable criteria: lead to a long-term decrease in the size of an important population of a species	Nesting habitat suitable for all three species occurs within the sandy beach habitat of the Activity Area however, the Activity will not remove breeding habitat suitable for these species and no known breeding sites occur in the locality (DAWE 2021a). A single record of a Loggerhead Turtle nesting occurred at Bungan Beach to the north of the Activity Area, however this is outside the known breeding distribution of this species and is considered unlikely to be a regular occurrence. No important populations of Green Turtles or Hawksbill Turtles occur in the Activity Area. The increased presence of dogs has the potential to disturb nesting behaviour of these species, however given that the Activity Areas occur outside the usual breeding distribution of Loggerhead Turtles and Hawksbill Turtles, and	

Marine turtles		
	long-term decrease in the size of a population of these species.	
Endangered criteria: reduce the area of occupancy of the species Vulnerable criteria: reduce the area of occupancy of an important population	The Activity will not remove habitat suitable for these species. The Activity Area occurs outside the usual breeding distribution of Loggerhead Turtles and Hawksbill Turtles, and no known Green Turtle breeding sites occur in the locality. A single record of a Loggerhead Turtle nesting occurred to the north of the Activity Area, however this is outside the known breeding distribution of this species and is considered unlikely to be a regular occurrence. No important populations of these species occur in the Activity Area. The increased presence of dogs has the potential to disturb nesting behaviour of these species, however given that the Activity Areas occur outside the usual breeding distribution of Loggerhead Turtles and Hawksbill Turtles, and no known Green Turtle breeding sites occur in the locality, it is considered unlikely that the Activity would reduce the area of occupancy of these species	Unlikely
Endangered criteria: fragment an existing population into two or more populations Vulnerable criteria: fragment an existing important population into two or more populations	No habitat will be removed or become fragmented as a result of the Activity. As such, no population of these species will become fragmented as a result of the Activity.	Unlikely
Endangered and vulnerable criteria: adversely affect habitat critical to the survival of a species	Habitat suitable for these species will not be removed as a result of the Activity. The habitat within the Activity Area is unlikely to represent habitat critical to the survival of these species. The Activity Area occurs outside the usual breeding distribution of Loggerhead Turtles and Hawksbill Turtles, and no known Green Turtle breeding sites occur in the locality. As such, it is unlikely that the Activity would adversely affect habitat critical to the survival of these species.	Unlikely
Endangered criteria: disrupt the breeding cycle of a population Vulnerable criteria: disrupt the breeding cycle of an important population	The increased presence of dogs within the Activity Area has the potential to disrupt nesting behaviour of these species, however the Activity Area occurs outside the usual breeding distribution of Loggerhead Turtles and Hawksbill Turtles, and no known Green Turtle breeding sites occur in the locality. Furthermore, no important populations of these species occur in the Activity Area. As such, the Activity is unlikely to disrupt the breeding cycle of a population of these species.	Unlikely
Endangered and vulnerable criteria: modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline	Habitat suitable for these species will not be removed as a result of the Activity. The habitat within the Activity Areas is unlikely to represent habitat critical to the survival of these species. As such it is unlikely that the increased presence of dogs would modify habitat to the extent that the species is likely to decline.	Unlikely
Endangered criteria: result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat	The Activity is considered unlikely to facilitate an increase in feral animals (i.e., feral cats and foxes) that would disturb or predate these species or their nests. Predation by dogs has been considered below in relation to the species.	Unlikely

Marine turtles		
Vulnerable criteria: result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat		
Endangered and vulnerable criteria: introduce disease that may cause the species to decline	The Activity will not involve the transportation of any soil or other substances that have the potential to disperse pathogens throughout the Activity Area. Dogs present within the Activity Area have the potential to disperse any pathogens they may carry, however domestic dogs that have received adequate veterinary care are less likely to carry dangerous pathogens than wild animals. Dog faeces within the Activity Area have the potential to disperse pathogens, however it should be noted that during field surveys dogs were observed within the Activity Area and therefore the Activity Area is likely already subject to impacts from dog faeces. In addition, maintenance of dog waste bins with waste disposal bags has been recommended and would effectively mitigate this impact. In addition, the salt water environment within the Activity Area has the potential to kill many pathogens, particularly bacteria. As such, it is considered unlikely that the Activity would introduce disease that may cause these species to decline.	Unlikely
Endangered criteria: interfere with the recovery of the species. Vulnerable criteria: interfere substantially with the recovery of the species.	The recovery plan for marine turtles identifies egg predation by dogs as a threat to marine turtles (DEE 2017b). However, the recovery plan also identifies habitat critical to the survival of these species, none which occur in the locality. As the Activity Area occurs outside the usual breeding distribution of Loggerhead Turtles and Hawksbill Turtles, and no known Green Turtle breeding sites occur in the locality, it is considered unlikely that the activity would interfere with the recovery of these species. It should be further noted that there is an existing threat of dog predation at the Activity Area due to the presence of a dog off-leash area in Robert Dunn Reserve, and the current Project is unlikely to significantly increase this risk.	Unlikely
Conclusion: Given that no suitable habitat will be removed, the Activity Area occurs outside the usual breeding distribution of Loggerhead Turtles and Hawksbill Turtles, and no known Green Turtle breeding sites occur in the locality, the Activity is unlikely to result in a significant impact on Loggerhead Turtles, Green Turtles or Hawksbill Turtles.		

Migratory species listed under the EPBC Act

Migratory birds

Migratory seabirds listed under the EPBC Act

Common Tern (*Sterna hirundo*): Marine, Migratory

Distribution: The species is a non-breeding migrant to Australia, where it is widespread and common on the eastern coast south to eastern Victoria, and common on parts of the northern coast, mainly east of Darwin. In Australia, Common Terns are mainly found along the eastern coast, where they are widespread and common from south-eastern Queensland to eastern Victoria (extending south-west to Port Albert), though less often recorded south of Port Hacking in NSW. Elsewhere on the eastern coast, they occur in the eastern Torres Strait and more sparsely from there south to Rockhampton.

Habitat requirements: Common Terns are marine, pelagic and coastal. In Australia, they are recorded in all marine zones, but are commonly observed in near-coastal waters, both on ocean beaches, platforms and headlands and in sheltered waters, such as bays, harbours and estuaries with muddy, sandy or rocky shores. Common Terns forage in marine environments, often close to the shore, including sheltered embayments and in the surf-zone, but also well out to sea. They also forage in near-coastal terrestrial wetlands, including estuaries, rivers and swamps. Common Terns roost on unvegetated, intertidal sandy ocean beaches, sandy islands, shores of estuaries or lagoons, and sandbars, as well as on rocky shores, rock platforms or rocks protruding above the surface of the water. Common Terns nest on the ground in the open, usually on bare substrates, occasionally near vegetation or in it, or on a floating mat of vegetation. They usually nest on islands, either marine or in lakes, only sometimes on mainland beaches or promontories or salt or freshwater marshes. Limited suitable habitat exists in the Activity Area.

Little Tern (*Sterna albifrons*): Marine, Migratory

Distribution: The eastern Australian subpopulation is migratory, breeding in spring-summer and leaving colonies late summer-autumn and largely vacating Southern Australia. The non-breeding range of this population is poorly known, but Australian birds have been recorded in Indonesia. Birds return to their breeding sites in late winter-early spring.

Habitat requirements: Little Terns usually roost or loaf on sand-spits, banks and bars within sheltered estuarine or coastal environments, or on the sandy shores of lakes and ocean beaches. The species is not known to use refuge habitats. Little Terns nest on sand-spits, banks, ridges or islets in sheltered coastal environments, such as coastal lakes, estuaries and inlets and also on wide and flat or gently sloping sandy ocean beaches and also, occasionally in sand-dunes. Breed during September to November. Generally nesting occurs from October through January-February (NSW NPWS, 2003). Little Terns are primarily diurnal, and feed by plunging in shallow water of channels and estuaries, or in surf on beaches, typically from 3–10 m above the surface though up to 13 m above water. Suitable habitat exists within PCT 1204 in the Activity Area, and within PCT 1913 which occurs within 200 m of the Activity Area.

Migratory seabirds listed under the EPBC Act		
Eastern Osprey (<i>Pandion haliaetus cristatus</i>) (Vulnerable)		
Distribution: Eastern Ospreys are found around the Australian coastline, except for Victoria and Tasmania.		
Habitat requirements: Eastern Ospreys favour coastal areas, especially the mouths of large rivers, lagoons and lakes. They feed on fish over clear, open water, and nest high up in dead trees or in dead crowns of live trees, usually within one kilometre of the sea. Limited suitable habitat exists in the Activity Area.		
Significant Impact Criteria	Address of Criteria	Likelihood
An action is likely to have a significant impact on a migratory species if there is a real chance or possibility that it will:		
substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species	No known important areas of habitat for migratory species occur within the Activity Area. The habitat within the Activity Area is unlikely to represent habitat critical to the survival of these species and likely constitutes a small part of their overall range, which they fly over on occasion. No habitat will be removed or become fragmented as a result of this Activity. Fire regimes and hydrological cycles will not be altered as a result of this Activity. Nutrient cycles may be impacted through an increase in dog faeces within the Activity Area, however it should be noted that during field surveys dogs were observed within the Activity Area. As such, it is likely that the nutrient cycle within the Activity Area is already subject to impacts from dog faeces. In addition, maintenance of waste bins and the supply of dog faeces disposal bags has been recommended and would effectively mitigate this impact.	Unlikely - mitigated
result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species, or	The Activity is considered unlikely to facilitate an increase in feral animals (i.e., feral cats and foxes) that would disturb or predate these species. Predation by domestic dogs is possible, however is considered unlikely due to the mobile nature of these species.	Unlikely
seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.	The increased presence of dogs within the Activity Area has the potential to disrupt breeding or resting behaviour of seabirds, however no evidence was observed of any seabirds nesting or roosting in or within 100 m of the Activity Area during targeted surveys. While the targeted surveys focussed on migratory shorebirds, it is considered likely that if any roosting or nesting seabirds had been present, they would have been detected during these surveys. No suitable breeding habitat for Eastern Osprey is present in the Activity Area. These species forage in shallow and open waters. It is possible that the increased presence of dogs may disrupt foraging activities of these species or deter these species from foraging in the water adjacent to the Activity Area, however given the existing level of disturbance from human activity it is considered unlikely to have a significant impact on the lifecycle of these species. The Activity is unlikely to impact the migration patterns of these species. In addition, it is considered unlikely that habitat within the Activity Area is utilised by an ecologically significant proportion of populations of these species.	Unlikely
Conclusion: Given that the Activity will not remove suitable habitat for these species, similar impacts to the nutrient cycle currently occur and mitigation measures proposed, and no roosting or nesting activities have been observed within the Activity Area, the Activity is unlikely to result in a significant impact on these migratory birds.		

Marine turtles

Migratory marine turtles listed under the EPBC Act		
Loggerhead Turtle (<i>Caretta caretta</i>): Marine, Migratory		
Distribution: Loggerhead turtles are found in tropical and temperate waters off the Australian coast. The eastern Australian population nests on the southern Great Barrier Reef and adjacent mainland coastal areas. In NSW they are seen as far south as Jervis Bay and have been recorded nesting on the NSW north coast and feeding around Sydney.		
Habitat requirements: Loggerhead Turtles are ocean-dwellers, foraging in deeper water for fish, jellyfish and bottom-dwelling animals. The female comes ashore to lay her eggs in a hole dug on the beach in tropical regions during the warmer months. While no known breeding sites occur in the locality (DAWE 2021a) and the species is unlikely to come ashore, the precautionary principle has been applied given the species susceptibility to disturbance. A single record of a nesting event occurred at Bungan Beach to the north of the in 2012, however this is outside the known breeding distribution of this species and is considered unlikely to be a regular occurrence.		
Green Turtle (<i>Chelonia mydas</i>) (Vulnerable): Marine, Migratory		
Distribution: Green Turtles are widely distributed in tropical and sub-tropical seas. This species is usually found in tropical waters around Australia but also occurs in coastal waters of NSW, where it is generally seen on the north or central coast, with occasional records from the south coast.		
Habitat requirements: Green Turtles spend their first five to ten years drifting on ocean currents. Once Green Turtles reach 30 to 40 cm curved carapace length, they settle in shallow benthic foraging habitats such as tropical tidal and sub-tidal coral and rocky reef habitat or inshore seagrass beds. Eggs are laid in holes dug in beaches throughout their range. While no known breeding sites occur in the locality (DAWE 2021a) and the species is unlikely to come ashore, the precautionary principle has been applied given the species susceptibility to disturbance.		
Hawksbill Turtle (<i>Eretmochelys imbricata</i>): Marine, Migratory		
Distribution: Hawksbill Turtles are found in tropical, subtropical and temperate waters in all the oceans of the world. Nesting is mainly confined to tropical beaches. Hawksbill Turtles have been seen in temperate regions as far south as northern NSW. Along the Great Barrier Reef, hawksbill turtles nest in low numbers from just north of Princess Charlotte Bay to Torres Strait. Nesting also occurs in the Northern Territory and Western Australia. In Australia the main feeding area extends along the east coast		
Habitat requirements: Hawksbill Turtles spend their first five to ten years drifting on ocean currents. Once Hawksbill Turtles reach 30 to 40 cm curved carapace length, they settle and forage in tropical tidal and sub-tidal coral and rocky reef habitat. They primarily feed on sponges and algae and have also been found, though less frequently, within seagrass habitats of coastal waters, as well as the deeper habitats of trawl fisheries. While no known breeding sites occur in the locality (DAWE 2021a) and the species is unlikely to come ashore, the precautionary principle has been applied given the species susceptibility to disturbance.		
Significant Impact Criteria	Address of Criteria	Likelihood
An action is likely to have a significant impact on a migratory species if there is a real chance or possibility that it will:		
substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species	No known important areas of habitat for migratory species occur within the Activity Area. The habitat within the Activity Area is unlikely to represent habitat critical to the survival of these species and likely constitutes a small part of their overall range. No habitat will be removed or become fragmented as a result of this Activity. Fire regimes and hydrological cycles will not be altered as a result of this Activity. Nutrient cycles may be impacted through an increase in dog faeces within the Activity Area, however it should be noted that during field surveys dogs were observed within the Activity Area. As such, it is likely that the nutrient cycle within the Activity Area is already subject to impacts from dog faeces. In addition, maintenance of waste bins and the and the supply of dog faeces disposal bags has been recommended and would effectively mitigate this impact.	Unlikely - mitigated
result in an invasive species that is harmful to the migratory species becoming established in	The Activity is considered unlikely to facilitate an increase in feral animals (i.e., feral cats and foxes) that would disturb or predate these species. Predation of nests by domestic dogs is possible however is considered unlikely as	Unlikely

Migratory marine turtles listed under the EPBC Act

an area of important habitat for the migratory species, or

seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

the Activity Area occurs outside the usual breeding distribution of Loggerhead Turtles, no known Green Turtle breeding sites occur in the locality.

No foraging habitat suitable for Loggerhead Turtles occurs within the Activity Area. Limited rocky reef habitat which Unlikely

Supports foraging habitat suitable for Green Turtles occurs at the Activity Area, however

the Activity will not remove foraging habitat suitable for these species.

Nesting habitat suitable for both species occurs within the sandy beach habitat of the Activity Area however, the Activity will not remove breeding habitat suitable for these species and no known breeding sites occur in the locality (DAWE 2021a). A single record of a Loggerhead Turtle nesting occurred at Bungan Beach to the north of the Activity Area in 2012, however this is outside the known breeding distribution of this species and is considered unlikely to be a regular occurrence.

The increased presence of dogs has the potential to disturb nesting behaviour of these species, however given that the Activity Area occurs outside the usual breeding distribution of Loggerhead Turtles, and no known Green Turtle breeding sites occur in the locality, it is considered unlikely that the Activity will have a significant impact on the lifecycle of these species.

The Activity is unlikely to impact the migration patterns of these species.

In addition, it is considered unlikely that habitat within the Activity Area is utilised by an ecologically significant proportion of populations of these species.

Conclusion: Given that the Activity will not remove suitable habitat for these species, similar impacts to the nutrient cycle currently occur and mitigation measures proposed, the Activity Area occurs outside the usual breeding distribution of Loggerhead Turtle, and no known breeding sites occur in the locality, the Activity is unlikely to result in a significant impact on Loggerhead Turtles, Green Turtles or Hawksbill Turtles.

Annex 7 Unexpected Finds Protocol

Introduction

The following provide a methodology to follow in the event of unexpected finds are encountered. These procedures have been prepared in accordance with best practice and are designed to minimise the heritage impact in the unlikely event that Human remains, or archaeological material is encountered on site.

Critical for the construction team to be aware of is that any suspected archaeological evidence must remain as it was found (in situ) until it is assessed as per the below steps. These objects, and where they are located and the material around them (referred to as the object's 'context') is critical for understanding their value to the site and determining what may be located near to the area of the find. The object and its context are legally protected under the NPW Act.

Discovery of Suspected Human Remains

It is not possible to predict the location, condition or nature of human skeletal remains that may be present within the approval areas. The following recommendations are therefore provided to give certainty that if human/possible human skeletal material is found, it will be managed in accordance with legal requirements, the wishes of the relevant Aboriginal stakeholders and OEH requirements.

In the unlikely event that a potential burial site or potential human skeletal material is exposed within the Activity Area, the following procedure should be followed in accordance with the Policy Directive – Exhumation of Human Remains (NSW Department of Health 2013), Skeletal Remains – Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977 (NSW Heritage Office 1998) and the Aboriginal Cultural Heritage Standards and Guidelines Kit (NPWS 1997):

- If the skeletal remains suspected to be human are exposed, work in the vicinity of the remains is to halt immediately to allow assessment and management
- Notify the local NSW police, NSW Heritage and Local Aboriginal Land Council immediately.
- The NSW Police will advise if the remains are forensic case (<100 years old) or an archaeological case (>100 years old).
- If NSW Police advise it is a forensic case:
 - The State Coroner will be advised by NSW Police.
 - NSW Police will advise the course of action.
 - Works do not recommence until written approval received from NSW Police.
- If NSW Police advice it is an Archaeological case:
 - Are the remains Aboriginal or non - Aboriginal ancestry? (This may require further investigation such as Carbon 14 or DNA testing. In either case all stakeholders should be kept up to date)

- If of Aboriginal ancestry, NSW Heritage and Registered Aboriginal Parties will identify the appropriate course of action for Council to implement. Approval may be required to recommence.
- If of non-Aboriginal ancestry, NSW Heritage will identify the appropriate course of action for Council to implement. Approval may be required to recommence.

Discovery of Unexpected Suspected Archaeological Material

The following procedure would be followed in the event of the unexpected find 'Objects' under the National parks and Wildlife Act 1977.

- All work must stop work at in a 10 m area around the unexpected find and secure the area.
- Notify a qualified archaeologist and engage them to assess the suspected material to determine historical significance of the find.
- If assessed to be not culturally significant, works can proceed with caution.

If assessed to be of cultural value, works must cease in this portion of the site (within 100m of the find) and the NSW heritage council must be contacted.

Any directions or responses from these organisations should be considered.



Council Policy – No 30	Adopted:	OM: 03.03.1997
	Reviewed:	
	Amended:	OM: 17.10.2011 OM 04.11.2013
	Revoked:	

TITLE: DOG CONTROL

STRATEGY: COMMUNITY ENGAGEMENT, EDUCATION &
AWARENESS BIODIVERSITY, RECREATION MANAGEMENT

BUSINESS UNIT: RESERVES, RECREATION & BUILDING SERVICES

RELEVANT LEGISLATION: COMPANION ANIMALS ACT 1998

RELATED POLICIES: NONE

Objective

To provide effective dog control in leashed and unleashed areas in the Pittwater LGA in accordance with the Companion Animals Act 1998.

Policy Statement

Dog Control

That Council has provided (in compliance with the Companion Animals Act 1998) the following areas:-

Bicentennial Coastal Walkway

Leashed dogs are allowed on all headland sections of the Walkway, with the EXCEPTION of Bangalley Head and Turimetta Head.

Prohibited Areas

All Beaches, Warriewood Wetlands, Turimetta Reserve, Ingleside Chase Reserve, Careel Bay Intertidal area, Irrawong Reserve to the waterfall and Bangalley Headland Reserve.

Wildlife Protection Areas

Council has designated 21 bushland reserves as Wildlife Protection Areas (*Companion Animals Act 1998 s 14 H*) with public place set apart by the local authority for the protection of wildlife.

Except where dogs are expressly prohibited from the whole reserve, dogs are allowed in wildlife protection areas on defined paths and on a lead at all times.

Wildlife Protection Areas are listed below:

- Careel Bay Intertidal area
- Irrawong Reserve to the waterfall
- Angophora Reserve, Bilgola Plateau
- McKay Reserve, Palm Beach
- Elizabeth Park, Scotland Island
- Stapleton Park, Bilgola Plateau
- Bangalley Headland, Avalon
- Palmgrove Reserve, Avalon
- Sunrise Reserve, Palm Beach
- Betty Morrison Reserve, Bungan Beach
- Kanimbla Reserve, Bilgola Plateau
- Bushrangers Hill, Newport
- Minkara Reserve, Ingleside
- Attunga Reserve, Newport
- Pindari Park, Bayview
- Hewitt Park, Bilgola
- Epworth Park, Elanora
- Algona Reserve, Bilgola Plateau
- Bilarong Sanctuary, North Narrabeen
- Fern Creek, Creekline Corridor Warriewood
- Narrabeen Creek, Creekline Corridor Warriewood
- Deep Creek (Foreshore) Reserve, North Narrabeen

Unleashed Exercise Areas

That the following reserves or picnic places be declared and approved by Council as areas in which dogs, under the control of a person (but not necessarily on a leash) may be exercised, namely (See Location Sketches (6) attached):

- Mackerel Beach only permitted from the public wharf north of the boundary with the National Park from sunrise to 9.30am and 5pm to sunset. At other times the shortest direct route with dog on-lead is to be taken across the beach between a vessel and the grassed strip.
- Hitchcock Park, Careel Bay (restricted to the Reserve Area north of the soccer field);
- Dearin Reserve, Newport;
- Rowland Reserve, Bayview (north of the boat launching area car park and including the adjacent tidal sand flats);
- South Mona Vale Headland Reserve (area east of Narrabeen Park Parade/ Coronation Street junction).
- Progress Park, Narrabeen (water access to Mullet Creek)

Unleashed Training Area

That the following reserve or public place be declared and approved by Council as an area in which dogs, under the control of a person (but not necessarily on a leash), may be trained, namely:-

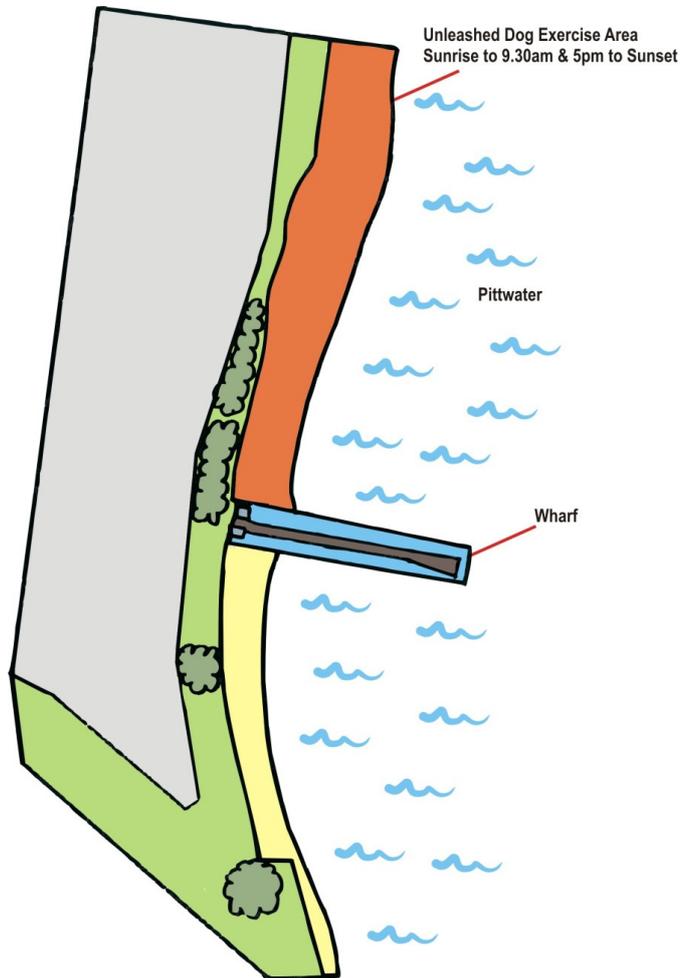
- Deep Creek Reserve, Narrabeen – within the fenced area (see location sketch attached).

Reserve Advisory Signs

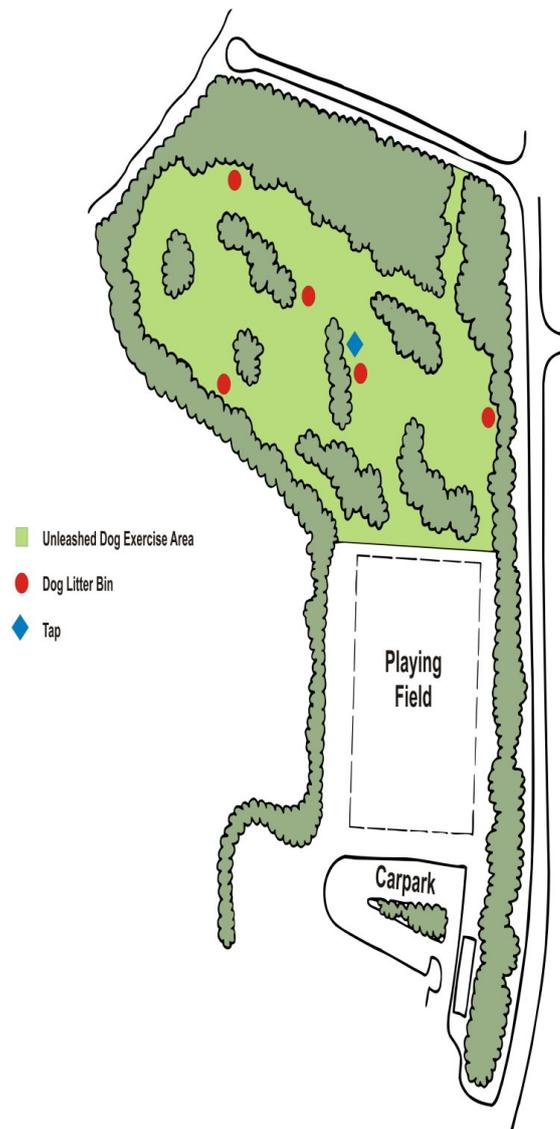
That the reserve advisory signs for each declared area display a diagrammatic plan showing the boundary of the declared area; a notice to accompany the diagram advising dog owners that they are required to control their dogs within the specified area and remove any litter caused by their animals.

That publicity be given from time to time to the prohibitions, the penalties and to the provision of approved areas and appropriate signage be erected.

MACKEREL BEACH UNLEASHED DOG AREA MAP

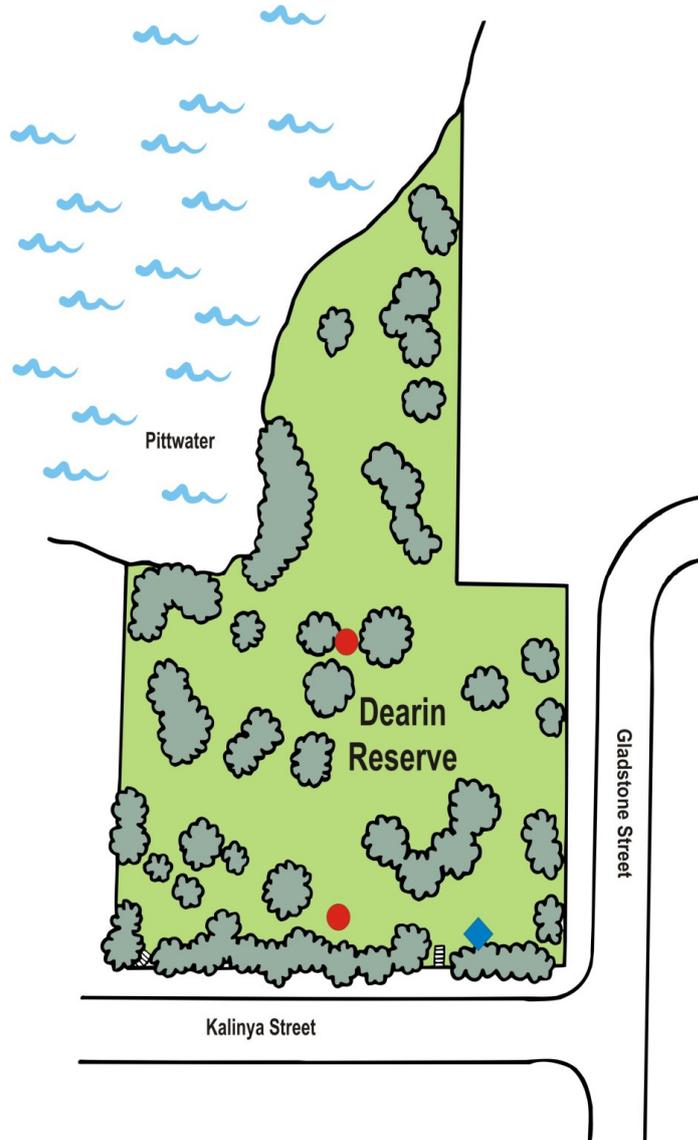


Unleashed Dog Exercise Area
Hitchcock Park, Careel Bay
(restricted to the reserve area north of the soccer field)



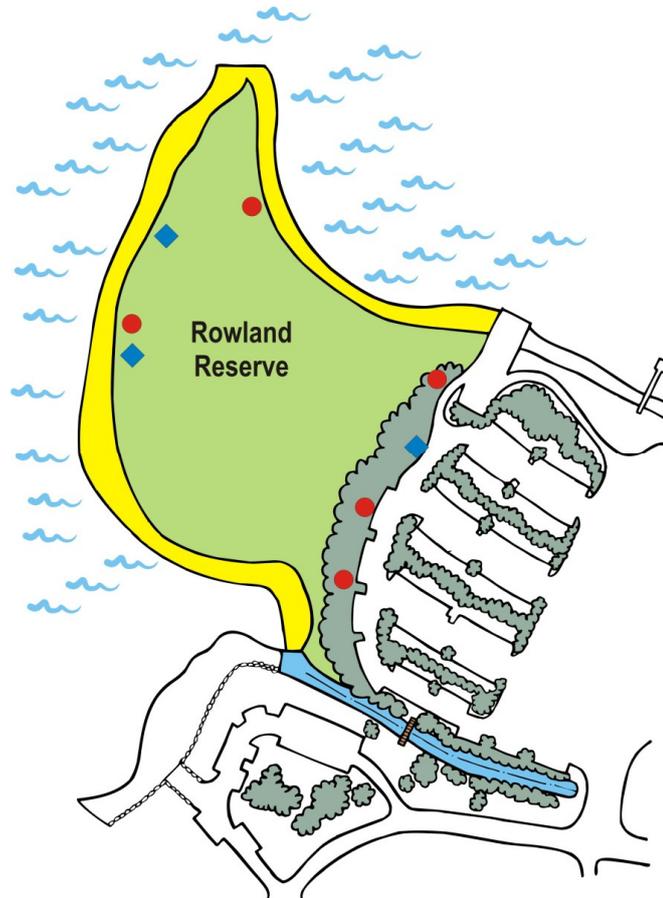
Unleashed Dog Exercise Area

Dearin Reserve, Newport



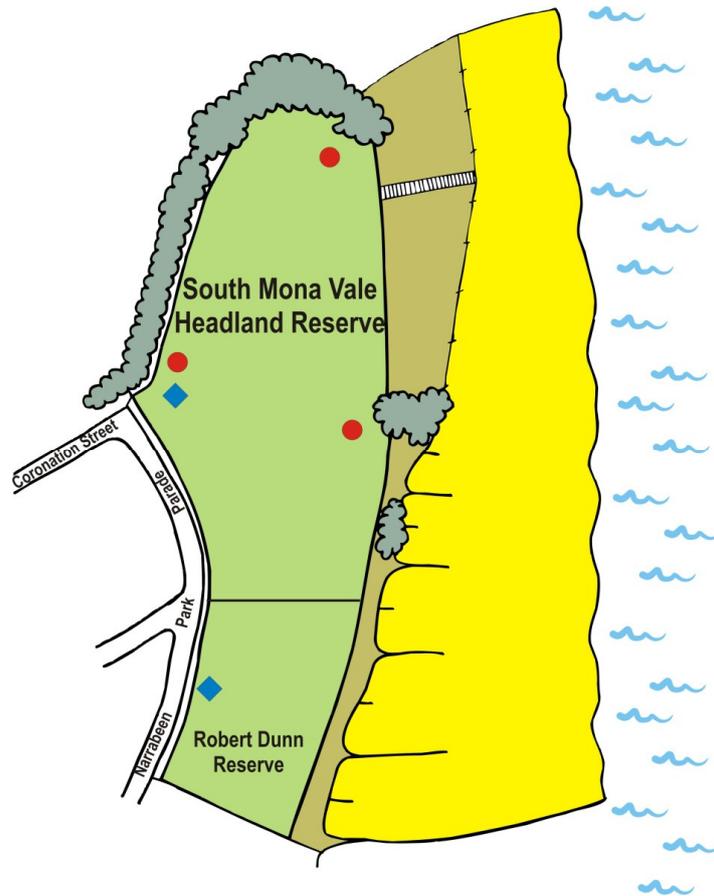
Unleashed Dog Exercise Area

Rowland Reserve, Bayview
(north of boat launching area carpark
and including the adjacent tidal sand flats).

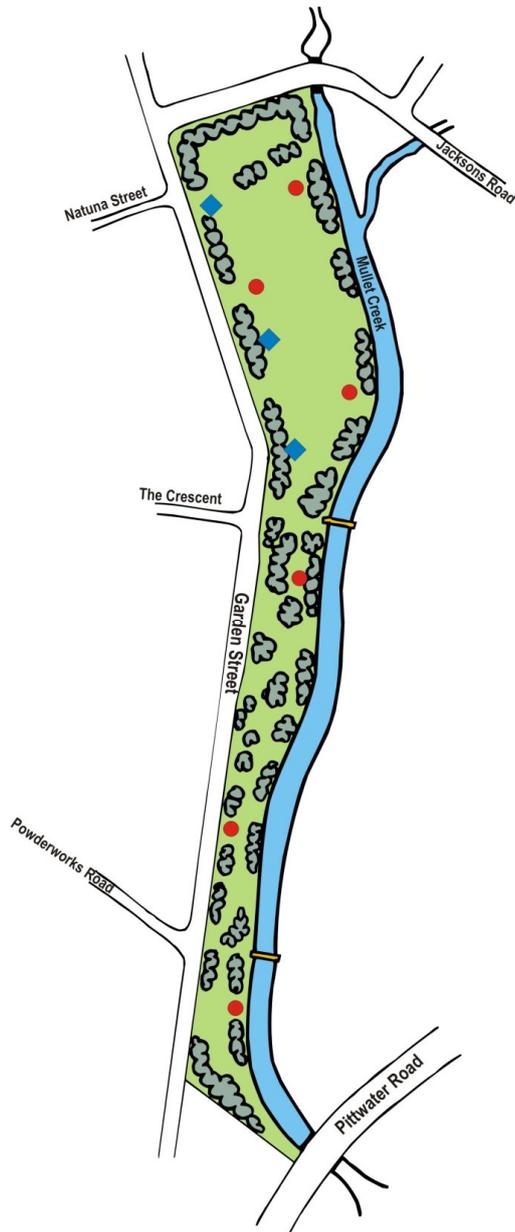


Unleashed Dog Exercise Area

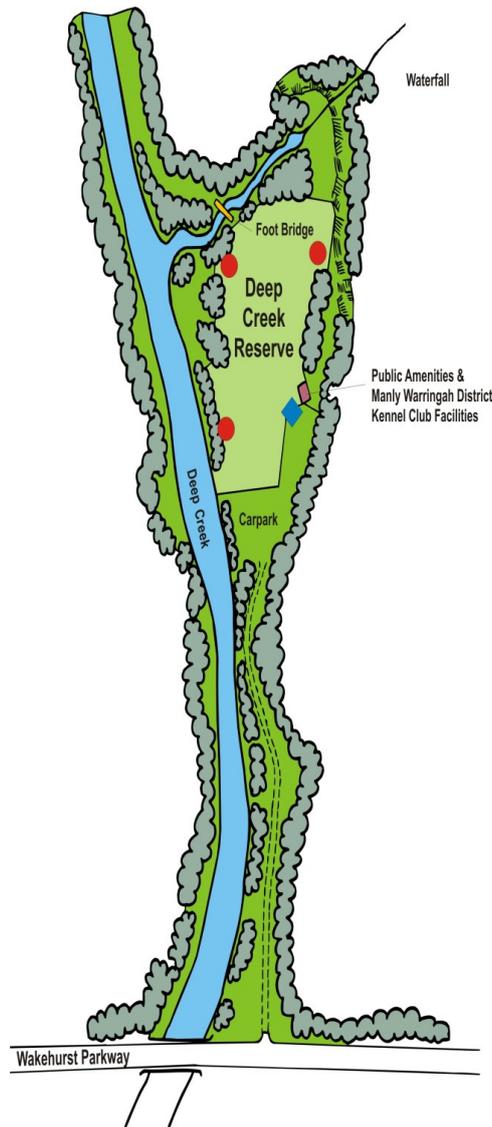
South Mona Vale Headland Reserve
(area east of Narrabeen Park Parade/
Coronation Street junction)



Unleashed Dog Exercise Area
Progress Park, Narrabeen (water access to Mullet Creek)



Unleashed Dog Training Area
Deep Creek Reserve, Narrabeen (within fenced area only)





To be formatted following adoption by Council

Council Policy – No 30	Adopted:	OM: 03.03.1997
	Reviewed:	13 August 2025
	Amended:	OM: 17.10.2011 OM 04.11.2013 19 August 2025
	Revoked:	

TITLE: DOG CONTROL

STRATEGY: ~~COMMUNITY ENGAGEMENT, EDUCATION & AWARENESS~~

BIODIVERSITY, RECREATION MANAGEMENT

BUSINESS UNIT: RESERVES, RECREATION & BUILDING SERVICES

Parks & Open Space

RELEVANT LEGISLATION: COMPANION ANIMALS ACT 1998

RELATED POLICIES: ~~NONE~~

Objective

To provide effective dog control in leashed and unleashed areas in the former Pittwater (Local Government Area) (LGA) in accordance with the Companion Animals Act 1998.

Policy Statement

Dog Control

That Council has provided (in compliance with the Companion Animals Act 1998) the following areas:-

Bicentennial Coastal Walkway

Leashed dogs are allowed on all headland sections of the Walkway, with the EXCEPTION of Bangalley Head and Turimetta Head.

Prohibited Areas

All beaches in the former Pittwater LGA (except Mona Vale Beach (south) as set out in this policy), Warriewood Wetlands, Turimetta Reserve, Ingleside Chase Reserve, Careel Bay Intertidal area, Irrawong Reserve to the waterfall and Bangalley Headland Reserve.

Mona Vale Beach (south) Dog Off-leash Area and Trial

Dogs permitted off-leash on Mona Vale Beach (south) on a trial basis as follows:

- Trial Period - 12 months, 14 October 2025 to 13 October 2026.
- Trial Area - the specific part of Mona Vale Beach for the trial is set out in Attachment 1
- Trial days and times for dogs permitted off-leash - dogs permitted off-leash during the trial period in the trial area at these days and times:
 - 5.30am to 10.00am and 5.00pm to 9.00pm, Monday to Sunday (Australian Eastern Daylight Time)
 - 6.00am to 10.00am and 4.00pm to 7.00pm, Monday to Sunday (Australian Eastern Standard Time).
- At all other times during the trial period, dogs are prohibited in the trial area.
- Council may at its discretion and via a resolution of Council terminate the trial and/or amend the trial parameters subject to compliance with all relevant legislation.
- Unless Council resolves to do otherwise, at the conclusion of the trial period, dogs will be prohibited in the trial area 24 hours a day, seven days a week in accordance with the approved Council policy that applies at that time.

Council Resolution (to be inserted).

Wildlife Protection Areas

Council has designated 21 bushland reserves as Wildlife Protection Areas (*Companion Animals Act 1998 s 14 H*) with public place set apart by the local authority for the protection of wildlife.

Except where dogs are expressly prohibited from the whole reserve, dogs are allowed in wildlife protection areas on defined paths and on a lead at all times.

Wildlife Protection Areas are listed below:

- Careel Bay Intertidal area
- Irrawong Reserve to the waterfall
- Angophora Reserve, Bilgola Plateau
- McKay Reserve, Palm Beach
- Elizabeth Park, Scotland Island
- Stapleton Park, Bilgola Plateau
- Bangalley Headland, Avalon
- Palmgrove Reserve, Avalon
- Sunrise Reserve, Palm Beach
- Betty Morrison Reserve, Bungan Beach
- Kanimbla Reserve, Bilgola Plateau
- Bushrangers Hill, Newport
- Minkara Reserve, Ingleside
- Attunga Reserve, Newport
- Pindari Park, Bayview
- Hewitt Park, Bilgola
- Epworth Park, Elanora
- Algona Reserve, Bilgola Plateau
- Bilarong Sanctuary, North Narrabeen
- Fern Creek, Creekline Corridor Warriewood
- Narrabeen Creek, Creekline Corridor Warriewood
- Deep Creek (Foreshore) Reserve, North Narrabeen

Unleashed Exercise Areas

That the following reserves or picnic places be declared and approved by Council as areas in which dogs, under the control of a person (but not necessarily on a leash) may be exercised, namely (See Location Sketches (6) attached):

- Mackerel Beach only permitted from the public wharf north of the boundary with the National Park from sunrise to 9.30am and 5pm to sunset. At other times the shortest direct route with dog on-lead is to be taken across the beach between a vessel and the grassed strip.
- Hitchcock Park, Careel Bay (restricted to the Reserve Area north of the soccer field);
- Dearin Reserve, Newport;

- Rowland Reserve, Bayview (north of the boat launching area car park and including the adjacent tidal sand flats);
- South Mona Vale Headland Reserve (area east of Narrabeen Park Parade/ Coronation Street junction).
Progress Park, Narrabeen (water access to Mullet Creek)

Unleashed Training Area

That the following reserve or public place be declared and approved by Council as an area in which dogs, under the control of a person (but not necessarily on a leash), may be trained, namely:-

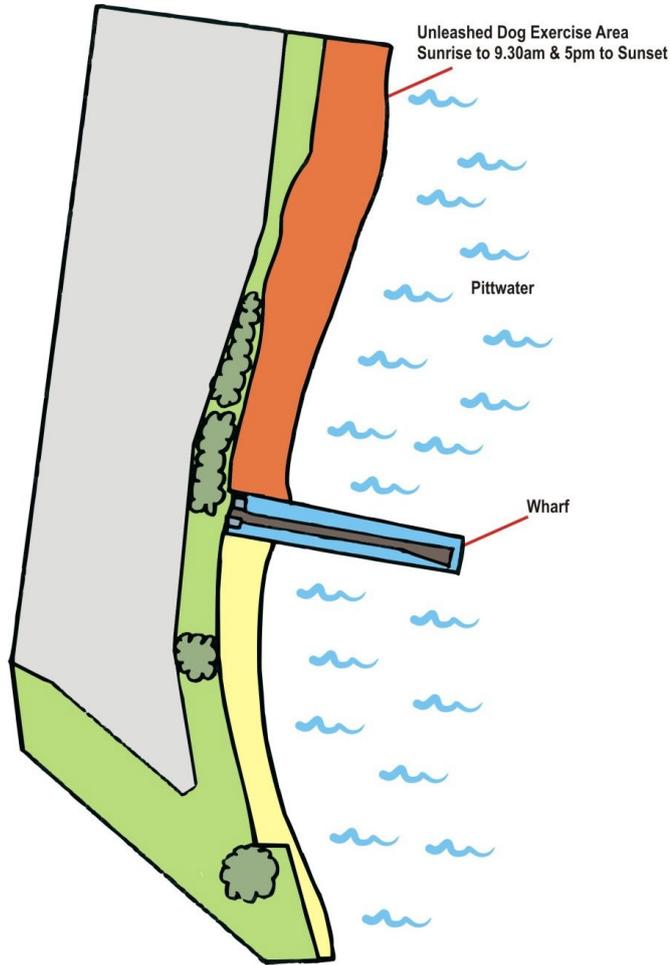
- Deep Creek Reserve, Narrabeen – within the fenced area (see location sketch attached).

Reserve Advisory Signs

That the reserve advisory signs for each declared area display a diagrammatic plan showing the boundary of the declared area; a notice to accompany the diagram advising dog owners that they are required to control their dogs within the specified area and remove any litter caused by their animals.

That publicity be given from time to time to the prohibitions, the penalties and to the provision of approved areas and appropriate signage be erected.

MACKEREL BEACH UNLEASHED DOG AREA MAP

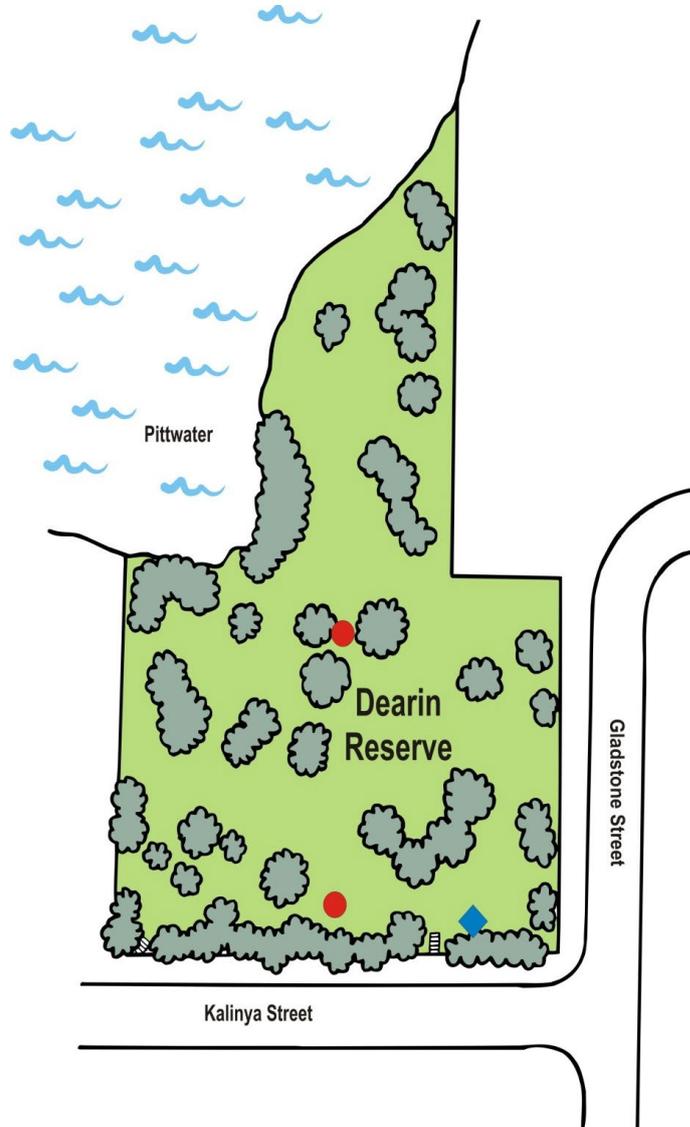


Unleashed Dog Exercise Area
Hitchcock Park, Careel Bay
(restricted to the reserve area north of the soccer field)



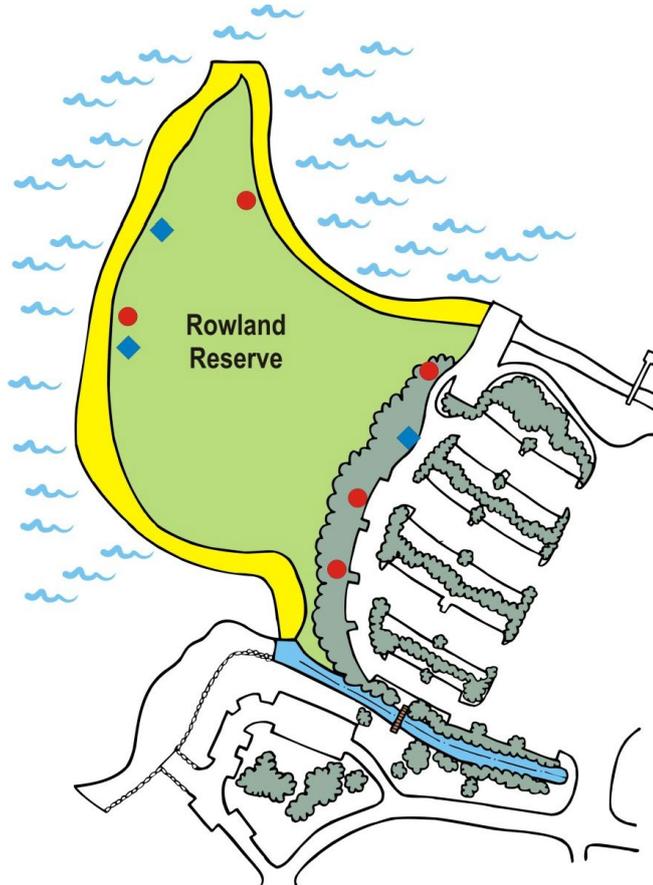
Unleashed Dog Exercise Area

Dearin Reserve, Newport



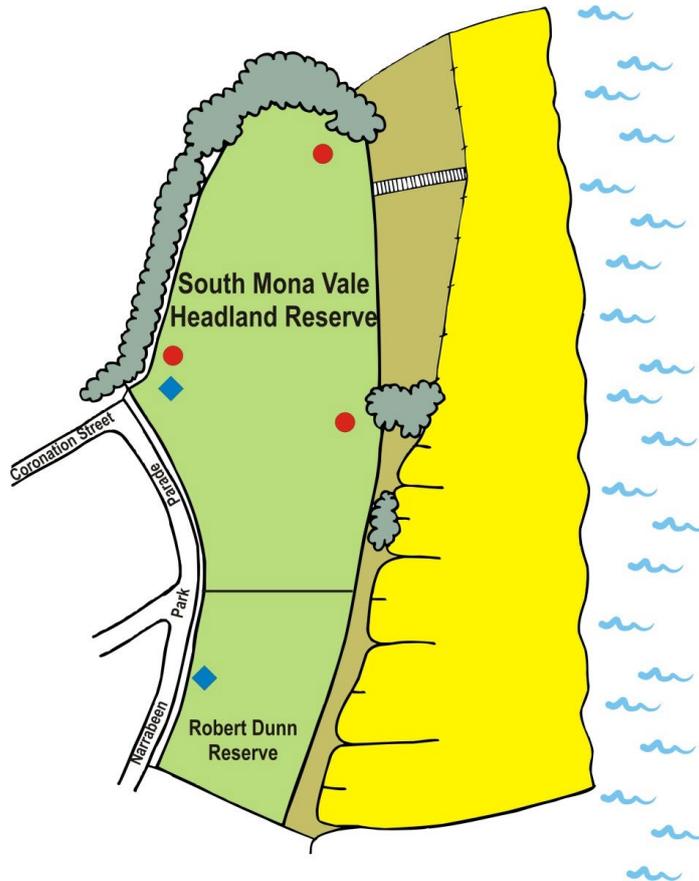
Unleashed Dog Exercise Area

Rowland Reserve, Bayview
(north of boat launching area carpark
and including the adjacent tidal sand flats).

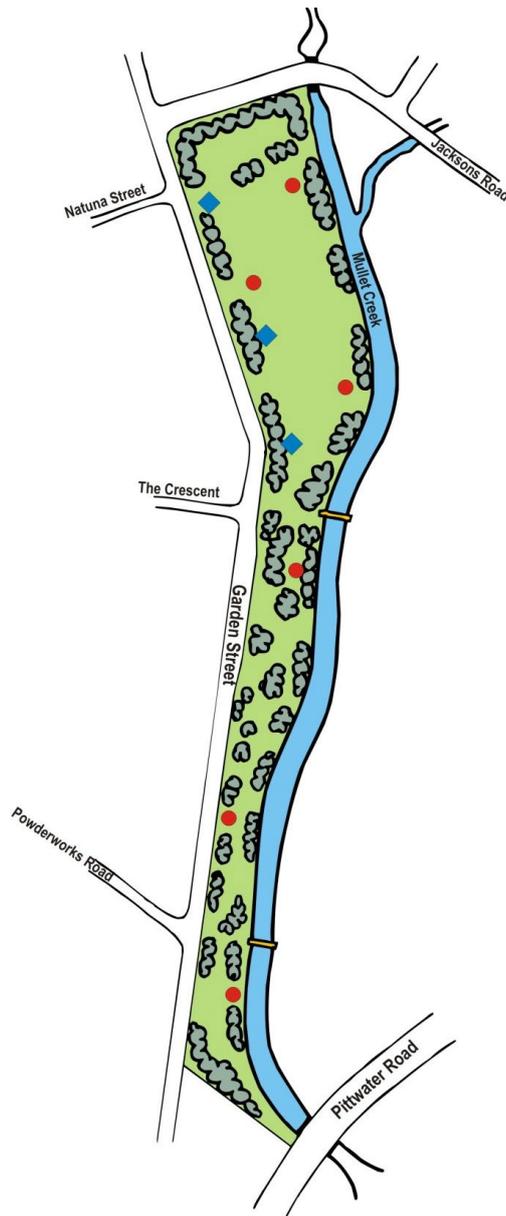


Unleashed Dog Exercise Area

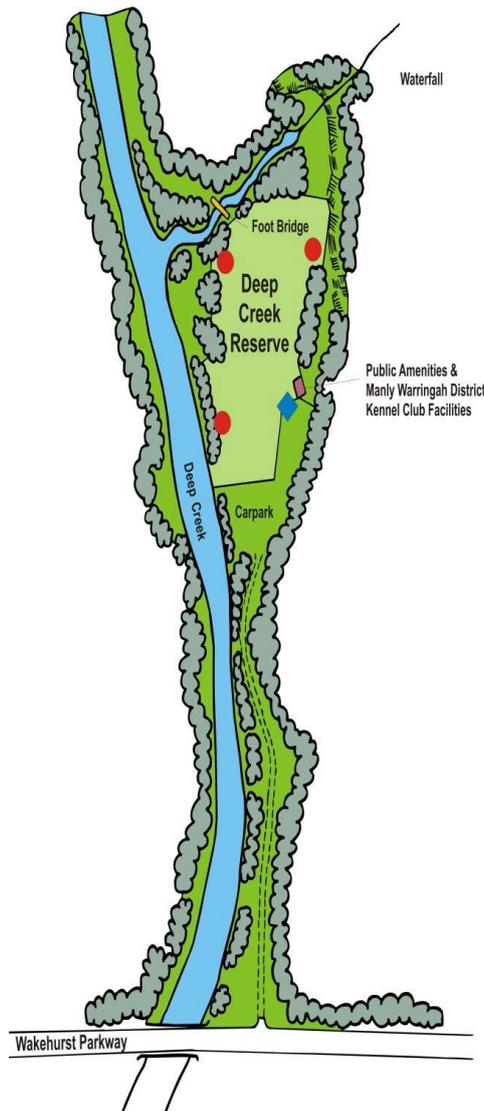
**South Mona Vale Headland Reserve
(area east of Narrabeen Park Parade/
Coronation Street junction)**



**Unleashed Dog Exercise Area
Progress Park, Narrabeen (water access to Mullet Creek)**



Unleashed Dog Training Area
Deep Creek Reserve, Narrabeen (within fenced area only)



Attachment 1: Map of the Proposed Dog Off-leash Trial Area for Mona Vale Beach (south)



OFFICIAL



File Ref. No: FRN12/2313 – BFS24/6236 - 8000038301
TRIM Ref. No: D2025/013966
Contact: [REDACTED]

11 February 2025

General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Email: council@northernbeaches.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

Re: 9.32 - INSPECTION REPORT

[REDACTED]
AGLAN STREET MANLY (hereafter “the premises”)

Fire and Rescue NSW (FRNSW) received correspondence on 27 September 2024 concerning the adequacy of the provision for fire safety in connection with the premises.

The correspondence stated in part concerns relating to the possible modification of automatic smoke detection and alarm system installed at the premises. Particularly the removal of smoke detectors following numerous false alarm activations.

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected the premises on 14 January 2025.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

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- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

FIRE SAFETY ORDER NO. 1

Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 15 January 2025 under the provisions of Section 9.34 of the EP&A Act. A copy of the Order is attached for your information under the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Section 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR2021), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected the premises on 31 January 2025.

INSPECTION OUTCOME

At the time of the inspection, the terms of 'the Order' issued on the premises were compliant. In this regard, Council is not required to act on item no. 1.e of this report. It is the Council's discretion to inspect and address any other deficiencies identified on the premises.

COMMENTS

The following items were identified during the inspection:

1. Automatic smoke detection and alarm system
 - a. The Fire Indicator Panel (FIP) is located in the same room as the sprinkler control valves, contrary to the requirements of Clause 3.9.1 of AS1670.1-2018.
 - b. The door providing access to the FIP was being prevented from fully opening due to large rocks in the access path. In this regard, the rocks were removed by beach house staff and door was fully openable prior to FRNSW concluding the inspection.
 - c. An external alarm in the form of a visual alarm device has not been provided at the building, contrary to the requirements of Clause 3.8 of AS1670.1-2018.
 - d. A zone block plan has not been mounted next to the FIP, contrary to the requirements of Clause 3.10 of AS1670.1-2018.

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- e. Heat detectors in lieu of smoke detectors were found installed in sole-occupancy units throughout the building, contrary performance requirements of E2P1 of the NCC. In this regard, FRNSW addressed this item the emergency fire safety order (attached).

2. Fire Exits

- a. The path of travel through the garage upon discharge from the horizontal exit between the ground floor games room and garage was found to have a reduced exit width of 1m, contrary to the requirements of Clause D2D8 of the NCC.
- b. The ground floor fire isolated passage way at the western side of the building was found with damage to the lightweight materials of the walls and ceiling, compromising the fire resistance level of the passageway and exposing timber framing and PVC drainage pipes, contrary to the requirements of Clause C2D9, C4D10 and D3D12 of the NCC.
- c. Discharge through the exit from the fire isolated passageway was found partial obstructed by vegetation overgrowth and hindering the fire exit door from fully opening. In this regard, the vegetation was cut back by beach house staff at the request of FRNSW Officers to ensure the fire exit doors was fully openable.

3. Emergency Lighting

- a. The ground floor garage did not appear to contain any emergency lighting, contrary to the requirements of Clause E4D2 of the NCC.

4. General

- a. The ground floor garage was found storing large quantities of boxes/tubs on fixed racking and general items throughout. The use of this area is more in keeping as a storage room and may require Council's consideration to investigate the potential fire safety impacts of the existing garage being used a storage area. Refer to Item 2.a.

5. Compartmentation and Separation

- a. The public corridors on level 1 appears to be more than 40m in length and are not divided with smoke proof walls and smoke doors, contrary to the requirements of Clause C3D15 of the NCC.

6. Maintenance and Certification

- a. A copy of the current Annual Fire Safety Statement (AFSS) was not prominently displayed within the building in accordance with Section 89 of the EPAR 2021. In this regard, the AFSS for the building was viewed on a Stoke Beach House staff members laptop and was dated July 2021 and is no longer valid.

FRNSW believes that there are inadequate provisions for fire safety within the building.

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RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 4 of this report and conduct an inspection.
- b. Address any other deficiencies identified on the premises.

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. FRNSW refers this matter to the Council as the appropriate regulatory authority, and awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please ensure that you refer to file reference FRN12/2313 – BFS24/6236 - 8000038301 regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

Team Leader
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Emergency fire safety order No. 1 – 3 pages]

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Appendix 1 – Emergency Fire Safety Order – No. 1



Emergency Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Issue an Order in accordance with Section 9.34(1)(b)
Issue the Order as an Emergency Order Pursuant to Schedule 5, Part 8, Section 16

Property:

██████████
██████████ RAGLAN STREET MANLY (“the premises”)
(name/address of premises to which Order is served)

Emergency Situation / Serious Risk to Safety:

Sole-occupancy units throughout the premises are fitted with heat detectors in lieu of smoke detectors as part of the existing smoke detection and alarm system installed in the premises.

The lack of smoke detection in sole-occupancy units will delay early detection of a fire and the timely warning and evacuation of occupants from the premises, which constitutes an unreasonable risk the life safety of the occupants.

Authorised Fire Officer:

I, ██████████ Inspector 6776
(name) (rank) (number)

Being an Authorised Fire Officer in accordance with Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose.

Hereby Order:

██████████ Owner
(name of the person whom Order is served) (position, i.e. owner, building manager)

To do, or refrain from doing, the following things:

1. Reinstate smoke detectors within all sole-occupancy units throughout the premises.

Fire and Rescue NSW ABN 12 583 473 110 www.fire.nsw.gov.au
Community Safety Directorate 1 Amarina Ave T (02) 9742 7434
Fire Safety Compliance Unit Greenacre NSW 2190 F (02) 9742 7843
www.fire.nsw.gov.au Page 3 of 5

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2. Submit installation certification from the licensed installer confirming the smoke detection and alarm system is fully operational.

The reasons for the issue of this Order are:

- a. At the time of the inspection, the building was occupied.
- b. In accordance with the National Construction Code, the building use was observed as Class 3, containing a rise in storeys of 3.
- c. Heat detectors were observed in numerous locations throughout the premises including within sole-occupancy units. Further observations found that Smoke detectors are not installed within the Sole-Occupancy Units contrary to the requirements of Specification S20C4 of the NCC.
- d. Each sole-occupancy units appears to be covered by a single heat detector contrary to the requirements of Specification S20C4 (b) (i) of the NCC.
- e. The lack of smoke detectors in sole-occupancy units will result in delayed detection of a fire and the early warning to the occupants.
- f. Delayed detection and warning of a fire will likely result in evacuation routes becoming untenable due to the effects of smoke and heat, therefore preventing occupants from evacuating the building safely.
- g. Delayed detection and warning of a fire will delay the activation of the alarm signalling equipment at the premises, resulting in delayed Fire Brigade intervention.
- h. The lack of smoke detection coverage throughout the sole-occupancy units throughout the premises presents an unacceptable risk to the life safety of building occupants

The terms of the Order are to be complied with:

By no later than 1700 hours on the 28 January 2025.

You are required to submit certification to:

Fire & Rescue NSW
Locked Bag 12
GREENACRE NSW 2190
e-mail: firesafety@fire.nsw.gov.au

Considerations for Emergency Order:

Pursuant to Schedule 5, Part 8, Section (16) of the EP&A Act, this Order has been given as an Emergency Order as there are circumstances that the authorised fire officer believes constitute an emergency or a serious safety risk.

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Appeals

Pursuant to Section 8.18(2) of the EP&A Act, a person may not appeal against a fire safety order given by an authorised fire officer (other than an order that prevents a person from using or entering the premises).

Non-Compliance with the Order

A person that fails to comply with this Order may be guilty of an offence under Section 9.37 of the EP&A Act. A person that fails to comply with this Order by a particular specified time, or within a particular specified period, continues never-the-less to be obliged to comply with the Order and therefore must comply with the Order, or they may be guilty of an offence under Section 9.50 of the EP&A Act.

Signed:

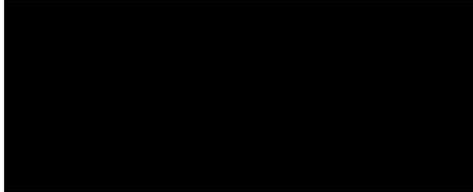


Team Leader
Fire Safety Compliance Unit

This Emergency Fire Safety Order No. 1 was mailed and e-mailed on 16 January 2025.



22 JULY 2025



To Whom It May Concern

Re: Order No. 1 (Fire Safety Upgrade)
Environmental Planning and Assessment Act 1979
Premises: [Redacted] **Raglan Street MANLY NSW 2095**
Ref No: [Redacted]

Council is writing to you, as it has come to the organisation's attention that a matter under your control is required to be addressed.

Please find enclosed Order No. 1 regarding the abovementioned property. The circumstances and reasons for this course of action are detailed in the formal Order documentation attached to this letter.

Council issued a Notice of Intention dated 6 June 2025. After reviewing and considering any representations made concerning the proposed Order, Council has determined to give an order in accordance with the proposed order.

All owners and other interested persons must be advised of the Order.

Council should be advised within 90 days from the issue date of the Order of the appropriately qualified person (Registered Building Surveyor) who will be managing the implementation of the fire safety upgrade.

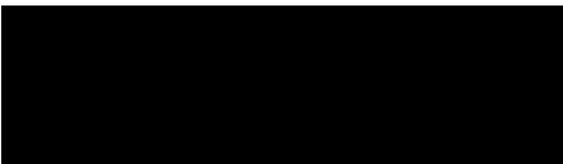
If you require any further information in relation to this matter, please contact Council's Senior Building Surveyor, [Redacted] during normal business hours between 9:00am to 5:00pm or by council@northernbeaches.nsw.gov.au

[Redacted]

[Redacted]

[Redacted]

Senior Building Surveyor (Fire Safety)





NORTHERN BEACHES COUNCIL

**DEVELOPMENT CONTROL ORDER
(FIRE SAFETY ORDER)**

*Under The Environmental Planning and Assessment Act, 1979 (NSW)
Section 9.3, Schedule 5 PART 2 (FIRE SAFETY ORDER NO: 1)*

DATE:	22 July 2025
TO WHOM:	████████████████████
PREMISES:	████ Raglan Street MANLY NSW 2095

You are hereby given **Order No 1** pursuant to schedule 5, part 2 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (the 'Act') that the Northern Beaches Council, as the appropriate authority under the Act, has been made aware that provisions for fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure or promote the safety of persons in the event of fire on the above premises.

ORDER NO. 1

TO DO WHAT:

- (1) Carry out the RECOMMENDATIONS by ██████████ detailed in Fire Safety Upgrade Report Ref No: 230110 dated 6 August 2024.

Any Fire Engineered or BCA performance-based Solutions recommended by the above Report that are not already detailed in the Report will be required to be endorsed by a Registered Building Surveyor (Unrestricted or All Classes) and incorporated into an updated Fire Safety Upgrade Report for the property.

- (2) Upon completion of ALL works, submit a finalisation letter (supported by a Final Fire Safety Certificate) addressed by a Registered Building Surveyor (Unrestricted or All Classes Registered with Fair Trading NSW) certifying that the works in item (1) have been satisfactorily completed.

This will necessitate the Owners to engage the services of an independent appropriately qualified person (Registered Building Surveyor) to manage the works carry out inspections and provide technical advice during the implementation of the fire safety upgrade.

- (3) Schedule of Essential Fire Safety Measures

On completion of the works, the owners must provide a list of all fire safety measures incorporated in the building and pursuant to the Fire Safety Measures as identified by Mainey P/L detailed in Fire Safety Upgrade Report Ref No: 230110 dated 6 August 2024.

- (4) Provide Council and the NSW Fire Brigade with a Final Fire Safety Certificate upon completion of the fire safety upgrade.

t 1300 434 434
e council@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au
PO Box 82 Manly NSW 1665
ABN 57 284 295 198

Dee Why Office:
725 Pittwater Road
Dee Why NSW 2099

Manly Vale Office:
1 Park Street
Manly Vale NSW 2103

Manly Office:
1 Belgrave Street
Manly NSW 2095



Following this initial certification, Council and the NSW Fire Brigade will require Annual Fire Safety Statements to ensure that all Fire Safety Measures continue to perform to the relevant standard of performance.

REASONS FOR THE ORDER: (Schedule 5, Part 4, clause 5 of the Act)

A BCA Audit Report prepared by [REDACTED] detailed in Fire Safety Upgrade Report Ref No: 230110 dated 6 August 2024 confirmed that existing provisions for fire safety or fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure the safety of persons in the event of fire at the property.

PERIOD OF COMPLIANCE WITH THE ORDER

By 22 July 2026.

FAILURE TO COMPLY WITH THE ORDER

OFFENCE

It is an offence against the *Environmental Planning and Assessment Act 1979* (NSW) not to comply with any Order: see Part 9, of Division 9.3, Clause 9.37 of the *Environmental Planning and Assessment Act 1979* (NSW). In the event that an Order is issued and you do not comply, Council may issue penalty infringement(s) or commence Court Proceedings to compel compliance and / or undertake a criminal prosecution.

PENALTY

The maximum penalty for non-compliance with this order is (a) in case of a corporation \$5 million, and for a continuing offence a further \$50,000 for each day the offence continues; or (b) in the case of an individual \$1 million, and for a continuing offence a further \$10,000 for each day the offence continues: see Part 9, Division 9.6, Clause 9.52 of the *Environmental Planning and Assessment Act 1979* (NSW).

EXECUTION OF ORDER BY COUNCIL

If you fail to comply with the terms of an Order Council may do all such things as are necessary or convenient to give effect to the terms of the Order, including the carrying out of any work required by the Order, and may, among other things, recover from you the costs incurred by Council in so doing: see Part 11, Clause 34 of Schedule 5 of the *Environmental Planning and Assessment Act 1979*.

COMPLIANCE COST NOTICE

Pursuant to clause 37, Schedule 5, Part 12 of the *Environmental Planning and Assessment Act 1979* and clauses 283 and 284 of the *Environmental Planning and Assessment Regulation 2001* Council may issue a compliance cost notice on you to pay all or any reasonable costs and expenses incurred by Council in connection with:

- (a) monitoring action under the order, and
- (b) ensuring that the order is complied with, and
- (c) any costs or expenses relating to an investigation that leads to the giving of the order, and
- (d) any costs or expenses relating to the preparation or serving of the notice of intention to give an order, and
- (e) any other matters associated with the Order.



The maximum amount that may be required to be paid under a compliance cost notice for costs or expenses relating to the preparation or serving of the notice of the intention to give order is \$750.

RIGHT OF APPEAL AGAINST ORDER

If you wish to appeal against an Order you must appeal to the **Land and Environment Court**, Level 4, 225 Macquarie Street, Sydney NSW 2000, within **28 days** after the service of the Order on you: see Part 8, Division 8.5, Clause 8.18 of the *Environmental Planning and Assessment Act 1979*.

ROAD OPENING PERMIT

This Order does not grant approval for any work on Council property for which a separate "Road Opening Permit" from Council may be required.

HOURS OF WORK

Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7am to 5pm inclusive Monday to Friday,
- 8am to 1pm on Saturday,
- No work on Sundays and Public Holidays.

OTHER ORDERS

This Order does not prejudice Council's entitlement to serve other Orders on the premises and this Order does not regularise any illegal building works or unauthorised Use of the premises.

Yours faithfully

[Redacted signature]

[Redacted name]
Senior Building Surveyor (Fire Safety)

OFFICIAL



File Ref. No: FRN24/3006 - BFS24/6469 – 8000038486
TRIM Ref. No: D25/14675
Contact: [REDACTED]

13 February 2025

General Manager
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Email: council@northernbeaches.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

Re: **INSPECTION REPORT**

[REDACTED] **PITTWATER ROAD & [REDACTED] BERRY AVENUE, NORTH NARRABEEN**
("the premises")

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 6 February 2025 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following was observed at the time of the inspection:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

- A. Zone Block Plan – A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Brigade Panel (FBP), contrary to the requirements of Clause 3.10 of AS1670.1-2018.

Whilst a 'zone list' is located at the Main FBP, the list does not provide adequate information to assist FRNSW, which is likely to delay firefighting operations.

1B. Fire Shutter:

- A. The fire shutter in the external wall of the ground floor level carpark, on the northern boundary, did not appear to be operational and not had not been maintained, contrary to the requirements of Section 81 of the EPAR 2021.

1C. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the EPAR 2021.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

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ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

2. Generally:

2A. Access and Egress

- A. Exit travel distances – The travel distance from the furthest point of the carpark at the northern end of the building, exceeds 20m from an exit or a point from which travel in different directions to 2 exits is available, contrary to the requirements of Clause D2D5(3) of the NCC.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 2 of this report.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN24/3006 - BFS24/6469 – 8000038486 for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

OFFICIAL



26 June 2023

Proprietors of Strata Plan [REDACTED]
[REDACTED] Pittwater Road
NORTH NARRABEEN NSW 2101

Dear Sir/Madam

Re: Order No. 1 (Fire Safety Upgrade)
Environmental Planning and Assessment Act 1979
Premises: [REDACTED] Pittwater Road NORTH NARRABEEN NSW 2101
Ref No: EPA2023/0088

Council is writing to you, as it has come to the organisation's attention that a matter under your control is required to be addressed.

Please find enclosed Order No. 1 regarding the abovementioned property. The circumstances and reasons for this course of action are detailed in the formal Order documentation attached to this letter.

Council issued a Notice of Intention dated 17 May 2023. After reviewing and considering any representations made concerning the proposed Order, Council has determined to give an order in accordance with the proposed order.

All owners and other interested persons must be advised of the Order.

Council should be advised within 90 days from the issue date of the Order of the appropriately qualified person (Registered Building Surveyor) who will be managing the implementation of the fire safety upgrade.

If you require any further information in relation to this matter, please contact Council's Senior Building Surveyor, [REDACTED] on 1300 434 434 during normal business hours between 9:00am to 5:00pm or by council@northernbeaches.nsw.gov.au

Yours faithfully

[REDACTED]

[REDACTED]

Senior Building Surveyor (Fire Safety)

cc Fire Safety Branch - Fire & Rescue NSW
Email FireSafety@fire.nsw.gov.au

cc [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



**NORTHERN BEACHES COUNCIL
DEVELOPMENT CONTROL
ORDER**

*Under The Environmental Planning and Assessment Act, 1979 (NSW)
Section 9.3, Schedule 5 PART 2 (FIRE SAFETY ORDER NO: 1)*

DATE:	26 June 2023
TO WHOM:	Proprietors of Strata Plan [REDACTED]
PREMISES:	[REDACTED] Pittwater Road NORTH NARRABEEN NSW 2101

You are hereby given an **Order No 1** pursuant to schedule 5, part 2 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (the 'Act') that the Northern Beaches Council, as the appropriate authority under the Act, has been made aware that provisions for fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure or promote the safety of persons in the event of fire on the above premises.

ORDER NO. 1

TO DO WHAT:

- (1) Carry out the RECOMMENDATIONS by [REDACTED] detailed in Fire Safety Audit Report Ref No: 113445 dated 24 February 2023 with exception to RECOMMENDATION 21 relating to External Cladding.

CLADDING REPLACEMENT: Any Cladding Replacement will be subject to a separate Order.

BLADE WALL: If a blade wall is constructed as per the recommendations in the above report the following conditions will apply.

- All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- Building construction and delivery of material hours are restricted to: 7am to 5pm inclusive Monday to Friday, 8am to 1pm on Saturday, No work on Sundays and Public Holidays.
- No building or demolition material of any nature shall be placed on Council's footpaths, roadway, parks or grass verges without Council Approval.
- Provide a Certificate from a Registered Practicing Structural Engineer confirming that the New Blade Wall and associated works are structurally adequate.
- Provide a Surveyors Report confirming that the Blade Wall does not encroach beyond the boundaries of the allotment.

Any Fire Engineered or BCA performance-based Solutions not already recommended by the above Report will be required to be endorsed by a Registered Building Surveyor (Unrestricted or All Classes) and incorporated into an updated Fire Safety Upgrade Report for the property.



- (2) Upon completion of each stage, submit a finalisation letter (supported by Interim Fire Safety Certificates) addressed by a Registered Building Surveyor (Unrestricted or All Classes Registered with Fair Trading NSW) certifying that the works in item (1) have been satisfactorily completed.

This will necessitate the Owners to engage the services of an independent appropriately qualified person (Registered Building Surveyor) to manage the works carry out inspections and provide technical advice during the implementation of the fire safety upgrade.

- (3) Schedule of Essential Fire Safety Measures

On completion of the works, the owners must provide a list of all fire safety measures incorporated in the building and pursuant to the Fire Safety Measures as identified by Jenson Hughes detailed in Fire Safety Audit Report Ref No: 113445 dated 24 February 2023.

- (4) Provide Council and the NSW Fire Brigade with an Interim Fire Safety Certificate upon completion of each stage and a Final Fire Safety Certificate upon completion of the fire safety upgrade.

Following this initial certification, Council and the NSW Fire Brigade will require Annual Fire Safety Statements to ensure that all Fire Safety Measures continue to perform to the relevant standard of performance.

REASONS FOR THE ORDER: (Schedule 5, Part 4, clause 5 of the Act)

A BCA Audit Report prepared by [REDACTED] detailed in Fire Safety Audit Report Ref No: 113445 dated 24 February 2023 confirmed that existing provisions for fire safety or fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure the safety of persons in the event of fire at the property.

PERIOD OF COMPLIANCE WITH THE ORDER

- RECOMMENDATIONS 1 to 9 from [REDACTED] detailed in Fire Safety Audit Report Ref No: 113445 dated 24 February 2023 within 12 months of the date of the Order.
- RECOMMENDATIONS 10 to 20 from [REDACTED] detailed in Fire Safety Audit Report Ref No: 113445 dated 24 February 2023 within 24 months of the date of the Order.

FAILURE TO COMPLY WITH THE ORDER

OFFENCE

It is an offence against the *Environmental Planning and Assessment Act 1979* (NSW) not to comply with any Order: see Part 9, of Division 9.3, Clause 9.37 of the *Environmental Planning and Assessment Act 1979* (NSW). In the event that an Order is issued and you do not comply, Council may issue penalty infringement(s) or commence Court Proceedings to compel compliance and / or undertake a criminal prosecution.

PENALTY

The maximum penalty for non-compliance with this order is (a) in case of a corporation \$5 million, and for a continuing offence a further \$50,000 for each day the offence continues; or (b) in the case of an individual \$1 million, and for a continuing offence a further \$10,000 for each day the offence continues: see Part 9, Division 9.6, Clause 9.52 of the *Environmental Planning and Assessment Act 1979* (NSW).



EXECUTION OF ORDER BY COUNCIL

If you fail to comply with the terms of an Order Council may do all such things as are necessary or convenient to give effect to the terms of the Order, including the carrying out of any work required by the Order, and may, among other things, recover from you the costs incurred by Council in so doing: see Part 11, Clause 34 of Schedule 5 of the *Environmental Planning and Assessment Act 1979*.

COMPLIANCE COSTS

Schedule 5 Part 12 of the EP&A Act 1979 and clause 281C of the Environmental Planning and Assessment Regulation 2000 allows **compliance cost notices** to be issued by Council to you in respect to all or any reasonable costs or expenses incurred by Council in connection with:

- (a) monitoring action under the order, and
- (b) ensuring that the order is complied with, and
- (c) any costs or expenses relating to an investigation that leads to the giving of the order, and
- (d) any costs or expenses relating to the preparation or serving of the Notice of intention to give an order, and
- (e) any other matters associated with the Order.

RIGHT OF APPEAL AGAINST ORDER

If you wish to appeal against an Order you must appeal to the **Land and Environment Court**, Level 4, 225 Macquarie Street, Sydney NSW 2000, within **28 days** after the service of the Order on you: see Part 8, Division 8.5, Clause 8.18 of the *Environmental Planning and Assessment Act 1979*.

TREE PRESERVATION

This Order does not grant any approval for tree work. A general Tree Preservation Order applies to all trees in the Northern Beaches Local Government Area. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except without the prior written consent of Council.

ROAD OPENING PERMIT

This Order does not grant approval for any work on Council property for which a separate "Road Opening Permit" from Council may be required.

OTHER ORDERS

This Order does not prejudice Council's entitlement to serve other Orders on the premises and this Order does not regularise any illegal building works or unauthorised Use of the premises.

Yours faithfully

[Redacted signature]

[Redacted name]

Senior Building Surveyor (Fire Safety)

PO Box 82 Manly NSW 1655
t 1300 434 434 f 02 9976 1400
council@northernbeaches.nsw.gov.au
ABN 57 284 295 198

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725 Pittwater Road
Dee Why NSW 2099

Mona Vale Office:
1 Park Street
Mona Vale NSW 2103

Manly Office:
1 Belgrave Street
Manly NSW 2095

Avalon Office:
59A Old Barrerjoey Road
Avalon Beach NSW 2107



COMMUNITY ENGAGEMENT REPORT

Proposed Amendments to Development Control Plans (DCPs) to respond to the NSW Government's Low and Mid-Rise Housing (LMRH) Reforms

Public exhibition period: 23 May – 22 June 2025

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1. Summary

The NSW Government's Low and Mid-Rise Housing (LMRH) Reforms, recently legislated under Chapter 6 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), permit residential development types (such as dual occupancies, multi-dwelling housing, and residential flat buildings) in areas where they were previously prohibited.

To support the implementation of the LMRH reforms, new local planning controls have been proposed for inclusion in the following Development Control Plans (DCPs) that apply to the Northern Beaches: Manly DCP 2013, Warringah DCP 2011, and Pittwater 21 DCP. These amendments aim to provide clearer and more robust planning controls for newly permitted developments across the Northern Beaches, ensuring greater certainty and consistency in the assessment of development applications.

At its meeting held on 20 May 2025, Council considered a report regarding proposed changes to three existing DCPs that apply under the current Manly, Warringah, and Pittwater Local Environmental Plans. To address some of its concerns¹, Council resolved to endorse the draft amendments to the DCPs for public exhibition and to report back on the outcomes of the engagement.

This report provides an overview of the outcomes from the public exhibition, which was held from 23 May to 22 June 2025. A total of 139 unique submissions were received (excluding duplicates), noting that some submissions provided comments on more than one aspect.

- **72 submissions provided comment on the proposed DCP amendments.** Sentiment analysis indicated that views on the proposed DCP changes were supported (fully or partially) by a majority (72%) of these submissions.²
 - There were diverging opinions on the flexibility of the proposed DCP controls. Of the 47 submissions that commented on flexibility, 43% suggested the controls are too restrictive, potentially hindering housing growth; 38% noted concerns the controls are not prescriptive enough, potentially leading to inappropriate development; and 19% suggested the controls are appropriate.
- **85 submissions offered views on the Government's LMRH Reforms**, with the vast majority (69%) expressing objections and significant concerns with the Reforms.

An overview of the key themes from the submissions is provided in Figures 1 and 2 below:

¹ A new consolidated DCP for the whole Northern Beaches is currently being drafted for exhibition together the new Northern Beaches draft Local Environmental Plan. Once adopted, it will replace the existing DCPs. If adopted, the proposed changes related to LMRH will be carried across into the new consolidated DCP for the Northern Beaches.

² Sentiment analysis was based on application of a coding framework to the qualitative data, ensuring the same interpretation was applied throughout. Nevertheless, numbers and figures relating to sentiment are indications only.

Figure 1 - DCP themes

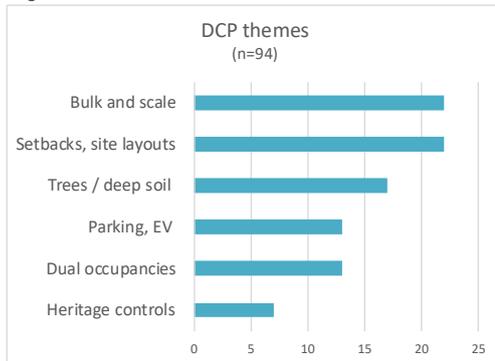
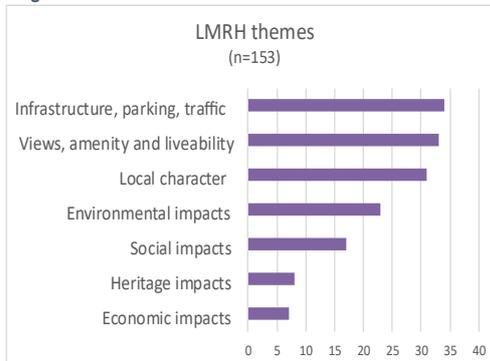


Figure 2 – LMRH themes



2. Background

This report provides a summary of the outcomes from the public exhibition of proposed amendments to the Manly, Warringah, and Pittwater Development Control Plans (DCPs) prepared in response to the NSW Government’s recently legislated Low and Mid-Rise Housing (LMRH) Reforms.

The LMRH Reforms permit more medium and high-density residential development in large parts of the Northern Beaches, superseding several of Council’s existing planning controls.

The reforms have also introduced non-discretionary (non-refusal) standards for building height, floor space ratio, lot size, and lot width which override controls in Council’s Local Environmental Plans (LEPs), meaning that Council cannot refuse development applications that comply with these standards.³

The proposed DCP amendments seek to introduce considered controls to help guide good design outcomes in newly permitted LMRH development types, while balancing the need for more housing with the goal of minimising potential impacts on amenity and the environment.

The overall aim is to protect the valued and unique character of the Northern Beaches by protecting tree canopy, managing the location of future buildings on a site, enhancing streetscapes and parking, supporting well-designed homes with natural light and ventilation, and safeguarding heritage conservation areas.

If adopted, the LMRH related controls will come into effect immediately and eventually be incorporated into Council’s new consolidated DCP for the Northern Beaches which currently is being drafted. The consolidated DCP will go hand in hand with the new Northern Beaches LEP. The new LEP and DCP will provide consistent controls and land use zoning, protect land with identified high environmental values, and offer greater clarity and certainty for the community and industry regarding future development.

3. Objectives of the public exhibition

The engagement objectives were to:

- inform the community about the proposed amendments to existing Manly, Warringah and Pittwater DCPs
- invite submissions on the proposed draft DCP amendments

³ See Council’s summary of the LMRH reforms here: [LINK](#)

- provide background information on the NSW Government's LMRH Reforms.

All submissions have been considered when finalising the DCP amendments.

4. Approach

The proposed DCP amendments were placed on public exhibition via a project page on Council’s engagement platform (“Your Say”) for a period of 30 days, from 23 May – 22 June 2025. The webpage provided a standard submission form, seeking qualitative comments from the community on the proposed DCP amendments.

The public exhibition was in accordance with:

- *Environmental Planning and Assessment Act 1979* (EP&A Act) - Part 3, Division 3.6
- *Environmental Planning and Assessment Regulation 2021* - Part 2, Division 2
- Northern Beaches Community Participation Plan
- Northern Beaches Community Engagement Policy and Strategy.

The proposed DCP amendments and supporting information were made available via Council’s website and promoted via printed media, stakeholder emails, and electronic direct mail (EDM) newsletters. Community members were encouraged to provide submission via a submission form hosted on the Have Your Say project page, in writing or via email.

Notifications

An overview of the engagement approach and outcomes is provided below. All distribution statistics are approximations only.

 Have Your Say: visitation stats	Visitors: 3042	Visits: 4363	
 Print media and collateral (article or editorial)	Manly Daily Peninsula Living Northshore Living Pittwater Life Northside Living News		
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 2 editions Council (weekly) e-News: 3 editions The Wave (disability newsletter): 1 edition Biz news (business newsletter): 1 edition Cooee (environmental newsletter): 1 edition	Distribution: 22,355 Distribution: 59,275 Distribution: 1384 Distribution: 7567 Distribution: 1810	

5. Analysis

A coding framework was established to provide rigour to the analysis of qualitative data. This allowed identification and extraction of key themes and sentiments in a consistent way.

When coding the submissions, a distinction was made between those submissions that directly and specifically commented on the proposed DCP amendments; and those submissions that provided an opinion on the LMRH Reforms more broadly. This distinction ensured a direct line of sight from the submissions analysis to proposed changes. In many cases participants who expressed concerns about the impacts of LMRH (e.g. overshadowing and loss of views and amenity) also offered suggestions on corresponding DCP controls (e.g. bulk and scale).

As the coding and analysis was undertaken on open-ended submissions (e.g. as opposed to following a quantitative and structured survey), the resulting outputs should be considered as indicative approximations, providing a high-level view on sentiments and emerging themes.

6. Sentiments

Council received a total of 139 unique submissions (not including duplicates), 14 of which were received via email. Of the total submissions, 72 expressed an opinion on the proposed DCP amendments, and 85 provided comment on the LMRH Reforms (these figures include 34 submissions that commented on both).

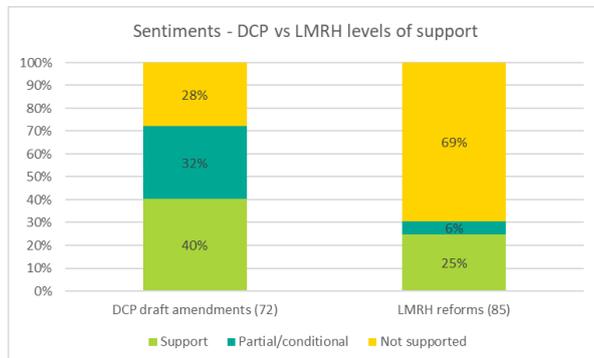
While it is not within Council's power to change the NSW Government's Housing SEPP legislation, the community's views on the LMRH Reforms may assist Council to continue advocating for planning provisions that better reflect local character whilst still supporting housing growth.

Levels of support

As shown in Figure 3 below, the majority (72%) of the 72 respondents who commented on the proposed DCP amendments indicated support (wholly or partially) for the draft controls. Positive commentary focused on the proposed requirements for building boundary setbacks; controlling for bulk via stipulating number of storeys; tree planting requirements; and heritage controls. A total of 20 submissions (28%) expressed objection to the draft DCP controls, citing concerns such as using number of storeys as a metric for height controls; impacts of the controls on local streetscape; as well as concerns over impacts on local character.

Of the 85 submissions that provided comment on the NSW Government's LMRH Reforms, the majority (69%) submissions expressed concerns with the impacts of the Reforms, namely in terms of environmental, social, economic, heritage and traffic and parking impacts. Many also expressed scepticisms about the ability of the LMRH Reforms to deliver housing that is more affordable, citing overall increased costs of housing, including for new developments, with many of the new dwellings being targeted at a premium market. Of the 31% who supported the LMRH Reforms, the main reason given was the need for more – and more diverse – housing, especially in context of intergenerational equity.

Figure 3 - Levels of support for proposed DCP amendments vs LMRH Reforms



Levels of support by area

The charts below show the distribution of support for the draft DCP amendments (Figure 4) and LMRH Reforms (Figure 5) across the three existing DCP areas of Manly, Warringah and Pittwater. The total number of responses is indicated in brackets for each area.

Figure 4 - DCP - sentiments per area

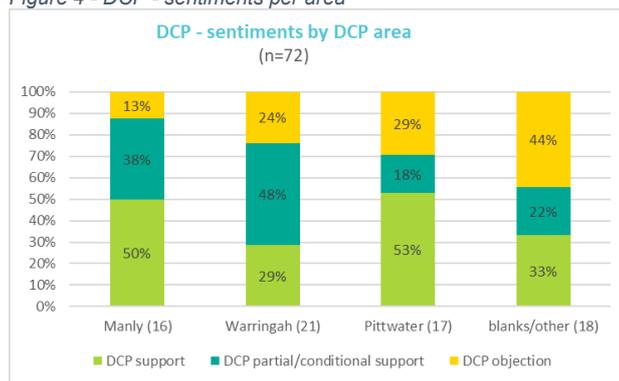
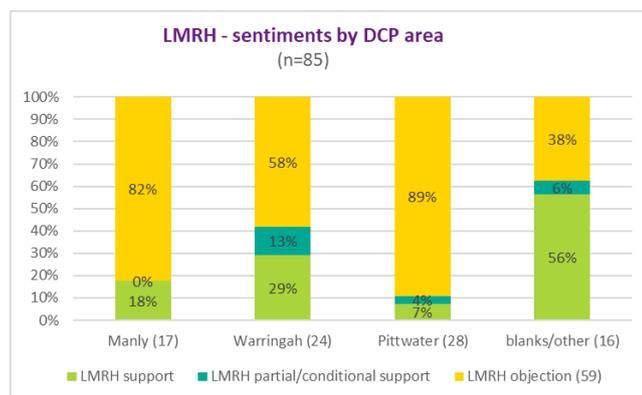


Figure 5 - LMRH - sentiments per area



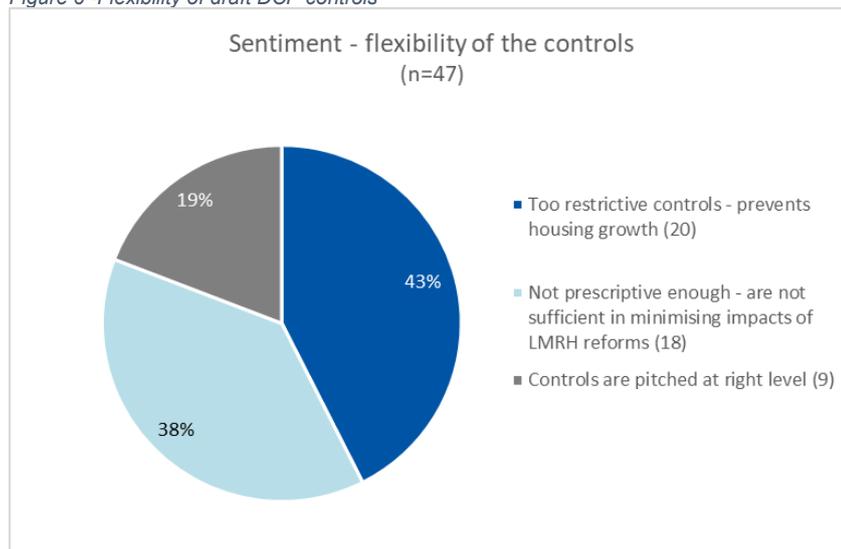
The figures show a high or partial level of support for the draft DCP amendments overall, especially in the Manly area where 88% expressed some level of support. In Manly, there was a strong concern about impacts on heritage within Manly Heritage Conservation Areas, with most respondents acknowledging the need for heritage controls that respond to LMRH, and some calling for tighter heritage conservation measures. The graphs also show strong objections to the LMRH Reforms, with the significant concern across all areas being a lack of infrastructure to support growth. Negative sentiments toward the Government’s LMRH Reforms were especially strong in the current DCP areas of Manly and Pittwater. Here, one of the top concerns was building heights and the number of permissible storeys (particularly in low density residential areas), including transitioning of 4 to 6 storey buildings within a low rise residential zone. In Mona Vale, strong concerns were also voiced over the proposed developments in Golf Avenue and Darley Street East. Similar place-specific concerns were expressed in the Dee Why area, with concerns raised about proposed development at The Strand and resulting impacts on amenity.

Diverging views on the draft DCP controls

As shown in Figure 6 below, views were divided on the degree of flexibility of the draft controls amongst the participants who commented on the proposed DCP amendments.

A total of 47 respondents expressed a view on the extent to which the draft controls were perceived to provide appropriate, flexible guidance for development. Of these, 43% stated the view that the controls were too restrictive and would likely hinder housing growth; 38% felt that the controls were not prescriptive enough and would not be sufficient in terms of mitigating negative impacts from the LMRH Reforms; and 19% felt the draft controls were appropriate.

Figure 6 -Flexibility of draft DCP controls



An example of these views is indicated by the following quotes. Refer to 'Appendix 2 – Verbatim community and stakeholder responses' for all redacted submissions.

Pitched at right level

“Council has proposed excellent amendments to the DCP, which will facilitate the supply of a variety of housing types and housing choice. The amendments include improving the amenity of dwellings by improving ventilation, solar access and privacy while reducing noise pollution. Increasing tree canopy, bicycle storage and EV charging provision will enable a reduction in carbon emissions.”

“I appreciate that the Council is trying to mitigate negative impacts of the State policy. They [the proposed DCP controls] are very important. Thank you for proposing these amendments.”

Not prescriptive enough

“The proposed amendments are a positive initial step, but for residents like myself, who have invested in and are committed to preserving Manly's distinct character, stronger local controls are essential.”

“Stronger controls [are needed] relating to excavation: To protect natural landform, soils and topography; To prevent basement car parking in low density areas”

Too prescriptive

“The draft DCP amendments—while arguably well-intended—operate at cross-purposes with the SEPP LMRH, undermining its design flexibility and housing-generation capacity.”

“Far too many rules. Proposal needs rework to simplify so normal people can understand it. Mandating planting of trees is not necessary - people should be able to do what they want without council's interfering.”



7. Findings

A summary of each of the themes, as well as Council’s response, is outlined in the DCP themes

Table 1 (DCP themes) and Table 2 (LMHR themes) in the following.

DCP themes

Table 1 – Top DCP themes

Theme	Summary of submissions	Council’s response
Bulk and scale	<p>The submissions expressed a diversity of views regarding the proposed DCP amendments seeking to control for bulk and scale of new developments. Many submissions expressed concern about the effects of increased building heights (largely attributed to the LMRH Housing Reforms) particularly in relation to loss of views and overshadowing and called for stronger DCP controls to mitigate these impacts. Several submissions noted that permitting dual occupancies, terraces and apartment blocks in areas zoned for low-density housing represents a radical departure from the established character of suburbs, and hence require rigorous controls to ensure that bulk, scale and density does not overwhelm existing streetscapes and community infrastructure.</p> <p>Conversely, other submissions noted that the DCP amendments, especially those limiting the number of storeys, were too restrictive and posed a barrier to delivering housing growth. Further concerns were raised about a 2 storey height limit not being consistent with neighbourhoods which already have dwellings of 3 – 4 storeys in an R2 zone, e.g. in areas with developments on sloping lots.</p>	<p>As a result of submissions received and a further review of the Housing SEPP, Council has refined the draft Manly DCP 2013 to limit development to two storeys in R1 and R2 zones, but only where the land is subject to an existing LEP height control of 8.5 metres and a Housing SEPP height control of 9.5 metres. This change ensures that land already permitting greater heights remains unaffected, while supporting a compatible approach to building form in low-rise areas of the LGA.</p> <p>While there are instances of dwelling houses that appear higher than two storeys in some areas of the Northern Beaches (particularly where the land is steeply sloping), many of the areas identified for low and mid-rise housing are located in residential zones near nominated town centres, where the topography is relatively moderate. Furthermore, the amendment is also appropriate as it aligns with the NSW Government’s ‘Explanation of Intended Effect: Changes to Create Low and Mid-Rise Housing’ (February 2024), the ‘Discussion Paper: NSW Pattern Book Planning Pathways’ (March 2025), and the ‘NSW Housing Pattern Book’ (July 2025), which envisage these areas as comprising terrace houses, dual occupancies, and low-rise apartments of up to two storeys only.</p>

Theme	Summary of submissions	Council's response
<p>Setbacks, site layouts, excavations</p>	<p>Submissions presented a broad spectrum of views on the proposed controls for setbacks, site layouts, and excavation. Many supported increasing side setbacks (particularly retaining the existing 3 metre standard and associated wall height formula from the Clause 9.7 of the Pittwater 21 DCP) to help protect privacy, solar access, and residential amenity. In contrast, others preferred maintaining the existing 0.9 metre side setback within the R2 Low Density Residential Zone under the Warringah DCP 2011, with this issue notably prominent in relation to newly permitted multi-dwelling housing and residential flat buildings. Several submissions also stressed the importance of clearly differentiating setback provisions for developments subject to the NSW Apartment Design Guide (ADG) and those assessed under Council's DCP, to ensure clarity and appropriate built form outcomes.</p> <p>Additional feedback raised concerns about the proposed 2-metre minimum setback to internal laneways and driveways, with some considering it overly restrictive and likely to reduce site efficiency and housing supply opportunities.</p> <p>Several submissions also called for stronger controls to manage excavation and preserve natural landform, highlighting risks associated with extensive basements and potential impacts on neighbouring properties. Conversely, some respondents advocated for greater design flexibility, including removing storey height definitions for basements and permitting basements to extend into setbacks and deep soil zones.</p>	<p>In response to submissions and an internal review by Council's Urban Designers, targeted amendments have been made to the draft Manly DCP, Warringah DCP 2011, and Pittwater 21 DCP.</p> <p>These changes have been made to the Warringah and Pittwater DCPs to clarify the consistent application of a 3-metre side setback, to specify when greater side setbacks are required for walls exceeding 3 metres in height for newly permitted multi-dwelling housing and residential flat buildings in the R2 zone, and to clarify how setback requirements apply to developments subject to the NSW Apartment Design Guide (ADG).</p> <p>Flexibility has been introduced for setbacks fronting internal laneways or driveways, and pedestrian pathway widths have been reduced from 1.2 metres to 1 metre to align with the National Construction Code.</p> <p>It is considered appropriate to retain the current controls that limit basements to within the building footprint to maintain appropriate deep soil zones for the retention and establishment of large trees, and to protect the site's natural landform, thereby minimising visual impacts, avoiding excessive excavation, and ensuring accessibility.</p> <p>While the exhibited controls aimed to clarify the circumstances in which a basement is considered a storey, it is noted that on 20 June 2025, the NSW Department of Planning, Housing and Infrastructure made amendments to the Housing SEPP, specifically to correct an error in Chapter 6 relating to basement levels. The amendment clarifies that a storey does not include a basement within the meaning of the Standard Instrument.</p>

Theme	Summary of submissions	Council's response
Trees planting and Deep soil controls	<p>Most submissions acknowledged the benefits of incorporating tree planting and deep soil requirements into the DCP amendments, noting the importance of established trees, open space, and the protection of tree canopy in maintaining the natural character of the Northern Beaches. Increased deep soil areas were also supported to improve stormwater management and facilitate additional tree planting, particularly within front setbacks.</p> <p>Concerns were raised regarding the reliance on the NSW Greener Neighbourhoods Guide (December 2021), considered by some to be overly stringent. Some submissions recommended that the draft DCP be aligned with the NSW Tree Canopy Guide for Low and Mid-Rise Housing (February 2025) and the NSW Apartment Design Guide for consistency with current State policy.</p> <p>Submissions also questioned the practicality of tree planting on smaller lots, with some opposing mandatory planting provisions.</p>	<p>Council acknowledges broad support for the introduction of tree planting and deep soil requirements in the DCP amendments, recognising their environmental benefits.</p> <p>To address concerns raised in submissions regarding the stringency of the 'Greener Neighbourhoods Guide' (2021) and inconsistencies across planning documents (e.g. guides and DCPs), Council's Landscape Architects, in their review undertaken during the exhibition period, recommended aligning the DCP amendments with the 'Tree Canopy Guide for Low and Mid-Rise Housing' (February 2025) and the NSW Apartment Design Guide. Accordingly, targeted amendments were made to the Manly, Warringah and Pittwater DCPs, including updates to specific clauses and terminology, particularly the definition of 'Deep Soil'.</p> <p>These amendments, together with Council's existing landscaped area controls contained in the current DCPs, will lead to stronger and more consistent tree planting outcomes across the Northern Beaches. These provisions are also intended to be further enhanced through new controls proposed as part of the future Northern Beaches LEP and DCP.</p>
Parking, EVs controls	<p>Submissions consistently raised concerns about parking and traffic impacts, particularly in relation to the Housing SEPP 'town centre precinct' criteria, which were viewed as failing to reflect the limitations of existing public infrastructure. In respect to the proposed DCP amendments, this was expressed as a concern over lacking provisions for on-site (off-street) carparking and integrated traffic management measures within the DCP to address safety, congestion, and pressures on public transport.</p> <p>Many submissions noted that street parking is already at capacity, further strained by overflow from services such as the B-Line, and that additional high-density development would intensify traffic volumes and parking demand.</p>	<p>The exhibited amendments to the Manly, Warringah and Pittwater DCPs include clearer requirements for shared and consolidated driveway crossovers to maximise on-street parking and improve pedestrian safety.</p> <p>In response to submissions and an internal review undertaken during the exhibition period by Council's Environment and Climate Change team, feedback received regarding EV infrastructure led to revised requirements, allowing more flexible, lower-cost Level 2 chargers and requiring dedicated EV chargers for car share spaces, with all EV infrastructure clearly shown on plans.</p>
Dual occupancies	<p>Submissions on dual occupancies raised varied views on side setbacks, minimum lot widths, and the proposed two-storey height</p>	<p>The exhibited amendments to the Warringah and Pittwater DCPs allows averaging of side setbacks to maintain a total of 3.5 metres</p>

Theme	Summary of submissions	Council's response
	<p>limit in the R2 Low Density Residential zone. While some supported controls to maintain neighbourhood character, others argued that the proposed 18m frontage for detached dual occupancies was excessive and that the two-storey limit was inconsistent with the Housing SEPP and existing built form. Concerns were also raised about the proposed side setbacks (1m and 2.5m), which were seen as more onerous than those for detached dwellings under the Warringah DCP and could make 15m and 18m wide lots ineligible for complying development, despite attached dual occupancies often resembling large single homes. Some submissions also expressed concerns with separating pedestrian paths from driveways on small lots.</p>	<p>(minimum 1 metre on one side), providing a more consistent approach across the R2 zones, particularly in the Warringah DCP where dual occupancies are newly permitted. Requirements relating to detached dual occupancies on wider or corner lots were clarified. Requirements relating to detached dual occupancies on wider or corner lots have been clarified.</p> <p>The two-storey requirement for dual occupancies has been retained to align with SEPP and LEP height controls, supporting increased density while preserving neighbourhood character, amenity, and tree canopy.</p>
Heritage	<p>Submissions strongly supported enhanced controls to protect Heritage Conservation Areas in Manly, with many advocating for measures exceeding those proposed. Widespread concern was expressed regarding the impacts of nearby high-density development, particularly six-storey buildings permitted under Chapter 6 of the Housing SEPP, on the character, architectural integrity, and residential amenity of heritage-listed properties and surrounding conservation areas. While the proposed DCP amendments were generally welcomed as a positive step, numerous submissions called for further refinement to more effectively safeguard Manly's distinctive heritage values. Specific feedback included suggested changes to controls for demolition, views and vistas, and infill development, primarily seeking minor wording adjustments or the removal of duplications.</p> <p>Some submissions proposed allowing dark or single-colour schemes within the Heritage Conservation areas.</p>	<p>Council acknowledged strong community support for enhanced protections of Manly's Heritage Conservation Areas and concerns about the impact of nearby high-density development.</p> <p>In response to submissions and a further internal review by Council's Heritage team, targeted amendments were made to the draft Manly DCP, particularly to clauses on demolition, views and vistas, and infill buildings. It is not proposed to make changes to proposed DCP amendments to allow a darker or colour scheme as this is inconsistent with the established traditional colour palettes of Manly's Heritage Conservation Areas.</p>

LMRH themes

Table 2 - Top LMRH themes

Theme	Summary of submissions	Council's response
Environmental impacts (trees, pollution, natural hazards and emergency response etc)	Many submissions expressed a profound concern with the impacts of the LMRH housing reforms and related housing growth on the environment. Particular issues included impacts on coastal and bushland ecosystems; stormwater run-off because of increases in impermeable surfaces; limitations in evacuation capacity (e.g. due to increased on-street parking and traffic congestion).	<p>Council notes community concerns and is mindful that environmental protection is central to the community's aspirations and vision for the Northern Beaches, as per the Community Strategic Plan. Council is committed to ongoing environmental protection, as shown in Environment and Climate Change Strategy – "Protect. Create. Live" which is the guiding document in this area. Council also recently adopted a <i>Tree Management Policy</i> (July 2025) which supports a sustainable approach to managing trees across the local area.</p> <p>In addition, the new consolidated LEP and DCP will provide controls and guidance for mitigating and managing environmental impacts of development.</p>
Social impacts (housing affordability, culture, community, intergenerational living etc)	Submissions expressed different views regarding the capacity of the LMRH reforms to deliver more diverse and affordable housing. On the one hand, many submissions highlighted the need for housing reforms and implied that the housing reforms were welcome measures to increase housing stock and diversity. Others expressed scepticism whether the LMHR reforms would provide more accessible and affordable dwellings, noting that new developments being built under the Housing SEPP are luxurious and expensive and at all affordable. Several submissions called for specific provisions to enable a better housing mix to cater for families and key workers (e.g. 1 and 3 bedroom apartments to counter the predominant provision of 2-bedroom apartments)	<p>Council shares concerns about the current shortage of affordable housing, particularly for key workers and vulnerable groups.</p> <p>Council has consistently advocated for the NSW Government to apply affordable housing contribution rates to all land benefiting from state-led planning uplift under the LMRH reforms. As one of the few councils with an adopted affordable housing contributions scheme, Council recognises that more needs to be done and is actively working to support the delivery of additional affordable housing. Council's Affordable Housing Policy aims to boost the supply of affordable housing on the Northern Beaches and the Council continues to work closely with government agencies to achieve this goal.</p> <p>Council also made a detailed submission to the NSW Legislative Assembly Select Committee's recent inquiry into Essential Worker Housing and was subsequently invited to present at the Committee's public hearing. The Committee's report, tabled on 13 June 2025, made 20 recommendations to improve essential</p>

Theme	Summary of submissions	Council's response
		<p>workers' access to housing. Council's submission was cited 18 times, with several key recommendations reflecting its position.</p> <p>In the proposed consolidated Northern Beaches LEP, Council has sought to include provisions that ensure a mix of dwelling types in residential flat buildings and increase housing choice across demographics. The future Northern Beaches DCP will also explore controls to support more family-friendly apartment designs.</p>
<p>Heritage and culture impacts (e.g. colour palettes, infill development etc)</p>	<p>In addition to specific commentary about the proposed heritage controls for Manly (see above), several submissions also raised more general concerns about the impacts of LMRH on heritage, especially in relation to the impacts increased building heights will have on neighbouring or nearby heritage items.</p>	<p>In addition to the proposed DCP amendments that are in response to the LMRH, Council's new consolidated LEP and DCP will contain additional heritage protection for other parts of the Local Government Area (LGA), including the 18 Heritage Conservation Areas. If adopted, the new consolidated DCP will contain controls for built heritage items; landscape heritage items; heritage conservation areas; historical archaeology; and development within the vicinity of heritage items and heritage conservation areas.</p>
<p>Economic impacts (property prices, commuting, business etc)</p>	<p>Some submissions noted concerns that the value of their property would decrease because of nearby inappropriate development and loss of views.</p> <p>A few submissions noted concerns that impacts of inappropriate development in Manly could have negative economic consequences as it would diminish the area's appeal as a major tourism destination.</p>	<p>While Council recognises the mixed community views on the LMRH Policy, it is not within its mandate to amend the State Government's Housing SEPP. The DCP amendments aim to balance the objectives of increased housing supply with the community's appreciation of both the built form and the natural character of the Northern Beaches. Council will continue to monitor the economic impacts of the LMRH policy across the LGA and respond where appropriate.</p>
<p>Amenity and liveability (e.g. overshadowing, solar access, shading, urban heat etc.)</p>	<p>Concerns over loss of amenity and liveability was a core theme in the submissions, many of which noted that they already are experiencing direct impacts of the LMRH. Concerns were raised about 3 – 4 storey developments in low rise residential zones which were having significant negative impacts in terms of views, privacy, solar access and parking. Key areas of concern included Manly; Golf Avenue and Darley Street East in Mona Vale; The</p>	<p>Council recognises the community's concerns regarding the impacts of LMRH reforms on amenity, including issues related to privacy, views, solar access, and parking. While these planning reforms have been introduced by the NSW Government and override some existing local controls, Council is committed to managing their implementation through the DCP amendments to help mitigate local impacts in residential zoned areas.</p>

Theme	Summary of submissions	Council's response
	<p>Strand and nearby streets and lanes in Dee Why; Brookvale and Manly Vale.</p> <p>Some submissions called out for (appropriate) growth in certain areas, wanting to see greater housing diversity as well as improved related amenity and services, e.g. supermarkets, cafes etc. as well as urban heat mitigation (namely Manly Vale).</p>	<p>At its meeting on 20 May 2025, Council also resolved to receive a report within six months outlining opportunities to carry out place-based planning investigations for the Manly Vale and Forestville town centres, in line with the Local Housing Strategy. This follows more recent work undertaken in relation to Manly and Mona Vale town centres. The report will also consider whether other centres affected by the LMRH should be prioritised.</p>
<p>Infrastructure, parking, traffic impacts (contributions, traffic congestion)</p>	<p>Submissions raised consistent concerns about the capacity of existing infrastructure to support the proposed increase in housing density. Many respondents cited worsening traffic congestion on already constrained local roads, with particular pressure on key routes through Mona Vale, Manly Vale and Brookvale. There was strong concern that additional dwellings would exacerbate traffic volumes, rat-running through residential streets, and extend already lengthy travel times. Public transport was also identified as inadequate, with frequent references to overcrowded bus services, limited local connections, and no mass transit options servicing the Northern Beaches.</p> <p>Parking availability emerged as a significant issue, with many noting that existing on-street parking is heavily constrained, especially in town centres and coastal areas during weekends and holidays. Residents expressed frustration at the lack of capacity to accommodate additional cars from new developments, predicting increased congestion, safety issues near schools and beaches, and impacts on residential amenity. Broader infrastructure concerns were also raised, including limited capacity in local schools, medical services, drainage, and sewage systems.</p> <p>While many submissions opposed the proposed amendments on infrastructure grounds, a smaller number of respondents supported increased housing density, provided it was accompanied by significant investment in public transport, traffic</p>	<p>Council has consistently advocated for support in response to the NSW Government's LMRH reforms, including repeated calls over the past year to address infrastructure constraints including most recently through a letter to the Minister for Planning and Public Spaces in March 2025, highlighting seven key infrastructure bottlenecks across the LGA.</p> <p>Council will continue to monitor the impacts of the LMRH Policy across the LGA and will work to minimise adverse effects, particularly those related to traffic and parking, where possible. However, it is important to note that Council does not have the authority to amend the State Government's Housing SEPP.</p> <p>Council will continue to collect development levies via the Development Contributions Plan as per the Section 7.11 or Section 7.12 of the Environmental Planning and Assessment Act 1979 (NSW) This will contribute to delivery of critical infrastructure.</p> <p>Council will consider developing place strategies or similar type holistic place-based planning documents for key town centres affected by LMRH.</p>

Theme	Summary of submissions	Council's response
	<p>management, pedestrian and cycling infrastructure, and local town centre upgrades.</p> <p>Several submissions recommended the preparation of comprehensive master plans to ensure that new development is supported by appropriate infrastructure and maintains the liveability of the area.</p>	
<p>Local character impacts (e.g. consistency with streetscape, surrounding houses dwelling sizes, local character)</p>	<p>There were widespread concerns about the impact of LMRH on local character. Many submissions queried the criteria used by the NSW Government for determining development potential within 400 and 800 meters respectively of the 9 identified town centres, noting that without a fixed, unambiguous definition of what constitutes a town centre, areas would become subject to development creep, with ever expanding higher density developments into low-rise residential areas. (See NSW Government's website here <<LINK>> for an overview of the 9 town centres, along with further information about the LMRH Reforms).</p>	<p>The new consolidated DCP for the Northern Beaches will include local character statements, including principles for desired future character of approximately 37 identified areas across the LGA. These statements will be used as part of the DA assessment process to consider consistency of an DA with the desired future character of a given area.</p> <p>Council will continue to monitor LMRH impacts across the LGA and will seek to minimise any impacts, including on traffic and parking, where possible. However, it is beyond Council's mandate to change the State Government's Housing SEPP.</p>

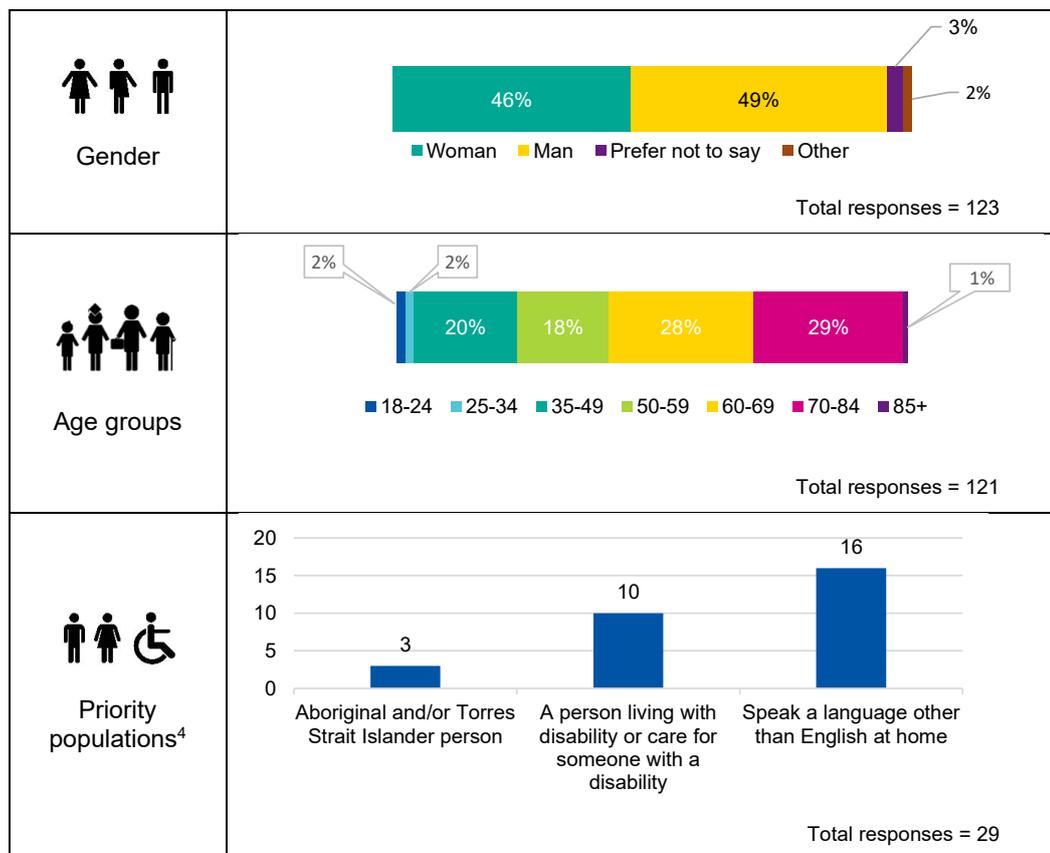
Document administration	
Version	1.0
Date	22 July 2025
Approval	Strategic and Place Planning Team.
Status	Final
Related Projects	Planning Our Sustainable Future
Notes	Community views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.



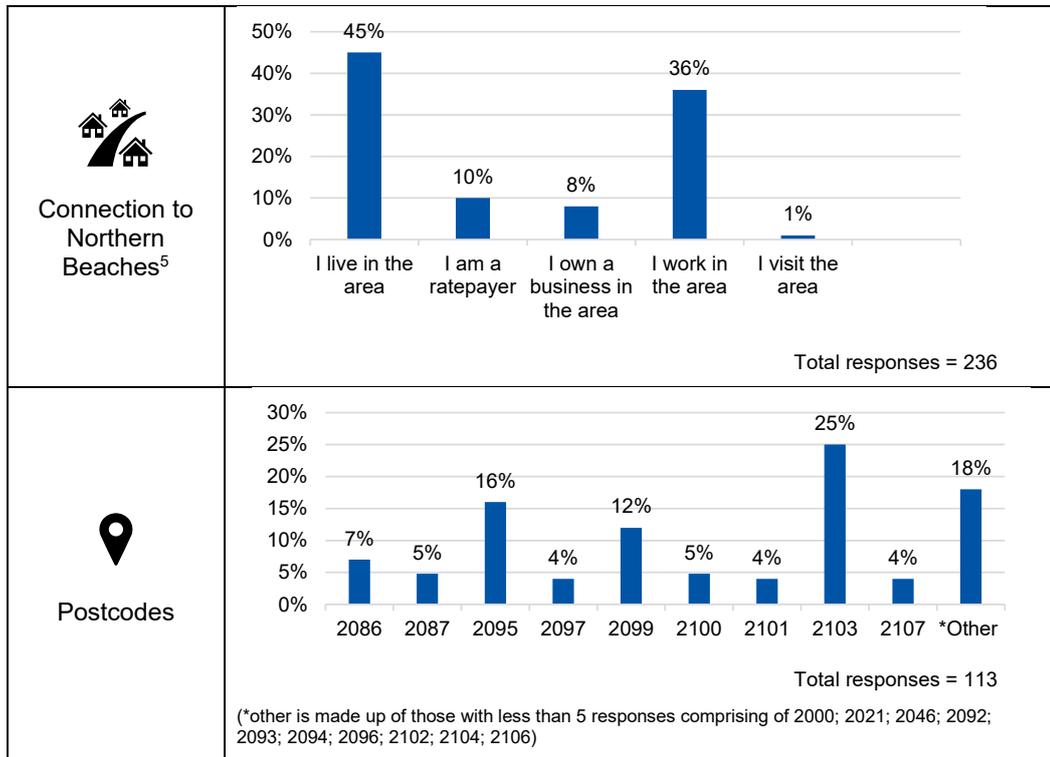
APPENDIX 1 – Demographics

The following demographic data analysis is based on the 125 participants who provided a response via the submission form place on Council’s Engagement Platform (Have your say – see [LINK](#)). (It excludes the 14 submissions that were provided via email, as no demographic data was collected for these submissions).

Demographic data was optional, and not all participants chose to provide information.



⁴ Respondents could select more than one option



⁵ Respondents could select more than one option

APPENDIX 2 – Verbatim community and stakeholder responses*

To view all verbatim comments, please click the link below or copy and paste into your browser:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/Document.aspx?t=webdoc&id=!Q0pgCeeoLteN%2BwKV2y61omgP0PI6EB76To1QIA==isFSBBNeDxc=>

**Personal identifying information, and content which is discriminatory, hateful or which may defame, offend, insult, humiliate or intimidate has been redacted. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.*

Manly Development Control Plan 2013

Part 1 Introduction

Update 'Table Summary – Amendments to this DCP' to add the below [new text in red].

No.	Adopted	In Force	Amendment Summary
17	Insert Date	Insert Date	Clause 5.7 Low and Mid-Rise Housing Areas

Update '1.1 Name of this DCP' to be amended as follows [new text in red].

1.1 Name of this DCP

This plan is called Manly Development Control Plan 2013 Amendment ~~14-17~~. The short title is Manly DCP or otherwise referred to as the 'plan'.

The plan was adopted by Council on 16 July 2012 and came into effect on 19 April 2013, being the same day that the Manly Local Environmental Plan 2013 ('Manly LEP 2013') commenced. The plan was last amended on ~~1 December 2019~~ [Insert Date].

Clause 5.7 Low and Mid-Rise Housing Areas

5.7.1 Dual Occupancies

Land to which this control applies

Land zoned R1 General Residential, R2 Low Density Residential or R3 Medium Density Residential identified within the 'low and mid rise housing area' as defined by the State Environmental Planning Policy (Housing) 2021.

Uses to which this control applies

Dual occupancy (attached)
Dual occupancy (detached)

Objectives

- Objective 1) To ensure that the visual bulk and scale of development are managed through building articulation, modulation, and stepping of the built form, to be compatible with neighbouring development.
- Objective 2) To enhance the landscape setting by retaining and/or providing trees and vegetation within deep soil landscaped areas, integrating the development into its natural surroundings, supporting biodiversity, and contributing to increased tree canopy coverage while softening the built form.

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- Objective 3) To ensure development provides a clear sense of address to the street, with external materials, colours and textures that are compatible and complementary with the streetscape.
- Objective 4) To minimise the amenity impacts of development on adjoining and neighbouring properties.
- Objective 5) To ensure that car parking is not visually dominant on the site or in the streetscape.

Requirements

Site Layout

R1 The siting of dual occupancies should be as follows:

- a) Dual occupancy (attached) – Both dwellings are to be oriented towards the street frontage. This layout reinforces the prevailing residential pattern of single street frontage properties, allowing for landscaped front gardens and larger rear yards.
- b) Dual occupancy – (detached) - Detached configurations are generally not supported due to potential impacts on tree retention, landscaped areas, privacy, and solar access.

However, a detached arrangement may be considered where:

- i. the site has a street frontage greater than 18 metres, or
- ii. the site has multiple street frontages, or
- iii. it can be demonstrated that the configuration will result in reduced impacts when compared to an attached form, including the retention of significant trees, environmental features or heritage items.

R2 Dwellings with a street frontage are to have a front door directly visible from the street.

R3 Where the side of a dwelling is facing a secondary street, this façade should be articulated with windows and/or doors to address the street.

Setbacks and Height

R4 A nil setback to the side boundary is permitted to the extent that it adjoins the common wall of a dual occupancy (attached).

R5 **In the R1 General Residential Zone or the R2 Low Density Residential Zone, on land within area 'I' shown on the LEP Height of Buildings Map, where a dual occupancy is proposed, the maximum number of storeys is two. ~~except on land in areas 'L' and 'N1' on the LEP Height of Building Map.~~**

Building and Landscape Design

R6 Existing trees are to be retained wherever possible, and new tree planting is to be in accordance with Table 1 below, including:

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- a) At least one tree within the front ~~setback area~~ yard of each dwelling;
- b) ~~At least one tree within the rear yard of each dwelling;~~
- c) Each tree is to be a locally native species ~~as listed in Schedule 4 – Part B – Native Tree Selection of this DCP;~~ and
- d) Existing prescribed trees may be counted towards the total number of required trees. ~~Where there is any inconsistency between this requirement and paragraph 4.1.5.2(c) Landscaped Area of this DCP, this requirement prevails.~~

Table 1: Minimum tree planting rate (applies to the whole development)

Site area	Minimum tree planting rate
Less than 300 m ²	Plant at least 1 small or medium tree in a deep soil area per dwelling.
Less than 300m² (all Areas except Area 'C' on the LEP Lot Size Map)	Plant at least 2 small or medium trees in a deep soil area per dwelling.
300-600 m ²	For every 200 m ² of site area or part thereof, plant at least 1 medium tree in the deep soil area
Greater than 600 m ²	For every 225 m ² of site area or part thereof, plant at least 1 medium or large tree in the deep soil area.

- R7 In addition to paragraph 4.1.5.1 Minimum Residential Total Open Space of this DCP, the deep soil ~~landscaped area~~ percentage as identified in Table 2 is to be demonstrated. This requirement is to support healthy tree root development and to allow trees to reach maturity.

Table 2: Minimum Deep Soil (applies to the whole development)

Site area	Deep soil (min % of site area with a min. dimension of 3m)
Less than 300 m ²	15% 20%
300-600 m ²	20% 25%
Greater than 600 m ²	25% 30%

- R8 The development is to respond to the natural landform of the site to minimise visual impact, avoid excessive excavation and ensure accessibility. To achieve this:
- a) Dwellings are to be designed to step with the topography.
 - b) The ground floor should be no more than 1.3 metres above ground level (existing) and no more than 1 metre below ground level (existing), except where a higher finished floor level is required to meet the applicable Flood Planning Level.
 - c) Basements, including for car parking, should be avoided unless no other practical alternative exists, and are not to be provided within building setbacks.

Parking Design and Vehicle Access

- R9 The following specific design requirements apply to a dual occupancy:
- a. The total width of all garages, carports or hardstand areas, for both dwellings combined, facing a street frontage is not to exceed 50% of the lot frontage or 7 metres, whichever is the lesser.

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- b. Unless an alternative layout or design clearly satisfies the objectives and/or principles of Council's current policies and guidelines relating to driveways and vehicle crossovers, driveway crossovers should be shared by each dwelling to minimise hard surfaces in the front setback, maximise on-street parking, minimise impacts on street trees, and reduce interactions between pedestrians and road users by:
 - i. limiting the shared driveway to a maximum width of 6 metres; and
 - ii. ensuring the layback is no wider than 3 metres at the kerb; and
 - iii. positioning the proposed driveway to maximise the retention of on-street car parking spaces.
- c. One uncovered parking space (not within a garage, carport or other structure) in a tandem arrangement, between the primary street frontage and the front building line, may be supported, provided:
 - i. Tree planting, landscaped area and deep soil requirements are met;
 - ii. There are clear sight lines between the parking space and the road kerb for pedestrian safety.
- a. In accordance with paragraph 3.2.5.1 (Exceptions to Parking Requirements), Council may consider an exception to the required on-site car parking where the development relates to a heritage item or a building within a heritage conservation area listed in Schedule 5 of the LEP, and the provision of parking would adversely affect its heritage significance.

Advisory Note

The controls in this part apply in addition to the provisions in Chapter 6, Part 2 of State Environmental Planning Policy (Housing) 2021 (the Housing SEPP). Where there is any inconsistency between the controls in this DCP and the Housing SEPP, the Housing SEPP prevails.

A 'storey' does not include a basement within the meaning of the standard instrument.

The Tree Canopy Guide for Low and Mid-Rise Housing (February 2025), or as amended, published by the Department of Planning, Housing and Infrastructure, must be considered for applicable development. The NSW Housing Pattern Book Landscape Design Guide (July 2025), or as amended, as it relates to the patterns published by the Department, is also recognised as relevant guidance. Where either guide requires more tree canopy, tree planting, or deep soil than this DCP, the guide provisions prevail to the extent of any inconsistency.

All controls, such as those relating to streetscape, subdivision, building setbacks, amenity, and landscaping, within Parts 3 and 4 of this DCP apply and are to be considered for dual occupancy and semi-detached dwelling development.

Deep Soil is defined as:

A landscaped area connected horizontally to the soil system and local groundwater system beyond unimpeded by any building or structure above or below ground with the exception of minor structures.*

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Deep soil zones with a minimum dimension of 3m allows sufficient space for the planting and healthy growth of new trees that provide canopy cover and assist with urban cooling and infiltration of rainwater to the water table. Deep soil also allows the retention of existing trees.

**Minor structures are defined as:*

- path, access ramp or area of paving with a maximum width up to 1.2m*
- essential services infrastructure (such as stormwater pipes) with a maximum diameter of 300mm*
- landscape structures (such as lightweight fences, light poles, or seating) requiring a footing with a maximum size of up to 300mm x 300mm in cross section.*

The 3 m dimension in deep soil refers to 3 m in every horizontal direction (length and width). This means deep soil is a minimum 9 m² (3 m x 3 m).

*The size of trees **at maturity** is to be as follows: small trees are 5–8 metres high, medium trees are 9–14 metres high, and large trees are 15 metres high **and over**.*

In the event of any conflict between this section and other parts of the DCP, the provisions of Part 5.7 Low and Mid-Rise Housing Areas shall prevail.

5.7.2 Attached dwellings, multi dwelling housing, multi dwelling housing (terraces), residential flat buildings and shop top housing

Land to which this control applies

Land zoned R1 General Residential, R2 Low Density Residential or R3 Medium Density Residential identified within the 'low and mid rise housing area' as defined by the State Environmental Planning Policy (Housing) 2021.

Uses to which this control applies

Attached dwellings

Multi dwelling housing

Multi dwelling housing (terraces)

Residential flat building

Shop top housing

Objectives

- Objective 1) To facilitate a variety of housing types that enhance housing choice, while ensuring compatibility with the scale of surrounding neighbouring developments.
- Objective 2) To ensure developments are designed to provide privacy, solar access and building separation while supporting safe pedestrian movement and well-integrated vehicular access and parking.
- Objective 3) To minimise bulk and scale through articulation, materials and setbacks, enhancing the streetscape and maintaining visual cohesiveness.
- Objective 4) To enhance the landscape setting by retaining and/or providing trees and vegetation within deep soil areas, to soften the built form while also providing private open space with appropriate outlook, orientation, size and integration with living areas.
- Objective 5) To ensure high-quality building design with a clear sense of address, featuring well-defined dwelling entries, casual surveillance along the street frontage and designed driveways and parking areas for safety and minimal visual impact.

Requirements

Site Layout

- R1 Individual dwellings fronting a public road should have habitable rooms oriented towards the street, public spaces, or communal areas, with a clearly identifiable entry. Blank walls that limit opportunities for casual surveillance of the street, common areas, or internal pedestrian pathways should be avoided.

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- R2 Pedestrian pathways are to be well-lit, separated from vehicular access, and provide a minimum ~~1.2 metre~~ **1 metre** wide clear path. Individual dwelling entries should ensure safe access and easy wayfinding. Pedestrian entries are to be directly visible from the public street.
- R3 All terraces are to face a public street. No terrace may be located behind another dwelling on the same lot.
- R4 On sloping sites, each dwelling is to be stepped consistently along the slope.

Setbacks and Height

- R5 Dwellings are to have a minimum 2 metre setback if fronting internal laneways or driveways, **unless it can be demonstrated that a reduced setback maintains landscaping, safe vehicle access, pedestrian safety, and adequate amenity.**
- R6 The ground floor should be no more than 1.3 metres above ground level (existing) and no more than 1 metre below ground level (existing), except where a higher finished floor level is required to meet the applicable Flood Planning Level.
- R7 **In the R1 General Residential Zone or the R2 Low Density Residential Zone, on land within area 'I' as shown on the LEP Height of Buildings Map, buildings are not to exceed 2 storeys. ~~except on land in areas 'L' and 'N1' on the LEP Height of Building Map.~~**
- ~~R8 Buildings on land in areas 'L' and 'N1' on the LEP Height of Building Map Buildings are not to exceed 3 storeys.~~
- ~~R9 Any part of a basement or subfloor area that projects greater than 1 metre above ground level (existing) comprises a storey.~~

Building and Landscape Design

- R8 Minimum tree planting rates are to be in accordance with Tables 1, 2 and 3 below, and are to include the following:
 - a) At least one tree is to be provided within the front setback of each dwelling with a street frontage;
 - b) Each tree shall be a locally native species; and
 - c) Existing prescribed trees may be counted towards the total number of required trees.

Table 1: Minimum tree planting rates for Attached Dwelling or Multi dwelling housing (terraces) – applies to each proposed dwelling:

<i>Site area</i>	<i>Minimum tree planting rate</i>
< 150 m ²	Plant at least 1 small tree in the deep soil area per dwelling.
150-300 m ²	For every 200 m ² of site area or part thereof, plant at least 1 small tree in the deep soil area

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> 300 m ²	For every 225 m ² of site area or part thereof, plant at least 1 medium tree in the deep soil area.
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Table 2: Minimum tree planting rates for Multi dwelling housing – applies to the whole development:

Site area	Minimum tree planting rate
< 1,000 m ²	For every 300 m ² or part thereof, plant at least 1 medium tree in the deep soil area.
1,000-3,000 m ²	For every 200 m ² or part thereof, plant at least 1 medium tree in the deep soil area.
> 3,000 m ²	For every 350 m ² or part thereof, plant at least 2 medium trees or one large tree in the deep soil area.

Table 3: Minimum tree planting rates for Residential flat buildings and Shop top housing – applies to the whole development:

Site area	Minimum tree planting rate
< 650 m ²	For every 350 m ² of site area or part thereof, plant at least 1 small tree in the deep soil area.
650-1,500 m ²	For every 350 m ² of site area or part thereof, plant at least 1 medium tree in the deep soil area.
> 1,500 m ²	For every 575 m ² of site area, or part thereof, plant at least 2 medium trees or one large tree in the deep soil area.

- R9 In addition to the paragraph 4.1.5 Open Space and Landscaping of this DCP, the deep soil [landscaped area](#) percentage as identified in Tables 4, 5 and 6 is to be demonstrated. This requirement is to support healthy tree root development and to allow trees to reach maturity.

Table 4: Minimum Deep Soil for Attached Dwelling or Multi-dwelling (terraces) - applies to each proposed dwelling:

Site area	Deep soil (min % of site area with a min. dimension of 3m)
< 150 m ²	15%
150-300 m ²	20%
> 300 m ²	25%

Table 5: Minimum Deep Soil for Multi dwelling housing - applies to the whole development:

Site area	Deep soil (min % of site area with a min. dimension of 3m)
< 1,000 m ²	20%
1,000-3,000 m ²	25%

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> 3,000 m ²	30%
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Table 6: Minimum Deep Soil for Residential flat buildings and Shop top housing – applies to the whole development:

Site area	Minimum Deep soil (min % of site area with a min. dimension of 3m)
< 650 m ²	7% 10%
650-1,500 m ²	10% 15%
> 1,500 m ²	15% 25%

- R10 Each attached dwelling, terrace or townhouse dwelling is to have a minimum internal width of 6 metres.
- R11 End-of-row attached dwellings, townhouses or terraces are to provide windows on side walls to articulate the facade, provided they meet visual and acoustic privacy requirements.
- R12 The minimum floor to ceiling height for all living areas should be 2.7 metres.
- R13 The depth of any habitable room should not exceed 8 metres from a source of daylight.
- R14 All habitable rooms are to be naturally ventilated.
- R15 Dwellings are required to have the following minimum internal floor areas:
- a. Studio: 35 m²
 - b. 1 Bedroom: 50 m²
 - c. 2 Bedroom: 70 m²
 - d. 3 Bedroom: 90 m²
- R16 The minimum internal areas outlined in R175 only include one bathroom. The minimum area of each additional bathroom is 5m² added onto the minimum dwelling area.
- R17 The minimum area of any additional bedroom to R175 is 12m² added onto the minimum dwelling area.
- R18 Development located near noise-generating uses, such as employment zones, industrial land, main roads, or late-night venues, is to be designed to minimise noise intrusion. Council may require this to be demonstrated through a *Noise Impact Assessment* prepared by a suitably qualified acoustic consultant.
- R19 For residential flat buildings and shop top housing, integrate playable elements free of trip hazards within the communal outdoor space, to encourage children and their families to use shared areas for play.

Vehicle Access, Parking Design and Electric Vehicle (EV) Charging

- R20 Vehicle access is to be consolidated and be integrated with the building design.

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- R21 The total width of all garages, carports or hardstand areas, for all dwellings combined, facing a street frontage is not to exceed 50% of the lot frontage or 7 metres, whichever is the lesser.
- R22 The driveway and vehicle crossover are to be designed in accordance with the current policies and guidelines relating to driveways/vehicle crossovers, noting that all vehicles are to leave the site in a forward direction. Vehicle circulation is to comply with AS2890.1.
- R23 Basements are to remain within the building footprint and not extend into setback or deep soil areas.
- R24 Covered space is to be provided for the secure storage of at least 1 bicycle per dwelling.
- R25 A minimum of one electric bicycle charge point (10A outlet) is to be provided for every four bicycle parking spaces. Where fewer than four bicycle parking spaces are provided, a minimum of one charge point must still be installed.
- R26 Development is to incorporate electric vehicle (EV) charging infrastructure in accordance with the following provisions:
- a) All residential development is to provide EV charging or EV Ready infrastructure for 100% of resident parking spaces, car share spaces and visitor parking.
 - b) 100% of visitor **and car share** parking spaces and 20% of resident parking spaces are to be fitted with a dedicated charging station **(Level 2) (22kW)** prior to the issue of an Occupation Certificate.
 - c) Wayfinding signage is to be provided within the development to guide users to EV charging stations, including those for electric ~~scooters and~~ bicycles.
 - d) EV charging points are to be designed and installed in accordance with AS 2890 and other relevant standards.
 - e) Total electricity load management and electrical fit out is to be considered at the design stage, including:
 - i. The inclusion of electrical distribution boards dedicated to serving EV charging.
 - ii. The electrical distribution boards are to be fitted with a charging control system to manage and schedule the charging of EVs **during off-peak periods**, in response to total building demand **and EV owner behaviour**.
 - iii. The location of electrical distribution boards so that any future EV charger will require a cable of no more than 5m from the parking bay to the connection point.
 - iv. The provision for cable trays to support the future installation of 32A single-phase final subcircuits for each EV car parking space.
 - v. The size and location of any necessary electricity substations.
 - f) All **EV charging infrastructure, including electrical distributions boards and** EV charging points are to be identified on the Development Application plans, Construction Certificate plans and strata plans (if relevant).

Advisory Note

The controls in this part apply in addition to the provisions in Chapter 6, Parts 3 and 4 of State Environmental Planning Policy (Housing) 2021 (the Housing SEPP). Where there is any

inconsistency between the requirements in this DCP and the Housing SEPP, the Housing SEPP prevails.

A 'storey' does not include a basement within the meaning of the standard instrument.

The Tree Canopy Guide for Low and Mid-Rise Housing (February 2025), or as amended, published by the Department of Planning, Housing and Infrastructure, must be considered for applicable development. The NSW Housing Pattern Book Landscape Design Guide (July 2025), or as amended, as it relates to the patterns published by the Department, is also recognised as relevant guidance. Where either guide requires more tree canopy, tree planting, or deep soil than this DCP, the guide provisions prevail to the extent of any inconsistency.

The NSW Planning and Environment's Apartment Design Guide applies to residential flat buildings, shop top housing, and the residential component of mixed-use developments that are three or more storeys and contain four or more dwellings.

The minimum deep soil requirements for residential flat buildings align with the NSW Government's Greener Neighbourhoods Guide (December 2021).

Deep Soil is defined as:

A landscaped area connected horizontally to the soil system and local groundwater system beyond unimpeded by any building or structure above or below ground with the exception of minor structures.*

Deep soil zones with a have a minimum dimension of 3m allows sufficient space for the planting and healthy growth of new trees that provide canopy cover and assist with urban cooling and infiltration of rainwater to the water table. Deep soil also allows the retention of existing trees:

**Minor structures are defined as:*

- Path, access ramp or area of paving with a maximum width up to 1.2m*
- essential services infrastructure (such as stormwater pipes) with a maximum diameter of 300mm;*
- landscape structures (such as lightweight fences, light poles, or seating) requiring a footing with a maximum size of up to 300mm x 300mm in cross section.*

The 3 m dimension in deep soil refers to 3 m in every horizontal direction (length and width). This means deep soil is a minimum of 9m² (3m x 3m).

*The size of trees **at maturity** is to be as follows: small trees are 5–8 metres high, medium trees are 9–14 metres high, and large trees are 15 metres high **and over**.*

EV Ready means the design and construction of a parking space with the necessary infrastructure, including conduit, wiring and any special circuitry needed to easily receive the installation of a Level 2 charger.

All controls, such as those relating to streetscape, subdivision, building setbacks, amenity, and landscaping, within Parts 3 and 4 of this DCP continue to apply and are be considered for all developments.

In the event of any conflict between this section and other parts of the DCP, the provisions of Part 5.7 Low and Mid-Rise Housing Areas shall prevail.

5.7.3 Heritage Conservation Areas

Land to which this control applies

Land zoned R1 General Residential or R3 Medium Density Residential identified within the 'low and mid rise housing area' as defined by the State Environmental Planning Policy (Housing) 2021 that is located within Pittwater Road Conservation Area and Town Centre Conservation Area identified in Schedule 5 of Manly Local Environmental Plan 2013.

Uses to which this control applies

Dual occupancy (attached)
Dual occupancy (detached)
Attached dwellings
Multi dwelling housing
Multi dwelling housing (terraces)
Residential flat building
Shop top housing

General Controls for Heritage Conservation Areas in Manly

General objectives

The general objectives of this section are:

- O1 To retain the heritage significance and historic character of heritage conservation areas through appropriate design of new development.
- O2 To allow change to occur, where it does not impact on the significance or historic character of the heritage conservation areas.
- O3 To allow for the redevelopment and replacement of buildings and elements that do not contribute to the heritage conservation areas.
- O4 To ensure that new development in heritage conservation areas:
 - a. respects significant original or characteristic built form;
 - b. retains original scale and form as viewed from the public domain;
 - c. respects significant traditional or characteristic subdivision patterns;
 - d. retains significant original fabric;
 - e. retains, and where possible reinstates, significant original features and building elements that contribute to the character of the street, including original balconies and verandahs, fences, chimneys, joinery, etc;
 - f. uses appropriate materials, finishes and colours.

Demolition

Demolishing buildings that contribute to the significance and character of a heritage conservation area lowers its integrity. Accordingly, Council will generally not support demolition unless the property is incapable of reasonable use or where it would not be technically feasible to make it useable. Demolition based solely on a building's poor condition due to lack of maintenance or neglect is not considered a sufficient justification for approval.

Objectives

- O1 To ensure that buildings, original forms, elements and features that contribute to the character and significance of heritage conservation areas are retained, conserved and where appropriate, improved.

Requirements

- R1 Demolition of buildings, structures and landscape features (including rock formations and outcrops, trees and vegetation) contribute to the value of the heritage conservation area is generally not supported. Poor condition due to lack of maintenance and neglect ~~lack of maintenance~~ is not justification for demolition.
- R2 Council may support demolition where the applicant can satisfactorily demonstrate:
- Demolition will not result in any significant adverse impacts on the character of the heritage conservation area;
 - Retention and stabilisation of the building or structure is unreasonable;
 - All alternatives to demolition have been considered and reasons provided why the alternatives are not acceptable;
 - The replacement building is compatible with the identified significance and character of the streetscape and the heritage conservation area.
- R3 All stone kerbing as referred to under Schedule 5 of the LEP are not to be disturbed or demolished.

Subdivision and Amalgamation

Subdivision patterns are intrinsic to the significance of heritage conservation areas, reflecting the historic development of the area. Subdivision patterns are important to the character of the historic urban area, influencing scale and streetscape character.

Objectives

- O1 To ensure original historic subdivision patterns are retained.

Requirements

- R1 Subdivision or lot amalgamation will not be supported where it involves the demolition of buildings of heritage significance or buildings which contribute to the heritage character of the heritage conservation area.
- R2 Lot boundary changes are not supported where the development pattern or early subdivision is integral to the heritage significance of the heritage conservation area.

- R3 Where it is supported, subdivision and amalgamation of land within a heritage conservation area is to conserve the important characteristics of the subdivision pattern and allotment layout, streetscape character and notable features of the significant period of development.
- R4 Amalgamation of sites within heritage conservation areas should allow for the ongoing interpretation of the original subdivision through building form and landscape design.

Views and Vistas

Each heritage conservation area will have important views and vistas that form part of its heritage significance and historic character. The public enjoyment of iconic views, and views to important historic buildings or along important historic streets, is to be considered when proposing a development within a heritage conservation area. Refer to the Character Statement for each heritage conservation area for the list of important views and vistas.

Objectives

- O1 To ensure public domain views, including iconic views, views along historic streetscapes, and views of heritage items are retained.

Requirements

- R1 Development in heritage conservation areas is not to impact or obstruct important public views or vistas **to heritage items, including** iconic views **or** views along historic streetscapes. ~~and views of heritage items.~~
- R2 New development should consider the impact of views and include appropriate setbacks, siting and scale to ensure that important views and vistas are retained.

External Materials, Finishes and Colours

Objectives

- O1 To encourage colours that reflect the historic character and seaside context of the heritage conservation areas.
- O2 To ensure colours used complement the architectural style of buildings within the heritage conservation areas.
- O3 To prevent the use of dark colours, single colour schemes and other colours that are inconsistent with the architectural style of buildings and the significance of the heritage conservation areas.

Requirements

- R1 Rendering and painting of face brick and stone is not permitted.
- R2 New buildings should use materials that complement the traditional materials and historic character of the heritage conservation area.

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- R3 New buildings and/or new materials should use colours which harmonise with the traditional colour schemes and original character of the heritage conservation area.
- R4 External colour schemes should be complementary to the heritage conservation area, based on research and historical evidence, and harmonise with the seaside context.
- R5 Single colour solutions are not permitted.
- R6 Dark colours, such as black and grey, are not acceptable.
- R7 A colours and material palette with sample board should be submitted with development applications.

Infill Buildings

The following controls are relevant to new (infill) buildings within heritage conservation areas. Where there are inconsistencies with the controls for new buildings in other parts of the DCP, the controls within this section will prevail.

Objectives

- O1 To retain and protect the heritage significance and historic character of heritage conservation areas by ensuring proposed new building works and development is of a scale and character consistent with the area.

Requirements

- R1 The design of new infill buildings in heritage conservation areas should be guided by the guideline documents 'Design in Context' by NSW Heritage Office, 2005, and 'Better Placed – Design Guide for Heritage' by Heritage Council of NSW, 2019.
- R2 The design of replacement buildings is to sympathetically respond in scale, form, siting, materials, colours and detailing of surrounding heritage items, particularly where there is a general consistency in the building scale within the streetscape, and within the heritage conservation area.
- R3 The setback of new buildings to the street are to maintain the established historically significant pattern of setbacks in the streetscape.
- R4 New buildings should be sited to reinforce the rhythm and spacing of buildings in the heritage conservation area.
- R5 The bulk and scale of new development should be consistent with the key historic elements of the heritage conservation area and respond to the scale, form and typology of surrounding heritage items and buildings which contribute to the heritage character and significance of the heritage conservation area. ~~If characteristic development is single storey, new buildings should also be single storey.~~
- R6 Within groups of buildings such as rows of shops, infill building and façade design should respond to the scale, materials and massing of heritage items by aligning eave lines,

cornices and parapets, façade articulation, proportion and/or rhythm of existing elements and use complementary colours, materials and finishes.

- R7 On corner sites, the new building should be designed to address the street corner and respond to the form, scale and articulation of historical corner buildings within the heritage conservation area.
- R8 When infill development, large scale change or demolition is proposed, an interpretation plan is required to be provided with the development application.

Additional Information for Individual Heritage Conservation Areas

See also:

- Part 5.1 of this plan, specifically 5.1.1 General Character and 5.1.1.1 Statement of Significance for the Manly Town Centre Heritage Conservation Area,
- Part 5.2 of this plan, specifically 5.2.1 Statement of Significance and 5.2.2 Development fronting Pittwater Road.

This section contains background information to assist in the understanding of the history, heritage significance, historic character, and characteristic and uncharacteristic built elements within heritage conservation areas. It should be read in conjunction with 5.1 Manly Town Centre Heritage Conservation Area and The Corso and 5.2 Pittwater Road Heritage Conservation Area. It also contains specific development controls that are not covered in the sections above, to further guide development that protects the specific historic character and reflects the desired future character of each area.

There are two heritage conservation areas in the Manly area identified in Schedule 5 of Manly LEP 2013, being:

- Pittwater Road Conservation Area,
- Town Centre Conservation Area.

Pittwater Road Conservation Area (C1)

Understanding the Context

The Pittwater Road Conservation Area extends in a narrow band north from Raglan Street along the flat coastal strip parallel to North Steyne. The Kangaroo Reserve Park escarpment forms a substantial length of the western boundary of the conservation area. The heritage conservation area terminates at the north near the corner of Pittwater and Balgowlah Roads, the site of the former Manly Tram Depot. This heritage conservation area lies immediately north of the main Manly commercial centre.

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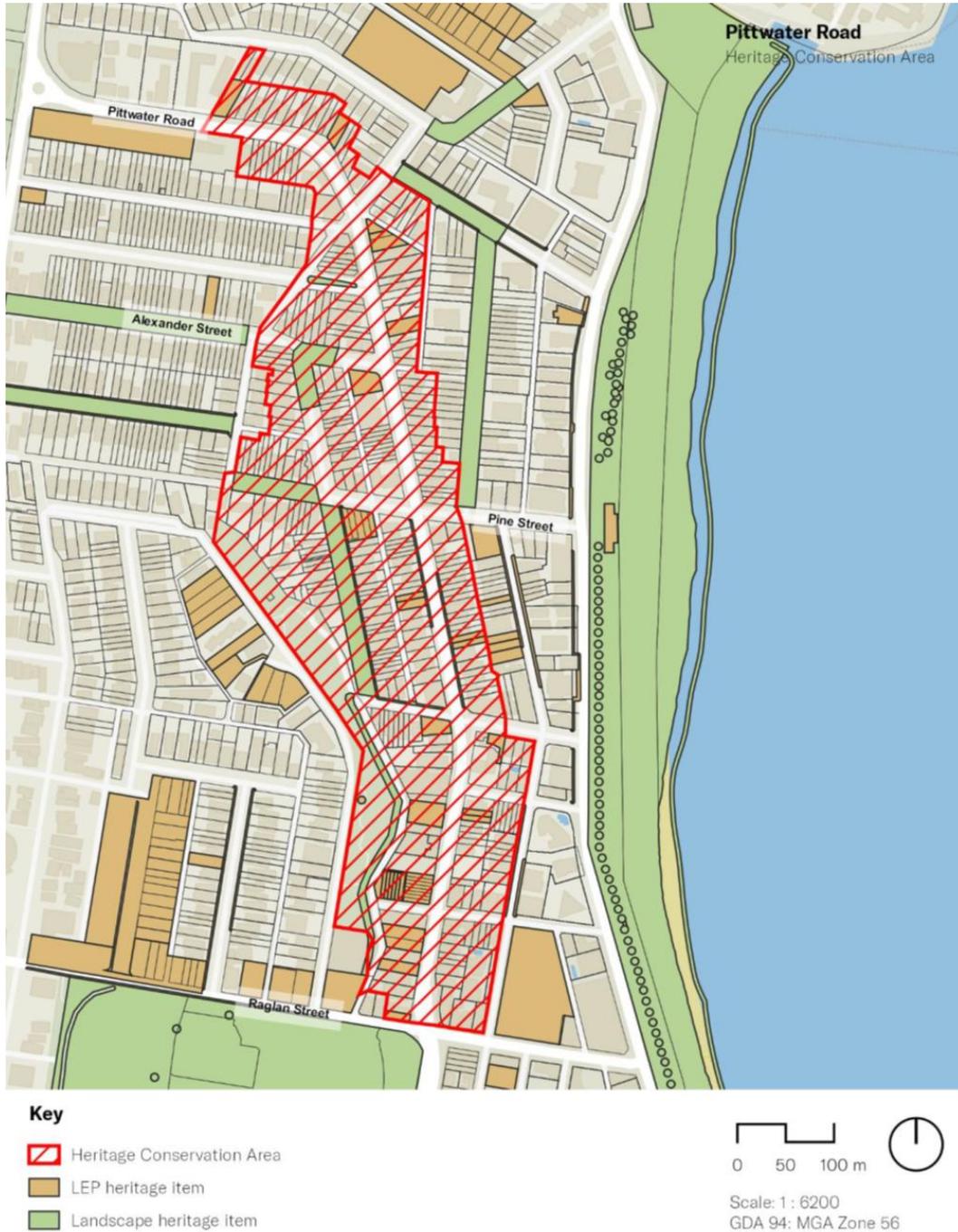


Figure 1 - Map showing the extent of the Pittwater Road Conservation Area and the heritage items located within the heritage conservation area. (Source: MLEP 2013, with GML overlay)

Character Statement

The heritage conservation area was gradually developed from the Victoria period and underwent several key phases of expansion including:

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- The late Victorian period (c1860-1890);
- The early Federation period (c1895-1915);
- The interwar period (c1920-1939);
- The postwar period (c1940-1960).

This pattern of development has resulted in a diverse mix of buildings and building typologies. The conservation area is characterised by narrow, tree-lined streets with development generally consisting of one or two-storey buildings with a mix of commercial and residential uses which have evolved over an extended periods from the late nineteenth century through the twentieth century.

Generally, commercial buildings in Pittwater Road are aligned to the street frontage while detached and semi-detached dwellings are set back from the footpath behind fences of varying type and material.

Pittwater Road simultaneously anchors, bisects and shapes the character of the conservation area. The surrounding streets generally comprise one and two-storey detached and semi-detached cottages.

The southern gateway to the conservation area comprises late twentieth-century mixed residential/commercial buildings marking the transition from the Manly town centre to a residential neighbourhood to the north and west. Several of the Pittwater Road intersections are marked by prominent corner store/commercial buildings.

The streets adjoining Pittwater Road feature a more intact collection of predominately residential one or two-storey buildings, some of which are conjoined as terraces or semi-detached cottages. Streets within the broader heritage conservation area are generally narrow with mature street trees.

On the western side of Pittwater Road there are several Federation era single-storey residences, one late Victorian two-storey residence and a unique row of two-storey terraced houses bookended at each end by shops.

The middle section of Pittwater Road, spanning the area between Pine and Collingwood Streets, is predominately residential in character and comprises single-storey residential buildings from the Federation and interwar periods. It features a mix of detached and semi-detached dwellings framed by two-storey corner stores at the street intersections. Collingwood Street is characterised by 1920s apartment buildings, Federation cottages and interwar detached brick cottages.

The northernmost end of Pittwater Road, extending from Collingwood Street towards the former tram depot near Balgowlah Road, is a mixed residential/commercial zone. As in the broader conservation area, there is a diverse range of commercial buildings adjoining two and three-storey townhouse developments and four-storey postwar residential flat buildings.

Smith Street, which runs parallel to Pittwater Road between Carlton and Collingwood Streets, comprises a substantially intact collection of late Victorian and Federation single-storey detached and semi-detached cottages built in timber and brick. Some contemporary two-storey infill development has taken place which is sympathetic to the architectural character of the area. This

street retains a high level of aesthetic and historically significant fabric and layout, reflecting the subdivision pattern and history.

Throughout the heritage conservation area there are several well-preserved buildings which demonstrate significant details such as stucco, decorative timber-framed windows, slate and tiled roofs, narrow masonry chimneys, bargeboards, joinery and brickwork

Uncharacteristic Elements

The following elements are uncharacteristic of the Pittwater Road Conservation Area and should not be included in future development:

- car parking structures forward of the front building line;
- infill development that does not reflect the scale and form or complement the historic character of the heritage conservation area;
- overplanting of front setbacks;
- high, solid and contemporary styled front fences;
- inappropriate colour schemes, particularly the use of black and charcoal;
- skylights and solar panels on street facing roof planes;
- differing heights, sizes and designs of awnings across shop top housing groups;
- glazed and contemporary styled balustrades; and
- infill development that does not reflect the scale and form or complement the historic character of the heritage conservation area.

Specific Controls for the Pittwater Road Conservation Area

These specific controls for the Pittwater Road Conservation Area should be applied in addition to the general controls for heritage conservation areas, which also apply to all sites within the Pittwater Road Conservation Area. Where the specific controls for the Pittwater Road Conservation Area differ from the general controls for heritage conservation areas, the specific controls in this section prevail.

Infill Development on Pittwater Road

There are several potential development sites within the heritage conservation area that do not contain buildings that contribute to its value. These may include buildings from a later era that are inconsistent with the scale and form of characteristic development, or contemporary buildings. Such sites have the potential to be redeveloped for a range of uses, including residential and shop top housing.

Objectives

- O1 To ensure that infill developments complement the character of the heritage conservation area in terms of height, scale, form, setbacks, modulation, architectural style, details and materials.
- O2 To ensure that new mixed use developments and shop top housing retain and complement the character of the heritage conservation area in terms of height, scale, form, setbacks, modulation, architectural style, details and materials.

- O3 Encourage new shopfronts to adopt a contemporary interpretation of the existing traditional shopfront forms throughout the conservation area.

Requirements

- R1 All new development is to respond to the established height and scale of the heritage conservation area at the street front.
- R2 New buildings along Pittwater Road should be no more than 2 storeys at the street frontage, consistent with historic development in the area.
- R3 The height of new buildings should be consistent with any adjoining heritage item or building(s) which are characteristic of the heritage conservation area (refer to character statement).
- R4 The front setback of new buildings should be consistent with any adjoining heritage item or building(s) which are characteristic of the heritage conservation area (refer to character statement).
- R5 Where additional levels are permitted under the LEP, upper levels should be set back a minimum of 6m from the street.
- R6 Front façades of infill buildings should be articulated to reflect the characteristic subdivision pattern of buildings on Pittwater Road. Large areas of unarticulated façades will not be supported.
- R7 Infill developments should use materials that complement the traditional materials and character of the heritage conservation area.
- R8 Infill developments should include minimal glazing, e.g. windows and balustrading.
- R9 Vehicle access to basement car parks should be located on rear laneways, where possible. Where a laneway or rear street is not available, driveways and garaging are to be a minor part of the design of the front façade or setback.
- R10 Shopfronts should not be introduced into traditional residential terrace properties where the change would impact on adjoining or nearby heritage items or the heritage conservation area.
- R11 Infill shop top housing developments should design shopfronts which complement and provide a contemporary interpretation of traditional forms characteristic of the heritage conservation area.

Town Centre Conservation Area (C2)

Understanding the Context

The Town Centre Conservation Area is a retail and residential precinct, centred on The Corso spanning the flat, narrow neck of land between Manly Cove and Ocean Beach, and contains several important civic buildings.

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It is an irregularly shaped precinct comprising the entire length of The Corso. It is bound on the west by the east side of Belgrave Street from the ferry/bus terminus north to the Sydney Road intersection, both sides of Sydney Road east to South Steyne, both sides of Darley Road between The Corso and Ashburner Street and a short stretch along the west side of South Steyne.

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Figure 2 - Map showing the extent of the Town Centre Conservation Area and the heritage items located within the conservation area. (Source: MLEP 2013, with GML overlay)

Note – Only a small portion of the Town Centre Conservation Area between Victoria Parade and Ashburner Street is zoned residential and subject to the Low and Mid Rise Housing controls. Only content relevant to this residential zoned portion of the Conservation Area is included below.

Character Statement

The Town Centre Conservation Area has a mixed character and comprises three key zones. The triangular zone northwest of The Corso, bound by Belgrave Street and Sydney Road, including Market Square. The second zone comprises The Corso, extending from Manly Wharf northwest to Ocean Beach. While the third zone lies southeast of The Corso along Darley Street.

The third zone incorporates residential zoned land. The third zone is predominately mixed development progressing south eastward into residential and is has a diverse range of building forms. In the area between The Corso and Victoria Parade, the building stock tends to be medium density, three-four storey mixed development, much of which has been constructed in recent years. Key built features include St Matthew’s Church and Manly Village Public School, on the corner of Darley and Victoria Parade. Farther southeast of Victoria Parade, the character of the heritage conservation area becomes predominately smaller scale residential houses, tending towards Edwardian and Federation in style, interspersed with small residential flat buildings.

There are significant vistas and views within the Town Centre Conservation Area which contribute to the character of the beachside suburb.

Cultural hard and soft landscape elements including vegetation plantings also make an important contribution to the significance of the heritage conservation area, including Darley Street and Victoria Parade.

Uncharacteristic Elements

The following elements are uncharacteristic of the Town Centre Conservation Area and should not be included in future development:

- fully glazed shopfronts.
- inappropriate colour schemes.
- infill development that does not reflect the scale and form or complement the historic character of the heritage conservation area.
- additional levels on historic buildings that are visible from the public domain.
- unarticulated rear elevations facing laneways.

Arcades and Laneways

There are several arcades and laneways within the Town Centre Conservation Area that contribute to its significance and historic character. These arcades and laneways provide pedestrian permeability within the Town Centre, link public open spaces and create an important diversity of retail spaces.

Objectives

- O1 To ensure that early arcades and laneways are retained.
- O2 To ensure that new works proposed to early arcades and laneways retain, improve and enhance remaining historic fabric and character, whilst allowing for appropriate change and activation that complements their historic uses.

Requirements

- R1 Existing arcades are to be maintained with active shop fronts.
- R2 New arcades can be incorporated into infill developments where appropriate, particularly where they link The Corso with adjacent streets and have direct sight- lines.
- R3 Where rear of buildings face laneways, the rear elevation should be improved to address the laneway through active frontages. Utility and service areas should be located away from primary public spaces.

Advisory Note

The controls in this part apply in addition to the provisions in Chapter 6 of State Environmental Planning Policy (Housing) 2021 (the Housing SEPP). Where there is any inconsistency between the requirements in this DCP and the Housing SEPP, the Housing SEPP prevails.

In the event of any conflict between this section and other parts of the DCP, the provisions of Part 5.7.3 Heritage Conservation Areas shall prevail.

Warringah Development Control Plan 2011

Update Warringah DCP – Amendment Schedule to add the below [new text in red].

Amend No.	EDMS	Approved by Council	Commenced	Overview of amendments
23		Insert Date	Insert Date	Part G10 - Low and Mid-Rise Housing Areas. Built form and design controls.

Update 'Warringah DCP - A.6 Parts of the DCP' as outlined below [new text in red]:

A series of built form controls, including setbacks and landscaped open space, is contained in Part B Built Form Controls. Part C, Siting Factors, includes subdivision, traffic and parking, stormwater erosion and the like. Matters relating to design form Part D. Part E covers issues relating to the natural environment including trees on private property, flooding, vegetation, and riparian land. Part F covers development and activities in certain zones and sensitive areas e.g. local and neighbourhood centres, Brookvale Brickworks and SP Special Activities zoned land.

Part G applies controls to special areas of Warringah e.g. parts of Dee Why, Warringah Mall, Forestway shops and Belrose Corridor. In the event of any inconsistency between Part G and Parts C, D and E, the requirements of Part G will prevail.

*It is important to note that the provisions of Part B Built Form Controls do not apply to those areas of land specified in Part G, **except for land identified in Part G10 Low and Mid-Rise Housing Areas.***

In the event of any inconsistency with the Part B Built Form Controls and Part G10 Low and Mid-Rise Housing Areas, the provisions of Part G10 Low and Mid-Rise Housing Areas shall take precedence.

Part H is a compilation of relevant appendices e.g. carparking and vegetation matters.

Requirements

Before granting consent for development the consent authority must be satisfied that the proposed development:

Satisfies all applicable requirements of the Warringah Local Environmental Plan 2011.

Meets the general and individual section objectives of the DCP.

Complies with the built form controls (objectives and requirements) contained in Part B of this DCP.

Is consistent with the relevant objectives and requirements in Part C Siting Factors, Part D Design, Part E The Natural Environment and Part F Zones & Sensitive Areas of the DCP.

Complies with the requirements for the specified area in Part G of the DCP, if applicable.

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Strict compliance with the numerical requirements of the DCP does not guarantee development consent. The proposed development must also meet the objectives of the DCP.

Update the note at the beginning of 'Warringah DCP - Part G Special Area Controls' as outlined below [new text in red]:

Part G Special Area Controls

Note

*This part of the DCP includes development controls for specific parts of the **Warringah LEP area**. Part B Built Form Controls, does not apply to land described in Part G Special Area Controls, **except for land identified in Part G10 Low and Mid-Rise Housing Areas**.*

In the event of any inconsistency with the Part B Built Form Controls and Part G10 Low and Mid-Rise Housing Areas, the provisions of Part G10 Low and Mid-Rise Housing Areas shall take precedence.

All other parts of the DCP apply to land described in Part G Special Area Controls. In the event of any conflict between this part and other parts of the DCP, the provisions of this part shall prevail in relation to the identified areas.

Part G10 Low and Mid-Rise Housing Areas

G10.1 Dual Occupancies and Semi-detached Dwellings

1.1 Applies to Land

This section applies to the following land:

- Land zoned R2 Low Density Residential under the Warringah Local Environmental Plan 2011.
- Land zoned R3 Medium Density Residential that is identified within the 'low and mid rise housing area' as defined by the State Environmental Planning Policy (Housing) 2021.

This section does not apply to land subject to the following parts of this DCP:

- Part G1 Dee Why Town Centre
- Part G2 R3 Medium Density Residential (bounded by Sturdee Parade, Pacific Parade, and land zoned B4 Mixed Use)
- Part G9 Frenchs Forest Town Centre

All other parts of the DCP continue to apply.

In the event of any inconsistency between this section and other parts of the DCP, this section will prevail to the extent of the inconsistency.

1.2 Uses to which this control applies

Dual occupancy (attached)
Dual occupancy (detached)
Semi-detached dwelling

Objectives

- O1 To control the bulk and scale of new development consistent with the desired future character of the locality through building articulation, modulation, stepping of the built form and limitations on the number of storeys.
- O2 To ensure sufficient tree planting and deep soil areas are provided to maintain and improve landscape setting, biodiversity, and canopy cover, and reduce the visual impact of buildings.
- O3 To ensure development provides a clear sense of address to the street and is compatible with the existing streetscape.
- O4 To minimise the amenity impacts of development on adjoining and neighbouring properties.
- O5 To ensure that car parking is not visually dominant on the site or in the streetscape.

Requirements

Site Layout

R1 The siting of dual occupancies and semi-detached dwellings should be as follows:

- a) Semi-detached dwellings and Dual occupancy (attached) – Both dwellings are to be oriented towards the street frontage. This layout reinforces the prevailing residential pattern of single street frontage properties, allowing for landscaped front gardens and larger rear yards.
- b) Dual occupancy – (detached) – Detached configurations are generally not supported due to potential impacts on tree retention, landscaped areas, privacy, and solar access.

However, a detached arrangement may be considered where:

- i. the site has a street frontage greater than 18 metres, or
- ii. the site has multiple street frontages, or
- iii. it can be demonstrated that the configuration will result in reduced impacts when compared to an attached form, including the retention of significant trees, environmental features or heritage items.

R2 Dwellings with a street frontage to have a front door directly visible from the street.

R3 Where the side of a dwelling is facing a secondary street, this façade should be articulated with windows and/or doors to address the street.

Setbacks and Height

R4 The minimum setback for all buildings and structures to side boundaries is 1m on one side and 2.5m on the other. This may be averaged across each boundary, provided the minimum setback width is 1m and the total combined width of both setbacks is at least 3.5m.

R5 Despite R4, a nil setback to the side boundary is permitted to the extent that it adjoins the common wall of a dual occupancy (attached) or semi-detached dwellings.

R6 Where a dual occupancy or a semi-detached dwelling is proposed, the maximum number of storeys is 2.

Building and Landscape Design

R7 In addition to D6 Access to Sunlight of this DCP, windows to the principal living area of the proposal and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 (that is, to at least 50% of the glazed area of those windows).

R8 Each dwelling is to have a storage area of at least 8 cubic metres.

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R9 Minimum tree planting rates are to be in accordance with Table 1 below, and is to include the following:

- a) At least one tree is to be provided within the front yard of each dwelling;
- b) **At least one tree is to be provided within the rear yard of each dwelling;**
- c) Each tree shall be a locally native species; and
- d) Existing prescribed trees may be counted towards the total number of required trees.

Table 1: Minimum tree planting rate (applies to the whole development)

<i>Site area</i>	<i>Minimum tree planting rate</i>
Less than 300 m ²	Plant at least 1 small or medium tree in a deep soil area per dwelling.
300-600 m ²	For every 200 m ² of site area or part thereof, plant at least 1 medium tree in the deep soil area
Greater than 600 m ²	For every 225 m ² of site area or part thereof, plant at least 1 medium or large tree in the deep soil area.

R10 In addition to the D1 Landscape Open Space and Bushland Setting requirement of this DCP, the deep soil **landscaped area** percentage as identified in Table 2 are to be demonstrated. This requirement is to support healthy tree root development and to enable canopy trees to reach maturity.

Table 2: Minimum Deep Soil (applies to the whole development)

<i>Site area</i>	<i>Minimum Deep soil (min % of site area with a min. dimension of 3m)</i>
Less than 300 m ²	15% 20%
300-600 m ²	20% 25%
Greater than 600 m ²	25% 30%

R11 The development is to respond to the natural landform of the site to minimise visual impact, avoid excessive excavation, and ensure accessibility. To achieve this:

- a) Dwellings are to be designed to step with the topography.
- b) The ground floor should not be more than 1.3 metres above ground level (existing) and no more than 1 metre below ground level (existing), except where a higher finished floor level is required to meet the applicable Flood Planning Level.
- c) Basements, including for car parking, should be avoided unless no other practical alternative exists, and are not to be provided within required building setbacks.

Parking Design and Vehicle Access

R12 The following specific design requirements apply to a dual occupancy and semi-detached dwelling:

- a) The total width of all garages, carports or hardstand areas, for both dwellings combined, facing a street frontage is not to exceed 50% of the lot frontage or 7 metres, whichever is the lesser.

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- b) Unless an alternative layout or design clearly satisfies the objectives and/or principles of Council's current policies and guidelines relating to driveways and vehicle crossovers, driveway crossovers should be shared by each dwelling to minimise hard surfaces in the front setback, maximise on-street parking, minimise impacts on street trees, and reduce interactions between pedestrians and road users, by:
 - i. limiting the shared driveway to a maximum width of 6 metres;
 - ii. ensuring the layback (vehicle crossing) is no wider than 3 metres at the kerb; and
 - iii. positioning the proposed driveway to maximise the retention of on-street car parking spaces.

- c) One uncovered parking space (not within a garage, carport or other structure) in a tandem arrangement, between the primary street frontage and the front building line, may be supported, provided:
 - i. Tree planting, landscaped area and deep soil requirements are met;
 - i. There are clear sight lines between the parking space and the road kerb for pedestrian safety.

Advisory Note

The controls in this part apply in addition to the provisions in Chapter 6, Part 2 of State Environmental Planning Policy (Housing) 2021 (the Housing SEPP). Where there is any inconsistency between the controls in this DCP and the Housing SEPP, the Housing SEPP prevails.

A 'storey' does not include a basement within the meaning of the standard instrument.

The Tree Canopy Guide for Low and Mid-Rise Housing (February 2025), or as amended, published by the Department of Planning, Housing and Infrastructure, must be considered for applicable development. The NSW Housing Pattern Book Landscape Design Guide (July 2025), or as amended, as it relates to the patterns published by the Department, is also recognised as relevant guidance. Where either guide requires more tree canopy, tree planting, or deep soil than this DCP, the guide provisions prevail to the extent of any inconsistency.

All controls such as those relating to subdivision, building setbacks, building design, landscaped open space, and amenity in Part B Built Form Controls, Part C Siting Factors, and Part D Design of this DCP apply and are to be considered for dual occupancy and semi-detached dwelling development.

Deep Soil is defined as:

A landscaped area connected horizontally to the soil system and local groundwater system beyond and is unimpeded by any building or structure above or below ground with the exception of minor structures.*

Deep soil zones with a minimum dimension of 3m allows sufficient space for the planting and health growth of new trees that provide canopy cover and assist with urban cooling and

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infiltration of rainwater to the water table. Deep Soil also allows the retention of existing trees.

**Minor structures are defined as:*

- Path, access ramp or area of paving with a maximum width up to 1.2m*
- essential services infrastructure (such as stormwater pipes) with a maximum diameter of 300mm*
- landscape structures (such as lightweight fences, light poles, or seating) requiring a footing with a maximum size of 300mm x 300mm in cross section.*

The 3 m dimension in deep soil refers to 3 m in every horizontal direction (length and width). This means deep soil is a minimum of 9m² (3 m x 3 m).

*The size of trees **at maturity** is to be as follows: small trees are 5–8 metres high, medium trees are 9–14 metres high, and large trees are 15 metres high **and over**.*

In the event of any conflict between this section and other parts of the DCP, the provisions of Part G10 Low and Mid-Rise Housing Areas shall prevail.

G10.2 Attached dwellings, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings

1.1 Applies to Land

This section applies to the following land:

- Land zoned R2 Low Density Residential or R3 Medium Density Residential identified within the 'low and mid rise housing area' as defined by the State Environmental Planning Policy (Housing) 2021.

This section does not apply to land subject to the following parts of this DCP:

- Part G1 Dee Why Town Centre
- Part G2 R3 Medium Density Residential (bounded by Sturdee Parade, Pacific Parade, and land zoned B4 Mixed Use)
- Part G9 Frenchs Forest Town Centre

All other parts of the DCP continue to apply.

In the event of any inconsistency between this section and other parts of the DCP, this section will prevail to the extent of the inconsistency.

1.2 Uses to which this control applies

Attached dwelling
Multi dwelling housing
Multi dwelling housing (terraces)
Residential flat building

Objectives

- O1 To facilitate a variety of housing types that enhance housing choice, while ensuring compatibility with the scale of surrounding neighbouring developments.
- O2 To ensure developments are designed to provide privacy, solar access, and building separation while supporting safe pedestrian movement and well-integrated vehicular access and parking.
- O3 To minimise building bulk and scale and enhance existing streetscapes through building articulation, materials, and setbacks.
- O4 To enhance the landscape setting, soften the visual impact of built form and increase canopy cover by including trees in deep soil areas.
- O5 To ensure high-quality building design with a clear sense of address, featuring well-defined dwelling entries, casual surveillance along the street frontage, and designed driveways and parking areas for safety and minimal visual impact.

Requirements

Site Layout

- R1 Individual dwellings fronting a public road should have habitable rooms oriented towards the street with a clearly identifiable entry. Blank walls that limit opportunities for casual surveillance of the street, common areas, or internal pedestrian pathways should be avoided.
- R2 Pedestrian pathways are to be well-lit, separated from vehicular access, and provide a minimum ~~1.2 metre~~ **1 metre wide** clear path. Individual dwelling entries should ensure safe access and easy wayfinding. Pedestrian entries are to be directly visible from the public street.
- R3 All terraces are to face a public street. No terrace may be located behind another dwelling on the same lot.
- R4 On sloping sites, each dwelling is to be stepped consistently along the slope.

Setbacks and Height

- R5 In the R2 Low Density Residential zone, the minimum side setback is ~~3m~~ **as follows:**
- For developments not subject to the Apartment Design Guide (ADG), where the wall height is 3 metres or less: The minimum side setback is 3 metres.
 - For developments not subject to the ADG, where the wall height is more than 3 metres above ground level (existing): The minimum side setback is to be calculated using the formula:
$$S = 3 + \frac{H - 2}{4}$$

where:

S = setback distance in metres
H = wall height in metres above existing ground level
 - For developments subject to the ADG, increased side setbacks continue to apply in accordance with ADG provisions.
 - Front and rear boundary setbacks specified in Part B continue to apply.
- R6 Dwellings are to have a minimum 2 metre setback if fronting internal laneways or driveways ~~and should be landscaped~~ **unless it can be demonstrated that a reduced setback maintains landscaping, safe vehicle access, pedestrian safety, and adequate amenity.**
- R7 The ground floor should not be more than 1.3 metres above ground level (existing) and no more than 1 metre below ground level (existing), except where a higher finished floor level is required to meet the applicable Flood Planning Level.
- R8 In the R2 Low Density Residential zone, developments are not to exceed 2 storeys.

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~~R9 Any part of a basement or subfloor area that projects greater than 1 metre above ground level (existing) comprises a storey.~~

Building and Landscape Design

R9 In addition to D6 Access to Sunlight of this DCP, windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 (that is, to at least 50% of the glazed area of those windows).

R10 Each dwelling is to have a storage area of at least 8 cubic metres.

R11 Minimum tree planting rates are to be in accordance with the Tables 1, 2 and 3 below, and are to include the following:

- a. At least one tree is to be provided within the front setback of each dwelling with a street frontage.
- b. Each tree shall be a locally native species; and
- c. Existing prescribed trees may be counted towards the total number of required trees.

Table 1: Minimum tree planting rates for Attached Dwelling or Multi-dwelling (terraces) – applies to each proposed dwelling:

<i>Site area</i>	<i>Minimum tree planting rate</i>
< 150 m ²	Plant at least 1 small tree in the deep soil area per dwelling.
150-300 m ²	For every 200 m ² of site area or part thereof, plant at least 1 small tree in the deep soil area
> 300 m ²	For every 225 m ² of site area or part thereof, plant at least 1 medium or large tree in the deep soil area.

Table 2: Minimum tree planting rates for Multi-dwelling housing – applies to the whole development:

<i>Site area</i>	<i>Minimum tree planting rate</i>
< 1,000 m ²	For every 300 m ² or part thereof, plant at least 1 medium tree in the deep soil area.
1,000-3,000 m ²	For every 200 m ² or part thereof, plant at least 1 medium tree in the deep soil area.
> 3,000 m ²	For every 350 m ² or part thereof, plant at least 2 medium trees or 1 large tree in the deep soil area.

Table 3: Minimum tree planting rates for Residential flat buildings and Shop-top housing – applies to the whole development:

<i>Site area</i>	<i>Minimum tree planting rate</i>

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< 650 m ²	For every 350 m ² of site area or part thereof, plant at least 1 small tree in the deep soil area.
650-1,500 m ²	For every 350 m ² of site area or part thereof, plant at least 1 medium tree in the deep soil area.
> 1,500 m ²	For every 575 m ² of site area, or part thereof, plant at least 2 medium trees or 1 large tree in the deep soil area.

R12 In addition to the D1 Landscape Open Space and Bushland Setting control requirement of this DCP, the deep soil **landscaped area** percentage as identified in Tables 4 to 6 below is to be demonstrated. This requirement is to support healthy tree root development and to enable trees to reach maturity.

*Table 4: Minimum Deep Soil **landscaped area** for Attached Dwelling or Multi-dwelling (terraces) - applies to each proposed dwelling:*

Site area	Minimum Deep soil (min % of site area with a min. dimension of 3m)
< 150 m ²	15%
150-300 m ²	20%
> 300 m ²	25%

*Table 5: Minimum Deep Soil **landscaped area** for Multi-dwelling - applies to the whole development:*

Site area	Deep soil area (min % of site area with a min. dimension of 3m)
< 1,000 m ²	20%
1,000-3,000 m ²	25%
> 3,000 m ²	30%

*Table 6: Minimum Deep Soil **landscaped area** for Residential flat buildings and Shop-top housing – applies to the whole development:*

Site area	Deep soil area (min % of site area with a min. dimension of 3m)
< 650 m ²	7% 10%
650-1,500 m ²	10% 15%
> 1,500 m ²	15% 25%

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- R13 Each attached dwelling, terrace or townhouse dwelling is to have a minimum internal width of 6 metres.
- R14 End-of-row attached dwellings, townhouses or terraces are to provide windows on side walls to articulate the facade, provided they meet visual and acoustic privacy requirements.
- R15 The minimum floor to ceiling height in all living areas should be 2.7 metres.
- R16 The depth of any habitable room should not exceed 8 metres from a source of daylight.
- R17 All habitable rooms are to be naturally ventilated.
- R18 Dwellings are required to have the following minimum internal floor areas:
- a. Studio: 35 m²
 - b. 1 Bedroom: 50 m²
 - c. 2 Bedroom: 70 m²
 - d. 3 Bedroom: 90 m²
- R19 The minimum internal areas outlined in R198 only include one bathroom. The minimum area of each additional bathroom is 5m² added onto the minimum dwelling area.
- R20 The minimum area of any additional bedroom to R198 is 12m² added onto the minimum dwelling area.
- R21 Development located near noise-generating uses, such as employment zones, industrial land, main roads, or late-night venues, is to be designed to minimise noise intrusion. Council may require this to be demonstrated through a *Noise Impact Assessment* prepared by a suitably qualified acoustic consultant.
- R22 For residential flat buildings, integrate playable elements free of trip hazards within the communal outdoor space, to encourage children and their families to use shared areas for play.

Vehicle Access, Parking Design and Electric Vehicle (EV) Charging

- R23 Vehicle access is to be consolidated and be integrated with the building design.
- R24 The total width of all garages, carports or hardstand areas, for all dwellings combined, facing a street frontage is not to exceed 50% of the lot frontage or 7 metres, whichever is the lesser.
- R25 The driveway and vehicle crossover are to be designed in accordance with the current policies and guidelines relating to driveways/vehicle crossovers, noting that all vehicles are to leave the site in a forward direction. Vehicle circulation is to comply with AS2890.1.
- R26 Basements are to remain within the building footprint and not extend into setback or deep soil areas.
- R27 Covered space is to be provided for the secure storage of at least 1 bicycle per dwelling.

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- R28 A minimum of one electric bicycle charge point (10A outlet) is to be provided for every four bicycle parking spaces. Where fewer than four bicycle parking spaces are provided, a minimum of one charge point must still be installed.
- R29 Development is to incorporate electric vehicle (EV) charging infrastructure in accordance with the following provisions:
- a) All residential development is to provide EV charging or EV ready infrastructure for 100% of resident parking spaces, car share spaces and visitor parking.
 - b) 100% of visitor **and car share** parking spaces and 20% of resident parking spaces are to be fitted with a dedicated charging station (**Level 2**) (~~22kW~~) prior to the issue of an Occupation Certificate.
 - c) Wayfinding signage is to be provided within the development to guide users to EV charging stations, including those for electric ~~secooters and~~ bicycles.
 - d) EV charging points are to be designed and installed in accordance with AS 2890 and other relevant standards.
 - e) Total electricity load management and electrical fit out is to be considered at the design stage, including:
 - i. The size and location of any necessary electricity substations.
 - ii. The electrical distribution boards dedicated are to be fitted with a charging control system to manage and schedule the charging of EVs **during off-peak periods**, in response to total building demand **and EV owner behaviour**.
 - iii. The location of electrical distribution boards so that any future EV charger will require a cable of no more than 5m from the parking bay to the connection point.
 - iv. The provision for cable trays to support the future installation of 32A single-phase final subcircuits for each electric vehicle car parking space.
 - v. The size and location of any necessary electricity substations.
 - f) All **EV charging infrastructure, including electrical distribution boards and EV** charging points are to be identified on the Development Application plans, Construction Certificate plans and strata plans (if relevant).

Advisory Note

The controls in this part apply in addition to the provisions in Chapter 6, Parts 3 and 4 of State Environmental Planning Policy (Housing) 2021 (the Housing SEPP). Where there is any inconsistency between the requirements in this DCP and the Housing SEPP, the Housing SEPP prevails.

A 'storey' does not include a basement within the meaning of the standard instrument.

The Tree Canopy Guide for Low and Mid-Rise Housing (February 2025), or as amended, published by the Department of Planning, Housing and Infrastructure, must be considered for applicable development. The NSW Housing Pattern Book Landscape Design Guide (July 2025), or as amended, as it relates to the patterns published by the Department, is also recognised as relevant guidance. Where either guide requires more tree canopy, tree planting, or deep soil than this DCP, the guide provisions prevail to the extent of any inconsistency.

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The NSW Planning and Environment's Apartment Design Guide applies to residential flat buildings, shop top housing, and the residential component of mixed-use developments that are three or more storeys and contain four or more dwellings.

~~*The minimum deep soil requirements for residential flat buildings align with the NSW Government's Greener Neighbourhoods Guide (December 2021).*~~

Deep Soil is defined as:

A landscaped area connected horizontally to the soil system and local groundwater system beyond and is unimpeded by any building or structure above or below ground with the exception of minor structures.*

Deep soil zone with a minimum dimension of 3 m allows sufficient space for the planting and healthy growth of new trees that provide canopy cover and assist with urban cooling and infiltration of rainwater to the water table. Deep soil also allows the retention of existing trees.

**Minor structures are defined as:*

- path, access ramp or area of paving with a maximum width up to 1.2m*
- essential services infrastructure (such as stormwater pipes) with a maximum diameter of 300mm;*
- landscape structures (such as lightweight fences, light poles, or seating) requiring a footing with a maximum size of 300mm x 300mm in cross section.*

The 3 m dimension in deep soil refers to 3 m in every horizontal direction (length and width). This means deep soil is a minimum of 9m² (3 m x 3 m).

The size of trees at maturity is to be as follows: small trees are 5–8 metres high, medium trees are 9–14 metres high, and large trees are 15 metres high and over.

EV Ready means the design and construction of a parking space with the necessary infrastructure, including conduit, wiring and any special circuitry needed to easily receive the installation of a Level 2 charger.

All controls such as those relating to subdivision, building setbacks, building design, landscaped open space, and amenity in Part B Built Form Controls, Part C Siting Factors, and Part D Design of this DCP continue to apply and are to be considered for all developments.

For the R3 Medium Density Residential zone, in accordance with B5 Side Boundary Setbacks, the minimum side setback is as shown on the DCP Map - Side Boundary Setbacks. In addition, building separation requirements, as specified under the NSW Planning and Environment's 'Apartment Design Guide', also apply.

In the event of any conflict between this section and other parts of the DCP, the provisions of Part G10 Low and Mid-Rise Housing Areas shall prevail.

Pittwater 21 Development Control Plan

Update Pittwater 21 DCP – Origins and Amendments to add the below [new text in red].

Amendment No.	Date Adopted	Date in Effect	Description
28	Insert Date	Insert Date	Section C7 Design Criteria for Low and Mid-Rise Housing Areas Built form and design controls.

Section C7 Design Criteria for Low and Mid-Rise Housing Areas

C7.1 Dual Occupancies and Semi-detached Dwellings

Land to which this control applies

- Land zoned R2 Low Density Residential or R3 Medium Density Residential identified within the ‘low and mid rise housing area’ as defined by the State Environmental Planning Policy (Housing) 2021.
- Land zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014, where the proposed development is for the purpose of a semi-detached dwelling.

Uses to which this control applies

Dual occupancy (attached)
 Dual occupancy (detached)
 Semi-detached dwelling

Outcomes

- O1 To control the bulk and scale of new development consistent with the desired future character of the locality through building articulation, modulation, stepping of the built form and limitations on the number of storeys.
- O2 To ensure sufficient tree planting and deep soil areas are provided to maintain and improve landscape setting, biodiversity, and canopy cover, and reduce the visual impact of buildings.
- O3 To ensure development provides a clear sense of address to the street and is compatible with the existing streetscape.
- O4 To minimise the amenity impacts of development on adjoining and neighbouring properties.
- O5 To prevent car parking from becoming visually dominant on the site or in the streetscape.

Controls

Site Layout

- R1 The siting of dual occupancies and semi-detached dwellings is to comply with the following:
- a) Semi-detached dwellings and Dual occupancy (attached) – Both dwellings are to be oriented towards the street frontage. This layout reinforces the prevailing residential pattern of single street frontage properties, allowing for landscaped front gardens and larger rear yards.
 - b) Dual occupancy – (detached) –Detached configurations are generally not supported due to potential impacts on tree retention, landscaped areas, privacy, and solar access.

However, a detached arrangement may be considered where:

- i. the site has a street frontage greater than 18 metres, or
- ii. the site has multiple street frontages, or
- iii. it can be demonstrated that the configuration will result in reduced impacts when compared to an attached form, including the retention of significant trees, environmental features or heritage items.

- R2 Dwellings with a street frontage to have a front door directly visible from the street.
- R3 Where the side of a dwelling is facing a secondary street, this façade is to be articulated with windows and/or doors to address the street.

Setbacks and Height

- R4 A nil setback to the side boundary is permitted where it adjoins the common wall of a dual occupancy (attached) or semi-detached dwelling proposed as part of the same development. The building envelope control does not apply to the side of the building with this nil setback.
- R5 Where a dual occupancy (attached) or a semi-detached dwelling is proposed, the maximum number of storeys is 2. For a dual occupancy (detached) in a battle axe arrangement (i.e. one behind the other), the dwelling furthest from the street is not to exceed 1 storey.

Building and Landscape Design

- R6 Each dwelling is to have a storage area of at least 8 cubic metres.
- R7 Minimum tree planting rates are to be in accordance with Table 1 below, and is to include the following:
- a) At least one tree within the front yard of each dwelling;
 - b) At least one tree within the rear yard of each dwelling;
 - c) Each tree shall be a locally native species; and
 - d) Existing prescribed trees should be retained where possible and may be counted towards the total number of required trees.

Table 1: Minimum tree planting rate (applies to the whole development)

<i>Site area</i>	<i>Minimum tree planting rate</i>
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Less than 300 m ²	Plant at least 1 small or medium tree in a deep soil area per dwelling.
300-600 m ²	For every 200 m ² of site area or part thereof, plant at least 1 medium tree in the deep soil area
Greater than 600 m ²	For every 225 m ² of site area or part thereof, plant at least 1 medium or large tree in the deep soil area.

R13 In addition to the Section D Landscaped Area requirements of this DCP, the deep soil landscaped area percentage as identified in Table 2 are to be demonstrated. This requirement is to support healthy tree root development and to enable canopy trees to reach maturity.

Table 2: Minimum Deep Soil (applies to the whole development)

<i>Site area</i>	<i>Minimum Deep soil (min % of site area with a min. dimension of 3m)</i>
Less than 300 m ²	15% 20%
300-600 m ²	20% 25%
Greater than 600 m ²	25% 30%

- R8 The development is to respond to the natural landform of the site to minimise visual impact, avoid excessive excavation, and ensure accessibility. To achieve this:
- a) Dwellings are to be designed to step with the topography.
 - b) The ground floor should be no more than 1.3 metres above ground level (existing) and no more than 1 metre below ground level (existing), except where a higher finished floor level is required to meet the applicable Flood Planning Level.
 - c) Basements, including for car parking, should be avoided unless no other practical alternative exists, and are not to be provided within required building setbacks.

Parking Design and Vehicle Access

- R9 The following specific design requirements apply to dual occupancies and semi-detached dwellings:
- a. The total width of all garages, carports or hardstand areas, for both dwellings combined, facing a street frontage is not to exceed 50% of the lot frontage or 7 metres, whichever is the lesser.
 - b. Unless an alternative layout or design clearly satisfies the objectives and/or principles of Council's current policies and guidelines relating to driveways and vehicle crossovers, driveway crossovers should be shared by each dwelling to minimise hard surfaces in the front setback, maximise on-street parking, minimise impacts on street trees, and reduce interactions between pedestrians and road users, by:
 - i. limiting the shared driveway to a maximum width of 6 metres;
 - ii. ensuring the layback (vehicle crossing) is no wider than 3 metres at the kerb; and
 - iii. positioning the proposed driveway to maximise the retention of on-street car parking spaces.

- c. One uncovered parking space (not within a garage, carport or other structure) in a tandem arrangement, between the primary street frontage and the front building line, may be supported, provided:
- i. Tree planting, landscaped area and deep soil requirements are met;
 - ii. There are clear sight lines between the parking space and the road kerb for pedestrian safety.

Advisory Note

The controls in this part apply in addition to the provisions in Chapter 6, Part 2 of State Environmental Planning Policy (Housing) 2021 (the Housing SEPP). Where there is any inconsistency between the controls in this DCP and the Housing SEPP, the Housing SEPP prevails.

A 'storey' does not include a basement within the meaning of the standard instrument.

The Tree Canopy Guide for Low and Mid-Rise Housing (February 2025), or as amended, published by the Department of Planning, Housing and Infrastructure, must be considered for applicable development. The NSW Housing Pattern Book Landscape Design Guide (July 2025), or as amended, as it relates to the patterns published by the Department, is also recognised as relevant guidance. Where either guide requires more tree canopy, tree planting, or deep soil than this DCP, the guide provisions prevail to the extent of any inconsistency.

All controls such as those relating to building design, landscaped area, and amenity outlined in Part C1 Design Criteria for Residential Development and Section D Locality Specific Development Controls apply and are to be considered for all developments.

Controls relating to the subdivision of land, as outlined in Section B Density Controls, apply where subdivision is proposed.

Deep Soil is defined as:

A landscaped area connected horizontally to the soil system and local groundwater system beyond and is unimpeded by any building or structure above or below ground with the exception of minor structures.*

Deep soil zones with a minimum dimension of 3m allows sufficient space for the planting and health growth of new trees that provide canopy cover and assist with urban cooling and infiltration of rainwater to the water table. Deep Soil also allows the retention of existing trees.

**Minor structures are defined as:*

- Path, access ramp or area of paving with a maximum width up to 1.2m*
- essential services infrastructure (such as stormwater pipes) with a maximum diameter of 300mm*
- landscape structures (such as lightweight fences, light poles, or seating) requiring a footing with a maximum size of 300mm x 300mm in cross section.*

The 3 m dimension in deep soil refers to 3 m in every horizontal direction (length and width). This means deep soil is a minimum of 9m² (3 m x 3 m).

The size of trees at maturity is to be as follows: small trees are 5–8 metres high, medium trees are 9–14 metres high, and large trees are 15 metres high and over.

In the event of any conflict between this section and other parts of the DCP, the provisions of Section C7 Design Criteria for Low and Mid-Rise Housing shall prevail.

C7.2 Attached dwellings, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings

Land to which this control applies

Land zoned R2 Low Density Residential or R3 Medium Density Residential identified within the 'low and mid rise housing area' as defined by the State Environmental Planning Policy (Housing) 2021.

Uses to which this control applies

Attached dwelling
Multi dwelling housing
Multi dwelling housing (terraces)
Residential flat building

Outcomes

- O1 To provide a variety of low-scale housing types that enhance diversity and choice, while ensuring alignment with the desired future character of the locality.
- O2 To ensure developments are designed to provide privacy, solar access and building separation.
- O3 To minimise building bulk and scale and enhance existing streetscapes through building articulation, materials, and setbacks.
- O4 To enhance the landscape setting, soften the visual impact of built form and increase canopy cover by including trees in deep soil areas.
- O5 To ensure high-quality design with a clear sense of address, featuring well-defined dwelling entries, casual surveillance along the street frontage, while also supporting safe pedestrian movement and integrated vehicular access.

Controls

Multi dwelling housing (terraces)

- R1 Controls within the Pittwater 21 Development Control Plan that apply to 'multi dwelling housing' are to be applied to 'multi dwelling housing (terraces)'.

Site Layout

- R2 Individual dwellings fronting a public road should have habitable rooms oriented towards the street with a clearly identifiable entry. Blank walls that limit opportunities for casual surveillance of the street, common areas, or internal pedestrian pathways should be avoided.
- R3 Pedestrian pathways are to be well-lit, separated from vehicular access, and provide a minimum ~~1.2 metre~~ 1 metre wide clear path. Individual dwelling entries should ensure safe access and easy wayfinding. Pedestrian entries are to be directly visible from the public street.
- R4 All terraces are to face a public street. No terrace may be located behind another dwelling on the same lot.
- R5 On sloping sites, each dwelling is to be stepped consistently along the slope.

Setbacks and Height

- R6 In the R2 Low Density Residential zone, the minimum side building line setback for developments is as follows:
- For developments not subject to the Apartment Design Guide (ADG), where the wall height is 3 metres or less: The minimum side setback is 3 metres.
 - For developments not subject to the ADG, where the wall height is more than 3 metres above ground level (existing): The minimum side setback is to be calculated using the formula:

$$S = 3 + \frac{H - 2}{4}$$

where:

S = setback distance in metres

H = wall height in metres above existing ground level

- For developments subject to the ADG, increased side setbacks continue to apply in accordance with ADG provisions.
 - A minimum rear building line setback of 6.5 metres continues to apply to land zoned R2 Low Density Residential, except where the foreshore building line is applicable.
- R7 Dwellings are to have a minimum 2 metre setback if fronting internal laneways or driveways, unless it can be demonstrated that a reduced setback maintains landscaping, safe vehicle access, pedestrian safety, and adequate amenity.
- R8 The ground floor should be no more than 1.3 metres above ground level (existing) and no more than 1 metre below ground level (existing), except where a higher finished floor level is required to meet the applicable Flood Planning Level.
- R9 In the R2 Low Density Residential zone, developments are not to exceed 2 storeys.

~~Previously R9: Any part of a basement or subfloor area that projects greater than 1 metre above ground level (existing) comprises a storey.~~

Building and Landscape Design

- R10 Minimum tree planting rates are to be in accordance with Tables 1, 2 and 3 below, and are to include the following:
- Each tree shall be a locally native species.
 - At least one tree is to be provided within the front setback of each dwelling fronting the street frontage.
 - Existing native trees may be counted towards the total number of required trees.

Table 1: Minimum tree planting rates for Attached Dwelling or Multi-dwelling housing (terraces) – applies to each proposed dwelling:

ATTACHMENT 2 : POST EXHIBITION CHANGES MARK UP - PROPOSED LOW AND MID-RISE HOUSING DCP AMENDMENTS - MANLY DCP 2013, WARRINGAH DCP 2011, PITTWATER 21 DCP - ITEM 12.3 - NORTHERN BEACHES COUNCIL MEETING - 19 AUGUST 2025

Attachment 2 – Post Exhibition changes mark-up – Proposed Low and Mid-Rise Housing DCP Amendments – Manly DCP 2013, Warringah DCP 2011 and Pittwater 21 DCP

<i>Site area</i>	<i>Minimum tree planting rate</i>
< 150 m ²	Plant at least 1 small tree in the deep soil area per dwelling.
150-300 m ²	For every 200 m ² of site area or part thereof, plant at least 1 small tree in the deep soil area
> 300 m ²	For every 225 m ² of site area or part thereof, plant at least 1 medium tree in the deep soil area.

Table 2: Minimum tree planting rates for Multi-dwelling housing – applies to the whole development:

<i>Site area</i>	<i>Minimum tree planting rate</i>
< 1,000 m ²	For every 300 m ² or part thereof, plant at least 1 medium tree in the deep soil area.
1,000-3,000 m ²	For every 200 m ² or part thereof, plant at least 1 medium tree in the deep soil area.
> 3,000 m ²	For every 350 m ² or part thereof, plant at least 2 medium trees or 1 large tree in the deep soil area.

Table 3: Minimum tree planting rates for Residential Flat Buildings – applies to the whole development:

<i>Site area</i>	<i>Minimum tree planting rate</i>
< 650 m ²	For every 350 m ² of site area or part thereof, plant at least 1 small tree in the deep soil area.
650-1,500 m ²	For every 350 m ² of site area or part thereof, plant at least 1 medium tree in the deep soil area.
> 1,500 m ²	For every 575 m ² of site area, or part thereof, plant at least 2 medium trees or 1 large tree in the deep soil area.

R11 In addition to the Section D Locality Specific Development Controls – Landscaped Area – requirements in this DCP, the deep soil [landscaped area](#) percentage as identified in Tables 4, 5 and 6 is to be demonstrated. This requirement is to support healthy tree root development and to enable canopy trees to reach maturity.

Table 4: Minimum Deep Soil for Attached Dwelling or Multi-dwelling (terraces) – applies to each proposed dwelling:

<i>Site area</i>	<i>Minimum Deep soil (min % of site area with a min. dimension of 3m)</i>
< 150 m ²	15%
150-300 m ²	20%
> 300 m ²	25%

Table 5: Minimum Deep Soil for Multi-dwelling - applies to the whole development:

ATTACHMENT 2 : POST EXHIBITION CHANGES MARK UP - PROPOSED LOW AND MID-RISE HOUSING DCP AMENDMENTS - MANLY DCP 2013, WARRINGAH DCP 2011, PITTWATER 21 DCP - ITEM 12.3 - NORTHERN BEACHES COUNCIL MEETING - 19 AUGUST 2025

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Site area	Minimum Deep soil (min % of site area with a min. dimension of 3m)
< 1,000 m ²	20%
1,000-3,000 m ²	25%
> 3,000 m ²	30%

Table 6: Minimum Deep Soil for Residential flat buildings – applies to the whole development:

Site area	Minimum Deep soil (min % of site area with a min. dimension of 3m)
< 650 m ²	7% 10%
650-1,500 m ²	10% 15%
> 1,500 m ²	15% 25%

- R12 Each attached dwelling, terrace or townhouse dwelling is to have a minimum internal width of 6 metres.
- R13 End-of-row attached dwellings, townhouses or terraces are to provide windows on side walls to articulate the facade, provided they meet visual and acoustic privacy requirements.
- R14 The minimum floor to ceiling height in living areas should be 2.7 metres.
- R15 The depth of any habitable room should not exceed 8 metres from a source of daylight.
- R16 All habitable rooms are to be naturally ventilated.
- R17 Dwellings are required to have the following minimum internal floor areas:
- a) Studio: 35 m²
 - b) 1 Bedroom: 50 m²
 - c) 2 Bedroom: 70 m²
 - d) 3 Bedroom: 90 m²
- R18 The minimum internal areas outlined in R17 only include one bathroom. The minimum area of each additional bathroom is 5m² added onto the minimum dwelling area.
- R19 The minimum area of any additional bedroom to R17 is 12m² added onto the minimum dwelling area.
- R20 Development located near noise-generating uses, such as employment zones, industrial land, main roads, or late-night venues, is to be designed to minimise noise intrusion. Council may require this to be demonstrated through a *Noise Impact Assessment* prepared by a suitably qualified acoustic consultant.

ATTACHMENT 2 : POST EXHIBITION CHANGES MARK UP - PROPOSED LOW AND MID-RISE HOUSING DCP AMENDMENTS - MANLY DCP 2013, WARRINGAH DCP 2011, PITTWATER 21 DCP - ITEM 12.3 - NORTHERN BEACHES COUNCIL MEETING - 19 AUGUST 2025

Attachment 2 – Post Exhibition changes mark-up – Proposed Low and Mid-Rise Housing DCP Amendments – Manly DCP 2013, Warringah DCP 2011 and Pittwater 21 DCP

R21 For residential flat buildings, integrate playable elements free of trip hazards within the communal outdoor space, to encourage children and their families to use shared areas for play.

Vehicle Access, Parking Design and Electric Vehicle (EV) Charging

R22 Vehicle access is to be consolidated and be integrated with the building design.

R23 The total width of all garages, carports or hardstand areas, for all dwellings combined, facing a street frontage is not to exceed 50% of the lot frontage or 7 metres, whichever is the lesser.

R24 The driveway and vehicle crossover are to be designed in accordance with the current policies and guidelines relating to driveways/vehicle crossovers, noting that all vehicles are to leave the site in a forward direction. Vehicle circulation is to comply with AS2890.1.

R25 Basements are to remain within the building footprint and not extend into setback areas, and vehicular entries should be integrated with the building design.

R26 Covered space is to be provided for the secure storage of at least 1 bicycle per dwelling.

R27 A minimum of one electric bicycle charge point (10A outlet) is to be provided for every four bicycle parking spaces. Where fewer than four bicycle parking spaces are provided, a minimum of one charge point must still be installed.

R28 Development is to incorporate electric vehicle (EV) charging infrastructure in accordance with the following provisions:

- a) All residential development must provide EV charging or EV Ready infrastructure for 100% of resident parking spaces, car share spaces and visitor parking.
- b) 100% of visitor **and car share** parking spaces and 20% of resident parking space are to be fitted with a dedicated charging station (Level 2) (~~22kW~~) prior to the issue of an Occupation Certificate.
- c) Wayfinding signage is to be provided within the development to guide users to EV charging stations, including those for electric ~~scooters and~~ bicycles.
- d) EV charging points are to be designed and installed in accordance with AS 2890 and other relevant standards.
- e) Total electricity load management and electrical fit out is to be considered at the design stage, including:
 - i. The size and location of any necessary electricity substations.
 - ii. The electrical distribution boards are to be fitted with a charging control system to manage and schedule the charging of EVs **during off-peak periods**, in response to total building demand **and EV owner behaviour**.
 - iii. The location of electrical distribution boards so that any future EV charger will require a cable of no more than 5m from the parking bay to the connection point.
 - iv. The provision for cable trays to support the future installation of 32A single-phase final subcircuits for each EV car parking space.
 - v. The size and location of any necessary electricity substations.

- f) All **EV charging infrastructure, including electrical distribution boards and points** are to be identified on the Development Application plans, Construction Certificate plans and strata plans (if relevant).

Advisory Note

Controls within the Pittwater 21 Development Control Plan that apply to 'multi dwelling housing' are to be applied to 'multi dwelling housing (terraces)'.

The controls in this part apply in addition to the provisions in Chapter 6, Parts 3 and 4 of State Environmental Planning Policy (Housing) 2021 (the Housing SEPP). Where there is any inconsistency between this DCP and the Housing SEPP, the provisions of the Housing SEPP prevail.

A 'storey' does not include a basement within the meaning of the standard instrument.

The Tree Canopy Guide for Low and Mid-Rise Housing (February 2025), or as amended, published by the Department of Planning, Housing and Infrastructure, must be considered for applicable development. The NSW Housing Pattern Book Landscape Design Guide (July 2025), or as amended, as it relates to the patterns published by the Department, is also recognised as relevant guidance. Where either guide requires more tree canopy, tree planting, or deep soil than this DCP, the guide provisions prevail to the extent of any inconsistency.

The NSW Department of Planning's Apartment Design Guide applies to residential flat buildings, shop top housing, and the residential component of mixed-use developments that are three or more storeys and contain four or more dwellings.

~~The minimum deep soil requirements for residential flat buildings align with the NSW Government's Greener Neighbourhoods Guide (December 2021).~~

Deep Soil is defined as:

A landscaped area connected horizontally to the soil system and local groundwater system beyond and is unimpeded by any building or structure above or below ground with the exception of minor structures.

Deep soil zones with a minimum dimension of 3m allows sufficient space for the planting and healthy growth of new trees that provide canopy cover and assist with urban cooling and infiltration of rainwater to the water table. Deep soil also allows the retention of existing trees.

**Minor structures are defined as:*

- *path, access ramp or area of paving with a maximum width up to 1.2m*
- *essential services infrastructure (such as stormwater pipes) with a maximum diameter of 300mm*
- *landscape structures (such as lightweight fences, light poles, or seating) requiring a footing with a maximum size of up to 300mm x 300mm in cross section.*

The 3 m dimension in deep soil refers to 3 m in every horizontal direction (length and width). This means deep soil is a minimum of 9m² (3 m x 3 m).

*The size of trees **at maturity** is to be as follows: small trees are 5–8 metres high, medium trees are*

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*9–14 metres high, and large trees are 15 metres high **and over**.*

EV Ready means the design and construction of a parking space with the necessary infrastructure, including conduit, wiring and any special circuitry needed to easily receive the installation of a Level 2 charger.

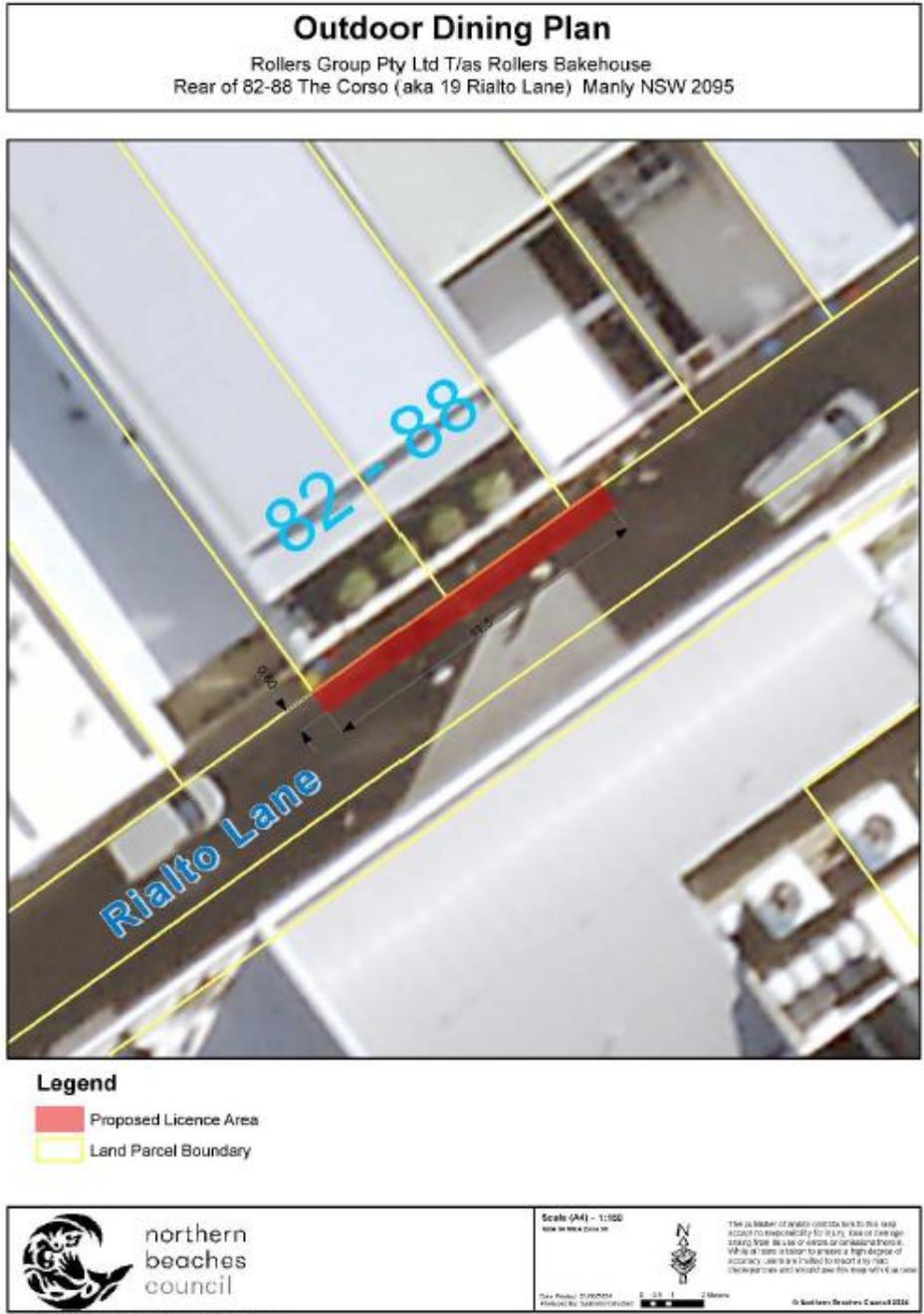
All controls such as those relating to building design, landscaped area, and amenity outlined in Section C Development Type Controls and Section D Locality Specific Development Controls, apply and are to be considered for all developments.

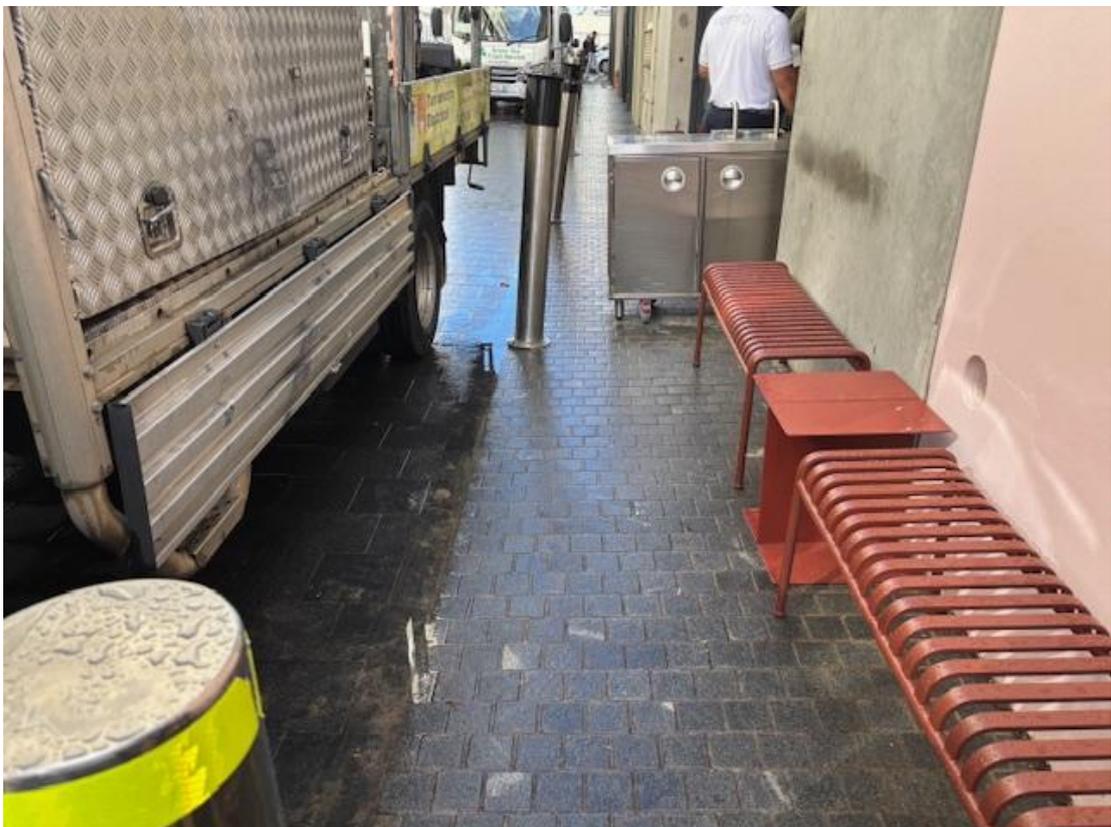
Controls relating to the subdivision of land, as outlined in Section B Density Controls, apply where subdivision is proposed.

In the event of any conflict between this section and other parts of the DCP, the provisions of Section C7 Design Criteria for Low and Mid-Rise Housing shall prevail.

OUTDOOR DINING AREA IN RIALTO LANE

ANNEXURE 'A' APPROVED AREA









Community and Stakeholder Engagement Report

Land Dealings Policy (draft)

Consultation period: 23 May to 23 June 2025

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1. Summary

This report outlines the outcomes of community and stakeholder engagement as part of a proposal to introduce a new Council Land Dealings Policy.

The feedback collected during consultation indicated the draft Policy lacked specific detail, however, no objections were raised for the draft Policy.

1.1. Key outcomes

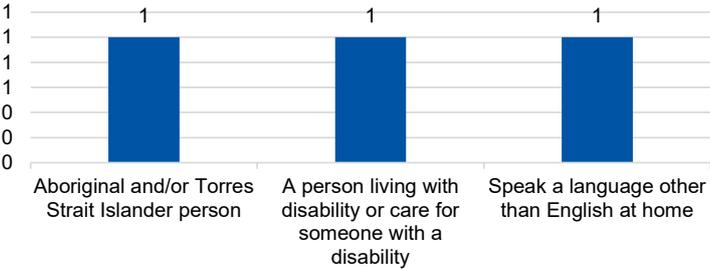
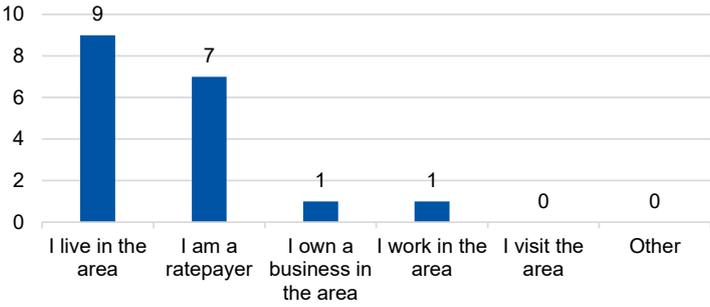
 Total unique responses	9*	
 How responses were received	Submission form Written responses (email / letter)	Completions: 9 Number received: 0
 Feedback themes	Request more information to comment on. Competing outcomes for best value. Incorporating more on community consultation.	Suggest shorter review cycle of Policy. Confidentiality of some Land Dealings. Key steps or decision-making criteria.

1.2. How we engaged

 Have Your Say: visitation stats	Visitors: 498	Visits: 421
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 2 editions Council (weekly) e-News: 1 edition	Distribution: 22,407 and 22,355 subscribers Distribution: 57,973 subscribers

*Not every respondent made a comment in addition to answering the sentiment question

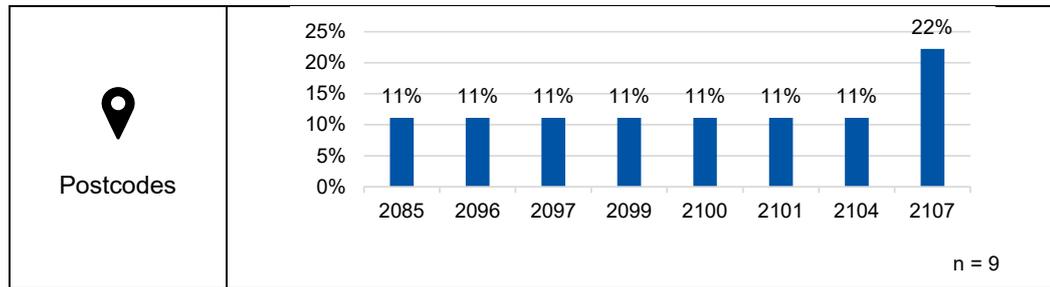
1.3. Who responded¹

 <p>Gender</p>	 <p>33% 67%</p> <p>■ Woman ■ Man ■ Prefer not to say</p> <p>n = 9</p>
 <p>Age groups</p>	 <p>62.5% 37.5%</p> <p>■ 60-69 ■ 70-84</p> <p>n = 8</p>
 <p>Priority populations²</p>	 <p>1 1 1</p> <p>Aboriginal and/or Torres Strait Islander person A person living with disability or care for someone with a disability Speak a language other than English at home</p>
 <p>Connection to Northern Beaches³</p>	 <p>9 7 1 1 0 0</p> <p>I live in the area I am a ratepayer I own a business in the area I work in the area I visit the area Other</p>

¹ Demographic data was gathered by request only. The data represented only includes those respondents who provided this detail.

² Respondents could select more than one option.

³ Respondents could select more than one option.



2. Background

The Land Dealings Policy is an integral part of our adopted Property Management Framework⁴(PMF). The Policy has been developed to ensure Land Dealings are conducted transparently, accountably, and in the best interests of the community. It outlines the key principles for undertaking land dealings

On 20 May 2025, Council resolved to place the draft Land Dealings Policy on public exhibition for a minimum of 28 days with the outcome reported to Council. If adopted, the Policy will replace 5 policies of the 3 former Councils:

- Property Acquisition and Disposal – Negotiation on Purchase Price Policy – PL 810
- Surplus Road Reserve Disposal Policy – PL 820
- Property Management Policy No. 200
- Land – Disposal of Surplus Policy No. 92
- Public Reserves and Other Lands - Resumption for Public Utilities Policy No. 56

Land assets will be subject to ongoing review in relation to their purpose, usability, viability, and overall community benefit, in accordance with this Policy and the Property Management Framework.

3. Engagement objectives

Community and stakeholder engagement aimed to:

- build community and stakeholder awareness of participation activities regarding the draft Land Dealings Policy
- provide clear, accessible information so the community and stakeholders can participate in a meaningful way ensuring that people understand how they can contribute and how their input will be considered
- communicate to community and stakeholders how their input was incorporated into the final Policy and decision-making process by the outcomes from engagement
- provide vulnerable and marginalised groups access to the engagement process.

⁴ <https://files-preprod-d9.northernbeaches.nsw.gov.au/nbc-prod-files/documents/policies-register/property-management/property-management-framework/property-management-framework-apr2022.pdf?1751413995>

4. Engagement approach

Community and stakeholder engagement for the Land Dealings Policy (draft) was conducted between 23 May and 23 June 2025, and consisted of activities that provided opportunities for community and stakeholders to contribute.

The engagement was planned, implemented and reported in accordance with Council's [Community Engagement Strategy](#) (2022).

A project page⁵ was established on our engagement platform with information provided in an accessible and easy-to-read format.

The project was primarily promoted through our regular email newsletter (EDM) channels.

Feedback was captured through an online submission form embedded onto the project page.

An open-field comments box provided community members a space to provide any feedback they wished to contribute regarding the draft Policy.

Email and written comments were also invited.

5. Findings

Feedback collected during consultation indicated the draft Policy lacked detail, however, no objections were raised for the draft Policy.

One respondent suggested further clarity be provided in the Policy on how "best value" is assessed, particularly where financial, social, and environmental outcomes may compete.

Table 1: Issues, change requests and other considerations

Theme	Issues, change requests and other considerations raised	Council's response
Level of detail	Respondent stated the Policy lacks detail such as specific steps and processes.	Specific steps and processes are included in the related Land Dealings Guidelines which will be available for public information following the adoption of the Land Dealings Policy.
Competing outcomes for "best value"	Suggestions for more clarity on how "best value" is assessed, particularly where financial, social, and environmental outcomes may compete.	Specific steps and processes are included in the related Land Dealings Guidelines which will be available for public information following the adoption of the Land Dealings Policy. This generally includes formally reporting a proposal to the elected Council for consideration which includes financial, social and environmental considerations.

⁵ <https://yoursay.northernbeaches.nsw.gov.au/draft-land-dealings-policy>

Theme	Issues, change requests and other considerations raised	Council's response
Incorporating community consultation into the Policy	For Land Dealings that may significantly impact local residents or public land use, the Policy could include reference to community consultation requirements.	Specific steps and processes are included in the related Land Dealings Guidelines which will be available for public information following the adoption of the Land Dealings Policy. This generally includes formally reporting a proposal to the elected Council for consideration which includes information of consultation conducted where possible and the results.
Key steps or decision-making criteria	Suggestions for high-level overview of key steps or decision-making criteria within the policy itself would improve accessibility and understanding rather than just in the Guidelines.	Specific steps and processes are included in the related Land Dealings Guidelines which will be available for public information following the adoption of the Land Dealings Policy.
Policy review cycle	To ensure the policy remains current and responsive given the evolving nature of planning legislation and community priorities, a shorter review cycle was suggested.	The proposed review date is in 4 years. Given the specific steps and processes are included in the related Land Dealings Guidelines which can be reviewed more often, a 4-year review cycle is considered appropriate. The Policy can be reviewed sooner if required.
Confidentiality	Suggestions confidential land dealings be made known to residents to enable them to make their own investigations.	Preserving the confidentiality of some proposals may outweigh the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information could jeopardise some of the proposals.

During the consultation, Council received the following question (within feedback).

Table 2: Question raised and Council's response.

Question raised in feedback	Council's response
Will you act on the feedback provided by the community?	Council always welcomes community feedback when placing a new proposal on public exhibition. Feedback is considered prior to making a recommendation to Council.

Appendix 1 Verbatim community and stakeholder responses*

Number	Submission
1	Yes; the 'Land Dealings Guidelines' states it 'outline the specific steps and processes that Council will follow when undertaking various Land Dealings' yet NONE of those specific steps are provided - how can anyone make any comment on these or this 'policy'
2	I cannot see how that document adds any value to rate payers or any one else who wants to understand how Council deals with land. Apart from some motherhood statements in Policy Principles it doesn't say anything. How about detailing a process on how Council acquires or sells land assets.
3	Will you actually take any notice of what is done in these survey. As when we did the rate rise one you did not take any notice and did what you wanted. Extremely dissatisfied with the whole process as you took no notice.
4	I think it lacks details. Making references to other policies is of no help. The policy should be demonstrating the policy application of the various impacting rules.
5	I generally support the draft Land Dealing Policy.
6	I support the Draft Land Dealings Policy.
7	Recently a new playground was installed in Fielding St, a small cul de sac. The land was hardly ever used, even now with the park, it is barely used. , there is not many children in this street. Grass has grown wild and if Council are so determined to install so many new parks, then they must be maintained. In this case, I honestly think it was a waste of Council funds.
8	Overall, the policy presents a clear commitment to transparency, accountability, and community benefit. I commend the emphasis on aligning land dealings with strategic outcomes and recognising Council's role as a custodian of public assets. However, I offer the following suggestions for consideration: It would be helpful to provide further clarity on how "best value" is assessed, particularly where financial, social, and environmental outcomes may compete. The policy references related Land Dealings Guidelines, but a high-level overview of key steps or decision-making criteria within the policy itself would improve accessibility and understanding. Additional clarity on delegation limits under Section 377 of the Local Government Act 1993—perhaps with examples—could help stakeholders better understand governance requirements. Consideration could be given to incorporating a brief section on community consultation, especially for dealings that may significantly impact local residents or public land use. Finally, given the evolving nature of planning legislation and community priorities, a shorter review cycle (e.g. every three years) might ensure the policy remains current and responsive.
9	Confidential and private land dealing titles (location) should be made known to residents to enable them to make their own investigations,

*Personal details and inappropriate language have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.

Document administration	
Version	1.0
Date	1 July 2025
Approval	Content provided and approved by Property, Commercial & Tourist Assets Team. Responsible manager: Stephen Venter
Status	Final
Notes	Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.



Draft Council Policy NB-P-42 Land Dealings

Purpose

From time-to-time Northern Beaches Council (Council) undertakes Land Dealings. This Policy is an integral part of Council's adopted Property Management Framework, ensuring that Land Dealings are conducted transparently, accountably, and in the best interests of the community.

Policy Principles

Further to the guiding principles outlined in Council's adopted Property Management Framework, Land Dealings shall be undertaken in accordance with the following principles:

- To identify, manage and mitigate the risk associated with Land Dealings.
- To ensure Land Dealings are conducted in an open, transparent, impartial and accountable manner.
- To provide the best value for Council and the community in Land Dealings, noting that best value may include financial, social and environmental benefits.
- To help achieve the best strategic outcomes for Council and the community.
- To acknowledge Council is the custodian of public assets and is required to effectively account for and manage such public assets.

Scope and Application

This policy applies to Land Dealings.

Certain Land Dealings are not delegable under section 377 of the Local Government Act 1993 and require a formal resolution of the elected Council.

This Land Dealings Policy operates alongside Council's Planning Agreements Policy and Affordable Housing Policy. Where a proposal involves the transfer of land to Council in accordance with those Policies, each proposal, where required, will be reported to the relevant Council Committees and the elected Council for consideration.

Land assets will be subject to ongoing review in relation to their purpose, usability, viability, and overall community benefit, in accordance with this Policy and the Property Management Framework.

Related Land Dealings Guidelines

The Land Dealings Guidelines outline the specific steps and processes that Council will follow when undertaking various Land Dealings. The Guidelines provide detailed direction on the implementation of the principles outlined in this Policy.

Council's Property Portfolio and any New Proposals

Proposals for Land Dealings, where required, will be reported to the relevant Council Committees and the elected Council for consideration in accordance with Council's adopted Property Management Framework.

Confidential reporting may be necessary under certain circumstances where there may be legal, commercial or privacy/safety issues should the information be made publicly available.

Reports to Council will provide comprehensive details of the proposal to support informed decision making.

References and related documents

- Policy Framework NB-P-01
- *Local Government Act 1993*
- *Roads Act 1993*
- *Conveyancing Act 1919*
- *Real Property Act 1900*
- *Environmental Planning and Assessment Act 1979*
- *Land Acquisition (Just Terms Compensation) Act 1991*
- *Encroachment of Buildings Act 1922*
- Regulations under each of the above Acts
- Independent Commission Against Corruption [ICAC], Direct Negotiations, May 2006
- Planning Agreements Policy
- Affordable Housing Policy
- Community Strategic Plan
- Local Strategic Planning Statement
- Contributions Plans
- Local Environment Plans (LEPs)
- Any other legislation or statutory instruments applicable to this Policy.

Community Strategic Plan

This Council policy relates to the Community Strategic Plan Outcome of:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community

Definitions

- Land Dealing means the disposal (sale) of land, acquisition (purchase) of land, easements, rights of carriageway and covenants in respect of land.

Responsible Officer

Executive Manager Property, Buildings & Beach Services

Review Date

2029

Revision History

Policy number	Date	Detail	TRIM #
NB-P-42	May 2025	Draft policy for Council consideration	2018/719449



Property Acquisition and Disposal - (Negotiation on Purchase Price)

1. The purpose of this policy is

To provide for the purchase and sale of property by Council.

2. Policy statement

From time to time Council undertakes the purchase or sale of property. The Local Government Act reserves authorisation of such sales and purchases to Council.

Sale and purchase of property requires negotiation between the purchaser and vendor. This policy provides the guidelines within which these negotiations may take place.

3. Principles

Council seeks to provide flexibility in negotiation of prices for purchase or sale of property. Negotiation can proceed in the following circumstances:

- Where Council has adopted a S94 Plan and a specific property is identified as being suitable for purchase.
- Where Council has adopted an Open Space Acquisition Plan and a specific property is identified as being suitable for purchase.

In these circumstances, the General Manager is empowered to:

- Seek valuation of the property and communicate details to key stakeholders involved in the purchase.
- Engage in negotiations with key stakeholders involved in the purchase or sale of a property

and to report to the Council to allow a formal decision to be taken.

Where the Council has formally resolved to purchase a property, the General Manager has discretion to offer the vendor (if necessary) up to ten per cent (10%) above the independent valuation of the property obtained prior to negotiations commencing, and to finalise the purchase.

Where the Council has formally resolved to dispose of property, the General Manager has discretion to accept offers within 5% of the independent valuation advice/reserve price, and to finalise the sale.

4. Amendments

This policy was previously known as 6.4.07. This policy has been renumbered to GOV-PL 810. GOV-PL 810 supersedes FIN-PL 316.

5. Authorisation

The Property Acquisition and Disposal – Negotiation on Purchase Price policy GOV-PL 810 was authorised by Council on 14/8/1984.

The policy was amended on 19 July 2005

The policy is due for review on 19 July 2007.

6. Who is responsible for implementing this policy?

General Manager

7. Document owner

Director Corporate Services.

8. File number

175.010.000.

9. Legislation and references

S377 Local Government Act 1993

9.1 Definitions

None.



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SURPLUS ROAD RESERVE DISPOSAL POLICY

1. The purpose of this policy is

To provide a procedural framework for appropriate disposal of Council owned or controlled surplus road reserves.

2. Policy statement

In cases where roads have been realigned or reconstructed, leaving residues of land between the new and old alignments, and where Council recommends, Council will offer land residues and road reserve, deemed to be surplus to Council's future requirements, to the open market or the adjacent land owners if appropriate.

2.1 – Determination of Appropriate Disposal

Where it is deemed by Council that land is surplus to its needs, in determining whether it is appropriate to dispose of the land to an adjacent land owner, Council must establish that the market is limited to an adjoining owner and this must be considered having regard to independent valuation advice by Councils current approved panel of contract valuers and to Councils LEP & DCP together with a recommendation by the members of Councils Property Management Panel. Final adoption for disposal is subject to Councils approval and must be consistent with the NSW Local Government Act 1993 & the NSW Roads Act 1993.

2.2 – Determination of Value

2.2.1 Any identified surplus lands proposed for disposal must be sold on a highest and best use basis, the value for which shall be determined by independent valuation advice by Councils current approved panel of contract valuers.

2.2.2 Where land is proposed to be sold to an adjoining owner, the valuation in determining sale price shall be carried out on an added value basis to the adjoining land. The before & after method of valuation shall be used to determine the enhancement value to the adjoining land and the difference shall determine the value. Where transfer will enhance adjoining site to subdivision or greater density this will be taken into consideration within the valuation.

2.2.3 Where the land is assessed to be disposed of via an open market sale this will be carried out by way of Public Auction. Council's current approved panel



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of contract valuers will set the reserve. This document shall remain commercial in confidence prior to any sale of the property.

2.3 – Matters to be Considered in Determining Disposal of Land to an Adjoining Owner

2.3.1 – Establishment that the market is limited to a single adjoining owner.

2.3.2 – Sale price has been determined in accordance with Clause 2.2 of this Policy.

2.3.3 – All Councils disposal costs are met by the purchaser and shall be paid up front upon application. This is not limited to but includes valuation fees, transfer costs, legal fees & council officers time in dealing with the matter (in line with Property Teams current schedule of fees).

2.3.4 – The Purchaser is responsible for their acquisition costs.

2.3.5 – Establishment that transfer to the land to a private purchaser shall not inhibit access to other adjoining lands.

2.3.6 – The applicant should be made aware that Council gives no Guarantee in relation to any potential development value of the land and that any DA application will be viewed at arms length on its merits in Line with the current Warringah LEP

2.3.7 – Where applicable the applicant should be able to demonstrate that the purchase of surplus road reserve shall enhance the adjoining site in respect of access, car parking or landscaping.

2.3.8 - The property must be adjacent to road reserve, or clear nexus established.

2.4 Matters to be Considered in Determining Disposal of Land by Open Market Sale

2.4.1 – Auction reserve shall be determined in accordance with Clause 2.2 of this Policy.

2.4.2 - The Purchaser is responsible for their acquisition costs.

2.4.3 - Establishment that transfer to the land to a private purchaser shall not inhibit access to other adjoining lands.

2.4.4 - The applicant should be made aware that Council gives no Guarantee in relation to any potential development value of the land and that any DA



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application will be viewed at arms length on its merits in Line with the current Warringah LEP.

2.5 General Matters to be Considered in Determining Disposal of Land

2.5.1 – Council shall not incur any expense in the consequent relocation of fences/ structures.

2.5.2 – The current use of the land, including any planned future Council requirements.

2.5.3 – Any services on or under the land owned by the various service authorities or companies and consideration given to sustaining the services if council disposes of the property.

2.5.4 – Likely possible future Council uses for the land. Examples of this are not limited to, but include, green corridors, open space, car parking, pedestrian way and widening or creation of sealed roadway.

2.5.5 – Existing traffic volumes

2.5.6 - Determining that projected traffic growth and residential development in the area is minimal and future road widening on the road is unlikely to be required.

2.5.7 - Adequate road reserve is still available after any sale for the provision of a future footpath & nature strip or other considered public purpose.

2.5.8 - Where there is an encroachment upon the road reserve and this comes to the attention of Council, the encroacher is required to sign a lease, remove the encroachment or make an application to purchase the road reserve at Councils determination.

2.5.9 - Any funds resulting from the sale must be allocated in accordance with the Local Government Act 1993 & the NSW Road Act 1993.

3. Amendments

GOV-PL 820 supersedes FIN-PL 210. GOV-PL 820 supersedes policy number 4.2.04. This policy was last amended on 14/8/84, as recorded in *Council Minute Number 799*.

Amendments to the policy were adopted on 27/06/06



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4. Authorisation

The Surplus Road Reserve Disposal Policy was authorised by Council on 14/8/84.

The policy was reviewed and amendments adopted on 27/06/07

The policy is due for review on 27/06/09.

5. Who is responsible for implementing this policy?

Director, Corporate Services.

6. Document owner

Director, Corporate Services.

7. Dataworks Reference

Corporate Management – Public Office (Standards)

8. Legislation and references

Roads Act 1993

8.1 Definitions

None.



PITTWATER COUNCIL

Council Policy – No 200 Version: 1	Adopted:	OM16.11.15
	Amended	

TITLE: PROPERTY MANAGEMENT POLICY

STRATEGY: To create, acquire, maintain, enhance and manage assets in line with best practice

BUSINESS UNIT: Corporate Development & Commercial

RELEVANT LEGISLATION:

Council’s property activities will be managed within the legislative parameters of the:

- Local Government Act, 1993
- Valuation of Land Act, 1916
- Environmental Planning and Assessment Act, 1979
- Residential Tenancies Act, 2010
- Land Acquisition (Just Terms Compensation) Act, 1991
- Roads Act, 1993
- Retail Lease Act, 1994
- Crown Lands Act, 1989
- Environment Protection and Biodiversity Conservation Act, 2000
- National Parks and Wildlife Conservation Act, 1975
- Telecommunications Act, 1997
- Real Property Act, 1900
- Conveyancing Act, 1919
- Residential Parks Act, 1998
- Strata Scheme Management Act, 1996
- Government Information (Public Access) Act 2009
- Any other legislation applicable in a matter.

RELATED POLICIES: *Leases over Council Owned or Controlled Land (Policy 195)*

1) **Objective**

The objective of this policy is to:

- Respond to the Community Strategic Plan of providing effective property and land management
- Facilitate effective management of Council’s property assets.
- Establish the underpinning principles of equity and transparency in Council’s property dealings.
- Ensure that all dealings in property matters relating to Council owned property or property acquisitions by Council are handled within legislative requirements.
- Support the objective of using Councils property portfolio to create additional forms of income that would support on-ground works into the future for the benefit of the community
- Facilitate local business activity where appropriate.

- That the community would be consulted with when dealing with Council property using councils Community Engagement Framework

2) **Policy Statement**

The purpose of the Property Management Policy is to establish the principles for effective management of all Council's property activities and dealings to achieve the best outcome for the Pittwater community.

3) **Statutory Obligations**

Council's property activities will be managed within the legislative parameters of the:

- Local Government Act, 1993
- Valuation of Land Act, 1916
- Environmental Planning and Assessment Act, 1979
- Residential Tenancies Act, 2010
- Land Acquisition (Just Terms Compensation) Act, 1991
- Roads Act, 1993
- Retail Lease Act, 1994
- Crown Lands Act, 1989
- Environment Protection and Biodiversity Conservation Act, 2000
- National Parks and Wildlife Conservation Act, 1975
- Telecommunications Act, 1997
- Real Property Act, 1900
- Conveyancing Act, 1919
- Residential Parks Act, 1998
- Strata Scheme Management Act, 1996
- Government Information (Public Access) Act 2009
- Any other legislation applicable in a matter.

4) **Property Activities**

In the context of this policy, corporate property activities include:

1. Reclassification of Council land – Community
2. Sale of Council land – Operational
3. Acquisition of property for Council purposes
4. Sale of Council Road Reserve
5. Addition, modification or removal of encumbrances on Council owned land- Community
6. Addition, modification or removal of encumbrances on Council owned land- Operational
7. Addition, modification or removal of Council encumbrance on privately owned land
8. Lease & Licence on Council owned/managed property/building - Community
9. Lease & Licence on Council owned/managed property/building - Crown
10. Lease & Licence on Council owned/managed property/building - Operational
11. Management Agreements on Council owned/managed property/building
12. Annual Facility Licence Agreements.

The above Property Activities, numbers 1 to 12 will have a flow diagram (workflow) outlining the procedure Council Officers will follow to manage each of these property dealings. These workflow diagrams will be reviewed and updated by Council Officers on a regular basis to ensure procedures are kept up to date.

5) **Asset Management Approach**

In managing its land and property asset portfolio, Council's challenge is to determine whether its asset portfolio meets the strategic objectives of the organisation.

Council's portfolio will be reviewed and assessed on a regular basis to ensure the highest and best use of the facility is being achieved.

The objective of this approach is to minimise cost and maximise usage of its assets so that Council's asset portfolio is managed and maintained to a standard that benefits the whole community now and into the future.

6) **6. Professional Services**

- i) **Valuations** – In the case of acquisitions and disposals or where a valuation report is required, Council Officers will engage a registered Valuer from its tendered panel to ensure accuracy and transparency. Valuers will be fully qualified and have experience in the following areas: commercial & residential property valuation; rental determinations; easement valuations, statutory valuation; asset valuation; compulsory acquisition as well as other specialised valuations. Valuations directed by Council remain the property of Council and are commercial in confidence.
A second valuation can be obtained at the discretion of Senior Management or Council. This can be assessed on a case by case basis.
- ii) **Legal Services** – Council Officers will engage legal services from its tendered panel when required to ensure Council's interests are protected. The panel will be fully qualified and have experience in sales, acquisition, leasing and licensing transactions as well as complex land dealings.

7) **7. Property Strategy**

Under this Policy, all property owned by the Council will fall into one of the following three classes which describe the primary purpose for which the property is held. Properties within each class will not necessarily be static and may be re-classified following a review by the Council. Any dealings will need to be resolved by Council.

(i) **Held for Community Purposes**

This class includes property held for administration, operations, recreation, and/or infrastructure usage. Where appropriate, consideration will be given to leasing improvements to not-for-profit community groups at a subsidised rental (e.g. community halls, clubrooms, community centres, libraries, toilets/change rooms, drainage sites, and parks/public open spaces etc.). Property held for *Community Purposes* will generally not be considered available for liquidation. However, there may be some instances where property held in this class may be transacted for a greater community benefit.

(ii) **Held for Capital Appreciation**

This class includes property which is either undeveloped or underdeveloped, but which is not held for *Community Purposes*. Property held for *Capital Appreciation* will be developed for income when market conditions are favorable and the development risk is considered to be acceptable.

Alternatively, these properties will be liquidated to take advantage when market conditions are favourable. In general, income from any improvements should be maximised and property in this category will not be made available for community usage (e.g. vacant lots, underdeveloped sites etc.).

(iii) **Held for Income Generation**

This class includes property where the maximisation of the income stream is considered to be the primary objective. Property held for *Income Generation* will be developed to the highest and best use of the site. Leases and agreements will be set by reference to market levels, with regular reviews, depending on the circumstances. In general, subsidised rentals will not be considered for properties within this class (e.g. car parks, commercial buildings etc.).

It should be noted that whilst these classifications are intended to capture all property owned and managed by the Council, it is recognised that not all property will fit exactly within these

classes. Appropriate discretion therefore, will be used by Council when dealing with any such property activities (including hiring, leasing/licensing, liquidating etc.).

8) Property Transaction Types

(i) Sale of Council Owned Land (Figures 1&2)

Council owned land must be classified as, "Operational" or "Community". In accordance with the provisions of the *Local Government Act, 1993* land classified, as "Operational" is saleable; however, "Community" land cannot be sold without first being reclassified and rezoned following a resolution of Council. The reclassification of community land is achieved by an amending LEP.

Property sales may include sale of Council surplus land and property, airspace and stratum. To be able to strategically manage its land sales activities, it is necessary for Council to establish a Property Disposal and Investment Program (PDIP). The key principles guiding a decision to sell a property asset is that Council will only consider a sale under the following circumstances:

- If the property is not being used for the purpose intended at the time of Council's purchase (subject to acquisition notice being approved by the Governor).
- If the property is not serving an operational or community need.
- If the property is not facilitating Council's service delivery objectives.
- If the property disposal would result in better outcomes for the local community.

If the property does not provide the expected return and represents a risk to Council, the key principles in disposal of these assets are:

- Council will dispose of property assets using a process that is transparent and equitable to all interested parties.
- Generally Council will not sell property which has future development potential for community facilities or commercial return.
- Council will identify the most appropriate marketing strategy for each sale on a case by case basis.

(ii) Acquisition of Land or Property (Figure 3)

Council may decide to purchase land and property for statutory, public or investment/redevelopment purposes. For example, Council could acquire land for road widening, road opening, recreational and sporting facilities, parks and reserves, bushland and environmental conservation, investment, redevelopment, subdivision and resale, or development of community facilities purposes.

The key principles in the acquisition of land and property are:

- After identifying a property for acquisition for a council function and public purpose, Council will:
 - Firstly make its best endeavours to negotiate with the owner a fair and reasonable price in accordance with the directive of Office of Local Government.
 - Only if agreement cannot be reached will Council pursue compulsory acquisition (under Section 187 of *Local Government Act 1993*) if the acquisition has strategic importance or is very important for the local community.
- Where Council decides to purchase operational land at auction, it will be resolved in a closed Council meeting so the decision and proposed purchase price will not be publicised prior to auction.

Land Swaps

Under certain circumstances Council may enter into Land Swap transactions with landowners to achieve a broad community benefit. Pittwater Council has many examples of this form of

transaction, contributing positively to Council's existing land holding (e.g. Ingleside Escarpment).

The following principles will always be taken into account;

- There will be no net disadvantage to Council in the transaction in relation to the area of open space acquired or sold.
- Independent valuations will be undertaken in all instances.
- Council may receive land swap proposals from landowners or may be the proposer of such transaction.
- In some instances there may be a need for financial settlement in addition to the actual land being swapped.

(iii) Sale of Council Road Reserves (Figure 4)

Road Reserve enquiries regarding closure of a public road/or portion of a public road are typically made by a land owner/s, or may be identified through a development application.

As the local road authority, Council will consider all applications within the following principles:

- Status of Road Reserve (e.g. Crown or Local Road, made or unmade) will need to be determined by a Council Officer as some are not suitable for sale.
- All adjoining property owners and relevant authorities will be notified by Council following receipt of application.
- Management of an application for road closure benefiting an individual or company will be cost neutral to Council. Application fees and charges applied by Council will be based on full cost recovery.
- The market rate will be determined by an independent Valuer and will provide the basis of the sale price of a public road/portion of public road.

It is important to note that Council is required to submit a formal application to the New South Wales Trade and Investment Crown Lands for road closure approval, registration and gazettal. Once this has taken place, Council will be in a position to sell the land via a contract for sale to the applicant.

(iv) Encumbrances - Rights of Way & Easements etc. (Figures 5,6,7)

Council may add, modify or removal an easement over its land in favour of a private land owner. Council may also require easements over private land. Encumbrances can be for different purposes such as rights of way, drainage, sewerage, electricity, utility and any other specific purposes. The addition, modification or removal of easements or rights of way may be initiated through scenarios including but not limited to:

- A conditional DA approval on Council owned land.
- A proposed development adjoining Council land.
- Council's proposed drainage system.
- Council's existing pipes under the surface of the land.

The key principles in effective management of encumbrances are:

- Council will advise and negotiate (if required) with the private landowners affected by Council's proposed works.
- Council will negotiate a fair and reasonable package with the private landowner(s) who seek to create an easement over Council owned land provided that the proposed easement would not detrimentally affect the objectives of the land and the applicant agrees to fairly and reasonably compensate Council.
- Council will relinquish encumbrances if:
 - The encumbrance is no longer required or serving Council's objectives.
 - All associated costs are paid for by the other party.
 - Council's interests are protected.

(v) Tenure Arrangements – Lease, Licence & Management Agreements (Figures 8-12)

Under this Policy, standard tenure arrangements will apply to lease, licence and management agreements granted by Council for Council owned and managed properties. This will be done in accordance with sections 46, 46A & 47 of the Local Government Act 1993.

An annual facility licence agreement will be issued on a case by case basis, where there is no current agreement in place. This is considered to be a short term arrangement to ensure both parties' responsibilities are clearly outlined and interests are protected.

For lease, licence and management agreements on Crown Land where Pittwater Council acts as Trust Manager, prior approval will be obtained from NSW Trade & Investment Crown Lands, in accordance with the *Crown Lands Act 1989*.

1) Tenure Guidelines - Legal Framework

The following key principles will guide Council's approach to tenure arrangements;

- Council acknowledges its obligation to provide and maintain its properties to meet community needs for present and future generations.
- Council recognise and support the contribution made by community groups in achieving an active and sustainable community.
- Council encourages the use of its properties by organisations that provide a community benefit.
- Council promotes tenure arrangements that are consistent, transparent and equitable.
- Council promotes tenure arrangements which allow access to the property by the wider community.
- Council promotes tenure arrangements that contribute to the financial viability of Council.

2) Tenure Guidelines - Groups

The following tenure guidelines are intended to apply to leases and licenses for all groups within each category. It is recognised however, that some groups (especially *Not-for-Profit Community Groups*) may be constrained by specific circumstances and Council will apply appropriate discretion in determining tenure arrangements for these groups.

• **Commercial Organisations**

In general, *Commercial Organisations* will be permitted to lease or license facilities which are located on property held for *Capital Appreciation* or property held for *Income Generation* or in certain circumstances on *Community Land*.

As such, income received from the lease or license should be maximised. Subsidised rental should not be considered.

If on community land, Council is obliged to undertake tenders for the leasing or licensing for terms over 5 years where dealing with a for profit lessee in accordance with Section 46A of Local Government Act 1993.

Rental will be based on a market rate, determined with the guidance from a licensed Valuer selected from Councils tendered panel or a market appraisal obtained from a local agent. Rents will be reviewed every 12 months in line with the terms of the lease/licence agreement.

These can be broken up into further sub categories:

- a) Commercial Operations - Restaurants, Kiosks and any other fully commercial enterprise run for commercial gain on operational land.

However, if the commercial operations are located on Community land, it must comply with the provisions of section 46, 46A and 47 of the Local Government Act 1993.

COMMERCIAL OPERATIONS

ANNUAL LEASE/LICENCE FEE	At commercial rates determined by market valuation.
MAXIMUM TERM	Twenty Years (10 + 10)
OTHER COSTS	All outgoings, including but not limited to telephone, water usage, electricity (where separately metered), cleaning, repairs and maintenance to the interior part of the tenancy including hard wired electrical appliances.
BUILDING INSURANCE	Lessor
CONTENTS INSURANCE	Lessee
PUBLIC LIABILITY INSURANCE	Lessee
WHS LIABILITY & WORKERS COMPENSATION	Lessee
LEGAL COSTS	Lessee

- b) Sporting Clubs – Commercial – Examples include Golf Clubs, Bowling Clubs etc.

These clubs are in receipt of membership fees, green fees, poker machine income and income from sale of alcohol and catering.

SPORTING CLUBS – COMMERCIAL

ANNUAL RENT	At commercial valuation based on comparable rents paid by similar clubs in the Sydney metropolitan region.
MAXIMUM TERM	Ten years (5 + 5) however terms greater than ten years can be sought with the provision of a business plan that demonstrates capital expenditure that may need to be amortised over a period greater than ten years.
OTHER COSTS	All outgoings, including but not limited to telephone, water usage (if applicable), electricity (where separately metered), cleaning, repairs and maintenance to the interior part of the tenancy including hard wired electrical appliances.
BUILDING INSURANCE	Lessor
CONTENTS INSURANCE	Lessee
PUBLIC LIABILITY INSURANCE	Lessee
WHS LIABILITY & WORKERS COMPENSATION	Lessee
LEGAL COSTS	Lessee

- **Commercial Telecommunication Carriers**

Although considered to be carrying out commercial activities, *Telecommunications Carriers* are differentiated from *Commercial Organisations* due to their unique powers under the *Telecommunications Act 1997* (as detailed in 'Council's role and statutory obligations' above). The *Telecommunications Act 1997* does provide for an entitlement to compensation. For this purpose, carriers generally negotiate to pay a form of 'rental' and occupy their sites under a lease or license agreement. Due to the nature of the *Telecommunications Act 1997*, carriers are permitted to lease/license land located on property held for Community Purposes, Capital Appreciation or Income Generation. Tenure arrangements for Telecommunications Carriers therefore will be determined on a case-by-case basis and Council will seek an access fee from Carriers requesting co-location of another carrier.

- **Government Departments/Agencies**

Leases and licenses held by *Government Departments/Agencies* can range from neighborhood child health centres to large departmental offices. Consequently, depending on the purpose for which the lease/license is to be used, *Government Departments/Agencies* may be permitted to lease or license facilities which are located on property held for *Community Purposes*. In general, *Government Departments/Agencies* will be treated in the same manner as *Commercial Organisations*; however, subsidised rental may be granted on a case-by-case basis depending on the purpose for which the property is to be used. In addition, other formal agreements, memorandums-of-understanding or past obligations etc. may necessitate special tenure arrangements.

- **Not-for-Profit Community Groups**

Not-for-Profit Community Groups are those whose charter, constitution, articles of association or equivalent identify the purpose of the organisation as being not-for-profit and perform activities within Pittwater Council. In general, Not-for-Profit Community Groups will only be permitted to lease or license facilities held for Community Purposes that have a perceived benefit to the Pittwater community. As such, where appropriate, these organisations will be granted a lease or license at a subsidised rate in recognition of their perceived benefit to the community.

These can be broken up into a further two sub categories:

1. **Community Based Services-** Examples include Surf Clubs, KU Kindergarten, Scout and Guide organisations etc.
2. **Sporting Clubs- Non Commercial** - Examples include Football clubs (all codes), Equestrian, Swimming etc.

1. COMMUNITY BASED SERVICES

RENT	Subject to negotiation
MAXIMUM TERM	Twenty One Years
OTHER COSTS	The tenant is responsible for all outgoings, including but not limited to telephone, electricity (where separately metered), cleaning, repairs and maintenance to the interior part of the tenancy including hard wired electrical appliances.
BUILDING INSURANCE	Lessor
CONTENTS INSURANCE	Lessee
PUBLIC LIABILITY INSURANCE	Lessee
WHS LIABILITY & WORKERS COMPENSATION	Lessee

LEGAL COSTS	Each party to bear their own legal costs.
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This group will receive the greatest discount or subsidy and will include community groups that service the local community.

In the case of approved commercial operations within community based service leased areas, Council will receive a minimum 20% of the gross income from the operator to be utilised by Council for the maintenance of the associated reserve and infrastructure.

At the date of adoption of this policy clubs running commercial facilities without prior formal Council approval shall, at Council's discretion, be required to either cease the operation or enter into an Agreement with Council to return 20% of the income received from the facility to Council as above.

2. SPORTING CLUBS – NON COMMERCIAL

ANNUAL RENT	As per Council's Fees & Charges
MAXIMUM TERM	Ten years (5 + 5) however terms greater than ten years can be sought with the provision of a business plan that demonstrates capital expenditure that may need to be amortised over a period greater than ten years.
OTHER COSTS	All outgoings, including but not limited to telephone, electricity (where separately metered), water usage (where applicable), cleaning, repairs and maintenance to the interior part of the tenancy including hard wired electrical appliances.
BUILDING INSURANCE	Lessor
CONTENTS INSURANCE	Lessee
PUBLIC LIABILITY INSURANCE	Lessee
WHS LIABILITY & WORKERS COMPENSATION	Lessee
LEGAL COSTS	Each party to bear their own legal costs.

This group will pay a nominal fee, as per Council's Fees and Charges, subject to annual CPI increases to partially offset the cost of ongoing lease administration and includes recreational or community groups that provide a service to the community but non-the-less have fund raising potential and are not reliant solely on grant income or subsidisation.

End.



Policy – No 92	Adopted:	OM: 03.03.1997
	Reviewed:	OM: 03.06.2013
	Amended:	OM: 20.06.2011 OM: 17.10.2011
	Revoked:	

TITLE: LAND – DISPOSAL OF SURPLUS

STRATEGY: Business Management

BUSINESS UNIT: Corporate Strategy & Commercial

RELEVANT LEGISLATION: None

RELATED POLICIES: None

Objective

To regulate the disposal of surplus public land.

Policy Statement

Council will consider the sale of surplus properties as and when they are identified provided:-

1. the property does not form part of a long term strategic initiative.
2. it can be clearly demonstrated that the initial use proposed for the property is not likely to be achieved and/or that priorities have changed to the extent that the proposed use of the site will not be fulfilled.
3. that its disposal will benefit the wider community.
4. subject to consideration of any alternative use or community benefit arising from the retention of the land in its vacant form e.g. public reserve for access purposes or open space.



Policy – No 56	Adopted:	OM: 03.03.1997
	Reviewed:	OM: 03.06.2013
	Amended:	OM: 20.06.2011, OM: 17.10.2011
	Revoked:	

TITLE: PUBLIC RESERVES AND OTHER LANDS – RESUMPTION FOR PUBLIC UTILITIES

STRATEGY: Business Management

BUSINESS UNIT: Corporate Strategy & Commercial

RELEVANT LEGISLATION: None

RELATED POLICIES: None

Objective

To ensure adequate compensation for loss of public assets.

Policy Statement

That where land owned by the Council as a Public Reserve or other is to be resumed by an authority to accommodate its facility, the council seek appropriate compensation to be determined by Market Valuation.

Proposed Road Reserve Closure Plan

Part Kennedy Street, Manly NSW 2095



Legend

 Proposed Road Reserve Closure



northern
beaches
council

Scale (A4) - 1:900
GDA 94 MGA Zone 56



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Produced By: Spatial Information

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Document Path: G:\GIS\ArcMap\Docs\Property\RoadClosure_KennedySt_Manly.mxd

PLAN OF MANAGEMENT FOR COMMUNITY LANDS

(Part 2, Division 2 of the
Local Government Act, 1993)

L.M. GRAHAM RESERVE
Suwarrow St., Balgowlah



Prepared by the
Environmental Services Division

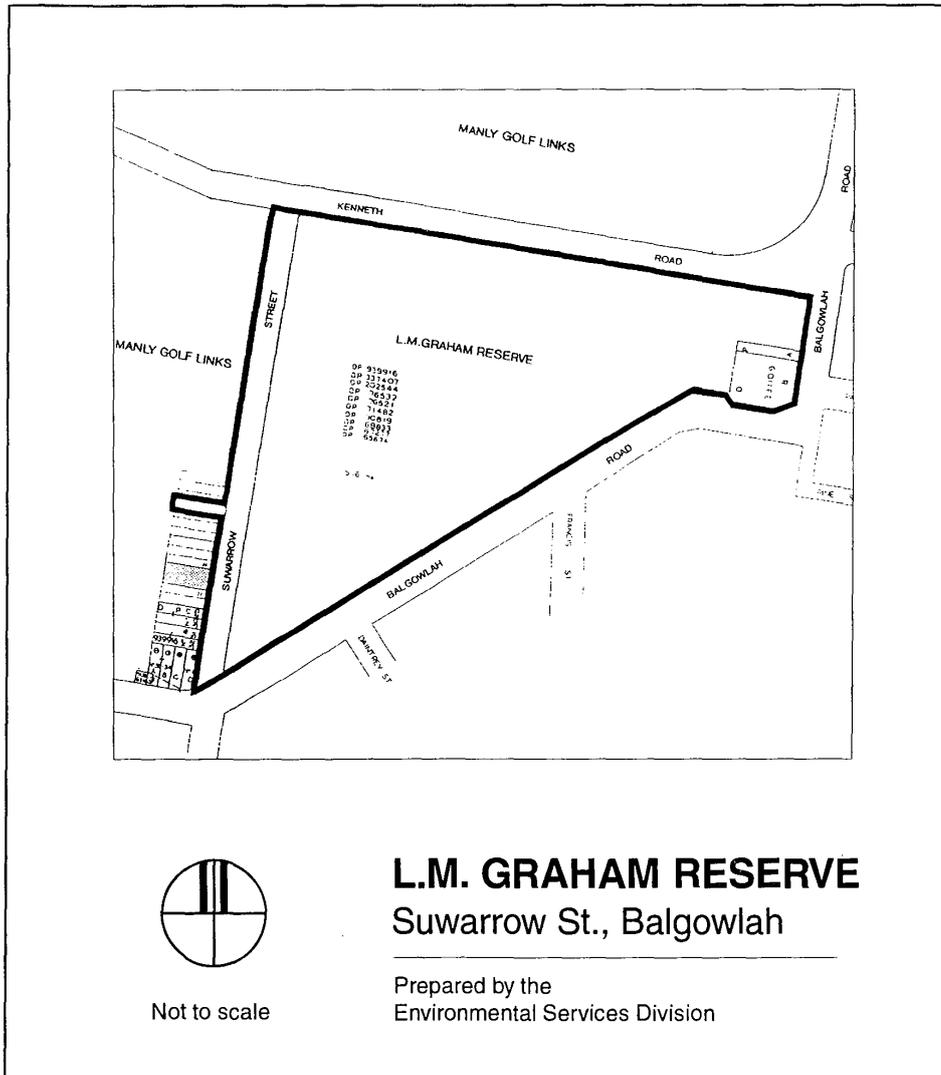
1. DESCRIPTION

1.1 Title, Area, Ownership

Title: Asset Management No. 7, 56, 114
 (56) - Lot 30, Sec 4, DP 939916
 Suwarrow Street (7) - (114) - Lot
 1, DP 821350 Suwarrow Street
Area: (56) 224.9 sq m;
 (114) 4652 sq m; (7) 5.6 ha
Owner: Manly Council

1.2 Landform, Vegetation, Use

The landform of the reserve is low lying and flat. Vegetation is very sparse and limited to the perimeters of the reserve.



L.M. GRAHAM RESERVE

Three functional areas can be identified in the reserve:

1. At the southern end a childcare centre and associated outdoor play and grass areas is situated in the Reserve. Two large plane trees dominate this area and frame the vehicular entrance.
2. The central area incorporates sports fields, soccer ovals, tennis courts and cricket pitches. All native vegetation has been cleared from this area apart from some species lining the perimeter. The dominant species is *Melaleuca quinquenervia* (paper bark).
3. At the northern end is situated the Manly Swimming Centre incorporating an olympic size pool, wading pool, etc.

Car parking is available within L.M. Graham Reserve for 190 cars comprising two car parks of 95 cars each at the northern and southern ends of the Reserve.

1.3 Links to Other Areas and Adjacent Land

No formal through site links exist. A cycleway is located on the footpath along Kenneth Road. Potential exists for through site pedestrian and cycle links. Also potential exists for developing a cycle path on the perimeter.

1.4 Reserve History

To be prepared.

1.5 Available Plans

- Layout - June 1988 - plan reference 1/534
- Existing Sporting Facilities - July 1981 - plan reference 1/258

1.6 Leases

Tennis courts

1.7 Council File References

T6/4 Lease of tennis courts

2. CONTEXT

2.1 Classification under the Local Government Act, 1993

The reserve is classified as Community Land and categorised as a Sports Ground and Community use.

2.2 Other Legislation

- Manly Local Environmental Plan 1988
- Zoning: Open Space
- Seven coral trees at the corner of Kenneth and Balgowlah Roads, Manly are items of environmental heritage.

2.3 Reports and Studies

- Landscape Study, 1977
- Recreation Study, 1978.

3. STATEMENT OF FUNCTION AND VALUE

3.1 Values and Function of the Land

The L.M. Graham Reserve is primarily of local and district value and function in terms of natural characteristics, it's visual significance and the opportunities for social, recreational and educational activities. The location and the range of social and recreational facilities at the reserve are of district significance.

3.2 Conclusion

The potential exists to improve the Reserve through the addition of further activities and facilities, and additional planting of trees and shrubs. This should be developed within the preparation of the master plan for the reserves.

VALUE AND FUNCTION	SIGNIFICANCE						
	Local	District	Regional	Metropolitan	State	National	International
Natural	■						
Visual	■	■					
Social	■	■					
Recreational	■						
Cultural							
Educational	■						
Future Generational	■						
Heritage							

Values and function of the land

L.M. Graham Reserve

L.M. GRAHAM RESERVE

4. MANAGEMENT

4.1 Means of Achieving Objective

The draft plan of management for community land is based on 15 objectives. Those applicable to L.M.Graham Reserve are indicated on the following tables starting on page 5.

4.2 Issues for the Master plan

Issues, Concerns, Opportunities

1. Potential of undeveloped areas of park e.g. road closure.
Response: Requires further consideration at Master plan stage.
2. Need for additional landscaping and planting in the park.
Response: Consider opportunity for additional indigenous native planting in the area.
3. Maintenance issues e.g. the overgrown grass.
Response: Address in the Master plan.
4. Opportunity exists to explore potential for cyclepath/walkway across and around the Reserve.
Response: Consider as part of

Master plan exercise.

5. L.M. Graham is within the overall catchment of Burnt Bridge Creek and consideration should be given to the impact of activities e.g. maintenance, development, and plantings on the Creek system.
Response: Address in the Master plan and cross reference to Burnt Bridge Creek Master plan.
6. Consolidation of title.
Response: Carry out as first priority.
7. Issue of shade.
Response: Address provision of shade trees and structures in the master plan.
8. Potential to develop as part of an integrated sporting facility offering field sports, team games, golf, swimming, tennis and croquet.
Response: A significant issue for further development in the master plan.

3 OBJECTIVE
Integrate local drainage needs into park design and bushland management.

MEANS OF ACHIEVING THE OBJECTIVE

1. The preparation of the Master plan should include consultation on neighbourhood drainage requirements and design proposals where appropriate.
2. Utilize contemporary skills in the design of multi-function drainage areas eg. sediment detention basins.
3. Ensure all drainage designs address: bushland maintenance; erosion; siltation and pollution controls; flooding issues; penetration for water table improvement and compatibility with recreational and aesthetic interests.

PERFORMANCE MEASURES

1. Drainage issues included in the preparation of the Master plan.
2. The drainage designs reflect current knowledge on drainage issues.
3. Drainage issues are addressed in park design and bushland management; and reviewed in relevant reviews of environmental factors.

L.M. GRAHAM RESERVE

7 OBJECTIVE

To manage all open space land in a flexible manner and to ensure that local needs are met.

MEANS OF ACHIEVING THE OBJECTIVE

1. Liaise with the local neighbourhood when assessing future facilities for reserves to determine needs which may include play areas, dog areas, toilets, picnic and barbeque area and space for ball games.
2. Include identified needs in the Master plan.

PERFORMANCE MEASURES

1. Liaison with local groups undertaken during the planning process.
- 2.1 Identified needs assessed for compatibility, demand and availability of resources.
- 2.2 Appropriate facilities included in the Master plan.

<div style="border: 1px solid black; padding: 5px; display: inline-block; font-size: 24pt; font-weight: bold;">9</div>	<p>OBJECTIVE</p> <p>To maintain our active sporting areas and manage them to maximise choice. Consider LM Graham Reserve and Kierle Park as an opportunity to provide major new recreation activities.</p>
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MEANS OF ACHIEVING THE OBJECTIVE

1. Maintain active sporting area to a standard acceptable for optimum use.
2. Enter into leases, licences or other collaborations to assist in obtaining resources to achieve optimum use.
3. Continue to participate with the Manly/Warringah Sporting Union in respect of annual allocation of sporting areas to relevant codes.
4. Discuss, negotiate and enter into arrangements with sporting groups to allow multi use of facilities where possible.
 - 5.1 Conduct relevant need studies from time to time.
 - 5.2 Consider results of such studies using the processes of Manly LEP 1988, Clauses 10, 16 and 27 as a guide.
6. Prepare Master plans for the future use of LM Graham Reserve and Kierle Park.

PERFORMANCE MEASURES

1. Optimum use of sporting area obtained throughout the year at affordable cost.
2. Suitable resources available each year for sporting area maintenance.
3. Reasonable levels of satisfaction regarding allocation of sporting areas obtained each year.
4. Reasonable levels of satisfaction regarding provision of sporting areas to different groups obtained.
 - 5.1 Recreation needs studies undertaken at sufficient intervals to determine current community recreation patterns and demands.
 - 5.2 Strategies for allocation of resources following such studies adopted.
6. Plans for LM Graham Reserve and Kierle Park produced prior to major decisions on new or existing facilities.

L.M. GRAHAM RESERVE

11

OBJECTIVE

Recognise the role of each open space within the wider community and in relation to other objectives.

MEANS OF ACHIEVING THE OBJECTIVE

1. Ensure Master plan for each reserve assesses the functions of the park and the needs of the local community in relation to the wider geographical area to avoid duplication or repetition of facilities.

PERFORMANCE MEASURES

1. Master plan reflects local needs and recognises the need to avoid duplication.

12

OBJECTIVE

To encourage participation in design, development and management.

MEANS OF ACHIEVING THE OBJECTIVE

1. Continue liaison with local Precinct Committees and other groups prior to undertaking works in reserves other than day to day maintenance.
2. Continue where appropriate to hold on site gatherings with neighbours and other relevant groups or individuals as part of any exercise to plan the future form and use of a reserve.
3. Continue with joint Council and community maintenance and improvement teams like the C-Scheme for particular reserves and projects.
4. Consider inviting neighbourhood groups or individuals to be directly involved in ongoing planning and management of reserves.
5. Publish guides and educational pamphlets to Council's reserves and the activities available therein, possible topics being harbourside access, botanic gardens walk, circuit linear park and North Head Walk.

PERFORMANCE MEASURES

1. Evidence of liaison undertaken to the satisfaction of local groups without undue delay and inefficiency for Council programmes.
2. On-site meetings held where appropriate.
3. Joint Council and community works teams continued and expanded.
4. Confirm efforts to invite neighbourhood groups or individuals to directly participate in on-going planning and maintenance of reserves.
5. Guides and educational pamphlets published providing information on Council's reserves.

L.M. GRAHAM RESERVE

13 OBJECTIVE

Provide for user health, safety and enjoyment.

MEANS OF ACHIEVING THE OBJECTIVE

1. Determine any necessary control on undesirable activities.
2. Determine any necessary control on dogs within reserves. Dog toilet areas provided if necessary.
3. Inclusion of local neighbourhood and user groups in future design and management of reserves.
4. Consider the provision of additional activities where permitted and consistent with other objectives in order to increase recreational opportunities.
5. Make facilities and access to reserves generally suitable for those with mobility impairments.

PERFORMANCE MEASURES

1. Undesirable activities controlled.
 - 2.1 Park users not threatened by dogs.
 - 2.2 No scattered dog excrement within reserves.
3. Local community needs are being met when consideration is given to this objective.
4. Additional activities provided after consideration.
5. Facilities and access to reserves generally suitable for those with mobility impairments.

14 OBJECTIVE
Retain opportunities to use open space for special events or projects and for future activities or structures if need becomes apparent.

- MEANS OF ACHIEVING THE OBJECTIVE
1. Consider the making or renewal of leases, licences or any other estate or permit, as appropriate.
 2. At each lease, licence or permit renewal consider the need to continue the activity.

- PERFORMANCE MEASURES
1. Periodic assessment of whether community recreation needs are met by current lease arrangements.
 2. Confirmation that consideration is given of the need to continue the particular land use activity at the time of lease, licence or permit renewal.



To: The Chief Executive Officer
Northern Beaches Council

Notice of Motion to Rescind or Alter a Resolution

in accordance with s372(1) of the Local Government Act, 1993.

Passed By Council on 15 July 2025

We give notice of the following motion to rescind or alter a resolution of Council:

"That Council's resolution relating to Item No 7.1, point/s _____
adopted at the Council Meeting held on 15 July 2025 be rescinded".

Notice of Replacement Motion

in accordance with clauses 18.3 to 18.14 of the Northern Beaches Council Code of Meeting Practice.

Should the motion to rescind or alter a resolution be adopted we give notice that it is our intention to move the following motion:

In the interests of transparency, and good governance, and noting that another organisation is already running a similar program for free in the Sutherland Shire, that Council calls for Expressions of Interest for free, and report the matter back to Council in September.

Vincent De Luca OAM
Name of Councillor

15 July 2025
Date

ROBERT GILTYMAN OAM
Name of Councillor

15 July 2025
Date

Mandeep Singh
Name of Councillor



Signature of Councillor

15/July/2025
Date

TRIM: 2017/338901

ITEM 7.1 MAYORAL MINUTE NO 7/2025 - STUDENT BICYCLE LICENCE SCHEME

PURPOSE

The purpose of this mayoral minute is to seek a resolution to participate in Bicycle NSW's Student Bicycle Licence Scheme to help improve bike rider safety and awareness as an interim response to the ongoing E-bike concerns raised by the community.



**Sue Heins
MAYOR**

RECOMMENDATION

That Council:

1. Acknowledge the increasing popularity of bike riding, and the importance of adequate road safety education.
2. Participate in Bicycle NSW's Student Bicycle Licence Scheme and work with local schools within the local government area on its uptake.

ITEM 7.1 NORTHERN BEACHES COUNCIL MEETING - 15 JULY 2025

BACKGROUND

In recent years, bike riding has grown in popularity on the Northern Beaches, particularly since e-bikes have become more readily available, and predominantly among young people. E-bikes have improved accessibility, making everyday trips easier for people of all ages and abilities, increasing the reach of destinations and reducing the challenges of topography compared to conventional bicycles.

However, the community continues to raise its concerns about e-bikes, pedestrian conflict and rider behaviour. At a state level, there is currently no consistent bicycle education or awareness programs for schools in NSW and I believe that it is critical that young people have a basic understanding of road rules, safety measures and bicycle use etiquette.

To address this gap, Bicycle NSW is currently offering to work with local councils and schools through a Student Bicycle Licence Scheme.

This program involves a basic online testing process to ensure students can demonstrate basic competencies in bicycle safety, road rules and etiquette which would result in a digital licence including named recognition of Council.

Council's primary role would be to promote this scheme to schools within the area and to enable schools through the provision of this new tool to improve road safety education. It will be up to each school as to how it chooses to implement the licensing scheme with its respective communities; for example, if they wish to make this mandatory for students who ride to school.

Council would have access to uptake data which will inform the effectiveness of the scheme and may inform future input to Bicycle NSW on the program. It is anticipated that, should this be supported, this initiative will be ready for the start of Term 4, 2025 and staff have advised that this work can be undertaken within current operational budgets.

Cycling is an important part of our local transport solution, being an environmentally friendly, cost effective and efficient transport option for short to medium trips. I see this as an important addition to Council's response to promote safe bike riding and ensure a safer road environment for all users.

TRIM file ref	2025/453745
Attachments	1 Bicycle NSW Schools Bicycle Licence Proposal February 2025 (Included In Attachments Booklet)