

New Schedule	Please ✓
Part 1 No new wood heaters, except with an approval.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Part 2 Except with an approval, from 1 September 2016 new wood heaters must have: <ul style="list-style-type: none"> a minimum efficiency of 60% as tested in accordance with AS/NZS 4013; and an emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4012. 	<input type="checkbox"/> Yes <input type="checkbox"/> No
Part 3 No new open fire places, except with an approval.	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Please outline why your Council would not choose a Part(s)?

New Schedule	Please provide comments
Part 1 No new wood heaters, except with an approval.	
Part 2 Except with an approval, from 1 September 2016 new wood heaters must have: <ul style="list-style-type: none"> a minimum efficiency of 60% as tested in accordance with AS/NZS 4013; and an emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4012. 	
Part 3 No new open fire places, except with an approval.	

10. Are there any other measures that you would recommend for consideration? Please list.

11. Do you have any other comments?

Attachment A

**Protection of the Environment Operation (Clean Air) Amendment
(Heaters and Fireplaces) Regulation 2014**

4. Definitions

In this Part:

approval means an approval granted and in force under clause 7C.

certificate of exemption means a certificate issued by a body approved by the EPA, being a certificate exempting all heaters of a particular model from compliance with both Standard 4012 and Standard 4013.

heater means any solid fuel burning appliance that is designed, manufactured or adapted for domestic use.

model of heater means a particular design of heater made by a particular manufacturer.

Standard 4012 means the document entitled AS/NZS 4012:2014, Domestic solid fuel burning appliances—Method for determination of power output and efficiency, published by Standards Australia and as in force from time to time.

Standard 4013 means the document entitled AS/NZS 4013:2014, Domestic solid fuel burning appliances—Method for determination of flue gas emission, published by Standards Australia and as in force from time to time.

5. Application of Part

(1) This Part applies to heaters (including the wholesale and retail sale of heaters) and open fireplaces.

(2) However, this Part does not apply to the sale or installation of heaters of the following kind:

- (a) a masonry appliance built on site (except as provided by clause 7B),
- (b) a central heating appliance,
- (c) a cooking stove appliance,
- (d) an appliance intended for use solely for heating water,
- (e) an appliance intended for use solely for distributing heat through ducts,
- (f) a pellet heater.

(3) In this clause:

central heating appliance means a heating appliance that is intended for space heating of premises by means of transferring heat to the living areas of the premises by ducted hot air, hot water or another fluid.

cooking stove appliance means a solid fuel burning appliance:

- (a) that has at least one cooking hot plate, and
- (b) that has an oven with a volume of not less than 28 litres, and
- (c) around which gaseous combustion products are capable of being routed.

pellet heater means a domestic, automatic, continuous feed, pellet fuel burning appliance that is designed and manufactured to burn compressed wood or biomass pellets.

6. Requirement for certificates of compliance when heaters are sold

(1) A person must not sell a heater to any other person unless:

- (a) the heater is marked in accordance with both Standard 4012 and Standard 4013, and
- (b) an appropriate certificate of compliance is in force in relation to heaters of the same model as that heater, and
- (c) in the case of a sale to a person whose business includes the wholesale or retail sale of heaters—a copy of the appropriate certificate of compliance has been given to the purchaser.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in the case of an individual).

(2) This clause does not apply to a heater of a model for which a certificate of exemption is in force.

(3) In this clause:

appropriate certificate of compliance, in relation to a heater, means:

- (a) in the case of a heater sold before 1 September 2019—a certificate issued by a body approved by the EPA

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and certifying that all heaters of that model:

- (i) comply with Standard 4012 and Standard 4013, and
- (ii) have an overall average efficiency of not less than 55% as tested and calculated in accordance with Standard 4012, and
- (iii) have an appliance particulate emission factor, as tested and calculated in accordance with Standard 4013, not greater than:
 - (A) 2.5 g/kg (for heaters without catalytic combustors), or
 - (B) 1.4 g/kg (for heaters with catalytic combustors), or
- (b) in the case of a heater sold on or after 1 September 2019—a certificate issued by a body approved by the EPA and certifying that all heaters of that model:
 - (i) comply with Standard 4012 and Standard 4013, and
 - (ii) have an overall average efficiency of not less than 60% as tested and calculated in accordance with Standard 4012, and
 - (iii) have an appliance particulate emission factor, as tested and calculated in accordance with Standard 4013, not greater than:
 - (A) 1.5 g/kg (for heaters without catalytic combustors), or
 - (B) 0.8 g/kg (for heaters with catalytic combustors).

7. Interference with heaters

(1) A person must not:

- (a) alter the structure, exhaust system or inlet air system of any heater of a model to that is the subject of a certificate of compliance or certificate of exemption, or
- (b) mark on a heater that it complies with Standard 4012 or Standard 4013, or both, if the heater is not of a model that is the subject of a certificate of compliance.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in the case of an individual).

(2) This clause extends to any person who causes or permits the doing of a thing that is prohibited under this clause.

(3) Nothing in this clause makes it an offence for a person to carry out any repair work on any heater (including repairs or alterations in accordance with a notice under section 96 of the Act).

(4) In this clause:

certificate of compliance means a certificate issued by a body approved by the EPA, being a certificate certifying that all heaters of a particular model comply with both Standard 4012 and Standard 4013.

7A. Installation of heaters in certain areas

(1) This clause commences on 1 September 2016.

(2) A person must not install, or cause or permit the installation of, a heater in premises in a local government area (or a part of a local government area) specified in Part 1 of Schedule 9, except in accordance with an approval.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

(3) A person must not install, or cause or permit the installation of, a heater in premises in a local government area (or a part of a local government area) specified in Part 2 of Schedule 9, except in accordance with an approval, if the heater does not have:

- (a) an overall average efficiency of not less than 60% as tested and calculated in accordance with Standard 4012, and
- (b) an appliance particulate emission factor, as tested and calculated in accordance with Standard 4013, not greater than:
 - (i) 1.5 g/kg (for heaters without catalytic combustors), or
 - (ii) 0.8 g/kg (for heaters with catalytic combustors).

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

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individual).

7B. Installation of open fireplaces in certain areas

(1) This clause commences on 1 September 2016.

(2) A person must not install, or cause or permit the installation of, an open fireplace in premises in a local government area (or a part of a local government area) specified in Part 3 of Schedule 9, except in accordance with an approval.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

7C. Approval for certain heaters and open fireplaces

(1) The council of a local government area may grant an approval for the purposes of this Part in respect of the installation of a heater or open fireplace in premises in the local government area (or a part of the local government area):

(a) to any class of persons—by means of a notice published in a local newspaper circulating in the local government area, or

(b) to any particular person—by means of a written notice given to the person.

(2) Before granting an approval for the purposes of this Part, the local council must consider the impact that the use of the heater or open fireplace is likely to have on local and regional air quality and amenity.

(3) An approval:

(a) is subject to such conditions (if any) specified in the notice by which the approval is granted, and

(b) may be amended or revoked by means of a notice given or published in the same way as the original notice granting the approval was given or published, and

(c) remains in force until it is revoked by the local council that granted it.

Note. Heaters and open fireplaces may be installed in accordance with an approval in certain areas where the installation would otherwise be prohibited under clause 7A or 7B.

Schedule 9 Local government areas in which the installation of certain heaters or open fireplaces requires approval
(Clauses 7A and 7B)

Part 1 Areas in which the installation of heaters requires approval

Part 2 Areas in which the installation of heaters below certain efficiency levels requires approval

Part 3 Areas in which the installation of open fireplaces require approval

QUESTIONS AND ANSWERS

Amendment to the *Protection of the Environment Operations (Clean Air) Regulation 2010* to enhance wood heater framework

1. Why is the Environment Protection Authority amending the Regulation?

Wood smoke from domestic solid fuel appliances such as wood heaters or open fireplaces significantly contributes to ambient particle pollution in NSW and can adversely impact the health of elderly people, children and those with existing health conditions, such as asthma.

While the NSW Government recognises that wood heaters can be an efficient and cost-effective heating source if used correctly, a poorly operated heater can create localised smoke and odour nuisance. Wood smoke affects local air quality differently from area to area. This depends on local topography (e.g. a valley will tend to accumulate wood smoke), weather patterns, population density, the number of wood heaters in use and how they are operated.

An economic study commissioned by the EPA in 2011 estimated that, with no change to current wood smoke controls, the cost to health of wood smoke emissions across NSW at \$8.1 billion over the next 20 years, factoring in population growth and the hundreds of thousands of extra new residences required to meet housing demands. In Sydney, newly installed wood heaters alone are expected to emit 1629 tonnes of particulate matter (PM₁₀) per year. This equates to a 20% growth in wood heater emissions¹.

2. What is the amendment to the *Protection of the Environment Operations (Clean Air) Regulation 2010*?

The amendment to the Regulation:

1. incorporates and mandates the updated Australian/New Zealand Standards for more stringent limits for wood heater particle emissions and new thermal efficiency limits; and
2. introduces a new Schedule to allow councils the flexibility to choose a level of control on wood heater installations appropriate for local conditions. The additional controls under a new Schedule are outlined in the table below.

New Schedule: Schedule 9	
Part 1	No new wood heaters, except with an approval.
Part 2	Except with an approval, from 1 September 2016 new wood heaters must have: <ul style="list-style-type: none">• a minimum efficiency of 60% as tested in accordance with AS/NZS 4013; and• an emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4012.
Part 3	No new open fire places, except with an approval.
Not listed	General Regulation requirements apply.

3. What are the new Australian/New Zealand Standards for wood heaters?

The updated Australian/ New Zealand Standards (published in August 2014) introduce a staged approach to setting particle emission and thermal efficiency limits for wood heaters:

- 55 per cent efficiency limit and 2.5 grams of particle emission per kilogram of fuel burnt (g/kg), within twelve months after publishing the standards; and
- 60 per cent efficiency and 1.5 g/kg) (0.8g/kg for catalytic heaters) within five years after publishing.

4. How would the amended Regulation work?

Under the Regulation amendment, councils can choose to be listed in the Schedule and apply restrictions to wood heater installations for their entire local government area or in designated areas. Using this approach, councils have the flexibility to target locations impacted by wood smoke.

For example, within a local government area, a council may consider disallowing installation of wood heaters in high density residences or houses located in a valley where smoke is trapped. In another part of the same council area with lower residential density or with good wind dispersion, the council may permit only low emission, high efficiency wood heaters. In rural areas of the council area, only the general Regulation requirements would apply.

¹ Based on the air emissions inventory 2008 values. Details are available from the Environment Protection Authority.

The council can inform its community by publishing on its website the council areas where:

- general Regulation requirements would apply; or
- restrictions on installation of certain types of heaters would apply in designated areas, presented as a map, a list of precincts, types of zoning or an allotment size.

The amendment to the Regulation is designed to complement existing planning instruments such as development control plans and local approvals policies, and regulatory powers that are available to local government under the *Local Government Act 1993* and *Protection of the Environment Operations Act 1997*. If a council chooses not to be listed in the Schedule, the general Regulation requirements apply. A similar approach is currently used to control open burning in NSW.

This overall approach and regulatory framework is supported by the results of the economic assessment and feedback from local government and other stakeholders that the EPA received during its consultation on the discussion paper *Wood Smoke discussion paper* in 2013.

5. How do councils nominate their areas on the Schedule of the Regulation?

During this consultation period councils can decide if they want to be included in the new Schedule and what locations of their local government area the control measures should apply to. If a council decides that restrictions on installation of certain types of heaters would apply in designated areas, such locations can be defined as a list of precincts, a map, types of zoning or allotment sizes.

To become included in the Schedule of the Regulation councils must provide a written submission to the EPA by **Friday 15 May 2015** with the following information:

- the Part(s) of the Schedule that the council area is to be listed in; and
- the nominated designated areas where Part(s) of the Schedule would apply.

At the end of consultation period the draft Regulation will be amended to include councils that choose the additional control in the Schedule. Once the Regulation is finalised, it will be published in the Government Gazette. The new framework will come into force on 1 September 2016.

6. What if councils don't nominate their areas by the end of consultation period?

Nominating an area by the end of consultation period (Friday 15 May 2015) would be the easiest and quickest method for councils because they can combine their community consultation with the EPA's consultation process and start putting procedures in place to implement the Schedule in their local government area when the new framework commences on 1 September 2016.

Councils can nominate their area at a later date if they are unable to do so during the consultation period by writing to the EPA. Placement and subsequent amendment of the Schedule is subject to the approval of the Minister for the Environment.

7. What if councils decide not to nominate their areas on the new Schedule?

Nominating and listing local government areas on the new Schedule is voluntary. If a council decides not to list their area on the new Schedule, then the general Regulation amendment would apply when it commences.

8. How will the State Government support new wood smoke controls if they are adopted?

The EPA will facilitate the listing of local councils in the new Schedule either during the consultation period or at a later date. The EPA will also continue supporting local government by providing education material and advice.

9. How to make a submission?

Submissions can be made by printing and completing the PDF submission form available at <http://www.epa.nsw.gov.au/woodsmoke/WoodSmokeOptions.htm> and –

- emailing it to woodsmoke.reduction@epa.nsw.gov.au, or
- faxing it to (02) 9995 5938, or
- mailing it to –

Principal Air Programs Officer
Air Policy and Programs Unit
Environment Protection Authority
PO Box A290
Sydney South NSW 1232

10. When does the consultation period end?

The consultation period will close at **5.00pm, Friday, 15 May 2015**.

ATTACHMENT 2

Number	Submission summary	Council response to submission
1	Wood heaters are not only used in winter	Wood heaters are permitted to be used year round. The only restriction would be on declaration of no burn days due to extreme (hot) weather conditions.
	Why is council going to the expense of education and replacement of heaters and cleaning of chimneys?	The education, replacement and chimney cleaning incentives were initiated as part of the grant funded 2014 Wood Smoke Reduction Program. These components will continue as they are proactive and involve the community in positive and constructive activities which progress air quality within Pittwater.
	Sydney experiences an elevated level of mortality and ill health due to air pollution, which is largely caused by wood smoke.	Noted
	Houses with existing wood fires should be forced to replace them with the 2014 standard or remove them altogether.	It is not the Council's or the NSW EPA's intention to force homeowners to replace wood heaters. However, Council will continue to offer the cash incentive program to replace existing wood heaters in an effort to phase out existing wood heaters.
	No new houses should be built with chimneys and wood fires should be eventually phased out altogether.	The draft Wood Smoke Reduction Policy currently bans the installation of open fireplaces. It is intended that the regulation of other forms of indoor wood heating appliances within Pittwater align with the proposed changes to the NSW EPA <i>Protection of the Environment (Clean Air) Regulation 2010</i> as discussed in this report.
	The government should spend the money on clean energy.	Council's draft policy does encourage households to participate in a cash incentive program to replace existing non-complying solid fuel heating appliances with alternative forms of heating.
	Council should consider banning all wood smoke outright.	The draft Wood Smoke Reduction Policy currently bans the installation of open fireplaces however it is intended that other forms of indoor solid fuel wood heating appliances be regulated rather than banned. Wood smoke complaints will continue to be actioned and enforced in accordance with Council's Compliance Enforcement and Orders Policy no. 179.
2	Health impacts are serious.	Noted.
	People use heaters to burn all sorts of things in summer as they used to in backyard furnaces.	Incorrectly operated wood fires are more likely to cause wood smoke related impacts. Additional education messaging will be implemented to promote awareness of the concerns.
	Council has an opportunity to lead on this issue and not wait given the level of scientific information available.	As discussed within the report the proposed changes to the <i>Protection of the Environment (Clean Air) Regulation 2010</i> will provide Council with the opportunity to fast track the implementation of the Australian Standard efficiency and emission factors three years ahead of the previously scheduled time.
	With the price of gas expected to drop considerably, perhaps now is the time to try persuade those residents within Pittwater still burning wood heaters to accept your offer of financial help towards changing their mode of heating (to gas) before the weather turns cooler! It could save many other residents from contracting preventable disease. Replace residents' wood heaters with gas heaters, once and for all.	Noted – the cash incentive program is intended to be implement year round. At this point in time gas is not available throughout the entire Pittwater local government area and therefore a number of alternate forms of heating options are available to households that participate in the wood smoke cash incentive program.

Number	Submission summary	Council response to submission
	Ban any further installations of wood heaters within Pittwater Council area.	Noted – discussed above.
	If you want to do something which would have a positive result on people's health in realistic terms, you will have to ban wood fires - as you did backyard burning last century, which of course you know was exactly the same occurring outdoors instead of inside the home - initially from topographically sensitive areas and gradually phase it out altogether.	Noted – discussed above.
3	Concern that the exhibition period occurred during summer months.	The public consultation period occurred immediately following the report to Council which advised of the conclusion of the 2014 Wood Smoke Reduction Program and considered adopting a draft wood smoke reduction policy. The exhibition period occurred from 18 December 2014 to 27 February 2015. The extended length of time for exhibition was provided due to the Christmas and new year period.
	The emphasis of the Wood Smoke Reduction Program was on education and awareness. There is no evidence that this is the most effective tool to tackle the problem.	The intention of the 2014 wood smoke reduction program was to educate the community and raise awareness. The feedback received subsequent to the program and exhibition of the draft policy have assisted in guiding the response to the new NSW EPA regulations and enhancing the final policy of which both will be used to assist future enforcement processes.
	It is unclear how the policy will achieve its objectives. It falls well short of providing solutions that are not already available to council in existing legislation, standards and policies.	A local wood smoke reduction policy has never previously been adopted within Pittwater. The intent of the policy is to establish and reinforce the requirement for application of the applicable legislation, standards and policies.
	How does council enforce this standard?	Where applicable, the policy can be enforced through Council's Enforcement and Orders Policy number 179.
	How often does council test for particulate matter? When was the last test conducted by council, and what was the result? If council does not test for particulate matter, how does it matter what the ratio is, and what is to be gained by changing the ratio?	Applicable particulate matters are identified within the Australia Standards relevant to solid fuel heating appliances. The testing regime is conducted during the manufacturing of the wood heating appliances. The installed wood heating appliances are required to be marked / stamped with evidence of compliance with the applicable Australian Standards. Council relies on this evidence and separate appliance emission and particulate testing regimes are not conducted by Council.
	That many residents do not know or care how to make a good fire, despite available education and awareness is a problem.	Noted – alternate forms of education messaging and promotion of information will be considered to address this issue.
	It is to be hoped that the policy can be strengthened so that it can make meaningful change.	As discussed within the report the policy will be strengthened to incorporate appropriate amendments as a result of the responses to the public exhibition, proposed changes to the <i>Protection of the Environment (Clean Air) Regulation 2010</i> and the internal business unit review of the application/approval processes.
	Wood smoke contains a toxic combination of visible and invisible components known to cause health impacts in humans. Policy to make it clear that solid fuel burning fires, heaters or stoves emit toxic pollutants that are injurious to human health.	Noted - Further consideration will be given to amending the policy to incorporate relevant health educational messaging.

Number	Submission summary	Council response to submission
4	Request that the policy be titled <i>Air Pollution Policy that covers Emissions from Burning Wood and other Solid Fuels</i>	The title Wood Smoke Reduction Policy derived from the NSW EPA 2014 Wood Smoke Reduction Program. Further consideration will be given to amending the name of the policy.
	Seek a ban on the installation/use of solid fuel heaters in urban built up areas.	Noted – discussed above. The proposed changes to the <i>Protection of the Environment (Clean Air) Regulation 2010</i> and the policy are intended to be adopted across the entire local government area.
	Seeks a prohibition on the burning of any solid fuels for home heating, cooking or recreational activities and open fireplaces in urban built up areas	Home heating will be regulated through the proposed changes to the <i>Protection of the Environment (Clean Air) Regulation 2010</i> and the wood smoke reduction policy. The installation and use of outdoor cooking and recreational solid fuel appliances such as pizza ovens and chimineas are not banned by the NSW EPA and it is not Councils intention to consider a local ban on these activities.
	Australian Standard compliant heaters are the problem – not the solution	For some households wood heating may be the only heating option available. The recommendations of this report will take Council to the forefront of imposing greater wood smoke related controls which align with NSW EPA efficiency and emission targets.
	The draft Wood Smoke policy may encourage the installation of new polluting wood heaters and should be framed so that it actively discourages the installation of any new wood burners and encourages the closure of existing ones.	Noted - Further consideration will be given to amending the current wording of the draft policy.
	Seeks the requirement for a Development Application (DA) for the installation or relocation of any solid fuel heaters. The DA assessment process is to include a pre-installation checklist.	Development consent is currently required for building works relating to the installation of a new solid fuel heating appliance. However, as discussed within the report an internal business unit review will be undertaken to strengthen the Environmental Planning & Assessment Act and Local Government Act application/approval processes. A pre-installation checklist has been adopted by a number of NSW Councils and implementation will be considered during the review.
	Certification documents to be completed by a registered installer who must confirm that the PM2.5 particle emissions of the proposed heater Are certified as being less than 1.0kg of fuel burnt and that the efficiency is greater than 68% when tested in accordance with AS4013, 1990, in the previous 12 months. The installer must also confirm that the flue will rise to at least 1.0m above the ridge line of any structure within 20m of that flue and that the installation will otherwise comply with AS2918.2001 and, in particular, the BCA ref. AS2918 cl.4.9.1(f) – “penetration of flue gases through...”	The final policy will implement current Building Code of Australia, Australian Standards and other NSW EPA related guidelines. Imposing measures or controls that are above and beyond the limits of these documents may not have the prospect of successfully withstanding a legal appeal process.
	Existing solid fuel burning fires or heaters that are subject to a complaint from a neighbour, claiming that emissions (either visible or odour causing) are entering their property in breach of the Building Code of Australia may be required to modify their heating appliance, its flue or its location or cease burning.	Where applicable, action can be enforced through Council's Enforcement and Orders Policy number 179.
	Prior to the sale of a premises sold fuel burning appliances are to be removed and the new owner advised not to re-install a new/replacement solid fuel wood heating appliance	The NSW EPA and Council are not intending to implement a blanket forced removal of wood heaters. The forced removal may be imposed where sufficient evidence of a pollution incident was occurring and necessary compliance action was required in accordance with Council's Enforcement and Orders Policy.

Number	Submission summary	Council response to submission
	Council continue to offer cash incentives to replace solid fuel burning with eligible heating appliances using alternative forms of energy, up 1 April 2020.	Noted – discussed above.
	No new wood heaters be installed in areas such as the Warriewood Valley Land Release area.	Noted – discussed above.
5	Cleaner forms of heating should be encouraged wherever possible.	Noted – discussed above.
	The definition of excessive smoke be amended to include fumes and odours.	The definition of excessive smoke is contained within state wide legislation. The NSW EPA are the appropriate regulatory authority to consider and act on amendments to wording.
	More education is needed to inform residents reasons why chimneys need to be cleaned, maintained and materials that should and should not be used to burn.	Noted - Additional education messaging will be implemented to promote awareness of the concerns.
	Concerned to learn that Pittwater Council is apparently not intending to lessen the health burden on residents adversely impacted by domestic wood heating emissions and will continue to permit wood heaters which meet the Australian Standard to be operated. Tinkering at the edges with emission levels does not overcome this serious public health hazard. There is no known safe level of exposure to domestic wood heating emissions.	Noted
	Would you please advise what legal loophole permits Councils to continue to approve wood heaters despite the serious consequences on the health and lifestyle of so many innocent victims of this major public health hazard	The NSW EPA does not legislate a ban on solid fuel wood heating appliances.
6	There are so many aspects of wood heater use which are dependent on individual operator use.	Noted - Additional education messaging will be implemented to promote awareness of the concerns.
	Would like support the wood smoke reduction policy for the following reasons: <ul style="list-style-type: none"> During the winter period, the smoke from next door has been so thick that it has set off our smoke detectors inside our house. We have two daughters that suffer from asthma which is always exacerbated from the continuous smoke. I am often bringing loads of washing in, well before it is dry due to smoke blowing across our clothes line. Our 80 year old neighbour complains to me but is too shy to complain to our neighbour regarding the smoke in her house. <ul style="list-style-type: none"> Our house is regularly washed down due to black smoke residue settling on our house. 	Noted
	Wood smoke fireplaces are a very selfish form of heating, you get all the heat, the neighbourhood gets all the pollution.	Noted
7	Solid fuel burning (ie of wood and charcoal) is now recognised by leading world authorities as being one of the leading causes of cancer and disease in humans. It is time that the legislation caught up with the science with a serious and progressive phasing out of all forms of wood and solid fuel burning particularly in built up urban areas. Ban totally the use of all solid fuels for burning fires in urban areas over a period of time, ie over the next four years. It is not only the smoke you <i>can</i> see in the atmosphere that presents a problem but the 'smoke' that you <i>cannot</i> see that is the real concern regarding damage to human health. The installation of new wood heaters must be stopped. The phasing out of all existing wood heaters should be encouraged.	Noted – discussed above.

Number	Submission summary	Council response to submission
	All forms of solid fuel burning, wood heaters, outdoor fire pits, chimineas, pizza ovens and backyard wood burning barbecues should be banned.	Noted – discussed above.
	Three measures should be put in place: 1) not permitting the installation of new wood heaters (until a health-based emissions standard has been developed); 2) requiring existing heaters to be removed before houses are sold; and 3) annual licence fees to fund education programs and assist neighbours whose health or lifestyle is adversely affected by a neighbour's smoke.	The issues regarding ban on installation and requiring existing heaters to be removed before houses are sold are discussed above. At a meeting on 1 December 2014 Council adopted the implementation of an ongoing wood smoke reduction related education program. Residents that lodge applications to install new solid fuel wood heating appliances are required to pay application/approval fees however the implementation of annual licence fees is not currently adopted within legislation.
8	Following the mail-out of brochures with rate notices last May (2014), I continued to observe the same smoking chimneys throughout winter. Continued effort to attract public attention will be required and I urge Council to persevere with this aim in the interests of public health and long – term environmental benefit.	Noted
9	Wood smoke from a chimney will rise vertically in perfect conditions without wind as the natural laws of physics dictates that hot air rises and cooler air will be drawn in. We rarely experience these perfect conditions in particular in coastal Australia. The prediction of smoke from wood fires is impossible due to the turbulence created by the rising air from varying temperatures in the ocean and Pittwater to the surrounding land masses.	Noted
	Chimneys within a 50m radius of windows or open living space such as a veranda, carport or similar habitable structure, shall have a height of no less than 2m above the eaves of the house.	As discussed above the final policy will implement current Building Code of Australia, Australian Standards and other NSW EPA related guidelines.
	Chimneys should be cleaned annually, certification provided to Council and a penalty applied to any homeowner that does not comply. This process should follow the general guidelines that are currently in place for the annual fire certification in buildings.	The cash incentive program aims to encourage all households in Pittwater to participate in a chimney cleaning program which requires that evidence of appropriate cleaning be provided to Council.
	Firepits, incinerators and similar ground located combustion devices should only be accepted if they are positioned 2m above the eaves of a house within a 75m radius.	Steep terrain would not permit the use of these appliances, in the requested manner, within many localities of Pittwater. However, residents are required to comply with setbacks that comply with the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> regarding the installation of these outdoor recreational appliances.
10	Recommend: (i) not allowing new wood heaters to be installed. (ii) phasing out of older models in urban areas. (iii) requiring existing heaters to be removed before houses are sold. (iv) annual licence fees to fund education programs and assist neighbours whose health or lifestyle is adversely affected by other people's wood smoke.	Noted – discussed above.
	The AS/NZS 4013:2014 test does not reflect real-life emissions and was set by the wood heating industry not independent health experts.	The Australian Standards are accepted by the NSW EPA as the appropriate form of measuring wood smoke emissions and efficiency controls.
	Pittwater Council should follow the recommendation of health experts, and the example of Waverley and Holroyd councils and the Oran Park and Turner Rd growth precincts, by not allowing new wood heaters to be installed.	Noted – discussed above.

Number	Submission summary	Council response to submission
	Proposed policy lacks details about the resolve complaints when residents' health or lifestyle are affected by a neighbour's wood smoke emissions.	Actions are implemented in accordance with the Council Enforcement and Orders Policy.
	Will neighbours be consulted before the installation of new wood heaters is approved?	Neighbourhood notification is currently undertaken by the Planning & Assessment business unit as part of the Development Application assessment process.
	Pittwater's consultation is inadequate because of inadequacy of background information.	Links to additional background information can be found on Councils wood smoke website.
	The policy should include effective health messages regarding the dangers of wood heaters. Too few people know and understand the health effects and costs of woodsmoke and pollution.	Noted – discussed above.
	A small and limited reduction in ambient smoke pollution is not a credible policy for the assessment and determination of installations, nor is it credible policy for the assessment and determination of complaints. Only credible policy for these matters is to ban wood heaters in urban areas.	Noted.
11	The smoke measurements proposed in your policy, based on a visual observation, might well be a better-than-nothing effort for smoke reduction, but are hardly credible for assessment or determination for installation or complaints. The worst concentrations are often in the evening or at night when no visual observation can even be made. There are recognised instruments for the measurement of PM in Australia. The measurement method proposed in your policy is not on the list and would never be accepted as it is not scientifically sound.	Other forms of non-visual measurements are discussed within the report.
	Council should ban new woodstove installations and phase out existing installed wood burners. Recommend the fairest thing to do is a complete ban on all solid fuel burning without exception. Failing a full ban as soon as someone makes a complaint about a wood burner then the wood burner should be removed.	Noted – discussed above.
12	Ban new installations of wood heaters so that the problem does not keep perpetrating itself.	Noted – discussed above.
	Whilst you should keep offering incentives to trade in existing wood heaters for non-polluting forms of heating, no rebate should be offered (even for low-income users) for trading in an old wood heater for a more modern model since current models still emit health-damaging levels of pollution.	Noted
13	In many ways, wood smoke is worse than cigarette smoke not just because of its greater toxicity but because the damage is inflicted not on the user but over a wide range of people in the neighbourhood who have absolutely no control over it.	Noted
14	There should be more emphasis on the need to transition to cleaner energy solutions. This requires providing better information on the adverse health effects of wood smoke, as well as information on new technology such as efficient reverse-cycle heating (heat pumps).	Noted – discussed above.
	The policy has to put the right to clean air first and foremost. The first statement in the policy should be the Council's commitment to air quality.	Noted - Further consideration will be given to amending the policy to incorporate relevant messaging.
	Council should impose its own stricter standard locally, to effect that no new wood heaters can be installed. The policy should also include provision for the removal of smoky wood heaters for example when houses are sold.	Noted – discussed above.
	The education program needs to be revised with more up-to-date information and warnings on the health effects of installing a wood heater.	Noted – discussed above.

C11.4	Minutes of the Inaugural Dog Control Policy No 30 Review Working Group Meeting of 15 April 2015
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Meeting: Leading and Learning Committee

Date: 18 May 2015

COMMUNITY STRATEGIC PLAN STRATEGY: Recreation Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To provide a diverse range of accessible recreational opportunities and associated facilities for a broad range of ages, abilities and interests

DELIVERY PROGRAM ACTION:

- Provide planning, design, investigation and management of recreational facilities
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

In December 2014 Council resolved to form a Dog Control Policy Review Working Group (The Working Group) to undertake an in-depth review of Council's current Dog Control Policy No 30 in accordance with its objective "To provide effective dog control in leashed and unleashed areas in the Pittwater Local Government Area" in accordance with the Companion Animals Act 1998.

The Working Group is to consider including in the policy effective education measures, compliance control, asset maintenance, signage and the adequacies of all the current dog areas in Pittwater LGA to meet the current and future dog population.

2.0 RECOMMENDATION

That the Minutes of the Inaugural Dog Control Policy Review Working Group first meeting from 15 April 2015 be noted.

3.0 BACKGROUND

3.1 PURPOSE

To advise Council of the Minutes of the Inaugural Dog Control Policy Review Working Group first meeting of 15 April 2015.

3.2 BACKGROUND

Council, at its meeting of 1 December 2014 resolved to form a Working Group with the purpose of reviewing Council Dog Control Policy No.30 in accordance with its objective.

After an extensive EOI process the Working Group was established and the first meeting was held on Wednesday 15 April 2015. Part of the accepted Charter was the requirement for meeting minutes to be presented to Council.

3.3 POLICY IMPLICATIONS

The Working Group was established to review Dog Control Policy No 30.

3.4 RELATED LEGISLATION

This report has not been prompted by a legislative requirement.

3.5 FINANCIAL ISSUES

3.5.1 Budget

- Staffing and venue hire costs for the Dog Control Policy Review Working Group are absorbed in existing operational budgets.
- Recommendations from the Dog Control Policy Review Working Group, if adopted by Council, may have a financial impact on Council's budget and would need to be considered as part of Council's Delivery Plan and budget process.

3.5.2 Resources Implications

- Three Councillors and four Council staff representatives participate in each working group meeting.

4.0 KEY ISSUES

Charter

The working group discussed parts of the proposed Charter, relating to proxy voting and attendance. The following changes were noted

- Councillors will be permitted to have a proxy Councillor from the same ward attend on their behalf in the event they are unavailable for the meeting.
- Alternate representatives from Council and non-government organisations are permitted to attend as a proxy.
- A Motion for the use of a resident proxy to be investigated from the priority list from the original EOI process in accordance with the rankings was discussed.
- The four residents agreed to give their proxy to another resident member of the committee rather than select another person.

General Business

- The current condition and possible opportunities for improvements of Council's current Unleashed Dog Exercise Areas was discussed, with consideration of the proposed costs to upgrade Careel Bay, Rowland Reserve and Progress Park.
- Les Munn is to provide the Working Group with a list of open space areas with the following criteria:
 - Over 2000 m²
 - Fairly flat
 - Not closely located to play grounds
 - Accessible parking
 - RE1 Zoning
 - Consideration of natural environment
 - POM approved under the LG Act and Crown Land Act
- Discussion of the Dog Control Policy No 30 was held over to the next meeting.

5.0 ATTACHMENTS / TABLED DOCUMENTS

- a. Draft Minutes – Inaugural Dog Control Policy Review Working Group Meeting - 15 April 2015 (**Refer Attachment 1**)
 - b. Agenda – Inaugural Dog Control Policy Review Working Group Meeting - 15 April 2015 (**Refer Attachment 2**)
-

6.0 SUSTAINABILITY ASSESSMENT

A sustainability assessment is not required for the minutes of the subject meeting.

Report prepared by
Jessica Brealey – Reserves and Recreation Officer

Les Munn
MANAGER, RESERVES & RECREATION

MINUTES

DOG CONTROL POLICY REVIEW WORKING GROUP MEETING

Date / Time:	Wednesday 15th April 2015, commencing at 4.08pm
Attendees:	Cr Ian White (Chairperson & Central Ward); Cr Selena Griffith (South Ward); Cr Kay Millar (North Ward); Mr Nick Savage; Ms Aisling McDermott; Mr Martin McCallum; Ms Penny Dalzell; Ms Marita Macrae; Ms Sherry Martin; Mr Mark Beharrell; Mr Les Munn; Ms Jennifer Pang & Mr Darren Greenow (stand-in for Jeff Lofts).
Minuted By:	Ros Lindsay

Particulars	Action
1.0 Welcome	
2.0 Apologies	
Mr Jeff Lofts	
3.0 Declaration of Pecuniary Interest	
All committee members declared being a dog owner except for LM, MB & RL	
4.0 Background	
LM discussed the background information provided in the agenda and outlined how and why the Working Party was formed at the request of Council. The objective of the working group is to review council Policy 30 – Dog Control, in accordance with its objective “To provide effective dog control in leashed and unleashed areas in the Pittwater Local Government Area” in accordance with the Companion Animals Act 1998. The working group is to consider including in the policy, effective education measures, compliance control, asset maintenance, signage and the adequacies of all the current dog areas in Pittwater LGA to meet the current and future dog population.	
5.0 Charter	
MMc began the discussion with a request that residents be able to put forward a proxy for meetings they cannot attend. IW motioned that alternate members from organisations are ok to attend as a proxy. Seconded SG. Motion Carried. KM motioned that councillors have a proxy from the same ward. Seconded IW. Motion Carried. MMc motioned that the use of a resident proxy be investigated from the priority list from the original EOI process in accordance with the rankings. AM motioned that the 4 residents agree to give their proxy to another member of the committee rather than select another person. Residents will swap contact details & keep each other up to date in the case of absence. Seconded NS. Motion Carried.	LM to update the Charter with these changes.

6.0 Review of Council Policy No.30	
<p>KM suggested the incorrect version of this policy was attached. An update was created in 2013. Policy review was held over for next meeting.</p> <p>Group requested that a copy of the Companion Animals Act and Council Policy 30 – Companion Animal Population be distributed also.</p>	LM to distribute copies of the listed policies to the group.
7.0 Schedule of Meetings	
<p>The group discussed that the stringent recruitment process for the working party was based around attendees being available on Tuesday's from 4-6pm and some had shuffled other commitments for the first meeting, being held on a Wednesday.</p> <p>The group was unable to come to an agreeable day of the week that suited everyone. Tuesday's suited all group members with the exception of SG.</p> <p>IW accepted Tuesday's currently in order to move forward; however the item needs to be further reviewed.</p>	LM to add item to next meeting agenda.
8.0 General Business	
<p>8.1 IW suggested the group begin with discussing the current condition of Council's present Unleashed Exercise Areas (UEA's) and possible improvement works to be done, with a request that LM prepare a list of other possible sites to review for the next meeting, particularly in the North Ward.</p> <p>8.2 MB discussed criteria for selecting areas: open space over 2000m² and fairly flat, not near play grounds, accessible parking, RE1 zoning, consideration of the natural environment, and approved under the POM. MB mentioned that there are also other acts that need to be considered such as the Crown Land Act etc.</p> <p>8.3 MMc advised that Governor Philip Park & North Palm Beach already allowed for dogs in the POM. MMc Suggested a timeshared use could be considered.</p> <p>8.4 MMc requests that an education policy be part of the groups objectives when considering UEA's, particularly if beaches opened up for use.</p>	<p>LM to create list of possible UEA sites in Pittwater.</p> <p>LM to check POM.</p>

Review of Current Unleashed Dog Exercise Area's

➤ Deep Creek Reserve, Narrabeen – Dog Training Area (fenced area only):

Issues –

- Perfect UEA for dogs in terms of space.
- Leash free is for dog training only.
- Manly and District Kennel and Dog Training Club operate on Thurs, Sat & Sun mornings – grounds are not open for public use during these times, however, happy for them to be used outside these times.
- Dog training during these times must be done as a member of the club.
- Club often has public users run straight through the middle of the class despite signage, boundaries set & equipment in place.
- Area can be unsafe for owners and dogs at times.
- Proximity to new Narrabeen Lagoon trail presents new issues to area.
- Reserve is surrounded on 3 sides by natural bushland which means it is not desirable to encourage unleashed dogs in this area.
- Creek bank areas are also used by picnickers, therefore also undesirable to have unleashed dogs in this area.

Opportunities –

- Unleashed outside Club times (1pm onwards) in the fenced area.
- Possible timed access/shared use signage; clearer signage needed.

➤ **Hitchcock Park, Careel Bay:**

Issues –

- Danger of dogs running onto Barrenjoey Rd
- Too many trees/shrubbery, giving constant shade, resulting in grass unable to grow properly.
- Not a nice place to socialise in the current state, lack of amenities.
- Land space is wasted due to too much scrub, could be more room.
- Dogs run from car park past playing fields which generates complaints

Opportunities –

- Remove native hibiscus which will open up running area.
- Move car park further along Etrial St away from Barrenjoey Rd
- Separation from Careel Bay Wetlands
- Extension of Careel Bay boardwalk

Note – Original report to Council allows for \$62,500 to be spent on fencing, signage, furniture, water stations & vegetation removal at Hitchcock Park.

➤ **Progress Park, Narrabeen:**

Issues –

- Dangerous off lead with dogs chasing near busy road.
- Parking issues near Jackson Rd end, often full, however there is a car park at Namona St that could be used.
- Lots of families who use the park have requested fencing.
- Creek area is not suitable for swimming as there have been a number of sting ray attacks.
- No water testing has been done recently so quality of water is unknown.

Opportunities –

- Create timed parking near Jackson Rd
- Use reserve on other side of the creek to make a bigger area.
- Add amenities such as seats, taps.

Note – Original report to Council allows for \$16,000 to be spent on fencing, signage & furniture at Progress Park.

➤ **Rowland Reserve, Bayview:**

Issues –

- Heavily used by both residents and out of area visitors.

➤ **South Mona Vale Headland Reserve:**

Issues –

- Difficulty parking due to proximity to hospital and currently worse with temporary hospital building works.
- More seating & taps needed.

Opportunities –

- Extend onto beach with timed access arrangements.
- Proposed walking track from reserve to Golf Ave to extend area. This presents opportunities for a separate bicycle track also, however all dependant on grant funding.

➤ **Dearin Reserve, Newport:**

Issues –

- Water access is too dangerous for dogs with oysters, mangroves & rocks etc.
- Post & rail to mark safe perimeter for dogs is no longer there.
- Grass is often long and ticks heavily prevalent.

Opportunities –

- Area is underutilised due to location and topography.

➤ **Mackerel Beach:**

Issues –

- Residents complain the people book weekenders so they can take their dogs to roam free regardless of restrictions.
- Is an unleashed area here really necessary, barely any residents left?

Opportunities –

- Change opening times.
- Move area to southern side of the wharf. Residents might not be keen but moves area away from National Park and larger area.

➤ **McCarrs Creek (Trial Area):**

Issues –

- Formalising trial period to official area might take load off Rowland Reserve.
- Close to National Park, needs a dog proof fence.

Opportunities –

- Currently working well as a trial area, no need to formalise at this stage.
- No complaints received by Reserves & Recreation Department.
- Out of the way area so volume is low usage.

Agenda

Dog Control Policy Review Working Group

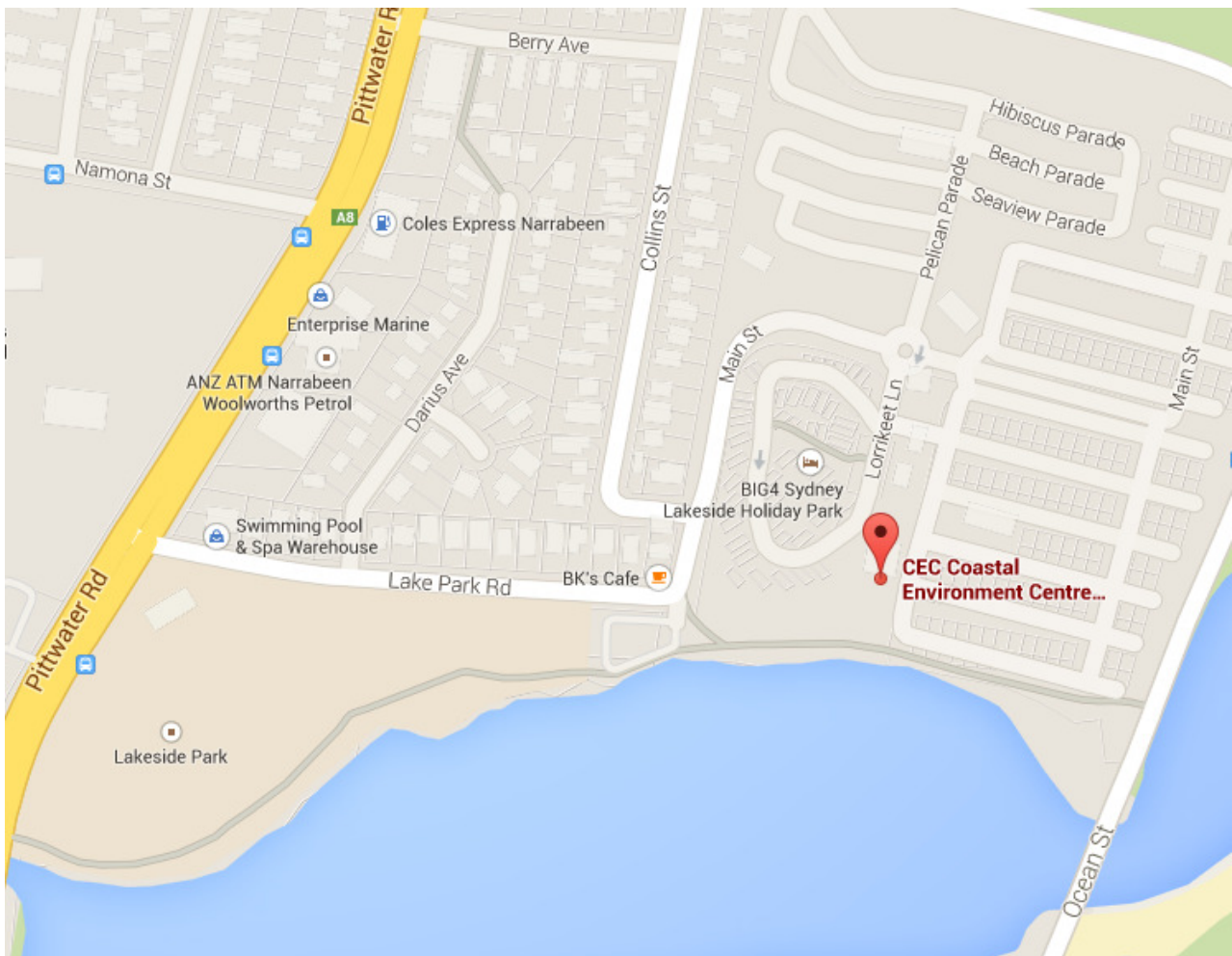
Notice is hereby given that a Dog Control Policy Review Working Group meeting will be held at the Coastal Environment Centre, Lake Park Road, North Narrabeen on

15 April 2015

Commencing at 4:00pm for the purpose of considering the items included on the Agenda.

Les Munn
MANAGER – RESERVES AND RECREATION

Location of Coastal Environment Centre



**All Pittwater Councils Agenda and Minutes are
available on Pittwater's website at
www.pittwater.nsw.gov.au**

Members of the Working Group namely

Pittwater Council Members

Cr Ian White (Chairperson and Central Ward)
Cr Selena Griffith (South Ward)
Cr Kay Millar (North Ward)

Resident Representatives

Mr Nick Savage
Ms Aisling McDermott
Mr Martin McCallum
Ms Penny Dalzell

Council Representatives

Manager, Natural Environment and Education
Manager, Catchment and Climate Change
Manager, Reserves and Recreation
Manager, Environmental Compliance and Waste

And the following Non-Government Organisations

Pittwater Natural Heritage Association (Marita Macrae)
Manly and District Kennel and Dog Training Club (Sherry Martin)

are requested to be in attendance.

Dog Control Policy Review Working Group

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1.0 Welcome

2.0 Apologies

Apologies must be received and accepted from absent Members and leave of absence from the Dog Control Policy Review Working Group meeting must be granted.

Apologies received for this meeting from Martin McCullum.

3.0 Declarations of Pecuniary Interest

Working Group Members are advised of the following definitions of a "pecuniary" or "conflict" of interest for their assistance:

* Section 442 of the Local Government Act, 1993 states that a "pecuniary" interest is as follows:

"(1) [Pecuniary interest] A Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

(2) [Remoteness] A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter."

Members should reference the Local Government Act, 1993 for detailed provisions relating to pecuniary interests.

* Council's Code of Conduct states that a "conflict of interest" exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

4.0 Background

In June 2014, Michelle Myers, from the newly formed group of residents named 'Pittwater Unleashed' approached the Mayor with a proposal to allow a trial for exercising unleashed dogs on Pittwater beaches. At the Council meeting on 21 July, Ms Judith Davie addressed the Meeting regarding Pittwater Unleashed's dog related issues.

At the Council meeting on 18 August, a Notice of Motion was submitted by Cr White that Council staff review the Pittwater Unleashed proposal and report back to Council in November 2014.

Council staff then researched the approach taken by other metropolitan Councils with regards to dog access to beaches and also the possibility of introducing such a proposal in Pittwater.

A report was presented to Council on 17 November 2014 (refer Attachment 1) where Council was unable to make a decision.

Following a successful Notice of Motion by Cr Grace on 1 December 2014 (refer Attachment 2), a Resolution was made by Council (refer Attachment 3) to form a working party with the purpose of reviewing Council Dog Control Policy No.30 in accordance with its objective.

Nominations for the dog control policy review working group closed Sunday 15 February 2015. There was a high level of interest with 48 nominations received (seven on behalf of non-government organisations and 41 residents). The successful applicants were determined through a robust EOI process established by the Community Engagement Officer and undertaken by the Mayor and General Manager.

The evaluation took into consideration the following criteria:

- Availability, age, gender, residential status and location, interests
- Technical qualifications
- Local experience
- Ability to work collaboratively
- Promotion and sharing of the activities with the wider community.

All applicants were notified of the outcome of their application by email.

A working group was established comprising of the following members:

Pittwater Councillors

Cr Ian White
Cr Selena Griffith
Cr Kay Millar

Council Representatives

Manager Natural Environment & Education
Manager Catchment & Climate Change
Manager Reserves & Recreation
Manager Environmental Compliance & Waste

Resident Representatives

Mr Nick Savage
Ms Aisling McDermott
Mr Martin McCallum
Ms Penny Dalzell

Non-Government Organisations

Pittwater Natural Heritage Association (Marita Macrae)
Manly and District Kennel and Dog Training Club
(Sherry Martin)

5.0 Charter

Dog Control Policy Review Working Group

Established:	1 December 2014
Function:	Pittwater Council resolved at its meeting 1 December 2014 to establish a working group of review Policy 30 – Dog Control. The working group objective is to review council Policy No.30 - Dog Control in accordance with its objective “To provide effective dog control in leashed and unleashed areas in the Pittwater Local Government Area” in accordance with the Companion Animals Act 1998. The working group is to consider including in the policy effective education measures, compliance control, asset maintenance, signage and the adequacies of all the current dog areas in Pittwater LGA to meet the current and future dog population.
Administration:	This Working Group is administered by Pittwater Council’s Reserves and Recreation Business Unit.
Composition/ Membership:	<p>Voting:</p> <ul style="list-style-type: none"> • Three (3) Pittwater Councillors • Four (4) Pittwater Residents • Four (4) Council Representatives • Two (2) Non- Government Organisation Representatives <p>*Councillors will not be able to nominate an alternate and if they are not available for a meeting they will be minuted as an apology. In the case of unavailability of the Chair, the Mayor will fill this role.</p>
Quorum:	Seven (7) members of the working group including at least one (1) councillor and two (2) community representatives.
Reporting Procedures:	Minutes of working group meetings to be reported to Council for consideration as required.
Responsible Business Unit:	Reserves and Recreation
Meetings:	To be determined at the first working group meeting.
Council Members Appointed:	<p>Cr Ian White (Chairperson and Central ward)</p> <p>Cr Kay Miller (South ward)</p> <p>Cr Selena Griffith (North ward)</p>

6.0 Review of Council Dog Control Policy No.30 (refer Attachment 4)

Consideration of the following suggestions to be included in the Policy:

- Effective education measures
 - Compliance control
 - Asset maintenance
 - Signage
 - Adequacies of all current dog areas to meet current and future needs
-

7.0 Schedule of Meetings

In order to avoid conflicting with Council meetings or Community Reference Group meetings, Tuesday was chosen as the preferred day. This was also preferential for to enable a consistent venue. The proposed timeslot of 4-6pm was chosen to be generally consistent with Council's reference groups and committees as the best compromise between Councillor, staff and community availability. Applicants accepted positions based on the advice meetings would generally be held 2nd Tuesday of the month, monthly for 6 months and between 4-6pm.

8.0 General Business

C11.3 Response to Pittwater Unleashed

Meeting: Leading and Learning Committee

Date: 17 November 2014

STRATEGY: Recreational Management

ACTION: Respond to a range of community, cultural and social needs

PURPOSE OF REPORT

To respond to Councils adopted Notice of Motion of the meeting August 18, 2014 which requested as follows:

1. *That Council staff review the submission from the "Pittwater Unleashed" group and prepare a report to Council responding to the issues raised and present to Council at the first meeting in November 2014.*
2. *That research into how other coastal metropolitan Councils deal with dog access to beaches be included within the report and develop a framework for best practice.*
3. *Council staff report the condition of both Rowland Reserve and Careel Bay unleashed areas and make recommendations on how to improve the amenity for both dogs and dog owners.*

1.0 BACKGROUND

- 1.1 In June 2014, Michelle Myers, from the newly formed group of residents named 'Pittwater Unleashed' approached the Mayor with a proposal to allow a trial for exercising unleashed dogs on Pittwater beaches.
- 1.2 At the Council meeting on 21 July, Ms Judith Davie addressed the Meeting regarding Pittwater Unleashed dog related issues.
- 1.3 At the Council meeting on 18 August, a Notice of Motion was submitted by Cr White that Council staff review the Pittwater Unleashed proposal and report back to Council in November 2014.
- 1.4 Over the past few months, Council staff have been researching the approach taken by other metropolitan Councils with regards to dog access to beaches and also the possibility of introducing such a proposal in Pittwater.

2.0 ISSUES

2.1 Other Metropolitan Councils with Ocean Beaches

The position taken by other metropolitan Councils with ocean beaches is summarised as follows:

Council areas within Sydney:

Warringah

No dogs are allowed on beaches. Last review was rejected based on environmental and community reasons. No intention to review policy anytime soon. Water access is available at Curl Curl Lagoon.

Manly

No dogs allowed on beaches. To protect wildlife, Manly Council has declared that **dogs are prohibited**, whether or not they are leashed or otherwise controlled on any beaches or in swimming enclosures. Water access (not ocean beach) is available at Manly Lagoon unleashed dog exercise area and Clontarf Reserve leashed with restricted times.

Randwick

No dogs are allowed on beaches under any circumstances.

Waverly

No dogs are allowed on beaches. There are only 3 beaches in the area, all with high volume activity.

Sutherland

Dogs are allowed on 3 beaches with restricted access – Greenhills (Wanda), Horderns and Silver Beach (Foreshore). Greenhills Beach is a less populated stretch of beach, with no facilities for beach users and no patrolled swimming area. A 12 month trial of 24hr access at Wanda was suspended after only 21 days, with time restrictions to be re-instated (4pm–10am) due to two serious dog attacks in the first two weeks at Wanda Beach. Between 1500 - 2000 dogs were present on the beach on each day of the weekend during the suspended trial.

“The trial has been suspended indefinitely for two reasons. The first is due to the irresponsibility of some dog owners who have not adequately trained their dogs or realised the danger their dog presents to the community. This has resulted in two serious dog attacks in eight days. The second reason is the sheer number of dogs that descended on Wanda Beach since the trial began. The media coverage of the trial, while excellent and welcomed at the time, advised Greater Sydney that dogs were welcome on Wanda Beach at any time of day and this encouraged a large number of dog owners to take up this opportunity to exercise and socialise their dogs off leash,” said the Mayor (Sutherland Shire Council Media Release, Tuesday 27 August 2013).

In the short period of the 24hr trial, the following issues were present:

- Uncontrolled dogs, over 180 cautions issued on first Saturday in a ‘leashed’ area
- Dogs in prohibited areas, at least 100 dogs sighted in Sand Dune area
- Dogs off leash in car park
- Dog attacks. Two dog attacks in first eight days of trial
- Dog faeces left on beach
- Bags of dog faeces left tied on fencing and also left in sand dune area
- Contagious disease, skin irritations or parasitic infection
- Joggers chased by dogs
- Surfers having their towels urinated on
- Sheer number of dogs in area
- Limited numbers of Council staff to Police issues

One year on following the 24hr trial suspension at Greenhills, Sutherland Shire Council have reported that there is almost a 50% split in the community satisfaction ie: For and Against. Council believes it has achieved an adequate balance for both users of the community space. However the area has resulted in permanent Council patrols of the area, which results in additional resource pressure. In order to undertake these patrols Council has had to purchase an All-Terrain Vehicle to accommodate the patrols as well as purchasing and installing additional signage, dog and rubbish bins. There have still been a large number of compliance issues in regards to dog behaviour, visitors out of time/area boundaries, and cleaning up, hence the need for constant permanent patrols.

Council areas outside of Sydney:

Gosford

Dogs are allowed on all 9 beaches with restricted access. Under the policy review Off/On Leash Exercise Areas are provided on a section of every geographical beach in the City. Dog owners can access these areas in a responsible manner 24 hours per day, every day of the year.

The policy also sets aside areas on every beach in the City as 'No Dog' areas. This provides for those residents and visitors who wish to have a dog free beach experience.

The combination of beach dog exercise areas and no dog areas provides for recreational opportunities for those seeking contact with dogs and those seeking separation from dogs.

In October 2014, Gosford City Council reviewed its 'Dogs in Open Spaces' policy for the first time in 10 years at a cost of \$60,000. Beach access has largely been left the same as it was with the exception of 2 lagoon areas that are being environmentally assessed. Including reserves, there are 50 off leash areas provided in the Council area. Although this appears to be a very pro dog area there are still a number of complaints received by Council which include:

- Owners not picking up after their dogs on beaches
- Dogs in out of zone areas where they are not allowed
- Dogs urinating on children in an out of zone area
- Wet and sandy dogs shaking off over beachgoers
- Dog attacks, however, a large number of dog attacks tend to go unreported for fear of the area closing down

Rangers have found timed access is difficult to enforce as dog owners claim ignorance or have a complete disregard for the rules and are often hostile. Rangers finish at 6pm in daylight saving and at this time beaches are inundated with people disobeying the rules knowing there is no risk of fines.

With the knowledge the area is dog friendly on the beaches, visitors travel from Hornsby and other Sydney areas on weekends. Complaints are often received when the beaches are closed at times with surf lifesaving carnivals and other events, thus the Council has to do extensive signage and advertising prior to the closure.

Councillors have a difficult time discussing dog issues at Council with over 300 people turning up at meetings. The area is very pro-dog and lots of residents have moved there for that reason. It would be very difficult if Gosford were ever to change their policy, the resistance would make it almost impossible.

Wollongong

Dogs are allowed on most beaches with restricted access using a traffic light system however the 'Dogs on Beaches and Parks Policy' is under review with a shift away from beaches as off leash areas. The public exhibition period closed on 6th October with staff currently preparing a report for Council. Staff received an overwhelming response with approximately 2050 surveys completed including a number of people outside of the LGA in greater Sydney. The majority community feedback was against the proposal, to leave the current beach access as it is.

There were a few reasons underpinning the proposals, which suggest moving away from off-leash areas on beaches to parks. Partly, this reflects that as the City of Wollongong continues to grow so will the competing use of the beach area. It will become more important to provide recreational spaces in parks.

There have also been issues relating to compliance with the zoning system on beaches as well as general compliance with picking up after your dog and having control of your dog. This has led to community complaints. Proposals to assist with better compliance include further education campaigns, increased use of signs and colour coded fencing, along with modification of existing off-leash beach areas.

2.2 Other Councils with Foreshore Reserves

The position taken by other metropolitan Councils with foreshore reserves (not beach) is summarised as follows:

Rockdale

No dogs allowed on beaches. A recent trial for restricted timed access similar to Sutherland was not approved by Council in August 2014. Councillors were concerned about the risks of dog attacks.

Mosman

Unleashed dogs are permitted on the beach and in the water in 4 locations - Sirius Cove, Spit West and Spit East Reserves, and east of the Clifton Gardens jetty. Clifton Gardens was added 18 months ago with no compliance issues to date. Council received many verbal complaints at the time but they weren't prepared to officially lodge them on paper. There are no plans to add any more beaches at this point in time.

Woollahra

Dogs are prohibited on some of Council's Beaches; on others they are permitted on a leash at all times, and on the Rose Bay Foreshore they are permitted unleashed 24hours (this regulation was recently adopted through a Council resolution, December 2013; however they did not review all the dog regulations across the lga).

In regards to the environment, the Sustainability and Environment Team Leader advised that BeachWatch do reports on all the beaches in regards to water quality. The report shows evidence of dog faecal matter; however this environmental evidence did not stop Council permitting dogs off leash on a small section of beach in Rose Bay.

Willoughby

No foreshore access for dogs.

Kogarah

No foreshore access for dogs.

North Sydney

Unleashed dogs are permitted foreshore access with no time restrictions at all 10 bays with numerous reserves at each location – Willoughby Bay, Mosman Bay, Shell Cove, Neutral Bay, Long Bay, Lavender Bay, Berrys Bay, Balls Head Bay, Gore Cove and Careening Cove.

Leichhardt

Unleashed dogs are permitted on 9 reserves with foreshore access, some unrestricted and some with restrictions to time and area. Dogs are prohibited from public bathing and wetland areas.

Canada Bay

Unleashed dogs are permitted on 4 reserves with unrestricted foreshore access and 3 reserves with time restrictions. Dogs are prohibited from public bathing and wetland areas.

Hunters Hill

Unleashed dogs are permitted on 3 reserves with foreshore access with restrictions.

Lane Cove

Unleashed dogs are permitted on 3 reserves with unrestricted foreshore access and 2 reserves with time restrictions.

2.3 Potential areas in Pittwater

Previous areas that have been researched and have been found to be unsuitable are:

Station Beach – The Crown and the Department of Primary Industries (Fisheries) did not support the proposed trial.

Careel Bay Wetlands – Environmental Protection Area inappropriate for dogs.

Areas suggested for restricted use by Pittwater Unleashed in their submission are:

- North Palm Beach - to 100m of Surf Club and/or Station Beach
- Whale Beach - north of café boundary
- Bilgola Beach – extension of trial ‘dog parking’ area
- Newport Beach – north of last platform/entry at northern end
- Bungan Beach – entire beach
- Mona Vale – south end beneath headland
- Bongin Bongin Bay – entire beach
- Turimetta Beach – entire beach

Following a successful trial, Pittwater Unleashed propose North Palm Beach, Station Beach, Newport Beach, Bungan Beach, Mona Vale Beach, Bongin Bongin Bay and Turimetta Beach could be reviewed for 24hr access due to limited public use. Pittwater Unleashed suggest that by offering several beaches for use, it will take the pressure off one single beach and spread the usage and number of dogs therefore reducing the risks associated with overpopulation and crowding.

In response to these suggested areas:

- North Palm Beach is adjacent to the National Park area of Barrenjoey Headland. NPWS would vigorously oppose any such proposal. The sand hills in this area are often used for endurance training; Home and Away filming in this area and the Department of Defence (Navy) sometimes use it for exercises. Not Recommended.
- Station Beach has previously been investigated. At the time, Council received vigorous opposition from local residents, objections from Palm Beach Golf Club and the PBA. The Department of Primary Industries (Fishing) objected because of the potential damage to the adjoining sea grass beds and the Crown eventually denied the request from Council. Not Recommended.

- Newport Beach is used extensively by beach goers with the Northern end also being used by beach volleyball players and hang gliders. Not Recommended.
- Bongin Bongin is in close proximity to the Mona Vale rock pool and Mona Vale beach itself. It has houses adjacent to it and because of its protected position, it is used by families. Not Recommended.
- Bungan Beach and Turimetta Beach are both isolated beaches which are not extensively used by members of the public. Worth consideration.
- Mona Vale Beach (South end below the UDEA). From the south end of the beach there is a 200m stretch which is relatively isolated before it reaches the MV golf course southern boundary. This area is a further 700m south of the MV surf club. Worth consideration due to the remoteness and also it borders the MV unleashed dog exercise area at Robert Dunn Reserve.

2.4 Policies

If Council determines to allow a dog trial at any of the mentioned beaches, there will be a need to change Councils Beaches and Rock Pools policy and also the Plans of Management for the ocean beaches nominated.

2.5 Public Submissions

Whilst Council did not advertise for submissions/public comment, it has nevertheless received 99 submissions on the matter; 61 for and 38 against, with several people against writing in up to 3 or 4 times each.

General issues that have been raised are:

Against –

- Environmental impact on wildlife – flora and fauna
- Irresponsible owners polluting beaches with dog faeces and urine
- Health hazard from urine/faeces left behind
- Potential attacks on other beach users
- Potential attacks on other dogs
- Sheer number of dogs on the beach at any particular time
- Excessive number of out of area visitors and thus creating parking/traffic problems
- Interruptions/intimidation to other beach users and activities
- Northern Beaches has less beach space vs residents compared to some other Councils that allow dogs on beaches
- Ratepayers money spent on potential litigation
- Increased cost/workload for rangers and Council to implement and control the trial
- Dog policy has been in place a long time, current owners of dogs would have known when they got their dog what places were available to them
- Uncertainty of how a 'successful' trial would be measured
- Residents haven't had a chance to form lobby groups/submissions; current submission covers view of supporting dog owners only

For –

- Less driving to dog parks, less cars on the road
- Less cars on the road, less pollution
- Increase in fitness in Pittwater population
- Reduce overcrowding, visitors from out of area
- Alleviate parking problems at Rowland Reserve
- Tick-free environment on beaches
- Reduce tension between owners and rangers
- Projected Council profit from 'Pay for Play' tag system – however Council is legally unable to implement this system
- Owners will collect litter on beach
- Responsible owners will encourage less responsible owners to clean up
- Reducing barking dogs in yards caused by boredom

2.6 Local Government Act

Under the Companion Animals Act 1998, all Local Councils have a responsibility to productively manage dog exercise in their area. In terms of dog exercise, the key elements of this State legislation can be summarised as follows:

1. Councils must provide at least **one 'off-leash' exercise area**.
2. Council is able to declare areas as **'dog exclusion areas'**
3. All owners must pick up their dog's droppings
4. Council must provide bins in areas designated for dog exercise.

2.7 Pittwater Council Offleash Exercise Areas

Pittwater Council provides well above this requirement with 7 off leash areas; two of those with water access, one with creek access, and a designated dog training area.

The following parks are designated off leash with no restrictions:

- Hitchcock Park - Careel Bay/Avalon;
- Dearn Reserve, Newport;
- Rowland Reserve, Bayview;
- South Mona Vale Headland; and
- Progress Park, North Narrabeen.

The following parks have time and zone restrictions:

- Mackerel Beach - Dogs are permitted off-leash under effective control between the Wharf and the most northerly house between 6:30am-9:30am and 5pm-sunset. At all other times dogs must be leashed when moving between boats and houses. Dogs are not permitted below the high tide mark or in the water.
- McCarrs Creek Reserve - is an off-lead dog area from Monday to Friday in the sign posted area which is west of the main access road into the reserve.

In addition, Deep Creek Reserve, North Narrabeen is a Designated Dog Training Park. Dogs can only be unleashed when conducting dog training sessions within the fenced areas. At all other times dogs must be leashed. Dogs are not permitted over the bridge across the creek.

Council is also proactive in its support for dog owners. Each year, Council organises 'Dog Day by the Bay' which is an extremely popular and very well attended event. Thousands of people (and their dogs) come to Rowland Reserve at Bayview for a day of events that involve dogs and their owners. The event is well promoted and very successful.

2.8 Companion Animals

Benefits:

Companion animals such as dogs, have long been acknowledged as having significant health benefits to their owners. There is evidence that having a pet can help a person lead a longer, healthier life. A study of the National Institute of Health found that people who owned dogs were less likely to die as a result of a heart attack than those who didn't own one. Pets stimulate their carers by giving them someone to take care of, someone to exercise with and someone to help them heal from physical or psychological injuries. Dogs also give their owners the opportunity to socialise at Dog Exercise Areas.

Health Risks:

The health risks associated with dogs are:

- Aggravation of allergies and asthma caused by hair
- Falling injuries – tripping over dogs – more than 86,000 annually in the US result in a trip to the hospital emergency
- Mauling; sometimes death caused by bites and attacks
- Disease and/or parasites due to animal hygiene problems
- Stress caused by dog behaviour

2.9 Framework for best practice

The proposal from 'Pittwater Unleashed' suggests the use of one beach during the timed trial. Research from Sutherland Shire Council suggests this would place too great an impact on any one beach with the area becoming inundated with visitors. Not only would this be an issue on the beach but for the parking and local community. As per the approach of Wollongong and Gosford Councils, the better approach would be to run the trial over several beaches to lessen the load on any particular beach and also restrict the hours to early morning or late afternoon to minimise the impact from visitors out of the area.

Prior to the trial starting, Sutherland Council embarked on a one month education program, handing out pamphlets and speaking to the community and stakeholders; advertised on their website, in newspapers and sent information out in rates notices.

Council could consider undertaking a trial and if so, it would be advisable to do so at a number of beaches to minimise the massive impact that Sutherland Council experienced. It would also be recommended that Council restrict the hours to minimise the impact from out of the area visitors.

If Council were to consider a trial, there would be a cost to Council for increased enforcement. Council staff believe that once a beach area becomes accessible to dogs, even under restricted usage, visitors will come to the area to use it even if it is outside the regulated hours, eg Council staff know from the content of petitions, etc received regarding Bayview Reserve, that a very high proportion of non-residents visit our popular UDEAs.

This would put a lot of extra pressure on Council's compliance officers who would also be chasing up visitors from well outside the area for statements following major incidents.

The submission from Pittwater Unleashed suggests that a form of registration could be introduced to ensure that local dogs were able to use any nominated beach area and also that Council could place a fee on this registration which would fund the costs of the required infrastructure at new UDEAs as well as the increased enforcement levels. It was also suggested that fines be increased to further discourage non-compliance by dog owners.

In response, Council has no authority under the Local Government Act to require any type of registration of dogs. The current dog registration system is state-wide with a micro chipping system which is administered by the State Government.

Further, if Council were to introduce its own paper system, it would require Council enforcement officers to confront people and ask for identification. This in itself can sometimes lead to conflict.

To this end, it is suggested that if Council determines to move in this direction, the beaches nominated would be Bungan Beach, Turimetta Beach and the southern end of Mona Vale Beach below Robert Dunn Reserve up to the southern end of Mona Vale golf course. It is however noted that these locations have either limited parking or parking already heavily utilised.

Should Council determine to undertake a trial, there would be a significant cost for additional signage, additional dog bins as well as rubbish bins, dog bag dispensers and the cost to empty the bins at the chosen locations.

There would also be the cost of surveillance/enforcement at these areas.

The costs associated with these 3 areas would be as follows:

Items	Cost Each location	Cost of Installation of bins/signs at each location	Overall total
3 dog bins at each location @ \$700 per bin	\$2,100	\$250 per bin = \$750	\$8,550
2 2400L garbage bins at each location @ \$430 per bin	\$860	Included in supply cost	\$2,580
6 signs at each location @ \$250	\$1,500	-	\$4,500
3 bag dispensers at each location @ \$100 per month	\$1,200	-	\$3,600 pa
Servicing of dogs pins – 3 services per week @ \$3 per service	\$1,400		\$4,200 pa
Total Cost			\$23,430

2.10 Condition of Rowland Reserve and Careel Bay

A large amount of vegetation could be cleared from Careel Bay to allow for sunlight exposure which will encourage the turf to grow thus providing a larger and more suitable surface for the dogs to run on. Shade could be provided in other areas with the installation of shelters with seating. Extra water stations for dogs and owners could be installed.

A further improvement to the park could be the installation of Dog Agility Equipment creating varied exercise for dogs and aiding owners to train their dogs. This type of fixed equipment includes tunnels, bridges, platforms, hoops, hurdles and weaving poles.

Improved signage marking leashed/unleashed areas and facilities would make it clearer to owners and help avoid penalties.

Fencing could be provided along parts of Barrenjoey Road and Etival Street to corral dogs away from the road and from entering private property. Fencing should also be provided along the southern boundary to separate the UDEA from the adjoining soccer field.

Rowland Reserve is extremely popular and often very overcrowded. There was a makeover undertaken several years ago (in conjunction with the construction of the seawall) however, there is a need for fencing to separate the UDEA from the car park as well as additional bins, signage, seating and shelter areas and an additional water station. Council staff are also investigating the provision of a small kiosk which could make coffee and snacks available to the many users of the reserve. Income from the lease arrangement could assist with the costs associated with running a large regional facility.

Likewise Progress Park at North Narrabeen needs to be fenced to separate the dog area from nearby Garden Street. Additional seating, water stations, shelter and signage could also be provided.

The costs of providing these improvements to the existing UDEAs would be as follows:

Item	Careel Bay	Rowland Reserve	Progress Park
Fencing	\$14,500	\$5,500	\$13,000
Signage	\$1,000	\$1,000	\$1,000
Furniture	\$10,000	\$5,000	\$2,000
Water Station	\$7,000	-	-
Vegetation removal and re-turfing	\$30,000	-	-
Total	\$62,500	\$11,500	\$16,000

Total cost to Council for upgrades is **\$90,000**.

It is recommended that Council should invest additional funds to upgrade the major UDEAs.

2.11 **Comments Received**

This report is in response to a Councillor request and although Council has received a large number of submissions – 61 for and 38 against – the issue has not been placed on public exhibition for comment and a number of the submissions have been as a result of lobbying by the Pittwater Unleashed community group.

There is no doubt that there are many in our community who own and love dogs. Access to good recreational facilities is extremely important to these people who value the opportunity to exercise and socialise with their dogs. However, it should be noted that there are many people opposed to dogs having access to beaches.

Therefore, it is a recommendation of this report that the matter be placed on public exhibition for comment.

2.12 **Options**

Council has a number of options to consider with regard to the submission from Pittwater Unleashed.

1. Council could allocate funding to undertake significant improvement works at the existing UDEAs, particularly Rowland Reserve at Bayview, Careel Bay and Progress Park at Narrabeen.
2. Council can re-affirm its existing policy of not allowing dogs on beaches.
3. Council could allow dogs on a limited number of beaches at restricted hours (Monday-Friday between 5pm and 8am) but only on a leash.
4. Council could allow unleashed dogs on a limited number of beaches at restricted hours (Monday-Friday between 5pm and 8am).

The conflict between dogs and people in public reserve (beaches) is a major concern to Council. Council recognises the value of companion animals and supports dog owners by providing a number of Unleashed Dog Exercise Areas, some with water access. Council also hosts programs such as Dog Day by the Bay which provides opportunities for promotion of dog products and activities.

However, the issue of unleashed dogs on beaches raises many areas of concern being health, safety, overcrowding, enforcement, cost and impact on local residents.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 UDEAs provide both dogs and their owners the opportunities to socialise on a regular basis. At the same time, those people wishing to use beaches without coming into contact with dogs will be impacted upon. Conflicting users should therefore be separated wherever possible.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Studies have shown that the introduction of dogs to beach areas does have an impact on the quality of the water and sandy beaches when correct enforcement and education programs are not introduced to minimise the impact of owners not removing their dog faeces from the area.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The introduction of new UDEAs will have a significant cost to Council in terms of new infrastructure, ongoing servicing and also additional enforcement programs. The report also recommends much needed improvements works to the main existing UDEAs to the value of \$90,000.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Given the level of community interest both for and against the issue of dog access on beaches, this matter needs to be placed on public exhibition for comments.
- 3.4.2 It would also be necessary to amend Council's Beach & Rockpool Management Policy and also the relevant Plans of Management for the beaches involved.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The provision of new UDEAs would require infrastructure such as signage and bins to be provided.

4.0 EXECUTIVE SUMMARY

- 4.1 Following addresses to Council regarding the provision of beach access for dogs, Council resolved to have staff investigate the issue.
- 4.2 Council staff have researched the position of all Sydney Councils with ocean beaches and also many with foreshore reserves.
- 4.3 The issues both for and against have been discussed and are presented for consideration by Council. Should Council determine to make selected ocean beaches available to dog owners, the costs of administration requirements are also provided.
- 4.4 At the same time, Council staff have reviewed the condition of the main UDEAs. Costs have been provided for the recommended upgrades to these areas.

RECOMMENDATION

1. That the information provided within this report be noted.
2. That the proposal to undertake significant improvement works at Careel Bay, Rowland Reserve and Progress Park unleashed dog exercise areas at a cost of \$90,000 be considered for inclusion in the Council's 2015/2016 Delivery Plan.
3. That Council's policy of not allowing dogs on beaches be continued.

Report prepared by

Les Munn

MANAGER, RESERVES, RECREATION & BUILDING SERVICES

C8.1 Notice of Motion – Review of Council Policy No 30 Dog Control – Pittwater Unleashed Proposal (submitted by Cr Grace and signed by Cr Griffith and Cr Millar)

Meeting: Council

Date: 1 December 2014

NOTICE OF MOTION

BACKGROUND

1. Two reports with the Subject: Response to Pittwater Unleashed and dated 17 November 2014 are attached to this Notice of Motion marked **Attachment 1** and **Attachment 2**. The report at **Attachment 2** was the agenda item at the meeting on 17 November 2014 and I understand the report at **Attachment 1** was a draft which was published on-line for a period of time before and it was removed and substituted with the final report. I am told that the draft was accessed by number of people including members of Pittwater Unleashed who published it using social media to the wider Pittwater community.
2. I understand that there are approximately 15,000 registered dogs in Pittwater at present with approximately 54.7% of households in the community owning dogs compared to a New South Wales average of 38%. It is appropriate that there be equity for everyone in their access to public spaces.
3. I understand that the Council's existing Dog Policy, No 30 was adopted from the original Warringah policy without any changes and at a time when it seems there may only have been some 660 registered dogs and 1,500 micro chipped dogs.
4. I understand that the principle object of the Companion Animals Act 1998 is **'the effective and responsible care and management of companion animals'**. Whereas 1 the stated object of Pittwater's current Policy No 30 is **'to provide effective dog control in leashed and unleashed areas in Pittwater'**. It would seem that the present Dog Policy does not reflect the principle object of the State legislation.
5. Section 13(6) of the Companion Animals Act 1998 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.
6. In its Companion Animals Review, the Department of Local Government says the following in relation to the 'Effective control of dogs in public places', "Councils are locally elected, largely autonomous public bodies vested with wide powers to provide local government services and facilities within their areas of responsibility. In exercising these powers councils are principally accountable to their residents and rate payers for ensuring that the needs of their communities are reasonably and adequately met. Local communities may negotiate the number and location of leash free exercise areas with their councils so that the needs of all residents, including dog owners and those members of the community who do not own dogs, are most adequately met.
7. The community group, Pittwater Unleashed has tabled a petition completed by 3,124 people.

8. As stated by Cr White in his original Notice of Motion dated 18 August 2014, Council does not have a Strategic Animal Management Plan; the current Policy No 30 comes under the Community Engagement, Education and Awareness Strategy. In addition the current policy is not integrated within Council's broader strategic plans or planning processes.
 9. Given the high level of interest in the community concerning consideration of unleashed dogs on beaches, this issue must be resolved so that it works for everyone in the community, now and in the future. (See paragraph 7 of the Motion).
-

Motion

1. That the information in **Attachment 1** and **Attachment 2** be noted.
2. That the proposal to undertake significant improvement works at Careel Bay, Rowland Reserve and Progress Park unleashed dog exercise areas at a cost of \$90,000 be considered.
3. That funds for the upgrade of the main unleashed dog exercise areas be considered for inclusion in the Council's 2014/2015 Draft Delivery Plan.
4. That the suggestion to make Bungan Beach, Turimetta Beach and the southern end of Mona Vale Beach below Robert Dunn Reserve accessible to unleashed dogs Monday to Friday between 5 pm and 8 am (6 pm and 8 am daylight saving time) be considered for a trial period of 6 months.
5. That this proposal be placed on public exhibition for 60 days for community comment.
6. That as an essential part of the exhibition the Council will inform the community of its proposals for signage, education, monitoring and enforcement throughout the trial.
7. That should the trial proceed the Council reserves the right to suspend the trial period in the event of repeated and habitual breaches of the restrictions.
8. That a further report be presented to the Council at the completion of the exhibition period for determination by the Council.
9. That an advisory committee be formed by an expression of interest process (consisting of interested Councillors, staff and key community stakeholders including Pittwater Unleashed, and, if possible, with state government involvement through the Companion Animals Taskforce or Reference Group) to provide a formal mechanism for the Council to consult with key stakeholders:
 - a) to assist in the management and oversight of the trial period assuming item 4 of this Motion is adopted;
 - b) to explore further possibilities within Pittwater for leashed and unleashed dog exercise areas on a 'needs basis' approach, and
 - c) to develop a strategy for the management of off-leash and on-leash dog exercise space;
 - d) to develop initiatives encouraging awareness of the requirements of the Companion Animals Act 1998 for responsible dog ownership generally within the community.
 - e) to report its findings and recommendations to Council as soon as practicable and in any event within 6 months of its initial meeting.

10. That Policy No 30 be re-evaluated and revised having regard to:
- a) the stated purposes of the Companion Animals Act 1998
 - b) the final recommendations of the committee, and
 - c) its integration with Council's broader strategies in the form of a Strategic Animal Management Plan.

Cr Bob Grace

Cr Kay Millar

Cr Selena Griffith

C8.1 Notice of Motion – Review of Council Policy No 30 Dog Control – Pittwater Unleashed Proposal (submitted by Cr Grace and signed by Cr Griffith and Cr Millar)

Meeting: Council

Date: 1 December 2014

COUNCIL DECISION

1. That Council form a working group comprising:
 - a) Chairperson – Natural Environment Committee chair
 - b) A Councillor from each ward
 - c) Staff representatives from Natural Environment & Education, Reserves Recreation & Building Services, Environmental Compliance, Catchment Management & Climate Change
 - d) Representative from NSW Department of National Parks & Wildlife
 - e) Other government and non-government organisations as may be interested
 - f) A representative from Northern Beaches Dog Training Club
 - g) Four residents
 - h) A representative from Crown Lands
2. That the working group objective be to review council Policy No.30 - Dog Control in accordance with its objective "To provide effective dog control in leashed and unleashed areas in the Pittwater Local Government Area" in accordance with the Companion Animals Act 1998.
3. That the working group consider including in the policy effective education measures, compliance control, asset maintenance, signage and the adequacies of all the current dog areas in Pittwater LGA to meet the current and future dog population.
4. That the working group undertake any environmental assessments as required.
5. That staff bring back a progress report to Council at the second meeting in February 2015.

(Cr White / Cr Ferguson)

Notes:

1. The following unsuccessful motion was moved by Cr Millar and seconded by Cr Grace:

- "1. That the information in **Attachment 1** and **Attachment 2** be noted.*
- 2. That the proposal to undertake significant improvement works at Careel Bay, Rowland Reserve and Progress Park unleashed dog exercise areas at a cost of \$90,000 be considered.*
- 3. That funds for the upgrade of the main unleashed dog exercise areas be considered for inclusion in the Council's 2014/2015 Draft Delivery Plan.*
- 4. That an advisory committee be formed by an expression of interest process (consisting of interested Councillors, staff and key community stakeholders including Pittwater Unleashed, and, if possible, with state government involvement through the Companion Animals Taskforce or Reference Group) to provide a formal mechanism for the Council to consult with key stakeholders:*

- a) *To consider the suggestion to make Bungan Beach, Turimetta Beach and the southern end of Mona Vale Beach below Robert Dunn Reserve accessible to unleashed dogs Monday to Friday between 5pm and 8am (6pm and 8am daylight saving time) for a trial period of 6 months.*
- b) *to explore further possibilities within Pittwater for leashed and unleashed dog exercise areas on a 'needs basis' approach, and*
- c) *to develop a strategy for the management of off-leash and on-leash dog exercise space;*
- d) *to develop initiatives encouraging awareness of the requirements of the Companion Animals Act 1998 for responsible dog ownership generally within the community.*
- e) *To report its findings and recommendations to Council as soon as practicable and in any event within 6 months of its initial meeting.*

5. *That Policy No 30 be re-evaluated and revised having regard to:*

- a) *the stated purposes of the Companion Animals Act 1998*
- b) *the final recommendations of the committee, and*
- c) *its integration with Council's broader strategies in the form of a Strategic Animal Management Plan."*

2. Cr Ferguson declared a less than significant non-pecuniary interest in Item C8.1 – Notice of Motion – Review of Council Policy No.30 – Pittwater Unleashed Proposal (Submitted by Cr Grace and signed by Cr Griffith and Cr Millar) – and elected to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Cr Ferguson was:

"Own a wonderful dog."

3. Cr Grace declared a less than significant non-pecuniary interest in Item C8.1 – Notice of Motion – Review of Council Policy No.30 – Pittwater Unleashed Proposal (Submitted by Cr Grace and signed by Cr Griffith and Cr Millar) – and elected to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Cr Grace was:

"Owner of Dog."

4. Cr Griffith declared a less than significant non-pecuniary interest in Item C8.1 – Notice of Motion – Review of Council Policy No.30 – Pittwater Unleashed Proposal (Submitted by Cr Grace and signed by Cr Griffith and Cr Millar) – and elected to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Cr Griffith was:

"I own a dog."

5. Cr Hegarty declared a less than significant non-pecuniary interest in Item C8.1 – Notice of Motion – Review of Council Policy No.30 – Pittwater Unleashed Proposal (Submitted by Cr Grace and signed by Cr Griffith and Cr Millar) – and elected to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Cr Hegarty was:

"I own a dog."

6. Cr Millar declared a less than significant non-pecuniary interest in Item C8.1 – Notice of Motion – Review of Council Policy No.30 – Pittwater Unleashed Proposal (Submitted by Cr Grace and signed by Cr Griffith and Cr Millar) – and elected to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Cr Millar was:

"I own a dog."

7. Cr Young declared a less than significant non-pecuniary interest in Item C8.1 – Notice of Motion – Review of Council Policy No.30 – Pittwater Unleashed Proposal (Submitted by Cr Grace and signed by Cr Griffith and Cr Millar) – and elected to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Cr Young was:

“Relatives belong to Pittwater Unleashed.”

Procedural Motion (COUNCIL DECISION)

That Cr White be granted an extension of time to complete his address to the meeting on this item.

(Cr Townsend / Cr Hegarty)

Procedural Motion (COUNCIL DECISION)

That Cr McTaggart be granted an extension of time to complete his address to the meeting on this item.

(Cr Grace / Cr White)

Procedural Motion (COUNCIL DECISION)

That Cr Hegarty be granted an extension of time to complete her address to the meeting on this item.

(Cr Young / Cr McTaggart)

Procedural Motion (COUNCIL DECISION)

That Cr Grace be granted an extension of time to complete his address to the meeting on this item.

(Cr Hegarty / Cr Millar)

Attachment 4 to the Agenda

Council Policy – No 30 Version:	Adopted:	3.3.97
	Amended	

TITLE: Dog Control

STRATEGY: Community Engagement, Education & Awareness
BUSINESS UNIT: Reserves, Recreation & Building Services

RELEVANT LEGISLATION: Companion Animals Act 1998

RELATED POLICIES: Nil

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 Bangally Head and Turimetta Head.

Prohibited Areas

All Beaches and Warriewood Wetlands

Wildlife Protection Areas

Council has designated 20 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

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 (7) 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.

Unleashed Dog Training Area
Deep Creek Reserve, Narrabeen (within fenced area only)



**Unleashed Dog Exercise Area
Hitchcock Park, Careel Bay
(restricted to the reserve area north of the soccer field)**

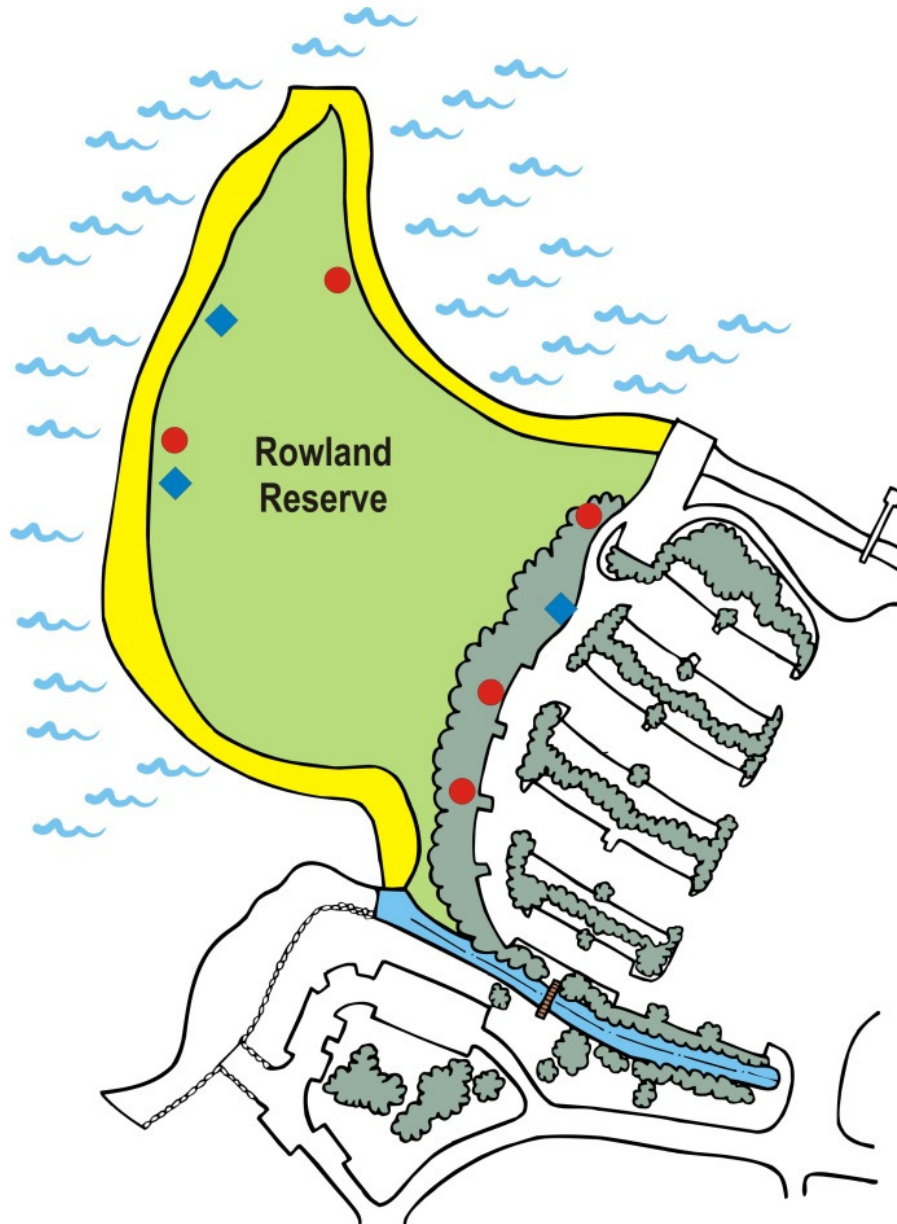


Unleashed Dog Exercise Area
Progress Park, Narrabeen (water access to Mullet Creek)



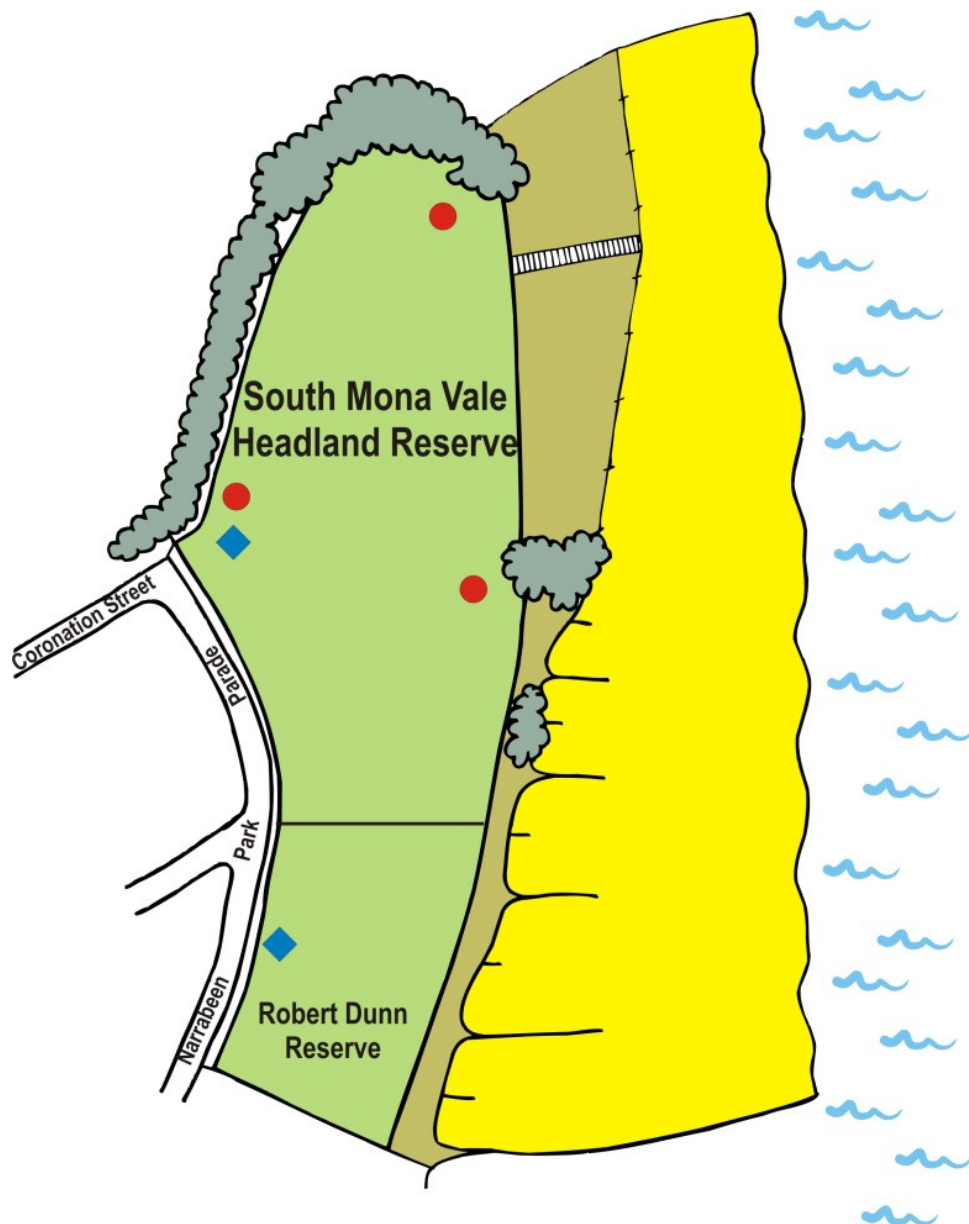
Unleashed Dog Exercise Area

Rowland Reserve, Bayview
(north of boat launching area carpark
and including the adjacent tidal sand flats).



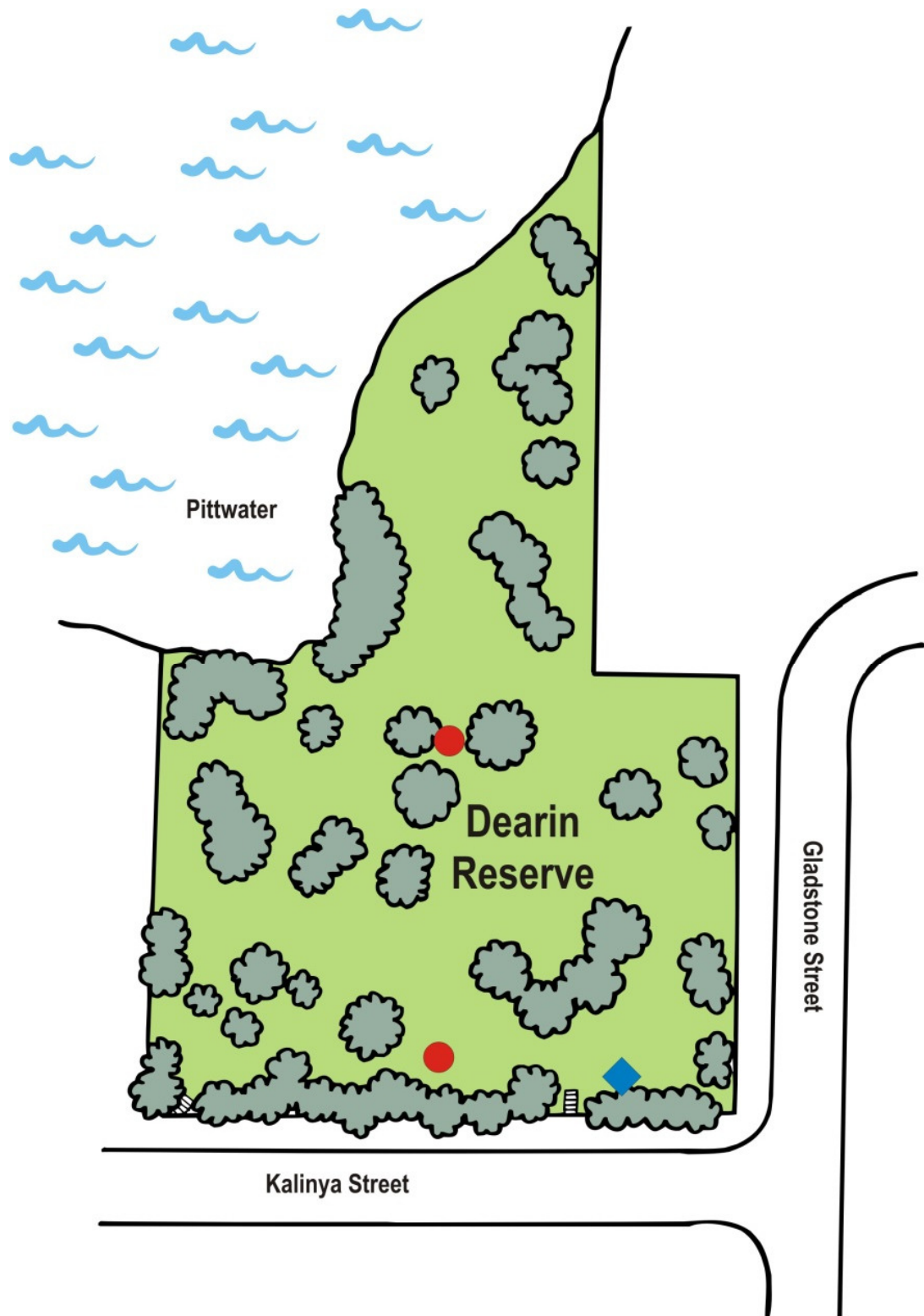
Unleashed Dog Exercise Area

South Mona Vale Headland Reserve
(area east of Narrabeen Park Parade/
Coronation Street junction)

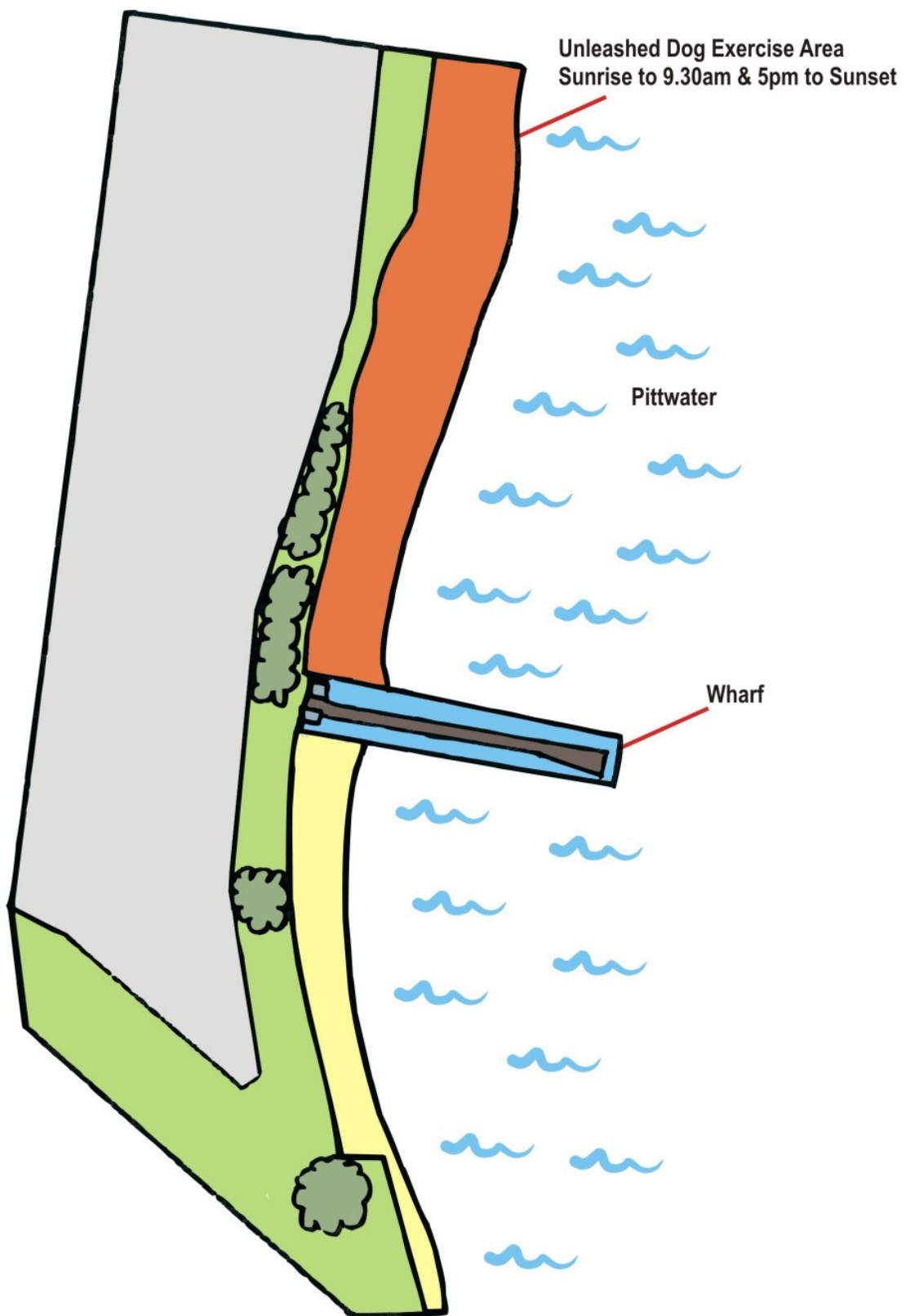


Unleashed Dog Exercise Area

Dearin Reserve, Newport



MACKEREL BEACH UNLEASHED DOG AREA MAP



Sustainable Towns and Villages Committee

12.0 Sustainable Towns and Villages Committee Business
