

Attachment 3 – Internal Stakeholder considerations and Recommendations on Public Submissions

No.	Submission Feedback Summary	Considerations	Recommendation
1	<p>Stock</p> <p>Objection to allowing the disposal of impounded stock by means other than public auction</p>	<ul style="list-style-type: none"> • If the provision to remove stock from the requirement to be sold by public auction, the proposal is that an open and transparent process will be developed for the sale or rehoming of stock. • The cost to conduct public auctions is high and generally exceeds the money recouped. 	<p>That the proposed amendment contained in the <i>Animal Management (Amendment) Subordinate Local Law (No.1) 2019</i> be retained (exclude stock from public auction requirement) to reduce costs to ratepayers.</p>
2 3	<p>Dogs – Agnes Water Main Beach</p> <p>2 Dog off-leash north of Ocean Beach Drive at Main Beach Agnes Water from Sunrise to 8am and from 5pm to sunset</p> <p>3 Agnes Water Main Beach be designated on-leash for the entire length</p>	<ul style="list-style-type: none"> • The Agnes Water Main Beach is the most frequented by the public in this locality • The existing provisions are the beach is prohibited to dogs from the point to Tom Jeffery Park taking in the patrolled swimming beach in front of the caravan park. Dogs are then required to be on leash for the next 1.7klms until the off-leash area north of the Surf Club. • Officers understand that at times, the patrolled swimming beach does extend north outside of the prohibited area. • The section of the existing on-leash area from the prohibited area north up to Ocean Beach Drive (Sandcastles) is generally well used with surf schools licensed to operate from this area, the public use it for walking/running and there is some swimming outside of the patrolled area at this location. • The existing on-leash area from Sandcastles north to the surf club, is a turtle nesting area rated as 'fair' but this section of beach is disturbed by the light pollution from homes adjacent to the beach. Pedestrian access at the end of Ocean Beach Drive is the flattest available to the main beach. This is the area of the beach where most elderly residents are seeking to access the beach and walk their dogs north off-leash 	<p>That Council conduct a community survey to determine the community's preferred option for dog control for this beach.</p> <p>Officers intend to offer two options that aim to strike a balance between the two extremes received in public submissions, one being a difficult to regulate, time bound variable requiring a significant compliance effort, and the other being largely control free.</p> <p>The options we intend to offer aim to provide the most pragmatic approach to regulation and enforcement allowing the community equitable access to enjoy a healthy pet friendly lifestyle.</p>

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4	Concerns regarding current prohibited area including private property	<ul style="list-style-type: none"> • From the Surf Club north towards 1770 (existing off-leash area), is a high use turtle nesting area (on average 40 nests per annum) and it is also highly used by other wildlife such as shorebirds and it is adjacent to a conservation area. There is some use of the area immediately off the surf club access point by the newly established Steiner School and other activities associated with the Surf Club. Patrol Officers advise that very few walkers/dog owners use the section of beach north of the surf club which ensures minimal disturbance for turtle nesting / wildlife. • Having times associated with dog designations as suggested in the submission can cause confusion for the public and issues with enforcement. • Patrol Officers continue to receive informal feedback from residents who want the 'old' dog off-leash designation returned for the main beach (ie. Ocean Beach Drive north off-leash) • Consultation survey results indicate one submitter does not support dogs on beaches generally in the Agnes Water area • Internal stakeholders discussed the pros and cons of a number of options and it was generally agreed that the number of 'zones' and conditions should be minimal to avoid community and visitor confusion. • Under the animal management local law, section 10(1), a prohibition can apply to a "public place", as that expression is defined in the <i>Local Government Act 2009</i>, section 125(5). Criteria for a public place is whether the relevant area: <ul style="list-style-type: none"> ○ is open to the public; or ○ is used by the public; or ○ the public is entitled to use, whether or not on payment of money. The area of private land at the front of the caravan park at Agnes Water would meet 	

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		<p>the definition of public place and therefore can be included within the prohibited area for dogs.</p>	
5	<p>Dogs – Springs Beach and Foreshore south to northern boundary of Deepwater National Park</p> <p>Springs Beach and foreshore south to the northern boundary of the Deepwater National Park Agnes Water – Dogs Prohibited</p>	<ul style="list-style-type: none"> • Springs Beach is currently a dog on-leash area • This beach experiences the highest level of turtle nesting in this area (approximately 60 nests per annum) as the conditions on the beach are ideal • Used by Surf School – Council permit granted • Used for swimming but there is no surf lifesaving presence • Poor beach access at Springs Beach - long 4WD access track and pedestrian access is steep • In relation to the area of beach adjacent to the Sunrise at 1770 development, this eco-development does not allow any domestic pets onsite for environmental reasons therefore a dogs prohibited designation for the adjacent beach would be in-line with the controls in place in the adjoining development 	<p>Support the area be designated dogs prohibited</p>
6	<p>Chinamans Beach Agnes Water</p> <p>Dog off-leash all year round</p>	<ul style="list-style-type: none"> • Chinamans Beach is currently designated as dogs prohibited during turtle nesting season and at all other times, dogs are required to be on leash. • Chinamans Beach currently has a low success rate for turtle nesting due to beach conditions (highly dynamic environment – ever changing beach conditions and subject to erosion) • Low level swimming / bathing area with no surf lifesaving presence • Has a carpark, single entry prone to erosion, potential closures during desalination maintenance activities 	<p>Support a dog off-leash area all year round</p>

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7	<p>Boyne Island Foreshore through to Lillleys Beach</p> <p>Dog Off-Leash excluding turtle nesting season</p>	<ul style="list-style-type: none"> Lilleys Beach is an on-leash area. The change proposed via the amending subordinate local law is to have the area as an off-leash area but restrict dogs to on leash during turtle nesting season. In relation to the naming of the inlet, most locals know the area as Lilleys beach / Lilleys inlet. Provided that the supporting map in the SLL is labelled correctly, the name used is not of significant concern. Turtle nesting data shows this beach has less than 5 nests per annum on average 	<p>Whilst there was support for restricting access to dog on-leash for turtle nesting season, given that turtle nesting data suggests that there is minimal nesting occurring at this location, the internal stakeholder recommendation is that the area be dog off-leash all year round.</p>
8	<p>Caravan Parks</p> <p>Amend current wording in the SLL to provide certainty around allowing caravan park operators to make commercial decisions on how many pets they will or will not allow within the confines of their business</p>	<ul style="list-style-type: none"> The current wording of the subordinate local law can be interpreted in a way that limits caravan park operators to only allow no more than four cats or dogs in their parks. Legal advice suggests an alternative interpretation, however, to provide more certainty for the purposes of enforcement it was agreed that caravan parks be excluded from Schedule 1 and 2 of the SLL and that caravan park operators continue to make commercial decisions in relation to the number of domestic pets that they allow in their facility. This will not affect Council's ability to continue to enforce enclosure requirements where required and address nuisance issues such as barking Legal advice also suggests that if Council becomes concerned about commercial caravan park operators making poor decisions about domestic pets that impact on other property owners, Council has the ability to set maximum numbers of domestic pets via its caravan park licensing process should it be required and manage the issue through this process. Supports local business in making commercial decisions concerning their business. 	<p>Make changes to Schedule 1 & 2 and the definitions section of the SLL, that supports caravan park operators making decisions on the number of domestic pets they will allow in their facility.</p>

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9	<p>Update legislative references</p> <p>Apiaries Act 1982 and Sustainable Planning 2009</p>	<ul style="list-style-type: none"> • <i>Apiaries Act 1982</i> provisions are now in the <i>Biosecurity Act 2014</i> • <i>Sustainable Planning Act 2009</i> is now the <i>Planning Act 2016</i> 	Legislative references be updated.
10	<p>Bees</p> <p>That Council implement an application process for people to keep bees</p>	<ul style="list-style-type: none"> • This is managed by State Government legislation (<i>Biosecurity Act 2014</i>) • Minimal public enquiries / complaints received 	Recommend that Council not become involved in managing the keeping of bees – remain within the controls of State legislation
11	<p>Commercial Use of Animals in public places</p> <p>That animals not be permitted to be used for commercial purposes within public parks by permit</p>	<ul style="list-style-type: none"> • Allowing animal-based activities does provide additional local business opportunities • A permit system allows Council to impose appropriate conditions for the activity/ies 	That Council proceed with allowing commercial use of animals in public areas by permit as proposed in <i>Animal Management (Amendment) Subordinate Local Law (No.1) 2019</i>
12	<p>Animals on Acreage</p> <p>On acreage you should be able to keep what animals you like provided they are well kept</p>	<ul style="list-style-type: none"> • Allowing unlimited numbers of animals has the potential to compromise adjoining owner amenity if the animals are not well kept and without some level of controls in place, Council would have no power to address the concerns 	Retain the current provisions without change with the exception of the changes included in <i>Animal Management (Amendment) Subordinate Local Law (No.1) 2019</i> relating to the number of animals kept on allotments between 10,001 – 20,000m ² .
13	<p>Millennium Esplanade – Formed Footpaths</p> <p>Correct error in relation to dogs and footpath areas in Millennium Esplanade Tannum Sands</p>	<ul style="list-style-type: none"> • It was noted when reviewing the prohibited designations that Council has attached the following words to item 1 “<i>but excluding any formed road through an area hatched in black on a map</i>”. There are no roads in the bathing reserve and foreshore for the areas described so the words are irrelevant. • The original intent was that these words were to be attached to item 8 Millennium Esplanade Park which would allow people to walk their dogs through Millennium Esplanade on-leash on the road. The definition of a road under the <i>Local Government Act 2009</i> also includes a footpath. 	<p>That the words “<i>but excluding any formed road through an area hatched in black on a map</i>” be removed from column 1 of item 1.</p> <p>To provide more clarity on the intent to be achieved for Millennium Park, that the following words be added to the end of item 8, column 1 “<i>but excluding any formed footpath through the area hatched in black on a map whilst the person is travelling through the area.</i>”</p>



Option 1 - Prohibited and Dog Off-Leash

463.57 0 231.79 463.57 Meters



Printed: 03-Feb-2020

Map Scale 1: 18,543

Original Size: A4

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Off-Leash

On-Leash

Prohibited



Option 2 - Prohibited, On-Leash and Off-Leash

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