



**Newcastle Office**

Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292  
PO Box 428, Hamilton, NSW Australia 2303

**Our Ref:** 24619:LW:MD  
**Date:** 30 January 2013

Attn: Nick Jackman  
Coastal Hamlets  
51 Riley Street  
Woolloomooloo NSW 2011

**Via:** Email

Dear Nick

**RE: MODIFICATION OF MAJOR PROJECT APPROVAL 10\_0204 CONDITION D9**

The Planning and Assessment Commission granted approval to Coastal Hamlets Pty Ltd for the subdivision of land to create up to 540 residential lots, 1 retail lot and 7 reserves, bulk earthworks and infrastructure, on 13<sup>th</sup> May 2011.

Condition D9 of the Instrument of Approval states:

***Condition D9 Prohibition of Cats and Dogs***

*The plan of subdivision and Section 88B instrument shall establish a restrictive covenant on all residential lots prohibiting the keeping of cats and dogs, with the council having the benefit of this covenant and having sole authority to release vary or modify the covenant.*

RPS understands that Coastal Hamlets Pty Ltd seeks to amend the approval under Part 3A of the EPA Act 1979 for subdivision at Catherine Hill Bay. The proposed amendments include a variation of the cats and dogs prohibition. The modified condition sought is:

***Condition D9 Prohibition of Cats and Restriction of Dogs***

*The plan of subdivision and section 88B instrument shall establish a restrictive covenant on all residential lots prohibiting the keeping of cats. The 88B instrument shall also establish a restrictive covenant requiring that dogs only be kept in suitably fenced yards. Council shall have the benefit of this covenant and the sole authority to release vary or modify the covenant.*

RPS presents the following justification for the keeping of dogs on residential lots in the approved subdivision.

**Impacts of dogs on biodiversity are largely unquantified**

Debate on the impacts of dogs on wildlife has remained subjective and unresolved because experimental evidence of the ecological impacts of dog walking has been lacking (Banks and Bryant 2007). Few studies have examined the impacts of dog-walking on Australian fauna species.

A variety of human disturbances, including wildlife viewing, hiking, running, cycling, canoeing, horse riding and dog walking all vary in duration, intensity and frequency and these different disturbances have been found to have varying impacts on wildlife (Steven *et al* 2011). Research has shown that humans walking alone (without dogs) can induce anti-predator responses in birds (Grayson and Calver 2004, Banks & Bryant 2007). It is poorly understood whether wildlife perceives domestic dogs as a predation risk (Grayson and Calver 2004).

Any type of human disturbance may impact wildlife by causing animals to abandon foraging activities, disturb nest or den-building activities, disrupt breeding or abandon young. Popular recreational activities that occur in Australian bushland (including protected areas), including mountain biking, trail bike riding, horse riding and four-wheel driving. Impacts of these activities include damage to existing trails, soil erosion, compaction and nutrification, changes in hydrology, trail widening, exposure of roots, rocks and bedrock (Pickering *et al* 2010); these activities are likely to have a greater impact on biodiversity than dog walking.

### **Dogs are currently restricted from environmentally sensitive areas**

Pets, including dogs, are not permitted in any NSW national parks, state conservation areas or nature reserves.

The approved subdivision is adjoins the northern boundary of Lake Munmorah State Conservation Area in the Catherine Hill Bay locality. Dogs are currently banned from the conservation area (OEH 2012) and owners of dogs residing in the approved subdivision would comply with this restriction.

Potential impacts of dog walking can be minimised by complying with New South Wales *Companion Animals Act 1998* that governs dogs are to be kept on a leash, which restricts dogs to trails and limit their interaction with other dogs, people, livestock and wildlife (Lenth *et al* 2006).

### **Low impact of dogs on threatened species known or likely to occur in the study area assessed for the approved subdivision**

Threatened fauna recorded in the study area assessed for the approved subdivision, or assessed as having a moderate or high likelihood of occurrence in the study area, predominantly comprises of highly mobile bird species, arboreal mammals and bats. These species are unlikely to be susceptible to potential attacks by dogs given their arboreal habit lend them unable to be encountered by dogs. In addition, many of these species are nocturnal, limiting potential encounters with domestic dogs that would be contained in residential dwellings at night.

Terrestrial mammals, reptiles, amphibians or ground-dwelling birds are more susceptible to dog attacks as they may reside on the ground, cannot quickly escape from encounters with dogs or are diurnal, increasing the potential for encountering dogs that may be walked during the day. However, no threatened terrestrial mammals, reptiles, or ground-dwelling birds were assessed as having a moderate or high likelihood of occurrence in the study area. Furthermore, responsible dog ownership, including restraining dogs on a leash, would limit potential dog attacks on native fauna species (described in more detail below).

One threatened amphibian, the Wallum Froglet, was identified within SEPP 14 wetland in Lake Munmorah State Conservation Area to the immediate south of the approved subdivision (the species was not identified from the study area). As mentioned previously, dogs are currently banned from the conservation area (OEH 2012) and owners of dogs residing in the approved subdivision would comply with this restriction.

In urban and semi-rural areas, mortality of Koalas may arise from dog attacks (Phillips 2000). However, Koala scat and spotlight surveys undertaken in 2004 (Wildthing) did not identify the presence of Koalas in the study area assessed for the approved subdivision .

Two species of Koala feed trees as listed under Schedule 2 of *State Environmental Planning Policy 44 'Koala Habitat Protection'* (SEPP 44) have been identified in the approved subdivision: *Eucalyptus haemastoma* (Broad-leaved Scribbly Gum) and *E. punctata* (Grey Gum) (Ecobiological 2006). As these trees represent more than 15 % of the trees present, the approved subdivision constitutes potential Koala habitat under SEPP 44. The approved subdivision does not constitute core Koala habitat under SEPP 44.

NSW Bionet records (OEH 2013) indicate that there is just one record of the Koala in the locality, observed in 1996 approximately 500 metres south of the intersection of Montefiore Street and the Pacific Highway. As a result, it was assessed that the likelihood of occurrence of Koalas on the approved subdivision at Catherine Hill Bay was Low-Moderate (RPS 2009). The low likelihood of occurrence of Koalas in the study area significantly reduces potential impacts of dogs on this species.

### **Responsible dog ownership can reduce potential impacts on biodiversity**

The New South Wales *Companion Animals Act 1998* (the Act) covers the responsibilities and rights of the owners of companion animals, including dogs. The aim of the legislation is to protect the rights of animals and their owners in balance with the rights and needs of others in the community.

Dogs would not be permitted to roam the subdivision; all dogs would be contained to residential lots by appropriate fencing that is suitably constructed to prevent the animal from escaping. The Act requires that “the owner of a dog must take all reasonable precautions to prevent the dog from escaping from the property on which it is being kept”.

Any dog leaving a residential lot would be under effective control and on a leash by the owner. Dogs would be controlled in any designated off-leash areas. The following rules could apply when using any off-leash areas within the subdivision:

- Dogs must be within close proximity of the owner and be responsive to their commands.
- Dogs must not interfere with any other recreational users.
- Declared dangerous dogs are prohibited in off-leash areas.
- Dogs are not allowed within children's playground areas or picnic/barbeque areas.

Dog faeces would be collected and appropriately disposed of. Responsible dog ownership also includes regular worming and vaccination to reduce potential disease transmission to humans

and/or wildlife, and desexing, which reducing the likelihood of dogs to stray and prevents dumping of unwanted puppies.

Under the Act, a compulsory system of permanent pet identification and lifetime registration was established to ensure that a dog can be returned to its owner in the event that it is hurt, lost or stolen. Lake Macquarie City Council requires dogs to be microchipped by 12 weeks of ages and registered with Council at six months of age.

Roaming, straying or wandering dogs may be seized by Council and taken to Council's animal holding facility for the animal to be identified (if microchipped). Owners of roaming dogs may be fined.

Compliance with the Act and the principles of responsible dog ownership may reduce potential impacts on biodiversity as it limit the movement and access of dogs into and through environmentally sensitive areas; the control of dogs outside residential lots reduces potential contact of dogs with wildlife; and vaccination and worming reduces the likelihood of disease transmission from dogs to wildlife.

#### **Dog ownership has benefits to human health and can facilitate social contact**

A survey of pet owners (Heady 2006) found that almost 40% of Australian families own a dog, just over one in three households.

The range of therapeutic, physiological, psychological and psychosocial benefits related to pet ownership have been documented by Wood *et al* (2005), Thorpe *et al* (2006) and Serpell (1991).

There is evidence that owning a pet can positively affect blood pressure, physical activity, anxiety and social isolation (Wood *et al* 2005). Thorpe *et al* (2006) found that pet ownership among older adults is associated with several health benefits, including greater physical activity and less disability.

Given current public health concerns regarding physical inactivity and obesity, dog walking benefits both dogs and their owners. It has been estimated that health-care savings of \$175 million may be made annually if all Australian dog owners walked their dog for 30 minutes each day (Wood *et al* 2005).

Studies of human–dog interactions in public places and parks have determined that dogs can promote interaction and conversation between strangers. Wood *et al* (2005) found that more than half the dog owner surveys indicated that they had got to know people within their suburb as a result of their pet. It was also found that pet owners were significantly less likely to report finding it hard to get to know people generally, compared with non-pet owners. The result of the *National People and Pets Survey* (Heady 2006) found that 56% of pet owners felt that that having their pet around helped them to meet new people and make new friends. Similarly, 62% felt that the presence of a pet made it easier to get into conversation and create a friendly atmosphere.

These studies suggest that dog ownership in the approval subdivision may promote community cohesion and social wellbeing among residents.

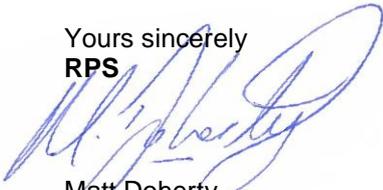
## Conclusion

This letter has sought to demonstrate the health and social benefits of dog ownership to individuals and communities, that responsible dog ownership may reduce potential impacts on biodiversity, and that dog-owning residents of the approved subdivision would comply with the *Companion Animals Act 1998*. The study area assessed for the approved subdivision at Catherine Hill Bay does not support threatened fauna species that are typically susceptible to dog attack.

The Australian Companion Animal Council Inc. (2012) identifies considerable benefits pet ownership brings to individuals, the community and the economy. As a result, the Australian Companion Animal Council Inc. recommends that serious attention should be given to issues limiting pet ownership and states “The needs of pets, pet owners and non-pet owners are all legitimate. These needs must be appreciated and integrated with society and the environment to ensure that people and pets live harmoniously”.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact Laura Worthington (Ecologist) or the writer.

Yours sincerely  
RPS

A handwritten signature in blue ink, appearing to read 'M. Doherty', written over the typed name.

Matt Doherty  
Technical Director (Ecology)

## REFERENCES

- Australian Companion Animal Council Inc. (2012). *The Importance of Pets*. Viewed 20 December 2012. <<http://www.acac.org.au/>>
- Banks, P. & Bryant, J. V. (2007) *Four-legged friend or foe? Dog walking displaces birds from natural area*. *Biological Letters*, Vol 3., p11-613.
- Forrest, A. & Cassady St. Clair, C. (2006). *Effects of dog leash laws and habitat type on avian and small mammal communities in urban parks*. *Urban Ecosystems*, Vol. 9, p51-66.
- EcoBiological (2006b) *Environmental Constraints Assessment: Lot 6 DP 774923, Lot 2 DP 809795, Lot 5 DP 774923, Lot 2031 DP 841175 and Lot 4 DP 129341, No. 595 Pacific Highway Crangan Bay*, Rosegroup Pty Ltd.
- Fougere, B. (2000). *Cats and wildlife in the urban environment - a review*. Urban Animal Management Conference Proceedings
- Grayson, J., & Calver, M. (2004). *Regulation of domestic cat ownership to protect urban wildlife: a justification based on the precautionary principle*. Pp 169 - 178 in *Urban Wildlife: more than meets the eye*. Eds Lunney D., and Burgin, S. Royal Zoological Society of New South Wales, Mosman.
- Heady, B. (2006). *National People and Pets Survey. Socially Responsible Pet Ownership in Australia: A decade of Progress*. Melbourne Institute of Applied Economic and Social Research, University of Melbourne.
- Lenth, B., Brennan, M., Knight, R. (2006) *The Effects of Dogs on Wildlife Communities*. Final research report submitted to City of Boulder Open Space and Mountain Parks.
- Lilith, M., Claver, M., Garkaklis M. (2008). *Roaming habits of pet cats on the suburban fringe in Perth, Western Australia: what size buffer zone is needed to protect wildlife in reserves?* Pp 65-72 in *Too Close of comfort: contentious issues in human-wildlife encounters*. Eds. Lunney D., Munn A., Meikle W. Royal Zoological Society of New South Wales, Mosman.
- OEH (2012). *Munmorah State Conservation Area Visitor Guide*. NSW Office of Environment and Heritage, Hurstville.
- Pickering, C. M., Hill, W., Newsome, D., Leung, Y. (2010). *Comparing hiking, mountain biking and horse riding impacts on vegetation and soils in Australia and the United States of America*. *Journal of Environmental Management*, Vol. 91, p.551–562
- Phillips S. (2000) *Population trends and the Koala conservation debate*. *Conservation Biology*, Vo. 14, p 650-659.

Serpell, J. (1991) *Beneficial effects of pet ownership on some aspects of human health and behaviour*. Journal of the Royal Society of Medicine, Vol. 84, p. 717-720  
Thorpe, R.J, Siminsick, E. M., Brach, J.S., Ayonayon, H., Satterfield S., Harris, T.B., Garcia, R., Kritchevsky, S.B. (2006). Dog Ownership, Walking Behavior, and Maintained Mobility in Late Life. Journal of the American Geriatric Society, Vol. 54, p. 1419-1424.

Wildthing Environmental Consultants (2004a) *Statement of Effect on Threatened Flora and Fauna for the proposed development of Part Lot 2 DP 809795, Catherine Hill Bay, NSW*, February 2004, Coastal Hamlets Pty Ltd.

Wildthing Environmental Consultants (2004b) *Statement of Effect on Threatened Flora and Fauna for the proposed development of Part Lot 2031 DP 841175, Catherine Hill Bay, NSW*, February 2004, Coastal Hamlets Pty Ltd.

Wood, L., Giles-Corti, B., Bulsara, M. (2005). *The pet connection: Pets as a conduit for social capital?* Social Science & Medicine, Vol. 61, p.1159–1173.