

## To Whom It May Concern

We are opposed to the Cudmirrah Beach Dog off-leash proposal that was recently moved 'successfully' at Council. This beach represents critical habitat for one of NSW's most threatened species, which is also protected under National legislation, the Hooded Plover. We urge the council to maintain the current on-leash access regulations at this beach.

Off leash dogs pose a major and demonstrated threat to beach-nesting birds and there is overwhelming evidence on their impacts in terms of lethal disturbance to breeding Hooded Plovers, predation of the flightless chicks and crushing of the eggs.

Ensuring that the few remaining beaches for the Hooded Plover in NSW have as a minimum, on-leash restricted access is pivotal to mitigating this major known threat. To reverse this level of protection and open the beach to off leash dogs would undermine the intensive recovery efforts by the Office of Environment & Heritage and the many community volunteers who devote their time and effort to monitoring the birds, helping protect nest sites and assisting with community education.

We seek support of the council in terms of appropriate regulations to mitigate key threats and commitment to educating local and visiting dog walkers about the significance of the area's beaches to wildlife.

Also, we feel no public area should be made available in such a way that the access, comfort and the sense of security of non dog owners is permanently compromised. The Dog Policy should reflect the genuine concerns of many people going to the beach who experience dislike or discomfort, if not fear of dogs.

In this letter we set out the important background and reasons for our opposition. We recognise, however, that an off-leash area for dogs is a legitimate request and our letter proposes viable alternatives to that of Cudmirrah Beach. We would urge others to suggest other suitable alternatives to transforming pristine beach into a permanent dog park.

### 1. Background

It has been proposed that Cudmirrah Beach, from a point south of the Sussex Inlet Surf Club, to its southern end at the entrance to Swan lake, be made a 24 hour Dog off- leash area.

Data collected as a regular part of the National Parks & Wildlife Service (NPWS) Shorebird Recovery program shows that Cudmirrah Beach has always been a nesting site for endangered shorebirds. There has not been an endangered shorebird nesting now for some 3 seasons. This corresponds closely in time with the Shoalhaven Council's 'Pet Friendly' campaign which has shown a noticeable increase in dog use both on and off-leash, on Cudmirrah Beach.

Extratropical cyclonic events in the form of east coast lows in August 2015 (with King tides) and June 2016, may also be relevant.

Claims by some, who support Cudmirrah as a dog off-leash beach, that there hasn't been a nesting for 8 years are simply wrong and there's no scientific basis for the claim. During the 2014/15 nesting season the banded pair of Hooded Plover (D3 and C8) had an unsuccessful nesting (GPS location -35.191198, 150.576449). They also had an unsuccessful nesting further north on Cudmirrah Beach.

In any event, that an historical nesting site for any bird, endangered or otherwise, is not being currently used, should mean that as a community we redouble our effort to ensure it becomes a nesting site again, not take actions that will ensure that it will never, again, do so.

This is a Critically Endangered species and site use will temporarily decline while recovery efforts are building. It is critical we work together with council to ensure all is being done to improve local dog walker behaviours and promote coexistence with threatened wildlife.

We would propose that we regularly meet and review data for the key Hooded Plover beaches in the Shoalhaven area to monitor compliance and the health of the bird population, working toward strategies that will ensure we do not lose the species from NSW. The National Beach-nesting Birds program run by BirdLife Australia has been working with councils to achieve positive results in other states, and we would like to work toward this model of collecting threat and bird data to assess the effectiveness of current recovery efforts and communicate this with council to collaborate on solutions.

As a positive exemplar of effective dog management, Councillors and others should note, that following more than a decade of careful research Birdlife Australia successfully advocated for a dog prohibition in the Mornington Peninsula National Park (Victoria) and its beaches. This was following a decade of investment in community education and compliance monitoring. Through data collection and regular reviews with the land manager and community volunteers, it was revealed that compliance with dog leashing and access restrictions had been as low as 2.9 percent and breeding of the endangered hooded plover was in dramatic decline. The solution to prohibit dogs was reached together with the community, BirdLife Australia, local council and State Government departments.

The outcome of this dog prohibition is a very significant increase in the breeding success of Hooded Plovers on these beaches in just two years. \*(Australian Birdlife, vol. 7, no 2 page 18.)

While Cudmirrah beach is not suitable to be dog prohibited, and this isn't advocated, we are working toward a coexistence model where, deemed appropriate, dogs and wildlife can co-use beaches because the threat posed by dogs is mitigated through leashing. This sharing and coexistence currently exists. Stronger enforcement and better compliance, however, may well increase nesting and breeding success, as our research and experience elsewhere has demonstrated.

## 2. Reasons for Opposition to the Dog off-leash proposal

This is a proposal to effectively render pristine wildlife habitat and the historical nesting site of endangered shorebirds, as little more than unlimited dog park. This 'dog park' would be in excess of 1 kilometre of Cudmirrah Beach. Specifically, the proposal is opposed for the following reasons:

- The beach is a wildlife habitat and essentially incompatible with domestic pets
- The beach has historically been the nesting site of the critically endangered Hooded Plover (*Thinornis rubricollis*) protected both under NSW threatened species laws (*Biodiversity Conservation Act 2017*), and also listed under the federal (*Environmental Protection and Biodiversity Conservation Act 1999*) as vulnerable.
- The impact on Cudmirrah of a dog off-leash policy is particularly significant, because it would contribute to the further fragmentation of the Hooded Plover nesting habitat in what is a threshold zone of its most northern distribution. This fact is critical.
- Under the *Companion Animals Act* in NSW a dog should always be under effective control when off the owner's property. Clearly, the intention of this requirement in the Act is that dogs be on-leash when in public places.
- Further, Section 14 of the Act identifies public places for the protection of wildlife and draws attention to the role of local government in this.
- There is no evidence that dogs need to have beaches for their health and well being.
- No public area should be made available in such a way that the access, comfort and the sense of security of non dog owners is permanently compromised by privileging dog owners. For many people going to the beach can be an unpleasant experience, because of the dislike or discomfort, if not fear of dogs. This response to dogs can occur for all kinds of perfectly legitimate reasons, including previous traumatic experience. The Dog Policy should reflect these concerns.
- Surveys repeatedly show people are attracted to the Shoalhaven above all, because of its natural heritage. This should, overwhelmingly, motivate us to do all in our power to protect those natural areas for their natural heritage.
- When all the relevant risks and benefits are properly considered, if there is a will and commitment to do the best, there are alternatives.

## 3. Viable Alternatives (in addition to Swan Lake foreshore {limited hours})

It should be recognised that dog owners have a right to take their dogs to public places in order to exercise and 'socialise' with other dogs, and as a healthy recreation for dog owners themselves to socialise. Recognition of this right should not mean that wildlife habitat, but especially habitat of endangered species, be expropriated for that purpose. Indeed, the intent of all the relevant legislation is to ensure that this does not happen.

- A section of Third Ave reserve in Cudmirrah, south of the concrete access pathway could be fenced for a dog off-leash dog park.
- A section of sporting fields in Sussex Inlet could also be used as dog off-leash at appropriate times. This is common practice throughout NSW.

- there is Council managed Crown land at the back (west) of Cudmirrah village, which could be fenced and used as a dog off-leash area.
- At a recent meeting of the Cudmirrah-Berrara-Swanhaven Progress Association one member (along with his wife) offered to provide some finance to part fund such an enclosed area (Dog Park) and to undertake the regular maintenance as long as they are able. This would be a small price to pay in order to protect the high value conservation area that Cudmirrah beach should represent.

Of course it would be far better that the community itself, through its Council or public fora, had a vision for protection of natural heritage and made a virtue of this.

Council has an opportunity here to both:

- i) fulfil its obligations to protect wildlife habitat and natural heritage within the Shoalhaven and
- ii) provide dog owners with a suitable low cost off-leash area

#### **4. Conclusion**

Ensuring that the significant impacts of off-leash dogs are mitigated where species survival and biodiversity are at stake should be a priority within the Shoalhaven region. We urge council to maintain Cudmirrah beach as an on-leash beach, which is in line with building coexistence with wildlife and beach users, and strikes a balance in sharing the beach.

The Shoalhaven should be viewed as a community that possesses a rich natural beauty of flora and fauna, and importantly, that does everything in its power to maintain this natural beauty; indeed, which strives to protect its threatened species. This is a respectable and principled way to welcome visitors to our precious coastal environment.

Thank you for giving serious consideration to these matters. We urge you to think carefully about more suitable alternatives, some of which are indicated in this letter. No doubt others exist. We would welcome the opportunity to work closely with council to achieve better outcomes for threatened birds within the Shoalhaven area, in order to ensure that we are successfully building community coexistence with our wildlife.

\*See the attached extract from the latest edition of Australian Birdlife vol. 7, no 2 2018, p.18.

**Signatories\***

Paul Sullivan (CEO, BirdLife Australia Ltd.)

Mike Clear (Local Volunteer Co-ordinator, NPWS Shorebird Recovery Program)

Chris Grounds (Conservation Officer, Birdlife Shoalhaven)

Rob Dunn (President, Birdlife Shoalhaven (for the Committee) &Board member  
Birdlife Australia Ltd)

Frances Bray (President, Lake Wollumboola Protection Association Inc)

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Ian Scott

Clive Mueller

Owen Dent

Megan Jobson

Barb Liddle

Margaret Hamon

Jorj Lowrey

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Ivan Webber

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June Murray

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**\* Signed CEO of Birdlife Australia Ltd., All other signatories are Sussex Inlet & District Ratepayers and/or Shoalhaven residents who visit Sussex Inlet & District beaches**

**From:**  
**Biannual Newsletter of Birdlife Australia's Beach-nesting Bird Program 'Word About the Hood' Edition 19 –Winter 2018 page 12**

*“Analysis of ten years of breeding data has revealed that off-leash dogs are an emerging and increasing threat, accounting for high levels of nest loss and chick mortality. There have been many direct observations of the flightless chicks being taken by off-leash dogs as well as many necropsies (bird ‘autopsies’) that have revealed dog attack as the cause of chick death. This threat is one that is easily removed from the birds’ environment, by appropriate zoning for high conservation areas, responsible behaviours of dog owners, and enforcement of regulations. By tackling the threats people have added to the environment we are able to increase breeding success and return balance to the birds’ environment.”*

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**From:**  
**Dr Paul Mahon**  
**SOS Project Coordinator: Threatened Beach-nesting Birds**  
**Office of Environment and Heritage**

- 1. Disturbance and predation by domestic dogs, and off-leash dogs in particular, is one of the primary threats to hooded plover in NSW (see the species profile <http://www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=10803>)*
- 2. Monitoring back to 2001 shows that Cudmirrah Beach is a frequently used nesting site for hooded plover. Thus we are including it within our mapping of important nesting sites for threatened beach-nesting birds*
- 3. Given 1 & 2 above, allowing off-leash dogs on Cudmirrah Beach would be promoting a significant threat to a species listed as Critically Endangered under the Biodiversity Conservation Act.*