



CONFIRMED MINUTES

ENVIRONMENTAL ADVISORY COMMITTEE MEETING

28 NOVEMBER 2017

I certify that the minutes of the meeting of the Environmental Advisory Committee held on Tuesday, 28 November 2017 were confirmed on 27 February 2018.

A handwritten signature in black ink, consisting of stylized initials and a long horizontal stroke.

Presiding Person



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ATTENTION/DISCLAIMER

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the Shire of Mundaring unless specific delegation of authority has been granted by Council. No person should rely on or act on the basis of any advice or information provided by a Member or Employee, or on the content of any discussion occurring, during the course of the Committee Meeting.

The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by an Elected Member or employee, or the content of any discussion occurring during the course of the Council Meeting.

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**ENVIRONMENTAL ADVISORY COMMITTEE
COMMITTEE ROOM, SHIRE OF MUNDARING ADMINISTRATION CENTRE**

1.0 OPENING PROCEDURES

Angus Money, Manager Planning & Environment, opened the meeting at 6.02pm and welcomed the 2 new committee members as well as those present. He then asked the members to give a background of themselves. The Manager Planning and Environment explained the role and responsibilities of members of the Committee.

At 6.10pm, Herbie Titelius entered the meeting

Cr Kate Driver assumed the Chair at 6.16pm.

1.1 Announcement of Visitors

Nil

1.2 Attendance/Apologies

Members	Cr Kate Driver (deputy for Cr Brennan) Darren Murphy Kathryn Batchelor Bethany Challen Christine Groom Tom Hogarth Robert Ragg Michael Waite Lee Roberts Herbie Titelius (arrived 6.10pm)	East Ward
Staff	Angus Money Briony Moran Ruth Broz	Manager Planning and Environment Co-ordinator Environment and Sustainability Minute Secretary
Apologies	Cr Tony Brennan Selene Moonbeams Jim Thom Mark Robertson	West Ward
Absent	Nil	
Guests	Cr John Daw (Shire President) (arrived 6.29pm)	
Members of the Public	Nil	
Members of the Press	Nil	

1.2.1 Election of Deputy Presiding Person

As Cr Tony Brennan (Presiding Person) is an apology for this meeting, Cr Kate Driver (Deputy for Cr Brennan) presided over the meeting and called for nominations for Deputy Presiding Person.

Tom Hogarth nominated Darren Murphy.

There being no further nominations, Cr Kate Driver declared Darren Murphy elected as Deputy Presiding Person of the Environmental Advisory Committee.

Cr Kate Driver vacated the chair.
Darren Murphy assumed the chair.

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Elected Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

Nil

3.2 Declaration of Interest Affecting Impartiality

An Elected Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

Nil

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COMMITTEE DECISION RECOMMENDATION	EAC1.11.17
Moved by Robert Ragg	Seconded by Bethany Challen

That the unconfirmed minutes of the Environmental Advisory Committee Meeting held 25 July 2017 be confirmed.

CARRIED 10/0

For: Darren Murphy, Cr Kate Driver, Kathryn Batchelor, Christine Groom, Tom Hogarth, Robert Ragg, Lee Roberts, Herbie Titelius, Michael Waite and Bethany Challen

Against: Nil

5.0 PRESENTATIONS

Nil

6.0 REPORTS OF EMPLOYEES

6.1 Dog Exercise Area Proposal for Railway Reserves Heritage Trail

File Code	RS.MIS 3
Author	Briony Moran, Co-ordinator Environment and Sustainability
Senior Employee	Steve Trlin, Acting Director Statutory Services
Disclosure of Any Interest	Nil
Attachments	Nil

SUMMARY

The Shire has recently advertised a proposal to specify the Railway Reserves Heritage Trail (RRHT) as a dog exercise area. A dog exercise area (DEA) is an area where a dog may be exercised "off leash", while still being required to be under supervision and effective control.

During the public notice period several members of the Environmental Advisory Committee (EAC) requested that the proposed inclusion of the RRHT as a DEA be considered at the next EAC meeting.

This report recommends that EAC advises Council of its views on the potential addition of the Railway Reserve Heritage Trail to the list of specified dog exercise areas in the Shire of Mundaring.

BACKGROUND

Council considered proposed DEA's and PA's at its meetings of 9 May 2017, 8 August 2017 and 12 September 2017.

During the advertising of the first list of proposed DEA earlier this year, a number of submissions were received requesting that the RRHT and several other reserves be included as a DEA. These suggestions were considered by Council and a second public consultation period was recently completed for additional DEA:

- Lot 100 Hardey Road, Glen Forrest (excluding Glen Forrest Community Garden lease area);
- Lots 377 & 378, Chartwell Way, Swan View;
- Mundaring Arena Oval, Mundaring Weir Road, Mundaring (formerly known as Mundaring Recreation Oval); and
- The Railway Reserve Heritage Trail (sections under Shire of Mundaring control, various localities) between 4pm and 10am.

The Hardey Road, Chartwell Way and Mundaring Arena Oval sites have mowed grass surfaces with some remnant native vegetation. The RRHT varies over its length but is generally a laterite gravel track with remnant native vegetation on both sides.

The RRHT is a multi use trail used by walkers (with and without dogs), cyclists and horse riders. The landscape setting and social and environmental values vary across different sections of the RRHT. Some sections of the RRHT are adjacent to larger reserves for conservation.

It should be noted that any public place not specified as either a DEA or a prohibited area (PA) would come under the general requirements of Section 31 of the *Dog Act 1976* and thus require that a dog be on a leash. In the case of the proposed hours for the RRHT, this would require that dogs be on a leash between 10am and 4pm.

STATUTORY / LEGAL IMPLICATIONS

The key sections of the *Dog Act 1976* (the Act) are summarised as follows:

A local government must:

- Specify dog exercise areas that are in its opinion sufficient in number and suitable for exercising of dogs in the district.

A local government may:

- Specify public places (under its care/control) where dogs are prohibited at all or specified times (PA's).
- Specify public places (under its care and control) to be dog exercise areas (DEA's).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

Priority 3 - Natural environment

Objective 3.2 – A place where the environment is well managed

Strategy 3.2.1 – Identify and mitigate threats to the natural environment

SUSTAINABILITY IMPLICATIONS

Environmentally, the RRHT contains remnant native vegetation and functions as a wildlife corridor. Socially, the RRHT is used and valued by the community for recreational walking, riding and cycling in a natural setting. Economically, the RRHT is an asset for nature based tourism for bushwalking and cycling.

RISK IMPLICATIONS

Community support for the RRHT as a dog exercise area is mixed. Reputational risk should Council not include the RRHT as a dog exercise area is therefore considered 'low'.

EXTERNAL CONSULTATION

External consultation for the proposed additions to the specified dog exercise areas was conducted via public notice within the Hills Gazette and Echo Newspapers, on the Shire website and on notice boards at the Shire administration centre and libraries. The public notice called for comments to be received by 23 October 2017.

A total of 84 submissions or comments were received. Those submissions are expected to be summarised in the report, and provided in full as attachments to the report, for consideration at Council's meeting of 12 December 2017.

Submissions were received both in favour and against specifying the RRHT as a dog exercise area. It was noted that the majority of submissions in favour of specifying the RRHT as a DEA were from one locality, being Darlington.

Once public notice has been given proposing to specify an area as a DEA, the local government cannot change the details without undertaking a new public notice process for a modified proposal. Should Council wish to consider an alternative such as listing a short section within the overall RRHT as a DEA, then further public consultation would be required.

COMMENT

The RRHT contains remnant native vegetation that provides habitat for native fauna. It also acts as a wildlife corridor by providing connections between areas of native vegetation in conservation reserves and on private land. The majority of the trail reserve is included within the Darling Range Regional Parks network.

Conservation significant species known to frequent the RRHT include three bird species listed under the federal *Environment Protection and Biodiversity Conservation Act 1999*: Carnaby's Black Cockatoo (listed as endangered); Baudin's Black Cockatoo (vulnerable); and the Forrest Red-Tailed Black Cockatoo (vulnerable). The Southern Brown Bandicoot or Quenda, which is listed under the *Wildlife Conservation Act 1950* as Priority 4 fauna (near threatened or in need of monitoring due to threatening processes), is also frequently observed along the trail. It is likely that other threatened or priority fauna also inhabit or use parts of the trail but have not been observed or recorded.

There are several environmental volunteer Friends Groups that look after sections of the RRHT. The volunteer work of the Friends Groups is completed in collaboration with the Shire's Landcare Team. These groups have previously obtained significant grants for environment restoration works for the RRHT and undertaken weed control, revegetation and installed interpretive signage for parts of the trail.

Although the behaviour of individual dogs varies significantly, the overall risk to native fauna from off-leash dogs include:

- dogs wandering into the native vegetation on the sides of the trail may frighten and disturb the natural behaviour of native fauna;
- dogs entering the native vegetation will leave a scent trail which can cause native animals to avoid the area or otherwise disrupt their natural behaviour;
- some dogs will chase, injure or kill wildlife and a dog bite which is not immediately fatal can still lead to death from infection, insects or reduced mobility; and

- dogs leaving the gravel path and walking or digging in muddy areas can transport mud or soil, increasing the risk of spreading *Phytophthora dieback* (which can diminish the habitat value of remnant vegetation by killing a wide range of native plant species).

Limiting the times at which dogs can be exercised off-leash will not remove the risk of the impacts listed above. Many native animals are less active and may be less likely to interact with dogs during the middle of the day (including the 10am-4pm proposed on-leash times) and more active during the early morning and late afternoon, which are proposed as off-leash DEA times.

The provisions under the Act in relation to the specification of DEA's include:

31. (5) a local government must specify under subsection (3A) such dog exercise areas as are, in the opinion of the local government, sufficient in number, and suitable, for the exercising of dogs in the district.

What is considered 'sufficient in number' for dog exercise areas would vary between urban, peri-urban and rural settings. The majority of dogs within the Shire of Mundaring are being kept on large lots, rather than apartments or small lots without backyards. The need for off-leash dog exercise areas would be greater in urban areas with higher population densities and less private open space.

'Suitability' is not defined within the Act, however the general use and definition of the word relates to 'appropriateness'. In that regard, due to the risk of harm and disturbance to native fauna from off-leash dogs, specifying the RRHT as a DEA may be considered inappropriate.

If the RRHT is not specified as a DEA, it would continue to be subject to the requirements of the Act for dogs be on a leash at all times.

VOTING REQUIREMENT

Simple Majority

At 6.29pm, Cr Daw entered the meeting as an observer.

RECOMMENDATION
That the Committee advises Council of its views regarding the potential addition of the Railway Reserves Heritage Trail to the list of specified dog exercise areas in the Shire of Mundaring.

At 6.37 pm, Cr Driver left the meeting and did not vote.

**COMMITTEE DECISION
MOTION**

EAC2.11.17

Moved by Darren Murphy Seconded by Tom Hogarth

That the Committee advise Council it does not support the addition of the Railway Reserves Heritage Trail to the list of specified dog exercise areas in the Shire of Mundaring on the basis that such action is inconsistent with the intent of the Shire's Local Biodiversity Strategy, Wildlife Corridor Strategy and Protection of Local Natural Areas under Local Planning Scheme No. 4.

CARRIED 9/0

For: Darren Murphy, Kathryn Batchelor, Christine Groom, Tom Hogarth, Robert Ragg, Lee Roberts, Herbie Titelius, Michael Waite and Bethany Challen

Against: Nil

At 6.48pm, Cr Driver returned to the meeting.

7.0 URGENT BUSINESS (LATE REPORTS)

Nil

8.0 CLOSING PROCEDURES

8.1 Date, Time and Place of the Next Meeting

The next Environmental Advisory Committee will be held on 27 February 2018 at 6.00pm in the Committee Room, Shire of Mundaring Administration Centre.

Dates for Future EAC Meetings

22 May 2018
28 August 2018
27 November 2018

8.2 Closure of the Meeting

The Deputy Presiding Person declared the meeting closed at 7.01pm.