

**ITEM NO: 3****SUBJECT: PROCESS OF DEVELOPING WILDLIFE PROTECTION AREAS IN  
THE BLUE MOUNTAINS LGA****FILE NO: F04895**

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**Recommendation:**

*That the Council receive and note the information contained in the report and that no further action be taken.*

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**Report by Group Manager, Community and Corporate:****Report Summary**

At its Ordinary Meeting of 24 June 2008, the Council resolved:

*“That a further report come to the Council, as soon as possible, dealing with:-*

- i. matters referred to in clauses 3.2 and 3.B of the Companion Animals Management Plan;*
- ii. the process of establishing Wildlife Protection Areas;*
- iii. how they will meet World Heritage obligations; and*
- iv. any legal obligations on Council to control domestic, stray and Feral Cats under the Threatened Species Conservation Act 1995; and funding options for the introduction of Wildlife Protection Areas and the protection of wildlife from Feral Cats, fauna monitoring, staffing needs, community education.”*

(Minute No. 524, Ordinary Meeting 24/6/08)

**Background**

In October 2008, the Council adopted *The Companion Animals Management Plan (Cats and Dogs) 2008-11*, which is supported by a Local Orders Policy. The Plan seeks to achieve a range of outcomes including:

- To be consistent with the Council’s 25 year Strategic Plan;
- Helping to protect the natural environment including sensitive land and native fauna from the actions of some dogs and cats; and
- Providing information to residents to support socially responsible pet ownership.

The Plan also requires Council to investigate the viability of declaring a trial area as a “Wildlife Protection Area” (Key Action 3.2) and a report to Council is prepared in relation to the establishment of trial Wildlife Protection Areas (Performance Indicator 3.B). This report responds to these requirements and represents successful completion of these tasks.

The NSW *Companion Animals Act 1998* enables the Council to prohibit dogs and / or cats from “Wildlife Protection Areas” (WPAs). This is defined in the Act as “any public place or any part of a public place set apart by the Council for the protection of wildlife and in which the Council has ordered that dogs and/or cats are prohibited for the purposes of the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited

by the Council at reasonable intervals notices to the effect that dogs and cats are prohibited in or on that public place”.

The establishment of WPAs within the City of Blue Mountains would make a small contribution towards the aforementioned outcomes sought by the Companion Animals Management Plan. However, their implementation will require the careful consideration of all issues including the requirement for the allocation of resources to effectively investigate, establish and manage such areas together with an assessment of the impacts of Wildlife Protection Areas on all users. To this effect the Companion Animals Management Plan contained the Key Action to “investigate the viability of declaring a trial area as “Wildlife Protection Area”.

### **Introduction of WPAs**

Community members have approved the Council to establish WPAs as a means of protecting the fauna of the mountains. However, it must be noted from examples elsewhere that declaration of a WPA does not achieve significant improvements in wildlife protection. In a large part this is due to the difficulty in managing, controlling and regulating cats. It is considered that the adoption of WPAs would be a more symbolic gesture that provides valuable community education opportunities.

Beyond the definition of a WPA provided in the NSW *Companion Animals Act* 1998 there is no further guidance in this Act or associated Regulation as to the determination of a suitable WPA. The Council can declare a WPA in any public space, which may include a pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach, garden or any other area declared by Council, where the declaration may protect wildlife.

The Council manages more than 350 reserves that include 9945 hectares of natural area much of which forms a buffer to the World Heritage Area. A large proportion of these reserves might make a suitable WPA, however due to resourcing constraints it is not feasible to declare all natural areas as a WPA and provide enforcement and suitable signage. There is also the issue of competing interests such as dog walking in natural areas which is common place in the Blue Mountains and contributes towards resident’s health, well-being and appreciation of the natural environment.

The introduction of WPAs may limit the reserves that dog walking is permissible. However, a reserve may be declared as a whole or in part allowing for the exclusion of walking tracks and offers an opportunity to encompass dual use of an area.

If the Council chooses to consider WPAs, a precursor to their introduction should be the development of the Council policy relating to WPAs. The policy should consider and identify suitable areas for declaration of WPAs considering the size, conservation value, protection of the World Heritage Area, current usage patterns, and capacity for dual use. The policy should detail a phased implementation strategy, commencing with the identification of four trial areas of various sizes, and a process of review.

Given the location of potential WPAs adjacent to the World Heritage Park Council is being drawn into taking a broader environmental management and control role on behalf of the wider community at the costs of the City’s ratepayers. Consideration would need to be given to what would be achieved by the introduction of trial WPAs and at what cost when compared

to other competing environmental programs, some of which may be reduced to meet the financial cost of proceeding with WPAs.

Public Consultation

There is no requirement under the NSW *Companion Animals Act* 1998 for public consultation or to publicly exhibit proposed WPAs. However, if the Council chooses to trial WPAs it is recommended that the Council prepare and exhibit a WPA policy and any area proposed for dedication as a WPA and that an exhibition period of 21 days is provided to allow public comment.

Regulation and Enforcement

Enforcement of the restrictions could involve self regulation or active enforcement. The later will require considerable resourcing particularly if control efforts such as regular trapping in reserves were to be undertaken. A review of similar models in other LGA’s has indicated that self-regulation appears the preferred approach mainly due to resourcing. Only a minority of Council’s adopt a proactive and resource intensive enforcement approach. As the dedication of WPAs will result in a financial cost to this Council it is recommended that a self-regulation model be adopted. This approach would require no additional staffing and the minimal increase in service provision could be accommodated within current staffing levels. Proactive enforcement within WPAs by the Council’s Rangers would be limited to responding to complaints associated with a nuisance dog or cat as is currently the case on other lands. The increase in demand on Ranger services would have to be monitored to properly assess ongoing resourcing.

Fauna Monitoring

This Council does not undertake any broad scale terrestrial fauna monitoring within the City. A meaningful monitoring program is cost prohibitive given the extent of natural area the Council manages. The limited funding available for terrestrial biodiversity monitoring is directed towards targeted survey for high conservation value assets such as threatened species as this provides a more worthwhile outcome.

**Sustainability Assessment**

The introduction of trial WPAs in the City would provide the sustainability outcomes described in Table One.

*Table One: Expected sustainability outcomes associated with the introduction of WPAs.*

<b>EFFECTS</b>	<b>POSITIVE</b>	<b>NEGATIVE</b>
Environmental	<ul style="list-style-type: none"> <li>• Minor improvement in the protection of fauna.</li> <li>• Contributes towards education actions in the NSW Predation by Feral Cat Threat Abatement Strategy and National Feral Cat Threat Abatement Plan 2008.</li> <li>• Contributes towards the GBMWA Draft Strategic Plan management responses in developing an urban buffer.</li> </ul>	<ul style="list-style-type: none"> <li>• There is currently no dedicated budget for WPA and if Council were to proceed funds would have to be reallocated resulting in a reduction in other environmental program areas.</li> </ul>

<b>EFFECTS</b>	<b>POSITIVE</b>	<b>NEGATIVE</b>
Social	<ul style="list-style-type: none"> <li>• Improved understanding and awareness of the impact of domestic, stray and feral cats and dogs.</li> <li>• Improved community co-operation in the management of companion animals.</li> </ul>	<ul style="list-style-type: none"> <li>• Some reserves historically used for dog walking may no longer be available leading to reduced recreational and well-being opportunities in a locality.</li> <li>• Community expectation for the implementation of an animal control program would be beyond the Council’s limited resources to deliver and expectations are likely to go unmet.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>• There are no direct positive economic outcomes envisaged.</li> </ul>	<ul style="list-style-type: none"> <li>• Introduction of WPAs is unfunded and their implementation would be a further cost to the Council.</li> <li>• The City’s ratepayers would be taking on a further environmental management and regulatory role that should be contributed to by the broader community and other levels of government.</li> </ul>

**Financial Implications**

The estimated first year cost for the introduction of four trial WPAs is \$12,800. A breakdown of the costs is provided in Table Two below.

*Table Two: Breakdown of costs associated with the implementation of trial WPAs at four sites*

<b>TASK</b>	<b>FREQUENCY</b>	<b>COST</b>
<b>DEVELOPMENT OF WPA POLICY</b>		
Policy Development	Once off	\$1,500
Community Consultation	Once off	\$2,500
<b>IMPLEMENTATION OF WPAs</b>		
<u>Signage</u>		
Small reserve (<2 ha) @ \$250 ea – 2 included in trial #	Once off	\$500
Medium (2-10 ha) @ \$750 ea – 1 included in trial	Once off	\$750
Large reserve (>10 ha) @ \$1,800 ea – 1 included in trial	Once off	\$1,800
Ongoing Maintenance of Signage	Annual	\$750
<u>Community Education</u>		
Implementation Phase (advertisements, educational media)	Once off	\$2,500
Continuing Community Education Program	Annual	\$500
Regulation/Enforcement (customer service and targeted enforcement)	Annual	\$2,000

# Council manages approximately 240 small, 70 medium and 45 large reserves

Policy development and an extensive community education program will be required during the initial phase of the trial. Community consultation covering the WPA policy and trial sites will cost \$2,500, however future consultation costs for any new WPAs beyond the trial four sites will be less. The required signage will cost \$3,050 for the four sites with an additional

annual maintenance cost of \$750 and is therefore the greatest single cost associated with the introduction of WPAs.

Ongoing costs, such as maintenance of signage, continued community education, customer service delivery and targeted enforcement will cost approximately \$3,250 per annum. Annual maintenance costs will increase if there is an increase in WPAs following the trial.

There are no funds from the Council's recurrent budget allocated to the implementation and operation of WPAs. If recurrent funding were to be utilised then it will have to be reallocated from other work programs. The Council receives a return from registration of companion animals however these funds are fully committed to current administration and enforcement costs associated with the Council's regulation of companion animals.

Periodically, the Council may attract small amounts of external funding to contribute towards community education component however this funding would be irregular and unreliable. External funding to contribute towards feral cat control is unlikely as it is not considered a high priority within the region.

### **Legal and Management Issues**

The introduction of WPAs does not trigger any additional statutory obligations for the Council arising from the operation of the NSW *Companion Animals Act 1998*, *Threatened Species Conservation Act 1995* or *National Parks and Wildlife Act 1974*. Furthermore, regulatory mechanisms available to control cats are far less stringent than those applied to dogs and there is no statutory obligation for the Council to control domestic, stray or feral cats on private or public lands, except where such lands are declared WPA. The Council will not have the resources to provide a rigorous level of enforcement in WPAs and will only control nuisance dogs or cats, as defined in the legislation.

### **External Consultation**

Hornsby Shire Council and Pittwater Councils have designated WPAs. Hornsby manages numerous WPAs with little enforcement whilst Pittwater manages a similar number but with regular intensive trapping of reserves. Pittwater reported similar capture rates in some reserves over several trapping sessions which suggest that the declaration of WPAs and the associated education program has not changed resident's management of cats nor the abundance of cats on reserves. NSW Department of Environment and Climate Change staff advised that the Council had no statutory liability under the NSW *Threatened Species Conservation Act 1995* to control cats.

### **Conclusion**

It is feasible for the Council to introduce Wildlife Protection Areas, as defined under the NSW *Companion Animals Act 1998*. However, Council resourcing of WPAs is not sufficient to cover enforcement and a self-regulatory approach would have to be adopted. Examples in other LGAs indicate that environmental outcomes achieved through the introduction of WPAs are minor but positive. The introduction and maintenance of WPAs will require budget to be reallocated from other Council environmental programs.

If WPAs are introduced, then it should be through a phased approach to allow for the development of guiding policy, to provide for a period of public consultation, and to allow the Council a suitable length of time for inclusion of WPAs in the work program and budget allocation. A realistic phased approach would be as follows:

1. Prepare and exhibit a Wildlife Protection Area Policy by end of 2009/2010 year;
2. Phased introduction of 8 trial WPAs by end of 2010/2011 year; and
3. A review of the WPA Policy and introduction of WPAs by end of 2011/2012 year.

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