Submission No 512

INQUIRY INTO MANAGEMENT OF PUBLIC LAND IN NEW SOUTH WALES

Name: Name suppressed

Date received: 7/11/2012

General Purposes Standing Committee No.5
NSW State Parliament 2012
LATE SUBMISSION (Part A)

The Secretary,
Madeleine Foley,

I wish to draw attention of the GPSC No.5 to the needs of dogs owners and the threat to our wellbeing and freedoms by certain proposed further reduction of access to public spaces. I also wish to add my personal support to the numbers of citizens who support the following matters.

1. We strongly oppose certain aspects of a current review by Gosford City Council pertaining to owners and companion dog access to Copacabana-MacMaster's Beach as is currently being promoted for public comment. There is in this plan, the expressed aim of reducing the areas available for dog exercise with their owners.

2. We seek to have enshrined in legislation our Common Law right of access to all beaches which are not in National Parks, for the duration of the official non-Surfing Season. That season extends generally from the end of Easter to the beginning of the Eight Hour Day long weekend in October. We seek a guarantee of twenty four access seven days per week.

3. We seek seven day beach access of the whole of any beaches not in National Parks, from 7.00 pm until 7.00 am in the Spring, Summer and Autumn months of the Surfing Season.

4. We seek to have enshrined in legislation our Common Law right of access to all man made fire trails in National Parks, with our on leash companion dogs. At a minimum this right should prevail where:

i) there exists an historic usage for decades preceding and succeeding World War Two.
ii) the trails commence at the edge of built up urban areas
iii) National Parks have the unenviable reputation of slashing the Spring Flora.

We tend the following arguments in support of the above:

1. There is empirical evidence that people who exercise are fitter physically, mentally and emotionally. They are less likely to drain public health and medical resources.
2. People report that they NEED companion dogs for personal safety.
3. Precedent. The long standing usage of fire trails precedes the National Park subsuming of the old Crown Lands.
4. Most of us care for the environment. Many of us purchase and grow Australian native plant species in our gardens. We walk our dogs on leash and ALWAYS carry plastic bags for the inevitable.
5. There is no observable diminishing in wildlife species in our local areas where dogs are walked. Echidnas thrive, Brush Turkeys are at times in plague proportions and timid Satin Bower birds are local residents.

Yours faithfully,

General Purposes Standing Committee No.5
LATE SUBMISSION
(PART B)

The Secretary,
Madeleine Foley,

Please do see the attached letter and map from
Gosford Area, National Parks and Wildlife Service. (In following emails.)

My claim is that my freedoms and those of my dog owning and dog loving neighbours are being over ridden by a ruling as per the letter. In this case the ruling is based on defective legislation and or regulations which I must assume was/were introduced (but ignored) about thirty years ago. My neighbours who support this initiative are listed in an annexure attached this letter.

We wish to dispute the current law/regulations which proclaim that we do not have a legal human right to walk our dogs on a track which runs through the very edge of Bouddi National Park. On behalf of the other dog owners I wish to assert that we do have the right to access the most convenient and safest route to the beach, a public thoroughfare, with our dogs via this track. (Part of MacMaster's Beach is an off leash area for dogs.)

Please note that this is the only safe access to the beach from our neighbourhood, as the Scenic Drive has no footpath and this road is extremely dangerous.

The track is the most direct route to MacMaster's Beach for the residents of the three streets: Ocean Drive, Beachview Esplanade and South Pacific Parade but also includes use by residents of The Scenic Road and other neighbouring streets.

The track in dispute runs approximately 200 metres from one street to another, that is from the intersection of the eastern end of Ocean Drive to the generally southern and cul-de-sac end of MacMaster's Parade. These are urban areas.

The track in question is man made, sealed with a bituminous like substance with a crushed bluestone looking gravel.

The track runs on the top of a man made water pipe and is clearly indicated by an Inspection Opening approximately half way down the track.

The issue here is that the environment itself is no longer natural and has no chance of ever returning to anything approaching a pristine state.

And yet despite the encroachment of humans and dogs, all manner of birdlife and reptiles and mammals such as echidnas are frequently seen on or near the track. Those observations alone nullify any objections to the case I am here presenting.

The argument that the ongoing presence of dogs and or their faecal residue and or their scent repels native wildlife is empirically false and irrational.
One implication is that human presence has no impact but that of dogs has. There are cats in the neighbourhood as well.

I wish to draw to the attention that there are very significant precedents in this situation:

Local residents, I am informed, were walking dogs up and down this track during over 60 years (and possibly 160 years) of recent white human habitation and since the land was "developed", subdivided and sold off.

Visitors to the rental properties and holiday cottages have continued to walk their dogs up and down this track, as far as I have been able to observe, for the last twelve years.

There may be some grounds to believe that the original well worn bush track was first used by the original inhabitants of the land together with their native Dingo dogs.

May I add here that women and us older residents prefer to walk with their companion dogs rather than alone as an added measure of safety. They NEED their dogs as companions.

Will the GPSC No.5 kindly address this issue.

We suspect and hope that the rational and legal outcome will be that the track will need to be "excised" from Bouddi National Park and right of access on this very busy public thoroughfare through this small parcel of land, by the local residents with their dogs will be fully and legally restored.

Yours sincerely,

We the undersigned residents of Macmaster's Beach support the above/attached application to have our right of beach access with our dogs, from Ocean Drive to MacMaster's Parade through part of Bouddi National Park legally restored.

List of 14 signatories redacted for privacy by the Committee secretariat