

Minutes

Minutes of the Koala Beach Wildlife and Habitat Management Committee Meeting held Wednesday 15 May 2024

Venue:

Pottsville Environment Park

Time:

1.00pm

Present:

Cr Meredith Dennis (Deputy Mayor) (Chair), Cr Chris Cherry (Mayor), Noel Hart, Irene Timmins, Sandy Pimm, Helene Sheean, Caterina Barry, Jane Lofthouse, Scott Benitez Hetherington.

Guests: Nicole Skorupski (Minutes); Kristian Pakula, Team Leader – Rangers (Tweed Shire Council).

Apologies:

Lila Whiting, Rosealie Vallance, Paula Searle, Yvonne Gardiner.

Acknowledgement of Country – Cr Meredith Dennis

Minutes of Previous Meeting:

Moved: Irene Timmins

Seconded: Cr Meredith Dennis

RESOLVED that the Minutes of the Koala Beach Wildlife and Habitat Management Committee meeting held Wednesday 21 February 2024 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Review action list:

Review of highlighted items on agenda to be taken off the list as actioned or superseded.

0322 – 1 Communication with real estate agents – Letter has not yet been sent, addresses have been received. Chris requested draft letter be sent to committee for review.

Key points to include – Availability of welcome pack, dog/cat policy, fences, included in promoting sales and rentals, status as wildlife protection area.

Action: Jane to send draft letter to committee to review.

Agenda Items:

AG1: Dog Issues within Koala Beach

Action item 0224-1 - Discuss dog and cat sighting reports and turnaround time.

Irene asked for confirmation of the best way to report dogs on the estate to ranger staff, including to ensure rapid response.

Kristian advised 'Report a Problem' on our website is the most efficient way. It can also be done via Customer Service over the phone. However, using Report a Problem means key information including photos can be included and the report will go directly to the relevant department. When using the Report a Problem option ensure you tick the call back box so that the council officer is notified to call back with an update. If making the report via phone ensure you advise you want a call back.

Irene discussed details around the report at Christmas of a dog on the estate and queried what should be the expected turnaround time.

Kristian advised a matter may be under investigation for some time before it is marked as complete. The report in questioned was 'open' for two months. Kristian explained that during this time the officer involved made several enquiries, spoke to other residents in the area, visited and inspected the property before coming to a final decision that the dog was no longer at the property.

The committee discussed the value of witness statements in determining the level of resources that can be invested in a matter. Noting that if the compliance officer investigations provide evidence of a breach, then this evidence may be sufficient if the matter goes to court.

A question was raised about the allocation of the Koala Beach rate budget for additional ranger activity. Jane advised that the allocation funds 2 x 30min patrols most weeks by the Natural Area Ranger. This covers specific compliance issues in Koala Beach in addition to the regular ranger activities in Koala Beach estate.

Assistance Animal Policy

Council resolved to develop an Assistance Animal Policy, with this committee to be consulted early in the policy development. The policy will have a shire wide focus with the issues specifically relating to Koala Beach (and other dog and cat prohibited developments) to be addressed.

Scott advised that there is a high level of research and consultation with relevant agencies prior to development of a draft policy. A working group has been set up within council to coordinate the policy development and the Koala Beach committee has been identified as a key stakeholder.

Kristian noted that one definition of an assistance animal is that it has completed training with an accredited organisation and/or has been self-trained and passed a Public Access Test (PAT).

Dog located in Koala Beach estate

Council resolved at the 21 March meeting, in relation to the dog at 64 Lomandra Ave Pottsville:

- 1. Determines not to pursue legal action against the resident due to the dog residing on the property being a registered assistance dog in training.*
- 2. Requires the General Manager to develop a Policy to guide the management of assistance animals in Koala Beach Estate, Pottsville, for Council's consideration.*

Discussion on serious implications for those people who have bought expressly into Koala Beach knowing it was a cat and dog free estate. The Council resolution is not specific about whether the dog may be permitted to leave the private property which would be in breach of the declared Wildlife Protection Area status of Koala Beach estate public areas.

Caterina noted that an assistance animal is attached to a person and not a property. This has implications if that person can access any Council land with an assistance animal. This is an important consideration for the development of the assistance animal policy.

RECOMMENDATION:

That this committee urgently requests Council:

1. Adds to the resolution of 21 March 2024 (Item 32.3) the following caveat:
 - a. The dog noted in the resolution is not permitted to access any Wildlife Protection Area, with particular regard to the area surrounding the Tweed Coast Koala Research Hub in Council's Burbi Reserve which is adjacent to Lomandra Avenue Pottsville. This resolution may be reviewed when the Policy referred to in item 2 below is finalised and adopted by Council.

2. Resolves that the Policy to guide the management of assistance animals in Koala Beach estate, Pottsville be progressed as an urgent matter and the Koala Beach Wildlife and Habitat Management Committee (KBWHMC) be provided with the opportunity to have early input to the Policy.
3. Resolves that the KBWHMC is consulted before any approvals are given to enable a dog or cat to reside within Koala Beach estate.
4. Notes that the resident committee members of the KBWHMC do not approve of any dog being housed in the Koala Beach estate prior to successfully having completed the appropriate training required of an assistance animal by a training organisation recognised by Assistance Dogs International.
5. Ensures that the principles and conditions set down in the development consent for the Koala Beach estate, the rights of residents, and the safety of wildlife are not negatively impacted by any policy, guidelines and controls with regard to assistance animals in relation to Koala Beach estate and that any guiding documents undergo prior consultation with the KBWHMC.

Moved By: Irene Timmins

Second: Caterina Barry

All In Favor - Yes

A2. Social

Jane noted that any maintenance requests on the mural are to be directed to the Sustainability and Environment team as this was a condition for it being placed on the bridge.

- **Signage project – entry sign design elements, placement, structure**

Noted that Council does not consider the proposed Koala Beach estate entry signage as an official locality sign.

Discussion on locating the sign where the original estate signage was on Cudgera Avenue, including the existing dilapidated structures into the design. Noel requested Council staff to assist in implementing and making of the signage. The design will need to be agreed upon.

Action – Jane to forward proposed wording of the aboriginal acknowledgement on the sign to the Aboriginal Advisory Committee for endorsement.

Resolved: Committee's preferred location for a new entry sign is the old entry statement location and reinforcing the existing structure that remains to be incorporated into the design.

Moved by – Irene Timmins

Second – Sandy Pimm

All in Favor - Yes

Discussion on need for additional signage about bushland values and fauna movements to be made available for putting out as required.

Action – Committee to confirm signs to be developed and storage location.

- **Traffic management – Update and actions from meeting with Ray Clarke and Lily Morgan**

Meeting took place with Ray Clarke and Lily Morgan on Friday 3 May.

- Commitment for 40km limit in red stencil near school.
- Ray advised that it is considered Koala Beach roads are not used as a bypass, that the majority of traffic is originating from Koala Beach based on traffic data. Ray's

advice is not consistent with residents' understanding and that the Postville locality plan mentions Tom Merchant Drive as being a Pottsville Village bypass.

- At the meeting it was suggested that the committee could outsource a traffic assessment and management plan to a consultant.

Committee discussed permanent variable message signage similar to those on Clothiers Creek Road. Scott advised portable signage such as an A-frame can be more effective over the longer term as it can be moved to multiple locations based on sightings.

Chris noted there had been a resolution from the Traffic Committee following a petition from Koala Beach residents. This is to be brought to the committee at next meeting.

Action – The outcome of the resolution of the traffic committee 7 April 2022 be brought to the next meeting.

Resolved: Committee requests Council add 40km in red stencil at both entries to Koala Beach estate as discussed in meeting with Ray Clark.

Moved by – Helene Sheean

Second – Noel Hart

All in Favor - Yes

RECOMMENDATION:

That Council:

1. Assists with a traffic study and development of a traffic management plan because of the apparent increase in traffic through Koala Beach.
2. Installs traffic counters as soon as possible to provide current data on traffic numbers and speed through the estate.
3. Notes that the committee considers Koala Beach roads are used as a Pottsville village bypass.

Moved by – Helene Sheean

Second – Noel Hart

All in Favor - Yes

A2. Environmental

1. Wildlife surveys

- *Planigale*
 - Intensive surveys complete for 23/24 breeding season.
 - Report to NSW Government complete; work at Koala Beach has made a significant contribution to knowledge and preferred methodology for planigale sampling techniques and required survey effort.
 - Report to committee and scientific paper to come.
- *Glossy black-cockatoo*
 - Awaiting final report on last season's activity monitoring.
 - Contract for 2024 breeding season artificial hollow monitoring in preparation. Suitable contractors are limited.
- *Blossom bat*
 - Maintenance ongoing in trial plots including weed control and control of excess regenerating rainforest species.
 - Banksia seedling losses have been replaced.
- *Koala management & monitoring*
 - Koala Beach monitoring sites to be surveyed in conjunction with Tweed Coast koala monitoring 2024.

- *Artificial hollow maintenance & monitoring*
 - Delayed.
- *Bush Stone-curlews*
 - There were 47 breeding pairs on the entire Tweed Coast in the 2022-23 breeding season, this is a slight increase on the 43 breeding pairs recorded during 2021-22 and a significant increase on the 34 breeding pairs recorded during 2020-21. This is still a reduction on the 50 breeding pairs identified during the 2019-20 breeding season. It is a significant increase, however, on the 31 breeding pairs recorded during the 2018-19 breeding season.
 - Koala Beach Estate continues to be a significant breeding location for the Tweed Coast bush stone-curlews.
 - Awaiting final report on last season's monitoring activity (2023-24).
- *Vertebrate pest management & monitoring*
 - Still investigating use of cane toad lure traps at Sugar Glider detention pond.
 - Cross tenure vertebrate pest monitoring and baiting program results for November 2023 to March 2024 for the Tweed Coast indicated persistent fox activity at Koala Beach Estate.
 - All 1080 baiting stations on the Tweed Coast have been activated. Baiting will continue until 31 August or until camera monitoring indicates fox passes are no longer reaching triggers for baiting.
 - A specialist contractor will be carrying out control works targeting foxes, feral cats and hares at the Koala Research Hub / Burbi Reserve, Pottsville Environment Park and other key locations on the coast from 20 to 25 May. Access to these areas will be restricted from 6pm to 5am over this time. Notification letters are being delivered this week to alert nearby residents of this work.

2. Habitat restoration

- Contract almost complete. Awaiting final reporting. New contract in preparation.
- Recent focus areas – zone 12 (Tongue), edges of sports fields and plantings, particularly focusing on senna and other woody weeds. Hand-pulling, spot spraying and cut/scrape/paint.
- Collection of *Endiandra muelleri* subsp. *bracteata* propagation material (cuttings) to be done by contractor and grown at TSC nursery.
- Detention pond weed control work scheduled for when rain stops.

Action – Nicole to forward environmental and budget update by email to the committee.

A3. Economic

• Budget update

Report tabled. Caterina queried the drop in the target budget at the end of 2028. Scott advised that that is based on income and forecast estimated spend, noting that there was community concern that the funds not continue to build up. A smaller reserve to be

General Business:

GB1. Request from Australia Koala Foundation

Scott provided Cr Dennis with an email request from Australia Koala Foundation to speak with the chair of the committee.

GB2. Koala Conversations events

Koala Conversations 18 May through to 1 June, lots of activities throughout the region.

Next Meeting:

The next meeting of the Koala Beach Wildlife and Habitat Management Committee will be held on Wednesday 21 August 2024.

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The meeting closed at **2.55pm**

Action List:

Date	No.	Action	Status
07/10/21	1021-1	<i>Jane to present Entrance design and construction ideas to sign writers.</i>	Working group to discuss design, artwork and review message 20/09/23 – AAC Agenda – seeking approval for wording on Koala Beach Entry sign. 21/02/24 - The design and construction material in progress.
20/09/23	0923-2	The working group submit a request to the traffic unit for traffic monitoring with a view to preparing a submission to the local traffic committee. Jane to send report to traffic engineers to submit to local traffic committee agenda.	Report provided to traffic engineers. 15/05/24 – meeting with Ray Clark and Lily Morgan held 3 May 24. Superseded by a Recommendation to Council at meeting 15/05/24
21/02/24	0224-2	Nicole to obtain list of Real Estate Agents from Rosealie. Jane to draft letter from council to real estate highlighting importance of complying with Wildlife Protection Area.	Letter in progress. 15/05/24 - Jane to send draft letter to committee to review.
21/02/24	0224-3	Additional Signage for Bushland Values – 3 Permanent; 5 Corflute. Committee to nominate signs, council to produce signage.	15/05/24 - Committee to confirm signs to be developed and storage location. 10 x 'koala here today' (based on design of 'a-frame' signs) 20 x curlew signs 10 x bushland values
15/05/24	0524 - 1	Jane to forward proposed wording of the aboriginal acknowledgement on the sign to the Aboriginal Advisory Committee for comment.	
15/05/24	0524 - 2	The outcome of the resolution of the traffic committee 7 April 2022 be brought to the next meeting.	Traffic Committee resolution emailed to committee 23/05/24
15/05/24	0524 - 3	Nicole to forward environmental and budget update by email to the committee	Complete – Actioned 15/05/24

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

As per the Committee Terms of Reference, recommendations are made to ELT, not Council. ELT notes the following:

1. Division 1, section 14 of the *Companion Animals Act 1998* 'Dogs Prohibited in Some Public Places' (including Wildlife Protection Areas) does not apply to 'a dog that is an Assistance Animal being used bone fide by a person with a disability to assist the person' (Div 1 s14 (8b)). Therefore, Council cannot legally enforce the Committee's recommendation part 1.

ELT recommends that the dog owner as referred to in the resolution of 21 March 2024 (item 32.3) be requested to not access this area.

2. The Assistance Animal Policy is in development and ELT agrees that the Committee will be a key stakeholder through the consultation process, noting that the Policy will govern how any requests for Assistance Animals in the Koala Beach Estate is dealt with.

That the recommendation put forward by the Koala Beach Wildlife and Habitat Management Committee has been reordered to make it a more logical stepped process prior to undertaking the traffic study.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

This Flying Minute was supported by the Executive Leadership Team.

Decision that the Executive Leadership Team endorses:

The following recommendations:

1. Writes to the dog owners located in Koala Beach estate, referred to in the resolution of 21 March 2024 (Item 32.3), requesting the dog does not access any Wildlife Protection Areas (public land declared Wildlife Protection Area under the *Companion Animals Act 1998*), with particular regard to the area surrounding the Tweed Coast Koala Research Hub in Council's Burbi Reserve which is adjacent to Lomandra Avenue Pottsville.
2. Resolves that the Policy to guide the management of assistance animals in Koala Beach estate, Pottsville be progressed as an urgent matter and the Koala Beach Wildlife and Habitat Management Committee (KBWHMC) be provided with the opportunity to have early input to the Policy.
3. Resolves that the KBWHMC is advised of any requests to Council for permission for assistance animals to reside within Koala Beach estate.
4. Notes that the resident committee members of the KBWHMC do not approve of any dog being housed in the Koala Beach estate prior to successfully having completed the appropriate training and being accredited as an assistance animal by a recognised training organisation under the Assistance Animal Policy (in prep).
5. Takes into account the conditions of consent for the Koala Beach estate, the rights of residents, and the safety of wildlife so these are not negatively impacted by development of any policy, guidelines and controls with regard to assistance animals in relation to Koala Beach estate and that any guiding documents undergo prior consultation with the KBWHMC.

Decision that the Executive Leadership Team endorses the additional wording included in the final minutes distributed to the Koala Beach Habitat and Wildlife Management Committee:

That Council:

1. Notes that the committee considers Koala Beach roads are used as a Pottsville village bypass.
2. Installs traffic counters as soon as possible to provide current data on traffic numbers and speed through the estate.

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3. Subject to the outcomes of 2 undertakes a traffic study and development of a traffic management plan if there is demonstrated increase in traffic volumes and speeds in Koala Beach.
4. Subject to 3 above that this work be funded from the Koala Beach Special Rate Reserve and undertaken by an external traffic consultant.