



SOUTH BURNETT
REGIONAL COUNCIL

AGENDA

Community Standing Committee Meeting Wednesday, 14 April 2021

**I hereby give notice that a Meeting of the Community Standing
Committee will be held on:**

Date: Wednesday, 14 April 2021

Time: 9.00am

**Location: Warren Truss Chamber
45 Glendon Street
Kingaroy**

**Mark Pitt PSM
Chief Executive Officer**

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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- 1 OPENING**
- 2 LEAVE OF ABSENCE / APOLOGIES**
- 3 RECOGNITION OF TRADITIONAL OWNERS**
- 4 DECLARATION OF INTEREST**

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 MINUTES OF THE COMMUNITY STANDING COMMITTEE MEETING HELD ON 10 MARCH 2021

File Number: 14-04-2021

Author: Executive Assistant

Authoriser: Chief Executive Officer

OFFICER'S RECOMMENDATION

That the Minutes of the Community Standing Committee Meeting held on 10 March 2021 be received.

ATTACHMENTS

- 1. Minutes of the Community Standing Committee Meeting held on 10 March 2021**



MINUTES

Community Standing Committee Meeting

Wednesday, 10 March 2021

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**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL
COMMUNITY STANDING COMMITTEE MEETING
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY
ON WEDNESDAY, 10 MARCH 2021 AT 9.01AM**

PRESENT:**Councillors:**

Cr Brett Otto (Mayor), Cr Roz Frohloff, Cr Gavin Jones (Deputy Mayor), Cr Danita Potter, Cr Kirstie Schumacher, Cr Scott Henschen, Cr Kathy Duff

Council Officers:

Mark Pitt (Chief Executive Officer), Peter O'May (General Manager Community), Susan Jarvis (General Manager Finance & Corporate), Aaron Meehan (General Manager Infrastructure), Chris DuPlessis (Manager Planning), Mark Watt (Acting Manager NRM & Parks)

1 OPENING

The Mayor declared the meeting open and welcomed all attendees

2 LEAVE OF ABSENCE / APOLOGIES

Nil

3 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Cr Duff acknowledged the traditional custodians of the land on which the meeting took place.

4 DECLARATION OF INTEREST

I, Cr Kirstie Schumacher inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in **Item 9.7 - Kingaroy Aerodrome Airpark Proposal**.

This declarable conflict of interest arises as I am a partner in Schuey Brothers Pastoral and the company owns a property on Petersen Drive that is used for cropping. It is directly opposite the airport.

I wish to participate in the decision in relation to this matter. I acknowledge that eligible Councillors must now determine, pursuant to section 150ES of the *Local Government Act 2009*, where I:

- May participate in the decision about the matter, including by voting on the matter; or
- Must leave the meeting, including any area set aside for the public, and stay away from the meeting while the eligible Councillors discuss and vote on the matter.

Attendance;

At 9:04 am, Cr Kirstie Schumacher left the meeting.

MOTION

COMMITTEE RESOLUTION 2021/83

Moved: Cr Kathy Duff
Seconded: Cr Danita Potter

That Council resolve that pursuant to section 150ES of the *Local Government Act 2009*, Cr Kirstie Schumacher has a declarable conflict of interest in the matter and notwithstanding the conflict, Cr Kirstie Schumacher may participate in the matter, discuss and vote upon it, accepting that Cr Schumacher has no greater interest than any other member of the public in the Master Planning process.

CARRIED 6/0

Attendance:

At 9:05 am, Cr Kirstie Schumacher returned to the meeting.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**5.1 MINUTES OF THE COMMUNITY STANDING COMMITTEE MEETING HELD ON 10 FEBRUARY 2021**

COMMITTEE RESOLUTION 2021/84

Moved: Cr Brett Otto
Seconded: Cr Scott Henschen

That the Minutes of the Community Standing Committee Meeting held on 10 February 2021 be received.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

6 PORTFOLIO – COMMUNITY, ARTS, HERITAGE, SPORT & RECREATION**6.1 COMMUNITY, ARTS, HERITAGE, SPORT AND RECREATION PORTFOLIO REPORT**

COMMITTEE RESOLUTION 2021/85

Moved: Cr Danita Potter
Seconded: Cr Kathy Duff

That Cr Potter's Community, Arts, Heritage, Sport and Recreation Portfolio Report to Council be received for information.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

6.2 NRM - COUNCILS ARRANGEMENT WITH CHERBOURG ABORIGINAL SHIRE COUNCIL IN RELATION TO CONTROL OF HONEY LOCUST & PARTHENIUM WEED SPRAYING ON BARAMBAH CREEK.

COMMITTEE RESOLUTION 2021/86

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That the Report be received for information.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

7 PORTFOLIO – RURAL SERVICES, NATURAL RESOURCE MANAGEMENT, PLANNING & COMPLIANCE SERVICES

7.1 RURAL SERVICES, NATURAL RESOURCE MANAGEMENT, PLANNING AND COMPLIANCE SERVICES PORTFOLIO REPORT

COMMITTEE RESOLUTION 2021/87

Moved: Cr Scott Henschen

Seconded: Cr Gavin Jones

That Cr Henschen's Rural Services, Natural Resource Management, Planning and Compliance Services Portfolio Report to Council be received for information.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

7.1.1 DOG COMPLIANCE MATTERS

COMMITTEE RESOLUTION 2021/88

Moved: Cr Brett Otto

Seconded: Cr Kathy Duff

That a report be brought to the April standing committee meeting outlining the current state legislation and local laws as well as customer service standards and public awareness programs in relation to dog compliance matters.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

MOTION

COMMITTEE RESOLUTION 2021/89

Moved: Cr Brett Otto
Seconded: Cr Scott Henschen

That the meeting adjourn for morning.

CARRIED 7/0

MOTION

COMMITTEE RESOLUTION 2021/90

Moved: Cr Brett Otto
Seconded: Cr Roz Frohloff

That the meeting resume at 10.26am.

CARRIED 7/0

7.2 NATURAL RESOURCE MANAGEMENT OPERATIONAL UPDATE

COMMITTEE RESOLUTION 2021/91

Moved: Cr Gavin Jones
Seconded: Cr Roz Frohloff

That the Natural Resource Management Operational update be received for information.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

7.3 PLANNING AND LAND MANAGEMENT OPERATIONAL UPDATE

COMMITTEE RESOLUTION 2021/92

Moved: Cr Danita Potter
Seconded: Cr Kirstie Schumacher

That the Planning and Land Management Operational update be received for information.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

7.4 PETITION FLYING FOX COLONY BLACKBUTT

COMMITTEE RESOLUTION 2021/93

Moved: Cr Brett Otto

Seconded: Cr Gavin Jones

That Council Officers undertake an assessment of the flying fox colony at Blackbutt and a report be brought back to the April Standing Committee.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

7.5 DEVELOPMENT SERVICES RESOURCES

COMMITTEE RESOLUTION 2021/94

Moved: Cr Roz Frohloff

Seconded: Cr Kirstie Schumacher

That the Development Services Resources report be received for information.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

7.6 EXTENSION TO CURRENCY PERIOD FOR MATERIAL CHANGE OF USE (MASTER PLANNED COMMUNITY) AND DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (1 LOT INTO 23 LOTS PLUS PARKLAND) OVER LAND DESCRIBED AS LOT 3 ON SP181686 BUNYA HIGHWAY KINGAROY

COMMITTEE RESOLUTION 2021/95

Moved: Cr Danita Potter

Seconded: Cr Roz Frohloff

That the committee recommends to Council that:

Council **approve** a 12 month extension to the Currency Period under s86 of the *Planning Act 2016* for Preliminary Approval for Material Change of Use (Master Planned Community) and Development Permit for Reconfiguration of a Lot (1 Lot into 23 Lots plus parkland) over land described as Lot 3 on SP181686 at Bunya Highway (corner of Youngman Street and Taylors Road), Kingaroy.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

8 PORTFOLIO - WASTE MANAGEMENT**8.1 WASTE MANAGEMENT PORTFOLIO REPORT**

COMMITTEE RESOLUTION 2021/96

Moved: Cr Roz Frohloff

Seconded: Cr Kathy Duff

That Cr Frohloff's Waste Management Portfolio Report to Council be received for information.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

8.2 ENVIRONMENT AND WASTE SERVICES UPDATE

COMMITTEE RESOLUTION 2021/97

Moved: Cr Roz Frohloff

Seconded: Cr Scott Henschen

That the Environment and Waste Services Update be received for information.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0**9 PORTFOLIO – RURAL RESILIENCE, PARKS & GARDENS, PROPERTY & FACILITY MANAGEMENT, INDIGENOUS AFFAIRS****9.1 RURAL RESILIENCE, PARKS & GARDENS, PROPERTY & FACILITY MANAGEMENT AND INDIGENOUS AFFAIRS PORTFOLIO REPORT**

COMMITTEE RESOLUTION 2021/98

Moved: Cr Kathy Duff

Seconded: Cr Roz Frohloff

That Cr Duff's Rural Resilience, Parks & Gardens, Property & Facility Management and Indigenous Affairs Portfolio Report to Council be received for information.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

9.2 PARKS & GARDENS UPDATE

COMMITTEE RESOLUTION 2021/99

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That the Parks & Gardens update be received for information.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0**9.3 PROPERTIES OPERATIONAL UPDATE**

COMMITTEE RESOLUTION 2021/100

Moved: Cr Gavin Jones

Seconded: Cr Roz Frohloff

That the Property Operational update be received for information.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0**9.4 COUNCIL ADVISORY COMMITTEES**

COMMITTEE RESOLUTION 2021/101

Moved: Cr Brett Otto

Seconded: Cr Danita Potter

That the committee recommends to Council:

That as part of the development of Council's Corporate Plan that consideration be given to the establishment of Council Advisory Committees.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0**Attendance:**

General Manager Aaron Meehan left the meeting at 12.15pm

General Manager Aaron Meehan returned to the meeting at 12.17pm

9.5 RINGSFIELD HOUSE NANANGO - FUTURE MANAGEMENT OPTION

COMMITTEE RESOLUTION 2021/102

Moved: Cr Kathy Duff

Seconded: Cr Roz Frohloff

That Council investigate options for the future operation and management of Ringsfield including:

- a) establishing an Advisory Group and operation of the facility by a community group,
- b) identifying alternative management models independent of Council,
- c) as a Council-operated facility,

and report back to the April meeting of the Council Community Standing Committee.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

9.6 TRUSTEE PERMIT TERMS BETWEEN COUNCIL AND BUNYA VALLEY LANDCARE INC.

COMMITTEE RECOMMENDATION

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That the Committee recommend to Council:

1. That South Burnett Regional Council enter into a Trustee Permit (non-exclusive use) for the purpose of landscaping, with Bunya Valley Landcare, with conditions including:
2. Term of three (3) years at \$75.00 per annum plus GST
3. The permittee to bear all costs of the project, and all subsequent operational and maintenance costs including mowing, weed and pest management and utility charges (including any connection fees)
4. A concept plan including scope and budget with project milestones is to be submitted to Council for approval under the licence prior to the commencement of works. Concept plan to include details on the effects of overland flow and drainage of any proposed earthworks
5. The permittee must seek consent under the licence prior to making application for planning approvals, including building and planning permits
6. The permittee will undertake community engagement and provide the outcomes to Council prior to the commencement of works
7. The permittee will not impede pedestrian access from David Place.
8. The permittee must incorporate existing infrastructure into the concept plan and not undertake any works that may affect Council-owned infrastructure
9. Should the Trustee Permit come to an end, Council is not obliged to maintain the improvements made by the permittee and has the right to remove any assets or improvements made by the permittee.

MOTION

COMMITTEE RESOLUTION 2021/103

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That Item 9.6 - Trustee Permit terms between Council and Bunya Valley Landcare Inc. lay on the table until the Executive and Finance & Corporate Standing Committee Meeting on 17 March 2021.

CARRIED 7/0**Attendance:**

General Manager Susan Jarvis left the meeting at 12.27pm

9.7 KINGAROY AERODROME AIRPARK PROPOSAL

COMMITTEE RESOLUTION 2021/104

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That the Committee recommends to Council that;

Council commence a process to undertake a master plan for the future use and opportunities for Kingaroy Aerodrome.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0**MOTION**

COMMITTEE RESOLUTION 2021/105

Moved: Cr Brett Otto

Seconded: Cr Kathy Duff

That Council consider late item 9.8 – Requesting Council’s support for application for Building Better Regions Fund (BBRF) Round 5

CARRIED 7/0**Attendance:**

General Manager Susan Jarvis returned to the meeting at 12.29pm

9.8 REQUESTING COUNCIL'S SUPPORT FOR APPLICATION FOR BUILDING BETTER REGIONS FUND (BBRF) ROUND 5

COMMITTEE RESOLUTION 2021/106

Moved: Cr Gavin Jones
Seconded: Cr Scott Henschen

That the Committee recommends to Council:

That South Burnett Regional Council regrets it is unable to support this application for Building Better Regions Fund (BBRF) Round 5 due to limited resources and looks to future rounds of BBRF or other grant opportunities to assist with this submission.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher and Scott Henschen

Against: Cr Kathy Duff

CARRIED 6/1

10 CONFIDENTIAL SECTION

11 CLOSURE OF MEETING

The Meeting closed at 12.42pm.

The minutes of this meeting were confirmed at the Community Standing Committee Meeting held on 14 April 2021.

.....
CHAIRPERSON

6 PORTFOLIO – COMMUNITY, ARTS, HERITAGE, SPORT & RECREATION**6.1 OUTSTANDING REPORTS****File Number:** 14.04.2021**Author:** General Manager Community**Authoriser:** Chief Executive Officer**PRECIS**

List of outstanding reports.

SUMMARY

A list of outstanding reports that were scheduled for tabling at the April Standing Committee is attached for information. These reports are expected to be ready for presentation to Council at the May Standing Committee Meeting.

OFFICER'S RECOMMENDATION

That Council note the information.

BACKGROUND

The below Resolutions were passed at previous Standing Committee Meetings for tabling at the April Standing Committee Meeting and are highlighted as the requested reports are not ready for presentation to Council.

8.3.1 Unsightly Blocks**RESOLVED 2021/69**

Cr Kathy Duff requested a report be brought back to the April Community Standing Committee Meeting on what other Councils are doing across Queensland in relation to unsightly blocks, whether they are adopting the Model Local Law or whether they have more advanced Local Laws, and what options are available for Council.

9.5 Ringsfield House Nanango - Future Management Option**Committee Resolution 2021/102**

Moved: Cr Kathy Duff

Seconded: Cr Roz Frohloff

That Council investigate options for the future operation and management of Ringsfield including:

- a) establishing an Advisory Group and operation of the facility by a community group,
- b) identifying alternative management models independent of Council,
- c) as a Council-operated facility,

and report back to the April meeting of the Council Community Standing Committee.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

ATTACHMENTS

Nil

6.2 COMMUNITY, ARTS, HERITAGE, SPORT AND RECREATION PORTFOLIO REPORT**File Number:** 14-04-2021**Author:** Councillor**Authoriser:** Chief Executive Officer**PRECIS**

Community, Arts, Heritage, Sport and Recreation Portfolio Report

SUMMARY

Cr Potter presented her Community, Arts, Heritage, Sport and Recreation Portfolio Report to Council.

OFFICER'S RECOMMENDATION

That Cr Potter's Community, Arts, Heritage, Sport and Recreation Portfolio Report to Council be received for information.

Community:

The Community Grant Program Assessment Panel assessed Round 2 of the Community Grant Program in late March. Council received 43 applications requesting a total of \$99,214.71. The assessment panel would like to announce the following successful applicants;

Community Hall Insurance Grant

Durong Community Hall	Community Hall Public Liability Insurance Grant	\$ 1,000.00
Queensland Dairy Heritage Museum	Community Hall Public Liability Insurance Grant	\$ 1,000.00
Kumbia & District Memorial School of the Arts	Community Hall Public Liability Insurance Grant	\$ 1,000.00

Community Events Sponsorship

South Burnett Endurance Riders	Endurance Ride	\$ 2,500.00
Murgon Junior Rugby League	Domestic Violence Round	\$ 3,000.00
South Burnett Mountain Bike Club	State Titles	\$ 2,000.00
Relay for Life Organising Committee	South Burnett Relay for Life	\$ 2,000.00
Bloomin Beautiful Blackbutt	Bloomin Beautiful Blackbutt Festival	\$ 3,000.00
South Burnett Reserve Forces Day Committee	South Burnett Reserve Forces Day 2021	\$ 750.00

Healthy Communities Sponsorship

South Burnett Western Performance Club	Come & Try/ Open Days	\$ 600.00
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Project-Program One-Off Sponsorship

National Council of Women Queensland	South Burnett Regional Council Bursary	\$ 1,000.00
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Lions Club of Nanango	Supply Hospital Beds Through Community Health	\$ 3,000.00
Agricultural Shows of the South Burnett	2021 Sub Chamber finals showgirl, rural ambassador, and dark rich fruitcake	\$ 1,600.00
Murgon Men's Shed	Building Maintenance & Security	\$ 1,200.00
The South Burnett Pantry	Advertising Letters and Reckon Fees	\$ 650.00
Wooroolin Hall Committee	Repair of Wooroolin Memorial Hall Ceiling	\$ 3,000.00
Eva's Place	Eva's Place Kingaroy Establishment Project	\$ 2,629.00
Bunya Mountains Community Association	Equipment	\$ 3,000.00
Proston QLD	Proston Park Run	\$ 3,000.00
Mondure District Rural Fire Brigade	Purchase and install of rainwater tank	\$ 2,000.00
Kingaroy & District Vintage Machinery Club Inc	Old Hospital Canteen Building	\$ 3,000.00
Proston Scout Group	New Air-conditioning and Stove for Scout Den/Hall	\$ 2,200.00
Taabinga State School P&C	Secure Storage for outdoor equipment	\$ 693.00
St John's Lutheran Kindergarten	Artist in Residence Program	\$ 2,500.00
Wondai Country Club	Security Camera System	\$ 3,000.00
Nanango Men's Shed	Computer Renewal	\$ 2,865.00
Barambah Beekeepers	Website Development	\$ 1,000.00

School Awards Sponsorship

St Mary's Catholic College	School Awards	\$ 300.00
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Regional Arts Development Fund

Kirstie Barganquast	Silversmithing Workshop	\$ 2,560.00
Robyn Dower	"Arts of Top 2021 Regional Arts Forum"	\$ 340.00
Kingaroy Regional Art Gallery	Celebrating the art of craft 2021	\$ 1,950.00
Nanango Theatre Company	Stand Up Comedy Workshop	\$ 3,000.00

The next round of funding will open on 1 August 2021.

Library

Reintroduction of Library Programming

Beginning mid-April, regular First 5 Forever Rhyme Time and Story Time programs will be reintroduced at each South Burnett Libraries branch. Bookings for these sessions will be essential, with attendance limited due to COVID restrictions. The introduction of other library programs including card groups, books clubs and crochet groups will also take place, COVID permitting.

Larrikin Puppet Show

South Burnett Libraries are excited to announce that an extra special story time will take place at the Kingaroy Town Hall on Wednesday 19 May from 10.30am as the Larrikin Puppet show takes the stage. This puppet show will be colourful, interactive, and crowd-pleasing, with a puppetry style like

The Muppets and Sesame Street. Funded by the State Library of Queensland's First 5 Forever initiative, children under 5 and their families are encouraged to come along to sing, dance and play. Bookings for the Larrikin Puppet Show are essential and those in attendance will be required to adhere to COVID safe requirements.

Refurbishment of Kingaroy Library Children's Areas

The refurbishment of the Kingaroy Library's junior area is complete with young community members taking full advantage of the bright and inviting space that features forward-facing display shelves and interactive toys. The wall mounted crocodile, purchased with First 5 Forever funding, has been a massive hit with our youngest visitors, as they play the magnetic marble maze in his tummy and move the beads on his tail. New and attractive signage that incorporates cheerful cartoon characters assists children as they explore the collection to discover their favourite books and authors.

First 5 Forever Project Grant

Funds received via the First 5 Forever Project grant will be expended this month with the purchase of 2 marquees and a colourful outreach set up that includes tablecloths and promotional flags. It is hoped that this bright and vibrant outreach display will be used at events including Under 8s day and the Kingaroy Christmas Carnival.

COVID Food Safety Training at the Proston Library

On Wednesday 10 March, library staff hosted a training session at the Proston Library for members of the Proston Show Society. Participants were supported as they completed an online TAFE training module for COVID Safe Food handling. Funds from the Tech Savvy Seniors Queensland grant made this training possible. Those in attendance very pleased that Council had been able to assist with the online training.

Library Membership Cards

South Burnett Libraries patrons will soon be introduced to a new membership card design which will include a key tag for easy use and access. The new cards will come with the barcode pre-printed, which means that new members to Blackbutt, Murgon, Proston, and Wondai will no longer need to wait to have their card printed from the Kingaroy or Nanango libraries.

Arts:

Council has submitted their bid for the 2021-22 Regional Arts Development Program. Council has submitted a proposed expenditure of \$32,764.00. If successful, the breakdown will be as follows;

- 2 x funding rounds with a total of \$21,476.00 available for the community to assess in the way of grant funding: &
- \$11,288 to continue our partnership with neighbouring Councils and CQ University. This funding will be used to work together over an 8-month period, with the aim of this collaboration will be to develop a touring circuit across the Local Government areas of Bundaberg, Fraser Coast, North Burnett and South Burnett.

Sport & Recreation:

Kingaroy Junior Cricket have applied for funding in conjunction with Qld Cricket for infrastructure upgrades to the training nets at River Road fields. This will allow the club and Qld Cricket to host some large scale tier 4 development programs on weekends and holiday periods.

Cricket season has wrapped up for another year in the South Burnett for both Junior and Senior Competitions. Murgon Crusaders finished the season off by taking out the triple crown in Gympie A Grade Competition downing Gympie colts. Nanango Scorpions took out the South Burnett B grade final by 22 runs against the more fancied Murgon Diggers to complete the season.

It's great to see that the Kingaroy Saints Men's & Women's teams are once again competing in the Darling Downs season, with pre-season games being held at Fernvale late March prior to round 1 commencing April 24. We wish them all the best for the season.

ATTACHMENTS

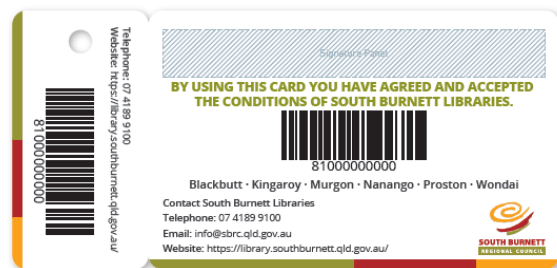
1. **Kingaroy Library Junior Area** [↓](#) 
2. **Kingaroy Library Junior Area 2** [↓](#) 
3. **Library Membership Card** [↓](#) 
4. **Larrikin Puppets** [↓](#) 







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7 PORTFOLIO – RURAL SERVICES, NATURAL RESOURCE MANAGEMENT, PLANNING & COMPLIANCE SERVICES**7.1 RURAL SERVICES, NATURAL RESOURCE MANAGEMENT, PLANNING AND COMPLIANCE SERVICES PORTFOLIO REPORT**

File Number: 14-4-2021

Author: Councillor

Authoriser: Chief Executive Officer

PRECIS

Rural Services, Natural Resource Management, Planning and Compliance Services Portfolio Report

SUMMARY

Cr Henschen presented his Rural Services, Natural Resource Management, Planning and Compliance Services Portfolio Report to Council.

OFFICER'S RECOMMENDATION

That Cr Henschen's Rural Services, Natural Resource Management, Planning and Compliance Services Portfolio Report to Council be received for information.

Rural Services / Natural Resource Management:**Weed Control**

NRM staff and contractors joined forces with Cherbourg Aboriginal Shire Council (CASC) and Barambah Creek landholders to commence a surveillance and treatment program for Honey Locust and Parthenium.

A total of 2 hectares of weed control was completed in March.

Treatment of Giant Rats Tail grass throughout the region continued. Groundsel was targeted at Wooroolin Wetland and Grader Grass at Cushnie and Byee.

Splatter guns were loaned by landholders at Haly Creek to assist with Groundsel.

Spray trailers were borrowed by landholders at Booie and Taabinga for treatment of restricted weeds.

Fire Management

Fire trail maintenance commenced this month with 13 out of 19 reserves completed. Fire trails have been completed at:

Booie Reserve, Gordonbrook Dam, Nanango Fauna Sanctuary, Old Esk Rd Gravel reserve, Boondooma Dam, Proston reserves, Malar Reserve, Kingaroy Night Soil Depot, Staines Road, Wondai Airport, Wondai West, Kingaroy Heights, Blackbutt Tip.

Brigades will commence prescribed burns on scheduled reserves between 19 April and 31 August as dependent upon weather conditions and resources.

Environmental Assessments

NRM staff completed two environmental assessment for vegetation removal associated with road construction and two roadside burning and fence line clearing applications were approved.

Stock Route Grazing Permits

No Stock Route Agistment applications were received and processed in March.

Saleyards

Saleyard staff conducted 870 cattle tick inspections, dipped 1189 head. A total of 93 head were sold through the Coolabunia Saleyards in March.

Wild Dog & Feral Pig Control

Four cat traps were hired out to landholders in the Wondai, Nanango and Ballogie areas.

Pig and Wild dog Traps were used by landholders in Kumbia and Ballogie.

Myna Bird Traps were set in Greenview.

Infra-red motion triggered cameras were used by landholders in Ballogie to monitor feral animal movements.

Rabbit Control

Biological control was distributed on two properties in Coolabunia and Nanango.

Wandering Livestock

Council received 10 requests to attend to wandering livestock across the region. One Bull was impounded.

Planning:**Planning Scheme Amendment**

Council's planning team have commenced with the drafting of a suite of amendments to the planning scheme document and maps. This amendment package will be discussed with the State Government planning team in Bundaberg to confirm how best to incorporate the State's planning policy into Council's proposed amendment.

The proposed amendment also includes request received to date from landowners to amend the zoning of land. It is anticipated that the draft amendment package will be completed by the end of May 2021 and first State review of the draft amendment package completed by end of August 2021. I note that the general public will have a future opportunity to make formal submission to Council regarding the proposed amendment during the formal consultation that is proposed to be undertaken during September 2021.

Adoption of the final amendment can be considered after receipt of approval from the Planning Minister which is likely to be available by the end of 2021 or early 2022.

Review Wide Bay Burnett Regional Plan

To assist in the review of the Wide Bay Burnett Regional Plan (WBB Regional Plan) a draft issues and opportunities discussion paper (discussion paper) was released to key stakeholder working groups on 18 December 2020.

The discussion paper covered 16 key themes surrounding issues and opportunities within the Wide Bay Burnett region that may benefit from a land use planning approach. Stakeholders in all working groups were sent the discussion paper for feedback. All the feedback received has been reviewed by the State's Regional and Spatial Planning team and will be used to assist in forming regional directions and goals when drafting the regional plan.

A summary of feedback received from the local government working groups is provided below.

- Inter-regional opportunities – leveraging off surrounding regions' proximity.

- Limited access to health, social services and declining populations in the regional/rural communities is significant and contrasts with the issues felt in urban centres in the region as such will require different solutions.
- Extractive construction materials are an opportunity alongside the mineral resources.
- Competitive advantages of the region need to be identified and highlighted in the regional plan.
- Land fragmentation from rural residential development is of concern across the region.
- Three key enablers for the region:
 - Transport infrastructure connections will create economic opportunities and is vital to growth.
 - Sustainable water use is integral to regional growth as it is directly linked to agricultural growth.
 - Development at the Port of Bundaberg can bring opportunities to the region.
- Emerging industries in agribusiness (such as crop diversification), renewable energy and tourism opportunities need to be highlighted and supported.

The Local Government Working Group met on 11 March 2021. This meeting identified key aspiration for the region that will be used to shape the development of the regional plan and its economic strategy, ensuring the outcomes advanced and supported by the plan marries with the aspirations of the Wide Bay Burnett region.

Building and Plumbing Resources

Council commenced with the recruitment process to appoint an additional licensed building certifier and plumbing inspector. The application closing date was 1 April 2021 and the selection process is likely to be completed by the end of April 2021 or mid-May 2021.

In the interim a part time administration officer was seconded from customer service section to support Council's building certifier until the appointment of a full-time replacement for the administration officer that were supporting Council's building certifier. Council's business support officer further supports the plumbing administrative position by providing training to the administration officer that commenced full time employment at the end of February 2021 and providing administrative support to the plumbing and building sections.

Environmental Health:

COVID-19

With COVID-19 restrictions increased in the Greater Brisbane area and also throughout all of Queensland this has seen additional and increased enquiries to Council. Council's Environmental Health staff have continued to field and assist with enquiries, where able. Enquirers are also being referred directly to Queensland Health, who is the primary agency in this matter.

Compliance

The new permanent Compliance Officer to replace the Compliance Officer who is retiring has started and is undergoing induction and on boarding processes. It may take some time before the replacement Officer is functioning at the same level as the exiting staff member. Please bear with the Compliance Team during this time of transition.

The Temporary Dog Registration Compliance Officer position should also be operational shortly.

The Compliance Team has been reduced by 1 FTE Compliance Officer for several months, due to extenuating circumstances. This is recognised that this has had a detrimental effect upon service levels.

ATTACHMENTS

Nil

7.2 NATURAL RESOURCE MANAGEMENT OPERATIONAL UPDATE

File Number: 14-4-2021

Author: Acting Manager NRM & Parks

Authoriser: Chief Executive Officer

PRECIS

Natural Resource Management Operational Update

SUMMARY

Natural Resource Management Operational Update

OFFICER'S RECOMMENDATION

That the Natural Resource Management Operational update be received for information.

BACKGROUND

Nil

ATTACHMENTS

1. NRM Operational Update [↓](#) 

NATURAL RESOURCE MANAGEMENT UPDATE

Mark Watt
Acting Manager NRM & Parks

Project Name	Project Description	Expected Start Date	Expected Completion Date
Honey Locust	Engage contractors to survey, map and treat Honey Locust on Barambah Creek and Stuart River In partnership with Cherbourg Aboriginal Shire Council and WBBROC	December 2020	June 2021 \$31,000 Contractors engaged and surveillance and treatment commenced
African Boxthorn	Survey, education and awareness. Engage contactors to assist with survey, mapping and awareness activities. Provide advice to landholders on treatment options. Engage presenters to deliver ABT control field day at Wondai and Ironpot	April 2021	December 2021 \$26,500
Establishment of Feral Animal Control Groups	Deliver information session to showcase successful control group models and assistance available under this program.	September 2020	December 2021 \$81,500 Activity Plan created. Information and Workshop templates created. Information sessions undertaken in Nanango, Durong and Wondai during October 2020. Two applications approved for funding from Ironpot and WAG syndicate for control of Wild dogs. Funding distributed to syndicates and trapping activities commenced.

Stats Item	Monthly 1/03/21-31/03/21	Year to date Cumulative 1/7/2020- 31/03/2021
Coolabunia Saleyards		
Cattle Dipped	1189	10253
Cattle Inspected	870	9797
Consignment / Transit	356	8768
Weighed	124	6228
Sold	93	6211
Nanango Dip Yard		
Cattle Dipped	0	196

Stats Item	Monthly 1/03/21-31/03/21	Year to date Cumulative 1/7/2020– 31/03/2021
Wandering Livestock		
Attendance	10	94
Impoundments	1	5
Wild Dog & Feral Pig Program		
Landholders baiting	21	63
Doggone Baits	12	1168
Pig Meat Injected 1080	85kg	294 Kg
Dog Meat injected 1080	254 kg	485 Kg
Hectares baited	19848	55753
Bounties processed	57	294
Rabbit Control		
Landholders assisted	2	32
Carrots Injected	3kg	32 Kg
Rabbits injected	0	3
Equipment Loaned		
Spray trailer, Splatter Guns, Portable Steel Yards, Camera, GPS, Dog Traps, Pig Traps, Cat Traps, tree spears	2 x Spray Trailer – Booie and Taabinga 1 x splatter gun – Haly Creek 4 x Cat Traps – Wondai, Nanango, Ballogie 1 x pig trap – Kumbia 1 x Myna Bird trap – Greenview 1 x Wild dog trap kit - Ballogie 1 x Infra red Cameras – Ballogie.	77
Stock Route Grazing Permits		
Agistment Permits	0	1
Travel Permits	0	0
Fire Management		
Prescribed burns	0	3
Fire trails maintained	13	13

Stats Item	Monthly 1/03/21-31/03/21	Year to date Cumulative 1/7/2020– 31/03/2021
Environmental Assessments		
Environmental Assessment prior to roadworks	2	43
Fence line clearing and roadside burning applications	2	18
Weed Control		
Hectares Treated	2	81
Weeds Treated	Grader Grass – Cushnie & Bye. Parthenium– Murgon. Groundsel – Wooroolin Wetland Giant Rats Tail Grass – various sites across the region	Cats Claw Creeper, Giant Rats Tail Grass, Green Cestrum, Groundsel, Hudson Pear, Lantana, Madeira Vine, Mother of Millions, Patterson’s Curse Tree Pear, Water Hyacinth Annual Ragweed, Parthenium, Honey Locust Grader Grass

Property Inspections	33	147
Customer Requests		
Feral Animals	29	245
Wandering Livestock	16	105
Stock Routes	1	6
Weeds	20	70
NRM General	5	47

7.3 PLANNING AND LAND MANAGEMENT OPERATIONAL UPDATE

File Number: 14-4-2021

Author: Manager Planning and Land Management

Authoriser: Chief Executive Officer

PRECIS

Planning and Land Management Operational Update

SUMMARY

Planning and Land Management Operational Update

OFFICER'S RECOMMENDATION

That the Planning and Land Management Operational update be received for information.

BACKGROUND

Nil

ATTACHMENTS

1. **Planning Operational Update**  

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Comparison of Certificates and CRMs 2019/2020 and 2020/2021													
Total													
Plan Certs													
2019/2020	3	4	7	1	8	2	1	6	0	2	7	1	42
2020/2021	4	5	4	4	4	4	5	3	5	0	0	0	28
Build certs													
2019/2020	36	28	28	41	25	22	32	34	22	17	40	50	375
2020/2021	55	48	37	65	32	49	53	65	76	0	0	0	480
Pool Compliance													
2019/2020	0	0	0	1	0	0	1	0	1	1	2	0	6
2020/2021	2	0	0	1	0	0	1	0	0	0	0	0	4
Plumbing Certs													
2019/2020	6	8	10	6	13	2	7	9	7	5	9	12	94
2020/2021	6	10	10	18	16	10	17	11	18	0	0	0	116
Planning customer requests													
2019/2020	51	37	34	36	40	22	36	32	42	26	42	60	458
2020/2021	77	83	79	80	73	55	61	79	91	0	0	0	678
Developer Incentive Requests													
2020/2021	0	0	0	0	0	0	0	1	5				6
Building customer requests													
2019/2020	68	76	68	71	61	36	76	61	45	64	61	84	771
2020/2021	74	79	86	85	90	66	84	99	86	0	0	0	749
Plumbing customer requests													
2019/2020	7	11	5	9	6	6	5	4	6	3	12	22	96
2020/2021	24	12	13	23	19	4	8	8	22	0	0	0	133

		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Comparison of Development Applications 2019/2020 and 2020/2021														
Total														
Planning Applications														
2019/2020		3	8	8	10	6	3	1	3	5	5	6	6	64
2020/2021		8	3	9	2	4	9	1	1	6	0	0	0	43
Building Applications														
2019/2020		38	51	35	33	32	6	38	35	20	20	23	33	364
2020/2021		37	34	41	42	44	27	37	55	43	0	0	0	360
Private Certification Applications														
2019/2020		24	16	12	25	17	21	11	15	8	18	14	14	195
2020/2021		18	15	59	31	24	10	14	28	28	0	0	0	227
Plumbing Applications														
2019/2020		32	20	21	21	21	15	24	14	24	11	19	26	248
2020/2021		23	26	17	43	30	23	22	30	31	0	0	0	245

Building Monthly report on subcategories			
Date between 01-Jul-2020 and 31-Mar-2021			
Building Application Type	20	21	Total
Class1&10a	7	5	12
Class10a	105	67	172
Class10a&b	3	0	3
Class1a	45	31	76
Class2	1	0	1
Class3	3	0	3
Class5	3	0	3
Class6	2	1	3
Class7	8	0	8
Class8	4	0	4
Class9	2	0	2
DesignSite	13	9	22
DwellReloc	8	7	15
FarmShed	3	2	5
Remove	5	1	6
ReRoof	5	0	5
Restump	0	1	1
RetainWall	0	1	1
SignSatDsh	1	0	1
SwimPool	7	10	17
Total	225	135	360

Planning Applications			
Date between 01-Jul-2020 and 01-Mar-2021			
Planning Application Type	20	21	Total
QEXC	1	0	1
QMCU	13	4	17
QOPW	2	0	2
QPOS	7	2	9
QRAL	12	2	14
Total	35	8	43

Monthly report on subcategories			
Date between 01-Jul-2020 and 31-Mar-2021			
Plumbing Application Types	20	21	Total
AmendPrmt	4	1	5
DomNoSewer	77	44	121
DomSewer	45	28	73
Inspect	9	2	11
OtherBuild	27	8	35
Total	162	83	245

Private Certification Monthly Report on Subcategories
Date between 01-Jul-2020 and 31-Mar-2021

Private Certification Application Types	20	21	Total
Class1&10a	24	17	41
Class1&10b	3	1	4
Class10a	50	19	69
Class10b	4	0	4
Class1a	45	26	71
Class3	0	1	1
Class5	2	0	2
Class6	3	1	4
Class7	2	0	2
Class8	2	0	2
Class9a	0	1	1
Class9b	1	1	2
Farm Shed	3	1	4
Remove	2	2	4
Spec Struct	12	0	12
SwimPool	4	0	4
Total	157	70	227

Development Assessment Performance Against Legislative Timeframes

Application	% Decided (March only)
MCU Code (85% in 45 days)	80% decided in less 45 days
MCU Impact (85% in 90 days)	100% decided in less 90 days
ROL (85% in 45 days)	85% decided in less 45 days
Building applications (85% in 45 days)	100% decided in less 45 days
Concurrency Agency Referrals (85% in 10 days)	100% decided in less 10 days
Plumbing applications 85% in 10 days	60% decided in less than 10 days

7.4 FLYING FOX ROOST MANAGEMENT REVIEW - BLACKBUTT**File Number:** 14-4-2021**Author:** Personal Assistant Community**Authoriser:** Chief Executive Officer**PRECIS**

Flying Fox Roost Management Review - Blackbutt

SUMMARY

Residents located adjacent to a Flying Fox Roost on Taromeo Creek in Blackbutt have contacted Council with complaints of odour and noise. A petition was received by Council in this regard.

Council have engaged the services of Redleaf Environmental to undertake a Flying Fox roost management review to determine if any dispersal options are available in accordance *with Nature Conservation Act 1992, Environment Protection and Biodiversity Conservation Act 1999* and associated Codes of Practice. The review also assessed the risks associated with any dispersal options available.

The roost, located on 10 privately owned properties contains approximately 2,000 Little Red Flying Foxes, 1,000 Black Flying Foxes and 1,000 Grey Headed Flying Foxes with dependent young.

OFFICER'S RECOMMENDATION

That the Committee recommends to Council:

That Council receive the Flying Fox Roost Management Review and;

1. Provide information to the community advising that currently Council will not receive approval to undertake any dispersal or other management actions as the roost contains female bats in an active stage of reproduction and with dependant young; and
2. Provide information to the community about the importance of not touching or attempting to handle bats and how to minimise risks associated with Australian Bat Lyssavirus and Hendra Virus; and
3. Reassess the roost in August when dependent young are no longer expected to be present.

BACKGROUND

A petition was received by Council

Residents located adjacent to a Flying Fox Roost on Taromeo Creek in Blackbutt have contacted Council with complaints of odour and noise.

Council Meeting 24 February 2021**6.2 Forwarding petition in relation to the Flying Fox problem in Hart Street Blackbutt**

Resolution 2021/244

Moved: Cr Gavin Jones

Seconded: Cr Kirstie Schumacher

That the Petition be received and referred to the Chief Executive Officer to determine appropriate action.

In Favour: Crs Brett Otto, Gavin Jones, Kathy Duff, Roz Frohloff, Danita Potter, Kirstie Schumacher and Scott Henschen

Against: Nil

CARRIED 7/0

Community Standing Committee 10 March 2021

Committee Resolution 2021/93

Moved: Cr Brett Otto

Seconded: Cr Gavin Jones

That Council Officers undertake an assessment of the flying fox colony at Blackbutt and a report be brought back to the April Standing Committee.

In Favour: Crs Brett Otto, Roz Frohloff, Gavin Jones, Danita Potter, Kirstie Schumacher, Scott Henschen and Kathy Duff

Against: Nil

CARRIED 7/0

Council have engaged the services of Redleaf Environmental to undertake a Flying Fox roost management review to determine if any dispersal options are available in accordance *with Nature Conservation Act 1992, Environment Protection and Biodiversity Conservation Act 1999* and associated Codes of Practice. The review also assessed the risks associated with any dispersal options available.

The roost, located on 10 privately owned properties contains approximately 2,000 Little Red Flying Foxes, 1,000 Black Flying Foxes and 1,000 Grey Headed Flying Foxes with dependent young.

ATTACHMENTS

1. **Blackbutt Flying Fox Roost Assessment Final** [↓](#) 

Flying Fox Assessment Blackbutt

Taromeo Creek
24th March 2021



www.redleafenv.com.au



Citation: Redleaf Environmental (2021) Flying Fox Assessment Blackbutt: Taromeo Creek. Prepared for South Burnett Regional Council.

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Cover Photo: Little Red Flying Foxes

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Ecology | Environment | Heritage



DOCUMENT CONTROL

REPORT TITLE		Taromeo Creek, Blackbutt, Queensland - Flying Fox Roost Assessment Report			
Document ID		Project Number		SBRC21004	
File Path					
Client		South Burnett Regional Council		Client Contact Denise White	
Rev	Date	Revision Details/Status	Prepared by	Verifier	Approver
0	30/03/2021	Final report issued to Client	BT	KC	CK
1					
2					
Current Revision		Final Report			

APPROVAL

Signature		Signature	
Name	Dr Bruce Thomson	Name	Kaitlyn Cavanagh
Title	Principal Scientist	Title	Environmental Scientist





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4	Survey methods	3
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6	Movement ecology	3
7	Legislative Considerations	4
8	Behavioural Considerations	4
9	Recommendations	5





1 Introduction

Redleaf Environmental was engaged by South Burnett Regional Council (SBRC) to undertake a flying-fox roost assessment for a flying-fox camp located along Taromeo Creek in the urban precinct of Blackbutt (Centroid: -26.88644, 152.0999). The roost is not a nationally registered flying-fox camp and has a small population (<10,000).

2 Background and scope

Flying-fox roosts can have many different impacts to the local community, including noise and odour nuisance, perceived health risks and property damage. Council has a role to play in managing Flying-fox roosts and their impacts within their community as well as maintaining conservation and welfare outcomes for each species.

The purpose of the assessment was to determine the species composition, breeding status and numbers present in the colony, with a view to assess management options for Council. The flying fox roost survey was undertaken by suitably qualified persons (as described under relevant legislation) Dr Bruce Thomson and Ms Kaitlyn Cavanagh from Redleaf Environmental.

3 Taromeo Creek roost description

3.1 Site location and description

The roost is located within a vegetated section of Taromeo Creek, to the south of the D'Aguilar Highway in Blackbutt and is situated close to the town centre. The roost also borders 10 residential properties.

The roost is home to three species of Flying Fox, the Little Red flying fox (*Pteropus scapulatus*), the black flying fox (*Pteropus alecto*), and the Grey-headed flying fox (*Pteropus poliocephalus*), which is listed as Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

The flying-fox camp location and adjacent residential properties can be seen in Figure 1.





Figure 1 Flying-fox camp location in Blackbutt



4 Survey methods

This assessment was conducted in accordance with Redleaf's Fauna Spotter Standard Operating Procedures (SOP). Redleaf has a current Spotter/Catcher Rehabilitation Permit WA0022686 and Scientific Purposes Permit WA0008498 and Ethics Approval CA 2018/04/1176. Assessments also adhere to the relevant protocols that are associated with these approvals, for example, the Code of Practice - Care of Sick, Injured or Orphaned Protected Animals in Queensland, Nature Conservation Act 1992.

The assessment was conducted on the afternoon of Wednesday, 24th March 2021 using binoculars to determine the species composition, reproductive status and population estimates of the flying foxes within the roost. Some residential properties were accessed to allow for observations to be made from several vantage points around the colony.

No fly-out population estimates were attempted due to lack of clear visibility of all potential fly-out streams, as described by local residents and Council staff.

5 Results

Three species were identified during the assessment and a detailed summary of observation results are provided in Table 1, together with notes on legal status at both State (NC Act 1992) and Commonwealth (EPBC Act 1999) level.

Table 1 Survey results

Species	Number Estimate	Reproductive Status	Legislated Status
Grey-headed Flying Fox (<i>Pteropus poliocephalus</i>)	1000	Females with non-volant, dependent young	Vulnerable (EPBC Act 1999), Least Concern (NC Act 1992)
Black Flying Fox (<i>Pteropus alecto</i>)	1000	Females with non-volant, dependent young	Least Concern (EPBC Act 1999), Least Concern (NC Act 1992)
Little Red Flying Fox (<i>Pteropus scapulatus</i>)	4000	Non-breeding	Least Concern (EPBC Act 1999), Least Concern (NC Act 1992)

6 Movement ecology

Of the three species within the Taromeo creek colony, each has its own movement ecology that must be considered when managing the species and the roost as a whole. Black-headed flying foxes and Grey-headed flying foxes are more resident species meaning they form permanent and semi-permanent roosts.

Little-red flying foxes are highly nomadic and their movements depend on location and availability of food. They will move camp regularly (often every 1-2 months) and follow the major flowering events of blossoms and fruit. Little-red flying foxes are known to move into a site, often in large numbers, but will leave quickly as soon as flowering is finished.





7 Legislative Considerations

Aside from the legal status accorded to Grey-headed Flying Foxes, all species and their roost sites are protected under the Nature Conservation Act 1992. Local Governments have an “as-of-right” authority to manage flying fox roosts but management actions must be in accordance with a Code of Practice – “Ecologically Sustainable Management of Flying Fox Roosts”. The Code sets out specific guidelines in respect of the outcomes that can be achieved through on-ground management, the methods that can be used in managing colonies and associated “showstoppers” that may preclude management actions, and administrative arrangements required for the approval of an action.

Of relevance to the Blackbutt colony at the present time, is Section 2.6 of the Code that states that actions should not be considered when,

“females are in the late stages of pregnancy or there are dependant young that cannot sustain independent flight”.

Further, since Grey-headed Flying Foxes are listed under the Commonwealth EPBC Act, they are afforded further protection from “Significant Impacts”. Although any actions undertaken at this camp are unlikely to require referral under the Commonwealth Act (thus, unlikely to cause Significant Impacts), cumulative impacts at more than one site may still be of concern and so Council would be required to consider strategic planning and the adoption of mitigation measures when assessing a management action.’

One of the mitigation guidelines stipulated under the Act states that,

“An action must not occur if the camp contains females that are in the late stages of pregnancy or have dependant young that cannot fly on their own.”

These guidelines effectively limit the Council’s options for management to periods when flying foxes are not heavily pregnant or have dependant young. While Black and Grey-headed Flying Foxes tend to have synchronised breeding seasons, Little Red Flying Foxes have a different breeding pattern.

Table 2 below provides an approximate guide to the timing of breeding cycles for all three species and the potential windows available for management actions. It must be appreciated that these periods are approximate only and that on-site inspection is required to confirm the breeding status of bats before any management action is undertaken.

Table 2 Periods during which Flying Fox females are likely to be heavily pregnant or with dependant young.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
GHFF												
BFF												
LRFF												

GHFF – Grey Headed Flying Foxes, BFF – Black Flying Foxes, LRFF – Little Red Flying Foxes

8 Behavioural Considerations

It is generally accepted that Flying Foxes are highly intelligent animals and that behavioural patterns can be quickly changed to cope with interference and attempted dispersals. Some of these behaviours can greatly hamper Council’s ability to achieve a satisfactory outcome from any attempted relocation management action. The points listed here are the result of observations made in numerous camps over many years.

- Flying foxes typically move only 200 – 600m as a result of a relocation action. The only exception to this may be in the case of Little Red Flying Foxes which are highly nomadic and may have been preparing to depart the area in any case. Their departure is often falsely claimed as a ‘successful’ relocation. Thus, in Blackbutt careful consideration must be given to the prospect of a dispersal action resulting in the bats





moving to other vegetated areas in the town, most probably to other areas along Taromeo Creek. These sites may be closer to residences than the current camp site.

- Flying Foxes will often return to a preferred camp site, and so dispersal is often sort-lived, with bats returning after dispersal activities stop. Thus, Council may need to consider the ongoing cost of dispersals at the site.
- Flying Foxes quickly adapt to noise and other means of disturbance, with adaptation occurring over two to four days. Thus, a relocation disturbance needs to be intensive at the outset and will become increasingly less effective as each day passes. This will require Council to commit a significant allocation of staff and resources if a dispersal is attempted.

Attached as an Appendix is a summary of attempted flying fox camp relocations from many areas of a period of >20 years. This document was compiled by the Australasian Bat Society to provide land managers with evidence-based advice on the efficacy of flying fox camp dispersal actions (“ABS Position Statement”).

9 Recommendations

- At the present time, Council will not receive approval to undertake any dispersal or other management actions that might disturb female bats with dependant young. The situation could be reassessed in the coming months, and it is possible that the Little Red Flying Foxes may disperse naturally before this reassessment is conducted.
- When a dispersal activity is possible, Council will need to consider the relative merits of the action, taking into account the information that it has to hand on the likelihood of success and possible negative consequences of a failed relocation attempt.
- In the meantime, public consultation is recommended to inform residents of the situation and the facts that Council has available in relation to management options.
- Advice should also include information about potential diseases; Australian Bat Lyssavirus (ABL) and Hendra Virus (HV).
 - Essentially, ABL can only be contracted through direct contact with an infected bat, and so the important message for residents is NOT to touch or attempt to handle any flying foxes.
 - HV cannot be contracted directly from a flying fox but must be first amplified through a horse which has had contact with bats. Horse owners should be familiar with the symptoms of HV and inoculations against HV are available through local vets.
- Another option for Council to consider if the colony needs to be moved, would be the cropping of trees to a height that makes them unsuitable for bat roosting. This would need to be done when bats are not present, and consideration must also be given to the possibility that bats will move to another part of town which might be even less acceptable than the current site.





10 Appendix A – Australasian Bat Society Flying Fox Dispersal Statement



ABS Position Statement: Flying-fox camp dispersal



AUSTRALASIAN BAT SOCIETY, INC.

ABN 75 120 155 626

<http://ausbats.org.au>

ABS President: Dr Kyle Armstrong

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ABS Position Statement

Flying-fox camp dispersal

Background to flying-fox dispersal

Flying-fox camps provide bats with places to rest, court, breed, raise young and exchange information. They also provide night refuge for flightless young. Some of these sites have been used by flying-foxes for more than a century^{1,2}. Since the 1990s there has been a noticeable increase in the number of camps near human settlements^{3,4,5,6}. This has led to the misconception that flying-foxes have increased in numbers in recent times. However, in fact, previously larger historical camps are being replaced by a greater number of smaller camps, often located in urban areas⁷.

The increase in number of camps near human settlements is due to the encroachment of human development on historical camps^{3,4} and to a shift of flying-fox populations into built environments, possibly because they provide protection from lethal control and harassment, or because they provide access to feeding and roosting habitat^{3,4,8,9,10}. 'Urban' camps are important to flying-foxes as they are part of an extensive network of roost sites linking different parts of each species' range. However, urban camps often generate conflict with people who are concerned about loss of amenity, noise and smell^{7,2}. In recent years, additional concerns have been raised over disease transmission from bats to livestock and to humans, although government health authorities have been consistent in their message that public health risks associated with flying-fox camps are low



The Australasian Bat Society, Inc.

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ABS Position Statement: Flying-fox camp dispersal

(www.health.nsw.gov.au/factsheets/environmental/flying_foxes.html;
www.health.qld.gov.au/communicablediseases/hendra.asp).

In Australia, the typical response to unwelcome flying-fox camps is dispersal. Techniques used to harass flying-foxes to encourage them to move elsewhere have included continuous loud noise, bird-scare guns, helicopters and light aircraft, spraying with water, smoke and camp destruction^{11,12,13}. However, few dispersal activities have been systematically monitored and the 'success' of such projects continues to be debated^{4,12,13}.

The results of 17 recent camp dispersal attempts are summarised in Table 1. Sources of information are provided. In summary, the information in this table demonstrate that:

1. Although dispersals sometimes caused animals to move from the original camp, in all cases, **dispersed animals did not abandon the local area**¹.
2. In 16 of the 17 cases (94%), **dispersals did not reduce the number of flying-foxes in the local area**.
3. **Dispersed animals generally formed new camps located close to the original site** (64% within 600 m; 91% within 2 km) and the close proximity of new camps typically resulted in ongoing conflict within the local community.
4. It was **not possible to predict or pre-determine where new replacement camps would form**. Often new sites proved to be as - or more - controversial than the initial location.
5. **Conflict was usually not resolved**. In 12 of the 17 cases (71%), conflict persisted either at the original site or at replacement camps within the local area after the initial dispersal actions.
6. **Repeat actions were required to keep animals from returning to the original site**. Often dispersal actions were repeated over months or years to keep animals from returning.

¹ Local area is defined as the area within a 20 km radius of the original site = typical feeding area of a flying-fox.



7. The **financial costs of dispersal attempts were high**, ranging from tens of thousands of dollars for vegetation removal to hundreds of thousands for active dispersals (e.g. using noise, smoke etc).

The few exceptions to these patterns, occurred when (1) abundant financial and human resources allowed ongoing, daily actions to take place over months to years (e.g. Melbourne and Sydney Royal Botanic Gardens), (2) when the animals moved to favourable habitat nearby (e.g. Batchelor, NT) and/or (3) when habitat links allowed animals to be directed to an acceptable location (e.g. RBG Melbourne).

ABS position on dispersing flying-fox camps

The Australasian Bat Society understands that flying-fox camps in urban areas can compromise the amenity of some members of the community. However, the ABS does not generally support the dispersal of flying-fox camps because, in most cases, regardless of the methods used dispersals have not proven successful in resolving conflict in local communities and the impacts of dispersals on the animals are unknown.

The ABS also recognises the migratory behaviour and other long distance movements of flying-fox species, and supports legislation and management actions that maintain population connectedness and consistent protection across state boundaries.

If relocations are considered, the ABS recommends the following:

- Where conflict arises, the local authority undertakes a community education program which enables all residents and landowners to understand the environmental significance of flying-foxes, the actual level of risk they pose and discussion of alternative management options, risks and costs.
- All dispersal actions should be preceded by the development of a management plan that explores all management options, risks and costs.
- A steering committee with representatives of all stakeholder interests, including a knowledgeable bat expert, should be established to oversee the proposed dispersal. Members of the steering committee should have long-term involvement with the site, including a post-dispersal monitoring period.



ABS Position Statement: Flying-fox camp dispersal

- There is transparency in decision-making. All documentation relating to dispersals should be made publicly available. Applications for dispersals should be exposed to a public comment period.
- With guidance from bat experts, the steering committee should develop and undertake an adequate monitoring program, to record the actions taken, their costs, and short- and long-term outcomes.
 - Each dispersal requires a clear definition of success. The definition of successful dispersals should include the following: (1) that conflict is reduced within the broader community (not just around the original site); and (2) there is minimal impact on the flying-foxes, in terms of injury, survival and reproduction of individuals.
 - The success or otherwise, both in terms of achieving reduced human-bat conflict at the original *and* alternative camp sites and appropriate management of animal welfare considerations, should be reported and made publicly available.
- Dispersal actions should not be conducted during times that are likely to impact on the welfare of flying-foxes. This includes periods of detrimental environmental conditions (including food shortages, extended periods of rain and extreme temperatures), during the day when animals are resting and during mating, late pregnancy and when young are nutritionally dependent on their mothers (i.e., Grey-headed, Black and Spectacled Flying-foxes, August – April; Little Red Flying-foxes February - September). It is important to note that young flying-foxes remain dependent on their mothers for a period up to 6 months.
- ABS strongly opposes the use of techniques lethal or harmful to flying-foxes such as bird-scare guns and other projectiles. Habitat removal or alteration sufficient to reduce the number of animals using a camp site is also opposed.
- A research program examining the impacts of dispersal on flying-foxes should be undertaken by suitably qualified scientists.



Conclusions:

- Flying-foxes are mobile, but show a high degree of fidelity to camps sites. This helps explain why attempts to destroy or relocate roosts often have only temporary effects.
- Food is an important driver for flying-fox movements and camp locations. Flying-foxes are unlikely to leave a local area when a camp is dispersed as long as food remains available. This helps explain why camp dispersals do not alter the presence or number of flying foxes in a local area.
- Flying-fox movements vary considerably between seasons and between years, hence the outcomes of camp dispersals are often not known for several months or sometimes years after the actions cease. In addition, the social and economic costs to communities are high when camps are shifted from one 'backyard' to another.
- Camp dispersals can result in mortality, particularly if conducted during the breeding season when dependent juveniles are affected¹⁴.
- Management strategies for urban camps need to be developed at a range of spatial scales including local, state, range-wide and national as individual flying-foxes visit a number of roosts sites which may come under the jurisdiction and responsibility of various governments, conservation agencies and landholders.

Flying foxes and the Australian Environment

The ecosystem values that flying-foxes provide to the Australian environment are important for the public debate on flying-fox management. Flying-foxes play a keystone role in maintaining biodiversity and structure in natural vegetation communities across Australia. Many vegetation communities rely on their blossom and fruit feeding behaviours to assist with pollination and seed dispersal.

The loss of natural habitats due to human population expansion and development activities is a key driver of native species decline and can lead to increased contact and conflict between humans and native fauna including flying-foxes.



What is the ABS?

The Australasian Bat Society (ABS) is a not-for-profit organisation, registered under the NSW Associations Incorporation Act 1984 through the NSW Department of Fair Trading. Our aim is to promote the conservation and study of bats in Australasia. ABS membership is wide-ranging and includes research scientists, natural resource managers, students, wildlife carers and members of the general public. Anyone with an interest in bats or conservation is welcome to join the Society. For more information on the ABS and membership, go to our web site at <http://ausbats.org.au/>.

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ABS Position Statement: Flying-fox camp dispersal

Table 1 Summary of known documented attempts to disperse Australian flying-fox camps using non-lethal methods, during 1990 to 2013.

Location	Species	FF population estimate at time of dispersal	Method	Did the animals leave the local area?	Did the local population reduce in size?	How far did they move?	Were new camps formed (number of new camps if known)?	Number of separate actions	Cost (if known)	Was conflict resolved at the original site?	Was conflict resolved for the community?	Source+
Barcaldine, Qld	R	>50,000	VN	no	no	≈2 km	yes (1)	trees in township felled		yes	no	a,b
Batchelor, NT	B	200	BNS	no	no	<400 m	yes (1)	2		yes	yes	c,d
Boyne Island, Qld	BR	25,000	LNS	no	no	<500 m	yes (2)	3		yes	no	e,f,g
Bundall, Qld	GB	<1600	V	no	no	uk, but 6 camps were within 5 km	yes (2)	1 action over 21 days		yes	yes	h,i,j, k
Charters Towers, Qld	RB	variable	HLNPOW	no	no	200 m	no (returned to original site)	repeated since 2000	>\$500,000	no	no	l,m
Dallis Park, NSW	BG	28,000	V	no	yes	300 m	yes (1)	2		yes	no	n
Duaringa, Qld	R	>30,000	VNFO	no	no	400 m	yes	1	\$150,000	yes	uk	o
Gayndah, Qld	RB	200,000	VN	no	no	600 m	yes	3 actions, repeated		yes	no	i
Maclean, NSW	BGR	20,000	NS	no	no	350 m	yes (7)	>23	>\$400,000 and ongoing	no	no	n
Mataranka, NT	BR	>200,000	BHLNOSW	no	no	<300 m	uk	>9		no	no	n
North Eton, Qld	B	4800	VNFB	uk	no	<1.5 km initially	yes (≈4 majority temporary)	2	\$45,000	yes	yes (conflict at one site)	j,p,q,r



ABS Position Statement: Flying-fox camp dispersal

Location	Species	FF population estimate at time of dispersal	Method	Did the animals leave the local area?	Did the local population reduce in size?	How far did they move?	Were new camps formed (number of new camps if known)?	Number of separate actions	Cost (if known)	Was conflict resolved at the original site?	Was conflict resolved for the community?	Source ⁺
Royal Botanic Gardens, Melbourne, Vic	G	30,000	NS	no	no	6.5 km	yes (2)	approx daily for 6 mths	\$3 million	yes	yes, ongoing management required	m
Royal Botanic Gardens, Sydney, NSW	G	3,000	LNPOW	no	no	4 km	no	ongoing daily actions for 12 mths	>\$1 million and ongoing	yes	yes	m,s,t
Singleton, NSW	GR	500	LNUW	no	no	<900 m	no (returned to original site)	>3	\$117,000 and ongoing	no	no	n,u
Townsville, Qld	BR	35,000	BNS	no	no	400 m	no (returned to original site)	5		no	no	n
Warwick, Qld	GRB (dispersal targeted R)	200,000	NLBP	no	no	≈1 km	no (site known to be previously occupied by GB)	5 days	\$28,000	yes	no (complaints persisted until migration)	h,v,w
Young, NSW	L	<5000	VN	no	no	<600 m	yes (1)	uk		yes	no	x

* G = grey-headed flying-fox; B = black flying-fox; R = little red flying-fox

B = "birdfrite"; F = fog; H = helicopter; L = lights; N = noise; P = physical deterrent; O = odour; S = smoke; U = ultrasonic sound; V = extensive vegetation removal; W = water.

^a Storm Stanford (Wildlife carer, pers. comm. 2013); ^b Louise Saunders (BCRQ, pers. comm. 2013); ^c Phillips *et al.* (2007) Displacement of Black flying-foxes *Pteropus alecto* at Batchelor, Northern Territory *Australian Zoologist* 34: 119-124; ^d John McCarthy (Northern Territory Government, pers. comm. 2010); ^e Roberts (2006) *Management of Urban Flying-fox Camps: Issues of Relevance to Camps in the Lower Clarence, NSW*. Valley Watch Inc., Maclean; ^f Information from Gladstone Regional Council in 2010 and 2013; ^g Joe Adair (formerly DEHP, pers. comm. 2010); ^h Trish Wimberly (Australia Bat Clinic pers. comm. 2013); ⁱ Information obtained from Department of Environment and Heritage Protection (DEHP) in 2013; ^j Billie Roberts unpublished data; ^k Information from Ecosure ^lScott Sullivan (DEHP, pers. comm. 2010); ^m Information from Charters Towers Regional Council in 2010 and 2013; ⁿ Roberts *et al.* (2012b) and additional references within; ^o Perry Deeds (Central Highlands Regional Council, pers. comm. 2013); ^p Jarmaine (2010) *Species Management Plan*, Mackay Regional Council; ^q Heidi Jarmaine (Mackay Regional Council, pers. comm. 2013); ^r Daryl Barnes (Walkerston resident, pers. comm. 2013) ^s Peggy Eby (Ecologist, pers. comm. 2013) ^t John Martin (Sydney RBG, pers. comm. 2013); ^u Singleton Council Meeting Minutes; ^v Information from the Southern Downs Regional Council in 2013; ^w Tim Low (pers. comm. 2013); ^x Young Shire Council.



The Australasian Bat Society, Inc.

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11 Appendix B – Flying-fox Management Code of Practice, DES



Code of Practice

Ecologically sustainable management
of flying-fox roosts

Nature Conservation Act

1992



Code of Practice**Ecologically sustainable management of flying-fox roosts**

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Human Rights compatibility

The Department of Environment and Science is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this code of practice, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

Code of Practice**Ecologically sustainable management of flying-fox roosts**

1. Purpose and operation of this code

- 1.1 The purpose of this Code of Practice— Ecologically sustainable management of flying-fox roosts ('the Code') is to ensure that the chance of *management actions* under this code resulting in harm to flying-foxes is minimised and all appropriate welfare standards are upheld.
- 1.2 This code sets out how local governments operating under section 61 of the Nature Conservation (Animals) Regulation 2020, may undertake *management actions*, which may:
 - 1.2.1 destroy a flying-fox roost
 - 1.2.2 drive away, or attempt to drive away, a flying-fox from a flying-fox roost
 - 1.2.3 disturb a flying-fox in a flying-fox roost.
- 1.3 This code should be read in conjunction with the Flying-fox Roost Management Guideline and the Code of Practice – Low impact activities affecting flying-fox roosts.
- 1.4 This code is made under section 174A of the *Nature Conservation Act 1992* ('the Act').

2. Prescribed methods for management actions

- 2.1 The Department of Environment and Science (DES) must be notified at least two business days prior to commencing any *management actions* by completion of the flying-fox roost management notification form (available on the DES website). However, management actions may be commenced earlier than two business days following completion of the flying-fox roost management notification form on the DES website if an *authorised person* gives written notice to that effect (email wildlife.management@des.qld.gov.au).
 - 2.1.1 This notification is valid for a four week period from the date of notification and states all *management actions* conducted in relation to a roost, including dispersal activities conducted at a different location which are required to manage any impacts arising from dispersing the target roost.
 - 2.1.2 If commencement or continuation of activities is delayed beyond this four week timeframe, a further notification form, including the new proposed commencement date and time is required.
 - 2.1.3 If the notified *management actions* involve driving away, or attempting to drive away flying-foxes from a roost, local governments within a 50km radius of the roost must also be notified in writing (e.g. by email) prior to commencing *management actions*.
- 2.2 No roost tree may be—
 - 2.2.1 destroyed when there are flying-foxes in the tree, or when flying-foxes are near the tree being destroyed (for example, within 20 metres).
 - 2.2.2 trimmed when there are flying-foxes near the trimming (for example, within 10 metres). Note that in cases where trimming or removal of whole trees is necessary for the purposes of protecting public health and safety (e.g. removal of a dangerous branch over a footpath) local governments are authorised (in accordance with this code) to move a flying-fox that is nearby, to another part of the site to allow the trimming to occur.
- 2.3 All *management actions* must immediately cease, and DES be immediately notified if a flying-fox is killed, injured, or found on the ground as a result of *management actions* (email wildlife.management@des.qld.gov.au). *Management actions* may only recommence after—

Department of Environment and Science

Code of Practice

Ecologically sustainable management of flying-fox roosts

-
- 2.3.1 the flying-fox has been removed by an *appropriately trained person*, and
- 2.3.2 the *person in charge* determines, after receiving advice from a *person knowledgeable about flying-fox behaviour*, that resuming *management actions* poses no risk to other flying-foxes at or near the roost.
- 2.4 Any attempts to move flying-foxes within a roost site (e.g. 'nudging' flying-foxes from one tree to another immediately neighbouring tree), should be undertaken using methods that cause as little disturbance to flying-foxes as possible (e.g. using tree-mounted water sprinklers or floodlights), and must be properly coordinated and led by the *person in charge* to ensure all actions are lawful and in compliance with this code. To remove any doubt, methods that result in flying-foxes being driven away are not authorised under this condition.
- 2.5 Any driving away, or attempting to drive away flying-foxes from a roost—
- 2.5.1 must be properly coordinated and led by the *person in charge* to ensure all actions are lawful and in compliance with this code.
- 2.5.2 may only occur when a *person knowledgeable about flying-fox behaviour* is—
- 2.5.2.1 for the first two days, *present* at the time of driving away or attempting to drive away flying-foxes and able to provide advice directly to the *person in charge*, and
- 2.5.2.2 available (e.g. by phone or in person) for the remainder of the time of driving away or attempting to drive away flying-foxes, to provide advice to the *person in charge* as needed.
- 2.5.3 may only occur in the early evening and/or early morning i.e. during 'fly-out' and/or 'fly-in'.
- 2.5.4 when being carried out in the early evening, must commence immediately prior to 'fly-out' at a roost and continue for no longer than 3 hours.
- 2.5.5 when being carried out in the early morning, must commence during 'fly-in' and continue for no longer than 3 hours.
- 2.5.6 must be limited to non-lethal deterrence methods only, for example, non-lethal use of smoke, noise, light, foggers, water sprinklers, and/or 'scarecrow' type devices. To remove any doubt, methods that physically injure flying-foxes (e.g. high-pressure hoses, caustic soda, paint ball guns) are not authorised.
- 2.6 N.B. While *management actions* that are in accordance with this code of practice may be undertaken at any time of the year, the *person in charge* must consider avoiding *management actions*—
- 2.6.1 where possible during certain periods of the year, for example—when females are in the late stages of pregnancy or there are dependant young (e.g. creched young, pups) that cannot sustain independent flight, and
- 2.6.2 during or immediately after climatic extremes, or weather events that may cause food shortages, such as periods of unusually high temperatures or humidity, cyclones and fires, and
- 2.6.3 which may negatively impact the conservation of flying-fox species which are listed as *threatened wildlife* under the Act.
- 2.7. DES must be sent a flying-fox roost management evaluation form (available on the DES website) within six weeks of the date of notification. Should the outcome of the management actions on site

Code of Practice

Ecologically sustainable management of flying-fox roosts

not be fully known in this timeframe, further information may be submitted at a later date by emailing wildlife.management@des.qld.gov.au.

3. Definitions

Act— the *Nature Conservation Act 1992*.

Appropriately trained person— means a person with experience and training in the safe handling of flying-foxes, who is appropriately vaccinated.

Authorised person— means any of the following:

- (a) the chief executive, performing functions under the Act;
- (b) a public service employee of the department performing functions under the Act for the chief executive;
- (c) a conservation officer who is not an employee of the department and who is performing functions under the Act for the chief executive.

Management actions— means non-lethal actions intended to stop flying-foxes from making use of a site or part of a site, and include destroying and/or trimming vegetation at a site, as well as coordinated action to drive flying-foxes away from a site or move flying-foxes within a roost site.

Person in charge— means

- (a) if the *management actions* are being performed by a local government— the local government officer on site and leading the *management actions* (or the local government officer directing a contractor to undertake the *management actions*); or
- (b) if the *management actions* are being performed by a person under an approved flying-fox roost management permit— the person on site who is leading the *management actions*.

Person knowledgeable about flying-fox behaviour— means a person, who may also be the *person in charge*, able to demonstrate experience in successfully:

- (a) classifying flying-fox species; and
- (b) assessing flying-fox population numbers in particular roosts; and
- (c) identifying flying-fox breeding cycles including evidence of breeding and rearing activity in particular roosts; and
- (d) recognising signs of (and circumstances which may result in)—
 - i) distress in flying-foxes, and
 - ii) harm to flying-foxes, and
 - iii) abandoned dependent young flying-foxes.

Present— means on site, or, with chief executive approval (e.g. for remote areas, or urgent management actions), connected by video call or phone call.

Roost or flying-fox roost— means a tree or other place where flying-foxes congregate from time to time for breeding or rearing their young.

Threatened wildlife— means native wildlife that is prescribed under the Act as:

- (a) extinct wildlife; or
- (b) extinct in the wild wildlife; or
- (c) critically endangered wildlife; or
- (d) endangered wildlife; or
- (e) vulnerable wildlife.



12 Appendix C – Flying-fox camp referral guideline, DoE





Australian Government
Department of the Environment

Referral guideline for management actions in grey-headed and spectacled flying-fox camps

EPBC Act Policy Statement



September 2015

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Back cover—A grey-headed flying-fox camp © Adam McKeown

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Summary of the guideline

Actions taken at grey-headed or spectacled flying-fox camps **that are likely to require referral** under the EPBC Act because they are likely to have a significant impact include:

- clearing vegetation, dispersal of animals, *in situ* management or other impacts on nationally-important flying-fox camps that are not carried out in accordance with relevant mitigation standards
- dispersal actions at nationally-important flying-fox camps that are proposed during a period of significant population stress regardless of whether they adopt mitigation measures
- multiple camp dispersals or repeated *in situ* management actions that are likely to, over time or collectively, result in the total loss of roosting vegetation at a nationally important camp or result in mortality levels that constitute significant population stress.

If a proponent is proposing dispersal of multiple camps or repeated *in situ* management actions at one or more camps they should consider their action more strategically as a single, larger action and undertake appropriate strategic planning which conforms with the mitigation and outcomes outlined in this policy.

Actions taken at camps of grey-headed or spectacled flying-fox that **are unlikely to require referral** under the EPBC Act because they unlikely to have a significant impact include:

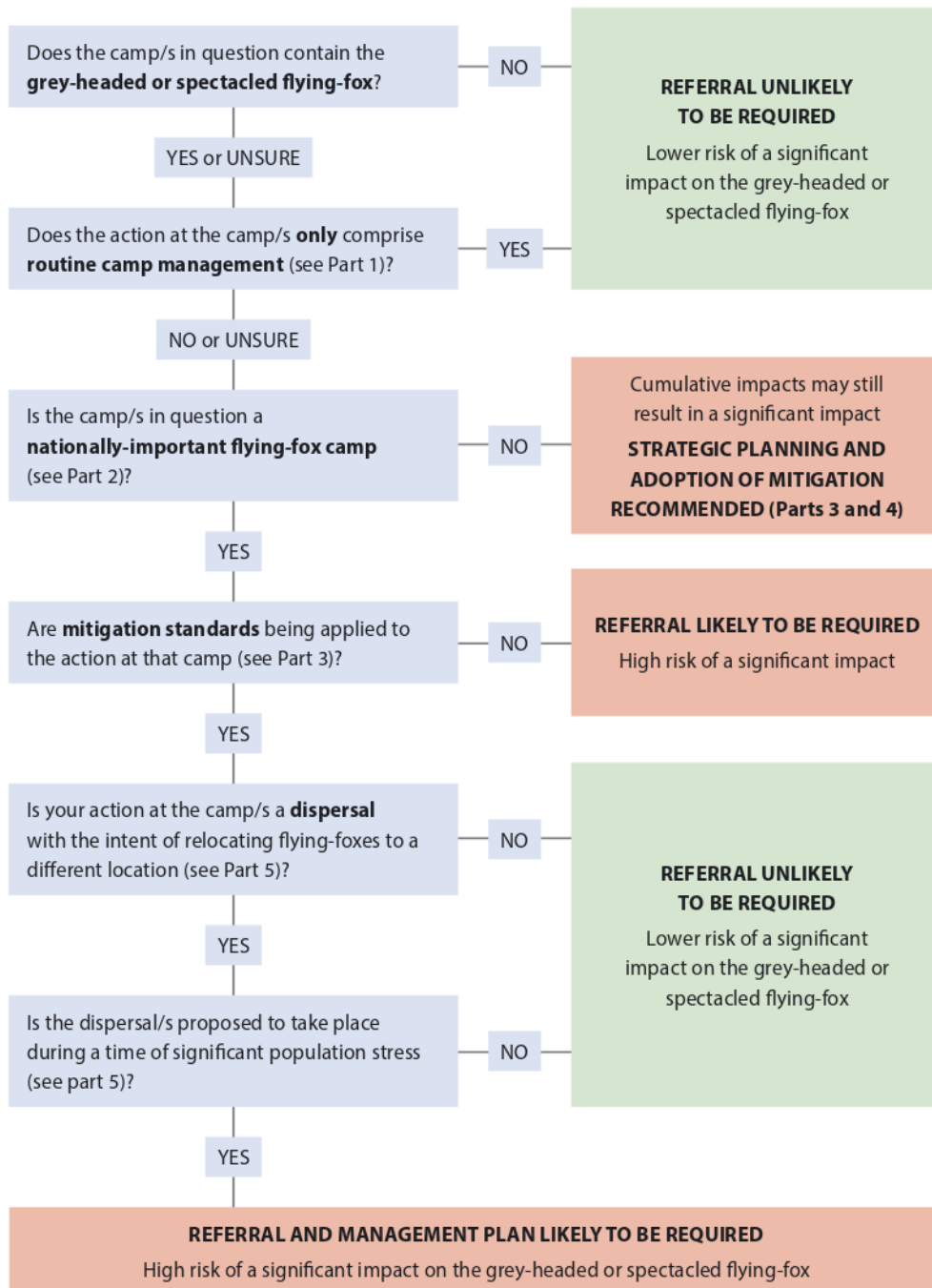
- minor, routine camp management at any camp
- clearing some vegetation or other indirect impacts on nationally-important flying-fox camps that are carried out in accordance with the mitigation standards
- dispersal of nationally-important flying-fox camps, that are carried out in accordance with the mitigation standards and are done so when the national population is not subject to significant stress
- clearing vegetation, dispersal of animals, *in situ* flying-fox management or other impacts on flying-fox camps that are not nationally-important flying-fox camps that is carried out in accordance with state or territory regulatory requirements.

The referral decision-making process is summarised in Figure 1.



Photo: Spectacled flying-foxes taking to the sky in Cairns, Queensland © Adam McKeown

Figure 1: Summary of the referral decision-making process for proponents



Important notice

Please note that this Guideline is general in nature. It does not remove your obligation to consider whether you need to make a referral to the Minister for the Environment (the **Minister**) under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the **EPBC Act**). While this guideline provides information to help you decide whether to refer a proposed action, the possible impacts of the proposed action will depend on the circumstances of the action. These circumstances may include the proximity of the action to habitat, indirect impacts and impact avoidance and mitigation measures.

Although this Guideline has been developed based on the most up-to-date scientific information available at the time of writing, a referral will be assessed by the Department on the basis of the most up-to-date scientific information available at the time of referral, which may build upon the information reflected in this Guideline. This Guideline does not provide guidance on requirements under state, territory or local government laws.

Flying-foxes and the EPBC Act

Two species of flying-fox are listed as vulnerable species under the EPBC Act: the grey-headed flying-fox (*Pteropus poliocephalus*) and the spectacled flying-fox (*Pteropus conspicillatus*). These are referred to together throughout guidelines as 'EPBC Act-listed flying-fox species'. Both species move long distances in search of food on a seasonal basis and play an important role in providing key ecosystem services such as pollination and seed-dispersal for many vegetation communities across their distributions along the east coast of mainland Australia. Each species exists as a single national population across their entire range.



Photo: The spectacled flying-fox (*Pteropus conspicillatus*). Wet Tropics of Queensland © Department of the Environment and Mike Tenenry

Actions likely to have a significant impact on EPBC Act-listed flying-fox species

If you propose to take an action that has, will have or is likely to have a significant impact on an EPBC Act-listed flying-fox species, you must refer the proposed action to the Minister prior to commencing the action. The Minister will then decide within 20 business days whether assessment is required under the EPBC Act. When making a decision on whether a proposed action requires assessment, the Minister must consider all relevant information and act in a manner consistent with natural justice and procedural fairness obligations. An action that will have or is likely to have a significant impact on an EPBC Act-listed flying-fox species must not commence until the Minister makes an approval decision. Substantial penalties apply for undertaking such an action without Commonwealth approval (civil penalties up to \$8.5 million or criminal penalties including up to seven years imprisonment).

More information on the referral, assessment and approval process is available at www.environment.gov.au/epbc/assessments/index.html. Information on compliance and enforcement of the EPBC Act can be found at www.environment.gov.au/epbc/compliance/index.html. If you are uncertain about the need to refer, you may refer your proposed action for legal certainty, or contact the Department to discuss your proposed action by emailing epbc.referrals@environment.gov.au.

Dispersal as a last resort management action

The Department understands that camps of EPBC Act-listed flying-fox species can be problematic and may affect human amenity due to noise, smell, hygiene issues and proximity. Management actions taken to mitigate these problems can in some circumstances have a significant impact on the flying-foxes as defined under the EPBC Act. Camp dispersal is one such action and the Department recommends that this be considered as a management action of last resort. Camp dispersal has been demonstrated to be unsuccessful and costly¹. Accounting for flying-fox camps in state/territory and local planning provisions, *in situ* management of camps and assisting neighbours to co-exist with camps are the recommended alternative strategies. The Department does however recognise that there are some circumstances where this is not possible or preferred.

How to use this Guideline

This Guideline is designed to be read from the perspective of a person proposing to take an action that may have a significant impact on the grey-headed or spectacled flying-fox. Parts of the Guideline contain information that requires a developed understanding of the EPBC Act assessment process and the ecology of EPBC Act-listed flying-fox species, as well as broader ecological concepts. Some proponents may need to seek assistance from suitably qualified or experienced people when applying them to a particular action. There is an expectation that the self-assessment process would be carried out by (or be informed by) people with a reasonable level of knowledge and experience in these matters.

This Guideline should be read in conjunction with the *Significant Impact Guidelines 1.1—Matters of National Environmental Significance* (Significant Impact Guidelines), which explain the concept of a 'significant impact'. The Significant Impact Guidelines can be found on the Department's website at www.environment.gov.au/epbc/publications/nes-guidelines.html.

Information base for this Guideline

This Guideline has been developed based on scientific information outlined for each species in the Department's Species Profile and Threats Database (see the profile for the [grey-headed flying-fox](#) or [spectacled flying-fox](#)). It is informed by current estimates of population size and camp sizes and locations collected from the [National Flying-fox Monitoring Programme](#) (NFFMP), information on previous Commonwealth and State approvals for flying-fox management actions and any recovery plans for either the grey-headed or spectacled flying-fox. A national recovery plan exists for the [spectacled flying-fox](#) and the Department is currently developing a recovery plan for the grey-headed flying-fox.

The Department, state governments and CSIRO are collaborating to support the National Flying-fox Monitoring Program (NFFMP) and to ensure it provides regular and robust monitoring of EPBC Act-listed flying-fox species to enable insight into any significant changes in population numbers or dynamics or new camps. The [interactive flying-fox viewer](#) is updated quarterly from the counts being undertaken as part of the NFFMP. Should any of this information change significantly, this Guideline will be reviewed.

¹ Roberts, B. J., Eby, P., Catterall, C. P., Kanowski, J., & Bennett, G. (2011). The outcomes and costs of relocating flying-fox camps: insights from the case of Maclean, Australia. *The biology and conservation of Australasian bats*. Mosman, NSW: Royal Zoological Society of NSW, 277–287

Purpose of this Guideline

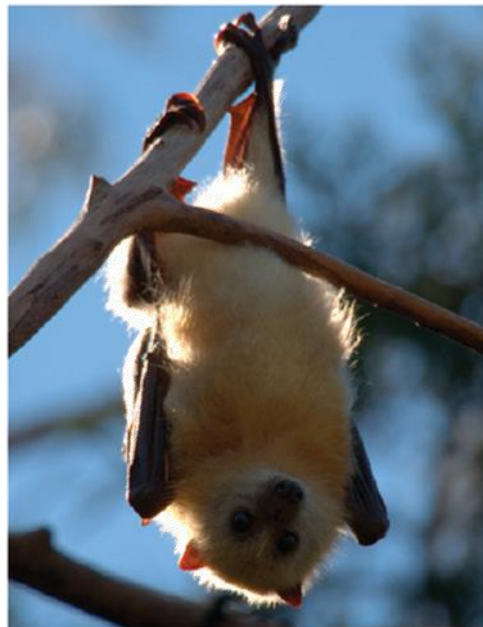
This Guideline has been developed to assist proponents in determining whether a proposed action at a flying-fox camp is likely to have a significant impact on an EPBC Act-listed flying-fox species, and whether that proposed action requires referral to the Department for assessment in accordance with the EPBC Act. It does so by describing which actions at certain camps of EPBC Act-listed flying-fox species are likely to have a significant impact on these species, and providing criteria for identifying nationally-important camps for each species. This Guideline aims to help proponents ensure that significant impacts on EPBC Act-listed flying-fox species are minimised when non-lethal actions to manage their camps are proposed by outlining mitigation standards to be implemented at these camps to avoid significant impacts.

What this Guideline applies to

This Guideline is intended to provide guidance only in relation to management actions taken at or in camps, including non-lethal dispersal actions.

It does not apply to the following actions:

- Actions in the vicinity of camps, such as development actions, firework displays or concerts, which may indirectly affect camps of EPBC Act-listed flying-fox species.
- Actions which may impact on the foraging habitat of EPBC Act-listed flying-fox species. Proponents of actions of this kind should refer to the [Significant Impact Guidelines 1.1](#).
- Lethal management actions of EPBC Act-listed flying-fox species at camps, or for crop protection (lethal management actions should be considered separately, as there is greater potential for these actions to have a significant impact on these species).
- Actions taken at camps which are occupied solely by the black flying-fox (*Pteropus alecto*) or little red flying-fox (*Pteropus scapulatus*) which are not listed as threatened under the EPBC Act, and actions taken which may impact the critically endangered Christmas Island flying-fox (*Pteropus natalis*).



Photos: (left) The grey-headed flying fox (*Pteropus poliocephalus*), (right) A juvenile grey-headed flying-fox (*Pteropus poliocephalus*) © Adam McKeown

Part 1: Which actions are considered to be minor or routine camp management and less likely to require referral to the department?



Photo: Spectacled flying-foxes (*Pteropus conspicillatus*) © Adam McKeown

Minor or routine camp management activities that will not have the effect of dispersing or clearing a flying-fox camp are unlikely to have a significant impact on an EPBC Act-listed flying-fox species, regardless of whether or not the camp affected is a nationally important camp. Referral under the EPBC Act is less likely to be required for these activities.

Activities that are more likely to be minor or routine camp management are:

- mowing of grass and similar grounds-keeping actions
- application of mulch or removal of leaf litter or other material on the ground
- weed removal, minor trimming of understorey vegetation or the planting of vegetation
- removal of tree limbs or a small proportion of the whole trees in a camp if they are significantly damaged and pose a health and safety risk, as determined by a qualified and experienced arborist
- minor habitat augmentation for the benefit of the roosting animals
- installation of signage or similar-scale infrastructure
- passive recreation (i.e. low noise recreation)
- educational activities, such as study or observation of roosting flying-foxes.

Part 2: Is the proposed action likely to impact on a nationally-important flying-fox camp?

Nationally-important flying-fox camps are identified on the Department's [interactive flying-fox viewer](#). Proponents should first consult the [interactive flying-fox viewer](#) to confirm whether the camp where they are considering management actions is nationally-important.

When *in situ* management actions or dispersals are proposed at nationally-important camps, the risk of a significant impact is increased because these camps contain an ecologically significant proportion of the population. These camps have been identified by applying the following criteria to current monitoring information for each flying-fox species:

Nationally-important grey-headed flying-fox camps

Camps that have contained $\geq 10,000$ grey-headed flying-foxes in more than one year in the last 10 years, or have been occupied by more than 2,500 grey-headed flying-foxes permanently or seasonally every year for the last 10 years.

Nationally-important spectacled flying-fox camps

Camps that have contained $\geq 16,000$ spectacled flying-foxes in more than one year in the last 10 years, or have been occupied by spectacled flying-foxes in at least 50 per cent of the surveys over the last 10 years.

Uncertainty and camps not meeting the criteria

If you have good reason to believe that a camp which is not identified as nationally-important in the [interactive flying-fox viewer](#) meets the criteria listed above, then that camp should be treated as a nationally-important camp and consideration given to the mitigation standards in Part 3. If you are uncertain about the camp, consultation with the Department is recommended by emailing speciespolicy@environment.gov.au.

The Department recognises that camps which fall below the criteria for a nationally-important flying-fox camp may be considered important at the state/territory or local scale. The relevant state/territory or local authority should be consulted regarding actions in such camps. In the majority of cases, state or territory regulatory requirements will apply to actions in these camps.

For information on regulations in NSW visit: www.environment.nsw.gov.au/threatenedspecies/flyingfoxcampopol.htm

For information on regulations in Queensland visit: www.ehp.qld.gov.au/wildlife/livingwith/flyingfoxes/roost-management.html



Photo: Flying-foxes taking to the sky, Marlborough, Queensland. Arthur Mostead © Department of the Environment and Arthur Mostead

Actions impacting on a nationally-important flying-fox camp

Actions that may impact on nationally-important flying-fox camps may include *in situ* management, clearing of vegetation within a flying-fox camp or dispersal of animals through disturbance by noise, water, smoke or light. *In situ* management includes actions that are not minor or routine, but aim to retain the camp whilst reducing human-flying-fox conflict. This may be achieved by carrying out works that increase or improve the buffer between the camp boundary and sensitive land-uses. *In situ* management may be referred to as 'camp boundary management' or 'nudging' by some agencies. *In situ* management actions may include:

- Selectively clearing canopy trees at the camp boundary; and
- Disturbing animals at the boundary of the camp to encourage roosting in adjacent vegetation.

Part 3: Will mitigation standards be applied to the nationally-important flying-fox camp?

The adoption of the mitigation standards described below will assist in avoiding or reducing significant impacts on EPBC Act-listed flying-foxes arising from management actions at their camps. Referral under the EPBC Act is less likely to be required if such mitigation standards are implemented. Proponents should either implement the following mitigation standards where relevant, or an equivalent state or territory mitigation standard that achieves the same outcome. For example, the Queensland Code of Practice: Ecologically sustainable management of flying-fox roosts (2013) requires all management actions to immediately cease if flying-foxes appear to have been killed or injured. This is considered to achieve a similar outcome to the mitigation standards below.

Mitigation standards

- The action must not occur if the camp contains females that are in the late stages of pregnancy or have dependant young that cannot fly on their own.
- The action must not occur during or immediately after climatic extremes (heat stress event², cyclone event³), or during a period of significant food stress⁴.

² A 'heat stress event' is defined for the purposes of this document as a day on which the maximum temperature does (or is predicted to) meet or exceed 38°C.

³ A cyclone event is defined as a cyclone that is identified by the Australian Bureau of Meteorology (www.bom.gov.au/cyclone/index.shtml).

⁴ Food stress events may be apparent if large numbers of low body weight animals are being reported by wildlife carers in the region.

- Disturbance must be carried out using non-lethal means, such as acoustic, visual and/or physical⁵ disturbance or use of smoke.
- Disturbance activities must be limited to a maximum of 2.5 hours in any 12 hour period, preferably at or before sunrise or at sunset.
- Trees are not felled, lopped or have large branches removed when flying-foxes are in or near to a tree and likely to be harmed.
- The action must be supervised by a person with knowledge and experience relevant to the management of flying-foxes and their habitat, who can identify dependent young and is aware of climatic extremes and food stress events. This person must make an assessment of the relevant conditions and advise the proponent whether the activity can go ahead consistent with these standards.
- The action must not involve the clearing of all vegetation supporting a nationally-important flying-fox camp. Sufficient vegetation must be retained to support the maximum number of flying-foxes ever recorded in the camp of interest.
- The mitigation standards are applicable to all actions at nationally-important flying-fox camps other than routine camp management. In circumstances where mitigation standards are not applied, significant impacts are likely and the proposed action is more likely to need to be referred for assessment and approval under the EPBC Act.

⁵ This may include water sprays/sprinklers or other methods of physical disturbance that will not cause harm or injury to flying-foxes.

Part 4: Are significant impacts possible at camps not identified as nationally important?



Multiple dispersals or repeated *in situ* management actions may over time, or collectively, result in the total loss of roosting vegetation at a nationally important camp or in mortality levels that constitute significant population stress (Part 5). Such actions therefore may result in a significant impact on EPBC Act-listed flying-fox species.

If a proponent is proposing multiple dispersals of EPBC-listed flying-fox camps—including camps not identified as nationally important, they should consider their actions more strategically as a single, larger action and appropriate strategic planning should be undertaken which conforms with the mitigation and outcomes expected in this policy (Part 3). Strategic planning which does not adopt or consider the mitigation and outcomes outlined in this policy may result in a significant impact on an EPBC-listed flying-fox.

Photo: Grey-headed flying-foxes (*Pteropus poliocephalus*) © Adam McKeown

Part 5: Is your action a dispersal that is proposed to take place during a time of significant population stress?

Dispersals to manage flying-foxes which are proposed during times of significant population stress have a higher risk of having a significant impact, even if mitigation standards are in place. Proponents proposing dispersals at nationally-important camps are advised to consider their action in this context.

For the purposes of applying this guideline, dispersal is defined as the action of intentionally relocating flying-foxes from one location to another location that is not connected by suitable roosting vegetation. An action that is intentionally relocating flying-foxes to a nearby location i.e. within 100 metres of the original location that is connected by suitable roosting habitat and contains a similar or greater area of extent, is considered *in situ* management or nudging and not dispersal.

To minimise impacts, any dispersal proposed during a time of significant population stress (see below) should be postponed. Instead, *in situ* management actions could be used to mitigate any human-flying-fox conflicts until the population is no longer under significant stress.

To manage the risk of significant impact resulting from a dispersal during a time of significant population stress, a more detailed level of assessing risks and planning the action should be undertaken. It is recommended that a dispersal management plan be developed and included in a referral to the Department which meets the below requirements or equivalents of a state or territory management plan⁶.

Required elements of a dispersal management plan include:

- objectives of avoiding a long-term decline in the national population of the species or disruption to its breeding cycle
- a strategy to achieve the objectives
- an assessment of potential relocation sites, other nationally-important flying-fox camps, and flying-fox activity in the region
- a dispersal methodology, including measures to minimise stress on flying-foxes in the camp and nearby camps, stop work triggers, responsibilities of participants
- a contingency plan in the event that animals relocate to an unacceptable location
- awareness and assessment of potential impacts on other MNES resulting from any sequential dispersals⁷
- post-dispersal monitoring program
- public communication program.

⁶ The NSW OEH camp management plan template is the recommended template (www.environment.nsw.gov.au/threatenedspecies/flyingfoxcampplan.htm)

⁷ If the assessment of proposed relocation areas or an actual re-dispersal itself indicates likely significant impacts on other MNES, consideration may need to be given to a separate additional referral for likely significant impacts.

Determining a time of significant population stress

Events that may place significant stress on the national population of each species include 'heat stress events', cyclone or bushfire events (resulting in either significant mortality or severe food shortages), and the lethal take of flying foxes for crop protection. A time of significant population stress is considered to be more likely when an event/s has in the year prior to the proposed date of the action taking place, resulted in the mortality of 1.5 per cent or more of the national population of the grey-headed or spectacled flying-fox. The lowest population figure for the species recorded in the NFFMP to date will be used in calculations defining significant population stress. Using the **lowest figure** from the NFFMP to date, 1.5 per cent of the national population would equate to approximately 5,000 individuals of grey-headed flying-fox and 450 spectacled flying-fox annually.

The [NFFMP](#) tracks changes in the national population of grey-headed and spectacled flying-foxes. [Quarterly reports](#) on the NFFMP may provide information on significant mortality events explaining population changes. Otherwise state or government websites or flying-fox care and rescue organisations may provide information on such events to help you with this important decision step. This decision step should also consider annual lethal take of flying-foxes for crop protection across their ranges⁸.

Any information regarding mortality from heat or other stress related events can be sent to speciespolicy@environment.gov.au. This information will be made available on the Department's flying-fox web page.



Photo: Grey-headed flying-foxes (*Pteropus poliocephalus*) © Adam McKeown

⁸ For flying-fox lethal take quotas and allocations visit www.chp.qld.gov.au/wildlife/livingwith/flyingfoxes/damage-mitigation-permits.html and www.environment.nsw.gov.au/wildlifelicences/s120Licence.htm

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7.5 REGULATED DOGS BRIEFING

File Number: 14/4/21

Author: Administration Officer

Authoriser: Chief Executive Officer

PRECIS

Regulated Dogs Briefing

SUMMARY

In response to the tabled request at the Council's March Community Standing Committee Meeting, the following briefing is provided in relation to the current State Legislation and Local Laws in relation to Dog Compliance matters.

OFFICER'S RECOMMENDATION

That Council note the Information

BACKGROUND

Legal aspects:

The *Animal Management (Cats and Dogs) Act 2008* is the Queensland State legislation that governs the declaration of Regulated Dogs. Local Governments are obliged to superintend a number of the State's Legislative provisions as they have been devolved to local government.

There are three categories of Regulated Dogs, namely Restricted, Menacing and Dangerous.

Restricted dogs are breed specific and are prescribed under Regulation. The following breeds are currently included as Restricted, namely American Pit Bull Terrier or Pit Bull Terrier, dogo Argentino, fila Brasileiro, Japanese tosa, Perro de Presa Canario or Presa Canario.

A Menacing dog is a dog that has been found to have:

1. been involved in an attack on a person or another animal; or
2. acted in a way that has caused fear to a person or another animal; or
3. in the opinion of an authorised person, having a regard to the way the dog has behaved towards a person or another animal, to have attacked or acted in a way that has caused fear to the person or an animal.

A Dangerous dog is the same as for a Menacing dog, except that the attack is deemed or determined to be **serious** or of a serious nature. The definition of *seriously attacked* means to attack in a way causing bodily harm, grievous bodily harm or death.

Council's Local Laws for animal management, which were largely adopted from the States model local laws, do feature some references to aggressive behaviour of animals, but specifically excludes dogs as the *Animal Management (Cats and Dogs) Act 2008* covers the aggressive behaviour of dogs.

Asset management implications:

There are no asset management implications for Council. However, if an animal is declared as a Regulated Dog, whether Restricted, Menacing or Dangerous, then dog owners have an obligation to comply with some very detailed and potentially expensive enclosure requirements.

Financing and resource implications:

Council has to discharge considerable resources to superintend the State Government's animal management legislation.

The process of declaring a dog as a Regulated Dog, whether that be a Restricted, Menacing or a Dangerous dog is quite onerous. A formal investigation process must occur to ensure adequate evidence is collected upon which decision are made. There is a lot of time required in generating formal documentation and establishing an audit trail. Plus, the various appeal mechanisms, including an external review appeal right to the Queensland Civil Administrative Tribunal (QCAT) requires significant resources.

Council staff also endeavour to respond to dog attack customer requests within forty eight (48) hours. Dog attack complaints/customer requests are a priority for Council's Compliance section, particularly if the aggressive animal is still at large, in which case an immediate response to respond to the ongoing public safety aspect is attempted. To appropriately resource this priority requires flexibility by staff and it often means that other customer requests cannot be attended to as quickly as the section would like.

Communication:

Media release's in relation to dog owner obligations concerning their animals happens from time to time. The focus primarily is on registration, having a suitable enclosure, picking up their animal's faeces when in a public place, potential for barking nuisance, aggressive animal behaviour and wandering.

Report:

Previous Councils have taken dog attacks very seriously and their primary position was that they do not wish to have aggressive or dangerous in its community. Consequently, financial disincentives of higher dog registration, fines and have been established.

Council's Compliance section endeavours to commence action upon all dog attack complaints/customer requests submitted to Council within forty eight (48) hours. But, more often than not dog attack customer requests are actioned much sooner. Compliance staff's first priority is to ensure public safety. That is, if the alleged animal in question that has attacked is still wandering at large, then an immediate response will occur. Council's first priority is to secure the animal. This may be done by the animals' owner or the animal may be captured and impounded by Council staff, particularly if the animal is wandering at large.

Council's priority is also in relation to the victim, ensuring that they seek medical attention if a person or if the victim is an animal then the victim animals' owner is encouraged to take the animal to seek veterinary treatment, if necessary.

Council's staff then continue with the alleged dog attack investigation, obtaining evidence and statements from victims, animal owners and any eye-witnesses that may have observed the incident.

Compliance staff then prepare a report outlining the investigation and make a recommendation for further enforcement action, declaration and/or the issuing of any fines or compliance notices. In instances where a declaration is recommended, a proposal to declare the animal, or animals as the case may be, is issued to the owner of the dog or dogs that are alleged to have offended and attacked a person, another animal or caused fear.

The attacking dog owner then has the opportunity to respond via written submissions in relation to the proposal to declare their dog(s). This formal process is classified as Written Representation. Should a dog owner exercise their right to respond, then Council will assess their written submission as to why Council should not declare the dog or dogs as a regulated dog. After a formal review of the reasons why Council should not declare, a formal response to each of the reasons raised must be produced. A final recommendation is then made as to whether to proceed with the declaration or not. The appropriate decision maker will then sign off on the decision. This decision is then formally communicated to the dog owner. If the decision is to declare then a Declaration Notice will be issued.

The animal owner then has the opportunity to request an internal review. Another formal review of the process to date will then be ultimately be conducted by the Council's Chief Executive Officer (CEO). The CEO will make a decision to confirm, amend or withdraw the original decision to declare. This decision of the Internal Review is then formally communicated to the dog owner in writing. Again any reasons raised by the dog owner in contesting the Declaration must be specifically responded

to in writing and must be communicated to the dog owner soon after the decision is made by the CEO.

The dog owner is also advised at that time of their final appeal right, namely an external review to the Queensland Civil and Administrative Tribunal.

A summary of the Critical Timeline Process for a Regulated Dog Declaration is provided below:

Regulated Dog Declaration Stages	Initial complaint Investigation	Investigation Decision	If Proposal Issued and Written Representation received	Information Decision Notice of Written Representation Decision - Original Decision to Declare	Internal Review	Notification of Internal Review Decision to Applicant	External Review (QCAT)
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There are specified time frames in the legislation by Council must comply throughout the entire Declaration process. The entire process can take an extremely long time, particularly if a dog owner exercises all of their appeal rights. If someone goes all the way to QCAT, this can take tie up significant resources. Also, the cost to house the animals, if in Council's possession, can become very expensive. To date, the longest hold time for a dog was approximately one and a half years.

ATTACHMENTS

Nil

7.6 DOG REGISTRATION IN UNITS

File Number: 14-4-21

Author: Administration Officer

Authoriser: Chief Executive Officer

PRECIS

Dog Registration enquiry regarding units and strata titles from Council's February Community Standing Committee.

SUMMARY

Councillors requested information in relation to dog registrations in units and strata title accommodation.

OFFICER'S RECOMMENDATION

That Council note the information.

BACKGROUND

The Council's Local Laws were passed in 2011. During this process there was mandatory community consultation. Council's Local Laws are established under the *Local Government Act 2009*.

The requirement for a dog to be registered is under the *Animal Management (Cats and Dogs) Act 2008*. That is, all dogs over the age of 12 weeks must be registered in the State of Queensland, unless expressly exempt (e.g. Working Dog).

Council's Local Law No.2 (Animal Management) 2011 and its Subordinate Local Law specifies what animals are prohibited as well as when an approval is necessary in order to keep a particular animal.

In relation to dogs, expressly concerning multi residential premises (excluding strata titled units), there is a prohibition on the keeping of more than two (2) dogs and/or two (2) cats over the age of 3 months on multi residential premises.

Multi residential premises means -

- (a) a residence which forms part of a group of 2 or more residences in circumstances where 2 or more of the residences of the group are directly adjacent to each other and share-
 - (i) a common wall; or
 - (ii) a ceiling in circumstances where 1 residence is directly under the floor of another residence; and
- (b) a residence situated on a lot which forms part of a community titles scheme as defined in the Body Corporate and Community Management Act 1997.

Examples of multi-residential premises - Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.

Council's Local Laws also stipulate that an Approval is required to keep two (2) dogs and/or two (2) cats over the age of 3 months on multi residential premises.

As outlined above, presently Council's local law precludes the keeping more than two (2) dogs and/or two (2) cats on a multi residential premises. Further, technically in order for two (2) dogs and/or two (2) cats to be kept at a multi residential premises an application will need to be made to Council and an Approval issued. It is debatable as to whether any animals should be permitted in a multi residential complex, given the potential for associated problems and nuisances.

Under the current legal situation the problem that is experienced is, for example, if there are 10 units on an allotment who is going to be permitted to have the 2 registered dogs? Is it a case of, "first in best dressed"? Is that a fair solution?

Council's Planning section have advised that the superceded Kingaroy Town Plan did actually permit there to be one (1) dog in a unit. However, this particular provision along with any other animal management operational controls or non-land development requirements were removed from the current Town Plan.

If Council wished to relax the present situation and allow for one (1) or two (2) dogs and/or one (1) or (2) cats per unit, then you could have the situation (for example with the ten unit scenario) where there could be a maximum of twenty (20) dogs and/or twenty (20) cats located on the one allotment. This potentially could be a recipe for disaster, hence probably why the model local laws did not allow for such a situation. However, if Council did wish to explore a more relaxed approach then the focus may well need to be on an Approval process to allow one (1) dog and/or cat per unit, subject to specified conditions such as not creating a nuisance, having permission of the body corporate to allow the animal to be kept at the multi residential premises, and access to a separate private courtyard for the animal. If problems were encountered, then the Approval could be cancelled. The person would then need to get rid of the animal or face a fine for being in breach of the Council's Local Laws. This in theory is achievable, but practically asking someone to get rid of their much loved pet can be a significant and emotional event for the animal owner, which they may very well actively oppose.

It will take approximately six (6) months to change a local law.

ATTACHMENTS

Nil

7.7 APPLICATION UNDER FUNDING ROUND 6 - QUEENSLAND FERAL PEST INITIATIVE

File Number: 14/4/2021
Author: Personal Assistant Community
Authoriser: Chief Executive Officer

PRECIS

Application for assistance with costs associated with Councils transition to commercial 1080 supply.

SUMMARY

The Department of Agriculture and Fisheries (DAF) state supply of 1080 concentrate will be fully depleted in 2021 requiring local governments who wish to continue coordinated baiting programs, to seek commercial arrangements of an Australian Pesticides and Veterinary Medicines Authority registered product that suits their needs.

To assist with this process, the Local Government Assistance Program will provide a one-off lump sum to local governments to support the cost of transitioning to commercial 1080 baiting products.

OFFICER'S RECOMMENDATION

That the Committee recommends to Council:

That Council endorse the submission of an application under Sub Project 2 of the Queensland Feral Pest Initiative Round 6 for 75% of costs to purchase 1080 for fresh meat baits for the next 3 years;

BACKGROUND

The DAF state supply of 1080 concentrate will be fully depleted in 2021 requiring local governments who wish to continue coordinated baiting programs, to seek commercial arrangements of an Australian Pesticides and Veterinary Medicines Authority registered product that suits their needs.

To assist with this process, the Local Government Assistance Program will provide a one-off lump sum to local governments for 75% of estimated costs to purchase 1080 for the next 3 years

To access this funding Council is required to make application under Sub Project 2 of the Queensland Feral Pest Initiative Round.

ATTACHMENTS

Nil

7.8 APPLICATION TO FUND FERAL PEST COORDINATOR UNDER QUEENSLAND FERAL PEST INITIATIVE FUNDING ROUND 6

File Number: 14-4-2021
Author: Personal Assistant Community
Authoriser: Chief Executive Officer

PRECIS

Proposal to make application to fund a Regional Feral Pest Coordinator

SUMMARY

Round 6 of Queensland Feral Pest Initiative (QFPI) is currently open to all Local Governments across Queensland to support regionally agreed cluster fencing arrangements in areas with high wild dog density, as well as other invasive plants and animal control programs across Queensland.

OFFICER'S RECOMMENDATION

That the Committee recommends to Council:

That Council approach North Burnett Regional Council, Cherbourg Aboriginal Shire Council and Gympie Regional Council to develop a Queensland Feral Pest Initiative application to fund a Regional Feral Pest Coordinator position for three years to assist landholders to establish feral pest management groups and deliver education and awareness workshops regarding feral pest management techniques.

BACKGROUND

The Queensland Government supports effective invasive plant and animal management in Queensland through the Queensland Feral Pest Initiative (QFPI). Through this initiative, funding is allocated to support regionally agreed cluster fencing arrangements in areas with high wild dog density, as well as other invasive plants and animal control programs across Queensland.

In addition to cluster fencing projects, other wild dog control programs have also been funded. These programs include:

- aerial and on-ground baiting, trapping programs
- funding for wild dog coordinators engaging landholder and community groups participation in control programs
- local government capacity building activities.
- Funding has also been provided for other invasive plant and animal projects including:
- Prickly acacia, Kosters Curse, Snake Cactus, Mesquite, Parkinsonia and Harrisia control programs
- effective management of coastal feral pig populations
- eradicating breeding population of rabbits; and
- strategic deer control in targeted areas.

Round 6 will be open to all Local Governments across Queensland, providing opportunities for funding to Councils previously ineligible for grants.

ATTACHMENTS

Nil

7.9 AMENDMENT TO DEVELOPMENT INCENTIVE SCHEME - REDUCTION IN INFRASTRUCTURE CHARGE

File Number: IR2783899

Author: Engineering Contractor, Planning & Land Management

Authoriser: Chief Executive Officer

PRECIS

Updated and clarification of the details of the development incentive scheme in relation to the rules and procedures for the reduction in infrastructure charges.

SUMMARY

Council adopted a stimulus package involving various forms of incentives for the building, development and business community at the General Council meeting on 16 December 2020.

During implementation of the scheme, it has become apparent that aspects of the scheme needing to be clarified. These aspects include:

- Financial Delegation to approve the reduction in infrastructure charges;
- The legal mechanism required to reduce charges, that meet the requirements of the Planning Act 2018 (Infrastructure Agreement);
- Clarifying the discount that applies to particular developments types;
- Including revised definition for residential development.

OFFICER'S RECOMMENDATION

That the Committee recommend that:

Council:

1. Approve the update to the criteria and procedure for assessing and approving the reduction of infrastructure charges (addition in bold):

Description	Criteria
Effective Dates	1 December 2020 to 30 June 2022
Applicable Development	All development is eligible if located within the South Burnett Regional Council area that is subject to an infrastructure charges notice (ICN). Infrastructure Charges issued under previous Charges Resolutions (No. 1 (2013) and 2 (2015)) are proposed to be included in the revision. Infrastructure Charges payable under Charges Resolutions No. 1 and 2, will be capped at the amount that would apply to charges issued under Charges Resolution No. 3 with the discounts in place.
Infrastructure charges discounts	<ul style="list-style-type: none"> ▪ 50% discount for any commercial use or industrial activity; ▪ 50% discount for long-term employment generating development; ▪ 75% discount for Reconfiguring a lot for Residential development; ▪ 75% discount for Residential development; (excluding in the Rural Residential Zone) ▪ 100% discount for Residential development in the Rural Residential zone; ▪ 100% discount for Rural or Tourist activity (eg. Short-term accommodation) in the Rural Zone.

Description	Criteria
Recommendation and Approval	Manager Planning & Land Management recommends reduction in infrastructure charges that meets the eligibility criteria, for approval by the Chief Executive Officer.
Infrastructure Agreement	Chief Executive Officer to enter into Infrastructure Agreement with applicant.

2. Approve the release of the revised forms and guidelines to support and promote the Development Incentive Scheme, as presented:
 - Fact Sheet – Development Incentives
 - Application form
 - Appendix A: Rules and procedures
 - Appendix B: Definitions
3. Delegate to the Chief Executive Officer the power, under the *Planning Act 2016* (Qld), to enter into an Infrastructure Agreement between Council and the applicant (developer) and apply the relevant discount that meets the criteria of the Development Incentive Scheme.

BACKGROUND

Financial and Resource Implications

The changes proposed do not alter the previously approved discounts approved by Council, but provide some clarification around discount amount for development types.

Where discounts are approved under the scheme funds will need be sourced from within Council's budget to supplement the shortfall.

Link to Corporate/Operational Plan

Council's current Corporate Plan includes a reference to '*A strong and sustainable regional economy supported by diverse sectors and innovative planning mechanisms*'. This supports Council's policy initiative. Key activities within the Operational Plan 2020-2021 also seek to review infrastructure charges and improve processing times for development applications.

Communication/Consultation (Internal/External)

Internal consultation involved discussions between the General Manager Community, Manager Planning & Land Management, and Council Officers.

External consultation has not been carried out as the changes are administrative, and/or minor in nature to only, and have been made to clarify queries from developers.

Legal Implications (Statutory Basis, Legal Risks)

Council has a general power under section 9 of the *Local Government Act 2009* (Qld) to do anything it feels is necessary or convenient for the good rule and local government of its area.

The *Planning Act 2016* (Qld) enables Council to determine Infrastructure Charges through the development of a Local Government Infrastructure Plan (LGIP). Infrastructure Charges have been set per south Burnett Regional Council Charges Resolution (No. 3) 2019.

Section 150 of the *Planning Act 2016* (Qld) provides for infrastructure agreements relating to a condition for paying for or providing infrastructure as part of a development.





Policy/Local Law/Delegation Implications

Delegations will enable approval of applications under the scheme, including the execution of infrastructure agreements. All applications will be approved pursuant to the terms, conditions and criteria of the scheme and in accordance with Council's policy intent.

Asset Management Implications

No additional implications apply, over and above that identified in the previous report.

ATTACHMENTS

1. **Application Form v2 - Draft** [↓](#) 
2. **Fact Sheet - Developer Incentives v2** [↓](#) 
3. **Appendix A - Rules and Procedures update** [↓](#) 
4. **Appendix B - Definitions** [↓](#) 

Council is offering infrastructure charges incentives to encourage increased development activity and job creation.

To see if your development is eligible for infrastructure charges incentives, please refer to Attachment A.

To apply, please complete this form and return to Council prior to 30 June 2022.

Please email directly to development@southburnett.qld.gov.au

Developers details

Name/s (individual or company name in full)			
Contact name			
Postal address	Suburb	State	Postcode
Phone	Mobile		
Email address			

Owner details

Name/s (individual or company name in full)			
Postal address	Suburb	State	Postcode
Phone	Mobile		

Description of land

Property address			
Property description	Lot		Plan type and No.
	Lot		Plan type and No.
	Lot		Plan type and No.

Declaration

In lodging this request for an infrastructure charge discount, I/We declare that the owners of the property have consented to enter into an infrastructure agreement subject to the rules and procedures of the development incentive scheme.

Signature/s: _____ Date _____

Application details

Which of the following categories of incentivised development are you applying for (please see definitions)

- Any Commercial use or Industrial activity (50%)
- Long-term employment generating development (50%)
- Residential development (75%)**
- Residential development in the Rural Residential zone (100%)

Rural or tourist activity (eg. Short-term accommodation) in the Rural zone (100%)

Note: if the proposed development does not fit within the above descriptions, the development may not be eligible for this scheme but may be eligible for other incentives offered by Council. Please contact Council's Planning team on 4189 9100 for further information about how we can assist with your development. Please see definitions in Attachment B for assistance in determining what category your development may fit within. Refer to the *Planning Act 2016* and *Planning Regulation 2017* for terms used herein.

Details of the development permit or compliance permit

Application No:

Type of approval:

Date approval took affect:

Have the adopted infrastructure charges or infrastructure contribution/s been paid?

Yes No

Proposed details

What is the proposed value of works for the development? \$

What is the anticipated number of jobs to be created by this development? (if known/applicable)

If the development is for residential development please provide the following:

Number of dwelling units:

Number of lots:

If the development is for a commercial use or industrial activity please provide the following:

Gross floor area (GFA)

Staged development

Is the development a staged development?

Yes No

Is it proposed that a discount apply to certain stages of the development and not the whole of the development?

Yes No

Note: if development is to be staged, the application needs to be accompanied by a staging plan.

Council Use Only	
Manager Recommendation	
This application for reduction of infrastructure charges is compliant with the rules and procedures of the Development Incentive Scheme. An infrastructure charges discount of _____ % is recommended.	
	Date DD / MM / YYYY
_____ Manager Name (PRINT)	_____ Manager Signature
CEO Approval	
Mark Pitt	Date DD / MM / YYYY
CEO	CEO Signature

Introduction

The South Burnett Regional Council recognises the importance of local development and is committed to creating temporary incentives to stimulate development and grow the population.

To assist with this, Council is offering reduced infrastructure charges for developments where certain criteria can be met.

Council is also committed to ongoing improvements in planning and development services, aimed at reducing the risk to developers.

Government stimulus packages have also created potential demand for house and land buyers so Council seeks to tap into this opportunity and remove possible barriers within the region.

Incentives for eligible development

Council has introduced incentives to assist developments that grow the population and create jobs.

To do this, Council is offering a development incentive scheme commencing 1 December 2020 to the 30 June 2022.

All development within the South Burnett Regional Council area is eligible under the scheme.

A range of discounts to infrastructure charges are available as follows:

- 50% discount for any commercial use or industrial activity;
- 50% discount for long-term employment generating development;
- 75% discount for Reconfiguring a lot for Residential development;
- **75% discount for Residential development (excluding in the Rural Residential Zone);**
- 100% discount for Residential development in the Rural Residential zone;
- 100% discount for Rural or Tourist activity (eg. Short-term accommodation) in the Rural zone.

How to apply for incentives

To be eligible for the discounts available, it is necessary to make a simple and quick application to Council. The application form can be found on our website or is available from Council offices.

Eligible development under this scheme is required to be completed by 30 June 2022. Please refer to the rules and procedures attached to the application form.

Applications for the infrastructure charge discounts open on 1 December 2020 and must be received on or before the closing date of 30 June 2022.

Persons seeking to take advantage of the scheme are required to enter into an infrastructure agreement containing full details of the discounts on offer, together with the obligations applicable to developers and land owners.

Other ways Council is helping

Apart from the direct financial incentives being offered, Council is also providing a range of other measures to assist residents and developers with their development projects including:

- Pre-lodgement meetings provided free-of-charge;
- Planning Scheme reduced levels of assessment and typically no application requirements for changes of use in existing commercial uses;
- Rates relief on undeveloped lots. Developers receive a 40% reduction in their valuation, with no minimum general rate until the parcel is developed or ownership changes. General rate is calculated using the reduced valuation;
- Developers receive an exemption from vacant water and sewerage charges for five (5) years from date of registration of land or until the allotment is sold.

Council has also introduced a policy that offers reduced infrastructure charges to certain not-for-profit and community groups when developing their facilities. Council recognises the importance of these community groups and seeks to lower the barriers for them to grow and expand our region.

If you are looking to develop in the South Burnett Region, Council is here to assist.

Further Information

For further or to obtain an application form, please contact us as follows:

Telephone: 4189 9100

Email: development@southburnett.qld.gov.au

Website: www.southburnett.qld.gov.au

You may also choose to visit any of Council's service centres for further assistance.

1. Background

On 25 November 2020 Council launched a development incentive scheme to stimulate increased development and economic activity in the region. As part of this initiative, Council is offering a range of discounts for infrastructure charges on certain developments. Council has resolved to develop these rules and procedures to guide its decision-making in assessing applications for the infrastructure charges incentives. The incentives scheme will commence on 1 December 2020 and applies to eligible development.

2. Eligibility for infrastructure charges incentives

2.1 A development approval exists for the development.

2.2 The Council has either:

- Issued an Infrastructure Charges Notice (ICN) in relation to the development approval; or
- Imposed an infrastructure contribution condition on the development approval; and
- The development is not subject to an existing infrastructure agreement that varies the amount of infrastructure charges payable (except where the infrastructure agreement relates to an extension of the relevant period for the development approval or a recalculation of the charges under a new charge resolution).

2.3 The development is eligible if located within the South Burnett Regional Council area;

2.4 The development was not completed before 1 December 2020. For staged development, the stage being applied for was not completed before 1 December 2020.

2.5 The development is not eligible for a refund for the provision of trunk infrastructure pursuant to section 129 of the *Planning Act 2016* (PA), as amended. If through a conversion application (section 139 PA) or a recalculation of the establishment cost of trunk infrastructure (section 137 PA) a development that at the time an application under this policy was made was not subject to a refund becomes subject to a refund, then the development will no longer be eligible for a discount under this scheme.

2.6 Development that does not meet the above criteria is not eligible for the infrastructure charges incentives.

3. Rules

3.1 Developments seeking to take advantage of the infrastructure charges incentives must make application to Council for a discount using the

approved form. Applications for the infrastructure charges incentives can be made at any time prior to 30 June 2022.

3.2 Only one infrastructure charges incentives offer can apply to a development.

3.3 The infrastructure charges incentives will not apply to any development that has been completed on or before 1 December 2020.

3.4 Discounts for the infrastructure charges are listed below and are valid for 12 months from the date of approval of the discount, as follows:

- 50% discount for any commercial use or industrial activity;
- 50% discount for long-term employment generating development;
- 75% discount for Reconfiguring a lot for Residential development;
- **75% discount for Residential development; (excluding in the Rural Residential Zone)**
- 100% discount for Residential development in the Rural Residential zone;
- 100% discount for Rural or Tourist activity (eg. Short-term accommodation) in the rural zone.

The above discounts are taken to be discounts off the applicable infrastructure charges specified in an ICN or conditioned in a development approval (as varied by any infrastructure agreement relating to an extension of the relevant period of the development approval, where one exists). To be clear, no other discounts either under an adopted infrastructure charges resolution or other policy will apply (other than the rules specified in section 3.1.4 for community groups).

3.5 The discounts in Section 3.4 apply to infrastructure charges generated after the adoption of South Burnett Regional Council Charges Resolution (No. 3) 2019 dated 1 July 2019.

3.6 Infrastructure Charges issued under previous Charges Resolutions (No. 1 (2013) and 2 (2015)) also benefit under this scheme. Infrastructure Charges payable under Charges Resolutions No. 1 and 2, will be capped at the amount that would apply to charges issued under Charges Resolution No. 3 with the discounts in place.

3.7 The maximum discount under the incentives scheme is no more than \$500,000 for an eligible development.

3.8 Council may, in its absolute discretion, extend the date for any of the above discounts for a particular development where:

- The applicant can show sufficient reason why the development cannot be completed by the original completion date; and
 - The development has achieved substantial commencement prior to the original completion date.
- 3.9 Applications to extend the date by which development is to be completed for any particular discount must be made in writing and received prior to expiry of the completion date. Any extension to the date by which development is to be completed is at Council's absolute discretion.
- 3.10 Compliance with the completion date for receiving the incentive reduction in infrastructure charges is only achieved through full compliance with the following:
- For developments involving material change of use and building works, the issue of a certificate of classification for building works and/or issue of final inspection certificate by the completion date; or
 - For developments involving material change of use and no building works, the approved use is established by the Completion Date.
 - For developments involving reconfiguring a lot, submission of a survey plan to Council for sealing.
- 3.11 In all cases, Council must be satisfied that all applicable conditions of the development approval for the development completed have been satisfactorily complied with.
- 3.12 The discount will be applied at the time of payment of the infrastructure charges, but no discount is applicable if infrastructure charges are not paid when due.
- 3.13 Nothing stops a developer from making early payment of infrastructure charges payable after approval for discount has been given under this policy. However, early payment does not guarantee eligibility for any discount. Development must comply with the terms of the executed infrastructure agreement to secure approved discounts.
- 3.14 The discount applies to gross charges less credits but before offsets for the provision of trunk infrastructure have been deducted. To be clear, no discount given under this policy can result in a development receiving a refund.
- 3.15 Where a community group seeks a discount on infrastructure charges as part of an approved development, they may choose either this scheme or the Community Group Infrastructure Charges Policy. That is, whichever option is most advantageous to them.

4. Process

- 4.1 Applicants must lodge the application form prior to 30 June 2022.
- 4.2 Within five (5) business days of Council receiving the request, applicants will be notified by Council via email about whether the development is eligible for the incentive scheme applied for and details of any approved reduction in infrastructure charges subject to the incentive requirements being met and if so;
- (a) An infrastructure agreement will be issued identifying the discount available and must be signed by the applicant to acknowledge all terms applying to the incentive offer approved for the development;
 - (b) For the discounts to apply, the applicant must execute and return the infrastructure agreement to Council prior to the time for payment of the infrastructure charges;
 - (c) Upon receipt of the executed infrastructure agreement, Council will issue a tax invoice for the amount of infrastructure charges to be paid, only when the requirements in section 3.10 have been complied.

Below are the definitions for Council's development incentive scheme. If a word is not defined in this document, unless the context or subject matter otherwise indicates or requires, the word is to have a meaning given to it by the following:

- (a) the *Planning Act 2016*;
- (b) the South Burnett Regional Council Planning Scheme
- (c) the Macquarie Dictionary if the word is not defined in items (a) and (b) above.

Definition

Applicant - means the applicant for the infrastructure charges incentive under this scheme.

Commercial use - includes the use of premises for selling goods or providing a service to the public.

Completed

- means for a material change of use:
 - where involving building works, a certificate of classification or the final inspection certificate (for a single detached class 1a building or structure) has been issued; or
 - where not involving building works, the approved use has been established.
- means for building work, a certificate of classification or the final inspection certificate (for a single detached class 1a building or structure) has been issued.

Completion date – means

- twelve months from the date of the email notice mentioned in in section 4.2 of Attachment A; or
- such date as extended by the Council pursuant to section 3.7 of Attachment A.

Development Approval – means a development permit for a material change of use or a development permit or compliance permit for reconfiguring a lot or a development permit for building work (where the material change of use is accepted development) that has not lapsed.

Eligible development – means proposed development that satisfies the requirements of section 2 of Attachment A.

Industrial activity – means the use of premises for the following terms (as defined):

- low impact industry;
- medium impact industry;
- high impact industry; or
- special industry.

Infrastructure Charges – means infrastructure charges or contributions for trunk infrastructure payable pursuant to a charges notice or a contribution condition in a development approval.

Infrastructure Charges Notice – means an infrastructure charges notice as defined in section 119 of the *Planning Act 2016*.

Other eligible development - means development for any material change of use or building works for which a charges notice has been issued.

Reconfiguring a lot – means creating lots by subdividing another lot.

Residential development - means the use of premises for the following accommodation activity:

- caretaker's accommodation;
- dual occupancy;
- dwelling house;
- dwelling unit;
- home-based business;
- multiple dwelling;
- non-resident accommodation; workforce
- relocatable home park;
- resort complex;
- retirement facility;
- rooming accommodation;
- short-term accommodation;
- a tourist park.

Rural activity – means an agricultural supplies store, animal husbandry, animal keeping, aquaculture, cropping, an intensive animal industry, intensive horticulture, a permanent plantation, a roadside stall, a rural industry, rural worker' accommodation, a wholesale nursery, or a winery.

Tourist activity – means nature-based tourism, a resort complex, a tourist attraction, a tourist park; tourist accommodation, or accommodation for employees, that is ancillary to a use stated or a commercial use that is ancillary to a use stated.

8 PORTFOLIO - WASTE MANAGEMENT**8.1 WASTE MANAGEMENT PORTFOLIO REPORT****File Number:** 14-4-2021**Author:** Councillor**Authoriser:** Chief Executive Officer**PRECIS**

Waste Management Portfolio Report

SUMMARY

Councillor Frohloff presented her Waste Management Portfolio Report to Council.

OFFICER'S RECOMMENDATION

That Cr Frohloff's Waste Management Portfolio Report to Council be received for information.

Waste:**Waste Compliance Officer Position**

Interviews for the combined fixed term position (up to 6 months) with the North Burnett Regional Council, the Cherbourg Aboriginal Shire and the South Burnett Regional Council Waste Compliance Officer Position are now completed. A preferred candidate has been identified and Council is presently waiting for the human resource selection process to be finalised anticipating that this Officer should be starting in the second quarter of 2021.

Funding for this joint position was from a successful state government grant which will enable the partnering Council's to focus upon illegal dumping and littering within the three jurisdictions. Discussions with State Forestry and mapping of significant illegal dumping hotspots in forestry areas within the three regions has already commenced.

Capital Works Update

Project Name	Project Description	Expected Start Date	Expected Completion Date
Maidenwell Transfer Station	Construction of new automated waste transfer station at Maidenwell	Early 2020/2021	June 2022 \$350,000+
			Awaiting feedback from State departments regarding vegetation clearing and access to/from the Main Road.

BACKGROUND

Nil

ATTACHMENTS

Nil

9 PORTFOLIO – RURAL RESILIENCE, PARKS & GARDENS, PROPERTY & FACILITY MANAGEMENT, INDIGENOUS AFFAIRS**9.1 RURAL RESILIENCE, PARKS & GARDENS, PROPERTY & FACILITY MANAGEMENT AND INDIGENOUS AFFAIRS PORTFOLIO REPORT****File Number:** 14-4-2021**Author:** Senior Recreation and Services Officer**Authoriser:** Chief Executive Officer**PRECIS**

Rural Resilience, Parks & Gardens, Property & Facility Management and Indigenous Affairs Portfolio Report

SUMMARY

Cr Duff presented her Rural Resilience, Parks & Gardens, Property & Facility Management and Indigenous Affairs Portfolio Report to Council.

OFFICER'S RECOMMENDATION

That Cr Duff's Rural Resilience, Parks & Gardens, Property & Facility Management and Indigenous Affairs Portfolio Report to Council be received for information.

Parks & Gardens:

Park staff have once again been kept very busy following the beautiful rain received this month, maintaining entrances and exits to all towns. The staff have done a fantastic job considering the rainy days and heavy dews which limited the number of days this month that mowing could be undertaken. During these wet days the staff have installed planter boxes in the Kingaroy Forecourt which has been made with recycled alloy offcuts with spring weighted wheels for easy movement to any location. These planter boxes can house 4 square pots and 1 rectangle pots and have been planted with autumn plants ready for the coming months and pots will be rotated seasonally.

Planting of permanent plants has begun on the corner of Gore & Lamb street Murgon with more to continue over the coming weeks, waiting on stock to arrive to complete this project.

The table settings were erected at Sterling Park Bunya Mountains in time for easter, staff have been consulting with the community group regarding the tree plaques wording and design which will now be manufactured by Gumnut.

Nanango Butter Factory Park is now fully completed, with the all-inclusive play space, shelters, BBQ's, new turf and line marking of the bicycle track. The community feedback has been overwhelmingly positive. Congratulations to all involved.

Customer requests:

Following the adoption of Council's Customer Service Charter, NRM & Parks staff are continuing to review and action customer requests within required timeframes. Staff have reviewed processes and intend to conduct further process mapping and complete written procedures.

Aerodromes:

On-going twice weekly inspections are continuing at Kingaroy Aerodrome with weekly inspections undertaken at Wondai. Council staff met with members of the Wondai Soaring Club to discuss the survey area for the new wildlife fence, the committee are very supportive and are looking forward to

the commencement of this project. This project is in the procurement stage and construction to start middle of May 2021.

Cemeteries:

General maintenance is continuing across the region's cemeteries, with planting started in Wondai & Murgon. Murgon cemetery drainage issues have been addressed with some minor works still to be finalised in the coming weeks to complete.

Dams:

The dams are looked a picture for the recent Easter Holidays, with expected bookings of over 1000 campers for Boondooma and 600 for Bjelke-Petersen Dams. I would also like to congratulate Council staff and Managers for keeping calm and professional working together during the COVID restrictions leading into Easter, fielding hundreds of phone calls/texts and emails during this unknown period.

The annual Festival of the Dams event at Boondooma Dam is scheduled for 15 and 16 May 2021.

Rail Trail:

Some minor maintenance issues have been detected following the high rail fall along the trail at Memerambi and Murgon. These issues are currently being repaired and drainage restored to stop erosion continuing. Council is currently also working with TMR following the road works between Tingoorra and Wondai as the drainage from the road has been directed across/along the rail trail and if we receive heavy rains will damage this section of the trail.

Following the successful completion of the Get Out Get Active – Get On Your Bike program, Council have been left with 15 Mountain bikes with no further planned use. Therefore, Council invited not for profit community organisations withing the South Burnett Region to submit an expression of interest demonstrating the intended use by 31 March 2021. At the time of this report Council had received 7 applications.

BACKGROUND

Nil

ATTACHMENTS

Nil

9.2 PARKS & GARDENS UPDATE

File Number: 14-4-2021

Author: Senior Recreation and Services Officer

Authoriser: Chief Executive Officer

PRECIS

Parks & Gardens Operational Update

SUMMARY

Parks & Gardens Operational Update

OFFICER'S RECOMMENDATION

That the Parks & Gardens update be received for information.

BACKGROUND

Nil

ATTACHMENTS

1. Parks & Garden Operational Update [↓](#) 

PARKS & GARDENS UPDATE

Mark Watt
Acting Manager NRM & Parks

Works for Queensland R4 Grant Updates

Project Name	Project Description	Status
Community Building Upgrades & Maintenance		
Aerodrome Wondai	Runway Lighting Upgrades	Stock has arrived installation 14 April.
Durong Public Amenities	Public Amenities – Water upgrade/bore installation	Agreement reached regarding bore installation and project scope
Kingaroy-CTC Youth Park Public Amenities	Amenities Upgrade	Work has commenced late March – due for completion end of April
Open Space Refurbishments		
Regional Parks	-Bunya Mountains Shelters & Signage -Shelters Maidenwell & Butter Factory -Mt Wooroolin Shade & Seating -Shade Covers Rotary Park (K) & Youth Park (M)	Bunya Mnts, Maidenwell & Butter Factory shelters have been installed. Mount Wooroolin scope confirmed.
Kingaroy & Benarkin – Lions Parks	Signage Upgrades	Scheduled Q4 delivery - scope confirmation required for Benarkin – Lions Park concept plan development stage.
Regional Tourism	Installation of Statues -Lions Park Upgrade (to support new peanut structure) -Arts Development Officer	Scheduled Q4 delivery – Lions Park concept plan completed – shelters ordered. Plinth design completed.
Blackbutt Sensory Garden	Delivery and installation by third party of sensory garden	Funding distributed
Blackbutt, Wondai, Gordonbrook Mountain Bike Signage	Delivery and installation by third party of mountain bike signage	Funding distributed
Tourist Facilities Upgrades		
Proston – Rodney Street	Dump Point Installation	Scheduled Q4 – Quotes received - Plumbing contractor awarded – awaiting plumbing applications
Wondai – Coronation Park	Development of Site	Scope determined and under design phase
Boondooma Dam	Bunkhouse Relocation	WIP - Bunk House & Rec Room relocated completed. Carpark and service connection constructed. Air-condition installation, replacement of veranda,

Project Name	Project Description	Status
		new vanities, line marking, turfing completed. Deck on rec room to be completed by May.
Yallakool New Amenities	New amenities x 2	Amenities have been ordered installation mid June.
Yallakool Boat Ramp	Coat Ramp repair – Day Area	Works have commenced – wet weather has slowed progress.
Yallakool Tennis Courts	Tennis Court Upgrade	Scheduled Q4
Yallakool Contractor Rooms	Upgrade Contractor Rooms	Works commenced February, painting to start April.
Yallakool & Boondooma Signage	Upgrade Tourist Park Signage	Design completed for Highway signage
Park Equipment & Playground Upgrades		
Nanango – Pioneer Park	Playground Upgrade -Flying Fox/zip Line -Upgrade Amenities -Lighting and power upgrade	Flying Fox – Ordered Amenities and Lighting upgrade scope being undertaken
Nanango – Butter Factory Park	Playground Upgrade	Playground Completed, BBQ's and Shelters installed February 2021. Turfing & line marking completed.
Kingaroy – Apex Park	Park Furniture	Meet on site late February to confirm scope, waiting on quote for concrete works, Park Furniture to be ordered March.
Wondai – Skate Park	Skate Park Upgrade	Work has commenced – footpath connection to pool in progress
Nanango – Reg McCallum Park	Playground Upgrade	Scope confirmed with Cr & community stakeholders Scheduled Q3 – playground ordered awaiting arrival and installation.
Nanango – Scott St Carpark	Shade Sail replacement	Completed October 2020
Proston – Blake Street	Playground Renewal -Basketball half-court -Dog off-leash area -Sound shelter power connection -Sensory Garden -BMX track rehab & bollards	Community consultation completed. Basketball/soccer play space equipment ordered, contractor engaged to enhance BMX track.

Drought Funding Projects Update

Project Name	Project Description	Status
Blackbutt – Skate Park	Upgrade Shade Shelter	Ergon scheduled to relocate amend services

Project Name	Project Description	Status
		late April/May. Shelter design to be approved by Ergon. Erection to be completed June.
Murgon – QE11	Amenities Upgrade – Painting/new benches	Painting completed, benches being manufactured
Kingaroy – Apex Park	Lookout Refurbishment/carpark	Construction of Car park completed, signage, line marking, bollards and turfing still to be completed.
Nanango – CBD/Parks	Bike Racks, BBQ's & Solar Lights Butter Factory Park, Main Street Irrigation	Bike racks installed, BBQ's and solar lights installed, irrigation materials purchases awaiting W&WW connections.
Nanango – Butter Factory Park	Shade Sail Renewal	Installation completed
Nanango – Pioneer Park	Shade / BBQ	Order placed – materials received – installation by end of April
Maidenwell	CBD Upgrade	Concrete path and flag poles completed, shelters and bollards installed February.

CAPEX Projects Update

Project Name	Project Description	Status
Aerodrome - Kingaroy	Apron Seal	Completed
Aerodrome – Wondai	Boundary Wildlife Fence	Design completed and consult with Wondai User Group, Tenders called for suitably qualified suppliers
Cemetery – Blackbutt	New Columbarium Wall	WIP – bricks ordered
Dam – Boondooma	Carpark and Pathway	Completed
Dam – Boondooma	Playground Upgrade	Completed
Kingaroy – Apex Park	Carpark, Path and Painting	Design completed
Maidenwell Public Amenities	Upgrade of Septic System	Purchase order raised

Parks Operational Update

Stats Item	Monthly 01/02/2021 to 31/03/2021		Year to date Cumulative 1/7/2020– 31/03/2021	
	Burials	Ashes	Burial	Ashes
Blackbutt	0	1	3	1
Booie	0	0	1	0
Kumbia	1	0	2	0
Memerambi	0	0	0	0
Mondure/Wheatlands	0	0	0	0
Murgon	3	1	13	7

Nanango	3	0	9	1
Proston	0	0	2	0
Taabinga	6	2	32	10
Tingoora	0	0	0	0
Wondai	2	0	12	3
Total	15	4	74	22

Stats Item	Monthly 01/02/2021 to 31/03/2021		Year to date Cumulative 1/7/2020– 31/03/2021	
	Boondooma	Yallakool	Boondooma	Yallakool
Dams – Accommodation Numbers				
Cabins	148	270	1300	1837
Bunkhouse	53	0	85	0
Powered Sites	190	361	2224	3967
Unpowered Camping	591	121	8435	2523
Total	982	735	12044	8327

Operations Update

Parks



Quite often, leaf and loose tree debris is caught in guttering, particularly amenity buildings as they are typically located in well vegetated parklands.

This creates a maintenance problem and threat of water damage given the risks and safe work methods required to remove such debris.

In order to clear gutters, Council staff are required to follow standard safety procedures and if they are required to work over 2 metres in height, are required to follow safe work method statements. This may involve using an elevated work platform (EWP). It is not a simple case of using a ladder as would occur at home.

The procedures, costs and certification required

to use an elevated work platform are quite onerous. The standard procedures to clear a gutter, such as the example in the adjacent photos, are as follows:

- Establish need and determine scope of works;
- Source EWP by either dry hire or float a Council device to site;
- Risk assessment/prestart;
- Ensure staff possess certificate of competency to use EWP;
- Undertake work;
- Return EWP to depot;
- Report/costings and paperwork.

Unfortunately, what appears to be a simple task can often involve multiple steps and documentation. Council's Safe Work Instructions deal with elevated work under 11 metres. NRM & Parks are continuing to review such procedures to improve efficiencies. Options to improve this process may be as follows:

- Consider amenities buildings without gutters (refer adjacent photo of amenity building at Dingo Creek Park);
- Install gutter guard.

Electricity poses the greatest risk to death or injury and heights are also dangerous. Both of these risks exist in this example. Council continues to consider these risks, but maintains a high importance on improved efficiency at the same time.



Future Works

The planting program for Kingaroy was delayed owing to the supplier not being able to provide plants. COVID has caused high demand for plants and other home gardening items.

9.3 PROPERTIES OPERATIONAL UPDATE

File Number: 14-4-2021

Author: Manager Property

Authoriser: Chief Executive Officer

PRECIS

Community– Properties Operational Update

SUMMARY

Properties Operational Update

OFFICER’S RECOMMENDATION

That the Property Operational update be received for information.

BACKGROUND

Nil

ATTACHMENTS

1. **Property Operational Update** [↓](#) 

COMMUNITIES – PROPERTIES OPERATIONAL UPDATE

Leanne Petersen
Manager Property

Projects**Department of Local Government Grants and Subsidies: In progress**

Name	Description	Status
Reroofing of Ringsfield House	95% of works completed	Reroofing of house has been completed. The back roof is 100% completed and the gazebo is 95% completed.

2020/21 CapEx Projects: In progress

Name	Description	Status
Boondooma Homestead Stone Store Mortar	Repoint the mortar in the Stone Store. 20% completed	Kent from Classical Stone Australia conducted a site inspection at Boondooma Homestead on 1 March 2021
Kingaroy Council Administration Building	Rear air-conditioning unit end of life. Been an increase in faults and maintenance costs. Not handling summer temperatures. New ducting in ceiling cavity in some areas, temperature control zones to reflect floor plan.	This project is still within the confirmation and design stage with Council Officers.
Wondai Archive Room - fire wall	Install a block wall to ensure the archive room has a fire wall between the files and the heritage museum.	Tender has been successfully awarded to Michael Chilcott Building. Completion date is set for 10 May 2021
Kingaroy Swimming Pool Refurbishment	Reserve funds for asset replacement in 2021/22	Funds restricted and works have not yet begun.
Kingaroy Swimming Pool Refurbishment - concept plans, engineer drawings	Prepare concept plans, community consultation, engineer drawings	This project is still within the planning stage.
Murgon Swimming Pool Plant room to be replaced	Replace plant room structure, double bunded chlorine tanks, seal inside balance tank.	This project is currently out to tender.
South Burnett Aquatic Centre - expansion joints and repaint	Expansion joints to be replaced and repaint 25m pool and hydrotherapy pool	100% completed.
South Burnett Aquatic Centre - Solar Heating	Install new solar heating	100% completed.

South Burnett Aquatic Centre	Rust to inground steel shade sail posts and door jambs.	100% completed.
South Burnett Aquatic Centre - refurb bathrooms and changerooms, disable bathroom	Tiles cracked and stained, change room seating rusted, shower and hand basin fixtures showing signs of corrosion.	Works planned for commencement March 2021. Martin Building Design & Specification complete. Currently writing Tender Specifications.

2020/21 Additional Projects

Boondooma Homestead Signage	Sign replacement	Council has placed an application for a Road Corridor Permit.
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Works for Queensland Round 3: In progress

Kingaroy VIC and Museum signage	70% works completed. Reproduce existing signs and develop new interpretative information for VIC, Art Gallery and Museum.	Plaque installation completed in April. Boards currently within the process of being printed. New 'i' sign installed. Local suppliers chosen for LED illuminated sign to advertise VIC and museum. New logo finalised for museum.
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Works for Queensland Round 4 COVID: In progress

Community Building Upgrade and Maintenance	Kingaroy Forecourt & Carpark CCTV	Security Audit Report completed and received by Council.
Community Building Upgrade and Maintenance	Cultural Centre Air-conditioning & Window Replacement	Renovations commenced Monday 29 th March.
Community Building Upgrade and Maintenance	Roof Replacements	All locations 100% completed.
Community Building Upgrade and Maintenance	Repainting of Structures	Maidenwell Hall External 100% completed. Murgon PCYC tender awarded to NC Webber and is scheduled to begin end of April.
Community Building Upgrade and Maintenance	Replace flooring of Structures	Replacement of floor coverings

		<p>Nanango Aquatic Centre- Andersen's have commenced, approx. 30% completed.</p> <p>Durong Hall 100% completed.</p> <p>Wondai Hall – Sanding & reseal commences 3rd May 2021</p> <p>Proston Hall – Sanding & reseal commences 1st June 2021</p> <p>Proston Pavilion – Sanding and reseal commences 29th March 2021</p>
Community Building Upgrade and Maintenance	Corporate Buildings - Security System	Security Audit Report completed and received by Council.
Community Building Upgrade and Maintenance	Wondai Showgrounds Grandstand (portable)	Architect appointed to prepare the architect drawings. Structural Engineer appointed to prepare engineering drawings.

Drought Communities Funding: In progress

Building Maintenance Works	Maidenwell Hall, Cloyna Hall, Proston Show Ground Pavilion, Durong Hall, Nanango Tennis Club	Maidenwell Hall stump repairs tender issued.
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Tenders and Quotations: In progress

Item	Background	Actions
Other property for sale: 15 Hunter Street, Nanango	Listed with Raine and Horne, Kingaroy.	Ongoing listing with Real Estate
14-16 West Street Kingaroy	Listed with Raine and Horne, Kingaroy	Contracts currently in process of preparation for sale.
20 William Street, Kingaroy	Council Owned Property	Contracts currently in process of preparation for sale.
Pound Street, Kingaroy	Property	Council has called for an invitation to quote for Most Appropriate Use Assessment.

Leasing

Item	Background	Actions
Ringsfield House, Nanango	Council Owned Property	Investigations have commenced into the management models.

Bunny Pearce Oval, Blackbutt	Lease of Council Owned Property	Council is currently working with Blackbutt Community Groups to secure a lease for this area.
Kingaroy Junior Soccer	Lease	Kingaroy Junior Soccer have received their lease for consideration

Grants

Item	Background	Actions
Building Better Regions Round Five – Infrastructure Projects Stream	Application to BBRF Program	Application successfully submitted to the BBRF Round 5 Program for the Wondai Memorial Swimming Pool Enhancement Project.

9.4 'DRAFT' LEVEL OF SERVICE PLAN - NRM & PARKS**File Number:** 14/4/2021**Author:** Acting Manager NRM & Parks**Authoriser:** Chief Executive Officer**PRECIS**

Consideration of a 'Draft' Level of Service Plan for NRM & Parks.

SUMMARY

Council resolved at the Ordinary Meeting on 20 January 2021 that pursuant to the Operational Plan 2020-2021, the Acting Manager, NRM and Parks be requested to develop maintenance service levels for NRM & Parks for further consideration by Council.

OFFICER'S RECOMMENDATION

That the Committee recommends to Council:

1. That the 'Draft' Level of Service Plan (April 2021) – Parks and Gardens, as presented, be adopted; and
2. That this matter be re-tabled in six (6) months for further review by Council, following adoption of the 2021-2022 Budget.

FINANCIAL AND RESOURCE IMPLICATIONS

Combined staff numbers of pre-amalgamated Council's for parks and gardens was far greater than what's in place currently, however, it is difficult to compare given the changes to roles and operational requirements. Having said that, current estimates of required staff numbers may start at fifteen (15), however, this depends on other factors such as reducing the mowing program, fleet purchases and efficiency improvements. An additional 15 staff would add approximately \$1 million to the wages budget, so it is prudent to address other improvements before determining final staff numbers.

LINK TO CORPORATE/OPERATIONAL PLAN

ENHANCING OUR COMMUNITY - Building a vibrant, healthy, supportive and inclusive community

EC3 An active, safe and healthy community

EC3.2 - Enhance community culture through the support of initiatives and the provision of community facilities

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Consultation has occurred internally with staff and supervisors involved in delivering such services. In conjunction with the ongoing development of asset management plans with John Gorman, another consultant, Peter Savage assisted in the 'draft' service plan. In further improving, testing and verifying the 'draft' plan, consultation with councillors is suggested through workshops.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

There are no legal or legislative implications for establishing levels of service. However, in setting levels of service, Council needs to consider appropriate risks.

POLICY/LOCAL LAW DELEGATION IMPLICATIONS

Council has established a policy document titled Sport and Recreation Infrastructure and Strategic Plan 2018-28 which provides the current status of sport and a recreation facilities, including town parks and reserve usage. Elements of this plan were utilised in establishing park hierarchy within towns and villages.

There are no other relevant policies for service levels.

ASSET MANAGEMENT IMPLICATIONS

Council has asset management plans for Natural Resource Management & Parks (30 May 2020) and Buildings (10 June 2020). The purpose of these plans is to document the assets that provide NRM & Parks services or buildings for example.

Levels of service are not defined in asset management plans and are best addressed in a separate document. The benefit in defining levels of service separately allows Council to consult, review and consider changes, particularly cost implications. Asset management plans are integral to service delivery, but primarily deal with managing assets, future demand, maintenance, depreciation and replacement.

REPORT

The 'Draft' Levels of Service Plan is presented for Council's consideration. It defines the level of service for parks, reserves and open space assets maintained by NRM & Parks.

Levels of service are assigned to those assets according to the following levels:

Level	Description	Maintenance Specifications
Level 1	High Profile Public Places & Town Streetscapes	<ul style="list-style-type: none"> ▪ Very high maintenance regime ▪ Applied to high use parks, community centres & libraries, major entrance statements, significant memorials, high profile streetscapes, and Councils' civic precincts
Level 2	Regional Recreation Parks	<ul style="list-style-type: none"> ▪ High maintenance regime ▪ Applied to high use regional parks or recreation parks
Level 3	Town Recreation Parks	<ul style="list-style-type: none"> ▪ Moderate maintenance regime ▪ Applied to local and town park areas serving a district catchment
Level 4	Open Spaces	<ul style="list-style-type: none"> ▪ Low maintenance regime ▪ Applied to Council parks and reserves which are subject to low levels of public activity

Each park, open space, streetscape, rail trail, cemetery and other facility fits into one of the above levels, depending on Council's desired level of service. Once this is agreed upon and adopted, work will proceed to establish final resources and work plans to implement the plan.

ATTACHMENTS

1. **Level of Service Plan - NRM & Parks** [↓](#) 



LEVEL OF SERVICE PLAN

Natural Resource Management (NRM) & Parks

DRAFT – April 2021

PO Box 336 Kingaroy Qld 4610 Phone 07 4189 9100 Facsimile 07 4162 4806

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Document Control

NRM & Parks – Level of Service Plan					
Ver.	Date	Revision Details	Author	Reviewer	Approver
1.00	2/4/2021	First draft	Mark Watt	Peter O'May	

Notes

1. Primary number changes to Versions (e.g. V1.00 to V2.00) will be made when the document undergoes its regular review and when significant changes are made to standards and guidelines for inspections, intervention levels or works.
2. Secondary number changes (V1.00 to V1.01) will apply to minor amendments that do not materially impact the documents and are intended only to clarify or update issues.



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1.0 EXECUTIVE SUMMARY

1.1 The Purpose of the Plan

This document defines the level of service for Council's parks, reserves and open space assets maintained by NRM & Parks. Some infrastructure within parks and open spaces may be maintained by other departments including roads, drains or buildings.

This specification of service targets allows Council to deliver and describe agreed outcomes to the community through the provision of parks and open space assets. Parks and open spaces are important public assets that require regular servicing to provide a high level of amenity and meet community expectations. Intervention levels vary from daily to annual or in some cases by request only.

The maintenance specifications outlined in this document are intended to provide a guide to team leaders, supervisors and their operational staff for the scheduled and regular maintenance of parks and public open spaces. The document references the Sport and Recreation Infrastructure and Strategic Plan 2018-28 and the Natural Resource Management & Parks Asset Management Plan.

The specifications contained in this document define the type, quality and technical application of cyclic services to be applied to park landscapes and infrastructure. The response times applicable to Council's Customer Service Charter are also documented within the specifications.

1.2 How the Plan works

Council establishes a service target for all parks, reserves and open space assets maintained by NRM & Parks. The hierarchy is based on the level of use and profile of the asset, which subsequently determines the level of service. Service targets may also be set by Council based other factors such as level of use or specific desired outcomes.

Assets, gardens, amenities, BBQs, park furniture and other embellishments located within a park will either be maintained according to the hierarchy of that park or according to the maintenance specifications listed in Section 3.0 of this plan.



2.0 SERVICE OVERVIEW

2.1 Levels of Service

Levels of Service drive everything Council does to provide an acceptable standard for what we do. Defining and documenting levels of service as accurately as possible enables consistent delivery of service and management decisions about the cost of delivering those services. Such a framework allows Council to consult, review and consider changes to levels of service.

Levels of service are not performance measures. Levels of Service help define what performance measures to use. Council sets its level of service based on Council's strategic decision about how the service is to be delivered. Council aims to enhance liveability and lifestyle and elevate the South Burnett region to be recognised as a community of choice.

2.2 Service Aspiration

Council owns and maintains open spaces, parks, playgrounds and recreational facilities that provide services to the entire South Burnett region.

Council's commitment to the region and the community is to prioritise service delivery because it is highly valued by our community.

In terms of NRM & Parks, Council seeks to provide an inspirational experience to residents and visitors when they either pass-through a town or village, or visit such places to shop, do business or undertake leisure activities.

Council's service points are dispersed throughout the region, so these vast locations reflect directly on Council's reputation.

Council expects all facilities to be maintained to an appropriate standard, one that can compare equally to neighbouring regional centres and cities.

Figure 1: South Burnett Region





2.3 Assignment of Levels of Service

In addition to defining levels of service, it is necessary to categorise the level of utilisation of particular assets, based on Council and community expectations. The following table defines Council's agreed quality standards:

Level	Description	Maintenance Specifications
Level 1	High Profile Public Places & Town Streetscapes	<ul style="list-style-type: none"> ▪ Very high maintenance regime ▪ Applied to high use parks, community centres & libraries, major entrance statements, significant memorials, high profile streetscapes, and Council's civic precincts
Level 2	Regional Recreation Parks, Cemeteries and Rail Trail	<ul style="list-style-type: none"> ▪ High maintenance regime ▪ Applied to high use regional parks or recreation parks
Level 3	Town Recreation Parks	<ul style="list-style-type: none"> ▪ Moderate maintenance regime ▪ Applied to local and town park areas serving a district catchment
Level 4	Open Spaces	<ul style="list-style-type: none"> ▪ Low maintenance regime ▪ Applied to Council parks and reserves which are subject to low levels of public activity



3.0 MAINTENANCE SPECIFICATIONS

3.1 High Profile Public Places – Level 1

3.1.1 Service Summary

Very high maintenance regime.

Applied to community centres & libraries, major entrance statements, significant memorials, high profile streetscapes, and Council's civic precincts

3.1.2 Service/Intervention Levels

Daily services Monday to Friday. Additional services as required, or for special / civic events.

3.1.3 Service Rationale

Level of service determined to ensure sites are maintained to a high level of completion at all times due to significant public use and exposure during events such as weddings, commercial/community activities, and tourism, drawing from a regional catchment. General maintenance, plant density and vigour should be to a standard to meet high visitor expectation. Weeds are treated prior to seeding and at a height of less than 100mm. Hedges trimmed regularly to desired shapes and uniformity prior to new growth achieving greater than 100mm from desired height.

3.1.4 Customer Service Request Response Times

Inspections undertaken within 2 days of report and request resolved within 30 working days. High priority requests inspected within 24 hours and made safe.

3.1.5 Maintenance Performance Standards

- Uniform and vigorous plant growth to be achieved.
- Mulch depth 75 - 100mm when applied and topped up as required.
- Mulch quality and plant replacement is to be consistent with the original design or as otherwise specified and agreed by Council.
- Automatic irrigation, where installed, operating +95% efficient and in accordance with an approved Water Conservation Management Plan (WCMP) where applicable.
- Water retention media applied to soil during all renovation works and new garden construction.
- Litter removed at the time of any maintenance visit.
- Dead and/or missing plants are to be removed and replaced with the same or another suitable species progressively throughout the year.
- Less than 2% weed/pest/disease infestation desirable.
- All weeds greater than 100mm in height are to be physically removed.
- Seasonal fertilizer applications are to be undertaken in accordance with a balanced soil nutrient maintenance program.
- All grass, leaf litter and/or mulch are to be cleared from all pavement areas, gutters and drains at the completion of each maintenance visit.
- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.

3.1.6 Hedging and Pruning

- Hedging is undertaken to ensure the retention of the intended character of the landscaping.
- Hedging required when growth exceeds 100mm of the intended hedge height.
- Quality of hedged surface finish must be uniform.



- All cuttings / clippings are to be removed.
- All trimming and/or pruning are to ensure the health and vigour of the plant.

3.2 Town Streetscapes – Level 1

3.2.1 Service Summary

Very high maintenance regime.

Applicable to high profile streetscapes and adjacent high profile park gardens.

3.2.2 Service/Intervention Levels

Daily services Monday to Friday. Additional services as required or for special / civic events.

3.2.3 Service Rationale

Level of service determined to ensure sites are at a high to moderate level of presentation at all times due to high public use and exposure such as major urban roads, local commercial/community centres, and minor tourism nodes, drawing from district catchment. General maintenance, plant density and vigour should meet the level of use. Weeds are treated prior to seeding and at a height of less than 150mm. Hedges trimmed regularly to desired shapes and uniformity prior to new growth achieving greater than 150mm from desired height.

3.2.4 Customer Service Request Response Times

Inspections undertaken within 3 days of report and request resolved within 30 working days. High priority requests inspected within 24 hours and made safe.

3.2.5 Maintenance Performance Standards

- Uniform plant growth.
- Mulch depth 75 - 100mm when applied and topped up annually.
- Mulch quality and plant replacements are to be consistent with original design or as otherwise specified and agreed by Council.
- Automatic irrigation, where installed, operating at +95% efficiency and in accordance with an approved Water Conservation Management Plan (WCMP) where applicable.
- Water retention media applied to soil during all renovation works and new garden construction.
- Litter removed at the time of any maintenance visit.
- Dead and/or missing plants are to be removed and replaced with the same or another suitable species progressively throughout the year.
- Less than 5% weed/pest/disease infestation.
- All weeds greater than 150mm in height are to be removed.
- Seasonal fertilizer applications are to be undertaken in accordance with a balanced soil nutrient maintenance program.
- All grass, leaf litter and/or mulch are to be cleared from all pavement areas, gutters and drains at the completion of each maintenance visit.

3.2.6 Hedging and Pruning

- Hedging as required to ensure the retention of the intended character of the landscaping.
- Hedging required when growth exceeds 150mm of the intended height.
- Quality of hedged surface finish must be uniform.
- All cuttings/clippings are to be removed from site or dispersed where not visible.
- All trimming and/or pruning is to ensure the health, shape and vigour of the plant.



- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.

3.3 Regional Recreation Parks – Level 2

3.3.1 Service Summary

High maintenance regime.

Applied to the high use regional parks or recreation parks.

3.3.2 Service/Intervention Levels

Mowing maintenance @ 26 cuts per year scheduled around growth variations and seasonal weather events.

Landscape Maintenance @ 26 visits which includes vegetation, garden, pathway maintenance as well as site detail and rubbish collection.

Additional services as required for special / civic events.

3.3.3 Service Rationale

Level of service determined to meet user expectations, historically measured via Service Request numbers, grass height at levels appropriate for ball games and picnic use. Sites are frequently used for events, community gathering or larger groups. Cut grass (windrows) should be eliminated to prevent turf damage and user inconvenience.

3.3.4 Customer Service Request Response Times

Inspection undertaken within 5 working days of report and request resolved within 30 working days. High priority requests inspected within 24 hours and made safe.

3.3.5 Maintenance Performance Standards

- After cut height - 35 - 50mm (optimum 42 mm)
- 90 - 100% grass cover. Variation due to season
- Edging / Trimming totally mechanical for pavements. Trimming is to be chemically completed around the base of specimen trees, to a maximum treated width of 100mm, along fence lines to a maximum treated width of 200mm
- Mower type - High tip speed rotary or flail
- Automatic irrigation operating +75% efficient and in accordance with an approved Water Conservation Management Plan (WCMP) where applicable.
- Litter, if applicable, removed at the time of any maintenance visit.
- All grass, leaf litter and/or mulch are to be cleared from all pavement areas, gutters and drains at the completion of each maintenance visit.
- All grass cutting activities are to ensure no grass clippings are directed onto any playground soft fall area and are not to be dispersed into garden beds or natural areas or used as mulch around trees
- Fallen branches to be removed at time of service.
- Areas around playground, buildings and picnic facilities to be treated for Bindii annually if present.
- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.

3.4 Town Recreation Parks – Level 3

3.4.1 Service Summary

Moderate maintenance regime.



Applied in local and town park areas serving a district catchment.

Note: Includes any walkways associated with these sites.

3.4.2 Service/Intervention Levels

Mowing maintenance @ 26 cuts per year scheduled around growth variations and seasonal weather events.

Landscape Maintenance @ 26 visits which includes vegetation, garden, pathway maintenance as well as site detail and rubbish collection.

3.4.3 Service Rationale

Level of service determined to meet user expectations, historically measured via Service Request numbers, grass height at levels appropriate for ball games and picnic use. Sites are frequently used for events, community gathering or larger groups. Cut grass (windrows) should be eliminated to prevent turf damage and user inconvenience.

3.4.4 Customer Service Request Response Times

Inspection undertaken within 5 working days of report and request resolved within 30 working days. High priority requests inspected within 24 hours and made safe.

3.4.5 Maintenance Performance Standards

- After cut height - 35 - 50mm (optimum 42 mm)
- 90 - 100% grass cover. Variation due to season
- Edging / Trimming totally mechanical for pavements. Trimming is to be chemically completed around the base of specimen trees, to a maximum treated width of 100mm, along fence lines to a maximum treated width of 200mm
- Mower type - High tip speed rotary or flail
- Automatic irrigation operating +75% efficient and in accordance with an approved Water Conservation Management Plan (WCMP) where applicable.
- Litter, if applicable, removed at the time of any maintenance visit.
- All grass, leaf litter and/or mulch are to be cleared from all pavement areas, gutters and drains at the completion of each maintenance visit.
- All grass cutting activities are to ensure no grass clippings are directed onto any playground soft fall area and are not to be dispersed into garden beds or natural areas or used as mulch around trees
- Grass clippings are to be removed from site only at community and administration buildings (if appropriate)
- Fallen branches to be removed at time of service.
- Areas around playground, buildings and picnic facilities to be treated for Bindii annually if present.
- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.



3.5 Open Spaces – Level 4

3.5.1 Service Summary

Low maintenance regime

Applied to Council parks and reserves which are subject to very low levels of public activity.

3.5.2 Service/Intervention Levels

Mowing maintenance @ 12 cuts per year or on request scheduled around growth variations and seasonal weather events.

3.5.3 Service Rationale

Level of service determined to meet community safety standards for fire mitigation, vermin management, and pedestrian safety, to meet community expectations for the reasonable maintenance of land in an urban or peripheral urban area.

3.5.4 Customer Service Request Response Times

Inspections undertaken within 5 working days of report and request resolved within 30 working days. High priority requests inspected within 24 hours and made safe.

3.5.5 Maintenance Performance Standards

- After cut height = 50mm - 75mm (optimum 62mm)
- Safe for public access.
- Re-turfing only required as erosion control.
- Edging / Trimming = herbicide and/or mechanical in accordance with agreed program.
- Mower type – large scale mower.
- Litter, if applicable, removed at the time of any maintenance visit.
- All grass, leaf litter and/or mulch are to be cleared from all pavement areas, gutters and drains at the completion of each maintenance visit.
- Fallen branches are to be stockpiled in designated areas for later collection / chipping.
- Weed control of declared, environmental or problem weeds only.
- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.

3.6 Urban Roadside Mowing

3.6.1 Service Summary

Basic maintenance regime.

Applicable in rural urban areas on sealed roads extending to the 60 km/h signs, which may vary according to location and/or circumstances. Mowing is undertaken between the roadway verge and the table drain or embankment for reasons of visibility and safety.

3.6.2 Service/Intervention Levels

Mowing maintenance @ 14 cuts per year scheduled around growth variations and seasonal weather events.

3.6.3 Service Rationale

Service level is determined to ensure visibility is maintained at intersections, to provide safe access to the road shoulder, to ensure appropriate visibility of roadside infrastructure e.g.



white guide posts, signs and drains, to minimise litter build up and to prevent vegetation encroaching on to the roadway.

3.6.4 Customer Service Request Response Times

Inspection undertaken within 5 working days of report and request resolved within 60 working days. High priority requests inspected within 24 hours and made safe.

3.6.5 Maintenance Performance Standards

- Height of cut grass = 50 - 75mm (65mm optimum).
- Mower type - Rotary or flail.
- Edging / Trimming = herbicide (no greater than 50mm in width) and along pavements.
- Trimming is to be chemically completed around the base of specimen trees, to a maximum treated width of 200mm.
- Trimming is to be chemical (no greater than 200mm in width) along and around reflector posts, barrier rails and traffic / road signs.
- Litter, if applicable, removed at the time of any maintenance visit.
- All grass, leaf litter, fallen branches and/or mulch are to be cleared from all pavement areas, gutters and drains at the completion of each maintenance visit.
- Clippings are to be evenly dispersed or in windrows to maximum height of 100mm.
- Clippings are not to be dispersed into garden beds or bushland areas.
- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.

3.7 Urban Street and Park Trees

3.7.1 Service Summary

Basic maintenance regime.

Provides moderate presentation standard in proximity to play grounds, park and streetscape facilities and buildings.

Maintained to ensure public safety.

Pruning to achieve natural form and to support immediate landscape character.

3.7.2 Service/Intervention Levels

Regular inspections conducted and with specific action and follow-up arising from Customer Service Requests.

3.7.3 Service Rationale

Inspection and remedial works undertaken as part of a planned program.

3.7.4 Customer Service Request Response Times

Emergency - Immediate inspection to make safe.

Inspection - 10 days.

Maintenance - completed in 30 working days.

Tree removal - completed in 30 working days.

Stump grinding - Defect created and scheduled.

Tree Planting Requests – Work order created and scheduled (within 3 months).



3.7.5 Maintenance Performance Standards

- All tree maintenance works to comply with relevant Australian Standards applicable at the time AS 4373-2007.
- In ground stability of root system aligned to age and vigour of the tree.
- No dead wood greater than 25mm at union of live timber.
- Roots are not visibly damaging adjacent infrastructure.
- The tree/roots are not creating physical hazard or trip points.
- Mulch levels in garden beds - 75-100mm or as otherwise specified.
- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.

3.7.6 Pruning Objectives

- Achieve regrowth habit true to form.
- Pruning techniques to encourage appropriate calliper development and structural integrity.
- Canopy allows unimpeded movement of pedestrians and vehicles.
- Canopy / foliage does not inhibit passive surveillance.

3.7.7 Tree Replacement

- Dead and/or missing trees are to be removed and replaced within 3 months of initial report.
- Replacement trees are to be consistent with the original design and/or existing character unless otherwise specified.
- Any remaining stumps are to be reduced as close to ground level as possible and painted a contrasting fluorescent colour.
- Stumps are to be ground to 150mm below ground level within 3 months of tree removal. This also includes any exposed roots.
- Stumps located in garden beds are to be removed only if required for safety or disease management purposes.
- All disturbances within turf areas are to be reinstated with topsoil, seeded and left even and flush with the surrounding surface.

3.8 Playgrounds

3.8.1 Service Summary

Scheduled maintenance regime relative to park status (e.g. regional parks, town parks and local parks).

3.8.2 Service/Intervention Levels

Routine Playground Visual Inspection conducted at each visit by maintenance crews.

Operational Playground Inspections conducted annually.

Comprehensive Playground Inspection conducted annually.

Repairs initiated according to risk profile (e.g. extreme / very high - within 24 Hours, high - within 5 Working days, medium - within 1 month and low - monitor)

Barrier fencing to be installed at time of inspection to prevent use of damaged item.

Divisional Councillor is to be advised of any playground closure.

Soft fall replacement as required (Loose soft fall to be topped up annually).



3.8.3 Service Rationale

Intervention levels are consistent with the volume of active use and with the objective of minimising and resolving risk related issues.

3.8.4 Customer Service Request Response Times

High priority requests are to be inspected within 24 hours and made safe

Inspection - 5 Days

Completion - 120 Days (subject to availability of parts)

3.8.5 Maintenance Performance Standards

- Operational Playground Inspections conducted annually.
- Comprehensive Playground Inspection conducted annually.
- Inspections to be carried out by appropriately qualified persons.
- Minor graffiti to be removed and minor repairs completed.
- Work orders to be created for work greater than 10 minutes.
- Cleaning of surfaces as required maintaining health and safety.
- Minor weed treatment and/or removal within soft fall is to be undertaken at the time of operational inspections, otherwise work order created.
- Rake or rotary hoe to remove hollows especially under swings and at the end of slides.
- Remove weeds from loose softfall.
- Check for and remove sharp objects such as syringes and glass and any hard objects.
- All weed eradication is to be either chemical or mechanical with chemical treatments limited to glyphosate.
- 'Weed Spray in Progress' signs must be displayed when conducting weed spraying in softfall prior to commencement and remain for a minimum of 30 minutes from completion of spray.
- Regular insect inspections and treatment every three (3) months if required.
- Safety related repairs initiated according to risk assessment.
- Where equipment is deemed unsafe due to vandalism or major structural failure, equipment is to be isolated to prevent public use.

3.8.6 Items Covered

- Under surfacing and edging.
- Play units.
- Free standing elements.
- Swings.
- Mechanical units.
- BMX and skate facilities.
- Goal posts within play spaces.
- Fences and gates



3.9 Park Furniture & Infrastructure

3.9.1 Service Summary

Scheduled maintenance regime relative to park status (e.g. regional parks, town parks and local parks).

3.9.2 Service/Intervention Levels

Routine Playground Visual Inspection conducted at each visit by maintenance crews.

Operational Playground Inspections conducted annually.

Comprehensive Playground Inspection conducted annually.

Repairs initiated according to risk profile (e.g. extreme / very high - within 24 Hours, high - within 5 Working days, medium - within 1 month and low - monitor)

Barrier fencing to be installed at time of inspection to prevent use of damaged item.

Divisional Councillor is to be advised of any playground closure.

Soft fall replacement as required (Loose soft fall to be topped up annually).

3.9.3 Service Rationale

Intervention levels are consistent with the volume of active use and with the objective of minimising and resolving risk related issues.

3.9.4 Customer Service Request Response Times

High priority requests are to be inspected within 24 hours and made safe

Inspection - 5 Days

Completion - 120 Days (subject to availability of parts)

3.9.5 Maintenance Performance Standards

- Operational Playground Inspections conducted annually.
- Comprehensive Playground Inspection conducted annually.
- Inspections to be carried out by appropriately qualified persons.
- Minor graffiti to be removed and minor repairs completed.
- Work orders to be created for work greater than 10 minutes.
- Cleaning of surfaces as required maintaining health and safety.
- Minor weed treatment and/or removal within soft fall is to be undertaken at the time of operational inspections, otherwise work order created.
- Rake loose softfall to remove hollows especially under swings and at the end of slides.
- Remove weeds from loose softfall.
- Check for and remove sharp objects such as syringes and glass and any hard objects.
- All weed eradication is to be either chemical or mechanical with chemical treatments limited to glyphosate.
- 'Weed Spray in Progress' signs must be displayed when conducting weed spraying in softfall prior to commencement and remain for a minimum of 30 minutes from completion of spray.
- Regular insect inspections and treatment every three (3) months if required.
- Safety related repairs initiated according to risk assessment.



- Where equipment is deemed unsafe due to vandalism or major structural failure, equipment is to be isolated to prevent public use.

3.9.6 Items Covered

- Under surfacing and edging.
- Play units.
- Free standing elements.
- Swings.
- Mechanical units.
- BMX and skate facilities.
- Goal posts within play spaces.
- Fences and gates

3.10 Natural Areas

3.10.1 Service Summary

Basic maintenance regime.

Moderate public profile.

Important wildlife corridor:

Endangered or threatened regional or of concern ecosystem or species.

Core or potential koala habitat.

Vegetation health rating (e.g. Dominant presence of weeds).

3.10.2 Service/Intervention Levels

Services based on site specific maintenance plans.

3.10.3 Service Rationale

Level of service is determined by the natural condition and vegetation status of the reserve and to ensure weed growth is contained to support the natural regeneration of key species and to enhance biodiversity and the protection of regional ecosystems.

3.10.4 Customer Service Request Response Times

Inspection 5 Days

Completion 30 Days

High priority requests are to be inspected within 24 hours and made safe.

3.10.5 Maintenance Performance Standards

- All works to be in accordance with Natural Area maintenance programs.
- No presence of Declared Pest Plants Class 1.
- Less than 10% of the area to be affected by declared pest plants Class 2 & 3.
- Litter, if applicable, removed at the time of any maintenance visit.
- Prune intruding and overhanging limbs from walking tracks and activity nodes.
Remove or report dangerous dead trees.
- Signage is clean and free from obstructions.
- Gates, bollards and horse steps are functional, safe and in good repair.
- No unapproved tracks leading off from main trail are permitted and are to be closed by camouflaging (i.e. dragging logs, rocks and leaf litter over tracks).



- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.
- maintenance service.

3.11 Rail Trail – Level 2

3.11.1 Service Summary

High maintenance regime

All recreation trails

3.11.2 Service/Intervention Levels

12 mowing cuts per year scheduled around growth variations, weather events and the safe access of machinery.

Minor trail repairs to be undertaken at the same time as mowing maintenance.

3.11.3 Service Rationale

Level of service is to meet casual pedestrian and cyclist expectations. Grass height to be maintained to enhance pedestrian and cycling use and to ensure user safety by enabling hazards to be seen e.g. snakes and natural obstacles. The rail trail will also serve as a fire trail.

3.11.4 Customer Service Request Response Times

Inspection 5 Days.

Completion 30 Days.

High priority requests are to be inspected within 24 hours and made safe.

3.11.5 Maintenance Performance Standards

- After cut height - 70-90mm (optimum 80mm).
- Visual inspections every eight (8) weeks including items such as entries/exits, bollards, surfaces, signage and chicanes.
- Surface is to be even and reasonably trafficable and must be free of ruts, holes or severe undulations and loose material to prevent trips and falls.
- Hardened trail surfaces to be free from weeds/grass.
- Prune intruding and overhanging limbs from rec-trails and activity nodes.
- Remove or report dangerous dead trees. Limbs protruding into trail to be pruned.
- Trail markers are present, functional, free from obstruction and legible.
- Drainage systems are to be free of obstruction and/or silt build ups.
- Litter, if applicable, removed at the time of any maintenance visit.
- Inspect to ensure that gates and bollards are functional, safe and in good repair.
- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.

3.12 Fire Trails, Land Management Zones, Fire Advance and Asset Protection Zones

3.12.1 Service Summary

Basic maintenance standard.

Fire Trail and Asset Protection buffers/zones.



3.12.2 Service/Intervention Levels

As required by QFES to undertake prescribed burns or protect fire sensitive vegetation communities.

3.12.3 Service Rationale

Level of service is determined by the needs of QFES to safely undertake a prescribed burn scheduled by QFES and Council. Intervention level is determined by the frequency the area is to be burnt with fire trails maintained to a standard approved by QFES prior to each scheduled burn undertaken.

3.12.4 Customer Service Request Response Times

Inspection 14 Days.

Completion during the fire trail maintenance period undertaken in preparation for operation cool burn.

3.12.5 Maintenance Performance Standards

- Fire trail to be mulched and or slashed to a width determined by QFES
- Turn around areas to be located where required by QFES
- Site to be visually checked for tyres and illegal dumping
- Rubbish and tyres to be removed from trail and adjacent areas
- Inspect to ensure gates are functional, safe and in good repair
- Pre start checklists to be completed prior to commencement of each maintenance service
- Site meetings to be held with QFES and Council to determine maintenance standards for each new site or if making amendments to existing trails

3.13 Cemetery Operations – Level 2

3.13.1 Service Summary

High maintenance regime.

Applied to all Council controlled cemeteries.

3.13.2 Service/Intervention Levels

Mowing maintenance - 14 cuts per year scheduled around growth variations and seasonal weather events. Typically every 2 weeks during the growing season,

Timing of cuts will also be timed to coincide with significant days such as Christmas, Easter, Father's Day, Mother's Day or memorial/commemorative days.

3.13.3 Service Rationale

Level of service determined to meet visitor expectations of a safe, welcoming and respectful landscape. Use of the sites for funerals and family visits varies from high usage to intermittent usage. Grass height should provide easy access to graves and monuments.

3.13.4 Customer Service Request Response Times

Repair of damage initiated within 48 hours of report.

High priority requests are to be inspected within 24 hours and made safe.

3.13.5 Maintenance Performance Standards

- Maintenance activities are not to be performed immediately before (2 hours) or during a burial service.



- After cut height - 30 - 50mm (optimum 38mm).
- 90 - 100% grass cover. Variation due to season.
- Edging / Trimming totally mechanical for pavements. Trimming is to be chemically completed around the base of specimen trees to a maximum treated width of 100mm and fence lines to a maximum treated width of 200mm
- Mower type - High tip speed rotary or flail
- Litter to be removed at the time of any maintenance visit.
- All grass, leaf litter and/or mulch are to be cleared from all pavement areas, gutters and drains at the completion of each maintenance visit.
- All mowing activities should ensure that no grass clippings are directed towards or remain on any hard stand area or grave site.
- Clippings not removed but evenly distributed with no noticeable clumps or windrows and are not to be dispersed into garden beds or natural areas.
- Grass clippings are not to be used as mulch around trees.
- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.

3.13.6 Operations

- Graves to be dug the day before burial and made safe.
- Graves to be filled in following burial.
- Soil to be compacted to return surface levels to normal within 3 months.
- Provide supervised access to contractors for the purpose of erecting approved monuments, headstones, plaques or plinths.
- Manage flowers, wreaths and other temporary ornaments in accordance with Council policy.

3.14 Caravan Parks and Camping Grounds

3.14.1 Service Summary

High maintenance regime.

Applied to all Council controlled caravan parks and camping grounds.

3.14.2 Service/Intervention Levels

Mowing maintenance - 14 cuts per year scheduled around growth variations and seasonal weather events. Typically every 2 weeks during the growing season.

3.14.3 Service Rationale

Level of service determined to meet visitor expectations. Cut grass (windrows) should be minimal to prevent turf damage and visitor inconvenience.

3.14.4 Customer Service Request Response Times

Repair of damage initiated within 48 hours of report.

High priority requests are to be inspected within 24 hours and made safe.

3.14.5 Maintenance Performance Standards

- After cut height - 30 - 50mm (optimum 38mm).
- 90 - 100% grass cover. Variation due to season.
- Edging / Trimming totally mechanical for pavements. Trimming is to be chemically completed around the base of specimen trees to a maximum treated width of 100mm and fence lines to a maximum treated width of 200mm.



- Mower type - High tip speed rotary or flail.
- Litter, if applicable, removed at the time of any maintenance visit.
- All grass, leaf litter and/or mulch are to be cleared from all pavement areas, gutters and drains at the completion of each maintenance visit.
- All mowing activities should ensure that no grass clippings are directed towards or remain on any hard stand area.
- Clippings not removed but evenly distributed with no noticeable clumps or windrows.
- Clippings are not to be dispersed into garden beds or natural areas.
- Grass clippings are not to be used as mulch around trees.
- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.

3.15 Aerodromes – Level 2

3.15.1 Service Summary

Basic maintenance regime

Applied to all Council controlled Aerodromes

3.15.2 Service/Intervention Levels

Mowing maintenance @ 12 cuts per year scheduled around growth variations and seasonal weather events. Typically every 4 to 7 weeks during the growing season.

- Nanango – Council staff.
- Wondai – Contractors.
- Kingaroy – Volunteers.

3.15.3 Service Rationale

Service level is determined to ensure visibility is maintained to airport infrastructure such as gable and cone markers and runway lights, to provide safe run-off areas and to minimise the potential impact of grazing animals.

3.15.4 Customer Service Request Response Times

Inspection undertaken within 2 working days of report and request resolved within 60 working days. High priority requests inspected within 24 hours and made safe.

3.15.5 Maintenance Performance Standards

- Height of cut grass = 50 - 75mm (65mm optimum)
- Mower type – large scale mower.
- Site pre-starts are to be undertaken and recorded at the commencement of each maintenance service.
- Regular inspections for ant nests and other hazards.

3.16 Toilet Cleaning and Maintenance

3.16.1 Service Summary

Maintenance regime varies according to use from basic to very high.

Applied to all Council controlled public toilets.

3.16.2 Service/Intervention Levels

The cleaning regime varies from once per week to twice per day. Cleaning intervals based on historic use and special events such as festivals.



3.16.3 Service Rationale

Level of Service is to provide a safe, pleasant and healthy environment in public amenities. Additional cleaning may be required for special events such as a town or regional festival. Additional facilities (portable toilets) may be required for special events.

3.16.4 Customer Service Request Response Times

Additional clean within 48 hours of report.

High priority requests are to be inspected within 24 hours and made safe.

3.16.5 Maintenance Performance Standards

- Check the operation of toilet, urinals, taps and basins.
- Toilets to be cleaned and sanitised both inside and out and left free of stains to the seat, bowl and cistern.
- Cubicle floors to be cleaned with approved disinfectant cleaner. Cleaned surfaces are to be dry within 30 minutes of the completion of the cleaning.
- The surfaces of urinals and plumbing fixtures are to be cleaned and sanitised.
- Remove any rubbish and empty sharps container (if applicable).
- Maintain specified number of deodorising bars in urinal(s).
- Mirrors and windows to be cleaned and left free of streaks.
- Maintain specified levels of toilet paper and hand towels (where provided).
- Check operation of electric hand dryers if fitted.
- Top up soap dispensers and check operation.
- Clean and sanitise any bench tops.
- Check operation of lighting.
- Remove cobwebs from walls and ceilings.

3.17 BBQ Cleaning and Maintenance

3.17.1 Service Summary

Basic maintenance regime.

Applied to all Council controlled BBQs.

3.17.2 Service/Intervention Levels

The cleaning regime varies from twice per week to every second day. Cleaning intervals based on historic use and special events.

3.17.3 Service Rationale

Level of service is to provide safe, presentable, clean and hygienic facilities that are fit for cooking food for human consumption meeting visitor expectations. Frequency is historically measured via staff observations and customer feedback. Additional cleaning undertaken for special events such as a town festival.

3.17.4 Customer Service Request Response Times

Repair of damage initiated within 5 days of report.

High priority requests are to be inspected within 24 hours and made safe.

3.17.5 Maintenance Performance Standards

- Hotplates and barbeque surrounds to be cleaned at each visit.
- Concrete apron and any surrounding hardstand to be maintained in a clean condition free of food residues and accumulated fat.



- Inspect and test operating mechanism, electrical connection and timer.
- Clean out drip trays/containers and drain pipes.
- Check operating instructions for legibility and replace if illegible.
- Annual inspection of all BBQs.

3.18 Street Bin Collection

3.18.1 Service Summary

Basic maintenance regime

Applied to the collection of street bins in Benarkin, Blackbutt and Proston.

3.18.2 Service/Intervention Levels

The bins are collected weekly. Additional collections for special events such as festivals.

3.18.3 Service Rationale

Level of service determined to meet visitor expectations, historically measured via staff observations and customer feedback. Additional collections undertaken for special events such as a town festival.

3.18.4 Customer Service Request Response Times

Repair of damage initiated within 48 hours of report.

High priority requests are to be inspected within 24 hours and made safe.

3.18.5 Maintenance Performance Standards

- Empty bins into compactor truck.
- Inspect bins for cleanliness and hose out if required.
- Arrange for replacement of damaged bins.



4.0 REGIME HIERARCHY

4.1 Facility Hierarchy

Park hierarchy that assigns levels of service for each park, open space, streetscape and other Council controlled area or facility is as follows:

Location	Level 1 – Public Places & Streetscapes	Level 2 – Regional Recreation Parks, Cemeteries, Rail Trail, Aerodromes & Dams	Level 3 – Town Recreation Parks	Level 4 – Open Spaces
Kingaroy	Dr Ellen Kent Hughes Forecourt Kingaroy Streetscape	Memorial Park River Road Park Apex Park Youth Park Senior Citizens Park Mt Wooroolin Park	O'Neill Square Lions Park Earle Park Rotary Park Adermann Park Carew Park	Carroll Nature Reserve
Nanango	Nanango Streetscape	Lions Park Pioneer Park Butter Factory Park Reg McCallum Park Tipperary Flat	Mt Stanley Road Dog Park Green Park National Servicemans Park	
Murgon	-	QEII Park Ted Klohs Park Youth Park Rotary Park Lions Park	Old Rotary Park Centenary Park McMahon Park Kapernick Park	



Location	Level 1 – Public Places & Streetscapes	Level 2 – Regional Recreation Parks, Cemeteries, Rail Trail, Aerodromes & Dams	Level 3 – Town Recreation Parks	Level 4 – Open Spaces
Wondai	-	Coronation Park Dingo Park McKell Park	Bore Paddock Park Grant Crescent Park	Parkside Park
Blackbutt	Blackbutt Streetscape	Les Muller Park	Skate Park	-
Benarkin	-	-	-	-
Kumbia	-	-	-	-
Maidenwell	-	Community Hall	Sportsground	Coomba Falls
Memerambi	-	-	Rail Head	
Wooroolin	-	-	Dalton Park	Wetlands
Tingoora	-	-	Sportsground	
Hivesville	-	-	Memorial Park	
Proston	-	-	Railway Park Showgrounds	Proston Common
Rail Trail	-	Kingaroy to Murgon	-	-
Cemeteries	-	Bumett Pioneer (Nanango 1862-1876), Blackbutt, Nanango, Booie, Kumbia, Taabinga, Memerambi, Tingoora, Wondai, Proston, Mondure/Wheatlands, Murgon	-	-



Location	Level 1 – Public Places & Streetscapes	Level 2 – Regional Recreation Parks, Cemeteries, Rail Trail, Aerodromes & Dams	Level 3 – Town Recreation Parks	Level 4 – Open Spaces
Dams	-	Boondooma Dam BP Dam	-	-
Aerodromes	-	Kingaroy Aerodrome Nanango Aerodrome Wondai Aerodrome	-	-

9.5 PEANUT SCULPTURE - LIONS PARK KINGAROY**File Number:** 14/4/2021**Author:** Acting Manager NRM & Parks**Authoriser:** Chief Executive Officer**PRECIS**

Request to allow erection and assume ownership of a 'Big Peanut' at Lions Park, Kingaroy.

SUMMARY

Council has previously resolved to provide support in principle for the placement of a peanut sculpture at Lions Park, Kingaroy. Further details are now provided pertaining to a formal proposal, design, location, ownership and maintenance responsibility.

OFFICER'S RECOMMENDATION

That the Committee recommends to Council;

1. That Council approve the final proposal for a peanut sculpture and confirm its placement in Lions Park, Kingaroy and approve all terms and conditions of ownership, maintenance and copyright.
2. That the peanut sculpture be named 'Big Peanut' in recognition of the local peanut industry of Kingaroy and the South Burnett Region.
3. That the members of the 'Kingaroy Needs a Peanut' committee be commended for their valuable efforts and contribution to this project.

FINANCIAL AND RESOURCE IMPLICATIONS

The costs to commission the artist, delivery and installation are the responsibility of the Committee 'Kingaroy Needs a Peanut'. Funding and sponsorship have been secured to meet these costs.

In the future, Council will meet the costs of maintenance, insurance and associated risks of the structure. To offset any negative impact to operational costs, which are deemed minimal, Council may be able to commission mini replicas of the peanut, thus generating income and the added benefit of promoting Kingaroy and the South Burnett Region. The costs of maintaining the sculpture, insurance and associated risks are minimal, as they will be substantially covered by existing operational costs for parks and public liability/asset insurance.

LINK TO CORPORATE/OPERATIONAL PLAN

ENHANCING OUR COMMUNITY - Building a vibrant, healthy, supportive and inclusive community

EC3 An active, safe and healthy community

EC3.2 - Enhance community culture through the support of initiatives and the provision of community facilities

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Consultation has occurred with the Committee, the Artist, Kane Minogue, Studio303. Councillors and Senior Management have also been involved in discussions and planning for this project.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Copyright of public art normally rests with the artist unless there is an agreement to the contrary. Copyright for the peanut sculpture involves the physical designs and copyright of the sculpture. The artist, Kane Minogue, Studio 303 has relinquished to Council all ownership as part of the commission, pursuant to the *Copyright Act 1968* (Cth).

This provides Council with the ability to reproduce the designs in three-dimensional form such as mini statues or promotional objects, photography, promotions etc. Potential revenue or promotional benefits vest with Council in perpetuity.

POLICY/LOCAL LAW DELEGATION IMPLICATIONS

Council has no policy specific to donated assets of this type. However, Council has an Infrastructure Asset Naming Policy. This policy mainly involves infrastructure assets such as roads, bridges and perhaps buildings. In this case, Council may wish to apply a formal name to the sculpture, such as 'Big Peanut' or another appropriate term.

ASSET MANAGEMENT IMPLICATIONS

The proposed peanut sculpture will become an asset of Council and be maintained similar to any other park asset under normal asset management principles. Minimal costs arise from this situation as the value and risks of the structure are quite minimal relative to Council's overall asset portfolio.

REPORT

The Committee known as 'Kingaroy Needs a Peanut' has secured funding for the peanut sculpture and work has commenced to complete it in the near future. Council is requested to approve the location of the sculpture and take ownership and maintenance responsibility, with the following details:

Property Details:

Address: Lions Park, Kingaroy Street, Kingaroy

RPD: part of Lot 6 on SP274891

Tenure: Freehold

Owner: South Burnett Regional Council


The sculpture is 3.5m high and will be placed on a concrete plinth, funded by Council. Engineering certification shall be provided by a RPEQ engineer. The structure will be illuminated with access to Council's electricity account.


Preliminary details and promotion of the concept are available in local press at southburnett.com.au


ATTACHMENTS


1. **Proposal Plan** [↓](#) 



New Shelters 

Concrete pathways 

Info sign 

Big Peanut 

Draft Concept

V1 27Feb2021



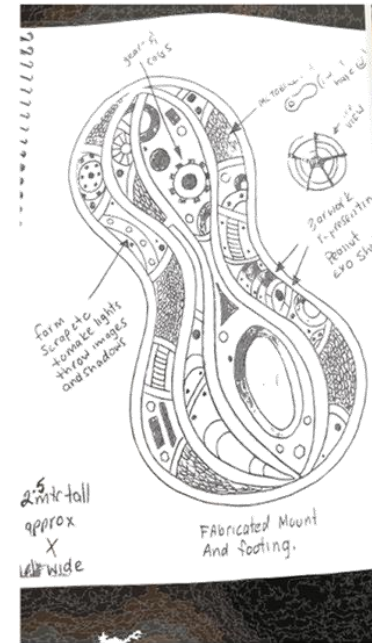
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9.6 NEW DAM SIGNAGE

File Number: 14-4-2021
Author: Personal Assistant Community
Authoriser: Chief Executive Officer

PRECIS

New design proposal for South Burnett Tourist Parks Signage – Boondooma Dam & Bjelke-Petersen Dam.

SUMMARY

Signage at our tourist parks are badly in need of attention, following an earlier briefing with Council the new South Burnett Tourist Parks branding designs have been completed for consideration. Funding is currently allocated through the current COVID Works for Queensland program to upgrade signage at Council's tourist dams.

OFFICER'S RECOMMENDATION

That Council support the South Burnett Tourist Parks branding design to be implemented at Lake Boondooma and Bjelke-Petersen Dams signage and promotional material.

BACKGROUND

N/A

ATTACHMENTS

1. **South Burnett Tourist Parks Signage** [↓](#) 



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9.7 FESTIVAL OF THE DAMS - SPONSORSHIP**File Number:** 14-4-2021**Author:** Senior Recreation and Services Officer**Authoriser:** Chief Executive Officer**PRECIS**

Advising Council that the 2021 Festival of the Dams is to be conducted on the weekend of 15 – 16 May at Boondooma Dam.

SUMMARY

The Festival of the Dams is an annual fishing event sponsored by Council held on the third weekend in May, this year to be held at Lake Boondooma Dam.

OFFICER'S RECOMMENDATION

That Council note the sponsorship of up to \$10,000 for a 2021 Festival of the Dams – Boondooma Open to be hosted on the 3rd weekend in May 2021.

BACKGROUND

The Festival of the Dams is an annual fishing event sponsored by Council. The fishing competition organised by Fishing Freshwater Australia. Sponsorship of the event is a total of \$10,000 with Council obtaining a revenue stream from the event via nomination fees. Revenue return via nomination fees and the resultant increase in accommodation and kiosk receipts offsets the sponsorship investment. This is the third year the event has been conducted and has a limit of 40 teams. The 2020 event was postponed from May due to the disruption by COVID restrictions and was conducted in August to align with the reopening of the Dams after certain restrictions were lifted.

Council's sponsorship is utilised by the event organisers to purchase prizes for the event. No portion of the funding is utilised to pay the event organisers as no fees are charged by the organisers for running the event. Where practical, prizes are purchased through local businesses as opposed to normal community fishing competitions where local businesses are generally asked to provide prizes as sponsorship. This process assists local busines and retains funds in the local economy.

ATTACHMENTS**Nil**

9.8 SHORT-TERM USE OF 195 KINGAROY STREET, KINGAROY**File Number:** 10-02-2021**Author:** Senior Lease and Property Management Officer**Authoriser:** Chief Executive Officer**PRECIS**

Offer for lease by way of tender, the shop located at 195 Kingaroy St, Kingaroy (Lot 1 on RP133329).

SUMMARY

Council recently purchased the shop located at 195 Kingaroy Street, Kingaroy. Kingaroy Rotary Club recently undertook a short-term occupancy of the shop as an operational base to co-ordinate hosting the District Rotary Conference at the end of March 2021. Now the shop has become vacant, Council may offer the building for lease by way of tender.

OFFICER'S RECOMMENDATION

That the Committee recommends to Council:

That Council offer 195 Kingaroy Street, Kingaroy (Lot 1 on RP133329) for lease, by way of tender.

FINANCIAL AND RESOURCE IMPLICATIONS**LINK TO CORPORATE/OPERATIONAL PLAN**

ENHANCING OUR COMMUNITY - Building a vibrant, healthy, supportive and inclusive community

EC3 An active, safe and healthy community

EC3.2 - Enhance community culture through the support of initiatives and the provision of community facilities

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Consultation has occurred across Council and there is no objection to the offer of a commercial lease. Kingaroy Transformation Project team do not recommend relocating to this shop as they are committed to a commercial tenancy agreement until September 2021.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Offer of lease in accordance with Sections 227-228 of the *Local Government Regulation 2012*.

POLICY/LOCAL LAW DELEGATION IMPLICATIONS

Offering the property for lease is in accordance with Council's Disposal of Real Estate Policy whereby disposal provides for economic development and local business opportunity.

ASSET MANAGEMENT IMPLICATIONS

The shop at 195 Kingaroy Street, Kingaroy is an asset of Council. Council bears the cost of maintenance and management of the asset.

REPORTProperty Details:

Address: 195 Kingaroy Street, Kingaroy

RPD: Lot 1 on RP133329

Area: 283 square metres
Tenure: Freehold
Owner: South Burnett Regional Council
Zone: Principal Centre – PC1 Retail Core Precinct under the South Burnett Regional Town Planning Scheme.
Town Planning Scheme overlays – located in Agricultural Land Classification A, Priority Infrastructure Area, on a State Controlled Road, SFM Land Use (Urban).

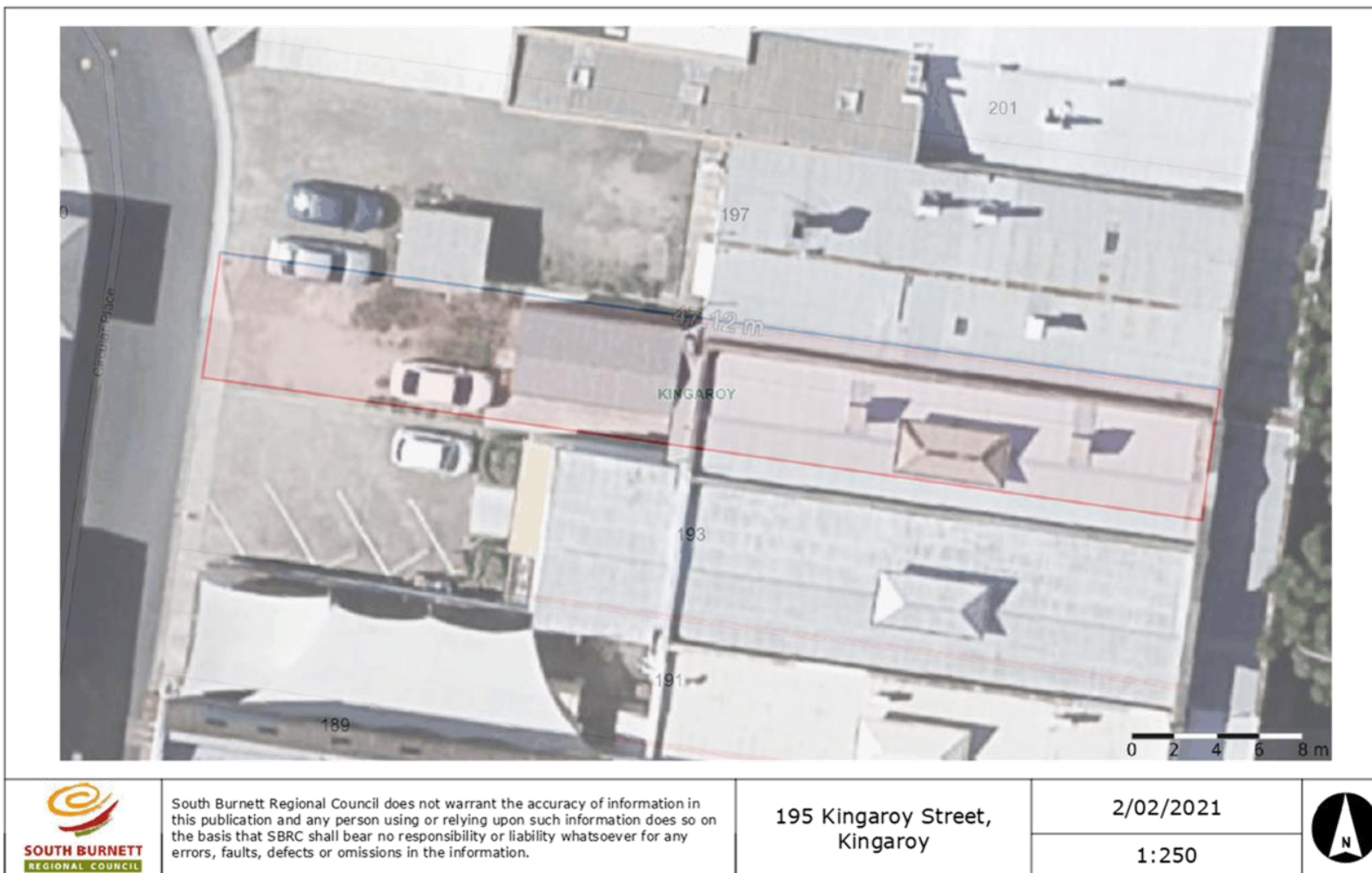
The shop at 195 Kingaroy Street, Kingaroy was recently purchased by Council. It is an inside, regular-shaped allotment with a frontage to Kingaroy Street of approximately 6 metres and depth of approximately 47 metres. Approximately half of the lot is fully improved with a single shop and a shed fronting the rear access off Circular Place.

The property was purchased vacant possession in December 2020.

The Kingaroy Rotary Club undertook a short-term occupancy of the shop as an operational base to co-ordinate hosting the District Rotary Conference at the end of March 2021. Once the Rotary Club vacate, there is the opportunity to offer a commercial tenancy lease.

ATTACHMENTS

1. **Aerial - 195 Kingaroy Street, Kingaroy**  



9.9 LICENCE AGREEMENT BETWEEN SOUTH BURNETT REGIONAL COUNCIL & DEPARTMENT OF EDUCATION (PROSTON STATE SCHOOL & BLACKBUTT STATE SCHOOL) FOR THE UTILISATION OF THE PROSTON AND BLACKBUTT SWIMMING POOLS

File Number: 14/04/2021
Author: Property Management Officer
Authoriser: Chief Executive Officer

PRECIS

Renewal of Licence Agreement between Council and the Department of Education, Training and Employment for the hire of Proston and Blackbutt Pool.

SUMMARY

The current Licence Agreement that Council has with the Department of Education for the Proston and Blackbutt Swimming Pools is reaching completion in April 2021 and is due for renewal for another three-year period.

OFFICER'S RECOMMENDATION

That the Committee recommend to Council:

That Council enters into a Licence Agreement with the Department of Education for the hire of Proston and Blackbutt swimming pool facilities for a further 3 years, as per the terms and conditions of the current Licence Agreement.

BACKGROUND

The Blackbutt and Proston swimming pools are owned by the Department of Education. Council hires the swimming pool facilities from the Department of Education for the community to use during the hours of 6am to 8am and 3pm and 6pm weekdays, and 1pm to 5pm on weekends, public holidays, and school holidays. Council previously entered into a Licence Agreement with the Department of Education to formalise the hirers arrangement for a 3-year term. The new licence term will also be for a 3-year period.

Council contracts the services of a Pool Manager for the management of Proston and Blackbutt facilities during the above hours. It currently costs Council \$89,000 per annum to contract Pool Managers to manage and operate the Proston and Blackbutt swimming pools.

In the licence agreement, Council is also responsible for supplying the following; tools and equipment necessary for filtration and chlorination testing, microbiology testing and lab assessments, pool water balanced test kits, log book for water testing, risk management and safety improvement plans, safety signage, lifesaving equipment i.e. spinal boards, and first aid supplies.

ATTACHMENTS

Nil

9.10 LICENCE TO OCCUPY - KINGAROY JUNIOR CRICKET ASSOCIATION INC.

File Number: 14-04-2021
Author: Lease Officer
Authoriser: Chief Executive Officer

PRECIS

Licence to Occupy on Lot 89 RP66068 between Kingaroy Junior Cricket Association Inc. and South Burnett Regional Council.

SUMMARY

A Licence to Occupy is offered to the Kingaroy Junior Cricket Association for Lot 89 RP 66068 known as the "River Road Oval" located at 18-40 River Road Kingaroy. Kingaroy Junior Cricket Association have approached Council for a formal tenure arrangement to support their endeavours to upgrade the cricket nets and install boundary fencing.

OFFICER'S RECOMMENDATION

That the Committee recommend to Council:

That South Burnett Regional Council enter into a Licence to Occupy with the Kingaroy Junior Cricket Association Inc. for Part A of Lot 89 RP 66068 with conditions including:

- (a) Term of three (3) years at \$75.00 per annum plus GST
- (b) Kingaroy Junior Cricket Association are to undertake community engagement with residents to communicate the proposed changes and to ensure other recreational users are not incumbered by the proposed boundary fencing and upgrade of the cricket nets.
- (c) Kingaroy Junior Cricket Association can hold a maximum of 6 matches per cricket season
- (d) Kingaroy Junior Cricket Association can undertake field and pitch inspections prior to commencing play and to ensure they are suitable for cricket matches
- (e) Maintain public liability insurance to the value of \$20,000,000 for the period of the licence
- (f) To maintain the oval, pitch and cricket nets for the term of the licence

FINANCIAL AND RESOURCE IMPLICATIONS

The Licence to Occupy will be a concessional rent applied to all community and not for profit groups of \$75.00 per year (excluding GST). The Kingaroy Junior Cricket Association will be responsible for all other charges levied against the property including rates, water and waste charges. Council currently maintains the park area with mowing services. On the commencement of the Licence to Occupy the Kingaroy Junior Cricket Association will be responsible for the mowing, repairs and maintenance of the oval, boundary fencing and cricket nets. Council's Parks team will be providing in-kind support for the installation of new cricket nets by ensuring the safe and responsible disposal of the current cricket net infrastructure, particularly concrete that is to be removed from the site. On completion of the licence term, Council will not be under any obligation to maintain the improvements made and will retain the right to remove any improvements made.

LINK TO CORPORATE/OPERATIONAL PLAN

ENHANCING OUR COMMUNITY - Building a vibrant, healthy, supportive and inclusive community

EC2.1- Encourage and support community organisations to enhance their sustainability

EC3.2 - Enhance community culture through the support of initiatives and the provision of community facilities

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Council's Lease Officer has liaised with Council's Manager Property, Council's Coordinator Recreation. Council's Coordinator, Recreation Officer has had several consultations with members of the Kingaroy Junior Cricket Association. This report has been guided by recommendations made by Queensland Crickets Infrastructure Strategy 2018-2028 and Council's 2018-2028 Sport and Recreation Infrastructure and Strategic Plan.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Council will request the Kingaroy Junior Cricket Association to provide certificate of currency of Public Liability Insurance to the value of \$20 Million, an Annual Return of Association (Form 12 – Associations Incorporation Act 1981) and current financial statements to provide evidence that the Kingaroy Junior Cricket Association can sustain the delivery of the projects and maintenance of the oval.

Pursuant to section 236 of the *Local Government Regulation 2012*, Council is permitted to dispose of a valuable non-current asset other than by tender if it is being disposed to a community organisation.

Schedule 8 of the *Local Government Regulation 2012* defines a community organisation as

- (a) An entity that carries on activities for a public purpose; or
- (b) Another entity whose primary objective is not directed at making a profit.

Therefore, the Kingaroy Junior Cricket Association Inc. is deemed to be a community organisation given they are an incorporated body.

REPORT**Background**

Kingaroy Junior Cricket Association have been utilising the "River Road Oval" for matches over several years. A Memorandum of Understanding (MOU) was provided to the group on 9 January 2017 for the remaining 2016/2017 season. The agreement provided consent for Kingaroy Junior Cricket Association to hold four cricket matches.

Kingaroy Junior Cricket Association were required to undertake additional maintenance to the grounds if required and maintain the cricket pitch to a standard acceptable to the Kingaroy Junior Cricket Association for fixture matches. Furthermore, the association was permitted to undertake field and pitch inspections prior to commencing play to ensure suitability for cricket matches.

The MOU was renewed for the periods of the 2017/2018 and 2018/2019 seasons with the same conditions.

Property Details:

Address: 18-40 River Road, Kingaroy Qld

Lot on Plan: Lot 89 RP 66068

Area: 1490m²; proposed licence area: 9423.6m² (approx.)

Tenure: Freehold

Owner: South Burnett Regional Council

Zone: Recreation and Open Space under the South Burnett Regional Council Planning Scheme v.1.2

The property is located on River Road with adjacent roads of Marjorie Street and Florence Street.

The Licence to Occupy will allow the Kingaroy Junior Cricket Association to undertake facilities upgrades to the park area including replacing the cricket nets and installing boundary fencing. Prior to Council offering the Licence to Occupy, the Kingaroy Junior Cricket Association are to undertake

community engagement with local park users to ensure that the proposed changes to the park are supported and do not restrict other members of the community from accessing the licence area.

Cricket was identified in Council's 2018-2028 Sport and Recreation Infrastructure and Strategic Plan as a sport that was increasing in participation particularly the number of children partaking.

Furthermore, the plan outlined principles that Council should use to guide future provision and management of sport, these include:

- Ensure maximisation of facilities (formal and informal activities)
- Base decision-making on sound data and demand
- Master planning of key sports parks to ensure there is a demonstrated need for infrastructure upgrades
- Provide ongoing support and education to sport and recreation clubs
- Ensure ancillary facilities reflect the needs of participation, officials and spectators.

The River Road park was identified within this report as a local playground and informal sport facility. The recommendation of a Licence to Occupy will support a partnership between Council and the Kingaroy Junior Cricket Association to maintain the park to this level whilst meeting the guidelines to maximise the use of the facility.


Queensland Cricket has identified Kingaroy through the Queensland Cricket Infrastructure Strategy 2018-2028 as an area in which they wish to focus on junior development with other identified projects for investment including, Kingaroy Cricket Club/Junior Cricket Club Lyle Vidler Oval wicket and lighting upgrades. The further investment proposed by the Kingaroy Junior Cricket Association will allow the River Road Park to be developed to a Tier 4 regional venue. There will still be a requirement for Kingaroy Junior Cricket Association to continue to work with other community partners including local schools to utilise their ovals for matches.

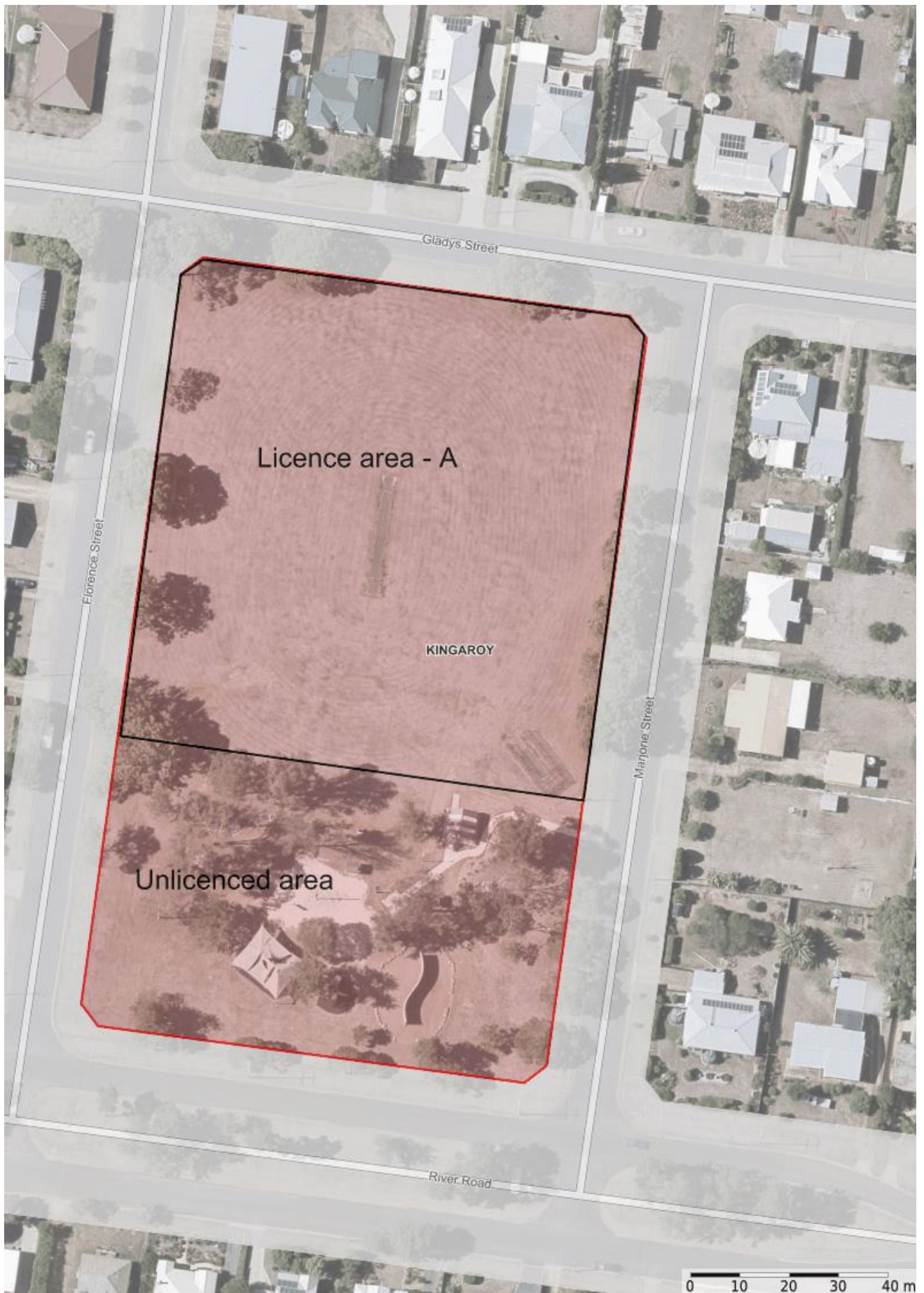
Development of the park

The granting of a Licence to Occupy to the Kingaroy Junior Cricket Association will support the projects to upgrade the cricket nets and install a boundary fence. The boundary fence will be 1200mm high on three sides of the park, this should not affect the aesthetics of the park for neighbouring residents. The fencing will provide a safety barrier and mitigates the identified risk of ball run off. This fencing will only be on three sides facing the roadways and will not be placed between the oval and the playground area. An alternate option discussed was a vegetation barrier, however this will require additional annual budget costs to Council to maintain and is not recommended. The proposed gates are to be bollards, and these are in place to negate any vehicle access to the park except in emergency situations. The use of bollards instead of gates ensures the park space is still open for all community users. There will be no requirement for any vegetation to be removed from the park as the fence will be located on the outside of the tree line, 1800mm from the kerbing.

The Kingaroy Junior Cricket Association will be required to undertake community engagement with residents to communicate the proposed changes and to ensure that other members of the community that utilise the park for additional recreational endeavours feel welcome. The Kingaroy Junior Cricket Association will be supported by Council's Coordinator of Recreation Officer who will oversee the installation of the fence and cricket nets to ensure the project meets Australian Cricket guidelines (specifically the Regional Facility Regulations) and Council's specifications.

ATTACHMENTS

1. **Proposed Licence Area**  
2. **Deed of Licence to Occupy**  
3. **Title Plan**  



THIS DEED made the day of 2020

BETWEEN: **SOUTH BURNETT REGIONAL COUNCIL**
of Glendon Street, Kingaroy, Queensland 4610

ABN 89 972 463 351

('Licensor')

AND:
Of

ABN

('Licensee')

Licence to Occupy –

1. DEFINITIONS AND INTERPRETATIONS:

Definitions

In this Deed, unless a contrary intention appears, the following terms shall have the meanings respectively assigned to them, that is to say:

'Commencement Date' means that date mentioned in Item 3 of the Schedule as the Commencement Date;

'Commercial Use' includes the renting out of the Licence Area or any part of the Licence Area to third parties and/or operating a commercial business from the Licence Area;

'Consumables' means those items consumed by the Licensee, whether used for community purposes, personal purposes, business purposes or other purposes.

'Contamination' means Contamination as defined in the *Environmental Protection Act 1994* and also includes asbestos contamination within and on the Licence Area;

'Council' means the South Burnett Regional Council;

'Deed of Licence to Occupy' means this Deed of Licence to Occupy and includes all attachments, schedules, documents, maps and photographs;

'Expiry Date' means that date mentioned in Item 3 of the Schedule as the Expiry Date;

'Extra Requirements of Licence' means those requirements expressed in Item 9 of the Schedule forming part of this Deed of Licence to Occupy;

'GST' means any tax imposed by or through the GST Act on a supply;

'GST Act' means the *A New Tax System (Goods and Services Tax) Act 1999* and any related tax imposition act (whether imposing tax as a duty of customs excise or otherwise) and includes any legislation which is enacted to validate, recapture or recoup the tax imposed by any of such Acts;

'Hours of Operation' means those hours and days the Licensee is permitted to operate as expressed in Item 8 of the Schedule;

'Land' means the whole of Lots 1 and 2 on RP212916;

'Licence' means this Deed of Licence to Occupy and any attachments, Schedules, documents, maps and photographs attached hereto;

'Licensee' means the South Burnett Mountain Bike Club Inc, the entity named as such in this Deed of Licence to Occupy;

'Licensor' means the South Burnett Regional Council, the entity named as such in this Deed of Licence to Occupy;

'Other Expenditure' means the outlays and expenditure as mentioned in Item 5 of the Schedule forming part of this Deed of Licence to Occupy;

'Permitted Use' means to access and use the Licence Area for the activities of the Licensee and for associated community purposes as approved by the Licensor;

'Licence Area' means the land described in Item 2 of the Schedule forming part of this Deed of Licence to Occupy and as shown on the Plan of Licence (Attachment A to this Deed of Licence to Occupy);

'Public Liability Insurance' means public risk insurance however defined from time to time;

'Purpose of Licence' means that purpose as identified in Item 1 of the Schedule forming part of this Deed of Licence to Occupy and includes allowing the Licensee to access and use the Licence Area for the Permitted Use of the Licensee's activities and for associated community purposes as approved by the Licensor;

'Rent' means that amount mentioned in and calculated in accordance with Item 4 of the Schedule forming part of this Deed of Licence to Occupy;

'Schedule or Schedules' means the Schedule or Schedules attached to this Deed of Licence to Occupy and forming part of this Deed of Licence to Occupy;

'Service Charges' means all charges for or in relation to all services and Consumables that may be charged and/or metered from time to time and specifically includes telephone, gas, electricity, internet connections and services, data services, and excess water and also includes all other utilities and services used in or charged against or in respect of the Licence Area during the term of the Licence;

'Supply' means any supply within the meaning which it bears in the GST Act;

'Term of Licence to Occupy' means that period in Item 3 of the Schedule commencing on the Commencement Date and ending on the Expiry Date;

'Contaminate' means to contaminate as defined in the *Environmental Protection Act 1994* and also includes asbestos contamination within and on the Licence Area.

Interpretation

In this Deed:

- (a) headings are for convenience only and do not affect interpretation;
- (b) the expression 'entity' includes a natural person, corporation, unincorporated association, partnership, trust and any entity having a legal personality;
- (c) a reference to any statute or to any statutory provision includes any statutory modification or re-enactment of it or any statutory provision substituted for it and all ordinances, by laws, regulations, rules and other statutory instruments (however described) issued under it;
- (d) words importing the singular include the plural (and vice versa) and words denoting a given gender include all other genders;
- (e) a reference to a provision or clause of this Deed includes any modification or variation to such provision or clause from time to time made under the provisions of this Deed;
- (f) a reference to a party to this Deed includes that party's successors and assigns
- (g) The word "Person" shall include companies, corporations and artificial Persons as well as natural Persons;
- (h) The word "Negligence" means an act, including an intentional act, that breaches a duty of care owed to a Person and causes that Person to incur or sustain a Cost that is compensable at law;
- (i) a reference to the term 'in writing' or 'written' includes any communications sent by letter, facsimile, email or other mode of transmission capable of producing or reproducing any words in visible and legible form;

- (j) where the Licensee consists of more than one entity, covenants on the part of the Licensee will bind those entities jointly and severally; and
- (k) if the Consumer Price Index (all groups) for the City of Brisbane be discontinued or modified then the Australian Bureau of Statistics shall be requested by either or both the Licensor and the Licensee to notify them as to the decrease in the value of One Dollar (\$1.00) Australian for the relevant period as shown by any corresponding or substituted index or authority or by such Australian Index or Authority as shall in the Bureau's opinion be the best available index or authority for the purpose of such adjustment and if for any reason the Australian Bureau of Statistics is unable or not prepared to provide the parties hereto with such an index or authority then a proper index or authority shall at the request of the parties be designated by the President of the Queensland Law Society Incorporated or his nominee.

2. NOW THIS DEED WITNESSES as follows:-

- 2.1 The Licensor hereby licenses and authorises the Licensee and the Licensee's Associates and all persons duly authorised by the Licensee to enter upon and use for the Permitted Use and purpose described in Item 1 of the Schedule hereto that area described in Item 2 of the Schedule hereto.
- 2.2 The term of the Licence shall be as detailed in Item 3 of the Schedule hereto.
- 2.3 The Licensee shall, so long as the licence hereby granted shall not be determined in manner hereinafter provided pay the Licensor the Rent as set out in Item 4 of the Schedule hereto.
- 2.4 If the Licensee shall desire to take a renewed Licence to Occupy of the Licence Area for a further term as defined in Item 6 of the Schedule hereto from the expiration of the Licence as set out in Item 3 of the Schedule hereto, the Licensee shall give to the Licensor notice in writing of that desire not later than the date specified in Item 7 of the Schedule for the giving of such notice and provided the Licensee has duly and punctually paid the Rent and is not then in default of the provisions of this Licence whether expressed or implied the Licensor will at the cost of the Licensee grant to the Licensee a renewal of this Licence for the further term as defined in Item 6 of the Schedule hereto containing, subject to this Clause 2.4, the same covenants agreements and provisions as are herein contained except this Clause 2.4.

3. COVENANTS BY THE LICENSOR:

The Licensor covenants that:-

- 3.1 If the Licensee shall pay the Rent hereby reserved and observe and perform the agreements herein throughout the currency of this Licence the Licensee shall peaceably hold and enjoy the Licence Area for the Permitted Use and purposes stated in Item 1 of the Schedule hereto during the currency of the Licence without any interruption by the Licensor or any persons lawfully claiming under or in trust for the Licensee.
- 3.2 On the determination of the Licence or within one (1) month thereafter if the payments to be made hereunder shall be duly paid up to such termination and there shall not be any unsatisfied breach of any stipulation or provision contained in this License the Licensor to provide access to the Licence Area by the Licensee to remove only the buildings structures or fixtures placed by it on the Licence Area pursuant to Item 9 of the Schedule.

4. COVENANTS BY THE LICENSEE:

The Licensee covenants:-

- 4.1 To pay the Rent punctually on the due date to the Licensor as provided by the Licence and all other Service Charges which may be applicable.

- 4.2 Not to assign, sub-let, or in any manner part with or dispose of the Licence Area or any part thereof or the use or possession or occupancy thereof or any part thereof without the consent of the Licensor in writing first had and obtained.
- 4.3 Not to erect, demolish, remove or relocate any building or other structures on the Licence Area unless approved by the Licensor under this Licence prior to any applications being made to the local authority for building or works approvals. Such works shall be considered by the Licensor after a written request which includes a proposed plan. If approval is granted by the Licensor under this Licence, the Licensee shall comply with local authority requirements including the building requirements of the Building Act 1975, Building Code of Australia 2016 and any relevant Australian Standards as updated from time to time.
- 4.4 To use the Licence Area and such buildings as may be erected thereon for the Permitted Use detailed within this Licence and in Item 1 of the attached Schedule forming part of this Deed of Licence to Occupy or for such other purpose as may be sanctioned or approved of from time to time in writing by the Licensor.
 - 1.
- 4.5 That, at all times during the term of this Licence, operate its business on the Licence Area with due diligence and efficiency and in a proper and businesslike manner.
- 4.6 The Licensee acknowledges and agrees that this Licence does not grant the Licensee with an interest in the Land and provides a right for the Licensee to use the property for the Permitted Use only.
- 4.7 To clean, maintain and leave the Licence Area in good repair, (having regard to their condition at the commencement of this Deed of Licence to Occupy) in so far as it relates to the activities of the Licensee.
- 4.8 Not to remove from the Licence Area any sand, gravel, soil or timber, nor undertake any earthworks without the prior written consent of the Licensor.
- 4.9 To keep the Licence Area clean and free of noxious weeds and plants.
- 4.10 Not to accumulate rubbish on the Land. All rubbish generated from the activities of the Licensee its members, associates or invitees is to be removed by the Licensee. Costs of rubbish removal is to be met by the Licensee.
- 4.11 Not to Contaminate the Licence Area.
- 4.12 To manage and conduct the Licence Area so that nothing shall be done to injure the reputation of the Licence Area or the Licensor or offend against any statute or any of the regulations of the Council or other local or public authority in any way.
- 4.13 To permit the Licensor and its servants and agents at all reasonable times to enter and view the Licence Area and inspect the condition thereof and for all other reasonable purposes.
- 4.14 To permit the Licensor and its servants and agents to enter and carry out requirements of public authorities or carry out repairs and maintenance under the Licence.
- 4.15 To indemnify the Licensor against all damages and expenses which the Licensor may sustain expend or be put to by reason or on account of any negligence or wilful default on the part of the Licensee to observe and perform any of the covenants or agreements on the part of the Licensee herein contained or hereby implied.
- 4.16 To seek approval from the Licensor of any change in the use of the Licence Area whether community not-for-profit to Commercial Use or vice versa, and the Rent shall be renegotiated

between the Licensor and the Licensee in accordance with such change to be effective as from the date of change.

4.17 The Licensee acknowledges that:

4.17.1 The Licence Area may be subject to Contamination; and

4.17.2 the Licensor has not provided any representation or warranty that the Licence Area is, or will continue to be, suitable for use by the Licensee for the Permitted Use, or is safe for entry or use by the Licensee, the Licensee's Associates, the public or the Licensee's property.

5. TERMINATION OF LICENCE:

5.1 If the Licensee in any year shall give to the Licensor not less than three (3) months previous notice in writing of its desire that the present Licence shall determine and shall pay the payments to be made hereunder and perform and observe the stipulations and provisions contained in this Licence up to such date of determination the present Licence shall thenceforth cease and determine at the end of the said period of three months without prejudice to any claim which either party may have against the other in respect of any breach of any covenant or conditions herein.

5.2 This License may be determined by notice given by the Licensor to the Licensee if at any time the payments herein provided for are twenty-one (21) days in arrears or if the Licensee has upon request and within a reasonable time failed to carry out the terms and conditions herein contained but otherwise is not to be revocable by the Licensor during the term set out in Item 3 in the Schedule hereto.

5.3 Provided further that if the Licensor at any time after the Expiry Date shown in Item 3 of the Schedule hereto shall give to the Licensee not less than three (3) months previous notice in writing of its desire that the present Licence shall determine then the Licensee shall pay the payments to be made hereunder and perform and observe the stipulations and provisions contained herein up to such date of determination the present Licence shall thenceforth cease and determine at the end of the said period of three (3) months without prejudice to any claim which either party may have against the other in respect of any breach of any covenants or condition herein contained.

6. GST:

6.1 Definitions:

- (a) "GST means GST within the meaning of the GST Act.
- (b) "GST Act" means A New Tax System (Goods and Services Tax) Act 1999 as amended.
- (c) Expressions used in this clause shall have the meaning given to them in the GST Act.

6.2 The parties acknowledge that the initial base rent is expressed as a GST exclusive amount.

6.3 The Licensor must issue to the Licensee a Tax Invoice, which complies with the GST Act, at least fourteen (14) days prior to the due date for payment of the consideration for the supply.

7. COSTS:

The costs of and incidental to the preparation, execution, and stamping of these presents and all stamp duties thereof shall be borne and paid by the Licensee but only to the extent that the Licensor shall request in writing.

8. LEGAL COSTS:

The Licensee will be liable for all costs associated with the preparation of this Deed of Licence to Occupy including any attachments, schedules, documents, maps and photographs that form part of this Deed of Licence to Occupy.

9. NOTICES

9.1 Notices under this Deed of Licence to Occupy must be in writing.

9.2 Notices are effectively given if:

- a) Delivered or posted to the other party or its solicitor; or
- b) Sent to the facsimile number of the other party or its solicitor; or
- c) Sent to the general email account of the other party or its solicitor.

9.3 Posted Notices shall be treated as given five (5) business days after posting.

9.4 Notices sent by facsimile will be treated as given when the sender obtains a clear transmission report.

9.5 Notices sent by email will be treated as given when the sender obtains a read receipt.

9.6 Notices given after 5.00pm (EST) will be treated as given on the next business day.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year aforesaid.

SIGNED SEALED AND DELIVERED)
by: *(Licensee)*)
in the presence of:)

.....
(Name and Position)

.....
Signature of Witness

.....
Name of Witness in Full

SIGNED SEALED AND DELIVERED)
by: *(Licensee)*)
in the presence of:)

.....
(Name and Position)

.....
Signature of Witness

.....
Name of Witness in Full

SIGNED for and on behalf of SOUTH)
BURNETT REGIONAL COUNCIL)
the Chief Executive Officer)
in the presence of:-)

.....
Mark Pitt
Chief Executive Officer

.....
Signature of Witness

.....
Name of Witness in Full

LICENCE TO OCCUPY**SCHEDULE****Item 1: Purpose of Licence**

The purpose of the licence is to provide the Licensee with a right to use the Licence Area for the purpose of providing a sporting and recreational facility (community cricket) within the community.

The Licensee does not have exclusive possession of the Licence Area and must use the Licence Area only for a community purpose so that the Land may be used for any community purpose now and in the future without undue interruption or obstruction.

Item 2: Licence Area

Area A in within Lot 8 RP66068, as shown on the attached identification plan at Attachment A.

Item 3: Term of Licence to Occupy

Commencement Date: 1 July 2021

Expiry Date: 30 June 2024

Item 4: Rent

The rent shall be \$75.00 plus GST per annum. Rent shall be paid annually in advance prior to the anniversary of the commencement date in each year.

Item 5: Other Expenditure:

The Licensee shall solely be responsible for and shall promptly pay all charges for: water including excess water, bins and waste management, telephone, gas, electricity and all other utilities and services used in or charged against or in respect of the Licence Area, used by the Licensee, during the term of the Licence.

Item 6: Hours of Operation:

Hours of operation of the Licence Area shall be at the Licensee's discretion and must adhere to Council local laws where applicable and not cause nuisance to the general public.

Item 7: Extra Requirements of Licence

- 7.1 The Licensee must not remove trees without prior written approval from the Licensor.
- 7.2 Not to store, sell supply or consume liquor on the Licence Area except with the prior approval of the Licensor and only upon obtaining any necessary licence for the storage, sale or supply of liquor and in accordance with the conditions of any licence so obtained.
- 7.3 Not to inscribe, paint, write or affix on the Licence Area in writing, lettering, sign or notice advertising any commercial or non-commercial entity or event unless directly advertising the activities of the Licensee and with prior consent of the Licensor.
- 7.4 The Licensee will not any time carry on or to admit to be carried on or committed upon the Licence Area any offensive business or occupation or nuisance or behaviour.
- 7.5 The Licensee must pay all other operational costs incurred by the Licensee in respect of the Licence Area and in conducting the Licensee's business.

- 7.6 The Licensee notes that the Licensor may, from time to time, provide for capital works within the area of the Licence in its annual budgeting process and not inhibit access to the Licence Area to carry out those capital works.
- 7.7 Any additions or alterations made by the Licensee under Clause 4.3 of this Licence are to be made at the expense of the Licensee and are deemed to be the property of the Licensee. At the termination of this Licence, the Licensee has the right to remove such additions or alterations made to the Licence Area. The Licensee, prior to the termination of this Licence, shall pull down and remove such additions and alterations in a proper and competent manner so as not to cause any damage to the Licence Area and immediately after such removal, restore the Licence Area so far as possible to the condition at the commencement of the Licence and to the satisfaction of the Licensor. The Licensor reserves the right to remedy any works undertaken by the Licensee and forward the expense of such remedy to the Licensee for payment.
- 7.8 Any such alterations or improvements made under Clause 4.3, if not removed by the Licensee, are considered abandoned and become the property of the Licensor. Any alterations and improvements considered unusable, unsafe or not required by the Licensor, may be removed by the Licensor within six (6) months of the termination of this Licence. Any costs incurred in the removal such alterations or improvements will be forwarded to the Licensee for payment.
- 7.9 The Licensee acknowledges that the Rent under Item 4 of this Schedule is a concessional rent to recognise the community purpose of the Licence. If the Licensee applies to the Licensor seeking approval for an alternative use under Clause 4.4 which is Licensor determines is of a commercial nature, the Licensor reserves the right to alter the Rent under Item 4 to reflect the commercial use.
- 7.10 The date of commencement and the amount of the commercial Rent will be determined by the Licensor. The Licensor reserves the right to recoup commercial Rent if it considers the commercial use had commenced prior to approval being sought by the Licensee, despite the Licensor withholding formal approval.
- 7.11 The Licensee acknowledges and accepts the condition of the Licence Area at the Commencement Date of this Licence.
- 7.12 The Licensor reserves the right to inspect the Licence Area during the term of the Licence. The Licensor may request the Licensee to undertake maintenance under the terms of this Licence, if the condition is not to the satisfaction of the Licensor. Such maintenance will be at the expense of the Licensee.

Item 8: Insurance and Indemnity

- 8.1 The Licensee shall indemnify and keep indemnified the Licensor from and against all claims and expenses of any nature which the Licensor may suffer or incur in connection with loss of life and/or personal injury and/or damage to property arising from or out of any occurrence in upon or at the Licence Area or the use by the Licensee of the Licence Area or to any Person or the property of any Person being in or entering or near the Licence Area occasioned wholly or in part by any act neglect default or omission by the Licensee its agents contractors servants workmen customers or any other Person or Persons using or upon the Licence Area with its consent or approval express or implied BUT the Licensee shall not be liable to indemnify the Licensor for any loss or damage occasioned by any act neglect default or omission by the Licensor its agents contractors or servants.
- 8.2 The Licensee shall not without the written consent of the Licensor do any act matter or thing upon the Licence Area which shall or may increase the rate or premium payable by the Licensor under any policy of insurance taken out by the Licensor in respect of the Licence Area provided that such policies contain only conditions usual and appropriate to the circumstances. If the Licensee shall do any such act matter or thing upon the Licence Area then the Licensee shall pay the amount of the increased premium to the Licensor upon written demand.

- 8.3 The Licensee shall at all times in its use of the Licence Area comply with the requirements of the Regional Fire Safety Officer and the laws and regulations for the time being relating to fires and the provisions of any and every relevant statute regulation and ordinance. If the Licensee shall do or permit to be done any act matter or thing which has the effect of invalidating or voiding any policy of insurance taken out by the Licensor than the Licensee shall be responsible for any damage or loss which the Licensor may suffer or incur as a result thereof provided that such policies contain only conditions usual and appropriate to the circumstances.
- 8.4 The Licensee shall at all times during this Lease or any extension thereof at the Licensee's own expense insure by obtaining and keeping in full force and effect a standard public risk liability policy or policies (in the joint names of the Licensee and the Licensor) in respect of the Licence Area, each part thereof, the business carried out therein (whether in accordance with these presents or otherwise) by the Licensee, and any Person who may at any time for any reason whatsoever be in or upon or about the Licence Area or any part thereof. The Licensee covenants and agrees with the Licensor that the aforesaid Policy or Policies shall:
- (i) be for a sum not less than **\$20,000,000.00**; and
 - (ii) include such inclusions usually listed in a standard public risk liability Policy as the Licensor may reasonably require; and
 - (iii) shall be produced to the Licensor upon demand. The Licensee shall indemnify and at all times during this Lease or any extension thereof keep the Licensor indemnified against the cost and expense of the aforesaid Policies and also any damage injury loss or inability arising from or caused by the Licensee's breach of the provisions of this Clause.

Item 9: Consumables

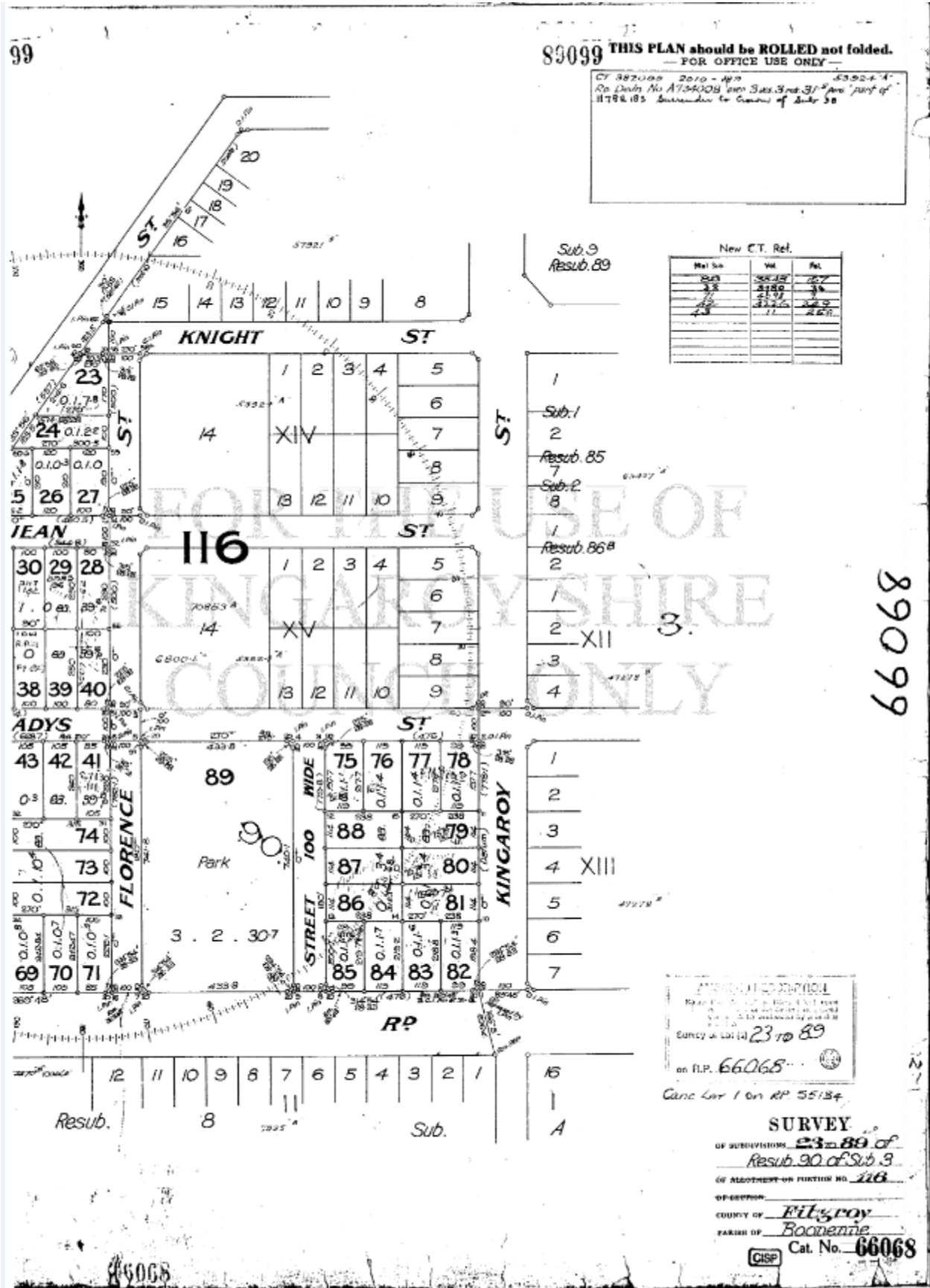
The Licensor will not be responsible for the supply of any Consumables

Item 10: Other Special Conditions

Kingaroy Junior Cricket Association are to undertake community engagement with residents to communicate the proposed changes and to ensure other recreational users are not incumbered by the proposed boundary fencing and upgrade of the cricket nets.

Attachment A – Plan of Licence Area





9.11 PROPOSED TENDER FOR SALE OF LAND LOT 101 ON SP257227 AND LOT 101 ON SP272806

File Number: 14-04-2021
Author: Land Investigation Officer
Authoriser: Chief Executive Officer

PRECIS

Proposed tender for the sale of land at Kingaroy: 1 Kelvyn Street, Kingaroy (Lot 101 on SP257227) and 27B Kingaroy Street, Kingaroy (Lot 101 on SP272806)

SUMMARY

Council recently acquired Lot 101 on SP272806 and Lot 101 on SP272806 through the sale of land for rates arrears process. It is now proposed to offer these properties for sale on the open market by way of tender.

OFFICER'S RECOMMENDATION

That the Committee recommend to Council;

That Lot 101 on SP257227 and Lot 101 on SP272806 be offered for sale on the open market by way of tender.

BACKGROUND


Council acquired two vacant land parcels as a result of sale of land for rate arrears auctions in 2020. In accordance with Section 227-228 of the Local Government Regulation 2012, it is now proposed to offer the two vacant land parcels for sale on the open market by way of tender.

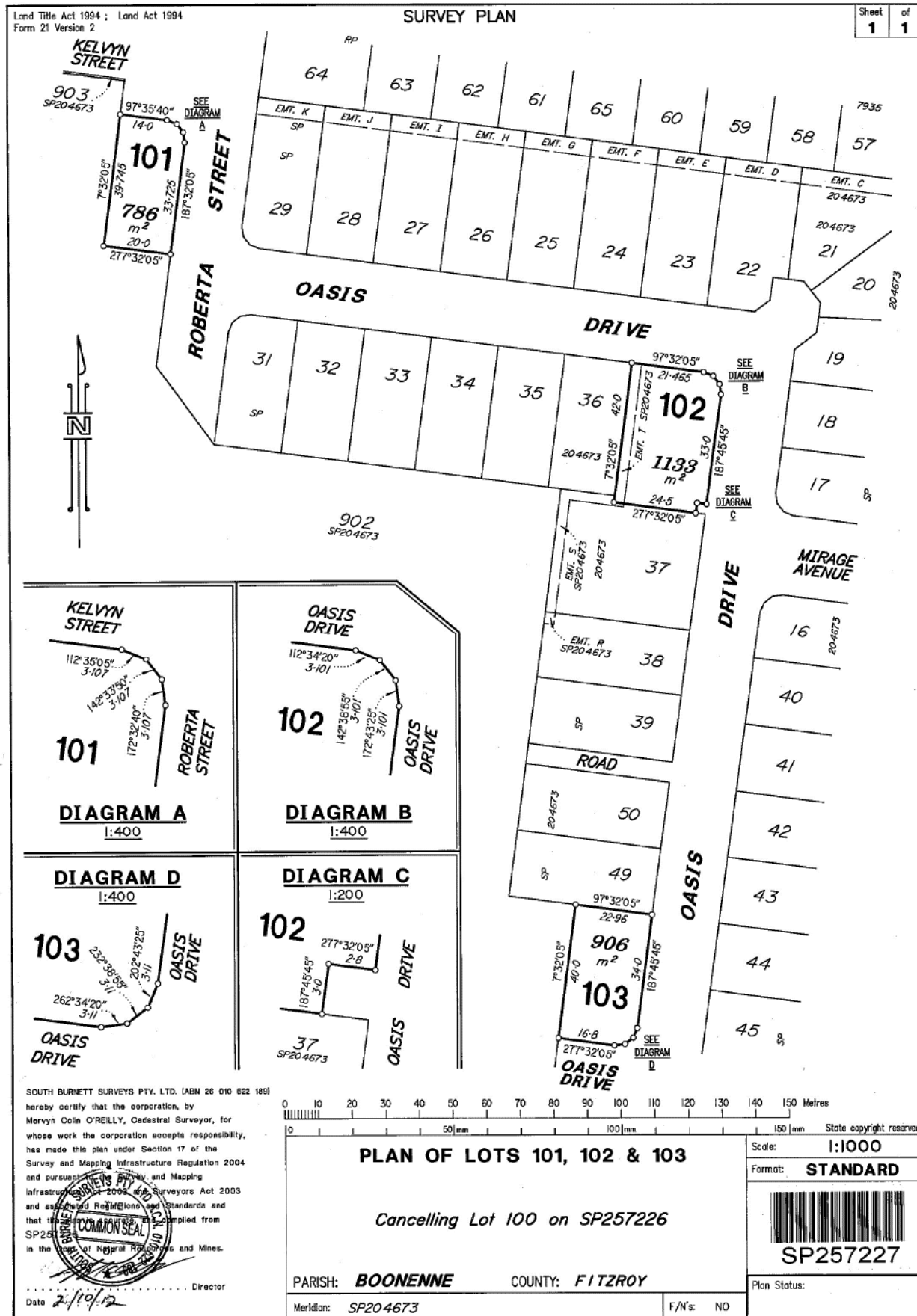
Property Details:

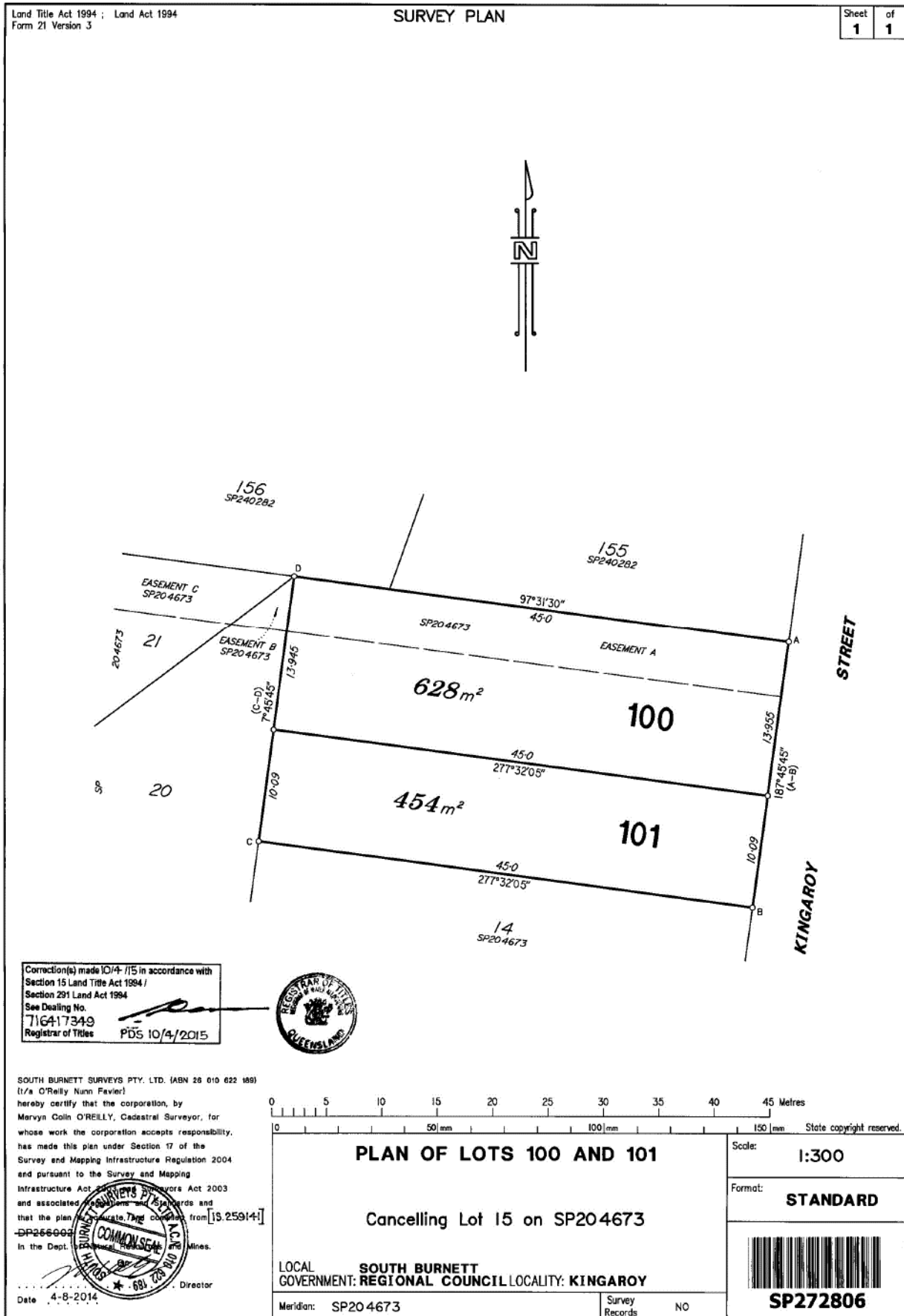
Address: 1 Kelvyn Street, Kingaroy
RPD: Lot 101 on SP257227
Area: 786 square metres
Brief Description: Vacant, corner allotment located adjacent to existing residential development approximately 1.5 kilometres south of Kingaroy CBD and 400 metres from Taabinga State School.

Address: 27B Kingaroy Street, Kingaroy
RPD: Lot 101 on SP272806
Area: 454 square metres
Brief Description: Vacant, small, inside allotment, located within existing residential area approximately 1 kilometre south of Kingaroy CBD and 100 metres from Taabinga State School.

ATTACHMENTS

1. Survey Plan - SP257227 - 1 Kelvyn Street [↓](#) 
2. Survey Plan - SP282806 - 27B Kingaroy Street [↓](#) 





10 QUESTIONS ON NOTICE**10.1 QUESTIONS ON NOTICE****File Number:** 14-04-2021**Author:** Personal Assistant Community**Authoriser:** Chief Executive Officer

The following question on notice was received from Cr Danita Potter at the Executive and Finance Corporate Standing Committee Meeting on 17 March 2021

Question

1. Is Council able to re-purpose the old shelters from the parks renewals projects to the South Burnett Mountain Bike Club?

Responses

1. Council has no available or surplus park shelters at the current time.
2. It is possible that five (5) shelters may become available following the re-development of Lions Park, Kingaroy.
3. The apparent value of the shelters is estimated at approximately \$250.00 each, with a total value of \$1,250.00.
4. These shelters are considered non-compliant with current standards and were intended for reuse, with the roofing iron scrapped and the steel frames being re-purposed for railings on stairs at the dams. The estimated value of the steel frame for each shelter is \$600.00.
5. Pursuant to Council's Disposal of Assets Policy, the accepted means of disposal for assets is as follows:
 - a) Public auction
 - b) Public tenders
 - c) Can be sold in any way as long as the sale price is more than the highest bid received at a previous tender or auction. In this instance, the asset must have been the subject of an earlier tender/auction process;
 - d) Trade-in
 - e) Disposal to another government agency;
 - f) Disposal to a community organisation.
6. It is too early to decide upon the re-use of these shelters, as the project at Lions Park is incomplete and it may change.
7. Having said that, it is suggested that if Council was to offer the shelters to a community organisation, it be done pursuant to the above policy.

RECOMMENDATION

That the responses to the question raised be received and noted.

ATTACHMENTS

Nil

11 CONFIDENTIAL SECTION

12 CLOSURE OF MEETING