



Ordinary Meeting

Council Chambers

Date: 03/02/2016

Time: 9:00am

AGENDA

THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON WEDNESDAY, 03 FEBRUARY 2016 AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS
CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

BEREAVEMENTS/CONDOLENCES

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST

CONFIRMATION OF MINUTES

BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

CORPORATE AND COMMUNITY SERVICES.....	5
REGIONAL LAND USE PLANNING	5
ITEM-1 Negotiated Decision Notice - ROL (1 into 3 Lots) - Lot 101 SP211120 - 123 Fantin Road Koah - Michael Prein - DA/15/0049	5
ITEM-2 Application for Diversification of Pastoral Holding No. 9/5129 - Part of Lot 20 on HG725.....	27
GOVERNANCE AND COMPLIANCE	45
ITEM-3 Fraud and Corruption Prevention Policy	45
ITEM-4 Keeble Street Road Closure Town Reserve and Shed Encroachment	97
ITEM-5 Operational Plan Quarterly Assessment	105
ITEM-6 Cancellation of grazing leases held by Vicktor Kazim	119
FINANCE	125
ITEM-7 Regulatory Fees 2016 2017 Financial Year being for Local Laws and Environmental Health	125
BUSINESS WITHOUT NOTICE.....	131
NEXT MEETING OF COUNCIL	131

CORPORATE AND COMMUNITY SERVICES

REGIONAL LAND USE PLANNING

ITEM-1 **NEGOTIATED DECISION NOTICE - ROL (1 INTO 3 LOTS)
 - LOT 101 SP211120 - 123 FANTIN ROAD KOAH -
 MICHAEL PREIN - DA/15/0049**

MEETING: Ordinary

MEETING DATE: 3 February 2016

**REPORT OFFICER'S
 TITLE:** Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	M Prein	ADDRESS	Two Chain Road, Koah
DATE REQUEST FOR NDN LODGED	6 January 2016	RPD	Lot 101 on SP211120
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 3 Lots)		
FILE NO	DA/15/0049	AREA	187.8 Ha
LODGED BY	M Prein	OWNER	M Prein
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)		
ZONE	Rural		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A - Code assessment only		

ATTACHMENTS: 1. Decision Notice dated 7 December 2015
 2. Applicant's written representations dated 6 January 2016

EXECUTIVE SUMMARY

Council approved a development application described in the above application details by delegated authority on 3 December 2015, subject to conditions. The application was code assessable and was therefore not subject to public notification.

The applicant has subsequently made written representations in relation to Condition 5.2 which requires the payment of a \$46,762.00 contribution (additional trunk infrastructure payment) in lieu of upgrading a portion of Two Chain Road to bitumen sealed standard.

Although the contribution is significantly higher than the standard \$8,630.00 roads contribution for a 3 lot subdivision, for the purpose of consistency, the assessing officer applied the same methodology as was previously applied to a 10 lot subdivision adjacent the subject site, fronting Fantin Road, Koah (Wong Lau Developments Pty Ltd - REC/07/0091). If development approval REC/07/0091 was to be completed, the majority of Fantin Road is required to be upgraded to 4.5 metre wide bitumen sealed standard.

In the case of this application, the applicant/developer has been given the choice of either upgrading a portion of Two Chain Road to this same standard, or pay the abovementioned contribution towards the works.

It should also be noted that the applicant was made aware, through the pre-lodgement process that this contribution was likely, and was also in agreeance with a set of draft conditions, including Condition 5, that were provided prior to the issue of the final Decision Notice.

Prior to the endorsement of any survey plan, the applicant/developer is also required to upgrade an unsafe section of Two Chain Road, the cost of which will be discounted from the contribution in question. To this officer's knowledge, to date, the applicant has not determined the cost of these works.

It is recommended that the request for negotiated decision notice be refused and Condition 5.2 remain unchanged.

OFFICER'S RECOMMENDATION

It is recommended that:

- “1. In relation to the written representations made by the applicant regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	M Prein	ADDRESS	Two Chain Road, Koah
DATE REQUEST FOR NDN LODGED	6 January 2016	RPD	Lot 101 on SP211120
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 3 Lots)		

And in accordance with the Sustainable Planning Act 2009, the following

- (A) Condition 5.2 must remain as per Council's Decision Notice issued on 7 December 2015.
2. A written notice be issued to the applicant advising of Council's decision.”

THE SITE

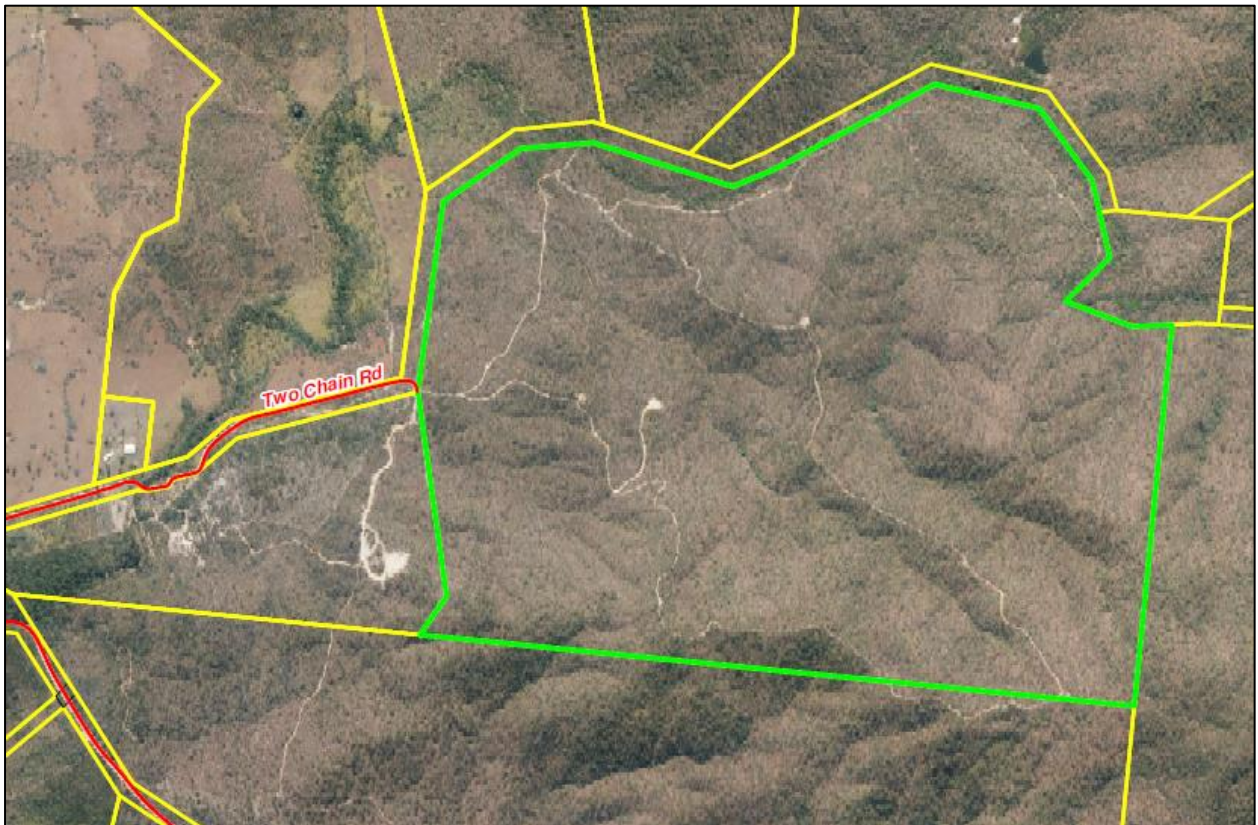
The subject land is described as Lot 101 on SP211120, Parish of Formartine, County of Nares, situated at 123 Fantin Road, Koah.

The land has an area of 187.8 hectares with a frontage of approximately 2.1 kilometres to Two Chain Road. The majority of this road frontage is to unformed road reserve. The constructed formation (gravel) of Two Chain Road commences at the intersection with Fantin Road and continues up to the existing access into Lot 101.

A farm shed and boundary fencing are the only structural improvements found on the land. A network of fire breaks/access trails traverse the subject land.

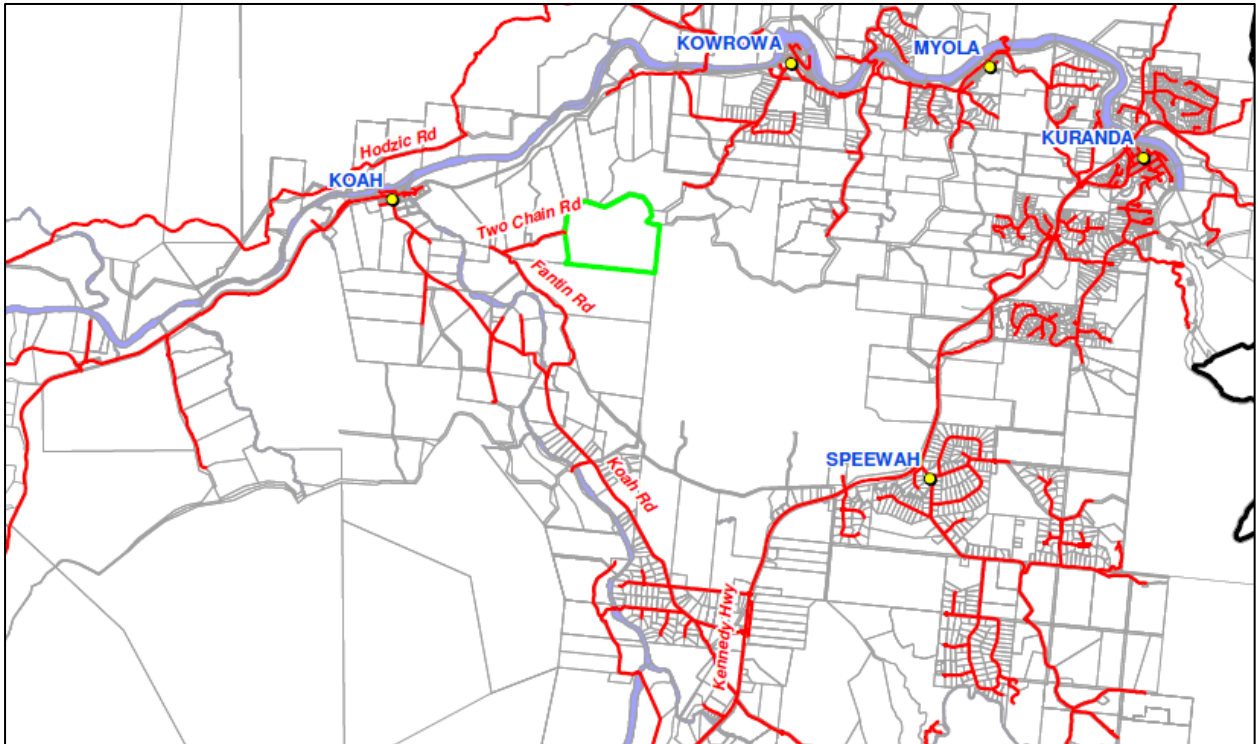
The majority of the subject land is covered by remnant not of concern regional ecosystem. The subject land has an undulating topography, with numerous drainage lines throughout.

Surrounding properties are used for various rural purposes including grazing and rural living.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

**Map Disclaimer:**

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

BACKGROUND AND CONTEXT

On 3 December 2015, Council, under delegated authority, approved an application for reconfiguring a lot - subdivision (1 into 3 lots) over land described as Lot 101 on SP211120, Parish of Formartine, situated at the end of Two Chain Road, Koah. The application was approved subject to conditions and the Decision Notice was issued on 7 December 2015.

The applicant has subsequently made written representations in relation to Condition 5.2 and seeking the issue of a negotiated decision notice (**Attachment 2**).

Condition 5.2 requires the payment of a \$46,762.00 contribution (additional trunk infrastructure payment) in lieu of upgrading an undetermined portion of Two Chain Road to 4.5 metre wide bitumen sealed standard. The Applicant is seeking a reduction in this contribution down to the standard roads contribution for a 3 lot subdivision which he believes to be in the vicinity of \$10,000.00, which is actually \$8,630.00 or \$4,315.00 per additional lot.

APPLICANT'S REPRESENTATIONS

Condition 5

5. *Additional Payment Condition (section 650 of the Sustainable Planning Act 2009)*
- 5.1 *The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.*
- 5.2 ***The developer must pay \$46,762.00 as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.***
- 5.3 *The trunk infrastructure for which the payment is required is:*
- *The trunk transport network servicing the land (\$46,762.00)*
- 5.4 *The developer may elect to provide part of the trunk infrastructure instead of making the payment.*
- 5.5 *If the developer elects to provide part of the trunk infrastructure the developer must:*
- *Discuss with Council's delegated officer the part of the works to be undertaken;*
 - *Obtain the necessary approvals for the part of the works;*
 - *Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;*
 - *Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;*
 - *Comply with the reasonable direction of Council officers in relation to the completion of the works;*
 - *Complete the works to the standards required by the Council; and*
 - *Complete the works prior to endorsement of the plan of subdivision.*
- 5.6 *The value, as agreed by Council's delegated officer, of the external works required under Condition 4.2 will be credited towards the additional payment required under Condition 5.2. Any credit will not exceed \$46,762.00.*

Representation by Applicant

"Regarding the subdivision approval of my lot 101 on Fantin Rd, I'd like to revisit condition 5.2 regarding the \$46,762.00 contribution towards trunk infrastructure.

At the pre-application meeting it was pointed out to me that the council may charge me that amount as my part of the cost of sealing two chain rd with bitumen. The residual was approx. \$240,000.00.

Since the minimum size for subdivision in that area has gone up from 30 to 60 ha, there will be no more subdivision in the foreseeable future since the lots are too small, and it's unreasonable to expect the council to pay the additional \$240,000.00 for bitumen.

So since there will be no bitumen on two chain rd I'd like to renegotiate this contribution. I understand that the standard contribution is \$5000.00 per lot, which would be \$10,000.00 in my case. So if it would be anything in that vicinity, it would make a big difference to me.

Thank you for considering my request."

Response

Although the contribution required under Condition 5.2 is significantly higher than the standard \$8,630.00 roads contribution for a 3 lot subdivision, for the purpose of consistency, the assessing officer generally applied the same methodology as was previously applied to an application for 10 lot subdivision adjacent the subject site, fronting Fantin Road, Koah (Wong Lau Developments Pty Ltd - REC/07/0091). If development approval REC/07/0091 was to be completed, the majority of Fantin Road is required to be upgraded to 4.5 metre wide bitumen sealed standard.

In the case of this application, the applicant/developer had the choice of either upgrading a section of Two Chain Road to this same standard, or pay the \$46,762.00 contribution towards the works.

It is acknowledged that during the pre-lodgement process the applicant was advised that this contribution may be applied to any approval, however, a set of draft conditions which included Condition 5 were sent to the applicant who did agree with the conditions prior to Council issuing the final Decision Notice.

Prior to the endorsement of any survey plan, the applicant/developer is also required to upgrade an unsafe section of Two Chain Road, the cost of which will be deducted from the contribution in question. To date, the applicant has not determined the cost of these works.

It is acknowledged that the change to the minimum lot size for rural subdivision under the draft MSC planning scheme will limit further subdivision along Two Chain Road, however, the timeframes for the adoption of the draft scheme are unknown at this stage and even after adoption, landowners will have a 12 month period whereby applications can be submitted and assessed against the current or then former scheme. Under the current 2004 Planning Scheme, 3 lots are capable of being subdivided that front Two Chain Road.

Considering the above, it is recommended that the request for negotiated decision notice be refused and Condition 5.2 remain unchanged.

Date Prepared: 21 January 2016

ATTACHMENT 1

7 December 2015

65 Rankin Street
PO Box 154 MAREEBA QLD 4880
P: 07 4086 4657
F: 07 4092 3323
W: www.msc.qld.gov.au
E: info@msc.qld.gov.au
Council Ref: DA/15/0049
Our Ref: BM:nj

Michael Prein
PO Box 721
CAIRNS QLD 4870

Decision Notice Approval

Sustainable Planning Act 2009 s334 and s335

Dear Applicant/s

**APPLICATION FOR RECONFIGURING A LOT - SUBDIVISION (1 INTO 3 LOTS)
LOT 101 ON SP211120
SITUATED AT 123 FANTIN ROAD, KOAH**

I wish to advise that, under Council's delegated authority on 3 December 2015, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in **section 6** of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

Approval under Section 331

This application **has not** been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

1. Details of the approval –

Development Permit for Reconfiguring a Lot - Subdivision (1 into 3 lots)

DECISION NOTICE - APPROVAL2
7 December 2015

2. Other necessary development permits and/or compliance permits–

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out –

- Development Permit for Operational Works

3. Other approvals required from Council

- Nil

4. Submissions -

Not applicable

5. Conflict with a relevant instrument and reasons for the decision despite the conflict -

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

6. Conditions –**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions contained within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in

DECISION NOTICE - APPROVAL3
7 December 2015

relation to the proposed development or any works required by condition(s) of this approval.

- 3.3 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved otherwise by Council's delegated officer.
- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.8 Flood Immunity
- All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.
- 3.9 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.
- 3.10 Bushfire Management
- 3.10.1 Any new dwelling erected on the lots shall:
- (i) Achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
 - (ii) Include on-site water storage of not less than 5,000 litres, with a 50mm male camlock fire brigade fitting where necessary, to be provided at the same time the dwelling is constructed.

DECISION NOTICE - APPROVAL4
7 December 2015

3.10.2 A Bushfire Management Plan will be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.11 Rural Addressing

The applicant must pay the relevant fee per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

3.12 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

4. Infrastructure Services and Standards**4.1 Access**

4.1.1 An access crossover must be upgraded/constructed to each lot (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

4.1.2 An access road is to be constructed within the access handle of proposed Lot 3, from Two Chain Road to the main body of proposed Lot 3. The access road must be constructed to a gravel all-weather standard, to the satisfaction of Council's delegated officer.

4.2 Roadworks – External Construction - Two Chain Road

Two Chain Road between chainage 560m to 600m must be constructed to Rural Road gravel <100VPD standard, with improved vertical and horizontal alignments in accordance with FNQROC Development Manual Standards to the satisfaction of Council's delegated officer.

These road works must be designed and certified by a RPEQ (Civil Engineer).

Prior to works commencing, plans for the works described above must be approved as part of an Operational Works Application.

Advice:

Council officers have concerns with this section of Two Chain Road, immediately to the east of the One Mile Creek crossing. This section of road contains a steep crest and sudden "S" bend that could potentially be a safety issue for road users, particularly considering the additional vehicle traffic associated with the creation of two additional lots serviced from Two Chain Road.

DECISION NOTICE - APPROVAL

5

7 December 2015

4.3 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.4 Landslide

For any new buildings on a slope of 15% or greater, the land owner must provide site-specific geo-technical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- The long term stability of the development site; and
- The development site will not be adversely affected by landslide activity originating on sloping land above the development site.

4.5 On-Site Wastewater Management

At the time of construction of a new dwelling on Lot 1, 2 or 3, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

5. Additional Payment Condition (section 650 of the Sustainable Planning Act 2009)

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay \$46,762.00 as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
 - The trunk transport network servicing the land (\$46,762.00)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
 - Discuss with Council's delegated officer the part of the works to be undertaken;

DECISION NOTICE - APPROVAL6
7 December 2015

- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

5.6 The value, as agreed by Council's delegated officer, of the external works required under Condition 4.2 will be credited towards the additional payment required under Condition 5.2. Any credit will not exceed \$46,762.00.

(B) ASSESSMENT MANAGER'S ADVICE

(a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(c) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(d) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(e) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- conditions regarding bushfire management
- an approved bushfire management plan
- conditions regarding slope
- flood immunity

DECISION NOTICE - APPROVAL

 7
 7 December 2015

- At the time of dwelling construction a 22,500L rainwater tank is to be provided in accordance with the Dwelling House Code to the satisfaction of Council's delegated officer
- An on-site effluent disposal system must be constructed in accordance with an approved site and soil evaluation report

(f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au.

(g) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

7. IDAS referral agencies –

The application did not require referral to any Referral Agency.

8. Approved Plans

The approved plans and/or documents for this development approval are listed in the following table.

Plan/Document Number	Plan/Document Title	Prepared by	Dated
n/a	Reconfiguring a Lot Layout 1	M Prien	n/a
n/a	Reconfiguring a Lot Layout 2	M Prien	n/a

9. When approval lapses if development not started (s341)

This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

- Reconfiguring a Lot requiring Operational Works – four (4) years (starting the day the approval takes effect);

DECISION NOTICE - APPROVAL8
7 December 2015

If there is one (1) or more subsequent related approvals for a development approval for a Material Change of Use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

10. Appeal rights –***Applicant may make representations about decision***

The applicant may make written representations to the assessment manager about: -

- (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- (b) the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

Attachment 2 is an extract from SPA which contains details regarding making representations about the decision.

Appeals by applicants

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Appeals by submitters

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

DECISION NOTICE - APPROVAL9
7 December 2015

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Attachment 3 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

11. When the development approval takes effect –

This development approval takes effect –

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

OR

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

Should you require any further information please contact Council's **Senior Planner Brian Millard** on the above telephone number.

Yours faithfully

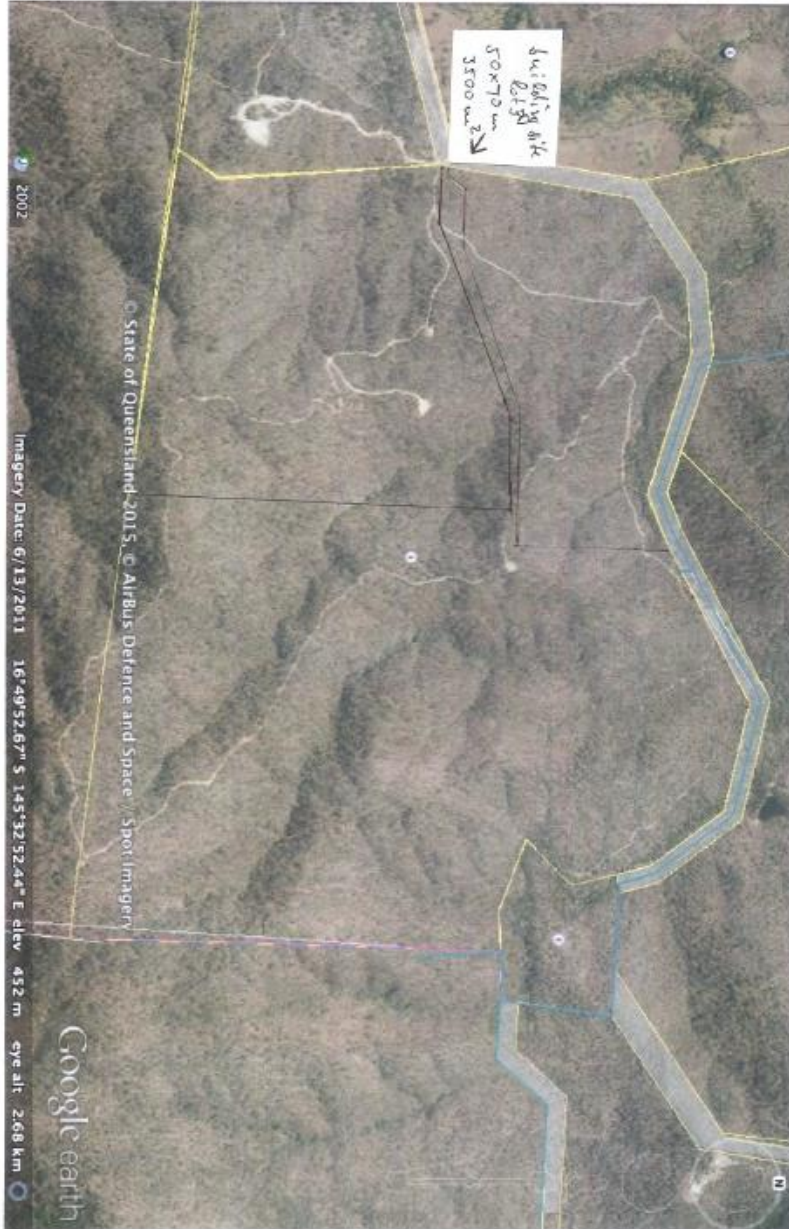
BRIAN MILLARD
SENIOR PLANNER

Enclosures: Attachment 1 - Approved Plans of Development
Attachment 2 - SPA Extract - Making Representations about Decision
Attachment 3 - SPA Extract on Appeal Rights

DECISION NOTICE - APPROVAL

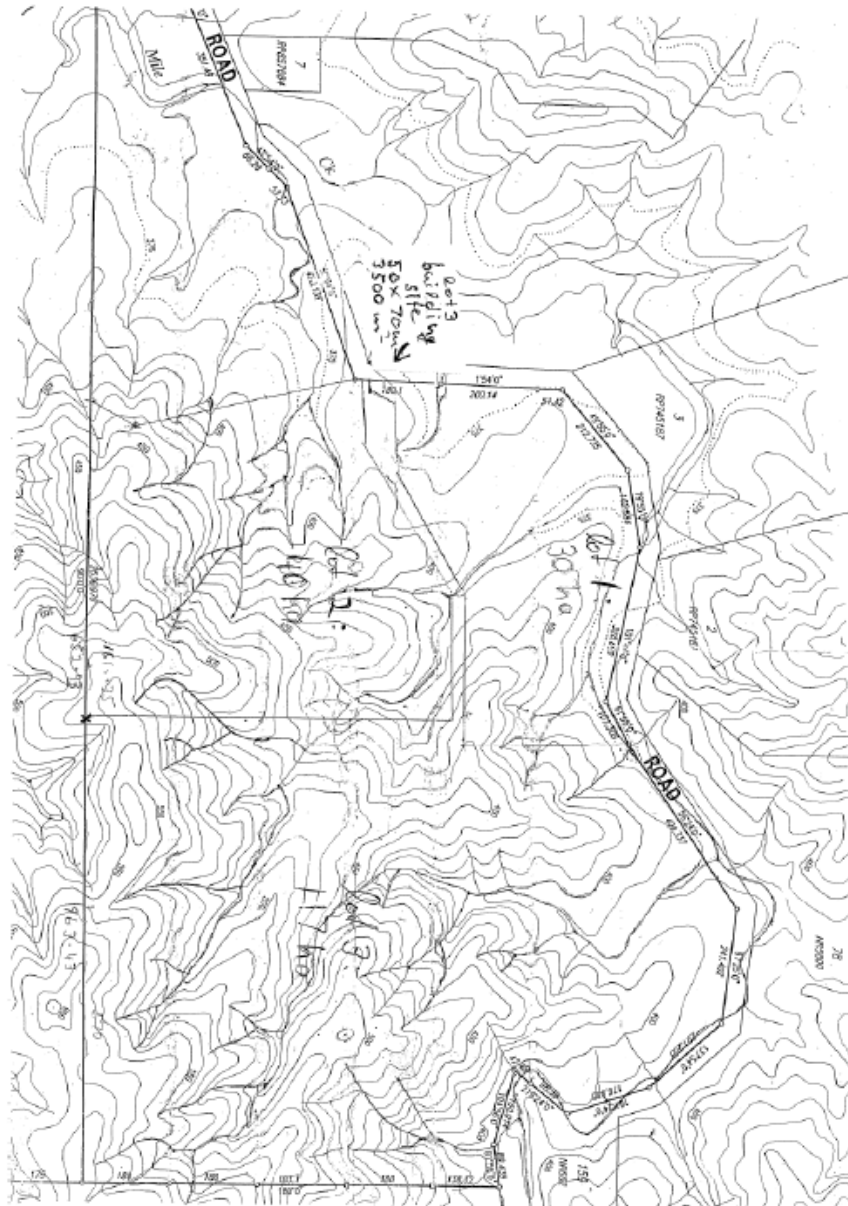
10
7 December 2015

ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (ECM VS 3739834)



RESOLUTION 15/1578

7 December 2015



Mareeba Shire Council

ATTACHMENT 2 - MAKING REPRESENTATIONS ABOUT DECISION**PART 8 - DEALING WITH DECISION NOTICES AND APPROVALS****DIVISION 1 CHANGING DECISION NOTICES AND APPROVALS DURING APPLICANT'S APPEAL PERIOD****360 APPLICATION OF DIV 1**

This division applies only during the applicant's appeal period.

361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS

The assessment manager must consider any representations made to the assessment manager under section 361.

363 DECISION ABOUT REPRESENTATIONS

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (**the negotiated decision notice**) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—
 - (i) the decision notice previously given; or

DECISION NOTICE - APPROVAL13
7 December 2015

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 GIVING NEW INFRASTRUCTURE CHARGES NOTICE OR REGULATED INFRASTRUCTURE CHARGES NOTICE

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.

365 GIVING NEW REGULATED STATE INFRASTRUCTURE CHARGES NOTICE

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.
- (2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.

366 APPLICANT MAY SUSPEND APPLICANT'S APPEAL PERIOD

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
 - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

ATTACHMENT 3 - APPEAL RIGHTS**DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS****461 APPEALS BY APPLICANTS**

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 APPEALS BY SUBMITTERS—GENERAL

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

DECISION NOTICE - APPROVAL15
7 December 2015**463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).

464 APPEALS BY ADVICE AGENCY SUBMITTERS

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

ATTACHMENT 2



DA/15/0049
P URP - ROL
IT URP.

To the Mareeba Shire Council
c/o Mr. Brian Millard
town planning

M.Prein
P.O.Box 721
Cairns
123 Fantin rd
Koah

reg: request a negotiated decision notice
5.1.16

Dear Sir
regarding the subdivision approval of my lot 101 on Fantin rd, I'd like to revisit condition 5.2 regarding the \$46,762.00 contribution towards trunk infrastructure.

At the pre-application meeting it was pointed out to me that the council may charge me that amount as my part of the cost of sealing two chain rd with bitumen .The residual was approx. \$240 000.00.

Since the minimum size for a subdivision in that area has gone up from 30 to 60 ha, there will be no more subdivisions in the foreseeable future since the lots are too small, and it's unreasonable to expect the council to pay the additional \$240 000.00 for bitumen.

So since there will be no bitumen on two chain rd I'd like to renegotiate this contribution. I understand that the standard contribution is \$5000.00 per lot, which would be \$10 000. 00 in my case. So if it would be anything in that vicinity, it would make a big difference to me.

Thank you for considering me request,

with kind regards,

ITEM-2 APPLICATION FOR DIVERSIFICATION OF PASTORAL HOLDING NO. 9/5129 - PART OF LOT 20 ON HG725

MEETING: Ordinary

MEETING DATE: 3 February 2016

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

Application has been made to the Department of Natural Resources and Mines (DNRM) for the diversification of Pastoral Holding No. 9/5129 over land described as part of Lot 20 on HG725, Parish of Thornborough, situated in the vicinity of Mount Mulligan.

Under Pastoral Holding No. 9/5129, the subject land is currently used for agricultural/primary production purposes. The application proposes to add the new purpose of low key tourism.

DNRM seeks Council's views on the inclusion of the additional purpose and also whether Council has knowledge of any local non-indigenous cultural heritage values associated with the land.

OFFICER'S RECOMMENDATION

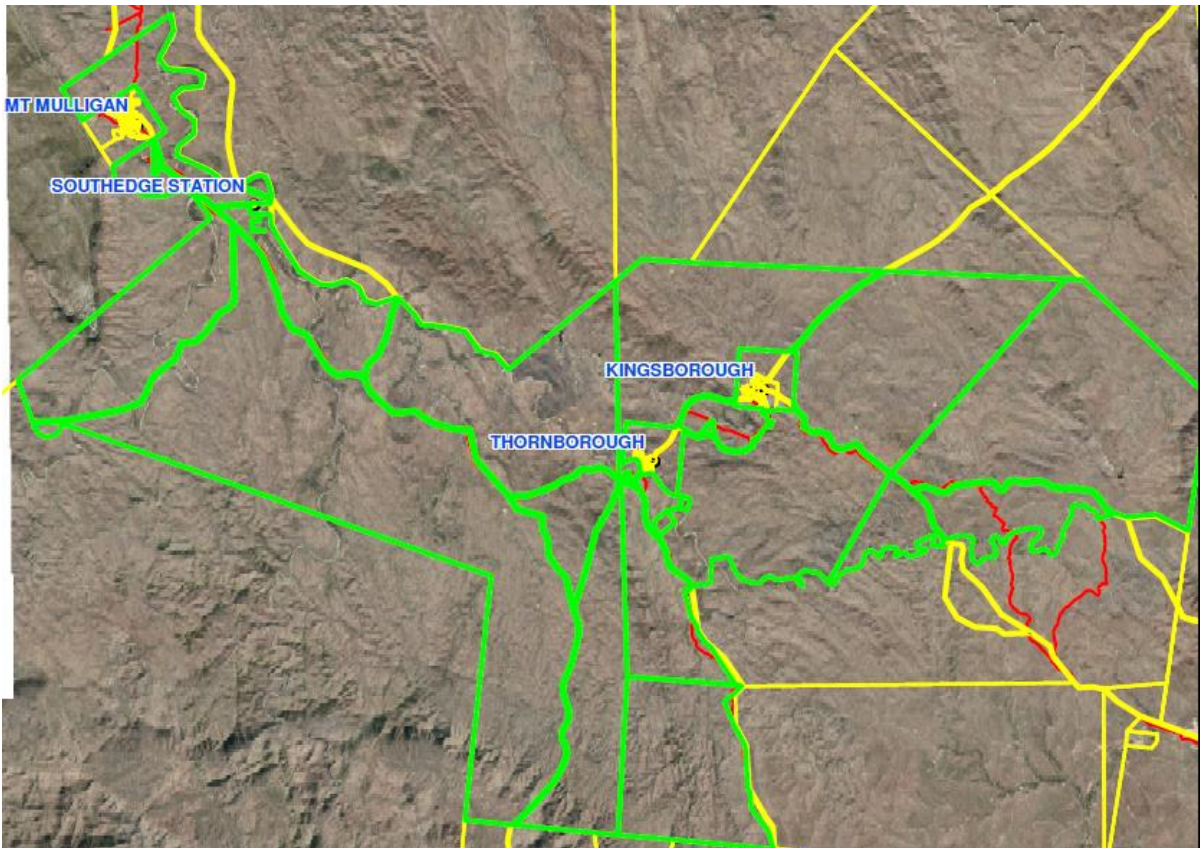
"That Council offer no objection to the inclusion of the additional purpose of low key tourism on Pastoral Holding No. 9/5129 over land described as part of Lot 20 on HG725, Parish of Thornborough and advise the Department of Natural Resources and Mines that Mount Mulligan township and mine is listed as a Local Heritage Place under the draft Mareeba Shire Planning Scheme.

Further, the lessee should be advised that low key tourism may require development approval under the Mareeba Shire Planning Scheme."

BACKGROUND

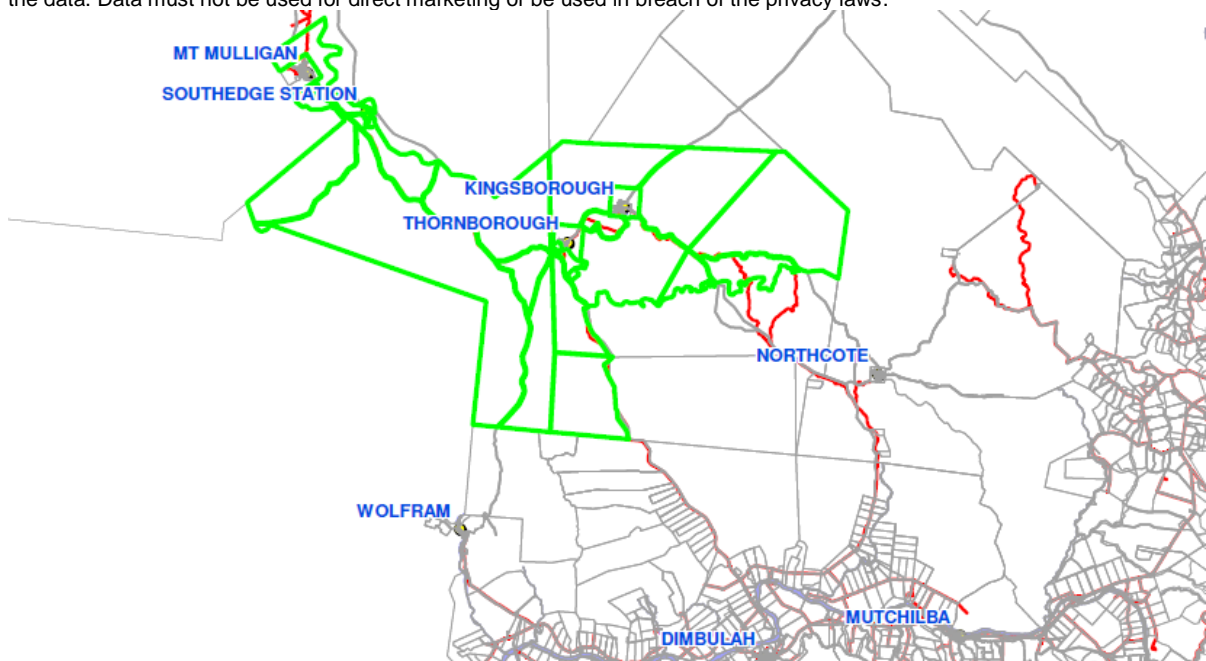
DNRM is currently considering an application for the inclusion of an additional purpose (low key tourism) on Pastoral Holding No. 9/5129 over land described as part of Lot 20 on HG725, Parish of Thornborough.

Lot 20 on HG725 has an area of 26,700 hectares and is situated north north-west of Dimbulah, surrounding the townships of Mount Mulligan, Kingsborough and Thornborough.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

Under Pastoral Holding No. 9/5129, the subject land is currently used for agricultural/primary production purposes. The application proposes to add the new purpose of low key tourism.

DNRM seeks Council's views on the inclusion of the additional purpose and also whether Council has knowledge of any local non-indigenous cultural heritage values associated with the land.

LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal

Nil

External

Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

The subject land is zoned Rural under the Mareeba Shire Planning Scheme 2004.

Development of low key tourism activities on the subject land is likely to be assessable development under the Mareeba Shire Planning Scheme.

The subject land adjoins the Mount Mulligan township. Mount Mulligan township and mine is listed as a Local Heritage Place under the draft Mareeba Shire Planning Scheme (**Attachment 2**).

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

Is the expenditure noted above included in the 2015/2016 budget?

Nil

If not you must recommend how the budget can be amended to accommodate the expenditure

Nil

IMPLEMENTATION/COMMUNICATION

The Department of Natural Resources and Mines will be informed of Council's decision by letter.

ATTACHMENTS

1. Department of Natural Resources and Mines letter dated 13 January 2016.

Date Prepared: 18 January 2016

ATTACHMENT 1Department of
Natural Resources and Mines

Author: Sharelle Jones
File / Ref number: 2015/007490
Directorate / Unit: State Land Asset Management
Phone: (07) 4095 7025

13 January 2016

The Chief Executive Officer
Mareeba Shire Council
Email to: info@msc.qld.gov.au

Dear Sir/Madam

APPLICATION FOR DIVERSIFICATION OF PASTORAL HOLDING NO. 9/5129, BEING PART OF LOT 20 ON HG725

The department has received the above application. The proposed use of the land is as currently being used (agricultural/primary production purposes), with the added sub-purpose of Low Key Tourism.

Copies of documents supporting the application are enclosed for your information. The enclosed Smartmap shows the subject land and the surrounding locality.

Please advise the department of your views or requirements including any local non-indigenous cultural heritage values that the department should consider when assessing this application.

Objections to the application, and any views or requirements that may affect the future use of the land should be received by close of business on **11 March 2016**. If you offer an objection to the application, a full explanation stating the reason for the objection should be forwarded to this Office.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. An extension to this due date will only be granted in exceptional circumstances.

If a response is not received by the due date and no alternative arrangements have been made, it will be assumed you have no objections or requirements in relation to this matter.

Postal :
DNRM Atherton
PO Box 5318
Townsville
4810 QLD

Telephone : (07) 4095 7025
Fax: (07) 4447 9199

This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

If you wish to discuss this matter please contact Sharelle Jones, Land Administration Officer on PH: (07) 4095 7025.

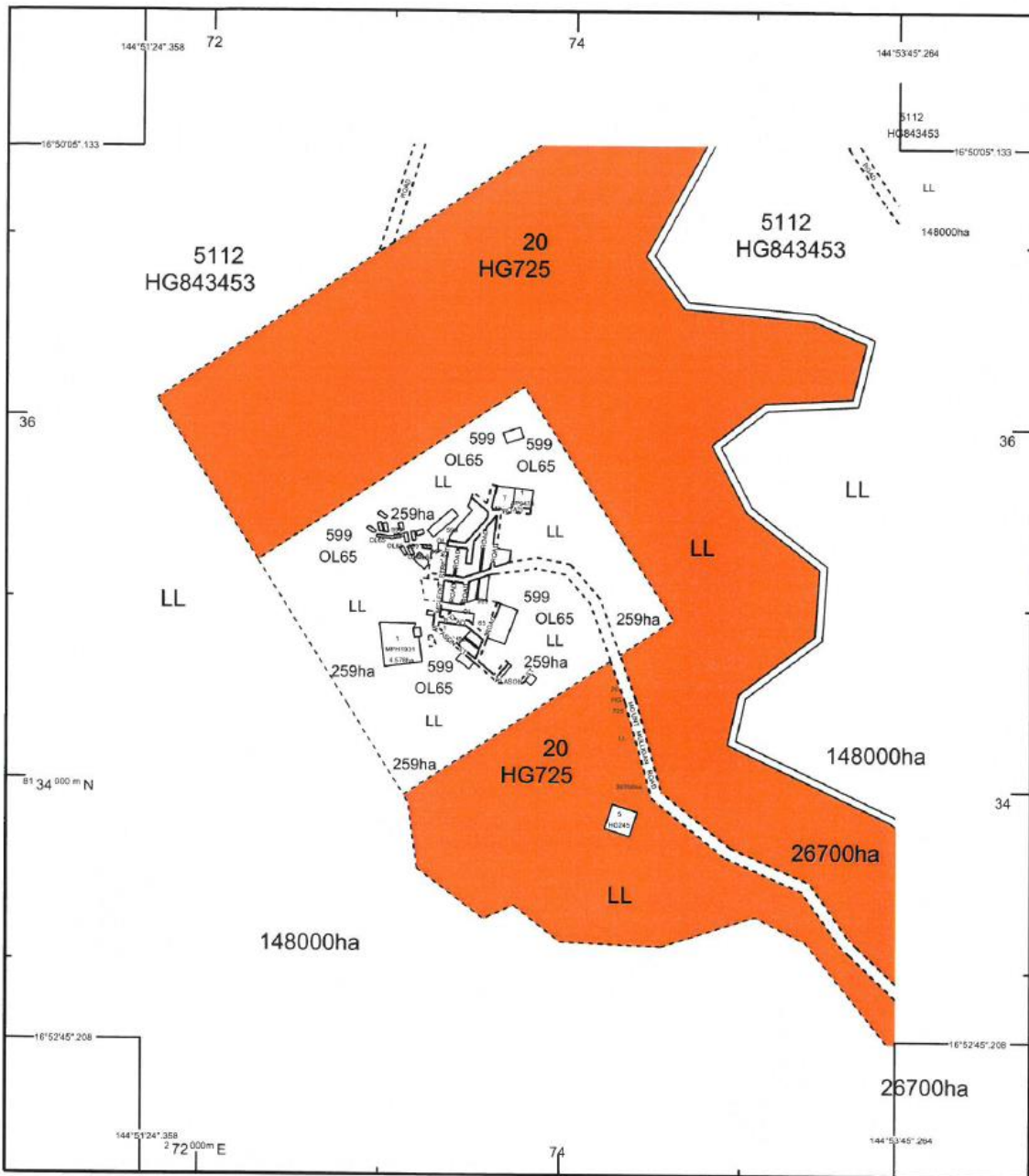
All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Townsville.SLAMS@dnrm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2015/007490 in any future correspondence.

Yours sincerely



Sharelle Jones
Land Administration Officer
State Land Asset Management
Service Delivery - North Region



STANDARD MAP NUMBER
7864-21334



MAP WINDOW POSITION & NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	No Lot/Plan Selected
Area/Volume	No Lot/Plan Selected
Tenure	No Lot/Plan Selected
Local Government	No Lot/Plan Selected
Locality	No Lot/Plan Selected
Segment/Parcel	No Lot/Plan Selected

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 13/01/2016
For additional information regarding this SmartMap see page 2. Shading Rules have been applied.

DCDB 12/01/2016 (Lots with an area less than 1,000ha are not shown)

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the information and should seek independent professional advice in relation to dealings with property.

Despite Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representations or warranties in relation to the Information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the Information.

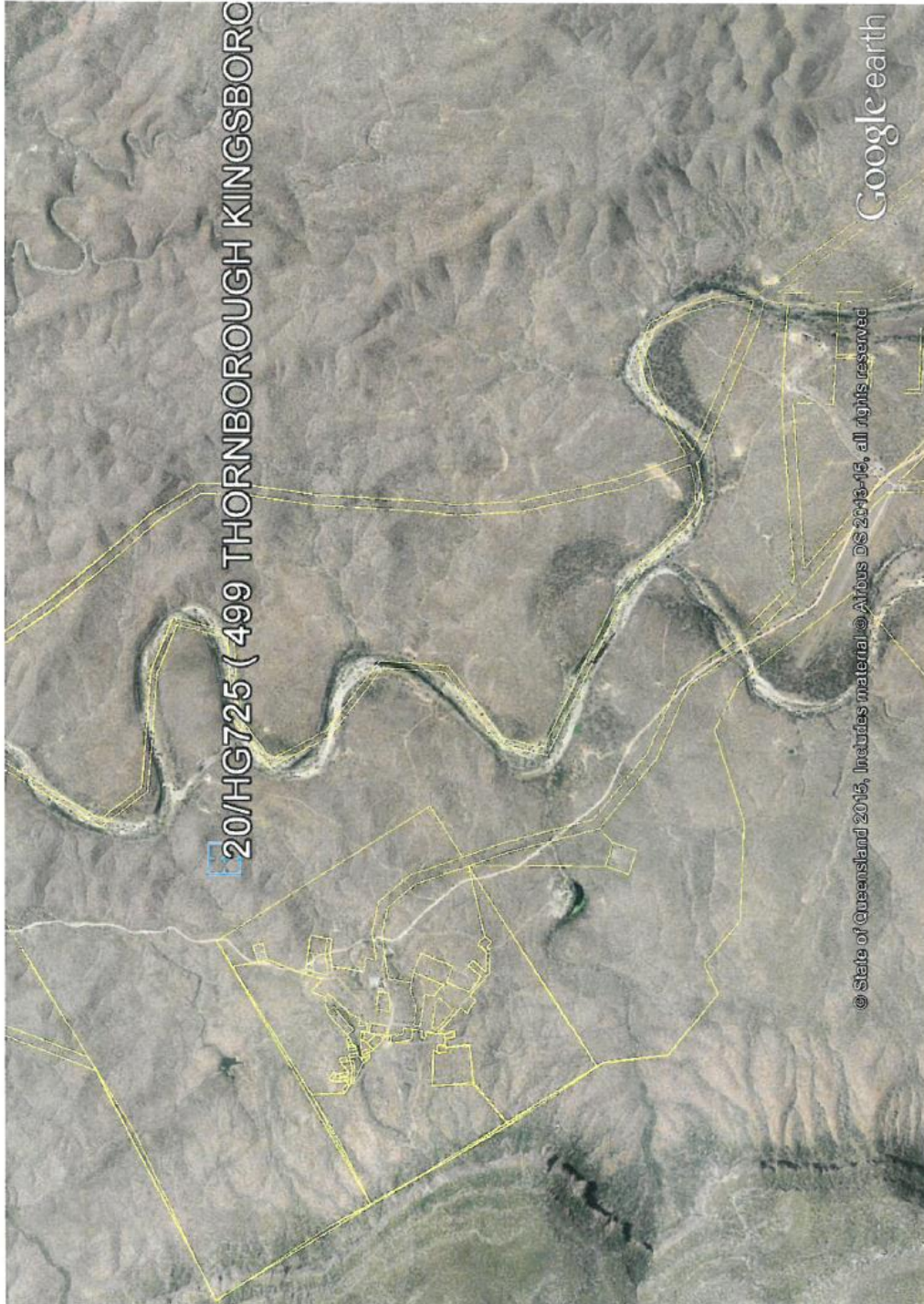
For further information on SmartMap products visit <http://www.qld.gov.au/property/mapping/bim/map>



An External Product of SmartMap Information Services
Based upon an extraction from the Digital Cadastral Data Base



(c) The State of Queensland, (Department of Natural Resources and Mines) 2016.





2000
600

feet
meters



ATTACHMENT 2
DRAFT
LOCAL HERITAGE PLACES
7.16 Mount Mulligan Locality
7.16.1. Mount Mulligan Mine and Township

Map Index: MUL01

Address: Mount Mulligan Road - Approximately 60km WNW of Mareeba

Property Description: The area encompassed by the outer boundary of OL065; which includes the following lots: Lot 77 on MPH14335, Lot 3 on MPH25170, Lot 82 on MPH14335, Lot 36 on MPH14335, Lot 303 on M6494, Lot 301 on M6494, Lot 208 on M6494, Lot 2 on MPH14335, Lot 14 on MPH 14335, Lot 2 on MPH25170, Lot 406 on M6494, Lot 605 on M6494, Lot 599 on OL65, Lot 6 on MPH3396, Lot 1093 on MPH14335, Lot 1106 on MPH1935, Lot 599 on OL65, Lot 1071 on MPH14335, Lot 64 on MPH25175, Lot 1 on MPH1931, Lot 2 on AP9474, Lot 202 on M6494, Lot 69 on MPH25175, Lot 21 on MPH14335, Lot 19 on MPH14335, Lot 1 on MPH14335, Lot 312 on M6494, Lot 212 on M6494, Lot 73 on MPH25175, Lot 12 on MPH 14335, Lot 10 on MPH14335, Lot 16 on M6493, Lot 413 on M6494, Lot 415 on M6494, Lot 417 on M6494, Lot 508 on M6494, Lot 3 on M6497, Lot 1 on M6494, Lot 1 on MPH33396, Lot 1302 on MPH25175, Lot 58 on MPH25175, Lot 78 on MPH25175, Lot 37 on 14335, Lot 4 on HG203, Lot 307 on M6494, Lot 307 on M6494, Lot 309 on M6494, Lot 209 on M6494, Lot 15 on MPH14335, Lot 211 on M6494, Lot 13 on MPH14335, Lot 504 on M6494, Lot 405 on M6494, Lot 11 on MPH14335, Lot 7 on MPH25170, Lot 414 on M6494, Lot 14 on M6493, Lot 3 on M6496, Lot 5 on MPH25176, Lot 1072 on MPH14335, Lot 1312 on MPH25175, Lot 34 on MPH14335, Lot 1336 on MPH 25175, Lot 302 on M6494, Lot 207 on M6494, Lot 304 on M6494, Lot 201 on M6494, Lot 210 on M6494, Lot 1 on MPH25170, Lot 16 on MPH14335, Lot 8 on MPH14335, Lot 501 on M6494, Lot 10 on M6493, Lot 11 on M6493, Lot 19 on M6494, Lot 12 on MPH25176, Lot 507 on M6494, Lot 509 on M6494, Lot 3 on MPH25176, Lot 72 on MPH25175, Lot 1095 on MPH14335, Lot 31 on MPH14335, Lot 32 on MPH14335, Lot 8 on MPH25170, Lot 305 on M6494, Lot 18 on MPH14335, Lot 214 on M6494, Lot 502 on M6494, Lot 404 on M6494, Lot 511 on M6494, Lot 4 on M6494, Lot 2 on MPH25176, Lot 38 on MPH14335, Lot 308 on M6494, Lot 22 on MPH14335, Lot 205 on M6494, Lot 203 on M6494, Lot 3 on MPH14335, Lot 17 on MPH14335, Lot 7 on MPH14335, Lot 21 on M6499, Lot 408 on M6494, Lot 503 on M6494, Lot 1 on M6493, Lot 17 on M6493, Lot 409 on M6494, Lot 5 on MPH3396, Lot 412 on M6494, Lot 510 on M6494, Lot 13 on MPH25176, Lot 1 on MPH3395, Lot 1 on MPH25176, Lot 1 on AP9474, Lot 1317 on MPH25175, Lot 1084 on MPH14335, Lot 1097 on MPH14335, Lot 42 on MPH14335, Lot 35 on MPH14335, Lot 801 on M6494, Lot 1309 on MPH25175, Lot 206 on M6494, Lot 310 on M6494, Lot 311 on M6494, Lot 4 on MPH14335, Lot 407 on M6494, Lot 6 on MPH25170, Lot 9 on M6493, Lot 410 on M6494, Lot 5 on M6494, Lot 70 on MPH25175, Lot 63 on MPH25175, Lot 33 on MPH14335, Lot 6 on M6494, Lot 3 on AP9474, Lot 39 on MPH14335, Lot 204 on MPH6494, Lot 20 on MPH14335, Lot 213 on M6494, Lot 6 on MPH14335, Lot 9 on MPH14335, Lot 403 on M6494, Lot 401 on M6494, Lot 505 on M6494, Lot 4 on MPH3396, Lot 2 on MPH3396, Lot 411 on M6494, Lot 416 on M6494, Lot 418 on M6494, Lot 15 on M6493, Lot 2 on M6496, Lot 7 on M6498, Lot 3 on MPH3396. Plus road reserves within the area including but not limited to Wason, McLeod and Harris Streets.

Physical Condition: Ranging from poor to good

Year Started: 1914 **Year Completed:** 1958

SCHEDULE 7**DRAFT**

Satisfies Significance Criterion: A, B, C, D & E **Tenure:** Various

Statement of Significance: Mount Mulligan Mine and Township is significant as a key component of the Chillagoe Company, which played an important role in the historical development of the greater Dimbulah District. The determination of the company to pursue a marginal coal mine reflects the importance of coal as an energy source for north Queensland mining operations and the desirability of securing a local source.

The township is significant through its direct association with the worst mining disaster in Queensland history when 75 miners died.

The place is important in demonstrating the pattern of Queensland's history as the earliest and longest-surviving State-owned mining settlement in Queensland. The Labor Governments' state enterprises policy had a major impact in the early to mid twentieth century in a number of industries, including mining.

The township is significant in Queensland history through direct association with the only coal mining operation in Far North Queensland. Despite its overall failings, the colliery was also regarded as one of the largest and most sophisticated to be constructed in Australia at the time, particularly with regard to the design of the coke ovens, the endless ropeway electric haulage system, and the use of electrical powered equipment underground.

The township is significant as the location of the longest operating co-operative mining settlement in Queensland established through the State Branch of the Colliery Employee's Union (criterion A).

The brick kiln is significant through the intactness of its fabric and as the only example of its design to have survived in North Queensland (criterion B).

The township is significant because of its extensive archaeological features that provide evidence of an isolated community of waged miners, occupied entirely with coal mining. Everyday activities of the former community remain evident throughout the site and although there has been some disturbance of large historical community rubbish dumps, the size and relative isolation of the township has ensured a substantial degree of overall archaeological integrity.

The mine shafts and remnant infrastructure cover the spectrum of the mine's operation and have the potential to answer questions on the development of coal mining operations in north Queensland during the first half of the twentieth century. For example, extant early elements such as the open air explosives store contrast with the substantial ruins of the firebrick explosives store and cableway (criterion C).

The hospital is a significant example of a small general hospital, built with minor variations to standard Public Works Department specifications. The surviving building demonstrates evolutions occurring in inter-war hospital design and functions during the 1920s and 1930s, in response to new legislation that signalled a shift in community attitudes to health and child-care (criterion D).

The close physical proximity of the mine, railway and township to the mountain is visually dramatic and highly evocative; reinforcing the sense of isolation (criterion E).

Local History: Mount Mulligan was a small coal-mining community that existed between 1914 and 1958. The mine was established as a cheaper, local source of fuel, especially for the extensive Chillagoe Company facilities and the far north Queensland rail network. The town achieved notoriety on 19 September 1921 when 75 miners lost their lives in a coal dust explosion. The mine was worked mainly by the Chillagoe Company until 1923 when the Queensland Government took over, eventually passing it to the local Union on tribute from the State Government.

DRAFT**LOCAL HERITAGE PLACES**

Kuku Djungan traditional owners knew Mount Mulligan as Nurrabullgin (or Ngarrabullgan), but it was officially named after the famous north Queensland prospector James Venture Mulligan, whose party camped beside the bluff in 1874. Between 1873 and 1880, Mulligan discovered two major North Queensland gold fields - the Palmer and the Hodgkinson - and a number of lesser tin and silver deposits.

Samples of coal were discovered in 1907 by Bill Harris, a resident of the mining settlement of Woodville, while prospecting for gemstones in the gorge of Richards Creek at Mount Mulligan. John Moffat's Irvinebank Company undertook initial prospecting leases in 1907, followed by J.S. Reid's Chillagoe Company in 1910. Initial exploration was also executed by several small local syndicates.

From 1907 to 1911, the Chillagoe Company conducted its operations on a narrow profit margin subject to fluctuations in lead and copper prices - by 1911 the company was grossly overcapitalised. In an attempt to solve its problems, the company approached the government for assistance while developing a colliery and coke works at Mount Mulligan in the search for cheaper fuel.

Government geologist L.C. Ball was sent to Mount Mulligan in 1911 to carry out an extensive survey of the coal deposits. He concluded that the future of the field depended wholly on the construction of a railway from Mount Mulligan to connect with the Chillagoe line. In 1912 the government agreed to build a railway from Dimbulah to Mount Mulligan. As construction proceeded, the cost was to be reimbursed by the Chillagoe Company, who were in turn required to provide Queensland Railways' coal requirements on the Cairns - Mareeba line. To finance the railway, the Chillagoe Company underwent reconstruction in March 1913. The company was liquidated and its assets passed to Chillagoe Limited. James Watson was appointed General Manager of the Mount Mulligan operations in 1914. Chillagoe Limited was lavish in their capital expenditure for Mount Mulligan, installing innovative and sophisticated equipment and machinery.

With the development of the mine, a township was surveyed and land sold at auction at Thornborough court house in April 1914. Early conditions had been rough and included the use of some rock shelters for accommodation. However, these were replaced by tents and iron huts that spreading across the town reserve. More substantial public establishments such as stores and hotels were soon followed, in addition to essential infrastructure such as a brick-making plant and a dam, which was constructed on top of the mountain.

In April 1914, the Mount Mulligan Progress Association instructed the police to remove the Aboriginal community who lived on waterholes at the base of the mountain, near the township. Instructions were to relocate them some distance away to the Hodgkinson Valley below the township of Woodville.

The railway arrived in the township in August 1914, but the Mount Mulligan mine had already closed due to a lack of operating funds within the Chillagoe Company. Government pressure on the Chillagoe Company to fulfil its obligation to supply railway coal lead to the reopening of Mount Mulligan in 1915. Work began on a coking plant and a ventilation plant was installed in No. 3 mine adit. The town was reoccupied and a school opened using a building relocated from nearby Gilmore. Another disused building, initially erected for construction of the railway, was used as a temporary hospital. According to the medical conventions of the day, it was located on high on the margins of the township to facilitate exposure to the healing properties of fresh air. Despite subsequent calls for a more substantial hospital facility, the building continued to be used for about twenty years, the only addition being a detached wooden maternity ward in 1924.

In September 1915, Chillagoe Limited acquired John Moffat's Mount Mulligan leases, giving the company full control of the coal bearing area. The general manager, Watson, installed mechanical coal cutters in 1919 in an effort to reduce the dependence on manpower in an era of labour scarcity caused by the war. A disadvantage of this system was they greatly increased the amount of coal dust in the mine.

SCHEDULE 7**DRAFT**

The Ryan Labor government was elected in 1915 and began negotiations for the purchase of the Chillagoe Smelters as a State Enterprise, encouraged by a wartime rise in the demand for copper and lead. Following several defeats in the Legislative Council, the Chillagoe and Etheridge Railway Bill finally received assent in November 1918, four days after the end of the war and the wartime need for copper and lead. The Act also provided for development of Mount Mulligan mine, which by 1920, was regarded as one of the largest and most sophisticated to be constructed in Australia at the time, particularly with regard to the design of the coke ovens, the endless ropeway electric haulage system, and the use of electrical powered equipment underground.

By the early 1920's Mount Mulligan Township had a population of approximately 350 people, and important social infrastructure such as a school and church; although no resident clergy. A moderate sized settlement for the district, the town continued to support two hotels and six stores; there were also regular picture shows. However, Mount Mulligan remained an isolated and marginal community. Transport in and out of the town was solely by rail and when a cyclone caused extensive damage to the town in February 1920, some key civic facilities, such as the church, were not replaced for thirty years.

Despite the isolation of the site and ownership of mine by the state, broader social divisions were also strongly maintained within the township. Mine officials occupied substantial houses on the slopes of the mountain, while miners were housed in simple iron roofed timber frame dwellings, corrugated iron huts, or tents. The substantial houses located to the east became known as 'snob hill' [sic]. Even those houses on wooden stumps along Wason Street were known as 'Jews' Alley' [sic], as anyone in Mount Mulligan who owned a house on stumps clad in corrugated iron before the 1950s, was considered affluent. Even patronage at the 'top and bottom pubs' were closely linked to perceived stature within the township.

The town achieved notoriety when at 9.25 am on 19 September 1921 a coal dust explosion killed all 75 men working underground at the time; this represented approximately twenty percent of the population of the township and devastating the community. It was (and still is) the third highest death toll from a coal mining disaster in Australia, and the highest ever in Queensland. The cause of the detonation and source of the explosion remain inconclusive. Recovery of the bodies was delayed by the existence of poisonous 'afterdamp gas' - all but one were removed by Friday 23 September, the last was discovered five months later. These victims of the disaster were the first to be buried in the cemetery, which had been established only months before. Ironically, the cemetery site had been prepared by some of the 75 miners who died during the explosion. Graves were initially defined with stone rubble borders and identified by a name painted on a small iron marker.

On 23 September 1921, E.G. Theodore, Premier of Queensland, established a Royal Commission to "Inquire into and report on the recent disaster at Mount Mulligan Coal Mine and also into the methods of mining carried on at such mine and further to make recommendations as may tend to prevent the recurrence of accidents of a like nature". The report, produced on 2 December 1921, attributed the cause of the explosion to unsatisfactory work procedures and poor supervision. The Commission was highly critical of the disregard for safety shown in the administration of the mine.

The mine suffered only superficial damage from the explosion and reopened for production early in 1922. The coke-works were successfully fired in August 1922, with the first consignment railed to the Chillagoe smelters in September.

The Mount Mulligan disaster precipitated the financial collapse of the last remnants of the Chillagoe Company's empire. In July 1923 the mine was taken over by the State. The government immediately commenced underground and surface re-development. The mine operations were found to be inefficient and the coal of poor quality, unsuitable on the whole for coking. The coke works were dismantled in 1925 and production declined steadily.

The state's acquisition of the mine coincided with the civil peak of the Mount Mulligan community. The population continued to grow, as evidenced by the school's enrolment, which climbed to 138 pupils by 1928. The increasing role of government in public health and

DRAFT**LOCAL HERITAGE PLACES**

the passage of the Maternity Act in 1922 also facilitated the erection of new maternity facility at Mount Mulligan Hospital; although the community argued it would have preferred a new general hospital as most women had their babies at home.

In February 1927 the Chillagoe State Smelters closed. Part of the network of interdependent mining facilities operating within the district, its closure was a serious blow to Mount Mulligan. The official reason for the closure was "difficulties" in the smelter's management, but the later Mungana Inquiry (1930) exposed corrupt financial practices, that also encompassed aspects of the Mount Mulligan operation.

The mine was subsequently operated by the local union 'on tribute' from the state government from 1929 - 1947. Maintenance and marketing problems continued to plague the operation, with the mine flooding each wet season. Production and population decline during this period, with most of the retained miners being married men with families. In 1937 the tributers took further steps to address the outlook of mine, undertaking a major redevelopment with the opening of a new No 5 adit. A new mine, the King Cole, was opened by Tableland Tin Dredging NL to obtain fuel for its steam dredge. Much of the surface plant at Mount Mulligan was also updated in the early 1950s.

Improvements also occurred in the township during the Union's operation of the mine. A new general hospital was erected in 1937 on level ground along the eastern end of Harris Street. The lots had been specifically acquired for the purpose and enabled the 1924 maternity ward to be relocated from near the cemetery and established as a semi-detached ward. Another semi-detached building containing the nurses quarters was erected at the rear of the group. The provision of general hospitals to regional communities in Queensland was spurred by the Australian Labor Party's ambition to nationalise the health system. The passage of the Hospitals Act in 1923 and the establishment of the Hospital Board system led to the rapid expansion of public health facilities in Queensland from 1920-1940.

Mount Mulligan was part of the Mareeba Hospital Board and its new facility was, very typical of the Queensland adaption of the 'pavilion style' hospital. Typical features of small regional hospitals at this time were a single storey timber and tin building, which used wide verandahs and breezeways to control heat. Unable to provide separate pavilions for males and females, the larger wards were separated by smaller rooms for private patients and medical staff. Ablutions and domestic facilities were in semi-detached structures to the rear. Even in the latter years, public investment continued within Mount Mulligan. A Roman Catholic Church was erected 30 years after the previous church was destroyed in a cyclone. A connecting road to Dimbulah was established and diesel generators were installed for domestic electrical supply. A new change house for the miners was also built in 1952. However, the future of the township and mine were essentially sealed that same year when Queensland Railways, the mine's biggest customer, began using diesel locomotives. The final blows occurred in 1957 when both the King Cole Mine and main shaft closed; the former due to structural instability and the latter because of subsidence and ventilation difficulties. The operation had always been marginal and when the move to diesel became clear further investment to address the issues became unfeasible.

The mine plant was taken to Collinsville, and many of the miners followed. Businesses and houses were railed to Cairns and in 1958 the town was completely abandoned. Only the hospital, purchased as the homestead for Mount Mulligan cattle property, still stands in the town.

Physical Description: The entire site is dominated by the Mount Mulligan escarpment, which runs approximately north-west/south-east. An extensive site, it contains both built remnants and archaeological features. The built features include the intact hospital, chimney, brick kiln, and cemetery. There are also the recognisable ruins of the mine entrance, fan shaft, two explosives magazines, power plant, bath-house, playing fields and coke-works. The more archaeological features include remnants of the ropeway, machinery, building foundations (for a variety of sites including the tippler, commercial premises, public venues and residents), railway formations, culverts, public dumps, and domestic refuse.

SCHEDULE 7**DRAFT**

The main mine entry (No. 2 Adit) is located at the base of the eastern side of the escarpment. The location of the mining infrastructure and the township itself was determined by the location of the adit. Mining infrastructure and housing spreads out roughly 180° towards the east from the mine shaft, although the main colliery infrastructure is concentrated around the former ropeway formation that extends out in a north-easterly direction from the main tunnel. The railway formation extends roughly north-south to bisect the town, with the majority of the domestic and commercial districts located on its eastern side. The cemetery is located at the top of the north-eastern quarter of the township.

The archaeological remains of the Mount Mulligan Township and Mine are organised into three main categories:

1. The mine and associated infrastructure.
2. The township.
3. The cemetery.

Mine and Associated Infrastructure: Remains of the mine's surface infrastructure are spread over a wide area extending from the pit head at the base of the Mount Mulligan escarpment to the colliery treatment and loading facilities 500 metres away at the railway siding. The mine and treatment plant were connected by an endless ropeway formation along which are the remains of associated buildings. The main tunnel which figured in the 1921 explosion (formerly No 2 Adit) has become sodden and heavily vegetated near the entrance, which is partly blocked by a rock slip. The entrance to No. 3 fan tunnel, located above and about 50 metres south, is encased with concrete ducting. One section contains a 1950s inscription. Approximately 50m north of the mine entry are the heavy stone remains of the original explosives magazine.

At the commencement of the ropeway near the main tunnel entrance is the concrete floor of the earlier miners' bath house with a small Cornish boiler for heating. Along the ropeway formation, steel cables and some timber sleepers are still evident. Structures evident along the gentle incline of the ropeway to the plant area include remains of a camp occupied by one of the later miners, an explosives magazine constructed with retort bricks, the floor and tiled walls of the later (1950s) bath house, stumps of the miners' boarding house, concrete surface of the dining room and the stumps of the Chillagoe Company office. This structure has later been incorporated as part of a hut. There is archaeological evidence of other camp sites throughout this area, including a hut to the north that retains a 'bottle base' decorative garden feature.

Midway along the ropeway and about 100 -150 metres south are the foundations of the mines officers' houses commencing with the concrete stumps of the (1950s) State Mine electrician's house, the garden plots and concrete steps of the mine manager's house, and the concrete surface and tank stands of the mine engineer's house. Extending 300 - 400m south of the ropeway near the southern boundary of the colliery area, are the concrete surfaces of the State Mine houses of the 1923-25 period.

Located along the length of the railway sidings are the foundations of the colliery power plant, coal preparation and coking works. Commencing from the north end of the siding, the largest building remains are the brick kiln, followed by the high form-cast concrete walls of the power house.

Adjacent to the power house are brick sections of a double Babcock boiler with a cupola roof. Standing by the siding at the ropeway terminus are the concrete pillars and headstocks that supported the weighbridge, tippler and screens. Overlooking this area is the round brick chimney constructed in 1920 for the unsuccessful coke works project. The coke preparation plant and the coke ovens were demolished in the mid-1920s and remain as broken brickwork amid large heaps of coke dust. The coke siding cutting and concrete coke loading platform survive. The concrete and brick footings of a long line of high coal stockpile bins remain evident on the eastern side of the coke siding cutting.

Main Township: The township is concentrated around four main streets, Harris, McLeod, Wason and Watson. All streets in the township remain unsealed but in recent years have

DRAFT**LOCAL HERITAGE PLACES**

been cleared of vegetation and signed to aid visitors. The intersection of Harris and McLeod Streets was the commercial centre of the township and the most intensively developed. Entry to the township is by way of an unmade crossing of Slip Creek, then up an incline to Harris Street.

At the eastern edge of Harris Street is the former hospital, the only intact and occupied building remaining in the township. It is a single storey timber structure on low wooden stumps and a corrugated iron roof. The front entrance has a decorative art-deco concrete frame built into the verandah that has Mount Mulligan Hospital embossed into the top; the word Hospital has been since partially removed and painted over. Some external components have been removed, such as the timber maternity building, which was taken to Dimbulah in 1958 and is the current Country Women's Association hall. The semi-detached former medical officer's office is extant on the western side of the main building, as is the rear utilities annex. Now occupied as a private residence, the main hospital complex is intact, although some minor alterations have been made such as the installation of modern kitchen facilities and toilet. A small number of rooms have also had internal dividing walls removed, although they can often still be read due to the survival of door frames and structural members. Decorative wooden breezeways are located above most internal doors, which are complimented by small rectangular glass windows above the external doors. French doors open onto a wide verandah around the three main facades of the central building.

From the hospital Harris Street continues in a westerly direction. On its north side are the sites of the Federal Hotel, a tennis court, a children's playground with a climbing frame, and then a billiard saloon, a haberdashery and a vegetable shop. None of the buildings survive but stumps and areas of concrete indicate their locations. The southern side of Harris Street has extant stone curbing and substantial building foundations for a house that was once a post office, a grocery store, the R.S.L. hall and Torpy's Hotel. Surviving evidence of the hotel includes concrete supports for timber verandah posts along the Harris and McLeod Street footpaths, a concrete lined cellar on the Harris and McLeod Street corner of the lot, short round timber stumps of the hotel and outbuildings, a brick copper hearth on the laundry site, and concrete surfaces of a garage shed on the McLeod Street frontage.

Along McLeod Street heading south from Torpy's Hotel are the sites of a row of commercial premises including a dance hall and picture theatre, a café, a butcher's shop, and a bakery. Some of these premises retain *in situ* associated artefacts and features, such as the bakery which contains a large brick oven and scattered bread tins. Beyond the McLeod Street intersection, continuing west along the north side of Harris Street, are the foundations of the police station buildings, another tennis court, and the stumps of Quill's store and adjacent house.

To the south of commercial premises is Slip Creek gully, which runs approximately east-west. The gully is quite deep and heavily vegetated. At the western edge of the gully is the road and railway embankment, under which has been constructed a drainage culvert. Made from concrete, it retains evidence of the form-work used for its construction and is in excellent condition. The gully has a level terrace of land along the southern side of the creek, which contains some structural ruins and associated artefacts. These sites appear domestic in nature and contrast markedly with the substantial ruins of the senior mine management houses near the main tunnel. Immediately above the gully on the southern ridge is the school site, which consists of a concrete pad with high-set timber stumps from two classroom buildings, urinal walls, and remnants of the playground fence. Round timber stumps of the teacher's house are located along Wason Street, which marks the southern edge of the township. A small number of other residences are scattered along the southern edge of Wason Street, including the remnants of 'Dyson's House', which is uncharacteristically made from brick. The remnants of a series of more substantial houses are located to the east.

Watson Street, on the northern edge of the township, also contains the ruins of a series of stumped wooden houses. The ruins vary but collectively comprise timber stumps, garden features, historical plantings, water tanks, corrugated iron and discrete artefact scatters. Watson Street continues northward, past a large sports oval on the left and a large rubbish dump on the right. The dump has been disturbed by collectors but retains substantial

SCHEDULE 7**DRAFT**

amounts of intact artefactual material including bottles, tins and drums. Two other similar dumps are located on the eastern and southern edges of the town. At the end of Watson Street is the cemetery.

Cemetery: The cemetery reserve is located 500m north of the township centre. It is divided into four sections for Church of England, Roman Catholic, Other Denominations and Pagans. The cemetery contains 121 definable graves in the first three sections. Of these, twenty-eight graves (including four with multiple burials) contain headstones or inscribed markers identifying the occupants. Burials with headstones date from 1921 to 1935. Most headstones, including all of the explosion victims, are from Melrose & Fenwick's factory in Cairns. Mount Mulligan cemetery records contain the names or a reference (i.e. Unknown) to forty-six of the miners killed. However in six instances the records contain obvious duplications. The graves of forty-nine 1921 explosion victims can be identified with reasonable certainty based on the information in the cemetery records used in conjunction with the headstone inscriptions to determine the names of victims in graves between headstones.

Soon after the burials, the graves of the explosion victims were identified by a name painted on a small metal marker placed at the head of the grave. Thirty-five graves still contain these markers, though the painted names have long-since faded. Cemetery records show twelve graves recorded as 'unknown', which coincides with twelve victims who were listed at the time as 'unidentified'. A further four graves do not contain markers or any form of identification. However their locations suggest that they also relate to the explosion. The vast majority of the disaster victims are buried in the cemetery, with at least 69 graves identified that are confirmed or strongly believed to be associated with the explosion. One miner is known to have died of injuries at Mareeba and may have been buried there.

GOVERNANCE AND COMPLIANCE

ITEM-3 **FRAUD AND CORRUPTION PREVENTION POLICY**

MEETING: Ordinary

MEETING DATE: 3 February 2016

**REPORT OFFICER'S
TITLE:** Manager Development & Governance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

As a result of the Queensland Auditor-General's 'Fraud Management in Local Government Report', which was tabled in Parliament on 2 June 2015, all local governments have been required to develop appropriate policies, procedures and plans for fraud and corruption management. This report presents a draft Fraud and Corruption Prevention Policy and Fraud and Corruption Prevention Guidelines for Council's consideration.

Aligned with fraud and corruption prevention is Council's risk management framework and policy, and the Enterprise Risk Management policy carried over from Tablelands Regional Council has been reviewed and updated.

As part of the overall policy review process, some old policies that are no longer relevant are recommended for removal from the policy register.

OFFICER'S RECOMMENDATION

"That:

1. Council adopt the attached Fraud and Corruption Prevention Policy and Fraud and Corruption Prevention Guidelines and the updated Enterprise Risk Management Policy; and
2. The following policies that are no longer relevant be removed from the Policy Register as these items are provided for under other mechanisms:
 - Motorbike Riding on Reserves
 - Mareeba Airport Signage
 - Sub-Lease of Airport Property
 - Provision of Electricity to Rural Subdivisions."

BACKGROUND

A report prepared by the Queensland Auditor-General on *Fraud Management in Local Government* was tabled in Parliament on 2 June 2015.

The report identified that the local government sector is generally not managing fraud risk satisfactorily with the following additional issues raised as part of the report findings:

- Lack of adequate internal fraud management systems, supervision of staff and leadership by executive and senior management in relation to fraud risk management and prevention
- No central reporting processes in place to monitor fraud losses and common or emerging fraud risks
- The identified risks mainly relate to administrative processes and business functions involving employees
- Overall costs associated with fraud across the local government sector are larger than reported by local governments.

As a result of the above findings, the report recommended that local governments assess themselves against the findings as a priority and, where needed, develop, revise or update their:

- policies and procedures for fraud and corruption management
- fraud and corruption control plans
- fraud risk assessments
- data analytics capability for fraud detection.

While loss due to fraud/theft has always been an identified risk in the Council's Risk Register, Council has not to date had a Fraud Management Policy or Framework in place to manage that risk.

The attached draft Fraud and Corruption Prevention Policy and Guidelines have been developed based on similar policies of other larger Councils such as Cairns, Gold Coast, Toowoomba and Mackay and Guidelines provided by Council's Public Liability Insurance Managers, Jardine Lloyd Thompson. The Policy and Guidelines are recommended for adoption.

In conjunction with the development of the Fraud and Corruption Prevention Policy and Guidelines, the Council's Enterprise Risk Management Policy has also been reviewed and updated. The updated policy is attached hereto and is also recommended for adoption by Council.

As part of the overall policy review, there have been four policies identified in the Development and Governance section that are no longer relevant and are recommended for deletion from the Policy register. These policies are:

Motorbike Riding on Reserves - this is an old policy of the former Mareeba Shire that was scheduled for review during amalgamation with TRC but never got that far. The policy has now been reviewed by the Coordinator Environmental Health and Local Laws and is considered no longer relevant. The control of activities on Council controlled areas and reserves is now adequately covered by the Council's local laws and there is no need for a specific policy.

Mareeba Airport Signage and **Sub-Lease of Airport Property** - these two former MSC policies were discussed at a workshop with Council on 20 January 2016 and are also no longer considered relevant.

Provision of Electricity to Rural Subdivisions - this policy was developed during amalgamation with TRC, however, the Council's Senior Planner has advised that it is not used and the provisions of the Planning Scheme provide adequate powers to appropriately condition rural subdivisions in so far as provision of electricity is concerned.

LINK TO CORPORATE PLAN

GOV 5 - Conduct a work management systems and procedures review to develop an efficient organisation supported by cost effective and safe work practices and systems. (Includes: Organisational risk is managed within a comprehensive risk management framework.)

CONSULTATION

Internal

Chief Executive Officer

Director Corporate & Community Services

External

Risk Adviser, Jardine Lloyd Thompson

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

The adoption of a Fraud and Corruption Prevention Policy and Guidelines will be in line with the directive issued by the Department of Infrastructure, Local Government and Planning and will form part of Council's overall risk management strategy.

POLICY IMPLICATIONS

This will be a new policy and guidelines added to Council's Policy Register.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

There may be some minor costs involved in implementing appropriate fraud and corruption controls throughout Council, however, this cost is unable to be determined at this stage.

Is the expenditure noted above included in the 2015/2016 budget?

N/A

If not you must recommend how the budget can be amended to accommodate the expenditure

N/A

IMPLEMENTATION/COMMUNICATION

Once adopted by Council, the Policy and Guidelines will be placed on Council's Sharepoint Policy Register for access by all staff.

ATTACHMENTS

1. Draft Fraud and Corruption Prevention Policy
2. Draft Fraud and Corruption Prevention Guidelines
3. Updated Enterprise Risk Management Policy
4. Risk Assessment and Treatment Plan - Loss due to Fraud/Theft - Council Risk Register
5. Policy - Motorbike Riding on Reserves
6. Policies - Mareeba Airport Signage and Sub-Lease of Airport Property
7. Policy - Provision of Electricity to Rural Subdivisions

Date Prepared: ***22 January 2016***

ATTACHMENT 1**FRAUD AND CORRUPTION
PREVENTION POLICY**

Draft <input checked="" type="checkbox"/>	Final <input type="checkbox"/>	Version:	1
File ref:		Policy Section:	Risk Management
Date Adopted:	1 February 2016	Review Date:	1 February 2018
Author:	Manager Development & Governance	Review Officer:	Director Corporate and Community Services

CONTENTS

1. POLICY INTENT	1
2. SCOPE	1
3. BACKGROUND	1
4. DEFINITIONS	2
5. POLICY STATEMENT	3
6. REVIEW	4
7. DISTRIBUTION REGISTER	4

1. POLICY INTENT

This policy is to be read in conjunction with the Fraud and Corruption Prevention Guidelines, the intent of both documents being to:

- provide guidance to Councillors and employees of the Mareeba Shire Council about what constitutes fraud and corruption;
- provide a clear statement that fraud and corruption is unacceptable at Mareeba Shire Council;
- outline the consequences for people who engage in such conduct;
- provide clear responsibilities and accountabilities for preventing fraud and corruption;
- establish a consistent approach across all areas of Council;
- present an integrated approach to fraud and corruption prevention and control that includes proactive measures designed to enhance system integrity (prevention measures) and reactive responses (reporting, detecting and investigating activities); and
- provide assurance to Council and the wider community that reports of fraud and corruption are properly investigated and appropriately dealt with.

2. SCOPE

This policy applies to all Councillors and employees of the Mareeba Shire Council. **Employees** means all persons employed by Council on a permanent, temporary or casual basis and includes persons engaged under a contract of service, and volunteers.

The policy covers all circumstances when performing work, duties or functions for the Council, as well as related activities such as work-related functions, travel, conferences and any circumstances when a person is representing the Council. It applies to actual or suspected occurrence of fraud and corruption.

The policy is an important subset of Council's Risk Management Framework. Council will regularly assess fraud and corruption risks to establish the level and nature of its exposure to internal and external threats for all functions and operations.

This policy is also intended to complement and be implemented in conjunction with Council's Employee Code of Conduct and Complaints Management policy, including associated procedures.

3. BACKGROUND

In developing its 2014-15 report on *Fraud Management in Local Government*, the Queensland Audit Office surveyed all 77 Councils in Queensland to determine how they performed against accepted standards for fraud and corruption control.

The report concluded that most Councils are not effectively managing their fraud risks and that there needs to be greater awareness and understanding of fraud and corruption, how widespread it is and what it costs local government.

Fraud threats are becoming increasingly complex with organisations at risk of fraud from both external parties, internal staff members, volunteers, and contractors. Fraud against local

Mareeba Shire Council**Fraud and Corruption Prevention**

government impacts directly on the community by reducing the funds available for delivering public goods and services and undermines public confidence in the Council.

Making sure that appropriate fraud control measures are in place to prevent, detect, investigate and respond to fraud is an important governance requirement for all Councils. Effective fraud control strategies should be instigated by the executive and embedded in governance/risk programs and appropriately resourced and managed, as this will assist Councils in managing fraud risk to an acceptable level.

The following legislation and policies are relevant to the management of fraud and corruption within Mareeba Shire Council:

- Crime and Corruption Act 2001
- Public Interest Disclosure Act 2010
- Integrity Act 2009
- Local Government Act 2009
- Local Government Regulation 2012
- Criminal Code Act 1899
- Public Sector Ethics Act 1994
- Right to Information Act 2009
- Mareeba Shire Council Employee Code of Conduct
- Mareeba Shire Council Public Interest Disclosure Policy
- Mareeba Shire Council Enterprise Risk Management Policy and Framework

4. DEFINITIONS

To assist in interpretation, the following definitions shall apply:

Corruption has the same meaning as 'corrupt conduct' under the *Crime and Corruption Act 2001*, being conduct of a person, regardless of whether the person holds or held an appointment, that:

- a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - i. a unit of public administration; or
 - ii. a person holding an appointment; and
- b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - i. is not honest or is not impartial; or
 - ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.
- c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
- d) would, if proved, be—
 - i. a criminal offence; or
 - ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt conduct may include, but is not limited to:

- a) abuse of public office;
- b) bribery, including bribery relating to an election;
- c) extortion;
- d) obtaining or offering a secret commission;
- e) fraud;

Mareeba Shire Council**Fraud and Corruption Prevention**

- f) stealing;
- g) forgery;
- h) perverting the course of justice;
- i) an offence relating to an electoral donation;
- j) loss of revenue of the State.

Fraud shall mean a deliberate deception to facilitate or conceal the misappropriation of assets or the taking of an unlawful advantage or benefit.

Fraud may include, but is not limited to:

- Theft;
- Obtaining property, a financial advantage or any other benefit by deception;
- Causing a loss, avoiding or obtaining a benefit by deception;
- Knowingly providing false or misleading information to Council, or failing to provide information where there is an obligation to do so;
- A breach of trust in the performance of official duties, by which an employee or Councillor acts contrary to the interests of Council in order to achieve some personal gain or advantage for themselves or for another person or entity;
- Using forged or falsified documentation for an improper purpose;
- Deliberate mis-statement of accounting information for an improper purpose.

5. POLICY STATEMENT

Mareeba Shire Council has zero tolerance for fraud and corruption and is committed to acting in the best interests of the community and upholding the principles of honesty, integrity and transparency. It is totally unacceptable for any Councillor or employee to engage in, or participate in, fraud or corruption.

The Council's commitment will be met by:

- maintaining an effective system of internal controls and compliance with those controls;
- taking a risk management approach to the prevention, identification and management of fraud and corruption and regularly undertaking fraud risk assessments to identify opportunities for fraud and implementing prevention and minimisation procedures in day to day operations. This process will assist managers, who are ultimately responsible for the prevention and detection of fraud within their respective sections, although it is Council's intent that the managers take a whole of Council perspective when considering this matter;
- establishing formal procedures for the investigation of allegations of dishonest and/or fraudulent behaviour;
- when allegations are proven to be true following investigation by a manager or other appointed investigating officer, reporting the outcome of the investigation to the Chief Executive Officer who will take appropriate disciplinary action or will refer the matter to the relevant agency (eg Crime and Corruption Commission, Queensland Police Force, Queensland Audit Office etc);
- ensuring all Councillors and staff are aware of their obligations in combating dishonest and fraudulent behaviour by issuing those persons with a copy of the relevant Code of Conduct and providing appropriate training on a regular basis;
- cultivating and maintaining an environment in which dishonest and fraudulent behaviour is actively discouraged;
- providing support mechanisms for internal whistleblowers who make a Public Interest Disclosure in relation to fraudulent or corrupt behaviour within the Council and taking action

Mareeba Shire Council

Fraud and Corruption Prevention

against anyone who takes reprisal action against a Council officer who reports suspected or known incidents.

6. REVIEW

It is the responsibility of the Director Corporate and Community Services to monitor the adequacy of this policy and approve appropriate changes.

7. DISTRIBUTION REGISTER

Date	Issue No.	Copy No.	Issued To	Copy Type

This policy is to remain in force until otherwise determined by Council.



FRAUD & CORRUPTION PREVENTION GUIDELINES

CONTENTS

Message from the Mayor and Chief Executive Officer	4
1. Fraud and Corruption Prevention Policy.....	5
1.1. Corporate Plan Linkage	5
1.2. Policy Statement	5
1.3. Why do we need to implement a Fraud and Corruption Prevention Policy?.....	6
1.4. Strategic Approach to Fraud and Corruption Prevention.....	6
1.5. Our Goal.....	7
1.6. Fraud and Corruption Risk Definitions.....	7
1.7. Who Commits Fraud and Corruption?.....	8
1.8. How can Fraud and Corruption be prevented?	8
1.9. Council Fraud and Corruption Reporting, Career Protection and Complainant Confidentiality.....	9
1.10. Successful Fraud and Corruption Prevention	9
2. Risk Assessment	9
2.1. Review of Fraud and Corruption Risks	9
2.2. Examples of Potential Fraudulent and Corrupt Activity	10
2.3. Areas of Business and Administrative Risk	12
3. Internal Control (Detection Systems).....	14
3.1. Prevention.....	14
3.2. Reporting and Responsibilities	14
3.3. Councillors and Chief Executive Officer	14
3.4. Audit Committee	15
3.5. Fraud and Corruption Investigation	15
3.6. Whistleblower Support.....	16
3.7. Manager Systems and Customer Service	16
3.8. Directors	16
3.9. Managers and Supervisors	17
3.10. Employees and Contractors	17
3.11. Responsibility Structure.....	18
4. Internal Reporting	19
4.1. Assessment of internal report.....	19
4.2. How to make an internal report?	19
4.3. Protection of internal disclosers/reporters and the accused	19
4.4. Internal Reporting Flow Chart	20
5. External Reporting	21
5.1. Reporting corrupt conduct to CCC	21
5.2. Reporting Criminal Offences to the Police.....	21
5.3. Reporting Administrative Conduct to the Qld Ombudsman	22
5.4. Reporting to the Auditor-General	23
6. Public Interest Disclosures.....	23
6.1. What are public interest disclosures?	24
6.2. Who can receive a public interest disclosure?.....	24
6.3. Enquiries regarding public interest disclosures	24

7.	Investigations	24
7.1.	Preliminary investigations, minor investigations and investigations not undertaken by the Police	24
7.2.	Conducting an Investigation	25
7.3.	Rights of Individuals	25
8.	Employee Code of Conduct	26
9.	Staff Education and Awareness	26
9.1.	Fraud and Corruption Prevention Training	26
10.	Client and Community Awareness	27
Appendix A: Internal Reporting Form		28
Appendix B: Indicators of Fraud and Corruption		29

Message from the Mayor and Chief Executive Officer

One of the major difficulties in combating fraud and other corrupt behaviour is the many and varied ways in which it can occur. For that reason it is critically important that all employees and Councillors are at all times aware of the possibility that fraud could happen in one form or another at Mareeba Shire Council.

As much as we all would like to think that it could only happen from external sources, evidence shows that fraud is often perpetrated from within an organisation.

Fraud is an ongoing and pervasive risk faced by our organisation. The report prepared by the Queensland Audit office on *Fraud Management in Local Government* (Report 19, 2014-15) concluded that most Councils are not effectively managing their fraud risks and recommended that all Councils assess themselves against the findings in the report as a priority and where needed, develop, revise or update their:

- policies and procedures for fraud and corruption management
- fraud and corruption control plans
- fraud risk assessments, and
- data analytics capability for fraud detection.

While fraud has always been included as a potential risk on the Council's Corporate Risk register, the intention of this guideline and the associated Fraud and Corruption Prevention policy is to bring an organisation-wide approach to managing the risks of fraud and corruption. The guideline has been developed with internal and external consultation and is modelled on established best practice prevention programs and standards.

This guideline applies to all officers and Councillors of the Mareeba Shire Council and is to be read in conjunction with the abovementioned Fraud and Corruption Prevention policy and the Council's Employee Code of Conduct.

While fraud control is an ongoing activity, the most important factor to ensure success is everyone's commitment, attitude and preparedness to take action.

Cr Tom Gilmore
Mayor

Peter Franks
Chief Executive Officer

1. Fraud and Corruption Prevention Policy

Mareeba Shire Council's Fraud & Corruption Prevention policy and these guidelines have been developed to outline the Council's approach to the deterrence and detection of dishonest and/or fraudulent behaviour and corrupt conduct within the Council.

1.1. Corporate Plan Linkage

The Fraud and Corruption Prevention policy and these guidelines represent an example of how Council is fulfilling its commitment to open, transparent and accountable decision making, both internally and externally.

The Fraud and Corruption Prevention policy and these guidelines align with Council's 2014-2019 Corporate Plan via Key Strategic Priority - Governance.

This goal of this priority area is:-

Sound decision-making based on the understanding and confidence of the community, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

This is further articulated under Strategy GOV 5 which states:-

Conduct a work management systems and procedures review to develop an efficient organisation supported by cost effective and safe work practices and systems.

Outcomes achievable under the above Strategy are:

- Council delivers efficient and effective local government services and a culture of continuous improvement is developed within the organisation based on trust, shared beliefs and practices underpinned by the Council's corporate values and principles
- Organisational risk is managed within a comprehensive risk management framework.

1.2. Policy Statement

Mareeba Shire Council has zero tolerance for fraud and corruption and is committed to acting in the best interests of the community and upholding the principles of honesty, integrity and transparency. It is totally unacceptable for any Councillor or employee to engage in, or participate in, fraud or corruption.

The Council's commitment will be met by:

- maintaining an effective system of internal controls and compliance with those controls;
- taking a risk management approach to the prevention, identification and management of fraud and corruption and regularly undertaking fraud risk assessments to identify opportunities for fraud and implementing prevention and minimisation procedures in day to day operations. This process will assist managers, who are ultimately responsible for the prevention and detection of fraud within their respective sections, although it is Council's intent that the managers take a whole of Council perspective when considering this matter;
- establishing formal procedures for the investigation of allegations of dishonest and/or fraudulent behaviour;
- when allegations are proven to be true following investigation by a manager or other appointed investigating officer, reporting the outcome of the investigation to the Chief Executive Officer who will take appropriate disciplinary action or will refer the matter to the

relevant agency (eg Crime and Corruption Commission, Queensland Police Force, Queensland Audit Office etc);

- ensuring all Councillors and staff are aware of their obligations in combating dishonest and fraudulent behaviour by issuing those persons with a copy of the relevant Code of Conduct and providing appropriate training on a regular basis;
- cultivating and maintaining an environment in which dishonest and fraudulent behaviour is actively discouraged;
- providing support mechanisms for internal whistleblowers who make a Public Interest Disclosure in relation to fraudulent or corrupt behaviour within the Council and taking action against anyone who takes reprisal action against a Council officer who reports suspected or known incidents.

1.3. Why do we need to implement a Fraud and Corruption Prevention Policy?

Fraud control is recognised as a key component of good governance. In the AS 8000 suite of Corporate Governance Standards produced by Standards Australia, fraud and corruption control, codes of conduct and whistleblower protection programs all feature predominantly as essential building blocks of good governance.

It is good business practice to implement a fraud and corruption prevention strategy. The advantages of working in an ethical environment free from fraud and corruption are many and include benefits for Councillors, staff and the Council. Benefits include:

- Enhanced morale;
- Job satisfaction;
- Employment security;
- Reduced stress;
- Improved efficiency;
- Ability to meet commitments; and
- Improved profitability.

“Research has shown that the ethical standards of an organisation impact on staff job satisfaction, commitment to the organisation, turnover and levels of stress experienced by staff”.

1.4. Strategic Approach to Fraud and Corruption Prevention

The Council’s strategy is to detect and prevent fraud and other corrupt activity impacting upon the Council and its operations by adopting a best practice approach to fraud and corruption prevention as represented by the Crime and Corruption Commission’s (CCC) *Fraud and Corruption Control Guidelines for Best Practice*. The Guidelines advocate using a ten-point framework appearing below.

The CCC framework is acknowledged as the standard to which local and state government organisations should work.

The CCC states that an effective fraud and corruption control strategy should include the 10 attributes listed below:

1. Agency-wide Integrated Policy (*that is, the Fraud and Corruption Prevention policy document and these guidelines*)
2. Risk Management

3. Internal Controls
4. Internal Reporting
5. External Reporting
6. Public Interest Disclosures
7. Investigations
8. Code of Conduct
9. Staff Education and Awareness
10. Client and Community Awareness

1.5. Our Goal

Our goal is to achieve best practice status in terms of fraud and corruption prevention.

This means that the Council is committed to ensuring that the organisational culture is about prevention of the occurrences of behaviour that fosters fraud and corruption.

1.6. Fraud and Corruption Risk Definitions

We all like to think that the people we work with are all honest, ethical and trustworthy and at the same time we all want those people to reciprocate these values. Therefore, one of the most dishonest acts a Councillor and/or employee can commit is to deceive those they work with by participating in fraudulent activity or corrupt behaviour. There are many definitions of "Fraud", but to understand what is meant by fraud in the context of these guidelines, the following definition is provided:

Fraud involves "the use of misrepresentations, dishonest or deceitful conduct in order to obtain some unjust advantage over another or to cause disadvantage to the Council".

According to the Police, **Fraud** can be described as encompassing a wide variety of deceptive, dishonest or unethical behaviours. Fraud is loosely described as the theft or improper use of an organisation's resources and can be committed by employees or persons external to the organisation. Fraud strips value from an organisation. Fraudulent activity will adversely impact on the finances, operational efficiency and/or reputation of an organisation and the longer a fraud continues, the more severe the consequences are likely to be.

Simply put, fraud may be defined as:

"Dishonestly obtaining a benefit by deception or other means."

For fraud to exist, deceit to gain a benefit must be intentional and not accidental. There is a general expectation for fraud to be associated with a deliberate attempt to deceive through false statements, actions or omissions.

Fraud is but one example of **corrupt conduct** as defined in section 15 of the *Crime and Corruption Act 2001*, other relevant activities that could be classified as corrupt conduct being:

- abuse of public office
- bribery, including bribery relating to an election
- extortion
- obtaining or offering a secret commission
- stealing
- forgery
- perverting the course of justice
- an offence relating to an electoral donation

- loss of revenue of the State
- sedition
- homicide, serious assault or assault occasioning bodily harm or grievous bodily harm.

“In general terms, corruption involves improper acts or omissions, improper use of influence or position and or improper use of information”.

Although corruption does not necessarily involve material gain for the perpetrator or material loss to the Council, it has a damaging effect in many ways but potentially through:

- reduced public confidence in the Council;
- loss of Council assets;
- damage to:
 - relationships with other government and private sector organisations,
 - integrity,
 - reputation,
- deprivation of resources;
- reduced capability; and
- inability to meet the corporate objectives of the Council.

1.7. Who Commits Fraud and Corruption?

Fraud can be committed by persons inside and outside the Council either alone, in collusion with other officials, or with people outside the Council.

1.8. How can Fraud and Corruption be prevented?

The most effective means of preventing fraud and other corrupt behaviour is for management to foster and encourage an ethical environment and to implement control mechanisms, which minimise the likelihood of fraud or corrupt practices occurring. Fraud and corruption may also be detected through internal and external audit reviews. Councillors and staff can also play a role in preventing fraud and corruption by:

- understanding the responsibilities of their position;
- familiarising themselves with correct job procedures and adhering to them;
- knowing what fraud is;
- being aware of strategies implemented in their areas to minimise fraud and corruption;
- being continuously vigilant to the potential for fraud; and
- alerting responsible people to the vulnerabilities.

Councillors and staff should be open with their colleagues and let them know by actions and statements that they would not condone or participate in fraudulent or unethical conduct or practice.

Councillors and staff should be alert and report any suspicions of fraudulent or other corrupt activity occurring in their work area or detected elsewhere in the Council. It is important to note that Councillors and staff who work in an area on a day-to-day basis are best placed to prevent and discover fraud, such as observing dishonest practices by peers or colleagues.

1.9. Council Fraud and Corruption Reporting, Career Protection and Complainant Confidentiality

The Council is committed to supporting and protecting complainants who report breaches or alleged breaches of the Employee Code of Conduct, from victimisation and discrimination. The Council is committed to protecting the careers of employees who report suspected fraud, provided they are not involved in the fraudulent or corrupt activity.

Council will treat all complaints regarding allegations of fraudulent and/or corrupt behaviour in the strictest confidence and will only release a complaint where required by law.

1.10. Successful Fraud and Corruption Prevention

Key components of successful corruption prevention include:

- Tone at the top – the attitude of the Councillors and Senior Management team towards the overall risk and control environment in relation to managing unethical behaviour.
- Analysis of external and internal corruption risks which could potentially affect the achievement of objectives.
- Controls established throughout the Council's operations to assist to mitigate the risk of unethical behaviour eg. culture journey.
- Information and communication about corruption prevention activities.
- Monitoring process both in respect of controls and corruption prevention initiatives ensures that the system remains effective and dynamic.

2. Risk Assessment

Fraud and corruption risk management is an important subset of the Council's overall risk management framework. Management's main objective in fraud control is to minimise the risk of fraud and other corrupt activity against the Council. This objective is achieved by identifying fraud risks, determining strategies to control those risks, defining responsibility for, and a timetable in which to implement those strategies to manage fraud control risks.

With changes continuously taking place, managers must be alert to the dangers and opportunities for illegal and unacceptable practices to *seed* and *spread*. Particular changes, where careful consideration is necessary, include:

- changes to the delegation of responsibility;
- implementation of cost-cutting measures and drives for efficiency and productivity improvements;
- contracting out and out-sourcing;
- the impact of new technology;
- commercialisation of activities;
- workforce rationalisation; and
- changes to risk management practices.

Directors and managers have a responsibility to advise the Chief Executive Officer and Audit Committee of any significant changes to program structures and major changes in internal controls that could have an impact upon the occurrence of fraud and corruption so this can be taken into consideration in the ongoing management of risk exposures to the Council.

2.1. Review of Fraud and Corruption Risks

The Audit Committee will instigate a review of the Council's fraud and corruption risks at least once every 3 years. The review will:

- determine whether the risk assessment methodology is still valid;
- determine if another risk assessment should be conducted;
- monitor changes in Council operations and environment since the last fraud risk assessment;
- develop a Fraud and Corruption Risk Assessment and Action Plan;
- address recommendations in the last Fraud and Corruption Risk Assessment and Action Plan which have not been implemented; and
- amend the Fraud and Corruption Risk Assessment and Action Plan and determine strategies to be implemented to manage residual risks identified in the Fraud and Corruption Risk Assessment.

2.2. Examples of Potential Fraudulent and Corrupt Activity

Some examples of fraudulent and corrupt activity commonly identified include:

Theft

The most common types of property stolen include:

- stationery and supplies,
- construction and maintenance equipment and tools,
- lap top computers,
- technical equipment,
- mobile telephones,
- cash,
- intellectual property.

Theft also includes the unauthorised use of credit cards, petrol cards, cabcharge cards or vouchers and theft of documents and data for financial gain.

Misuse of Council resources, including information and services for inappropriate private purposes

The misuse of Council resources for unofficial purposes and without proper authorisation is always a potential risk. Below are some examples of these risks:

- employees using Council plant and equipment to perform work on their own or other private properties on weekends.
- professional officers conducting private consultancies utilising council office equipment and materials.
- employees taking advantage of council maintenance work on their street or road to have work done around their own private property.

Other forms of misuse which appear to be relatively common include:

- Staff utilising mobile phones excessively for private purposes without reimbursement of costs.
- Internet services being used extensively for non-work purposes.
- Internet and intranet systems being used to distribute pornography and other offensive material.
- "left-over" materials and low value assets being claimed by staff.

Gifts, benefits and bribes

Gifts, benefits and bribes are usually intended to influence the way the recipient carries out official functions. The intention may be to encourage the recipient not to look too closely at a fraud or corrupt activity, to look away when it is identified or even to actively participate in fraud. Exposure to offers of gifts, benefits and bribes is almost inevitable among officials who:

- Approve or can influence decisions
- Provide customer or client service
- Procure goods or services
- Carry out regulatory work
- Carry out any work with the private sector.

Zoning and Development

- Coercion, intimidation and harassment of Council planners dealing with development applications.
- Various inducements from developers to modify approved DA or conditions imposed.

Regulatory Compliance

- Private certifiers satisfying their clients by regularly overlooking conditions of consent and disregard for planning and building policies and procedures.
- Compliance officers accepting bribes and favours to allow illegal and or unauthorised activities.

Conflicts of Interest

A conflict of interest can involve the following matters:

Material Personal Interest - a person has a material personal interest in an issue if the person has, or should reasonably have, a realistic expectation that, whether directly or indirectly, the person or an associate stands to gain a benefit or suffer a loss, depending on the issue's outcome.

Conflict of Interest - is a conflict between the person's own personal interests and the public interest that might lead to a decision that is contrary to the public interest. However, a person does not have a conflict of interest in a matter because of:

- an engagement with a community group, sporting club or similar organisation undertaken by the person in his or her capacity as an employee or a councillor;
- membership of a political party;
- membership of a community group, sporting club or similar organisation if the employee or councillor is not an office holder for the group, club or organisation;
- the person's religious beliefs
- the person having been a student of a particular school or their involvement with a school as a parent of a student at the school

There is also no conflict of interest if an employee or councillor has no greater personal interest in the matter than that of other persons in the local government area.

Procurement, Tendering and Contract Management

Activities associated with procurement, tendering and contract management have traditionally been very susceptible to fraud and corruption. They normally result from bribes, commissions and /or conflicts of interest mentioned previously. Examples of the type of fraud and corruption risk exposures include:

- Order splitting to avoid tendering or obtaining quotes
- Collusion with suppliers to provide dummy quotes
- Abuse of emergency orders
- Accepting late tenders without justification
- Approving fraudulent contract variations

Human Resources

- Applicants for positions falsifying career background details.
- Direct recruitment of friends and relatives to permanent and casual positions.
- Development of personal relationship with subordinate that can lead to favouritism.
- Creation of fictitious employees on the payroll

Computer Fraud

There are six main areas of computer fraud, namely:

- unauthorised alteration of input data;
- misappropriation, destruction or suppression of output data;
- alteration of computerised data;
- alteration or misuse of software programs;
- electronic claims processing; and
- unauthorised and/or deceptive electronic transfers of funds.

Forgery or falsification of records to originate or conceal a fraud

The falsification of records and processing of a false statement is fraud e.g. falsifying data on expense claims and receipts, credit card reimbursements, invoices or time sheets, job application forms, leave records and forgery of a signature on a cheque or document.

Provision of false or incomplete information

Provision of briefs or reports to management and to the public which are not objective, reflect personal agenda and are not in the best interests of the Council. Persons claiming to be someone else in order to obtain confidential information.

Abuse of official position for private gain

Acceptance of secret commissions, bribery, blackmail, corruption, improper use or sale of confidential information, bias to suppliers or contractors and bias in staff promotions or appointments.

Unauthorised sale or provision of information

Unauthorised sale or provision of confidential information or the disposal of assets. Such fraud may also apply to client information. Other frauds include corrupt procurement/ tendering practices.

2.3. Areas of Business and Administrative Risk

The following highlights areas of high fraud and corruption risk facing the Council.

Areas of risk to explore

The CMC survey *Profiling the Queensland public sector* (CMC 2004c) provides an insight into operational areas and functions perceived to have high fraud and corruption risk, including:

- financial functions — such as the receipt of cash, revenue collection and payment systems, salaries and allowances, entertainment expenses
- construction, development and planning functions — ranging from land rezoning or development applications to construction and building activities
- regulatory functions — involving the inspection, regulation or monitoring of facilities; and operational practices, including the issue of fines or other sanctions
- licensing functions — such as the issue of qualifications or licences to indicate proficiency or enable the performance of certain activities
- demand-driven or allocation-based functions — where demand often exceeds supply, including the allocation of services or grants of public funds; or the provision of subsidies, financial assistance, concessions or other relief
- procurement and purchasing functions — including e-commerce activities, tendering, contract management and administration
- other functions involving the exercise of discretion, or where there are regular dealings between public sector and private sector personnel (especially operations that are remotely based or have minimal supervision).

source: Crime and Corruption Commission's (CCC - formerly Crime and Misconduct Commission) *Fraud and Corruption Control Guidelines for Best Practice*.

3. Internal Control (Detection Systems)

The Council requires that all employees be alert to the signs of any possible fraud and corruption. This type of proactive approach towards internal control is considered by many to be the first line of defence in the fight against fraud.

To assist employees in identifying possible symptoms of fraud and corruption, a list of common indicators is provided in Appendix B.

In addition, the Council has the following mechanisms in place to detect fraud and corruption including:

- A risk management regime that covers the assessment of fraud risks;
- Strategic use of internal audit to target areas that are more susceptible to fraud and corruption;
- The establishment of an Audit Committee with specific mandates as described in Section 3.4 below;
- Monitoring and scrutiny of financial performance, especially large and/or unusual income and expenditure balances; and
- The monitoring of emails, internet usage and other electronic systems.

3.1. Prevention

The Council understands that organisational culture plays a central role in allowing fraud and corrupt practices to take hold and flourish. Therefore, Council is committed to creating an organisational culture to encourage officers and Councillors to report any suspicion of fraud and/or corruption and to provide necessary training to assist in prevention of fraudulent and/or corrupt activities.

This includes fraud and corruption training as part of Employee Code of Conduct training, focused on an understanding of the high risk of detection and the resulting lack of benefits and rewards associated with undertaking fraud and corrupt behaviour (i.e. you will get caught and Council has a zero tolerance).

3.2. Reporting and Responsibilities

The main objective of the Fraud and Corruption Prevention Policy is to minimise the risk of fraud and other corrupt practices against the Council. Employees and councillors also have a responsibility to the Council for fraud and corruption prevention, and any incident of suspected fraud or other corrupt activity should be reported in accordance with Sections 4 or 5 of these Guidelines.

3.3. Councillors and Chief Executive Officer

Councillors and the Chief Executive Officer are responsible for:

- *promoting* a sound knowledge of Fraud and Corruption Prevention throughout the Council and ensuring all legislative obligations in relation to reporting and investigating fraud and corruption matters are met;
- *maintaining* their awareness and that of all employees of their responsibilities relating to fraud and corruption control through the issue of Guidelines, Fact Sheets and procedural instructions;
- *raising* community awareness of the Council's commitment to fraud and corruption prevention
- *promoting* awareness and compliance with the Council's Employee Code of Conduct;

- *raising* awareness of the extent of penalties which can be imposed on any person conducting fraudulent or other corrupt activities against the Council;
- *requiring* councillors and employees to prevent and minimise fraud and corruption by focusing on ethical behaviour, good practices and sound internal controls;
- *arranging* regular fraud and corruption awareness training courses and/or awareness sessions for councillors and all employees;
- *ensuring* by regular review that appropriate security measures and personnel clearances are in place with regard to fraud and corruption prevention and detection;

3.4. Audit Committee

The Council has established an Audit Committee in accordance with Chapter 5, Part 11 of the *Local Government Regulation 2012* and assigned this Committee the responsibility for evaluating the Council's exposure to fraud and corruption and overseeing the implementation of risk management including fraud and corruption control measures in the Council.

The Audit Committee will support the Chief Executive Officer by:

- *developing* strategies to promote fraud awareness and ethics for employees and councillors;
- *undertaking* a Fraud and Corruption Risk Assessment at least every three years, or following any major structural, functional or directional changes of the Council;
- *determining* fraud and corruption control strategies to address risks identified by the Fraud and Corruption Risk Assessment;
- *issuing* guidelines to councillors and employees on the reporting of incidents of suspected fraud and corruption;
- *recommending* appropriate policies for the detection and prevention of fraud and corruption;
- *annually* reviewing and updating this policy to ensure it reflects best practice principles and standards in fraud and corruption prevention;
- *considering* the implications of fraud and corruption issues arising from investigations and advising the Chief Executive Officer on appropriate action; and
- *reporting* to the Executive Management Team and Council on proposed new initiatives and major systemic issues.

3.5. Fraud and Corruption Investigation

The Director Corporate & Community Services in association with the Manager Development & Governance will:

- be a reporting point for incidents of suspected fraud and corruption;
- provide advice and guidance to employees seeking clarification as to what constitutes fraud and corruption;
- assess and advise on the manner in which allegations of suspected fraud and corruption should be reported;
- report on any instances of suspected fraud and corruption to the Chief Executive Officer;
- make appropriate arrangements for the investigation of incidents of suspected fraud via either internal or external investigations; and
- provide a central referral point on fraud and corruption related matters for employees, investigators and external authorities such as the CMC, Police, Queensland Audit Office or Ombudsman.

Depending on the nature and seriousness of any incidents of suspected fraud and corruption, the Director Corporate & Community Services will liaise with the relevant section Managers to ensure the Council's premises are secure to prevent:

- unauthorised access to premises;
- unauthorised removal of information or assets;
- theft of assets;
- damage to assets, and
- physical threat to employees (eg by members of the public).

3.6. Whistleblower Support

The Manager Organisational Development will co-ordinate the protection from reprisal for the whistleblower or fraud/corruption discloser and will:

- provide referrals to counselling services for the discloser and accused;
- monitor, via feedback from the discloser and accused, whether the support is working;
- when appropriate, and in consultation with the relevant manager, relocate discloser and/or accuser to a different work area during the investigation.

The Manager Organisational Development will also provide advice to the Executive Management Team about employee conduct and obligations and employer responsibilities. The Manager Organisational Development will also liaise with the Director Corporate and Community Services in relation to the coordination of investigations regarding fraud and corruption matters as they relate to breaches of the Council's Employee Code of Conduct.

3.7. Manager Systems and Customer Service

The Manager Systems and Customer Service is responsible for Information Security within the Council including:

- implementation of approved IT security policies;
- development of IT security procedures and guidelines;
- monitoring of IT security;
- provision of reports and advice on IT security matters to the Council and Executive Management Team, and
- ongoing training and awareness in IT security matters for authorised users.

3.8. Directors

Are responsible for:

- taking a leadership role in promoting ethical behaviour within the Council;
- implementing and maintaining appropriate fraud and corruption prevention strategies;
- ensuring the implementation and continued operation of an adequate system of internal control to protect the Council against fraudulent and corrupt activity including threats to the Council's computer systems;
- ensuring that employees within their area of responsibility receive appropriate fraud and corruption awareness training and understand the Council's Employee Code of Conduct; and
- identifying and managing potential fraud and corruption risks to their area of responsibility.

3.9. Managers and Supervisors

Are responsible for:

- ensuring that appropriate internal controls are in place to minimise fraud and other corruption risks;
- ensuring that internal controls are operating effectively;
- providing ethical advice and support to staff and creating an environment in which fraud and corruption is discouraged and readily reported by employees;
- providing input to development of fraud and corruption control strategies and implementation timetable as required to address fraud and corruption risks identified in their area of responsibility during risk assessments;
- monitoring the implementation of fraud and corruption control strategies; and
- providing progress reports on the implementation of fraud and corruption control strategies if requested.

3.10. Employees and Contractors

Employees and contractors have an obligation to:

- comply with the requirements of the Fraud and Corruption Prevention policy and these guidelines;
- be aware of their individual responsibilities under the policy and guidelines;
- comply with all legal requirements, policies and directives;
- avoid waste or misuse of Council resources;
- care for Council property, not misuse official information, and maintain and enhance the reputation of the Council;
- perform their duties in a professional and ethical manner with skill, care, diligence, honesty, integrity and impartiality in accordance with the Employee Code of Conduct;
- be scrupulous in their use of Council information, assets, funds, property, goods or services.

N.B. It is also the duty of both employees and contractors to report any corrupt or fraudulent activity coming to their attention.

3.11. Responsibility Structure

COUNCIL FRAUD & CORRUPTION RESPONSIBILITY STRUCTURE	
COUNCILLORS AND CHIEF EXECUTIVE OFFICER <i>Supported by the Audit Committee</i>	<ul style="list-style-type: none"> • Policy and Strategy • Business Risk • Corporate Governance • Compliance (legislative, regulatory, community) • Image • Culture
	DIRECTORS <ul style="list-style-type: none"> • Develop and implement fraud and corruption prevention strategies for Directorate • Identify and mitigate actual and potential corruption risks in the workplace • Monitor and review the effectiveness of mechanisms implemented to minimise and detect corruption • Demonstrate ethical conduct in all business dealings • Promote awareness of fraud and corruption prevention and ethical conduct in the workplace • Lead by example
	MANAGERS <ul style="list-style-type: none"> • Promote awareness of ethical conduct and mechanisms to prevent corruption • Provide input to policies, procedures and instructions that relate to areas of risk • Drive the Fraud and Corruption Prevention strategy • Monitor and review fraud and corruption prevention mechanisms in place • Provide ethical advice and support to staff • Monitor integrity of Fraud and Corruption Prevention Strategy
	STAFF <ul style="list-style-type: none"> • Ethical behaviour • Report suspected incidents of fraud and corruption • Compliance with fraud and corruption controls including the Fraud and Corruption Prevention Policy and these guidelines

4. Internal Reporting

Council is committed to giving any reports and/or disclosures of fraud and corrupt activity the level of importance required.

Therefore any reports received about this type of activity will be assessed by the Director Corporate & Community Services and Manager Development & Governance in consultation with the Chief Executive Officer.

4.1. Assessment of internal report

The assessment process will involve an analysis of the report to determine:-

- What type of report it is:-
 - Grievance,
 - Public interest disclosure,
 - Staff Code of Conduct breach,
 - Workplace Health and Safety incident,
 - Workplace conflict,
 - Fraud & Corruption,
 - Councillor misconduct breach,
 - Maladministration,
 - Waste of public funds,
 - Harm to a person with a disability,
 - Damage to the environment, or
 - A combination of any of the above.
- Once the report type is determined, this will then dictate how the report is to be investigated and whether external agencies will need to be informed; for example, CCC.
- The Chief Executive Officer will determine whether the report requires:
 - (a) referral to another public sector entity;
 - (b) further enquiries to be made;
 - (c) investigation; and
 - (d) finalisation

4.2. How to make an internal report?

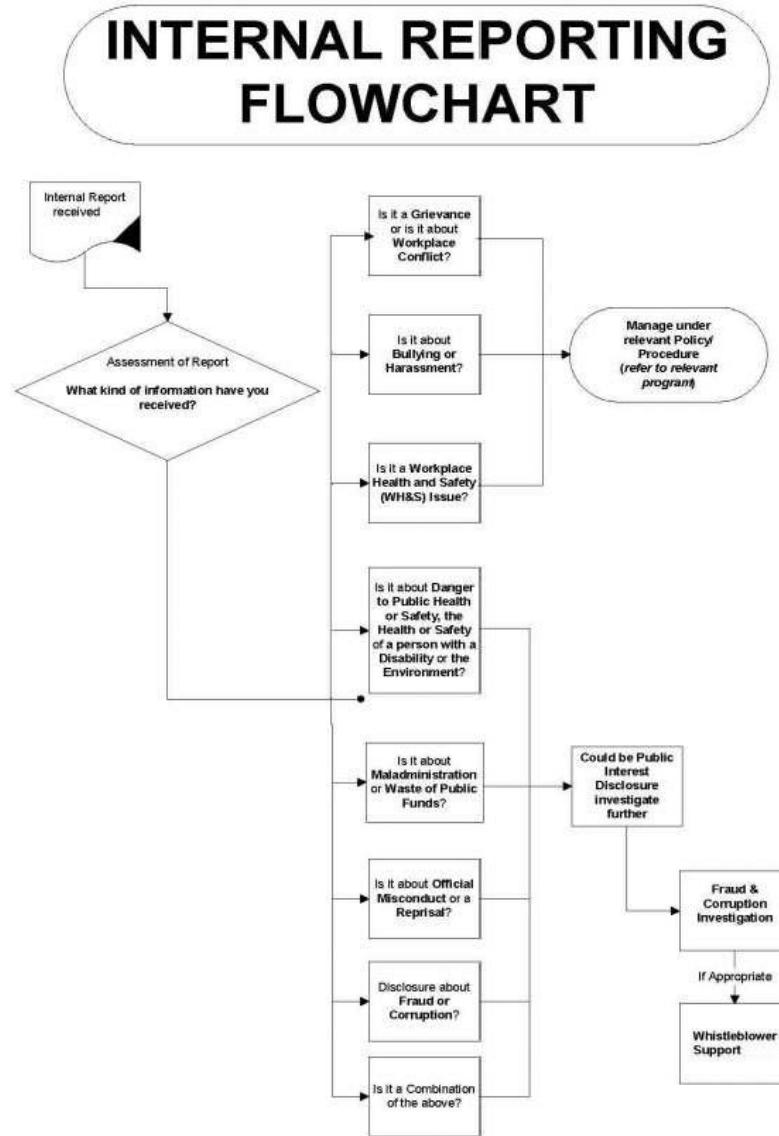
Attached in Appendix A is an internal report form. This can be completed and forwarded to the Director Corporate & Community Services for assessment. If the discloser/reporter provides their name then feedback will be provided to the person completing the form.

4.3. Protection of internal disclosers/reporters and the accused

Under the *Public Interest Disclosure Act 2010*, Council is required to provide support to officers and/or Councillors making public interest disclosures.

Regardless of the above requirement, under Council's Workplace Health and Safety obligations, Council is required to establish and maintain a safe working environment. Therefore, Council via the relevant Manager and/or supervisor will render all appropriate support (including via the Employee Assistance Program) to officers and Councillors making an internal report or being accused of fraud and corrupt activity.

4.4. Internal Reporting Flow Chart



5. External Reporting

The Director Corporate & Community Services is required to refer to the Chief Executive Officer all matters with the potential to be investigated by an external agency such as the CCC, the Ombudsman's Office, or Police.

Notwithstanding this requirement, the Council's *Public Interest Disclosure* Policy makes it clear that individual staff may make reports directly to external agencies.

5.1. Reporting corrupt conduct to CCC

Corrupt conduct is conduct of any person that could adversely affect the honest and impartial exercise of official functions by a public official. A key notion is the misuse of public office. Examples include bribery, fraud and theft. A full definition appears in the *Crime and Corruption Act 2001* (C&C Act).

Under Sections 38 and 39 of the C&C Act, a public official must report all mere suspected instances of official misconduct to the CCC. This does not prevent any individual within the Council (or anyone else) providing information direct to the CCC about the same matter.

The Crime & Corruption Commission may be contacted at:

Mailing address:
GPO Box 3123, Brisbane Qld 4001, Australia

In person: *(If you wish to make a complaint in person, please phone first for an appointment.)*
Level 2, North Tower Green Square,
515 St Paul's Terrace,
Fortitude Valley. Q

Phone: 3360 6060
Fax: 3360 6333
Email: mailbox@ccc.qld.gov.au

5.2. Reporting Criminal Offences to the Police

Council staff may report matters to the Police if it involves, or they suspect it involves, an offence. Fraud and theft are both examples of an offence. In some circumstances, it may be an offence not to report an offence to the Police (refer Section 544 of *Criminal Code Act 1899* [*Accessories after the fact to offences*]).

Under section 307A(3) of the *Local Government Regulation 2012*, where Council property (including property in Council's possession) is suspected of being stolen and the loss is more than \$500 for money or \$1,000 for any other asset, the Chief Executive officer must, as soon as practicable, but no more than 6 months after becoming aware of the loss, notify the following:

- a) the Minister;
- b) the auditor-general;
- c) for a loss resulting from the commission of an offence under the Criminal Code or another Act—a police officer;
- d) for a loss resulting from the corrupt conduct of a councillor, a local government employee or local government worker—the Crime and Corruption Commission.

The Police provide the following options:

Crime Stoppers: 24 hours

If you have any information that may help solve a crime, contact [Crime Stoppers](#) on their toll free number.

Remember that callers are not required or expected to give their names or addresses, or to reveal their identity. For those who wish to remain anonymous, total anonymity is guaranteed.

Telephone: 1800 333 000 (Toll Free)

Report an Offence

If you wish to report an offence please attend, write or telephone your [nearest police station \(Polcelink 131 444\)](#).

For emergencies within Australia dial '000'.

5.3. Reporting Administrative Conduct to the Qld Ombudsman

The role of the Ombudsman is to promote fairness and integrity in public administration in Queensland. The Ombudsman's Office is an independent organisation that investigates conduct that may be:

- Illegal;
- Unreasonable, unjust or oppressive;
- Improperly discriminatory;
- Based on improper motives or irrelevant grounds; and
- Based on a mistake of law or fact.

The Ombudsman gives priority to complaints raising systemic and procedural deficiencies in public administration or serious abuse of power. The focus of the Office is to identify problems and mistakes to ensure that they are resolved and rectified.

N.B. Where possible, the Ombudsman prefers that public sector agencies first attempt to resolve matters internally. This could include attempting conciliation as an alternative to investigation.

The Ombudsman may be contacted at:

In person: *(If you wish to make a complaint in person, please phone first for an appointment.)*
Level 17, 53 Albert Street
Brisbane QLD 4000

Mailing address:
GPO Box 3314
Brisbane QLD 4001

Tel: 07 3005 7000
Freecall (outside Brisbane) 1800 068 908
Fax: 07 3005 7067
Email: ombudsman@ombudsman.qld.gov.au

5.4. Reporting to the Auditor-General

Serious and substantial waste is any uneconomical, inefficient or ineffective use of resources which results in a significant loss or wastage of public funds. The conduct that led to the waste may be authorised or unauthorised.

It includes expenditure that should not have been incurred, that exceeded what was required, or had no benefit for the organisation.

A person may make complaints directly to the auditor-general regarding misappropriation of Council property.

In addition, under section 307A(3) of the *Local Government Regulation 2012*, where Council property (including property in Council's possession) is suspected of being stolen and the property has a value of more than \$500 for money and more than \$1,000 for any other asset, this matter must be reported as soon as practicable (but no later than 6 months after becoming aware of the loss) to the auditor-general.

The Queensland Audit Office may be contacted at:

In person:
Level 14
53 Albert Street
Brisbane QLD 4000
Australia

Mailing Address:
PO Box 15396
City East QLD 4002

Phone: (07) 3149 6000
Email: qao@qao.qld.gov.au

6. Public Interest Disclosures

This section is intended to be read in conjunction with Council's policy on *Public Interest Disclosure* and the *Public Interest Disclosure Act 2010*. It is not intended to be read as a stand-alone guide to managing public interest disclosures.

Council understands the importance of promoting an environment where reporting of any suspicion of fraud and corruption is seen as mandatory and not seen "as *dobbing on your mates*". In fact, people making disclosures/reports should be encouraged and protected to the fullest extent possible.

On the other hand, people not reporting fraud and corruption should consider themselves as *accessories after the fact* and liable to the same punishments as the person who committed the

fraud and/or corruption. Council's Employee Code of Conduct backs up this view by requiring any suspected Official Misconduct (as defined in the policy) to be referred to the Council's CCC Liaison Officers.

6.1. What are public interest disclosures?

Public Interest Disclosures are defined in Chapter 2 (sections 11, 12 and 13) of the *Public Interest Disclosure Act 2010* (PID Act) as disclosure of information related to:-

- Corrupt conduct and the disclosure is made by a public official (section 13 PID Act);
- Serious maladministration and the disclosure is made by a public official (section 13 PID Act);
- A substantial misuse of public resources and the disclosure is made by a public official. This does not include disagreements over policy matters such as funding amounts, purposes and priorities of expenditure. (section 13 of PID Act);
- Substantial and specific danger to public health or safety or to the environment and the disclosure is made by a public official (section 13 of PID Act);
- Substantial and specific danger to public health or safety of a person with a disability or substantial and specific danger to the environment. This type of disclosure can be made by anybody (section 12 of PID Act); and
- Conduct, by someone else, which is a reprisal. This disclosure can be made by anybody (section 12 of PID Act).

6.2. Who can receive a public interest disclosure?

Any supervisor, Manager, Director, the Chief Executive Officer or Councillors may receive public interest disclosures.

Once received, everyone involved must maintain confidentiality, ensure the immediate safety of the people involved, and, if the Chief Executive Officer has not been informed, report the matter to the Chief Executive Officer.

The Chief Executive Officer, with the assistance of the Director Corporate & Community Services and the Manager Development & Governance, will assess the report to determine the most appropriate method of investigation and the support systems to be put in place for the discloser and accused.

6.3. Enquiries regarding public interest disclosures

Enquiries regarding public interest disclosures should be referred to the Director Corporate & Community Services.

7. Investigations

7.1. Preliminary investigations, minor investigations and investigations not undertaken by the Police

Responsibility for the coordination of fraud and/or corruption investigations within the Council lies with the Director Corporate & Community Services who has delegated authority from the Chief Executive Officer and is accountable to the Chief Executive Officer for the conduct of these types of internal investigations. The Director Corporate & Community Services will inform the Chief Executive Officer of all matters requiring investigation.

Reports to the Chief Executive Officer of prima facie cases of fraud or corruption should include the following information in writing wherever possible

- The names of the suspected offender(s) (where known);

- Details of the allegation/s and/or offence/s; eg
 - a chronological account of the facts giving rise to the allegation(s);
 - details of witnesses;
 - copies of relevant documents;
 - references to any relevant legislation; and
- A nominated contact officer.

Where the decision to investigate a matter has been determined, the allocated manager will be responsible for preparing a brief investigation plan in conjunction with the investigator which includes:

- Description of the alleged wrongdoing;
- Objectives of the investigation;
- Scope of the investigation and strategies to be used;
- Details of initial enquiries;
- Resources needed; and
- Timeframe.

7.2. Conducting an Investigation

For disclosures classified as serious, only investigators or auditors skilled in investigation work will perform the investigation.

For disclosures considered to be minor, the Director Corporate & Community Services may consider using an internal officer to conduct the investigation. In all cases, the person performing the investigation must be independent.

The Director Corporate & Community Services will determine who should be notified of an impending investigation and when i.e., those to be investigated, managers (whose areas may be affected by the investigation) and those directly involved in the investigation process.

Once an investigation has been completed, a copy of the investigator's report will be provided to the Director Corporate & Community Services for the purpose of determining any further action.

A copy of the final report will be provided to the Chief Executive Officer.

The Director Corporate & Community Services is responsible for the security and access of all files, records and evidence relating to disclosures and investigations.

If disciplinary action is recommended, the Council's disciplinary procedures will apply.

7.3. Rights of Individuals

Council employees and councillors subject to allegations of a fraudulent or corrupt act are considered innocent unless and until proven guilty. An employee or councillor has the right not to have details of the allegation disclosed to and discussed by people not concerned with the matter.

A person who suspects that fraudulent or other corrupt activity may be taking place at the Council should discuss the matter with their supervisor or may make a report direct to the Director Corporate & Community Services, or in the case of a councillor, to the CEO or Mayor in the first instance. Persons suspected of fraudulent activity should not immediately be informed of these suspicions until advice has been received regarding appropriate action, particularly regarding collection of potential evidence. Employees working in an area in which fraud or other corrupt

conduct is suspected may be interviewed by Council investigators or by the police. Employees and councillors have a common law duty to assist police with their investigations.

Employees or councillors who believe that the answer to a question during a fraud investigation or other criminal matter may implicate them in the fraud or other criminal offence have a right not to answer the question. Prior to the commencement of an interview, fraud investigators and police are legally bound to advise employees or councillors of their legal rights, including their right to legal representation during the course of the interview.

8. Employee Code of Conduct

Conduct and disciplinary standards which relate to Council personnel are contained in the Employee Code of Conduct and the Misconduct and Discipline Policy and Procedure.

Council employees are required to accept the Employee Code of Conduct as a condition of employment and attend the Council Induction program and awareness training.

Councillors are bound by:

- The purposes and principles of local government
- The responsibilities and powers of Councillors
- Any other obligations under the *Local Government Act 2009*

Where there is a conflict between the public interests and the private interests of a Councillor, including their relatives and associates, the overall public interest must prevail.

The Council's Employee Code of Conduct reflects the ethical standards, values and principles by which the Council's employees are required to perform their duties.

By their nature, Codes of Conduct cannot cover all possible situations that may occur. If in doubt as to the correct course of action or if employees are faced with a grey area or potential or actual conflict of interest, advice should be sought from their line manager, or Manager Development & Governance or Director Corporate & Community Services.

Contravention of the Employee Code of Conduct may result in formal disciplinary action.

9. Staff Education and Awareness

9.1. Fraud and Corruption Prevention Training

The Council recognises that the level of awareness amongst all employees and councillors of fraud and corruption issues must be high so that employees can identify fraud and corruption and thereby prevent their occurrence. This will be achieved through:

- ensuring all employees attend the Council's Induction Program, including awareness training on the Fraud and Corruption Prevention policy and these guidelines and the Employee Code of Conduct;
- ensuring new councillors receive awareness training on the Fraud and Corruption Prevention policy and these guidelines and their roles and responsibilities under the *Local Government Act 2009*;
- ensuring all employees and councillors are made aware of updates and changes to fraud-related policies, procedures, Code of Conduct etc.
- ensuring appropriate fraud information is distributed through senior management meetings;
- circulation of newsletters and other publications relating to fraud and corruption; and
- ensuring appropriate staff participation in the Fraud and Corruption Risk Assessment Review and other audit activities undertaken by the Council's external and internal auditors.

10. Client and Community Awareness

Those who deal with the Council and the community in general should know that any form of fraud or corruption will not be tolerated within the Council. This reduces the likelihood that persons outside the organisation will attempt to influence those within the Council to act fraudulently or corruptly.

Council strategies for increasing customer and community awareness include:

- promoting the Council's initiatives and policies on fraud and corruption prevention on our website;
- referring to fraud and corruption initiatives in the Council's Annual Report.

Appendix A: Internal Reporting Form

INTERNAL REPORTING FORM

This form may be used by councillors and employees to make public interest disclosures in accordance with the Council's *Public Interest Disclosure* policy.

Before completing this form, it is recommended that you familiarise yourself with the Council's *Fraud and Corruption Prevention Policy*, *Public Interest Disclosure Policy* and the protection available to you under the *Public Interest Disclosure Act 2010*.

Please place your report in an envelope marked **"CONFIDENTIAL"** and address it to the Chief Executive Officer.

Your name (optional):	
Manager you work for:	
Where you can be contacted:	
Are you prepared to be interviewed?	
Nature of offence(s) (please provide times/dates and places)	
Details of suspected offender(s) where known	
Are external parties involved? (please supply names of people/companies involved)	
Details of witnesses if any?	
Are they prepared to back your disclosure?	
Have you raised your disclosure with your manager and/or other senior management?	
If so, who has been informed, when, what was the response?	
Is the disclosure confined to one location or could it be happening elsewhere in the organisation?	

Please forward this form to the Chief Executive Officer

Appendix B: Indicators of Fraud and Corruption**EMPLOYEE RELATED**

- Employees suffering financial hardship;
- Employees apparently living beyond their means;
- Heavy gambling habits;
- Employee having close personal relationships with another employee (possible collusion or undue influence);
- Close relationships developing between staff and customers/contractors;
- Employee having close personal relationship with organisation/individual providing goods and services and not declaring this as per the Code of Conduct (ie. conflict of interest);
- Employee responsible for inspections, audits and regulatory activities having close personal relationship with organisation/individual under review;
- Signs of drinking or drug abuse problems;
- Staff who work excessive hours or who do not take holidays (on-going corrupt practices may be detected by relieving officer);
- Senior staff involved in "junior" work, such as purchasing, ordering and receiving;
- Excessive number of duties residing with one person;
- Excessive control of all records by one officer ie keeping vital records away from workplace;
- Staff incentives for exceptional performance (misleading or false performance reporting);
- Employees with outside business interests or other jobs;
- Managers bypassing subordinates;
- Subordinates bypassing management;
- Secretiveness;
- Apparent personal problems;
- Marked character changes;
- Poor morale;
- Unusual working hours on a regular basis (pilfering after hours or using Council equipment for personal use);
- Excessive overtime (may not be legitimate);
- Large backlogs in high risk areas;
- Refusal to comply with normal rules and practices; and
- Poor security checking processes over staff.

TRANSACTION RELATED

- Selection of contractors/consultants;
- Sale of confidential information;
- Favouritism in granting licences;
- Licences granted prior to the completion of the appropriate probity checks;
- Reduction of assessable fees or duty;
- Purchase order splitting below a level that would require higher approval. This can occur with tenders, purchase orders and expense vouchers;
- Excessive credit notes, refunds or credit adjustments;

- Different suppliers with the same address;
- Supplier delivery does not match order or is incomplete;
- Supplier advised of change to order without proper approval and documentation;
- Cheques or statements given to staff for handing to suppliers;
- Cheques made out to cash;
- Excessive levels of waived late payment charges;
- Terminated employees still appearing on the payroll;
- Absence of controls and audit trails;
- Missing supporting documentation required to complete an application or request;
- Missing information on an application or request form;
- Cheque signatories who approve payment;
- Cash register takings do not reconcile with receipts issued; and
- Excessive refunds or cancelled receipts.

COMPUTER RELATED

- Computer access not restricted by password;
- Poor physical security over computers;
- Records of computer hardware and software not continually maintained;
- Sharing of passwords and infrequent change of passwords;
- Inappropriate levels of access;
- Inadequate data integrity controls ie. no transaction reports, edit reports, reconciliations;
- Ineffective change controls ie. unauthorised software program changes, inadequate testing of program changes;
- Unauthorised disclosure of information;
- Introducing viruses to the system which may then affect system availability, response, corrupt data;
- Unauthorised use of computer resources eg. running personal business, using computers to gain privileged access to other systems ("hacking"), excessive use of Internet, downloading inappropriate material from the Internet;
- Inadequate job segregation ie. between development and operational functions; and
- Inadequate audit trail of data or system changes.



ENTERPRISE RISK MANAGEMENT POLICY

Draft <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Policy No:	
File ref:		Policy Section:	Risk Management
Version:	1	Review Date:	1 January 2017
Date Adopted:	1 January 2014	Review Officer:	Manager Development & Governance
Author:	Carried over from TRC		

CONTENTS

1. POLICY INTENT	1
2. SCOPE/OBJECTIVES	1
3. POLICY STATEMENT	1
4. PRINCIPLES	2
5. POLICY DEFINITIONS	2
6. ROLES AND RESPONSIBILITIES	3
7. POLICY DISCLOSURE	3
8. REVIEW	3

1. POLICY INTENT

The intent of this policy is to:

- provide a framework consistent with the current Australian/New Zealand Standard ISO 31000:2009 for the purpose of identifying, assessing and managing risk throughout the whole of the organisation. This will ensure a consistent approach to risk management processes that will protect the Council, its employees and the community against loss from foreseeable risks.
- create an environment where Council, management and staff assume responsibility for risk management through consistent risk management practices and which will ensure resources and operational capabilities are optimised.

2. SCOPE/OBJECTIVES

Management of risk is everyone's responsibility. This policy therefore applies to all Councillors and staff of the Mareeba Shire Council and any other persons engaged in the performance of work on behalf of the Council including labour hire personnel, apprentices, trainees, persons gaining work experience, volunteers, consultants, contractors, sub-contractors and their employees.

The objectives of this policy are to:

- Align Council's risk management activities to, and support business objectives identified in, Council's corporate and operational plans;
- Maintain and improve the safety, reliability and quality of service provided by Mareeba Shire Council, within Council's controls and capabilities;
- Demonstrate transparent and responsible risk management processes which align with accepted best practice through the implementation of a comprehensive risk management framework;
- Minimise or eliminate adverse impacts from Council's services or infrastructure on the community, visitors and the environment;
- Capitalise on opportunities identified for Mareeba Shire Council;
- Safeguard Council's employees, contractors, committees, volunteers, assets, financial sustainability, property, reputation and information;
- Promote risk management principles as a strategic tool to ensure better informed decision making throughout Council; and
- Embed a culture of risk management across the Council.

3. POLICY STATEMENT

Mareeba Shire Council recognises that, as a public authority, it is exposed to a broad range of risks which, if not managed, could adversely impact on the organisation achieving its strategic objectives. Therefore, Council will implement a systematic risk management methodology to identify and address, where practical, areas of potential risk within Council.

Council has a number of risk treatment plans in place. This policy and the related Enterprise Risk Management Framework will ensure these plans are integrated in order to ensure an enterprise approach to risk management.

Council acknowledges the moral, financial and legal responsibilities to effectively manage risks and opportunities in all areas of operations. The management of risk is to be integrated into all corporate planning, service delivery activities and processes.

4. PRINCIPLES

The following principles will be applied to ensure that the Council's stated objectives are achieved:

- Implementation of a risk management framework which is consistent with the current Australian/New Zealand Risk Management Standard ISO 31000:2009 for making decisions on how best to identify, assess and manage risk throughout all areas of Council;
- Prioritise identified risks and implement treatments progressively based on the level of risk assessed and the effectiveness of the current treatments;
- Integrate risk management with existing planning and operational processes, including the Corporate Plan. By integrating the various risk control measures into strategic planning ensures that Council's exposure to risk is minimised;
- Take into account relevant legislative requirements and political, social and economic environments in managing risks;
- Create a culture of risk awareness throughout the organisation through training, induction, promotion and risk review and reporting mechanisms; and
- Ensure resources and operational capabilities are identified and responsibility for managing risk is allocated.

5. POLICY DEFINITIONS

Risk

A risk is the chance of something occurring that has the potential to cause loss, damage or injury.

Risk Management

Risk management is the application of management policies and processes to enable the systematic identification, analysis, treatment and monitoring of risk.

Risk management allows opportunities to be taken when appropriate while also minimising the likelihood and impact of undesirable events or outcomes..

Enterprise Risk Management (ERM)

- Enterprise risk management (ERM) is the management of risk not only in conventional hazard categories such as health and safety, IT, finance, but in the full spectrum of strategic and operational risk.
- ERM is the structured approach of aligning strategy, processes, people, technology and knowledge with the purpose of evaluating and managing risk. *Enterprise wide* means the removal of traditional functional, divisional, departmental or cultural barriers.
- ERM is a top down approach rather than the traditional bottom up approach used in departmental silos, based on and supportive of organisational strategy that is focused on new ways to manage risks of highest priority.
- The moving away from a fragmented, traditional risk management of departments to the adoption of ERM involves a paradigm shift in thinking about risk; from risk is always something bad, involving loss, to an occurrence that may present opportunities that could have both positive and negative consequences.

Risk Register

A list of identified and assessed risks.

6. ROLES AND RESPONSIBILITIES

In adopting this policy, Council accepts its responsibility to ensure that sufficient resources are applied to managing the risks identified.

The Chief Executive Officer has overall responsibility for administering risk management systems, policies and procedures.

Directors and Managers are accountable for risk management systems, policies and procedures through appropriate actions in their areas of responsibility. This will require reviewing, updating and reporting of risks regularly to the Executive Management Team and the Audit Committee.

Employees will be expected to apply risk management practices in their day to day activities.

The Audit Committee in conjunction with the Internal Audit Contractor will review and monitor Council's risk management practices.

7. POLICY DISCLOSURE

This policy is to be made available publicly on Council's website and intranet.

8. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and recommend appropriate changes. This policy will be reviewed when any of the following occur:

1. Audit reports relating to risk management activities being undertaken by Council indicate that a policy review from a legislative, compliance or governance perspective is justified.
2. Relevant legislation, regulations, standards and policies are amended or replaced.
3. Other circumstances as determined from time to time by the Chief Executive Officer or through resolution of Council.

Notwithstanding the above, this policy and Council's risk management framework will be reviewed at least every three years to ensure their continued relevance, effectiveness and application.

This policy is to remain in force until otherwise determined by the Council.

ATTACHMENT 4


RISK ASSESSMENT AND TREATMENT PLAN TEMPLATE
Date: 2 March 2015

Corporate & Community Services		Finance		Accounting Support			Comment
Ref No	Risk	L	C	Rating	L	C	
MSC001	Loss due to fraud/theft - potential for misappropriation of funds	2	2	2	2	Low	
Risk Description	Risk Controls	Risk Strategies			Current Status	Next Review Date	Responsible Person
<p>Potential Causes:</p> <ul style="list-style-type: none"> • Complacency • Limited knowledge and procedures • Inappropriate or overuse of parts, stock • Premises holding parts, stock, library books etc may not be adequately secured • Poor internal controls in place • Greed or opportunity • Poor financial management • Over reliance and trust in key personnel • Limited segregation of duties <p>Potential Consequences:</p> <ul style="list-style-type: none"> • Loss of funds - high costs to replace items stolen • Inappropriate use of parts/stock creates financial burden for frequent resupply • Outages may impact project or service delivery • Loss of trust in management or other staff in organisation • Staff morale impacted • Less funds available to provide current service levels 	<p>Risk Controls</p> <p>Control Strengths:</p> <ul style="list-style-type: none"> • Council's insurance policy covers theft • Awareness of the risk exposure • Stores and parts system in place for re-ordering and analysing volumes • Centralised purchasing processes • Staff training and Code of Conduct • Budgetary controls require justification of unfavourable variances • Two cheque signatories on payments • Two authorising officers for EFT transactions • Segregation of duties, including for rates refunds and credits • Purchasing policy • Accounting manual details activities, controls, policies and procedures • Internal audit function • Review and reporting mechanisms • Council intends to maintain positive financial situation <p>Control Weaknesses:</p> <ul style="list-style-type: none"> • Complacency and belief that insurance will cover everything • Limited physical security measures in place for premises • Overconfidence in respect to system 	<ul style="list-style-type: none"> • All payments/withdrawals from Council bank accounts to be by way of a minimum of two authorised signatories • Duties to be segregated as far as possible so that payments and refunds are independent of the initiating request and are supported by appropriate documentation to verify that the transaction is bona fide Council business • Internal auditor to maintain close supervision of financial controls • Appropriate controls are in place to prevent unauthorised access to Council's financial systems • The requirements of Council's procurement policy to be rigidly enforced to ensure that correct procedures are followed with respect to purchase of goods, services and materials • Appropriate training is provided to staff in relation to Code of Conduct, procurement and other relevant policies and procedures • Appropriate security is installed at depots and stores to prevent unauthorised access to stores, parts and equipment • Libraries have appropriate security 			<p style="text-align: center;">Current Status</p>		<p style="text-align: center;">Responsible Person</p> <p style="text-align: center;">Manager Finance</p>

<ul style="list-style-type: none"> • Community backlash • Greater regulatory interest/involvement – QAO, CMC etc 	<ul style="list-style-type: none"> • based controls • Segregation of duties controls based on a minimum number of staff to be effective • Opportunities for misappropriation may exist even if not tested by employees • Closeness of staff within organisation and community • Recruitment process for screening may not be as effective as it could be 	<p>systems in place to minimise theft of library books and resources</p>			
--	---	--	--	--	--

ATTACHMENT 5

6.3

TITLE: PARKS & RESERVES

2. MOTORBIKE RIDING ON RESERVES**2.1 Mareeba**

- (a) The Council, in accordance with Chapter 32, By-law 8, prohibits the riding of motorbikes on Council Reserves, R.1099 (Parks and Recreation Reserve), R.1100, (Parks and Recreation Reserve) and R.1101 (Parks and Recreation Reserve), located in Basalt Gully and bounded by Keeble, Mason and Abbott Streets and Reserve R.986 (School Reserve).

2.2 Dimbulah

- (a) Council shall raise no objection to schoolboys riding motorcycles on the southern most part of Town Reserve R.106, Dimbulah, well away from existing houses, however, should any complaint about noise be received and substantiated, Council permission for motorcyclists to use the area may be revoked.

ATTACHMENT 6 5.2 *ccy*

TITLE: GENERAL

1. **AERODROMES**

1.1 MAREEBA

Mareeba Airport Sign Policy:

That Council hereby resolves not to allow any signage along the Kennedy Highway boundary fence of the Mareeba Airport as signs will detract from the visual amenity of the airport and its backdrop and signage of any description along the Kennedy Highway will increase the traffic hazard potential.

P.790:Mtg 5.5.94

Sub-Lease of Airport Property

Where an airport property is sub-leased, Council consider not renewing the lease to the lessee when the term expires.

Item 2.8.10, Mtg 6/11/02

*Mareeba Shire Council*ATTACHMENT 7

PROVISION OF ELECTRICITY TO RURAL SUBDIVISIONS

Draft <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Policy No:	PD 1.2.1
File ref:	PD 1.2.1	Policy Section:	DEVELOPMENT ASSESSMENT
Version:	1		
Date Adopted:	5 November 2008	Review Date:	5 November 2011
Author:	Brett Nancarrow	Review Officer:	Manager Urban & Regional Planning

*Mareeba Shire Council**Provision of Electricity to Rural Subdivisions***CONTENTS**

1.	POLICY INTENT.....	1
2.	SCOPE.....	1
3.	BACKGROUND/SUPPORTING INFORMATION	1
4.	POLICY STATEMENT.....	1
5.	REVIEW	1
6.	DISTRIBUTION REGISTER.....	1

Version #: 00/00/2009

1. POLICY INTENT

This policy outlines Council's requirements with respect to provision of electricity to rural subdivisions.

2. SCOPE

This policy applies to all rural subdivisions within the Mareeba Shire Council local government area.

3. BACKGROUND/SUPPORTING INFORMATION

A key consideration in the approval of rural subdivisions is the use to be made, or potential use, of the land after subdivision. Where small lots are created that have the potential to be used for rural residential or lifestyle purposes, then the provision of electricity will be necessary for domestic purposes and it is considered that this matter should be addressed in the development approval stage.

The number of lots involved and the nature of the proposed or potential use will obviously determine the level of electricity supply required. The type of supply is not limited to mains supply (if available) but could also include solar or wind powered units or standard petrol/diesel generator sets.

4. POLICY STATEMENT

1. Applications are to be assessed individually on their merits to determine the appropriate level and type of electricity supply. The onus of proof is with the applicant.
2. The standard Council approach for rural subdivisions assessed by the Mareeba Shire Council is as follows:
 - a. Applications that demonstrate compliance with minimum lot size criteria are not required to provide electricity to the new allotments.
 - b. Applications that do not demonstrate compliance with minimum lot size criteria and create lots that are rural residential in character are required to provide electricity supply to all non-compliant allotments. Applications that do not demonstrate compliance with minimum lot size criteria but can demonstrate genuine rural character will not be required to provide electricity supply. The onus of proof is with the applicant.

5. REVIEW

It is the responsibility of the Manager Urban and Regional Planning to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every three years or as required by Council.

6. DISTRIBUTION REGISTER

Date	Issue No.	Copy No.	Issued To	Copy Type
------	-----------	----------	-----------	-----------

approval from Council, and Council not therefore pursue the obtaining of formal building approval by the current owners of the structure."

BACKGROUND

The closure of the existing road reserve which separates Lot 56 on RP749632 from the Railway Lease held by Foodpac Pty Ltd has been an ongoing issue for the last two years. A formal application to close the road reserve and amalgamate it with Lot 56 on RP749632 was initially made by the owners of Mareeba Hire, with Council's agreement to the closure being conditional on Mareeba Hire granting Council a drainage easement over the existing stormwater drain which runs through Lot 56 on RP749632.

The matter became complicated as a result of an encroachment on the road reserve by a shed owned by Foodpac Pty Ltd and the stipulation by DNRM that, as the existing road reserve provides legal access to Town Reserve Lot 569 on M3568, an alternate legal access to the Town Reserve would have to be provided should the road closure proceed.

As a result of negotiations with Mareeba Hire and Foodpac Pty Ltd, an agreement was reached on the split of the road reserve to enable the shed encroachment to remain as is with Foodpac to apply for tenure over that particular section of the road plus a 5 metre wide access strip down to Keeble Street.

In relation to the provision of alternate access to the Town Reserve, as a result of Workshop discussions with Council on 20 January 2016, a proposal to dedicate part of Council's freehold Lot 57 on RP749632 as Town Reserve, thus providing continuity of the Town Reserve all the way down to Keeble Street, was put to DNRM for their consideration. DNRM have advised that Council's proposal is acceptable from a tenure point of view and will negate the requirement for a separate dedicated access to be provided through Lot 56 on RP749632 owned by Mareeba Hire.

In previous correspondence with Apels Solicitors (acting on behalf of Mareeba Hire) regarding the proposed road closure, it was indicated that the granting of the easement for drainage purposes over part of Lot 56 on RP749632 was to be at no cost to Council and it was also verbally indicated to Mareeba Hire and then confirmed in writing that any costs associated with the dedication of portion of Council's freehold lot as Town Reserve would also be at their cost.

It was also indicated to Mareeba Hire that in relation to the drainage easement through their property, this would be a temporary arrangement until such time as the required stormwater infrastructure is in place along Keeble Street to divert the stormwater away from their property and down Keeble Street to the Bicentennial Lakes. Construction of the required stormwater infrastructure would be a condition of approval of any development application put forward for Lot 56 on RP749632 following finalisation of the road closure. Once the required drainage infrastructure is in place, the drainage easement can be cancelled.

In relation to the Foodpac shed encroachment on the road reserve, it was originally indicated to Foodpac that, as a condition of Council's support for the shed to remain in place and tenure to be granted to them over that section of the road reserve, they would be required to obtain formal building approval for the encroachment as there is no approval documentation able to be located within Council's building records.

However, as a result of further enquiries, it has been ascertained that the encroachment was designed and certified by Mr Trevor Adil who is a Registered Professional Engineer

Queensland. Mr Adil has also indicated that, to the best of his knowledge, at the time the encroachment was constructed, Queensland Rail was the administering authority for that particular business operation on Railway land (and a Permit to Occupy which existed over the adjacent section of road reserve in question) and QR was not required, as a government department, to obtain formal building approval from Council. Mr Adil has also agreed to provide a formal letter or certificate to Council confirming the above.

It is therefore recommended that Council accept that the shed encroachment was constructed legally at the time and not pursue the submission of a formal building application by the current owners of Foodpac Pty Ltd.

LINK TO CORPORATE PLAN

ECON 2: In partnership with local business, industry groups and economic and regional development organisations, continue to develop and promote existing and new businesses and industries.

CONSULTATION

Internal

Chief Executive Officer
Manager Technical Services
Workshopped with Council

External

Bob Neate, Mareeba Hire
Godfrey O'Neill, Foodpac Pty Ltd
DNRM

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

The proposals set out in this report will achieve the desired outcome of closure of the road reserve off Keeble Street with the following additional legal and risk issues resolved:

- The matter of legal access to Town Reserve Lot 569 on M3568 will be achieved by dedicating Council land as part of the Town Reserve. This will also be a good outcome in terms of pedestrian and bicycle access around the Bicentennial Lakes as that section of the Lakes will then totally adjoin either Town Reserve or Park & Recreation Reserve.
- Council will have in place a formal drainage easement over part of Lot 56 on RP749632 to enable it to maintain the existing stormwater drain and avoid any legal complications.
- The Foodpac shed encroachment will be recognised as a legitimate structure and tenure will be obtained over the land on which it is situated, thus resolving any risk or legal issues involving the building.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

As indicated in the body of the report, any costs associated with the dedication of part of Council's freehold lot as Town Reserve and the creation of the drainage easement over Lot 56 on RP749632 are to be the responsibility of Mareeba Hire.

Is the expenditure noted above included in the 2015/2016 budget?

N/A

If not you must recommend how the budget can be amended to accommodate the expenditure

N/A

IMPLEMENTATION/COMMUNICATION

The matters dealt with in this report have been previously workshopped with Council and the relevant parties are already aware of the actions that have been taken or are to be taken. They will continue to be kept informed of any issues that may arise in progressing this issue to finalisation.

ATTACHMENTS

1. Map showing the part of Lot 57 on RP749632 to be dedicated as Town Reserve.
2. Email correspondence between the Manager Development & Governance and Shaun Smith of DNRM re the proposal to dedicate part of Council's freehold land as Town Reserve.

Date Prepared: ***25 January 2016***

ATTACHMENT 1

Proposal for extension of Township Reserve (Lot 569 on M3568) to Keeble Street - Area edged green to be surveyed and dedicated as Town Reserve



ATTACHMENT 2

From: SMITH Shaun <Shaun.Smith@dnrm.qld.gov.au>
Sent: Friday, 22 January 2016 3:45 PM
To: Alan Lambert
Cc: LANGFORD Mark
Subject: RE: Keeble Street Road Closure

Hi Alan,

Either option would be possible from a Tenure side of things and would negate the need for a road opening from within Lot 56 on RP749632. If you pursued the option of taking the 10 metre wide strip along the edge of the Bicentennial Lakes as well as the irregular shaped piece of Council land that juts out into the middle of the lakes from Councils freehold land (being Lot 57 on RP749632), then this land could possibly be created as an individual lot and added to the reserve, with the title containing both Lot 569 on M3568 and the newly created lot. This would obviously be subject to the survey requirements.

For information regarding these survey requirements for both options, particularly considering part of the freehold lot is under water, it would probably be best if Council's surveyors liaise directly with the departments Surveyors

Kind Regards,

Shaun Smith

From: Alan Lambert [mailto:AlanL@msc.qld.gov.au]
Sent: Thursday, 21 January 2016 12:10 PM
To: SMITH Shaun
Cc: LANGFORD Mark
Subject: Keeble Street Road Closure

Shaun,

Further to our recent discussions in relation to the Keeble Street road closure proposal and DNRM's requirement for dedicated access to be provided to the Town Reserve lot (Lot 569 on M3568) at the rear of Bob Neate's property, I have discussed the matter further with Council and a couple of different options were put forward, including retaining a 10 metre wide strip within the existing road reserve off Keeble Street.

The option that would suit both parties (Mr Neate and Council) is the proposal shown on the attached plan. This involves taking a 10 metre wide strip along the edge of the Bicentennial Lakes and also including the irregular shaped piece of Council's land that juts out into the middle of the Lakes and having this surveyed and dedicated as part of the Town Reserve. That way, the Town Reserve would have continuity all the way down to Keeble Street, thus overcoming the problem of legal access. I would hope that this could be achieved by surveying only the area shown on the attached plan and not having to prepare a complete new plan of the whole Reserve. If it was the case that a complete survey of the whole Reserve was required, then we would probably only be interested in dedicating the 10 metre wide strip along the edge of the Lakes as road reserve due to the cost involved (even though Mr Neate will be responsible for those costs). Dedicating the 10 metre wide strip as road reserve would obviously split the Council's freehold lot in two leaving the irregular shaped piece in the middle of the Lakes as a separate parcel, however it could be dedicated as Reserve for Recreation or Town Reserve as it will be useless for anything else.

The dedication of the 10 metre wide strip along the edge of the Lakes makes sense as it is a logical place for the extension of walking paths and cycleways around the Lakes and these paths/cycleways would then be on dedicated public use land (road reserve or Town Reserve) instead of on Council's freehold parcel.

Can you please let me have your thoughts on this proposal.

regards,

Alan

Alan Lambert
Manager Development & Governance



Mareeba
SHIRE COUNCIL

Phone: 1300 308 461 | **Direct:** 07 4086 4663 | **Fax:** 07 4092 3323
Email: alanl@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
65 Rankin Street, Mareeba | P O Box 154, Mareeba, Queensland, Australia, 4880

 Go green, keep it on screen - think before you print

Mareeba Shire Council Disclaimer

This message and any attachments may contain privileged and confidential information intended only for the use of the intended addressee(s). Any unauthorised use of this material is prohibited. If you received this message in error please notify the sender immediately, delete the message and destroy any printed or electronic copies. Opinions expressed in this e-mail are those of the sender and do not necessarily represent the views of the Mareeba Shire Council. Council does not accept any responsibility for the loss or damage that may result from reliance on, or the use of, any information contained in this e-mail or attachments.

We recommend that you scan this e-mail and any attachments for viruses before opening. This Council does not accept liability for any loss or damage incurred either directly or indirectly from opening this e-mail or any attachments to it.

The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. There is no waiver of any confidentiality/privilege by your inadvertent receipt of this material.

Any form of review, disclosure, modification, distribution and/or publication of this email message is prohibited, unless as a necessary part of Departmental business.

If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

ITEM-5 OPERATIONAL PLAN QUARTERLY ASSESSMENT**MEETING:** Ordinary**MEETING DATE:** 3 February 2016**REPORT OFFICER'S
TITLE:** Manager Development & Governance**DEPARTMENT:** **CORPORATE & COMMUNITY SERVICES**

EXECUTIVE SUMMARY

In accordance with section 174(3) of the Local Government Regulation 2012, the Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.

The attached report provides advice on progress in implementing the 2015/16 Operational Plan for the October to December 2015 quarter.

OFFICER'S RECOMMENDATION

"That Council receive and note the progress report on implementation of the 2015/16 Operational Plan for the October to December 2015 quarter."

BACKGROUND

The *Local Government Regulation 2012* provides that a local government must prepare and adopt an annual operational plan for each year. The Operational Plan is a statement of specific works to be undertaken and services to be provided in order to progress the goals and objectives set out in a Council's Corporate Plan over a period of one year.

The Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.

The 2015/16 Operational Plan was adopted by Council at its meeting held on 3 June 2015.

The attached document provides a progress report on what action has been taken up to and including the October to December 2015 quarter with respect to the items and projects listed in the Operational Plan.

LINK TO CORPORATE PLAN

The Operational Plan details those items or projects that can be carried out within a 12 month budget period to progress the goals and objectives set out in the Council's Corporate Plan and is therefore relevant to all strategies contained within the Corporate Plan.

CONSULTATION*Internal*

Director Corporate & Community Services
Director Infrastructure Services
All Managers

External

Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

It is a statutory requirement for an assessment of progress in implementing the Operational Plan to be presented to Council at least on a quarterly basis.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Nil

Is the expenditure noted above included in the 2015/2016 budget?

N/A

If not you must recommend how the budget can be amended to accommodate the expenditure

N/A

IMPLEMENTATION/COMMUNICATION

N/A

ATTACHMENTS

1. Operational Plan 2015/16 - Quarterly Assessment - 31 December 2015.

Date Prepared: 27 January 2016

Operational Plan 2015-2016



**ASSESSMENT OF PERFORMANCE IN IMPLEMENTING
OPERATIONAL PLAN**

OCTOBER - DECEMBER QUARTER 2015

1

No	Task/Activity	Corp Plan Ref	Outcome	Responsibility	Assessment of performance in implementing Operational Plan
FINANCE					
1	Enhance access to financial information.	GOV 5	More informed reporting and financial decision making.	Manager Finance	Work has continued on improving the Tech One suite, particularly in the Works and Assets, OneWater and P&R water module (Taggle) area to enable more informed reporting and financial decision making. This will be an ongoing process.
2	Timely preparation of Financial Statements and resolution of recommendations.	GOV 1	Financial Statements are prepared in accordance with legislation.	Manager Finance	2014/15 Financial Statements were prepared and audited within the legislative timeframe. Council achieved an unqualified audit.
3	Review full cost pricing models to ensure equitable allocation of costs across departments.	GOV 3	To better reflect actual business unit costs and incorporate into fees and charges.	Manager Finance	The Corporate Overhead model was completed with the results reflected in the Cost Recovery Fees and Budgets for 2015/16. This ensures a more accurate account of costs across Council is known and reported on.
4	Continue to review and document internal processes to establish an improved level of control and transparency.	GOV 5	Improve processes to achieve more efficient operations and enhance internal controls.	Manager Finance	With the assistance of Internal Audit, two projects have already been completed. The two projects were Procurement Compliance Review and Corporate Card Expenditure Review. Recommendations from these projects will be implemented by 30 June 2016. A third project, Customer Request Management, commenced late December and is expected to be finalized within the next month.
5	Ensure long-term asset management planning and financial planning is updated to support financial sustainability.	GOV 1	Long term financial strategies in place for the ongoing financial management of Mareeba Shire.	Manager Finance	The Long Term Financial Forecast was part of the 2015/16 budget and adopted on 3 June 2015.
DEVELOPMENT & GOVERNANCE					
6	Continued development of the new Mareeba Shire Planning Scheme.	ENV 1	Proposed planning scheme finalised and adopted by Council.	Senior Planner	The draft Mareeba Shire Planning Scheme continues to be reviewed by the Department of Infrastructure, Local Government and Planning. As of December 2015, the Department's feedback has been positive and the Minister's approval to adopt the scheme with no or limited conditions is expected in early 2016. Public information sessions were held in November 2015 with most attendees accepting of the amendments made to the draft planning scheme.
7	Progress the sale of all land within the Chillagoe Industrial Estate.	ECON 2	Leased land within the Estate is sold to current lessees or other interested parties on a staged basis.	Manager Dev & Governance	Representations were made to Department of Transport and Main Roads in relation to their conditions of approval for the subdivision of the Estate. As a result of those representations and also representations made by the Mayor to the Minister, Council was successful in having the TMR conditions of approval removed. This is a saving of approximately \$125,000 to Council. Council's Surveyor has also finalised the plan of survey for subdivision purposes and this has now been lodged with DNRM. Once the survey plan has been registered, Council can then proceed with advertising the current 11 vacant lots for public tender.
INFORMATION SYSTEMS					

8	Upgrade Corporate records Management System (Technology One ECM).	GOV 5	Upgrade existing ECM version 3.08 to 4.03.	Manager Systems and Customer Service	The upgrade project has formally commenced with the required purchase order being supplied to TechnologyOne. Initial meetings have been held to cover project scope and timeline, and technical environment preparation.
9	Develop 3-5 year ICT Strategy.	GOV 3 GOV 5	Deliver long term ICT Strategy encompassing Infrastructure and Information Systems with a focus on Cloud or Hosted solutions.	Manager Systems and Customer Service	An EOI has been issued to business, broadly outlining Council's desire to develop and implement a long term ICT strategy, focusing on the utilisation of 'Cloud' or 'Cloud like' technologies. The EOI has a closing date of March 2016.
10	Develop and implement Data Protection Strategy.	GOV 5	Secure short and long term retention of Council data with minimal RTO.	Coordinator ICT	Council's future data protection strategy forms a key component of the EOI referred to in point 9. For the foreseeable future, the existing off site data replication process will be maintained.
11	Investigate the mobile delivery of corporate information systems.	GOV 5	Implementation of Technology One CiAnywhere infrastructure or other suitable technologies to support mobility.	Manager Systems and Customer Service	The delivery of the necessary internal infrastructure to support Technology One's CiAnywhere technology will form part of the broader ECM upgrade project planned for the first half of 2016.
12	Investigate enhancements to Enterprise Asset Management (EAM) systems.	GOV 2	Implement the required software modules necessary to support Technology One Enterprise Asset Management.	Manager Systems and Customer Service	Council has purchased and configured the Embedded Mapping and GIS Synchronisation components of the Technology One - Enterprise Asset Management product. Further work is required to map the existing GIS layers and Asset data sets.
13	Build mausoleum wall and lawn beam at Mareeba New cemetery.	GOV 5	Continued availability of the necessary facilities to support interments.	Coordinator Customer Service	A tender has been awarded for the construction of the mausoleum wall. The construction of the lawn beam is not anticipated to begin until 1 st quarter 2016.
COMMUNITY WELLBEING					
14	Assist with Service Level Review.	GOV 3	An organisation wide service level review is undertaken.	Manager Community Wellbeing	All service areas of the Community Wellbeing Group were comprehensively reviewed and the Mareeba Heritage Museum and Visitor Information Centre review is continuing.
15	Update the long term community plan.	GOV 1 GOV 4	Updated community priorities are reflected in a revised community plan which is aligned with the MSC Corporate Plan.	Manager Community Wellbeing	Community engagement to update the community plan will commence in April/May 2016.
16	Develop a Community Wellbeing Strategy.	COM 1 COM 2 COM 3 COM 4	Community is more aware of Council services and facilities, community service levels are affordable, sustainable and responsive to community priorities, and Council/community partnerships are strengthened.	Manager Community Wellbeing	This strategy will be completed once the community plan is updated as the community's priorities will inform the development of this strategy.
17	Develop an external community engagement policy and strategy.	COM 1 GOV 4	Council has a coherent policy and strategy that outlines how and for which purposes it will engage with external stakeholders.	Manager Community Wellbeing	A draft policy and strategy will be prepared for consideration by Councillors in April/May 2016.

18	Review the Community and Recreation Leasing Policy and develop a Community Facilities Register for the updated policy.		<ul style="list-style-type: none"> The policy is updated to reflect the unique characteristics of community facilities in the shire. Information regarding all of Council's community facilities can be readily accessed in one register. Council is able to make informed and equitable decisions regarding community management of facilities such as leasing and requests for assistance by community groups and sporting clubs. 	Manager Community Wellbeing; Manager Technical Services	This policy will be reviewed in April/May 2016.
19	Transfer externally funded community support services to suitable not for profit community organisations.	COM 3 GOV 3	The community has increased ability to drive community initiatives with less reliance on Council resources.	Manager Community Wellbeing	Tablelands Counselling and Support Service and the Youth Connections Program have been successfully transitioned to community management with subcontracting arrangements in place for each service until the funding agreements between Council and the State Government cease 30 June 2017. The funding agreements between Council and Department of Housing and Public Works ceased on 30 December 2015 for Homestay and Street to Home programs and the Department has entered into an agreement with Mareeba Community Housing Company to deliver these services from 1/1/16, resulting in no disruption to service delivery or impact on clients.
20	Relocate Kuranda Library and Customer Service Centre to become anchor tenant in Kuranda Community Precinct.	COM 2 GOV 5	Enhanced library services and meeting room facilities are available and the Customer Service Centre provides improved access to Council services.	Manager Community Wellbeing; Manager Technical Services	The relocation of the Kuranda Library to the Kuranda Community Precinct was celebrated on Saturday 21 November 2015 amidst much excitement and great anticipation. Community and library user feedback remains overwhelmingly positive regarding the new library facility. Library Officers are negotiating with local community services to provide a supported transport service for elderly customers to ensure access to the relocated library.
21	Develop Kuranda Community Precinct.	COM 2 COM 3	A strategic plan for the long term development of the precinct is developed.	Manager Community Wellbeing	The Kuranda Community Precinct was refurbished with the car park upgrade completed and the building refurbished to relocate the Kuranda Library. The Advisory Committee is prioritizing issues and suggestions for the future development of the precinct and is encouraging community input. Since the relocation of the Kuranda Library to the precinct, community interest in the precinct has increased with demand for meeting rooms increasing as well.
22	National Registration System Accreditation for aged housing.	COM 2	Council gains accreditation as a community housing provider for aged housing units.	Community Development & Engagement Officer	Council submitted the completed application within the set timeframe, but has since been advised that the assessment period has been extended for 2 years.
23	Conduct an assessment to	COM 2	The delivery of social housing for	Community	This project has not commenced due to other priorities.

	determine the future management of the housing stock.	COM 3	seniors is affordable, sustainable and meets local needs.	Development & Engagement Officer	
24	Conduct a housing rent review.	COM 2	Council reviews the rent annually in accordance with the Community Housing Rent Policy to ensure fair and affordable market rent is charged that covers operational costs.	Community Development & Engagement Officer	A comprehensive rent review was completed resulting in a staged approach to increasing rents for community housing for seniors.
25	Develop an Economic Growth Strategy including investment attraction that capitalises on the shire's opportunities for economic growth and leverages off partnerships.	ECON 1	Council has a clear understanding of the economic growth potential of the shire and appropriate ways to promote economic growth.	Senior Engagement Officer	This project will commence now that the vacancy in the Senior Engagement Officer position has been filled.
26	Mareeba Industrial Park Marketing Strategy.	ECON 1 ECON 2	The Park expands and grows and provides the opportunity for new and diversified business and industry development.	Senior Engagement Officer	A six month marketing strategy has been developed with implementation commencing in January 2016. Key elements of the strategy are: <ul style="list-style-type: none"> Hiring a commercial agent to promote the Park and sell blocks of land; In-house development of marketing material including a brochure and dedicated webpage on Council's website. The marketing strategy is included in the 2015/16 budget.
27	Library Strategy.	COM 1 COM 3 ECON 1	Strategy is developed to ensure Library service adapts to respond to changing customer demands and helps Council to connect with residents and ratepayers.	Coordinator Libraries	A draft strategy is being prepared for Council's consideration in mid 2016.
28	Compile a Community Directory.	COM 3	Directory lists sporting clubs, arts and cultural groups, service clubs, community services, volunteer groups across the shire.	Manager Community Wellbeing	The development of a community data base commenced in December. A partnership with the Sport and Recreation Service has allowed the sharing of contact data for sport and recreation clubs in the shire.
29	Distribute an e-Community newsletter quarterly.	COM 1 COM 3	e-Community newsletter enables Council to communicate and connect with wide range of community stakeholders, residents and ratepayers in a cost effective medium.	Manager Community Wellbeing	Once the community data base is developed, the e-community newsletter can commence in liaison with the Media and Events Officer.
30	Davies Park/Firth Park/Eales Park Community Management Model.	COM 1 COM 2 COM 3	A community management model for the management and operation of Davies Park and adjacent Parks is developed and implemented involving all user groups and Council.	Community Engagement and Development Officer	User groups associated with the new sports facilities being constructed at Davies and Firth Parks with grant funds have developed an MOU for this project which will form the basis of a future community management model for the operation of these parks.

ORGANISATIONAL DEVELOPMENT					
31	Comprehensive review of position levels to ensure organisational consistency in line with the QLGI Award 2014 and the new MSC Certified Agreement. Review and develop HR policies and practices to ensure the needs of the Council workforce are met.	GOV 5	Organisational consistency in the levelling of positions to ensure equity for all employees based on the expertise, judgement and accountability of the position aligned to the new QLGI/A.	Manager Org Development	<p>The comprehensive review of position levels has been completed. As circumstances and job roles evolve and change, the need for individual reviews will be assessed on a case by case basis and completed when required.</p> <p>An audit of policies and procedures which transitioned from TRC was conducted to ensure they complied with current MSC requirements. Some were discarded and replaced with more relevant MSC documents while others were updated. A number of new policies, procedures and guidelines were also developed and adopted. This work is on-going and will continue throughout the year to ensure the needs of the Council workforce are met.</p> <p>The QLGI Award 2015 was handed down by the QIRC in late October. The Minister and unions immediately appealed against some of the provisions of the Award. As a result, the implementation of the Award as it applies to the Council workforce has been put on hold. High level advice has been provided to management, employees and other parties regarding the impact of these actions on Council, its workforce and the ability/requirement to negotiate a new certified agreement.</p> <p>Employee Conduct Refresher training included updates for employees on the certified agreement, Employee Code of Conduct and other evolving HR issues.</p>
32	Provide high level advice and support to the Executive Management Team in the implementation of the new Certified Agreement for Council employees, including information and training sessions for employees.	GOV 6	Implementation of the new MSC CA with employees aware of any changes affecting their employment conditions and Council's policies and procedures.	Manager Org Development	<p>Training and skills needs were continually reviewed during the period with a number of training sessions delivered to employees by both internal and external providers.</p> <p>Internal delivery of training sessions to upskill managers continued. Proposals for targeted leadership training for managers were sourced and are being assessed. A new Performance Appraisal System (PAS) aimed at addressing performance issues early and identifying training needs was developed. Training on the new PAS commenced with a view to full implementation in the first half of 2016. There was a high focus on delivering Employee Conduct Refresher training with approximately 90% of employees completing the training by the end of the quarter.</p> <p>Training was delivered within budget allocations.</p>
33	Identify training and skills needs for Council's workforce including development and delivery of the Ganger Development Program and Leadership/Management training program. Ensure all training is delivered within budget allocations.	GOV 5	Skilled and competent workforce to meet current and future needs.	Manager Org Development	<p>Audit conducted in November 2015 received a Bronze rating of 71% from LGW which was above the threshold identified in Council's KPIs and an improvement from the previous audit result. Managers are continuing to be involved in ensuring improvement at an operational level. Monitoring and review of WHS policies, procedures and systems is ongoing. The number of incidents was reduced when compared to the September 2015 quarter and the same period in 2014.</p>
34	Ongoing monitoring and review of WHS policies, procedures and systems to protect the health and safety of Council's employees.	GOV 5	Reduction in incidents, accidents and work related injuries.	Manager Org Development	<p>The final versions of the Drug and Alcohol Policy and the Drug and Alcohol Testing Procedure were approved by the safety committee, unions and management representatives. Copies of the documents have been published and circulated to all workers including contractors. An HR Take 5 on the policy and procedure has been developed for all workers to complete prior to the implementation of testing which is planned for the first quarter in 2016.</p>
35	Implement the Drug and Alcohol Policy with comprehensive awareness training for all employees and the commencement of testing.	GOV 5	Heightened awareness of employees to the effect of drugs and alcohol in the workplace and how to deal with potential cases. Reduction in related incidents, accidents and work related injuries.	Manager Org Development	

OPERATIONAL PLAN 2015/16 - INFRASTRUCTURE SERVICES DEPARTMENT

No	Task/Activity	Corp Plan Ref	Outcome	Responsibility	Assessment of performance in implementing Operational Plan
WORKS					
36	Undertake capital roadworks and drainage projects (excluding Reseals) in accordance with approved capital works schedule.	ECON 3	Council's road and drainage networks are progressively upgraded.	Manager Works	Council's Transport Infrastructure Capital Works program is on schedule for completion by end of June 2016. Major projects completed during the second quarter of the financial year include widening & sealing of Tyrconnell Road and Kay Road, bitumen surfacing of Stanton Road, concrete footpath installation at various locations and commencement of the underground powering of Therwine Street, Kuranda.
37	Undertake bitumen roads reseat and asphalt overlay program in accordance with budget allocation.	ECON 3	Bitumen roads are maintained to a high standard and reseals are carried out within the maximum period as determined by the asset system for all roads to be resealed.	Manager Works	The 2016 Reseal program was completed in late October. Line marking of the reseals is programmed for January 2016.
38	Undertake Parks & Gardens capital works projects in accordance with approved capital works schedule.	ECON 3	Council's parks, gardens and reserves are progressively upgraded.	Manager Works	Council's Parks & Gardens Capital Works program is on schedule for completion by end of June 2016. Major projects completed during the second quarter of the financial year include replacement of softfall in Dimbulah and Mutchnilba and the purchase and installation of new Christmas trees in Mareeba, Dimbulah, Chillagoe, Mt Molloy and Kuranda.
TECHNICAL SERVICES					
39	Continue the development of asset management plans for all infrastructure asset classes.	GOV 2	Management of the Shire's major infrastructure assets is enhanced through the determination of accurate renewal, upgrade and maintenance costs that inform the long term financial planning process.	Strategic Project Officer	<ol style="list-style-type: none"> 1. Network level Risk Assessments are complete for Bridges, Water, Wastewater and Facilities asset classes. 2. Water and Wastewater asset classes have been prioritised over a 10 year period and the associated risks with delayed projects are being analysed. 3. Bridge renewal requirements are currently being prioritised and load limits are currently being assessed. 4. An initial 10 year works program has been developed for all asset classes using current information and will be reviewed to incorporate risk and renewal priorities.
40	Purchase and implement a Vehicle Management System.	GOV 5	Implementation of a Vehicle Management System will improve knowledge of fleet operations and obtain accurate data concerning usage and bookings and unnecessary overtime.	Coordinator Fleet & Workshop	The sixty-four units that were allocated have now had the Fleet Monitoring System installed. Twenty-three (23) of the sixty-four (64) units also had an additional Sat Com unit fitted to enhance coverage whilst out of mobile phone coverage. The original Sat Com units were all faulty from the manufacturer. A complete new set of Sat Com units has been supplied and five (5) of the new units have been installed.
WATER & WASTE					
41	Mareeba Wastewater Treatment Plant - explore alternative design options to provide an acceptable solution at less cost and continue to pursue the possibility of obtaining State Government funding for the	ECON 3	DEHP approval is obtained for an acceptable low cost design option and substantial government or other funding is secured to offset the cost of constructing the new Wastewater Treatment Plant.	Manager Water & Waste	Tenders called for refurbished and upgraded treatment plant and assessment completed and presented to Council for approval. Tender awarded to Downer Utilities with construction expected to begin April/May 2016.

	new plant and investigate other funding avenues that may be available.					
42	Mareeba Wastewater Treatment Plant Inlet Works Upgrade. (Funding has been secured for this project through the State government's Royalties for Regions program)	ECON 3	Upgrading the Inlet Works at the Mareeba Wastewater Treatment Plant as part of the overall upgrading of the treatment plant.	Manager: Water & Waste	Tenders called for a new packaged Inlet Works and assessment completed and presented to Council for approval. Tender awarded to Bilfinger Water Technologies Pty Ltd with construction expected to begin April/May 2016.	
43	Water meter replacement program and completion of Automated Meter Reading Equipment.	ECON 3 GOV 3	Complete the water meter replacement program for the remaining shire area providing a reliable revenue scheme for Council whilst upgrading and maintaining Council assets.	Manager: Water & Waste	Mareeba, Mt-Molloy, Chillagoe and Dimbulah all but completed and Kuranda township all but completed with the exception of approximately 30 difficult meters that will be replaced during January and February 2016.	
44	Mareeba Wastewater Reticulation Network Infrastructure Upgrade	ECON 3	Upgrading of approximately 1.1 kilometres of the sewerage reticulation network to the Mareeba Wastewater Treatment Plant along the Mulligan Highway to the treatment plant.	Manager: Water & Waste	Tenders called for upgrading of the sewerage reticulation network to the treatment plant. Tender assessment completed and presented to Council for approval. Tender awarded to Celtic Construction & Utility Services with construction to begin late January 2016.	
45	Construction of a new water reservoir at Kuranda (Myolia Road).	ECON 3	Provide a sustainable water supply to the Kuranda area and meet Council's legislative obligations under the Water Act.	Manager: Water & Waste	Completed	
46	Construction of two new water reservoirs at Kuranda - Mason's Road and Warril Drive	ECON 3	Provide a sustainable water supply to the Kuranda area and meet Council's legislative obligations under the Water Act.	Manager: Water & Waste	Design of the new water reservoirs to commence February 2016 with tenders for the construction of the new reservoirs being called April 2016.	
47	Mareeba Landfill - construct a new Leachate Pond.	ECON 3	Meet DEHP license requirements and water quality discharge limits at the wastewater treatment facility.	Manager: Water & Waste	To be constructed in conjunction with the new Mareeba Wastewater Treatment Plant.	
48	Waste Transfer Stations and Landfill site development and post closure plans	ECON 3	Meet DEHP licence and legislative requirements	Manager: Water & Waste	This project is required to meet DEHP licence conditions and legislative requirements. Work has been awarded to Aurecon with an expected completion date of May 2016.	
49	Wastewater reticulation pumps upgrade schedule.	ECON 3	Maintain Council assets and progressively upgrade and renew same so they are compliant with DEHP regulations.	Manager: Water & Waste	This project now completed with the exception of the replacement of one large pump at the Granite Creek sewerage pump station. This work is expected to be undertaken the week beginning 11 January 2016.	
50	Water, Wastewater and Waste - undertake capital works projects in accordance with approved capital works schedule.	ECON 3 ENV 5	Council's Water and Wastewater systems and waste disposal facilities are progressively upgraded and renewed.	Manager: Water & Waste	See comments on individual projects in this section.	
51	Kuranda Sludge Management Project	ECON 3	Supply, installation and	Manager: Water & Waste	Tenders were called for the design and construction of the Kuranda Sludge	

		ENV 5	commissioning of appropriate sewerage sludge treatment works to remove nutrients unnecessarily overloading the treatment process.	Waste	Management project. Tenders were assessed and presented to Council for approval with Abergedie Constructions being awarded the project. The project is expected to be completed by September 2016.
--	--	-------	---	-------	--

ITEM-6 CANCELLATION OF GRAZING LEASES HELD BY VICKTOR KAZIM

MEETING: Ordinary

MEETING DATE: 3 February 2016

REPORT OFFICER'S TITLE: Manager Development & Governance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report deals with the cancellation of grazing leases previously held by Mr Vicktor Kazim over the balance area of the Mareeba Industrial Estate and Pasturage Reserve Lot 539 on SP146295.

OFFICER'S RECOMMENDATION

"That:

1. Council note the cancellation of grazing leases over the balance area of the Mareeba Industrial Estate and Pasturage Reserve Lot 539 on SP146295 and officers be requested to investigate the provision of stock watering points within the areas of land in question and also Sunwater's requirements in relation to the Sunwater channel so that Council can consider the re-tendering of the land for grazing purposes.
2. Council agree to a continuation of the current arrangement with Mr Vicktor Kazim for the slashing of Reserve for Local Government Purposes Lot 888 on NR7943, with payment of \$500 per annum to be made by Mr Kazim to Council."

BACKGROUND

For a number of years, Mr Vicktor Kazim has held grazing leases over the balance area of the Mareeba Industrial Estate plus Pasturage Reserve Lot 539 on SP146295. Water for his stock has in the past, been obtained from the Sunwater channel and also from the small detention pond within the developed industrial estate area (which in itself is not a reliable supply), however, during the past 12 months, Sunwater has given Mr Kazim notice that his cattle are not to enter the channel due to the damage being caused to the channel banks.

Without access to water, the land parcels are not capable of grazing stock and there would also be considerable expense in fencing out the channel. As a result, Mr Kazim has now terminated his grazing leases.

In conjunction with the grazing of his cattle on the abovementioned parcels, Mr Kazim has been slashing the grass on Reserve for Local Government Purposes Lot 888 on NR7943 (on which the Model Aero Club field is located) which helps reduce the fire hazard on that lot. His costs of slashing the Reserve have been offset by the sale of the slashed grass which he bales.

He has indicated that even though he has cancelled his grazing leases, he would like to continue to slash the Reserve and bale the grass and is prepared to pay Council the sum of \$500 per annum for this privilege.

It is recommended that Council agree to continue the current arrangement with Mr Kazim for the slashing of the Reserve as this is a good tool in reducing the fire hazard risk. The grazing of the other land parcels is also a good means of keeping the grass down and reducing the fire hazard on those lots and it is also recommended that Council officers investigate the provision of stock watering points on the areas of land in question so that Council can then consider the re-tendering of the land for grazing purposes. Any such investigation would include consideration of Sunwater's requirements in relation to the channel.

LINK TO CORPORATE PLAN

ENV 4: Develop strategies to ensure a coordinated approach to fire management and the management and control of pests, weeds and feral animals and other bio security threats.

ECON 3: Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal

Workshopped with Council

External

Mr Vicktor Kazim
Sunwater

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

The leasing of the subject land parcels is beneficial to Council in that grazing helps to reduce the fire risk by keeping the grass down.

To re-lease the land for grazing purposes will obviously require the provision of stock watering points within the relevant parcels. Re-leasing will also require the land to put out to public tender in accordance with the relevant provisions of the *Local Government Regulation 2012*.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

To provide stock watering points within the various land parcels will obviously come at a cost, however, until this matter is investigated further, the quantum of this cost is not known.

Revenue from the leasing of both areas (the Industrial Estate balance area and the Pasturage Reserve) has been approximately \$11,000 per year and if the land is not re-leased, this will be a budget reduction for Council. Council will receive the amount of \$500 per year for the slashing of Reserve for Local Government Purposes Lot 888 on NR7943.

Is the expenditure noted above included in the 2015/2016 budget?

The revenue from the leasing of the lots would have been budgeted for but not any expenditure to provide stock watering points.

If not you must recommend how the budget can be amended to accommodate the expenditure

This will need to be further considered once the provision of stock watering points has been investigated and estimated costs are known.

IMPLEMENTATION/COMMUNICATION

Mr Kazim will be notified of Council's decision following the meeting.

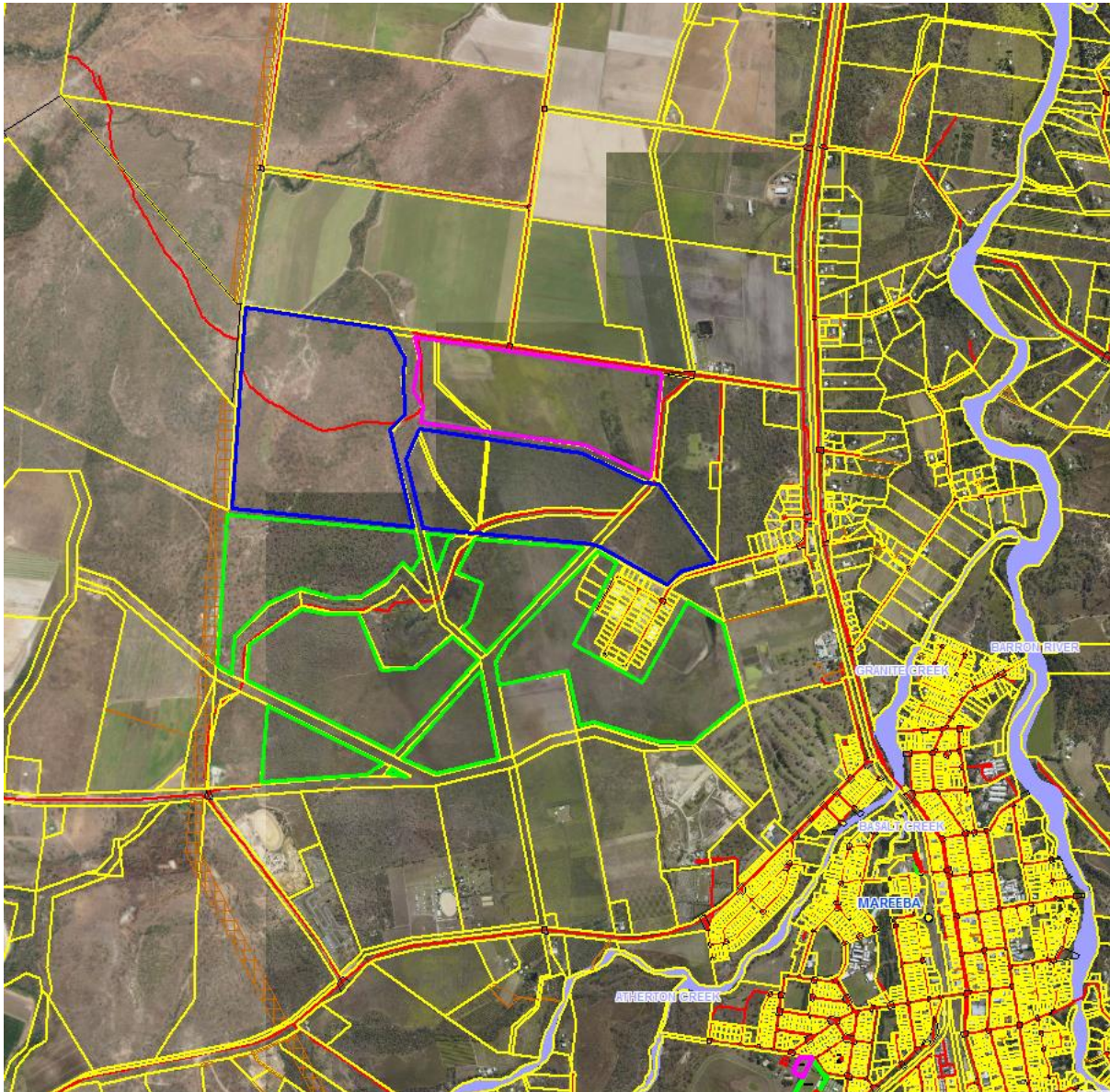
ATTACHMENTS

1. Map showing the various land parcels involved.
2. Letter from Vicktor Kazim dated 15 January 2016.

Date Prepared: 25 January 2016

ATTACHMENT 1

**Grazing Lease areas: Industrial Estate balance area edged green; Pasturage Reserve Lot 539 on SP146295 edged blue.
Reserve for Local Government Purposes Lot 888 on NR7943 (currently slashed by Mr Kazim) edged pink.**

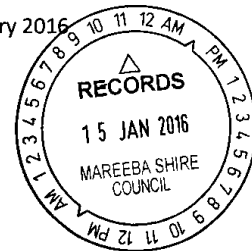


ATTACHMENT 2

*T FAC - P+R - AGR
IT AL.
A'h -*

PO Box 2471
MAREEBA Q 4880

15 January 2016



The Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA Q 4880

Dear Sir

I refer to my grazing leases over Lot 878 on RP857694 and Lot 879 on SP198060 (Mareeba Industrial Estate) and Pasturage Reserve Lot 539 on SP146295.

I wish to advise that due to Sunwater's requirements to fence the Sunwater Channel, thus denying my stock access to water, it is no longer viable for me to continue to lease the above land parcels.

I therefore wish to terminate both leases. All of my cattle were removed from the Industrial Estate lots along with yards and fencing prior to end of November 2015 and I have also removed all of my cattle from the Pasturage Reserve as of 31 December 2015.

In conjunction with my leasing of the above lots, I have also mowed and kept clear of fire hazards, Reserve for Local Government Lot 888 on NR7943. The cost of doing this work has been offset by monies received from the sale of the grass slashed.

I would like to continue to keep this lot clean as I have in the past with costs being offset by sale of the slashed grass. I am also prepared to pay Council \$500 per year to maintain this arrangement.

Yours faithfully

Vicktor Kazim

[Signature]
15.1.16
[Signature]

FINANCE

ITEM-7 REGULATORY FEES 2016 2017 FINANCIAL YEAR BEING FOR LOCAL LAWS AND ENVIRONMENTAL HEALTH

MEETING: Ordinary

MEETING DATE: 3 February 2016

**REPORT OFFICER'S
TITLE:** Coordinator Environmental Health & Local Laws

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report presents the recommended 2016/17 cost recovery fees for Environmental Health, Animal Management and Local Laws Activities for Council's consideration and endorsement. The process costs as calculated for the cost recovery fees for 2016/2017 are included. The fees listed include current fees, calculated or process costs and the proposed fees.

Those fees considered not to be regulatory (or cost recovery) are highlighted as such but are included in this report for administrative purposes.

OFFICER'S RECOMMENDATION

"That Council:

1. Adopt the proposed 2016/2017 fees as listed for Animal Management, Environmental Health and Local Laws Activities; and
2. Endorse the ongoing arrangement in place whereby new applications received for licences, registrations and approvals on or after 1 April each year are given an extended currency period to 30 June in the following financial year."

BACKGROUND

The basis for the cost recovery fees has been to calculate actual costs to provide the service.

Section 97 of Local Government Act 2009 prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost-recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged.

Section 52 of the Animal Management (Cats & Dogs) Act 2008 requires local governments to include a de-sexing incentive when setting fees for animal registration. In this case,

Council charges a higher fee for entire animals and a significantly lower fee for de-sexed animals.

The extended currency period results in a 15 month currency period for an approval that would ordinarily be for twelve months. This strategy satisfies most customers as it means that they are not issued with a renewal notice for an approval that was obtained in the last quarter.

A number of new fees have been added for the release of impounded items such as signs, camping equipment and other miscellaneous items that are impounded from time to time.

An additional fee has been included to enable an impounded microchipped cat to be returned to the owner for free the first time it is picked up and at a reduced cost on the first impounding.

LINK TO CORPORATE PLAN

ENV 2 - Maintain a proactive response to public health and safety matters including incorporating CPTED (Crime Prevention Through Environmental Design) principles in town centres and commercial developments.

CONSULTATION

Internal
Manager Finance

External
Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Council must be able to demonstrate that the cost recovery fees are no more than the cost of providing the service. Council is able to set a fee that is lower than the calculated cost where it is deemed appropriate.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

Is the expenditure noted above included in the 2015/2016 budget?
Nil

If not you must recommend how the budget can be amended to accommodate the expenditure

Nil

IMPLEMENTATION/COMMUNICATION

The cost recovery fees will be included in the schedule of cost recovery fees 2016/2017 and will be published on Council's Website.

ATTACHMENTS

Final Regulatory Fees 16 17 Financial Year (Local Laws and Environmental Health)

Date Prepared: 22 January 2016

Fee	Fee Description	Per	Approved Fee 2015/2016	Proposed Fee 2016/2017	Notes
ENVIRONMENTAL HEALTH					
Searches					
F0030	Record Search	search	\$70.00	\$75.00	
F0031	Physical Inspection (Sale Search)	inspection	\$290.00	\$300.00	
Food Act *					
F0032	Design & Fit out (without plan assessment)	application	\$290.00	\$300.00	
F0033	Design & Fit out (with plan assessment)	application	\$405.00	\$410.00	
F0034	Temporary Food Business (1 event)	application	\$125.00	\$130.00	
F0035	Application High Risk Food Business*	application	\$715.00	\$730.00	
F0036	Application Medium Risk Food Business*	application	\$575.00	\$585.00	
F0037	Application Low Risk Food Business*	application	\$275.00	\$280.00	
F0038	Application Renewal High Risk Food Business*	application	\$590.00	\$600.00	
F0039	Application Renewal Medium Risk Food Business*	application	\$310.00	\$320.00	
F0040	Application Renewal Low Risk Food Business*	application	\$215.00	\$220.00	
* based on the Priority Classification System for Food Businesses					
F0041	Application Restoration of Food Licence	application	\$95.00	\$95.00	
F0042	Application for Amendment of Food Licence	application	\$105.00	\$105.00	
F0043	Application for Replacement of Food Licence	application	\$70.00	\$70.00	
F0044	Inspections - for non-compliance, improvement	inspection	\$295.00	\$300.00	
F0045	Inspections - by request	inspection	\$275.00	\$280.00	
F0046	Food Safety Program Accreditation of Program by a Council Food Safety Auditor	premise	\$690.00	\$705.00	
F0047	Non-Conformance Audit of a Food Safety Program by a Council Food Safety Auditor	premise	\$375.00	\$380.00	
F0048	Amendment of Accredited Food Safety Program	premise	\$315.00	\$320.00	
Personal Appearance Services					
F0049	Design & Fit out (with plan assessment)	application	\$425.00	\$430.00	
F0050	Application for Licence	application	\$415.00	\$425.00	
F0051	Application for Renewal of Licence	licence	\$250.00	\$255.00	
F0052	Inspection non higher risk	licence	\$210.00	\$215.00	
F0053	Re-inspection non higher risk	licence	\$145.00	\$145.00	
F0054	Application to Transfer Licence	licence	\$205.00	\$210.00	
F0055	Replacement Licence	licence	\$70.00	\$70.00	
F0056	Application for Amendment of Licence	licence	\$225.00	\$230.00	
LOCAL LAWS ACTIVITIES					
Accommodation Facilities					
F0057	Caravan parks - initial	application	\$410.00	\$415.00	
F0058	Caravan parks - renewal	application	\$290.00	\$300.00	
F0059	Camping Grounds - initial	application	\$410.00	\$415.00	
F0060	Camping Grounds - renewal	application	\$290.00	\$300.00	
F0061	Transfer of ownership	application	\$290.00	\$300.00	
Operation of temporary entertainment events					
F0062	Operation of temporary entertainment events	application	\$575.00	\$585.00	
Remedial Notices					
F0063	Overgrown properties	notice	Cost + \$155.00	\$160.00	
Commercial Use of Local Government Controlled Areas and Roads (LGCARs) schedule 6					
F0064	Outdoor dining application	application	\$260.00	\$265.00	
F0065	Outdoor dining renewal	year	\$155.00	\$155.00	
F0066	Goods on footpath application	application	\$260.00	\$265.00	
F0067	Goods on footpath renewal	year	\$155.00	\$155.00	

Fee	Fee Description	Per	Approved Fee 2015/2016	Proposed Fee 2016/2017	Notes
F0068	Application for Approval - Commercial use LGCARs	application	\$260.00	\$265.00	
F0069	Application for Renewal of Approval - Commercial use LGCARs	year	\$155.00	\$155.00	
F0070	Amendment of Commercial Use of Roads Approval	application	\$100.00	\$100.00	
	Installation of advertising device - Schedule 8				
F0071	Advertising Device Application	application	\$255.00	\$260.00	
F0072	Advertising Device Renewal Application	year	\$140.00	\$145.00	
	Busking				
F0073	Application (annual)	year	\$100.00	\$110.00	
F0598	Application to renew	year		\$90.00	new fee
F0074	Application (3 monthly)	3 monthly	\$25.00	\$30.00	less than true cost
F0075	Public Liability Buskers Insurance	person	\$15.00	\$15.00	Not Regulatory
F0076	Recovery of Abandoned Vehicles	vehicle	cost + \$155	cost + \$160	
	Temporary Parking Permit				
F0077	Temporary parking permit	application	\$170.00	\$175.00	
	Release of Impounded Items				
F0609	Release of impounded sign	sign		\$65.00	new fee
F0610	Release of second and subsequent impounded signs	sign		\$25.00	new fee
F0611	Release of miscellaneous impounded items	item		\$65.00	new fee
	Gates & Grids				
F0078	Application for Approval Gates & Grids	application	\$110.00	TBA	Infrastructure to calcu
F0079	Application for Renewal of Approval Gates & Grids	year	\$110.00	TBA	Infrastructure to calcu
ANIMAL MANAGEMENT					
	Registration Dogs				
F0002	Pups under 3 months	animal	\$0.00	\$0.00	
F0003	Entire male/female	animal	\$90.00	\$95.00	
F0004	Entire male/female owned by pensioner	animal	\$90.00	\$95.00	
F0005	Desexed male/female	animal	\$16.00	\$17.00	
F0006	Desexed male/female owned by pensioner	animal	\$16.00	\$17.00	
F0007	Replacement Tag	tag	\$7.00	\$8.00	
F0008	Entire Dog (owned by a member of a recognised kennel club)	animal	\$40.00	\$45.00	
F0009	Assistance Dog	animal	\$0.00	\$0.00	
F0010	Working Dogs	animal	\$0.00	\$0.00	
	Pro rata calculations to apply to dog registration fees as follows;				
	1 July to 30 September, no fee reduction				
	1 October to 31 December, 25 % fee reduction				
	1 January to 31 March, 50 % fee reduction				
	1 April to 1 June, pay full fee but maintain the 15 month registration				
	Registration for Regulated Dogs (Dangerous, Menacing)				
F0011	Initial Fee	animal	\$330.00	\$335.00	
F0012	Renewal fee	animal	\$200.00	\$205.00	
F0013	Regulated Dog Tag - replacement	tag	\$15.00	\$15.00	
F0014	Additional regulated sign (1 required at each entry point)	sign	\$45.00	\$45.00	
	Approvals Animal Keeping				
F0015	Approval to Keep Excess Animals - Initial Application	application	\$225.00	\$230.00	
F0016	Approval to Keep Excess Animals - Renewal Application	application	\$180.00	\$185.00	
F0017	Amendment of Approval	application	\$180.00	\$185.00	
F0018	Regulated Dog Permit (Restricted Breed) Initial Fee	application	\$320.00	\$325.00	
F0019	Regulated Dog Permit (Restricted Breed) Renewal Fee	application	\$190.00	\$190.00	
	Impounding of Animals				

Fee	Fee Description	Per	Approved Fee 2015/2016	Proposed Fee 2016/2017	Notes
	Cats & Dogs				
F0020	Sustenance fee for care of animal (after 24 hours)	animal	\$30.00	\$18.00	
	Dogs				
F0021	Registered dog 1st release	animal	\$80.00	\$85.00	
F0022	Unregistered dog or second release of registered dog (to be registered on release if required)	animal	\$210.00	\$215.00	
	Cats				
F0	Cat with microchip 1st release	animal		\$85.00	new fee
F0599	Cat with no microchip or second or subsequent release of microchipped cat	animal	\$155.00	\$160.00	
	Stock				
F0023	One animal	animal	\$365.00	\$370.00	
F0024	Second and subsequent animals	animal	\$170.00	\$175.00	
F0025	Sustenance fee for care of animal (after 24 hours)	animal	\$25.00	Cost	
F0026	Contractors, Driving and Transport (per movement)	impoundment	Cost	Cost	
F0027	Advertising	impoundment	Cost	Cost	
F0028	Loan of Dog / Cat traps - no charge	trap			no fee
	Poultry and Small Stock				
F0600	One bird	bird	\$70.00	\$75.00	
F0601	Second and subsequent bird	bird	\$10.00	\$15.00	
F0602	One small stock	animal	\$70.00	\$75.00	
F0603	Second and subsequent small stock	animal	\$10.00	\$15.00	
F0604	Sustenance fee for care of animal	animal	Cost	Cost	
F0029	Sustenance fee for seized dogs per day	animal	\$18.00	\$18.00	
	Hire of stock yards				
F0605	Up to 7 head	day	\$100.00	\$100.00	not regulatory
F0606	More than 7 head	animal/day	\$16.00	\$16.00	not regulatory
F0607	Sustenance	animal/day	at cost	Cost	not regulatory
F0608	Labour hire	hour/person	\$60	\$60	not regulatory

BUSINESS WITHOUT NOTICE

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 17 February 2016