

# Instrument of Appointment and Authorisation

Attachment 7.1.1

## Victoria Police Officers

in this instrument "officer" means:

Senior Sergeant Michael CARROLL	Senior Constable Andrew BEAUMONT
Sergeant Paul GORDON	Senior Constable Alisha BORTOLOTTA
Sergeant Neil HODSON	Senior Constable Tanner CHRISTIE
Sergeant Grant JONES	Senior Constable Rachael EDGAR
Sergeant Shane KERVIN	Senior Constable Shane FLYNN
Sergeant Justin MCAULEY	Senior Constable Ian HAMILL
Sergeant Paul NICOLL	Senior Constable Scott JONES
Sergeant Rod PELL	Senior Constable Paul KERVIN
Sergeant Brendan RANDOE	Senior Constable Russell LOCKE
Sergeant Dale SIMM	Senior Constable Bren LODI
Sergeant Shane WALKER	Senior Constable Tamara MCKENZIE
Leading Senior Constable Gary ATKINS	Senior Constable Barry McLEOD
Leading Senior Constable Rodney BREWIS	Senior Constable Karyn MURTAGH
Leading Senior Constable Greg BRUNS	Senior Constable Michelle NEIL
Leading Senior Constable Brad CARROLL	Senior Constable Brent O'GRADY
Leading Senior Constable Bernadette COWLEY	Senior Constable Simon O'TOOLE
Leading Senior Constable Allan FOSKETT	Senior Constable Steve SHELLEW
Leading Senior Constable Robert FRASER	Senior Constable Steve TAYLOR
Leading Senior Constable Anthony GALLAGHER	Senior Constable Brenda WALLIS
Leading Senior Constable Darren GEORGE	Senior Constable Corey WILD
Leading Senior Constable William HAYES	Constable Vin ARLOTTA
Leading Senior Constable Simon PEARSON	Constable Mitchell BULL
Leading Senior Constable Frank SCOPELLITI	Constable Ian CARFOOT
Leading Senior Constable Dale SIMPSON	Constable Samantha DAVIDSON
Leading Senior Constable Kris SUTTON	Constable Daniel FLEMING
Leading Senior Constable Steven THOMSON	Constable Mitchell GALLOP
Leading Senior Constable Rhonda FORD	Constable Stephanie ISKRA
Detective Senior Constable Peter COLLIVER	Constable Rechelle McCARTNEY
Detective Senior Constable Jason HARE	Constable Nathan MARSH
Detective Senior Constable Troy WICKHAM	Constable Robert MORLAND
	Constable Scott NEWTON
	Constable Daniel OLD
	Constable Sam PALMA
	Constable Julienne TENACE
	Constable Kerrie THOMSON

**By this instrument of appointment and authorisation** Campaspe Shire Council under section 224 of the *Local Government Act 1989* appoints the officers to be authorised officers for the administration and enforcement of Council's General Local Law No. 8 2015.

**It is declared that this Instrument:**

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Campaspe Shire Council passed on 28 January 2020.

**The Common Seal of the Campaspe )  
Shire Council was hereunto affixed on )  
the twenty eighth day of January 2020 )**

**Councillor** \_\_\_\_\_

**Councillor** \_\_\_\_\_

**Chief Executive Officer** \_\_\_\_\_



# Instrument of Appointment and Authorisation

Attachment 7.1.2

## Parks Victoria Officers

In this instrument "officer" means:

- Bradd BALDOCK
- Todd BUSH
- Todd CODY
- Martin DOWNS
- Lisa FREEMAN
- Andrew MCDOUGALL
- Mark McKIMMIE
- Trent NELSON
- Scott NICHOLSON
- Brooke RYAN
- Lauren SMITH
- Mathew SOBEY
- Shane WARNE
- Nigel WATTS
- Leeza WISHART

**By this instrument of appointment and authorisation** Campaspe Shire Council under section 224 of the *Local Government Act 1989* appoints the officers to be authorised officers for the administration and enforcement of Council's General Local Law No. 8 2015.

**It is declared that** this Instrument:

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Campaspe Shire Council passed on 28 January 2020.

The Common Seal of the Campaspe )  
 Shire Council was hereunto affixed on )  
 the twenty eighth day of January 2020 )



Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Chief Executive Officer \_\_\_\_\_

# Councillor Code of Conduct

## Phase 3 – Internal Resolution Procedure - Arbiter

Attachment 7.2.1

A Councillor or a group of Councillors may make an application alleging that a Councillor has contravened the Councillor Code of Conduct. The application must:

- specify the name of the Councillor alleged to have contravened the Code;
- specify the provision(s) of the Code that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the application is made by a group of Councillors; and
- be signed and dated by the applicant or the applicant's representative.

The application must be submitted to the Council's Principal Conduct Officer.

An applicant may withdraw an application for an internal resolution procedure. Once an application has been withdrawn, the same or a similar application relating to the same instance in relation to the respondent Councillor cannot be resubmitted by the applicant.

On receiving an application, the Principal Conduct Officer will:

- advise the Mayor and CEO of the application without undue delay;
- provide a copy of the application to the Councillor who is the subject of the allegation at the earliest practical opportunity but not later than two working days from receipt of the application;
- identify an arbiter to hear the application;
- obtain from the arbiter written advice that they have no conflict of interest in relation to the Councillors involved;
- notify the parties of the name of the proposed arbiter and provide them with the opportunity (2 working days) to object to the person proposed to be the arbiter;
- consider the grounds of any objection and appoint the proposed arbiter or identify another arbiter;
- provide a copy of the application to the arbiter as soon as practicable after the opportunity for the parties to object to an arbiter has expired;
- after consultation with the arbiter, advise the applicant and the respondent of the time and place for the hearing; and
- attend the hearing(s) and assist the arbiter in the administration of the process

In identifying an arbiter to hear the application, the Principal Conduct Officer must select an arbiter who is suitably independent and able to carry out the role of arbiter fairly.

The role of the arbiter is to:

- consider applications alleging a contravention of the Councillor Code of Conduct by a Councillor;
- make findings in relation to any application alleging a contravention of the Councillor Code of Conduct which the arbiter must give to the Council;
- give a written statement of reasons supporting the findings to the Council at the same time as it gives its findings to the Council;
- recommend an appropriate sanction or sanctions where the arbiter has found that a Councillor has contravened the Councillor Code of Conduct.

# Councillor Code of Conduct

## Phase 3 – Internal Resolution Procedure - Arbiter

In considering an application alleging a contravention of the Councillor Code of Conduct, an arbiter will:

- in consultation with the Principal Conduct Officer, fix a time and place to hear the application;
- authorise the Principal Conduct Officer to formally notify the applicant and the respondent of the time and place of the hearing;
- hold as many meetings as he or she considers necessary to properly consider the Application, the arbiter may hold a directions hearing;
- have discretion to conduct the hearings as he or she deems fit while ensuring that the hearings are conducted with as little formality and technicality as due and proper consideration of the application allows;
- ensure that the parties to and affected by an application are given an opportunity to be heard by the arbiter;
- consider an application by a respondent to have legal representation at the hearing to ensure that the hearing is conducted fairly and may, in his or her absolute discretion, grant the application or deny the application;
- ensure that the rules of natural justice are observed and applied in the hearing of the application; and
- ensure that the hearings are closed to the public.

Where an application to have legal representation is granted by an arbiter, the costs of the respondent's legal representation are to be borne by the respondent in their entirety.

An arbiter:

- may find that a Councillor who is a respondent to an internal resolution procedure application has not contravened the Code;
- may find that a Councillor who is a respondent to an internal resolution procedure has contravened the Code;
- will suspend consideration of an internal resolution procedure during the election period for a general election.

The arbiter is to give a copy of his or her findings and the statement of reasons to the Council, the applicant and the respondent. At the same time, the arbiter provides the findings and statement of reasons, he or she shall, where a Councillor has been found to have contravened the Code, recommend an appropriate sanction or sanctions for the contravention for consideration by the Council.

A copy of the arbiter's findings, statement of reasons and any recommended sanctions is to be submitted to the next ordinary meeting of the Council for its consideration. If an arbiter has found that a contravention of the Code has occurred, the Council may, after considering the arbiter's findings, statement of reasons and recommendation on sanctions, give any or all of the following written directions to the Councillor:

- direct the Councillor to make an apology in a form or manner specified by the Council;
- direct the Councillor to not attend up to, but not exceeding, 2 meetings of the Council (in respect of the next scheduled meetings of the Council);
- direct that, for a period of up to, but not exceeding, 2 months on a date specified by the Council the Councillor:
- be removed from any position where the Councillor represents the Council; and

# Councillor Code of Conduct

## Phase 3 – Internal Resolution Procedure - Arbiter

- to not chair or attend any advisory committee or special committee meeting or an assembly of Councillors or any other meeting specified in the direction.
- A Councillor who does not participate in the internal resolution procedure may be guilty of misconduct. The Act provides that misconduct by a Councillor means any of the following:
  - failure by a Councillor to comply with the Council's internal resolution procedure; or
  - failure by a Councillor to comply with a written direction given by the Council under section 81AB; or
  - repeated contravention of any of the Councillor conduct principles.

Allegations of misconduct are heard on application by a Councillor Conduct Panel.

**CAMPASE SHIRE COUNCIL****WRITTEN REASONS FOR FINDINGS AND RECOMMENDATIONS UNDER SECTION 81AA OF LOCAL GOVERNMENT ACT 1989**

<b>APPLICANTS:</b>	<b>CR KRISTEN MUNRO</b> <b>CR ANNIE VICKERS</b> <b>CR JOHN ZOBEC</b> <b>CR VICKI NEELE</b>
<b>RESPONDENT:</b>	<b>CR LEIGH WILSON</b>
<b>ARBITER:</b>	<b>MELISSA SCADDEN, JUSTITIA LAWYERS AND CONSULTANTS</b>
<b>PRINCIPAL CONDUCT OFFICER:</b>	<b>FRANK CRAWLEY</b>
<b>ARBITRATION HEARING DATE:</b>	<b>20 NOVEMBER 2019</b>
<b>FINAL DECISION</b>	<b>18 DECEMBER 2019</b>

**INTRODUCTION**

1. The Arbiter was appointed in accordance with the Campaspe Shire Council (**Council**) Councillor's Code of Conduct 2017 (**Code**) to conduct an arbitration of an application (**Application**) brought by Crs Munro, Vickers, Zobec and Neele against Cr Wilson.
2. The Code was adopted on 7 February 2017 and reflects the dispute resolution provisions outlined in s 81AA of the *Local Government Act 1989* (Vic) (**LGA**).
3. The Arbiter declares in accordance with section 81AA (2)(c) of the LGA that she is independent and has sought to carry out her role fairly.
4. The Application alleges Cr Wilson breached the Code through comments made in two separate video blogs posted to his personal Facebook page on two occasions, one on 22 August 2019 (**First Vlog**) and the second on 12 September 2019 (**Second Vlog**). The Application was made on 25 October 2019.

5. The Application alleges Cr Wilson's conduct is in breach of the following:
- i. Social Media Policy 131
  - ii. Media Relations Policy 055
  - iii. Code - Councillor Behaviour (a)(vii) *"treating all people with courtesy and respect, recognising that there are legitimate differences in opinions, race, culture, religion, language, gender and abilities. This includes in the interests of maintaining a high level of teamwork and encouraging good morale, there is no criticism of staff in public by Councillors and no criticism of Councillors by Councillors in public."*
  - iv. Code – Councillor Behaviour (b)(iii) *"always acting with integrity and honesty: ... not acting in ways that may damage the Council or its ability to exercise good government"*.
6. Under the section titled *"Other Relevant Policies"*, the Code provides that *"The following policies and procedures that relate to conduct apply to Councillors as well as staff:*
- *Media Policy*
  - *Respect in the Workplace Policy*
  - *Protected Disclosure Act Procedures."*
7. It was submitted by the Applicants, and not disputed by the Respondent, that the reference to Media Policy included both the Social Media Policy and Media Relations Policy.

## **CODE OF CONDUCT**

8. The Code sets out a Dispute Resolution process which includes three Phases:
- i. Phase 1 – direct negotiation between the parties in dispute with the Mayor in attendance to provide guidance.

- ii. Phase 2 – external mediation by an independent mediator engaged by the Chief Executive Officer.
- iii. Phase 3 – external arbitration involving an independent arbiter.

Where the direct negotiation or external mediation either does not resolve the dispute, or one or more of the parties decline to participate, the dispute proceeds to Phase 3 and an independent arbiter is appointed to resolve the dispute. A refusal to participate in Phase 1 or Phase 2 does not constitute a breach of the Code.

**9.** Under Phase 3, an external Arbiter is appointed to:

- i. consider applications alleging a contravention of the Code by a Councillor;
- ii. make findings in relation to any application alleging a contravention of the Code;
- iii. provide a written statement of reasons supporting the findings of the Arbiter to the Council; and
- iv. recommend an appropriate sanction or sanctions where the Arbiter has found that a Councillor has contravened the Code.

## **PROCESS**

- 10.** The Arbiter was appointed on 9 October 2019 in accordance with the Code, having declared in writing that she had no conflict of interest.
- 11.** On 9 October 2019 the Arbiter provided the parties with procedural directions and set the Hearing Date for 20 November 2019.
- 12.** The procedural directions provided parties with a timetable for providing submissions and material to ensure each party had an opportunity to be heard. The procedural directions were as follows:
  - i. The Applicants to provide written submissions and any supporting information in relation to the Application by COB 24 October 2019;



- ii. Respondent to provide written submissions and any supporting information in relation to the Application by 7 November 2019; and
  - iii. The Applicants to provide any further information in reply to Respondent's submissions by 14 November 2019.
- 17** The Code provides that where the application is made by a group of Councillors, they must name the Councillor appointed to be their representative. On that basis, the Applicants advised that their appointed representative, Cr Munro, would be the spokesperson at the Hearing. As a result of ill health, Cr Munro was unable to attend the hearing and Cr Neele was appointed spokesperson.
- 18** At the commencement of the Hearing, the parties agreed to maintain confidentiality of the matters discussed.
- 19** The parties were advised that if they wished to be legally represented, they needed to apply to the Arbiter in advance, and that any such application would be considered by the Arbiter in light of the requirement for the hearing to be conducted fairly. No parties applied for legal representation.
- 20** At the Hearing, Crs Neele and Vickers were present for the Applicants. Cr Wilson attended with Cr Neil Pankhurst as his support person.
- 21** The parties were also advised that the Arbiter's findings and recommendations would be provided to the parties in draft format for their further response by COB 11 December 2019, prior to being finalised by COB 18 December 2019, in accordance with the procedural directions.

### **Reasonable person test**

- 22** At the commencement of the Arbitration Hearing, in addition to discussing procedural matters and confidentiality, the Arbiter advised the parties of the evidentiary standards that would be applied in the determination of the matter. The Arbiter advised the parties that if in the course

of making her findings she is required to make findings of fact, she would apply the appropriate standard of proof for civil matters, which is the balance of probabilities.

- 23** The Arbiter further advised the parties that in order to determine whether there had been a breach of the Code, she would be applying the “reasonable person test”. The “reasonable person test” is an objective test, based on a hypothetical person in the community who exercises average care, skill and judgement. The test involves consideration of whether this “reasonable person”, having regard to all of the circumstances, would consider there had been a breach of the Code.
- 24** The Arbiter also noted that she was required to observe the principles of natural justice and procedural fairness as set out in the Code under the heading “Breaches of the Code of Conduct”.

#### **THE APPLICATION - BACKGROUND**

- 25** During a Council meeting on 20 August 2019 (**Council Meeting**), Cr Wilson moved a Notice of Motion that the CEO undertake a desktop review of the Council’s current Policies and Strategies and benchmark them to other councils deemed relevant based upon size and or similar community service delivery.
- 26** During the closing debate regarding the motion, Cr Wilson raised concerns regarding the Council’s proposed tourism expenditure for the next three years. Three Councillors then called a point of order on the basis that these comments were “*not to the matter*”. The Mayor then addressed Cr Wilson and asked him to stay on topic. Thereafter followed an exchange between the Mayor and Cr Wilson during which Cr Wilson said to the Mayor “*just to be clear, I’m being censored on this*” and the Mayor responded “yes”. A copy of the audio-visual recording of the Council meeting on 20 August 2019 was provided to the Arbiter and can be found [here](#) .
- 27** On 22 August 2019 Cr Wilson posted the First Vlog on his public Facebook page regarding the Council Meeting. A transcript of the First Vlog is attached as Attachment A.

- 28** On 12 September 2019, Cr Wilson posted the Second Vlog on his public Facebook page regarding the Application. A transcript of the Second Vlog is attached as Attachment B.

#### **EVIDENCE PROVIDED IN SUPPORT OF THE APPLICATION**

- 29** The Application submitted that Cr Wilson had “*disregard of the Social Media Policy, Media Policy and Code*”. The supporting evidence referred to “*social media posts, outlining personal views, not giving full details of situation, disparaging remarks against another councillor*”.
- 30** In email correspondence sent by Cr Munro to Frank Crawley on 25 October 2019 on behalf of the Applicants, Cr Munro stated the following:
- “The Mayor has previously spoken with Cr Wilson in regards to a number of these code of conduct breeches [sic], but these have proven to be futile, as Cr Wilson believes that it is his right to speak under the banner of openness and transparency. ...”.*
- 31** The Applicants also provided a copy of an article in The Riverine Herald dated 26 August 2019 titled “*Councillor’s social media outburst gained support*”. The Article is attached as Attachment C.
- 32** At the Hearing, the Applicants noted that Councillor Wilson’s Facebook page also displays a banner stating the definition of “transparency” as being “*the quality of being done in an open way without secrets: We want more transparency in government*”.
- 33** The Applicants submitted that Cr Wilson had breached the Code previously through his interactions with the media, however an application under the Code was not made with respect to these alleged breaches. The Applicants also stated that the Mayor had spoken to Cr Wilson about his conduct on these occasions. The Applicants submitted in light of past breaches, they considered it necessary to go straight to Phase 3 under the Code, as they had no confidence that Phases 1 or 2 would be successful in changing Cr Wilson’s conduct.
- 34** The Arbiter notes that the previous alleged breaches were not the subject of this Application and therefore the evidence provided by the Applicants was not tested, nor findings made.

- 35** At the Hearing, the Applicants also submitted that by disclosing details of the Application in the Second Vlog, Cr Wilson was in breach of his obligations under the Social Media Policy to, when using social media, not disclose Campaspe Shire Council Information, nor internal Campaspe Shire discussions or decisions.

#### **EVIDENCE PROVIDED BY COUNCILLOR WILSON IN RESPONSE TO THE APPLICATION**

- 36** Cr Wilson provided a written response dated 4 November 2019. Cr Wilson did not dispute the posting of the First Vlog or Second Vlog. Cr Wilson stated that he had *“gone to great lengths within the requirements of the Local Government Act, Local Laws and Policies to fulfil [his] role as a Councillor”*.
- 37** Cr Wilson stated that the Mayor spoke to him on two occasions including on one occasion relating to the Local TV Interview he participated in with WIN news Shepparton and on another occasions, when he participated in an interview with a local community radio station. Cr Wilson further stated that on both of those occasions, there was no complaints as to a breach of the Code and he cannot recall having been spoken to by any Councillor about the Media Policy.
- 38** In response to the breaches of the Code, Cr Wilson provided the following:  
*“The following extracts from the Local Government Act outline the context of my two VLOGs; Sect 3c(2g) “to ensure transparency and accountability in Council decision making”. Sect 65(1 & 2b) “to represent the local community in that decision-making... observe principle of good governance and act with integrity”. Sect 65(2d) “participate in the responsible allocation of the resources of Council...”.*
- 39** Cr Wilson set out his statement that was recorded in the Second Vlog, during which he said words to the effect of *“I am prepared to be penalised by actually coming to you and telling you this issue...”*.
- 40** Cr Wilson states in his written response that he believes his *“concerns are founded in truth with the efforts of fellow Councillors to either gag or stop me from highlighting this matter”*. Cr

Wilson also states that he has not been approached or had discussions with the Mayor or any Councillors regarding the First Vlog or Second Vlog.

- 41** Cr Wilson explains that at the conclusion of the First Vlog and Second Vlog, he signs off to the audience by saying words to the effect of *“these views are my own thoughts and opinions”*. He submitted that the intention of this statement was to make it clear he was not speaking on behalf of the Council. He stated that he still considered himself to be speaking as a Councillor, noting *“we are Councillors 24/7”*.
- 42** At the Hearing, Cr Wilson reiterated that none of the Applicants approached him about the First or Second Vlog, nor asked him to take them down.
- 43** Cr Wilson also stated that his intention in posting the First Vlog was to *“seek guidance from the community”* regarding its position on the distribution of funds by Echuca-Moama Tourism (EMT). He was not suggesting the Council or Mayor was being dishonest or not transparent, nor did he intend to do any harm. He reiterated that he was simply complying with his obligations under the LGA to *“ensure transparency and accountability in Council decision making”*, *“represent the local community in that decision making”* and *“participate in the responsible allocation of the resources of Council”*.
- 44** Cr Wilson also stated he wanted to highlight to the local community that he was stopped from discussing the issue of the distribution of EMT funds during the Council Meeting.
- 45** Cr Wilson noted that his Notice of Motion was not opposed and that he was simply responding to the submissions of other Councillors on the motion. He further submitted that although under local meeting procedures Councillors are technically not supposed to introduce new items when responding to submissions, this was not rigorously enforced and Councillors had been allowed to do so in the past.

## WITNESS EVIDENCE

- 46 During the Hearing, Frank Crawley stated that although in the past Council meeting procedures were not strictly enforced, more recently the Council had adopted an approach of more strict compliance with local meeting procedures.
- 47 Given that Cr Wilson admits to posting the First Vlog and Second Vlog on his Facebook page, and these logs are available for viewing, as is the Council Meeting, there are no material facts that are in dispute. Accordingly, the Arbiter did not consider it necessary to seek any evidence from further witnesses/sources.

#### **FINDINGS IN RELATION TO THE APPLICATION**

- 48 The Arbiter notes that Cr Wilson has attempted to justify his comments in the First and Second Vlog as being consistent with his obligations under the LGA, most notably Sections 3C(2)(g), 65(1), 65(2)(b) and 65(2)(d). The LGA does not state that these obligations override a Councillor's other obligations under the LGA or the Code. Therefore, irrespective of whether Cr Wilson's comments are consistent with his obligations set out above, the question for the Arbiter is whether the First and Second Vlog breach the provisions of the Code submitted by the Applicants.
- 49 With respect to the First Vlog, Cr Wilson states that he was "censored" by the Mayor at the Council Meeting. He then states that:
- "the rate payers of Campaspe Shire deserve openness and transparency, and I am prepared to be open and transparent with you, I am also prepared to be penalised by actually coming to you and telling you this issue".*
- 50 Cr Wilson then continues to outline an upcoming Council decision regarding funds that Council is proposing to subsidise a "local organisation" and states that
- "You as rate payers deserve to know this. You as rate payers, have the right to ask questions about this important matter. I, as an individual councillor, need your support to ask questions about this really important matter"*

- 51 The Arbiter also notes that at the beginning of the First Vlog, the word “censored” is written across the screen.
- 52 Despite Cr Wilson’s assertion that his intention of the First Vlog was to “seek guidance” from the community regarding the funding decision, the Arbiter notes that Cr Wilson does not explicitly seek guidance. Nor does he provide details as to which local organisation the proposed funds will subsidise, which the Arbiter notes was already publicly available. Rather, the First Vlog appears to be an attempt to draw attention to the recent Council Meeting and assert Cr Wilson’s position that he was being censored.
- 53 The Applicants submit that the First Vlog was in breach of Cr Wilson’s obligation to treat all people with courtesy and respect and in particular, *“in the interests of maintaining a high level of teamwork and encouraging good morale, there is no criticism....of Councillors by Councillors in public”*.
- 54 In light of the wording of the First Vlog, the word “censored” on the screen at the commencement and the banner across Cr Wilson’s page regarding transparency in government, the Arbiter considers that a reasonable person who views the First Vlog is likely to perceive that the Mayor was trying to prevent Cr Wilson from disclosing details about the proposed funding arrangements and in doing so was not being transparent. Furthermore, the statement that *“I am prepared to be penalised by actually coming to you and telling you this issue”* suggests that not only was the Mayor not being transparent, he is actively trying to hide something, which implies a level of underhandedness or dishonesty. Accordingly, the First Vlog can reasonably be perceived as a criticism of the Mayor.
- 55 Similarly, a public criticism of the Mayor in a manner that suggests he is not being open or transparent is not likely to encourage good morale or a high level of teamwork.
- 56 The Arbiter also notes that during the Council Meeting, the three points of order called in respect to Cr Wilson’s statements were because they were not relevant to the Notice of Motion. Similarly, the Mayor asked Cr Wilson to *“pull back the comment... it’s not really the opportunity*

*to introduce new items and secondly, we're drifting away from what is being proposed as a motion*". The Arbiter also notes that the Notice of Motion had no objectors.

- 57** The Arbiter notes Cr Wilson's assertion that given he was being "censored" he had no choice but to take to social media to inform the community about the proposed funding arrangements. Yet the first Vlog failed to provide specific details about these arrangements, rather it focussed on the Mayor's actions in the Council Meeting. Furthermore, the proposed funding arrangements were already available to the public. In the Arbiter's view, it was possible for Cr Wilson to draw the community's attention to the proposed funding arrangements without suggesting that the Mayor was acting in a non-transparent or underhand manner.
- 58** The Arbiter also notes Cr Wilson's submission that it is *"well-known there is a four/five split amongst the Councillors"* and his suggestion in the Hearing that the Points of Order and subsequent actions of the Mayor were another attempt of this "voting block" to silence Cr Wilson and push the proposed funding arrangements through. Similarly, he suggested that given the "split", he had no alternative but to turn to social media to express his frustration at the Mayor's actions during the meeting.
- 59** The Arbiter notes that this does not justify a Councillor conducting themselves in a manner that is in breach of the Code. The Code and LGA provide mechanisms to address disagreement between Councillors and concerns about Councillor Conduct, which are consistent with the standards of behaviour expected of Councillors.
- 60** The Arbiter finds that, given the First Vlog can be seen as criticism of the Mayor and an implication that he was being underhand or dishonest, the First Vlog is in breach of Cr Wilson's obligations under "Councillor Behaviour (a) (vii)" of the Code.
- 61** The Arbiter does not, however, find that Cr Wilson was acting without integrity or dishonestly in breach of "Councillor Behaviour (b)". There is no evidence to suggest that Cr Wilson was being dishonest or somehow lacking in moral principles through his First Vlog. Rather the evidence suggests that he was attempting to draw the community's attention to a procedural decision



during the Council Meeting that he did not agree with. His choice of language and graphics, although perhaps misleading in that they implied a lack of transparency and honesty on behalf of the Mayor, did not go so far as to be dishonest. Furthermore, Cr Wilson referred specifically to the time stamp on the live stream of the Council Meeting, allowing Facebook users to view the interchange between the Mayor and Cr Wilson for themselves.

- 62** Given the impact of the Vlog is to imply that the Mayor was not being open and transparent, the Arbiter finds that the First Vlog was in breach of Cr Wilson's obligation under the Social Media Policy to not *"make any disparaging comment/post about a Campaspe Shire... Councillor"*.
- 63** The Arbiter does not, however, consider the First Vlog goes so far as to *"cause reputational damage to the Campaspe Shire Council"*. As stated, Cr Wilson refers Facebook users to the live stream of the Council Meeting, providing the time stamp. Any member of the community viewing the live stream would understand the context of the Mayor's action, which was to ask Cr Wilson, as mover of the original motion that had no objectors, to not introduce new information when providing his response. This was supported by the article in the Riverine Herald, which also provided context of the Council Meeting. Although the First Vlog may imply there was disagreement or dysfunction amongst Councillors, this is not unusual. Similarly, although the comments are disparaging to the Mayor, the Arbiter does not consider they go so far as to damage the reputation of the Council as a whole.
- 64** The Arbiter notes Cr Wilson's submission that his reference in the First Vlog to the statement being his *"own thoughts and opinions"* was intended to make it clear he was not speaking on behalf of the Council. The Arbiter considers a viewer would reasonably conclude that Cr Wilson was not speaking on behalf of the Council; accordingly, the Arbiter does not find the First Vlog in breach of Cr Wilson's obligation under the Social Media Policy to be authorised by the Communications Manager before engaging in social media as a representative of Campaspe Shire Council.

- 65 The Arbiter notes that no evidence was provided that Cr Wilson had spoken to or engaged with the media about this matter. Accordingly, the Arbiter does not find any breach of the Media Relations Policy.
- 66 With respect to the Second Vlog, the Arbiter notes that not only does Cr Wilson refer to the Application, he also holds up a copy of the original complaint to the camera. He states that the Application was made “to stop me from talking to you about the issue that I raised a few weeks ago” and to “effectively stop me from going further”, implying that the Applicants made the Application to further “censor” Cr Wilson and prevent him from talking about the EMT funding. Despite these statements, Cr Wilson was unable to provide any evidence regarding how the Application prevented him from speaking out about the issue; indeed, the matter was the subject of further debate at a subsequent Council Meeting, in which Cr Wilson participated.
- 67 The Second Vlog refers to four Councillors who lodged the Application who, combined with the Mayor, are “stopping” Cr Wilson from talking about the issue.
- 68 The Arbiter notes that under the Social Media Policy, when using social media a Councillor must not “disclose confidential Campaspe Shire Council information” or “internal Campaspe Shire Council discussions or decisions”. Although “confidential Campaspe Shire Council Information is not defined, the “A-Z guide for using social media” states:

*Disclosure: only discuss publicly available information. Do not disclose confidential information, internal discussions or decision of council, employees or third parties. This includes publishing confidential, personal or private information whether there is sufficient detail for potential identification of councillors, council staff or third parties.”*

- 69 Although the Arbiter does not consider that the information disclosed by Cr Wilson regarding the Application falls within the definition of “Confidential Information” under s77 of the LGA, the Social Media Policy does not expressly state that it has adopted this definition.

- 70** The Arbiter was not provided with any evidence that, other than by virtue of the Second Vlog, details of the Application were publicly available as at 12 September 2019. Furthermore, as independent Arbitration is stated to be an “Internal resolution procedure” under the Code and LGA, the Arbiter accepts that details of the Application amount to “internal Campaspe Shire Council discussions”. Accordingly, the Arbiter finds that by disclosing details of the Application on the Second Vlog, Cr Wilson was in breach of the Social Media Policy and accordingly, the Code.
- 71** Despite Cr Wilson’s assertion that he “always tries to resolve things internally”, the Arbiter notes his actions in the Second Post serve to undermine the internal dispute resolution process. Furthermore, Cr Wilson’s comment from the First Vlog that he was “prepared to be penalised” suggests that he has personally prioritised his obligations under the LGA and Code, deciding that he is justified in breaching some provisions in the furtherance of other goals such as “openness or transparency”. Coupled with his apparent disregard for the dispute resolution process, the Arbiter queries whether the Council can have any confidence that Cr Wilson will comply with all of his obligations under the LGA and the Code in the future.

#### **RECOMMENDATION AS TO SANCTIONS**

- 72** The Code requires the Arbiter to recommend an appropriate sanction or sanctions to the Council for consideration where a contravention of the Code by the Councillor has been found.
- 73** The Arbiter notes the sanctions available under the Code, which include:
- a. direct the Councillor to make an apology in a form or manner specific by the Council;
  - b. direct the Councillor to not attend up to, but not exceeding, 2 meetings of the Council;
  - c. direct that, for a period of up to, but not exceeding, 2 months from a date specified by the Council, the Councillor:
    - i. be removed from any position where the Councillor represents the Council; and

- ii. to not chair or attend any advisory committee or special meeting or an assembly of Councillors or any other meeting specified in the direction.

- 74** The Arbiter considers the most appropriate sanction would first seek to remedy the damage caused by the breach. Accordingly, the Arbiter recommends that Cr Wilson be directed to post an apology on his Facebook page for (a) publicly criticising the Mayor and making comments that implied that the Mayor was not being transparent or honest; (b) disclosing information concerning an internal dispute resolution process , and (c) suggesting that the Application was an attempt to prevent Cr Wilson from speaking out about the EMT funding. This post should remain on his page for a period of time to be agreed by Council.
- 75** The Arbiter notes that the Facebook posts were picked up by the media and were the subject of an article in the Riverine Herald. Despite this, the Arbiter does not consider there is any utility in directing Mr Wilson to make a public apology at a Council Meeting or via a media release. To do so would simply suggest any disputes between Councillors were ongoing and potentially undermine the community's confidence in the ability of Council to operate effectively as a collective body, acting in the best interests of the local community.



Melissa Scadden

Justitia Lawyers

18 December 2019

**TRANSCRIPT OF CR WILSON VLOG – 22 AUGUST 2019**

*“That’s right, shut down. On the 20<sup>th</sup> of August, at Campaspe Shire Councils meeting, I was censored by the Mayor for talking about, what I believe, are very important topics that the rate payers of Campaspe Shire, deserve to know.*

*I even asked the Mayor, “I just want to be clear; I’m being censored on this?”, the Mayor replied, ‘yeah, I am’.*

*See for yourself, go to the Campaspe Shires live stream, fast forward through to 2 hours, 37 mins and 28 seconds and see for yourself.*

*Here, the rate payers of Campaspe Shire deserve openness and transparency, and I am prepared to be open and transparent with you, I am also prepared to be penalised by actually coming to you and telling you this issue.*

*As councillors, soon we will be making a decision around \$300,000 a year, rate payer funded, subsidy to a local organisation, over a 3-year period. That’s right, almost \$1,000,000 of your money. And we have no strategic work to justify whether that is a good thing or not. You as rate payers, deserve to know this. You as rate payers, have the right to ask questions about this important matter. I, as an individual councillor, need your support to ask questions about this really.*

*My name is councillor Leigh Wilson, these are my own thoughts and opinions.”*

**Transcript of video blog posted to Councillor Wilson's Facebook page on 12 September 2019**

[https://www.facebook.com/Councillor-Wilson-113182343379107/?epa=SEARCH\\_BOX](https://www.facebook.com/Councillor-Wilson-113182343379107/?epa=SEARCH_BOX)

*"My name's Leigh Wilson, I'm a councillor.*

*I'm here to tell you tonight that as of yesterday I received a Councillor Code of Conduct complaint lodged by four councillors to stop me from talking to you about the issue that I raised a few weeks ago. So, with that combination of four councillors plus clearly the mayor that I spoke about in the previous video, that takes it to five councillors. Now that's a majority of councillors within the Campaspe Shire that are stopping me from talking about this issue.*

*My problem is I don't have enough information to be able to make a really important decision on your behalf as your elected representative.*

*Council's been funding Echuca Moama district tourism for a number of years, the past three years, it equated to around 900,000. So coming up soon we'll be looking at funding for potentially another \$900,000, so \$300,000 a year. \$200,000 per year, or a bit over \$200,000 a year goes towards helping to open the doors of the Visitor Information Centre and provide a local point to help disperse visitors not just for Echuca Moama area but also disperse visitors through the Campaspe Shire. Now the balance of that \$300,000 is actually spent for promotion and advertising for the area, the whole area of Campaspe Shire. Now that's to help fill in for the gaps that people aren't members of the organisation.*

*It's a significant amount of money. For about a year I've been asking questions, seeking information. Some of that information has been forthcoming, I'm still seeking more information. The important bit is I don't have enough information in its entirety around the industry, the sector, the changes in the industry, what's happening at a State level, to be able to make a very informed decision. Now, I know it's what the staff want to do. The staff actually do want to do a review and work out what we should be doing in this space. Should we be paying more money? Should we be paying less money? Should we be paying same money? I don't know. I do know I need more information.*

*If I need more information the chances are that other councillors need that information. The alarming bit is I was censored at the council meeting for raising this issue and now, after I spoke about it a couple of weeks ago, on this blog, you can have a look at it yourself, I've now received the Councillor Code of Conduct complaint to effectively stop me from going further.*

*The issue with this, the serious issue that I have with this, is this now makes it five councillors that are trying to stop me talking about this and our process works on the fact that the outcome of this arbitration process, by the way which will cost a few thousand dollars or more, is something that goes to council for a majority of councillors to vote on to dish out the punishment. So, the majority of councillors already have a problem with me, and they've all lodged or complained or have issues, all I've spoken about.*

*Clearly, to me, my obligation is to you. I swear at the start of every meeting to make decisions in the best interests of the community. I don't have enough information. I want more information. The staff want to provide more information. I need your help, and it is only through your help supporting me and speaking up am I going to be able to get that information. Is this process actually going to be done in an open and transparent manner? That's really important.*

*These are my own thoughts and opinions. Thanks."*

# Councillor Code of Conduct

## Phase 3 – Internal Resolution Procedure - Arbiter

Attachment 7.3.1

A Councillor or a group of Councillors may make an application alleging that a Councillor has contravened the Councillor Code of Conduct. The application must:

- specify the name of the Councillor alleged to have contravened the Code;
- specify the provision(s) of the Code that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the application is made by a group of Councillors; and
- be signed and dated by the applicant or the applicant's representative.

The application must be submitted to the Council's Principal Conduct Officer.

An applicant may withdraw an application for an internal resolution procedure. Once an application has been withdrawn, the same or a similar application relating to the same instance in relation to the respondent Councillor cannot be resubmitted by the applicant.

On receiving an application, the Principal Conduct Officer will:

- advise the Mayor and CEO of the application without undue delay;
- provide a copy of the application to the Councillor who is the subject of the allegation at the earliest practical opportunity but not later than two working days from receipt of the application;
- identify an arbiter to hear the application;
- obtain from the arbiter written advice that they have no conflict of interest in relation to the Councillors involved;
- notify the parties of the name of the proposed arbiter and provide them with the opportunity (2 working days) to object to the person proposed to be the arbiter;
- consider the grounds of any objection and appoint the proposed arbiter or identify another arbiter;
- provide a copy of the application to the arbiter as soon as practicable after the opportunity for the parties to object to an arbiter has expired;
- after consultation with the arbiter, advise the applicant and the respondent of the time and place for the hearing; and
- attend the hearing(s) and assist the arbiter in the administration of the process

In identifying an arbiter to hear the application, the Principal Conduct Officer must select an arbiter who is suitably independent and able to carry out the role of arbiter fairly.

The role of the arbiter is to:

- consider applications alleging a contravention of the Councillor Code of Conduct by a Councillor;
- make findings in relation to any application alleging a contravention of the Councillor Code of Conduct which the arbiter must give to the Council;
- give a written statement of reasons supporting the findings to the Council at the same time as it gives its findings to the Council;
- recommend an appropriate sanction or sanctions where the arbiter has found that a Councillor has contravened the Councillor Code of Conduct.

# Councillor Code of Conduct

## Phase 3 – Internal Resolution Procedure - Arbiter

In considering an application alleging a contravention of the Councillor Code of Conduct, an arbiter will:

- in consultation with the Principal Conduct Officer, fix a time and place to hear the application;
- authorise the Principal Conduct Officer to formally notify the applicant and the respondent of the time and place of the hearing;
- hold as many meetings as he or she considers necessary to properly consider the Application, the arbiter may hold a directions hearing;
- have discretion to conduct the hearings as he or she deems fit while ensuring that the hearings are conducted with as little formality and technicality as due and proper consideration of the application allows;
- ensure that the parties to and affected by an application are given an opportunity to be heard by the arbiter;
- consider an application by a respondent to have legal representation at the hearing to ensure that the hearing is conducted fairly and may, in his or her absolute discretion, grant the application or deny the application;
- ensure that the rules of natural justice are observed and applied in the hearing of the application; and
- ensure that the hearings are closed to the public.

Where an application to have legal representation is granted by an arbiter, the costs of the respondent's legal representation are to be borne by the respondent in their entirety.

An arbiter:

- may find that a Councillor who is a respondent to an internal resolution procedure application has not contravened the Code;
- may find that a Councillor who is a respondent to an internal resolution procedure has contravened the Code;
- will suspend consideration of an internal resolution procedure during the election period for a general election.

The arbiter is to give a copy of his or her findings and the statement of reasons to the Council, the applicant and the respondent. At the same time, the arbiter provides the findings and statement of reasons, he or she shall, where a Councillor has been found to have contravened the Code, recommend an appropriate sanction or sanctions for the contravention for consideration by the Council.

A copy of the arbiter's findings, statement of reasons and any recommended sanctions is to be submitted to the next ordinary meeting of the Council for its consideration. If an arbiter has found that a contravention of the Code has occurred, the Council may, after considering the arbiter's findings, statement of reasons and recommendation on sanctions, give any or all of the following written directions to the Councillor:

- direct the Councillor to make an apology in a form or manner specified by the Council;
- direct the Councillor to not attend up to, but not exceeding, 2 meetings of the Council (in respect of the next scheduled meetings of the Council);
- direct that, for a period of up to, but not exceeding, 2 months on a date specified by the Council the Councillor:
- be removed from any position where the Councillor represents the Council; and



# Councillor Code of Conduct

## Phase 3 – Internal Resolution Procedure - Arbiter

- to not chair or attend any advisory committee or special committee meeting or an assembly of Councillors or any other meeting specified in the direction.
- A Councillor who does not participate in the internal resolution procedure may be guilty of misconduct. The Act provides that misconduct by a Councillor means any of the following:
  - failure by a Councillor to comply with the Council's internal resolution procedure; or
  - failure by a Councillor to comply with a written direction given by the Council under section 81AB; or
  - repeated contravention of any of the Councillor conduct principles.

Allegations of misconduct are heard on application by a Councillor Conduct Panel.

## Attachment 7.3.2

## CAMPASE SHIRE COUNCIL

## WRITTEN REASONS FOR FINDINGS AND RECOMMENDATIONS UNDER SECTION 81AA OF LOCAL GOVERNMENT ACT 1989

<b>APPLICANTS:</b>	<b>CR KRISTEN MUNRO</b>
	<b>CR ANNIE VICKERS</b>
	<b>CR JOHN ZOBEC</b>
	<b>CR VICKI NEELE</b>
<b>RESPONDENT:</b>	<b>CR MACKRELL</b>
<b>ARBITER:</b>	<b>MELISSA SCADDEN, JUSTITIA LAWYERS AND CONSULTANTS</b>
<b>PRINCIPAL CONDUCT OFFICER:</b>	<b>FRANK CRAWLEY</b>
<b>ARBITRATION HEARING DATE:</b>	<b>20 NOVEMBER 2019</b>
<b>FINAL DECISION</b>	<b>18 DECEMBER 2019</b>

## INTRODUCTION

1. The Arbiter was appointed in accordance with the Campaspe Shire Council (**Council**) Councillor's Code of Conduct 2017 (**Code**) to conduct an arbitration of an application (**Application**) brought by Crs Munro, Vickers, Zobec and Neele against Cr Mackrell.
2. The Code was adopted on 7 February 2017 and reflects the dispute resolution provisions outlined in s 81AA of the *Local Government Act 1989* (Vic) (**LGA**).
3. The Arbiter declares in accordance with section 81AA (2)(c) of the LGA that she is independent and has sought to carry out her role fairly.
4. The Application alleges Cr Mackrell breached the Code through a Facebook post on his "Cr Daniel Mackrell" Facebook page, posted following the Council Meeting on 20 August 2019 (**Facebook Post**). The Applicants allege Cr Mackrell also breached the Code by providing information similar

to that contained in his Facebook Post directly to the local newspaper, The Riverine Herald, on or about 26 August 2019 (**Media Comments**). The Application was made on 25 October 2019.

5. The Application alleges Cr Mackrell's conduct is in breach of the following:
  - a. Social Media Policy 131
  - b. Media Relations Policy 055
  - c. Code – Councillor Behaviour (a)(vii) *“treating all people with courtesy and respect, recognising that there are legitimate differences in opinions, race, culture, religion, language, gender and abilities. This includes in the interests of maintaining a high level of teamwork and encouraging good morale, there is no criticism of staff in public by Councillors and no criticism of Councillors by Councillors in public.”*
  - d. Code – Councillor Behaviour (b)(iii) *“always acting with integrity and honesty not acting in ways that may damage the Council or its ability to exercise good government”.*
6. Under the section titled *“Other Relevant Policies”*, the Code provides that *“The following policies and procedures that relate to conduct apply to Councillors as well as staff:*
  - *Media Policy*
  - *Respect in the Workplace Policy*
  - *Protected Disclosure Act Procedures.”*
7. It was submitted by the Applicants, and not disputed by the Respondent, that the reference to Media Policy included both the Social Media Policy and Media Relations Policy.

## **CODE OF CONDUCT**

8. The Code sets out a Dispute Resolution process which includes three Phases:

- a. Phase 1 – direct negotiation between the parties in dispute with the Mayor in attendance to provide guidance.
  - b. Phase 2 – external mediation by an independent mediator engaged by the Chief Executive Officer.
  - c. Phase 3 – external arbitration involving an independent arbiter.
- 9.** Where the direct negotiation or external mediation either does not resolve the dispute, or one or more of the parties decline to participate, the dispute proceeds to Phase 3 and an independent arbiter is appointed to resolve the dispute. A refusal to participate in Phase 1 or Phase 2 does not constitute a breach of the Code.
- 10.** Under Phase 3, an external Arbiter is appointed to:
- a. consider applications alleging a contravention of the Code by a Councillor;
  - b. make findings in relation to any application alleging a contravention of the Code;
  - c. provide a written statement of reasons supporting the findings of the Arbiter to the Council; and
  - d. recommend an appropriate sanction or sanctions where the Arbiter has found that a Councillor has contravened the Code.

## **PROCESS**

- 11.** The Arbiter was appointed on 9 October 2019 in accordance with the Code, having declared in writing that she had no conflict of interest.
- 12.** On 9 October 2019 the Arbiter provided the parties with procedural directions and set the Hearing Date for 20 November 2019.
- 13.** The procedural directions provided parties with a timetable for providing submissions and material to ensure each party had an opportunity to be heard. The procedural directions were as follows:

- a. The Applicants to provide written submissions and any supporting information in relation to the Application by COB 24 October 2019;
  - b. Respondent to provide written submissions and any supporting information in relation to the Application by 7 November 2019; and
  - c. The Applicants to provide any further information in reply to respondent's submissions by 14 November 2019.
- 17** The Code provides that where the application is made by a group of Councillors, they must name the Councillor appointed to be their representative. On that basis, the Applicants advised that their appointed representative, Cr Munro, would be the spokesperson at the Hearing. As a result of ill health, Cr Munro was unable to attend the hearing and Cr Neele was appointed spokesperson.
- 18** At the commencement of the Hearing, the parties agreed to maintain confidentiality of the matters discussed.
- 19** The parties were advised that if they wished to be legally represented, they needed to apply to the Arbiter in advance, and that any such application would be considered by the Arbiter in light of the requirement for the hearing to be conducted fairly.
- 20** At the Hearing, Crs Neele and Vickers were present for the Applicants. Cr Mackrell attended with Cr Neil Pankhurst as his support person.
- 21** At the Hearing, the parties indicated that they were willing to explore settling the matter outside the arbitral process. The parties agreed that they would update the Arbiter as to whether they were successful within one week of the Hearing.
- 22** The parties were not successful in settling the dispute and the Application has proceeded to a written decision.
- 23** The parties were advised that the Arbiter's findings and recommendations would be provided to the parties in draft format for their further response by COB 11 December 2019, prior to being finalised by COB 18 December 2019, in accordance with the procedural directions.

### Reasonable person test

- 24** At the commencement of the Arbitration Hearing, in addition to discussing procedural matters and confidentiality, the Arbiter advised the parties of the evidentiary standards that would be applied in the determination of the matter. The Arbiter advised the parties that if in the course of making her findings she is required to make findings of fact, she would apply the appropriate standard of proof for civil matters, which is the balance of probabilities.
- 25** The Arbiter further advised the parties that in order to determine whether there had been a breach of the Code, she would be applying the “reasonable person test”. The “reasonable person test” is an objective test, based on a hypothetical person in the community who exercises average care, skill and judgement. The test involves consideration of whether this “reasonable person”, having regard to all of the circumstances, would consider there had been a breach of the Code.
- 26** The Arbiter also noted that she was required to observe the principles of natural justice and procedural fairness as set out in the Code under the heading “Breaches of the Code of Conduct”.

### THE APPLICATION - BACKGROUND

- 27** During a Council meeting on 20 August 2019 (**Council Meeting**), Cr Leigh Wilson moved a Notice of Motion that the CEO undertake a desktop review of the Council’s current Policies and Strategies and benchmark them to other councils deemed relevant based upon size and or similar community service delivery.
- 28** During the closing debate regarding the motion, Cr Wilson raised concerns regarding the Council’s proposed tourism expenditure for the next three years. Three Councillors then called a point of order on the basis that these comments were “*not to the matter*”. The Mayor then addressed Cr Wilson and asked him to stay on topic. Thereafter followed an exchange between the Mayor and Cr Wilson during which Cr Wilson said to the Mayor “*just to be clear, I’m being*

*censored on this*” and the Mayor responded “yes”. A copy of the audio-visual recording of the Council meeting on 20 August 2019 was provided to the Arbiter and can be found [here](#) .

- 29** On or about 28 August 2019 Cr Mackrell made the Facebook Post and Media Comments. A copy of a screenshot of the Facebook Post and further comments made by Cr Mackrell is attached as Attachment A and a word document of the text of the screenshot is attached as Attachment B.
- 30** A copy of the Riverine Herald Article referring to the Media Comments is attached as Attachment C.

#### **EVIDENCE PROVIDED IN SUPPORT OF THE APPLICATION**

- 31** The Application set out that Cr Mackrell had “*disregard of the Social Media Policy, Media Policy and Code*”. The supporting evidence referred to “*social media posts, outlining personal views, not giving full details of situation, disparaging remarks against another councillor*”.
- 32** In email correspondence sent by Cr Munro to Frank Crawley on 25 October 2019 on behalf of the Applicants, Cr Munro stated the following:

*“The Mayor has spoken with Cr Mackrell on occasion about these breeches (sic), and I am aware that he has been involved in code of conduct processes with other councillors. Along with public outbursts in the local newspaper in our region (The Riverine Herald), this complaint refers to a social media post (Facebook) which Cr Mackrell posted on his Cr Daniel Mackrell Facebook page. Not only has he created damage to the reputation of council, but has made defaming remarks against our principle spokesperson, that being the Mayor. ...”*

- 33** Copies of the Facebook Post and related comments were provided on 13 September 2019 to Frank Crawley by Cr Vickers in the form of screenshots taken on 3 September 2019.
- 34** The Arbiter notes that she is unable to view the actual Facebook Post and comments, as they have subsequently been removed from Cr Mackrell’s Facebook page.

- 35 At the Hearing, the Applicants also submitted that Cr Mackrell had breached the Media Relations Policy by making comments to the media without authorisation.

#### **EVIDENCE PROVIDED BY COUNCILLOR MACKRELL IN RESPONSE TO THE APPLICATION**

- 36 Cr Mackrell provided a written response dated 10 November 2019. In his response, Cr Mackrell addresses his concerns regarding the dispute resolution process undertaken, in that it does not follow the procedure set out in the Code. Cr Mackrell also provided evidence that he had attempted to reach out to the Applicants prior to the arbitration hearing in an attempt to resolve the matter between the parties. His invitation for a discussion with the Applicants was declined and the Hearing went ahead in accordance with the dispute resolution process set out in the Code.

- 37 Cr Mackrell denies that his conduct has breached the Code, Social Media or Media Policies, but does accept that he has on a number of occasions posted articles and information on social media. Cr Mackrell states in his written response that *“if [he] ha[d] been asked to speak on behalf of the Council it has been through the appropriate channels and per policy”*.

- 38 Cr Mackrell stated that he had spoken to the Mayor about the Facebook Post and had been requested to remove it. Cr Mackrell contends that the Mayor advised him that once the Facebook Post was taken down from his Facebook page, it would be the end of it. He also claims that the Mayor *“did not speak about reputational damage to council and asked if the last part of the post was related to him and I [Cr Mackrell] said it was not. ...”*.

- 39 In his written response, Cr Mackrell states that:

*“[the] Local Law does not have a censoring section nor does the Local Government Act, though at the discretion of the Mayor he used censorship as a tool to shut down debate. So my comment was both truthful and factual and nor give rise to reputational damage as Councillor Munro alleges. ...”*



- 40** Cr Mackrell sets out his denial of any breaches of the Code or Policies in his written response and states that he has been victimised by the group *“as the Mayor controls the final vote and on occasions verbally told me that 5 beats 4 and he has told me he is part of the 5”*. Cr Mackrell also expressed his desire to resolve the dispute with his fellow councillors.
- 41** Despite Cr Mackrell’s written submissions, at the Hearing he stated that he recognised his conduct may have been in breach of the Code, Media Relations Policy and Social Media Policy and again expressed his desire to resolve the dispute between the Councillors outside the arbitral process.
- 42** Cr Mackrell stated he had discussed the Facebook Post with the Mayor and although the Mayor did not explicitly say he found the comments disparaging or damaging to his reputation, he had asked Cr Mackrell to remove them. Cr Mackrell further stated that when he removed the comments, he had also posted a statement regarding why he was removing them, however then deleted this statement as well. He did not know how long this statement was on his Facebook page for, although suggested it may have been a couple of minutes.

#### **WITNESS EVIDENCE**

- 43** Given that Cr Mackrell admits to posting the Facebook Post and related comments and also admits approaching the Riverine Herald with the Media Comments, there are no material facts that are in dispute. Accordingly, the Arbiter did not consider it necessary to seek any evidence from witnesses.

#### **FINDINGS IN RELATION TO THE APPLICATION**

- 44** The Arbiter notes that the Facebook Post contains the following references to the Mayor:

*“I am bitterly disappointed in the professionalism of our Chair Adrian Weston as what occurred instead of due process was a flagrant act of improper use of position of Local Government and unheard of in the time from now to back to amalgamation that a councillor was censored. Cr Mackrell commented, Councillor Wilson was censored at a public meeting this is unheard of, un- Australian, our mayor has gone too far this time.”*

- 45** Under “Councillor Behaviour” in the Code, a Councillor is required to *“treat all people with courtesy and respect, recognising that there are legitimate differences in opinions, race, culture, religion, language, gender and abilities. This includes.... In the interest of maintaining a high level of teamwork and encouraging good morale, there is no criticism of staff in public by Councillors and no criticism of Councillors by Councillors in public”*.
- 46** The Arbiter considers that the language used by Cr Mackrell was inflammatory. He went beyond drawing the public’s attention to the Council Meeting and instead suggested the Mayor was unprofessional, un-Australian and had “gone too far”. The Arbiter finds that a reasonable person would consider these comments critical of the Mayor. Similarly, it is reasonable to conclude that public comments of this nature by a Councillor against the Mayor would undermine morale and the ability of the Council, particularly the Mayor and Cr Mackrell, to operate cohesively as a team. Accordingly, the Arbiter finds that by making the Facebook Post, Cr Mackrell is in breach of the Councillor Behaviour (a)(vii) section of the Code.
- 47** Similarly, given the Facebook Post could reasonably be perceived as disparaging of the Mayor, the Arbiter finds Cr Mackrell is in breach of his obligation under the Social Media Policy to not *“make any disparaging comment/post about a Campaspe Shire Council staff member, councillor, contractors, agents and volunteers”*.
- 48** With respect to the obligation of a Councillor to not *“make any disparaging comment/post that may cause reputational damage to Campaspe Shire Council”*, the Arbiter considers that although the Facebook Post suggests dispute and dysfunction amongst Councillors, it does not go so far as to damage the reputation of the Council as a whole. Cr Mackrell’s subsequent comments to his Facebook Post referred to the live stream of the Council meeting and the Riverine Herald article, both which provide more context to Cr Mackrell’s comments. Indeed, Facebook Users could refer to the live stream (although noting many would not go to these lengths) to see for themselves. Although arguably the Facebook comments may have caused

reputational damage to the Mayor, the Arbiter does not find that they would cause reputational damage to the Council as a whole, in breach of the Social Media Policy.

- 49** The Arbiter notes the evidence provided by the Applicants, which was not disputed by Cr Mackrell, that he contacted the media directly to provide the text included in his Facebook Post. The evidence suggests that Cr Mackrell was determined that his comments receive maximum coverage; indeed when the Riverine Herald only published an extract of his comments, he then made the Facebook Post.
- 50** One of the stated aims of the Media Relations Policy is to:  
*“avoid any misunderstandings, misquotes or overtly negative coverage”*
- 51** The Media Relations Policy also states that the Mayor is to be the *“principal spokesperson of the Council in relation to Council decisions, policy, projects, service levels or any major issue”*. The Policy states further that *“if a Councillor or Officer becomes aware of an issue that has the potential to impact on Council they should bring it to the attention of the Chief Executive Officer, relevant General Manager or the Communications Manager”*.
- 52** The Arbiter notes Cr Mackrell’s submission that as his statement to the media was not a media release, media enquiry or media request, nor was it in relation to a major issue, it therefore did not come within the auspice of the Media Relations Policy. It is clear, however, that the Policy is intended to ensure controlled and consistent interactions between the Council and the media. The mere fact that Cr Mackrell contacted the media directly, and therefore was not strictly speaking *“responding to a media enquiry”*, does not, in the Arbiter’s opinion, mean the Media Relations Policy does not apply to this interaction. To reach a different conclusion would be to ignore the aim of the Policy.
- 53** Although the Arbiter recognises that it is not uncommon for Councillors to use the media as a tool to communicate with the community, it should not be used to further escalate disputes between Councillors, particularly in a manner which is critical and disparaging to another

Councillor. Accordingly, the Arbiter finds that the Media Comment was in breach of the Media Relations Policy.

#### **RECOMMENDATION AS TO SANCTIONS**

- 54** The Code requires the Arbiter to recommend an appropriate sanction or sanctions to the Council for consideration where a contravention of the Code by the Councillor has been found.
- 55** The Arbiter notes the sanctions available under the Code, which include:
- a. direct the Councillor to make an apology in a form or manner specific by the Council;
  - b. direct the Councillor to not attend up to, but not exceeding, 2 meetings of the Council;
  - c. direct that, for a period of up to, but not exceeding, 2 months from a date specified by the Council, the Councillor:
    - i. be removed from any position where the Councillor represents the Council; and
    - ii. to not chair or attend any advisory committee or special meeting or an assembly of Councillors or any other meeting specified in the direction.
- 56** The Arbiter considers the most appropriate sanction would be to seek to remedy the damage caused by the breach. Accordingly, the Arbiter recommends that Cr Mackrell be directed to post an apology on his public Facebook Page for the Facebook Post, in particular the suggestion that the Mayor was unprofessional, un-Australian and had “gone too far”. This post should remain on his page for a period of time to be agreed by Council.
- 57** The Arbiter notes that Cr Mackrell contacted the media directly to seek additional coverage of his comments, which were subsequently partially published in the Riverine Herald. Accordingly, the Arbiter has considered whether to recommend Cr Mackrell make an apology at a Council meeting or via a media release. On balance, in light of the time that has lapsed, the Arbiter does not consider there is any utility in re-agitating this issue in a public arena such as in a Council meeting. This would draw additional attention to the issues in dispute amongst Councillors and

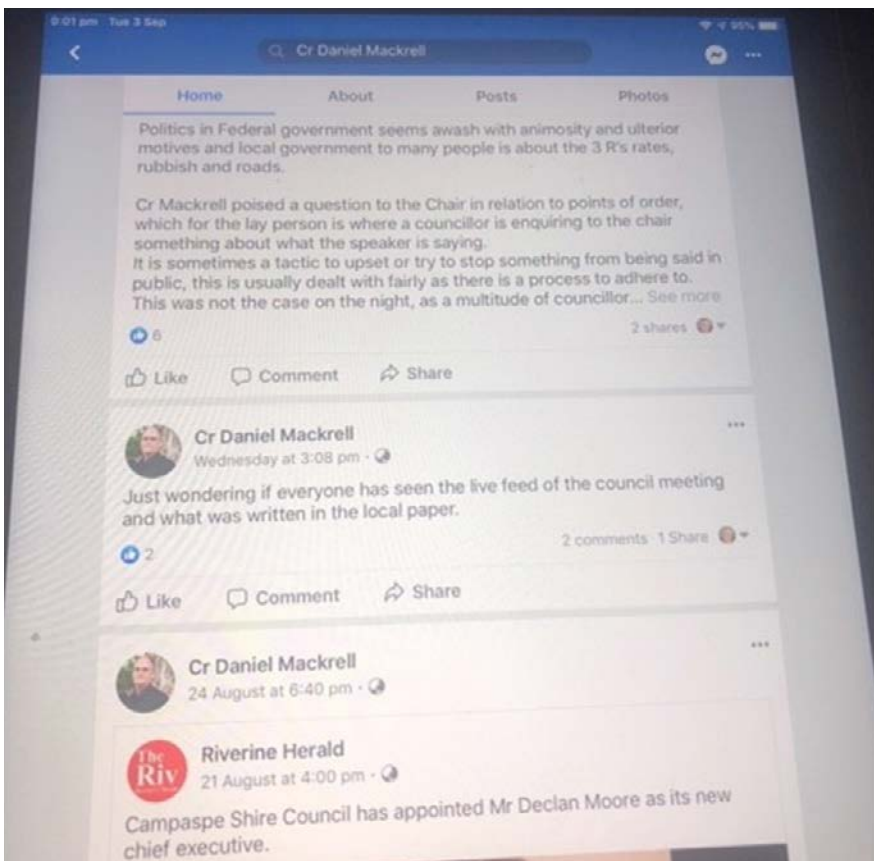
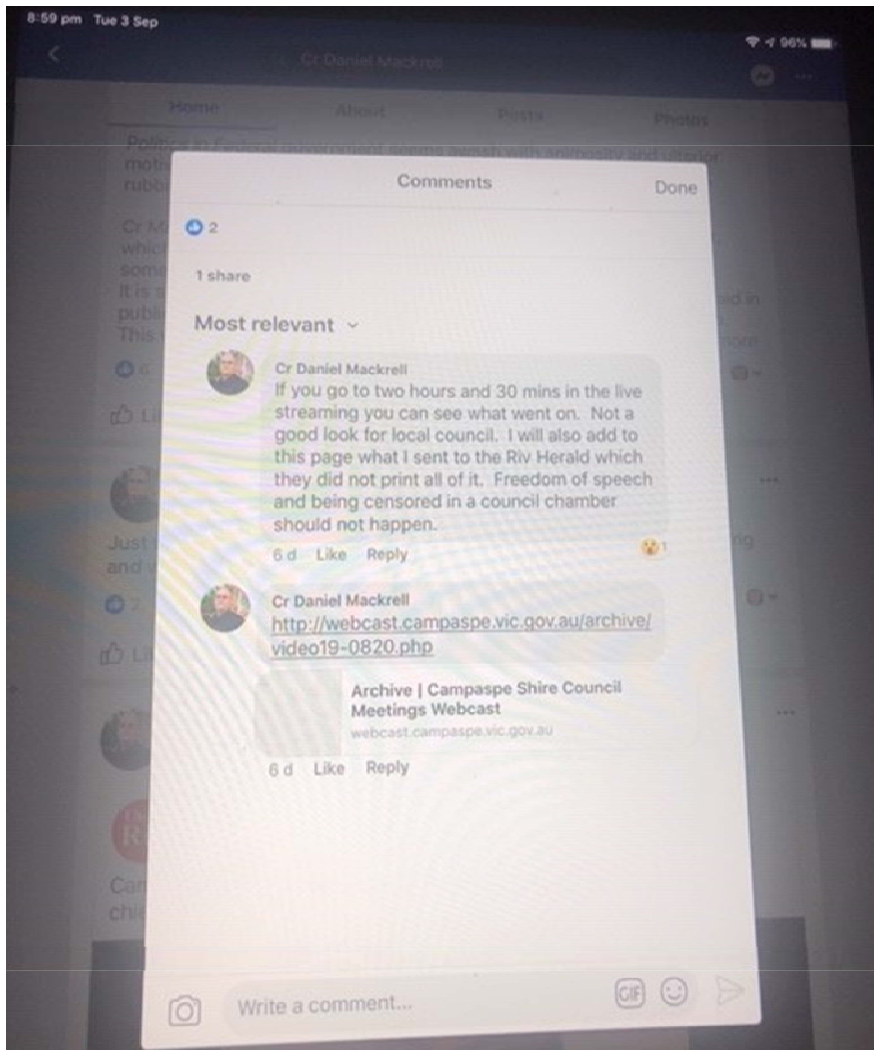
potentially undermine the community's confidence in the ability of Council to operate effectively as a collective body, acting in the best interests of the local community.



Melissa Scadden

Justitia Lawyers

18 December 2019



## Attachment B

**TEXT FROM CR MACKRELL FACEBOOK POST**

I sent this to the council last week after our council meeting a part of it was used in the Riv Article.

A council meeting on the 20<sup>th</sup> of August at the Shires Council Chambers became a quagmire for the Mayor when Cr Leigh Wilson of the Rochester Ward put a motion for a council policy and strategy review. Politics in Federal government seems awash with animosity and ulterior motives and local government to many people is about the 3 R's, rates, rubbish and roads.

Cr Mackrell proposed a question to the Chair in relation to points of order, which for the lay person is where a councillor is enquiring to the chair something about what the speaker is saying. It is sometimes a tactic to upset or try to stop something from being said in public, this is usually dealt with fairly as there is a process to adhere to.

This was not the case on the night, as a multitude of councillors that voted on block (?) on the previous motion all called for a point of order at the same time. Cr Mackrell stated that this is the first time in my time as a councillor that a total disregard for the process and transparency was allowed to be played out.

I am bitterly disappointed in the professionalism of our Chair Adrian Weston as what occurred instead of due process was a flagrant act of improper use of position of Local Government and unheard of in the time from now to back to amalgamation that a councillor was censored. Cr Mackrell commented, Councillor Wilson was censored at a public meeting this is unheard of, un-Australian, our mayor has gone too far this time.

When questioned further about what Cr Mackrell would do, he stated that with the Mayor's track record about following procedural fairness in codes of conduct he said nothing could be done, last time I followed process I was ambushed, intimidated and lied to, the inspectorate knows about it.

(New Post)

Just wondering if everyone has seen the live feed of the council meeting and what was written in the local paper.

# Councillor's social media outburst gained support

By Lachlan Durling

CAMPASPE Shire councillor Leigh Wilson has claimed he was censored by fellow councillors at the most recent council meeting.

In a video posted by Cr Wilson to his public Facebook page, he claimed the public had the right to know about a significant investment by council throughout the next three years.

The posting and the criticism would also appear to be breaches of the shire's media policy.

It comes after Cr Wilson put forward a notice of motion at the August 20 ordinary council meeting for a council policy and strategy review.

The motion had no objectors however during the discussion fellow councillors called a point of order when Cr Wilson was discussing information not believed to be relevant to the original motion.

"My intent is to rectify - even if it is only my own frustration - time and time again council making decisions that are outside of policy or strategy and that leave me flummoxed," Cr Wilson said while introducing the item at the meeting.

Mayor Adrian Weston addressed Cr Wilson after the point of order was called in regards to tourism investment and asked for the discussion to stay on topic.



SUPPORT: Cr Daniel Mackrell wants answers.

The following days after the meeting Cr Wilson posted the video, going into greater detail about the comment he was stopped from making.

"I was censored by the mayor for talking about, what I believe, are very important topics that the ratepayers of Campaspe Shire deserve to know," he said.

"I even asked the mayor, 'I just want to be clear, I'm being censored on this?' And the mayor replied, 'yeah'."

Cr Daniel Mackrell later said the



OUTBURST: Cr Leigh Wilson hit social media.

"For the purposes of the debate, I'd ask you to pull back the comment," Cr Weston said.

"At this point in the course of the debate it is an opportunity for the mover to respond... but it's not really the opportunity to introduce new items and secondly, we're drifting away from what is being proposed as a motion.

"I understand the passion... but I'm simply asking in the name of continuing the meeting that you withdraw and modify the language Cr Wilson."

**‘My intent is to rectify – even if it is only my own frustration – time and time again council making decisions that are outside of policy or strategy and that leave me flummoxed’**

Cr Leigh Wilson debate represented a 'lack of transparency'.

"This is the first time in my time as a councillor that a total disregard for the process and transparency was allowed to be played out," he said.

"I am bitterly disappointed in the professionalism of our chair Adrian Weston as to what has occurred, it is unheard of in the time from now to back to amalgamation that a councillor was censored."

## Fruit fly fight is a 'success'

THE Goulburn Murray Valley (GMV) Regional Fruit Fly Project has been named a statewide finalist for the Prime Super Agricultural Innovation Award as part of the 2019 Victorian Regional Achievement and Community Awards.

The awards highlight and reward the valuable contributions that individuals, communities and businesses make throughout regional and rural Victoria.

The Regional Fruit Fly Project was founded in 2017 to combat the Queensland Fruit Fly, a pest that threatens the region's multi-million dollar horticulture industry.

As a result, the GMV has seen a 50 per cent reduction of the Queensland Fruit Fly over the past two years, and a 40 per cent increase in Australian stone fruit exports.

GMV regional fruit fly co-ordinator Ross Abberfield said the calibre of the award's finalists highlighted the depth of community projects across the entire state.

"The awards recognise the many and varied community projects and achievements that contribute to making regional Victoria a better place to work, live and do business so we are thrilled to be named a finalist from an exceptionally strong field," he said.

"The shires of Campaspe, Greater Shepparton, Strathbogie, Moira and Berri-rigan have displayed leadership and a real commitment to strengthening the region's horticultural industry by coming together and taking action."

Overall award winners will be announced at a gala presentation dinner in Melbourne in October.

For more information on the GMV Regional Fruit Fly project or QFF control measures visit [gmvr.qldfruitfly.com.au](http://gmvr.qldfruitfly.com.au)



# Management and Sale of Temporary Water Assets



<b>Council Policy Number</b>	<b>172</b>
Date adopted	NEW
Scheduled for review	Month Year

## Purpose

To provide guidance on the allocation, use and sale of Council’s temporary raw water assets.

## Policy Statement

Council requires an amount of raw water to conduct its business activities and for the maintenance of its parks, gardens and recreation reserves. Council recognises the important health and wellbeing benefits that green spaces provide for its community. Council holds water assets of 832 megalitres of high reliability water and 336 megalitres of low reliability water. This water is primarily used to keep Council owned parks, gardens and recreation reserves green, in road making activities and in a small range of Council businesses e.g. the Saleyards and Echuca Caravan Park.

It is important that a system is in place that ensures Council water users such as Council Recreation Reserves and their Committees have a clear understanding of how much water is allocated to them, their responsibilities regards tracking usage and how to attain/maintain water efficiencies. Council provides maintenance funding to a number of Recreation Reserves. These reserves are the primary recreation reserve in a town however only Council owned/managed reserves have access to Councils raw water. Where possible the policy seeks to ensure equity of access to raw water and if this is not possible, provide a financial offset to account for the higher cost of potable water.

In extreme droughts, the role of green spaces becomes even more important to our communities. Planning for extreme drought situations to ensure Council has sufficient raw water to meet its needs requires Council to determine an amount of water to hold in reserve. The system allows for water to be “carried over” when there is enough storage capacity. In this way Council can hold sufficient water to meet its needs for a set period. Councils total raw water use in any given year varies considerably and is dependent on seasonal conditions however around 250 megalitres would be the maximum usage per annum.

Potable water authorities will introduce restrictions as water resources in droughts becomes scarcer. For Council to respond swiftly and recognizing that not all green spaces can be maintained, a priority listing of green space sites that are on the potable water system is required. These sites would be exempt from restrictions after negotiations with the local water authority. Council can achieve this via negotiation with the water authority to provide it with raw water that the priority green space accesses via the potable water system. Council acknowledges the treatment cost of potable water and will accept it will be charged by the water authority for this water at the relevant potable water rate.

In a year when there is a full raw water allocation Council has a surplus of water that may be sold on the temporary market. The use of water in agriculture produces an economic benefit in excess of the value of the water used. This policy also seeks to increase the probability that the economic benefit produced from the use of the water Council has sold is retained (as far as possible) within the Campaspe municipality. Council recognises that it cannot guarantee that the economic benefit can be retained in Campaspe.

### 1. Recreation reserve’s eligible to access to Councils raw water

Council contributes to the cost of maintenance at a number of recreation reserves (both Council owned and/or managed and Crown owned and managed) under its Policy 093 Council Contributions to Recreation Reserves Maintenance. Therefor to bring a level of consistence:

- Regardless of the land tenure arrangements of a town’s primary recreation reserve i.e. if they are on Crown Land with a Committee of Management (CoM) direct to the Crown, raw water will be provided on the same basis as Council owned and/or managed reserves.

- If raw water access is not available Council will allow the use of up to 10% of a reserves maintenance funds to be used to pay potable water costs.

## 2. Efficient management of Council's water resources

- That Council where possible will consolidate its water assets into ABA's that will limit the amount of transfer and sale costs.
- Only Council officers with the appropriate delegation and Goulburn Murray Water (GMW) authorisation can sell and trade temporary water.
- An annual allocation of water will be made to each recreation reserve or green space based, where possible on historic use amounts. This amount is to act as a target and aims to encourage water use efficiency. This will be communicated to the appropriate recreation reserve committee of management at the start of each water year.
- The annual allocation is an indicative total only (based on the understanding that usage varies according to weather conditions, soil profile difference etc) and if necessary, additional water will be transferred after receiving a request to do so and if where there is sufficient water available.
- Facilities that require an increase in water allocated will receive a review of their water use that will include assessment of current practices and if required, the provision of professional advice from Councils turf and garden maintenance specialists regards soil conditioning, watering regime or other ground management practices that might be implemented to achieve water savings.

## 3. Sale of Temporary Water

To determine what water is excess to Councils needs the following process will be followed:

- 200 megalitres will be allocated for Council use each year. This will be regardless of the "seasonal allocation" percentage. If there is insufficient water then the maximum available will be allocated.
- 200 megalitres will be allocated to "carry over" (or the maximum available to carry over if there is insufficient).

All water in excess of the above arrangements should be sold on the temporary market via a locally based Water Broker

Council recognises that it is not able to ensure that the water sold will be delivered/used within Campaspe. However, by selling through a locally based water broker there is an increased chance this will occur.

## 4. Sale of Permanent Water

This policy relates to the sale of temporary water only. Council's current policy is to not sell any of its permanent water assets.

## 5. Equity of water set/ Infrastructure costs

To ensure that Council can equitably recoup the set costs associated with the provision of raw water from recreation reserves a standard formula will be used.

- A unit cost will unit be set each year based on the formula: Total set infrastructure costs related to the reserves/number of high reliability water shares used in the prior year at reserves.
- That the unit cost for set charges be applied to water at a per megalitre used basis.

### Watering of additional playing surfaces

- Committees/Clubs located at Council owned and/or managed recreation reserves may purchase additional water on the open market at their own cost and transfer it into Council ownership if they wish to carry out additional watering activities above the service level set by Council.

## 6. Administration requirements

Committees watering Council facilities are required to maintain appropriate records and to act abide by Councils requests to monitor water use, to request water in advance of overuse and report meter readings.

- Repeated over use of water and/or failure to monitor and report water use may result in being charged for the additional water used above that allocated at the five year average price for water of temporary water.

## 7. Places of Pride

During times of severe water restrictions Council has in the past negotiated the use of potable water for key community green spaces locations Council also provides raw water to a number of its gardens and grassed areas where raw water is able to be accessed. With the cooperation of the local water authority, Council may transfer raw water to the authority who in return allows nominated facilities to access this water via the potable system. Council is required to pay potable water prices to cover the treatment cost incurred by the water authority.

The sites that are prioritised to access water are listed below:

- Echuca – Civic Centre and Library surrounds, the roundabouts located on major roads in the CBD, Alton Reserve and Hopwood Gardens
- Kyabram – Memorial Gardens, Edis Park
- Rochester – Rotunda Park
- Tongala – Village Green and sound shell area
- Lockington – Lions Park
- Girgarre – Girgarre Park
- Colbinabbin - Hall and playground
- Rushworth – High Street
- Stanhope – Birdswood Hub
- Gunbower – Lions Park water frontage around public toilets and as far as the bridge

## 8. Charging of Community groups using Council Raw Water

Over the past 10 years Council has made a number of arrangements with organisations that involve the use of its raw water. These organisations and /or the facility have been the subject of a Council resolution or there is an historic ongoing Council involvement. The two facilities that fall into this category are:

Echuca Lawn Tennis Club – uses Councils watering infrastructure to access raw water.

Back Nine Golf Course – The facility is leased to the Echuca Neighbourhood house. Council's resolution in awarding the tender to the Echuca Neighbourhood house states that the course will receive 44 megalitres per annum and will be charged for water in excess of this amount.

- Recouping the opportunity cost of proving water to these groups is undertaken using the five year average temporary water price achieved on the relevant system.

## 9. Ad hoc requests for water by community and sporting clubs in the event of severe water restrictions/low allocations/high water prices

In the event of severe water restrictions and/or high temporary water prices Council will prioritise access to its raw water assets based on the following order:

- Council owned recreation reserves, gardens and parks that can access raw water.

- Crown land owned and operated recreation reserves as nominated in Council's Funding of Recreation Reserves policy as the primary recreation reserve for that town.
- The nominated places of pride listed within this policy.

Note: access to water in circumstances where there are severe potable water restrictions is reliant on the potable water authority's cooperation.

**Exclusions**

Nil

**Human Rights**

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

**Definitions**

Raw Water Asset	Council owned raw water
Allocation Bank Account	Victorian Water Register Allocation Account for identification of ownership and registration of water licence details
Seasonal Allocation	Amount of water made available to holders of water shares depending on water availability and current seasonal conditions
Carry Over	Unused water in the ABA available to be carried forward to the next season
High/Low Reliability Water Share	Legally recognised, secure entitlement to a defined share of water against which seasonal determinations are made
Market Price	Price determined by the highest of the last ten water sales

**Related Legislation**

Nil

**Related Policies, Procedures and Strategies**

Council Policy 093 – Council Contributions to Recreation Reserves Maintenance

**Attachments**

Nil

**Review Period**

Two years

**Responsible officer**

General Manager Regulatory and Community Services

**Administrative Updates**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

**Approval History**

Adopted	date	Minute Book Reference No (Item xx)
---------	------	------------------------------------

Chief Executive Officer: .....

Date: .....

# SALE OF TEMPORARY WATER

COUNCIL POLICY NUMBER 151  
 Date Adopted 21 November 2017  
 Scheduled for review November 2018



COUNCIL POLICY COUNCIL POLICY COUNCIL POLICY COUNCIL POLICY COUNCIL POLICY

## PURPOSE

To advise Council regarding the selling of excess temporary raw water. To increase the likelihood that temporary raw water surplus to service needs and carry over requirements is sold to those that have a residential address within the Campaspe Shire Council, water should be listed with a locally based water broker.

Council requires an amount of raw water to conduct its business activities and for the maintenance of its parks, gardens and recreation reserves. Council recognises the important health and wellbeing benefits that green spaces provide for its community. Council holds water assets of 848 megalitres of high reliability water and 343 megalitres of low reliability water. This water is primarily used to keep Council owned parks, gardens and recreation reserves green, road making activities and in a small range of Council businesses e.g. the Saleyards and Echuca Caravan Park. In extreme drought situations Council may determine to allocate water to communities/groups to maintain green spaces not owned by Council.

The water use in any given year varies considerably and is dependent on seasonal conditions however 350 megalitres would be the maximum usage per annum. Therefore, in a year when there is a full water allocation Council has a surplus of water that may be sold on the temporary market.

The use of water in agriculture produces an economic benefit in excess of the value of the water used. This policy seeks to increase the probability that the economic benefit produced from the use of the water Council has sold is retained (as far as possible) within the Campaspe Shire Council. Council recognises that it cannot guarantee that the economic benefit can be retained in Campaspe.

## POLICY STATEMENT

To determine what water is excess to Councils needs the following process will be followed:

- 350 megalitres will be allocated for Council use each year. This will be regardless of the “seasonal allocation” percentage. If there is insufficient water then the maximum available will be allocated
- 350 megalitres will be allocated to carry over” (or the maximum available to carry over if there is insufficient)

While it is recognised that this is a conservative approach to ensuring Council has sufficient water for its activities, the last drought impressed on Council the importance of green **spaces for the community’s health and wellbeing and resilience.**

All water in excess of the above arrangements should be sold on the temporary market via a locally based Water Broker

Council recognises that it is not able to ensure that the water sold will be delivered/used within Campaspe. However by selling through a locally based water broker there is an increased chance this will occur.

## EXCLUSION

If temporary water is advertised for three weeks and no acceptable offer is made then that package will be listed on the open market for sale.

## HUMAN RIGHTS

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.



**DEFINITIONS**

<b>Raw Water Asset</b>	Council owned raw water
<b>Allocation Bank Account</b>	Victorian Water Register Allocation Account for identification of ownership and registration of water licence details
<b>Seasonal Allocation</b>	Amount of water made available to holders of water shares depending on water availability and current seasonal conditions
<b>Carry Over</b>	Unused water in the ABA available to be carried forward to the next season
<b>High/Low Reliability Water Share</b>	Legally recognised, secure entitlement to a defined share of water against which seasonal determinations are made
<b>Market Price</b>	Price determined by the highest of the last ten water sales

**RELATED LEGISLATION**

Nil

**ATTACHMENTS**

Nil

**REVIEW PERIOD**

One year

**RESPONSIBLE OFFICER**

Regulatory & Community Services General Manager

**APPROVAL HISTORY**

<b>Adopted</b>	18 August 2015	<b>Minutes Book Reference No</b>	912 (item 6.4)
<b>Revised</b>	21 November 2017	<b>Minutes Book Reference No</b>	3382 (item 6.3)

Chief Executive Officer

.....  
*[Signature]*  
 11/12/2017  
 .....

Dated

**to be revoked**

# CAMPASPE SHIRE COUNCIL

## ECHUCA ENVIRONMENTAL CENTRE

### ACCESS UPGRADE

LOCATION:  
**520 MCKENZIE ROAD, ECHUCA**

#### HOLD / WITNESS POINTS

1.	THE CONTRACTOR SHALL PREPARE AND SUBMIT A PLAN FOR TRAFFIC MANAGEMENT, A CONSTRUCTION PLAN AND WORK METHOD STATEMENT.	HOLD COMMENCEMENT OF WORKS UNTIL APPROVED BY THE PROJECT MANAGER
2.	THE CONTRACTOR SHALL SETOUT THE LIMITS AND DESIGN LEVELS, GRADES AND FINISHED SURFACE LEVELS.	
3.	EXCAVATION DEPTHS AND PRIOR TO INSTALLATION OF CULVERTS	HOLD COMMENCEMENT OF WORKS UNTIL WITNESS BY COUNCIL'S SUBJECT MATTER EXPERT
4.	PROOF ROLLING AT SUBGRADE, SUB BASE AND BASE LAYERS INCLUDING INTERSECTION TURNOUTS.	
5.	COMPACTION TESTING AT SUBBASE AND BASE LAYERS.	HOLD COMMENCEMENT OF WORKS UNTIL APPROVED BY THE PROJECT MANAGER
6.	PRIOR TO SEALING	
7.	EXCAVATION DEPTHS AND BEDDING COMPACTION PRIOR TO POURING. A MINIMUM OF 24 HOURS NOTICE SHALL BE GIVEN BY THE CONTRACTOR TO THE PROJECT MANAGER	WITNESS BY COUNCIL'S SUBJECT MATTER EXPERT
8.	AFTER POUR: A MINIMUM OF 24 HOURS NOTICE SHALL BE GIVEN BY THE CONTRACTOR TO THE PROJECT MANAGER	
9.	DURING PIPE BACKFILL: A MINIMUM OF 24 HOURS NOTICE SHALL BE GIVEN BY THE CONTRACTOR TO THE PROJECT MANAGER	
10.	FINAL INSPECTION	FINAL SIGN OFF ON WORKS IPT INSPECTION ON-SITE

NOTE: A MINIMUM OF 48 HOURS NOTICE SHALL BE GIVEN BY THE CONTRACTOR TO THE PROJECT MANAGER PRIOR TO ANY HOLD/WITNESS INSPECTION POINTS.

Project No.: 19062.2

Drawing Number	Sheet Number	Plan Title
19062.2_SD01	1	COVER SHEET, SITE PLAN & DRAWING INDEX
19062.2_SD02	2	PROPOSED LAYOUT PLAN
19062.2_SD03	3	TYPICAL CROSS-SECTION & ROAD LONGITUDINAL SECTIONS
19062.2_SD04	4	ROAD CROSS SECTIONS



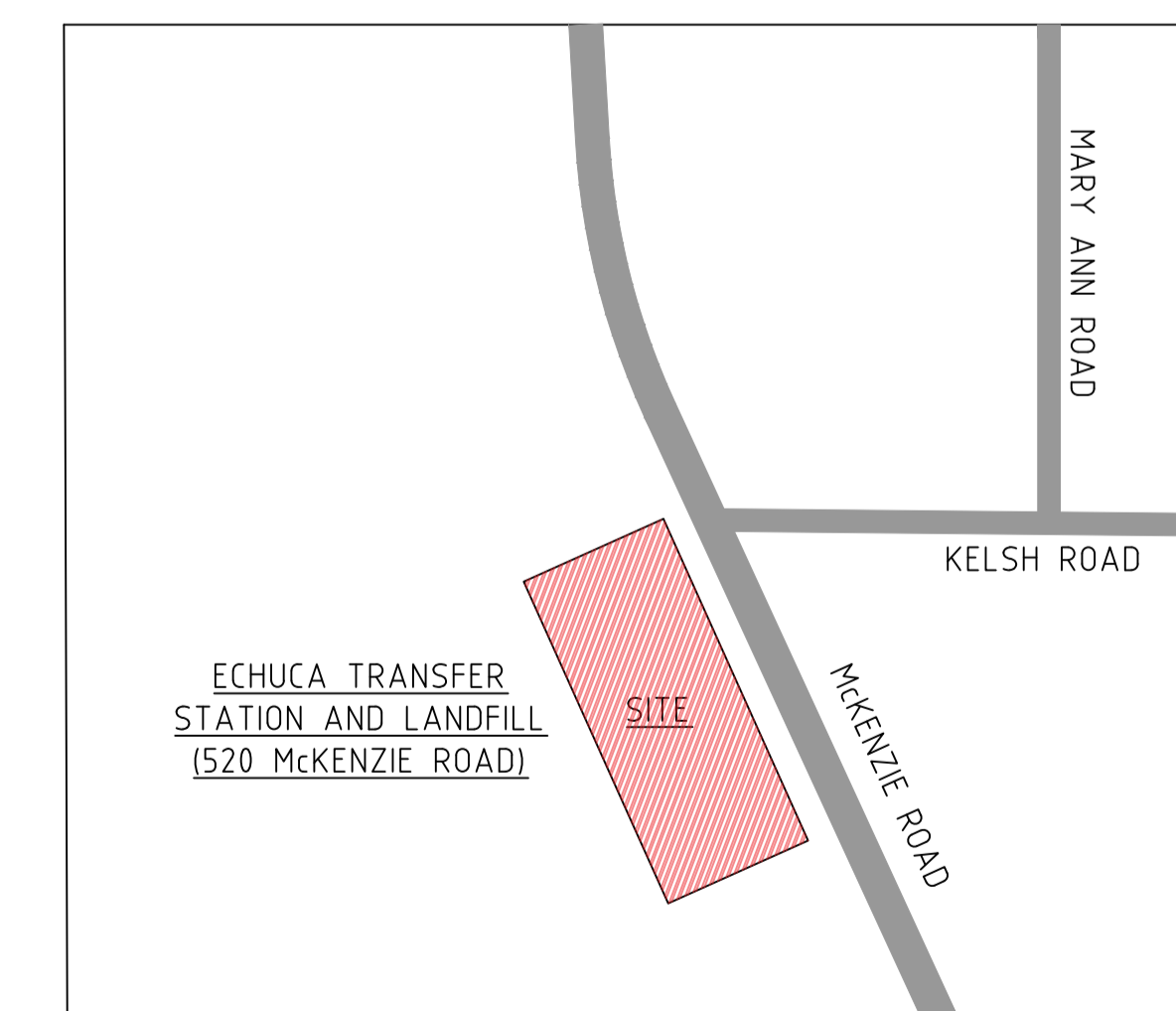
#### RELEASE DETAILS

REV	DESCRIPTION	DATE	DOCUMENT STATUS	APP.
T1	FOR TENDER PURPOSES ONLY	19.12.19	FOR TENDER	RH
P1	PRELIMINARY - FOR APPROVAL	12.12.19	PRELIMINARY	

**FOR TENDER**

#### GENERAL NOTES

- ALL DIMENSIONS ARE IN METERS. ALL LEVELS ARE TO AN ARBITRARY DATUM UNLESS OTHERWISE NOTED.
- ALL WORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH THIS SPECIFICATIONS AND TO THE SATISFACTION OF THE CAMPASPE SHIRE COUNCIL. IN THE EVENT THESE SPECIFICATIONS DO NOT COVER THE WORKS, THE WORKS SHALL BE DONE IN ACCORDANCE WITH THE RELEVANT AUSTRALIAN STANDARDS.
- ALL EXCAVATED AREAS ARE TO BE REINSTATED TO MATCH PRE-WORKS STATE AND LEVELS WHERE NOTED ON THE PLANS.
- ALL WASTE MATERIAL, RUBBISH AND SPOIL SHALL BE REMOVED FROM SITE.
- REASONABLE CARE SHALL BE TAKEN BY THE CONTRACTOR TO PRESERVE ANY SURVEY MARKERS. THE CONTRACTOR IS RESPONSIBLE FOR THE COST TO REPLACE IF DEEMED NECESSARY.
- THE CONTRACTOR SHALL OBTAIN THE RELEVANT APPROVALS FROM THE CAMPASPE SHIRE COUNCIL & RELEVANT AUTHORITIES BEFORE CONSTRUCTION COMMENCES.
- SERVICE PROTECTION / REINSTATEMENT WORKS SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORITY STANDARDS, WHERE APPLICABLE.
- THE CONTRACTOR SHALL UNDERTAKE WORKS IN A MANNER THAT MINIMISES DAMAGES TO EXISTING ASSETS.
- ANY DISCREPANCIES IN DIMENSIONS OR DETAILS SHOULD BE BROUGHT TO THE ATTENTION OF THE SUPERINTENDENT FOR CLARIFICATION PRIOR TO ANY WORKS BEING UNDERTAKEN. THE SUPERINTENDENT IS TO BE NOTIFIED PRIOR TO THE COMMENCEMENT OF WORKS, IF THE CONDITIONS ARE DIFFERENT TO THOSE SHOWN ON THE DRAWINGS.
- THE CONTRACTOR SHALL ENSURE ALL WORKERS / EMPLOYEES ARE EQUIPPED WITH THE APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT IN ACCORDANCE WITH THE VICTORIAN OCCUPATIONAL HEALTH & SAFETY ACT.
- EXISTING FENCES ARE TO BE PROTECTED AT ALL TIMES UNLESS STATED OTHERWISE.
- THE LOCATION AND DEPTHS OF ALL EXISTING SERVICES IS TO BE PROVIDED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION. ANY DAMAGE TO EXISTING SERVICES IS THE RESPONSIBILITY OF THE CONTRACTOR. ANY DISCREPANCIES BETWEEN KNOWN DEPTHS AND LOCATIONS OF SERVICES AND THESE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE SUPERINTENDENT. EXISTING SERVICES SHOWN IN THESE DRAWINGS ARE PROVIDED FOR GUIDANCE ONLY AND ARE NOT GUARANTEED TO BE CORRECT. IT IS NOT GUARANTEED THAT ALL SERVICES HAVE BEEN SHOWN.



LOCALITY PLAN  
 SCALE: N.T.S.

**LEGEND**

**EXISTING**

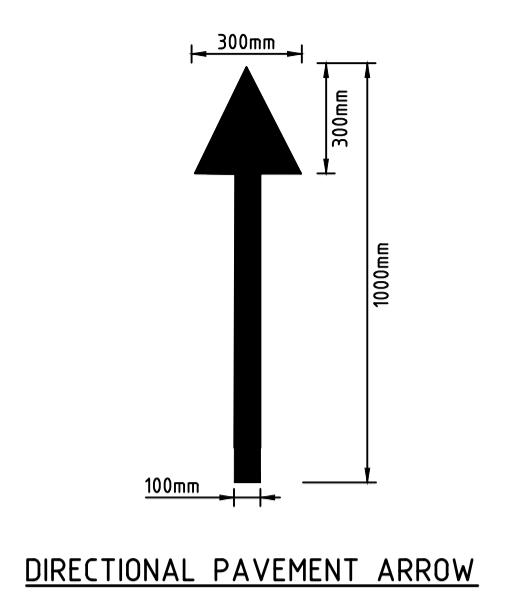
REF MARK-GENERAL	△
KERB & CHANNEL	---
EDGE ASPHALT/CONCRETE	▬▬▬▬
SIGN POST	—•—
FENCE	▨▨▨▨
TITLE	——
BUILDING	▨▨▨▨▨▨
ASPHALT PAVEMENT	▨▨▨▨
SAWCUT LINE	- - - -
PROPOSED	—•—
CENTRE LINE	—•—
EDGE OF SEAL	—•—
EDGE OF SHOULDER	—•—
BATTER LINE	—•—
SIGN	—•—
LINE MARKING	—•—
ROAD CENTRELINE CHAINAGE	- CH750.00
WIDENED/REHABILITATED ROAD PAVEMENT (REFER SHEET 03 FOR DETAILS)	▬▬▬▬
CONTOUR	116.20

**SIGNAGE SCHEDULE**

	S1	R2-4A 450mmx450mm NO ENTRY
	S2	R1-2A 750mm HEIGHT GIVE WAY
	S3	D4-1-1A 1600mmx400mm UNIDIRECTIONAL HAZARD MARKER

**LINEMARKING LEGEND**

DIVIDING LINES	
SINGLE BROKEN LINE	1.0m 3.0m 1.0m 3.0m 1.0m 80mm
SINGLE SOLID LINE	80mm
GIVEWAY LINE	
THICK BROKEN LINE	0.2m 0.2m 0.2m 0.2m 0.2m 0.2m 200mm



**FOR TENDER**

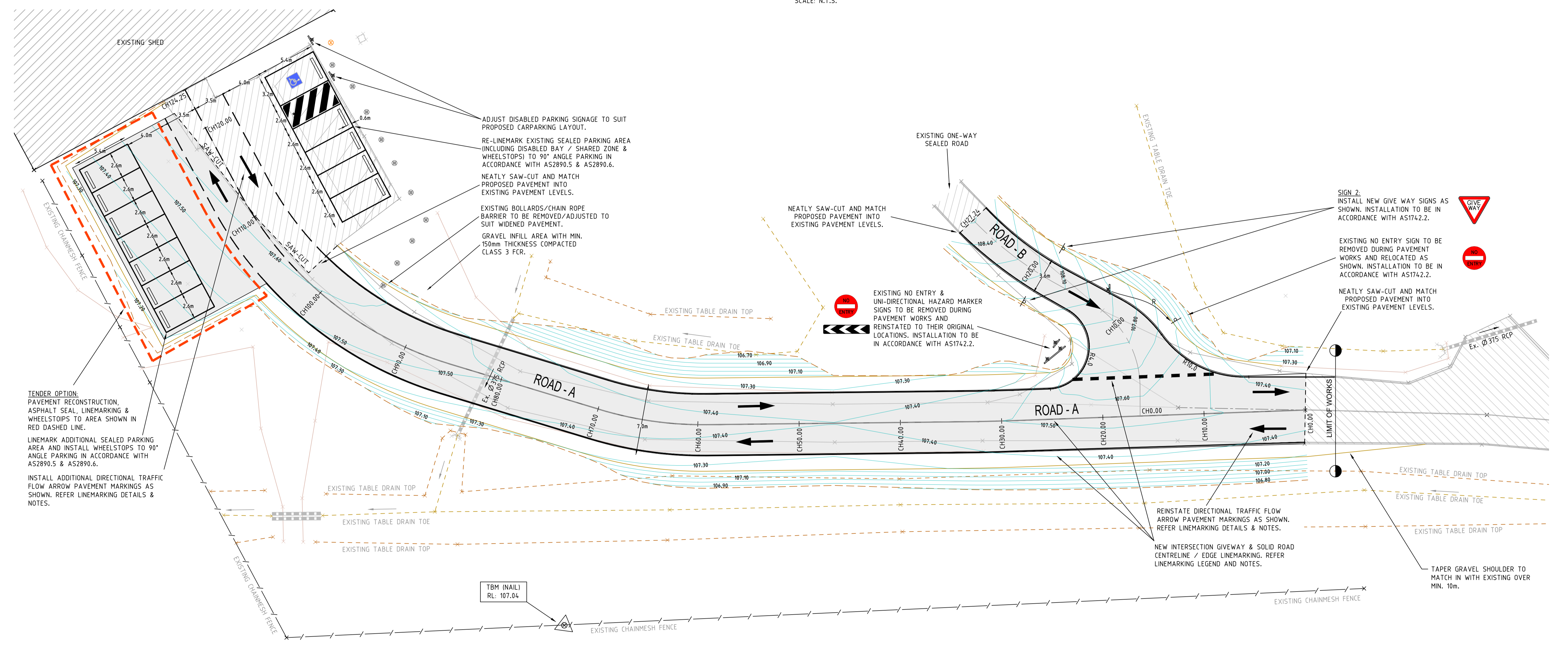
**WARNING**  
BEWARE OF UNDERGROUND SERVICES  
The locations of underground services are approximate only and their exact position should be proven on site. No guarantee is given that all existing services are shown.

**NOTE !**  
BEWARE OF EXISTING OVERHEAD POWER CABLES.

**WARNING**  
THE EXISTING SERVICE INFORMATION CONTAINED WITHIN THIS PLAN HAS BEEN DERIVED FROM A DESKTOP STUDY ONLY. THE EXISTING SERVICES SHOWN ON THIS PLAN ARE TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION. IT IS NOT GUARANTEED THAT ALL SERVICES HAVE BEEN IDENTIFIED

- LINEMARKING & SIGNAGE NOTES:**
- ALL LINE-MARKING & INSTALLATION OF RRPM'S TO BE UNDERTAKEN AS PER AS 1742.2.
  - LINEMARKING TO COMPLY WITH AUSTRALIAN STANDARDS AND IN WATERBORNE PAINT. PAINT TYPE AND INSTALLATION METHOD TO BE APPROVED BY SUPERINTENDENT PRIOR TO INSTALLATION.
  - ALLOWANCE SHALL BE MADE FOR TWO (2) NO. APPLICATIONS OF LINEMARKING PAINT FOR ALL NEW AND REINSTATED LINEMARKINGS. THE SECOND COAT SHALL BE APPLIED 6-8 WEEKS AFTER THE INITIAL APPLICATION.
  - ALL EXISTING GUIDE POSTS MOVED DURING THE WORKS SHALL BE REINSTATED AS PER THE REQUIREMENTS OF AS 1742.2.
  - YELLOW DIVIDING LINE RRPM'S SHALL BE INSTALLED (AT 24m SPACINGS) IN ACCORDANCE WITH AS1906.3 & AS1742.2.

**PAVEMENT MARKING DETAILS**  
SCALE: N.T.S.



**PROPOSED LAYOUT PLAN**  
SCALE: 1:200

© Heil Engineering Consultants P/L  
THIS DOCUMENT IS COPYRIGHT AND MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED. UNAUTHORISED USE PROHIBITED. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON THE PROJECT BEFORE COMMENCING ANY WORKS OR SHOP DRAWINGS. DRAWINGS NOT TO BE SCALED.

**RELEASE DETAILS**

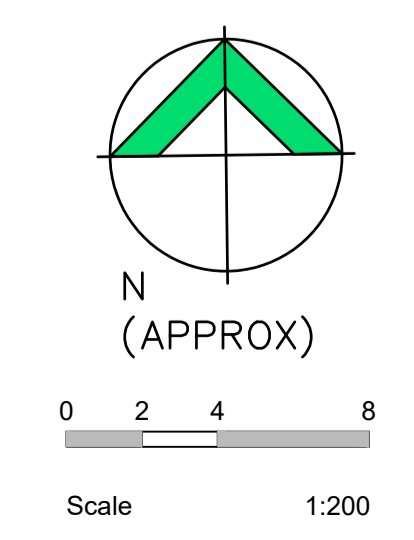
NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.
T1	FOR TENDER PURPOSES ONLY	19.12.19	FOR TENDER	RH
P1	PRELIMINARY - FOR APPROVAL	12.12.19	PRELIMINARY	

**HEC HEIL ENGINEERING CONSULTANTS PTY LTD**

• Urban Development • Project Management • Infrastructure Design • Construction Administration •

SWAN HILL, VIC 3585 p. 50 332 189  
OCEAN GROVE, VIC 3226 p. 52 552 220 www.heconsult.com.au

DESIGNED RH NOV 19  
DRAWN RH NOV 19



**CAMPASPE SHIRE COUNCIL**  
ECHUCA ENVIRONMENTAL CENTRE - ACCESS UPGRADE  
520 McKENZIE ROAD  
ECHUCA, VICTORIA  
**PROPOSED LAYOUT PLAN**

DRAWING NO.	19062_2_SD02
SHEET NO.	2 of 4
REVISION NO.	T1
CAD:	19062_2_TS Echuca.dwg



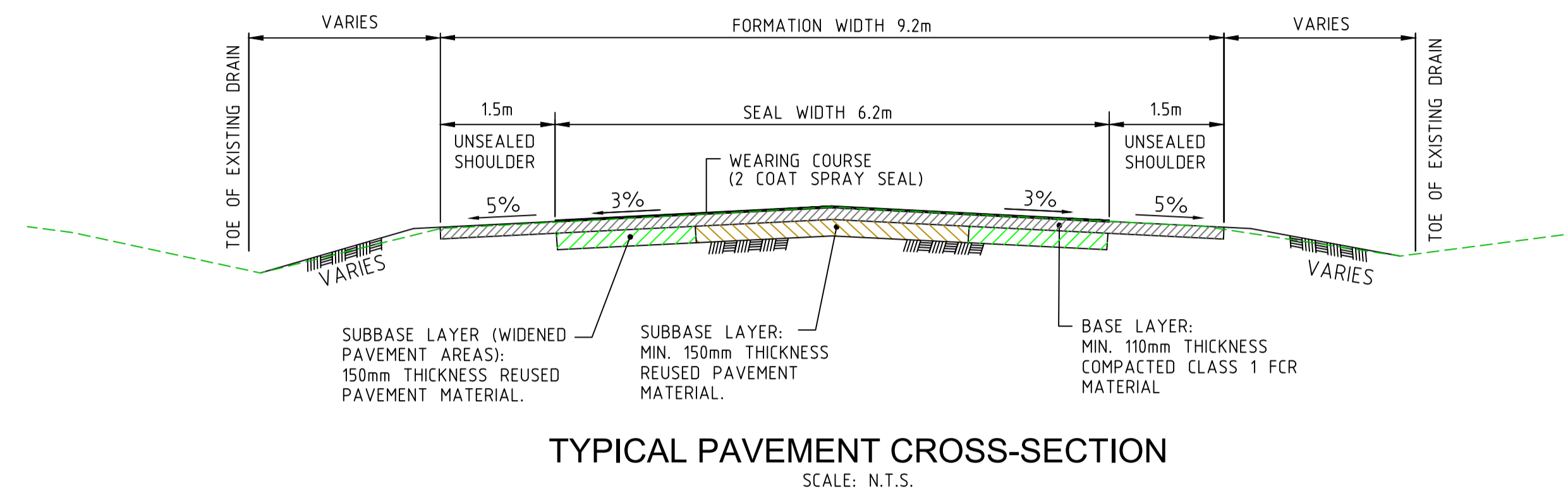
**FOR TENDER**

PAVEMENT PROFILE:

COURSE	THICKNESS (mm)	PAVEMENT MATERIAL	REMARKS
WEARING	-	2 COAT SPRAY SEAL - SIZE 7mm/10mm AGGREGATE.	FINISHED PAVEMENT TO MATCH EXISTING SURFACE LEVELS WHERE TIEING INTO EXISTING SEAL LEVELS.
BASE	110mm	SIZE 20mm CLASS 1 FCR	COMPACTED TO A DENSITY RATIO OF NOT LESS THAN 98% MODIFIED COMPACTION.
SUBBASE	150mm	EXISTING RECLAIMED GRAVEL TYPE MATERIAL	COMPACTED TO A MINIMUM DENSITY RATIO OF NOT LESS THAN 97% MODIFIED COMPACTION.
TOTAL	260mm	-	-

GENERAL PAVEMENT NOTES:

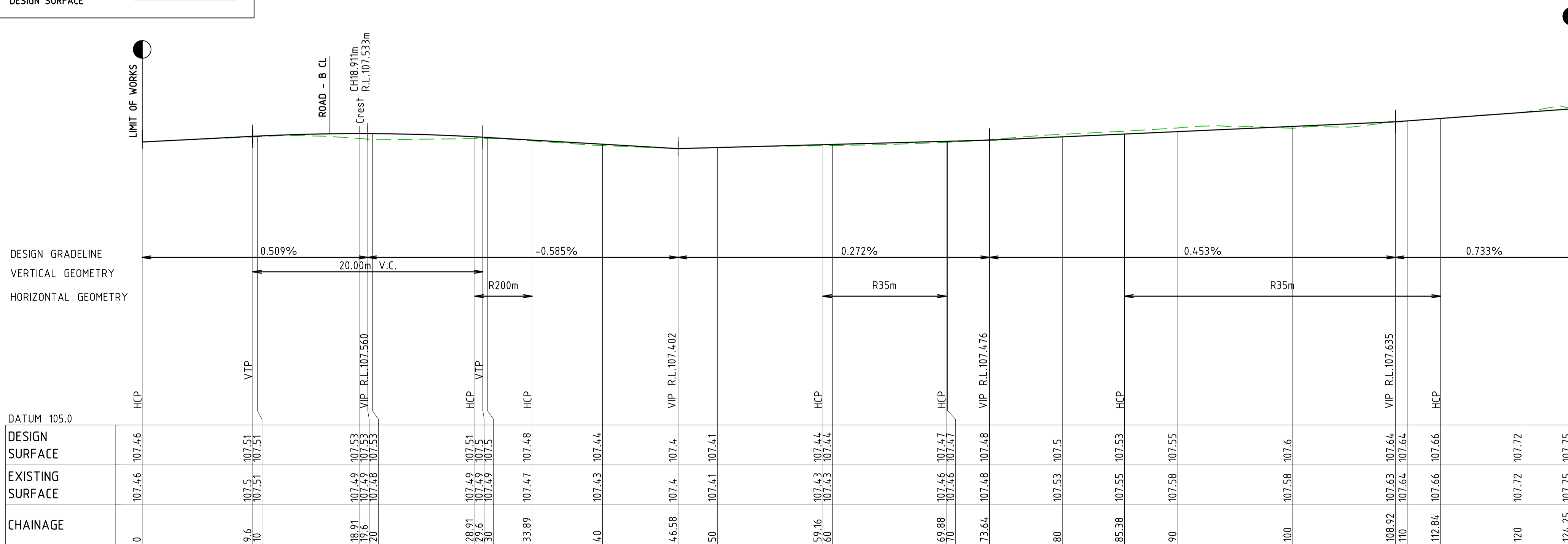
- PAVEMENT CONSTRUCTION TO BE UNDERTAKEN IN ACCORDANCE WITH THE GEOTECHNICAL REPORT PREPARED BY BM CIVIL JOB NO. P1151242-4.
- EXCAVATE AND STOCKPILE LOCALLY EXISTING PAVEMENT GRAVEL MATERIAL FOR REUSE IN REHABILITATED PAVEMENT LOWER SUBBASE LAYER.
- EXCAVATE/BOX OUT WIDENED PAVEMENT SUBGRADE.
- PLACE AND COMPACT PROPOSED BASE AND LOWER/UPPER SUBBASE PAVEMENT LAYERS OVER THE PREPARED SUB-GRADE LAYER AS SPECIFIED.
- ANY SOFT SPOTS FOUND IN THE SUB-GRADE ARE TO BE INSPECTED BY THE SUPERINTENDENT AND UNDER THEIR DIRECTION THEY ARE TO BE REMOVED AND REPLACED WITH CLASS 3 FCR COMPACTED IN MAX. 150mm LAYERS TO 98% MODIFIED MAXIMUM DRY DENSITY.
- THE BASE MATERIAL THAT SHALL COMPLY WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS 812 - CRUSHED ROCK FOR BASE AND SUBBASE PAVEMENT.
- ALL BASE MATERIAL IS TO BE PLACED AND COMPACTED IN ACCORDANCE WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS SECTION 304 - UNBOUND FLEXIBLE PAVEMENT CONSTRUCTION.
- THE PAVEMENT IS TO BE PREPARED FOR BITUMINOUS SEALING IN ACCORDANCE TO VICROADS STANDARD SPECIFICATION FOR ROAD WORKS 310 - PREPARATION OF GRANULAR PAVEMENTS FOR BITUMINOUS SURFACING.
- ALL BITUMINOUS SEALING IS TO COMPLY WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS SECTION 408 - SPRAYED BITUMINOUS SURFACING AND SECTION 831 - AGGREGATE FOR SPRAYED BITUMINOUS SURFACING.



LEGEND

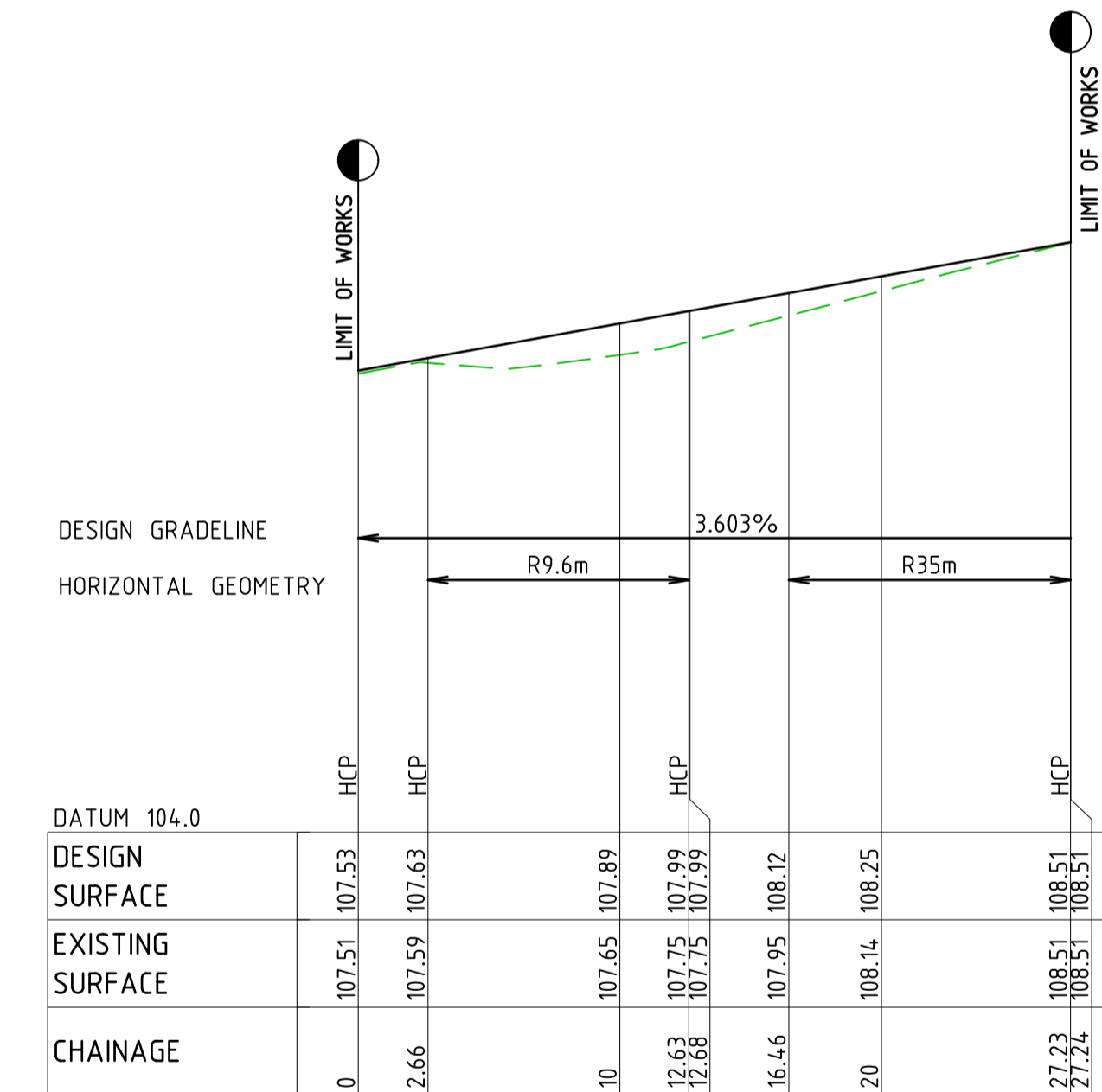
EXISTING SURFACE

DESIGN SURFACE



ROAD - A LONGITUDINAL SECTION

SCALE OF METRES  
HORIZ. 1 : 250  
VERT. 1 : 25



ROAD - B LONGITUDINAL SECTION

SCALE OF METRES  
HORIZ. 1 : 250  
VERT. 1 : 25

RELEASE DETAILS

NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.
T1	FOR TENDER PURPOSES ONLY	19.12.19	FOR TENDER	RH
P1	PRELIMINARY - FOR APPROVAL	12.12.19	PRELIMINARY	



DESIGNED RH NOV 19  
DRAWN RH NOV 19  
SWAN HILL, VIC 3585 p. 50 332 189  
OCEAN GROVE, VIC 3226 p. 52 552 220  
www.heconsult.com.au

Scale AS NOTED

**CAMPASPE SHIRE COUNCIL**  
ECHUCA ENVIRONMENTAL CENTRE - ACCESS UPGRADE  
520 MCKENZIE ROAD  
ECHUCA, VICTORIA

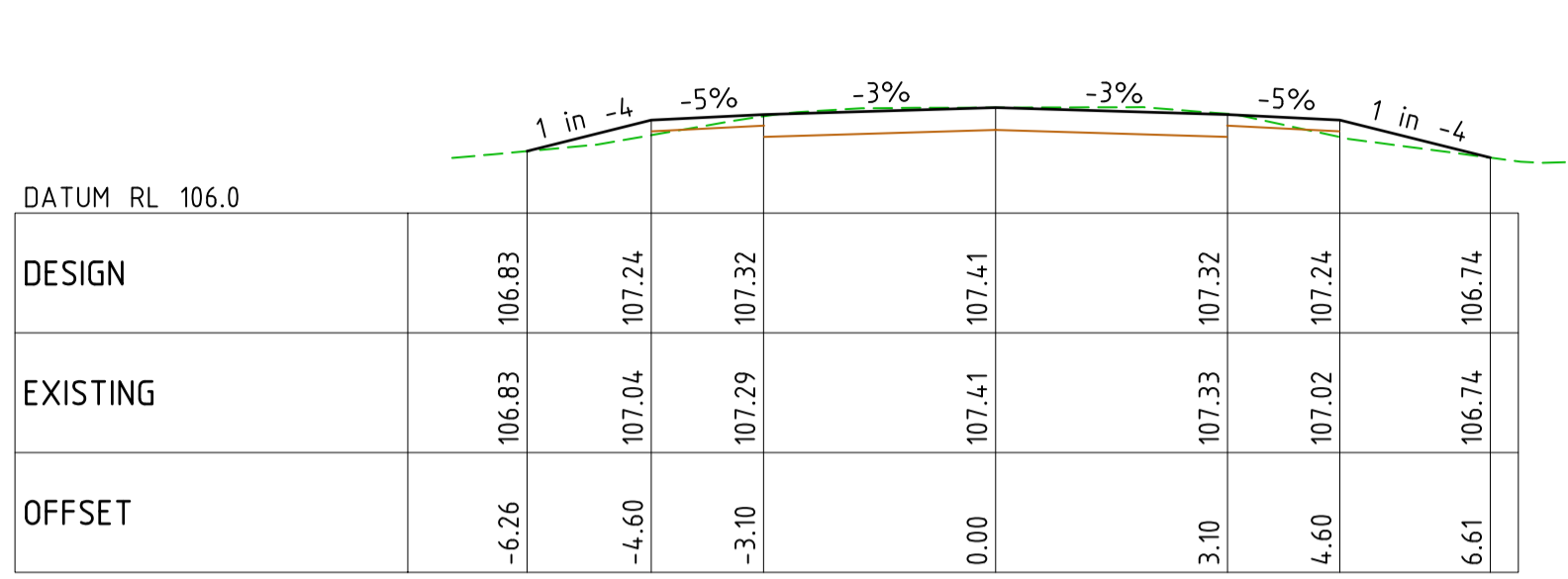
**TYPICAL CROSS SECTION AND LONGITUDINAL SECTION**

DRAWING NO. 19062.2\_SD03  
SHEET NO. 3 of 4

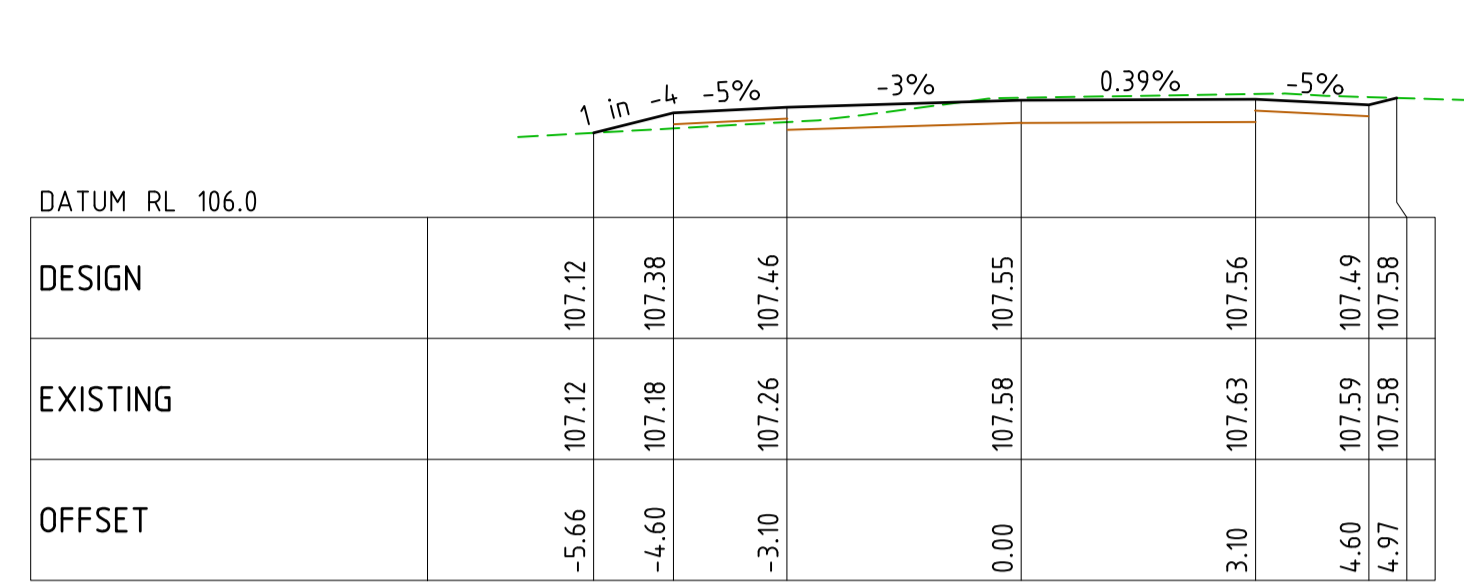
REVISION NO. T1  
A3  
CAD: 19062.2\_TS Echuca.dwg

LEGEND	
EXISTING SURFACE	
DESIGN SURFACE	
DESIGN SUBGRADE LEVEL	

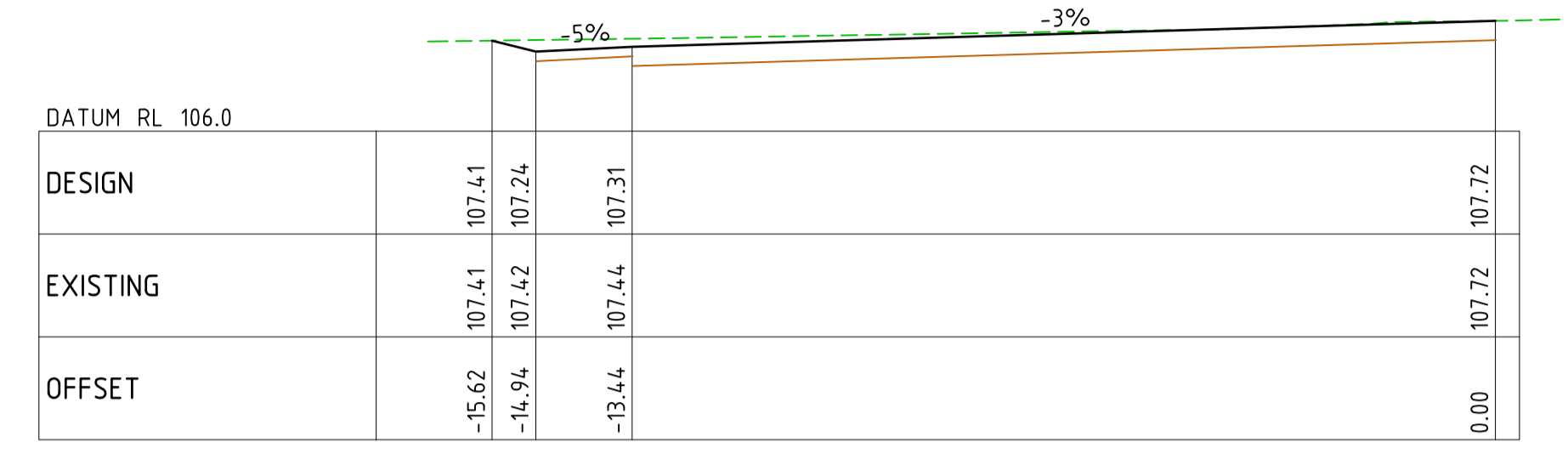
**FOR TENDER**



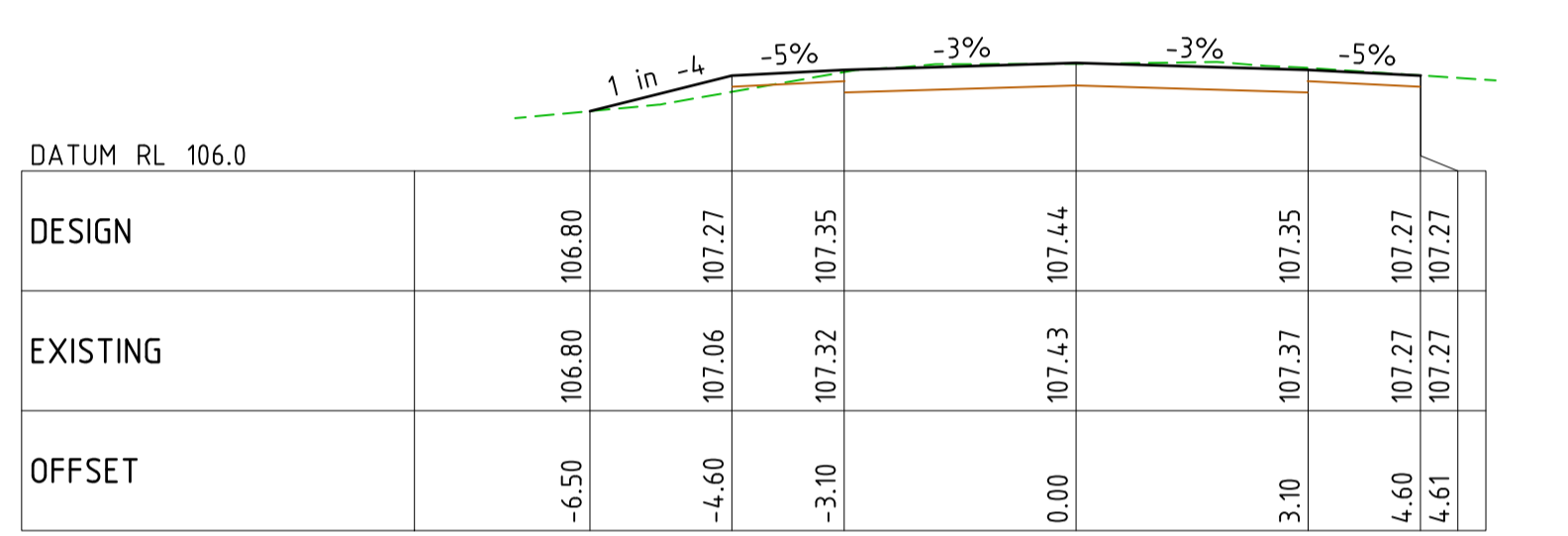
CHAINAGE 50.00



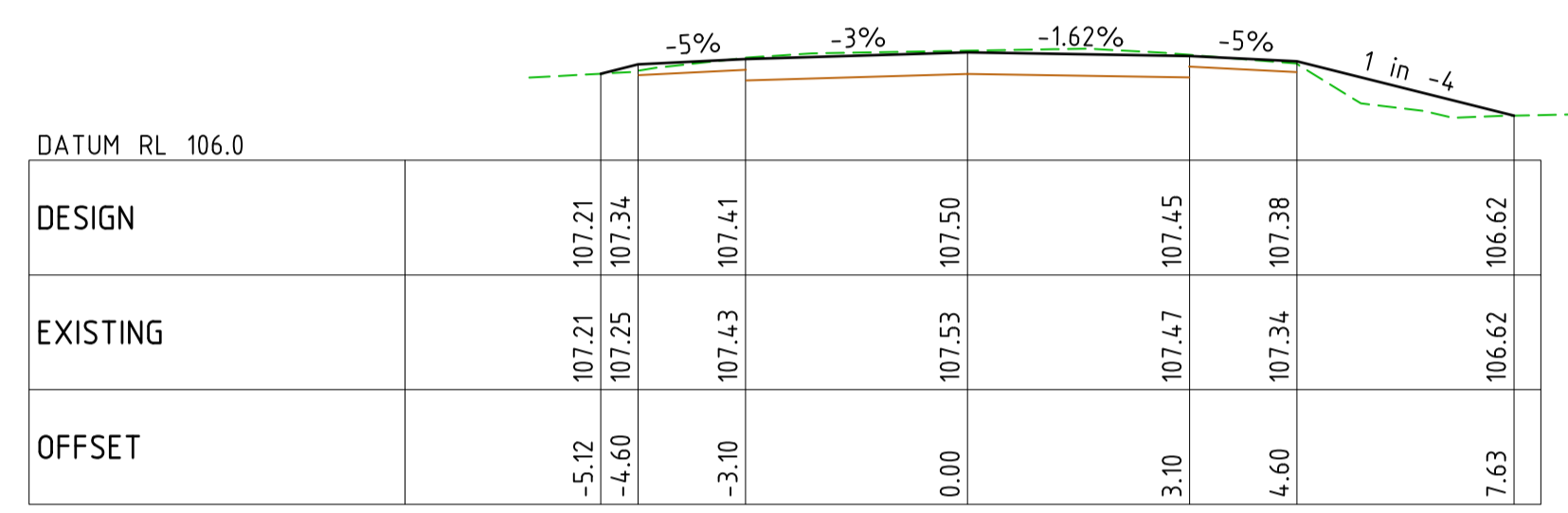
CHAINAGE 90.00



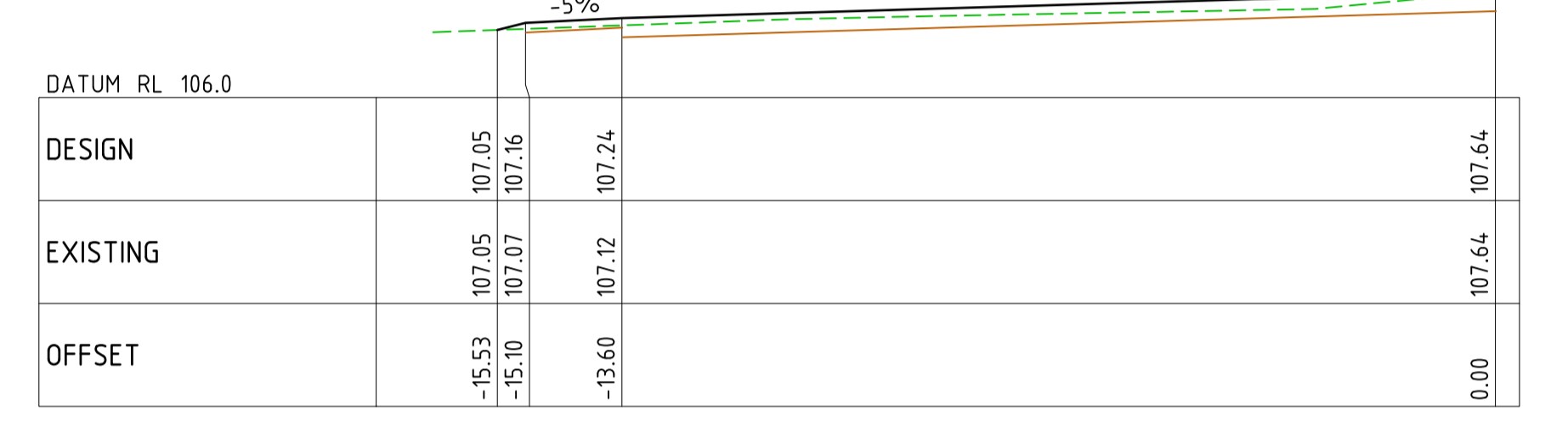
CHAINAGE 120.00



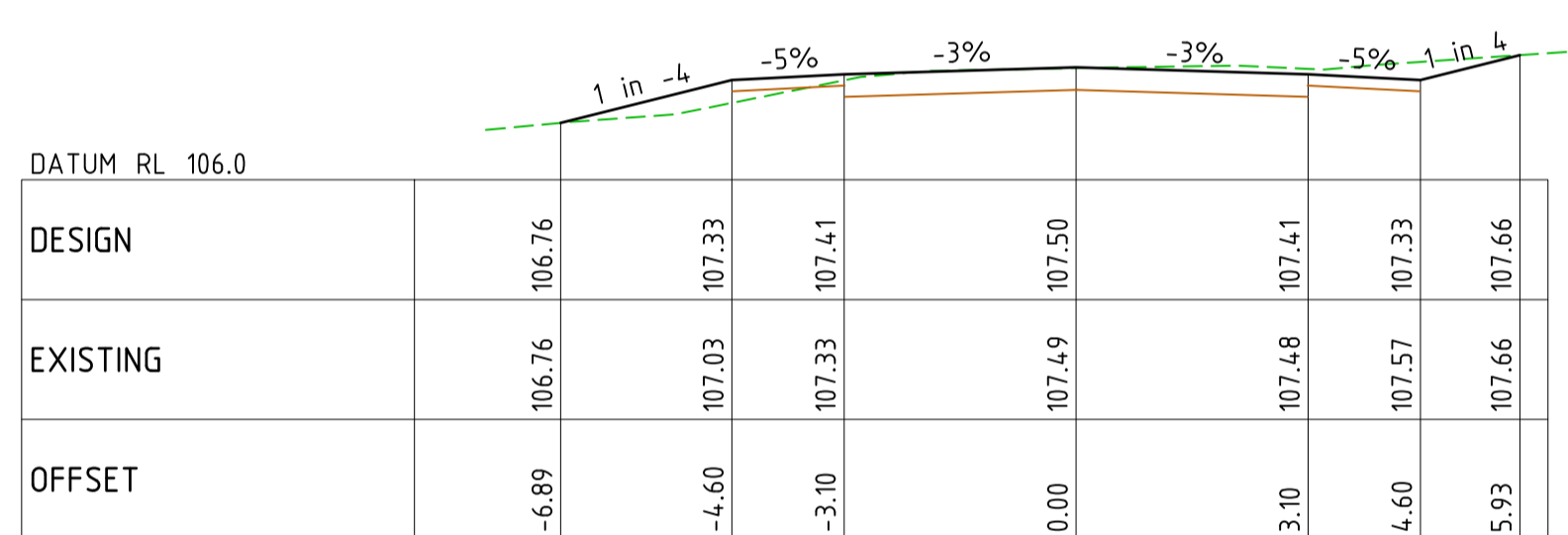
CHAINAGE 40.00



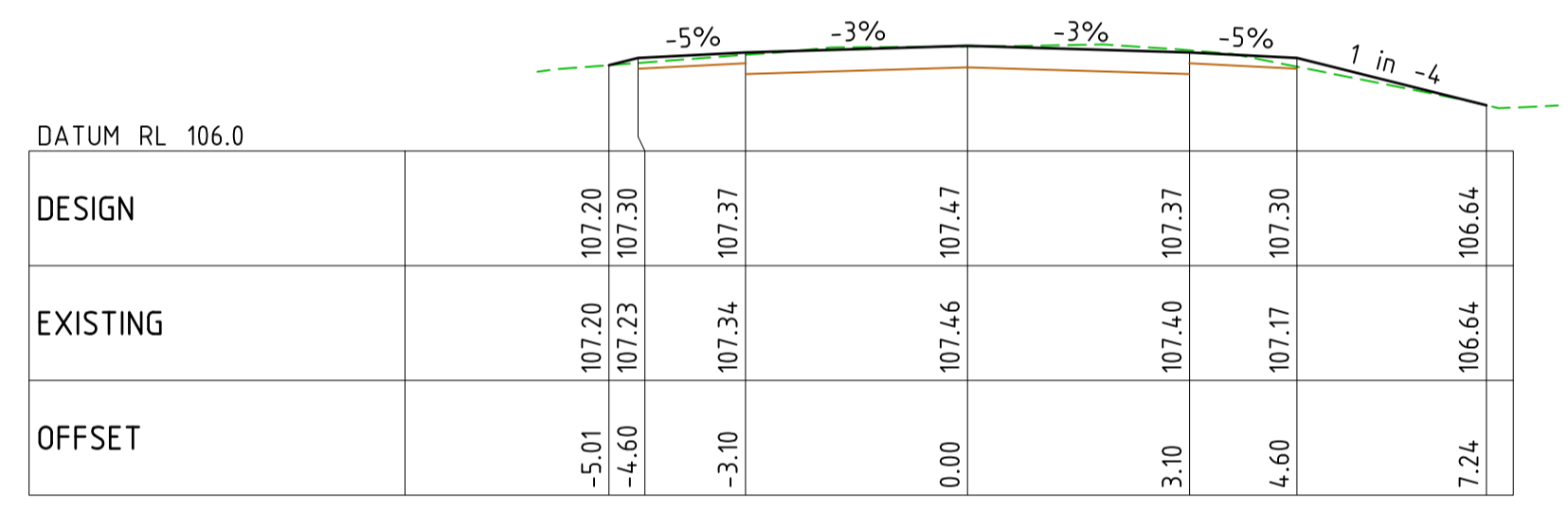
CHAINAGE 80.00



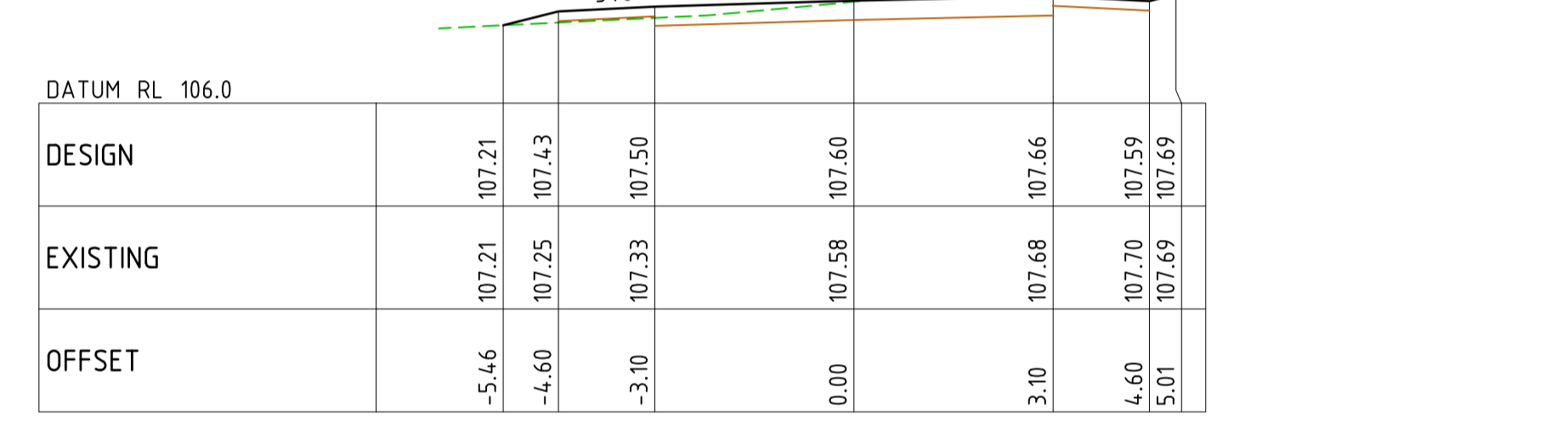
CHAINAGE 110.00



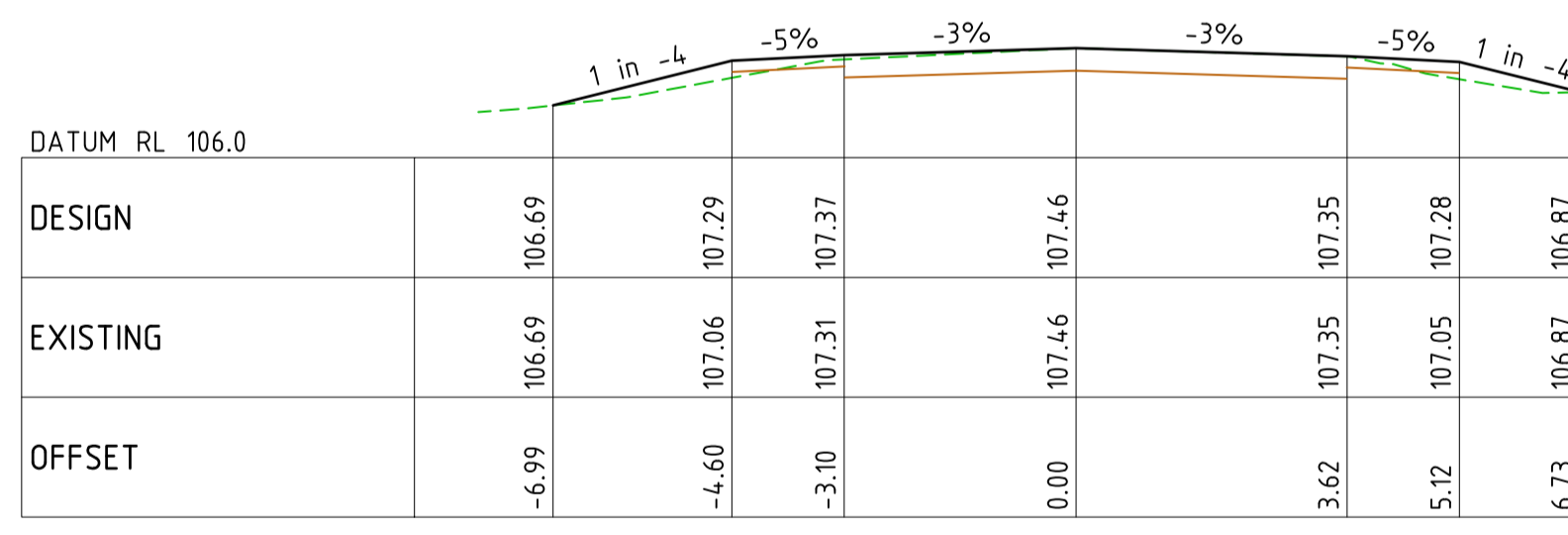
CHAINAGE 30.00



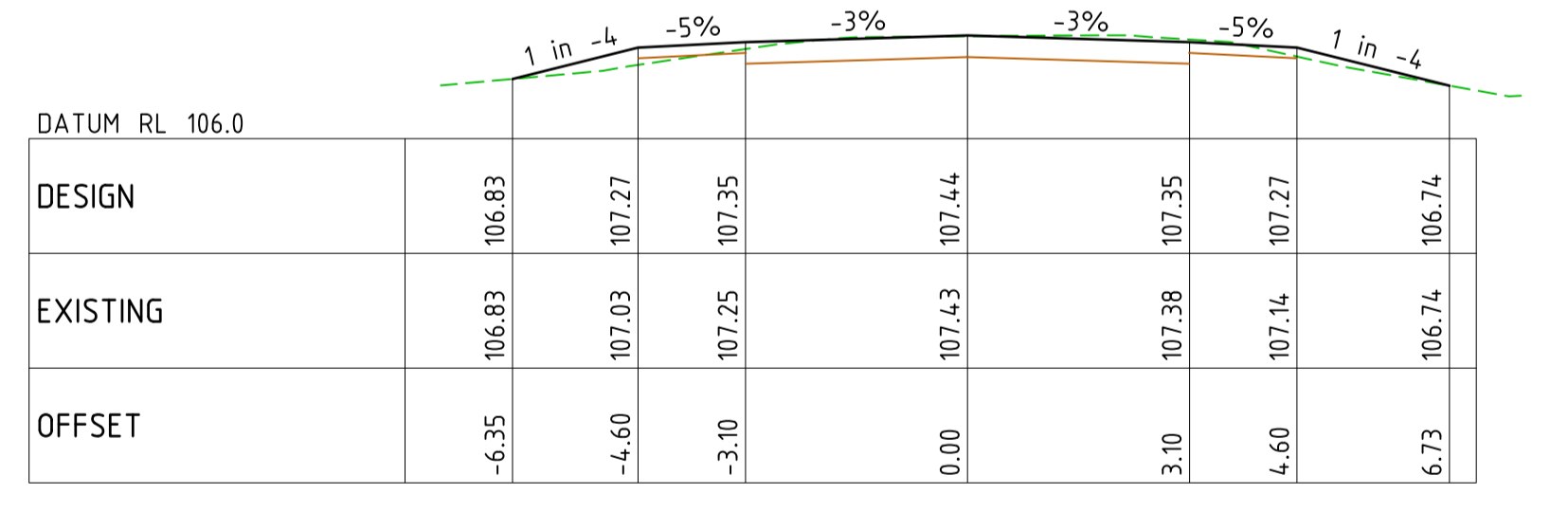
CHAINAGE 70.00



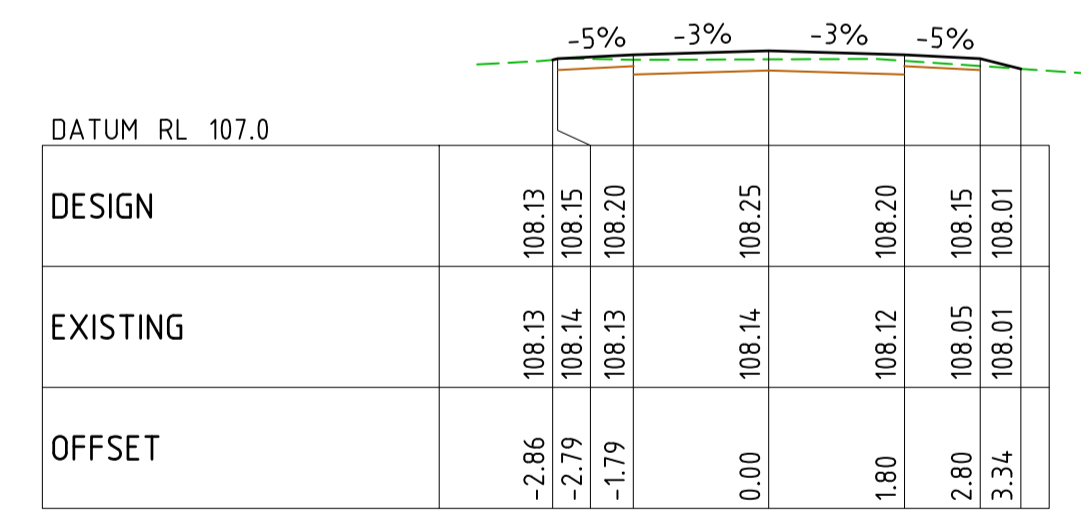
CHAINAGE 100.00



CHAINAGE 0.00



CHAINAGE 60.00



CHAINAGE 20.00

ROAD - A CROSS-SECTIONS



ROAD - B CROSS-SECTION



© Heil Engineering Consultants P/L  
THIS DOCUMENT IS COPYRIGHT AND MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED. UNAUTHORISED USE PROHIBITED. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON THE PROJECT BEFORE COMMENCING ANY WORKS OR SHOP DRAWINGS. DRAWINGS NOT TO BE SCALED.

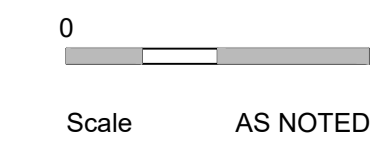
RELEASE DETAILS			
NO.	DESCRIPTION	DATE	APP.
T1	FOR TENDER PURPOSES ONLY	19.12.19	RH
P1	PRELIMINARY - FOR APPROVAL	12.12.19	RH

**HEC** HEIL ENGINEERING CONSULTANTS PTY LTD

• Urban Development • Project Management •  
• Infrastructure Design • Construction Administration •

SWAN HILL, VIC 3585 p. 50 332 189  
OCEAN GROVE, VIC 3226 p. 52 552 220 www.heconsult.com.au

DESIGNED RH NOV 19  
DRAWN RH NOV 19



**CAMPASPE SHIRE COUNCIL**  
ECHUCA ENVIRONMENTAL CENTRE - ACCESS UPGRADE

520 MCKENZIE ROAD  
ECHUCA, VICTORIA

**CROSS SECTIONS**

DRAWING NO.	19062.2_SD04
SHEET NO.	4 of 4
REVISION NO.	T1
CAD:	19062.2_TS Echuca.dwg

**BILL OF QUANTITIES**

Revision 1: 19/12/2019

**Attachment 7.5.2**

**PROJECT NAME:** 19062.2 - ECHUCA ENVIRONMENTAL CENTRE - ACCESS UPGRADE WORKS

**CONTRACT NO.** .....

**LOCATION:** 520 MCKENZIE ROAD, ECHUCA

This is a LUMP SUM CONTRACT and the quantities detailed within this schedule have been provided as a guide only. It is the responsibility of the contractor to carefully review and satisfy themselves that the quantities provided are as required to deliver the scope of work documentation on the for tender drawings and Specification. It is the contractors responsibility to make appropriate allowance for all plant, labour, surveillance, materials, permits, site management, environmental management and all other items that may be required to deliver the scope of works.

Item No.	Description of Work	Estimated Quantity	Unit	Rate \$	Extended Amount \$ (GST Excl.)
<b>1.0</b>	<b>PRELIMINARIES, SITE ESTABLISHMENT &amp; DEMOLITION</b>				
1.1	Site establishment, insurances and hold point inspection allowances.	1	Item	\$3,000.00	\$3,000.00
1.2	Traffic management throughout the Contract period including preparation, installation and maintenance of all required Traffic Control Plans.	1	Item	\$2,500.00	\$2,500.00
1.3	Construction setout and level control	1	Item	\$2,000.00	\$2,000.00
1.4	Service location and identification including DBYD and non destructive depthing as required including protection of services at all times.	1	No.	\$1,000.00	\$1,000.00
1.5	Compaction testing undertaken by a registered NATA geotechnical engineer.	1	Item	\$2,000.00	\$2,000.00
1.6	Removal and reconfiguration of existing carpark bollards/wire rope barrier.	1	Item	\$1,200.00	\$1,200.00
				<b>SUB-TOTAL</b>	<b>\$11,700.00</b>
<b>2.0</b>	<b>PAVEMENT CONSTRUCTION WORKS (Excluding Tender Option Area)</b>				
2.1	Sawcutting, rotomilling and excavation of existing road pavement material (to an approx. average depth of 250mm) including stockpiling on site as directed by the project superintendent for reuse in the proposed pavement subbase layer.	590	m <sup>2</sup>	\$10.00	\$5,900.00
2.2	Additional formation and earthworks to box out and form road sub-grade including disposal of excess spoil off site.	1220	m <sup>2</sup>	\$7.50	\$9,150.00
2.3	Subbase Layer:				
2.3.1	Subbase layer: Spread and compact 150mm deep reclaimed gravel pavement material.	860	m <sup>2</sup>	\$17.50	\$15,050.00
2.4	Base Layer (including 1.5m wide shoulder):				
2.4.1	Supply, spread and compact 110mm deep Class 1 FCR size 20mm.	1220	m <sup>2</sup>	\$20.00	\$24,400.00
2.5	Wearing Course: 2 coat spray seal - 7mm aggregate primerseal & 14mm aggregate final seal	860	m <sup>2</sup>	\$15.00	\$12,900.00
				<b>SUB-TOTAL</b>	<b>\$67,400.00</b>
<b>3.0</b>	<b>LINEMARKING &amp; SIGNAGE WORKS</b>				
3.1	Installation of linemarking treatments as per the drawings (excluding Tender Option area)	1	Item	\$2,500.00	\$2,500.00
3.2	Supply and installation of wheelstops (excluding Tender Option area)	5	No.	\$250.00	\$1,250.00
3.3	Supply and installation of following new/relocated road signs:				
3.3.1	S1 - NO ENTRY sign (relocation only)	1	No.	\$150.00	\$150.00
3.3.2	S2 - GIVEWAY sign	2	No.	\$250.00	\$500.00
3.3.3	Adjustments to existing disabled parking signs	2	No.	\$150.00	\$300.00
				<b>SUB-TOTAL</b>	<b>\$4,700.00</b>
<b>4.0</b>	<b>TENDER OPTION: ADDITIONAL PAVEMENT / CARPARKING AREA</b>				
4.1	Formation and earthworks to box out and form road sub-grade including disposal of excess spoil off site.	195	m <sup>2</sup>	\$7.50	\$1,462.50
4.2	Subbase Layer:				
4.2.1	Subbase layer: Spread and compact 150mm deep reclaimed gravel pavement material.	170	m <sup>2</sup>	\$15.00	\$2,550.00
4.3	Base Layer (including 1.5m wide shoulder):				
4.3.1	Supply, spread and compact 100mm deep Class 1 FCR size 20mm.	195	m <sup>2</sup>	\$18.00	\$3,510.00
4.4	Wearing Course: 2 coat spray seal - 7mm aggregate primerseal & 14mm aggregate final seal	170	m <sup>2</sup>	\$30.00	\$5,100.00
4.5	Installation of linemarking treatments as per the drawings to the Tender Option area only.	1	Item	\$950.00	\$950.00
4.6	Supply and installation of wheelstops to the Tender Option area only.	7	No.	\$250.00	\$1,750.00
				<b>SUB-TOTAL</b>	<b>\$15,322.50</b>
<b>CONTRACT SUB TOTAL</b>					\$99,122.50
<b>GST</b>					\$9,912.25
<b>TOTAL CONTRACT AMOUNT</b>					<b>\$109,034.75</b>

Name of Tenderer: .....

Signed: .....

# CAMPASPE SHIRE COUNCIL

## KYABRAM ENVIRONMENTAL CENTRE

### ACCESS UPGRADE

LOCATION:  
**479 EVERARD ROAD (CNR CURR ROAD)**  
**KYABRAM**

#### HOLD / WITNESS POINTS

1.	THE CONTRACTOR SHALL PREPARE AND SUBMIT A PLAN FOR TRAFFIC MANAGEMENT, A CONSTRUCTION PLAN AND WORK METHOD STATEMENT.	HOLD COMMENCEMENT OF WORKS UNTIL APPROVED BY THE PROJECT MANAGER
2.	THE CONTRACTOR SHALL SETOUT THE LIMITS AND DESIGN LEVELS, GRADES AND FINISHED SURFACE LEVELS.	
3.	EXCAVATION DEPTHS AND PRIOR TO INSTALLATION OF CULVERTS	HOLD COMMENCEMENT OF WORKS UNTIL WITNESS BY COUNCIL'S SUBJECT MATTER EXPERT
4.	PROOF ROLLING AT SUBGRADE, SUB BASE AND BASE LAYERS INCLUDING INTERSECTION TURNOUTS.	
5.	COMPACTION TESTING: AT SUBBASE AND BASE LAYERS.	HOLD COMMENCEMENT OF WORKS UNTIL APPROVED BY THE PROJECT MANAGER
6.	PRIOR TO SEALING	
7.	EXCAVATION DEPTHS AND BEDDING COMPACTION PRIOR TO POURING. A MINIMUM OF 24 HOURS NOTICE SHALL BE GIVEN BY THE CONTRACTOR TO THE PROJECT MANAGER	WITNESS BY COUNCIL'S SUBJECT MATTER EXPERT
8.	AFTER POUR: A MINIMUM OF 24 HOURS NOTICE SHALL BE GIVEN BY THE CONTRACTOR TO THE PROJECT MANAGER	
9.	DURING PIPE BACKFILL: A MINIMUM OF 24 HOURS NOTICE SHALL BE GIVEN BY THE CONTRACTOR TO THE PROJECT MANAGER	
10.	FINAL INSPECTION	FINAL SIGN OFF ON WORKS IPT INSPECTION ON-SITE

NOTE: A MINIMUM OF 48 HOURS NOTICE SHALL BE GIVEN BY THE CONTRACTOR TO THE PROJECT MANAGER PRIOR TO ANY HOLD/WITNESS INSPECTION POINTS.

Project No.: 19062

Drawing Number	Sheet Number	Plan Title
19062_SD01	1	COVER SHEET, SITE PLAN & DRAWING INDEX
19062_SD02	2	LAYOUT PLAN
19062_SD03	3	TYPICAL CROSS-SECTION & LONGITUDINAL SECTION
19062_SD04	4	CROSS-SECTIONS

**FOR TENDER**



- Urban Development
- Project Management
- Infrastructure Design
- Construction Administration



#### RELEASE DETAILS

REV	DESCRIPTION	DATE	DOCUMENT STATUS	APP.
T2	FOR TENDER PURPOSES ONLY	14.01.20	FOR TENDER	RH
T1	FOR TENDER PURPOSES ONLY	19.12.19	FOR TENDER	
P2	PRELIMINARY - FOR APPROVAL	12.12.19	PRELIMINARY	
P1	PRELIMINARY - FOR COUNCIL REVIEW	11.11.19	PRELIMINARY	

#### GENERAL NOTES

1. ALL DIMENSIONS ARE IN METERS. ALL LEVELS ARE TO AN ARBITRARY DATUM UNLESS OTHERWISE NOTED.
2. ALL WORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH THIS SPECIFICATIONS AND TO THE SATISFACTION OF THE CAMPASPE SHIRE COUNCIL. IN THE EVENT THESE SPECIFICATIONS DO NOT COVER THE WORKS, THE WORKS SHALL BE DONE IN ACCORDANCE WITH THE RELEVANT AUSTRALIAN STANDARDS.
3. ALL EXCAVATED AREAS ARE TO BE REINSTATED TO MATCH PRE-WORKS STATE AND LEVELS WHERE NOTED ON THE PLANS.
4. ALL WASTE MATERIAL, RUBBISH AND SPOIL SHALL BE REMOVED FROM SITE.
5. REASONABLE CARE SHALL BE TAKEN BY THE CONTRACTOR TO PRESERVE ANY SURVEY MARKERS. THE CONTRACTOR IS RESPONSIBLE FOR THE COST TO REPLACE IF DEEMED NECESSARY.
6. THE CONTRACTOR SHALL OBTAIN THE RELEVANT APPROVALS FROM THE CAMPASPE SHIRE COUNCIL & RELEVANT AUTHORITIES BEFORE CONSTRUCTION COMMENCES.
7. SERVICE PROTECTION / REINSTATEMENT WORKS SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORITY STANDARDS, WHERE APPLICABLE.
8. THE CONTRACTOR SHALL UNDERTAKE WORKS IN A MANNER THAT MINIMISES DAMAGES TO EXISTING ASSETS.
9. ANY DISCREPANCIES IN DIMENSIONS OR DETAILS SHOULD BE BROUGHT TO THE ATTENTION OF THE SUPERINTENDENT FOR CLARIFICATION PRIOR TO ANY WORKS BEING UNDERTAKEN. THE SUPERINTENDENT IS TO BE NOTIFIED PRIOR TO THE COMMENCEMENT OF WORKS, IF THE CONDITIONS ARE DIFFERENT TO THOSE SHOWN ON THE DRAWINGS.
10. THE CONTRACTOR SHALL ENSURE ALL WORKERS / EMPLOYEES ARE EQUIPT WITH THE APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT IN ACCORDANCE WITH THE VICTORIAN OCCUPATIONAL HEALTH & SAFETY ACT.
11. EXISTING FENCES ARE TO BE PROTECTED AT ALL TIMES UNLESS STATED OTHERWISE.
12. THE LOCATION AND DEPTHS OF ALL EXISTING SERVICES IS TO BE PROVIDED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION. ANY DAMAGE TO EXISTING SERVICES IS THE RESPONSIBILITY OF THE CONTRACTOR. ANY DISCREPANCIES BETWEEN KNOWN DEPTHS AND LOCATIONS OF SERVICES AND THESE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE SUPERINTENDENT. EXISTING SERVICES SHOWN IN THESE DRAWINGS ARE PROVIDED FOR GUIDANCE ONLY AND ARE NOT GUARANTEED TO BE CORRECT. IT IS NOT GUARANTEED THAT ALL SERVICES HAVE BEEN SHOWN.



LOCALITY PLAN  
 SCALE: N.T.S.

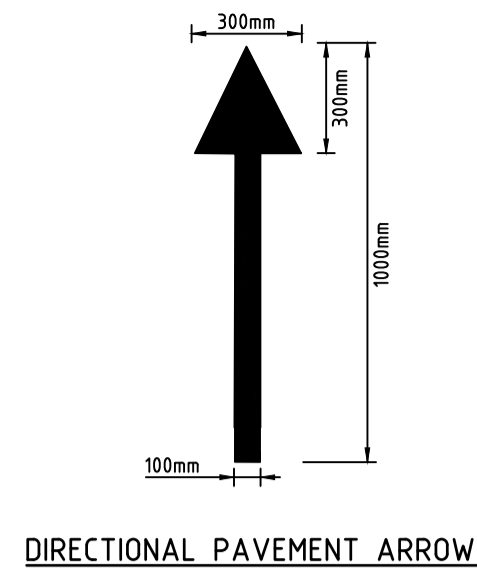
**LEGEND**

EXISTING	
REF MARK-GENERAL	▲
KERB & CHANNEL	▬
EDGE ASPHALT/CONCRETE	▬
SIGN POST	▬
FENCE	▬
TITLE	▬
BUILDING	▬
ASPHALT PAVEMENT	▬
SAWCUT LINE	▬
SEWER MANHOLE	⊙
GAS MAIN / VALVE	⊙
ELECTRICITY PIT / BOX & CABLE	⊙
ELECTRICITY POLE & OVERHEADS	⊙
TELECOMMUNICATIONS	⊙
WATER MAIN (METER / VALVE / FIRE PLUG)	⊙
PROPOSED	
CENTRE LINE	▬
EDGE OF SEAL	▬
EDGE OF SHOULDER	▬
BATTER LINE	▬
SIGN	▬
LINE MARKING	
ROAD CENTERLINE CHAINAGE	- CH750.00
WIDENED/REHABILITATED ROAD PAVEMENT (REFER SHEET 03 FOR DETAILS)	
CONTOUR	114.20

**SIGNAGE SCHEDULE**

	S1	R2-4A 450mmx450mm NO ENTRY
	S2	R1-2A 750mm HEIGHT GIVE WAY
	S3	750mm X 600mm LEFT/RIGHT TURN ONLY

LINE MARKING LEGEND	
DIVIDING LINES	
SINGLE BROKEN LINE	3m 9m 3m 9m 3m 9m 3m 9m 80mm (MIN.) 100mm (PREFERRED)
SINGLE SOLID LINE	80mm (MIN.) 100mm (PREFERRED)
GIVE-WAY LINES	
GIVE WAY LINE (LHS APPROACH)	0.6m 0.6m 0.6m 0.6m 0.6m 0.6m 0.6m 0.6m 300mm
GIVE WAY LINE (RHS APPROACH)	0.6m 0.6m 0.6m 0.6m 0.6m 0.6m 0.6m 0.6m 150mm



**FOR TENDER**

**WARNING**  
**BWARE OF UNDERGROUND SERVICES**  
The locations of underground services are approximate only and their exact position should be proven on site. No guarantee is given that all existing services are shown.

**NOTE!**  
**BWARE OF EXISTING OVERHEAD POWER CABLES.**

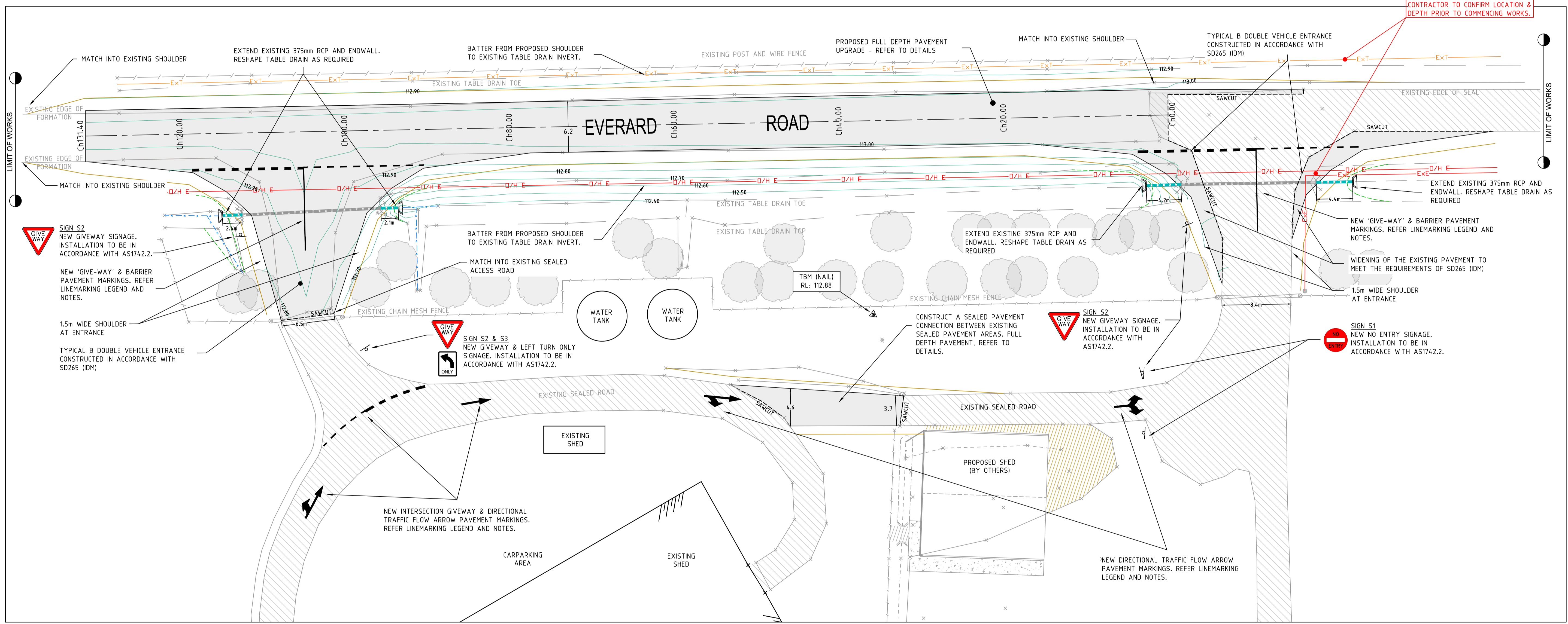
**WARNING**  
THE EXISTING SERVICE INFORMATION CONTAINED WITHIN THIS PLAN HAS BEEN DERIVED FROM A DESKTOP STUDY ONLY. THE EXISTING SERVICES SHOWN ON THIS PLAN ARE TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION. IT IS NOT GUARANTEED THAT ALL SERVICES HAVE BEEN IDENTIFIED

**LINE MARKING & SIGNAGE NOTES:**

1. ALL LINE-MARKING & INSTALLATION OF RRPMS TO BE UNDERTAKEN AS PER AS 1742.2.
2. LINE MARKING TO COMPLY WITH AUSTRALIAN STANDARDS AND IN WATERBORNE PAINT. PAINT TYPE AND INSTALLATION METHOD TO BE APPROVED BY SUPERINTENDENT PRIOR TO INSTALLATION.
3. ALLOWANCE SHALL BE MADE FOR TWO (2) NO. APPLICATIONS OF LINE MARKING PAINT FOR ALL NEW AND REINSTATED LINE MARKINGS. THE SECOND COAT SHALL BE APPLIED 6-8 WEEKS AFTER THE INITIAL APPLICATION.
4. ALL EXISTING GUIDE POSTS MOVED DURING THE WORKS SHALL BE REINSTATED AS PER THE REQUIREMENTS OF AS 1742.2.
5. YELLOW DIVIDING LINE RRPMS SHALL BE INSTALLED (AT 24m SPACINGS) IN ACCORDANCE WITH AS1906.3 & AS1742.2.

**PAVEMENT MARKING DETAILS**

SCALE: N.T.S.



**PROPOSED LAYOUT PLAN**

SCALE: 1:250

**RELEASE DETAILS**

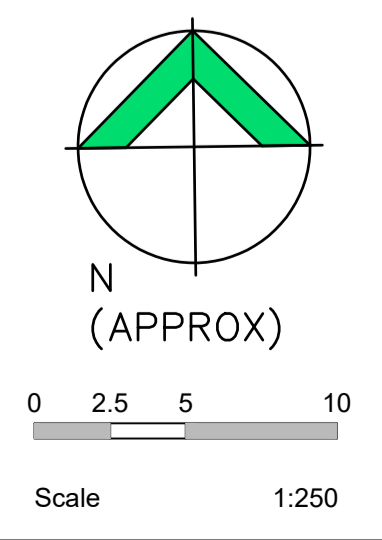
NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.
T2	FOR TENDER PURPOSES ONLY	14.01.20	FOR TENDER	RH
T1	FOR TENDER PURPOSES ONLY	19.12.19	FOR TENDER	
P2	PRELIMINARY - FOR APPROVAL	12.12.19	PRELIMINARY	
P1	PRELIMINARY - FOR APPROVAL	11.11.19	PRELIMINARY	

**hec** HEIL ENGINEERING CONSULTANTS PTY LTD

• Urban Development • Project Management •  
• Infrastructure Design • Construction Administration •

SWAN HILL, VIC 3585 p. 50 332 189  
OCEAN GROVE, VIC 3226 p. 52 552 220 www.heconsult.com.au

DESIGNED NOV 19  
DRAWN RH NOV 19



**CAMPASPE SHIRE COUNCIL**  
KYABRAM ENVIRONMENTAL CENTRE - ACCESS UPGRADE

479 EVERARD ROAD  
KYABRAM, VICTORIA

**LAYOUT PLAN**

DRAWING NO.	19062_SD02
SHEET NO.	2 of 4
REVISION NO.	T2
CAD:	19092_TS Kyabram.dwg

© Heil Engineering Consultants P/L  
THIS DOCUMENT IS COPYRIGHT AND MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED. UNAUTHORISED USE PROHIBITED. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON THE PROJECT BEFORE COMMENCING ANY WORKS OR SHOP DRAWINGS. DRAWINGS NOT TO BE SCALED.

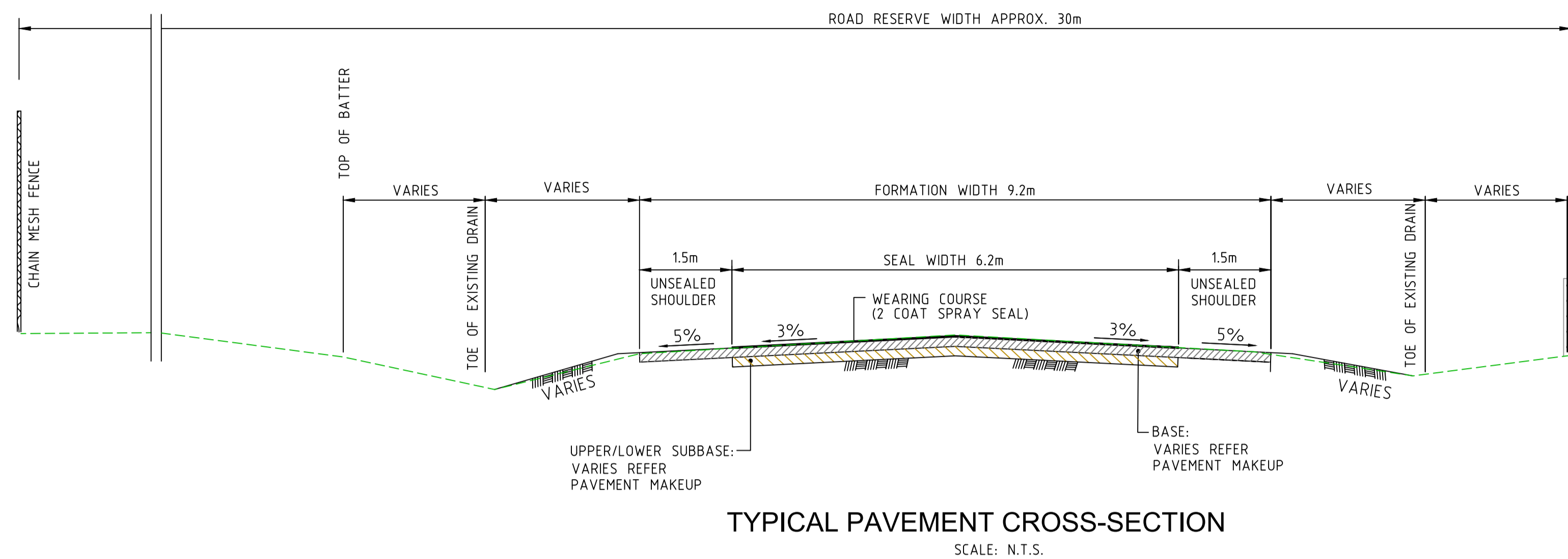
**FOR TENDER**

PAVEMENT PROFILE:

COURSE	THICKNESS (mm)	PAVEMENT MATERIAL	REMARKS
WEARING	-	2 COAT SPRAY SEAL - SIZE 7mm/10mm AGGREGATE.	FINISHED PAVEMENT TO MATCH EXISTING SURFACE LEVELS WHERE TIEING INTO EXISTING SEAL LEVELS.
BASE	100mm	20mm CLASS 1 FCR	COMPACTED TO 98% MODIFIED MAXIMUM DRY DENSITY (MMDD)
UPPER SUBBASE	100mm	20mm CLASS 3 FCR	COMPACTED TO A MINIMUM DENSITY RATIO OF 97% MODIFIED.
LOWER SUBBASE	110mm	20mm CLASS 4 FCR OR RE-USE EXISTING RECLAIMED GRAVEL MATERIAL	COMPACTED TO A MINIMUM DENSITY RATIO OF 97% MODIFIED.
TOTAL	310mm	-	-

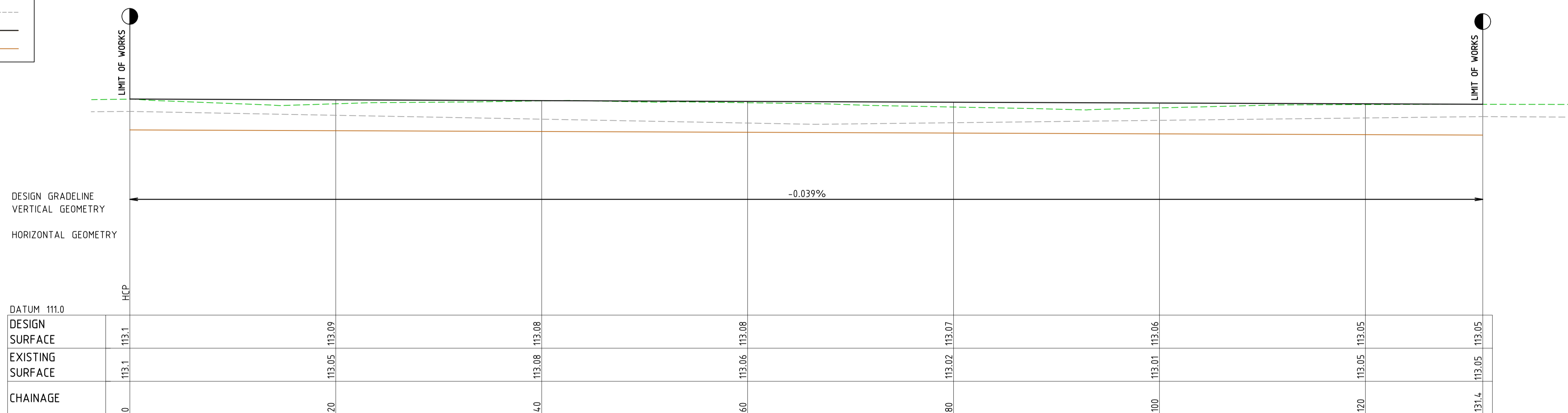
GENERAL PAVEMENT NOTES:

- PAVEMENT CONSTRUCTION TO BE UNDERTAKEN IN ACCORDANCE WITH THE GEOTECHNICAL REPORT PREPARED BY BM CIVIL JOB NO. PI243-4.
- EXCAVATE AND STOCKPILE LOCALLY EXISTING PAVEMENT GRAVEL MATERIAL FOR REUSE IN REHABILITATED PAVEMENT LOWER SUBBASE LAYER.
- EXCAVATE/BOX OUT WIDENED PAVEMENT SUBGRADE.
- PLACE AND COMPACT PROPOSED BASE AND LOWER/UPPER SUBBASE PAVEMENT LAYERS OVER THE PREPARED SUB-GRADE LAYER AS SPECIFIED.
- ANY SOFT SPOTS FOUND IN THE SUB-GRADE ARE TO BE INSPECTED BY THE SUPERINTENDENT AND UNDER THEIR DIRECTION THEY ARE TO BE REMOVED AND REPLACED WITH CLASS 3 FCR COMPACTED IN MAX. 150mm LAYERS TO 98% MODIFIED MAXIMUM DRY DENSITY.
- THE BASE MATERIAL THAT SHALL COMPLY WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS 812 - CRUSHED ROCK FOR BASE AND SUBBASE PAVEMENT.
- ALL BASE MATERIAL IS TO BE PLACED AND COMPACTED IN ACCORDANCE WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS SECTION 304 - UNBOUND FLEXIBLE PAVEMENT CONSTRUCTION.
- THE PAVEMENT IS TO BE PREPARED FOR BITUMINOUS SEALING IN ACCORDANCE TO VICROADS STANDARD SPECIFICATION FOR ROAD WORKS 310 - PREPARATION OF GRANULAR PAVEMENTS FOR BITUMINOUS SURFACING.
- ALL BITUMINOUS SEALING IS TO COMPLY WITH VICROADS STANDARD SPECIFICATION FOR ROAD WORKS SECTION 408 - SPRAYED BITUMINOUS SURFACING AND SECTION 831 - AGGREGATE FOR SPRAYED BITUMINOUS SURFACING.

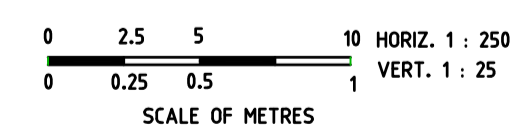


LEGEND

EXISTING SURFACE	---
EXISTING SUBGRADE	---
DESIGN SURFACE	---
DESIGN SUBGRADE LEVEL	---



ROAD LONGITUDINAL SECTION

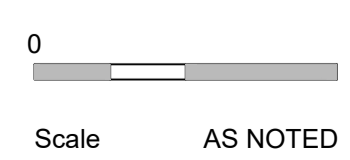


RELEASE DETAILS

NO.	DESCRIPTION	DATE	DOCUMENT STATUS	APP.
T2	FOR TENDER PURPOSES ONLY	14.01.20	FOR TENDER	RH
T1	FOR TENDER PURPOSES ONLY	19.12.19	FOR TENDER	
P2	PRELIMINARY - FOR APPROVAL	12.12.19	PRELIMINARY	
P1	PRELIMINARY - FOR APPROVAL	11.11.19	PRELIMINARY	



Urban Development • Project Management • Infrastructure Design • Construction Administration •  
SWAN HILL, VIC 3585 p. 50 332 189  
OCEAN GROVE, VIC 3226 p. 52 552 220 www.heconsult.com.au  
DESIGNED RH NOV 19  
DRAWN RH NOV 19



**CAMPASPE SHIRE COUNCIL**  
KYABRAM ENVIRONMENTAL CENTRE - ACCESS UPGRADE  
479 EVERARD ROAD  
KYABRAM, VICTORIA

**TYPICAL CROSS SECTION AND LONGITUDINAL SECTION**

DRAWING NO. 19062\_SD03  
SHEET NO. 3 of 4

REVISION NO. T2  
A3  
CAD: 19092\_TS Kyabram.dwg

**FOR TENDER**

LEGEND	
EXISTING SURFACE	
DESIGN SURFACE	
DESIGN SUBGRADE LEVEL	

CHAINAGE 40.00

DATUM RL 111.0						
DESIGN	112.41					
EXISTING	112.41	112.78	112.92	112.99	113.08	112.89
OFFSET	-9.20	-4.60	-3.10	0.00	3.10	5.92

CHAINAGE 30.00

DATUM RL 111.0						
DESIGN	112.42					
EXISTING	112.42	112.77	113.00	113.09	112.92	112.88
OFFSET	-9.03	-4.60	-3.10	0.00	3.10	5.80

CHAINAGE 20.00

DATUM RL 111.0						
DESIGN	112.45					
EXISTING	112.45	112.79	113.00	113.09	112.95	112.86
OFFSET	-8.72	-4.60	-3.10	0.00	3.10	5.83

CHAINAGE 10.00

DATUM RL 111.0						
DESIGN	112.44					
EXISTING	112.44	112.72	112.99	113.10	112.91	112.87
OFFSET	-8.64	-5.51	-4.01	0.00	3.10	5.76

CHAINAGE 0.00

DATUM RL 111.0						
DESIGN	112.46					
EXISTING	112.46	112.35	112.98	113.10	112.99	112.90
OFFSET	-9.99	-8.99	-7.49	0.00	3.10	5.60

CHAINAGE 90.00

DATUM RL 111.0						
DESIGN	112.38					
EXISTING	112.38	112.70	112.89	113.07	112.97	112.81
OFFSET	-9.52	-6.14	-4.64	0.00	3.10	5.92

CHAINAGE 80.00

DATUM RL 111.0						
DESIGN	112.36					
EXISTING	112.36	112.77	112.88	113.07	112.98	112.83
OFFSET	-9.32	-4.91	-3.41	0.00	3.10	5.98

CHAINAGE 70.00

DATUM RL 111.0						
DESIGN	112.37					
EXISTING	112.37	112.78	112.98	113.07	112.98	112.85
OFFSET	-9.29	-4.60	-3.10	0.00	3.10	6.05

CHAINAGE 60.00

DATUM RL 111.0						
DESIGN	112.41					
EXISTING	112.41	112.81	112.98	113.08	112.98	112.87
OFFSET	-9.20	-4.60	-3.10	0.00	3.10	6.11

CHAINAGE 50.00

DATUM RL 111.0						
DESIGN	112.40					
EXISTING	112.40	112.82	112.99	113.08	112.99	112.89
OFFSET	-9.27	-4.60	-3.10	0.00	3.10	6.11

CHAINAGE 120.00

DATUM RL 111.0						
DESIGN	112.44					
EXISTING	112.44	112.78	112.89	113.05	112.96	112.81
OFFSET	-9.68	-6.01	-4.51	0.00	3.10	6.04

CHAINAGE 110.00

DATUM RL 111.0						
DESIGN	112.73					
EXISTING	112.65	112.81	112.91	113.06	112.96	112.80
OFFSET	-17.07	-15.57	-9.51	0.00	3.10	6.00

CHAINAGE 100.00

DATUM RL 111.0						
DESIGN	112.69					
EXISTING	112.70	112.77	112.87	113.06	112.97	112.80
OFFSET	-18.82	-17.32	-9.62	0.00	3.10	5.95

CROSS-SECTIONS  
 0 1 2 4 HORIZ. 1 : 100  
 SCALE OF METRES VERT. 1 : 100

RELEASE DETAILS			
NO.	DESCRIPTION	DATE	APP.
T2	FOR TENDER PURPOSES ONLY	14.01.20	RH
T1	FOR TENDER PURPOSES ONLY	19.12.19	RH
P2	PRELIMINARY - FOR APPROVAL	12.12.19	RH
P1	PRELIMINARY - FOR APPROVAL	11.11.19	RH

**hec** HEIL ENGINEERING CONSULTANTS PTY LTD

• Urban Development • Project Management •  
 • Infrastructure Design • Construction Administration •

SWAN HILL, VIC 3585 p. 50 332 189  
 OCEAN GROVE, VIC 3226 p. 52 552 220 www.heconsult.com.au

DESIGNED RH NOV 19  
 DRAWN RH NOV 19

0  
 Scale AS NOTED

**CAMPASPE SHIRE COUNCIL**  
 KYABRAM ENVIRONMENTAL CENTRE - ACCESS UPGRADE

479 EVERARD ROAD  
 KYABRAM, VICTORIA

**CROSS SECTIONS**

DRAWING NO. 19062\_SD04  
 SHEET NO. 4 of 4

REVISION NO. T2  
 A3  
 CAD: 19092\_TS Kyabram.dwg

© Heil Engineering Consultants P/L  
 THIS DOCUMENT IS COPYRIGHTED AND MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS  
 COMMISSIONED. UNAUTHORISED USE PROHIBITED. ALL DIMENSIONS AND LEVELS TO BE  
 CHECKED ON THE PROJECT BEFORE COMMENCING ANY WORKS OR SHOP DRAWINGS. DRAWINGS  
 NOT TO BE SCALED.

**BILL OF QUANTITIES**

Revision 1: 19/12/2019

**Attachment 7.5.4**

**PROJECT NAME:** 19062 - KYABRAM ENVIRONMENTAL CENTRE - ACCESS UPGRADE WORKS UNION & ANDREW STREETS, KILMORE

**CONTRACT NO.** .....

**LOCATION:** 479 EVERARD ROAD, KYABRAM

This is a LUMP SUM CONTRACT and the quantities detailed within this schedule have been provided as a guide only. It is the responsibility of the contractor to carefully review and satisfy themselves that the quantities provided are as required to deliver the scope of work documentation on the for tender drawings and Specification. It is the contractors responsibility to make appropriate allowance for all plant, labour, surveillance, materials, permits, site management, environmental management and all other items that may be required to deliver the scope of works.

Item No.	Description of Work	Estimated Quantity	Unit	Rate \$	Extended Amount \$ (GST Excl.)
<b>1.0</b>	<b>PRELIMINARIES, SITE ESTABLISHMENT &amp; DEMOLITION</b>				
1.1	Site establishment, insurances and hold point inspection allowances.	1	Item	\$3,000.00	\$3,000.00
1.2	Traffic management throughout the Contract period including preparation, installation and maintenance of all required Traffic Control Plans.	1	Item	\$3,500.00	\$3,500.00
1.3	Construction setout and level control	1	Item	\$2,000.00	\$2,000.00
1.4	Service location and identification including DBYD and non destructive depthing as required including protection of services at all times.	1	No.	\$1,500.00	\$1,500.00
1.5	Compaction testing undertaken by a registered NATA geotechnical engineer.	1	Item	\$2,500.00	\$2,500.00
				<b>SUB-TOTAL</b>	<b>\$12,500.00</b>
<b>2.0</b>	<b>PAVEMENT CONSTRUCTION WORKS</b>				
2.1	Sawcutting and excavation of existing road pavement material (to an approx. average depth of 150mm) including stockpiling on site as directed by the project superintendent for reuse in the proposed pavement lower subbase layer.	1045	m <sup>2</sup>	\$8.00	\$8,360.00
2.2	Formation and earthworks to box out and form road sub-grade (approx. additional 160mm) including disposal of excess spoil off site.	1855	m <sup>2</sup>	\$7.50	\$13,912.50
2.3	Subbase:				
2.3.1	Lower: Spread and compact 110mm deep reclaimed gravel pavement material.	1300	m <sup>2</sup>	\$12.00	\$15,600.00
2.3.2	Upper: Supply, spread and compact 100mm deep Class 3 FCR size 20mm.	1300	m <sup>2</sup>	\$18.00	\$23,400.00
2.4	Base Layer (including 1.5m wide shoulder):				
2.4.1	Supply, spread and compact 100mm deep Class 1 FCR size 20mm.	1855	m <sup>2</sup>	\$20.00	\$37,100.00
2.5	Wearing Course: 2 coat spray seal - 7mm aggregate primerseal & 14mm aggregate final seal	1300	m <sup>2</sup>	\$15.00	\$19,500.00
				<b>SUB-TOTAL</b>	<b>\$117,872.50</b>
<b>3.0</b>	<b>LINEMARKING &amp; SIGNAGE WORKS</b>				
3.1	Installation of linemarking treatments as per the drawings	1	Item	\$2,500.00	\$2,500.00
3.2	Supply and installation of following new road signs:				
3.2.1	S1 - NO ENTRY sign	2	No.	\$250.00	\$500.00
3.2.2	S2 - GIVEWAY sign	4	No.	\$250.00	\$1,000.00
3.2.3	S3 - LEFT TURN ONLY sign	1	No.	\$250.00	\$250.00
				<b>SUB-TOTAL</b>	<b>\$4,250.00</b>
<b>4.0</b>	<b>DRAINAGE WORKS</b>				
4.1	Supply of materials and installation of RCP pipework (for existing culvert extensions) including excavation of trench, laying of pipework, placing and compaction of backfill as specified:				
4.1.1	375dia. RCP (Class 4)	22	m	\$210.00	\$4,620.00
4.2	Supply and installation of precast concrete endwalls including bedding and sealing/making good of pipework penetrations.				
4.2.1	To suit 375dia RCP	4	No.	\$1,950.00	\$7,800.00
4.3	Localised reshaping of existing roadside table drains inc. Loading, carting and stockpiling of surplus material on site as nominated by the Superintendent.	1	Item	\$3,500.00	\$3,500.00
				<b>SUB-TOTAL</b>	<b>\$15,920.00</b>
<b>CONTRACT SUB TOTAL</b>					\$150,542.50
<b>GST</b>					\$15,054.25
<b>TOTAL CONTRACT AMOUNT</b>					<b>\$165,596.75</b>

Name of Tenderer: .....

Signed: .....





BH

15 January 2020

The Hon Jaclyn Symes, MLC  
49A High Street  
WALLAN VIC 3756

Cnr Hare & Heygarth Streets  
Echuca VIC 3564

PO Box 35  
Echuca VIC 3564

**P:** 1300 666 535  
03 5481 2200

**E:** [shire@campaspe.vic.gov.au](mailto:shire@campaspe.vic.gov.au)  
[www.campaspe.vic.gov.au](http://www.campaspe.vic.gov.au)

ABN 23 604 881 620

Dear Ms Symes,

***Re: Support for the Goulburn Murray Valley (GMV) Regional Fruit Fly Project***

Campaspe Shire Council has been a member of the Goulburn Murray Valley Regional Fruit Fly Project since its inception in 2015. The project has a well-developed plan to help address the impacts of Queensland Fruit Fly. The project has overseen the implementation of a range of measures within the community including capacity building, promotion, information and physical works to reduce the prevalence of Queensland Fruit Fly.

It is critical that the project continue to be funded to:

- allow the current program to continue its successful operations
- support the current trial of Sterile Insect Technology (SIT)
- protect over 455,000 tonnes of fruit and vegetables, susceptible to fruit fly, that generate \$777 million of annual regional production, 44% of total Victorian production
- protect the potential \$300 million in export growth and 441 additional jobs in the GMV over the next three years
- Increase the region's diversity and resilience

The State Government's commitment to funding the Goulburn Murray Valley Regional Fruit Fly Project, at \$800,000 per year over three years, is scheduled to cease in June 2020. This funding is essential to ensure the success and growth of the region's horticultural industry.

Council urges you to ensure the Victorian Government continues to fund the Goulburn Murray Valley Regional Fruit Fly Project over the next three years at \$800,000 per year (escalating at CPI).

If you wish to discuss this matter in more detail please do not hesitate to call me on (03) 5481 2200.

Yours faithfully

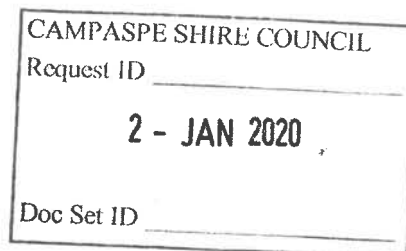
**CR ADRIAN WESTON  
MAYOR**



Ref D19/80020

19/12/2019

Cr Adrian Weston  
Campaspe Shire Council  
2 Heygarth St  
Echuca VIC 3564



Dear Cr Weston,

**Re: Support for Goulburn Murray Valley (GMV) Regional Fruit Fly Project**

At its meeting on 27 November 2019, Council resolved to:

1. Write to the Minister for Agriculture, The Hon Jaclyn Symes, MLC seeking continued funding of the Goulburn Murray Valley Regional Fruit Fly Program over the next 3 years at a funding rate of \$800,000 per year (escalating at CPI)
2. Seek the support of local members of parliament for the Victorian Government's continued funding of this project.

For your information I have attached a copy of the correspondence sent to various parliamentarians seeking on-going support of the Goulburn Murray Valley (GMV) Regional Fruit Fly Project.

As you would understand the continuation of funding of this project is very beneficial to both our region and to our particular Shires. The work undertaken to date and the results received through this project are outstanding. The project has currently achieved a 60% reduction in QFF numbers and based on the preliminary results being seen as a part of the Sterile Insect Technology pilot being undertaken in Cobram this looks set to improve.

The present funding has ensured that the Project team is able to maintain constant vigilance against QFF. If funding was ceased, this level of control would be impacted immediately. Without the ongoing maintenance of the project's Area Wide Management the resurgence of QFF in the region would be immediate. Any lapse in effort would be devastating to our horticultural industry and would set the profitability of horticulture back and would impact negatively on our growing export of fresh fruit.

I request that Campaspe Shire Council writes to the relevant Ministers and advocates on behalf of the Project. You are welcome to use any information contained in the attached should this be of assistance.

Yours sincerely

**Cr Libro Mustica**  
**Mayor**

Cc Hon Jaclyn Symes MLC  
Tim McCurdy MP  
Suzanne Sheed MP  
Cr Seema Abdullah  
Cr Amanda McLaren





## Local Government Inspectorate

### Attachment 8.3

GPO Box 2392  
Melbourne, Victoria 3001  
Telephone: +61 3 7017 8212

Cr Adrian Weston  
Mayor  
Campaspe Shire Council  
PO Box 35  
ECHUCA VIC 3564

By email: [A.Weston@campaspe.vic.gov.au](mailto:A.Weston@campaspe.vic.gov.au)

Dear Mayor,

#### **CAMPASPE SHIRE COUNCIL – INVESTIGATION OUTCOME**

I am writing to inform you of the findings and outcome of the investigation by the Local Government Inspectorate (**Inspectorate**) into allegations that Cr Annie Vickers of Campaspe Shire Council (**Council**) breached provisions of the *Local Government Act 1989 (Act)*.

The investigation found that:

1. At the Briefing Session on 22 May 2018, for Item 5 (Council Owned Properties in the Port of Echuca Precinct), there is prima facie evidence that Cr Vickers failed to disclose to the assembly that she had a conflict of interest and did not leave the assembly whilst the matter was being considered by the assembly, contrary to section 80A(3) of the Act. Cr Vickers had a prima facie indirect interest in the matter (i) by close association and (ii) because of conflicting duties.
2. There is no evidence that Cr Vickers released confidential information from Item 5 (Council Owned Properties in the Port of Echuca Precinct) to Mr Eric Grumont, contrary to section 77(1) of the Act.
3. There is insufficient evidence that on 24 January 2017, Cr Vickers misused her position as a Councillor by using public funds or resources (being portions of turf grass) in a manner that was improper or unauthorised, contrary to section 76D of the Act.
4. At a Planning Consultation Meeting regarding 1 Hopwood Place, Echuca, on 25 June 2018 (being an Assembly of Councillors), there is prima facie evidence that Cr Vickers failed to disclose to the assembly that she had a conflict of interest and did not leave the assembly whilst the matter was being considered by the assembly, contrary to section 80A(3). Cr Vickers had a prima facie indirect interest in the matter (i) by close association and (ii) because of conflicting duties.
5. There is prima facie evidence that Cr Vickers did not disclose in her ordinary returns dated 24 January 2017, 30 June 2017 and 11 January 2018 her prima facie substantial interest in Wistaria Café, which might appear to raise a material conflict

between her private interests and her public duty as a Councillor, contrary to section 81(7)(f) of the Act.

6. There is insufficient evidence that Cr Vickers did not disclose in her ordinary returns dated 2 July 2018 and 30 January 2019 her prima facie substantial interest in Wistaria Café, contrary to section 81(7)(f) of the Act.

In regard to allegation (1), it has been determined to issue Cr Vickers with a written warning for a prima facie breach of section 80A(3) of the Act.

The investigation found that Cr Vickers had a prima facie indirect interest because of conflicting duties as the business trading as Wistaria Tea Rooms (ABN 51 733 733 020) is a partnership of H.E. Grumont and A Vickers. Further, in her written disclosures of a conflict of interest, Cr Vickers declared (inter alia) that she: was a partner in Wistaria Café; had an 'interest in business'; and had a business in the Port area. Cr Vickers also signed documents submitted to Council concerning Wistaria as a proprietor. The investigation also found that Cr Vickers had a prima facie indirect interest by close association, as Mr Grumont is her domestic partner.

In regard to allegation (4), it has been determined not to issue Cr Vickers with a written warning. The investigation determined that on 25 June 2018 – for a short period of time – more than half of the Councillors were in attendance and in the company of Council staff. We note that the attendance of five Councillors was unexpected and Council did not consider the meeting to be an Assembly of Councillors. It has previously been recommended that Council consider that a similar situation may occur in future and propose a course of action should that occur.

In regard to allegation (5), it has been determined to issue Cr Vickers with a written warning for a prima facie breach of section 81(7)(f) of the Act.

During the return period for which Cr Vickers submitted ordinary returns dated 24 January 2017, 30 June 2017 and 11 January 2018, Cr Vickers completed written conflict of interest disclosures in which she declared that she was a partner in Wistaria Café, had an 'interest in business' and had a business in the Port area. Wistaria was a Council-owned property, leased to Mr Grumont, using the ABN 51 733 733 020 (which is a partnership of H.E. Grumont and A Vickers, trading as Wistaria Tea Rooms). It was determined that for those return periods, Cr Vickers had a prima facie substantial interest in Wistaria Café which might appear to raise a material conflict between her private interests and her public duty as a Councillor.

We note that Cr Vickers disclosed in her ordinary return dated 9 July 2019 the name of a company or body corporate or unincorporated in which she holds an office, whether as director or otherwise, being Wistaria Tea Rooms (ABN 51 733 733 020).

The Inspectorate initiated a separate investigation into whether Cr Vickers committed perjury by making false statements in a declaration made on 25 February 2019, knowing that the statements were false, contrary to section 314 of the *Crimes Act 1958*. The investigation found that there was insufficient evidence of perjury, noting her amended declaration of 12 June 2019. Please note that while there is insufficient evidence to commence a prosecution, Cr Vickers' declarations were largely countered by documentary evidence (including bank records and applications made by her to Council) and evidence of witnesses.

In regard to allegations (2), (3) and (6), the Inspectorate will take no further action.

Cr Vickers has been advised that should she subsequently breach the conflict of interest or ordinary return provisions of the Act, the Inspectorate will take into account that she has been issued with warnings when considering whether it is in the public interest to charge her. Prosecution may result in a significant penalty and disqualification as a Councillor for eight years.

We have taken the opportunity to remind Cr Vickers that breaches of sections 80A(3) and 81(7)(f) of the Act are serious matters and any breaches undermine the integrity of local government. The role of Councillor requires her to act with honesty, integrity and impartiality at all times.

A copy of this letter should be tabled at the next Council meeting.

Should you have any questions or would like to discuss this matter further, please contact Aeron Rice on (03) 7017 8208 or email [inspectorate@lgi.vic.gov.au](mailto:inspectorate@lgi.vic.gov.au).

For more information about the Inspectorate go to <http://lgi.vic.gov.au>.

Yours sincerely,



**Ross Millard**  
**Manager Operations**

27 / 11 / 2019



## Local Government Inspectorate

Attachment 8.4

GPO Box 2392  
Melbourne, Victoria 3001  
Telephone: +61 3 7017 8212

Mr Declan Moore  
Chief Executive Officer  
Campaspe Shire Council  
PO Box 35  
ECHUCA VIC 3564

By email: D.Moore@campaspe.vic.gov.au

Dear Mr Moore,

### CAMPASPE SHIRE COUNCIL – INVESTIGATION OUTCOME

I am writing to inform you of the findings and outcome of the investigation by the Local Government Inspectorate (**Inspectorate**) into an allegation that Cr Daniel Mackrell failed to disclose a conflict of interest in breach of the *Local Government Act 1989 (Act)*.

It was alleged that Cr Mackrell had an indirect financial interest in Item 7.7 (Port Property Review) at the Ordinary Meeting of Council held on 19 March 2019, during which Council considered and adopted Council Commercial Leasing Policy 110. It was alleged that Cr Mackrell holds a current commercial lease with Campaspe Shire Council.

The investigation concluded that Cr Mackrell did not breach section 79(9) of the Act.

It is recommended that where an agenda item (including at a Briefing Session) contains a number of discrete matters or component parts – and a Councillor may have a conflict of interest in only a single part – Council consider separating the agenda item into separate items to allow Councillors to disclose a conflict of interest only in relation to the relevant matter and remain for the other matters.

The Inspectorate will take no further action in relation to this matter.

Should you have any questions or would like to discuss this matter further, please contact Aeron Rice on (03) 7017 8208 or email [inspectorate@lgi.vic.gov.au](mailto:inspectorate@lgi.vic.gov.au).

For more information about the Inspectorate go to <http://lgi.vic.gov.au>.

Yours sincerely,

**Ross Millard**  
Manager Operations

15/1/2020

## Attachment 8.5

Campaspe Shire Council

## INCOME STATEMENT

For the period ended 31 December 2019

	Notes	Actuals	Budget	Actuals	Variances		Budget
		6 mths ended	6 mths ended	6 mths ended	Actual v Bgt		Full Year
		31 Dec 2019	31 Dec 2019	31 Dec 2018	Actual v Bgt	%	2019/20
		\$'000	\$'000	\$'000	\$'000		\$'000
<b>Revenue</b>							
Rates income	Note 1	43,725	43,590	42,031	136	0.31	43,590
Grants commission		2,970	2,962	2,897	8	0.25	11,848
Other recurrent grants	Note 2	2,431	1,979	2,449	452	22.87	3,883
Non-recurrent grants	Note 3	3,456	2,198	1,290	1,258	57.25	3,598
User fees	Note 4	8,787	8,630	8,396	157	1.82	17,582
Interest	Note 5	848	562	739	286	50.81	1,328
Total revenue		62,217	59,921	57,802	2,296	3.83	81,829
<b>Expenses</b>							
Employee benefits	Note 6	15,600	16,466	16,308	866	5.26	32,438
Materials and services	Note 7	11,756	14,165	9,952	2,409	17.01	26,094
Depreciation and amortisation	Note 8	9,042	9,499	9,210	456	4.80	19,008
Finance costs	Note 9	92	126	132	34	27.13	252
Total expenses		36,490	40,255	35,603	3,765	9.35	77,792
Net gain (loss) on disposal of plant and equipment	Note 10	335	160	389	175	109.66	(756)
Surplus (deficit) for the year		26,063	19,826	22,589	6,237	31	3,281

Note 1 - Increase in rate income raised is due to supplementary rates being brought into the system between the budget being set and the rates being raised for 2019/20.

Note 2 - The variance is due to the timing of receipt of the Grant income compared to when it was budgeted to be received. The exact timing is difficult to predict when setting the budget, it will balance out over the year.

Note 3 - A favourable variance is the result of Council being required to auspice the Murray Darling Basin grant funding that was received for Rochester, \$270k has been received to date, this grant was not budgeted.

The Roadside weeds grant, \$75, was not budgeted due to uncertainty around the continuity of this program, the grant will be offset by and equal expenses as the funds are fully expended in the year received.

A grant has been received for Innovative Regional Asset Management as part of the State Government F.A.S.T grant program, \$67.5, this was not part of the budget.

This is being offset by Council no longer auspicging the L2P grant, \$57K, this is now paid direct to the organisation that provides the service, this change occurred after the budget had been finalised.

Roads to Recovery claims have been made earlier than expected due to works being complete, \$833k greater than budgeted for this period.



Campaspe Shire Council

INCOME STATEMENT

For the period ended 31 December 2019

---

Note 4 - Admissions and merchandise sales at the Discovery Centre are greater than budget by \$48k, Echuca Paddlesteamers is being impacted by the Pevensey being unavailable due to maintenance requirements and sales are under budget by \$100k, this will impact on the remainder of the year.

Planning fees are greater than budget by \$105k, this is a result of applications related to renewable energy.

Water sales are \$100k greater than budgeted and an insurance claim for a written off piece of plant was received, \$91k.

The favourable variances are being offset by Aged Care brokerage fees being under budget by \$100k due to no longer providing services to two major aged care providers and a number of other smaller unfavourable variances.

Note 5 - A number of investments are still earning reasonable interest rates as they were taken out prior to rates falling, as current investments mature the rates for reinvestment are not favourable and it is possible that the budgeted income will not be achieved.

Note 6 - A number of vacancies across the organisation have resulted in a saving in employee expenses.

Note 7 - Waste contractor invoices are yet to be received for kerbside bin collection year to date due to invoicing issues being experienced by the contractor, \$452k.

Timing of tree maintenance works are difficult to predict when setting the budget, the full program will be completed by years end, \$323k.

Plant and fleet maintenance and fuel costs under budget by \$336k, there may be permanent savings on fuel cost dependent on what occurs in the world oil market but the maintenance side will balance out over the year.

Aged Care expenses are below budget in line with reduced income \$130k.

Planning scheme amendments have not progressed in the timeframe expected when the budget was set, \$219k.

A number of other maintenance items are underspent due to timing of commencing works, these will balance out as the year progresses.

Note 8 - Assets that have become fully depreciated at year end have reduced the depreciation expense, a number of these assets will be in the backlog of work in progress to be capitalised. Once capitalised, these assets will commence depreciating and impact on the depreciation expense and the current favourable variance is likely to reverse.

Note 9 - Continuing interest rate reductions are impacting favourably on variable rate loans.

Note 10 - \$300k unbudgeted sale of lots in Henderson Rd and Finlay Rd Tongala. Sales of industrial land have not been finalised as expected when the budget was set.

Campaspe Shire Council  
BALANCE SHEET  
As at 31 December 2019

	Note	Actuals	Budget	Actuals	Variances		Full Year Budget
		As at 31 Dec 2019 \$'000	As at 31 Dec 2019 \$'000	As at 31 Dec 2018 \$'000	Actual v Bgt \$'000	%	30 Jun 2020 \$'000
<b>Current assets</b>							
Cash and cash equivalents	Note 1	4,821	9,999	3,108	(5,178)	(51.8)	12,999
Trade and other receivables		31,367	31,318	30,513	48	0.2	2,918
Inventories		887	751	890	136	18.1	751
Financial assets	Note 2	43,000	38,000	41,092	5,000	13.2	33,000
Other assets	Note 3	1	586	1	(585)	(99.8)	1,586
Total current assets		80,075	80,654	75,604	(579)	(0.7)	51,253
<b>Non-current assets</b>							
Non-current assets classified as held for sale		1,033	1,022	1,022	11	1.1	1,022
Investment property	Note 4	8,619	11,798	11,798	(3,179)	(26.9)	11,798
Financial assets	Note 5	15,000	14,000	8,500	1,000	7.1	6,593
Property, infrastructure, plant and equipment	Note 6	593,078	601,600	588,692	(8,522)	(1.4)	612,008
Intangible assets	Note 7	2,952	2,362	2,362	590	25.0	2,362
Total non-current assets		620,683	630,782	612,374	(10,099)	(1.6)	633,783
Total assets		700,758	711,436	687,978	(10,678)	(1.5)	685,036
<b>Current liabilities</b>							
Trade and other payables	Note 8	811	4,712	1,493	3,901	82.8	4,712
Interest bearing loans and borrowings	Note 9	513	1,364	562	851	62.4	1,364
Provisions		8,764	8,762	9,089	(2)	(0.0)	7,302
Trust funds and deposits	Note 10	1,199	2,104	1,188	905	43.0	0
Total current liabilities		11,287	16,942	12,331	5,655	33.4	13,378
<b>Non-current liabilities</b>							
Interest bearing loans and borrowings	Note 9	4,395	6,831	5,409	2,436	35.7	6,831
Provisions	Note 11	540	1,163	758	623	53.6	2,623
Trust funds and deposits		21	20	20	(1)	(5.0)	2,124
Total non-current liabilities		4,955	8,014	6,187	3,058	38.2	11,578
Total liabilities		16,243	24,956	18,518	8,713	34.9	24,956
Net assets		684,514	686,480	669,459	(1,967)	(0.3)	660,080
<b>Equity</b>							
Accumulated surplus		356,909	358,416	359,395	(1,507)	(0.4)	350,016
Reserves		327,605	328,064	310,064	(459)	(0.1)	310,064
Total equity		684,514	686,480	669,459	(1,966)	(0.3)	660,080

Campaspe Shire Council  
BALANCE SHEET  
As at 31 December 2019

---

Note 1 - It is difficult to budget the exact cash position when setting the budget as the timing of invoice payment is not known and excess funds are invested, this is not considered when setting the budget.

Note 2 - A greater amount of funds have been available to invest due to capital works not being completed in the year budgeted.

Note 3 - Actuals only include prepayments, budget takes into account an allowance for accrued revenue, this has not been required as all income relevant to the quarter was entered into the ledger prior to the month being closed.

Note 4 - A number of properties that had been classified as investment properties have been removed from this class as they are now used for community purposes.

Note 5 - A greater amount of funds have been available to invest due to capital works not being completed in the year budgeted.

Note 6 - Carryover of 2018/19 capital works program projects impact this result, if the full program had been delivered then the actual value of property, infrastructure, plant and equipment would be greater, this is assumed when setting the budget.

Note 7 - Revaluation of the water rights for the 2018/19 financial year have resulted in an increase in the value of these assets.

Note 8 - Timely payment of invoices as they are received ensures that the balance in trade payables is less than budget. The budget is calculated on a percentage of the total materials and services budget.

Note 9 - Borrowings that were budgeted to occur in the 2018/19 budget (\$1.8 mill) and accounted for in the 2019/20 budget were not taken up as the funds were not required at the time due to project delays. These are planned to occur in the current year.

Note 10 - This receipt of bonds is difficult to predict and as a result the budget is set using what the balance is at the time.

Note 11 - A number of long term employees have resigned and newer employees have moved into the current provision category resulting in a reduction of the non-current provision. Employees with large annual leave balances are being actively managed to reduce the balance, this resulted in a reduction of provision required.

Campaspe Shire Council

## CASH FLOW STATEMENT

For the period ended 31 December 2019

	Notes	Actuals	Budget	Actual	Variances		Full Year Budget
		6 mths ended 31 Dec 2019 \$'000	6 mths ended 31 Dec 2019 \$'000	6 mths ended 31 Dec 2018 \$'000	Actual v Bgt \$'000	%	As at 30 Jun 2020 \$'000
Cash flows from operating activities							
Rates and charges	Note 1	17,274	17,331	16,840	(57)	(0.3)	43,515
User fees and fines (inclusive of GST)	Note 2	12,238	9,141	7,598	3,097	33.9	17,506
Grants	Note 3	8,857	8,765	6,637	92	1.1	19,329
Interest received	Note 4	848	588	739	260	44.2	1,176
Net GST (payment)/refund	Note 5	534	0	536	534		-
Proceeds/(repayment) of trusts and deposits	Note 6	(924)	(38)	(915)	(886)	2,331.6	-
Payments to suppliers (inclusive of GST)	Note 7	(17,383)	(16,755)	(12,624)	(628)	(3.8)	(26,002)
Payments to employees	Note 8	(15,488)	(16,220)	(16,438)	732	(4.5)	(32,438)
Net cash inflow (outflow) from operating activities		5,955	2,812	2,372	3,143	(111.8)	23,086
Cash flows from investing activities							
Payments for property, infrastructure, plant and equipment	Note 9	(9,387)	(14,491)	(5,916)	5,104	35.2	(33,275)
Purchase of financial assets	Note 10	(10,000)	1,250	(12,000)	(11,250)	0.0	5,000
Proceeds from sale of financial assets	Note 10	7,000	7,000	7,000	0	0.0	-
Proceeds from sale of property, infrastructure, plant and equipment	Note 11	335	219	389	116	(53.2)	876
Net cash inflow (outflow) from investing activities		(12,052)	(6,022)	(10,527)	(6,030)	(100)	(27,399)
Cash flows from financing activities							
Repayment of borrowings		(565)	(507)	0	(58)	(11.4)	(1,014)
Proceeds from borrowings		0	0	(546)	0	0.0	3,800
Finance costs		(92)	(63)	(132)	(29)	(45.7)	(252)
Net cash inflow (outflow) from financing activities		(657)	(570)	(678)	(87)	(15.2)	2,534
Net increase (decrease) in cash and cash equivalents		(6,754)	(3,780)	(8,833)	(2,974)	(78.7)	(1,780)
Cash and cash equivalents at the beginning of the year		11,575	13,779	11,941	(2,204)	(16.0)	14,779
Cash and cash equivalents at the end of the period		4,820	9,999	3,107	(5,178)	(51.8)	12,999

Note 1 - Receipt of rates and charges revenue is tracking to expected targets.

Note 2 - Grant, which were raised as invoices in 2018/19 were paid in this year, these were the \$2.0 mill for the Riverfront project and \$600k for Fixing Country Roads. These payments effect the cash flow but were recognised as income in the prior year.

Note 3 - The timing of receipt of operational grants for services is difficult to predict when setting the budget as these are tied to service delivery and when other levels of Government schedule the payments.

Note 4 - A number of investments are still earning reasonable interest rates as they were taken out prior to rates falling, as current investments mature the rates for reinvestment are not favourable and it is possible that the budgeted income will not be achieved.

Note 5 - GST is not considered when setting the budget.

Note 6 - The cash flow from the receipt of bonds is not considered, other than a token amount when setting the budget.

Note 7 - GST is not considered when setting the budget but needs to be taken into account for cash flow purposes, the variance in materials and services is offset by net GST.

Note 8 - A small number of vacancies have resulted in less cash being required for employee expenses.

Campaspe Shire Council

CASH FLOW STATEMENT

For the period ended 31 December 2019

---

Note 9 - Expected cash spend on capital works has not been realised year to date, this will likely change as the year progresses and many contracts start to reach milestone payment points.

Note 10 - The movement in the investment portfolio is difficult to predict when setting the budget as this is driven by cash flow requirements at any given time.

Note 11 - Budget only considered the sale of industrial land not other land and building sales, the actual income is from the sale of the Golden Cow site.

Campaspe Shire Council  
STATEMENT OF CAPITAL WORKS  
For the period ended 31 December 2019

Capital Works Areas	Notes	Actuals	Budget	Variances		Full Year Budget
		6 mths ended 31 Dec 2019 \$'000	6 mths ended 31 Dec 2019 \$'000	Actual v Bgt \$'000 %		As at 30 Jun 2020 \$'000
Infrastructure						
Aerodromes	Note 1	11	253	(242)	(95.7)	241
Bridges	Note 2	819	1,303	(484)	(37.1)	2,967
Drainage	Note 3	404	1,665	(1,261)	(75.7)	3,403
Footpaths and Cycleways	Note 4	140	126	14	11.1	1,045
Off street car parks		-	-	-	-	487
Other Infrastructure		2,341	2,341	-	-	1,195
Parks, Open Space and Streetscapes	Note 5	8	135	(127)	(94.1)	262
Recreational, Leisure and Community Facilities	Note 6	566	800	(234)	(29.3)	813
Roads	Note 7	4,975	5,920	(945)	(16.0)	13,097
Waste Management	Note 8	345	565	(220)	(38.9)	282
<b>Total Infrastructure</b>		<b>9,609</b>	<b>13,108</b>	<b>(3,499)</b>		<b>23,792</b>
Equipment and other						
Heritage Plant and Equipment	Note 9	45	69	(24)	(34.8)	325
Library Books		78	58	20	34.5	145
Plant, Machinery and Equipment	Note 10	799	1,010	(211)	(20.9)	1,937
				-		
<b>Total Equipment and other</b>		<b>922</b>	<b>1,137</b>	<b>(215)</b>		<b>2,407</b>
Property						
Buildings	Note 11	17	90	(73)	(81.1)	2,916
Building improvements		268	272	(4)	(1.5)	-
Fixtures Fittings and Furniture		6	2	4	200.0	-
Heritage buildings		-	-	-	-	-
Land		38	30	8	26.7	-
Land Improvements	Note 12	33	97	(64)	(66.0)	250
<b>Total Roads, Drains and Bridges</b>		<b>362</b>	<b>491</b>	<b>(129)</b>		<b>3,166</b>
<b>Total Capital Works</b>		<b>10,893</b>	<b>14,736</b>	<b>(3,843)</b>		<b>29,366</b>

Note 1 - Budgeted projects have been put on hold pending the development of the masterplan for the area.

Note 2 - Bridges works are under way, Fox Island is completed but further public consultation has been required for Rushworth Groves Weir bridge which has delayed the project.

Note 3 - McEwan Road Basin works commenced in early November but finalisation works with landowners regarding easements has delayed the project slightly, Ash Street and the McKenzie Road projects has been delayed due to consultation with effected bodies requiring a revision to the scope of the project.

Campaspe Shire Council  
STATEMENT OF CAPITAL WORKS  
For the period ended 31 December 2019

---

Note 4 - Annual footpath renewals works are ahead of schedule due to better planning undertaken in the latter part of 2018/19.

Note 5 - Commencement of work on the renewal of irrigation systems across parks and gardens in the shire has been delayed due to further investigations taking place regarding the use of mains water or bore water. These works have now commenced. The demolition of the Kow Swamp toilets is currently subject to community consultation.

Note 6 - Work on the replacement of the ceiling at the Echuca War Memorial Aquatic Centre was expected to commence in October, this was rescheduled to happen in January during the a quieter period for the centre.

Note 7 - The Toolleen Axedale project has been cancelled due to not securing grant funding at this time. Wanalta Corop road has been delayed due to the scope being revised and agreement now being reached with the funding body. Rushworth streetscape has been delayed due to Goulburn Murray Water's requirements regarding the clearance distances required for water mains necessitating the scope and design to be revised.

Note 8 - There have been delays in acquiring the appropriate permits before works could commence.

Note 9 - Problems with the compliance of the slip has delayed works on the Pevensy, if the slip is compliant these works will commence.

Note 10 - There have been delays in replacing some plant items due to availability of supply.

Note 11 - The contract for works on the Kyabram Plaza Theatre Roof is in the process of being awarded which will allow this project to proceed. The Basketball Stadium solar installation is scheduled for February. These projects have not progressed in the timeframes expected when the budget was set.

Note 12 - Design consultants have been engaged to do the design for the Aquatic reserve/Onion Patch, this will allow a business case to be written to support applications for funding.