



MINUTES

Ordinary Council Meeting Wednesday, 4 March 2020

Time: 6.00pm

Location: Council Chamber, 15 Stead Street, Ballan

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1 OPENING OF MEETING AND PRAYER

The Mayor opened the meeting with the Council Prayer at 6.04pm.

2 ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.

3 RECORDING OF MEETING

In accordance with Moorabool Shire Council's Meeting Procedure Local Law, the Council has recorded this meeting. The following organisations have also been granted permission to make an audio recording:

- The Moorabool News; and
- The Star Weekly

4 PRESENT

Cr David Edwards (Mayor)	East Moorabool Ward
Cr Jarrod Bingham	East Moorabool Ward
Cr Tonia Dudzik	East Moorabool Ward
Cr John Keogh	East Moorabool Ward
Cr Lawry Borgelt	Woodlands Ward
Cr Tom Sullivan	West Moorabool Ward
Cr Paul Tatchell	Central Moorabool Ward

Officers:

Mr Phil Jeffrey	Acting Chief Executive Officer
Ms Sally Jones	General Manager Community Strengthening
Mr Henry Bezuidenhout	Executive Manager Community Planning & Economic Development
Ms Michelle Morrow	Acting Manager Governance, Risk & Corporate Planning
Mr Andy Gaze	Coordinator Community Health and Safety
Ms Renee Hodgson	Governance Officer

5 APOLOGIES

Nil

6 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr John Keogh

Seconded: Cr Tom Sullivan

That the minutes of the Ordinary Council Meeting held on Wednesday 5 February 2020 be confirmed.

CARRIED

7 DISCLOSURE OF CONFLICTS OF INTEREST

Nil.

8 PUBLIC QUESTION TIME

Name	Question/Response
Save Bacchus Marsh Hospital Group	<p>Question:</p> <ol style="list-style-type: none"> 1. Will MSC lobby State government and opposition politicians for an explanation of the process and grounds for the decision to grant Western Health the contract to operate a proposed new hospital in the middle of the DjHS catchment? 2. Will MSC lobby Western Health and DjHS to conduct an adequate public communication and consultation process on the proposed amalgamation? Other health service amalgamations were decided on after 18 months-2 years of research, design and extensive public community consultation. 3. As MSC have no decision-making authority in this matter, will they state publicly that they are against the amalgamation unless and until the following occurs: <ul style="list-style-type: none"> • adequate public consultation; • commitment to no job losses in Moorabool Shire; • commitment to continuing to improve and increase services as per the DjHS draft strategic plan 2019-2024 and other current operational plans; • commitment to continuing to shorten medical and allied health waitlists at DjHS facilities, as DjHS has started doing; and • demonstration of significant community benefits to the residents of Moorabool Shire over and above what DjHS was planning to provide over the next 5 years. 4. Will they seek in-person meetings with Bronwyn Pike (chair of Western Health board) and John Ballard (Administrator of DjHS) to put forward the views stated in 3. above?

Name	Question/Response
	<p>Response:</p> <p>17 February – CEO met with Belinda Scott, Djerriwarrh Health Services</p> <p>18 February – Letters sent to State and Federal Ministers for Health</p> <p>21 February - Mayor spoke with Djerriwarrh Health Services (John Ballard)</p> <p>27 February – Letters sent to State and Federal Ministers for Health</p> <p>3 March – Email received from Federal Minister for Health (“unfortunately, the Minister’s schedule is such that I am unable to confirm a meeting at this time. However, Minister Hunt has asked that his adviser, Kylie Wright, be available to meet with you”) – meeting is currently being organised</p> <p>16 March – Meeting has been organised with CEO Western Health</p> <p>Week of 16 March (date to be confirmed) – Meeting with Djerriwarrh Health Services</p> <p>Council has been very adamant that we do not want to see any jobs or services lost to Bacchus Marsh. Whilst there has been a statement that there’s no net loss in jobs, it has been confirmed that it could lead to a number of job losses within Bacchus Marsh and Djerriwarrh Health Services, if the amalgamation occurs. We’ve been adamant that we shouldn’t be taking jobs out of regional Victoria and putting them into Metropolitan Melbourne. We’ve been adamant that the people of Bacchus Marsh shouldn’t be getting a reduction in services and we’ll continue to advocate strongly on behalf of the community to answer that question.</p>

9 PETITIONS

Nil

10 PRESENTATIONS/DEPUTATIONS

Nil

11 CHIEF EXECUTIVE OFFICER REPORTS

Nil

12 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT REPORTS

Nil

13 COMMUNITY STRENGTHENING REPORTS**13.1 DEFINITION OF COMMUNITY GROUPS WHEN ASSESSING COMMUNITY GRANTS**

Author: Tania Barry, Co-ordinator Community & Recreation Development

Authoriser: Sally Jones, General Manager Community Strengthening

Attachments: Nil

PURPOSE

The purpose of this report is to provide a response to a council action raised by Councillor Sullivan regarding the definition of community groups used when assessing community grants.

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Tonia Dudzik

That Council note the following report regarding the definition of community groups when assessing community grants.

CARRIED

BACKGROUND

At the 3 July 2019 Ordinary Meeting of Council, Councillor Sullivan requested a report be provided to Council outlining the definition of a community group when assessing community grants.

PROPOSAL

The Moorabool Shire Council Community Grants Program provides \$270,400 annually to community groups and organisations. The key objective is to support the development and improvement of local projects, programs, events and initiatives, increasing resources and opportunities for local groups who have limited avenues of support, but wish to undertake activities that engage the wider community.

When assessing community grants, the assessment panel are governed by the Community Grants Program Guidelines, as endorsed by Council, and takes into consideration the following criteria:

- Whether the project takes place within Moorabool Shire and is for the benefit of its residents;
- Whether the group is an incorporated 'not-for-profit' organisation with an Australian Business Number (or auspice by one);
- Whether the funding is deemed the responsibility of State and/or Federal Government.

Taking place in Shire

The applicant for the community grant can be incorporated or unincorporated (with the appropriate auspice) however the project must be within the Shire or for the benefit of Moorabool Shire residents.

Incorporated 'not for profit organisations'

The definition used for a community organisation is consistent with the definition from the *Office of Best Practice Regulation* in the *Department of Prime Minister and Cabinet*:

'any organisation engaged in charitable or other community-based activity operating under Australian law and not established for the purpose of making a profit'

Not for profit status is ascertained at the beginning of the application process when the applicant discusses the grant with a Council officer and is also checked on receipt of each application. The assessment panel then considers whether the applicant organisation is putting forward a program or project that is of direct benefit to the Moorabool community and the project is assessed.

Unincorporated community organisations

An unincorporated applicant is a group of like-minded individuals working together to deliver a project that is being undertaken in the Shire or for the benefit of Shire residents. They currently require an auspice to apply for funding under Council's community grants program.

Is the project the responsibility of State and/or Federal Government?

All applications are given a preliminary assessment by the Community and Recreation Development Officer responsible for grants administration. All projects are reviewed to ascertain whether they are the responsibility of State or Federal Government, with further investigation undertaken by the Coordinator Community and Recreation Development if necessary. If the project is ascertained to be the responsibility of another level of Government, the application is deemed ineligible and does not proceed to assessment. Council's Community Grants Program Guidelines however, currently have the following provision:

Funding should be for projects and initiatives that directly support and promote local volunteers and, as such, applications for funding that are deemed the responsibility of State and Federal funding will not be given priority.

This indicates there may be discretion for a project that is deemed the responsibility of State or Federal Government to be funded if the grants program has sufficient funding available.

Council Plan

The Council Plan 2017-2021 provides as follows:

Strategic Objective 4: Improve Social Outcomes

Context 4B: Community Connectedness and Capacity

The information contained in this report is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

There are no financial implications.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Reputational	Inconsistent application of guidelines	Medium	Ensure guidelines are followed

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or

interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Sally Jones

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Tania Barry

In providing this advice to Council as the Author, I have no interests to disclose in this report.

CONCLUSION

This report has provided background regarding Council Community Grants Program and provided information regarding the assessment process and the definition used to identify community groups within Moorabool Shire.

13.2 CAT CURFEW

Author: Andy Gaze, Co-ordinator Community Health & Safety

Authoriser: Sally Jones, General Manager Community Strengthening

Attachments: 1. Attachment 1

PURPOSE

One of the key actions from the Council's Domestic Animal Management Plan (DAMP) was to consider and report back upon the feasibility of the introduction of a cat curfew within the Shire. Public consultation through the 'Have Your Say' portal was undertaken in 2019 and discussions undertaken with neighbouring Councils with regard to the effectiveness of cat curfews. This report details the findings of these investigations and seeks Council's direction on the way forward.

RESOLUTION

Moved: Cr Jarrod Bingham

Seconded: Cr Tom Sullivan

That Council resolves to:

1. **Approve officers to undertake community consultation through the 'Have Your Say' portal for a six week timeframe over March and April 2020 on the following proposal.**

Moorabool Shire Council seek community comment upon the proposal to make an order under Section 25 of the *Domestic Animal Act 1994* to introduce a sunset to sunrise cat curfew throughout the Moorabool Shire area. If community consultation supports the making of a cat curfew it is proposed that a cat curfew would commence on 1 January 2021.

2. **Receive a further report on the results of the community consultation in July 2020 to consider the responses received.**

CARRIED

BACKGROUND

Under Council's DAMP one of the key actions for 2019-20 is to:

Undertake a feasibility study for the introduction of a cat confinement/curfew order.

A feasibility study has been undertaken and this report provides options for Council to consider.

Under Section 25 *Domestic Animals Act 1994* Council may by resolution make an order stating times (if appropriate or all day) that restricts cats from being at large outside:

the premises of the owner or not securely confined to the owner's premises, in a municipal district or a specified part of a municipal district.

Once an order has come into force a cat owner found to not be complying with the requirements is guilty of an offence and liable to pay a penalty of not more than one (1) penalty unit for a first offence and three (3) penalty units for a second or subsequent offence. A penalty unit currently stands at \$165.22.

There is considerable evidence that cats are a major threat to native wildlife and that cats are at significant danger at night due to traffic. Contrary to popular belief, cats do not have to roam. Providing their basic needs are met, cats can enjoy longer and healthier lives when safely contained to the property.

A survey through the 'Have Your Say' portal was undertaken in 2019 to gauge public opinion on this issue. Council received over 300 responses with a full breakdown of the results shown in Attachment 1. In summary, of the people who responded over 41% were cat owners and of these 74% currently allow their cats outside. The majority of responders (78%) were in favour of a cat curfew and 64% of those were in favour of a 24 hour curfew. Interestingly however, 75% of the cat owners said they would be unlikely to comply with a 24 hour curfew and 39% a night time curfew. Those who responded supported a curfew principally to protect native wildlife.

The results show there is considerable desire for a cat curfew however cat owners are unlikely to comply with it; especially a 24 hour curfew.

The majority of our neighbouring Councils currently do not have a cat curfew in place. The exceptions being Ballarat City Council, which currently has one in place and Macedon Ranges Shire commencing a cat curfew on 1 July 2020. Officers have had discussions with several Councils that have curfews in place with the majority in support of the initiative as it promotes positive animal ownership whilst protecting native wildlife. The majority of these Councils however do not actively enforce the curfew, use it as an educative tool and have continued responding to complaints and cat trapping programs. Most Councils consulted with have confirmed that after an initial rise in complaints due to the high profile nature of such an initiative, complaints often reduce over time.

If Council were to consider the introduction of a cat curfew a number of issues require consideration to ensure Council can respond to any increase in complaints and animal impoundments. New initiative bids have been submitted to cope with this potential increased demand of:

- Six months Community Safety Officer position three months prior to introduction (to undertake educative initiative and awareness raising with the community) and three months post introduction to cope with the expected spike in complaints and thus trapping activities.
- Capital investment into the pound for the cattery to extend the currently undersized cattery section to one that can cope with the current demand and have overflow for potential demand in the short term as a result of the curfew.

Budget implications have been considered which may include the purchase of additional cat traps and an increase in vet fees due to the potential increase in cat impound numbers.

These costs may be offset somewhat by increased registration numbers and infringement revenue however on discussion with other Councils it seems many cats that are trapped are not reclaimed (not microchipped or registered) and as such homes need to be found for these animals through adoption programs and local refuges.

Consideration should be provided as to whether Council would prefer the introduction of a 24 hour curfew or a specifically timed curfew such as 6pm to 6am. A further consideration is whether the curfew is for the whole shire or for specific locations. The community consultation outcomes indicated a positive response to a 24 hour curfew, however, many respondents reported that they would not comply with such a curfew. Councils are generally split on a 24 hour or night time curfew, however, both Councils referred to in this report (Ballarat and Macedon Ranges) have a night time curfew only.

If Council were to be in favour of a curfew it would be considered essential that further community consultation occur regarding the full details of any proposal to ensure the community understand the implications prior to introduction.

PROPOSAL

That Council consider the community consultation outcomes and the contents of this report. If Councillors are still of the view that Council should proceed with a cat curfew, it is recommended that another round of consultation on the specific proposal be undertaken. The initial consultation was on the concept of a cat curfew and sought input whereas further consultation would be on a specific plan and as such the community would be able to comment on that rather than just the concept of a cat curfew. If Councillors do decide that the best way forward is further consultation on a cat curfew, consideration needs to be given to the potential budgetary and resource impact this may have and as such support the new initiatives that will allow Council officers to effectively introduce and to commence the roll out of any curfew.

COUNCIL PLAN

The proposal is not provided for in the Council Plan 2017-2021 and can be actioned by referring the matter to Mid Year Budget Review or budget process.

POLICY IMPLICATIONS

The adopted Domestic Animal Management Plan required that a feasibility study be implemented with regard to the introduction of a cat confinement/curfew order. This report has detailed the findings of the investigation. Any adoption of a cat curfew has not been budgeted for and as such additional resources will need to be allocated in the 2020-21 budget if a cat curfew is to be introduced.

FINANCIAL IMPLICATIONS

There are considerable potential budgetary implications if a cat curfew were to be introduced as stated previously in this report. Budgetary issues have been placed into the 2020-21 budget papers and new initiatives are seeking additional funding to cover the foreseen costs of a curfew introduction.

Without additional funding, a cat curfew is likely to place considerable strain upon resources and lead to a level of service that would not meet the community's expectations.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

This is not considered to be a risk or Occupational Health and Safety issue.

COMMUNICATIONS & CONSULTATION STRATEGY

A comprehensive survey through Council's 'Have your Say' portal was undertaken in 2019. The results of the survey are shown in Attachment 1. If it is decided that a cat curfew is the preferred way forward, Council will need to further engage with community on the curfew and provide time for people to become aware of the concepts and how to comply. It would be considered best practice to consult further on a specific option prior to Council committing to an order under Section 25 Domestic Animals Act 1994.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager Community Strengthening – Sally Jones

In providing this advice to Council as the General Manager Community Strengthening, I have no interests to disclose in this report.

Author – Andy Gaze

In providing this advice to Council as the Author, I have no interests to disclose in this report.

CONCLUSION

The DAMP required Council to consider the feasibility of a cat curfew. This report has outlined the Community's response to the concept of a cat curfew as well as the additional resources likely to be required to introduce one. Before a final decision is made, it is considered that the best way forward would be to present a proposal to the public for further comment. It is considered that to meet community expectations, a timed shire-wide curfew be implemented as it is both manageable for the community and Council. It is further considered that to give the community time to consider and comment upon the proposal, they be given a six week time frame to consider the plan.

Officers believe that this proposal should be consulted upon for a six week timeframe through the 'Have Your Say' portal over March and April 2020 and a further report presented to Council in July 2020 with the findings to inform a decision on the feasibility of the introduction of a cat curfew.

14 CUSTOMER CARE AND ADVOCACY REPORTS**14.1 SECTION 86 - DELEGATED COMMITTEES OF COUNCIL - REPORTS****Author:** Michelle Morrow, Co-ordinator Governance**Authoriser:** Caroline Buisson, General Manager Customer Care & Advocacy**Attachments:** Nil**PURPOSE**

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the *Local Government Act 1989*. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

Section 86 Delegated Committees are required to report to Council at intervals determined by the Council.

EXECUTIVE SUMMARY

Councillors, as representatives of the following section 86 – Delegated Committees of Council, present the reports of the Committee Meetings for Council consideration.

Committee	Meeting Date	Council Representative
s.86 Development Assessment Committee Meeting - Minutes	18 December 2019	All Councillors

RESOLUTION**Moved:** Cr Paul Tatchell**Seconded:** Cr Tom Sullivan

That Council receive the report of the s.86 Development Assessment Committee Meeting on 18 December 2019.

CARRIED

14.2 ADVISORY COMMITTEES OF COUNCIL - REPORTS

Author: Michelle Morrow, Co-ordinator Governance

Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy

- Attachments:**
1. **Audit and Risk Advisory Committee - Summary of Minutes - 1 May 2019**
 2. **Audit and Risk Advisory Committee - Summary of Minutes - 14 August 2019**
 3. **Audit and Risk Advisory Committee - Summary of Minutes - Special Meeting 3 September 2019**
 4. **Audit and Risk Advisory Committee - Summary of Minutes - 13 November 2019**

PURPOSE

Advisory Committees are established to assist Council with executing specific functions or duties.

Advisory Committees of Council currently have no delegated powers to act on behalf of Council or commit Council to any expenditure unless resolved explicitly by Council following recommendation from the Committee. Their function is purely advisory.

Advisory Committees are required to report to Council at intervals determined by the Council.

EXECUTIVE SUMMARY

Councillors, as representatives of the following Advisory Committees of Council, present the reports of the Committee Meetings for Council consideration.

Committee	Meeting Date	Council Representatives
Audit and Risk Advisory Committee	1 May 2019 14 August 2019 3 September 2019 (Special Meeting) 13 November 2019	Cr. Dudzik, Cr. Keogh

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Jarrod Bingham

That Council receive the reports of the Audit and Risk Advisory Committee Meetings on 1 May 2019, 14 August 2019, 3 September 2019 (Special Meeting) and 13 November 2019.

CARRIED

15 COMMUNITY ASSETS & INFRASTRUCTURE REPORTS**15.1 DRAFT MOORABOOL COMMUNITY ROAD SAFETY STRATEGY****Author:** Jacque Younger, Asset Systems Officer**Authoriser:** Phil Jeffrey, General Manager Community Assets & Infrastructure**Attachments:** 1. Draft Moorabool Community Road Safety Strategy**PURPOSE**

The purpose of this report is to present the Draft Moorabool Community Road Safety Strategy to Council and to seek in principle endorsement for the purpose of public exhibition.

EXECUTIVE SUMMARY

- Moorabool Shire Council was successful in obtaining funding for the development of a Community Road Safety Strategy through the Transport Accident Commission (TAC) Towards Zero Grant Program.
- The strategy builds on the positive work already undertaken by Council and sets out a range of improvement actions to be undertaken, to assist in reducing serious injury and fatality crashes within the Shire, in line with Safe System Principles (Safe Roads, Safe Speeds, Safe People and Safe Vehicles).
- Following significant consultation processes involving the community and key stakeholder groups, a Draft Moorabool Community Road Safety Strategy has been developed.

RESOLUTION**Moved:** Cr Tonia Dudzik**Seconded:** Cr Paul Tatchell**That Council:**

1. **Endorses, in principle, the Draft Moorabool Community Road Safety Strategy for the purpose of public exhibition for a period of 28 days.**
2. **Requests that a further report be presented to Council on completion of the exhibition period.**

CARRIED**BACKGROUND**

Moorabool Shire Council plays an important role in providing a safe travel environment for residents and visitors. A key part of this role includes the implementation of activities directed at reducing the likelihood and severity of road accidents and influencing driver behaviour by working in partnership with key road safety bodies and community groups.

Moorabool Shire Council was successful in obtaining funding for the development of a Community Road Safety Strategy through the Transport Accident Commission (TAC) Towards Zero Grant Program.

Following significant community and stakeholder consultation, a Draft Community Road Safety Strategy has been developed. The strategy outlines a four-year action plan in line with Safe System Principles (safe roads, safe speeds, safe people and safe vehicles) to assist in promoting safe travel

with the aim of reducing serious injuries and fatalities within the municipality and provide a structured approach to guide Council in delivering projects and initiatives that meet the needs of the growing community.

The strategy builds on the positive work already undertaken by Council, acknowledging transport pressures faced, and confirms a commitment to the reduction of casualty accidents in line with Safe System principles of the Victorian Government’s Toward Zero Strategy.

PROPOSAL

The next stage of the project involves presenting the draft strategy to the community via a public exhibition process to provide the opportunity for feedback on the proposed actions. This phase of consultation will be conducted via online engagement through Council’s ‘Have Your Say’ page, with copies of the draft strategy and feedback forms being made available at Council offices for a period of 28 days.

It is recommended that Council provide in principle endorsement of the attached draft strategy for the purpose of public exhibition.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

The proposal is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

Moorabool Shire Council was successful in obtaining funding for the development of a Community Road Safety Strategy through the Transport Accident Commission (TAC) Towards Zero Grant Program. As such there are no financial implications associated with the recommendation within this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Inadequate financial management resulting in insufficient funds to complete the project	Low	Adequate project scope and budget, procurement process, ongoing supervision of project financials
Community expectation	Community expectation of key project outcomes outside of the project scope	Low	Well scoped community consultation process and documentation, clear project objectives documented

COMMUNICATIONS & CONSULTATION STRATEGY

Community participation is an important component of the strategy development, assisting to better understand the local issues. Significant community consultation has been undertaken throughout the project, including the following:

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Direct phone call	Transport Accident Commission (TAC), Road Safe Central Highlands (RSCH), VicRoads, Victoria State Emergency Service (SES), CFA (Country Fire Authority), Public Transport Victoria (PTV)	One on one consultation	Various	October 2019	Stakeholders were asked specific relevant questions and encouraged to provide general feedback on key road safety issues within Moorabool
Media release through local paper, Councils Social Media and local radio station	All residents and visitors who live, work and travel in Moorabool	Community survey (online via Have Your Say and hard copy)	Various	October 2019	Encouraged to provide feedback on key road safety issues within Moorabool via Councils Have Your Say
Direct Emails	Various stakeholders, user and community groups (all Council databases)	Community survey (online via Have Your Say and hard copy)	Various	October 2019	Encouraged to provide feedback on key road safety issues within Moorabool via Councils Have Your Say
Community Workshops	All stakeholders, various user and community groups, residents and visitors who live, work and travel in Moorabool	Open community workshops (2)	Lerderderg Library and Ballan Council Chambers	November 2019	Encouraged to participate in workshops to give feedback and provide potential solutions on key road safety issues within Moorabool

Draft Moorabool Community Road Safety Strategy	All stakeholders, various user and community groups, residents and visitors who live, work and travel in Moorabool	Public exhibition	Various	Once endorsed for a period of 28 days	Encouraged to provide feedback on draft strategy via Councils Have Your Say
Final Moorabool Community Road Safety Strategy	All stakeholders, various user and community groups, residents and visitors who live, work and travel in Moorabool	Adoption	Various	Post public exhibition	Final strategy will be uploaded to Councils website and promoted via online media channels

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

OFFICER’S DECLARATION OF CONFLICT OF INTERESTS

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Phil Jeffrey

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Jacquie Younger

In providing this advice to Council as the Author, I have no interests to disclose in this report.

CONCLUSION

A draft Moorabool Community Road Safety Strategy has been developed which sets out a four-year action plan in line with Safe System Principles to assist in promoting safe travel within Moorabool Shire.

Stakeholders, various user and community groups, residents and visitors were encouraged to participate, provide feedback and potential solutions on key issues within the municipality and it is recommended that Councillors endorse the draft documentation for the purpose of public exhibition.

15.2 LOCAL AREA TRAFFIC MANAGEMENT PLAN (STAGE 3); DARLEY**Author:** Lace Daniel, Coordinator Asset Management**Authoriser:** Phil Jeffrey, General Manager Community Assets & Infrastructure**Attachments:**

1. Local Area Traffic Management Plan Darley
2. Existing Conditions Assessment (Stage 3)

PURPOSE

Following significant public consultation processes, the purpose of this report is to present the final Local Area Traffic Management Plan (Stage 3) Darley to Council for adoption.

EXECUTIVE SUMMARY

- To address the traffic impacts of growth within the Bacchus Marsh township and to help inform planning and management of road space usage, a Local Area Traffic Management Study (Stage 3) Darley has been completed and final plan developed.
- As Bacchus Marsh continues grow, there has been a significant increase in the number of traffic related enquiries. The purpose of a Local Area Traffic Management (LATM) Study is to view traffic management on a precinct basis rather than by individual location.
- The study area for Stage 3 is Darley, which extends from the north of the Western Freeway to Albert Street and is bounded by the Lerderderg River to the east. Stages 1 and 2 encompassed Bacchus Marsh central.
- The development of a LATM Study supports key infrastructure objectives from the 2017-21 Council Plan and Bacchus Marsh Integrated Transport Strategy.

RESOLUTION**Moved:** Cr Tom Sullivan**Seconded:** Cr Paul Tatchell**That:**

1. Council adopts the Local Area Traffic Management Plan Stage 3 (Darley) and requests that a copy be made available on Council's website.
2. Officers write to residents within the LATM Study area, thanking them for their input and advising of Council's decision.
3. Projects within the LATM Plan be referred to the Long Term Capital Improvement Program, to be assessed in conjunction with other projects across the Shire.

CARRIED

BACKGROUND

The Bacchus Marsh Integrated Transport Strategy (BMITS) presents the vision for the transport network for Bacchus Marsh. One of the key recommendations of the strategy is to 'introduce the use of Local Area Traffic Management (LATM) studies and refer recommendations to Council's Capital Improvement Program'.

The preparation of a LATM study within a precinct of Bacchus Marsh aims to improve traffic management and road safety within the area. The LATM study which has been funded in the 2019/20 budget, seeks to view traffic management and associated treatments on a precinct basis rather than by individual street.

At present, Council receives a high volume of traffic related customer enquiries from the community that, due to the lack of such a precinct plan, are considered in isolation. This creates an ad hoc approach to traffic issues and the implementation of traffic management solutions.

The development of a LATM study will assist in providing a consistent approach to traffic related issues in the local area and also supports key infrastructure objectives from the 2017-21 Council Plan.

The study area for Stage 3 is Darley, which extends from the north of the Western Freeway to Albert Street and is bounded by the Lerderderg River to the east.

The LATM Objectives

The preparation of a LATM plan considers both the technical and community aspects and is intended to meet a number of key objectives, with consideration to the likely impact on the surrounding network:

- Provide an integrated approach to managing traffic in local areas across all transport modes, through:
 - Investigating and addressing connectivity and safety along local travel routes;
 - Consideration and integration of local land uses and their specific needs;
 - Use of appropriate and effective traffic calming measures;
 - Making efficient and appropriate use of local on-street car parking provisions;
 - Ensuring that future population growth and transport demand are understood and accounted for; and
 - Defining the function of local streets as appropriate to their surrounding land uses, pedestrian, cycling and traffic volumes, natural features, and connectivity to surrounding areas.
- Reduce traffic volumes and speeds in local streets;
- Increase amenity and improve safety and access for residents, especially pedestrians and cyclists;
- Provide guidance for planners and engineers associated with the design, development and management of residential precincts;
- Ensure that transport issues are addressed in a manner that balances amenity, safety and mobility for all transport modes;
- Improve the environment, economic and social outcomes of the area;

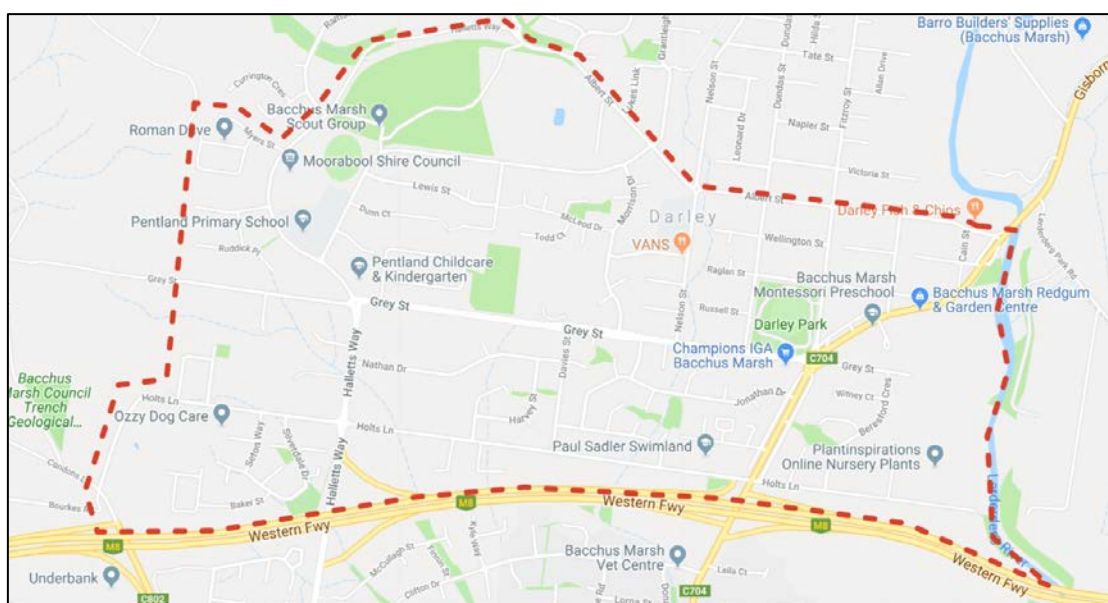
- Identifying future priority projects to be considered for inclusion in Council’s Capital Improvement Program; and
- Ensure the local community are engaged and consulted in the identification of issues and the development of treatments to mitigate these issues.

The LATM Area

The township has been divided into three key areas for the purpose of undertaking LATM studies over the coming years:

- LATM Area 1 Darley;
- LATM Area 2 Bacchus Marsh (completed); and
- LATM Area 3 Maddingley.

Area 1 (Darley) forms the focus area for the third LATM study to be undertaken, and two individual precincts have been recommended in order to stage the development of the studies over 2019/20 and 2020/21 (pending approval). The area for the current LATM study is outlined below.



The LATM Process

The following key activities will be undertaken as part of the development of the LATM study:

1. Existing Conditions Assessment	
Initial works: <ul style="list-style-type: none"> ▪ Review of background information pertaining to the study area and other documents that may have an impact on key decisions. ▪ Preparation of a Project Management Plan and Community Engagement Plan. ▪ On-site inspections of the study areas to gain a thorough understanding of the existing conditions. 	Complete
Community consultation letter and online survey (electronic and print distribution and use of interactive mapping) relating to traffic issues in the local area.	Complete

Collection and analysis of traffic data.	Complete
Preparation of an Existing Conditions Assessment Report.	Complete
2. Development of Draft LATM Plan	
Preparation of draft concept plans and proposed LATM treatments.	Complete
Preparation of draft LATM plan.	Complete
Community consultation letter and web survey (electronic and print distribution, and interactive map).	Complete
Community engagement workshops (2) at Darley Civic Hub Pavilion.	Complete
3. Finalisation of LATM Plan	
Collation of results of community engagement.	Complete
Final LATM Study Report and Plan.	Complete
Presentation to Council for endorsement.	March 2020
Final community consultation letter.	March 2020

The LATM Study involved extensive consultation with the community to help identify local traffic issues and potential improvements, in conjunction with engineering investigations in addition to the collection of traffic volume and speed information, and review of publicly available crash data.

The community consultation component of the study included two phases of engagement involving letter drop and an online interactive map as well as two community workshops, in order to understand the community's thoughts regarding necessary areas for improvement, as well as the suitability of proposed treatments.

Throughout the project consultation phases, almost 500 individual engagements with the community occurred via the different feedback mechanisms (online and face to face), including information on traffic issues being experienced, suggesting remedial actions and providing feedback on proposed treatments.

PROPOSAL

The objective of this study was to prepare a Local Area Traffic Management (LATM) plan for stage 3, which addresses the main traffic issues in the Darley area and reflects the requirements and expectations of the local community.

Information collected from the various consultation methods was used in conjunction with traffic data to provide the basis for formulating recommendations. The key issues identified generally related to traffic concerns such as heavy vehicle volumes, pedestrian and cyclist safety, traffic speed, irresponsible driving and traffic volumes.

Following the draft plan being presented to Council, a further phase of consultation resulted in some minor amendments to the plan (refer pages 3 and 4 of the document) including the following:

- Inclusion of a new footpath on Halletts Way, between Holts Lane and Grey Street
- Inclusion of a speed hump on Taylor Drive
- Inclusion of speed humps on Wittick Street

- Removal of two speed humps from Morrison Drive
- Inclusion of a modified intersection at Morrison Drive and Sheldon Avenue
- Amendment to the location of one speed hump on Nathan Drive
- Minor amendments to wording within the plan

Based on the preceding assessment undertaken by Cardno and community feedback on the proposed LATM Plan, the below list of treatments were developed.

Treatment ID	Treatment	Location	Cost (Estimate Only)	Total Score (10)	Priority
T015	Speed Hump	Wittick Street	\$8,000	8.5	High
T025	speed limit change	Halletts Way	\$1,000	8.25	High
T020	roundabout upgrades	Holts Lane	\$20,000	8	High
T018	roundabout upgrades	Albert Street	\$20,000	7.75	High
T019	roundabout upgrades	Halletts Way	\$20,000	7.5	High
T012	Speed Hump	Jonathan Drive	\$12,000	7.42	High
T004	Footpath	Jonathan Drive	\$72,250	7.315	High
T010	Speed Hump	Davies Street	\$4,000	7.19	High
T024	Centerline	Nathan Drive	\$2,000	7.125	High
T002	Footpath	Davies Street	\$34,000	7	Medium
T003	Footpath	Holts Lane	\$93,500	7	Medium
T006	Footpath	Myers Street	\$7,000	7	Medium
T011	Speed Hump	Holts Lane	\$8,000	7	Medium
T017	raised intersection	Davies Street	\$18,000	6.99	Medium
T009	Footpath	Wittick Street	\$42,500	6.8	Medium
T005	Footpath	Morrison Drive	\$51,000	6.75	Medium
T023	Modified T-Intersection	Morrison Drive	\$15,000	6.75	Medium
T008	Footpath	Wellington Street	\$21,250	6	Medium
T021	Pedestrian Crossing with Road Narrowing	Fitzroy Street	\$40,000	6	Medium
T014	Speed Hump	Nathan Drive	\$8,000	5.915	Medium
T013	Speed Hump	Morrison Drive	\$8,000	5.54	Medium
T016	raised intersection	Albert Street	\$36,000	5.5	Medium
T007	Footpath	Nathan Drive	\$63,750	4.835	Medium
T022	Pedestrian Crossing	Holts Lane	\$20,000	4.7	Medium
T001	Footpath	Beresford Crescent	\$42,500	4.76	Low
Total			\$667,750		

Following the LATM process undertaken as outlined above, it is now recommended that Councillors adopts the Local Area Traffic Management Plan (Stage 3) Darley.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

The proposal is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

The development of the LATM Plan is a funded project, included in the 2017-21 Council Plan.

The total estimated value of treatments (Council) recommended in this plan is approximately \$670,000. Implementation of minor treatments may be able to be completed within existing budgets and other major treatments will be referred to Council’s Long Term Capital Improvement Program for consideration. Where applicable, grant funding may also be sought to assist in the implementation of treatments.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Inadequate financial management resulting in insufficient funds to complete the project.	Low	Adequate project scope and budget, procurement process, ongoing supervision of project financials.
Community expectation	Community expectation of key project outcomes outside of the project scope.	Low	Well scoped community consultation process and documentation, clear project objectives documented.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult and Involve	Residents within the study area	Direct mail out, online and face to face engagement	Various	August 2019 & December 2019	Residents encouraged and supported to provide feedback on key issues and draft documents
Consult and Involve	Wider community	Online and face to face engagement	Various	August 2019 & December 2019	As above
Inform	Residents within the study area	Direct mail out, online engagement	Various	December 2019	As above
Inform	Wider community	Online engagement	Various	December 2019 to	As above

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
				January 2020	
Inform	Residents within the study area and wider community	Direct mail out, online engagement	Various	March 2020	Residents advised of the final outcome

Community participation is an important component of the study to assist in understanding the local issues. Significant community consultation was be undertaken throughout the project, including the following:

- Direct mail outs to the study area;
- Community questionnaire (electronic);
- Interactive online mapping tool;
- Online engagement (Council website and social media pages);
- Community workshops (2) in Bacchus Marsh; and
- Reports to Council (2).

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

OFFICER’S DECLARATION OF CONFLICT OF INTERESTS

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Jacquie Younger

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Phil Jeffrey

In providing this advice to Council as the Author, I have no interests to disclose in this report.

CONCLUSION

To address the traffic impacts of growth in the Bacchus Marsh township and help inform planning and management of road space usage, a LATM Study (Stage 3) Darley has been completed and final plan developed.

It is now recommended that Council adopts the Local Area Traffic Management Plan (Stage 3) Darley.

16 OTHER REPORTS**16.1 ASSEMBLY OF COUNCILLORS**

Author: Renee Hodgson, Governance Officer

Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy

Attachments:

1. **Assembly of Councillors - Wednesday 22 January 2020**
2. **Assembly of Councillors - Wednesday 5 February 2020**
3. **Assembly of Councillors - Wednesday 19 February 2020**

BACKGROUND

Section 76(AA) of the *Local Government Act 1989* defines the following to be Assemblies of Councillors; an advisory committee of the Council that includes at least one Councillor; a planned or scheduled meeting of at least half the Councillors and one member of council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a Council function, power or duty by a person or committee acting under Council delegation.

It should be noted, an assembly of Councillors does not include an Ordinary Meeting of Council, a special committee of the Council, meetings of the Council's audit committee, a club, association, peak body or political party.

Council must ensure that the written record of an assembly of Councillors is, as soon as practicable:

- (a) reported to the next ordinary meeting of the Council; and
- (b) incorporated in the minutes of that council meeting. (s. 80A(2))

A record of Assemblies of Councillors is provided for consideration.

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Tonia Dudzik

That Council receive the record of Assemblies of Councillors, as follows:

1. **Assembly of Councillors – Wednesday 22 January 2020:**
 - (a) **SRV – Funding Round Proposed Projects and Update on Grants**
 - (b) **Review of the Draft OMC Agenda**
2. **Assembly of Councillors – Wednesday 5 February 2020:**
 - (a) **Presentation by Chair of Audit Committee**
 - (b) **Councillor Appointments to Committees**
 - (c) **Community Grants Program Review**
3. **Assembly of Councillors – Wednesday 19 February 2020:**
 - (a) **High Level Overview of the Budget and Long Term Financial Plan 2020/21**

- (b) Review of the OMC Agenda and Review of the DAC Agenda**
- (c) Maddingley Brown Coal**
- (d) Presentation/Discussion by Transurban**

CARRIED

17 NOTICES OF MOTION

Nil

18 NOTICES OF RESCISSION

Nil

19 MAYOR'S REPORT

Since the last Ordinary Meeting of Council, the Mayor attended the following meetings and activities:

Cr David Edwards – Mayor's Report	
<i>Date: 6 February, 2020 – 4 March, 2020</i>	
9 February	<ul style="list-style-type: none"> The Australian Ex-Prisoners of War Memorial 16 Anniversary Service – Wreath Laying and Service
12 February	<ul style="list-style-type: none"> Meeting with Michaela Settle, Member for Buninyong
13 February	<ul style="list-style-type: none"> Official Opening – Masons Lane Playground (Pick My Project)
17 February	<ul style="list-style-type: none"> Meeting with Andrew Neal, Principal, Bacchus Marsh Grammar School
18 February	<ul style="list-style-type: none"> Contract Signing Ceremony with Datacom re Project Phoenix
19 February	<ul style="list-style-type: none"> Meeting with Catherine King, Federal Member for Ballarat Councillor Briefing – High Level Overview of the Budget and Long Term Financial Plan 2020/21 Councillor Briefing – Review of the OMC Agenda and Review of the DAC Agenda Councillor Briefing – Maddingley Brown Coal Councillor Briefing – Presentation by Transurban S86 Development Assessment Committee
20 February	<ul style="list-style-type: none"> Meeting with Mary-Anne Thomas, Member for Macedon
21 February	<ul style="list-style-type: none"> Meeting with Minister Jacinta Allan, Minister for Transport Infrastructure
22 February	<ul style="list-style-type: none"> Official Launch of the Bacchus Marsh Platypus Alliance
25 February	<ul style="list-style-type: none"> Community Meeting – Westgate Tunnel Project & Maddingley Brown Coal
26 February	<ul style="list-style-type: none"> Councillor Briefing – Visitor Information centre Review and the Local Visitor Economy
4 March	<ul style="list-style-type: none"> Councillor Briefing – Western Irrigation Network Update S86 Moorabool Growth Management Committee Ordinary Meeting of Council

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Tonia Dudzik

That Council resolves to receive the Mayor's Report.

CARRIED

20 COUNCILLORS' REPORTS

Since the last Ordinary Meeting of Council, Councillors have attended the following meetings and activities:

Cr Keogh	
22 February	Official launch of Bacchus Marsh Platypus Alliance
25 February	Community Meeting - Westgate Tunnel Project & Maddingley Brown Coal
Cr Bingham	
3 March	Save Bacchus Marsh Hospital Committee Meeting
Cr Tatchell	
12 February	Heritage Advisory Committee Meeting
Cr Dudzik	
13 February	Masons Lane Official Opening
22 February	Official launch of Bacchus Marsh Platypus Alliance
25 February	Community Meeting - Westgate Tunnel Project & Maddingley Brown Coal
29 February	Peppertree Park Run

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr John Keogh

That Council resolves to receive the Councillors' Reports.

CARRIED

21 URGENT BUSINESS

21.1 LETTER TO THE MINISTER FOR HEALTH - PROPOSED AMALGAMATION OF THE BACCHUS MARSH HOSPITAL

RESOLUTION

Moved: Cr Jarrod Bingham

Seconded: Cr Tonia Dudzik

That Council urgently writes to the Minister for Health seeking confirmation on the following issues:

- 1. Explanation of the process and grounds for the decision to grant Western Health a contract to operate a proposed new hospital within the DjHS Catchment.**
- 2. The process undertaken for public consultation on the proposed amalgamation.**
- 3. Commitments to current employees, the increasing of services, the shortening of waitlists and the community benefits to residents of Moorabool Shire as per DjHS plans.**
- 4. The arrangement of a meeting between Council, the Chair of the Western Health Board and the Administrator of DjHS.**

CARRIED

22 CLOSED SESSION OF THE MEETING TO THE PUBLIC

Nil

23 MEETING CLOSURE

The Meeting closed at 6.27pm.

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CHAIRPERSON