



# **AGENDA**

## **Confidential Special Council Meeting Wednesday, 16 October 2019**

**I hereby give notice that a Confidential Special Council Meeting will be held on:**

**Date: Wednesday, 16 October 2019**

**Time: 6.00pm**

**Location: Council Chamber, 15 Stead Street, Ballan**

**Derek Madden  
Chief Executive Officer**



**Order Of Business**

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## **1 OPENING OF MEETING AND PRAYER**

Almighty God be with us as we work for the people of the Shire of Moorabool. Grant us wisdom that we may care for the Shire as true stewards of your creation. May we be aware of the great responsibilities placed upon us. Help us to be just in all our dealings and may our work prosper for the good of all. Amen.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

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

## **3 PRESENT**

## **4 APOLOGIES**

## **5 DISCLOSURE OF CONFLICTS OF INTEREST**

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

- A direct interest (section 77A, 77B)
- An indirect interest (see below)
  - indirect interest by close association (section 78)
  - indirect financial interest (section 78A)
  - indirect interest because of conflicting duty (section 78B)
  - indirect interest because of receipt of gift(s) (section 78C)
  - indirect interest through civil proceedings (section 78D)
  - indirect interest because of impact on residential amenity (section 78E)

### **Time for Disclosure of Conflicts of Interest**

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

- (a) Leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and

- (b) Remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

## 6 PRESENTATIONS/DEPUTATIONS

The Council has made provision in the business of the Special Meetings of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Presentations or deputations are required to be conducted in accordance with the requirements contained within the **Presentation/Deputations Protocols and Procedural Guidelines**.

Persons wishing to make a presentation or deputation to Council on a matter included in the agenda shall inform Council prior to the meeting by contacting the Chief Executive Officer's office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address Council on the item.

No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

**7 CLOSED SESSION OF THE MEETING TO THE PUBLIC**

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss the following matters:

- 7.1 CONTRACT C03-2019/2020 - SPORTS PAVILION AND EQUESTRIAN PAVILION BACCHUS MARSH RACECOURSE RECREATION RESERVE**
  - 7.2 CONTRACT C02-2019/20 - SPORTS FIELD LIGHTING UPGRADES – BUNGAREE, DUNNSTOWN, GORDON AND WALLACE**
  - 7.3 CONTRACT C07-2019/20 - OLD MELBOURNE ROAD & DUNNSTOWN YENDON ROAD REHABILITATION**
  - 7.4 CONTRACT 08-2019/20 - BALLAN-GREENDALE ROAD (BLACKWOOD STREET) PAVEMENT REHABILITATION**
  - 7.5 CONTRACT 12-2019/2020 - WOOLPACK ROAD BRIDGES BACCHUS MARSH, BARRIER AND MAINTENACE WORKS**
- 8 MEETING CLOSURE**