

## **SPECIAL MEETING OF COUNCIL**

**Minutes** of the Special Meeting of Council held in  
Council Chamber, 15 Stead Street, Ballan on  
Monday 17 December 2018, at 6:00 p.m.

### **Members:**

Cr. Paul Tatchell (Mayor)	Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. Jarrod Bingham	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Cr. Pat Toohey	Woodlands Ward

### **Officers:**

Mr. Derek Madden	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Social & Organisational Development

***Derek Madden***  
***Chief Executive Officer***

## AGENDA

<b>1. OPENING OF MEETING.....</b>	<b>3</b>
<b>2. ACKNOWLEDGEMENT TO COUNTRY .....</b>	<b>3</b>
<b>3. PRESENT.....</b>	<b>3</b>
<b>4. APOLOGIES .....</b>	<b>3</b>
<i>5.1 Disclosure of an Indirect Conflict of Interest .....</i>	<i>5</i>
<b>6. PRESENTATIONS / DEPUTATIONS.....</b>	<b>6</b>
<b>7. BUSINESS .....</b>	<b>7</b>
<i>7.1 Bacchus Marsh Local Area Traffic Management Plan; Stage 2.....</i>	<i>7</i>
<b>8. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL .....</b>	<b>13</b>
<i>Nil. ....</i>	<i>13</i>
<b>9. CLOSED SESSION OF THE MEETING TO THE PUBLIC .....</b>	<b>14</b>
<b>10. MEETING CLOSURE.....</b>	<b>17</b>

**1. OPENING OF MEETING**

*The Mayor, Cr. Tatchell, opened the meeting at 6.02 pm*

**2. ACKNOWLEDGEMENT TO COUNTRY**

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

**3. PRESENT**

<i>Cr. Paul Tatchell (Mayor)</i>	<i>Central Moorabool Ward</i>
<i>Cr. John Keogh (Deputy Mayor)</i>	<i>East Moorabool Ward</i>
<i>Cr. Jarrod Bingham</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>

**In attendance**

<i>Mr. Derek Madden</i>	<i>Chief Executive Officer</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Social and Organisational Development</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Ewen Nevett</i>	<i>Manager Engineering Services</i>
<i>Mr. Daniel Smith</i>	<i>Manager Operations</i>
<i>Mr. Tristan May</i>	<i>Coordinator Capital Works</i>
<i>Ms. Michelle Morrow</i>	<i>Coordinator Governance/Minute Taker</i>

**4. APOLOGIES**

*Cr. Sullivan advised of late attendance.*

*Cr. Bingham advised of late attendance.*

## 5. DISCLOSURE OF CONFLICT 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.

#### **5.1 Disclosure of an Indirect Conflict of Interest**

***Cr. Keogh declared an Indirect Conflict of Interest (section 78) in relation to Item 9.8 – Contract C20-2018/2019 - Management and Operation of Transfer Stations. The nature of the Conflict of Interest is due to a perceived conflict of interest.***

## 6. PRESENTATIONS / DEPUTATIONS

The Council has made provision in the business of the Ordinary 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.

### List of Persons making Presentations/Deputations other than in relation to a planning item listed on the agenda:

Item No	Description	Name	Position
9.3	Contract C24-2018/2019 - Main Street, Gordon - Streetscape Upgrade, Stage 1	Stephen Derrick	Objector

***Mr. Stephen Derrick addressed Council in relation to Item 9.3 - Contract C24-2018/2019 - Main Street, Gordon - Streetscape Upgrade, Stage 1.***

### List of Persons making Presentations/Deputations to a planning item listed on the agenda:

Individuals seeking to make a presentation to the Council on a planning item listed on the agenda for consideration at the meeting will be heard by the Council immediately preceding consideration of the Council Officer's report on the planning item.

***Nil.***

## 7. BUSINESS

***Cr. Sullivan entered the meeting at 6.07 pm.***

### 7.1 Bacchus Marsh Local Area Traffic Management Plan; Stage 2

#### Introduction

Author: John Miller  
General Manager: Phil Jeffrey

#### 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 Local Area Traffic Management (LATM) study within a further precinct of Bacchus Marsh aims to improve traffic management and road safety within the area. The Stage 2 LATM study, funded in the 2018/19 budget, seeks to view traffic management and associated treatments on a precinct basis rather than by individual streets.

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 the further 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 2 is bound by Main and Fiskin Streets and the Werribee River and Korkuperrimul Creek, as further detailed below.

#### The Study Objectives

The preparation of a LATM study 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

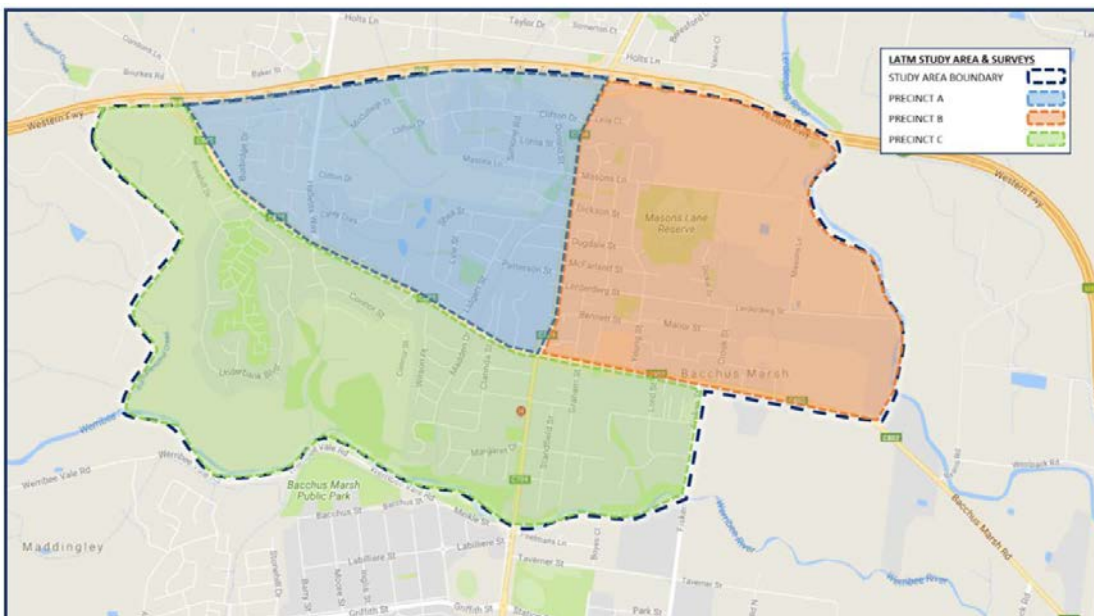
- Defining the function of local streets as appropriate to their surrounding land uses, pedestrian, cycling and traffic volumes, natural features, and connectivity to surrounding areas.
  
- Reduce traffic volumes and speeds in local streets;
- Increase amenity and improve safety and access for residents, 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
LATM Area 3	Maddingley

Area 2 (Bacchus Marsh) will form the focus area for the first LATM studies to be developed and individual precincts have been recommended in order to further stage the development of the studies. Precincts A and B (blue and orange areas below) formed part of the Stage 1 project and Precinct C (green area below) will form part of the current LATM study.





## The LATM Process

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

<b>1. Existing Conditions Assessment</b>	
Initial works: 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 sent to all households within the study area (1,358) and online survey (electronic and print distribution and use of interactive mapping) relating to traffic issues in the local area. Total responses received 210.	Complete
Collection and analysis of traffic data	Complete
Preparation of an Existing Conditions Assessment Report	Complete
<b>2. Development of Draft LATM Plan</b>	
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)	January 2019
Community engagement workshops (2) at Bacchus Marsh	January 2019
<b>3. Finalisation of LATM Plan</b>	
Collation of results of community engagement	February 2019
Final LATM Study Report and Plan	February 2019
Presentation to Council for endorsement	March 2019
Final community consultation letter	March 2019

A copy of the Existing Conditions Assessment (ECA) Report and draft LATM Plan is attached for information.

The ECA Report provides an overview of the project and study methodology, and summarises the key themes arising from the site analysis and feedback during phase 1 of the community consultation. This report has been utilised to develop the draft plan and proposed traffic management treatments.

## Proposal

The next stage of the project involves presenting the draft plan to the community and providing the opportunity for feedback on the proposed treatments. This phase of consultation will include a second letter to residents within the study area, online engagement including further use of interactive mapping, as well as two face to face community sessions proposed to be held in Bacchus Marsh during January.

It is recommended that Councillors provide in principle endorsement of the attached draft LATM plan for the purpose of phase 2 of the community consultation.

## Policy Implications

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 a LATM Plan for a precinct of Bacchus Marsh is a funded project, included in the 2017-21 Council Plan. 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

## Community Engagement Strategy

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

## Communications and Consultation Strategy

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

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

## Victorian Charter of Human Rights and 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 – John Miller*

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 has been completed and draft plan developed for precinct C within the town.

It is recommended that Councillors endorse the draft documentation for the purpose of the next phase of community consultation.

### Resolution:

**Cr. Edwards/Dudzik**

### *That Council:*

1. ***Endorses, in principle, the draft Bacchus Marsh Local Area Traffic Management Plan (Stage 2) for the purpose of public consultation.***
2. ***Requests that a further report be presented to Council on completion of that consultation.***

**CARRIED.**

---

### Report Authorisation

#### Authorised by:

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Tuesday, 11 December 2018



**8. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL**

**Nil.**

**ADJOURNMENT OF MEETING – 6.09 pm**

**Crs. Dudzik/Keogh**

***That the meeting now stand adjourned.***

**CARRIED.**

**RESUMPTION OF MEETING – 6.09 pm**

**Crs. Edwards/Keogh**

***That the meeting now be resumed.***

**CARRIED.**

**9. CLOSED SESSION OF THE MEETING TO THE PUBLIC**

<b>9.1 Contract C21–2018/2019; Ormond Rd, Springbank – Pavement Rehabilitation &amp; Widening.</b>	
<b>Directorate:</b>	Infrastructure
<b>General Manager:</b>	Phil Jeffrey
<b>Author:</b>	Ewen Nevett – Manager, Engineering Services
<b><i>Section 89(2)d - contractual matters</i></b>	

<b>9.2 Contract C32–2018/2019; Woolpack Rd, Bacchus Marsh – Pavement Rehabilitation &amp; Widening.</b>	
<b>Directorate:</b>	Infrastructure
<b>General Manager:</b>	Phil Jeffrey
<b>Author:</b>	Ewen Nevett – Manager, Engineering Services
<b><i>Section 89(2)d - contractual matters</i></b>	

<b>9.3 Contract C24–2018/2019; Main Street, Gordon–Streetscape Upgrade, Stage 1</b>	
<b>Directorate:</b>	Infrastructure
<b>General Manager:</b>	Phil Jeffrey
<b>Author:</b>	Ewen Nevett – Manager, Engineering Services
<b><i>Section 89(2)d - contractual matters</i></b>	

<b>9.4 Contract C16-2018/2019 – Receipt and Processing Waste</b>	
<b>Directorate:</b>	Infrastructure
<b>General Manager:</b>	Phil Jeffrey
<b>Author:</b>	Daniel Smith – Manager, Operations
<b><i>Section 89(2)d - contractual matters</i></b>	

<b>9.5 Contract C17-2018/2019 – Receipt and Processing Recyclables</b>	
<b>Directorate:</b>	Infrastructure
<b>General Manager:</b>	Phil Jeffrey
<b>Author:</b>	Daniel Smith – Manager, Operations
<b><i>Section 89(2)d - contractual matters</i></b>	

<b>9.6 Contract C18-2018/2019 – Receipt and Processing Greenwaste</b>	
<b>Directorate:</b>	Infrastructure
<b>General Manager:</b>	Phil Jeffrey
<b>Author:</b>	Daniel Smith – Manager, Operations
<b>Section 89(2)d - contractual matters</b>	

<b>9.7 Contract C19-2018/2019 – Collection and Transportation of Kerbside Waste, Recycling and Greenwaste</b>	
<b>Directorate:</b>	Infrastructure
<b>General Manager:</b>	Phil Jeffrey
<b>Author:</b>	Daniel Smith – Manager, Operations
<b>Section 89(2)d - contractual matters</b>	

<b>9.8 Contract C20-2018/2019 – Management and Operation of Transfer Stations</b>	
<b>Directorate:</b>	Infrastructure
<b>General Manager:</b>	Phil Jeffrey
<b>Author:</b>	Daniel Smith – Manager, Operation
<b>Section 89(2)d - contractual matters</b>	

### **CLOSURE OF THE MEETING TO THE PUBLIC – 6.09 PM**

**Resolution:**

**Crs. Sullivan/Toohey**

***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 matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:***

- (a) personnel matters;***
- (b) the personal hardship of any resident or ratepayer;***
- (c) industrial matters;***
- (d) contractual matters;***
- (e) proposed developments;***
- (f) legal advice;***
- (g) matters affecting the security of Council property;***
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;***
- (i) a resolution to close the meeting to members of the public***

**CARRIED.**

Items 9.1 – 9.8 are confidential items and therefore not included as part of these Minutes.



**10. MEETING CLOSURE**

*The meeting closed at 6.59 pm.*

*Confirmed.....Mayor.*