

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 27 February 2018 commencing at 7.30pm.

Agenda

Mark Stoermer
Chief Executive Officer

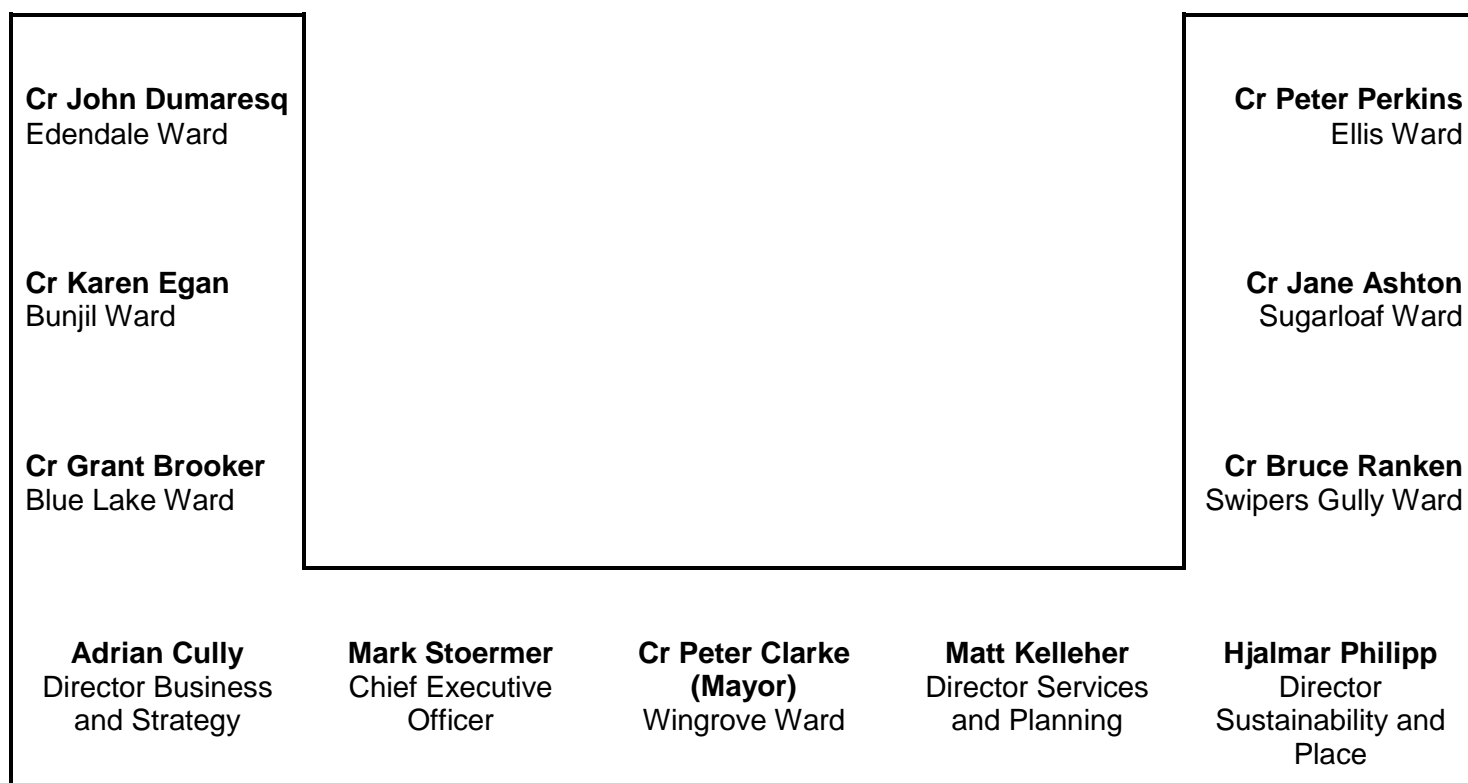
Thursday 22 February 2018

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Domin je ka

Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 27 February 2018 commencing at 7.30pm

1. Welcome by the Mayor

Members of the public are advised the meeting will be recorded.

2. Reconciliation statement

The reconciliation statement to be read by the Mayor

Nillumbik Shire Council acknowledges the Wurundjeri as the traditional custodians of the land now known as the Shire of Nillumbik and values the significance of the Wurundjeri people's history as essential to the unique character of the Shire.

3. Prayer

A prayer will be read by Rev David Sullivan of the Anglican Church of Pantong Hill.

4. Apologies

Motion

That the apologies be accepted.

5. Presentations

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 30 January 2018.

Motion

That the minutes of the Ordinary Council Meeting held on Tuesday 30 January 2018 be confirmed.

7. Disclosure of conflicts of interest

Councillors should note that any conflicts of interest should also be disclosed immediately before the relevant item.

8. Petitions

Nil

9. Questions from the gallery

10. Reports of Advisory Committees

Nil

11. Reports of Special Committees

Nil

12. Officers' reports**OCM.007/18 Diamond Valley Railway Lease Agreement at Eltham Lower Park**

Distribution: Public**Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Natalie Campion, Property Officer****Jon Miller, Manager Assets and Property****Summary**

In accordance with section 190 of the *Local Government Act 1989*, Council gave public notice of its intention to enter into a new 21 year lease agreement with the Diamond Valley Railway Club Inc. (the Association) for part of Eltham Lower Park, located at 576 Main Road, Eltham.

Council received 159 written submissions in response to the public notice, with 113 (71 per cent) supportive of the proposed lease agreement with the Association. Of the remaining 46 submissions (29 per cent) received, most were supportive of the new lease agreement, but not supportive of the Association taking over management of any additional land within the park.

Council considered the contents of all submissions at the Future Nillumbik Committee Meeting held on the 13 February 2018.

This report seeks Council's resolution to enter into a new lease agreement with the Association as publically advertised (that is areas A, B and C as depicted in Attachment 1).

The report also notes that the further investigation in relation to the Association managing additional land within the park be completed as a part of the planned Eltham Lower Park Masterplan review and assessment process, scheduled to be completed in 2018-2019.

Recommendation**That Council:**

- 1. Having completed public notification and considered public submissions pursuant to section 190 and section 223 of the *Local Government Act 1989*, grants a lease to the Diamond Valley Railway Inc. for part of Eltham Lower Park, located at 576 Main Road, Eltham (depicted as areas A, B and C in Attachment 1) on the following general terms and conditions:**
 - a) Term of lease: 21 years**
 - b) Commencement date: 1 December 2017**
 - c) Rental amount: \$200 per annum with fixed three per cent increase annually on the anniversary of the commencement date.**
 - d) Use: for the construction, operation, support and maintenance of a miniature railway and the siting of any amenities connected therewith**
 - e) That the tenant pays all outgoings: including maintenance of all assets on the land, building and public liability insurance, utility supply and usage charges.**

12. Officers' reports

OCM.007/18 Diamond Valley Railway Lease Agreement at Eltham Lower Park

- f) Lease Area A, B and C (the realignment of the existing fence to the south of the railway workshop) as shown on Attachment 1 remain included in the lease agreement as approved by Department of Environment, Land, Water and Planning.
- 2. Authorises the Council seal be affixed to the lease documents as approved by Department of Environment, Land, Water and Planning.
- 3. Initiates discussions with the Diamond Valley Railway Inc. to assess the merits of the Association undertaking specific maintenance works on behalf of Council, through a contractual relationship, within the area depicted as 'Council Managed Land' in Attachment 1.
- 4. Undertakes further investigation into the future management and tenancy arrangements with the Diamond Valley Railway Inc., for the area depicted as 'Council Managed Land' in Attachment 1, as part of the planned review of the Eltham Lower Park Masterplan.
- 5. Thanks all people that made a submission and advises them of Council's decision on the matter following this meeting.

Attachments

- 1. Diamond Valley Railway Plan of Land

Background

- 1. At the Ordinary Meeting held on 28 November 2017, Council resolved to commence the necessary processes under section 190 of the *Local Government Act 1989* (the Act) and publicly advertise its intention to lease part of Eltham Lower Park to the Association for a further 21 years, including with minor additions to the original lease area. The proposed lease area is depicted as A, B and C in Attachment 1.
- 2. At that meeting, Council also resolved investigate the management of the area depicted as 'Council Managed Land' in Attachment 1, being undertaken by the Association, with the intention of adding this area to the lease agreement, or by entering into a separate licence agreement.
- 3. The proposed lease agreement terms and conditions were advertised in the *Diamond Valley Leader* on 6 December 2017 and Council's website. In response to these public notices, Council received a total of 159 public submissions. The contents of all submissions were considered by Council at the Future Nillumbik Committee Meeting held on 13 February 2018.

Policy context

- 4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure responsible and efficient management of Council's financial resources.

Budget implications

- 5. If Council resolves to enter into a new lease with the Association, it will receive a rental income of \$200 per annum (with a fixed annual three per cent increase) for the term of the lease.

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OCM.007/18 Diamond Valley Railway Lease Agreement at Eltham Lower Park

6. Unlike other lease agreements Council enters into with community organisations, the Association will be required to maintain all its assets within the leased area and organise and pay for its rubbish and recycling services. This reduces requirements on Council's operating budgets relating to these activities.

Consultation/communication

7. In compliance with section 190 of the Act, a public notice was placed in the *Diamond Valley Leader* newspaper on 6 December 2017, seeking submissions on the proposed lease.
8. A similar notice was also placed on Council's website, and was available for public viewing until Wednesday 17 January 2018.
9. In response to the advertisements, a total of 159 written submissions were received.
10. Councillors were provided with a copy of all submissions prior to the Future Nillumbik Committee meeting on 13 February 2018. A summary of all submissions received was also attached to the Officer's Report (FN.001/18) for that meeting.

Issues/options

11. In considering to grant a new lease, Council should assess the following matters separately:
- a) The proposed lease agreement (areas, A, B and C) - as outlined in Item 1 of the Council recommendation and approved by the Department of Environment, Land, Water and Planning
 - b) The area depicted as 'Council Managed Land' in Attachment 1, and not a part of the proposed lease conditions.

Proposed lease agreement (areas A, B and C)

12. As outlined in the Future Nillumbik Committee Report on the 13 February 2018, of the 159 submissions received, 113 (71 per cent) were supportive of Council entering into a new 21 year lease agreement with the Association.
13. Of the remaining 46 submissions (29 per cent), many were supportive of Council entering into a new lease with the Association for the existing lease area, but were in general not supportive of adding additional land to the lease.
14. Those submissions not supportive of adding additional land to the lease raised the following matters:
- a) Granting a lease containing additional public land to the Association may be to the detriment of other park users and tenants.
 - b) It may negatively impact the amenity of the area and native vegetation if the railway were to expand their operation and infrastructure.
 - c) Some submitters opinion is that the rental amount of \$200 per annum is inadequate and questioned whether the Association provides broader economic benefit to the community.

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OCM.007/18 Diamond Valley Railway Lease Agreement at Eltham Lower Park

Officer's response

15. As noted in the Future Nillumbik Committee Report of 13 February 2018:
- a) The proposed new lease only includes minor amendments to the existing lease area, which include the additional area shown on Attachment 1 as Lease Area B and C (the fence realignment beside the existing workshop)
 - b) The proposed new lease will have little or no impact on use of the adjacent parkland
 - c) The Association wish to manage Lease Area B to improve the maintenance standard
 - d) The rental amount is consistent with Council rental arrangements for not for profit community based organisations/clubs and the Association are completely self-funded. Council is not required to contribute funds to maintenance of assets within the Associations leased area
 - e) The proposed lease includes clauses which address a number of concerns raised by submitters; specifically in relation keeping public access, not allowing additional infrastructure to be constructed; changes to the existing perimeter fencing or hiring to a third party with the out agreement of Council.

Area depicted as 'Council Managed Land'

16. Those submissions not supportive of the Association taking over management of this area raised the following concerns:
- a) The need to preserve equality in land use amongst all users and tenants of Eltham Lower Park
 - b) Potential loss of land being available to the public and loss of park amenity
 - c) The lack of key terms available to allow appropriate analysis of the proposal.

Officer's response

17. As outlined in the Future Nillumbik Committee report, this parcel of land cannot form a part of the proposed new lease, as it was not included in the key terms and conditions of the publicly advertised lease, which was also approved by the Department of Environment, Land, Water and Planning (DELWP).
18. Priority Action 2.2.9 of the Council Plan (2017-2021) which is to 'assess and review Eltham Lower Park Masterplan including the Diamond Valley Miniature Railway' is scheduled to be completed in the 2018-2019 financial year. This process presents Council with an appropriate forum to consider future management responsibilities of the park and equity amongst users and tenants.

Conclusion

19. Council has undertaken the necessary statutory processes required under the *Local Government Act 1989*; and publicly advertised its intention to lease part of Eltham Lower Park (areas A, B and C as depicted in Attachment) to the Diamond Valley Railway Association
20. Having considered the contents of all submissions received, it can now make a decision in relating to granting the proposed lease.

12. Officers' reports

OCM.008/18 LGBTI consultation and future initiatives

Distribution: Public

Manager: Melanie Holt, Place Activation Coordinator

Author: Angela Lampard, Community Inclusion Coordinator

Summary

The purpose of this report is for Council to consider preliminary feedback in response to Council's motion carried on 19 December 2017 to better understand the needs of the lesbian, gay, bi, trans and intersex (LGBTI) community through community consultation activities undertaken in the month of January 2018.

At the Ordinary Meeting of Council on 19 December 2017, a motion was carried that Council:

1. Acknowledges the outcome of the Australian Marriage Law Postal Survey with 61.6 per cent of responses in support of legalising same sex marriage and subsequent legalisation of same sex marriage by the Commonwealth Government.
2. Acknowledges the mandate for marriage equality which achieves inclusivity for all residents towards improved health and wellbeing outcomes.
3. Consults with Nillumbik's LGBTI community to ascertain what initiatives will emphasise inclusion for the LGBTI community as proposed in Nillumbik's Health and Wellbeing Plan such as actively supporting International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT) on 17 May 2018 into its calendar of events.
4. Assesses funding a small community grant program to implement this initiative.
5. Receives a report back to the February Ordinary Council Meeting on the outcome of this consultation.

The intention is to guide Council's budget allocation, resourcing and support of initiatives that deliver on specific actions within the Council Plan 2017-2021 and the Nillumbik Health and Wellbeing Plan 2017-2021.

Should funding be secured a IDAHOBIT grant program will be established and used as a means to further engage the twelve existing organisations and groups that Council has a relationship with whilst also creating opportunities for emerging groups. The grant program will enable the broader community to identify projects / events / programs that will respond to the needs and aspirations of the LGBTI community and if successfully funded will enable the delivery of these initiatives.

Targeted Council engagement with the LGBTI community has been minimal and as a result, members of the newly established internal LGBTI Working Group, together with Council's Community Engagement Officer devised an initial series of questions to be used as a conversational tool with service providers (Attachment 1).

Varying levels of consultation with twenty service providers was carried out due to limited availability in schools and LGBTI focussed organisations across the holiday period

Whilst service providers are supportive of the work Council is undertaking and the suggested grant program, this report recommends further work in partnership with service providers and the LGBTI community, emphasising the need to work with, understand and respond to the LGBTI community in greater depth.

12. Officers' reports

OCM.008/18 LGBTI consultation and future initiatives

Recommendation

That Council:

1. **Authorises further consultation regarding the development and implementation of a pilot grant program that supports community action in response to International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT) into its calendar of events from 2018 onward.**
2. **Endorses the 2018 IDAHOBIT global theme “Alliances for Solidarity” as a focus for events or initiatives Council supports.**
3. **Instructs officers to continue to engage with the LGBTI community and service providers to ensure relevant plans, policies and services or events (new or existing) are responsive to the needs of the LGBTI community.**
4. **Instructs officers to continue to work with schools to ensure LGBTI students and their allies have access to support in school, as well as access to services that provide specialised education that pertains to LGBTI related topics.**
5. **Encourages promotion of and partnerships with specialised healthcare and other targeted services that support LGBTI individuals.**
6. **Requests a report in May 2018 to consider content of the soon to be released Rainbow Resource for Victorian Local Governments by the Victorian Local Government Association (VLGA).**

Attachments

1. Conversation Tool

Background

1. Council's Community Inclusion Advisory Committee is chaired by Community Services Portfolio Councillor, Jane Ashton and brings together individuals and organisations that represent LGBTI, disability interfaith, rural disadvantaged and cultural and linguistic diverse backgrounds.
2. Aspirations expressed by members of this Committee have informed recommendations in this report, emphasising the need to support LGBTI individuals through schools, grants, events and promotion of services. A meaningful relationship between Council and the LGBTI community is believed to be one where individuals can speak freely about their experiences in a space that is inclusive and open.
3. In September 2017, Council's internal LGBTI Inclusion Working Group was established. Staff members of this group are passionate and committed to building inclusive communities where diversity is celebrated and valued. The primary objective of this group is to 'ensure that the LGBTI community is included and engaged in initiatives that are supported by Council' (Action 1.5.7 of the Council Plan). The Group supports events that promote and encourage IDAHOBIT and LGBTI inclusion more broadly.

12. Officers' reports

OCM.008/18 LGBTI consultation and future initiatives

Policy context

4. This report directly supports the following Strategy and Priority Actions of Council Plan 2017-2021:
- Develop policies, strategies, projects and partnerships to enhance the health and wellbeing of the community
 - Strengthen the focus on social inclusion, building social capital and connection within communities
 - Ensure that the LGBTI community is included and engaged in initiatives that are supported by Council
 - Develop the links, shared values and understandings across the shire that enable individuals, groups and council to trust each other and work together productively

Budget implications

5. A grant program is currently unfunded. It is recommended that a small grant program is established (\$500 per grant, maximum program of \$5,000 per annum) to support local community groups and events that promote and encourage IDAHOBIT and LGBTI inclusion, as an annual ongoing allocation.
6. It is recommended that \$5,000 is reallocated from the existing 2017-2018 operating budget to support this grant program.

Consultation/communication

7. Feedback from service providers has been overwhelmingly positive and encouraging of Council. Commitment to explore partnerships beyond the IDAHOBIT grants has been expressed by two organisations and will be further shaped through feedback with the LGBTI community for Council consideration.
8. Council reached out to twenty service providers, receiving six responses to the discussion questions. Many other groups, organisations and schools indicated interest but require more time to respond due to limited staffing, many being volunteers. Local high schools in Nillumbik are particularly enthused, citing January as a difficult time to respond formally.

Issues/options

9. Planning for the health and wellbeing of the community is an important function of Council and contributes to the liveability of the Shire.
10. The Health and Wellbeing Plan expresses Council's role in creating environments for people to maximise their health and wellbeing. It complements the Council Plan and contributes to the vision of Australia's most liveable Shire.
11. There is no single or unified 'LGBTI community'. Each group of people within LGBTI has distinct health needs. Connecting within this diversity will take time, together with a multifaceted approach given people:
- May or may not be involved publicly with LGBTI organisations
 - May or may not know anyone else who is LGBTI

12. Officers' reports

OCM.008/18 LGBTI consultation and future initiatives

- May or may not feel welcome or comfortable attending LGBTI events/services
 - May or may not live as and identify as heterosexual
12. Many groups, including government currently use LGBTI. Whilst LGBTI has been used with the intention of supporting as many populations and communities as possible, the limitations of LGBTI language also needs to be acknowledged. As long as we are mindful to work beyond identity labels, our multifaceted approach moving forward will ensure people feel heard and understood.
13. The soon to be released Rainbow Resource for Victorian Local Governments brings together the experiences of Councils across the state in developing strategies, running events and communicating with and for the LGBTI community. A grant program like the one proposed for IDAHOBIT in Nillumbik aligns with community led recommendations outlined within the Rainbow Resource.
14. Implementation of this work utilises existing Council resources. Specific work to support the LGBTI community will therefore require a coordinated effort with partners both internal and external to Council.
15. An 18 month part time Inclusion Officer position will be advertised in February 2018. This Officer will complement work undertaken with the LGBTI community by creating an inclusion framework to ensure all Council projects and or activities are responsive to the diverse needs of our community. The inclusion lens to create this framework will include interfaith, rural communities experiencing disadvantage, disability, cultural and linguistic diversity and LGBTI (aligning with Inclusion Advisory Committee representation) and will align with place activation principles.

Conclusion

16. This report is seeking Council endorsement of its recommendations and acknowledges that our understanding of LGBTI continues to change and mature alongside our partnerships with individuals, groups and service providers.

12. Officers' reports

OCM.009/18 Activity Centre Urban Design Provisions Review - Selection of Nominations for the Project Reference Group

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Paul Fyffe, Senior Strategic Planner

Summary

This report regarding Council's Review of Activity Centre Urban Design Provisions recommends that Council selects certain nominations received for community positions to a Project Reference Group that will assist the review.

The purpose of the review is to identify improvements to the urban design provisions contained within the Activity Centre Zone, which are applied to a substantial part of the Eltham and Diamond Creek Activity Centres.

It has been Council's intention that the review will be assisted by a Project Reference Group (PRG), which will primarily comprise two Councillors and four community representatives. Council has sought and received nominations to the community positions on the PRG.

Recommendation

That Council:

- 1. Notes the report.**
- 2. Makes public its decision regarding selection of community representatives to the Project Reference Group.**

Attachments

Nil

12. Officers' reports

OCM.010/18 Artist In Residence Program

Distribution: Public

Manager: Kylie Lethbridge, Manager Business, Tourism and Marketing

Author: Michelle Zemancheff, Coordinator Arts and Cultural Services

Summary

This report recommends Council's endorsement to utilise an existing Council property asset for the purposes of a new artist residency, in lieu of the Laughing Waters Artist Residency.

The property is subject to a tenancy agreement which remains in place until Council identifies and resolves to use the property for an appropriate community purpose. An artist residency is identified as an appropriate community purpose for the property.

An artist residency located on Council owned property has the strong ability to deliver outcomes under the recently adopted Arts and Cultural Plan 2018-2022, and the Council Plan 2017-2021, and otherwise shows a strong ongoing commitment and investment in Nillumbik's arts and culture, and the creative industry.

Recommendation

That Council:

1. Notes the report.
2. Makes public the decision regarding the artist residency program, but the processes regarding the conclusion of the tenancy agreement to remain confidential.

Attachments

Nil

12. Officers' reports

OCM.011/18 Diamond Creek Bowling Club Loan Guarantee Request

Manager: Adrian Cully, Director Business and Strategy
Author: Joanne Massoud, Acting Coordinator Recreation and Open Space Planning
Rosalynd Ponte, Leisure Services Development Officer
Vince Lombardi, Manager Finance

Summary

This report considers a request from the Diamond Creek Bowling Club operating under a lease from Council-owned facilities at Diamond Creek Recreation Reserve, Diamond Creek.

The Club has approached Council requesting Council act as a loan guarantor, to fund the replacement of one bowling green within the facility.

The Bendigo Bank has agreed to provide a loan, subject to a Council guarantee of the loan.

Recommendation

That Council:

1. Notes the report.
2. Makes public the decision regarding the Diamond Creek Bowling Club Loan Guarantee Request, but the processes regarding the conclusion of the request to remain confidential.

Attachments

Nil

12. Officers' reports

OCM.012/18 Eltham Central Pavilion Redevelopment - Architectural Services - Tender report - Contract 1718-087 -

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Jake Hart, Project Management Officer

Summary

This report recommends the awarding of the contract for the architectural services for the Eltham Central Pavilion Redevelopment project.

The service will involve the review and development of the Eltham Central Pavilion Redevelopment concept plans for delivering new female friendly change room facilities and an extension and internal refurbishment of the existing social room facilities.

The concept plans will be developed, in consultation with all stakeholders, to full detailed design plans, specification and tender documentation for the appointment of a builder to undertake construction of the new facilities.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Eltham Central Pavilion Redevelopment Architectural Services.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract/s.

Recommendation

That Council:

- 1. Notes the report.**
- 2. Makes public the decision regarding this contract but the tender evaluation remain confidential.**

Attachments

Nil

12. Officers' reports

OCM.013/18 Diamond Creek Netball Pavilion and Car Park - Architectural Services - Tender report - Contract 1718-93

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Steven Blight, Coordinator Construction

Summary

This report recommends the awarding of the contract for the architectural services for the design of the Diamond Creek Netball Pavilion and Car Park Redevelopment in Diamond Street, Diamond Creek.

The project will involve the demolition of the existing pavilion, design and construction of a new pavilion, upgrade of the existing car park and other associated works.

This tender report covers the provision of full architectural services to deliver a new accessible pavilion for use by the Diamond Creek Force Netball Association and other facility users. This includes a social room, accessible, player and umpire change facilities, match day operations rooms, public amenities, first aid and storage space.

Concept plans have been developed in consultation with all stakeholders and these will be developed into full detailed design plans, specification and tender documentation to allow for the appointment of a builder to undertake construction of the new facility.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Diamond Creek Netball Pavilion and Car Park Redevelopment Architectural Services.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract/s.

Recommendation

That Council:

- 1. Notes the report.**
- 2. Makes public the decision regarding this contract but the tender evaluation remain confidential.**

Attachments

Nil

12. Officers' reports

OCM.014/18 Supply of Gym and Health Club equipment at Diamond Valley Sports and Fitness Centre - Contract 1718-68

Manager: Adrian Cully, Director Business and Strategy
Author: Frances Duncan, Coordinator Leisure Facilities
Lance Clark, Senior Procurement Specialist

Summary

This report considers the awarding of the contract for supply of Gym and Health Club equipment at Diamond Valley Sports and Fitness Centre.

Council conducted an open tender procurement process for the supply and installation of gym and health club equipment.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

Recommendation

That Council:

- 1. Notes the report.**
- 2. Makes public the decision regarding this contract but the tender evaluation remain confidential.**

Attachments

Nil

12. Officers' reports

OCM.015/18 Marngrook Oval Pavilion Architectural Services - Tender report - Contract 1718-94

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Steven Blight, Coordinator Construction

Summary

This report recommends the awarding of the contract for the architectural services for the design of the Marngrook Oval Pavilion Development in Diamond Creek.

The project will involve the construction of a new sports pavilion, alterations of the surrounding car park, a power supply upgrade and other associated works.

This tender report covers the provision of full architectural services to deliver a new accessible pavilion for use by the Diamond Creek Football Club, the Diamond Creek Cricket Club and the Diamond Creek Runners and other facility users. This includes two large interconnected change rooms, accessible change facilities, umpire change facilities, kiosk, public amenities, first aid and storage space.

Concept plans have been developed in consultation with all stakeholders and these will be developed into full detailed design plans, specification and tender documentation to allow for the appointment of a builder to undertake construction of the new facility.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Marngrook Oval Pavilion Development Architectural Services.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract/s.

Recommendation

That Council:

- 1. Notes the report.**
- 2. Makes public the decision regarding this contract but the tender evaluation remain confidential.**

Attachments

Nil

12. Officers' reports

OCM.016/18 Council Plan Quarterly Performance Report

Distribution: Public

Manager: Justin Murray, Acting Manager Governance

Author: Naomi Ellis, Corporate Planner

Summary

This report presents the Council Plan Quarterly Performance Report to Council for consideration. The Quarterly Performance Report provides an update on the progress achieved during the second quarter of the financial year (October-December) on the priority actions contained in the Council Plan 2017-2021.

Of the 104 priority actions, one is complete, 89 are underway and a further 15 actions are not scheduled to commence until later in the financial year.

Recommendation

That Council receives the Council Plan Quarterly Performance Report for the period ending 31 December 2017.

Attachments

1. Council Plan Quarterly Performance Report December 2017

Background

1. The Council Plan 2017-2021 was developed following the general council election in October 2016 and adopted by Council on 27 June 2017.
2. The Quarterly Performance Report provides Council with an update on the progress of the Council Plan priority actions for the second quarter (October-December) of the 2017-2018 financial year.

Policy context

1. The Quarterly Performance Report directly supports the achievement of Council Plan 2017-2021 strategy:
 - We will meet our legal responsibilities and manage our risks.

Budget implications

2. This report is part of Council's monitoring of the Council Plan and Budget. The resources for this monitoring and the preparation of this report are accommodated within existing operational budgets.

Consultation/communication

3. The Council Plan 2017-2021 was developed following a comprehensive program of workshops and briefings with Councillors following the general election in October 2016.

12. Officers' reports

OCM.016/18 Council Plan Quarterly Performance Report

Priority action progress

4. The Council Plan 2017-2021 contains 104 priority actions to deliver on the five high-level strategic objectives of:
 - Engaged, connected communities – a place where communities and ideas thrive, underpinned by trust, confidence and continuous learning
 - Active and creative people – active lifestyles and artistic expression are fostered through participation and innovation
 - Safe and healthy environments – healthy and safe communities enjoy living in our iconic Green Wedge environment
 - A prosperous economy – a strong local economy that supports business growth, jobs and community wealth
 - Responsible leadership – collaborative and consultative leadership that builds trust and makes the best use of available resources to the benefit of all in the pursuit of excellence
5. Of the 104 actions, 15 have not started and are due to commence in the third or fourth quarters of the financial year.
6. Achievements in the financial year to date include:
 - A zero per cent rate increase for the 2017-2018 financial year.
 - A series of engagement activities between Councillors, staff and the community have resulted in key actions being delivered in Panton Hill, St Andrews and Hurstbridge.
 - Council worked with Welcome to Eltham Group to provide Edendale as the venue for a Christmas lunch for refugee and asylum seekers.
 - An audit of all playspaces was completed.
 - Two community design workshops were held in November to inform the Hurstbridge Open Space Precinct.
 - Council received \$7.742 million for five Growing Suburbs Fund applications.
 - Seventy per cent of the redevelopment of aquatic facilities at Eltham Leisure Centre was completed.
 - The Arts and Cultural Plan 2018-2022 was adopted in December.
 - Nillumbik Artists Open Studio attracted 3,110 visitors.
 - The Living in the Landscape Public Art Incubator incorporated four discrete public and participatory art projects.
 - Health and Wellbeing Plan 2017-2021 adopted in November.
 - Support for the Diamond Creek and Eltham Men's Sheds.
 - Works to construct the shared trail on Cherry Tree Road 80 per cent completed.

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- New footpaths in Ironbark Road, Yarrambat; Heidelberg-Kinglake Road, Wattle Glen and Research Park.
- Streetscape works in Panton Hill were completed.
- Financial Sustainability Plan drafted.

Conclusion

7. The Council Plan Quarterly Performance Report is the second report on the Council Plan 2017-2021 and the priority actions for 2017-2018.

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OCM.017/18 Risk and Insurance Report December 2017

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Organisational Performance

Author: Craig Commane, Risk Advisor

Summary

This report provides a summary of Council’s Risk and Insurance Report for the quarter ending December 2017.

The report is presented in accordance with the Local Government Performance Reporting Framework that commenced on 1 July 2014. This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and insurance reporting to Council will be tabled each quarter following consideration by the Audit Committee.

A separate report in this agenda provides detailed information for Council consideration. It is recommended that this detailed report remain confidential as it includes information which may prejudice the Council or another person.

Recommendation

That Council:

- 1. Notes this summary of the Risk and Insurance Report for the quarter ending December 2017.**
- 2. Confirms that the confidential Risk and Insurance Report for the December quarter 2017 is to remain confidential in accordance with sections 77 and 89(2)(h) of the *Local Government Act 1989*.**
- 3. Notes the review of Strategic Risks commenced during the December quarter 2017.**

Attachments

Nil

Background

1. Council’s commitment to risk management is outlined in the Risk Management Policy adopted by Council on 16 December 2014, with the following objectives:
 - Promote and support a consistent corporate approach to risk management.
 - Ensure that all risks that could affect the achievement of our Council’s goals, strategies and actions are identified, assessed and treated to a commercially and politically acceptable level of risk.
 - To manage risks to an acceptance level in the low/medium risk range as far as practicable.

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- Integrate risk management into decision making processes and embed risk into the organisation culture to help make informed choices to ensure resources and operational capabilities are identified and deployed responsibly and effectively for the benefit of Council and our stakeholders.
 - To ensure that risk management is seen as the responsibility of all staff, i.e. 'Risk Management is everyone's business'.
 - Provide a basis for higher standards of accountability.
2. In addition to the risk management policy, Council's Risk Management Framework communicates and describes the risk management structure and procedures that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
 3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24 hours a day seven days a week in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
 4. Prior to the introduction of the Local Government Performance Reporting Framework, risk reporting was referred to Councils' Audit Committee and the information included for consideration by Council through the adoption of the Audit Committee's minutes.
 5. Commencing 1 July 2014, the State Government introduced the Local Government Performance Reporting Framework. This framework requires the presentation of risk reporting processes to Council at least every six months on strategic risks to Council operations.
 6. The Risk and Insurance report is a result of consolidation of these management reports, which broadly reports on:
 - Risk Management
 - Insurance premiums
 - Claims and Incident Management
 - Safety Health and Wellbeing
 - Statistical reports relating to strategic risks and accident and injury data.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

8. The costs for managing and reporting are covered by Council's operating budget.

Consultation/communication

9. The Risk and Insurance Report was considered by the Audit Committee on 19 February 2018.

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OCM.017/18 Risk and Insurance Report December 2017

Issues/options

10. The Risk and Insurance report has been prepared in accordance with Council's Risk Management Policy and Framework and is consistent with the Australian Standard AS/NZS 31000:2009 Risk Management.
11. A review of Council's strategic risks commenced during the December 2017 quarter, and several workshops were conducted with senior management to identify 20 draft strategic risks for further Council consideration.
12. Workshops and internal consultation has also commenced for a review of operational risks.
13. A strategic risk is a risk external to Council that is serious enough that a change in strategic direction is required. An operational risk is a risk that is external or internal that may impact the current business strategy to provide services to the community.
14. Highlights from the report are:
 - Commenced Council Plan actions to review and make improvements to the Risk Management Policy and Risk Framework.
 - Council risk status reporting – 87 per cent of all risk control actions have been completed or are on target to be completed in accordance with their time lines.
 - The following table summarises recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type (excluding OHS incidents)	Jan-Mar 2017	Apr-June 2017	Jul - Sept 2017	Oct - Dec 2017	Total year to Dec 2017	Total prior year to Dec 2016	Year to year trend
Property	10	6	6	14	36	35	▲
Motor vehicle	25	43	32	33	133	113	▲
Professional Indemnity	0	1	0	1	2	3	▼
Public Liability	39	36	24	39	138	124	▲
Total all incidents	74	86	62	87	309	275	▲

- A high proportion of reported incidents during the December 2017 quarter are generated within the normal course of operations of the Directorate, Sustainability and Place, 76 per cent. These incidents relate to major classes of

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asset or maintenance type incidents for trees, footpaths, roads, drainage, major plant and Council buildings.

- Tree related risks are mitigated through the:
 - Tree Management Policy
 - Reactive tree maintenance program
 - Proactive electric powerline clearance program
 - Proactive inspections of high risk trees
 - Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.
- Road, footpath, drainage and roadside related are mitigated through the:
 - Road Management Plan
 - Road Asset Management Plans
 - Proactive and reactive maintenance programs.
- Property incidents typically are reported break-ins, vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds. Risks are typically mitigated through maintenance programs and insurance.
 - Insurance claim lodged for a major fire event, Eltham North Adventure Playground resulting in total loss of the facility. Cause of the loss was attributed to a wheelie bin being set alight by a person(s) unknown. Police are investigating.
- Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are typically mitigated through maintenance, education and insurance.
 - Council's street sweeper was impacted in the rear whilst in the process of low speed road sweeping, resulting in significant damage to both vehicles. Significant injuries were sustained by the third party driver resulting in hospitalisation.
- Professional indemnity relates to claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services.
- Public liability relates to incidents reported to Council including where the third party is seeking compensation for personal injury, property damage and economic loss. These claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
 - Two tree damage incidents claims were reported during the December 2017 quarter.
 - 10 trip and fall incidents were reported at various locations through the Shire.

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- Seven claims related to vehicle damage, primarily these are tyre or body work damage caused by the road surface or road related infrastructure. Note that the Road Management Act threshold is \$1380.
 - Seven flood / water damage incidents making claims for compensation were received related to the weather event on 19 December 2017. All incidents relate to issues where the volume of water exceeded the capacity or capability of Council's drainage system to cope and overflowed onto private property.
 - The annual trend data for year ending December 2017 highlights an increase in incidents over the same period for 2016. The increase is attributed to increased incident reports for minor motor vehicle incidents and weather related events. It is not unusual for the number of incidents to vary from period to period.
15. Incident costs including under excess claim costs and insurance excesses are managed within existing budgets.

Conclusion

16. This summary, along with the confidential Risk and Insurance Report December 2017, have been provided to meet the requirements of the Local Government Performance Reporting Framework and consolidation of management reporting.
17. Ongoing reporting to Council will be presented quarterly following each meeting of the Audit Committee

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OCM.018/18 Assemblies of Councillors

Distribution: Public

Manager: Justin Murray, Acting Manager Governance

Author: Tracey Classon, Governance Officer

Summary

In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary meeting of Council a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 31 January 2018.

Recommendation

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the following assemblies of Councillors:

1	Date of assembly	30 January 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Proposed Plenty CFA Station • Climate Change Action Plan funding 	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Jane Ashton	Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken
	Staff present	Mark Stoermer Matt Kelleher Hjalmar Philipp Adrian Cully Justin Murray Vince Lombardi Suzy Ellingsen Renae Ahern	Mitch Grayson Naomi Ellis Jon Miller Naomi Paton James Martin Darko Popovski Natalie Campion
	Conflict of interest	None declared	

2	Date of assembly	30 January 2017	
	Matters considered	Pre-meeting for Ordinary Council Meeting	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Jane Ashton	Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken

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	Staff present	Mark Stoermer Matt Kelleher Hjalmar Philipp Adrian Cully Justin Murray Vince Lombardi Suzy Ellingsen	Mitch Grayson Naomi Ellis Jon Miller Naomi Paton James Martin Darko Popovski
	Conflict of interest	None declared	

3	Date of assembly	6 February 2018	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • New planning control to encourage aged care housing in residential zones • Diamond Creek Trail Extension – next steps • Review of Graffiti Removal Program • 2018-2019 Budget – fees and charges schedule 	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr John Dumaresq	Cr Grant Brooker Cr Peter Perkins Cr Jane Ashton
	Staff present	Mark Stoermer Hjalmar Philipp Matt Kelleher Adrian Cully Justin Murray Vince Lombardi Mitch Grayson Anthony Calthorpe Naomi Paton Jon Miller	Steven Blight Jonathan McNally Jeremy Livingston Natalie Champion James Martin Lance Clark Dora Ilov Emily Physick Paige Macdonald
	Conflict of interest	None declared	

4	Date of assembly	13 February 2018	
	Matters considered	Officer briefings of Councillors and pre-meet for Future Nillumbik Committee <ul style="list-style-type: none"> • Waste Services Review • Future Nillumbik Committee agenda • Land sales • Eltham CFA site 	
	Councillors present	Cr Peter Clarke Cr Bruce Ranken	Cr Grant Brooker Cr Peter Perkins

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		Cr John Dumaresq	Cr Jane Ashton
	Staff present	Mark Stoermer Hjalmar Philipp Matt Kelleher Adrian Cully Justin Murray Vince Lombardi Suzy Ellingsen Jeremy Livingston Anthony Calthorpe	Joseph Emmanuel Mikael Ooi Naomi Ellis Tobey Henry Eddie Cheng James Martin Natalie Campion Jon Miller Naomi Paton
	Conflict of interest	None declared	

5	Date of assembly	13 February 2018	
	Matters considered	CEO employment matters	
	Councillors present	Cr Peter Clarke Cr Bruce Ranken Cr John Dumaresq	Cr Grant Brooker Cr Peter Perkins Cr Jane Ashton
	Staff present	Suzy Ellingsen	
	Conflict of interest	None declared	

6	Date of assembly	19 February 2018	
	Matters considered	Audit Committee	
	Councillors present	Cr Peter Clarke	
	Staff present	Mark Stoermer Vince Lomdardi Melika Sukunda Hjalmar Philipp	Craig Commene Lance Clark Angela Zotos
	Conflict of interest	None declared	

7	Date of assembly	20 February 2018	
	Matters considered	Officer Briefings <ul style="list-style-type: none"> • Aged Care Reforms • Activity Centre Urban Design Provisions Review - Selection of Nominations for the Project Reference Group • Directorate Operating Budget 2018-2019 • Diamond Creek Bowling Club Loan Guarantee • Westerfolds Paddle Sport Plan Update • Supply of Gym and Health Club equipment at Diamond Valley Sports and Fitness centre - 	

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OCM.018/18 Assemblies of Councillors

		Contract 1718-68	
		<ul style="list-style-type: none"> Diamond Valley Railway Inc. Lease 	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr Bruce Ranken Cr John Dumaresq	Cr Grant Brooker Cr Peter Perkins (Skype) Cr Jane Ashton
	Staff present	Mark Stoermer Hjalmar Philipp Matt Kelleher Adrian Cully Vince Lomdardi Corrienne Nichols Suzy Ellingsen Mitch Grayson	Joseph Emmanuel Jeremy Livingston John Miller Paul Fyffe Vince Lombardi Naomi Paton Justin Murray
	Conflict of interest	None declared	

Attachments

Nil

Background

1. The *Local Government Act 1989* (the Act) requires records of assemblies of Councillors be reported to an Ordinary Meeting of Council and recorded in the minutes of that meeting.

Policy context

2. This report directly supports the achievement of Council Plan 2017-2021 strategy 'ensure that Council meets its legal responsibilities and manages its risks'.

Budget implications

3. This is a routine reporting item, the resources for which are contained in Council's current operating budget.

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.

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- A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
 7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
 8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 31 January 2018.

Conclusion

9. It is recommended that Council receives the records of recent assemblies of Councillors as contained in this report, fulfilling section 80A(2) of the *Local Government Act 1989*.

13. Notices of Motion

Nil

14. Delegates' reports

15. Supplementary and urgent business

16. Confidential reports

The meeting may be closed to members of the public to consider confidential matters.

Motion

That Council closes the meeting to the public pursuant to section 89(2) of the *Local Government Act 1989* to consider the following items, which are confidential for the reasons indicated:

Report No.	Title	Reason for confidentiality
OCM.019/18	Activity Centre Urban Design Provisions Review - Selection of Nominations for the Project Reference Group	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
OCM.020/18	Artist in Residence Program	(g) matters affecting the security of Council property
OCM.021/18	Diamond Creek Bowling Club Loan Guarantee Request	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
OCM.022/18	Eltham Central Pavilion Redevelopment - Architectural Services - Tender Report - Contract 1718-087 -	(d) contractual matters
OCM.023/18	Diamond Creek Netball Pavilion and Car Park - Architectural Services - Tender report - Contract 1718-93	(d) contractual matters
OCM.024/18	Supply of Gym and Health Club equipment at Diamond Valley Sports and Fitness Centre - Contract 1718-68	(d) contractual matters
OCM.025/18	Marngrook Oval Pavilion Architectural Services - Tender report Contract 1718-94	(d) contractual matters
OCM.026/18	Risk and Insurance Report December 2017	(h) any other matter which the Council or special committee considers would prejudice the Council or any person