

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 27 June 2023 commencing at 7:00pm.

Attachments

Carl Cowie
Chief Executive Officer

Thursday 22 June 2023

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au

Nillumbik Shire Council

Attachments

COM.001/23	Confirmation of Minutes Council Meeting held Tuesday 23 May 2023	
Attachment 1	Minutes of the Council Meeting held on Tuesday 23 May 2023	1
AC.005/23	Advisory Committee Report - 27 June 2023	
Attachment 1	Advisory Committee Meeting Minutes reported 27 June 2023	31
CM.045/23	Seeking Endorsement of Council's Governance Rule - Meeting Procedures	
Attachment 1	Governance Rule - Meeting Procedures	33
Attachment 2	Draft Governance Rules - Table of Submissions.....	79
CM.047/23	Endorsement of Recreational Trails Advisory Committee Members 2023-2025	
Attachment 2	Terms of Reference 2023.....	85
CM.048/23	Draft Municipal Planning Strategy (MPS) consideration of adoption	
Attachment 1	MPS FAQ Sheet.....	93
Attachment 2	MPS Summary of Feedback to Phase 3 Engagement	97
Attachment 3	MPS Tracked Changes (Phase 3 Update)	289
Attachment 4	MPS Clean Version (Phase 3 Updated)	321
Attachment 5	Clause 74.02 Future Strategic Work Tracked Changes (Phase 3 Updated).....	343
Attachment 6	Clause 74.02 Future Strategic Work Clean Version (Phase 3 Updated)	345
CM.049/23	Youth Hub Community Engagement Plan	
Attachment 1	Draft designs - Nillumbik Youth hub	347
Attachment 2	Youth Hub Research & Engagement Report.....	349
CM.050/23	Implications of Bus Safety Act on Council's Community Bus Programs	
Attachment 1	Bus Hire Risk Assessment	377
CM.052/23	Audit and Risk Committee Meeting June 2023	
Attachment 1	5 June 2023 Audit Committee Minutes.....	385
CM.054/23	Fair Access Policy	
Attachment 1	Fair Access Policy	391
CM.055/23	Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)	
Attachment 1	Community Engagement Overview - Future use of land as 2 Bell Street, Eltham (Fabbro Fields)	401
CM.056/23	Informal Meetings of Councillors Records - 27 June 2023	
Attachment 1	Informal Meetings of Councillors Records reported 27 June 2023	403

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 23 May 2023 commencing at 7:01pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 26 May 2023

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au



Council Meeting Minutes

23 May 2023

Nillumbik Shire Council

Contents		
1. Welcome by the Mayor		1
2. Acknowledgement of Country		1
3. Good Governance Pledge		1
4. Prayer		1
5. Apologies		1
6. Presentations		2
7. Confirmation of Minutes		2
8. Disclosure of conflicts of interest		2
9. Petitions		2
10. Questions from the gallery		3
11. Reports of Advisory Committees		4
AC.004/23	Advisory Committee Report - 23 May 2023	4
12. Officers' reports		5
CM.037/23	Committee Report Consideration of Submissions - Draft Budget 2023-2024	5
CM.038/23	Adoption of Budget 2023-2024, declaration of Rates and Charges and Council Plan - Annual Action Plan 2023-2024	7
CM.039/23	Council Plan Quarterly Performance Report - 2022-2023 - Quarter 3	15
CM.040/23	2023 Annual Community Survey results	17
CM.041/23	Inclusion and Access Advisory Committee - 2023 Membership Endorsement	19
CM.042/23	Review of Arts and Cultural Advisory Committee Terms of Reference	23
CM.043/23	Review of Performing Arts Policy Purpose and Needs	25
CM.044/23	Informal Meetings of Councillors Records - 26 April 2023	27
13. Notices of Motion		28
14. Delegates' Reports		28
15. Supplementary and urgent business		28
16. Confidential reports		28
17. Close of Meeting		28

Council Meeting Minutes

23 May 2023

Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 23 May 2023.
The meeting commenced at 7.01pm.**

Councillors present:

Cr Ben Ramcharan	Sugarloaf Ward (Mayor)
Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Geoff Paine	Wingrove Ward (Deputy Mayor)

Officers in attendance:

Carl Cowie	Chief Executive Officer
Melika Sukunda	Acting Chief Operating Officer
Blaga Naumoski	Director Governance, Communications and Community Safety
Nichole Johnson	Acting Director Communities
Rosa Zouzoulas	Director Planning, Environment and Strategy
Jeremy Livingston	Director Culture and Performance
Rowena Cairns	Acting Manager Governance and Property
Natalie Town	Acting Communications and Engagement Lead
Dimitra Barnes	HR Business Partner

1. Welcome by the Mayor

2. Acknowledgement of Country

Acknowledgement of Country was read by the Mayor, Cr Ben Ramcharan.

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Natalie Duffy.

4. Prayer

A prayer was read by Oliver Crispin, Church leader from the Vine Baptist Church, Hurstbridge Campus.

5. Apologies

Apologies for this meeting have been received from Cr Frances Eyre and Cr Richard Stockman.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council notes the apologies from Cr Frances Eyre and Cr Richard Stockman be accepted.

CARRIED UNANIMOUSLY

Council Meeting Minutes

23 May 2023

6. Presentations

Sporting Presentations - May 2023

Miley Navuni (Swipers Gully Ward) receives \$200 as a contribution for being selected to represent Victorian at the Under 14's Youth Girls Rugby State Cup. Nillumbik Shire Council wished Miley every success with their future sporting pursuits.

7. Confirmation of Minutes

Confirmation of the minutes of the Council Meeting held on Wednesday 26 April 2023.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That Council confirms the minutes of the Council Meeting held on Wednesday 26 April 2023 (**Attachment 1**).

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Nil

9. Petitions

PT.001/23 Petition - request for Council to provide Footpath at Rockcliffe Street Eltham

A petition containing **20** signatures from Rockcliffe Street Eltham residents requesting that Council construct a footpath to keep pedestrians and their dogs off the road when they are walking down the street.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

That Council:

1. Receives the petition requesting that Council construct a footpath to keep pedestrians and their dogs off the road (Rockcliffe Street Eltham) when they are walking down the street.
2. Refers the petition to the Chief Operating Officer for investigation and response.
3. Advises the petition organiser accordingly.

CARRIED UNANIMOUSLY

Council Meeting Minutes

23 May 2023

10. Questions from the gallery

David Smith has submitted the following questions:

Question 1

In Plenty, most of the road are narrow with steep embankments and don't have footpaths. Worse yet many of the most trafficked roads run East-West and are hilly which severely impacts visibility due to sun glare on vehicle windscreens during the times when the roads are most busy (morning and evening peak periods), for example River Ave and Memorial Drive.

It is high time that a comprehensive development plan be made for Blue Lake Ward areas of the Shire of Nillumbik now that major construction and upgrade works have been completed in Diamond Creek, Eltham and surrounding wards.

In the interest of pedestrian safety, encouraging zero climate impact and healthy transportation options I would like to hear from council how many meters of new footpaths have the Shire of Nillumbik constructed in Plenty during FY22/23?

Response 1

The footpath program is developed and delivered on an as need's basis Shire-wide, which accounts for missing links, access to public transport/ amenities and improvement to the pedestrian network, having regard to neighbourhood character. In the 2022/2023 Financial year, no projects were completed as part of the 'Footpath – New' program in the township of Plenty and this is considered aligned with the neighbourhood character, terrain, and geometry of the area.

Question 2

When will a comprehensive development blueprint be made for Plenty, Yarrambat and Apollo Parkways so that residents can have a clear vision of how the area will be developed over the next 20 years?

Response 2

State planning policy requires Local Government to respond to settlement in a manner that facilitates sustainable growth and development, whilst respecting neighbourhood character. Growth is to be directed through a hierarchy of centres that offer convenient access to jobs, services, infrastructure and community facilities. For Nillumbik Shire, the Major Activity Centres of Eltham and Diamond Creek are identified as the centres to support the majority of growth for the Shire providing the best access to transport, services and employment. They will continue to be the focus of community life, providing a wide range of shopping and professional services and places to meet and recreate, in addition to an increased role in providing for a diversity of housing and in particular, medium density housing.

With regard to the hierarchy of centres, Plenty, Yarrambat, Apollo Parkways and Greensborough are not identified in the planning scheme as activity centres, nor is there strategic evidence to support them as activity centres that would require commensurate structure planning or similar, to support a change to the role of these townships within Nillumbik. Accordingly these townships are identified as areas containing a mix of residential and rural residential communities. The Nillumbik Planning Scheme identifies these areas as capable of accommodating some residential growth on land zoned for residential purposes.

Council Meeting Minutes

23 May 2023

11. Reports of Advisory Committees

AC.004/23 Advisory Committee Report - 23 May 2023

Distribution: Public

Manager: Blaga Naumoski, Director Governance, Communications and Community Safety

Author: Rowena Cairns, Acting Manager Governance and Property

Summary

Council has a range of Advisory Committees which provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation. Although they do not make any formal decisions, they provide valuable advice to Council.

In accordance with Advisory Committee Terms of Reference, the following minutes of Advisory Committee meetings are attached (**Attachment 1**) and presented to Council for noting:

1. Environment and Sustainability Advisory Committee meeting held 15 February 2023;
2. Youth Advisory Committee meeting held 24 February 2023;
3. Living and Learning Nillumbik Advisory Committee meeting held 20 February 2023;
4. Environment and Sustainability Advisory Committee meeting held 17 April 2023; and
5. Youth Advisory Committee meeting held 1 May 2023.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Karen Egan

That Council notes the Minutes of the Advisory Committee meetings reported (**Attachment 1**).

CARRIED UNANIMOUSLY

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.037/23 Committee Report Consideration of Submissions - Draft Budget 2023-2024

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Robert Malignaggi, Business Services Lead

Summary

This report outlines submissions received from the public regarding the Draft Budget 2023-2024 for Council consideration.

Council adopted the Draft Budget 2023-2024 at the Council Meeting on 28 February 2023 for the purpose of community consultation. The Draft Budget was made available to the public for a period of 28 days. Forty-one submissions were received.

The Planning and Consultation Committee considered the written submissions as well as verbal presentations from submitters at its meeting held on 11 April 2023.

The following people addressed the Committee with respect to the Draft Budget 2023-2024:

1. Dale Anstis
2. Patrick Di Lizio, General Manager Diamond Valley Basketball Association
3. Elizabeth Doig, Nillumbik Climate Action Team
4. Mitzi Tuke
5. Justin Kibell, Unit Controller VICSES Nillumbik Unit
6. Jim Connor, President Eltham District Historical Society
7. Michael McCarthy
8. Cath Moore
9. Natalie Alessio, President Hohnes Road Playhouse
10. Grant Brooker, Vice President Friends of Apollo Parkways;
11. Rachel Deans, Committee Member Eltham Lacrosse Club; and
12. Sue Dyet, Secretary Eltham Community Action Group.

After considering the submissions and presentations, the Committee resolved that this report be presented to Council.

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.037/23 Committee Report Consideration of Submissions - Draft Budget 2023-2024

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Natalie Duffy

That Council:

1. Notes that forty-one written submissions in relation to the Draft Budget 2023-2024 were received, and that these submissions were considered and submitters were provided with the opportunity to be heard by the Planning and Consultation Committee on 11 April 2023.
2. Considers the matters contained in the submissions and the Committee's report during finalisation of the Budget 2023-2024.

CARRIED UNANIMOUSLY

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.038/23 Adoption of Budget 2023-2024, declaration of Rates and Charges and Council Plan - Annual Action Plan 2023-2024

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Robert Malignaggi, Business Services Lead

Summary

This report recommends that Council formally adopts the annual Budget, declare the rates and charges for the 2023-2024 financial year and adopts the (Council Plan) Annual Action Plan for 2023-2024.

Council commenced preparation of the 2023-2024 Budget in late 2022 in order to meet all legislative requirements.

The Draft Budget was exhibited and the community invited to comment. Written submissions were received and considered by a meeting of the Planning and Consultation Committee held on 11 April 2023.

Rates and charges for 2023-2024

The 2023-2024 Budget has been prepared in compliance with the rate capping legislation introduced by the Victorian Government.

The Budget proposes a 3.5 percent increase in rates per property, the maximum allowable set by the Minister under the Fair Go Rates System.

Capital Works

The Budget proposes a number of significant capital works projects that have been identified through planning and community consultation.

A full list of capital works projects is included in the draft Budget document (**Attachment 1**).

Policy, planning and services initiatives

The Budget also includes resources for a range of initiatives regarding policy, planning and services.

Strategic Resource Plan

The Strategic Resource Plan has also been reviewed and updated.

The Strategic Resource Plan shows that Council can maintain a balanced Budget within the rate cap, provided that the assumptions in the Plan are met.

Council Plan - Annual Action Plan 2023-2024

The action plan comprises 37 key actions which will support the third year delivery of the Council Plan 2021-2025. The Annual Action Plan has been developed in line with the annual budget process.

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.038/23 Adoption of Budget 2023-2024, declaration of Rates and Charges and Council Plan - Annual Action Plan 2023-2024

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council having advertised the Proposed Annual Budget 2022-2023 and having considered all submissions received in respect of such Budget resolves:

1. To adopt as presented the 2023-2024 Budget (**Attachment 1**).
2. To authorise the Chief Executive Officer to submit a copy of the adopted Budget to the Minister for Local Government.
3. The amount of rates and charges intended to be raised are:
 - a) An amount of \$76,524,294 million (or such greater amount as is lawfully levied as a consequence of this recommendation being adopted) be declared as the amount which Council intends to raise by general rates and annual service charge (described later in this recommendation). The amount declared is calculated as follows:

General Rates	\$62,510,440
Annual Service Charge	\$14,013,854

General Rates

4. That general rates be declared in respect of the 2023-2024 Financial Year.
5. That it be further declared that the general rates be raised by the application of differential rates.
6. That a differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.
 - I. Farm Land
Any land which is 'farm land' within the meaning of section 2(1) of the *Valuation of Land Act 1960*.
 - II. Commercial/Industrial Land
Any land which is used or adapted to be used primarily for commercial or industrial purposes.
 - III. Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.
Any land located in a General Residential / Activity Centre Zone / Neighbourhood Residential Zone, or in the Low Density Residential Zone (LDRZ) to which DPO4 applies, on which no habitable dwelling is erected.

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.038/23 Adoption of Budget 2023-2024, declaration of Rates and Charges and Council Plan - Annual Action Plan 2023-2024

IV. Other Land

Any land which is not:

- Farm Land
- Commercial/Industrial Land or
- Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.

7. That the quantum of rates payable in respect of each rateable land will be determined by multiplying the Capital Improved Value of such land (categorised by the characteristics described in point 6 above) by the relevant rates indicated in the following table:

Category	Rate in Dollar
Farm Land	0.002114 (or 0.2114 cents in the dollar of Capital Improved Value)
Commercial / Industrial Land	0.002885 (or 0.2885 cents in the dollar of Capital Improved Value)
Vacant land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones	0.003731 (or 0.3731 cents in the dollar of Capital Improved Value)
General Rate / Other Land	0.002487 (or 0.2487 cents in the dollar of Capital Improved Value)

8. That it be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that the:
- I. respective objectives, uses and levels of each differential rate be those specified in section 4.1.1 of the Budget document (**Attachment 1**).
 - II. respective types or classes of land which are subject to each differential rate be those defined in part 7. above.
9. That it be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.
10. That in accordance with section 4(4) of the *Cultural and Recreational Lands Act 1963*, the amount of rates payable in respect of each of the rateable lands to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.000970 (or 0.0970 cents in the dollar of Capital Improved Value).

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.038/23 Adoption of Budget 2023-2024, declaration of Rates and Charges and Council Plan - Annual Action Plan 2023-2024

Annual Service Charge

11. That an annual service charge be declared in respect of the 2023-2024 Financial Year.
12. That the annual service charge be declared for the collection and disposal of residential refuse and other waste.
13. That except in the case of elderly persons units, the amount of the annual service charge so declared is dependent upon the option chosen by the owner of the land.
14. That the options of the annual service charge are:
 - Option 1: \$616.40 per service in respect of the following three bins:
 - 120 litre green waste bin
 - 240 litre recycling bin
 - 120 litre landfill bin.
 - Option 2: \$493.12 per service in respect of the following three bins:
 - 120 litre green waste bin
 - 240 litre recycling bin
 - 80 litre landfill bin.
 - Option 3: \$862.96 per service in respect of the following four bins:
 - 120 litre green waste bin
 - 240 litre recycling bin
 - 2 x 120 litre landfill bins.
 - Option 4: \$678.04 per service in respect of the following three bins:
 - 120 litre green waste bin
 - 240 litre recycling bin
 - 140 litre landfill bin.
 - Option 5: \$1,109.52 per service in respect of the following three bins:
 - 120 litre green waste bin
 - 240 litre recycling bin
 - 120 litre landfill bin – weekly collection.
15. That the amount of the annual service charge so declared in respect of elderly persons units, being units occupied by elderly persons or persons with a disability where the applicable form of declaration has been received by Council, is \$154.10.

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.038/23 Adoption of Budget 2023-2024, declaration of Rates and Charges and Council Plan - Annual Action Plan 2023-2024

16. That for each rateable land or non-rateable land in respect of which an annual service charge may be levied, the annual service charge will apply irrespective of whether the owner or occupier of the land avails himself, herself or itself of the service.
17. That the annual service charge is not declared in respect of, and is not be levied on, any land on which no habitable dwelling is erected.

Rebates – Sustainable Agricultural Land

- 18 That it be recorded that subject to point 6 of this recommendation, Council may grant a rebate to each owner (or, where applicable, occupier) of land which:
 - i) is not less than 30 hectares in area.
 - ii) is otherwise 'farm land' under section 2(1) of the *Valuation of Land Act 1960*.
- 19 That the rebate be granted to:
 - i) assist the proper development of the municipal district.
 - ii) preserve places within the municipal district which are of environmental interest.
 - iii) restore or maintain places of environmental importance within the municipal district.
 - iv) more generally achieve the objectives outlined in the Sustainable Agricultural Rebate (SAR) Guidelines.
20. That the grant of the rebate be:
 - i) subject to the criteria detailed in the SAR Guidelines.
 - ii) set at a level based on the following two components:
 - Component A - a single fixed amount of \$100 per eligible property (or per single aggregate of 'continuous' properties, as defined in section 13 DC (6) of the *Valuation of Land Act 1960*).
 - Component B - \$15 per hectare of 'productive agricultural land' across each eligible property. The area of productive agricultural land is calculated for each property by subtracting the apparent area of bushland and domestic use from the total property area. Landowners will be given a single opportunity to challenge this area calculation, after which that figure will be set and documented within the relevant Property Management Plan. Any future change in bushland area will not change the set figure for productive agricultural land.
 - iii) subject to development of an approved Property Management Plan (PMP) for each eligible property. The development of a PMP will replace the need for an annual SAR application form, yet each Plan must satisfy the following conditions:

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.038/23 Adoption of Budget 2023-2024, declaration of Rates and Charges and Council Plan - Annual Action Plan 2023-2024

- PMP Condition A - The PMP must be submitted for approval to the Environment Department of Council. The approval date for each ratified PMP will be noted and a copy of the document will be retained for Council records.
- PMP Condition B - A separate PMP will be required for each property or aggregate of properties where the owner receives the \$100 fixed payment component of the SAR.
- PMP Condition C - Landowners who have previously received the SAR must return their PMP by the date indicated in correspondence that has been sent to the recipient (further detail regarding this point can be obtained from the Sustainability and Environment Unit of Council).
- PMP Condition D - All SAR applicants who have not previously received the SAR will require an approved PMP prior to being eligible for the rebate.
- PMP Condition E - All PMPs will need to be revised by the owner and submitted for re-approval every four years (approximately). Council's Environment Team will notify landholders when PMP revision is required and will allow ample time and assistance to facilitate this process. The approval date for the revised ratified PMP will be noted and a copy of the document will be retained for Council records.

Payment

21. That in accordance with section 167 of the *Local Government Act 1989*, Council determines that rates and charges may be paid by four equal quarterly instalments due on:
- 30 September 2023
- 30 November 2023
- 28 February 2024
- 31 May 2024.

Consequential further actions

22. That the Finance Manager be authorised to levy and recover the general rates and annual service charge in accordance with the *Local Government Act 1989 and the Local Government Act 2020*.
23. That pursuant to section 172(1) of the *Local Government Act 1989*, Council records that it will require the payment of interest on any amounts of rates and charges which have not been paid by the date specified under section 167 of the said Act for their payment.
24. To authorise the Finance Manager to write to all those who have made a submission on the 2023-2024 Budget, thanking them for their input and advising them of Council's decision and reasons for the decision.

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.038/23 Adoption of Budget 2023-2024, declaration of Rates and Charges and Council Plan - Annual Action Plan 2023-2024

25. To adopt the Annual Action Plan 2023-2024 (**Attachment 2**), including its 37 actions which will support the third year delivery of the Council Plan 2021-2025, and receives quarterly updates on the progress of this plan.

CARRIED UNANIMOUSLY

COM.001/23 Confirmation of Minutes Council Meeting held Tuesday 23 May 2023
Attachment 1. Minutes of the Council Meeting held on Tuesday 23 May 2023

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.039/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 3

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: James Hartigan, Business Performance Analyst

Summary

The purpose of this report is to present the Council Plan Quarterly Performance Report (**Attachment 1**) for noting.

These reporting updates are received by Council on a quarterly basis to demonstrate in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

The Council Plan Quarterly Performance Report provides the third update on delivery progress and performance of the 2022-2023 Annual Action Plan actions, which align to delivery of the second year of the Council Plan 2021-2025.

Of the 22 actions designated for quarterly reporting in the 2022-2023 Annual Action Plan, 19 actions are currently 'on track', two actions are experiencing minor issues and one action is completed.

The overall position reflected in the report suggests that Council continues to make solid progress in delivering on key actions of the Council Plan and significant outcomes for the community.

All 46 actions identified in the Annual Action Plan 2022-2023 will have final updates provided in the corresponding report for the fourth quarter, and will also be published in the Annual Report 2022-2023 when presented to the community later in 2023.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That Council receives and notes the Council Plan Quarterly Performance Report (**Attachment 1**) for the third quarter of 2022-2023.

CARRIED UNANIMOUSLY

COM.001/23 Confirmation of Minutes Council Meeting held Tuesday 23 May 2023
Attachment 1. Minutes of the Council Meeting held on Tuesday 23 May 2023

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.040/23 2023 Annual Community Survey results

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: James Hartigan, Business Performance Analyst

Summary

The results of the 2023 Annual Community Survey have been received (**Attachment 1**). This annual survey was conducted by Metropolis Research in February 2023. It is designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on key issues affecting the community.

The survey also assists Council in meeting the Victorian Government's mandatory performance reporting requirements for councils by measuring community satisfaction in a number of areas covered by this survey.

The 2023 survey findings are generally positive, including an increase in satisfaction in a number of core areas, with results influenced by a change in survey methodology (returning to face-to-face interviews after two years of phone-based surveys due to COVID-19) and Council services normalising after COVID-19 restrictions and closures, impacting availability and resident access to Council services.

Among the key results this year, community satisfaction with Council's overall performance rated a 6.88 out of 10 (categorised as 'good'), an increase of 7.3% compared to the 6.41 result in 2022. This increase is better than the 5.7% increase observed across all Melbourne metropolitan councils, however the result is lower than the northern region councils' average (7.02 out of 10) and the Melbourne metropolitan average (6.98).

Nevertheless, Council's overall satisfaction score of 6.88 is the second best result achieved by Nillumbik since this annual survey commenced in 2011.

Beyond this headline statistic, the survey provides a rich amount of data on community sentiment. With the level of data and information provided in this survey, Council will be able to analyse the results as they apply to individual areas and activities, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future planning and making budgetary decisions.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Peter Perkins

That Council:

1. Receives and notes the results of the 2023 Annual Community Survey (**Attachment 1**).
2. Makes the report's findings available to the public on Council's website.

CARRIED UNANIMOUSLY

COM.001/23 Confirmation of Minutes Council Meeting held Tuesday 23 May 2023
Attachment 1. Minutes of the Council Meeting held on Tuesday 23 May 2023

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.041/23 Inclusion and Access Advisory Committee - 2023 Membership Endorsement

Distribution: Public

Manager: Corrienne Nichols, Director Communities

Author: Narelle Hart, Manager Community Programs

Summary

The Inclusion and Access Advisory Committee (IAAC) provides a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the implementation of the Disability Action Plan 2020-2024, as well as current and future planning to promote disability inclusion.

Council called for Expressions of Interest for the 2023-25 Inclusion Advisory Committee via a public Expression of Interest (EOI) process from 1 March 2023 – 5 April 2023.

A formal evaluation process was undertaken by the Manager, Community Programs the Coordinator, Disability Inclusion and Volunteering and the Positive Ageing Officer (replacing the Disability Inclusion Officer due to leave arrangements). A total of fifteen applications were received, assessed and shortlisted against the selection criteria by an internal assessment panel.

Following the 2 May 2023 Councillor Briefing, endorsement of the updated Terms of Reference (**Attachment 1**) and IAAC membership (**Attachment 2**) is now recommended. Proposed membership includes nine community nominees and five service provider nominees.

Recommendation

That Council:

1. Endorses the fourteen recommended applicants listed for appointment to the 2023-2025 Inclusion and Access Advisory Committee (**Attachment 2**) as an Inclusion and Access Advisory Committee member:
 - a. Applicant 1 _____.
 - b. Applicant 2 _____.
 - c. Applicant 3 _____.
 - d. Applicant 4 _____.
 - e. Applicant 5 _____.
 - f. Applicant 6 _____.
 - g. Applicant 7 _____.
 - h. Applicant 8 _____.
 - i. Applicant 9 _____.
 - j. Applicant 10 _____.
 - k. Applicant 11 _____.
 - l. Applicant 13 _____.

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.041/23 Inclusion and Access Advisory Committee - 2023 Membership Endorsement

-
- m. Applicant 14_____. and;
 - n. Applicant 15_____.
 2. Notes the report recommendation is to maintain the membership of 14. Applicant 12 ranked 15th and is therefore unsuccessful on this occasion.
 3. Acknowledges and thanks all community members and local agencies who submitted expressions of interest to the Inclusion and Access Advisory Committee.
 4. Resolves that the Panel Recommendations and Scoring (**Attachment 2**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
 5. Resolves that the successful applicants be named.
 6. Endorses the updated Terms of Reference (**Attachment 1**) for the Inclusion and Access Advisory Committee (IAAC).

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That Council:

1. Endorses the fourteen recommended applicants listed for appointment to the 2023-2025 Inclusion and Access Advisory Committee (**Attachment 2**) as an Inclusion and Access Advisory Committee member:
 - a. Applicant 1 _____.
 - b. Applicant 2 _____.
 - c. Applicant 3 _____.
 - d. Applicant 4 _____.
 - e. Applicant 5 _____.
 - f. Applicant 6 _____.
 - g. Applicant 7 _____.
 - h. Applicant 8 _____.
 - i. Applicant 9 _____.
 - j. Applicant 10 _____.
 - k. Applicant 11 _____.
 - l. Applicant 13 _____.
 - m. Applicant 14 _____, and;
 - n. Applicant 15 _____.
2. Notes the report recommendation is to maintain the membership of 14. Applicant 12 ranked 15th and is therefore unsuccessful on this occasion.

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.041/23 Inclusion and Access Advisory Committee - 2023 Membership Endorsement

-
3. Acknowledges and thanks all community members and local agencies who submitted expressions of interest to the Inclusion and Access Advisory Committee.
 4. Resolves that the Panel Recommendations and Scoring (**Attachment 2**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
 5. Resolves that the successful applicants be named.
 6. Endorses the updated Terms of Reference (**Attachment 1**) for the Inclusion and Access Advisory Committee (IAAC).

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That Council:

1. Endorses the fourteen recommended applicants listed for appointment to the 2023-2025 Inclusion and Access Advisory Committee (**Attachment 2**) as an Inclusion and Access Advisory Committee member:
 - a. Applicant 1 Neville Coutts
 - b. Applicant 2 Gina Lloyd-Thomas
 - c. Applicant 3 Rhonda Bain
 - d. Applicant 4 James Lindrea
 - e. Applicant 5 Melanie Keely
 - f. Applicant 6 Diana Warrell
 - g. Applicant 7 Carol Lee
 - h. Applicant 8 Sue King
 - i. Applicant 9 Silvana Scibilia
 - j. Applicant 10 Nicole Coxford
 - k. Applicant 11 Aisling McCabe
 - l. Applicant 13 Mel Spencer
 - m. Applicant 14 Aaron Willams and;
 - n. Applicant 15 Helen Ryan.
2. Notes the report recommendation is to maintain the membership of 14. Applicant 12 ranked 15th and is therefore unsuccessful on this occasion.
3. Acknowledges and thanks all community members and local agencies who submitted expressions of interest to the Inclusion and Access Advisory Committee.

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.041/23 Inclusion and Access Advisory Committee - 2023 Membership Endorsement

4. Resolves that the Panel Recommendations and Scoring (**Attachment 2**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
5. Resolves that the successful applicants be named.
6. Endorses the updated Terms of Reference (**Attachment 1**) for the Inclusion and Access Advisory Committee (IAAC).

CARRIED UNANIMOUSLY

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.042/23 Review of Arts and Cultural Advisory Committee Terms of Reference

Distribution: Public

Manager: Corrienne Nichols, Director Communities

Author: Nichole Johnson, Manager Community Partnerships

Summary

In June 2023, the current two year term for five committee members will end, and Council will call for Expressions of Interest for Arts and Cultural Advisory Committee for members to serve two year terms from 2023-2025.

The purpose of this report is to seek endorsement of the updated Terms of Reference 2023-25 and the recruitment process that will open on 29 May and close on 23 June 2023.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council:

1. Thanks and acknowledges the five outgoing members of the Arts and Cultural Advisory Committee 2021-23 for their advice and contribution to Council's work to represent the diverse views, ideas and needs of the community.
2. Endorses the revised Arts and Cultural Advisory Committee Terms of Reference 2023-2025 (**Attachment 1**).
3. Endorses the recruitment process for the Arts and Cultural Advisory Committee 2023-2025 open on 29 May and close on 23 June 2023.
4. Instructs Officers to report nominations to the Arts and Cultural Advisory Committee to Council for endorsement in August 2023.

CARRIED UNANIMOUSLY

COM.001/23 Confirmation of Minutes Council Meeting held Tuesday 23 May 2023
Attachment 1. Minutes of the Council Meeting held on Tuesday 23 May 2023

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.043/23 Review of Performing Arts Policy Purpose and Needs

Distribution: Public

Manager: Corrienne Nichols, Director Communities

Author: Nichole Johnson, Manager Community Partnerships

Summary

The purpose of this report is to seek endorsement from Councillors that a Performing Arts Policy is no longer required in the Council Plan.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council:

1. Resolves that the development of a Performing Arts Policy, identified as a priority action in the Council Plan 2021-2025, will not be pursued for reasons as set out in this report; and
2. Notes the Arts and Culture Strategy 2022-2026 sets directions for the development of all aspects of arts and culture in the Shire, including performing arts.

CARRIED UNANIMOUSLY

COM.001/23 Confirmation of Minutes Council Meeting held Tuesday 23 May 2023
Attachment 1. Minutes of the Council Meeting held on Tuesday 23 May 2023

Council Meeting Minutes

23 May 2023

12. Officers' reports

CM.044/23 Informal Meetings of Councillors Records - 26 April 2023

Distribution: Public

Manager: Blaga Naumoski, Director Governance, Communications and Community Safety

Author: Rowena Cairns, Acting Manager Governance and Property

Summary

In accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, adopted on 25 August 2020, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 26 April 2023.

An Informal Meeting of Councillors Record was kept for the following meetings (**Attachment 1**):

1. Living Learning Nillumbik - NH Advisory Committee meeting held 17 April 2023;
2. Environment and Sustainability Advisory Committee meeting held 19 April 2023;
3. Council Meeting Pre-Meet held 26 April 2023;
4. Inclusion & Access Advisory Committee meeting held 28 April 2023;
5. Youth Council Advisory Committee meeting held 1 May 2023;
6. Inclusion & Access Advisory Committee meeting held 2 May 2023; and
7. Councillor Briefing held 2 May 2023.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Geoff Paine

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

CARRIED UNANIMOUSLY

Council Meeting Minutes

23 May 2023

13. Notices of Motion

14. Delegates' Reports

Cr Peter Perkins reported that he attended the Municipal Association of Victoria (MAV) State Council meeting held 19 May 2023 as Council's representative advising all motions that Council put forward were supported which was great news for Nillumbik.

Cr Peter Perkins also reported on his attendance at the official opening of the CFA Plenty Fire Brigade's new premises in Plenty on 21 May 2023. Cr Perkins outlined Council's involvement in the Brigade's new premises adding that it is great result and a great outcome for community. Council were involved in the transfer of the land. Demolition of the former premises has also since occurred.

15. Supplementary and urgent business

Nil

16. Confidential reports

17. Close of Meeting

The meeting closed at 7:45pm.

Confirmed:

Cr Ben Ramcharan, Mayor

Economic Development Advisory Committee



Minutes

Date: Thursday 1 June 2023
Time: 4:30pm – 6:30pm
Venue: Council Chambers – 34 Civic Drive Greensborough
Chair: Cr Karen Egan
Minute Taker: Georgie Nathan – Industry Development Officer, NSC
Committee Members: Nicole Staveley, Claire Nolle, Orianna Edwards, Phil Marendaz, Katrina Naish, Kirri Romero, George Apted, Craig Usher
Cr Geoff Paine
Other: Tania Treasure - Economic Development and Tourism Lead
Apologies: Debby Maziarz, Rosa Zouzoulas, Meera Govill, Cameron Heap

Order of business

1. **Welcome**
2. **Acknowledgement of Country**
Cr Karen Egan
3. **Apologies**
4. Debby Maziarz, Rosa Zouzoulas, Meera Govill, Cameron Heap
5. **Conflict of Interest and Informal Meeting of Councillors Record**
No conflict of interest stated
6. **Minutes of previous meeting**
 - a. **Call for motion** – Moved by Claire Nolle & Second by Orianna Edmonds
7. **Outstanding Action Items**
Nil
8. **Economic Development and Tourism Team update**
 - a. **Tania** – introduction to new Economic Development and Tourism Lead
 - b. **Destination Management Plan** – key findings (attached within email). Community consultation on plan open July 2023 – Georgie to email committee members when open.

- c. Creative Industries event – 2nd year event has been held. Great engagement and attendance by over 55 creative arts business owners and operators.
- d. **Business Precincts Project** – new project facilitated by '[Reground](#)' through grand funding from Sustainability Victoria. Working with businesses in Research precinct to identify current waste and recycling practices, analysing practices and identifying opportunities to improve reduction to landfill.
- e. **Circular economy pilot project** – 2nd stage of project underway with visitation to each of the 10 businesses involved in the project being planned for July. Identify current strengths as well as opportunities to move to a circular economy model within their business.

9 Other Council Updates – Policies/Projects/Grants

- a. [Draft Onsite Wastewater Management Plan 2024-2029](#)
- b. [Diamond Valley Library – Outdoor space](#)
- c. [Grants](#)

10 Around the table – committee member updates and insights

- General consensus that businesses are still feeling very challenged, to a degree more so than through COVID due to uncertainty. Particularly in regard to mental health, staffing, inflation, pay-roll tax, suppliers, interest rates etc. [Partners in Wellbeing](#) – free service available to Small business owners and operators, they are also currently running a series of webinars for [Women in Small Business](#). Beyond Blue have developed a guided self-help program [NewAccess](#) to support mental health of small business owners.
- With big push towards infrastructure (government) employees moving sectors to take advantage of big salaries on offer.
- Pressure on wholesale returns vs production costs which continue to increase and minimise profit – certain costs can be added onto product, but some already at high end of market.
- Landlords still reluctant to drop leasing costs, either can afford to have space left dormant and also cautious as how it reflects on resale price should property be put on the market.
- Committee trying to stay positive, however some uncertainty still looms. Trying to navigate the unknown
- The annual [Business in Nillumbik survey](#) is now open and it would be appreciated if you could complete the survey which helps inform Council as to which support is needed and helps guide us as to which programs to focus on.

11 6:00pm – Close

Next meeting date and location – Thursday 17 August 4:30pm – 6:30pm Council Chamber

Governance Rule

Meeting Procedures

Version Number	1
Approved by	Council
Approval date	27 June 2023
Effective date	28 June 2023
Date of last revision	22 August 2020
Date of next review*	June 2033 or if resolved earlier
Responsible Manager	Director Governance, Communications and Community Safety

Unless replaced, this policy will still apply beyond the review date.

Related internal policies, procedures and guidelines	<ul style="list-style-type: none"> • Governance Rules • Public Transparency Principles • Community Engagement Policy
Related legislation	<ul style="list-style-type: none"> • <i>Charter of Human Rights and Responsibilities Act 2006</i> • <i>Local Government Act 1989 and 2020</i> • <i>Equal Opportunity Act 2010</i>

Contents

Part 1 - Preliminary	1
1. Objectives	1
2. Power to make this Governance Rule	1
3. Operational date.....	1
4. Scope of this Governance Rule.....	1
5. Definitions	1
Part 2 – Conduct of Meetings	3
6. Conduct of meetings	3
7. Notices and Agendas	3
8. Quorum	4
9. Adjourned meetings	5
10. Extraordinary Meeting	6
11. Chairperson.....	6
12. Duties and responsibilities of the Chairperson	6
13. Order of Business of a Council Meeting.....	6
14. Councillor Leave of Absence and Absence from Meeting	7
15. Recording of Meetings	7
16. Record of Proceedings.....	8
17. Confirmation of Minutes	9
18. No debate on confirmation of minutes.....	10
19. Publication of minutes	10
20. Record of Informal Meetings of Councillors.....	10
21. Declaration of Conflicts of Interests.....	10
22. Presentations	10
23. Petitions	10
24. Public Question Time	11
25. Submissions by public under section 223 of the <i>Local Government Act 1989</i>	13
26. Other public submissions	13
27. Addressing the Meeting.....	14

28. Form of Motions or Amendments	14
29. Introducing a Motion.....	15
30. Moving an Amendment	15
31. Right of Reply and Debate of Motion or Amendment	16
32. How Many Amendments may be proposed.....	16
33. An Amendment Once Carried	16
34. Foreshadowing Motions	16
35. Withdrawal of Motions	17
36. Priority of Address and Right to Speak to Motion	17
37. Debate of the Motion	17
38. Debate from the Chair	17
39. Resumption of adjourned debate	18
40. Lost Motions	18
41. Separation of a Motion	18
42. Deferral of a Motion.....	18
43. Time limits	18
44. Voting	18
45. Recount of vote	19
46. Casting Vote.....	19
47. Division.....	19
48. Declaration of vote	19
49. Resolution not to be discussed after it is carried	19
50. Points of order.....	20
51. Chairperson to decide Point of order.....	20
52. Disagreement with Chairperson's ruling.....	20
53. Procedural Motions	21
54. Repetitious Motions.....	26
55. Notices of motion.....	26
56. Notice of Rescission or Amendment	27
57. Urgent business	28
58. Delegates' Report.....	29

59. Suspension of this Rule.....	29
60. Adjournments	29
61. Notice for Adjourned Council Meeting	30
62. Priority of address	30
Part 3 - Conduct during Council Meetings	30
63. Councillor conduct.....	30
64. Ordering withdrawal of remark	30
65. Removal from Chamber	31
66. Suspensions.....	31
67. Gallery to be silent.....	31
68. Questions from Councillors	31
69. Procedure not provided in this Rule	31
Part 4 Committees	32
70. Delegated Committees.....	32
71. Joint Council Meeting	32
72. Community Asset Committees	33
Part 5 - Physical and Remote Attendance	33
73. Mode of Attendance	33
74. Request to participate in meeting by electronic means of communication by a Councillor	33
75. Submissions under Clause 25 and 26.....	34
76. Adjustments to meeting rules	34
APPENDIX 1	36
Cross-Reference to Local Government Act 2020	36

Part 1 - Preliminary

1. Objectives

The objectives of this Governance Rule are to:

- a) Regulate proceedings at Council meetings, or a delegated Committee meeting and other meetings conducted by or on behalf of Council where Council has resolved that the provision of this meeting procedure are to apply;
- b) Facilitate community engagement by providing opportunities at meetings for community members to express their views;
- c) Ensure the efficient and orderly conduct of meetings; and
- d) Ensure the peace, order and good government of the municipal district.

2. Power to make this Governance Rule

This meeting procedure is made in accordance with section 60 of the *Local Government Act 2020*.

3. Operational date

This meeting procedure operates from 28 June 2023.

4. Scope of this Governance Rule

This meeting procedure shall apply to and have operation throughout the whole of the Municipal District of the Nillumbik Shire Council.

5. Definitions

Unless inconsistent with the subject matter, the following words have the meaning indicated:

Words	Meaning
Act	<i>Local Government Act 2020</i>
Agenda	a document, electronic or paper, in the form of a notice which specifies the date, time and place of a Meeting and the business to be transacted at the Meeting and includes any accompanying documents
Absolute majority	The votes of the number of Councillors which is greater than half the total number of the Councillors of a Council
Authorised Officer	a person appointed by the Council under section 224 of the <i>Local Government Act 1989</i>
Business days	Monday to Friday inclusive of each week except for Public Holidays

Words	Meaning
Chairperson	the Chairperson of a meeting and includes an acting or temporary Chairperson
Chief Executive Officer	the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer
Clause	a clause of this Governance Rule
Committee Meeting	a meeting of a Special Committee
Council	Nillumbik Shire Council
Councillor	a Councillor of Nillumbik Shire Council
Council Meeting	any meeting of Council
Delegated Committee	a delegated Committee established by Council under section 63 of the <i>Local Government Act 2020</i>
Deputy Mayor	the Deputy Mayor of Council and any person acting as Deputy Mayor
Mayor	the Mayor of Council and any person acting as Mayor
Meeting	includes a Council meeting or a delegated committee meeting
Minutes	the official written record of the proceedings and decisions of a meeting which have been signed by the Mayor/Chairperson
Motion	a proposal framed in a way that will result in the opinion of the Council being expressed or a Council decision being made
Municipal district	the area from time to time comprising the municipal district of Council
Notice of Motion	a notice setting out the text of a motion which a Councillor or a Committee member proposes to move at the next relevant meeting
Point of order	a procedural point, not involving the substance of a matter before a meeting
Procedural Motion	a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
Resident	a person who has a place of residence within the municipal district

Words	Meaning
Visitor	any person (other than a Councillor or member of Council staff) who is in attendance at a Council Meeting or a delegated committee meeting
Written	includes duplicated, photocopied, photographed, transmitted by facsimile, transmitted electronically, printed or typed

Part 2 – Conduct of Meetings

6. Conduct of meetings

6.1 Council meeting format

Subject to this Governance Rule, Council and delegated committee meetings may be held:

- a) in person, that is, where Councillors and other attendees are physically present in the Council Chamber.
- b) In hybrid form, that is, where Councillors and other attendees are physically in the Council Chamber, with one Councillor or attendee(s) joining and participating using an electronic means of communication, namely a video conferencing system or any other venue as resolved by Council.
- c) fully remotely, that is, where all the Councillors and other attendees join using a video conferencing system.

6.2 Determination of meeting format

Council meetings will be conducted in person except as provided in Part 5. Council may, by resolution, determine that a specific meeting or meetings will be conducted:

- a) in person
- b) by electronic means of communication.

6.3 Meetings conducted in person

At meetings conducted in person, a Councillor must physically attend the meeting unless their request to participate by electronic means of communication has been granted in accordance with clause 74.

7. Notices and Agendas

7.1 Date, time and place of meetings

The dates, times and places of Council Meetings are within the discretion of Council.

Council may, by resolution, at a Meeting alter the day and time upon which any Meeting shall be held.

A Meeting must start within 30 minutes of the advertised start time.

A Meeting may not continue after 10.30pm unless a Majority of Councillors present vote in favour of its continuance. In the absence of such continuance, a Meeting must stand adjourned to a time, date and place announced by the Chairperson immediately before the standing Meeting is adjourned.

7.2 Notice of Meeting

The Chief Executive Officer or delegate must give notice including on Council's website of the date, time and place of a meeting giving adequate time for members of the community to make arrangements to attend the meeting or view the meeting via the livestream unless urgent or extraordinary circumstances prevent compliance with this clause.

The Chief Executive Officer or delegate must ensure that the agenda for any Meeting is provided to every Councillor or delegated committee member with adequate time for Councillors or members to prepare adequately for the meeting.

7.3 Attendance at meetings

In accordance with section 66(1) of the Act, all Meetings of Council must be open to the public unless section 66(2) of the Act applies.

Council may resolve, in accordance with section 66(2) of the Act, that its Meeting be closed to the public because:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

7.4 Business to be transacted

No business shall be transacted at a Council Meeting unless it appears on the agenda.

Notwithstanding the above, an item of business which has:

- a) been referred to Council by a delegated committee which has met since the agenda was prepared; or
- b) arisen since the preparation of the agenda, and is of such importance that deliberation by Council cannot be delayed,

may be considered by Council only if admitted in accordance with the provisions of clause 57 – Urgent Business.

8. Quorum

The quorum in relation to Council Meetings is an absolute majority.

The quorum in relation to delegated committee meetings is the number of members, which is greater than half the total number of members of the committee.

8.1 Failure to raise or maintain a quorum

If after 30 minutes from the scheduled starting time of any Meeting, a quorum cannot be obtained:

- a) those Members present; or
 - b) if there are no Members present, the Chief Executive Officer; or,
 - c) in the absence of the Chief Executive Officer, an Authorised Officer,
- must adjourn the Meeting for a period within four (4) weeks from the date of the Meeting.

8.2 Council decision making where quorum cannot be maintained

If the meeting cannot be maintained due to the temporary absence of Councillors, the Chairperson can temporarily adjourn the meeting for up to 15 minutes.

If during any Council Meeting it becomes apparent to the Chairperson that it will not be possible to maintain a quorum due to the number of Councillors who have disclosed a conflict of interest in an item of business and will be unable to vote Council must consider whether:

- a) the decision can be made in an alternative manner by dealing with the matter in separate parts; or
- b) by making decisions on component parts in which conflicts arise before the overall decision is voted upon.

If not, Council must decide to establish a delegated committee to make the decision in accordance with s 67(4) of the Act.

If during any Meeting or any adjournment of the Meeting, a quorum cannot be maintained for any other reason:

- c) those Councillors present; or
- d) if there are no Councillors present, the Chief Executive Officer; or,
- e) in the absence of the Chief Executive Officer, an Authorised Officer,
- f) must adjourn the Meeting for a period not exceeding seven (7) days from the date of the Meeting.
- g) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors and/or absence that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Meeting. This does not require a resolution of Council.

9. Adjourned meetings

Council may, by Resolution, adjourn any Meeting to a later time on the same day, or for a period not exceeding seven (7) days.

The Chief Executive Officer, or an Authorised Officer, must give notice to each Councillor of the date, time and place to which the Meeting stands adjourned and of the business remaining to be considered.

10. Extraordinary Meeting

The Mayor or a majority of Councillors may by a written notice call an extraordinary Council Meeting;

- a) The notice must specify the date and time of the extraordinary Council meeting and the business to be transacted;
- b) The Chief Executive Officer must call the extraordinary meeting as specified in the notice;
- c) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice is transacted.

11. Chairperson

The Mayor must preside at all Meetings at which they are present, in the role of Chairperson.

In the absence of the Mayor, the Deputy Mayor must preside at any Meeting at which they are present, in the role of Chairperson.

In the event that both the Mayor and Deputy Mayor are absent, Council must elect a Chairperson to preside at that Meeting, in accordance with the provisions of the Governance Rule – Election of the Mayor and Deputy Mayor 1.1.

12. Duties and responsibilities of the Chairperson

The duties and responsibilities of the Chairperson are to:

- a) formally declare a Meeting open, after ascertaining that a quorum is present, and to welcome guest speakers and other visitors;
- b) preside over and control the Meeting, and to conduct it impartially and according to the rules to ensure the smooth passage of business;
- c) sign Minutes of Meetings as correct when they have been confirmed;
- d) ensure that debates are conducted in the correct manner;
- e) declare the results of all votes;
- f) give rulings on Points of Order and other questions of procedure;
- g) preserve order, and if necessary, "name" offending Councillors;
- h) adjourn (when so resolved) or formally declare the Meeting closed when all business has been concluded.

13. Order of Business of a Council Meeting

The order in which business is listed on the agenda is determined by the Chief Executive Officer in consultation with the Mayor and should be kept consistent from meeting to meeting in order to facilitate and maintain open, efficient and effective processes of government.

The Chief Executive Officer may include any matter on the agenda that they believe should be considered by the Council.

The order of business of any Council Meeting will be as follows:

1. Welcome
2. Acknowledgement of Country
3. Good Governance Pledge
4. Apologies
5. Declarations of Conflict of Interest
6. Presentations
7. Confirmation of Minutes
8. Petitions
9. Questions from the Gallery
10. Reports of Advisory Committees
11. Officer's Reports
12. Notices of Motion
13. Delegates' Reports
14. Supplementary and Urgent Business
15. Confidential Reports

Once an Agenda has been sent to Councillors, the order of business for that meeting may only be altered with the consent of the majority of the Councillors at that Meeting.

14. Councillor Leave of Absence and Absence from Meeting

Any Councillor seeking leave of absence from Council duties must do so in writing addressed to the Chief Executive Officer. Applications for leave shall be listed for consideration at the next Council Meeting and the Council must not unreasonably refuse to grant the request for leave of absence.

Where leave of absence has been granted to a Councillor, the Chief Executive Officer must record the leave of absence in the Minutes of the Council Meeting held during the period of the leave of absence.

If Councillor intends to be absent from a Meeting, the Councillor must give the Chairperson of that Meeting a notice of apology prior to the Meeting.

If a Councillor is an apology at a Council Meeting or delegated committee meeting the apology will be noted by resolution in the minutes.

15. Recording of Meetings

The Chief Executive Officer (or another person authorised by the Chief Executive Officer) will record, using electronic recording equipment, and livestream the proceedings of a Council Meeting or delegated Committee Meeting. Recordings must be retained for a minimum period of three months from the date of the Meeting.

Media representatives may with consent of the Chairperson be permitted to record, using electronic recording equipment, any part of the proceedings of a Council Meeting or delegated Committee Meeting. The consent of the Chairperson must not be unreasonably withheld, but may be revoked at any time during the course of the relevant meeting.

Subject to this clause, members of the public must not operate electronic recording equipment (including mobile phones) at any Council Meeting or delegated committee Meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the course of such meeting be revoked by the Chairperson.

Members of the public are to be advised if the Meeting is being recorded (audio and video) by venue signage.

16. Record of Proceedings

The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council Meeting, and Delegated Committee Meeting and those minutes must record:

- a) the names of the Councillors and/or committee members present and the names of the Councillors and/or committee members who have submitted apologies or have been granted leave of absence;
- b) the names of staff members present at the meeting;
- c) arrivals and departures (including temporary departures of Councillors and/or committee members during the course of the meeting);
- d) declarations of conflict of interest;
- e) record movers and seconders;
- f) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder) and motions and amendments withdrawn by resolution or with the consent of both the mover and seconder of the motion or amendment;
- g) whether motions or amendments lapsed or were withdrawn, carried or lost;
- h) the vote cast (if any) by each Councillor and/or committee member on each motion or amendment, either for, against or abstaining, and the declaration of the result;
- i) the vote cast (if any) by each Councillor and/or committee member upon a division, either for, against or abstaining, and the declaration of the result of the division on the motion or amendment;
- j) questions from the gallery and responses to those questions;
- k) the failure of a quorum;
- l) closure of the meeting to members of the public in accordance with the provisions of section 66(2) of the Act;
- m) when specifically requested by a Councillor or delegated committee member, a record of their support or opposition for any motion;
- n) a summary of all committee reports presented to Council;

- o) the time and reason for any adjournment of the meeting or suspension of standing orders; and
- p) any other matter which the Chief Executive Officer (or other person authorised by the Chief Executive Officer) thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
- q) The minutes must be documented and each item numbered consecutively.

17. Confirmation of Minutes

At every Meeting the Minutes of the preceding Meeting must be dealt with as follows:

- a) a copy of the Minutes must be delivered to each Councillor no later than 72 hours before the next Meeting;
- b) if no Councillor indicates opposition, the Minutes must be declared to be confirmed;
- c) subject to clause 18, if a Councillor indicates opposition to the Minutes:
 - i. they must specify the item(s) to which they object;
 - ii. the objected item(s) must be considered separately and in the order in which they appear in the Minutes;
 - iii. the Councillor objecting must move accordingly without speaking to the motion;
 - iv. the motion must be seconded;
 - v. the Chairperson must ask:
"Is the motion opposed?"
 - vi. if no Councillor indicates opposition, the Chairperson must declare the motion carried without discussion and ask the second question described in paragraph x.;
 - vii. if a Councillor indicates opposition, the Chairperson must call on the mover to address the Meeting;
 - viii. after the mover has addressed the Meeting, the seconder may address the Meeting;
 - ix. after the seconder has addressed the Meeting (or after the mover has addressed the Meeting if the seconder does not), the Chairperson must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
 - x. if, after the mover has addressed the Meeting, the Chairperson invites debate and no Councillor speaks to the motion, the Chairperson must put the motion and, after all objections have been dealt with, ultimately ask:
"That the Minutes be confirmed" or
"That the Minutes, as amended, be confirmed",
and they must then put the question to the vote.

- xi. a Resolution of Council must confirm the Minutes and the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed.

18.No debate on confirmation of minutes

No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of proceedings of the meeting to which they relate is questioned.

19.Publication of minutes

Council will endeavour to provide the Minutes of its Meetings on the Nillumbik Shire Council's website within three (3) business days of the meeting.

20.Record of Informal Meetings of Councillors

If there is a meeting of Councillors that:

- a) is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- b) is attended by at least one member of Council staff; and
- c) is not a Council meeting, delegated committee meeting or community asset committee meeting

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting is:

- d) tabled at the next convenient Council meeting; and
- e) recorded in the minutes of that Council meeting.

21.Declaration of Conflicts of Interests

Conflicts of Interest are to be disclosed in accordance with this Governance Rule and Governance Rule – Procedure for Disclosure of Conflicts of Interest.

22.Presentations

At each Council Meeting, presentations of monetary grants, certificates of appreciation or other acknowledgements that recognise the outstanding achievements of local individuals and organisations who have made a significant contribution to Nillumbik, may be made by the Mayor or Councillors.

Presentations may also include an acknowledgement of the passing of prominent community members.

23.Petitions

A person may lodge a petition with Council, and if the petition is lodged 10 business days prior to the Council meeting it will be included in the Council agenda for that meeting. If a petition is lodged less than 10 business days prior to a Council meeting, the petition will be included in the next Council agenda.

A person lodging a written petition is to ensure that the petition contains:

- a) a clear and concise statement identifying the subject matter and the action requested;
- b) a heading on each page indicating the subject matter;
- c) a brief statement on each page of the subject matter and the action requested;
- d) a statement specifying the number of signatories; and

the full printed name, address and signature of the person lodging the petition at the end of the petition.

Petitions must not be indecent, abusive or objectionable in language or substance.

Every page of the petition must bear the wording of the whole of the petition or request and include the name, address and signature of petitioners.

Signatures appearing on a page of a petition which does not bear the wording of the whole of the petition or request, must not be considered by Council.

Petitions presented to Council must be written (other than pencil).

Council may accept genuine electronic petitions if it is satisfied that the petition is authentic and has been received from a legitimate website, contains a clear and concise statement identifying subject matter and action requested and includes the name, address (suburb and postcode as a minimum) of all electronic signatories.

Any resident of Victoria may sign a petition.

A petition will be presented by a Councillor at the Council Meeting and the Councillor presenting the petition:

- e) shall identify the issue;
- f) shall state the number of signatures attached to the petition;
- g) shall read the petition in full or precis form; and
- h) may move 'That the petition be received and noted' and any other action appropriate.

Any petition containing fewer than 15 signatures, will not be presented at a Council meeting and will, instead, be forwarded to the relevant Director for a response.

24. Public Question Time

There shall be a public question time at every Council Meeting to enable members of the public to submit questions to Council.

Procedures which allow for public questions to be asked at a Council Meeting are available on Council's website.

Public Question Time will not be held during:

- a) Any period when a meeting is closed to the public in accordance with section 66 of the Act; or
- b) A Local Government election or caretaker period as defined in Council's election period policy.

Public Question Time will not exceed 30 minutes in duration unless extended by resolution of Council through a procedural motion, in which case it may only be extended for one period of up to 30 minutes.

Questions must be answered, taken on notice or disallowed. All questions and answers shall be as brief as possible.

Council will allocate a reasonable time to each person who wishes to address a question to Council having regard to:

- a) the nature of the matter to be discussed;
- b) the priorities in relation to other Council business; and
- c) the overall time limit for question time.

24.1 Lodging a Question

All questions must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than 11.59pm two days prior to the advertised date of the Council Meeting.

Questions are limited to a maximum of two questions per individual with no subparts. Questioners are expected to disclose any personal or professional interests in the subject matter of their questions on the question forms available at the Civic Centre or on Council's website.

All questions must be received in writing and must include the name of the person asking the question. Where more than two questions are received from any person, only the first two questions will be read at the meeting.

24.2 Questions not permitted

The Chairperson and/or the Chief Executive Officer may at their discretion, refuse to accept a question if the question:

- a) is a statement or opinion;
- b) relates to a matter outside the duties, functions or powers of Council;
- c) is indecent, abusive or objectionable in language or obscene;
- d) is repetitive or deals with a subject matter already answered at the same or an earlier meeting;
- e) is in the opinion of the Chairperson or Chief Executive Officer, asked to embarrass a Councillor or an officer;
- f) relates to the personal views or actions of an individual Councillor or Officer;
- g) is considered trivial or vexatious or it is more appropriate to direct to officers of the Shire during normal business hours;
- h) relates to a matter that is the subject of negotiation, litigation or commercial interest/advantage; or
- i) relates to a matter which the Council has discussed in camera or proposes to discuss after closing the meeting to members of the public in accordance with section 66(2) of the Act.

24.3 Asking a Question

- a) The procedure and sequence for dealing with a question is that the Chairperson:
 - shall name the questioner;

- shall read out the question; and
 - may answer the question or direct the question as they deem appropriate.
- b) If a person submitting a question is not in attendance during Public Question Time, their question(s) may be read out and a response provided at the meeting.
- c) The Chairperson may elect to answer the question themselves or request the Chief Executive Officer to read and respond to a question.

25. Submissions by public under section 223 of the *Local Government Act 1989*

A delegated committee must hear any person wishing to be heard in respect of their submission to Council under section 223 of the *Local Government Act 1989*.

Committee members may question any submitter in relation to their submission.

Each speaker is allowed three minutes to speak to their submission.

The Chairperson may use their discretion to allow an extension of time for up to a further one minute.

Anyone making a submission and not wishing to appear in person can be represented by another person in accordance with the *Local Government Act 1989*. Submitters will be requested to disclose any personal or professional interests in the subject matter of their submission.

26. Other public submissions

In addition to section 223 submissions under the *Local Government Act 1989*, delegated committees may also hear any person on any items listed on the delegated committee agenda where the person has made application to speak to an item in accordance with Council's procedures.

This includes any person whose rights will be directly affected by a decision of Council, even if Council has not invited public submissions or if the person has not already lodged a written submission.

Persons wishing to address the Committee must lodge their request in writing, identifying the item on the agenda about which they wish to address the Committee and provide their name and contact details no later than 5pm the day prior to the advertised date of the Committee Meeting.

Procedures which allow for public submissions at a Committee Meeting are available on Council's website.

In respect of these submissions, the Chairperson may, in the case where there are several people representing a common position, encourage the submitters to nominate a single person to speak on the matter.

A person can speak on their own behalf for up to three minutes. They may also speak on behalf of one group, organisation or company for a further period of up to three minutes.

No person may speak on behalf of more than one other person, group, organisation or company, unless Council or the Committee specifically resolves to allow them to do so.

The Council or the Committee may ask questions of clarification relating to the submission of the person authorised to address Council or the Committee.

27. Addressing the Meeting

A Councillor or any other person who addresses a Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.

Except for the Chairperson, any Councillor or person who addresses the meeting must direct all remarks through the Chair.

Any person addressing the Chair must refer to the Chairperson as:

- a) Mayor; or
- b) Chair; or
- c) Chairperson; or
- as appropriate.

Councillors and members of Council staff in speaking must address each other by their titles of Councillor or officer as the case may be.

Any member of the public attending a Meeting must not:

- a. utter any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, or interject or gesticulate offensively in the Council Chamber;
- b. display any placards or posters in the Council Chamber or in any building where a Meeting is being or is about to be held that give rise to a risk to the health and safety of persons in the Council Chamber or building where the Meeting is being held.
- c. display any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, in the Council Chamber; or
- d. obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held.

The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be contrary to any of the above or is objectionable, disrespectful or otherwise inappropriate.

Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting.

If any member of the public engages in conduct that is improper or disorderly, the Chairperson may direct that person to cease their conduct and the person must comply with that direction. (Also refer to clause 67).

28. Form of Motions or Amendments

A motion or an amendment:

- a) must relate to the powers or functions of Council;
- b) may be in writing or oral however, the Chairperson may require that complex or detailed motions be in writing and tabled when the motion or amendment is moved; and

- c) except in the case of urgent business, must be relevant to an item of business on the agenda.

The Chairperson may temporarily adjourn the Meeting while the motion is being written or may defer the matter in the order of business, until the motion has been written.

A motion or amendment must be clear and unambiguous and must not be defamatory or objectionable in language or nature.

The Chairperson may refuse to accept any motion or amendment which contravenes this clause.

29. Introducing a Motion

The procedure for moving any motion at a Meeting is as follows:

- a) the mover must state the subject and nature of the motion and not speak to it;
- b) the motion must be seconded by a Councillor other than the mover. If there is no seconder for a motion, the Chairperson must declare the motion to have lapsed;
- c) if the motion is moved and seconded the Chairperson must ask whether the motion is opposed and/or whether any Councillor wishes to speak to the motion;
- d) if no Councillor indicates opposition or a desire to speak to the motion, the Chairperson may declare the motion carried without discussion;
- e) if a Councillor indicates opposition or a desire to speak to the motion:
 - i. the Chairperson must call the mover to address Council upon it;
 - ii. after the mover has spoken, the Chairperson must call upon the seconder to address the meeting;
 - iii. after the seconder has addressed the meeting (or after the mover if the seconder does not wish to speak) the Chairperson must call upon the first speaker in opposition to address the meeting;
 - iv. after the mover, seconder and first speaker in opposition have had the opportunity to address the Meeting the Chairperson will call for speakers for and against the motion or amendment in alternate sequence until the sequence of speakers is exhausted; and
 - v. a Councillor may only speak once on the motion or amendment.

A Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion.

30. Moving an Amendment

A motion which has been moved and seconded, in accordance with clause 29 a) and b) may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.

An amendment may be moved or seconded by any Councillor, except the mover or seconder of the original motion;

If any Councillor intends to move an amendment, they must give notice of that intention prior to the right of reply being exercised.

A motion to confirm a previous Resolution of Council cannot be amended.

An Amendment must not be the negative of, or substantially contrary to, the original motion.

The mover of an amendment may with the consent of the seconder, change the wording of the proposed amendment.

If an amendment is adopted it becomes the substantive motion and, unless subject to further amendment and debate, must be put to the vote by the Chairperson.

31.Right of Reply and Debate of Motion or Amendment

If there has been any opposition to a motion, the mover of a motion has the right of reply to these issues.

The mover of an amendment has no right of reply.

Subject to any Councillor exercising their right to ask any question concerning or arising out of a motion, the Chairperson must put the motion to the vote immediately after the mover of the motion has spoken in reply.

Any one Councillor cannot move more than two (2) amendments in succession.

Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.

Debate on an amendment must be confined to the terms of the amendment.

32.How Many Amendments may be proposed

Any number of Amendments may be proposed to a motion but only one (1) Amendment may be accepted by the Chairperson at any one (1) time.

No second or subsequent Amendment, whether to the motion or an Amendment of it, may be taken into consideration until the previous Amendment has been dealt with.

33.An Amendment Once Carried

If the Amendment is carried, the amended motion then becomes the substantive motion before the Meeting and can be further amended.

The mover of the original motion retains the right of reply to the substantive motion.

34.Foreshadowing Motions

At any time during debate a Councillor may foreshadow a motion to inform the Meeting of their intention to move a motion at a later stage in the Meeting. This does not extend to any special right to the foreshadowed motion.

A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chairperson being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Meeting, the Chief Executive Officer or an authorised officer is not required to record foreshadowed motions in the minutes.

35. Withdrawal of Motions

Subject to this clause, only with the leave of the Chairperson, and the consent of the mover and seconder, can a motion or amendment to a motion be withdrawn.

If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

36. Priority of Address and Right to Speak to Motion

In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.

A Councillor may speak once on a motion and once on an amendment, except for the mover of a motion who has the right to speak in reply to any opposition to the motion.

37. Debate of the Motion

Debate must always be relevant to the motion before the Chairperson, and, if not, the Chairperson must request the speaker to confine the debate to the motion.

If the speaker continues to debate irrelevant matters after being requested to confine debate the Chairperson may direct the speaker to be seated and not to speak further in respect of the motion before the Chairperson.

A speaker to whom a direction has been given under this clause must comply with that direction.

Councillors may remain seated to address the Chairperson, to move or second a motion or amendment, or to take part in a debate.

The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:

- a) they are called to order; or
- b) their speaking time has expired; or
- c) a Point of Order is raised.

Councillors must address each other by their official titles during debate and throughout a Meeting.

38. Debate from the Chair

The Chairperson should seek to refrain from debate on motions. The Chairperson may however choose to exercise a right to speak in favour of or against a motion and where this is the case, the Chairperson must advise the Council of their intention.

Where the Chairperson wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council. The Deputy Mayor assumes the role of the Chairperson. If the Deputy Mayor is absent or unable to assume the Chair, a temporary Chairperson must be elected in the same manner as the second temporary chairperson is elected in accordance with Governance Rule – Election of Mayor and Deputy Mayor Clause 1.1.

39. Resumption of adjourned debate

The business to which the debate relates must be placed on the Agenda of the meeting to which it is adjourned. Adjourned business should have priority over any other business except formal business.

If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless they have already spoken to the motion or amendment.

40. Lost Motions

Councillors should move a motion detailing further requirements or actions after any motion which is lost.

41. Separation of a Motion

Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts. If the Chairperson does not consent to the request then Council may determine the matter in accordance with clause 52 - Disagreement with the Chairperson's ruling.

42. Deferral of a Motion

Council may defer an item until later in the meeting or until another meeting as appropriate if further consideration or clarification is required prior to a decision being made. The decision to defer an item is a substantive motion, and may be debated.

43. Time limits

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson;

- a) the mover of a motion or an amendment five (5) minutes;
- b) the seconder of a motion or an amendment three (3) minutes;
- c) any other Councillor three (3) minutes; and
- d) the mover of a motion exercising a right of reply two (2) minutes.

44. Voting

Voting shall be in accordance with the Act. A matter will be determined in the affirmative if the majority of Councillors at a meeting at the time the vote is taken vote in favour of it.

A Councillor has the right to abstain from voting.

Councillors must remain seated in silence while a vote is being taken.

Unless Council resolves otherwise, voting on any matter will be by a clear show of hands so that the Chairperson can easily record the count.

Section 61(5)(e) of the Act provides that in determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the matter.

45. Recount of vote

The Chairperson may direct that the vote be re-counted as often as may be necessary for them to satisfy themselves of the result.

46. Casting Vote

In the event of an equality of votes, the Chairperson has a casting vote.

This clause does not apply in the event of an equal number of votes in respect of the election of the Mayor or Deputy Mayor or in cases where the Act provides that a matter is to be determined by lot.

47. Division

Immediately after any matter is voted upon and before the next item of business has commenced, a Councillor may call for a division.

When a division is called, the vote already taken must be treated as a nullity and the voting by division shall decide the motion or amendment. Any Councillor may change their original vote at the voting on the division.

When a division is called, the Chairperson must:

- a) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote must raise one of their hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record the names of those Councillors voting in the affirmative; and
- b) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record the names of those Councillors voting in the negative; and
- c) if required, then ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of their hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting), must record the names of those Councillors abstaining from voting.

In determining the result of a vote, an abstention is counted as a vote in the negative.

48. Declaration of vote

The Chairperson must declare the result of the vote as soon as it is taken.

49. Resolution not to be discussed after it is carried

Except in the case of a motion of rescission or alteration or a Councillor wishing to have their opposition to the motion recorded, no resolution may be discussed after the vote upon it has been declared.

50. Points of order

Expressing a difference of opinion or contradicting a speaker does not constitute a point of order.

A point of order is taken when a Councillor officially draws the attention of the Chairperson to an alleged irregularity in the proceedings that contravenes this Governance Rule, any other Governance Rule or the Act.

Councillors raising a point of order must:

- a) state the point of order; and
- b) state any section, clause, paragraph or provision relevant to the point of order.

A Councillor may raise a point of order by drawing the attention of the Chairperson to:

- c) the fact that a Councillor or Councillor is out of order; or
- d) an act of disorder, despite the fact that the Chairperson or a Councillor is speaking at the time.

When called to order, a Councillor must sit down and remain silent until the point of order is decided unless they are requested by the Chairperson to provide an explanation.

The Chairperson may raise a point of order without it having been raised by a Councillor.

A point of order takes precedence over all other business, including procedural motions.

51. Chairperson to decide Point of order

The Chairperson may adjourn the meeting to consider a point of order, but must otherwise rule upon it as soon as it is taken.

If called upon to do so by a Councillor, the Chairperson must, when ruling on a point of order, state the provision of this Rule, another Governance Rule or the Act which is relied on in support of the ruling.

52. Disagreement with Chairperson's ruling

A Councillor may move that the meeting disagree with the Chairperson's ruling on a point of order.

When a motion in accordance with this clause is moved and seconded the Chairperson must leave the Chair and a temporary Chairperson, being the Deputy Mayor if present at the meeting, must take their place. If Council has not elected a Deputy Mayor, the Deputy Mayor is absent from a meeting of Council or unable to assume the Chair for raising the disagreement, the Chief Executive Officer must take the Chair and invite nominations for a temporary Chairperson. If there is only one nomination (which must be moved and seconded), the candidate nominated is deemed to have been duly elected. If there is more than one nomination, the procedure for the election of the Mayor in Governance Rule – Election of Mayor and Deputy Mayor should be followed.

The temporary Chairperson must invite the mover to state the reasons for their dissent and the Chairperson may then reply.

The temporary Chairperson then puts a motion in the following form:

‘That the Chairperson’s ruling be upheld’.

If the vote is in the:

- a) affirmative, the Chairperson resumes the Chair and the meeting proceeds.
- b) negative, the Chairperson resumes the Chair, reverses their previous ruling and the meeting proceeds.

The defeat of the Chairperson's ruling is in no way a motion of censure or no-confidence and should not be regarded as such by the meeting.

53. Procedural Motions

A procedural motion is one dealing with the conduct of the meeting itself, and takes precedence over a substantive motion.

A procedural motion may be moved at any time and must be dealt with immediately by the Chairperson in accordance with the procedural motion table below.

A procedural motion requires a seconder.

The mover of a procedural motion must not have moved or seconded the question before the Chair or any amendment of it.

A procedural motion cannot be moved by the Chairperson.

The mover has the right or obligation to justify the procedural motion, thereafter debate is not permitted unless allowed at the discretion of the Chairperson and the mover does not have a right of reply.

A procedural motion cannot be amended.

The procedural motions in the following table are the only procedural motions to be moved.

Procedural Motion Table

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or * date	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a. During the election of a Chairperson; b. When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a. During the election of a Chairperson; b. When another Councillor is speaking; or c. When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later Meeting if on the Agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the substantive	During nominations for Chairperson	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate subject	Debate continues unaffected	No

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
		motion or otherwise spoken to the substantive motion		to any Councillor exercising their right to ask any question concerning or arising out of the motion		
4. Proceeding to next business	That the Meeting proceed to the next business Note: This Motion: a. May not be amended; b. May not be debated; and c. Must be put to the vote as soon as seconded	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a. During the election of a Chairperson; b. When another Councillor is speaking; or c. When a motion would have the effect of causing Council be in in a breach of a legislative requirement	If carried in respect of a. An amendment, Council considers the motion without reference to the amendment; b. A motion – no vote or further discussion on the motion until it is placed on an Agenda for a later Council Meeting	Debate continues unaffected	No
5. Suspension of this Governance Rule	That the Meeting be Suspended to: (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given motion	The meeting continues unaffected	No

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
				No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted		
6. Resumption of this Governance Rule	That this Governance Rule be resumed	Any Councillor	When this Governance Rule has not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
7. Close the meeting to members of the public	That, in accordance with Section 66(2)(a) of the Local Government Act 2020 the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to (insert reason)	Any Councillor	During the election of Mayor and Deputy Mayor	The meeting be closed to members of the public	The meeting continues to be open to the public	Yes
8. Reopen the meeting	That the meeting be	Any Councillor		The meeting is reopened to the public	The meeting remains	No

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
	reopened to members of the public				closed to the public	
9. Extending Public Question Time	That Public Question Time be extended by 30 minutes	Any Councillor		Public Question Time is extended by 30 Minutes	Public Question Time must cease at the end of the initial 30 minute period	No
10. Admission of Urgent Business	That Urgent Business be admitted	Any Councillor		Urgent Business is admitted and considered by Council	Urgent Business cannot be admitted	Yes

54. Repetitious Motions

Once a Meeting has rejected a motion, with or without amendment, similar motions to the same effect, even in a different form, are considered to be out of order at that Meeting. A motion similar to an amendment to a motion already dealt with at a Meeting is also not permissible. However, the matter can be legitimately raised again at a subsequent Meeting in accordance with the provisions of this Meeting Procedure.

55. Notices of motion

Subject to subclause 7.4 of this Rule, a Councillor may move a motion if notice of such motion has been given in accordance with this Rule.

A Notice of Motion must be lodged with the Chief Executive Officer in writing by 12 noon 10 business days prior to the Council Meeting at which it is to be considered to ensure inclusion in the Agenda. Any Notice of Motion received after that time must, be included on the agenda for the following Council Meeting, unless withdrawn in writing.

A Councillor may also give a Notice of Motion at a Council Meeting in which case, the item will be listed at the next following Meeting of Council.

The full text of the proposed motion must be included on the agenda. No other explanatory information will be included on the agenda.

A Notice of Motion must relate to the role of Council as outlined in the Act.

A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:

- a. affect the levels of Council service;
- b. be inconsistent with the strategic objectives of the Council as outlined in the Council Plan;
- c. commit Council to expenditure that is not included in the adopted Budget;
- d. propose to establish, amend or extend an adopted Council policy or position;
- e. commit Council to any contractual arrangement;
- f. concern any litigation in respect of which Council is a party; or
- g. impact on perceived procedural fairness to a person or entity which is the subject of a pending decision by Council.

The Chief Executive Officer must reject a Notice of Motion if they are of the opinion that it is:

- h) outside the powers of Council.
- i) possibly prejudicial to any person or Council;
- j) defamatory;
- k) objectionable in language or nature;
- l) vague or unclear in intention;
- m) is identical or substantially similar to a Notice of Motion or other motion that has been considered by Council in the preceding two (2) months;
- n) able to be addressed through the operational service request process; or

- o) relates to a matter that has already been acted upon.

If the Chief Executive Officer rejects a Notice of Motion under this clause the Chief Executive Officer must:

- p) give the Councillor who lodged it an opportunity to amend it, if practical to do so; and
- q) if the Notice of Motion cannot be amended to the satisfaction of the Chief Executive Officer, notify the Councillor who lodged it that it will be rejected and explain the reasons for the rejection.

The Chief Executive Officer may determine a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.

The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion Register in the order in which they are received.

Except by leave of the Council, each Notice of Motion before any meeting must be considered in the order in which it was entered in the Notice of Motion Register.

If a Councillor who has given a Notice of Motion:

- r) is absent from the meeting; or
- s) fails to move the motion when called upon by the Chairperson;

any other Councillor may move the motion.

If the motion is not moved and seconded then the Notice of Motion lapses. If a Notice of Motion, is whether amended or not, is lost or lapses, a similar motion may not be submitted for two (2) calendar months from the date it was lost or lapsed.

If a Councillor proposing a Notice of Motion wishes to amend the Notice of Motion they may do so by seeking leave of Council to amend the Notice of Motion prior to it being seconded.

Except where the Notice of Motion is to confirm a previous resolution of Council, the Notice of Motion may be amended by resolution of Council.

A preamble to a Notice of Motion is an explanatory statement that explains the purpose of the Notice of Motion. A Councillor lodging a Notice of Motion must ensure that the content of any preamble provided remains factual.

56. Notice of Rescission or Amendment

A notice of rescission or amendment is a form of Notice of Motion. Accordingly, all provisions in this Governance Rule relating to Notice of Motion equally apply to notices of rescission and amendment.

A rescission motion is a motion to rescind or vary a previous decision of Council.

Motions to rescind or amend a previous resolution must be submitted to the Chief Executive Officer in writing by a minimum of two Councillors and must:

- a) identify the resolution which is proposed to be rescinded or amended; and
- b) the date of the meeting that the resolution was carried.

The Chief Executive Officer must include the notice of rescission on the agenda for the next Council Meeting provided that:

- a) The notice of rescission has been submitted no later than 12 noon 10 business days prior to the next Council Meeting; and
- b) The resolution proposed to be rescinded has not already been acted upon.

The Chief Executive Officer or an appropriate member of Council staff may implement a resolution at any time after the close of the meeting at which it was made. A resolution will therefore be deemed to have been acted on if:

- a) its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
- b) a statutory process has been commenced

so as to vest enforceable rights in or obligations on Council or any other person.

Under section 19(1)(c) of the Act, the Mayor has the power to require the CEO to report to Council on the implementation of a Council decision.

The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

- a) has not been acted on; and
- b) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with this clause

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

A rescission motion listed on the agenda may be moved by any Councillor present but may not be amended.

A second or subsequent notice to rescind or alter an earlier resolution must not be accepted by the Chief Executive Officer until a period of two (2) calendar months has elapsed since the date of the Meeting at which the original motion of rescission or alteration was dealt with, unless Council resolves that the matter be dealt with at a future meeting.

This clause will not apply if the Chief Executive Officer, in consultation with the Mayor, considers that significant new information has become available since the previous rescission motion that warrants inclusion of the subsequent rescission motion in the agenda.

If the rescission motion is not moved and seconded then the rescission notice lapses. If a rescission notice is lost or lapses a similar motion may not be submitted for two (2) months from the date it was lost or lapsed.

57. Urgent business

Business can only be admitted as urgent business by Resolution of the Meeting. A majority of Councillors present at a Council Meeting, or delegated committee meeting must vote in favour of admitting the item as urgent business.

Even if the required Councillors carry the motion, it still will not be accepted as urgent business unless:

- a) it is proposed for admission by the Chief Executive Officer after consulting with the Mayor about the appropriateness for Council to consider admitting as urgent business;
- b) it relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- c) it cannot be deferred until the next Meeting without having a negative impact on the Council, and the local community.

58. Delegates' Report

A Delegates' Report provides an opportunity for a Councillor to update the Council and provide advice or other information in relation to the activities of:

- An Advisory Committee;
- An interest group; or
- An external organisation

to which the Councillor has been appointed by the Council as its delegate.

If the Agenda for a Council meeting makes provision for Delegates' Reports, Councillors may submit a report by:

- Tabling a brief written report for inclusion without attachments in the Agenda by 12 noon 10 business days prior the Council Meeting at which it is to be presented; or
- Providing an oral report to the meeting.

The Councillor has a period of up to three minutes to speak.

The full text of any Delegates' Report tabled shall be included in the Minutes of the meeting.

59. Suspension of this Rule

The provisions of this Rule applicable to a Council Meeting or delegated committee meeting may be suspended for a particular purpose upon the affirmative vote of the majority of Councillors in a Council Meeting, or members present in a delegated committee meeting present.

The suspension of such provisions should be used to enable full discussion of any major issue without the constraints of formal meeting procedure. Suspension of this Rule should not be used purely to dispense with the processes and protocols of this Rule.

Once the discussion has taken place, and before any motions can be put, the resumption of the Rule will be necessary.

No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of the Rule other than a motion to resume the operation of this Rule.

60. Adjournments

Once a Council Meeting is declared open, the Mayor or Council by resolution may, from time to time, resolve to adjourn the meeting:

- a) if the meeting becomes excessively disorderly and order cannot be restored; or
- b) to allow for additional information to be presented to a meeting; or
- c) in any other situation where an adjournment could aid the progress of the meeting.

No discussion is allowed on any motion for adjournment of the meeting, but if on being put the motion is lost, the subject then under consideration must be resolved before any subsequent motion for adjournment is made.

61. Notice for Adjourned Council Meeting

If a Council Meeting is adjourned, the Chief Executive Officer must ensure that the agenda for such a meeting is identical to the Agenda for the meeting which was resolved to be adjourned.

Except where a meeting is adjourned until later on the same day, the Chief Executive Officer must give all Councillors written notice of a new date for the continuation of the adjourned meeting and every reasonable attempt must be made to advise the public of the new meeting date.

Where it is not practical to provide written notice to Councillors because time does not permit that to occur then a reasonable attempt will be made to contact each Councillor, by telephone, electronic medium, or in person.

If circumstances prevent a meeting continuing until all business has been considered, then unless adjourned, the meeting will lapse and any unfinished business will be included on the agenda for the next meeting.

62. Priority of address

In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard consistent with this Rule.

A Councillor may request at a Council Meeting, the production of any documents in Council's keeping and relevant to the business being considered.

Upon any request being made the Chief Executive Officer must use their best endeavours to produce the documents.

Part 3 - Conduct during Council Meetings

63. Councillor conduct

A Councillor must comply with the Councillor Code of Conduct during the course of any meeting.

64. Ordering withdrawal of remark

The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance, or that is disorderly or capable of being applied offensively to any other Councillor or member of Council staff, and/or make a satisfactory apology to the Meeting.

A Councillor required to withdraw a remark and/or make an apology must do so immediately without qualification or explanation.

A Councillor must not fail to withdraw a remark or make an apology if twice called to do so by the Chairperson.

65. Removal from Chamber

Under section 19 of the Act, the Mayor has the power to direct a Councillor, subject to any procedures or limitations in this Rule, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

If a Councillor does not leave the meeting when ordered to leave under this clause or clause 66, the Chairperson may request a member of Victoria Police to remove that person if the meeting is in person or to remove them electronically if it is a full virtual meeting.

66. Suspensions

If the procedure specified in this clause is followed, Council may suspend a Councillor from a meeting and for the balance of the meeting.

A Councillor must not be suspended unless:

- a) the Chairperson has warned the Councillor that their actions are disrupting the business of Council and impeding its orderly conduct; and
- b) the Mayor directs the Councillor to leave the meeting because the behaviour of the Councillor is preventing the Council from conducting its business.

A Councillor must not refuse to leave a meeting when ordered to do so in accordance with this clause.

67. Gallery to be silent

Visitors must not interject or take part in any debate or in any other way interrupt the business of the meeting.

Members of the gallery must be silent at all times.

If any visitor is called to order by the Chairperson and thereafter again acts in breach of this Rule, the Chairperson may order them to leave the gallery and may request a member of Victoria Police to remove that person if the meeting is in person or to remove them electronically if it is a full virtual meeting.

A person must not refuse or neglect to leave a meeting when ordered to do so under this clause.

68. Questions from Councillors

At the discretion of the Chairperson, questions from Councillors to Council Officers or to other Councillors, may be disallowed if it is considered they are asked for purposes other than the simple soliciting of information.

69. Procedure not provided in this Rule

In all cases not specifically provided for by this Rule, the matter may be determined by Council resolution.

Part 4 Committees

70. Delegated Committees

A delegated committee means a committee established by Council under section 63 of the Act, or a joint delegated committee established by 2 or more Councils under section 64, or a committee (other than a community asset committee) exercising any power of a Council under the Act or any other Act delegated to the committee under the Act or any other Act.

Council may from time to time establish one or more delegated committees comprising the following:

- a) at least 2 Councillors; and
- b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote. If Council establishes a delegated committee, this Rule will apply to meetings of the delegated committee with any necessary modifications.

For this purpose:

- c) a Council Meeting is to be read as a reference to a meeting of the delegated committee;
- d) a Councillor is to be read as a reference to a member of the delegated committee.
- e) the Mayor is to be read as a reference to the Chairperson of the delegated committee.

A meeting of a delegated committee established by Council must be chaired by a Councillor, appointed by the Council or the Mayor, to chair meetings.

The Mayor may appoint a Councillor to be the chair of a delegated committee overriding any prior Council appointment.

If Council establishes a delegated committee subject to the Act, Council may resolve that a provision of this Rule does not apply to that Committee.

The agenda for delegated committees will be relevant to the issues which are to be raised at the relevant meeting.

Minutes of meetings of delegated committees will be taken.

If the minutes of any meeting of a delegated committee include a recommendation to Council, the Chief Executive Officer must ensure that such recommendation is reported to the next convenient Council Meeting.

71. Joint Council Meeting

Council may resolve to participate in a Joint Council meeting.

If council has resolved to participate in a Joint Council Meeting, the Chief Executive Officers (or delegates) will facilitate agreement on governance rules with the participating Councils.

Where the participating Councils agree Nillumbik will chair a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.

72. Community Asset Committees

The Governance Rules will apply to any Community Asset Committee established by Council.

Council may resolve, in establishing a Community Asset Committee, which the meeting procedure chapter of these Governance Rules does not apply.

A Community Asset Committee must report the minutes of the Committee Meetings to the next practicable Council meeting.

A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

The governance arrangements for these committees are specified by the chief executive (s 47(4)). These terms and conditions must include the limits and purpose of any financial delegation that can be exercised by the committee; governance arrangements; and monitoring and reporting requirements.

Part 5 - Physical and Remote Attendance

73. Mode of Attendance

Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:

- wholly in person;
- wholly by electronic means; or
- partially in person and partially by electronic means.

The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:

- wholly in person;
- wholly by electronic means; or
- partially in person and partially by electronic means.

Council may resolve to make certain meetings in person only.

If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means in accordance with rule 74.

If the Chief Executive Officer receives a request under rule 74 to participate in a meeting by electronic means of communication from two or more Councillors, the meeting must be conducted fully virtual.

74. Request to participate in meeting by electronic means of communication by a Councillor

Any notification to participate in a meeting by electronic means of communication must:

- be in writing;

- be given to the Chief Executive Officer no later than 10.00am on the day of the advertised date of that meeting; and
- specify the reasons why the Councillor cannot reasonably participate physically in the meeting in person or does not wish to attend the Council meeting in person.

The Chief Executive Officer must, if notified by the Councillor, keep the submitted grounds for the request notification confidential. Subject to this rule, the Chief Executive Officer must ensure that any notification received in accordance with this rule and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant meeting.

A Councillor who is not physically in attendance at a meeting but is present by electronic means of communication without submitting a notification to the Chief Executive Officer in line with this Rule, must be recorded as absent, and must not participate in the proceedings of the meeting, including moving or seconding motions, speaking during a debate or casting a vote on a motion before the meeting.

75.Submissions under Clause 25 and 26

A person who wishes to make a submission to an item on the agenda in accordance with the *Local Government Act 1989* and clauses 25 or 26 may register to join the Council committee meeting in person through the online link on the meeting page for that Council Committee Meeting by no later than 5pm of the day prior to the advertised date of the meeting to make their verbal submission.

The person will be contacted by a member of Council staff and provided with instructions to access the meeting.

76.Adjustments to meeting rules

If a meeting is conducted by electronic means of communication, the following modifications of this Governance Rule are made:

- a) References to a Councillor or delegated committee member being present at a meeting is a reference to a Councillor being able to hear and see other Councillors in attendance and being both heard and seen by other members in attendance;
- b) Absences of less than one minute must not be recorded as absences for the purposes of the meeting minutes unless a vote or the Mayor's request for declaration of conflicts of interest occurs due to the absence;
- c) Casting a vote may occur by a Councillor either raising their hand in view of a camera so that it can be seen by other members in attendance or, at the Chair's request, orally stating their vote;
- d) In the event of an absence of a Councillor during a vote due to a technical failure, a Councillor or member of Council staff may bring this to the attention of the meeting Chair, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Where the Councillor is unable to reconnect within five minutes, the meeting must resume in the Councillor's absence;
- e) In the event of a Councillor being required to leave a meeting due to a declaration of conflict of interest, a Councillor may leave the meeting by:

- i. deactivating their microphone and camera, for meetings that are open to the public; or
- ii. disconnecting from the online meeting platform, for meetings, whether open or closed to the public.

The Chair may, with the consent of the meeting, modify the application of any other clause of the Governance Rule – Meeting Procedures to facilitate the more efficient and effective transaction of the business of a meeting which is conducted by electronic means of communication.

APPENDIX 1

Cross-Reference to Local Government Act 2020

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
2	Power to make this Governance Rule	<p>60 Governance Rules</p> <p>(1) A Council must develop, adopt and keep in force Governance Rules for or with respect to the following—</p> <ul style="list-style-type: none"> (a) the conduct of Council meetings; (b) the conduct of meetings of delegated committees; (ba) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; (c) the form and availability of meeting records;
5	Definitions “Authorised Officer”	<p><i>Local Government Act 1989</i></p> <p>224 Authorised officers</p> <p>(1) A Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.</p> <p>(1A) A Council must maintain a register that shows the names of all people appointed by it to be authorised officers.</p> <p>(2) The Council must issue an identity card to each authorised officer.</p> <p>(3) An identity card must—</p> <ul style="list-style-type: none"> (a) contain a photograph of the authorised officer; and (b) contain the signature of the authorised officer; and (c) be signed by a member of Council staff appointed for the purpose. <p>(3A) If a Council appoints a police officer to be an authorised officer under subsection (1), for the purposes of this section the police officer's</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>certificate of identity is deemed to be an identity card issued under section 224(2) and is deemed to comply with section 224(3).</p> <p>(4) An authorised officer must produce his or her identity card upon being requested to do so.</p> <p>(5) An action taken or thing done by an authorised person is not invalidated by the failure of an authorised officer to produce his or her identity card.</p> <p>(6) For the purposes of this section, an authorised officer may demand the name and address of a person who has committed, or who the authorised officer reasonably suspects has committed or is about to commit, an offence against any Act, regulation or local law in respect of which he or she is appointed.</p> <p>(6A) In making such a demand, the authorised officer must inform the person of the grounds on which the demand is made in sufficient detail to enable the person to understand the nature of the offence or suspected offence.</p> <p>10 penalty units.</p> <p>(7) An authorised officer may enter any land or building in the municipal district at any reasonable time to carry out and enforce this or any other Act or any regulation or local law.</p> <p>(8) A person is guilty of an offence and liable to a fine not exceeding 60 penalty units if he or she—</p> <p>(a) refuses to give his or her name and address upon demand by an authorised officer; or</p> <p>(b) obstructs or hinders an authorised officer while performing his or her duty; or</p> <p>(c) falsely represents himself or herself to be an authorised officer.</p>
5	Definitions “Delegated Committee”	<p>63 Delegated committees</p> <p>(1) A delegated committee established by a Council—</p> <p>(a) must include at least 2 Councillors; and</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>(b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote.</p> <p>(2) A meeting of a delegated committee established by a Council must be chaired by—</p> <p>(a) a Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee; or</p> <p>(b) if the Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the delegated committee who are present at the meeting.</p> <p>(3) Section 61 applies to a meeting of a delegated committee as if the members were Councillors.</p>
6.3	Attendance at meetings	<p>66 Meetings to be open to the public unless specified circumstances apply</p> <p>66(1) A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.</p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p> <p>(3) If the circumstance specified in subsection (2)(b) or (2)(c) applies, the meeting can only be closed to the public if the Council or delegated committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.</p> <p>(4) For the purposes of subsection (3), the arrangements may include provision to view</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>the proceedings on the Internet or on closed circuit television.</p> <p>(5) If a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection—</p> <p>(a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of <i>confidential information</i> in section 3(1); and</p> <p>(b) an explanation of why the specified ground or grounds applied.</p>
7.1	Failure to raise or maintain a quorum	<p>67 Council decision making where quorum cannot be maintained</p> <p>(1) This section applies if a Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter.</p> <p>(2) The Council must consider whether the decision can be made by dealing with the matter in an alternative manner.</p> <p>(3) For the purposes of subsection (2), an <i>alternative manner</i> may include—</p> <p>(a) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or</p> <p>(b) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.</p> <p>(4) Subject to complying with any requirements under any other Act, if a Council is unable to use an alternative manner, the Council must decide to establish a delegated committee to make the decision in regard to the matter consisting of—</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>(a) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and</p> <p>(b) any other person or persons that the Council considers suitable.</p> <p>(5) Section 63(2) applies to a delegated committee established under subsection (4) to the extent possible after excluding all the Councillors who have disclosed a conflict of interest in regard to the matter.</p>
16lj)	Record of Proceedings	<p>66 Meetings to be open to the public unless specified circumstances apply</p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p>
24(a)	Public Question Time	<p>66 Meetings to be open to the public unless specified circumstances apply</p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p>
43	Voting	<p>61 Council meetings</p> <p>(5) A question before a Council meeting is to be determined as follows—</p> <p>(e) for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the question.</p>
65	Removal from Chamber	<p>19 Specific powers of the Mayor</p> <p>(1) The Mayor has the following specific powers—</p> <p>(b) to direct a Councillor, subject to any procedures or limitations specified in the</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.
71	Joint Council Meetings	<p>62 Joint Meetings of Council</p> <p>(1) Two or more Councils may determine to hold a joint meeting.</p> <p>(2) A joint meeting is a Council meeting of each Council for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly.</p> <p>(3) A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of—</p> <p>(a) the total number of Councillors determined by the Councils holding the joint meeting; and</p> <p>(b) at least 3 Councillors from each of the Councils holding the joint meeting.</p> <p>(4) A quorum at a joint meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the joint meeting.</p> <p>(5) Subject to subsections (2) and (6), the procedures for conducting a joint meeting are to be determined by the Councils holding the joint meeting.</p> <p>(6) A joint meeting must comply with any requirements prescribed by the regulations.</p>
72	Committee Asset Committee	<p>65 Community Asset Committee</p> <p>(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).</p> <p>(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.</p> <p>Note</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>Delegation of Power, Duties and Functions to members of a Community Asset Committee is provided for in Section 47 of the Act.</p> <p>(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—</p> <ul style="list-style-type: none"> (a) a member of Council staff; or (b) the members of a Community Asset Committee. <p>This mean Council may not delegate directly to a Community Asset Committee.</p>

ID	Any further suggestions to the draft Governance Rule - Meeting Procedures?	Officer Response
21901	Mostly this draft seems OK, but I feel there needs to be a recommendation to delete the prayer from the agenda	<p>The <i>Local Government Act 2020</i> does not require councils to conduct Prayers. It does expect that councils will reflect, and are accountable to, the communities that they are elected to serve and therefore the advice is that Council in making a decision should consider the purpose and effect in acknowledging religion at our Council meetings and how this reflects on and serves all members of the community.</p> <p>Officers have removed the Prayer from the Order of Business considering the majority of feedback received by community both in written submissions and at the Planning and Consultation Committee meeting held on 6 June 2023.</p>
21900	<p>Generally, all good, with the conspicuous exception of the absence of a recommendation to delete the prayer from the agenda.</p> <p>General Drafting changes to be made to address minor grammatical issues.</p>	<p>The <i>Local Government Act 2020</i> does not require councils to conduct Prayers. It does expect that councils will reflect, and are accountable to, the communities that they are elected to serve and therefore the advice is that Council in making a decision should consider the purpose and effect in acknowledging religion at our Council meetings and how this reflects on and serves all members of the community.</p> <p>Officers have removed the Prayer from the Order of Business considering the majority of feedback received by community both in written submissions and at the Planning and Consultation Committee meeting held on 6 June 2023.</p> <p>Officers have made changes to the Governance Rule - Meeting Procedures to address minor drafting errors.</p>
21885	The new clause only allows for one councillor to attend electronically. Should the clause read "at least one Councillor" and attendee(s)?	While Council recognises the importance of participating in the decision-making process in full public view, it must be balanced by the significant investment required to change the

		<p>aging technology of the existing audio visual equipment currently in the Council Chamber.</p> <p>The current infrastructure does not allow for two or more Councillors to seamlessly appear at the public meeting via virtual means. Any requests or improvements to such equipment will be brought back to Council for consideration at a future time.</p>
21884	In Part 2, Section 13, Item 4, "Prayer" is an antiquated and exclusionary practice that has no place in secular society.	Refer to response above relating to the Prayer
21880	Reciting the Lord's Prayer should be removed from meeting procedures. It is archaic, exclusionary and does not reflect contemporary society. I have been harmed by the church and find it offensive that this remains in modern day practices.	Refer to response above relating to the Prayer
21879	<p>With regards to Item #13 in the Council Meeting Procedures; please reconsider inclusion of a prayer.</p> <p>According to the most recent census data, in Nillumbik Shire in 2021, the largest religious group was Western (Roman) Catholic (21.8% of all people), while 49.9% of people had no religion and 3.9% did not answer the question on religion.</p> <p>With almost half of Nillumbik residents no longer aligning to any religion, it should be considered whether inclusion of a prayer is still reflective of the community, as well as whether or not this aligns appropriately with Council's Access, Equity and Inclusion Policy.</p>	Refer to response above relating to the Prayer
21878	<p>I do not support the use of a prayer before council meetings, at least not as I have seen the procedure at Nillumbik Council for some years past. To date the prayer has always as far as I recall come from a Christian minister.</p> <p>Given the changing nature of Australian and Nillumbik society I think IF Council is to continue with a prayer it should be offered by the broadest possible and</p>	Refer to response above relating to the Prayer

	<p>representative range of faiths, including Christians, Muslims, Hindus etc. And if something like a prayer is continued then I recommend that people of no faith be also invited to urge the Council to get on a do its job properly.</p> <p>I think the rules for electronic petitions should be amended to make it much, much easier to submit properly vetted electronic petitions. To do that reliably would require petition organisers to require signatories of their petition to provide verifiable details of their identities and places of living.</p>	<p>Comments noted and slight amendments have been made to ensure consistency with written and online petition processes.</p>
21864	<p>The Questions to council are rarely answered. The Questions tend to passed on with little clarity.</p>	<p>Comments noted - no changes to the meeting procedures required.</p>
21856	<p>Removal of the Prayer Put plainly, in today's world it no longer makes sense that meetings of Council open with a prayer. I believe the prayer should be removed entirely from Council's Meeting Procedures. The 2021 Census indicates that just under half of Nillumbik residents, 49.6%, indicated 'No Religion' in completing their Census form. 21.8% indicated Catholic faith and 8.1% Anglican faith. A prayer is not an inclusive way to open the meeting. Council can demonstrate leadership, both at a local government level, and across levels of government, by removing the prayer from Meeting Procedures. If Council did want to maintain some sort of statement, I'd encourage consideration of what Banyule City Council uses at the start of their meetings, their 'Inclusive Banyule Statement': 'Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. We are committed to access, equity, participation and rights for everyone: principles which empower, foster harmony and increase the wellbeing of an inclusive community.'</p>	<p>Refer to response above relating to the Prayer</p>

	<p>Improving transparency of votes Currently, short of working one's way through the recording of a Council livestream, a resident cannot find a record of how councillors voted on motions throughout any given Council Meeting.</p> <p>Motions that receive unanimous support from councillors are marked 'CARRIED UNANIMOUSLY' in the minutes, but when a vote is split the minutes indicate simply 'CARRIED' or 'LOST'.</p> <p>This is not a transparent report of the vote taken. Residents and others in the community deserve to be able to easily access and understand how councillors have voted on an issue. I suggest that regardless of the outcome of a motion, the minutes always list those councillors who voted in favour, against or abstained on that motion.</p> <p>This can be achieved by amending Section 16 subsection (h) to read something like:</p> <p><i>the vote cast (if any) by each Councillor and/or committee member on each motion or amendment, either for, against or abstaining, and the declaration of the result</i></p> <p>I have previously heard this described as 'automatic division', reflecting as you know that currently when a councillor calls a division and the names of councillors voting in favour, against or abstaining are called out, these results are recorded in the minutes.</p> <p>This reform would enable residents to easily find out the result of a vote by reading the minutes. No longer would they need to sift through a video recording to locate the time of the meeting where the vote occurred.</p>	<p>Officer support the inclusion of recording councillor names against the votes if the vote is not carried unanimously.</p> <p>Important to note this change does not affect the ability for councillors to call for a division.</p>
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	<p>This change would also make aspects of Section 49 superfluous, relating to a Councillor requesting that their opposition to a motion be noted in the minutes.</p> <p>Delegate Reports I support the updates clarifying the use of Delegates' Reports. In both this term and the previous term of Council – if my memory serves me correctly – this section of meeting has not been used once. The proposed changes to the Meeting Procedures provide a clear indication of what the purpose of this section is. I hope Councillors take up the opportunity to use this section of the meeting. The work they do as delegates to Advisory Committees, interest groups and external organisations is often unnoticed by the general community. I think if even in a small way greater attention can be provided to this area of work that is a good thing.</p> <p>Virtual meetings A Meeting of Council should not revert to a virtual meeting if two or more councillors request to participate via electronic means. This suggests that Council is not prepared with the technology that would enable remote attendance in an in-person Council meeting, despite examples of this existing at other councils including Hume. In-person meetings should be maintained wherever possible. The attendance of two or more councillors via virtual means should not mean that an in-person or hybrid meeting cannot occur.</p> <p>Council should invest in the technology that enables it to have flexibility with remote attendance.</p>	<p>Comments noted – Officers welcome the comments and confirm the intent of the amendment is to encourage an increase in delegates' reports and to provide clarity and consistency around the process of the acceptance of such reports.</p> <p>While Council recognises the importance of participating in the decision-making process in full public view, it must be balanced by the significant investment required to change the aging technology of the existing audio visual equipment currently in the Council Chamber. The current infrastructure does not allow for two or more Councillors to seamlessly appear at the public meeting via virtual means. Any requests or improvements to such equipment will be brought back to Council for consideration at a future time.</p>
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	Petitions The updated Meeting Procedures indicate that in Section 11 the line 'Any resident of Victoria may sign a petition' has been removed.	Comments noted – Officers have reinserted the wording 'Any resident of Victoria may sign a petition'.
21850	I am uncertain if the council is still doing the prayer before the each meeting. If it is still they case I would advise to remove that requirement, as it alienates the non-religious members of this community.	Refer to response above

Nillumbik Shire Council

Recreation Trails Advisory Committee

Terms of Reference

Name

Recreational Trails Advisory Committee

Introduction:

The Recreation Trails Advisory Committee is a group consisting of members of the Nillumbik community, who will gather three times per year to disseminate and consider information in order to support council on the development of recreation trail strategies and plans.

Policy Statement:

The Advisory Committee Policy sets out explicit standards of behavior to help Advisory Committee Members perform their duties and functions a Advisory Committee Members to the requisite level. To record Council's Policy on the operation of Council Advisory Committees.

Aims:

The aim is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and strengthen community participation in the development and review of new and existing recreation trails within the Shire of Nillumbik.

Objectives

- Create a forum for dissemination trail development information and feedback on key trail development proposals.
- Provide feedback and information to Council on works and other matters as they may arise along the trails, including the monitoring of trail usage and condition.
- Consider and provide recommendations to Council on Recreational Trail development proposals and funding applications relating to the Northern Regional Trails Strategy and Nillumbik Trails Action Plan.
- Consider and provide feedback on key Government initiatives relating to the trails in order to maximise community benefit, including the preparation of proposals and funding applications.



- Assist Council's engagement with the Nillumbik community with the development of recreation trail promotional material and events.

Membership

The Advisory Committee membership will consist of up to 13 members and will include representation from:

- Two representatives of the Nillumbik Shire Council (Councillors) – one as Chair, one as alternate Chair.
- Twelve community representatives who live within the Shire, selected to reflect a range of interests, expertise and experience:
 - Two Friends of or Landcare representatives
 - Two community horse riding representatives
 - Two cycling representatives
 - Two walking group representatives
 - Two general community representatives, one urban and one rural
 - One tourism representative
 - One person with a disability or advocate on behalf of people with a disability
- When a community representative is absent from a meeting, they may nominate another person from the same interest group to attend the meeting in their place. From time to time, the User Group may invite other people from the community or government agencies to provide input into a particular topic or project.

All Advisory Committee positions are unpaid positions unless otherwise specified in the Terms of Reference.

Council Directorate

The Advisory Committee falls within Council's Operations and Infrastructure Directorate and will be managed by Council's Recreation and Leisure team.

Meeting Frequency

The Advisory Committee will be held three times per year, in March, July and November.

Subcommittees around specific projects may be convened as required and meet on a more frequent basis.

Broader community involvement will be advertised as required for on-ground activities.

Endorsed by Council

These Terms of Reference were endorsed by Council on 28 March 2023 (proposed).

Next Review Due

28 March 2025 (proposed).

Recreation Trails Advisory Committee Terms of Reference

Page 2 of 8

Informal Meetings of Councillors and Conflicts of Interest

The Advisory Committee is considered an Informal Meeting of Councillors as defined in Clause 19 of Council's Governance Rule - Meeting Procedure.

An Informal Meeting of Councillors Record must be completed and sent to Council's Governance team as soon as possible at the completion of the meeting for inclusion in the Agenda for the next Council Meeting.

The Informal Meeting of Councillors Record must outline:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor, Committee member or Council staff member; and
- whether an individual who has disclosed a conflict of interest leaves the meeting.

The Minutes of the meeting, including the matters discussed at the meeting must be tabled at the next convenient Council Meeting and recorded in the minutes of that Council Meeting.

Conflicts of Interest as defined by sections 126-131 of the *Local Government Act 2020*

Councillors, Committee members and Council staff are expected to understand the concept of conflicts of interest in the *Local Government Act 2020* and follow Council's procedure for disclosure in the Governance Rule – Decision-making.

Working groups

Working groups will be established as required to provide an opportunity for members to work collaboratively on specific issues and projects. Membership of the working groups will be open to Advisory Committee members and non-members. A working group member will be nominated to provide feedback at the Advisory Committee meetings.

Recruitment Process

Nominations for appointment of individual members shall be invited through local media and Council publications. Invitations will also be circulated through relevant Council Committees and networks. Representatives of key organisations will be recruited directly by Council staff members, and from other organisations will be sought through advertising.

Gender Equality, Diversity and Inclusiveness

The *Gender Equality Act 2020* commenced on 31 March 2021 and seeks to improve workplace gender equality in the Victorian public sector, universities and local councils.

Local councils are required to promote gender equality in policies, programs and services that impact the public. The committee will actively consider how community members of various ages, abilities, cultural and gender identities, sexual orientation, religions, locations and social economic backgrounds might access policies, programs or services differently and if there are any barriers which may hinder these groups from accessing these policies, programs or services.

Selection Criteria for Membership of Advisory Committees

Nominees for membership must be able to demonstrate:

- Qualification skills and expertise in a specific area – where necessary depending on the issue/project/topic.
- A strong understanding of the local community and its social, environmental and economic influences.
- Good knowledge and understanding of the local issues that are relevant to the subject matter.
- Endorsement by their own organisation. Individuals should provide two character referees as part of their application, unless they are a returning member.
- An ability to represent a broad range of views that reflect the diversity of the community.
- Current involvement in the community in the interest area that relates to the purpose of the Advisory Committee.
- Strong community networks and linkages.
- An ability to constructively participate in an advisory capacity.
- A willingness to contribute positively to meetings in a fair and unbiased manner.
- An ability to look beyond personal interests for the benefit of the community and residents in the Shire.
- An ability and willingness to encourage participation from and provide feedback to the community regarding an issue.
- A capacity to commit to the Advisory Committee for the required duration.
- A willingness to celebrate the success and achievements of the issue/s.

All Advisory Committee applications will be considered based on the Key Selection Criteria and Application.

Selection Panel to make recommendation of members on Advisory Committees

- Senior member of Council (CEO or Director/Executive Manager – or delegated Manager)
- Nominated Council staff member from the specific service area related to the issue
- Senior Manager of a local provider (if appropriate)
- Senior Manager of a local industry (if appropriate).

A recommendation about the membership is made for the endorsement of Council.

It is noted that once the committee has been appointed, this selection panel is disbanded.

A Councillor must not participate as a selection panel member because in doing so it will trigger the conflict of interest provision of the *Local Government Act 2020* whereby they will have to remove themselves from the decision making process at Council.

The following are examples of selection criteria relevant to the Committee's purpose that might be used in an expression of interest document.

An individual applicant may be selected on the basis of the following criteria:

- Qualifications, skills and experience the person can bring to the Committee.
- Current knowledge of issues relevant to the aims and objectives listed in the Terms of Reference.
- Living, working or engaging in activities in Nillumbik Shire.
- Willingness to commit to a two-year term.
- Ability to represent a diversity of views and interests of the community.

Representatives of organisations may be selected on the basis of that organisation:

- Having involvement and providing services to Nillumbik residents who work within the service industry covered by the Advisory Committee.
- The nature of the service the organisation provides to Nillumbik residents.
- Having capacity to provide a consistent representative for a two-year term.
- The resources and expertise that the organisation can offer the Committee.

Terms of Appointment

- Appointments will be for a two year term.
- Council will appoint a Councillor to chair the meetings.
- Members completing a two year term may re-apply for a further two year term.
- The operations of the Committee will be reviewed annually by Council.
- Members are free to resign in writing from an Advisory Committee at any time. At which time, Council may initially approach one of the unsuccessful applicants or undertake a new expression of interest.

Meeting Frequency

- The Advisory Committee will meet for the frequency listed above.
- It is expected that each member attend a minimum of 60 per cent of all meetings unless reasons are provided to the Chairperson. No reasonable explanation will be denied.
- A member's term of appointment may cease if the member fails to attend three consecutive meetings without prior apology.
- A quorum at a meeting of the Advisory Committee will consist of at least half of the appointed members (excluding Council staff).

Role of Councillor

The role of the Councillor is:

- To act as Chairperson of the Advisory Committee.
- To be the link between Council and the Advisory Committee.
- To table issues and concerns to Council on behalf of the Advisory Committee.

Should the Chairperson be absent from the meeting, the Advisory Committee is to appoint a temporary Chairperson by a majority vote of those members present.

Observers

When observers are invited to attend Advisory Committee meetings, their role is to observe only unless called upon by the Chairperson to participate.

Executive Support

Council's nominated Department or team managing the Advisory Committee will provide executive support to the Advisory Committee.

Role of Committee members

- Commit to serving for two (2) years.
- Prepare for, attend and actively participate in meetings.
- Take an active role in communicating the views of residents and organisations to Council.
- Provide feedback to Council via the Council staff member assigned to convene the Committee.
- Keep the Committee informed of current and emerging developments, and issues and activities relevant to the Committee.
- Respond to requests for input into and/or feedback on Council activities, policies and reports.
- Seek approval from Council prior to making public statements, submissions or announcements or issuing correspondence (including emails) to external stakeholders on behalf of the Committee or Council.

Accountability and Extent of Authority

- All Advisory Committee members have an active role to provide feedback and advice to Council on issues relating to the aims and objectives of the Advisory Committee within the municipality.
- All Advisory Committee members participate in discussions at Advisory Committee meetings.
- All Advisory Committee members have an advisory role and do not hold any authority to make decisions or commitments on behalf of Council.

Monitoring and reporting

- The minutes of Advisory Committee meetings will be circulated to members via email for confirmation, and then placed on Council's Advisory Committee website for viewing.
- All Committee minutes will be presented to Council at the next available Council Meeting for noting.
- Recommendations and requests arising from Advisory Committee meetings will be presented to Councillors for consideration. Where this occurs, the request will require the majority support of the Advisory Committee members present. Responses to recommendations will be determined based on Council's legislative role, stated commitments in Council's policies and plans and budgetary processes.
- Unless the Council staff member managing the Advisory Committee holds the appropriate delegation from Council to act on formal advice provided by the Committee, that advice must be referred to Council for formal resolution to act. Where formal advice provided by the Advisory Committee cannot be acted on with the delegated power of Council staff, it must be referred to Council for formal resolution before being acted on.

Evaluation and Review

The Advisory Committee Terms of Reference and membership will be reviewed and evaluated on an annual basis or as required for any significant changes.

Support to participate in meetings

Council will provide reasonable support for members to participate in the meetings. This will be negotiated with the members as needed.

Induction and Orientation

An induction and orientation process will occur for all members at the beginning of the term of the Advisory Committee. This process will include:

- Briefing members on the expectations and requirements of membership of the Advisory Committee.
- Providing members with an overview of the advisory structures (including working groups and sub-committees) and decision making processes of Council.
- Introduction to the Council Plan and other relevant Council policies, strategies and plans.
- An overview of key issues relating to the aims and objectives of the Advisory Committee.
- Establishing clear objectives and priorities for the two-year term of the Committee.
- Reviewing Advisory Committee Policy and expectations of members at Advisory Committee meetings and each member signing a declaration to abide by the conduct obligations.

- Providing information to members to ensure their understanding of obligations relating to:
 - Conflicts of interest
 - Confidentiality
 - Privacy
 - Health and safety, equal opportunity, bullying and harassment
 - Child Safe Standards
 - Social Media Protocol

Confidentiality

Councillors and other members of Advisory Committees established by Council must not disclose information defined in section 3(1) of the *Local Government Act 2020* as “confidential information”.

Privacy

Councillors and committee members on advisory committees established by Council are subject to the requirements of the *Privacy and Data Protection Act 2014* and Council’s Information Privacy Policy.

Breaches

Breaches of the Advisory Committee Policy or Terms of Reference will be dealt with under the Policy.

~ end ~

Municipal Planning Strategy (MPS) – Council Briefing Attachment 1 – Frequently Asked Questions (FAQs) for Councillors

What the Municipal Planning Strategy?

The Municipal Planning Strategy (MPS) is a concise expression of the overarching strategic policy directions of a municipality. It provides for the planning scheme's policy foundation, based on the municipality's location and regional context, history, assets, strengths, key attributes and influences. The MPS supports, but does not form part of, the Planning Policy Framework (PPF). The PPF and MPS work together to form the strategic basis of a planning scheme.

Amendment VC148, gazetted in July 2018, introduced new structure to the Victorian Planning Provisions (VPP) within all Victorian Planning Schemes, including Nillumbik. This included introduction of a new PPF and the introduction of the MPS (to replace the Municipal Strategic Statement). Amendment VC148 did not translate the current Local Planning Policy (LPP) or Municipal Strategic Statement (MSS) into the new framework.

The Minister undertook a policy neutral amendment of the Nillumbik Planning Scheme to translate the current LPP and the MSS into the new format through Amendment C135 in mid-2021. Consequently, the MPS currently in the Scheme, has the same content as the existing MSS and given a full scale review has not been undertaken since its introduction into the Scheme some 20 years ago, needs to be updated to reflect a modern vision for Nillumbik. For Council, preparation of an updated MPS represents the best opportunity to capture the community's views and to set the vision for the Nillumbik Planning Scheme and future strategic work to inform local planning policy.

What must the MPS address and how must it be formatted?

The Municipal Planning Strategy (MPS) must succinctly explain the context for a municipality and provide the overarching strategies for the major land use and development matters that affect it. It does not include detailed policy which belongs in Clauses 10 to 19 (Planning Policy Framework) of the planning scheme.

The content of the MPS should be easily read, expressed in a logical sequence and grouped by related land use and development themes. The preferred approach is to follow the Planning Policy Framework (PPF) themes. This reinforces the strategic linkages between the PPF and the MPS, helps navigation and improves the ease of use of the planning scheme. PPF policy topics are addressed in the MPS based on the priorities of the municipality.

Information that is likely to become out of date before the next review cycle (about 4 years) is advised by State Government to not be included in the MPS.

To ensure the MPS focuses on priorities and provides a clear and direct message about a council's planning aspirations, the Ministerial Direction The Form and Content of Planning Schemes specifies a word limit for the MPS. The allowable word limit for the MPS is 5000 words (excluding plans). The current draft of the MPS is sitting as just under this word limit at 4945 words.

The draft MPS is structured to meet the drafting requirements of DELWP including *A Practitioners Guide to Victorian Planning Schemes*, *Planning Practice Note 04*; and *Ministerial Direction: The Form and Content of Planning Schemes*.

What sections make up the MPS?

Consistent with the requirements (above), there are four sections that make up the Municipal Planning Strategy (MPS). These include:

- Context (Clause 02.01)
- Vision (Clause 02.02)
- Strategy Directions (Clause 02.03)
- Strategic Framework Plans (Clause 02.04)

Clause 2.01 Context:

The context is a concise half to one page description of the municipality in its regional setting providing a very brief description of the geographic, economic, environmental and demographic qualities of the municipality. These should represent both the opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision and strategic directions.

The context should set the scene for what issues are important to the municipality and need to be addressed by the planning scheme. There is no need to provide extensive detail or state how the issue will be addressed in the context statement because this is the role of the strategic directions.

Clause 2.02 Vision:

The vision is an overarching statement of intent that describes the type of municipality a council seeks to create. It should be concise, typically half to one page, and can comprise one consolidated statement or a set of statements.

Importantly - the vision must focus on land use and development issues capable of being influenced by the planning scheme. If the vision is derived from a vision statement sourced outside the planning scheme (such as from a council plan that addresses broader issues), that wider vision statement will need to be distilled into a vision for the MPS that focuses on land use and development.

The vision together with the strategic directions and strategic framework plans provide an opportunity to set out the local directions of the planning scheme, consistent with state policy in Clauses 10 to 19.

Clause 2.03 Strategic Directions:

The strategic directions outline how a municipality will implement its vision and manage key issues relevant to the municipality. Strategic directions are the high-level policy intentions for the municipality that provide the basis for matters that are implemented through more detailed policy in Clauses 10 to 19 (Planning Policy Framework) or a planning scheme control (e.g. a zone or overlay).

The strategic directions must be supported by background strategic work that has already been undertaken by a council. If the work to support the strategic directions has not been undertaken, then that matter may be identified as further strategic work in Clause 74.02 (Further Strategic Work) or elsewhere in a council work or business plan, not in the MPS. The strategic directions need to be evidence-based so that they can be reasonably implemented through the planning scheme.

The strategic directions should articulate what is most important to the municipality from a land use and development perspective and provide an understanding of why those issues are important. In particular, they may set out:

- How state and regional policy will be implemented at the municipal level;
- Articulate how identified issues will be addressed and how the vision will be implemented;
- Contain direction on matters such as opportunities for growth, a township or activity centre hierarchy, areas of environmental significance or any other topic that is relevant to land use and development within the municipality;
- Provide the policy basis for the application of controls and the local policies in Clauses 10 to 19.

Strategic directions should be grouped by theme and identified by sub-headings. The themes should follow those of the Planning Policy Framework (PPF) for consistency and navigability. The strategic directions for each theme may be supplemented with a brief context (generally 1 or 2 paragraphs) to help explain the basis of the strategic directions. While this contextual information is written in the narrative form, strategic directions must be in bullet point form, so they are clearly identified. Each strategic direction should only express one idea.

Clause 2.04 Strategic Framework Plans:

The strategic framework plans are a spatial representation of the key strategic directions for the municipality. The vision, strategic directions and strategic framework plans together provide the 'big picture' response to the opportunities and challenges facing a municipality. The strategic framework plans:

- Should show spatially how the municipality is expected to change as a result of the implementation of the planning scheme;
- Compliments the policy in the MPS and where relevant, PPF;
- They cannot replace policy text. For example, a strategic direction must be in the text of the MPS and not solely on a framework plan;
- They should have a clear link with the strategic directions in the MPS and can be annotated to express the strategic directions on the plans;
- May show matters such as directions for growth and development, housing frameworks, industrial land supply, productive agricultural land, strategic redevelopment sites, significant infrastructure, areas of environmental significance or areas where environmental risk must be managed or any other matter that the MPS identifies;
- Should illustrate more than just existing conditions.

What is Clause 74.02 – Further Strategic Work and why has it been included within the MPS review?

The Further Strategic Work section of the planning scheme (Clause 74.02) is a concise list of work a council intends to undertake before the next planning scheme review (occurring on a 4 yearly cycle), which is subsequently then set out in a schedule to this clause. The work must have a land use and development focus and must relate to matters that can be implemented through a planning scheme. The identification of further strategic work is useful for a council to

set strategic priorities and obtain funding for a project. However, as these strategic intentions are not fully formed and have not had the benefit of strategic work to underpin them, there is a risk that they can be used as speculative policy and lead to decisions being made that are not based on adopted policy. Importantly to note, the identification of further strategic work is not a requirement of the *Planning and Environment Act 1987* and does not form part of the MPS or Planning Policy Framework (PPF). Also a responsible authority is not required to take this clause into account when making a decision.

Although not part of the MPS, Clause 74.02 Further Strategic Work is included in this package of information with proposed changes. The reason for this is that some of the issues raised through consultation and in other Council strategies e.g. the adopted Green Wedge Management Plan 2019, require further strategic work in order for their consideration in changing/adding content to the Planning Scheme. If the work to support the strategic directions has not been undertaken, then that matter may be identified as further strategic work in Clause 74.02 or elsewhere in a council work or business plan; not in the MPS.

MPS - Phase 3 Engagement - Summary of Submissions

[Table of Contents](#)

Clause 02.01 Context	3
Clause 02.02 Vision	35
Clause 02.03-1 Settlement and the Nillumbik Green Wedge	51
Clause 02.03-1 Activity centres	70
Clause 02.03-1 Eltham Gateway	76
Clause 02.03-2 Protection of biodiversity	80
Clause 02.03-2 Waterways and water bodies	101
Clause 02.03-2 Landscapes	105
Clause 02.03-3 Climate change	110
Clause 02.03-3 Flooding, soil degradation and bushfire	113
Clause 02.03-3 Potentially contaminated land	118
Clause 02.03-4 Agriculture	122
Clause 02.03-5 Urban and building design	129
Clause 02.03-5 Signs	136
Clause 02.03-5 Neighbourhood character	137
Clause 02.03-5 Energy and resource efficiency	145
Clause 02.03-5 Heritage	148
Clause 02.03-6 Housing	152
Clause 02.03-6 Rural residential development	157
Clause 02.03-7 Business and employment	163
Clause 02.03-7 Industry	168
Clause 02.03-8 Transport	169
Clause 02.03-9 Open space and recreational facilities	173
Clause 02.03-9 Development infrastructure	175

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

Clause 02.04-1 Strategic framework plan 176

Clause 02.04-2 Faunal habitat and remnant vegetation plan 178

Clause 02.04-3 Open space and recreation facilities plan 179

Clause 02.04-4 Infrastructure assets plan..... 181

Clause 72.04-2 Further strategic work..... 181

General Feedback 183

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
Clause 02.01 Context			
1	1) Reference should be made of when the Shire was established, state the key environmental landscapes that make up the Shire; 2) reference key environmental conservation reserves, wildlife corridors and their significance; 3)reference the climate emergency and impacts to biodiversity, population, water supply and natural hazards such as flooding and bushfire. These aspects should be mentioned first/upfront after Traditional Owners reference before continuing with other material.	<p>1) to 3): The content and length of draft MPS Clause 02.01 ('Context') is consistent with the Ministerial Direction The Form and Content of Planning Schemes: Practitioner's guide to Victoria's planning scheme, which identifies that the 'Context' is a concise half to one page description of the municipality in its regional setting providing a <u>very brief description</u> of the geographic, economic, environmental and demographic qualities of the municipality. These should represent both the opportunities and challenges that establish the key land use and development issues to be addressed in the subsequent MPS clauses, municipal 'Vision' (Clause 02.02) and Strategic Directions (Clause 02.03), with the latter clause providing the more extensive detail.</p> <p>The context should set the scene for what issues are important to the municipality and need to be addressed by the planning scheme. There is no need to provide extensive detail or state how the issue will be addressed in the context statement because this is the role of the strategic directions.</p> <p>Additionally, statements throughout the MPS are derived from a range of Council's adopted strategic plans and strategies, including (amongst others) <i>Council Plan 2021-2025</i>, <i>Climate Action Plan 2022-2032</i> and <i>Economic Development Strategy 2020-2030</i>, which provide even greater detail than the Strategic Directions at draft MPS Clause 02.03. Many of these Council plans and strategies inform planning policies throughout the Nillumbik Planning Scheme.</p>	<ul style="list-style-type: none"> • Add to draft MPS Clause 02.02: <i>"Nillumbik Shire was formed in 1994 from the merger of parts of the Shires of Eltham, Diamond Valley, Healesville and the City of Whittlesea."</i> • Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>All of the MPS content is limited to a maximum of 5,000 words under Ministerial Direction The Form and Content of Planning Schemes: Practitioner's guide to Victoria's planning scheme and planning scheme amendment templates from the Victorian Department of Transport and Planning (DTP).</p> <p>1) Consistent with the Ministerial Direction The Form and Content of Planning Schemes: Practitioner's guide to Victoria's planning scheme, the MPS 'Context' can include establishment of a local government area.</p> <p>The current draft of the MPS 'Context' identifies the broader environmental landscapes, with greater detail on environmental landscapes and values (Clause 2.03-2) identified in the draft MPS Strategic Directions.</p> <p>2) As noted above with regard to the role of 'Context' within the MPS, the key environmental conservation reserves and wildlife corridors are referred to in Strategic Directions at Clause 2.03-2 under Protection of biodiversity, Waterways and waterbodies and Landscapes, noting this clause identifies that faunal habitat and remnant vegetation is mapped at draft MPS Clause 2.04.</p> <p>3) 'Context' identifies a key point of difference with regard to Nillumbik is that a large proportion of the Shire experiences high bushfire risk. This is a unique setting. State policy at Clause 11 of the Nillumbik Planning Policy Framework (PPF) identifies a key policy setting that <i>"planning is to recognise the need for, and as far as practicable contribute towards (among other matters) climate change adaptation and mitigation"</i>. The impacts of climate change are already identified in the</p>	

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		draft MPS at Clause 02.03-2 Protection of biodiversity and 02.03-3 Climate change. Given the 'Vision' identifies that one of Nillumbik's planning related goals is to <i>enhance Nillumbik's sustainability and resilience to both climate change and bushfire</i> , it is considered reasonable that 'Context' should include a sentence with relation to climate change.	
2	Consideration should also be given to severe earthquake hazards and how structures throughout Nillumbik can be made to be more resilient to withstand such impacts.	Already generally addressed in State policy at Clause 13.01-1S Natural hazards and climate changes which identifies the objective to <i>minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning</i> , with supporting strategies including (among others) the key strategy to <i>site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards. Any specific address of earthquake hazards will be guided by any future specific State Government planning policy on this issue.</i>	No change to draft MPS based on this submission.
3	Much of the Shire still recovering from previous disasters and now has increased threats of species extinction and broken food chains. How does this fit into the Context of the MPS? Should be mentioned as a future challenge.	The Context at draft Clause 02.01 already states that Nillumbik's biodiversity is highly valued and that the green wedge supports several rare and endangered species. It would be useful to add ' <i>including conservation areas</i> ' after 'green wedge' at least once in the MPS to provide a statement that helps reconcile rural areas outside the Urban Growth Boundary (UGB) with the reality of the actual zoning, i.e. most of Nillumbik Shire is in the Rural Conservation Zone (RCZ) rather than the Green Wedge Zone (GWZ) in circumstances	<ul style="list-style-type: none"> • Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01. <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> • Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>where RCZ includes the purpose of protecting and enhancing biodiversity.</p> <p>Nillumbik's planning goals in the draft Vision at Clause 02.02, which responds to the Context, includes seeking to enhance Nillumbik's sustainability and resilience to climate change and bushfire. It would be appropriate to expand this statement to explicitly include threats to biodiversity, especially since the Commonwealth's most recent State of the Environment report (released July 2022) concluded that a general outlook is for a deteriorating environment as a result of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction. Additionally, the Victorian Auditor General's report on Protecting Victoria's Biodiversity (tabled October 2021) referred to a statement in the previous 2018 State of Environment Report that <i>"a third of all of Victoria's terrestrial plants, birds, reptiles, amphibians, mammals, invertebrates and ecological communities are threatened with extinction."</i></p> <p>Draft Schedule to Clause 74.02 ('Further Strategic Work') already includes review of the environmental framework within the scheme to protect biodiversity outcomes.</p>	
4	How does the this clause/MPS prevent fertile land being further developed and population pressure outstripping the infrastructure?	<p>The strategic directions of the draft MPS will support existing state and regional planning scheme policies to protect agricultural land and to direct population growth to existing urban areas and settlements.</p> <p>For rural areas, the strategic directions under draft MPS Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') include to "Maintain non-urban breaks between existing urban areas and non-urban areas, and between rural</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove <i>"such as permaculture and aquaponics"</i> and add a sentence as follows:

MPS - Phase 3 Engagement - Summary of Submissions

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		<p>townships". This is consistent with the core State Green Wedge policy with regard to protection of Metropolitan Green Wedges at Clause 11.01-1R.</p> <p>These directions would work in concert with the strategic directions for agriculture in draft MPS Clause 02.03-4 ('Natural resource management'), which include to protect and enhance agricultural land, and to "Promote land use in rural areas in accordance with the capability and productive potential of the land".</p> <p>A recent report on the 'Future of Agriculture in Nillumbik' (FOAN) is consistent with this direction because it identifies land suitability in Nillumbik for a range of crops, including citrus, wine grapes, apples and raspberries. It would be appropriate to add the land suitability maps for these crops to the maps in draft MPS Clause 02-04 ('Strategic framework plan').</p> <p>These plans should also be referred to in the text for 'Agriculture' under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p> <p>Additionally, the strategic directions respond to the Context in draft MPS Clause 02.01, which states that around "91 per cent of Nillumbik is rural land that lies outside the Urban Growth Boundary and forms part of a metropolitan green wedge, providing a non-urban break between the Whittlesea urban growth corridor and the Lilydale urban area. The green wedge is an area of environmental, landscape and</p>	<p>"Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability."</p> <ul style="list-style-type: none"> Amend 4th dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows: "Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment." Add the land suitability maps for citrus, wine grapes, apples and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04. Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: "Identify Nillumbik's housing needs in a housing strategy." Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.

MPS - Phase 3 Engagement - Summary of Submissions

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		<p><i>agricultural importance to both Nillumbik and the wider metropolitan region."</i></p> <p>For urban and residential areas, draft MPS Clause 02.03-1 also identifies that "<i>Nillumbik's key planning issue will be providing a diverse range of dwellings within the Urban Growth Boundary</i>", and that "<i>Areas identified as having further growth potential</i>" include (amongst other areas) the Eltham and Diamond Creek Major Activity Centres. Areas identified for growth are supported by the strategic directions for Development infrastructure under draft MPS Clause 02.03-9 ('Infrastructure'), which include to "<i>Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development</i>" and to "<i>Minimise infrastructure servicing demand in rural areas</i>". Clause 02.03-9 also highlights the importance of using development contributions in the funding of infrastructure "<i>for designated residential areas where the existing infrastructure cannot cater for the expected density increase</i>".</p> <p>The Draft Schedule to Clause 74.02 ('Further Strategic Work') refers to work that could be identified in 'the housing strategy'; however does not explicitly direct to undertake a housing strategy. Additionally, there is no reference to a housing strategy in any of the strategic directions of the draft MPS. A fourth dot point should be added to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to develop a Housing strategy that identifies Nillumbik's housing needs.</p> <p>A housing strategy could identify where higher densities could be increased, e.g. in relation to major activity centres that can provide a better</p>	

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		range of services, including access to public transport.) This should also be identified as further strategic work in the Schedule to Clause 74.02. The additional explicit direction to undertake a housing strategy would support the current three dot point directions in draft MPS Clause 02.03-6 that seek to facilitate the provision and diversification of housing, medium density housing and affordable housing. The development of a housing strategy is an appropriate and conventional strategic approach in planning for housing, which also recognises the need to provide supporting physical and community infrastructure.	

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
5	Reference to the Shire's bushfire risk in the first paragraph is an unnecessary overstatement and gives too much weight to the issue over other other risk and considerations that are important in the Shire - particularly related to broader issues like climate change and environmental degradation. The reference to bushfire in this paragraph should subsequently be removed, or if Council seeks to include the bushfire risk in this clause, it should be included holistically and objectively within the context of broader environmental risks such as climate change; habitat loss, land fragmentation, loss of biodiversity and wildlife/habitat impacts including the reduction of insect numbers and animal species caused by continuous encroachment of development, increase in invasive plant species and loss of landscape values.	<p>The Ministerial Direction The Form and Content of Planning Schemes identifies that the context (within the MPS) should represent both opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision and strategic plan..</p> <p>'Context' identifies a key point of difference with regard to Nillumbik is that a large proportion of the Shire experiences high bushfire risk. This is a unique setting. State policy at <u>Clause 11</u> identifies a key policy setting that <i>planning is to recognise the need for, and as far as practicable contribute towards</i> (among other matters) <i>climate change adaptation and mitigation</i>. The impacts of climate change are already identified in the draft MPS at Clause 02.03-2 Protection of biodiversity and 02.03-3 Climate change. Given the 'Vision' identifies that one of Nillumbik's planning related goals is to <i>enhance Nillumbik's sustainability and resilience to both climate change and bushfire</i>, It would be appropriate to expand this statement to explicitly include threats to biodiversity, as per Officer response to submission No. 3. it is considered reasonable that 'Context' should include a sentence with relation to climate change.</p> <p>Nillumbik Shire is one of the highest bushfire risk areas in the world; it is an important context in Nillumbik. Bushfire Mitigation Strategy 2019 states, "the potential for bushfire to impact our lives cannot be underestimated. It has the potential to kill, injure and change our lives forever. This is why the community has significant concerns and rightfully demands a</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i>

MPS - Phase 3 Engagement - Summary of Submissions

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		<p>comprehensive mitigation strategy that respects their values and delivers improved safety. Our community is reasonably well-informed about their rights and obligations in relation to local issues, including bushfire risk. They generally take responsibility for bushfire safety but also hold others accountable. This highlights the importance of shared responsibility: we must collectively commit to mitigating, preparing for, responding to and recovering from bushfire"; therefore, it is necessary to include bushfire risk in the MPS context. The environmental risks already mentioned in Clause 02.03-1 Climate change.</p> <p>Clause 02.03-2 Protection of the biodiversity mentioned "the Shire contains extensive habitat links comprising of native vegetation and water courses. Given a large number of threatened native species and threatening processes occurring in the Shire, including climate change, [Climate Action Plan, pg9] planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals. Importantly, significant remnant vegetation, conservation areas and environmentally significant areas are located on both public and private land. These areas are identified on the Faunal habitat and remnant vegetation plan in Clause 02.04." Also, MPS mentioned various environmental risks under Clause 02.03-3 Climate change.</p>	

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
6	<p>The statement about the Wurundjeri Woi-Wurrung ownership of the land in Nillumbik is a vital inclusion but needs adjustment to reflect the fact that indigenous heritage is the foundation on which Nillumbik has been recently established and acknowledges their ongoing relationship with the lands and waterways. They are are fundamental part of the Shire and shouldn't be seen as simply contributing to the Shire's character. One example could be: 'Today's Shire of Nillumbik is located on the traditional lands of the Wurundjeri Woi-wurrung people, whose history dates back millennia. The significance of their understanding and care for this country in their every day is not widely embraced yet presents a strong foundation to shape the future of Nillumbik'. This statement more accurately reflects where we are today. This revised statements should also appear in the first paragraph given its importance.</p>	<p>The statement about the Wurundjeri Woi-Wurrung ownership of the land in Nillumbik is already mentioned in the MPS. Clause 02.01 states, "the Wurundjeri Woi-wurrung people are the Traditional Owners of the Country on which Nillumbik is located. The significance of their history and connection with the landscape are essential elements of the shire's unique character." Clause 02.03-5 Heritage stated, "the Wurundjeri Woi-wurrung people are the Traditional Owners of the land Nillumbik is located on. A large number of existing Aboriginal archaeological sites that contribute to the cultural heritage of the region have been identified. "</p> <p>Consider adding '<i>and heritage</i>' to the title of draft MPS Clause 02.03-5 ('Built environment'), which would be consistent with both, the DTP template for the MPS, and the title of PPF Clause 15. Please Note that in the PPF, 'HERITAGE' is identified with the separate sub-clause 15.03 to distinguish it from sub-clause 15.01 'BUILT ENVIRONMENT'.</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> Consider adding '<i>and heritage</i>' to the title of draft MPS Clause 02.03-5 ('Built environment') to be consistent with both, the DTP template for the MPS, and the title of existing PPF Clause 15, i.e. 'BUILT ENVIRONMENT AND HERITAGE').

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
7	There is a need to reflect Nillumbik's status as a "Conservation Shire" first and foremost. Paragraph 5 about the Shire's rural and conservation areas needs include greater emphasis on Nillumbik being a 'Conservation Shire' with the Green Wedge as its strategic focus. Rewording should give 'conservation' primacy.	Clause 02.01 Context stated, "much of Nillumbik is rural and is used for a combination of agriculture, rural living and conservation purposes." Clause 02.02 Vision stated the Nillumbik Community Vision 2040 emphasises that community and the Nillumbik Green Wedge are at the heart of the Shire. As mentioned above, the MPS already emphasises the importance and focus of the Green Wedge. Could add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01, as per Officer response to submission No. 3.	Add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01.
8	Suggested that the second last paragraph about the Shire's biodiversity be mentioned earlier, preferably as the second paragraph, following the statement about the Wurundjeri Woi-Wurrung relationship to the lands and waters of the Shire.	Third paragraph of Context (draft Clause 02.01) states that 91% of Nillumbik is green wedge, which has environmental importance beyond Nillumbik. The current references to biodiversity and environment in draft Clause 02.01 sufficiently describe Nillumbik's 'Context' to help inform subsequent draft MPS clauses.	No change to draft MPS based on this submission.
9	Both bushfire and biodiversity loss are related to climate change and this connection should be mentioned.	Climate Action Plan 2022-2032 has mentioned the connection between climate change, bushfires, and biodiversity. Climate Action Plan (p7) stated: "the Victorian government has identified climate change as one of the biggest threats to the future of the state; with warmer and drier conditions projected to have negative consequences for health, infrastructure, agriculture, water and biodiversity." Climate Action Plan (p44) stated, "a change in the pattern of weather (e.g. temperature, wind and rainfall), and the related changes on land and in oceans, occurring over time. These changes in weather patterns increase the occurrence, severity and distribution of events such as drought, flooding, heatwaves, bushfire and rising sea levels". In Clause 02.03-3 Climate change, negative	No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i>

MPS - Phase 3 Engagement - Summary of Submissions

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		<p>impacts caused by climate change, including longer fire seasons, flooding, etc., have been mentioned.</p> <p>Under the Practitioner's Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions. Therefore, no further action is needed.</p> <p>The 'Vision' (draft Clause 02.02) identifies that one of Nillumbik's planning related goals is to <i>enhance Nillumbik's sustainability and resilience to both climate change and bushfire</i>. It would be appropriate to expand this statement to include threats to biodiversity, as per Officer response to submission No. 3.</p>	
10	<p>The significance of Nillumbik's Green Wedge is not captured by simply saying: 'much of Nillumbik is rural'. The majority of this rural land has a zone purpose which prioritises conservation. The Shire was established to be, 'the Conservation Shire' with the Green Wedge as its strategic focus i.e. conservation was the intent from the beginning, so conservation must be given greater emphasis in this section.</p>	<p>Clause 02.01 Context stated, "much of Nillumbik is rural and is used for a combination of agriculture, rural living and conservation purposes". Clause 02.02 Vision states the Nillumbik Community Vision 2040 emphasises that community and the Nillumbik Green Wedge are at the heart of the Shire. As mentioned above, the MPS already emphasises the importance and focus of the Green Wedge in Nillumbik.</p> <p>The recommended changes outlined in Officer response to submission No. 3 will help to highlight the conservation function of the green wedge.</p>	<ul style="list-style-type: none"> • Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01. <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> • Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i>

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
11	The statement in the second last paragraph ("Nillumbik's natural beauty, diverse landscapes and biodiversity...") must appear earlier in the clause, immediately after the paragraph describing the significance of First Nations/Wurundjeri Woi-wurrung people to reflect Nillumbik's status as a 'Conservation Shire' first and foremost. The wording must give primacy to the word 'conservation' This suggested revision would subsequently link back to the prominent mention of the Green Wedge in the first paragraph.	The recommended changes outlined in Officer response to submission No. 3 will help to highlight the conservation function of the green wedge, including the recommended change to add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01	Noted. Add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01.
12	Supportive of acknowledgement of rural residents, rural communities and rural living - these residents are what sustain the Nillumbik Green Wedge.	Noted. Rural residential development is specifically addressed in draft MPS Clause 02.03-6 ('Housing').	No change to draft MPS based on this submission.
13	The Nillumbik Green Wedge is not a wilderness. It incorporates diverse and dynamic rural places where people live, raise their families, work, play and enjoy their varied lifestyles	Noted. The Green Wedge Management Plan (p7) mentioned that "The values of the rural landscape - our green wedge - as a place to live, work or visit have grown in importance over the past few decades", which shows that the green wedge incorporates diverse and dynamic rural places. The draft MPS sufficiently acknowledges the diversity within the green wedge.	No change to draft MPS based on this submission.
14	Support that there is a realistic and factual acknowledgement that large areas of the Shire have high bushfire risk.	Noted.	No change to draft MPS based on this submission.
15	Paragraph 5 - The settlement of Yarrambat is missing.	Yarrambat is a rural area, not a major established urban areas; however Yarrambat is identified as an area suitable for rural residential development in draft MPS Clause 02.03-6 ('Housing').	No change to draft MPS based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
16	Paragraph 6 - There description only states that 'Nillumbik is heavily vegetated...' which only partly describes the landscape. A more accurate description would include wording such as: "In rural areas, native vegetation is dispersed with existing grazing land and treed pastures which are highly valued for supporting diverse rural activities".	Section 2.6.3 Agricultural land use in Nillumbik Biodiversity Strategy (p11) stated, "agriculture can result in the gradual degradation of remnant vegetation. The causes include competition from nonindigenous plants, grazing pressure, compaction and erosion. Vegetation clearance or modification of the land for agriculture can replace indigenous with nonindigenous flora and greatly reduce the value of the land as a habitat for indigenous fauna. Poor land management can result when owners with a non-agricultural background have little understanding of the stock-carrying capacity of Nillumbik's poor soils". There is a conflict between natural resources protection and agriculture development. Therefore, there is no further action needed. The 'Context' description in draft Clause 02.01 adequately outlines the various components that comprise the Nillumbik Shire. The diversity within the green wedge is made more apparent in subsequent draft MPS clauses.	No change to draft MPS based on this submission.
17	There is no mention made of diverse rural activity on the 80% privately owned Green Wedge land. Preserving farming, agriculture and diverse rural activities is important and retains rural 'country' character that is a big part of the appeal of the Green Wedge to both residents and visitors.	Nillumbik Shire Council is required to prepare a plan to manage green wedge land under section 46AE(1) of the <i>Planning and Environment Act 1987</i> . Green Wedge Management Plan (p7) states, " <i>decision making will reflect the green wedge as a place for environment and biodiversity conservation, agriculture, recreation, tourism and rural living. This will also ensure that the rural character, values, landscapes, townships, natural environments and lifestyles that are so cherished, are identified, preserved and enhanced</i> " which shows the importance of rural character protection Section 2.6.3 Agricultural land use in Nillumbik Biodiversity Strategy (p11) stated, "agriculture	No change to draft MPS Clause 02.02 ('Vision') based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p><i>can result in the gradual degradation of remnant vegetation. The causes include competition from nonindigenous plants, grazing pressure, compaction and erosion. Vegetation clearance or modification of the land for agriculture can replace indigenous with nonindigenous flora and greatly reduce the value of the land as a habitat for indigenous fauna. Poor land management can result when owners with a non-agricultural background have little understanding of the stock-carrying capacity of Nillumbik's poor soils".</i> There is a conflict between natural resource protection and agriculture protection.</p> <p>The draft MPS sufficiently acknowledges the diversity within the green wedge, including through reference to the Green Wedge Management Plan, (insert reference?) which states (on page 7):</p> <p><i>" decision making will reflect the green wedge as a place for environment and biodiversity conservation, agriculture, recreation, tourism and rural living. This will also ensure that the rural character, values, landscapes, townships, natural environments and lifestyles that are so cherished, are identified, preserved and enhanced".</i></p> <p>References to the management plan could be inserted wherever the green wedge is referred to throughout draft MPS clauses, e.g. 02.03-1 ('Settlement and the Nillumbik Green Wedge'), 02.03-4 ('Natural resource management'), 02.03-6 ('Housing') and 02.03-7 ('Economic development'). However, not including the above plan would be consistent with not including other adopted Council plans and strategies in the MPS.</p>	

MPS - Phase 3 Engagement - Summary of Submissions

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18	Some commentary about Nillumbik's extensive off-road, shared trail network that links townships, rural communities and neighbouring municipalities would be appropriate.	<p>These details are mentioned in Clause 02.03-9 Open space and recreational facilities and Clause 02.04-3.</p> <p>The strategic direction for linking trails and open space at draft Clause 02.03-9 is adequate. These directions are supported by the current and draft general direction to review the 'Open Space Strategy' under 'Further strategic work' in the draft Schedule to Clause 74.02 of the Nillumbik Planning Scheme's Operational Provisions, which is linked to the MPS. However, the 'Open space and recreation facilities plan' at draft Clause 02-04-3 (MPS) should show more public open space areas and Crown Land to be more consistent with the plan title and to better inform the context for development of trails and open space linkages. This plan will be further updated as further open space plans and strategies are completed and approved, e.g. 'Northern Region Trails Strategy'.</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> • No change to the text and strategic direction for linking trails and open space at draft Clause 02.03-9 based on this submission. • Update map at draft Clause 02-04-3, 'Open space and recreation facilities plan', to show more public open space areas and Crown Land in order to be more consistent with the map title and to better inform trails context. • Update all the maps at draft Clause 02.04 to better show the boundaries between neighbouring municipalities that abut Nillumbik Shire boundaries.
19	Support the mentioning of how much Nillumbik's natural beauty, diverse landscapes and biodiversity are highly valued, both locally and regionally.	Noted	No change to draft MPS based on this submission.
20	The statement, "A large proportion of the shire experiences high bushfire risk" is inappropriate because fire is an important part of Victorian nature and needed for many plants to reproduce. Having a sentence like this only sets the wrong scene and creates anxiety.	<p>The Ministerial Direction The Form and Content of Planning Schemes identifies that the context (within the MPS) should represent both opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision and strategic plan.</p> <p>'Context' identifies a key point of difference with regard to Nillumbik is that a large proportion of the Shire experiences high bushfire risk. This is</p>	<p>As per Officer recommendation for submission No. 1:</p> <ul style="list-style-type: none"> • Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a</i>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>a unique setting. State policy at <u>Clause 11</u> identifies a key policy setting that <i>planning is to recognise the need for, and as far as practicable contribute towards</i> (among other matters) <i>climate change adaptation and mitigation</i>. The impacts of climate change are already identified in the draft MPS at Clause 02.03-2 Protection of biodiversity and 02.03-3 Climate change. Given the 'Vision' identifies that one of Nillumbik's planning related goals is to <i>enhance Nillumbik's sustainability and resilience to both climate change and bushfire</i>, it is considered reasonable that 'Context' should include a sentence with relation to climate change.</p> <p>Nillumbik Shire is one of the highest bushfire risk areas in the world; it is an essential context in Nillumbik. The Bushfire Mitigate Strategy 2019 states, "the potential for bushfire to impact our lives cannot be underestimated. It has the potential to kill, injure and change our lives forever. This is why the community has significant concerns and rightfully demands a comprehensive mitigation strategy that respects their values and delivers improved safety. Our community is reasonably well-informed about their rights and obligations in relation to local issues, including bushfire risk. They generally take responsibility for bushfire safety but also hold others accountable. This highlights the importance of shared responsibility: we must collectively commit to mitigating, preparing for, responding to and recovering from bushfire"; therefore, it is necessary to include bushfire risk in the MPS context.</p> <p>Additionally, bushfire risk is high in Nillumbik [Municipal Emergency Management Plan 2020-2023]. The Climate Action Plan (p14) states,</p>	<p><i>Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></p> <p>As per Officer recommendation for submission No. 3:</p> <ul style="list-style-type: none"> • Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01. <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> • Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>"<i>planning to reduce the risks of bushfire is a priority, along with responding to localised flooding and the impacts of drought and heat</i>". It shows bushfire risk mitigation is one of the priorities in Nillumbik council.</p> <p>Environmental Education Strategy 2012 (p7) states the importance of raising awareness of complex environmental issues.</p>	
21	<p>The statement in second last paragraph "..... including several indigenous, rare and endangered....." is poorly worded. It reads that there are only a selected number of indigenous species that are of significance to Nillumbik. There are in fact many great indigenous species with in the Green Wedge, only some of which are rare or endangered. It also talks about the Shire being heavily vegetated, but it should also mention that the Shire contains degraded areas of native vegetation and that there are large areas of non-native vegetation in addition to the relativley intact/healthy areas of native vegetation. Need to provide the full context.</p>	<p>The words "<i>several indigenous, rare and endangered species</i>" should be read within the context of the whole sentence, which states: "<i>The green wedge supports a diverse range of species and their habitats, including several indigenous, rare and endangered species.</i>"</p> <p>The words "<i>several indigenous, rare and endangered species</i>" could be replaced with examples of threatened species in Nillumbik such as the 'vulnerable' Powerful Owl, 'endangered' Southern Toadlet and the 'critically endangered' Eltham Copper Butterfly, which are included in the Threatened List under the Victorian <i>Fauna and Flora Guarantee Act 1988</i> ('the FFG Act'). This approach would retain reference to the diversity of species in Nillumbik and simultaneously highlight threatened species that need to be protected under the FFG Act and the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> ('the EPBC Act').</p> <p>The reference to Green Wedge could also add '<i>including conservation areas</i>' to be consistent with the Rural Conservation Zone, which applies to more areas of the Green Wedge than the Green Wedge Zone.</p> <p>Threats to biodiversity in Nillumbik could also be included in the planning goal to enhance</p>	<ul style="list-style-type: none"> • Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01. • Replace the words "<i>several indigenous, rare and endangered species</i>" with "<i>the 'vulnerable' Powerful Owl, 'endangered' Southern Toadlet and the 'critically endangered' Eltham Copper Butterfly</i>" in the second last paragraph at draft Clause 02.01. <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> • Expand and modify the second dot point of Strategic directions at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>Nillumbik's sustainability in the second dot point of subsequent draft MPS Clause 02.02 ('Vision') to better reflect Nillumbik's obligations under the FFG Act, the EPBC Act and the general environmental duty under section 25(1) of the Victorian <i>Environment Protection Act 2017</i>, which applies to all Victorians and businesses operating in Victoria. Sub-section 4(b) of section 25 includes to (so far as reasonably practical) "<i>use and maintain systems for identification, assessment and control of risks of harm to human health and the environment from pollution and waste that may arise in connection with the activity, and for the evaluation of the effectiveness of controls</i>".</p> <p>Revegetation of degraded areas can be addressed in an open space strategy, the development of an urban tree canopy strategy and in a review of the environmental framework within the scheme, which are all identified as part of 'Further Strategic Work' in the draft Schedule to Clause 74.02.</p>	
22	Supportive of Paragraph 5 about Nillumbik's rural areas and townships.	Noted	No change to draft MPS based on this submission.
23	Further mention of Shire's high bushfire prone areas is needed.	It is not warranted to expand beyond a brief outline of planning issues in draft Clause 02.01 ('Context'). Bushfire risk is addressed further in the Strategic Directions under draft MPS Clause 02.03-3 ('Environmental risks and amenity'). Bushfire prone areas have also been	No change to draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		identified through application of Clause 44.06 Bushfire Management Overlay in the Nillumbik Planning Scheme.	
24	The first paragraph should highlight the wonderful geographical benefits of the municipality and not draw focus to environmental hazards. With the reference to high bushfire risk, some may think Nillumbik is 'an environmental disaster waiting to happen'. Subsequently it should be amended to clearly remove the line 'a large proportion of the Shire experiences high bushfire risk'. The paragraph predominately describes the important geographical location of the municipality. Adding a statement about bushfires and being an environmental risk for the Shire has no relevance to how the municipality sits geographically within the state of Victoria. Further, this statement negates the significant environmental and conservation qualities of the municipality mentioned further below, instils a fear of bushfire amongst the community and only encourages the ongoing extraordinary loss of canopy trees, mid and lower storey vegetation that is occurring within the Shire.	<p>The Ministerial Direction The Form and Content of Planning Schemes identifies that the context (within the MPS) should represent both opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision and strategic plan..</p> <p>'Context' identifies a key point of difference with regard to Nillumbik is that a large proportion of the Shire experiences high bushfire risk. State policy at Clause 11 of the Nillumbik Planning Scheme identifies a key policy setting that <i>planning is to recognise the need for, and as far as practicable contribute towards</i> (among other matters) <i>climate change adaptation and mitigation</i>. The impacts of climate change are already identified in the draft MPS at Clause 02.03-2' Protection of biodiversity' and 02.03-3 'Climate change'. The 'Vision' at draft MPS Clause 02.02 states that one of Nillumbik's planning related goals is to <i>enhance Nillumbik's sustainability and resilience to both climate change and bushfire</i>.</p> <p>Nillumbik Shire's high bushfire risk is reflected in the Bushfire Mitigate Strategy 2019 which states, "<i>the potential for bushfire to impact our lives cannot be underestimated. It has the potential to kill, injure and change our lives forever</i>".</p> <p>Nillumbik Shire's high bushfire risk is also reflected in the Municipal Emergency Management Plan 2020-2023 and the Climate Action Plan, which states (p 14), "<i>planning to reduce the risks of bushfire is a priority, along</i></p>	No change to draft MPS based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p><i>with responding to localised flooding and the impacts of drought and heat".</i></p> <p>The Black Saturday fires that engulfed Kinglake National Park in Nillumbik's north-east in 2009 and almost completely destroyed the neighbouring settlement of Kinglake in Murrindindi Shire, with great loss of life, provide a reminder of the potentially devastating impacts and ever present threat of bushfire. Forest Fire Management Victoria mapping indicates that the 2009 fires spanned across the entire northern part of Nillumbik Shire and extended almost as far south as the township of Saint Andrews.</p> <p>Downplaying the significance of the bushfire risk in the draft MPS is at odds with the preface of the 2009 Victorian Bushfires Royal Commission Final Report, which states, "<i>The bushfires of Black Saturday, 7 February 2009, caused the death of 173 people. Black Saturday wrote itself into Victoria's history with record-breaking weather conditions and bushfires of a scale and ferocity that tested human endurance</i>". Climate change is envisaged to result in rising temperatures and prolonged periods of drought that will exacerbate Nillumbik's bushfire risk.</p> <p>The Commission's Summary Report states on page 6, "<i>To be effective these changes (i.e. to bushfire planning) need to be part of a well-designed long-term community education program that captures people's attention, makes allowance for local needs and circumstances, and is regularly evaluated and improved. Municipal councils should take a more active role in planning for bushfire</i>".</p>	

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>Consequently to the above, it is appropriate to include bushfire risk in the MPS 'Context' and not to downplay its significance.</p> <p>Environmental Education Strategy 2012 (p7) states the importance of raising awareness of complex environmental issues, and more detail on Nillumbik's environmental issues is located in the Strategic directions under draft MPS Clause 02.03.</p>	

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

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25	No other Green Wedge council highlights within their MSS/MPS that expanses of the municipality experiences high bushfire risk. Therefore why does Nillumbik?	The Ministerial Direction The Form and Content of Planning Schemes identifies that the context (within the MPS) should represent both opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision and strategic plan. Also see Officer response to submission No. 24, including reference to the 2009 Black Saturday fires, which affected the northern part of Nillumbik Shire. Downplaying the significance of the bushfire risk in the draft MPS is at odds with the 2009 Victorian Bushfires Royal Commission Final Report and a number of Council's adopted plans and strategies, including the Bushfire Mitigate Strategy 2019, Municipal Emergency Management Plan 2020-2023 and the Climate Action Plan 2022-2032.	No change to draft MPS based on this submission.
26	Good overarching and broad description of the municipality, with its main geographical features.	Noted	No change to draft MPS based on this submission.
27	Supportive that population distribution is noted and that it is not expected to increase substantially.	Noted	No change to draft MPS based on this submission.
28	Reference to the National State of the Environment Report 2022 should be referenced towards the end after the second last paragraph, after the sentence, "Nillumbik also contains several regional and national parks, valued both for their environmental and recreational functions."	The Commonwealth's most recent (2021) and 2018 State of the Environment reports are referred to in the explanation of proposed changes regarding conservation areas (in draft MPS Clause 02.01) and threats to biodiversity (in draft MPS Clause 02.02) in the Officer response to submission No. 3. It is more important to reflect or be consistent with the directions of the reports rather than quote the	No change to draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

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		names of the reports in the draft MPS; otherwise this would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.	
29	In the first paragraph, instead of giving significance to the Shire's bushfire risk as the most distinguishing feature of the Shire, it is suggested for the paragraph to be reworded to reference the 12 Green Wedges of Melbourne and that the Nillumbik Green Wedge is the most intact of them all. E.g. "Nillumbik Shire is the Green Wedge Shire, the lungs of Melbourne. Of the 12 "Green Wedges" of Melbourne, it is the most intact".	Clause 02.02 stated, "the Nillumbik Community Vision 2040 emphasises that community and the Nillumbik Green Wedge is at the heart of the Shire". This shows the Green Wedge's importance in Nillumbik. Downplaying the significance of the bushfire risk in the draft MPS is at odds with the 2009 Victorian Bushfires Royal Commission Final Report and a number of Council's adopted plans and strategies, including the Bushfire Mitigate Strategy 2019, Municipal Emergency Management Plan 2020-2023 and the Climate Action Plan 2022-2032 (refer Officer response to submission No. 24).	No change to draft MPS based on this submission.
30	In the second paragraph, it is suggested that the following sentence, "The significance of their history and connection with the landscape are essential elements of Shire's unique character" be replaced with, "The significance of their understanding and stewardship for Country to date has not been widely embraced since colonisation, yet it presents a strong foundation to shape the future of Nillumbik."	The Ministerial Direction 'The Form and Content of Planning Schemes' identifies that the 'Context' (within the MPS) should represent both opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision (Clause 02.02) and Strategic directions (Clause 02.03). All of the issues must be accommodated within the 5,000 word count limit prescribed in the Ministerial Direction for the MPS.	No recommendation to change the wording in draft MPS Clause 02.01 based on this submission.
31	Support that the clause provides a description about the demographics and landscape of the Shire. This is needed.	Noted	No change to draft MPS based on this submission.
32	There is no context/strategic direction provided about what should be occurring in each part of the Shire and the challenges that each area faces. The MPS should mention what is	The Ministerial Direction 'The Form and Content of Planning Schemes' identifies that the 'Context' (within the MPS) should represent both opportunities and challenges that establish	No change to draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	important within the different areas of the Shire and the future direction that the Council should take going forward.	the key land use and development issues to be addressed in the municipal vision (Clause 02.02) and Strategic directions (Clause 02.03). Draft Clause 02.03 ('Strategic Directions') addresses many specific parts of the shire, e.g. Eltham and Diamond Creek Activity Centres, low density and rural residential areas, preserving non-urban breaks between townships, agricultural areas and conservation areas (e.g. river corridors).	
33	The protection of the Green Wedge and the consolidation of small lots in rural areas should be mentioned as it is important that going forward this becomes our focus due to climate change.	Draft MPS Clause 02.02 'Vision' states a planning goal is to protect the Shire's green wedge. The second dot point of Strategic directions for 'Development infrastructure' under Clause 02.03-9 ('Infrastructure') states to " <i>Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site</i> ".	No change to draft MPS based on this submission.
34	It is important that key policies within the MPS are built around climate change and conservation and this clause should highlight our goals and direction and what we as a Council believe.	Draft MPS Clause 02.01 'Context' outlines opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision (Clause 02.02) and Strategic directions (Clause 02.03). Draft Clause 02.02 Vision and Clause 02.03-3 Climate change. Nillumbik's planning goals in Clause 02.02 'Vision' include to " <i>Enhance Nillumbik's sustainability and resilience to both climate change and bushfire</i> ". Strategic directions for Climate change in draft MPS Clause 02.03-3 ('Environmental risks and amenity') include to " <i>Encourage use and development that mitigate and adapt to the impacts of climate change and seek to minimise its negative impacts</i> " and " <i>Protect and enhance the tree canopy across Nillumbik</i> ".	As per Officer recommendation for submission No. 1: <ul style="list-style-type: none">• Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i> As per Officer recommendation for submission No. 3:

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Refer Officer response to submissions No. 1 and No. 3.	<ul style="list-style-type: none"> Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01. <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i>
35	The clause is very clear.	Noted	No change to draft MPS based on this submission.
36	What are the endangered indigenous species are as mentioned in Paragraph 6?	<p>Section 13 of the Victorian <i>Flora and Fauna Guarantee Act 1988</i> ('the FFG Act') states the category of threat to species as: 'extinct'; 'extinct in the wild'; 'critically endangered'; 'endangered'; 'vulnerable'. These categories are reflected in Column 4 of the table (Category of Threat) in The Threatened List, which must be maintained by the Governor in Council under section 10 of the FFG Act. The following fauna species found in Nillumbik shire are on the current Threatened List (September 2022), including associated 'Category of Threat':</p> <ul style="list-style-type: none"> Powerful Owl (Vulnerable) Southern Toadlet (Endangered) Eltham Copper Butterfly (Critically Endangered) <p>The above examples could be added to paragraph 6 in draft MPS Clause 02.01 to reflect Nillumbik's obligations to protect threatened species and the environment under the FFG Act, the Commonwealth <i>Environment Protection and Biodiversity Conservation Act</i></p>	<p>Modify the second last sentence in the 6th paragraph of draft Clause 02.01 to read:</p> <ul style="list-style-type: none"> <i>"The green wedge, including conservation areas, supports a diverse range of species and their habitats, including the 'vulnerable' Powerful Owl, 'endangered' Southern Toadlet and the 'critically endangered' Eltham Copper Butterfly".</i>

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		1999 and the Victorian <i>Environment Protection Act 2017</i> .	
37	Support the emphasis on the Green Wedge and the value of Nillumbik's unique vegetation and animals and the importance of preserving these in the face of development.	Noted	No change to draft MPS based on this submission.
38	Support the distinction the clause mentions between the surrounding urban growth corridors and the value that the environmental setting of Nillumbik provides.	Noted	No change to draft MPS based on this submission.
39	Support that the clause mentions the environmental significance of the Shire but also the balance between concentrated urban areas and the more rural, low-density areas.	Noted	No change to draft MPS based on this submission.
40	The statement that each settlement area comprises their own identity and heritage is accurate and something that Nillumbik residents value.	Noted	No change to draft MPS based on this submission.
41	Support that the Shire needs to be heavily vegetated.	Noted	No change to draft MPS based on this submission.
42	Urban areas also need to be heavily vegetated with biodiversity.	One of the strategic directions for 'Protection of biodiversity' in draft MPS Clause 02.03-2 ('Environmental and landscape values') is to " <i>Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the Shire</i> ", which includes the Nillumbik urban area. The draft schedule to Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy.	No change to draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
43	Support that the clause articulates the philosophy of the Green Wedge and strategic separation of categories of land use.	Noted	No change to draft MPS based on this submission.
44	Support for the description of Green Wedge and richness of ecology.	Noted	No change to draft MPS based on this submission.
45	Strong community support to keep Nillumbik's natural beauty, fauna and flora for next generations and to respect the uniqueness of the Nillumbik community. This should be further emphasised.	Nillumbik's planning related goals in Clause 02.02 'Vision' include to " <i>Strengthen Nillumbik's identity by protecting and enhancing its natural environment, heritage, arts and culture</i> ". Draft MPS Clause 02.03-2 addresses Nillumbik's 'Environmental and landscape values' in more detail.	No change to draft MPS based on this submission.
46	The clause covers everything about the Nillumbik area, especially the important environmental aspects.	Noted	No change to draft MPS based on this submission.
47	There is no mention of the transport system - the linkages, the capacity limits for rail, bus and road. Reference to the usage of each mode for journey to work utilising the 2021 census data would be helpful in this clause.	Draft MPS Clause 02.03-8 is entirely dedicated to 'Transport', which identifies major transport links such as the Hurstbridge railway line and the Western Ring Road. This clause provides general direction with regard to improving access to sustainable transport options, links to key activity centres and the safety and efficiency of road links.	No change to draft MPS based on this submission.
48	Historical population growth rate should be quoted - not a general statement that population is "not expected to grow substantially".	Draft MPS Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') states that Nillumbik does not form part of a designated growth corridor. Consequently, the population is "not expected to grow substantially". Figures on population growth can be addressed in a housing strategy – see Officer response to submission No. 4 and associated recommendations.	No change to draft MPS based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
49	Support that Nillumbik forms part of the Green Wedge and provides a non-urban break between the Whittlesea urban growth corridor and Lilydale.	Noted	No change to draft MPS based on this submission.
50	The clause states that the population is not expected to increase substantially. How is that defined?	According to Id.community, since the previous year, the population has declined by 1.22%. Additionally, Nillumbik is not part of Melbourne's designated growth corridors. ABS indicates that, although Nillumbik had population decrease of 0.8% in 2020-21, experienced an increase of 0.3% in 10-year average growth. ABS mapping indicates a similar scenario for other metropolitan councils [e.g. Yarra Ranges had short term decline of 0.7% and 10-year average growth of 0.6%]. The 2020-21 decline in Nillumbik's internal migration [-1.0%] was greater than the natural increase of 0.4%. The overall decline was reflective of a general short-term pattern of people moving from metropolitan Melbourne to regional Victoria, which experienced a corresponding population increase of around 1%. This pattern coincided with the outbreak of Covid-19. Longer term growth could be fuelled by overseas immigration and any determination of the State Government to contain Melbourne's metropolitan growth within the existing Urban Growth Boundary. This could result in pressure to achieve higher residential densities within existing urban areas rather than lower density outward expansion. A housing strategy could identify where higher densities could be increased, e.g. in relation to major activity centres that can provide a better range of services, including access to public transport. The Housing Strategy would utilise the most recent ABS data on population figures and any	No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> • Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to identify Nillumbik's housing needs in a housing strategy. • Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		State Government projections for expected growth in Nillumbik over the longer term.	
51	It is excellent that this clause identifies the Green Wedge as an area of environmental, landscape and agricultural importance to both Nillumbik and the wider metropolitan region.	Noted	No change to draft MPS based on this submission.
52	The clause say that much of Nillumbik is rural and is used for a combination of agriculture, rural living and conservation purposes. This statement is accurate but highlights a problem for future land use and development in that raises the issue of new residential development being as defined by 'rural living'. The primary focus in this clause must be the vital role of the Green Wedge in protecting rural land use for conservation and broad acre soil-based agriculture as per the purpose of Nillumbik's Green Wedge zoning (being the Green Wedge Zone [GWZ] & Rural Conservation Zone [RCZ]).	Clause 02.01 Context should provide a very brief description of the geographic, economic, environmental and demographic qualities of the municipality (Practitioner's guide to Victoria's planning scheme, p70). Therefore, instead of focusing on particular zones, the Clause must focus on the whole council. Additionally, Clause 02.03-1 'Settlement and the Nillumbik Green Wedge' mentioned, " <i>the Nillumbik Green Wedge is of significant value to the Shire and wider region, particularly for its biodiversity, natural beauty, visitor experiences, agriculture and other non-urban values</i> ".	No change to draft MPS based on this submission.
53	Climate change, human development and tree canopy loss must be mentioned as contributing factors regarding bushfire risk in the Shire.	The draft schedule to Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy.	No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i>
54	Support the reference regarding the role of buffers between urban and rural areas, emphasising the Green Wedge and the reference to supporting fauna habitats.	Noted	No change to draft MPS based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
55	Reference to the gold mining history and early European settlement of Nillumbik should also be referenced in this clause in addition to having more specific details regarding to aboriginal groups that lived in the area.	Gold mining is referred to in relation to historic sites under the 'Heritage' heading in draft MPS Clause 02.03-5, which also contains a strategic direction to protect and enhance sites of Aboriginal heritage significance. Consider adding 'and heritage' to the title of Clause 02.03-5 to make it more transparent that this clause addresses heritage in addition to 'Built environment'.	No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> Add 'and heritage' to the title of Clause 02.03-5 'Built environment'.
56	Support the focus on maintaining the Green Wedge and the diversity of wildlife & vegetation.	Noted	No change to draft MPS based on this submission.
57	Support maintaining low density development within the Shire, to maintain its character and prevent further population pressures on the already straining infrastructure.	Noted	No change to draft MPS based on this submission.
58	This clause/MPS should take account of changing population cycles over time. It is to be expected that a region's population will be cyclic in nature i.e. a population will age before being replaced with younger residents. Given this, is it necessary to state in the MPS that, "Nillumbik has an estimated population of 65,369 people (Nillumbik Shire Council, 2021). This is not expected to increase substantially; however, an overall ageing of the population is expected"?	Inclusion of population figures in draft Clause 02.01 'Context' is conventional in planning. Description of an ageing population is appropriate because it has implications in planning for housing, services, community infrastructure and transport. These issues and projected population characteristics can be addressed in a housing strategy.	No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to identify Nillumbik's housing needs in a housing strategy. Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.
59	Nillumbik has a long tradition of agricultural land use, fruit growing and viticulture and also animal husbandry which has become more diverse as properties have shrunk in size. This clause needs to recognise this.	A recent report on the 'Future of Agriculture in Nillumbik' (FOAN) identifies land suitability in Nillumbik for a range of crops, including citrus, wine grapes, apples and raspberries. It would be appropriate to add the land suitability maps for these crops to the maps in draft MPS Clause 02-04 ('Strategic framework plan').	Refer Officer response to submission No. 4: No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove "such as

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>These plans should also be referred to in the text for 'Agriculture' under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p>	<p><i>permaculture and aquaponics</i>" and add a sentence as follows:</p> <p><i>"Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability."</i></p> <ul style="list-style-type: none"> Amend 4th dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows: <i>"Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment."</i> Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.
60	Acknowledgement of the environmental threats of the climate emergency and present and future biodiversity loss is considered important and should be further referenced in this clause.	<p>Already mentioned in Clause 02.03-2 Protection of biodiversity and Clause 02.03-3 Climate change. However, appropriate to add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:</p> <p><i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></p>	<ul style="list-style-type: none"> Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i> <p>Also refer Officer response to submission No. 3:</p>

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
			<ul style="list-style-type: none"> Add 'including conservation areas' after 'green wedge' in the second last paragraph at draft Clause 02.01. <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i>

No.	Key Sentiments	Officer Response	Recommended change to MPS
Clause 02.02 Vision			
1	If the Vision is to focus on issues to do with 'land use and development', why are there references in the draft to broad, vague, abstract notions such as: 'health, well-being, culture...'; 'community being at the heart of the shire'; 'pressure on liveability'; and, 'a sustainable and resilient Shire'?	The Vision is not only focused on 'land use and development, but it also focuses on the liveability and sustainability of social and environmental. The strategic directions also focus on improving public health and well-being, urban sustainability, etc.	No change to draft MPS based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
2	The MPS Vision should be in line with the values and goals expressed in the Nillumbik Community Vision 2040. In the Council survey conducted for 'Our People, Our Place, Our Future', the three main priorities of the community were: 1) Preservation of the Green Wedge (not just in the context of planning), 2) Protection of environment and biodiversity, 3) Action on climate change. The MPS Vision must must incorporate the three key priorities which have 'land use and development' implications.	<p>All these aspects are already mentioned in MPS.</p> <p>1)"Preservation of the Green Wedge" already mentioned in 02.03-1 'Settlement and the Nillumbik Green Wedge'.</p> <p>2) "Protection of environment and biodiversity" have been mentioned in clause 02.03-2 'Protection of biodiversity'.</p> <p>3) The actions on climate change have been mentioned in Climate Action Plan. More detailed information is contained in relevant strategies that inform the MPS, which provides broad strategic direction, local policies in the Nillumbik Planning Scheme's Planning Policy Framework (PPF) and local planning provisions throughout the planning scheme. However, the strategic directions of climate change are mentioned in 'Climate change' under draft MPS Clause 02.03-3 ('Environmental risks and amenity').</p> <p>Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.</p>	<ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i> <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i>
3	The last Council removed biodiversity and landscape protection actions from the previously approved Green Wedge Management Plan. This was done in the face of widespread community opposition. The new actions saw vague notions of 'community well being', 'liveability', and 'resilience'. It's time to reflect what the broader community wants and this should be reflected in the new vision for the MPS.	<p>Biodiversity and landscape protection are already mentioned in draft MPS Clause 02.03-2 ('Environmental landscapes and values').</p> <p>Nillumbik Shire Council is required to prepare a plan to manage green wedge land under section 46AE(1) of the <i>Planning and Environment Act 1987</i>. The biodiversity and landscape protection actions haven't been removed from Council's Green Wedge Management Plan 2019, (see p15 and p19): Council will <i>"give priority to conserving and enhancing the landscape ahead of residential development in the Rural Conservation Zone"</i></p>	No change to draft MPS Clause 02.02 ('Vision') based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		and "encourages biodiversity conservation and responsible land management on public and private land by multiple actions."	
4	Reference to the protection of environment and biodiversity in the fourth dot point should be a stand alone dot point. Protection of the environment and work on restoring and protecting biodiversity is much more than about identity alone. This reference being in the fourth dot point tied with Nillumbik's identity subsequently limits its importance and significance. Given its importance/significance, this separate dot point should also be reorded to dot point 2 to give it a higher priority to emphasise the community's position on this matter.	The strategic directions in MPS has no priorities. Including protecting and enhancing the natural environment with protecting and enhancing heritage, arts and culture in the fourth dot point does not diminish the importance of the environment (or biodiversity).The second dot point in draft Clause 02.02 ('Vision') has been recommended for change to include 'threats to biodiversity' in Officer response to submission No. 3 on draft MPS Clause 02.01 ('Context').	<ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i>
5	Given Nillumbik's recent acknowledgement of the climate emergency, reference to climate change mitigation and the ultimate goal in having a carbon neutral Shire should be included and emphasised in the MPS Vision.	The second dot point in draft Clause 02.02 ('Vision') states to enhance Nillumbik's sustainability and resilience to climate change and bushfire. Officer response to submission No. 3 ('Context') recommends to also include 'threats to biodiversity' in the above statement. Already mentioned in Clause 02.03-3 Climate change: <i>"Council has a target of net zero emissions across Nillumbik by 2035"</i> . Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to	<ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i> <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple</i>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Climate Emergency from Council's adopted Climate Action Plan.	<i>threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i>
6	The draft MPS Vision states, "Enhance Nillumbik's sustainability and resilience to both climate change and bushfire". This statement needs to be adjusted to reflect the need for climate change mitigation, but also provide a more holistic and objective view regarding other equally serious environmental risks to the Shire that require a resilience and sustainability lens to be applied to them. E.g. habitat loss, land fragmentation, loss of biodiversity and wildlife/habitat impacts including the reduction of insect numbers and animal species caused by continuous encroachment of development, increase in invasive plant species and loss of landscape values.	The second dot point in draft Clause 02.02 ('Vision') states to enhance Nillumbik's sustainability and resilience to climate change and bushfire. Officer response to submission No. 3 ('Context') recommends to also include 'threats to biodiversity' in the above statement. The need for climate change mitigation is already mentioned in 'Climate change' under draft Clause 02.03-3 ('Environmental risks and amenity'). Protection of biodiversity under draft MPS Clause 02.03-2 states " <i>The Shire contains extensive habitat links comprising of native vegetation and water courses. Given the large number of threatened native species and threatening processes occurring in the Shire, including climate change, planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals. Importantly, significant remnant vegetation, conservation areas and environmentally significant areas are located on both public and private land. These areas are identified on the Faunal habitat and remnant vegetation plan to Clause 02.04</i> ". Additionally, the draft MPS provides multiple strategic directions to address a range of environmental risks (see Clause 02.03-3 'Environmental risks and amenity').	<ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i> <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i>

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.	

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
7	Yarra City Council uses statements in their MSS which seek low rise housing development. E.g. Land use which provides a diversity of housing for the aged, low income earners and other disadvantaged groups. Land Use which provides more public open space. These attributes are being lost in Nillumbik and subsequently need to be identified in the MPS Vision to ensure they are retained and protected.	<p>Strategic direction point 1 in Clause 02.03-6 'Housing' states to:</p> <p><i>"Facilitate the provision and diversification of housing to meet the projected increase in the number of smaller households and the aging (to be corrected to 'ageing') population, while respecting the neighbourhood character, protecting natural and heritage values and minimising environmental risk".</i></p> <p>The Strategic directions for 'Housing' should be addressed in a housing strategy, the development of which should be added as a 4th dot point under Strategic directions for 'Housing' and included in the draft Schedule to Clause 74.02 'Further strategic work'.</p> <p>Strategic direction point 2 for 'Open space and recreational facilities' in Clause 02.03-9 states:</p> <p><i>"Encourage trails, open space and recreational facilities to be safe, equitable and accessible to all community members".</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further Strategic Work') includes to review the open space strategy.</p>	<p>No change to draft MPS 'Vision' (02.02) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> • Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i> • Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.
8	Regarding transport use, the MPS Vision should state that Nillumbik seeks to get people to walk, cycle and use public transport to get to work.	<p>Strategic directions point 1 in Clause 02.03-8 'Transport' already states to:</p> <p><i>"Facilitate increased public transport usage and opportunities for walking and cycling to reduce car-dependency".</i></p>	No change to draft MPS based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
9	1) From an environmental and sustainability perspective, the MPS Vision should state that it will aim to have more species of flora and fauna by protecting our Green Wedge from development through the consolidation of small lot subdivisions in rural areas. 2)It should also seek to reduce and ultimately end our reliance on fossil fuels as soon as possible.	<p>1) Strategic directions in Clause 02.03-1 'Settlement and the Nillumbik Green Wedge' states to:</p> <ul style="list-style-type: none"> - <i>"Focus development in the established township and urban areas to take advantage of existing infrastructure and maintain the viability of these areas"</i>; - <i>"Protect the Green Wedge from incompatible use and development"</i>; and - <i>"Limit subdivision in rural areas to minimise fragmentation of rural land and maintain vistas"</i>. <p>The Strategic direction for 'Rural residential development' in Clause 02.03-6 ('Housing') states to:</p> <ul style="list-style-type: none"> - <i>"Discourage rural residential development in the Green Wedge, unless supported by a council strategy or framework plan"</i>. <p>2) Strategic direction point 1 in Clause 02.03-8 'Transport' states to <i>"Facilitate increased public transport usage and opportunities for walking and cycling to reduce car-dependency"</i>, which will help to reduce our reliance on fossil fuels.</p>	No change to draft MPS based on this submission.
10	The Vision does not go far enough. The statements are safe comments.	Noted; however more detailed strategic directions are contained in draft MPS Clause 02.03.	No change to draft MPS based on this submission.
11	Support the reference to the recognition of the fundamental importance of the Shire's residents	Noted	No change to draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	and communities, their health and wellbeing and their place in the landscape.		
12	Support the reference regarding having a reasonable balance in the planning and management of the Green Wedge that equally considers social, economic and environmental outcomes.	Noted	No change to draft MPS based on this submission.
13	There is no reference to the fact that 91 per cent of Nillumbik is rural land. Dot Point 4 should be amended to include the word 'rural'. E.g. "Strengthen Nillumbik's identity by protecting and enhancing its natural and rural environment, heritage, arts and culture."	Draft MPS Clause 02.01 'Context' states that 91 per cent of Nillumbik is rural land. The rural environment is a part of the natural environment.	No change to draft MPS based on this submission.
14	There is no statement regarding climate change and doing something about climate change going forward.	Council has a target of net zero emissions across Nillumbik by 2035 (Clause 02.03-3 'Climate change') and there are two Strategic directions to help to achieve this goal. However, refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.	No change to draft MPS 'Vision' (02.02) based on this submission; however changes to other draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> Add sentence to draft MPS Clause 02.01 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i>

MPS - Phase 3 Engagement - Summary of Submissions

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15	The statement regarding the Green Wedge needs to be toughened with protection of the conservation highlighted.	Clause 02.02 Vision states that " <i>The Nillumbik Community Vision 2040 emphasises that community and the Nillumbik Green Wedge is at the heart of the Shire</i> " and a planning related goal is to " <i>Protect the Shire's green wedge across all aspects of planning</i> ". These statements emphasise the importance of the Green Wedge; however the second dot-pointed goal should add "and threats to biodiversity".	<ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: "<i>Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity.</i>"
16	The protection of biodiversity values (i.e. native vegetation, indigenous fauna species, creeks) must be embedded into the Vision and must be listed as a high priority planning-related goal.	The second dot point at draft MPS Clause 02.02 'Vision' has already been recommended to add "threats to biodiversity". More detailed directions on protection of biodiversity and waterways are contained in draft MPS Clause 02.03 'Strategic Directions'.	<ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: "<i>Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity.</i>"
17	Most of the MPS Vision comes from the already written Council Vision which is relatively fixed now.	Noted	No change to draft MPS based on this submission.
18	The wording of Goal 2 needs to be reworded to include other emergency type incidents/environmental hazards. E.g. "...sustainability and resilience, particularly to climate change and bushfire". This does not exclude incidents such as flooding, storms etc; yet still emphasises the priority of the named two types of events i.e. climate change and bushfire.	The second dot point at draft MPS Clause 02.02 'Vision' has already been recommended to add "threats to biodiversity". More detailed directions on environmental risks are contained in draft MPS Clause 02.03-3 'Environmental risks and amenity'. Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.	<ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: "<i>Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity.</i>" <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: "As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change

MPS - Phase 3 Engagement - Summary of Submissions

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			<i>mitigation and adaptation into all Council actions."</i>
19	Suggest that there be a planning related goal that seeks to simplify planning processes and ensure planning decisions are made move cohesively. E.g. "The Planning Scheme and processes be unambiguous, easily understood and effectively implemented". This would help Council ensure the cost to residents when trying to follow planning rules is reduced as best as practicably possible, and in turn, help reduce the number of planning decision being referred to VCAT.	<p>The State Government has made several attempts to simplify planning schemes and planning controls ever since the advent of the <i>Planning and Environment Act 1987</i> and the inception of new format planning schemes in the late 1980s and early 1990's. However this has proven difficult due to the complexity of planning issues and their many interrelationships. New issues also emerge, such as the ever more pressing need to address climate change impacts on the environment and land use.</p> <p>Amendment VC148 introduced the new Planning Policy Framework (PPF) into the Victoria Planning Provisions (VPP) and all Victorian planning schemes in 2018. This was designed to locate all planning scheme policies (State, regional and local) on a particular planning theme (e.g. heritage) together and to do away with the former Local Planning Policy Framework (LPPF).</p> <p>Councils and the State Government had to undertake considerable work to translate their existing strategic directions and local planning policies into the new policy format, which included developing a more simplified Municipal Planning Strategy (MPS) to replace the former more complex Municipal Strategic Statement (MSS). Council is now addressing submissions on a revised draft MPS.</p>	No change to draft MPS based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

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20	The MPS Vision is a broad statement that reflects the type of community that we envision for our Shire - who we are and how we wish to live, our identity. The statement acknowledges that there are and will be challenges that need and will need to be addressed.	Noted	No change to draft MPS based on this submission.
21	As global temperature rise, this will have adverse effects on people, communities and the natural world into the foreseeable future; irrespective of the immediate measures we take to address the climate emergency. This needs to be explicitly acknowledged in the Vision statement. For example, in the sentence, "We continue to strengthen Nillumbik's ability to manage and adapt to changing circumstances, to ensure the Shire and our community remain sustainable and resilient", could be slightly amended to say "We continue to strengthen Nillumbik's ability to mitigate, manage and adapt to changing circumstances, particularly the climate emergency, to ensure the Shire and our community remain as sustainable and resilient as possible."	Refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.	No change to draft MPS 'Vision' (02.02) based on this submission; however changes to other draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> Add sentence to draft MPS Clause 02.01 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i>
22	Revise "climate change" to "climate emergency" in the second goal dot point.	Refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.	No change to draft MPS 'Vision' (02.02) based on this submission; however changes to other draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> Add sentence to draft MPS Clause 02.01 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will</i>

MPS - Phase 3 Engagement - Summary of Submissions

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			<i>proactively integrate climate change mitigation and adaptation into all Council actions."</i>
23	Suggest that there be a goal that related to protection of Nillumbik's environment and biodiversity throughout the Shire given this is under threat (refer to State of Environment Report).	<p>The second dot point at draft MPS Clause 02.02 'Vision' has already been recommended to add "threats to biodiversity". More detailed directions on environmental risks are contained in draft MPS Clause 02.03-3 'Environmental risks and amenity'.</p> <p>Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.</p> <p>Also refer to Officer response to submission No. 3 'Context', which included discussion of State of Environment Reports 2018 and 2021.</p>	<ul style="list-style-type: none"> Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i> <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i>

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

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24	After the excerpt from the Nillumbik Community Vision 2040, the Vision should be split into the two parts following parts 1 - Nillumbik will be. and 2 - Nillumbik's planning goals Part 1 is new content and should state the following, "Nillumbik will be: • a carbon neutral shire, with strong strategies, goals and targets in place to mitigate, and adapt to, the effects of the accelerating climate emergency. • a 'Green Wedge' shire which preserves, nurtures and enhances the natural environment as a resource for the benefit of all Melburnians. • where all living things have a right to exist, to thrive and to evolve within a biodiverse ecosystem and a healthy biosphere, in line with Earth-centred jurisprudence principles • will incorporate First Nations principles of understanding and care of country as foundational principles in stewardship of Nillumbik.	1) Council has a target of net zero emissions across Nillumbik by 2035. (Clause 02.03-3) 2) The Nillumbik Green Wedge is of significant value to the Shire and wider region, particularly for its biodiversity, natural beauty, visitor experiences, agriculture and other non-urban values (Clause 02.03-1) Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.	No change to draft MPS 'Vision' (02.02) based on this submission; however changes to other draft MPS clauses are recommended as follows: • Add sentence to draft MPS Clause 02.01 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i>
25	The first line should be re-worded to give priority to the Green Wedge first. E.g. "The Nillumbik Community Vision 2040 emphasises the Nillumbik Green Wedge and its community is at the heart of the Shire.	Reversing 'community' and 'Green Wedge' would be inconsistent with the title of the <i>Nillumbik Community Vision 2040</i> and would not help to improve the draft MPS.	No change to draft MPS based on this submission.
26	The Vision uses non-committal impassioned language with no emphasis or meaning.	Noted	No change to draft MPS based on this submission.
27	Do not support the order of the planning goals. The current goals prioritise bushfire management over protection of the Shire's natural environment, heritage, arts and culture.	The arrangement of planning related goals in draft MPS Clause 02.02 'Vision' does not elevate the importance of one goal above another.	No change to draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
28	An overarching statement should be established to provide context to the planning goals. E.g."Nillumbik's planning goals are to reinforce the need for integrated planning and land management which addresses policy themes of landscape values, biodiversity and environmental values; protection of water catchments and supply; Aboriginal culture, heritage, agriculture and natural resources; tourism and environmental risks".	The current goals in draft MPS Clause 02.02 'Vision' generally cover the planning goals outlined in this submission. Context is the subject of draft MPS Clause 02.01 'Context'.	No change to draft MPS based on this submission.
29	There is so much construction occurring in the Shire and consequently vegetation is getting destroyed. The Vision doesn't appropriately respond to this current circumstance.	Clause 02.02 Vision already acknowledges the need to be sustainable and resilient, and to protect the natural environment. The Strategic Directions in Clause 02.03 will help Council and the community to achieve these goals.	No change to draft MPS based on this submission.
30	Support the overarching aim of protecting and preserving the Green Wedge as this is a key and special characteristic of the Shire.	Noted	No change to draft MPS based on this submission.
31	Language around protecting the natural environment should be strengthened in such a way that requires economic/profit-driven development be subject to additional scrutiny - particularly assessed through an environmental protection lens.	The MPS addresses environmental and economic goals without elevating one issue above the other. This is consistent with the Objectives of planning under section 4 of the <i>Planning and Environment Act 1987</i> , which includes to facilitate development in accordance with the other objectives (e.g. protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity). The objectives also include to balance the present and future interests of all Victorians.	No change to draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
32	Support the wording and goals related to protecting the environmental nature and aspect of Nillumbik.	Noted	No change to draft MPS based on this submission.
33	Support the comments which show the value and importance of the natural identity of Nillumbik.	Noted	No change to draft MPS based on this submission.
34	Support the comment regarding the balance of urban livability with protection of environmental aspects	Noted	No change to draft MPS based on this submission.
35	The comment regarding enhancing the tree canopy in urban areas is relevant for the values of Nillumbik residents and plays a role in aesthetics, fauna protection and heat stress of urban living.	Noted	No change to draft MPS based on this submission.
36	Revise planning goal 1 to say "Protect and improve the Shire's Green Wedge across all aspects of planning in urban and non urban areas".	The reference to "all aspects of planning" already implies 'urban' and 'non-urban'. Addition of the words 'urban' and 'non-urban' would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction on 'The Form and Content of Planning Schemes'.	No change to draft MPS based on this submission.
37	Support economic growth without reducing, depleting or affecting the natural environment or biodiversity in urban and non urban areas.	Noted	No change to draft MPS based on this submission.
38	Support references to environment and protecting and strengthening tree canopy.	Noted	No change to draft MPS based on this submission.
39	A statement about First Nations Peoples and the principle of custodial-ship of country needs to be incorporated into the Vision to ensure their wisdom is applied to the management of land, skies and waterways and preserved for future generations.	Draft MPS Clause 02.01 'Context' includes the following statement: " <i>The Wurundjeri Woi-wurrung people are the Traditional Owners of the Country on which Nillumbik is located. The significance of their history and connection with the landscape are essential elements of the shire's unique character</i> ". Wisdom gleaned from millennia of managing country by the Wurundjeri Woi-wurrung people is implicit in the above statement's reference to the history of their connection with the landscape. Elaboration of this statement in draft Clause 02.02 'Vision'	No change to draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction on 'The Form and Content of Planning Schemes'.	
40	Support that it highlights environmental issues.	Noted	No change to draft MPS based on this submission.
41	Support the vision of maintaining the Shire's natural environment, whilst allowing for responsible economic growth that doesn't detract from the Shire's character.	Noted	No change to draft MPS based on this submission.
42	Support the focus on maintaining and developing the sense of local community within the shire, through the development and maintenance of social spaces that cater for all residents.	Noted	No change to draft MPS based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
Clause 02.03-1 Settlement and the Nillumbik Green Wedge			
1	The Green Wedge is fundamental to the Shire and to alter this would be to fundamentally change the Shire and would go against the previous consultations (Phase 1 & 2) which stated that residents enjoy and value the natural environment and open spaces provided by the rural landscape. Any change to the 'conservation focus' of the Green Wedge would be contradictory to the values expressed by the community and climate emergency mitigation efforts proposed.	Draft MPS Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') proposes to protect the green wedge and to maintain non-urban breaks between existing urban and non-urban areas, and townships, and does not propose to alter the Green Wedge. Earlier recommendations add to Clauses 02.01 'Context' and 02.02 'Vision' to improve statements affecting conservation and resilience to threats to biodiversity.	No change to draft MPS Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') based on this submission; however changes to other draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> • Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01. Changes to subsequent draft MPS clauses: <ul style="list-style-type: none"> • Expand and modify the second dot point at draft Clause 02.02 to read: "<i>Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity.</i>"
2	Preservation of the overlays is essential.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
3	The Urban Growth Boundary needs to be maintained as a hard boundary and not compromised by 'buffer strips' or 'transition zones' weakening its planning integrity.	Draft Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') only refers to transition in relation to descriptions of land use change and changes in character, which do not diminish the significance of the Urban Growth Boundary (UGB). However, limited growth can still occur within the existing boundaries of rural townships and settlements beyond the UGB, which is implied in the strategic direction to " <i>Maintain non-urban breaks between existing urban areas and non-urban areas, and between rural townships.</i> "	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
4	If Forest Bathing (Shin Rin Yoku) is recognised as having health benefits, then maintenance of forests and woodlands is essential.	Nature protection is one of the most important focuses of the MPS. The strategic direction point 3 in 02.03-1 Settlement and the Nillumbik Green Wedge is to "protect the Green Wedge from incompatible use and development." The purposes of Clause 35.04 Green Wedge Zone are to "recognise, protect and conserve green wedge land for its agricultural, environmental ... opportunities" and "encourage use and development that is consistent with sustainable land management practices." Clause 02.02 Vision in MPS mentioned, "Nillumbik's planning-related goals are to: strengthen Nillumbik's identity by protecting and enhancing its natural environment". Also, the multiple strategic directions in Clause 02.03-2 Environmental landscapes and values mentioned vegetation protection.	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
5	People buying in to the Shire must be made aware that they cannot change the nature of the Shire. The danger with change and a huge increase in population is that the values of the existing residents may be diminished.	Noted. One of the strategic directions in clause 02.03-5 Neighbourhood character, is to "maintain and enhance the character, including neighbourhood character, of urban and township areas." One of the strategic directions in clause 02.03-6 Housing is to "facilitate the provision and diversification of housing to meet the projected increase in the number of smaller households and the aging (correct to 'ageing') population, while respecting the neighbourhood character, protecting natural and heritage values and minimising environmental risk". Also, the controls in Clause 30 Zones and Clause 40 Overlays can help to protect Nillumbik's neighbourhood character.	No change to draft MPS Clause 02.03-1 based on this submission.
6	Amend the first paragraph to reflect the fact that Nillumbik was created as a 'Conservation Shire' and is therefore not part of a designated growth corridor. E.g. "Nillumbik, located on the fringe of metropolitan Melbourne was created as a Conservation Shire and does not form part of a designated growth corridor. Council and community therefore need to maintain the Urban Growth Boundary as a hard boundary".	Draft MPS Clause 02.03-1 Settlement and the Nillumbik Green Wedge states Nillumbik Green Wedge "contains sites of environmental and landscape significance and a mix of conservation, agricultural and residential uses". Although it means that Nillumbik is not only created for the conservation uses, conservation is one of the primary purposes of the Rural Conservation Zone, which has been applied to most of Nillumbik's rural areas. This was acknowledged in Officer's response to Submission No. 3 on draft MPS Clause 02.01 ('Context'). Consequently it was recommended to add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01.	No change to draft MPS Clause 02.03-1 based on this submission; however: Changes to other draft MPS clauses: Add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
7	Amend the third paragraph to reflect the Shire's conservation/Green Wedge focus. The purpose and objectives of Nillumbik's rural 'Green Wedge' zones should be further articulated in this paragraph.	The purpose of the 'Green Wedge' zone is already stated in Clause 35.04 Green Wedge Zone. Under the Practitioner's Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions. Therefore, no further action is needed.	No change to draft MPS Clause 02.03-1 based on this submission.
8	The third paragraph identifies that residential uses are an existing land use within the Green Wedge. The term 'residential uses' implies the Green Wedge is suitable for urban infrastructure/development, which this is not the case. Residential uses in Nillumbik's rural zones (i.e. GWZ & RCZ) are not supported 'as-of-right' and are not the primary uses supported by these zones or other relevant policy with the Planning Policy Framework of the Nillumbik Planning Scheme. The paragraph should state that residential uses are not supported in the rural 'Green Wedge' zones. Subsequently, the former reference acknowledging residential uses in the Green Wedge should be removed or possibly replaced with the term 'scattered dwellings'.	<p>Already mentioned in MPS.</p> <p>Strategic direction in 02.03-6 Rural residential development states: - "Discourage rural residential development in the Green Wedge, unless supported by a council strategy or framework plan".</p> <p>The purpose of the Green Wedge Zone under Clause 35.04 should not be replicated in the MPS, which would be contrary to the Practitioner's Guide direction (p23) that a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.</p>	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
9	The Green Wedge goes beyond being simply a 'significant value to the Shire and wider region' as described in the draft Strategic Direction. The Nillumbik Green Wedge is the reason Nillumbik Shire was created and needs to be protected for its broader intrinsic value. It is the 'backbone' feature of the Shire, the lungs of Melbourne and contributes to the natural beauty of the region, assists mitigate against the impacts of urbanisation and climate change; supports the protection of biodiversity; provides economic, social and health benefits such as visitor experiences and access to nature and supports agriculture other non-urban characteristics. These sentiments must be appropriately reflected in this Strategic Direction.	Clause 02.03-1 Settlement and the Nillumbik Green Wedge states that "the Nillumbik Green Wedge is of significant value to the Shire and wider region, particularly for its biodiversity, natural beauty, visitor experiences, agriculture and other non-urban values." Clause 02.03-7 Business and employment states, "for the Green Wedge, opportunities exist in agribusiness, tourism, recreation and sustainability including renewable energy." To protect the green wedge, Clause 02.02 Vision contains a planning goal to " <i>Protect the Shire's green wedge across all aspects of planning.</i> " The strategic direction point 3 in clause 02.03-1 'Settlement and the Nillumbik Green Wedge' is to " <i>Protect the Green Wedge from incompatible use and development</i> ".	No change to draft MPS Clause 02.03-1 based on this submission.
10	The Green Wedge's environmental and landscape significance is present throughout the Shire (e.g. in the vital tree canopy of Eltham, for example, to the tall forests of Kinglake) and not restricted to 'sites' as described in the draft Strategic Direction. This word should be changed.	Eltham is not part of Green Wedge, as indicated in Council's Green Wedge Management Plan (p18). Additionally some sites are more significant than others and warrant additional planning controls to provide further protection. The draft Schedule to Clause 74.02 ('Further strategic work') includes to develop an urban tree canopy strategy, which would include the urban areas of Eltham.	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
11	The continuity of vegetation/habitat connectivity is crucial throughout the Shire and needs to be fostered and protected.	The strategic direction point 3 in Clause 02.03-2 Protection of biodiversity is to "facilitate the establishment of large areas of native vegetation that are interconnected by a network of habitat corridors".	No change to draft MPS Clause 02.03-1 based on this submission.
12	It must be clearly stated that any subdivision under the existing rural zones in Nillumbik must be in accord with the purposes of those zones and support only rural uses.	<p>Strategic direction points 3 and 4 in Clause 02.03-1 Settlement and the Nillumbik Green Wedge state:</p> <ul style="list-style-type: none"> - Protect the Green Wedge from incompatible use and development; and - Limit subdivision in rural areas to minimise fragmentation of rural land and maintain vistas. <p>Subdivision under the existing rural zones must apply for a permit from the council and follow the requirements under Clause 35 Rural Zones in the Nillumbik Planning Scheme.</p> <p>The purpose of zones should not be replicated in the MPS, which would be contrary to the Practitioner's Guide direction (p23) that a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.</p>	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
13	The last sentence at the end of the third paragraph is unclear and needs to be amended. Council must assess land use conflicts and ensure that environmental protection is the overarching goal in every decision. It could potentially read: "This diversity of uses must be managed through application of sustainable land use and best practice natural resource management principles to reduce land use conflicts".	The submitter's version and the current draft MPS version of the last sentence in the 3 rd paragraph are both adequate.	No change to draft MPS Clause 02.03-1 based on this submission.
14	The first dot point of the Strategic Directions (below the 3rd paragraph) is unclear. It could potentially read: "Maintain non-urban areas/places/breaks between existing urban areas, and also between rural townships".	Reference to non-urban breaks is conventional in planning schemes across Victoria.	No change to draft MPS Clause 02.03-1 based on this submission.
15	Strongly support the inclusion of a statement that clearly describes the need to maintain the Urban Growth Boundary as a hard boundary; thereby removing the risk of development gradually encroaching and advancing beyond the limits that are currently acceptable. This is needed to ensure outward metropolitan development is not a feature of the Shire.	The Urban Growth Boundary (UGB) is established by the State Government. The Minister for Planning is unlikely to support any proposal to rezone land for residential purposes outside of the UGB. Residential development in rural areas would need to comply with the purpose and provisions of rural zones and be guided by the relevant planning scheme policies. The draft MPS does not propose urban development beyond the UGB.	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
16	Nillumbik has such a mix of residential and rural there will be a greater demand for people wanting to move into the area. Especially with the current work from home culture, more people want to move away from the Melbourne CBD. As such, Nillumbik should look at becoming part of a designated growth area as the area is well serviced for public transport, schools, pre-schools sporting facilities and recreational facilities.	The State Government has not included Nillumbik Shire in designated growth corridors. Under clause 02.01-context, the population in Nillumbik is not expected to increase substantially. Also, according to Id.community, since the previous year, the population in Nillumbik has declined by 1.22%.	No change to draft MPS Clause 02.03-1 based on this submission.
17	Limiting subdivision in rural areas is not practical as most of the properties are not large enough to conduct profitable farming ventures and the high maintenance costs of these properties are becoming a financial burden on long standing residents who are now ageing.	Further fragmentation of rural land is not supported by planning scheme policies. This applies right across Victoria. Small lots in rural areas can still be used productively and/or can be consolidated with other small parcels to create larger lots. Additionally, allowing development on small lots would add to the cost of land that could otherwise be acquired by neighbouring property owners for the purpose of expanding their existing agricultural activities.	No change to draft MPS Clause 02.03-1 based on this submission.
18	There should be more opportunities for low density housing. E.g. 1 acre, 2 acre or 5 acre parcels.	The Low Density Residential Zone and the Rural Living Zone provide for larger lots and residential purposes. Increasing the coverage of these zones would be based on projected population growth in designated growth areas and taking into account any planning constraints, including environmental constraints or constraints in the provision of appropriate infrastructure to support new low density	No change to draft MPS Clause 02.03-1 based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> • Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i> • Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		residential areas. A housing strategy would be designed to address these issues.	through the development of a housing strategy.
19	There needs to be more business and commercial opportunities to provide services and jobs for people closer to home and a greater variety of housing - e.g. allowing subdivision in areas which are close to the activity centres and transport.	<p>Already mentioned in MPS. Under Clause 02.02 'Vision', one of the planning goals in is to support economic growth that capitalises on Nillumbik's strengths. Clause 02.03-1 'Settlement and the Nillumbik Green Wedge' identifies areas that have further growth potential, including Eltham and Diamond Creek Major Activity Centres. Other areas include:</p> <ul style="list-style-type: none"> - Apollo Parkways - Land in the Diamond Creek North Area A Development Plan and Diamond Creek Area B Development Plan to the north and north-east of the Diamond Creek Major Activity Centre. - The Plenty Low-Density Residential area. <p>Nillumbik's housing needs should be addressed in a housing strategy, which has already been recommended in earlier Officer responses to submissions. A housing strategy would work in concert with other strategies, such as future Activity Centre structure plans for Eltham and Diamond Creek, and the current draft Neighbourhood Character Strategy.</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> • Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i> • Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
20	There are Green Wedge properties which abut the UGB that are directly adjacent to residential properties and are in walking distance to schools, transport, etc that have potential to accommodate infill residential developments. Council should look at supporting these sorts of infill developments.	Residential development beyond the UGB is not supported by the State Government or existing Nillumbik Planning Scheme policies. The Strategic direction for 'Rural residential development' under draft MPS Clause 02.03-6 ('Housing') is to " <i>Discourage residential development in the Green Wedge, unless supported by a council strategy or framework plan</i> ". The development of structure plans for Eltham and Diamond Creek Activity Centres, and a future housing strategy would address sustainable options for access to services, including public transport.	No change to draft MPS Clause 02.03-1 based on this submission.
21	What is a Major Activity Centre?	Major Activity Centres (MACs) are places that provide a focal point for retail and other services, employment, housing, public transport and social interaction. They have different attributes and provide different functions, with some serving larger subregional catchments. The commercial centres in Eltham and Diamond Creek serve as the core of MACs in Nillumbik.	No change to draft MPS Clause 02.03-1 based on this submission.
22	Do not want to see overdevelopment in Eltham i.e. no high rise buildings. 3 storeys is sufficient. Additionally, the existing green spaces and leafy aesthetic must remain. Some infill development would be acceptable in residential areas i.e. 2 houses on one block however that is low rise; retains plenty of space for a small front & back gardens, grass, shrubs, trees and used building	Schedule 1 to Clause 37.08 'Activity Centre Zone' specifies discretionary building heights of between four to five storeys for 'Eltham Activity Centre' and Schedule 2 specifies a discretionary building height of four storeys for 'Diamond Creek Activity Centre'. These heights are not excessive for activity centres. The General Residential Zone in Nillumbik specifies a maximum building height of 11 metres and no more than 3 storeys; although these limits can	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	materials suitable for the Eltham character e.g. wood, stone, & earthy colours.	be exceeded under several specified circumstances, e.g. if buildings on abutting allotments are higher (if buildings on abutting allotments are higher or have more storeys, must not exceed the lower of the existing buildings on the abutting allotments).	
23	An additional fifth strategic direction dot point should be incorporated that highlights the importance of protecting and maintaining the vegetation and tree canopy in both urban and rural areas.	<p>Already mentioned in MPS.</p> <p>The strategic directions in Clause 02.03-3 Protection of biodiversity</p> <ul style="list-style-type: none"> - Protect and enhance areas of environmental significance and conservation. - Protect and enhance significant remnant vegetation. - Facilitate the establishment of large areas of native vegetation that are interconnected by a network of habitat corridors. - Protect the habitat areas of native vegetation and fauna. - Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the Shire." <p>The draft Schedule to Clause 74.02 ('Further strategic work') includes to develop an urban tree canopy strategy.</p>	No change to draft MPS Clause 02.03-1 based on this submission.
24	The phrasing 'Green Wedge' within the first paragraph shouldn't have inverted commas around it as these make it seem as though	Inverted commas help to distinguish the generic 'green wedge' (i.e. the 12 municipalities) from the Green Wedge, which is unique phrasing peculiar to describing Nillumbik Shire.	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	therm is merely an interpretation or expression and not actually fact.		
25	Residents of the Green Wedge and their (private) properties (which make up over 80% of the Green Wedge) make a postive contribution to the management of the Nillumbik Green Wedge including to its environmental, social and economic viability, sustainability and amenity and appeal. Therefore the contribution of rural residents and rural living needs to be positively acknowledged in this Strategic Direction in supporting the Green Wedge aspirations/directions.	<p>The text at draft MPS Clause 02.02 'Vision' is drawn from the <i>Nillumbik Community Vision 2040</i>. Both, the general text, and the planning goals encompass communities and their aspirations across the Shire, including rural communities, e.g.:</p> <ul style="list-style-type: none"> - <i>"Protect the Shire's green wedge across all aspects of planning";</i> - <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire", (add "and threats to biodiversity");</i> - <i>"Facilitate enjoyable and connected places that strengthen identity and character, foster social connection and improve accessibility, wellbeing and safety for all";</i> - <i>"Strengthen Nillumbik's identity by protecting and enhancing its natural environment, heritage, arts and culture"; and</i> - <i>"Support economic growth that capitalises on Nillumbik's strengths, is innovative and is compatible with the natural environment".</i> <p>Strategy in Clause 14.01-1R Protection of agricultural land - Metropolitan Melbourne states:</p> <ul style="list-style-type: none"> - <i>"Protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations".</i> 	<p>No change to draft MPS Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') based on this submission; however changes to other draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> • Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i>

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Strategy point 8 in Clause 14.01-2S 'Sustainable agricultural land use' states: - <i>"Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment"</i> .	
26	Preserving farming, agriculture and diverse rural activities such as the ability to keep animals on private property are important and help retain the rural 'country' character which is a big part of the appeal of the Green Wedge to both residents and visitors.	A range of agricultural uses are as-of-right in the Green Wedge Zone, including cropping (no conditions), grazing animal production (no conditions), poultry farm (conditional), Domestic animal husbandry - other than Domestic animal boarding (conditional), Racing dog husbandry (conditional). This encourages agricultural activities that involve animals. However, the Rural Conservation Zone, which applies to most of the Green Wedge, is more restrictive and elevates environmental considerations above agriculture. This does not prevent many agricultural activities to be allowed subject to obtaining a permit or existing agricultural activities to continue under the existing use rights provisions in the Nillumbik Planning Scheme.	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
27	1) In Paragraph 3, commentary needs to be made that 91% of Nillumbik is rural land that lies outside the Urban Growth Boundary. 2) Also in describing Nillumbik's rural land, the paragraph needs to mention the existing productive, grazing land and treed pastures that support diverse rural activity and enterprise.	1) Clause 02.01 'Context' states that <i>"Approximately 91 per cent of Nillumbik is rural land that lies outside the Urban Growth Boundary"</i> . 2) Strategy in Clause 14.01-1R Protection of agricultural land - Metropolitan Melbourne states: - <i>"Protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations"</i> . Strategy point 8 in Clause 14.01-2S Sustainable agricultural land use - Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.	No change to draft MPS Clause 02.03-1 based on this submission.
28	Support that the Strategic Direction understands the existing settlement patterns of the Shire and acknowledges that there are clearly defined townships surrounded by rural areas.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
29	Support the statement that Nillumbik does not form part of any designated growth corridor and that there is a commitment to keep any further growth potential to areas in existing townships as this preserves the Green Wedge of the Shire.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
30	Support that the Strategic Direction recognises the value of the Green Wedge.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
31	Support the there is acknowledgement that there are pressures on the integrity of the Green Wedge and these need to be managed carefully.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
32	The fourth strategic directions dot point should also exclude residential uses as a primary use in the Green Wedge except in areas of existing rural living.	The strategic direction point 4 in clause 02.03-1-Settlement and the Nillumbik Green Wedge is to <i>"limit subdivision in rural areas to minimise fragmentation of rural land and maintain vistas"</i> . This restricts residential uses in the Green Wedge. The strategic direction in Clause 02.03-6 for 'Rural residential development' is to <i>"discourage rural residential development in the Green Wedge, unless supported by a council strategy or framework plan"</i> .	No change to draft MPS Clause 02.03-1 based on this submission.
33	Support that the Strategic Direction highlights and makes use of the strengths, of the low-density, 'country' focused aspect of Nillumbik, when compared to Whittlesea, Manningham and Banyule areas.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
34	Support that the Strategic Direction provides a statement about valuing and protecting the biodiversity, natural beauty and landscape of the Nillumbik area.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
35	The 'strategic directions' are appropriate and suitable to Nillumbik and the community going forward into the future, while emphasizing and protecting the appeal that Nillumbik has over other areas.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
36	The third strategic directions dot point should be revised to say, "Protect the Green Wedge from incompatible use and development while ensuring that it is in keeping with neighbourhood character". The oversight on over-development and developments that do not align with the character of Nillumbik is of high importance to residents both current and future and should therefore be reflected in the MPS.	<p>The consideration of neighbourhood character is relevant to urban areas. The decision guidelines of rural zones address a wide range of planning considerations that are grouped under headings: 'General issues', 'Rural issues', 'Environmental issues', 'Accommodation issues', and 'Design and siting issues'.</p> <p>General issues under the Rural Conservation Zone include consideration of "<i>Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses</i>".</p> <p>Design and siting issues include considering: "<i>The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas</i>" and "<i>The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance</i>".</p> <p>These and other considerations, including purpose of the rural zone, will generally help prevent over-development in the Green Wedge.</p> <p>.</p>	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
37	There is too much detail to interpret.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
38	High level direction about development of commercial activity in the Green Wedge compatible with rural uses and the environment is missing from this Strategic Direction. A reference about this would promote the potential for food tourism and enable things like simple extensions of existing township stores which have not been permitted in the past.	<p>Already mentioned in planning scheme. Strategy 6 in Clause 11.01-1R Green wedges - Metropolitan Melbourne states:</p> <p>- <i>“Support existing and potential agribusiness activities, forestry, food production and tourism”</i>.</p> <p>Strategy 1 and 3 in Clause 17.04-1L Tourism in Nillumbik states:</p> <p>- <i>“Facilitate the growth of tourism based on environmental and local interests such as agri-tourism or eco-tourism”</i>.</p> <p>- <i>“Facilitate tourism development opportunities that have minimal impact on the environment and build on the cultural and physical characteristics of the green wedge”</i>.</p> <p>Under the Practitioner’s Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.</p>	No change to draft MPS Clause 02.03-1 based on this submission.
39	The strategic directions are overall well-balanced in maintaining that which is special about Nillumbik.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
40	The Strategic Direction does not go far enough from a regeneration/renewal perspective. The Strategic Direction frequently mentions the word 'protect', which is supported, yet this could be further enhanced by using the phrasing 'protect and regenerate' or 'protect and provide renewal' consistently throughout the ordinance.	The submission's use of the words 'regeneration' and 'renewal' are interpreted as being references to revegetation. Council's undertaking of a range of further work listed in the draft Schedule to Clause 74.02 'Further Strategic Work' will help to address this issue, e.g. to review " <i>The environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire</i> ".	No change to draft MPS Clause 02.03-1 based on this submission.
41	The Shire's fauna and flora also needs positive action beyond just protection of biodiversity and habitats. E.g. the strategic directions need to support the creation of safe wildlife corridors for animal and species movements such as introducing more suspended tree-top bridges, providing under-road routes at particular key risk areas to assist in regenerating habitats.	The strategic direction at point 3 for 'Protection of biodiversity' under Clause 02.03-2 'Environmental and landscape values' is to " <i>facilitate the establishment of large areas of native vegetation that are interconnected by a network of habitat corridors</i> ".	No change to draft MPS Clause 02.03-1 based on this submission.
42	Reference needs to be made in this Strategic Direction regarding the management of domesticated animals (e.g. cats) in the Shire, but particularly, in the Green Wedge. A strategic direction dot point needs to be provided regarding the active enforcement of curfews in relation to pets.	The control of domestic animals generally falls more under the ambit of Council's by-laws under the <i>Local Government Act 2020</i> .	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
43	A further statement should be made in the first paragraph about the specific areas in the Shire suitable for the consideration of further growth and residential subdivision. It should also suggest the potential rezoning of the low density residential area in north-eastern Eltham/southern Research near Reynolds Road in order to align with the residential zoning of the surrounding area and allow for suitably placed residential growth. However it should also be acknowledge that new development must still adhere to relevant neighbourhood character and vegetation planning provisions.	<p>Clause 02.03-1 'Settlement and the Nillumbik Green Wedge' identifies the following areas for further growth:</p> <ul style="list-style-type: none"> ▪ Eltham and Diamond Creek Major Activity Centres. ▪ Apollo Parkways. ▪ Land in the Diamond Creek North Area A Development Plan and Diamond Creek Area B Development Plan to the north and north-east of the Diamond Creek Major Activity Centre. ▪ The Plenty Low Density Residential area. <p>North-eastern Eltham/southern Research near Reynolds Road are not designated growth areas under the MPS.</p> <p>Additionally, Clause 02.03-6 'Housing' states, <i>"the locations most suited to medium density development are those that are close to infrastructure, including public transport scheduled stops, commercial areas, public open space and other community facilities. The Eltham and Diamond Creek Major Activity Centres and the Hurstbridge Shopping Centre provide such facilities"</i>.</p>	No change to draft MPS Clause 02.03-1 based on this submission.
44	Encourage the further subdivision of Low Density Residential zoned land to the minimum lot size of 2000 square metres as permitted by the planning provision.	Market forces generally determine marketable lot sizes within the parameters of what planning allows. Any need for more Low Density Residential zoned land should be identified in a	No change to draft MPS Clause 02.03-1 based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		housing strategy, which would also address the need for supporting infrastructure to service new development. The development of a housing strategy to identify Nillumbik's housing needs has been addressed in earlier officer recommendations.	<ul style="list-style-type: none"> • Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i> • Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.
Clause 02.03-1 Activity centres			
1	Commercial activity in the Shire should reflect Nillumbik's character by promoting and supporting small local businesses over large franchises/companies found in nearby shopping centres. The second strategic direction dot point in particular needs to strongly support these sentiments further to ensure local businesses have a fair and equitable competition in the local market against larger corporations and e-commerce.	The strategic direction point 1 in Clause 02.03-1 Activity centres is to "promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire, supported by Neighbourhood Activity Centres, small local convenience centres, rural townships, and rural stores". This indicates that small business in Nillumbik are supported without excluding larger businesses, which generally rely on larger population catchments and central locations.	No change to draft MPS Clause 02.03-1 based on this submission.
2	Amend the third dot point of strategic directions to reflect the conservation focus of the Shire including the protection vegetation/tree canopy that is vital to the character and life of Eltham and other centres. E.g. "Facilitate increased diversity and amount of housing in the major activity centres that are sustainable and scaled to protect the vegetation and surrounding topography".	<p>The strategic direction point 2 for 'Climate change' under Clause 02.03-3 ('Environmental risks and amenity') is to <i>"Protect and enhance the tree canopy across Nillumbik"</i>.</p> <p>Additionally, the draft schedule to Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy, which would apply to urban areas in Eltham.</p>	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
3	Eltham and Diamond Creek are adjacent to the train line and well serviced by transport modes. As such, these centres could accommodate much larger commercial and business areas and subsequently provide a greater variety of services so that residents do not have to travel to Greensborough and further afield. The Strategic Direction should seek to maximise on this advantage.	<p>The strategic directions for 'Activity centres' under draft MPS Clause 02.03-1 ("Settlement and the Nillumbik Green Wedge") promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire and seek to facilitate an expansion in the range of commercial and community services available in the major activity centres.</p> <p>Strategic direction point 3 in Clause 02.03-6 'Housing' is to "facilitate the provision of affordable housing close to infrastructure and services".</p>	No change to draft MPS Clause 02.03-1 based on this submission.
4	The Strategic Direction should seek to increase the industrial/commercial zones in the Shire to encourage more jobs for locals.	<p>The strategic directions for 'Activity centres' under draft MPS Clause 02.03-1 ("Settlement and the Nillumbik Green Wedge") promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire and seek to facilitate an expansion in the range of commercial and community services in those centres.</p> <p>Draft MPS Clause 02.03-7 ('Economic development') states under the 'Business and employment' heading: "<i>The main employment locations, are the Eltham and Diamond Creek Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, which provide local employment opportunities</i>". This is also reflected</p>	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>in the Strategic directions for 'Business and employment'.</p> <p>The text under the 'Industry' heading, which is also contained in Draft MPS Clause 02.03-7 ('Economic development'), indicates that any expansion of industry areas may be limited to the Bridge Street Business Area in the Eltham Major Activity Centre. Consequently, Nillumbik's existing industrial precincts in Eltham, Research and Diamond Creek, which are close to full capacity, should be retained for industrial uses and protected from the encroachment of other uses.</p>	
5	Amend the third dot point of strategic directions to ensure housing is compatible with the character of the area and in identified locations that are close to infrastructure.	<p>Already mentioned in MPS.</p> <p>The strategic directions in Clause 02.03-6 'Housing' state to</p> <ul style="list-style-type: none"> - <i>"Facilitate the provision and diversification of housing to meet the projected increase in the number of smaller households and the ageing population, while respecting the neighbourhood character, protecting natural and heritage values and minimising environmental risk".</i> - <i>"Facilitate medium density housing development that is compatible with the character of the area in identified locations that are close to infrastructure".</i> <p>The above directions should be addressed in a housing strategy, the development of which has already been recommended in Officer response to other submissions.</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> • Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i> • Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
6	Council should be appropriately managing the issues outlined in strategic direction dot points 2 & 3 - not necessarily facilitating them. The word 'facilitate' should be replaced with 'manage'.	Language in the draft MPS is guided by the 'Practitioners Guide - Appendix 1', which states that verbs must be chosen carefully to achieve the intended outcome. Appendix 1 lists the word 'Facilitate' as an "Encouraging verb" that means " <i>to make easier or less difficult</i> ". The word "Manage" is listed as a 'Neutral verb' that means " <i>to take charge or care of; to handle, direct, govern or control in action or use</i> ". The explanations above suggest that facilitating is less intrusive or overbearing than managing and would help guide decisions by others rather than imply Council's direct involvement in the decision-making. Consequently, the word "Facilitate" appears to be more appropriate.	No change to draft MPS Clause 02.03-1 based on this submission.
7	There is limited reference in this Strategic Direction to maintaining vegetation and tree canopies in Activity Centres.	The strategic direction point 2 for 'Climate change' under Clause 02.03-3 ('Environmental risks and amenity') is to "protect and enhance the tree canopy across Nillumbik". Additionally, the draft schedule to draft Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy, which would include the activity centres.	No change to draft MPS Clause 02.03-1 based on this submission.
8	Under the The Eltham Major Activity Centre section within the Strategic Direction, add the following phrase after the words 'housing opportunities', "...that are sustainable and scaled to protect the vegetation, tree canopies and	The strategic direction point 2 for 'Climate change' under Clause 02.03-3 ('Environmental risks and amenity') is to "protect and enhance the tree canopy across Nillumbik". Additionally, the draft schedule to draft Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy, which would include the activity centres. The strategic	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	surrounding topography as well as containing a substantial public transport hub."	direction point 2 in Clause 02.03-8 Transport is to "incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network".	
9	At the end of the third paragraph, suggest adding the following words after 'medium density housing', "...that is sustainable and scaled to protect the vegetation and surrounding topography".	The strategic direction point 2 in Clause 02.03-3 Climate change is to "protect and enhance the tree canopy across Nillumbik". Tree canopy protection is across the whole of Nillumbik, including the activity centres. Additionally, the draft schedule to Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy, which would apply to urban areas in Eltham.	No change to draft MPS Clause 02.03-1 based on this submission.
10	The Strategic Direction is generally fair and appropriate.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
11	The Strategic Direction provides a good summary of the broad uses and offerings of the Eltham and Diamond Creek Major Activity Centres.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
12	In view of the fact that significant population increase is not envisaged in Nillumbik, why would there need to be an expansion in the range of commercial services?	Expanding the range of commercial services is not only for meeting population growth. It is also for supporting local businesses, providing more job opportunities, improving residents' well-being and attracting more people to Nillumbik.	No change to draft MPS Clause 02.03-1 based on this submission.
13	Amend the phrasing of the third strategic direction dot point to place more emphasis on regulating and limiting development; specifically, ensuring residential development in the Major Activity Centres is in keeping to a low-medium to medium scale and density. Many residents are	The strategic direction point 2 in Clause 02.03-6 Housing is to " <i>Facilitate medium density housing development that is compatible with the character of the area in identified locations that are close to infrastructure</i> ". Residential densities in the major activity centres will be guided by the following design guidelines:	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	concerned with the impacts higher density forms of residential developments will have on the character of the area including building heights, loss of established trees and backyard spaces as well as increased traffic issues on local street e.g. on-street parking.	<ul style="list-style-type: none"> - The strategic direction point 3 for 'Activity centres' in Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') is to "<i>Facilitate increased diversity and amount of housing in the major activity centres that are sustainable and scaled to respect the surrounding topography</i>". - Schedule 1 to Clause 37.08 'Activity Centre Zone' specifies discretionary building heights of between four to five storeys for 'Eltham Activity Centre' and Schedule 2 specifies a discretionary building height of four storeys for 'Diamond Creek Activity Centre'. These heights are not excessive for major activity centres. - Schedules 1 and 2 to Clause 37.08 'Activity Centre Zone' also specify that third storeys and above must be set back 3 m from the first floor frontage, which will help to reduce visual bulk. <p>The development of structure plans for the major activity centres will address landscaping and car parking, and an urban tree canopy strategy, which is listed as further work in the draft Schedule to Clause 74.02, will help to further address the loss of established trees.</p>	
14	Reference to "limit" residential development are unclear. What does that mean ?	There is no reference to 'limit residential development' in Draft Clause 02.03-1 under the 'Activity centre' heading. The word 'limit' is only	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		found within " <i>limited bus services</i> " for Diamond Creek Major Activity Centre.	
15	Support the premise that the MAC's are the focus of community life.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
16	If Nillumbik is to continue providing for existing residents as well as provide for new and younger residents families, greater emphasis needs to be placed on attracting quality venues e.g. restaurants and staple retailers such as butchers. There is a need for greater competition amongst retailers to improve the level of choice and quality of product currently available in Nillumbik's townships.	The strategic direction point 2 for 'Activity centres' under draft MPS Clause 02.03-1 is to " <i>Facilitate an expansion in the range of commercial and community services available in the major activity centres, including those that cater for a local/regional clientele</i> ". An expansion in the range of commercial and community services available in the major activity centres can support and attract more quality venues.	No change to draft MPS Clause 02.03-1 based on this submission.
Clause 02.03-1 Eltham Gateway			
1	The entrance to the Eltham Gateway (the area to the west of the Diamond Creek) must also be recognised, enhanced and protected. The local community has continued to, and repeatedly demonstrated their affection for this area (particularly during the road upgrades on Fitzsimons Lane) as it gave locals the sense of slowing down, being out of the built environment and a strong sense of community i.e. a distinct home-coming and change of pace and environment to other parts of Melbourne. Suggest adding additional strategic direction dot point, as follows, "Protect and enhance the valued scale of the roadway and bridge that	The Eltham Gateway is currently identified in the Nillumbik Planning Scheme by Schedule 1 to the Design and Development Overlay (DDO1), which extends north along Main Road, Eltham in four distinct segments from Fitzsimons Lane in the south up to the Activity Centre Zone (Schedule 1) that identifies Eltham Activity Centre. The DDO1 segments are applied to the General and Low Density Residential Zones portions and Mixed Use Zone abutting Main Road and interrupted by reserves and the Eltham Primary School in public zoning. The Strategic direction to " <i>Protect and enhance</i>	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	contribute to a distinct feeling of transition and home coming."	<i>the cultural and landscape significance of the Eltham Gateway</i> " provides broad direction for this area that would be supported by further strategic work for gateways, as identified in the draft Schedule to Clause 74.02 ('Further Strategic Work').	
2	There is reference to 'World War' in the Strategic Direction. As there has been more than one Word War, which one is being referenced?	According to the avenues of honour website (https://avenuesofhonour.org/suburb/eltham/), the Eltham Avenue of Honour in Main Road, Eltham was established by 1919 to commemorate WW1. Since there have been two world wars, the request to identify the relevant war in the third paragraph under 'Eltham Gateway' heading in Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') is both, logical, and reasonable.	<ul style="list-style-type: none"> Replace the words '<i>the World War</i>' with '<i>World War One</i>' in the third paragraph under 'Eltham Gateway' heading in Clause 02.03-1.
3	Support that the Gateway provides services to the local community.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
4	Amend the third paragraph to read, "The Gateway contains a range of historic buildings that influence the architecture and reflect the local history of the area and an avenue of trees that commemorates World War One ". The statement needs to specify which World War and what is being commemorated.	According to the avenues of honour website (https://avenuesofhonour.org/suburb/eltham/), the Eltham Avenue of Honour in Main Road, Eltham was established by 1919 to commemorate WW1. Since there have been two world wars, the request to identify the relevant war in the third paragraph under 'Eltham Gateway' heading in Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') is both, logical, and reasonable.	<ul style="list-style-type: none"> Replace the words '<i>the World War</i>' with '<i>World War One</i>' in the third paragraph under 'Eltham Gateway' heading in Clause 02.03-1.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
5	The Strategic Direction provides a good summary of the mix of uses of land in the Eltham Gateway.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
6	The Strategic Direction should ensure Main Road is not widened in order to retain the 'coming-home'/sense of calming feeling as compared with other areas that have multi-lane major roads.	Main Road is not a Council road. The Transport Zone applied to Main Road is identified as TRZ2, which is part of the Principal road network and under the jurisdiction of Transport for Victoria. Consequently, it is beyond the scope of the MPS to specify that Main Road should not be widened. However, the MPS directions for the Eltham Gateway would apply to development within the residential and mixed use zones and the DDO1 areas that abut TRZ2.	No change to draft MPS Clause 02.03-1 based on this submission.
7	The Strategic Direction is well worded and emphasizes the 'green' and 'rural' nature of Eltham and Nillumbik as a whole.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
8	Support the wording, "provides a transition from the urbanity of the suburbs to the semi-rural character of Eltham." as it is fair and reflects a 'stepping down' from the busier, noisier suburbs to that of the more rural areas of Nillumbik.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
9	Support the mention of building developments keeping with the natural character and architecture of the Green Wedge.	Further strategic work for gateways, as identified in the draft Schedule to Clause 74.02 ('Further Strategic Work'), would support the broad direction for the Eltham Gateway to " <i>Protect and enhance the cultural and landscape significance of the Eltham Gateway</i> ".	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
10	Properties within Eltham Gateway must have their setbacks protected, incorporate timber into the building aesthetics/facade and contain moderate-sized trees/vegetation.	Further strategic work for gateways, as identified in the draft Schedule to Clause 74.02 ('Further Strategic Work'), would support the broad direction for the Eltham Gateway to " <i>Protect and enhance the cultural and landscape significance of the Eltham Gateway</i> ".	No change to draft MPS Clause 02.03-1 based on this submission.
11	The Gateway is not widely known within the community as there is no public signage denoting it. Therefore there is confusion over what is defined as the 'Eltham Gateway'.	The Eltham Gateway is currently identified in the Nillumbik Planning Scheme by Schedule 1 to the Design and Development Overlay (DDO1), which extends north along Main Road, Eltham in four distinct segments from Fitzsimons Lane in the south up to the Activity Centre Zone (Schedule 1) that identifies Eltham Activity Centre. The DDO1 segments are applied to the General and Low Density Residential Zones portions and Mixed Use Zone abutting Main Road and interrupted by reserves and the Eltham Primary School in public zoning. The Strategic direction to " <i>Protect and enhance the cultural and landscape significance of the Eltham Gateway</i> " provides broad direction for this area that would be supported by further strategic work for gateways, including signage controls, as identified in the draft Schedule to Clause 74.02 ('Further Strategic Work').	No change to draft MPS Clause 02.03-1 based on this submission.
12	Protection of the Eltham Gateway should be within reason to the point that it does not interfere with sensible development i.e. should	The draft MPS and existing planning controls for the Eltham Gateway, e.g. Schedule 1 to the Design and Development Overlay (DDO1) and	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	not prevent all development from occurring in this area. The relevant local policy in the PPF contains statements that allow for reasonable development that is consistent with maintaining the character of the area.	local policy for Building design in Nillumbik (PPF Clause 15.01-2L-01), guide rather than prevent development within the gateway.	
13	Support the continued emphasis of small scale development along Main Road.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
14	Support strategies 'to protect and enhance the cultural and landscape significance of the Eltham Gateway.' The history, vegetation, landscape and neighbourhood character are of great significance and set the scene for Nillumbik, the Green Wedge Shire.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
Clause 02.03-2 Protection of biodiversity			
1	Strongly endorse the 3rd 4th and 5th strategic direction dot points.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
2	The statement of the first sentence is too passive. Amend the first sentence to state something that is more active and protective e.g. 'The Shire supports and protects extensive habitat'.	The second sentence and the Strategic directions for 'Protection of biodiversity' under draft MPS Clause 02.03-2 ('Environmental and landscape values') contain active words such as 'Protect' 'conserve', 'provide' and 'Facilitate'.	No change to draft MPS Clause 02.03-2 based on this submission.
3	The MPS makes ambiguous references to protecting the Shire's environmental qualities however the strategic directions relevant to achieving this only seem to afford protection to significant vegetation. The current policy position continues to drive excessive loss of	It is too restrictive if the council guarantees to protect all vegetation. Under Planning Practice Note PPN59 'The Role of Mandatory Provisions in Planning Schemes' (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for	No change to draft MPS Clause 02.03-2 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	<p>canopy trees which are generally used for fire wood and ongoing loss of important habitat for all fauna. Strategic direction dot points 1 & 2 in particular only provide protection to areas of environmental significance and significant remnant vegetation however its not just these features which needs to be protected. Therefore suggest amending the these dot points to reflect the significance and protection of all biodiversity and native vegetation in the Shire.</p> <p>E.g. Point 1: "Protect and enhance the biodiversity of Nillumbik" (not merely areas of "environmental significance").</p> <p>Point 2: "Protect and enhance all remnant vegetation, including along roadsides in urban areas" (remove "significant").</p>	<p>flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> - <i>"Review environmental sites, threatened vegetation communities and species and habitat links."</i> - <i>"Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire."</i> - <i>"Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)."</i> 	

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
4	<p>1)What makes an area significant or not?</p> <p>2)Who makes the decision about these significant areas?</p> <p>3) Why aren't we protecting all that we have left?</p>	<p>1) The areas of environmental significance are identified as Environmental Significance Overlay (ESO) (Clause 42.01) in the planning scheme. The ESO identified areas where the development of land may be affected by environmental constraints, including sites of faunal and habitat significance, plenty river environs and waterways (refer to Clause 42.01 Environmental significance overlay (schedule 1, 3, 4). The statement of environmental significance under Clause 42.01 of Schedule 1, 3, and 4 explains what makes these areas significant.</p> <p>2) Local, State and Federal Governments make the decisions to identify and protect environmental areas based on scientific advice and guided by legislation, e.g. Victorian <i>Fauna and Flora Guarantee Act 1988</i> ('the FFG Act') and the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> ('the EPBC Act').</p> <p>3) It is too restrictive if the council guarantee to protect all vegetation. Under PPN59 (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion</p>	<p>No change to draft MPS Clause 02.03-2 based on this submission.</p>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>be in a zone or overlay.</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> - <i>"Review environmental sites, threatened vegetation communities and species and habitat links."</i> - <i>"Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire."</i> - <i>"Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)."</i> 	
5	In alignment to Plan Melbourne 2017-2050, include a new additional strategic direction dot point to ensure Nillumbik recognises the need to "Maintain and enhance the diversity of indigenous flora and fauna habitats and species,	The Planning Policy Framework (PPF) in the Nillumbik Planning Scheme aligns with Plan Melbourne and should not be replicated in the MPS. The latter provides high level and broad strategic direction for Nillumbik's planning and	No change to draft MPS Clause 02.03-2 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	and achieve a net gain in the quantity and quality of native vegetation".	<p>links to the Schedule to Clause 74.02 that identifies further strategic work that needs to be undertaken within the municipality.</p> <p>Net gain in vegetation clearance is generally governed by Clause 52.17 of the Particular Provisions in the Nillumbik Planning Scheme and involves applying the principles of 'avoid', 'minimise' and 'offset'.</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> - <i>"Review environmental sites, threatened vegetation communities and species and habitat links."</i> - <i>"Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire."</i> - <i>"Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)."</i> 	
6	1)There are large rural conservation areas that have no environmental, vegetation or landscape overlay controls where there has been a continual loss of unregulated tree removal, loss of canopy cover and habitat - particularly due to bushfire exemptions under the BMO/BPA.	1) & 2) The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:	No change to draft MPS Clause 02.03-2 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	The Strategic Direction does not provide protection or conservation for tree canopy, mid and lower level storey vegetation, flora and faunal habitat or the general biodiversity of these areas. 2) The Strategic Direction must mention the need to update/refresh/review the Environmental Significance Overlay (ESO) controls in the Planning Scheme. Further to this, are the identified areas still relevant? Are ESOs needed to protect other areas? Are they needed to extend protection to new areas which have identified values?	<ul style="list-style-type: none"> - <i>“Review environmental sites, threatened vegetation communities and species and habitat links.”</i> - <i>“Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire.”</i> - <i>“Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action).”</i> 	
7	The single heading 'Protection of Biodiversity' is too prescriptive. There is a broader discussion to be had under Environmental Landscapes and Values than this existing title encourages.	The protection of biodiversity under draft MPS Clause 02.03-2 the 'Environmental and landscapes values' also includes 'Waterways and water bodies' and 'Landscapes'.	No change to draft MPS Clause 02.03-2 based on this submission.
8	In better protecting biodiversity, there is a need to acknowledge the existence of rural activity in the Green Wedge and the importance of the existing cultivated land that much of this activity depends upon to take place to help manage biodiversity i.e. land management practices.	<p>Rural activity is acknowledged in the Green Wedge is acknowledged in draft MPS Clause 02.03-4 'Natural resource management' under 'Agriculture', which states <i>“Small agricultural enterprises are prevalent in many rural areas of the Shire”</i>. The Strategic directions under this clause include to:</p> <ul style="list-style-type: none"> ▪ <i>“Protect and enhance agricultural land for its productive potential and environmental value.</i> ▪ <i>Retain existing agricultural land for soil based agricultural production.</i> 	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> • Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove <i>“such as permaculture and aquaponics”</i> and add a sentence as follows: <i>“Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability.”</i>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<ul style="list-style-type: none"> Promote land use in rural areas in accordance with the capability and productive potential of the land. Promote sustainable agriculture, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment." 	<ul style="list-style-type: none"> Amend 4th dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows: "Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment." Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.
9	The Green Wedge environment doesn't just comprise of vegetated areas/native plants and animals (important as they are). It also includes all living things as they interrelate with the landscape and its biodiversity incorporates a variety of species outside the UGB.	<p>As above, and...</p> <p>The Future of Agriculture in Nillumbik 2022 report identifies the geology of the area is primarily Silurian (Page 6). The Agricultural Suitability Maps offer insight into the agricultural potential of the Nillumbik landscape. The maps for citrus, wine grapes, apples and raspberry have been recommended for inclusion under draft MPS Clause 02.04. These plans should also be referred to in the text for 'Agriculture' under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove "<i>such as permaculture and aquaponics</i>" and add a sentence as follows: "Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability." Amend 4th dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows: "Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
			<p><i>production and environmental values of surrounding land and the catchment."</i></p> <ul style="list-style-type: none"> • Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.
10	Existing grazing land and treed pastures are necessary and important for popular rural uses such as the keeping of animals, providing for compatible agriculture, the preservation of biodiversity, defendable fire breaks and the rural scenic amenity, landscapes and vistas that locals and visitors value and seek to enjoy.	<p>These issues are mainly addressed in other parts of the draft MPS, e.g. 'Landscapes' under 02.03-2 'Environmental and landscape values' and 'Agriculture' under 02.03-4 'Natural resource management'.</p> <p>The Future of Agriculture in Nillumbik 2022 report identifies the geology of the area is primarily Silurian (Page 6). The Agricultural Suitability Maps offer insight into the agricultural potential of the Nillumbik landscape. The maps for citrus, wine grapes, apples and raspberry have been recommended for inclusion under draft MPS Clause 02.04. These plans should also be referred to in the text for 'Agriculture' under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> • Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove "<i>such as permaculture and aquaponics</i>" and add a sentence as follows: "<i>Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability.</i>" • Amend 4th dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows: "<i>Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.</i>" • Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
11	There would be no agriculture in the Shire without the preservation of existing, cleared land. Paragraph 1 should acknowledge the importance of preserving existing, productive grazing land that supports rural living and activity.	<p>These issues are mainly addressed in other parts of the draft MPS, e.g. 'Landscapes' under 02.03-2 'Environmental and landscape values' and 'Agriculture' under 02.03-4 'Natural resource management'.</p> <p>The Future of Agriculture in Nillumbik 2022 report identifies the geology of the area is primarily Silurian (Page 6). The Agricultural Suitability Maps offer insight into the agricultural potential of the Nillumbik landscape. The maps for citrus, wine grapes, apples and raspberry have been recommended for inclusion under draft MPS Clause 02.04. These plans should also be referred to in the text for 'Agriculture' under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove "<i>such as permaculture and aquaponics</i>" and add a sentence as follows: "<i>Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability.</i>" Amend 4th dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows: "<i>Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.</i>" Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.
12	There should be some recognition in the second Paragraph that roadsides are also important for the provision of safe off-road shared trails which can and do co-exist harmoniously with conservation purposes in the natural environment	Clause 02.03-8 Transport in MPS states, "in rural areas there are a number of horse riding, walking and mountain-bike trails. The emphasis is towards developing key regional and district recreational areas, enhancing and developing open space within townships and settlements, protecting native flora and fauna as well as developing a comprehensive regional based trail	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> Update the four maps in draft MPS Clause 02.04 to show boundaries between municipalities that abut Nillumbik Shire, including Open space and recreational

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		network". The strategic direction point 3 and 4 in Clause 02.03-8 Transport are to "facilitate development that improves connectivity and accessibility, particularly for pedestrians and cyclists, within and between activity centres, public transport stations and the wider region and facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users".	<p>facilities plan at Clause 02.04-3 to also update trails.</p> <ul style="list-style-type: none"> • Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.
13	Amend strategic direction dot point 5 to read: "Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the shire, balancing the provision for off-road, shared trails where necessary."	<p>This Clause focuses on the topic - protection of biodiversity. "Provision for off-road, shared trails" should be included in the topic - Transport.</p> <p>The strategic direction point 3 and 4 in Clause 02.03-8 Transport are to "facilitate development that improves connectivity and accessibility, particularly for pedestrians and cyclists, within and between activity centres, public transport stations and the wider region and facilitates safe and efficient roads and road links within the municipality and to the wider region that cater for all users".</p> <p>A recommendation has already been made to update the trails shown in the map at MPS Clause 02.04-3 along with the update of other maps.</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> • Update the four maps in draft MPS Clause 02.04 to show boundaries between municipalities that abut Nillumbik Shire, including Open space and recreational facilities plan at Clause 02.04-3 to also update trails. • Add the land suitability maps for citrus, wine grapes, apples and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.
14	Include an additional strategic direction dot point which states, "Preserve existing productive	These issues are mainly addressed in other parts of the draft MPS, e.g. 'Landscapes' under 02.03-2 'Environmental and landscape values'	No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	grazing land that supports rural living and activity".	<p>and 'Agriculture' under 02.03-4 'Natural resource management'.</p> <p>The Future of Agriculture in Nillumbik 2022 report identifies the geology of the area is primarily Silurian (Page 6). The Agricultural Suitability Maps offer insight into the agricultural potential of the Nillumbik landscape. The maps for citrus, wine grapes, apples and raspberry have been recommended for inclusion under draft MPS Clause 02.04. These plans should also be referred to in the text for 'Agriculture' under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p>	<ul style="list-style-type: none"> Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove "<i>such as permaculture and aquaponics</i>" and add a sentence as follows: <i>"Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability."</i> Amend 4th dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows: <i>"Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment."</i> Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.
15	The Strategic Direction must include the words 'actively protect biodiversity values', to ensure that Council has capacity to actively fund biodiversity education, restoration projects and the management of threatening processes.	All these strategic directions in Clause 02.03-2 Protection of biodiversity are for protecting and enhancing the biodiversity of Nillumbik. As the MPS is a high-level policy, detailed actions like funding biodiversity education, etc., won't be shown in MPS.	No change to draft MPS Clause 02.03-2 based on this submission.
16	Strongly support 'protection of biodiversity' being the first point under this section.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
17	Support the acknowledgement of the threats that exist to biodiversity in the Shire.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
18	In the third line of the first paragraph, amend 'climate change' to 'the climate emergency' to accurately reflect Council's adopted position.	The use of the term 'climate change' is appropriate due to its usage in Council's adopted Climate Action Plan, which defines the term "climate change" as a change in the pattern of weather (e.g. temperature, wind and rainfall), and the related changes on land and in oceans, occurring over time (page 44). Conversely, the Climate Action Plan does not define the term 'climate emergency'. The Climate Action Plan (on page 9) referred to climate change as a threatening process in the shire, which is why the statement in the first paragraph of the existing MPS regarding threatening processes was modified to include climate change in the Phase 3 exhibited version of the draft MPS.	No change to draft MPS Clause 02.03-2 based on this submission; however changes to other draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> • Add sentence to draft MPS Clause 01.01 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i>
19	The references to the importance of roadside vegetation is essential in helping to maintain habitat and biodiversity, and that in the face of land clearing and urban expansion, roadsides throughout the Shire are the only areas where relatively intact indigenous vegetation still remains. Roadside vegetation is also vital for providing wildlife with movement corridors.	Clause 02.03-2 Protection of Biodiversity has already mentioned that "roadside vegetation provides wildlife with movement corridors between larger areas of habitat and can be the remaining refuge for many native floral and faunal species" in the second paragraph. Therefore, no further action is needed.	No change to draft MPS Clause 02.03-2 based on this submission.
20	The last strategic direction dot point does not seem to be currently applicable as relevant organisations in charge of managing and	As the MPS is a high level policy, detailed actions won't be shown in MPS. To support strategic direction point 5 in Clause 02.03-2	No change to draft MPS Clause 02.03-2 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	maintaining roadside vegetation do not adequately protect these areas. If protection cannot be included in the Planning Scheme or Council does not actively seek to implement protection measures/actions for these areas, then why include it in the MPS. The current direction doesn't hold much weight/meaning without implementable actions behind them.	Protection of biodiversity, council prepared Nillumbik Shire Council Roadside Management Plan 2012, Nillumbik Biodiversity Strategy 2012, Climate Action Plan 2022-2032, etc.	
21	The Strategic Direction does not provide protection for all remnant vegetation including canopy cover and habitat areas in residential areas, township areas or rural residential areas.	<p>It is too restrictive if the council guarantee to protect all vegetation. Under PPN59 (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p>	No change to draft MPS Clause 02.03-2 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<ul style="list-style-type: none"> - <i>“Review environmental sites, threatened vegetation communities and species and habitat links.”</i> - <i>“Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire.”</i> - <i>“Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action).”</i> 	
22	The Strategic Direction must provide a clear and concise statement that seeks to maintain biodiversity through the protection of all remnant vegetation by applying an assessment process to the removal of all native vegetation on public and private land.	<p>No current policy or strategy supports this. Under Clause 52.17-7 Native vegetation, not all removal, destruction or lopping of native vegetation need a permit. For instance, if native vegetation is to be removed, destroyed, or lopped in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency work, etc.</p> <p>It is too restrictive if the council guarantee to protect all vegetation. Under PPN59 (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion</p>	No change to draft MPS Clause 02.03-2 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

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		<p>under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>Assessment is through the provisions of Clause 5.17 'Native Vegetation' of the Nillumbik Planning Scheme and in accordance with the <i>Guidelines for the removal, destruction or lopping of native vegetation</i> (Department of Environment, Land, Water and Planning, 2017) (the Guidelines)</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> - "Review environmental sites, threatened vegetation communities and species and habitat links." - "Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire." - "Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)." 	

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
23	The wording 'significant' must be removed from the Environmental Landscapes and Values statements and strategic directions and replaced with protection of al indigenous/native vegetation.	It is too restrictive if the council guarantees to protect all vegetation. Under Planning Practice Note PPN59 'The Role of Mandatory Provisions in Planning Schemes' (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.	No change to draft MPS Clause 02.03-2 based on this submission.
24	The second strategic direction dot point 'protect and enhance significant remnant vegetation' must be changed to read 'protect and enhance all areas of remnant vegetation, in line with Clause 52.17'.	It is too restrictive if the council guarantee to protect all vegetation. Under Planning Practice Note PPN59 'The Role of Mandatory Provisions in Planning Schemes' (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant	No change to draft MPS Clause 02.03-2 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

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		<p>planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>Clause 52.17 does not prohibit native vegetation removal; however does apply the Principles of 'avoid', 'minimise' and 'offset' in accordance with the <i>Guidelines for the removal, destruction or lopping of native vegetation</i>.</p>	
25	Support the strategic direction regarding 'enhancing' vegetated and roadside areas. Hope this involves the further planting of vegetation within the corridors - particularly denser vegetation to encourage growth and areas for animal refuge.	Enhancing would involve some degree of revegetation and/or providing for regeneration of native vegetation.	No change to draft MPS Clause 02.03-1 based on this submission.
26	Overly 'cleaned' and 'neat' areas of vegetation provide less opportunities for natural growth of small plants and seeds, which results in thinned-out 'green' areas and less diverse vegetation. As such, an additional strategic direction or comment should be included that supports a balance between clearing of vegetation and undergrowth, with the need to allow natural dead-fall and nutrient-laden leaf and ground litter.	<p>This could be identified through further strategic work. The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> - "Review environmental sites, threatened vegetation communities and species and habitat links." - "Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire." 	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

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		<ul style="list-style-type: none"> - <i>“Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action).”</i> 	
27	Nillumbik is at the frontier of the fight to encourage biodiversity. The impact of cats, foxes rabbits and indian minahs birds has to be stopped.	<p>The draft Schedule to Clause 74.02 (‘Further Strategic Work’) identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> - <i>“Review environmental sites, threatened vegetation communities and species and habitat links.”</i> - <i>“Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire.”</i> - <i>“Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action).”</i> <p>Council’s must prepare a Domestic Animal Management Plan under Section 68A of the <i>Domestic Animal Act 1994</i>. Council’s Domestic Animal Management Plan 2021-2025 (p25) states <i>“To assist with addressing this need, Nillumbik Shire has a cat curfew established under s26 of the Act. The curfew requires cats</i></p>	No change to draft MPS Clause 02.03-2 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p><i>to be confined to their owner's premises between 7:30pm and 6am, however cats found roaming the streets during the day (non-curfew hours) can still be trapped if a resident objects to the cat being on their property.</i></p> <p>Control or eradication of wild feral animals would most likely involve working in partnership with Landcare groups and the State Government, e.g. they are already involved in culling deer in Victoria's high country. These activities can and do occur outside of planning.</p>	
28	The Strategic Direction does not go far enough from a regeneration/renewal perspective. The strategic directions frequently mention 'protect', which is supported, yet this sentiment could be stronger by stating 'protect and regenerate' or 'protect and provide renewal' in a consistent manner.	<p>The word 'enhance' does not exclude 'regeneration'. The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> - "Review environmental sites, threatened vegetation communities and species and habitat links." - "Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire." - "Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)." 	No change to draft MPS Clause 02.03-2 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
29	Fauna and flora need further positive action - not just simply staing 'protect'. I.e create safer corridors for wildlife movement such as introducing more suspended tree-top bridges, providing under-road routes at particular key risk areas for native and or endangered fauna, regenerate habitats.	<p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> - <i>"Review environmental sites, threatened vegetation communities and species and habitat links."</i> - <i>"Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire."</i> - <i>"Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)."</i> 	No change to draft MPS Clause 02.03-2 based on this submission.
30	The Strategic Direction should provide direction regarding domesticated animal management - particularly cats and active enforcement of curfews.	Council's must prepare a Domestic Animal Management Plan under Section 68A of the <i>Domestic Animal Act 1994</i> . Council's Domestic Animal Management Plan 2021-2025 (p25) states <i>"To assist with addressing this need, Nillumbik Shire has a cat curfew established under s26 of the Act. The curfew requires cats to be confined to their owner's premises between 7:30pm and 6am, however cats found roaming the streets during the day (non-curfew hours) can still be trapped if a resident objects to the cat being on their property."</i>	No change to draft MPS Clause 02.03-2 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Council also has an equine strategy, 'Equine in Nillumbik', which responds to the previous <i>Nillumbik Shire Council Plan 2017-2021</i> .	
31	Encourage a balanced approach to any residential development and the maintenance of biodiversity. Humans are also a part of the biodiversity.	<p>One of the strategies in Clause 16.01-1R is to "allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing". The strategic direction point 1 in Clause 02.03-6 Housing is to "<i>facilitate the provision and diversification of housing to meet the projected increase in the number of smaller households and the aging (ageing) population, while respecting the neighbourhood character, protecting natural and heritage values and minimising environmental risk</i>".</p> <p>Balancing rural activities with environmental protection in the Green Wedge is acknowledged in draft MPS Clause 02.03-4 'Natural resource management' under 'Agriculture', under which Strategic directions include to:</p> <ul style="list-style-type: none"> ▪ "<i>Protect and enhance agricultural land for its productive potential and environmental value.</i> ▪ <i>Retain existing agricultural land for soil based agricultural production.</i> ▪ <i>Promote land use in rural areas in accordance with the capability and productive potential of the land.</i> ▪ <i>Promote sustainable agriculture, and land management practices that minimise adverse impacts on the primary production</i> 	No change to draft MPS Clause 02.03-2 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<i>and environmental values of surrounding land and the catchment.</i>	
32	Support the ongoing protection of natural flora and fauna however this needs to be managed in a way as to not become over burdensome on housing development, or that unnecessarily adds to construction costs.	The draft MPS, and planning generally, support development and protection of biodiversity without elevating one issue above the other. This requires a balancing of issues in accordance with the Objectives of Planning under section 4 of the <i>Planning and Environment Act 1987</i> . Achieving the right balance is a challenge that all levels of government and all communities need to face together.	No change to draft MPS Clause 02.03-2 based on this submission.
Clause 02.03-2 Waterways and water bodies			
1	The strategic directions are centred around the care and management of waterways (wetlands, rivers and tributaries). Therefore a process of monitoring water quality over time is crucial. Strategic directions point 1 should include a process of monitoring the quality of wetlands, floodplains and waterways where quality is subject to land use and development. Strategic directions point 2 should include a process of monitoring water quality and environmental flows as better land uses are encouraged. (Note: if no improvement in water quality occurs, then there should be additional measures implemented). Strategic directions point 4 should include a	Council's <i>Integrated Water Management Strategy 2013</i> , which is being updated, states the following on monitoring water quality: <i>"Numerous sources of data were used to calculate the water balance for the Shire. This included rainfall monitoring station data, metered water use data, stream flow data, and GIS data to calculate catchment areas and percentage imperviousness. Catchment areas and imperviousness was used to model stormwater runoff data. Wastewater generation is calculated using an assumed percentage of indoor water use"</i> (section 3.1, p 20). An action for sustainable water management includes: <i>"Utilise the existing Environment Coordination Group to establish a WSUD/IWM working group (including representatives from urban design,</i>	No change to draft MPS Clause 02.03-2 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	process monitor impacts on the wider water catchment.	<i>engineering, environment, parks, major projects, leisure, recreation, transport, planning, GIS) to provide updates on the strategy, information, opportunities, monitoring and maintenance and ensure WSUD/IWM are mainstreamed into everyday practice."</i> Melbourne Water also undertakes monitoring of water quality in the Port Phillip catchment, which includes Nillumbik Shire, and tracks the condition of Melbourne's rivers, creeks and wetlands. Catchment management is undertaken in accordance with the <i>Port Phillip & Western Port Regional Catchment Strategy 2021 – 2027</i> . The draft MPS Strategic directions for 'Waterways and water bodies' under Clause 02.03-2 are consistent with the above strategies.	
2	An addition strategic direction point must be included that supports the measurment of water quality and is indicative of new contaminants/pollutants . This process must transparent and have public participation.	See Officer response to submission No.1 on 'Waterways and water bodies' under draft MPS Clause 02.03-2.	No change to draft MPS Clause 02.03-2 based on this submission.
3	Greater emphasis is required within the Strategic Direction regarding the condition of wetalnds/water bodies and biodiversity they support .	See Officer response to submission No.1 on 'Waterways and water bodies' under draft MPS Clause 02.03-2.	No change to draft MPS Clause 02.03-2 based on this submission.
4	The second sentence in the first paragraph is not clear/does not make sense. Does it mean Nillumbik's waterways and riparian zones are highly valued for their environmental importance and what they offer the community more	The second sentence indicates the importance of waterways and water bodies to Nillumbik, which becomes clearer within the context of the entire paragraph.	No change to draft MPS Clause 02.03-2 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	broadly? This sentence must be removed or amended so that the sentiment is clearer.		
5	The condition of rivers and tributaries in the Shire must also include the condition of wetlands. E.g. suggest inclusion of wetlands in the last sentence of the first paragraph.	Protection of wetlands is addressed in the first Strategic direction for 'Waterways and water bodies' under draft MPS Clause 02.03-2.	No change to draft MPS Clause 02.03-2 based on this submission.
6	The importance of all waterways being crucial as biolinks/wildlife corridors/habitat links should not be understated and must be protected and extended. The Strategic Direction must strongly support this sentiment.	Wetlands, floodplains and waterways are all identified for protection in the first Strategic direction for 'Waterways and water bodies' under draft MPS Clause 02.03-2.	No change to draft MPS Clause 02.03-2 based on this submission.
7	The Strategic Direction provides a good summary of the land use practices that have adversely affected water and stormwater quality and quality of water in downstream areas.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
8	Reference to the decline in water quality in the second paragraph neglects to mention the impacts of septic waste or other effluent. The absence, age or incorrect working of non-reticulated waste disposal systems is one of the biggest contributors to decline in water quality in some areas. The environmental but also potential health impacts of waste disposal systems should be mentioned by this Strategic Direction and controlled by the Planning Scheme. (Note acknowledged that this has been referenced under Strategic Direction 02.03-3 - Flooding, soil degradation and bushfire but this sentiments should also but be mentioned under	Strategic direction for 'Waterways and water bodies' under draft MPS Clause 02.03-2 states to " <i>Protect wetlands, floodplains and waterways from land use and development that will cause disturbance and pollution</i> ", which includes pollution from septic waste or other effluent.	No change to draft MPS Clause 02.03-2 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	the Waterways & water bodies Strategic Direction.		
9	Support the wording and goals of all of the Strategic Directions.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
10	Water quality and vegetated riverbanks and waterways are of high importance to the State as a whole. Without practices that support leveling and vegetation of riverbanks, waterways will continue to erode and become steep gullies that enhance the speed of erosion and degradation of water quality.	Melbourne Water undertakes Port Phillip catchment management in accordance with the <i>Port Phillip & Western Port Regional Catchment Strategy 2021 – 2027</i> . The draft MPS Strategic directions for 'Waterways and water bodies' under Clause 02.03-2 are consistent with the above strategy and with Council's <i>Integrated Water Management Strategy 2013</i> , which is being updated.	No change to draft MPS Clause 02.03-1 based on this submission.
11	Need to protect the riparian zones.	Melbourne Water undertakes Port Phillip catchment management in accordance with the <i>Port Phillip & Western Port Regional Catchment Strategy 2021 – 2027</i> , which includes riparian zones of waterways. The draft MPS Strategic directions for 'Waterways and water bodies' under Clause 02.03-2 are consistent with the above strategy, and with Council's <i>Integrated Water Management Strategy 2013</i> , which is being updated.	No change to draft MPS Clause 02.03-1 based on this submission.
12	The protection of waterways is extremely important. The processes supporting property development need to be reviewed to ensure contaminants are not released into the water catchment i.e. Stanton Drive, Diamond Creek scenario - ensure there is no repeat of leaking arsenic into surrounding area.	Strategic direction point 4 in Clause 02.03-2 'Waterways and water bodies' states to " <i>Ensure land use and development avoids adverse impacts on the wider water catchment</i> ".	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
Clause 02.03-2 Landscapes			
1	Strategic directions point 1 could be amended to include the application of Significant Landscape Overlays (SLOs) across the Shire - but particularly the rural areas. It's Nillumbik's rural areas which contain sweeping landscape vistas that are worth protection but also characterise the beauty and aesthetics of the whole Shire.	Both of the strategic directions for 'Landscapes' under draft MPS Clause 02.03-2 ('Environmental and landscape values') provide sufficient broad direction for Council to examine planning controls that would help to minimise adverse impacts and protect landscapes, which could include SLOs.	No change to draft MPS Clause 02.03-1 based on this submission.
2	Strategic direction point 2 - while the intent of the strategic direction is positive, the use of the word 'respectful' in siting and design of development in rural areas is considered vague. More specific identification regarding what 'respectful' means in this context is required. E.g. 'respectful' could be replaced by: "...in accordance with recognised principles of sustainable design, that protect the landscape'. This suggested revision would draw on the elements of recognised 'evidence based' good practice both domestically and internationally.	Under Practitioner's Guide to Victoria's Planning Schemes (Appendix 1), 'Respect' is listed as a Protective verb that means " <i>to treat with consideration; relate or have reference to</i> ". The term is frequently used in relation to neighbourhood character and landscapes and is included in examples under the Practitioner's Guide, e.g. " <i>To ensure development respects the scenic qualities of the Gumnut Ranges</i> " is an example of an objective that can be included in the MPS or Planning Policy Framework (PPF).	No change to draft MPS Clause 02.03-1 based on this submission.
3	An additional strategic direction point is needed that supports limitation on the overuse of night lighting, particularly outside the townships, to recognise the disruption to the nocturnal habitat and the need for natural darkness for these species to survive, breed, hunt etc. In particular, sporting spotlights being left on all night should be discouraged.	Note that the MPS is a high-level strategic document that guides more detailed actions that will be shown on and supported by a relevant action plan, structure plan, etc. MPS does not provide detail that local policy and other provisions within the planning scheme deal with such as the zones and overlays; rather it identifies key influences, issues, and objectives specific to the area governed by the planning scheme.	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Action A2.16 in <i>Green Wedge Management Plan November 2019</i> : - “Consider, through development approvals and management of Council property, the limitation of light spill not directly associated with safety or community activity to reduce impacts on nocturnal animals and the night time amenity of the landscape”.	
4	Building envelopes for rural areas should be required whenever an application for a building is submitted.	Please notice that importantly the MPS is very high level – it does not provide detail that local policy and other provisions within the planning scheme deals with such as the zones and overlays; rather it identifies key influences, issues and objectives specific to the area governed by the planning scheme.	No change to draft MPS Clause 02.03-1 based on this submission.
5	In paragraph 3, native vegetation, water courses and undulating terrain are attributed as the main features contributing to the Shire’s landscape identity. While agricultural land is mentioned, open grazing land and treed pastures interspersed throughout the Green Wedge is not mentioned as significantly contributing to the rural feel of the landscape. These attributes also need to be captured in such statements.	First paragraph under ‘Landscapes’ states: “ <i>landscape vistas are highly valued by the community and visitors</i> ” and third paragraph states: “ <i>rural areas provide vistas of agricultural land</i> ”, which includes grazing land and treed pastures.	No change to draft MPS Clause 02.03-1 based on this submission.
6	The statement, "Indigenous vegetation is predominant in landscapes throughout the Shire" is repetitious. A similar statement has been made within the same paragraph (Paragraph 3 - "Extensive areas of native vegetation, water courses and undulating terrain	Noted	No change to draft MPS Clause 02.03-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	are the main features that contribute to the landscape identity of the Shire").		
7	<p>The preservation of grazing land / open pasture country is just as important in the overall protection, sustainability and liveability of the Green Wedge as is the vegetated areas. Grazing land and open treed pastures contribute significantly to environmental open space, rural activity, the visual appeal, scenic beauty and rural 'country' feel of the Nillumbik Green Wedge. Without the existence of open pasture country, there would be very few of the much-lauded vistas for residents and visitors to enjoy. Therefore, the Strategic Direction should not only be seeking to, "Protect and enhance rural landscape character through vegetation retention...", but also preservation of grazing land and pastures.</p> <p>E.g. <i>(as a separate strategic direction point)</i> "Preserve existing grazing land and treed pastures which contribute to agriculture, rural living and activity and the visual amenity of the Green Wedge".</p>	<p>First paragraph under 'Landscapes' states: <i>"landscape vistas are highly valued by the community and visitors"</i> and third paragraph states: <i>"rural areas provide vistas of agricultural land"</i>, which includes grazing land and open pasture country.</p>	No change to draft MPS Clause 02.03-1 based on this submission.
8	Support that there is recognition of the compromise to integrity of the rural landscape due to poorly designed and sited structures which are placed on hilltops and along ridgelines.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
9	Support minimal urban intrusion to protect the rural landscape.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
10	In the description of landscapes of the Shire, there is a strong emphasis on their value as being 'attractive for people to look at'. Whilst acknowledging this section is about landscapes from the context of their aesthetic appeal, it would also be appropriate for this section to recognise the need to keep these areas intact for the sake of biodiversity and to provide wildlife corridors and habitat links in addition to providing aesthetic qualities. This could potentially be added in Paragraph 1.	<p>Already mentioned in paragraph 1 in Clause 02.03-2 protection of biodiversity, "<i>The Shire contains extensive habitat links comprising of native vegetation and water courses. Given the large number of threatened native species and threatening processes occurring in the Shire, including climate change, planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals.</i>"</p> <p>The first Strategic direction for 'Landscapes' states: "<i>Minimise adverse impacts of land use changes and development on the landscape</i>", which also supports keeping rural landscapes intact for their biodiversity value.</p>	No change to draft MPS Clause 02.03-2 based on this submission.
11	The following threats should be included in the Paragraph 4 "inappropriate earthmoving, landscaping and formal or non-indigenous planting".	The Strategic directions under landscapes address adverse impacts on landscapes from land use and development, and encourage vegetation retention.	No change to draft MPS Clause 02.03-2 based on this submission.
12	The Strategic Direction needs to place more emphasis on the impacts of building heights on the landscape and subsequently controlling building height limits.	Under PPN59, A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to	No change to draft MPS Clause 02.03-2 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay. The Strategic directions for 'Landscape' include that siting and design of development should respect rural landscape character.	
13	The statement withing Paragraph 4, "Threats include locating buildings on hill-tops and along ridge-lines to take advantage of distant views, the presence of multiple buildings and the use of reflective materials" is of importance to the Nillumbik community and subsequently supported in the MPS.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
14	Support the preservation of Nillumbik's unique landscapes.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
15	The Strategic Direction should support the increase of vegetation screens around and in developments.	This issue is addressed in PPF policies under Clause 15.01 'Built Environment', including Clause 15.01-5L 'Neighbourhood character – Nillumbik' for development in residential zones and Clause 15.01-6S 'Design for rural areas'. Under the Practitioner's Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.	No change to draft MPS Clause 02.03-2 based on this submission.
16	The blanket statement about discouraging locating dwellings on hilltops will impede what could be reasonable and desirable residential dwellings. The statement should be further	Planning schemes throughout Victoria frequently discourage development on hill-tops due to their adverse impacts on the visual	No change to draft MPS Clause 02.03-2 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	clarified to ensure that hill-top buildings that do not pose a threat to landscapes or that can demonstrate that any impact caused by any new development can be appropriately mitigated by other measures / actions e.g. planting more trees. / retaining walls are considered ok.	amenity of landscapes or where it is important to respect neighbourhood character.	
17	Support ensuring new development does not detract from the natural beauty of local landscapes.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
18	The Strategic Direction does not provide enough proactive implementation actions.	Note that the MPS is a high-level strategic document that guides more detailed actions that can be addressed in specific strategies or structure plans that ultimately inform planning scheme provisions, e.g. the schedules in zones, overlays or particular provisions.	No change to draft MPS Clause 02.03-2 based on this submission.
19	The second strategic direction point should not just simply say 'protect & enhance', but also encourage active planting of trees in streetscapes and other places that may be suitable. This in turn has positive repercussions for the Energy and Climate Change sections of the MPS by having cooler streets and surrounds in the warmer months.	Protect and enhance are words that are commonly used in planning scheme policies and strategic directions and their usage is supported by the Practitioner's Guide to Victoria's Planning Schemes.	No change to draft MPS Clause 02.03-2 based on this submission.
Clause 02.03-3 Climate change			
1	The wording 'climate change' needs to be changed to 'climate emergency' (this includes the sub-clause heading). As Nillumbik Shire Council has now declared a climate emergency,	This has been addressed by the recommendations for draft MPS Clause 02.01 'Context'.	No change to draft MPS Clause 02.03-3 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	all Council documents need to use consistent language that reflects this declaration. Using such language also conveys more accurately the scientific reality of the accelerating climate crisis.		
2	Incorporate 'including humans' to the third threat dot point, so that it reads: "Consequences on the health of the natural environment, including humans	Human activity generally has consequences on the health of the natural environment.	No change to draft MPS Clause 02.03-3 based on this submission.
3	The listing of negative climate change impacts could be reordered and reworded as follows to reflect the hierarchy of significance: <ul style="list-style-type: none"> · Consequences on the health of the natural environment, including humans · Water shortages and droughts. · Impacts on agriculture and land productivity. · Harsher fire weather and longer fire seasons. · More frequent and extreme heat waves, storms and flooding events. · Increase to the urban heat island effect. 	The negative impacts in this Clause are not listed in order of priority, nor is any priority implied in the listing order.	No change to draft MPS Clause 02.03-3 based on this submission.
4	Support that 'Climate Change' is listed first under the "Environmental Risks and Amenity" section of the MPS and is recognised as a threat to the Shire.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
5	Support the listing of adverse climate change impacts	Noted	No change to draft MPS Clause 02.03-3 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
6	Support the noting of Council's target of net zero emissions by 2035.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
7	This first sentence should emphasise that the climate emergency is the biggest threat to Nillumbik e.g: "The climate emergency is the biggest threat facing the future of Nillumbik Shire."	Climate emergency has been addressed by the recommendations for draft MPS Clause 02.01 'Context'.	No change to draft MPS Clause 02.03-3 based on this submission.
8	The fifth threat dot point, "More frequent and extreme heat waves, storms and flooding events" should be reordered as the second threat.	The negative impacts in this Clause are not listed in order of priority, nor is any priority implied in the listing order.	No change to draft MPS Clause 02.03-3 based on this submission.
9	Support the mention of 'urban heat island effect' and the impact it has on people and energy resources.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
10	Agree that climate change is significant risk for Nillumbik and that we collectively need to be living with zero emissions and foster community action.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
11	Support the encouragement of use and development mitigating and adapting to the impacts of climate change to minimise its negative impacts.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
12	Support maintaining canopy cover but should not prevent development where the replanting of similar indigenous vegetation can occur.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
13	The Strategic Direction does not provide enough proactive implementation actions. E.g. encourage active planting of trees in streetscapes and other places that may be suitable.	The MPS provides broad strategic direction and does not provide detail that local policy and other provisions within the planning scheme address, e.g. in zones and overlays. The draft schedule to Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy.	No change to draft MPS Clause 02.03-3 based on this submission.
Clause 02.03-3 Flooding, soil degradation and bushfire			
1	The protection of habitat links is crucial throughout the Shire for biodiversity across all vegetation types. The sentence "In rural areas, the need to protect habitat links and minimise fire and flood risk and erosion are important considerations in siting buildings and works", must be amended to protect 'all' vegetation across the Shire, not just habitat links in rural areas.	It is too restrictive if the council guarantee to protect all vegetation. Under PPN59 (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.	No change to draft MPS Clause 02.03-3 based on this submission.
2	The sentence "The retention of vegetation and revegetation will be critical in avoiding salinity related problems", must be amended to reflect the fact that salinity is a current and ongoing	Strategy point 2 in Clause 13.04-3S Salinity - <i>"Promote vegetation retention and replanting in aquifer recharge areas contributing to groundwater salinity problems"</i> .	No change to draft MPS Clause 02.03-3 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	issue i.e. not simply a future issue - action is needed now.	Under the Practitioner's Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.	
3	The sentence "Bushfire risk is a significant issue in the Shire as a result of its vegetation, topography and climate", must be amended to reflect Council's declaration of the climate emergency.	Climate emergency has been addressed by the recommendations for draft MPS Clause 02.01 'Context'.	No change to draft MPS Clause 02.03-3 based on this submission.
4	All of the the environmental risks mentioned in this Strategic Direction have already been significantly exacerbated as a result of the climate emergency. The wording in this Strategic Direction and of the MPS as a whole needs to reflect this.	Climate emergency has been addressed by the recommendations for draft MPS Clause 02.01 'Context'.	No change to draft MPS Clause 02.03-3 based on this submission.
5	The sentence "Climate change will lead to longer fire seasons", must be amended to reflect the fact that fire seasons have already lengthened and will continue to do so. E.g. "The climate emergency has already resulted in longer fire seasons and this will continue to increase."	Climate emergency has been addressed by the recommendations for draft MPS Clause 02.01 'Context'.	No change to draft MPS Clause 02.03-3 based on this submission.
6	The inability to get insurance for high bushfire risk properties (like those in flood prone areas of NSW and QLD) is a real threat to local residents. Council should not be approving development in known high risk areas. Therefore, the sentence "Particular attention to fire issues is needed in the design of	The Strategic directions support planning controls that already identify risks in Nillumbik, such as the Bushfire Management Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Urban Floodway Zone. The broad directions support updating or amending the coverage of these controls in accordance	No change to draft MPS Clause 02.03-3 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas", should be further enhanced by including an additional statement that reflects the need to discourage and limit any development in bushfire prone areas. This must also be clearly reflected in the relevant strategic direction points.	with any new studies that identify areas with high risk.	
7	The first strategic direction dot point "Discourage development, including vegetation removal, that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards", should be amended to say ' strongly discourage...', rather than simply saying discourage.	The word discourage does not need or imply any further emphasis such as strongly, weakly, subtly, overtly, etc. Any further emphasis would be subjective and inconsistent with the Practitioner's Guide to Victoria's Planning Schemes	No change to draft MPS Clause 02.03-3 based on this submission.
8	The first strategic direction dot point "Discourage development, including vegetation removal, that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards" should be amended to say 'prevent' instead of discourage.	The word 'prevent' is too strong compared to 'discourage' and may not be achievable in practice.	No change to draft MPS Clause 02.03-3 based on this submission.
9	Include an additional strategic direction dot point that reflect the need to prevent development in bushfire prone areas, given the impact it has on vegetation, biodiversity and habitat. This is because once the development has been built, it requires to be protected from bushfire risk enabling vegetation removal to occur, which causes the destruction of valuable biodiversity and habitat. People's safety is also critical and	The Strategic directions support planning controls that already identify risks in Nillumbik, such as the Bushfire Management Overlay (BMO). The broad directions support updating or amending the coverage of the BMO or controls addressing other risks such as flood prone land in accordance with any new studies that identify areas with high risk.	No change to draft MPS Clause 02.03-3 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	recognition needs to be demonstrated that some places are not appropriate for safe living.		
10	Why is there mention of "In rural areas, the need to protect habitat links..." under the 'Flooding, Soil Degradation and Bushfire' sub-section?	The mention of rural areas in the first paragraph does not preclude the risks or Strategic directions from also applying to urban areas.	No change to draft MPS Clause 02.03-3 based on this submission.
11	The Strategic Direction provides a good summary of areas in the Shire most prone to flooding, soil degradation and bushfire.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
12	To reflect the seriousness of the climate emergency recently declared by Nillumbik Council, it is even more critical that 'the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas' be subject to the strictest environmentally sustainable design principles. Therefore the sentence "Particular attention to fire issues is needed in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas" should be expanded to reflect this sentiment.	Climate emergency has been addressed by the recommendations for draft MPS Clause 02.01 'Context'. The 'Climate change' section under Clause 02.03-3 states that climate change is one of the biggest threats to Nillumbik's future.	No change to draft MPS Clause 02.03-3 based on this submission.
13	Paragraph 5 lists four local areas most affected by bushfire risk but then proceeds to to use singular language for the rest of the sentence as if these locations are just one place. Therefore, the word its needs to be changed to their e.g. "North Warrandyte, the Plenty Gorge, Christmas Hills and St Andrews have a particularly high risk due to	The word 'its' can be deleted without substituting 'their'.	<ul style="list-style-type: none"> Delete the word 'its' before "<i>limited access and egress</i>" in the second sentence of the fifth paragraph under the 'Flooding, soil degradation and bushfire' heading in Clause 02.03-3 ('Environmental risks and amenity'). Correct grammatical errors where evident throughout the draft MPS.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	their limited access and egress, as well as their large population concentration.		
14	The third sentence in Paragraph 5 needs to include the wording 'more intense fires' - not simply just longer seasons as Black Saturday brought unprecedented bushfire intensity.	Not all fires will be more intense than previous fires; however 'longer fire seasons' implies that the risk will be prolonged.	No change to draft MPS Clause 02.03-3 based on this submission.
15	The third strategic dot point "Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development", is unclear and not easy to interpret. What is trying to be said here? The phrasing should be reworked.	It means land use and development should be located, designed or managed in a manner that mitigates bushfire risk.	No change to draft MPS Clause 02.03-3 based on this submission.
16	Development that requires the removal of vegetation or impacts on the environment should not be prevented where an appropriate counter action/form of mitigation is implemented e.g. the replanting of similar indigenous vegetation.	Site-specific development is subject to the planning controls in zones, overlays and particular provisions that apply to the subject land under the Nillumbik Planning Scheme. Each planning application is determined on its merits. The MPS of itself does not trigger a permit requirement; however its broad strategic directions (as relevant to the site) need to be considered as part of the decision on an application. The MPS also performs a broader role in informing specific strategic work that needs to be undertaken within the municipality, e.g. to examine if existing planning controls in the planning scheme provide adequate environmental protection in different areas or need to be improved.	No change to draft MPS Clause 02.03-3 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
17	Support that development should be avoided in flood prone areas, or flood mitigation plans implemented where development in these areas is unavoidable.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
Clause 02.03-3 Potentially contaminated land			
1	1) What sanctions are there for building on contaminated land? 2) How do people know what they can and can't do in the first place? 3) Is the best consequence punishment or do we need to support fixing the problem.	1) Fines can be issued if there is a breach of the planning scheme, e.g. if a permit or planning scheme requirement has not been met. Council could also seek an enforcement order at VCAT to halt a development or rectify a breach, or seek to cancel a permit. The Environment Protection Authority could also take action if there is a breach of the <i>Environment Protection Act 2017</i> . 2) Council can provide advice to a resident or developer on requirements under the planning scheme or building regulations. A prospective developer could also hire a private consultant to determine if a permit is required or to assist with an application. 3) Councils can often first seek to have a breach rectified before resorting to fines or other legal action; however this would depend on the individual council and the circumstances of the breach.	No change to draft MPS Clause 02.03-3 based on this submission.
2	Support for avoiding development on land that is contaminated.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
3	What does the strategic direction dot point wording mean when saying to 'avoid sensitive use'? Does this mean only 'insensitive uses	Under Planning Practice Note 30, the sensitive uses defined as residential uses, child care centres, kindergartens, pre-school centres or primary schools, even if ancillary to another use, and for secondary schools and children's	

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	should be placed in areas with contaminated land?. This point does not read clearly.	playgrounds. Therefore these uses should be avoid in areas with contaminated land.	
4	This Strategic Direction is fair and appropriate.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
5	A comment or additional strategic direction point could be made whereby contaminated land is better utilised through vegetation/plantation enhancements that promote the rehabilitation of the area.	<p>Planning Practice Note (PPN) 30 'Potentially contaminated land' states that "<i>Contaminated land can often be safely used and developed following appropriate remediation, provided any necessary controls to manage residual contamination are implemented</i>". Consequently, it is inappropriate for the MPS to provide a direction that contaminated or potentially contaminated land should not be used for any purpose other than revegetation.</p> <p>The Environmental Audit Overlay (EAO) should be applied to land that is known or strongly believed to be contaminated on the basis of past land use activity, e.g.:</p> <ul style="list-style-type: none"> (a) used or known to have been used for industry or mining; (b) used or known to have been used for the storage of chemicals, gas, waste or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land); or (c) where a known past or present activity or event (occurring on or off the land) may have caused contamination on the land. <p>The EAO has the purpose "<i>To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination</i>".</p>	Add a second dot point in the Strategic directions for 'Potentially contaminated land' under draft MPS Clause 02.03-3 to apply the Environmental Audit Overlay to potentially contaminated land.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>The EAO will generally require an environmental auditor to be appointed under the Environment Protection Act 2017 to undertake an assessment of the site and to make the site suitable for use, especially if a sensitive use is proposed such as</p> <p>A second dot point should be added to the Strategic directions for 'Potentially contaminated land' (draft MPS Clause 02.03-3) to apply the EAO to potentially contaminated land.</p>	
6	Support that Council must avoid health impacts on residents and financial consequences resulting from negligent development approvals.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
7	A specific plan is required for the use and remediation of the Council refuse facility.	<p>The Environmental Audit Overlay (EAO) should be applied to land that is known or strongly believed to be contaminated on the basis of past land use activity, e.g.:</p> <ul style="list-style-type: none"> (a) used or known to have been used for industry or mining; (b) used or known to have been used for the storage of chemicals, gas, waste or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land); or (c) where a known past or present activity or event (occurring on or off the land) may have caused contamination on the land. <p>The EAO has the purpose "<i>To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination</i>".</p> <p>The EAO will generally require an environmental auditor to be appointed under the Environment Protection Act 2017 to undertake an assessment of the site and to make the site</p>	Add a second dot point in the Strategic directions for 'Potentially contaminated land' under draft MPS Clause 02.03-3 to apply the Environmental Audit Overlay to potentially contaminated land.

MPS - Phase 3 Engagement - Summary of Submissions

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		<p>suitable for use, especially if a sensitive use is proposed such as</p> <p>A second dot point should be added to the Strategic directions for 'Potentially contaminated land' (draft MPS Clause 02.03-3) to apply the EAO to potentially contaminated land.</p>	
8	No development should occur on land containing unacceptable level of contamination.	<p>Planning Practice Note (PPN) 30 'Potentially contaminated land' states that "<i>Contaminated land can often be safely used and developed following appropriate remediation, provided any necessary controls to manage residual contamination are implemented</i>". Consequently, it is inappropriate for the MPS to provide a direction that contaminated or potentially contaminated land should not be developed.</p> <p>The Environmental Audit Overlay (EAO) should be applied to land that is known or strongly believed to be contaminated on the basis of past land use activity, e.g. known past practices that would ordinarily entail the use of noxious chemicals. A second dot point should be added to the Strategic directions for 'Potentially contaminated land' (draft MPS Clause 02.03-3) to apply the EAO to potentially contaminated land.</p>	Add a second dot point in the Strategic directions for 'Potentially contaminated land' under draft MPS Clause 02.03-3 to apply the Environmental Audit Overlay to potentially contaminated land.
9	The processes supporting property development need to be reviewed to ensure contaminants are not released into the water catchment i.e. Stanton Drive, Diamond Creek scenario - ensure there is no repeat of leaking arsenic into surrounding area.	Planning Practice Note (PPN) 30 'Potentially contaminated land' states that "Section 60 of the <i>Planning and Environment Act 1987</i> requires a responsible authority, before deciding on a permit application, to consider 'any significant effects which the responsible authority considers the use or development may have on	Add a second dot point in the Strategic directions for 'Potentially contaminated land' under draft MPS Clause 02.03-3 to apply the Environmental Audit Overlay to potentially contaminated land.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>the environment or which the responsible authority considers the environment may have on the use or development'. Section 60 is applicable to potentially contaminated land, which may affect, or be affected by, use or development.</p> <p>The Environmental Audit Overlay (EAO) should be applied to land that is known or strongly believed to be contaminated on the basis of past land use activity.</p> <p>A second dot point should be added to the Strategic directions for 'Potentially contaminated land' (draft MPS Clause 02.03-3) to apply the EAO to potentially contaminated land.</p>	
Clause 02.03-4 Agriculture			
1	<p>The first sentence in Paragraph 4 states, "It may be possible to expand the production of 'high value' horticulture and intensive livestock commodities already well suited to the area."</p> <p>The meaning of 'high value' and this is determined is unclear. What is meant by 'high value'? Does it include anything that generates a high profit?</p> <p>The Nillumbik Green Wedge should not be supporting/facilitating intensive livestock. Much work has been done to remove such industries from the area, including intensive pig and chicken farming. This should be reinforced and continued in the coming years.</p>	<p>High value in relation to agriculture or horticulture generally relates to production of fruit or vegetables that typically yield higher returns in the market compared to broadacre cropping. Value-adding can also yield higher returns and means that the raw produce grown or produced on the land has been processed in a manner that makes the end product more valuable than the raw produce, e.g. production of cheese from the milk of animals grazed on the land.</p> <p>Intensive animal production requires a permit in the Green Wedge Zone (GWZ) and is prohibited in the Rural Conservation Zone (RCZ), which covers most of Nillumbik Shire. A Poultry farm in GWZ or RCZ does not require a permit if there are no more than 100 poultry.</p> <p>Each permit application for intensive animal production or poultry farm would be assessed</p>	No change to draft MPS Clause 02.03-4 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>on its merits and in accordance with the decision guidelines of the relevant zone.</p> <p>However, existing use rights may apply to prohibited uses where those uses were lawfully carried out prior to the advent of planning controls that imposed the prohibition.</p> <p>Where existing use rights are established in relation to section 2 uses (i.e. permit required) or section 3 uses (i.e. prohibited), a permit is required for any proposed buildings or works.</p> <p>The preservation of the existing use rights is generally limited to the activities that were carried out on the land and their extent prior to the advent of the more restrictive planning controls.</p>	
2	<p>The sentence "Increasing the productiveness of agricultural industries is important for the sustainability of the green wedge areas, providing the environmental significance is not compromised", must be amended to ensure 'all' indigenous vegetation must be protected and not impacted by agriculture. Why does this only apply to areas deemed environmentally significant?</p>	<p>It is too restrictive if the council guarantee to protect all vegetation. Under PPN59 (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>A permit is generally required to clear native vegetation in rural areas and in some urban contexts under Clause 52.17 of the Nillumbik</p>	<p>No change to draft MPS Clause 02.03-4 based on this submission.</p>

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Planning Scheme. The principles of 'avoid', 'minimise' and 'offset' would be applied to the assessment with a view to achieving a net gain in vegetation and in accordance with the <i>Guidelines for the removal, destruction or lopping of native vegetation</i> (Department of Environment, Land, Water and Planning, 2017).	
3	The sentence "Agricultural use and development must be planned to maintain the quality and quantity of natural resources and support the sustainable management of natural systems", should be amended amendment to ensure improvement; not just maintenance. E.g. "Agricultural use and development must be planned to increase the quality and quantity of natural systems through best practice sustainable management".	<p>The use of 'must' is beyond the scope and role of policy. A planning policy or strategic direction is not a control. Planning policies guide the exercise of discretion created by a zone, overlay or particular provision. Planning policy cannot remove the discretion under the relevant planning control that triggers its consideration (i.e. the permit requirement triggers the consideration of the relevant policy). Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>The fourth Strategic direction for 'Agriculture' encourages both, sustainable agriculture, and land management practices that minimise adverse impacts on primary production and environmental values. These would be relevant considerations in the assessment of permit applications in rural areas.</p>	No change to draft MPS Clause 02.03-4 based on this submission.
4	The second strategic direction dot point, "Retain existing agricultural land for soil based agricultural production", should also include at	<p>Similar strategic directions already in MPS.</p> <p>Strategic direction point 2 in Clause 02.03</p>	No change to draft MPS Clause 02.03-4 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	the end of the statement the following phrasing "...through the encouragement of consolidating small lots, and revegetation practices".	<ul style="list-style-type: none"> - Climate change- Protect and enhance the tree canopy across Nillumbik. <p>Strategic direction point 2 in Clause 02.03-9 Development infrastructure</p> <ul style="list-style-type: none"> - Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site. <p>General strategy point 3 in Clause 12.01-1L Protection of biodiversity in Nillumbik</p> <ul style="list-style-type: none"> - Conserve bushland and encourage revegetation. 	
5	The fourth strategic direction dot point, "Promote sustainable and regenerative agriculture and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment", must be amended to ensure the land on which 'all' agricultural practices are taking place does not suffer adverse impacts. i.e. not just the surrounding land and catchment.	The catchment is a reference to the Port Phillip catchment, which encompasses all of Nillumbik Shire and, therefore, all of the agricultural practices that are undertaken within the Shire.	No change to draft MPS Clause 02.03-4 based on this submission.
6	The second strategic direction dot point "Retain existing agricultural land for soil based agricultural production", should include a statement about encouraging the consolidation of small lots and support revegetation practices.	<p>Similar strategic directions already in MPS.</p> <p>Strategic direction point 2 in Clause 02.03- Climate change</p> <ul style="list-style-type: none"> - Protect and enhance the tree canopy across Nillumbik. <p>Strategic direction point 2 in Clause 02.03-9 Development infrastructure</p> <ul style="list-style-type: none"> - Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site. <p>General strategy point 3 in Clause 12.01-1L Protection of biodiversity in Nillumbik.</p>	No change to draft MPS Clause 02.03-4 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		- Conserve bushland and encourage revegetation.	
7	Animal agriculture has great detrimental impacts on the natural environment and subsequently any form animal agriculture in the Shire should not be supported.	It is highly unlikely that Council, the State Government or the community generally would support banning all animal production or grazing activity in Nillumbik Shire. The Green Wedge Zone and the Rural Conservation Zone (RCZ), which cover the majority of Nillumbik's rural and agricultural areas, generally require a planning permit. Intensive animal production is prohibited in RCZ unless existing use rights are established in accordance with the Nillumbik Planning Scheme.	No change to draft MPS Clause 02.03-4 based on this submission.
8	Nillumbik should look at pioneering sustainable high value crop farming.	A recent report on the 'Future of Agriculture in Nillumbik' (FOAN) identifies land suitability in Nillumbik for a range of crops, including citrus, wine grapes, apples and raspberries. It would be appropriate to add the land suitability maps for these crops to the maps in draft MPS Clause 02-04 ('Strategic framework plan'). These plans should also be referred to in the text for 'Agriculture' under draft MPS Clause 02.03-4. The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.	<ul style="list-style-type: none"> Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove "<i>such as permaculture and aquaponics</i>" and add a sentence as follows: "<i>Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability.</i>" Amend 4th dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows: "<i>Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.</i>" Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN)

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
			report following the (updated) four maps in draft MPS Clause 02.04.
9	Support the acknowledgment of agriculture (from small to large scale) and the contribution it makes to the Shire is important.	Noted	No change to draft MPS Clause 02.03-4 based on this submission.
10	Support strategic direction points 1 & 2.	Noted	No change to draft MPS Clause 02.03-4 based on this submission.
11	The most prevalent and enduring rural activity and legitimate rural land use in the Nillumbik Green Wedge is the keeping of animals. Therefore, protecting existing grazing land that supports agriculture is critical. The Strategic Direction must ensure the preservation of existing, cleared pasture land for the keeping of animals and other benefits.	Grazing animal production does not require a permit in the Green Wedge Zone (GWZ); however requires a permit in the Rural Conservation Zone (RCZ), which covers most of Nillumbik Shire. A permit application for grazing animal production in RCZ would be assessed on its merits and in accordance with the decision guidelines of the relevant zone. The Strategic directions for 'Agriculture' include to protect agricultural land for its productive potential, which includes existing grazing land.	No change to draft MPS Clause 02.03-4 based on this submission.
12	The first strategic direction dot point, "Protect and enhance agricultural land for both its productive potential and environmental value", should clarify that this is to be limited to land 'currently' used as agricultural land. Vegetated land should not be cleared to establish additional agricultural uses.	The Strategic directions under the MPS work in concert with one another and should not be viewed in isolation, e.g. the Strategic directions for 'Landscapes' under draft MPS Clause 02.03-2 include to protect and enhance rural landscape character through vegetation retention.	No change to draft MPS Clause 02.03-4 based on this submission.
13	Nillumbik is not suited to intensive livestock commodities.	Intensive animal production requires a permit in the Green Wedge Zone (GWZ) and is prohibited	No change to draft MPS Clause 02.03-4 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		in the Rural Conservation Zone (RCZ), which covers most of Nillumbik Shire. However, existing use rights may apply to prohibited uses where those uses were lawfully carried out prior to the advent of planning controls that imposed the prohibition.	
14	The production of 'high value' horticulture should only be expanded if the natural biodiversity assets are not impacted.	The Strategic direction for 'Agriculture' seeks to protect and enhance agricultural land for both, its productive potential, and landscape values. This is supported by other MPS directions, e.g. for 'Landscapes', which includes to "Protect and enhance rural landscape character through vegetation retention". Directions for 'Agriculture' under Clause 02.03-4 'Agriculture paragraph 4 also include <i>"Increasing the productiveness of agricultural industries is important for the sustainability of the green wedge areas, providing the environmental significance is not compromised."</i>	No change to draft MPS Clause 02.03-4 based on this submission.
15	Sustainable agriculture and land management practices must improve biodiversity and environmental values of the site, surrounding land and the catchment.	The Strategic directions under the MPS work in concert with one another and should not be viewed in isolation, e.g. the Strategic directions for 'Landscapes' under draft MPS Clause 02.03-2 include to protect and enhance rural landscape character through vegetation retention, which would also support the five Strategic directions for 'Protection of biodiversity', also under Clause 02.03-2.	No change to draft MPS Clause 02.03-4 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
16	Agriculture and use of non-urban landscape is valuable to residents of Nillumbik and is important to the local economy which is mostly small businesses. The Strategic Direction supports this sentiment well.	Noted	No change to draft MPS Clause 02.03-4 based on this submission.
17	Whilst the second strategic direction dot point ("Retain existing agricultural land for soil based agricultural production") is in principle supported, it should be reasonable and allowed for an owner of this type of land to use it for other purposes that do not change or interfere with the land e.g. grazing animals.	Grazing animal production does not require a permit in the Green Wedge Zone (GWZ); however requires a permit in the Rural Conservation Zone (RCZ), which covers most of Nillumbik Shire. A permit application for grazing animal production in RCZ would be assessed on its merits and in accordance with the decision guidelines of the relevant zone. The Strategic directions for 'Agriculture' include to protect agricultural land for its productive potential, which includes existing grazing land.	No change to draft MPS Clause 02.03-4 based on this submission.
Clause 02.03-5 Urban and building design			
1	Include the following statement after the second sentence in Paragraph 1, "Nillumbik's tree canopy and understorey are central to its character and wellbeing, and contribute significantly to good urban design principles".	Strategic direction point 1 in Clause 02.03-3 Climate change states: - Protect and enhance the tree canopy across Nillumbik Since the above statement is already included in the draft MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.	No change to draft MPS Clause 02.03-5 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
2	The first strategic direction dot point, "Protect and enhance urban streetscapes, townships and landscapes", should be amended to include, protection and enhancement of existing vegetation and support planting indigenous flora of diverse sizes/types e.g. "Protect and enhance urban streetscapes, townships and landscapes by preserving existing tree canopy and planting additional indigenous vegetation of diverse sizes and types".	<p>Strategic direction point 1 for 'Climate change' in draft MPS Clause 02.03-3 states to:</p> <p><i>"Protect and enhance the tree canopy across Nillumbik".</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further strategic work') includes to:</p> <ul style="list-style-type: none"> - <i>"develop an urban tree canopy strategy";</i> and - <i>"review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire".</i> <p>Due to the above inclusions in the Draft MPS and draft Schedule to Clause 74.02, which is linked to the MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.</p>	No change to draft MPS Clause 02.03-5 based on this submission.
3	The Strategic Direction provides limited reference to retaining and protecting tree canopy and under-storey vegetation.	<p>Strategic direction point 1 for 'Climate change' in draft MPS Clause 02.03-3 states to:</p> <p><i>"Protect and enhance the tree canopy across Nillumbik".</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further strategic work') includes to:</p> <ul style="list-style-type: none"> - <i>"develop an urban tree canopy strategy";</i> and - <i>"review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire".</i> <p>Due to the above inclusions in the Draft MPS and draft Schedule to Clause 74.02, which is</p>	No change to draft MPS Clause 02.03-5 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		linked to the MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.	
4	An additional strategic direction dot point should be included which references planting of indigenous flora within the urban streetscapes, townships and in the landscape.	<p>Already mentioned in Planning scheme.</p> <p>Strategy point 4 in Clause 12.01-1L Protection of biodiversity in Nillumbik.</p> <p>Encourage the planting of indigenous vegetation, rather than exotic species, particularly:</p> <ul style="list-style-type: none"> - On sites of environmental significance. - On roadside reserves. <p>Strategic direction point 1 for 'Climate change' in draft MPS Clause 02.03-3 states to:</p> <p><i>"Protect and enhance the tree canopy across Nillumbik".</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further strategic work') includes to:</p> <ul style="list-style-type: none"> - <i>"develop an urban tree canopy strategy";</i> and - <i>"review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire".</i> <p>Due to the above inclusions in the Draft MPS and draft Schedule to Clause 74.02, which is linked to the MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.</p>	No change to draft MPS Clause 02.03-5 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
5	The Strategic Direction should mandate planting of indigenous vegetation to form part of planning/design proposals.	<p>Strategic direction point 1 for 'Climate change' in draft MPS Clause 02.03-3 states to:</p> <p><i>“Protect and enhance the tree canopy across Nillumbik”.</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further strategic work') includes to:</p> <ul style="list-style-type: none"> - <i>“develop an urban tree canopy strategy”;</i> and - <i>“review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire”.</i> <p>Due to the above inclusions in the Draft MPS and draft Schedule to Clause 74.02, which is linked to the MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.</p>	No change to draft MPS Clause 02.03-5 based on this submission.
6	Support for the statement that highlights that the integrity of streetscapes and natural landscapes can be threatened by inappropriate development i.e. development that does not respond to the characteristics of a local area.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
7	Paragraph 1 should specifically reference Eltham's tree canopy and understorey are central to the character of Eltham and the wellbeing of its inhabitants.	<p>Strategic direction point 1 for 'Climate change' in draft MPS Clause 02.03-3 states to:</p> <p><i>“Protect and enhance the tree canopy across Nillumbik”.</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further strategic work') includes to:</p> <ul style="list-style-type: none"> - <i>“develop an urban tree canopy strategy”;</i> 	No change to draft MPS Clause 02.03-5 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Due to the above inclusions in the Draft MPS and draft Schedule to Clause 74.02, which is linked to the MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.	
8	Support the promotion of urban and building design that reflects the character of the area and the natural environmental aspects.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
9	An additional strategic direction point should be included that that requires correct adherence to permits after they have been granted and also demonstrates enforcement actions that will be taken if not compliant. Developers and builders are adversely pushing the limits of what sorts of built form designs they can produce and get approval from Council and are modifying their site and building plans to suit their priorities instead of following permit guidelines and approved plans.	Councils can issue fines under the Planning and Environment Act 1987 if there is a breach of the planning scheme or permit. A council or any person can seek an enforcement order at VCAT to halt a development or rectify a breach. In extreme circumstances, a council can seek cancellation of a permit by VCAT.	No change to draft MPS Clause 02.03-5 based on this submission.
10	The Strategic Direction fails to encourage environmentally sound building design e.g. eaves and window orientation.	Clause 02.03-5 also contains an 'Energy and resource efficiency heading', with a Strategic direction to Promote energy efficiency in land use and development through: <ul style="list-style-type: none"> ○ The layout of subdivisions. ○ The location, siting and design of buildings and places ○ The use of renewable energy technologies. 	No change to draft MPS Clause 02.03-5 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Additionally, PPF Clause 15.01-2 'Building design' contains State and local policies that encourage environmentally sound building design principles.	
11	The Strategic Direction needs to provide protection of ridgelines from visually intrusive construction.	A similar strategy already mentioned in MPS. Strategy point 3 in Clause 15.01-6S Design for rural areas- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands. The Neighbourhood Character Strategy currently being developed for Nillumbik's urban residential areas also addresses this issue.	No change to draft MPS Clause 02.03-5 based on this submission.
12	Support that developments within commercial and industrial areas need to reflect the the character of the local area and be accessible to all residents. (E.g. Diamond Creek commercial core is a good example of this).	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
13	Stores should be prevented from placing merchandise outside of their shops, including on footpaths and walkways. This is unattractive and detracts from the overall ambience of an area.	Regulation of this issue is mainly under the ambit of Council's local laws made under the <i>Local Government Act 2020</i> with regard to street trading, especially since the " <i>use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device</i> " is exempt from a permit requirement under Clause 62.01 of the Nillumbik Planning Scheme.	No change to draft MPS Clause 02.03-5 based on this submission.
14	I would like to see more use of mud brick. eg. Mud brick should be considered for major public buildings such as railway stations, businesses, community buildings like the library and community reception centre are already. That	The second Strategic direction for 'Neighbourhood character' under Clause 02.03-5 states: Encourage the use of alternative construction materials where it adds character to the municipality and reflects surrounding development. The Design Guidelines in	No change to draft MPS Clause 02.03-5 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	option should be on the table today , not just from the past.	Council's draft Neighbourhood Character Strategy include complementing building forms and natural materials such as mudbrick where this is part of the existing character. The Design objectives for the Eltham Gateway under Schedule 1 to Clause 43.02 Design and Development Overlay (DDO1) also encourages using local earth toned, timber or mud brick that is consistent with the preferred character of the Gateway. Materials and surface finish strategy point 1 in Clause 15.01-2L-01 Building design in Nillumbik - <i>"Encourage the use of alternative building materials such as mud-brick and rammed earth construction."</i>	
15	The Strategic Directions should encourage the use of mud brick. The use of mud brick should be considered for major public buildings such as railway stations, businesses, community buildings like the library and community reception centre are already. The use of the building material should be considered an option to use in modern home and not just at material used in the Shire's past.	The second Strategic direction for 'Neighbourhood character' under Clause 02.03-5 states: Encourage the use of alternative construction materials where it adds character to the municipality and reflects surrounding development. The Design Guidelines in Council's draft Neighbourhood Character Strategy include complementing building forms and natural materials such as mudbrick where this is part of the existing character. The Design objectives for the Eltham Gateway under Schedule 1 to Clause 43.02 Design and Development Overlay (DDO1) also encourages using local earth toned, timber or mud brick that is consistent with the preferred character of the Gateway. Materials and surface finish strategy point 1 in Clause 15.01-2L-01 Building design in Nillumbik - <i>"Encourage the use of alternative building</i>	No change to draft MPS Clause 02.03-5 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<i>materials such as mud-brick and rammed earth construction."</i>	
Clause 02.03-5 Signs			
1	Money wasted on advertising before elections (e.g. the roads to recovery signs) are not appreciated.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
2	The chaos of signs in some places is offensive and over the top - particularly when driving.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
3	Support for the statement that seeks to reduce and avoid sign clutter. Signs should be clear and complement the streetscape character.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
4	An additional statement or strategic direction point should be included that says that electronic signs with bright LED lights should be strongly discouraged or policed. These types of signs do not respond positively with character of Nillumbik and consequently contribute to light pollution along with adding further unnecessary clutter to other signage.	Existing strategic direction in Planning Scheme. Strategy point 14 in Clause 15.01-1L-01 Signs - Discourage the use of internally illuminated signs and floodlit signs that would result in direct light or glare emission onto adjoining land or roadways.	No change to draft MPS Clause 02.03-5 based on this submission.
5	Signage can ruin the streetscape. However places like Salzburg Village in Austria look wonderful with the signs that suit their village atmosphere. Signage can demonstrate how a community cares about where they live. Nillumbik is weak on this front. Nillumbik is home to so many artists and good designers that could positively contribute to signage	Strategic directions for 'Signs' under draft MPS Clause 02.03-5 include: <ul style="list-style-type: none"> Encourage signs that provide effective identification of businesses and other land uses without adversely impacting on the amenity of the area. Site and design signs to complement and enhance, rather than dominate, the streetscape and landscape. 	No change to draft MPS Clause 02.03-5 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	outcomes. Signage in the municipality should be enhanced by incorporating the artistic and nature character attributes of the Shire. Also a design committee could be established to approve signage in the Shire.	<ul style="list-style-type: none"> Ensure road safety is not adversely affected by signs. <p>Signs are also addressed in all zones and the Design and Development Overlay, and under Clause 52.05 of the Nillumbik Planning Scheme. The draft Schedule to Clause 74.02 'Further Strategic Work', which is linked to the MPS, also states to review the following:</p> <ul style="list-style-type: none"> Implementation mechanisms to identify and ensure appropriate development including signage controls in township entrances and gateways. The quality, extent and visual impact and effectiveness of signage in industrial, commercial and gateway precincts as part of structure planning for activity centres, to allow businesses to effectively promote their presence, products and activities. 	
Clause 02.03-5 Neighbourhood character			
1	Support for Paragraph 1 that recognises the significance of tree canopy and other native vegetation and the need for it to be retained/protected. However how will this be achieved given the increase in medium density housing/unit developments and non-compliance at existing dwellings? The achievement of this sentiment should be outlined in this Strategic Direction.	<p>Conflicts between different land uses are inevitable. Nillumbik council will do what it can to preserve native vegetation and trees amid pressure from residential developments.</p> <p>Removing, destroying or lopping any vegetation must apply for permits with the council unless the planning scheme states that a permit is not required.</p> <p>Under clause 02.03-6 housing, "facilitate the provision and diversification of housing to meet the projected increase in the number of smaller</p>	<p>No change to draft MPS Clause 02.03-5 based on this submission; however:</p> <p>Changes to other draft MPS clauses:</p> <p>Add "<i>The Neighbourhood Character Study</i>" to the 'Review' list in the draft Schedule to Clause 74.02.</p>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>households and the aging population, while respecting the neighbourhood character, protecting natural and heritage values and minimizing environmental risk" is considered as one of important strategic directions. Controls in Clause 30 Zones and Clause 40 Overlays can help to minimize these conflicts.</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') states to develop an urban tree canopy strategy. This strategy is envisaged to take into account all of the existing and proposed policies, strategies and planning controls that affect native vegetation and landscaping, including for medium density housing, and to outline any need for altered and/or additional planning policies and controls.</p> <p>Current local policy for Medium Density Housing Design at Clause 15.01-2L-01, which applies to land in the General Residential and Neighbourhood Residential Zones, is to "<i>Site and design development to protect and enhance local amenity, areas of environmental significance and heritage places</i>". Existing and proposed vegetation and landscaping are important considerations in determining if development is consistent with this local policy. These considerations will be further strengthened by the tree canopy strategy and the current draft Neighbourhood Character Strategy (NCS), which is well underway.</p>	

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		A strategic direction for Neighbourhood Character in both, the current, and draft Clause 02.03-5 is to " <i>Maintain and enhance character, including neighbourhood character, of urban and township areas</i> ". The draft NCS encourages both, the retention of existing, and planting of new indigenous canopy and amenity trees in front and side setbacks. This will help to both, protect existing native vegetation, and provide visual separation between dwellings in multi-dwelling proposals. The NCS also recommends to develop specific guidelines for vegetation and landscaping, and to identify specific areas where greater consideration is needed in regard to rear setback planting. A review of the NCS should be reflected in the draft Schedule to Clause 74.02 ('Further Strategic Work').	
2	Neighbourhood character is not only affected by the look of new buildings but also by the increase of traffic on residential roads (which were never designed for the volume of traffic now using them). Council should look into the impact of this extra traffic on local residents, walking paths, and the local flora and fauna in the area for new subdivisions that are more than 2 kilometres from a Major Activity Centre.	Traffic is not included in the elements that comprise neighbourhood character in Planning Practice Note (PPN43) on 'Understanding Neighbourhood Character' and, therefore, is not a valid inclusion in the 'Neighbourhood character' component of draft Clause 02.03-5.	No change to draft MPS Clause 02.03-5 based on this submission.
3	The significance of maintaining and protecting the existing tree canopy is not	Similar strategic directions already mentioned in Planning scheme.	No change to draft MPS Clause 02.03-5 based on this submission; however: Changes to other draft MPS clauses:

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	sufficiently highlighted and supported in this Strategic Direction.	<p>Strategic direction point 1 in Clause 02.03-3 Climate change</p> <ul style="list-style-type: none"> - Protect and enhance the tree canopy across Nillumbik <p>General strategy point 3 in Clause 12.01-1L Protection of biodiversity in Nillumbik</p> <ul style="list-style-type: none"> - Conserve bushland and encourage revegetation. <p>All precincts objective point 1 and 2 in Clause 15.01-5L Neighbourhood character – Nillumbik</p> <ul style="list-style-type: none"> - To maintain the existing vegetation including canopy trees - Retain or plant substantial trees as necessary to contribute to the desired future character of the area while maintaining solar access and residential amenity, and minimising bushfire safety issues. <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') states to develop an urban tree canopy strategy. Additionally, the draft Neighbourhood Character Study (NCS) addresses the retention and provision of indigenous canopy and amenity trees in considerable detail. The Officer response to submission No. 1 on the 'Neighbourhood character' component of draft MPS Clause 02.03-5 recommends to include a review of the NCS in the draft 74.02 schedule.</p> <p>Under the Practitioner's Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions. Therefore, no further action is needed.</p>	Add " <i>The Neighbourhood Character Study</i> " to the 'Review' list in the draft Schedule to Clause 74.02.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
4	Include an additional strategic direction dot point which states, "Protect, maintain and encourage the retention of the significant tree canopy and other active vegetation in urban and township areas".	<p>Similar strategic directions already mentioned in Planning scheme.</p> <p>Strategic direction point 1 in Clause 02.03-3 Climate change</p> <ul style="list-style-type: none"> - Protect and enhance the tree canopy across Nillumbik <p>General strategy point 3 in Clause 12.01-1L Protection of biodiversity in Nillumbik</p> <ul style="list-style-type: none"> - Conserve bushland and encourage revegetation. <p>All precincts objective point 1 and 2 in Clause 15.01-5L Neighbourhood character - Nillumbik</p> <ul style="list-style-type: none"> - To maintain the existing vegetation including canopy trees - Retain or plant substantial trees as necessary to contribute to the desired future character of the area while maintaining solar access and residential amenity, and minimising bushfire safety issues. <p>The draft Neighbourhood Character Study (NCS) addresses the retention and provision of indigenous canopy and amenity trees in considerable detail. The draft Schedule to Clause 74.02 ('Further Strategic Work') already states to develop an urban tree canopy strategy, and would be improved by adding a review of the NCS, as per Officer response to submission No. 1 on the 'Neighbourhood character' component of draft MPS Clause 02.03-5.</p>	<p>No change to draft MPS Clause 02.03-5 based on this submission; however:</p> <p>Changes to other draft MPS clauses:</p> <p>Add "<i>The Neighbourhood Character Study</i>" to the 'Review' list in the draft Schedule to Clause 74.02.</p>
5	Strategic direction dot point 1, "Maintain and enhance the character, including neighbourhood character, of urban and township areas", should include specific	<p>Similar strategic directions already mentioned in Planning scheme.</p> <p>Strategic direction point 1 in Clause 02.03-3 Climate change- Protect and enhance the tree canopy across Nillumbik</p>	<p>No change to draft MPS Clause 02.03-5 based on this submission; however:</p> <p>Changes to other draft MPS clauses:</p> <p>Add "<i>The Neighbourhood Character Study</i>" to the 'Review' list in the draft Schedule to Clause 74.02.</p>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	reference to planting indigenous flora as the means to maintain and enhance character.	<p>All precincts objective point 1 and 2 in Clause 15.01-5L Neighbourhood character – Nillumbik</p> <ul style="list-style-type: none"> - To maintain the existing vegetation including canopy trees - Retain or plant substantial trees as necessary to contribute to the desired future character of the area while maintaining solar access and residential amenity, and minimising bushfire safety issues. <p>The new Neighbourhood Character Study (NCS) that is currently being developed addresses the retention and provision of indigenous canopy and amenity trees, and other native vegetation. The NCS also recommends to develop specific guidelines for vegetation and landscaping. The Officer response to submission No. 1 on the 'Neighbourhood character' component of draft MPS Clause 02.03-5 recommends to include a review of the NCS in the draft Schedule to Clause 74.02 ('Further Strategic Work'). This would be consistent with the strategic direction for Neighbourhood Character in both, the current, and draft Clause 02.03-5 to <i>"Maintain and enhance character, including neighbourhood character, of urban and township areas"</i>.</p>	
6	Supportive that the Strategic Direction recognises that neighbourhood character needs to be maintained and enhanced in urban and township areas.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
7	Paragraph 1 acknowledges that urban and township areas are characterised by predominantly indigenous tree canopy.	The draft NCS that is currently being developed encourages that there be at least one side setback of between 1 to 4 metres (depending on the neighbourhood character type), which	No change to draft MPS Clause 02.03-5 based on this submission; however: Changes to other draft MPS clauses:

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	However, there needs to be recognition that this canopy is under threat and diminishing - particularly in Eltham. Blocks under redevelopment are being completely cleared and dwellings (usually multiple dwellings on a block), are being built boundary to boundary. This leaves little room for mid-upper storey vegetation and no room for replacement planting for vegetation that has been removed.	discourages boundary-to-boundary development. The draft NCS also recommends planting of indigenous canopy and amenity trees in front setbacks, and to identify specific areas where greater consideration is needed in regard to rear setback planting. The Officer response to submission No. 1 on the 'Neighbourhood character' component of draft MPS Clause 02.03-5 recommends to include a review of the NCS in the draft Schedule to Clause 74.02 ('Further Strategic Work'), which is consistent with the strategic direction for Neighbourhood Character in both, the current, and draft Clause 02.03-5 to " <i>Maintain and enhance character, including neighbourhood character, of urban and township areas</i> ". The draft NCS recommends to develop specific guidelines for vegetation and landscaping and the draft Schedule to Clause 74.02 ('Further Strategic Work') states to develop an urban tree canopy strategy. The development of these guidelines and strategy will help to address threats to the indigenous tree canopy in Nillumbik's urban areas.	<ul style="list-style-type: none"> • Add "<i>The Neighbourhood Character Study</i>" to the 'Review' list in the draft Schedule to Clause 74.02.
8	Neighbourhood character in the Shire should support deep setbacks for residential development, not allow developments to be built boundary to boundary, retain the number of dwellings towards the minimum of what is permitted instead of the maximum, reduce the size of each residence, discourage levelling of blocks in hilly areas (as heavy excavation is not a	Clauses 54 and 55 of the Nillumbik Planning Scheme contain Rescode provisions that prescribe how to calculate front and side setbacks. These provisions can be varied (e.g. increased) through the schedules to residential zones; however need to be informed by strategic work such as neighbourhood character studies or strategies (NCS). An NCS will generally not recommend deeper or wider setbacks than the prevailing setback pattern in any given neighbourhood character precinct.	<p>No change to draft MPS Clause 02.03-5 based on this submission; however:</p> <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> • Add "<i>The Neighbourhood Character Study</i>" to the 'Review' list in the draft Schedule to Clause 74.02.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	sympathetic response to the environment) and discourage multilevel residences.	The current review of the Nillumbik NCS recommends maintaining sufficient front and side setbacks to enable the retention of existing, or provision of new, indigenous canopy and amenity trees. This includes side setbacks of between one to four metres on at least one side, depending on the neighbourhood character type, to help maintain visual separation of buildings. The NCS design guidelines also include taking into account the topography.	
9	To achieve neighbourhood character aspirations and objectives of the Shire, Council should actively advocate to relevant State and Federal departments to request substantial changes to the building and planning regulatory framework to enable the establishment of innovative Environmentally Sustainable Design principles in housing developments that will further improve neighbourhood character outcomes for the Shire. Council should consider potentially joining forces with other councils under the Council Alliance for a Sustainable Built Environment (CASBE) to assist with the promotion and implementation of sustainable built environment initiatives at a local level.	<p>Clause 02.03-5 also contains an 'Energy and resource efficiency heading', with a Strategic direction to Promote energy efficiency in land use and development through:</p> <ul style="list-style-type: none"> ○ The layout of subdivisions. ○ The location, siting and design of buildings and places ○ The use of renewable energy technologies. <p>Additionally, PPF Clause 15.01-2 'Building design' contains State and local policies that encourage environmentally sound building design principles.</p> <p>The regulatory framework for environmental improvements, e.g. for biodiversity or sustainable urban design, is regularly reviewed by all levels of government. This is stated in the current draft Schedule to Clause 74.02 ('Further Strategic Work'), which is linked to the MPS, e.g.:</p> <ul style="list-style-type: none"> • Review "<i>The environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire</i>". 	No change to draft MPS Clause 02.03-5 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<ul style="list-style-type: none"> Undertake further strategic work on "Preparing options with strategic justification for a draft Environmentally Sustainable Development planning policy to be considered by Council". 	
10	The strategic direction points under the 'Neighbourhood Character' sub-section are appropriate and highly valued aspects of the Nillumbik community.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
11	Support for encouraging the use of natural materials in developments, however this should not be a mandated requirement.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
12	Building materials and design should reflect the character of the area however without being overly restrictive whereby every dwelling is a reflection of its neighbour i.e. cookie-cutter design.	Planning policy and design guidelines for neighbourhood character do not encourage mimicry when stating to respect existing or a stated preferred character.	No change to draft MPS Clause 02.03-5 based on this submission.
Clause 02.03-5 Energy and resource efficiency			
1	The Strategic Direction needs to discuss the interrelatedness of all areas that contribute to emissions.	The statements and Strategic direction for 'Energy and resource efficiency' under draft MPS Clause 02.03-5 encompass all areas and all activities within the shire through referring to " <i>rural or urban</i> " and " <i>land use and development</i> ".	No change to draft MPS Clause 02.03-5 based on this submission.
2	Paragraph 1 should be amended to say, "Increasing levels of greenhouse gas emissions resulting from the increased energy	The statements for 'Energy and resource efficiency' under draft MPS Clause 02.03-5 acknowledge the threat from greenhouse gas	No change to draft MPS Clause 02.03-5 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	consumption of non-renewable resources is an environmental threat that must be reduced as it severely impacts upon the environment and significantly contribute to the climate emergency".	emissions. Reference to climate emergency has been recommended for inclusion in draft MPS Clause 02.01 'Context'.	
3	The second sub strategic direction dot point, "The location, siting and design of buildings and places", should be further enhanced by adding the statement at the end of the point, "... whereby best practice energy efficient design is encouraged throughout the process and buildings are of modest size to retain vegetation and reducing heat island effect impacts".	The second sub-dot point states one method of promoting energy efficiency is through building design, which supports existing State and local policies for building design at PPF Clause 15.01-2 that expand on ways to improve the energy performance of buildings. The draft Schedule to Clause 74.02 ('Further Strategic Work') states to develop an urban tree canopy strategy, which will help to reduce heat island effect impacts, consistent with Plan Melbourne Direction 6.4 to make Melbourne cooler and greener.	No change to draft MPS Clause 02.03-5 based on this submission.
4	Paragraph 1 should include an additional sentence that requires all Council decisions to be made in the context of consideration of reducing greenhouse gas emissions and reduction of the carbon footprint.	The Strategic directions for 'Energy and resource efficiency' under draft MPS Clause 02/03-5 outline ways to promote energy efficiency that will contribute towards lowering levels of greenhouse gas emissions and are consistent with Council's Climate Action Plan. These directions also support the Strategic directions for 'Climate change' under draft MPS Clause 02.03-3 to encourage use and development that mitigate the impacts of climate change to help Council achieve its target of net zero emissions across Nillumbik by 2035.	No change to draft MPS Clause 02.03-5 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
5	Greenhouse gases from increased energy consumption are a threat that needs to be addressed as the Shire acts to bring down its emissions as quickly as possible in accordance with the Climate Action Plan. Therefore, support that energy and resource efficiency is being included in the MPS.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
6	It is imperative that emissions are reduced as quickly as possible to avoid a climate catastrophe. All of Council's decisions must be taken with this primary consideration in mind. Therefore, the detrimental effects of greenhouse gas emissions needs to be more strongly stated in Paragraph 1.	The Strategic directions for 'Energy and resource efficiency' under draft MPS Clause 02/03-5 outline ways to promote energy efficiency that will contribute towards lowering levels of greenhouse gas emissions and are consistent with Council's Climate Action Plan. These directions also support the Strategic directions for 'Climate change' under draft MPS Clause 02.03-3 to encourage use and development that mitigate the impacts of climate change to help Council achieve its target of net zero emissions across Nillumbik by 2035.	No change to draft MPS Clause 02.03-5 based on this submission.
7	Support the third strategic direction point about the "layout of subdivisions" with regards to their orientation and natural energy efficiency.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
8	Supportive of the strategic direction point about the use of renewables, especially in new buildings.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
9	Concerns regarding the first and second sub strategic direction points, "The layout of subdivisions / The location, siting and design of buildings and places" as this would require	Building designers and developers have access to expert advice on how to design buildings and subdivisions that promote energy efficiency. Council's statutory planners are also trained to	No change to draft MPS Clause 02.03-5 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	some genuine expert input prior to any subdivision being refused.	assess if development and subdivision proposals meet the policy directions and the requirements of provisions that address energy efficiency under the Nillumbik Planning Scheme.	
10	Support the appropriate siting of development as thus will allow the use of renewables to maintain high energy rating for the buildings.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
11	The use of renewable energy technologies should be strongly encouraged Renewable energy technologies should be strongly encouraged, but not mandated however this should not be mandated.	The MPS does not contain mandatory provisions, which are contained in the zone, overlay and particular provisions of the Nillumbik Planning Scheme. The broad directions of the MPS and the policies in the scheme help to inform how the existing provisions are applied or if they should be improved through further strategic work and amendments to the planning scheme.	No change to draft MPS Clause 02.03-5 based on this submission.
Clause 02.03-5 Heritage			
1	It is critical to acknowledge the heritage of the Wurundjeri Woi-wurrung people is not only connected to/evident in 'specific sites' as stated in the Strategic Direction. Both the historical and current presence of local First Nations People must be recognised throughout Shire; not simply pertaining to specific sites. Therefore, this Strategic Direction needs to be strengthened with an additional statement to recognise both the past and present meaning and relationship the local First Nations Peoples have with their lands and waterways across the whole Shire.	<p>The Strategic directions for 'Heritage' under draft MPS Clause 02.03-5 apply to both, sites of Aboriginal heritage significance (as identified under the <i>Aboriginal Heritage Act 2006</i>), and to places of heritage significance associated with European settlement (as identified in heritage studies and recommended for protection under the Heritage Overlay of the Nillumbik Planning Scheme).</p> <p>Sites of Aboriginal Cultural Heritage Sensitivity are shown on mapping, e.g. as a layer on</p>	No change to draft MPS Clause 02.03-5 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	Specifically, both strategic direction dot points 1 & 2 should extend protection to 'all places' of Aboriginal cultural heritage across the Shire to ensure that all Aboriginal heritage is given due care and attention - not just simply sites identified as having significance.	VicPlan mapping, which is publically accessible on the State Government's planning website (https://www.planning.vic.gov.au/).	
2	Both strategic directions dot points 1 & 2 should extend protection and consideration of Aboriginal heritage significance to all of the Shire.	<p>The Strategic directions for 'Heritage' under draft MPS Clause 02.03-5 apply to both, sites of Aboriginal heritage significance, and to places of heritage significance associated with European settlement.</p> <p>The MPS acknowledges that the Wurundjeri Woi-wurrung people are the Traditional Owners of the land Nillumbik is located on; however specific sites of Aboriginal heritage significance are identified in accordance with the <i>Aboriginal Heritage Act 2006</i>.</p> <p>Sites of Aboriginal Cultural Heritage Sensitivity are shown on mapping, e.g. as a layer on VicPlan mapping, which is publically accessible on the State Government's planning website (https://www.planning.vic.gov.au/).</p>	No change to draft MPS Clause 02.03-5 based on this submission.
3	The first sentence in Paragraph 2 refers mainly to early agricultural settlement and does not recognise the range of more modern residential type heritage buildings. Therefore suggest revising this paragraph to say, "Nillumbik also has many sites that have non-indigenous cultural significance, including gold mining related historic sites, as well as original	The 'Heritage' section under draft MPS Clause 02.03-5 does not need to describe the entire post-contact history of Nillumbik; however does provide broad direction that places of heritage significance should be protected. Such places are identified through expert heritage studies in accordance with the 'Burra Charter' and recommended for protection in the Heritage	No change to draft MPS Clause 02.03-5 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	buildings, farm houses, bridges and other features that existed since early residential and agricultural settlement."	Overlay of the Nillumbik Planning Scheme. The draft Schedule to Clause 74.02 ('Further Strategic Work'), which is linked to the MPS, states to " <i>Complete the heritage study review</i> ".	
4	Non-indigenous cultural and architectural sites and buildings of significance around Nillumbik is important to many residents. Therefore supportive of appropriate directions to protect these places.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
5	People should still be allowed/have the right to challenge any heritage listing/place of significance over a building/property.	<p>Application of the Heritage Overlay to a specific site in Nillumbik is identified through a heritage study and implemented through an amendment to the Nillumbik Planning Scheme. Planning Scheme Amendment C149nill Heritage Review is currently being prepared for exhibition, which will provide an opportunity to make public submissions that could be subsequently considered by a Panel appointed by the State Government to consider any objecting submissions.</p> <p>If a site is already protected under the Heritage Overlay and triggers a permit requirement, a property owner, developer or third party can challenge Council's decision (e.g. refusal or proposed permit conditions) at VCAT.</p>	No change to draft MPS Clause 02.03-5 based on this submission.
6	Support maintaining the heritage of some of the Shire's older buildings and areas.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
7	There are many historical sites within the Shire that need heritage protection. E.g. some of the old buildings in Hurstbridge, along Main Hurstbridge Road.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
8	Any sites deemed to be of historical, or heritage value, need to be independently, and comprehensively, verified. Places of significance should be assessed to ensure proposed development is not unnecessarily obstructed i.e. a single heritage stone found on a lot shouldn't prevent the development of the land or add additional development costs.	Places of heritage significance are identified in heritage studies and recommended for protection under the Heritage Overlay of the Nillumbik Planning Scheme. Applications triggered by the Heritage Overlay are assessed in accordance with Clause 43.01 of the Nillumbik Planning Scheme.	No change to draft MPS Clause 02.03-5 based on this submission.
9	Historical features should not be preserved where they no longer remain fit for purpose e.g. the one-way bridge on Gipson Street, Diamond Creek.	The bridge at Gipson Street, Diamond Creek is not included in the Heritage Overlay.	No change to draft MPS Clause 02.03-5 based on this submission.
10	An additional strategic direction dot point should be included which states, "Engage with Wurundjeri Woi-wurrung people regarding the maintenance and protection of important sites and the land management".	The Strategic directions for 'Heritage' under draft MPS Clause 02.03-5 provide broad direction to protect sites of Aboriginal heritage significance, which are identified and protected in accordance with the <i>Aboriginal Heritage Act 2006</i> . Any proposed development affecting an identified and registered site would involve consultation with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, which is a Registered Aboriginal Party under the <i>Aboriginal Heritage Act 2006</i> .	No change to draft MPS Clause 02.03-5 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
11	People in the Shire need opportunities for stronger education (particularly in schools) regarding traditional owners.	Noted. Awareness of traditional owners and the history and aspirations of First Nations People continues to grow within all levels of government and the community generally, including in schools.	No change to draft MPS Clause 02.03-5 based on this submission.
Clause 02.03-6 Housing			
1	Council should be appropriately managing the issues outlined in the strategic direction dot points, not necessarily facilitating them. The word 'facilitate' should be replaced with 'manage'.	<p>The Practitioner's Guide to Victoria's Planning Schemes (Appendix 1) identifies the word 'Facilitate' as an 'Encouraging verb' that means to make easier or less difficult. The word 'Manage' is identified as a 'Neutral verb' that means to take charge or care of; to handle, direct, govern or control in action or use.</p> <p>Words such as 'facilitate', 'promote', 'encourage' and 'support' are frequently given as examples of appropriate wording to use in an MPS or the PPF under the Practitioner's Guide.</p> <p>The draft MPS generally could be interpreted as helping to facilitate the management of issues to guide land use and development throughout the municipality.</p>	No change to draft MPS Clause 02.03-6 based on this submission.
2	The Strategic Direction should limit the size of housing.	The draft MPS provides broad strategic direction and does not contain mandatory provisions that limit the size of housing. Mandatory provisions are contained in the zones, overlays and particular provisions of the Nillumbik Planning Scheme, e.g. zone provisions specify maximum heights and site coverage of buildings and minimum garden areas, and the Design and Development Overlays for Eltham and Diamond Creek Activity Centres specify a maximum of 4-5 storeys unless existing buildings on abutting allotments are higher. The broad Strategic	<ul style="list-style-type: none"> • Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i> • Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>directions of the MPS encourage medium density housing in appropriate locations, e.g. activity centres, and for development to respect neighbourhood or landscape character.</p> <p>The directions include that future housing should include catering for a projected increase in the number of smaller households and for an aging (to be corrected to ageing) population.</p> <p>Nillumbik's overall housing needs should be identified in a housing strategy, which should be added as a Strategic direction for 'Housing' in draft MPS Clause 02.03-6, and identified as further strategic work in the draft Schedule to Clause 74.02.</p>	
3	Clarification sought regarding the first strategic direction dot point, "Facilitate the provision and diversification of housing to meet the projected increase in the number of smaller households and the aging population, while respecting the neighbourhood character, protecting natural and heritage values and minimising environmental risk". What does environmental risk mean? Is this the risks the environment faces due to development? Or the perceived risk humans might face in a particular environment?	Environmental risks are outlined under draft MPS Clause 02.03-3 ('Environmental risks and amenity') as climate change, flooding, soil degradation, bushfire and potentially contaminated land. The first dot point direction effectively means, with regard to risk, that housing should be provided in a manner that minimises the type of risks that are outlined in Clause 02.03-3.	No change to draft MPS Clause 02.03-6 based on this submission.
4	Include an additional strategic direction dot point which states, "Promote the use of Environmentally Sustainable Design principles in new housing and efficiency retrofits for existing housing".	<p>Clause 02.03-5 contains an 'Energy and resource efficiency heading', with a Strategic direction to Promote energy efficiency in land use and development through:</p> <ul style="list-style-type: none"> ○ The layout of subdivisions. ○ The location, siting and design of buildings and places ○ The use of renewable energy technologies. 	No change to draft MPS Clause 02.03-6 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Additionally, PPF Clause 15.01-2 'Building design' contains State and local policies that encourage environmentally sound building design principles.	
5	Strategic direction dot point 1 should be amended to ensure the diversification of housing does not come at the cost of the environment - not just simply be about minimising environmental risk.	Strategic direction dot point 1 already states this, i.e. diversify housing in a manner that minimises environmental risks. Cost to the environment is also implicit in the reference to minimising environmental risks, which are outlined in draft MPS Clause 02.03-3 ('Environmental risks and amenity'). These include climate change, which draws attention to the need to reduce reliance on fossil fuels in order to reduce greenhouse gas emissions and to meet Nillumbik's zero emissions target by 2035.	No change to draft MPS Clause 02.03-6 based on this submission.
6	The Strategic Direction provides an understanding of the changing demographics in areas of Nillumbik and consequently the housing available needs to respond to this.	Noted	No change to draft MPS Clause 02.03-6 based on this submission.
7	As the building/planning regulatory framework largely falls under the responsibilities of State and Federal Governments, Council should actively advocate to relevant State and Federal departments to request substantial changes to the building and planning regulatory framework to enable the establishment of innovative Environmentally Sustainable Design principles in housing developments. Council should consider potentially joining forces with other councils under the Council Alliance for a Sustainable Built Environment (CASBE) to assist with the promotion and implementation of sustainable built environment initiatives at a local level.	Nillumbik Shire Council continually engages in advocacy, e.g. Council is a member of the national Cities Power Partnership and has pledged to Use Council resources to support the uptake of renewable energy and several other energy initiatives (Community Action Plan, p41). Council is also partnering with the Australian Energy Foundation to provide the Nillumbik community with free, on-demand and tailored, energy efficiency and renewable energy advice (Community Action Plan, p41). The Victorian Building Authority (VBA) states on its website that the Australian Building Codes Board (ABCB) released the National Construction Code (NCC), which was adopted	No change to draft MPS Clause 02.03-6 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		by states and territories on 1 May 2023. The NCC strengthens minimum requirements for the energy efficiency of new homes. The VBA website states: <i>"The ABCB is updating the NCC to strengthen minimum requirements for the energy efficiency of new homes. The new energy efficiency and condensation mitigation requirements commence in Victoria on 1 October 2023".</i>	
8	This Strategic Direction seems to be contrary to the purpose of the Urban Growth Boundary and the existing rural zones (Rural Conservation Zone and Green Wedge Zone) in Nillumbik.	The Strategic directions for 'Housing' under draft MPS Clause 02.03-6 focus more on the urban areas, which are within the UGB. The next section, 'Rural residential development' is focussed on the balance of the Shire.	No change to draft MPS Clause 02.03-6 based on this submission.
9	While the wording and direction points in this Strategic Direction are overall fair and appropriate, scrutiny needs to be applied upon new developments and subdivisions so that the amount of lots/housing on one site is not excessive or too destructive.	The MPS provides broad direction whilst other parts of the planning scheme deal with more site specific requirements, e.g. zone and overlay provisions deal with site coverage, building heights, car parking, landscaping, etc. Council's draft Neighbourhood Character Strategy provides design guidelines to help ensure that new development respects neighbourhood character.	No change to draft MPS Clause 02.03-6 based on this submission.
10	Council should take due consideration to enforce the retention and protection of established existing canopy vegetation. Strong enforced punishments should be applied to individuals and organisation/companies that seek to remove/destroy these valuable attributes of the Shire.	Councils can issue fines under the Planning and Environment Act 1987 if there is a breach of the planning scheme or permit. A council or any person can seek an enforcement order at VCAT to halt a development or rectify a breach. In extreme circumstances, a council can seek cancellation of a permit by VCAT. The draft Schedule to Clause 74.02 ('Further Strategic Work') states to develop an urban tree canopy strategy.	No change to draft MPS Clause 02.03-6 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
11	Council should take due consideration to assure housing developments are comprehensively reviewed and assessed to ensure they respond to the character of the applicable Major Activity Centre and are not merely approved because the development falls within a medium density designated housing area of the Shire.	Development applications are assessed in accordance with the Nillumbik Planning Scheme zone, overlay and particular provisions. This includes Activity Centre Zone Schedules 1 and 2 and guidelines under the Design and Development Overlay Schedules 1 and 2 that apply to Eltham and Diamond Creek Activity Centres.	No change to draft MPS Clause 02.03-6 based on this submission.
12	Some new residential development would be desirable and reasonable in the Reynolds Road area of Eltham and Research to assist provide more diversity in housing and assist with ageing in place. Whilst the Strategic Direction seeks new housing close to existing infrastructure and transport, the Research Neighbourhood Activity Centre is close by as is Main Road.	The Strategic directions for 'Activity centres' under draft MPS Clause 02.03-1 state that the Neighbourhood Activity Centres support the Major Activity Centres. This includes medium density housing in the Research Neighbourhood Activity Centre.	No change to draft MPS Clause 02.03-6 based on this submission.
13	The Strategic Direction should not prohibit or restrict housing growth in areas that do not have immediate access to public transport. Housing growth should be accommodated in areas that are within a reasonable distance to other suitable transport options (not necessarily public transport) or where further transport options could be considered to cater for such growth in the residential population of the local area.	Draft MPS Clause 02.03-1 identifies the following areas as having further growth potential for residential subdivision in existing residential zones: <ul style="list-style-type: none"> ▪ Eltham and Diamond Creek Major Activity Centres. ▪ Apollo Parkways. ▪ Land in the Diamond Creek North Area A Development Plan and Diamond Creek Area B Development Plan to the north and north-east of the Diamond Creek Major Activity Centre. ▪ The Plenty Low Density Residential area. 	No change to draft MPS Clause 02.03-6 based on this submission.
14	The assumption that there will be a greater demand for smaller dwellings due to the Shire's ageing population may not be correct. The Strategic Direction has made an assumption that older residents wishing to downsize will remain in the same locality, municipality, region	Nillumbik's overall housing needs should be identified in a housing strategy, which should be added as a Strategic direction for 'Housing' in draft MPS Clause 02.03-6, and identified as further strategic work in the draft Schedule to Clause 74.02.	<ul style="list-style-type: none"> • Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	or even state. Populations are generally cyclical in nature. As older residents leave, they are often replaced by younger residents / families. Also, most multi-unit properties currently being developed in the Shire (particularly in Diamond Creek) are multi-storey homes. Therefore, the current housing stock being built doesn't typically support older residents, given they typically seek single level dwellings for mobility and accessibility reasons.		<ul style="list-style-type: none"> Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.
15	To develop denser residential dwellings without first significantly improving existing infrastructure, particularly transport infrastructure, will only exacerbate the issues being faced in the Shire's urban areas further. The current infrastructure is already inadequate to cope with current population levels.	Nillumbik's overall housing needs should be identified in a housing strategy, which should be added as a Strategic direction for 'Housing' in draft MPS Clause 02.03-6, and identified as further strategic work in the draft Schedule to Clause 74.02. A housing strategy includes identifying the social and physical infrastructure that is needed to support development.	<ul style="list-style-type: none"> Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i> Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.
Clause 02.03-6 Rural residential development			
1	The strategic directions points in this section are not sufficient to addressing issues with rural residential development in the Green Wedge.	Noted	No change to draft MPS Clause 02.03-6 based on this submission.
2	An additional strategic direction point should be included that requires building envelopes for rural residential development to constrain the development footprint.	The nominated areas of Yarrambat, northern area of Plenty and North Warrandyte for rural residential development occur in the Low Density Residential Zone, which already includes provisions for requiring a building envelope to be shown in a report to accompany an application for subdivision. In the absence of reticulated sewerage, an effluent disposal area must also be shown.	No change to draft MPS Clause 02.03-6 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
3	An additional strategic direction point should be included that encourages small lot consolidation.	Already mentioned in MPS Strategic direction point 2 in Clause 02.03-9 Development infrastructure - Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site. The Restructure Overlay is also applied as the need becomes identified.	No change to draft MPS Clause 02.03-6 based on this submission.
4	An additional strategic direction point should be included that applies a Restructure Overlay to contiguous undersized lots in single ownership.	Council applies the Restructure Overlay as the need becomes identified. The Nillumbik Planning Scheme currently includes three schedules to the Restructure Overlay that have been applied to contiguous rural zoned lots in Panton Hill, Hurstbridge and Smith's Gully.	No change to draft MPS Clause 02.03-6 based on this submission.
5	An additional strategic direction point should be included that ensures Council develop a small lot policy/framework that supports action on promoting small lot consolidation.	Already mentioned in MPS Strategic direction point 2 in Clause 02.03-9 Development infrastructure - Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site. The Restructure Overlay is also applied as the need becomes identified.	No change to draft MPS Clause 02.03-6 based on this submission.
6	An additional strategic direction point should be included that seeks to review and monitor rural areas for illegal residences.	Council has a responsibility to enforce the planning scheme under the <i>Planning and Environment Act 1987</i> , which does not need to be stated in the MPS. This responsibility is exercised whenever breaches of the planning scheme are identified.	No change to draft MPS Clause 02.03-6 based on this submission.
7	An additional strategic direction point should be included which strongly discourages and limits increasing incompatible land use changes, particularly for machinery storage and industrial uses.	Already mentioned in MPS: Strategic direction point 3 in Clause 02.03-1 Settlement and the Nillumbik Green Wedge - Protect the Green Wedge from incompatible use and development.	No change to draft MPS Clause 02.03-6 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
8	An additional strategic direction point should be included that seeks enforcement action (penalties) on illegal/non-compliant residences in the rural areas and requires active monitoring of land remediation outcomes.	Council has a responsibility to enforce the planning scheme under the <i>Planning and Environment Act 1987</i> , which does not need to be stated in the MPS. This responsibility is exercised whenever breaches of the planning scheme are identified.	No change to draft MPS Clause 02.03-6 based on this submission.
9	Some additional rural residential development should be encouraged and supported given smaller properties are easier to maintain and help decrease bushfire risks. Most of these type of parcels are not large enough/ economically viable to be farmed successfully or for a profit and require a large injection of funds and resources to do so.	Strategic direction for Rural residential development in Clause 02.03-6 states: <ul style="list-style-type: none"> - Discourage rural residential development in the Green Wedge, unless supported by a council strategy or framework plan . Small parcels in rural areas can still be used for agriculture. Allowing residential development on small rural lots would increase the cost of land that could otherwise be acquired by adjoining property owners to expand their agricultural activities.	No change to draft MPS Clause 02.03-6 based on this submission.
10	The value placed by many rural residents on existing cleared grazing land is not reflected in the Strategic Direction. The first sentence in Paragraph 1, in particular the statement "...a willingness to revegetate previously cleared areas" is considered inappropriate as many rural residents consciously choose properties that contain existing cleared pasture for the keeping of grazing animals and other rural activities. Furthermore, many of these residents are prepared to pay a premium for land with this capability. What has been written is not a true reflection of rural residential existence. It is a presumptive generalisation and should be deleted.	Draft MPS Clause 02.03-6 'Rural residential development' identifies rural residential opportunities in Yarrambat, the northern area of Plenty and North Warrandyte, which are all in the Low Density Residential Zone, i.e. the zoning supports low density residential development. The Rural Living Zone, which is the only rural zone that has a residential purpose, has not been applied in the Nillumbik Planning Scheme. The Green Wedge Zone and the Rural Conservation Zone, which cover the vast majority of Nillumbik's rural areas, do not support rural residential development. The Green Wedge Zone supports grazing animal production without a permit; however grazing requires a permit in the Rural Conservation Zone where agriculture is subservient to the predominantly conservation purpose of the zone. Both of these zones	No change to draft MPS Clause 02.03-6 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>require a permit for a dwelling, and permit applications need to demonstrate that a dwelling will not result in the fragmentation of agricultural land, be detrimental to agricultural activity on adjoining land or be detrimentally affected by agricultural activity on adjoining land. Council is more likely to grant approval if it can be demonstrated that the dwelling is required to support agriculture on the land.</p> <p>The reference to revegetation in Clause 02.03-6 is stated in a context where land is desired for a predominantly rural residential purpose rather than grazing, and can be better understood in the additional context of the planning controls described above.</p>	
11	<p>Given the contribution small, rural landholdings (rural living) make to the environmental, social and economic viability, sustainability, amenity and appeal of the green wedge (not to mention council's rate base), why hasn't this sentiment been mentioned in a positive way within the drafted Strategic Direction? The current wording is quite dismissive of the legitimate existence of existing rural residents and rural living in the Green Wedge.</p>	<p>The text under draft Clause 02.03-6 and throughout the draft MPS is not disparaging towards the Shire's rural residents or their positive contributions to Nillumbik's municipal life and environment, rather, the MPS includes descriptions of the undesirable consequences of inappropriate land use and development in rural areas, e.g. fragmentation of agricultural land, which needs to be protected for its contribution to the economy and to preserve food security into the future. This is consistent with State policies in the Nillumbik Planning Scheme for:</p> <ul style="list-style-type: none"> • 'Peri-urban areas' (Clause 11.03-3S) • 'Protection of agricultural land' (14.01-1S) • 'Rural residential development' (16.01-3S). 	<p>No change to draft MPS Clause 02.03-6 based on this submission.</p>
12	<p>The fifth sentence in Paragraph 1 states, "There is also ongoing land use conflict between agricultural and rural residential land uses and a risk that further rural residential development will fragment rural land into unviable land parcels". What evidence is there of this being a</p>	<p>The fragmentation of rural land through inappropriate subdivision and allowing dwellings that cater for desired rural living rather than agriculture is an issue that is well understood in planning across Victoria. This is reflected in the successive changes to State planning policy</p>	<p>No change to draft MPS Clause 02.03-6 based on this submission.</p>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	substantive issue in rural communities? If there is no evidence, why has this been included?	<p>and rural zone provisions since the inception of new format planning schemes in the late 1980s and early 1990s, which have become increasingly discouraging of residential development in rural zones that primarily support agriculture (e.g. Farming Zone or Green Wedge Zone) or conservation (e.g. Rural Conservation Zone). These zones help preserve land for its agricultural, conservation or biodiversity value, and discourage rural residential development.</p> <p>With regard to agriculture, inland drying as a consequence of predicted decreasing rainfall and longer droughts, exacerbated by climate change, is envisaged to push many traditional forms of agriculture in Victoria further south towards the coast and result in viable agricultural land becoming scarcer. Additionally, there is a long term trend towards fewer and larger commercially viable farms that practice traditional forms of agriculture, e.g. broadacre cropping and grazing of dairy cattle. This trend is largely driven by rising costs of farming inputs, including transport costs; thereby forcing larger landholdings that can achieve economies of scale and sufficient economic returns to remain viable. Consequently, it is becoming increasingly important to prevent land with agricultural potential from being further fragmented in order to protect the contribution of agriculture to the economy, and to help preserve food security into the future.</p> <p>Also refer to Officer response on submission No. 10 on 'Rural residential development' under draft MPS Clause 02.03-6 with regard to describing rural living within the context of rural</p>	

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		zones and the Low Density Residential Zone in Nillumbik Shire.	
13	Rural residential development must be discouraged. If considered however, it must be assessed carefully to ensure that environmental values can be retained and protected.	Applications for rural residential development are assessed in accordance with the requirements of the Nillumbik Planning Scheme. The draft MPS will help to provide broad policy guidance on this issue.	No change to draft MPS Clause 02.03-6 based on this submission.
14	The Strategic Direction is heading in the right direction and it is supported that it recognises the issue of small lots however it could be further strengthened.	The draft MPS provides broad policy direction on the issue of small lots, which will help to inform the planning controls that are needed to address this issue. The <i>Planning and Environment Act 1987</i> requires that the Nillumbik Planning Scheme be regularly reviewed to maintain its currency and to make improvements. Every review provides an opportunity to assess if the planning controls in the scheme are effectively managing an issue, e.g. preventing small lots from further fragmenting rural areas, or if additional or different controls are required.	No change to draft MPS Clause 02.03-6 based on this submission.
15	Paragraph 1 should include reference to the rural 'Green Wedge' zones not supporting residential development as a primary land use with the exception of existing rural living areas (GWAZ - Prior to 2002).	Refer to Officer response on submission No. 10 on 'Rural residential development' under draft MPS Clause 02.03-6 with regard to describing rural living within the context of rural zones and the Low Density Residential Zone in Nillumbik Shire.	No change to draft MPS Clause 02.03-6 based on this submission.
16	Concerns regarding the wording of the strategic direction dot point reference "...unless supported by a council strategy or framework plan". This enable an exemption for Council to support rural residential development which would be contrary to the purpose of the Urban Growth Boundary and the existing rural 'Green Wedge' zones (Rural Conservation Zone and Green Wedge Zone) in Nillumbik. However, if such a	The draft MPS does not encourage rural residential development in the Green Wedge. The reference to a Council strategy or framework plan leaves the door open for Council to undertake strategic planning on this issue in the future. The Nillumbik community would be consulted on any future proposed plan, which could not be implemented without a	No change to draft MPS Clause 02.03-6 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	council strategy or framework plan required an amendment to the planning scheme, then this approach may be supported because the process would be transparent and the community would be afforded with an appropriate and essential role in the decision making process.	planning scheme amendment that also involves public notification. Also refer to Officer response on submission No. 10 on 'Rural residential development' under draft MPS Clause 02.03-6 with regard to describing rural living within the context of rural zones and the Low Density Residential Zone in Nillumbik Shire.	
17	Support the distinction made between areas for residents and lands for pasture and agriculture.	Noted	No change to draft MPS Clause 02.03-6 based on this submission.
18	Dwellings which abide to their BAL ratings and respond to the character of the area along with other relevant conditions, should be given permission to be built. Any other considerations should not be too onerous.	Refer to Officer response on submission No. 10 on 'Rural residential development' under draft MPS Clause 02.03-6 with regard to describing rural living within the context of rural zones and the Low Density Residential Zone in Nillumbik Shire. Also refer to Officer response on submission No. 12 on 'Rural residential development' under draft MPS Clause 02.03-6 with regard to rural planning policy and controls changing over time and the consequences of rural fragmentation.	No change to draft MPS Clause 02.03-6 based on this submission.
19	Support the discouragement of rural residential development in the Green Wedge.	Noted	No change to draft MPS Clause 02.03-6 based on this submission.
Clause 02.03-7 Business and employment			
1	The strategic directions points must strongly reflect the statements made to respect the Shire's environmental, social and economic development priorities and supporting small local businesses.	Under Nillumbik Economic Development Strategy 2020–2030, 99 per cent of businesses in the Shire are considered small. The strategic directions reflect the statements to respect the Shire's environmental, social and economic development priorities and supporting small local businesses.	No change to draft MPS Clause 02.03-7 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>Strategic direction point 1 and 2 in Clause 02.03-7 Business and employment</p> <ul style="list-style-type: none"> - Promote economic development opportunities that build on and respect the cultural and physical characteristics and rural focus of the Shire. - Support the economic and employment viability of Activity Centres, Town Centres and the industrial land at Research. 	
2	<p>Strongly discourage the use of Green Wedge or Rural Conservation zoned land as 'depots', where large vehicles and machines are parked/located and bulk materials are stockpiled.</p>	<p>The submission is essentially referring to uses in the Warehouse group that are listed in the table of uses of the Green Wedge Zone (Clause 35.04 - GWZ) and Rural Conservation Zone (Clause 35.06 - RCZ) as follows:</p> <ul style="list-style-type: none"> • Freezing and cool storage: GWZ: permit required (prohibited if conditions not met – goods stored must be agricultural produce or goods used in agriculture) RCZ: permit required • Milk depot: GWZ: permit required RCZ: prohibited • Rural store: GWZ: no permit unless conditions not met, (e.g. must be used in conjunction with agriculture) RCZ: permit required • Solid fuel depot: GWZ: permit required RCZ: prohibited • Vehicle store: GWZ: permit required RCZ: prohibited 	<p>No change to draft MPS Clause 02.03-7 based on this submission.</p>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>Each permit application is assessed on its merits and in accordance with the zone requirements and decision guidelines.</p> <p>Prohibited uses can only be allowed if existing use rights can be established under Clause 63, which include that the use was lawfully carried out prior to the advent of the prohibition in the scheme.</p> <p>The MPS provides broad policy direction to guide decisions and cannot promote a prohibition that is contrary to what the zone provisions allow.</p> <p>If Council wished to prohibit uses that are currently allowed with a permit in the Green Wedge Zone (e.g. milk depot, solid fuel depot or vehicle store), it would have to undertake a planning scheme amendment to replace the GWZ with a more restrictive zone (e.g. RCZ). This would have to be underpinned by sound strategic justification, e.g. that the replacement zone is needed for a conservation and biodiversity purpose rather than agriculture</p>	
3	Economic and business development in the Green Wedge should not compromise protecting and enhancing vegetation, habitat and biodiversity. For example, organic farming practices should be required for any new or expansion of wineries to limit damage to insect life as a result of harmful chemical use.	<p>A similar strategic direction already mentioned in MPS.</p> <p>Strategic direction point 4 in Clause 02.03- 4 Agriculture</p> <p>- Promote sustainable and regenerative agriculture and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.</p>	No change to draft MPS Clause 02.03-7 based on this submission.
4	Any land use in rural areas must respond to the natural capability and sustainable productive potential of the land. Land uses must be locally responsive, and be protective of local soils,	<p>Similar strategic directions already mentioned in MPS.</p> <p>Strategic direction point 2, 3, 4 and 4 in Clause 02.03-2 Protection of biodiversity</p>	No change to draft MPS Clause 02.03-7 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	waterways, vegetation, and fauna. This also helps ensure no further clearing of vegetation is allowed.	<ul style="list-style-type: none"> - Protect and enhance significant remnant vegetation. - Facilitate the establishment of large areas of native vegetation that are interconnected by a network of habitat corridors. - Protect the habitat areas of native vegetation and fauna. - Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the Shire. <p>Strategic direction point 1- 4 in Clause 02.03-2 Waterways and water bodies</p> <ul style="list-style-type: none"> - Protect wetlands, floodplains and waterways from land use and development that will cause disturbance and pollution. - Encourage land uses that improve water quality and maintain environmental flows. - Facilitate ongoing and sustainable management of stormwater in development. - Ensure land use and development avoids adverse impacts on the wider water catchment 	
5	In Paragraph 3, there is an opportunity to mention the Shire's shared trail network in the commentary around recreation and tourism in rural areas. The shared trails encourage visitation from which other enterprises benefit such as local accommodation providers, hospitality, the arts and other attractions.	This issue is more appropriately addressed under the 'Open space and recreational facilities' heading in draft MPS Clause 02.03-9 and in the associated map at draft MPS Clause 02.04-3, e.g. update trails network on map.	No change to draft MPS Clause 02.03-7 based on this submission.
6	Opportunities exist in tele-commuting as much of the population works out of the Shire, but in the last two years due to COVID-19, have not had to travel for work. The Strategic Direction and broader Planning Scheme should easily allow people to have a detached home office to reduce the need for people to commute out of	Home based business (defined as " <i>An occupation carried on in a dwelling, or on the land around a dwelling, by a resident of the dwelling</i> ") can occur without a permit subject to meeting the requirements of Clause 52.11-1 (e.g. " <i>The net floor area used in conducting the business including the storage of any materials</i> ")	No change to draft MPS Clause 02.03-7 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	the the municipality. This concept is more environmentally sustainable and will support local businesses through people spending locally.	<p><i>or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling”).</i></p> <p>A person simply working from home on a computer could conduct the work from a shed or garage, i.e. a domestic outbuilding, which is part of the definition of a dwelling under Clause 73.03.</p> <p>An office use is prohibited in the General and Neighbourhood Residential Zones, Low Density Residential Zone, Green Wedge Zone and Rural Conservation Zone.</p> <p>A purpose built office (e.g. in the backyard) might only be possible if the office use remains ancillary to the dwelling use and does not become an independent, dominant or separate use. The law recognises that lawful ancillary development to a dominant use of land can be one that is otherwise prohibited in the zone. However, it would be inappropriate for the MPS to promote an office use in contradiction of a zone prohibition even if it could be argued that the office was ancillary to the main dwelling use.</p>	
7	Support the wording and strategic direction points of this sub-section as the diverse local employment opportunities allow residents to live and work local.	Noted	No change to draft MPS Clause 02.03-7 based on this submission.
8	Support economic and employment growth within the Shire that also preserves the characteristics of the Shire.	Noted	No change to draft MPS Clause 02.03-7 based on this submission.
9	An additional strategic direction point should be included which encourages and supports businesses that provide youth employment opportunities.	A Strategic direction for 'Business and development' under draft MPS Clausen 02.03-7 includes to " <i>Encourage tourism that showcases Nillumbik's cultural and nature-based assets and generates local employment opportunities</i> " and has been added from Nillumbik's Economic	No change to draft MPS Clause 02.03-7 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Development Strategy 2020-2030. It is not necessary for the MPS to list the categories of people or groups that would qualify as being 'local'.	
Clause 02.03-7 Industry			
1	Industrial precincts should not be expanded in Nillumbik.	The draft MPS does not identify areas for expansion of industry, rather it states that existing industrial land should be protected from non-industrial use and development so it can continue to be used for industrial purposes. Any new proposal to rezone land for industrial purposes would need to be supported by strategic studies and be informed by public consultation.	No change to draft MPS Clause 02.03-7 based on this submission.
2	Nillumbik's limited industrial zones are highly important and care should be taken by Council to ensure this land is not reduced or removed entirely in replacement of other uses such as commercial. This is something that is being seen in Eltham with industrial spaces turned into eateries and hospitality venues.	Noted - consistent with MPS and strategic direction for 'Industry' to: - Protect industrial precincts from non-industrial use and development unless a council strategy supports rezoning or redeveloping the land with other uses.	No change to draft MPS Clause 02.03-7 based on this submission.
3	The reference within the strategic direction dot point "...unless a council strategy supports rezoning or redeveloping the land with other uses." is contradictory of the statement in the second sentence "To facilitate new industrial uses, these precincts should be retained for industrial uses and protected from the encroachment of other uses".	The reference to a strategic plan leaves the door open for Council to undertake a further investigation of this issue in the future. Any new proposal, e.g. to rezone land for industrial purposes, would need to be supported by a strategic study and be informed by public consultation.	No change to draft MPS Clause 02.03-7 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
4	Supportive of the recognition that Nillumbik does need a small industrial area to serve the local community.	Noted	No change to draft MPS Clause 02.03-7 based on this submission.
5	Supportive of retaining existing industrial parks for industry purposes only.	Noted	No change to draft MPS Clause 02.03-7 based on this submission.
Clause 02.03-8 Transport			
1	The first sentence in Paragraph 2 states, "Many unsealed local roads service traditional residential, agricultural or bush uses and would be unsuitable for new uses requiring significant increases in traffic movement". Why does the Strategic Direction focus on unsealed roads given these are not the majority. There are many local roads that are sealed and the further development of these types of roads would not be appropriate if Council is taking a sustainable urban development approach for new constructions of buildings and infrastructure.	The first sentence in paragraph 2 is describing part of the existing context of Nillumbik transportation, which is not a strategic direction. A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	No change to draft MPS Clause 02.03-8 based on this submission.
2	A comprehensive transport plan must be developed with the community for the Shire that outlines how the municipality will cope with the pressures of increased number and movement of people, while ensuring sustainable approaches that reflect international best practice are utilised (i.e. where extensive roadways are no longer seen as the answer to urban congestion). Alternatives must be explored and the Strategic Direction must make this a priority. Potential solutions must also reflect the climate emergency declaration recently made by Council.	A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	No change to draft MPS Clause 02.03-8 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
3	The Strategic Direction must give consideration to sustainable methods of coping with the Shire's commuter and travel requirements. Transport options must be considered in the context of the climate emergency. This means exploring approaches that do not focus on continuously extending roadways as a means to improve travel.	<p>Already mentioned in MPS.</p> <p>Strategic direction 1 and 3 in Clause 02.03-8 Transport</p> <ul style="list-style-type: none"> - Facilitate increased public transport usage and opportunities for walking and cycling to reduce car-dependency. [added from Climate Change Action plan pg18] - Facilitate development that improves connectivity and accessibility, particularly for pedestrians and cyclists, within and between activity centres, public transport stations and the wider region. [added from objectives in Eltham MAC structure plan pg27] <p>A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.</p>	No change to draft MPS Clause 02.03-8 based on this submission.
4	An additional strategic direction point should be included which recognises the increased safety risk to residents, visitors and wildlife caused by increases in traffic. Subsequently Council should put in place relevant plans and funding to mitigating this issue.	<p>Strategic directions for 'Transport' include to facilitate safe and efficient roads and to facilitate development that improves connectivity and accessibility for pedestrians And cyclist.</p> <p>A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.</p>	No change to draft MPS Clause 02.03-8 based on this submission.
5	The Strategic Direction has taken an out-dated view of the Shire's transport and traffic issues. In light of COVID-19, the Strategic Direction should also be encouraging strategies that reduce people's need to travel. E.g improved infrastructure to allow for better tele-commuting and encourage local business hubs where people can work in a shared space environment with all essential facilities/technologies made available rather than addressing issues that	<p>The statement in paragraph one under 'Business and employment' (Clause 02.03-7) acknowledges that economic development opportunities in Nillumbik are likely to be generated by small business enterprises, especially home-based businesses, which would encompass telecommuting.</p> <p>Safe and efficient roads and accessibility for pedestrians and cyclists will be needed for other reasons besides commuting, e.g. access to services, retail, education facilities and</p>	No change to draft MPS Clause 02.03-8 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	further support commuter travelling to more central areas of the region.	recreation. Additionally, the MPS acknowledges that traffic passes through Nillumbik to access the Western Ring Road and Whittlesea's urban growth corridor, i.e. not just Nillumbik's residents. A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	
6	The amount of public and road transport options is of high importance to local residents, especially those in the more urbanised areas of Nillumbik. The Strategic Direction supports this position.	Noted	No change to draft MPS Clause 02.03-8 based on this submission.
7	Comprehensive analysis and assessment of public transport services and infrastructure needs to be undertaken before needs to be undertaken preventing such services and infrastructure. Residents of the Nillumbik over coming years/decades will suffer for the reduction in the scope of the 'Hurstbridge Line Duplication Project' i.e. the cancellation of line duplication between Montmorency and Eltham Stations. A additional strategic direction should be included to facilitate the future removal/protection/modification or duplication of the wooden Eltham Railway Bridge.	A Housing strategy will help to identify housing needs, appropriate locations and infrastructure needed to support projected growth – refer to MPS Clause 02.03-6 'Housing' and Clause 74.02 Schedule 'Further Strategic Work'. A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	No change to draft MPS Clause 02.03-8 based on this submission.
8	A review of the bus routes is needed to enable the opening of future areas that are suitable for modest residential subdivision but currently do not have appropriate public transport options.	A Housing strategy will help to identify housing needs, appropriate locations and infrastructure needed to support projected growth – refer to MPS Clause 02.03-6 'Housing' and Clause 74.02 Schedule 'Further Strategic Work'.	No change to draft MPS Clause 02.03-8 based on this submission.
9	An additional strategic direction point should be included which supports the review of transport infrastructure when there are rezoning proposals of land.	A Housing strategy will help to identify housing needs, appropriate locations and infrastructure needed to support projected growth – refer to MPS Clause 02.03-6 'Housing' and Clause 74.02 Schedule 'Further Strategic Work'.	No change to draft MPS Clause 02.03-8 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	
10	Whilst increased public transport usage should be encouraged, there will always be significant vehicle traffic in Nillumbik; either due to the unavailability of direct public transport links between home and work / destination (first and last mile) or because of the nature of vehicle traffic in the Shire i.e. many trade workers reside in the Shire and public transport is therefore not an option for these people. The most effective way to encourage public transport usage is to reduce travel times and increase frequency of public transport. Currently public transport services in Nillumbik are infrequent and length of travel time into key destination within the Shire and beyond are lengthy.	A Housing strategy will help to identify housing needs, appropriate locations and infrastructure needed to support projected growth – refer to MPS Clause 02.03-6 'Housing' and Clause 74.02 Schedule 'Further Strategic Work'. A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	No change to draft MPS Clause 02.03-8 based on this submission.
11	Whilst the strategic direction of increasing cycle usage is desirable, the reality is that the vast majority of people will never cycle to work or for other purposes beyond for leisure. Observation of the number of cyclists using the road network supports this notion.	The Strategic direction to encourage walking and cycling is consistent with planning scheme policies to reduce greenhouse gas emissions and create healthy neighbourhoods.	No change to draft MPS Clause 02.03-8 based on this submission.
12	We should stop planning for high aspirational public and active transport initiatives that we only wish would eventuate. It wastes money and only results in increases road congestion.	The Strategic direction to encourage walking and cycling is consistent with planning policies to reduce greenhouse gas emissions and create healthy neighbourhoods.	No change to draft MPS Clause 02.03-8 based on this submission.
13	Many of the main arterials throughout the Shire were built decades ago and with significant population rises over recent years and the development of new estates, this has caused a significant increase in demand of existing infrastructure. However, infrastructure investment has failed to keep pace with these demands, causing significant road congestion	A Housing strategy will help to identify housing needs, appropriate locations and infrastructure needed to support projected growth – refer to MPS Clause 02.03-6 'Housing' and Clause 74.02 Schedule 'Further Strategic Work'.	No change to draft MPS Clause 02.03-8 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	throughout the Shire. For example, Main Hurstbridge Road is a single lane road, which during peak times often comes to a standstill and is exacerbated by the rail level crossing. A by-pass road needs to be built between Yan Yean Rd and possibly Hurstbridge.	A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	
14	Council and the community together, and through advocacy to higher levels of government, must develop an integrated approach to bringing down transport emissions. This will involve solutions that do not simply rely on electrification of vehicles (which does not resolve traffic congestion), but facilitate a more coordinated public transport network of bus and train connections, as well as infrastructure and incentives to encourage active transport.	A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	No change to draft MPS Clause 02.03-8 based on this submission.
Clause 02.03-9 Open space and recreational facilities			
1	The first sentence of the third paragraph states, "Community facilities should be accessible to all groups including children, youth, elderly persons and those with a disability", yet open space near the Eltham Tennis Club was converted to 'pay to use facilities'. How does this action align with this Strategic Direction?	The payment of annual fees or lease agreements is common practice for sports and community groups to gain access to community sports facilities. Draft Schedule to Clause 74.02 lists open space strategy for review as part of further strategic work, which could address public access to tennis facilities. A proposed revised strategy would be informed by public consultation.	No change to draft MPS Clause 02.03-9 based on this submission.
2	Any developments within open spaces need to be consistent with the values of greatest priority as expressed by the community in the Our People, Our Place, Our Future survey i.e.	Noted. Draft Schedule to Clause 74.02 lists open space strategy for review as part of further strategic work. A proposed revised strategy would be informed by public consultation.	No change to draft MPS Clause 02.03-9 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	preservation of the Green Wedge, protection of biodiversity, & action on climate change.		
3	Support that the Strategic Direction acknowledges the trail networks in the Shire, the progression of open space, the linking of recreational facilities, ensuring equity and accessibility of open space and community facilities and supporting both active and passive forms of recreation. COVID-19 has shown how important open spaces and connected, shared trails are now and will continue to be for the communities of Nillumbik into the future.	Noted. It is recommended that the trails shown on the Open space and recreation facilities plan at Clause 02.04-3 be updated.	No change to draft MPS Clause 02.03-9 based on this submission.
4	The first sentence of Paragraph 1, "Nillumbik contains extensive areas of open space for the purposes of conservation.", should be amended to include the words 'and recreation' on the end to reflect the majority of parks and reserves throughout the Shire that exist for both purposes.	The second sentence refers to recreation facilities and trail network being shown on the Open space and recreation facilities plan under Clause 02.04. It is recommended that the trails shown on this plan be updated.	No change to draft MPS Clause 02.03-9 based on this submission.
5	Reference to 'trails' should be amended to 'shared trails' as most trails in the Shire are for multiple user groups.	Reference to trails encompasses shared trails.	No change to draft MPS Clause 02.03-9 based on this submission.
6	Open recreational spaces and facilities should be strongly encouraged and facilitated.	Noted. Draft Schedule to Clause 74.02 lists open space strategy for review as part of further strategic work. A proposed revised strategy would be informed by public consultation.	No change to draft MPS Clause 02.03-9 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
Clause 02.03-9 Development infrastructure			
1	Support minimising infrastructure servicing demands in rural areas.	Noted	No change to draft MPS Clause 02.03-9 based on this submission.
2	The Strategic Direction must place greater emphasis on developing local renewable energy systems.	A similar strategic direction already mentioned in MPS. Strategic direction in Clause 02.03-5 Energy and resource efficiency includes to promote energy efficiency through the use of renewable energy technologies.	No change to draft MPS Clause 02.03-9 based on this submission.
3	Include an additional strategic direction dot point that states, "Develop systems for innovative and eco-friendly use of waste from farms, local grocers, other businesses, council, community".	Similar strategies already mentioned in MPS. Strategy point 1, 7 and 8 in Clause 19.03-5S Waste and resource recovery- Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste streams and maximise opportunities for resource recovery.- Encourage technologies that increase recovery and treatment of resources to produce high value, marketable end products.- Encourage development that facilitates sustainable waste and resource recovery, including facilities for Victoria's container deposit scheme.	No change to draft MPS Clause 02.03-9 based on this submission.
4	Uncertain about the second strategic point that references the consolidation of rural lots. What are the implications for land owners? If there are negative implications of this, particularly from a financial perspective, there may need to be compensation for this.	The consolidation of rural lots is consistent with State policies for 'Protection of agricultural land' (Clause 14.01-1S) and 'Rural residential development' (Clause 16.01-3S) under the Nillumbik Planning Scheme.	No change to draft MPS Clause 02.03-9 based on this submission.
5	Support the strategic direction of ensuring there is sufficient development infrastructure to support proposed future development growth area.	Noted	No change to draft MPS Clause 02.03-9 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
6	There is no dedicated subsection for community infrastructure (excluding open space and recreation). This is a significant oversight given the number of schools, kindergartens, MCH centres, neighbourhood houses, halls, senior citizens centres, arts facilities, multipurpose community centres, cemeteries, libraries and health facilities located in the municipality. As Council and the State Government are responsible for much of the provision of these types of facilities, it's imperative that the this Strategic Direction and the MPS motre broadly acknowledges the existence of these facilities and how critical they are to the liveability of our communities. Also the continued investment in existing and new public community infrastructure is and will remain critical to addressing gaps in service provision.	<p>The current content in Clause 02.03-9 'Community infrastructure' was proposed to be retained, with some additions rather than deletions except for minor rewording and shown under a new sub-heading 'Open space and recreation facilities' in the Phase 3 Consultation exhibited version of the draft MPS.</p> <p>The reference to 'Community facilities' in Clause 02.03-9 in the existing planning scheme is also proposed to be retained in draft Clause MPS Clause 02.03-9 'Open space and recreation facilities'; however are not referred to under Clause 02.03-10 (to be deleted) or the proposed sub-heading 'Development infrastructure'.</p> <p>There are numerous references to community facilities in State policies of the Nillumbik planning scheme, including for 'Settlement' (Clause 11), Activity centres' (11.03-1S), 'Floodplain management' (13.03-1S), 'Cycling' (18.02-2S), Public Transport (18.02-3S), Roads (18,02-4S) and Open space (19.02-6S</p> <p>Community facilities are also referred to in the current local policy for 'Location of medium density residential development' (Clause 16.01-1L).</p> <p>Schools are defined separately in planning schemes as education centres rather than community facilities – refer land use terms at Clause 73.03 and Nesting Diagram for 'Education centre' at Clause 73.04-4.</p>	No change to draft MPS Clause 02.03-9 based on this submission.
Clause 02.04-1 Strategic framework plan			
1	The Strategic Framework Plan map is still not accurate and is therefore not useful for utilities	The Strategic Framework Plan map at Clause 02.04-1 provides a broad overview of Nillumbik's main features and does not show utilities. The Infrastructure Assets Plan is at draft	No change to the Strategic Framework Plan map at draft Clause 02.04-1 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

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	and companies who use them if they are not up-to-date.	MPS Clause 02.04-4 and shows a High Pressure Gas Pipeline and High Voltage Electricity in the same locations as the current planning scheme. The submission does not clarify which map is wrong or which utilities are shown incorrectly. A potential error is noted and can be corrected prior to planning scheme amendment stage.	
2	Marking private land as public on the Strategic Framework Plan is a major concern with unintended consequences of trespass. The map should be reviewed to determine what is private and public land.	The Strategic Framework Plan map at Clause 02.04-1 provides a very broad conceptual overview of the municipality and is not intended to accurately define cadastral property boundaries. The submission does not clarify which public or private land is shown incorrectly. A potential error is noted and can be corrected prior to the planning scheme amendment stage.	Review the Strategic Framework Plan map at draft MPS Clause 02.04-1 for potential improvements to how 'Public Use' is shown prior to planning scheme amendment stage.
3	<p>The area south of Sugarloaf Reservoir is incorrect on the plan and required the following amendments be made:</p> <p>The area immediately west of Ashmore Road is private property zoned Special Use Zone 2 (SUZ2) and should be indicated as 'Conservation'</p> <p>The area immediately west of the above land is private property zoned Rural Conservation Zone 4 (RCZ4) and should be indicated as 'Environmental Rural (Green Wedge)'</p> <p>The area immediately west of the above land is Melbourne Water property zoned Public Use Zone 1 (PUZ1) and all Melbourne Water land south of Simpsons Road is not open to public access and should not be shown as 'Public Use'.</p> <p>The Melbourne Water Aqueduct land, from Skyline Road west to the Warrandyte-Kinglake Nature Reserve, is Melbourne Water land zoned PUZ1 and is not open to public access (fenced</p>	Potential errors are noted and can be corrected prior to the planning scheme amendment stage. Note the map is a broad conceptual view of the municipality and is not intended as a planning zone map under the Nillumbik Planning Scheme.	Review the Strategic Framework Plan map at draft MPS Clause 02.04-1 for potential improvements to how the map reflects zoning prior to planning scheme amendment stage.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	with locked gate and signage banning public access) and should not be shown as 'Public Use'.		
4	No bike paths are currently planned to connect Eltham Lower Park to Griffith Park and from Griffith Park to Sweeneys and beyond. A bridge over Diamond Creek will subsequently be required.	This issue could be addressed in a review of the open space strategy, which is identified as further strategic work in the draft Schedule to Clause 74.02.	No change to the Strategic Framework Plan map at draft Clause 02.04-1 based on this submission.
Clause 02.04-2 Faunal habitat and remnant vegetation plan			
1	An additional 'Strategic Habitat Link' to should be shown from Kinglake National Park, through Christmas Hills, Sugarloaf Reservoir and Bend of Islands, to Yarra River and Warrandyte State Park to the south. The importance of this habitat link is highlighted in the Yarra Strategic Plan. A practical example of the importance of this link is the return of the lyrebird to the Bend of Islands and WSP after 40 years absence following the 1962 fires.	The Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 could be reviewed to potentially show additional Strategic Habitat Links prior to planning scheme amendment stage.	Review the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 to potentially show additional Strategic Habitat Links prior to planning scheme amendment stage.
2	The 'Remnant Vegetation' area north of Henley Road in the Bend of Islands is not correct. The southern edge should be extended to the northern edge of the power line easement. Of the properties north of Henley Rod, the first 4 properties west of Skyline Road have remnant vegetation except, for the power line easement, and should be shown as such.	The Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 could be reviewed to correct potential errors in how remnant vegetation is shown prior to planning scheme amendment stage.	Review the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 to correct potential errors in how remnant vegetation is shown prior to planning scheme amendment stage.
3	The narrow purple lines are not defined in the legend.	The Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 can be corrected to define the narrow purple lines in the map legend prior to planning scheme amendment stage.	Correct the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 to define the narrow purple lines in the map legend prior to planning scheme amendment stage.

MPS - Phase 3 Engagement - Summary of Submissions

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4	Support the clear mapping of hotspots and open space areas. However there should be more planned in future.	Noted	No change to the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 based on this submission.
Clause 02.04-3 Open space and recreation facilities plan			
1	The Green Wedge Regional Shared Trail is missing from the St Andrews Pony Club. The map needs to show a link through to Kinglake National Park at Marshalls Road.	Noted. The trails shown on the Phase 3 Consultation Version of the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 have been updated since exhibition and can be further reviewed prior to planning scheme amendment stage.	Review the trails shown on the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 prior to planning scheme amendment stage.
2	The existing verge trail on Dawson Road is missing between Kings Road and the Eltham-Yarra Glen Road.	Noted. The trails shown on the Phase 3 Consultation Version of the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 have been updated since exhibition and can be further reviewed prior to planning scheme amendment stage.	Review the trails shown on the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 prior to planning scheme amendment stage.
3	The Proposed Trail line south of Sugarloaf Reservoir should be deleted. This area is not suitable for a public trail for a number of reasons - refer to BICA Report . The environmental significance of this area is highlighted in the recently released Yarra Strategic Plan. With the adjacent Bend of Islands to the south, and Sugarloaf Reservoir to the north, it forms a significantly large area where domestic animals are prohibited. The introduction of dogs and horses through the middle of this area would have a significant detrimental effect. It should also be noted that the Northern Trails Strategy does not illustrate a trail through this area.	Noted. The trails shown on the Phase 3 Consultation Version of the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 have been updated since exhibition and can be further reviewed prior to planning scheme amendment stage.	Review the trails shown on the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 prior to planning scheme amendment stage.
4	Support illustration the off-road & shared trail networks across the Shire.	Noted	No change to the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 based on this submission; however trails shown on the plan are recommended to be

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
			reviewed prior to planning scheme amendment stage.
5	The Melbourne Water Aqueduct land, from Skyline Road west to the Warrandyte-Kinglake Nature Conservation Reserve, is Melbourne Water property zoned Public Use Zone 1 (PUZ1) and is not open for public access (fenced with locked gates and signage banning public access at all road interfaces etc.) This should not be shown as 'National Parks and Other Parks'.	Noted. The following changes are recommended to the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3: <ul style="list-style-type: none"> Remove the trail shown to the south of the Sugarloaf Reservoir Review the status of the land shown as National Parks and Other Parks that occurs in the Public Use Zone 1 adjacent to the south-west of Sugarloaf Reservoir. The map should be reviewed and any changes made prior to planning scheme amendment stage.	Review the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 to potentially remove the aqueduct trail and to alter how public land is shown in relation to the Sugarloaf Reservoir prior to planning scheme amendment stage.
6	The area to the south-west of Sugarloaf Reservoir is not open to public access and should not be shown as 'National Parks and Other Parks'	Noted. The following changes are recommended to the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3: <ul style="list-style-type: none"> Remove the trail shown to the south of the Sugarloaf Reservoir Review the status of the land shown as National Parks and Other Parks that occurs in the Public Use Zone 1 adjacent to the south-west of Sugarloaf Reservoir. The map should be reviewed and any changes made prior to planning scheme amendment stage.	Review the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 to potentially remove the aqueduct trail and to alter how public land is shown in relation to the Sugarloaf Reservoir prior to planning scheme amendment stage.
7	The sections of Warrandyte Kinglake Nature Conservation Reserve south west of Buttermans Track, should be shown to link up with the area near Rob Roy Road.	The submission is vague in relation to description of an 'area near Rob Roy Road'; however the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 can be reviewed to ascertain if the land between Warrandyte Kinglake Nature Conservation	Review the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 to ascertain if land between Warrandyte Kinglake Nature Conservation Reserve and Rob Roy Road should be shown differently prior to planning scheme amendment stage.

MPS - Phase 3 Engagement - Summary of Submissions

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		Reserve and Rob Roy Road should be shown differently prior to planning scheme amendment stage.	
Clause 02.04-4 Infrastructure assets plan			
1	The Plan provides clear boundary markers and illustrates the Urban Growth Boundary and boundaries around townships.	Noted	No change to the Infrastructure Assets Plan map at draft Clause 02.04-4 based on this submission.
Clause 72.04-2 Further strategic work			
1	The issue of the high number of small lots in the Green Wedge was an issue that was going to be tackled by the previous Council but in the end was never pursued with the community. There needs to be local policy within the Planning Scheme stopping and the consolidation of small lot subdivisions in the Green Wedge. This work should be listed in Clause 74.02 - Further Strategic Work and given a high priority for action.	The Strategic direction point 2 at Clause 02.03-9 Infrastructure to Facilitate the consolidation of rural lots to create larger lots is consistent with State policy in the Nillumbik Planning Scheme for 'Protection of agricultural land' (14.01-1S). Both of these directions provide scope for Council to investigate how best to achieve the policy direction with the available suite of planning controls under the Victoria Planning Provisions.	No change to the draft Schedule to Clause 74.02 based on this submission.
2	Concerns regarding the intention of Council "Preparing options with strategic justification for a draft Environmentally Sustainable Development planning policy". This provides the justification for council to revisit changes to the planning zones, controls and overlays within the RCZ and GW areas of rural Nillumbik. Changes to overlays in these zones were previously rejected by Planning Panels Victoria and the Minister for Planning (referring to the outcomes of C101 and C81). Therefore, there is no justifiable grounds to revisit these planning	ESD policies generally help statutory planners to assess development proposal for their environmental efficiency rather than result in changes to zones and overlays.	No change to the draft Schedule to Clause 74.02 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	matters. Further to this, there is no justification to revisit any existing planning controls.		
3	The further strategic work Council should concentrate on is the reduction of both red and green tape to facilitate the better and more efficient passage of applications. As the community rebuilds after the destructive restrictions and shutdowns from COVID-19, Council needs to take a pro-active role in facilitating and encouraging new development to get our economy moving once more.	The State Government and the Minister for Planning take the lead in determining how to make the planning system more efficient.	No change to the draft Schedule to Clause 74.02 based on this submission.
4	Develop strategies to cope with solar panel disturbance regarding the design of homes and built form and how new homes are designed to achieve optimum coverage.	<p>The MPS and the PPF provide broad policy direction to improve the design of buildings with regard to energy efficiency, which would cover the use of solar panels.</p> <p>The Victorian Building Authority (VBA) states on its website that the Australian Building Codes Board (ABCB) released the National Construction Code (NCC), which was adopted by states and territories on 1 May 2023. The NCC strengthens minimum requirements for the energy efficiency of new homes. The VBA website states:</p> <p><i>"The ABCB is updating the NCC to strengthen minimum requirements for the energy efficiency of new homes. The new energy efficiency and condensation mitigation requirements commence in Victoria on 1 October 2023".</i></p>	No change to the draft Schedule to Clause 74.02 based on this submission.
5	Set out future plans and strategies regarding electric vehicle charging station placement.	This is an emerging issue and further work may be necessary to examine this issue more closely. It would be premature for Nillumbik Shire Council's MPS to address this issue at this stage.	No change to the draft Schedule to Clause 74.02 based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

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6	Undertake a review of all sites in the Shire which may incur flooding and where residential properties may be at risk.	Catchment Management Authorities (CMAs) periodically undertake flood studies that help Councils to prepare planning scheme amendments to apply, delete or alter the coverage of planning controls such as UFZ, SBO, LSIO or FO. Nillumbik occurs within the Port Phillip and Western Port Catchment which is under the jurisdiction of Melbourne Water as the CMA.	No change to the draft Schedule to Clause 74.02 based on this submission.
7	A review of the Bushfire Management Overlay should occur to ascertain whether new areas should be added or existing areas removed.	The State Government generally takes the lead on any changes to the coverage of the Bushfire Management Overlay based on scientific modelling and CFA advice,	No change to the draft Schedule to Clause 74.02 based on this submission.
8	Complete a future Housing Strategy that looks specifically at the needs of longer term housing needs and trends and affordable and social housing provision within the Shire.	The development of a housing strategy has been recommended in Officer response to submissions on 'Housing' under draft MPS Clause 02.03-6.	Add " <i>Nillumbik's housing needs through the development of a housing strategy</i> " to the 'Identify' list in the draft Schedule to Clause 74.02 and add " <i>The Neighbourhood Character Study</i> " to the 'Review' list.
9	Consider a transport review of Shire which investigates areas which do not have sufficient public transport use.	A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy and will be informed by public consultation before being finalised.	No change to the draft Schedule to Clause 74.02 based on this submission.
General Feedback			
1	Residents of the green wedge and their (private) properties need to be acknowledged along with their contribution to its environmental, social and economic viability, sustainability, amenity and appeal.	The draft MPS acknowledges under draft MPS clause 02.03-6 ('Housing') that " <i>Residential settlement in rural areas is usually based on an appreciation of the bush and often a willingness to revegetate previously cleared areas</i> ". The role of the MPS is not to elaborate on the positive contributions of residents to Nillumbik's municipal life, rather its role is to address the planning issues faced within the municipality that is informed by strategic work and is	No changes to the draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

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		consistent with State planning policies under the Nillumbik Planning Scheme.	
2	The MPS needs to reflect the true reality and on-ground identity of the Nillumbik Green Wedge - particularly acknowledging that the Nillumbik Green Wedge is not simply wilderness but incorporates diverse and dynamic rural places where people live, work, play and enjoy their varied lifestyles.	The role of the MPS is not to elaborate on the positive contributions of residents to Nillumbik's municipal life, rather its role is to address the planning issues faced within the municipality that is informed by strategic work and is consistent with State planning policies under the Nillumbik Planning Scheme.	No changes to the draft MPS based on this submission.
3	For large rural properties, there should be more flexibility for uses in line with changing living conditions (e.g. allowing more than one dwelling on larger properties or by creating a larger buffer area between the residential properties and rural properties with more diverse property sizes). to address the Shire's housing needs, stimulate the local economy and improve bushfire management.	Rural residential development and proliferation of dwellings is not supported in rural zones or by State planning policy under the Nillumbik Planning Scheme – refer: <ul style="list-style-type: none"> • 'Peri-urban areas' (Clause 11.03-3S) • 'Protection of agricultural land' (14.01-1S) • 'Rural residential development' (16.01-3S). 	No changes to the draft MPS based on this submission.
4	Under the planning provisions and BMO, there is no scope to replace vegetation that is removed and will eventually be lost for future generations.	Removal of native vegetation in rural areas frequently requires a permit under Clause 52.17 of the Nillumbik Planning Scheme. Any net loss of vegetation or adverse impacts on landscapes, biodiversity or rural amenity is taken into account in the assessment of building applications triggered by the BMO.	No changes to the draft MPS based on this submission.
5	That the phrase "climate change" be altered to "climate emergency" in recognition of Council's recent declaration of the climate emergency but also in response to the grave risk that the climate emergency poses to Nillumbik. E.g. "The climate emergency is the biggest threat to Nillumbik's future."	Officer responses to submissions on draft MPS Clause 02.01 'Context' have recommended to include reference to climate emergency extracted from Council's Climate Action Plan.	<ul style="list-style-type: none"> • Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively</i>

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

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			<i>integrate climate change mitigation and adaptation into all Council actions."</i>
6	The MPS should recognise the current Reconciliation Action Plan should be referred to when assessing development plans for Nillumbik Shire.	The Reconciliation Action Plan is still being prepared. However, not including the Reconciliation Action Plan is consistent with not including reference to other plans and strategies in the MPS, which would otherwise soak up the 5,000 word count limit for the MPS in the Ministerial Direction on the Form and content of Planning Schemes.	No changes to the draft MPS based on this submission.
7	The COVID pandemic has made people fearful to leave their homes. Specific strategies need to be developed to rebuild a resilient population.	Encouraging people to leave their homes is not the role of the MPS, rather, its role is to outline the planning issues faced within the municipality and how planning should address those issues based on strategic work and in accordance with State planning policies under the Nillumbik Planning Scheme.	No changes to the draft MPS based on this submission.
8	Most of the land in Nillumbik is green wedge land. Therefore, native species need higher protection from inappropriate development, inappropriate fire regimes and land uses.	Noted. Consistent with draft Strategic direction point 3 in Clause 02.03-1 'Settlement and the Nillumbik Green Wedge', which states: - Protect the Green Wedge from incompatible use and development. This should also be seen in the context of the purpose of rural zones that have been applied in the Green Wedge.	No changes to the draft MPS based on this submission.
9	Planning permits should no longer be issued in dangerous areas. The financial risk coupled with people's lives is of great risk due to fire and building in flood prone areas should not be allowed.	Planning permits are issued in accordance with the provisions of zones, overlays or particular provisions that trigger a permit application. The MPS cannot promote a blanket prohibition of a land use or development that is otherwise potentially permitted by the zoning.	No changes to the draft MPS based on this submission.
10	Need to eliminate medium and high density housing.	Not consist with current policy. Strategic direction point 2 in Clause 02.03-6 Housing	No changes to the draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

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		<p>- Facilitate medium density housing development that is compatible with the character of the area in identified locations that are close to infrastructure.</p> <p>The State Government and Minister for Planning would not support a blanket prohibition of medium density housing in Nillumbik Shire that is contrary to State planning policies that direct medium density housing to appropriate locations, e.g. activity centres and identified growth areas.</p>	
11	It's important that obstacles are NOT put in place to phase out farms and other agricultural land uses.	The draft MPS does not seek to phase out farms and supports agriculture in Nillumbik Shire's Green Wedge, including in the Rural Conservation Zone (RCZ) provided that the conservation values expressed in the RCZ schedules are protected.	No changes to the draft MPS based on this submission.
12	Stop trying to steer Shire residents in the direction of 'no farms', no animals on farms. There is too much control given to the extreme green element of our communities.	The draft MPS supports agriculture in Nillumbik Shire's Green Wedge, including in the Rural Conservation Zone (RCZ) provided that the conservation values expressed in the RCZ schedules are protected.	No changes to the draft MPS based on this submission.
13	There needs to be appropriate funding and capacity for council to respond to climate change and to protect the from the community highly valued biodiversity values.	Council could point to the strategic work that needs to be undertaken, as outlined in the draft Schedule Clause 74.02, to potentially secure funding, e.g. to review " <i>The environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire</i> ".	No changes to the draft MPS based on this submission.
14	Council need to start using local trades or converse with Indigenous peoples for upcoming works so it matches with the aspirations of the MPS.	This might be addressed in the Reconciliation Action plan that is currently being developed.	No changes to the draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

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15	Nillumbik would benefit from an approach to housing that encourages innovative models such as long-term leases of land for the creation of intentional communities	Officer responses to submissions on other draft MPS clauses (e.g. Clause 02.01 'Context') have recommended to add references to Housing Strategy in Clause 02.03-6 'Housing' and Schedule to Clause 74.02 'Further Strategic Work'.	<ul style="list-style-type: none"> • Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i> • Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.
16	What instruments will be locked in place to future-proof decision making around protecting the Green Wedge?	The current Green Wedge Zone and Rural Conservation Zone have been applied to protect the Green Wedge. The MPS will both, help to guide decisions on permit applications' and be a Catalyst for Council to further examine the planning controls, e.g. draft Schedule to Clause 74.02 'Further strategic work' states to review <i>"The environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire"</i>	No changes to the draft MPS based on this submission.
17	Resilience to bushfire requires proper maintenance of open spaces. The Shire is very keen to point out to landowners their responsibilities but they fail in their own duties.	Noted	No changes to the draft MPS based on this submission.
18	Council needs to maintain road verges and open spaces - particularly clearing debris that becomes fuel load for bushfire risk.	Noted	No changes to the draft MPS based on this submission.
19	How does the MPS value the consultation feedback and whilst maintaining the integrity of the natural aspects of the Shire to mitigate climate change? Popular opinion must not guide the health of Nillumbik if it goes against the needs of the planet.	As Community Engagement Policy (p5) states "community engagement does not necessarily mean achieving consensus. However, it does involve seeking broad, informed input into the decision-making process to achieve the best possible outcomes."	No changes to the draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

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		The decision maker will undertake an assessment of the proposal and decide whether the proposal meets the relevant planning objectives or achieves an appropriate balance between competing planning policies (PPN 59).	
20	The Environment Act definition of 'conservation' should guide the MPS.	Noted	No changes to the draft MPS based on this submission.
21	Reframing the way we use the land and live on the land is going to be fundamental to a sustainable future. The MPS needs to promote the diversity of uses to maintain the unique character of Nillumbik however ensuring these are not in conflict with sustainable land use practices.	Balancing planning issues is a challenge that Councils and communities face together.	No changes to the draft MPS based on this submission.
22	In Eltham, more support needs to be given to 'friends groups' and residents who wish to plant out roadsides with native/indigenous vegetation.	This may be an issue to be addressed by local laws under the <i>Local Government Act 2020</i> .	No changes to the draft MPS based on this submission.
23	Air quality, light pollution, noise pollution and radio frequency interference needs to be monitored, measured and reported for their effects on biodiversity - particularly impacts on fauna.	Potential adverse impacts from emissions are considerations in the assessment of planning applications in accordance with zone provisions and decision guidelines.	No changes to the draft MPS based on this submission.
24	Biolinks are crucial to the Shire's biodiversity and must be protected and extended. The MPS must strongly indicate support for this.	Noted. Similar strategic direction already mentioned in MPS. Strategic direction point 4 and 5 in Clause 02.03-2 Protection of biodiversity - Protect the habitat areas of native vegetation and fauna. - Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the Shire. Strategic Habitat Links are shown on the Faunal Habitat and Remnant Vegetation Plan map under draft MPS Clause 02.04-2, which is	<ul style="list-style-type: none"> Correct the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 to define the narrow purple lines in the map legend prior to planning scheme amendment stage. Correct the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 to define the narrow purple lines in the map legend prior to planning scheme amendment stage. Review the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

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		recommended to be reviewed prior to planning scheme amendment stage.	02.04-2 to potentially show additional Strategic Habitat Links prior to planning scheme amendment stage.
25	There needs to be a more active tree planting program in the Major Activity Centres and residential areas.	Develop an urban tree canopy is listed in the draft Schedule to Clause 74.02 'Further Strategic Work.	No changes to the draft MPS based on this submission.
26	How exactly does Council propose to meet its target of net zero emissions by 2035? I.e. what are the current level of emissions, what are the key contributors (by %), and what is the plan to address each of these? Also it's unclear as to what the target emissions level should be? Has a cost / benefit analysis of implementing the Council's Climate Plan to achieve net zero emissions by 2035 been completed? Furthermore, what is the cost to ratepayers of achieving a net zero emissions target by 2035 (including consultants fees, Council and contractor wages for implementing, monitoring and maintaining the Climate Action Plan, purchasing alternative materials, equipment & plant in support of the plan, etc.)	Several of the answers to submitter's questions can be ascertained directly from the Climate Action Plan ('the Plan'), e.g.: <ul style="list-style-type: none"> Re 1st question: Section 4 of the Climate Action Plan outlines eight focus areas for Climate Action, e.g. Focus Area 1 includes to <i>"Embed delivery of the Climate Action Plan within the CEO's contract / performance plan"</i>. Re monitoring: Section 4 of the Plan refers to indicators from data collection to help track progress in achieving the Plan's goals and objectives. Implementation (which also addresses the cost questions) is outlined in Section 5, e.g. <i>"An Implementation Plan that specifies key climate action initiatives will be prepared every year. These key climate initiatives will be considered in Council's annual budget process."</i> 	No changes to the draft MPS based on this submission.
27	Concerns regarding approved permits not being adhered to i.e. that developers are not following building or site plans and restrictions after they are granted.	Under the <i>Planning and Environment Act 1987</i> , Council has the ability to issue fines for breaches of the planning scheme and permits, or seek enforcement action through VCAT.	No changes to the draft MPS based on this submission.
28	Council needs to uphold environmental preservation and renewal as key qualifier for development applications.	Environmental impacts are frequently considered in the assessment of planning applications and often inform permit conditions if approval is granted.	No changes to the draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
29	Nillumbik is looking tired and worn down and needs a facelift but with limited Council funds this can't happen. Resident have had to endure increased traffic and wear and tear of local infrastructure due to the new developments in neighbouring councils however without being able to reap any of the benefits that came along with these additions. Nillumbik Shire Council didn't previously have the vision to enable an increase in some development to support infrastructure upgrades. To this end, the Strategic Direction should support additional development in some rural areas which can increase Council's rate base and allow for much needed affordable housing for generations to come. Development can be constructed in harmony with the environment and strike a balance between rural and residential land.	Strategic direction in Clause 02.03-6 Rural residential development - Discourage rural residential development in the Green Wedge, unless supported by a council strategy or framework plan. Rural residential development and proliferation of dwellings is not supported in rural zones or by State planning policy under the Nillumbik Planning Scheme – refer: <ul style="list-style-type: none"> • 'Peri-urban areas' (Clause 11.03-3S) • 'Protection of agricultural land' (14.01-1S) • 'Rural residential development' (16.01-3S). 	No changes to the draft MPS based on this submission.
30	For each ordinance subsections, it should be clearly evident how it has been informed by the overarching vision and purpose of Nillumbik as a Green Wedge and Conservation Shire. This community led aspiration has been presented to Council many times, including in the recent Our People, Our Places, Our Future consultation and should be clearly reflected in all Council Plans and Strategies, including all aspects of the MPS. The top priorities for the community being preservation of the green wedge, protection of biodiversity, & action on climate change.	The Strategic directions in the draft MPS have addressed protection of the Green Wedge (e.g. at Clause 02.03-1) and biodiversity (e.g. at 02.03-2) and outlined action on climate change (e.g. 02.01 and 02.03-3).	No changes to the draft MPS based on this submission.
31	Recurrent with each subsection of the MPS, there is the need to not only develop policies, plans and guidelines, but also a commitment to have resource allocations to monitor their implementation and ongoing adherence, to	The MPS is not intended to be a detailed plan. Its purpose is to outline broad Strategic directions that help to guide planning decisions and outlines strategic work that ultimately informs appropriate planning provisions to help	No changes to the draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	ensure effectiveness. This is a gaping deficit in current practice across the Council.	address planning issues faced by the municipality. A regular review of the planning scheme in accordance with the <i>Planning and Environment Act 1987</i> helps to ascertain the effectiveness and currency of the planning scheme's policies and provisions.	
32	Rural living is the primary use of the smaller 'hobby' properties, including both productive land and bush blocks. This is a positive quality for the Green Wedge with thriving diverse communities that provide population, physical effort and investment to sustain the Green Wedge, support for local economies and providing valuable rates for council. The MPS should be revised to ensure that these qualities are reflected and acknowledges existing rural residents in a positive way.	The role of the MPS is not to elaborate on the positive contributions of residents to Nillumbik's municipal life, rather, its role is to address the planning issues faced within the municipality that is informed by strategic work and is consistent with State planning policies under the Nillumbik Planning Scheme. Rural residential development and proliferation of dwellings is not supported in rural zones or by State planning policy under the Nillumbik Planning Scheme – refer: <ul style="list-style-type: none"> • 'Peri-urban areas' (Clause 11.03-3S) • 'Protection of agricultural land' (14.01-1S) • 'Rural residential development'. 	No changes to the draft MPS based on this submission.
33	The MPS is a poor strategy that uses ambiguous and vague terms and does not offer any integrated planning policies to ensure the protection and conservation of remnant vegetation across all of the Shire whilst managing climate change and associated environmental risks.	The MPS is not meant to be a detailed plan and has a 5,000 word count limit in which to articulate the broad Strategic directions in planning for the municipality. The word count limit is set by the Ministerial Direction on the Form and Content of Planning Schemes.	No changes to the draft MPS based on this submission.
34	The MPS guides the management of development in the context of bushfire risk over protection and conservation of remnant vegetation at a time when the planet is undergoing significant loss of biodiversity, loss of insects and fauna and the climate is warming. This should be reversed.	Removal of native vegetation in rural areas frequently requires a permit under Clause 52.17 of the Nillumbik Planning Scheme. Any net loss of vegetation or adverse impacts on landscapes, biodiversity or rural amenity is taken into account in the assessment of building applications triggered by the BMO.	No changes to the draft MPS based on this submission.

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption
Attachment 2. MPS Summary of Feedback to Phase 3 Engagement

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
35	The MPS overall is good. Main additional input would be to support urban growth further into Reynolds Road to allow for further subdivision as the area is fully surrounded by residential zones. Furthermore, the area is connected to amenities. Consideration for a bus on Reynolds Road should also be entertained e.g. a re-route of the bus route that comes up Mt Pleasant Road.	<p>Areas identified as having further growth potential for residential subdivision in existing residential zones include:</p> <ul style="list-style-type: none"> ▪ Eltham and Diamond Creek Major Activity Centres. ▪ Apollo Parkways. ▪ Land in the Diamond Creek North Area A Development Plan and Diamond Creek Area B Development Plan to the north and north-east of the Diamond Creek Major Activity Centre. ▪ The Plenty Low Density Residential area. <p>A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy and will be informed by public consultation before being finalised.</p>	No changes to the draft MPS based on this submission.

02 MUNICIPAL PLANNING STRATEGY

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Note:

- **Blue** updates represent changes made in response to Phase 2 engagement; and
- **Red** updates represent changes made in response to Phase 3 engagement.

02.01 CONTEXT

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Located on the north-eastern urban-rural fringe of Melbourne, the Shire of Nillumbik (Nillumbik) is approximately 25 kilometres from Melbourne's Central Business District and is generally bounded by the Yarra and Plenty Rivers and the Kinglake Ranges, which are of national and state environmental significance. Nillumbik Shire was formed in 1994 from the merger of parts of the Shires of Eltham, Diamond Valley, Healesville and the City of Whittlesea. It is connected to the north-eastern suburbs and central Melbourne through rail links at Hurstbridge, Wattle Glen, Diamond Creek and Eltham. A large proportion of the shire experiences high bushfire risk.

The Wurundjeri Woi-wurrung people are the Traditional Owners of the Country on which Nillumbik is located. The significance of their history and connection with the landscape are essential elements of the shire's unique character.

Approximately 91 per cent of Nillumbik is rural land that lies outside the Urban Growth Boundary and forms part of a metropolitan green wedge, providing a non-urban break between the Whittlesea urban growth corridor and the Lilydale urban area. The green wedge is an area of environmental, landscape and agricultural importance to both Nillumbik and the wider metropolitan region. It contains the Sugarloaf Reservoir, a principal catchment in Melbourne's water supply.

Nillumbik forms part of a metropolitan 'green wedge', providing a non-urban break between the Whittlesea urban growth corridor and the Lilydale (eastern) urban area. The 'green wedge' is an area of environmental and agricultural importance to both Nillumbik and the wider metropolitan area.

As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. A large proportion of the shire already experiences high bushfire risk. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions. (Nillumbik Shire Council Climate Action Plan 2022 – 2032, page 4).

Nillumbik has an estimated population of 61,273 65,369 people (Australian Bureau of Statistics, 2016 Nillumbik Shire Council, 2021). This is not expected to increase substantially; however, an overall ageing of the population is expected. The greatest proportion of people aged over 70 years live in Eltham Central, Wattle Glen and Eltham South.

Much of Nillumbik is rural and is used for a combination of agriculture, rural living and conservation purposes. Within these the rural areas are the several townships of Panton Hill and St Andrews and the much smaller rural communities of Arthurs Creek, Christmas Hills, Cottles Bridge, Doreen, Kangaroo Ground, Nutfield, Smiths Gully, Strathewen and Watsons Creek. The population, however, is concentrated in the established urban areas of Diamond Creek, Eltham, Plenty, Research, Wattle Glen, Hurstbridge and parts of Greensborough. Low-density residential development effectively forms a buffer to rural areas. Each settlement area comprises their own identity and heritage.

Nillumbik's high landscape value plays a regional role for Melbourne as an accessible area of natural landscape beauty. The natural environment is a significant reason for people deciding to live and work in Nillumbik. Much of it remains heavily vegetated, particularly in the non-urban undulating regions and along the major rivers and creeks.

Nillumbik plays a pivotal role in protecting the region's biodiversity. Strategic habitat links that continue into surrounding municipalities connect extensive areas of native vegetation. A significant number of rare and endangered species are found in these native environments.

Nillumbik's natural beauty, diverse landscapes and biodiversity are highly valued both locally and regionally. Much of Nillumbik remains heavily vegetated, particularly in the non-urban undulating regions and along the major rivers and creeks. Nillumbik's strategic habitat links extend into surrounding municipalities

and connect extensive areas of native vegetation. The green wedge, including conservation areas, supports a diverse range of species and their habitats, including several indigenous, rare and endangered species - the 'vulnerable' Powerful Owl, 'endangered' Southern Toadlet and the 'critically endangered' Eltham Copper Butterfly. Nillumbik also contains several regional and national parks, valued both for their environmental and recreational functions.

Nillumbik has a relatively small economic base. The majority of businesses employ less than five people and are in the property and business services, construction and retail sectors. Many of the small businesses are home-based. This is a growing trend, especially in the service sector.

Nillumbik's economy is made up of four key industry areas: knowledge based, creative and culture, primary industry and trade, and retail and hospitality. The majority of businesses employ less than five people. A large proportion of businesses are home-based, which is a growing trend in Nillumbik, along with other emerging sectors including arts and culture, food and beverage, visitor attraction and sustainable agri-business.

Nillumbik contains several regional recreation resources, such as Kinglake National Park, Plenty Gorge Park, Sugarloaf Reservoir Park, Yarrambat Park, and the network of parks in the Yarra River system.

02.02 VISION

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Nillumbik will remain a metropolitan 'green wedge,' maintaining a large natural resource for the benefit of all Melburnians. The planning of Nillumbik will continue to focus on the ongoing sustainability of the 'green wedge' in physical, social and economic terms.

The Council Plan provides a framework for improving the environmental, social and economic wellbeing of the community. The Council Plan identifies goals that relate to land use and development matters, as follows:

- To enable a better future for Nillumbik residents and encourage healthy, safe and resilient communities through the provision of quality services.
- To preserve and nurture the natural environment of the Green Wedge for future and current generations.
- To provide infrastructure and plan for a built environment which respects and preserves the unique character of the Green Wedge.
- To develop a prosperous local economy consistent with our Green Wedge values.

The *Nillumbik Community Vision 2040* emphasises that community and the Nillumbik Green Wedge is at the heart of the Shire. It states:

Nillumbik's places and spaces make an important contribution to health, wellbeing, culture, the environment, biodiversity and economic success. We continue to strengthen the Shire's identity through reinforcing existing natural and built form, improving accessibility and connectivity, protecting the environment, and enhancing both the Green Wedge and tree canopy in urban areas.

We acknowledge the pressures on liveability that in the future will likely challenge the way we live. We continue to strengthen Nillumbik's ability to manage and adapt to changing circumstances, to ensure the Shire and our community remain sustainable and resilient.

Nillumbik's planning related goals are to:

- Protect the Shire's green wedge across all aspects of planning.
- Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity.
- Facilitate enjoyable and connected places that strengthen identity and character, foster social connection and improve accessibility, wellbeing and safety for all.
- Strengthen Nillumbik's identity by protecting and enhancing its natural environment, heritage, arts and culture.
- Support economic growth that capitalises on Nillumbik's strengths, is innovative and is compatible with the natural environment.

02.03 STRATEGIC DIRECTIONS

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02.03-1 Settlement and the Nillumbik Green Wedge

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Maintaining the existing settlement pattern of distinct urban areas and clearly defined rural townships surrounded by non-urban areas is critical to the ongoing sustainability of Nillumbik as a 'green wedge' municipality. Nillumbik, located on the fringe of metropolitan Melbourne, does not form part of a designated growth corridor. Outward metropolitan development, therefore, will not be a significant feature of the municipality.

Nillumbik's key planning issue will be providing a diverse range of dwellings within the Urban Growth Boundary while ensuring that it is in keeping with neighbourhood character. Areas identified as having further growth potential for residential subdivision in existing residential zones include:

- Eltham and Diamond Creek Major Activity Centres.
- Apollo Parkways.
- Land in the Diamond Creek North Area A Development Plan and Diamond Creek Area B Development Plan to the north and north-east of the Diamond Creek Major Activity Centre.
- The Plenty Low Density Residential area.

~~Approximately 92 per cent of Nillumbik is rural land and lies outside the Urban Growth Boundary. Rural areas contain sites of environmental and landscape significance, natural resource based activities and residences. Issues of land use conflict, resource use and environmental management arising from the diversity of uses must be managed through sustainable land use and natural resource management.~~

The Nillumbik Green Wedge is of significant value to the Shire and wider region, particularly for its biodiversity, natural beauty, visitor experiences, agriculture and other non-urban values. It contains sites of environmental and landscape significance and a mix of conservation, agricultural and residential uses. Issues of land use conflict, resource use and environmental management arising from the diversity of uses must be managed through sustainable land use and natural resource management.

~~Council seeks to~~ Strategic directions:

- Maintain non-urban breaks between existing urban areas and non-urban areas, and between rural townships.
- Focus development in the established township and urban areas to take advantage of existing infrastructure and maintain the viability of these areas.
- Protect the green wedge from incompatible use and development.
- Limit subdivision in rural areas to minimise fragmentation of rural land and maintain vistas.

Activity centres

The **Eltham Major Activity Centre** is one of the primary community and commercial focal points within Nillumbik, providing a diverse range of commercial activities, community services, recreational facilities and housing opportunities, as well as containing a substantial public transport hub.

The **Diamond Creek Major Activity Centre** is a shopping, service and community centre for Diamond Creek and adjoining areas. It contains a range of retail, commercial, community and leisure activities and facilities that are serviced by the Hurstbridge railway, limited bus services and a road network dominated by Main Hurstbridge Road, which forms the 'spine' of the centre.

It is envisioned that the Eltham and Diamond Creek Major Activity Centres will continue to be the focus of community life, providing a wide range of shopping and professional services and places to meet and recreate. They will also have an increased role in providing for a diversity of housing and in particular, medium density housing.

Neighbourhood Activity Centres, including Hurstbridge and Research, offer a blend of uses and the availability of public transport generally supports higher levels of business and other activities, resulting in lower car usage and enabling multipurpose trips. Rural townships of Panton Hill and St. Andrews have a strong sense of identity and provide a focus for community life and interaction.

~~Council seeks to~~ Strategic directions:

- Promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire, supported by Neighbourhood Activity Centres, small local convenience centres, rural townships, and rural stores.
- Facilitate an expansion in the range of commercial and community services available in the major activity centres, including those that cater for a local/regional clientele ~~and special interest area~~.
- Facilitate increased diversity and amount of housing in the major activity centres that are sustainable and scaled to respect the surrounding topography.

Eltham Gateway

The Eltham Gateway is a precinct with cultural and landscape significance to the local community and forms the entrance to the Eltham Major Activity Centre.

The Gateway provides services for the local community with a mix of residential, small-scale office and community uses, transitioning to more predominantly residential uses south of Mount Pleasant Road.

The Gateway contains a range of historic buildings that influence the architecture of the area ~~and an avenue of trees that commemorates the World War One~~. Its topography allows significant vegetated views from Main Road towards the Diamond Valley. Its high levels of indigenous vegetation, which often substantially screen built form from public view, and its modest scale of development, particularly along Main Road, provides a transition from the urbanity of the suburbs to the semi-rural character of Eltham.

~~Council seeks to~~ Strategic directions:

- Protect and enhance the cultural and landscape significance of the Eltham Gateway.

02.03-2 Environmental and landscape values

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Protection of biodiversity

The Shire contains extensive habitat links comprising of native vegetation and water courses. Given the large number of threatened native species and threatening processes occurring in the Shire, including climate change, planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals. Importantly, significant remnant vegetation, conservation areas and environmentally significant areas are located on both public and private land. These areas are identified on the Faunal habitat and remnant vegetation plan to Clause 02.04.

~~The Bend of Islands is identified for its significant fauna and flora. It is bordered by the Yanakie Farm, which, although has been cleared and used for grazing, has similar environmental characteristics and significance as the Bend of Islands. There is a need for development on this land to avoid or minimise any impact on the Bend of Islands.~~

NILLUMBİK PLANNING SCHEME

Roadsides are an integral part of maintaining biodiversity in Nillumbik. Roadside vegetation provides wildlife with movement corridors between larger areas of habitat, and can be the remaining refuge for many native floral and faunal species. In many parts of the Shire, land clearing and urban expansion have left roadsides as the only areas of relatively intact habitat where ground, middle and upper storey vegetation still remain.

~~Council seeks to~~ **Strategic directions:**

- Protect and enhance areas of environmental significance and conservation.
- Protect significant remnant vegetation.
- Facilitate the establishment of large areas of native vegetation that are interconnected by a network of habitat corridors.
- Protect the habitat areas of native vegetation and fauna.
- Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the Shire.

Waterways and water bodies

Nillumbik is situated in the Yarra Catchment and includes the sub-catchments of Arthurs Creek, Diamond Creek, Watsons Creek and the Plenty River. Nillumbik's environmental and social values are ascribed to areas of environmental and landscape quality in the vicinity of its waterways. The condition of rivers and tributaries in the Shire ranges from excellent in the forested northern part of the Shire to poor in the urban areas.

Use and development have the potential to affect stormwater quality and adversely affect downstream areas. Decline in water quality is associated with unsustainable land management practices, vegetation clearance, unrestricted stock access to streambanks and low flow rates associated with the proliferation of private dams and drought. Increased compacted, paved or covered surfaces result in higher volumes of stormwater run-off that carry pollutants into the waterways.

~~The consideration of environmental values and the facilitation of drainage and sewerage in urban growth areas is particularly important, given their proximity to the Plenty River.~~

~~Council seeks to~~ **Strategic directions:**

- Protect wetlands, floodplains and waterways from land use and development that will cause disturbance and pollution.
- Encourage land uses that improve water quality and maintain environmental flows.
- Facilitate ongoing and sustainable management of stormwater in development.
- Ensure land use and development avoids adverse impacts on the wider water catchment.

Landscapes

A significant element of the unique character of Nillumbik is its highly attractive landscapes and picturesque views from and of the many valleys and elevated ridge lines. These landscape vistas are highly valued by the community and visitors.

Nillumbik's undulating landscape consists of lowland hills and alluvial plains (~~ridgelines less than 200 metres in elevation~~) in the southern portion of the Shire, and steeper upland hills (~~ridgelines exceed 200 metres in elevation~~) in the north.

Extensive areas of native vegetation, water courses and undulating terrain are the main features that contribute to the landscape identity of the Shire. The rural areas provide vistas of agricultural land, treed bushland, hills and watercourses with minimal urban intrusion. Indigenous vegetation is predominant in landscapes throughout the Shire.

Poorly designed and sited structures (~~including dwellings, sheds, poles, signs and other structures~~) compromise the integrity of these features. Threats include locating ~~dwellings~~ buildings on hill-tops and along ~~ridge-lines~~ ridgelines to take advantage of distant views, the presence of multiple buildings and the use of reflective materials.

In order to maintain the high ~~environmental and~~ landscape values in the Shire, threatening processes associated with the loss and degradation of the natural and built environment need to be addressed.

~~Council seeks to~~ Strategic directions:

- Minimise adverse impacts of land use changes and development on the landscape ~~or strategic environmental values of the land~~.
- Protect and enhance rural landscape character through vegetation retention and respectful siting and design of development in rural areas.

02.03-3 Environmental risks and amenity

Climate change

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Climate change is one of the biggest threats to Nillumbik's future. It is projected that warmer and drier conditions will have negative consequences for health, infrastructure, agriculture, water and biodiversity. [Climate Action Plan, pg3] Its negative impacts include:

- Harsher fire weather and longer fire seasons.
- Water shortages and droughts.
- Consequences on the health of the natural environment.
- Impacts on agriculture and land productivity.
- More frequent and extreme heat waves, storms and flooding events.
- Increase to the urban heat island effect. [Climate Action Plan, pg14]

Council has a target of net zero emissions across Nillumbik by 2035.

Strategic directions:

- Encourage use and development that mitigate and adapt to the impacts of climate change and seek to minimise its negative impacts.
- Protect and enhance the tree canopy across Nillumbik.

~~In rural areas, the need to protect habitat links and minimise fire and flood risk and erosion are important considerations in siting buildings and works. These and off-site considerations (such as ensuring that effluent does not enter watercourses) at the planning stage benefit future occupants of land and the environmental integrity of the area.~~

Flooding, soil degradation and bushfire

In rural areas, the need to protect habitat links and minimise fire and flood risk and erosion are important considerations in siting buildings and works. These and off-site considerations (such as ensuring that effluent does not enter watercourses) at the planning stage benefit future occupants of land and the environmental integrity of the area.

Most areas liable to flooding are located along the Diamond Creek from Hurstbridge to Eltham, along the Yarra River from Kangaroo Ground to Eltham and the Plenty River at Plenty.

Soil degradation

The Shire is not subject to significant landslide activity except where new development alters the conditions of sites on steeper slopes. Most of the soils in

the Shire are susceptible to erosion on slopes and in drainage lines. Soils in the vicinity of Kangaroo Ground have a high shrink-swell potential that can result in foundation movement and hence damage to structures and disruption to services. Low lying areas of the Shire are prone to dryland salinity particularly in areas that have been extensively cleared. The retention of vegetation and revegetation will be critical in avoiding salinity related problems.

Bushfire

Bushfire risk is a significant issue in the Shire as a result of its vegetation, topography and climate. North Warrandyte, the Plenty Gorge, Christmas Hills and St Andrews have a particularly high risk due to its limited access and egress, as well as its large population concentrations. Climate change will lead to longer fire seasons. Many bushfire prone areas have high environmental significance. Particular attention to fire issues is needed in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas.

~~Council seeks to~~ Strategic directions:

- Discourage development, including vegetation removal, that degrades stormwater quality and increases ~~potential risk of~~ soil erosion, expansion and landslip ~~risks~~ or other hazards.
- Avoid siting development in rural areas ~~that are~~ liable to flooding.
- Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development.
- ~~Ensure development in rural areas mitigates potential fire risk.~~

Potentially contaminated land

Some areas in Nillumbik contain potentially contaminated soil. For example, the ~~The~~ Plenty/Yarrambat corridor area, which has ongoing pressure for low-density residential development. ~~This area is also known for prior~~ was previously used for gold mining activity. As such, a result some of these areas contain its soil which is ~~potentially contaminated with~~ may contain concentrations of arsenic, cyanide and mercury.

~~Council seeks to~~ Strategic directions:

- Avoid sensitive use and development on land that contains or may contain unacceptable levels of soil contamination, unless testing and necessary remedial treatment have been undertaken.
- ~~Apply the Environmental Audit Overlay to potentially contaminated land.~~

02.03-4 Natural resource management

Agriculture

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While much of the geographic area of Nillumbik is rural, there are only a handful of large scale agricultural enterprises. The majority of the rural areas have ~~thin, highly dispersive~~ soils with low fertility that are subject to erosion, making much of the Shire unsuitable for traditional agricultural use. ~~However, the Shire experiences relatively high and reliable rainfall. As such, areas with gentle to moderate slopes (below 20%) are generally of average agricultural quality and much of the Shire has maintained its vegetation cover and resulting environmental values.~~

Broad-scale agricultural enterprises are mostly concentrated to the north-west of the Shire ~~around Arthurs Creek, Doreen and parts of Strathewen~~ where enterprises run on larger land holdings. Very high quality agricultural land exists at Kangaroo Ground and Arthurs Creek. Small agricultural enterprises are prevalent in many rural areas of the Shire.

Many areas in the Shire are significant for agricultural purposes, such as grazing or viticulture, as well as contributing to the significant landscape qualities that characterise the Shire. It may be possible to expand the production of 'high value' horticulture and intensive livestock commodities already well suited to the area. Increasing the productiveness of agricultural industries is important for the sustainability of the green wedge areas, providing the environmental significance is not compromised.

The continual pressures of tourism and urbanisation can adversely impact on the rural environment. Conflicts may occur between agricultural pursuits, rural living and other uses. These pressures can lead to changes in the rural landscape character and increased land values, which impacts the ability for farmers to achieve economies of scale. Land use and development in rural areas must be planned to maintain the quality and quantity of natural resources and support the sustainable management of natural systems.

It may be possible to expand the production of 'high value' horticulture and intensive livestock commodities already well suited to the area. Increasing the productiveness of agricultural industries is important for the sustainability of the green wedge areas, providing the environmental significance is not compromised.

Agricultural use and development must be planned to maintain the quality and quantity of natural resources and support the sustainable management of natural systems. This may include using new production methods such as permaculture and aquaponics, adopting new technologies, alternative energy sources and crop types, reducing waste or other sustainable and regenerative agricultural techniques. Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability.

Council seeks to Strategic directions:

- Protect and enhance agricultural land for both its productive potential and environmental value.
- Retain existing agricultural land for soil based agricultural production.
- Promote land use in rural areas in accordance with the capability and productive potential of the land.
- Promote sustainable agricultural activities agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.

02.03-5 Built environment and heritage

Urban and building design

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The revitalisation and attractiveness of activity centres and townships are important to the viability of local commercial areas and providing inviting spaces for social interaction. The integrity of streetscapes and natural landscapes can be threatened by development that does not respond to the local characteristics of the area or incorporate design outcomes that enhance the functionality and visual amenity of the area. Additionally, there are opportunities to design places within Nillumbik (including through public art) so that its creative culture continues to be celebrated the Shire endeavours to ensure that all people, including those with a disability or impairment, have safe and efficient access to places and buildings.

The Shire endeavours to ensure that all people, including those with a disability or impairment, have safe and efficient access to places and buildings.

The industrial precincts at Eltham, Research and Diamond Creek are located close to residential areas and in areas with high landscape values and vistas. It is important that development on industrial land enhance contributes to the amenity of the area.

Council seeks to Strategic directions:

- Protect and enhance urban streetscapes, townships and landscapes.
- Promote urban design outcomes ~~in activity centres and townships~~ that retain the historical and individual characteristics of each area while enhancing its attractiveness, distinctiveness, safety and accessibility.
- Design places and development to maximise access for all users, ~~including pedestrians and cyclists, and cater for the mobility needs of people of all abilities.~~
- Encourage development in industrial precincts to positively contribute to the visual amenity of the area, while ensuring functional layouts and use of land.

Signs

Advertising signs should aim to complement the high visual quality of ~~the~~ urban streetscapes and rural landscapes. The proliferation, ~~of signs and poorly designed~~ and ~~location of~~ signs can significantly detract from the visual amenity and character of an area, ~~as well as and~~ impact on road safety. Sign clutter can also reduce the effectiveness and visibility of individual signs.

~~Council seeks to~~ Strategic directions:

- Encourage signs that provide effective identification of businesses and other land uses without adversely impacting on the amenity of the area.
- Site and design signs to complement and enhance, rather than dominate, the streetscape and landscape.
- Ensure road safety is not adversely affected by signs.

Neighbourhood character

The urban and township areas are characterised by a tree canopy of predominantly indigenous species resulting in vistas that are not dominated by buildings. Residential areas are generally of a lower density than in metropolitan Melbourne, providing for open spaces and retention of a bushland setting. Streetscapes generally consist of single dwellings on conventional lots with ample opportunities for canopy trees.

While most existing dwellings are of weatherboard or brick construction, there is also a strong tradition of adobe and mud-brick construction and continued interest in the use of alternative building materials and techniques such as rammed-earth and straw-bale construction.

The natural and built character of residential areas contributes to a high level of amenity and a strong sense of place for the community.

~~Council seeks to~~ Strategic directions:

- Maintain and enhance the character, including neighbourhood character, of urban and township areas.
- Encourage the use of alternative construction materials where it adds character to the municipality and reflects surrounding development.

Energy and resource efficiency

Increasing levels of greenhouse gas emissions resulting from the increased energy consumption of non-renewable resources is an environmental threat that needs to be addressed, ~~as a means to respond to climate change impacts~~, irrespective of whether the development is situated in a rural or urban location.

~~Council seeks to~~ Strategic directions:

- Promote energy efficiency in ~~the layout of subdivisions and the siting and design of buildings in both urban and rural areas~~ ~~land use and development~~, including through:
 - The layout of subdivisions.

- The location, siting and design of buildings and places
- The use of renewable energy technologies.

Heritage

Nillumbik lies within land occupied by the Wurundjeri – willam clan of the Woi wurrung speaking people. The Wurundjeri Woi-wurrung people are the Traditional Owners of the land Nillumbik is located on. A large number of existing Aboriginal archaeological sites that contribute to the cultural heritage of the region have been identified within Nillumbik.

Nillumbik also has many sites that have non-indigenous cultural significance, including gold mining related historic sites, as well as original farm houses, bridges and other features that existed since early agricultural settlement. The Shire is also known for its 'environmental buildings' such as the Montsalvat Artists' Colony in Eltham and mud-brick dwellings, which reflect the Shire's artistic heritage.

~~Council seeks to~~ Strategic directions:

- Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.
- Ensure new use and development do not impede on or detract from sites and features of ~~Aboriginal cultural~~ heritage and archaeological significance.

02.03-6 Housing

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Nillumbik will experience a reduction in household size due to an ageing of the population. Additionally, Nillumbik will need to accommodate an increasing number of households. Currently, there is a lack of housing diversity and the predominant form of housing may not be suitable for all residents in the future, particularly as household sizes decrease and the age of residents increase.

The trend of decreasing average household size and ageing population provides the impetus to provide for some medium density housing as an alternative housing choice and other housing models (such as social housing). Consolidation of development will provide for more efficient use of infrastructure, and will assist in protecting the surrounding natural environment, water catchments, rural significant landscapes and unique settlement pattern.

The locations considered most suited to medium density development are those that are close to infrastructure, including public transport scheduled stops, commercial areas, public open space and other community facilities. The Eltham and Diamond Creek Major Activity Centres and the Hurstbridge Shopping Centre provide such facilities.

~~Council seeks to~~ Strategic directions:

- Facilitate the provision and diversification of housing to meet the projected increase in the number and type of smaller households and the ageing population, while respecting the neighbourhood character, and protecting the natural and cultural heritage values of the locality and minimising environmental risk.
- Facilitate medium density housing development that is compatible with the character of the area in identified locations that are close to infrastructure.
- Facilitate the provision of affordable housing close to infrastructure and services.
- Identify Nillumbik's housing needs in a housing strategy.

Rural residential development

~~Yarrambat and the northern area of Plenty have a rural residential community, while North Warrandyte forms a well treed low-density residential area on the northern side of the Yarra River.~~

Residential settlement in rural areas is usually based on an appreciation of the bush and often a willingness to revegetate previously cleared areas. With an undulating topography, there is also the attraction of distant views (including ranges, valleys and central and metropolitan Melbourne). Inappropriate historical subdivisions have created a significant number of small lots in the Green Wedge, making it susceptible to demand for rural residential development. However, rural areas often residential development is often unsuitable in these areas as they have high bushfire risk and significant environmental values, and lack existing infrastructure and facilities. There is also ongoing land use conflict between agricultural and rural residential land uses and a risk that further rural residential development will fragment rural land into unviable land parcels.

Yarrambat and the northern area of Plenty are suitable in supporting a rural residential community, while North Warrandyte forms a well treed low-density residential area on the northern side of the Yarra River.

~~Council seeks to~~ Strategic directions:

- Discourage residential development in rural areas that disrupt the natural environment, landscape or the productiveness of agricultural land the Green Wedge, unless supported by a council strategy or framework plan.

02.03-7 Economic development

Business and employment

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Economic development opportunities in Nillumbik are likely to be generated by small business enterprises, especially home-based businesses involved in leisure services, retailing, rural industry, tourism, information technology, education and training, innovative environmental management and sustainable agriculture. Economic development should focus on strengthening existing enterprises and facilitating new business initiatives that respect the Shire's environmental, social and economic development priorities.

The main employment locations are the Eltham and Diamond Creek Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, which need to be maintained to continue to provide local employment opportunities for local employment. In non-urban areas, the range of tourism and commercial activities are restricted to activity centres or purposes that can be used in conjunction with agriculture, rural industry or winery. The Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and rural townships offer opportunities for increased tourism activities, including cultural and eco-tourism operations.

For the Green Wedge, opportunities exist in agribusiness, tourism, recreation and sustainability including renewable energy. The range of tourism and commercial activities are restricted to activity centres or purposes that can be used in conjunction with agriculture, rural industry or winery.

Nillumbik has deep connections to the arts. It is home to several artist communes, including Montsalvat and Dunmoochin, and has been the centre for various art and architectural movements. Nillumbik continues to support artists across the wider creative sector.

~~Council seeks to~~ Strategic directions:

- Promote economic development opportunities that build on and respect the cultural and physical characteristics and rural focus of the Shire.
- Support the economic and employment viability of Activity Centres, Town Centres and the industrial land at Research.
- Encourage land uses that expand tourism opportunities and tourism that showcases Nillumbik's cultural and nature-based assets and generates local employment opportunities.
- Encourage use and development in agribusiness that promote innovation in sustainable and regenerative agriculture.

- Encourage use and development that grows creative and cultural industries.

Industry

The existing industrial precincts in Eltham, Research and Diamond Creek are close to full capacity. To facilitate new industrial uses, these precincts should be retained for industrial uses and protected from the encroachment of other uses. This is unless Council has identified the land to be rezoned or redeveloped with other uses, such as is the case for the Bridge Street Business Area Precinct in the Eltham Major Activity Centre.

~~Council seeks to~~ Strategic directions:

- Protect industrial precincts from non-industrial use and development unless otherwise identified a council strategy supports rezoning or redeveloping the land with other uses.

02.03-8 Transport

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Nillumbik is a commuter area with the majority of the workforce travelling to other areas for employment. Consequently, issues arise such as increased greenhouse gas emissions and traffic congestion and the need for residents to access employment and public transport services. Improving safe and easy access to sustainable transport options, such as public transport and walking and cycling, can reduce car dependency and travel related emissions. Currently, public transport consists of the Hurstbridge railway line and connecting local bus routes concentrated in the urban south-west area of the Shire. The further development of pedestrian and cycle trails to link the key activity centres is a priority to encourage safe pedestrian and convenient access for residents.

~~The concentration of a range of facilities within commercial areas, activity centres and townships increases the options for multi purpose trips and the use of public transport.~~

Many unsealed local roads service traditional residential, agricultural or bush uses and would be unsuitable for new uses requiring significant increases in traffic movement. The Western Ring Road and Whittlesea's urban growth corridor will continue to increase demand on Nillumbik's road network and other infrastructure.

~~Council seeks to~~ Strategic directions:

- Facilitate increased public transport usage and opportunities for walking and cycling to reduce car-dependency.
- Incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network.
- Facilitate development that improves connectivity and accessibility, particularly for pedestrians and cyclists, within and between activity centres, public transport stations and the wider region.
- Facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users.

02.03-9 Community Infrastructure

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Open space and recreational facilities

Nillumbik contains extensive areas of open space for the purposes of conservation. These areas are mainly connected to the major river and creek systems. The Open space and recreation facilities plan to Clause 02.04 identifies the open space and trail network and recreational facilities across Nillumbik.

In urban areas, the open space network needs to should provide a broad range of recreational facilities and open space areas near residential areas.

In rural areas there are a number of horse riding, walking and mountain-bike trails. The emphasis is towards developing key regional and district recreational areas, enhancing and developing open space within townships and settlements, protecting native flora and fauna as well as developing a comprehensive regional based trail network.

Community facilities should be accessible to all groups, including children, youth, elderly persons and those ~~who are disabled~~ with a disability. The dispersed population in the rural areas creates major challenges for the equitable distribution of community facilities, especially in dispersed areas where the population is heavily reliant on private transportation.

~~Council seeks to~~ Strategic directions:

- Facilitate the provision and linking of trails, open space and local recreational facilities to form a network across the Shire, while minimising negative impacts on the natural environment.
- ~~Ensure~~ Encourage trails, open space and recreational facilities ~~are to be safe,~~ equitable and accessible to all community members.
- Facilitate the provision of active and passive recreational facilities as an integral part of each township.

02.03-10 Development infrastructure

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The dispersed nature of low-density residential areas creates difficulties in providing a full range of infrastructure services, and rural areas invariably have only limited physical infrastructure. ~~A large part of the rural areas in the Shire rely on all-purpose effluent disposal systems as sewer is unavailable. A number of existing rural lots are unsuitable for residential development as effluent generated on site cannot be contained on-site.~~

The use of development contributions in the funding of infrastructure is important for ~~designated residential areas where the existing infrastructure cannot cater for the expected density increase. This includes, the~~ low-density housing in the Plenty/Yarrambat Corridor, new residential developments in Plenty and Diamond Creek, and in-fill development in urban areas. In particular, existing drainage arrangements in the Yarrambat area are insufficient for the further development of this area.

~~A large part of the rural areas in the Shire rely on all-purpose effluent disposal systems as sewer is unavailable. A number of existing rural lots are unsuitable for residential development as effluent generated on site cannot be contained on-site.~~

~~Council seeks to~~ Strategic directions:

- ~~Facilitate efficient provision of infrastructure to areas designated for residential and low density residential development.~~
- Minimise infrastructure servicing demand in rural areas.
- Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site.
- Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development.

NILLUMBIK PLANNING SCHEME

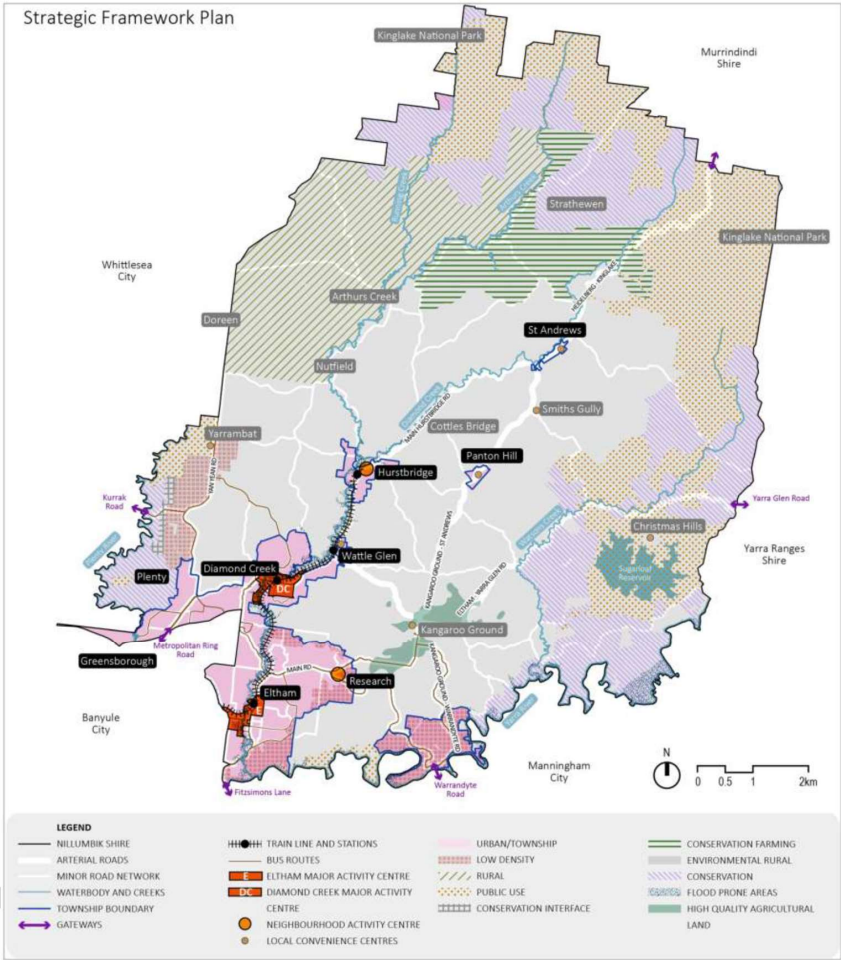
02.04 Strategic framework plans (Current MPS in planning scheme)

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The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.

02.04-1 Strategic framework plan (Current MPS)

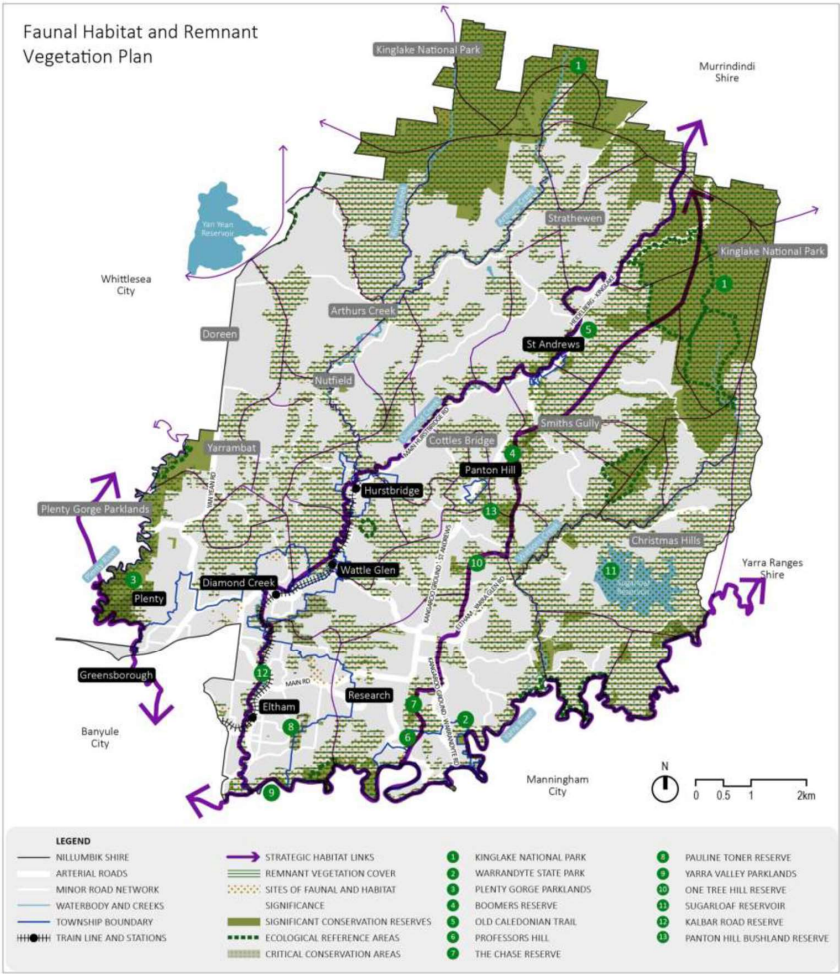
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NILLUMBIK PLANNING SCHEME

02.04-2 Faunal habitat and remnant vegetation plan (Current MPS)

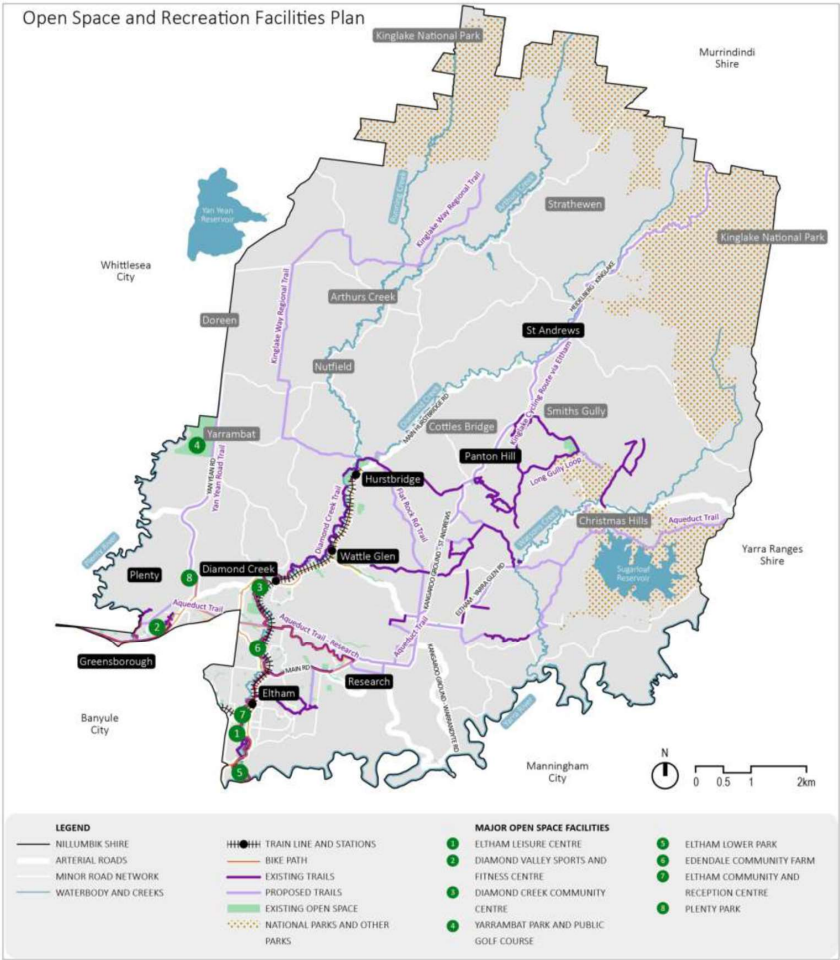
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NILLUMBIK PLANNING SCHEME

02.04-3 Open space and recreation facilities plan (Current MPS)

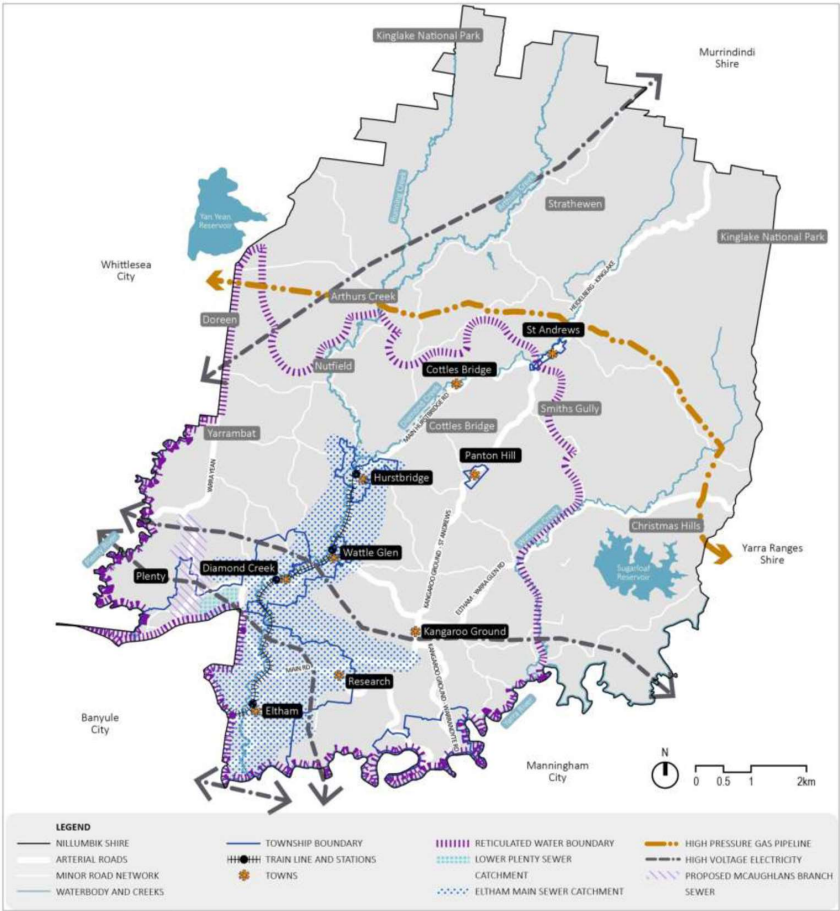
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NILLUMBIK PLANNING SCHEME

02.04-4 Infrastructure assets plan (Current MPS)

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02.04 Strategic framework plans (Exhibited MPS Phase 3 Version)

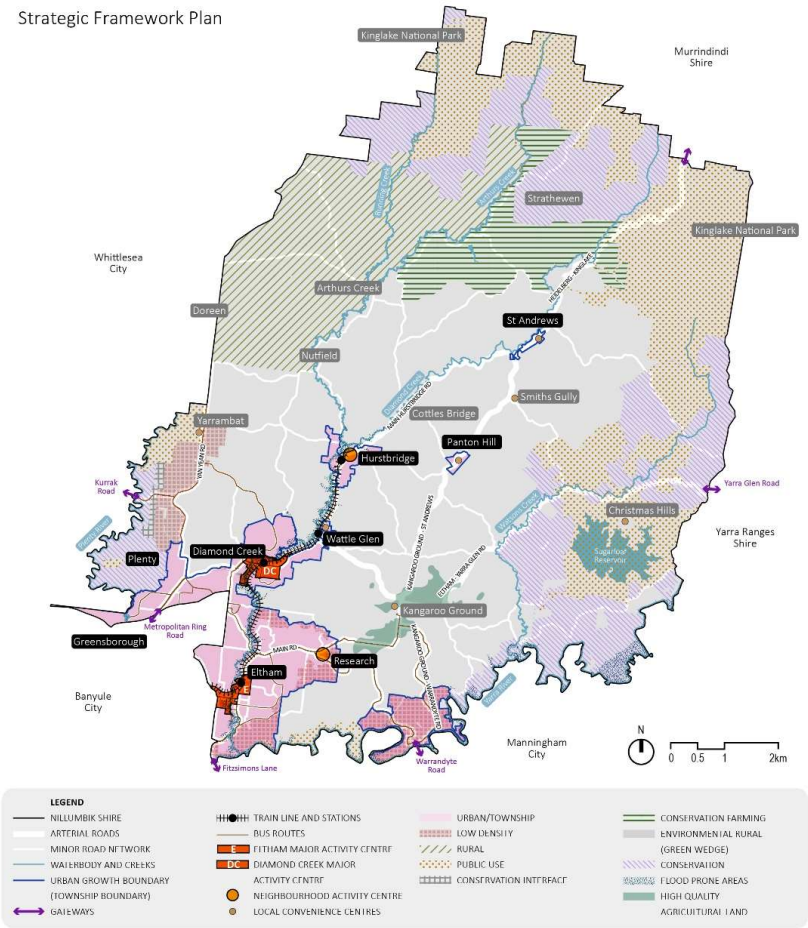
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The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.

02.04-1 Strategic framework plan (Exhibited Phase 3 Version)

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Strategic Framework Plan

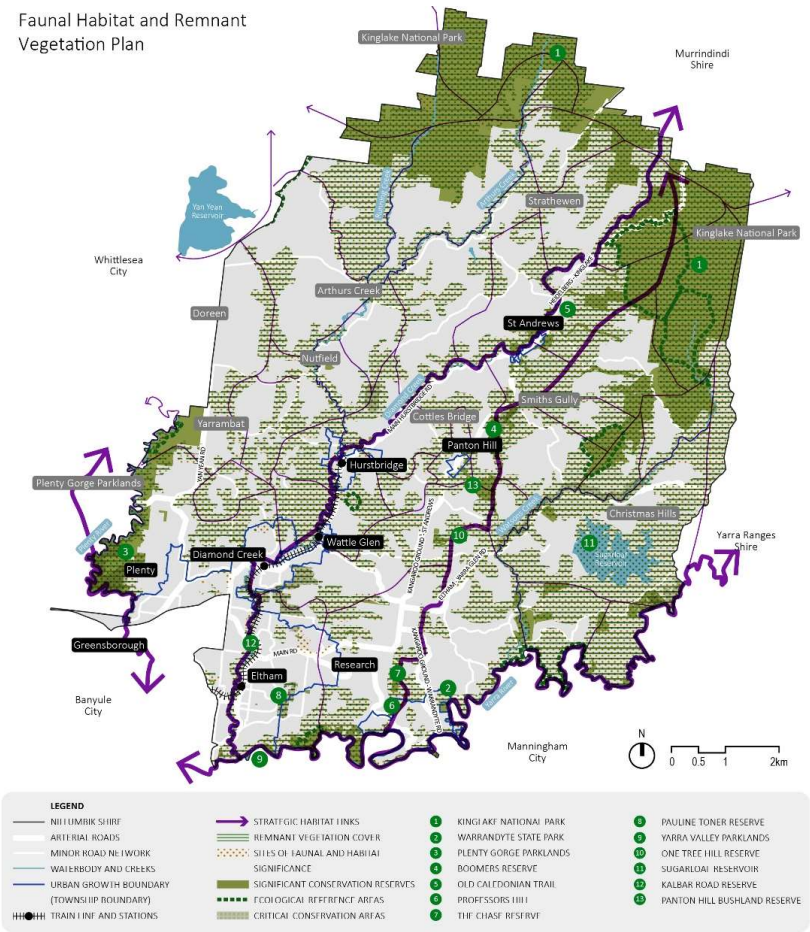


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02.04-2 Faunal habitat and remnant vegetation plan (Exhibited Phase 3 Version)

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Faunal Habitat and Remnant
Vegetation Plan

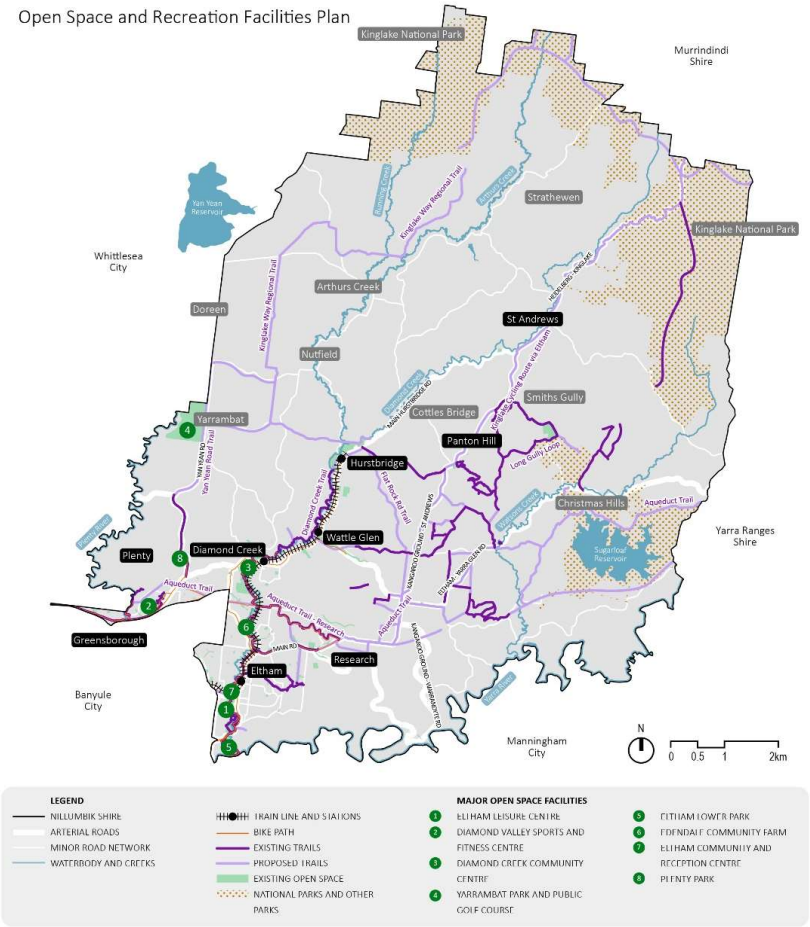


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02.04-3 Open space and recreation facilities plan (Exhibited Phase 3 Version)

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Open Space and Recreation Facilities Plan

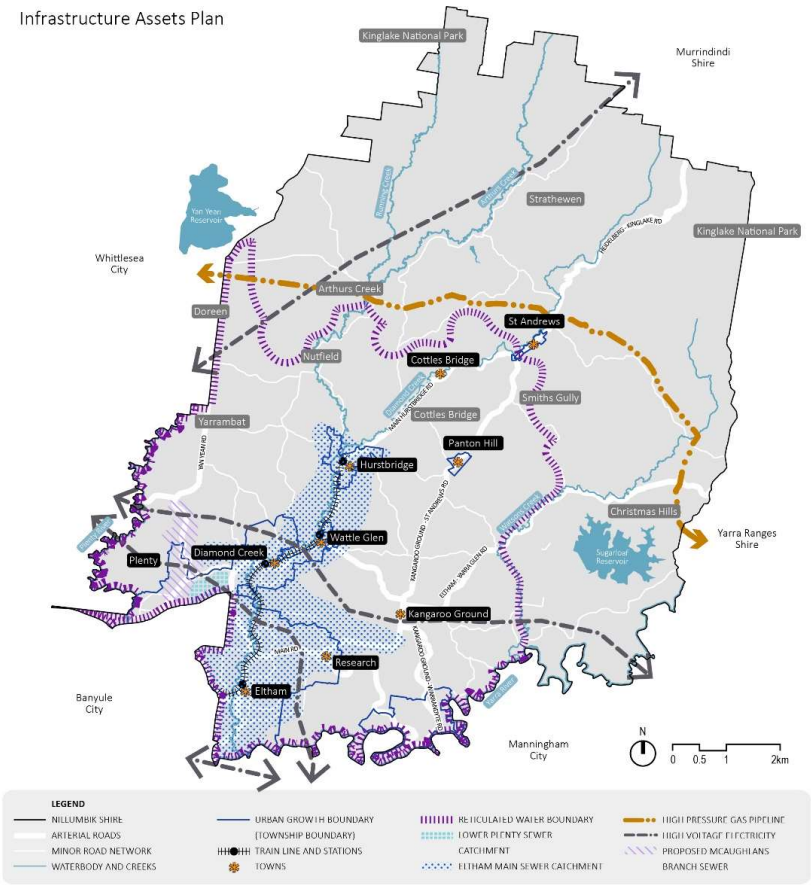


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02.04-4 Infrastructure assets plan (Exhibited Phase 3 Version)

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Infrastructure Assets Plan



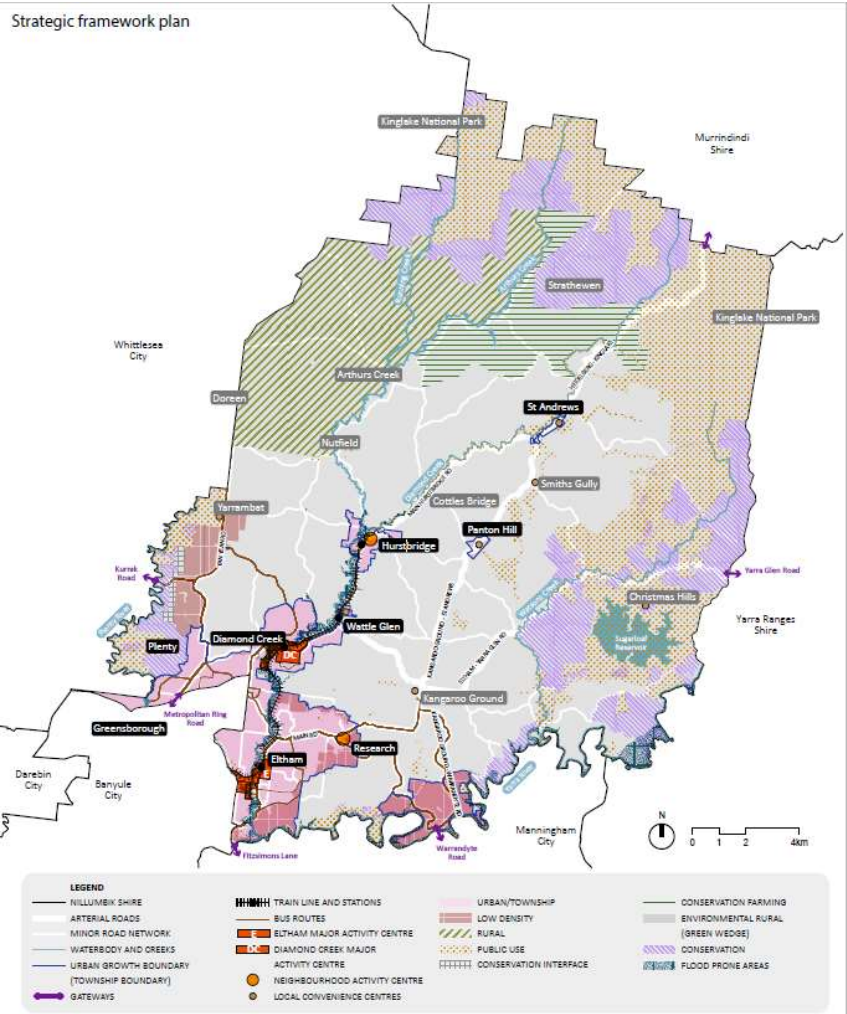
02.04 Strategic framework plans (Final Draft MPS)

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The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.

02.04-1 Strategic framework plan (Final Draft MPS)

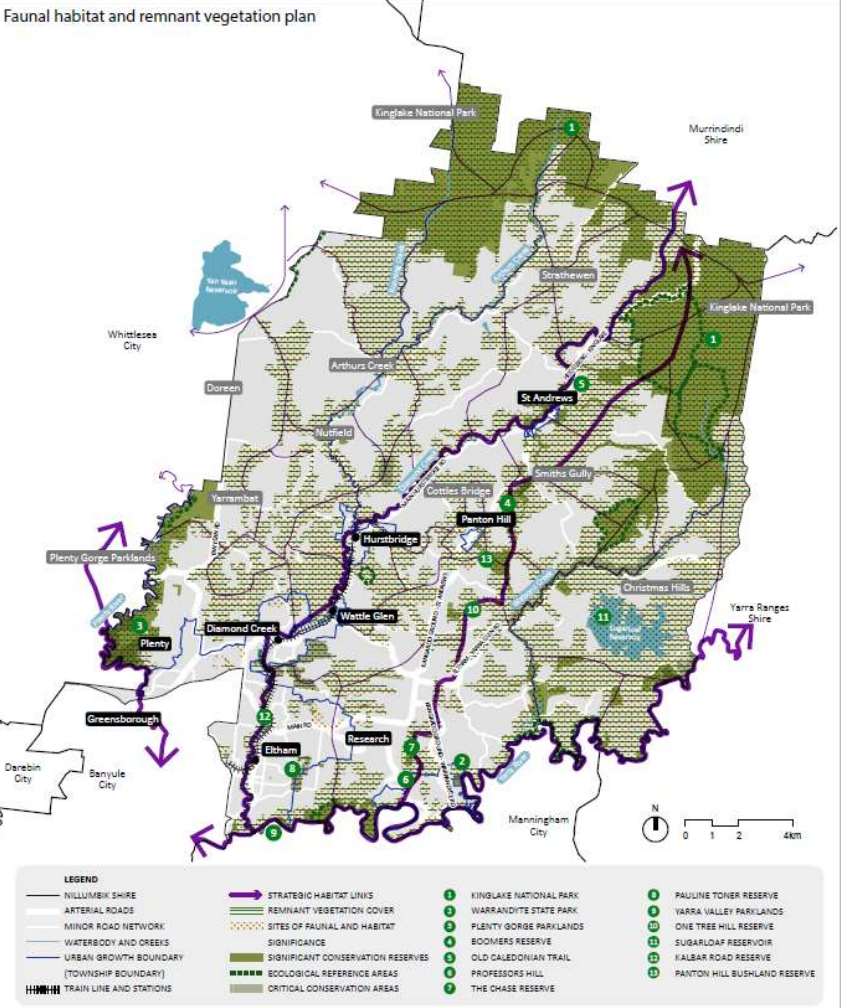
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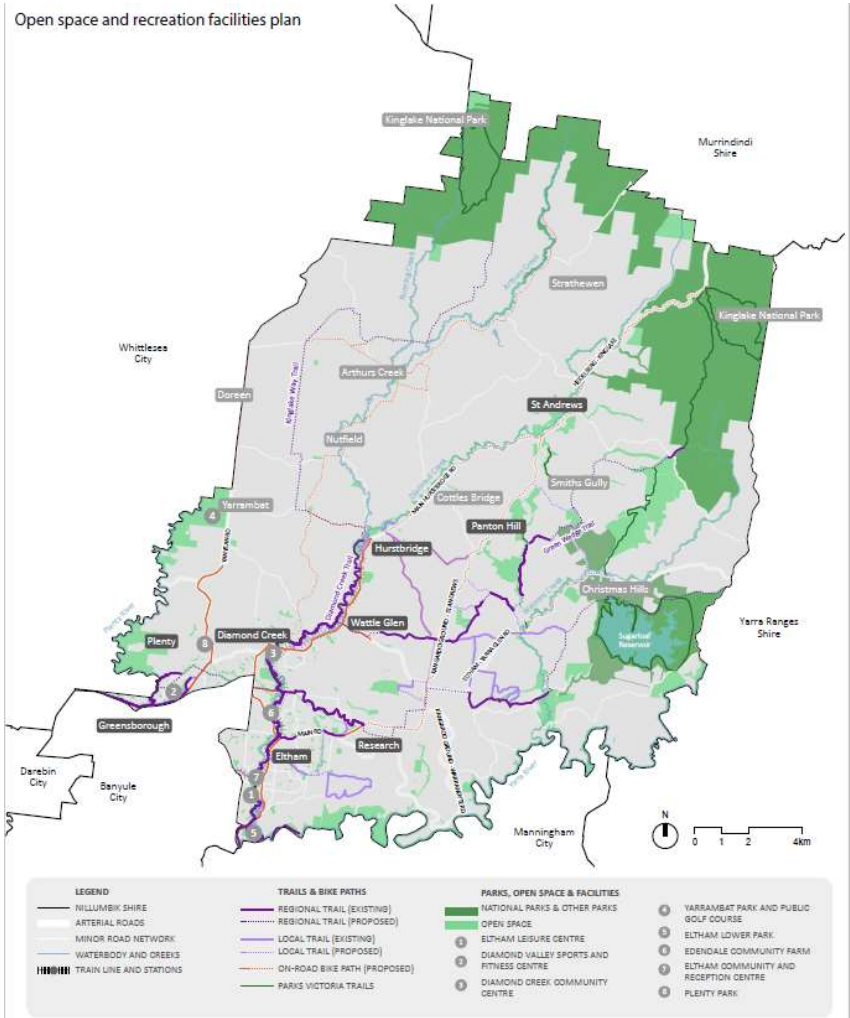
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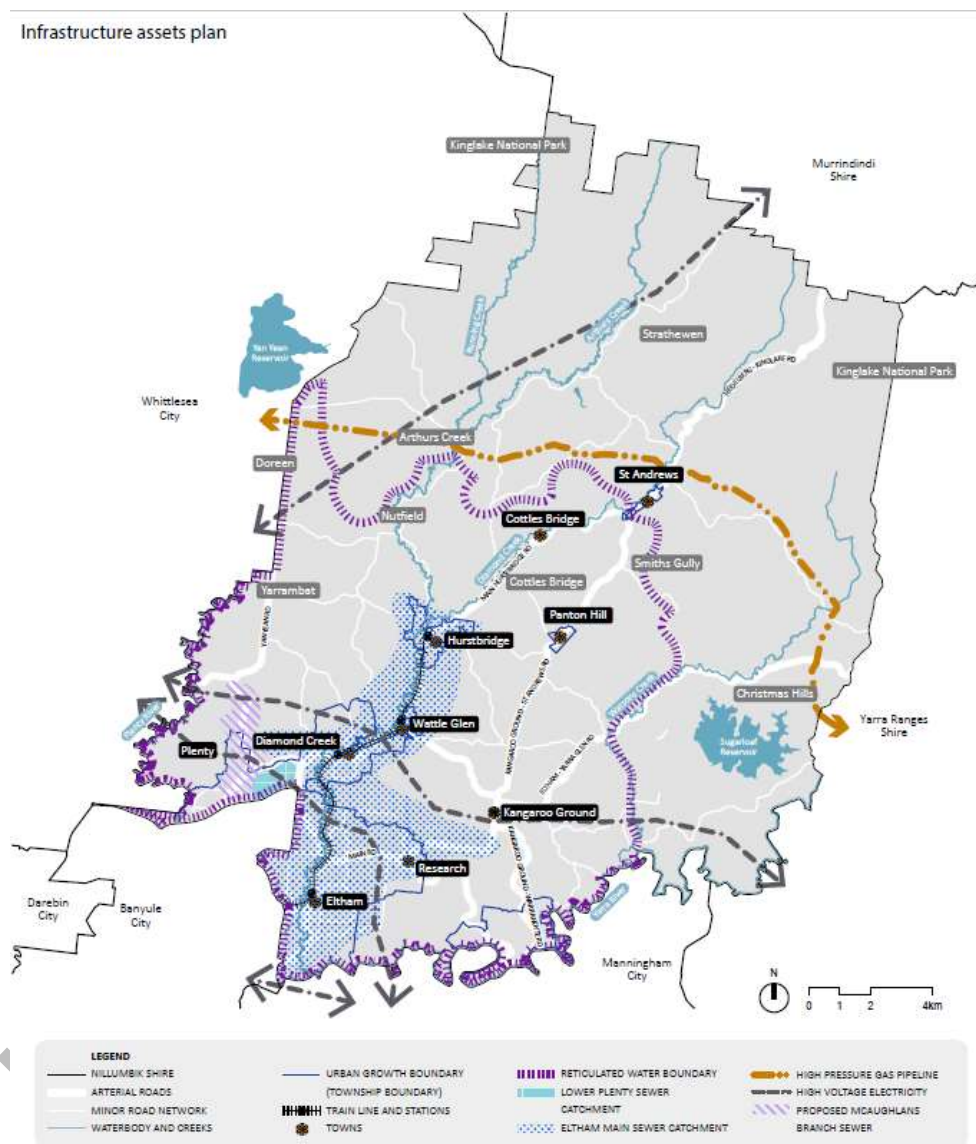
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02.04-4 Infrastructure assets plan (Final Draft MPS)

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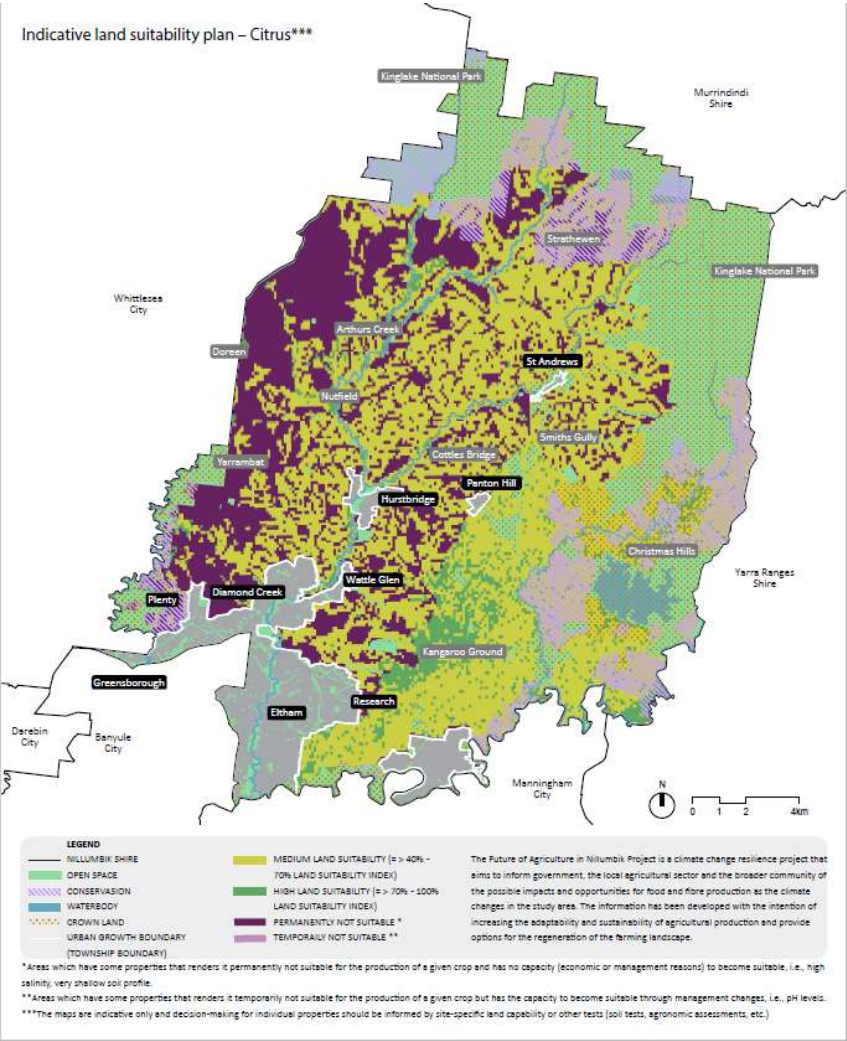


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02.04-5 Indicative land suitability plans (Final Draft MPS)

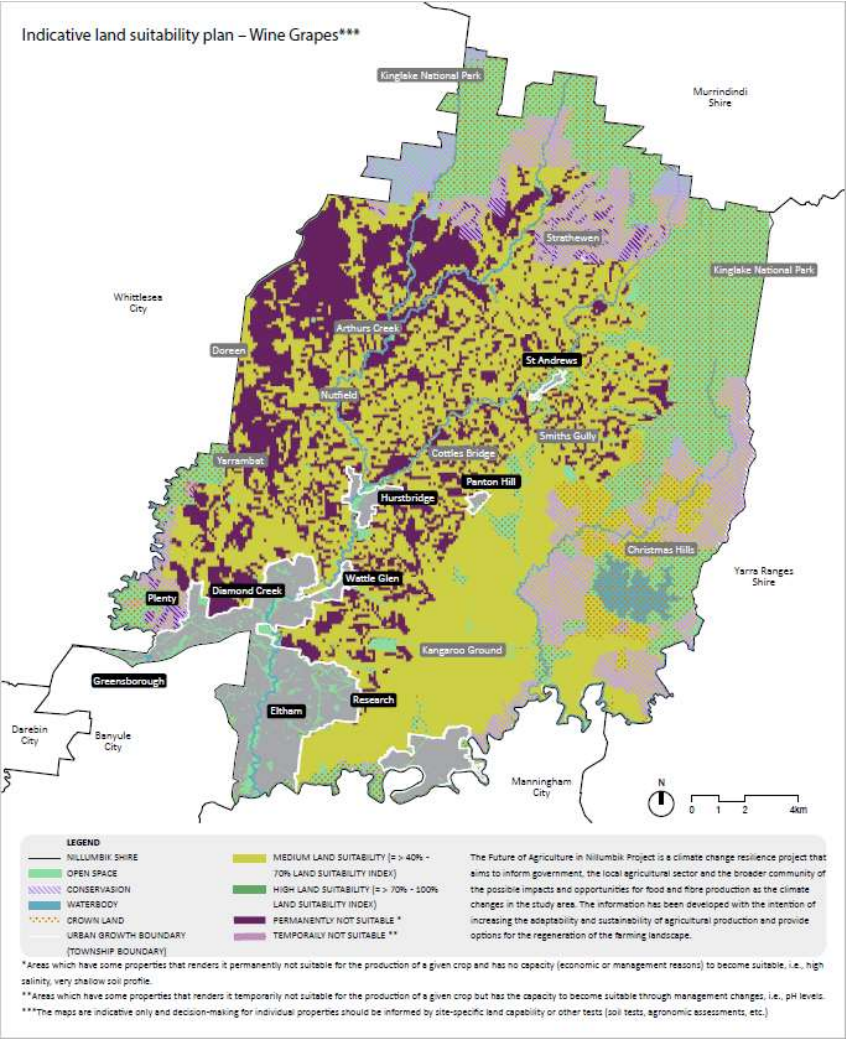
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Indicative land suitability plan – Citrus (Final Draft MPS)



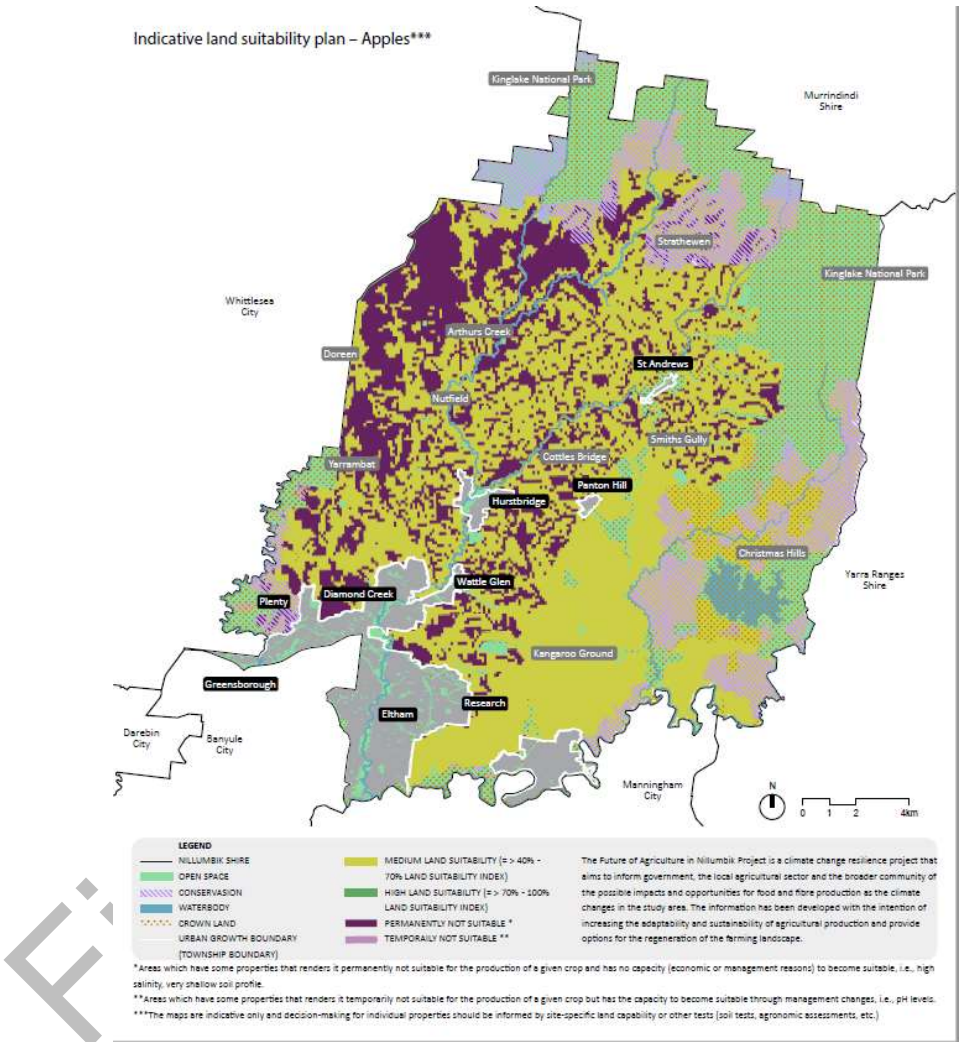
NILLUMBIK PLANNING SCHEME

Indicative land suitability plan – Wine Grapes (Final Draft MPS)



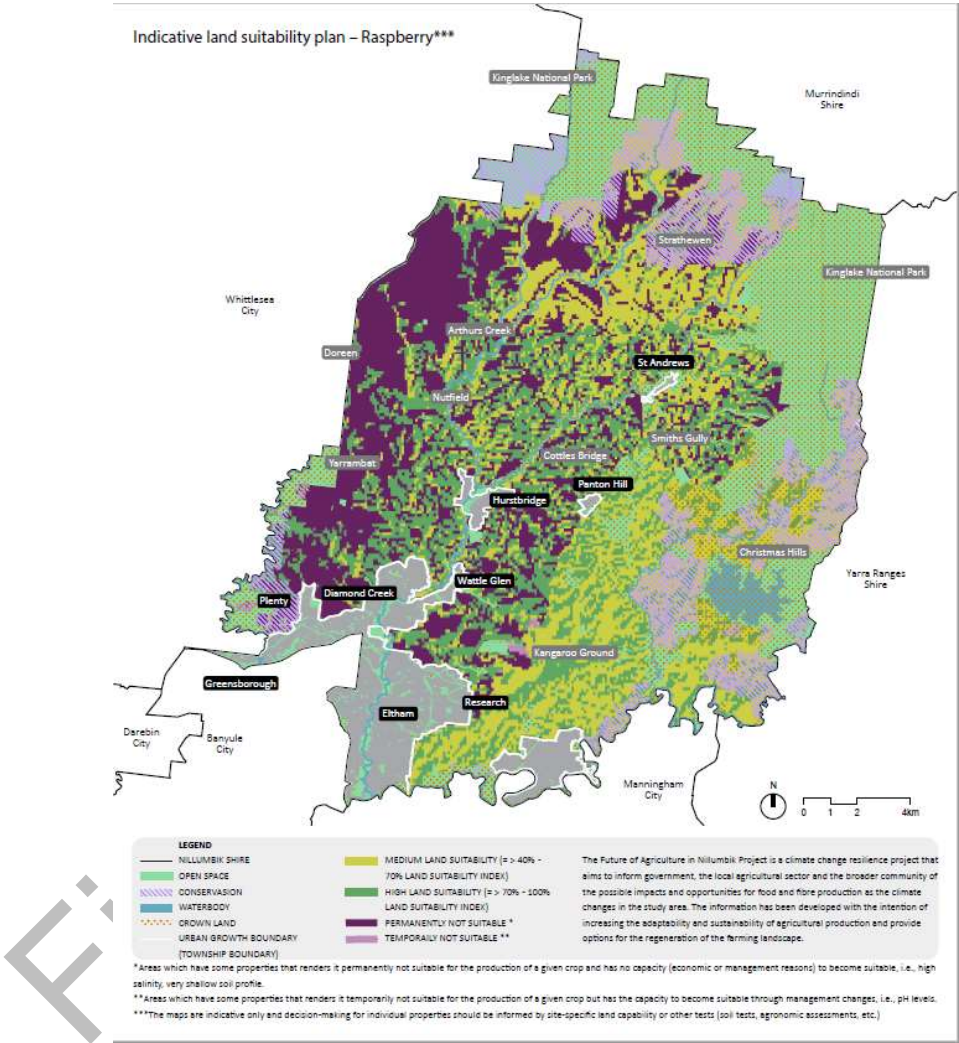
NILLUMBIK PLANNING SCHEME

Indicative land suitability plan – Apples (Final Draft MPS)



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Indicative land suitability plan – Raspberry (Final Draft MPS)



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02.01 CONTEXT

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Located on the north-eastern urban-rural fringe of Melbourne, the Shire of Nillumbik (Nillumbik) is approximately 25 kilometres from Melbourne's Central Business District and is generally bounded by the Yarra and Plenty Rivers and the Kinglake Ranges, which are of national and state environmental significance. Nillumbik Shire was formed in 1994 from the merger of parts of the Shires of Eltham, Diamond Valley, Healesville and the City of Whittlesea.

The Wurundjeri Woi-wurrung people are the Traditional Owners of the Country on which Nillumbik is located. The significance of their history and connection with the landscape are essential elements of the shire's unique character.

Approximately 91 per cent of Nillumbik is rural land that lies outside the Urban Growth Boundary and forms part of a metropolitan green wedge, providing a non-urban break between the Whittlesea urban growth corridor and the Lilydale urban area. The green wedge is an area of environmental, landscape and agricultural importance to both Nillumbik and the wider metropolitan region. It contains the Sugarloaf Reservoir, a principal catchment in Melbourne's water supply.

As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. A large proportion of the shire already experiences high bushfire risk. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions.

Nillumbik has an estimated population of 65,369 people (Nillumbik Shire Council, 2021). This is not expected to increase substantially; however, an overall ageing of the population is expected. The greatest proportion of people aged over 70 years live in Eltham Central, Wattle Glen and Eltham South.

Much of Nillumbik is rural and is used for a combination of agriculture, rural living and conservation purposes. Within the rural areas are several and smaller rural communities. The population, however, is concentrated in the established urban areas of Diamond Creek, Eltham, Plenty, Research, Wattle Glen, Hurstbridge and parts of Greensborough. Low-density residential development effectively forms a buffer to rural areas. Each settlement area comprises their own identity and heritage.

Nillumbik's natural beauty, diverse landscapes and biodiversity are highly valued both locally and regionally. Much of Nillumbik remains heavily vegetated, particularly in the non-urban undulating regions and along the major rivers and creeks. Nillumbik's strategic habitat links extend into surrounding municipalities and connect extensive areas of native vegetation. The green wedge, including conservation areas, supports a diverse range of species and their habitats, including the 'vulnerable' Powerful Owl, 'endangered' Southern Toadlet and the 'critically endangered' Eltham Copper Butterfly. Nillumbik also contains several regional and national parks, valued both for their environmental and recreational functions.

Nillumbik's economy is made up of four key industry areas: knowledge based, creative and culture, primary industry and trade, and retail and hospitality. The majority of businesses employ less than five people. A large proportion of businesses are home-based, which is a growing trend in Nillumbik, along with other emerging sectors including arts and culture, food and beverage, visitor attraction and sustainable agri-business.

02.02 VISION

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The *Nillumbik Community Vision 2040* emphasises that community and the Nillumbik Green Wedge is at the heart of the Shire. It states:

Nillumbik's places and spaces make an important contribution to health, wellbeing, culture, the environment, biodiversity and economic success. We continue to strengthen the Shire's identity through reinforcing existing natural and built form, improving accessibility and connectivity, protecting the environment, and enhancing both the Green Wedge and tree canopy in urban areas.

We acknowledge the pressures on liveability that in the future will likely challenge the way we live. We continue to strengthen Nillumbik's ability to manage and adapt to changing circumstances, to ensure the Shire and our community remain sustainable and resilient.

Nillumbik's planning related goals are to:

- Protect the Shire's green wedge across all aspects of planning.
- Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity.
- Facilitate enjoyable and connected places that strengthen identity and character, foster social connection and improve accessibility, wellbeing and safety for all.
- Strengthen Nillumbik's identity by protecting and enhancing its natural environment, heritage, arts and culture.
- Support economic growth that capitalises on Nillumbik's strengths, is innovative and is compatible with the natural environment.

02.03 STRATEGIC DIRECTIONS

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02.03-1 Settlement and the Nillumbik Green Wedge

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Maintaining the existing settlement pattern of distinct urban areas and clearly defined rural townships surrounded by non-urban areas is critical to the ongoing sustainability of Nillumbik as a 'green wedge' municipality. Nillumbik, located on the fringe of metropolitan Melbourne, does not form part of a designated growth corridor. Outward metropolitan development, therefore, will not be a significant feature of the municipality.

Nillumbik's key planning issue will be providing a diverse range of dwellings within the Urban Growth Boundary while ensuring that it is in keeping with neighbourhood character. Areas identified as having further growth potential for residential subdivision in existing residential zones include:

- Eltham and Diamond Creek Major Activity Centres.
- Apollo Parkways.
- Land in the Diamond Creek North Area A Development Plan and Diamond Creek Area B Development Plan to the north and north-east of the Diamond Creek Major Activity Centre.
- The Plenty Low Density Residential area.

The Nillumbik Green Wedge is of significant value to the Shire and wider region, particularly for its biodiversity, natural beauty, visitor experiences, agriculture and other non-urban values. It contains sites of environmental and landscape significance and a mix of conservation, agricultural and residential uses. Issues of land use conflict, resource use and environmental management arising from the diversity of uses must be managed through sustainable land use and natural resource management.

Strategic directions:

- Maintain non-urban breaks between existing urban areas and non-urban areas, and between rural townships.
- Focus development in the established township and urban areas to take advantage of existing infrastructure and maintain the viability of these areas.
- Protect the green wedge from incompatible use and development.
- Limit subdivision in rural areas to minimise fragmentation of rural land and maintain vistas.

Activity centres

The **Eltham Major Activity Centre** is one of the primary community and commercial focal points within Nillumbik, providing a diverse range of commercial activities, community services, recreational facilities and housing opportunities, as well as containing a substantial public transport hub.

The **Diamond Creek Major Activity Centre** is a shopping, service and community centre for Diamond Creek and adjoining areas. It contains a range of retail, commercial, community and leisure activities and facilities that are serviced by the Hurstbridge railway, limited bus services and a road network dominated by Main Hurstbridge Road, which forms the 'spine' of the centre.

It is envisioned that the Eltham and Diamond Creek Major Activity Centres will continue to be the focus of community life, providing a wide range of shopping and professional services and places to meet and recreate. They will also have an increased role in providing for a diversity of housing and in particular, medium density housing.

Neighbourhood Activity Centres, including Hurstbridge and Research, offer a blend of uses and the availability of public transport generally supports higher levels of business and other activities, resulting in lower car usage and enabling multipurpose trips. Rural townships of Panton Hill and St. Andrews have a strong sense of identity and provide a focus for community life and interaction.

Strategic directions:

- Promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire, supported by Neighbourhood Activity Centres, small local convenience centres, rural townships, and rural stores.
- Facilitate an expansion in the range of commercial and community services available in the major activity centres, including those that cater for a local/regional clientele.
- Facilitate increased diversity and amount of housing in the major activity centres that are sustainable and scaled to respect the surrounding topography.

Eltham Gateway

The Eltham Gateway is a precinct with cultural and landscape significance to the local community and forms the entrance to the Eltham Major Activity Centre.

The Gateway provides services for the local community with a mix of residential, small-scale office and community uses, transitioning to more predominantly residential uses south of Mount Pleasant Road.

The Gateway contains a range of historic buildings that influence the architecture of the area and an avenue of trees that commemorates World War One. Its topography allows significant vegetated views from Main Road towards the Diamond Valley. Its high levels of indigenous vegetation, which often substantially screen built form from public view, and its modest scale of development, particularly along Main Road, provides a transition from the urbanity of the suburbs to the semi-rural character of Eltham.

Strategic directions:

- Protect and enhance the cultural and landscape significance of the Eltham Gateway.

02.03-2 Environmental and landscape values

Protection of biodiversity

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The Shire contains extensive habitat links comprised of native vegetation and water courses. Given the large number of threatened native species and threatening processes occurring in the Shire, including climate change, planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals. Importantly, significant remnant vegetation, conservation areas and environmentally significant areas are located on both public and private land. These areas are identified on the faunal habitat and remnant vegetation plan to Clause 02.04.

Roadsides are an integral part of maintaining biodiversity in Nillumbik. Roadside vegetation provides wildlife with movement corridors between larger areas of habitat, and can be the remaining refuge for many native floral and faunal species. In many parts of the Shire, land clearing and urban expansion have left roadsides as the only areas of relatively intact habitat where ground, middle and upper storey vegetation still remain.

Strategic directions:

- Protect and enhance areas of environmental significance and conservation.
- Protect significant remnant vegetation.

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- Facilitate the establishment of large areas of native vegetation that are interconnected by a network of habitat corridors.
- Protect the habitat areas of native vegetation and fauna.
- Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the Shire.

Waterways and water bodies

Nillumbik is situated in the Yarra Catchment and includes the sub-catchments of Arthurs Creek, Diamond Creek, Watsons Creek and the Plenty River. Nillumbik's environmental and social values are ascribed to areas of environmental and landscape quality in the vicinity of its waterways. The condition of rivers and tributaries in the Shire ranges from excellent in the forested northern part of the Shire to poor in the urban areas.

Use and development have the potential to affect stormwater quality and adversely affect downstream areas. Decline in water quality is associated with unsustainable land management practices, vegetation clearance, unrestricted stock access to streambanks and low flow rates associated with the proliferation of private dams and drought. Increased compacted, paved or covered surfaces result in higher volumes of stormwater run-off that carry pollutants into the waterways.

Strategic directions:

- Protect wetlands, floodplains and waterways from land use and development that will cause disturbance and pollution.
- Encourage land uses that improve water quality and maintain environmental flows.
- Facilitate ongoing and sustainable management of stormwater in development.
- Ensure land use and development avoids adverse impacts on the wider water catchment.

Landscapes

A significant element of the unique character of Nillumbik is its highly attractive landscapes and picturesque views from and of the many valleys and elevated ridge lines. These landscape vistas are highly valued by the community and visitors.

Nillumbik's undulating landscape consists of lowland hills and alluvial plains in the southern portion of the Shire, and steeper upland hills in the north.

Extensive areas of native vegetation, water courses and undulating terrain are the main features that contribute to the landscape identity of the Shire. The rural areas provide vistas of agricultural land, treed bushland, hills and watercourses with minimal urban intrusion. Indigenous vegetation is predominant in landscapes throughout the Shire.

Poorly designed and sited structures compromise the integrity of these features. Threats include locating buildings on hill-tops and along ridgelines to take advantage of distant views, the presence of multiple buildings and the use of reflective materials.

In order to maintain the high landscape values in the Shire, threatening processes associated with the loss and degradation of the natural and built environment need to be addressed.

Strategic directions:

- Minimise adverse impacts of land use changes and development on the landscape.
- Protect and enhance rural landscape character through vegetation retention and respectful siting and design of development in rural areas.

02.03-3 Environmental risks and amenity

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Climate change

Climate change is one of the biggest threats to Nillumbik's future. It is projected that warmer and drier conditions will have negative consequences for health, infrastructure, agriculture, water and biodiversity. [Climate Action Plan, pg3] Its negative impacts include:

- Harsher fire weather and longer fire seasons.
- Water shortages and droughts.
- Consequences on the health of the natural environment.
- Impacts on agriculture and land productivity.
- More frequent and extreme heat waves, storms and flooding events.
- Increase to the urban heat island effect. [Climate Action Plan, pg14]

Council has a target of net zero emissions across Nillumbik by 2035.

Strategic directions:

- Encourage use and development that mitigate and adapt to the impacts of climate change and seek to minimise its negative impacts.
- Protect and enhance the tree canopy across Nillumbik.

Flooding, soil degradation and bushfire

In rural areas, the need to protect habitat links and minimise fire and flood risk and erosion are important considerations in siting buildings and works. These and off-site considerations (such as ensuring that effluent does not enter watercourses) at the planning stage benefit future occupants of land and the environmental integrity of the area.

Most areas liable to flooding are located along the Diamond Creek from Hurstbridge to Eltham, along the Yarra River from Kangaroo Ground to Eltham and the Plenty River at Plenty.

The Shire is not subject to significant landslide activity except where new development alters the conditions of sites on steeper slopes. Most of the soils in the Shire are susceptible to erosion on slopes and in drainage lines. Soils in the vicinity of Kangaroo Ground have a high shrink-swell potential that can result in foundation movement and hence damage to structures and disruption to services.

Low lying areas of the Shire are prone to dryland salinity particularly in areas that have been extensively cleared. The retention of vegetation and revegetation will be critical in avoiding salinity related problems.

Bushfire risk is a significant issue in the Shire as a result of its vegetation, topography and climate. North Warrandyte, the Plenty Gorge, Christmas Hills and St Andrews have a particularly high risk due to limited access and egress, as well as large population concentrations. Climate change will lead to longer fire seasons. Many bushfire prone areas have high environmental significance. Particular attention to fire issues is needed in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas.

Strategic directions:

- Discourage development, including vegetation removal, that degrades stormwater quality and increases soil erosion, expansion and landslip risks or other hazards.
- Avoid siting development in rural areas liable to flooding.
- Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development.

Potentially contaminated land

Some areas in Nillumbik contain potentially contaminated soil. For example, the Plenty/Yarrambat corridor area, which has ongoing pressure for low-density residential development, was previously used for gold mining activity. As such, its soil may contain concentrations of arsenic, cyanide and mercury.

Strategic directions:

- Avoid sensitive use and development on land that contains or may contain unacceptable levels of soil contamination, unless testing and necessary remedial treatment have been undertaken.
- Apply the Environmental Audit Overlay to potentially contaminated land.

02.03-4 Natural resource management

Agriculture

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While much of the geographic area of Nillumbik is rural, there are only a handful of large scale agricultural enterprises. The majority of the rural areas have soils with low fertility that are subject to erosion, making much of the Shire unsuitable for traditional agricultural use.

Broad-scale agricultural enterprises are mostly concentrated to the north-west of the Shire where enterprises run on larger land holdings. Very high quality agricultural land exists at Kangaroo Ground and Arthurs Creek. Small agricultural enterprises are prevalent in many rural areas of the Shire.

The continual pressures of tourism and urbanisation can adversely impact on the rural environment. Conflicts may occur between agricultural pursuits, rural living and other uses. These pressures can lead to changes in the rural landscape character and increased land values, which impacts the ability for farmers to achieve economies of scale.

It may be possible to expand the production of 'high value' horticulture and intensive livestock commodities already well suited to the area. Increasing the productiveness of agricultural industries is important for the sustainability of the green wedge areas, providing the environmental significance is not compromised.

Agricultural use and development must be planned to maintain the quality and quantity of natural resources and support the sustainable management of natural systems. This may include using new production methods, adopting new technologies, alternative energy sources and crop types, reducing waste or other sustainable and regenerative agricultural techniques. Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability.

Strategic directions:

- Protect and enhance agricultural land for its productive potential and environmental value.
- Retain existing agricultural land for soil based agricultural production.
- Promote land use in rural areas in accordance with the capability and productive potential of the land.
- Promote sustainable agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.

02.03-5 Built environment and heritage

Urban and building design

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The revitalisation and attractiveness of activity centres and townships are important to the viability of local commercial areas and providing inviting spaces for social

NILLUMBİK PLANNING SCHEME

interaction. The integrity of streetscapes and natural landscapes can be threatened by development that does not respond to the local characteristics of the area or incorporate design outcomes that enhance the functionality and visual amenity of the area. Additionally, there are opportunities to design places within Nillumbik (including through public art) so that its creative culture continues to be celebrated.

The Shire endeavours to ensure that all people, including those with a disability or impairment, have safe and efficient access to places and buildings.

The industrial precincts at Eltham, Research and Diamond Creek are located close to residential areas and in areas with high landscape values and vistas. It is important that development on industrial land contributes to the amenity of the area.

Strategic directions:

- Protect and enhance urban streetscapes, townships and landscapes.
- Promote urban design outcomes that retain the historical and individual characteristics of each area while enhancing its attractiveness, distinctiveness, safety and accessibility.
- Design places and development to maximise access for all users.
- Encourage development in industrial precincts to positively contribute to the visual amenity of the area, while ensuring functional layouts and use of land.

Signs

Advertising signs should aim to complement the high visual quality of urban streetscapes and rural landscapes. The proliferation, poor design and location of signs can significantly detract from the visual amenity and character of an area, and impact on road safety. Sign clutter can also reduce the effectiveness and visibility of individual signs.

Strategic directions:

- Encourage signs that provide effective identification of businesses and other land uses without adversely impacting on the amenity of the area.
- Site and design signs to complement and enhance, rather than dominate, the streetscape and landscape.
- Ensure road safety is not adversely affected by signs.

Neighbourhood character

The urban and township areas are characterised by a tree canopy of predominantly indigenous species resulting in vistas that are not dominated by buildings. Residential areas are generally of a lower density than in metropolitan Melbourne, providing for open spaces and retention of a bushland setting. Streetscapes generally consist of single dwellings on conventional lots with ample opportunities for canopy trees.

While most existing dwellings are of weatherboard or brick construction, there is also a strong tradition of adobe and mud-brick construction and continued interest in the use of alternative building materials and techniques such as rammed-earth and straw-bale construction.

The natural and built character of residential areas contributes to a high level of amenity and a strong sense of place for the community.

Strategic directions:

- Maintain and enhance the character, including neighbourhood character, of urban and township areas.
- Encourage the use of alternative construction materials where it adds character to the municipality and reflects surrounding development.

Energy and resource efficiency

Increasing levels of greenhouse gas emissions resulting from the increased energy consumption of non-renewable resources is an environmental threat that needs to be addressed, as a means to respond to climate change impacts, irrespective of whether the development is situated in a rural or urban location.

Strategic directions:

- Promote energy efficiency in land use and development, including through:
 - The layout of subdivisions.
 - The location, siting and design of buildings and places
 - The use of renewable energy technologies.

Heritage

The Wurundjeri Woi-wurrung people are the Traditional Owners of the land Nillumbik is located on. A large number of existing Aboriginal archaeological sites that contribute to the cultural heritage of the region have been identified.

Nillumbik also has many sites that have non-indigenous cultural significance, including gold mining related historic sites, as well as original farm houses, bridges and other features that existed since early agricultural settlement. The Shire is also known for its 'environmental buildings' such as the Montsalvat Artists' Colony in Eltham and mud-brick dwellings, which reflect the Shire's artistic heritage.

Strategic directions:

- Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.
- Ensure new use and development do not impede on or detract from sites and features of heritage and archaeological significance.

02.03-6 Housing

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Nillumbik will experience a reduction in household size due to an ageing population. Additionally, Nillumbik will need to accommodate an increasing number of households. Currently, there is a lack of housing diversity and the predominant form of housing may not be suitable for all residents as household sizes decrease and the age of residents increase.

The trend of decreasing average household size and ageing population provides the impetus to provide for some medium density housing and other housing models (such as social housing). Consolidation of development will provide for more efficient use of infrastructure, and will assist in protecting the surrounding natural environment, significant landscapes and unique settlement pattern.

The locations most suited to medium density development are those that are close to infrastructure, including public transport scheduled stops, commercial areas, public open space and other community facilities. The Eltham and Diamond Creek Major Activity Centres and the Hurstbridge Shopping Centre provide such facilities.

Strategic directions:

- Facilitate the provision and diversification of housing to meet the projected increase in the number of smaller households and the ageing population, while respecting the neighbourhood character protecting natural and heritage values and minimising environmental risk.
- Facilitate medium density housing development that is compatible with the character of the area in identified locations that are close to infrastructure.
- Facilitate the provision of affordable housing close to infrastructure and services.
- Identify Nillumbik's housing needs in a housing strategy.

Rural residential development

Residential settlement in rural areas is usually based on an appreciation of the bush and often a willingness to revegetate previously cleared areas. With an undulating topography, there is also the attraction of distant views. Inappropriate historical subdivisions have created a significant number of small lots in the Green Wedge, making it susceptible to demand for rural residential development. However, rural residential development is often unsuitable in these areas as they have high bushfire risk and significant environmental values, and lack infrastructure and facilities. There is also ongoing land use conflict between agricultural and rural residential land uses and a risk that further rural residential development will fragment rural land into unviable land parcels.

Yarrambat and the northern area of Plenty are suitable in supporting a rural residential community, while North Warrandyte forms a well treed low-density residential area on the northern side of the Yarra River.

Strategic directions:

- Discourage residential development in the Green Wedge, unless supported by a council strategy or framework plan.

02.03-7 Economic development

Business and employment

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Economic development opportunities in Nillumbik are likely to be generated by small business enterprises, especially home-based businesses. Economic development should focus on strengthening existing enterprises and facilitating new business initiatives that respect the Shire's environmental, social and economic development priorities.

The main employment locations are the Eltham and Diamond Creek Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, which provide local employment opportunities. The Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and rural townships offer opportunities for increased tourism activities, including cultural and eco-tourism operations.

For the Green Wedge, opportunities exist in agribusiness, tourism, recreation and sustainability including renewable energy. The range of tourism and commercial activities are restricted to activity centres or purposes that can be used in conjunction with agriculture, rural industry or winery.

Nillumbik has deep connections to the arts. It is home to several artist communes, including Montsalvat and Dunmoochin, and has been the centre for various art and architectural movements. Nillumbik continues to support artists across the wider creative sector.

Strategic directions:

- Promote economic development opportunities that build on and respect the cultural and physical characteristics and rural focus of the Shire.
- Support the economic and employment viability of Activity Centres, Town Centres and the industrial land at Research.
- Encourage tourism that showcases Nillumbik's cultural and nature-based assets and generates local employment opportunities.
- Encourage use and development in agribusiness that promote innovation in sustainable and regenerative agriculture.
- Encourage use and development that grows creative and cultural industries.

Industry

The existing industrial precincts in Eltham, Research and Diamond Creek are close to full capacity. To facilitate new industrial uses, these precincts should be retained for industrial uses and protected from the encroachment of other uses. This is unless Council has identified the land to be rezoned or redeveloped with other uses, such as the Bridge Street Business Area in the Eltham Major Activity Centre.

Strategic directions:

- Protect industrial precincts from non-industrial use and development unless a council strategy supports rezoning or redeveloping the land with other uses.

02.03-8 Transport

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Nillumbik is a commuter area with the majority of the workforce travelling to other areas for employment. Consequently, issues arise such as increased greenhouse gas emissions and traffic congestion and the need for residents to access employment and public transport services. Improving safe and easy access to sustainable transport options, such as public transport and walking and cycling, can reduce car dependency and travel related emissions. Currently, public transport consists of the Hurstbridge railway line and connecting local bus routes concentrated in the urban south-west area of the Shire. The further development of pedestrian and cycle trails to link the key activity centres is a priority to encourage safe and convenient access for residents.

Many unsealed local roads service traditional residential, agricultural or bush uses and would be unsuitable for new uses requiring significant increases in traffic movement. The Western Ring Road and Whittlesea's urban growth corridor will continue to increase demand on Nillumbik's road network and other infrastructure.

Strategic directions:

- Facilitate increased public transport usage and opportunities for walking and cycling to reduce car-dependency.
- Incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network.
- Facilitate development that improves connectivity and accessibility, particularly for pedestrians and cyclists, within and between activity centres, public transport stations and the wider region.
- Facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users.

02.03-9 Infrastructure

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Open space and recreational facilities

Nillumbik contains extensive areas of open space for the purposes of conservation. These areas are mainly connected to the major river and creek systems. The Open space and recreation facilities plan to Clause 02.04 identifies the open space and trail network and recreational facilities across Nillumbik.

In urban areas, the open space network should provide a broad range of recreational facilities and open space areas near residential areas.

In rural areas there are a number of horse riding, walking and mountain-bike trails. The emphasis is towards developing key regional and district recreational areas, enhancing and developing open space within townships and settlements, protecting native flora and fauna as well as developing a comprehensive regional based trail network.

Community facilities should be accessible to all groups, including children, youth, elderly persons and those with a disability. The dispersed population in the rural areas creates major challenges for the equitable distribution of community facilities,

NILLUMBIK PLANNING SCHEME

especially in dispersed areas where the population is heavily reliant on private transportation.

Strategic directions:

- Facilitate the provision and linking of trails, open space and local recreational facilities to form a network across the Shire, while minimising negative impacts on the natural environment.
- Encourage trails, open space and recreational facilities to be safe, equitable and accessible to all community members.
- Facilitate the provision of active and passive recreational facilities as an integral part of each township.

Development infrastructure

The dispersed nature of low-density residential areas creates difficulties in providing a full range of infrastructure services, and rural areas invariably have only limited physical infrastructure. A large part of the rural areas in the Shire rely on all-purpose effluent disposal systems as sewer is unavailable. A number of existing rural lots are unsuitable for residential development as effluent generated on site cannot be contained on-site.

The use of development contributions in the funding of infrastructure is important for designated residential areas where the existing infrastructure cannot cater for the expected density increase. This includes; the low-density housing in the Plenty/Yarrambat Corridor, new residential developments in Plenty and Diamond Creek, and in-fill development in urban areas. In particular, existing drainage arrangements in the Yarrambat area are insufficient for the further development of this area.

Strategic directions:

- Minimise infrastructure servicing demand in rural areas.
- Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site.
- Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development.

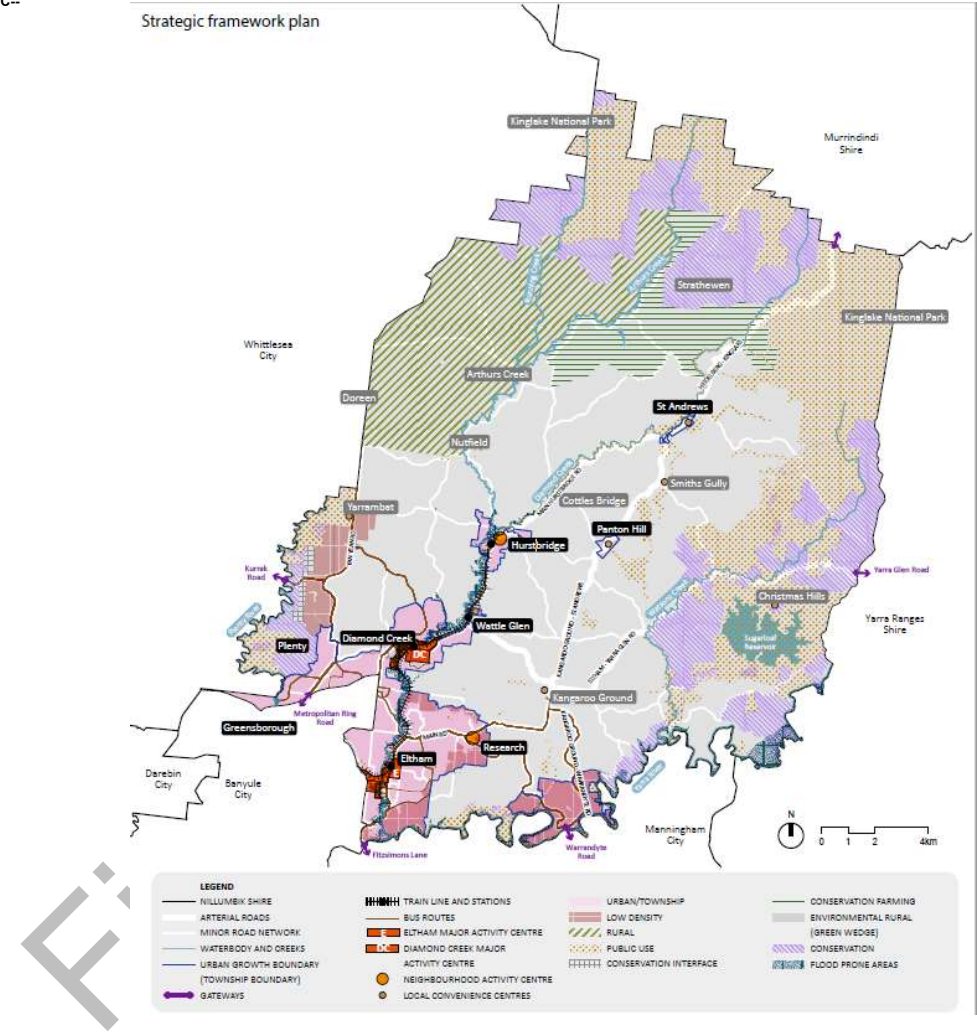
02.04 Strategic framework plans

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The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.

02.04-1 Strategic framework plan

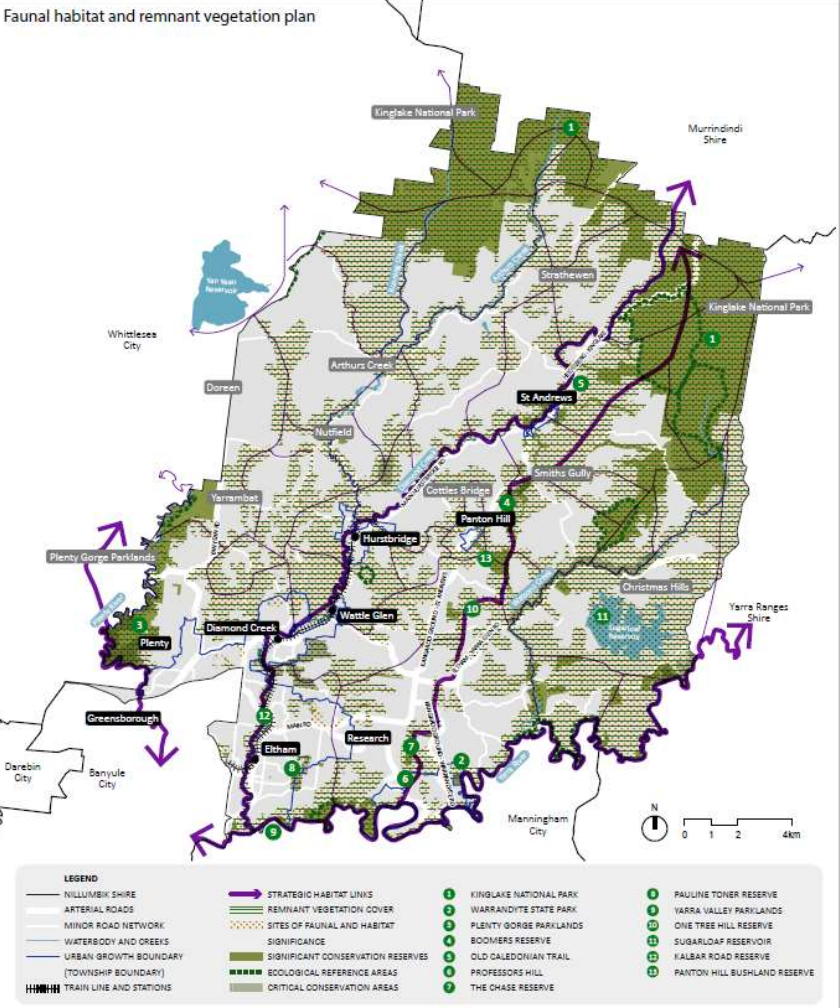
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NILLUMBIK PLANNING SCHEME

02.04-2 Faunal habitat and remnant vegetation plan

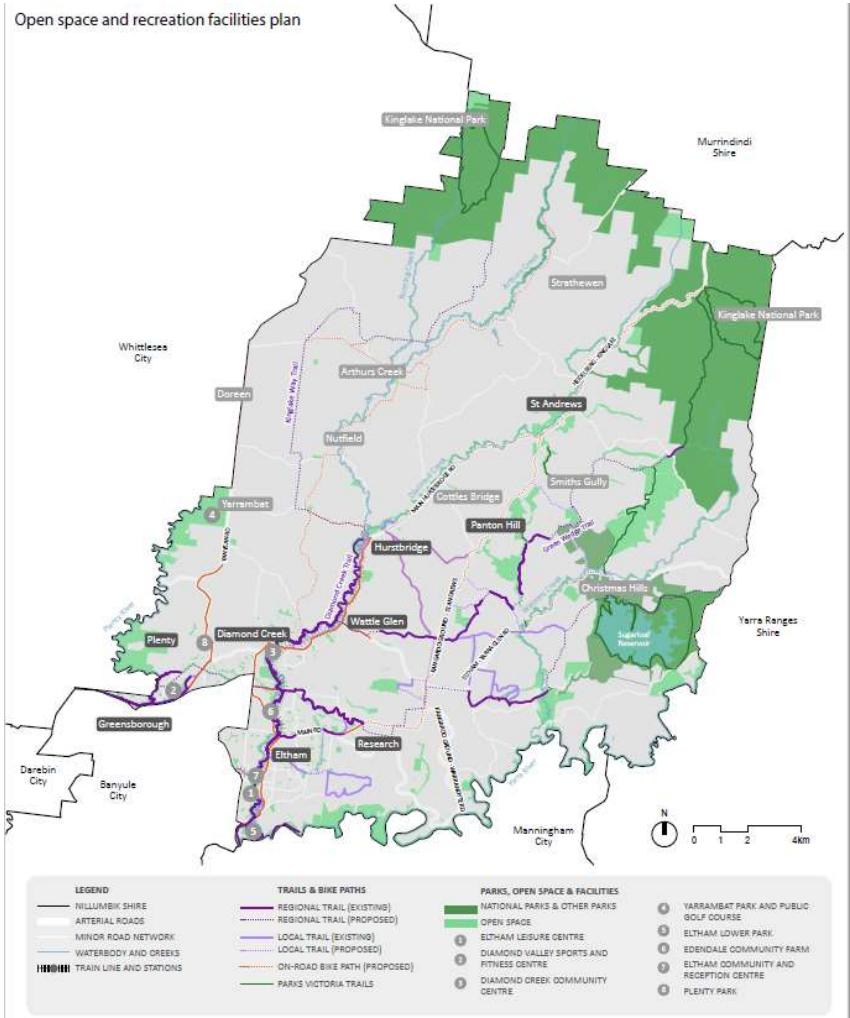
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NILLUMBIK PLANNING SCHEME

02.04-3 Open space and recreation facilities plan

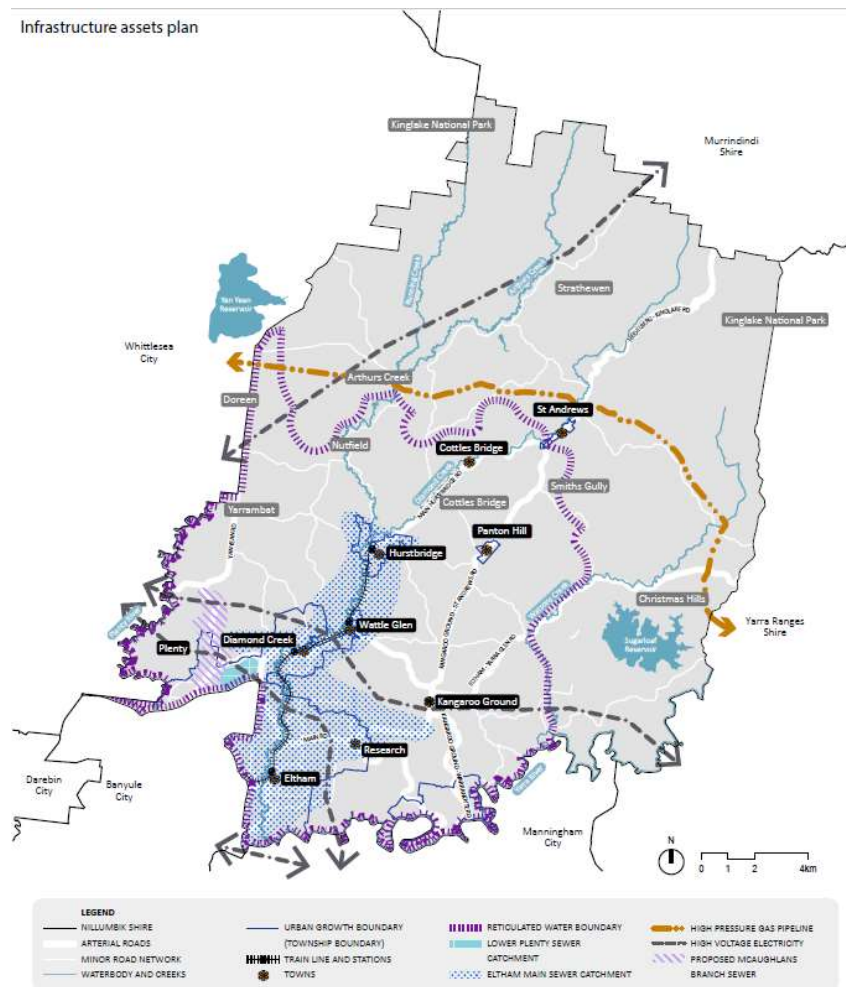
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02.04-4 Infrastructure assets plan

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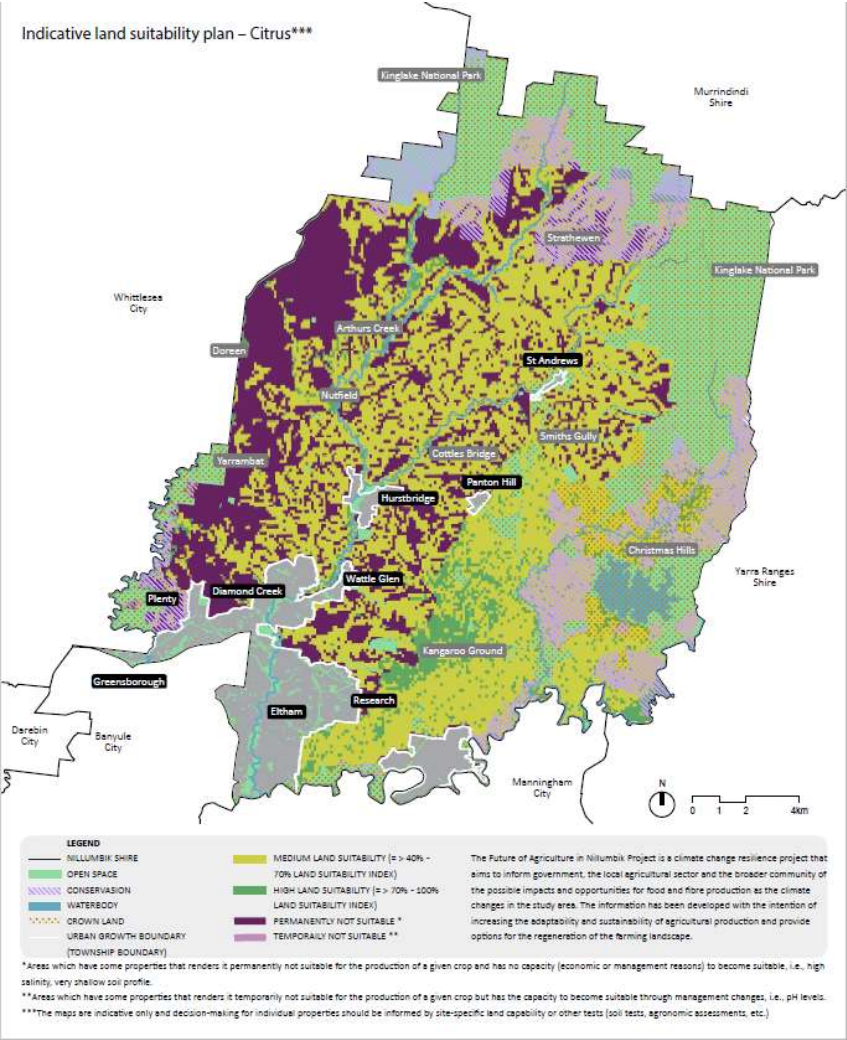
Infrastructure assets plan



02.04-5 Indicative land suitability plans

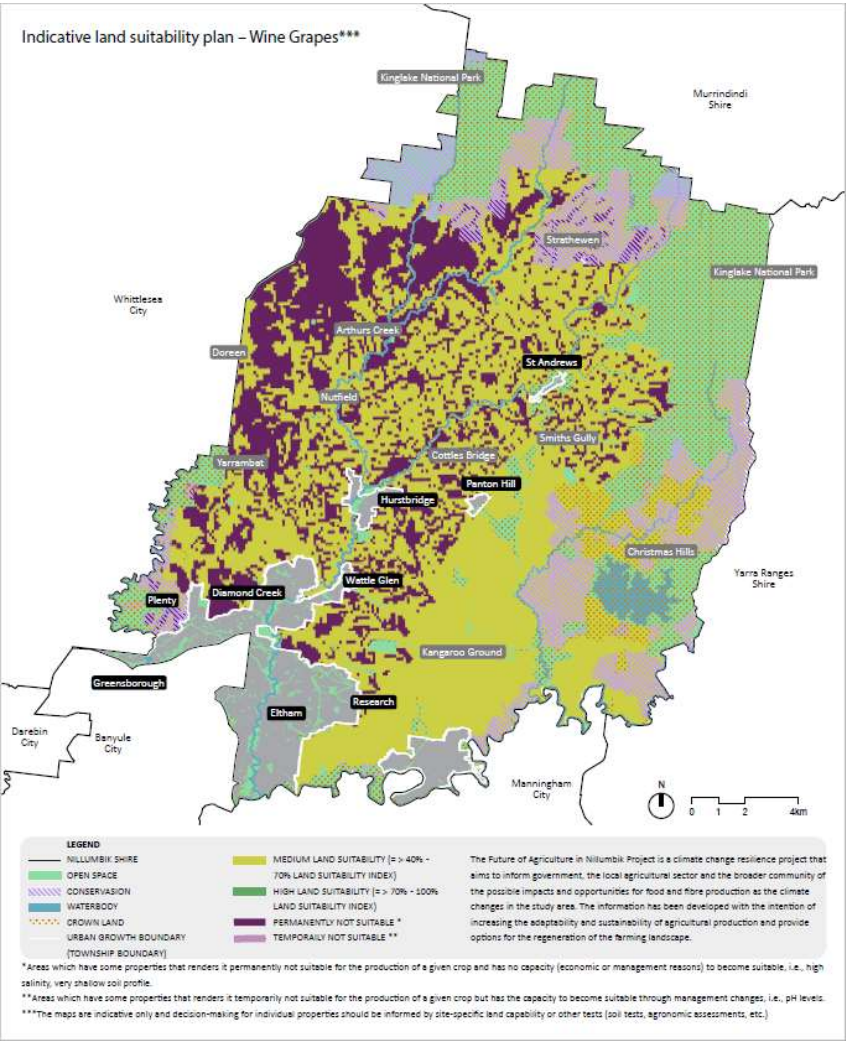
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Indicative land suitability plan - Citrus



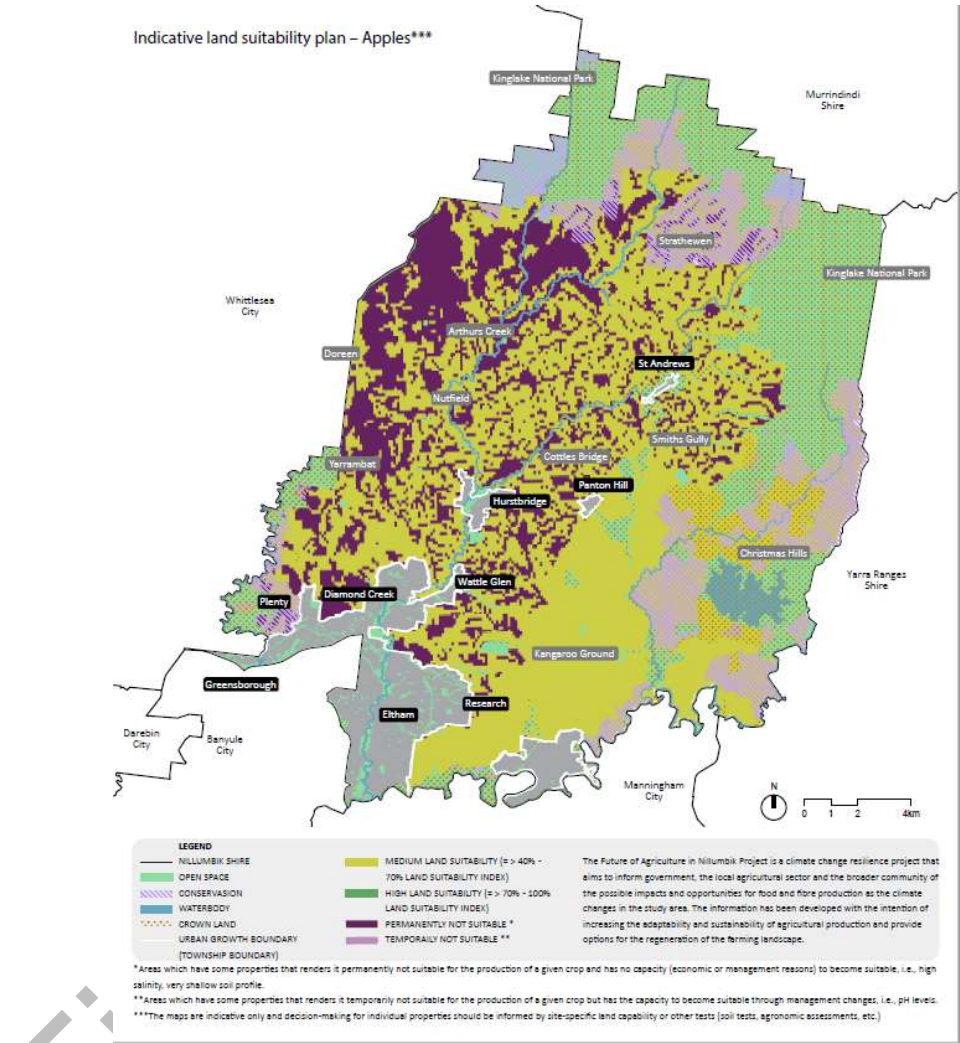
NILLUMBIK PLANNING SCHEME

Indicative land suitability plan – Wine Grapes



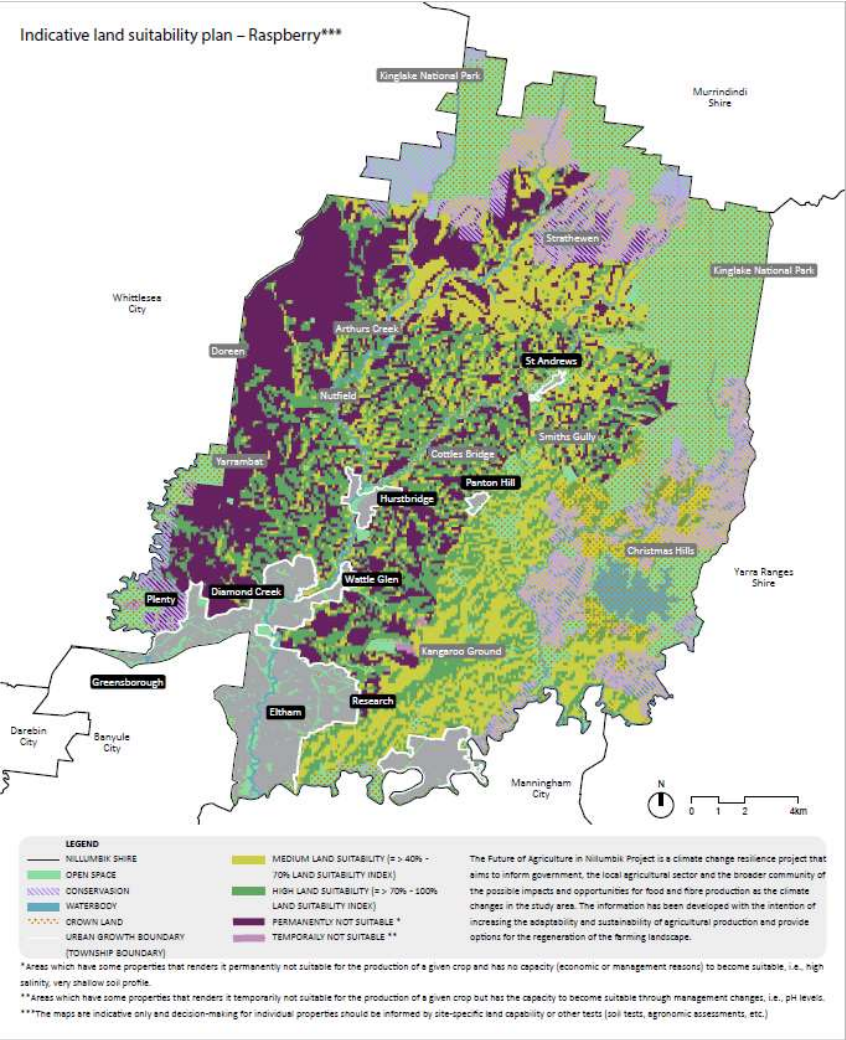
NILLUMBIK PLANNING SCHEME

Indicative land suitability plan – Apples



NILLUMBIK PLANNING SCHEME

Indicative land suitability plan – Raspberry



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SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

1.0

Further strategic work

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- Identify:
 - Nillumbik's housing needs through the development of a housing strategy.
 - Opportunities for medium density and more diverse housing that meet community needs particularly in the context of an ageing population. This should be undertaken through structure planning in identified activity centres the housing strategy.
 - And protect significant landscapes and vistas in the rural areas as an outcome of the Green Wedge Management Plan.
- Review:
 - The Neighbourhood Character Study.
 - The stock of vacant residential land supply and demand through the housing strategy.
 - The strategy documents for Hurstbridge and Wattle Glen.
 - Implementation mechanisms to identify and ensure appropriate development including signage controls in township entrances and gateways.
 - The quality, extent and visual impact and effectiveness of signage in industrial, commercial and gateway precincts as part of structure planning for activity centres, to allow businesses to effectively promote their presence, products and activities.
 - Policy relating to industrial areas.
 - Policy relating to medium density housing through the housing strategy.
 - Policy relating to the siting and design for building and works in non urban areas.
 - Planning controls including Planning Policy Framework and the application of zones and overlays as an outcome of the Green Wedge Management Plan.
 - The Yanakie Farm Domestic Pet Policy, upon implementation of the Warrandyte to Kinglake nature conservation link.
 - The open space strategy.
 - The ESO1 boundaries and schedule to improve mapping and identification of significant.
 - The ESO1 schedule to clarify the need for information such as a flora and fauna assessment, proposed revegetation/landscaping, identification and control of weed species and ongoing management of the site.
 - The coverage of ESO4 waterways to consider inclusion of additional significant waterways such as running creek and Deep Creek in Arthurs Creek, Pigeon Bank Creek and Stony Creek in Kangaroo Ground/North Warrandyte.
 - The NEROC Report (Beardsell, 1997).
 - The LSI0, UFZ and SBO as new information becomes available.
 - Planning Policy to incorporate bushfire considerations into the Planning Scheme.

NILLUMBIK PLANNING SCHEME

- eEnvironmental sites, threatened vegetation communities and species and habitat links.
- The environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire.
- The Environmental Audit Overlay in relation to identification of sites of potential contamination.
- Complete:
 - The ~~heritage~~ Heritage ~~study~~ Study review.
 - ~~The Industrial Areas Audit~~
 - ~~Revise objectives relating to energy efficiency rating in accordance with State Government legislation.~~
 - ~~Investigate application of energy rating systems to alternative building materials such as mud Brick.~~
 - ~~Finalise a disability access policy and develop and implement a disability access action plan.~~
 - Undertake further strategic work on ~~township entrances and gateways:~~
 - Township entrances and gateways.
 - Strategic evidence to inform future policy development to protect, promote and support sustainable, regenerative agriculture and local food systems in the Shire for greater climate resilience and adaptation.
 - An environmental sustainable design policy.
 - Preparing options with strategic justification for a draft Environmentally Sustainable Development planning policy to be considered by Council.
 - ~~Prepare and implement a Green Wedge Management Plan.~~
 - ~~Develop strategies to link subdivision design and the development of activity centres that encourage walking, cycling, public transport and reduce car dependency.~~
 - Develop:
 - An urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action).

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SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

1.0

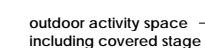
Further strategic work

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- Identify:
 - Nillumbik's housing needs through the development of a housing strategy.
 - Opportunities for medium density and more diverse housing that meet community needs particularly in the context of an ageing population. This should be undertaken through the housing strategy.
- Review:
 - The Neighbourhood Character Study.
 - The stock of vacant residential land supply and demand through the housing strategy.
 - The strategy documents for Hurstbridge.
 - Implementation mechanisms to identify and ensure appropriate development including signage controls in township entrances and gateways.
 - The quality, extent and visual impact and effectiveness of signage in industrial, commercial and gateway precincts as part of structure planning for activity centres, to allow businesses to effectively promote their presence, products and activities.
 - Policy relating to medium density housing through the housing strategy.
 - The open space strategy.
 - Environmental sites, threatened vegetation communities and species and habitat links.
 - The environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire.
 - The Environmental Audit Overlay in relation to identification of sites of potential contamination.
- Complete:
 - The Heritage Study review.
- Undertake further strategic work on:
 - Township entrances and gateways.
 - Strategic evidence to inform future policy development to protect, promote and support sustainable, regenerative agriculture and local food systems in the Shire for greater climate resilience and adaptation.
 - An environmental sustainable design policy.
 - Preparing options with strategic justification for a draft Environmentally Sustainable Development planning policy to be considered by Council.
- Develop:
 - An urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action).

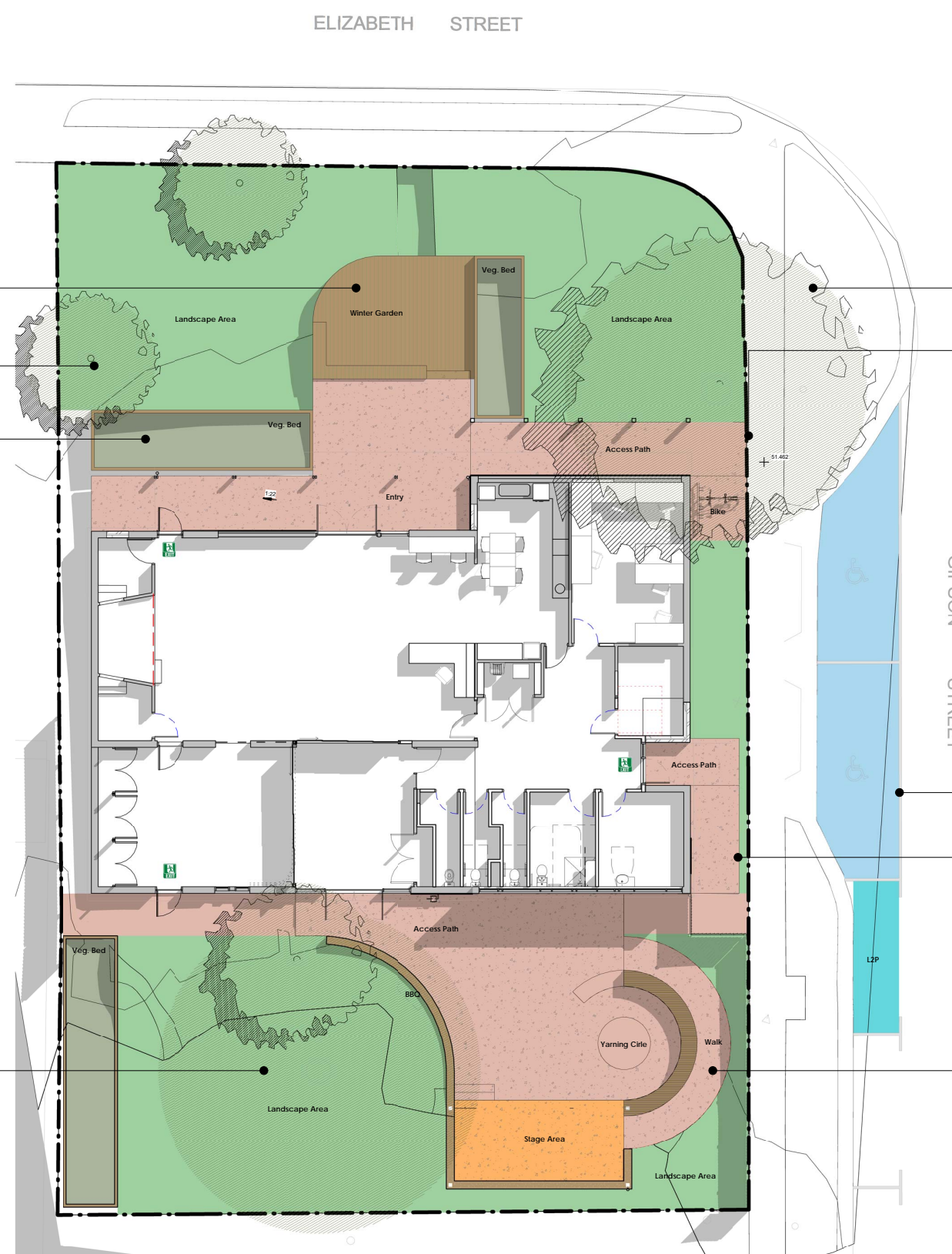
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Rev	Description	by	Date



existing vegetation to be retained

community garden bed



— existing vegetation to be retained

— proposed covered access path



— existing accessible parking bays

— secondary access

existing vegetation to be retained

— outdoor activity area
including covered stage



NSC - PROJECT INFORMATION	
WORK ORDER I.D.	-
BUILDING I.D.	-

SK01 P

Drawing No	Issue	Revision
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23013
Job No
Nillumbik Shire Council
Proprietor

Nillumbik Youth Hub
Project
32-34 Elizabeth Street Diamond Creek
Site Address

Proposed Site Plan

Title
1 : 100 @ A1
SCALE
June 2023
DATE



PRELIMINARY ONLY

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1 / Site Plan - Proposed

Rev	Description	by	Date



new entry access



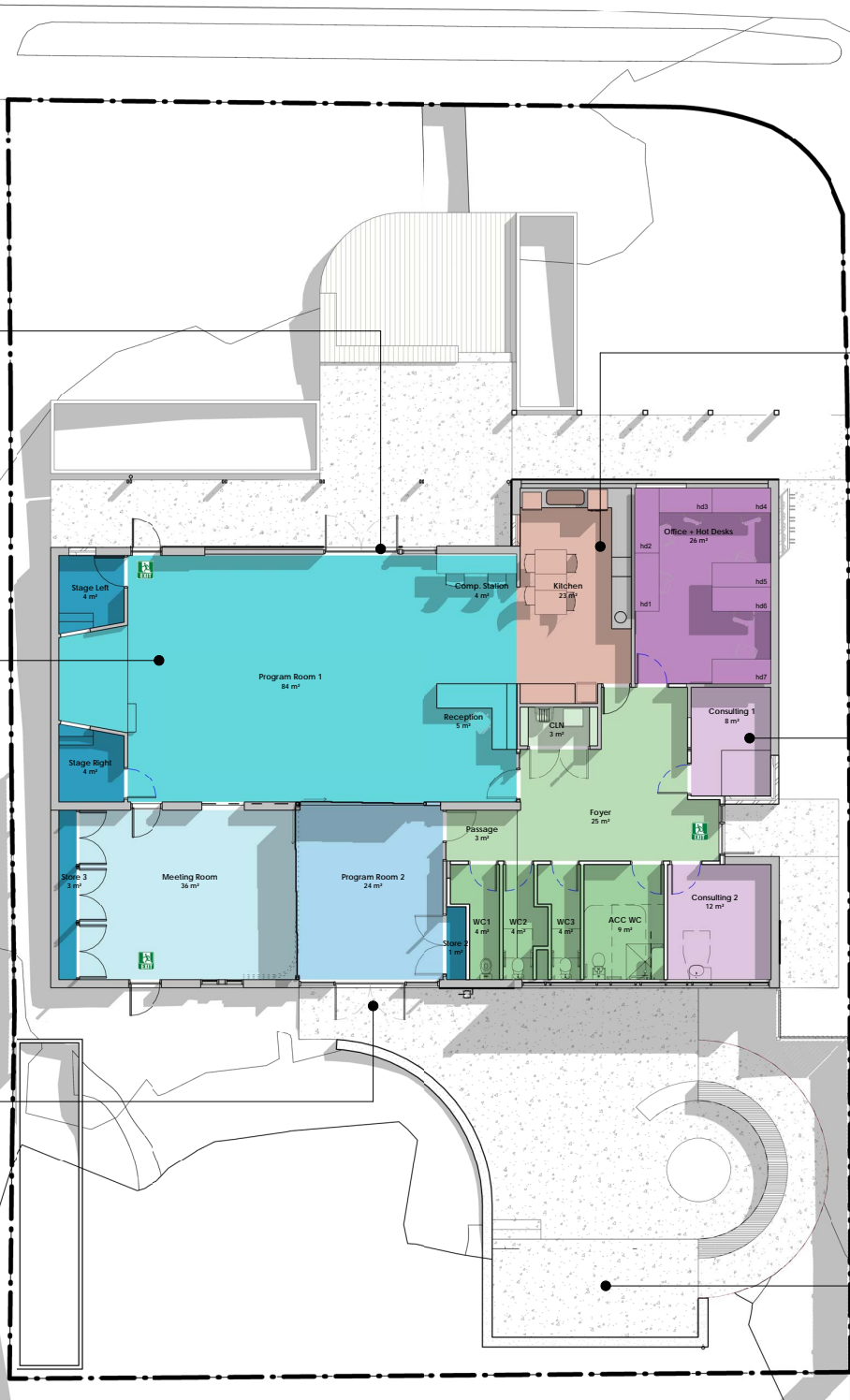
open access kitchen with coffee station



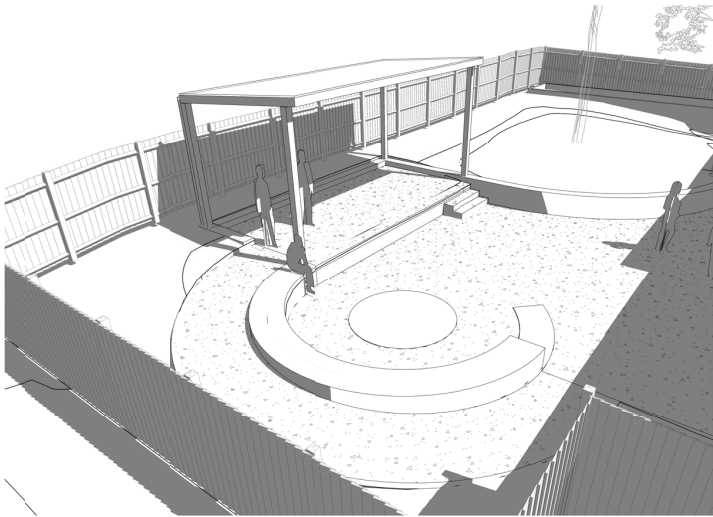
youth hub program rooms



external access link



1/ Floor Plan - Proposed
1 : 100 @ A1



covered outdoor performance area

NSC - PROJECT INFORMATION	
WORK ORDER I.D	-
BUILDING I.D	-

SK02P
Drawing No Issue Revision

23013
Job No
Nillumbik Shire Council
Proprietor

Nillumbik Youth Hub
Project
32-34 Elizabeth Street Diamond Creek
Site Address
Proposed Floor Plan

Title
1 : 100 @ A1
SCALE
June 2023
DATE

architects
a/bn 37272040581
165 Yarra Street Warrandyte VIC 3113
PO Box 814 Eltham VIC 3095
p. 9844 2111
<http://www.dbsarchitects.com.au>

PRELIMINARY ONLY
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Nillumbik Shire Council Youth Hub Requirements and Considerations

September 2022



EXECUTIVE SUMMARY

A youth hub will be a critical step in getting youth service-providers to provider services required to deliver Nillumbik Shire Council's Youth Strategy

- Nillumbik Shire Council (NSC) has taken steps to better identify and cater for the increasingly complex needs of youth (12-25 years old) as part of the Nillumbik Youth Strategy.
- In addressing the priorities of the youth strategy, council will need to identify ways to improve youth access to service providers and their services (e.g. mental health, complex case management).
- This project has engaged with youth, council staff, other councils, and service providers, to further understand stakeholder requirements in addressing these complex needs.
- This research identified that any solution should look to improve the whole youth engagement journey (Slide 6) whilst providing a safe and enticing space that can support the delivery of impactful and accessible services.
- Building a dedicated youth hub would strongly support these priorities by:
 - Enabling service providers to deliver closer to those who need it
 - Providing safe and flexible spaces that cater to a wide range of youth needs
 - Saving on the cost and complexity of retrofitting an existing building to meet specific requirements.
- NSC should continue its work using GIS data and collaborating with property and planning teams to identify potential sites, that can feed into the financial business case process. Preliminary findings indicate Eltham is the most suitable site for this youth Hub, followed by Diamond Creek (this is based on the high number of young people residing in the area).
- It will likely take some time for a youth hub that meets these complex needs to be built. Thus, there is an urgent need to complete both the analysis and approvals process to ensure youth currently facing adversity can access the help they need as soon as possible.

SECTION 1

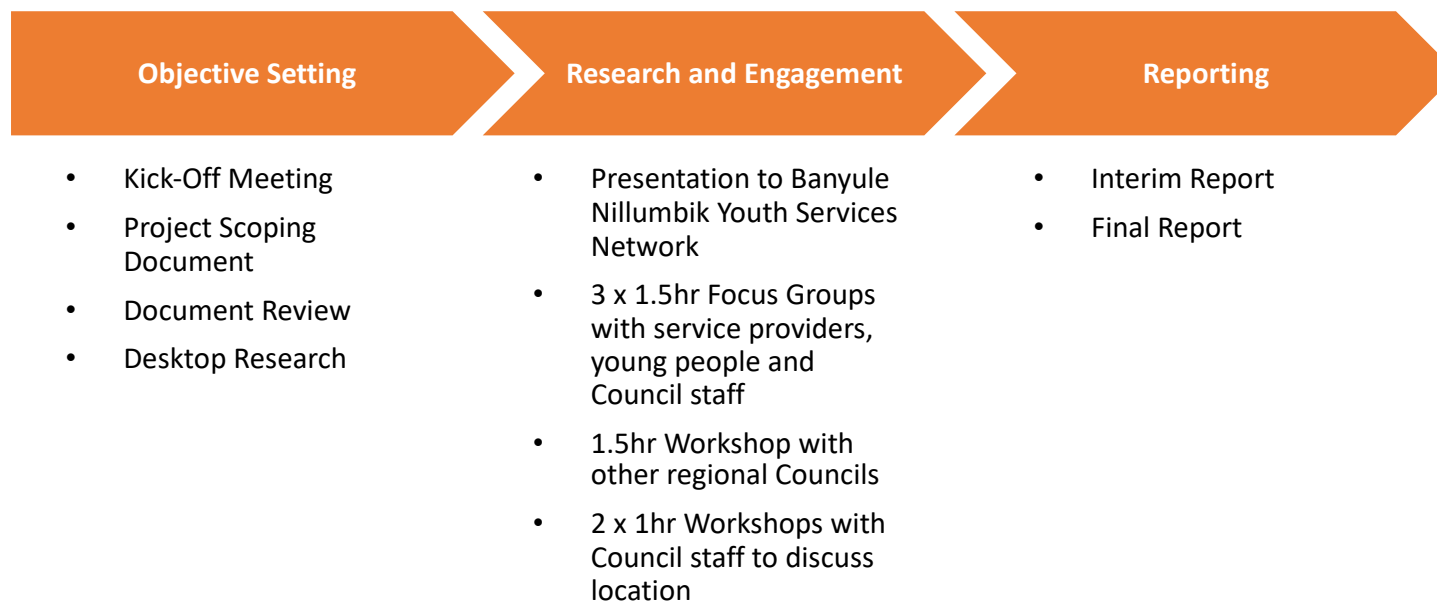
Understanding Nillumbik Youth

- Project Approach
- Recap: Defining and Understanding Youth
- Recap: Youth Strategy
- Defining Success
- Barriers to Success

Project Approach

This project has engaged with youth, service providers, council staff and other councils to consider a wide range of stakeholder perspectives

Project Phases:

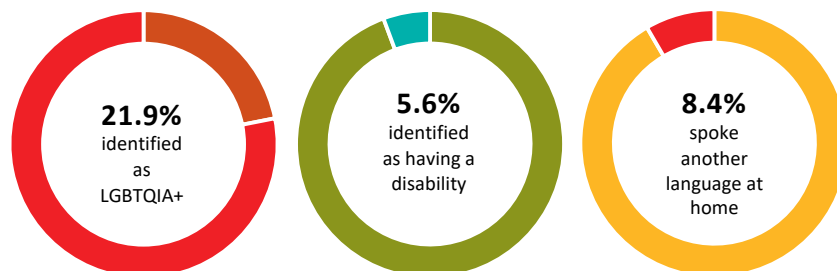


RECAP: DEFINING AND UNDERSTANDING YOUTH

Youth are defined as 12-25 year old, distributed across the Nillumbik Shire Council region with increasingly complex needs

Young people between the ages of 12-25 make up 20% of the population in Nillumbik.

Of the 644 young people surveyed as part of the *Nillumbik Youth Strategy 2022-26*:

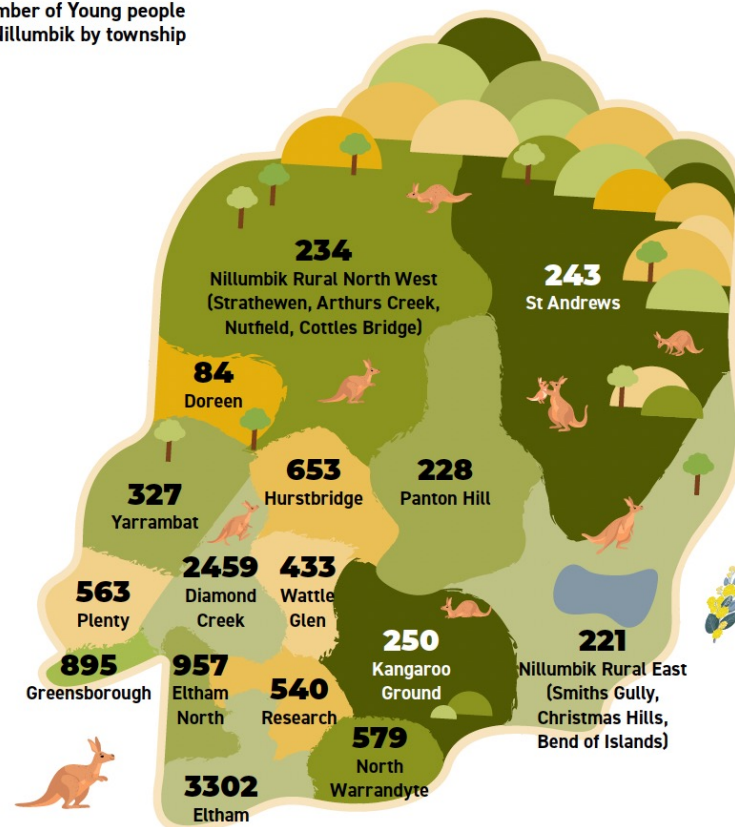


Young people enjoy public facilities that are freely accessible and allow them to spend time with their friends, namely, shops, walking paths and parks.

According to the survey, young people in Nillumbik value opportunities to socialise with friends, enjoy the natural environment and play sports.



Map:
Number of Young people
in Nillumbik by township



Recap: Youth Strategy

Critical to delivering the priorities of the Youth Strategy will be a better way to connect Youth to service providers

Summary of Key Priorities

Priority 1: Healthy and Well

- Mental wellbeing
- Physical health
- Sexual health
- Alcohol and other drugs, tobacco and gambling

Priority 3: Access to Safe Spaces and Places

- Youth friendly community spaces
- Safer communities
- Inclusive spaces and places
- Bullying

Priority 5: Welcomes and Connected

- Creative community
- Access and inclusion
- Social connection

Youth: Priorities and Complexities

- Youth are a challenging cohort to target, particularly in terms of health, access to safe spaces and creating connection.
- The priorities within the Youth Strategy need to be considered within the context of:
 - Significantly different needs for each age bracket across the youth cohort
 - The inherent distrust of and disengagement with government and traditional offerings
 - Limited access to financial resources and transportation
 - The integral role of support networks
 - Negative stigmas associated with needing to seek help from support services
 - The speed and severity with which complications can arise and have long-lasting impacts
- In addressing these priorities, it is easy to underestimate both the complexity and importance of developing solutions that are not built *for* youth, but *with* youth.

DEFINING SUCCESS

Delivering the priorities in the youth strategy requires a holistic and scalable approach to connecting youth to service providers

	Engagement Journey	Success Criteria
Awareness	Young people are aware of the services available	More young people What will attract young people to services?
Acquisition	Service providers gain the contact details of potential participants	More targeted How can service providers reach youth in need?
Activation	Potentials engage in a single service offering or register at the hub	More service providers What do services need to operate from Nillumbik?
Impact	Service providers have a tangible impact on participants well-being	More outcomes How can we create more positive impact?
Retention	Participants continue to return to the hub or service provider	More consistency How can we ensure youth continue to seek support?
Referral	Participants refer other young people to the hub or service provider	More credibility How can we encourage others to ask for help?

How to use the Success Criteria

- Thinking about the Engagement Journey helps to define the full experience required to sustainably improve youth outcomes.
- Each of the six stages to the left illustrates the progressive journey youth should be taking as they engage service providers to work with them to reach their goals.
- Defining success criteria for each of these stages, whilst simplistic, gives a common understanding of the improvements any solution must meet.
- This is particularly important as many other councils invested in the physical infrastructure but did not support operational budgets that could facilitate the Engagement Journey.
- Thinking about the full lifecycle of the Engagement Journey can improve outcomes and stop over-investment in one stage of the journey without the requisite pre- or post-activities.

BARRIERS TO SUCCESS

Young people find it difficult to choose the right service provider and face multiple financial and non-financial barriers to getting help

Barriers to Accessing Youth Service

	Barriers
Awareness	Low visibility and poor communication of service options
Acquisition	Young people do not come in contact with providers unless seeking services
Activation	Service providers do not have space to operate from within Nillumbik
Impact	Young people receive the wrong type of service or incorrect level of care
Retention	Time, effort and financial costs prevent young people from returning
Referral	Stigma associated with seeking help from support services

Barriers to Accessing Youth Service

- Young people that need help may not be aware that they are eligible to receive support or that there is support available as:
 - Stigma prevents word-of-mouth referrals
 - Providers are not in the communication channels regularly used by young people
 - Councils lack the budgets to promote programs and services
- Even when young people do begin the search for services, it is difficult for them to find the help they need because they must:
 - Navigate and choose between the various service providers and offerings
 - Have the time and resources to travel outside of Nillumbik Shire to access these services
 - Maintain ongoing appointments whilst meeting other commitments such as school and work
- **Removing these barriers is critical in creating a solution that meets the complex and nuanced needs of youth**

SECTION 2: Meeting the needs of youth

- Solution: Youth Hub
- Youth Hub Requirements: Youth
- Youth Hub Requirements: Service Providers
- Youth Hub: Services and Level of Care
- Journey Through a Youth Hub

SOLUTION: YOUTH HUB

A youth hub in a NSC will allow for a dedicated space that makes it easier for youth to receive holistic care support.

A youth hub supports young people to transition into adulthood by providing a safe space where they can relax, enjoy recreational activities and access health and social services.

Youth hubs can be co-located with other Council services (see bottom right [Bentleigh Library and Youth Hub \(under construction\)](#)) or in stand-alone buildings (see top right [City of Swan Midland Youth Hub](#)).

These purpose-built spaces are “youth-friendly” because they:

- Are not shared with other community members
- Use colour, design and lighting that is fun and welcoming
- Allow for passive surveillance to ensure young people are safe
- Provide various recreational infrastructure free of charge

Youth hubs often feature open plan design that includes a mix of large multi-purpose spaces and small private counselling rooms. They will often include facilities such as a kitchen, bathrooms, showers and laundry.

Youth hubs provide fun, safe and engaging spaces for young people to gather, learn and find support.



YOUTH HUB REQUIREMENTS: YOUTH

Young people want a safe and accessible physical space but they also want the option to engage online

Young people felt that the resources and services provided through the youth hub could be complemented by online offerings that support social connection and engagement.

Young people identified communications and marketing as key to bringing young people into the youth hub and connecting them to services. The youth hub can:

- Host an online forum (e.g. Slack) where young people can sign up as members, interact and learn
- Create an information page for parents and guardians
- Partner with schools, clubs and community groups to promote the youth hub and encourage sign ups

The types of programs and services young people wanted from a youth hub included:

- Rent services e.g. bikes, clothes, books
- Service providers e.g. financial support, mental health, employment services
- Showers, bathrooms and kitchen
- Noticeboard e.g. what's on, job advertisements, helpline numbers
- Outdoor area e.g. basketball courts or a community garden
- Chill out rooms and quiet spaces

Youth hub should be located near



Public transport



Emergency support



Other hangouts
e.g. shops



Safe, busy and well-lit areas

Key consideration of youth regarding location



Bars and pubs



Schools or childcare



Smoking areas



Isolated areas

YOUTH HUB REQUIREMENTS: SERVICE PROVIDERS

Service providers are interested in providing a broad range of support services but need help in addressing the “tyranny of distance”

Types of programs/activities being offered	
Health / Wellbeing	<p>Allied health services</p> <ul style="list-style-type: none"> • Mental health • Sexual health and family planning • Drug and alcohol <p>Other</p> <ul style="list-style-type: none"> • LGBTQIA+ support • Life skills training • Community legal service • Homelessness support
Education	<ul style="list-style-type: none"> • School-focused youth services • Links to school programs • Connect to alternative training and development opportunities
Employment	<ul style="list-style-type: none"> • Interview skills • Resume writing • Work experience • Training and cadetships • Connect to local employers

The Nillumbik youth hub can provide a solution to the difficulty in reaching and engaging with young people in a setting that is safe and appropriate.

Service providers highlighted various ways a youth hub can reach more young people, including:

- Co-location of services (“one-stop shop”)
- Connections with school programs
- Hybrid model with an online service available
- Outreach and roadshows to remote locations
- Proximity to public transport

There was also an emphasis on creating accessible and inclusive spaces from which service providers could operate, such as:

- Private counselling rooms
- Classroom size capacity for programs
- Discreet access points to the youth hub
- Facilities such as showers, kitchens and laundries
- Hot desking

YOUTH HUB: SERVICES AND LEVEL OF CARE

Successful youth hubs provide a client-centred, stepped care model where young people transition to more intensive support services as appropriate

Youth hubs offer health and social services in a setting that values young people's autonomy and sees them as active partners rather than passive receivers of support.

Youth hubs focus on providing holistic wrap-around support to young people by engaging a broad range of stakeholders including:

- Community-based service providers
- Primary health care practitioners
- Educational institutions and recreational clubs
- Local businesses

Support is often provided through a **stepped care model** (Slide 15) which means most resources are focused on providing effective but low-cost service options. This ensures all visitors to the youth hub are able to access good quality base-level support across a range of service areas.

There is an absence of services that address the age groups that do not fall neatly into child and adult services. Practitioners need to be trained to interact with young people in a way that is empowering.

Young people need services that address the social and economic pressures that are unique to their life stage.

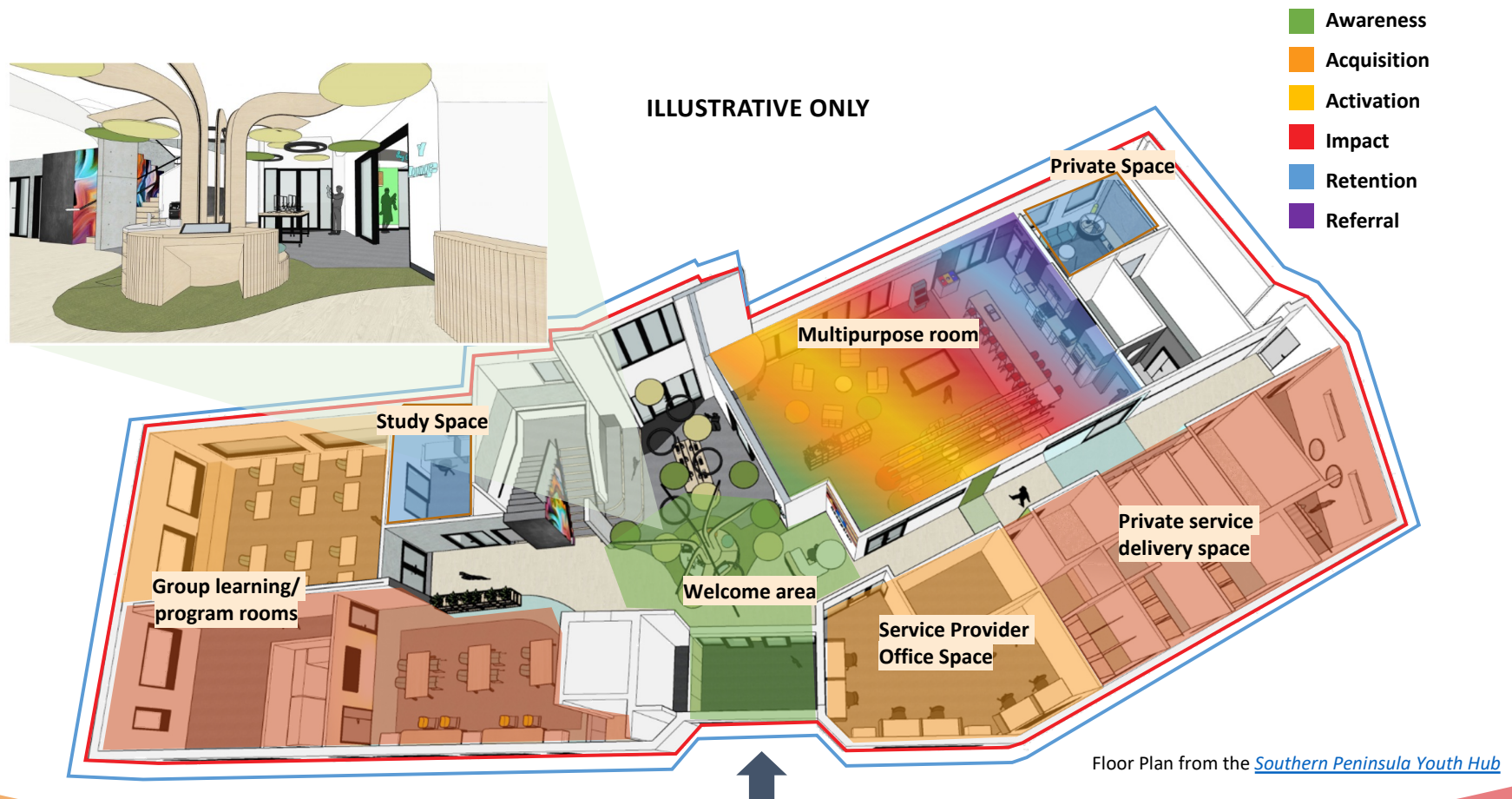
Service Offerings in a Youth Hub

	Concept	Description
Services	Client-centered	Young people are co-producers of their support and decision-making is shared.
	Coordinates community-based services	Brings together existing services to create a community owned approach.
	Provides elements of primary care	Integration of primary care services allows for a holistic response to youth needs.
	Operates on a stepped care model	Delivers the least restrictive, costly and intensive support options and escalates where necessary.
	Targets gap between child and adult services	Focuses on supporting young people as they transition into adulthood.

[Community-based Mental Health Service Hubs for Youth Environmental Scan](#) (2017) PolicyWise for Children & Families

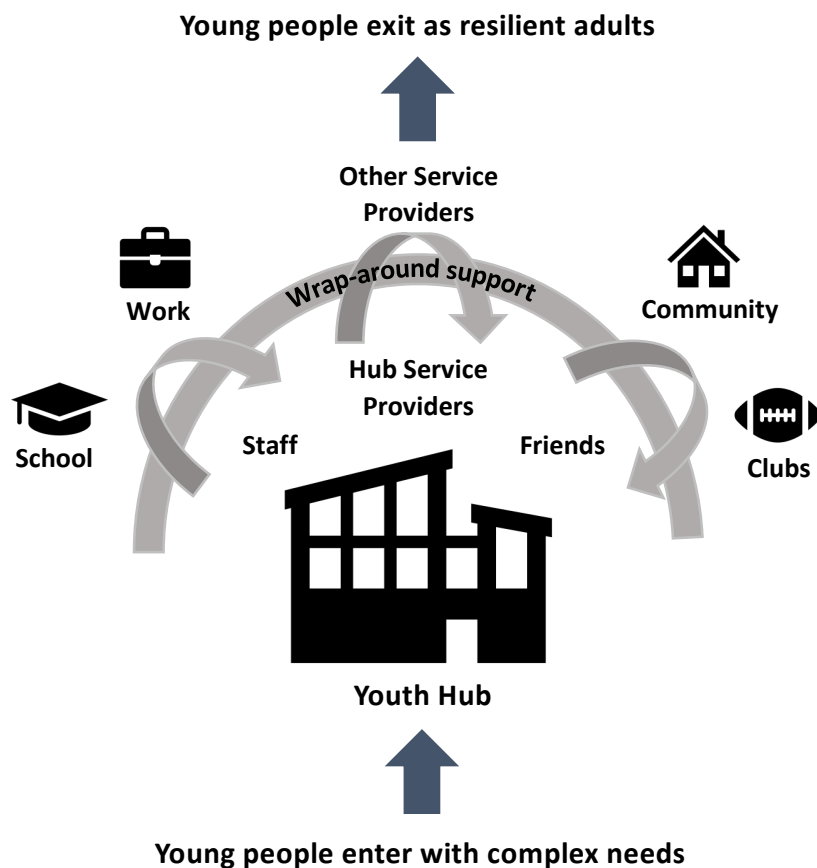
JOURNEY THROUGH THE YOUTH HUB

Youth are attracted to the hub for its recreational offerings and interact with providers in a positive setting before committing to their services



SERVICE PROVISION IN A YOUTH HUB

Youth hubs allow young people to find, access and move between support services through one touchpoint



- Health and social support services can be delivered to young people directly by allowing providers to operate from youth hubs on a permanent or rotating basis.
- Most youth hubs operate using a **stepped care model** which is designed to ensure finite resources are used to achieve maximum benefit. This involves delivering the most effective, yet least resource-intensive services as a baseline to all young people that enter the youth hub.
- The impact of these baseline interventions are monitored. When a young person requires support above this baseline, there are clear pathways for referring them to more intensive options.
- There will be warm handovers and their progress will be tracked as they move between providers. This highly integrated model allows staff in the youth hub to be a consistent contact point as young people navigate other support options. It also means that information and rapport is not lost as the young person moves between services.

SECTION 2

WHAT A YOUTH HUB IN NILLUMBIK SHIRE COULD LOOK LIKE

- Potential Features
- Location: Geographic Drivers
- Location: Building Drivers
- Building: High Level Options Analysis
- Youth Hub Operations

Youth Hub: Potential Features

Co-locating services in a youth hub with recreational activities is key to creating a holistic destination that meets the success criteria

Criteria	Awareness More youth	Acquisition More targeted	Activation More service providers	Impact More outcomes for youth	Retention More consistency	Referral More credibility
Features of a youth hub	Dedicated physical space that is visible from the street and located in high foot traffic area	Membership card or online account	Office space for service providers to work from	Suite of health and social support service offerings that are research-proven to deliver long-term outcomes	Friendly and trained full-time youth hub staff that build rapport with youth	Shareable marketing content
	Dedicated online/social media presence	Registration for planned events, drop-in activities, weekly programs	Computers and log-in access to shared records system		Automated reminders so young people are notified about upcoming sessions	Free merchandise and supplies
	Promotion through local schools, clubs and service providers	Registration for online attendance or recordings	Private rooms to deliver one-on-one services	Shared monitoring system that tracks how young people use the youth hub and how effective support options have been		Referral promotions and discounts
	Digital offerings supporting in-person services	Sign up for online pre-recorded classes	Secure storage or locker area		Personal account in moderated online group	Competitions/tournaments that encourage people to bring friends
			Administrative support from full-time staff			Group social events and excursions

LOCATION: GEOGRAPHIC DRIVERS

A successful youth hub will be in an area that is accessible for most young people, especially those experiencing disadvantage

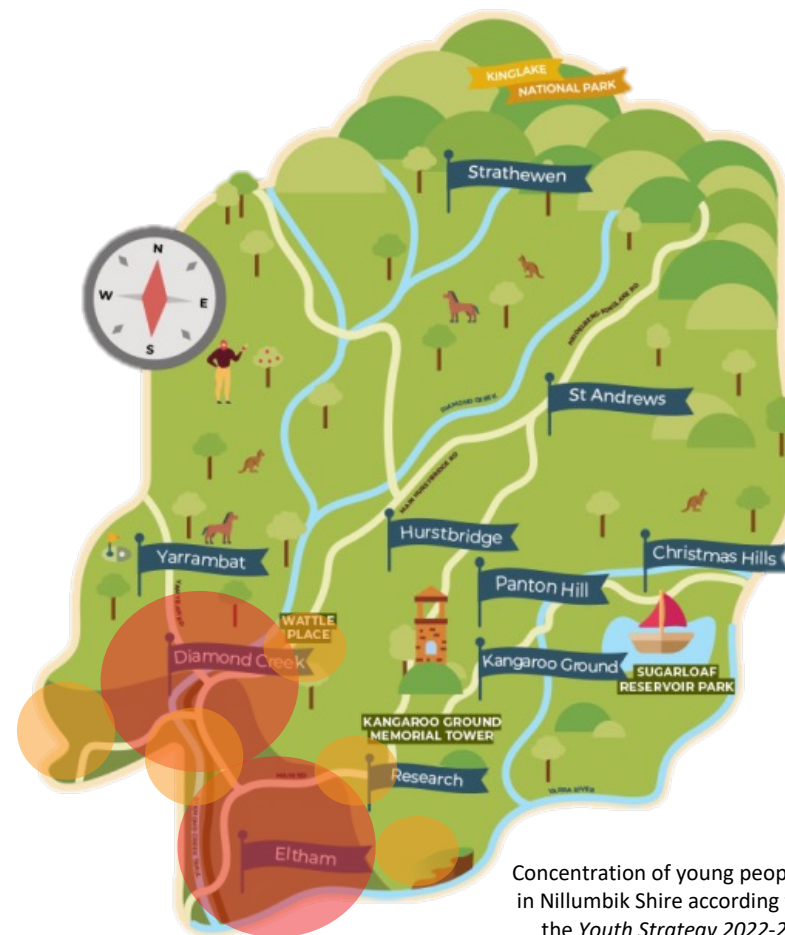
The decision on the geographical location of the hub will be determined by whether the building is located in an area that is accessible to most young people in the Shire.

Young people between the ages of 12-24 years old are concentrated in the southern parts of the Shire, with roughly 73% living across North Warrandyte, Eltham, Research, Eltham North, Greensborough, Plenty and Diamond Creek.

Whether the building is located in the Diamond Creek or Eltham region will depend on:

- Availability of public transport
- Accessibility for people with disability
- Safety considerations such as security and lighting
- Visibility from the street
- Proximity to high foot traffic areas (especially areas where young people already gather)

Decision-makers may also take into consideration the socio-economic status of different areas, which is further detailed in page 27.



LOCATION: BUILDING DRIVERS

The availability of a building that meets the design requirements of a fit-for-purpose youth hub will be a key factor in determining location

Guiding Principles	
Co-designed	Accessible
	Safe
Building Features	
Required	Preferrable
Large, multi-functional spaces with modular furniture and movable walls	Sport and recreational equipment
	Video games room
Private sound-proof spaces for one-on-one support	Outdoor/green space with clear pathways through the building to these areas
Good lines of sight for passive surveillance	Games such as board games, pool tables, ping pong tables etc.
Comfortable hangout spaces	Soundproof music room with instruments and recording technology
Quiet study areas	Movie room with large screen
Creative spaces for art, drawing, coding, writing etc.	Key card access that controls when people can enter
Front foyer and welcome desk	Natural lighting, bright colours and fun design elements
Kitchen and bathroom facilities	Laundry and shower facilities
Security systems	
IT equipment, charging ports and free WIFI	

- The youth hub needs to be a versatile space that can meet the diverse needs of young people, staff and service providers.
- Youth hubs feature an open plan design that allows the space to be adapted to different functions. Modular furniture can be moved or packed away into storage areas. Moveable walls can create smaller rooms within an open plan space to allow for drop-in activities and programs to be run simultaneously.
- Open plan design enables passive surveillance by staff and service providers by providing clear lines of vision through the space. Many youth hubs feature automatic security systems that lock doors and turn on alarms at certain times of the day.
- The youth hub will provide a space for young people to socialise as well as undertake individual quiet activities such as studying or consulting privately with service providers. In addition to an open plan area, there should be separate sound-proof rooms.
- **In addition to these basic design features, youth hubs can provide a range of facilities and resources that enhance young people's enjoyment of the space, such as musical instruments, games and sports facilities.**

Building: High Level Options Analysis

Building a new Youth Hub is likely to better meet the needs of youth, whilst saving on the cost of expensive retrofits to existing buildings

High Level Building Options

	New Building	Commercial Lease	Existing Council Property
Description	Selecting a greenfield site to construct a purpose built facility	Identifying a commercial lease opportunity to retrofit to youth hub needs	Retrofitting youth hub requirements into existing council owned property
Key Consideration	Time to build	Timing of occupancy and inflexibility of space	Availability and displacement of current tenants
Criteria	Performance Rating		
Youth Friendly Design	High	Medium	Low
Accessible	High	Medium	Low
Multi-purpose space	High	Low	Low
Cost	TBD	TBD	TBD
Suitable Location	High	High	Low
	[PREFERRED OPTION]		

Suitability Ranking

Low	Medium	High
-----	--------	------

This preliminary analysis is indicative only and should be validated once specific examples of each building option have been selected and compared.

YOUTH HUB OPERATIONS

Successful youth hubs operate through shared governance mechanisms that support information-sharing and collaboration between providers

Operational Considerations of a Youth Hub

	Considerations	Description
Operations	Governance	Decision-making includes the perspectives and expertise of multiple stakeholders.
	Physical Space	Youth friendly space that has been co-designed with young people.
	Funding	Strong financial backing from a dedicated funder to provide basic services. Philanthropic funding supports more elaborate programming.
	Information Sharing	Information sharing between staff and providers ensures young people receive the correct level of support. It also allows for better evaluation of the different support offerings.
	Critical Pathways	Clinical and administrative pathways for staff and service providers to engage with young people are clearly mapped.

- Whilst the physical space is an important aspect of a youth hub, it is the network of relationships that it can create that can unlock significant 'hidden' value.
- Looking at innovate ways to include, connect and co-ordinate government agencies, service providers, philanthropic donors, and youth requires dedicated effort, but can be game changing in terms of outcomes.
- Specifically, working within privacy and security guidelines to share appropriate information can dramatically increase both the provision and review of services.
- Incorporating these considerations at each stage of the project will help to ensure they are addressed thoroughly and cost efficiently.

Next steps

Identifying a location and building the detailed cost models are critical co-dependent next steps to progressing the youth hub

- **Location:** Finding suitable locations will require a combination of art and science to meet the hard requirements of service providers and the more nuanced needs of youth. Key steps could include:
 - **GIS Analysis** to review council and state government property inventories and identify candidates for further investigation.
 - **Site Inspections** of candidate properties to identify suitability.
 - **Cross-council co-ordination** to identify inflight or upcoming construction projects suitable for incorporating a youth hub.
- **Financial Analysis:** Once a site is selected (or a relatively stable example set of site options), cost modelling can begin to understand:
 - **Building and construction costs**, considering both greenfield and retrofit options.
 - **Operational costs** considering an indicative combination of drop-in, program delivery and outreach.
- **External Stakeholder Working Group** combining other councils, service providers and council staff can be formed to ensure the project continues to benefit from lessons learned from youth hubs being built across the region.
- **NOTE:** Given the long lead times for launching a youth hub, it is critical that a pragmatic lens be taken to further analysis and consultation, noting that the youth hub will bring significant benefit to all of Nillumbik irrespective of which community it is closest to.

SECTION 3

APPENDICES

- Lessons learned from other councils
- Understanding Youth: Census Data

LESSONS LEARNED FROM OTHER COUNCILS 1/3

Further engagement with other councils and incorporating the below lessons learned will be critical to maximising youth outcomes

- **Challenges faced in designing and operating their youth hubs**

- When youth services were designed to be co-located in new developments they were often relegated to spaces that were unsuitable. This generally occurred when nobody from the youth team formed part of the project team for new development.
- Retrofitting existing spaces can cost more than creating a new space e.g. installing a security system, making it accessible to people with disability, updating bathrooms and adding technology.
- Existing spaces may not have appropriate infrastructure for a youth hub e.g. poor WIFI signal, no showers or kitchen areas.
- Youth hubs that are over-capitalised and under-utilised (the space is heavily invested in but youth do not use it).
- The dominance of a particular age group can make the youth hub less appealing to other age groups e.g. the needs of 10-year-olds are very different to the needs of 18 year olds.

- Staff to young person ratio may be the same as other councils but without the economies of scale, there may need to be a different ratio for smaller populations.
- Councils with multiple centres can't keep them all open all week so they have to open each two days a week and have staff move around.
- Need to be clear with service providers that they will need to partner with council to develop a youth hub e.g. write a project plan asking Council what they want, write support letters for the project.
- Should engage the management level of service providers not the local level of on the ground staff as they don't have the business acumen.
- Outdated notions in the community on what it is to be a youth worker.
- Need to develop role clarity on the responsibility of a youth worker e.g. if a parent drops a young person off and they leave before they get picked up, do they intervene?
- May need to change branding to de-emphasise the types of services offered due to stigma.

LESSONS LEARNED FROM OTHER COUNCILS 2/3

Further engagement with other councils and incorporating the below lessons learned will be critical to maximising youth outcomes

- Need a full-time staff member to run the hub
- Effectiveness is limited when funding only allows the youth hub to function one day a week
- Heavily reliant on Council funding and government grants e.g. Vic Health, could diversify by getting rent from tenants, hiring out space or applying a fee for service model
- A space may be activated but not necessarily open e.g. when programs are being run and do not allow for drop-ins
- There should be an objective return on investment for programs to allow for a cascade of services – “something for everyone”
- Need to get Councillors on board – clearly explain what a youth hub is and why it is needed
- Risk of silver bullet syndrome, being all things to all people
- Many youth hubs are not resourced for case management, these need to be referred
- There is a stigma with support services

- The capacity to run events that attract a lot of youth can act as a gateway for young people to then access other programs and services
- Creative funding models such as using developer contributions for new development
- Integrated youth hubs where other services work from the centre free of charge and share information with other providers to provide a wrap-around care model
- Youth services have significant autonomy over the space and are trusted by Council to deliver services that would benefit young people most
- Localised Steering Committee allowed early engagement with stakeholders such as the community, schools and young people
- Skilled staff that are approachable, friendly and not out of touch with young people
- Strong support and commitment from Councillors and the senior management team due to the strong evidence base for the youth hub

LESSONS LEARNED FROM OTHER COUNCILS 3/3

Further engagement with other councils and incorporating the below lessons learned will be critical to maximising youth outcomes

- Linked service providers to community grants to encourage them to form a partnership with Council i.e. encouraging service providers to apply and allowing them to use the hub for free
 - Create themed days throughout the week where relevant service providers come in, provide an additional staff member to manage youth hub
 - Waiving fees for service providers to come and activate the youth hub space, getting them to sign a memorandum of understanding to work in partnership with the youth hub
 - Monthly clinical supervision with social/youth worker to train program staff on working with young people and helping them develop question they can ask Council
 - Staff are well trained in best practice so ratios can be increased and more young people can be supported e.g. operational manual
- The success of the youth hub and the building evaluated for future projects
 - Upskilling staff to provide traditional outsourced services e.g. arts and music
 - Integrated youth hubs where planning is shared between stakeholders, referral pathways are established, complimentary services are provided
 - Hub as the centre for stable service provision with other drop in centres and outreach programs as targeted engagement with the community
 - Using schools for survey and research, build word of mouth referrals
 - Does not necessarily need to be a permanent set up e.g. could have pop-up locations near skate park that are semi-permanent

Understanding Youth: Census Data

Eltham and Diamond Creek have the largest populations of both youth and high-needs youth

Indicators (Source: 2021 Census)	Location					
	Eltham		Diamond Creek		Hurstbridge	
	Count	% Pop (15-24 years)	Count	% Pop (15-24 years)	Count	% Pop (15-24 years)
Population						
Total number of young people (12-25 years old)	4570	N/A	2458	N/A	653	N/A
Total number of young people (15-24 years old)	3209		1794		450	
Proportion low socio-economic:						
Total number of families (with children) with total household income less than or equal to \$650 per week	122	3.8%	65	3.6%	14	3.1%
Culturally diversity						
Total number of people (15-24 years old) that identify as Aboriginal or Torres Strait Islander	11	0.3%	8	0.4%	3	0.7%
Mental health						
Total number of young people (15-24 years old) with a Mental Health condition (anxiety or depression)	425	13.2%	195	10.9%	70	15.6%
Young people with a disability						
Total number of young people (15-24) that has a need for assistance	95	3%	63	3.5%	19	4.2%
Employment						
Total number of young people (15-24) unemployed *Based on Nill/Negative Personal Income	945	29.4%	453	25.3%	108	24%

Data Source: Australian Bureau of Statistics (2021)

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Risk Assessment Worksheet

Risk Name:	External groups hiring Council buses
Risk Team:	Community Support Services – Community Transport
Date of Assessment:	18/04/2023

Scope: Bus Safety Act 2009 and Bus Safety Amendment Regulations 2022

This assessment does not refer to the current Community Transport Service provision offered by Council. It relates to external bus hire services that were suspended due to recent changes in the Bus Safety Act 2009.

Background

- Previously hirers of Nillumbik Shire buses were required to gain registration status through Safe Transport Victoria (STV) before being permitted to hire a Nillumbik Council bus.
- The liability and responsibility when hiring the bus fell under their registration with STV and they were required to meet all bus safety requirements.
- In March 2022, STV removed the two-tiered system of bus operators being either registered or accredited.

Issue

- All bus operators must now be accredited unless they meet the exemption requirements, with registered bus operators no longer existing under the new scheme.
- For the groups and users who hire Council's buses, most would be exempt from accreditation. Groups and/or organisations who are transporting people who need special care or support due to their age or disability or are transporting children under the age of 18 years are required to be accredited.
- Continuing to provide the bus hire service to community groups and users that are not accredited would result in an increased liability, responsibility and cost to Council.
- New requirements would need to be implemented to mitigate the risks of non-accredited community groups being covered under Council's accreditation.

Risk Assessment Worksheet

Information

- Previously, the income generated by Council for hiring the bus to community groups/users has been up to \$5,000 per year (2019/20 and earlier).
- Since the pandemic however, a number of regular hirers have ceased their programs/services and no longer require the bus.
- The cost to hire a council bus is \$120 for a full day or \$75 for half day (4 hours).

Risk Consideration

The key identified risks are that

- If sanctioned, Council could lose accreditation and would not be able to offer any service – this includes Council's Community Transport Program which is funded under the Commonwealth Home Support Program
- Operating an accredited service on behalf of community hirers requires additional costs to Council to manage and maintain
- User compliance may become too complicated for both the hiring organisation and Council's Community Transport Service to monitor and manage
- Even with the required training the user can choose to ignore it; placing Council at risk of litigation, loss of accreditation and reputation.

Outcome

- To continue the bus hire service to accredited community groups and users
- That bus hire service to non-accredited community groups cease and Council provide information about other bus hire options that are available

Risk Assessment Worksheet

Hazard (What is the thing that has the potential to cause harm?)	Action of Injury / Harm (What action needs to occur for the hazard to cause injury or harm?)	Consequence	Likelihood	Consequence	Risk Rating	Current Controls (What are we currently doing to reduce the risk?)	Action Required (What improvements can we make to further reduce the risk?)	Action Owner	Action Due Date
Community bus hire under the Bus Safety Act 2009	<ul style="list-style-type: none"> Under the legislation, the options are: <ol style="list-style-type: none"> to allow accredited community groups to hire Council's buses To allow non accredited users to hire the buses Not to allow non-accredited users to hire Council's buses 	<ul style="list-style-type: none"> Allowing means that community bus hirers must either have their own accreditation OR be included under Council's accreditation. Disallowing means community users can access other commercial bus rental options 	Unrated	Unrated	Unrated	<ul style="list-style-type: none"> Currently Council does not hire to community bus hirers unless they are registered (now a defunct system) Council provides a variety of transport services under the existing program to the community. Alternatives are commercially available. 	<p>Comment – if Council is not confident that the service can successfully operate under Council accreditation then this aspect of the service should not be continued</p> <p>The main risks are that</p> <ul style="list-style-type: none"> If sanctioned, Council could lose accreditation and would not be able to offer any service – this includes Community Transport under the Commonwealth Home Support Program Operating an accredited service on behalf of non-accredited community hirers requires additional costs to Council to manage and maintain the risks User compliance may become too complicated for both the hiring organisation and Council's Community Transport Service to monitor and manage Even with the required training the user can choose to ignore it; placing Council at risk of litigation, loss of accreditation and reputation. 	CSS	Ongoing

Risk Assessment Worksheet

Hazard (What is the thing that has the potential to cause harm?)	Action of Injury / Harm (What action needs to occur for the hazard to cause injury or harm?)	Consequence	Likelihood	Consequence	Risk Rating	Current Controls (What are we currently doing to reduce the risk?)	Action Required (What improvements can we make to further reduce the risk?)	Action Owner	Action Due Date
Community bus hire use without accreditation	<ul style="list-style-type: none"> Community bus hirers are permitted to hire Council's buses without any <u>accreditation</u> to operate buses under the Bus Safety Act 2009 	<ul style="list-style-type: none"> Council is fined and attracts penalties under the Bus Safety Act 2009. Damage to reputation Breach of legislation Discontinuation of the service. Council may be sanctioned and may not be able to continue as an accredited bus operator. Council becomes responsible for accidents and injuries. Risk to Council of litigation Risk that the Commonwealth Home Support Program Community Transport service will be ceased 	Likely	Moderate	High	<ul style="list-style-type: none"> No controls – Council is required under the Bus Safety Act to ensure that hirers are accredited or accept responsibility under Council's accreditation 	<ul style="list-style-type: none"> As above 	CSS	Ongoing

Risk Assessment Worksheet

Hazard (What is the thing that has the potential to cause harm?)	Action of Injury / Harm (What action needs to occur for the hazard to cause injury or harm?)	Consequence	Likelihood	Consequence	Risk Rating	Current Controls (What are we currently doing to reduce the risk?)	Action Required (What improvements can we make to further reduce the risk?)	Action Owner	Action Due Date
Required level of compliance to operate under Council's accreditation	<ul style="list-style-type: none"> Community bus hirers are permitted to <u>hire using Council's accreditation</u> to operate buses under the Bus Safety Act 2009. <p>Note - Community bus hirers are not bound the Bus Safety Act, however, by using Council's accreditation, the Council becomes responsible for liability and responsibility for the community bus hirers.</p>	<ul style="list-style-type: none"> Council needs to modify procedures to enable ongoing external hire of the community buses. Hirer and driver training required for compliance. Additional costs to induct, screen and record documentation for bus hirers approx. 2 hrs for each driver plus a nominated emergency driver, additional EFT requirement. Additional costs in addition to the bus hire cost incurred by hirer to provide Working with Children check, Police check, driver history check and medical. Accident resulting in injuries 	Possible	Moderate	High	<ul style="list-style-type: none"> The elements of the training and compliance are known. Council capability to provide training program Drivers need to be nominated i.e. cannot substitute 	(1) Training program development to demonstrate an understanding of driving a bus under accreditation including induction: <ul style="list-style-type: none"> Over view of bus and general operation Legal requirements of accreditation Understand and compliance to the 0.0 BAC requirement for driving buses even though a car licence is needed to drive bus. Adhere to the maximum number of passengers carried in the vehicle Enforce seat belt requirements Bus hire guidelines Orientation drive Emergency procedures and requirements of drivers – emergency exits, fire extinguisher location and use, first aid kit Access to and use of the Incident reporting system Consequences of failing to report. Working with Children Check Police check Driver history check Medical Key access system Use of hoist Legal requirements for transporting children or wheel chair passengers. 	CSS - Coordinator	Post approval and ongoing

Risk Assessment Worksheet

Hazard (What is the thing that has the potential to cause harm?)	Action of Injury / Harm (What action needs to occur for the hazard to cause injury or harm?)	Consequence	Likelihood	Consequence	Risk Rating	Current Controls (What are we currently doing to reduce the risk?)	Action Required (What improvements can we make to further reduce the risk?)	Action Owner	Action Due Date
		<ul style="list-style-type: none"> Vehicle damage The use of Council volunteer drivers is not a viable option. Staff confidence in the ability of community groups to comply is low. 					<ul style="list-style-type: none"> Driver responsibility sign off (note: non-transferable) Others unlisted <p>(2) Implementation of the training program</p>		
Bus hirers choose to ignore training and compliance requirements	<ul style="list-style-type: none"> Bus hirers may ignore the training requirements and contravene the Bus Safety Act 2009, exposing Council to fines and sanctions <p>I.e. swapping out the driver for an untrained driver, consumption of alcohol. Not following legal requirements children and wheelchair restraints</p>	<ul style="list-style-type: none"> Council is fined and sanctioned under the Bus Safety Act 2009 by Safe Transport Victoria Council could lose ability to deliver all bus services. Accident resulting in injuries Litigation against Council Risk to Council reputation Vehicle damage Council will need to take a zero tolerance attitude to compliance. 	Possible	Major	High	<ul style="list-style-type: none"> No controls for contravention or sanctions. TAC Motor vehicle insurance (see note) <p>Note: that if the driver is unauthorised or has consumed alcohol then this would negate insurance.</p>	<ul style="list-style-type: none"> Consider carefully that this service is offered, if there is no confidence that a user will not be able to comply then the recommendation is not to offer the service. If the proposal proceeds then Council has a zero tolerance to noncompliance. 		

Risk Assessment Worksheet

Hazard (What is the thing that has the potential to cause harm?)	Action of Injury / Harm (What action needs to occur for the hazard to cause injury or harm?)	Consequence	Likelihood	Consequence	Risk Rating	Current Controls (What are we currently doing to reduce the risk?)	Action Required (What improvements can we make to further reduce the risk?)	Action Owner	Action Due Date
New compliance requirements for non-accredited hirers are not viable	<ul style="list-style-type: none"> Additional costs of providing the service may mean that a future community bus hire service becomes unviable. Council passes the compliance cost to users in the form of an increase hire fee. Council absorbs compliance costs 	<ul style="list-style-type: none"> Service is not viable to offer due to cost 	Likely	Moderate	High	<ul style="list-style-type: none"> Alternatives are commercially available. 	<ul style="list-style-type: none"> Discontinue bus hire to non-accredited users 		

Review Date	Reviewed by	Comments

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Nillumbik Audit and Risk Committee minutes

Monday 5 June 2023

Civic Drive, Greensborough



Held Monday 5 June 2023 at 4.00pm, Civic Drive, Greensborough

1 Pre-meeting In Camera

No members raised matters they wished to discuss in camera.

2 Present

Independent members: John Watson (Chair), Greg Rimmer-Hollyman, Chris Eddy

Councillors:

Mayor Cr Ben Ramcharan, Deputy Mayor Cr Geoff Paine

Council officers:

Carl Cowie (Chief Executive Officer), Vince Lombardi (Chief Operating Officer), Jeremy Livingston (Director Culture and Performance), Melika Sukunda (Manager Finance, Procurement and Assets), Craig Commene (Risk and Safety Lead)

Other invitees:

Richard Wilson (Pitcher Partners)

3 The Chair welcomed attendees and acknowledged the traditional owners and custodians of the lands on which attendees were meeting.

4 Apologies

Graham Noriskin (Pitcher Partners), Nick Walker (HLB Mann Judd)

5 Disclosure of any conflicts of interests

Nil

6 Declarations

i. CEO – Any impending legal action, legislation breaches or instances of fraud.

Nil

ii. Internal Auditors – Any obstructions to the work of the internal audit.

Nil

7 Confirmed the minutes of the meeting held 27 February 2023

Decision

It was noted the minutes of the Audit and Risk Committee meeting held on 27 February 2023 were confirmed by circular resolution.

8 CEO Update

The CEO update was presented to the Committee.

Decision

The CEO update was received and noted.

The Committee recorded their acknowledgement of the CEOs reappointment.

9 Table of actions arising

The table of actions arising was presented to the Committee.

Decision

The table of actions arising was received and noted.

10 Draft VAGO Interim Management Letter

The draft VAGO Interim Management Letter was presented to the Committee.

Decision

The draft VAGO Interim Management Letter was received and accepted.

11 Fair Access Policy Roadmap Briefing and Draft Fair Access Policy

The Fair Access Policy Roadmap Briefing and Draft Fair Access Policy was presented to the Committee.

Decision

The Fair Access Policy Roadmap Briefing and Draft Fair Access Policy was received and noted.

12 Child Safe Standards Internal Audit Report

The Child Safe Standards Internal Audit Report was presented to the Committee.

Decision

The Child Safe Standards Internal Audit was received and endorsed.

13 Internal Audit Status Report

The internal audit status report was presented to the Committee.

Decision

The internal audit status report was received and noted.

14 Recent Risk and Issues Brief

The Recent Risk and Issues Brief was presented to the Committee.

Decision

The Recent Risk and Issues Brief was received and noted.

15 Pending audit recommendations report

The status report of pending audit recommendations report was presented to the Committee.

Decision

The pending audit recommendations report was received and noted.

The Committee expressed some concern that there has been little progress in the Facilities Maintenance recommendations and encourage expediency in implementing the agreed actions.

16 Risk and Safety report

The Risk and Safety report was presented to the Committee.

Decision

The Risk and Safety report was received and noted.

17 Fraud and Corruption Policy and Control System Review

The following documents were presented to the Committee:

Fraud and Corruption Policy and Control System Review Report

Fraud and Corruption Policy and Control System Review

Fraud and Corruption Control Policy 2023

Fraud and Corruption Control System 2023

Decision

The above named documents were received and endorsed.

18 Waste Transfer Station Improvement Plan

The Waste Transfer Station Improvement Plan was presented to the Committee.

Decision

The Waste Transfer Station report was received and noted.

The Committee acknowledged the thoroughness of the review.

19 Cashflow memorandum– ongoing review mechanisms

The Cashflow memorandum was presented to the Committee.

Decision

The Cashflow memorandum be received and noted.

20 March Quarter Financial Report Summary and March Quarter Financial Report

The March Quarter Financial Report Summary and March Quarter Financial Report were presented to the Committee.

Decision

The March Quarter Financial Report Summary and March Quarter Financial Report was received and noted.

21 Rates in Arrears report

The rates in arrears report was presented Committee.

Decision

The Rates in arrears report was received and noted.

The Committee record their concern regarding the impost of the new regulatory requirements regarding information on rate notices and the associated risk and potential privacy issues resulting.

22 Councillor Expenses report

The Councillor Expenses report was presented to the Committee.

Decision

The Councillor Expenses report was received and noted.

23 Audit Committee work plan

The Audit Committee work plan was presented to the Committee

Decision

The Audit Committee work plan was received and noted.

24 Other Business

Financing of environmental upgrades.

Disruption to council and other meetings, procedures.

25 Next meeting

The next Audit and Risk Committee meeting is scheduled to be held on 28 August 2023, 4pm, to be held at Council Offices, Civic Drive Greensborough.

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Nillumbik Shire Council

Fair Access Policy

**Supporting gender equitable access to and use
of community sports infrastructure in Victoria**

Fair Access Policy for Nillumbik Shire Council

- 1. Purpose**
- 2. Background**
- 3. Statement of Intent**
- 4. Scope**
- 5. Policy Framework**
- 6. The Fair Access Principles**
- 7. Compliance and Monitoring**
- 8. Definitions**
- 9. Policy Authorisation**

1. Purpose

The Fair Access Policy seeks to address known barriers experienced by women, girls and gender diverse people in accessing and using community sports infrastructure. The Policy aims to progressively build capacity and capabilities of Nillumbik Shire Council in the identification, and elimination of systemic causes of gender inequality in policy, programs, communications, and delivery of services in relation to community sports infrastructure.

Nillumbik Shire Council will undertake the necessary and proportionate steps towards implementation of the Fair Access Policy.

2. Background

Sport is a highly visible and valued feature of Nillumbik's culture and identity. The sport and active recreation sector provide opportunities for enriching our communities through the promotion of respect and fair mindedness for all people, while also supporting the physical and mental wellbeing of all Victorians. Nillumbik Shire Council is well positioned to design and implement place-based, integrated actions plans that progress gender equality in community sport.

The Victorian Government is committed to developing an environment for all Victorians to live in a safe and equal society, have access to equal power, resources, and opportunities, and are treated with dignity, respect, and fairness. A reform agenda has been developed to change the systems that have perpetuated gender inequality by designing an enduring structure that requires implementation and tracking of progress over time.

This reform agenda includes addressing the traditional structures and way community sport and recreation organisations operate through the implementation all nine (9) recommendations from the *2015 Inquiry into Women and Girls in Sport and Active Recreation*. This includes recommendation six (6):

"...encourage facility owners and managers to review access and usage policies to ensure women and girls have a fair share of access to the highest quality facilities at the best and most popular times"

and

"facilitating a universal adoption of [policies, strategies and audit tools] will drive change further"

As a defined entity of the *Gender Equality Act 2020*, Nillumbik Shire Council from 31 March 2021 will conduct Gender Impact Assessments (GIA) on all new policies, programs, communications, and services, including those up for review, which directly and significantly impact the public (*Gender Equality Act 2020*). The access and use of community sports infrastructure is an example of policy that has a direct and significant impact on the public.

3. Statement of Intent

This Statement of Intent establishes the expectation that gender equality is considered and prioritised in all Nillumbik Shire Council's current and future planning, policy, service delivery and practice as they relate to community sports infrastructure.

- a. Nillumbik Shire Council recognises that gender equality is the attainment of equal rights, responsibilities, and opportunities of women, men, trans and gender diverse people. Equality does not mean that women, men, trans and gender diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.
- b. Nillumbik Shire Council recognises that gender equity is the provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances.

4. Scope

The Policy enables effective and efficient integration of the requirements of the *Gender Equality Act 2020*, the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008* and other legislative frameworks.

The scope of the Policy is to support Nillumbik Shire Council to take positive action towards achieving gender equity in the access and usage of community sports infrastructure. This complies with the *Gender Equality Act 2020* and aligns with Municipal Public Health and Wellbeing Plans or Council Strategies:

Reform Agenda	Objectives
To support Nillumbik Shire Council to take positive action towards achieving gender equity in the access and use of community sports infrastructure	<p>To build capacity and capabilities of Nillumbik Shire Council in the identification and elimination of systemic causes of gender inequality in policy, programs, communications, and delivery of services in relation to community sport and recreation.</p> <p>To ensure an effective place-based response for the gender equitable use and access of community sports infrastructure.</p> <p>To promote gender equality in policies, programs, communications, and services as they relate to community sports infrastructure.</p>

This Policy applies to all community sport and active recreation assets that Nillumbik Shire Council own and operate.

5. Policy Framework

The Policy is designed to comply with the *Gender Equality Act 2020*, and the wider Victorian Government gender equality strategy.

Nillumbik Shire Council acknowledges:

- a. the disadvantaged position some individuals have had in the sport and recreation sector because of their gender; and
- b. that achieving gender equality will require diverse approaches for women, men, trans and gender diverse people to achieve similar outcomes for people of all genders.

Nillumbik Shire Council will:

1. engage fairly and equitably with all staff, governance working groups, state sporting organisations, regional sport assemblies (where applicable) and members of our sport and recreation community, regardless of their gender, in a positive, respectful, and constructive manner; and
2. engage in the process of gender impact assessments to assess the implications for women, men, trans and gender diverse people of any planned action, including policies and communications. This is a strategy for making all voices, concerns and experiences, an integral dimension of the design, implementation, monitoring of policies and programs.

6. Fair Access Principles

The Fair Access Principles have been developed by the Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth, in consultation with representatives from local government and the state sport and recreation sector. This Policy and any resultant action plan are based on six (6) principles of inclusivity, full participation, equal representation, encouraging and supporting user groups, and prioritising user groups committed to equality.

Nillumbik Shire Council considers that these principles provide clear direction, while also enabling adaption to the specific environment of Nillumbik's area.



7. Compliance and Monitoring

a. Actions

Nillumbik Shire Council commits to undertake a GIA on community sports infrastructure access and use policies and processes, and to consider opportunities to strengthen gender equitable access and use of community sports facilities in alignment with the Fair Access Principles.

Nillumbik Shire Council acknowledges that the requirement to have a gender equitable access and use policy and action plan (or equivalent) in place, and the ability to demonstrate progress against that policy and action plan (or equivalent), will form part of the eligibility criteria for Victorian Government funding programs relating to community sports infrastructure from 1 July 2024.

Nillumbik Shire Council has also identified specific actions to progress gender equitable access and use of community sports infrastructure in its Fair Access Action Plan.

b. Responsibility

The Manager of Recreation and Leisure is responsible for implementing Nillumbik Shire Council's Fair Access Policy. Management personnel, staff, volunteers, and stakeholders (for example SSAs and RSAs) at Nillumbik have a shared responsibility to support the policy, as outlined in the table below.

Role	Responsibility
Local Government - CEO and Executive	<ul style="list-style-type: none">To promote a gender-aware and gender-responsive culture and community and championing the Fair Access Policy.To promote, encourage and facilitate the achievement of gender equality and improvement in the status of women and girls in sport and active recreation.
Local Government - Sport and Recreation Managers	<ul style="list-style-type: none">Lead the review of sport and recreation policies and processDevelop and adopt gender equitable access and use policiesTo communicate policy updates to all staff and membersTo monitor compliance and issuesTo promote, encourage and facilitate the achievement of gender equality and improvement in the status of women and girlsSupport the undertaking of Gender Impact Assessment and submission of progress reports as per the <i>Gender Equality Act 2020</i> obligations

<p>Local Government – accountable Officer for the Gender Equality Act</p>	<ul style="list-style-type: none"> • Support the review of sport and recreation policies and processes • Support the formal adoption process of a new or revised gender equitable policies • Undertake Gender Impact Assessment and submission of progress reports as per the <i>Gender Equality Act 2020</i> obligations
<p>Local Government - Sport and Recreation Officers</p>	<ul style="list-style-type: none"> • To communicate and educate sport and recreation infrastructure user groups and users.
<p>Local Government – all staff</p>	<ul style="list-style-type: none"> • To adhere to and communicate the policy when required. • To attend training / awareness programs.

For further information related to this Policy see:

- *Gender Equality Act 2020 (Vic)*
- *Local Government Act 2020 (Vic)*
- *Equal Opportunity Act 2010 (Vic)*
- Access, Equity and Inclusion Policy 2022 (NSC)
- Gender Equity Policy 2018 (NSC)

8. Definitions

Committees of Management

For the purposes of this document, refers to committees appointed by the Department of Land, Water, Environment and Planning under the *Crown Land (Reserves) Act 1978* to manage recreation reserves where community sport training and games are held.

Community Sports Infrastructure

Publicly owned local, rural, regional, or state level sport and recreation infrastructure operated and maintained primarily for the purpose of facilitating community sport activities, including sporting grounds, surfaces, facilities, and pavilions.

Gender

How you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person's gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.

Gender diverse

An umbrella term for a range of genders expressed in different ways. Gender diverse people use many terms to describe themselves. Language in this area is dynamic, particularly among young people, who are more likely to describe themselves as non-binary.

Gender equality

The equal rights, responsibilities and opportunities of women, men and trans and gender-diverse people. Equality does not

mean that women, men and trans and gender diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.

Gender equity

The provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances.

Gender Impact Assessment, or GIA

A requirement under the *Gender Equality Act 2020* to be carried out on policies, programs and services which have a direct and significant impact on the public. The assessment must evaluate the effects that a policy, program or service may have on people of different genders.

Public land management groups

For the purposes of this document, are the Committees of Management appointed under the *Crown Land (Reserves) Act 1978* and responsible for the management of recreation reserves where community sport training and games are held.

Transgender, or trans

Someone whose gender does not only align with the one assigned at birth. Not all trans people will use this term to describe themselves.

9. Policy Authorisation

Save all versions of this policy in Nillumbik Shire Council content management system.

- Issuing group / branch:
- Date effective:
- Next review:
- Reference:

For further information please contact: Manager of Recreation and Leisure

Community Engagement Overview – Future use of land at 2 Bell Street Eltham, known as Fabbro Fields

Purpose

To gain an understanding of whether the community would support the use of land at 2 Bell Street Eltham, known as Fabbro's Field, for use as an urban farm.

Stage 1 – Community Engagement – Participate Nillumbik survey

- The community will be invited to indicate whether or not they are supportive of the site being used for the purpose of an urban farm via a survey on Council's Participate Nillumbik website.
- The website page will provide a short summary of the proposal and information about next steps in the process.
- It is proposed the engagement will begin on Thursday 29 June 2023 for three weeks until 11.59pm, Thursday 20 July 2023.
- After the consultation period ends, officers will review all submissions and prepare a report based on the information received.

This phase of the engagement will be promoted through a detailed communications and engagement plan including:

- Using our website Participate Nillumbik, where community members can indicate their support for or against the proposal by completing an online survey.
- Media release, newsletters, printed postcards/posters, on-site signage.
- Series of social media posts on Facebook, Instagram, LinkedIn
- Contacting key stakeholder groups.

Stage 2 – Hearing of submissions – Planning and Consultation Committee Meeting

- Submitters and community members will have a further opportunity to make a verbal submission at the Planning and Consultation Committee (PCC) meeting on 8 August 2023.
- Registered submitters will be invited to speak at the meeting. The opportunity to speak at the meeting will also be promoted to the general public via social media, Participate Nillumbik and Council's website.
- Upon considering the written submissions and hearing the verbal submissions at the PCC meeting, officers will prepare a report for consideration at a future Council meeting before a decision on the next steps regarding future use of the land is made.

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Informal Meeting of Councillors Record

The Meeting commenced at 1:00pm

MEETING DETAILS:	Title:	Kangaroo Ground War Memorial Park Governance Meeting
	Date:	19 April 2023
	Location:	Council Chamber and Zoom
PRESENT:	Councillors:	Cr Ben Ramcharan
	Council Staff:	Corrienne Nichols, Nichole Johnson, Anna Maio, Matthew Margaritis
	Other:	Committee Members – Anna Pelling, Warwick Leeson, Hillary Peake,
APOLOGIES:		Carl Cowie, Neil Marshall, Carol Leeson, Jan Darville, Jan Aitken, Glen Ferrarotto, Andrew Hall, David Sharpe.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Previous Minutes and Actions	No disclosures were made
2	Funding	No disclosures were made
3	Working Group Updates	No disclosures were made
4	Maintenance Updates	No disclosures were made
5	Caretakers Cottage Update	No disclosures were made
6	Signage	No disclosures were made
7	General Updates	No disclosures were made
8	ANZAC Day events	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
9	Next Meeting	No disclosures were made
10	General Business	No disclosures were made

The Meeting concluded at 2:00pm

RECORD COMPLETED BY:	Officer Name:	Jade Zigenbine
	Officer Title:	Business and Program Support Officer

Informal Meeting of Councillors Record

The Meeting commenced at 7:00pm

MEETING DETAILS:	Title:	Arts & Culture Advisory Committee
	Date:	Monday 15 May 2023
	Location:	Council Chamber Civic Centre and Zoom
PRESENT:	Councillors:	Nil
	Council Staff:	Corrienne Nichols (Director of Community Services), Sarah Hammond (Community Arts and Cultural Engagement Officer), Saleh Hadi (Arts Development Officer), Madeleine McClelland (Coordinator Arts & Cultural Development), Renee Cosgrave (Exhibitions Support Officer), Emily Wubben, Angela Bailey (Curator and Collections Management Officers).
	Other:	Committee Members - Jean Verso, Cassie May, Chris Cook, Terrie Waddell, Alli Spoor, Rebecca Davies, Chloe Mann
APOLOGIES:		Cr Peter Perkins (Chair), Cr Geoff Payne, Liezl Shnookal, Sandi Miller, Mel Paine, Nichole Johnson, Elsa Ch'ng

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Creative Infrastructure Framework Update	No disclosures were made
2	ArtsACTION Program Update	No disclosures were made
3	Public Programs and Grants Update	No disclosures were made
4	Eltham Library Community Gallery Program Update	No disclosures were made
5	Curator and Collections Management Update	No disclosures were made
6.	Arts Development Update	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
7.	Arts Advisory Nominations 2023-2025	No disclosures were made
8.	Meeting Processes	No disclosures were made
9.	Other Business	No disclosures were made

The Meeting concluded at 9:05pm

RECORD COMPLETED BY:	Officer Name:	Jade Zigenbine
	Officer Title:	Business & Program Support Officer

Informal Meeting of Councillors Record

The Meeting commenced at 5.12pm

MEETING DETAILS:	Title:	Councillor Briefing
	Date:	Tuesday 16 May 2023
	Location:	Virtual meeting
PRESENT:	Councillors:	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine, Cr Ben Ramcharan
	Council Staff:	Carl Cowie, Mel Sukunda, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Rosa Zouzoulas, Rowena Cairns, Nichole Johnson, Narelle Hart, Janet Taylor, Leanne Horvath, Stephen Le Nicola Clutton, Katie Camilleri
	Other:	
APOLOGIES:		Cr Richard Stockman

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Youth Hub Community Engagement Plan	No disclosures were made
2	Implications of Bus Safety Act on Council's Community Bus Programs	No disclosures were made
3	Review of the Governance Rule - Meeting Procedures - Update on Submissions Received	No disclosures were made
4	Fabbros Field discussion	No disclosures were made

The Meeting concluded at 7.22pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Blaga Naumoski Director Governance Communications and Community Safety
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Informal Meeting of Councillors Record

The Meeting commenced at 5.04pm

MEETING DETAILS:	Title:	Councillor Briefing
	Date:	Tuesday 30 May 2023
	Location:	Virtual meeting
PRESENT:	Councillors:	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine and Cr Ben Ramcharan
	Council Staff:	Carl Cowie, Blaga Naumoski, Nichole Johnson; Jeremy Livingston, Rosa Zouzoulas, Melika Sekunda, Leigh Northwood, Nicola Clutton, Aelx Stewart, Steven Blight, Kirsten McKenzie, Gehan W, Renae Ahern, Rowena Cairns, Natalie Town
	Other:	Sash Bogdanovski DB Architects
APOLOGIES:		Cr Richard Stockman

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Youth Hub workshop	No disclosures were made
2	2023/2024 Nillumbik Community Fund Outcomes and Funding Allocations	No disclosures were made
3	Draft Neighbourhood Character Strategy - updated Draft and Phase 3 Engagement (Close the Loop)	No disclosures were made
4	Municipal Planning Strategy (MPS) Final Draft (updated from Phase 3 Engagement)	No disclosures were made
5	CEO Update with Councillors - 30 May 2023	No disclosures were made

The Meeting concluded at 7.18pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Blaga Naumoski Director Governance Communications and Community Safety
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Informal Meeting of Councillors Record

The Meeting commenced at 10.30am

MEETING DETAILS:	Title:	Positive Ageing Advisory Committee
	Date:	Friday 2 June 2023
	Location:	Council Chamber , Civic Centre and via Zoom
PRESENT:	Councillors:	Cr Natalie Duffy
	Council Staff:	Nichole Johnson, Narelle Hart, Leanne Horvath, Jodie Hoskins, Stephanie Vasillios and Julie-Anne GrechText
	Other:	Mahshid Ghorbani, Tamlyn Carr, Tanya Cottrell, Richard Kottek, Sandra Verdam, Anne Hutchinson, Joy Ferguson, Janice Crosswhite, Kate Puls, Tom Fisher and Yuki Yan
APOLOGIES:		Cr Frances Eyre

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Conflict of Interest and Informal Meeting of Councillors Record	No disclosures were made
2	Minutes of PAAC Induction Meeting and Outstanding Action Items	No disclosures were made
3	Business Arising	No disclosures were made
4	PAAC Service Provider Representatives Presentations	No disclosures were made
5	Health and Wellbeing Plan Update	No disclosures were made
6	Sharing PAAC Phone and Email details amongst group	No disclosures were made
7	Guest speakers from Community Programs Team	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
	PAAC Subcommittee Update – Dementia Alliance	No disclosures were made
	PAAC Group Photo	No disclosures were made
	Roundtable	Cr Duffy highlighted the Uluru Statement Community Engagement Session hosted by Banyule City Council, 29 June 2023 at the Ivanhoe Library and Cultural Club

The Meeting concluded at 1.30pm

RECORD COMPLETED BY:	Officer Name:	Julie-Anne Grech
	Officer Title:	Business and Program Support Officer

Informal Meeting of Councillors Record

The Meeting commenced at 5:00pm

MEETING DETAILS:	Title:	Planning and Consultation Committee Meeting Pre-Meet and Councillor Briefing
	Date:	Tuesday 6 June 2023
	Location:	Council Chamber
PRESENT:	Councillors:	Cr Peter Perkins, Cr Frances Eyre, Cr Geoff Paine, Cr Ben Ramcharan, Cr Natalie Duffy
	Council Staff:	Carl Cowie, Vince Lombardi, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Natalie Town, Rosa Zouzoulos, Leigh Northwood, Heath Gillett, Hannah Burns
	Other:	
APOLOGIES:		Cr Richard Stockman, Cr Karen Egan

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Planning and Consultation Committee Meeting Pre-Meet	No disclosures were made
2	Kerbside glass collection service - Options	No disclosures were made

The Meeting concluded at 6.05pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Blaga Naumoski Director Governance, Communications and Community Safety
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